

# Contents

<b>1.0</b>	<b>Introduction</b>	<b>4</b>
1.1	Project Description	4
1.2	Background	4
1.3	Site Description	5
1.4	Proposed Amendments	6
<b>2.0</b>	<b>Statutory Context</b>	<b>8</b>
<b>3.0</b>	<b>Description of Amendments</b>	<b>9</b>
3.1	Modification to Development	9
3.2	Description Overview	10
3.3	Key Modification to Development	10
3.4	Changes to address Conditions of Consent	17
3.5	Modification to Conditions	19
<b>4.0</b>	<b>Statutory Context</b>	<b>25</b>
4.1	Substantially the same development	25
4.2	Compliance with Environmental Planning Instruments	26
4.3	Gosford City Centre SEPP 2018	26
4.4	SEPP 65 / NSW Apartment Design Guide	26
<b>5.0</b>	<b>Assessment of Impacts</b>	<b>31</b>
5.1	Built Form, Scale and Visual Impact	31
5.2	Residential Amenity	31
5.3	Traffic and Parking	31
5.4	Access	31
5.5	Waste Management	31
5.6	Biodiversity	31
5.7	Bushfire	32
5.8	Reasons for granting consent	32
<b>6.0</b>	<b>Justification of the Amended Project</b>	<b>32</b>

## Figures

Figure 1	Perspective Image of Approved Development	4
Figure 2	Locational Context	5
Figure 3	Aerial Photo of Site and Surroundings	6
Figure 4	Artist impression – Building C	7
Figure 5	Artist Impression – Building D	7
Figure 6	Approved and Proposed Building C Level 4 Floor Plan	11
Figure 7	Approved and Proposed Building D Level 4 Floor Plan	12
Figure 8	Building C (west elevation)	13
Figure 9	Building C (north elevation)	13
Figure 10	Building C (south elevation)	13
Figure 11	Building C (east elevation)	13
Figure 12	Building D1 (north elevation)	14

# Contents

Figure 13	Building D2 (north elevation)	14
Figure 14	Building D1 (south elevation)	14
Figure 15	Building D2 (south elevation)	14
Figure 16	Building D (east elevation)	14
Figure 17	Building D (west elevation)	14
Figure 18	Mod 1 Approved Basement Plan	15
Figure 19	Proposed Basement Plan	15
Figure 20	Mod 1 Approved Upper Basement Plan	16
Figure 21	Proposed Upper Basement Plan	16
Figure 22	Building C Northern Elevation (demonstrating overhanging roof on eastern (left) façade, sandstone expression on podium and other design changes to improve articulation and reduce weathering impact)	18
Figure 23	Building D Western Elevation (demonstrating redesign of glazed balustrades at upper levels)	18
Figure 24	Proposed Building D Level 1 Plan (demonstrating removal of required units and floor redesign resulting in greater levels of communal and ancillary space)	19

## Tables

Table 1	Summary of Strategic Context	8
Table 2	Summary of Design Changes	9
Table 3	Numerical Overview	10
Table 4	Key Façade Changes	17
Table 5	Key Landscape Changes	17
Table 6	Modification's consistency with applicable legislation and planning instruments	26
Table 7	Consistency with the NSW Apartment Design Guide	26
Table 8	Solar Access Compliance	30
Table 9	Key Parking Parameters	31

# Contents

## Appendices

- A** Architectural Drawings  
*Marchese Partners*
- B** Landscape Drawings  
*Distinctive*
- C** BASIX and NatHERs Certificate  
*Credwell*
- D** Access Report  
*Lindsay Perry Access*
- E** Addendum Transport Statement  
*Barker Ryan Stewart*
- F** Water View Analysis  
*Marchese Partners*
- G** SEPP 65 and ADG Compliance Statement  
*Marchese Partners*
- H** Bushfire Addendum Statement  
*Clarke Dowdle & Associates*
- I** Design Excellence Design Report  
*Marchese Partners*
- J** Key Design Changes Statement  
*Marchese Partners*
- K** Waste Management Addendum Statement  
*Barker Ryan Stewart*

## 1.0 Introduction

This application has been prepared by Ethos Urban on behalf of The Trustee for JWD Developments Unit Trust pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify State Significant Development (SSD) Consent SSD10321 relating to 89 John Whiteway Drive, Gosford NSW (the site).

### 1.1 Project Description

SSD 10321 was granted consent on 14 October 2021 and relates to the construction of a residential flat building. Specifically, SSD 10321 was granted approval for the *construction of a residential development comprising four residential flat buildings to accommodate 201 dwellings, basement car parking, associated landscaping and public domain works.*



**Figure 1 Perspective Image of Approved Development**

Source: ADG Architects

### 1.2 Background

A Section 4.55 modification to SSD 10321 (MOD 1) for design development changes to Building A and B and the basement was made on 22 December 2021.

Generally, this modification relates to changes to Building C and D, with some changes in the basement. This modification prevails over MOD 1 to the extent of any inconsistency.

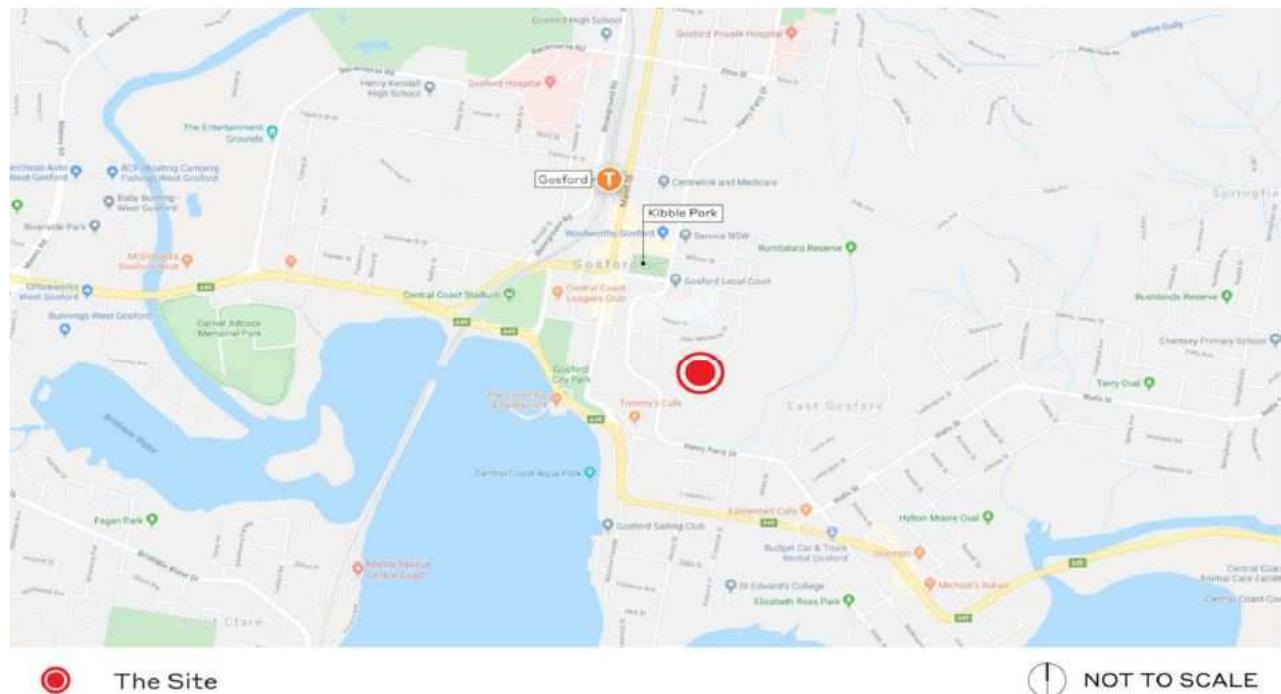
### 1.3 Site Description

The proposed development is located at 89 John Whiteway Drive, Gosford and sits on the eastern fringe of the Gosford City Centre, within the Local Government Area (LGA) of the Central Coast Council. The site is located approximately 50 kilometres to the north of the Sydney CBD and 68 kilometres to the south of the Newcastle CBD. A location map and Aerial Photo is provided in **Figure 2** and **Figure 3** respectively.

The site is legally described as Lot 100 in DP 1075037 and Lot 1 in DP 45551. Both lots are owned by JWD Developments, is irregular in shape and has a combined area of approximately 22,300m<sup>2</sup>.

