

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

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	<ol style="list-style-type: none"> <li>1. Environmental Planning &amp; Assessment Act 1979 - Section 79C</li> <li>2. Local Government Act 1993 - Section 89</li> <li>3. Roads Act 1993</li> <li>4. Gosford Local Environmental Plan 2014</li> <li>5. Gosford Development Control Plan 2013</li> <li>6. Chapter 4.4 Gosford Waterfront</li> <li>7. Chapter 6.1 Acid Sulphate Soils</li> <li>8. Chapter 6.3 Erosion Sedimentation Control</li> <li>9. Chapter 6.4 Geotechnical Requirements</li> <li>10. Chapter 6.6 Preservation of Trees or Vegetation</li> <li>11. Chapter 6.7 water Cycle Management</li> <li>12. Chapter 7.1 Car Parking</li> <li>13. Chapter 7.2 Waste Management</li> <li>14. Chapter 7.3 Public Notification of Development Applications.</li> <li>15. State Environmental Planning Policy No 55- Remediation of Land.</li> <li>16. State Environmental Planning Policy (Infrastructure) 2007</li> <li>17. State Environmental Planning Policy (State and Regional Development) 2011</li> </ol>
Zone	B4 Mixed Use

Recommendation	Approval, subject to conditions.
Report by	R A Eyre

## **SUPPLEMENTARY 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**

**Synopsis:** An application has been received for a Mixed Use Commercial & Retail Premises. 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 a heritage item to be retained. The former school of arts building is 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 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 is proposed to contain part 3 and part 4 commercial levels (based on the slope of the site), 2 levels of basement car parking, and a plant room on the roof top. Including the existing former school of arts building, the gross floor area (GFA) is approximately 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.

23 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 considered 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 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.

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

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

**Political Donations:** None declared.

### **Reason for Supplementary Report**

The JRPP on 9 June 2016 deferred determination of the development application to enable consideration of a supplementary Council's Officer's report that addresses/outlines;

1. Site history from at least 2010 including ownership, approvals and zoning.
2. Clarification of the Owners Consent relating to Baker St road reserve.
  - a. Clause 4.6 variation to Development Standard for car parking:
  - b. Is it needed?
3. Revised Clause 4.6 submission.
4. Amended Plans to relocate the substation in order to preserve Tree No.TO68.
5. Opportunities for sharing common driveway with neighbouring site.
6. Clarification of Groundwater extraction

### **1. Site History**

#### Ownership

The site was previously owned by the NSW Department of Education. It was transferred to To Gosford Pty LTD, the current owner, on 18 December 2015 (**Refer Attachment 3 –Certificate of Title**).

### Approvals

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 created the lot the subject of this application. This application was lodged as a Crown Application (**Refer Attachment 4 -DP 1210298**). The DP was registered on 28 July 2015 which created the current Lot 1 DP 1210298.

### Site & Zoning History

The history of the Gosford School site is as follows:

- 24 May 1968 site zoned 5(a) Special Uses under the Gosford Planning Scheme Ordinance
- 9 January 1976 site zoned 5(a) Special Uses under Interim Development Order No. 89
- 12 February 1988 zoned 5(a) Special Uses under the Gosford Planning Scheme Ordinance
- 16 December 2005 zoned City Centre Special Use zone – School under Gosford Local Environmental Plan 2005
- 21 December 2007 zoned SP 1 - Education Establishment Gosford City Centre Local Environmental Plan 2007
- 9 March 2010 Council adopts Gosford City Centre Masterplan
- 11 February 2014 zoned B4 Mixed Use under State Environmental Planning Policy Amendment (Gosford Cultural Precinct) 2014
- 14 February 2014 zoned B4 Mixed Use under Gosford Local Environmental Plan 2014 and chapter included in Gosford Development Control Plan 2013
- 21 March 2014 Chapter 4.4 Gosford Waterfront

The rezoning of the land from SP1 to B4 Mixed Use in response to community consultation relating to the "Gosford Challenge" and the resultant preparation of the Gosford Masterplan (**Refer Attachment 5- Gosford Challenge- Gosford City Centre Masterplan**).

The LEP and DCP adopted in February 2014 provided for new controls for land use and building form in the waterfront precinct.

Under the Land Use table for the B4 Mixed Use zone under Gosford LEP 2014, the following land uses are permitted with consent or prohibited;

#### **Permitted with consent**

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

#### **Prohibited**

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Group homes (transitional); Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Hospitals; Hostels; Industrial retail outlets; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Resource recovery facilities; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies

The proposal is one which is permissible with consent.

#### Gosford DCP 2013

The introduction to Chapter 4.4 Gosford Waterfront of DCP 2013 states;

*Gosford City Centre has been identified by the NSW Government as the Central Coast's regional city and accordingly will play a vital role in the shaping the future of Central Coast. The Central Coast Regional Strategy, which sets the strategic framework for growth over the next 25 years, identifies that Gosford will need to accommodate 10,000 new residents and 6,000 new jobs within that period.*

*Development of the Gosford City Centre in line with the Central Coast Regional Strategy is therefore critical to ensuring sustainable growth, providing a focal point for local development and a significant contribution to local employment capacity. In this context, the former Department of Planning and Gosford City Council implemented a suite of planning tools in 2007 comprising a vision, local environmental plan, development control plan and civic improvement plan.*

*In 2007 Gosford City Council, in collaboration with NSW Government and the local community, initiated the "Gosford Challenge" to explore further specific opportunities to revitalise the City Centre. That process culminated in the issue of a new blueprint for the Gosford City Centre entitled "Our City, Our Destiny – Gosford City Centre Master Plan" (2010).*

*The Master Plan recognised the existing spatial framework and identified the following five key precincts of activity within the framework in recognition of their capacity to evolve and contribute to growth and revitalisation of the City:*

- *The Waterfront;*
- *The Arts & Entertainment Precinct;*
- *The City Core;*
- *The Railway Precinct, and;*

- *The Hospital Precinct.*

*The Master Plan identifies The Waterfront (herein referred to as "the Gosford Waterfront") as "the jewel in Gosford's crown..." and promotes "...a vibrant and active urban waterfront with shops, restaurants and new development".*

*In recognition of the Master Plan's findings, a new land use framework for the Gosford Waterfront has been established through an amendment to Gosford's Local Environmental Plan. The new framework rezoned parts of the Gosford Waterfront, and introduced new development standards (floor space and height) and other controls to promote the orderly, economical and sustainable revitalisation of the Gosford Waterfront.*

*The new land use framework provides an opportunity to expand the previously identified extent of the Gosford Waterfront by incorporating part of the Arts & Entertainment Precinct. In addition, the new framework underpins and strengthens two existing key streets - Mann Street, and a newly extended Baker Street - and provide high quality connections to a series of new and reconfigured development zones on and adjacent to the Gosford Waterfront.*

*This Chapter builds upon the Gosford Waterfront's new land use framework and provides detailed controls against which to assess future development applications. The Chapter is based, wherever possible, on Gosford City Council's existing controls and particularly those already approved under the 2013 development control plan. It outlines the more detailed planning provisions for the built form such as pedestrian amenity, access and environmental management for future development in the Gosford Waterfront. It establishes controls for building setbacks and building separations to ensure high amenity. Enhanced pedestrian connectivity and high quality public domain are key features of the Chapter.*



Extract from Gosford City Centre Masterplan showing subject site

The proposed development is consistent with chapter 4.4 of the DCP in that it will contribute to the overall aims of creating a new mixed use precinct connecting the CBD with the Broadwater. Additionally the subject site only represents a small portion of the overall former school site which is identified in the DCP as part of a development footprint as shown in the below extracted map.



Extract from Gosford City Centre DCP 2013 (4.4.2.4 Urban Structure)

## 2. Owner's Consent/Baker Street Road Reserve

Baker Street is zoned B4 Mixed Use and Chapter 4.4 of Gosford DCP 2013 applies to the road and site.

Baker Street is shown as a public road on DP 1210298, a copy of which is included in **attachment 4**.

A search of the history of Baker Street between Georgiana Terrace and Vaughan Avenue by the Lands Office confirms Baker Street is a public road owned by Council. It was dedicated as public road by Government Gazette on 16 December 1927.

Approval for works in Baker Street are required under the *Roads Act 1993* (**Refer Condition 2.6**).



### 3. Clause 4.6 Variation for Car Parking

#### a. Need for Clause 4.6 variation?

Clause 8.6 of Gosford LEP 2014 states;

- (1) Development consent must not be granted for development on land in Zone B3 Commercial Core or Zone B4 Mixed Use that involves the erection of a new building or an alteration or addition to an existing building that increases the gross floor area of the building unless:
  - (a) at least one car parking space is provided for every 75 square metres of the gross floor area of the building that is to be used for commercial activities, and*
  - (b) at least one car parking space is provided for every 40 square metres of the gross floor area of the building that is to be used for the purpose of retail premises.**
- (2) Car parking required to be provided by this Plan must be provided on site unless the consent authority is satisfied that the provision of car parking is adequately provided elsewhere.*

Under 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.

The applicant originally proposed a retail use in their application to apply to the existing school of arts building. Under clause 4.4.6.5 of Chapter 4.4 Gosford Waterfront (DCP 2013), no additional parking is required for the former school of arts building as the floor area of this building is not being increased. Council have also required by condition for a new DA to be lodged in respect of this future use.

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

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.

Car parking in the Gosford City Centre is currently under review due to the likely future loss of car parking on the "Kibbleplex" site. Therefore it cannot be reasonably concluded that adequate car parking is available elsewhere. Therefore a submission under clause 4.6 is required.

The proposal results in a variation to the development standard of clause 8.6(1)(a) of 13 spaces or 12.3%.

The applicant has submitted an amended Clause 4.6 submission which contends that compliance with the development standard is unreasonable or unnecessary for the following reasons;

b. Revised Clause 4.6 submission.

<b>1. What is the name of the environmental planning instrument that applies to the land?</b>	Gosford Local Environmental Plan 2014
<b>2. What is the zoning of the land?</b>	Zone B4 Mixed Use
<b>3. What are the objectives of the zone?</b>	<p>To provide a mixture of compatible land uses.</p> <ul style="list-style-type: none"> <li><i>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.</i></li> <li><i>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.</i></li> <li><i>To allow development in Point Frederick to take advantage of and retain view corridors while avoiding a continuous built edge along the waterfront.</i></li> <li><i>To create opportunities to improve the public domain and pedestrian links of Gosford City Centre.</i></li> <li><i>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.</i></li> <li><i>To protect and enhance the scenic qualities and character of Gosford City Centre.</i></li> </ul> <p>The proposal is considered to be consistent with the zone objectives for the following reasons:</p> <ul style="list-style-type: none"> <li>The provision of additional basement car parking is constrained by the Sergeants Quarters historic footings, the former School of Arts building and potential groundwater impacts. The provision of additional car parking at grade and within above ground deck parking would compromise one of the zone objectives of enlivening the Gosford waterfront as the additional car parking would detract from the street activation achieved through the proposed design.</li> <li>The development has been designed to activate the sites three street frontages. This will be achieved through the adaptive reuse of the former School of Arts for a café that flows into an Urban Square. The Urban Square will connect with both Georgiana Terrace and Mann Street and also provide a possible future</li> </ul>

	<p>connection to the south over adjoining land. The provision of shopfronts to the Baker Street extension will enliven this area. Future opportunity also exists to divide the lower ground floor space into multiple tenancies for a mix of retail or commercial uses.</p> <ul style="list-style-type: none"> <li>• The extension of Baker Street will commence the connection between the City Centre and the waterfront to ensure that the remaining lands can be developed in an orderly manner with a range of complementary land uses. This will ensure that a range of activities and uses will occur in the area both during and outside of business hours to enliven the waterfront.</li> <li>• A mix of office and retail premises are proposed in close proximity to buses and Gosford train station. The increasing component of residential development in the Gosford City Centre will also encourage walking and cycling to the site.</li> <li>• The provision of 94 bicycle spaces will further encourage cycling to and from the site.</li> <li>• The proposal will enhance the scenic qualities and character of Gosford City Centre by constructing a contemporary development that complements the existing and future built form.</li> </ul>
<b>4. What is the development standard being varied? e.g. FSR, height, lot size</b>	Car parking: one (1) car parking space per 75m <sup>2</sup> GFA of commercial floor space.
<b>5. Under what clause is the development standard listed in the environmental planning instrument?</b>	<p>Clause 8.6 Car Parking:</p> <p>(1) <i>Development consent must not be granted for development on land in Zone B3 Commercial Core or Zone B4 Mixed Use that involves the erection of a new building or an alteration or addition to an existing building that increases the gross floor area of the building unless:</i></p> <p>(a) <i>at least one car parking space is provided for every 75 square metres of the gross floor area of the building that is to be used for commercial activities, and</i></p> <p>(b) <i>at least one car parking space is provided for every 40 square metres of the gross floor area of the building that is to be used for the purpose of retail premises.</i></p> <p>(2) <i>Car parking required to be provided by this Plan must be provided on site unless the consent authority is satisfied that the provision of car parking is adequately provided elsewhere.</i></p> <p>(3) <i>For the purposes of this clause, the following are to be included as part of a building's gross floor area:</i></p> <p>(a) <i>any area of the building that is used for car parking and is at or above existing ground level,</i></p> <p>(b) <i>any area of the building that is used for car parking below ground level, except where the car parking is provided as required by this clause.</i></p> <p>(4) <i>Council-owned public car parking is not to be included as part of</i></p>

