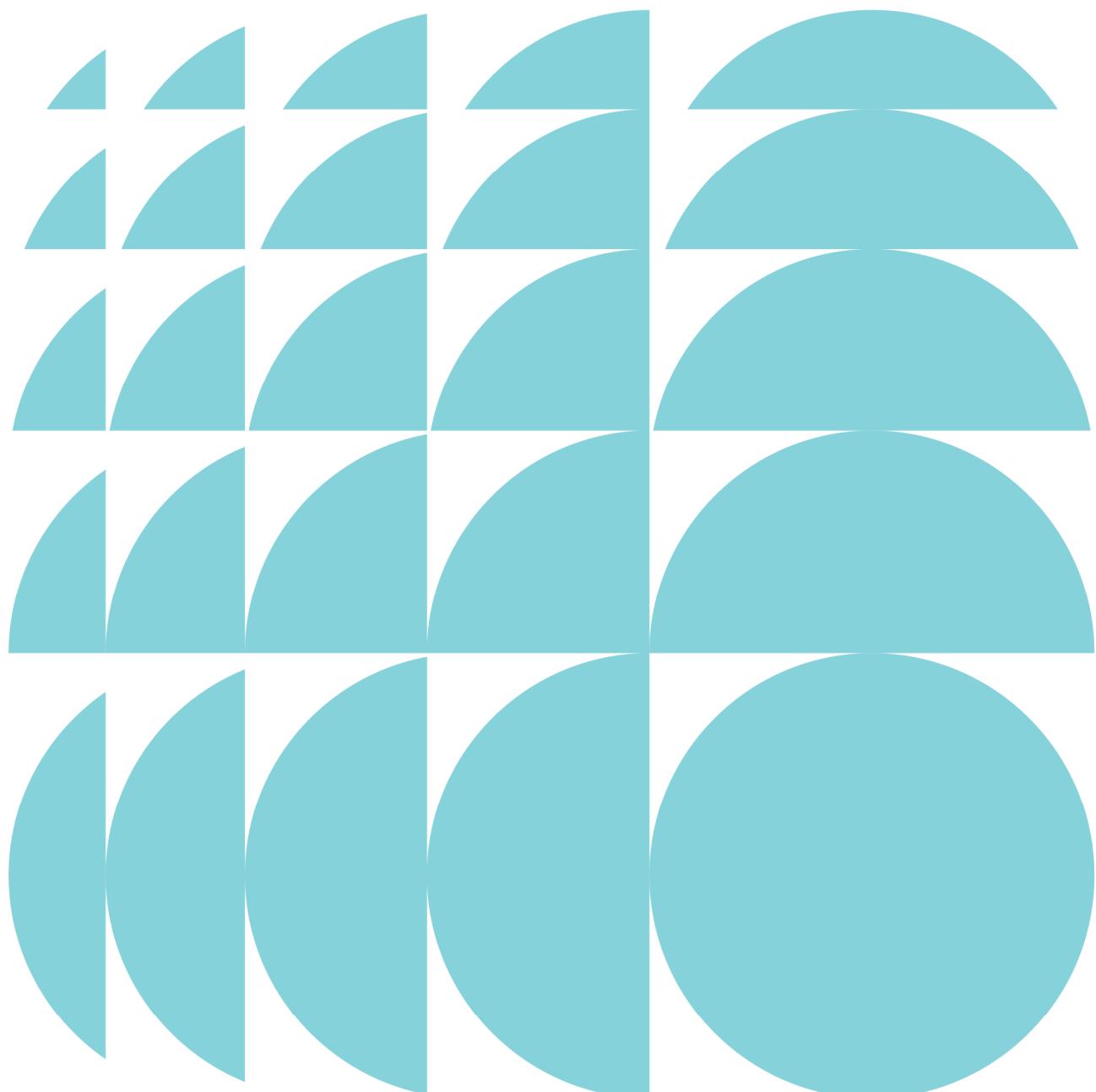


**89 John Whiteway Drive, Gosford**

Submitted to Department of Planning and  
Environment

On behalf of JWD Developments Unit Trust

11 February 2022 | 2190460



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## 1.0 Introduction

### 1.1 Purpose of this Report

This Response to Submissions Report has been prepared for the modification of State Significant Development Application SSD-10321 relating to four residential flat buildings with a shared basement located at 89 John Whiteway Drive, Gosford. Specifically, SSD 10321 was granted consent on 14 October 2021 for the *construction of a residential development comprising four residential buildings to accommodate 201 dwellings, basement car parking, associated landscaping and public domain works.*

The modification sought a range of design amendments that have resulted from design development and generally related to basement and internal layout changes of Building A and B, reduction of number of dwellings from 201 to 198 and the introduction of a neighbourhood shop.