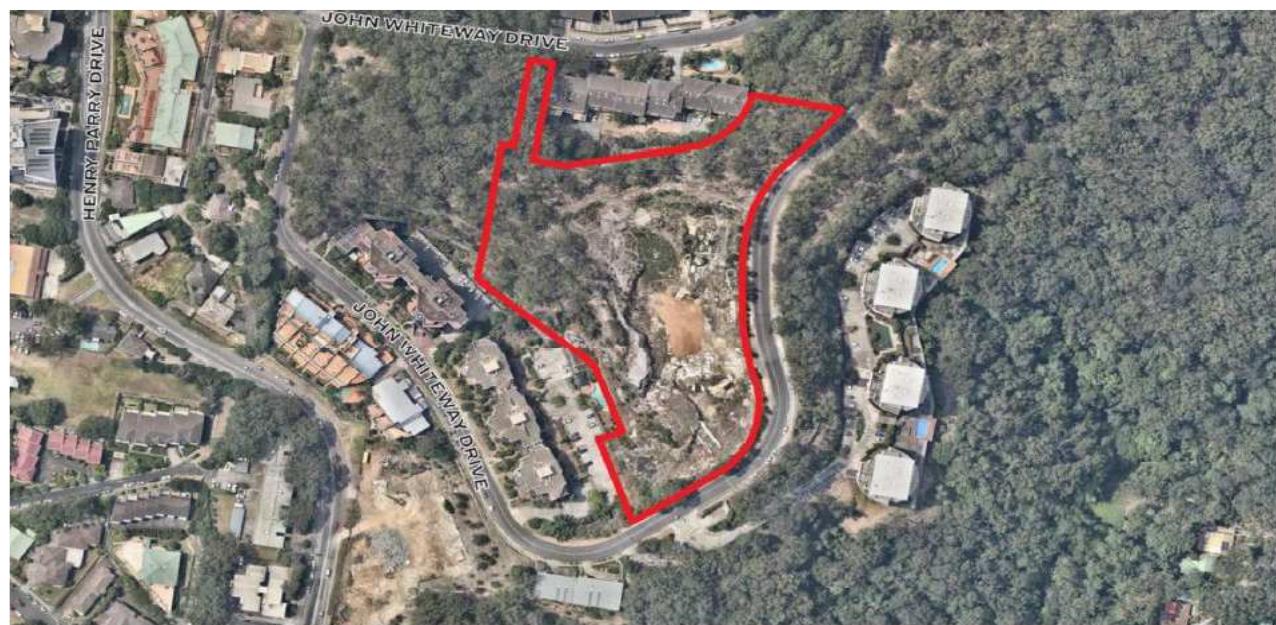
The site remains undeveloped, having been most recently used for the storage of construction materials. It was historically used as a sandstone quarry until 1985. In 2003 the site appears to have been used for parking and remains unoccupied since approximately 2010. The area is relatively flat, with a gradual fall towards the south-west from 68 AHD to approximately 64 AHD.

The northern portion of the site includes an elevated horseshoe shaped area (between 69m AHD to 74 AHD), with a series of cut sandstone faces stepping up to relatively flat benched areas. The western section of the site includes a cut sandstone face dropping to a height of approximately 60 AHD from 77 AHD. The northern and western section of the site is covered with dense, native vegetation including a continuous canopy of trees. No vehicle access is currently provided to the site.



**Figure 2 Locational Context**

Source: Google Maps, Ethos Urban



**Figure 3 Aerial Photo of Site and Surroundings**

Source: Ethos Urban

#### 1.4 Proposed Amendments

This section 4.55(1A) application seeks a range of design modifications that have resulted from design development and generally relate to Buildings C and D.

During the SSD process Marchese Partners were engaged to provide assistance to the project architect with achieving design excellence. Since approval of the SSD, Marchese Partners has been engaged to take the project through to construction. The modification represents an evolution of the original design, and aims to rationalise design elements, make design changes required by the conditions of the SSD consent, improve the internal layouts and amenity of the units and improve the overall buildability of the project.

This application represents the second modification to SSD10321. The first modification addressed Building A and B and the basement.

The design changes sought are described in further detail in **Section 3.0**. Artist impressions are provided in **Figure 4** and **Figure 5**



**Figure 4 Artist impression – Building C**

Source: Marchese Partners



**Figure 5 Artist Impression – Building D**

Source: Artist Impression

## 2.0 Statutory Context

Revitalisation of Gosford City Centre as the regional capital of a healthy, prosperous and connected Central Coast, is a priority of the Central Coast Regional Plan 2036 and the Minister for Planning and Public Spaces. In October 2018, the State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford City Centre SEPP) was made that facilitates the renewal and revitalisation of the Gosford City Centre through a number of new controls which allow for greater heights and densities on major sites, whilst ensuring design excellence.

The measures aim to facilitate investment in the city to attract new residents, business, tourists and cultural activity to allow Gosford to fulfil its enormous potential as the vibrant, thriving and liveable capital of the Central Coast. The changes established new planning, development control and assessment arrangements within Gosford City Centre. The controls implement the Government Architect's framework and will ensure design-led, streamlined, flexible and efficient development for Gosford City Centre.

The proposed residential flat buildings are permissible with consent in the R1 General Residential and reflect the type of investment in Gosford the recent planning changes sought to bring about. The assessment of the strategic context of the approved development remains consistent with the development, as modified. As such, the development remains to be strategically supported by the plans and documents outlined in **Table 1**.

**Table 1 Summary of Strategic Context**

Plan	Summary of Assessment
Central Coast Regional Plan (CCRP) 2036	<ul style="list-style-type: none"> <li>The CCRP 2036 identifies Gosford City Centre as the capital of the Central Coast. Direction 1 of the CCRP 2036 aims to facilitate growth in the City Centre.</li> <li>The development will support Direction 7 which aims to facilitate an increase in jobs in the region, particularly during construction.</li> <li>The development is in accordance with Direction 19 and Action 20 which aim to provide housing supply and choice within the Gosford City Centre.</li> </ul>
NSW Government Architect's Gosford Urban Design Framework 2018	<ul style="list-style-type: none"> <li>The development will assist the revitalisation of Gosford, and will provide for a high-quality development that meets community needs and positively contributes to the building character and typology of the Gosford City Centre.</li> <li>The development provides for infill development and provides a variety of unity typologies, which is consistent with the key design principles</li> </ul>
NSW Future Transport Strategy 2056	<ul style="list-style-type: none"> <li>The NSW Future Transport Strategy 2056 seeks to provide active transport options and encourage the use of non-car modes where possible. The approved development is supported by a Green Travel Plan which encourages occupants of the building to make greater use of public transport, cycling, walking and car sharing, all to reduce car usage, and as such is supportive of the NSW Future Transport Strategy 2056.</li> </ul>

## 3.0 Description of Amendments

### 3.1 Modification to Development

The proposed amendments have resulted from design development and primarily relate to Buildings C and D with associated changes to the basement carpark layout and landscape design to reflect the changes made to the design since SSD approval and MOD 1 design changes.

A summary of the design changes has been prepared by Marchese Architects and is provided at **Appendix A**. Due to the transition between existing Architects (ADG Architecture) and the new (Marchese Partners) the amendments have been presented in a similar fashion to the original documentation format, while presenting the changes as clear as possible and rationalising plans where possible.

The new 'Cover Sheet' of Appendix A identifies all architectural drawings, including:

- Existing DA drawings (unchanged)
- Existing DA drawings (amended)
- Existing DA drawings (deleted)
- New DA Drawings

The key design changes are summarised by Marchese Architects at **Appendix A** and at **Table 2** below. These changes are labelled in yellow at **Appendix A** to assist with referencing. An overview of key changes is provided in **Section 3.3**.

**Table 2 Summary of Design Changes**

Drawing Reference	Proposed Amendment
A	Reduced building envelope of Building C
B	Reduced building envelope of Building D
C	Reduced number of units in Building C from 56 to 52
D	Reduced number of units in Building D from 68 to 62
E	Parking spaces increase from 296 (Mod 1) to 298 (MOD 2)
F	Alterations to internal layout of typical units within Building C and D
G	General façade amendments to respond to internal layout changes
H	Building C – introduction of sandstone to Level 1 and 2 for consistent expression with approved upper podium
I	Building C – enhanced streetscape with new townhouse typology
J	Building C – Introduction of two storey apartments for level 7 and 8
K	Building C – redesign of roof form
L	Building D – increase of north setback by 4.8m to improve residential solar access
M	Minor amendments to Building C and D lift core location
N	Reduction of basement outline
O	Minor amendment of basement carpark layout on the upper podium
P	Amendments to outdoor landscape on upper podium level
Q	Associated changes to planters on facade

### 3.2 Description Overview

**Table 3** provides an amended description overview which allows for a comparison between the development, as approved, modification 1 and as proposed to be modified by modification 2.

