



**WILLOWTREE**  
PLANNING

## **STATEMENT OF ENVIRONMENTAL EFFECTS AMENDED DA: PROPOSED MIXED USE DEVELOPMENT**

**10 YOUNG STREET, 1 RACECOURSE ROAD &  
61 CENTRAL COAST HIGHWAY, WEST GOSFORD**

**LOT 1 DP1194024, LOT 11 DP1201715 & LOT 201 DP1201057**

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Prepared by Willowtree Planning Pty Ltd  
on behalf of Japrico Development Pty Ltd

**20 February 2025**

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**WILLOWTREE**  
PLANNING

**STATEMENT OF ENVIRONMENTAL EFFECTS**

Proposed Mixed Use Development

10 Young Street, 1 Racecourse Road & 61 Central Coast Highway, West Gosford

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## **PART A PRELIMINARY**

### **1.1 INTRODUCTION**

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Japrico Development Pty Ltd (the Applicant) and is submitted to the New South Wales (NSW) Department of Planning and Environment (DPE) in support of an amended Development Application (DA) at 10 Young Street, 1 Racecourse Road and 61 Central Coast Highway, West Gosford (subject site), which captures the following land parcels:

- Lot 1 in DP1194024
- Lot 11 in DP1201715
- Lot 201 in DP1201057

This amended DA is made under section 55AA of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), seeking development consent for a mixed-use development to provide a mix of commercial uses, a hotel and residential accommodation at the subject site, including other necessary works, as described in **Section 3.2** of this SEE.

The details of the proposed amendments are described in **Section 3.2** of this SEE.

The predominant nature of the development is proposed over Lot 1 in DP1194024.

It is noted that the original DA (DA 10609) was made on 17 August 2020, to which savings provisions apply.

The subject site is zoned B6 Enterprise Corridor, pursuant to the *Gosford City Centre State Environmental Planning Policy 2018* (Gosford SEPP), which is intended to:

- promote businesses along main roads and to encourage a mix of compatible uses.
- provide a range of employment uses (including business, office, retail and light industrial uses).
- maintain the economic strength of centres by limiting retailing activity.
- provide for residential uses, but only as part of a mixed-use development.

The proposal seeks to provide an area of accommodation for key stakeholders of the nearby Gosford Hospital, as well as residents and visitors of the surrounding Gosford locality. The hotel component of the proposed development is to be operated by "Punthill" targeting to accommodate key workers, academics and specialists visiting the hospital, residents and visitors of the Gosford locality, whilst also providing active uses along the Racecourse Road frontage. The subject site will act as the catalyst to the revitalisation to this portion of West Gosford. The proposal not only provides an upmarket hotel offering, with a committed operator, but also provides additional accommodation and services to cater for the needs of the staff and visitors of the proximately located Gosford Hospital.

Through the provision of a variety of commercial and activated uses along both Racecourse Road and internally within the subject site affronting the revitalised private street, the proposal seeks to enhance connections between Racecourse Road, Young Street and the Gosford City Centre, whilst also creating employment opportunities within the operating assets that exceed employment rates, typically provided in any standard residential offering.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out under **PART D** of this SEE.

This SEE describes the site and proposed development (as amended), provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:



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- **PART A** Preliminary
- **PART B** Site Analysis
- **PART C** Proposed Development
- **PART D** Legislative and Policy Framework
- **PART E** Environmental Assessment
- **PART F** Conclusion

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA be given.

### 1.2 BACKGROUND INFORMATION

#### 1.2.1 10 Young Street, West Gosford

A DA was approved for 10 Young Street, West Gosford, on 28 January 2016 by the former Gosford Council (now referred to as Central Coast Council (Council)) who issued deferred commencement consent for an eight (8) storey mixed-use development containing small ground floor retail, a seventy (70) room hotel and eighteen (18) residential apartments (shop top housing).

A deferred commencement condition was imposed as consent was required from the adjoining owner to amend the location of a stormwater drainage easement on the adjoining property and further operational waste details in this regard were required. The deferred commencement condition required compliance within 6 months, which was due to expire on 28 July 2016.

Subsequently, a modification application (Section 96(1A) now referred to as a Section 4.55(1A)) sought consent for an extension of time to satisfy the deferred commencement condition, to allow for a further four (4) months. An approved consent was issued on 27 July 2016, which provided an additional four (4) months to satisfy the deferred commencement condition.

Evidence was produced to Council to satisfy the relevant conditions, and on 1 February 2017 correspondence was received outlining that the conditions of the Deferred Commencement were completed, and the consent was operative. However, as the consent validity period was provided with a two (2) year timeframe from 28 January 2016, this consent has now lapsed.

#### 1.2.2 1 Racecourse Road, West Gosford

1 Racecourse Road, West Gosford, is currently operating as a vehicle sales premises, with ancillary workshop, for Jaguar, Land Rover and Nissan.

Development consent (DA 47047/2015) was granted on 22 September 2015.

This proposal includes works to the right of carriage way (ROW) and some reconfiguration of the approved car parking and access layout.

#### 1.2.3 61 Central Coast Highway, West Gosford

61 Central Coast Highway, West Gosford, is currently vacant. This site, however, was granted development consent (DA 47009/2015) after being refused by Council. Following an appeal by the proponent, an agreement under section 34(3) of the *Land and Environment Court Act 1979* (the Court Act) was reached between Ostaford Pty Ltd and Council and consent granted for construction and establishment of drive through, take-away and dine-in restaurant (Carls Jnr) and signage at 61 Central Coast Highway, West Gosford.

This site is now under the ownership of Japrico Properties Pty Ltd, who has advised that there is no intention to enact the abovementioned consent.



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This proposal seeks to facilitate a boundary realignment between 10 Young Street and 61 Central Coast Highway, and includes works to the ROW.

### 1.3 CONSULTATION

#### 1.3.1 Design Review Panel Meeting

As the proposal seeks to vary the building height provision of the Gosford SEPP, design excellence is a key criterion for the proposed development and is subject to review by the City of Gosford Design Advisory Panel (CoGDAP), as prescribed by Clause 8.4 of the Gosford SEPP.

Pursuant to Clause 8.4(3) of the SEPP, CoGDAP must review the proposed development, and the consent authority shall take into account the findings CoGDAP. Extensive engagement with CoGDAP has been facilitated, of which a summary is outlined in **TABLE 3**, providing an overview of the process and the final commentary received.

The proposal has taken on board and incorporated the recommendations of CoGDAP. CoGDAP agreed that the proposal exhibits design excellence, subject to satisfying a couple of matters, that are described in **Section 1.3.1.1** below.

**TABLE 3** below a summary of the timeline and final commentary provided by the CoGDAP.

TABLE 1. CoGDAP TIMELINE AND NOTES	
Date	Description
3 December 2019	Design Reference Group Workshop 1 was undertaken where revised concept plans were considered by the Design Reference Group (DRG).
9 December 2019	Minutes were received from the 3 December workshop where it was outlined that additional changes were required for review by the DRG. The minutes outlined also that should the revised package be unsuccessful; another workshop would be required.
14 January 2020	Additional Plans were again submitted to the DRG for review.
22 January 2020	Further comments were received and advice regarding the CoGDAP meeting scheduled for 20 February was received.  Correspondence outlining the final presentation and package was required to be submitted on 3 February was received from the DPE Secretariat.
3/4 February 2020	Amended plans and Urban Design and Visual Analysis documents were submitted for consideration.
20 February 2020	Attendance at the CoGDAP to discuss the proposal was undertaken.
27 February 2020	On 27 February, a summary of the discussion was received from CoGDAP and recommendations arising from the 20 February meeting were outlined.  Correspondence with the DPE's secretariat was undertaken and it was advised that the advice of the Panel would be considered through amended plans and additional visual impact assessment which would be submitted by 19 March 2020.
19 March 2020	Amended plans and supplementary documents to inform the proposed design were submitted to the Secretariat.
2 April 2020	Feedback was received from the CoGDAP outlining the proposed application may proceed to the development assessment pathway. The Panel also acknowledged the proponent's support for design excellence and the design review process, demonstrating a willingness to respond to comments and improve site outcomes.



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	<p>Support for the tower height was contingent upon the following being incorporated into the scheme:</p> <p><i>The Panel's support for the tower height proposed in options 1 &amp; 2 is contingent upon the following:</i></p> <ol style="list-style-type: none"><li><i>The floor plate of the residential tower is limited to 6 apartments per floor as shown in option 4, levels 6 – 13 to maintain a slender tower form;</i></li><li><i>The tower form is setback from the eastern edge to improve its relationship to the podium and minimise wind impacts on the ground level and ensure the tower overhang does not encroach the new public thoroughfare and public domain; and</i></li><li><i>The podium height is 21 metres to the top of the hotel use.</i></li></ol> <p><i>The Panel's support for the proposal in this form is contingent upon the development meeting or exceeding minimum building sustainability and environmental performance standards as required under the State Environmental Planning Policy (Gosford City Centre) 2018.</i></p> <p><i>The Public Domain Strategy submitted with the development application is to provide sufficient level of detail to determine design excellence is achieved through integration all building services to deliver a high level of activated street frontage along the proposed public thoroughfare.</i></p> <p>In response to the above recommendations provided by the CoGDAP, the proposed scheme has been amended as previously detailed in <b>TABLE 3</b> below.</p>
8 February 2022	<p>A final CoGDAP meeting was held on 8 February 2022, which resulted in the panel being satisfied that the development application adequately addresses previous design issues raised and now exhibits Design Excellence.</p> <p>The panel provided specific design advice and recommended that further information is requested of the proponent and that consent is conditioned to ensure that Design Excellence of the development is retained throughout the subsequent delivery phases.</p> <p>The following CoGDAP comments and advice is noteworthy:</p> <ul style="list-style-type: none"><li><i>The development is required to meet or exceed the minimum building sustainability and environmental performance standards to satisfy the Design Excellence requirements. In addition to the identified Ecological Sustainable Design initiatives, proponent indicated that the development would incorporate the provision of electronic vehicles and solar power generation. These matters should be resolved prior to lodging the amended Development Application.</i></li><li><i>The use of fixed privacy screens along the western façade should be reconsidered. The incorporation of more operatable privacy louvres would enhance the liveability of the residential apartments. The extent of privacy screens to the living area windows along the western facade may also be reconsidered and it may be appropriate to reduce the extent provided.</i></li><li><i>Mature landscaping should be delivered to landscaped areas and deep soil locations. A comprehensive landscaping plan, which demonstrates further design development of the ground plane and roof terrace should be submitted with the amended Development Application.</i></li></ul> <p>Satisfaction of the above is detailed within the following sections of the SEE:</p> <ul style="list-style-type: none"><li><b>Section 5.15</b> – Sustainability</li></ul>



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- **Section 5.2** – Built Form
- **Section 5.2.4** – Landscaping

### 1.3.1.1 CoGDAP Final Comments

The following table provides the final advice issued by CoGDAP on 8 February 2022, and responses, where necessary.

TABLE 2. CoGDAP ADVICE	
Comments / Advice	Applicant Response
1. The proponent and the design team are commended for their commitment and responsiveness to the design review process. Specific design issues previously raised by the Panel have been addressed and resolved.	No actioned required.
2. The Panel is unanimous and forms the opinion that the development exhibits Design Excellence as per clause 8.4 of State Environmental Planning Policy (Gosford City Centre) 2018.	No actioned required.
3. The Regional Assessments Team should continue to liaise with the proponent to explore options to address the following specific design issues:	Refer to responses below.
▪ The development is required to meet or exceed the minimum building sustainability and environmental performance standards to satisfy the Design Excellence requirements. In addition to the identified Ecological Sustainable Design initiatives, proponent indicated that the development would incorporate the provision of electric vehicles and solar power generation. These matters should be resolved prior to lodging the amended Development Application.	Refer to <b>Section 5.15</b> of this SEE.
▪ The use of fixed privacy screens along the western façade should be reconsidered. The incorporation of more operable privacy louvres would enhance the liveability of the residential apartments. The extent of privacy screens to the living area windows along the western facade may also be reconsidered and it may be appropriate to reduce the extent provided.	Refer to <b>Section 3.2.2.1</b> and <b>Appendix 1</b> of this SEE.
▪ Mature landscaping should be delivered to landscaped areas and deep soil locations. A comprehensive landscaping plan, which demonstrates further design development of the ground plane and roof terrace should be submitted with the amended Development Application.	Refer to <b>Section 5.2.4</b> and <b>Appendix 3</b> of this SEE.



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<p>4. It is recommended that the application be conditioned as follows:</p> <p><i>In order to ensure the Design Excellence of the development is retained throughout the subsequent delivery phases:</i></p> <ul style="list-style-type: none"><li>▪ <i>The design architect is to have direct involvement in the design documentation, contract documentation and construction phases of the project;</i></li><li>▪ <i>Evidence of the design architect's commission is to be provided to the Principal Certifying Authority prior to the release of the construction certificate; and,</i></li><li>▪ <i>The design architect of the project is not to be changed without prior notice and approval of the Department of Planning Industry and Environment.</i></li></ul>	<p>The consent should be conditioned accordingly.</p>
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### 1.3.2 Pre-Lodgement Meeting

A Pre-Lodgement Meeting was held on 18 September 2019 with NSW DPE, inclusive of referral comments from the relevant internal departments of Council.

On 30 October 2019, formalised meeting minutes were received NSW DPE. Reference should be made to **Appendix 30** for copies of the relevant Pre-Lodgement Advice(s).

There were extensive comments received during such consultation, which have been suitably addressed throughout the assessment process. The key matter of ongoing discussion has been around the built form and design of the proposed development. **TABLE 3** below outlines the key design matters raised and provides response commentary against each matter.

TABLE 3. PRE-LODGEEMENT NOTES	
Key Matters Raised	Applicant Response
<b>Built form and urban design</b>	
<i>A Design Excellence Statement (DES) must be provided that demonstrates how the proposal exhibits design excellence and contributes to the natural, cultural, visual and built character values of Gosford City Centre. In considering whether the development exhibits design excellence, demonstrate compliance with Clause 8.3 of the Gosford SEPP.</i>	A Design Excellence Statement (DES) accompanies the application and is provided at <b>Appendix 6</b> .
<i>The SEE and DES must demonstrate how the Panel advice has been considered and incorporated into the proposal and address consistency with the advice.</i>	Further discussion relating to the DES response to the Panel's advice is provided in the ensuing sections in <b>TABLE 1</b> and also within <b>PART D</b> of this SEE and specifically referenced within Clause 8.3 of <b>Section 4.3.13.4</b> .
<i>Provide clear justification for the proposed height of the building and how it responds to Panel advice and key urban design principles for Gosford. Any variation to the height development standard must be accompanied</i>	As outlined in Clause 8.4 of the Gosford SEPP, an exception may be sought to the maximum height limit, subject to consideration of the findings of the design review panel (DRP), the consent authority is satisfied with the amount of





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<i>by suitable justification in accordance with clause 8.4 of Gosford SEPP. Any variation to the development standards must address each part of the site. The variations will be evaluated through the design review process and merit assessment process and must not result in any unacceptable visual, solar access, amenity or traffic impacts.</i>	floorspace to be used for commercial purposes and the building will meet or exceed the minimum building sustainability and environmental performance standards. Further information regarding compliance with the relevant objectives of Clause 8.4 of the Gosford SEPP is provided in the DES at <b>Appendix 6</b> .
<i>All building facades, including those above the street wall, must be well articulated to be attractive in all view angles.</i>	The proposed built form and materiality is detailed within <b>Section 5.2</b> of this SEE. The context and presentation of the proposal are presented in the Urban Design and Visual Impact Assessment at <b>Appendix 2</b> .
<i>The proposed ground floor and above ground parking fronting Racecourse Road is not supported in its current form. Additional consideration should be given to design solutions that provide improved street activation and minimise visual impacts to the street.</i>	As a result of the high water table levels across the subject site, the presence of Class 2 and Class 5 acid sulfate soils, and the costs associated with facilitating a basement car park under these conditions, above ground car parking is proposed. The CoGDAP has also agreed that in this instance above ground parking would be acceptable, should suitable forms of screening be provided to conceal such uses. As such, suitable screening in the form of horizontal and vertical elements have been provided. Additionally, generous glazed floor to ceiling heights have been provided on the ground floor fronting Racecourse Road and the internal thoroughfare to create visual interest and active street frontages.
<i>Demonstrate how the proposal complies with clause 8.1 Minimum building street frontage in zone B6. Alternatively, demonstrate how the proposal meets the objectives of the clause and provide a written application (clause 4.6 objection) that compliance with that development standard is unreasonable or unnecessary) accompanied by suitable justification.</i>	Clause 8.1 is addressed within <b>Section 4.3.13.4</b> of this SEE.
<i>Consider consulting with the owners of 1A Racecourse Road to improve the sites Racecourse Road street frontage and built form</i>	Attempts have been made to discuss possible site opportunities, boundary adjustments and collaboration with the adjoining site to the north-west, which would in turn improve the street presence towards Racecourse Road. The Applicant has not received a response to any of their attempts.
<i>Elevations are to be provided which include the adjoining properties to demonstrate how the scale of the proposed development will relate to its (current and future) surroundings.</i>	The requested elevations including numerous impact assessment views points ( <b>Appendix 2</b> ) and photomontages of the proposal have been provided and form part of the DA package.
<i>Detail the location, size and content of any proposed signage zones (if proposed) and provide an assessment of the proposed signage zones against the requirements of SEPP 64 - Advertising and Signage (where required).</i>	See accompanying signage plans provided within the architectural plans which proposes signage along both Racecourse Road and the internal road. <b>Section 4.3.9</b> of this SEE addresses the requirements stipulated by SEPP 64.



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<i>Outline the scope of public domain improvements, pedestrian linkages, street activation, and landscaping to be provided as a part of the proposal.</i>	The Urban Design and Visual Impact Assessment ( <b>Appendix 2</b> ) and detailed Landscape Plans ( <b>Appendix 3</b> ) provides thorough detail regarding the proposed through site link, enhanced pedestrian experience and planting. The Urban Design and Visual Impact Assessment details the high amenity environment which has been created to enhance the pedestrian experience.
<i>Investigate options to improve the pedestrian connections to adjacent sites and streets.</i>	As outlined in the accompanying Urban Design and Visual Impact Assessment at <b>Appendix 2</b> , the enhanced public domain is at the forefront of the proposed design. The pedestrian experience and connectivity offered between Racecourse Road and Young Street, within the subject site, directly responds to the Gosford Urban Design Framework (UDF) and acknowledges that enabling a network of connected places allows the clustering of public domain improvements and investment in the city. Again, this Gateway Site will act as the catalyst for West Gosford transforming and revitalising this part of Gosford City Centre. The varying user experiences and connections to, through and from the subject site are highlighted within the accompanying Urban Design and Visual Impact Assessment.
<i>Demonstrate how the proposed through site link will provide safe and direct pedestrian and vehicular access that is designed to be attractive, inviting and accessible to site users and the general public.</i>	<p>As detailed in the accompanying plans, the pedestrian pathway and vehicular access are clearly separated to ensure safe and direct access is achieved. The proposed public domain and through site link provides landscaping, seating facilities and a comfortable environment for both residents, patrons and pleasant to the general public.</p> <p>The Urban Design and Visual Impact Assessment, located at <b>Appendix 2</b>, demonstrates the enhanced outcome proposed as opposed to the previously approved development for the subject site. This has been undertaken by activating the southern and eastern boundaries to provide both activity and casual surveillance, enhancing pedestrian movement by utilising clearly defined materiality, improving and increasing the landscaping and planting and thus enhancing the pedestrian experience. The pedestrian experience can be further reviewed in the accompanying Landscape Plans also at <b>Appendix 3</b>.</p>

### 1.3.3 Post Lodgement Consultation

On 23 September 2021, a request for additional information was received from DPE, which followed on from a meeting held on 16 August 2021. The purpose of the request has been satisfied by this amendment application, through consultation with DPE.

A copy of this correspondence is also included within **Appendix 30** for reference.



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The following table provides response to the abovementioned request for additional information.

TABLE 4. RESPONSE TO DPE REQUEST FOR ADDITIONAL INFORMATION	
Item	Response
<b>1. ADMINISTRATIVE</b>	
<b>1.1. Amendment to application (allotments to which the application relates)</b>	
The DA was applied for on Lot 1 in DP 1194024, known as 10 Young Street, West Gosford. The proposal however also entails works on, and relies upon, Lot 201 DP1201057 (61 Central Coast Highway, West Gosford) and Lot 11 DP1201715, (1 Central Coast Highway, West Gosford). The DA will therefore be required to be amended to include these allotments as part of the proposed development.	<p>This amended DA includes:</p> <ul style="list-style-type: none"><li>▪ 10 Young Street, West Gosford</li><li>▪ 1 Racecourse Road, West Gosford; and</li><li>▪ 61 Central Coast Highway, West Gosford</li></ul>
<b>1.2. Re-exhibition</b>	
With the inclusion of Lot 201 DP1201057 (61 Central Coast Highway, West Gosford) and Lot 11 DP1201715, (1 Central Coast Highway, West Gosford), the DA will be required to be re-exhibited. Exhibition is also prudent in consideration of design and land use changes which have occurred (as discussed throughout this letter).	Understood and noted.
<b>1.3. Landowners Consent</b>	
<p>The Department understand that Lot 201 DP1201057 (61 Central Coast Highway, West Gosford) is no longer owned by Ostaford Pty Ltd and that the applicant has purchased this allotment. Accordingly, updated owners consent details are to be provided. The following items are to be addressed in relation the owner's consent:</p> <ul style="list-style-type: none"><li>▪ Evidence of the site ownership is to be provided in the form of a title search;</li><li>▪ The owner's consent must refer to the works proposed under DA 10609; and</li><li>▪ The owner's consent is to include appropriate evidence of the signatory's authority to sign on behalf of their company/business/trust, e.g. an Australian Securities and Investments Commission (ASIC) Company extract, common seal, use of letterheads etc.</li></ul> <p>Owners consent for Lot 11 DP1201715, known as 1 Central Coast Highway, West Gosford is to be provided. The items identified in the dot points above are to be included in this owners consent.</p>	<p>Current title searches are included within <b>Appendix 31</b> and corresponding landowners consents are included within <b>Appendix 32</b>.</p>



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## 2. PLANNING

### 2.1. Apartment Design Guide (ADG)

Section 2F Building Separation – The Department notes the discussion on Section 2F and acknowledge that the site's irregular dimensions provide challenging circumstance in providing separation. However as previously raised, the Department does not support the variation of building separation requirements, particularly when the burden of compliance is placed on adjoining land. The City of Gosford Design Advisory Panel (CoGDAP) has also raised similar concerns with regard to the 1A Racecourse Road setbacks and the developments relationship to the southern boundary (see CoGDAP comments further below in this letter).

A possible solution is for relevant apartments overlooking, and which have a close interface with 1A Racecourse Road to be provided with fixed screening along the western elevations of their balconies. The use of obscured glazing could be utilised where appropriate.

Refer to **Section 3.2.2** of this SEE.

In response, operable privacy louvers have been implemented along the western elevation of balconies with a close interface to 1A Racecourse Road, West Gosford. The screening is orientated to restrict views onto 1A Racecourse Road, West Gosford, whilst maintaining suitable solar access and ventilation through to the relevant apartments.

Section 2G Street Setbacks – The zero setback from Racecourse Road sterilises opportunity for further landscaping within the site which would contribute to the landscape character of the proposed development. A 3-4m setback from Racecourse Road would also create further opportunity for landscaping on the site to assist with the next dot point below.

Section 2G of the ADG details that *in mixed use buildings a zero street setback is appropriate*.

Section 3E Deep soil zones – A significant deep soil zone (DSZ) shortfall remains within the scheme. The DSZs proposed largely do not achieve minimum dimensions, are disconnected and not readily accessible by future users and occupants of the site. Without minimum dimensions being achieved, it difficult for the Department to support the non-compliance at only 4.03%. The proposal should be designed to achieve the minimum DSZ requirements of the ADG.

Refer to **Section 3.2.2** of this SEE.

Recalculation of the DSZ requirements, after the proposed boundary adjustment (described within **Section 3.2.1**) allows for compliance with Section 3E of the ADG.

### 2.2. Building Heights

In any revised Architectural plans, please clarify the final proposed heights of the building. There appears to be conflicting information across the plans, the project summary and supporting documentation provided. The plans should show where the Gosford SEPP building height controls

The proposed architectural plans, contained within **Appendix 1** clearly identify the maximum building height, being set at RL 48.6m AHD.



