

JOINT REGIONAL PLANNING PANEL

(Hunter and Central Coast)

Supplementary Assessment Report and Recommendation Cover Sheet - February 2017

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- Applicant's response to draft conditions. Attachment 4 – Previous JRPP report 15 September 2106 Attachment 5 – Previous JRPP report 5 December 2016 Attachment 6- Response to Central Coast Regional Strategy and Acid Sulphate Soils management plan. Attachment 7- Detailed Assessment against Chapter 4.4 Gosford Waterfront of Gosford DCP 2013 Attachment 8- Response to protection of tree TO68 on adjoining site. Attachment 9- Calculation of Floor Space Ratio (FSR) Attachment 10- Peer review of Design excellence by Cox Richardson Architects and Planners. Attachment 11- Applicants response to peer review of design excellence.
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**
LOT 2 DP 1210298, 32 MANN STREET GOSFORD

Directorate: Environment and Planning
Business Unit: Development Assessment
February 2017

Application Number	49685/2016
Delegation level Reason for delegation level	Joint Regional Planning Panel (JRPP) Crown Development. Value over \$5 million.
Property Lot & DP	LOT 2 D: 1210298
Property Address	32 Mann Street Gosford
Site Area	Portion subject of this development - 2782m ² Whole of 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	57 to original exhibition/notification.
Disclosure of Political Donations & Gifts	No

Recommendation	Approval, subject to conditions
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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

A development application has been received for a mixed use commercial/business premises at 32 Mann Street Gosford. The proposal is to construct a new building with pedestrian access from Mann Street, and vehicular access from the rear via an extension of Baker Street. Three (3) basement levels of car parking are proposed below the Mann Street level, and six (6) commercial levels above Mann Street.

The proposal includes 7,685m² of commercial floor space, 40m² of retail floor space and 104 car parking spaces. The building will be set back 5.4 metres from Mann Street to create a forecourt with landscaping/planter boxes along the street frontage.

The facades/elevations have been amended to reflect advice from an independent peer review by Cox Richardson Architects and Planners. The external materials consist of performance glass in pre-finished metal frames and sandstone cladding at the Mann Street level. Levels 1-3 will consist of sandstone cladding with pre-finished vertical aluminium sunshades. Levels 4 and 5 will have pre-finished perforated metal screening. The roof plant will be screened with pre-finished metal cladding (see figure 1 and 2).

The building height and FSR of the proposed development are below the maximum permitted under the planning instruments, and the proposal complies with the building setbacks and car parking rates required.

The proposal is to accommodate 300 plus jobs from the NSW Department of Finance, Services and Innovation (DFSI). The proposal will also generate 90 jobs during construction, 330 indirect jobs when operating, and inject \$1.4 million to the retail expenditure in the Gosford CBD and \$4.2 million into the broader Central Coast economy.

A commercial building is being constructed on the site to the north which will house the Australian Taxation Office. The heritage listed School of Arts Building is also located on the site to the north.

The proposal is for development of the northern part of the site (2782m²), with development of the remainder of the site to be 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 applicant by email 22 December 2016 has agreed to the conditions listed in Attachment 1.

The proposal is generally consistent with Gosford Development Control Plan 2013 (GDCP 2013) Chapter 4.4 Gosford Waterfront.

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

It is noted that the appeal by the Gosford Waterfront Alliance in the Land and Environment Court against the consent issued for the adjoining commercial development (tax office) on the adjoining site was dismissed on all points.

The proposal is supported as it is a permissible use, the development complies with the GLEP 2014 and GDCP 2013 objectives, the development will create 300 plus jobs and the additional investment and activity will be a benefit to revitalising and activating the Gosford city centre.



Figure 1: 3D Rendered perspective from Mann Street at northern end (looking toward south)



Figure 2: 3D perspective from Mann Street at southern end (looking toward north)

Reasons for Deferral

This application was considered by the JRPP at its meeting on 5 December 2016. Determination of the application was deferred for the following reasons;

The Panel was concerned that a number of new issues came to the attention of the Panel very late, including some matters just prior to the meeting commencing. These matters, along with aspects of detail related to the proposal or the statutory context within which the proposal is to be assessed and determined warranted further information, assessment or clarity. Accordingly, the Panel decided to defer the determination of the matter to request additional information from Council (with liaison with the applicant as necessary and appropriate) on the particular matters outlined below:

1. Confirmation the submitted Acid Sulphate Soil Management Plan meets current applicable requirements.
2. Detailed assessment of Part 4.4 of the *Gosford Development Control Plan 2013* and any other applicable relevant provisions within that DCP.
3. Assessment against the consistency, or otherwise, of the proposal against the recently-released *Central Coast Regional Plan 2036*.
4. Consideration of the late submission submitted by Mr Matthew Fraser, dated 2 December 2016.
5. Confirmation that the proposal will not adversely affect the tree located near the northern boundary on the adjoining "ATO" site, which is required to be retained under the consent for that site.
6. Clarification of the site area used for the purpose of calculating the floor space ratio, including against Clause 8.6 of the *Gosford Local Environmental Plan 2014*.
7. Provision of a through site link as part of the development from Mann Street to Baker Street.
8. Improved architectural treatment/detailing and/or landscaping of the lower levels of the western façade, to improve the presentation to the west.
9. Further detailed assessment regarding compliance with design excellence provisions of Gosford LEP 2014 to allow the Panel to make an informed decision, which may include reference to any existing or additional information from the applicant.

Each of these matters is discussed further within this supplementary report. It is requested that this report be read in conjunction with the previous assessment reports from 15 September 2016 and 5 December 2016.

1. Confirmation the submitted Acid Sulphate Soil Management Plan meets current applicable requirements.

The site is mapped as containing Class 2 Acid Sulphate Soils. Clause 7.1 (2) of GLEP 2014 requires that any development proposing works below the ground surface or works which may lower the water table require an acid sulphate soil management plan.

Clause 7.1(3) of GLEP 2014 states;

Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

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, as such an acid sulphate soil management plan was required.

The applicant has submitted an Acid Sulphate Soil Management Plan prepared by Douglas Partners (Project 82945.03) dated December 2016. This plan has been prepared in accordance with the NSW Acid Sulphate Soil Management Advisory Committee- *Acid Sulphate Soil Manual*, August 1998 (ASSMAC 1998-Ref 2).

The report has also made reference to guidance on the interpretation of test results provided in the Queensland Acid Sulphate Soil Technical manual: Soil Management Guidelines (QG 2014- Ref 3).

The acid sulphate soil management plan submitted meets the standard required under Clause 7.1 of the GLEP 2014.

The conditions of consent have been amended to reflect compliance with the Acid Sulphate Soil Management Plan during works. **(Refer Page 7 attachment 6 and conditions 1.1 and 4.12).**

2. Detailed assessment of Part 4.4 of the Gosford Development Control Plan 2013 and any other applicable relevant provisions within that DCP.

The application is supported by a DCP compliance table (refer attachment 7). The table indicates that the proposal complies with the provisions of GDCP 2013 except for the minimum floor to ceiling height provision. The Clause 4.4.3.4.1 Mixed Use Buildings of Chapter 4.4 requires a minimum floor to ceiling height of 3.3m for commercial office space.

The plans provide for 3.7m floor to floor. After allowance for floor thickness and services, the applicant advises that the floor to ceiling height is 2.7m for commercial levels 1-5. This is a non-compliance of 19% with the GDCP control.

The applicant advises that the commercial floors will have a high level of amenity for employees and that the proposed floor heights are typical of a modern commercial building. Increasing the floor to ceiling height would also increase the overall height of the building.

The objectives of the clause are provided below.

Objectives

- 1. To encourage a variety of mixed-use developments in the Gosford Waterfront.*
- 2. To create lively streets and public spaces.*
- 3. To increase the diversity and range of shopping and recreational activities for workers, residents and visitors.*
- 4. To enhance public safety by increasing activity in the public domain on week nights and on weekends.*
- 5. To minimise potential conflicts and achieve compatibility between different uses.*
- 6. To ensure that the design of mixed-use buildings addresses residential amenity.*
- 7. To create separate, legible and safe access and circulation in mixed use buildings.*
- 8. To ensure that mixed use buildings address the public domain and the street.*
- 9. To ensure mixed use buildings adequately address all requirements for waste storage and waste collection.*

While there is no objective directly relevant to the minimum floor to ceiling height control, it is assumed that the control is seeking to ensure internal amenity is provided to the future building occupants. It is noted that the development is compliant with the Building Code of Australia (BCA) requirements which establishes that Class 5 - commercial buildings are to provide a minimum ceiling height of 2.4m generally and 2.1m for corridors passageways or the like. As addressed by the applicant the proposed floor heights are typical of a modern commercial building and are supported.

The development is considered to be consistent with the objectives of the clause, is compliant with the BCA and the variation to the floor to ceiling height is supported.

3. Assessment against the consistency, or otherwise, of the proposal against the recently-released *Central Coast Regional Plan 2036*.

The Central Coast Regional Plan was released by the Department of Planning and Environment in October 2016. A key priority for Gosford under the strategy is to grow jobs specifically by attracting government investment and business development to revitalise the Gosford City Centre as the regional capital of the Central Coast.

