



University of Newcastle, Gosford Campus

State Significant Development Assessment
SSD-47749715

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHD	Australian Height Datum
Applicant	The University of Newcastle
BCA	Building Code of Australia
BC Act	Biodiversity Conservation Act 2016
BDAR	Biodiversity Development Assessment Report
CCRP 2041	Central Coast Regional Plan 2041
CIV	Capital Investment Value
CPP	Community Participation Plan
Council	Central Coast Council
Contributions Plan	Central Coast Council 7.12 Contributions Plan for Gosford City Centre
CoGDAP	City of Gosford Design Advisory Panel
CPTED	Crime Prevention through Environmental Design
DA(s)	Development application(s)
DCP	Development Control Plan
Department	Department of Planning and Environment
EESG	Environment, Energy and Science Group
EHG	Environment and Heritage Group, of the Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development

Abbreviation	Definition
FSR	Floor space ratio
FRNSW	Fire and Rescue NSW
GANSW	Government Architect NSW
GDCP	Gosford City Centre Development Control Plan 2018
GFA	Gross Floor Area
GTP	Green Travel Plan
GUDF	Gosford Urban Design Framework
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
RMS	Roads and Maritime Services, TfNSW
RMS Guide	Roads and Maritime Guide to Traffic Generating Developments 2002
RTS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
Gosford SEPP	State Environmental Planning Policy (Regional – Precincts) 2021
SSD	State Significant Development
SIC	Gosford City Centre Special Infrastructure Contribution Levy
TfNSW	Transport for NSW
TIA	Transport Impact Assessment
ToA	Term of Approval
VIA	Visual Impact Assessment and View Sharing Analysis

Executive Summary

This report provides an assessment of a State significant development (SSD) application seeking approval for a University of Newcastle – Gosford campus. It seeks approval for the construction and operation of a 4 storey educational building, publicly accessible open space and small retail/café premises at 305 Mann Street, Gosford. Approval is also sought for the demolition of the local heritage item, the Mitre 10 store.

The development is predicted to generate up to 95 construction jobs, 48 operational jobs and has a capital investment value (CIV) of \$55.365 million. The Applicant is the University of Newcastle. The site is located within the Central Coast Council local government area. The proposal is SSD as it is development for the purposes of a tertiary institution that has a CIV of more than \$50 million. The Minister for Planning is the consent authority for the application.

Community engagement

The application was exhibited between 1 March 2023 and 28 March 2023. The Department received advice from 9 government agencies, Central Coast Council and two public submissions, providing comments about traffic and parking.

The Applicant submitted its Response to Submissions (RTS), which provided additional information in response to agencies advice and submissions and included internal alterations to the bicycle parking and end of trip facilities. The Department received additional advice from four government agencies in response to the RTS.

Assessment

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the issues raised in the submissions and the Applicant's response. The key assessment issues associated with the proposed development are public open space, heritage and car parking.

The Department has also considered the full strategic and statutory context of the site and proposal, including the Central Coast Regional Plan 2041 (CCRP), the Gosford Urban Design Framework (GUDF), *State Environmental Planning Policy (Precincts – Regional) 2021* (the Gosford SEPP) and the Gosford City Centre Development Control Plan 2018 (GDCCP).

The Department considers the proposal is acceptable for the following reasons:

- The proposal is consistent with the vision for the site, northern precinct of Gosford CBD and Gosford City Centre as expressed by the objectives and Planning Priorities for the District identified in Central Coast Regional Plan 2041, the Gosford Urban Design Framework and other planning considerations.
- The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* including Regional and State planning policies which aim to grow Gosford City Centre as the Central Coast's regional capital, attract new investment, residents and businesses.
- The proposal complies with the development standards for height of buildings and gross floor area under *State Environmental Planning Policy (Precincts – Regional) 2021* and all statutory

requirements and provides an appropriate built form relationship to existing and future neighbouring buildings.

- The proposal is consistent with the desired future character of the area and will not adversely impact surrounding amenity, including in terms of solar access, view impacts and privacy impacts.
- The proposal includes significant public open space in line with policy and vision for the site.
- The proposal includes a high standard of design, including the expression and appearance of the building to the public square and surrounding streets.
- The proposal allows for the interpretation of the heritage significance of a degraded item into a new development.
- The proposal contributes to the role of Gosford City Centre as the centre for activity, employment and services.
- The proposal contributes to the greening and sustainability of Gosford City Centre and is consistent with principles for ecologically sustainable development.
- The proposal includes public domain improvements, including new footpath, street trees and seating, to Mann Street and Beane Street.
- The proposal would provide significant public benefits including creation of approximately 95 construction and 48 ongoing operational jobs.

Conclusion

Based on the reasons outlined above, the Department concludes that the proposal is in the public interest and can be approved, subject to conditions.

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1 Introduction

1.1 The Department's Assessment

This report provides the Department of Planning and Environment's (Department's) assessment of a development application for demolition of all existing buildings, site preparation, bulk earthworks, augmentation and connection of new services infrastructure, and the construction and operation of an educational building, open space and associated retail and café at 305 Mann Street, Gosford (SSD-47749715) located within the Central Coast local government area (LGA).

The application was lodged on 20 February 2023 by Urbis on behalf of the University of Newcastle (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application was amended on 31 May 2023 to include additional information and justification in response to the issues raised by Council and relevant public authorities during the public exhibition.

This report assesses the proposed development against all relevant legislation and planning considerations. It takes into consideration all documentation submitted by the Applicant, including the Environmental Impact Statement, Response to Submissions (RTS), additional information and advice from government agencies. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts.

1.2 Site Description

The site is 299-309 Mann Street but is commonly known as 305 Mann Street. The site is on the corner of Mann Street and Beane Street and the corner of Beane Street and Hill Street.

The site is rectangular in shape and 4,672sqm in size with boundaries of approximately 52m to Mann Street and Hill Street and boundary of approximately 90m to Beane Street. The site sits at approximately RL 14.2 at its south-western corner at Mann Street, and the site rises approximately 7.8m along Beane Street to RL 21.8 at its south-eastern corner at Hill Street. The site is subject to overland flow at Mann Street.

The site is occupied by a one- and two- storey building along Mann Street and Beane Street and rises to the south-east in line with Beane Street along its southern boundary. Some vegetation including small trees exist to the rear of the buildings towards the centre of the site.

State Environmental Planning Policy (Precincts – Regional) 2021 (the Gosford SEPP) identifies the site as local heritage item Mitre 10 store. The State Heritage Inventory identifies that the building includes historical significance and may have been the offices and storerooms for the Citrus Fruit growers Association of NSW, which owned the packing house opposite. The State Heritage Inventory identifies that the building includes aesthetic and social significances with respect to the two Inter war facades, presentation within the streetscape, and use for commerce, retail and industry. The building was most recently tenanted by the Mitre 10 building supplies company, however the building is currently unoccupied and subject to decline.

1.3 Surrounding Context

The site is surrounded by one- and two- storey commercial and industrial buildings and at grade car parking along Mann Street and low- and medium- rise mixed use residential buildings to Beane Street and Hill Street. A tyre retail and fitting premise abuts the northern side boundary of the site.

The Gosford SEPP identifies 297 Mann Street across Beane Street as local heritage item 'Steps of former private hospital'. At present, the site is undeveloped.

The site and surrounding properties are located in the City North precinct of the Gosford CBD (**Figure 1**). The Gosford City Centre Development Control Plan 2018 (GDCCP) identifies that the City North precinct includes regional services, including education and health facilities, as well as significant open space and recreational assets. The City North precinct includes Gosford Railway Station and, to the north-west, Gosford Hospital. Gosford Private Hospital borders the north-east of the precinct.

The GDCCP seeks for the City North precinct to include new connections over the rail corridor to promote the co-location of uses, enhance activation and revitalise the area. The GDCCP also identifies that future development should deliver health and employment uses, and future development should be supported by new pedestrian connections, improved walkability and an attractive public domain.

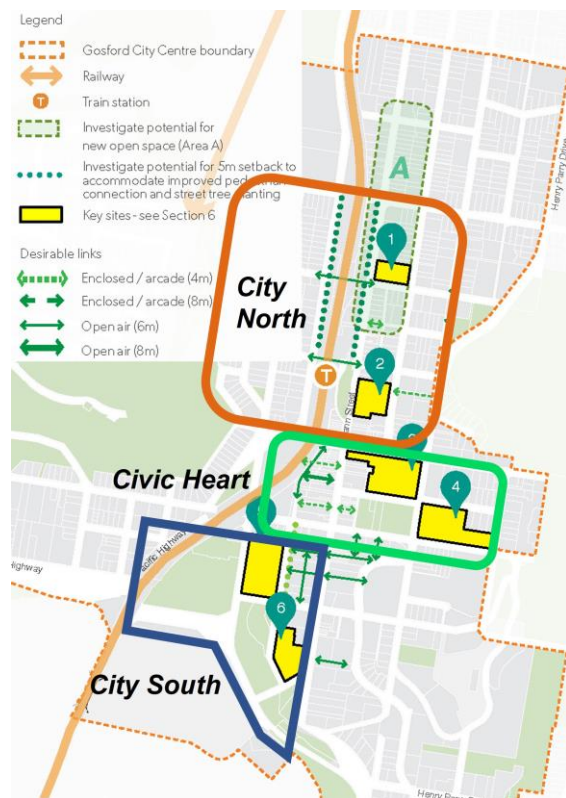


Figure 1 | Character Areas, Key Sites and On-site Public Domain Improvements map (Source: Adapted from Gosford City Centre Development Control Plan 2018)

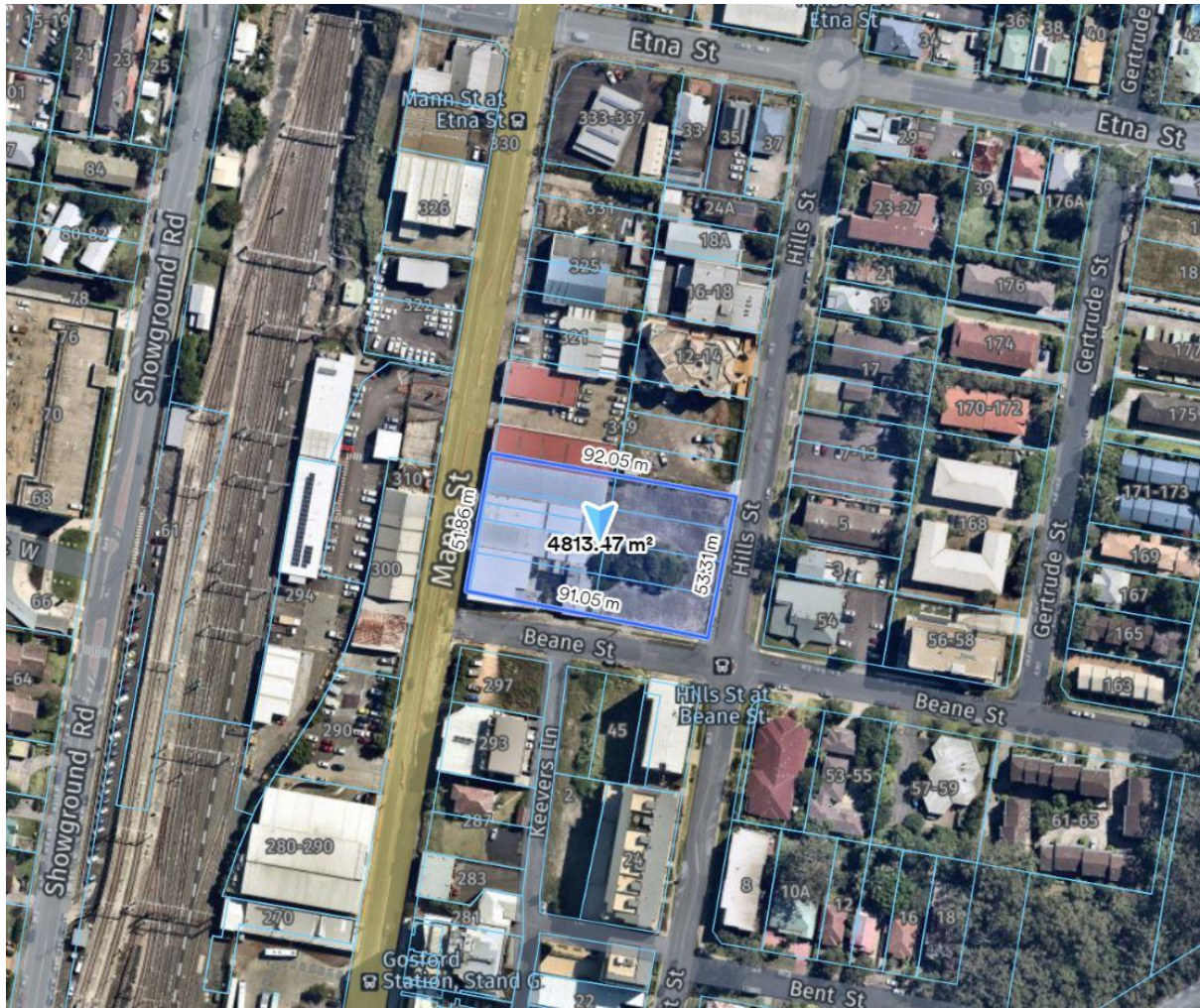


Figure 2 | Local Context Map (Source: Nearmaps 2023)

2 Project

2.1 Description of the development

The application seeks consent for the demolition of the existing building and construction of a four-storey educational building (University of Newcastle – Gosford campus) in the Gosford City Centre.

The main components of the development are described in **Table 1** below and described in full in the EIS and RTS report included in **Appendix A – Relevant Supporting Information**. The layout and design of the proposal are included at **Figure 3 and Figure 4**.

Table 1 | Main Components of the Project

Component	Description
	Demolition of existing buildings, site preparation, bulk earthworks, augmentation and connection of new services infrastructure, and the construction and operation of a 4 storey educational building (University of Newcastle – Gosford campus), open space and associated retail/café
Site area	4,672sqm (52m to Mann Street x 90m to Beane Street)
Site preparation	Demolition of existing buildings, site preparation, bulk earthworks, augmentation and connection of new services infrastructure
Built form	<ul style="list-style-type: none"> Publicly accessible open space to the south-western corner of the site at Mann Street and Beane Street A four-storey building across the middle and north-western corner of the site Open space across the eastern half of the site
Gross Floor Area (GFA)	3,726sqm <ul style="list-style-type: none"> University space: 3,592sqm GFA Retail: 134sqm GFA
Floor Space Ratio (FSR)	0.8:1
Maximum height	23.3m (RL 31)
Uses	Approximately 660 students and 48 staff.
Operating hours	24 hours/day, 7 days per week (noting that controlled access will operate during this time, with classes generally running between 8.00am-9.00pm, Monday-Friday)
Access	Pedestrian <ul style="list-style-type: none"> Publicly accessible open space to the south-western corner of the site at Mann Street and Beane Street Entry along the southern side of the building to the open space

Component	Description
	<ul style="list-style-type: none"> • Entry along southern side of building in the middle of the site at Beane Street • Entry along the eastern side of the building to the eastern open space • Entry to Industry Community Engagement space at north-western corner of the site at Mann Street <p>Vehicle</p> <ul style="list-style-type: none"> • Entry at north-western corner of the site at Mann Street • Entry and exit at the north-eastern corner of the site at Hill Street • Entry and exit into basement of the building via a proposed private laneway across the northern side of the site
Parking	Basement car park with 20 parking spaces Four EV charging spaces sleeved against the building
Bicycle facilities	69 spaces within end of trip facilities in basement
Servicing	Private laneway across the northern side of the site for delivery vehicles to stand and access loading/store and waste rooms Main switch board accessed from laneway Chiller & pump plant room and end of trip facilities (including bicycle parking) within basement
Landscaping	Approximately 2,450sqm of publicly accessible open space along the western, southern and eastern portion of the site
Signage	None proposed
Jobs	95 construction 15 non-construction 48 ongoing operational jobs
Timing	12-18 months construction
Capital Investment Value (CIV)	\$55.365 million

The application seeks staging but does not seek flexibility in the location and size of the physical layout, design and use of the site. The application also notes that the proposal preserves the eastern 'plateau' open space of the site for potential development in future (subject to a separate future development application).

2.2 Applicant's need and justification for the development

The application describes that the proposal is consistent with relevant State and local strategic plans and substantially complies with the relevant State and local planning controls. The proposed university campus will also help close skills gaps, increase educational participation rates, generate

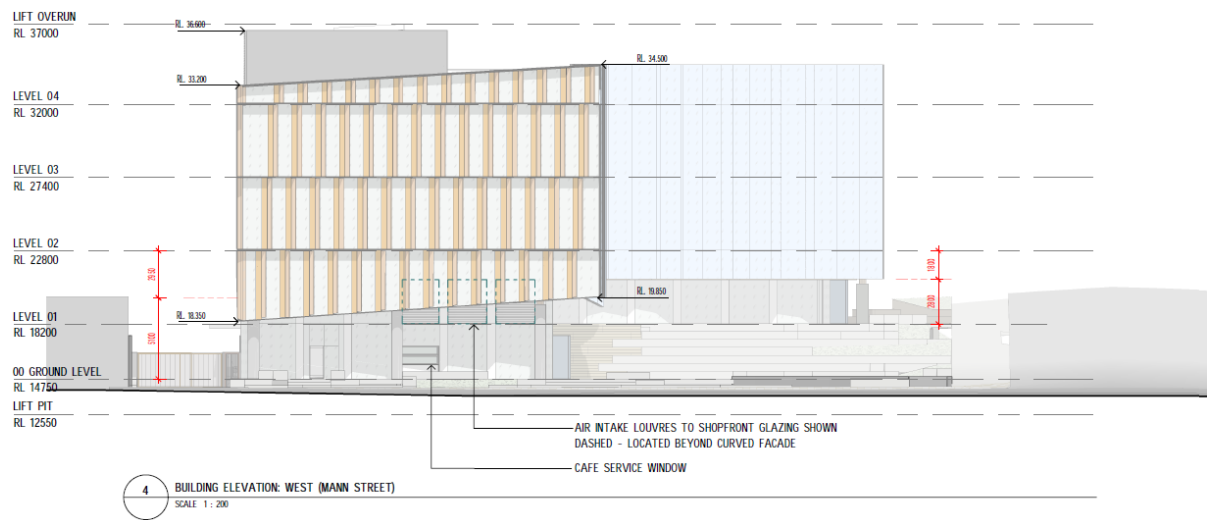


Figure 4 | Mann Street / Western Elevation (Source: Applicant's documentation)

3 Strategic context

3.1 Central Coast Regional Plan 2041

The Central Coast Regional Plan (CCRP) 2041 identifies the Gosford City Centre as the social and economic heart of the Central Coast and as a regionally significant growth area. The CCRP describes that regional economic gateways provide employment, connect local communities and provide access to goods and services within 15 minutes of homes.

