

JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

Supplementary 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
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. Gosford Local Environmental Plan 2014 3. Gosford Development Control Plan 2013 4. State Environmental Planning Policy No 55- Remediation of Land.
List all documents submitted with this report for the panel's consideration	Attachment 1-Proposed Conditions Attachment 2- Amended Plans Attachment 3- RMS letter Attachment 4- Heritage Impact Assessment. Attachment 5-Applicant's response to draft conditions. Attachment 6 – Previous JRPP report 15 September 2016
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 (JRPP) ON LOT 2 DP 1210298, 32 MANN STREET GOSFORD**

Directorate: Environment and Planning
Business Unit: Development Assessment

Executive Summary

Application Number	49685/2016
Delegation level	Joint Regional Planning Panel
Reason for delegation level	value exceeds \$20 million.
Property Lot & DP	LOT 2 D: 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	Approval, subject to conditions

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

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

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

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**

Conditions

Have draft conditions been provided to the applicant for comment?

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

SYNOPSIS

The proposal is for 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. There will be three (3) basement levels of car parking below Mann Street level, and six (6) commercial levels above Mann Street.

The proposal will include 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 street frontage.

The building is divided horizontally into 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 Mann Street level, the building will have sandstone columns with glass/metal framing. The ground floor may be used for future business premises/food and drink premises. 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, and the proposal complies with the building setbacks and car parking required.

The proposal is to accommodate 300 plus jobs from the NSW Department of Finance, Services and Innovation (DFSI).

The site adjoins the proposed commercial building to the north for the Australian Taxation Office and former school of arts building. The adjoining site is subject to a separate application.

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 Chapter 4.4 Gosford Waterfront except for issues relating to active street frontage to Baker Street, sharing vehicle access, visibility of vehicle entrance door/elevation from Baker Street and the waterfront. These matters are discussed in the report are 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 fro support include the economic benefit of the creation of 300 jobs to help revitalise the 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 permissible, complies with the GLEP 2014 and GDGP 2013 objectives, and will create 300 plus jobs which is a benefit to revitalise the city centre and waterfront.

Reasons for Deferral

The JRPP at its meeting on 15 September 2016 considered the application and deferred determination for the following reasons;

The JRPP:

- (A) Agrees with the written request by the applicant's legal representative dated 14 September 2016 that consideration and determination of the Development Application 49685/2016 be deferred to enable a Detailed Site Investigation Report to be prepared by the applicant for subsequent consideration.
- (B) Encourages the applicant to consider, address and respond to issues raised in the Council staff assessment report, including, but not necessarily restricted to:
 1. Design excellence, including comment's from the Council's Architect and Heritage Co-Ordinator;
 2. Façade detailing and articulation/modulation responding to the heritage setting of the adjoining courtyard to the north, with the approved development for the "ATO" site;
 3. The plant room and rooftop treatment;
 4. Access, including likely future pedestrian linkages and vehicular access to the adjoining (undeveloped) site to the south;
 5. Opportunities for engagement and activation with Mann Street, including interface details and any improvements to the public domain;
 6. Carpark façade details to the north and south;
 7. Any proposed temporary landscaping until the adjoining site to the south is developed.

- (C) The subsequent Council staff assessment report to come back to the Panel, following the above, shall address, inter alia, the following:
1. All parts and objectives of Part 8 of Gosford Local Environmental Plan 2014 (GLEP 2014);
 2. All zone objectives;
 3. Objectives of applicable development standards;
 4. All relevant parts, objectives and controls in Gosford Development Control Plan 2013 (GDGP 2013) as may be relevant to the proposal;
 5. Clarification of the statutory role of NSW Roads and Maritime Services in relation to the Development Application and a full copy of their advice;
 6. Clarification of the statutory status of the previous Masterplan document for the site in relation to GLEP 2014, GDGP 2013 and Section 79C of the EPA Act 1979;
 7. A full copy of referral comments from specialists within Council and any response from the applicant, including any updated advice from specialists or the applicant following the response to Part B above;
 8. The benefit or otherwise of any easement for vehicular access from the subject site to the adjoining site to the south;
 9. A copy of the applicant's written response to draft conditions, if consent is recommended.

With response to the above, the following information is provided;

Item A: Detailed Site Investigation Report

The applicant has submitted a Report on Detailed Site investigation for Contamination (prepared by Douglas Partners dated November 2016).

The report was referred to Council's Environmental officer who has provided the following comments:

Updated Contamination Comments November 2016

The consent conditions relating to site contamination were negotiated between the Applicant and Council's Environment Officer during November 2016. The Applicant requested that the conditions be removed from 'deferred commencement' and placed in 'Prior to Construction Certificate'. This was accepted after discussions with the contamination consultant. The levels of BaP are below health based screening levels so do not present a risk for future occupants of the development. They are above ecological screening based levels so required remediation prior to being converted into landscaped areas.

The final negotiated consent conditions require all asbestos to be removed in accordance with a site specific asbestos management plan. A clearance certificate is then required to be submitted to Council. Next the BaP needs to be delineated, remediated and then validated. Finally, a Construction and Waste Management Plan will be required to be submitted to Council for management of the bulk earthworks.

The conditions will ensure that all contaminants are removed from the site prior to construction certificate. No site Audit Statement will be required in this instance due to the very low risk associated with the contamination.

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. *“It is recommended that detailed assessment of the site should include investigation, screening and testing of the site soil, groundwater and subsurface gas conditions”.*

A detailed site investigation for contamination was undertaken as per request by Council. The detailed site investigation identified that some areas of the site have been impacted by past activities and the following actions were recommended:

- Further delineation investigation and then potentially management or remediation of the north east portion of the site is required.
- Small quantities of asbestos containing material fragments are present on the ground surface. Whilst these fragments require management, no specific remediation work would be required from a site contamination perspective.
- Development of an Unexpected Find Protocol to manage any additional asbestos fragments or other unexpected contamination is recommended.
- A specific construction and waste management plan is required to manage the excavation handling and classification of materials that require off-site disposal/reuse. In this regard, the presence of metals, PAH and ACM in site soils will require careful management.

The detailed site investigation concluded that the site can be made suitable for the proposed commercial premises land use from a contamination standpoint, subject to the implementation of a specific construction and waste management plan. Further delineation investigation and then potentially management or remediation of the BaP concentrations are warranted and these results should be incorporated into the construction and waste management plan.

Conditions of consent will be recommended to ensure that the recommendations of the detailed site investigation are implemented on site prior to construction.

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 St 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.

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.

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 within any consent granted.

The report concludes that the site can be made suitable for the proposed commercial premises from a contamination standpoint, subject to implementation of a special construction and waste management plan.

(Refer Conditions 2.12, 4.16, 4.18 & 6.6)

The report identifies that both acidic and acid sulphate soils are present and will require management during the development process. A specific acid sulphate soil management plan should be prepared for the site.

(Refer Conditions 2.9 & 2.12)

It is considered that contamination and soil conditions can be adequately managed on site in accordance with the proposed conditions of consent.

Item B: Applicant's Submission

The applicant has responded to the issues raised and provided the following;

1. MANN STREET GROUND PLANE INTERFACE AND URBAN DESIGN

CENTRAL COAST COUNCIL COMMENT:

The Council have requested the removal of the street trees along Mann Street from the footpath zone to avoid potential damages to services in the street. They have suggested that "feature" trees be incorporated into the design along Mann Street. They have also suggested that there is a more user friendly interface with the street scape in respect to the potential for seating which could be fixed or provided as part of the fitout of a cafe space at ground floor.

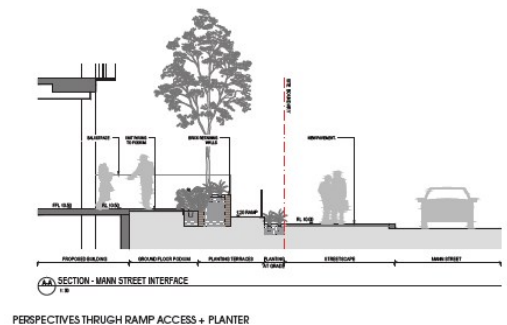
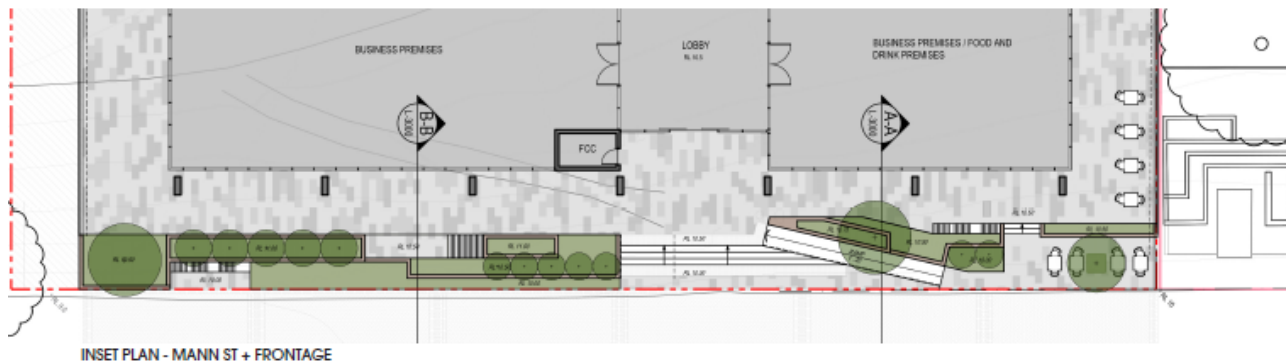
GROUP GSA RESPONSE:

The revised design proposes a more integrated street edge response and incorporates seating, landscape elements, feature trees and a reconfigured accessible ramp at the main building entry point.

All revised landscape features sit within the site boundary and the previously shown street trees on Mann street foot path zone have been deleted. Potential for a future café with outdoor seating has been incorporated at the north east corner of the ground level. The revised design presents as a 'softer' human scale response and will enhance the user experience, particularly at the main entry.

The following drawings have been updated to represent the design response:

- General arrangement plans
 - Site Plan A-1100 E
 - Ground Floor Plan A-2003 O
- Updated elevations
 - East Elevation A-3000 H (3D perspective)
 - North Elevation A-3001 I (3D perspective)
- Update Landscape drawings for the current DA.
 - Landscape Plan L-2000 F
 - Section L-3000 D
 - Updated perspectives to north-east corner



Planning comment:

The development as amended provides for a landscaped forecourt that incorporates seating. The landscaping will provide for shading of the seating areas, and frames the main building entry point. The proposed design is considered compatible with the B4 Mixed Use zone.

2. THE ARTICULATION IN THE EAST AND WEST FAÇADE

CENTRAL COAST COUNCIL COMMENT:

The Council expressed concern that the facade was “long and flat and without articulation.

GROUP GSA RESPONSE:

Façade articulation has been provided both vertically and horizontally. Horizontally, a variety of sun shading elements have been introduced to break up apparent bulk and scale. These shading elements are also oriented in a variety of fixed positions that further enhance the play of shadow along the façade. In addition to these shading elements, the introduction of solid stone clad wall segments serves to further break up the linearity of the built form. Again, these stone members have also been canted at various angles to ensure a variety of shadow play.

Vertically, the facades on both east and west also have an articulation strategy. The upper 2 floors have been emphasised with transparent fixed metal screen elements in addition to sun shading, this strategy also allows for internal human workplace activity to be revealed to the street. This presents to the street a sense of activity and movement.

There is a 3 distinct horizontal separation ordering systems at play along the east and west facades. The ground floor is distinctly separated from the built form above by the introduction of a recessed colonnade zone. This area is further enhanced by the placement of landscape elements, entry points and opportunities for social interaction via the provision of an outdoor café and seating area.

The middle 3 levels of the façade are each articulated from each other by providing a 300mm steel formed shadow recess detail, this serves to add fine details and articulation to the overall building.

A larger separation of 900mm has been provided between the middle 3 floors and the upper 2 floors. This creates visual interest and allows the feature screen elements on these last 2 floors to be celebrated as a distinct building element.

The following drawings have been updated to represent the design response and are included in the Appendix:

- Updated Elevations
 - East Elevation A-3000 H
 - West Elevation A-3002 J



Planning comment:

The building design is that of a modern commercial building. The introduction of sun shading/louvre devices adds to the articulation and modulation of the building. It is acknowledged that there is no stepping of the built form however this is not required at this building height.

3. NORTHERN PODIUM WALL FACING THE PARK AREA ON THE DOMA SITE

CENTRAL COAST COUNCIL COMMENT:

The northern wall of the podium of the building should have more of a relationship with the park created on the DOMA site and look less like the basement wall of a carpark.

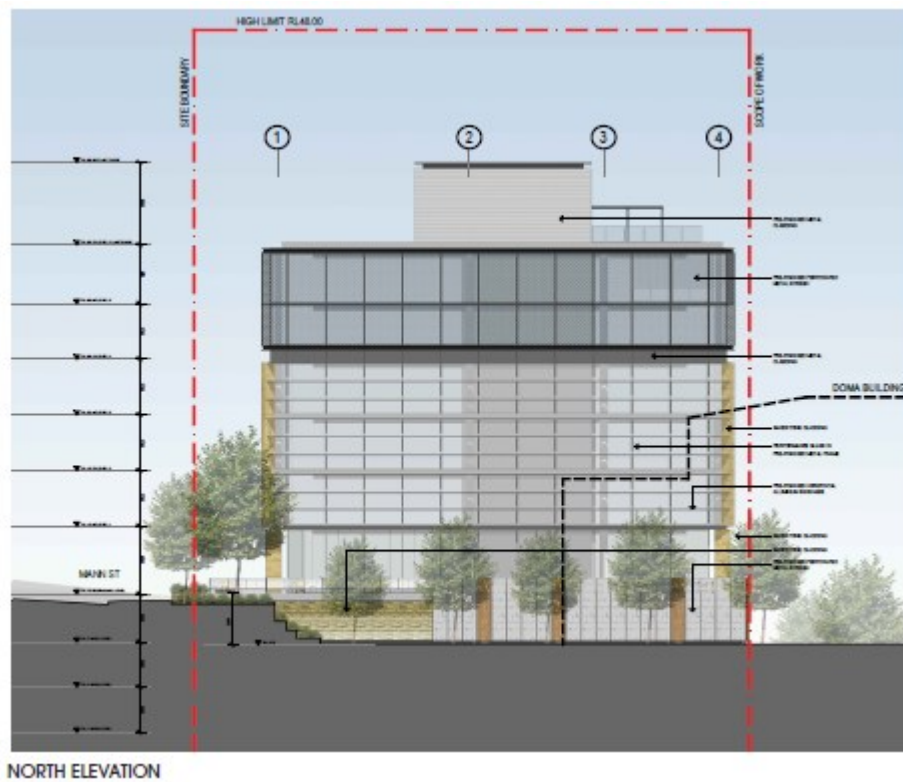
GROUP GSA RESPONSE:

Review the design of the podium wall (carpark walls) with respect to connection to the proposed courtyard development on DOMA site.



The following drawings have been updated to represent the design response and are included in the Appendix:

- Updated North Elevation
- Drawing: A-3001



Planning comment:

The revised appearance of the wall provides articulation to the DOMA courtyard area. The materials and finishes provide a much improved backdrop to this space. The provision of seating along the façade provides additional movement and surveillance to the courtyard space which is beneficial.

4. SOUTHERN PODIUM WALL

CENTRAL COAST COUNCIL COMMENT:

The southern wall of the podium of the building should look less like the basement wall of a carpark. The council officer expressed a personal concern about the carpark facade of the building on the southern podium wall. What will this wall potentially look like when the masterplan is developed and a public access way will be part of the design?

GROUP GSA RESPONSE:

The podium wall along the southern edge of the site will eventually interface with a public pedestrian link through the site. The proposal is to modify the materiality and articulation along this zone. A textured finished wall (graffiti proof) has been incorporated into the southern wall (previously metal panels).

The through site connection outlined in the concept masterplan will be delivered as part of the future development of the site following an authority approval. It is envisaged that the full development of the southern wall area will incorporate landscaping with the stair access solution. Indicative sketches are provided for reference but this will be subject to future design and an application to the authorities.

The following drawing has been updated to represent the design response and are included in the Appendix:

- Updated South Elevation
 - Drawing: A-3003



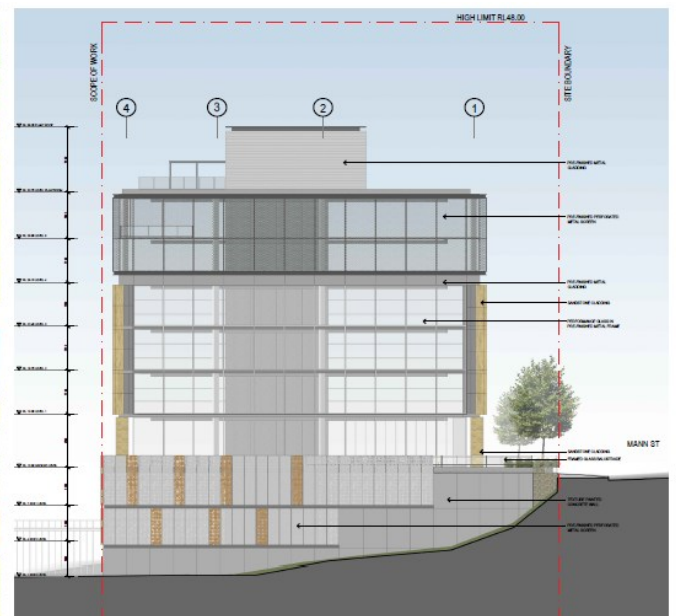
INDICATIVE CONCEPT FOR FUTURE CONNECTION



INDICATIVE VIEW FOR THE FUTURE CONNECTION



INDICATIVE VIEW FOR THE FUTURE CONNECTION



SOUTH ELEVATION WITH PAINTED FINISH REPLACING OFF FORM CONCRETE FINISH

Planning comment:

The southern façade will be directly adjacent a future pedestrian access to the rear of the site and as such provides framing of this space. The introduction of panelling and modulation of colours is an improvement which adds interest to the façade. It is noted that the stair and landscaping is subject to a future application.

5. THE ROOF TOP PLANT ROOM

CENTRAL COAST COUNCIL COMMENT:

The elevation drawings show the plant room to be very tall. Can the height of the plantroom be reduced or can the mass be reduced?

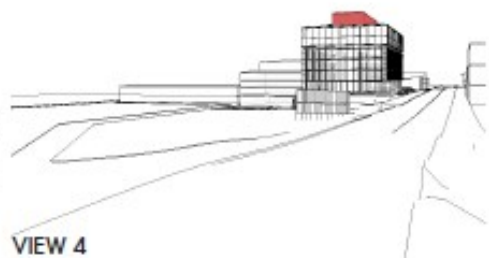
GROUP GSA RESPONSE:

The plant room sits fully within the potential envelope for a building on this site. The plant room form is moulded as part of the overall building fabric. It is stepped back from the edge of the main building form to accommodate the maximum technical requirements for the project.

When viewed at ground level, from various points around the site, the apparent height is substantially reduced as compared to that of the true elevation view which is rarely seen. Depending on the viewpoint the plant room can be reduced in perceived height by several metres.

The external cladding will comprise a combination of prefinished metal louvres and prefinished metal cladding. The cladding material has been modulated in a horizontal pattern to break down the mass of the form. The horizontal pattern has the effect of presenting an exaggerated elongated form as opposed to a vertical pattern that exaggerates the vertical. The colour of the cladding is also a light blue grey colour to blend more with the sky colour and to further mitigate any perceived bulk issues.

The accompanying sketches show the actual result when viewed from ground level around the site and how it is significantly different to than when viewed as a true elevation.



Planning comment:

The plant room is set back from the building facades. The light blue grey colour cladding will reduce the prominence of the room. It is noted that the plant room is fully within the applicable height limit.

6. SETBACK FROM HERITAGE ITEM

CENTRAL COAST COUNCIL COMMENT

The heritage item on the corner of Mann Street and Georgiana Terrace should not be dominated by the new building.

GROUP GSA RESPONSE:

The proposed building is generally setback from the site boundaries and the tower component is further set back from the podium to provide primary building articulation and an improved urban design contribution to the local precinct.

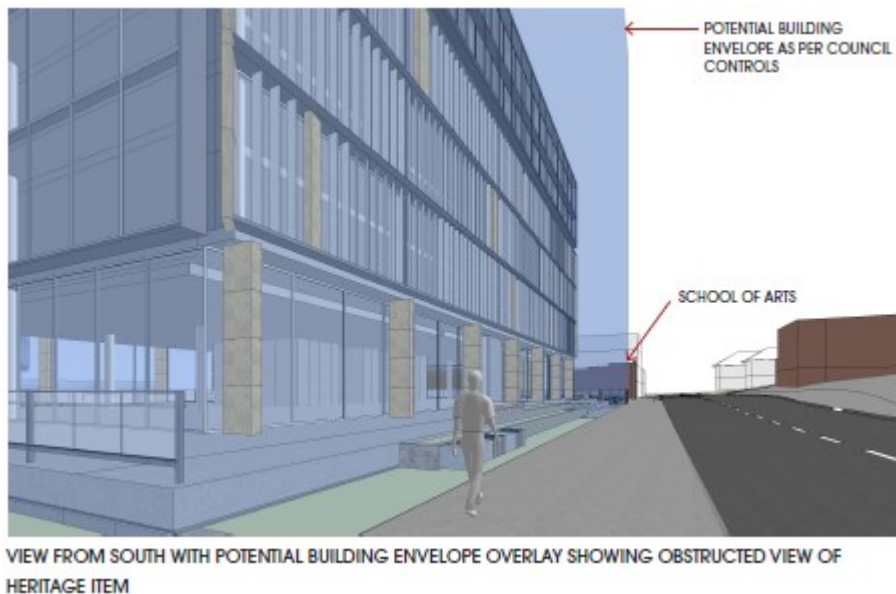
The development controls established for the site, define that a modern building of much larger height, and FSR could be permissible on the site. It is noted that as part of any growing and city centre, there is always a relationship between new developments and heritage buildings to be considered. The proposed building is located to the south of the heritage building and will not overshadow the School of Arts building or the public open space around the building.

