

JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

Assessment Report and Recommendation Cover Sheet

JRPP No	2016HCC028
DA Number	49685/2016
Local Government Area	Central Coast Council
Proposed Development	Mixed Use Commercial Development (JRPP)
Street Address	LOT: 2 DP: 1210298, 32 Mann Street GOSFORD
Applicant Name	Government Property NSW
Owner Name	Government Property NSW
No Submissions	57 submissions, 28 in support and 29 objections.
Regional Development Criteria (Schedule 4A of the Act)	Crown Development. Value over \$5 million.
List of All Relevant s79C(1)(a) Matters	1. Environmental Planning & Assessment Act 1979 - Section 79C 2. Local Government Act 1993 - Section 89 3. Gosford Local Environmental Plan 2014 4. Gosford Development Control Plan 2013 5. Chapter 4.4 Gosford Waterfront 6. Chapter 6.1 Acid Sulphate Soils 7. Chapter 6.3 Erosion Sedimentation Control 8. Chapter 6.4 Geotechnical Requirements 9. Chapter 6.6 Preservation of Trees or Vegetation 10. Chapter 6.7 water Cycle Management 11. Chapter 7.1 Car Parking 12. Chapter 7.2 Waste Management 13. Chapter 7.3 Public Notification of Development Applications. 14. State Environmental Planning Policy No 55- Remediation of Land. 15. State Environmental Planning Policy (Infrastructure) 2007 16. Water Act 1912.

List all documents submitted with this report for the panel's consideration	Attachment 1 – Proposed Conditions Attachment 2 – Development Plans Attachment 3 – Government Gazette Notice and Certificate of Title Attachment 4 – DP 1210298 Attachment 5 – Gosford Challenge to the Gosford Master Plan Attachment 6 – DPI (Water) General Terms of Approval
Recommendation	Approval - subject to conditions
Report by	R A Eyre

TITLE: DEVELOPMENT APPLICATION NO. 49685/2016
APPLICANT: GOVERNMENT PROPERTY NSW
PROPOSED: MIXED USE COMMERCIAL DEVELOPMENT ON LOT: 2 DP: 1210298, 32 MANN STREET GOSFORD
 Group: Environment and Planning
 Business Unit: Development and Compliance

Executive Summary

Application Number	49685/2016
Delegation level	Joint Regional Planning Panel- value exceeds \$20 million.
Reason for delegation level	
Property Lot & DP	LOT: 2 DP: 1210298
Property Address	32 Mann Street GOSFORD
Site Area	2782m ² (Lot 2- 6760m ²)
Zoning	B4 Mixed Use
Proposal	Mixed Use Commercial Development
Application Type	Development Application
Application Lodged	18/04/2016
Applicant	Government Property NSW
Estimated Cost of Works	\$34,208,000.00
Advertised and Notified	Exhibition period closed on 29/05/2016
Submissions	Fifty- seven (57)
Disclosure of Political Donations & Gifts	No
Recommendation	Deferred Commencement Consent, subject to conditions

Synopsis

A development application has been received which proposes a mixed use commercial/business premises. The proposal is to construct a new building with pedestrian access from Mann Street, and vehicular access from Baker Street. The development proposes three (3) basement levels of car parking below Mann Street level, and six (6) commercial levels above Mann Street.

The proposal includes 7,700m² of commercial floor space and 104 car parking spaces. The building will be set back 5.4 metres from Mann Street with landscaping/planter boxes along the Mann Street frontage.

The building is divided horizontally using different external materials and layers. The car parking levels will be of precast panels at the lower level, with pre-finished perforated metal screens on the two levels above.

At the Mann Street level, the building will have sandstone columns with glass/metal framing. The ground floor may be used for future businesses. The three (3) levels above Mann Street will have sandstone cladding with pre-finished vertical aluminium sunshades. The top two floors will have pre-finished perforated metal screening.

The roof top plant room will be of pre-finished metal cladding. The plant room has a height of 5.5m.

The building height and FSR are below the maximum permitted by the Gosford Local Environmental Plan (GLEP 2014), and the proposal complies with the building setbacks and the car parking rates required.

The site adjoins the approved commercial building to the north for the Australian Taxation Office and the heritage listed former school of arts building.

The proposal is to accommodate 300 plus jobs from the NSW Department of Finance, Services and Innovation (DFSI). The application has been lodged as a **Crown** application, which requires the agreement of the applicant or the Minister for Planning, to impose conditions or refuse the application.

The proposal is consistent with the Gosford City Centre Masterplan and Chapter 4.4 Gosford Waterfront except for issues relating to active street frontage to Baker Street, sharing vehicle access, location of disabled parking, visibility of vehicle entrance door/elevation from Baker Street and the waterfront. These matters are discussed in the report and have been addressed by amended plans or conditions of consent.

There were a number of submissions both in support and objecting to the proposal. The reasons for support include the economic benefit of the creation of 300 jobs to help revitalise the Gosford city centre. The reasons for objection are mainly due to the belief that the site should be retained and used for public/community use, such as a performing arts centre.

The proposal is supported as it is a permissible use, the design complies with the GLEP and GDCP objectives. The additional employment (300 plus jobs) will activate the currently vacant site, promote investment and help to revitalise the city centre and waterfront.

Background

Site History

Ownership

The site was previously owned by the NSW Department of Education. It is now owned by Government property NSW (**refer Attachment 3- Government Gazette notice and Certificate of Title**).

Approvals

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

Development Consent 47221/2015 granted approval on 20 May 2015 for a boundary adjustment which created the lot the subject of this application. This application was lodged as a Crown Application. The DP was registered on 28 July 2015 which created the current Lot 1 and lot 2 DP 1210298. **(Refer Attachment 4 –DP 1210298).**

Development Consent 49223/2016 for a commercial building (ATO) on the northern adjoining lot 1 DP 1210298, was approved by the JRPP at its meeting on 30 June 2016.

Site & Zoning History

The history of the Gosford School site is as follows:

- 24 May 1968 site zoned 5(a) Special Uses under the Gosford Planning Scheme Ordinance
- 9 January 1976 site zoned 5(a) Special Uses under Interim Development Order No. 89
- 12 February 1988 zoned 5(a) Special Uses under the Gosford Planning Scheme Ordinance
- 16 December 2005 zoned City Centre Special Use zone – School under Gosford Local Environmental Plan 2005
- 21 December 2007 zoned SP1 - Education Establishment Gosford City Centre Local Environmental Plan 2007
- 9 March 2010 Council adopts Gosford City Centre Masterplan
- 11 February 2014 zoned B4 Mixed Use under State Environmental Planning Policy Amendment (Gosford Cultural Precinct) 2014
- 14 February 2014 zoned B4 Mixed Use under Gosford Local Environmental Plan 2014 and chapter included in Gosford Development Control Plan 2013
- 21 March 2014 Chapter 4.4 Gosford Waterfront included in Gosford Development Control Plan 2013.

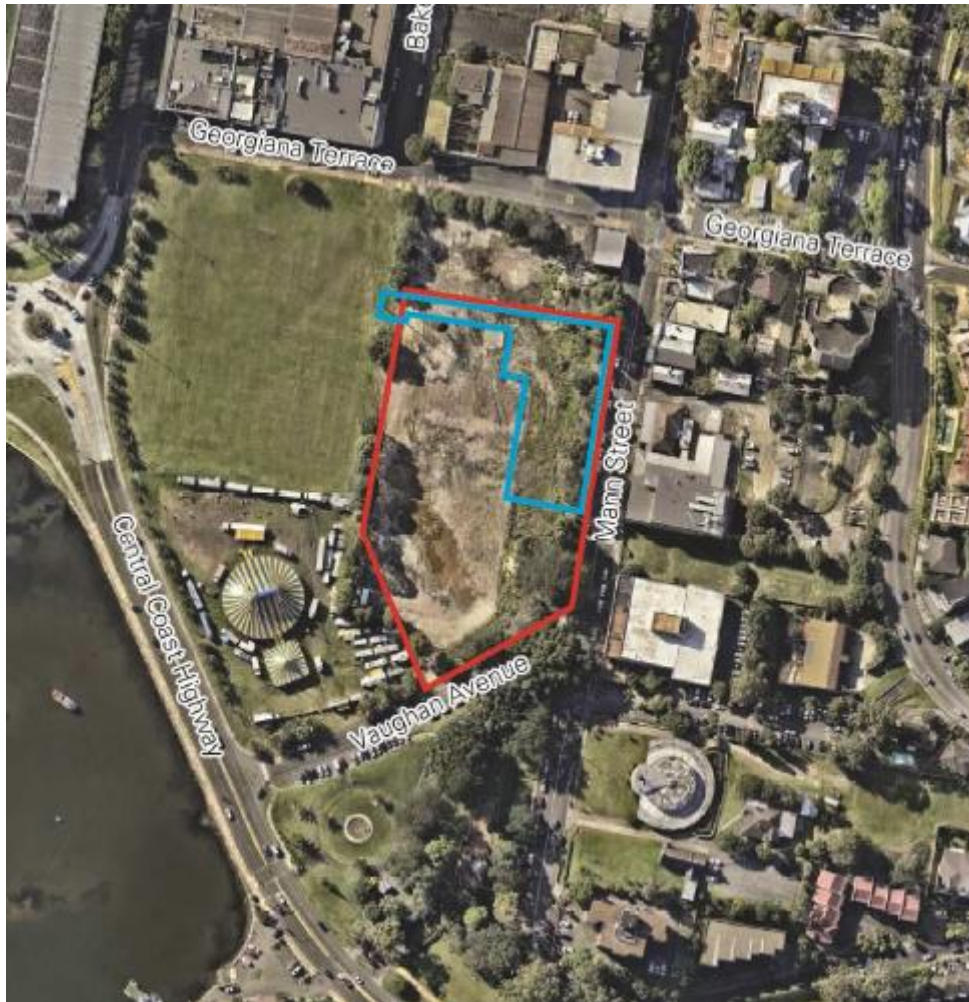
The rezoning of the land from SP1 to B4 Mixed Use was developed following community consultation relating to the "Gosford Challenge" and the resultant preparation of the Gosford Masterplan **(Refer Attachment 5- Gosford Challenge- Gosford City Centre Masterplan).**

The LEP and DCP adopted in February 2014 provided controls for land use and building form in the waterfront precinct. These controls were put in place as part of a comprehensive review of the planning controls which applied throughout the former Gosford Local Government Area. The Council at that time, and in consideration of the community consultation undertaken, resolved to adopt the draft LEP which zoned this site B4 Mixed Use.

The GLEP provides objectives for the B4 Mixed Use zone which support a mixture of compatible uses including a wide range of commercial, retail, cultural and residential uses. The GLEP also establishes a list of permissible land uses in the zone. The B4 Mixed Use zone in GLEP is an open zoning; meaning that all development types not expressly prohibited are permissible in the zone.

Site & Surrounds

The site is known as LOT: 2 DP: 1210298 32 Mann Street GOSFORD, located on the west side of Mann Street between Mann Street and Baker Street. The topography is flat toward Baker Street and steep along the Mann Street frontage. The site falls from about RL 10.5m at Mann Street to about 2.45m at Baker Street. The site is currently vacant.



*Locality Plan -Blue edge site of proposed development
- Red edge whole site (Lot 2).*

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

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

To the north is the proposed ATO office and former school of arts building. Further to the north is the Central Coast Leagues Club, a commercial building and the proposed "waterside" development approved in 2015.

The site is not identified as being "bushfire prone land" on Council's bushfire maps.

Owner's Consent/Baker Street Road Reserve

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

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

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

Approval for works in Baker Street are required under the *Roads Act 1993* (**Refer Condition 2.2**).

The Proposal

The proposal comprises:

- Site preparation works;
- Provision of vehicle access to the development;
- Construction and use of a six storey mixed use commercial development;
- Excavation and provision of three level semi basement and under croft carparking;
- Construction of a new access driveway off the Baker Street extension;
- Associated landscaping and public domain improvements;
- Temporary de-watering of the site (if required); and
- Extension and augmentation of physical infrastructure/utilities as required.

The proposal includes;

- 3 basement levels of car parking with 104 car spaces (including 2 disabled spaces), 49 bicycle racks, and 5 motorcycle spaces.
- 6 commercial levels above Mann Street (plus a roof top plant room) with a gross floor area of 7,700m².
- Access from a new driveway to be provided off the extension of Baker Street.
- A setback of 5.4m to Mann Street to provide planter boxes/landscaping and building entry.



Photomontage view from corner of Mann Street and Georgiana Terrace.

Assessment

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans.

Note: The application has been lodged as a Crown application, meaning that conditions cannot be applied without either the agreement of the applicant or the concurrence of the Minister for Planning.

Applicable Planning Controls

The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

- Environmental Planning & Assessment Act 1979 - Section 79C
- Local Government Act 1993 - Section 89
- Heritage Act 1977
- Protection of the Environment Operations Act 1997
- Roads Act 1997
- Water Management Act 2000
- State Environmental Planning Policy (SEPP) No 55 - Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Gosford Local Environmental Plan 2014
- Gosford Development Control Plan 2013
- Water Act 1912

Permissibility

The subject site is zoned B4 Mixed Use under GLEP 2014. The proposed development is defined as commercial premises as defined in GLEP 2014 which is permissible in the zone with consent.



State Environmental Planning Policies

State Environmental Planning Policy 55- Remediation of land.

A Preliminary Site Investigation for Contamination was submitted. The investigation identified that the site would generally be considered compatible (from a site contamination perspective) with the proposed commercial use, subject to the results of further intrusive contamination investigations and then completion of any requisite remediation and validation works. It is recommended that detailed assessment of the site should include investigation, screening and testing of the site soil, groundwater and subsurface gas conditions. **(Refer Condition A1)**

State Environmental Planning Policy (Infrastructure) 2007.

The application was referred to the Roads and Maritime Services and their comments are considered in the external referrals.

Gosford Local Environmental Plan 2014

GLEP 2014 applies to the development and zones the property B4 Mixed Use.

Zone B4 MIXED USE

The objectives for the B4 Mixed Use are:

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

The proposed development meets the objectives of the zone. It provides a business/commercial use on part of the site which will contribute to the mix of future uses within the Gosford City Centre. The location on Mann Street provides good pedestrian access to other uses in the city centre as well as to public transport nodes.

The proposal will require the extension of Baker Street which improves accessibility through the area and links to the Gosford waterfront. The location of the proposed building on the Mann Street side permits future development on the balance of lot 2 for other uses.

Activation of this vacant site and the provision of a large number of jobs on the site will increase activity and pedestrian volumes in this area of Gosford.

The proposed development complies with the principal development standards under the GLEP.

Development Standard	Required	Proposed	Compliance with Controls	Variation	Compliance with Objectives
Clause 4.3 Height of Buildings	RL 48m AHD	RL 39.2m	Yes	Nil	Yes
Clause 4.4 Floor Space Ratio	3.5:1	3.46:1*	Yes	Nil	Yes
Clause 8.6 Car Parking	104 spaces	104 spaces	Yes	Nil	Yes

*Note: FSR includes above ground car parking as per Clause 8.6 of Gosford LEP 2014.

5.5 Development within the coastal zone

The provisions of Clause 5.5 GLEP 2014 require Council to consider matters in relation to the Coastal Zone. The Coastal Zone 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 and are considered consistent with the stated aims and objectives.

7.1 Acid sulphate soils

This land has been identified as being affected by the Acid Sulphate Soils Map and the matters contained in Clause 7.1 of GLEP 2014 have been considered.

7.2 Flood planning

The land has been classified as being under a "flood planning level" and subject to the imposition of a minimum floor level. The development is considered satisfactory in respect to Clause 7.2 of GLEP 2014.