	<p><i>a building's gross floor area.</i></p> <p>(5) In this clause: <b>commercial activities</b>, in relation to the use of a building, means the use of the building for the purposes of office premises, business premises, hotel or motel accommodation (but not hotel or motel accommodation that is subdivided under a strata scheme), food and drink premises or other like uses or a combination of such uses.</p>
<b>6. What are the objectives of the development standard?</b>	There are no specified objectives for the development standard.
<b>7. What is the numeric value of the development standard in the environmental planning instrument?</b>	One (1) car parking space per 75m <sup>2</sup> GFA of commercial floor space.
<b>8. What is proposed numeric value of the development standard in your development application?</b>	<p>Proposed car parking is 92 spaces.</p> <p>Required car parking is 105 spaces.</p>
<b>9. What is the percentage variation (between your proposal and the environmental planning instrument)?</b>	A shortfall of 13 car parking spaces which represents a variation of approximately 12%.
<b>10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?</b>	<p>Strict compliance with Clause 8.6 is unreasonable and unnecessary in this instance as:</p> <ul style="list-style-type: none"> <li>• Most inner city Councils through their DCP's look to restrict the maximum number of car parking spaces to be provided for development to minimise the use of private vehicles in their CBD's and to encourage the use of public transport, pedestrian and cycling access and facilities. As the proposed development is located within the Gosford CBD, adjacent to a bus stop and a short walk to the train station, the Gosford DCP sets a maximum of 98 car parking spaces for the development.</li> <li>• The proposed on-site parking generally meets the Gosford Waterfront DCP 2014 requirements as there would only be 6 spaces fewer than the allowable 98 spaces.</li> <li>• The full construction of Baker Street (South) adjacent to the subject site would provide an additional 15 on street parking spaces in the immediate vicinity of the subject site. Note that when taking into consideration the 3 existing on-street spaces that would be lost through the construction of the vehicle crossing in Georgiana Terrace, there is an increase of 12 on street parking spaces that could be utilised by visitors to the site. Taking these 12 spaces into account, the total parking provision for the development would be 104 spaces which is 1 space less than the</li> </ul>

	<p>Gosford LEP 2014 parking provision requirements.</p> <ul style="list-style-type: none"> <li>• Being in Gosford's CBD, the site is within walking distance to a number of other residential, commercial and retail developments from where potential visitors to the development would park elsewhere and visit the proposed mixed commercial retail development as part of a multi-purpose trip.</li> <li>• Further the location within the CBD area, as well as being a good location for public transport access for workers at the site, workers could also be housed within the extensive new residential development that has recently been approved, which will mean easy walk or bicycle ride to work. The location creates a sustainable option for workers.</li> <li>• The provision of storage for 94 bicycle spaces is well in excess of the Gosford DCP requirement and further reduces the need for car parking by promoting the use of this form of transport over cars.</li> <li>• The provision of 4 motorcycle spaces meets the Gosford DCP requirements.</li> <li>• As outlined in Sections 2.4 and 2.5 of the Traffic and Parking Impact Assessment, prepared by Barker Ryan Stewart (ref: CC150165 Rev 5 dated 9/03/2016) the Gosford City Car Park (300m walk) currently operates under capacity and is an underutilised asset. The 'Gosford Car Parks Review' prepared by Cardno found that on 27th July 2011 during peak periods the car park is underutilised with 191 vacant spaces.</li> <li>• The Traffic and Parking Impact Assessment, prepared by Barker Ryan Stewart also identified 192 on street parking and public car parking spaces within 500m of the site to the south towards the Gosford Waterfront, 55 of these are located in Mann Street between Georgiana Terrace and Broadview Avenue, 41 in Vaughan Avenue and 96 in the public car park between the waterfront and Central Coast stadium.</li> <li>• The net increase of 12 car parking spaces on Baker Street will provide additional street parking outside of business hours for access to the waterfront, use of public open space and during events held at the Central Coast Stadium.</li> </ul>
<p><b>11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.</b></p>	<p>Objects are:</p> <p>5(a)...</p> <p>(i) <i>the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,</i></p> <p>(ii) <i>the promotion and co-ordination of the orderly and economic use and development of land,</i></p> <p>The development has been designed to have regard for site</p>

	<p>constraints and relationship to surrounding land.</p> <p>The provision of additional on-site car parking would result in either the requirement for additional basement car parking; or a bulkier building to accommodate deck parking above ground.</p> <p>Constraints on basement car parking include the the Sergeants Quarters historic footings, the former School of Arts building and potential groundwater impacts.</p> <p>The provision of above ground deck parking would compromise objectives of street activation by replacing active pedestrian spaces with car parking.</p> <p>The provision of 94 bicycle spaces, close walking distance to buses, Gosford train station and high density residential lessens the need for strict compliance with the LEP parking requirements.</p> <p>Having regard for the above factors, strict compliance with the LEP standard would require changes to the design that would affect the orderly and economic use of the land; potentially impact on heritage items; and/or compromise street activation.</p> <p>Accordingly, strict compliance with the car parking standards would hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.</p>
<p><b>12. Is the development standard a performance based control? Give details.</b></p>	<p>No.</p> <p>Clause 8.6 applies a numeric standard for car parking within the B4 zone of one (1) car parking space per 75m<sup>2</sup> GFA. No additional performance criteria exist within the LEP, however the DCP section relating to the Gosford City Centre includes the following objectives for parking provision:</p> <ul style="list-style-type: none"> <li>• <i>To facilitate an appropriate level of on-site parking provision in the city centre to cater for a mix of development types.</i></li> <li>• <i>To minimise the visual impact of on-site parking.</i></li> <li>• <i>To provide adequate space for parking and manoeuvring of vehicles (including service vehicles and bicycles).</i></li> <li>• <i>To promote Gosford city centre as a more lively and vibrant place by providing parking incentives for certain developments in the city centre.</i></li> <li>• <i>To encourage economic growth in the city centre.</i></li> <li>• <i>To enable the conversion of above ground parking to other future uses.</i></li> <li>• <i>To recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking.</i></li> </ul> <p>The proposal meets these objectives by:</p> <ul style="list-style-type: none"> <li>• Facilitating appropriate on-site parking in conjunction with the location of the site close to public transport and other existing public parking areas;</li> <li>• Not providing parking that takes away from ground level access</li> </ul>

	<p>to the site and pedestrian activation of the street frontages;</p> <ul style="list-style-type: none"> <li>• Appropriate manoeuvring and accessways have been provided for the parking areas;</li> <li>• The proposed development will activate the city centre through ground level shop fronts and cafes;</li> <li>• The proposal will create jobs and economic activity during and after construction;</li> <li>• Bicycle and motorbike parking have been provided on site, that meet or exceed the DCP requirements; and</li> <li>• The site is well located close to public transport and future residential development which will encourage walking to work and use of public transport.</li> </ul>
<p><b>13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?</b></p>	<p>The strict compliance with the development standard is unnecessary in this instance as the proposed shortfall in car parking is relatively minor.</p> <p>The amount of car parking provided is considered satisfactory when considering the net increase of 12 additional car parking spaces provided through the extension of Baker Street results in an overall parking provision of 104 spaces (1 less than the minimum LEP requirement).</p> <p>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.</p> <p>The provision of 105 on-site car parking spaces would be inconsistent with the Gosford City Centre DCP which sets a maximum of 98 car parking spaces for the development to discourage driving to work and encourage alternate modes of transport (public transport, walking and cycling).</p> <p>Strict compliance with the standard is therefore considered unnecessary in this instance.</p>
<p><b>14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.</b></p>	<p>As shown in the information provided above, there is sufficient planning justification for the variation, including:</p> <ul style="list-style-type: none"> <li>• The variation is considered reasonable to enable best use of the site for commercial purposes;</li> <li>• 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);</li> <li>• The proximity of the site to public transport and high density residential development;</li> <li>• The net increase of 12 on-street car parking spaces from the Baker Street extension; and</li> <li>• The overall design of the commercial building is considered to be a positive response to a key site within the Gosford City Centre.</li> </ul>

## Council Assessment

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 (Condition 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 of 12 spaces on the street and a total of 104 spaces to be provided by the proposal. It is considered that with the parking provided on site, as well as on Baker Street, that adequate parking is provided for the proposal both on site and in this location, 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.



The objectives of the B4 Mixed Use 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.*

It is considered that the proposal complies with the objectives of the B4 zone, and is in the public interest due to the car parking provided both onsite and in Baker Street.

By the applicant constructing parking spaces in Baker Street, it is considered this provides a better outcome by allowing flexibility in parking provision for both the proposal and the waterfront.

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 submission under clause 4.6 is considered well founded and supported.

**4. Amended Plans to relocate the substation in order to preserve Tree TO68.**

The applicant has provided the following advice;

*"The new development at 99 Georgiana Terrace Gosford will form an integral part of the Gosford streetscape. The electrical services infrastructure planning for the proposed development carefully considers the visual and environmental impact of the built form on the surrounding area and maintains a delicate balance between the required function of the building and the need to preserve the natural features of the space.*

*As part of the electrical services infrastructure planning for the development we investigated a number of potential substation locations and determined that despite the requirement to remove Tree 068 in the Travers bushfire and ecology*

*Tree Assessment, the proposed substation location on Mann Street was the only viable option for the development.*

*Locations along the Baker Street frontage were discounted as the site access constraints did not allow sufficient space for a kiosk type substation. A chamber type substation could not be accommodated along the Baker Street frontage as a large portion of the façade would be taken by a substation, (internal clear dimensions of 4.6m deep x 4.2m wide with a 3.2m height) significant changes to the built form (Ausgrid requires a 6m fire separation and 3m blast separation) would be required to maintain Ausgrid's required access and difficulty in maintaining required clearances between existing utility assets and new HV cabling and the base of the substation would need to be elevated above the flood level.*

*A suitable location for a kiosk substation was not available along the Georgiana Terrace frontage as significant changes to the built form and subsequent loss of floor area would have been necessary to meet the Ausgrid clearance requirements. Ausgrid requires a change in level of not greater than 300mm for the floor space for both the substation and the truck access in front of the substation on the road which makes this impossible.*

*A suitable location for a chamber type substation was not available on the Georgiana Terrace frontage due to the slope of the site restricting level access for loading of substation equipment (similar issue to that of the kiosk substation), combined with the spatial requirements for a chamber substation (internal clear dimensions of 4.6m deep x 4.2m wide with a 3.2m height) resulting in a loss of a number of car spaces within the basement. In addition there is the 6m fire separation and 3m blast separation that Ausgrid requires, meaning the adjacent walls will need to be of appropriate construction i.e. not glazed as is currently the case.*

*The courtyard behind the existing Arts Building was eliminated as a potential location for kiosk type substation due to a lack of suitable Ausgrid truck access for installation and maintenance of the substation.*

*The proposed substation location on Mann Street is in keeping with the existing streetscape with other kiosk substations located nearby and preserves the existing heritage wall which is a centrepiece of the landscaping design. The form of the existing heritage wall prevents the substation from moving along Mann Street towards the School of Arts building or further into the site.*

*Due to the above site access and development constraints, the proposed location on Mann Street was found to be the only suitable location for a substation to service the development.*

*In addition to the comments from S4B it is also worth noting that T068 is identified in the Travers Tree Assessment Report as having a 5-15 year life expectancy report and requires significant remedial work. whilst the substation location will result in*

*the removal of tree T068 tree, it is proposed to replace the tree with a healthier, feature tree of the same stature that ties in with the rest of the landscape design.*

*Having regard for the heritage, streetscape presentation, landscape design and technical requirements it is considered that the proposed location of the substation is the most appropriate and should be supported."*

#### Planning Comment

The applicant contends that the substation cannot be relocated and should remain as shown on the plans and that Mann Street is the only viable location for a substation. It is agreed that such a structure should not be located on the Georgiana Terrace or Baker Street frontages due to physical site characteristics such as slope and design considerations. The location should be approved as shown.

