

JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

Council Assessment Report

Panel Reference	2016HCC024
DA Number	49578/2016
Local Government Area	Central Coast Council
Proposed Development	Proposed mixed use commercial and shop top housing development with 184 units, including the demolition of existing structures and staged construction.
Street Address	Lot: 8 SEC: 1 DP:1591, Lot 9 SEC: 1 DP: 1591, Lot: 10 SEC: 1: DP: 1591, Lot: 11 SEC: 1 DP: 1591, Lot: 12 SEC 1 DP: 1591, Lot: 13 SEC: 1 DP: 1591 No. 321 Mann Street, GOSFORD, No. 325 Mann Street, GOSFORD & No. 331 Mann Street, GOSFORD.
Applicant	Mann St Enterprises Pty Ltd
Owner	Mann St Enterprises Pty Ltd
Date of DA Lodgement	1 April 2016
Number of Submissions	Five (5)
Recommendation	Deferred Commencement Approval, subject to conditions
Regional Development Criteria - Schedule 7 of the State Environment Planning Policy (State and Regional Development) 2011	Capital Investment Value > \$20M and lodged before 1 March 2018.
List of all relevant 4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979</i> (EP&A Act) • <i>Local Government Act 1993</i> (LG Act) • <i>Roads Act 1993</i> (Roads Act) • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (SEPP State and Regional Development) • <i>State Environmental Planning Policy No 55 - Remediation of Land</i> (SEPP 55)

	<ul style="list-style-type: none">• <i>State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development</i> (SEPP 65)• <i>State Environmental Planning Policy (Coastal Management) 2018</i> (SEPP Coastal Management)• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> (BASIX)• <i>State Environmental Planning Policy (Gosford City Centre) 2018</i>• <i>Central Coast Regional Plan 2036</i>• <i>Draft Central Coast Local Environmental Plan 2018</i> (CCLEP)• <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014)• <i>Gosford Development Control Plan 2013</i> (GDCP 2013)• <i>Apartment Design Guide</i> (ADG)																																	
List all documents submitted with this report for the Panel’s consideration	<p>Attachments:</p> <ol style="list-style-type: none">1. Proposed Conditions of Consent2. Architectural Plans prepared by Chapman Architecture, ECM Document No: 272881333. ADG Compliance Table4. GDCP 2013 Compliance Table5. Landscape Plans prepared by 24 GRP Landscape, ECM Document No. 25939036 <p>Supporting Documents:</p> <table><tr><th>Document</th><th>Prepared by</th><th>Date / Issue</th></tr><tr><td>Statement of Environmental Effects</td><td>City Plan Strategy & Development</td><td>1 05/06/18</td></tr><tr><td>Survey Plans</td><td>SurvCorp</td><td>28/02/17</td></tr><tr><td>Waste Management Plan (Operational)</td><td>LID Consulting</td><td>29/03/18</td></tr><tr><td>Waste Management Strategy (Demolition & Construction)</td><td>SECA Solution</td><td>22/05/17</td></tr><tr><td>Response to Pre-Da Meeting Matters</td><td>City Plan Strategy & Development</td><td>Undated</td></tr><tr><td>Preliminary Contamination Assessment</td><td>Coffey</td><td>2 24/03/16</td></tr><tr><td>Phase 2 Contamination Assessment</td><td>Coffey</td><td>1 20/05/16</td></tr><tr><td>Preliminary Environmental Site Investigation Report (Contamination)</td><td>LG Consult</td><td>22/11/17</td></tr><tr><td>Design Verification Statement,</td><td>Chapman Architecture</td><td>A 01/05/17</td></tr><tr><td>Traffic Noise Assessment</td><td>RCA Australia</td><td>3 03/07/17</td></tr></table>	Document	Prepared by	Date / Issue	Statement of Environmental Effects	City Plan Strategy & Development	1 05/06/18	Survey Plans	SurvCorp	28/02/17	Waste Management Plan (Operational)	LID Consulting	29/03/18	Waste Management Strategy (Demolition & Construction)	SECA Solution	22/05/17	Response to Pre-Da Meeting Matters	City Plan Strategy & Development	Undated	Preliminary Contamination Assessment	Coffey	2 24/03/16	Phase 2 Contamination Assessment	Coffey	1 20/05/16	Preliminary Environmental Site Investigation Report (Contamination)	LG Consult	22/11/17	Design Verification Statement,	Chapman Architecture	A 01/05/17	Traffic Noise Assessment	RCA Australia	3 03/07/17
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	Clause 5.5 Coastal Zone Compliance Table	City Plan Strategy & Development	Undated
	Geotechnical Investigation Report	LG Consult	01/06/17
	Crime Prevention through Environmental Design Assessment	Barker Ryan Stewart	2 05/07/17
	Accessibility Design Review	ABE Consulting	10/07/17
	Traffic Impact Statement	SECA Solution	24/07/17
	Updated Autoturn Statement	SECA Solution	08/05/18
	Integrated Water Cycle Management Plan	James E Allen & Partners	P2 17/07/17
	Stormwater Concept Plans	James E Allen & Partners	P2 17/07/17
	Wind Tunnel Test	EGB Productions	7 31/05/17
	BASIX Certificate	Solar Smart	05/06/18
	NatHERS Certificates	David Seddon	13/07/17
	BCA 'Deemed to Satisfy' Section J Report	Brian Teplicanec	April 17
	Thermal Assessor Certificate	Solar Smart	13/07/17
	Loading Dock Management Plan	SECA Solution	08/05/18
	Shadow Analysis	Simmersion Holdings	Undated
	BCA Assessment Report	Steve Watson & Partners	R2.1 05/07/17
	Sewer Main Diversion Works	James E Allen & Partners	P4 11/08/2019
	Flood Risk Assessment Report	SRB Consulting Engineers	Issue 3 05/06/17
	Construction Management Plan	Catalyst Project Consulting Pty Ltd	Rev 1 14/06/19
	Concurrence Letter from Sydney Trains	Sydney Trains	08/08/16
Report prepared by	E Murphy		
Report date	5 November 2019		

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)?

Yes

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable comments to be considered as part of the assessment report.

Yes

CENTRAL COAST COUNCIL DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA49578/2016
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Summary

A development application has been received for the staged construction of a mixed use commercial and shop top housing development with 184 units, including the demolition of existing structures at No. 321-331 Mann Street, Gosford.

The original development application lodged on 1 April 2016, proposed development at No. 321 and No. 325 Mann Street, Gosford and did not include No. 331 Mann Street. Given No. 333-337 Mann Street, Gosford benefited from a deferred commencement consent for a mixed use development under DA49489/2016, the original proposal created a situation where No. 331 would become an 'isolated' site.

In response to concerns from the Joint Regional Planning Panel over the creation of this isolated site the applicant was able to purchase the site and modified the development application to include the site known as No. 331 Mann Street in the development application on 16 January 2018.

The application was lodged on 1 April 2016 and therefore receives the benefit of clause 8.9 of the *Gosford Local Environmental Plan 2014* (GLEP 2014). This clause allows a 30% bonus on the prescribed height and FSR specified for the relevant sites within the Gosford Central Business District. This clause stated that development consent may be granted under this clause only if the development application was lodged before 3 April 2016 and not finally determined immediately before the commencement of the *Gosford Local Environmental Plan 2014 (Amendment No. 27)*.

The question arose would the additional site of No. 331 Mann Street also benefit from the 30% Height and FSR bonus via Clause 8.9 of GLEP 2014. While the application was lodged on 1 April 2016, the additional sites were added by way of an amended application on 16 January 2018.

Clause 55 of the *Environmental Planning and Assessment Regulation 2000* allows an applicant to amend or vary a development application with the consent authority's agreement at any time before the application is determined. By virtue of Council's acceptance of the site known as No. 331 Mann Street to be included in the development application and as the application was lodged on 1 April 2016, Clause 8.9 would apply across the entire site in accordance with the definition of site area in the GLEP 2014. Independent planning advice was sought from DFP Planning Consultants, and a separate legal opinion from and Lindsay Taylor Lawyers on if the bonus under Clause 8.9 would apply to the whole site, including the additional Lot known as No. 331 Mann Street. Both advices have confirmed this position.

The 'base' building height control applicable to the site is 60m, the 30% bonus results in a 78m limit. The 'base' FSR applicable to the site is 5:1, the bonus 30% results in a FSR of 6.5:1.

The proposal seeks to utilise the 30% bonus to the Height of Buildings control and Floor Space Ratio control and proposes a height of 72.8m and an FSR of 6.5:1.

The application has also been subject to a number of design amendments in response to Council Officers concerns and comments from the Joint Regional Planning Panel. The proposal also requires and includes a relocation of a sewer line. The sewer line is proposed to be relocated in part on the neighbouring property – No. 333-337 Mann Street Gosford. The applicant and neighbouring landowner have advised that the use of No. 333-337 Mann Street has been agreed to and that a deed of agreement between the two property owners is being drafted and is forthcoming. At the timing of writing this report this has not been received and this agreement will be required by a deferred commencement condition.

The application also seeks a number of minor variations to Gosford Development Control Plan 2013 (GDGP 2013) and Apartment Design Guide (AGD), the extent of which are supportable. The proposal will not detract from the character or scenic qualities of the area to an unacceptable extent, or have unreasonable impacts on the environment.

The application has been assessed using the heads of consideration specified under section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and relevant Council policies.