8.5 Design Excellence

Clause 8.5 of GLEP 2014 states;

- (1) *The objective of this clause is to deliver the highest standard of architectural and urban design.*
- (2) *Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in Gosford City Centre unless the consent authority considers that the development exhibits design excellence.*
- (3) *In considering whether development exhibits design excellence, the consent authority must have regard to the following matters:*
 - (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) *whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
 - (c) *whether the proposed development detrimentally impacts on view corridors,*
 - (d) *whether the proposed development detrimentally overshadows Kibble Park, William Street Plaza, Burns Park and the waterfront open space adjoining The Broadwater,*
 - (e) *any relevant requirements of applicable development control plans,*
 - (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 above requirements for design excellence in Clause 8.5 of GLEP 2014 have been considered in the assessment of the application, and the proposal is considered to consistent with the requirements. In particular, the proposal offers a good standard of architectural design, which is appropriate for the area, and employs design features in the front elevation that enhance the appearance of the development and are consistent with creation of interesting and active pedestrian environments. Future development on the western side of the site will screen the western elevation. Until that time, landscaping is being provided to improve the visual impact from the waterfront/Baker Street.

The building is suitable for the site, the proposed use is consistent with the zone objectives, does not affect any heritage values, and improves the streetscape of Mann Street.

There are no towers proposed on the site, and the street frontage height and building height comply with the maximum limits. Pedestrian access will be available from Mann Street, while all cycle, vehicle and service access will be from Baker Street. The design of the development responds well to the variation of land form, on this steeply sloping site. The design provides a clear transition for pedestrians to Mann Street.

The proposed development will not impact on any proposed improvements to the public domain, will not detrimentally impact on view corridors or overshadow the waterfront open space.

The proposal provides water cycle management/recycling and so reduces water waste.

Our City, Our Destiny - Gosford City Centre Master Plan 2010

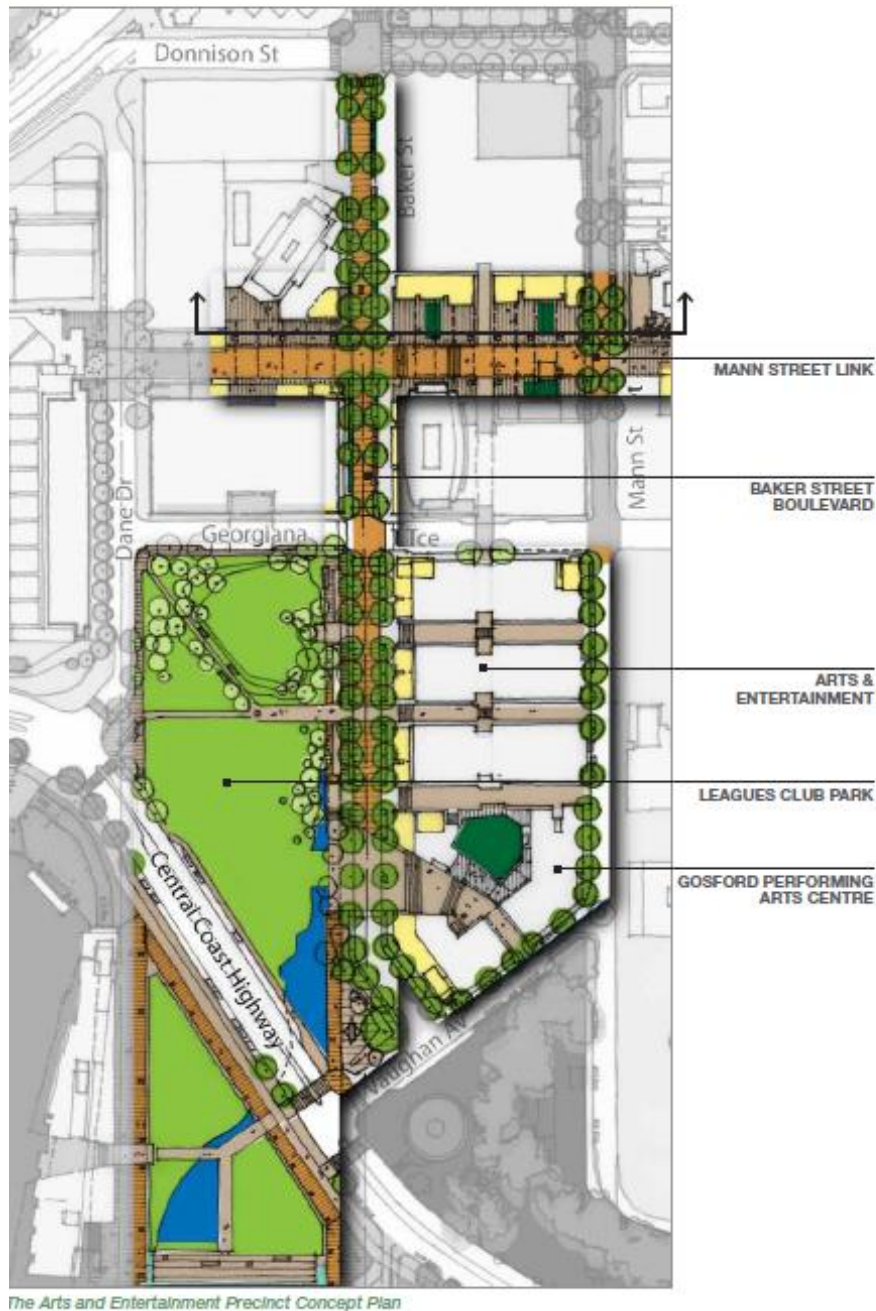
The Our City Our Destiny Masterplan 2010 was prepared as a vision of how Gosford would develop to encompass a wide range of uses, including business, government, retail, cultural, educational and recreational activities. It identified 5 key precincts of activity with key initiatives for each:

- The Waterfront
- The Arts & Entertainment Precinct
- The City Core
- The Railway Precinct
- The Hospital Precinct

This site is within the Waterfront Precinct, an extract from Gosford City Centre Masterplan is provided below:

KEY INITIATIVES ARE:

- BAKER STREET BOULEVARD
- MANN STREET LINK
- LEAGUES CLUB PARK
- GOSFORD PERFORMING ARTS CENTRE (INCLUDES PARKING)



The Arts and Entertainment Precinct Concept Plan

Extract from Gosford City Centre Masterplan

Gosford Development Control Plan 2013

Chapter 4.4 Gosford Waterfront

GDCP 2013 applies to the development. The introduction to Chapter 4.4 Gosford Waterfront of DCP 2013 states;

Gosford City Centre has been identified by the NSW Government as the Central Coast's regional city and accordingly will play a vital role in the shaping the future of Central Coast. The Central Coast Regional Strategy, which sets the strategic framework for growth over the next 25 years,

identifies that **Gosford will need to accommodate 10,000 new residents and 6,000 new jobs within that period.**

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

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

The DCP also provides information about the 2010 Master Plan and refers to the spatial areas identified across the Gosford City Centre. It is noted that this site is within The Waterfront precinct. An extract is provided below:

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

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

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

The DCP clarifies that the new Gosford LEP and DCP provisions were developed to encourage revitalisation of the area, and confirms that a series of development zones were identified for the Gosford Waterfront Precinct. An extract is provided below:

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

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

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

Assessment comment

The proposed development provides for a substantial increase of employment within the City Centre and is consistent with the stated DCP objective to promote jobs growth over the next 25 years. It is also consistent with the stated objective of revitalising the area through introducing additional workforce, and providing for modern commercial development which is appropriate for the locality.

The proposed development generally complies with the GDCP Chapter 4.4 Gosford Waterfront as summarised in the table below:

Development Standard	Description	Required	Proposed	Compliance with Control	Compliance with Objective
Clause 4.4.5.2	Active frontage	Active street frontage to Baker Street.	Active frontage to Mann Street	No-see comments below.	Yes
Clause 4.4.6.2	Vehicle access	Where possible, adjoining buildings to share access	Adjoining/separate driveway with ATO	No-see comments below	Yes
Clause 4.4.6.5	Disabled parking.	To be located close to lifts	Located away from lifts.	No-see comments below	Yes
Clause 4.4.6.6	Waste storage/ access.	To be screened from public place.	Visible from Baker Street/ Waterfront.	No-see comments below.	Yes

The proposed development is also consistent with the Urban Structure Map (Section 4.4.2.4 of GDCP – Figure 2) which identifies this subject land as part of development footprint location. See extract below:



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

Active Street Frontage

The land subject of this application provides only a driveway frontage to Baker Street, and leaves the remainder of the site to be developed for other uses addressing Baker Street into the future. As such the development does not provide an active frontage to Baker Street. The development is however addressed on the Mann Street side of lot 2 and provides an active frontage and appropriate architectural detailing to the Mann Street frontage.

Vehicle Access

The site is able to be accessed to the rear of the building from Baker Street. The location of the driveway to the proposed building adjoins that approved for the ATO building on the adjoining site. It is noted that the two developments are located on different sites with different owners and that while using a single accessway was considered this did not suit the parties. The proposed access connects to a public road and is considered acceptable.

Disabled Parking

The two disabled spaces are located at the ends of the car parking level whereas the lifts are located in about the centre of the floor. A condition is proposed to require these two disabled

parking spaces to be relocated to adjacent the lift. This will not affect the number of spaces provided. **(Refer Condition 2.9).**

Waste storage/Access

The location of the entry to the basement car parking level and waste storage area is located on the western side of the building. This will be visible from Baker Street and from the Gosford Waterfront. When future development occurs between the proposed building and Baker Street, this elevation and door will be screened. However as a temporary measure to mitigate the impact until other development occurs, a decorative structure/landscaping should be provided to minimise views toward this area. The applicant has submitted amended plans to provide a landscape screen on the western side.

Consultation

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

The development is Integrated Development as the proposal also seeks approval from the NSW Office of Water (NOW) for extraction of groundwater during construction.

The proposal was exhibited between 29 April 2016 and 29 May, 2016. A total of 57 submissions were received, with 28 in favour of the proposal and 29 objecting to the proposal.

In summary the main reason stated in the letters of support for the proposal is the economic benefits of increased employment generated through the development. The main reason for objection to the proposal is that the site (former public school site) should be developed for other purposes which provide community facilities.

Public Submissions

The matters raised in the public submissions in support of and in objection to the development have been considered. A summary of the submissions are detailed below.

1. Provision of infrastructure should be given priority over developments. Another bridge should be built over the railway line to improve traffic efficiency and transportation needs.

Comment – This development does not generate the need for another railway crossing. There are currently 3 road railway crossings within Gosford. It is noted that the development will be levied Section 94 contributions plan which provides funding toward infrastructure works in the City Centre.

2. There is a lack of transparency by the CCRDC, local, state and federal government since the outcome of the Gosford Challenge. The site was promised for community use and a performing arts centre. The ATO and finance building is an obscene and unnecessary use of public land. The waterfront is a valuable piece of public land and should be used to do for Gosford what Darling Harbour did for Sydney. There is doubt that the dedication of the site as a school has been properly revoked.

Comment – The land is now owned by the State Government NSW. A certificate of title has been provided which confirms this.

While the proposed performing arts centre location has not been resolved, the zoning of the land and DCP permits the proposal. The development is consistent with the DCP which identifies this subject land as part of development footprint location.

3. The proposal is not in accordance with the Gosford City Centre Masterplan and Our City Our Destiny- 2010

Comment – The site was shown to be located within the Arts & Entertainment precinct of the 2010 masterplan. The plan provides for the extension of Baker Street from Georgiana Terrace to Vaughan Avenue with street tree planting. The proposed development is consistent with that vision.

The site is also shown to be part of development footprint location within the subsequent GDCP 2013. It is noted that the B4 zoning of the land permits the proposal with consent.

4. The land should be rezoned to RE1 Public Recreation and a Plan of Management prepared to retain the War Memorial and Poppy Park. The land should be retained for community purposes and given it to the Council for a Performing Arts Centre.

Comment – The land is zoned B4 and there is no current planning proposal to change the zoning. The current proposal is located at the northern end of the former public school site and does not impact the War Memorial or Poppy Park.

5. The proposal is supported due to the 300 jobs the Department of Finance will bring to Gosford. There is currently limited job opportunities on the Central Coast. This will create an economic and employment stimulus for other businesses and commercial opportunities not just in Gosford, but across the Central Coast as well.

Comment – The proposal will generate jobs during construction as well as the future office use. Additional employment is needed within and around the city centre to revitalise the city and encourage residential development. This is noted to be in accordance with the provisions of the DCP and regional strategies for growing the Gosford City Centre.

6. The playing fields on Leagues Club field will be greatly reduced. The land should be retained for sporting/public use. There is doubt that the dedication as a school site has been properly revoked by notice in the government gazette.

Comment - The adjoining Leagues Club field is retained and the size of the field is not reduced. The works in Baker Street are wholly contained within the existing gazetted public road reserve. The Certificate of Title for the site shows the land owned by Government property NSW. The land is also zoned B4 Mixed Use.

7. The proposal will not revitalise Gosford CBD as claimed. Honeysuckle has failed to revitalise Newcastle. The site deserves an iconic public building. If approved the site will be lost for a performing arts centre/entertainment/cultural precinct.

Comment - The proposal is considered likely to help to revitalise Gosford City Centre by the creation of 300 jobs. Added investment and an increased white collar workforce presence have economic and social benefits. The proposal is acknowledged to be one step in many steps required to revitalise Gosford City Centre. There is no other application for this vacant site at this time. There is a large residue of land on the former school site for other development to occur.

8. The proposal assumes the extension of Baker Street across Crown land which has not been approved. Leagues Club field has a lease until 2014.

Comment - The extension of Baker Street is within a gazetted public road reserve, not crown land. Baker Street is not part of Leagues Club field. This has been confirmed by a search by the Lands Titles Office.

9. The development on the former school site is being done piece meal, a masterplan should be prepared for the site.

Comment – The site is subject of the 2010 masterplan, and the 2013 DCP provisions. These provisions provide guidance to the desired development outcomes on the site. It is noted that the extension of Baker Street is identified in the Gosford City Centre Masterplan and the site is also shown to be part of development footprint location within the GDCP 2013.

10. The panel is requested to seek the Minister for Planning concurrence to refuse or withdraw the application and to rezone the site to RE1 Public Recreation.

Comment - The application is a Crown application and the Minister concurrence is required to refuse the application or attach conditions not agreed to by the applicant. The applicant has agreed to the conditions as outlined separately in this report.

11. The building does not comply with building setbacks, floor heights and design excellence which requires a high architectural standard. It appears as a 6 storey wall/box. It is a bulky mass, with no aesthetic appeal or interest, and creates a visual barrier to Mann Street. There are no improvements to the public domain, no engaging or attractive design aspects. It is from the past.

Comment - The matter has been considered under the provisions of Clause 8.5 of Gosford LEP 2014. Under the provisions of design excellence, the building has been designed with 3 horizontal levels with varied external finishes. The proposed building is less than the maximum height and floor space permitted and does not overshadow the waterfront land.

The proposal addresses the slope of the land, heritage and streetscape constraints. The building has been set back from Mann Street and provides street tree planting. The proposal complies with building setbacks and floor to ceiling heights.

The western elevation will be screened from the waterfront when further development occurs on the site and by landscaping until this occurs.

12. The Gosford City Centre Masterplan did not identify Baker Street over this site as a 2 lane road. It is required to be a pedestrian boulevard and open space.

Comment - The 2010 Masterplan provides for the extension of Baker Street as a public road for vehicular traffic as well as for pedestrians and cycleway. The construction of Baker Street is in accordance with the Masterplan and GDCP for the Waterfront.

13. The traffic report is meaningless. It has not included the cumulative impact of other development proposals.

Comment - The cumulative impact has been taken into consideration. The additional traffic generated by this development is less than that generated by the previous school use and does not generate any requirement to upgrade existing roads and intersections.

14. There are other locations where this building could be located in Gosford.

Comment - The proposal must be determined on the application submitted. Other sites may be suitable but this cannot be used to refuse the current application.

