



# Northside Private Hospital, West Gosford

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State Significant Development Assessment SSD 10159

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*Cover image: Proposed Hospital as viewed from corner of Racecourse Road and Faunce Street West  
(source: SJB Architects)*

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# Glossary

| Abbreviation               | Definition                                                     |
|----------------------------|----------------------------------------------------------------|
| <b>AHD</b>                 | Australian Height Datum                                        |
| <b>BCA</b>                 | Building Code of Australia                                     |
| <b>BDAR</b>                | Biodiversity Assessment Report                                 |
| <b>CIV</b>                 | Capital Investment Value                                       |
| <b>Council</b>             | Central Coast Council                                          |
| <b>Crown Lands</b>         | Crown Lands, DPIE                                              |
| <b>Department</b>          | Department of Planning, Industry and Environment               |
| <b>EESG</b>                | Environment, Energy and Science Group                          |
| <b>EIS</b>                 | Environmental Impact Statement                                 |
| <b>EPA</b>                 | Environment Protection Authority                               |
| <b>EP&amp;A Act</b>        | Environmental Planning and Assessment Act 1979                 |
| <b>EP&amp;A Regulation</b> | Environmental Planning and Assessment Regulation 2000          |
| <b>EPBC Act</b>            | Environment Protection and Biodiversity Conservation Act 1999  |
| <b>EPI</b>                 | Environmental Planning Instrument                              |
| <b>ESD</b>                 | Ecologically Sustainable Development                           |
| <b>FSR</b>                 | Floor Space Ratio                                              |
| <b>GCCDCP</b>              | Gosford City Centre Development Control Plan                   |
| <b>Gosford SEPP</b>        | State Environmental Planning Policy (Gosford City Centre) 2018 |
| <b>Heritage</b>            | Heritage NSW, Department of Premier and Cabinet                |
| <b>LOS</b>                 | Level of Service                                               |
| <b>Minister</b>            | Minister for Planning and Public Spaces                        |
| <b>NPWS</b>                | National Parks & Wildlife Service, DPIE                        |
| <b>NRAR</b>                | Natural Resources Access Regulator, DPIE                       |
| <b>RMS</b>                 | Roads and Maritime Services, TfNSW                             |

|                           |                                                                           |
|---------------------------|---------------------------------------------------------------------------|
| <b>SEARs</b>              | Planning Secretary's Environmental Assessment Requirements                |
| <b>Planning Secretary</b> | Secretary of the Department of Planning, Industry and Environment         |
| <b>SEPP</b>               | State Environmental Planning Policy                                       |
| <b>SRD SEPP</b>           | State Environmental Planning Policy (State and Regional Development) 2011 |
| <b>SSD</b>                | State Significant Development                                             |
| <b>TfNSW</b>              | Transport for NSW                                                         |
| <b>TIA</b>                | Transport Impact Assessment                                               |

# Executive Summary

This report provides an assessment of a staged State significant development (SSD) application for a new private hospital in Gosford (SSD 10159). The application seeks approval for:

- Concept Proposal: building envelopes for a new hospital building to be developed in two stages
- Stage 1 Works: site preparation, a three to nine storey building above basement carparking, associated roadworks, landscaping works, public domain works and infrastructure works.

The Applicant is AA Crown Holdings Pty Ltd and the site is located within the Central Coast local government area (LGA).

The Stage 1 proposal has a Capital Investment Value (CIV) of \$182 million and would generate 2,200 construction jobs and 460 operational jobs. The proposal is SSD under clause 14 of Schedule 1 of the *State and Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), as it is development for the purpose of a hospital with a CIV of more than \$30 million. It is also SSD under Clause 15 of Schedule 2 of the SRD SEPP as it is development within the Gosford City Centre with a CIV of more than \$75 million. Therefore, the Minister for Planning is the consent authority.

The application was publicly exhibited from 27 February until 25 March 2020. The Department of Planning, Industry and Environment (the Department) received a total of nine submissions, including seven submissions from public authorities and two public submissions. The key issues raised in the public and agency submissions include height and scale, building design, landscaping, vehicular access, traffic and transport.

The Department has considered the above issues in its assessment, along with the requirements of Concept Approval for the site. The Department has considered the merits of the proposal in accordance with relevant matters under Section 4.15(1), the objects of the Environmental Planning and Assessment Act 1979, the principles of Ecologically Sustainable Development, and issues raised in all submissions as well as the Applicant's response to these.

The Department's assessment concludes that:

- the built form and urban design are considered suitable for the site. Built form and design have been through an extensive review process and the City of Gosford Design Advisory Panel has confirmed the proposal achieves design excellence.
- the requirements for a variation from the height and FSR controls have been met and the Department considers that the overall scale and height is appropriate for the site, subject to improved street tree plantings on Faunce Street to soften visual bulk impacts on this elevation.
- the proposal has generally been designed to ensure a high-quality interface with the public domain in the context of the site constraints, with good levels of ground floor activation, and well-designed facades and entrances along most of the street frontages. Improved plantings on Faunce Street will assist with mitigating impacts of a section of blank non-active façade.
- the proposal will provide a high-quality landscape outcome that would make a positive contribution to the character of the area, provide pleasant outdoor spaces for patients, staff and visitors, improve pedestrian amenity and environmental outcomes on the site and in the surrounding area.

- subject to developer contributions to assist with funding road improvements, the proposal would not result in material traffic impacts, would not result in parking impacts, and conditions are recommended to encourage sustainable transport use and ensure reduced reliance on private vehicles.

In addition, the development would deliver health infrastructure to address the needs of the community, and facilitate growth of the Gosford City Centre, consistent with strategic planning objectives for the Central Coast Region and the City Centre. The proposal provides further investment in social infrastructure and supports new construction and operational jobs.

The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

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# 1 Introduction

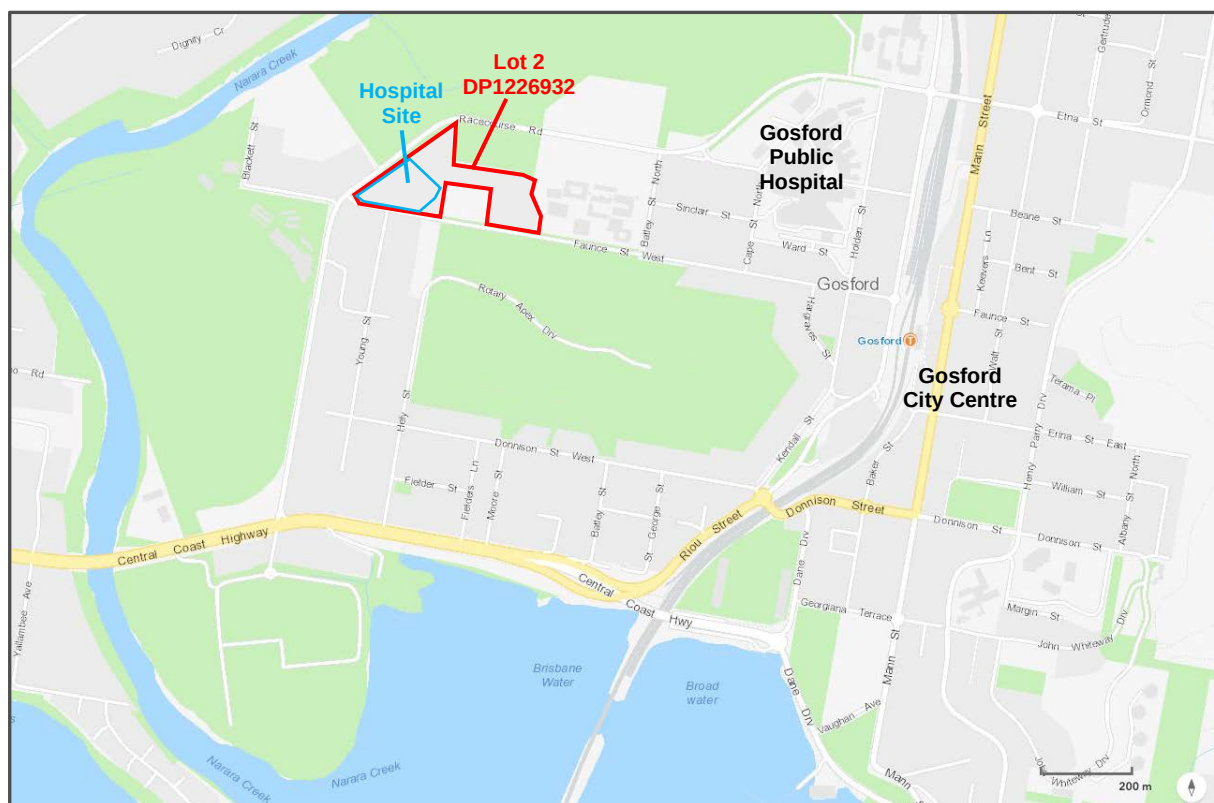
This report provides an assessment of a State significant development (SSD) application for a new private hospital in West Gosford (SSD 10159).

The proposal seeks Concept approval for construction of a hospital on the site in two stages, including a three to nine storey building above basement carparking (Stage 1) and a three to five storey building (Stage 2). It also seeks development consent for the Stage 1 development, including tree removal and site preparation works, construction of the three to nine storey hospital building above basement parking, associated roadworks, landscaping works, public domain works and infrastructure works.

The application has been lodged by AA Crown Holdings Pty Ltd (the Applicant). The site is located within the Central Coast local government area (LGA).

## 1.1 Site description

The development site, subject to this application, is known as Faunce Street West, West Gosford and has a legal description of Lot 2 in DP 1226932. It is located approximately 1 kilometre (km) west of Gosford train station and Gosford City Centre and 600 metres (m) west of Gosford Public Hospital (Figure 1).



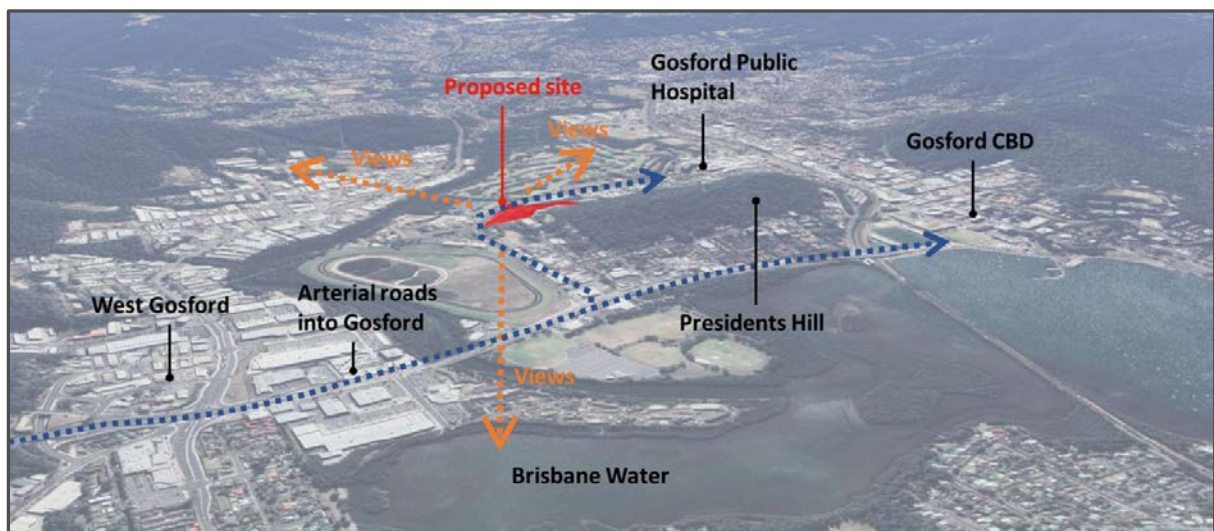
**Figure 1 |** Locality Map (Base source: ePlanning Spatial Viewer)

The existing site has an area of 31,391m<sup>2</sup>, is irregular in shape and surrounds an existing electricity substation, retained by Ausgrid. It has frontages to Faunce Street West and Racecourse Road and also adjoins two schools to the east (Gosford Public School and Henry Kendall High School) and Gosford Tennis Centre to the north (Figures 1 - 3)

The site was formerly owned by Ausgrid and was used as a depot primarily for damaged vehicle repairs. It forms part of a greater portion of land that was previously operated as an electrical infrastructure depot.

The proposed hospital is located on the south-western part of the site (**Figure 1**). It has a proposed area of 10,180m<sup>2</sup> and has frontages to Faunce Street West and Racecourse Road. Currently on this part of the site there are three single storey warehouse buildings, large hardstand areas and several trees.

Opposite the site to the south and west are commercial and industrial uses, community and entertainment uses including the Gosford Racecourse and Entertainment Grounds, Gosford City Brass Band Hall, as well as President's Hill Lookout public open space area (**Figures 2 and 3**).



**Figure 2 |** Aerial photo of site and surrounds (Base source: Applicant's EIS)



**Figure 3 |** Aerial view of surrounding area (Base source: ePlanning Spatial Viewer)

## 2 Project

The proposal seeks concept approval for construction of a hospital on the site in two stages:

- Stage 1: a three to nine storey building above basement carparking
- Stage 2: a three to five storey building.

It also seeks development consent for the Stage 1 development, including tree removal and site preparation works, construction of the three to nine storey hospital building above basement parking, associated roadworks, landscaping works, public domain works and infrastructure works.

A link to the application and SSD documents is provided at **Appendix A**. The key components of the proposal (as amended by the RtS) are summarised at **Table 1** and depicted in **Figures 4 to 6**.

**Table 1 | Main Components of the Project**

| Concept Proposal                 |                                                                                                                                                                                                                                                                               |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aspect                           | Description                                                                                                                                                                                                                                                                   |
| <b>Concept Summary</b>           | Concept Approval for <ul style="list-style-type: none"> <li>• Stage 1 hospital building (described below) and</li> <li>• Stage 2 hospital building as an addition to the Stage 1 building</li> <li>• Associated landscaping, access and roadworks, and subdivision</li> </ul> |
| <b>Stage 2 Built form</b>        | <ul style="list-style-type: none"> <li>• 3-5 storey building on Racecourse Road with associated basement level parking</li> <li>• Maximum height of RL33.19 or approximately 21 m</li> <li>• Total GFA Stages 1 and 2: 27,574 m<sup>2</sup> (FSR of 2.71:1)</li> </ul>        |
| <b>Subdivision and Site Area</b> | <ul style="list-style-type: none"> <li>• Subdivision to create a separate lot for the hospital development with a site area of 10,180 m<sup>2</sup> (access roadway constructed on the residual lot)</li> </ul>                                                               |
| <b>Land uses</b>                 | Hospital (health services facility) incorporating: <ul style="list-style-type: none"> <li>• mental health clinic</li> <li>• ancillary health services tenancies</li> <li>• medical tenancies</li> <li>• ancillary retail</li> </ul>                                           |
| <b>Guidelines</b>                | <ul style="list-style-type: none"> <li>• Design Guidelines to inform the detailed built form of Stage 2</li> </ul>                                                                                                                                                            |
| <b>CIV</b>                       | <ul style="list-style-type: none"> <li>• \$172,207,703 (Stages 1 and 2)</li> </ul>                                                                                                                                                                                            |
| Stage 1 Hospital Building        |                                                                                                                                                                                                                                                                               |
| Aspect                           | Description                                                                                                                                                                                                                                                                   |
| <b>Project Summary</b>           | <ul style="list-style-type: none"> <li>• Demolition and site preparation works</li> <li>• Construction of a 3 to 9 storey hospital building above basement carparking</li> </ul>                                                                                              |

|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                        | <ul style="list-style-type: none"> <li>• Associated landscaping, roadworks and public domain improvements</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Demolition and site preparation</b> | <ul style="list-style-type: none"> <li>• Demolition of existing structures</li> <li>• Removal of 40 trees</li> <li>• Bulk earthworks including excavation for basement</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Built form &amp; height</b>         | <ul style="list-style-type: none"> <li>• Construction of a 3 to 9 storey hospital building above basement carparking</li> <li>• Maximum building height of RL 57.19 or 44.6m</li> <li>• Stepped built form incorporating three storey podium with tower above, presenting as two adjoining east-west 'fingers'</li> <li>• Finishes and materials include; sandstone and terracotta cladding to the podium levels, polished and ribbed concrete to the tower facades, powder coated metal and performance glass to openings. Metal mesh with plantings are also proposed to surround the roof terraces</li> </ul>  |
| <b>GFA/ FSR</b>                        | <ul style="list-style-type: none"> <li>• 23,354 m<sup>2</sup></li> <li>• 2.28:1</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Land uses</b>                       | <p>Hospital (health services facility) incorporating:</p> <ul style="list-style-type: none"> <li>• medical suites</li> <li>• in-patient units</li> <li>• general practitioner clinics</li> <li>• radiology rooms</li> <li>• pathology room</li> <li>• intensive care unit</li> <li>• operating theatres</li> <li>• ancillary retail</li> </ul>                                                                                                                                                                                                                                                                    |
| <b>Population / Beds</b>               | <ul style="list-style-type: none"> <li>• 238 Beds</li> <li>• 460 operational jobs</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Hours of operation</b>              | <ul style="list-style-type: none"> <li>• Operation 24 hours a day, 7 days a week</li> <li>• Day surgery 7.00 am to 7.00 pm seven days a week</li> <li>• Retail tenancy 8.00 am to 6.00 pm seven days a week</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Vehicular access and parking</b>    | <ul style="list-style-type: none"> <li>• Construction of a new road on the adjoining site, linking Racecourse Road with Faunce Street West</li> <li>• Amendments to Racecourse Road at site entry to provide a channelised right turn bay into the new road</li> <li>• Access / egress to basement car parking and drop off is from the new road via Racecourse Road</li> <li>• Basement parking for 389 cars</li> <li>• Drop off zone located in the basement</li> <li>• Loading dock and associated facilities</li> <li>• End of trip facilities (49 bike parking spaces, staff showers and lockers)</li> </ul> |