**Table 3 Numerical Overview**

Element	Approved Development	Modification 1	Proposed Development
Site Area	22,300m <sup>2</sup>	22,300m <sup>2</sup>	22,300m <sup>2</sup>
GFA	Combined total of 24,692m <sup>2</sup>	Combined total of 24,855m <sup>2</sup>	Combined total of 24,158m <sup>2</sup>
Floor Space Ratio (FSR)	1.11:1	1.11:1	1.08:1
Site Works	Excavation of basement to maximum RL 60.4 – RL 61.9	Excavation of basement to maximum RL 60.1 – RL 61.5	Excavation of basement to maximum RL 60.1 – RL 61.5
Dwellings	201	198	188
Dwelling Mix	1 bedroom: 29 (14.2%) 2 bedroom: 121 (59.3%) 3 bedroom: 53 (26%) 4 bedroom: 1 (0.5%)	1 bedroom: 27 (14%) 2 bedroom: 108 (54%) 3 bedroom: 53 (29%) 4 bedroom: 6 (3%)	1 bedroom: 12 (6%) 2 bedroom: 118 (63%) 3 bedroom: 48 (26%) 4 bedroom: 10 (5%)
Building Height	A – RL 88.6m (6 storeys) B – RL 88.6m (7 storeys) C – RL 94.8m (8 storeys) D – RL 99.100m (5-9 storeys)	A – RL 85.80m (6 storeys) B – RL 88.45m (7 storeys) C – RL 94.8m (8 storeys) D – RL 99.100m (5-9 storeys)	A – RL 85.80m (6 storeys) B – RL 88.45m (7 storeys) C – RL 94.4m (8 storeys) D – RL 97.6m (5-9 storeys)
Basement and Car Parking	<ul style="list-style-type: none"> <li>One basement level and one part- basement level</li> <li>305 resident and visitor car parking spaces</li> <li>17 motorcycle spaces</li> <li>85 bike parking</li> </ul>	<ul style="list-style-type: none"> <li>One basement level and one part basement level</li> <li>295 resident, shop and visitor car parking spaces</li> <li>14 motorcycle spaces</li> <li>87 bike parking</li> </ul>	<ul style="list-style-type: none"> <li>One basement level and one part- basement level</li> <li>298 resident, shop and visitor car parking spaces</li> <li>15 motorcycle spaces</li> <li>79 bike parking</li> </ul>
Landscaping and Communal Open Space	<ul style="list-style-type: none"> <li>5,774m<sup>2</sup> (26%) of communal open space</li> <li>11,570m<sup>2</sup> (52%) of deep soil space</li> </ul>	<ul style="list-style-type: none"> <li>5,861m<sup>2</sup> (26%) of communal open space</li> <li>11,865m<sup>2</sup> (53%) of deep soil space</li> </ul>	<ul style="list-style-type: none"> <li>6,376m<sup>2</sup> (28.6%) of communal open space</li> <li>11,158m<sup>2</sup> (50%) of deep soil space</li> </ul>

### 3.3 Key Modification to Development

#### 3.3.1 Internal layout changes

The design review by Marchese Partners found unit layouts and balconies could be improved. All of the internal layouts of apartments in Building C and Building D have been re-planed and continue to be in accordance with the Apartment Design Guide. The re-planed layouts include:

- General review of all units' internal layouts
- Reduced number of units in Building C from 56 to 52
- Reduced number of units in Building D from 68 to 62
- Alterations to internal layout of typical units within Building C and D
- Introduction of two storey apartments for Building C level 7 and 8
- Minor amendments to Building C and D lift core location
- New townhouse typology within Building C

**Figure 6** and **Figure 7** below provides an illustrative comparison between the approved and proposed apartment layouts (Level 4 of Building C and D respectfully). All proposed amendments to the apartment layouts are provided in the Architectural Drawings (**Appendix A**).



Approved Layout



**Figure 6 Approved and Proposed Building C Level 4 Floor Plan**

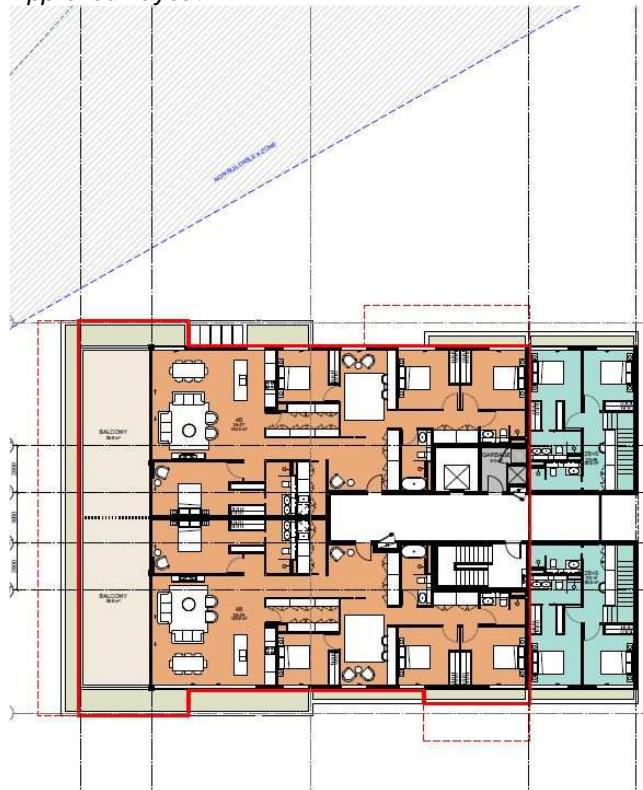
Source: ADG Architects (above), Marchese Partners (below)

Dash line: approved balcony line

Solid line: approved building line



Approved Layout



Approved Layout



Figure 7 Approved and Proposed Building D Level 4 Floor Plan

Source: ADG Architects (above), Marchese Partners (below)

Dash line: approved balcony line

Dash line: approved balcony line

### 3.3.2 Envelope reduction of Building C and Building D

As a result of design development, the efficiency of the overall Building C and Building D design has improved, resulting in a reduction of the height and bulk and scale of the envelopes. The Architectural Plans at **Appendix A** identify the approved building envelopes highlighted in red.

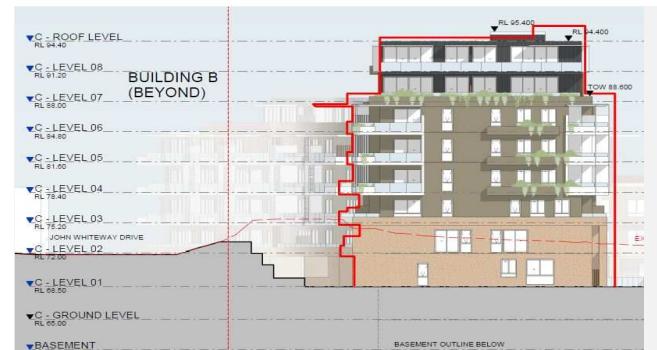
#### Building C

The building envelope is shown at **Figure 8 - Figure 11**. The height of Building C has slightly decreased from RL 94.8m to RL 94.4m.



**Figure 8 Building C (west elevation)**

Source: Marchese Partners



**Figure 9 Building C (north elevation)**

Source: Marchese Partners



**Figure 10 Building C (south elevation)**

Source: Marchese Partners



**Figure 11 Building C (east elevation)**

Source: Marchese Partners

## Building D

The building envelope is shown at **Figure 12 - Figure 17**. The height of Building B has reduced from RL 99.1m to RL 97.6m.



**Figure 12 Building D1 (north elevation)**

Source: Marchese Partners



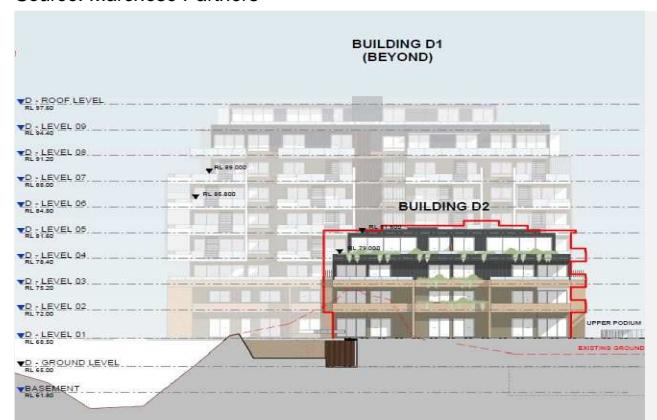
**Figure 13 Building D2 (north elevation)**

Source: Marchese Partners



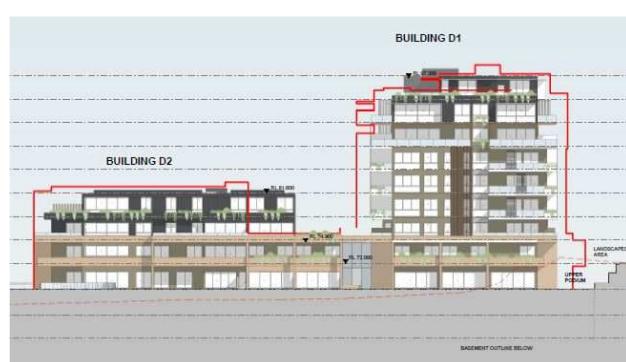
**Figure 14 Building D1 (south elevation)**

