

**JOINT REGIONAL PLANNING PANEL  
(Hunter and Central Coast)**

JRPP No	2016HCC009																																												
DA Number	49223/2016																																												
Local Government Area	Central Coast Council																																												
Proposed Development	Mixed Use Commercial & Retail Premises (JRPP)																																												
Street Address	38 Mann Street & 99 Georgiana Terrace GOSFORD																																												
Applicant Name	Barker Ryan Stewart Pty Ltd - Central Coast																																												
Owner Name	To Gosford Pty Ltd																																												
No Submissions	23 (7 in favour and 16 objections)																																												
Regional Development Criteria (Schedule 4A of the Act)	Value greater than \$20 million.																																												
List of All Relevant s79C(1)(a) Matters	<div><div></div><div><div>1.</div><div>Environmental Planning &amp; Assessment Act 1979 - Section 79C</div></div><div><div>2.</div><div>Local Government Act 1993 - Section 89</div></div><div><div>3.</div><div>Gosford Local Environmental Plan 2014</div></div><div><div>4.</div><div>Gosford Development Control Plan 2013</div></div><div><div>5.</div><div>Chapter 4.4 Gosford Waterfront</div></div><div><div>6.</div><div>Chapter 6.1 Acid Sulphate Soils</div></div><div><div>7.</div><div>Chapter 6.3 Erosion Sedimentation Control</div></div><div><div>8.</div><div>Chapter 6.4 Geotechnical Requirements</div></div><div><div>9.</div><div>Chapter 6.6 Preservation of Trees or Vegetation</div></div><div><div>10.</div><div>Chapter 6.7 water Cycle Management</div></div><div><div>11.</div><div>Chapter 7.1 Car Parking</div></div><div><div>12.</div><div>Chapter 7.2 Waste Management</div></div><div><div>13.</div><div>Chapter 7.3 Public Notification of Development Applications.</div></div><div><div>14.</div><div>State Environmental Planning Policy No 55- Remediation of Land.</div></div><div><div>15.</div><div>State Environmental Planning Policy (Infrastructure) 2007</div></div></div>																																												
List all documents submitted with this report for the panel's consideration	<div><div>Architectural Plans by BVN</div><div>Landscape Plans by Oculus</div><div>Civil Plans by Sellick Consultants</div></div> <table><tr><th>Drawing</th><th>Description</th><th>Sheets</th><th>Issue</th><th>Date</th></tr><tr><td>A01</td><td>Cover Sheet</td><td>1</td><td>I</td><td>4/3/2016</td></tr><tr><td>A02</td><td>Local Context Plan</td><td>1</td><td>C</td><td>3/2/2016</td></tr><tr><td>A03</td><td>Site Plan</td><td>1</td><td>I</td><td>4/3/2016</td></tr><tr><td>A04</td><td>Shadow Diagrams</td><td>1 of 2</td><td>D</td><td>4/3/2016</td></tr><tr><td>A05</td><td>Shadow Diagrams</td><td>2 of 2</td><td>D</td><td>4/3/2016</td></tr><tr><td>B01</td><td>Lower Ground &amp; Basement Plan</td><td>1</td><td>I</td><td>3/2/2016</td></tr><tr><td>B02</td><td>Parking Mezzanine Plan</td><td>1</td><td>I</td><td>3/2/2016</td></tr></table>					Drawing	Description	Sheets	Issue	Date	A01	Cover Sheet	1	I	4/3/2016	A02	Local Context Plan	1	C	3/2/2016	A03	Site Plan	1	I	4/3/2016	A04	Shadow Diagrams	1 of 2	D	4/3/2016	A05	Shadow Diagrams	2 of 2	D	4/3/2016	B01	Lower Ground & Basement Plan	1	I	3/2/2016	B02	Parking Mezzanine Plan	1	I	3/2/2016
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	B04	Level 01 Plan	1	I	3/2/2016															
	B05	Level 02 Plan	1	J	22/2/2016															
	B06	Level 03 Plan	1	I	4/3/2016															
	B07	Roof Plan	1	I	4/3/2016															
	C01	North & South Elevations	1	I	4/3/2016															
	C02	East & West Elevations	1	I	4/3/2016															
	D01	Sections	1	I	4/3/2016															
	DA_L-000	Landscape Cover Sheet	1	A	14/3/2016															
	DA_L-100	Ground + Lower Ground Landscape General Arrangement	1	A	14/3/2016															
	DA_L-101	Lower Ground Landscape Plan	1	A	14/3/2016															
	DA_L-102	Roof Plan	1	A	14/3/2016															
	DA_L-200	Sections	1	A	14/3/2016															
	DA_L-201	Sections	1	A	14/3/2016															
	DA_L-400	Indicative Plant Schedule	1	A	14/3/2016															
	C110	Bulk Earthworks Plan	1	B	28/1/2016															
	C111	Bulk Earthworks Sections	1 of 2	B	28/1/2016															
	C112	Bulk Earthworks Sections	2 of 2	B	28/1/2016															
	C102	Erosion & Sedimentation Control Plan	1	B	28/1/2016															
	C103	Erosion & Sedimentation Control Notes & Details	1	B	28/1/2016															
	C301	External Civil Works General Arrangement Plan	1	C	3/2/2016															
	C302	External Civil Works Details Plan	1	C	3/2/2016															
	C303	External Civil Works Details Plan	1	B	28/1/2016															
	C310	Grading & Setout Plan	1	B	28/1/2016															
	<b>Supporting Documentation</b>																			
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	James Marshall & Co	Community Benefits Report	8 December 2015
	Barker Ryan Stewart	Crime Prevention Through Environmental Design Ref 150165	December 2015
	BCA Access Solutions	Access Report	4 December 2015
	Douglas Partners	Geotechnical Investigation Project 82917.01	January 2016
	John Carr Heritage Design	Statement of Heritage Impact Rev B	3 February 2015
	Barker Ryan Stewart	Waste & Loading Dock Management Plan Ref 150165	March 2016
	Douglas Partners	Preliminary Site Investigation for Contamination Project 75722.00	March 2014
	Northrop Consulting Engineers	Suitability Report	1 December 2015
	Barker Ryan Stewart	Traffic & Parking Impact Assessment Report Project 150165	March 2016
	Barker Ryan Stewart	Waste Management Plan Project 150165	March 2016
	Edward Higginbotham & Associates P/L	Archaeological Assessment	10 July 2014
	AMAC Group	Historical and Aboriginal Archaeology	26/4/2016
Recommendation	Approval subject to conditions.		
Report by	R A Eyre		

**REPORT TO HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL**

**TITLE**            **DEVELOPMENT APPLICATION NO. 49223/2016**  
**APPLICANT: BARKER RYAN STEWART PTY LTD - CENTRAL COAST**  
**PROPOSED: MIXED USE COMMERCIAL & RETAIL PREMISES (JRPP) ON**  
**LOT: 1 DP: 1210298, 99 GEORGIANA TERRACE GOSFORD**

Directorate:        Governance and Planning  
Business Unit:    Development and Compliance

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The following item is defined as a planning matter pursuant to the *Local Government Act*, 1993 and *Environmental Planning & Assessment Act*, 1979.

**EXECUTIVE SUMMARY****Reason for Referral to Joint Regional Planning Panel (JRPP)**

Value exceeds \$20 million.

**Assessing Officer:** R A Eyre

**Reviewing By:** Manager Development and Compliance

**Application Received:** 4/2/2016    **Date of Amended Plans:** 4/3/2016, 14/3/2016

**Synopsis:** An application has been received for a Mixed Use Commercial & Retail Premises (JRPP). The building is proposed to be used as an Australian Tax Office.

The proposal is to construct a new building on the site on the corner of Baker Street and Georgiana Terrace, behind the former school of arts building which is to be retained. The former school of arts building is a heritage item and identified for use as a future café, but no works are proposed to the building as part of this application. A separate application will be lodged for any works on this building. Condition 1.3 requires that any works or use of this building will be subject to a future application.

The site also contains the heritage remains of the footings of the former police sergeant's quarters which have been located by an archaeological dig and are clear of the proposed building

The new building will contain 3-4 commercial levels, 2 levels of basement car parking, and a plant room on the roof top. Including the existing former school of arts building, the GFA is about 8190m<sup>2</sup>.

The proposal will provide 92 car parking spaces in two (2) basement levels, with separate access to each level. One access will be from Georgiana Terrace, and the other from Baker Street.

Baker Street south of Georgiana Terrace is currently an unconstructed "paper" road. The proposal will require the construction of Baker Street over the Baker Street frontage of the site. This requirement is included in the proposed conditions.

Twenty three submissions were received to the proposal, with 7 in support and 16 objections. The main reasons for support are the economic benefits such as additional employment generated which will help revitalise Gosford. The main reason for objection is the use of the site for an office building rather than for a performing arts centre or community purpose.

During the assessment process the applicant submitted amended plans to improve the external façade and raise the parapet height 1200mm around the roof plant room to reduce the visual impact of the height of the plant room.

The proposal complies with the height, FSR and building setbacks required by Council's planning instruments. The proposal does not comply with the car parking required. However the deficiency of on-site car parking is minor and compensated for by the additional on-street parking to be provided in the Baker Street construction.

The application has been assessed against the matters for consideration detailed in 79C of the Environmental Planning and Assessment Act (EP&A Act) 1979.

It is the conclusion of the assessment that the proposal will not detract from the character or scenic qualities of the area, or have unreasonable impacts on the environment.

All relevant matters under Section 79C of the Environmental Planning and Assessment Act, section 89 of the Local Government Act, the objectives of the zone and the principles of ecologically sustainable development have been considered and the proposal is recommended for **approval** subject to conditions.

**Zone:** B4 Mixed Use

**Area:** 4250m<sup>2</sup>

**Topography:** Flat to steep land.

**Public Submissions:** Twenty-three received (7 in favour and 16 objections)

**Employment Generating:** Yes     **Value of Work:** \$20,693,791.00

**Political Donations**

None declared.

**Relevant Statutory Provisions**

1. Environmental Planning & Assessment Act 1979 - Section 79C
2. Local Government Act 1993 - Section 89
3. Gosford Local Environmental Plan 2014
4. Gosford Development Control Plan 2013
5. State Environmental Planning Policy No 55-Remediation of Land
6. State Environmental planning Policy (Infrastructure) 2007

**Key Issues**

1. Gosford Local Environmental Plan 2014
2. Principal Development Standards
3. Flooding
4. Climate Change and Sea Level Rise
5. Coastal Zone
6. Section 94 Contributions
7. Heritage/Archaeological Assessment
8. Gosford Development Control Plan 2013
9. Gosford City Centre Masterplan
10. Social/Economic Impact
11. Internal Referrals
12. Public Submissions

**Recommendation**

Approval, subject to conditions

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**REPORT****Background**

The site is part of the former Gosford Public School site. A new public school has been constructed in Faunce Street West adjoining the Henry Kendall High School. The buildings on the site have been demolished and the site is vacant, except for the former school of arts building on the corner of Mann Street and Georgiana Terrace which is a local heritage item. A number of trees remain around the boundaries of the site.

Development Consent 45393/2014 granted approval on 14 May 2014 for the demolition of the former public school, except for the former school of arts building, subject to conditions. This work has been completed.

Development Consent 47221/2015 granted approval on 20 May 2015 for a boundary adjustment which formed the lot the subject of this application.

On 12 February 2016, Gosford LEP 2014 (Amendment No 23) added the footings of the former sergeant's residence/police station and stables as a local environmental heritage item to Schedule 5 of the LEP.

**The Site and Locality**

The site is located on the south-west corner of Mann Street and Georgiana Terrace. The site is vacant except for the former School of Arts building which is to be retained. This building is a heritage item and is to be subject to a separate application for the use and fitout. The other former school buildings have been demolished. (Refer Locality Plan)

The site has a fall of about 8m from Mann Street to Baker Street, with the steepest part of the site on the Mann Street side.

On the eastern side of Mann Street are a number of older buildings. These are likely to be redeveloped in the near future through construction of development. There are also two heritage buildings being the former Creightons funeral premises and the former East Gosford post office.

To the south and west is Leagues Club field and the Gosford waterfront.

To the north is the Central Coast Leagues Club, a commercial building and the proposed mixed use "Waterside" tower development approved in 2015.



Locality Plan (Note: prior to demolition of school buildings)

### Proposal

It is proposed to construct a new building on the site with a GFA of 7825.9m<sup>2</sup> for use as commercial premises (Australian Taxation Office).

The building will have a nil setback to Baker Street and Georgiana Terrace, with awnings over part of the road reserve. The eastern end of the building will be separated by about 10m from the heritage building.

The building will have 3 to 4 commercial levels.

There will be two basement levels of parking on the eastern side containing 92 car spaces. Access to the lower level will be from Baker Street via a driveway on the southern side of the building. Access to the higher level will be by a driveway from Georgiana Terrace. No internal connection between parking levels is provided.

A waste storage area is provided at the ground/lower level at the end of the driveway off Baker Street.

The roof area contains a significant plant room which appears as an additional level on the building.



The main pedestrian entry to the building is from Georgiana Terrace.

The external materials consist of a masonry base with extensive glazing. The northern façade contains horizontal aluminium blades with vertical blades to the western façade for sun control.



Montage view from corner of Baker Street and Georgiana Terrace

The proposal will need to construct Baker Street south of Georgiana Terrace over the Baker Street frontage of the site to provide access to the loading dock and basement parking level.

The former school of arts building (heritage item) is to be retained and future use may be for retail/food premises. No details or use have been lodged with this application. A condition of consent will require a separate application for any work on, or use /fitout of this building (**Refer Condition 1.3**)





Montage view from corner of Mann Street and Georgiana Terrace



Montage view from Leagues Club field

**Consultation**

The proposal was notified in accordance with Gosford DCP 2013 Chapter 7.3 Public Notification of Development Applications. Letters were sent to surrounding land owners and a notice placed in a local newspaper.

The proposal was exhibited between 12 February and 26 February, 2016.

A total of 23 submissions were received, with 7 in favour of the proposal, and 16 objections to the proposal. A detailed assessment of submissions is included later in this report.

The main issue in support of the proposal is the economic benefits of increased employment generated. The main reasons for objection to the proposal is that the site (former public school site) should be developed for other purposes which provide community facilities.

**Referrals**

The application was referred to the Heritage Council of NSW, as well as internal referrals to:

- Development Engineer.
- Building Surveyor.
- Health /Food Officer.
- Architect.
- Heritage Advisor.
- Recreation Officer.
- Water and Sewer
- Traffic Engineer.
- Tree Assessment Officer.
- Waste Management Assessment Officer.
- Environmental Officer.

**Assessment**

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans. The assessment supports approval of the application and has identified the following key issues which are elaborated upon for Council's information.

**Section 79C Evaluation**

The following is a summary of Section 79C considerations:

(a)(i) The provisions of any environmental planning instrument

Comment: Gosford LEP 2014 applies and the proposal is permissible under the B4 zone. The development complies with the development standards except for the number of car parking spaces required. The submission under clause 4.6 to vary the standard is well founded and is supported.

(a)(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Comment: Not applicable.

(a)(iii) Any development control plan

Comment: Gosford DCP 2013 applies, including Chapter 4.4 Gosford Waterfront. The proposal complies with the requirements of the DCP except for car parking and loading dock visibility from Baker Street. These issues are discussed further later in this report.

- (a)(iia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

Comment: Not applicable.

- (a)(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph).

Comment: The application was notified in accordance with Council's Notification Policy.

- (a)(v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates.

Comment: The provisions of Clause 5.5 of the Gosford LEP 2014 have been considered, and the proposal is suitable for the site.

- (b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Comment: The proposal will result in a new building on the site which has addressed the impacts on the heritage building, road system, and visual appearance from public places and other sites. The additional traffic generated is not significant and the road and intersections can cater for the additional traffic.