**Public Domain Improvements**

- Upgrade of surrounding footpaths and new street tree plantings

**Landscaping**

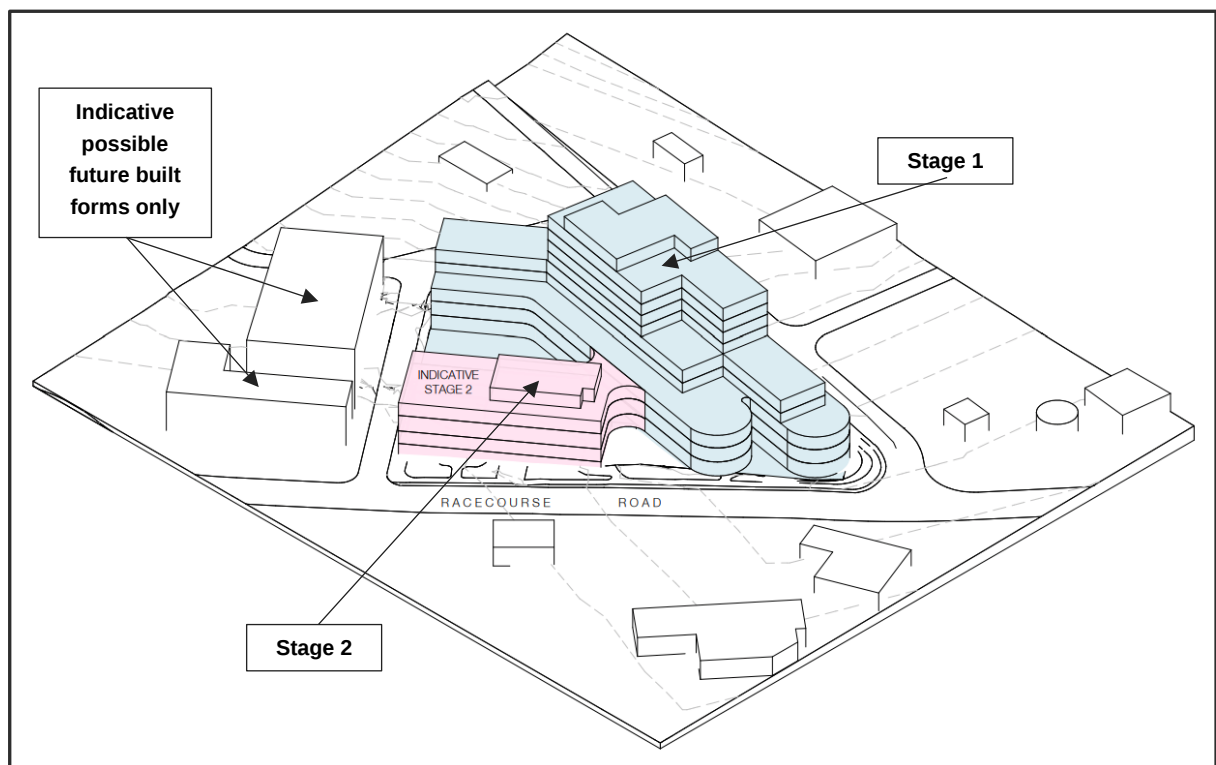
- A landscaped courtyard to the north of the building
- Street tree planting along Racecourse Road and Faunce Street West
- Setback planting to the west and south of the proposed building
- Setback planting on the adjoining/ residual site to the east of the loading area.
- Landscaped roof terraces at Levels 3 and 5.

**Employment**

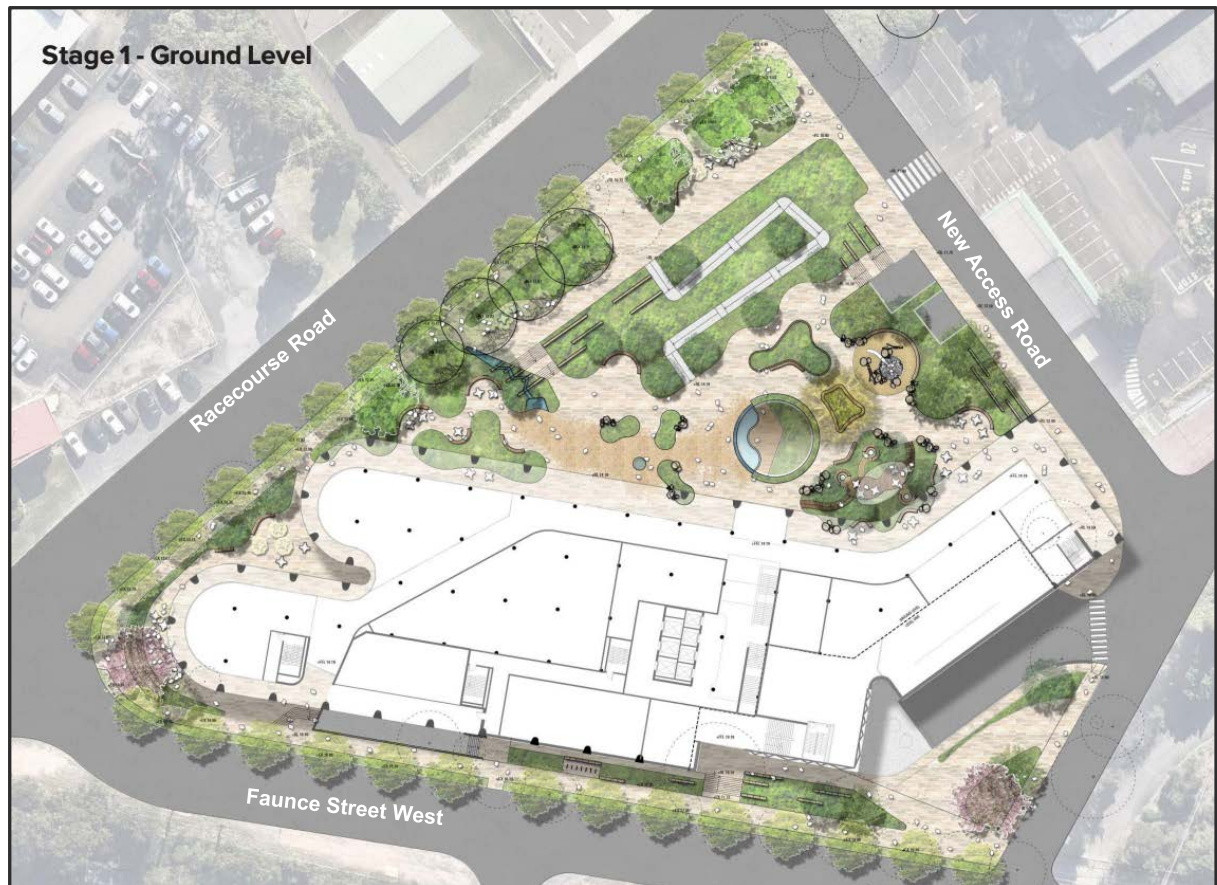
- 2,200 construction jobs
- 460 operational jobs

**CIV**

- \$165,519,267 (Stage 1)



**Figure 4 |** Concept Plan Building Envelope / Site Layout: Stage 1 shown blue, Stage 2 shown pink (base source: RtS)



**Figure 5 |** Stage 1 ground level layout and landscaping (source: RtS)



**Figure 6 |** Stage 1 building as viewed from Faunce Street West (source: RtS)

### 3 Strategic context

The Applicant states that the key objectives of the proposed development are to:

- deliver a new private hospital to meet the significant demand that exists in the Central Coast.
- design the site to create a high-quality hospital for both staff and patients.
- respond to the current and projected growth of Gosford and the Central Coast with the delivery of a private hospital.
- ensure minimal environmental impact.
- ensure development is compatible with surrounding development.

The Department considers that the proposal is appropriate for the site given:

- it is consistent with the Central Coast Regional Plan 2036, which identifies Gosford City Centre as the capital of the Central Coast and aims to grow the City Centre (direction 1), increase jobs in the region (direction 7) and grow investment in the regions centre (direction 16).
- it is consistent with Gosford Urban Design Framework developed by the Government Architect of NSW (GANSW) as it will assist with revitalising Gosford, providing a high-quality development to meet the needs of the community and make a positive contribution to the building stock and character of this part of Gosford.
- it is consistent with NSW Future Transport Strategy 2056 as provides facilities to support active transport travel options, and therefore encourages the use of non-car modes of travel.
- it would provide direct investment in the region of approximately \$182 million (Stage 1), \$189 million (Stages 1 and 2) and would support 2,200 construction jobs and 460 new operational jobs.

## 4 Statutory Context

### 4.1 State significance

The proposal is SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$30 million (\$189 million) and is for the purpose of a hospital under clause 14 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), and as the development has a CIV in excess of \$75 million and is located within Gosford City Centre in accordance with clause 15 of Schedule 2 of the SRD SEPP. The Minister is the consent authority under section 4.5 of the Act.

In accordance with the Minister for Planning's delegation to determine SSD applications, signed on 26 April 2021, 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.

### 4.2 Permissibility

The site is zoned B6 Enterprise Corridor under State Environmental Planning Policy (Gosford City Centre) 2018 ('GCC SEPP'). The proposed development is permitted with consent within the zone.

### 4.3 Mandatory Matters for Consideration

#### Section 4.15(1) matters for consideration

**Table 2** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

**Table 2 |** 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 in <b>Appendix B</b> of this report.                                                                                                                  |
| (a)(ii) any proposed instrument              | Satisfactorily complies. The Department's consideration of relevant draft EPIs is provided in <b>Appendix B</b> of this report.                                                                                                                |
| (a)(iii) any development control plan (DCP)  | Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to the Gosford City Centre DCP at <b>Appendix B</b> as it has been specifically designed to guide development under the Gosford SEPP. |

|                                                                                                                                                                        |                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a)(iii) any planning agreement                                                                                                                                        | Not applicable.                                                                                                                                                                                                                                                          |
| (a)(iv) the regulations<br>Refer Division 8 of the EP&A Regulation                                                                                                     | The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS. |
| (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 - refer to <b>Section 6</b> of this report.                                                                                                                                                                                       |
| (c) the suitability of the site for the development                                                                                                                    | The site is suitable for the development as discussed in <b>Sections 3</b> and <b>6</b> of this report.                                                                                                                                                                  |
| (d) any submissions                                                                                                                                                    | Consideration has been given to the submissions received during the exhibition period. See <b>Sections 5</b> and <b>6</b> of this report.                                                                                                                                |
| (e) the public interest                                                                                                                                                | Refer to <b>Section 6</b> of this report.                                                                                                                                                                                                                                |

### Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

### Objects of the EP&A Act

Consideration of the proposal against the Objects of the EP&A Act is provided at **Table 3**.

**Table 3 | Response to the objects of the EP&A Act**

| Objects of the EP&A Act                                                                                                                                                                          | 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 would ensure the proper management and development of suitably zoned land for the social welfare of the community and State. |
| (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, | The proposal includes measures to deliver ecologically sustainable development as described below.                                           |
| (c) to promote the orderly and economic use and development of land,                                                                                                                             | The development would meet the objectives of the zone and deliver improved health infrastructure for the State. The development              |

|                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                     | would economically benefit the community through new jobs and infrastructure investment.                                                                                                                                                                                                                                                                                                        |
| (d) to promote the delivery and maintenance of affordable housing,                                                                                                  | N/A. The proposal would not affect affordable housing                                                                                                                                                                                                                                                                                                                                           |
| (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, | The proposal includes tree removal as discussed in <b>Section 6.1</b> . However, the development site does not contain important habitat for threatened species or vegetation in high threat categories. Tree removal will be offset by replacement plantings on site and a Biodiversity Assessment confirms there is no requirement for ecosystem credits to offset the removal of vegetation. |
| (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),                                                  | The proposed development is not anticipated to result in any unacceptable impacts upon built and cultural heritage, including Aboriginal cultural heritage (refer to discussion in <b>Section 6.4</b> ).                                                                                                                                                                                        |
| (g) to promote good design and amenity of the built environment,                                                                                                    | The proposal has been reviewed by the City of Gosford Urban Design Review Panel throughout the development of the proposed design. As discussed in <b>Section 6.1</b> , subject to conditions, the Department considers the application would provide for good design and amenity of the built environment.                                                                                     |
| (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,                          | The Department has considered the proposed development and has recommended a number of conditions of consent to ensure the construction and maintenance is undertaken in accordance with legislation, guidelines, policies and procedures (refer to <b>Appendix B</b> )                                                                                                                         |
| (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,                 | The Department publicly exhibited the proposal ( <b>Section 5.1</b> ), which included consultation with Council and other public authorities and consideration of their responses ( <b>Sections 5 and 6</b> ).                                                                                                                                                                                  |
| (j) to provide increased opportunity for community participation in environmental planning and assessment.                                                          | The Department publicly exhibited the proposal as outlined in <b>Section 5.1</b> , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period.                                                                                                                           |

### Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and

environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The Application includes the following ESD initiatives and sustainability measures:

- Passive design principles and a high performance building envelope
- Installation of energy and water efficient fixtures and fittings
- Rainwater harvesting for reuse in landscape irrigation and toilet flushing
- Sustainable building materials
- Appropriate waste management and recycling systems
- Support facilities for sustainable travel

The ESD report also identifies that the proposal will be designed to achieve the equivalent of a 4 star Green Star rating.

The development would not result in the loss of any threatened or vulnerable species, populations, communities or significant habitats. New landscaping forms part of the proposal and would offset the loss of vegetation required for the development.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in Appendix 8 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). Further consideration has also been given to incorporation of ESD measures in **Section 6.4** and conditions are recommended to ensure the proposal achieves a 4 star Green Star rating or equivalent outcome.

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act

### **Environmental Planning and Assessment Regulation 2000**

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

### **Planning Secretary's Environmental Assessment Requirements**

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

#### 4.4 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 impact of Northside Private Hospital on biodiversity values has been assessed in the BDAR accompanying the EIS and considered in **Section 6**.

#### 4.5 Other approvals

As the proposal includes a concept application, the Department has recommended conditions for the proposal in accordance with the following requirements:

- The subsequent stage of the concept proposal is to be subject to a future DA (section 4.22(4) of the EP&A Act).
- The determination of the future DA cannot be inconsistent with the terms of the concept approval (section 4.24(2) of the EP&A Act).
- Any subsequent part of the development that is not State significant development pursuant to the State Environmental Planning Policy (State and Regional Development) 2011 is to be determined by the relevant consent authority (in accordance with the Gosford SEPP) and that part of the development ceases to be State significant development.
- The concept approval lapses five years after the date of the consent unless works the subject of future DA(s) has physically commenced on the site (section 4.53 of the EP&A Act).

## 5 Engagement

### 5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 27 February until 25 March 2020 (28 days). The application was exhibited on the Department's website, at NSW Service Centres, at the Central Coast Council's office, at Gosford Library and at the Central Coast Regional Plan Information Centre.

The Department placed a public exhibition notice in the Central Coast Express Advocate on 26 February 2020. Adjoining landholders and relevant State and local government authorities were also notified in writing. Department assessment officers visited the site to provide an informed assessment of the development.

The Department received a total of nine submissions, comprising seven submissions from public authorities and two submissions from the general public. Copies of the submissions may be viewed at **Appendix A**.

The Response to Submissions (RTS) was also published on the Department's website and Council and Government Agencies were given a further opportunity to provide comments.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix C**.

### 5.2 Summary of submissions

During the exhibition period, the Department received nine submissions on the proposal. Of the submissions received, six were from NSW Government agencies, one was from Central Coast Council (Council), and two were from the community (both special interest groups). One of the public submissions objected to the proposal and the other provided comments only.

A summary of the issues raised in the submissions is provided at **Section 5.3** and **5.4**. Copies of the submissions may be viewed at **Appendix B**.

### 5.3 Key issues – Council and Government Agencies

The key Issues raised in submissions are summarised in **Table 4**.