The subject site is identified as a business zone and is located within two overlapping precincts which are both the City Core and the Arts and Entertainment precinct.



Railway Station	Sports and Entertainment Facility	National Park, Reserve and State Forest
Major Road	Marina	Recreation Zone
City Precinct	Industrial zone	Waterway
University and Tertiary Education (TAFE)	Business Zone	
Council Facility	Residential Zone	

The following actions from the plan are related to these areas and this development:

- 1.1 Grow Gosford City Centre as the region's capital and focus of professional, civic and health services for the region's population.
- 1.2 Undertake and integrate precinct planning for the Waterfront, Arts and Entertainment, City Core, Railway and Hospital precincts – to grow jobs and coordinate the delivery of improved transport infrastructure.
- 1.3 Attract and facilitate greater commercial development in Gosford City Centre by improving the public domain and providing opportunities for development through local planning controls.
- 1.4 Promote Gosford City Centre as an attractive place to live, work and play through local planning controls that support vibrant and safe cultural, entertainment and visitor activities.
- 1.7 Identify opportunities for the consolidation and relocation of government services and agencies to Gosford City Centre.

1.8 Ensure that development in Gosford City Centre responds to its natural setting and complements the public domain.

In summary, the proposal is consistent with the Strategy as the proposal will deliver development, investment and jobs within the City Core of Gosford. Further, the proposal is a direct result of NSW Government investment that will relocate at least 300 public sector jobs to Gosford to be housed at the proposed commercial mixed use building. The proposal will deliver an attractive A-Grade commercial building that will improve the streetscape, promote activity and provide a catalyst to other developments.

Attachment 6 sets out a detailed response to how the proposal relates to the Regional Strategy.

4. Consideration of the late submission submitted by Mr Matthew Fraser, dated 2 December 2016.

A late submission relating to this matter was lodged 3 days prior to the previous JRPP meeting on 5 December 2016. The issues raised within the submission, including those by the Gosford Waterfront Alliance, have been considered and the following responses/comments are made.

Submission (summary)	Response
Points 1-4: The JRPP can and should seek authority from the Minister to refuse the application.	The assessment of the proposal concludes approval is justified on the merits of the development.
Points 5-10: The information available is inadequate to make a determination and the pane should call for further information to address: - Clause 5.5 Development within the coastal zone. - Clause 7.1 Acid Sulphate Soils. - Clause 7.2 Flood Planning. - Clause 8.5 Design Excellence. - The Gosford City Centre Masterplan.	The additional information requested by the JRPP, and amended plans have been provided and assessed within this supplementary report. This report is to be read in conjunction with the previous assessment reports related to this matter. In relation to the particular clauses raised, - Clause 5.5 Development within the coastal zone. The provisions of Clause 5.5 of GLEP 2014 require Council to consider matters in relation to the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone. The clause includes the following aim: <i>(a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,</i> The development will not impact on foreshore

Submission (summary)	Response
	access, coastal processes or hazards, and will not impact on the scenic quality, water quality of coastal waterbodies. The development seeks to provide additional employment opportunities within the growing Gosford CBD, which will promote the centre as a single live, work, play destination reducing reliance on private cars. The design is incorporates shading devices which improve the passive solar gain of the development. The development facilitates future through block connections, responds to human scale through design and provides a forecourt which promotes pedestrian movements and comfort. The development is also set back from Mann Street providing for retention of views and space to heritage listed the properties in the locality. The development is considered consistent with the principles of ecologically sustainable development. - Clause 7.1 Acid Sulphate Soils. The provisions of Clause 7.1 of GLEP 2014 require Council to consider matters in relation to the Acid Sulphate Soils. The clause includes the following aim: <i>The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</i> 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. The acid sulphate soil management plan submitted meets the standard required under Clause 7.1 of the GLEP 2014. Conditions of consent are recommended to ensure that the recommendations of the detailed site investigation are implemented on site prior to construction. (See Item 1 of this report for further information). - Clause 7.2 Flood Planning. The provisions of Clause 7.2 of GLEP 2014 require Council to consider matters in relation to flooding.

Submission (summary)	Response
	The clause includes the following aims: <i>(a) to minimise the flood risk to life and property associated with the use of land,</i> <i>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</i> <i>(c) to avoid significant adverse impacts on flood behaviour and the environment.</i> The subject development is only on the north eastern portion of Lot 2. Part of the site is subject to flooding during the 1% AEP (flood fringe) The impact of flooding on the site is minor and is able to be managed via the imposition of a minimum floor level and related conditions (see condition 2.7). - Clause 8.5 Design Excellence. The provisions of Clause 8.5 of GLEP 2014 require Council to consider matters in relation to the design. The clause includes the following objective: <i>The objective of this clause is to deliver the highest standard of architectural and urban design.</i> The applicant has undertaken to provide an architectural peer review and design alterations which seek to elevate the design excellence of the building. These matters are discussed further later in this report, however the following comments are made with respect of the design which demonstrate design excellence: - Contributes positively to the street scape, with services and carparking entries at the rear, - Responds well to public domain in terms of scale and setback, - Responds to the sloping nature of the site, - Incorporates features which manage climate and internal comfort of the building, - Provides landscaped forecourt and through block connections which provide options for expansion into the future and provides for comfortable pedestrian movements through and past the site. - The Gosford City Centre Masterplan. The Gosford City Centre Masterplan was adopted by

Submission (summary)	Response
	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 <i>EPA Act</i>, 1979. It has been superseded by the relevant current controls and statutory documents being GLEP 2014 and GDCP 2013.
Points 11-20: The application does not meet the Design Excellence test required by GLEP 2014– Clause 8.5.	The proposal has been peer reviewed by an independent architect/planner who advises <i>“that the design is generally acceptable, and can achieve design excellence as the design detail is developed...”</i> The peer review made recommendations which have been adopted in the amended plans submitted. The reliance on landscaping to screen the western side of the building until further development is carried out on the balance of the site is not unreasonable. At the suggestion of independent architectural advice from the firm of Cox Richardson Architects and Planners, the applicant has amended the western elevation (and the building facades generally) by changes to the external materials and modulation. The metal panels have been eliminated and the design now incorporates sandstone cladding, interlaced with textured finished masonry panels and vertical landscape elements. The assessment of the proposal concludes approval is justified on the merits of the development. The contention that the proposal does not exhibit design

Submission (summary)	Response
	excellence is not supported by Council's assessment or peer review by independent architects and planners. Further information in relation to design is provided later in this report.
Points 21-24: The weight of the Our City Our Destiny masterplan is not clear, and the development does not respond to its part of the arts and entertainment precinct and the site through linkages are not provided.	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 <i>EPA Act</i>, 1979. It has been superseded by the relevant current controls and statutory documents being GLEP 2014 and GDCP 2013.
Points 25-30: a SEPP 55 detailed contamination investigation should be undertaken	A Detailed Site Investigation for Contamination was prepared by Douglas Partners dated October 2016. 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. Council's Environmental Officer has assessed the report and considers it is satisfactory subject to conditions. Conditions of consent are recommended to ensure that the recommendations of the detailed site investigation are implemented on site prior to construction. (Refer condition 1.1 and 2.12).
Points 31-33: in 1957 the former	Council has confirmed that the section of Baker