The main tower is set back 4m from the eastern boundary / building line and 4.2m from the northern boundary / building line. These conditions were established so the tower form would not dominate the School of Arts building or the open space area on the adjoining DOMA site.

These setbacks improve the site lines along Mann Street to the heritage building and gives this item more prominence in the streetscape. The setback to the eastern boundary also establishes a deeper interface zone between the street and the proposed building which provides an improved urban edge condition and more pedestrian space on the street.



VIEW FROM SOUTH DEMONSTRATING IMPROVED VIEW TO HERITAGE ITEM WITH 4 METRE SETBACK



Planning comment:

The site is zoned B4 Mixed Use, and is located within the Gosford City Centre, a locality which Council actively promotes development. The proposed development is set back more than 4m from Mann Street, which promotes sightlines to the School of Arts building. The subject site is also located to the south of the School of Arts and so does not overshadow the building.

The proposed development is RL 39.2m in height which is substantially less than the permissible RL 48m height limit for the site.

Item C: Additional Matters

Item C(1): Part 8 Additional local provisions - Gosford City Centre

8.1 Objectives of Part

The objectives of this Part are as follows:

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

Comment - The proposal will generate significant additional employment in the city centre which will provide economic and social benefits to aid revitalisation.

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

Comment - The location of an office of the NSW Department of Finance will strengthen Gosford's regional position. This, together with other government projects, such as upgrading of Gosford Hospital, identifies the NSW government commitment to revitalisation of the city centre. The proposed building has design excellence elements in the external appearance and materials.

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

Comment - The proposal provides 'A' grade large office space which is currently lacking in the Gosford city centre. This will attract additional businesses and promotes business in Gosford. The additional workers in the locality will enliven the site which is currently underutilised.

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

Comment - The proposal is estimated to provide 300 additional jobs in the city centre. This will have multiplier effects on employment, residential and tourism generation and service sector jobs.

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

Comment - The use of the former school site, which is vacant and zoned for such development, for a commercial building is appropriate in this location on Mann Street. The proposal has had regard to adjoining approved and likely future development on the site. The amended design incorporates shading / louvre devices to increase building efficiency. It is noted that the locality is within walking distance of bus and train stations.

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

Comment - The design of the proposal has had regard to the heritage building on the adjoining site. It has set the building back from Mann Street and provided a landscaped forecourt, to provide adequate space to the building. This also ensures that the former School of Arts building is visible along Mann Street from the south.

The significant tree on the adjoining site will also be retained with this development.

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

Comment - The ground floor of the building will contain a future food and drink premises which may provide an evening and potential weekend attraction/activity. The location of a large office at the southern end of Mann Street, will encourage pedestrian activity throughout the day, which is currently lacking at this end of the city. Glazing is a substantial feature of the design, which allows for actual and perceived surveillance of the public domain.

(h) to enhance the Gosford waterfront,

Comment - The proposal is located adjacent the Mann Street frontage. The development will provide for an improved pedestrian environment through landscaping and paving works, which may draw people closer to the waterfront.

Future development will occur on the western side fronting Baker Street which will be substantially closer to, and will front toward the waterfront. Until this happens, temporary landscaping will be installed to partly screen the western elevation.

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

Comment - The masterplan for the site provides a pedestrian connection from Mann Street to Baker Street and the waterfront on the southern side of the proposed building. The applicant has provided sketches of the future pedestrian connection. The development will provide for an improved pedestrian environment through landscaping and paving works.

8.2 Land to which this part applies

The site is within the Gosford City Centre.

8.3 Floor Space Ratio

Not applicable.

8.4 Minimum Building Street Frontage

Minimum street frontage 24m. Proposed frontage 53.8m and complies with clause.

8.5 Design Excellence

- (1) *The objective of this clause is to deliver the highest standard of architectural and urban design*

Comment - the proposal provides a high standard of architecture which is suitable for the CBD locality.

- (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.*

Comment - It is considered the proposal 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,*

Comment - The proposal provides a high standard of architectural design, use of varying materials and external finishes and articulation.

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

Comment - The proposal improves the quality and amenity of the public domain. An area has been provided within the Mann Street setback for planting and seating. The revised design has

improved the appearance of the building from the DOMA courtyard and the southern façade. The development also provides for surveillance of the public domain and courtyard spaces

(c) *whether the proposed development detrimentally impacts on view corridors,*

Comment - The proposal does not detrimentally impact any view corridors and is below the height permitted for the site. The setting back of the development by more than 4m from Mann Street retains views to the School of Arts building from the south.

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

Comment - The building does not detrimentally overshadow any public park.

(e) *any relevant requirements of applicable development control plans,*

Comment - The proposal is generally consistent with the GDCP 2013.

(f) *how the proposed development addresses the following matters:*

(i) *the suitability of the land for development,*

Comment - The proposal complies with the planning controls of height, FSR, and car parking. The proposal is able to be built on the site with residue land available for future development.

(ii) *existing and proposed uses and use mix,*

Comment – The proposed use is to create mainly A grade office space with opportunities for ground level food and drink premises. The site is currently vacant and such uses are desirable to encourage employment and pedestrian activity at the southern end of Mann Street.

(iii) *heritage issues and streetscape constraints,*

Comment - The proposal has been adequately set away from the existing heritage items on the adjoining site and on the eastern side of Mann Street. The building has been setback from Mann Street 5.4m to enable views along Mann Street of the former School of Arts building.

(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,*

Comment - There are no towers proposed and the building is below the maximum height limit for the site.

(v) *bulk, massing and modulation of buildings,*

Comment - The building has horizontal articulation of external materials and finishes which mitigate the bulk and scale of the building. The proposal is less than that permitted for the height and FSR for the site. The revised scheme incorporates sun shading devices which further articulate the façade.

(vi) *street frontage heights,*

Comment - There is no street frontage height set for Mann Street in this location.

(vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*

Comment - The proposal has no significant impact of overshadowing of public places, wind or reflectivity.

(viii) the achievement of the principles of ecologically sustainable development, with particular emphasis on water saving and recycling,

Comment - The building achieves a NABERS rating of 4.5 Star Energy and 4 Star Water. The introduction of sun shading devices will improve the environmental performance of the building.

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

Comment - The proposal complies with the car and bicycle parking required and AS Australian Standards for off street parking facilities.

(x) the impact on, and any proposed improvements to, the public domain.

Comment - The proposal improves the public domain on the Mann Street frontage by setting the building back, and providing planting and seating areas.

8.6 Car parking

For B4 Mixed Use zoned land, this clause requires the provision of 1 space/per75m² for commercial activities. Commercial activities include, among others, office and business premises as well as food and drink premises. The proposal requires a total of 104 spaces and 104 spaces are provided.

8.7 Active street frontages

This clause applies to land zoned B3 Commercial Core. This site is zoned B4 and the clause does not apply.

8.8 Converting serviced apartments to a residential flat building

This clause does not apply.

8.9 Development incentives

This clause does not apply to this site or development.

8.10 Development requiring the preparation of a development control plan- South Mann Street.

This clause states;

- (1) *The objective of this clause is to ensure that development within the South Mann Street Precinct occurs in accordance with a site-specific development control plan.*
- (2) *This clause applies to land identified as "South Mann Street" on the Additional Permitted Uses Map.*
- (3) *Development consent must not be granted for development on land to which this clause applies unless:*
 - (a) *a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, or*
 - (b) *guidelines and controls similar to those mentioned in subclause (4) already apply to the land, or*
 - (c) *the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.*

- (4) *The development control plan must provide for all of the following:*
- (a) *design principles drawn from an analysis of the site and its context,*
 - (b) *distribution of land uses and proposed urban structure,*
 - (c) *built form controls, including controls for special areas and uses,*
 - (d) *heritage conservation,*
 - (e) *pedestrian amenity,*
 - (f) *access, parking and servicing,*
 - (g) *landscaping.*

Chapter 4.4 -Gosford Waterfront of GDCP 2013 was prepared which applies to this site. See C4 below.

Item C(2): Zone Objectives

The objectives of the B4 Mixed Use zone are;

- *To provide a mixture of compatible land uses.*

Comment - The proposal is for 'A' grade office space and future food and drink premises on the ground floor. The balance of the site is available for other uses. This complies with the objective.

- *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.*

Comment - The site is located on Mann Street which is a major bus route, as well as being within walking distance of the city centre and Gosford railway station. Bicycle parking has been provided as well as car parking facilities.

- *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.*

Comment - The proposal adds to the commercial activity at the southern end of Mann Street which will encourage additional activity and other uses to locate in the vicinity.

- *To allow development in Point Frederick to take advantage of and retain view corridors while avoiding a continuous built edge along the waterfront.*

Comment - The site is not located in Point Frederick.

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

Comment - The proposal improves the public domain on the Mann Street frontage with planting and seating space. The masterplan and proposal will permit a future pedestrian connection on the southern side of the building from Mann Street to Baker Street and the Gosford waterfront.

- *To enliven the Gosford waterfront by allowing a wide range of commercial, retail and residential activities immediately adjacent to it and increase opportunities for more interaction between public and private domains.*

Comment - The proposal will encourage additional pedestrian activity between the city centre/Kibble Park and the southern end of Mann Street and the waterfront. The addition of a food and drink space provides the opportunity for additional dining options which may attract people to the area.

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

Comment - The proposal will enhance activity along the southern end of Mann Street and encourage a connection eventually to the waterfront. The building is lower than that permitted on the site and the orientation to Mann Street will maintain the scenic quality and future character of the area. The addition of a modern commercial building on this underutilised site is considered an improvement.

Item C (3): Objectives of Applicable Development Standards

Clause 4.3 Height of Buildings.

The objectives of this clause are as follows;

(a) to establish maximum height limits for buildings,

Comment - The maximum height is RL 48m AHD, the proposed height is RL 39.2m. The development does not exceed the established height limit.

(b) to permit building heights that encourage high quality urban form,

Comment - The building height is 8.8m below the height limit and consists of essentially 6 storeys above Mann Street level plus a plant room. Despite the lower height level, the building has been designed to have a high quality urban form by varying external materials and finishes which break the building up horizontally.

(c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,

Comment - The Mann Street frontage has been designed as a public area with planting and seating areas. This area will receive morning sunlight and the open area around the ground floor level will provide a sense of openness to the sky.

(d) to nominate heights that will provide an appropriate transition in built form and land use intensity,

Comment - The approved building on the adjoining site has a height of RL 23.1m AHD. The increasing height away from the former School of Arts building and proposed tax office provides both a transition in height across the site as well as away from the heritage buildings on the opposite corners of Mann Street and Georgiana Terrace.

(e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,

Comment - The building is not located in any view corridor identified in the GDCP 2013. As the building is 8.8m lower than the maximum height permitted, this will permit development on the eastern side of Mann Street greater view opportunities which otherwise would not occur with a complying development. The Mann Street setback provides for retention of views toward the School of Arts building.

(f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.

Comment - The proposal only has a minor shadow impact on a small part of Baker Street and Leagues Club field at 9.00 am on 22 June. The proposal creates a shadow over Mann Street from about 1-2pm onwards. Therefore the proposal does not create any significant overshadowing of public places, particularly the Gosford waterfront.

Clause 4.4 Floor space ratio

The objectives of this clause are as follows:

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

Comment - The proposal is less than the maximum FSR permitted. The maximum is 3.5:1 and the proposal has a FSR of 3.46:1, excluding the balance of lot 2.

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

Comment - The proposal complies with the density and bulk and is below the maximum height permitted, and has greater setbacks to Mann Street to preserve the character of nearby heritage items.

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

Comment - The proposal has been amended to reduce the impact of the car park wall/ podium wall on the northern side to enable a visual connection with the courtyard of the adjoining development.

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

Comment - The proposal is located in an area which is and is likely to undergo substantial transformation in the near future. The balance of the former school site is likely to be redeveloped as well as the land on the opposite side of Mann Street.

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

Comment - The proposed building is located on part of the former school site (lot 2) which has a total area of 6760m². The part of the site this building is to be constructed on is 2782m², leaving the balance of the site for future development.

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

Comment - The proposal has been designed with varying horizontal elements in the external materials and finishes, as well as articulation that provides a ground floor level of outside public space.

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

Comment - Not applicable, the site is zoned B4 Mixed Use.

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

Comment - Not applicable, the site is zoned B4 Mixed Use.

Clause 8.6 Car Parking.

There are no stated objectives in the GLEP 2014 in relation to car parking. However it is assumed the objective is to provide adequate car parking on the site unless adequate parking is available in the vicinity. In this case the proposal provides 100% of car parking required under this clause and the parking provided is considered to comply with the objective of the standard.

Item C (4): All relevant parts of GDCP 2013**Chapter 4.4 Gosford Waterfront**

Development Standard	Description	Required	Proposed	Compliance with Control	Compliance with Objective
Clause 4.4.1.	Land to which chapter applies.	Site within land subject to Chapter 4.4			Yes
	Application of Chapter	Consent authority to be flexible in applying controls. Consent may be granted where the objectives of the controls are achieved notwithstanding one or more planning controls are not complied with.			Yes
Clause 4.4.2	Vision	For the waterfront to promote sustainable growth which will provide a catalyst for revitalisation of the city centre.			Yes - the proposal provides 'A' grade office space and employment which is critical to revitalisation of the city centre.
Clause 4.4.3 Building Form	Street alignment and setbacks	Baker Street- Nil to 3m setback. Mann Street- Nil setback permitted.	The proposed building is setback in excess of 3m to Baker Street and 5.4m from Mann Street.	No- however is suitable as future development on western side will address the setback to Baker Street.	Yes

	Building frontage heights	Maximum 4 storeys on Baker Street frontage	No height on Baker Street frontage	Yes	Yes
	Building depth and bulk.	Maximum commercial floor plate 2,200m ² , be articulated and modulated using a range of architectural treatments.	Floor plate about 1341m ² and building articulated using a variety of materials and treatments.	Yes	Yes
	Mixed use buildings	Minimum 3.3m floor to ceiling for commercial and 3.5m for active uses such as retail and food premises.	4.5m for ground floor and 3.7m for commercial levels above.	Yes	Yes
	Sun access and view corridors	Sun access to public places in winter and maintain view corridors	Sun access to eastern ground floor frontage .Proposal does not block view lines across site	Yes	Yes
	Building exteriors	High quality finish and standard of materials to create visual interest to street, horizontal and vertical emphasis.	Varying materials and vertical and horizontal emphasis provided.	Yes	Yes
Clause 4.4.4	Controls for special areas and uses.	Location of cultural hub, city park and Gosford Breakwater identified.	Site not located in special areas	Yes	Yes
Clause 4.4.5	Pedestrian amenity	Pedestrian connection to be provided between Mann Street and Baker Street.	Pedestrian connection identified in site masterplan on southern side of proposed building.	Yes	Yes
	Active frontage	Active street	Active frontage to	No- see	Yes

		frontage to Baker Street.	Mann Street	comments below.	
	Safety security and	Address safer by design principles (CPTED)	CPTED report submitted.	Yes	Yes
	Pedestrian protection	Continuous awning on Baker Street frontage required.	Not applicable to this application. A covered area is provided within Mann Street frontage setback.	Yes	Yes
Clause 4.4.6.	Traffic Management	Traffic report	Traffic report submitted. Existing road system can cater for increased traffic and no upgrade of State road system required.	Yes	Yes
.	Vehicle access/driveways	Where possible, adjoining buildings to share access. Comply with Australian standards. Integrate into building design.	Adjoining/separate driveway with ATO	No- see comments below	Yes
	On-Site parking.	In accordance with Australian Standards and clause 8.6 of LEP 104 spaces required	104 spaces provided	Yes	Yes
	Waste storage/access.	To be screened from public place.	Visible from Baker Street/Waterfront.	No- see comments below.	Yes
Clause 4.4.7	Landscaping	Landscape plan required	Landscape plan provided.	Yes	Yes
Clause 4.4.8	Heritage Items.	To conserve, protect and enhance views of identified heritage items.	Heritage impact assessment submitted. There are no heritage items on the site. The adjoining heritage items	Yes	Yes- see comments below.

			are protected by building separation and setting the building 5.4m back from Mann Street to maintain the view of the adjoining school of arts building and other heritage buildings in the vicinity when viewed along Mann Street.		
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Active Street Frontage

The proposal does not have an active frontage to Baker Street. However this proposal is located on the Mann Street side of Lot 2 and an active frontage to Baker Street will be provided when further development occurs on the western side of the proposed building.

Vehicle Access

The location of the driveway to the proposed building adjoins that proposed for the ATO on the adjoining site. However the two developments are located on different sites with different owners. This matter may be reconsidered when further development on Lot 2 is proposed.

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 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. The applicant has submitted amended plans to provide a landscape screen on the western side.

Heritage/Conservation Criteria

For sites in the vicinity of heritage items, an assessment of the impact of the proposal on the setting of nearby heritage items is to be undertaken using the following general principles;

1. *Scale. The scale and bulk of any new building or work must be in scale with the original building and new development must not obstruct important views or vistas of the item. Where this is not feasible, sufficient curtilage around the heritage item must be included to assist interpretation of its heritage significance.*

Comment - The proposed building is six storeys above Mann Street and below the height limit permitted on the site. The setback of 5.4m from Mann Street will maintain views of the heritage items along Mann Street. It is also separated from the former School of Arts building by a distance of 14m which will be landscaped. The proposed building is separated from the heritage items on the eastern side of Mann Street by the road width.

2. *Siting. If the existing street façade of the building is sympathetic to the character of the street, then alteration must be avoided. New work is best located to the rear or side of the building.*

Comment - This application does not involve work on the sites containing the heritage items.

3. *Architectural form. The basic architectural form of any new work needs to respect what exists. Issues to consider are the roof form, proportion and location of windows and doors.*

Comment - The new building is not located on the heritage site and is proposing a modern commercial building. It is not intended to imitate the heritage building. The building façade is broken up into 3 horizontal zones on the Mann Street frontage.

4. *Architectural detailing. It is important to be aware of the particular era and architectural style of the building or buildings and make sure that any proposed changes are contextual to the period. For example, it is not appropriate to mix Victorian features with a California Bungalow. Overuse of historical architectural features on new work should be avoided, with preference given to uncomplicated interpretive forms and detailing.*

Comment - The site does not contain any heritage items. The proposed building does not propose historical architectural features in the new work. The nearby heritage items will maintain their individual appearance.

5. *Materials and finishes. Reuse existing materials where possible. New materials and detailing must be compatible with the original and consideration must be given to the colour, texture and type of materials and finishes.*

Comment - There are no heritage items on this site. The proposal does not involve any demolition or reuse of existing materials from the heritage items.

6. *Use. The best use for a building is usually the one for which it is built. Where this is not possible, a use sympathetic to the layout of the building and requiring minimal alterations will be more compatible.*

Comment - Not applicable.

7. *Original fabric. It is important to minimise alterations to the original fabric and where possible, repair rather than replace individual elements, such as windows and doors.*

Comment - Not applicable.

8. *The ageing process. The patina of age on a building adds much to its character and significance. A worn step for example demonstrates the many years of feet crossing a threshold. Such features add to the uniqueness and character of a place and must be retained wherever this does not present a public safety risk.*

Comment - Not applicable.

9. *Curtilage. There are three types of heritage curtilage:*

- *Lot boundary. The lot boundary is the most common type of curtilage. It may contain associated buildings, gardens, walls, fences and the like which contribute to the significance of the property. The majority of built items in Gosford are listed within their lot boundary curtilage.*
- *Reduced curtilage. This curtilage is less than the lot boundary of the property and it arises where the significance of the item and its interpretation is not dependant on having a large curtilage extending to a lot boundary. In such cases, it is necessary to identify a curtilage that enables the heritage significance of the item to be retained.*
- *Expanded curtilage. This curtilage is greater than the property boundary. An expanded curtilage may be required to protect that landscape setting or visual catchment of an item. For example, the significance of some properties includes a visual link between the property itself and a harbour, river or topographical feature.*

Comment - The proposed building has a common boundary with the northern adjoining site containing the closest heritage item. The heritage item is separated from the proposed building by about 14 m and a landscape/seating area around the heritage item.