Source: Marchese Partners



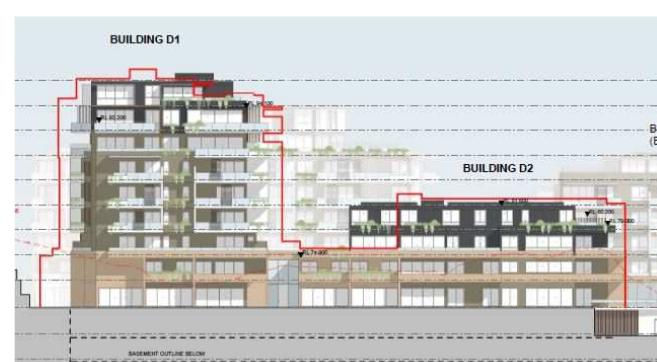
**Figure 15 Building D2 (south elevation)**

Source: Marchese Partners



**Figure 16 Building D (east elevation)**

Source: Marchese Partners

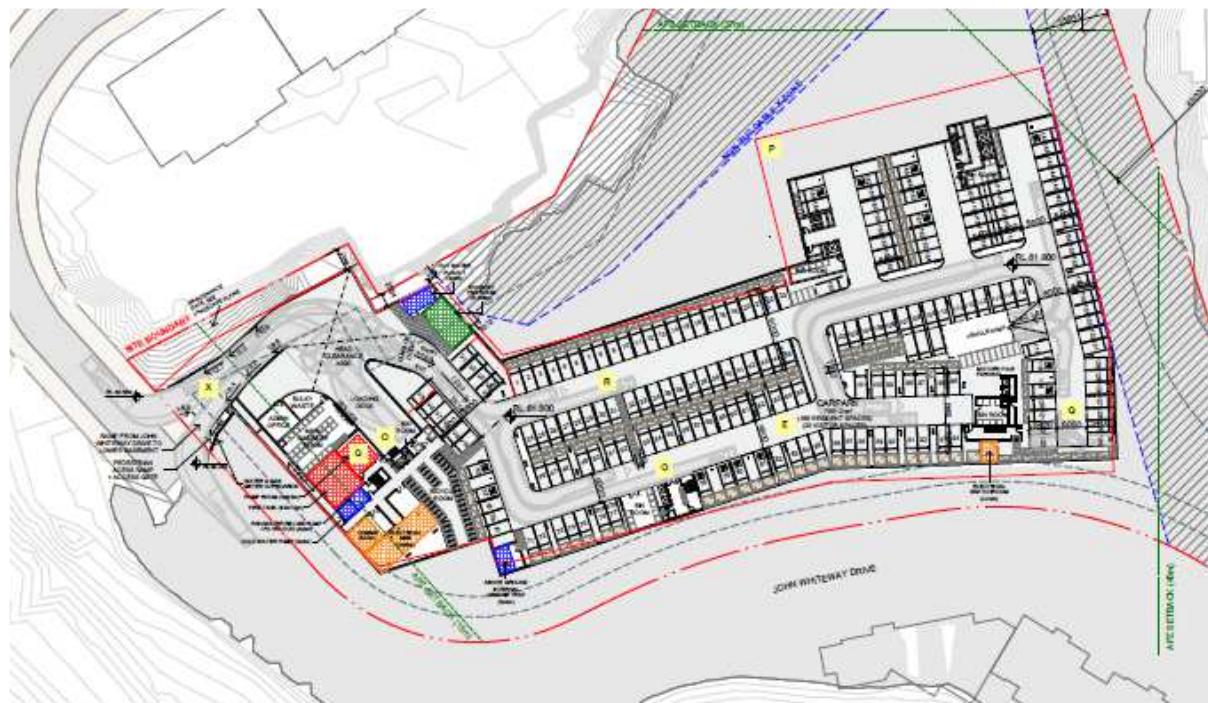


**Figure 17 Building D (west elevation)**

Source: Marchese Partners

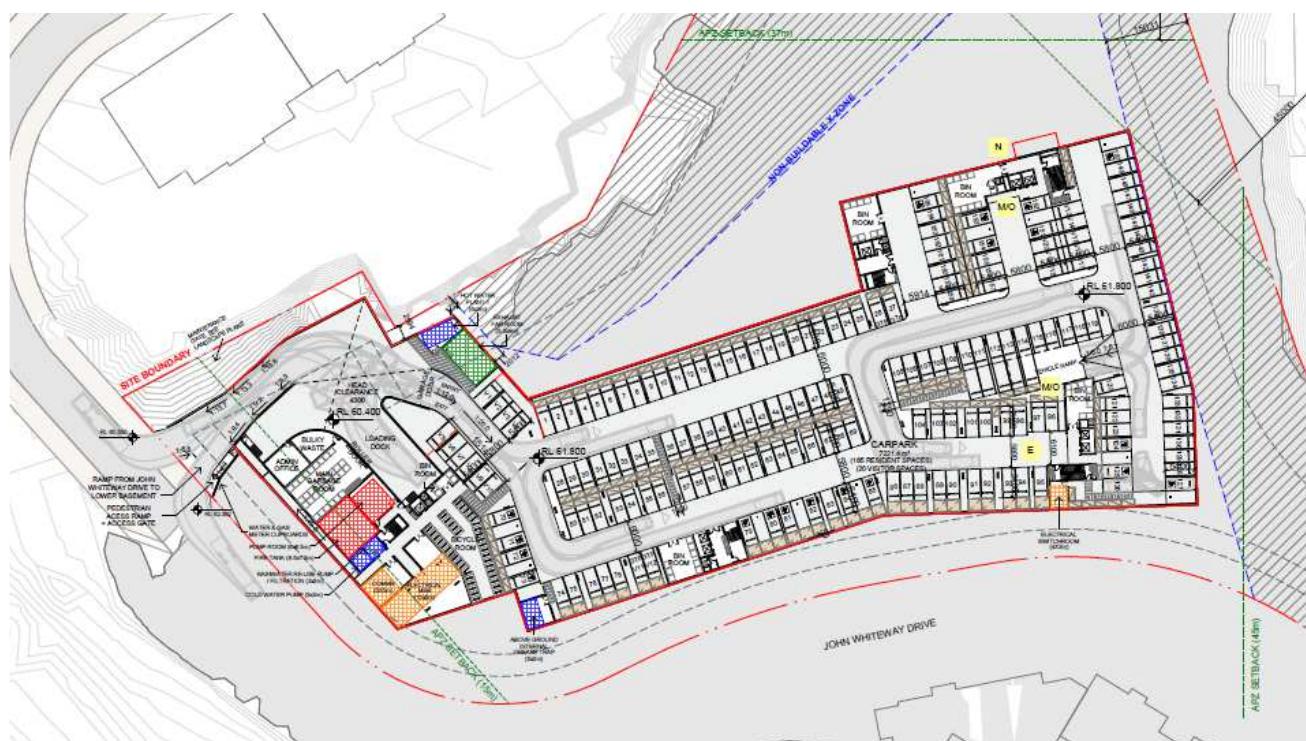
### 3.3.3 Basement Changes

The scale and design of the Basement has been refined to accommodate the broader changes made by this modification. Under MOD 2 the basement extent has been further reduced. A comparison of the Mod 1 and currently proposed basement is shown **Figure 18 - Figure 21**. To reconfirm, no part of the amended basement is within the Non-Buildable Zone.



**Figure 18 Mod 1 Approved Basement Plan**

Source: Marchese Partners



**Figure 19 Proposed Basement Plan**

Source: Marchese Partners



**Figure 20 Mod 1 Approved Upper Basement Plan**

Source: Marchese Partners



**Figure 21 Proposed Upper Basement Plan**

Source: Marchese Partners

### 3.3.4 Associated Changes

#### Façade Changes

To accommodate the above changes, the following items have been modified to suit and adapt to the revised development. The changes are minor and are generally consistent with the original DA.

**Table 4 Key Façade Changes**

Key	Amendment
G	General façade amendments to respond to internal layout changes
H	Building C – introduction of sandstone to Level 1 and 2 for consistent expression with approved upper podium
J	Building C – Introduction of two storey apartments for level 7 and 8
K	Building C – redesign of roof form

#### Landscape Changes

Amended Landscape Plans have been prepared by Distinct and are made available in **Attachment B**. Additionally, the Architectural Drawings (**Appendix A**) have incorporated such changes. The changes are not material for the planning assessment and include aspects such as garden bed arrangements etc. **Table 5** outlines the key changes incorporated in the Architectural Drawings and their respective key.