The proposal will generate significant employment which is consistent with Council's strategic intent for the CBD and is needed to revitalise the Gosford City Centre.

- (c) The suitability of the site for the development.

Comment: The building complies with height and floor space requirements, as well as building setbacks. Access and parking is suitable for the site. The site is located close to the commercial core of the city and close to public transport.

- (d) Any submissions made in accordance with this Act or the regulations.

Comment: All issues raised in public submissions have been considered (refer to "Public Submissions" later in this report) and the proposal is supported.

- (e) The public interest.

Comment: The conclusion of the assessment is that approval of the proposal is in the public interest due to employment and social benefits the development will generate. The creation of 600-700 jobs will have a major impact/benefit on existing businesses and may generate ancillary employment in both food and service industries.

#### **Gosford Local Environmental Plan 2014**

The land is zoned B4 Mixed Use under Gosford Local Environmental Plan 2014. The proposal is defined as Commercial Premises in Gosford LEP 2014 and is permissible within the zone.

The objectives of the zone are:



- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreation facilities, social, education and health services and higher density residential development.
- To allow development in Point Frederick to take advantage of and retain view corridors while avoiding a continuous built edge along the waterfront.
- To create opportunities to improve the public domain and pedestrian links of Gosford City Centre.
- To enliven the Gosford waterfront by allowing a wide range of commercial, retail and residential activities immediately adjacent to it and increase opportunities for more interaction between public and private domains.
- To protect and enhance the scenic qualities and character of Gosford City Centre.



## Zoning Plan

In this instance, it is considered that the proposal is consistent with the stated objectives for the following reasons:

- The proposal provides office use.
- The proposal provides significant additional employment opportunities within the B4 zone and to support the B3 Commercial Core zone.

- The site is located on a bus route and within walking distance of Gosford Railway Station.
- The proposal will not prevent the redevelopment of the balance of the former school site for other purposes.

The proposal is also consistent with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.

### Principal Development Standards

#### Height

Under clause 4.3 of Gosford LEP 2014, the maximum height is RL 48m AHD. The proposed building has a height of RL 23.185m AHD and complies with this standard.

#### FSR

Under clause 4.4 of the Gosford LEP 2014, the maximum FSR is 3.5: 1.

Clause 8.6(3) of the LEP also requires car parking at or above ground level to be included in the gross floor space calculations.

Including the mezzanine parking level, the proposal has a FSR of 2.3:1 and complies with the FSR development standard.

#### Design Excellence

The requirements for design excellence in Clause 8.5 of Gosford Local Environmental Plan 2014 have been considered in the assessment of the application, and the proposal is considered to consistent with the requirements. In particular, the proposal offers a good standard of architectural design, which is appropriate for the area, and employs design features in the front elevation that enhance the appearance of the development.

The proposed development will not detrimentally impact on view corridors or overshadow waterfront open space. The application has been assessed against DCP requirements, and subject to conditions, will meet the objectives of the controls.

#### Car Parking

The proposal provides 92 spaces in two (2) separate basement levels.

The proposal also provides 4 motor cycle space and 94 bicycle spaces which is in excess of that required under the Gosford DCP.

Chapter 4.4 of Gosford DCP 2013 which applies specifically to the Gosford Waterfront, the car parking required for this site is a **maximum** of 1 space/80m<sup>2</sup> for commercial and retail premises. Therefore under the DCP, the maximum car parking required is 7825.9m<sup>2</sup>/80 = 98 spaces.

However clause 8.6 of Gosford LEP 2014 requires car parking to be provided at 1 space/75m<sup>2</sup> for commercial premises and 1 space/40m<sup>2</sup> for retail premises. The car parking required (excluding the existing former school of arts building) is 7825.9m<sup>2</sup>/75 = 105 spaces.

The proposal results in a variation to the development standard of clause 8.6 of 13 spaces or 12.3%. The applicant has lodged a submission under clause 4.6 of the LEP "Exceptions to Development standards".

In support of the variation the applicant submits that compliance with the development standard is unnecessary and unreasonable for the following reasons:

*The provision of car parking at a rate of 92 spaces, is generally consistent with the car parking controls outlined within the Gosford City DCP.*

*All car parking is provided within the envelope of the building in accordance with Clause 8.6(2) and will not have any overflow impact upon adjacent development or public areas.*

*Additional car parking will be provided for the locality with the extension of Baker Street.*

*The provision of additional car parking can only be provided by either extending the basement car park closer to the footings of the historic former School of Arts and Sergeants Quarters footings; or providing another level of basement parking. The potential impact on the heritage items and costs associated with the works is not warranted for such a minor shortfall in car parking. If the standard is strictly applied to the subject site, the orderly and economic use of a positive response to the site will be compromised.*

*The strict compliance with the development standard is unnecessary in this instance as the proposed shortfall in car parking is relatively minor.*

*The amount of car parking provided is considered satisfactory when considering the net increase of 16 additional car parking spaces provided through the extension of Baker Street results in an overall parking provision of 108 spaces (3 more than the minimum LEP requirement).*

*The close proximity of the site to public transport, pedestrian and cycling connections will encourage alternate modes of transport and is supported by 94 bicycle and 4 motorbike spaces.*

*Strict compliance with the standard is therefore considered unnecessary in this instance.*

- *The variation is considered reasonable to enable best use of the site for commercial purposes;*
- *The variation is considered minor and has been negated by the provision of adequate spaces for other forms of transport (94 bicycle and 4 motorbike spaces);*
- *The proximity of the site to public transport;*
- *The net increase of 16 on-street car parking spaces from the Baker Street extension; and*
- *The overall design of the commercial building is considered to be key site within the Gosford City Centre.*

Clause 4.6 exception to development standards requires consideration of the following:

1. Has the applicant submitted a written request 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?

Comment

The applicant's written request has adequately justified that compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental planning grounds to justify varying the development standard.



In addition to the parking provided on the site, as part of the conditions (2.6) required for the development, 90 degree parking will be provided on the western side of the Baker Street construction, these parking spaces will benefit both the development as well as the community.

The concept plan for Baker Street road alignment can achieve 90 degree parking on the western side, but no parking on the eastern side due to the width of Baker Street. This will permit about 15 parking spaces in Baker Street at this location which will also be available to the public. However three (3) parking spaces will be lost in Georgiana Terrace due to proposed driveway. This results in a net increase in 12 spaces on the street. It is considered that with the parking provided on site, as well as on Baker Street, that adequate parking is provided for the proposal and thus providing sufficient environmental planning grounds to justify contravening the development standard.

2. Is the proposed development 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?

Comment

There are no objectives for clause 8.6 in the LEP. This clause requires parking to be provided on the site unless Council is satisfied that adequate parking has been provided elsewhere. The DCP identifies that the Gosford Waterfront has different parking requirements to other parts of the city due to:

- excavation may be difficult due to a high water table which may necessitate above ground parking.
- to minimise the visual impact of above ground parking.
- to recognise the proximity to public transport and encouragement of walking and cycling in this location near the waterfront. It is considered the proposal complies with the objectives of the zone and standard.

It is considered that the proposal is in the public interest due to the car parking provided both onsite and in Baker Street.

3. Has the concurrence of the Director-General has been obtained?

Comment

Under Planning Circular PS 08-033 issued 9 May 2008 Council may assume the concurrence of the Director-General when considering exceptions to development standards under clause 4.6. Council is therefore able to approve the variation.

The request for a variation under Clause 4.6 is considered to be reasonably founded and is recommended for support (**Refer Recommendation A**).

**Flooding**

This land has been classified as being under a “flood planning level” and subject to the imposition of a minimum floor level, the development is considered satisfactory in respect to Clause 7.2 of Gosford Local Environmental Plan 2014.

**Climate Change and Sea Level Rise**

Climate change and sea level rise have been considered in the assessment of this application.

Climate change and sea level rise will be felt through:

- increases in intensity and frequency of storms, storm surges and coastal flooding;

- increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
- increased coastal erosion;
- inundation of low-lying coastal communities and critical infrastructure;
- loss of important mangroves and other wetlands (the exact response will depend on the balance between sedimentation and sea level change); and
- impacts on marine ecosystems.

In the absence of any detailed information at the present however, refusal of this application is not warranted.

### **Coastal Zone**

The provisions of Clause 5.5 Gosford Local Environmental Plan 2014 require Council to consider matters in relation to the Coastal Zone. These matters have been considered in the assessment of this application and are considered consistent with the stated aims and objectives.

### **Section 94 Contributions**

The land zoned B4 Mixed Use is subject to contribution plan S94A Contribution Plan-Gosford City Centre. The contribution under the plan is 4% of the value of the development or \$827,751.64. **(Refer Condition 2.4)**

The applicant has requested that Council enter into a Voluntary Planning Agreement (VPA) to offset the s94 contribution required against the cost of the roadworks in Baker Street. The reasons for this in summary are:

- Baker Street extension is shown in the DCP and provides access to the balance of the site which is yet to be developed.
- There is material public benefit by the construction of Baker Street and provision of on street car parking for the waterfront. This work is valued at \$1,143,819.00 which is greater than the s94 contribution.

Council's s94 officer advises:

*I refer to the attached letter from the DOMAGROUP in relation to their request to enter into a voluntary planning agreement to use the 4% contribution to construct works i.e part of Baker Street which is not in the s94A levy plan and if the cost of the roadworks exceed the s94A contribution then Council would be required to bourne by Council. They also suggest that Council can recover their contribution to this road from future development contributions levied against development of the adjoining land between this site and Vaughan Street.*

*The s94A levy contributions plan does allow Council at its discretion to accept the dedication of land or provision of a material public benefit or works-in-kind in part or full satisfaction of contributions levied under this plan. It indicates that as a general rule only land or works directly associated with the public domain projects may be considered as a material public benefit or work-in-kind. Notwithstanding this the above request it is not supported for the following reasons;*

*The construction of the Baker St is to service their own development for access i.e. it is directly attributable to the development, and would normally be a condition of consent to construct the road to give access to their development.*

*Access to the site could have come off Georgina Terrace, without the need to construct Baker Street.*

*The construction of Baker Street in this location is not in the current plan or in the previous contributions plans nor was it contemplated in the preparation of the current contributions plan.*

*The works schedule of the s94A contributions plan is extensive and costly to implement and the off setting of the development contributions in this instance for works that are not in the plan will result in the loss of approximately \$827,751 which should be spent on works listed within the contributions plan which the community expects to be provided.*

*This potential loss of funds for works in the contributions plan will either need to be reimbursed by Council or it may result in the reduction of works contemplated in the contributions plan due to a lack of contributions received to undertake the works in the works schedule.*

*In relation to the comment that Council could recover their contribution to this road from future development contributions levied against development of adjoining land, this is incorrect. The section 94A levy plan is a 4% levy on the cost of the development. There is no legal opportunity for the Council to recoup this cost as this action would require the adoption of a section 94 plan which under the provisions of the Environmental Planning and Assessment Act 1979 cannot occur while a section 94A levy plan is in place.*

Notwithstanding the above, a proposed VPA has not been lodged and advertised as part of this DA as required by the regulations and therefore cannot form part of this consent.

### **Heritage/Archaeological Assessment.**

The former school of arts building, and footings of the former sergeant's residence/police station and stables are listed as local environmental heritage items in Gosford LEP 2014. Under the provisions of Clause 5.10 of the LEP, the applicant submitted a Statement of Heritage Impact which concludes and recommends:

*The proposed development of a four Storey commercial building has been assessed as having minimal impact on the heritage significance of the former School of Arts building and other nearby heritage listed items.*

*Plans will be lodged separately for the adaptive re-use of the former School of Arts building which will deal with any alterations and additions required for its re-use.*

*The following recommendations should be considered for this project:*

- *No work should be undertaken on the School of Arts building until the fitout plans are reviewed. Reason - to thoroughly address any alterations either external or internal to the significant building fabric.*
- *The detailed development of the landscape plan around the School of Arts building, the proposed staircase and the sandstone remnants should be submitted with the Construction Certificate. Reason - landscaping near and around these items has the potential to damage the building fabric in the long term unless carefully designed.*
- *The location of the substation should be reconsidered if programmed archaeological works indicate that its proposed location will have a detrimental effect on the archaeological remains recommended for Heritage listing.*

The proposal was referred to the Heritage Council of NSW who advise the following draft conditions are recommended for any development consent:

1. The final location of the proposed new substation near the site of the former Sergeants Quarters footings should be confirmed based on the results of test excavation under the s140 application in this vicinity. The final position should avoid harm to relics of local significance associated with this item/structure.

2. A condition on the DA should indicate clearly that construction activities should not commence until the archaeological investigations as specified in an approved s140 application have been completed.
3. The Heritage Division recommends that a condition providing for the long term management of the former sergeant's quarters footings remains (proposed for retention) and any relics recovered from the excavation should be included. The heritage Division notes that ongoing issues with any rising damp are often a major and ongoing problem at other sites where similar remains are retained *in situ*. The Heritage Division recommends the approval issued by Council may wish to consider how the new development will fund the long term management of these elements to ensure their ongoing conservation.

The Heritage Council of NSW on 12/4/2016 issued an Excavation permit under s140 of the *Heritage Act* 1977, subject to conditions. Excavation of the site was carried out between 14 April 2016-20 April 2016 by AMAC Archaeological Group and a report on the findings of the excavation submitted.

- In summary, the excavation of the site and report by AMAC Group identified;
- The footings of the former police sergeant's quarters are located between the former school of arts building and the proposed location of the electrical substation. The footings and retaining wall are considered locally significant relics and should be protected/preserved.
- Landscaping in the location of the footings should not be deep soil planting or plants with deep roots.
- No evidence of the police stables were found.
- No relics were identified in the area of the proposed substation.
- Based on the findings, AMAC sees no archaeological impediment, Aboriginal or Historical, to the development proceeding as presently proposed in the current DA.

Council's Heritage program Co-Ordinator advises;

#### Heritage Significance

There are currently 3 heritage items potentially affected by the proposed development:

1. The former School of Arts (36)
2. Footings of former sergeant's residence/ police station (A25)
3. Footings of former police stables (A26)

The Gosford School of Arts building at 38 Mann Street is an important community building associated with the early development of the Gosford township. It has aesthetic significance as an example of a late 1920's brick civic building, enhancing the streetscape of Mann Street. The archaeological sites, the footings of the Former Sergeants Residence (A25) and the police stables site(A26), are rare and capable of interpretation as portions of some of the first buildings within Gosford and in relation to local governance through the establishment of law and order in the town centre.

#### Archaeological Issues

- The applicant has received approval for their S140 application for an archaeological excavation permit. The permit is subject to conditions attached to the approval from the Heritage Council of NSW (conditions of Approval 2016/s140/007).
- In accordance with clause 5(10)(7) of Gosford LEP 2014 the development application has been referred to the Heritage Council NSW for comment. Comments have been received and are incorporated into this assessment of potential heritage impacts.
- The S140 permit covers the archaeological monitoring, recording and removal of locally significant relics where development impact is proposed only.

- The S140 permit provides approval for archaeological testing of relics associated with the former Police Sergeant's quarters to identify the presence of deposits. It does not cover the removal of relics from this location.
- The location of the proposed substation in the immediate vicinity of the Police Sergeant's footings is of concern due to its potential to harm archaeological relics and deposits. For these reasons an alternative location away from potential relics and heritage items is required.
- Both archaeological deposits are identified on the Gosford LEP (Schedule 5) as items of local significance. Whilst there has been a S140 permit approved by the Heritage Council NSW, the applicant has not provided an assessment of the heritage impacts on these items.
- The applicant will need to provide a Statement of Archaeological Heritage Impact following site investigations which needs to address the potential impacts of the proposed landscape scheme, opportunities for interpretation, and recommended management guidelines for the long term management and protection of the sites.
- Presently the applicant has engaged AMAC group to conduct archaeological investigations on site in accordance with the s140 certificate. The archaeological investigations were conducted between 14th April and the 20th April 2016. A summary of the archaeological works prepared by AMAC group has been submitted (dated 26th April 2016).