10. *Infill development. The key to successful infill development adjacent to a heritage item is reflected in design where the infill is of similar mass and character to the adjacent heritage building/s. This may comprise use of the vertical (versus square) windows, verandahs, balconies, positive roof pitches (i.e. 25 to 35 degrees) and general facade detailing. Buildings and landscaping may establish a character of an area and provides a sense of continuity and a recognised community value. Unsympathetic infill will disrupt the unity of a group of buildings and may spoil the existing character. Architectural 'good manners' are important in areas of special character. An infill building must not precisely imitate its neighbour but use recognisable tools such as massing, scale, setback and orientation, detailing and materials, roof forms and coursing lines to complement adjacent heritage items.*

Comment - The proposed building does not attempt to imitate the heritage items. The proposal has been setback from the northern boundary 5.1m at ground floor/street level with landscaping provided along Mann Street frontage to complement the landscaping on the heritage site. The massing and height of the proposed building is less than the maximum permitted. This together with the setting of the building 5.4m back from Mann Street retains the views/vista of the heritage items when viewed along the street.

Chapter 6.1 Acid Sulphate Soils

There are potential acid sulphate soils. An acid sulphate soil assessment was submitted with the application and addressed as a condition of consent. (Refer condition 2.9, 4.12)

Chapter 6.3 Erosion Sedimentation Control

Addressed as conditions of consent. (Refer conditions 2.1, 2.2, 3.2.)

Chapter 6.4 Geotechnical Requirements

The application was accompanied by a geotechnical report. (Refer conditions 4.3, 5.3)

Chapter 6.6 Preservation of Trees or Vegetation

A tree assessment report and landscape plan was submitted with the application. Refer Council's Tree Assessment Officer's comments and conditions 4.17, 5.7 5.8)

Chapter 6.7 Water Cycle Management

A water cycle management plan was submitted with the application and assessed by council's development engineer as satisfactory. (Refer conditions 2.2, 2.7)

Chapter 7.1 Car Parking

The proposal meets the requirements for the number of spaces and car parking design. (Refer condition 2.7)

Chapter 7.3 Public Notification of Development Applications

The proposal was advertised and adjoining owners notified in accordance with the GDCP 2013. Fifty-seven (57) submissions were received.

Item C (5): Statutory Role of the NSW Roads and Maritime Services and a copy of their advice

The application is not one which must be referred to the RMS under Schedule 3 of SEPP (Infrastructure) 2007. The commercial floor space is less than 10,000m², there are less than 200 car parking spaces, and the site is not located on a classified road or within 90m of a connecting road to a classified road. **The RMS reply is included in attachment 3.**

The RMS advise that it has reviewed the information provided and raises no objection to the proposed development as it is considered there will be no significant impact on the nearby (State) road network. The RMS recommend a number of matters should be considered by Council in determining this development. These include;

- The cumulative effect of traffic generated by this and other developments in the Gosford CBD/waterfront.

Comment - Council's 'Strategic Transport Planner' provided the following assessment comments based on Cardno's 2016 Traffic Impact Assessment for 32 Mann Street:

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.

*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*

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).

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

Cardno, 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.

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.

- Council establish an appropriate funding mechanism to provide for an equitable contribution towards future road network upgrades/traffic management in the redevelopment of the Gosford CBD.

Comment - Council has a Civic Improvement Plan (CP94A) which levies a 4% contribution for road and other works identified under the plan.

- Any upgrades to state roads need to be submitted to RMS for approval.

Comment - No upgrades to state roads are required for this development.

- Council should ensure appropriate traffic measures are in place during construction.

Comment - Refer condition 3.5.

- Council should ensure the applicant is aware of the potential for road traffic noise.

Comment - The proposal is for commercial development, and not residential development.

Item C (6): Clarification of the statutory role of the previous Masterplan document for the site in relation to GLEP 2014, DCP 2013 and s79C of the EPA Act 1979

The Gosford City Centre Masterplan was adopted by the former Gosford Council on 9 March 2010. It was prepared to establish a vision on how Gosford would develop to meet the employment and residential targets in the city centre, and to connect the city to the waterfront. The Masterplan was used as a strategic/policy document in the preparation and amendment of the GLEP 2014 and GDCP 2013 applying to the site.

On 11 February 2014 the site was rezoned from SP1 - Educational Establishment to B4 Mixed Use under GLEP 2014, and Chapter 4.1 of GDCP 2013 came into force.

On 21 March 2014, Chapter 4.4 - Gosford Waterfront of GDCP 2013 was adopted and now applies to the site. This replaced Chapter 4.1 of GDCP 2013.

The Masterplan is not a statutory document for consideration under s79C of the *EPA Act*, 1979. It has been superseded by the relevant current controls and statutory documents being GLEP 2014 and GDCP 2013.

On the matter of the status of ownership of the land the applicant advises;

In the JRPP meeting held 15/9/16, a member of the public raised a query regarding the reinstatement of Crown Land now that the site is no longer being used for DE purposes, along with the mechanism in which land was transferred from Crown Lands to DE. PNSW has inquired with the internal Titling team and also Legal and note the following:

The affectations on the title which was resumed by the Minister for Education were made under the Crown Lands Act. The consequence of the school on the land being demolished is governed by the relevant legislation. Firstly, the resumption in 1998 had the effect that the affectations under the Crown Lands Act were removed. That removal is permanent. The demolition of the school does not have any consequence for the title such that the reserve/dedication is reinstated.

Her question about whether there was appropriate compensation to Minister for Education when the land was vested is answered by the legislation. Parliament has provided a facility in the Government Property NSW Act to enable NSW government agency land to be vested in GPNSW on a range of bases - title only or for full ownership. The issue of compensation is an internal government matter for Treasury.

In regards to compensation for transfer, the property was acquired by DE under the Just Terms Compensation Act and this process was gazetted on 11 September 1998. Any monies exchanged is information that PNSW is not privy to.

Item C(7): Copy of referral comments from Council specialists and applicant's response to part B above.

The applicant's response to the part B JRPP comments were discussed in the portion of the report titled Item B.

Council's architect advises:

- “1. The concept site plan shows a pedestrian plaza and street to the south of the application connecting Mann Street and the waterfront park. This concept is strongly supported in principle.

Streets and pedestrian plazas should be enclosed predominantly with glazing to active uses such as retail and commercial use. These levels are proposed to be occupied by parking.

The current amendments show some reduction to the concrete and metal cladding and the inclusion of landscaping. This is an improvement but it remains a blank, inactive wall.

It is strongly recommended that the future sale of the site to the south should include the requirement to design this connection and if necessary supply and install new and visually compatible cladding and landscaping to this wall to ensure a high quality frontage to this important pedestrian space.

2. The Mann Street frontage has been amended to create a landscaped pedestrian forecourt to the building with areas suitable for outdoor dining. This is linked to the street by low steps incorporating an angled access ramp and raised planters.

On site landscaping is essential as the footpath is occupied by services severely limiting the options for street planting.

3. The building appears as largely flat with limited articulation though sections of sandstone cladding and louvered sunscreens provide some visual interest.

It is acknowledged that it is setback from the Mann Street front to ensure site lines to the School of Arts are maintained and a neutral design does not compete with the surrounding heritage items.

4. 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 has been amended by replacing the solid balustrade with glass to visually connect the areas. The forecourt landscaping also enhances the visual connection with this courtyard.

The large area of metal cladding and concrete has been reduced and now faces the courtyard with an area of sandstone clad wall.

5. The large area of flat metal roof deck and blank metal plantroom cladding has been amended to reduce its visual impact from the street."

Council's Heritage Co-Ordinator advises;

"The amended Mann Street interface with the proposed building is an improvement with the provision of a more active streetscape.

The Mann Street elevation of the building has been modified to provide an increased perception of greater horizontal articulation. While it has improved, greater articulation between the lower 4 storeys and the upper two would be more appropriate to the heritage items in the immediate vicinity of the site. This could be achieved by providing a setback between these levels of the building on the Mann Street frontage.

There has been no significant increase in the articulation of the building with regard to breaking up its perceived bulk when seen from Mann Street. The building still retains its largely box like appearance and there has been no significant articulation of the streetscape façade in either the horizontal or vertical planes.

Provision of a setback for the uppermost two levels would provide a more sympathetic approach to the existing scale of the School of Arts building on the corner of Mann Street and Georgianna Terrace. The subject site is in the immediate vicinity of a series of heritage buildings including the School of Arts building, the Creightons building, the former Courthouse and the former Post Office building which are all one to two storeys in height.

The Gosford DCP at section 4.4.8 (10) states that successful infill development adjacent to a heritage item is "reflected in design where the infill is of a similar mass and character to the adjacent heritage building/s". The proposed building could be more sympathetic to the surrounding heritage items whilst still providing a contemporary and architecturally distinctive building. As stated in the DCP an "infill building must not precisely imitate its neighbour but use

recognisable tools such as massing, scale, setback and orientation, detailing and materials, roof forms and coursing lines to complement adjacent heritage items.” In this regard, it is not considered that the proposed building has appropriately incorporated appropriate massing and setbacks that complement the surrounding heritage items.

The amendments to the proposed building are an improvement with regard to the interaction between itself, its northern boundary and its interface with the DOMA site.

The use of small sections of sandstone cladding is a feature of the building that is encouraged as it provides some visual interest and is an acknowledgement of the past and Gosford’s strong historical links to sandstone quarrying. However, it is considered that this material should be used more in the design of the external finishes of the building to provide a more distinctive contribution to the streetscape.”

Applicant’s Response

The applicant was provided a copy of Council’s Architect and Heritage adviser, and RMS comments and in response advised;

1. Architect Assessment – Comments noted and addressed
2. Amended Heritage Comments by Council’s Heritage Program and Projects Officer dated 2 November 2016. It is disappointing these comments are contrary to our previous discussion with Council via teleconference and agreements reached as per my email of 28 September 2016. We have reviewed and considered our position and confirm these concerns are addressed in our Design Report submitted to Council dated 24 October 2016 prepared by Group GSA.
3. RMS Response – we have reviewed the response by RMS and comments noted and addressed.

ITEM 8: The benefit or otherwise of any easement for vehicular access from the subject site to the adjoining site to the south

The balance of the former school site is subject to future development and applications. No applications have been submitted at this time. The balance of the site has frontage to Mann Street, Vaughan Street, and Baker Street. The number of driveways onto Baker Street should be limited. Vehicular access to Mann Street is undesirable due to differences in level between Mann Street and the land. Access to Vaughan Street is also undesirable due to the short frontage and proximity to the Baker Street intersection.

There is a benefit in having an easement over the site to enable access over the proposed driveway in this application to the land to the south so as to negate the need for additional driveways to Baker Street.

The disadvantage is that future development on the balance of the site is unknown at this time and the creation of an easement may constrain development or require agreement to relocate the easement.

It is not recommended that an easement for access be created at this time but considered in future development of the site.

Item 9: A copy of the applicant's written response to draft conditions.

The applicant's written response is included in **attachment 5**.

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 design is set back from Mann Street and provides a forecourt to its Mann Street frontage. The amended plans have improved the southern and northern facades with additional detailing and materials to add interest to the facades.

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 RMS letter
 - 4 Statement of Heritage Impact
 - 5 Applicant's response to Draft Conditions.
 - 6 Previous JRPP report

Plans for Stamping

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

23193104, 23477345.

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
 Report on Detailed Site Investigation for Contamination.
 Water Cycle Management Plan
 Waste Management Plan
 Access Report
 Fire Safety Schedule
 Sustainability Report
 Crime Prevention Through Environmental Design
 Archaeological Component for Statement of Heritage Impact.
 Interim Aboriginal Archaeological Assessment
 Report on Detailed Site Investigation for Contamination.
 Design Report

Recommendation

- A JRPP as consent authority, grant consent to Development Application No 49685/2016 for Mixed Use Commercial Development (JRPP) on LOT: 2 DP: 1210298, 32 Mann Street GOSFORD subject to the attached conditions.
- B 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.
- C The objectors are notified of JRPP's decision.
- D The External Authorities be notified of the JRPP's decision.

Recommendation:	Approval, subject to conditions
Assessing Officer	R A Eyre
Recommendation Reviewed by:	Ailsa Prendergast

Attachment 1-Proposed 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	E	13/10//2016
2000	Level 3 Car Park Plan	1	L	21/7/2016
2001	Level 2 Car Park Plan	1	L	13/10/2016
2002	Level 1 Car Park Plan	1	K	13/10/2016
2003	Level Ground Plan	1	O	13/10/2016
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	H	13/10/2016
3001	North Elevation	1	I	13/10/2016
3002	West Elevation	1	J	13/10/2016
3003	South Elevation	1	I	13/10/2016
3100	Section AA	1	I	13/10/2016
3101	Section BB	1	I	13/10/2016
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	F	13/10/2016

L-3000	Landscape Sections	1	D	13/10/2016
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 Rev D	28/4/2016
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 Compliance	Fire Safety Schedule	29/4/2016
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
Douglas Partners	Report on Detailed Site Investigation for Contamination. Project 82945.01	November 2016
Group GSA	Design Report	24 October 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:

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

- c. Relocate all flood lights associated with Gosford City Park affected by the proposed Baker Street road works to locations approved by Gosford City Council.
- d. Footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Baker Street.
- e. Full width reinforced (SL72 steel fabric, 100mm thick) concrete footpath and pavers across the full frontage of the site in Baker Street. The surface treatment shall be in accordance with the Gosford City Centre Streetscape Design Guidelines prepared by Oculus (September 2011).
- f. Tapered heavy-duty vehicle crossing located in Baker Street that has a 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.
- g. Heavy-duty gutter crossing to suit the width of the heavy-duty vehicle crossing.
- h. The piping of stormwater from within the site to Council's drainage system located in Baker Street.
- i. 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.
- j. Signage and line marking. The signage and line marking plan must be approved by Council's Traffic Committee.
- k. 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 x 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 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.
- 2.10. 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.
- 2.11 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 Heritage 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).

2.12 Implement all recommendations from the *Detailed Site Investigation for Contamination – Proposed Mixed Use Commercial Premises, 32 Mann Street, Gosford (Douglas Partners, Nov 2016, Ref: 82945.01)* including:

1. Engage a suitably licenced Asbestos Removalist to remove fragments of asbestos containing material from the ground surface. This is to be undertaken in accordance with a site specific Asbestos Removal Control Plan.
2. Provide to Council's Environment Officer, a Clearance Certificate issued by a suitably qualified independent Occupational Hygienist or Licensed Asbestos Assessor certifying that the site is free of asbestos material.
3. Submit to Council's Environment Officer for approval, a Construction and Waste Management Plan that includes an Unexpected Finds Protocol. The Construction and Waste Management Plan shall include:
 - Delineation investigations into the BaP contamination in the north-east portion of the site.
 - Management actions for the BaP contamination in the north-east portion of the site.
 - Management actions for the excavation, handling and classification of materials that require off-site disposal/reuse.
 - The Unexpected Finds Protocol will be developed to manage any additional asbestos fragments, or other unexpected contamination, encountered at the ground surface or within soils during works at the site.
4. Undertake remediation of the BaP contamination in the north-east portion of the site in accordance with the approved Construction and Waste Management Plan. Provide to Council's Environment Officer, a Validation Report certifying that the BaP contamination has been fully managed/remediated. (Ensure that any relevant permits or consents are obtained for the physical remediation works e.g. tree removal or bulk earthworks).

The above shall be prepared 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).

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:
- a. Provide adequate lighting to common areas as required under *AS1158: Lighting for roads and public spaces*.
 - b. Paint the ceiling of the car park white.
 - c. Design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity.

- d. Design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
 - e. Provide signage within the development to identify all facilities, entry/exit points and direct movement within the development.
- 4.10 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 Undertake works in accordance with the approved Construction and Waste Management Plan. Notify Council's Environment Officer in writing if any unexpected contaminants are identified during works. Provide details of proposed actions to manage the identified contaminants.
- 4.17 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.
- 4.18 Compliance with all Construction commitments detailed within the Waste Management Plan dated 29 April 2016 by Cardno (NSW/ACT) 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*.
- 1.8 Completion of landscaping works.

- 1.9 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.

- ## Attachment 2- Development Plans

SHEET No.	TITLE
A-0000	TITLE PAGE
A-0001	GOSFORD WATERPOINT COP 2014 SITE CONTEXT & SITE ANALYSIS PLAN
A-1100	SITE PLAN
A-0000	LEVEL -3 CARPARK FLOOR PLAN
A-0001	LEVEL -2 CARPARK FLOOR PLAN
A-0002	LEVEL -1 CARPARK FLOOR PLAN
A-0003	GROUND FLOOR PLAN
A-0004	TYPICAL LEVEL 1 - LEVEL 3 FLOOR PLAN
A-0005	LEVEL 4 FLOOR PLAN
A-0006	LEVEL 5 FLOOR PLAN
A-0007	LEVEL ROOF PLANT FLOOR PLAN
A-0008	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-3101	PHOTOMONTAGE IMAGE
A-3102	PHOTOMONTAGE IMAGE
A-4000	SHADOW DIAGRAMS
A-4001	SHADOW DIAGRAMS
A-5000	DATA DIAGRAMS
A-5000	FURNISHES MATERIALS
L-1100	TREE LOCATIONS PLAN & SCHEDULE
L-3000	LANDSCAPE PLAN
L-3000	SECTIONS
L-5000	FURNISHES MATERIALS & PLANTING
1000SP-SUR-003-C	SURVEY DRAWINGS (PREPARED BY ADW JOHNSON)

Gosford Waterfront DCP 2014

4.0 Controls for Special Areas and Uses

Throughout the Gosford Waterfront, a number of "special areas and uses" have been identified to recognition of their location, all values, size and development potential.

This DCP has identified three "Special Areas and Uses" (see Figure 6), each of which has its own set of objectives linked to the relevant development controls. These controls must be considered in addition to the general controls addressed previously in this Plan.



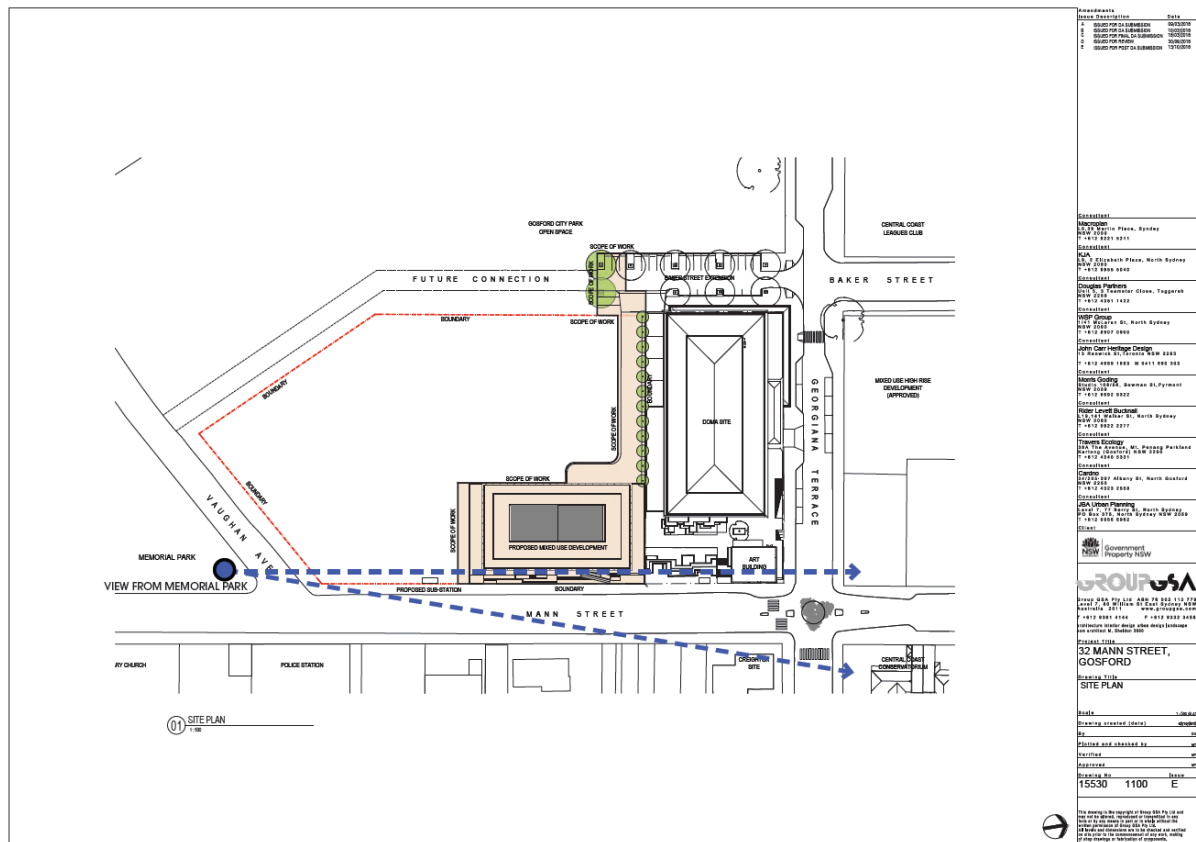
Legend
 --- Area covered by this DCP
 Special areas
 Indicative development footprint location
 Figure 6 - Special Areas and Uses