**Table 5 Key Landscape Changes**

Key	Amendments
P	Amendments to outdoor landscape on upper podium level
Q	Associated changes to planters on facade

### 3.4 Changes to address Conditions of Consent

Design changes have been made where applicable to address Condition B2(d), B2(e), B2(f) and B2(g):

(d) *Redesign of the roof form to Block C to:*

- (i) *include a roof overhang on the eastern façade,*
- (ii) *improve articulation and the proportions of the building profile; and*
- (iii) *provide protection from weathering.*

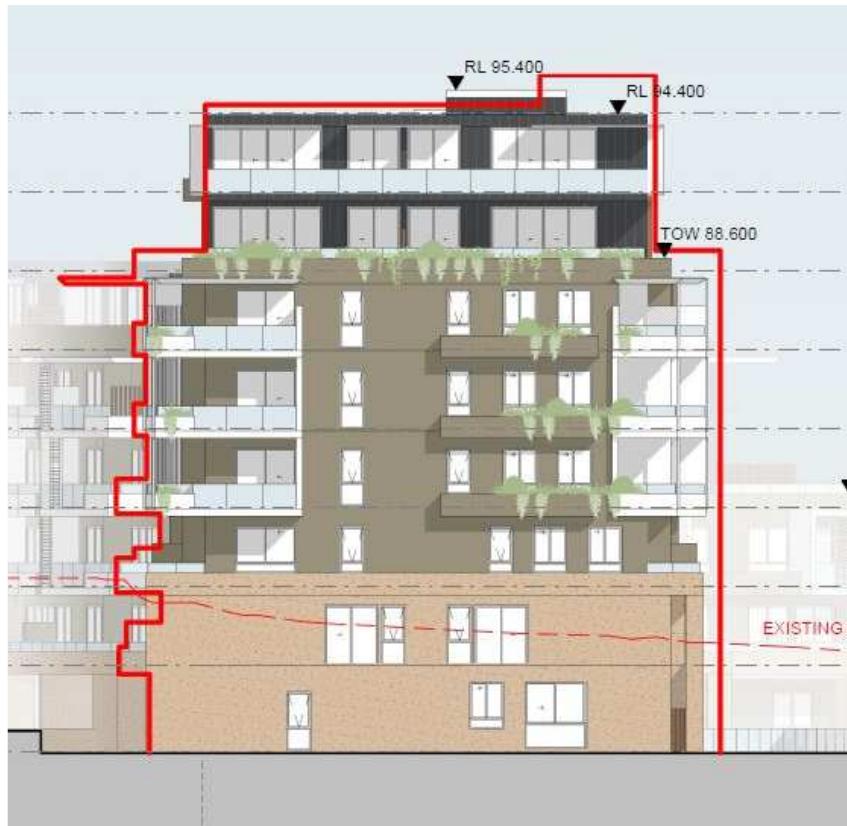
(e) *The balconies located on the western elevation of Block D are to be redesigned to include solid elements within, around, or instead of, the glazed balustrades at levels 7, 8 and 9.*

(f) *Due to poor residential amenity, delete the following units within Block D:*

- (i) D1-06
- (ii) D1-07
- (iii) D1-08

(g) *Provide details to resolve the use of the void/vacated area resulting from the design change in condition (f) for use as communal space (indoor or outdoor) or an alternative ancillary to the residential character of the development, to the satisfaction of the Planning Secretary.*

These design changes are shown below at Figure 22 - Figure 24.



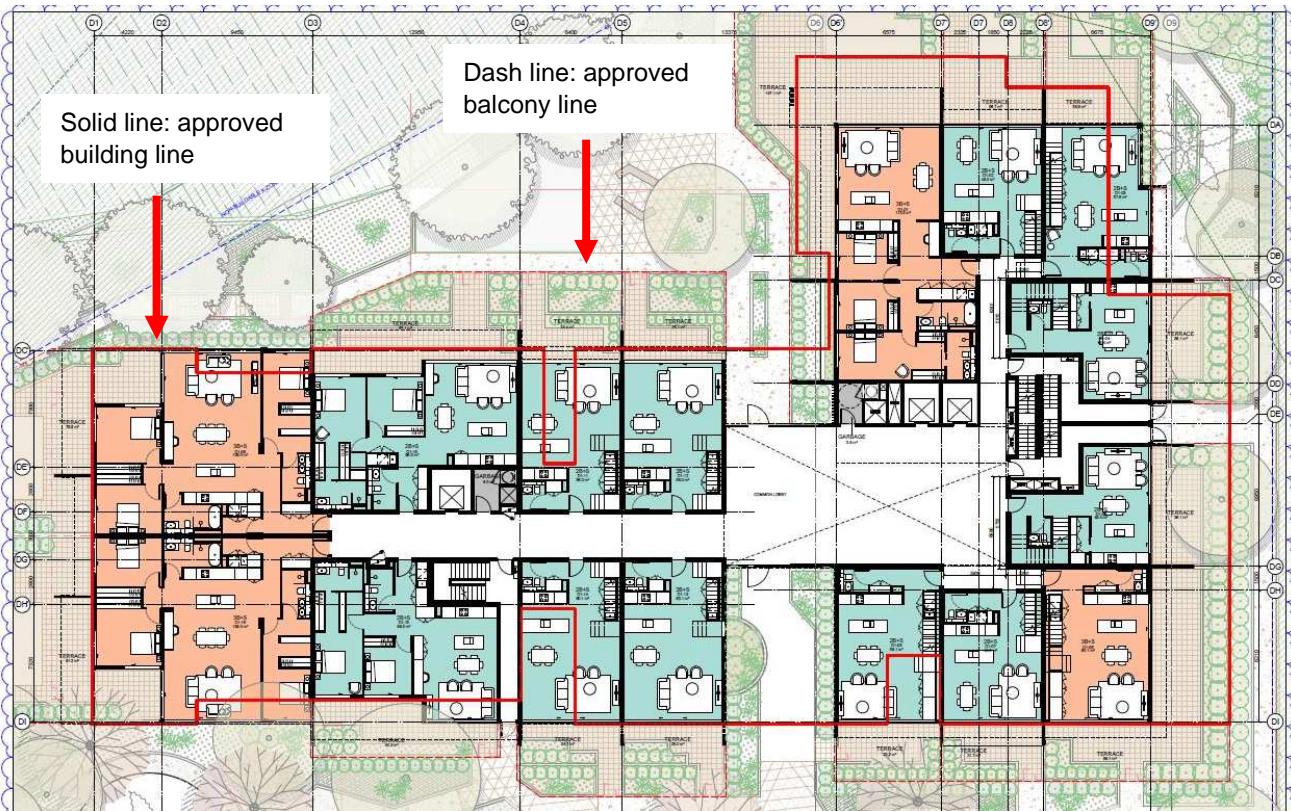
**Figure 22 Building C Northern Elevation (demonstrating overhanging roof on eastern (left) façade, sandstone expression on podium and other design changes to improve articulation and reduce weathering impact)**

Source: Marchese Partners



**Figure 23 Building D Western Elevation (demonstrating redesign of glazed balustrades at upper levels)**

Source: Marchese Partners



**Figure 24 Proposed Building D Level 1 Plan (demonstrating removal of required units and floor redesign resulting in greater levels of communal and ancillary space)**

Source: Marchese Partners

### 3.5 Modification to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **~~bold strike through~~** and words to be inserted are shown in ***bold italics***.

#### Condition A2 - Terms of Consent

Drawing No.	Rev	Name of Plan	Date
Architectural Drawings Prepared by ADG Architects <b><i>and Marchese Partners</i></b>			
DA001.0	<b><i>4</i></b> 2	Cover Sheet	<b><i>16/11/2021 18/02/2022</i></b>
DA001.1	12	Site Location	27.05.2021
DA001.2	12	Site Analysis	27.05.2021
DA001.3	<b><i>43</i></b> 14	Site Compliance Scheme	<b><i>16/11/2021 18/02/2022</i></b>
DA001.4A	<b><i>42</i></b> 13	Site Coverage (Footprint)	<b><i>16/11/2021 18/02/2022</i></b>
DA001.4B	<b><i>42</i></b> 13	Open Space	<b><i>16/11/2021 18/02/2022</i></b>
DA001.4C	<b><i>2</i></b> 3	Communal Open Space	<b><i>16/11/2021 18/02/2022</i></b>
DA001.5	<b><i>14</i></b> 15	Site Plan	<b><i>16/11/2021 18/02/2022</i></b>
DA001.7	<b><i>5</i></b> 6	Overall Building Dimensions	<b><i>16/11/2021 18/02/2022</i></b>
DA002.1	<b><i>17</i></b> 19	Basement	<b><i>16/11/2021 18/02/2022</i></b>
DA002.2	<b><i>17</i></b> 19	Ground Floor Plan	<b><i>16/11/2021 18/02/2022</i></b>
DA002.3	<b><i>15</i></b> 16	Level 1	<b><i>16/11/2021 18/02/2022</i></b>
DA002.4	<b><i>14</i></b> 15	Level 2	<b><i>16/11/2021 18/02/2022</i></b>