RECOMMENDATION

- A** *That the Hunter and Central Coast Regional Planning Panel as consent authority grant consent to Development Application DA49578/2016 at No. 321-331 Mann Street, Gosford for the proposed staged construction of a mixed use commercial and shop top housing development with 184 units, including the demolition of existing structures, subject to deferred commencement conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other relevant issues*
- B** *That Council advise those who made written submissions of the Panel's decision.*

Precis

Delegation Level	Regional Planning Panel
Reason for Delegation Level	Development over \$20 million
Property Lot & DP	Lot: 8 SEC: 1 DP:1591, Lot 9 SEC: 1 DP: 1591, Lot: 10 SEC: 1 DP: 1591, Lot: 11 SEC: 1 DP: 1591, Lot: 12 SEC 1 DP: 1591, Lot: 13 SEC: 1 DP: 1591 No.
Property Address	321 Mann Street, GOSFORD, No. 325 Mann Street, GOSFORD & No. 331 Mann Street, GOSFORD
Site Area	3310.4sqm
Zoning	B4 Mixed Use
Proposal	Mixed use commercial and shop top housing development with 184 units, including the demolition of existing structures and Staged Construction
Application Type	Development Application
Current Use	Commercial
Integrated Development	No
Application Lodged	1 April 2016
Applicant	Mann Street Enterprises Pty Ltd
Estimated Cost of Works	\$62,903,565 – Capital Investment Value (CIV)
Advertised and Notified / Notified Only	Exhibition periods: 24 April 2016 to 13 May 2016, 15 February 2018 to 10 April 2018 and 26 June 2018 to 19 July 2018
Submissions	Five (5) total. One (1) submission was received for the first notification period. Four (4) submissions were received for the second notification period. No submissions were received for the final notification period.
Disclosure of Political Donations & Gifts	No
Site Inspection	24/01/2019 and 12/06/2019
Recommendation	Deferred Commencement Approval, subject to conditions

Variations to Policies

Policy	Clause/ Description	% Variance
GDCP 2013	Maximum floor plate size – 60% exceedance, supported given combining of sites and appropriate articulation Maximum building depth – 6% variation, supported Maximum building dimension over 24m – 9% variation, supported Residential front setbacks above 24m – 33% variation, supported as is a continuation of lower compliant setback	

	Residential side and rear setbacks above 24m – 8% variation, supported as complies with ADG setback requirements Site cover – 9% variation, supported as adequate deep soil and landscaping Vehicle Access – 33% variation to driveway width, supported given scale of development On-site parking – No motorcycle parking spaces allocated (2 required) acceptable given additional car parking spaces above the minimum Housing Choice and Mix – 96% variation to 1 bed units (49% provided), supported
<i>State Environmental Planning Policy No. 65 (Apartment Design Guide).</i>	Solar Access – 18.5% achieve 3 hours - 73% variation, supported as 81% achieve 2 hours Natural Cross ventilation – 17% variation, supported Habitable room depths – variable up to 10% variation, supported

The Site and Surrounds

The site is located on the eastern side of Mann Street, south of the intersection with Etna Street. The site has an area of 3,310sqm, is regular in shape, with a frontage to Mann Street of approximately 73m. The site is relatively flat with a slight southward slope generally following the slope of Mann Street.

No. 321 Mann Street contains a commercial premise comprising a two storey building, car parking areas at front and rear and associated business identification signage. No. 325-331 Mann Street contain a vehicle sales premises comprising a single storey and two storey sales buildings, vehicle display areas and associated business identification signage and retaining wall structures. The site does not comprise any remnant vegetation, open space areas or deep soil landscaping areas.

The site is zoned B4 Mixed Use under *Gosford Local Environmental Plan 2014* (GLEP 2014). The site is not identified as being "bushfire prone land" on Council's bushfire maps.

The property shares a common boundary with a vehicle sales premise to the north (No. 333-337 Mann Street) and a commercial premise to the south (No. 319 Mann Street). To the east the site shares a common boundary with a residential flat building (No. 12-14 Hills Street), a multi-storey commercial premise (No. 16-18 Hills Street), a commercial premise (No. 18A Hills Street) and a dwelling house (No. 24 Hills Street). To the south-east, the site adjoins a currently vacant block of land (No. 6-10 Hills Street).

A vehicle sale and hire premises, as well as a commercial premise are located to the west across Mann Street. The Central Coast railway corridor is located further to the west. Figure 1 below shows an aerial image of the site:



Figure 1 - Aerial photograph



Figure 2 – Site as viewed from Mann Street facing north



Figure 3 - Site as viewed from Mann Street facing south

Details of recent development consents for similar developments in proximity of the site are provided below:

1. Development Application No. DA49489/2016

Proposal:	Retail, Commercial & Shop Top Housing
Property:	333-337 Mann Street, Gosford (adjoining to the North of the subject property)
Status:	Deferred Commencement Consent activated on 17 January 2018. The consent lapses on 15 December 2019. The consent has not yet been commenced.



Figure 4: DA 49489/2014 located at No. 333-337 Mann Street, Gosford (adjoins the subject site).

2. Development Application No. 43268/2014

Proposal:	Mixed Use Development (38 Units) with Ground Floor Commercial Premises and Demolition of Existing Structures
Property:	357 & 359 Mann Street, North Gosford
Status:	Consent lapses 30 March 2020



Figure 5: DA 43268/2014 located at No. 357 & 359 Mann Street, North Gosford

3. Development Application No. 46259/2014

Proposal: Mixed Use Development comprising 31 Boarding House Rooms, 16 Residential Units and Retail Shop
 Property: 47 Beane Street, Gosford
 Status: Under construction



Figure 6: DA 43268/2014 located at No. 47 Beane Street, North Gosford

Background

Original application and addition of isolated site

The original application was lodged on 1 April 2016 over lots 8, 9, 10 & 11, Sec 1, DP 1591, Nos. 321 – 325 Mann Street, Gosford. This application proposed a 21 storey mixed use development comprising retail (150sqm), commercial (340sqm) and shop top housing (102 units) in a single tower over podium base.

After discussion with the applicant regarding the isolation of the adjoining site at No. 331 Mann Street the applicant submitted an amended proposal on 16 January 2018 including the previously isolated two lots as part of the development. The amended application is over lots 8, 9, 10, 11, 12 & 13, Sec 1, DP 1521, Nos. 321 – 331 Mann Street, Gosford.

Regional Planning Panel Briefing June 2018

The Joint Regional Planning Panel was briefed on 28 June 2018 regarding the amended proposal. The Councils briefing noted that insufficient information has been provided to enable a determination with a recommendation of support. It was determined that a legal opinion should be sought on whether the additional lots added to the proposal would benefit from the 30% bonus provisions under Clause 8.9 of GLEP 2014.

An independent opinion from DFP Planning Consultants was sought, and it was provided on 15 November 2018. This advice included the following:

Clause 55 of the Environmental Planning and Assessment Regulation 2000 (the Reg) allows an applicant to amend or vary a development application with the consent authority's agreement at any time before the application is determined.

By virtue of Council's acceptance of the site known as 331 Mann Street to be included in the development application and as the application was lodged on 1 April 2016, Council are in a position to permit cl 8.9 to apply across the entire site in accordance with the definition of site area in the GLEP.

... it is our opinion that the entire development site is subject to cl 8.9. When this approach is taken the development proposal complies with both the height and F.S.R development standards by virtue of cl 8.9 of the GLEP.

Following on from the advice from DFP Planning, an independent legal opinion was also sought from Lindsay Taylor Lawyers, and it was provided on 3 October 2019. This advice similarly concluded:

Therefore, the bonus provisions of the former clause 8.9 of GLEP 2014 do apply to the DA generally. This includes the development now proposed on No. 331 Mann Street, being the additional Lots 12 & 13 Sec 1 DP 1591.

Council Officers agree with this conclusion.

Amendments January 2019

The most recent set of amended plans were received on 18 January 2019 and included the following architectural design refinements:

- Refinement of vertical louvres on the east and west elevations - angled towards north to provide solar access in winter months and shading in summer months

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- Direct pedestrian access from lift lobbies to level 4 podium facilities added, high walls around podium level apartments' private outdoor spaces added for visual and acoustic privacy
 - Residential lobbies increased in size and frontage with stairs and toilets have moved away from residential lobbies.

Sewer location

The issue of the sewer location on the site has been raised multiple times on both at the Pre-DA stage, the original and amended scheme with the added Lot, requiring compliance with Council's Building over Adjacent to Sewer Water Mains Guidelines. The latest set of amended plans did not achieve compliance with these guidelines. The plan includes section of the sewer line, with changes in direction, without required manholes and located within the footprint of the building. The Guidelines requires manholes at proposed bends and all sewer manhole are required to be outside the footprint of the proposed building with minimum of 1.5m radial clearance.

A meeting was held with the applicant's specialist hydraulic consultant on 24 April 2019. An option of consolidation of services with the neighbouring property (No. 333-337 Mann Street) was discussed. The applicant was advised that any proposal to use the neighbouring land would require written consent from the landowner. The applicant and neighbouring landowner have advised that the use of No. 333-337 Mann Street has been agreed to and that a deed of agreement between the two property owners is being drafted and is forthcoming. At the timing of writing this report this has not been received and this agreement will be required by a deferred commencement condition. The final sewer relocation plans, received and dated 11 August 2019, have been reviewed by Council's Water and Sewer Officer who have no objection to the proposal subject to recommended conditions and the neighbouring landowner's consent being received.

The Proposed Development

The proposal comprises the construction of a 20 storey mixed use building, with commercial use and shop top housing comprising:

- 2 levels of basement car parking with commercial tenancies on basement level 1
- Ground level commercial parking and loading dock skinned by commercial premises
- Three levels of above ground car parking for commercial and residential integrated with commercial space to the Mann Street frontage
- 18 levels of 184 residential units:
 - 90 x 1 bedroom
 - 60 x 2 bedroom
 - 34 x 3 bedroom
- 30 adaptable units
- Car parking accessed from new 2 way driveway to Mann Street
- 265 car parking spaces:
 - 185 residential spaces
 - 9 residential visitor spaces

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- 71 commercial car parking spaces
 - A waste room within each residential floor will accommodate temporary waste storage. The garbage will be moved to a garbage collection room on the ground floor
 - Waste collection vehicles will enter the ground floor loading dock via the shared driveway. The loading dock can accommodate vehicles up to 10.5m in length and provides sufficient turning space so that trucks can enter and exit the site in a forward direction
 - Landscaping of the building and its surrounds including podium communal open space and a pool
 - On site detention
 - Sewer diversion and relocation
 - Demolition of existing structures

The applicant has proposed a staged construction:

- Stage 1 includes the basement parking and the commercial podium levels including parking. This stage includes all demolition of existing buildings, footpath and road works and utility and service works. This stage will include the landscaping planter boxes to the Mann Street frontage to screen the lift, garbage chute and fire stair shaft overruns.
- Stage 2 includes the residential Tower "1" which is the southernmost tower and includes potential options available for the treatment of the blank concrete wall on the north elevation of Stage 2 tower; full details will be required via a condition of consent.
- Stage 3 includes the residential Tower "2" which is the northernmost tower and includes the pool sauna and steam room.

A Construction Management Plan prepared by Catalyst Project Consulting Pty Ltd, dated 14 June 2019 further details these stages.

Figure 8 shows a photomontage of the proposed development as viewed from Mann Street. Figure 9 provides cross-sections of the development which illustrates the configuration of the commercial space and parking areas. Figure 10 shows the ground floor plan. Figure 11 shows the podium Landscape Plan.