**Table 4 | Government Agency Submissions**

#### Central Coast Council (Council)

Council does not object to the proposal and provided the following comments:

- Insufficient consideration has been given to the issues raised by the Design Advisory Panel and the proposal does not demonstrate design excellence. Key issues include:

- lack of articulation of facades with extensive flat uniform walls provided to the prominent corner and lack of breaks in shopfront glazing.
- lack of clear physical and visual landscape links through the site.
- lack of active frontage to Faunce Street and need for improvements to Faunce Street public domain including landscaping and undergrounding of overhead wiring to improve street tree growth.
- lack of solar access and amenity to the publicly accessible open spaces on the site.
- excessive site coverage, lack of deep soil areas and inadequate soil depths and volumes to support landscaping on the structure.
- proposed street trees are too small and compromised by sewer lines and therefore would not create significant avenue planting or break up the visual scale of the proposal.
- stage 3 will provide a large unbroken façade, resulting in adverse impacts to the neighbouring property to the east.
- The private road shown on Lot 2 should be contained within Lot 1, or a right of carriageway should be established.
- An entrance on Racecourse Road would require a channelised right turn bay and the traffic assessment should be updated with the correct speed zone for this road.
- Improved pedestrian facilities should be provided to Racecourse Road to facilitate access to bus stops.
- Further information is required in relation to:
  - the need for medical services in the area, the cumulative impacts of development in the area, the adequacy of bus services and commitments to local employment and affordable medical services.
  - staging of the development.
  - the development potential of Lot 2 and associated impacts.
  - demonstrating the biodiversity credit calculations have been finalised.
- The proposal is subject to local and state developer contributions and developer charges.
- The proposal will require augmentation of water and sewer infrastructure and the developer will be responsible for this cost.
- Further consideration / conditions of consent should be included to address construction traffic and construction noise impacts on the adjacent schools.

#### Transport for NSW (TfNSW)

TfNSW does not object to the proposal and provided the following comments:

- The Traffic Assessment should be updated to consider the impacts of nearby existing and approved developments.
- Access to Racecourse Road is not supported and access should be via Faunce Street, with Racecourse Road and Faunce Street upgraded to Council requirements.
- Bicycle parking and end of trip facilities should be provided in accordance with Council's DCP.

- A Green / Workplace Travel Plan should be provided to the satisfaction of TfNSW prior to occupation.
- A Construction Traffic Management Plan (CPTMP) should be prepared.

#### **Environment, Energy, and Science Group of the Department of Planning, Industry and Environment (EESG)**

EESG does not object to the proposal and made the following comments:

Biodiversity:

- Further information is required to justify the vegetation sampling, or resampling is required.
- The credit calculator should be submitted via the NSW Biodiversity Accredited Assessor System.

Aboriginal Cultural Heritage:

- An Aboriginal Cultural Heritage Assessment Report is required, including Aboriginal community consultation.

Flooding:

- Further information is required to address flood impacts, emergency management, groundwater impacts, associated contamination, capacity of the stormwater system, on-site detention modelling, stormwater quality and construction management.

#### **NSW Environment Protection Authority (EPA)**

The EPA does not object to the proposal, and provided no further comments, noting the proposal does not require an environment protection licence, is not being undertaken by a public authority or include any activities for which the EPA is the Appropriate Regulatory Authority.

#### **NSW Rural Fire Service (RFS)**

RFS does not object to the proposal and supports the recommendations in the bushfire assessment.

#### **Ausgrid**

Ausgrid advise its requirements have not been addressed and further information is required detailing:

- the compatibility of the proposed development with the adjacent Ausgrid substation, particularly in relation to risks of electrocution, fire risks, electric and magnetic fields, noise, and visual amenity.
- how the development will be supplied from the Ausgrid network.
- how existing Ausgrid Assets within the site will be treated, including cable relocations required for the development with respect to the overhead poles and wires on the site.

#### **NSW Health: Central Coast Local Health District**

NSW Health does not object to the proposal and made the following comments:

- Further consultation to discuss potential clinical and operational impacts on existing services as well as opportunities for synergies is welcomed.
- The cumulative impacts of other surrounding development should be considered.
- Questioned the proposed parking rates, bicycle parking and notes the need for a green travel plan.

- 
- Further consideration is required of public transport, cycling and walking routes in the vicinity of the site, including a shuttle bus for night shift workers to support use of public transport and address safety concerns.
  - Potential air quality impacts must be carefully assessed, monitored and mitigated.
  - Questioned proposed construction hours and noise impact of construction works.
  - Further information is required in relation to the acoustic assessment and impacts of the proposal.
  - Recommendations are also made with respect to future contamination investigations, management of drinking water, warm water systems, water cooling systems, incorporation of 'Crime Prevention Through Design' principles and ongoing community consultation.

#### 5.4 Key issues raised in Public Submissions

Two public submissions were received from Friends of Gosford Pty Ltd and the Community Environment Network. Issues raised in the submissions included:

- Given the extensive variation from the planning controls, careful consideration should be given to the criteria for varying the controls.
- A variation from the planning controls should not be supported due to lack of design excellence.
- The proposal is inconsistent with the character of the area and objectives of the enterprise corridor.
- The traffic impact assessment needs to consider the impact to additional intersections, provide better consideration of impacts adjacent to the site, be based on a survey of a similar sized hospital, review the mode share analysis, consider the adequacy of the public transport network servicing the site and impacts for the adequacy of on-site parking.
- Inconsistencies in the concept Masterplan and uncertainty regarding development for the remainder of the site.
- The need for a free shuttle bus service between the site and Gosford Railway station.
- Object to inclusion in the State and Regional Development SEPP as it removes Council's role in the determination of applications and therefore increases the risk of corruption in the assessment and determination of major developments in the City Centre.

#### 5.5 Response to submissions and Additional Information

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

On 13 October 2020 the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. Further additional information was provided on 4 November 2020, 1 December 2020, and 17 March 2021.

The RtS, as updated, made the following changes to the proposal:

- Reduction in overall building height by 2 metres (from RL59.19 to RL 57.19)

- Revisions to massing and modulation including changes to the main tower to create eastern and western 'fingers' stepping down to the podium to reduce overall bulk and assist in creating a more human scale
- Incorporation of a colonnade into the podium structure
- Change to façade materials from a multicoloured façade to more natural colours and materials to reflect the surrounding natural environment
- Removal of the Racecourse Road vehicle entry
- Revisions to rooftop courtyards and open space areas on the site

Additional information was also provided in relation to flooding and ground water impacts.

Agencies were given the opportunity to review the RtS and additional information and the key issues raised in their submissions are summarised in **Table 5**.

**Table 5 | Government Agency Submissions on RTS**

#### **Central Coast Council (Council)**

Council noted the following outstanding concerns:

- Social impacts including noise and traffic impacts to nearby school, safe access to and from the train station and disability access
- Consideration of development on the remainder of the site
- Location of the internal roadway
- Staging impacts, particularly construction management
- Street setbacks, landscaping and streetscape impacts particularly on Faunce Street
- Lack of deep soil areas
- Operational waste management
- Subdivision of the site and associated access

Council also reiterated earlier advice in relation to applicable developer contributions, servicing requirements and measures to address construction traffic and construction noise impacts.

Council also subsequently raised concerns with potential flooding issues on the site and recommended the Applicant prepare a flood study. Following provision of a flood study by the Applicant, Council confirmed that no further action in relation to flooding is required.

#### **Transport for NSW (TfNSW)**

TfNSW recommended the Department should consider options to enable equitable cost sharing of future road upgrades within the Gosford CBD, apportioned relative to the number of trips generated by that development, and reiterated earlier advice in relation to a Green / Workplace Travel Plan.

#### **Environment, Energy, and Science Group of DPIE (EESG)**

Biodiversity:

- The RtS has satisfactorily addressed biodiversity assessment requirements, with the exception of certification that the BDAR was finalised within 14 days of the exhibition of the EIS.

Flooding:

- Flood impacts have not been adequately addressed. Further information is required to address flood impacts, potential flooding of the basement and erosion and sediment control.

Following subsequent submission of additional information EESG confirmed biodiversity and flooding have been adequately addressed, and conditions were recommended in relation to stormwater and emergency management.

#### **DPIE Water**

DPIE Water advised that further information is required including a site water balance assessment, an assessment of the impacts to the groundwater table and an estimate of the groundwater take.

Following subsequent submission of additional information, DPIE Water considered insufficient information had been provided to assess the impacts to the water table during the operational phase of the development and therefore recommended the basement design be 'tanked' to minimise impacts. Conditions were also recommended to minimise ground water impacts during the construction phase.

#### **Heritage NSW**

Heritage NSW advised that further information is required to demonstrate adequate consultation has been carried out in relation to the Aboriginal Cultural Heritage Assessment Report.

#### **Ausgrid**

Ausgrid advise the additional information indicates a significant risk to the development adjacent to the overhead mains without addressing how this risk will be managed. The development will either need to include appropriate buffer distances, screening structure, building design and orientation, or will need to relocate or underground the overhead mains.

#### **Crown Lands, DPIE**

Crown Lands advise it has no comments as no Crown land is affected.

#### **NSW Health: Central Coast Local Health District**

NSW Health identified the following outstanding matters:

- NSW health would welcome consultation with the future operator to discuss operational impacts and opportunities with Gosford Hospital.
- Further consideration of a shuttle bus in conjunction with Gosford Hospital.
- The need for appropriate consideration and / or conditions of consent in relation to crane lighting, air quality, noise, construction impacts, onsite water quality and health, safety and security.

## 6 Assessment

### 6.1 Built Form and Urban Design

#### Design Excellence

Clause 8.3 of the Gosford SEPP requires that new development within the Gosford City Centre exhibit design excellence. The Gosford SEPP design excellence provisions have therefore been considered in this section and at **Appendix B**.

The Department notes that design concerns were raised by Council and in the public submissions, including concerns that the proposal does not achieve design excellence.

In considering whether a development exhibits design excellence, the Department has considered the advice of the City of Gosford Design Advisory Panel (DAP) and a range of matters required to be considered in relation to design excellence as set out in Clause 8.3 of the SEPP.

#### ***The City of Gosford Design Advisory Panel (DAP)***

The DAP was established by the NSW Government in October 2018 to provide independent and expert design advice on development proposals in the Gosford City Centre. The DAP operates as the design review panel under Clause 8.4 of the Gosford SEPP to encourage design excellence. Panel members include the NSW Government Architect, and NSW Deputy Architect as well as design experts.

The Applicant held two Design Reference Group Workshops with members of the panel in early 2019, and the DAP then met and reviewed the proposal on three occasions including:

- 28 May 2019 prior to the lodgement of the application
- 25 March 2020 in response to the exhibition of the EIS
- 26 June 2020 prior to lodgement of the RtS.

On each occasion, the Applicant amended the scheme and refined the design to address the matters raised by the DAP, resulting in improvements to; building form and massing, interface with the public domain, material and architectural expression, and to building access and landscaping. These matters are discussed below in the following sections.

In the DAP's most recent review of the proposal, it concluded:

*'The Panel commends the project team on the improvements made in massing, interfaces with street and public domain; materials and architectural expression. The Panel is satisfied that the revised proposal adequately addresses previous design issues raised and now exhibits Design Excellence for this stage of the process.'*

The DAP also recommended conditions to ensure the architectural and urban design excellence of the development is retained throughout the construction phase, including ongoing engagement of the design architect.

The Department considers the proposal has been through extensive design review and notes the expert advice of the DAP that the proposal achieves design excellence. Conditions recommended by the panel have been incorporated into the Stage 1 SSDA approval as well the future assessment

requirements for the design of the Stage 2 development to ensure architectural and urban design excellence of the development is achieved and retained throughout the development of the site.

### ***Gosford SEPP Matters for Consideration***

Clause 8.3 of the Gosford SEPP sets out a range of matters that must be considered by the consent authority in determining whether the development exhibits design excellence. Each matter is individually addressed in **Appendix B**, however key matters for consideration include:

- The location, bulk, height and massing of the buildings including height at the street frontages
- External appearance and the attainment of a high standard of architectural design, materials and detailing
- The quality and amenity of the public domain, streetscape, circulation and the pedestrian network.

These matters have been considered in detail below, subject to conditions to improve street tree planting and to guide Stage 2 of the development, the development is found to result in high-quality urban design outcomes that will make a positive contribution to the Gosford City Centre.

Other matters, considered throughout this report and in **Appendix B**, include consideration of how the development addresses land use, heritage, built form relationships, environmental impacts, ESD, pedestrian, cycle, vehicular and service access, and the requirements of the GCCDCP.

Having regard to the assessment in the following sections and in **Appendix B**, the Department is satisfied the proposal would achieve design excellence in accordance with the Gosford SEPP.

### **Building Height and Scale**

The proposed development would exceed the height and floor space ratio (FSR) controls that would ordinarily apply to the land. Under clauses 4.3 and 4.4 of the Gosford SEPP, the maximum building height is 12 metres and maximum FSR is 1.5:1. The proposed development would have a maximum building height of 44.6m and FSR of 2.71:1 on completion of Stage 2.

However, Clause 8.4 of the SEPP provides exceptions which allows consent to be granted despite the variation from the controls, subject to certain requirements being met. These include minimum lot size requirements, review by the DAP and consideration of the DAP's findings, and incorporation of sustainability measures. The Department is satisfied these requirements have been met and therefore consent may be lawfully granted despite the variation from the controls (refer to **Appendix B**), The Department has therefore assessed the proposed height and scale of the development on merit.

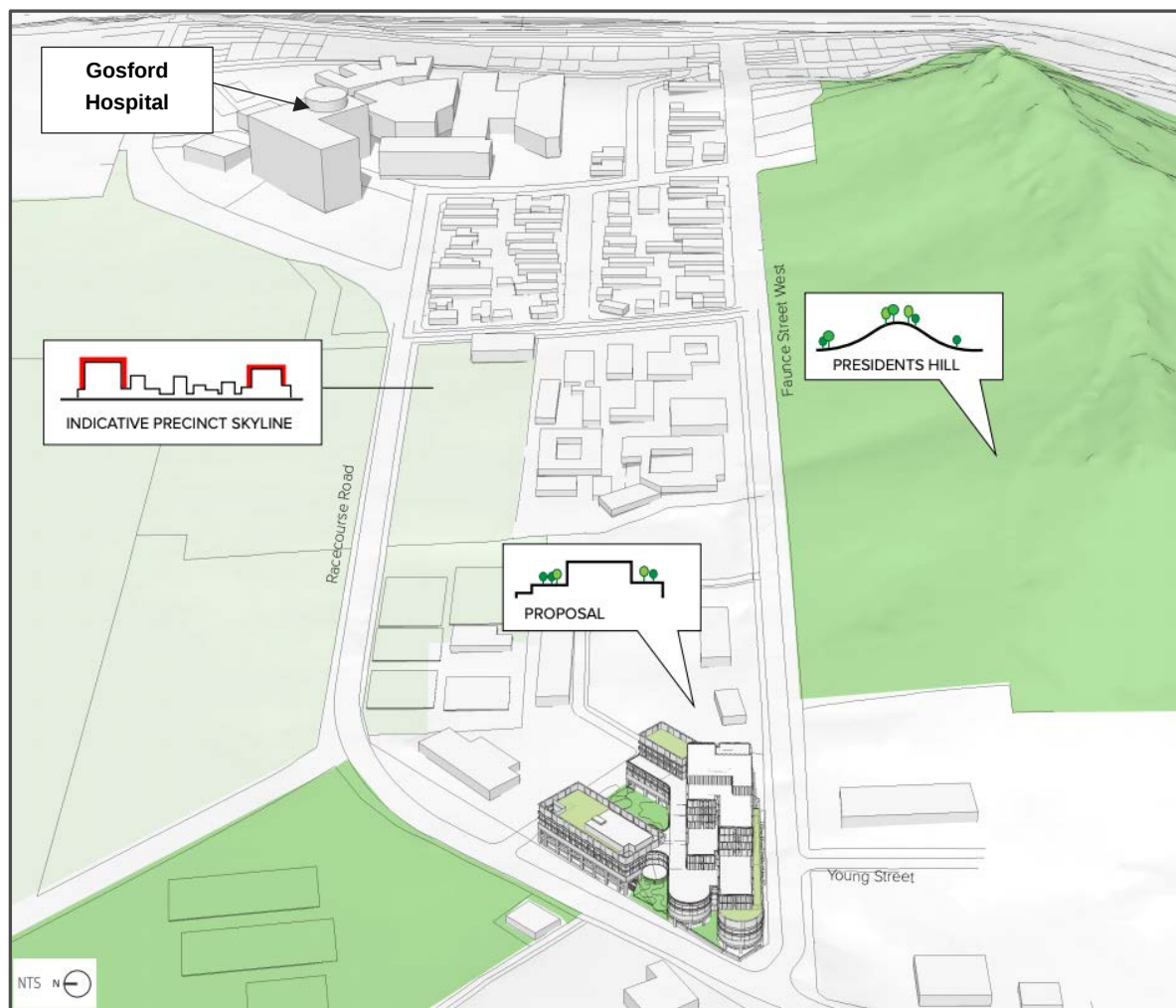
Public submissions noted the deviation from the SEPP controls and raised concerns that the proposal did not achieve design excellence and did not meet the requirements to enable a variation from the built form controls. Key concerns were that the building presents as visually bulky, that the overall scale is inconsistent with the DCP, which envisages 'low scale' development in this part of the Gosford City centre, and that the proposal adversely impacts views towards Presidents Hill. Another related concern was that the scale of the proposal would generate significant traffic impacts.

Council initially raised concerns that the proposal as submitted did not address all the concerns of the DAP, and therefore did not exhibit sufficient design excellence to warrant the proposed variation to height and FSR. However, following submission of the RTS, Council did not raise any concerns with the overall bulk and scale of the development or with achievement of design excellence. However, it noted the need for improved landscaping and street trees to screen and soften for the bulk of the built

form, given the significant variation to the height and FSR controls. This is considered under a separate heading below.