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<p>apply on the site in plan and in elevation, comparative to the proposed heights. The final proposed heights are to be determined in metres as per the Gosford SEPP definition below, noting that (a) is the applicable definition for the site:</p> <p><i>'building height (or height of building) means—</i></p> <p class="list-item-l1"><i>(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or</i></p> <p class="list-item-l1"><i>(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,</i></p> <p><i>including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.'</i></p>	
<b>2.3. Floor Space Ratio (FSR)</b>	
<p>The amended plans provided appear to demonstrate a non-compliance with FSR requirements for the site. The area of the site subject to an FSR of 4.0:1 indicates a gross floor area (GFA) of 8,056m<sup>2</sup> is permitted, however a GFA of 8,116m<sup>2</sup> is proposed which would result in an FSR non-compliance under the Gosford SEPP. Please clarify applicable FSR provisions for the revised design (including any subsequent changes arising from this letter).</p>	<p>Refer to <b>Section 4.3.13.4.2</b> of this SEE.</p>
<b>2.4. Acid Sulfate Soils</b>	
<p>The site is mapped under the Gosford SEPP as containing Class 2 and Class 5 acid sulfate soils (ASS). In the Class 2 mapped areas, works below the natural ground surface and/or works by which the watertable is likely to be lowered trigger the need for an acid sulfate soils management plan. With slabs, footings, piles, lift pits and the like required for the development there will be significant works below natural ground level. Clause 7.1(3) of the Gosford SEPP specifically states:</p> <p><i>'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.'</i></p>	<p>An Acid Sulfate Soils Management Plan is included within <b>Appendix 12</b> of this SEE.</p>



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<p>The Department notes a 'Provisional Acid Sulfate Soils Management Plan' has been prepared for the proposal. The Plan identifies that alluvial soils are present on the site and that based on AAS risk mapping (not referring to Gosford SEPP mapping) parts of the site lie within areas requiring ASS assessment. The report then notes that as ASS assessments have not been completed, a recommendation is made on a scope of works for an ASS assessment to inform a subsequent Acid Sulfate Soils Management Plan (or update to the provisional plan).</p> <p>Please advise if the recommendations of the provisional report have been undertaken since lodgement with the Department. If so, a copy of any ASS assessment and a final Acid Sulfate Soils Management Plan (reflecting the revised proposed development and lots) are to be provided to the Department. If not, the Department requests that the provisional report be updated reflecting the revised proposed development and provide confirmation it has been prepared in accordance with the 'Acid Sulfate Soils Manual'. A clear assessment of potential ground water impacts and appropriate mitigation measures to prevent such impacts are also required (see section 2.7 below).</p>	
<b>2.5. Coastal SEPP</b>	
<p>The site is mapped under the Coastal SEPP as being entirely within a 'Coastal Environment Area' with the south-west corner of 10 Young Street partially impacted by 'Coastal Use Area' mapping. The majority of 61 Central Coast Highway and approximately half of 1 Central Coast Highway is also identified as being within a 'Coastal Use Area'.</p> <p>When undertaking revisions to documentation to address matters within this letter, consideration is to also be given to clauses 13 and 14 of the Coastal SEPP. In particular, in revision of stormwater management information, it should be clearly demonstrated that surface water from the site will not impact upon the water quality of any downstream watercourses, Narra Creek or Brisbane Water. Suitable information on ground water integrity being maintained should also be provided (see section 2.6 above).</p>	Refer to <b>Section 0</b> of this SEE.
<b>2.6. Works and Activities in Existing Rights of Way (RoWs)</b>	
The letter from Willowtree Planning dated	It is acknowledged and clearly articulated in this



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16.08.2021 indicates there are no works proposed within RoWs and therefore consent from the beneficiaries of the RoWs is not required. The Department however notes the following works within the RoWs which the development is relying upon:

- RoW on 10 Young Street, Northern boundary – Vehicle pavement works and stormwater drainage works.
- RoW on 10 Young Street, Eastern Side – Vehicle pavement works, including kerb and gutter.
- RoW on 61 Central Coast Highway and 1 Racecourse Road, Northern boundary – Vehicle pavement works, including kerb and gutter, and Stormwater drainage works. Without the relevant 88B instrument the Department assumes the owner of 10 Young Street has the benefit of this RoW (discussed further below), however this is required to be confirmed.

Deposited Plan and 88B Information provided for Lot 1 in DP 1194024:

- The Deposited plan for Lot 1 in DP 1194024 is provided along with an 88B Instrument which refers to the creation of the RoW on the eastern side of Lot 1 in DP 1194024. We note the former Gosford City Council as the authority to release, vary or modify this RoW. The 88B Instrument does not refer to the RoW on the northern side of Lot 1 in DP 1194024.

Deposited Plan and 88B Information Lot 201 DP 1201057 and Lot 11 DP 1201715:

- We note receipt of DP 1201715 however DP 1201057 and their 88B instruments for the RoWs on 61 Central Coast Highway and 1 Racecourse Road (Lot 201 DP 1201057 and Lot 11 DP 1201715 respectively) have not been provided. We understand these allotments have been created post registration of the 88B Instrument associated with DP 1194024.

New Street and Terms of RoWs:

- Please clarify the intended status of the proposed 'new street'. Are amendments or variations to the terms of the RoW required to permit public access as a private road or otherwise? This matter is to be addressed and an outline of proposed changes to any legal

SEE that works are proposed within the ROW. The ROW area will remain under private ownership and will be maintained by the burdened lots. However, this new street will be open to the public (to the benefit of Lot 1, Lot 2 and Council). As determined in the previous development consent (DA 47009/2015) for 61 Central Coast Highway, West Gosford, the terms of the ROW easement are not required to be released, varied or modified.





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<p>instrument provided as required.</p> <ul style="list-style-type: none"><li>▪ Please provide copies of all titles which relate to the application along with all 88B instruments and other relevant covenants and title restrictions. The beneficiaries of the RoWs are to provide consent for proposed works within RoWs.</li></ul>	
<b>2.7. Contamination</b>	
<p>In relation to contamination, it is not clear to the Department that the site is suitable or can be made suitable for the proposed residential land uses on the site.</p>	<p>A Site Suitability Statement is included within <b>Appendix 11</b> of this SEE.</p>
<b>2.8. Aboriginal Cultural Heritage Due Diligence</b>	
<p>The Aboriginal Cultural Heritage Due Diligence Report is to be updated to address the additional sites to which the application relates (i.e. 1 Racecourse Road and 61 Central Coast Highway, West Gosford).</p>	<p>An updated Aboriginal Cultural Heritage Due Diligence Report is included within <b>Appendix 13</b> of this SEE.</p>
<b>2.9. BASIX (NatHERS)</b>	
<p>Updated BASIX and NatHERS certificates (including commitments on plans and associated NatHERS stamps) will be required to reflect the new design. The Department understands however it would be prudent to complete these certificates post any design excellence consultation.</p>	<p>Updated BASIX and NatHERS certificates are included within <b>Appendix 9</b> and <b>Appendix 10</b> respectively.</p>
<b>3. PARKING AND TRAFFIC</b>	
<b>3.1. Traffic</b>	
<p>As previously mentioned by the Department in an email dated 28.04.21:</p> <p><i>'A Road Safety Audit (RSA) is a reasonable request by Council and would also benefit concerns raised by TfNSW. It is considered that this is a matter that should be considered as part of the assessment of this application rather than as a condition of consent as it may provide information that warrants design changes to access/parking/etc.'</i></p> <p>The Department maintains its position that completion of a RSA is a matter that needs to be addressed as part of the assessment of the DA. As raised by Central Coast Council (Council), <i>'an RSA may identify risks that will influence and change design proposals which is difficult to change at a later date after approvals are granted and significantly increases time and costs to the</i></p>	<p>It is noted that the proposal now only relies on a left-in and left-out arrangement to/from Racecourse Road, which will have minimal impact upon road safety.</p> <p>It is understood that key concern of safety was in relation to the previously proposed right-turn entry into the site from Racecourse Road.</p> <p>The amended proposal allows for left-in and left-out only, removing the need for any right-turn movements. Racecourse Road in this location provides a straight alignment offering good visibility in both directions for drivers entering and exiting the site.</p>



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<p><i>proposed development.'</i></p> <p>The Department will consult with TfNSW and Council on traffic matters as part of the re-exhibition process and will advise once information is received.</p>	
<b>3.2. Parking</b>	
<p>Hotel parking requirements have been calculated on an approximate occupancy rate of 85%, which results in 50 spaces provided for 60 rooms. The Department does not find this to be appropriate. The hotel component of the development must be provided with one (1) parking space per room/unit as per the Gosford City Centre Development Control Plan (GDGP), totalling 60 spaces to ensure parking is provided for the hotel at 100% capacity. If the meeting rooms are also intended to be available to be hired by the public for functions, conferences etc, additional parking for these rooms will also be required.</p>	<p>The proposal has been updated to provide compliant parking, as described in <b>Section 3.2.3</b> of this SEE.</p>
<p>Locating two (2) accessible parking spaces within the hotel parking level for residential use is not considered appropriate. Accessible parking spaces for residential use must be located on the same level as all other residential parking to ensure the equitable provision of parking and resident safety is provided. This is also consistent with Section 4S of the ADG.</p>	<p>The proposal has been updated to provide compliant parking, as described in <b>Section 3.2.3</b> of this SEE.</p>
<p>It is noted there are no accessible spaces nominated on the ground floor, which differs from the revised Access Report dated March 2021, which indicated a total of eight (8) accessible spaces provided for the development, including one (1) space on Level 00. The Department notes only seven (7) spaces as being provided.</p>	<p>The proposal has been updated to provide compliant parking, as described in <b>Section 3.2.3</b> of this SEE.</p>
<p>Willowtree's Letter dated 16.08.21 indicates five (5) staff parking spaces for the Hotel component of the proposal is now provided with one (1) space also provided for the car showroom staff. The letter from Varga Traffic Planning dated 12.02.21 states four (4) staff parking spaces for the Hotel component of the proposal will be provided with one (1) space for the car showroom. Please clarify as it is noted six (6) spaces are provided on the northern side of the proposed development.</p>	<p>The proposal has been updated to provide compliant parking, as described in <b>Section 3.2.3</b> of this SEE.</p>
<p>Visitor parking only has been provided for the café use, no staff parking is provided. Please clarify if café staff parking has been considered in the overall hotel staff parking.</p>	<p>Café will be operated by the hotel, therefore staff car parking is for the café is covered by the hotel provision.</p>



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Parking figures across documentation are to be reviewed to ensure consistency.	All updated documents are consistent.
<p>The letter prepared by Varga Traffic Planning dated 29.07.21 states the following:</p> <p><i>'At present, there is no separate pedestrian access to the staff car parking spaces located at the rear of the building on L00, with users needing to walk through the loading dock or externally along the ROW. The current architectural plans indicates a surplus of hotel parking on L01, such that he [sic] 4 staff spaces located on L00 could be deleted. Notwithstanding, it would appear that modifications could be made to the design to retain these 4 spaces at L00 by reconfiguring the back-of-house area to provide a corridor/walkway. This is also considered to be easily conditionable should the DA ultimately be approved.'</i></p> <p>As discussed above, the Hotel parking provided is at a shortfall. Moving Hotel staff parking to the Hotel parking level is therefore not appropriate. A safe means of pedestrian access is required to be demonstrated from the staff car parking spaces to within the Hotel, without conflicting with Hotel back-of-house area operations. Walking around the building along the service lane area or 'conditioning' design changes should any subsequent development consent be issued is not a suitable solution. The back-of-house should be re-designed to accommodate safe staff access to the Hotel without the potential for</p>	<p>The proposal has been updated to include a pedestrian pathway from the rear through the two (2) buildings, and compliant parking provided, as described in <b>Section 3.2.3</b> of this SEE.</p>
<b>4. OTHER</b>	
<b>4.1. Design Excellence Process</b>	
<p>The City of Gosford Design Advisory Panel (CoGDAP) have advised the Department that they require all matters in their advice dated 06.04.2020 and 25.11.2020 to be addressed before the proposal is to be considered by the panel again.</p> <p>As such, the matters raised in this letter are to be addressed before the proposal is considered again by the CoGDAP. In response to this letter, the CoGDAP's advice dated 06.04.2020 and 25.11.2020 must also be explicitly addressed for the Department's and the CoGDAP's consideration (copy enclosed).</p>	<p>A final CoGDAP meeting was held on 8 February 2022, which resulted in the panel being satisfied that the development application adequately addresses previous design issues raised and now exhibits Design Excellence.</p> <p>The panel provided specific design advice and recommended that further information is requested of the proponent and that consent is conditioned to ensure that Design Excellence of the development is retained throughout the subsequent delivery phases.</p> <p>Refer to <b>Section 1.3.1.1</b> of this SEE.</p>



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### 4.2. Supporting Documentation to Reference Design Changes and all Allotments

In addition to those nominated within this letter, all relevant supporting documents are required to be reviewed updated to reflect design changes and include all allotments which are subject to the proposal.

For example, in consideration of the Acoustic Assessment for the project, the design of rooftops areas has changed, including changes to mechanical plant areas and communal rooftop open space. The hotel gym has also been removed from the ground floor level and a café use introduced. Accordingly, the Acoustic Report is to be updated to reflect these changes.

The Plan of Management for the Hotel and the stormwater management strategy are other examples of documentation which would need updating to reflect the design changes which have occurred (and are to occur based on the matters discussed in this letter).

All relevant technical reports have been updated to reflect the most current design and any other comments contained with the DPE request.

### 4.3. Matters raised by Agencies

The Department will consult with all relevant agencies during the re-exhibition process.

Understood and noted.

### 1.3.4 Amended DA Post Lodgement Consultation

The scheme was modified in response to the design matters raised by both DPE and CoGDAP through the following amendments:

- Boundary adjustment between current Lot 1 DP 1194024 and Lot 201 DP 1201057;
- Introduction of screening to the proposed western façade;
- Increased deep soil zone areas; and
- Additional car parking and adjustment of car parking and access areas.

A final CoGDAP meeting was held on 8 February 2022, which resulted in the Panel being satisfied that the Amended SSDA adequately addresses previous design issues raised and now exhibits Design Excellence.

The Amended SSDA was submitted on 1 December 2022, with public exhibition occurring between 17 January to 6 February 2023.

RFI responses have been prepared submitted on:

- 11 April 2023
- 19 June 2023
- 16 May 2024

As requested, a comprehensively updated package has now been prepared to reflect the chosen drainage scenario (of directing flows to Racecourse Road) and was submitted to DPHI on 11 December 2024.



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Those final matters arising identified by DPHI following the 11 December 2024 submission, together with the Applicant's responses, are provided at **Appendix 35**.

Those responses where a condition of consent is proposed to resolve the matter are listed below:

- **Condition to control Downstream Discharge Strategy**

The comprehensive update package is submitted for approval on the understanding that the downstream discharge can be resolved prior to any Construction Certificate being issued for the development.

To assist in progressing the approval process, we propose the following condition which may be included in the Conditions of Consent:

*"Prior to the release of a Construction Certificate, the applicant is to obtain approval from Council for a suitable stormwater strategy that includes;*

- a) Demonstration that any impacts on or offsite are in accordance with Authority guidelines for flood impacts*
- b) Details of the stormwater drainage network both within the site as well as connection point for stormwater discharging from the site to Council's network*
- c) Draft Plan of Subdivision that shows the release of existing easements and creation of new easements to suit the proposed stormwater drainage network*

*We expect the above conditions will allow for the progression of the project as well as provide Council with assurance that the site cannot be developed without sufficient consultation and approval with them".*

- **Condition to control provision of toilet within the Level 3 Hotel Gym**

The appropriateness of the gym on Level 3 as an on-site refuge during the most extreme of flood events has been queried, having regard to available space and resources. The FERP enclosed at **Appendix 33** confirms that a flood safety kit would be provided for those seeking refuge, though note this would only be for hotel staff, coffee shop employees and patrons, and car showroom employees and shoppers. It is also confirmed that the gym is 32m<sup>2</sup> in area.

A condition of consent is otherwise proposed to ensure the inclusion of a toilet facility that is commensurate with the relatively short duration of the most extreme of flood events:

*"Prior to the issue of a Construction Certificate for the development, a private certifier must certify that a compliant toilet facility has been provided within the hotel gym located on Level 3 of the approved development.*

*The design and construction of the toilet facility must comply with all relevant Australian Standards, including but not limited to the National Construction Code (NCC), the Plumbing Code of Australia, and relevant accessibility standards (e.g., AS 1428.1 - Design for access and mobility)."*



## PART B SITE ANALYSIS

### 2.1 SITE LOCATION AND CHARACTERISTICS

The subject site is identified as 10 Young Street, 1 Racecourse Road and 61 Central Coast Highway, West Gosford, containing the following land holdings:

TABLE 5. SITE IDENTIFICATION		
Site Address	Legal Description(s)	Land Area (approx.)
10 Young Street, West Gosford	Lot 1 in DP1194024	3,315 m <sup>2</sup>
1 Racecourse Road, West Gosford	Lot 11 in DP1201715	2,700 m <sup>2</sup>
61 Central Coast Highway, West Gosford	Lot 201 in DP1201057	4,472 m <sup>2</sup>

The subject site is located at the southern end of Young Street and to the east of Racecourse Road. The nature of the proposal encapsulates the three (3) abovementioned lots; however, the proposed built form is located wholly within the site of 10 Young Street, West Gosford (Lot 1 DP1194024).

The subject site is serviced by a constructed ROW, centrally located between the abovementioned lots. The terms of the ROW easement benefit Lot 1 DP1194024.

The context of the subject site is as follows:

- 10 Young Street – vacant land
- 1 Racecourse Road – vehicles sales premises
- 61 Central Coast Highway – vacant land

Current vehicular access to the subject site is provided via Racecourse Road and Young Street. The current left-in and left-out access via Racecourse Road will be maintained.

The subject site, in its current form, is shown in **Figure 1** and **Figure 2** below.

### 2.2 SITE CONTEXT

The subject site is located within the enterprise corridor of Gosford City Centre which is characterised by industrial warehouses and commercial facilities such as carpet stores and computer repair service centres and partially vacant lots, fronting Racecourse Road. Other commercial uses such as car dealerships, fast food outlets and service stations are located in close proximity of the Site and provide frontage to Central Coast Highway.

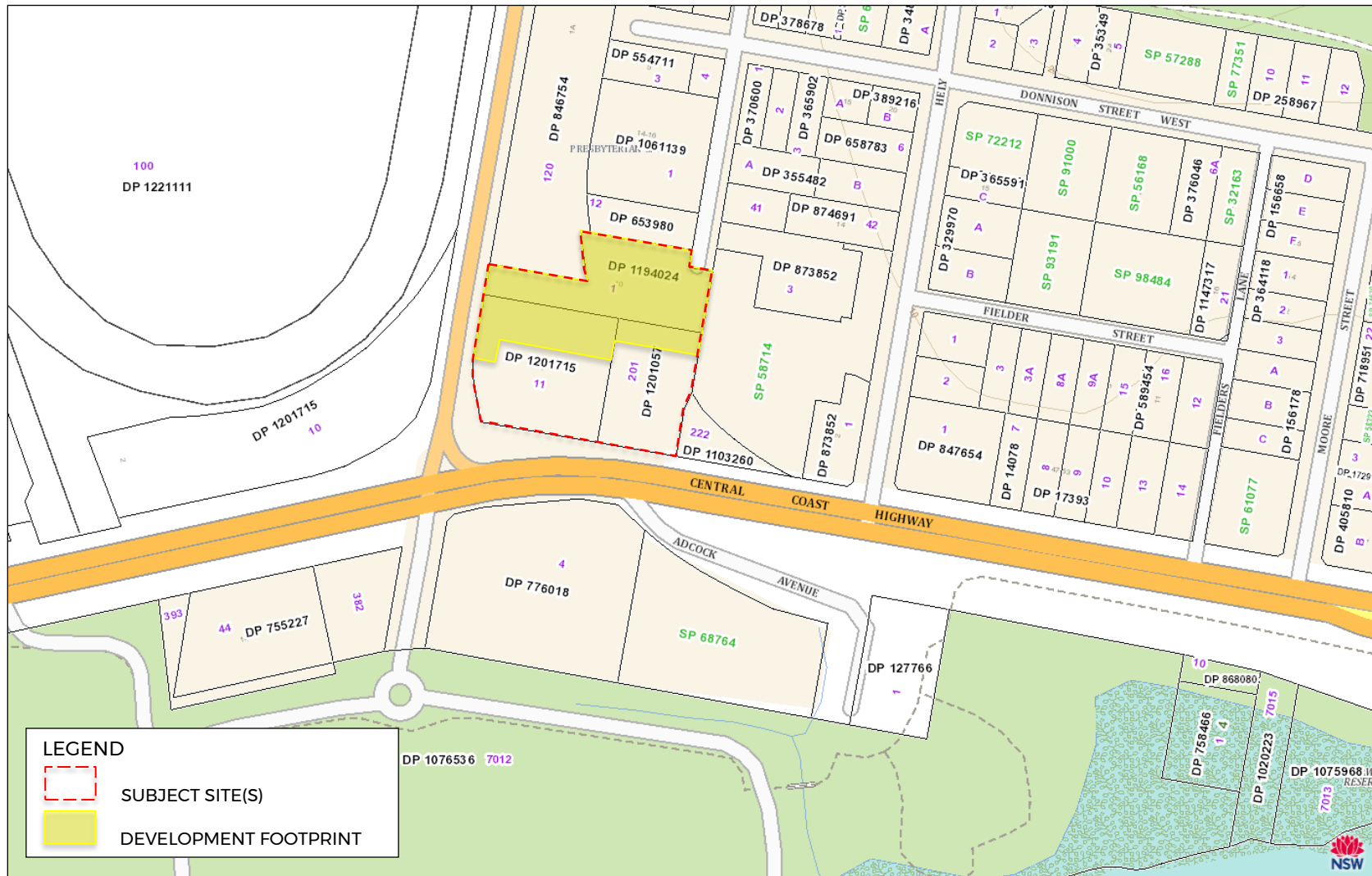
Gosford Racecourse is located adjacent to the west of the site and Gosford Hospital is located approximately 1 km north-west of the site. The proposed Gosford Private Hospital is located less than 600 m north of the site. Numerous assets such as Presidents Hill, Gosford Golf Club and tennis courts are also located approximately 700 m north of the subject site. Views to Brisbane Water to the east and south are provided within a 300-600 m range of the subject site.



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**Figure 1. Cadastral Map** (Source: SIX Maps, 23 September 2021)



## STATEMENT OF ENVIRONMENTAL EFFECTS

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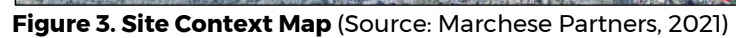
10 Young Street, 1 Racecourse Road & 61 Central Coast Highway, West Gosford



**Figure 2. Aerial Map** (Source: Nearmap, 23 September 2021)



Proposed Mixed Use Development  
10 Young Street, 1 Racecourse Road & 61 Central Coast Highway, West Gosford





## PART C PROPOSED DEVELOPMENT

### 3.1 OVERVIEW

The proposal involves the construction and operation of a mixed-use development, inclusive of retail uses, a hotel, and residential apartments, within the Gosford City Centre area.

The following objectives have been identified as forming the basis of the proposed development:

- To provide for affordable residential accommodation in the form of a mixed-use development which facilitates retail uses, a hotel and upper levels residential units.
- To facilitate an upmarket hotel which is currently lacking in this part of Gosford.
- To promote tourism opportunities for Gosford, particularly capitalising on the proximate location of the subject site to Gosford Racecourse and Brisbane Water.
- To facilitate accommodation for key workers, considering the surrounding hospital and medical facilities.
- To respond to the visions and aims of the Gosford City Centre policy.
- To enhance the public domain and streetscape along both Racecourse Road and Young Street and act as a catalyst site for the revitalisation of this enterprise spine.
- To contribute to the revitalisation of the Gosford City Centre and Racecourse Road, whilst also providing a landmark built form to mark the entry to Gosford from the Central Coast Highway.
- To capitalise on the site's location within Gosford City Centre and the surrounding road network whilst also capitalising on the proximate location to the Gosford health precinct.
- To design the site for a viable economic outcome.

Consistent with the vision for this area of West Gosford, as envisaged by the Gosford SEPP and Gosford City Centre Development Control Plan (DCP) the proposal will present an aesthetic and contemporary built form that has been designed to provide residential accommodation to key workers in the Gosford LGA and an upmarket hotel offering which is currently not offered in Gosford City Centre.



**Figure 4. Site Context Map** (Source: Marchese Partners, 2021)

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The proposed residential accommodation will provide an overall gross floor area (GFA) of 6,200 m<sup>2</sup> and the hotel component will provide an area of 3,326 m<sup>2</sup>. The retail component will account for 579 m<sup>2</sup> GFA. This results in a total GFA of 10,105 m<sup>2</sup> proposed for the 10 Young Street site. It is noted that the fitout and signage of the ground floor retail tenancies and car dealership will be subject to separate applications.

### 3.2 PROPOSAL AS AMENDED

The proposal, as modified, seeks to respond to the design matters raised by both DPE and CoGDAP through the following design amendments:

- Boundary adjustment between current Lot 1 in DP 1194024 and Lot 201 in DP 1201057
- Introduction of screening to the proposed western façade
- Increased deep soil zone areas
- Additional car parking and adjustment of carparking and access areas

#### 3.2.1 Boundary Adjustment

The proposal is to be amended to capture a proposed boundary adjustment between current Lot 1 in DP 1194024 and Lot 201 in DP 1201057, indicatively shown in below. A copy of the proposed plan of subdivision is contained with **Appendix 4** of this SEE.

**TABLE 6. BOUNDARY ADJUSTMENT PARAMETERS**

Lot / DP	Address	Existing Area	Proposed Area
Lot 1 in DP 1194024	10 Young Street, West Gosford	3,317 m <sup>2</sup>	3,750 m <sup>2</sup>
Lot 201 in DP 1201057	61 Central Coast Highway, West Gosford	2,700 m <sup>2</sup>	2,266 m <sup>2</sup>
Lot 11 in DP 1201715	1 Racecourse Road, West Gosford	4,472 m <sup>2</sup>	4,472 m <sup>2</sup>

This proposal will ensure that all ROW requirements are maintained where necessary.