#### Heritage Issues

- Generally the conclusions of the Statement of Heritage Impact prepared by John Carr Heritage Division, (dated 3 February 2015 Rev B) are supported with regard to potential impacts to the Former Gosford School of Arts building.
- There is minimal information about the adaptive reuse of the School of Arts building. A café has been proposed for the lower ground floor. A separate DA will be required before any works to either the exterior or interior of the building is conducted.
- The location of the sandstone stairs on the immediate southern side of the building and leading into the site from Mann Street is of concern. This is because of the potential impacts of the stairs on the sandstone walls of the School of Arts building. The stairs will need to be physically separated from the exterior walls of the building without obscuring the walls from view.
- -Proposed plantings immediately adjacent to the walls of the School of Arts building need to be reviewed due to the potential for damage and damp to the walls.

#### Recommended Conditions of Consent

- Prepare an Interpretation Strategy Plan for the three heritage listed sites, including options for conveying the heritage significance of the sites and what was discovered as part of the archaeological investigations. Interpretation options should not rely on signage alone but must respond to opportunities within the landscape scheme to indicate the building footprints and location of previous buildings by means such as paving patterns, the location of retaining walls and/or seating, and the choice of materials such as sandstone blocks.
- Amend the landscape plan to incorporate interpretation elements and features ie, paving patterns signage, walls etc.
- Amend the landscape plan to ensure that no plantings and deep soil areas are proposed immediately adjacent to the School of Arts building.
- Amend the landscape plan to ensure the stone stairs on the southern side of the School of Arts building are physically separated from the building. Ensure that the location of the stairs and mechanism for separation does not unduly obscure the walls from view.
- The accurate location of the former Police Sergeants Quarters footings researched by AMAC group must be used to determine the final landscape plan, with the objective of

avoiding harm to relics of local significance. This includes no deep soil planting or trees with a large root system in the vicinity of the relics.

- The standing retaining wall adjacent to Mann Street must be addressed/retained in the landscape plan, including stabilisation and the long term retention of this relic.
- The applicant must comply with the S140 Conditions of Approval 2016/S140/007 issued by the delegate of the NSW Heritage Council.
- The applicant must produce an Archaeological Impact Assessment report, prior to construction works beginning, based on the findings of the test excavation works outlined in the S140 approval. The assessment must accurately show the location of walls and relics, and a management plan outlining the long term management and funding, if necessary, for the care and conservation of the items that remain in situ.
- The Archaeological Assessment report must assess and report the proposed impacts to the locally listed archaeological sites (A25 and A26). The Archaeological Assessment Report must outline mechanisms to mitigate the heritage impacts of construction works.
- The applicant must provide information on proposed interpretation works for both archaeological sites (A25 and A26) and the former School of Arts Building (36). Approved interpretation works must be included in the landscape plan and the Development Application for the adaptive reuse of the former School of Arts building.
- The applicant must cease work if substantial intact archaeological deposits and/or state significant relics are discovered and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- The applicant must comply with the recommendations contained within the AMAC group Summary of Archaeology document dated 26th April 2016.
- An application for an AHIP permit is necessary to cover known and unknown Archaeological deposits on the site. This will require a Final Aboriginal Test Excavation Report and a Cultural Heritage Assessment (including full consultation with Registered Aboriginal Parties).
- If any Aboriginal archaeological deposits and /or objects are found during the development that do not fall under the jurisdiction of the AHIP then all work must cease in the immediate vicinity of the deposits and /or objects, the area to be demarcated, and the NSW Office of Environment and Heritage, a qualified archaeologist and the participating Aboriginal stakeholders notified and a course of action agreed to before work may resume.

**(Refer Conditions 2.14-2.16, 3.10-3.11, 4.11-4.15, 6.1)**

### **Gosford Development Control Plan 2013**

#### Chapter 4.4-Gosford Waterfront

This chapter applies to the site and in summary requires;

- The extension of Baker as a key pedestrian and vehicular connection within the precinct and to the waterfront.  
Comment: The proposal provides for the construction of Baker Street across the frontage of the site. (Condition 2.6)
- Provision of a shared pedestrian/cycleway along Baker Street.  
Comment: This is provided as part of the Baker Street roadworks. (Condition 2.6)
- A mixed use with residential, commercial office, retail, entertainment and other uses.  
Comment: The proposal only provides commercial at this stage with the former school of arts building earmarked for a future café. The balance of the site (1.1 ha) is available for future development.
- High quality architecturally designed buildings.



- Comment: The conclusion of the assessment is that the building design has achieved a high quality design with the use of articulation and varying external materials.
- Active street frontages over part of Georgiana Terrace and Baker Street.  
Comment: Active street frontages are provided by entry foyer and lobby off Georgiana Terrace, avoidance of blank walls and extensive windows on the Baker Street side which provides passive viewing and surveillance of the waterfront. The active street frontage on Baker Street is improved by the footpath width on the eastern side being 4.5m which is greater than the normal footpath width required.
  - New commercial office developments with a range of floor plates.  
Comment: A variety of floor plates are provided. The lower ground floor has an area of about 1170m<sup>2</sup> and the three commercial levels above about 2200m<sup>2</sup>. The former school of arts building has an area of about 322m<sup>2</sup>.
  - High quality landscaping.  
Comment: A landscape plan has been prepared by Oculus who prepared the city centre street planting plan for Council. The landscaping proposed is considered acceptable.
  - Nil to 3m setback to the western half of Georgiana Terrace and along Baker Street frontage.  
Comment: Nil setbacks provided.
  - A maximum street frontage height of 4 storeys on the western half of Georgiana Terrace and Baker Street frontages.  
Comment: Building is 4 storeys on Baker Street side, excluding plant room on top which is set a further 7.5m back.
  - A maximum floor plate for commercial buildings of 2,200m<sup>2</sup>.  
Comment: Proposed maximum floor plate 2130m<sup>2</sup>.
  - Minimum ceiling height 3.3m.  
Comment: There is 3.75m floor to floor which will permit a ceiling height of 3.3m.
  - Awnings 2.4m deep over western part of Georgiana Terrace and Baker Street.  
Comment: Awnings provided.
  - Car parking maximum 98 spaces, 4 motor cycle parking spaces 4 spaces, and 50 bicycle spaces.  
Comment: 92 car parking spaces provided as well as 4 motorcycle and 94 bicycle racks.
  - Screening of loading dock.  
Comment: The loading dock will be visible from Baker Street back, however it is located 37.5m from Baker Street within the site. A door will screen the loading dock however a decorative screen door should be provided rather than an industrial style door to disguise the area. (Refer Condition 2.5)
  - Preservation of former school of arts building and footings of former police station.  
Comment: The former school of arts building and footings are to be preserved.
    - Prior to the approval of the first development application within the waterfront precinct, a comprehensive traffic and transport study shall be undertaken. The study is to investigate the total impacts on the Gosford Waterfront precinct and surrounding road network. The DCP states that each DA then is to update the comprehensive study and in particular; identify any upgrades required on the state road network as a result of the development; any upgrades to be funded by the proponent, including traffic signals.  
Comment: A traffic study was done for the likely future development on the site in 2012. This study identified that upgrading of the roundabout at the intersection of Dane Drive and the Central Coast highway would eventually be required when the site is fully developed. The upgrading required is the construction of an additional lane to have a total of 2 lanes at the Highway.
    - The applicant has submitted a traffic and parking study which investigates the impacts of the development on the intersections of Georgiana Terrace/Baker Street, Georgiana Terrace/Mann Street, and Georgiana Terrace/Dane Drive.

- The Study concludes that when these intersections are modelled for the +10 year AM and PM peak periods, the overall level of operation will continue to have an overall level of service 'A' or good operation. Further developments on the balance of the former school site, when Baker Street connects to Vaughan Avenue, may need to assess the impact on the Central Coast Highway.
- Maximum double driveway width 6.5m. Doors to driveways on street frontage to be recessed into building.  
Comment Driveways 6.5m or less. Doors on Georgiana Terrace driveway recessed to inside building about 6m. This will permit vehicles entering car park to stand on site while doors are opening.

The conclusion of the assessment is that the proposal complies with the DCP Chapter or compliance is addressed as conditions of consent.

### **Gosford City Centre Masterplan**

The Masterplan was adopted by Council at its meeting on 9 March 2010. The Masterplan was prepared as a result of extensive public consultation known as the "Gosford Challenge". The aim of the Plan was to provide a general design framework that would lead to the revitalisation of Gosford.

The site is located within the "Arts and Entertainment Precinct" The key initiatives in this precinct were:

- the extension of Baker Street south of Georgiana Terrace to provide a "Boulevard" from the stadium, leagues club and city, to the waterfront;
- pedestrian connections between Baker Street and Mann Street; and
- a performing arts centre at the southern end of the former school site.

The current application will be required to construct Baker Street. The balance of the former school site (about 1.13ha) is available for other uses and a pedestrian connection between Mann Street and Baker Street. A connection through this site is not necessary or feasible.

### **Social/Economic Impacts**

The applicant has submitted Community Benefit Report which states that the community benefits are:

- The site will not sterilise the redevelopment of the remainder of the waterfront precinct and make a significant contribution to the commercial mix that will be required.
- The design of the development will commence the activation of the waterfront.
- There will be significant benefits to the local economy during construction and once the commercial offices are completed via day to day spending. This will have a positive economic stimulation effect within the Gosford CBD.
- The area is currently decayed due to the state of nearby buildings, making the area potentially unsafe. This development will make a positive contribution to how the area is utilised in the future.
- The creation of 700 jobs is an important outcome for the city of Gosford and its status as a regional city as identified in the Central Coast Regional Strategy.
- The repair, restoration and adaptive re-use of the former School of Arts Building are positive outcomes for the building. Private ownership will ensure that the building is maintained.
- The report states that the proposal will generate 185 direct construction jobs and about 762 in-direct jobs over an 18 month construction period. When operating, the employment generated will contribute about \$7.7 million to the local economy.

- The creation of such a high number of jobs will help revitalise the city centre and is supported.

It is deemed that the above sufficient social and economic benefits to enable the support of the proposal.

## Internal Referrals

### Building Surveyor

Council's Building Surveyor advises:

*The subject application has been assessed and will generally comply with the BCA.*

*The site is not located in a Landslip area and therefore Chapter 6.4 of DCP 2013 does not apply. However, a Report on Geotechnical Investigation Project 82917.01 dated January 2016 prepared by Douglas Partners supports the development and makes recommendations for the structural design and basement construction. Structural Engineering and Geotechnical Engineering details will be prepared at Construction Certificate Stage in accordance with Part B of the BCA and based upon the recommendations from this document. The document has been conditioned and is to be included in Supporting Documentation.*

*An Access Report prepared by BCA Access Solutions dated 4 December 2015 submitted with the application indicates the development is capable of complying with the BCA. This document is to be included in Supporting Documentation.*

These recommendations have been incorporated in the draft consent conditions.

### Recreation

Council's co-ordinator Active Open Space/Culture advises:

1. The extension of Baker street will impact the provision of Leagues Club Park as follows:
2. The playing field will be reduced and will not provide a full size soccer / football field. The field is currently booked throughout the year for sporting codes and representative team usage. There is no other available space to relocate these sporting codes to.
3. The sportsground irrigation lines would be affected by the extension. A new system would need to be installed to be able to maintain the turf on the sportsground / facility.
4. The carpark on the western side of the Baker Street extension will create a significant impact on the ability to provide a sporting facility. Can this carparking be included in another area on the eastern side of the Baker St extension without affecting LCF or can it be deleted all together from the proposal. If this carpark is included in the development then it will effectively reduce the playing field by half.
5. The Baker St extension will eliminate the existing floodlighting for the sportsground as well as the CCTV camera. These will need to be relocated to the western side of the Baker st extension.
6. Baker Street extension will affect the circus area of LCF. As a result it may not be viable for any circuses to be held at this site once the extension is complete. Council's circus policy does not allow for circuses to be conducted on any other Council land.
7. I am aware there is significant amount of underground infrastructure through this area (e.g. stormwater, high pressurized gas main, optic fibre etc)

Comment: The road reserve of Baker Street has been used in the past as part of Leagues Club field. The road works required in Baker Street do not encroach onto Leagues Club field. As Baker Street is required to be constructed as part of the waterfront precinct, the apparent reduction of the field is unavoidable. The provision of 90 degree parking on the western side of Baker Street will provide additional waterfront parking as well as that to meet the requirements

of the proposed development. The 90 degree parking should be retained on the western side of Baker Street to maximise street parking spaces. This is proposed in the Gosford City Centre Streetscape Design Guidelines.

The relocation of floodlighting and other works required in Baker Street are addressed by conditions of consent. **(Refer Condition 2.6)**

#### Environmental Health

If the premises are to be used for food preparation/sale, the premises will need to comply with the Food Standards Code. Any future use for food sales will need to submit a new application.

#### Water and Sewer.

Water and sewer is available to the land. Contributions will apply and adjustment of Council's water and sewer assets may be required.

These recommendations have been incorporated in the draft consent conditions.

#### Architect

Council's architect advises:

*The application has addressed some of the concerns raised by Council with the preliminary proposal and the amended proposal is considered an improvement. .*

*The open public area between the School of Arts and the new building provides visual separation to allow views of the heritage item and an appropriate physical link.*

*This is complemented by the wide stairway and open terrace on Georgiana Terrace that improves both the visual and physical connection of the new building to the street.*

*Direct vehicle access off Baker Street is also supported, rather than covering the western boundary with a second access lane. It improves the amenity of the building, provides more usable space for the applicant and improves the urban design by creating an active streetfront on Baker Street.*

*There are however a number of issues that should be addressed before approval could be supported.*

- 1. Because the application is inconsistent with the much higher surrounding future residential buildings, it should be redesigned to minimise the visual impact of the approximately 1500 m<sup>2</sup> of roof.*

*It is acknowledged that the new pebbled roof of the plant room is an improvement on the previous sheet metal roof, however a landscaped roof would be a significant improvement for the future occupants of adjoining buildings, contribute to the environmental sustainability and would assist the building relate to the adjoining waterside park.*

*There also remains approximately 1250m<sup>2</sup> of blank metal roof surrounding the approximately 570m<sup>2</sup> blank metal louvres of the plant room.*

*It is acknowledged that the applicant has now raised the parapet wall which increases screening of the plant room when viewed from the street, however as previously stated, it will be overlooked by future developments and some form of significant landscaping is recommended to screen large expanse of the blank plant room walls.*

2. *Two vehicle entries are not supported when access is available from Baker Street. The Georgianna Terrace frontage should be occupied by active street frontage to the fullest extent possible with all vehicle access from one entry.*
3. *The open and active street front on Baker Street is strongly supported. It is essential that this remains open and is not screened, the windows covered or blocked with furniture as has happened to the street front windows at the Work Cover building.*
4. *The electrical substation is a visually intrusive item and is incompatible with the streetscape on Mann Street. It also appears to be located on the heritage items and require the removal of an existing mature tree that Council's tree officer has recommended for retention.*

*It should be located in an inconspicuous location preferably at the rear of the building.*

5. *The tall blank loading dock wall on the southern boundary must be amended to reduce the detrimental impact on views from the park and on any future adjoining development.*

*The applicants "artists impression" shows this hidden behind rolling green parkland but the reality is a blank brick wall 38 metres long and up to 4.5 metres high; unless the applicant proposes to provide the landscaped parkland shown.*

6. *Variation to the continuous length of two storey glass curtain wall on the northern elevation should be considered.*
7. *Appropriate street trees should be included on Georgianna Terrace.*

#### Planning Comments

As the building is well below the maximum height permitted, views of the roof from future higher surrounding buildings will occur. However the views from higher surrounding buildings will be dominated by water views not the roof of the proposed building. The pebble ballast provided on the concrete roof will mitigate the visual impact from higher buildings.

