

Draft Notice of decision – Residential Development at 89 John Whiteway Drive, Gosford Modification 1 – SSD-10321-Mod-1

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	Residential Development at 89 John Whiteway Drive, Gosford Modification 1 – SSD-10321-Mod-1
Applicant	The Trustee for JWD Developments Unit Trust
Consent Authority	Minister for Planning

Decision

The Director of Regional Assessments under delegation from the Minister for Planning has, under 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available [here](#).

A copy of the Department of Planning & Environment's assessment report is available [here](#).

Date of decision

26 April 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 and section 4.55(3) of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the consent authority for the grant of the original consent
- the objects of the Act;
- the considerations under s 7.17(2) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted to the Department during the assessment of the modification application and considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the modification is of minimal environmental impact and that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.

The key reasons for granting the modification are as follows:

- the modification would provide a range of benefits for the region and the State as a whole, including a total capital investment of \$98,306,520 in the region, 472 construction jobs, both local and state infrastructure contributions and 198 new dwellings to meet housing demand and provide housing diversity;
- the project is permissible with development consent and is consistent with NSW Government policies including the Central Coast Regional Plan 2036, The Gosford Urban Design Framework, and Future Transport Strategy 2056;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards, subject to conditions of consent;

- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent (where applicable); and
- weighing all relevant considerations, the modification is not prejudicial to the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 14 January 2022 until 28 January 2022 (14 days) and received 1 submissions, including 1 objections.

The key issues raised by the community (including in submissions) and considered in the Department’s Assessment Report and by the decision maker include overlooking from the public walkway, stability of the escarpment and the proposed neighbourhood shop.

<i>Issue</i>	<i>Consideration</i>
<p><i>Overlooking</i></p> <ul style="list-style-type: none"> • <i>Objection to the boardwalk and fence along the north of the site.</i> 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The boardwalk does not form part of this modification application and was previously consented to as part of SSD-10321. This application does not seek to amend the boardwalk. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Nil required
<p><i>Stability of the escarpment</i></p> <ul style="list-style-type: none"> • The escarpment is sandstone and unstable. • Excavation works requires drilling which will have a high probability of exacerbating the instability. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The stability of the escarpment was considered as part of the original application (SSD-10321). A geotechnical report was provided with the application and the Department engaged an independent Geotechnical Engineer to undertake a peer review of the report and advise the Department on its suitability. The peer review determined the measures outlined in the report were satisfactory subject to conditions. • Conditions of consent were imposed on the original application to manage or mitigate the potential impacts. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Nil required
<p><i>Neighbourhood Shop</i></p> <ul style="list-style-type: none"> • The proposed shop is a commercial use within a residential zone. • Potential for the commercial use to be expanded. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • A neighbourhood shop is a permissible land use within the R1 General Residential Zone. • The neighbourhood shop complies with the maximum floor area of 100m² as set under clause 5.4 of State Environmental Planning Policy (Gosford City Centre) 2018. • Further expansion of the neighbourhood shop would not be permissible under State Environmental Planning Policy (Gosford City Centre) 2018. <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> • Nil required