**Figure 5. Conceptual Boundary Adjustment Proposal** (Source: Willowtree Planning, 2021)



## STATEMENT OF ENVIRONMENTAL EFFECTS

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### 3.2.2 Apartment Building Design

#### 3.2.2.1 Section 2F Building Separation

To satisfy the objectives of Section 2F of the Apartment Design Guide (ADG) and achieve CoGDAP's blessing for design excellence, through the inclusion of operable privacy louvres to the buildings western façade.

The screening is design to restrict views onto 1A Racecourse Road, West Gosford (and vice versa, as required), whilst maintaining suitable solar access and ventilation through to the relevant apartments.

**Section 4.3.8** and **Appendix 8** provide a detailed assessment of the relevant ADG controls, including suitable justification to determine that proposal meets the aims of Section 2F of the ADG.

#### 3.2.2.2 Section 3E Deep Soil Zones

Recalculation of the DSZ requirements, after the proposed boundary adjustment (described within **Section 3.2.1** above) allows for compliance with Section 3E of the ADG.

The proposed site area would be 3,750 m<sup>2</sup>.

Objective 3E-1 of the ADG requires a DSZ of 7 % of the site area, equating to 262.5 m<sup>2</sup> of the subject site.

The proposal, as amended, offers four (4) key DSZs totalling 290.7 m<sup>2</sup> (or 7.75 % of the site):

- DSZ 1 – adjacent to 1A Racecourse Road, West Gosford ≈ 88 m<sup>2</sup>
- DSZ 2 – northeast area adjacent to ROW ≈ 13 m<sup>2</sup>
- DSZ 3 – southeast corner of the site ≈ 166.7 m<sup>2</sup>
- DSZ 4 – south of ROW opposite hotel lobby ≈ 23 m<sup>2</sup>

### 3.2.3 Parking and Traffic

The proposal, as amended, also includes resolution of car parking and access related matters, including:

- provision of an additional ten (10) car parking spaces along the main ROW, within the new lot boundaries;
- one (1) accessible space at the ground level;
- pedestrian link from the rear services lane, through to the showroom and hotel lobby reception; and
- two (2) secure accessible spaces for the residential component of the development, at Level 1 (secured by the provision of a roller door).

These changes result in a compliant car parking scheme, as depicted in the following table.

TABLE 7. CAR PARKING ALLOCATIONS		
Aspect of Development	Proposed	Required
Residential apartments (58)	<b>58</b> <b>(6 accessible)</b>	58 (for shop top housing, 1 space per apartment to include 10% accessible car parking)
Hotel apartments (6)	<b>60</b> <b>(1 accessible)</b>	60
Hotel staff (8)	<b>4</b>	4 (a space every 2 staff)





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Showroom staff (2)	<b>1</b>	1 (a space every 2 staff)
Showroom visitors	<b>4</b> <b>(4 on street - ROW)</b>	4 (1.5 spaces per 200 m <sup>2</sup> GFA)
Cafe	<b>2</b> <b>(2 on street)</b>	2 (1 space per 30 m <sup>2</sup> GFA)
Public space	<b>1</b> <b>(1 accessible)</b>	-
<b>Total</b>	<b>130</b> <b>(inclusive of 8 accessible)</b>	129

### 3.3 UPDATED DEVELOPMENT STATISTICS

The proposed development, following its amendment, includes the following scope of works:

- earthworks and minor excavation;
- site servicing, including stormwater and sewer works (directing flows to Racecourse Road);
- boundary adjustment between Lot 1 in DP 119402 (10 Young Street) and Lot 201 in DP 1201057 (61 Central Coast Highway);
- amended access from Racecourse Road, to include only left-in and left-out into Lot 11 DP 1201715 (1 Racecourse Road);
- construction and use of a mixed-use development providing:
  - 60 hotel apartments across level 3 and 4;
  - associated hotel facilities, such as the gymnasium, conference facilities, reception/lobby area and back of house amenities and services;
  - upper level residential accommodation for 58 residential units, including nine (9) adaptable units to facilitate key worker accommodation;
  - commercial/retail use, such as a vehicular car sales premises to activate both the Racecourse Road and internal street frontage within the ROW;
  - enhanced public domain area works and pedestrian footpath through the site to create an activated through-site link;
  - separate car parking areas, with a total of 130 car parking spaces and additional motorcycle and bicycle parking; and
  - complementary landscaping.
- ancillary hotel signage.

The proposal includes those works as identified in **TABLE 8** below.

<b>TABLE 8. DEVELOPMENT STATISTICS</b>	
<b>Development Component</b>	<b>Proposal</b>
Site Area	3,750 m <sup>2</sup> (proposed for 10 Young Street)
Building Type	Mixed use development: <ul style="list-style-type: none"><li>▪ Hotel</li><li>▪ Shop top housing</li><li>▪ Commercial/retail</li></ul>
Gross Floor Area (GFA)	Total GFA = 10,105 m <sup>2</sup>
Floor Space Ratio	Total FSR = 2.695:1 However, as described in <b>Section 4.3.13.4.2</b> of this SEE, the site is afforded split FSR requirements, as shown in <b>Figure 11</b> . The proposal achieves compliant FSR for the relevant portions of the development as follows:



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	Site Portion	Portion Area	Permissible FSR	Permissible GFA	Proposed GFA	Proposed FSR
	Site with FSR 2.5:1	938 m <sup>2</sup>	2.5:1	2,345 m <sup>2</sup>	1,989 m <sup>2</sup>	2.12:1
	Site with FSR 4.0:1	2,317 m <sup>2</sup>	4.0:1	9,268 m <sup>2</sup>	8,116 m <sup>2</sup>	3.5:1
	Site with FSR 0.0:1	496 m <sup>2</sup>	0.0:1	0 m <sup>2</sup>	0 m <sup>2</sup>	0.0:1
Building Height	46.01 m (RL 48.6)					
Number of Storeys	14 storeys					
Number of tenancies/units	Hotel = 60 apartments (including 56 dual key apartments *) Residential = 58 units (including 9 adaptable) Retail = 2 tenancies (1 x showroom and 1 x café)					
Landscaping	921 m <sup>2</sup> landscape area (25%) 290.7 m <sup>2</sup> deep soil zone (10%)					
Roads / Driveways	Maintain ROW access to/from Young Street and Racecourse Road, with left-in and left-out only from Racecourse Road					
Car Parking	Total 130 car parking spaces: <ul style="list-style-type: none"><li>Residential apartment parking = 58 (6 accessible) spaces</li><li>Hotel apartment parking = 60 (1 accessible) spaces</li><li>Hotel staff (8 staff) parking = 4 spaces</li><li>Showroom staff (2 staff) parking = 1 space</li><li>Showroom visitors parking = 4 spaces</li><li>Café parking = 2 spaces</li><li>Public parking = 1 (accessible) space</li></ul>					
Motorcycle Parking	Total 7 motorcycle parking spaces: <ul style="list-style-type: none"><li>Residential apartment parking = 4 spaces</li><li>Hotel apartment parking = 3 spaces</li></ul>					
Bicycle Parking	8 bicycle spaces for the residential apartments					
Tree Removal / Planting	No tree removal proposed/required Total planting of 66 trees proposed: <ul style="list-style-type: none"><li>30 trees at the ground level</li><li>36 trees at the roof top/ terrace level</li></ul>					
Cost of works	\$ 40,113,375.00 (exc. GST)					

\* dual key rooms are those that may be used in isolation as a single bedroom unit (or studio) or together with the neighbouring unit to configure as a two bedroom unit.

### 3.3.1 Development Details

The proposal involves the development of a mixed-use development, with two (2) distinct portions. The eastern (rear) extent of the development sits at 14 storeys, with the western (fronting Racecourse Road) portion being 6 storeys. The proposal, as amended, is afforded the following development specifics:

TABLE 9. DEVELOPMENT DETAILS	
Development Level	Proposal
Ground Level	<ul style="list-style-type: none"><li>Car showroom</li></ul>





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	<ul style="list-style-type: none"> <li>Hotel lobby/front desk and manager and luggage storage facilities</li> <li>Hotel lounge area</li> <li>Residential lobby</li> <li>Café (food and drink outlet)</li> <li>Back of house</li> <li>Substation and mechanical services</li> <li>Loading dock</li> <li>Site Landscaping</li> <li>On-street (ROW) parking for 16 vehicles</li> <li>On-site staff car parking</li> <li>Fire hydrant and water pump room and fire control room</li> <li>Vertical Transportation (VT) and stairs</li> <li>Storage areas and mailroom</li> <li>Hotel, residential and commercial waste</li> <li>Bathroom facilities</li> <li>Vehicular access to above ground parking</li> <li>Pedestrian walkway, landscaping and enhanced public domain area</li> </ul>
Level 1	<ul style="list-style-type: none"> <li>50 car parking spaces for hotel apartments</li> <li>3 motorcycle parking spaces for hotel apartments</li> <li>Storage areas</li> <li>Lift and stair access</li> <li>2 accessible car parking spaces for residential apartments (separated by boom gate)</li> </ul>
Level 2	<ul style="list-style-type: none"> <li>56 car parking spaces for residential apartments (4 accessible)</li> <li>4 motorcycle parking spaces for residential apartments</li> <li>Bicycle parking for residential apartments</li> <li>Storage areas</li> <li>Lift and stair access</li> </ul>
Level 3 and 4 (hotel)	<ul style="list-style-type: none"> <li>60 room hotel (including 28 dual key rooms) spread across both levels: <ul style="list-style-type: none"> <li>4 x 1 bed apartments (of which 2 are accessible)</li> <li>24 x 2 bed dual key apartments; and</li> <li>4 x 3 bed dual key apartments.</li> </ul> </li> <li>Linen and housekeeping and cleaning facilities</li> <li>Hotel gym at level 3</li> <li>Lift and stair access</li> </ul>
Level 5 (residential)	<ul style="list-style-type: none"> <li>Non-trafficable service area</li> <li>Part of podium rooftop allocated as communal open space</li> <li>8 x 2 bedroom units and private open space</li> <li>Lift and stair access</li> </ul>
Level 6 to 9 (residential)	<ul style="list-style-type: none"> <li>32 x 2 bedroom units and private open space (8 per level)</li> <li>Waste storage area</li> <li>Lift and stair access</li> </ul>
Levels 10 to 12 (residential)	<ul style="list-style-type: none"> <li>12 x 2 bedroom units and private open space (4 per level)</li> <li>6 x 3 bedroom units and private open space (2 per level)</li> <li>Waste storage area</li> <li>Lift and stair access</li> </ul>



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Level 13	<ul style="list-style-type: none"><li>▪ Communal open space</li><li>▪ Accessible amenity area</li><li>▪ Roof plant area</li></ul>
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### 3.3.2 Operational Details

As detailed above, development consent is sought for a mixed-use development comprising, hotel, shop top housing, retail showroom and café.

The proposed operational details are provided in **TABLE 10** below.

A preliminary Plan of Management (POM) accompanies this DA (within **Appendix 26**), to establish the operational details of the proposal. Details surrounding the hours of operation, number of employees and management of access to the building, including future practices, to guide the operation of both the hotel component and key workers/residential offering components are provided within the supporting POM.

TABLE 10. OPERATIONAL DETAILS		
Aspect of Development	Shop Top Housing	Hotel
Nature of use	Residential/key worker accommodation	Short term accommodation (inclusive of ancillary café)
Hours of operation	N/A	7am – 10pm (reception/lobby) with longer opening hours on certain peak nights, such as Friday and Saturday
Number of staff	5	8

The proposed commercial use (vehicle car showroom) will be subject to separate DA's for internal fitout/uses and will be subject to separate POM specific to the resulting use.



## **PART D    LEGISLATIVE AND POLICY FRAMEWORK**

### **4.1    CONTROLS AND POLICIES OVERVIEW**

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the subject site in accordance with the EP&A Act.

It is noted that the original DA was made on 17 August 2020, to which savings provisions apply. Notwithstanding, an assessment against the following former, current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this DA.

#### **Commonwealth Planning Context**

- *Environment Protection and Biodiversity Conservation Act 1999*

#### **State Planning Context**

The statutory planning framework relevant at the time of making the original DA includes:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Biodiversity Conservation Act 2016*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*
- *State Environmental Planning Policy No 55 - Remediation of Land*
- *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy No 64 - Advertising and Signage*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Gosford City Centre) 2018*

Additional statutory instruments that have come into force since the DA was made:

- *Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Precincts - Regional) 2021*

#### **Local and Regional Planning Context**

- *Gosford Local Environmental Plan 2014*
- *Gosford City Centre Development Control Plan 2018*

#### **Strategic Context**

- *Central Coast Regional Plan 2036*
- *One Central Coast*



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### 4.2 COMMONWEALTH PLANNING CONTEXT

#### 4.2.1 Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species), must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “Controlled Action” for which formal Commonwealth approval is required.

The proposal does not warrant significant impacts on MNES, therefore no further consideration of the EPBC Act is required.

### 4.3 STATE PLANNING CONTEXT - AT THE TIME THE DA WAS MADE

#### 4.3.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW.

##### 4.3.1.1 Section 4.15(1) of the EP&A Act – Considerations

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 11** below.

TABLE 11. SECTION 4.15(1)(A) CONSIDERATIONS	
Section Considerations	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The Gosford SEPP was the principal EPI for the subject site at the time that DA was made, which has been suitably addressed within <b>Section 4.5.1</b> of this SEE. Since lodgement, the <i>State Environmental Planning Policy (Precincts – Regional) 2021</i> has been adopted, which has consolidated a number of instruments, including the Gosford SEPP; this document has been subsequently addressed in <b>Section 4.4.5</b> of this SEE.
Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A.
Section 4.15(1)(a)(iii) any development control plan, and	The Gosford City Centre Development Control Plan (DCP) applies to the subject site and is addressed in <b>Section 4.5.2</b> of this SEE.
Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	N/A.



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Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The former EP&A Regulation 2000 is addressed in <b>Section 4.3.2</b> and the EP&A Regulation 2021 is addressed in <b>Section 4.4.1</b> of this SEE.
Section 4.15(1)(b)-(c)	These matters are addressed in <b>PART E</b> of this SEE.

Pursuant to Clause 1.6 of the former Gosford SEPP, the consent authority for this DA is the Minister for Planning. As such, this amended application is made to NSW DPE.

### 4.3.1.2 Section 4.46 of EP&A Act – Integrated Development

Section 4.46 of the EP&A Act defines ‘integrated development’ as matters that require consent from the consent authority and one or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

A review of the following legislation has been undertaken:

- *Roads Act 1993* (Roads Act):

The proposal seeks to utilise the existing left-in/left-out access on Racecourse Road to the existing ROW. A consent may not be given with respect to a classified road except with the concurrence of Transport for NSW (TfNSW).

- *Water Management Act 2000* (WM Act):

Given the existing site conditions and as a basement level is not proposed, dewatering and the like are not required to allow for excavation and construction below the groundwater table. As a result, the proposal is not considered aquifer interference activity, and an aquifer interference approval is not required pursuant to Section 91(3) of the WM Act.

- *Rural Fires Act 1997* (RF Act):

Pursuant to Section 100B of the RF Act, the use of the site for a hotel is considered a special fire protection purpose. As a result, the development must obtain authorisation from the bushfire safety authority before developing bushfire prone land for a special fire protection purpose (SFPP).

Accordingly, the proposal is considered Integrated Development and GTA from the NSW Rural Fires Service (RFS) is required.

The site is considered Integrated Development as it requires concurrence from TfNSW and NSW RFS.

### 4.3.2 Environmental Planning and Assessment Regulation 2000

The original DA was prepared in accordance with the relevant provisions of the now former EP&A Regulation 2000. Section 50 of the EP&A Regulation 2000 stipulated how a DA must be “made”. This DA satisfied the relevant criteria of the EP&A Regulation 2000 as follows:

TABLE 12. HOW THE DA IS MADE	
Considerations	Response
<b>Section 50 – How must a development application be made?</b>	
<i>(1) A development application must—</i>	
<i>(a) be in the form that is approved by the Planning Secretary and made available on the NSW planning portal, and</i>	This application pre-dates the NSW planning portal.



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(b) contain all of the information that is specified in the approved form or required by the Act and this Regulation, and	The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner's consent, supporting documents including detailed plans and SEE.
(c) be accompanied by the information and documents that are specified in Part 1 of Schedule 1 or required by the Act and this Regulation, and	Refer to <b>TABLE 13</b> below.
(d) be lodged on the NSW planning portal.	This application pre-dates the NSW planning portal.
(1A) If a development application that relates to residential apartment development is made on or after the commencement of the Environmental Planning and Assessment Amendment (Residential Apartment Development) Regulation 2015, the application must be accompanied by a statement by a qualified designer.	The proposal is supported by a Design Verification Statement, prepared by Marchese Partners – refer to <b>Appendix 7</b> of this SEE.
(1B) If a development application referred to in subclause (1A) is also accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in that subclause need not be verified to the extent to which they aim— (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or (b) to improve the thermal performance of the building.	The proposal is supported by a Design Verification Statement, prepared by Marchese Partners – refer to <b>Appendix 7</b> of this SEE.

### 4.3.2.1 Schedule 1 – Forms

Pursuant to Schedule 1 of the EP&A Regulation, this SEE includes all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1, as detailed in **TABLE 13**.

TABLE 13. SCHEDULE 1 OF EP&A REGULATION	
Requirements	Satisfied by
<b>Part 1 Development applications</b>	
<b>2 Documents to accompany development application</b>	
(1) A development application must be accompanied by the following documents—	
(a) a site plan of the land,	Refer to <b>Appendix 1</b> of this SEE.
(b) a sketch of the development,	Refer to <b>Appendix 1</b> of this SEE.
(c) a statement of environmental effects (in the case of development other than designated development or State significant development),	Refer to <b>whole SEE document</b> .
(d) in the case of development that involves the erection of a building, an A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site (as referred to in clause 56 of this Regulation),	Refer to <b>Appendix 1</b> of this SEE.



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**TABLE 13. SCHEDULE 1 OF EP&A REGULATION**

<b>Requirements</b>	<b>Satisfied by</b>
(e) <i>an environmental impact statement (in the case of designated development or State significant development),</i>	Not applicable to this application.
(f) <i>a species impact statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats), but not if the development application is for State significant development,</i>	Not applicable to this application.
(g) <i>if the development involves any subdivision work, preliminary engineering drawings of the work to be carried out,</i>	Whilst the proposal includes a proposed boundary adjustment, this would result in a paper subdivision only and no resulting engineering works would be required.
(h) <i>if an environmental planning instrument requires arrangements for any matter to have been made before development consent may be granted (such as arrangements for the provision of utility services), documentary evidence that such arrangements have been made,</i>	Refer to <b>Section 4.3.13</b> of this EIS.
(i) <i>if the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure)—</i> <i>(i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and</i> <i>(ii) (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use,</i>	Not applicable to this application.
(j) <i>if the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building,</i>	Not applicable to this application.
(k) <i>if the land is within a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the Wilderness Act 1987, a copy of the consent of the Minister for the Environment to the carrying out of the development,</i>	Not applicable to this application.
(k1) <i>in the case of development comprising mining for coal (within the meaning of section 380AA of the Mining Act 1992)—documentary evidence that the applicant holds an authority under the Mining Act 1992 in respect of coal and the land concerned or has the written consent of the holder of such an authority to make the development application,</i>	Not applicable to this application.
(l) <i>in the case of development to which clause 2A applies, such other documents as any BASIX certificate for the development requires to accompany the application,</i>	Refer to <b>Appendix 9</b> of this SEE.
(m) <i>in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied),</i>	Not applicable to this application.





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**TABLE 13. SCHEDULE 1 OF EP&A REGULATION**

Requirements	Satisfied by
<i>such other documents as any BASIX certificate for the development requires to accompany the application,</i>	
<i>(n) if the development involves the erection of a temporary structure, the following documents—</i> <ul style="list-style-type: none"><li><i>(i) documentation that specifies the live and dead loads the temporary structure is designed to meet,</i></li><li><i>(ii) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,</i></li><li><i>(iii) in the case of a temporary structure proposed to be used as an entertainment venue—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with (if a performance solution, to meet the performance requirements, is to be used),</i></li><li><i>(iv) documentation describing any accredited building product or system sought to be relied on for the purposes of section 4.15(4) of the Act,</i></li><li><i>(v) copies of any compliance certificates to be relied on,</i></li></ul>	Not applicable to this application.

### 4.3.2.2 Designated Development

Section 4(1) of the EP&A Regulation states, that any development described in Part 1 of Schedule 3 would be declared to be Designated Development for the purposes of the EP&A Act. The proposed development does not trigger the relevant thresholds of Schedule 3 and is therefore not considered Designated Development.

### 4.3.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) sets out, among other things, to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change.

The subject site is urbanised and does not hold any biodiversity value. As such, no further conditions of the BC Act is required.

### 4.3.4 Roads Act 1993

The Central Coast Highway (H30) is a classified State road and Racecourse Road (MR7757) is an unclassified Regional road, whereas Young Street and Donnison Street West are local roads. Council is the roads authority for these roads and all other public roads in the area, in accordance with Section 7 of the Roads Act.

As indicated in **Section 1.2.3** of this SEE, Japrico Properties Pty Ltd have indicated that they will not proceed with DA 47009/2015, which approved the right-turn bay from Racecourse Road into the subject site.

Based on this, the proposal seeks to maintain the existing left-in and left-out arrangement from Racecourse Road to the ROW.



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### 4.3.5 Rural Fires Act 1997

Pursuant to Section 100B of the RF Act, the use of the site for a hotel is considered a SFPP. As a result, the development must obtain authorisation from the bushfire safety authority before developing bushfire prone land for a special fire protection purpose.

The proposal as amended, is generally in accordance with the original proposal, however it is understood that the concurrence of NSW RFS will be sought.

### 4.3.6 Water Management Act 2000

The objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the state's water for the benefit of both present and future generations.

Given the existing site conditions and as a basement level is not proposed, dewatering and the like are not required to allow for excavation and construction below the groundwater table. As a result, the proposal is not considered aquifer interference activity, and an aquifer interference approval is not required pursuant to Section 91(3) of the WM Act.

The subject site is not with 40 m of a mapped watercourse.

### 4.3.7 State Environmental Planning Policy No 55 – Remediation of Land

Clause 7(1) of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) requires that a consent authority must not grant development consent on land unless:

- a) *it has considered whether the land is contaminated, and*
- b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A review of site suitability has been undertaken by EP Risk Management Pty Ltd (EP Risk), as provided in **Appendix 11** of this SEE.

The subject site has historically been used for many purposes including a fuel depot, vehicle repair and maintenance workshop, vehicle wash facility and former rail line. Site decommissioning and remediation works were completed in 2012, which included off-site disposal of unsuitable soil and importation of backfill material.

The following environmental reports relevant to this letter had been prepared for the proposed development:

- Coffey Environments Pty Ltd (Coffey) (2013) Statutory Site Audit, Site Audit Report and Site Audit Statement, Auditor Ref No. NSW107 (ENVIRHOD01059AA) Corner of Pacific (Central Coast) Highway & Racecourse Road, West Gosford, NSW (ref: ENVIRHOD1059AA-R01, dated 3 December 2013).
- Environmental Strategies Pty Ltd (2013) Environmental Management Plan, Corner of Central Coast Highway & Racecourse Road, West Gosford, NSW (ref: 11057, Rev 4, dated November 2013).
- Environmental Strategies Pty Ltd (2014) Site Suitability for proposed Mixed Use Development within Lot 1, 1 Racecourse Road, West Gosford, NSW (ref: LR01\_18022014, dated 24 March 2014).

The EP Risk review of site suitability notes that the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (ASC NEPM 2013) applies the following with respect to the application of health screening levels (HSLs) with respect to generic land uses:



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*'The HSLs are applicable to ground floor land use. If the vapour exposure is acceptable at ground level, it can be assumed that it is also acceptable for floors above ground level. For multistorey buildings where non-residential uses (e.g. car parking or commercial use) exist in a basement or at ground level, then land use category D (commercial/industrial) should be applied.'*

The proposed ground floor use includes a car showroom, hotel and residential lobby, services and parking, which are all consistent with commercial industrial land use. It is further noted that there are no basements included in the proposed development.

The development plans show landscaped areas are proposed for the ground floor. Environmental Strategies (2014) undertook a review of the validation results with respect to the ecological investigation levels (EILs) and ecological screening levels (ESLs) for commercial / industrial land use provided in the ASC NEPM 2013. Despite a number of exceedances of the adopted ecological criteria, Environmental Strategies (2014) concluded that the elevated concentrations were unlikely to present a risk to ecological receptors due to: the limitations for potential exposure pathways for ecological criteria due to the presence of hardstand, building slabs and roads over the majority of the subject site; absence of visible signs of stress or phytotoxicity in existing vegetation; the proposed importation of VENM or ENM to a minimum depth of 1.2m across the proposed landscaped areas; and implementation of the EMP (Environmental Strategies, 2013).

Based upon the review of the proposed development plans, EP Risk considers that the ground floor land use is consistent with a commercial / industrial land use setting.

On the basis that the Site Auditor has issued a SAS certifying that the site is suitable for commercial / industrial land use, EP Risk considers that the site is suitable for redevelopment as per the proposed development plans, which includes residential land uses, subject to the implementation of the EMP (Environmental Strategies, 2013) during and post construction as well as notification on the property title.

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

The aims of *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) is to improve the design quality of residential apartment development in New South Wales. As a result, an assessment addressing SEPP 65 accompanies this DA.