### **5. Opportunities for sharing common driveway with neighbouring site**

Clause 4.4.6.2 of Chapter 4.4 Gosford Waterfront-Vehicle Access/Location of Vehicular Access states;

1. *Vehicle entries are to avoid those areas shown at Figure 10.*
2. *In all other areas, one vehicle access point only to each proposed building (including the access for service vehicles and parking for non-residential uses) will be generally permitted. Where development is undertaken in stages, access should be consolidated or amalgamated where possible.*
3. *Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.*

The location of the proposed driveways is in an area permitted under the DCP. At this stage it is not practicable to relocate the proposed driveway in Baker Street. This matter will be considered in assessment of applications on the adjoining site.

In response to this matter the applicant advises;

*The DOMA Group, have not been approached by the developers of the neighbouring site for provision of a right of carriageway (ROW) over the southern boundary driveway.*

*It is understood that the neighbouring development is to be developed in stages and a development application is yet to be lodged for the majority of the site. It is also understood that Council may require the neighbouring development to provide driveway access away from the southern boundary of the subject site.*

*As such, the pre committed tenant has concerns about the impact that sharing the driveway will have on their operations until issues around the driveway location, frequency of movements and the intended use is known.*

### Planning Comment

This proposal does not preclude the potential for driveway sharing into the future. The sharing or relocation of the adjoining driveway is currently being considered by the applicant for the adjoining development. This will be further addressed in the planning report for the adjoining development when considered by the JRPP.

## **6 Clarification of Groundwater Extraction.**

The geological report prepared by Douglas Partners dated March 2014 identified that groundwater is expected to be encountered 1 to 2 m below ground level. Ground level is about RL 2 m on the western side and the basement level is RL 0.95m. Additional information has been submitted from the Geotechnical Engineer that concludes;

*Based on the results of geotechnical investigations at the site and numerical modelling using upper bound permeability/hydraulic conductivity testing, inflows to the proposed basement excavation over a four week period are expected to be less than about 2 ML. Actual flow rates may be much lower than this based on typical permeability values for the site material.*

*Following construction the basement is proposed to be fully tanked, thereby preventing any further groundwater inflow.*

A groundwater extraction licence is only required from the NSW Office of Water under the *Water Act 1912* if the extraction exceeds 3ML. **(Refer new condition 4.25).**

## **Conclusion**

The proposal complies with the height and FSR permitted under Gosford LEP 2014.

The proposal provides adequate car parking on site and in the vicinity of the site by the construction of additional parking within Baker Street.

However as all parking required is not provided on site, the applicant has lodged a submission under clause 4.6 to vary the car parking required under the LEP. The submission 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 proposed 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
  - 3 Certificate of Title
  - 4 DP 1210298
  - 5 Gosford Challenge to Gosford City Centre Masterplan

**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 Secretary 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 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 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

- 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. Does not include those materials located within the waterproofed portion of the building below RL 2.6m AHD, e.g. within the basement car park).
- 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 and 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.
- 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, an interim 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 relevant 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 Environmental 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.
- 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.
  - 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:
- The name, address and telephone number of the principal certifying authority for the work; and
  - The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
  - 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:
- Be a standard flushing toilet connected to a public sewer, or
  - Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - 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 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.. 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

- 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. Provide on-site supervision by an appropriately skilled and experienced Archaeologist for all clearing, earthworks and excavation to identify any items of Aboriginal, archaeological or cultural heritage significance.
- 4.12. Comply with the recommendations contained within the AMAC group Summary of Archaeology document dated 26<sup>th</sup> April 2016.



- 4.13 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.
- 4.14 Locate stockpiles of soil and other material away from sensitive environmental receptors and cover when not in use.
- 4.15 Suppress dust with the use of a water cart.
- 4.16 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.

- 4.17 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.
- 4.18 Undertake works in accordance with the approved Soil and Water Management Plan and update the plan as required during all stages of the construction.

- 4.19 Compliance with all commitments as detailed in the Waste Management Plan dated 9 March 2016 signed by I. Stewart.
- 4.20. Ensure no obstructions to the wheel out of the waste bins including grills, speed humps, barrier kerbs etc.
- 4.21 Prepare an Interpretation Strategy and Conservation Plan for the three heritage listed sites, including options for conveying the heritage significance of the sites and what may be discovered as part of the archaeological investigations during works. Interpretation options should not rely on signage alone but must respond to the opportunities within the landscape scheme to indicate 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.

The Interpretation Strategy and Conservation Plan must propose:

- Amendments to the landscape plan to incorporate interpretation elements and features ie. Paving patterns, signage, walls etc.
  - Amendments to the landscape plan to ensure that no plantings and deep soil areas are proposed immediately adjacent to the 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.
  - Amendments to 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 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. (existing 2.14)
  - Provide information on proposed interpretation works for both archaeological sites (A25 and A26) and the former School of Arts building (36).
  - The amended Landscape Plan and the interpretation Strategy and Conservation Plan must be approved by Council.
- 4.22 Submit to Council's Environment Officer for approval, a final 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 relevant

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 Environmental Protection Authority accredited Site Auditor to confirm that the land is suitable for the intended use.

- 4.23 Comply with the S140 Conditions of Approval 2016/S140/007 issued by the delegate of the NSW Heritage Council.
- 4.24 Incorporate the following Crime Prevention Through Environmental Design (CPTED) principles and strategies to minimize the opportunity for crime:
  - a. Provide adequate lighting to common areas as required under *AS1158: Lighting for roads and public spaces*.
  - b. Paint the ceiling of the car park white.
  - c. Design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity.
  - d. Design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
  - e. Provide signage within the development to identify all facilities, entry/exit points and direct movement within the development.
- 4.25 If extraction of groundwater exceeds 3ML, a groundwater extraction licence shall be obtained from the NSW Office of Water under the *Water Act 1912*.

## 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.
- 5.10. Construct, grade, drain, seal and line mark including directional arrows with impervious paving material the driveway, vehicle manoeuvring area and car parking spaces as shown

on the approved plan, in accordance with *AS2890.1-2004: Parking facilities - Off-street parking*.

- 5.11. The street number is to be at least 100mm high and be clearly visible from the street frontage.

## 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

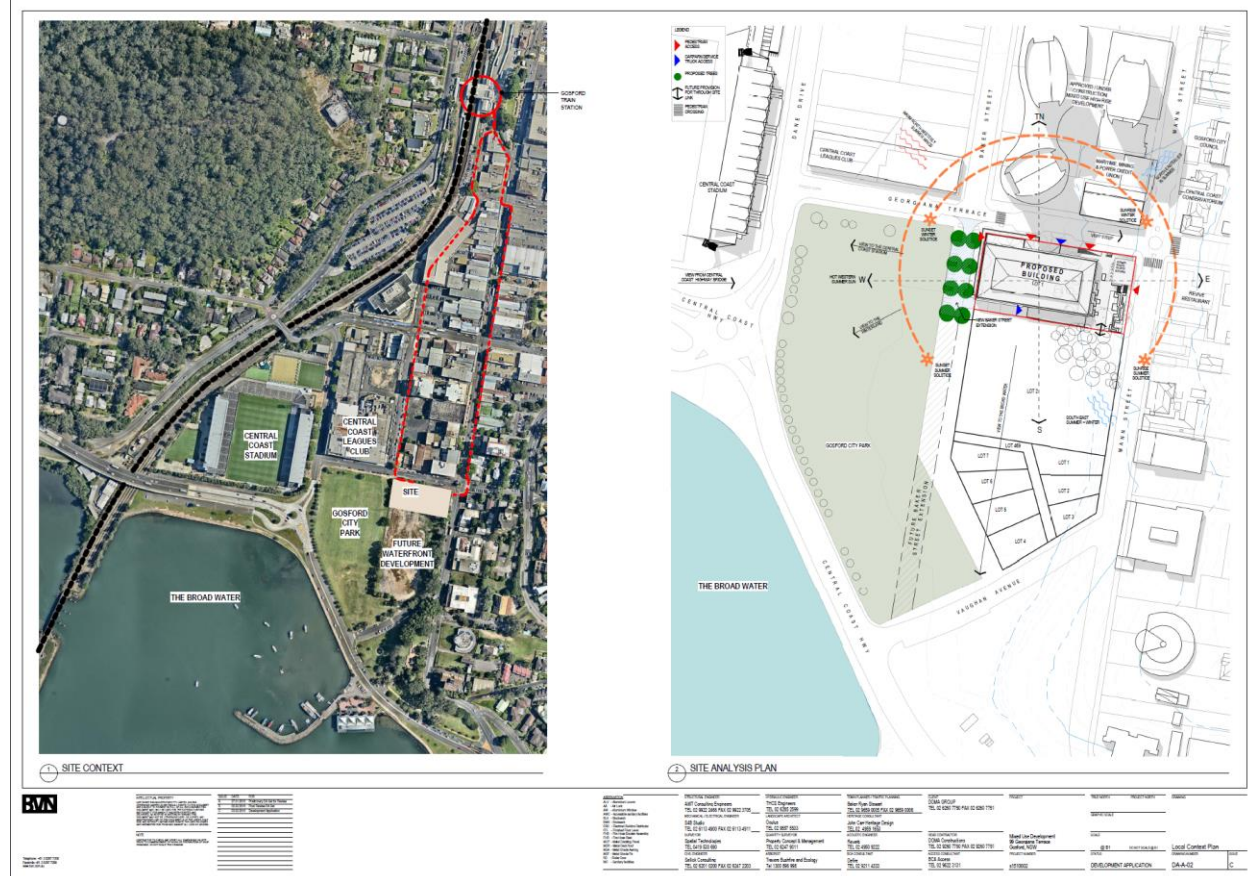
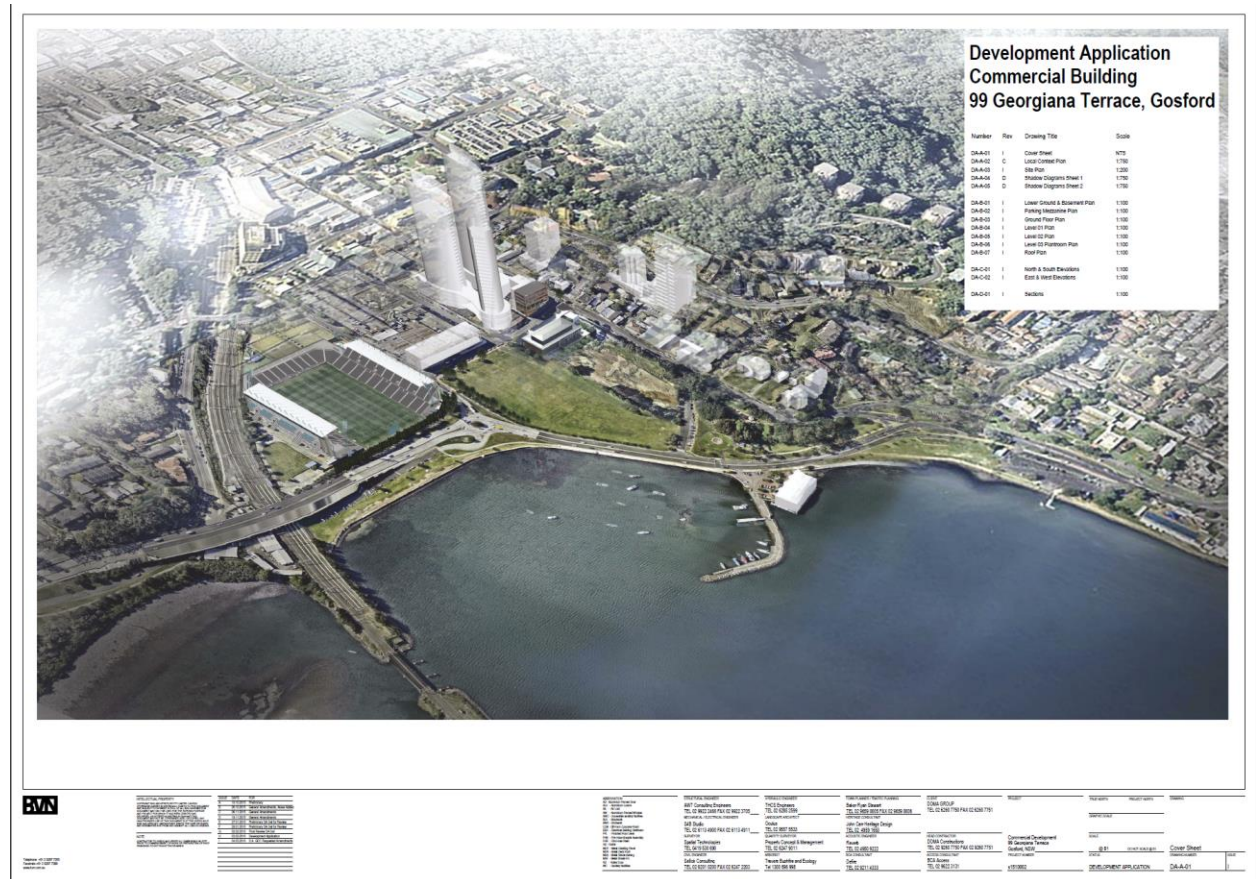
- 9.1. Subject to provisions of Section 82A of the Act the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