Figure 8 - Photomontage of proposed development

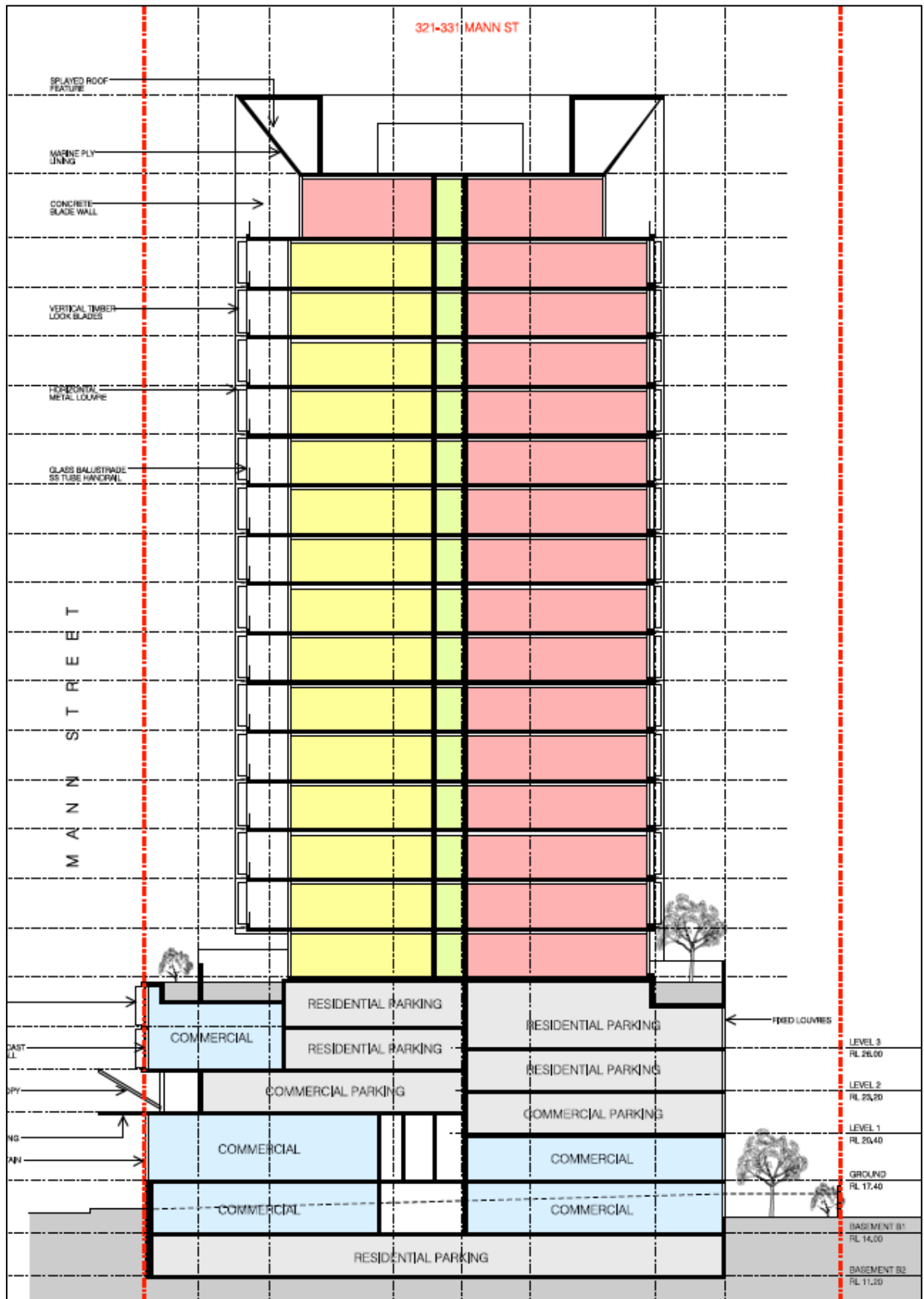


Figure 9 – Cross Section

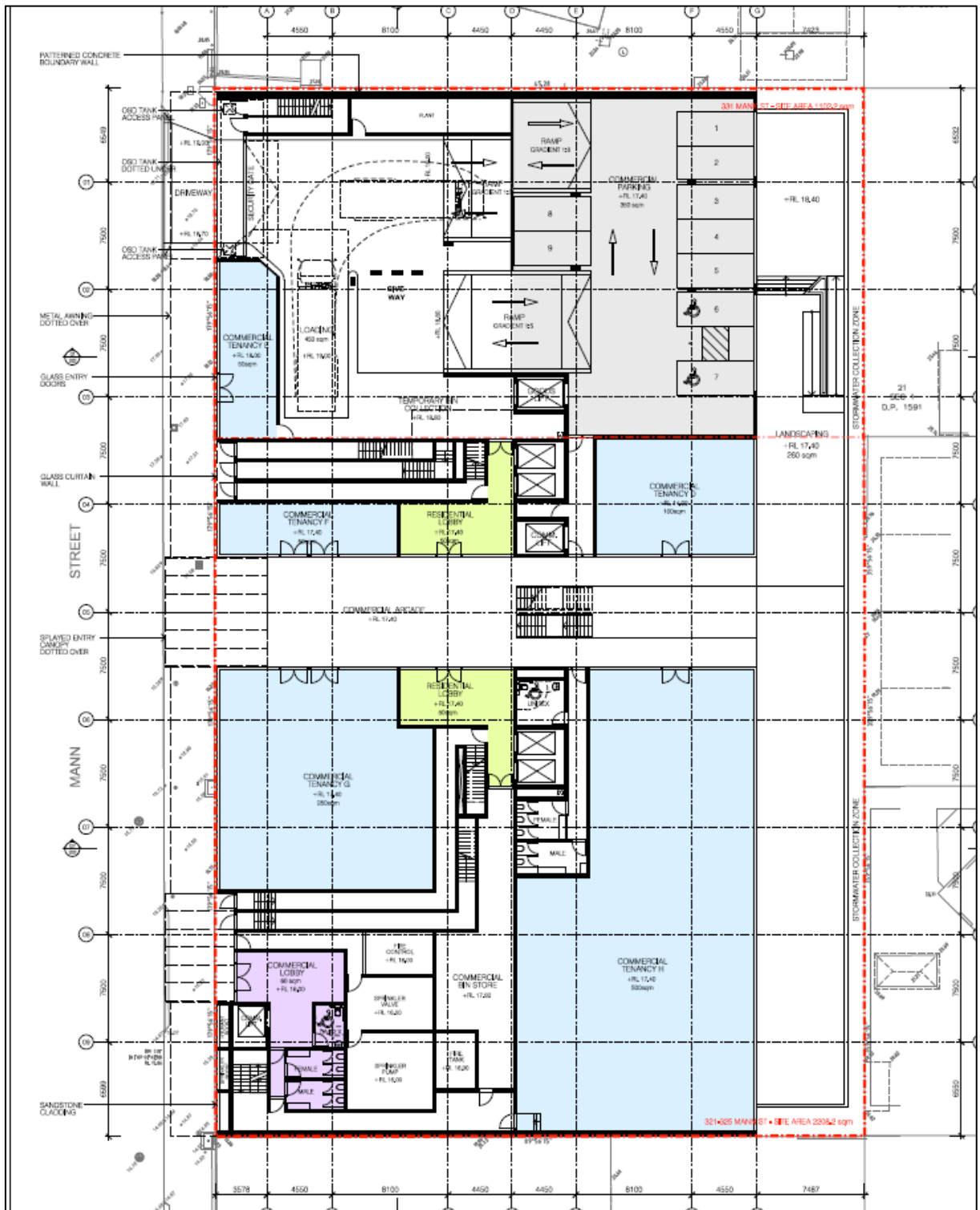


Figure 10 – Ground Floor Plan



Figure 11 – Podium Landscape Plan

History

The following table details the history of development consents issued in relation to the sites:

Allotments	Development Applications
321 Mann Street	<ul style="list-style-type: none">• 1993 – Commercial Premise• 1993 – Motor showroom• 1993 – Signs• 1994 - Signs• 1997 – Signs• 1998 – Motor showroom• 1998 – Motor showroom additions• 1999 – Signs• 2005 – Five (5) replacement signs to new corporate image
325 Mann Street	<ul style="list-style-type: none">• 1991 - Signs• 1996 – Commercial premise• 2003 – Establishment of Use - Motor Showroom & Sales, New Shop Front and 2 Signs Establishment Of Use Signs Commercial Premise• 2008 – Three (3) Signs with text associated with 'Central Coast Eurocar' and 'Skoda'
331 Mann Street	<ul style="list-style-type: none">• 2001 – New Building Toilets

s. 4.15 (1)(d) of the EP&A Act: Any Submission Made in Accordance with this Act or Regulations

Section 4.15 (1)(d) of the EP&A Act requires consideration of any submissions received during notification of the proposal.

Public Submissions

The application has been notified on three (3) separate occasions in accordance with Chapter 7.3.2 Notification of Development Proposals of GDCP 2013:

- The initial proposal was notified between 22 April 2016 and 13 May 2016. As a result of this notification period, one (1) submission was received.
- The amended development application was re-notified between 15 February 2018 and 9 April 2018. As a result of this notification period, four (4) submissions were received.
- A third notification period for further design revisions and additional information took place between 28 June 2018 and 19 July 2018. No submissions were received from this notification period.

The amended plans received 18 January 2019 were not re-notified as included minor architectural refinements only.

The issues have been addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the *Environmental Planning and Assessment Act 1979* and as set out below.

- ***Excessive height and overshadowing of Showground Road properties***

Comment: The height complies with the Maximum Building Height control specified under the GLEP 2014 and is consistent with the character of the area. There is overshadowing of properties on Showground Road does occur at 8am in mid-winter; however these shadows have passed by 9am. The proposal does not result in an unreasonable overshadowing of residential properties.

- ***Too many 1 bedroom units***

Comment: The proposal is considered to provide an acceptable mix of 1, 2 and 3 bedroom units.

- ***Insufficient visitor parking spaces (9) and resident car parking spaces – parking stress on the street***

Comment: No visitor car parking spaces are required under the Clause 8.6 Car Parking of the GLEP 2014 or Section 7.1 Car parking GDCP 2013 for shop top housing or commercial premises. The site is located in the city centre within 300m of the Gosford train station and adequate on site car parking has been provided including 9 visitor spaces.