Drawing No.	Rev	Name of Plan	Date
DA002.5	<del>13</del> 14	Level 3	16/11/2021 18/02/2022
DA002.6	<del>13</del> 14	Level 4	16/11/2021 18/02/2022
DA002.7	<del>13</del> 14	Level 5	16/11/2021 18/02/2022
DA002.8	<del>12</del> 13	Level 6	16/11/2021 18/02/2022
DA002.9	<del>12</del> 13	Level 7	16/11/2021 18/02/2022
DA002.10	<del>13</del> 14	Level 8	16/11/2021 18/02/2022
DA002.11	<del>12</del> 13	Level 9	16/11/2021 18/02/2022
DA002.15	<del>13</del> 14	Roof Plan	27.05.2021 18/02/2022
DA003.0	11	Material Palette	27.05.2021
DA003.1	<del>13</del> 14	Elevations (Overall)	16/11/2021 18/02/2022
DA003.2	<del>13</del> 14	Elevations (Overall)	16/11/2021 18/02/2022
DA003.3	<del>13</del> 14	Elevations	16/11/2021 18/02/2022
DA005.1	<del>12</del> 13	Site Sections (Overall)	16/11/2021 18/02/2022
DA005.2	<del>12</del> 13	Site Sections (Overall)	16/11/2021 18/02/2022
DA005.3	<del>12</del> 13	Site Sections (Overall)	16/11/2021 18/02/2022
DA005.4	4 5	Site Section (Communal Block B)	16/11/2021 18/02/2022
DA005.9	<del>13</del> 14	Cut and Fill Diagrams	16/11/2021 18/02/2022
DA005.10	13	Cut and Fill Diagrams	16/11/2021
DA005.11	2	Cut and Fill Diagram	16/11/2021
<b>DA007.1</b>	<b>12</b>	<b>Gross Floor Area – Floor to Floor</b>	<b>16/11/2021</b>
DA007.1B	1	Gross Floor Area – Building A & B	16/11/2021
<b>DA007.1C</b>	<b>1</b>	<b>Gross Floor Area – Building C&amp;D</b>	<b>18.02.2022</b>
<b>DA007.1D</b>	<b>1</b>	<b>Gross Floor Area – Building C&amp;D</b>	<b>18.02.2022</b>
DA007.2D	<del>2</del> 3	Circulation Diagrams	16/11/2021
DA007.5	<del>10</del> 11	Waste Management Diagrams – Sheet 1	16/11/2021 18/02/2022
DA007.6	<del>10</del> 11	Waste Management Diagrams – Sheet 2	16/11/2021 18/02/2022
<b>DA008.1</b>	<b>8</b>	<b>Townhouse (2 Bedrooms)</b>	<b>16/11/2021 18/02/2022</b>
<b>DA008.2</b>	<b>7</b>	<b>Townhouse (3 Bedrooms)</b>	<b>27.05.2021 18/02/2022</b>
<b>DA008.3</b>	<b>8</b>	<b>Typical Unit Types</b>	<b>16/11/2021 18/02/2022</b>
<b>DA008.4</b>	<b>7</b>	<b>Typical Unit Types</b>	<b>27.05.2021 18/02/2022</b>
<b>DA008.5</b>	<b>8</b>	<b>Typical Unit Types</b>	<b>16/11/2021 18/02/2022</b>
<b>DA008.6</b>	<b>7</b>	<b>Typical Unit Types</b>	<b>27.05.2021 18/02/2022</b>
<b>DA008.7</b>	<b>8</b>	<b>Typical Unit Types</b>	<b>16/11/2021 18/02/2022</b>
<b>DA008.8</b>	<b>8</b>	<b>Typical Unit Types</b>	<b>16/11/2021 18/02/2022</b>
<b>DA008.10</b>	<b>8</b>	<b>Typical Unit Types</b>	<b>16/11/2021 18/02/2022</b>
<b>DA008.12</b>	<b>8</b>	<b>Typical Unit Types</b>	<b>16/11/2021 18/02/2022</b>
<b>DA008.13</b>	<b>7</b>	<b>Typical Unit Types</b>	<b>27.05.2021 18/02/2022</b>
<b>DA008.14</b>	<b>7</b>	<b>Typical Unit Types</b>	<b>27.05.2021 18/02/2022</b>
<b>DA008.16</b>	<b>7</b>	<b>Penthouses – Block D</b>	<b>27.05.2021 18/02/2022</b>
DA008.17	1	Typical Unit Types	16/11/2021
DA008.18	1	Typical Unit Types	16/11/2021
DA008.19	1	Typical Unit Types	16/11/2021

Drawing No.	Rev	Name of Plan	Date
DA008.20	1	Typical Unit Types	16/11/2021
DA008.21	1	Typical Unit Types	16/11/2021
DA008.22	1	Typical Unit Types	16/11/2021
DA008.23	1	Typical Unit Types	16/11/2021
DA008.24	1	Typical Unit Types	16/11/2021
DA008.25	1	Typical Unit Types	16/11/2021
DA008.26	1	Typical Unit Types	16/11/2021
<b>DA008.27</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.28</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.29</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.30</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.31</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.32</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.33</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.34</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.35</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.36</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.37</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.38</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
<b>DA008.39</b>	<b>1</b>	<b>Typical Unit Types</b>	<b>18.02.2022</b>
DA009.1	12	Block A – Cover Page	16/11/2021
DA009.2	12	Block A – Ground Floor Plan	16/11/2021
DA009.3	12	Block A – Level 1 Floor Plan	16/11/2021
DA009.4	12	Block A – Level 2 Floor Plan	16/11/2021
DA009.5	12	Block A – Level 3 Floor Plan	16/11/2021
DA009.6	12	Block A – Level 4 Floor Plan	16/11/2021
DA009.7	12	Block A – Level 5 Floor Plan	16/11/2021
DA009.8	12	Elevation Along John Whiteway Dr	16/11/2021
DA009.9	12	Block A - North Elevation	16/11/2021
DA009.10	12	Block A West Elevation	16/11/2021
DA009.11	6	Block A – East Elevation	16/11/2021
DA009.12	5	Block A - Sections	16/11/2021
DA009.13	5	Block A - Section	16/11/2021
DA010.0	12	Block B - Cover Page	16/11/2021
DA010.1	12	Block B - Ground Floor Plan	16/11/2021
DA010.1B	1	Building B – Ground Floor Plan – Common Areas	16/11/2021
DA010.2	12	Block B - Level 1 Floor Plan	16/11/2021
DA010.3	12	Block B - Level 2 Floor Plan	16/11/2021
DA010.4	12	Block B - Level 3 Floor Plan	16/11/2021
DA010.5	12	Block B - Level 4 Floor Plan	16/11/2021
DA010.6	12	Block B - Level 5 Floor Plan	16/11/2021
DA010.7	12	Block B - Level 6 Floor Plan	16/11/2021

Drawing No.	Rev	Name of Plan	Date
DA010.8	9	Roof Plan	16/11/2021
DA010.9	<b>12 13</b>	Block B - Elevation Along John White Dr	<b>16/11/2021 18/02/2022</b>
DA010.9B	6	Block B – Townhouses (Elevation Along JWD)	16/11/2021
DA010.10	<b>12 14</b>	Block B – West Elevation	<b>16/11/2021 18/02/2022</b>
DA010.11	<b>6 14</b>	Block B – North Elevation	<b>16/11/2021 18/02/2022</b>
DA010.12	12	Block B – South Elevation	<b>16/11/2021 18/02/2022</b>
DA010.13	<b>5 6</b>	Section 1	16/11/2021 <b>18/02/2022</b>
DA010.14	<b>5 6</b>	Section 2 and Section 3	<b>16/11/2021 18/02/2022</b>
DA010.15	5	Section 4	16/11/2021
DA011.0	<b>12 13</b>	Block C - Cover Page	<b>16/11/2021 18/02/2022</b>
DA011.1	<b>12 13</b>	Block C - Level 1 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA011.2	<b>12 13</b>	Block C - Level 2 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA011.3	<b>12 13</b>	Block C - Level 3 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA011.4	<b>12 13</b>	Block C - Level 4 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA011.5	<b>12 13</b>	Block C - Level 5-6 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA011.6	<b>12 13</b>	Block C - Level 7 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA011.7	<b>12 13</b>	Block C - Level 8 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA011.8	<b>12 13</b>	Block C - Level 9 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA011.9	<b>12 13</b>	Block C - Roof Plan	<b>16/11/2021 18/02/2022</b>
DA011.10	<b>12 13</b>	Block C - Elevation Along John White Dr	<b>16/11/2021 18/02/2022</b>
DA011.10	<b>12 13</b>	Block C - West Elevation	<b>16/11/2021 18/02/2022</b>
DA011.12	<b>11 12</b>	Block C - South and North Elevation	<b>27.05.2024 18/02/2022</b>
DA011.13	<b>5 6</b>	Block C - Section	<b>16/11/2021 18/02/2022</b>
DA011.14	<b>5 6</b>	Block C - Sections	<b>16/11/2021 18/02/2022</b>
DA012.0	<b>11 12</b>	Block D - Cover Page	<b>27.05.2024 18/02/2022</b>
DA012.1	<b>13 14</b>	Block D – Level 1 Floor Plan	<b>16/11/2021 18/02/2022</b>
<b>DA012.1B</b>	<b>1</b>	<b>Building D – Level 1 Floor Plan (Private Open Spaces)</b>	<b>18.02.2022</b>
DA012.2	<b>12 13</b>	Block D – Level 2 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA012.3	<b>13 14</b>	Block D - Level 3 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA012.4	<b>13 14</b>	Block D - Level 4 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA012.5	<b>13 14</b>	Block D - Level 5 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA012.6	<b>13 14</b>	Block D - Level 6	<b>16/11/2021 18/02/2022</b>
DA012.6B	<b>3 4</b>	Block D - Level 7 Floor Plan	<b>16/11/2021 18/02/2022</b>
DA012.7	<b>13 14</b>	Block D - Level 8	<b>16/11/2021 18/02/2022</b>
DA012.8	<b>13 14</b>	Block D - Level 9	<b>16/11/2021 18/02/2022</b>
DA012.12	<b>8 9</b>	Block D - Roof Plan	<b>16/11/2021 18/02/2022</b>
DA012.13	<b>9 10</b>	Block D1 - North Elevation	<b>27.05.2024 18/02/2022</b>
DA012.13A	<b>2 3</b>	Block D1 - South Elevation	<b>27.05.2024 18/02/2022</b>
DA012.13B	<b>3 4</b>	Block D2 - North Elevation	<b>27.05.2024 18/02/2022</b>
DA012.14	<b>12 13</b>	Block D2 - South Elevation	<b>27.05.2024 18/02/2022</b>
DA012.15	<b>13 14</b>	Block D - East Elevation	<b>16/11/2021 18/02/2022</b>
DA012.16	<b>12 13</b>	Block D - West Elevation	<b>27.05.2024 18/02/2022</b>