The DAP did not raise any concerns with the overall height and scale of the proposal as lodged. It found the site to be suitable for the proposed use, including the intensity and scale of the use, as it would support Gosford's role as the capital of the region, would be a good outcome for the Gosford City Centre and could act as a catalyst for a health precinct in the immediate vicinity of the site. The DAP did initially raise concern with some aspects of the proposal that resulted in a bulky appearance to the buildings and recommended further consideration be given to location of massing, facade treatments and landscape design, however, as discussed below, these issues were resolved through the design amendments in the RTS.

In relation to building height and scale, the Applicant reduced the maximum building height in the RTS by around two metres and reconsidered the distribution of building massing and articulation of the built forms. The Applicant advises that the heights of the buildings are designed to respond to the natural topography of the surrounding context. Buildings are expressed as podium and a central tower element stepping down to east and west to compliment and align with the natural topography of Presidents Hill and to be compatible with and not dominant to the existing escarpment. The applicant also notes the height of the tower is sympathetic to the existing public hospital and is lower than top of the public hospital new expansion, and would establish a landmark and gateway built form to the precinct.



**Figure 7 |** Building height and scale in surrounding context (base image: RTS)

In assessing the appropriateness of the proposed overall height, scale and density of the development, the Department considers that under the Gosford SEPP, an acceptable scale and density is informed by the strategic merit of the proposal, the emerging character of the area and the potential impact of the height and floorspace, such as, surrounding amenity and view impacts, impacts for traffic generation and demand on infrastructure.

As discussed in **Section 3** and as identified by the DAP, the redevelopment of the site has strategic merit as it would assist with growing and revitalising Gosford, as well as deliver job opportunities and investment into the regions centre.

Although the scale of the development would be significantly larger than existing surrounding development, the character of the area is changing under the new planning controls and the Department considers that the scale of the development would sit comfortably within the emerging future character of the area.

The Department is also satisfied the proposed height and scale of the development would not result in unacceptable amenity outcomes. Only one residential property would experience overshadowing as a result of the proposal, but it would retain more than 4 hours of solar access at mid-winter and would retain uninterrupted solar access all day at other times of the year. The proposal also does not affect any key views or sightlines. Views of Presidents Hill from key public domain vantage points identified by the DCP will not be affected by the proposal. Should the proposal affect any distant views of President's Hill from the north-west, it would sit below the ridgeline of the hill and would not dominate appreciation of the landform. In this regard the development meets the intentions of the DCP which envisage lower scale developments in this location in order to maintain the prominence of President's Hill.

Traffic and infrastructure are considered in **Section 6.2** and subject to contributions to infrastructure, the site is considered capable of accommodating the development without unacceptable impacts.

Finally, the Department has also considered the objectives of the height and FSR controls. Despite the variation, the objectives of the controls would be achieved as the proposal results in a building height and scale that encourages a high quality urban form that responds to the changing character of the area, and that does not result in adverse environmental outcomes, particularly noting it does not impact on any identified view corridors and will not overshadow any public open space.

As such, the Department considers the overall scale and height of the development to be appropriate in this case.

### **Building Articulation and Design**

Key concerns raised by Council and the DAP in relation to the proposal as originally submitted related predominantly to building articulation and design rather than the overall scale of the development.

Council raised concerns that the proposal presented a flat and uniform 15-metre-high podium with a uniform 3 metre boundary setback with no articulation to both street frontages, resulting in a monolithic appearance to the development and one that was not at a human scale but rather was an imposing built form along the street fronts. Council also raised concern that the majority of the Faunce Street elevation at ground level was not activated but presented blank walled service areas.

The DAP also raised concerns that the Faunce Street façade was being treated as if it were the back of the building and that the proposal's reliance on façade treatments and 'patterns' rather than actual

façade articulation does not represent Design Excellence. The DAP suggested that changes should be made to improve the façade articulation and alignments, including changes in stepping and massing, treatment of the curved corner, and consideration of the massing of the upper level plant rooms.

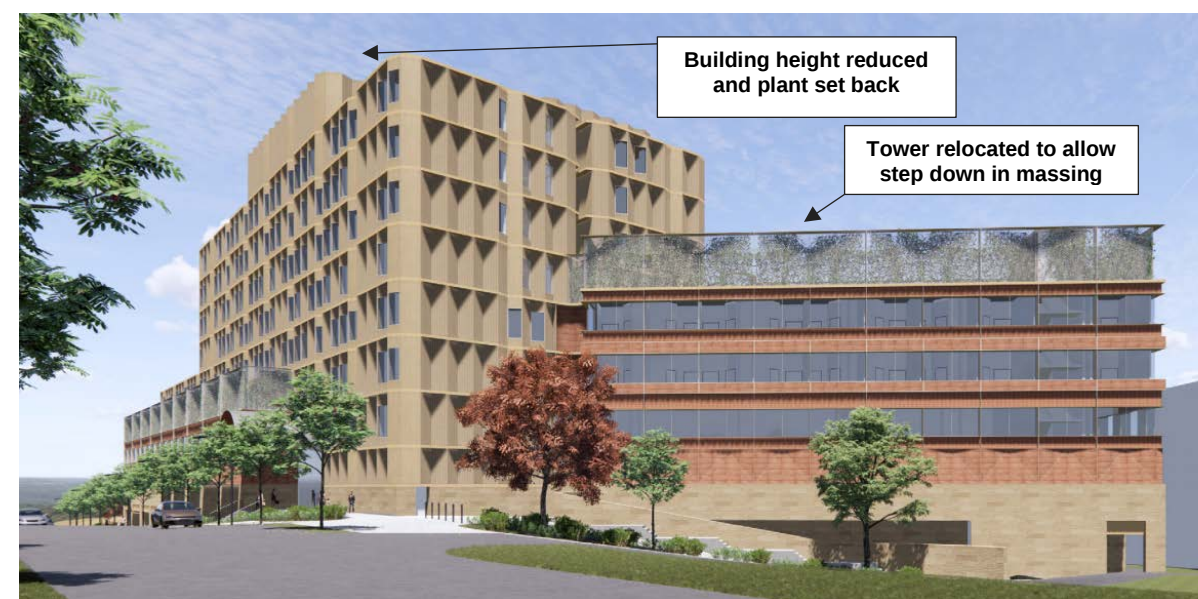
Following these concerns, the Applicant significantly amended the proposal, with amendments to the distribution of building massing, and significant changes to façade treatments and articulation. The changes can be seen in **Figure 8** and include:

- Reduction in maximum building height by 2 metres
- Setting back of plant levels to reduce visual impacts
- Change to a main centralised tower with eastern and western ‘fingers’ to break up massing and step down in scale
- Incorporation of a colonnade to the podium to break visual massing, provide a unifying appearance and a human scale
- Change in materiality and façade treatments to align more closely with the context including natural escarpments and to provide greater visual interest.

Following these changes, the DAP did not raise any outstanding concerns and gave its support to the design of the proposal.

Council advised it was still concerned with the presentation of the Faunce Street frontage, noting a large part of the ground level facade still presented blank plant and service walls to the street. It also noted the front setback area did not provide material plantings (contrary to the intent of the DCP controls) and did not allow for setback plantings or the provision of substantial street trees to mitigate the visual bulk and scale impacts of the proposal. It suggested undergrounding of overhead wiring on the street fronts to enable substantial street tree provision. Council also recommended further refinement or reconsideration of the “green wall” elements to rooftop terraces as they appear to add significant additional bulk to the building.

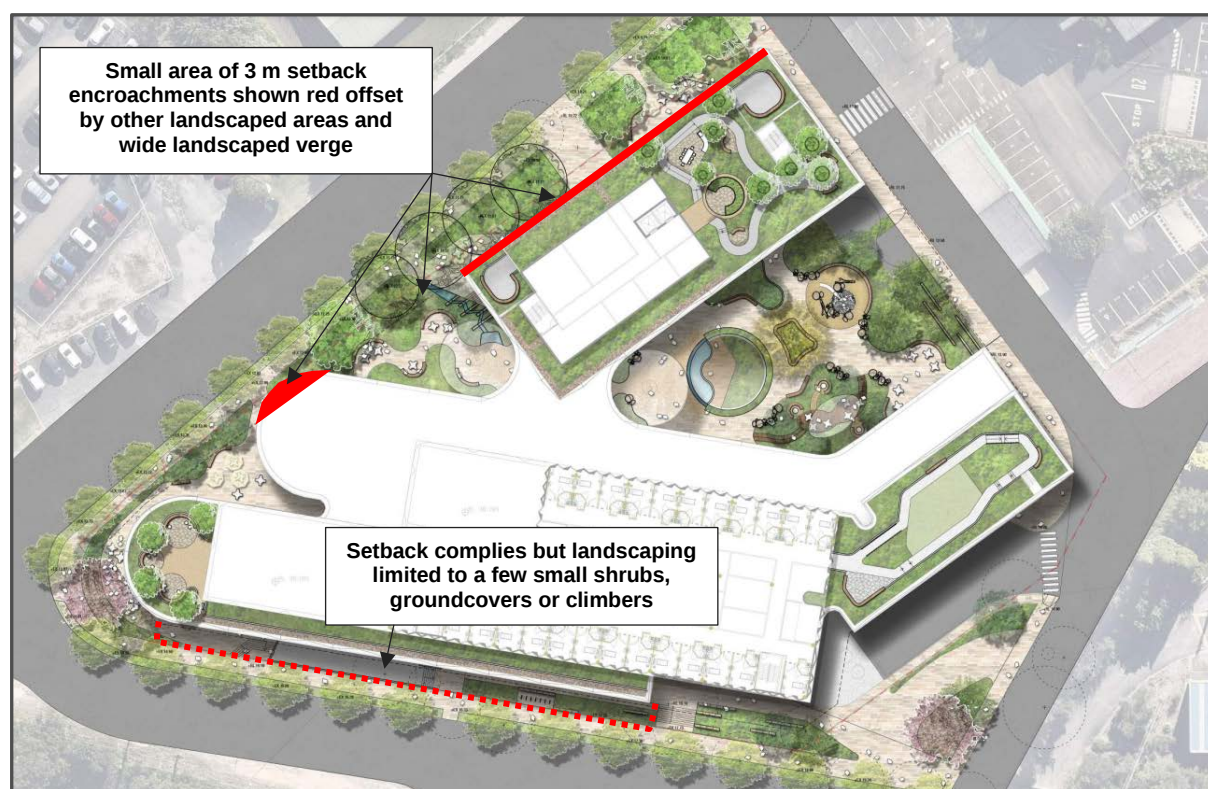
The Applicant subsequently amended the landscape plans to provide a small amount of additional planting to the frontage.



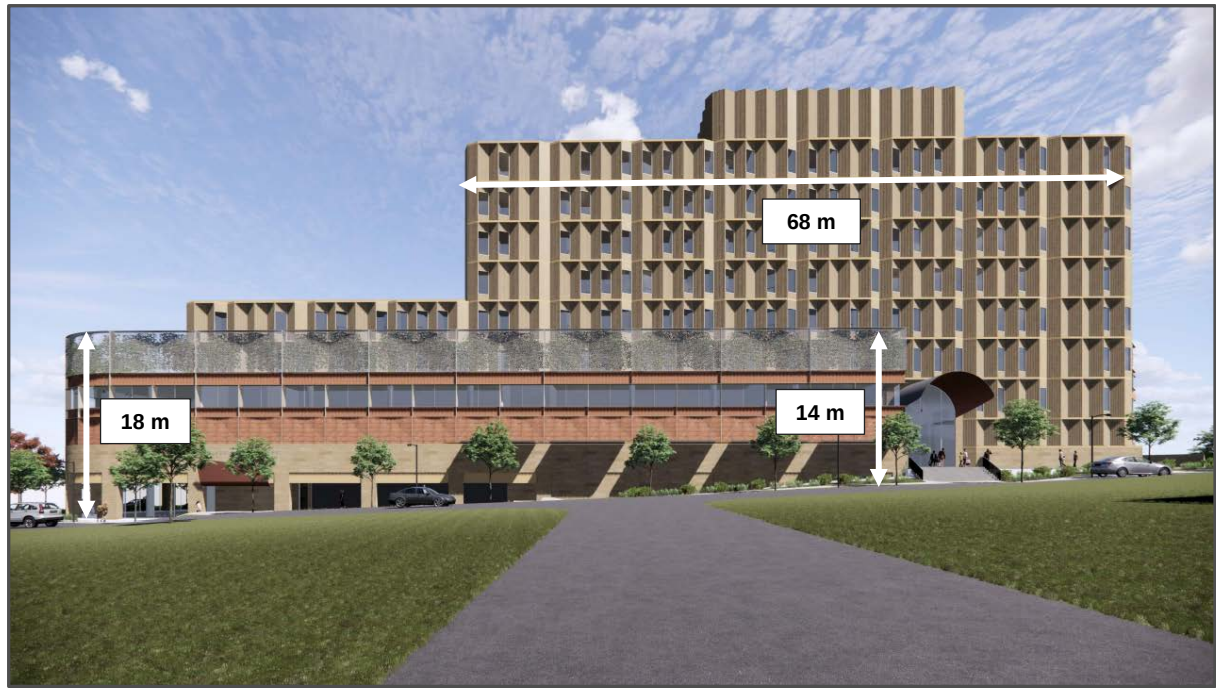
**Figure 8 |** Comparison of original EIS scheme (left) with proposed scheme (right) (base images: EIS and RTS )

The Department notes the DAP's support for the design and Council's outstanding concerns. The Department has also given consideration to the relevant controls of the GCCDCP and notes that the proposal would not comply with a number of the built form controls recommended by the GCCDCP. In particular:

- The proposal includes some encroachments into the recommended front landscaped setback of 3 to 4 metres. However, along Racecourse Road, encroachments are either offset by improved setbacks and landscaping in other parts of the frontage or would be adjacent to a wide footpath verge with significant opportunity for landscape plantings. Therefore, the intention of the control is achieved despite the numerical variation (**Figure 9**). On Faunce Street the setbacks are generally 3 metres. The eastern end of the frontage incorporates good levels of landscaping but the remainder of the frontage is predominantly hard paved areas incorporating steps, balustrading and awnings which limit opportunities for landscaping on the frontage.
- The height of the podium / Stage 2 building would exceed the DCP recommendation of 6 to 12 metres, presenting a height of 14 to 18 metres (inclusive of the landscaped screen to the roof terrace), on Faunce Street up to 22 metres on Racecourse Road.
- The DCP also recommends that all built form above the street wall height should be set back a minimum of 3m from the building line for an upper podium or 8 metres for a tower. The proposal complies with these requirements on the Racecourse Road frontage but only includes a 4.6m setback from the podium building line to the tower on Faunce Street.
- The 68m length of the tower façade as it presents to Faunce Street also exceeds the recommended 45m maximum of the DCP and presents as a single unbroken element, rather than expressed as two vertical forms as recommended by the DCP.



**Figure 9 |** Extract from Landscape Plans showing encroachment into 3m setback (base image: RTS)

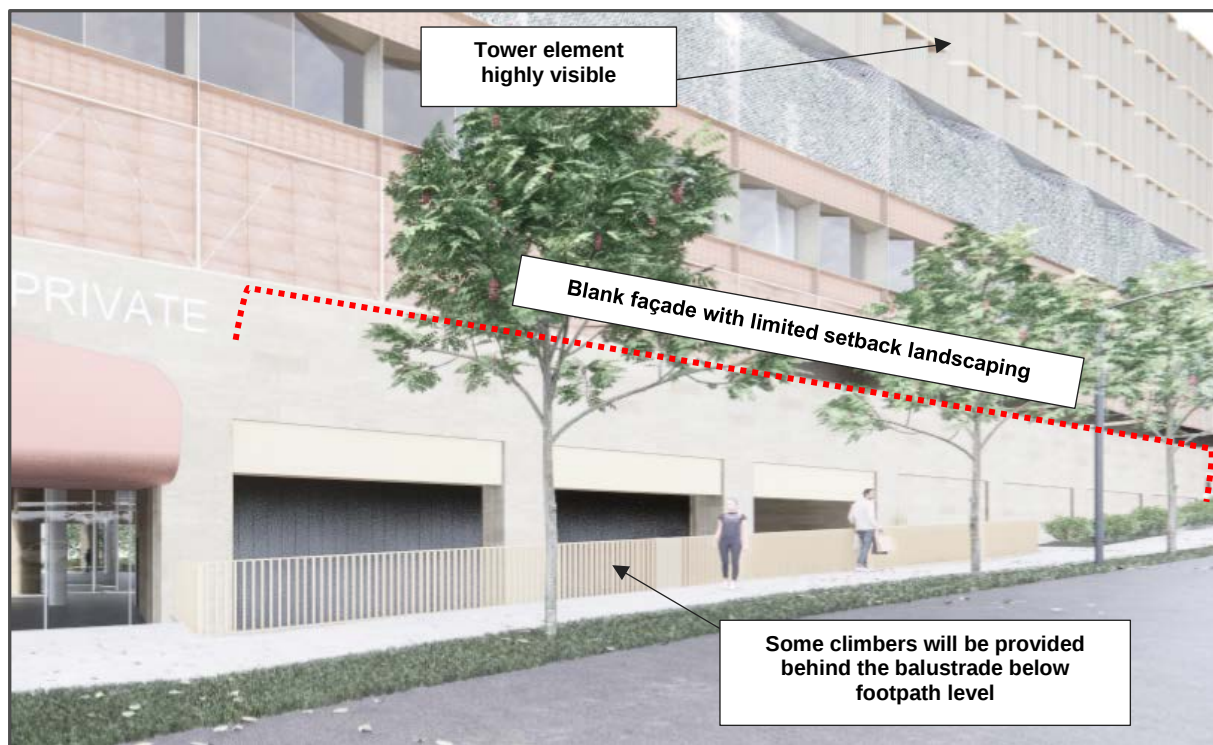


**Figure 10 | Faunce Street elevation (base image: RTS)**

Having regard to these variations from the DCP, the Department is supportive of the presentation of the development to Racecourse Road. While the Stage 1 podium height and Stage 2 building height would exceed the recommendations of the DCP, the Department considers the development would make a positive contribution to the interface with the public domain. The colonnade provides a pedestrian scale and the variation in the façade treatments ensure the podium (and future Stage 2 building) would not present as overly dominant to the streetscape. Although the landscaped screen to the roof terraces add to the perceived height, the Department considers the design acceptable as it integrates with the façade design and adds visual interest.