## 10.. RIGHT OF APPEAL

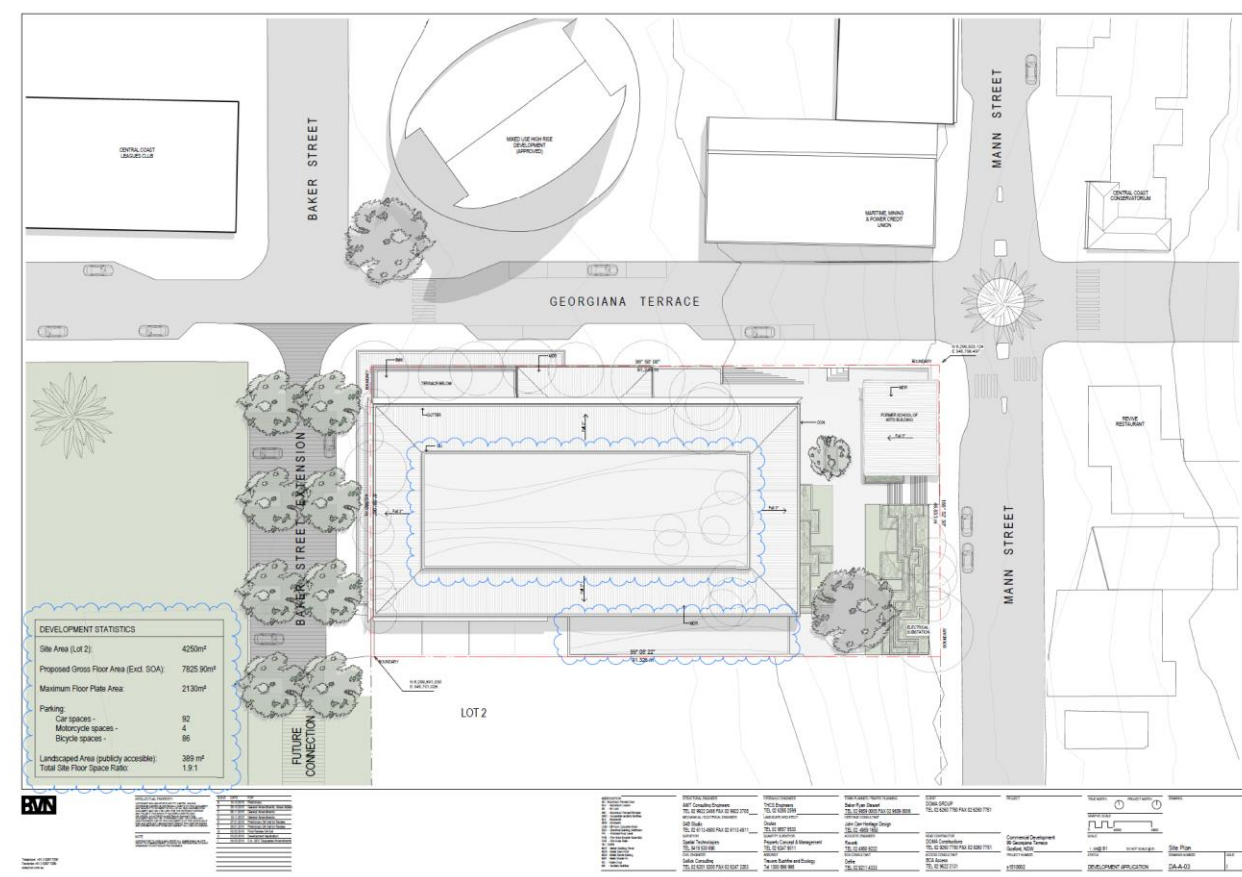
- 10.1. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.
- 10.2. To ascertain the date upon which the determination becomes effective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

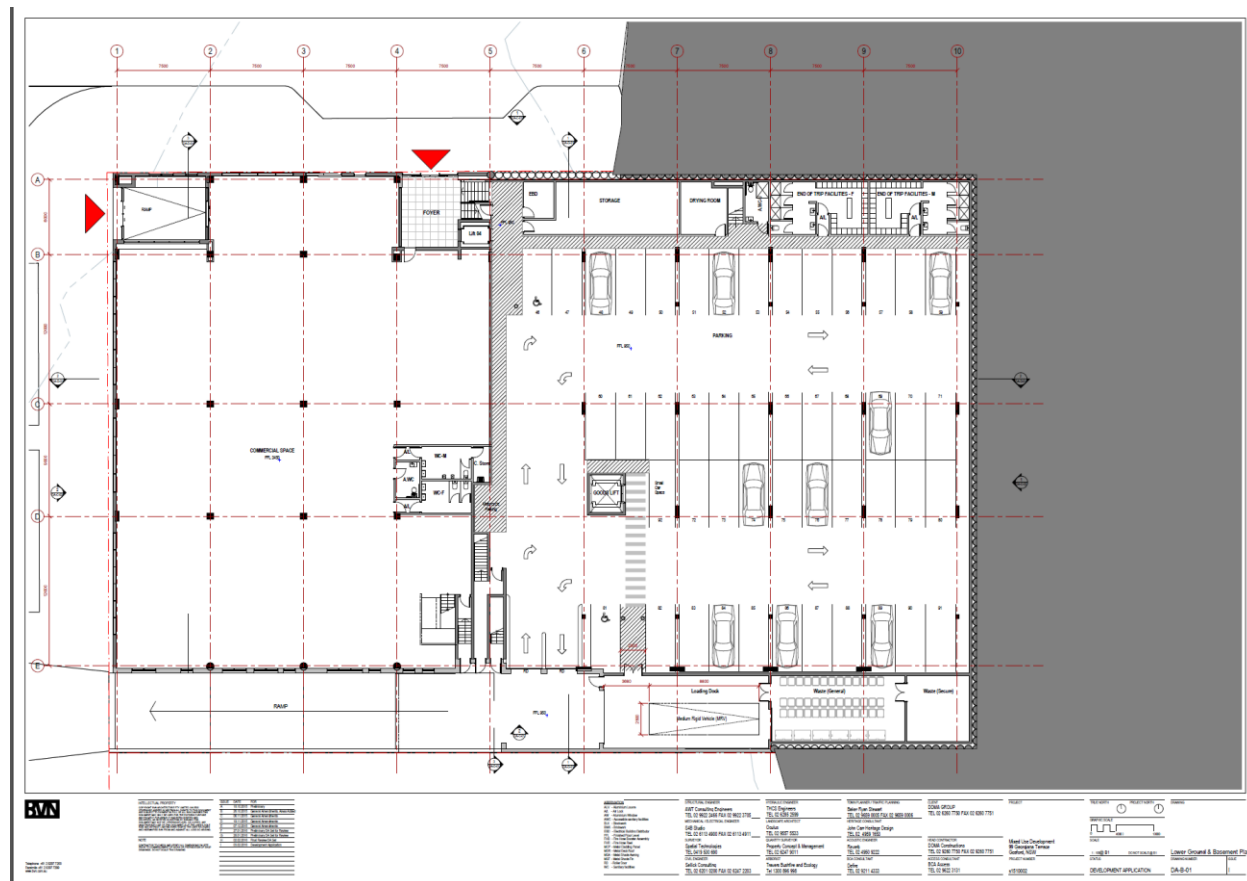
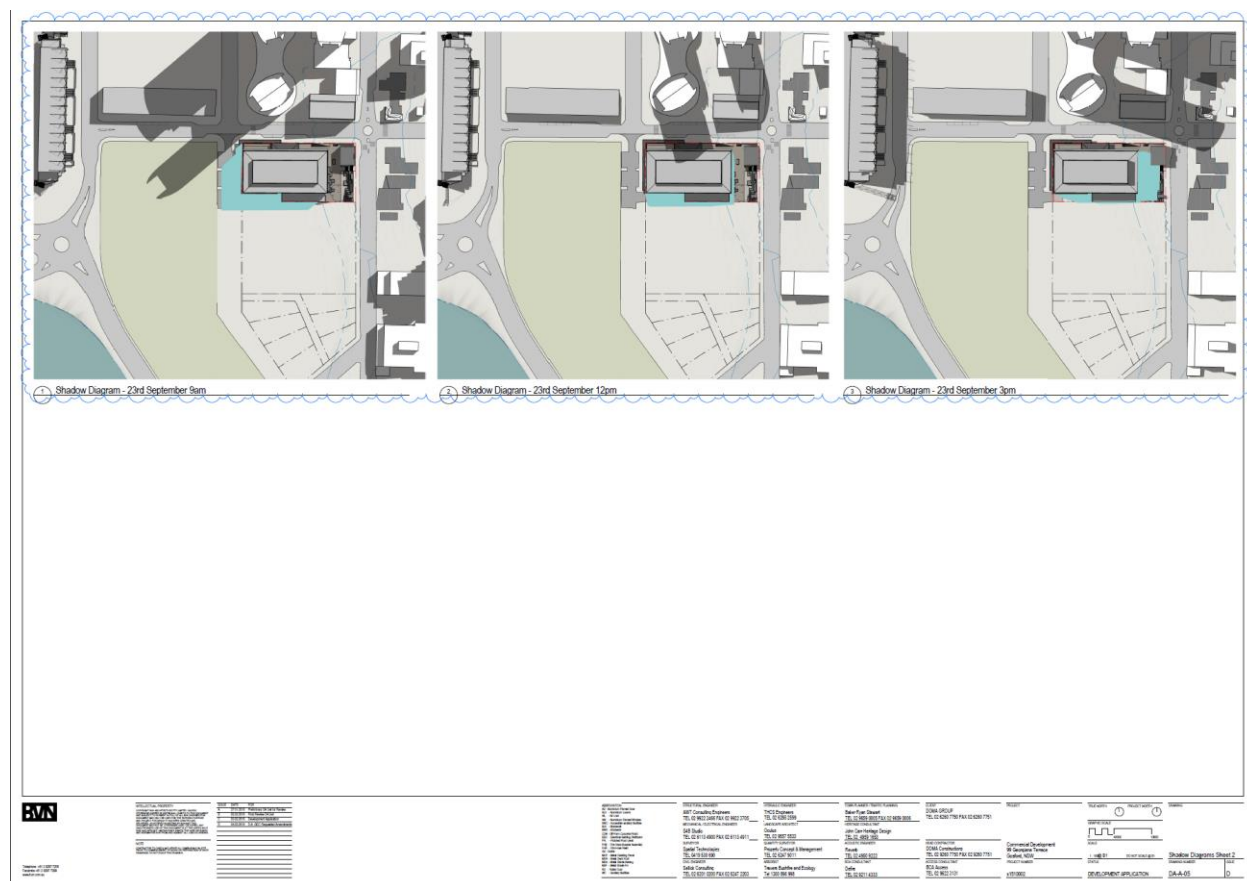