Drawing No.	Rev	Name of Plan	Date
DA012.17	<b>3 4</b>	Section 1	<b>27.05.2024 18/02/2022</b>
DA012.18	<b>3 4</b>	Section 2	<b>27.05.2024 18/02/2022</b>
DA012.19	<b>4 5</b>	Section 3	<b>16/11/2024 18/02/2022</b>
<b>Landscape Plans Prepared by Distinctive Living Design</b>			
10 19.00	<b>Q S</b>	Coversheet	<b>16/11/2024 15/02/2022</b>
10 19.01	<b>Q S</b>	Context Plan	<b>16/11/2024 15/02/2022</b>
10 19.02	<b>Q S</b>	Landscape Master Plan	<b>16/11/2024 15/02/2022</b>
10 19.03	Q	Moodboard Imagery 01	16/11/2021
10 19.04	Q	Moodboard Imagery 02	16/11/2021
10 19.05	Q	Moodboard Imagery 03	16/11/2021
10 19.06	Q	Moodboard Imagery 04	16/11/2021
10 19.07	Q	Material Palette 01	16/11/2021
10 19.08	Q	Material Palette 02	16/11/2021
10 19.09	Q	Material Palette 03	16/11/2021
10 19.10	Q	Planting Palette - Podium	16/11/2021
10 19.11	Q	Planting Palette - APZ	16/11/2021
10 19.12	<b>Q S</b>	Plant Schedule& Notes	<b>16/11/2024 15/02/2022</b>
10 19.13	<b>Q S</b>	Directory Plan	<b>16/11/2024 15/02/2022</b>
10 19.14	<b>Q S</b>	Site Deep Soil Plan	<b>16/11/2024 15/02/2022</b>
10 19.15	<b>Q S</b>	Development Site Tree Canopy Coverage Plan	<b>16/11/2024 15/02/2022</b>
10 19.16	<b>Q S</b>	Site Tree Canopy Coverage Plan	<b>16/11/2024 15/02/2022</b>
10 19.17	Q	Wildlife Corridor And Boardwalk Plan	16/11/2021
10 19.18	<b>Q S</b>	Spatial Programme Plan	<b>16/11/2024 15/02/2022</b>
10 19.19	<b>Q S</b>	Circulation Plan	<b>16/11/2024 15/02/2022</b>
10 19.20	<b>Q S</b>	Built Form & Character Plan	<b>16/11/2024 15/02/2022</b>
10 19.21	<b>Q S</b>	Site Green Roof Plan	<b>16/11/2024 15/02/2022</b>
10 19.22	Q	Landscape Vegetation Corridor Diagram	16/11/2021
10 19.23	<b>Q S</b>	Sheet Directory	<b>16/11/2024 15/02/2022</b>
10 19.30	Q	Podium Hardscape Plan 01	16/11/2021
10 19.31	Q	Podium Hardscape Plan 02	16/11/2021
10 19.32	<b>Q S</b>	Podium Hardscape Plan 03	<b>16/11/2024 15/02/2022</b>
10 19.33	Q	Podium Hardscape Plan 04	16/11/2021
10 19.34	<b>Q S</b>	Podium Hardscape Plan 05	<b>16/11/2024 15/02/2022</b>
10 19.35	<b>Q S</b>	Podium Hardscape Plan 06	<b>27.05.2024 15/02/2022</b>
10 19.36	<b>Q S</b>	Podium Hardscape Plan 07	<b>27.05.2024 15/02/2022</b>
10-19.37	Q	Podium Hardscape Plan 08 – Communal Area 1	16.11.2021
10 19.40	Q	Podium Softscape Plan 01	16/11/2021
10 19.41	Q	Podium Softscape Plan 02	16/11/2021
10 19.42	<b>Q S</b>	Podium Softscape Plan 03	<b>16/11/2024 15/02/2022</b>
10 19.43	Q	Podium Softscape Plan 04	16/11/2021
10 19.44	<b>Q S</b>	Podium Softscape Plan 05	<b>16/11/2024 15/02/2022</b>
10 19.45	<b>Q S</b>	Podium Softscape Plan 06	<b>27.05.2024 15/02/2022</b>

Drawing No.	Rev	Name of Plan	Date
10 19.46	<b>Q S</b>	Podium Softscape Plan 07	<b>16/11/2024 15/02/2022</b>
10 19.50	<b>Q S</b>	Landscape Sections Key Plan	<b>16/11/2024 15/02/2022</b>
10 19.51	Q	Communal Area Detail Plan - Lower Podium	16/11/2021
10 19.52	Q	Landscape Sections 01	16/11/2021
10 19.53	<b>Q S</b>	Communal Area Detail Plan - Upper Podium	<b>16/11/2024 15/02/2022</b>
10 19.54	<b>Q S</b>	Landscape Sections 02	<b>16/11/2024 15/02/2022</b>
10 19.55	Q	Landscape Sections 03	16/11/2021
10 19.56	Q	Landscape Sections 04	16/11/2021
10 19.60	Q	Landscape Details 01	16/11/2021
10 19.61	Q	Landscape Details 02	16/11/2021
10 19.62	O	Boardwalk Details 01	27.05.2021
10 19.63	O	Boardwalk Details 02	27.05.2021
10 19.70	Q	ADG Compliant Planters 01	16/11/2021
10 19.71	Q	ADG Compliant Planters 02	16/11/2021
10 19.72	Q	ADG Compliant Planters 03	16/11/2021
10 19.73	<b>Q</b>	ADG Compliant Planters 04	16/11/2021
10 19.74	<b>Q S</b>	ADG Compliant Planters 05	<b>27.05.2024 15/02/2022</b>
10 19.75	<b>Q S</b>	ADG Compliant Planters 06	<b>27.05.2024 15/02/2022</b>
10 19.76	<b>Q S</b>	ADG Compliant Planters 07	<b>27.05.2024 15/02/2022</b>
10 19.80	<b>Q S</b>	Addendum - Section Key Plan	<b>16/11/2024 15/02/2022</b>
10 19.81	<b>Q S</b>	Addendum - Landscape Sections 01	<b>16/11/2024 15/02/2022</b>
10 19.82	<b>Q S</b>	Addendum - Landscape Sections 02	<b>16/11/2024 15/02/2022</b>
10 19.83	<b>Q S</b>	Addendum - Landscape Sections 03	<b>16/11/2024 15/02/2022</b>
10 19.84	Q	Addendum - Site Tree Removal Diagram	16/11/2021
10 19.85	<b>Q S</b>	Addendum - Landscape Sections 04	<b>16/11/2024 15/02/2022</b>
10 19.86	<b>Q S</b>	Addendum - Landscape Sections 05	<b>16/11/2024 15/02/2022</b>
10 19.87	<b>Q S</b>	Addendum - Landscape Sections 06	<b>16/11/2024 15/02/2022</b>

#### Reason:

Plan numbers, revisions and details need to be changed to reflect the updated plans and drawings that accompany this Section 4.55 application.