Further, the podium does not present a long street-wall edge on this façade and the landscaped breaks in building massing provide relief and offset the impacts of the taller building elements. These landscaped areas, in conjunction with the wide verge, allow for substantial tree plantings that will also further assist with visually breaking up apparent mass on this frontage. The frontage is also highly activated with retail uses at the ground floor level in Stage 1. Future assessment requirements are recommended to ensure active frontages are provided in Stage 2 to ensure the building is designed having regard to the design of the Stage 1 development.

The Department agrees with Council that the development would present a bulkier appearance to Faunce Street. The Department considers that the overall scale of the development is appropriate in the wider context of the site, and that the podium, incorporating the colonnade and variation in materials, would present an acceptable scale to the street. However, the unbroken length of the tower and limited setback from the podium street alignment, could result in some overbearing visual impacts on the immediate streetscape and the pedestrian experience. The streetscape and pedestrian impacts are further exacerbated by a lack of activation and lack of plantings along a large section of the frontage (see **Figure 11**).



**Figure 11 |** Faunce Street frontage showing large section of blank / non-active façade and dominance / visibility of the tower element (base image: Updated RTS)

The Department acknowledges the Applicant's justification that substations and some plant must be provided in an accessible ground level location and that tower massing has been located in order to maximise solar access to the main open space areas on the site. The Department also notes the Applicant has provided some limited setback landscaping where possible to assist with softening the impacts of the blank walls and improve the pedestrian experience.

Even so, the Department considers that further landscaping is required to improve the visual impacts of the development on this frontage. At a minimum, large street trees should be provided to assist with softening the impact of the development and to provide some greening to the public domain given the lack of on-site landscaping. The street trees proposed in the RTS are Water Gums which would achieve a mature height of only 10 metres. Council have advised these are not adequate to provide significant avenue planting or breakup the visual scale of the development on either frontage. The Department agrees and recommends the provision of larger street trees, and therefore a condition is included in the recommendation requiring street tree species to be determined by Council, with trees to achieve a mature height of at least 15 metres.

In order to further improve streetscape outcomes and to ensure appropriate tree growth to mitigate the impacts of the development, it will be necessary to remove and underground the overhead powerlines on Faunce Street as this would otherwise limit the viability of any significant tree growth. The Department also notes that all imagery in the RTS has shown the development with all powerlines undergrounded. As discussed in **Section 6.4**, Ausgrid has also recommended the undergrounding of the powerlines to resolve existing conflicts and safety encroachments. The Department has therefore included a condition requiring the relocation or undergrounding of the powerlines. Subject to the undergrounding of the power lines and planting of appropriate large street trees, the Department considers the presentation of the building to Faunce Street would be acceptable.

The Department considers that overall, the proposal is well designed, incorporating modulation in massing and a variety of building materials and façade treatments that will provide visual interest and relate to the surrounding context. Building entries and the through site link between Stages 1 and 2 would be well demarcated and the arrangement enables pedestrians to travel easily through the site.

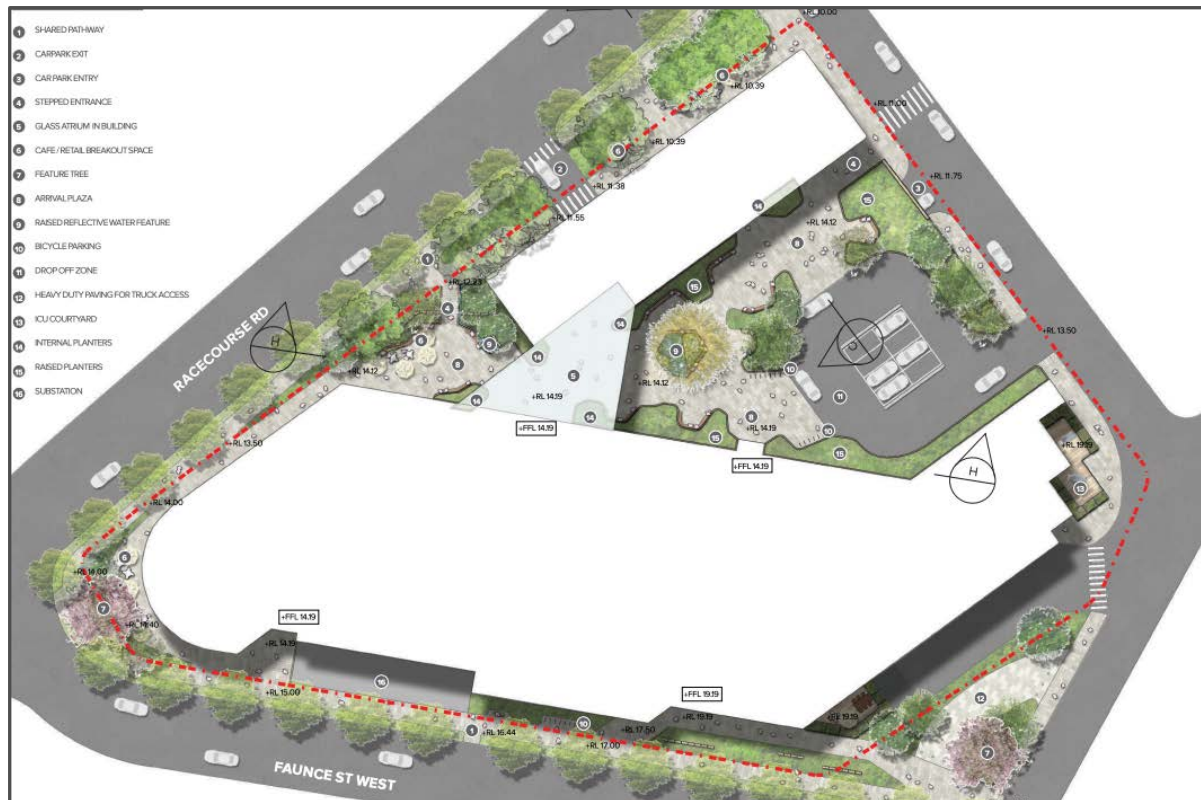
As recommended by the DAP, the 3D views have been included in the approved drawing set to ensure the design intent is communicated through to the next stage, as the DAP consider these capture detailing not readily perceived in the 2D plans and elevations.

## Landscaping

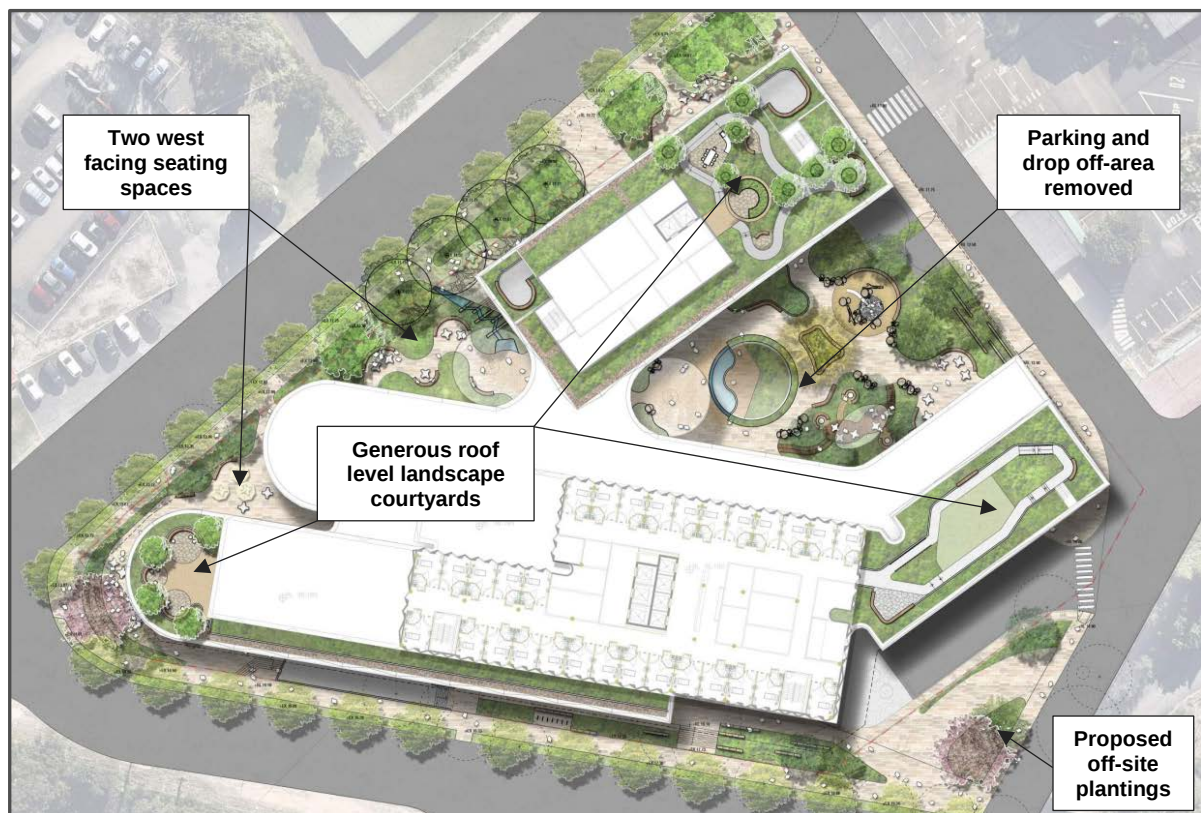
Front setback landscaping has been considered above. In addition to the setback plantings, the proposal includes a ground level landscaped courtyard area, landscaped entries, landscaped roof terrace areas and landscaping on the residual site associated with the provision of the new roadway (refer to **Figure 13**). Until Stage 2 is developed, the site will include a much larger ground level area of landscaped open space (**see Figure 5**).

The landscaping plans were amended in the RTS to respond to concerns raised by the DAP and Council. The changes at ground level can be seen in **Figures 12 and 13** and included:

- Removal of the drop off zone from the courtyard area (relocation to underground).
- Improvements to the amount of landscaped open space provided and to site coverage. The Applicant advises that site coverage would be 49% for Stage 1 and 66% once Stage 2 is constructed, complying with the GCCDCP recommendation of a maximum of 75% site coverage.
- Provision of generous landscaped rooftop courtyards in lieu of several smaller balcony spaces.
- Improvements to the north-west (Racecourse Road) facing open space areas, creating two ground level spaces with opportunities for seating and to enjoy sunshine access in the afternoons (the main courtyard will receive good solar access in the mornings).
- Improvements to ground level connections at building entries and at the through site link between Stages 1 and 2.



**Figure 12 |** Extract from Landscape Plans as originally submitted (base image: EIS)



**Figure 13 |** Extract from Proposed Landscape Plans (base image: RTS)

Following these revisions, the DAP advised *‘The ground level connections from the public domain to the building and integration of landscape in both stages have improved significantly..... Landscape works are well integrated into the built form and provides enclosure to roof top space and some good spaces at the entrances to the building. The Panel has not reviewed the adequacy of the proposed plant species but supports the scale of plantings.’*

Council advised it had outstanding concerns with site coverage, noting that the proposal did not comply with GCCDCP recommendations for 15% deep soil planting, and the landscaping on the structures appeared to be insufficient for the scale of the building. Council also noted that as a healthcare facility, it was important that useable public outdoor areas with solar access be provided.

The Department has assessed the proposed landscaping arrangements and considers that overall, the proposal provides high quality landscape spaces that will have a good level of amenity for users of the hospital site and will contribute to the amenity of the surrounding area. The ground level spaces, in conjunction with the roof terraces, provide a variety of possibilities for seating and enjoyment of open space, with different orientations to take advantage of solar access at different times of the day. Proposed tree plantings would reach heights of 6m to 15m, which the Department considers appropriate for within the site to provide green spaces and amenity. The Department also notes the support of the DAP for the scale of plantings.

Although deep soil planting is limited to the two street frontages due to basement levels occupying the remainder of the site, overall landscape area (as the inverse to site coverage) would exceed the expectations of the GCCDCP and therefore overall levels of landscaping are considered to be generous. To ensure the plantings on the structures achieve sufficient growth and longevity, a condition is recommended requiring compliance with the soil volume and soil depth of the ‘Planting on Structures’ recommendations of the Apartment Design Guide. Subject to appropriate design of the on-structure plantings, the Department considers the variation from the deep soil recommendations of the DCP would be of no effect.

However, the Department also notes that the landscape plans include plantings on what will be an adjoining site, or the residual site, following subdivision, and therefore these plantings would not be under the same ownership as the Hospital. These plantings are considered an essential component of the proposal as they contribute to the presentation of the development to the public domain and provide amenity to the pedestrian environment. They would form part of the roadway on that site. The provision of the roadway is discussed in **Section 6.2**, and future subdivision is discussed in Section 6.4. Conditions are recommended requiring appropriate mechanisms on any future subdivision to ensure maintenance of the roadway, including the landscaping, in perpetuity.

## **6.2 Traffic and Transport**

### **Traffic Generation and Impacts**

Traffic impacts of the proposal were raised in public and Government agency submissions:

- TfNSW, Council and NSW Health identified the need to consider the cumulative impacts of other surrounding land uses (particularly the schools) noting hospital staff changeover typically occurs at the same time as the school PM traffic peak.

- Council and the public submissions identified existing concerns with the operation of the intersection of Racecourse Road and Showground Road and the associated railway bridge (see **Figure 14**) and the potential for a worsening of impacts at this location.
- Following submission of the RTS, TfNSW noted concerns with the future operation of the intersection of Racecourse Road and Showground Road (**Figure 14**) and recommended consideration be given to options to enable equitable sharing of the cost of future road upgrade works as a result of development within the Gosford CBD.
- One public submission also questioned the methodology of the Traffic Impact Assessment.

A Traffic Impact Assessment (TIA) was submitted with the application which considered traffic generation and associated impacts for the surrounding road network. It was updated with the RTS to address the concerns raised in the submissions. Following the submission of the updated TIA, TfNSW and Council did not raise any concerns with the methodology used by the Traffic Consultant and the Department is satisfied the TIA can be relied upon to make an assessment of the impacts of the proposal.

The TIA estimates the proposed use would result in an increase of around 233 vehicle trips on surrounding streets during morning and evening peak hours. Intersection modelling demonstrates that intersections on Faunce Street would continue to operate with good levels of service (LOS A and B), despite the increase in traffic movements associated with the proposed development. The RTS also considered the operation of the access points to the site during the afternoon school peak / hospital staff changeover and found that intersections would operate at LOS A.

However, the modelling demonstrates a deterioration would occur in the levels of service at the intersection of Racecourse Road and Central Coast Highway (see **Figure 14**). While the overall intersection performance would retain an 'LOS C - Satisfactory' as a result of the development, the approach to the intersection from the site would be unsatisfactory ('LOS F'). Further, by 2029, the overall intersection performance would deteriorate to 'LOS D – near capacity' in the PM peak predominantly due to an increase in background traffic.

The TIA also acknowledges the intersection of Racecourse Road and Showground Road (**Figure 14**) and the associated bridge over the railway line is problematic and already operating near capacity. While modelling of this intersection has not been provided, the TIA notes that the proposal would only generate about 72 peak hour movements through this intersection, resulting in one additional movement every 50 seconds which would not result in material impacts to the overall operation and level of service of the intersection. Rather, the Applicant considers the failure of this part of the road network is an existing strategic road network issue.