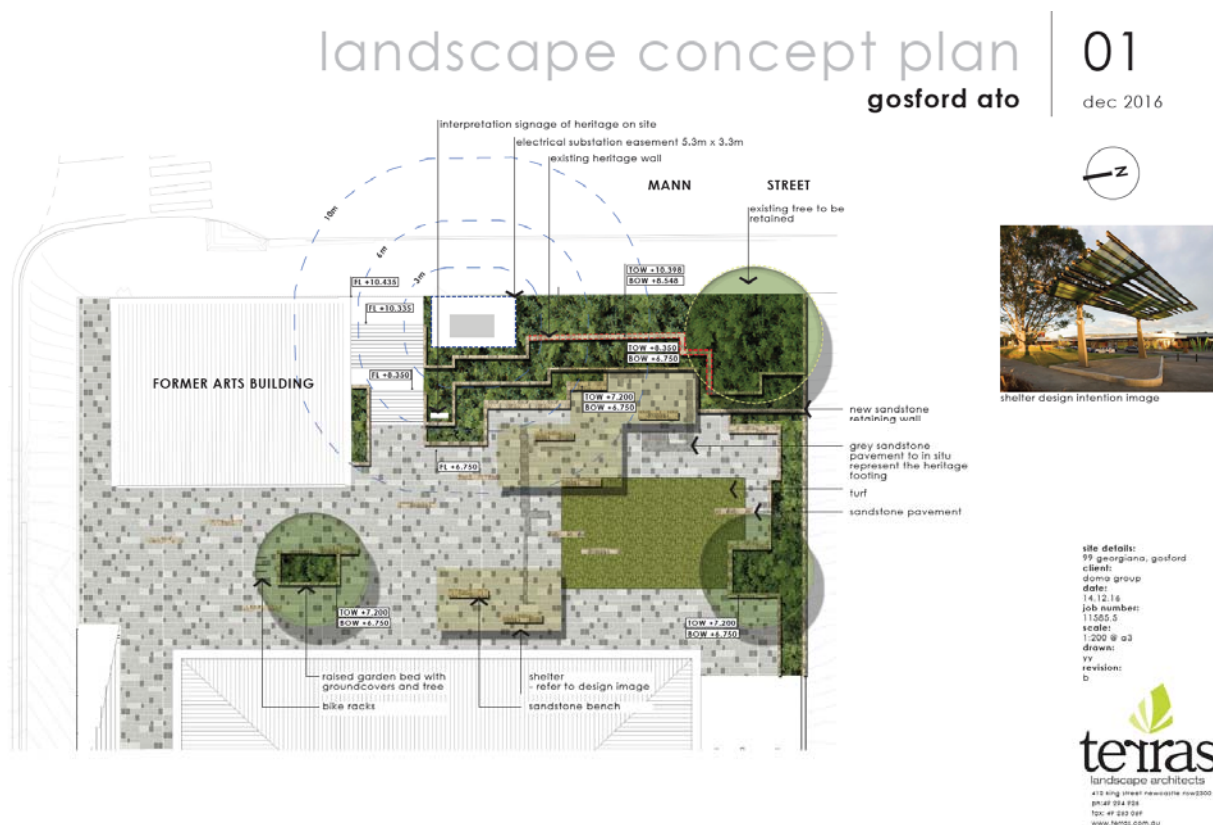
Submission (summary)	Response
Gosford Council resolved to close the section of Baker Street that this development seeks to develop	Street, between Georgiana Terrace and Vaughan Avenue is a public road. Searches by the Land and Property Management Authority in 2010 and 2016 confirm this section of Baker Street is a public road which was dedicated as such in 1927. While Council may have resolved to close the road in 1957, the closure did not proceed. A search of Council's records has not identified the reason for the closure not proceeding. However more recent decisions of the former Gosford City Council, such as the adoption of the Gosford City Centre Masterplan, and Chapter 4.4 Gosford Waterfront, which provide for the construction of the road, have nullified any previous decisions to close the road. All current survey plans and land information, prepared by registered surveyors show this section of Baker Street as a public road.
Points 34-38: The merits of the applicant warrant refusal	The assessment of the proposal concludes approval is justified on the merits of the development.
Points 39-40: The documentation should be publicly available and the reasons for the JRPP decision published.	All documentation related to the determination and reasons for any determination is available or is to be made available on the following website: www.planningpanels.nsw.gov.au
Points 41-42: Reasons for each condition should be provided	It is considered that the conditions as proposed are appropriate. 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 applicant by email 22 December 2016 has agreed to the conditions listed in Attachment 1.
Points 43-44: Recommended that the JRPP should seek authority from the Minister to refuse the application.	The assessment of the proposal concludes approval is justified on the merits of the development.

5. Confirmation that the proposal will not adversely affect the tree located near the northern boundary on the adjoining "ATO" site, which is required to be retained under the consent for that site.

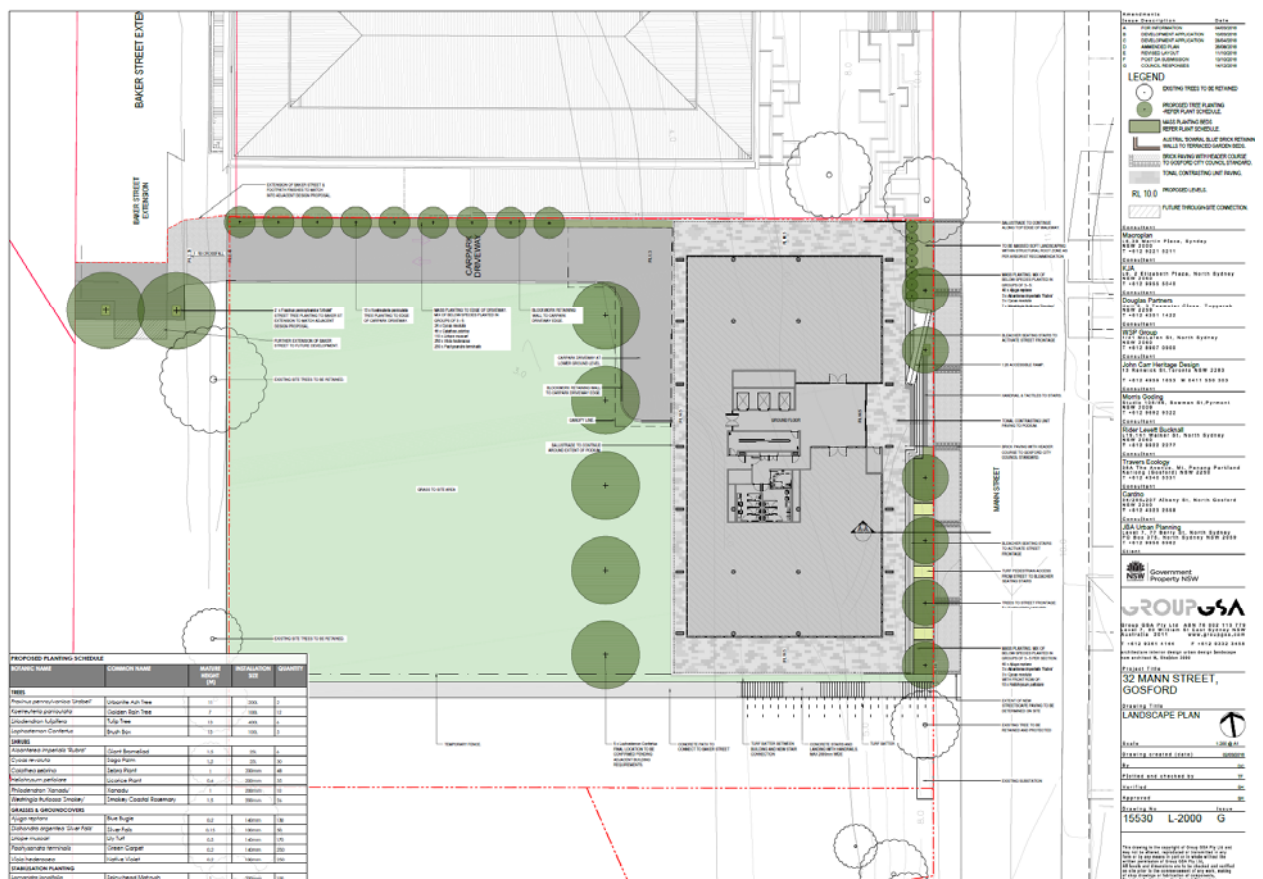
The proposed building is located 3.1m from the trunk of tree No TO68 which is located on the adjoining site. Under the conditions of consent for the commercial building on the adjoining site, Tree TO68 is to be retained and the electricity substation was relocated so as to ensure retention of the tree.

The applicant has submitted amended plans which remove any paving, walls and stairs in the immediate vicinity of the tree in the main building envelope. The applicant has submitted additional information from Travers Bushfire and Ecology that states that by removal of paving and the retaining wall in the vicinity of the tree, the proposed building will not impact more than 10% of the Structural Root Zone (SRZ) of the tree. (**Refer attachment 8**).

Both Council's arborist and the applicant's arborist advise that this proposal should not affect tree TO68.



Landscape Plan for adjoining development.



Amended Landscape Plan



Impression: View of northern elevation from adjoining site.

6. Clarification of the site area used for the purpose of calculating the floor space ratio, including against Clause 8.6 of the *Gosford Local Environmental Plan 2014*.

Lot 2 DP 1210298 has an area of 6,760m². That part of lot 2 which is proposed to be developed has an area of 2,782m².

Clause 8.6(3)(a) of the GLEP 2014 requires the area of a building that is used for car parking and is at or above existing ground level to be included in the building's GFA.

The amended proposed building has a commercial GFA of 7685m², retail GFA of 40m², and car parking above ground level of 1930m². That is a total GFA of 9655m².

If the area of Lot 2 which is the subject of this application is used, this results in a FSR of 3.46:1.

However under the provisions of clause 4.5 of the GLEP, the site area for the calculation of the FSR is the area of the lot on which the proposal is located. This results in a FSR of 1.43:1.

Either way, the proposal complies with the maximum FSR permitted of 3.5:1 under the GLEP 2014. (Refer attachment 9)

7. Provision of a through site link as part of the development from Mann Street to Baker Street.

The applicant has submitted amended plans which provide for a pedestrian link on the southern side of the proposed building which links from Mann Street to Baker Street. (Refer attachment 2). This allows for extension of this link into the future as the remainder of the site develops.

The design of the southern façade and related footpath and landscaping treatment has been modified to provide for pedestrian amenity through this space. Council's architect has revised these amendments and is supportive of the changes noting that they are positive and reduce the visual impact of the carpark walls.



Proposed path on southern side between Mann Street and Baker Street.

8. Improved architectural treatment/detailing and/or landscaping of the lower levels of the western façade, to improve the presentation to the west.

The applicant has considered the peer review comments (refer attachment 10) and has taken the opportunity to make changes to the design which include changes to the western elevation.

