



Mr Stephen Barry
Director, Planning
Independent Planning Commission
Level 3, 201 Elizabeth Street
Sydney, NSW 2000

Our ref: SSD-10114

12 August 2020

Dear Mr Barry

26 & 32 Mann Street (Central Coast Quarter), Gosford (SSD-10114)

Response to Questions

Many thanks for your correspondence, dated 4 August 2020, seeking clarification on several matters raised during the briefing on the concept State significant development application for the Central Coast Quarter (SSD-10114) held on 27 July 2020.

The Department's response to the questions is enclosed in **Attachment A**, and supporting information is provided in **Attachments B to C**.

Should you have any questions or require any further clarification, please feel free to contact me at brendon.roberts@planning.nsw.gov.au or call 9274 6422.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Roberts', with a long horizontal flourish extending to the right.

Brendon Roberts
A/Director, Regional Assessments
Planning and Assessment

ATTACHMENT A – RESPONSE TO QUESTIONS ON NOTICE

- 1. It would be appreciated if the Department could articulate its conclusions regarding the proposed height of the towers with particular reference to the exception criteria in cl 8.4(4) of the GCC SEPP. The Commission seeks to understand the justification for the additional height (above the SEPP control), not only the criteria that were assessed under SEPP**

The Department's assessment of the proposed height of the towers against the exception criteria in Clause 8.4(4) of the Gosford SEPP is provided in **Table 6** (at **para 4.6.9**) of the Department's Assessment Report. This refers to more detailed assessment in relation to the design review panel (at **Section 5.5** and **Section 6**), amount of commercial floor space (at **Section 6.8**) and sustainability and environmental performance standards (at **paras 4.6.15 to 4.6.21**). The AR concludes that the Department is satisfied the proposal meets the criteria in clause 8.4(4).

It should be noted that Clause 8.4(4) of the Gosford SEPP allows exceedances of the mapped height and floor space ratio, or both, by an amount to be determined by the consent authority, where it meets the criteria. In practical terms, this means that if the Commission are satisfied that the proposal meets the criteria, the building height and floor space development standards do not apply to the development.

The Department has therefore assessed the merits and potential impacts of the proposed envelope form as a whole, rather than just the exceedance above the numerical development standard. The Department's reasons for supporting the proposed building height (and floor space) are clearly articulated within the Department's Assessment Report.

- 2. Clause 8.3(4) of the GCC SEPP states that, "Development consent must not be granted ...unless the consent authority considers that the development exhibits design excellence", having regard to the matters in cl 8.3(4) (a) to (e). This appears to be covered in various sections of the Assessment Report. Given that the consent authority must have regard to each sub clause, and that this must be addressed prior to consent, could the Department please provide the consideration/justification under each of the stated criteria (a) to (e) inclusive.**

The Department's assessment of the proposal against the design excellence considerations in Clause 8.3 (including Clause 8.3(4)) of the Gosford SEPP is provided in the Department's Assessment Report at **Section 6.2** and **Table 23** (Appendix C). This is summarised in **Attachment B** for ease of reference.

- 3. Why is the maximum height plane across the site (as shown in the GCC SEPP Height of Buildings Map) expressed as a maximum RL and not in meters directly above existing ground level? Is this information available in an urban design study or the like that explains the basis for the height shown on the HOB Map?**

The development standard for the Height of Buildings in the Gosford SEPP was translated (without change) from the Gosford LEP 2014. Council is best place to answer this question.

4. **Modification B1 c) requires an amendment to the envelopes to “explore opportunities to further increase solar access to the southern through site link (i.e. the northwest oriented component, located between the Eastern Tower and the Southern Tower) in midwinter”.**

(a) **As consent has been recommended without any definitive change to the envelopes, does the Department consider that the proposal exhibits “design excellence” without any amendment in this regard?**

Yes, based on the advice of the DAP, the Department is satisfied that the proposal exhibits design excellence (see **Section 6.2** of the Department’s Assessment Report).