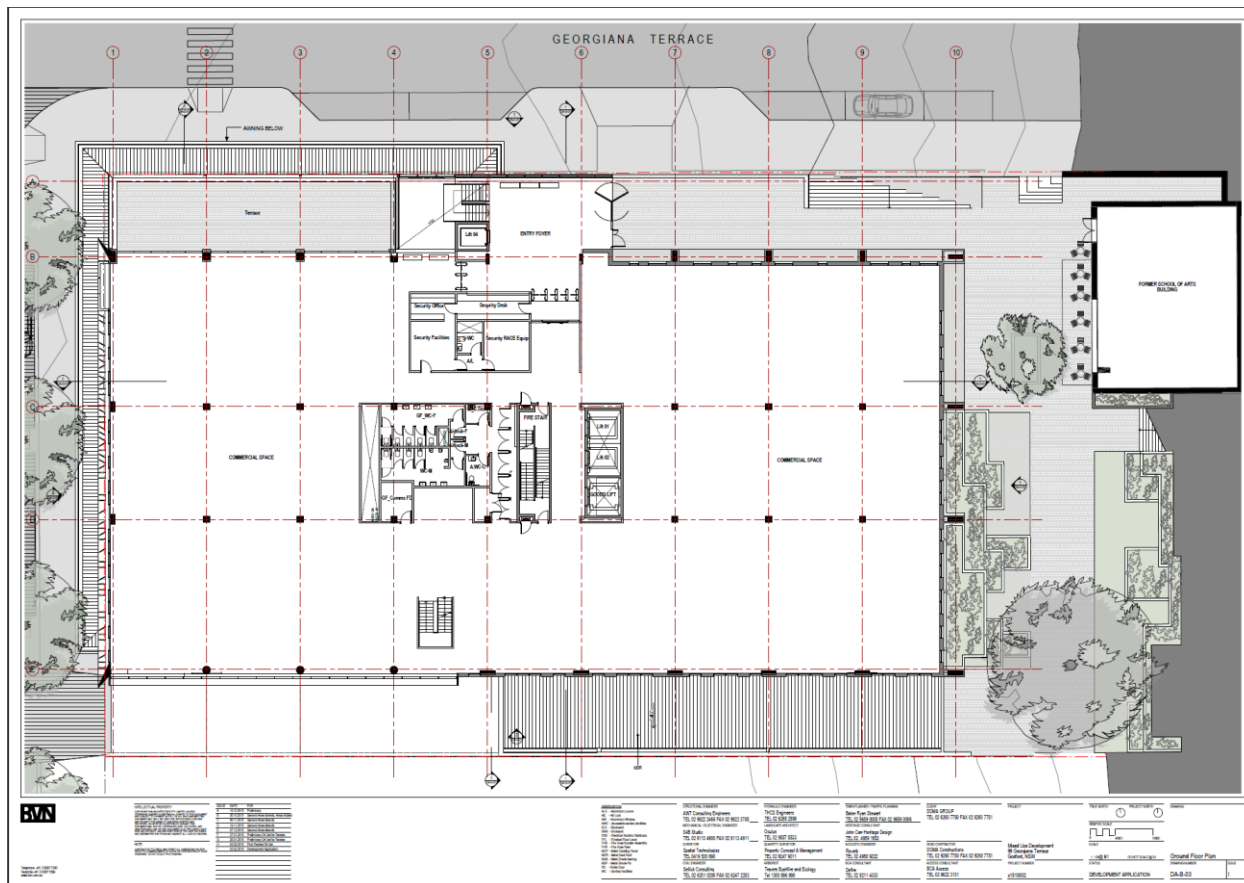
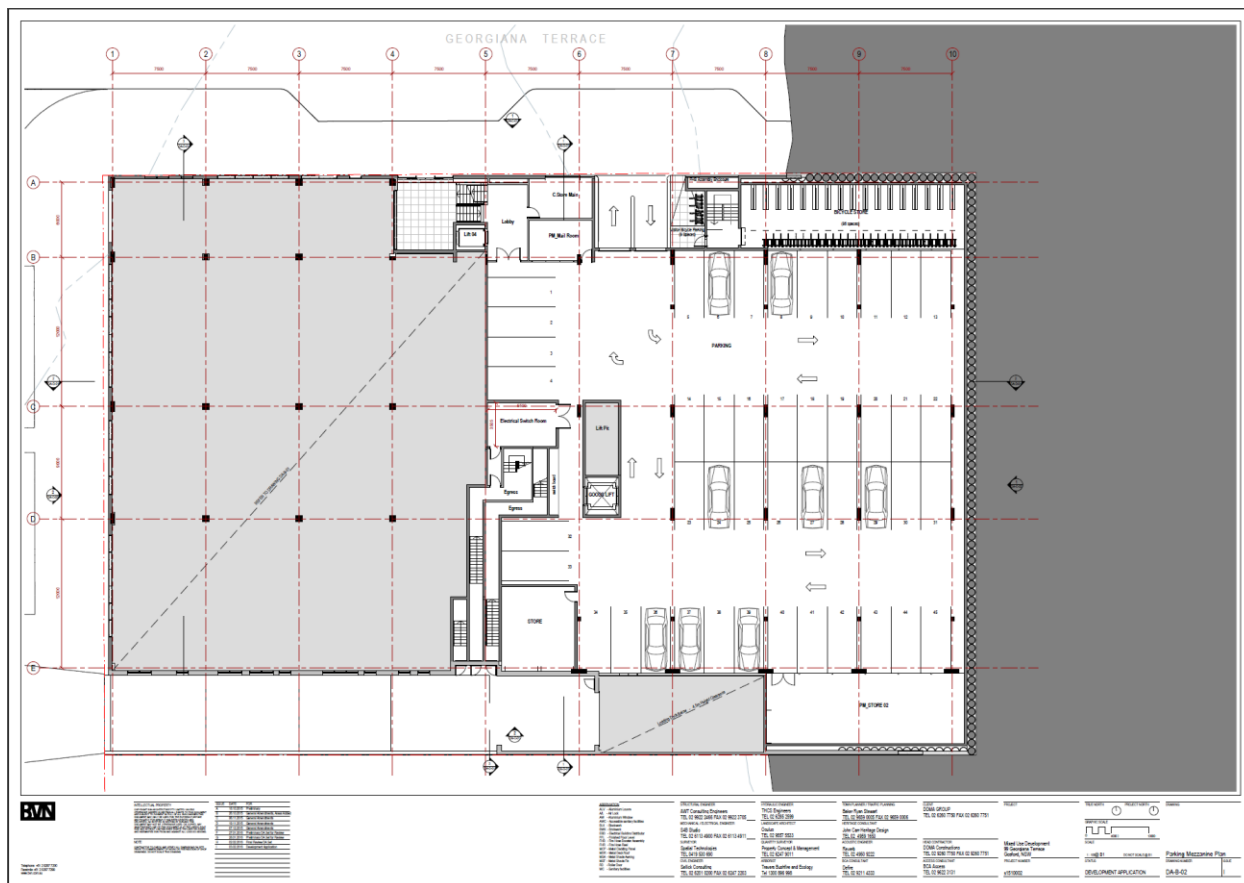
## Attachment 2: Plans

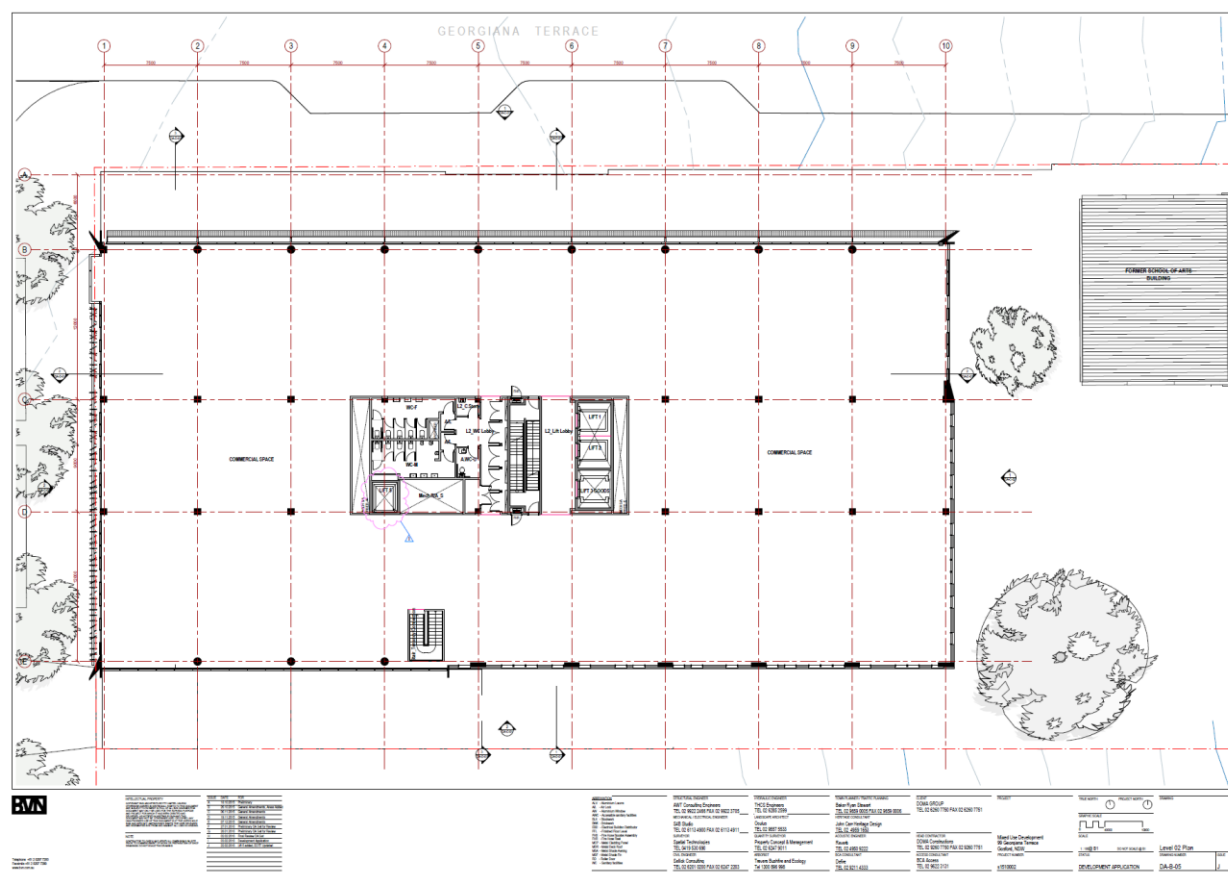
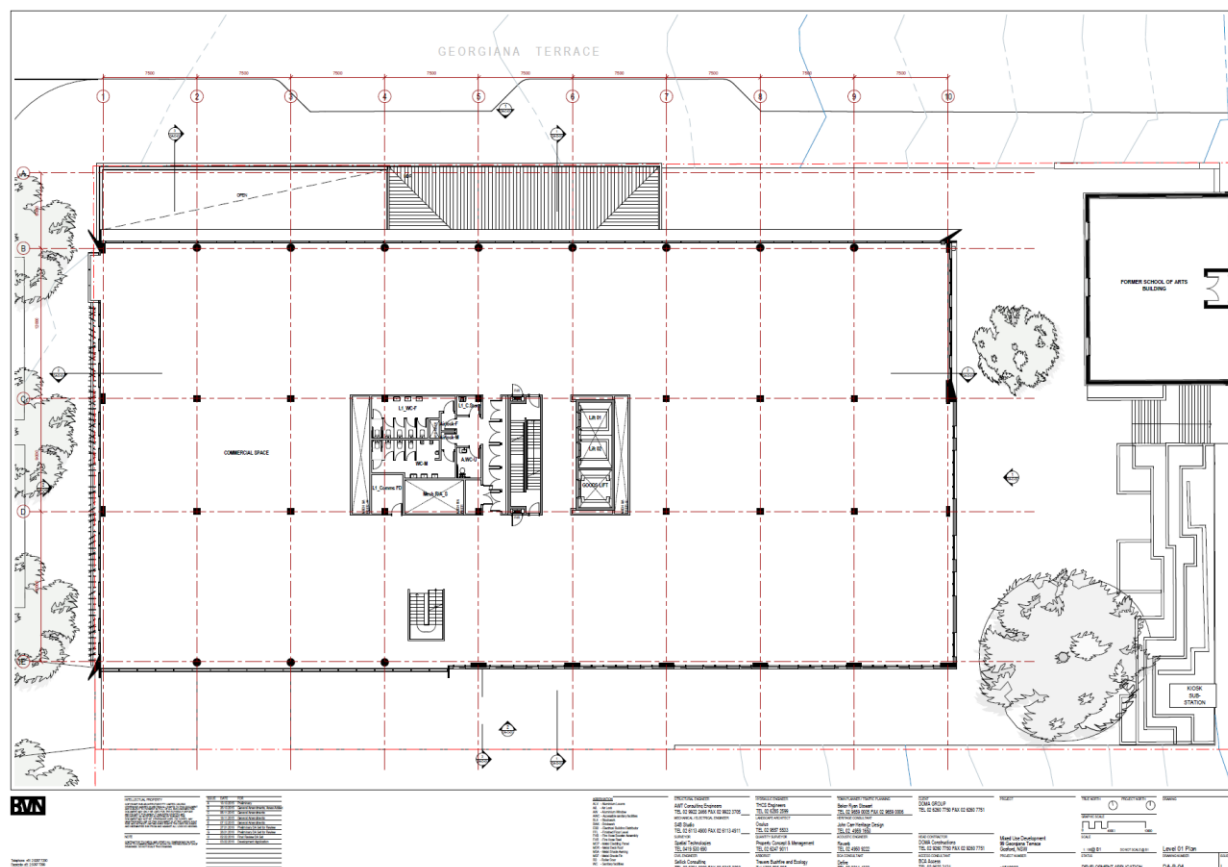