**Figure 14 |** Key intersections and landuses relating to traffic considerations (base image: Google Maps)

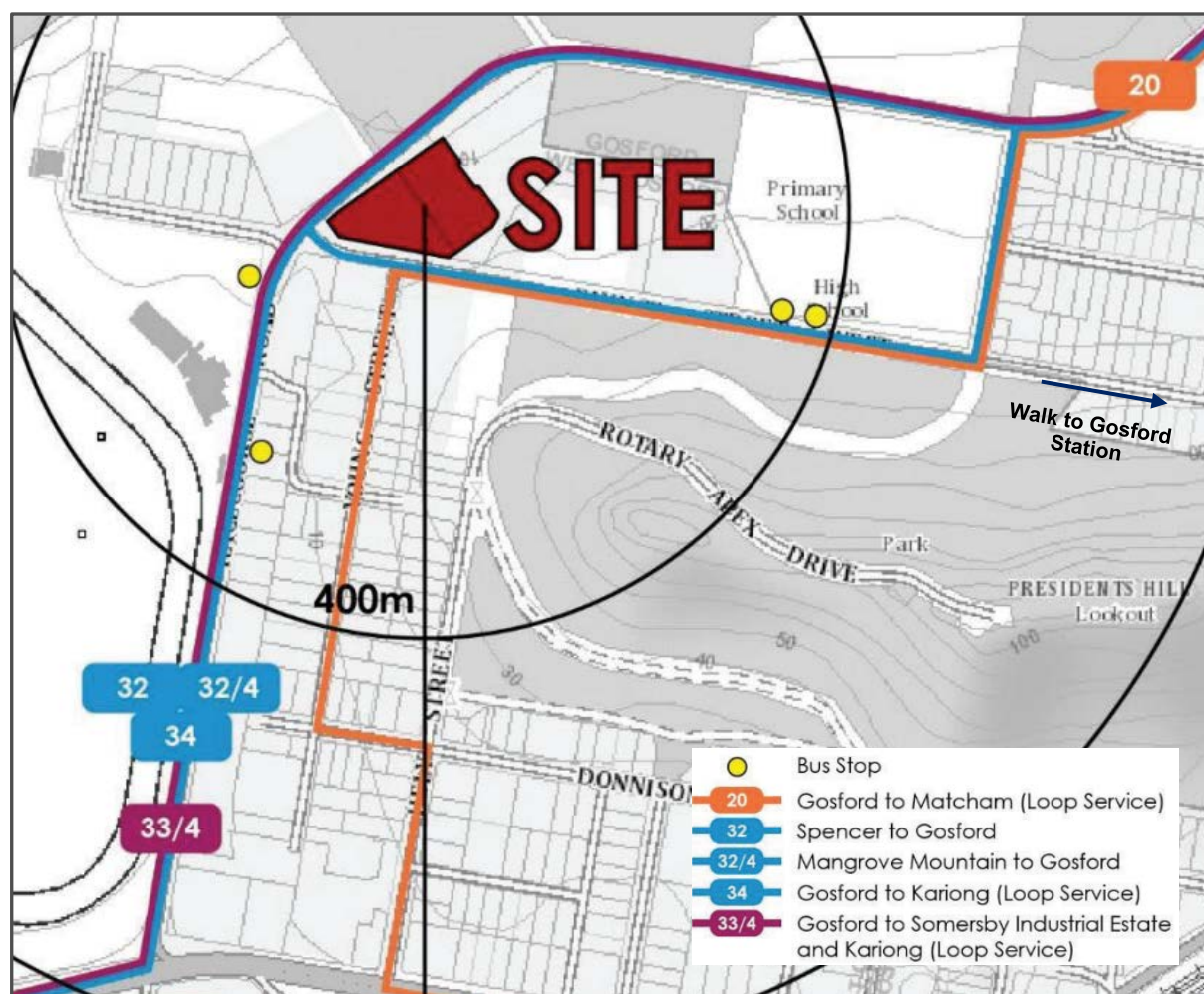
The Department has reviewed the traffic assessment and is satisfied the proposed development would not result in significant or unacceptable impacts to the operation of the local road network in the immediate vicinity of the site, including during the peak school pick up and drop off times.

The only identified potential problematic intersections are the Central Coast Highway / Racecourse Road and Racecourse Road / Showground Road intersections. While the proposal would have some effect on the Central Coast Highway intersection, it would have negligible effect on the operation of the Showground Road intersection and associated bridge over the railway. Rather, issues associated with these intersections and their deterioration can be attributed to background traffic growth as well as the growth of the Gosford City Centre generally under the GCC SEPP. To address this issue, TfNSW suggested there is a need to consider options to enable equitable sharing of the cost of future road upgrade works as a result of all development within the Gosford CBD.

As discussed in **Section 6.4**, the site is subject to infrastructure contributions. This includes a State Special Infrastructure Contribution of around \$3.3 million and local infrastructure contribution of around \$1.7 million, with a significant proportion of those contributions to go towards funding road network upgrades around the Gosford City Centre. The Department considers this is an appropriate mechanism to ensure equitable sharing of the cost of future road upgrade works as a result of the growth of the centre under the GCC SEPP. Therefore, subject to conditions enabling payment of infrastructure contributions, the traffic impacts of the proposal would be mitigated and offset in the long term.

## Public Transport

The site is serviced by public transport, with 4 bus stops withing 400 metres of the site (**Figure 15**). It is also a 1.2 km walk to Gosford Station.



**Figure 15 |** Bus stops and bus routes near the site (base image: TIA, RTS)

Concerns were raised in submissions that the bus services are limited and infrequent, particularly at night. Concerns were also raised that there is a known crime density hot spot in the Gosford CBD. Given the 24-hour operation of the hospital, and the need to consider the safety of employees and visitors accessing the site at all times, particularly at night, Council, NSW Health, TfNSW and the public submissions all identified the potential need for a shuttle bus service to be provided by the hospital to ensure safe access to the station, particularly at night and at staff changeover times.

The Applicant responded that preliminary discussions have been held with Gosford Hospital about implementing a shared shuttle bus to provide access to the train station. It advised that given that an operator is not yet confirmed for the site, this may be implemented as part of a Workplace Travel Plan and further discussions with Gosford Hospital. TfNSW also recommended details of the shuttle bus service should be included in a required Green Travel Plan for the site. The Department has therefore recommended a condition requiring details of a shuttle bus service to be approved as part of a Green Travel Plan and for the service to be operational from the commencement of operations.

Council also suggested that consideration be given to improving pedestrian access to the closest public bus stop on Racecourse Road, by providing a missing section of footpath between the site and the bus stop, and provision of a pedestrian refuge to enable safe access to the footpath and bus stop. The Department notes that the missing section of footpath has been subsequently constructed by the Council. Given traffic volumes on Racecourse Road, to encourage use of public transport and improve safety for pedestrians accessing the nearest bus stop, the Department considers a pedestrian refuge should be provided. The TIA also noted that subject to future design, pedestrian facilities including pedestrian refuge islands and kerb ramps could be provided to facilitate access to the bus stop. A condition has therefore been recommended requiring the provision of a pedestrian refuge island and associated kerb ramps to the satisfaction of Council as the roads authority.

Subject to provision of a shuttle bus service, safe access to the closest public bus stop, and implementation of a Green Travel Plan, the Department considers the development would incorporate appropriate measures to encourage use of public transport to the site and would improve safety outcomes for public transport access.

### **Site Access**

The application as initially lodged included vehicular access to the basement carpark from Racecourse Road. Following concerns raised by GANSW, TfNSW and Council, the RTS deleted the driveway in favour of all vehicles accessing the site via the proposed private roadway around the site. The TIA also amended the design of the intersection of the private road and Racecourse Road to include a channelised right turn bay into the site, and to restrict exit movements onto Racecourse Road to left turn only to address safety concerns raised by Council and TfNSW. However, detailed plans of the intersection were not provided and therefore a condition is recommended requiring detailed plans to the satisfaction of Council.

Following submission of the RTS, Council, TfNSW and GANSW did not raise any concerns with the revised access arrangements, however Council raised a concern that the proposed private access road would not be on the same property as the site. Council suggested that due to the maintenance obligations for the road and its integral relationship to the hospital, the private road should form part of the hospital lot, or, as a minimum, if a right of carriageway is proposed, information regarding the maintenance obligations and responsibilities for the road should be identified. In response, the Applicant advised that formal subdivision would form part of a separate application which would include relevant mechanisms to address the issues of maintenance and access. This is discussed further in Section 6.4.

The Department considers that subject to the intersection design being finalised in accordance with the details provided in the TIA and to the satisfaction of Council, and measures to ensure maintenance of the private roadway and adequate site access arrangements are addressed as part of a future subdivision application, appropriate access would be provided to the site.

### **Car Parking**

The TIA provided an assessment of parking demand on the site, having regard to both the car parking rates established by the GCCDCP and the RMS guide for Traffic Generating Development. It found that the proposal would be likely to generate a demand for 347 carparking spaces for Stage 1 and an additional 51 spaces for Stage 2, resulting in a total parking demand of 398 spaces.

Noting on-street parking impacts were a key concern raised in initial consultation with the community, the proposed development incorporates parking above the estimated level of demand, including 389 spaces for Stage 1 and room for an additional 64 spaces for Stage 2 (subject to detail at the DA stage).

NSW Health and one public submission questioned the methodology for calculating parking requirements. However, the Department is satisfied with the approach taken by the Applicant to assess parking demand and notes no concerns were raised by Council or TfNSW with respect to parking provision. Given the traffic assessment demonstrates that the proposal will not result in unacceptable traffic impacts, parking levels above the estimated demand can also be supported in this case, as there is no need to restrict parking in order to restrict traffic movements.

The GCCDCP also requires that at least 4% of required parking spaces be provided as accessible spaces and motorbike parking be provided at the rate of 1 space per 25 car parking spaces, resulting in a requirement for 14 accessible spaces and 14 motorbike spaces for Stage 1. Accessible spaces and motorbike parking are not indicated on the plans and therefore a condition is recommended to ensure at least 14 accessible car parking and 14 motorbike spaces are provided. The Department notes the provision of accessible and motorbike parking will require amendments to the basement parking plans that may result in the loss of some of the surplus carparking spaces currently shown on the plans, however, parking would still exceed the assessed demand of 347 spaces.

The Department is therefore satisfied that subject to conditions, the proposal can accommodate parking demand associated with the use, including demand for accessible and motorbike parking.

### 6.3 Noise Impacts

A Noise and Vibration Assessment (NVA) was submitted with the EIS that assessed the potential construction and operational noise and vibration impacts on nearby sensitive land receivers, including nearby schools and residential receivers. The NVA was updated with the RtS.

#### Construction Impacts

The EPA's *Interim Construction Noise Guideline* (ICNG) outlines the process of establishing construction noise management levels for surrounding sensitive receivers. Based on the established background noise levels and ICNG recommended daytime noise management levels (NMLs), the construction noise and vibration management levels for the nearby schools, recreation, commercial and residential land uses have been established for construction activities, which are outlined in **Table 6**.

**Table 6 | Summary Construction Noise Management Levels**

| Sensitive Receiver                              | NMLs (dB(A) Leq(15 min))                                      |
|-------------------------------------------------|---------------------------------------------------------------|
| Residential                                     | 52 (external noise level)                                     |
|                                                 | 75 (external noise level for highly noise affected receivers) |
| Henry Kendal High School, Gosford Public School | 45 (internal classrooms)                                      |
|                                                 | 55 (external to classrooms)                                   |
| Commercial                                      | 70 (external)                                                 |

The NVA notes that at this stage, there is no information regarding construction plant / equipment or work activities / duration. However, a preliminary construction noise and vibration assessment was carried out in order to identify the likely potential impact of various generic construction plant / equipment on sensitive receivers surrounding the site, and a range of noise control measures were recommended to mitigate adverse impacts.

The preliminary Construction Management Plan identifies that all construction work would be carried out during normal working hours (7.00 am to 6.00 pm weekdays and 8.00 am to 1.00 pm on Saturdays) consistent with the ICNG.

Council suggested the recommendations of the NVA should be incorporated into the consent, including a requirement for a detailed Construction Noise and Vibration Management Plan (CNVMP), a preliminary vibration survey and a vibration monitoring system. Council also recommended that detailed timing of high noise generating construction events should ensure these events are scheduled to minimise impacts to sensitive receptors such as the nearby schools and open space areas, with consultation with these sensitive receptors prior to high noise generating construction events. Council also recommended consideration be given to construction of the future stage of development without adverse impact on the safety and welfare of staff and patients.

NSW Health suggested a more comprehensive assessment of construction noise impacts should be provided and conditions should be included to prevent offensive noise impacts during the construction phase.

The Department recommends conditions requiring the Applicant to manage construction noise including the use of respite periods, and to prepare and implement a detailed Construction Noise and Vibration Management Plan (CNVMP) which is to:

- be prepared in consultation with the community
- identify appropriate measures to mitigate the noise impacts
- monitor noise and vibration impacts
- establish a complaints management system.

The Department considers that, subject to the preparation and implementation of a CNVMP that incorporates appropriate mitigation measures and is prepared in consultation with the closest sensitive receivers, daytime construction noise and vibration impacts can be satisfactorily managed and mitigated as far as possible.

The Department also considers that noise impacts during Stage 2 (including impacts to patients and staff within the established hospital) can be appropriately considered and addressed as part of the future assessment of the DA for that stage. A FEAR has been recommended to ensure appropriate consideration is given to construction impacts of Stage 2.

### **Operational Impacts**

Operational noise generated from the proposal would generally be limited to the operation of mechanical plant, noting traffic noise associated with the proposal would be minimal and all loading activities would occur within the enclosed basement.

The NVA identifies noise criteria for the plant and recommends acoustic treatments to minimise noise but provides no assessment of the likely outcomes against the established criteria or acoustic impacts on nearby sensitive receivers.

NSW Health suggested a more comprehensive assessment of plant noise impacts should be provided and conditions should be included to prevent offensive operational noise impacts.

The Department considers that plant equipment could be selected and designed with acoustic attenuation measures to ensure compliance with the established noise criteria to acceptable outcomes for nearby sensitive receivers.

Conditions have been recommended requiring the Applicant to:

- select plant and design mitigation measures to ensure established noise criteria is not exceeded, with confirmation from an acoustic engineer prior to commencement of construction
- undertake a noise monitoring program of the mechanical plant within three months of occupation of the building to verify that the measured noise levels of the mechanical plant does not exceed the established noise criteria.

The Department is satisfied that, subject to recommended conditions, the potential noise generated from operation of the proposal can be managed to comply with the relevant criteria.

## 6.4 Other issues

| Issue                          | Findings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Recommendations                                                                                                                                                                                                                   |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Developer Contributions</b> | <p>The proposal is subject to:</p> <ul style="list-style-type: none"> <li>• State Contributions (Gosford City Centre Special Infrastructure Contribution) equivalent to 2% of the cost of the development or approximately \$3.3 million for the Stage 1 development.</li> <li>• Local developer contributions under Council's Contributions Plan, equivalent to 1% of the cost of the development or approximately \$1.7 million for the Stage 1 development.</li> </ul> <p>The Applicant seeks an exemption from payment of both contributions on the basis that it provides a public benefit. The Department has considered the contribution requirements.</p> <p><i>State Special Infrastructure Contributions</i></p> <p>The Ministerial Determination for the SIC provides an exemption for Health Services facilities owned or operated by a public authority, but there are no exemptions available for a private facility.</p> <p>The Department notes that the purpose of the GCC SIC is to provide funding for a range of infrastructure upgrades to support the delivery of the Gosford City Centre under the SEPP. The majority of money collected under the SIC (around 88% of funds collected) will fund road network and active transport network upgrades.</p> | <p>A condition consistent with the Minister's direction is recommended in relation to payment of state infrastructure contributions</p> <p>A Condition is recommended requiring payment of local infrastructure contributions</p> |

The proposed development will generate traffic impacts and the Department notes TfNSW raised concern with the intensification of the Gosford Centre prior to acceptable works being proposed to mitigate the impacts of the development. TfNSW recommend that options should be considered to enable equitable cost sharing of future road upgrades for development within the Gosford City Centre (refer to Section 6.3).

The Department considers that the SIC provides an appropriate mechanism to ensure funding of road infrastructure upgrades necessary to support development within the Gosford City Centre, including assisting with mitigating the traffic impacts of the development at key intersections.

As the SIC does not provide for exemptions for private hospitals and as infrastructure funded by the SIC would assist with offsetting some impacts of the development, the Department does not support an exemption from the payment of the SIC in this case.

*Local Infrastructure Contributions*

Central Coast Council's s7.12 Contributions Plan for Gosford City Centre (known as the Civic Improvement Plan) levies development contributions at 1% of the development cost to fund local infrastructure such as improvements of open space, the pedestrian and traffic network, public transport and water quality measures.

The s7.12 Plan does not provide exemption for private hospital developments.

The Department notes that the proposal will benefit from and rely on infrastructure provided under the plan including local road improvements and cycle network improvements and therefore it is not appropriate for the development to be exempted from payment of contributions under the plan.

|                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subdivision and Development of the remainder of the site</b> | <p>A draft plan of subdivision was submitted with the application to create two lots on the site. Lot 1 would be the hospital site and would have a lot size of 1.018ha. Lot 2 would be the residual lot.</p> <p>As discussed in Sections 6.1 and 6.2, the proposal includes provision of the access roadway and landscaping works on Lot 2, and therefore would not be under the control of the Hospital in the future. As the access road and landscaping are considered to be an integral part of the development, the Department requested that the Applicant address this issue by either updating the plan of subdivision to include the road and landscaping works within Lot 1 or to provide details of right of way and a positive covenant or similar arrangements to ensure the roadway and landscaping would be maintained in good condition and enable access to the site in perpetuity.</p> <p>In response the Applicant advised that subdivision would form part of a future application and that these issues would be resolved as part of that application.</p> | <p>Conditions are recommended clarifying that a separate development application is required for subdivision and that should future subdivision result in the location of the access roadway or landscape works on the residual or (non-hospital) site, appropriate mechanisms are included in the subdivision to ensure access over the roadway and maintenance of the</p> |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The Department considers that these issues can be addressed at a later date as part of a separate development application for subdivision.

roadway and landscape works.

Council also requested that the application provide an analysis of the development potential of the remaining lot (proposed Lot 2), noting the awkward lot geometry of the remainder of the site as a result of the proposed subdivision (see **Figure 3**).

The Applicant prepared a masterplan for the precinct in response to a request from the DAP, which considered the development of the remainder of the site, as well as the development of other adjoining sites in the area.