15. No details of vehicular access have been provided.

Comment - Vehicular access will be provided by the construction of Baker Street from Georgiana Terrace to the access driveway. If the adjoining building (ATO Office) is constructed prior to this application, the development will only need to extend the works in Baker Street.

16. Leagues Club field is used as emergency assembly area by the Central Coast leagues Club and the stadium.

Comment- The field can still be used as an emergency assembly area. The field is not reduced by this development.

17. The site has the only remaining heritage building left.

Comment - There is no heritage building on this site. The former school of arts building is located on the adjoining site. The retention of the heritage building has been addressed under the DA for the adjoining site approved by the JRPP on 30 June 2016.

Referrals

The application was referred internally and externally for comments which are summarised below;

Internal Referral Body	Comments
Tree Assessment Officer.	The subject application has been considered with its accompanying Tree Report and Landscape Plans. Both documents propose removal of all trees within the property, consisting of a mixture of native and exotic species that likely have been planted or self-sawn on the site since its original development. Trees for removal as listed within the accompanying documentation consist of Tallowwood, Forest Oak, Cheese tree, Melaleuca and Bauhinia. The Landscape plan nominates removal of two extra trees. T097 is a young Brush box, moderately suppressed by near-by larger trees and T109 is a deteriorated Callistemon. No objection to removal. Landscape Plans nominate the use of <i>Fraxinus pennsylvanica</i> as street trees. This species of tree is acceptable as it is a species listed in <i>Gosford City Centre Streetscape Design Guidelines</i>. The consent granted for the ATO on the adjoining site requires the retention of tree TO68 which is a mature Brush Box tree. As the tree is approximately 2m from the boundary of this property, potential impacts on the tree needed to be considered and an additional tree protection condition created. Plans indicate that the excavation for the corner of the proposed building will be 3m from the trees trunk. Providing all care is taken with an Arborist in attendance during critical stages of excavation, it is considered that the tree can remain viable with the proposed development. An additional tree protection condition has been provided that requires an Arborist to be in attendance during excavation near the tree to ensure all care is given and no unforeseen services be installed that may impact on tree roots. (Refer condition 4.16)

Development Engineer	<u>Flooding & Drainage</u> The site is located close to the Brisbane Water, which has a 1% AEP flood level of RL 1.74m AHD. The building is scheduled to be completed and occupied in 2018. Based on a 50yr life of the building, the projected sea level rise is 0.37m. The minimum floor level is RL 2.61m AHD (= 1.74m flood level + 0.5m freeboard + 0.37m sea level rise). The entrance to the basement car park has a level below the minimum floor level. To overcome this issue, the driveway access is to have a crest level equal to the MFL, provided with watertight berm walls and a weatherproof structure from the driveway crest to the entry into the building. The building is to be made waterproof below RL 2.61m AHD. The building shall incorporate water quality and stormwater retention measures in accordance with DCP 2013 Chapter 6.7 – Water Cycle Management. Stormwater from the development will be connected to Council's drainage system located within Baker Street. <u>Traffic</u> Council's 'Strategic Transport Planner' provided the following assessment comments based on Cardno's 2016 Traffic Impact Assessment for 32 Mann Street: <i>The proposed development is a five storey PCA A grade commercial building with three levels of basement car parking. The ground floor is to include supporting uses such as café/retail/business services to activate the street frontage along Mann Street with traditional office space above. There is a Site Concept Study that will encompass further residential/commercial and retail land use across the entire site to be developed in the future, however this report is only considering the development of the five storey commercial building.</i> <i>Proposed mixed use area for commercial is 7,700m msq Trip generation for NSW Property rate is 124 total trips For neighbouring ATO the predicted Traffic Generation is 116 total trips Total generation for both developments is 290 Trips</i> <i>The existing road network is considered to have spare capacity to cater for the proposed developments. This is based on the fact that the Gosford Public School has been relocated (Trip generation rates for 536 students is 268 vehicles/hour for the AM and PM peaks).</i> <i>Cardno were commissioned in 2012 to look at the net impact of relocating the Gosford Primary School from the waterfront and the proposed development levels for the Gosford Masterplan.</i> <i>Cardno, 2012 cited ".....Cardno was recently commissioned by Central Coast Regional Development Corporation (CCRDC) to undertake a Traffic Impact Assessment (TIA) as part of the proposal for the Stage 1 Development at Gosford Landing. It is proposed that Stage 1 will incorporate a mixed use development located on Brownfield land, resulting in the relocation of Gosford Primary School. This study area will have relevance to Dane Drive, Central Coast Highway, Georgiana Terrace, Baker Street, Mann Street and Masons Parade.</i>
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This document, through a rigorous traffic assessment process, demonstrates the impacts that the proposed development of Gosford landing is likely to have on the key intersections in the immediate vicinity. This report also includes likely mitigating measures to maintain existing Level of Service on Central Coast Highway, insofar as it is practicable, noting also that RMS has a preference for preserving Central Coast Highway as is."

Cardno,2012 cited "Once all tests were carried out we mitigated by increasing capacity where necessary resulting in an upgrade of Dane Drive on the approach to the roundabout at Central Coast Highway. With the mitigation measures in place our assessment is that the road network, with the proposed upgrades, can accommodate CCRDC's proposals as set out here."

Cardno,2012 assumed a total gross floor area for the commercial office developments proposed along the new section of Baker Street between Georgianna Tce and Central Coast Hwy was in the order 46,962 GFA, which is well in excess of the 7,700 GFA msq proposed for NSW Property and 7,827 GFA proposed for the ATO.

These proposed developments combined are considered to have minimal impact on the supporting network.

Road Works & Access

The development will require the following works within the public road reserve:

- a. Construction of the intersection between Georgiana Terrace and Baker Street.
- b. Extension of Baker Street consisting of full width road including kerb and guttering, subsoil drainage, footpath formation, drainage and a minimum 15.3m wide road pavement across the full frontage of the site on both sides of the road in Baker Street and extending 13.5m past the southern side of the entry driveway to the site.

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

- 4.5m footpath from the property boundary to the face of kerb
- 3.55m southbound travel lane
- 3.55m northbound travel lane
- 2.9m manoeuvring strip
- 5.4 perpendicular parking
- 0.215m strip from the end of the parking space to the public reserve boundary.

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

Planning Comment.

The engineering assessment and determination of the alignment of Baker Street has had regard to the requirements of the masterplan, and the approved adjoining development on lot 1.

Architect	1. While development of the site is supported in principle, this proposal is considered inappropriate in this location. The site is capable of much greater height and density and it is considered that a building of this scale will be inconsistent with the desired and likely future character of the area. 2. A commercial building with a taller residential component above is considered more appropriate on this waterside location and would be consistent with the likely future character. 3. The Tax Office development has created a pedestrian courtyard to enhance the significance of the School of Arts and the footings of the Sergeant's Quarters. This proposal faces this courtyard with blank concrete and metal carpark walls up to 6 metres high. The option of stepping the blank wall or preferable linking the courtyard and forecourt to create a pedestrian connection should be explored. 4. The building appears as largely flat and with little articulation. It is acknowledged that there are some horizontal breaks however it is considered the building reads as a predominantly uniform and continuous 50 metre long structure. 5. The appearance from the west (Baker Street) is a 5 metre high blank carpark wall punctuated with garage doors. It is acknowledged that this is proposed to be concealed by future buildings but it is unclear when these will be constructed. The application should include landscaping or other methods of concealing this from the park and until future stages are built. 6. The application should include a masterplan for the entire site. It is unclear how the application connects with the rest of the site, the city park and also to the War Memorial Park to the south. It should also include a landscape plan that includes the conservation of the avenue planting of Ficus on Mann Street including the mature specimen on the applicant's site on the corner of Mann Street and Vaughan Avenue. 7. The building will be overlooked by most surrounding buildings. The large area of flat metal roof deck and blank metal plantroom cladding contribute little to the skyline or outlook. The option of a roof terrace or a green roof should be considered. <u>Planning Comment.</u> The proposal has a height and floor space less than that permitted under the LEP. The zoning of the site permits a wholly commercial building. There is no requirement to provide a mixed use development and to include a residential component.
Waste Management Officer	No objections. Conditions provided.
Environmental Officer	SEPP 55 – Remediation of Land A Preliminary Site Investigation (PSI) for Contamination has been submitted with the DA as the information available for the site indicated that localised patches of contamination may be present from past land use activities. The

	PSI for Contamination identified a number of potentially contaminating activities that have occurred on the site including: • poor demolition practices for asbestos structures, • historical fill materials, • use of oils/chemicals and • incineration of waste materials. The PSI for Contamination concluded that the site can be made suitable for the proposed use subject to further assessment and remediation as required. <i>"It is recommended that detailed assessment of the site should include investigation, screening and testing of the site soil, groundwater and subsurface gas conditions".</i> A deferred commencement condition will be recommended to ensure the appropriate remediation is undertaken on site in accordance with the SEPP55 Planning Guidelines. It is noted that remediation works are also being undertaken on an adjoining site in relation to development application 49223/2016. Flora and Fauna The SEE indicates that all vegetation on site will be removed for construction of the mixed use building. Landscaping will be undertaken on site following construction and a number of suitable street trees will be planted. A Flora and Fauna Assessment has been provided with the DA which indicates that the vegetation on site does not correspond to any native vegetation community. The Assessment also concluded that the ornamental trees on site do not represent suitable habitat for any threatened species and that the works are not likely to have a significant impact upon threatened species, populations or endangered ecological communities. This conclusion is generally supported and it is considered that only urban species such as Lorikeets and Noisy Miners would utilise the area. One hollow bearing tree was recorded on the corner of Mann Street and Vaughan Avenue which will not be impacted by the proposed development. The street trees being planted will create suitable replacement habitat for urban fauna. Soils The site is mapped as containing Class 2 Acid Sulfate Soils meaning works below the ground surface or works which may lower the water table require an acid sulfate soil management plan. The proposed multi-storey development will require substantial earthworks to a max depth of approx. 1.7m below natural ground surface for construction of a sub-basement car park.
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An acid sulfate soil assessment was provided with the DA for the ATO building on the adjoining site. The assessment identified that some of the soils are acidic however they are not acid sulfate soils. The Report concluded that '*management of acid sulfate soils and acidic soils is not required during earthworks for construction of the proposed development.*' Discussions with the consultant (Douglas Partners) indicated that some soils in the Gosford area are known to cause false positive results for acid sulfate soils due to their naturally high acidity.

The Geotechnical Report for the subject site was prepared by Cardno and concluded that the soils on the subject site are actual and potential acid sulfate soils that an acid sulfate soil management plan is required for excavation works.

Despite the discrepancy in the classification of soils at these two neighbouring sites, the recommendations of each Geotechnical Consultant will be accepted in good faith and an acid sulfate soil management plan will be required for the subject site as a precaution.

As the area to be disturbed exceeds 2500m² and dewatering may be required during construction of the basement, a Soil and Water Management Plan will be required.

Heritage and Aboriginal Heritage

State and Local Heritage values of the subject site are being assessed by Council's Heritage Officer.

An AHIMS search undertaken on 25/05/2016 indicates that 1 Aboriginal object/site is mapped within 50m of the subject site. The site ID is 45-3-3340 and is known as Dane Drive PAD. The site card was provided by the Applicant however the location and nature of this object/site remained unclear.

Due to the above uncertainty, Council requested the Applicant provide a Due Diligence Assessment in accordance with the *Due Diligence Code of Practice for Protection of Aboriginal Objects in NSW*. The Applicant engaged a qualified Archaeologist to prepare an Interim Aboriginal Archaeological Assessment which concluded that the site may contain Aboriginal objects and that further assessment should be undertaken to determine if an Aboriginal Heritage Impact Permit is required.

The recommendations within the Interim Aboriginal Archaeological Assessment will be carried forward as consent conditions to ensure that the further assessment is undertaken prior to issue of CC, and that an AHIP Permit is obtained if required.

Conclusion

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 subject to conditions being included with any consent granted.
Building Surveyor	No objections/ conditions provided.
Heritage Co-Ordinator	The proposed building is located adjacent to a heritage listed archaeological site known as the Police Sergeants Quarters and in the immediate vicinity of the South Mann Street Former Post Office and the School of Arts building. It is also in the vicinity of the Creighton's Building and the Old Courthouse building. All of these heritage items are within the South Mann Street part of Gosford which is the oldest part of the Gosford township and is the location of some of the most significant buildings. Central Coast Council has the primary accountability for identifying and managing heritage items within the LGA. This is reflected in the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Heritage Act 1977</i> and the <i>Local Government Act 1993</i>, which reinforce local government responsibilities for the care of the local environment and items of heritage significance. The Archaeological Component for Statement of Heritage Impact prepared by AMAC March 2016 states that it is likely that the site "area has potential Aboriginal archaeological objects and/or deposits located within". The study further suggests that it is strongly recommended that the Due Diligence Code of Practice (DECCW 2010) be followed and an Aboriginal Archaeological Assessment be carried out "in order to assess the Aboriginal Archaeological potential of the study site and the impact of the development on any potential Aboriginal archaeological objects and /or deposits that may be present. The Aboriginal Archaeological Assessment will determine whether an AHIP will be necessary prior to construction works. The study identifies the potential site of a building constructed within the subject site sometime between c1887 and 1891. The function of this building remains unknown but is potentially of local heritage significance. The Study states that it is recommended that an Archaeological Works Method Statement be prepared including a research design, an excavation methodology and additional research with regard to this late 19th century building. This will be required as part of the s140 Excavation Permit application under the NSW Heritage Act 1977. The s140 Permit will be required prior to construction as this will allow for any archaeological material of local significance to be recorded and removed. The Mann Street elevation of the building is too high immediately on the streetscape. More modulation of the façade would be appropriate with regard to the scale of existing heritage items in the vicinity of the subject site. In particular this is with regard to the one to two storey facades of the School of Arts, the Creighton's building and the Former Post Office. A more appropriate façade would have a definite podium level and then a step back away from the street, resulting in reduced visibility to the upper levels from the street and providing a more interesting building form. This would also provide a more sympathetic building form in relation to the one to

	two storey heritage items. The scale and bulk of the building is also of concern immediately adjacent to the location of the sandstone footings of the Former Police Sergeants Quarters. An increase in the articulation of the norther façade of the building would improve the relationship between the proposed building and the open space/public landscape proposed by the ATO building application. The height of the building on this boundary of the site should be reduced to better relate to the height of the proposed ATO building and the School of Arts. It should also step back in height away from the northern boundary to create a more engaging public space on the site of the archaeological footings. At present the proposed building would visually dominate the proposed public space adjacent to it. <u>Planning Comment.</u> While the proposed building is 6 storeys above Mann Street, it is located about 14m from the former school of arts building and is 8.8m or about 3 storeys below the height permitted on the site. The proposed building is also located to the south of the heritage building and will not overshadow the building or the public open space around the building. The development controls established for the site, establish that a modern building of much larger height, and FSR could be permissible on the site. It is noted that as part of any growing and city centre, there is always a relationship between new developments and heritage buildings to be considered. In this circumstance, it is considered that the development while modern in design is not detracting from the heritage values of the neighbouring sites. (Refer Conditions 3.6-3.8, 4.10, 4.11, 5.11)
External Referral Body	Comments
Roads Maritime Services. &	The RMS consider the cumulative impact of all developments approved in the Gosford CBD should be considered on the operation of the road network, including the Waterside development, Union Hotel development, and the Gosford Alive proposal. The RMS consider the traffic generated by approved and proposed development will significantly impact the safe and efficient operation of the Central Coast Highway. <u>Planning Comment.</u> The applicant submitted additional traffic information due to the RMS comments which concludes: <i>This technical memorandum has been prepared to supplement the previous traffic assessment 32 Mann Street Gosford Traffic Impact Assessment dated 29 April 2016. Specifically, it addresses Roads and Maritime Services request to include the additional traffic generated from the nearby approved development which comprises the Union Hotel Development and the Waterside Mixed-Use Development. Based on the assessment and finding presented in this Tech Memo, the following conclusions are made:</i> <i>> The estimated increase in vehicle turning movements from the nearby approved Union Hotel development was not clearly presented within their respective traffic reports and Cardno has therefore calculated the development traffic by deducting the</i>

	survey data from the SIDRA input volumes at intersections that were assessed. > The combined traffic volumes from the nearby approved developments have been distributed to the key intersections assuming 80% will travel to/from the west and 20% will travel to/from the east. It has also been assumed that these traffic will utilise the higher order roads via the shortest route path. > The Georgiana Terrace/Mann Street intersection will continue to operate at a satisfactory LoS A when the additional committed development traffic volumes are added to the road network. > The Georgiana Terrace/Dane Drive intersection will continue to operate at a satisfactory LoS A when the additional committed development traffic volumes are added to the road network. > The Baker Street/Georgiana Terrace intersection will continue to operate satisfactorily at a LoS B in both the AM and PM peak hour periods when the additional committed development traffic volumes are added to the road network. > The Central Coast Highway/Dane Drive intersection will deteriorate to a LoS F during the PM peak hour under existing traffic conditions and is unable to accommodate the future traffic demands. Accordingly, additional traffic lanes are proposed to be implemented on the Dane Drive approach which will improve the intersection operation to a LoS to B or better for all assessed scenarios, including additional committed development traffic volumes. > The Central Coast highway/Mann Street intersection will deteriorate to a LoS F in the 2028 scenario with the additional committed development traffic volumes added to the road network, where the previous assessment showed the intersection deteriorates to a LoS E. Accordingly, in addition to the previously proposed intersection treatments, the short exit lane on the southeast approach is required to be extended to 150m. This will provide sufficient capacity at this location and allows the intersection to operate satisfactorily at a LoS B for both AM and PM peak hours for all assessed scenarios.
NSW Office of Water	General Terms of Approval granted for works requiring a groundwater licence under Part 5 of the Water Act 1912, subject to conditions. (Refer Condition 7.1)
Police Service	No objections.