- ***Driveway too close to Traffic Lights – pedestrian safety concerns***

Comment: The development application is supported by a Traffic Impact Statement, dated 14 July 2017, prepared by SECA Solution, which has been reviewed by Councils Engineer. It is concluded that the major intersections are controlled by traffic signals allowing for pedestrians to cross the major roads in a safe and efficient manner.

- ***Privacy impacts from properties in Hill Street, loss of outlook***

Comment: The proposed tower has fully compliant 12m setbacks from both side and rear boundaries which is fully compliant with the Apartment Design Guide requirements in terms of maintaining privacy. The tower is compliant with both height and setback controls and therefore any impacts on outlook are considered to be reasonable.

- ***Infrastructure should be prioritised over development***

Comment: The site is within walking distance of both bus and train stations in addition to a range of retail, commercial and services available with the Gosford City Centre. Appropriate conditions are imposed in relation to servicing the development with utilities. The site is subject to developer contributions which will contribute to required infrastructure within the area.

-
- ***All new developments should have environmentally sustainable building materials and architectural design***

Comment: Council has assessed the proposal against the design quality principles which apply under SEPP 65 and conclude that the proposal meets the principles to a satisfactory degree. The application is also supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability.

- ***Insufficient information***

Comment: The notification of amended plans between 15 February 2018 and 9 April 2018 did not include all relevant reports. This was noted and the application was re-notified between 28 June 2018 and 19 July 2018 to address this.

Submissions from Public Authorities

The application was referred to the following State Government Agencies:

- Roads and Maritime Services
- Sydney Trains
- NSW Police

Comments received from each are summarised and addressed below:

Roads and Maritime Services

The application was referred to the NSW Roads and Maritime Services (RMS) for assessment and comment. Correspondence from RMS was received on 22 August 2018. A summary of the advice provided to Council in the correspondence can be found below with comments were relevant:

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- *It is noted that several high-rise mixed use and residential developments have been supported within the Gosford CBD and surrounds in recent years which are likely to generate significant traffic volumes. Whilst most sites are within 800m of public transport facilities, it is considered there will be a cumulative impact on the safety and efficiency of the road network within and around the CBD area due to increased pedestrian and vehicular movements.*

Comment: Noted.

- *Council should ensure that an appropriate funding mechanism is in place to obtain equitable monetary contribution from developers towards future road network upgrades and / or traffic management measures required to accommodate developments within the city centre and surrounds.*

Comment: Any future development consent issued will require monetary contributions in accordance with Council's development contributions plans.

- *Roads and Maritime has no proposal that requires any part of the property.*

Comment: Noted.

- *Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.*

Comment: Recommended Condition 4.22 requires a Traffic and Pedestrian Management Plan to be prepared and provided to Council prior to the issue of a Construction Certificate.

- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the *Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.

Comment: Council's Engineering divisions has reviewed the proposal's access and traffic requirements and are satisfactory subject to detailed design required by Conditions 3.8.

Sydney Trains

The application was referred to Sydney Trains who granted concurrence under Clause 86 of *State Environmental Planning Policy (Infrastructure) 2007*. Sydney Trains granted concurrence subject to conditions in a letter dated 8 August 2016.

... Sydney Trains now advises that the proposed development is being assessed in accordance with the requirements of Clause 86(4) being:

- a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

In this regard, Sydney Trains has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in development application 49578/2016 subject to Council imposing the deferred commencement condition provided in Attachment A and operational conditions listed in Attachment B that will need to be complied with upon satisfaction of the Deferred Commencement Condition.

The deferred commencement consent is reproduced below:

Deferred Commencement Condition

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

A1

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- 1. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.*
- 2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.*
- 3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.*
- 4. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.*
- 5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.*

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

The amended application was re-referred to Sydney Trains in July 2018. Sydney Trains confirmed via email dated 8 August 2019 that "If there have been no changes to the DA since the amendments in July [2018], then our conditions remain the same". Given the changes to the plans in 18 January 2019 where minor architectural refinements only, it was not considered necessary to re-refer to Sydney trains.

NSW Police Force

The application was referred to the NSW Police Force who provided the following comments on 20 February 2018:

'Going through the documentation that has been sent, it appears that the CPTED principles have been covered quite well.... They have covered very well information in relation and I am happy with all points highlighted in 3. Conclusion, Surveillance, Access Control, Territorial Reinforcement and Space Management Recommendations. I have no objections to this DA.'

Internal Consultation

Architect

Comments were received from Council's Architect on 10 July 2018 which supported the amended application in principle subject to addressing the following issues:

- *Amend the vertical louvres to ensure compliance with the solar access controls in the ADG while providing appropriate screening for summer sun control.*
- *Provide direct pedestrian access to the communal area and pool from the Level 4 lift foyers and ensure communal access does not have detrimental impacts on the privacy of adjoining units.*
- *The residential lift lobbies are directly off the commercial arcade, adjacent to public toilets and stairs and are considered narrow and inadequate in size to service the 77 units on each lift core. Residential lobbies should be separate from commercial entries, have adequate area and seating for residents and create a desirable residential identity for the building.*
- *Consider further variation to distinguish this building from the architect's nearly identical application at 333 Man Street should be considered.'*

As a result of the above comments, additional information was requested from the applicant on 18 December 2018. Amended plans were received by Council on 16 January 2019. Accordingly, Council's Architect provided the following comments in relation to the amended plans on 25 February 2019:

Amend the vertical louvres to ensure compliance with the solar access controls in the ADG while providing appropriate screening for summer sun control.

Vertical louvres on the east and west elevations are now angled towards north to improve solar access in winter months and shading in summer. This is an improvement but the use of adjustable louvres would further improve this and give occupants the option of personal control of their unit.

Provide direct pedestrian access to the communal area and pool from the Level 4 lift foyers and ensure communal access does not have detrimental impacts on the privacy of adjoining units.

Direct pedestrian access from lift lobbies to level 4 podium facilities is provided. High walls around podium level apartments' private outdoor spaces will provide visual and acoustic privacy.

A preferable option may be to redesigning units 5 and 11 to provide access to the pool and communal open space from both lift cores. This could allow a larger private open space for units facing east and eliminate the need for the high courtyard walls.

The residential lift lobbies are directly off the commercial arcade, adjacent to public toilets and stairs and are considered narrow and inadequate in size to service the 77 units on each lift core. Residential lobbies should be separate from commercial entries, have adequate area and seating for residents and create a desirable residential identity for the building.

Residential lobbies have been increased in size and frontage and have adequate space for seating. Stairs and toilets have been moved away from residential lobbies. The applicant's assertion that the arcade provides a grand single entry point to the site which doubles as a commercial arcade is considered acceptable.

Consider further variation to distinguish this building from the architect's nearly identical application at 333 Man Street should be considered.

The architect's response is "A consistent architectural language is a positive outcome". Though it is considered that some variation between adjoining buildings adds visual interest to the streetscape, this is not justification for refusal.

RECOMMENDATION

There is no objection to the application on architectural grounds.

Engineering

The proposal has been assessed by Council's Senior Development Assessment Engineer who makes the following comments on the proposal dated 19 February 2018:

INTRODUCTION

This assessment has been undertaken in relation to the development engineering matters associated with a proposal for a mixed development comprising 184 residential units over 20 storeys and 2 storeys of commercial units within the 6 existing lots, together with the demolition of all existing structures on the site. The site is known as 321, 323, 325, & 331 Mann Street Gosford, or Lot 8 Sec 1 DP 1591, Lot 9 Sec 1 DP 1591, Lot 10 Sec 1 DP 1591, Lot 11 Sec 1 DP 1591, Lot 12 Sec 1 DP 1591, & Lot 13 Sec 1 DP 1591.

ROAD WORKS, ACCESS, & TRAFFIC

Road works

The site has a frontage to Mann Street. There is existing kerb and gutter across the frontage of the site, however there are extensive areas of existing vehicular laybacks within the site frontage that will need to be removed, and the existing kerb and gutter is an older standard (180mm height) that will also need to be replaced. The existing footway is fully constructed in plain concrete with the exception of a small section within the northern part of the footway frontage where the footway is not fully formed. It is recommended that the existing kerb & gutter and vehicle laybacks within

the site frontage be removed and reconstructed to the current standards. The footway is to be reformed at 2% from the back of kerb to the property boundary across the full frontage of the site, and reconstructed to comply with the requirements of the Gosford City Centre Streetscape Design Guidelines prepared by Oculus dated September 2011.

No road works are required as a result of the proposed development other than those associated with replacement of kerb and gutter (indicated above) and longitudinal street drainage (indicated below in the section on 'drainage').

Access

Within the road reserve

The development proposes a single vehicular access crossing that will provide for two way movements and also facilitate servicing arrangements. Revised plans provided with the application indicate that this crossing is proposed at 7.2m wide and splayed out to the kerb line so that it is wide enough to cater for the swept turning path of all passenger and servicing vehicles entering & exiting the development.

Within the site

Access within the site is provided to a number of separate parking levels between basement level and level 3, and a servicing area (on the ground floor level) via a combination of ramps and circulation driveways. The internal access and parking arrangements appear to comply with AS2890 and will be conditioned for comply with this Standard.

Car parking

It is noted that the development proposes 365 car parking spaces for the residential and commercial tenancies within the development including 7 spaces for people with disabilities. Vehicular access to the residential parking area will be restricted to tenants, via a security roller door openable with a buzzer. Storage space for bicycles is proposed within the development. The planner will need to assess the numerical provision of car parking spaces.

Waste Servicing

Appendix E of the Traffic Impact Statement prepared by SECA Solution dated 24 July 2017 that was submitted with the amended application indicates that the development will cater for a Council waste contractor vehicle (10.46m long) to enter and exit the site in a forward direction as part of the waste servicing operation for the development. Separate comments from Council's Solid Waste Officer should be sought by the planner to confirm that the correct waste truck associated with the new Council waste servicing contract and associated provider has been utilised in the swept path analysis.

Other matters

The proposal includes a continuous pedestrian awning over the Mann Street frontage that extends over the kerb line and in some areas overhangs the Mann Street road pavement. The awning is to be amended so that it is located a minimum of 600mm behind the kerb line. (The planner should also check to see if compliance with Council's Gosford DCP2013 would result in a setback greater than 600mm

behind the kerb line. Furthermore the planner should consider amendments to this awning in relation to the architectural design of the proposed development).

Traffic

A Traffic Impact Statement prepared by SECA Solution dated 24 July 2017 was submitted with the amended details for the application. This report indicates that the proposal will have a minimal impact upon the local road network, the parking demands can be accommodated on-site, and that the proposed access, servicing, and parking arrangements comply with AS2890.