The CCRP sets nine objectives. The subject proposal supports the following objectives:

Objective 1: A prosperous Central Coast with more jobs close to home

- The proposal supports the longevity and flexibility of buildings through the provision of flexible teaching and work spaces

Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities

- The proposal provides education and open space in an area of high accessibility through virtue of proximity to Gosford train station and Gosford bus terminal
- The proposal includes a mixture of public open spaces, including terracing and hard surfaces providing seating and focal point at Mann Street, and soft surfaces providing opportunity for passive recreation to the east
- The proposal facilitates cycling through bike parking spaces and end of trip facilities
- The proposal includes significant landscaping
- The proposal affirms the desired role of Gosford City Centre and its status as the strategic, urban core of the Central Coast

Objective 4: An interconnected Central Coast without car-dependent communities

- The proposal provides education and open space in an area of high accessibility through virtue of proximity to Gosford train station and Gosford bus terminal
- The proposal facilitates cycling through bike parking spaces and end of trip facilities

Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments

- The proposal includes planting that is endemic to the Central Coast Escarpment Moist Forest vegetation community
- The proposal includes a salvage methodology for bricks of the existing heritage listed Mitre 10 building, including potential re-use in the proposed building
- The proposal includes opportunities for interpretation of place and landscape, cultural representation and art

Objective 7: Reach net zero and increase resilience and sustainable infrastructure

- The proposed building includes mass timber construction, and the proposal will achieve a minimum of a 6-Star Green Star building in line with the University's sustainability goals
- The proposal includes solar panels as well as vehicle charging stations
- The proposal includes floor level and public open space above the flood planning level

Objective 8: Plan for businesses and services at the heart of healthy, prosperous and innovative communities

- The proposal, including its industry engagement spaces and variety of uses, may provide an anchor to and facilitate a knowledge and innovation cluster

The proposal contributes to the Narara District and Gosford City Centre regionally significant growth area through new and ongoing job opportunities related to the operation of the tertiary institution. The provision of education infrastructure can provide a health, education and innovation corridor with Gosford Hospital, integrates with the University of Newcastle in the wider region, and will assist in attracting a younger population to the area. The subject proposal also contributes to the greening and sustainability of Gosford City Centre. It is consistent with the Planning Priorities for the District identified in the CCRP.

3.2 Gosford Urban Design Framework

The Gosford Urban Design Framework (GUDF) supports the revitalisation of Gosford City Centre through identified opportunities for improvements to the public domain, pedestrian amenity and connectivity and through promotion of key sites, building design and the natural setting of Gosford.

The UDF recognises Mann Street as a high street and recommends provision of a widened footpath, including through increased building setbacks, street trees and active frontages along Mann Street, new green spaces, and to conserve heritage buildings.

The UDF also seeks to attract a higher education institution to the City North Precinct. In particular, the UDF identifies the site for potential open space, seeks active street façades to the public square, discourages parking entry to Mann Street, and seeks connection between the site and Gosford Hospital.

The proposal includes public domain improvements, including new footpath, street trees and seating, to Mann Street and Beane Street. The proposal includes passive recreation space immediately adjacent to all three site frontages, and the proposal includes salvage of materials of the existing heritage building and their potential re-use in the proposed building.

The proposal includes significant public open space offering, includes glass façades on the ground floor that enable the display of activity within the building to the surrounding public open space, provides direct connection between internal building spaces and the public open space, and restricts car movements into the site to Hill Street. The proposal is consistent with the vision, principles and recommendations of the UDF.

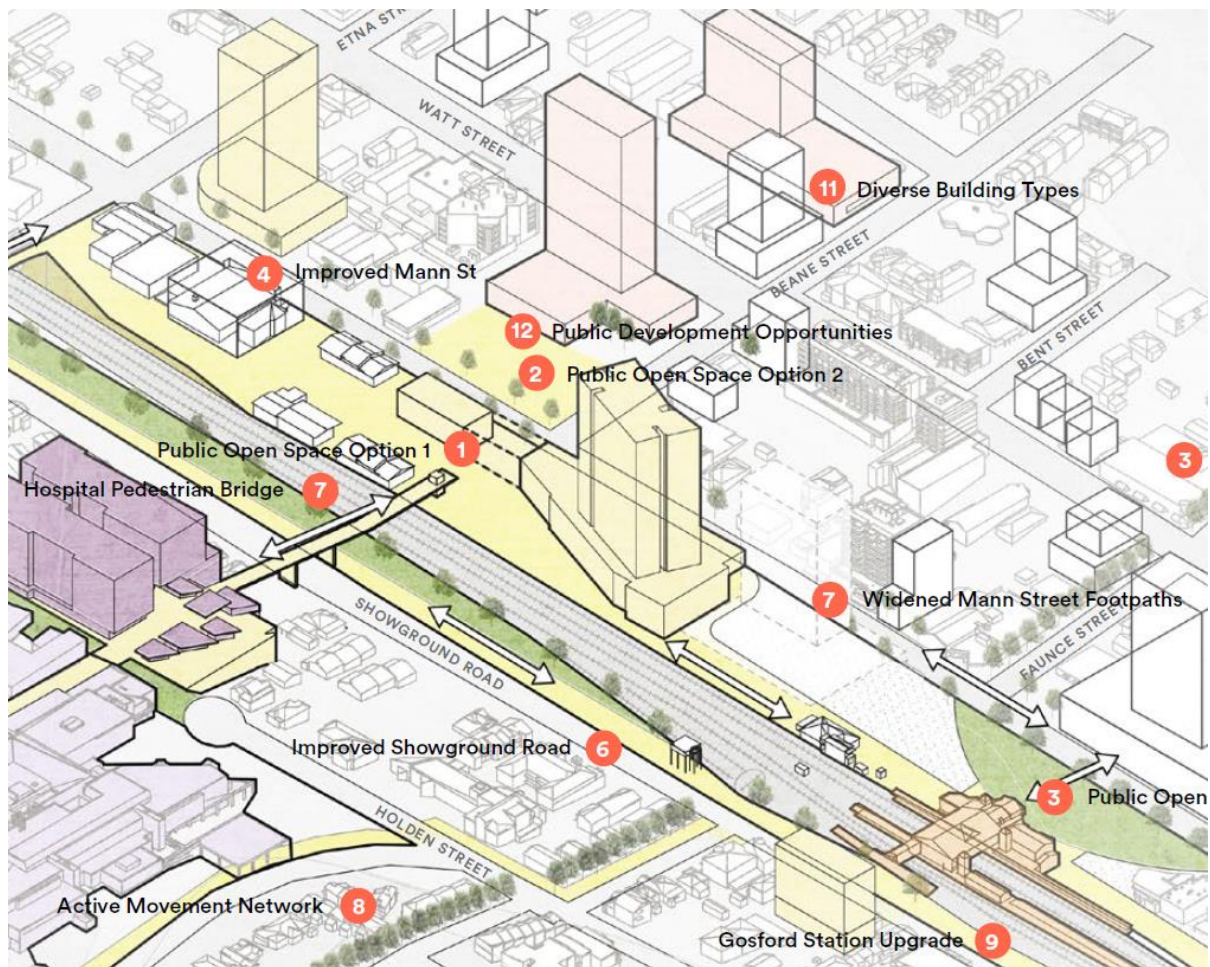


Figure 5 | Indicative desired public open space and other embellishments (Source: Gosford Urban Design Framework)

3.3 Central Coast Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) Provides a land use vision that will guide the future growth and development across the Region to 2036 and beyond. The proposal is consistent with the priorities of the LSPS as it contributes to the role of Gosford City Centre as an education hub, includes a high standard of building design, increases facilities for cycling, and will contribute towards Gosford City Centre as the regional Capital of the Central Coast.

3.4 Draft Central Coast Urban Spatial Plan

Central Coast Council's Draft Urban Spatial Plan (Draft USP) responds to the Central Coast Regional Plan 2036 and establishes how Council intends to manage sustainable growth across the local government area. The Draft USP seeks Gosford to be the principal city serving the region, connected urban squares and green spaces, to support the UDF, urban revitalisation with a high standard of building design, active transport and a university presence.

The proposal supports the aims of the Draft USP. The proposal contributes to the role of Gosford City Centre as the centre for activity, employment and services, includes significant public open space,

includes a high standard of building design, facilitates cycling through bicycle parking and end of trip facilities, and achieves a university presence within the City Centre.

3.5 Draft Somersby to Erina Corridor Strategy

Council's Somersby to Erina Corridor Strategy responds to the Central Coast Regional Plan 2036 actions for the Southern Growth Corridor. Gosford is identified as one of six centres in the corridor connected by the Central Coast Highway, with Gosford noted as the Central Coast's regional city. The vision for Gosford is a premier waterfront city with medium to high density neighbourhoods, civic uses, education, health, retail, art and culture, and housing choice.

The Somersby to Erina Corridor Strategy includes the Gosford City Centre Strategy with:

- Direction 12 A busy and exciting Gosford City Centre
- Action 12.1 Site for University of Newcastle

The Strategy also seeks focussed public domain improvements to Mann Street.

The proposal supports Direction 12, Action 12.1 and objective for public domain improvements. The proposal establishes the University of Newcastle in the Gosford City Centre, facilitating education and employment connections within the city centre as well as across campuses of the University. The proposal also includes public domain improvements, including new footpath, street trees and seating, to Mann Street and Beane Street.

4 Statutory Context

4.1 State Significant Development

The proposal constitutes development for the purposes of a tertiary institution that has a CIV of more than \$50 million. Pursuant to Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) and section 4.36 (development declared State Significant Development (SSD)) of the EP&A Act, the proposal constitutes SSD.

4.2 Consent Authority

The Minister for Planning (the Minister) is the consent authority under section 4.5 of the Act. In accordance with the Minister's delegation dated 9 March 2022, the Director, Regional Assessments may determine this application as:

- the relevant Council has not made an objection
- there are less than 15 public submissions in the nature of objection
- a political disclosure statement has not been made.

4.3 Crown Development

Section 294 Crown Development – the Act, s 4.32(2)(a) in the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) prescribes the Crown as including the following:

- (a) a public authority, other than a council
- (b) an Australian university, within the meaning of the *Higher Education Act 2001*.

Section 3 and Schedule 1 of the *Higher Education Act 2001* lists The University of Newcastle as an Australian University and as a university that is established or recognised by an Act.

The application was lodged by planning consultancy Urbis on behalf of the University of Newcastle (the Applicant). The proposed development constitutes a Crown Development Application. Refer to section 3.17 under Chapter 3 of *State Environmental Planning Policy (Transport and Infrastructure 2021)* in **Appendix C** for further information.

4.4 Permissibility

The Gosford SEPP is the principle environmental planning instrument (EPI) that applies to the site. The site is zoned B4 Mixed Use under the Gosford SEPP. The Gosford SEPP states Educational Establishments may be carried out with consent within the B4 Mixed Use zone. Therefore, the proposal is permissible with development consent

4.5 Other approvals

A condition has been recommended requiring appropriate approvals from Council to be sought for works to the surrounding local roads under section 138 of the *Roads Act 1993*.

4.6 Secretary's Environment Assessment Requirements

On 28 August 2022, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs) that apply to the proposal. The Department is satisfied that the EIS and RTS adequately address the requirements of the SEARs to enable the assessment and determination of the application.

4.7 Biodiversity Development Assessment Report

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. The SEARs issued on 28 August 2022 for the subject proposal included requirement to submit a BDAR or obtain a BDAR Waiver from the Department.

On 15 November 2022, the Applicant submitted a BDAR Waiver request to the Department. The Department's assessment identified that trees upon the site are not consistent with native plant community types (PCTs), the understorey is dominated by weeds, and the site is significantly altered from its natural state and does not facilitate habitat. The Department concluded that, as the development relates to construction of an educational establishment building comprising 3-4 storeys, basement, laneway and open space within an urban context, it is not likely to have any significant impact on biodiversity values.

A BDAR Waiver was granted by the Department on 9 December 2022. In addition, the proposed landscaping under the subject application is considered to improve the ecology of the site and for the local area.

4.8 Mandatory Matters for Consideration

The following relevant matters have been taken into account in the assessment of the application:

- section 4.15(1) of the EP&A Act
- relevant EPIs
- objects of the EP&A Act
- Ecological Sustainable Development (ESD)
- Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

The Department has undertaken a detailed assessment of the above matters at **Appendix B** and is satisfied the application has appropriately addressed the relevant matters for consideration.

5 Engagement

5.1 Department's engagement

On 20 February 2023, the Applicant lodged the EIS for the proposal. The proposal was subsequently amended by the Applicant's RTS dated 31 May 2023.

In accordance with Schedule 1 of the EP&A Act the Department publicly exhibited the EIS. During the exhibition surrounding landowners, Council and relevant public authorities were notified in writing.

The RTS did not change the nature of the proposal and therefore was not re-exhibited to the public. However, the RTS included additional information and justification principally in response to the issues raised by Council and relevant public authorities from the exhibition of the EIS, and so the Department notified Council and relevant public authorities of the RTS. The Department also published the Applicant's RTS on its website.

A total of 17 submissions were received in response to the exhibition of the EIS and notification of the RTS comprising two from Council, 13 from public authorities, and two from the public.

A summary of the exhibition and notification is provided at **Table 2** and a summary of the issues raised in the submissions is provided at **Sections 5.2 and 5.4**. Copies of the submissions may be viewed at **Appendix A**.

Table 2 | Summary of public exhibition and notification of the application

Stage	Exhibition / Notification Period	Submissions
EIS	1 March 2023 until 28 March 2023 (28 days)	12 submissions comprising: <ul style="list-style-type: none">• 1x Council*• 9x Public authorities• 2x Public
RTS	CCLHD and Council: 7 June 2023 until 16 June 2023 (9 days) DPE Water: 2 June 2023 until 16 June 2023 (14 days) All other agencies: 2 June 2023 until 12 June 2023 (10 days) Public: N/A	5 submissions comprising: <ul style="list-style-type: none">• 1x Council• 4x Public authorities

**Note: Council's submission was made on 11 May 2023 and therefore after the 1 March 2023 until 28 March 2023 (28 days) Exhibition / Notification period*

5.2 Summary of advice received from Government agencies

During the exhibition period, the Department received advice from nine public authorities. In addition, the Department notified public agencies of the RTS, and the Department received advice again from four public agencies. A summary of the authorities who provided advice is in **Table 3**. A link to the full copy of the advice is provided in **Appendix A**.

Note: Ausgrid reviewed the EIS but did not make a submission.

Table 3 | Summary of Agency Advice

1. Ausgrid	
EIS	Ausgrid reviewed the EIS and did not make a submission, however Ausgrid informally advised the Department that they had no comments.
RTS	In light of the above, the RTS was not referred to Ausgrid
2. Central Coast Local Health District	
EIS	CCLHD did not object to the proposal, however CCLHD provided the following comments: <ul style="list-style-type: none"> Request confirmation that design best achieves solar access, and consideration of future link to hospital Raises concern with proposal with respect to GDCP parking requirements Request consent conditions address air quality impacts, noise and vibration, construction and hazardous materials and CPTED.
RTS	CCLHD commented: <ul style="list-style-type: none"> Again request consent conditions address air quality impacts, noise and vibration, construction and hazardous materials and CPTED. No further comment with respect to parking requirements and the Green Travel Plan
3. Department of Planning and Environment Water	
EIS	DPE Water did not object to the proposal, however DPE provided the following comments: <ul style="list-style-type: none"> Request water entitlement information Request groundwater management plan Request, post-approval, an Acid Sulfate Soil Management Plan.
RTS	DPE Water requested. prior to works, a Water Access Licence must be obtained, and Groundwater Dewatering Requirements (limit groundwater take, do not obstruct groundwater flow, limit raising the water table, and a construction monitoring programme is to be submitted to DPE Water).
4. Environment, Energy and Science Group	
EIS	The EES Group / Biodiversity and Conservation Division (BCD) did not object to the proposal, however the EES Group provided the following comments: <ul style="list-style-type: none"> Recommend that the climate change scenarios modelled in the Gosford City CBD overland flood study be used for setting habitable floor levels (rather than present day 1% AEP levels) Request demonstrate storage and treatment tanks are viable and will be able to function as required in flood events.
RTS	BCD commented: <ul style="list-style-type: none"> The response has satisfied the matters raised by BCD. Council has provided comment on other civil engineering matters. There are no further requirements from BCD.

5. Environment Protection Authority

EIS The EPA did not object to the proposal, however the EPA provided the following comments:

- Request an Acid Sulphate Soils management plan
- Request waste estimate and identified streams/disposal.

RTS EPA commented:

- The Acid Sulphate Soils report adequately outlines excavation, disposal and strategies for potential Acid Sulphate Soils
- The proposal does not appear to require an environment protection license
- Council is the appropriate regulatory authority for the proposal.

6. Fire and Rescue NSW

EIS FRNSW reviewed the EIS and advised that it has no comments or recommendations for the proposal.

RTS In light of the above, the RTS was not referred to FRNSW

7. Heritage NSW (Aboriginal Cultural Heritage)

EIS HNSW did not object to the proposal, however the HSNW (ACH) provided the following comments:

- Request clarification why newspaper advertisement included the Koori Mail but not the local newspaper
- Request clarification on excavation (e.g. detail on not impacting potential existing deposits, finds identification and works ceasing, and recommends hand excavation) so that test excavations can be conducted post project approval, in accordance with the measures outlined in the Aboriginal Cultural Heritage Management Plan (ACHMP).

RTS HNSW (ACH) commented that the RTS has adequately addressed comments provided by Heritage NSW on Aboriginal cultural heritage (ACH) matters, and Heritage NSW has no further comments.

8. Heritage NSW (European Heritage)

EIS HNSW reviewed the EIS and advised that it has no comments or recommendations for the proposal.

RTS HNSW reviewed the submission report and made no further comments

9. Sydney Trains

EIS Sydney Trains did not object to the proposal. Sydney Trains issued recommended consent conditions.

RTS In light of the above, the RTS was not referred to Sydney Trains

10. Transport for NSW

EIS TfNSW did not object to the proposal, however TfNSW provided the following comments:

- Request for updated traffic impact statement with:
 - recent counts

-
- proposed trip distributions diagram
 - proposed intersection traffic analysis
 - the points of origin of students and staff
 - addressing the expected cycling travel and the number of bicycle parking spaces
 - assessment of local public transport capacity
 - identification of improved walking and cycling connections to the site
 - safe crossing at the Mann and Beane Street intersection.
-

RTS

TfNSW commented:

- Council is the roads authority
 - TfNSW encourages the use of public and active transport
 - The proposal will complement and attract users of the Ourimbah and Gosford Hospital Campus
 - The cross use of the hospital and the campus will require students to walk or cycle between the sites. TfNSW considers the current arrangement for pedestrians to travel between the two sites may encourage unsafe crossing of Mann Street. There is no crossing point on Mann Street between the site and the train station.
 - Any new connections should cater for people with disability
-

5.3 Summary of advice received from Council

Council made two submissions: one submission in response to the exhibition of the EIS; and one submission in response to notification of the RTS.