Two vehicle accesses are required as the two basement levels are not connected. Only one access driveway is proposed from Georgiana Terrace which occupies about only 8% of the street frontage.

A condition of consent requires the prohibition of covering windows on the street frontages, and amended plans to improve the plant room/roof appearance. **(Refer Conditions 2.5 and 6.2)**

The applicant has assessed other locations for the electrical substation but found that the location as shown in the south east corner is the only suitable site. Other locations were excluded due to inadequate room or dominating the Georgiana Terrace or Baker Street frontages. The substation is located clear of the archaeological relics, and landscaping in this location requiring deep soil planting is not recommended to preserve the relics.

The blank wall on the southern side will be screened when development occurs on the adjoining site. A separate DA has been lodged for the adjoining site

### Development Engineer

#### Flooding & Drainage

The site is located close to the Brisbane Water. The 1% AEP flood level is RL 1.74m AHD. The projected sea level rise based on a 50yr design life is 0.36m based on a construction completion year of 2017. The free board is 500mm allowing for wave run up. Based on these the minimum floor level (MFL) is 2.60m AHD (= 1.74 + 0.5m freeboard + 0.36m projected sea level rise).

The proposed floor level on the ground floor and the crest level of the driveway is currently RL 2.45m AHD. This is based on an MFL provided in a flood certificate dated 27 October 2015. The flood certificate contains the following disclaimer:

*Flood information provided by Council should only be used as a guide to the extent of flooding on the property. This information may be inaccurate or incomplete and it is recommended that purchasers make their own local enquiries with regard to the flooding and drainage history of the site. The flood levels and minimum floor levels provided relate to Council's records at the time of enquiry. Council may review these levels from time to time. Future Management Plans may incorporate factors associated with climate change and the levels indicated do not include potential for future sea level rise.*

Council has a duty of care is to revise the MFL that it previously provided to the Applicant while the application is being assessed.

It is recommended that the revision of plans to satisfy the MFL requirements be a condition requirement. **(Refer Condition 2.14)**

#### Traffic

Barker Ryan Stewart prepared a 'Traffic and Parking Impact Assessment' for the proposed development, which estimated that the increase in traffic will be an additional 173 vehicle trip movements per hour in the peak hour. Barker Ryan Stewart say this is a conservative estimate as they have not taken into consideration the previous use of the School of Arts Building when calculating the estimated increase in traffic. In addition, when modelling the 3 intersections on Georgiana Terrace in the immediate vicinity of the development using Sidra a conservative increase of 200 vehicle trips per hour was modelled.

The Traffic Consultant summarises the impacts of the development upon traffic generation as follows:

*The intersections of Dane Drive and Georgiana Terrace; Baker Street and Georgina Terrace; and Mann Street and Georgina Terrace (roundabout) when modelled for both the AM and PM peaks for the existing traffic + development generated traffic + 10 year growth will continue to have an overall service level of operation of A, 'Good operation'.*

It is noted that the modelling did not include traffic generation rates for Waterside, the Union Hotel and other nearby developments.

Council's Traffic Engineer has reviewed past traffic studies as well as the study lodged with this application and advises;



*Development Application for a mixed use commercial and retail premises comprising 7,827msq GFA of commercial office space, 2 levels of parking and the adaptive reuse of the former School of Arts building for 'food and drink premises.*

*The proposed Trip Generation of traffic volumes generated by the ATO office building and retail use are a total of 172.7 trips per peak hour.*

*The existing road network is considered to have spare capacity to cater for the proposed development. This is based on the fact that the Gosford Public School has been relocated (Trip generation rates for 536 students is 268 vehicles/hour for the AM and PM peaks).*

*Cardno were commissioned in 2012 to look at the net impact of relocating the Gosford Primary School from the waterfront and the proposed development levels for the Gosford Masterplan.*

*Cardno cited ".....Cardno was recently commissioned by Central Coast Regional Development Corporation (CCRDC) to undertake a Traffic Impact Assessment (TIA) as part of the proposal for the Stage 1 Development at Gosford Landing. It is proposed that Stage 1 will incorporate a mixed use development located on Brownfield land, resulting in the relocation of Gosford Primary School. This study area will have relevance to Dane Drive, Central Coast Highway, Georgiana Terrace, Baker Street, Mann Street and Masons Parade.*

*This document, through a rigorous traffic assessment process, demonstrates the impacts that the proposed development of Gosford landing is likely to have on the key intersections in the immediate vicinity. This report also includes likely mitigating measures to maintain existing Level of Service on Central Coast Highway, insofar as it is practicable, noting also that RMS has a preference for preserving Central Coast Highway as is."*

*Cardno cited "Once all tests were carried out we mitigated by increasing capacity where necessary resulting in an upgrade of Dane Drive on the approach to the roundabout at Central Coast Highway. With the mitigation measures in place our assessment is that the road network, with the proposed upgrades, can accommodate CCRDC's proposals as set out here."*

*Cardno assumed a total gross floor area for the commercial office developments proposed along the new section of Baker Street between Georgianna Terrace and Central Coast Highway was in the order 46,962msq GFA which is well in excess of the 7,827 GFA proposed for this development.*

Based on the above assessment of both the applicant's experts and Council's Traffic Engineer it is deemed that the proposal is appropriate and should be supported from a traffic generation perspective.

#### Road Works & Access

The following works are required for the development:

1. Intersection between Georgiana Terrace and Baker Street and full width construction of Baker Street to approximately 13.5m from the site to facilitate reversing truck movements into the site.

The Baker Street road reserve shall be divided up as follows from east to west:

- 4.5m footpath from the property boundary to the face of kerb
- 3.55m southbound travel lane
- 3.55m northbound travel lane

- 2.9m manoeuvring space
- 5.4m perpendicular parking
- 0.215m strip from the end of the parking space to the public reserve boundary.

No parking will be permitted on the eastern side of Baker Street.

2. Relocation of all flood lights associated with Gosford City Park that will be affected by the proposed Baker Street road works. The flood lights are to be relocated to locations approved by Gosford City Council.

These requirements are included as conditions of consent.

#### Tree Assessment Officer

1. Council's Tree Assessment Officer is satisfied with the applicant's amendment of the Landscape documentation to remove existing tree marked T062 and replace with a "Feature Tree" as identified on plan no. DAL101.
2. Council's Tree Assessment Officer is satisfied street tree planting as per *Gosford City Centre Streetscape Design Guidelines (Sept 2011)* is now proposed in Mann Street, but not in Georgiana Terrace due to underground service locations.

The Site Service Plan provided by Sellick Consultants shows a 250mm Water Main directly under where trees would be planted and other services to occupy the area further back in the footpath zone.

The existing tree labelled T068 does not require removal for reasons provided in the Tree Assessment by Travers bushfire & ecological, however it is located in the vicinity of the proposed electrical substation.

As a result, the applicants Engineer has provided a letter 21/4/16 explaining that due to site access and development constraints, the proposed substation location on Mann Street was found to be the only suitable location to service the development.

With that matter resolved, it is accepted that tree number T068 will be removed as originally proposed.

All tree and landscape matters raised by Council's Tree Assessment Officer have now been addressed and the landscaping proposed has been assessed as being suitable for the site and the proposed development.

#### Environmental Officer

Council's Environmental Officer advises:

##### *SEPP 55-Remediation of Land*

*A Preliminary Site Investigation for Contamination has been submitted with the DA as the information available for the site indicated that localised patches of contamination may be present from past land use activities. The PSI for Contamination identified a number of potentially contaminating activities that have occurred on the site:*

- *poor demolition practices for asbestos structures,*
- *historical fill materials,*
- *use of oils/chemicals and*
- *incineration of waste materials.*

*The PSI for Contamination also involved preliminary fieldwork and sampling which confirmed the presence of some contaminants within surface soils. Some contaminant levels exceeded health based screening levels and others passed health based screening levels but exceeded ecological based screening levels. Fragments of asbestos containing material were also detected at the ground surface which are likely to be residual from recent demolition works that occurred on site.*

*The PSI for Contamination concluded that some areas of the site have been subject to activities that have caused contamination. These areas will need to be further investigated and remediated as part of the redevelopment process. It is noted that some partially contaminated soils are suitable for re-use as backfill (e.g. behind retaining walls or beneath concrete slabs) and these may be stockpiled on site until operative consent is issued. Specific management actions will be detailed within the remediation action plan.*

*Discussions with the Contamination Consultant indicate that further contamination assessment works are already underway and that the site can be made suitable for the proposed new use through implementation of a Remediation Action Plan. These remediation works are considered to be Category 2 Remediation Works in accordance with SEPP55 and can therefore be undertaken without development consent. It is understood that the Remediation Action Plan will be distributed to Council for endorsement prior to commencing remediation works which will occur independently of the development application for the ATO building. The remediation works are expected to involve minor excavations and stockpiling as well as screening the soil surface for asbestos fragments.*

*In order to ensure that the remediation works have been completed adequately and that the site has been made suitable for commercial use, a Validation Report will be required to be submitted to Council prior to issue of the construction certificate for the ATO building.*

#### *Flora and Fauna*

*The Statement of environmental effects indicates that the site includes a number of trees along the site boundaries which will require removal for construction of the proposed development. These trees consist of planted natives and ornamentals which are not considered to have significant ecological value. The Brush Box trees are likely to be visited by a variety of native birds such as Noisy Miners, Australasian Figbirds and Rainbow Lorikeets however the tree species is not known to create tree hollows. No threatened species are considered likely to inhabit the trees nor is any other suitable fauna habitat present on site. Based on this, no objection is raised to removal of the trees on site and the proposed landscaping is deemed suitable to offset this loss.*

#### *Acid Sulfate Soils*

*The site is mapped as containing Class 2 Acid Sulfate Soils meaning works below the ground surface or works which may lower the water table require an acid sulfate soil management plan. The proposed multi-storey development will require substantial earthworks to a max depth of approx. 6m for construction of a basement car park.*

*An acid sulfate soil assessment has been provided with the DA which identified that some of the soils are acidic however they are not acid sulfate soils. The Report concluded that 'management of acid sulfate soils and acidic soils is not required during earthworks for construction of the proposed development.'*

*It was noted that the soils samples that were sent for lab analysis were of a depth around 1-3m despite the excavations being required to 6m in some areas. The Consultant was contacted for further information and they explained that the focus of the sampling was on the alluvial soils*

*nearer to the surface and the non-alluvial clay material encountered at around 2m depths was not considered likely to be acid sulfate soils. Their field screening of the deeper soils did not trigger further analysis of acid sulfate soils. This conclusion is generally supported as the testing was undertaken by a NATA accredited lab and the correct assessment criteria was applied in accordance with the Acid Sulfate Soil Management Manual. As such, an acid sulfate soil management plan will not be required however a condition of consent to manage unexpected finds will be recommended.*

#### **Heritage and Aboriginal Heritage**

*An AHIMS search undertaken on 11/05/2016 indicates that 1 Aboriginal object/site is mapped within 200m of the subject site however a further search indicates that this site/object is not within 50m of the subject site. The proposed works will be undertaken on a historically disturbed site.*

Therefore based on the above assessment of Council's Environmental Officer it is deemed that the proposal is appropriate and should be supported.

#### **Waste Management Assessment Officer**

Conditions of consent provided.

#### **Public Submissions**

Following notification of the development, a total of 23 submissions were received, consisting of 7 in favour of the development, and 16 objections to the proposal.

Those issues associated with the key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979.

The following table is a summary of public submissions.

Issue	Submission	Comment
In favour of.	The proposal will provide 700 jobs directly and 1400 jobs indirectly. It will kick start the waterfront and demonstrates the Commonwealth government's commitment to Gosford. To refuse the proposal and do nothing will keep Gosford stagnate.	It is agreed that the proposal will generate significant employment in the city which is needed to entice people to live in Gosford.
Frontage to the waterfront	No active street frontage to Baker Street. The access to the basement car park and waste storage area does not facilitate this aim.	The amended plans have improved the façade treatment on the western side. The access driveway on the southern side will eventually be screened by adjoining future development.
Car parking.	Inadequate parking provided. 170 spaces at least should be provided.	The DCP requires 98 spaces and the LEP 105 spaces. The proposal provides 92 spaces in the basement levels. About 15 additional spaces will be constructed on Baker Street. This is supported.
Heritage	The proposal will impact the heritage value of the former	A heritage impact report and archaeological report has been

	school of arts building and police station/stables. The matter should be deferred until an archaeological study has been completed.	submitted. The Heritage Council of NSW has recommended conditions of consent which have been included in the draft.
Design excellence	Does not exhibit design excellence due to lack of solar energy and water recycling.	The proposal has provided a water cycle management plan. The use of solar energy is not mandatory.
State significant site	Does not comply with requirements.	The site has not been declared a state significant site.
Traffic	Impact on street systems in the city centre.	A traffic impact assessment has been submitted and the road system can cater for the additional traffic generated by this development. Further development on the site may require intersection upgrading at Dane Drive/Central Coast highway intersection.
Land ownership	Sale of land not permitted unless approved by both houses of parliament. The matter should be deferred until land title resolved.	Land is no longer Crown Land and the required owner's consent has been given to lodge the DA.
Performing arts site/Gosford Masterplan	Site was promised for performing arts building and this proposal not in accordance with masterplan. Locating a tax office on the site has overlooked community expectation and there has been no transparent process.	The proposed use is permissible under the B4 zone. The masterplan is a policy document which identified the site as being located within the "Arts and Entertainment Precinct." The proposal is located on the northern end of the site which leaves a large area remaining for other development proposals. The DA was advertised in accordance with council's notification policy.
School of arts building	The proposal should be deferred until the use of this building is known and details are available.	The school of arts building is identified for a future retail/café. However this application does not propose any work within or on the building. It will be subject to a separate future DA. Refer condition 1.3.
Location	Should be located elsewhere in the city and not on waterfront land. There are more suitable sites in the city. The site is not located around Kibble Park where the commercial core is and will not support local businesses. It is an isolated site.	The B4 zone permits the proposal and council must determine the application that has been lodged. The boundary of the B3 Commercial Core zone is being moved to Georgiana Terrace and will immediately adjoin the site. The proposal will aid employment in Gosford.
Public transport	The site is located too far from the railway station and there is only an infrequent bus service.	The site is within walking distance of the railway station and Mann Street is a bus route.
Disabled parking.	There is inadequate disabled	The proposal provides 2 disabled

	and bus parking.	spaces which complies with the DCP. Disabled bus parking is not required.
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### Conclusion

The proposal complies with the height and FSR permitted under Gosford LEP 2014, but relies on a variation to the car parking required under Clause 8.6 of the LEP.

The submission under clause 4.6 to vary the car parking required under the LEP is well founded and supported, subject to provision of parking within Baker Street as part of the road construction.

The heritage items of the former School of Arts building and police station footings will be preserved.

The building design meets the aims of the DCP for this site and will result in the construction of Baker Street across the frontage of the site. This is identified in both the DCP and Gosford City Centre Masterplan.

The issues raised in the public submissions have been addressed in the report, or do not justify refusal of the proposal. The proposal will have significant community and economic benefits both during construction and in the future use of the building.

The location of a tax office in Gosford will significantly increase employment and confirm Gosford as the regional capital of the central coast. The location of a tax office will likely attract other financial and legal businesses and further employment generation.

The draft consent conditions require the submission of amended plans prior to the issue of a Construction Certificate to improve the roof top plant room and waste enclosure door when viewed from Baker Street.