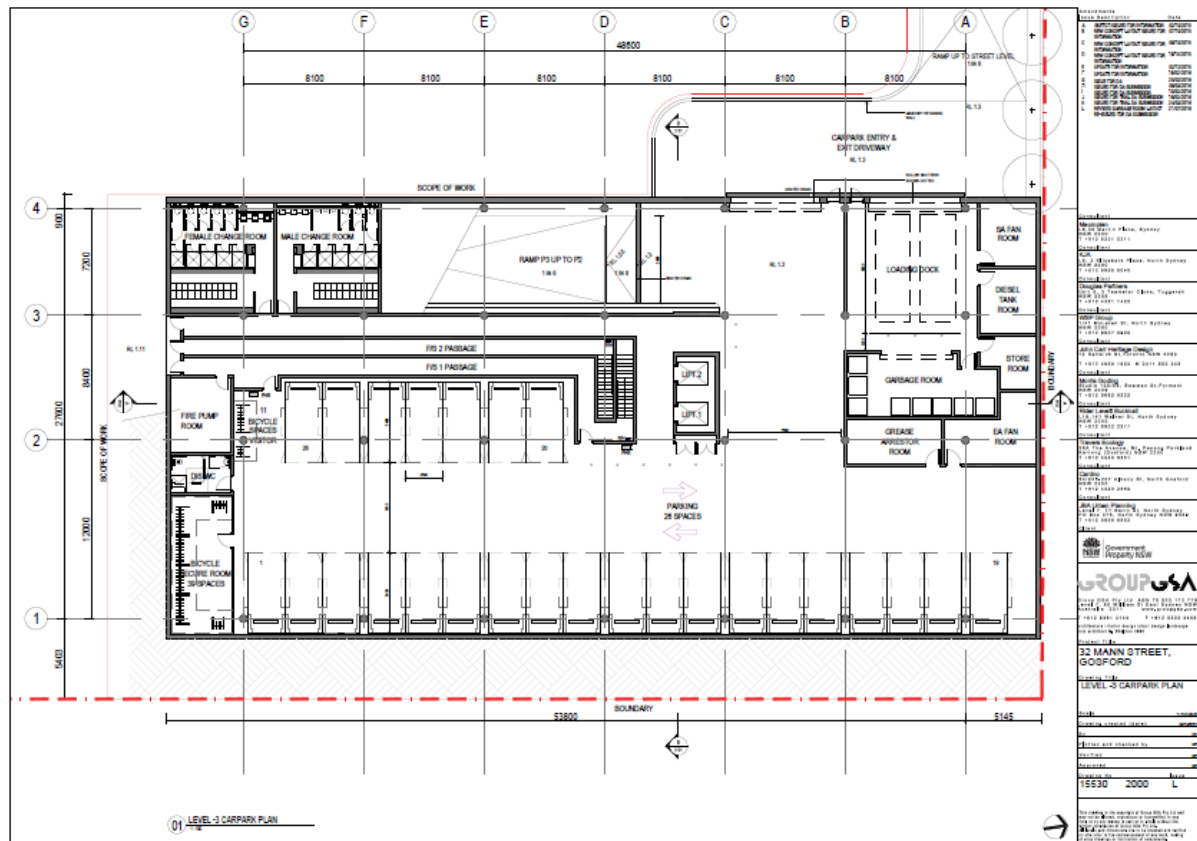
01 GOSFORD WATERFRONT DCP 2014

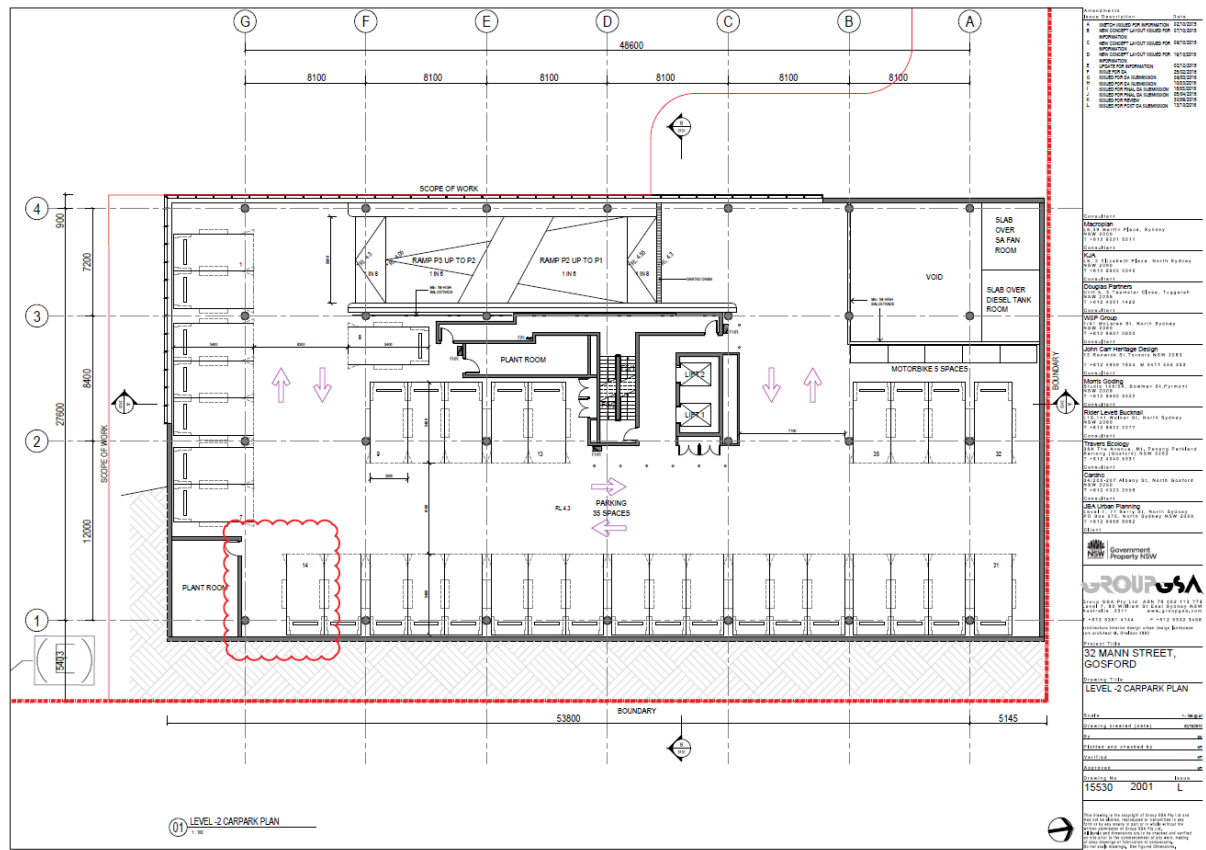


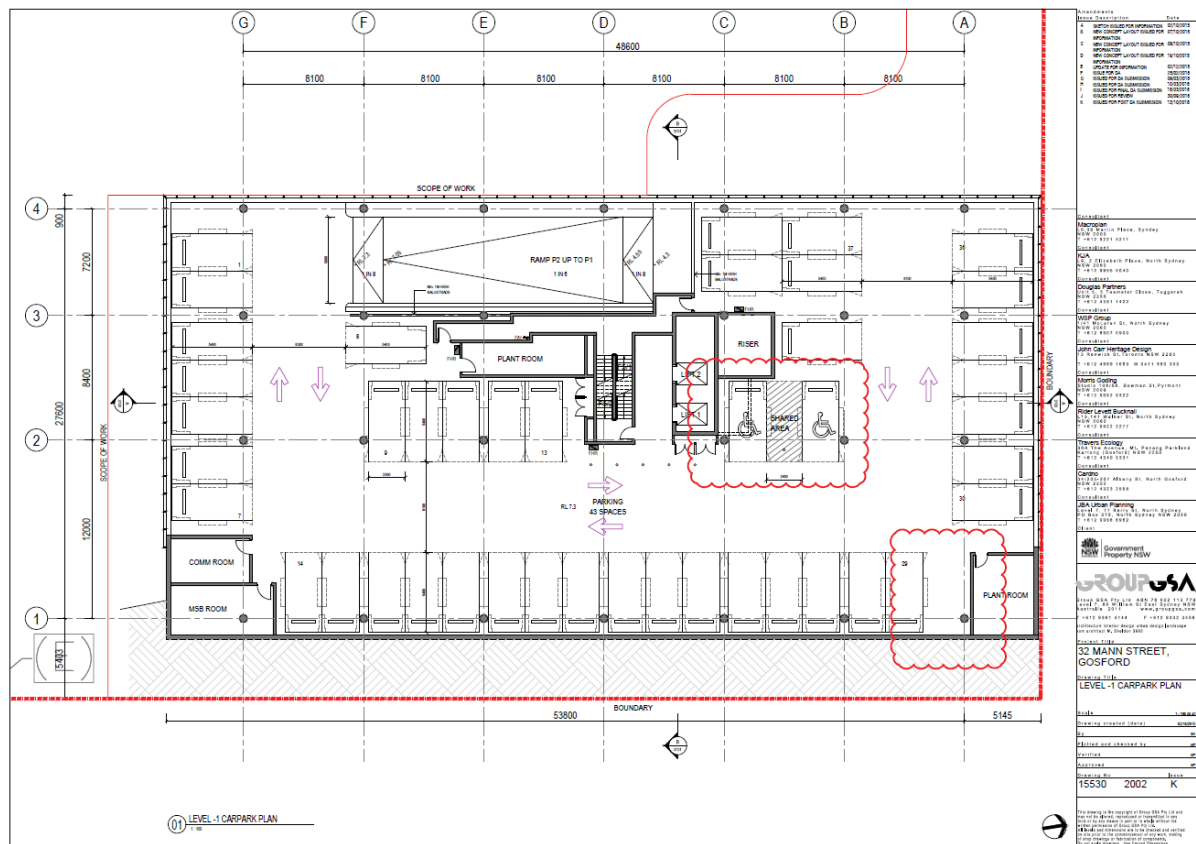
02 SITE CONTEXT & SITE ANALYSIS

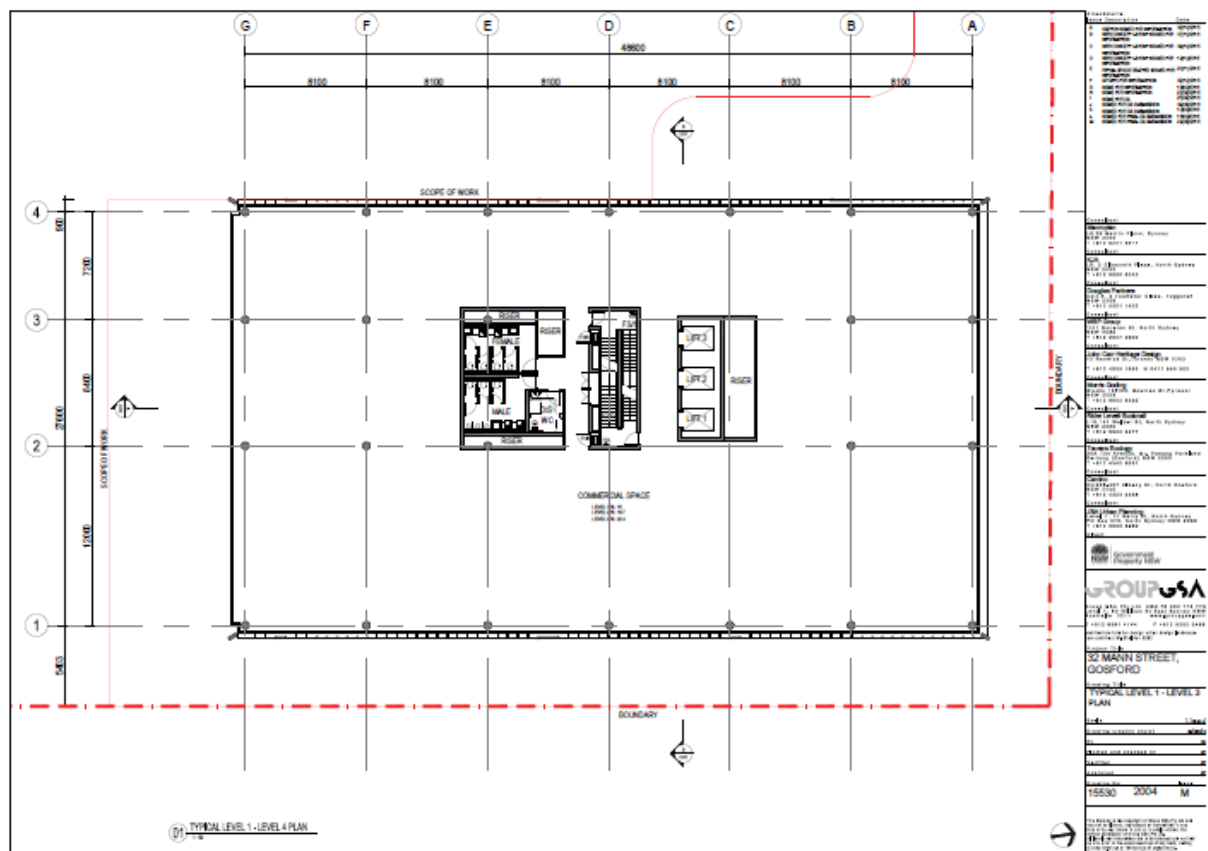
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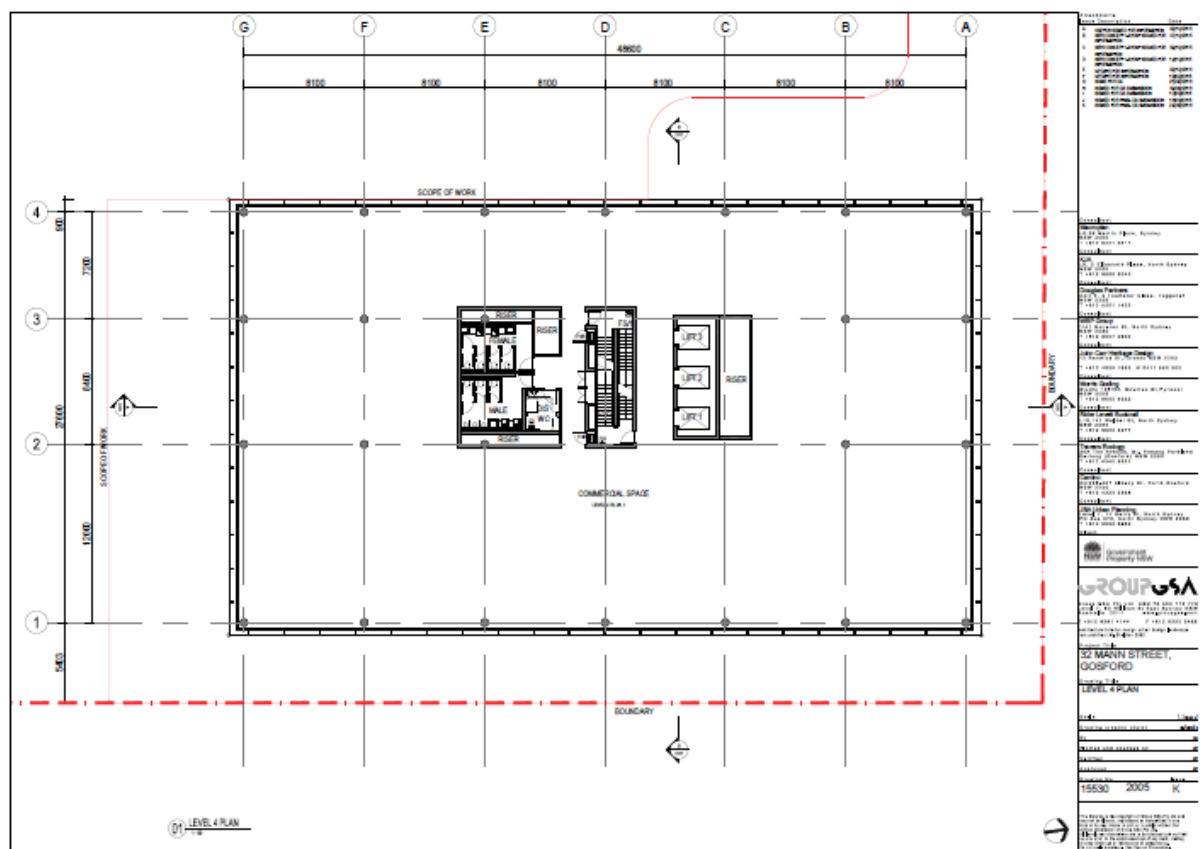