The Department considers little weight can be given to the masterplan, as it relies on the development of adjoining sites (where there is currently no development proposal and indicates links through the middle of the school sites that are unlikely to be achieved).

Nevertheless, the Department considers the proposed hospital and subdivision would not materially affect the development potential of the remainder of the site. The hospital site is located away from the parts of the site with the most awkward geometry and therefore the subdivision would do nothing to restrict or prohibit future development on those parts of the site.

While the proposed subdivision does result in creation of an awkward space adjacent to the site, this space will be used as roadway (and associated landscaping) with associated restrictions on the use and requirements for provision under the subdivision.

The Department is therefore satisfied the subdivision would not result in any adverse outcomes for the future use of the remainder of the site.

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**Sustainability and Environmental Performance**

As described in Section 6.1 and Appendix B, one of the requirements for development consent to be granted where there is a variation from the height or FSR controls of the Gosford SEPP is that *“the building meets or exceeds minimum sustainability and environmental performance standards”*

As described in **Section 4**, the proposal includes a number of ESD initiatives and is seeking a custom sustainability rating on the basis that there is significant cost associated with achieving Green Star Certification. However, the Applicant's ESD report also includes an ESD Matrix (or framework) to reflect an equivalent 4-star Green Star design rating and demonstrates a 4-star rating can be achieved on the site.

The Department considers the 4-star Green Star rating to be the minimum performance standard that would ordinarily be applied to the assessment of similar developments and therefore the minimum requirement in order to meet the intentions of the pre-conditions for a variation to the height and FSR controls. In the context of the significant additional floorspace and development potential gained as a result of the variation, the Department considers the cost associated with

The Department therefore recommends conditions requiring 4-star green Star certification unless an alternative certification process is approved that would provide the same or better outcomes.

achieving Green Star certification would not be unreasonable.

Subject to achieving a 4 Star Green Star rating, the proposal would be assured of delivering sustainability and environmental performance outcomes consistent with the intentions of the Gosford SEPP.

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**Bicycle Parking**

TfNSW advised bike parking and end of trip facilities should be provided in accordance with Council's DCP including provision of facilities in a secure, convenient and accessible area close to the main entry. NSW Health recommended consideration be given to the NSW Planning Guidelines for Walking and Cycling which recommend a higher rate of bike parking.

The TIA advises that bike parking demand has been assessed based on Cycling Aspects of Austroads Guides (2017) as the GCCDCP does not contain any bike parking rates. Having regard to Austroads, the Stage 1 proposal would generate a demand for 49 bike parking spaces (24 staff and 25 visitor spaces) and Stage 2 would generate a demand for 29 spaces.

The Stage 1 plans include a bicycle storage room at ground level in close proximity to the main entry as well as some at-grade parking in the Faunce Street West front setback (14 spaces). End of trip facilities are not specifically shown on the plans.

The Department considers that given there are no specific planning controls which apply to the site which require bike parking, the use of Austroads to establish parking demand is acceptable in this case.

The Department considers the location of the bicycle storage room is acceptable and would provide secure bike storage for staff, including retail staff. The visitor parking on Faunce Street West is also considered appropriate, however the Department considers further parking for visitors who approach the site from the north should also be provided, noting many bike riders approaching the site will not use Faunce Street West due to its steep topography and as the future cycleway will be on Racecourse Road. Subject to conditions, the Department is satisfied adequate bike parking and end of trip facilities would be provided to meet demand.

The Department recommends the provision of some visitor bike parking visible on the approach to reception from Racecourse Road.

Conditions have also been recommended requiring appropriate end of trip facilities for staff (lockers and showers).

A condition has also been included on the Concept Approval requiring bike parking and end of trip facilities as part of the future Stage 2 development.

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**Contamination**

The RTS includes a detailed contamination assessment for the site. The assessment confirms the presence of volatile organic compounds related to a former underground petroleum storage system but concludes that the site can be made suitable for the proposed development, subject to a further human health risk assessment, and possible remediation or management of potential impacts. An unexpected finds protocol is also recommended.

The assessment also noted the presence of building materials suspected to contain asbestos and recommended removal should be in accordance with

Conditions are recommended relating to asbestos removal and additional site investigations, remediation, validation and development of an unexpected finds protocol

the National Code of Practice How to Safely remove Asbestos

The Department is satisfied that subject to the imposition of conditions, including appropriate removal of asbestos in accordance with the requirements of SafeWork NSW, additional investigations and remediation and validation where necessary, the site can be made suitable for the proposed use and will not result in unacceptable contamination risks.

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**Flooding**

The EIS was accompanied by a brief flood assessment which considered that that site was not flood affected.

However, Council's mapping indicates that the site is partially affected by the 1% AEP flood and the PMF flood. If the site is flood affected, a range of considerations would apply to the assessment of the application under Clauses 7.2 and 7.3 of the Gosford SEPP.

Council advised that its mapping was based on the Gosford CBD Overland Flow Study 2013 which shows some isolated ponding of water through the site created by overland flows during major rainfall events. It is not affected by flooding from overflow of Narara Creek. Council recommended that the applicant provide a flood study to model post development flood behaviour.

EESG also requested further information to address flood impacts including any necessary drainage controls to divert water on the site and protect the basement carpark from flooding.

The Applicant subsequently submitted an overland flood assessment report which modelled overland flows and flooding on the site. On the basis of this assessment, the Applicant concludes the site would be flood free and therefore no further considerations arise with respect to Clauses 7.2 and 7.3 of the Gosford SEPP.

Council reviewed the flood assessment and advised it is satisfied with the methodology and results of the assessment and that no further action is required. It confirmed the proposal would result in a net reduction of on-site surface ponding and that all entrances would be clear of flooding during the PMF event.

EESG also advised the updated assessment is satisfactory for flood planning assessment and that overland flow can be managed during the detailed design. It recommended conditions in relation to design of on-site detention, basement drainage and evacuation.

On the basis of this advice, the Department is satisfied that the site would be flood free for the purpose of consideration of Clauses 7.2 and 7.3 of the Gosford SEPP and would not result in any adverse flooding risks.

Conditions recommended by EESG in relation to design of on-site detention, basement drainage and evacuation have been included in the recommendation.

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**Water Quality and Stormwater Management**

Stormwater from the site flows to Narara Creek (Figure 4), designated as Coastal Wetland under the Coastal Management SEPP, and the site is located within the coastal environment area. As such the impacts of the

No additional conditions or mitigation measures required to

development on the hydrological environment and water quality impacts are required to be considered.

A civil and stormwater design report has been submitted with the application which details:

- The provision of onsite detention to ensure that runoff from the developed site would not exceed predevelopment runoff
- A rainwater reuse tank in addition to onsite detention to capture and reuse rainwater on site for irrigation and toilet flushing
- Water quality treatments including stormwater pits, filters and treatment chambers which demonstrate the proposal would result in a significant reduction in water pollutants well beyond Council's minimum requirements
- Appropriate erosion and sediment control measures during construction

The Department is satisfied the proposal will result in improved outcomes for stormwater management on the site and would not result in any adverse impacts from overland flows for the nearby wetland or waterways.

Groundwater flows have also been considered as the proposed basement would extend into the groundwater table.

A Groundwater Investigation and Dewatering Management Plan was submitted by the Applicant to address requests for additional information by the Department and by DPIE Water in order to assess the hydrological impacts of the development.

The Assessment identifies that the potential impacts of de-watering on the site during the construction phase may include the drawdown of the water table or impacts to the receiving environment of Narara Creek from the release of water containing elevated levels of dissolved heavy minerals or total suspended solids. Impacts to groundwater levels are shown to be very localised only. The report recommends that groundwater intercepted during construction be treated to increase the pH, reduce concentrations of metals and meet specific discharge criteria prior to being discharged into the local stormwater system. It also recommended ongoing monitoring of groundwater quality and groundwater levels during the dewatering operations on the site.

It also recommended the basement be designed to cope with the groundwater pressure on the sidewalls or incorporate a drained basement structure.

DPIE Water reviewed the investigation and noted that it did not provide an assessment against the Aquifer Interference Policy. Estimated groundwater take was assessed as between 8 – 50 ML/ year which represents a significant range. While impacts associated with groundwater take at the low end of the range were shown to be acceptable, impacts at the high range were not presented.

On this basis, DPIE Water advised the groundwater related impacts of the project must be limited to the

overland stormwater management.

Restrictions on basement design and other recommendations of DPIE Water as well as a condition requiring compliance with the recommendations of the Groundwater Investigation and Dewatering Management Plan have been recommended

construction phase only and therefore recommended that a 'tanked' basement design (rather than a drained basement) be used to limit impacts at the operational phase. It noted additional information would be required if a drained basement were to be supported.

DPIE Water also recommended conditions to manage impacts during the construction phase, including a Ground Water Management Plan, a Dewatering reporting schedule and appropriate licencing where required.

EESG also recommended testing and treatment of groundwater prior to discharge.

The Department notes the final design of the basement is not yet determined and considers that based on the information provided, the design should be restricted to a tanked basement. A condition is recommended accordingly. The Department is satisfied that subject to the conditions recommended by DPIE Water as well as incorporation of the recommendations of the Groundwater Investigation and Dewatering Management Plan, groundwater impacts can be appropriately managed, and the proposal would not result in any unacceptable impacts to groundwater quality or groundwater flows in the vicinity of the site.

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## **Biodiversity**

The proposal includes removal of some existing vegetation on the site and the application was accompanied by a biodiversity development assessment report (BDAR) in accordance with the requirements of the BC Act. The report was updated with the RTS to address some matters raised by EESG.

The report identified one Plant Community Type (PCT 684 Blackbutt - Narrowleaved White Mahogany shrubby tall open forest of coastal ranges, northern Sydney Basin Bioregion) in a highly disturbed and fragmented condition. An assessment was undertaken against the Biodiversity Assessment Method (BAM). The revised RTS assessment advised that no offsets were required as the vegetation did not represent a threatened ecological community and did have a vegetation integrity score of more than 20.

The BDAR also identified two matters of National Environmental Significance on the site (the Eucalyptus trees and habitat of the Grey Headed Flying Fox) but a detailed assessment concluded there would not be any significant impact and therefore referral to the Commonwealth is not required.

Following submission of the RTS, EESG has advised it is satisfied with the biodiversity assessment, subject to certification of the timing of the assessment. The Applicant subsequently provided the required certification.

The Department considers that while the proposal would result in some minor biodiversity impacts, the extent of the impacts do not require species credit offsets. Further, the proposal would incorporate new tree plantings on the site and surrounding street fronts

No additional conditions or mitigation measures required.

(as discussed in Section 6.1) and these would assist with offsetting the impacts of the vegetation to be removed).

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                               |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Aboriginal Heritage</b> | <p>An Aboriginal Cultural Heritage Report (ACHAR) was submitted with the RTS. It concluded that the proposal would not result in impacts to identified Aboriginal objects or a registered Aboriginal place and concluded the works could proceed subject to measures to ensure appropriate actions are taken if Aboriginal cultural heritage is encountered during the construction phase.</p> <p>Heritage NSW reviewed the ACHAR and raised concern with the level of consultation undertaken within the report. Detailed information was subsequently provided by the Applicant demonstrating how consultation has been carried out having regard to the relevant guidelines.</p> <p>The Department is satisfied Aboriginal cultural heritage has been appropriately assessed, and the findings of the ACHAR can be relied on. On that basis, the Department considers Aboriginal cultural heritage is unlikely to be impacted by the proposal and appropriate conditions can be included to ensure that should potential impacts arise, they would be appropriately managed.</p> | <p>Conditions generally consistent with the recommendations of the ACHAR including an unexpected finds protocol are recommended</p>                                                                           |
| <b>Aviation Impacts</b>    | <p>To ensure the safety of existing helicopter operations at Gosford Hospital close to the site, NSW Health requested an assessment of the aviation impacts of the application. An Aviation Impact Statement was provided with the RTS and impacts were assessed having regard to the Department's guideline on Safeguarding Strategically Important Helicopter Landing Sites in NSW. It concludes that the proposal can be supported subject to rooftop lighting, advice to Airservices Australia for inclusion in aeronautical charts, and approval of and restrictions on construction crane operations.</p> <p>NSW Health noted the recommendations of the Aviation Impact Statement and raised no further concerns, subject to further consultation with regard to construction crane lighting.</p> <p>Subject to inclusion of the recommendations of the Aviation assessment, the Department considers the proposal would not result in adverse safety impacts for helicopter operations associated with Gosford Hospital.</p>                                                | <p>The recommendations of the Aviation Assessment have been incorporated into the recommended approval, including a requirement to further consult with NSW Health regarding construction crane lighting.</p> |
| <b>Wind Impacts</b>        | <p>Wind impacts are a matter for consideration under clause 8.3(vii) of the Gosford SEPP. A wind impact assessment was submitted with the proposal and revised assessment submitted with the RTS. The assessment demonstrates that the proposal would not result in unacceptable wind impacts and the development would achieve a high level of amenity.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>No additional conditions or mitigation measures required</p>                                                                                                                                               |
| <b>Reflectivity</b>        | <p>Reflectivity is a matter for consideration under clause 8.3(vii) of the Gosford SEPP. The architects have confirmed that façade materials will have a specular</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>No additional conditions or mitigation measures required</p>                                                                                                                                               |

reflectance not exceeding the accepted standard of 20%. The Department is satisfied building façade treatments are not highly reflective and the proposal results in no concerns with regard to reflectivity.

## Signage

Elevations indicate the provision of two flush mounted business identification wall signs above an entry to the site on Faunce Street and at the north-east entry.

No further details of the signage (finishes, lighting etc) have been provided by the Applicant, nor has an assessment against the requirements of SEPP 64 – Advertising and Signage been provided.

The Department has reviewed the signs and considers it is likely they can be provided as exempt development under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The Department therefore has made no assessment of the signs.

The Department also requested that the Applicant prepare a signage strategy for the site, however the Applicant advised that as the operator is not yet known, a requirement for a signage strategy would best form a condition of consent.

A condition is recommended clarifying that signage is not approved as part of the SSDA approval. A condition is also recommended requiring the approval of a signage strategy prior to erection of any signage and occupation.

## Bushfire

Due to the proximity of the site to the Presidents Hill reserve, part of the site is identified as being bushfire prone. Development as a hospital is a Special Fire Protection Purpose under the Rural Fires Act and Planning for Bushfire Protection 2019.

Accordingly, a Bushfire Protection Assessment (BPA) was prepared and submitted with the application. It demonstrates the proposal can comply with the requirements of Planning for Bushfire Protection 2019 and therefore would not result in significant bushfire risks.

The NSW RFS reviewed the BPA and advised it has no objection to the proposal. It also provided standard conditions to be included on any development consent.

Standard conditions recommended by RFS have been included in the recommendations.

## Construction Impacts

Submissions noted the potential for construction impacts on adjacent sites, including the nearby school sites. Key concerns related to noise and traffic. NSW Health also noted the potential for dust and air quality impacts during construction and Council noted the need to consider the staged construction of the site and construction impacts on the operation of the hospital during construction of Stage 2.

Construction noise impacts were considered in **Section 6.3**.

The Applicant has also considered management of other potential construction impacts in the Preliminary Construction Management Plan, Traffic Impact Assessment and Air Quality assessment reports.

The Department is satisfied that construction impacts associated with construction of Stage 1 could be effectively managed and mitigated through the imposition of standard conditions, including conditions

Standard conditions recommended to manage construction impacts during Stage 1 have been recommended.

A FEAR has also been recommended to ensure appropriate consideration is given to construction impacts of Stage 2.

to develop a Construction Pedestrian and Traffic Management Plan in consultation with affected sites such as the local schools.

The Department also considers that construction impacts during Stage 2 (including impacts to patients and staff within the established hospital) can be appropriately considered and addressed as part of the future assessment of the DA for that stage.

#### **Operational Waste Management**

An operational Waste Management Plan was submitted with the proposal and the RTS. Council reviewed the RTS with regard to waste servicing arrangements and advised it supports the proposal subject to:

- A final plan set showing travel paths for internal transfer of waste, intuitive transfer of waste from each floor and stage of the proposed development, identification of interim waste storage and transfer on each floor.
- Provision of bin lifters to facilitate waste transfer.
- Application and approval from Council's Trade Waste Section regarding use and disposal of any food waste to sewer from Dehydrators, Pre-Digester or Macerators.

The Department is satisfied the proposal is able to make adequate provision for waste management and recommends conditions to ensure the provision of the additional required information to Council.

Standard conditions in relation to waste management are recommended in addition to requirements to demonstrate travel paths, provision of bin lifters and approval of food waste disposal.

#### **Utilities and Servicing**

A Services Report was submitted with the application which considered required utility connections to service the site.

Council advises augmentation of Council's water and sewer infrastructure will be required and that water and sewer developer charges will apply for the proposed development. The Applicant acknowledged this requirement.

The Department considers that subject to appropriate connections and augmentation of services where required, including any associated utility provider charges, the site can be satisfactorily serviced.

To ensure the site is appropriately serviced, a condition is recommended to require approval and connections to water services. This will require the Applicant to pay associated charges including charges required by Council and all costs for construction of required infrastructure.

Standard conditions and advisory notes in relation to utilities and services connections are recommended.