All relevant matters under Section 79C of the Environment Planning and Assessment Act, Section 89 of the Local Government Act, the objectives of the zone and the principles of ecologically sustainable development have been considered and no objection is raised to the proposal subject to compliance with the conditions contained within the recommendation.

**Attachments:**

1. Conditions of consent
2. Plans

### Plans for Stamping:

Original Lodged Plans ECM Doc No. 22111432

Amended Plans ECM Doc No.22140514, 22346452, 22346454, 22111606, 22111637, 22111641.

### Supporting Documents for Binding with consent:

Document Name:	ECM Doc No
Statement of Environmental Effects	22110796
Acid Sulphate Soil Assessment	22110763
Noise Impact Assessment	22110829
Tree Assessment	22110790
Community Benefits Report	22110915
Crime Prevention Through Environmental Design	22110873
Access Report	22110963
Geotechnical Investigation	22111101



Statement of Heritage Impact	22111096
Waste and Loading Dock Management Plan	22346501
Preliminary Site Investigation for Contamination	22111250
Suitability Report	22111250
Traffic and Parking Impact Assessment Report	22346457
Waste Management Plan	22346425
Archaeological Assessment	22245327
Historical & Aboriginal Archaeology	22548459

## RECOMMENDATION

- A Joint Regional Planning Panel assume the concurrence of the Director of the Department of Planning and Environment for the use of clause 4.6 of the Gosford LEP 2014 to vary the development standard of clause 8.6 to permit the development.
- B The Joint Regional Planning Panel as consent authority grant consent to Development Application No 49223/2016 for Mixed Use Commercial & Retail Premises (JRPP) on LOT: 1 DP: 1210298, 99 Georgiana Terrace GOSFORD subject to the conditions attached.
- C The applicant be advised of Joint Regional Planning Panel decision and of their right to appeal in the Land and Environmental Court under Section 97 of the Environmental Planning and Assessment Act 1979 six (6) months after the date on which the applicant receives notice in respect to Council's decision.
- D The consent be granted for a period of five (5) years.
- E The objectors are notified of Joint Regional Planning Panel's decision.
- F The External Authorities be notified of the Joint Regional Planning Panel decision.

**Attachment:** 1. Conditions of consent

## 1.. PARAMETERS OF THIS CONSENT

### 1.1. Approved Plans and Supporting Documents

Implement the development 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 BVN**  
**Landscape Plans by Oculus**  
**Civil Plans by Sellick Consultants**

Drawing	Description	Sheets	Issue	Date
A01	Cover Sheet	1	I	4/3/2016
A02	Local Context Plan	1	C	3/2/2016
A03	Site Plan	1	I	4/3/2016
A04	Shadow Diagrams	1 of 2	D	4/3/2016
A05	Shadow Diagrams	2 of 2	D	4/3/2016
B01	Lower Ground & Basement Plan	1	I	3/2/2016
B02	Parking Mezzanine Plan	1	I	3/2/2016
B03	Ground Floor Plan	1	I	3/2/2016

B04	Level 01 Plan	1	I	3/2/2016
B05	Level 02 Plan	1	J	22/2/2016
B06	Level 03 Plan	1	I	4/3/2016
B07	Roof Plan	1	I	4/3/2016
C01	North & South Elevations	1	I	4/3/2016
C02	East & West Elevations	1	I	4/3/2016
D01	Sections	1	I	4/3/2016
DA_L-000	Landscape Cover Sheet	1	A	14/3/2016
DA_L-100	Ground + Lower Ground Landscape General Arrangement	1	A	14/3/2016
DA_L- 101	Lower Ground Landscape Plan	1	A	14/3/2016
DA_L- 102	Roof Plan	1	A	14/3/2016
DA_L-200	Sections	1	A	14/3/2016
DA_L-201	Sections	1	A	14/3/2016
DA_L-400	Indicative Plant Schedule	1	A	14/3/2016
C110	Bulk Earthworks Plan	1	B	28/1/2016
C111	Bulk Earthworks Sections	1 of 2	B	28/1/2016
C112	Bulk Earthworks Sections	2 of 2	B	28/1/2016
C102	Erosion & Sedimentation Control Plan	1	B	28/1/2016
C103	Erosion & Sedimentation Control Notes & Details	1	B	28/1/2016
C301	External Civil Works General Arrangement Plan	1	C	3/2/2016
C302	External Civil Works Details Plan	1	C	3/2/2016
C303	External Civil Works Details Plan	1	B	28/1/2016
C310	Grading & Set out Plan	1	B	28/1/2016

### Supporting Documentation

Document	Title	Date
Barker Ryan Stewart Ref 150165	Statement of Environmental Effects	February 2016
Douglas Partners Project 82917.00	Acid Sulphate Soil Assessment	January 2016
Reverb Acoustics	Noise Impact Assessment	December 2015
Travers Bushfire & Ecology	Tree Assessment Ref A15217T	December 2015
James Marshall & Co	Community Benefits Report	8 December 2015
Barker Ryan Stewart	Crime Prevention Through Environmental Design Ref 150165	December 2015
BCA Access Solutions	Access Report	4 December 2015
Douglas Partners	Geotechnical Investigation Project 82917.01	January 2016
John Carr Heritage	Statement of Heritage Impact Rev B	3 February 2015

Design		
Barker Ryan Stewart	Waste & Loading Dock Management Plan Ref 150165	March 2016
Douglas Partners	Preliminary Site Investigation for Contamination Project 75722.00	March 2014
Northrop Consulting Engineers	Suitability Report	1 December 2015
Barker Ryan Stewart	Traffic & Parking Impact Assessment Report Project 150165	March 2016
Barker Ryan Stewart	Waste Management Plan Project 150165	March 2016
Edward Higginbotham & Associates P/L	Archaeological Assessment	10 July 2014
AMAC Group	Historical and Aboriginal Archaeology	26/4/2016

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3 This consent does not include any alterations, work on, or use of the School of Arts building. A separate development application must be submitted for use of the building or fitout, or any alterations to either the interior or exterior of the building..

## 2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. No activity is to be carried out on site until any Construction Certificate has been issued, other than:
  - a Site investigation for the preparation of the construction, and / or
  - b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.
- 2.2. Submit to Council, the accredited certifier and relevant adjoining property owners a dilapidation report, prepared by a practising structural engineer, detailing the structural characteristics of the former school of arts building, and any Council asset in the vicinity of the development. The report must indicate the structure's ability to withstand the proposed excavation, and any measures required to ensure that no damage to these structures will occur during the course of works.
- 2.3. Submit an application, with the relevant fee, to Council under Section 68 of the *Local Government Act 1993* for an approval to discharge liquid trade waste to Council's sewerage system. The *Application to Discharge Liquid Trade Waste* can be found on Council's website: [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au)
- 2.4 Pay to Council a contribution amount of **\$827,751.64**, that may require adjustment at time of payment, in accordance with the Section 94A Development Contribution Plan - Gosford City Centre.

The total amount to be paid must be indexed each quarter in accordance with the Consumer Price Index (All Groups index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

Contact Council's Duty Planner for an up-to-date contribution payment amount on 4325 8222.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the Section 94 contributions have been paid. A copy of this receipt must accompany the documents 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/building-and-development/planning-guidelines-and-forms/contributions-plan](http://www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan)

- 2.5 Submit amendments to the approved plans to the accredited certifier pursuant to Clause 139 of the *Environmental Planning Regulation 2000: Applications for construction certificates* that must detail:
  - a. Provide a decorative screen door/landscaping to disguise the view of the loading dock from Baker Street.
  - b. Provide additional decorative screening and/or landscaping to disguise the roof top plant room.

- 2.6 Submit an application to Council under Section 138 of the *Roads Act, 1993*, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's 'Civil Works Specification', Gosford DCP 2013 Chapter 6.3 – 'Erosion Sedimentation Control' and AS 2890.5-1993 'Parking facilities Part5: On-Street parking'. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Intersection between Georgiana Terrace and Baker Street.
- b. Full width road including kerb and guttering, subsoil drainage, footpath formation, drainage and a minimum 15.3m wide road pavement across the full frontage of the site on both sides of the road in Baker Street and extending 13.5m past the southern end of the site.  
The Baker Street road reserve shall be divided up as follows from east to west:
  - 4.5m footpath from the property boundary to the face of kerb
  - 3.55m southbound travel lane
  - 3.55m northbound travel lane
  - 2.9m manoeuvring strip
  - 5.4 perpendicular parking
  - 0.215m strip from the end of the parking space to the public reserve boundary.
 NB No parking will be permitted on the eastern side of Baker Street.  
In addition:
  - Kerb and gutter shall be provided on the eastern side of Baker Street.
  - The pavement shall be crowned between the two travel lanes.
  - A dish drain shall be provided between the manoeuvring strip and the perpendicular parking on a 10m alignment from the face of kerb.
  - Perpendicular parking pavement shall be constructed of permeable paving
  - Wheel stops shall be provided within the perpendicular parking spaces
  - Bollards shall be provided along the western side of the Baker Street road reserve
  - Street tree plantings shall be east of the kerb and gutter and west of the dish drain.
- c. Relocate all flood lights associated with Gosford City Park affected by the proposed Baker Street road works to locations approved by Gosford City Council.
- d. Footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Baker Street.
- e. Full width reinforced (SL72 steel fabric, 100mm thick) concrete footpath and pavers across the full frontage of the site in Baker Street. The surface treatment and street tree planting shall be in accordance with the Gosford City Centre Streetscape Design Guidelines prepared by Oculus (September 2011).
- f. Tapered heavy-duty vehicle crossing located in Baker Street that has a width of 11.5m at the rear of the heavy-duty gutter crossing and 6.5m at the property boundary, constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom. The heavy-duty vehicle crossing shall be graded at 2.5% from the rear of the heavy-duty gutter crossing to the property boundary.
- g. Tapered heavy-duty vehicle crossing located in Georgiana Terrace that has a width of 8m at the rear of the heavy-duty gutter crossing and 6m at the property boundary, and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- h. Heavy-duty gutter crossings to suit the width of the heavy-duty vehicle crossings.

- i. All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.
- j. All redundant vehicular crossings are to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location.
- k. The piping of stormwater from within the site to Council's drainage system located in Baker Street.
- l. Roadside furniture and safety devices as required e.g. bollards, signage, and/or wheel stops in accordance with RMS and relevant Australian Standards.
- m. Signage and line marking. The signage and line marking plan must be approved by Council's Traffic Committee.
- n. Pram ramps at the intersection of Georgiana Terrace and Baker Street.
- o. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.7 Submit a pavement report prepared by a practising Geotechnical Engineer for works within a public road reserve. This report must be submitted with the Roads Act application and approved by Council under the *Roads Act, 1993*.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

<b>Name of Street</b>	<b>Traffic Loading (ESAs)</b>
Baker Street	2 x 10 <sup>6</sup>

- 2.8 Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.9 Pay a security deposit of \$10,000 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.10 Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au). Early application is recommended.

- 2.11 Submit engineering details prepared and certified by a practising structural engineer to the Council (Water Authority) for development constructed near or over the sewer main and / or adjacent to Council's water mains. The engineering details must comply with Council's guidelines for "Building Over or Near Council Sewer and Water Mains" and must be approved by Council. A fee for engineering plan assessment must be paid when submitting the engineering details.

Additional fees for the submission of contractor's documentation and sewer inspection fees apply for the adjustment or encasement of Council's sewer main. Subject to approval of the engineering plans, and payment of the prescribed fees, the developer must contact Council's Water and Sewer Quality Inspector on mobile phone 0419 412 725 a minimum of one week prior to commencement of any work involving building over and / or adjacent to sewer mains.

2.12 Submit design details of the following engineering works within private property:

- a. Driveways / ramps and car parking areas must be designed according to the requirements of AS 2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.
- b. The minimum driveway crest level of the vehicle access from Baker Street to the basement car park shall be RL 2.60m AHD. (Comply with AS 2890.2-2002 Table 3.2)
- c. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
- d. On-site stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 - *Water Cycle Management*. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
- e. Piping of all storm water from impervious areas within the site to Council's drainage system located in Baker Street.
- f. The minimum floor level of all habitable rooms in the development must be RL 2.60m AHD.
- g. All building materials used or located below RL 2.60m AHD must be of a type that is able to withstand the effects of immersion.
- h. The building shall be waterproofed below RL 2.60m AHD.
- i. No external openings are permitted below RL 2.60m AHD unless they are protected by a waterproofed bund wall that has a crest level of RL 2.60m AHD is covered by a weatherproof structure.
- j. A weatherproof structure shall be provided over the Baker Street entry from the driveway crest to the basement and waste collection entry to prevent stormwater entering the basement of the building.

These design details and any associated reports must be included in the construction certificate.

2.13 Submit engineering details prepared by a practising structural engineer to Council for structures constructed adjacent to a Council stormwater system and/or drainage easement and within the zone of influence. Engineering details must have footings designed in accordance with Council's "Guidelines for Building Adjacent to a Drainage Easement" and be approved and form part of the Construction Certificate.

2.14 Submit amendments to the approved plans to the accredited certifier pursuant to Clause 139 of the *Environmental Planning Regulation 2000: Applications for construction certificates* that must detail:

- The minimum floor level of habitable areas being amended to RL 2.60m AHD.
- The minimum crest level of the driveway ramp from Baker Street to the basement carpark being amended to RL 2.60m AHD.
- Amend the landscape plan to incorporate interpretation elements and features ie, paving patterns signage, walls etc.

- Amend the landscape plan to ensure that no plantings and deep soil areas are proposed immediately adjacent to the School of Arts building. Amended landscape plans for the area around the former school of arts building to address the requirements of the archaeological report and NSW Heritage Council conditions. In this regard, landscaping near or over the intact archaeological relics shall consist only of plants which do not have deep root systems or require deep soil planting.
  - Amend the landscape plan to ensure the stone stairs on the southern side of the School of Arts building are physically separated from the building. Ensure that the location of the stairs and mechanism for separation does not unduly obscure the walls from view.
  - The accurate location of the former Police Sergeants Quarters footings researched by AMAC group must be used to determine the final landscape plan, with the objective of avoiding harm to relics of local significance. This includes no deep soil planting or trees with a large root system in the vicinity of the relics.
  - The standing retaining wall adjacent to Mann Street must be addressed/retained in the landscape plan, including stabilisation and the long term retention of this relic.
- 2.15 Provide information on proposed interpretation works for both archaeological sites (A25 and A26) and the former School of Arts Building (36). Approved interpretation works must be included in the landscape plan and the Development Application for the adaptive reuse of the former School of Arts building.
- 2.16 Prepare an Interpretation Strategy Plan for the three heritage listed sites, including options for conveying the heritage significance of the sites and what was discovered as part of the archaeological investigations. Interpretation options should not rely on signage alone but must respond to opportunities within the landscape scheme to indicate the building footprints and location of previous buildings by means such as paving patterns, the location of retaining walls and/or seating, and the choice of materials such as sandstone blocks.
- 2.17 Submit to Council's Environment Officer for approval, a Soil and Water Management Plan in accordance with Section 6.3 of the Gosford Development Control Plan 2013 and the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*). The plan shall be prepared by a suitably qualified environmental/civil consultant and shall be adaptive to address all stages of the construction.
- 2.18 Submit to Council's Environment Officer for approval, a Stage 4 Validation and Monitoring Report in accordance with Clause 3.5.2 of *Managing Land Contamination - Planning Guidelines SEPP 55 - Remediation of Land (1998)* that demonstrates whether the objectives stated in the Remediation Action Plan for the site have been achieved and that the land is suitable for the intended use.

If the site has not been adequately remediated in accordance with the Remediation Action Plan, additional remediation works and validation as directed by Council shall occur to ensure that the site has been made suitable for the intended use.

Council may request a Site Audit Statement and Site Audit Summary Report to be provided by a NSW Environment Protection Authority accredited Site Auditor to confirm that the land is suitable for the intended use.