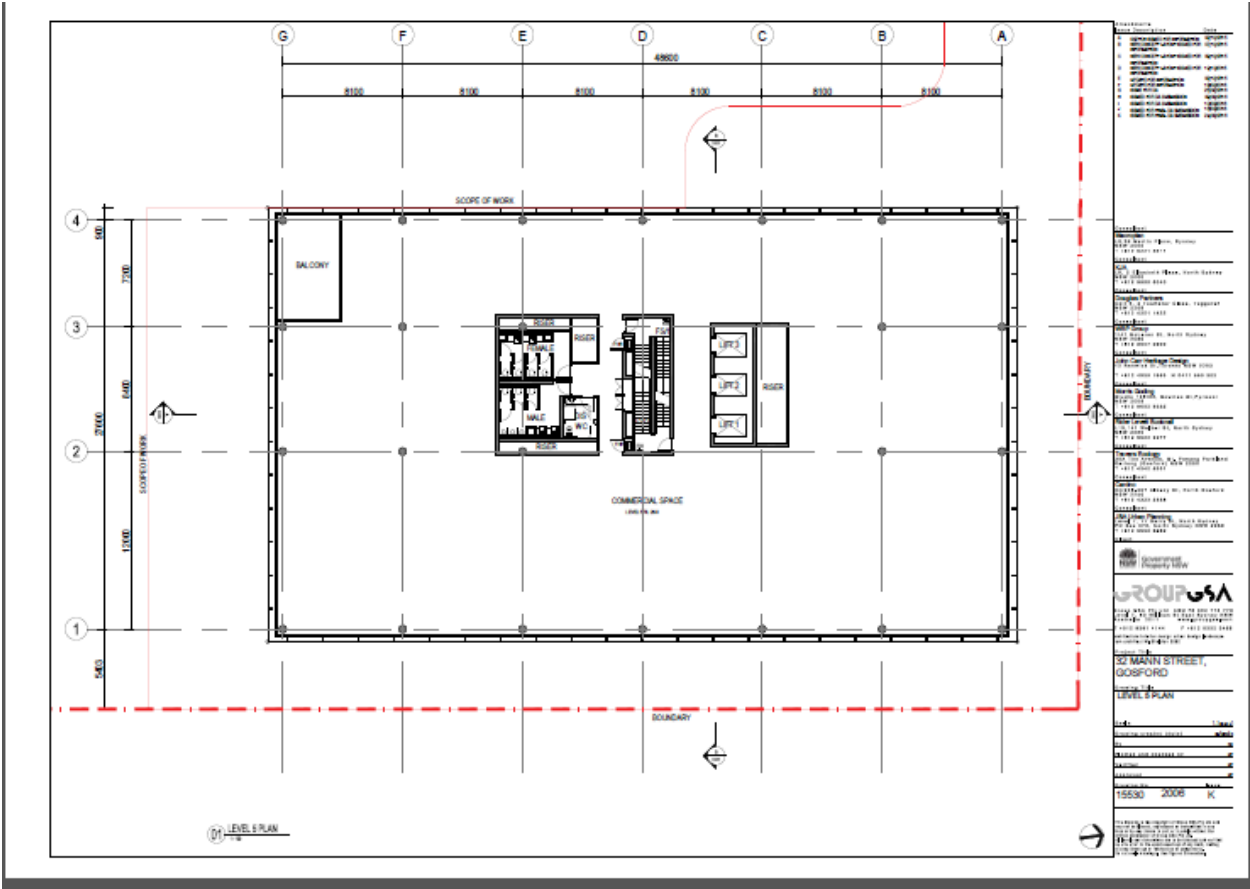


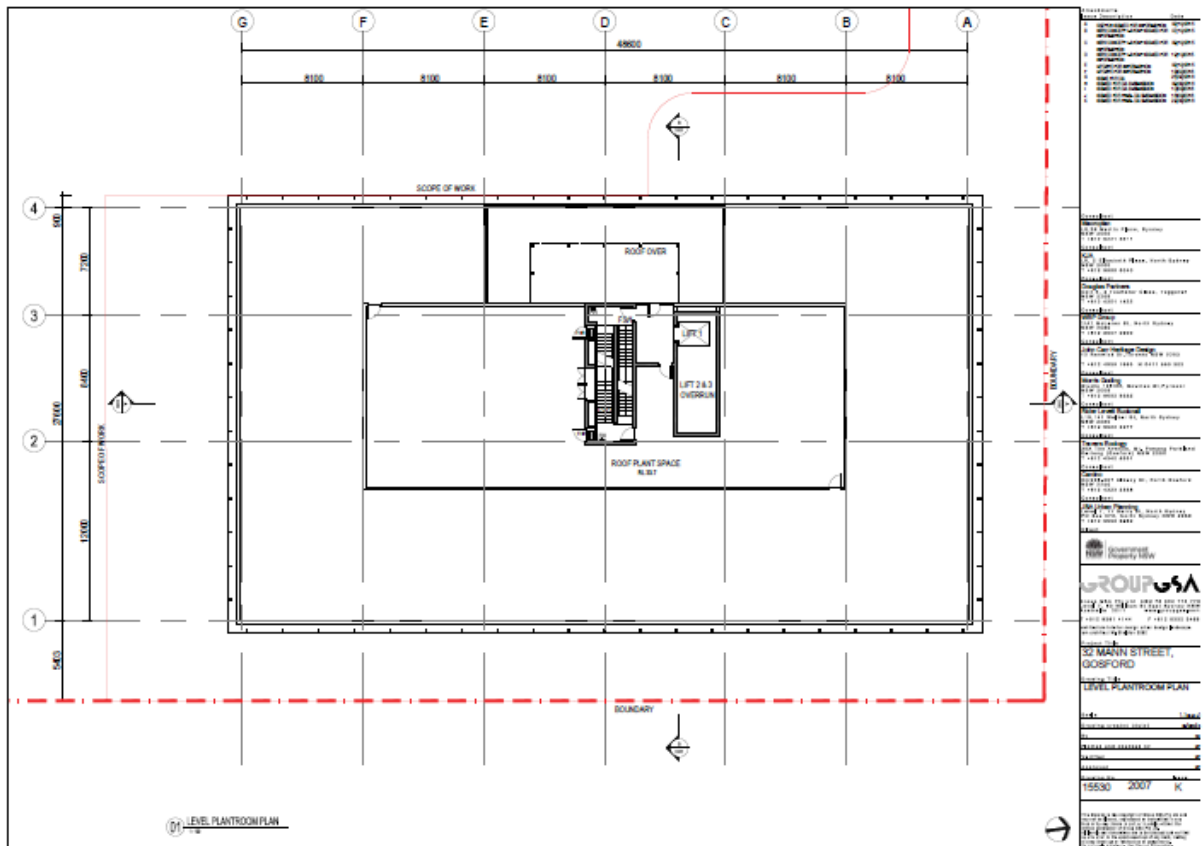


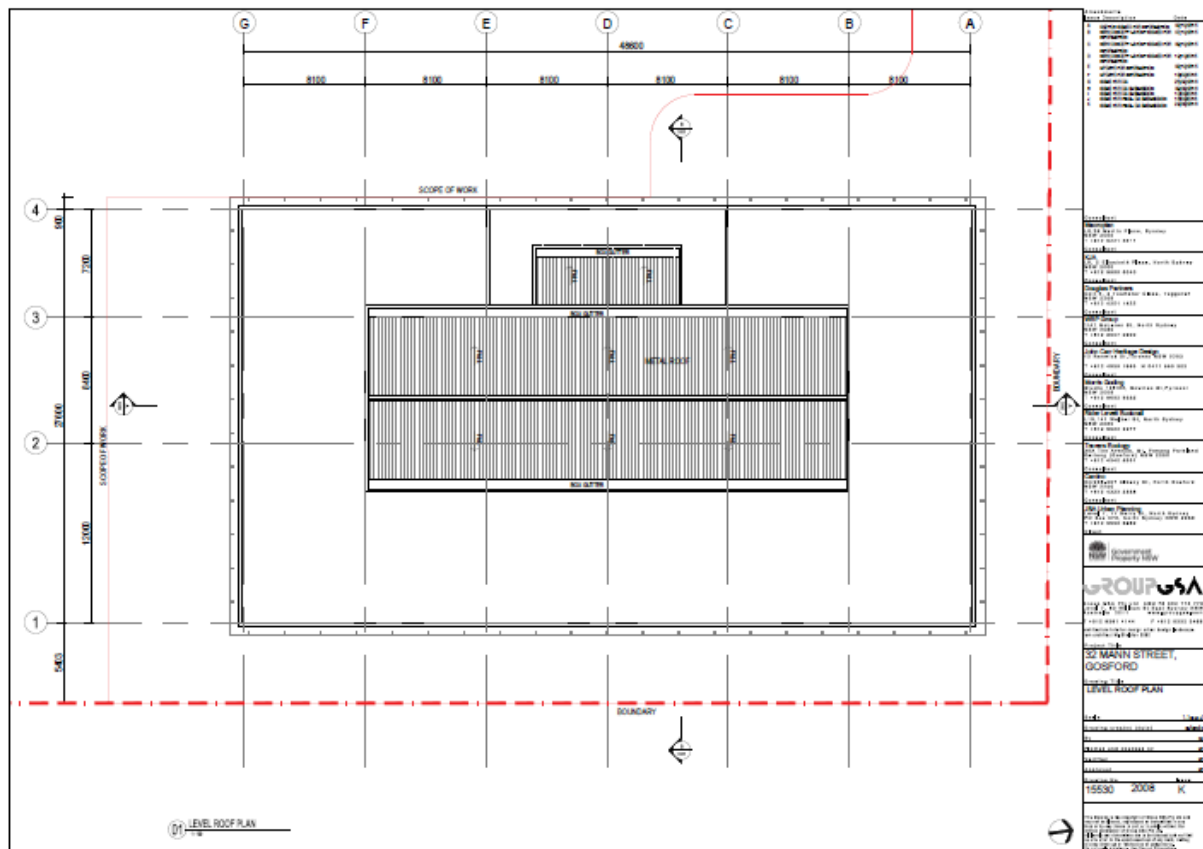




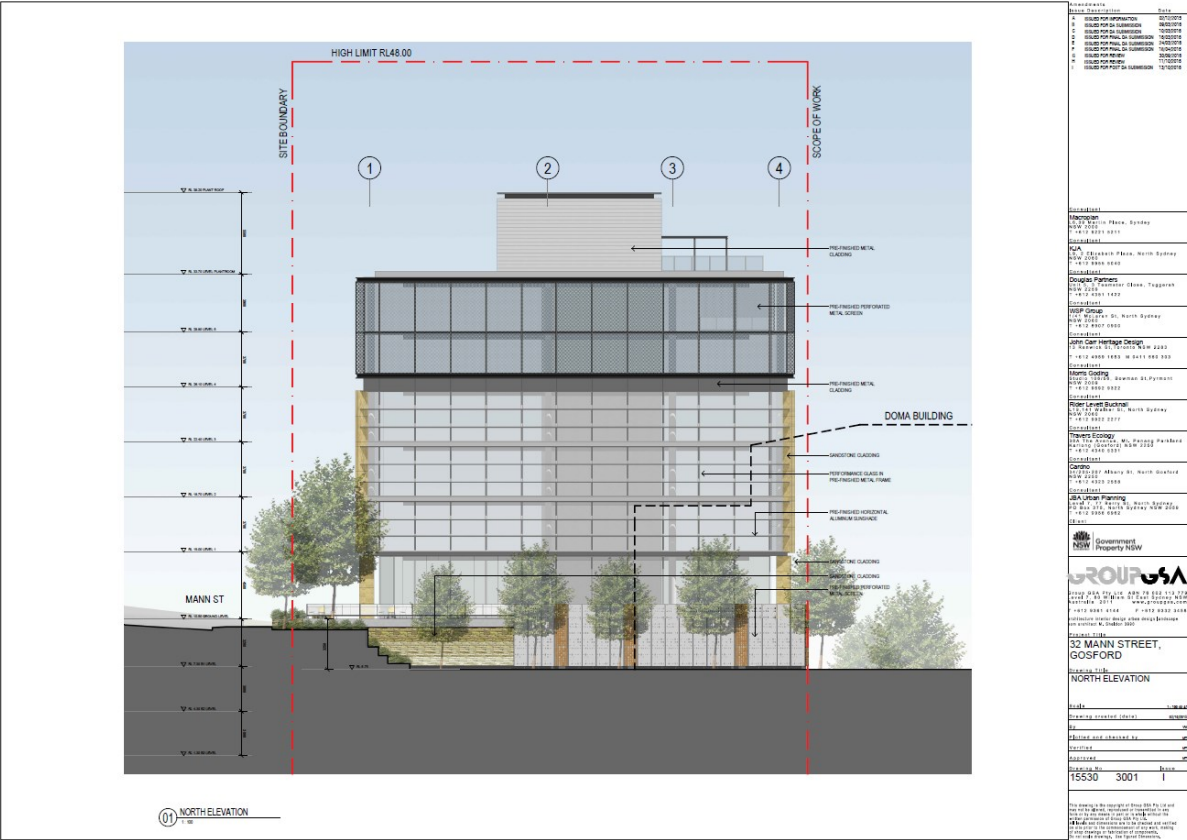




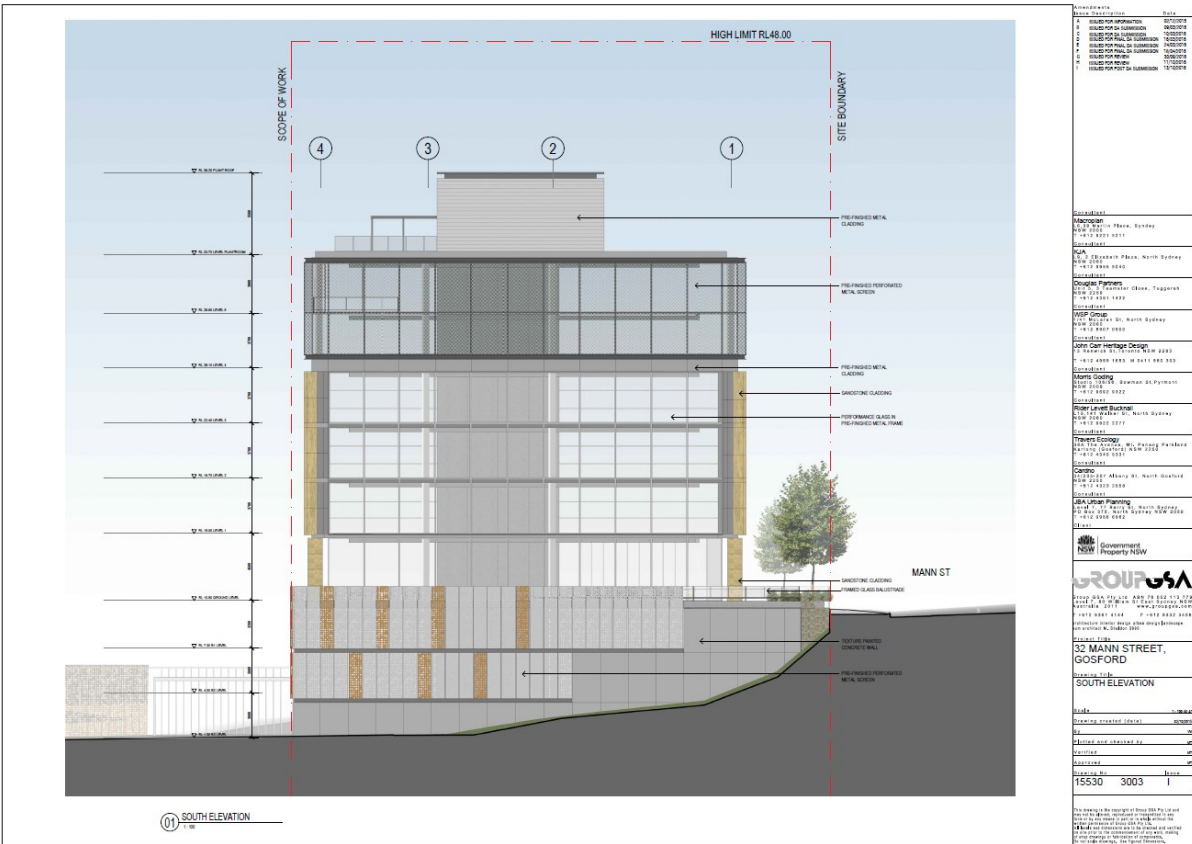


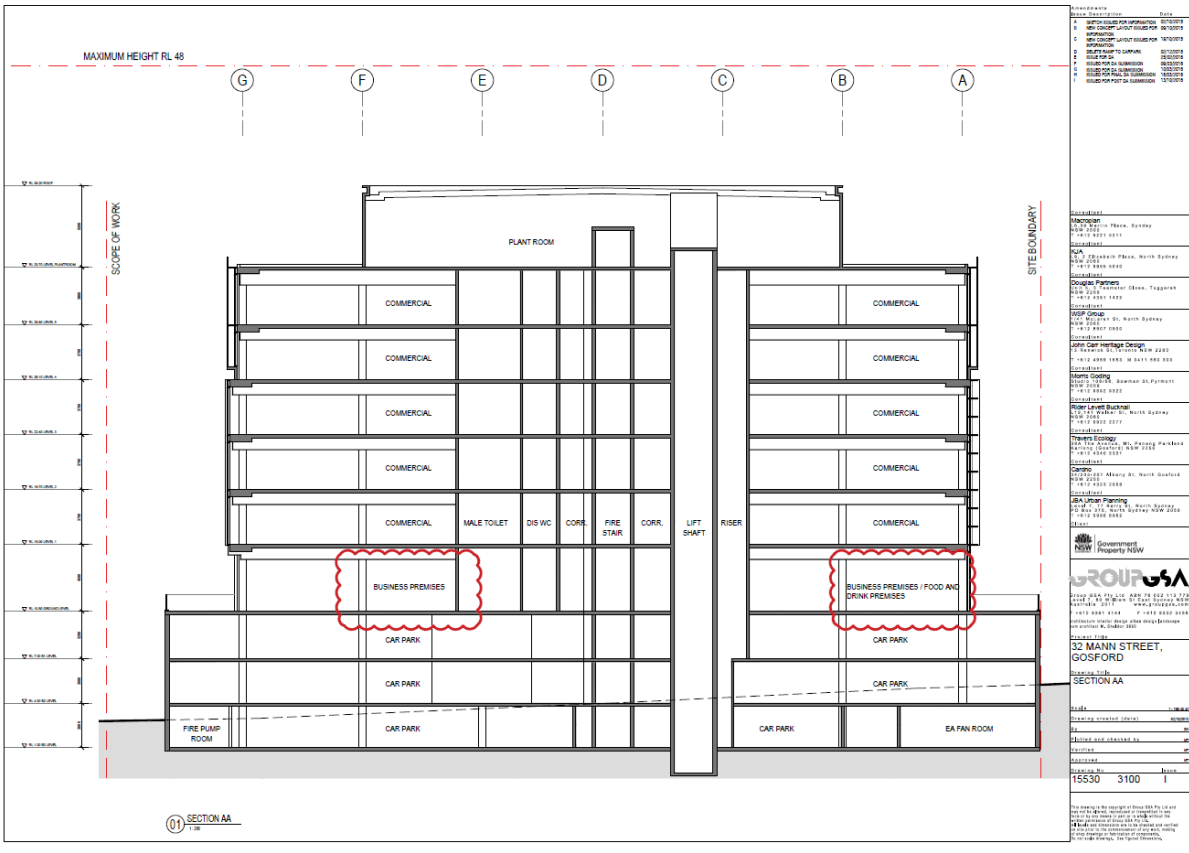










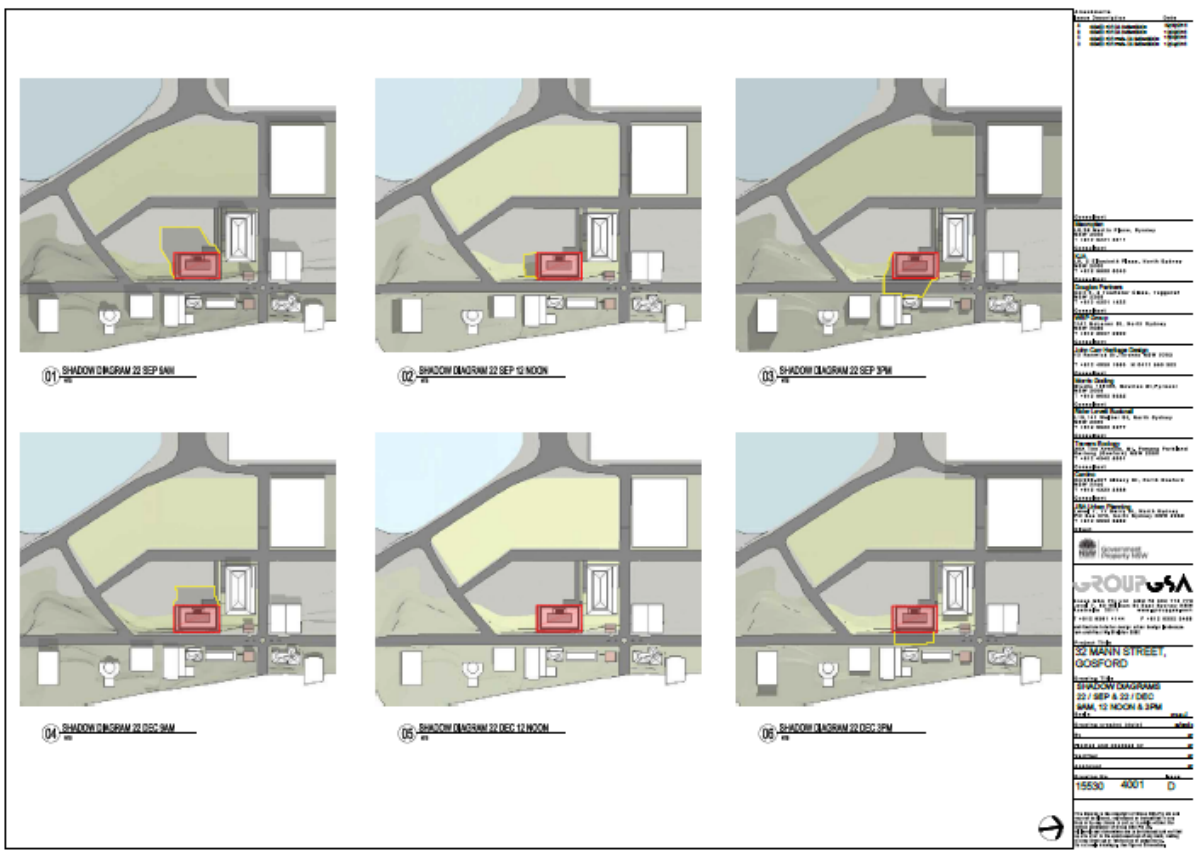


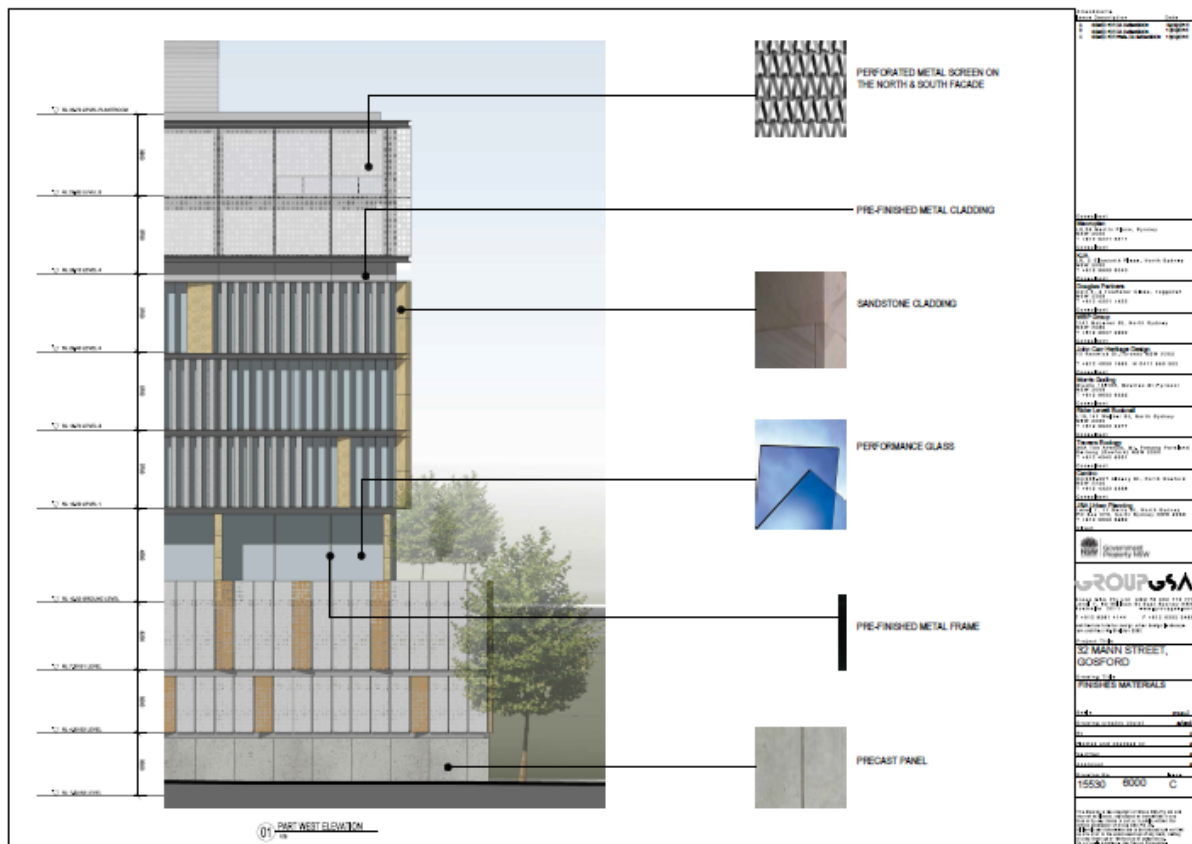


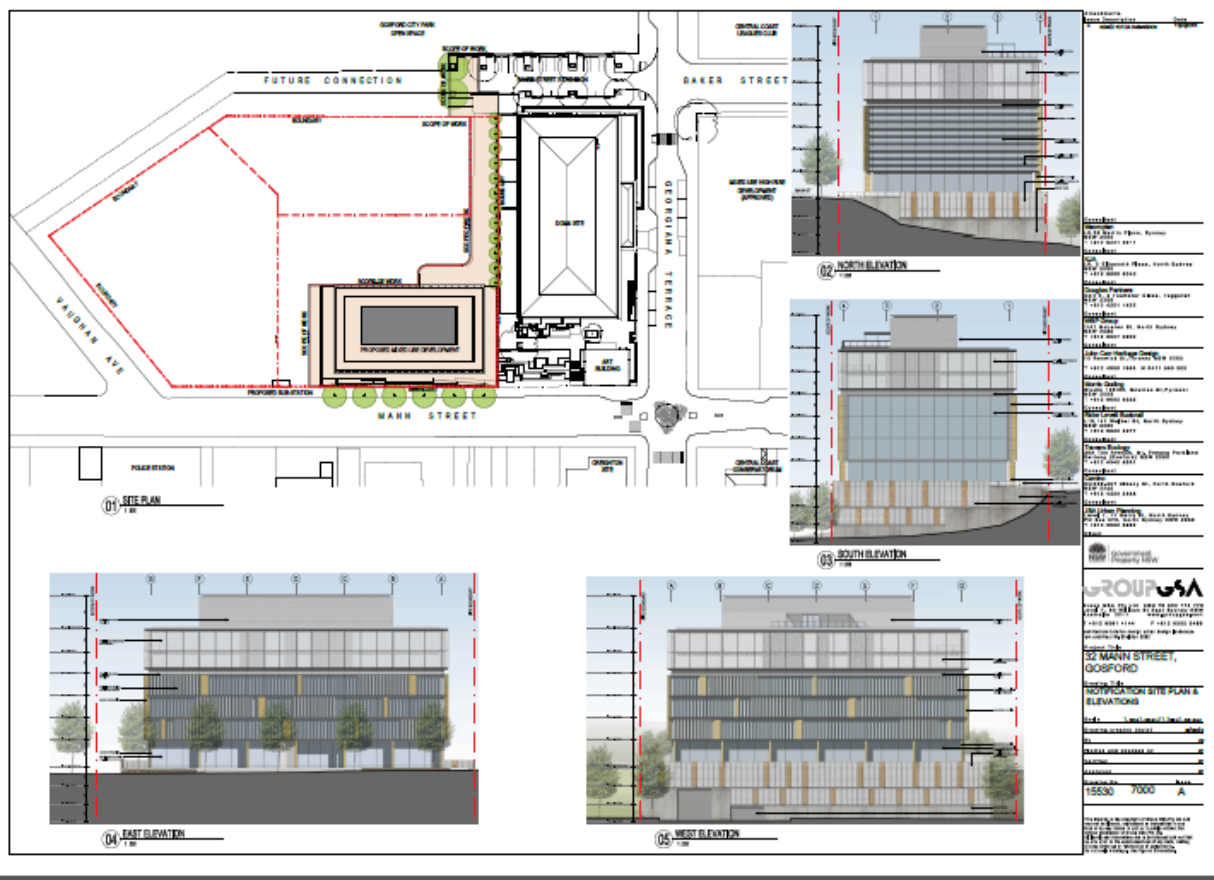


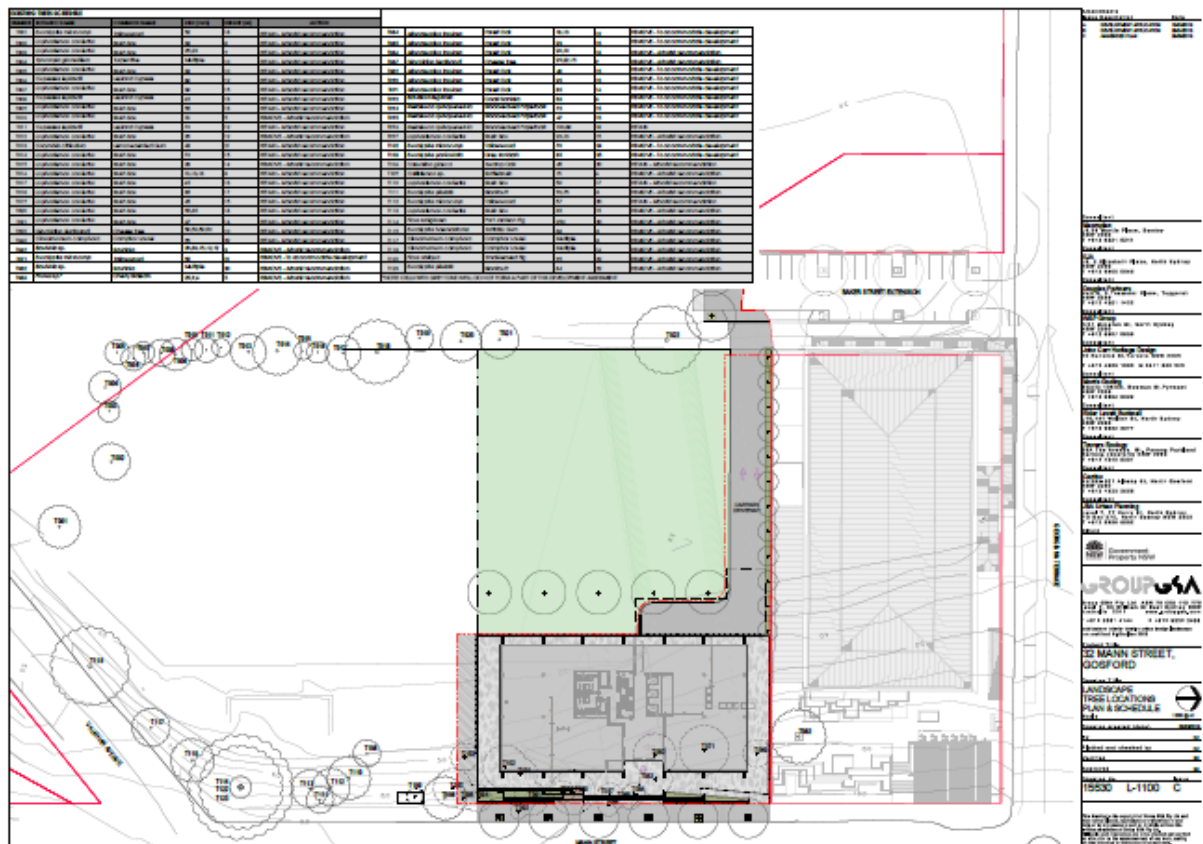


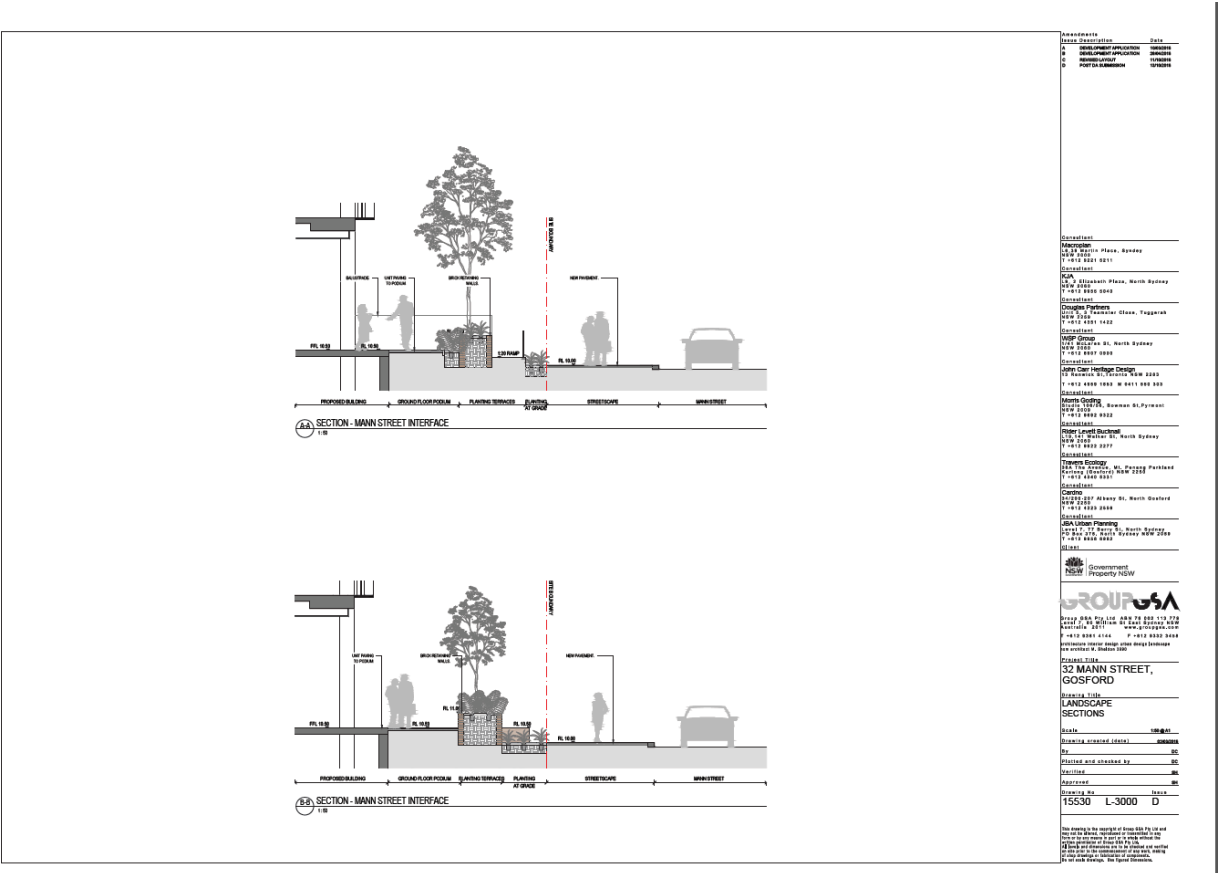












PAVING





GRASSES & ORNAMENTALS



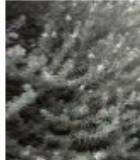





SHRUBS





TREES





WALLING





CONTACTS

BRICK PAVING

BRICK PAVING WITH HEADERS COURSE TO COUNCIL STANDARD

BRICK RETAINING WALLS & INFORMAL SEATING TERRACES AGAINST NORMAL BLUE

GRASSES & ORNAMENTALS

Spartan Blue Sage

Spartan Blue Sage

Spartan Blue Sage

Spartan Blue Sage

Spartan Blue Sage

Spartan Blue Sage

SHRUBS

Spartan Blue Sage

Spartan Blue Sage

Spartan Blue Sage

Spartan Blue Sage

Spartan Blue Sage

Spartan Blue Sage

TREES

Oak tree

Oak tree

Oak tree

WALLING

Brick retaining walls & informal seating terraces against normal blue

Brick retaining walls & informal seating terraces against normal blue

Brick retaining walls & informal seating terraces against normal blue

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Spartan Blue Sage

SHRUBS

Spartan Blue Sage

Spartan Blue Sage

Spartan Blue Sage

Spartan Blue Sage

Spartan Blue Sage

TREES

Oak tree

Oak tree

Oak tree

WALLING

Brick retaining walls & informal seating terraces against normal blue

Brick retaining walls & informal seating terraces against normal blue

Brick retaining walls & informal seating terraces against normal blue

Attachment 3- Roads and Maritime Services reply.



Transport
Roads & Maritime
Services

21 October 2016

CR2016/004467
SF2016/068802
TR

General Manager
Central Coast Council
PO Box 21
GOSFORD NSW 2250

Attention Robert Eyre,

MANN STREET (LOCAL ROAD): DA 49685/2016, MIXED USE COMMERCIAL DEVELOPMENT (JRPP), LOT: 2 DP: 1210298, 32 MANN STREET, GOSFORD

Reference is made to Council's letter dated 27 April 2016 and additional information provided on the 20 September 2016, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands the application to be for the construction of a new mixed use commercial development comprising 7,660m² of commercial GFA, 40m² Retail GFA and 1,930m² car parking (3 levels of basement parking) on part of the old Gosford school site. Vehicular access to the development will be from Baker Street which is proposed to be extended south of Georgiana Terrace.

A Traffic Impact Assessment prepared by Cardno dated 24 March 2016, identified and assessed the impact of traffic generated by the proposed development and the future ATO development on the surrounding road network.

Roads and Maritime's previous correspondence dated 22 June 2016, noted that the traffic assessment by Cardno did not consider traffic generated by approved developments within the Gosford CBD including the Waterside mixed use development, the Union Hotel site or the proposed upgrade of the Imperial Centre.

Roads and Maritime Services

Level 1, 59 Darby Street, Newcastle NSW 2300 |
Locked Bag 30, Newcastle NSW 2300 |

www.rms.nsw.gov.au | 13 22 13

Roads and Maritime response

A Technical Memorandum by Cardno dated 12 August 2016 was prepared to supplement the previous traffic assessment. The memorandum considered traffic generated by other approved developments within Gosford CBD.

The memorandum concludes that the Central Coast Highway / Dane Drive intersection performs at a Level of Service (LoS) F during the PM peak hour under existing traffic conditions and will continue to perform at an unsatisfactory level under future traffic demands.

While it is acknowledged that the intersection of Central Coast Highway/ Dane Drive currently experiences delays in the PM peak, the memorandum identifies the traffic volumes from Dane Drive (Local Road) approach was the main contributor to the unsatisfactory operation of the intersection, while the Central Coast Highway (State Road) still maintains an acceptable level of service.

Furthermore, it should be noted that the SIDRA modelling requires further calibration as some of the results are not considered to be accurate. Table 7 'Central Coast Hwy / Dane Drive Intersection' of the report indicates that the '2015 Base' case results in 1582m queue lengths on Dane Drive, however this road only extends for approximately 300m. Table 4-6 of the original Traffic Impact Assessment shows that the '2015 Base' case at this same intersection currently has delays of 933 seconds.

The proposed mitigation measures outlined in the memorandum aims to provide additional capacity for the Dane Drive traffic volumes by providing additional lanes, which is a matter for Council to consider. It is also noted that the report proposes a 40m left-turn slip lane on the Central Coast Highway but the report does not identify when these works will be required and who will be responsible to carry out the upgrade.

Roads and Maritime will not concur to any intersection upgrade works on the Central Coast Highway until revised traffic modelling has accurately demonstrated the extent of works required on the state road network and who will fund /construct these works.

Roads and Maritime has reviewed the information provided and raises no objection to the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.

Advice to Council

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

- The cumulative effect of traffic generated by the subject development and approved and / or proposed developments within the Gosford CBD and the Waterfront site on the operation of the road network should be identified.

- Council should establish an appropriate funding mechanism to ensure the proponents of these developments (and any future developments) provide an equitable monetary contribution towards future road network upgrades and / or traffic management measures that are likely to be required as a result of redevelopment in the Gosford CBD.
- Any upgrades to the intersections with the Central Coast Highway (State Road) as a result of the development will need to be submitted to Roads and Maritime for approval and would require the proponent to enter a Works Authorisation Deed (WAD) with Roads and Maritime.