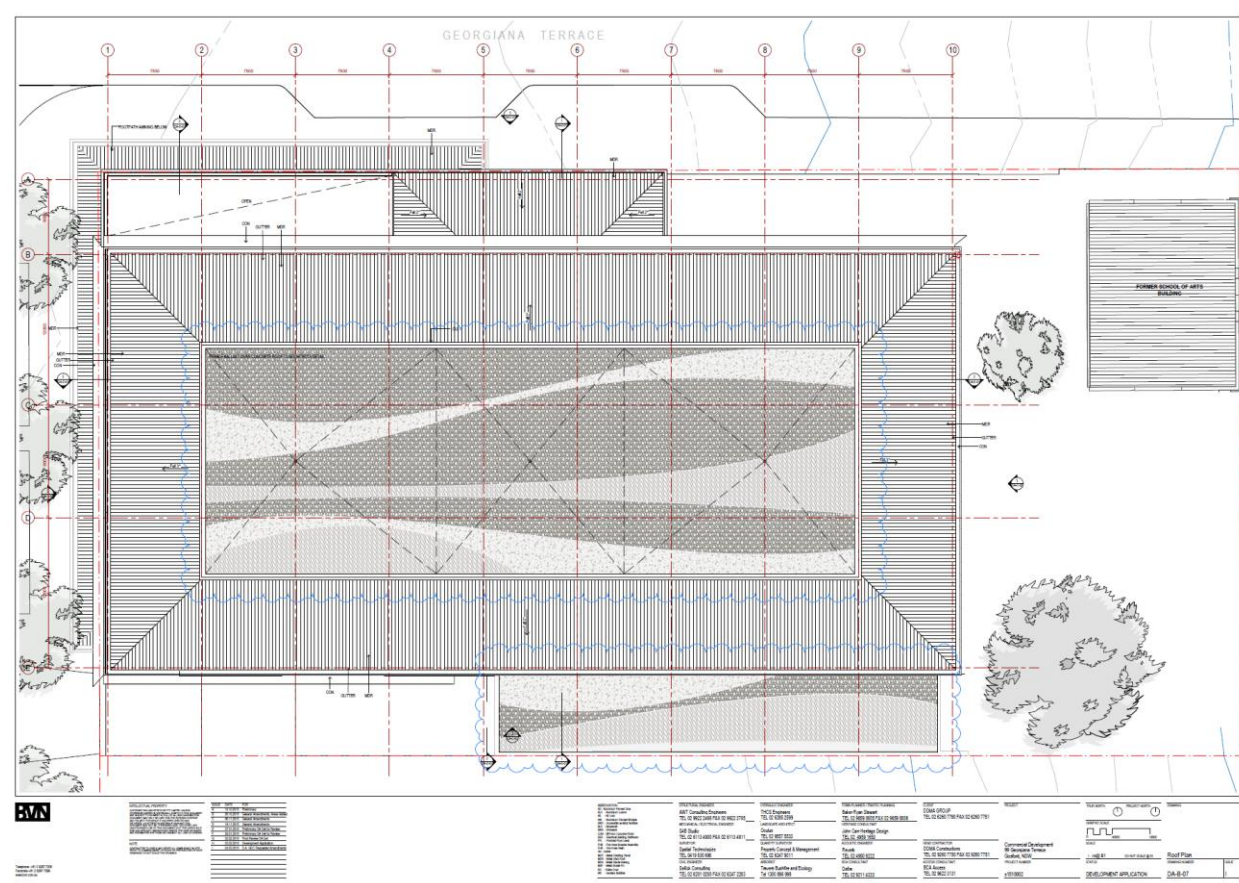
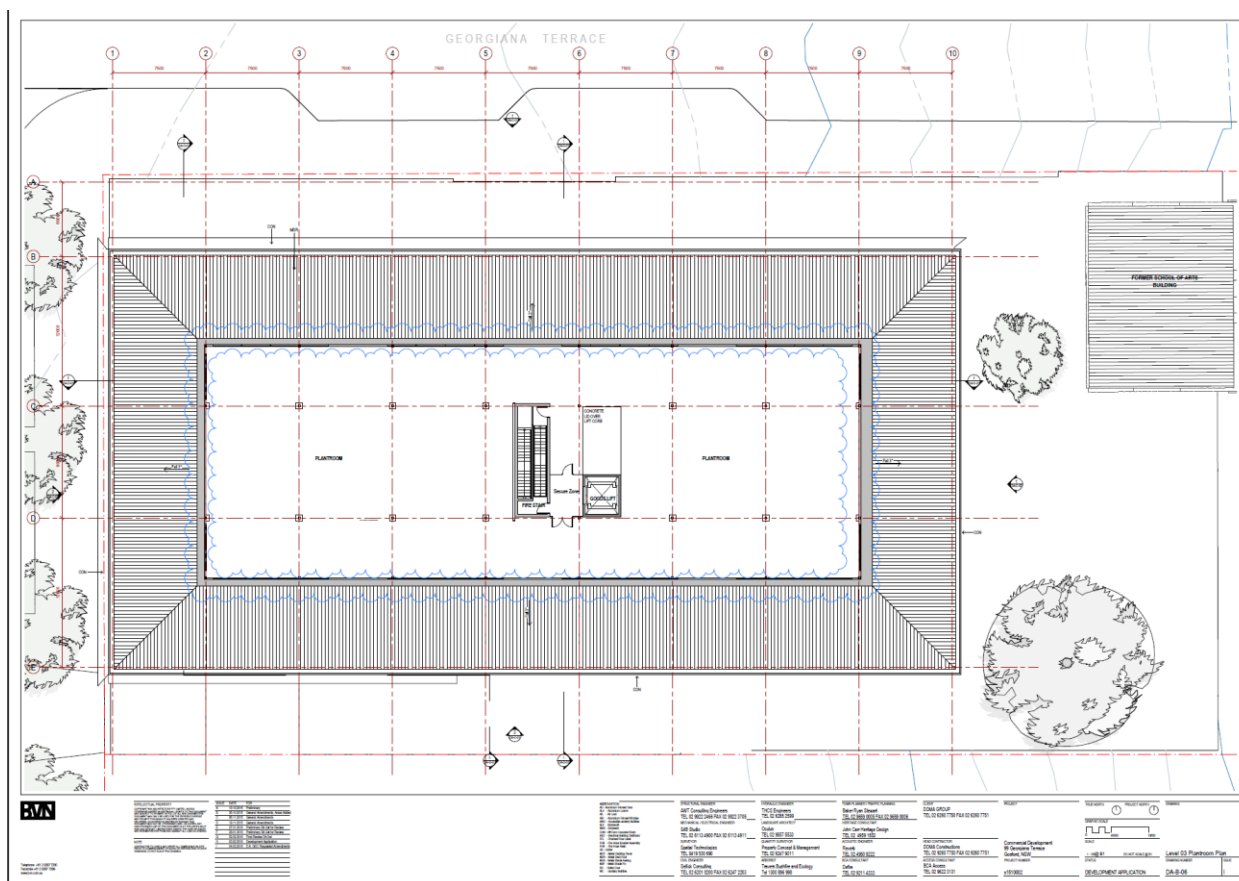


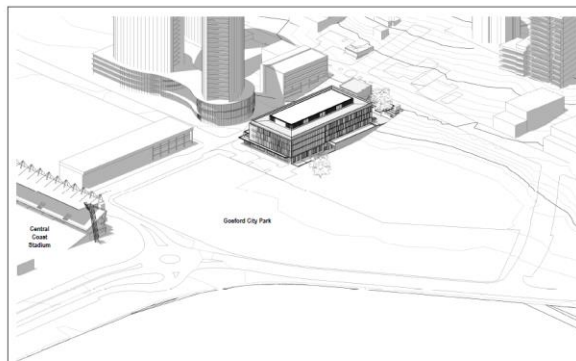
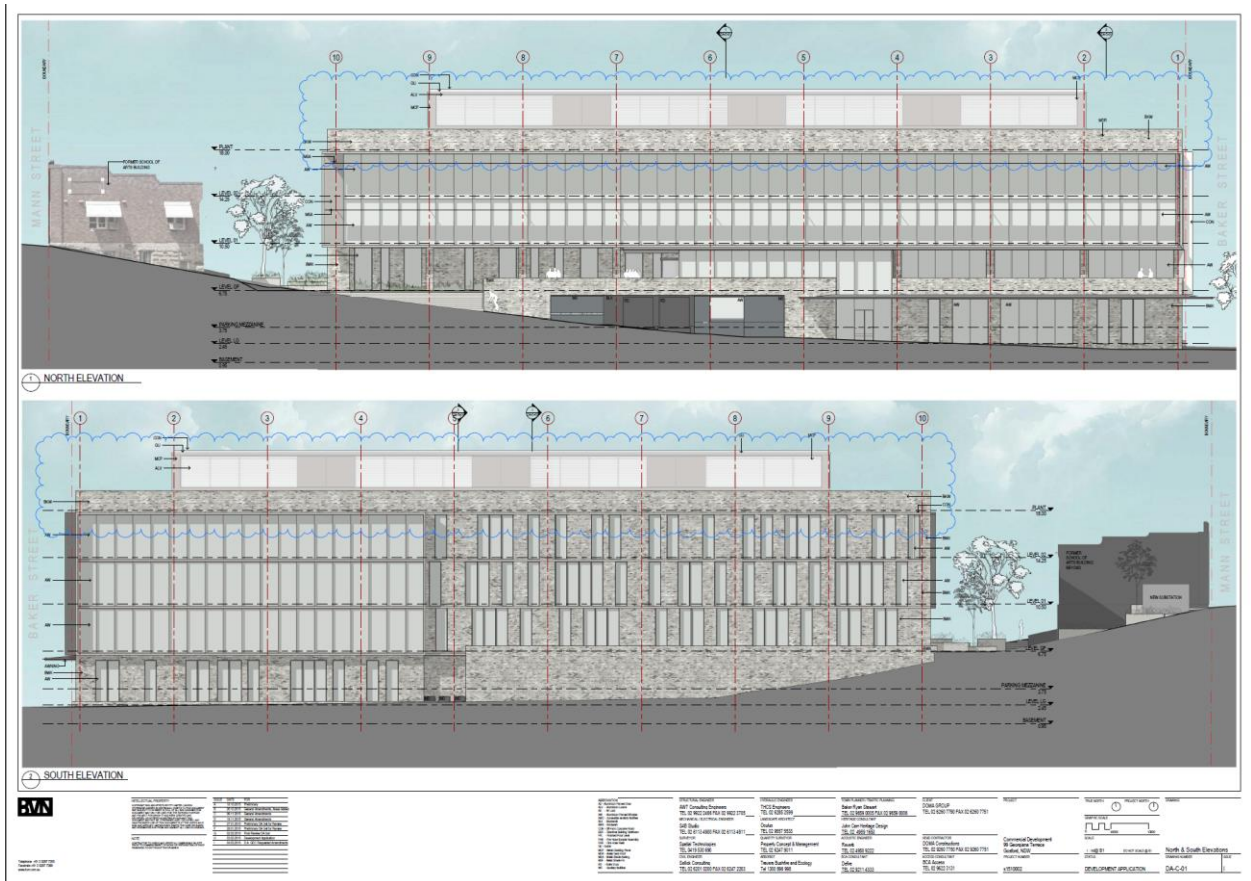