The podium for the western elevation (and the building generally) has been revised in respect of materials, modulation and scale. The metal panels have been eliminated and the design now incorporates sandstone cladding, interlaced with textured finished masonry panels and vertical landscape elements. The modulation of the façade has increased to create interest, and the scale of the elements is larger than the previous design. This brings more “gravity” to the buildings base and emphasises the podiums integrity.

The revised podium façade treatment has also been extended to the north and south facades of the podium to provide for a unified design solution. **(Refer attachments 9 & 10)**

The changes have been included in the amended plans referred to in condition 1.1 and attachment 2.

9. Further detailed assessment regarding compliance with design excellence provisions of Gosford LEP 2014 to allow the Panel to make an informed decision, which may include reference to any existing or additional information from the applicant.

The application was referred to Cox Richardson Architects and Planners for a third party peer review. **(Refer attachment 9)** Cox Richardson advise as follows;

Further to a review of the above application I confirm that the design is generally acceptable, and can achieve design excellence as the detail design is developed, including addressing the comments below. My detail comments (written and sketches attached) are as follows:

Design excellence, including comments from council's architect and heritage co-ordinator

- *The building can be further articulated to reduce the overall scale as follows: o Pull the screen to the two upper levels back – The building structure and internal areas do not need to be changed*
- *Further articulate the building façade vertically. The benchmark image on page 17 of the heritage report (York apartments) show one way of achieving this*
- *Provide an awning to improve pedestrian amenity and provide a more appropriate scale at the building entry*
- *It is strongly recommended that significant street trees be provided or the pedestrian experience and Mann streetscape will be poor. If necessary, set back the building to achieve this, if services under the pavement constrain trees.*

Roof Plant

- *Need to ensure there will not be any other roof plant, or if so, that it is also screened. Given that the roof is a usable terrace, elements such as pergolas should be high quality and set back from the building edge, as should balustrades etc.*

Public Domain to Mann Street

- *As noted above, street trees are essential. Keep the public domain simple. Draw a public domain plan extending to the Mann Street corner to avoid an ad hoc frontage.*

Car Park/ Podium

- *Keep it simple. Green the walls and integrate with landscape. From a sustainability perspective it would be preferable to have louvres to the car park with a 'green edge' as per the sketch. Natural light to the car park would also be desirable.*
- *Based on our review of the proposed DA and the responding above commentary, it is our position that the proposed design is capable of meeting the Gosford City Centre Design Excellence objectives.*

The applicant has considered the peer review comments (refer attachment 10). As a result of the peer review comments the applicant has submitted amended plans to reflect changes to;

- Podium to Western Elevation (and the building generally)
- Mann Street Façade
- Incorporation of Street Awning
- Ground Level Public Domain interface
- Landscaping to Mann Street
- Vertical Articulation of the East and West Facades
- Northern Podium Wall to adjoining Courtyard
- Through Site Link provided for the first stage of the sites development

Council's architect has reviewed the amendments and advises;

Further amendments have been made as shown in the drawings and comments shown in the and letter from Group GSA dated 15 December 2016 and a letter from Mr Philip Gaus of Cox Richardson Architects and Planners dated 9/12/2016.

The proposed amendments and recommendations by Mr Gaus are supported subject to the following considerations:

The use of street trees as recommended by Mr Gaus is strongly supported. This issue was raised earlier however because of services located within the footpath reserve it is not possible to use street trees at this time. The applicant has amended the plans to provide trees within the front setback which is considered an acceptable response.

The provision of an awning is supported subject to it not impacting on the landscaping within the front setback.

The additional landscaping on the southern boundary facing the proposed through site connection is an improvement and reduces the visual impact of the carpark walls.

Council's Heritage adviser has reviewed the amendments and advises;

My understanding is that the development application plans will be amended by Group GSA to incorporate the suggestions of Cox Richardson Architecture, and to address the concerns expressed by some Council Officers.

My previous concerns have primarily related to the need for increased articulation as a means of reducing the potential impacts on heritage items in the vicinity of the site. In my opinion this will be achieved if the plans are amended to include the comments and suggestions recommended by Group GSA and Cox Richardson.

In this regard improvements include:

1. *Increased definition between the lower 4 levels and the two above. This is achieved by pulling the screens on the upper two levels slightly back as well as using darker colours on the upper two levels (and for the plant room). This visually reduces the mass and scale of the proposed building when viewed from the streetscape.*
2. *Increased vertical articulation of the building facades as shown in the montages included within the Group GSA design refinement letter. This includes the proposed vertical framing elements and the amended modulation of the building.*

3. *The increased articulation and interplay between materials located at the DOMA courtyard level is also supported. Especially the contrasts between the use of sandstone, textured masonry panels and vertical landscape elements as described in both the Group GSA letter and the Cox Richardson peer review. These elements are described as being "more random and the scale of the elements is larger than the previous design" (Group GSA 15/12/2016).*
4. *The inclusion of significant street trees is supported and will contribute to incorporating the building into the existing streetscape.*

CONCLUSION:

The applicant has amended the plans in accordance with the peer review by Cox Richardson Architects and Planners. Council's Architect and Heritage Adviser support the design amendments.

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 Mixed Use zoning and complies with the maximum height and FSR controls applicable under GLEP 2014. The proposal provides adequate on site car parking and access. The existing road system can cater for the additional traffic generated by the development subject to construction of Baker Street. The proposed development 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 into the future.

The amended plans have improved all facades with additional detailing and materials to add interest to the external appearance. The design contributes positively to the street scape, with services and carparking entries at the rear. It also provides for activation of the public domain in terms of the landscaped forecourt and a through block connection which provides options for expansion into the future and provides for comfortable pedestrian movements through and past the site. The development responds to the sloping nature of the site, and provides a development of an appropriate scale and setback. The development also incorporates louvres and shading features which manage climate and internal comfort of the building.

Information has been submitted that demonstrates that the tree TO68 on the adjoining site will be protected.

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.

In accordance with the Central Coast Regional Strategy 2036, employment generation is essential to create a liveable city and revitalise Gosford City Centre as the regional capital of the Central Coast. 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*.

Recommendation

- A JRPP as consent authority, grant consent to Development Application No 49685/2016 for Mixed Use Commercial Development 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 and external authorities be notified of the JRPP's decision.

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

Attachments:

- Attachment 1 - Proposed Conditions
- Attachment 2 - Amended Plans
- Attachment 3 - Applicant's response to draft conditions. (DN 23793053)
- Attachment 4 - Previous JRPP report 15 September 2016 (DN 23221095)
- Attachment 5 - Previous JRPP report 5 December 2016 (DN 23650982)
- Attachment 6 - Detailed response to Central Coast Regional Strategy and Acid Sulphate Soils management plan. (DN 23772583)
- Attachment 7 - Detailed Assessment against Chapter 4.4 Gosford Waterfront of Gosford DCP 2013 (DN 23772585)
- Attachment 8 - Response to protection of tree TO68 on adjoining site. (DN 23772586, 23772587, 23772589)
- Attachment 9 - Calculation of Floor Space Ratio (FSR) (DN 23772594)
- Attachment 10 - Peer review of Design excellence by Cox Richardson Architects and Planners (DN 23772597)
- Attachment 11 - Applicants response to peer review of design excellence (DN 23772596)

Plans for Stamping:

Amended Plans ECM Doc No. 23772595, 23786715.

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	M	21/12/2016
2001	Level 2 Car Park Plan	1	M	21/12/2016
2002	Level 1 Car Park Plan	1	L	21/12/2016
2003	Level Ground Plan	1	P	21/12/2016
2004	Typical Level 1-Level3 Plan	1	N	21/12/2016
2005	Level 4 Plan	1	L	22/12/2016
2006	Level 5 Plan	1	L	21/12/2016
2007	Level Plantroom Plan	1	L	21/12/2016
2008	Level Roof Plan	1	L	21/12/2016
3000	East Elevation	1	H	21/12/2016
3001	North Elevation	1	J	21/12/2016
3002	West Elevation	1	K	21/12/2016
3003	South Elevation	1	J	20/12/2016
3100	Section AA	1	J	20/12/2016
3101	Section BB	1	J	20/12/2016
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
6000	Finishes Materials	1	C	16/3/2016
L-1100	Landscape Tree Locations Plan & Schedule	1	C	26/8/2016
L-2000	Landscape Plan	1	G	14/12/2016
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	October 2016
Group GSA	Design Report	24 October 2016
Douglas Partners	Acid Sulphate Soil Management Plan Project 82945.03	December 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 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.

- 2.10 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).

2.11 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*.
- 5.8 Completion of landscaping works prior to the issue of an Occupation Certificate, and construction of the pedestrian pathway on the southern side of the building between Mann Street and the western side of the building within six (6) months of occupation of the building.
- 5.9 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.

10.. RIGHT OF APPEAL

Account	Account Name	Code
1	Account 1	1000000
2	Account 2	2000000
3	Account 3	3000000
4	Account 4	4000000

Customer Name
Customer Address
 100 Main Street, Springfield
 Springfield, MA 01101
 Phone: (555) 123-4567
Customer Email
 john.doe@example.com
Product Name
 Premium Wireless Headphones
Product Price
 \$199.99
Product Description
 Experience premium sound quality with our latest wireless headphones. Features include active noise cancellation, 30-hour battery life, and a comfortable over-ear design. Perfect for travel, work, or relaxation.