The EIS was exhibited between 1 March 2023 until 28 March 2023 (28 days). On 5 April 2023, the assessment officer inquired with Council about whether they planned to make a submission. On 19 April 2023 Council requested further time to make a submission, and Council made a submission on 11 May 2023.

Council did not make a submission within the exhibition period, or request an extension or placeholder within the exhibition period. The Department's submissions policy does not accommodate late submissions, except in exceptional circumstances, and only with notice within the exhibition period and subject to agreement. Council's submission on 11 May 2023 provided comment and described that, subject to satisfying the matters outline above, Council raises no concerns in relation to the proposed development'.

The proposal was subsequently amended by the Applicant's RTS dated 31 May 2023, and Council commented that it had 'no further comments than what was previously said' on 14 June 2023.

In accordance with the Department's submissions policy, where Council did not request within the exhibition period to make a late submission, Council's subsequent submission is not considered to hold the same legal status as a duly made. In addition, Council's submission made comments and raised concerns, however Council's submission did not describe that it objected to the proposal.

Council's submissions in response to the EIS exhibition and the RTS are summarised in **Table 4**.

Table 4 | Summary of Council Advice

Council	
EIS*	<p>Council did not object to the proposal, however the Council provided the following comments:</p> <ul style="list-style-type: none">• Request for an amended site plan, hourly shadow diagrams, a view impact assessment, other assessment, the DA to be compatible with Council's 3D model for Gosford City Centre, and the proposal to address impacts on the development potential of adjoining lots• The site is zoned for a height of 60m and an FSR of 5:1; A taller building with greater density would be appropriate• The proposal does not include landscaping along the northern side boundary and internal driveway to provide screening to any future adjoining residential development• The proposed egress turning paths do not provide the necessary pedestrian safety sight triangles• Service vehicles may be unable to negotiate the central barrier at Hill Street• The proposed rain garden treatments located with Mann Street are not supported and shall be deleted from the Water Cycle Management Plan• Lowering the water main may be required prior to construction• The applicant must consult with Council on the location of water and sewer services prior to planting proposed street trees• Recommend Roads Act conditions, dilapidation report, and Construction Traffic and Pedestrian Management Plan (CTPMP).
RTS	<p>Council stated that it has no further comments.</p>
<p><i>*Note: Council's submission was made on 11 May 2023 and therefore after the 1 March 2023 until 28 March 2023 (28 days) Exhibition / Notification period</i></p>	

5.4 Summary of comments from the public

Two public submissions were received in response to the public exhibitions of the EIS. The submissions were made by persons from Gosford, and each submission made comment on the proposal. The Department considers that the relatively low number of submissions indicates that the proposal is not controversial.

No submissions comprised petitions, form letters or other non-unique submissions. No submissions were made by special interest groups.

On 31 May 2023 the Applicant amended the proposal with an RTS that included minor changes, additional information and justification. The RTS did not change the nature of the proposal or include any significant changes to the proposal. The Department considers that the RTS does not propose any material environmental impact beyond the impacts expected by the initially proposed project. The Department also considers that the proposal is not controversial. The proposal was not re-exhibited to the public, however the Department published the Applicant's RTS on its website.

The key issues raised in public submissions are summarised at **Table 5**.

Table 5 | Public submissions raised in response to the exhibition of the EIS

Issue	Number of submissions
Lack of car parking in the proposal	• Two
On street parking demand	• Two
Request 2hr visitor limit and a resident parking scheme	• One

5.5 Applicant's Response to Submissions

Following the exhibition of the EIS, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised.

On 31 May 2023, the Applicant provided its RTS, which included additional information and justification principally in response to the issues raised by Council and relevant public authorities from during the public exhibition of the proposal. The RTS was made available on the Department's website and is attached **Appendix A** to this report.

The RTS included the following amendments to the proposal:

- Amended Architectural Plans which include a motorbike parking space and an increase in bicycle parking and lockers in the end of trip facilities
- An amended Aboriginal Cultural Heritage Assessment Report (ACHAR) and an amended Archaeological Research Design and Evacuation Methodology that include further details on the proposed excavation methodology at the site
- An Acid Sulfate Soil Management Plan that provides recommendations for acid sulfate soil management procedures to be incorporated during the construction phase.

The RTS also included the following additional information and justification for the proposal:

- An amended Traffic and Parking Assessment that includes additional traffic counts and justification for the proposed traffic, parking and access at the proposed development
- A Dewatering Management Plan that assesses potential impacts on the groundwater and recommends that a Water Access Licence (WAL) exemption is made
- Additional service vehicle swept paths that demonstrate how service vehicles will ingress and egress the site from Mann and Hills Street
- A Submissions Report addressing submissions and providing further evaluation of and justification for the proposal

The RTS was forwarded to agencies for comment.

An explanation of how the issues raised in the submissions that were received in response to the exhibition of the EIS and notification of the RTS have been addressed is provided in a table which is appended to the subject report (**Appendix D**).

5.6 City of Gosford Design Advisory Panel

The City of Gosford Design Advisory Panel (CoGDAP) was established by the Government Architect NSW (GANSW) in accordance with section 5.46 of the Gosford SEPP to encourage design excellence in Gosford City Centre and provide independent and expert design review of development applications for proposals that exceed limits to building height and FSR. CoGDAP's role in the development assessment process is advisory in nature.

The GDCP (Section 6 Key Sites) requires any redevelopment of the key site no.1 to undertake a master planning process to ensure holistic consideration of urban design issues and to obtain support for any departures from the site-specific design principles. The Department supported the Applicant's approach to undertake pre-lodgement consultation with CoGDAP involving various Design Reference Group workshops and Panel meeting. It is considered that this approach satisfies the requirements for a master planning process.

The Applicant explored various design options/built form alternatives for the University to deliver design excellence outcomes. On 22 November 2022, CoGDAP advised that *"The Panel is satisfied that the development application has shown great potential in its ability to achieve Design Excellence under clause 5.45 of State Environmental Planning Policy (Precincts –Regional) 2021, subject to refinements to building articulation, ground plane activation and the relationship between the two development sites and the function of the laneway"* and that the proposal is capable of achieving design excellence and can proceed to development lodgement.

When the SSD was lodged, formal referral to CoGDAP was not required under the SEPP because the application does not seek an exception to the height or FSR and the minor departures to the GDCP requirements were supported at the pre-lodgement stage. A full assessment of the Gosford SEPP and the GDCP is provided in **Appendix C**.

6 Assessment

Section 5.45 in *State Environmental Planning Policy (Precincts – Regional) 2021* (the Gosford SEPP) requires the consent authority to be satisfied that development exhibits design excellence, including with respect to site suitability, heritage, bulk, massing, street frontage heights, overshadowing and the public domain.

Section 2.10 of the Planning Systems SEPP holds that development controls plans do not apply to SSD. Accordingly, *Gosford City Centre Development Control Plan 2018* (GDCP) does not apply to the proposed SSD. Notwithstanding this, consideration has been given to GDCP.

The Department has considered the EIS, the issues raised by public authorities and the community, and the Applicant's Response to Submissions (RTS) in its assessment of the development. The Department considers the key assessment issues to be:

- Public open space and solar access
- Heritage
- Car Parking
- Contributions

Each of these issues is discussed in the following sections of the report. Other issues taken into consideration during the assessment are discussed in **section 6.5** and **Table 6**.

6.1 Public Open Space and solar access

GDCP includes:

- Control no. 3 in section 4.2 Public Open Space that describes that, 'within Area A (as identified in Figure 2), a new open space greater than 2,000sqm that allows for informal active recreation is desired.'
- Control no. 6 in section 4.3 Solar Access to Key Public Spaces that at least 50%, and preferably 70%, of open space provided includes at least 4 hours' sunlight mid-winter.
- Section 5.2 and Figure 8 that restrict street wall height to no more than 14m high.
- Principle no. 3 in section 6.2 Key Site 1 that any new public open space must be designed to maximise solar access.

The proposal includes 2,555sqm open space including 1,450sqm between the building and Hill St. This area includes a 350sqm 'learning & innovation interface' comprising seating that may be used for small group tutorials, 185sqm lawn, and 480sqm native groundcover/WSUD mix to the east.

The application seeks staging but does not seek flexibility in the location and size of the physical layout, design and use of the site. The application also notes that the proposal preserves the 1,100sqm eastern 'plateau' open space of the site for potential development for academic purposes and/or student accommodation in future (subject to a separate future development application). The application also includes an Architectural Design Report that demonstrates the footprint of Future

Development Site (Stage 2), a podium & tower envelope in perspective to this portion of the site, and a hypothetical building envelope across the northern adjoining property.

The Architectural Design Report (Study 3 diagram) (**Figure 5**) demonstrates that the proportion of the site that receives more than 4 hours sunlight mid-winter is:

- 57% when including the 1,450sqm open space between the building and Hill St, but
- 38% when future building footprint is removed from the calculation.

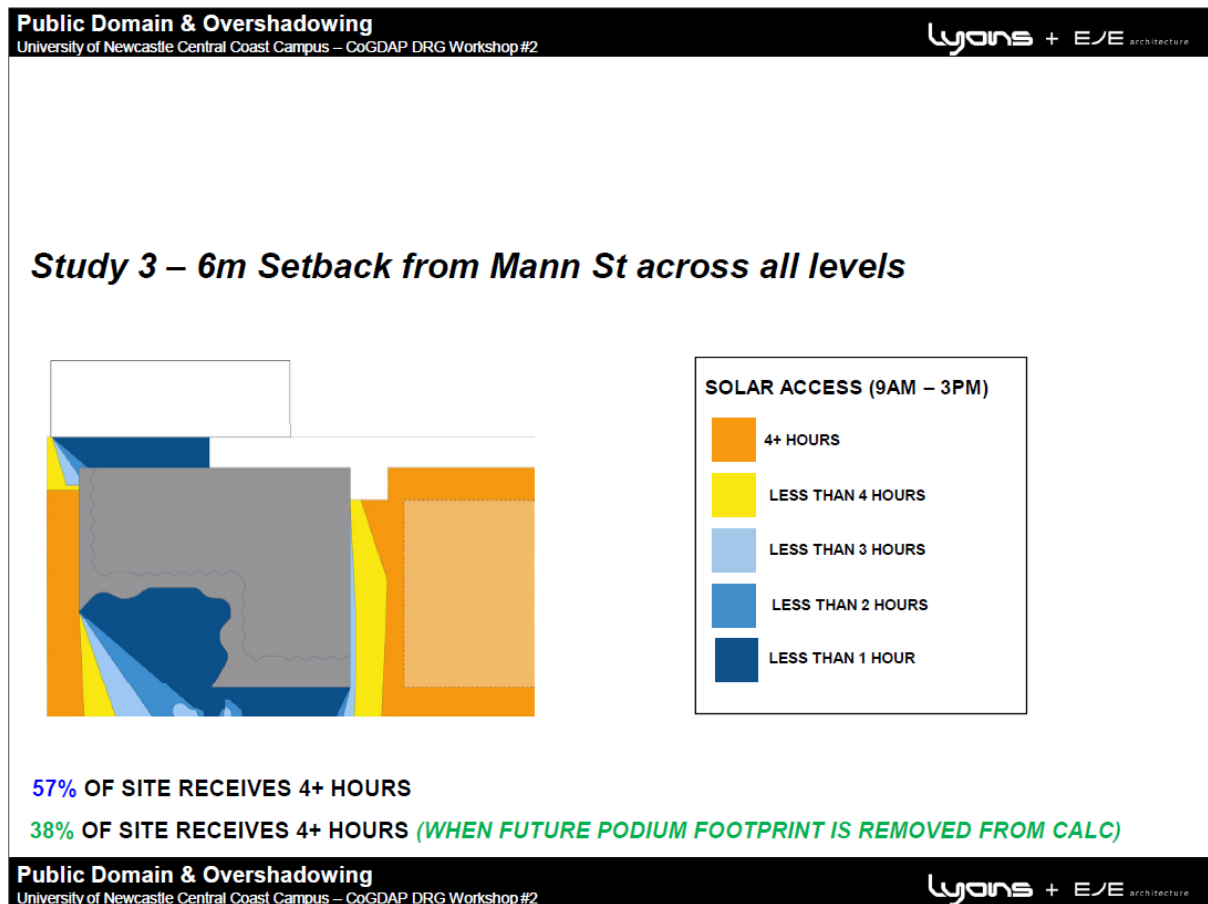
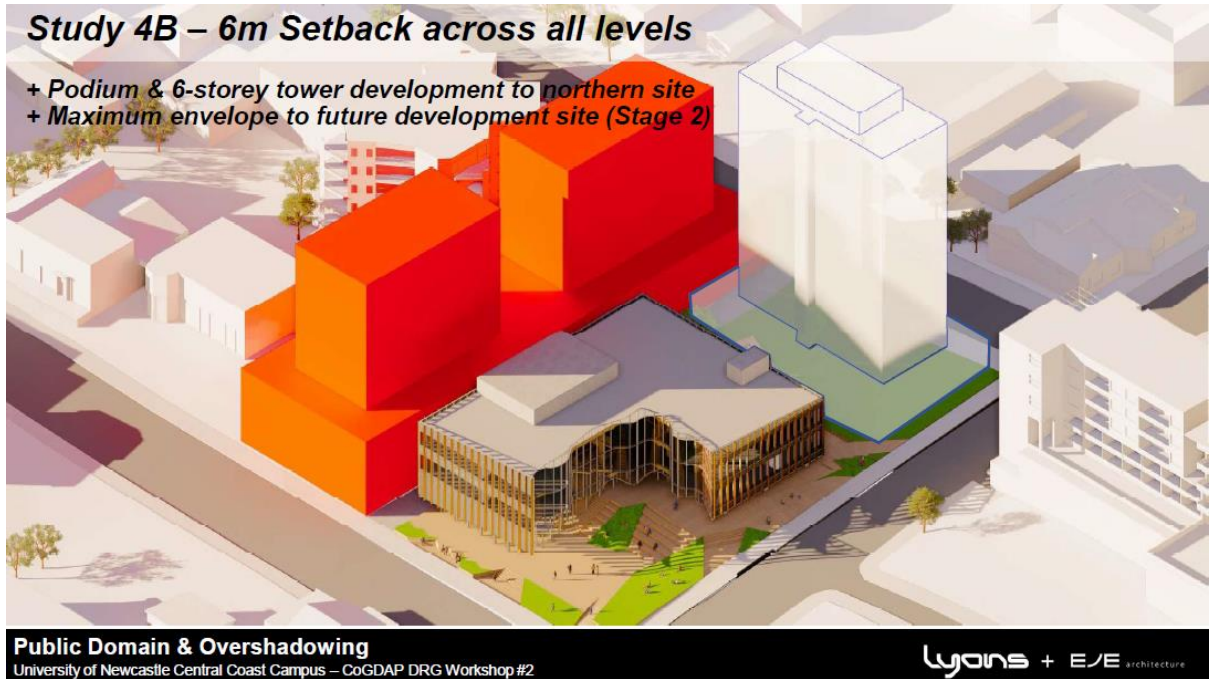


Figure 5 | Architectural Design Report (Study 3 diagram)

The Architectural Design Report (Study 4A and 4B diagrams) (**Figure 6**) depicts a building envelope to the northern adjoining property. This envelope includes a podium across the whole site with nil setbacks, and two six-storey towers above podium with front and side setbacks.



Study 4B – 6m Setback across all levels

- + Podium & 6-storey tower development to northern site
- + Maximum envelope to future development site (Stage 2)

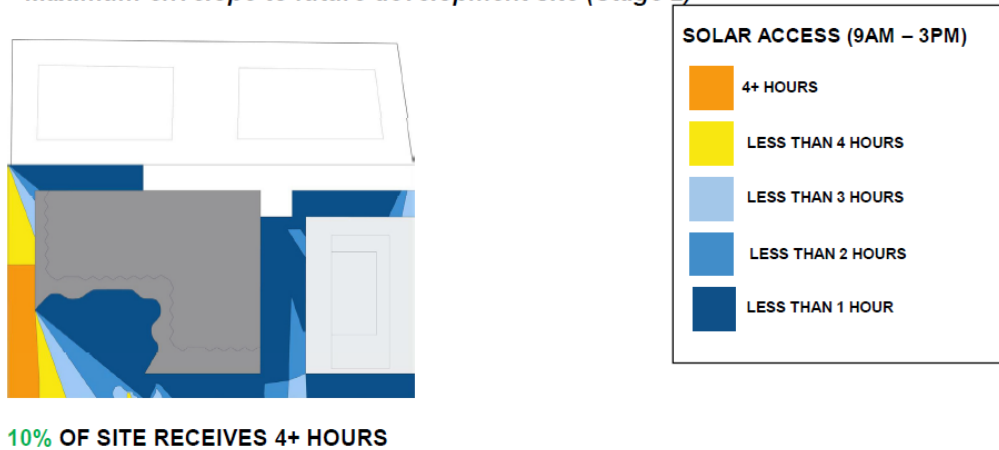


Figure 6 | Architectural Design Report (Study 4B diagrams)

The Central Coast Local Health District (CCLHD) reviewed the EIS and requested confirmation that the subject design best achieves solar access. Central Coast Council reviewed the EIS and requested that consideration be given to the development potential of the adjoining property. Council also commented that the proposal does not include landscaping along the northern side boundary and internal driveway to provide screening to any future adjoining residential development.

The subject proposal retains the eastern portion of the site as public open space. The proposal thereby provides open space of good size, solar access and amenity. The proposal also balances between providing a street address for the university to Mann Street, providing an active frontage and an Industry Engagement Space to Mann Street and providing open space at Mann Street with a

significant public offering as a whole. The building form and massing is appropriate to the proposed public square, and the proposal includes green space besides.

The proposal includes a laneway across the northern side of the site for delivery vehicles to stand and access loading/store and waste rooms. The laneway adjoins a blank, southern boundary wall of a single storey automotive repair shop and will not unreasonably affect the amenity of the neighbouring property or street. In addition, subject to agreement, the northern side laneway could be utilised by the adjoining property in any redevelopment thereof.