This report provides a response to key issues raised in submissions by Government, agencies, authorities and the general public and assesses the changes made to the proposed development in response to submissions.

The modification was publicly exhibited from 14 January 2022 until 28 January 2022. During this period, a total of 1 public submission was received, comprising 1 objection. Additionally, comment was received from the Biodiversity and Conservation Division of the Department of Planning and Environment (DPE), Transport for NSW and the Central Coast Local Health District.

This Response to Submission Report should be read in conjunction with the Amendment Report prepared by Ethos Urban (including appendix) dated 22 December 2021 and other supporting documents (see Table of Contents).

The response has been prepared in the form of a submissions report as per Appendix C of State Significant Development Guidelines (2021).

### 1.2 Proposed changes to development

Proposed changes relate to the inclusion of an additional (1) car park space for the neighbourhood shop. These amendments are described further in **Section 3.0**.

## 2.0 Analysis of Submissions

A response to submissions made by government agencies and other bodies to the public exhibition of SSD-10321 MOD 1 is set out at **Section 4.0**. A total of four submissions were received, comprising two (3) public authority submissions from government bodies and one (1) from members of the public.

In addition, an Issue Letter was received from DPE dated 3 February 2022.

A Submission Register is made available in **Section 6.0**.

### 2.1 Neighbourhood Shop and Associated Car Parking

DPE have identified an error in calculating the parking requirements for the proposed neighbourhood shop, resulting in one less spot proposed than what is required. Accordingly, they have requested this error be amended.

DPE have also considered the location of spaces designated to the neighbourhood shop to be impractical and recommends them to be relocated.

Additionally, one public submission raises concern towards the neighbourhood shop, the number of parking spaces and the perception of the expansion of the shop would occur.

## 2.2 Biodiversity

The Biodiversity and Conservation Division (BCD) of DPE have sought that the proposed development be assessed against the Biodiversity Assessment Methodology 2020 or provide a BDAR Waiver under section 7.9 of the Biodiversity Conservation Act 2016.

## 2.3 Public Domain

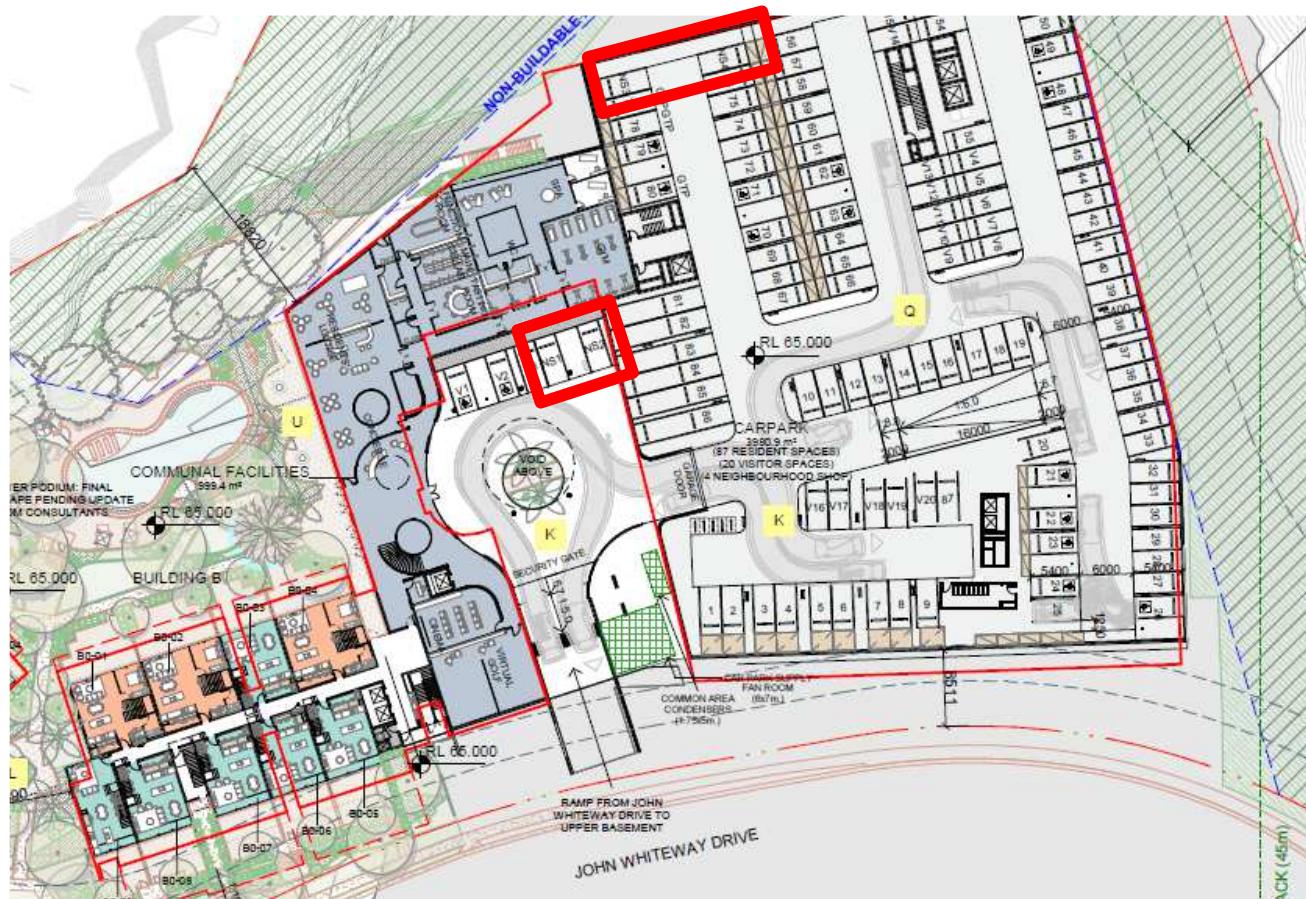
One public submission considers the use of the escarpment for fencing and a boardwalk as unsuitable due to stability issues.