FLOODING & DRAINAGE

Flooding

Council's records indicate that the site is affected by the Gosford CBD Overland Flow Flood Study. The adjoining site to the east is SP68909 (No 12-14 Hill Street). There is a sag low point in the road in front of SP68909 and the stormwater for SP68909 discharges to a drainage pipeline (& Council drainage easement) that traverses the front corner of that corner of this site. Secondary stormwater flows appear to occur over the adjoining site to the south of SP68909 and the adjoining site on the southern side of the subject development site. The majority of the upstream catchment is captured by this drainage system. According to the Gosford CBD Overland Flow Flood Study, there are small areas within the rear of the site that are affected by flooding (ponding) up to 1.3m deep in the current situation.

A revised Flood Risk Assessment Report prepared by SRB Consulting Engineers (Project No 21609 Issue 3 dated June 2017) was submitted for this amended application. This report addresses the overland flows over the adjoining property to the south and the contributing sub-catchment between Hills Street and the subject site that would generate stormwater flows into the site. Results and recommendations associated with this report indicate:

- The overland flows from the neighbouring catchment (between Hills Street & the site) is 0.3m³/s in the 1%AEP storm event.*
- It is proposed to capture and convey these 1%AEP overland flows (i.e. 0.3m³/s) with a series of surface inlet pits within a recessed collection area adjacent to the eastern site boundary combined with a 300-450mm diameter pipeline through to Mann Street that would convey the 1% AEP flows around the post-developed site.*
- A 1.6m wide secondary flowpath adjacent to the southern boundary is proposed to cater for the partial blockage of the piped system, which was found to have a maximum flow depth in the order of 90mm, assuming a 50% blockage in the 1% AEP event. Maximum 1% AEP flood levels through the developed site were found to range between RL 18.60 within the rear collection zone, and down to RL 15.00 adjacent to the south-western corner of the site. Diversion / retaining walls and raised thresholds would be constructed either side of the rear collection zone and secondary flowpath to ensure flows are retained within the subject site and to maintain adequate freeboard to the development site.*
- Any proposed doors within the secondary flowpath should be constructed with open grates / voids over the bottom 150mm to ensure the free passage of flood waters.*

These matters can be appropriately conditioned.

Drainage

The site is relatively flat but generally grades to Mann Street and to the rear where it ponds up to 1.3m deep. Stormwater from the site discharges to Mann Street.

The proposal has the potential to increase stormwater runoff through additional impervious areas created by the development. Therefore the development will need to provide on-site detention (OSD) in accordance with the requirements of chapter 6.7 of Council's DCP2013 to limit post development flows back to predevelopment flows for all storm events up to and including the 1%AEP recurrence interval.

The proposal has the potential to increase nutrient/pollutant runoff from the site that could impact on the water quality downstream of the site. The proposal will therefore need to provide nutrient/pollution controls in accordance with Chapter 6.7 of Council's DCP2013.

The development will need to provide retention of rainwater/stormwater for reuse within the development in accordance with Chapter 6.7 of Council's DCP2013.

Integrated Water Cycle Management Plan

With the proposed amendment to the development to now include an additional two lots to the development site, a new IWCMP prepared by James E Allen & Partners (Project No. 2017-34 Rev P2 dated 17th July 2017) has now been submitted. In this regard, the report indicates the following:

- On-site detention is to be provided with a total volume of 89.3m³, with a post development discharge in the 1%AEP retained to 0.161m³/s.*
- Retention of rainwater (30,000 litres) for reuse with the development.*
- Provision of nutrient control in a treatment train approach.*

This revised report has satisfactorily the requirements for on-site detention.

Interallotment drainage

There is an existing drainage system in the south-western corner of SP14004 (No 16-18 Hills Street) that discharges to an existing interallotment drainage system & 1m x 1m drainage easement in the north-western corner of SP68909 (No 12-14 Hills Street), that then discharges into the north eastern corner of Lot 9 Sec 1 DP 1591 (subject site – part of No 321 Mann Street). The stormwater drainage system for the subject development is to incorporate the provision of a separate interallotment drainage system through the site to convey the stormwater from SP14004 via SP68909 to Council's piped drainage system in Mann Street. An easement to drain water benefitting SP14004 & SP68909 would need to be created over this new interallotment drainage pipeline. It is noted that the interallotment drainage pipeline could connect to the drainage pipeline proposed along the rear eastern and side southern boundaries of the site. It is recommended that the application be conditioned to connect the interallotment drainage pipeline that enters the site from the south western corner of SP68909 (No 12-14 Hills Street) to the proposed drainage

pipeline within the rear eastern part of the site (in the vicinity of Pits 1.6-1.8 indicated in the plan prepared by SRB consulting (Project No 21609 Drawing No 21609_4, Sheet 4 of 4, Issue C dated 05.06.17. An easement to drain water 1m wide would need to be created over this pipeline from Pit 1.3 to Pit 1.8 indicated in the SRB plan in favour of SP14004 & SP68909.

Street drainage

Council's records do not indicate the existence of longitudinal street drainage system within the site frontage. The stormwater concept plan prepared James E Allen & Partners (Job No 2017-34, Drawing No SWME-01, Issue P2 dated 17.07.17) indicates that it is proposed to extend longitudinal street drainage from the site downstream to the existing drainage pit in front of the adjoining building on the neighbouring lot (No 319 Mann Street). It is noted that part of the existing line has near zero cover which would not facilitate suitable grades for connection of stormwater from the development with adequate cover to current standards. To provide suitable stormwater connection, part of the existing drainage system would need to be reconstructed/lowered to the next downstream pit in front of the driveway for No 319 Mann Street. (These pits are approximately 11m apart). Furthermore, longitudinal street drainage across the full frontage of the site is to be constructed to avoid the required kerb & gutter works for this development being further reconstructed if/when a development proposal for No 333 Mann Street (to the north of the site) is constructed and they need to connect to the Council piped system.

WATER & SEWER

Water & sewer matters do not form part of this engineering assessment. It is noted however, that the proposal would require a sewer diversion, compliance with Council's guidelines for building over/near sewer & water mains, and the requirement for a Section 307 Certificate (with associated contributions). The planner is to ensure that separate comments are received from Council's Water Assessment Team to the point where they are satisfied with proposed sewer diversions and other matters related to water & sewer provision in the area that would be associated with and/or affected by the development

OTHER MATTERS

Geotechnical

Geotechnical engineering matters do not form part of this assessment.

Street trees

The original landscaping plans indicated a street tree planting schedule in Mann Street, however it was noted that the location of the trees in the footway may have been affected by the proposed awning. The revised landscaping plans no longer indicate street trees within the road reserve.

CONCLUSION & RECOMMENDATIONS

As a result of the development engineering assessment of this application and the revised information submitted for this application it is recommended that:

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1. *The location of the awning within the road reserve is to be amended so that it is located a minimum of 600mm behind the kerb line.*
 2. *Subject to required amendments to the awning within the road reserve indicated above, and no objections from Council's Water Assessment Team and Waste Assessment Unit, it is recommended that the development engineering conditions indicated below be included in a development consent issued in relation to the assessed proposal.*

Heritage

The application was referred to Council's Heritage Program and Projects Officer due to its proximity to a locally listed heritage item at No. 299 Mann Street, approximately 50m to the south. Council's Heritage Program and Projects Officer made the following comments:

'I have reviewed the development application. I note that the subject site is not a heritage item but that it is in the vicinity of the Mitre 10 building at 299 Mann Street.

I have some concern with the proposed development with regard to the bulk and scale of the building when viewed from Mann Street and places to the west of the railway line. The podium level at street level is articulated, however the residential tower above will appear excessively bulky in elevation and does not respect the traditional smaller allotment sizes that are part of the character of this part of the streetscape.

If it is not possible to physically separate the tower element into two separate towers then increased articulation of the front elevation would be appropriate including increased recessing of the centre component of the building that links the north and south towers. This materials and colours used for this element could also be amended to make it darker in colour and thus more recessive. Alternatively green walls could be employed to provide a contrasting element and texture to the streetscape.

Overall however the proposed development at street level would have minimal impact on heritage items within its vicinity.'

Water and Sewer

Council's Water and Sewer Officer has reviewed the proposed sewer relocation plan. Subject to the adjoining owners providing the consent for the use of their land for the proposed arrangement there are no objections subject to recommended conditions.

Building

The application was referred to Council's Environmental Health and Building Surveyor who provided the following comments:

'Council's interpretation of the classification of buildings and structures in accordance with Part A3 of the BCA is: Class 2, 5, 6, 7a, 9b & 10b

The Geotechnical report on the foundations materials, advise the foundations are suitable and will complete a more detail study as the project proceeds. I discussed the content of the report with a geotechnical officer from the company's office.'

Trees

The application was referred to Council Tree Assessment Office who provided the following comments:

Further to Tree Comments 16/2/18 and following discussions between Council's Planner and Engineer, I have been advised that street tree planting is not considered practical on this occasion due to existing underground services and proposed awnings.

It is accepted that successful street tree planting in the city centre has resulted from road openings beyond the footpath as part of a past overall street scape project that hasn't extended to this part of Mann Street.

Councils Engineer raised a concern, that the proposed low (0.5m high) landscaping on the footpath will cause problems for parked cars opening doors. I agree with the engineers concern and not aware of this kind of landscape treatment to city centre footpaths.

Considering the constraints of the footpath area, it may be impractical to expect worthwhile landscaping at the front of this development.

Suitable native tree species have been nominated for the rear court yard, consisting of Lilly Pilly and Water Gum capable of heights to 10m.

Environment /Ecology

The application was referred to Council's Environmental Officer who provided the following comments:

Council's Environmental Assessment Officer has assessed the environmental impact of the above proposal in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. Council's Environmental Assessment Officer has no objection to the proposal...

Ecologically Sustainable Principles

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in

the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the development application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change.

Assessment

This application has been assessed using the heads of consideration specified under section 4.15 of the EP&A Act, and relevant Council policies. The assessment has identified the following key issues, which are elaborated upon for the Panel's information.

s. 4.15 (1)(a)(i) of the EP&A Act: Provisions of any environmental planning instruments/Plans/Policies

The relevant Environmental Planning Instruments are addressed below:

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy (Gosford City Centre) 2018

This SEPP applies to land within the Gosford City Centre including the subject site. However this application was lodged in 2016, before the commencement of this Policy on 12 October 2018. In accordance with the savings provisions under Clause 1.8A, the application must be determined as if this Policy had not commenced.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is considered to be consistent with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy (Coastal Management) 2018

The provisions of State Environmental Planning Policy (Coastal Management) 2018 require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Area. The Coastal Management Area is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

State Environmental Planning Policy 55-Remediation of Land

Clause 7 of SEPP 55 requires Council to consider whether the land is contaminated when determining a Development Application.