Schedule 1 of SEPP 65 sets out the nine (9) 'Design Quality Principles' and section 28(2) requires that the consent authority, in determining a DA take into consideration:

- The advice (if any) of a relevant design review panel,
- The design quality of the residential flat development when evaluated in accordance with the design quality principles, and
- The Apartment Design Guide.

Extensive dealings with CoGDAP have been undertaken during the planning phase of the project. The recommendations of CoGDAP are tabled and responded to within **Section 1.3.1** of this SEE. The proposal, as presented, expresses design excellence and has evolved through the advice of CoGDAP and other technical agencies.

The 'Design Quality Principles' set out in Schedule 1 of SEPP 65 are addressed within **PART E** of this SEE.

Pursuant to section 50 (1A) and (1AB) of the EP&A Regulation 2000 (and section 29 of the EP&A Regulation 2021) a Design Verification Statement is provided in **Appendix 8** of this SEE, demonstrating compliance with the applicable design criteria outlined in the ADG.

### 4.3.9 State Environmental Planning Policy No 64 – Advertising and Signage



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At the time of making this application, signage was required to give consideration to the provisions of the *State Environmental Planning Policy No 64 – Advertising and Signage* (SEPP 64).

The proposal involves business identification signage, which is considered against SEPP 64 to ensure that the proposed advertising is compatible with desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish. The consent authority must not grant development consent unless the consent authority is satisfied with Clause 8 which states the following:

- (a) That the signage is consistent with objectives of this Policy as set out in Clause 3 (1) (a), and
- (b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

The Schedule 1 assessment criteria are provided within **TABLE 14** below.

TABLE 14. SEPP 64 ASSESSMENT	
Criteria	Assessment
<b>1. Character of the area</b> <i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i> <i>Is the proposal consistent with a particular theme for outdoor advertising in the area of locality?</i>	The proposal is compatible with desired character of West Gosford and seeks to provide logical and appropriate signage for the proposed development. The signage proposed is for business identifying purposes only.  The proposed signage is consistent with the overall signage theme of the locality.
<b>2. Special areas</b> <i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	The site is not located in proximity to state or local heritage items nor a heritage conservation area (HCA).  Given that the proposal will simply identify the business logo along both Racecourse Road and internally within the site, fronting the southern boundary, the proposal will not result in any adverse impacts to the surrounding area.  The proposed signage will be located on the western and southern elevation and thus is not anticipated to cause adverse visual impacts. Therefore, the proposal will not detract from the amenity or visual quality of the surrounding open space areas or Presidents Hill.  High quality design will be adopted for the proposed signage and hence will enhance the visual quality of the locality. Further details in this regard may be obtained from <b>Appendix 1</b> and <b>Appendix 27</b> which illustrates the signage details.
<b>3. Views and vistas</b> <i>Does the proposal obscure or compromise important views?</i> <i>Does the proposal dominate the skyline and reduce the quality of vistas?</i> <i>Does the proposal respect the viewing rights of other advertisers?</i>	The proposed signs will be fixed to the proposed building façades and will not compromise any important views from surrounding properties.  As the proposed signage will be located below the parapet along both elevations, the proposal will not dominate the skyline or reduce the quality of vistas.  The proposal respects the viewing rights of other advertisers.
<b>4. Streetscape, setting or landscape</b>	The signage has been designed by a reputable designer to create visual interest and is a standard



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**TABLE 14. SEPP 64 ASSESSMENT**

<b>Criteria</b>	<b>Assessment</b>
<p><i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i></p> <p><i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i></p> <p><i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i></p> <p><i>Does the proposal screen unsightliness?</i></p> <p><i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i></p> <p><i>Does the proposal require ongoing vegetation and management?</i></p>	<p>design which is typically used for the Punthill product.</p> <p>The proposal does not propose to create clutter.</p> <p>The proposed signage is not used as a visual screen and does not screen any unsightliness.</p> <p>The proposed signage will not protrude above buildings, or above structures and tree canopies.</p> <p>The proposed signage requires minimal maintenance and does not require ongoing vegetation management.</p>
<p><b>5. Site and building</b></p> <p><i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i></p> <p><i>Does the proposal respect important features of the site or building, or both?</i></p> <p><i>Does the proposal show innovation and imagination in its relationship to the site or building or both?</i></p>	<p>The proposed signage is compatible with the scale of the building on the site. The proposed signage seamlessly integrates with the proposed built form and other signage located within the locality.</p> <p>The signage has been designed to respect the architecturally designed building and complement its design by providing appropriate business identification.</p> <p>The aesthetic design of the signage shows innovation and imagination in the relationship with the site and its context.</p>
<p><b>6. Associated devices and logos with advertisements and advertising structures</b></p> <p><i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i></p>	<p>The signage details are provided at <b>Appendix 27</b> to illustrate the proposed design of the signage.</p> <p>The proposed signs will include the logo and name of the hotel provider – Punthill.</p>
<p><b>7. Illumination</b></p> <p><i>Would illumination result in unacceptable glare?</i></p> <p><i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i></p> <p><i>Would illumination detract from the amenity of any residence or other form of accommodation?</i></p> <p><i>Can the intensity of the illumination be adjusted if necessary?</i></p> <p><i>Is the illumination subject to a curfew?</i></p>	<p>Should illumination be proposed it is anticipated that this would be provided in the form of subtle back lighting facing into the and would not detract from the amenity of the proposed or existing residences nor surroundings vehicles or aircrafts. Signage may be provided in the form of a halo which is evenly illuminated with white LED lights.</p>
<p><b>8. Safety</b></p> <p><i>Would the proposal reduce the safety for any public road?</i></p> <p><i>Would the proposal reduce the safety for pedestrians or bicyclists?</i></p> <p><i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i></p>	<p>The proposal will not reduce the safety of any road users or any public road, as the signs are proposed to be fixed on the building elevations and will not protrude beyond the building façades.</p> <p>The proposal will not obscure sightlines from public areas.</p>



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### 4.3.10 State Environmental Planning Policy (Coastal Management) 2018

The former *State Environmental Planning Policy (Coastal Management) 2018* (Coastal SEPP) aimed to ensure the protection and enhancement of coastal wetland areas, coastal wetland proximity areas, coastal environment areas and coastal use areas.

The subject site is wholly within the Coastal Environment Area (**Figure 6**) and partly within the Coastal Use Area (**Figure 7**).

Given that the subject site does not exhibit any biophysical, hydrological or ecological significance, the proposed development would not present any adverse environmental impact. Further, as no basement level is proposed, no impact to the existing water table would occur.

The proposed development would not result in any adverse impacts to coastal environmental values or natural coastal processes and would comply with the objectives of both Clause 13 and 14 of the Coastal SEPP.

#### 4.3.10.1 Clause 13 – Development on land within the coastal environment area

The subject site wholly contained within the Coastal Environmental area, which requires consideration of Clause 13 of the Coastal SEPP.

This subsection considers whether the proposed development is likely to cause an adverse impact to the following:

- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) *coastal environmental values and natural coastal processes,*
- (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*





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**Figure 6. Coastal SEPP – Coastal Environment Area Map** (Source: NSW Government, 23 September 2021)

As part of the proposed development, new stormwater infrastructure is proposed to manage runoff from the mixed-use development and surrounding pavements. This new infrastructure is proposed to be provided to complement the existing stormwater infrastructure to improve the existing amenity of the stormwater drainage for not only the subject lot, but also the surrounding lots.

A Concept Stormwater Management Strategy has been developed by Northrop Consulting (**Appendix 19**) to ensure stormwater pollutants within runoff from the proposed development are treated onsite to mitigate impacts on the downstream system, including Narra Creek and Brisbane Water.

A total volume of 30kL of rainwater reuse is proposed to be provided onsite. This volume for reuse is proposed to be provided beneath the vehicle ramp from the ground floor to the first floor, near the northern ROW driveway. Captured rainwater is proposed to be reticulated within levels 5, 6 and 7 of the residential units for use as toilet flushing. Based on guidance from Table 3-12 of the NSW MUSIC Modelling Guidelines (BMT), it is expected each 2 bedroom unit have a daily reuse demand of 0.125kL/day, which will result in a daily re-use demand of 3kL/day for the development. We note, by providing a 21kL reuse tank, the reuse demand can be achieved approx. 48% of the time (based on water balance information from MUSIC modelling). Should the mitigation storage volume be doubled (to 42kL, as suggested in HCCREMS), then the re-use demand will still only be met 55% of the time. This small increase in ability to meet the reuse demand can be contributed to the relatively small roof area compared to the reuse demand volume, and as such doubling the re-use volume is not considered appropriate. A volume of 30kL of rainwater reuse volume has been proposed to meet BASIX requirements.

Runoff from the remainder of the roof area will be captured in floor wastes and conveyed to the stormwater system at ground level.

Runoff from the new access driveway along the eastern and southern side of the development will be captured by a new stormwater system and conveyed to Racecourse Road.

Runoff from the access driveway along the northern part of the site will be captured by a combination of existing and proposed infrastructure and conveyed to the existing pit within the adjacent lot at 1A Racecourse Road, as per existing conditions.





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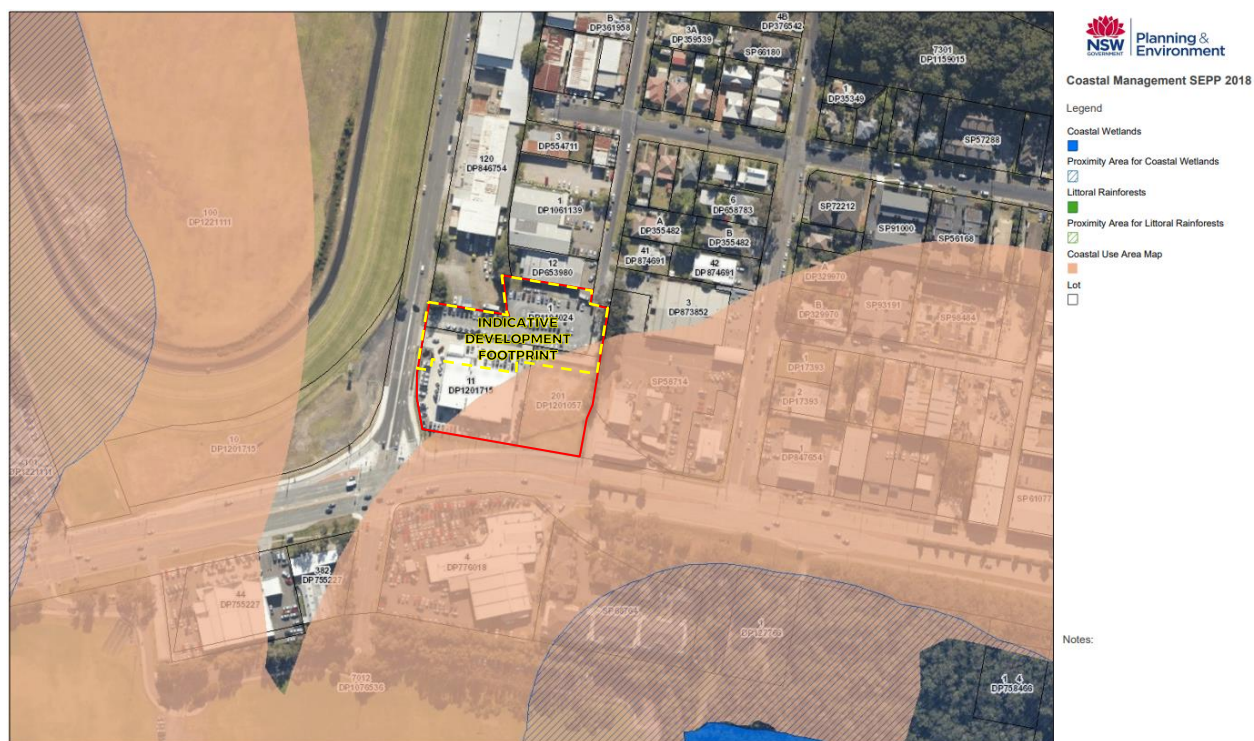
10 Young Street, 1 Racecourse Road & 61 Central Coast Highway, West Gosford

It is proposed all new stormwater inlet pits within the development will be fitted with a proprietary pit insert for primary treatment of stormwater pollutants prior to discharge to Racecourse Road. As the site is currently occupied by existing hardstand pavements with no observable stormwater treatment devices, providing the proposed proprietary pit inserts is considered a significant improvement on the existing site treatments. A significant amount of gross pollutants was observed during site visits within the existing stormwater pits, and it is expected the provision of pit inserts would be effective in reducing the volume of gross pollutants and other stormwater pollutants from entering downstream watercourses.

While it is noted Council would typically require additional stormwater quality improvement devices to achieve their pollution reduction targets identified in Table 11.1 of Council's Civil Works Specification Design Guideline, it is considered these devices would not be practical for the site given the high standing water level. Any infiltration, biofiltration or proprietary treatment device would require treatment below the water table. If there is constantly water in the treatment device, then treatment would not be able to be effective and the infrastructure would become a maintenance issue. As such, rainwater reuse onsite has been proposed as the most suitable means to mimic the existing conditions and provide retention for stormwater runoff.

### 4.3.10.2 Clause 14 – Development on land within the coastal use area

The subject site is marginally within the Coastal Use Area, which requires consideration of Clause 14 of the Coastal SEPP.



**Figure 7. Coastal SEPP – Coastal Use Area Map** (Source: NSW Government, 23 September 2021)

This subsection addresses the following matters that the consent authority must have regard to:

- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
  - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
  - (iv) *Aboriginal cultural heritage, practices and places,*

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- (v) *cultural and built environment heritage, and*
- (b) *is satisfied that:*
  - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
  - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

As shown in **Figure 7** above, the proposed development site is located approximately 350m north-west of Brisbane Water (mapped coastal wetland) and approximately 320m east of Narara Creek (mapped coastal wetland), with various developments and infrastructure between. Given the subject site's separation from such features, the proposed development would not impact on the existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public.

Reference should be made to **PART E** of this SEE for further consideration of impacts.

### 4.3.11 State Environmental Planning Policy (Infrastructure) 2007

*State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across NSW.

#### 4.3.11.1 Clause 101 – Development with frontage to classified road

Pursuant to Clause 101, the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
  - (i) *the design of the vehicular access to the land, or*
  - (ii) *the emission of smoke or dust from the development, or*
  - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site has frontage to the Central Coast Highway, which is a classified road. As such the above provisions have been considered and addressed as part of this SEE. It is noted that the proposed development does not seek access to the Central Coast Highway, nor does it involve substantial development to 1 Racecourse Road and 61 Central Coast Highway, West Gosford, which adjoin the Central Coast Highway.

It is also noted that the proposed development may be sensitive to traffic noise or vehicle emissions, as is set back approximately 62 m from the classified road corridor, which is considered in **Section 5.9** of this SEE.

The safety, efficiency and ongoing operation is addressed as part of the Traffic Impact, contained within **Appendix 21** of this SEE.



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### 4.3.11.2 Clause 102 – Impact of road noise or vibration on non-road development

Clause 102 of the ISEPP applies to sensitive development (being residential accommodation, places of public worship, hospitals, educational establishments or centre-based child care facilities) that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration.

Noise and vibration impacts have been assessed by Acoustic Logic, with the findings and recommendations presented in their Acoustic Assessment within **Appendix 22** of this SEE. Such details are further extrapolated in **Section 5.9** of this SEE.

Pursuant to Clause 102 of the ISEPP, if the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The proposal is capable of meeting the above noise levels, as outlined in **Section 5.9** of this SEE.

### 4.3.11.3 Clause 104 – Traffic generating development

ISEPP repeals the former *State Environmental Planning Policy No. 11 – Traffic Generating Development* and, pursuant to Clause 104, provides for certain proposed developments known as Traffic Generating Development, to be referred to TfNSW for concurrence.

Schedule 3 of ISEPP, lists the types of development that are defined as Traffic Generating Development. The referral thresholds related to the proposed development are presented in

TABLE 15. TRAFFIC GENERATING DEVELOPMENT THRESHOLDS		
Purpose of Development	Size or capacity—site with access to a road (generally)	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Residential accommodation	300 or more dwellings	75 or more dwellings
Commercial premises (other than premises specified elsewhere in Schedule 3)	10,000 m <sup>2</sup> in gross floor area	2,500 m <sup>2</sup> in gross floor area

Based on the above thresholds, the proposal requires referral to TfNSW for concurrence.

An amended Traffic Impact Statement has been prepared by SECA Solution and contained with **Appendix 21** of this SEE.

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

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (BASIX SEPP) aims to establish a scheme to encourage sustainable residential development (the BASIX Scheme). This online assessment tool calculates the dwelling's energy and water scores based on a range of design data.





## STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Mixed Use Development

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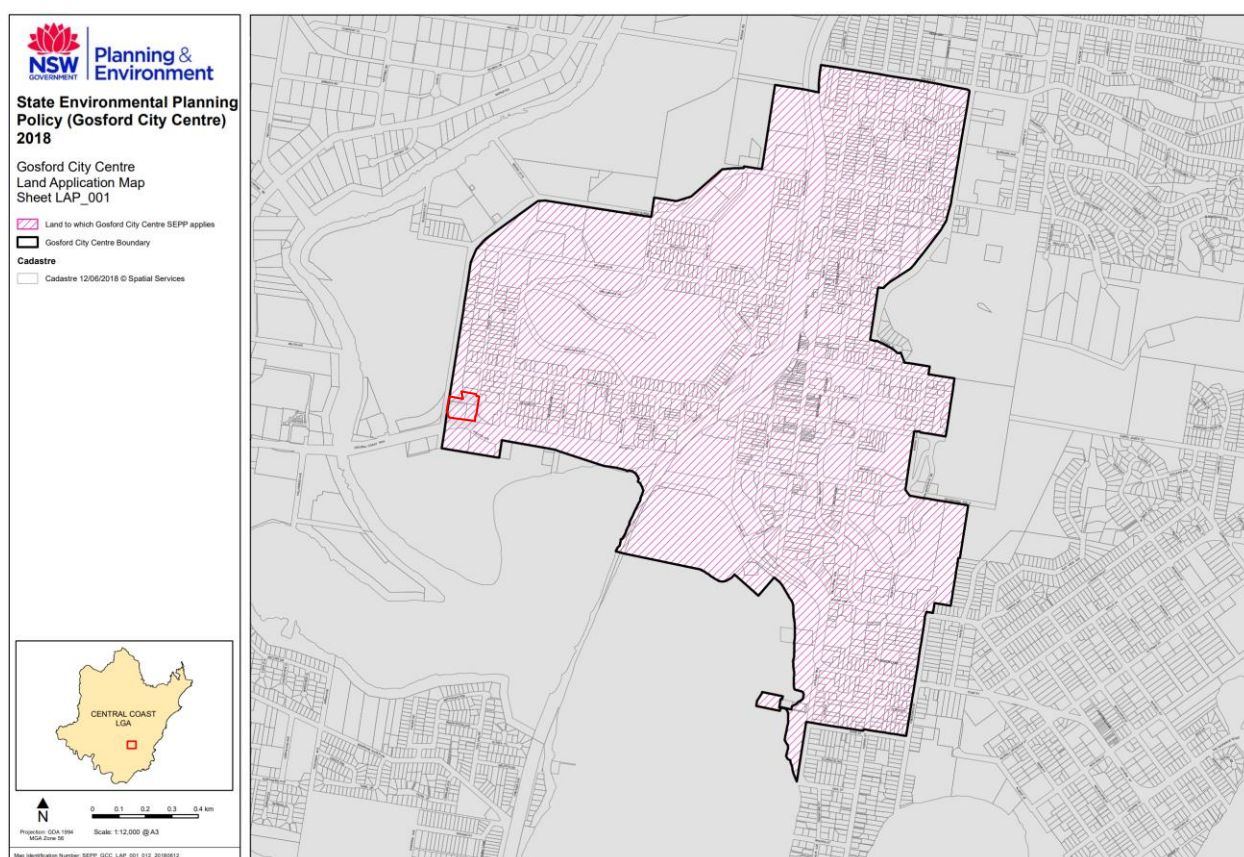
The BASIX SEPP requires the submission of a BASIX Certificate to accompany an application for development consent for any “BASIX affected building”.

A BASIX affected building means “any building that contains one or more dwellings but does not include a hotel or motel”. A dwelling means a “room or suite of rooms occupied or uses, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile”.

A BASIX Certificate, as it applies, for the proposed development accompanies this DA and is located at **Appendix 9** of this SEE.

### 4.3.13 State Environmental Planning Policy (Gosford City Centre) 2018

The Gosford SEPP is the principal EPI that applies to land within the Gosford City Centre, as shown in **Figure 8** below. The subject site falls within the parameters of land of which the Gosford SEPP applies.



**Figure 8. Gosford SEPP Land Application Map** (Source: NSW Government, October 2018)

The aims of Gosford SEPP are as follows—

- (a) to promote the economic and social revitalisation of Gosford City Centre,
- (b) to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,
- (c) to protect and enhance the vitality, identity and diversity of Gosford City Centre,
- (d) to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,



## STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Mixed Use Development

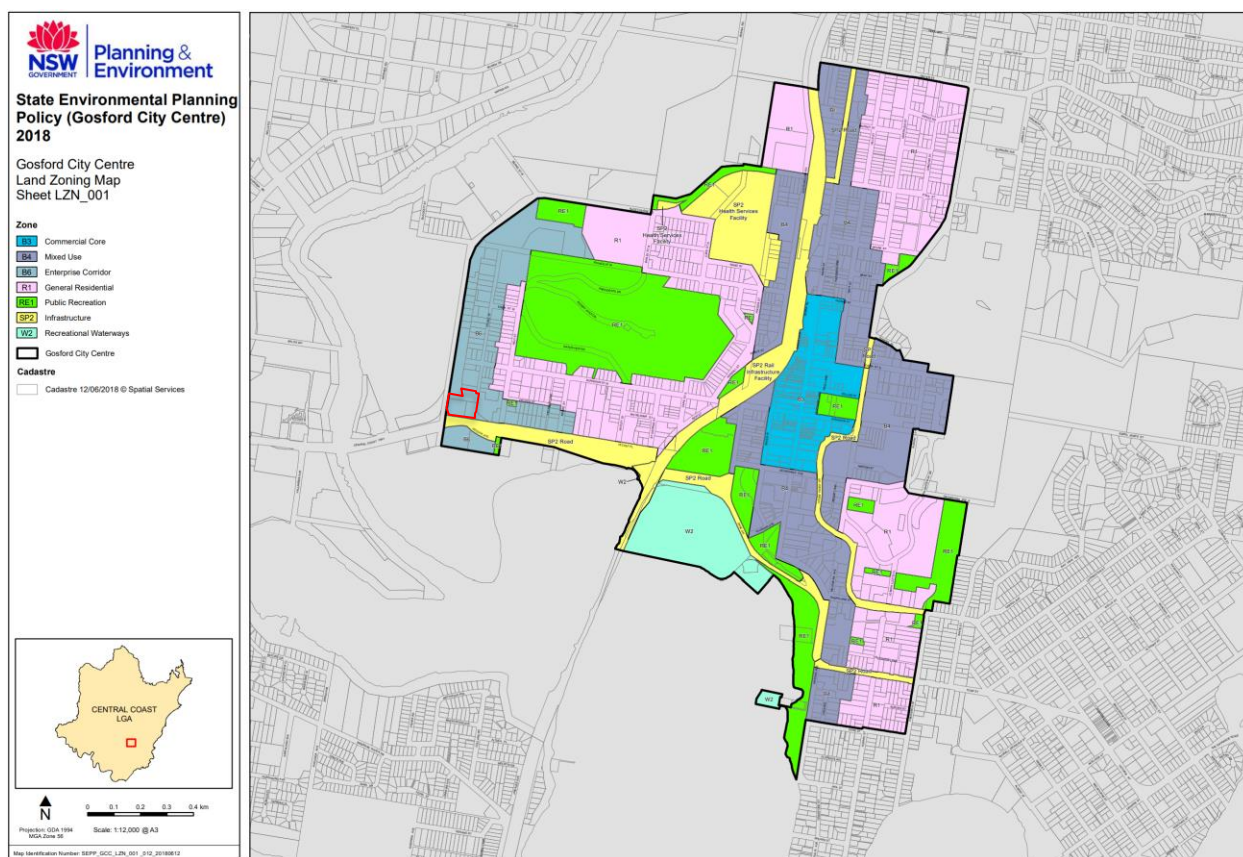
10 Young Street, 1 Racecourse Road & 61 Central Coast Highway, West Gosford

- (e) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes,
- (f) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,
- (g) to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,
- (h) to preserve and enhance solar access to key public open spaces,
- (i) to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront,
- (j) to ensure that development exhibits design excellence to deliver the highest standard of architectural and urban design in Gosford City Centre.

The relevant provisions of the Gosford SEPP as they relate to the subject site are considered in the following subsections.

### 4.3.13.1 Land Zoning

The subject site is zoned B6 Enterprise Corridor, as shown in **Figure 9** below.



**Figure 9. Gosford SEPP Land Zoning Map** (Source: NSW Government, October 2018)

The B6 zone is intended to:

- promote businesses along main roads and to encourage a mix of compatible uses.
- provide a range of employment uses (including business, office, retail and light industrial uses).
- maintain the economic strength of centres by limiting retailing activity.
- provide for residential uses, but only as part of a mixed use development.