The Department notes that a proposal for development upon the adjoining property would need to consider solar access to the eastern portion of the site. The building envelope depicted in the Architectural Design Report (Study 4A and 4B diagrams) appears to depict a hypothetical maximum development potential for the adjoining property. The envelope appears to incorporate the provisions concerning setback and street wall in Section 5.2 and Figure 8 in GDCP, however the envelope does not appear to incorporate the provisions concerning maximum site coverage (75%) in the B4 Mixed Use zone, minimum 15% deep soil area, or floor plate size limits for towers in GDCP, and does not appear to incorporate requirements within *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development* or the accompanying Apartment Design Guide. In addition, the input of GFA into the envelope and diagram is unknown.

Notwithstanding the above, the adjoining property appears to include reasonable development potential and envelope, in particular to its western portion that would limit overshadowing to the subject site. In addition, the adjoining property, upon its eastern portion, the height of a podium could retain solar access to the eastern portion of the subject site, and a second tower upon the adjoining property could be proposed subject to detail of site coverage, deep soil area, FSR, amenity, overshadowing and compliance with other controls.

The Department is satisfied that the subject proposal will not unreasonably impact existing development or the development potential of adjoining properties.

6.2 Heritage

The Gosford SEPP identifies the site as local heritage item Mitre 10 store. The State Heritage Inventory identifies that the building includes historical significance that the building may have been the offices and storerooms for the Citrus Fruit growers Association of NSW, which owned the packing house opposite. The State Heritage Inventory identifies that the building includes aesthetic and social significances with respect to the two Inter war facades, presentation within the streetscape, and use for commerce, retail and industry. The building was most recently tenanted by the Mitre 10 building supplies company, however the building is currently unoccupied and subject to decline.

Section 5.36 in the Gosford SEPP identifies that demolition of a heritage item requires development consent and requires the consent authority to consider the heritage significance of the item.

Principle 2 in section 6.2 Key Site 1, 299-305 Mann Street (former Mitre 10 site) in GDCP requires any re-development of the site to include heritage studies to explore opportunities to incorporate heritage elements within the design of the development; Should re-development result in demolition, all options should be explored prior to demolition, including retention (or partial retention) of the front facade or part of the front façade. In addition, principle 3 in section 6.2 requires any proposal for public open space provided on site to include a heritage interpretation and public art strategy that reflects the heritage significance of part of the site.

The site is local heritage item Mitre 10 store The proposal demolishes the existing building.

The application included a Heritage Impact Statement that concluded that the existing building has been highly modified, and the significance of the site does not principally relate to physical building; retention or partial retention of the primary façade to Mann St was not considered to be appropriate. The HIS proposes salvage of materials of the existing heritage building and their potential re-use in the proposed building. Section 4.3 Identify & Culture of the Landscape report describes that heritage interpretation could be explored through the detailed design.

Heritage NSW reviewed the EIS and RTS and made a submission describing that HNSW has no comments on or recommendations for the proposal.

It is recommended that conditions require, prior to the commencement of works, the preparation of a heritage interpretation, including through the re-use of materials, and public art strategy that reflect the heritage significance of the Mann Street part of the site, and amended architectural- and landscape- plans that reflect the heritage interpretation and public art strategy. Subject to the recommended condition, the Department is satisfied that proposal will incorporate elements of the existing heritage fabric, will reasonably express the history, and will reasonably provide for the significance of the heritage of the site.

6.3 Car Parking

Division 17 in Chapter 2 Infrastructure of *State Environmental Planning Policy (Transport and Infrastructure) 2021* includes provisions for traffic-generating development, including that development specified under column 1 in Schedule 3 of the SEPP must be referred to TfNSW, and the consent authority must consider the efficiency of movement of people, potential to minimise car travel, traffic safety, road congestion and parking.

Principle 6 in section 6.2 in GDCP allows, where new significant open space is provided on-site, consideration may be given to off-site parking solutions for the subject site. GDCP also includes section 7.4 On-Site Parking that requires:

1. Car parking: 1 space per 2 staff and 1 space per 30 students
2. Bicycle parking: 1 space per 5 students

Any variations to the parking rates, should be justified by a Transport Management Plan

The proposal includes 660 students and 48 staff. Under section 7.4, the proposal should include at least 24 car parking spaces for staff, 22 spaces for students, and 132 bicycle parking spaces.

The proposal provides 24 car parking spaces for staff but no spaces for students or visitors. The proposal also provides 69 (staff and students) bike spaces.

The proposal does not constitute any of the uses listed in Schedule 3 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* or 200 or more motor vehicles per hour, or 50 or more motor vehicles per hour within 90m of a classified road. The proposal does not constitute traffic-generating development under section 2.122 of the SEPP. The Department also referred the proposal to TfNSW for consideration and comment, and TfNSW did not object to the proposal.

The proposal includes a significant amount of public open space thereby enabling, under principle 6 in section 6.2 of GDCP, variation to car parking provision.

In addition, the application included a Parking and Transport Assessment report and a Green Travel Plan. The Parking and Transport Assessment report described 33.6% of the students at the Newcastle CBD campus lived within walking or cycling distance of that campus, 22.4% students at the Callaghan campus lived within a 2km radius of that campus, and a total of 56% of University of Newcastle students live within a walking or cycling distance of their campus. The Green Travel Plan included Active Travel Plan Recommendations including orientation, information for railway and bicycle use, route information, riding buddy groups, easy to access bike storage, locker allocation, and hybrid working arrangements.

The site is well located with respect to public transport, the proposal includes bike parking, and there is opportunity to integrate the campus into the existing car parking & shuttle service between the University of Newcastle – Ourimbah campus and Gosford Hospital.

The Department is satisfied that proposed parking is appropriate for the site and the development.

6.4 Contributions

The Gosford City Centre Special Infrastructure Contribution and the section 94A Development Contribution Plan

There are two levy contribution schemes that apply to the site:

- The Gosford City Centre Special Infrastructure Contribution (SIC), administered by the NSW Government
- The (local) 94A Development Contribution Plan – Gosford City Centre (now a 7.12 plan), known as the Civic Improvement Plan, administered by Central Coast Council.

The EIS describes that there are no existing or proposed planning agreements.

The Gosford City Centre Special Infrastructure Contribution

The *Environmental Planning and Assessment (Special Infrastructure Contribution – Gosford City Centre) Determination 2018* (the Determination) dated 10 October 2018 describes that the Gosford City Centre Special Infrastructure Contribution (SIC) applies to all new development on residential and business zoned land within the Gosford City Centre that has a delivery cost of \$1 million or more.

The Gosford SIC Fact Sheet (December 2019) describes that the SIC helps to fund key pieces of State infrastructure that will support development in Gosford City Centre including road network upgrades to improve traffic flow and pedestrian connections through the city centre, an upgrade to Kibble Park, and the planning and delivery of health, education and emergency services facilities.

However, the Determination includes section 6(3) that a SIC is not required for any school, TAFE establishment, public open space or recreation area. Section 7.12(4) of the Act describes that a condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure.

In addition, the Gosford City Centre Special Infrastructure Contribution Implementation Guide (October 2018) describes that local contributions will continue to be collected for local infrastructure at a rate of 1% of the development costs for development costing more than \$250,000. Consequently, the Guide includes a table identifying that development with cost of \$1 million or more triggers both local- and special- infrastructure contributions.

The section 94A Development Contribution Plan

Central Coast Council has a local 94A Development Contribution Plan – Gosford City Centre (now a 7.12 plan), known as the Civic Improvement Plan. This plan applies to all development with a cost of more than \$250,000 that increases the gross floor area on land. The plan originally levied 4% until 2018 when the SIC was introduced and is now amended to trigger payment of a 1% levy. The Plan includes:

- Section 2.1 Planning and Design Framework principle: Ensure the continued functioning of transport/ access systems
- Section 2.1.5 Pedestrian Network objective: To provide safe and equal access for pedestrians across the entire city
- Section 2.4 Transport and Access Management: Growth and development... will result in the need for augmentation and/or additional traffic management facilities
- Table 5 Broad Traffic Work Classifications that identifies pedestrian overbridge, cycle ways, intersection control and footpaths
- Section 4. s.94A Development Contributions section 1 – Administration and Operation of the Plan that describes that a material public benefit or works-in-kind can be accepted as an alternative to a levy if subject to a condition of consent or a planning agreement.

EIS contribution comments

The application's EIS describes that levy contribution schemes that apply to the site include exceptions for specific types of development. The EIS describes that the exceptions do not include the subject proposal, however the EIS seeks an exception under section 7.17 of the Act which enables the Minister to decide what public amenities that section 7.11 may or may not be imposed for, the factors by which a contribution can be calculated or determined, and what may be accepted as a material public benefit. The EIS also describes that, for Crown development, the consent authority is unable to impose a condition of consent without the approval of the applicant (The University of Newcastle) or the Minister.

The EIS also describes:

- The proposal is inherently public in nature, provides space for emerging industries and collaboration, and includes significant outdoor spaces
- The section 7.12 plan seeks to provide for open space, community and cultural facilities, and recreational facilities
- Imposing a contributions levy on the University erodes the value of the public funding provided to the project from the NSW and Commonwealth Government and would effectively divert education-based funding away from the University for other potentially unrelated purposes in the local government area
- The effect of Circular D6 Crown Development Applications and Conditions of Consent (21 September 1995) is that, where the applicant is a Crown authority and the development is for 'educational services', no contributions (aside from for drainage or local traffic management at the site entrance, if required) should be collected for open space, community facilities,

parking, and general local and main road upgrades. The subject proposal will not result in increased runoff or require roadworks to the site entrance.

The Department's assessment

Section 4.33(1) of the Act describes:

A consent authority (other than the Minister) must not –

- (a) refuse its consent to a Crown development application, except with the approval of the Minister, or*
- (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

For the subject application, the Minister for Planning (the Minister) is the consent authority and, in accordance with the Minister's delegation dated 9 March 2022, the Director, Regional Assessments may determine this application. The Department thereby considers that the delegation satisfies section 4.33(1) of the Act and that the applicant's agreement to conditions of consent is not required.

Planning Circular D6 includes a matrix that guides justifiable categories of contributions. The matrix, under Crown Activity – Educational Services, identifies that it is justifiable to impose contributions for Upgrading of Local Roads and Local Traffic Management that are associated with the site entrance: The Circular also describes that contributions may cover traffic management facilities directly required to ensure safe access for the public.

The RTS included an amended Traffic and Parking Assessment based on 660 students and 48 staff. TfNSW reviewed the RTS and commented that the proposal will attract users of the Ourimbah and Gosford Hospital Campus; The cross use of the hospital and the campus will require students to walk or cycle between the sites, and TfNSW considers the current arrangement for pedestrians to travel between the two sites, where there is no crossing point on Mann Street between the site and the train station, may encourage unsafe crossing of Mann Street. Any new connections should cater for people with disability.

The Department also notes that:

- Over the course of the subject assessment, the Department's policy team confirmed that the SIC does not specifically exclude universities or other tertiary institutions but a final decision will be made when a determination is requested.
- Imposition of conditions requiring contributions would be consistent with the aims of the SIC and the 94A Civic Improvement Plan.
- The UDF and DCP seek a pedestrian bridge over the railway corridor at Beane Street to improve passage and connection between the east and west of Gosford.
- CCLHD requested consideration of a future link to Gosford Hospital.

As there will be 660 students and 48 staff using the campus, the Department considers that it is appropriate to impose consent conditions requiring contributions unless otherwise agreed by the Planning Secretary.

6.5 Other issues

The Applicant's RTS resolved a number of matters previously raised by agencies. Refer to **section 5.2** for further information.

Other matters raised by agencies, the Applicant's comments to the draft conditions of consent and considered by the Department are addressed in **Table 6** below.

Table 6 | Other issues

Issue	Findings	Recommendations
Documentation	<p>Council requested an amended site plan, hourly shadow diagrams, a view impact assessment, other assessment, the DA to be compatible with Council's 3D model for Gosford City Centre. The RTS described that a digital model can be submitted to Council as a condition of consent. The RTS described that the application included the other requested items.</p>	<p>The Department recommends a condition requiring a digital model of the development to be submitted to Council, for approval, for inclusion in Council's 3D model for the Gosford City Centre, prior to occupation and operation of the development.</p>
Building size	<p>Council described that the site is zoned for a height of 60m and an FSR of 5:1; A taller building with greater density would be appropriate and emphasise its importance in the streetscape. The RTS described that the proposal developed through inputs from CoGDAP and includes multiple street addresses.</p> <p>The proposed building includes mass timber construction and the proposal will achieve a minimum of a 6-Star Green Star building in line with the University's sustainability goals. The proposal also contributes to the greening and sustainability of Gosford City Centre and is consistent with principles for ecologically sustainable development (ESD).</p> <p>The application's Architectural Design Report (Study 3 diagram) appears to show that most of the public square receives less than 1 hour sunlight during mid-winter. The Department considers that increased height and density of the building could further reduce sunlight to the public square.</p> <p>The Study 3 diagram also demonstrates that the proportion of the site that receives more than 4 hours sunlight mid-winter is:</p> <ul style="list-style-type: none"> • 57% when including the 1,450sqm open space between the building and Hill St, but • 38% when future building footprint is removed from the calculation. <p>In these circumstances, there is high importance on the eastern 'plateau' for open space with solar access, and a taller building under the subject proposal could also create poor amenity to this space and for the public.</p>	<p>Nil</p>

Issue	Findings	Recommendations
	<p>The Department considers that the proposed building height contributes to the preservation of solar access to public open space across the site, and the scale of the building relates well to the size of the public square to the south-western corner of the site at Mann and Beane streets.</p>	
<p>Vehicle access</p>	<p>Council described that the proposed egress turning paths do not provide the necessary pedestrian safety sight triangles.</p> <p>The RTS described that the footpath on Hill Street is located 1.95m from the property boundary, the north side fencing can be designed to ensure visibility, and boundary signage can reinforce pedestrian awareness.</p> <p>At present, a chain-link fence surrounds the site and enables through-sight. The RTS did not include architectural- and landscape- plans that demonstrate the height or appearance of new gate or fences.</p> <p>The Department recommends conditions requiring any new north side fencing include height or openness that provide necessary visibility between vehicles exiting the site and the footpath.</p>	<p>The Department recommends a condition requiring any new north side fencing include height or openness that provide necessary visibility between vehicles exiting the site and the footpath.</p>
	<p>Council described that service vehicles may be unable to negotiate the central barrier at Hill Street. The RTS and its Traffic and Parking Assessment described that the boom gates have been removed from the proposal, however the RTS included floor plan, and the amended Traffic and Parking Assessment included swept paths diagrams, that appear to continue to show a central boom gate in the middle of the laneway.</p> <p>The Department recommends a condition deleting the boom gate.</p>	<p>The Department recommends a condition deleting the boom gate.</p>
<p>Street works</p>	<p>Council described that the proposed rain garden treatments located with Mann Street are not supported and shall be deleted from the Water Cycle Management Plan. The RTS describes that rain garden treatment was not proposed along Mann Street.</p>	<p>Nil</p>
	<p>Council described that lowering the water main may be required prior to construction of a new VAC, and the applicant must consult with Council on the location of water and sewer services prior to planting proposed street trees. The RTS described that the Contractor shall confirm the depth of the main prior to construction. The RTS accepted consulting with Council on water and sewer services.</p>	<p>The Department recommends a condition requiring the Applicant to consult Council prior to planting street trees.</p>

Issue	Findings	Recommendations
	<p>The Department recommends conditions requiring the Applicant to consult Council prior to planting street trees.</p>	
	<p>Council recommend Roads Act conditions, dilapidation report, and Construction Traffic and Pedestrian Management Plan (CTPMP).</p>	<p>The Department recommends conditions addressing these matters.</p>
<p>Construction management</p>	<p>Central Coast Local Health District (CCLHD) requested consent conditions address air quality impacts, noise and vibration, construction and hazardous materials, and CPTED. The Department has recommended consent conditions that address these matters, as follows.</p>	<p>The Department recommends conditions addressing air quality impacts, noise and vibration, construction and hazardous materials, and CPTED.</p>
	<p>CCLHD described that the site is surrounded by residential and commercial development and is located on thoroughfares between multiple schools, Gosford Hospital and Gosford Railway Station. CCHLD noted that the application did not include an assessment of potential air quality impacts arising from the works.</p> <p>The RTS described that standard construction management measures will address construction air quality impacts, and the proposed use will not adversely affect air quality.</p> <p>The Department agrees that the existing nature of the site is not unusual and the proposed works, subject to regular construction management requirements, are not likely to result in adverse air quality. The Department recommends conditions addressing Air Quality including that require the Applicant to take all reasonable steps to minimise dust and sediment erosion.</p>	<p>The Department recommends conditions requiring the Applicant to take all reasonable steps to minimise dust and sediment erosion.</p>
	<p>CCHLD requested consent conditions require a detailed Construction Noise Management Plan, affected receivers be consulted rather than notified, and mitigation measures be to the satisfaction of the appropriate regulatory authority prior to works. The RTS accepted these recommendations.</p> <p>The Department recommends conditions requiring a Construction Environmental Management Plan (CEMP), a Construction Noise and Vibration Management Sub-Plan, and works comply with the Interim Construction Noise Guideline. Conditions also require preparation of the Sub-Plan to involve consultation with impacted receivers regarding the nature and timing of works, and for the Sub-Plan to be submitted to the Planning Secretary for approval prior to works.</p>	<p>The Department recommends conditions requiring a Construction Noise and Vibration Management Sub-Plan, requiring the Applicant to consult with impacted receivers, and requiring the Applicant to submit the Sub-Plan to the Planning Secretary for approval prior to works.</p>