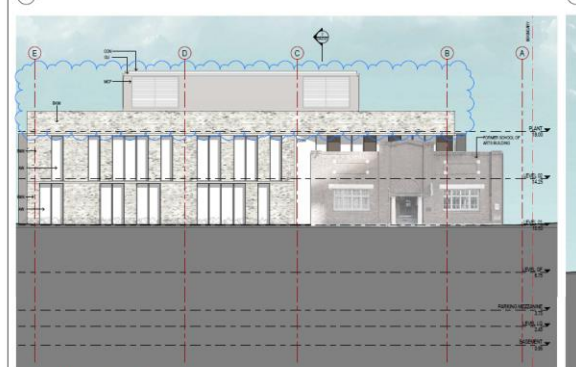




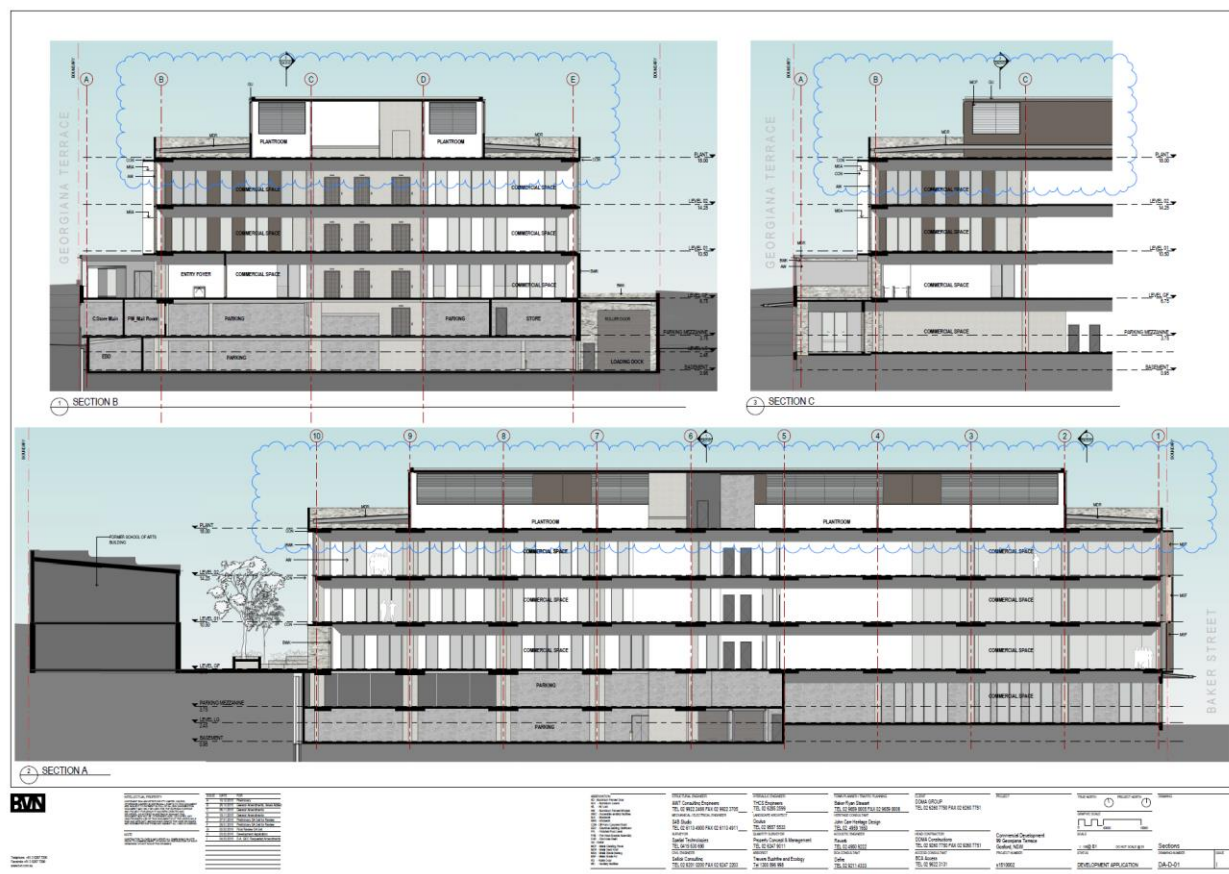
Context Map



WEST ELEVATION



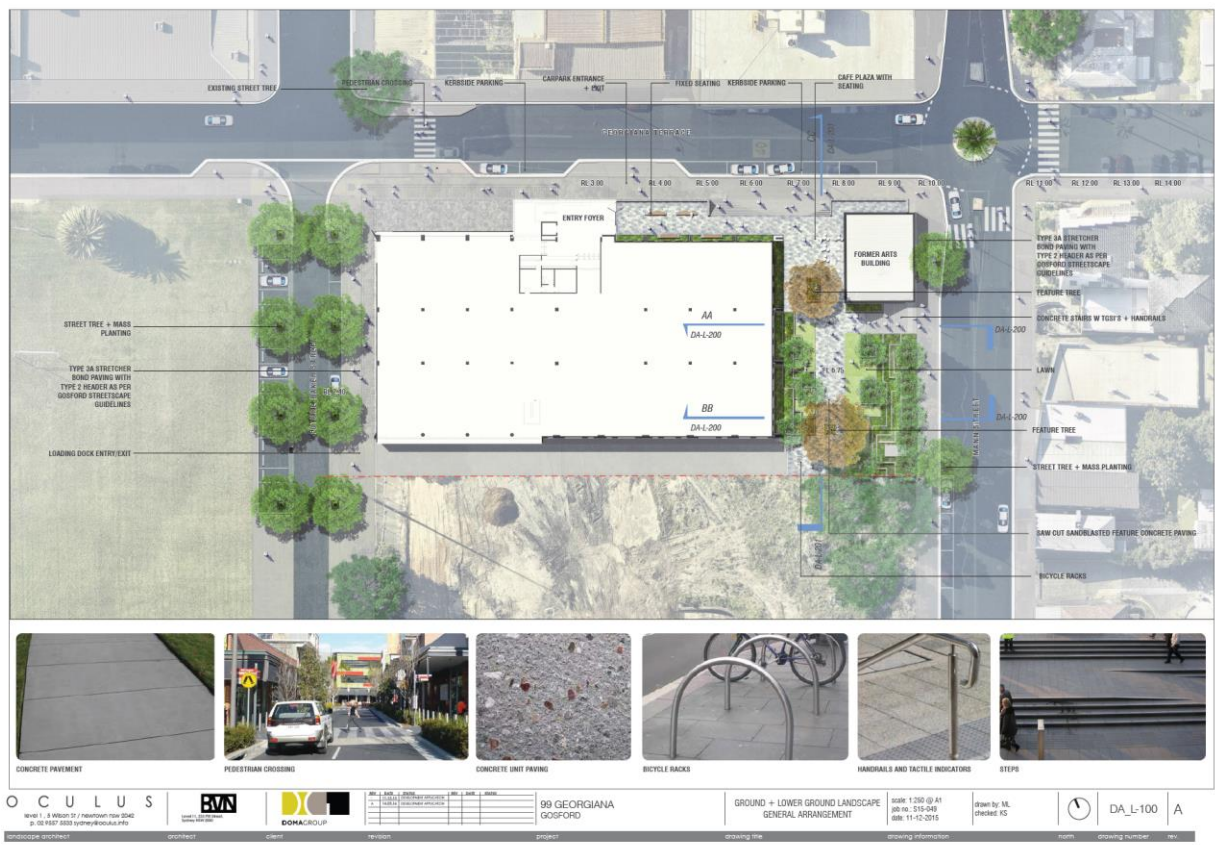




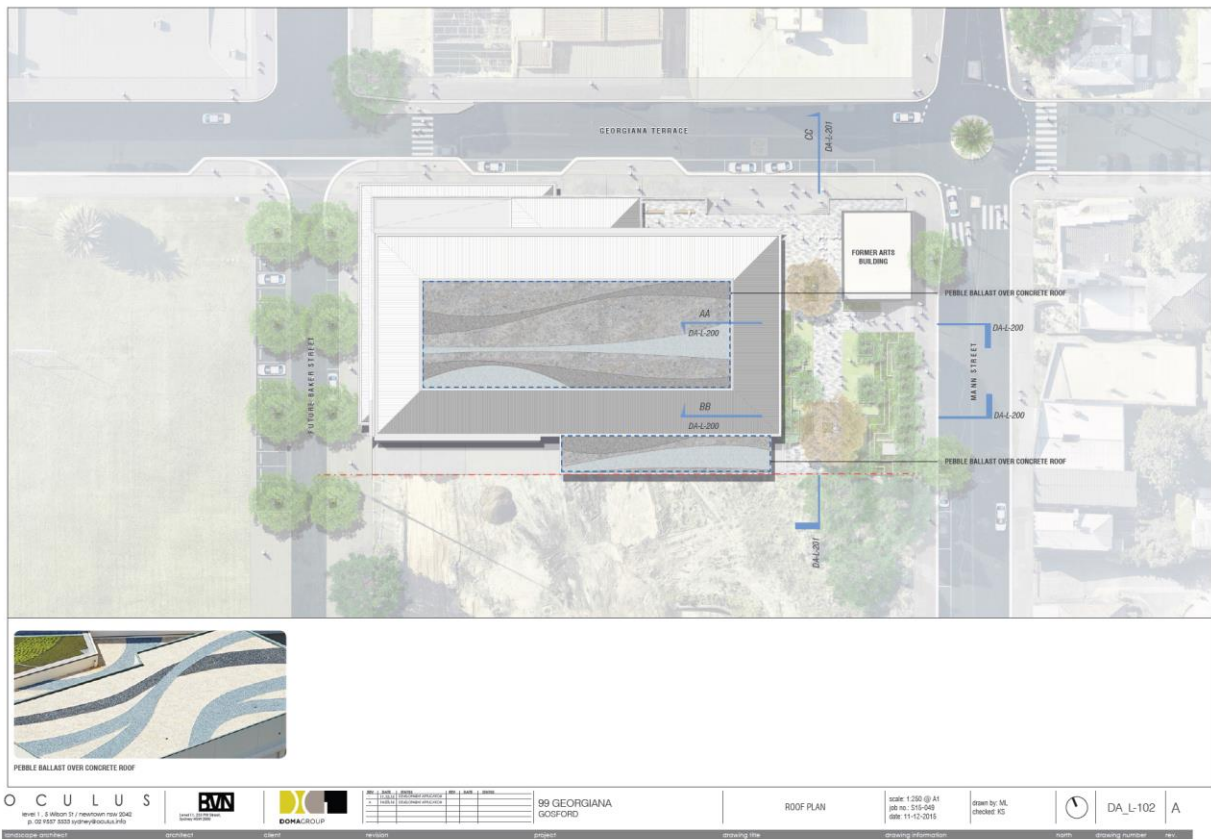
99 GEORGIANA, GOSFORD  
DEVELOPMENT APPLICATION  
LANDSCAPE DESIGN PACKAGE

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_1-600	INDICATIVE BUDGET SCHEDULE









## Attachment 3- Certificate of Title



Order number: 34473181  
Your Reference: doma  
04/02/16 16:03

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/1210298

SEARCH DATE	TIME	EDITION NO	DATE
4/2/2016	4:03 PM	2	3/2/2016

LAND

LOT 1 IN DEPOSITED PLAN 1210298  
AT GOSFORD  
LOCAL GOVERNMENT AREA GOSFORD  
PARISH OF GOSFORD COUNTY OF NORTHUMBERLAND  
TITLE DIAGRAM DP1210298

FIRST SCHEDULE

TO GOSFORD PTY LTD (T AK188739)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989) WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 2 EXCEPTING THE MINES & DEPOSITS SHOWN IN SECTION 141 OF THE PUBLIC WORKS ACT, 1912 WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

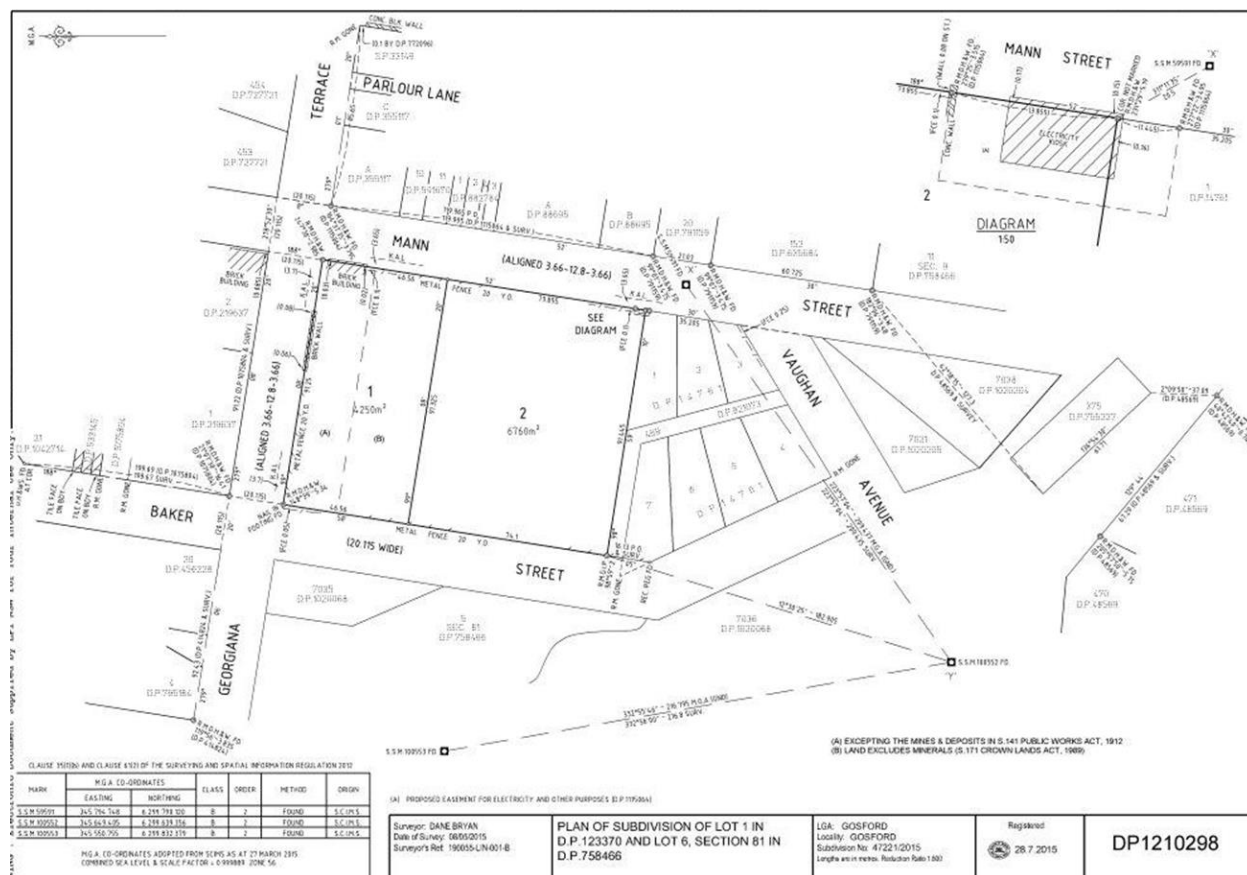
PRINTED ON 4/2/2016

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

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SAI Global Property Division an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