Development Contribution Plan

The subject site is located within Development Contribution Plan S94A Contribution Plan-Gosford City Centre where developments are subject to s94 contributions. The applicable contribution amount was calculated and imposed as a condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate. **(Refer to Condition 2.8).**

There are no applicable planning agreements or draft planning agreements.

The applicant has agreed to the draft conditions except for condition 2.8. This condition requires payment of s94 contributions prior to the issue of a Construction Certificate. As Property NSW is a Crown Applicant, the applicant requests the condition to be amended to require payment prior to the issue of an Occupation Certificate. The CP requires the payment prior to the issue of a Construction Certificate. This is also consistent with other consents issued in the City Centre. Accordingly the concurrence of the Minister for Planning must be obtained to impose the condition. **(Refer Recommendation A).**

Political Donations

No political donations were declared.

Social/Economic Impact.

The applicant has submitted an economic analysis which states the proposal will have the following direct and indirect flow on benefits;

- \$35 million in construction expenditure
- 90 construction jobs plus 30 jobs in planning and design.
- 350 on site jobs at completion plus 30 jobs in services.
- 330 indirect jobs.
- Retail expenditure of \$1.4 million in the Gosford City Centre.
- Retail expenditure of \$4.2 million within the broader region.
- Direct Gross Value Added to the NSW economy of \$8.3 Million p.a.
- 3% increase to commercial property values in the Gosford CBD.

Conclusion

This application has been assessed under the heads of consideration of section 79C 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.

The proposal is permissible under the B4 zoning and complies with the maximum height and FSR required under GLEP 2014. The proposal provides adequate on site car parking and access. The existing road system can cater for the additional traffic generated subject to construction of Baker Street. The proposed development is will create significant employment (300 plus jobs) in the City Centre which will act as a catalyst for other developments and increase demand for other goods and services within the city.

The proposed building is located on part of a larger site which is subject to further planning and development. The location of this building will not prevent the balance of the site (about 1.1 ha) being developed for other purposes.

The design of the development is considered acceptable and appropriate for commercial uses within the City Centre location.

The issues raised in public submissions objecting to the proposal relate mainly to the use of the site for a commercial building rather than a community use such as a performing arts centre.

Employment generation is essential to create a liveable city with resident population which is supported by appropriate access to goods and services. In this circumstance, it is considered that the proposed revitalisation elements of the proposal warrant support of the development.

Accordingly, the application is supported and recommended for approval pursuant to Section 80 of the *Environmental Planning and Assessment Act*.

- Attachments:**
1. Proposed Conditions.
 2. Approved Development Plans.
 3. Certificate of Title
 4. DP 1210298
 5. Gosford Challenge to Gosford City Centre Masterplan 2010

6. Department of Primary Industries (Water) General Terms of Approval.

Plans for Stamping

Amended Plans ECM Doc No. 22563907, 23004418, 23186877, 23186926, 23186927, 23193104.

Supporting Documents for Binding with consent:

Statement of Environmental Effects

Traffic and Parking Assessment

Heritage Impact Assessment

Flora and Fauna Assessment

Tree Assessment

Acoustic Assessment

Geotechnical Report

Preliminary Site Investigation

Water Cycle Management Plan

Waste Management Plan

Access Report

Fire Safety Schedule

Sustainability Report

Crime Prevention Through Environmental Design

Recommendation

- A. The concurrence of the Minister for Planning be requested to impose Condition 2.8 to require payment of s94 contributions prior to the issue of a Construction Certificate.
- B. Upon determination by the Minister, JRPP as consent authority grant a deferred commencement consent to Development Application No 49685/2016 for Mixed Use Commercial Development on LOT: 2 DP: 1210298, 32 Mann Street GOSFORD subject to the conditions attached and as amended by the Minister for Planning.
- C. In accordance with Section 95(1) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.
- D. The objectors are notified of JRPP's decision.
- E. The External Authorities be notified of the JRPP's decision.

Recommendation:	Approval, subject to conditions
Assessing Officer	R A Eyre
Recommendation Reviewed by:	Tanya O'Brien

Attachment 1 - Proposed Conditions

DEFERRED COMMENCEMENT

- A A1 This consent must not operate until the following have been satisfied:

Submit to Council's Environment Officer for review and approval, a contamination investigation in accordance with *Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (1998)* and the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (amended May 2013).

The required outcome is to ensure that the site is (or has been made) suitable for the intended land use from a contamination standpoint and that the development does not present a risk to human health or the environment.

The investigation shall be undertaken by a suitably qualified environmental consultant. The site investigation process shall commence at *Stage 1- Preliminary Investigation* and progress to detailed assessments, development and implementation of remediation action plans and validation/monitoring as recommended by the consultant and/or Council.

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

Upon compliance with the conditions of deferred commencement Council will issue an operative consent (including stamped plans) that is subject to the attached conditions.

- B Upon compliance with the conditions of deferred commencement Council will issue an operative consent (including stamped plans) that is subject to the attached conditions:

1.. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

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

Architectural Plans by Group GSA

Drawing	Description	Sheets	Issue	Date
0000	Title Page	1	B	18/3/2016
0001	Site Context Plan & Site Analysis Plan	1	D	6/4/2016
1100	Site Plan	1	C	16/3/2016
2000	Level 3 Car Park Plan	1	L	21/7/2016
2001	Level 2 Car Park Plan	1	J	5/4/2016
2002	Level 1 Car Park Plan	1	I	16/3/2016
2003	Level Ground Plan	1	M	24/3/2016
2004	Typical Level 1-Level3 Plan	1	M	24/3/2016

2005	Level 4 Plan	1	K	24/3/2016
2006	Level 5 Plan	1	K	24/3/2016
2007	Level Plantroom Plan	1	K	24/3/2016
2008	Level Roof Plan	1	K	24/3/2016
3000	East Elevation	1	E	18/4/2016
3001	North Elevation	1	F	18/4/2016
3002	West Elevation	1	H	29/8/2016
3003	South Elevation	1	F	18/4/2016
3100	Section AA	1	H	16/3/2016
3101	Section BB	1	H	16/3/2016
3200	Photomontage Images	1	B	18/3/2016
3201	Photomontage Images	1	A	16/3/2016
3202	Photomontage Images	1	B	18/3/2016
4000	Shadow Diagrams 22 March/22 June/9am, 12 noon and 3pm	1	D	12/4/2016
4001	Shadow Diagrams 22 September/22 December/9am, 12 noon, 3pm	1	D	12/4/2016
5000	GFA Diagrams	1	C	16/3/2016
6000	Finishes Materials	1	C	16/3/2016
7000	Notification Site Plan and Elevations	1	A	15/3/2016
L-1100	Landscape Tree Locations Plan & Schedule	1	C	26/8/2016
L-2000	Landscape Plan	1	D	26/8/2016
L-3000	Landscape Sections	1	B	28/4/2016
L-6000	Landscape Finishes Materials & Planting	1	B	28/4/2016

Supporting Documentation

Document	Title	Date
JBA	Statement Of Environmental Effects	April 2016
JBA	Gosford DCP Assessment	29/4/2016
Cardno	Traffic and Parking Assessment	29/4/2016
John Carr Heritage Design & AMAC Archaeological	Heritage Impact Assessment	29/4/2016
Travers	Flora and Fauna Assessment	29/4/2016
Travers	Tree Assessment	29/4/2016
Reverb Acoustics	Acoustic Assessment	29/4/2016
Cardno	Geotechnical Report	29/4/2016
Douglas Partners	Preliminary Site Investigation	29/4/2016
Cardno	Water Cycle Management Plan	29/4/2016
Cardno	Waste Management Plan	29/4/2016
Cardno	Infrastructure Assessment	29/4/2016
Morris Gooding Accessibility Consulting	Access Report	29/4/2016
Philip Chun Building	Fire Safety Schedule	29/4/2016

Compliance		
Cardno	Sustainability Report	29/4/2016
JBA	Crime Prevention Through Environmental Design	29/4/2016
Macro	Economic Benefit Statement	29/4/2016
AMAC Archaeological	Archaeological Component for Statement of Heritage Impact	March 2016
Streat Archaeological Services	Interim Aboriginal Archaeological Assessment	June 2016
Cardno	Traffic Addendum	12/8/2016

1.2. Carry out all building works in accordance with the Building Code of Australia.

2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1. No activity is to be carried out on site until any Construction Certificate has been issued, other than:

- a Site investigation for the preparation of the construction, and / or
- b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

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

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

Design the required works as follows:

- c. Intersection between Georgiana Terrace and Baker Street.
- d. Full width road including kerb and guttering, subsoil drainage, footpath formation, drainage and a minimum 15.3m wide road pavement across the full frontage of the site on both sides of the road in Baker Street and extending 13.5m past the southern side of the entry driveway to the site.

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

- 4.5m footpath from the property boundary to the face of kerb
 - 3.55m southbound travel lane
 - 3.55m northbound travel lane
 - 2.9m manoeuvring strip
 - 5.4 perpendicular parking
 - 0.215m strip from the end of the parking space to the public reserve boundary.
- NB No parking will be permitted on the eastern side of Baker Street.

In addition:

- Kerb and gutter shall be provided on the eastern side of Baker Street
- The pavement shall be crowned between the two travel lanes

- A dish drain shall be provided between the manoeuvring strip and the perpendicular parking on a 10m alignment from the face of kerb
 - Perpendicular parking pavement shall be constructed of permeable paving
 - Wheel stops shall be provided within the perpendicular parking spaces
 - Bollards shall be provided along the western side of the Baker Street road reserve
 - Street tree plantings shall be placed east of the kerb and gutter and west of the dish drain.
- e. Relocate all flood lights associated with Gosford City Park affected by the proposed Baker Street road works to locations approved by Gosford City Council.
- f. Footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Baker Street.
- g. Full width reinforced (SL72 steel fabric, 100mm thick) concrete footpath and pavers across the full frontage of the site in Baker Street. The surface treatment shall be in accordance with the Gosford City Centre Streetscape Design Guidelines prepared by Oculus (September 2011).
- h. Tapered heavy-duty vehicle crossing located in Baker Street that has a minimum width of 11.5m at the rear of the heavy-duty gutter crossing and 7m at the property boundary, constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom. The heavy-duty vehicle crossing shall be graded at 2.5% from the rear of the heavy-duty gutter crossing to the property boundary.
- i. Heavy-duty gutter crossing to suit the width of the heavy-duty vehicle crossing.
- j. The piping of stormwater from within the site to Council's drainage system located in Baker Street.
- k. Roadside furniture and safety devices as required e.g. fencing, signage, guide posts, chevrons, directional arrows, and/or guard rail in accordance with RMS and relevant Australian Standards.
- l. Signage and line marking. The signage and line marking plan must be approved by Council's Traffic Committee.
- m. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

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

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

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

Name of Street	Traffic Loading (ESAs)
Baker Street	2×10^6

- 2.4. Submit a dilapidation report to Council with the Roads Act application. The report must document and provide photographs that clearly depict any existing damage to the road,

kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.

- 2.5. Pay a security deposit of \$10,000 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.6. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

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

- 2.7. Submit design details of the following engineering works within private property:
 - a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: Parking Facilities for the geometric designs, and industry Standards for pavement designs.
 - b. The minimum driveway crest level of the vehicle access driveway from Baker Street to the basement car park shall be RL 2.61m AHD.
 - c. A weatherproof structure shall be provided over the Baker Street vehicle access driveway from the driveway crest to entry into the building to prevent the ingress of stormwater into the proposed building. The driveway shall have a waterproof bund wall with a minimum crest level of RL 2.61m AHD, constructed from the driveway crest (RL 2.61m AHD) to the building to prevent the ingress of stormwater into the building.
 - d. No external openings are permitted below RL 2.61m AHD unless they are protected by a waterproofed bund wall that has a crest level of RL 2.61m AHD is covered by a weatherproof structure.
 - e. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
 - f. On-site stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 - Water Cycle Management. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
 - g. Piping of all stormwater from impervious areas within the site to Council's drainage system located in Baker Street.
 - h. The building shall be waterproofed below RL 2.61m AHD.
 - i. All building materials used or located below RL 2.61m AHD must be of a type that is able to withstand the effects of immersion.

These design details and any associated reports must be included in the approved documentation issued for construction.

- 2.8. Pay to Council a contribution amount of **\$1,368,320.00** that may require adjustment at time of payment, in accordance with the Section 94A Development Contribution Plan - Gosford City Centre.

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

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

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the Section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

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

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

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

a. Relocation of disabled parking spaces close to lifts

2.10. Submit an Acid Sulfate Soils Management Plan prepared in accordance with the *Acid Sulfate Soils Planning Guidelines* (Acid Sulfate Soil Management Advisory Committee, August 1998) to the accredited certifier for approval.

2.11. Submit to Council's Environment Officer for approval, a Soil and Water Management Plan in accordance with Section 6.3 of the Gosford Development Control Plan 2013 and the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*). The plan shall be prepared by a suitably qualified environmental/civil consultant and shall be adaptive to address all stages of the construction.

2.12 Undertake an archaeological test excavation within the development footprint area to identify if any Aboriginal Objects are present. The test excavation shall be undertaken by a suitably qualified experienced Archaeologist in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (NSW Department of Environment, Climate Change and Water, 2010).

Provide Council's Environment Officer with copies of relevant reports and test excavation results.

If Aboriginal archaeological objects or deposits are detected within the development footprint area, obtain an Aboriginal Heritage Impact Permit (AHIP) from the NSW Office of Environment and Heritage to allow the development to proceed. Notify Council's Environment Officer if an AHIP is required.

If no Aboriginal archaeological objects or deposits are detected, the development may 'proceed with caution' in accordance with the *Due Diligence Code of Practice for Protection of Aboriginal Objects in NSW* (NSW Department of Environment, Climate Change and Water, 2010).