### 3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
  - a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b. Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days notice of the intention to commence building or subdivision work. The forms can be found on Gosford City Council's website [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au)
- 3.2. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 3.3. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign shall indicate:
  - a. The name, address and telephone number of the principal certifying authority for the work; and
  - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
  - c. That unauthorised entry to the work site is prohibited.

Remove the sign when the work has been completed.

- 3.5. Provide toilet facilities at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
  - a. Be a standard flushing toilet connected to a public sewer, or
  - b. Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - c. Be a temporary closet approved under the *Local Government Act 1993*
- 3.6. Prevent public access to the construction site in accordance with the NSW WorkCover publication titled '*Site Security and Public Access onto Housing Construction Sites*' when building work is not in progress or the site is unoccupied. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

A separate application made under the *Roads Act 1993* will need to be lodged with Council if a hoarding or construction site fence must be erected on the road reserve or a public place.

- 3.7. Install a hoarding or construction site fence between the work site and any public place to prevent any materials from or in connection with the work falling onto the public place. The

use of barbed wire and/or electric fencing is not to form part of the hoarding or construction site fence.

A separate application made under the *Roads Act 1993* will need to be lodged with Council if the hoarding or construction site fence must be erected on the road reserve or a public place.

- 3.8. Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 3.9 Submit to Council details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site. Approval of these details must be obtained from Council. Details must be provided at latter stages of construction if details change.
- 3.10 Comply with the S140 Conditions of Approval 2016/S140/007 issued by the delegate of the NSW Heritage Council.
- 3.11 Produce an Archaeological Impact Assessment report, prior to construction works beginning, based on the findings of the test excavation works outlined in the S140 approval. The assessment must accurately show the location of walls and relics, and a management plan outlining the long term management and funding, if necessary, for the care and conservation of the items that remain *in situ*.

The Archaeological Assessment report must assess and report the proposed impacts to the locally listed archaeological sites (A25 and A26). The Archaeological Assessment Report must outline mechanisms to mitigate the heritage impacts of construction works.

## 4.. DURING WORKS

- 4.1. Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
  - Saturdays when a public holiday is adjacent to that weekend.
  - Construction industry awarded rostered days off.
  - Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i Minor renovation or refurbishments to single dwelling construction.
- ii Owner occupied renovations or refurbishments to single dwelling construction.
- iii Owner builder construction of single dwelling construction; and / or
- iv Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.

- 4.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.3. Do not carry out construction work or store building materials on the road reserve unless they are associated with a separate approval under the *Roads Act 1993*.
- 4.4. Action the following when an excavation extends below the level of the base of the footings of any building, structure or work on adjoining land:
  - a. notify the owner of the adjoining land, and
  - b. protect and support the building, structure or work from possible damage from the excavation, and
  - c. underpin the building, structure or work where necessary, to prevent any such damage.

These actions must be undertaken by the person having the benefit of the development consent at their own expense.

- 4.5. Demolish buildings in a safe and systematic manner in accordance with AS2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.6. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.7. Do not access the development site through a public reserve unless a temporary access licence is obtained from Council. A copy of the licence must be available for viewing on site at all times during work.

The Temporary Access Application form can be found on Gosford City Council's website at: [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au)

- 4.8. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.9. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.10. Locate all\* electrical fixtures and/or gas outlets associated with the proposed works at a minimum height of RL 2.60 AHD. (\* Does not include those electrical fixtures and/or gas outlets located within the waterproofed portion of the building below RL 2.60m AHD, e.g. within the basement car park).
- 4.11 Cease work if substantial intact archaeological deposits and/or state significant relics are discovered and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

- 4.12 Comply with the recommendations contained within the AMAC group Summary of Archaeology document dated 26<sup>th</sup> April 2016.
- 4.13 Submit an application for an AHIP permit to cover known and unknown Archaeological deposits on the site. This will require a Final Aboriginal Test Excavation Report and a Cultural Heritage Assessment (including full consultation with Registered Aboriginal Parties).
- 4.14 If any Aboriginal archaeological deposits and /or objects are found during the development that do not fall under the jurisdiction of the AHIP then all work must cease in the immediate vicinity of the deposits and /or objects, the area to be demarcated, and the NSW Office of Environment and Heritage, a qualified archaeologist and the participating Aboriginal stakeholders notified and a course of action agreed to before work may resume.
- 4.15 Locate stockpiles of soil and other material away from sensitive environmental receptors and cover when not in use.
- 4.16 Suppress dust with the use of a water cart.
- 4.17 Fill material must only comprise of Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).

Virgin Excavated Natural Material (VENM) is defined under Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997* as follows:

*"virgin excavated natural material"* means natural material (such as clay, gravel, sand, soil or rock fines):

- (a) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and
- (b) that does not contain any sulfidic ores or soils or any other waste,

Excavated Natural Material (ENM) that has been issued with an exemption under the *Protection of the Environment Operations (Waste) Regulation 2014* in accordance with the Excavated Natural Material exemption 2014.

The placement of any other type of fill material other than that defined under VENM or ENM is prohibited under this consent.

The applicant must provide Council with validation documents verifying and certifying that the material placed on the land complies with:

- the definition of VENM under Schedule 1 of the *POEO Act 1997*, or
- an exemption issued under the Excavated Natural Material Exemption 2014.

Any exposed soil surface areas must be grassed / landscaped to minimise soil erosion.

- 4.18 Cease works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifying Authority.
- 4.19 Undertake works in accordance with the approved Soil and Water Management Plan and update the plan as required during all stages of the construction.

- 4.20 Compliance with all commitments as detailed in the Waste Management Plan dated 9 March 2016 signed by I. Stewart.
- 4.21. Ensure no obstructions to the wheel out of the waste bins including grills, speed humps, barrier kerbs etc.

## 5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.2. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.3. Provide certification from a geotechnical engineer to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.
- 5.1 Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and Gosford DC5.4.P 2013 Chapter 6.3 - Erosion Sedimentation Control, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.5. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 5.6. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.7. Amend the Deposited Plan (DP) to:
- Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
    - a. Create a 'Restriction as to User' over all lots containing a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
- And,
- Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
    - a. To ensure on any lot containing a nutrient / pollution facility that:
      - (i) The facility will remain in place and fully operational.
      - (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
      - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
      - (iv) Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

- 5.8. Submit certification from a consulting engineer to Council stating that all slabs and / or footings within the zone of influence associated with the Council stormwater system and / or drainage easement have been constructed in accordance with the Construction Certificate.
- 5.9. Landscaping and street tree planting is to be undertaken as per approved Landscape Plan and “*Gosford City Centre, Streetscape Design Guidelines*”, prior to issue of Occupation Certificate. Establish and maintain all landscaped areas in good order.

## 6.. ONGOING OPERATION

- 6.1 Monitoring and retention of the archaeological relics on the site as identified in the AMAC Group report titled “ Historical and Aboriginal Archaeology” dated 26/4/2016.
- 6.2 The Georgiana Terrace and Baker Street frontages shall retain an open and active street frontage by windows not be covered or blocked by furniture.
- 6.3 Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.4 Maintain all works associated with the approved Landscape Plans for a period of 12 months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.5 Replace all damaged or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.6 Comply with all commitments as detailed in the Waste and Loading Dock Management Plan dated March 2016, Ref. CC150165 by Barker Ryan Stewart.
- 6.7. Comply with all commitments as detailed in the Traffic and Parking Impact Assessment Report dated March 2016, Ref. CC150165 by Barker Ryan Stewart, as amended to provide for MRV waste vehicle manoeuvring.

## 7.. ADVICE

- 7.1. Consult with public authorities who may have separate requirements in the following aspects:
  - a. *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
  - b. *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
  - c. *Ausgrid* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
  - d. *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
  - e. *Gosford City Council* in respect to the location of water, sewerage and drainage services.

- 7.2. Carry out all work under this Consent in accordance with WorkCover requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.

7.3. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- 7.4. Ensure the proposed building or works comply with the requirements of the *Disability Discrimination Act*.

**NOTE:** The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. This development consent does not indicate nor confirm that the application complies with the requirements of the DDA.

- 7.5. Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.
- 7.6. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 7.7. Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.



## 8.. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

### Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

## 9.. REVIEW OF DETERMINATION

- 9.1. Subject to provisions of Section 82A of the Act the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

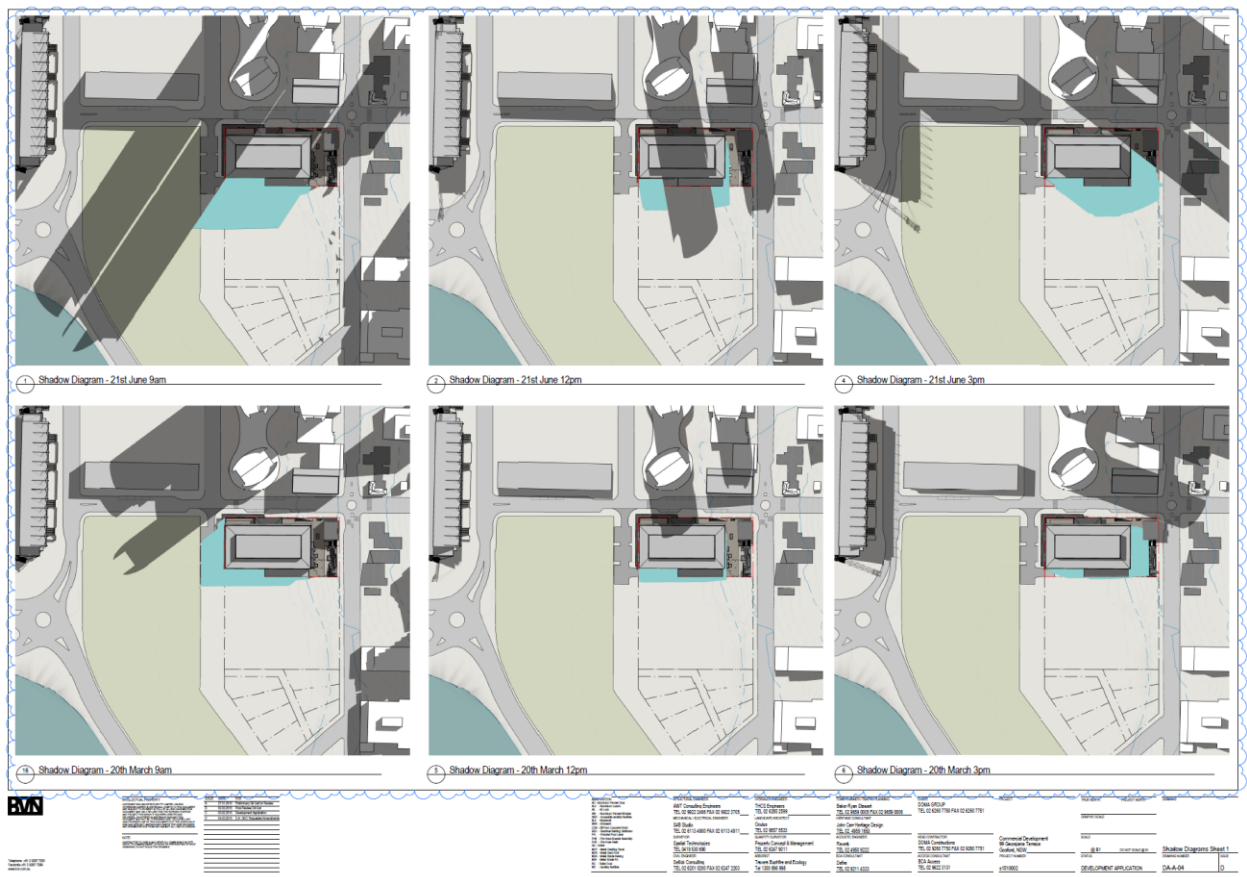
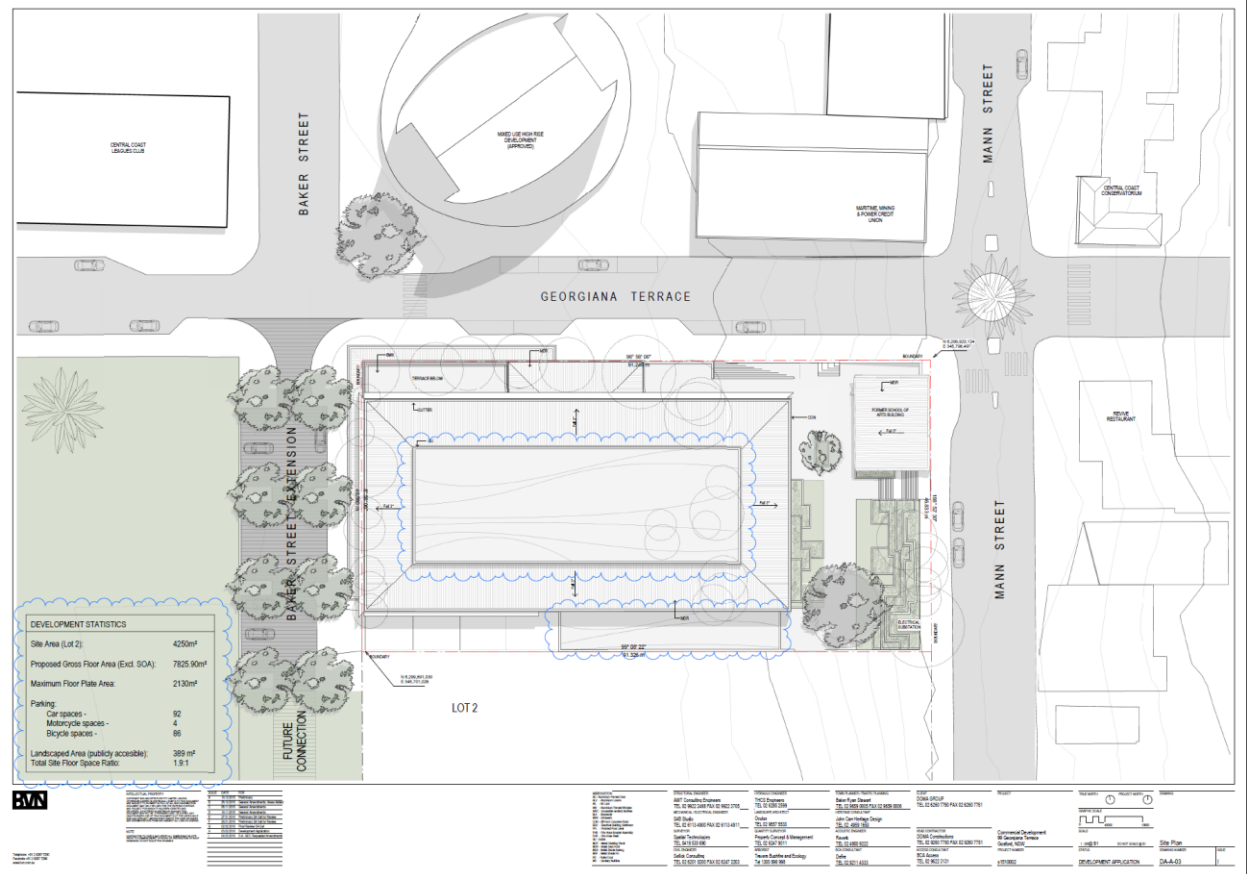
## 10.. RIGHT OF APPEAL

- 10.1. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.
- 10.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