- All matters relating to internal arrangements, including access, car parking and traffic / pedestrian management and provision for people with disabilities within the site, are matters for Council's determination.
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site. In this regard, the applicant, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the Office of Environment and Heritage's criteria for new residential developments, The NSW Road Noise Policy (July 2011).

Where the Office of Environment and Heritage external noise criteria would not feasibly or reasonably be met Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms under ventilated conditions that comply with the Building Code of Australia.

Roads and Maritime has noted that several recent development applications within the Gosford CBD include significant high rise residential living components. While we acknowledge the availability of nearby public transport facilities, it is still considered there will be cumulative impacts on the road network within and around the CBD area, including increased pedestrian movements, both in terms of efficiency and safety.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4924 0688 or via email at: development.hunter@rms.nsw.gov.au

Yours sincerely



David Collaguazo
A/ Manager Land Use Assessment
Hunter Region

Attachment 4- Statement of Heritage Impact

STATEMENT OF HERITAGE IMPACT

Government Property NSW

PROPOSED MIXED USE COMMERCIAL DEVELOPMENT AT 32 MANN STREET, GOSFORD.



Prepared by:
John Carr Heritage Design and
AMAC Archaeological
Final Report Rev D
28 April, 2016

TABLE OF CONTENTS

	Page No
1.0 INTRODUCTION	3
2.0 STATEMENT OF HERITAGE IMPACT	5
2.1 Background	6
2.2 Existing Site	11
2.3 The Proposed Development	12
2.4 The Setting	14
2.5 Gosford Waterfront DCP 2014	21
2.6 Assessment Of Heritage Impact	24
3.0 CONCLUSION & RECOMMENDATIONS	25
APPENDIX A - AMAC Archaeological Report	26

1.0 INTRODUCTION

The following report comprises a Statement of Heritage Impact (SoHI) for the proposed development of mixed retail and commercial premises on part of the former Gosford Public School site, which may also contain the remnants of the former police presence on the site fronting Mann Street, Gosford. Guidelines published by the NSW Office of Environment & Heritage (OEH) have been used to produce the Statement of Heritage Impact. John Carr Heritage Design has been engaged by Government Property NSW to prepare the SoHI to accompany their submission of a Development Application for the project.



Plate 1: Aerial view of the site shown circled in red. (Google Maps)

The site is now cleared of all former school buildings with the exception of the former School of Arts building and the remnant sandstone walls and foundations of the former police buildings which will be subject to further archaeological investigations.

The project at 32 Mann Street, Gosford is a 1.16 hectare vacant site owned by the NSW Government. Government Property NSW (GPNSW) is acting on behalf of Government with a key focus to activate the site and provide opportunities for job creation and economic growth within the Gosford region.

The proposal for a portion of the site incorporates the development by the private sector of a circa 7,000m² of commercial office building to accommodate 300+ jobs from Department of Finance Services and Innovation (DFSI) as part of the Government's election commitment.

The initial development includes a six storey PCA A grade commercial building with three levels of basement car parking. The Ground Floor is included uses such as cafe/retail/business services to activate the street frontage along Mann Street with traditional office space above.

GPNSW has been tasked with managing a process that includes the submission of a Development Application (DA) for the initial mixed use commercial building. The documentation is to be supported by a site concept study to show a potential mix of uses across the entire site and how the overall site links to the Gosford CBD and waterfront precinct.

This Statement of Heritage Impact report is an analysis of the impact of this development on the heritage significance of nearby heritage listed items as well as a provisional statement for consideration for both Aboriginal and Historical archaeological of the study site with regard to the commercial building to be accommodated on the property in accordance with the site analysis identified below.



Plate 2: Site Analysis Plan (Source - Group GSA)



Plate 3: Concept photomontage of the development adjacent to the DOMA site. (Source - Group GSA)

Author Identification:

The Statement of Heritage Impact was researched and written by John Carr of John Carr Heritage Design. The report in Appendix A was written by Kelly Strickland and Benjamin Streat of AMAC Group and reviewed by Martin Carney, Director of the AMAC Group.

2.0 STATEMENT OF HERITAGE IMPACT

Statement of Heritage Impact for:

The development of a site that is nearby to items of *Local* heritage significance.

Date:

This Report was completed on 28th April 2016.

Reference:

The site is not listed on the 2014 Gosford LEP as having any items of heritage significance. The site is nearby to other listed heritage items.

Address & Property Description

The site is located at 32 Mann Street, Gosford NSW 2250.

The property description is:

- Lot 6 Section 81, in DP 758466.

Prepared by:

John Carr, a Heritage Architect trading as John Carr Heritage Design, compiled this report.

For:

The report has been prepared for Government Property NSW on behalf of Government.

The Statement summarises the development proposal as described on the following drawings prepared by Group GSA Pty Ltd, dated 10 March 2016 Project No. 15530:

0001 Rev C	1100 Rev C	2000 Rev K	2001 Rev I
2002 Rev I	2003 Rev M	2004 Rev M	2005 Rev K
2006 Rev K	2007 Rev K	2008 Rev K	3000 Rev D
3001 Rev H	3002 Rev C	3003 Rev C	3100 Rev G
3101 Rev G	3200 Rev B	3201 Rev B	3202 Rev B
4000 Rev C	4001 Rev C	5000 Rev C	6000 Rev C
L-1100 Rev A	L-2000 Rev B	L-3000 Rev A	L-6000 Rev A

The Statement of Environmental Effects (JBA Urban Development Services) was referred to in preparing this report.