#### 4.3.13.2 Land Use

The proposed mixed-use development includes the following land uses, as defined in the Gosford SEPP:

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note—

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

- o **tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis ...

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

Note—

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

- o **residential accommodation** means a building or place used predominantly as a place of residence ...

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note—

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

- o **retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) **vehicle sales or hire premises**,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.



## STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Mixed Use Development

10 Young Street, 1 Racecourse Road & 61 Central Coast Highway, West Gosford

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### 4.3.13.3 Permissibility

The permissibility of the proposed development, as described above, within the B6 Enterprise Corridor zone is described in this subsection.

The following land uses are permitted without consent in the B6 zone:

*Nil*

The following land uses are permitted with consent in the B6 zone:

*Business premises; Community facilities; Garden centres; Hardware and building supplies; **Hotel or motel accommodation**; Landscaping material supplies; Light industries; Multi dwelling housing; Passenger transport facilities; Plant nurseries; Recreation facilities (indoor); **Residential flat buildings**; Roads; **Shop top housing**; Warehouse or distribution centres; **Any other development not specified in item 2 or 4***

The following land uses are prohibited in the B6 zone:

*Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Rural supplies; Service stations; Sewage treatment plants; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems*

Accordingly, a range of land uses are permitted with consent in the B6 Enterprise Corridor zone, including any use not expressly identified as being prohibited.

As a mixed-use development, which includes retail at ground level, a hotel on the upper levels and residential apartments above, the proposed development is permissible with consent, pursuant to the following land uses being listed as 'permitted with consent':

- **Hotel or motel accommodation**
- **Residential flat buildings / Shop top housing**
- **Any other development not specified in item 2 or 4 \***

\* neither retail premises nor vehicle sales or hire premises are specified as 'prohibited', therefore being compatible with the 'permitted with consent' criteria.

Considering the above, the proposed development is permissible with consent, pursuant to the Gosford SEPP.

### 4.3.13.4 Development Standards

This subsection outlines the developments consistency and compliance with the relevant development standards and controls of the Gosford SEPP.





**STATEMENT OF ENVIRONMENTAL EFFECTS**

Proposed Mixed Use Development

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**TABLE 16. DEVELOPMENT STANDARDS**

Clause	Compliance	Comment
<b>Principal development standards</b>		
Clause 4.1 – Minimum subdivision lot size	<b>N/A</b>	The proposal does not include any subdivision of land.
Clause 4.1AA – Minimum subdivision lot size for community title schemes	<b>N/A</b>	The proposal does not include any subdivision of land.
Clause 4.1A – Minimum subdivision lot size for strata plan schemes in certain rural, residential, recreation and environment protection zones	<b>N/A</b>	The proposal does not include any subdivision of land.
Clause 4.3 – Height of buildings	<b>NO</b>	<p>Pursuant to Clause 4.3, the subject site is prescribed the following building height controls, as shown in <b>Figure 10</b>.</p> <p>It is noted that the built form of the proposal extends across only 10 Young Street, which is outlined in yellow on <b>Figure 10</b>.</p> <p>As depicted in the Height of Building (HOB) Map,</p> <ol style="list-style-type: none"> <li>1. A 24 m height applies to the access handle which fronts Racecourse Road.</li> <li>2. The irregular and largest component of the subject site permits a maximum HOB of 36 m.</li> <li>3. The rear component of the site, which partially facilitates an existing ROW, and adjoins Young Street, provides a maximum height of 12 m.</li> </ol> <p>The proposal exhibits a height ranging from 20.57 m across the maximum 24 m portion of the subject site. The tower form of the proposal extends to 46.01 m (or an RL of 48.6 m AHD) at the top of the roof slab and architectural roof feature which facilitates access to the roof plant and communal roof area, across the portion of the site is attributed a maximum 36 m height limit. Therefore, the proposed exceedance above the maximum permitted height is 10.01 m.</p> <p>By virtue of Clause 8.4 of the Gosford SEPP, exceptions to the height may be sought. Refer to Clause 8.4 below for further assessment details.</p>
Clause 4.4 – Floor space ratio	<b>YES</b>	<p>Pursuant to Clause 4.4(2), the subject site is prescribed the following floor space ratio (FSR) controls, as shown in <b>Figure 11</b>.</p> <p>It is noted that the built form of the proposal extends across only 10 Young Street, which is outlined in yellow on <b>Figure 11</b>.</p> <p>As depicted in the FSR Map,</p> <ol style="list-style-type: none"> <li>1. A 2.5:1 FSR applies to the access handle which fronts Racecourse Road.</li> </ol>



**STATEMENT OF ENVIRONMENTAL EFFECTS**

Proposed Mixed Use Development

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**TABLE 16. DEVELOPMENT STANDARDS**

Clause	Compliance	Comment																								
		<p>2. The irregular and largest component of the subject site permits a maximum FSR of 4.0:1.</p> <p>The proposed development is compliant with Clause 4.4, as documented below.</p> <table><tr><th>Site Portion</th><th>Portion Area</th><th>Permissible FSR</th><th>Permissible GFA</th><th>Proposed GFA</th><th>Proposed FSR</th></tr><tr><td>Site with FSR 2.5:1</td><td>938 m<sup>2</sup></td><td>2.5:1</td><td>2,345 m<sup>2</sup></td><td>1,989 m<sup>2</sup></td><td><b>2.12:1</b></td></tr><tr><td>Site with FSR 4.0:1</td><td>2,317 m<sup>2</sup></td><td>4.0:1</td><td>9,268 m<sup>2</sup></td><td>8,116 m<sup>2</sup></td><td><b>3.5:1</b></td></tr><tr><td>Site with FSR 0.0:1</td><td>496 m<sup>2</sup></td><td>0.0:1</td><td>0 m<sup>2</sup></td><td>0 m<sup>2</sup></td><td><b>0.0:1</b></td></tr></table> <p>Refer to <b>Section 4.3.13.4.2</b> for further detail.</p>	Site Portion	Portion Area	Permissible FSR	Permissible GFA	Proposed GFA	Proposed FSR	Site with FSR 2.5:1	938 m <sup>2</sup>	2.5:1	2,345 m <sup>2</sup>	1,989 m <sup>2</sup>	<b>2.12:1</b>	Site with FSR 4.0:1	2,317 m <sup>2</sup>	4.0:1	9,268 m <sup>2</sup>	8,116 m <sup>2</sup>	<b>3.5:1</b>	Site with FSR 0.0:1	496 m <sup>2</sup>	0.0:1	0 m <sup>2</sup>	0 m <sup>2</sup>	<b>0.0:1</b>
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Clause 4.5 – Calculation of floor space ratio and site area	<b>YES</b>	<p>Clause 4.5 is utilised to calculate the ‘site area’ and FSR of the proposed development.</p> <p>Marchese Partners have utilised Clause 4.5 for the calculation of FSR.</p>																								
Clause 4.6 – Exceptions to development standards	<b>N/A</b>	<p>While the proposed development is consistent with the aims and objectives of the Gosford SEPP, the development involves a variation to the current HOB development standard (Clause 4.3) under the Gosford SEPP.</p> <p>However, by virtue of Clause 8.4(3) of the Gosford SEPP, exceptions to height maybe sought and, as such, a variation under Clause 4.6 is not required.</p>																								
<b>Miscellaneous provisions</b>																										
Clause 5.1 – Relevant acquisition authority	<b>N/A</b>	<p>The subject site does not contain land required to be acquired, as shown on the Land Reservation Acquisition Map.</p>																								
Clause 5.2 – Classification and reclassification of public land	<b>N/A</b>	<p>Not applicable to the subject site.</p>																								
Clause 5.3 – Development near zone boundaries	<b>N/A</b>	<p>The proposal does not rely on the flexibility of Clause 5.3 to apply the planning objectives and land uses of an adjoining zone.</p>																								
Clause 5.4 – Controls relating to miscellaneous permissible uses	<b>N/A</b>	<p>The proposal does not seek consent for any use listed under Clause 5.4.</p>																								
Clause 5.6 – Architectural roof features	<b>N/A</b>	<p>Not applicable to the proposed development.</p>																								
Clause 5.7 – Development below mean high water mark	<b>N/A</b>	<p>Not applicable to the subject site.</p>																								
Clause 5.8 – Conversion of fire alarms	<b>N/A</b>	<p>Not applicable to this proposal.</p>																								



**STATEMENT OF ENVIRONMENTAL EFFECTS**

Proposed Mixed Use Development

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**TABLE 16. DEVELOPMENT STANDARDS**

Clause	Compliance	Comment
Clause 5.10 – Heritage conservation	<b>YES</b>	The subject site is not identified as a heritage item nor located in a heritage conservation area (HCA). However, as part of the Pre-DA minutes received from the NSW DPE, an aboriginal archaeology report in accordance with the relevant Office of Environmental and Heritage (OEH) guidelines was requested and as a result the relevant report accompanies this application at <b>Appendix 13</b> .
Clause 5.11 – Bush fire hazard reduction	<b>N/A</b>	Not applicable to this proposal.
Clause 5.12 – Infrastructure development and use of existing buildings of the Crown	<b>N/A</b>	Not applicable to this proposal.
<b>Additional local provisions</b>		
Clause 7.1 – Acid sulfate soils	<b>YES</b>	The subject site is identified as Class 2 and Class 5 land on the Acid Sulfate Soils (ASS) Map, as shown in <b>Figure 12</b> . It is noted that the built form of the proposal extends across only 10 Young Street, which is outlined in yellow on <b>Figure 11</b> . Class 2 ASS are identified for the Racecourse Road handle of the subject site, and Class 5 ASS are identified for the remainder of the subject site. As required by Clause 7.1(3) an ASS Management Plan has been prepared and forms <b>Appendix 12</b> of this SEE.
Clause 7.2 – Flood planning	<b>YES</b>	This clause applies to land at or below the flood planning level. A Flood Assessment Report has been prepared by Northrop Consulting, as included in <b>Appendix 18</b> of this SEE. Northrop's assessment has concluded that the proposed development will not create any significant adverse impacts to flood behaviour on the subject site and on the properties surrounding the subject site during 1% AEP flood event.
Clause 7.3 – Floodplain risk management	<b>YES</b>	This clause applies to land between the flood planning level and the level of a probable maximum flood, but does not apply to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. A flood assessment letter was obtained from Council (28 May 2020) to identify the flood behaviour for the subject site. Information provided by Council indicates the 1% Annual Exceedance Probability (AEP) Flood Level for the site is RL 2.09 m AHD, with the minimum floor level being RL 2.59 m AHD with 0.5 m freeboard. It is understood these levels are driven by flooding from Narara Creek. Existing



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Proposed Mixed Use Development

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**TABLE 16. DEVELOPMENT STANDARDS**

Clause	Compliance	Comment
		<p>levels on-site range from 1.08m AHD to 2.59 m AHD from west to east.</p> <p>The above flood levels were observed when considering the finished floor levels of the development.</p> <p>Following this review, the proposed floor levels provided have been proposed for the following reasons:</p> <ul style="list-style-type: none"> <li>The commercial space / showroom achieves an RL of 2.09 m AHD. As the showroom is a commercial premise with no habitable areas, it is considered appropriate that the finished floor level may be set at the 1% AEP Flood Level. This floor level allows for better activation of the street frontage to Racecourse Road as well as the new street along the southern boundary of the development. Should stepping and ramps be proposed along the front of the site, this may jeopardise the activation of Racecourse Road as it would reduce permeability and connection between the site and the frontage.</li> <li>There is onsite refuge above the PMF event available for all patrons and staff. Also, as the Narara Creek event is a regional event, it is considered there would be appropriate warning time to allow for a site evacuation or onsite refuge in an event. The critical 1% level from Narara Creek has a relatively low velocity at the showroom frontages.</li> <li>The hotel lobby achieves an RL of 2.59 m AHD, which provides for the 0.5m freeboard above the 1% AEP Flood Level.</li> <li>The residential lobby achieves an RL of 2.59 m AHD, which provides for the 0.5m freeboard above the 1% AEP Flood Level.</li> </ul>
Clause 7.4 – Repealed	<b>N/A</b>	Repealed.
Clause 7.5 – Location of sex services premises	<b>N/A</b>	Not applicable to this proposal.
<b>Gosford City Centre</b>		
Clause 8.1 – Minimum building street frontage in Zone B6	<b>YES</b>	Taking into consideration the existing ROW, 10 Young Street (which will house the built form component of the proposed development) is afforded approximately 138 m of street frontage.
Clause 8.2 – Building height on Mann Street	<b>N/A</b>	Not applicable to the subject site.
Clause 8.3 – Design excellence	<b>YES</b>	<p>Clause 8.3 outlines that design excellence must be exhibited.</p> <p>Pursuant to Clause 8.4(3), the proposal is required to be reviewed and accepted by CoGDAP to achieve additional height, beyond the Clause 4.3 prescription.</p>

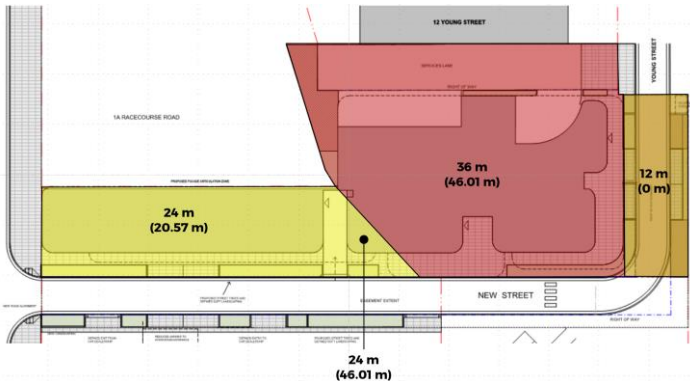


# STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Mixed Use Development

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**TABLE 16. DEVELOPMENT STANDARDS**

Clause	Compliance	Comment
		<p>As outlined in <b>Section 1.3.1</b> of this SEE, the proposal has been reviewed by the CoGDAP and the relevant advice(s) are appended within <b>Appendix 30</b>. In particular, the most recent CoGDAP correspondence, dated 8 February 2022, concludes that CoGDAP are satisfied that the DA adequately addresses previous design issues raised and now exhibits Design Excellence; reference should be made to <b>Section 1.3.1</b>.</p> <p>Additionally, a DES forms part of this DA at <b>Appendix 6</b>, which further demonstrates how the proposal exhibits design excellence and contributes to the natural, cultural, visual and built character values of Gosford City Centre.</p>
Clause 8.4 - Exceptions to height and floor space in Zones B3, B4 and B6	<b>YES</b>	<p>The proposal seeks a variation to the HOB development standard, under clause 8.4(3) of the Gosford SEPP.</p> <p>No built form is proposed in the portion of the site which is afforded a maximum 12 m height. The built form proposed in the portion of the site that permits a maximum of 24 m is predominately 20.57 m and therefore, well within the maximum prescribed. However, there is a small portion of the tower building that falls within 24 m HOB threshold area. The remainder of the tower is within the 36 m threshold area, which proposes a maximum building height of 46.01 m.</p>  <p>The proposal seeks to adopt the provisions of Clause 8.4 of the Gosford SEPP to achieve the abovementioned building heights.</p> <p>The proposal is eligible for an exemption to the maximum height and has been reviewed by the CoGDAP, as the relevant DRP, and their commentary has been considered and incorporated into the design.</p> <p>Based on the height awarded to the subject site, considering its surrounding context and the maximum heights applied, it is considered that the intention for this site is to provide a gateway building as you enter Gosford from the Central Coast Highway.</p> <p>The subject site was previously identified as a Key Site under the Gosford Local Environmental Plan, upon which</p>





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Proposed Mixed Use Development

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**TABLE 16. DEVELOPMENT STANDARDS**

Clause	Compliance	Comment
		<p>additional height could also be sought. This instrument applied to the subject site prior to the implementation of the Gosford SEPP.</p> <p>The proposal seeks to provide a nodal development at a pivotal entry point to Gosford, as demonstrated in the Urban Design Report and Visual Impact at <b>Appendix 2</b>. The report confirms the proposal ensures the protection of solar access to future development sites through adequate setbacks and building separation.</p> <p>The view corridors to Presidents Hill, particularly along Central Coast Highway, are maintained. As per the request of the CoGDAP, the podium height and street frontage to Racecourse Road has been reduced to a lower level than the current height permitted by the Gosford SEPP. The main street frontage height along Racecourse Road sits below 21 m in addition to commercial ground floor activation create a human-scale environment for pedestrians.</p> <p>As demonstrated in the accompanying BASIX specifications report, the building meets and proposes to achieve the commitments identified in the BASIX Certificate with the goal of meeting and exceeding the minimum building sustainability and environmental performance standards.</p> <p>The application of the BASIX SEPP, where appropriate, has been undertaken and the relevant BASIX Certificate accompanies the application. A Nationwide House Energy Rating Scheme (NatHERS) Certificate accompanies the BASIX documentation, achieving an average 6.9 star rating for the residential component of the development. BASIX requires all dwellings in NSW to achieve a minimum of 5.5 star and an overall average of 6 Stars NatHERS rating for development. The proposal provides 0.9 in excess of the average 6-star rating resulting in a better than average energy rating.</p> <p>To improve the efficiency of the hot water systems, a 3 star Water Efficiency Labelling and Standards (WELS) rated showerheads have been incorporated, 4 star WELS minimum rated toilets, 6 star WELS kitchen and bathroom taps and dishwashers are to be utilised for the residential component of the development. The high ratings will ensure that the water efficiency quality of these appliances and fixtures provides a high water aspect BASIX rating.</p> <p>Additionally, a 30 kL rainwater tank has also been proposed to meet BASIX requirements to harvest rainwater for reuse. This volume for reuse is proposed to be provided beneath the vehicle ramp from the ground floor to the first floor, near the northern ROW driveway.</p> <p>The collected rainwater is proposed to be reticulated within levels 5, 6 and 7 of the residential units for use as</p>



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**TABLE 16. DEVELOPMENT STANDARDS**

Clause	Compliance	Comment
		<p>toilet flushing. Based on guidance from the NSW MUSIC Modelling Guidelines, it is expected each 2 bedroom unit to have a daily reuse demand of 0.125 kL/day, which will result in a daily re-use demand of 3 kL/day for the development. The development has implemented best practise building sustainability mechanisms to ensure that environmental performance standards are exceeded.</p> <p>Therefore, based on the above factors and the numerous supporting urban design and visual impacts studies, the public benefit of the proposal is considered to outweigh strict compliance with the mapped HOB limit prescribed under Clause 4.3 of the Gosford SEPP. The proposal has evolved into a superior development that exhibits design excellence, sustainable building practices, and offers significant public benefits, which allow for development consent to be granted under Clause 8.4.</p>
Clause 8.5 – Car parking in Zones B3 and B4	<b>N/A</b>	Not applicable to the subject site.
Clause 8.6 – Active street frontages	<b>N/A</b>	The subject site does not contain an active street frontage mapped on the Active Street Frontage Map.
Clause 8.7 – Non-residential ground and first floor of buildings in Zone B3	<b>N/A</b>	The subject site is zoned B6 Enterprise Corridor. Clause 8.7 applies to lane zoned B3 Commercial Core.
Clause 8.8 – Converting serviced apartments to a residential flat building	<b>N/A</b>	Not applicable to this proposal.
Clause 8.9 – Residential flat buildings in Zone B6	<b>YES</b>	<p>Clause 8.9 seeks to ensure that development for residential flat buildings on land in the B6 Enterprise Corridor zone forms part of mixed use developments. The proposal is compliant with the requirements of Clause 8.9(3) in that:</p> <ul style="list-style-type: none"> <li>▪ It provides for a mixed use development, and</li> <li>▪ The ground floor of the building is not used for residential accommodation.</li> </ul>
Clause 8.10 – Solar access to key public open spaces	<b>N/A</b>	The subject site is not located near Kibble Park or Leagues Club Field.
Clause 8.11 – Key vistas and view corridors	<b>YES</b>	<p>The objective of Clause 8.11 is to protect and enhance key vistas and view corridors in Gosford City Centre. To satisfy the NSW DPE that the proposed development is consistent with the objectives of Clause 8.11, a thorough Urban Design and Visual Impact Assessment Report has been prepared in support of this DA – refer to <b>Appendix 2</b> of this SEE.</p>
Clause 8.12 – Community infrastructure	<b>N/A</b>	Not applicable to this proposal.
Clause 8.13 – Floor space ratio in Zone R1	<b>N/A</b>	Not applicable to the subject site.

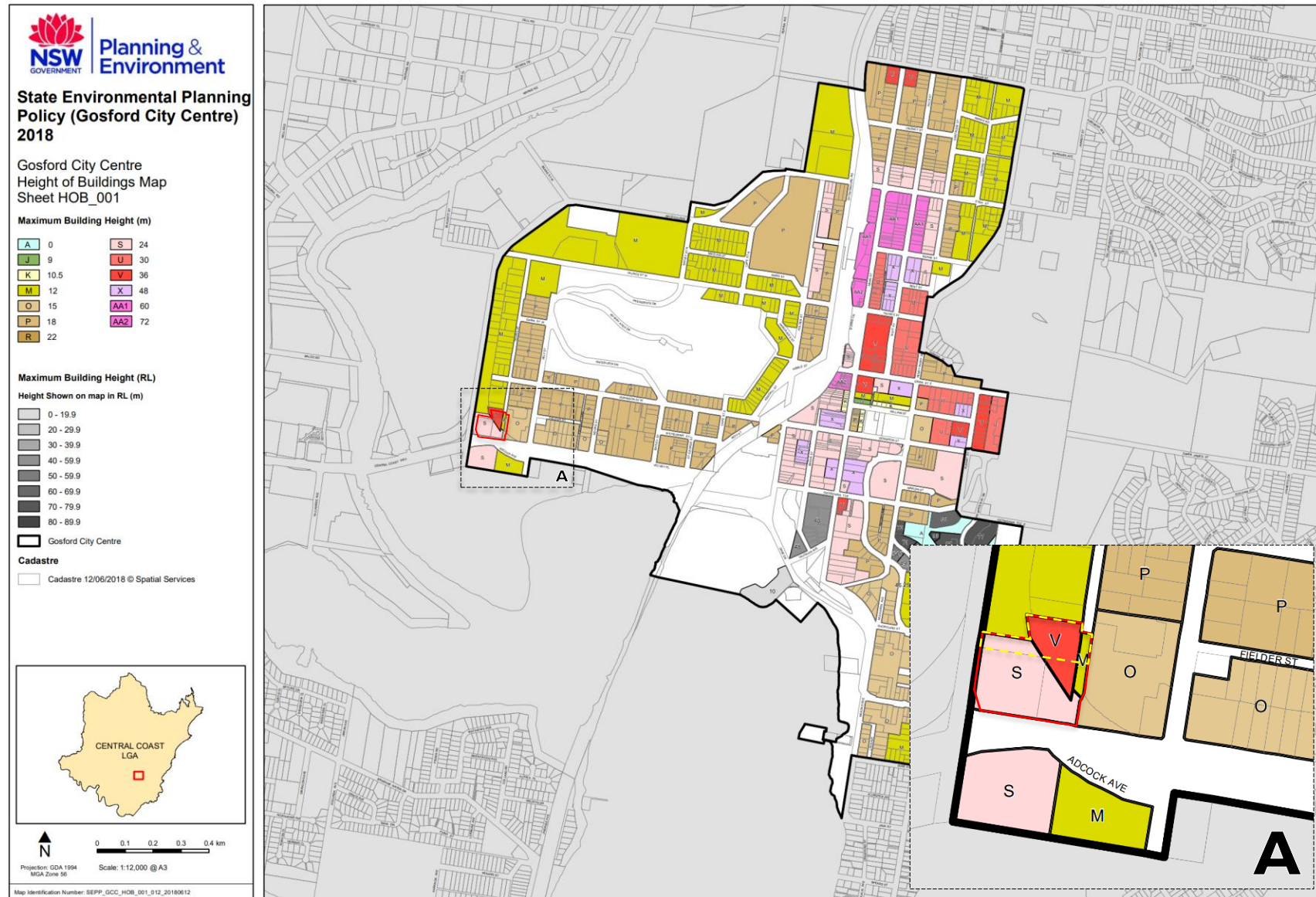


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### 4.3.13.4.1 Height of buildings





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**NSW GOVERNMENT** | **Planning & Environment**

**State Environmental Planning Policy (Gosford City Centre) 2018**

Gosford City Centre  
Floor Space Ratio Map  
Sheet FSR\_001

**Maximum Floor Space Ratio (n:1)**

S	1.5
T1	2
T2	2.25
U1	2.5
U2	2.75
V	3
W	3.5
X	4
Y	4.75
Z	5
AA	6

**Cadastral**

— Gosford City Centre  
— Cadastral 12/06/2018 © Spatial Services

**Map Information**

Projection: GDA 1994  
MGA Zone 56  
Scale: 1:12,000 @ A3  
Map Identification Number: SEPP\_GCC\_FSR\_001\_012\_20180612