John Can Vantage Center
100 Mountain View Dr., Suite 1000, Mountain View, CA 94035
Tel: 415-965-1000 Fax: 415-965-1001
www.jcan.org

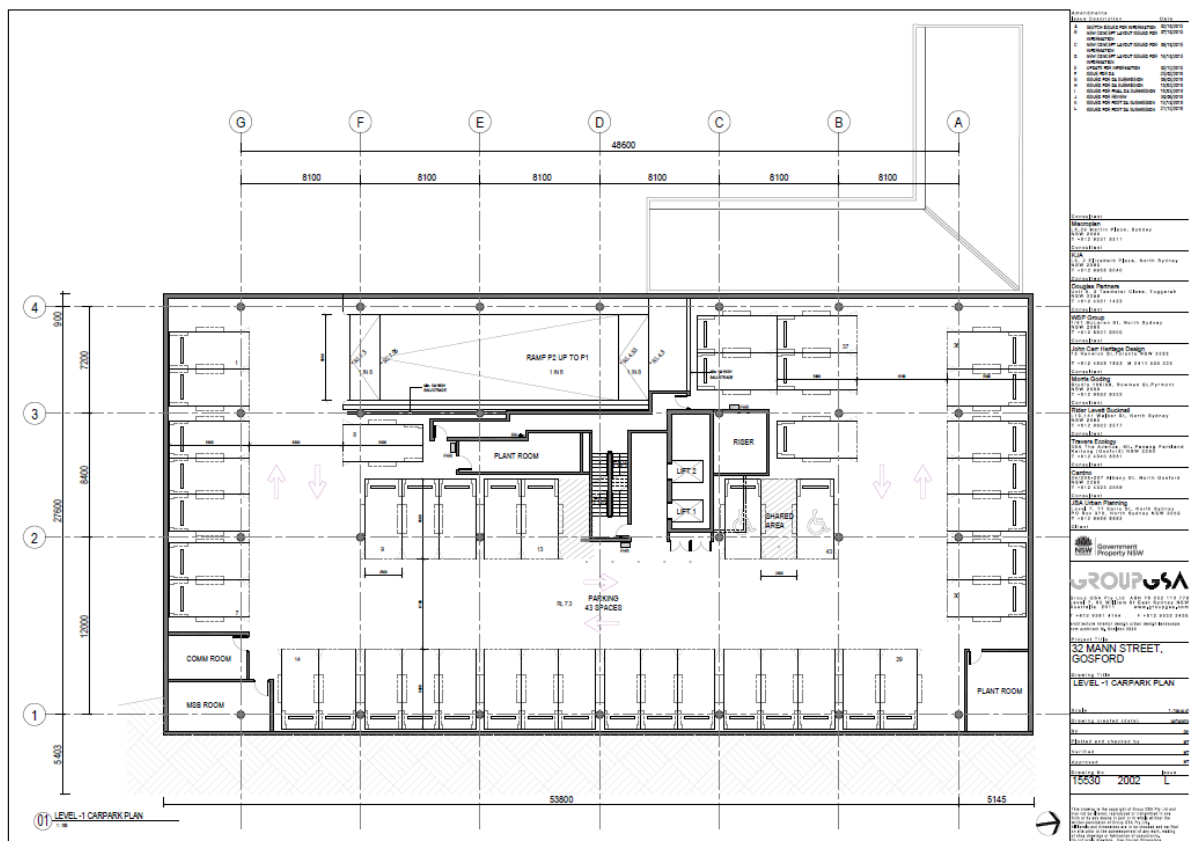
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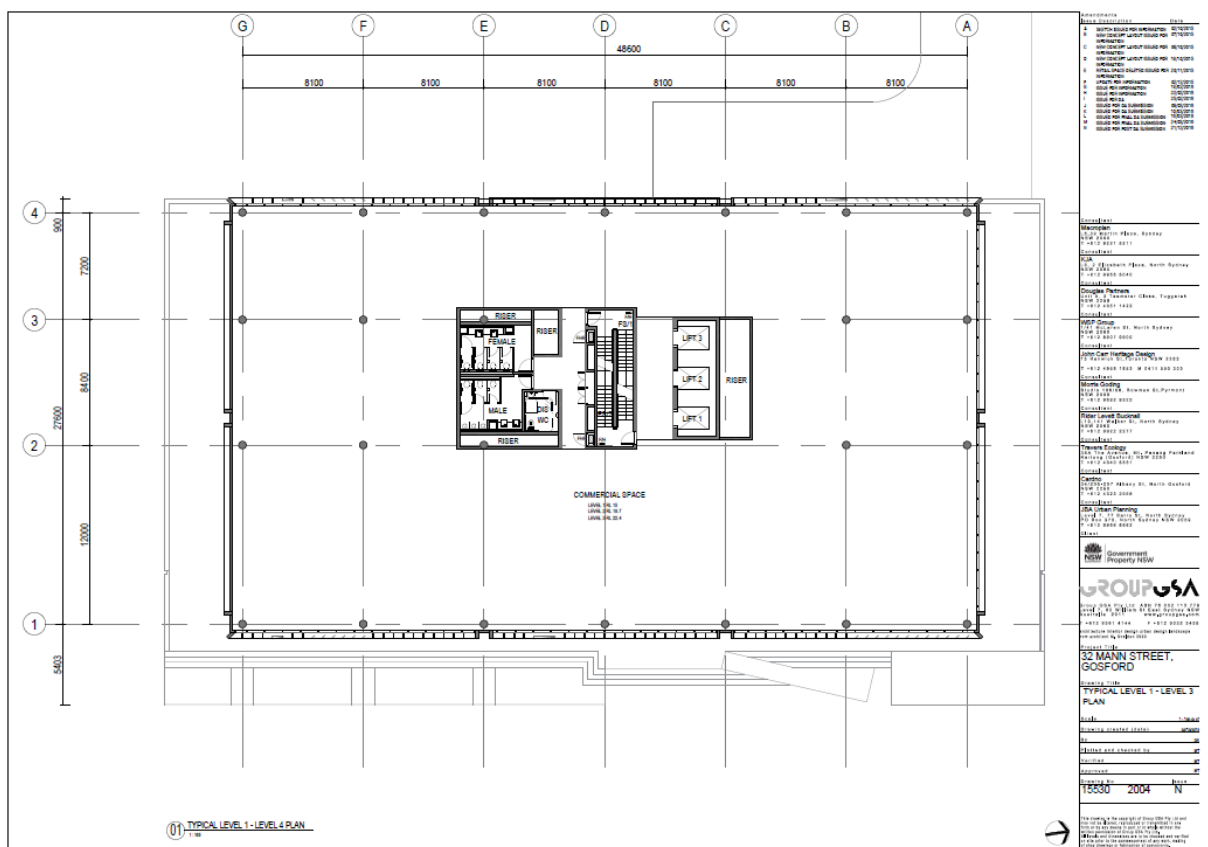
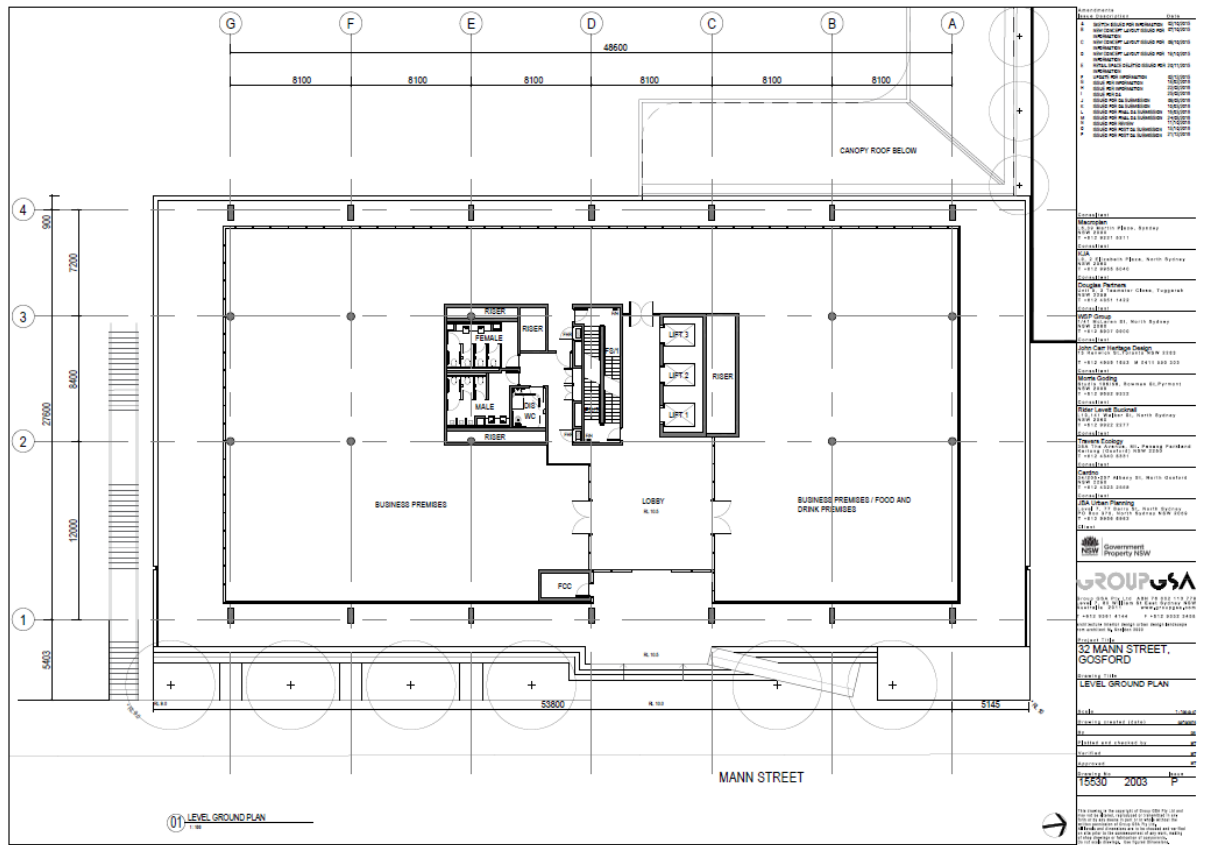