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

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

Remove the sign when the work has been completed.
- 3.4. Provide certification to the Principal Certifying Authority that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 3.5. Submit to Council details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site. Approval of these details must be obtained from Council. Details must be provided at latter stages of construction if details change.
- 3.6. An Aboriginal Archaeological Assessment in accordance with the Due Diligence Code of Practice (DECCW 20100) is required prior to any construction on the site or any activity that will result in soil disturbance.
- 3.7. If the Aboriginal Archaeological Assessment indicates that it is necessary, an AHIP (Aboriginal Heritage Impact Permit, NP&W Act 1974)) will be required prior to any construction works or any activity that will result in soil disturbance.
- 3.8. A s140 Excavation Permit (NSW Heritage Act 1977) will be required prior to any construction works or any activity that will result in soil disturbance being conducted.

4.. DURING WORKS

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

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

Saturdays - 8:00am to 4:00pm.

No work is permitted on Sundays and Public Holidays, except for emergency work.

- 4.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.3. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.4. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.5. Locate all* electrical fixtures and/or gas outlets associated with the proposed works at a minimum height of RL 2.61 AHD. (* Does not include those electrical fixtures and/or gas outlets located within the waterproofed portion of the building below RL 2.61m AHD, e.g. within the basement car park).
- 4.6. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.7. Submit a report prepared by a registered Surveyor to the Principal Certifying Authority at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans.
- 4.8. Incorporate the following Crime Prevention Through Environmental Design (CPTED) principles and strategies to minimize the opportunity for crime:
- Provide adequate lighting to common areas as required under *AS1158: Lighting for roads and public spaces*.
 - Paint the ceiling of the car park white.
 - Design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity.
 - Design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
 - Provide signage within the development to identify all facilities, entry/exit points and direct movement within the development.

- 4.10 Cease work if substantial intact archaeological deposits and/or state significant relics are discovered and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- 4.11 If any Aboriginal archaeological deposits and /or objects are found during the development that do not fall under the jurisdiction of the AHIP then all work must cease in the immediate vicinity of the deposits and /or objects, the area to be demarcated, and the NSW Office of Environment and Heritage, a qualified archaeologist and the participating Aboriginal stakeholders notified and a course of action agreed to before work may resume.
- 4.12 Carry out works in accordance with the approved Acid Sulfate Soils Management Plan.
- 4.13 Locate stockpiles of soil and other material away from sensitive environmental receptors and cover when not in use.
- 4.14 Suppress dust with the use of a water cart.
- 4.15 Undertake works in accordance with the approved Soil and Water Management Plan and update the plan as required during all stages of the construction.
- 4.16 A qualified Arborist must be in attendance to provide instructions during initial excavations within 5m of the Brush Box tree to be retained on the adjoining ATO site.
All care is to be taken not to damage tree roots during excavation. If roots are found that cannot be avoided, they are to be correctly severed by the Arborist.
No underground services are to be located within 3m of the trees trunk.
- 4.17 Compliance with all Construction commitments detailed within the Waste Management Plan dated 29 April 2016 by Cardno (NSW/ACT) Pty Ltd.
- 4.18 Locate the approved waste storage enclosure / area as indicated on Project / Drawing Number Dwg No 15530, Revision L, dated 21 July 2016, prepared by Group CSA Pty Ltd.

5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.2. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.3. Provide certification from a geotechnical engineer to the Principal Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.
- 5.4. Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.

- 5.5. Complete the internal engineering works within private property in accordance with the plans and details contained within the approved documentation issued for construction.
- 5.6. Amend the Deposited Plan (DP) to:
- Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
 - a. Create a 'Restriction as to User' over all lots containing a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

And,

- Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
 - a. To ensure on any lot containing a nutrient / pollution facility that:
 - (i) The facility will remain in place and fully operational.
 - (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
 - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
 - (iv) Council is indemnified against all claims of compensation caused by the facility.

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

- 5.7. Street tree planting is to be as per the approved Landscape Plan and *Gosford City Centre Streetscape Design Guidelines*.

- 4.11 Completion of landscaping works.

- 4.12 Construct, grade, drain, seal and line mark including directional arrows with impervious paving material the driveway, vehicle manoeuvring area and car parking spaces as shown on the approved plan, in accordance with *AS2890.1-2004: Parking facilities - Off-street parking*.

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

- 5.11 If an archaeological relic is found to be located within the development site, prepare an Interpretation Strategy Plan with information about the archaeological relics, their significance, history and location.

- 5.12 Service Waste Management in accordance with Gosford DCP 2013, Part 7: Chapter 7.2 - *Waste Management, Appendix H*.

6.. ONGOING OPERATION

- 6.1. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.

- 6.2. Maintain all works associated with the approved Landscape Plans for a period of 12 months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.3. Replace all damaged or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.4. No materials, waste matter or products shall be stored outside the building or the approved waste storage area, at any time.
- 6.5. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs etc.
- 6.6. Compliance with all On-Going use commitments detailed within the Waste Management Plan dated 29 April 2016 by Cardo (NSW/ACT) Pty Ltd.

7.. OTHER APPROVALS

7.1. The issue of a groundwater licence by the Department of Primary Industries (Water) prior to the commencement of any extraction of groundwater exceeding 3 ML. A copy of the DPI Water General Terms of Approval are included in attachment A.

8.. ADVICE

- 8.1. Consult with public authorities who may have separate requirements in the following aspects:
 - a. *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - b. *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
 - c. *Ausgrid* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - d. *Telstra*, *Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
 - e. *Gosford City Council* in respect to the location of water, sewerage and drainage services.
- 8.2. Carry out all work under this Consent in accordance with WorkCover requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- 8.3. Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development

application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

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

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

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

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

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

9.. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

10.. RIGHT OF APPEAL

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

Attachment 2- Development Plans



MIXED USE DEVELOPMENT APPLICATION 32 MANN STREET, GOSFORD

SHEET No.	TITLE
A-0000	TITLE PAGE
A-0001	GOSFORD WATERFRONT DCP 2014 SITE CONTEXT & SITE ANALYSIS PLAN
A-1100	SITE PLAN
A-1000	LEVEL -3 CARPARK FLOOR PLAN
A-1001	LEVEL -2 CARPARK FLOOR PLAN
A-1002	LEVEL -1 CARPARK FLOOR PLAN
A-1003	GROUND FLOOR PLAN
A-1004	TYPICAL LEVEL 1 - LEVEL 3 FLOOR PLAN
A-1005	LEVEL 4 FLOOR PLAN
A-1006	LEVEL 5 FLOOR PLAN
A-1007	LEVEL ROOF PLANT FLOOR PLAN
A-1008	ROOF PLAN
A-3000	EAST ELEVATION
A-3001	NORTH ELEVATION
A-3002	WEST ELEVATION
A-3003	SOUTH ELEVATION
A-3100	SECTION A-A
A-3101	SECTION B-B
A-3102	PHOTOMONTAGE IMAGE
A-3103	PHOTOMONTAGE IMAGE
A-3104	PHOTOMONTAGE IMAGE
A-4000	SHADOW DIAGRAMS
A-4001	SHADOW DIAGRAMS
A-5000	OPA DIAGRAMS
A-6000	FINISHES MATERIALS
L-1100	TREE LOCATIONS PLAN & SCHEDULE
L-1000	LANDSCAPE PLAN
L-3000	SECTIONS
L-8000	FINISHES MATERIALS & PLANTING
10025P-MUR-003-C	SURVEY DRAWING (PREPARED BY ADW JOHNSON)

Legend

- Area covered by this DCP
- Special areas
- Indicative development footprint location

Figure 4 - Special Areas and Uses

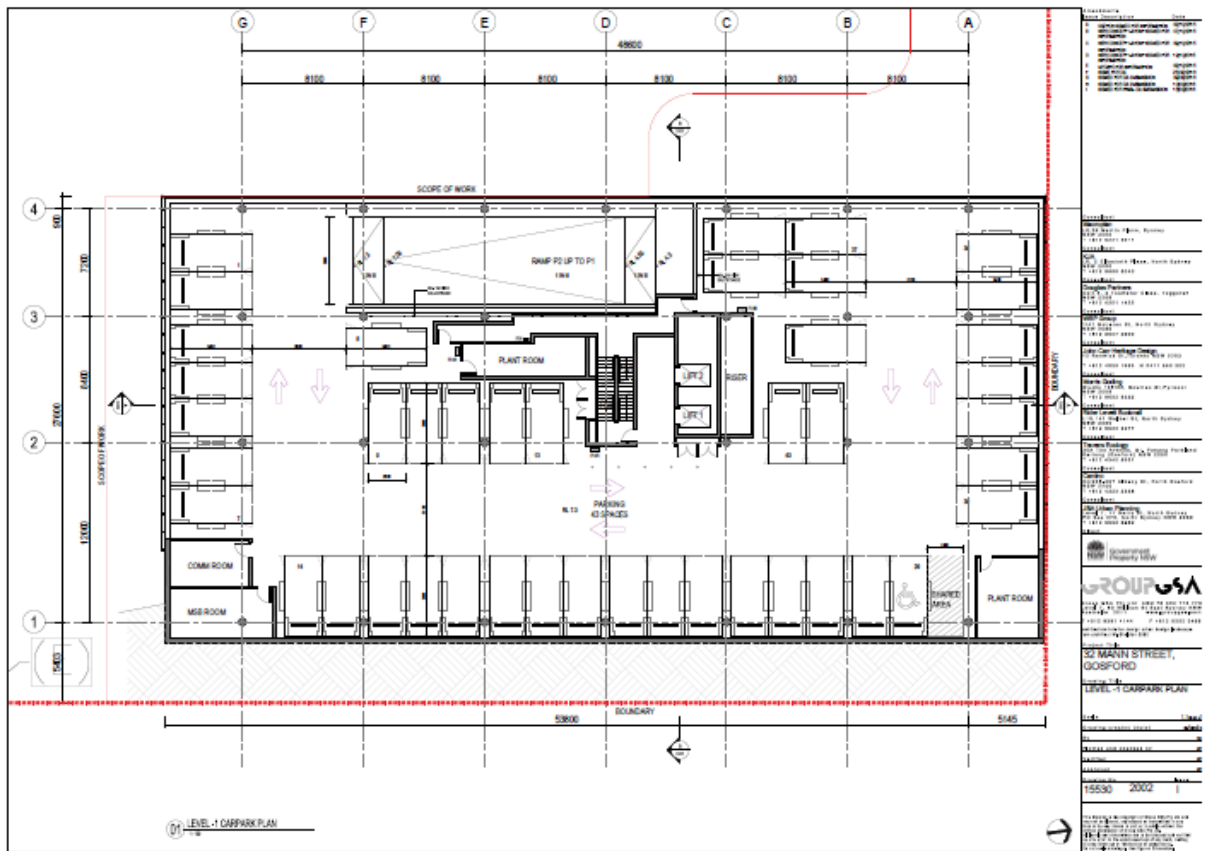
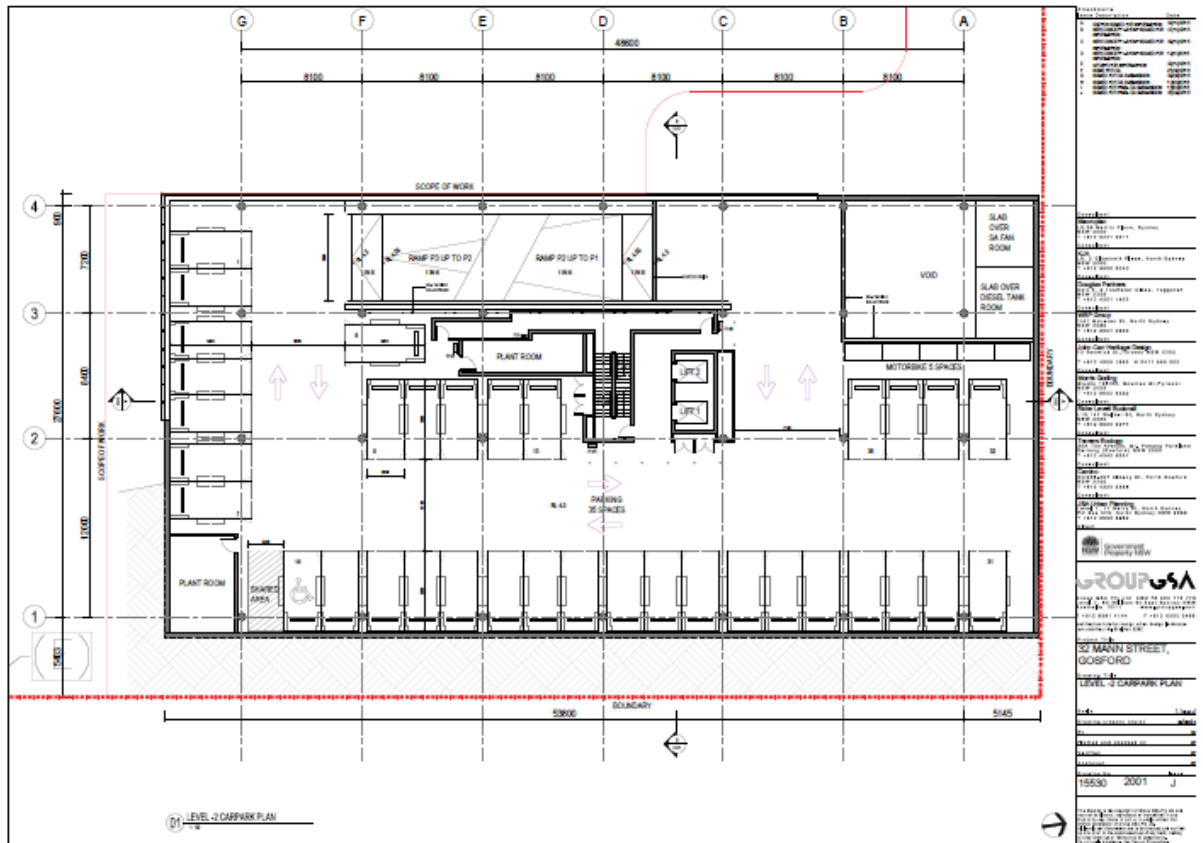