**Figure 11. Gosford SEPP Floor Space Ratio Map** (Source: NSW Government, October 2018)

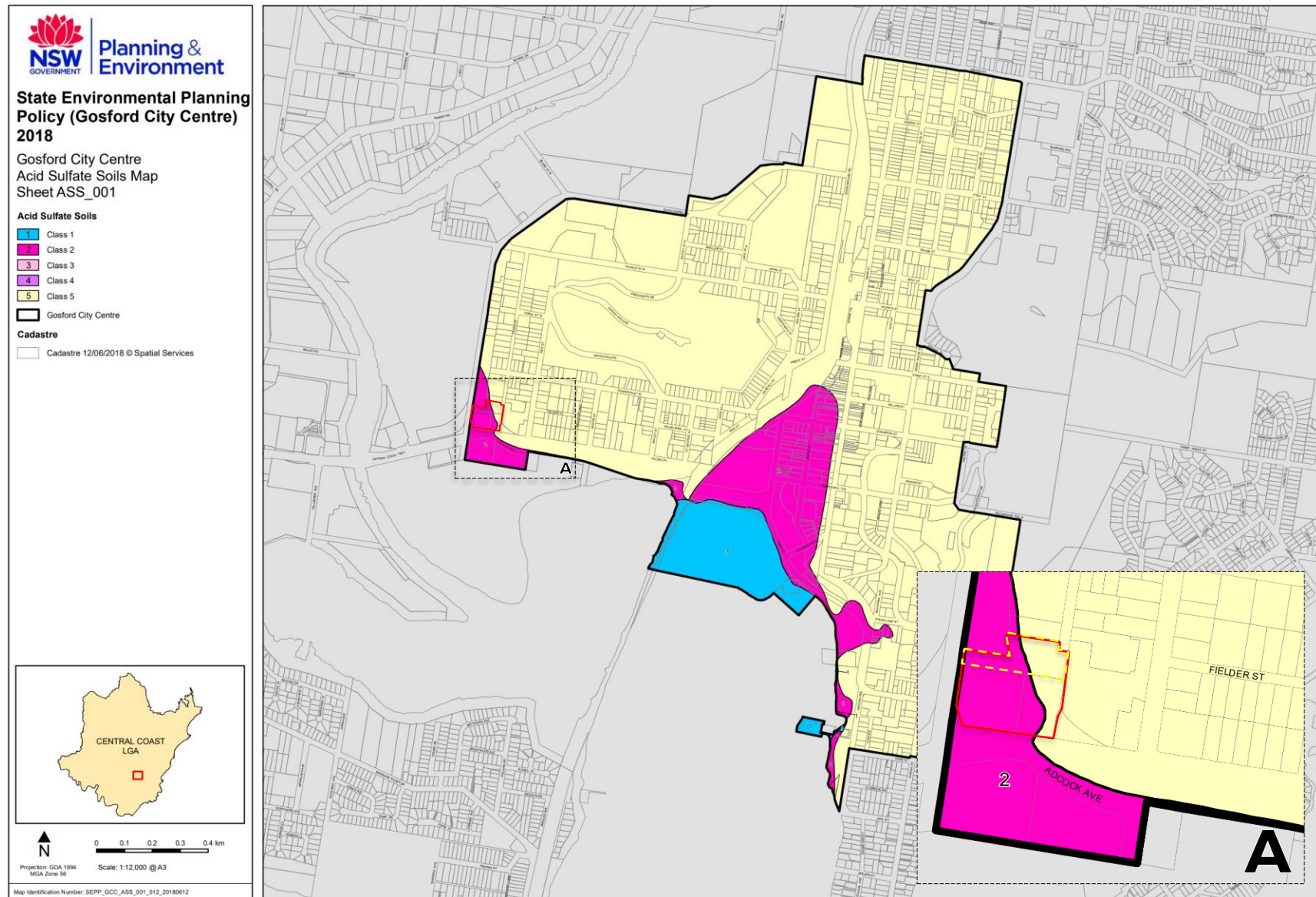


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### 4.3.13.4.3 Acid sulfate soils



**Figure 12. Gosford SEPP Acid Sulfate Soils Map** (Source: NSW Government, October 2018)





#### **4.4 STATE PLANNING CONTEXT – ADDITIONAL INSTRUMENTS IN FORCE SINCE THE DA WAS MADE**

##### **4.4.1 Environmental Planning and Assessment Regulation 2021**

This amended DA is made under Section 37 of the EP&A Regulation 2021.

##### **4.4.2 State Environmental Planning Policy (Industry and Employment) 2021**

The *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) contains planning provisions relating to:

- employment land in western Sydney.
- advertising and signage in NSW.

Advertising and signage forms part of this application, for which Chapter 3 of the Industry and Employment SEPP has been assessed. The proposal remains consistent with these provisions, as set out in **Section 4.3.9** of this SEE.

##### **4.4.3 State Environmental Planning Policy (Resilience and Hazards) 2021**

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) contains planning provisions relating to:

- land use planning within the coastal zone, in a manner consistent with the objects of the *Coastal Management Act 2016*.
- management of hazardous and offensive development.
- remediation of contaminated land and to minimise the risk of harm.

In relation to the subject site, the following matters are highlighted.

Provisions within the repealed SEPPs have been transferred to the new Resilience and Hazards SEPP and the intent and provisions remain largely unchanged. The changes should not impact development application assessment, as such reference should be made to the following sections of this SEE for suitable assessment responses:

- **Section 4.3.7**
- **Section 0**

##### **4.4.4 State Environmental Planning Policy (Transport and Infrastructure) 2021**

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) contains planning provisions relating to:

- infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.
- child-care centres, schools, TAFEs and Universities.
- planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).
- land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.

Of these, the proposed development must have regard to Chapter 2 – Infrastructure.

It is noted that the Transport and Infrastructure SEPP has transferred most of the existing provisions from the SEPPs it has consolidated, with no key policy changes. As such, the same assessment outcomes as described in **Section 4.3.11** of this SEE would apply.



#### **4.4.5 State Environmental Planning Policy (Precincts – Regional) 2021**

The Regional Precincts SEPP includes provisions for regional areas, which includes the Gosford City Centre area. Chapter 5 of the Regional Precincts SEPP relates to the Gosford City Centre.

Pursuant to Clause 5.8 of the Regional Precincts SEPP, if a development application has been made before the commencement of this Chapter (being Chapter 5 of the Regional Precincts SEPP) in relation to land to which this Chapter applies (refer to **Figure 8**) and the application has not been finally determined before that commencement, the application must be determined as if Chapter 5 had not commenced.

Whilst complete assessment against Chapter 5 of the Regional Precincts SEPP is not required, consideration has been given and concludes that no key changes would apply to the subject site if a new development application were made.

### **4.5 LOCAL PLANNING CONTEXT**

#### **4.5.1 Gosford Local Environmental Plan 2014**

The *Gosford Local Environmental Plan 2014* (GLEP2014) previously applied to the subject site, however was repealed by virtue of the Gosford SEPP. The now former GLEP2014, nor the new consolidated *Central Coast Local Environmental Plan 2022*, is not applicable to the subject site as the provisions of the Gosford SEPP (and now the Regional Precincts SEPP) apply.

#### **4.5.2 Gosford City Centre Development Control Plan 2018**

The *Gosford City Centre Development Control Plan 2018* (GDCP2018) provides detailed planning and design guidelines to support the planning controls of the Gosford SEPP (and now the Regional Precincts SEPP).

An assessment of the proposal, including the proposed amendments, against the relevant sections of the GDCP2018 is provided at **Appendix 29**.

### **4.6 STRATEGIC CONTEXT**

#### **4.6.1 Central Coast Regional Plan 2036**

The *Central Coast Regional Plan 2036* (Regional Plan) provides the strategy necessary to deliver the vision for the central Coast. The Plan is the product of extensive consultation with Central Coast Council and the wider community.

The Regional Plan sets regional planning priorities and provides a framework for regional and local planning decisions. It identifies economic, social and environmental opportunities and actions to guide growth and land use.

The vision for the Central Coast is to provide a healthy natural environment, a flourishing economy and well-connected communities. In order to achieve the vision, the NSW Government has identified four goals for the region:

- A prosperous Central Coast with more jobs close to home
- Protect the natural environment and manage the use of agriculture and resource lands
- Well-connected communities and attractive lifestyles
- A variety of housing choice to suit needs and lifestyles

Each goal within the Regional Plan has directions that provide a focus for a series of actions. Some of key actions include:

- Identify opportunities in Growth Corridors and update local plans to foster economic development
- Align housing and employment land with development-enabling infrastructure



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- Support Central Coast Council in aligning local plans with the Regional Plan, and develop and
- implement a local planning toolkit to inform the preparation of local planning strategies

The proposal's response to the Regional Plan is captured as follows:

<b>1</b> <b>A PROSPEROUS CENTRAL COAST WITH MORE JOBS CLOSE TO HOME</b>	 <p>10 Young Street will be a catalyst for development in the Western portion of Gosford. This Western Gateway precinct is currently underutilised and therefore this proposal acknowledges the potential growth and investment in recreational, residential and commercial uses within this area, offering an attractive place 'to live and work'.</p>
<b>2</b> <b>PROTECT THE NATURAL ENVIRONMENT AND MANAGE THE USE OF AGRICULTURAL AND RESOURCE LANDS</b>	 <p>The natural environment of Gosford, and in particular the beauty of Presidents Hill escarpment is celebrated in design through providing visual and/or physical connections to the local and regional green corridors.</p>
<b>3</b> <b>WELL-CONNECTED COMMUNITIES AND ATTRACTIVE LIFESTYLES</b>	 <p>The establishment of the Western Gateway provides opportunities for a rich mix of use, investment and an increase in recreation and lifestyle choices across Gosford. A compact urban pattern to support a growing population amidst existing natural assets creates attractive and liveable routines for the residents and visitors.</p>
<b>4</b> <b>A VARIETY OF HOUSING CHOICE TO SUITE NEEDS AND LIFESTYLES</b>	 <p>With a rising population, Gosford is not only in need of new development that offers a variety of housing choices but also where residents have diversity in choice of location. With increased attention steered towards the Civic Heart, City South and City North, this proposal recognises the need to deliver apartments in a different setting in order to respond to a variety of needs.</p>

### 4.6.2 One Central Coast

The *One Central Coast* is the first community Strategic Plan for the Central Coast region to understand the aspirations and concerns of the Central Coast community as a whole. From a planning perspective, the Strategic Plan, where possible, links between the community objectives and the *NSW State Health Plan: Towards 2021*, the *NSW State Infrastructure Strategy 2018-2038*, *Future Transport 2056* and the *Australian Government Smart Cities Plan (2016)*.



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Central Coast Council will use the Strategic Plan to shape business activities, future plans, services and expenditure. The Strategic Plan aims to create one Central Coast; a smart, green and liveable region with a shared sense of belonging and responsibility.

The Strategic Plan has been built around five key themes that reflect the needs and values of the people who live in the region:

- Belonging
- Smart
- Green
- Responsible
- Liveable

The Strategic Plan also aligns with *United Nations Sustainable Development Goals* (UN SDGs). The UN SDGs aim to end poverty, protect the planet and ensure all people enjoy peace and prosperity.

The proposal responds to the five key themes of the Strategic Plan, as follows.

<b>1</b> <b>BELONGING</b>  <b>COMMUNITY SPIRIT, CREATIVITY, CONNECTION AND LOCAL IDENTITY</b>	 <p>10 Young Street contributes to the local identity of the envisioned Western Gateway of Gosford as an area for a range of recreation and lifestyle choices.</p>
<b>2</b> <b>SMART</b>  <b>A GROWING REGION, A PLACE OF OPPORTUNITIES FOR PEOPLE</b>	 <p>The development provides incentives to attract businesses to the area as it is both a hotel and residential apartments. It contributes to the growth of the region by providing housing choices for a growing population and welcomes visitors to the area by providing an aesthetic place to stay.</p>
<b>3</b> <b>GREEN</b>  <b>CHERISHED AND PROTECTED NATURAL BEAUTY</b>	 <p>10 Young Street incorporates renewable energy and energy efficiency through sustainable design. The design comprises of a communal terrace with greenery and provides visual and/or physical connections to the local and regional green corridors.</p>





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**4**

### RESPONSIBLE

**DELIVERING ESSENTIAL  
INFRASTRUCTURE,  
SUSTAINABLE  
DEVELOPMENT**

The mixed-use development benefits both existing and future residents of Gosford as well as visitors to the area. Through the provision of a variety of uses and the design which is responsive to the local built and natural environment, a balanced and sustainable outcome is achieved.

**5**

### LIVEABLE

**RELIABLE PUBLIC  
TRANSPORT, OUT  
AND ABOUT IN THE  
FRESH AIR, HEALTHY  
LIFESTYLES**

A functional and liveable environment is supported through the delivery of increased pedestrian connections within and around the site, such as a thru site link, improved public domain with active streetscape, as well as accessibility to surrounding green spaces and a bus stop to the city centre. Having a variety of housing choices – including apartment living – in a natural setting is desirable and contributes to a healthy and active lifestyle for future residents.

## 4.7 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

### 4.7.1 State Environmental Planning Policy (Environment)

The NSW government has been working towards developing a new SEPP for the protection and management of the natural environment. The changes proposed under the current draft SEPP include the consolidation of the following existing SEPPs:

- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property*

None of these existing SEPPs are relevant to the proposed development, therefore no further consideration of the draft Environment SEPP is required.

### 4.7.2 The Design and Place State Environmental Planning Policy 2021

The *Design and Place State Environmental Planning Policy 2021* (DP SEPP) was exhibited from 10 December 2021 to 28 February 2022.

Following extensive consultation with industry and stakeholder groups the NSW Government will not introduce the DP SEPP, therefore no further consideration is required.





## **PART E ENVIRONMENTAL ASSESSMENT**

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

### **5.1 CONTEXT AND SETTING**

The proposed development, for a mixed-use development which contains a hotel, commercial tenancy and residential apartments, is consistent and complementary to the context and desired future character of the Gosford City Centre. The proposal will provide a direct response to the aims of the former Gosford SEPP, and current Regional Precincts SEPP, as it will promote economic and social revitalisation, whilst strengthening the regional position of Gosford City Centre. Further, the proposal will also enhance the public domain and streetscape along Racecourse Road, the interface with Young Street and also internally within the subject site.

The proposal is compatible with the surrounding land uses including established commercial and residential uses. The proposed development has been aesthetically designed, which facilitates the compatibility of the proposal with the surrounding uses whilst acting as a catalyst for regeneration of this portion of West Gosford, as demonstrated in **Section 5.2**. As such, the proposal is not considered to exhibit any adverse amenity impacts.

The proposed layout and building design will ensure the functional operation of the hotel, whilst activating the internal access. The commercial spaces will activate Racecourse Road, whilst ensuring commercial development is retained in this part of Gosford City Centre. The residential component will provide additional residential accommodation to contribute to market demand and increase affordability, whilst locating the lobby along the Young Street frontage to activate this portion of the subject site to ensure a contiguous pedestrian experience is carried through the subject site from Racecourse Road to Young Street.

The proposal is not anticipated to exhibit any significant environmental impacts or adversely impact on the amenity or operations of the adjoining sites. In fact, the enhanced public domain works will provide convenient and safe pedestrian links that will contribute to providing a more pleasant environment which will act as a catalyst for the revitalisation of West Gosford. Therefore, the proposal is considered compatible with the site context and setting.

### **5.2 BUILT FORM**

The proposed built form comprises a podium fronting Racecourse Road and the bulk of the built form to the rear of the subject site towards Young Street. Through the incorporation of a high quality design, the proposal will create active frontages along Racecourse Road and internally within the site, whilst also activating Young Street. The provision of the new through site pedestrian link will also enhance the public realm and facilitate social connectedness within the West Gosford locality increasing connectivity to and from the site.

Careful consideration of how the built form will present from different viewpoints has been demonstrated within the Urban Design Report and visual impact assessment prepared by Roberts Day, as addressed in **Section 5.8** of this SEE. The proposal will provide visual interest and improve the pedestrian experience, whilst presenting a considerate response to the scenic Presidents Hill backdrop.

The proposed design acknowledges the built form and streetscape that would result when complying with the height limits of the Gosford SEPP, and current Regional Precincts SEPP. However, it is considered that the existing height controls do not give the best urban design outcome, particularly in terms of visual impacts, streetscape and the future visioning of the proposal as a gateway site to complement the sense of arrival to Gosford. As a result, the proposal is designed to strengthen the street interface and decrease its visual impact by proposing a more distinctive podium/ tower design. The proposal decreases the height of podium, transferring this height to the tower element, as shown in **Figure 13** and **Figure 14**. Taking an alternative approach to the design of the development that is more carefully considerate of future

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development, visual impacts and is responsive to the streetscape and particularly the human scale, results in a more desirable outcome.

Given the design excellence exhibited by the development, the proposal is considered a quality addition that aligns with the intent for the area. The proposal will integrate with the surrounding and emerging built form whilst adding to the visual interest of Gosford City Centre particularly as you enter Gosford from the Central Coast Highway.

### 5.2.1 Responsive Built Form

As mentioned above, taking an alternative approach to the design of the development that is more carefully considerate of visual impacts and is responsive to the streetscape results in a more desirable outcome.

When comparing the compliant envelope to the proposed design, it is evident that the visual impact on Presidents Hill escarpment is reduced when taking this alternative approach. The design both succeeds in developing a gateway built form, whilst being responsive to this significant natural form. The proposed design is not considered to be dominant, but rather reduces the bulkiness of the development that would result when complying with height limit controls. Additionally, the design contributes to an engaging arrival experience when driving in from Central Coast Highway.



**Figure 13. View from Central Coast Highway - Compliant FSR and Height** (Source: RobertsDay, 2021)

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**Figure 14. View from Central Coast Highway - Proposed Design** (Source: RobertsDay, 2021)

Visual impact on Presidents Hill will be reduced by transferring height from podium to the tower element. Facade articulation including residential balconies will further reduce the visual impact of the tower element.



**Figure 15. View from Central Coast Highway, Western entry to Gosford - Compliant FSR and Height** (Source: RobertsDay, 2021)





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**Figure 16. View from Central Coast Highway, Western entry to Gosford - Proposed Envelope** (Source: RobertsDay, 2021)

### 5.2.2 Improved Public Domain

In comparison to the previously approved DA for this site, the new design focuses on delivering a high amenity environment for pedestrians. Parking has been rearranged, now positioned towards the back and on upper levels of the development. This has allowed for the streetscape to be improved with public domain features such as activated street frontages and engaging interfaces. Uses at ground floor include a car showroom, café, meeting room and lobbies. Additionally, landscaping and pedestrian links contribute towards the design excellence of the proposal.

The proposal offers:

- Improved connectivity
- Cluster / hub of activities
- Enhanced pedestrian movement
- Enhanced amenity
- Improved landscaping
- Increased walkability

### 5.2.3 Improved Streetscape

Different scenarios have been tested for the future streetscape of Racecourse Road assuming that potential future developments are compliant with current controls. The reason for scenario testing is to ensure that an improved and consistent streetscape is delivered, specifically relating to the northern boundary of 10 Young Street with the future development. Façade treatment and articulation has been considered for the ground floor along the street to respond to the interface and offer a vibrant and pedestrian friendly environment.

The proposal results in an active and vibrant streetscape with ground floor activation, various uses, landscaping and a human scale environment – a catalyst for surrounding developments.



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**Figure 17. Conceptual Public Domain** (Source: RobertsDay, 2021)

### 5.2.4 Complementary Landscaping

The proposal includes various landscaped elements, including a green roof and public domain landscaping at street level, to respond to multiple demands; acting as a social connector for the visitors and residents who will meet and spend time at the subject site, as well contributing a different type of urban-green ecosystem.

The development is proposed to be well landscaped to enhance the overall appearance and amenity through:

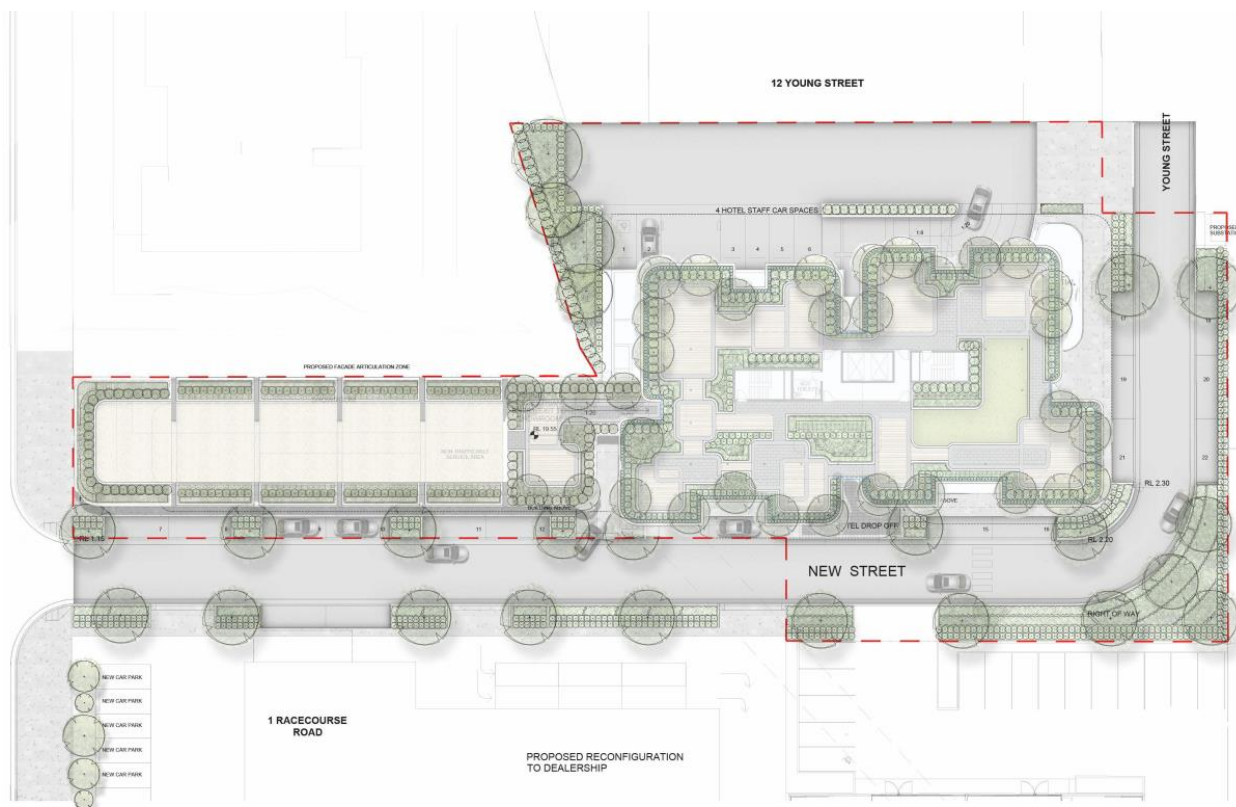
- Incorporating substantial areas of landscaping in both the private and common areas, as well as to the site's ground floor public domain.
- Allowing for street trees and landscaping along the ground plane to significantly enhance the public domain and arrival experience to the development and greater precinct.
- Maximising planted areas throughout the rest of the site and within the common areas of the buildings, providing a high level of planting for the development in this precinct.
- Providing a visually separate private residential entrance lobby, complemented by trees and landscaping directly adjacent.
- Carefully considered design for the rooftop communal areas, being landscaped of passive and active areas.
- Landscaping to both rooftop areas (podium and tower) to reduce the heat load on large surfaces and provide suitable amenity.





### Proposed Mixed Use Development

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**Figure 18. Landscape Proposal Plan** (Source: Site Image, 2022)

The proposed landscaping has been designed to be well-integrated with the architectural design of the proposed building in that landscaping will be provided on various levels of the building, from the ground plane up to the podium and roof level to enhance amenity and soften the built form. Particularly, the streetscapes will be provided with paving treatments and street trees. Planting is also provided along the street verges to improve street amenity and reduce the heat island effect.

The proposal will provide a total landscape area of 1,115 m<sup>2</sup>, which includes a total deep soil area of 289.4 m<sup>2</sup> (equivalent to 7.72 % of the site area, excluding the ROW).

The proposed landscaping and planting attenuate and soften the appearance of the proposal and the use of timber decking for communal areas provides inviting and warm spaces for interaction.

A planting schedule of the trees, plants and ground cover have been provided in addition to detail relating to planting on structure, at grade and planting on turf. It is noted that trees within the deep soil zones will be planted at a 200L pot size, to ensure it reaches maturity as quickly as possible.

The comprehensive Landscape Plans are included within **Appendix 3** of this SEE.

### 5.3 TRAFFIC & TRANSPORT

A amended Traffic Impact Statement has been prepared by SECA Solution, which forms **Appendix 21** of this SEE. The Traffic Impact Statement assesses the potential traffic and parking implications of the development proposal, providing the following scope:

- describes the site and provides details of the development proposal as well as the previously approved development
- reviews the road network and traffic conditions in the vicinity of the site
- reviews the sustainable forms of transport available in the vicinity of the site



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- estimates the traffic generation potential of the development proposal and compares that to the previously approved development
- assesses the traffic implications of the development proposal on the surrounding local and arterial road network in terms of road network capacity
- describes high-level construction traffic management methodology
- reviews the geometric design features of the proposed parking and loading facilities for compliance with the relevant codes and standards
- assesses the adequacy and suitability of the quantum of off-street parking and loading provided on the site.
- Provides a draft Loading Dock Management Plan.

### 5.3.1 Traffic Generation

The traffic implications of the development proposal primarily concern the effects of the additional traffic flows generated as a result of the development and its impact on the operational performance of the surrounding road network, particularly during peak periods.

The development proposal is estimated to yield a traffic generation potential of approximately 61 vph during the weekday morning peak period and approximately 49 vph during the weekday afternoon peak period.