## 2.4 Central Coast Local Health District and Transport for NSW

The submissions confirmed that the LHD and TfNSW did not have any comments.

## 3.0 Actions taken Since Exhibition

Since exhibition the layout of the car park has been refined to include an additional (1) car parking space for the neighbourhood shop to comply with the parking rate under the DCP (4 total).



**Figure 1 Location of neighbourhood shop parking spaces**

Source: Marchese Partners

The following drawings have been refined as set out below.

Drawing No.	Rev	Name of Plan	Date
Architectural Drawings Prepared by ADG Architects <b>and Marchese Partners</b>			
DA002.1	<b>16 18</b>	Basement	<b>27.05.2024 08/02/2021</b>
DA002.2	<b>16 18</b>	Ground Floor Plan	<b>27.05.2024 08/02/2021</b>

## 4.0 Response to Submission

### 4.1 Neighbourhood Shop and Associated Car Parking

One additional car space for the neighbourhood shop has been added (to 4 spaces total) to the design. The 4 parking spaces have been allocated as follows:

- 2 x spaces within the secure parking area for staff (as the shop may have a maximum 2 staff and who will have security access)
- 2 x spaces provided in the porte cochere which is publicly accessible during business hours

It is noted that the DCP does not clarify allocation between staff and public users, and the proposed allowance for both secure and publicly available parking presents an effective and reasonable distribution of parking.

### 4.2 Biodiversity

In response to the BCD submission, we confirm that in accordance with clause 7.17(2)(c) of the Biodiversity Conservation Act 2016, a BDAR or BDAR waiver is not required as the proposed modification will not increase the impact on biodiversity values.

### 4.3 Shop Land Use

The shop land use is permissible in the zone. The car parking requirements for the shop are in accordance with the Gosford DCP. The applicant would be happy to reduce the parking for the shop should the Department wish to reduce the parking supply. Any changes or expansion of the shop beyond 100m<sup>2</sup> would not be possible due to Clause 5.4(7) which restricts neighbourhood shops to a maximum of 100m<sup>2</sup>.

### 4.4 Public Domain

The walkway is not proposed to change under this modification. The boardwalk has been assessed and remain compliant with the original approval.

## 5.0 Updated Project Justification

The proposed development, as refined by this RTS, remains consistent with the MOD 1 Addendum report prepared by Ethos Urban dated 22 December. That is:

- The proposed modification remains consistent with the applicable legislation, planning instruments and strategic context of the site;
- The proposed modification is of minimal environmental impact; and
- The proposed development is substantially the same development as development for which the consent is granted.

## 6.0 Submissions Register

Group	Name	Section where issues addressed in submissions report
Public Authorities	Biodiversity Conservation Division	2.2, 4.2
	Central Coast Local Health District	2.4
	Transport for NSW	2.4
Individuals	Name withheld	2.1, 2.3, 4.1, 4.3, 4.4