Issue	Findings	Recommendations
	<p>The application's Detailed Site Investigation notes that hydrocarbons, heavy metals and PFAS were detected in groundwater on-site. The application's Hazardous Materials Survey describes that Personal Protective Equipment (PPE) must be worn during hazardous materials abatement works. CCLHD requested consent conditions address the risks associated with contaminated groundwater. CCHLD also requested conditions address the recommendations of the Hazardous Materials Survey, include appropriate disposal methods, and include an unexpected finds protocol, to the satisfaction of the appropriate regulatory authority. The RTS accepted these recommendations.</p> <p>The Department recommends conditions requiring the development to be carried out generally in accordance with the Hazardous Material Survey, requiring an Unexpected Finds Protocol be submitted to the Planning Secretary for approval prior to works, and requiring the Applicant obtain approval from either (a) the local water authority to discharge groundwater to the sewer, or (b) the Planning Secretary to pump and treat groundwater before discharge.</p>	<p>The Department recommends conditions requiring the development to be carried out generally in accordance with the Hazardous Material Survey, requiring an Unexpected Finds Protocol, and requiring the Applicant obtain approval to discharge groundwater prior to such discharge.</p>
	<p>The application's CPTED report identifies that the site is within a high crime area. CCLHD recommends that consent conditions support CPTED best practice. The RTS accepted this recommendation.</p> <p>The proposal includes low landscape features (max. 1m high shrubs, and min. 1.8m high tree canopy), night lighting and a secure back of house internal site laneway. The CPTED report:</p> <ol style="list-style-type: none"> 1. Addresses the relevant principles 2. Notes that the University of Newcastle includes a safety and security programme involving orientation, briefings, web-based applications, security shuttles, safety advice and help points 3. Recommends wayfinding signage, CCTV and controlled access. <p>The Department recommends conditions requiring the recommendations of the report be implemented and a lighting strategy be developed.</p>	<p>The Department recommends conditions requiring the recommendations of the CPTED report be implemented and a lighting strategy be developed.</p>
<p>Aboriginal Cultural Heritage</p>	<p>Heritage NSW (Aboriginal Cultural Heritage) requested clarification:</p> <ul style="list-style-type: none"> • Why newspaper advertisement included the Koori Mail but not the local newspaper 	<p>The Department recommends conditions require the development be undertaken in accordance with the Aboriginal Cultural Heritage Assessment</p>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> On excavation (e.g. detail on not impacting potential existing deposits, finds identification and works ceasing, and recommends hand excavation) so that test excavations can be conducted post project approval, in accordance with the measures outlined in the Aboriginal Cultural Heritage Management Plan (ACHMP). <p>The RTS described:</p> <ul style="list-style-type: none"> An archaeologist will supervise the removal of existing building foundations Excavation for natural soils will be by hand HNSW will be notified if any items found Excavation will be expanded where >5 objects found Any items found can be potentially retained in-situ in the completed development <p>HNSW (ACH) commented that the RTS has adequately addressed their previous comments.</p>	<p>and require the preparation of an Unexpected Finds Protocol for Aboriginal objects.</p>
Water and groundwater	<p>DPE Water requested water entitlement information, a groundwater management plan and, post-approval, an Acid Sulfate Soil Management Plan.</p> <p>The RTS included a Dewatering Management Plan that assesses potential impacts on the groundwater and recommends that a Water Access Licence (WAL) exemption is made. DPE Water reviewed the RTS and requested conditions require. prior to works, a Water Access Licence be obtained, and Groundwater Dewatering Requirements (limit groundwater take, do not obstruct groundwater flow, limit raising the water table, and a construction monitoring programme is to be submitted to DPE Water). The Department drafted conditions reflecting DPE Water's request, and DPE Water advised that they are satisfied with the conditions.</p> <p>The RTS also included an Acid Sulphate Soils report. BCD commented that the report adequately outlines excavation, disposal and strategies for potential Acid Sulphate Soils.</p>	<p>The Department recommends conditions require the Applicant to obtain a WAL and meet Groundwater Dewatering Requirements.</p>
Contributions exclusions	<p>The <i>Environmental Planning and Assessment (Special Infrastructure Contribution – Gosford City Centre) Direction 2018</i> (the Direction) mandates the wording of the condition of consent for a SIC. However, a consent condition requiring the payment of a levy under section 7.12 of the Act can be worded to exclude particular costs in accordance with section 208(4) of the Regulation.</p>	<p>The Department recommends conditions require an application to be made for a SIC, and payment of a local contribution unless otherwise agreed by the Planning Secretary.</p>

Issue	Findings	Recommendations
Staging	<p>The Department shared draft conditions with the Applicant. In turn, the Applicant sought revisions, including with respect to conditions recommended by Sydney Trains, that facilitate staging of construction and works. The Department recommends conditions that enable staging subject to appropriate practices, record keeping and submission of information.</p>	<p>The Department recommends conditions controlling staging.</p>
Building occupancy	<p>The Department shared draft conditions with the Applicant. In turn, the Applicant sought revisions with respect to limits to the maximum number of students and staff.</p> <p>The EIS describes that the proposal includes 660 students and 48 staff. The proposal includes 24 car parking spaces for staff but no car parking spaces for students. The application's Parking and Transport Assessment and TfNSW's consideration of the proposal were predicated on this occupancy. Increased occupancy would represent further shortfall in parking that has not been considered in either the traffic assessments. The Department recommends conditions maintain the proposed occupancy limit, albeit without limit to the number of students that may be 'enrolled' at the campus, and thereby reflecting increased recent practice of online attendance and learning.</p>	<p>The Department recommends conditions limiting occupancy to the total number nominated in the EIS and the Parking and Transport Assessment.</p>

7 Evaluation

The Department has reviewed the application's Environmental Impact Statement and Response to Submissions and assessed the merits of the proposal, taking into consideration advice from the public authorities and comments made by Council. Issues raised in the public submissions have also been considered and all environmental issues associated with the proposal have been thoroughly assessed.

The proposal represents a significant civic use for the Gosford City Centre. The proposal establishes a university presence into the Gosford CBD and facilitates education, health and innovation investment and connections between Gosford Hospital and other University of Newcastle campuses.

The proposal provides opportunity for new interpretation, expression and public art of an existing, degraded heritage item of local significance. The proposal will positively contribute to the emerging character and revitalisation of Gosford.

Policy also identifies the site as suitable for a significant public open space offering, and the proposal provides a number of passive recreation open spaces, including to all three street frontages and with landscaped area and solar access, and available to the general public.

The Department has considered the merits of the proposal and considers it acceptable as

- The proposal is consistent with the vision for the site, northern precinct of Gosford CBD and Gosford City Centre as a whole as expressed by the objectives and Planning Priorities for the District identified in Central Coast Regional Plan 2041, the Gosford Urban Design Framework and other policy.
- The proposal consistent with the objects of the *Environmental Planning and Assessment Act 1979* including Regional and State planning policy which aims to grow Gosford City Centre as the Central Coast's regional capital, attract new investment, residents and businesses.
- The proposal complies with the development standards for height of buildings and gross floor area under *State Environmental Planning Policy (Precincts – Regional) 2021* and all statutory requirements and provides an appropriate built form relationship to existing and future neighbouring buildings.
- The proposal is consistent with the desired future character of the area and will not adversely impact surrounding amenity, including in terms of solar access, view impacts and privacy impacts.
- The proposal includes active use to Mann Street and Beane Street, a public square to these streets, and a large public open space to Hill Street.
- The proposal includes an innovation and community engagement space for emerging industries and collaboration.
- The proposal includes a significant public open space offering and thereby addresses the matters raised by the community in line with policy and vision for the site, as summarised in the submissions table in **Appendix D**.
- The proposal is consistent with the advice from the Gosford Design Advisory Panel and has demonstrated the development would achieve a high degree of amenity and minimal environmental impacts.

- The proposal includes a high standard of design, including the expression and appearance of the building to the public square and surrounding streets.
- The proposal allows for the interpretation of the heritage significance of a degraded item into a new development.
- The proposal draws upon the site's close proximity to local and regional train and bus services.
- The proposal facilitates active transport through the provision of secure bicycle parking and associated end of trip facilities.
- The proposal contributes to the role of Gosford City Centre as the centre for activity, employment and services.
- The proposal includes will achieve a minimum of a 6-Star Green Star building in line with the University's sustainability goals. The proposal includes solar panels and electric vehicle charging stations.
- The proposal contributes to the greening and sustainability of Gosford City Centre and is consistent with principles for ecologically sustainable development.
- The proposal includes public domain improvements, including new footpath, street trees and seating, to Mann Street and Beane Street.
- The Department recommends conditions addressing construction management, safety and heritage interpretation in the new development, as contained in **Appendix E**.
- The proposal would provide significant public benefits including creation of approximately 95 construction and 48 ongoing operational jobs.

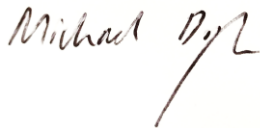
The impacts of the proposal are acceptable and can be appropriately mitigated through the recommended conditions (**Appendix E**). The Department's assessment therefore concludes the proposal is in the public interest and is approvable subject to conditions.

8 Recommendation

It is recommended that the **Director Regional Assessments**, as delegate of the Minister for Planning:

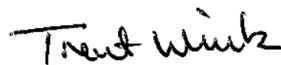
- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of University of Newcastle – Gosford Campus (SSD-47749715), subject to the conditions in the attached development consent
- **signs** the attached development consent/project approval and recommended conditions of consent (see attachment).

Recommended by:



Michael Doyle
Senior Planning Officer
Regional Assessments

Recommended by:



Trent Wink
Team Leader
Regional Assessments

9 Determination

The recommendation is **adopted** by:

A handwritten signature in blue ink, consisting of the letters 'K' and 'T' followed by a long horizontal stroke.

Keiran Thomas
Director
Regional Assessments

Appendices

Appendix A – Relevant Supporting Information

Appendix B – Considerations under the Environmental Planning and Assessment Act 1979

Appendix C – Consideration of Environmental Planning Instruments

Appendix D – Summary of Department's Consideration of Public Submissions

Appendix E – Recommended Conditions of Consent

Appendix A – Relevant Supporting Information

The Department relied upon the following key documents during its assessment of the proposed development:

Environmental Impact Statement

- Environmental Impact Statement – University of Newcastle - Central Coast Campus SSD-47749715, prepared by Urbis, dated 18 January 2023

Submissions

- All submissions received from Council, public authorities and the public

Response to Submissions

- Response to Submissions prepared by Urbis, dated 31 May 2023.

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (refer to **Appendix B – Considerations under the Environmental Planning and Assessment Act 1979**)
- Relevant environmental planning instruments, policies and guidelines (refer to **Appendix C – Consideration of Environmental Planning Instruments**)

All documents relied upon by the Department during its assessments of the application may be viewed at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/university-newcastle-gosford-campus>

Appendix B – Considerations under the Environmental Planning and Assessment Act 1979

Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 1.3 the Act. The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant.

The Department has considered the proposal to be satisfactory with regard to the objects of the EP&A Act as detailed in **Table 7**.

Table 7 | Considerations Against the Objects of the EP&A Act

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development will promote: <ul style="list-style-type: none"> social and economic welfare through education and employment available through the proposed tertiary institution and the provision of public open space a better environment through renewal of the site including spaces and connections with Mann, Beane and Hill streets
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Department has considered ecologically sustainable development (ESD) in its assessment of the development, including that the proposed building includes mass timber construction, and the proposal will achieve a minimum of a 6-Star Green Star building in line with the University's sustainability goals. The proposal also includes solar panels as well as vehicle charging stations. The Department is satisfied the development can be carried out in a manner that is consistent with the principles of ESD.
(c) to promote the orderly and economic use and development of land,	The proposal involves the orderly and economic use of land through redevelopment that balances between building efficiency, provision of public open space and amenity, and building environmental performance upon an existing urban site that is in close proximity to existing services and public transport, for a tertiary institution. In addition, the proposal will not unreasonably impact existing development or the development potential of adjoining properties.
(d) to promote the delivery and maintenance of affordable housing,	The proposal involves the provision of a tertiary education facility in a commercial zone. The future development of stage 2, may provide student housing. The proposal will not result in the loss of any existing affordable housing provisions in the locality.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The project involves the redevelopment of a previously developed site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats.

Object	Consideration
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal includes a salvage methodology for bricks of the existing heritage listed Mitre 10 building, including potential re-use in the proposed building. The proposal will not impact any known items of Aboriginal cultural heritage, and recommended consent conditions include requirement for an Unexpected Finds Protocol. The proposal will not impact any nearby heritage items.
(g) to promote good design and amenity of the built environment,	As discussed in Section 6 , the Department concludes the development is of an appropriate height, scale and articulation and provides for a high standard of building design, amenity and landscaping. The proposed building engages with Mann and Beane streets, lifts the standard of design across Mann Street in the City North Precinct, and includes careful design of façade treatment that balances between the desired materials and expression of the building with enabling sunlight and providing amenity to a new public square. The proposal is supported by the DAP and the proposal achieves design excellence Section 5.6.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended a number of conditions of consent to ensure the construction and maintenance of the development is undertaken in accordance with the relevant legislation, guidelines, policies and procedures.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department referred the development to relevant government agencies and Council during the exhibition period and invited them to comment. The Department has considered the advice of agencies and Council in the subject assessment of the proposal.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the development application as outlined in Section Error! Reference source not found.. Property owners within the vicinity of the development were directly notified in writing.

Matters for Consideration

The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 8**.

Table 8 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided below, at Section Error! Reference source not found. and Appendix C .
(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	Satisfactorily complies. The Department's consideration of the application against <i>Draft Remediation SEPP</i> is included at Appendix C .

Section 4.15(1) Evaluation	Consideration
has been deferred indefinitely or has not been approved)	
(a)(iii) any development control plan	Satisfactorily complies. The Department's consideration of the relevant controls under the GDCP is provided in Section Error! Reference source not found. and Appendix C .
(a)(iii) 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	No existing planning agreements apply to the site.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, requirements for notification and fees.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Appropriately mitigated or conditioned as discussed in Section Error! Reference source not found. and Appendix C .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section Error! Reference source not found..
(d) any submissions made in accordance with this Act or the regulations	Consideration has been given to the submissions received during the exhibition period as discussed at Sections 5 and 6 .
(e) the public interest	The Department considers the proposal is in the public interest as discussed at Section 6 .

Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs were considered as part of the Department's assessment:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP)
- *State Environmental Planning Policy (Precincts – Regional) 2021* (Gosford SEPP)
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

To satisfy the requirements of section 4.15(1) of the EP&A Act, the Gosford City Centre Development Control Plan (GDCCP) was also considered as part of the Department's assessment.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The aims of Chapter 2 Vegetation in Non-Rural Areas in *State Environmental Planning Policy (Biodiversity and Conservation) 2021* are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

On 15 November 2022, the Applicant submitted a BDAR Waiver request to the Department. The Department's assessment identified that trees upon the site are not consistent with native plant community types (PCTs), the understorey is dominated by weeds, and the site is significantly altered from its natural state and does not facilitate habitat. The Department concluded that, as the development relates to construction of an educational establishment building comprising 3-4 storeys, basement, laneway and open space within an urban context, it is not likely to have any significant impact on biodiversity values.

A BDAR Waiver was granted by the Department on 9 December 2022. In addition, the proposed landscaping under the subject application is considered to improve the ecology of the site and for the local area.

Chapter 4 Koala Habitat Protection 2021 of the SEPP makes provisions for sites that are at least one hectare in size. The subject site is 4,672sqm in size. The proposal is consistent with Chapter 4 of the SEPP.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage in *State Environmental Planning Policy (Industry and Employment) 2021* includes requirements for advertising, building identification signage and other forms of signage.

The subject application does not propose any advertising or signage.

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Department has considered the proposal against *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP). These relevant matters are addressed in **Table 9** below.

Table 9 | Consideration of Planning Systems SEPP

Section	Control	Department's consideration	Complies
Chapter 2: State and Regional Development			
2.1 Aims of Chapter	<p>The aims of this Chapter are as follows –</p> <p>(a) to identify development that is State significant development,</p> <p>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</p> <p>(c) to identify development that is regionally significant development.</p>	<p>Schedule 1 of the Planning Systems SEPP and section 4.36 of the EP&A Act determines that tertiary institutions with a CIV of more than \$50M constitute SSD.</p> <p>Schedule 2 of the SEPP identifies development with a CIV of more than \$75M within the Gosford City Centre constitutes regionally significant development.</p> <p>The proposed tertiary institution has a CIV of \$55.365M and is categorised as a SSD.</p> <p>Schedule 6 of the SEPP identifies General Development over \$30M to be regionally significant development. However, clause 2.19 identifies that SSD cannot be regionally significant development.</p> <p>Pursuant to Schedule 1 of the SEPP and section 4.36 of the Act, the development is SSD, and Council is not the consent authority.</p>	Yes
2.6 Declaration of State significant development: section 4.36	<p>(1) Development is declared to be State significant development for the purposes of the Act if –</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p> <p>(2) If a single proposed development the subject of one development application comprises development that is only partly State significant development declared under subsection (1), the remainder of the development is also declared to be State significant development, except for –</p> <p>(a) so much of the remainder of the development as the Director-General determines is not sufficiently related to the State significant development, and</p>	<p><i>State Environmental Planning Policy (Precincts – Regional) 2021</i> (Gosford SEPP) is the principle EPI that applies to the site. The site is zoned B4 Mixed Use under the Gosford SEPP. The Gosford SEPP states Educational Establishments may be carried out with consent within the B4 Mixed Use zone. Therefore, the proposal is permissible with development consent</p> <p>The development is specified in Schedule 1 of the Planning Systems SEPP.</p> <p>The development has not been declared to be partly SSD.</p>	Yes

Section	Control	Department's consideration	Complies
	(b) coal seam gas development..., and (c) [extractive industry development]		
2.8 Exclusion of certain complying development	If, but for this section— (a) particular development would be State significant development, and (b) a provision of an environmental planning instrument (whether made before or after this Chapter takes effect) provides that the particular development is complying development, and (c) the particular development is not carried out as part of other development that is State significant development, the particular development is not State significant development.	The proposed development does not constitute complying development under Chapter 3 Educational Establishments in <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> (the Codes SEPP) or any other EPI.	N/A
2.10 Application of development control plans to State significant development	(1) Development control plans (whether made before or after the commencement of this Chapter) do not apply to – (a) State significant development, or (b) development for which a relevant council is the consent authority under section 4.37 of the Act.	Under clause (1)(a), the <i>Gosford City Centre Development Control Plan 2018</i> (GDGP) does not apply to the proposed SSD. Notwithstanding this, consideration has been given to GDGP. Refer to Appendix C for further information.	Yes
2.19 Declaration of regionally significant development: section 4.5(b)	(1) Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act. (2) However, the following development is not declared to be regionally significant development – (a) complying development, (b) development for which development consent is not required, (c) development that is State significant development, (d) development for which a person or body other than a council is the consent authority,	Schedule 6 of the SEPP identifies General Development over \$30M to be regionally significant development, however the subject development is SSD, and Council is not the consent authority. Accordingly, the development is not regionally significant development.	N/A

Section	Control	Department's consideration	Complies
	(e) development within the area of the City of Sydney.		

Schedule 1 State significant development – general

15 Educational Establishments	(3) Development for the purposes of a tertiary institution, including an associated research facility, that has a capital investment value of more than \$50 million. (4) This section does not apply to development that consists only of development for the purposes of campus student accommodation within the site of a school or tertiary institution.	The proposed development has a CIV of \$55.365M and constitutes a tertiary institution. Accordingly, the proposed development is identified as SSD.	Yes
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Schedule 2 State significant development – Identified sites

15 Development in Gosford City Centre	Development that has a capital investment value of more than \$75 million on land identified on the Land Application Map (within the meaning of <i>State Environmental Planning Policy (Gosford City Centre) 2018</i>).	The proposed development has a CIV of \$55.365M. Accordingly, the proposed development is not identified as SSD under Schedule 2.	N/A
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State Environmental Planning Policy (Precincts – Regional) 2021

The Department has considered the proposal against *State Environmental Planning Policy (Precincts – Regional) 2021* (Gosford SEPP). These relevant matters are addressed in **Table 10** below.