## Attachment 4-DP 1210298





## Attachment 5- Gosford Challenge to Gosford City Centre Masterplan



### *Gosford Challenge – Gosford City Centre Masterplan*

- In 2004 Gosford City Council (GCC) commenced planning the entire LGA's future. This work resulted in a 'Vision 2025' document being adopted by Council in 2006. This document identified the need to have a Regional City providing a range of services and diversity of jobs.
- In 2008, Council commenced planning to revitalise Gosford City Centre and in late 2008 Council and the Land and Property Management Authority (LPMA) joined forces to partner, co-sponsor and co-lead the Gosford Challenge.
- The Gosford Challenge was a process of extensive community engagement and development of a Masterplan to guide the renewal and revitalisation of Gosford City Centre.
- In 2010 the Gosford City Centre Masterplan was adopted.
- The Masterplan identified five precincts of activity:
  - The Hospital Precinct
  - The Railway Precinct
  - The City Core
  - The Arts and Entertainment Precinct
  - The Waterfront
- The extent of the masterplan, precinct locations and masterplan outcomes are shown in Figure 1.

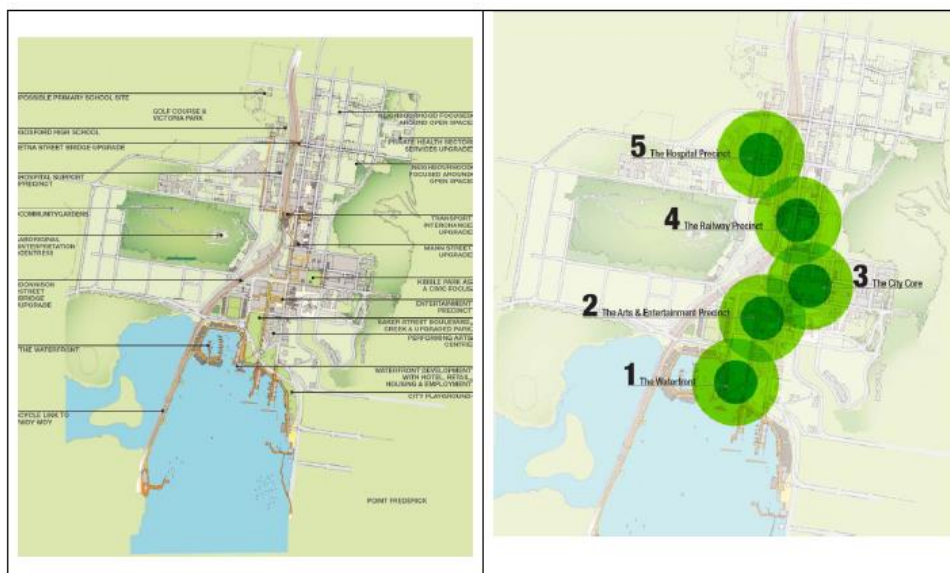


Figure 1 – Gosford City Centre Masterplan



Refer website:

<http://www.ccrdc.nsw.gov.au/MajorProjects/GosfordCityCentreMasterplan.aspx>

### ***The Landings – Request for Proposals and Original Rezoning Application***

- In 2010, the LPMA issued an open invitation requesting proposals from the private sector to implement the development of the Gosford Waterfront. The site area was named 'The Landings' and comprised almost 100ha on land and seabed as shown in red outline in Figure 2.



Figure 2 – Extent of 'The Landings' and reduced rezoning area

- CCRDC were identified in the RFP as the development broker responsible for this strategic site.
- Lend Lease Development were the successful proponent from the RFP process. Lend Lease and CCRDC worked together to further the masterplan for 'The Landings' with an ultimate aim of agreeing to a Project Development Agreement to carry out the development of the site.





- In November 2011, CCRDC submitted a rezoning proposal to the Department of Planning under the State Significant Site (SSS) process. The 'Landings' masterplan (Figure 3) and supporting work developed in collaboration with Lend Lease were utilised in the SSS study.
- The application was publicly exhibited between 30 November 2011 and 31 January 2012.

Refer website:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=3966](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3966)



Figure 3 - The Landings Masterplan

- The Landings masterplan identified hotel and commercial development on the Gosford Public School site. The Regional Performing Arts Centre was identified on the adjacent Crown Land.
- Following community feedback from the exhibition of the rezoning proposal, CCRDC decided to significantly amend the rezoning proposal to focus on a much smaller site area (10ha) which included Gosford City Park, Gosford Breakwater and Gosford Public School (shaded orange on Figure 2).



- The revised rezoning proposal significantly impacted on the 'Landings' masterplan being developed in collaboration with Lend Lease and work ceased on this proposal.

#### ***Amended Rezoning Application***

- Following community feedback from the exhibition of the original rezoning proposal, CCRDC decided to significantly amend the rezoning proposal to focus on a much smaller site area (10ha) which included Gosford City Park, Gosford Breakwater and Gosford Public School (shaded orange on Figure 2).
- Amended SSS documentation was prepared for the smaller area (10ha) and submitted to the Department of Planning in December 2012.
- The amended documentation was re-exhibited between March and April 2013. The exhibition material included a revised SSS study and specialist studies, response to public and agency submissions report and a draft Development Control Plan (DCP).
- In response to the submissions received from the re-exhibition, CCRDC prepared a further response to submissions report. In consultation with the DP&I, CCRDC made further revisions to the rezoning proposal and draft DCP. These documents were formally assessed by DP&I and approved through the gazettal of the SEPP Amendment and adoption of the DCP. The SEPP Amendment was gazetted in February 2014 and the DCP was adopted in March 2014.
- Figure 4 shows the extent of the revised Gosford Waterfront area (10ha), the zoning as gazetted and the land uses outlined in the DCP.



Figure 4 – Stage 1 Rezoning and Land Use Outcomes





Figure 5 - Preferred Concept Design

- In August 2013, the preferred concept was considered by Gosford City Council and Council resolved to endorse the concept and utilise the concept to seek funding for the project from the NSW and Commonwealth Governments.
- In July 2015, Council submitted a funding application for the RPAC under the Commonwealth National Stronger Regions Fund. CCRDC provided a letter of support to this application.

Refer websites:

<http://www.ccrdc.nsw.gov.au/MajorProjects/RegionalPerformingArtsCentreandConservatorium.aspx>

<http://www.gosford.nsw.gov.au/docs/default-source/archived-minutes/minutes-2013/minutes--20-august-2013.pdf?sfvrsn=2>

#### ***Gosford Public School – Demolition***

- In April 2014, the Department of Education and Communities (DEC) relocated Gosford Public School to new facilities constructed at Faunce Street, Gosford. The site was declared surplus to the needs to DEC at that time.
- In March 2014, CCRDC lodged a development application for the demolition of the former school facilities as predevelopment works. Development consent was granted by Gosford City Council in May 2014.
- In July 2014, CCRDC awarded a contract to demolish the school facilities as pre development works. The demolition of the school was finalised in March 2015.



- The former Gosford School site is identified B4 Mixed Use development.
- The Regional Performing Arts Centre is identified as a potential use within the Cultural Hub located on the Crown Land south of the former School site.

Refer websites:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=3966](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3966)

<http://www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/lep>

#### ***Regional Performing Arts Centre (RPAC)***

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- In 2012 and in parallel with the SSS process, CCRDC initiated and funded specialist studies examining the need for the RPAC and also a business plan model. These studies extended previous studies prepared by Council between 2007 and 2011. The output of this work was a 'Needs Analysis and National Benchmarking Study' report.
- In April 2013, CCRDC undertook a design competition for the RPAC located within the area identified as the cultural hub in the revised SSS documentation. The brief for the design competition incorporated the development requirements and controls that were ultimately approved within the DCP as well as the functional brief developed through the specialist studies.
- The purpose of the design competition was to identify a preferred concept design for the RPAC to promote the concept and secure funding for the project.
- Several architects submitted concepts in response to the design competition.
- The concepts were assessed by a panel convened by CCRDC. The panel was supported by technical consultants examining planning and architectural design, costs, functionality and operations.
- The assessment also included workshops with key stakeholders including Gosford City Council, Friends of Performing Arts, Gosford Music Society, Conservatorium of Music and Mr Richard Waterhouse (Emeritus Professor of History University of Sydney and Gosford City Council's nominated Heritage Committee representative).
- In July 2013, the panel recommended the concept design shown in Figure 5.



### ***Gosford Public School – Redevelopment***

- In June 2014, Government Property NSW worked in collaboration with CCRDC to develop tender documentation for the sale and redevelopment of the site in accordance with the approved zoning. Objectives relating to the revitalisation of the Gosford City Centre were key requirements of the tender documentation.
- A two phase process was adopted being an initial Expression of Interest (EOI) and then a select tender by shortlisted proponents.
- In October 2014, GPNSW issued an EOI for the sale and redevelopment of the site. The release of the EOI was released in parallel to a separate Commonwealth EOI for the construction of a new purpose built office facility in Gosford CBD.
- The EOI requested proposals on the whole or parts of the site as shown in Figure 6.

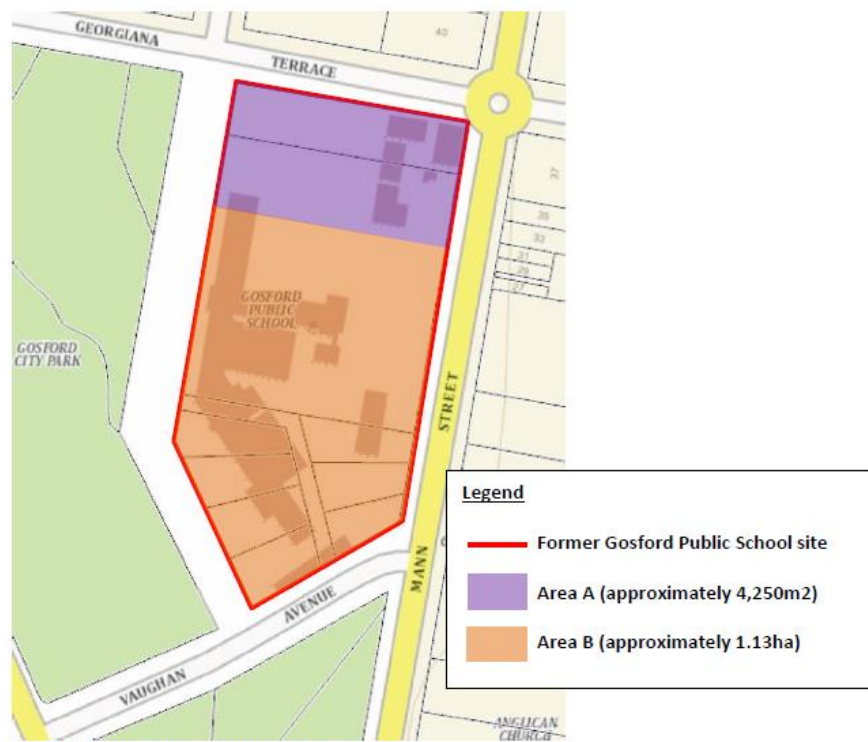


Figure 6: Land subject to the Expression of Interest





- In December 2014, proposals were received and assessed. Proponents were shortlisted from the EOI phase and were invited to tender. Tenders closed in March 2015.
- In March 2015, CCRDC lodged a development application with Gosford City Council to create a stand-alone lot for Area A. This was approved by Council in May 2015 and registered in July 2015.
- As at end September 2015 the tender for the site has not concluded.

Refer websites:

<https://tenders.nsw.gov.au/dfs/?event=public.rft.showArchived&RFTUID=178D3D09-E381-E99E-C1B7995626DDFF0F>

<http://www.ccrdc.nsw.gov.au/MajorProjects/WaterfrontPrecinct.aspx>