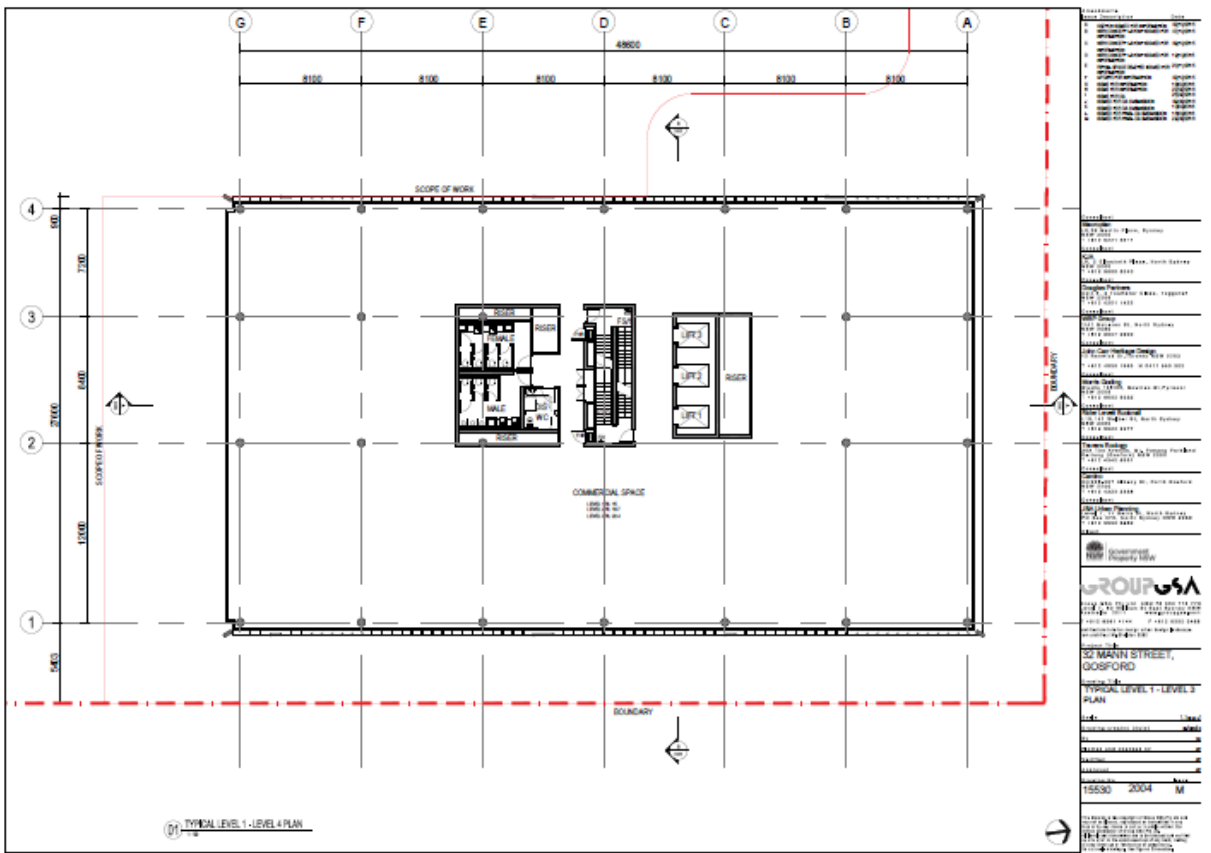
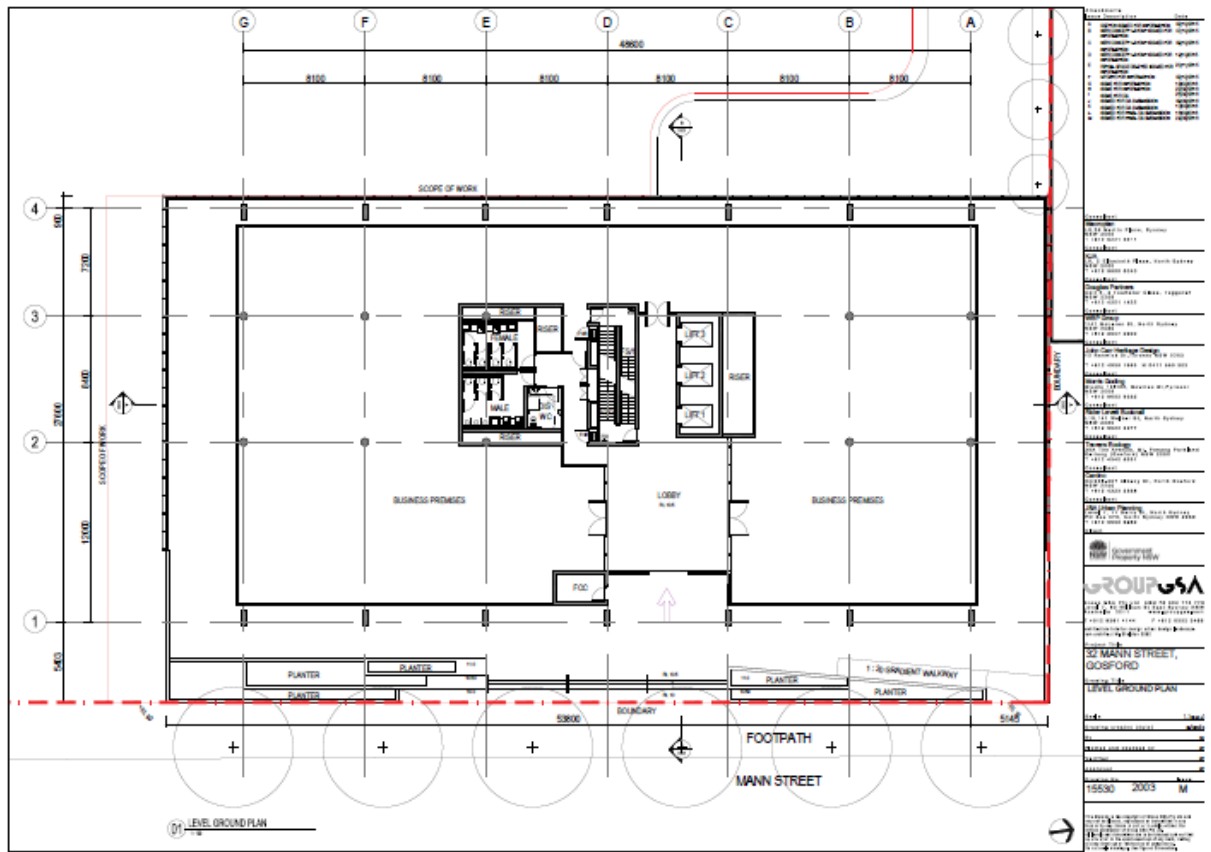
Legend

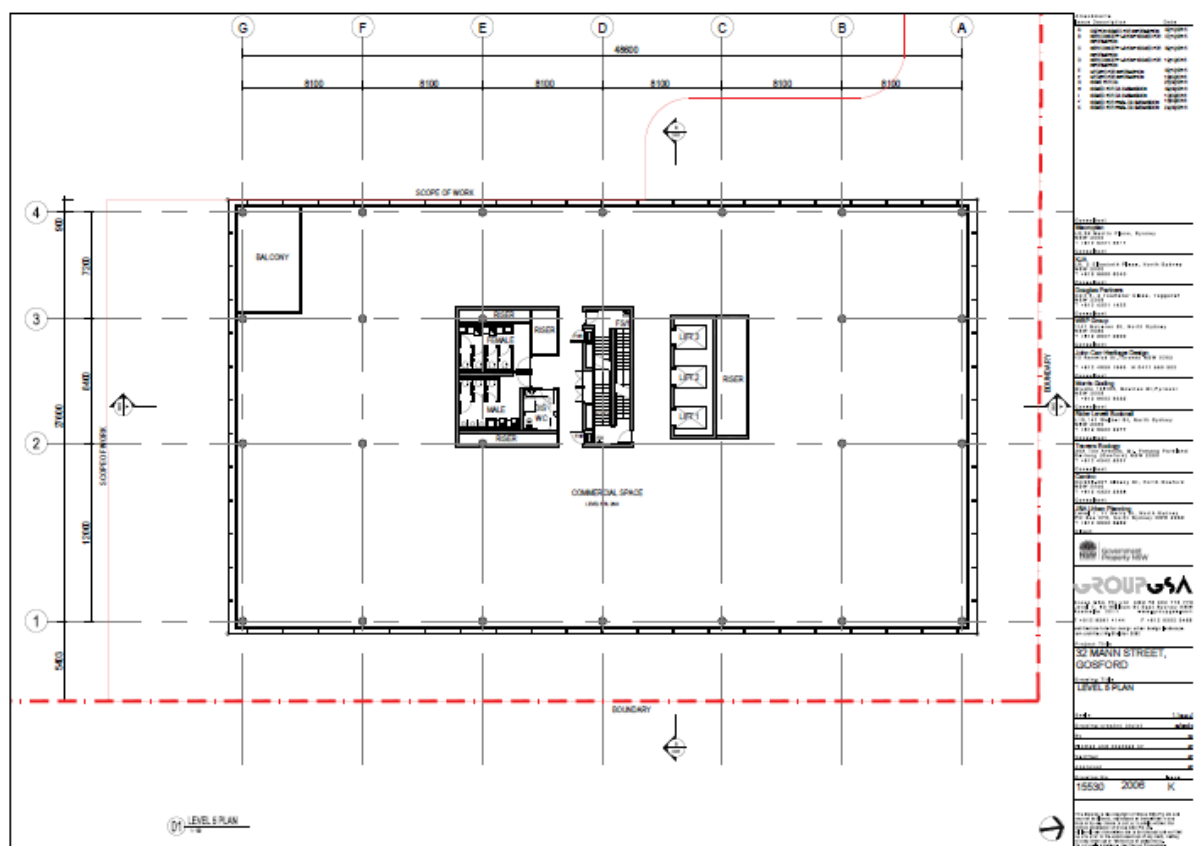
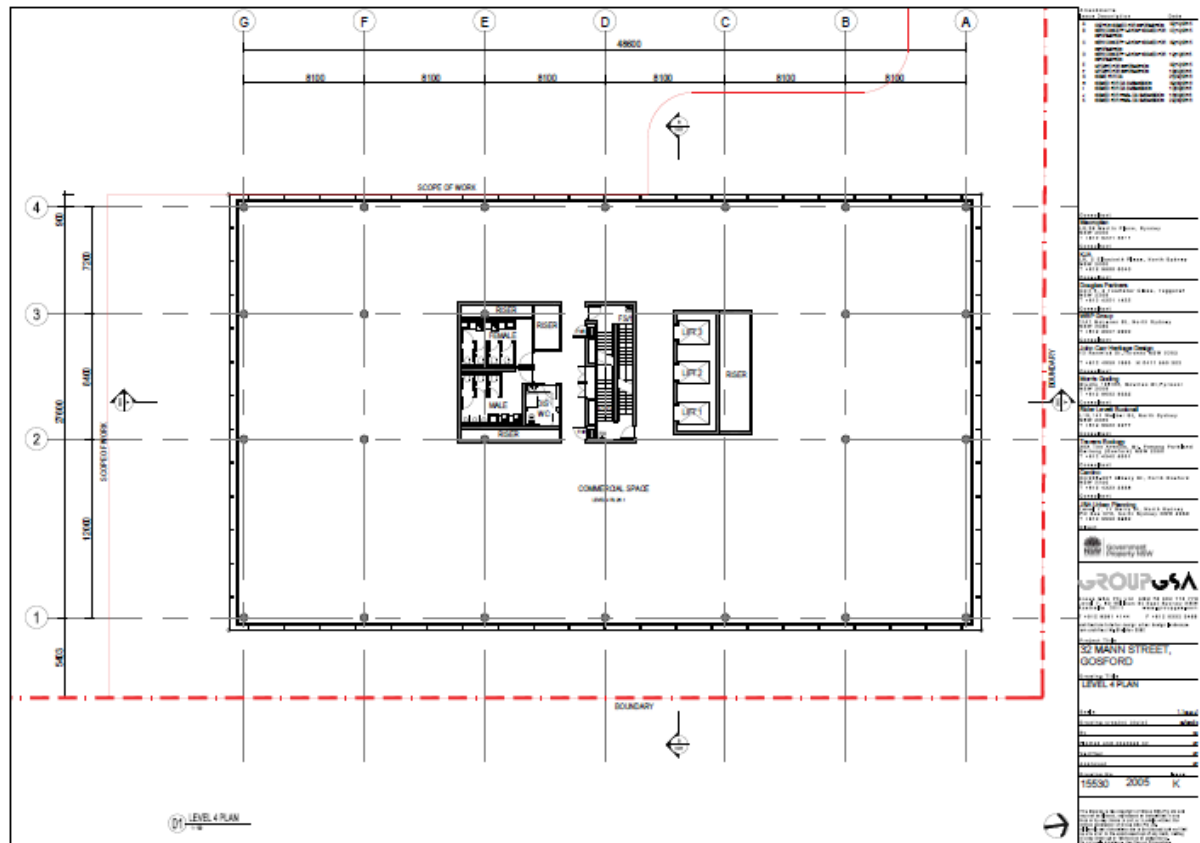
- Area covered by this DCP
- Special areas
- Indicative development footprint location

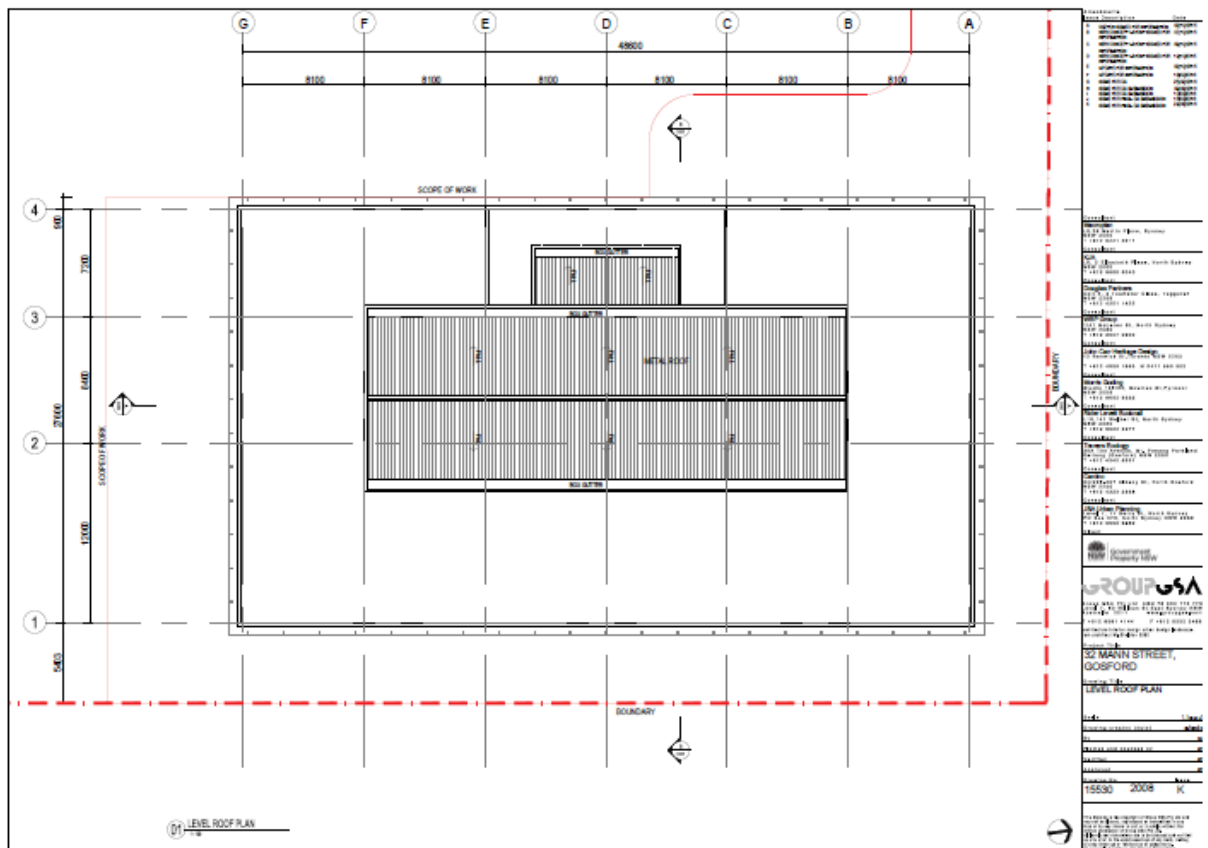
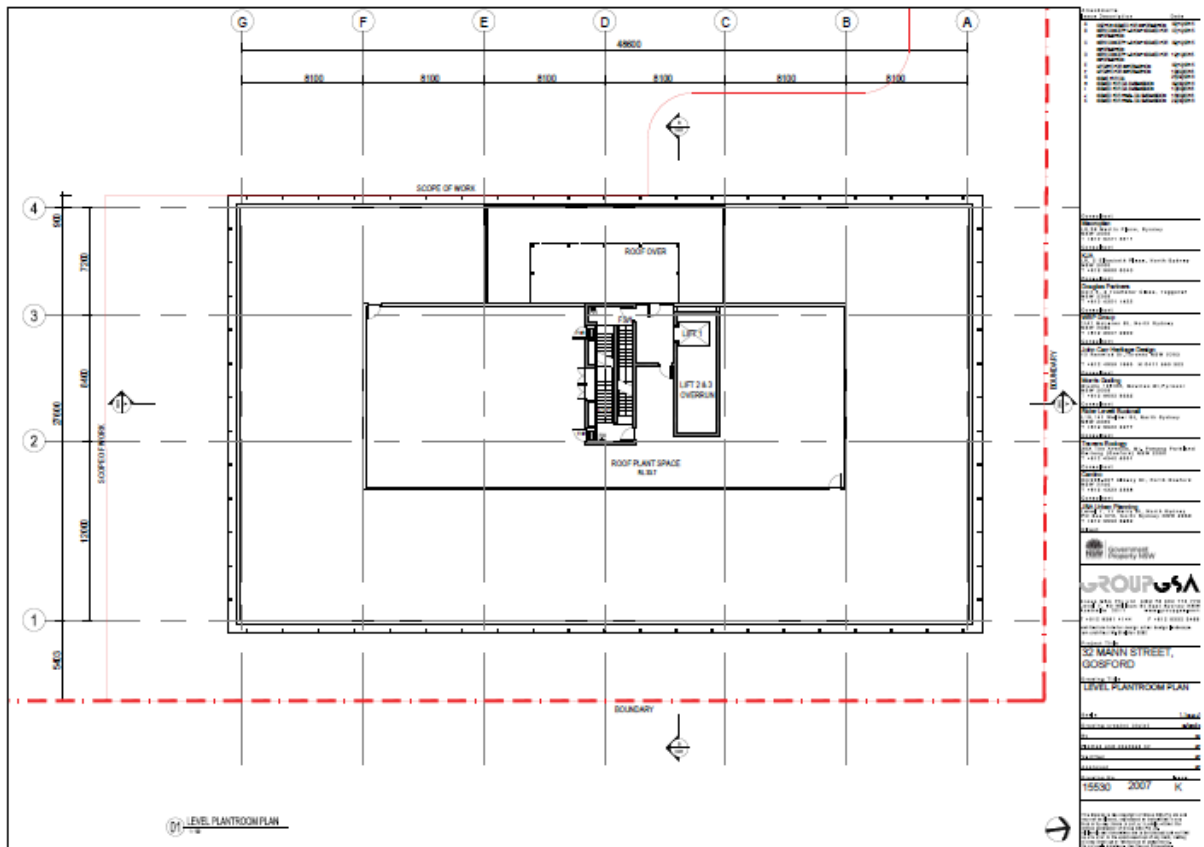
Figure 4 - Special Areas and Uses