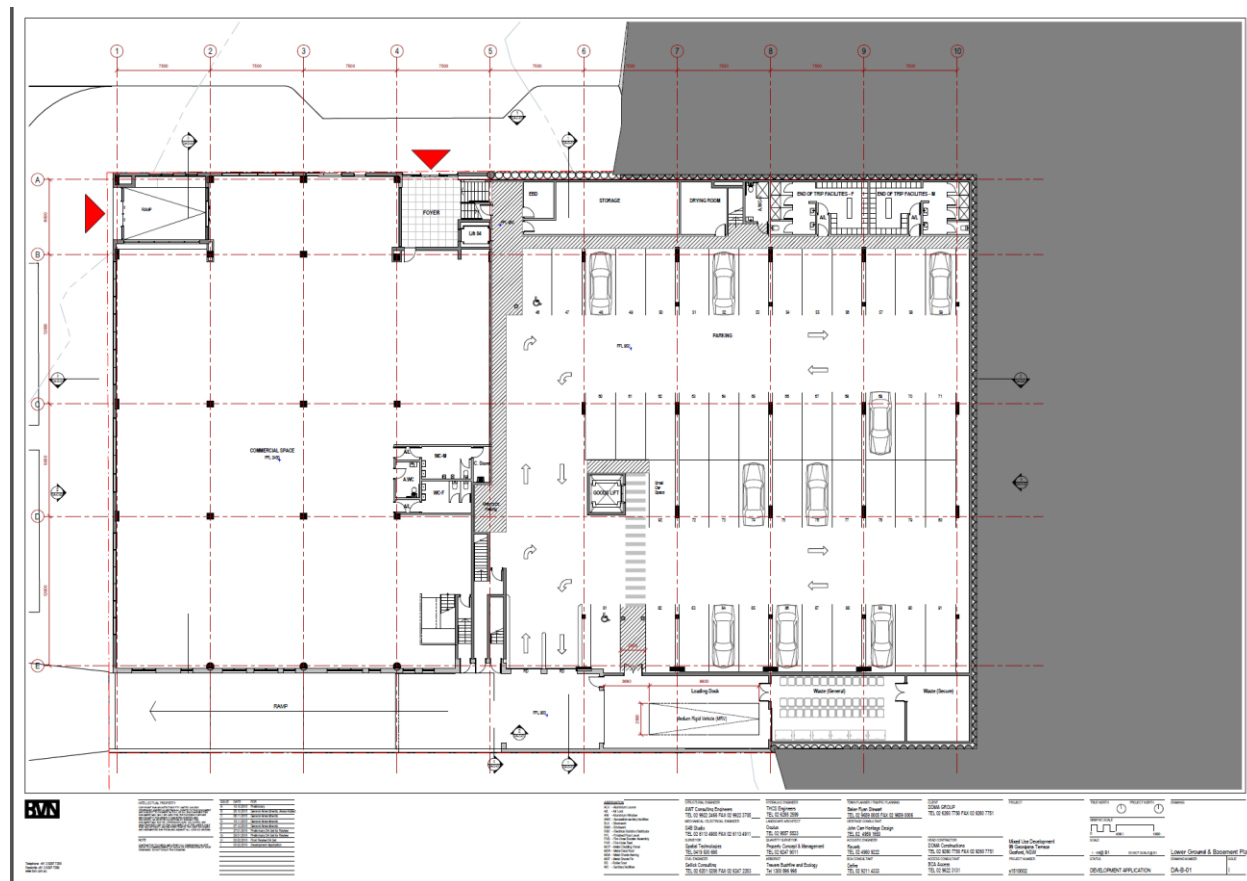


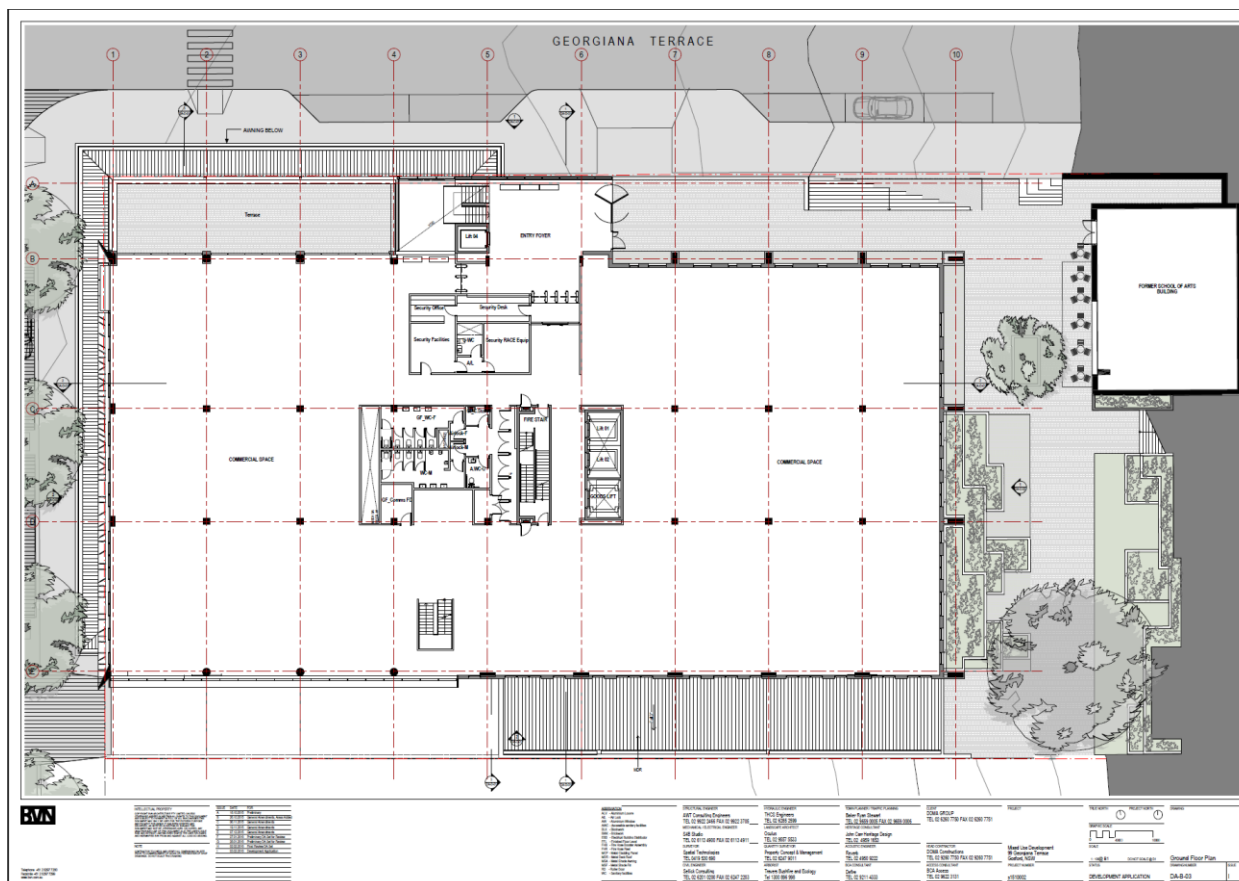
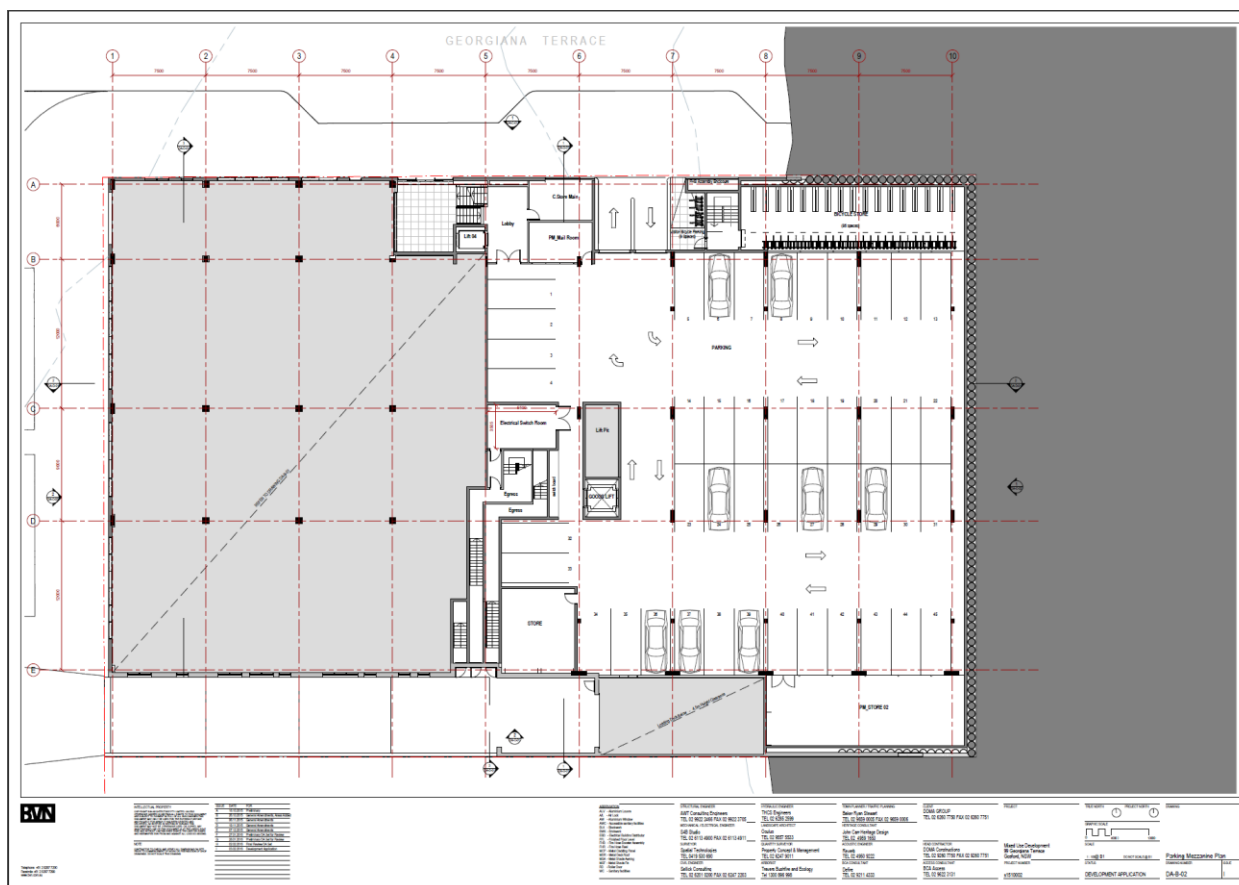
**Attachment:** 2 Plans