The above rates are considered to be a worst-case scenario, as it is considered that a number of the end users could work locally and would therefore walk to work. Gosford Hospital is within 2 kilometres from the subject site. Similarly, Gosford train station is approximately 1.5 kms from the subject site and future residents could access this train station for commuting trips to Sydney or Newcastle, either walking (approx. 20 minutes) or cycling (less than 10 minutes).

The projected future level of traffic generation potential should, however, be offset or discounted by the volume of traffic which could reasonably be expected to be generated by the previously approved uses of the site, in order to determine the nett increase (or decrease) in traffic generation potential expected to occur as a consequence of the current development proposal.

Application of the above traffic generation rates to the various components of the previously approved development yields a traffic generation potential of approximately 39 vph during the weekday morning network peak period and approximately 35 vph during the weekday afternoon network peak period.

Accordingly, it is likely that the proposed development will result in a negligible increase in the traffic generation potential of the site of approximately 22 vph during the weekday morning peak period and approximately 14 vph during the weekday afternoon peak period.

That projected nett increase in the traffic generation potential of the site as a consequence of the development proposal is statistically insignificant and will clearly not have any unacceptable traffic implications in terms of road network capacity, nor will any road or infrastructure upgrades be required.

### 5.3.2 Parking

The parking provision for the overall project has been revised and updated in response to the submissions received and addresses the concerns raised. The car park is now compliant with these requirements, as documented in **Section 3.2.3**.

### 5.3.3 Vehicular Access

Vehicular access to the subject site is provided via the existing ROW that runs along the southern boundary of 10 Young Street, extending eastward from Racecourse Road, before turning 90° and extending northward through to Young Street. The ROW is shared with the adjoining properties to the south which front the Central Coast Highway, including the car dealership (1 Racecourse Road) and vacant lot (61 Central Coast Highway).



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As indicated in **Section 1.2.3** of this SEE, Japrico Properties Pty Ltd have indicated that they will not proceed with DA 47009/2015, which approved the right-turn bay from Racecourse Road into the subject site.

Based on this, the proposal seeks to maintain the existing left-in and left-out access arrangement via Racecourse Road.

### 5.4 STORMWATER

Northrop Consulting Engineers has prepared a concept engineering design for the proposed development (refer to **Appendix 19**), which includes:

- Concept Stormwater Management Strategy.
- Concept Utilities Servicing.

#### 5.4.1 Stormwater Management Strategy

As part of the proposed development, new stormwater infrastructure is proposed to manage runoff from the mixed-use development and surrounding pavements. This new infrastructure is proposed to be provided to complement the existing stormwater infrastructure to improve the existing amenity of the stormwater drainage for not only the subject lot, but also the surrounding lots.

A Concept Stormwater Management Strategy has been developed to ensure stormwater pollutants within runoff from the proposed development are treated onsite to mitigate impacts on the downstream system.

A volume of 30kL of rainwater reuse volume has been proposed to meet BASIX requirements.

While it is noted Council would typically require additional stormwater quality improvement devices to achieve Council's pollution reduction targets identified in Table 11.1 of Council's Civil Works Specification Design Guideline, it is considered these devices would not be practical for the site given the high standing water level. Any infiltration, biofiltration or proprietary treatment device would require treatment below the water table. If there is constantly water in the treatment device, then treatment would not be able to be effective and the infrastructure would become a maintenance issue. As such, rainwater reuse onsite has been proposed as the most suitable means to mimic the existing conditions and provide retention for stormwater runoff.

Part of the proposed development works includes the realignment of existing stormwater infrastructure within the development site. The below modifications are proposed to be completed to facilitate the proposed development as well as improve the overall amenity for stormwater system that is currently treating the surrounding lots:

- Existing stormwater pipe that bisects the subject site from the north west to the south east is proposed to be realigned. New infrastructure is proposed to be provided to realign this stormwater pipe beneath the walkway that dissects the showroom from the eastern portion of the building. It is important to note that the building structure will be designed in such a manner as to ensure this pipe can be accessed for maintenance without undermining the structure. This infrastructure will convey runoff to the southern side of the accessway, and then onto Racecourse Road, as demonstrated in the proposed civil plans. This modification will result in the extinguishing of the existing easement and creation of a new easement over the new pipe alignment. All parties with existing benefit of the existing easement will be benefitted by the new easement, as is demonstrated on the Draft DP prepared by De Witt Consulting.
- The existing stormwater infrastructure that enters the site near its south-eastern corner and connects to the stormwater pit near the mechanics in the north is proposed to be redirected to the new stormwater infrastructure that runs north to south along the accessway to the east of the building. This will not change the catchment behaviour, however will improve the hydraulic performance of the system entering from the east by reducing the length and direction changes of the current system.



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- The existing stormwater pipe that currently runs south down Young Street will be realigned to suit the new building footprint and accessway. Runoff from Young Street will be conveyed in the proposed stormwater infrastructure through the site and connected to Racecourse Road.
- The majority of the existing infrastructure (pit, outlet and inlet) was observed onsite to be overgrown and burdened by excessive amounts of sediment. It is proposed that this infrastructure is cleaned out and appropriate methods formalized onsite to minimize future sediment build up and improve conveyance of the downstream system.

It is expected the above modifications will provide formalisation and improvement to the existing stormwater infrastructure.

Pre-DA comments from Council required onsite detention to be provided to limit post development flows back to pre-development flows for all storms up to and including the 1% AEP storm event. Based on an extended period of site investigation, it was determined the existing standing water level for stormwater within the site and at the site boundary is approximately RL 1.0m AHD. Based on this observation, it is unclear what benefit providing onsite detention for even small events would have on the downstream stormwater infrastructure, given the invert level for an onsite detention tank would likely be in the order of RL 0.2m AHD. The onsite detention volume provided as part of the adjacent car dealership was observed during each site visit to have stormwater pooled within the tank, even on times when a rain event had not occurred in recent days.

As noted above, 30kL of rainwater reuse is proposed to be provided onsite for rainwater reuse onsite, which will mimic the existing retention behaviour of the small portions of the existing site that are pervious.

Stormwater runoff being received from the low point in the middle of the site will be conveyed to a storage facility beneath the building to mitigate any impacts on the adjacent upstream property. The detailed modelling completed as part of the flood assessment has considered this storage volume. Please refer to the Flood Impact Assessment prepared by Northrop for flood afflux as a result of the proposed development.

Please note the above stormwater management strategy and stormwater modifications proposed to support the development have been designed following liaison with Council Engineer Antony Favetta and John Noakes. The stormwater principals that form the design were endorsed by Council during a meeting on 8 March 2023.

## 5.5 FLOODING

A Flood Assessment Report has been prepared by Northrop Consulting Engineers, to review the potential effect the proposed development has on the existing flood behaviour for the subject site and general vicinity. The assessment has considered the following documents:

- Australian Rainfall and Runoff 2019 (AR&R 2019).
- NSW Government Floodplain Development Manual (NSW Government, 2005).
- Gosford Local Environmental Plan 2014.
- Gosford Development Control Plan 2013.
- Updated Narara Creek Flood Study (Golder, 2018).
- Brisbane Water Foreshore Floodplain Risk Management Study (Cardno, 2015).
- Gosford CBD Local Overland Flow Flood Study (Cardno, 2013).

Reference should be made to **Appendix 18** for the Flood Assessment Report.

### 5.5.1 Finished Floor Levels

A flood assessment letter was obtained from Central Coast Council (28 May 2020) to identify the flood behaviour for the subject site. Information provided by Council indicates the 1% AEP Flood Level for the site is RL 2.09 m AHD, with the minimum floor level being RL 2.59 m AHD with 0.5 m freeboard. It is understood these levels are driven by flooding from Narara Creek. Existing levels on-site range from 1.08 m AHD to 2.59 m AHD from west to east respectively.



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The above flood levels were observed when considering the finished floor levels of the development.

The proposal accommodates for the following minimum floor levels:

- RL 2.09 m AHD for the retail showroom
- RL 2.59 m AHD for the hotel and residential lobbies (including associated areas)

No habitable residential spaces are proposed on the ground floor with these spaces located in the upper levels of the facility, above the PMF. The risk to life for these areas is expected to be low with the potential for flood management measures, such as a Flood Emergency Response Plan (FERP), to be implemented to improve education, awareness and preparedness in the event of a predicted major or extreme flood event. It is recommended a FERP be prepared for the proposed development at Construction Certificate phase.

### 5.5.2 Building Components

The building is of robust construction and all structural components are expected to be flood compatible. Similarly, due to the type of building, it is expected flood forces, debris impact loading and buoyancy will not be limiting in the design. This will be confirmed by the structural engineers prior to Construction Certificate.

It is recommended the building incorporate flood compatible finishes below the 1% AEP plus 0.5 m to allow for easy maintenance in the event of a very rare flood.

### 5.5.3 Driveway Access

Above ground parking is proposed with the proposed driveway ramping up above the PMF level.

### 5.5.4 Safety and Evacuation

A Flood Emergency Response Plan (FERP) has been prepared in support of the proposed development and is enclosed at **Appendix 33**.

A review of the proposed development has been undertaken in conjunction with the expected flood behaviour and it was concluded that:

- **Access to Racecourse Road and the Central Coast highway** should be limited following receipt of a Generalised Flood Warning or Severe Weather Warning;
- **Vertical Evacuation (i.e. on site refuge)** shall occur for all residents and hotel guests following receipt of a Generalised Flood Warning or Severe Weather Warning with nominated rainfall depths equivalent to or in excess of the 1% AEP design storm event.
- **Closure of the Ground Floor Commercial premises** shall occur following receipt of a Generalised Flood Warning or Severe Weather Warning with nominated rainfall depths equivalent to or in excess of the 1% AEP design storm event. Any staff and visitors that are unable to return home following receipt of the aforementioned flood warning shall proceed into the upper levels of the facility until flood water recedes.
- The Chief Flood Warden shall provide adequate direction during a Flood Emergency.

Through adoption of the FERP, the existing flood risk on the subject site is expected to be reduced. The recommendations contained would assist in managing the risk to life of the residents, staff and visitors on the subject site.

## 5.6 BUSHFIRE

The proposal, containing mixed uses, has been assessed as a SFPP development under Section 100B of the RF Act and is marginally located on land identified as bushfire prone on the Central Coast Council bushfire





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prone land map. As such, a Bushfire Protection Assessment (BPA) has been prepared by Travers Ecology assessing the proposal in accordance with *Planning for Bush Fire Protection 2019* (PBP).

The assessment undertaken by Travers Ecology outlines that the nearest bushfire hazard is located over 100m from the proposed building footprint to the south and over 50m from grassland vegetation to the west. The assessment has found that the bushfire hazard to this site is low, there is adequate space between the development and the nearest vegetation threat. There is a low chance of the bushland in the area subjecting the development to potential radiant heat and ember attack.

The BPA recommendations have been outlined to ensure the development is in accordance with the PBP:

**Recommendation 1** - *The development is as generally indicated on the attached Schedule 1 of the BPA – Plan of Bushfire Protection Measures.*

**Recommendation 2** - *APZs are to be provided to the proposed development as outlined in Table 2-2 and as generally depicted within Schedule 1 of the BPA – Plan of Bushfire Protection Measures.*

**Recommendation 3** - *APZs are to be maintained in perpetuity and managed as outlined in Appendix 4 of PBP and the NSW RFS document 'Standards for asset protection zones'.*

**Recommendation 4** - *Building construction standards (BAL 12.5) for the proposed future buildings located within 100m of forest / woodland vegetation or within 50m of grassland are to be applied in accordance with AS3959 Construction of buildings in bushfire prone areas (2018) or NASH Standard and Section 7.5 of PBP.*

**Recommendation 5** - *A Bushfire Emergency Management and Evacuation Plan is to be prepared to comply with Section 6.8.4 of PBP.*

**Recommendation 6** - *Access is to comply with the acceptable solutions outlined in Section 5.3.2 of PBP.*

The above recommendations will be implemented through the development stages and the preparation of a Bushfire Emergency Management and Evacuation Plan.

Additional details may be obtained from the BPA provided at **Appendix 15**.

## 5.7 CONTAMINATION

The subject site has historically been used for many purposes including a fuel depot, vehicle repair and maintenance workshop, vehicle wash facility and former rail line. Site decommissioning and remediation works were completed in 2012, which included off-site disposal of unsuitable soil and importation of backfill material.

As set out in **Section 4.3.7** and **Section 4.4.3** of this SEE, significant investigations have been carried out and determine that the site is suitable for commercial / industrial land use, EP Risk considers that the site is suitable for redevelopment as per the proposed development plans, which includes residential land uses, subject to the implementation of the EMP (Environmental Strategies, 2013) during and post construction as well as notification on the property title.

## 5.8 VISUAL AMENITY

A qualitative assessment of the visual impacts and changes to landscape, as a result of the proposed development, has been undertaken by RobertsDay based on the following guidelines:

- RMS Environmental Impact Assessment Guidance Note: Guidelines for landscape character and visual impact assessment (2013)



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- The Guidance for Landscape and Visual Impact Assessment (GLVIA), Third Edition (2013) prepared by the Landscape Institute and Institute of Environmental Management and Assessment; and
- Visual Representation of Development Proposals, Technical Guidance Note 02 (2017)

The guidelines describe the assessment as a way to define the changes to the physical landscape and day to day visual effects of a project on people's views. The determination of the impacts is based on the following criteria:

**Sensitivity** is defined as "The sensitivity of a landscape character zone or view and its capacity to absorb change" (EIA No4 Guidelines, 2013, RMS). The visual sensitivity of a view is defined by the nature of the view and its duration. A higher visual sensitivity is given to views which would be seen for longer, by a higher numbers of potential viewers and where visual amenity is important to viewers. The context of the view and the distance from the views are also used to determine the visual sensitivity level of the landscape.

**Magnitude** is defined as "The measurement of the scale, form and character of a development proposal when compared to the existing condition" (EIA No4 Guidelines, 2013, RMS). It reflects the degree of visual contrast between the proposal and the existing landscape setting. In the case of visual assessment this also relates to how far the proposal is from the viewer. For the purposes of this assessment the criteria listed in the following tables have been specifically defined for sensitivity and magnitude of change for both the assessment of landscape character and the visual impact to viewpoints. The combined assessment of sensitivity and magnitude provides an overall rating of the visual impact.

Six (6) key vantage points were chosen through identification of physical absorption capacity and visibility of the site as well as focus on the areas that are more likely to be affected by the proposal.

The scope of this Visual Impact Assessment (VIA) is primarily focused on the distant views from the public realm. This is based on the priority given to Gosford main view corridors and dominating topography. The key vantage points analysed include:

- Long, medium and close viewing distances from Central Coast Highway entering the precinct
- View from north (Faunce Street West)
- View from Gosford Waterfront
- View from east (high point along Henry Parry Drive)



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**Figure 19. Selection of visual vantage points** (Source: RobertsDay, 2021)

### 5.8.1 Visual Analysis

#### 5.8.1.1 View 1 – Central Coast Highway (Pedestrian Experience)

The aim of assessing the view from Central Coast Highway is:

- To understand the visual impact of proposed built form viewed from the key highway connecting to Gosford from west;
- To assess to what degree the existing hills topography will be impacted by the proposal; and
- To test the extent to which the change of built elements may alter the existing character.

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Proposed



Existing

**Figure 20. View 1 Analysis – Central Coast Highway** (Source: RobertsDay, 2021)

### 5.8.1.1.1 View 1 – Sensitivity

The sensitivity of view from Central Coast Highway factors the following points:

- In general, the pedestrian traffic is low along Central Coast Highway;
- There are landscape detractors present in the view including utility poles, existing structures, external sign boards and building signages.

However, the existing valuable views to the surrounding hills and ridges increases the sensitivity. Therefore, the sensitivity of the viewpoint is considered MODERATE.

### 5.8.1.1.2 View 1 – Magnitude



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The magnitude of the proposal in this view is considered MODERATE, due to:

- Whilst the proposal introduces a new high rise building to the view, it is consistent with the future character of the transformational precinct;
- Presidents Hill remains as the main feature and proposed material/colour selection reduces the visual impact on the escarpment;
- There already exists a presence of landscape detractors including the existing structures and built forms;
- Proposal provides trees and other landscaping for screening and enhancement of the future character of the precinct;
- Proposal is not reducing the quality of the scene.

The visual impact for this view is assessed as MODERATE/LOW.

### 5.8.1.2 View 2 - 65 Central Coast Highway (Pedestrian Experience)

The aim of assessing the view from Central Coast Highway is:

- To understand the visual impact of proposed built form viewed from the distance along key highway connecting to Gosford from west;
- To assess to what degree the existing hills topography will be impacted by the proposal; and
- To test the extent to which the change of built elements may alter the existing character.

#### 5.8.1.2.1 View 2 – Sensitivity

The sensitivity of view from Central Coast Highway factors the following points:

- In general, the pedestrian traffic is low along Central Coast Highway;
- There are landscape detractors present in the view including utility poles, existing structures, external sign boards and building signages.

However, the existing valuable views to the surrounding hills and ridges increases the sensitivity. Therefore, the sensitivity of the viewpoint is considered MODERATE.

#### 5.8.1.2.2 View 2 – Magnitude

The magnitude of the proposal in this view is considered LOW, due to:

- The proposal constitutes only a minor component of the wider view which is consistent with the future character of the transformational precinct;
- Presidents Hill remains as the main feature and proposed material/colour selection reduces the visual impact on the escarpment;
- There already exists a presence of landscape detractors including the existing structures and built forms;
- Proposal is not reducing the quality of the scene.

The visual impact for this view is assessed as LOW.

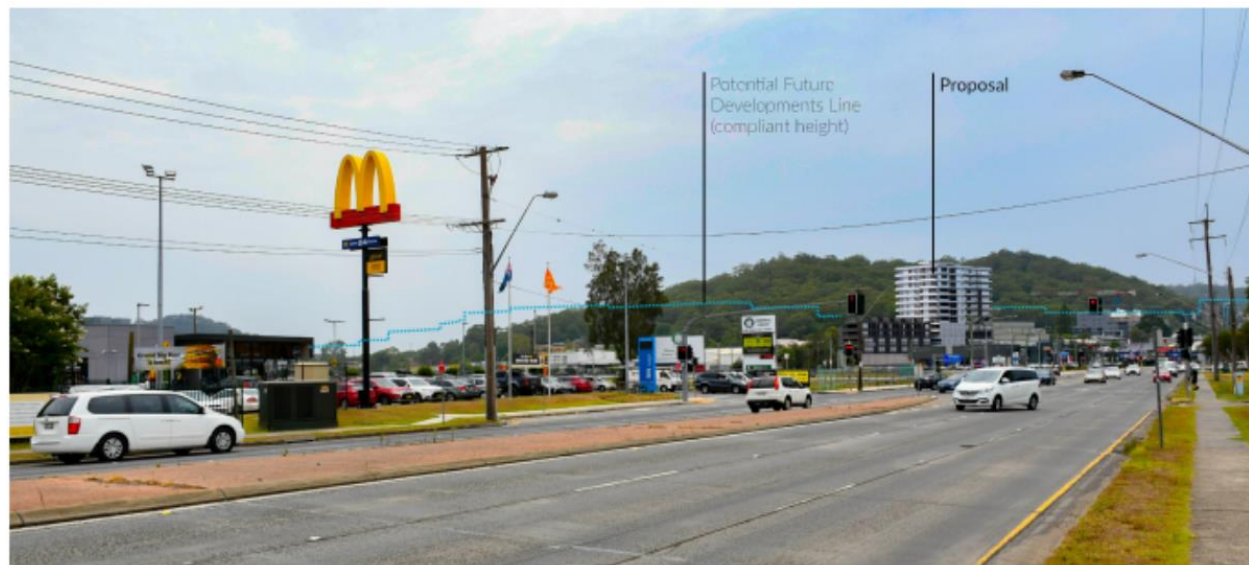




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Proposed



Existing

**Figure 21. View 2 Analysis – 65 Central Coast Highway (Pedestrian Experience)** (Source: RobertsDay, 2021)

### 5.8.1.3 View 2 - 65 Central Coast Highway (Vehicle Experience)

The aim of assessing the view from Central Coast Highway is:

- To understand the visual impact of proposed built form viewed from the distance along key highway connecting to Gosford from west;
- To assess to what degree the existing hills topography will be impacted by the proposal; and
- To test the extent to which the change of built elements may alter the existing character.

#### 5.8.1.3.1 View 2 – Sensitivity

The sensitivity of view from Central Coast Highway factors the following points:



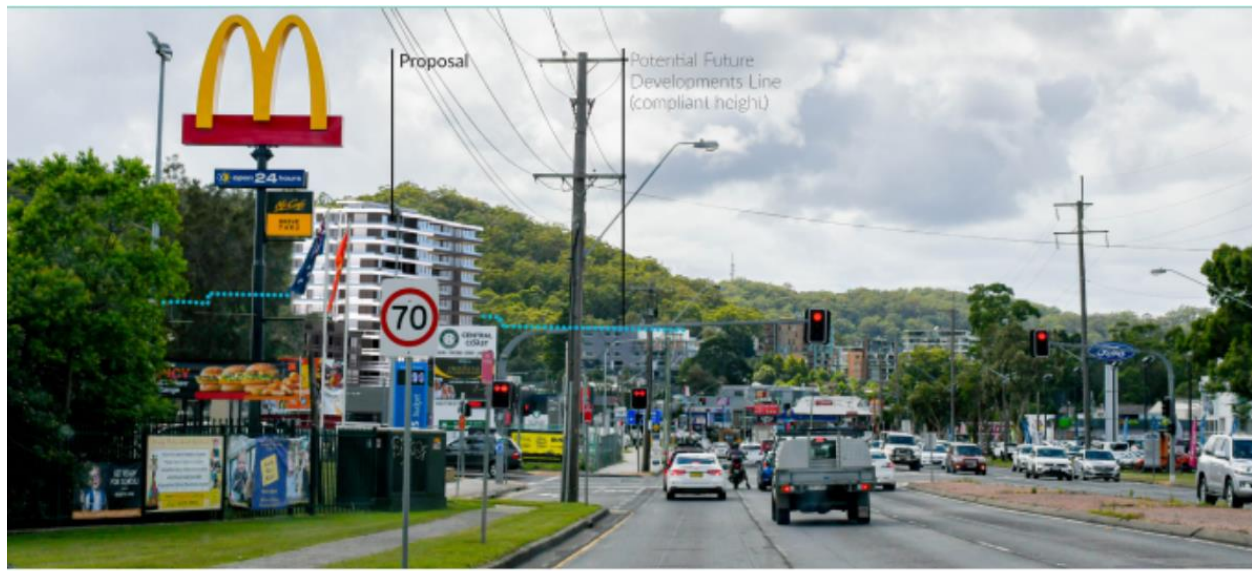
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- Receptors are road users in motor vehicles that are passing through therefore have short term views. In general, passers-by are less likely to notice or be concentrating on views;
- Proposal is not in close proximity;
- There are landscape detractors present in the view including utility poles, existing structures, external sign boards and building signages.

However, the existing valuable views to the surrounding hills and ridges increases the sensitivity. Therefore, the sensitivity of the viewpoint is considered MODERATE.



Proposed



Existing

**Figure 22. View 2 Analysis – 65 Central Coast Highway (Vehicle Experience)** (Source: RobertsDay, 2021)

### 5.8.1.3.2 View 2 – Magnitude

The magnitude of the proposal in this view is considered LOW, due to:



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- There already exists a presence of landscape detractors including the existing structures and built forms;
- The proposal constitutes only a minor component of the wider view and is largely screened by the existing buildings;
- Presidents Hill remains as the main feature and proposed material/colour selection reduces the visual impact on the escarpment;
- Proposal is not reducing the quality of the scene and is consistent with the future character of the precinct.

The visual impact for this view is assessed as LOW.

### 5.8.1.4 View 3 – Central Coast Highway (Vehicle Experience)

The aim of assessing the view from Central Coast Highway is:

- To understand the visual impact of proposed built form viewed from the distance along key highway connecting to Gosford from west;
- To assess to what degree the existing hills topography will be impacted by the proposal; and
- To test the extent to which the change of built elements may alter the existing character.

#### 5.8.1.4.1 View 3 – Sensitivity

The sensitivity of view from Central Coast Highway factors the following points:

- Receptors are road users in motor vehicles that are passing through therefore have short term views. In general, passers-by are less likely to notice or be concentrating on views;
- Proposal is not in close proximity;
- There are landscape detractors present in the view including utility poles, existing structures, external sign boards and building signages.

However, the existing valuable views to the surrounding hills and ridges increases the sensitivity. Therefore, the sensitivity of the viewpoint is considered MODERATE.

#### 5.8.1.4.2 View 3 – Magnitude

The magnitude of the proposal in this view is considered VERY LOW, due to:

- Limited change to key characteristics of the existing landscape;
- The proposal constitutes only a minor component of the wider view consistent with the surrounding built forms;
- Awareness of the proposal does not affect on the overall quality of the scene.

The visual impact for this view is assessed as LOW/NEGLIGABLE as it will have no expression in comparison to the existing landscape.





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Proposed



Existing

**Figure 23. View 3 Analysis – Central Coast Highway (Vehicle Experience)** (Source: RobertsDay, 2021)

### 5.8.1.5 View 4 – 18 Faunce Street West

The aim of assessing the view from Faunce Street West is:

- To understand the visual impact of proposed built form viewed from north;
- To assess to what degree the existing hills topography will be impacted by the proposal; and
- To test the extent to which the change of built elements may alter the existing character.