Table 10 | Consideration of Gosford SEPP

Clause	Control	Department's consideration	Complies
5.1 Aims of Chapter	(Summary) (a) Economic and social revitalisation (b) Strengthen regional position and centre for innovative and education (c) Vitality (d) Employment (e) Sustainable (f) Heritage (g) Mixed use place, with activity during the day and throughout the evening (h) Solar access to key public	The proposal provides a significant type of education institution in the Gosford City Centre. The provision of education infrastructure can provide a health, education and innovation corridor with Gosford Hospital, integrates with the University of Newcastle in the wider region, and will assist in attracting a younger population to the area. The facility will operate across a range of hours in the day and evening. The proposed building includes mass timber construction, and the proposal will achieve a minimum of a 6-Star Green Star building in line with the University's sustainability goals. The proposal also contributes to the greening and sustainability of Gosford City Centre. The proposal includes a salvage methodology for bricks of the existing heritage listed Mitre 10 building,	Yes

Clause	Control	Department's consideration	Complies
	open spaces (i) Pedestrian links to the waterfront (j) Design excellence (architectural and urban design)	including potential re-use in the proposed building. The proposal also includes opportunities for interpretation of place and landscape, cultural representation and art. The proposal establishes significant public open space with satisfactory solar access. The proposal includes public domain improvements, including new footpath, street trees and seating, to Mann Street and Beane Street. The proposed building includes a high standard of design.	
5.5 Consent authority	(b) CIV \$10M-\$75M: (i) the Minister for Planning, or (ii) the Independent Planning Commission if CIV >\$40M and Council objects	The proposal has a CIV of \$55.365M. Council has not objected to the proposal. However, pursuant to Schedule 1 of the Planning Systems SEPP and section 4.36 of the EP&A Act, tertiary institutions with a CIV >\$50M constitute SSD. In accordance with section 4.5 of the Act, the Minister is the consent authority.	N/A
5.9 Relationship to other Environmental Planning Instruments	(Summary) The Planning Systems SEPP prevails over the Gosford SEPP. The Gosford SEPP otherwise prevails over any EPI.	Noted.	N/A
5.13 Zone objectives and Land Use Table	(Summary) Public transport patronage, walking and cycling, education uses, public domain and pedestrian links, and scenic qualities	The site is zoned B4 Mixed Use. Educational Establishments are permitted with consent. The proposal comprises a university building and campus, open space and associated retail/café. The proposal includes bicycle parking and end of trip facilities, and public domain improvements, including new footpath, street trees and seating, to Mann Street and Beane Street. The proposal reasonably preserves surrounding significant view corridors.	Yes
5.15 Additional permitted uses for particular land	Development for the purposes of car parks is permitted with development consent.	The proposal includes basement parking as part of the use of the educational establishment. The proposal does not constitute a car park.	N/A
5.17 Demolition Requires Development Consent	-	The proposed demolition is permitted with development consent.	Yes
5.25 Height of Buildings	Buildings and public areas are to receive satisfactory sunlight. Views to natural topographical features are to be preserved. Height limits provide appropriate transition in built form and land use intensity. A height of buildings development standard of 60m applies to the subject site.	The proposed building height is 23.3m (RL 31). The proposed building height contributes to the preservation of solar access to public open space across the site. The scale of the building relates well to the size of the public square to the south-western corner of the site at Mann and Beane streets.	Yes

Clause	Control	Department's consideration	Complies
5.26 Floor Space Ratio	Correlate site size and development extent, allow articulation and modulation, control bulk, facilitate design excellence, and minimise impacts. An FSR development standard of 5:1 applies to the site.	Proposed 3,726sqm GFA equates to 0.8:1 FSR. The scale of the building relates well to the size of the public square to the south-western corner of the site. The building includes a high standard of design and reasonably provides solar access to public open space.	Yes
5.36 Heritage conservation	(2) Demolition of a heritage item requires development consent (4) The consent authority must consider the heritage significance of the item (5) The consent authority may require the applicant to provide an assessment of the proposal	The site is local heritage item Mitre 10 store The proposal demolishes the existing building. The application included a Heritage Impact Statement that concluded that the existing building is degraded and the significance of the site could be reasonably retained through salvage of materials of the existing heritage building and their potential re-use in the proposed building.	Yes
5.39 Acid Sulfate Soils	The applicant must provide a preliminary assessment for works on Class 5 land that are within 500m of other classes below 5m AHD unless works would disturb <1 tn soil and are not likely to lower the watertable. The site is mapped as being located on Class 5 acid sulfate soils.	The application included a Detailed Site Investigation report that described that Class 4 soils are present within 500m of the site to the south-east; however this land is at an elevation of above 16m AHD.	Yes
5.40 Flood Planning	To minimise the floor risk to life and property associated with the use of land, allow development on land that is compatible with the land's floor hazard and avoid significant adverse impacts on flooding behaviour. Development must be compatible with flood hazard and not significantly impact flood affectation of neighbouring properties.	The site sits at approximately RL 14.2 at its south-western corner at Mann Street, and the site rises approximately 7.8m along Beane Street to RL 21.8 at its south-eastern corner at Hill Street. The site is subject to overland flow at Mann Street. The application included a Flood Investigation report that determined that the Flood Planning level in the 1% AEP at Mann Street is RL 14.21. The proposed ground floor and public square include a floor level of RL 14.75 and are thereby raised 0.5m freeboard above the FPL.	Yes
5.41 Floodplain Risk Management	Caravan parks, correctional facilities, emergency services facilities, group homes, hospitals, residential care facilities, and tourist and visitor accommodation must be safe for occupation as well as evacuation.	The proposal constitutes and educational establishment.	N/A
5.44 Building height on Mann Street	Development consent must not be granted to the erection of a building exceeding three storeys high along Mann Street.	Schedule 10 Dictionary for Chapter 5 in the Gosford SEPP includes: storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above,	Yes

Clause	Control	Department's consideration	Complies
		<p><i>the ceiling or roof above, but does not include</i></p> <p>–</p> <p>(a) <i>a space that contains only a lift shaft, stairway or meter room, or</i></p> <p>(b) <i>a mezzanine, or</i></p> <p>(c) <i>an attic.</i></p> <p>The western portion of the building comprises a double height ground floor, a first floor and a second floor. The eastern portion of the building includes a basement car park that shares the same floor level as the ground floor but that substantially sits below the adjacent rise of Beane Street.</p> <p>The building also includes stair- and lift- access and plant rooms to the top floor, however these rooms are located away from the eastern portion of the building at Mann Street. The top floor comprises roof with a three degree slope and solar panels to Mann Street.</p>	
5.45 Design excellence	<ul style="list-style-type: none"> (a) Architectural design, materials and detailing (b) Form and external appearance that improves the public domain (c) Solar access to key public open spaces, and view corridors (d) DCP requirements (e) Heritage (f) Other development (g) Bulk, massing and modulation (h) Street frontage heights (i) Sustainable design, overshadowing, wind and reflectivity (j) ESD (k) Pedestrian, cycle, vehicle and service access and circulation 	<p>The building includes a high standard of design and materials. The three- and four- storey scale of the building relates well to the size of the proposed public square. The façade treatment has been carefully designed to balance between desired materials and expression of the building with enabling sunlight and providing amenity to the public square. The proposal includes a salvage methodology for bricks of the existing heritage listed Mitre 10 building, including potential re-use in the proposed building. The proposal includes a laneway to the northern boundary, thereby provides a setback to this boundary and future development.</p>	Yes
5.46 Exceptions to height and floor space in Zones B3, B4 and B6	Development consent may be granted to development that results in a building with a height of buildings and FSR that exceeds the height of buildings and FSR controls.	No variation to the height under section 5.46 is sought.	N/A
5.47 Car Parking in Zones B3 and 4	Development consent must not be granted unless	<p>Proposed habitable floor area includes:</p> <p>Lower ground floor</p> <ul style="list-style-type: none"> - Industry community engagement (140sqm) - Retail / café (68sqm) <p>(a) at least 1 car parking space is provided for every 75sqm commercial GFA,</p>	Yes

Clause	Control	Department's consideration	Complies
	and (b) at least 1 car parking space is provided for every 40sqm of retail GFA unless the consent authority is satisfied that car parking is adequately provided elsewhere.	<p>Upper ground floor</p> <ul style="list-style-type: none"> - Concierge - Student experience - Teaching and learning <p>First floor</p> <ul style="list-style-type: none"> - Student experience - Teaching and learning <p>Second floor</p> <ul style="list-style-type: none"> - Student experience - Teaching and learning - Workspace / innovation hub (350sqm) <p>Top floor</p> <ul style="list-style-type: none"> - Lobby <p>The Industry Community Engagement and the Workspace / Innovation Hub may be categorised as commercial activity. These spaces, at 490sqm in total, thereby require the provision of 6.53 car parking spaces.</p> <p>The Retail / Café requires the provision of 1.7 parking spaces.</p> <p>The proposal includes 24 car parking spaces.</p>	
5.48 Active street frontages	Consent authority must be satisfied that the building will have an active street frontage as identified on the Active Street Frontages Map.	<p>The proposal consists of an Industry Community Engagement space and a Retail / Café space set back 6m to Mann Street. The setback also includes paving, retaining walls that act as seating, and area for temporary seating.</p> <p>The building includes a door between the Engagement space and the adjoining public area, and the café includes a service window. Each space includes glass façade. There is no identified opacity to the glass.</p> <p>The proposal provides an active street frontage to Mann and Beane Street.</p>	Yes
5.52 Solar access to key public open spaces	Kibble Park and Leagues Club Park	The proposal will not result in any additional overshadowing to Kibble Park or Leagues Club Park.	Yes
5.53 Key vistas and view corridors	To protect and enhance key vistas and view corridors in Gosford City Centre.	The GDCP identifies key vistas and street views to Rumbalara Reserve and Presidents Hill within proximity to the site. The development will not block views noting the proposed height of 23.3m (RL 31) which is below the 60m limit.	Yes

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 in *State Environmental Planning Policy (Resilience and Hazards) 2021* defines four coastal management areas and specifies assessment criteria that are tailored for each coastal management area. The consent authority must apply those criteria when assessing proposed developments for development that fall within one or more of the mapped areas.

The subject site is not within the Coastal Environment Area or another area under Chapter 2.

Chapter 4 in the SEPP aims to provide a State-wide approach to the remediation of contaminated land. In particular, the SEPP aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

In addition, section 5.39 in the Gosford SEPP requires an applicant to provide a preliminary assessment for works on acid sulphate soils Class 5 land that are within 500m of other classes below 5m AHD unless works would disturb less than 1tn soil and are not likely to lower the watertable.

The subject site is mapped as being located on acid sulfate soils Class 5 land.

The Applicant submitted a Detailed Site Investigation. The Assessment included detailed fieldwork analysis which included the collection and analysis of soil samples located on the site. The Assessment concluded that the site is suitable for the development without the need for remediation, however the Assessment recommended de-watering mitigation measures to minimise any effects on the local stormwater network. The RTS included a de-watering management plan.

Based on the above Assessment findings, the proposal is considered to satisfy the relevant objectives and provisions of the SEPP and the site is considered to be suitable for the proposed development.

The Department is satisfied that the proposal is consistent with the requirements of the SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Division 4 in Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* includes provisions for solar energy systems, including with respect to development permitted with consent, development that is permitted without consent where on behalf of a public authority, exempt- and complying- development, and SSD in regional cities.

The proposed building includes parapet walls that screen site facilities, including solar panels, upon the roof. The proposed solar panels will not affect the neighbouring uses or the scenic quality or landscape character of the area. The panels are consistent with the provisions within Chapter 2.

Division 15 in Chapter 2 includes provisions for development in or adjacent to rail corridors, including that a proposal adjacent to a rail corridor, even if across the road from the corridor, must be referred to the rail authority. Division 15 also requires the consent authority to refer proposals for development that involves excavation more than 2m deep on land within 25m of a corridor to the rail authority for concurrence.

The site is set back 20m to 294 Mann St which is across the road appears to serve as a depot for maintenance vehicles related to the rail corridor. The site is set back 50m to land zoned SP2 Rail Infrastructure Facility (**Figure 6**). The proposal does not involve excavation more than 2m deep within 5m of Mann St, and the site is more than 25m away from land zoned SP2. The proposal does not require concurrence of Sydney Trains.

Division 17 in Chapter 2 includes provisions for traffic-generating development, including that development specified under column 1 in Schedule 3 of the SEPP must be referred to TfNSW, and

the consent authority must consider the efficiency of movement of people, potential to minimise car travel, traffic safety, road congestion and parking.

The proposal does not constitute any of the uses listed in Schedule 3 or 200 or more motor vehicles per hour, or 50 or more motor vehicles per hour within 90m of a classified road. The proposal does not constitute traffic-generating development under section 2.122 of the SEPP. Refer to section 3.57 within in **Table 11** below for further information.

Division 17 in Chapter 2 also includes provisions for electric vehicle charging points, including with respect to charging units installed on behalf of a public authority that does not obstruct building entry or pedestrian movement, and exempt development.

The proposal includes four EV charging spaces sleeved against the secure, private laneway. Charging units will not obstruct access or thoroughfare.

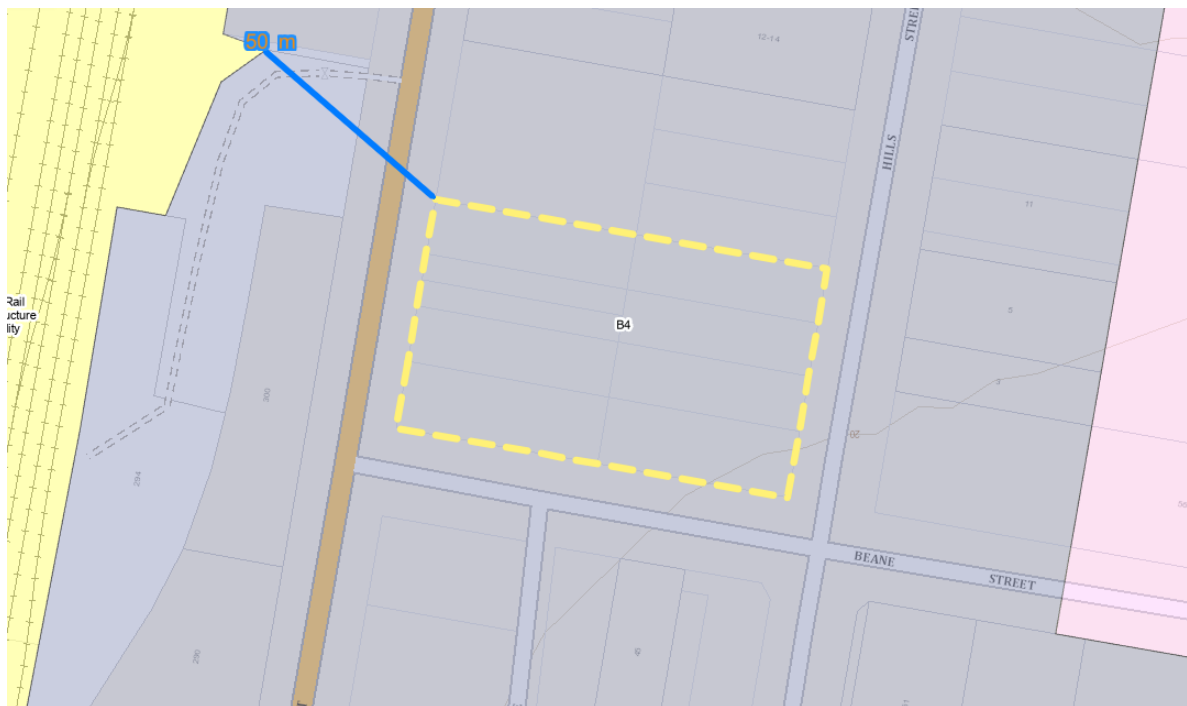


Figure 6 | Zone map

Chapter 3 Educational Establishments

The Department has considered the proposal against *State Environmental Planning Policy (Transport and Infrastructure) 2021*). These relevant matters are addressed in **Table 11** below.