(b) **What is the Department’s reasoning for the provision in terms of the Applicant having to “explore opportunities”, rather than a definitive amendment being required?**

As discussed on **pages 57 to 59** of the Department’s Assessment Report, the Department has recommended that the Applicant ‘explore opportunities’ to improve solar access to the southern through site link, as:

- the requirements of Modification B1(a) and B1(b), together with any detailed design with the envelopes, will improve solar access to the southern through site link
- the Department’s conclusion that the proposal exhibits design excellence (**Section 6.2** of the Department’s Assessment Report) is not contingent on improvements to solar access to the southern through site link required in Modification B1(c)
- Modification B1(c) provides some flexibility for the Applicant to explore further opportunities for improvements, while acknowledging that some (or all) of these opportunities may not be desirable if they result in adverse visual, view and heritage impacts.

(c) **Where do you see further opportunities to increase solar access to this strategically significant thoroughfare and generally, into the public open spaces within the site, the adjacent parks and waterfront reserve?**

The Department has considered potential overshadowing of the surrounding public open space, including Gosford Park (Leagues Club Field and the Memorial and Poppy parks) and waterfront reserve, in **Section 6.4** of the Assessment Report (page 47 to 49). This concludes that the overshadowing to these spaces is minor, consistent with the Gosford City Centre SEPP and Gosford City Centre DCP requirements, and therefore acceptable.

As discussed above, the Department’s Assessment Report has identified potential opportunities for improving solar access to the through-site link at Section 6.5 (pages 57 to 59 and illustrated **Figure 28**).

5. **On 30 April 2020 the National Construction Code (NCC) came into effect requiring energy efficiency ratings for commercial buildings to achieve a minimum 5.5-star energy efficiency rating or above. However, the Department has recommended a FEAR requiring that future buildings achieve a 4-star NABERS energy efficiency rating. Noting the Department’s advice during the meeting with the Commission that the recommended requirement was based on the DCP, should the more updated NCC provision now apply?**

The Department has considered the proposal against the principles of Ecologically Sustainable Development at **Section 4.6**. The recommended minimum sustainability standards (FEAR 20) are based on the Gosford City Centre DCP requirements. The Department also recommended that future development applications strive to exceed these minimum standards (FEAR C21).

Noting that the proposal is a concept SSD, FEAR C21 could be amended so that the Applicant has regard to the new NCC requirements in the preparation of future development applications.

6. Could the Department provide the Commission with the full minutes of all of the DAP meetings, including the workshops that were held on this project (in addition to that shown in Appendix E of the Assessment Report).

The DAP advice received since the application was lodged is included at Appendix E of the Assessment Report. However, a complete history of meetings, including the Design Reference Group (DRG) workshops (which do not form the DAP), are provided at **Attachment C**. This includes:

1. DRG workshop notes 12 March 2019
2. DAP meeting 26 March 2019 (pre-lodgement design review - advice dated 5 April 2019)
3. DRG workshop notes 1 May 2019
4. DAP meeting 28 May 2019 (pre-lodgement design review – advice sent June and not dated)
5. DAP meeting 31 October 2019 (EIS review – advice dated 19 November 2019)
6. DAP meeting 3 March 2020 (draft RTS review – advice dated 20 March 2020).

7. The following issue was not raised in the Meeting with the Department, but was identified in the meetings held with the Applicant and Central Coast Council:

The development has a significant interface with the Leagues Club Field currently under construction by the Hunter and Central Coast Development Corporation (HCCDC).

There is conflicting information regarding the proposed extension of Baker Street in the Field development. The Applicant indicated that the street would be extended to be a one-way for vehicles and be a share way for pedestrians. However, the Council indicated that the proposed function of the extended road is unknown, and, as identified in its submission, a turning area would be needed at the end of the current two-way section (either on the Field or the subject site). Clarification is needed if Baker Street will terminate at Vaughan Street with bollards (allowing emergency access only, or continue through).

It would be appreciated if the Department could advise the Panel as to the status of the extension of Baker Street and facilitate a meeting with the Panel and the HCCDC, if this needs a detailed explanation.

The Baker Street extension is discussed in **Section 1.5** (page 6) of the Assessment Report. HCCDC have advised that the extension of Baker Street (to the south of Georgiana Terrace) is intended (in the scope of works for the Leagues Club Field) to be a shared one way from Georgiana Terrace to Vaughan Avenue, with all vehicles turning left at Vaughan Avenue.

8. Additional Information Required

The Applicant will respond to this request separately.