The proposed development will entail ground disturbance through the excavation of the site to accommodate basement carparking and the construction of footings for the proposed new building.

The applicant has provided the following information in relation to contamination:

- A Preliminary Contamination Assessment (PCA) prepared by Coffey, dated 24 March 2016. This report relates to No. 321-325 Mann Street
- A Phase 2 Contamination Assessment prepared by Coffey, dated 20 May 2016. This report relates to No. 321-325 Mann Street.
- Preliminary Environmental Site Investigation Report (PESI) prepared by LG Consult dated 22 November 2017. This report relates to No. 331 Mann Street.

In summary the Phase 2 Contamination Assessment for No. 321-325 Mann Street states:

Based on the results of the Phase 2 Contamination Assessment, the likelihood of gross soil contamination being present across the site is considered to be low. Low levels of some heavy metals, petroleum hydrocarbons and polycyclic aromatic hydrocarbons were recorded in some samples analysed, though not at concentrations exceeding the adopted health investigation levels.

In view of the proposed future land use, the preliminary Conceptual Site Model (CSM) can be updated. The chemical substances within areas of environmental concern (AECs) previously reported by Coffey are considered unlikely to present potentially complete exposure pathways that might result in an unacceptable risk to human health or the environment.

The majority of the AECs identified by Coffey in the PCA were assessed in this Phase 2 CA. At the client's request, AEC #5 (the hazardous materials in the building on 325 Mann Street) was not assessed. The client has advised that a construction demolition report and plan for the site has previously been submitted to Council. It is assumed that appropriate methods for the removal of hazardous substances from the buildings are included in this demolition report. Coffey advises that inappropriate removal of hazardous materials can potentially add significant remediation or management costs during development.

Based on the results of this assessment, Coffey considers that further assessments, remediation or management works are not warranted at this stage. The site is considered to be suitable, from a contamination viewpoint, for the proposed high-density residential and commercial land use.

Council's Environmental Officer reviewed the two Contamination Assessments for No. 321-325 Mann Street and made the following comments on 12 July 2016, and concluded that the application was acceptable subject to the recommended conditions:

- *The Stage 2 Contamination Assessment involved testing of 6 boreholes for potential chemicals of concern.*
- *The Health Investigation Levels adopted for the assessment was for HIL B Scenario (High density residential, not including a sizeable garden). The Ecological Investigations adopted was for an urban/residential scenario. This is considered appropriate.*
- *Boreholes were dug to a maximum of 1.1m below ground surface with samples taken at 0.5m intervals. This is considered shallow however it is unlikely that any contaminants would be absent in the first 1m but present below that and as no contaminants exceeding the adopted HIL's were detected, this is considered sufficient.*
- *The site contains some contaminants due to previous land use as a sawmill and vehicle dealership/workshop.*
- *Groundwater is expected to be present at 10m below natural ground surface. This was not sampled and is not considered likely to be encountered during construction works.*
- *Low levels of some heavy metals, petroleum hydrocarbons and polycyclic aromatic hydrocarbons were recorded in some samples analyses however these were below the adopted health investigation levels and ecological investigation levels.*
- *The Contamination consultant concluded that no further assessments, remediation or management works are required and that the site is considered suitable, from a contamination viewpoint, for the proposed high-density residential and commercial land use. This conclusion will be accepted in good faith.*
- *An Area of Environmental Concern (AEC#5) was identified in the Phase 1 Contamination Assessment however it was not tested as part of the Phase 2 Assessment at the request of the Applicant. AEC#5 is described as potential asbestos containing material sheeting in the external walls of the building on 325 Mann St. The omission of this area from the contamination assessment is accepted provided that the asbestos containing material will be removed in accordance with the NSW Workcover Code of Practice for the Safe Removal of Asbestos. The presence of asbestos within buildings is common and is not always addressed within contamination assessments, which primarily aim to identify contaminants within the soil and groundwater.*
- *Lead and benzo(a)pyrene concentrations in some samples were reported above the NSW EPA (2014) General Solid Waste Contaminant Threshold criteria. This means that the soils beneath the site are currently classified as Restricted Solid Waste and should be disposed of accordingly.*

The Preliminary Environmental Site Investigation Report (PESI) undertaken in relation to No. 331 Mann Street provides the following conclusions:

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- *Prior to the current layout the site appeared to have comprised mainly residential land until 1960's. The land has been used for commercial purposes and mainly as car parking area since the former residential building structures were demolished sometime between 1954 to 1964. What are now the office shed and garage shed at the site appear to have been constructed sometime between 1976 and 1986 and the site layout has remained the same since then;*
 - *The site has been used as commercial land for approximately 50 years. No significant changes were noted on the site during this period;*
 - *Laboratory analytical results indicated that the fill materials at the locations sampled and analysed did not contain concentrations of TRHs, BTEX, PAHs, OCPs, OPPs, PCBs, metals and asbestos that were greater than the HILs B/C/D and EILs B/C/D land use criteria (for mixed commercial/high density residential/recreational land use), at the time tested;*
 - *Given that no evident sources of mobile contamination could be visually identified on site, it is considered that potential contaminants associated with past and present land uses are minimal;*
 - *The site condition and the past and current site activities described in this PESI with targeted soil sampling indicate a low potential for significant or gross contamination; and*
 - *Based on the above findings the site subject to this PESI is likely to be suitable for the proposed use as multi-storey mixed use building with 2 basement levels, consistent with a Zone B4 – Mixed Use zoning.*

Council's Environmental Officer reviewed the Preliminary Environmental Site Investigation Report (PESI) undertaken in relation to No. 331 Mann Street and made the following comments on 15 August 2019 and concluded that the application was acceptable subject to the recommended conditions:

- *I have reviewed the Preliminary Environmental Site Investigation Report (PESI) prepared by LG Consult dated 22 November 2017 and it has been prepared generally in accordance with the NSW EPAs Guidelines.*
- *I have also reviewed the amended SEE dated June 2018, the amended plans dated June 2018 and am satisfied that the site is suitable for its proposed use (commercial shop top housing and basement parking), from a contamination perspective.*

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The proposal is subject to the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65). The application is supported by a Design Verification Statement prepared by Chapman Architecture (NSW Registration No. 8144).

The 'Apartment Design Guide: Tools for improving the design of residential apartment development' (ADG) provides objectives, design criteria and design guidance on how residential development proposals can meet the Design Quality Principles contained within Schedule 1 of SEPP 65, through good design and planning practice. The Design Verification Statement prepared by Chapman Architecture also incorporates a 'Response to SEPP 65 Design Quality Principles and Response to Apartment Design Guide'.

The proposed development has been assessed by Council's Architect where objections were raised. A revised design was subsequently submitted to Council and Council's Architect raised no further objections. Please refer to referral comments provided previously in this report.

Council has assessed the proposal against the design quality principles which apply under SEPP 65 and conclude that the proposal meets the principles to a satisfactory degree.

The proposal is considered acceptable having regard to the requirements of the ADG. For further consideration, refer to the ADG Compliance Table contained within **Attachment 3**.

State Environmental Planning Policy (State and Regional Development) 2011

The aims of *State Environmental Planning Policy (State and Regional Development) 2011* (the SEPP) are to identify development that is State significant development, State significant infrastructure and critical State significant infrastructure or regionally significant development and to confer functions on the relevant state or regional planning panels to determine development applications.

Amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) came into force on 1 March 2018 and resulted in amendments to the SEPP. The categories of regionally significant development are identified in schedule 7 of the SEPP. The threshold for general development has changed; development that has a capital investment value (CIV) of more than \$30 million is now considered regionally significant development.

The application was lodged prior to the amendment of the EP&A Act. Transitional provisions apply in this instance. Any development applications lodged but not determined before 1 March 2018 that met the former CIV threshold of more than \$20 million will remain with the Regional Planning Panel for determination. The proposed development has a capital investment value of \$62,903,565 and is identified as regional development for the purposes of the SEPP. The Hunter and Central Coast Regional Planning Panel is therefore the determining authority for this application.

State Environmental Planning Policy (Infrastructure) 2007

Clause 86 Excavation in, above, below or adjacent to rail corridor applies as the site is within 25m of the access to the rail corridor.

The application was referred to Sydney Trains who granted concurrence under Clause as detailed under the 'External Referrals' heading above.

Clause 87 Impact of rail noise or vibration on non-rail development applies to residential development that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration

Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

The consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,
- anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The site is approximately 70m from the rail corridor and a noise assessment prepared by RCA submitted with the application states:

'Provided the structure and façade treatments are executed in accordance with this report, the level of internal noise generated by road traffic on Mann Street and rail traffic from the Main Northern Railway will remain within the limits specified by the Development near Rail Corridors and Busy Roads – Interim Guideline.'

Conditions of any future consent can ensure the development complies with the recommended structure and façade treatments within the report.

Clause 104 Traffic-generating development applies as the proposed development is considered a traffic generating development within schedule 3 as referred to in this clause as it involves more than 75 dwellings and the site is within 90m of a connection to a classified road (Pacific Highway at the corner of Racecourse Road and Mann Street, north of the site). It also contains more than 200 parking spaces.

As required, the application was referred to RMS (as discussed previously in this report under the heading 'External Referrals'.

In relation to traffic impacts, Council's Development Engineer provided the following comments:

'A Traffic Impact Statement prepared by SECA Solution dated 24 July 2017 was submitted with the amended details for the application. This report indicates that the proposal will have a minimal impact upon the local road network, the parking demands can be accommodated on-site, and that the proposed access, servicing, and parking arrangements comply with AS2890.'

Overall it is therefore considered that the accessibility, efficiency and safety of the site and road networks are satisfactory.

Regional Strategies

Central Coast Regional Plan 2036

The Central Coast Regional Plan 2036 provides a 20 year framework and guiding strategic planning document aimed at facilitating effective growth and services for the people of the region. It outlines a vision for the Central Coast to 2036; the challenges faced, and the goals and directions to follow to address these challenges and achieve the vision. It aims to build a strong economy capable of generating jobs, providing greater housing choice, essential infrastructure, lively centres for shopping, entertainment and dining, and protecting the natural environment.

The Central Coast Regional Plan 2036 identifies that population growth in the region will require the need for approximately 41,500 new homes by 2038. The proposal has been assessed having regards to the relevant goals and directions set out within the Central Coast Regional Plan 2036 and are considered to be consistent with this Plan.