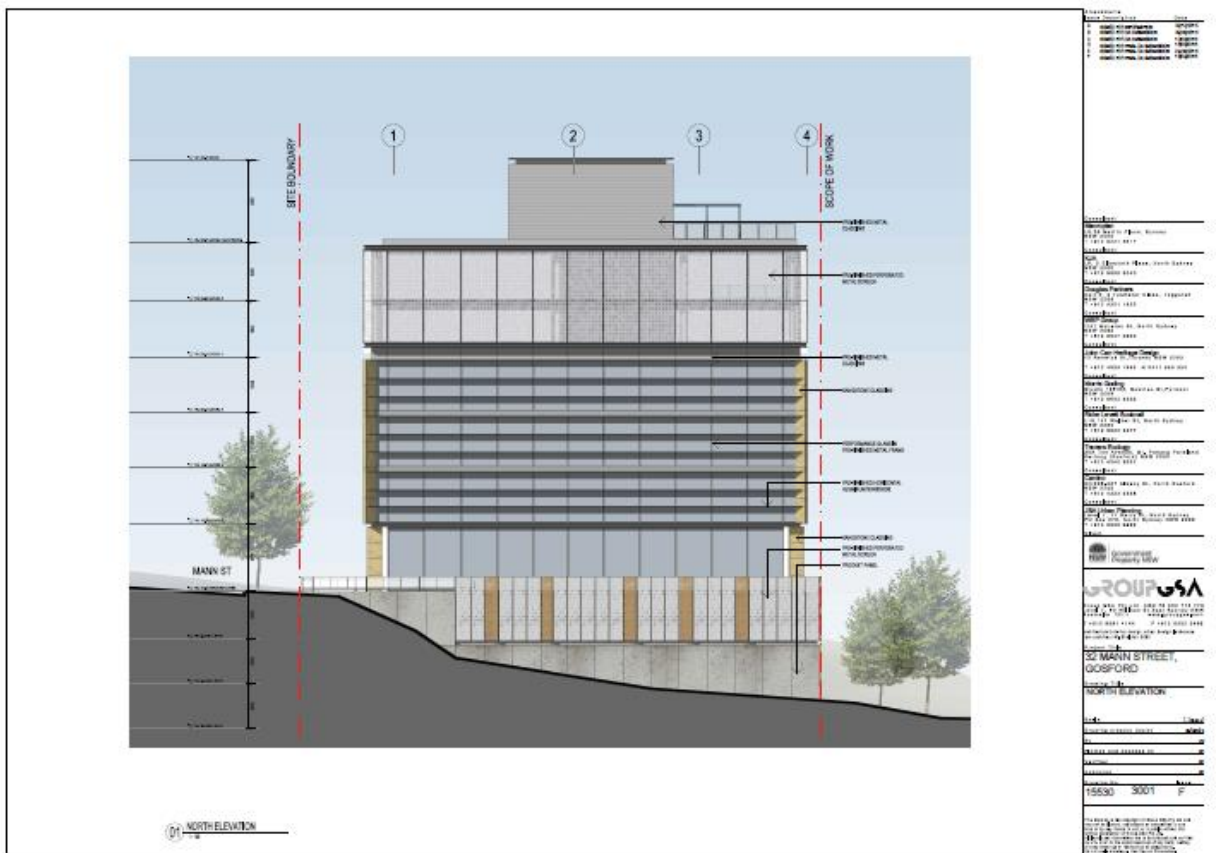


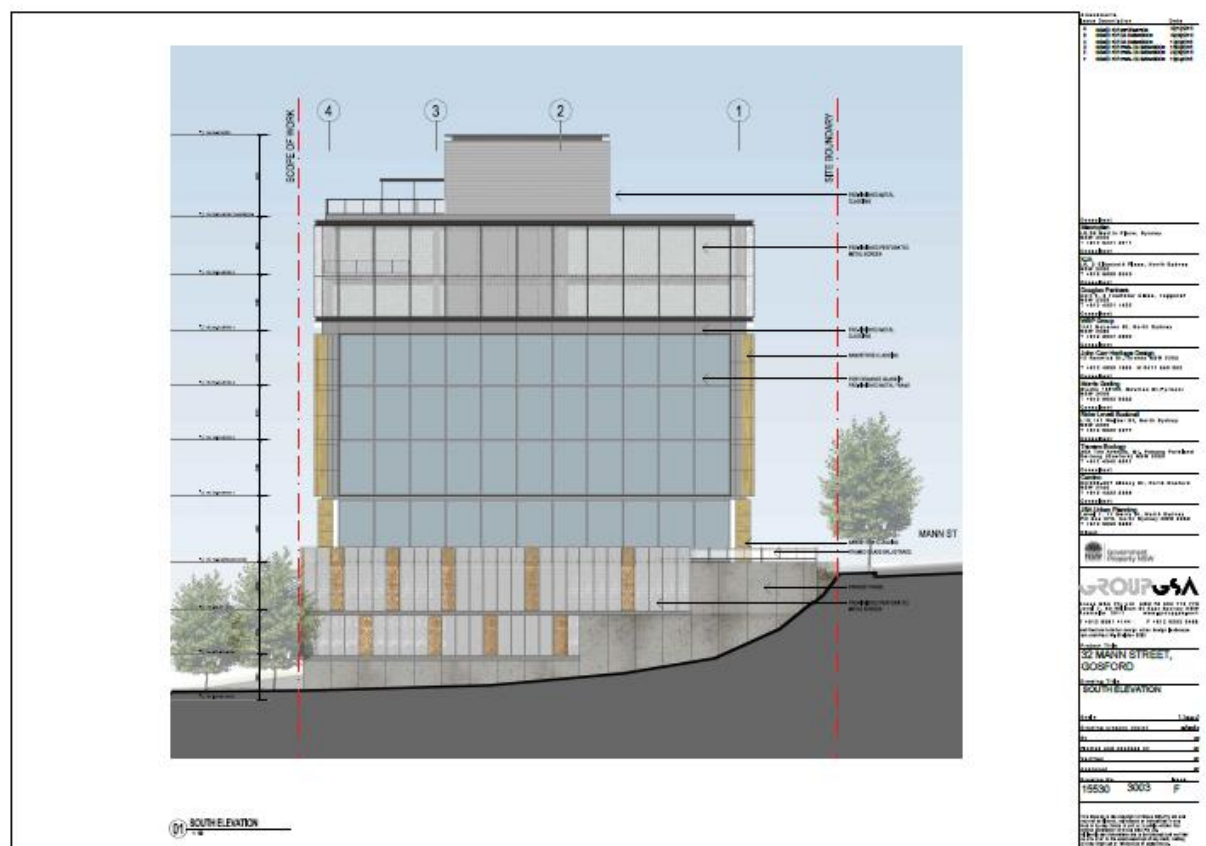






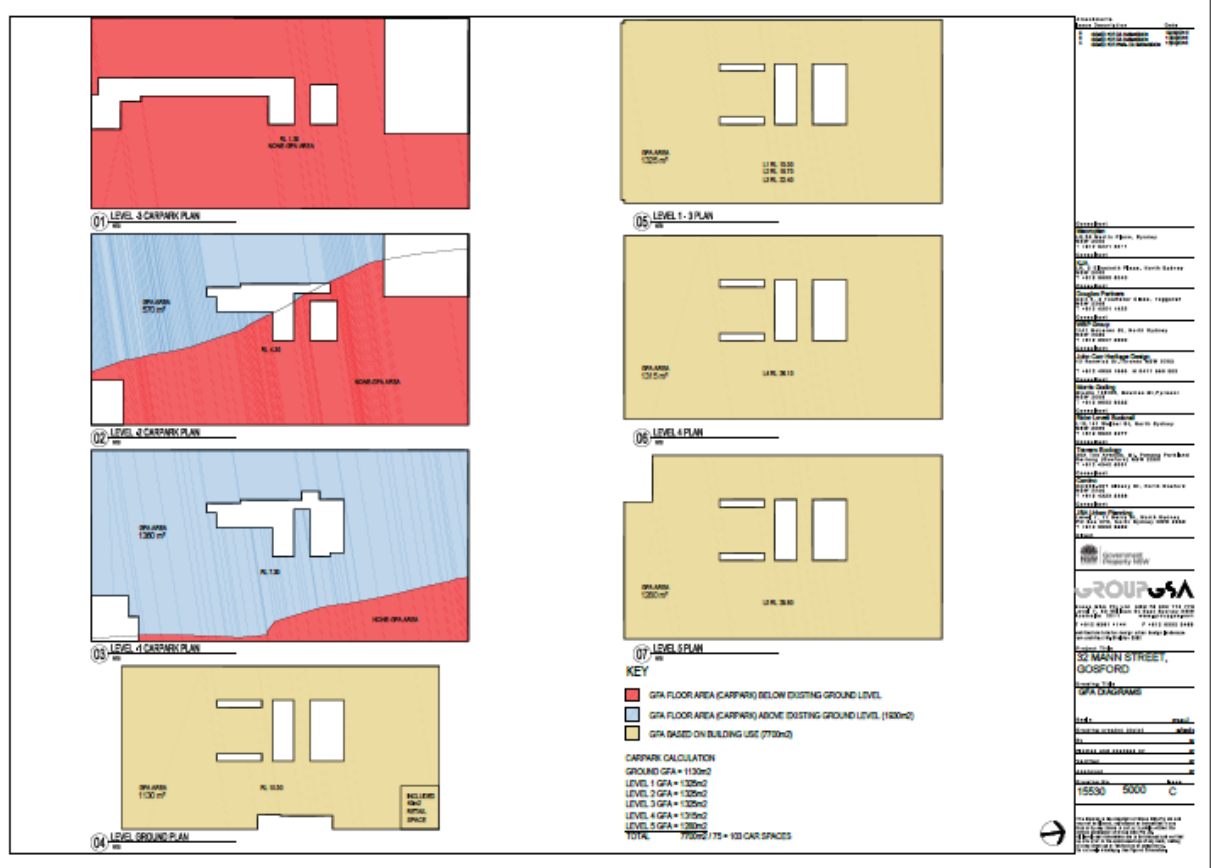


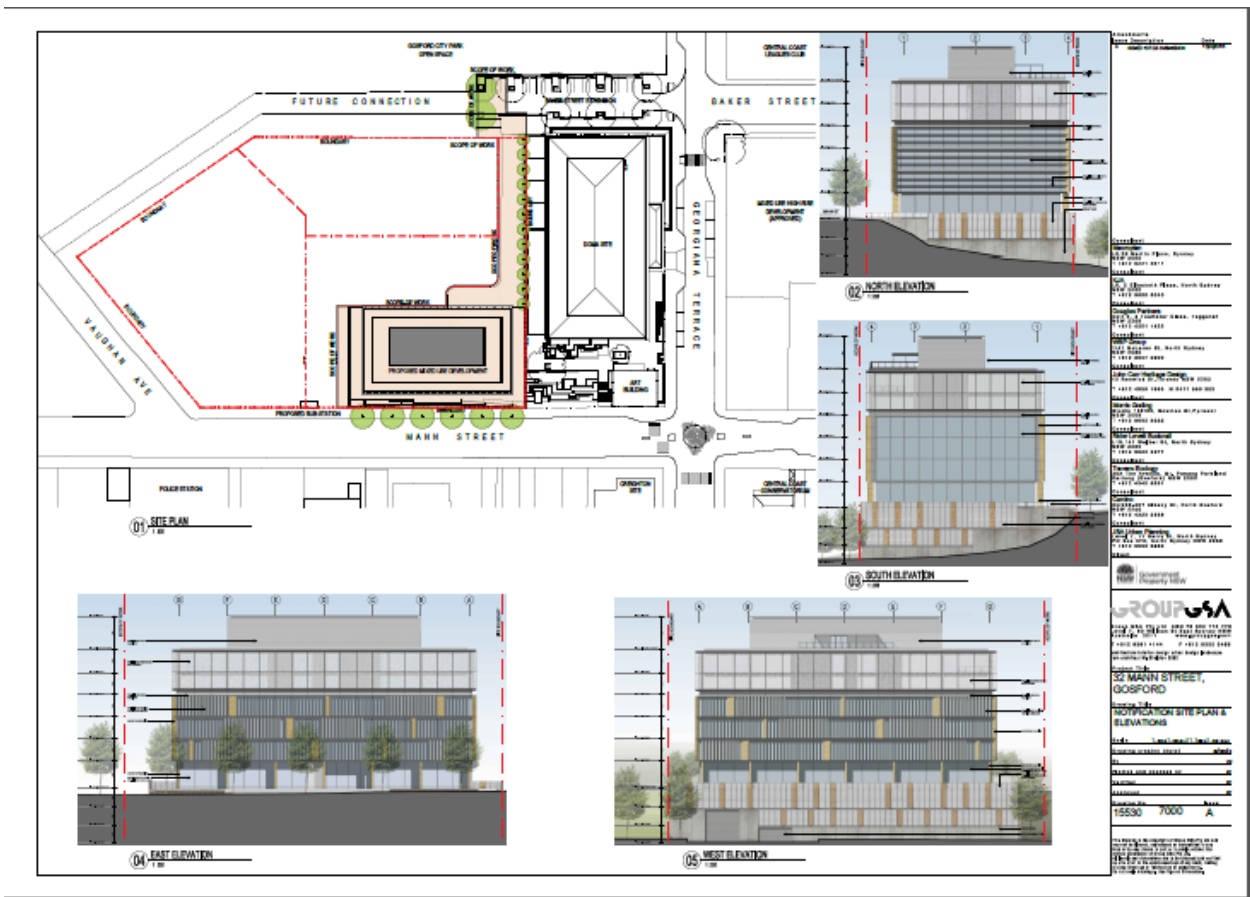












Attachment 3 – Government Gazette Notice and Certificate of Title

Government Property NSW Amendment (Transfer of Property) Order 2016

under the Government Property NSW Act 2006

Published LW 29 April 2016 (2016 No 212)

DAVID HURLEY, Governor

I, General The Honourable David Hurley AC DSC (Ret'd), Governor of New South Wales, with the advice of the Executive Council, and in pursuance of section 19 of the *Government Property NSW Act 2006*, make the following Order.