#### **Ausgrid Infrastructure**

Ausgrid raised concerns with the potential for impacts of the development on overhead mains which traverse through or close to the site. It noted that relocation or undergrounding of the mains would resolve the issue. The Department notes the only overhead mains affected by the proposal run along the Faunce Street frontage and then traverse over the site at its south-western corner (at the intersection with Racecourse Road). As discussed in **Section 6.1**, the Department has recommended that these mains be undergrounded

A condition requiring the Applicant to underground overhead mains in accordance with any requirements of Ausgrid has been recommended.

to improve streetscape outcomes and enable growth of street trees.

On this basis the Department is satisfied that the proposal would not adversely impact on Ausgrid infrastructure.

**Health**

NSW Health recommended consideration be given to air pollution, drinking water, warm water and water cooling systems with regard to health impacts.

The Department considers that subject to compliance with standard conditions, building regulations and required Australian Standards, there is nothing specific to this proposal that is likely to lead to any adverse health outcomes for occupants of the building or the locality.

Standard conditions in relation to compliance with relevant legislation and standards are recommended.

## 7 Evaluation

The proposed SSD application seeks approval for a Concept Proposal and Stage 1 works for a new private hospital in West Gosford. The Department has reviewed the EIS, RTS and additional information and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council and all environmental issues associated with the proposal have been thoroughly addressed.

The Department's assessment of the project concludes that:

- the built form and urban design are suitable for the site. Built form and design have been through an extensive review process and the City of Gosford Design Advisory Panel has confirmed the proposal achieves design excellence.
- the requirements for a variation from the height and FSR controls have been met and the Department considers that overall scale and height is appropriate for the site, subject to some improvements to street tree plantings on Faunce Street to soften visual bulk impacts on this elevation.
- the proposal has generally been designed to ensure a high-quality interface with the public domain in the context of the site constraints, with good levels of ground floor activation, and well-designed facades and entrances along most of the street frontages. Improved plantings on Faunce Street will assist with mitigating impacts of a section of blank non-active façade.
- the proposal will provide a high-quality landscape outcome that would make a positive contribution to the character of the area, provide pleasant outdoor spaces for patients, staff and visitors, improve pedestrian amenity and environmental outcomes on the site and in the surrounding area.
- subject to developer contributions to assist with funding road improvements, the proposal would not result in material traffic impacts, would not result in parking impacts, and conditions are recommended to encourage sustainable transport use and ensure reduced reliance on private vehicles.

The proposal is consistent with key government strategic plans and policies, including the North Coast Regional Plan 2036, The Gosford Urban Design Framework, and Future Transport Strategy 2056.

The proposal is considered to be in the public interest as it would provide public benefits, including:

- additional investment in health infrastructure and health services for the region's population.
- support the continuing growth of the Capital City of the Central Coast, providing revitalisation of this part of the centre, and encourage economic growth and investment.
- delivery of approximately 2,200 new construction jobs and 460 operational jobs.

Based on its assessment, the Department considers that the project is justified and in the public interest, and that the site is suitable for the proposed development.

Recommended conditions of approval and the implementation of measures detailed in the Applicant's EIS and RTS would ensure that the project would minimise and mitigate the residual environmental impacts of the project. Consequently, the Department recommends that the State significant development for the Northside Private Hospital be approved, subject to the recommended conditions of consent.

## 8 Recommendation

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

- **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 to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of SSD 10159, subject to the conditions in the attached development consent / project approval.
- **signs** the attached development consent/and recommended conditions of consent (**Appendix C**).

**Recommended by:**



**Teresa Gizzi**  
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 – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows.

1. Environmental Impact Statement  
<https://www.planningportal.nsw.gov.au/major-projects/project/10046>
2. Submissions  
<https://www.planningportal.nsw.gov.au/major-projects/project/10046>
3. Applicant's Response to Submissions  
<https://www.planningportal.nsw.gov.au/major-projects/project/10046>

## Appendix B – Statutory Considerations

### State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

**Table B1 |** SRD SEPP compliance table

| Relevant Sections                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Consideration                                                                                                          | Complies |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------|
| <b>3 Aims of Policy</b><br>The aims of this Policy are as follows:<br>(a) to identify development that is State significant development                                                                                                                                                                                                                                                                                                                                                                                                | The proposed development is identified as SSD.                                                                         | Yes      |
| <b>8 Declaration of State significant development: section 4.36</b><br>(1) Development is declared to be State significant development for the purposes of the Act if:<br>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<br>b) the development is specified in Schedule 1 or 2.                                                                                                                       | The proposed development is permissible with development consent. The proposal is development specified in Schedule 1. | Yes      |
| <b>Schedule 1 State significant development —general (clause 8 (1))</b><br><b>14 Hospitals, medical centres and health research facilities</b><br>Development that has a capital investment value of more than \$30 million for any of the following purposes:<br>a) hospitals,<br>b) medical centres,<br>c) health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute). | The proposed development comprises development for the purpose of a hospital and has a CIV in excess of \$30 million.  | Yes      |

### State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal is categorised as 'health services facilities'. The site is zoned B6 Enterprise Corridor, defined as a 'prescribed zone' in clause 56 of the ISEPP and therefore the development is permissible with consent under clause 57(1).

As the development is immediately adjacent to an electricity substation and within 5 metres of exposed overhead electricity power lines, the application was referred to Ausgrid in accordance with clause 46. The Department has considered the submissions received from Ausgrid in **Sections 5 and 6** of this

report and has recommended conditions to underground overhead power lines to resolve outstanding Ausgrid concerns. (see **Appendix C**).

The development constitutes traffic generating development in accordance with clause 104 of the ISEPP and therefore was referred to RMS (now TfNSW), the Department has considered the submissions received from TfNSW in **Sections 5** and **6** of this report. Suitable conditions have been included in accordance with TfNSW recommendations (see **Appendix C**).

The proposal is therefore consistent with the Infrastructure SEPP given the consultation and consideration of the comments from the relevant public authorities.

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

The Gosford SEPP was gazetted in October 2018 and seeks to promote the economic and social revitalisation of Gosford City Centre. In addition, it aims to strengthen Gosford's regional position, enhance its vitality, identity and diversity, promote employment, residential, recreational and tourism opportunities, manage natural and man-made resources, protect and enhance the environment, preserve solar access to open spaces, create a mixed-use place and pedestrian links and ensure developments exhibit design excellence.

The Department has considered the relevant provisions of the Gosford SEPP and concludes the development is consistent with the Gosford SEPP.

**Table B2 | Gosford SEPP compliance table:**

| Clause                                 | Department Comment / Assessment                                                                                                                                                                                                                                                                           |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Clause 2.1 Land Use Zones              | The site is zoned B6 Enterprise Corridor. The proposed health services facility is permissible with consent. The proposal is consistent with the objectives of the zone as it provides an employment generating use and limits retail activity to some ancillary retail associated with the hospital use. |
| Clause 2.6 Subdivision                 | The proposal includes subdivision to create a separate allotment. The clause provides that subdivision of the site is permissible with development consent.                                                                                                                                               |
| Clause 2.7 Demolition requires consent | The proposal includes demolition of existing buildings. The clause provides that demolition is permissible with development consent.                                                                                                                                                                      |
| Clause 4.3 Height of Buildings         | A 12 metre height control applies to the site under the clause. The proposal would have a maximum building height of 44.6m and therefore exceeds the height standard under this clause. However, clause 8.4 allows for exceptions to the development standard (see below).                                |
| Clause 4.4 Floor Space Ratio           | An FSR control of 1.5:1 applies to the site under the clause. The proposal would have a maximum FSR of 2.28:1 (stage 1) and 2.71:1 (stages 1 & 2) and therefore exceeds the FSR standard under this clause. However, clause 8.4 allows for exceptions to the development standard (see below).            |
| Clause 6.1 Acid Sulfate Soils          | The development site is classified as Class 5 acid sulphate soils under the LEP. The proposal is within 500 m of Class 2 land and proposes works below 5m AHD. As such consideration must be given to whether the works are likely to lower the water table on the Class 2 land. A                        |

|                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                 | groundwater assessment has therefore been provided and has confirmed that the proposed works are unlikely to lower the water table on the nearby Class 2 land. As such, no further assessment is required under the clause.                                                                                                                                                                                                                                             |
| Clause 7.2 Flood Planning & Clause 7.3 Floodplain risk management                               | Flooding has been considered in Section 6.4. Based on updated flood modelling provided by the Applicant, the Department is satisfied the proposal would be flood-free. All entrances would be clear of flooding from overland flows during flooding events and the proposal would not adversely affect flood behavior or flooding of other properties. The Development can be safely occupied and there will be safe egress from the site during major flooding events. |
| Clause 8.1 Minimum building street frontage in Zone B6                                          | The clause provides that buildings on the B6 zone should have a street frontage of at least 24 metres. The proposed development exceeds this requirement on both street frontages.                                                                                                                                                                                                                                                                                      |
| Clause 8.3 Design excellence                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Consent must not be granted unless the proposal exhibits design excellence.                     | The proposal has been extensively reviewed by the City of Gosford Design Advisory Panel and is considered to exhibit design excellence as discussed in <b>Section 6.1</b> having regard to the matters for consideration as follows:                                                                                                                                                                                                                                    |
| Matters for consideration:                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| (a) high standard of design, materials and detailing appropriate to building type and location, | (a) The proposal exhibits a high-quality architectural design that incorporates materials and detailing appropriate for a contemporary hospital facility, suitable to its location at the edge of the Gosford Centre and in the Enterprise Corridor zone.                                                                                                                                                                                                               |
| (b) form and external appearance impact on public domain,                                       | (b) The building presents a high-quality design to the public domain, incorporating a variety of facade elements and variation in massing which add visual interest, promote activation and present a human scale at the interface with the public domain.                                                                                                                                                                                                              |
| (c) impacts to solar access to key public open space and identified vistas and view corridors,  | (c) There is no public open space or identified view corridors affected by the proposal                                                                                                                                                                                                                                                                                                                                                                                 |
| (d) the requirements of any applicable DCP                                                      | (d) while development control plans do not technically apply to SSD, the Department has considered the requirements of Gosford City Centre DCP (below)                                                                                                                                                                                                                                                                                                                  |
| (e) the following:                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| (i) the suitability of the land for development,                                                | (e)<br>(i) (ii) Noting hospitals are permitted with consent in the Enterprise Corridor Zone, and the land does not contain any specific environmental constraints which would constrain the development, the land is                                                                                                                                                                                                                                                    |

|                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (ii) the existing and proposed uses and use mix,                                                           | considered suitable for the proposed hospital development, and the proposed use is considered suitable for the site.                                                                                                                                                                                                                                                                        |
| (iii) heritage issues and streetscape constraints,                                                         | (iii) Heritage issues are considered in <b>Section 6.4</b> and the proposal results in no heritage concerns. Impacts to streetscape are discussed in <b>Section 6.1</b> and the Department is satisfied that subject to conditions, the proposal responds appropriately to the streetscape.                                                                                                 |
| (iv) relationship of the development with other development                                                | (iv) The proposal would be visually separate from other nearby developments and as such there is no requirement to visually relate to other developments nearby. Other interrelationships between the proposal and other nearby development (noise, traffic, and operational impacts) are considered in <b>Sections 6.2, 6.3, and 6.4.</b>                                                  |
| (v) bulk, massing, modulation of buildings,                                                                | (v) (vi) The location, bulk, massing of the buildings and their height at the street frontage is considered appropriate. The buildings also incorporate appropriate modulation to provide visual interest and human scale. Refer to detailed discussion in <b>Section 6.1.</b>                                                                                                              |
| (vi) street frontage heights,                                                                              |                                                                                                                                                                                                                                                                                                                                                                                             |
| (vii) environmental impacts, including solar access, shadowing, sustainable design, wind and reflectivity, | (vii) Impacts are considered throughout the assessment. Subject to conditions to mitigate and manage noise, the proposal is not considered to result in any adverse environmental impacts.                                                                                                                                                                                                  |
| (viii) ecologically sustainable development,                                                               | (viii) Refer Section 4.4: the development incorporates ESD initiatives.                                                                                                                                                                                                                                                                                                                     |
| (ix) access, circulation, pedestrian network                                                               | (ix) Internal access and circulation is acceptable and the proposal incorporates pedestrian links through the site. Conditions are recommended to improve the pedestrian network adjacent to the site. Refer to discussion in <b>Section 6.2.</b>                                                                                                                                           |
| (x) impact on /improvements to public domain                                                               | (x) The proposal presents an active and visually interesting interface to the public domain, resulting in a significant improvement to the adjoining public domain compared to the existing site. Conditions are recommended to further improve public domain outcomes as discussed in <b>Section 6.1.</b> Developer contributions will also enable other local public domain improvements. |

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#### Clause 8.4 Exceptions to Development Standards

Consent may be granted to development which exceeds height and FSR controls if:

The proposal meets the requirements to allow consent to be granted, despite the exceedance of the height and FSR controls:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>(a) the site has an area of at least 5600m<sup>2</sup></li> <li>(b) a design review panel reviews the development</li> <li>(c) if required by the DRP, an architectural design competition is held</li> <li>(d) the findings of the DRP are considered</li> <li>(e) the amount of commercial floorspace is considered appropriate</li> <li>(f) the building meets or exceeds minimum sustainability and environmental performance standards</li> </ul> | <ul style="list-style-type: none"> <li>(a) Once subdivided, the proposed hospital site would have an area of an area of 10108 m<sup>2</sup>.</li> <li>(b) the development has been extensively reviewed by the City of Gosford Design Advisory Panel.</li> <li>(c) an architectural design competition was not required by the DRP.</li> <li>(d) the findings of the DRP have been considered in detail: refer to <b>Section 6.1</b>.</li> <li>(e) the amount of commercial floorspace is considered appropriate for the proposed health services facility use. No residential floor space is proposed.</li> <li>(f) conditions are recommended to ensure building incorporates ESD measures as discussed in <b>Section 4.4</b>.</li> </ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                    |                                                                                                                       |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Clause 8.10 Solar access to key public open spaces | The proposal is not near, and would not affect identified public open spaces                                          |
| Clause 8.11 Key Vistas and View corridors          | The Department is satisfied the proposal would not affect any key vistas or view corridors in the Gosford City Centre |

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

The Coastal SEPP aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone by managing development in the coastal zone and protecting the environmental assets of the coast, establishing a framework for land use planning to guide decision-making in the coastal zone, and mapping the 4 coastal management areas (the coastal wetlands and littoral rainforests area, the coastal vulnerability area, the coastal environment area and the coastal use area) that comprise the NSW coastal zone for the purpose of the definition in the *Coastal Management Act 2016*.

The subject site is within close proximity to coastal wetlands (Narara Creek, 300 metres north-west of the site), and the site is identified as being within the coastal environment area under the SEPP.

Department has assessed the impacts of the proposed development on the coastal environment area and pursuant to Clause 13, is satisfied that, the proposed development would not result in adverse environmental impacts, including hydrological impacts, impacts to water quality, vegetation, fauna, open space, Aboriginal heritage, or impacts to foreshore areas (refer to **Section 6.4**). Pursuant to clauses 15 and 16, the Department is also satisfied the development is not likely to cause increased risk of coastal hazards and notes there is no certified coastal management plan applicable to the site.

### Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The RTS includes a detailed contamination assessment for the site which concludes that the site can be made suitable for the proposed development, subject to a further human health risk assessment, and possible remediation or management of potential impacts in relation to

former underground petroleum storage system on the site and development of an unexpected finds protocol.

The Department is satisfied that subject to the imposition of conditions, including additional investigations, possible remediation and validation where necessary, the site can be made suitable for the proposed use and will not result in unacceptable contamination risks.

The Department recommends conditions relating to additional site investigations, remediation, validation and development of an unexpected finds protocol.

### **Draft State Environmental Planning Policy (Remediation of Land)**

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP will require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

### **State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)**

In accordance with the requirements of the SEARs, consideration has been given to SEPP 33. SEPP 33 aims to identify proposed developments for the purpose of industry or storage with the potential for significant off-site impacts, in terms of risk and or offence (odour, noise). A development is defined as potentially hazardous and / or potentially offensive, if, without mitigating measures in place, the development would have a significant risk and/ or offence impact on off-site receptors.

The information provided with the application indicates the quantities of dangerous goods to be stored on the site would be below the screening threshold quantities in the Department's *Applying SEPP 33* and as such the proposed development is not potentially hazardous under SEPP 33 and the provisions of SEPP 33 do not apply.

Conditions have been recommended to ensure the development doesn't increase the storage of dangerous goods and become potentially hazardous following approval and to ensure all chemical fuels and oils are appropriately stored in accordance with relevant standards.

### **Gosford City Centre Development Control Plan 2018 (GCCDCP)**

In accordance with Clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development. Nevertheless, consideration has been given to GCCDCP as it provides specific guidance for the development of the site.

The Applicant has provided detailed consideration of the proposal against the requirements of the DCP in Appendix 4 of the RTS. The Department generally agrees with the Applicant's assessment and considers the development is consistent with the objectives of the DCP.

However, the Department notes the proposal results in variations from the recommendations of the GCCDCP with regard to street setbacks, street wall heights, tower and podium façade lengths, tower setbacks, articulation of the tower, and deep soil zones. The design of the building relative to the objectives of these DCP controls is considered in detail in **Section 6.1** and the Department is satisfied the objectives of the DCP would be achieved, and a high-quality built form would be delivered on the site despite the variations from the controls.