Local Environmental Plans

Gosford Local Environmental Plan 2014 (GLEP 2014)

Zoning and Permissibility

The site is zoned B4 Mixed Use under GLEP 2014. The proposed development is a mixed use development which is most appropriately defined as:

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

The objectives for 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 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.*

The proposed development meets the objectives of the zone, having regard to the following:

- The proposal will provide a mixture of compatible land uses;
- The mixed use proposal is located in an accessible location which will maximise public transport patronage, walking and cycling being situated on Mann Street in walking proximity to the Gosford Railway Station and bus routes; and
- Utilises the opportunity to improve the public domain of Gosford City Centre through the provision of high quality, active street frontage to Mann Street.

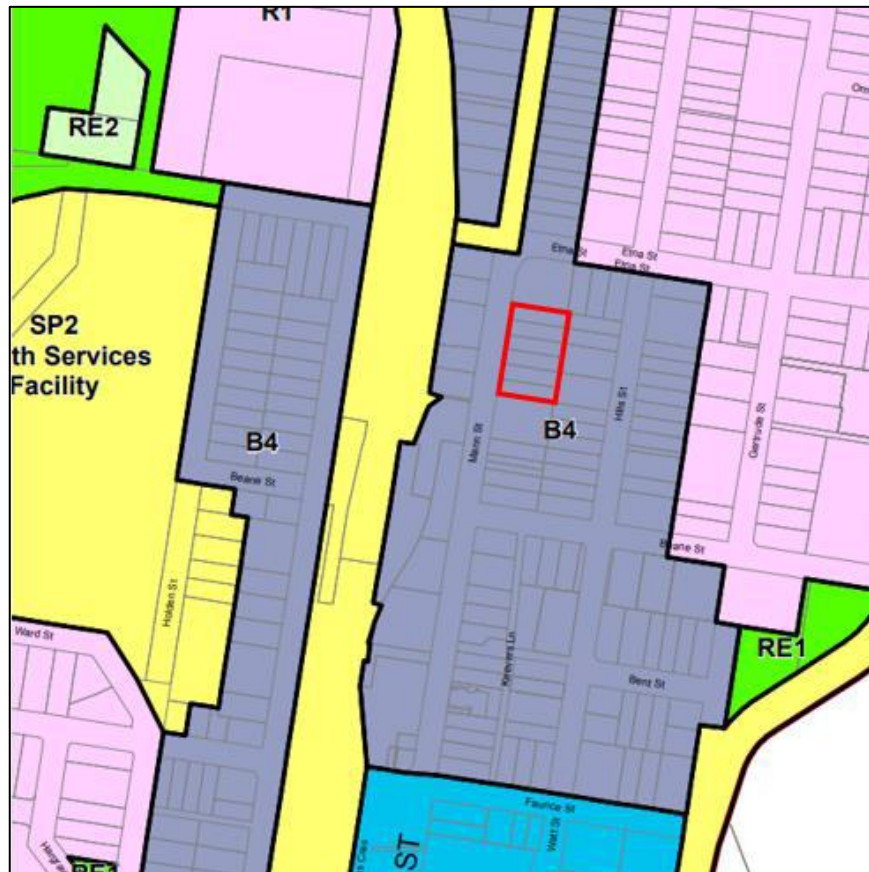


Figure 12: Zoning Map

Principal Development Standards

The table below summarises the compliance of the proposal with the relevant development standards of GLEP 2014.

Development Standard	Required	Proposed	Compliance with Controls	Variation	Compliance with Objectives
Clause 4.3 Height of Buildings	Base 60m Bonus 78m*	73.4m	Yes	-	Yes

Clause 4.4 Floor Space Ratio	Base 5:1 Bonus 6.5:1*	6.5:1	Yes	-	Yes
Clause 8.4 Minimum Building street frontage	24m	47m	Yes	-	Yes

* Includes 30% bonus permitted under Clause 8.9 of GLEP 2014

Clause 4.3 Height of Buildings

The provisions of Clause 4.3 (Height of Buildings) within GLEP 2014 establishes a maximum height limit for buildings. The applicable height control indicated on the GLEP Height of Buildings map is 60 metres.

To promote development within Gosford and surrounds, GLEP 2014 was amended in April 2015 via Amendment 12 to extend the 30% bonus height and floor space provisions under Clause 8.9 (Development Incentives). In relation to building height, Clause. 8.9(3)(a) (30% bonus) establishes a maximum height of 78 metres.

The proposed development displays a maximum building height of 73.4 metres and is therefore compliant with the GLEP provisions (see 8.9 further below).

Clause 4.4 Floor Space Ratio

The provisions of Clause 4.4 (Floor Space Ratio) within GLEP 2014 establish a maximum floor space ratio (FSR) for buildings. The applicable FSR control is 5:1.

Clause 8.9 (Development Incentives) within GLEP 2014 provides a 30% bonus to incentivise development, which is applicable to this development application. Clause 8.9 (3)(b) (30% bonus) establishes a maximum FSR of 6.5:1

The proposed development displays a maximum FSR of 6.5:1 and is therefore compliant with the GLEP provisions (see 8.9 further below).

7.1 Acid sulfate soils

The site is mapped as containing Class 5 acid sulfate soils. The Geotechnical Report prepared by Land and Ground Water Consulting Pty Ltd submitted with the application states:

'A review of the ASS risk maps prepared by Department of Land and Water Conservation (1997)2 for Gosford indicates the site is located in an area designated as "No Known Occurrence". Therefore, acid sulfate soils are not known or expected to occur in these areas. This map defines that land management activities are not likely to be affected by acid sulfate soil materials.

No indicators of acid sulfate soils were observed during the site inspection completed on 20 April 2017.'

Notwithstanding, appropriate conditions could be placed on any future consent issued to ensure appropriate measures are taken should acid sulfate soils be encountered

Clause 7.2 Flood Planning

The subject site is flood prone. Council's development engineer provided the following comments regarding the flood prone nature of the site.

'Council's records indicate that the site is affected by the Gosford CBD Overland Flow Flood Study. The adjoining site to the east is SP68909 (No 12-14 Hill Street). There is a sag low point in the road in front of SP68909 and the stormwater for SP68909 discharges to a drainage pipeline (& Council drainage easement) that traverses the front corner of that corner of this site. Secondary stormwater flows appear to occur over the adjoining site to the south of SP68909 and the adjoining site on the southern side of the subject development site. The majority of the upstream catchment is captured by this drainage system. According to the Gosford CBD Overland Flow Flood Study, there are small areas within the rear of the site that are affected by flooding (ponding) up to 1.3m deep in the current situation.'

It has been determined based on Council's Development Engineering assessment of the Flood Risk Assessment Report prepared by SRB Consulting Engineers (Project No 21609 Issue 3 dated June 2017) that the report addresses the overland flows over the adjoining property to the south and the contributing sub-catchment between Hills Street and the subject site that would generate stormwater flows into the site.

As such the proposal is considered to satisfy the requirements of this clause.

PART 8 – Additional Local Provisions – Gosford City Centre

The site is located within the Gosford City Centre as per the 'key sites map' of the GLEP. As such Part 8 of the GLEP applies to the proposal.

8.1 Objectives.

The objectives of Part 8 for the Gosford City Centre are:

- a) *to promote the economic and social revitalisation of Gosford City Centre,*
- b) *to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,*
- c) *to protect and enhance the vitality, identity and diversity of Gosford City Centre,*
- d) *to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,*
- e) *to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes,*
- f) *to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,*

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- g) to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,*
 - h) to enhance the Gosford waterfront,*
 - i) to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront.*

The proposal complies with the above objectives. The development will provide increased economic activities and population, near a major public transport route, to support the economic and social revitalisation of the Gosford city centre. The design meets the criteria for design excellence and SEPP 65 requirements. The proposal adds to housing choice in the locality, and is within walking distance of a range of shops, services and public transport.

8.4 Minimum building street frontage

This clause requires developments to have a minimum street frontage of 24m. The subject site has a 47m total frontage and complies.

8.5 Design Excellence

The provisions of Clause 8.5 (Design Excellence) of GLEP 2014 require Council to consider that the development exhibits design excellence. Consideration of the proposal against the matters attributed to design excellence, having regard to Clause 8.5(3) of GLEP 2014 is provided below:

- a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved*

It is considered the proposed design achieves a built form and scale appropriate to the B4 zone objectives and those of the City Centre as detailed within this Assessment Report. The design incorporates a range of materials and detailing which provide for internal amenity and design variation.

The podium has appropriate façade articulation and materials, including awnings, glazing, timber panelling, vertical glass fins and textured concrete; the tower is also articulated on all sides by offset planter boxes, bay windows and vertical timber louvres. Concrete blade walls and deep recesses help to enhance the vertical nature of the apartment tower.

The consolidation of the northern site has addressed previous concerns regarding its isolation and is considered to result in a superior planning and urban design outcome.

A mixed use building with a retail and commercial use on the street and residential units above is appropriate in this location and is consistent with the likely future character of the area.

- b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain*

The appearance of the building is considered to define and positively contribute to the public domain and streetscape, which is well overdue for, and undergoing renewal.

The buildings design consists of three distinct built form components: a ground floor retail level, a podium with commercial space at the Mann Street frontage and a residential tower. The building integrates with its context and the public domain by building to the street alignment and providing a street wall height that is consistent with the typical range of the area.

Activation of the street and public domain occurs at the pedestrian level through the use of awnings for weather protection, ground level commercial and residential lobbies, and ground level commercial (potentially café) spaces. Commercial tenancies and the residential lobbies improve the safety and security of the public domain through passive surveillance and clearly defined public and private spaces. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas. public domain improvements such as upgraded footpaths will also contribute to an improved public domain.

c) whether the proposed development detrimentally impacts on view corridors

The proposed site it is not located in any identified view corridor identified in GDCP 2013 and is not considered likely to unreasonably impact on views.

d) whether the proposed development detrimentally overshadows Kibble Park, William Street Plaza, Burns Park and the waterfront open space adjoining The Broadwater,

The proposed development does not overshadow these areas.

e) Any relevant requirements of applicable development control plans

GDCP 2013 has been considered within this Assessment Report and the proposal is considered worthy of support.

f) how the proposed development addresses the following matters:

- i. the suitability of the land for development,*
- ii. existing and proposed uses and use mix,*
- iii. heritage issues and streetscape constraints,*
- iv. the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
- v. bulk, massing and modulation of buildings,*
- vi. street frontage heights,*
- vii. environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
- viii. the achievement of the principles of ecologically sustainable development, with particular emphasis on water saving and recycling,*

-
- ix. *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - x. *the impact on, and any proposed improvements to, the public domain.*

The development is consistent with the zoning and the Gosford City Centre locality and is considered suitable for the site which is relatively flat, well located and serviced.