Table 11 | Consideration of Chapter 3

Section	Control	Department's consideration	Complies
Chapter 3 Educational Establishments			
3.1 Aims of Chapter	To standardise planning approval pathways, improve the quality of infrastructure, minimise impacts on surrounding areas, and		

Section	Control	Department's consideration	Complies
	share facilities with the community		
3.17 Exempt development	<p>(1) Development for a purpose specified in Schedule 5 is exempt development if –</p> <p>(a) it is carried out by or on behalf of a public authority in connection with –</p> <p>(i) an existing educational establishment, or</p> <p>(ii) existing campus student accommodation on land within the boundaries of the educational establishment.</p> <p>(b) it meets the development standards for the development specified in Schedule 5.</p> <p>Note – Exempt development must also comply with the general requirements in section 3.16.</p> <p>(2) Development for the purposes of security fences specified in Schedule 5 may also be carried out in connection with an educational establishment that is not existing but for which development consent has been granted.</p>	<p>Section 1.4 Definitions in the Act includes:</p> <p>public authority means –</p> <p>(a) a public or local authority constituted by or under an Act, or</p> <p>(b) a Public Service agency, or</p> <p>(c) a statutory body representing the Crown, or</p> <p>(d) <i>a Public Service senior executive within the meaning of the Government Sector Employment Act 2013, or</i></p> <p>(e) <i>a statutory State owned corporation (and its subsidiaries) within the meaning of the State Owned Corporations Act 1989, or</i></p> <p>(f) <i>a chief executive officer of a corporation or subsidiary referred to in paragraph (e), or</i></p> <p>(g) <i>a person prescribed by the regulations for the purposes of this definition.</i></p> <p>(emphasis added)</p> <p>Section 294 in the EP&A Regulation prescribes the Crown as including the following:</p> <p>(a) a public authority, other than a council</p> <p>(b) an Australian university, within the meaning of the <i>Higher Education Act 2001</i>.</p> <p>The Department notes that the <i>Independent Commission Against Corruption Act 1988</i> defines public authority as:</p> <p>(a) <i>a Public Service agency or any other government sector agency within the meaning of the Government Sector Employment Act 2013,</i></p> <p>(b) <i>a statutory body representing the Crown...</i></p> <p>In turn, the <i>Government Sector Employment Act 2013</i> defines the government sector as the Public Service, any other service of the Crown (including the service of any NSW government agency), and the service of any other person or by constitute by or under an Act.</p> <p>The application was lodged by planning consultancy Urbis on behalf of the University of Newcastle (the Applicant). In these circumstances, the proposed development constitutes Crown development, and the Applicant may constitute a public authority.</p> <p>The application does not identify that any development shall be undertaken as exempt development.</p>	N/A
3.18 Complying development	(2) To be complying development, the development must –	Section 1.17A of the Codes SEPP rules that complying development cannot be to land containing a heritage item unless subject to an exemption under the Heritage Act 1977. Section	N/A

Section	Control	Department's consideration	Complies
	<p>(a) meet the general requirements for complying development set out in clause 1.17A of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, and...</p> <p>(3) To be complying development, the development must not be carried out on –</p> <p>(a) land that is reserved for a public purpose in an environmental planning instrument, or...</p>	<p>57(2) of the Heritage Act 1977 enables the Minister, on the recommendation of the recommendation of the Heritage Council, may, by order published in the Gazette, grant an exemption to demolish a place, building, work or land on the State Heritage Register.</p> <p>The Gosford SEPP identifies the site as local heritage item Mitre 10 store. The State Heritage Inventory identifies that the building includes historical significance related to the Citrus Fruit growers Association of NSW and aesthetic and social significances with respect to the two Inter war facades, presentation within the streetscape, and use for commerce, retail and industry.</p> <p>The site is not known to be subject to, by order published in the Gazette, an exemption to undertake activity or works.</p> <p>The application does not identify that any development shall be undertaken as complying development.</p>	
3.45	<p>(1) Despite section 3.44(2), development for the purposes of campus student accommodation may be carried out by a person with development consent on land within the boundaries of the university.</p>	<p>The future development of Stage 2 may provide student accommodation</p>	N/A
3.46	<p>Universities – development permitted with consent</p> <p>Development for the purpose of a university may be carried out on land of an existing university, or with development consent on land in a prescribed zone.</p>	<p>The Gosford Campus is permissible with consent</p>	N/A
3.47	<p>Universities – development permitted without consent</p> <p>A library, administration building, classroom or the like and other buildings that are no more than two storeys high may be carried out on behalf a public authority without development consent within an existing university.</p> <p>(2) However, subsection (1) applies only to development that –</p> <p>(a) does not require an alteration of transport or traffic arrangements, and</p> <p>(b) does not cause the contravention of any existing condition of the development consent... relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management,</p>	<p>The Applicant may constitute a public authority. Refer to section 3.17 above for further information.</p> <p>Section 5.45 in the Gosford SEPP requires the consent authority to be satisfied that development exhibits design excellence, including with respect to site suitability, heritage, bulk, massing, street frontage heights, overshadowing and the public domain.</p> <p>GDCP includes:</p> <ul style="list-style-type: none"> Control no. 3 in section 4.2 Public Open Space that describes that, 'within Area A (as identified in Figure 2), a new open space greater than 2,000sqm that allows for informal active recreation is desired.' Control no. 6 in section 4.3 Solar Access to Key Public Spaces that at least 50%, and preferably 70%, of open space provided includes at least 4 hours' sunlight mid-winter. Section 5.2 and Figure 8 that restrict street wall height to no more than 14m high. Principle no. 3 in section 6.2 Key Site 1 that any new public open space must be designed to maximise solar access. 	N/A

Section	Control	Department's consideration	Complies
	landscaping or student or staff numbers, and (c) complies with [GFA or FSR development standard] imposed under a local environmental plan, and... (e) if the development is on a site with an area of – (i) 2,000 square metres or less – does not result in the floor space ratio for all buildings on the site exceeding 1:1, or (ii) more than 2,000sqm – does not extend the existing gross floor area for all buildings on the site by more than 2,000sqm... (4) This section does not apply to development for the purposes of campus student accommodation.	<p>The proposal includes 2,555sqm open space including 1,450sqm between the building and Hill St. This area includes a 350sqm 'learning & innovation interface' comprising seating that may be used for small group tutorials, 185sqm lawn, and 480sqm native groundcover/WSUD mix to the east.</p> <p>The application seeks staging but does not seek flexibility in the location and size of the physical layout, design and use of the site. The application also notes that the proposal preserves the [1,100sqm] eastern 'plateau' open space of the site for potential development for academic purposes and/or student accommodation in future (subject to a separate future development application). The application also includes an Architectural Design Report that demonstrates the footprint of Future Development Site (Stage 2), a podium & tower envelope in perspective to this portion of the site, and a hypothetical building envelope across the northern adjoining property.</p> <p>The Architectural Design Report (Study 3 diagram) demonstrates that the proportion of the site that receives >4 hours sunlight mid-winter is:</p> <ul style="list-style-type: none"> • 57% when including the 1,450sqm open space between the building and Hill St, but • 38% when future building footprint is removed from the calculation. <p>The depiction of >4 hours sunlight to the southern side of the future building footprint also appear to suggest that any such sunlight would be less in reality in this scenario.</p> <p>The proposal also includes a 20m high street wall at Mann St, and the diagram also appears to show that most of the public square receives <1 hour sunlight.</p> <p>In these circumstances, there is high importance on the eastern 'plateau' for open space with solar access, as provided within the subject proposal.</p>	
3.49 Existing universities – exempt development	Amenities- and portable-buildings that are one storey may be carried out.	<p>As above, the proposal includes 2,555sqm open space including 1,450sqm between the building and Hill St. The application notes that the proposal preserves the [1,100sqm] eastern 'plateau' open space of the site for potential future development.</p> <p>Future development of the 'plateau' would significantly reduce the open space offering of the site. Remaining open space would be fragmented, not allow active recreation and not meet minimum solar access.</p> <p>The current proposal also seeks concessions to development controls with respect to location, active recreation and solar access of open space.</p> <p>There is high importance on the eastern 'plateau' for open space with solar access, as provided within the subject proposal.</p>	N/A
3.50 Existing universities – complying	A library, administration building, classroom or the like, recreation facility and other buildings may be	As above, the proposal preserves the 1,100sqm eastern 'plateau' open space of the site for potential future development.	N/A

Section	Control	Department's consideration	Complies
development	carried out on behalf a public authority without development consent within an existing university subject to Schedule 7. (6) Development that will result in the erection of a building over a registered easement is not complying development under this section.	Future development of the 'plateau' would result in fragmented open space for passive recreation only and with poor solar access across the site. There is high importance on the eastern 'plateau' for open space with solar access, as provided within the subject proposal.	
3.58 Traffic-generating development	The consent authority must give written notice to TfNSW and consider the efficiency of movement of people, potential to minimise car travel, traffic safety, road congestion and parking.	TfNSW did not object to the proposal. The proposal seeks to accommodate approximately 660 students and 48 staff. The proposal includes 24 car parking spaces for staff but no spaces for students or visitors, however the site is well located with respect to public transport, the proposal includes bike parking, and there is opportunity to integrate the campus into the existing car parking & shuttle service between the University of Newcastle – Ourimbah campus and Gosford Hospital.	Yes
Schedule 5			
	Repairs, air conditioning, ramps, decks, fences, landscaping, portable offices (single storey) and identification signs (<8sqm, or with bottom edge <6m high)		N/A
Schedule 7			
	<15m high; <2,000sqm GFA (or other EPI limit)		N/A

Gosford City Centre Development Control Plan 2018

The GDCP applies to land subject to the Gosford SEPP and provides the controls for development in the Gosford CBD.

The Department's assessment of the relevant development controls is provided in **Table 12** below.

Table 12 | Relevant GDCP Controls

Section	Control	Department's consideration	Complies
Chapter 3: Places and character			
3.2 City North	1. Promote health and education uses to support the creation of an innovation precinct 3. Improve permeability 4. Increase public open space, to provide green open space, and a sense of identify for the north	The tertiary institution constitutes an education use. The proposal provides alternative pedestrian paths between either Mann Street to the west or Hill Street to the east and Keevers Lane at Beane Street. The proposal provides new public open space, including hard spaces for increased intensity of use at Mann Street and green space at Hill Street.	Yes

Section	Control	Department's consideration	Complies
		The public space may serve as a new focal point for the precinct.	
Chapter 4: Public spaces			
4.1 Pedestrian network	Objectives relate to pedestrian comfort	The ground floor is set back 7m to Mann Street. The first floor is set back 6m to Mann Street. The landscape design includes, adjacent to Mann Street, garden beds, paving, concrete blocks for sitting, and stairs to the paved area surrounding the building. The minor set back of seating and stairs points of increased width of the pedestrian path along Mann Street.	Yes
4.2 Public open space	Objectives relate to accessible, high quality open space, including in exchange for additional floor space and/or building height. 3. Within Area A (as identified in Figure 2), a new open space greater than 2,000sqm that allows for informal active recreation is desired. 4. This new public open space should: a. connect with existing and proposed links in the pedestrian network. b. consist of primarily soft landscaping and provide deep soil zones. c. be publicly accessible and provide passive recreation for pedestrians.	The proposal includes 2,555sqm open space comprising: 1. Setback to Hill St (1,450sqm) 2. Setback to Beane St (100sqm) 3. Public square (including access, tiered seating and upper ground floor paved area) (765sqm) 4. Setback to Mann St adj. to Engagement space and Café (125sqm) 5. N side laneway 7.1m setback (115sqm) However, it is noted that the area adjacent to the café appears designed for the customers and not the general public, and the laneway will be used for vehicle access. Between these spaces, the proposal includes: 1. 1,620sqm hard surface 2. 935sqm soft surface, including a. 185sqm lawn b. 480sqm native groundcover/WSUD mix to the east c. 270sqm planter beds The lawn is the only open space that allows for active recreation. The lawn is 185qm. The landscape plans do not demonstrate deep soil zones. The open space includes stepping stones, indirect paths, built features and seating. The open space does not facilitate desired paths of travel from Hill to Mann streets. The open space includes a high standard of design with many features and spaces for passive recreation. The proposal is consistent with the objectives of section 4.2.	Considered acceptable
4.3 Solar access to key public spaces	Objectives relate to sufficient sunlight access. 6. For any new public spaces, buildings are to be designed to ensure that at least 50% (minimum) or 70% (preferred) of the open space provided receives a minimum of 4 hours of sunlight between	The Architectural Design Report (Study 3 diagram) demonstrates that the 57% of the open space receives >4 hours sunlight between 9am and 3pm on the winter solstice. It is noted that: <ul style="list-style-type: none">The 6m setback to Mann St and the eastern 'plateau' receive >4 hours sunlightMost of the public square receives <1 hour sunlight	Yes

Section	Control	Department's consideration	Complies
	9am and 3pm on the winter solstice (21 June).	The 6m setback to Mann St includes path and planter boxes that do not provide area for sitting. There is high importance on the eastern 'plateau' for open space with solar access, as provided within the subject proposal.	
4.4 Views and vistas	4. Development adjoining street vistas should comply with street wall and tower setback controls (identified in Chapter 5 Built form).	The proposal has no significant impacts on the Mann and Beane streets vistas.	Yes
4.5 Footpath crossings and pedestrian overpasses and underpasses	Objectives relate to reducing vehicular access impact on the public domain and pedestrian movements. 1. One vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted. 2. Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian activity. 3. Where practicable, adjoining buildings are to share or amalgamate vehicle access points. 5. Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 2.7 metres over the footpath, and perpendicular to the kerb alignment. In exceptional circumstances, a double lane crossing with a maximum width of 5.4 metres may be permitted for safety reasons (refer to Figure 5).	The proposal includes a northern side laneway that includes: 1. An entry at the north-west corner of the site at Mann St for MRV / HRV service vehicles 2. An exit and entry for cars, and an exit for MRV / HRV vehicles, at the north-east corner of the site at Hill St. The site includes three street frontages. The proposal does not include more than one vehicle access point per street frontage. Mann St is a higher order street than Beane and Hill streets, however the proposal limits movements from Mann St to service vehicles, including that only enter the site from Mann St and thereby include sight of pedestrians when turning into the site. Subject to agreement, the northern side laneway could be utilised by the adjoining property in any redevelopment thereof. However, the adjoining site also includes a secondary frontage to Hill St. The increased crossing width at Mann St facilitates turning movements of service vehicles. The increased crossing width at Hill St also facilitates the exit of these vehicles and will not unreasonably impact pedestrian amenity or safety at Hill St.	Yes
Chapter 5: Built form			
5.1 Site size and design excellence	Medium sites (2,800-5,600sqm or >36m primary street frontage): Height and FSR maps	Site: <ul style="list-style-type: none">• 4,672sqm site• 52m to Mann Street• 90m to Beane Street	Yes

Section	Control	Department's consideration	Complies
		Height map: 60m; Proposed height: 23.3m FSR map: 5:1; Proposed FSR: 0.8:1 (3,726sqm)	
5.2 Built form provisions	5.2.1 Street setbacks and rear setbacks Objectives relate to street amenity, setting, and sun access to the public domain. 1. Buildings should be designed to comply with streetscape controls as shown in Figure 8. These setbacks should be deep soil and contain no parking structures.	For the subject site, figure 8 of the DCP includes: <ul style="list-style-type: none"> • Front setbacks and street wall heights <ul style="list-style-type: none"> ○ Setback at ground level: 0m ○ Street wall height: 6-14m • Side setbacks <ul style="list-style-type: none"> ○ Up to street wall: 0m ○ Above street wall: 6m <p>The proposal includes a northern side laneway, and the proposed building is set back 7.1m to the northern side boundary. However, the setback does not comprise deep soil.</p> <p>The proposal reasonably balances between providing an active frontage to Mann St, public open space and a landscaped setting. The proposal balances between minimising vehicle access points but providing sufficient access. The laneway adjoins a blank, southern boundary wall of a single storey automotive repair shop and will not unreasonably affect the amenity of the neighbouring property or street.</p> <p>The proposed building includes a 20m high street wall.</p> <p>The building is set back 6m to Mann St. The double height ground floor is open at Mann St, and the façade is varied, high quality and appropriate for a tertiary institution and key site. The building is less than half the width of the Mann St frontage and thereby relieved by the northern laneway setback and the proposed public open space. The proposed street wall will not unreasonably affect the amenity of the street.</p>	Considered acceptable
	5.2.2 Street wall heights and upper podium Objectives relate to scale, sense of enclosure, wind mitigation, flexibility for contemporary building design, protect solar access to public places, strong architectural expression, and a strong building line. 3. For development fronting Mann Street, a building's street wall must: <ol style="list-style-type: none"> a. not be greater than 3 storeys 	The proposed building is three storeys at Mann St, albeit with a double height lower ground floor. The double height ground floor is open at Mann St, the façade includes distinct materiality, and scale and expression is appropriate for the nature of the building. The bottom edge of the street wall façade tapers up at the public square, thereby retaining some solar access to the public square. The proposal complies with the control and is considered to be reasonably consistent with objectives.	Yes
	5.2.3 Active street frontages and street address		

Section	Control	Department's consideration	Complies
	Objectives relate to high quality, continuity, vibrancy safety, and direct street access. Controls require active uses, operable and glazed shop frontages, minimal blank walls, and office uses no more than 12m wide.	Mann St and Beane St are identified as Primary Active Frontage in Figure 8 of the DCP. The proposed Mann St frontage comprises glass façade to an Industry Community Engagement space and a Retail / Café. The spaces are considered to add interest to and draw pedestrians from the street. The proposed Beane St frontage comprises a building entry and glass façade to narrow Student Experience spaces and a Teaching and Learning Space. The spaces are considered appropriate for and demonstrate the nature of the site to the street.	Yes
5.2.4 Building setback and separation			
	Objectives relate to building amenity, and usable and pleasant streets.	The proposed building is set back more than 6m to the northern side boundary.	Yes
5.2.6 Fine grain frontages			
	Objectives relate to scale, character and grain.	The building is less than 40m wide at Mann and Beane streets.	Yes
5.2.7 Awnings			
	Objectives relate to usability of the footpath, and public presence and interface. 1. Continuous street frontage awnings are to be provided for all new developments identified as active frontages in Figure 8.	The proposal does not include an awning overhanging the public footpath. The ground floor is set back 7m to Mann Street. The first floor is set back 6m to Mann Street. The first floor forms an overhang that provides minor protection for visitors from the elements. Section 6.2 of the DCP identifies that the subject site as a Key Site that is suitable for large public open space that is located on Mann Street and span the entire street frontage, and which includes deep soil planting with large trees. The proposal provides public open space along the Mann St frontage. The proposal balances between the policy controls for the area, the street and the site.	Considered acceptable
5.2.8 Building sustainability and environmental performance for key sites, medium sites and large sites			
	Objectives relate to minimising energy use.	The proposed building includes mass timber construction, and the proposal will achieve a minimum of a 6-Star Green Star building in line with the University's sustainability goals. The proposal also contributes to the greening and sustainability of Gosford City Centre.	Yes
5.2.9 Above Ground Parking			
	Objectives relate to streetscape amenity and activation.	The eastern portion of the building includes a basement car park that shares the same floor level as the ground floor but that substantially sits below the adjacent rise of Beane Street.	Yes
5.2.11 Internal Amenity			
	The objective seeks high quality internal amenity.	Proposed shading devices will not substantially restrict daylight and outlook.	Partial

Section	Control	Department's consideration	Complies
5.2.12 Building services and the streetscape			
	Objectives relate to minimising the intrusion of building services on the public domain.	The proposed kiosk substation at the vehicle entrance at Hill St is narrow to the street, within a landscaped setting, and will not unreasonably detract from Hill St.	Yes
	1. Substations must be... either internal to the development or suitably located and integrated within the architectural or landscaping design.		
5.2.13 Landscape Design			
	Objectives relate to integrating landscaping, recreational opportunities, stormwater and environment.	The landscape plans include a planting schedule and details on levels, paving, fencing, retaining walls and other external areas.	Considered acceptable
		The landscape plans do not identify the height of timber batten fence. Refer to section 5.2.15 Front Fences below for further information.	
5.2.14 Site cover and deep soil zones			
	Objectives relate to permitting medium and large trees, building bulk, daylight access, ventilation, and passive and active recreation.	The site is 4,672sqm in size.	No
	1. Mixed Use and Enterprise zones:	The proposal includes 2,555sqm open space comprising:	
	75% max. site cover for Commercial & Mixed Use development	1. 1,620sqm hard surface	
	60% max. site cover for Residential development	2. 935sqm soft surface.	
		The open space that is hard surface and enclosed spaces, together, form site cover. The proposal includes 3,737sqm (80.0%) site cover.	
		The proposal exceeds the anticipated maximum site coverage for the site, however the proposal is considered to provide sufficient open space, a variety of spaces for passive recreation, and is consistent with objectives.	
5.2.15 Front fences			
	Max. 1-1.4m high	The proposal includes fence to the kiosk substation and the laneway at Hill St. The architectural- and landscape- plans do not demonstrate the appearance of fences.	No
		Consent conditions can retain the fencing immediately around the kiosk substation but require other gate & fence to be set back at least one vehicle-length from the Hill St boundary, thereby reducing the presence of the gate & fence to the street and enabling an area for vehicles to stand while awaiting gates to open.	
5.2.16 Safety and Security			
	Objectives relate to reducing crime, and encouraging a sense of ownership over public and communal open spaces.	The proposal includes low landscape features (max. 1m high shrubs, and min. 1.8m high tree canopy), night lighting and a secure back of house internal site laneway. The application included a CPTED report that:	Yes
	Controls relate to Crime Prevention Through Environmental Design (CPTED), passive surveillance	4. Addresses the relevant principles	
		5. Notes that the University of Newcastle includes	