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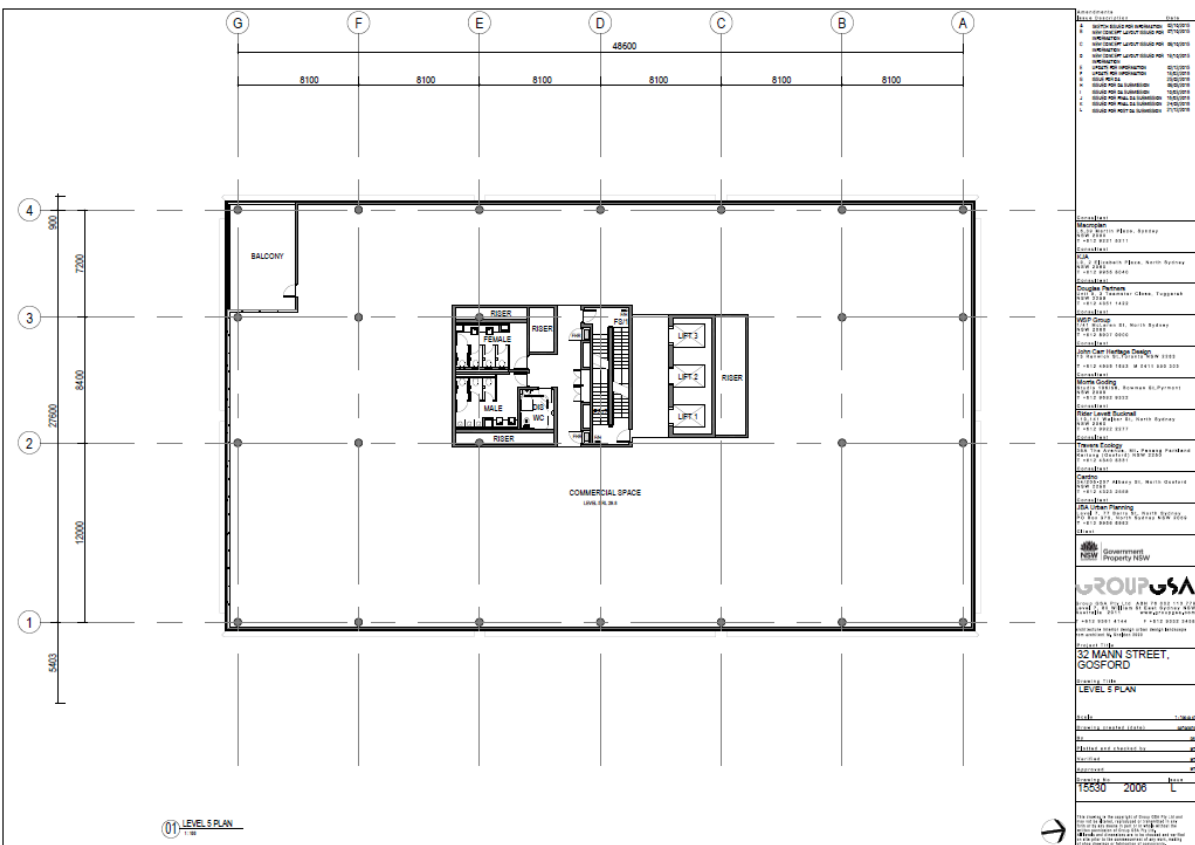
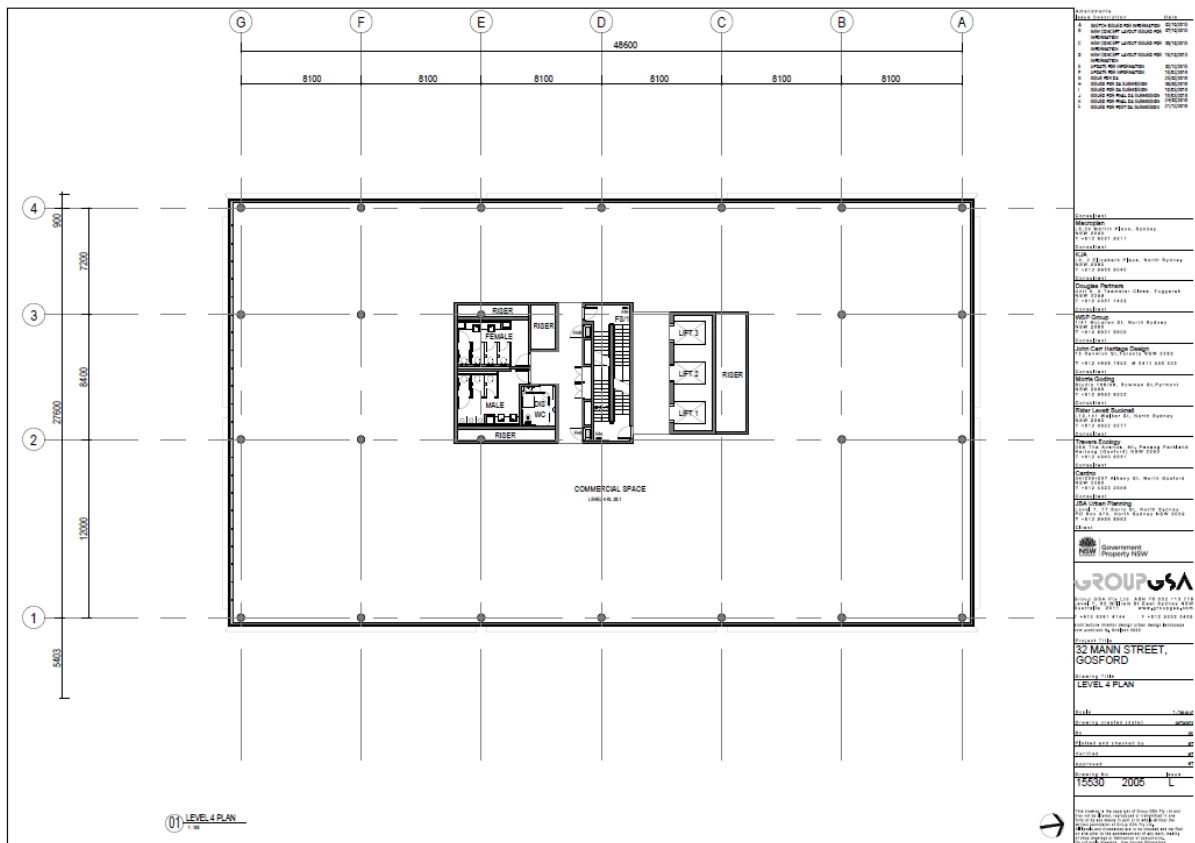
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Drawing Title	
SITE CONTEXT PLAN & SITE ANALYSIS PLAN	
Scale	asat
Revision/Status/Date	asat