Attachment B: Summary of consideration against Clause 8.3(4) of the Gosford SEPP

Clause 8.3(4) requirement	Department's consideration
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	<p>As considered in Section 6.2 of the AR and noting the advice of the Design Advisory Panel, the Department is satisfied that the proposal exhibits design excellence.</p> <p>The proposal is a concept SSD, and therefore the architectural design, materials and detailing will be considered in the assessment of future development applications.</p> <p>Notwithstanding, the Department is satisfied that the Design Excellence Strategy, revised Design Guidelines and involvement of the DAP (Section 6.2), together with the various recommended conditions and Future Environmental Assessment Requirements (Section 6.4 - 6.5), will ensure that future DAs achieve a high standard of design, materials and details.</p>
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	<p>The Department has considered the proposed envelope form against this provision in Sections 6.2 and 6.4 of the AR and is satisfied that it is acceptable.</p> <p>As the proposal is a concept SSD, the extent to which the detailed building form and external appearance will improve the quality and amenity of the public domain will be considered in detail in the assessment of future development applications.</p> <p>The Department is satisfied that the Design Excellence Strategy, revised Design Guidelines and involvement of the Design Advisory Panel (Section 6.2), together with the various recommended conditions and Future Environmental Assessment Requirements (Section 6.4 - 6.5), will ensure that future DAs will ensure the development improves the quality and amenity of the public domain.</p>
(c) whether the development is consistent with the objectives of clauses 8.10 and 8.11,	<p>The Department has considered the proposal against:</p> <ul style="list-style-type: none"> • Clause 8.10 (solar access to key open spaces) in Section 6.4 (pages 47 to 49) and Appendix C (page 90) • Clause 8.11 (key vistas and view corridors) in Section 6.4 (pages 49 to 53) and Appendix C (page 90). <p>and is satisfied the proposal is acceptable. Notwithstanding, the Department has recommended FEARs to ensure future development applications are further assessed against these provisions.</p>
(d) any relevant requirements of applicable development control plans,	<p>While development control plans do not technically apply to SSD, the Department has comprehensively assessed the proposal against the requirements of the Gosford Development Control Plan (throughout Section 6 and in Table 24 in Appendix C).</p>
(e) how the development addresses the following matters—	<p>The Department's AR considers how the development addresses these matters, as below:</p>
(i) the suitability of the land for development,	<p>(i) the suitability of the land for the proposed development is considered in Table 4 (Section 4.6) and under permissibility in Section 4.3</p>
(ii) existing and proposed uses and use mix,	<p>(ii) the proposed uses are permissible on the site (Section 4.3) and the proposed land use mix is considered in Section 6.8.</p>

(iii) heritage issues and streetscape constraints,	(iii) heritage and streetscape constraints are considered in Sections 1.4, 1.5, 6.3 and 6.4 and Table 23.
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	(iv) built form relationships are considered in Sections 6.2 and 6.4 and future residential amenity (i.e. internal building separation) is considered in Section 6.8.
(v) bulk, massing and modulation of buildings,	(v) bulk, massing and modulation of buildings is considered in Sections 6.2 and 6.4.
(vi) street frontage heights,	(vi) street wall heights are considered in Section 6.4 (page 44), Section 6.5 (page 57) and Table 24.
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	(vii) sustainable design (including the principles of ecologically sustainable development) is considered in Table 6, Table 7, paras 4.6.14 to 4.6.20 and Table 24. Overshadowing is considered in Section 6.4 and 6.5. Wind and reflectivity are considered in Section 6.8.
(viii) the achievement of the principles of ecologically sustainable development,	(viii) sustainable design (including the principles of ecologically sustainable development) is considered in Table 6, Table 7, paras 4.6.14 to 4.6.20 and Table 24.
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	(ix) car parking and traffic are considered in Section 6.6. Open space and through site links are considered in Section 6.5. Cycling provision (parking and services) is considered in Section 6.8.
(x) the impact on, and any proposed improvements to, the public domain.	(x) public domain impacts and improvements are considered throughout the AR, and in particular in Section 6.2, 6.3, 6.4, 6.5 and 6.7. The Department's AR (Section 6.5) notes that the provision of through site links will be an improvement to the public domain.