The site is underutilised at present, with 1-2 storey commercial and vehicle sale hire uses. The proposed mixed use will allow for residential units which will contribute to housing choice for the locality. The proposal also includes flexible commercial tenancies that could support a range of uses, including cafes/restaurants and retail at street level, which is a positive outcome for the site and street.

The development is considered contribute positively to streetscape through improved activation, built form and materials and will not have any unreasonable on the heritage item to the south.

The proposal includes a single, articulated, residential tower, achieving a consistent 6m setback to Mann Street and 12m setbacks to both side and rear boundaries. These setbacks allow for reasonable relationships with both the existing buildings as well as the approved and potential future towers within the area.

The setbacks and massing of the development are appropriate having regard to the desired character of the Gosford City Centre. The building presents well to the street with the commercial space providing for an active street frontage to Mann Street. The podium is three storeys which is in line with the desired future character of the street as well as the adjacent approval at No. 333-337 Mann Street (DA49489/2014).

The design incorporates elements in response to environmental matters, such as solar access, stormwater management and overshadowing. The development allows for water reuse in landscaped areas and provides adequate deep soil zones.

The proposal improves the public domain and pedestrian experience along Mann Street and provides appropriate vehicle access and servicing within the site.

8.6 Car Parking

The total floor area of all parts of the building to be used for 'commercial activities' is 2,540m². At the required minimum rate of 1 space per 75m², 34 commercial parking spaces are required. 71 spaces are proposed to be provided. This clause does not specifically require any visitor parking spaces. The site included 9 visitor car parking spaces, which is considered to be adequate considering the sites location in the city centre and within 300m of the Gosford train station.

Clause 8.9 Development incentives

This clause applies to the site as it applies to land identified as being within Gosford City Centre. The development seeks to utilise the bonus provisions under Clause 8.9 (Development Incentives) within GLEP 2014 in relation to building height and FSR. Clause 8.9(3)(a) of GLEP 2014 (30% bonus) establishes a maximum height of 78m and FSR of 6.5:1.

On 17 February 2017, amendment No. 27 to the GLEP came into force which amended Clause 8.9(4) to read:

Development consent may be granted under this clause only if the development application was lodged before 3 April 2016 and not finally determined immediately before the commencement of Gosford Local Environmental Plan 2014 (Amendment No 27).

The original development application proposed development on No. 321-325 Mann Street, Gosford. It was lodged on 1 April 2016 so as to receive the benefit of Clause 8.9 of the GLEP 2014.

On 5 December 2017 the applicant modified the development application (prior to any determination made) to include the site known as No. 331 Mann Street in the proposal. This change was enacted in light of a number of matters raised by Council, in particular the issue of a potential risk of an isolated site being formed (i.e. No. 331 Mann Street) following the determination of DA49489/2016 for 'Retail, Commercial & Shop Top Housing' development at No. 333-337 Mann Street which benefited from the 30% bonus under clause 8.9 of the GLEP 2014.

Clause 55 of the *Environmental Planning and Assessment Regulation 2000* (the Reg) allows an applicant to amend or vary a development application with the consent authority's agreement at any time before the application is determined.

By virtue of Council's acceptance of the site known as No. 331 Mann Street to be included in the development application and as the application was lodged on 1 April 2016, it is considered that Clause 8.9 is able to apply across the entire site in accordance with the definition of site area in the GLEP 2014. Therefore:

- The height of the building proposed on No. 331 Mann Street is compliant; and
- The FSR of 6.5:1 is also compliant.

s. 4.15(1)(a)(ii) of the EP& A Act: Draft Environmental Planning Instruments:

Draft Central Coast Local Environmental Plan 2018

The Draft Central Coast Local Environment Plan applies to the wider Local Government Area, however does not apply to this land as it is covered by State Environmental Planning Policy (Gosford City Centre) 2018.

State Environmental Planning Policy (Gosford City Centre) 2018

The Gosford City Centre SEPP commenced on 12 October 2018. The savings provisions under Clause 1.8A of the Gosford City Centre SEPP, states that *"If a development application has been made before the commencement of this Policy in relation to land to which this Policy*

applies and the application has not been finally determined before that commencement, the application must be determined as if this Policy had not commenced."

The application was lodged on 1 April 2016, and therefore the application is to be determined as if this SEPP had not commenced. The SEPP is a matter for consideration.

The site is zoned B4 Mixed Use under the Gosford City Centre SEPP. The zoning objectives include two additional objections as compared the to B4 zoning under the GLEP 2014, being:

- To create opportunities to improve the public domain and pedestrian links of Gosford City Centre.
- To protect and enhance the scenic qualities and character of Gosford City Centre.

The proposed development meets these additional objectives of the zone, in that it will result in an improved and activated public domain and result in a modern, well designed addition, consistent with the desired character of the Gosford City Centre.

The 'base' Floor Space Ratio applicable to the site is 5:1 and the 'base' maximum building height is 60m under the Gosford City Centre SEPP. These are the same as the base FSR and building height under the Gosford LEP 2014. Where the Gosford LEP 2014 has a 30% bonus available to both FSR and height, the Gosford City Centre SEPP allows for exceptions to height and floorspace under Clause 8.4 'Exceptions to height and floor space in Zones B3, B4 and B6'.

Clause 8.4(3) of the Gosford City Centre SEPP is applicable to the subject site, as the site is between 2,800 and 5,600sqm and has a street frontage of over 36m. This clause allows for development consent to be granted for a building height that exceeds the maximum height shown for the land on the Height of Buildings Map, by an amount to be determined by the consent authority, subject to design excellence including review by a design review panel.

It is noted that no exceedance of Floor Space Ratio is afforded to site of the subject sites size under this clause. Smaller sites, less than 2,800sqm, or with a street frontage of less than 26m, can vary FSR, but not height, while larger site, 5,600sqm and over, can vary both FSR and height of buildings.

Podium or street frontage height is also controlled under clause 8.2 'Building height on Mann Street', limiting it to three storeys. The proposal complies with this control.

Overall the proposal is considered consistent with the aims and objectives of the Gosford City Centre SEPP.

s. 4.15(1)(a)(iii) of the EP&A Act: Provisions of any development control plan

Gosford Development Control Plan 2013 (GDCP 2013)

GCDP 2013 provides objectives, design criteria and design guidance on how development proposals can achieve good design and planning practice. The proposal is considered acceptable having regard to the requirements of GCDP 2013. For a detailed consideration, refer to the GDCP 2013 Compliance Table contained within **Attachment 4**.

s. 4.15(1)(b) of the EP&A Act: Likely Impacts of the Development

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The likely impacts of the development are addressed below:

a) Built Environment

The proposed built form is considered acceptable in the context of the site.

b) Access and Transport

The impact of the proposal on pedestrian access, parking and the road network has been considered by Council's engineer who supports the application subject to conditions. The site is within walking distance of public transport, and a range of commercial, service and retail opportunities. The car parking provided exceeds the minimum requirements of the Roads and Maritime Services Guide to Traffic Generating Development, the GLEP 2014 and the GDCP 2013 as required by the Apartment Design Guide.

c) Context and Setting

The site is located within the B4 Mixed Use zone of the GLEP 2014, which is currently in transition to include higher density forms of development. The impacts of the proposal have been considered in the assessment of the application. The mixed use commercial and residential development is considered to be in line with the desired future character of the area.

d) Natural Environment

The site is within the established urban area. It is not considered that the development will result in unacceptable impacts on the natural environment.

e) Economic Impacts

The proposed scale of the development continues to contribute to the economic revitalisation of Gosford. The provision of additional dwellings proximate to the city centre contributes positively to the vibrancy and commercial vitality of the centre. The additional commercial space and associated commercial parking provided by the proposed development in close proximity to the CBD will also have a positive economic impact of the immediate area and greatly locality. Additional commercial space will result in increased business activity and employment opportunity in the City fringe.

f) Social Impacts

This site and the surrounding area in general, has aged considerably and as not taken advantage of the areas location in terms of its proximity to the train station and city core. The proposed development will not only revitalise this site but it will have a flow on effect through increased activity to the area in general.

The progressive improvement of properties along Mann Street will encourage walkability, activation and patronage of business within the city core and fringes. Again, the increased local population will also support local business and services.

s. 4.15 (1)(c) of the EP&A Act: Suitability of the Site for the Development

The site is zoned B4 Mixed Use which permits a range of uses. The development is considered to be in accordance with the desired future character of the area as envisaged by the GDCP 2013. The site is not impacted by constraints such as flooding, or flora and fauna constraints. As such the site is considered suitable for this type of development.

s. 4.15 (1)(d) of the EP&A Act: Any Submission Made In Accordance With This Act Or Regulations

Submissions received in relation to the proposal have been considered within this report.

s. 4.15 (1)(e) of the EP&A Act: The Public Interest

The approval of the application is considered to be in the public interest. The development will provide additional housing choice, including a range of apartment sizes, and commercial activities and services in a locality which is highly accessible to Gosford City Centre and related employment services and transport options.

Other Matters for Consideration

Development Contribution Plan

The *Gosford City Centre Special Infrastructure Contribution Determination* came into effect on Friday 12 October 2018. A Special Infrastructure Contribution levy of two per cent on the cost of development is required for new development within the Gosford City Centre. This applies to development located on residential and business zoned land that has a cost of development of \$1 million and over. See **Condition 3.12**.

Section 7.12 A contributions for the Gosford City Centre remains in place however the contribution levy has been reduced from 4% to 1%. **Condition 3.13** is recommended requiring the development contribution to be paid prior to the issue of any Construction Certificate.

Planning Agreements

The proposed development is not subject to a planning agreement / draft planning agreement.

Political Donations

During assessment of the application there were no political donations were declared by the Applicant, Applicant's consultant, owner, objectors and/or residents.

Conclusion

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for deferred commencement approval pursuant to section 4.16 of the *Environmental Planning and Assessment Act*.

Attachments

1. Proposed Conditions of Consent
2. Architectural Plans prepared by Chapman Architecture
3. ADG Compliance Table
4. GDCP 2013 Compliance Table
5. Landscape Plans prepared by 24 GRP Landscape