Section	Control	Department's consideration	Complies
	of spaces, access ways and entries, avoiding blind corners, lighting and sightlines.	<p>a safety and security programme involving orientation, briefings, web-based applications, security shuttles, safety advice and help points</p> <p>6. Recommends wayfinding signage, CCTV and controlled access.</p> <p>Recommended conditions require the implemented of the CPTED and for a lighting strategy to be developed.</p> <p>The CPTED report recommends that the Industry engagement space be accessible only during events. Such limits risk the glazed frontage being disused or static. Consent conditions can require a display programme in order to seek to maintain activity and interest to the street.</p>	
	5.2.17 Building exteriors		
	<p>Objectives relate to streetscape, architectural interest, quality, and pedestrian amenity.</p> <p>1. Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of:</p> <p>a. appropriate alignment and street frontage heights,</p> <p>b. setbacks above street frontage heights,</p> <p>c. appropriate materials and finishes selection,</p> <p>d. facade proportions including horizontal or vertical emphasis</p> <p>Other controls relate to maximising glazing but limiting reflectivity, and roof plant.</p>	<p>Figure 8 in the DCP identifies that development upon the eastern side of Mann St should:</p> <ol style="list-style-type: none"> 1. Be set back 0m at ground level 2. Include a street wall that is 6-14m high 3. Include a nil side setback to street wall, and 4. Include a 6m side setback above street wall. <p>The proposed building is set back 6m to Mann St. The street wall is up to 20m high and set back 7.1m to the northern side boundary.</p> <p>The proposal involves the provision of public open space. The proposed setback accommodates seating and access up to a floor level raised above the flood level. The setbacks improve sightlines around the building and, in turn, security and safety for persons.</p> <p>The form and siting are considered to be appropriate for the tertiary institution and key site.</p>	Yes
	5.2.18 Public artworks		
	Major developments in the Gosford City Centre (over 5,000sqm in floor space) are required to prepare a Public Art Plan.	3,726sqm GFA	N/A
	5.2.19 Advertising and Signage		
		None proposed.	N/A
6.1 Introduction	2. Any departure from these principles must be clearly justified by the applicant and may be considered where the advice from the City of Gosford Design Advisory Panel supports the deviation. Notwithstanding, the outcome of such an application will be considered	<p>The public open space to Mann St is 6m wide and further limited by change in levels, stairs and planters. The position of the building and its street wall height do not maximise solar access to the public square. The application has not included a heritage interpretation and public art strategy.</p> <p>Prior to the submission of the subject development application, the Applicant presented the proposal at three CoGDAP Design Review Group (DRG)</p>	No

Section	Control	Department's consideration	Complies
	by the assessing and determining authority.	<p>meetings. The presentations included the Applicant's consideration of six built form alternatives for a University of Newcastle – Gosford campus upon the site, as well as the evolution of landscape expression and plan for the site. CoGDAP were satisfied with the proposal.</p> <p>There is high importance on the eastern 'plateau' for open space with solar access, as provided within the subject proposal.</p> <p>When the SSD was lodged, formal referral to CoGDAP was not required under the SEPP because the application does not seek an exception to the height or FSR and the minor departures to the GDCP requirements were supported at the pre-lodgement stage.</p>	
6.2 Key Site 1 299-305 Mann Street (former Mitre 10 site)	<p>Principles</p> <ol style="list-style-type: none"> 1. This site must be subject to a master planning process. 2. Any re-development of the site is to include heritage studies to explore opportunities to incorporate heritage elements within the design of the development. Should re-development result in demolition, all options should be explored prior to demolition, including retention (or partial retention) of the front facade or part of the front façade. 3 Any new public open space provided on site must: <ol style="list-style-type: none"> a.be located on Mann Street and span the entire street frontage; b.be publicly accessible 24 hours a day; c.include deep soil planting with large trees; d.be designed by a suitably qualified landscape Architect; e.be designed to the satisfaction of the assessing and determining authority; f. be designed to maximise solar access; g.include a heritage interpretation and public art strategy that reflects the heritage significance of part of the site. 6. Where new significant open space is provided on-site, consideration may be given to off-site parking solutions. 	<p>Prior to the submission of the subject development application, the Applicant presented the proposal at three CoGDAP DRG meetings. The presentations included the Applicant's consideration of six built form alternatives for a University of Newcastle – Gosford campus upon the site, as well as the evolution of landscape expression and plan for the site. The DRG process and presentations satisfied the required master planning process.</p> <p>The application included a Heritage Impact Statement that concluded that the existing building has been highly modified, and the significance of the site does not principally relate to physical building; retention or partial retention of the primary façade to Mann St was not considered to be appropriate. The HIS proposes salvage of materials of the existing heritage building and their potential re-use in the proposed building. Section 4.3 Identify & Culture of the Landscape report describes that heritage interpretation could be explored through the detailed design. It is recommended that conditions require, prior to the commencement of works, the preparation of a heritage interpretation, including through the re-use of materials, and public art strategy that reflect the heritage significance of the Mann Street part of the site, and amended architectural- and landscape-plans that reflect the heritage interpretation and public art strategy.</p> <p>The proposal includes 2,555sqm open space including:</p> <ol style="list-style-type: none"> 1. Setback to Hill St (1,450sqm) 2. Setback to Beane St (100sqm) 3. Public square (including access, tiered seating and upper ground floor paved area) (765sqm) 4. Setback to Mann St adj. to Engagement space and Café (125sqm) 5. N side laneway 7.1m setback (115sqm) <p>The public space adjacent to Mann St is narrow (6m) compared to the other open space across the site. The space includes change in levels, stairs and planters: The space includes limited deep soil planting.</p> <p>The area adjacent to the café appears designed for the customers and not the general public, and the laneway will be used for vehicle access.</p>	No

Section	Control	Department's consideration	Complies
	7. Any on-site parking should be located below ground level, and without affecting the potential for deep soil in any significant new open space provided.	<p>Most of the public square receives less than 1 hour sunlight mid-winter. Other open space is away from Mann St.</p> <p>The proposal includes, in total, a significant amount of public open space. The proposal includes 24 car parking spaces for staff but no spaces for students or visitors, however the site is well located with respect to public transport, the proposal includes bike parking, and there is opportunity to integrate the campus into the existing car parking & shuttle service between the University of Newcastle – Ourimbah campus and Gosford Hospital.</p>	

Chapter 7: Access and Parking

7.2 Pedestrian Access and Mobility	Objectives relate to easy access, including accessibility for people with a disability.	The proposal includes revolving doors to the public square and Beane St that are identifiably the main building entries. Adjacent to the revolving doors, there are side doors that swing open that can provide easier access for people with a disability. The proposal includes a continuous path of travel to the entries.	Yes
7.3 Vehicular Driveways and Manoeuvring Areas	Objectives relate to pedestrian safety and streetscape amenity.	<p>The proposal includes a private laneway across the northern side of the site. The laneway includes (1) an opening at Mann St, and (2) an opening at Hill St.</p> <ol style="list-style-type: none"> 1. The opening at Mann St will enable delivery vehicles to enter the site, stand within the site and access loading/store and waste rooms. Service vehicles will then continue in a forward direction to exit the site at Hill St. 2. The opening at Hill St enables cars to enter the site, access the basement in the middle of the site, and exit the site. <p>The proposal minimises manoeuvring space required for service vehicles, and the proposal concentrates the majority of vehicle movements at Hill St.</p> <p>The basement does not present to the street or open space.</p>	Yes
7.4 On-Site Parking	<p>Objectives relate to parking provision and Gosford vitality.</p> <p>6. A Transport Management Plan is required to accompany development applications to justify any proposed variation to parking rates.</p> <p>7. Uncovered on-site parking areas, including the top of front building setbacks, are prohibited.</p> <p>8. Bicycle parking is to be in secure and accessible locations, with weather protection.</p> <p>Car parking: 1 space per 2 staff and 1</p>	<p>The proposal includes 660 students and 48 staff.</p> <ol style="list-style-type: none"> 1. Car parking requirements <ol style="list-style-type: none"> a. Staff: $48 / 2 = 24$; $24 \times 1 = 24$ spaces b. Students: $660 / 30 = 22$; $22 \times 1 = 22$ spaces <p>Total: 46 spaces</p> 2. Motorcycle parking requirements $46 / 25 = 1.84$ spaces 3. Bicycle parking requirements $660 / 5 = 132$ spaces <p>The proposal includes:</p> <ol style="list-style-type: none"> 1. 24 car parking spaces, including <ol style="list-style-type: none"> a. Two accessible spaces b. Four EV spaces 	No

Section	Control	Department's consideration	Complies
	space per 30 students Motorcycle parking: 1 space/25 car spaces or part thereof Bicycle parking: 1 space/5 students above Grade 4	<p>2. 69 bicycle spaces</p> <p>The application included a Parking and Transport Assessment report and a Green Travel Plan that included Active Travel Plan Recommendations including orientation, information for railway and bicycle use, route information, riding buddy groups, easy to access bike storage, locker allocation, and hybrid working arrangements. The report and Plan are considered to satisfy Control no. 6.</p> <p>The four EV spaces are uncovered, however the spaces are well away from site boundaries and not more than four in number.</p> <p>The bicycle parking is contained in the basement. The bicycle parking is accessed through the public square and either a revolving door or side door. The operational arrangements of the gate to the laneway is unknown, and the CPTED report notes that the basement shall include a roller shutter door that provides 'access for staff and authorised persons only', and 'end of trip area to be accessible by students from within the main foyer area.</p> <p>The proposal does not include direct, easy access between bicycle parking and the street. It is recommended that consent conditions require a second set of bicycle parking spaces be provided within the landscape design of the eastern plateau of the site.</p>	
7.5 Site Facilities and Services	Objectives relate to integrating site facilities into the development.	<p>The façade forms a parapet wall that screens site facilities upon the roof.</p> <p>The northern laneway accommodates waste handling and storage away from public open space.</p> <p>The proposal includes a gate to screen and secure access to the area for service vehicles.</p>	Yes

Chapter 8: Environmental Management

8.2 Energy Efficiency and Conservation	<p><u>Non-residential</u></p> <p>3b. Install water saving devices, such as flow regulators, 3 stars rated shower heads, dual flush toilets and tap aerators</p> <p><u>Commercial development >\$5M</u></p> <p>5. Energy Efficiency Report; Min. 4 stars under the Australian Building Greenhouse Rating Scheme</p>	<p>The application describes that the project will be designed to achieve a 30% improvement on the National Construction Code 2019 energy efficiency requirements. The application included an ESD Report, however the Report predominantly discusses reducing consumption by a percentage but does not clearly identify resulting targets, or measures to achieve targets. The application's Building Code of Australia report also did not clearly identify proposed or recommended specific measures to meet efficiency targets. Consent conditions can require the building include water saving devices.</p> <p>The proposed building includes mass timber construction, and the proposal will achieve a minimum of a 6-Star Green Star building in line with the University's sustainability goals. The proposal also includes solar panels as well as vehicle charging stations. The Department is satisfied the development can be carried out in a manner that is consistent with the principles of ESD.</p>	No
8.3 Water Conservation	2. Best practice water saving infrastructure including provision of rainwater / storm water retention tanks	The proposal includes below ground rainwater tanks.	Yes

Section	Control	Department's consideration	Complies
8.4 Reflectivity	2. Max. 20% reflectivity	The proposed façade includes blades in front of glazing. The proposed materials and finishes are considered to be unlikely to result in glare.	Yes
8.5 Wind Mitigation	2. Development proposals over 14m high are to include a Wind Effects Report	<p>Section 5.2 and Figure 8 in the DCP restrict street wall height to no more than 14m high, however the proposal includes a 20m high street wall at Mann St.</p> <p>The application included a Wind Effects Report that examined the three predominant wind directions for the region. The Report described that winds shall down-wash off the proposed façade, including from the southern side of the building into the public square; Building setbacks shall contain wind down-wash to the site, and eastern and southern landscaping shall reduce wind. The report recommended that the laneway gate at Mann St be no more than 35% porous, boundary landscaping be 3-5m high and wide with dense undergrowth where possible, and an impermeable awning structure to the southern side of the building within the public square.</p> <p>The number and position of trees within the landscape plan appear to be consistent with the recommendations contained in the Wind Report. The proposal does not include an awning to the southern side of the building within the public square, however where the proposal does not include any towers, the 23.3m building height is considered to be unlikely to generate unreasonable adverse wind impacts.</p>	Yes
8.6 Waste and Recycling	1. A Waste Management Plan must ensure no negative impacts on the streetscape	The application included a Waste Management Plan was provided with the application. The application describes that waste and recycling contractors will be required to comply with the Operational WMP requirements, and signage shall include instructions for bin use.	Yes
8.7 Noise and Vibration	<p>7. Commercial, light industrial and retail developments; or mixed use developments, should have suitably located and designed goods delivery and garbage collection areas, vehicle entry and exits, and other noise sources, so that amenity of residents both within the development and in nearby buildings is reasonably protected.</p> <p>9. When a development consent is granted and includes conditions of consent requiring monitoring of noise levels and setting of acoustic performance standards, provision should be made to test actual noise levels after the development is occupied and when noise generating activities commence; and for corrective acoustic treatment to be applied if necessary.</p>	<p>The application included an Acoustic Report that describes that construction will likely comply with relevant noise management levels (NMLs) with the exception of some excavation works. The Report recommends affected neighbours' be given a week's notice prior to such works, and high noise generating activities such as jack hammering should only be carried out in continuous blocks, not exceeding 3 hours each, with a minimum respite period of one hour between each block. The Report also describes that mechanical plant, and outdoor activities from students, as primary noise sources. The Report recommends building materials, and staggered hours of plant operation where practical. The Report also describes that outdoor activities will comply with noise limits.</p> <p>The proposal includes a laneway across the northern side of the site for delivery vehicles to stand and access loading/store and waste rooms. The laneway adjoins a blank, southern boundary wall of a single storey automotive repair shop and will not unreasonably affect the amenity of the neighbouring property or street.</p>	Yes

Section	Control	Department's consideration	Complies
Chapter 10: Controls for Special Areas			
10.1 Heritage Items		The application included a Heritage Impact Statement that concluded that the existing building has been highly modified, and the significance of the site does not principally relate to the physical building; retention or partial retention of the primary façade to Mann St was not considered to be appropriate. The HIS describes that significance of the site could be reasonably retained through salvage of materials of the existing heritage building and their potential re-use in the proposed building. Section 4.3 Identify & Culture of the Landscape report describes that heritage interpretation could be explored through the detailed design. It is recommended that conditions require, prior to the commencement of works, the preparation of a heritage interpretation, including through the re-use of materials, and public art strategy that reflect the heritage significance of the Mann Street part of the site, and amended architectural- and landscape-plans that reflect the heritage interpretation and public art strategy.	Yes
10.2 Signs on Heritage Items and Heritage Plaques		None proposed.	N/A

Appendix D – Summary of Department’s Consideration of Public Submissions

A summary of the Department’s consideration of the issues raised in submissions is provided at **Table 13**.

Table 13 | Summary of the Department’s consideration of key issues raised in public submissions

Issue	Consideration
Lack of car parking in the proposal	<p><i>Assessment</i></p> <p>The proposal seeks to accommodate approximately 660 students and 48 staff. Section 7.4 of the DCP requires 22 car parking spaces to be provided for students and 24 spaces be provided for staff. Section 7.4 also requires two motorcycle spaces and 132 bike spaces.</p> <p>The proposal includes 24 car parking spaces for staff but no spaces for students or visitors. The proposal also includes one (staff) motorcycle space and 69 (staff and students) bike spaces.</p> <p>The application included a Parking and Transport Assessment report and a Green Travel Plan. The Parking and Transport Assessment report described 33.6% of the students at the Newcastle CBD campus lived within walking or cycling distance of that campus, 22.4% students at the Callaghan campus lived within a 2km radius of that campus, and a total of 56% of University of Newcastle students live within a walking or cycling distance of their campus. The Green Travel Plan included Active Travel Plan Recommendations including orientation, information for railway and bicycle use, route information, riding buddy groups, easy to access bike storage, locker allocation, and hybrid working arrangements.</p> <p>The site is well located with respect to public transport, the proposal includes bike parking, and there is opportunity to integrate the campus into the existing car parking & shuttle service between the University of Newcastle – Ourimbah campus and Gosford Hospital. TfNSW did not object to the proposal.</p> <p>The Department is satisfied that proposed parking is appropriate for the site and the development. No consent conditions are required to alter the proposed number of parking spaces.</p>
On street parking demand	<p><i>Assessment</i></p> <p>TfNSW initially advised that the application’s Traffic and Parking Assessment advises that 10% of trips will be via cycling or 69 trips, yet only 53 bike spaces were proposed. On 31 May 2023, the Applicant submitted amended plans with 69 bike spaces.</p> <p>The Green Travel Plan included Active Travel Plan Recommendations including information on bike and public transport facilities, and associated programmes.</p> <p>The site is well located with respect to trains and buses, the proposal includes bike parking, and there is opportunity to integrate the campus into the existing car parking & shuttle service between University of Newcastle campuses.</p> <p>The Department is satisfied that proposed parking is appropriate for the site and the development. It is beyond the scope of the Applicant or the development consent to alter street parking controls. Council is able to assess local traffic and on-street car parking availability and initiate parking time limits- and/or payment-requirements at any time as appropriate.</p>
Request 2hr visitor limit and a resident parking scheme	<p><i>Assessment</i></p> <p>It is beyond the scope of the Applicant or the development consent to alter street parking controls. Council is able to initiate on-street parking controls at any time as appropriate.</p>

Appendix E – Recommended Conditions of Consent

The recommended instrument of consent can be found on the Department's website as follows.

<https://www.planningportal.nsw.gov.au/major-projects/projects/university-newcastle-gosford-campus>