Dated, this 27th day of April 2016.

By His Excellency's Command,

DOMINIC PERROTTET, MP

Minister for Finance, Services and Property

Explanatory note

The object of this Order is to include certain property in Schedule 1 to the *Government Property NSW Act 2006*, which will have the effect of transferring the property to Government Property NSW.

This Order is made under section 19 of the *Government Property NSW Act 2006*. **Government Property NSW Amendment (Transfer of Property) Order 2016** under the Government Property NSW Act 2006 Page 2 Government Property NSW Amendment (Transfer of Property) Order 2016 [NSW] Published LW 29 April 2016 (2016 No 212)

1 Name of Order. This Order is the *Government Property NSW Amendment (Transfer of Property) Order 2016*

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

3 Amendment of Government Property NSW Act 2006 No 40 Schedule 1 Property transferred to Government Property NSW Insert after the matter appearing under the heading “**Properties held for Corrective Services purposes**”: **Properties transferred from Department of Education** Lot 1 in Deposited Plan 14761 Lot 2 in Deposited Plan 14761 Lot 3 in Deposited Plan 14761 Lot 4 in Deposited Plan 14761 Lot 5 in Deposited Plan 14761 Lot 6 in Deposited Plan 14761 Lot 7 in Deposited Plan 14761 Lot 2 in Deposited Plan 1210298 Lot 469 in Deposited Plan 821073 **Properties transferred from Department of Planning and Environment** Lot 32 in Deposited Plan 250595 Lot 1 in Deposited Plan 592529

BOX 311F
(AK482975)



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900



TORRENS TITLE REFERENCE	
2/1210298	
EDITION	DATE OF ISSUE
2	9/6/2016
CERTIFICATE AUTHENTICATION CODE	
YTH4-6D-SC6P	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

REGISTRAR GENERAL



ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

LAND

LOT 2 IN DEPOSITED PLAN 1210298
AT GOSFORD.
LOCAL GOVERNMENT AREA: GOSFORD.
PARISH OF GOSFORD COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM: DP1210298

FIRST SCHEDULE

GOVERNMENT PROPERTY NSW

(RP AK482975)

SECOND SCHEDULE

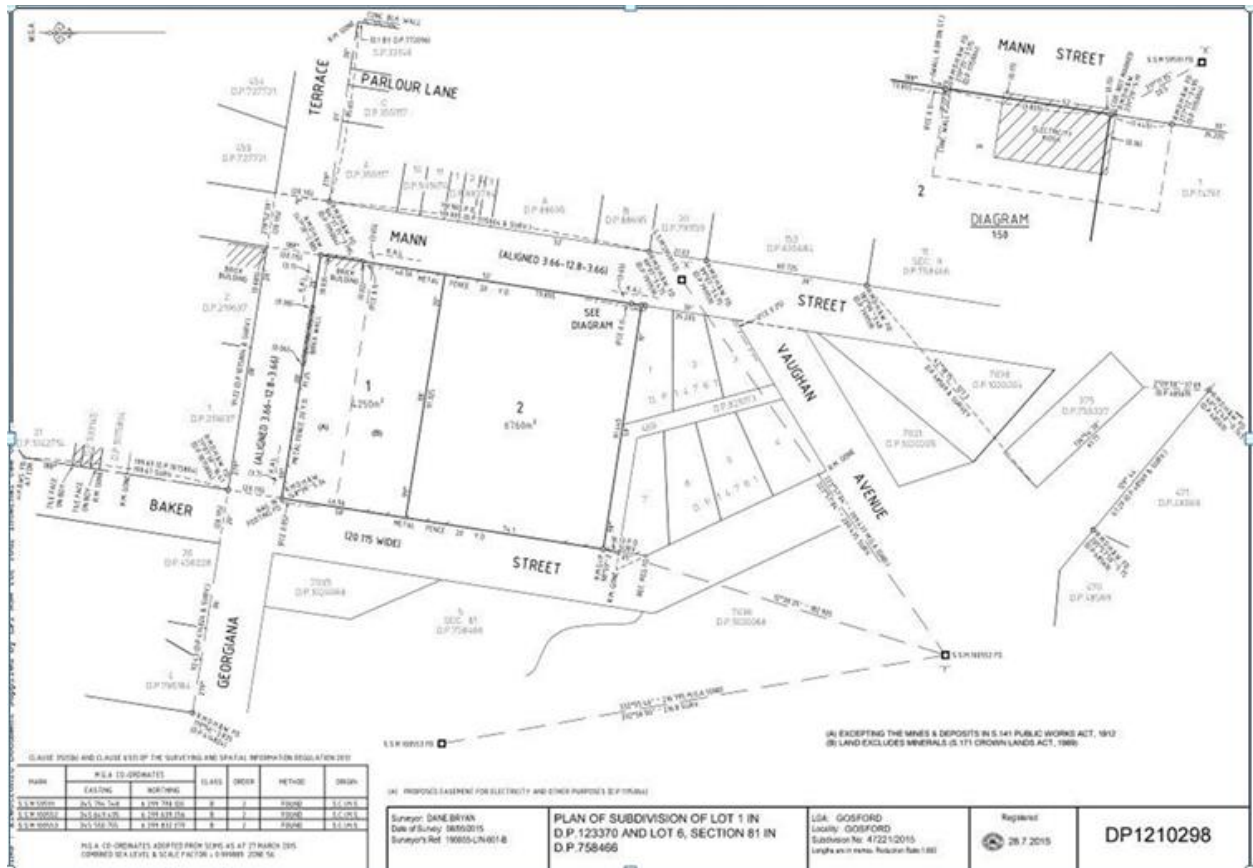
1. LAND EXCLUDES MINERALS (S.171 CROWN LANDS ACT 1989)

**** END OF CERTIFICATE ****

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT FOLIO OF THE REGISTER

6575603

Attachment 4 – DP 1210298



Attachment 5 - Gosford Challenge to Gosford City Centre Masterplan



Gosford Challenge – Gosford City Centre Masterplan

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

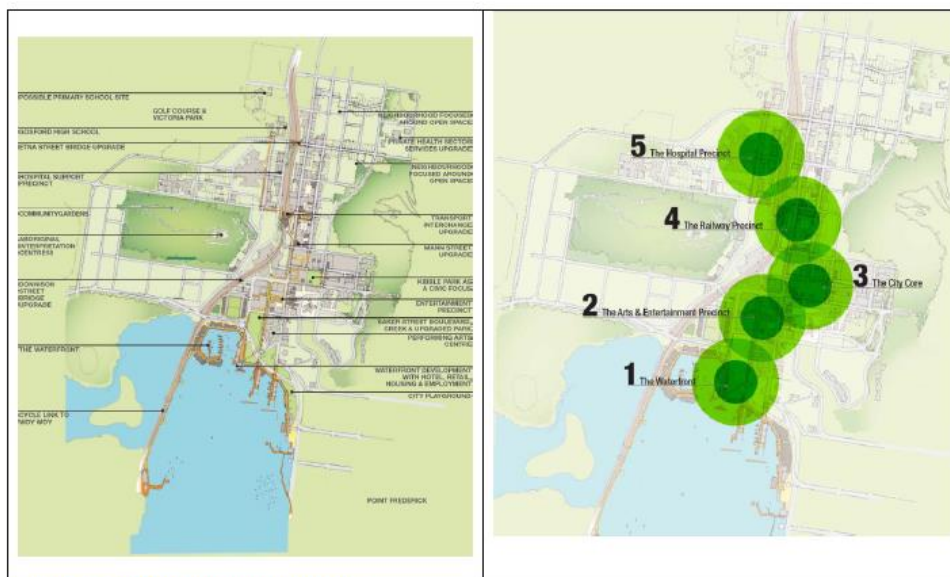


Figure 1 – Gosford City Centre Masterplan



Refer website:

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

The Landings – Request for Proposals and Original Rezoning Application

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



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

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



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

Refer website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3966



Figure 3 - The Landings Masterplan

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



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

Amended Rezoning Application

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



Figure 4 – Stage 1 Rezoning and Land Use Outcomes

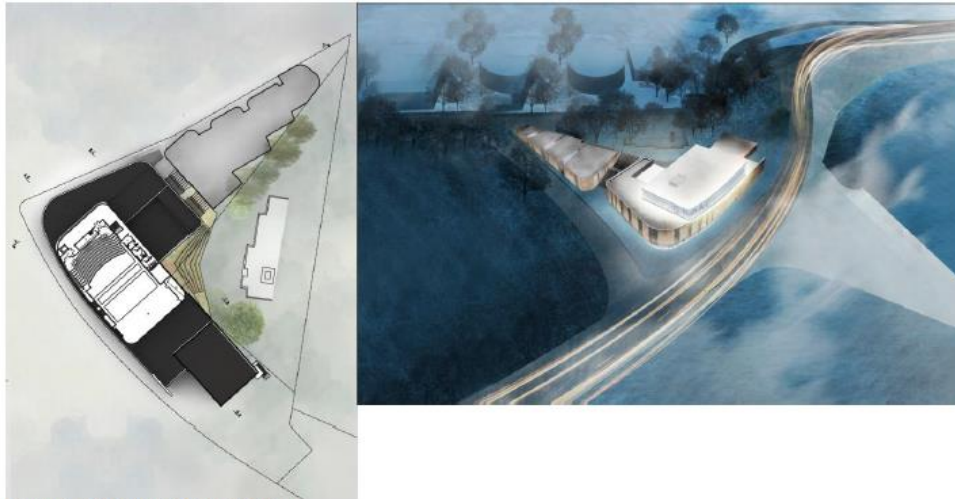


Figure 5 - Preferred Concept Design

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

Refer websites:

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

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

Gosford Public School – Demolition

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



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

Refer websites:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3966

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

Regional Performing Arts Centre (RPAC)

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



Gosford Public School – Redevelopment

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

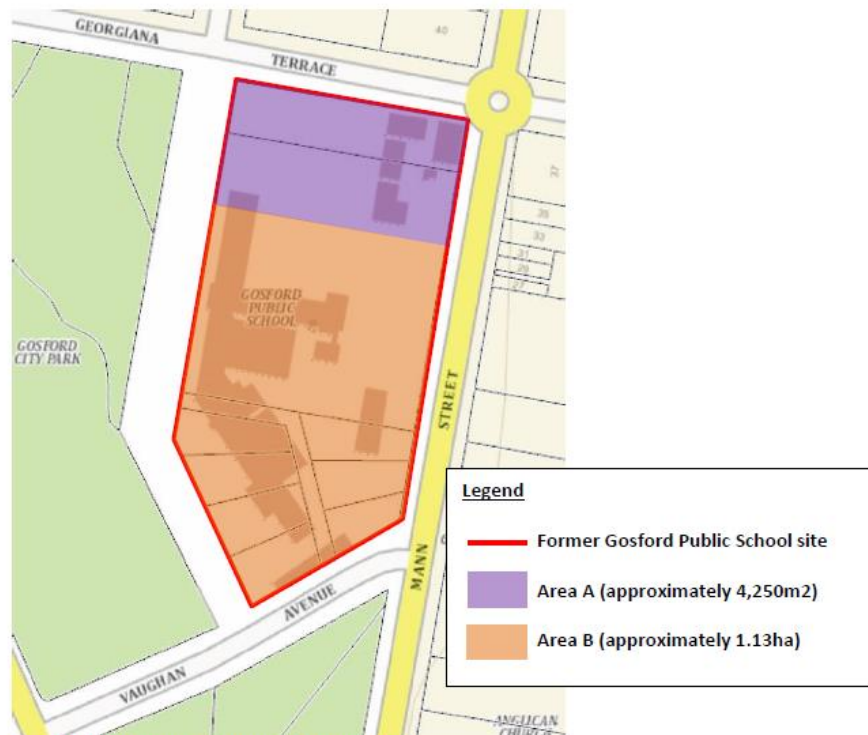


Figure 6: Land subject to the Expression of Interest



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

Refer websites:

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

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

Attachment 6 - DPI (Water) General Terms of Approval



Contact: Kerry Lee
Phone: 02 4904 2666
Email: kerry.lee@dpi.nsw.gov.au
Our ref: 20 ERM2016/0374

Your ref: DA 49685/2016

The General Manager
Gosford City Council
PO Box 21
Gosford NSW 2250

By email: goscity@gosford.nsw.gov.au

Attention: Robert Eyre

20 May 2016

Dear Sir

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: 49685/2016

Description of proposed activity: Mixed Use Commercial Development

Site location: 32 Mann St Gosford, Lot 2 DP 1210298

DPI Water (formerly the NSW Office of Water) has reviewed documents for the above development application and considers that, for the purposes of the *Water Management Act 2000* (WM Act), a controlled activity approval is not required.

General Terms of Approval (GTA) have been provided for works requiring a groundwater licence under Part 5 of the *Water Act 1912*, as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

It is noted that the proponent makes reference to undertake temporary construction dewatering. The proponent should understand that temporary construction dewatering is currently licensed under the *Water Act 1912* with a licence only required for dewatering which exceeds 3 ML. The proponent is encouraged to liaise with DPI Water regarding groundwater licensing requirements for the site.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (including this letter) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development.
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.
- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.

- DPI Water requests notification of any legal challenge to the consent.

The attached GTA are not a groundwater licence. The applicant must apply (to DPI Water) for a groundwater licence **after consent** has been issued by Council **and before** the commencement of any extraction of groundwater exceeding 3 ML.

Finalisation of a groundwater licence application can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a groundwater licence together with a dewatering management plan, fee of \$151, proof of Councils development consent and any other documentation as requested by DPI water.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Applications and fees](#) >

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Kerry Lee', with a stylized, flowing script.

Kerry Lee
Water Regulation Officer
Water Regulatory Operations, Water Regulatory Operations South
NSW Department of Primary Industries – DPI Water

General Terms of Approval

for work requiring a controlled activity approval
under s91 of the *Water Management Act 2000*

Number	Condition	File No:
Site Address:	32 Mann St Gosford Lot 2 DP 1210298	
DA Number:	49685/2016	
LGA:	Gosford City Council	
General		
1	An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.	
2	The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation	
3	Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: A. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and B. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and C. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.	
4	Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.	
5	DPI Water requires documentation (referred to as ‘report’) comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Newcastle Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing	

Number	Condition	File No:
	restrictions.	
Prior to excavation		
6	The following shall be included in the initial report: (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information. (b) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based. (c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction. (d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]	
7	The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.	
8	Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.	
9	Groundwater quality testing generally in accordance with the previous condition, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.	

Number	Condition	File No:
10	A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).	
11	A copy of a valid development consent for the project shall be provided in the initial report.	
12	The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called “tailwater”) must comply with the provisions of the <i>Protection of the Environment Operations Act 1997</i> and any requirements of the relevant controlling authority.	
13	Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.	
During Excavation		
14	Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.	
15	Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.	
16	Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.	
17	Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority’s approval	

Number	Condition	File No:
	and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.	
18	Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.	
19	The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.	
20	Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.	
Following Excavation		
21	- Following completion of the dewatering operations, the Applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include: - detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and - a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and - a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.	
22	The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.	
END OF CONDITIONS		