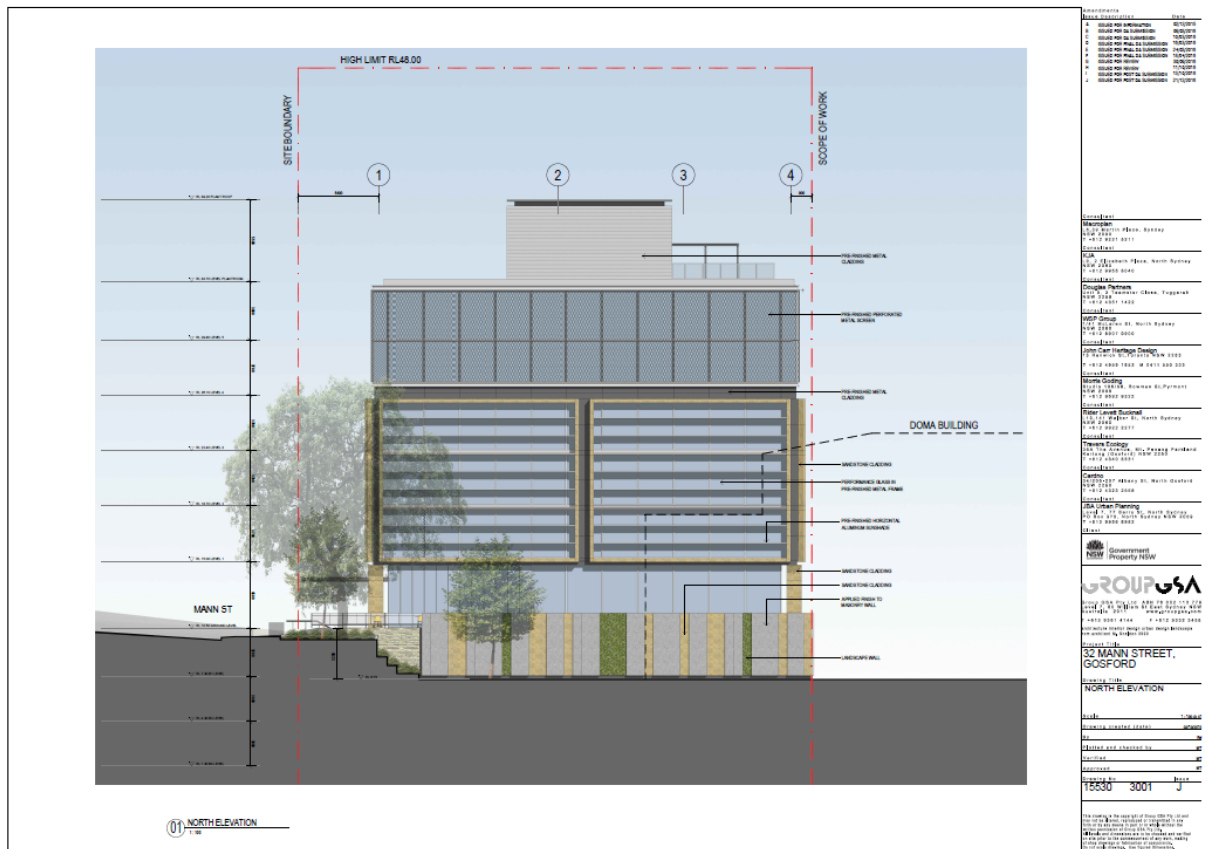
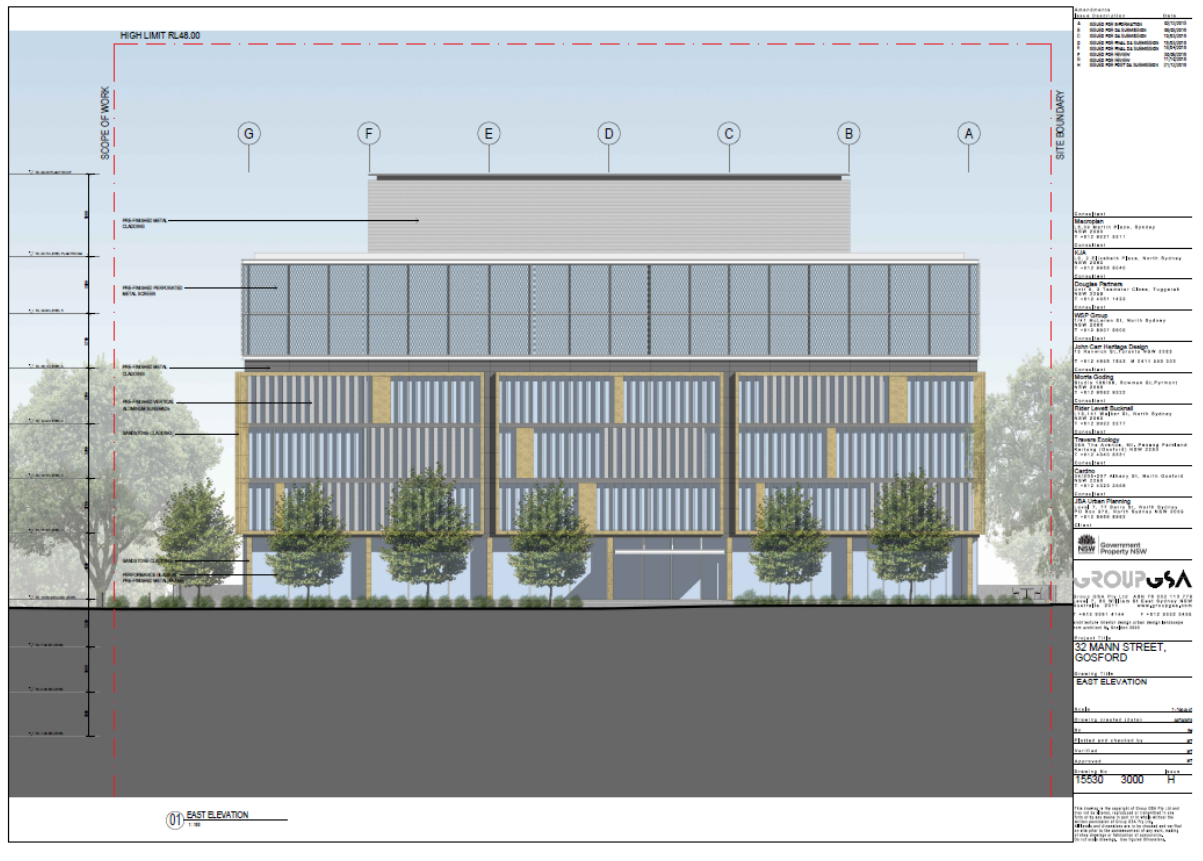
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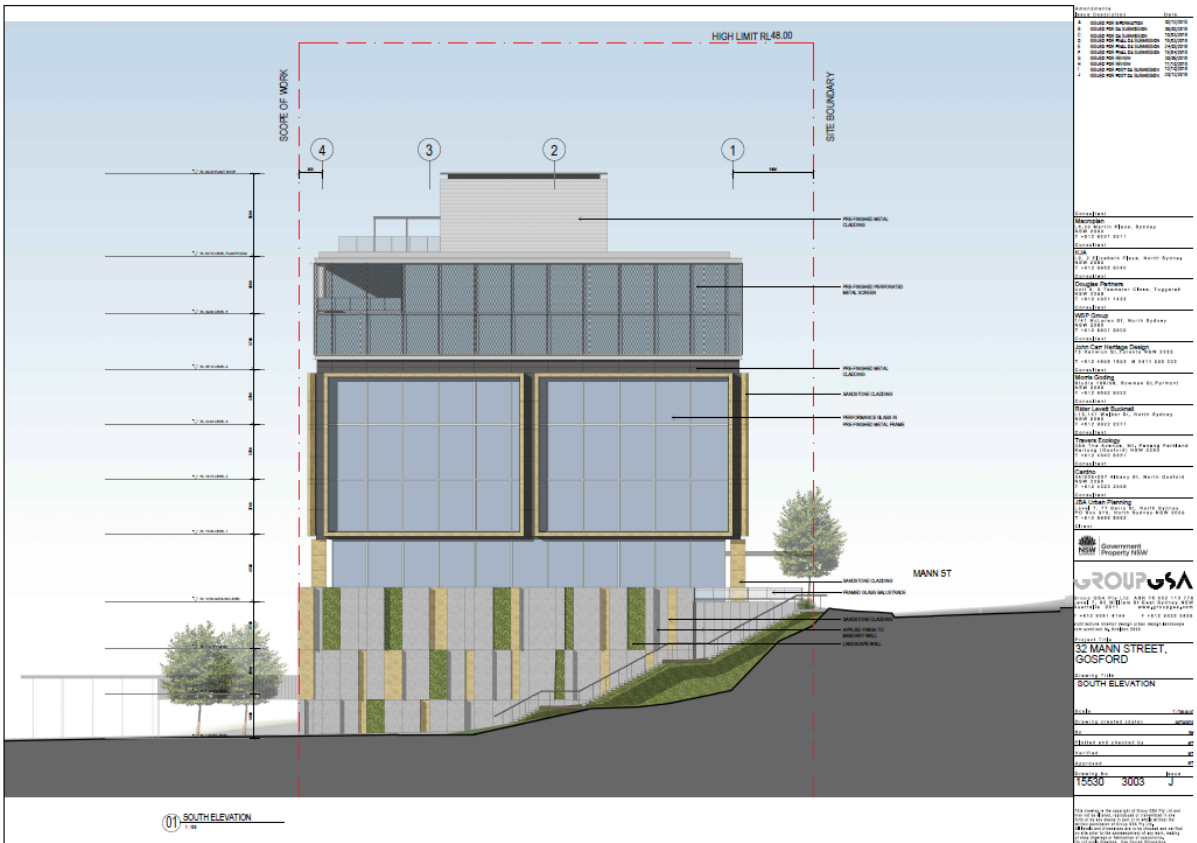
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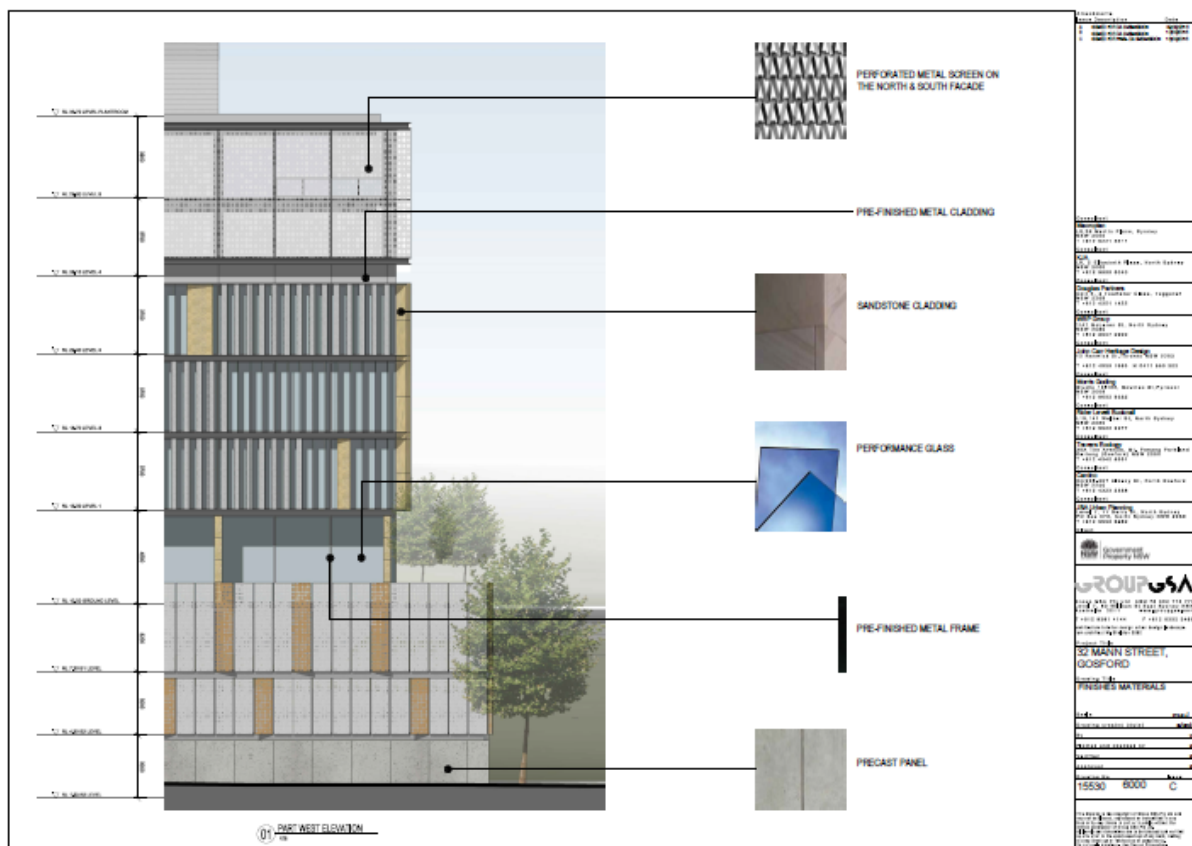