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Proposed



Existing

**Figure 24. View 4 Analysis – Faunce Street West** (Source: RobertsDay, 2021)

### 5.8.1.5.1 View 4 – Sensitivity

The sensitivity of view from Faunce Street West is considered LOW sensitivity due to:

- Receptors are mostly motorists that are passing through therefore have short term views and are less likely to notice, appreciate or be concentrating on views;
- Proposal is not in close proximity and there are landscape detractors present in the view including fences and existing buildings in the background.

### 5.8.1.5.2 View 4 – Magnitude

The magnitude of the proposal in this view is considered LOW, due to:

- There already exists a presence of landscape detractors including the existing structures and built forms;





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- The proposal constitutes only a minor component of the wider view;
- The proposed material/ colour selection reduces the visual impact;
- Proposal is not reducing the quality of the scene and is consistent with the future character of the precinct.

The visual impact for this view is assessed as LOW/NEGLIGABLE.

### 5.8.1.6 View 5 - 141 Henry Parry Drive (Pedestrian Experience)

The aim of assessing the view from Henry Parry Drive is:

- To understand the visual impact of proposed built form viewed from the eastern high point;
- To assess to what degree the existing hills topography will be impacted by the proposal; and
- To test the extent to which the change of built elements may alter the existing character.

#### 5.8.1.6.1 View 5 - Sensitivity

The sensitivity of view from Henry Parry Drive factors the following points:

- Receptors are mostly motorists that are passing through therefore have short term views and are less likely to notice, appreciate or be concentrating on views;
- Proposal is not in close proximity.

However, the existing valuable views to the surrounding hills and ridges increases the sensitivity. Therefore, the sensitivity of the viewpoint is considered MODERATE.

#### 5.8.1.6.2 View 5 - Magnitude

The magnitude of the proposal in this view is considered NEGLIGIBLE, due to:

- Proposal is in the distance and completely screened by the Presidents Hill;
- No change in the view.

The visual impact for this view is assessed as NONE, which is the combination of the sensitivity and magnitude of impact.



Proposed



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Existing

**Figure 25. View 5 Analysis – Henry Parry Drive** (Source: RobertsDay, 2021)

### 5.8.1.7 View 6 – The Quarters (Gosford Waterfront)

The aim of assessing the view from Gosford waterfront is:

- To understand the visual impact of proposed built form viewed from the waterfront with high visual value;
- To assess to what degree the existing hills topography will be impacted by the proposal; and
- To test the extent to which the change of built elements may alter the existing character.

#### 5.8.1.7.1 View 6 – Sensitivity

The sensitivity of view from Gosford waterfront is considered to have HIGH sensitivity due to:

- Passive recreational activities generally do not require as much concentration as more active recreational activities, and tend to be more focused on the enjoyment of scenery;
- Visual amenity is important to receptors;
- Public view has high visual value for locals and visitors;
- Receptors have prolonged views of the landscape.

#### 5.8.1.7.2 View 6 – Magnitude

The magnitude of the proposal in this view is considered NEGLIGIBLE, due to:

- Proposal is in the distance and completely screened by the Presidents Hill;
- No change in the view.

The visual impact for this view is assessed as NONE, which is the combination of the sensitivity and magnitude of impact.



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Proposed



Existing

**Figure 26. View 6 Analysis – Gosford Waterfront** (Source: RobertsDay, 2021)

### 5.8.2 Visual Conclusions

The proposal has responded to a variety of policies, high-level ambitions and site conditions in order to establish a development that successfully delivers many benefits now and in the future.

With a rising population expected for Gosford, the proposed mixed use development located in the envisioned Western Gateway contributes to a precinct offering a mix of recreational and lifestyle choices.

The built form of the proposal comprises of both a podium and tower element, ensuring that a human scale environment is achieved. This feature, alongside fine grain activation and pedestrian connectivity with generous sized pedestrian footpaths and landscaping from Racecourse Road to Young Street creates high amenity for the users of this space.





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A car dependent culture exists across Gosford, however through the delivery of increased pedestrian connectivity, walkable environments are encouraged across the Western Gateway precinct.

The site itself is intended to provide opportunities for a short term stay within the precinct, complementing the future Private Hospital being developed north of the site.

It is acknowledged that the site exceeds the prescribed height limit at some areas of the site. However, with the intention to deliver best-practice outcomes, an alternative approach to design ensures that a gateway built form is delivered whilst also reducing visual impacts to Presidents Hill escarpment.

### 5.9 NOISE

#### 5.9.1 Traffic Noise

Based on the assessments undertaken by Acoustic Logic, the resultant façade noise levels (prior to mitigation) are noted in **TABLE 17**.

TABLE 17. ADJUSTED TRAFFIC NOISE LEVELS		
Location	Time of Day	Traffic Noise Level Leq(9hr/15hr)
At the south façade of the proposed development	Day	62dB(A) Leq(15hr)
	Night	58dB(A) Leq(9hr)
At the west façade of the proposed development	Day	62dB(A) Leq(15hr)
	Night	58dB(A) Leq(9hr)
At the east façade of the proposed development	Day	55dB(A) Leq(15hr)
	Night	51dB(A) Leq(9hr)

Traffic noise intrusion into the residential use of the proposed development was assessed using the above measured external noise level, as a basis.

Calculations were performed taking into account the orientation of windows, the total area of glazing, façade transmission loss and room sound absorption characteristics. In this way, the likely interior noise levels can be predicted.

Internal noise levels will primarily be as a result of noise transfer through the windows and doors as these are relatively light building elements that offer less resistance to the transmission of sound. Noise transfer through masonry elements will not be significant and need not be considered.

#### Noise Mitigation Measures

The constructions necessary to achieve the noise levels described in **Section 4.3.11.2** of this SEE are outlined below. The predicted noise levels have been based on the expected level of spectral characteristics of the external noise, the area of building elements exposed to traffic noise, the absorption characteristics of the rooms and noise reduction performance of the building elements.

##### Glazed Windows and Doors

The following constructions are recommended to comply with the traffic noise objectives stated in **Section 4.3.11.2** of this SEE. Aluminium framed sliding glass doors and windows will be provided to meet the following criteria. Thicker glazing may be required for structural, safety or other purposes. Where it is required to use thicker glazing than acoustically recommended, this will also be acceptable for noise treatment.



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Glazing recommendations for the residential and hotel uses are presented in **TABLE 18**.

<b>TABLE 18. MINIMUM <math>R_w</math> OF GLAZING REQUIREMENTS</b>		
<b>Glazing Assembly</b>	<b>Minimum <math>R_w</math> of Installed Window</b>	<b>Acoustic Seals</b>
6mm float	29	Yes
6.38mm laminated	31	Yes

The allocation of the glazing requirements is illustrated in Appendix 2 of the Acoustic Assessment in **Appendix 22**.

### 5.9.1.1 Ventilation Requirements

With respect to natural ventilation, the NSW DPE document “Development near busy roads and rail corridors – interim guideline” dictates that:

*If internal noise levels with windows or doors open exceed the criteria by more than 10dB(A), the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia.*

With windows open, the allowable internal noise goal is permitted to be 10dB(A) higher than when the windows are closed (i.e. allowable level in bedrooms becomes 45dB(A), and 50dB(A) in living rooms).

Considering the above, it is noted:

- Habitable areas on the northern and eastern façade (residential apartment from level 5 to level 12) can achieve suitable internal noise levels with windows open.
- Windows to habitable areas on all other facades will not be capable of satisfying “window open” internal noise levels, however these windows are still permitted to be operable. A mechanical engineer is to confirm if supplementary ventilation (to be Australian Standard AS1668.2 requirements) will be required to these rooms.
- Any supplementary ventilation should also be designed to ensure that the acoustic performance of the façade is not compromised, and noise emissions to external receivers are satisfied in line with the requirements of the Acoustic Assessment.

## 5.10 WASTE

A Waste Minimisation and Management Plan (WMMP) has been prepared, and included within **Appendix 25**, to promote responsible source separation, ensure adequate waste provisions and robust procedures and comply with all relevant Australian Standards, Council requirements and guidelines.

A sufficient quantity of skip bins and bin storage areas will be provided during construction stage for the separation storage of each type of waste material generated on-site. This would assist in maximising source separation and resource recovery, while reducing the quantity of materials disposed of at landfill.

The on-site waste management facility would be conveniently located to enable easy access for on-site movement and collection. Sufficient space can be provided to accommodate any on-site treatment facilities, such as compaction equipment.

In relation to operational waste management, for the residential component, one dual chute for disposal of general waste and recovery of recyclables will be installed with access on each residential level.

For the communal area and kitchen facilities, receptacles for general waste, recyclables and food waste will be transported by the contracted cleaners/building managers.





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Each day or as required, contracted cleaners will utilise the chutes to deposit the waste and recyclables generated by the residents on this level. They will also transfer the food waste receptacles to the ground level. All bins must be labelled appropriately to encourage proper segregation.

Commercial/retail tenants will be responsible for the storage and maintenance of general waste, recycling, and food waste bins back of house. On completion of each trading day or as required, nominated staff or contracted cleaners will transport all general waste and recyclables to the ground level bin storage areas.

Details surrounding the waste management relating to the hotel component are located within the accompanying POM and WMMP.

### 5.11 ABORIGINAL HERITAGE

As part of the Pre-DA meeting undertaken with the NSW DPE, an aboriginal archaeology report was requested to form part of the DA. As a result, an assessment has been undertaken by Austral Archaeology in accordance with the relevant OEH guidelines.

As detailed in the accompanying report, a search of the Aboriginal Heritage Information Management System (AHIMS) database was conducted on 20 May 2020. The search identified 39 Aboriginal Archaeological sites within a 4km radius. None of the registered sites are located directly within the study area and the closest site is located approximately 750m north-west of the study area in proximity to the banks of the Narara Creek.

As concluded within the report no aboriginal items were recorded on the Site and as a result further assessment is not warranted and the project may proceed with caution.

Further details of the investigation are provided within the Aboriginal Cultural Heritage Due Diligence Report at **Appendix 13**.

### 5.12 FLORA AND FAUNA

No unacceptable impacts on flora and fauna communities are to result from the proposal. The proposal will augment the current character of the subject site through the introduction of high quality landscaping, incorporating a complimentary variety of landscaping features in appropriate locations across the site.

A set of Landscape Plans prepared by Site Image accompanies the DA package and is provided at **Appendix 3**.

### 5.13 BUILDING CODE OF AUSTRALIA

A Building Code of Australia (BCA) Report has been prepared by MBC to provide an assessment of the proposed design against the current building assessment provisions. The building is identified to contain Class 2, 3, 5, 6, and 7a components and constitute Type A Construction.

The BCA Report has indicated that the proposal will be subject to achieving BCA compliance through both a prescriptive and performance basis and has outlined the components of the Proposal which do not currently achieve compliance with the deemed-to-satisfy provisions of the BCA. The matters will be subject to further and verification as part of the application and determination of the Construction Certificate for the Proposal.

The BCA Report outlines that the submission for Construction Certificate will need to include verification from a suitably accredited fire engineer for aspects detailed within the anticipated performance solutions in the accompanying report.

The BCA Report also outlines essential fire safety measures that shall be implemented in the whole of the building premises and each of the fire safety measures must satisfy the standard of performance listed in the schedule which, for the purposes of Clause 168 of the EP&A Regulation, is deemed to be the current fire safety schedule for the building.



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Further details in regard to the findings and recommendations of the BCA Report may be viewed at **Appendix 23**.

### 5.14 ACCESSIBILITY

Code Consulting have prepared an Accessibility Report that assesses the proposed development under the relevant 'Access for People with Disabilities' and adaptable standards provisions. The Accessibility Report is included with **Appendix 24** of this SEE.

The primary purpose of the Accessibility Report is to assess the new development works against the relevant regulations, identify any non-compliance matters and to provide suitable recommendations to ensure the compliance of the design.

Subject to the recommendations contained in the executive summary, section 3.0 and section 4.0 of the Accessibility Report, the design is capable of compliance with the relevant access provisions.

### 5.15 SUSTAINABILITY

To maintain design excellence, the development is required to achieve the principles of ecologically sustainable development, pursuant to Clause 8.3 of the Gosford SEPP.

The following assessment of Clause 193 – Principles of ecologically sustainable development – of the EP&A Regulation is provided to demonstrate that the proposal exceeds the requirements of ecologically sustainable development.

TABLE 19. PRINCIPLES OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT		
Principle	Description	Development Compliance
The precautionary principle	The precautionary principle is that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.	After careful assessment by both the project team and expert consultants, it is concluded that no unmanageable threat or irreversible damage to the environment, would result from the proposed development.
Inter-generational equity	The principle of inter-generational equity is that the present generation should ensure the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.	<p>The project team and expert consultants have examined the overall effects of the proposed development, on both the natural environment and the existing built environment within the vicinity of the subject site.</p> <p>This detailed assessment has concluded that no unreasonable use of resources, affectation of environmental processes or prevention of the use of land for future generations would occur from the proposed development. The proposed development would improve the status of the subject site and contribute to the economies of the region through both considerable investment,</p>



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**TABLE 19. PRINCIPLES OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

Principle	Description	Development Compliance
		public benefits and new employment, thereby improving the inter-generational equity.
Conservation of biological diversity and ecological integrity	The principle of the conservation of biological diversity and ecological integrity is that the conservation of biological diversity and ecological integrity should be a fundamental consideration.	As the subject site is barren landholding, through the planting of native vegetation, improvement of stormwater runoff from the site and use of integrated landscaping, the project will act to improve, conserve and support the local biological diversity and integrity.
Improved valuation, pricing and incentive mechanisms	<p>The principle of improved valuation, pricing and incentive mechanisms is that environmental factors should be included in the valuation of assets and services, such as—</p> <ul style="list-style-type: none"><li>(a) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and</li><li>(b) the users of goods and services should pay prices based on the full life cycle of the costs of providing the goods and services, including the use of natural resources and assets and the ultimate disposal of waste, and</li><li>(c) established environmental goals should be pursued in the most cost effective way by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.</li></ul>	The detailed design process will include direct involvement from the design architect (Marchese Partners) to ensure that design excellence is retained, with involvement also the Quantity Surveyor to ensure that the project both remains on budget and effectively considers environmental factors in the valuation of assets and services. Furthermore, the project will look at maintainability and the operational costs associated with individual design initiatives and the overall design.

### 5.16 SOCIAL AND ECONOMIC IMPACTS

Providing amenity is to ensure levels of satisfaction are achieved but amenity also has a physical (or tangible) component. This includes the character and appearance of buildings, proximity to commercial or recreational facilities, quality of infrastructure such as enhanced walkability and absence of noise or unsightliness. Amenity also contains a social component. Amenity is what makes one location feel different from another which can contribute to a place's identity and can be what makes our physical surroundings more meaningful. Amenity can affect the ability of a resident, a visitor or the community to enjoy or undertake activities within the local area.



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The typical impacts which may arise from the proposal in terms of negative impact is the noise and dust and potential traffic impacts (additional machinery and potential slowing of traffic) to facilitate entry and exit to the site. However, these impacts can be appropriately managed and mitigated via the introduction of mitigation measures including sediment control plans, acoustic mitigation measures, specified typical hours of operation and the implementation of construction management plans.

It is clear that the economic and social impacts as a result of the proposal will significantly outweigh the potential impacts during the construction period of the proposal. These include the number of jobs which will be created as part of the construction period, the jobs will be on-going as a result of the maintenance, operation of the hotel, commercial and residential component. Additionally, an enhanced public domain area which will contribute to increasing connectivity from West Gosford to the City Centre and enhance the experience of the residents, visitors and surrounding community. The proposal will act as the catalyst for the revitalisation of this portion of Gosford City Centre and the proposed built form and design will enhance the area and provide visual interest and a pleasant environment viewed upon entry to Gosford from the Central Coast Highway.

The potential for negative impacts to arise from construction, noise and increased traffic movements have been identified however, the increased potential benefits of the proposal arising from the development will include increased employment opportunities from both construction and operation, provision of hotel services to service the area and particularly Gosford Racecourse. In addition, increased accommodation opportunities to assist in the delivery of affordable housing. The proposal will directly respond to increased activation of the western portion of the City Centre area, in line with the State Government's revitalisation strategy for Gosford City Centre. This will include activation of Young Street, Racecourse Road and the proposed internal driveway. Enhanced connectivity which will encourage sustainable modes of transport such as walking and cycling will also result.

The design provides a comfortable internal environment offering privacy, daylight and view to the surrounding picturesque natural environment such as Presidents Hill and Brisbane water. Visual connectivity and passive surveillance between the public realm and the proposal facilitates people movements and thus making the public realm feel safer. The proposed pedestrian connection is designed for 'people' with landscaping, shade and ground for activation offering a high amenity environment. The public domain and streetscape, activated ground floor uses, landscaping and aesthetic architectural design work cohesively to create an engaging and inviting place for existing and new residents of Gosford.

The potential social impacts can be appropriately managed and mitigated and the proposed economic impacts would be substantial. It is therefore considered that the proposed development is acceptable in terms of economic and social impacts.

### 5.17 SAFETY AND SECURITY

The proposal under this application will not have an adverse impact on the Crime Prevention Through Environmental Design (CPTED) principles and provides the following features:

- Surveillance

Clear sightlines and sufficient lighting are provided between public and private places to ensure surveillance. Windows and active spaces have been arranged to overlook the public domain and pedestrian footpath, enabling passive surveillance. The proposed through-site link along the southern boundary will also facilitate casual surveillance of the surrounding area both within the Site and along Racecourse Road through to Young Street also.

- Territorial Reinforcement

The design of the proposal incorporates clear transitions and boundaries between public and private space. Clear visual indicators will be used to indicate the purpose of the space. Blind corners or other external areas that have the potential for concealment and entrapment are minimised.





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### ▪ Access Control

Physical barriers will be adopted to limit access to carparks or other rarely visited areas. Clear and visible signs would also direct users to target areas.

### ▪ Space Management

Strict ongoing maintenance and use of durable materials would create well-kept space that reduces the likelihood of crime occurring and provides a strong perception of safety.

## 5.18 SERVICES

Pre-DA advice from Council (being the Service Authority) has confirmed there is water and sewer available to the proposed development site.

There is an existing Council water main that enters the site from Young Street, which is to be maintained to service the proposed development.

There is an existing Council pressure sewer main that enters the site in the middle of the eastern boundary, and exists the site into the middle of the southern boundary. As the building footprint extends over a small portion of the existing Council sewer main, sewer relocation is proposed as part of the development. The existing sewer main is understood to be a low pressure main (from information provided by Council). It is expected all works will be completed to Council requirements (as the service authority). Please refer to the concept civil services plan for proposed works and alignment.

Preliminary advice from Power Solutions has confirmed there is multiple connection points to the HV Ausgrid network for electrical servicing of the proposed development. Due to the increased demand, the development will require a substation, and provision has been allowed for a kiosk substation within the north eastern corner of the concept layout.

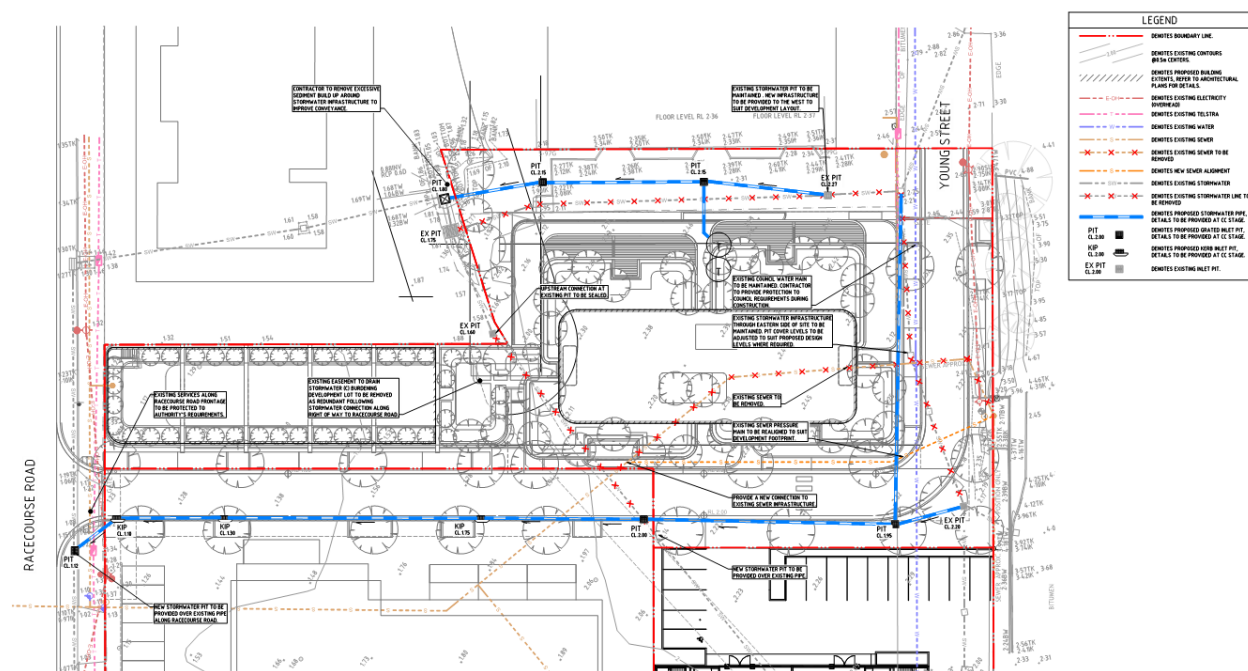


Figure 27. Concept Civil Services Plan (Source: Northrop, 2022)

## **5.19 SUITABILITY OF SITE FOR DEVELOPMENT**

The subject site is located within Gosford City Centre and wholly within the B6 Enterprise Corridor zone. The proposed development will facilitate the use of the subject site as a mixed use development, comprising a hotel, key worker accommodation and commercial uses, which is consistent with the aims for Gosford City Centre, as prescribed by the Gosford SEPP and the current Regional Precincts SEPP. The proximity of the site to other commercial uses, as well as proximity to Gosford public and private hospitals serves as being ideal for the hotel and key worker and residential accommodation.

Accordingly, the subject site is considered suitable for the development and is consistent with the aims and objectives of the B6 Enterprise Corridor in that it seeks to facilitate future employment generating development that responds to the characteristics of the land and is compatible with surrounding land uses.

The Urban Design and Visual Impact Assessment, prepared by RobertsDay and included within **Appendix 2**, provides a robust assessment of the site suitability for the proposed development.

## **5.20 SUBMISSIONS**

Should submissions be received during the re-exhibition of this DA, the applicant is willing to address any matters raised.

## **5.21 THE PUBLIC INTEREST**

The proposed development would have no adverse impact on the public interest.

Through the provision of a hotel, commercial/retail uses and key worker accommodation, the proposal will contribute to favourable to the emerging Gosford City Centre.

## PART F CONCLUSION

The purpose of this SEE has been to present the proposed mixed-use development as an amendment to the existing DA (DA 10609) at 10 Young Street, West Gosford, which now includes the neighbouring properties of 1 Racecourse Road and 61 Central Coast Highway, West Gosford – comprising of the following land parcels:

- Lot 1 in DP1194024
- Lot 11 in DP1201715
- Lot 201 in DP1201057

This SEE describes the site and proposed development (as amended), provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The proposal, as amended, seeks development consent for the following aspects of development:

- earthworks and minor excavation;
- site servicing, including stormwater and sewer works;
- boundary adjustment between Lot 1 in DP 119402 (10 Young Street) and Lot 201 in DP 1201057 (61 Central Coast Highway);
- amended access from Racecourse Road, to include only left-in and left-out access into Lot 11 in DP 1201715 (1 Racecourse Road);
- construction and use of a mixed-use development providing:
  - 60 hotel apartments across level 3 and 4;
  - associated hotel facilities, such as the gymnasium, conference facilities, reception/lobby area and back of house amenities and services;
  - upper level residential accommodation for 58 residential units, including nine (9) adaptable units to facilitate key worker accommodation;
  - commercial/retail use, such as a vehicular car sales premises to activate both the Racecourse Road and internal street frontage within the ROW;
  - enhanced public domain area works and pedestrian footpath through the site to create an activated through-site link;
  - separate car parking areas, with a total of 130 car parking spaces and additional motorcycle and bicycle parking; and
  - complementary landscaping.
- ancillary hotel signage.

The proposal has been amended, after taking into consideration the following key issues:

- The development history of the site;
- The context of the site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and
- The advice received from the NSW DPE.

In conclusion, the proposal for the subject site has responded to a variety of policies, high-level ambitions, site conditions and agency requirements, to establish a development that successfully delivers many benefits now and in the future. With a rising population expected for Gosford, the mixed-use development located in the envisioned Western Gateway contributes to a precinct offering a mix of recreational and lifestyle choices.

The built form of the proposal comprises of both a podium and tower element, ensuring that a human scale environment is achieved. This feature, alongside fine grain activation and pedestrian connectivity with generous sized pedestrian footpaths and landscaping from Racecourse Road to Young Street, creates high amenity for the users of this space.



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It is acknowledged that the proposal seeks dispensation for one height limit exceedance. However, with the intention to deliver best-practice outcomes and design excellence, an alternative approach to design ensures that a gateway built form is delivered whilst also reducing visual impacts to Presidents Hill escarpment.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this Report, the matters for consideration under Section 4.15(1) of the EP&A Act have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by NSW DPE.