References:

- Statements of Heritage Impact - Office of Environment & Heritage.
- John Carr & AMAC Group - Statement of Heritage Impact for the Doma Group for the Georgiana Terrace Commercial Development February 2016.
- Assessing Heritage Significance - NSW Heritage Manual 2001.
- City of Gosford LEP 2014
- City of Gosford DCP 2013
- Gosford Waterfront DCP 2014
- Identifying Australian Architecture Apperly Irving Reynolds
- NSW Office of Environment & Heritage - Gosford School of Arts.
- NSW Office of Environment & Heritage - Gosford South Post Office
- Higginbotham July 2014 - Archaeological Site Assessment.
- Merrill Jackson - Heritage Conservation Gosford School of Arts
- State Significant Site Study Heritage Review: Gosford Waterfront - NBRS + Partners

2.1 BACKGROUND

Gosford was originally two villages, a government village of which Mann Street formed the spine and a private village at East Gosford. The two centres competed for decades, but the government village won out with official government facilities. The government village contained a Watch House to which a Court house was added in 1833.¹

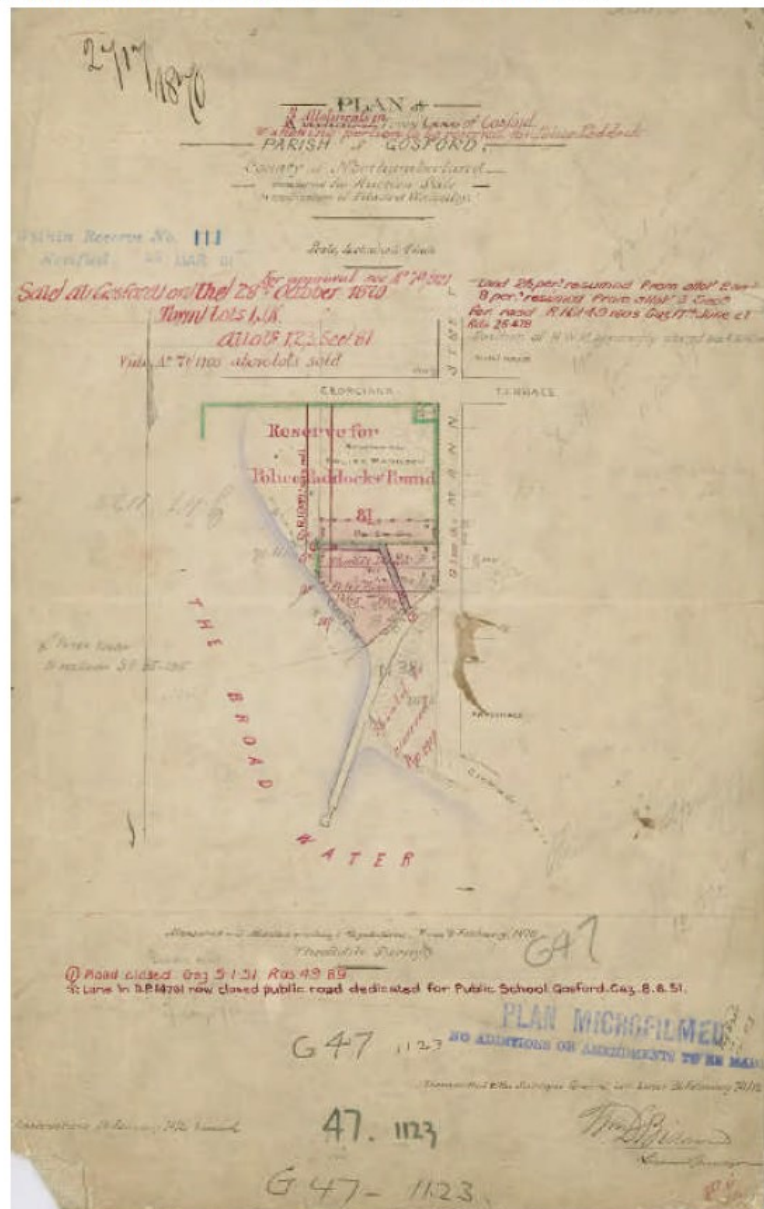


Plate 4: Survey 26 February 1870 of Police Paddock & Pound. (G.47.1123, Crown Plan)

¹ Archaeological Site Assessment - Higginbotham July 2014 (p 5)

The site is located at 32 Mann Street and was originally reserved for a Police Pound. A Police Station and Sergeants Quarters was constructed on the site in 1881 and remained for use by the police until a portion was subdivided for a new School of Arts and tenders for the building were called on 14 August, 1886.² The site for the School of Arts was dedicated on 5 February, 1887.



Plate 5: Photo of the Police Sergeants Quarters and the Police Stables in the foreground with a WC. (Gosford City Council Photo Collection dated 1887)

The above photograph is dated a year before construction of the first school of Arts building. The subject site in the right of this picture appears as a fenced paddock for police horses.

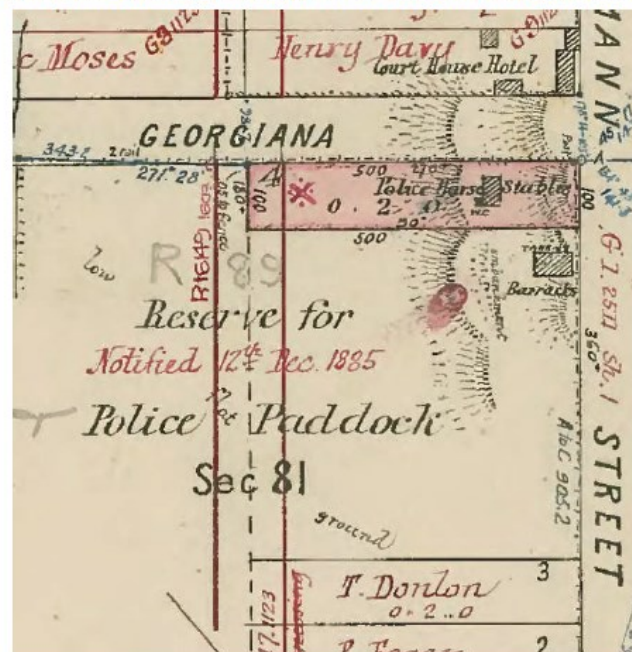


Plate 6: A detail from the March 1886 survey showing the Police Sergeants Quarters and the Police Stables with the area to be subdivided for the School of Arts. (G.52.1123, Crown Plan)

² Archaeological Site Assessment - Higginbotham July 2014 (p 8)



Plate 7: Photo of the Police Sergeants Quarters and the Police Stables in the right hand foreground with the School of Arts site on the left. (Gosford City Council Photo Collection dated 1900's)

The above photo shows the horse stables moved onto the subject allotment or near the boundary. Similarly, the width of the Police Sergeants Quarters indicates the archaeology may also be on or close to the northern boundary of the subject site.



Plate 8: Photo of the School of Arts site on the right and the Police Sergeants Quarters on the left. (Gosford City Council Photo Collection dated 1902)



Plate 9: Photo of the School of Arts and Police Sergeants Quarters on the centre left with the subject site at right. Note: the Post Office is now two storeys. (Gosford City Council Photo Collection dated 1908)

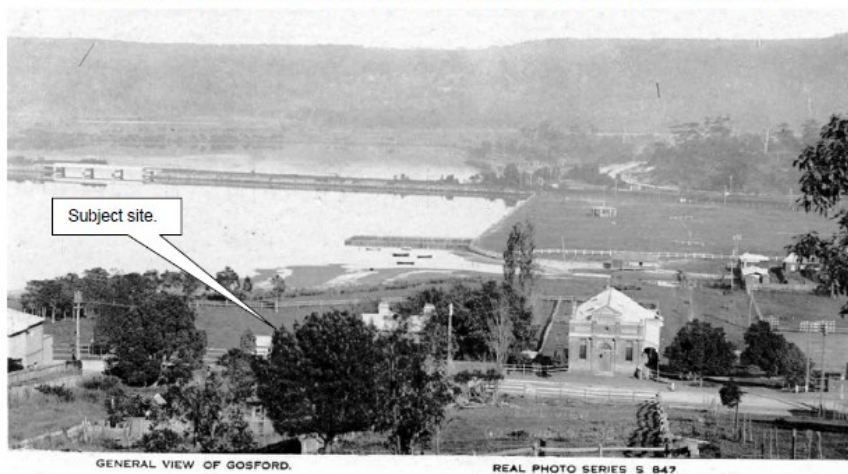


Plate 10: Photo of the School of Arts at right, the Police Sergeants Quarters roof above the tree at centre with the subject site and Post Office at left. (Gosford City Council Photo Collection dated 1919)

The existing former School of Arts building was built following a disastrous fire that destroyed the 1888 building on Tuesday 15 November 1927. The local newspaper described the loss:

*"The destruction of the School of Arts is keenly regretted as a matter of sentiment, for this institution has taken such a big part in the community activities of the district for so many years that it seems part of the life of the people."*³

The present School of Arts building was constructed on the same site with the laying of a Foundation Stone on 15 June, 1929 by Committee Chairman Charles Adrian.⁴

³ Merrill Jackson - Heritage Conservation Gosford School of Arts (2012) p8

⁴ *Ibid.*



Plate 11: The 1929 School of Arts with neighbouring Police Station and sheds to the rear.
(Source - Gosford City Council collection - photo circa 1940's)

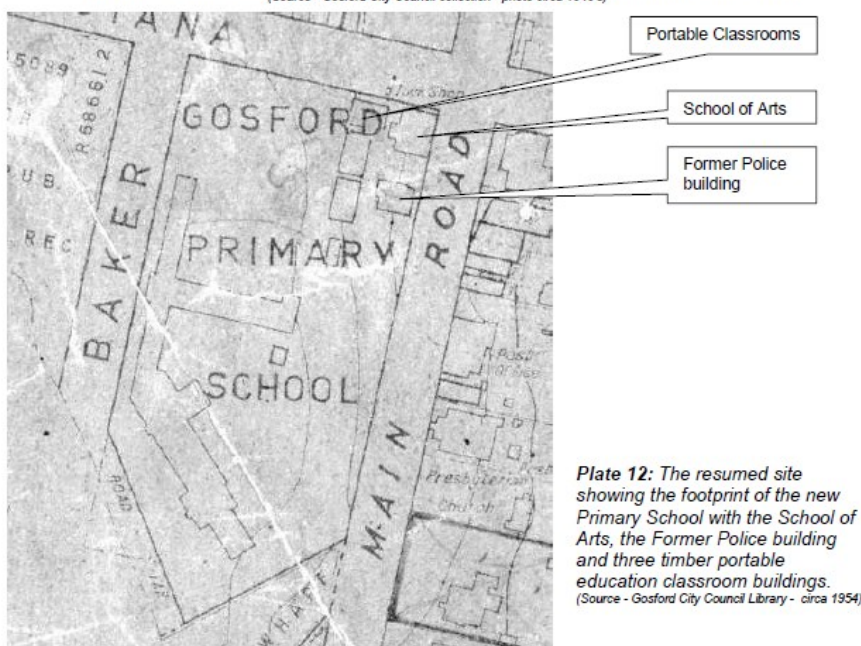


Plate 12: The resumed site showing the footprint of the new Primary School with the School of Arts, the Former Police building and three timber portable education classroom buildings.
(Source - Gosford City Council Library - circa 1954)

The Site:

The subject site (Police Paddock) was resumed in 1939 together with the neighbouring School of Arts site for a new Public School.⁵ The above plan shows the site in the mid 1950's with a large brick school and three timber portable classrooms. Baker Street is shown extended but was never constructed and this area of the site remained in use by the school.

⁵ Taken from the Interpretive Sign on the building.

2.2 EXISTING SITE

The site comprises a large parcel of land at Gosford and The Broadwater known as the "Gosford Waterfront Precinct". Gosford City Council began investigating the future of the site in 2008 resulting in a 2009 study by the Land & Property Management Authority resulting in an "Our City, Our Destiny Masterplan, which was adopted in 2010. This was followed by the Minister for Planning declaring a study to be undertaken to assess the area as a State Significant Site. The site was formally re-zoned in 2012 as a State Significant Site.

The subject site at 32 Mann Street, Gosford is the second portion of the overall site to be the subject of a DA to develop a commercial building, the first being the Doma development on Georgiana Terrace. Previously, a development application to demolish the former Gosford public School which occupied a substantial portion of the overall site, was approved on 14 May 2014 (DA 45393/2014 Pt 1).⁶

As evidenced by the range of early photographs of the site, little or no development took place prior to the construction of the school following resumption of the site by the government in 1939. The Department of Education relocated to a new public school on a new site in 2012. The school buildings were demolished in 2015 and the site prepared for development.

Archaeology:

The sandstone footings of the former Police Sergeants Quarters are believed to lie within the portion of land to be occupied by the proposed Doma development on land immediately north of the subject site. The extent of these footings is yet to be physically determined by an archaeological investigation. The remnant sandstone walls are recognised as important surviving elements of the use of the site by police from the early settlement of Gosford. The investigation on the Doma site will locate the extent of the footings and determine their significance under the Heritage Act 1977 and appropriate actions.

Refer to the AMAC Archaeological Report in Appendix A of this document for more detailed information.

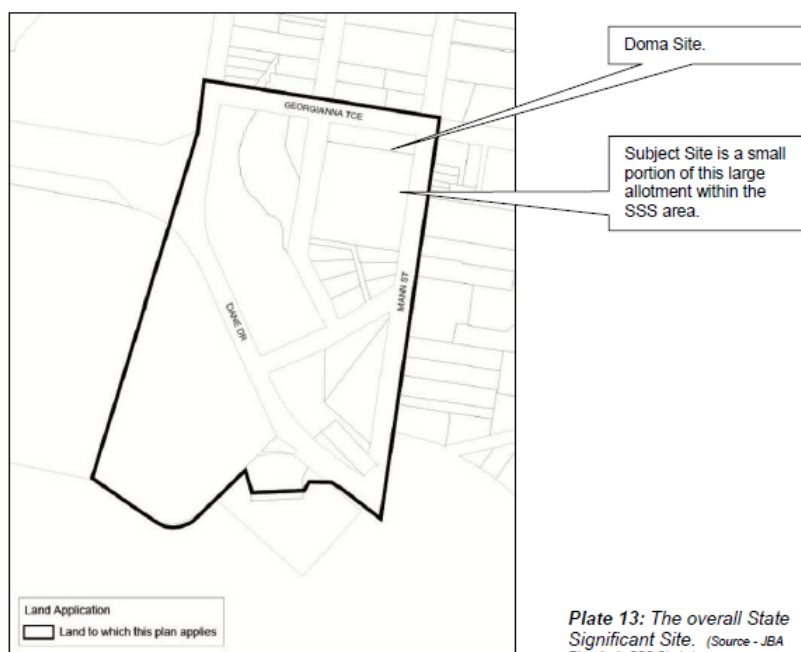


Plate 13: The overall State Significant Site. (Source - JBA Planning's SSS Study.)

⁶ JBA Urban Development Services - Statement of Environmental Effects March 2016

2.3 THE PROPOSED DEVELOPMENT

The proposed development includes the construction of six storeys of commercial office accommodation together with an upper storey of plantroom above the Mann Street level. The building will incorporate three levels of car parking below the Mann street level.

The building is rectangular in shape, with its height broken into three zones on Mann Street. The first zone is the ground floor glazed Entry Lobby off Mann Street and incorporates mixed use retail. The second zone incorporated three levels of commercial office accommodation from levels 1 to 3. The third zone is the two upper floors on levels 4 and 5. The Plant Room on the rooftop is set back off the street and side frontages reducing its visual impact from nearby vantage points on Mann Street. The three floors of basement car parking step down to the Baker Street (extended) level of the site.



Plate 14: A perspective view of the eastern (on Mann St.) and northern elevations.
(Source - Group GSA Pty Ltd)



Plate 15: A perspective view of the eastern elevation on Mann Street.
(Source - Group GSA Pty Ltd)

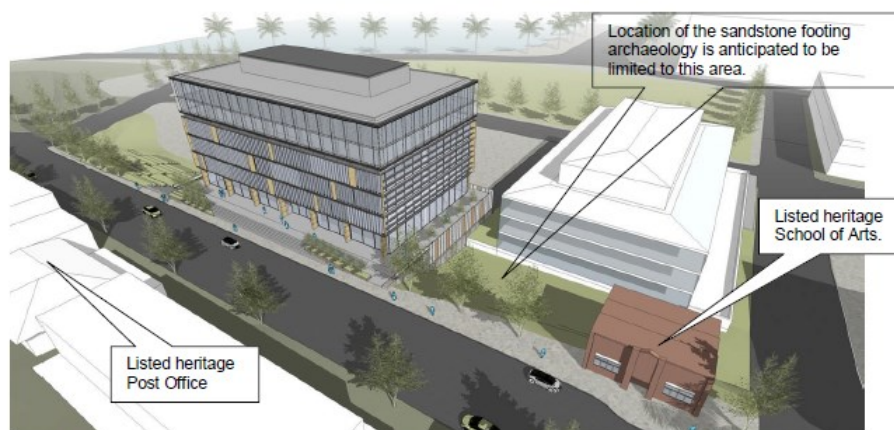


Plate 16: An aerial perspective view of the development showing the School of Arts building.
(Source - Group GSA Pty Ltd)

The building is designed as a glazed structure with extensive louver systems to provide decorative sun screening to the facades. The building is contemporary in design with the aesthetics aligned to more recently developed commercial buildings in the Gosford area rather than being dominated by the masonry structure.

The proposed materials and finishes are yet to be fully developed, however there is an opportunity to examine ways to differentiate the top two floors from the remainder of the building. This can be achieved through colour and material change to emphasise the base and first three floors over the top two floors to create a visual impression of a building of reduced height.



Plate 17: The York Apartments by Alec Tzannes. (Google)



Plate 18: Newcastle unit apartment building. (Google)

The above photos are of two examples in Newcastle where colour and material change have had some involvement in visually reducing the impact of mass and scale on their surrounds. This was achieved by using a bright colour to the lower levels and a darker colour to the upper levels.

The Mann Street development could benefit by a similar treatment by having the two top floors a darker colour than the bottom four storeys to concentrate the eye on the brighter coloured base of the building.

2.4 THE SETTING

The subject site is nearby to other heritage items of Local heritage significance.

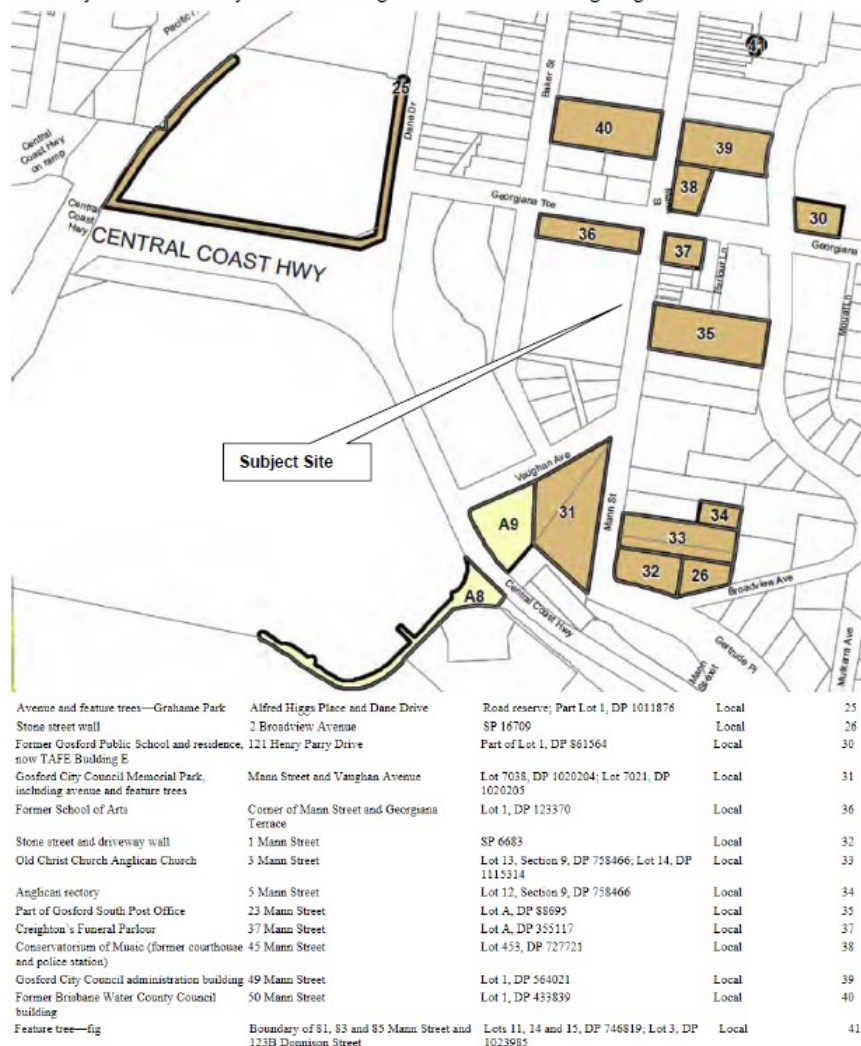


Plate 19: An extract from the Heritage Map showing the subject site and surrounds.
(Source - Gosford City Council LEP)

The site is located nearby to four items of Local heritage significance, the closest being the Gosford South Post Office (I 35); the former School of Arts (I 36); Creighton's Funeral Parlour (I 37); and the former Courthouse and Police Station (Conservatorium of Music) (I 38).

Directly north of these items are other listed items such as the Council Administration building. Another commercial office building of four levels above Mann Street with a recessed car park underneath is opposite the Doma site on Georgiana Terrace. This building screens the subject site from another nearby listed heritage item, the former Brisbane Water County Council building (I 40).