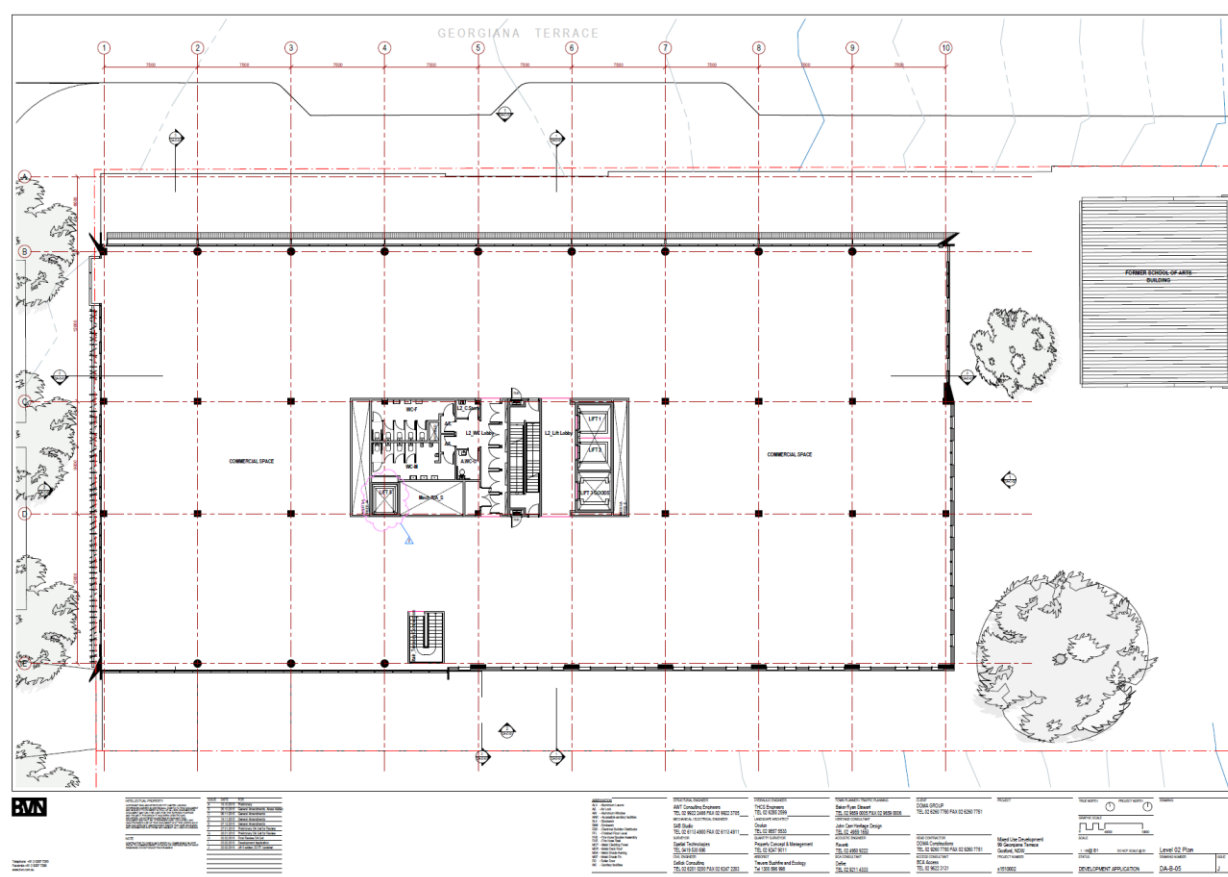
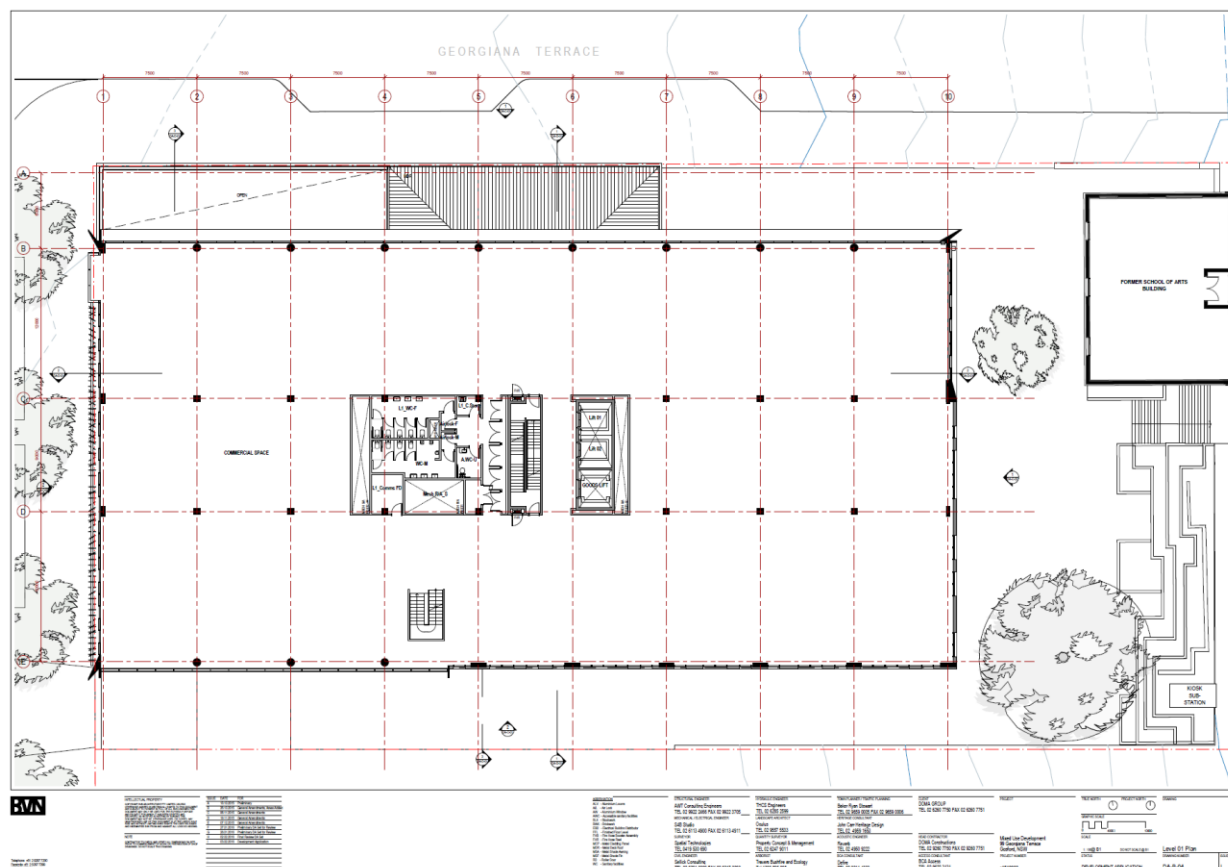
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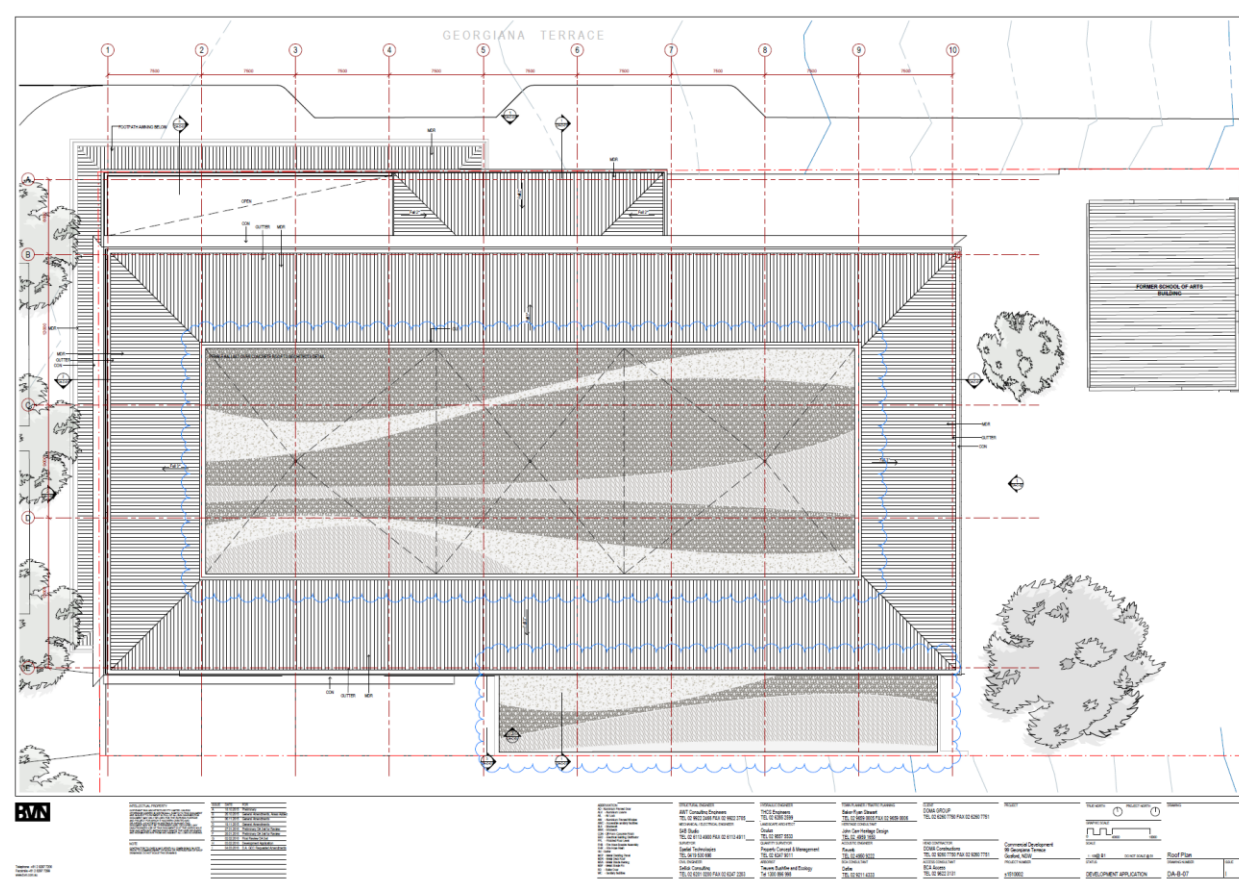
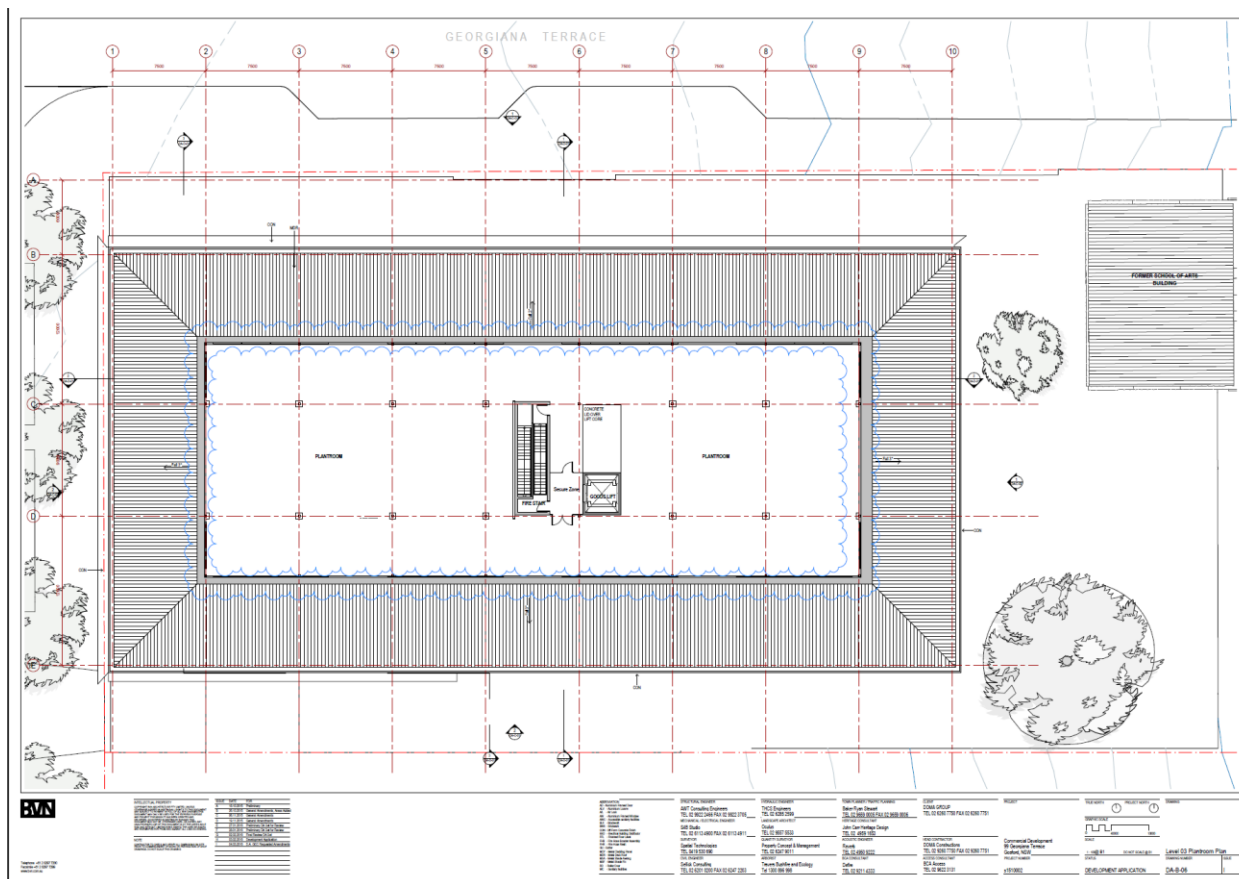




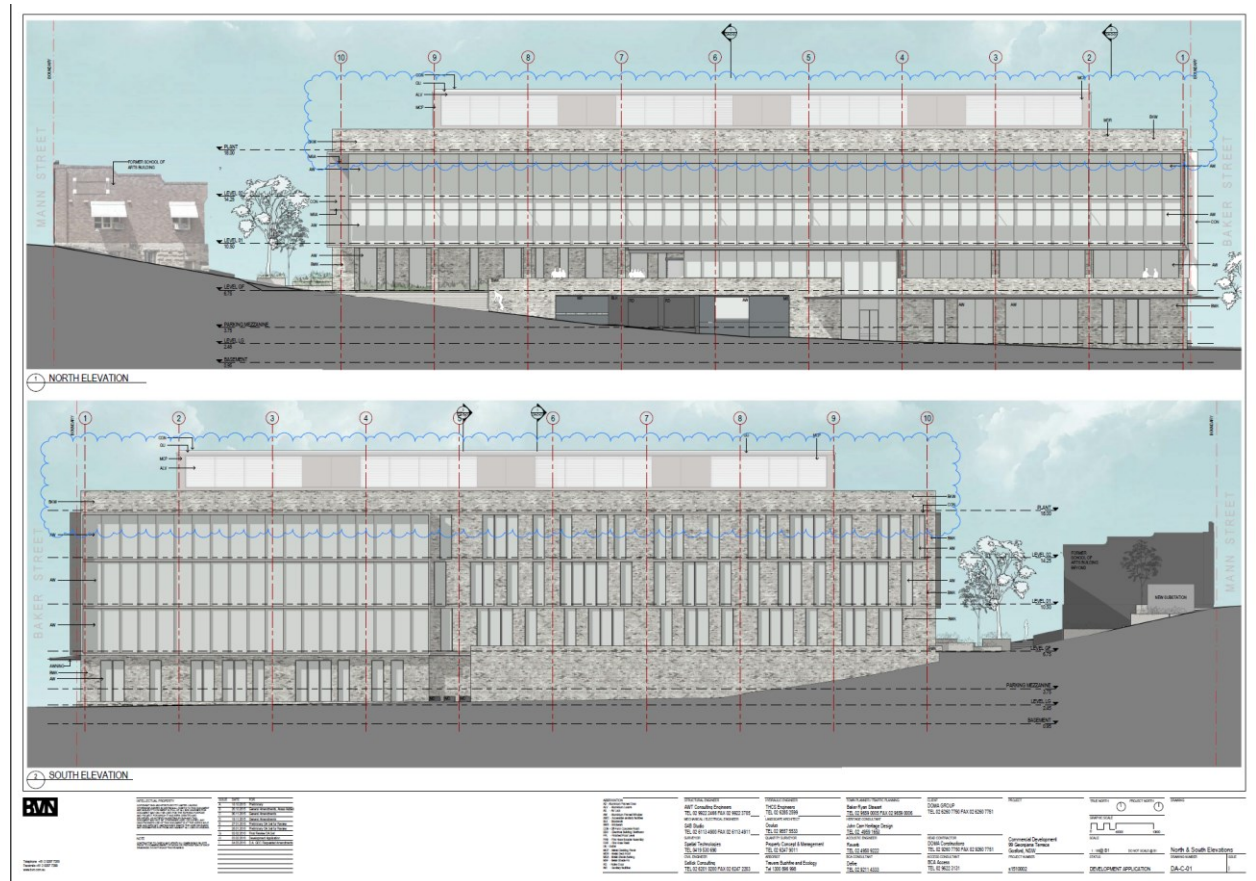


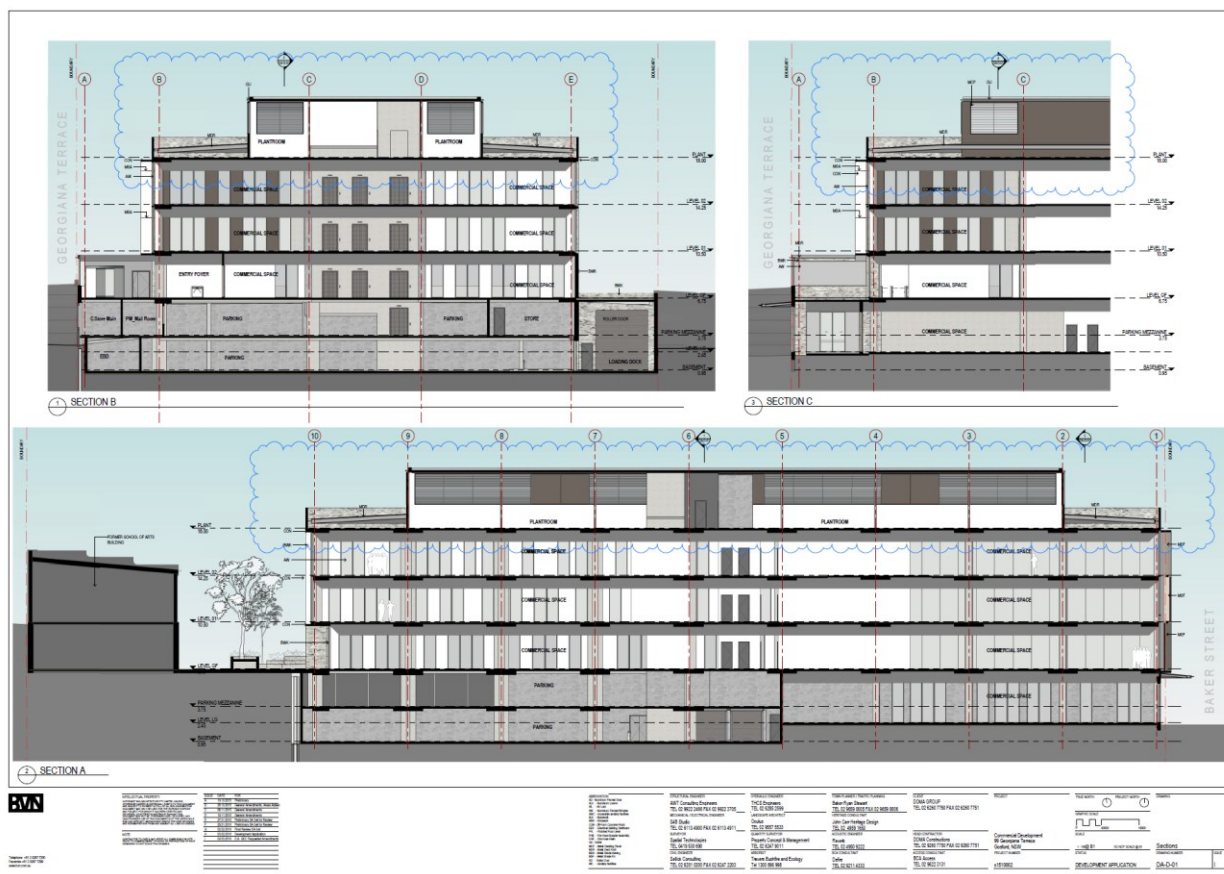












99 GEORGIANA, GOSFORD  
DEVELOPMENT APPLICATION  
LANDSCAPE DESIGN PACKAGE

DRAWING REGISTER

DWG NUMBER	TITLE
DA_1-000	COVER SHEET
DA_1-100	GROUND - LOWER GROUND GENERAL ARRANGEMENT PLAN
DA_1-101	LOWER GROUND LANDSCAPE PLAN
DA_1-102	ROOF PLAN
DA_1-200	SECTIONS
DA_1-201	SECTIONS
DA_1-400	INDICATIVE PLANT SCHEDULE