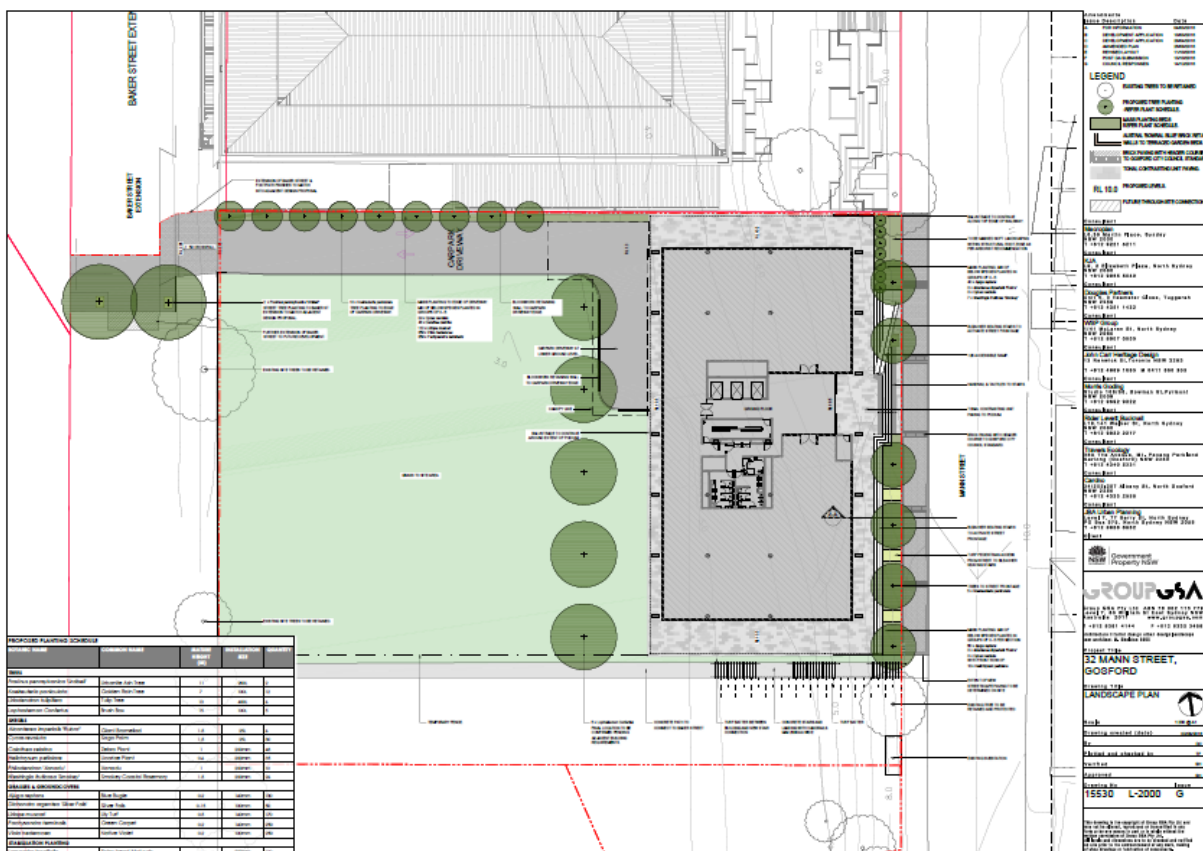


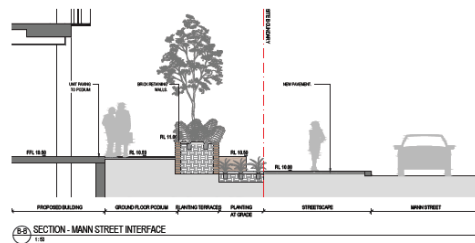
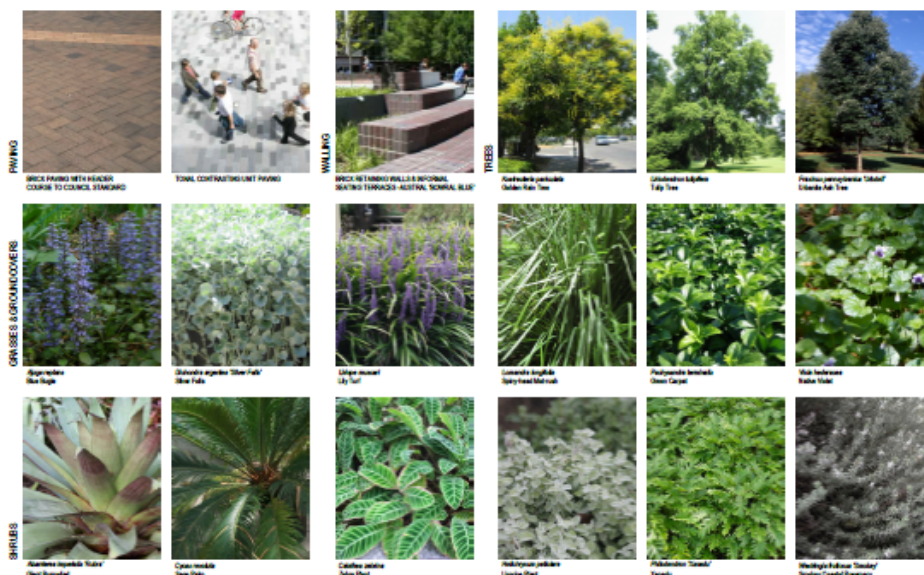










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Attachment 3- Applicant's response to draft conditions. (DN 23793053)

Attachment 4 – Previous JRPP report 15 September 2106 (DN 23221095)

Attachment 5 – Previous JRPP report 5 December 2016 (DN 23650982)

Attachment 6- Response to Central Coast Regional Strategy and Acid Sulphate Soils management plan. (DN 23772583)

Attachment 7- Detailed Assessment against Chapter 4.4 Gosford Waterfront of Gosford DCP 2013 (DN 23772585)

Attachment 8- Response to protection of tree TO68 on adjoining site. (DN 23772586, 23772587, 23772589)

Attachment 9- Calculation of Floor Space Ratio (FSR) (DN 23772594)

Attachment 10- Peer review of Design excellence by Cox Richardson Architects and Planners. (DN 23772597)

Attachment 11- Applicants response to peer review of design excellence. (DN 23772596)