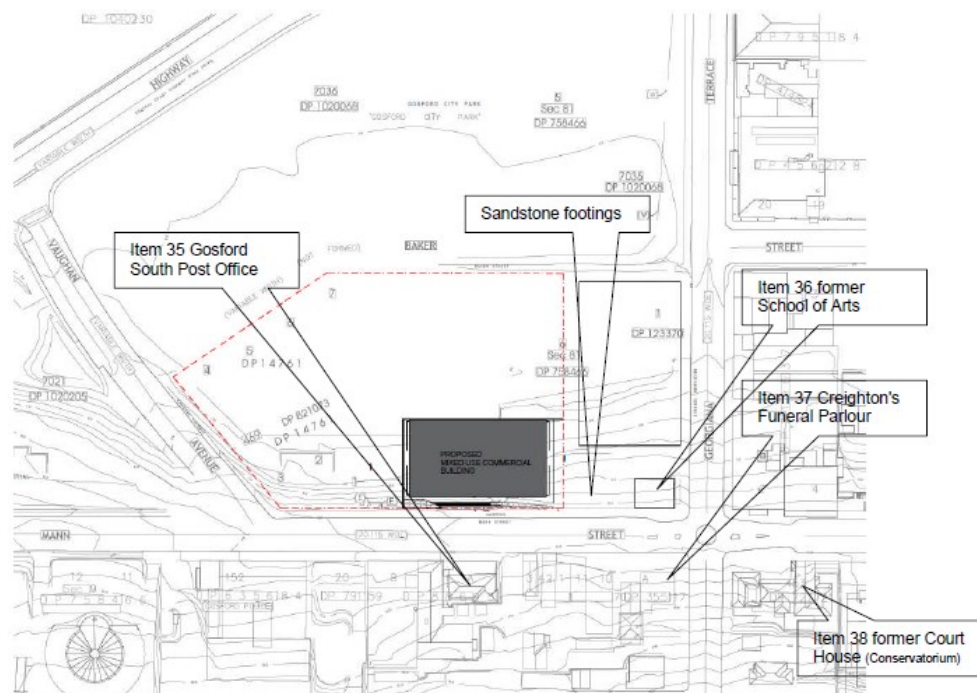


Plate 20: A site plan showing the proposed new commercial development in relation to the Post Office, the School of Arts building, footings and other nearby heritage items. (Source - Group GSA Pty Ltd)



Plate 21: A view down Georgina Terrace. (Google Streetview)



Plate 22: A view looking south on Mann Street to the School of Arts. (Google Streetview)

Item 35 Gosford South Post Office: This building is the closest heritage item to this development. The existing trees to the Mann Street boundary are to be removed as part of the development.



Plate 23: A plaque of the original Post Office & Res.



Plate 24: The building today. (JCHD DI 0420)

The following Statement of Heritage Significance is from the OEH data sheet:

The original portion of Gosford South Post Office at 23 Mann Street, Gosford has rare local historic significance as an important early building designed by the Colonial Architect, James Barnet. Its location at the south end of Gosford town in close proximity to the main wharf is associated with the early development of the City. The remaining portion represents continuous use of the building and site as a post office. Its position marks the prominence of the south end of the town, in close proximity to the public wharf, prior to the shift north with the establishment of the Great North Railway, reflecting an early reliance on water transport. The existing building, including the 1920's brick facade, has aesthetic significance as an important streetscape element of Mann Street, marking the split in development of the town. Although heavily modified, its significance is not diminished.

The data sheet lists this building as constructed in 1882 and designed by the colonial Government Architect James Barnet. Plate 5 on page 7 shows the building as a single storey original structure with the above photo Plate 23 a possible addition or alteration to the original undertaken in 1891. The data sheet describes the cream face brick additions as dating from the 1920's.

Despite the alterations to this building, the listing states "*Although heavily modified, its significance is not diminished*".

Item 36 former School of Arts:

The existing former School of Arts building was built following a disastrous fire that destroyed the 1888 building on Tuesday 15 November 1927. The present School of Arts building was constructed on the same site with the laying of a Foundation Stone on 15 June, 1929 by Committee Chairman Charles Adrian. The design is described in the EOH data sheet as "stripped classical". I believe it also exhibits the style keys associated with Inter-War Art Deco albeit in a simple form possibly as a result of budget constraints and its overall compact size.



Plate 25: The School of Arts dominates the corner on Mann Street and Georgiana Terrace. (JCHD DI 0419)

The proposed development is separated from the School of Arts building by a proposed heritage park to retain and display the sandstone footings of the former Sergeants Quarters building. This park will be partially landscaped depending on the extent and value of the footings to be investigated by an archaeologist.



Plate 26: The School of Arts dominates the corner on Mann Street and Georgiana Terrace. (JCHD DI 0425)

The data sheet lists the item as being of Local heritage significance for satisfying the historical, aesthetic and social criteria.

The bulk and scale of the proposed development will result in the highest building constructed at this end of Mann Street, with existing developments generally no higher than 4 storeys.

The former Gosford School of Arts building was designed to address the Mann Street and Georgiana Terrace streetscapes and the proposed development does not inhibit or detract from the appreciation of this building. It is therefore considered that the proposed development does not impact on the heritage significance of this item due to separation by the heritage park and the item largely addressing the two main streets.

Item 37 Creighton's Funeral Parlour:

This building is directly opposite the former School of Arts building on Mann Street. The proposed building is located diagonally opposite the funeral parlour which is directly opposite the School of Arts building. The new building will appear as a distant backdrop when viewed from the Creighton's site. Additionally potential landscaping to the heritage park and the Mann Street footpath or boundary may also assist in partial screening of the new structure.



Plate 27: Creighton's from Georgiana Terrace. (JCHD DI 0426)



Plate 28: Creighton's from diagonally opposite. (JCHD DI 0417)

The proposed building does not impact on the heritage significance of this item due to separation by distance.



Plate 29: A view looking east on Georgiana Terrace to the former courthouse and Creighton's Funeral Parlour with the former School of Arts on the right. (Google Streetview)

Item 30 former Public School and Residence: This building is at too great a distance to be affected by this development. Henry Parry Drive now cuts off Georgiana Terrace as a through road providing further screening.



Plate 30: A view looking east on Georgiana Terrace to the former public school. (Google Streetview)

Item 39 Gosford City Council's Administration Building: The lower half of this building is screened from the development due to distance and other buildings on the western side of Mann Street. The upper levels of the building will have clear views of the proposed development in the distance. The proposed building appears lower in height than the Gosford Council Administration building.



Plate 31: A view looking south on Mann Street toward Georgiana Terrace. (Google Streetview)



Plate 32: A view looking east on Georgiana Terrace showing the Administration building cannot be seen from street level in this area. (Google Streetview)



Plate 33: A view looking north on Mann Street towards the Telephone exchange and Post Office showing the Administration building in the background as seen from street level. (Source - JBA)

It is considered that the development should have no impact on the heritage significance of the council's Administration building due to distance and compatible elements of contemporary design.

Item 40 former Brisbane Water County Council building: This building cannot be seen and does not have a view to the proposed development.

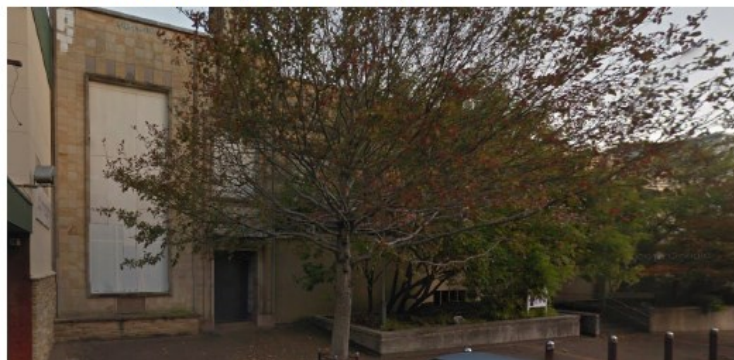


Plate 34: A view looking north west on Mann Street opposite the Administration building shows the former county council building cannot be seen from the subject site. (Google Streetview)

Item 38 former Court House & Police Station: This group is diagonally opposite the former School of Arts building and is effectively screened from the new development by the existing landscaping and palm tree in the centre of the Mann Street roundabout. The proposed development is considered far enough away from this item to prevent any impact on its heritage significance.



Plate 35: The view of the School of Arts on the corner on Mann Street and Georgiana Terrace from the former Court House with another four storey office building on the right. (JCHD DI 0428)



Plate 36: A similar view of the proposed building and the School of Arts on the corner on Mann Street and Georgiana Terrace from the former Court House. (Source - Group GSA Pty Ltd)

2.5 GOSFORD WATERFRONT DCP 2014

Gosford Waterfront DCP:

The Gosford Waterfront DCP (March 2014) was developed as part of the existing framework under the Gosford DCP 2013 and builds upon the new land use framework. This is one of five areas recognised to contribute to the growth and revitalisation of the city.

Section 8 Heritage Items of the Gosford Waterfront DCP 2014 deals with requirements when undertaking works associated with listed heritage items. The proposed development has been assessed in regard to the objectives and controls set down by the DCP.

The former Sergeants Quarters sandstone footings will remain on the adjacent site in an undisturbed state and will be archaeologically investigated to determine their full extent. It is assumed these footings don't cross the northern boundary of the subject site, but this needs to be physically confirmed. (Refer also to the AMAC report in Appendix A)

The DCP requires the following criteria to be considered:

1) Scale: The proposed building is six storeys in height on Mann Street with another storey for the Plantroom set back approximately 8 metres from the main walls. The building is also set back approximately 5.4 metres off the Mann Street boundary.

The Ground floor provides a podium effect to invite the public into a mixed use retail area and main Lobby for the overall building. Visually, this separates the glazed Ground Floor area from the three upper commercial office floors which are screened in a decorative louvre cladding over their glazed walls. There is a thin horizontal recess to provide a break to the two upper commercial office floors which are again glazed but screened by a different style of sun louvre. The building therefore has three distinct zones when viewed from Mann Street noting that the upper Plantroom is substantially set back off the building's outer walls and the lower three levels of car parking are also not easily seen from Mann Street.



Plate 37: The 4 storey Police Station diagonally opposite the subject site is currently the highest building in the near vicinity. (Source - JBA)

The break below the top two floors in the facade equates with the roof level of the Police Station. The use of a small setback or a change in materials and colour (or both) would assist in relating to the general bulk and scale to be found in this historic area of the early development of the town of Gosford.

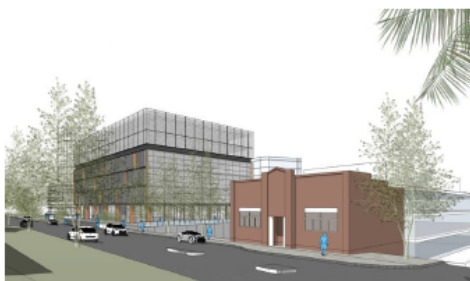


Plate 38: A view of the development from Georgiana Terrace looking south. (Source - Group GSA Pty Ltd)

The closest heritage item is the Gosford South Post Office. Aesthetically, the building has been compromised by alterations and additions over the decades. The listing states that its heritage significance has not been diminished.

The heritage significance of the Post Office is therefore weighted more heavily in its historic and social value than its aesthetic value in its current state. Future research and assessments of potential reconstruction work may change this situation, but at present it is reasonable to conclude that the bulk and scale of the proposed development will not impact unduly on the existing Gosford South Post Office building.

The proposed building is the initial medium high rise to be constructed on the site along with the Doma building on Georgiana Terrace. The future proposed high rise unit development will be higher than this proposal, but set further back on Vaughan Ave.

The DCP for the site allows a height of 48 metres (AHD) with the proposed development height below that limit at approximately 45 metres (AHD). The future development of the overall site will introduce more buildings to provide a backdrop for the subject building to blend into as a way of softening the affect of a single structure on Mann Street.

2) Siting: The subject site at 32 Mann Street is not heritage listed so changes to the existing facade is not applicable. The building has however been set back approximately 5.5 metres off the Mann Street boundary in an effort to provide a greater public space between the roadway and the building's facade.

3) Architectural Form: Due to the size and nature of the proposed development, the building has been designed in a contemporary form as it does not link to and is separated from all listed heritage items by the minimum of a street width. As previously described, the building's facades are broken up into 3 zones on Mann Street, helping to divide the building into segments. Consideration should be given to a marginal setback of the highest two commercial floor levels and a change in colour to highlight the bottom for floors. The three floors that have facade louvers, have them mounted vertically which reflects the common use of vertically dominant openings in facades of Victorian heritage buildings such as the Post Office opposite the site.

4) Architectural Detailing: The subject site at 32 Mann Street is not heritage listed therefore this clause is not applicable.

5) Materials & Finishes: The subject site at 32 Mann Street is not heritage listed therefore this clause is not applicable. Recommendations have been made to consider varying colours over the facade to help highlight the lower 4 levels to Mann Street.

6) Use: The subject site at 32 Mann Street is not heritage listed therefore this clause is not applicable.

7) Original Fabric: The subject site at 32 Mann Street is not heritage listed therefore this clause is not applicable.

8) The aging Process: The subject site at 32 Mann Street is not heritage listed therefore this clause is not applicable.

9) Curtilage: The curtilage for each of the nearby heritage items has been considered and each area is within the items own site boundaries. This is considered to be reasonable by the OEH and does not affect this project. All nearby heritage items can be viewed from Mann Street and the proposed building does not affect views to and from the items.

10) Infill Development: The proposed development is not regarded as "infill development" as the site is independent and has never been previously developed. Having said that, the recommendations to consider varying colours over the facade to help highlight the lower 4 levels to Mann Street are made with a view to minimising any perceived impact from bulk and scale of the building.

Controls:

The DCP lists the following controls in respect of nearby heritage items:

Gosford Public School & former School of Arts:

The former School of Arts building and sandstone remnant footings are on the adjacent DOMA site and are part of their DA for a new commercial building. The potential of archaeological discovery on the subject site has been addressed in Appendix A of this report.

Generally there will be a landscaped park between the subject site and the site of the former School of Arts building reserved to protect and interpret the former police building.

Historically, the documentary evidence associated with the subject site shows there were very few trees during its long use as a Police Paddock.

The other four site specifically listed are some distance from the subject site and their heritage significance is unlikely to be affected by this development.

Signage:

The subject site at 32 Mann Street is not heritage listed therefore this clause is not applicable. As the building is nearby to heritage items, the signage, which is yet to be finalised, will need to be restrained and carefully located on the building.

Landscape Concept Plan:

There are no obvious issues associated with the heritage significance of nearby heritage items proposed by the landscape plans and schedules.

Materials & Colour Selections:

The materials and colour selections have been made on the basis of a contemporary design with minimal reference to the heritage items in the area. This is reasonable and acceptable from a heritage aspect as the design warrants a contemporary approach to colour selection. The use of a Hawkesbury sandstone cladding reflects the stone found and quarried in 1922 it was further developed in providing building stone to the area primarily after WW2. Sandstone used on the local heritage buildings, particularly government works largely came from Sydney or other large quarries that had a more consistent colour than the heavily grained Hawkesbury sandstone. Following the expansion of Gosford quarries in the mid twentieth century, local buildings such as the Florida Hotel at Terrigal used the Hawkesbury sandstone as it complimented the design styles of the 1950s and 1960s.

The nearby heritage items will not be affected by the materials and colour selections proposed.

2.6 ASSESSMENT OF HERITAGE IMPACT

- **How is the impact of the proposed development on the heritage significance of the nearby items to be minimised:**

The site is located in an area of commercial development for Gosford which is currently experiencing major changes as a result of the availability of land following the sale for the former public school site. This now allows the extension of Baker Street for access to the site.

The development of a large five storey commercial office building over a ground floor mixed use retail area has been designed in layers, with the ground floor largely glass in appearance and levels

1-3 clad in a louver system with a thin recessed break to the upper 2 levels screened in perforated metal.

As the first major development in this area with a maximum height of 45 metres AHD, the building has been designed to approximately 45 metres AHD and coloured with a dark base and light upper 2 storeys to provide a visual break-up of the facades. Future taller structures are planned nearby in the Site Analysis Plan prepared for the entire site.

The developments affect on the heritage significance of the surrounding individually listed heritage items has been minimised by the treatment of the facades in materials and colour.

- **How does the proposed development affect views to and from the adjacent heritage items? What has been done to minimise negative affects:**

The proposed development does not affect the views to or from the various heritage items on Mann Street due to the overall topography of the site and a setback off the street boundary. When viewing the various nearby heritage items in Mann Street, the proposed building is located behind them and acts more as a backdrop allowing the items to dominate the street. This will be assisted in the future by the proposed street tree planting concept.

- **Is the development sited on any known or potentially significant archaeological deposits? If so, have alternative solutions been considered? Why were they rejected?**

The neighbouring site is known to have potential archaeological deposits primarily from use by the police in the mid to late nineteenth century. Archaeology associated with former police buildings and stables removed following construction of new police premises on other sites are known to exist as relics above the ground. A separate archaeological report has been prepared and appended to this report. (See Appendix A)

- **Is the new development sympathetic to the nearby heritage items? In what way (eg form, siting, proportions, design)?**

The development is considered to be sympathetic to the adjacent nearby heritage items due to breaking-up the overall height of the building to three storeys over a ground floor podium in height when viewed from Mann Street, with the next two levels clearly separated by a recessed band and having a perforated metal screen and the Plant Room level substantially set back.

Despite its overall allowable height under the DCP, the proposed new building is of a contemporary design setting it apart from the smaller more detailed heritage items, but visually linking it to other contemporary buildings in the area.

- **Will the public still be able to view and appreciate the nearby listed heritage item's significance?**

The development does not interfere with the views to the existing heritage items on Mann Street, in particular the Gosford South Post Office and the former School of Arts which remain physically separated from the proposed building by a small landscaped park and the street width.

STATEMENT OF HERITAGE IMPACT:

The proposed new six storey mixed use retail and commercial development on Mann Street, Gosford will have minimal impact on the heritage significance of the existing nearby individual heritage items due to the development conforming to the requirements of the Gosford Waterfront DCP 2014 for development in this area. The new building is sited on Mann Street and also addresses the extended Baker Street requiring three floors of car parking to be below the Mann Street level as a result of the natural topography of the area. The proposed development retains the independence and dominance of the existing nearby heritage items in the streetscape, including the Gosford South Post Office.

The use of changing materials and colour on the facades vertical rise helps visually soften the bulk and scale of the building by dividing the overall height into layers of different heights.

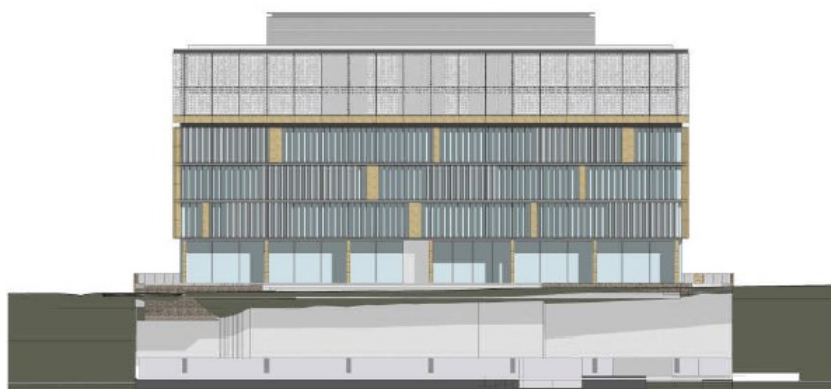


Plate 39: The proposed eastern facade of the building on Mann Street showing the Plant Room and the three lower levels of car parking. (Source - Group GSA Pty Ltd)



Plate 40: The proposed northern facade of the building with Mann Street on the left, and the three lower levels of car parking. (Source - Group GSA Pty Ltd)

3.0 CONCLUSION & RECOMMENDATIONS

The site is part of the original Police Paddock, a large area from Georgiana Terrace and the former School of Arts building area, a Police Station and Residence as well as stables. The documentary evidence suggests the stables may have been moved onto or near the subject site for a period prior to the demolition of the police buildings.

The School of Arts building and Police Paddock was resumed by the Department of Education as part of a new Gosford District Rural School before reverting to a public school in the late 1930's.

The site was determined to be of no further use to the Department of Education which relocated to a new public school on a new site in 2012. The school buildings were demolished in 2015 and the site prepared for development. The existing School of Arts building adjacent to the subject site was retained for adaptive re-use in line with its listing as an item of Local cultural significance. Similarly the adjacent remnant sandstone walls were recognised as important surviving elements of the use of the site by police from the early settlement of Gosford.

The proposed development of a six storey mixed retail and commercial building has been assessed as having minimal impact on the heritage significance of the nearby heritage listed items.

The bulk and scale of a six storey building on Mann Street will be softened in time by higher bulkier structures that form part of the overall Site Analysis Plan for this area.

Recommendations:

The following recommendation should be considered for this project:

- Consider examining options for reversing the facade colouring during the development of the design for Construction Certificate stage. *Reason - to establish the best colouring to reduce visual impact of the height of the building on the nearby heritage items in Mann Street.*

Yours faithfully,



John Carr
Heritage Architect
B. Sc. (Arch), B. Arch.
(Registered Architect
NSW ARB 4128)

28 April 2016
24 March 2016
22 March 2016
15 March 2016

D
C
B
A

Change of address number
Issue for DA lodgement
Inclusion of comments
Draft for comment

Date

Rev

Description

Attachment 5- Applicant's response to draft conditions.

Robert – we have reviewed the conditions and accept these as attached to the email message this morning.

It would be appreciated if you could confirm the JRPP meeting will be held on Thursday, 1 December 2016.

Regards

Alison O'Loughlin

Senior Manager, Major Projects
Property NSW