#### Condition B2 – Design Amendments

Prior to the issue of the relevant construction certificate, revised plans must be submitted to the Certifier and the Planning Secretary for approval. The revised plans must detail the following:

**(d) Redesign of the roof form to Block C to:**

- (i) include a roof overhang on the eastern façade;**
- (ii) improve articulation and the proportions of the building profile; and**
- (iii) provide protection from weathering.**

**(e) The balconies located on the western elevation of Block D are to be redesigned to include solid elements within, around, or instead of, the glazed balustrades at levels 7, 8 and 9.**

**(f) Due to poor residential amenity, delete the following units within Block D:**

- (i) D1-06**
- (ii) D1-07**
- (iii) D1-08**

~~(g) Provide details to resolve the use of the void/vacated area resulting from the design change in condition (f) for use as communal space (indoor or outdoor) or an alternative ancillary to the residential character of the development, to the satisfaction of the Planning Secretary.~~

**Reason:**

Plan numbers, revisions and details need to be changed to reflect the updated plans and drawings that accompany this Section 4.55 application.

**Condition B15 - Car Parking and Service Vehicle Layout**

*Prior to the issue of a construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:*

- (a) all vehicles can enter and leave the Site in a forward direction;
- (b) a maximum of ~~305 294 298~~ on-site car parking spaces are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
- (c) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2.

**Reason:**

To reflect the amended provision of car parking spaces.

**Condition B16 - Bicycle Parking**

*Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:*

- (a) the provision of a minimum ~~85 87 79~~ visitors/residents bicycle parking spaces outlined in plans listed in condition A2;

...

**Reason:**

To reflect the revised provision of bicycle spaces provided in the amended development.

**Condition B18 - Basix Certification**

*The development must be implemented, and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No. 1060237M\_05 (dated 23 July 2021) or 1060237M\_06 (dated 18 November 2021), or 1060237M\_08 (dated 17 February 2022) as relevant, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifier with all commitments clearly shown on the Construction Certificate plans.*

**Reason:**

To ensure consistency with the BASIX documents submitted with this MOD.

## 4.0 Statutory Context

### 4.1 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)*”.

The development, as proposed to be modified, is substantially the same development as that originally approved for the following reasons:

- The nature of the proposed development is unchanged and will continue to deliver a residential development;
- The changes largely relate to the internal planning of Building C and Building D and do not change the intensity of development;
- The proposed modification does not give rise to any new or different potential environmental impacts; and

- The proposed modified development adopts the same design aesthetic as the approved development.

## 4.2 Compliance with Environmental Planning Instruments

**Table 6** below outlines the consistency of the development, as proposed to be modified, with the relevant legislation and environmental planning instruments

**Table 6 Modification's consistency with applicable legislation and planning instruments**

Legislation / instrument	Comment
Biodiversity Conservation Act 2016	The proposed modification does not alter the approved development's consistency with this instrument.
SEPP (State and Regional Development) 2011	The proposed modification does not alter the approved development's consistency with this instrument.
SEPP (Infrastructure) 2007	The proposed modification does not alter the approved development's consistency with this instrument.
SEPP (BASIX)	The proposed modification does not alter the approved development's consistency with this instrument.
SEPP 55- Remediation of Land	The proposed modification does not alter the approved development's consistency with this instrument.
SEPP (Gosford City Centre) 2018	The proposed modification does not alter the approved development's consistency with this instrument. This is further discussed in <b>Section 4.3</b>
SEPP 65 – Residential Apartment Development	The proposed modification continues to comply with the requirements of SEPP 65. Refer to <b>Section 4.4</b>

## 4.3 Gosford City Centre SEPP 2018

The development as proposed to be modified remains consistent with the Gosford SEPP 2018.

### 4.3.1 Height and Gross Floor Area

The proposed development will reduce the height of Building C from RL 94.8m to RL94.4m and Building D from RL99.1m to RL97.6m. The original DA approved the height exceedance of the SEPP under a variation in accordance with Clause 4.6. As the amended design has a height that is lower than the height approved under the original DA, the modified development remains appropriate.

Additionally, under the Gosford SEPP, the site has a floor space control of 1.5:1, which results in an allowable gross floor area (GFA) of 33,450m<sup>2</sup>. The proposed development provides a total GFA to 24,158m<sup>2</sup> and contains a floor space ratio equal to 1.08:1. Accordingly, the proposed development is compliant with the FSR control.

### 4.3.2 Design Excellence

The design changes are positive and would not change the projects compliance with Clause 8.3 of the Gosford SEPP. A design excellence statement has been prepared by Marchese Partners at **Appendix J**.

## 4.4 SEPP 65 / NSW Apartment Design Guide

The proposal is generally consistent with the Objectives and Design Criteria in the ADG and will achieve a high level of residential amenity. A summary of relevant ADG Compliance matters is provided in **Table 7**. Where alternative solutions are proposed to the Design Criteria they are discussed in further detail below the table.

**Table 7 Consistency with the NSW Apartment Design Guide**

Objectives and Design Criteria	Consistent
<b>Part 3 Siting the Development</b>	
<b>3D Communal and Public Open Space</b>	
Objective An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	✓

Objectives and Design Criteria		Consistent
<i>Design Criteria</i> Communal open space has a minimum area equal to 25% of the site		✓ 28.6%
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)		✓
<b>3E Deep Soil Zones</b>		
<i>Objective</i> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.		✓
<i>Design Criteria</i> Deep soil zones are to meet the following minimum requirements:		✓
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m <sup>2</sup>	-	7%
650m <sup>2</sup> – 1,500m <sup>2</sup>	3m	
Greater than 1,500m <sup>2</sup>	6m	
Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m	
<b>3F Visual Privacy</b>		
<i>Objective</i> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.		✓
<i>Design Criteria</i> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:		✓
Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m
<b>3K Bicycle and Car Parking</b>		
<i>Objective</i> Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas		✓
<i>Design Criteria</i> For development in the following locations:		✓
<ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul>		
The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.		
The car parking needs for a development must be provided off street.		
<b>Part 4 Designing the Buildings</b>		
<b>4A Solar and Daylight access</b>		
<i>Objective</i> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space		✓

Objectives and Design Criteria		Consistent
<i>Design Criteria</i> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.		N/A
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.		Alternative Solution Refer to <b>Section 4.4.1</b>
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.		✓
4B Natural Ventilation		
<i>Objective</i> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents		✓
<i>Design Criteria</i> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.		✓
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.		✓
4C Ceiling Height		
<i>Objective</i> Ceiling height achieves sufficient natural ventilation and daylight access		✓
<i>Design Criteria</i> Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		✓
Minimum ceiling height		
Habitable rooms	2.7m	
Non-habitable	2.4m	
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	
If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use	
These minimums do not preclude higher ceilings if desired.		
4D Apartment Size and Layout		
<i>Objective</i> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity		✓
<i>Design Criteria</i> Apartments are required to have the following minimum internal areas:		✓
Apartment Type		Minimum internal area
Studio		35m <sup>2</sup>
1 bedroom		50m <sup>2</sup>
2 bedroom		70m <sup>2</sup>
3 bedroom		90m <sup>2</sup>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each.		

Objectives and Design Criteria	Consistent
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	✓
<i>Objective</i> Environmental performance of the apartment is maximised	✓
<i>Design Criteria</i> Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	✓
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	✓
<i>Objective</i> Apartment layouts are designed to accommodate a variety of household activities and needs	✓
<i>Design Criteria</i> Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).	✓
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	✓
Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments	✓
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	✓

#### 4E Private Open Space and Balconies

<i>Objectives</i> Apartments provide appropriately sized private open space and balconies to enhance residential amenity	✓	
<i>Design Criteria</i> All apartments are required to have primary balconies as follows:	✓	
Dwelling Type	Minimum Area	Minimum depth
Studio apartment	4m <sup>2</sup>	-
1 bedroom apartment	8m <sup>2</sup>	2m
2 bedroom apartment	10m <sup>2</sup>	2m
3+ bedroom apartment	12m <sup>2</sup>	2.4m
The minimum balcony depth to be counted as contributing to the balcony area is 1m.		
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.	✓	

#### 4F Common Circulation and Spaces

<i>Objective</i> Common circulation spaces achieve good amenity and properly service the number of apartments	✓
<i>Design Criteria</i> The maximum number of apartments off a circulation core on a single level is eight.	Alternative Solution (Refer to <b>Section 4.4.2</b> below)
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	✓

Objectives and Design Criteria		Consistent
4G Storage		
<p><i>Objective</i> Adequate, well designed storage is provided in each apartment</p>		✓
<p><i>Design Criteria</i> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p>		✓
Dwelling Type		Minimum Area
Studio apartment		4m <sup>2</sup>
1 bedroom apartment		6m <sup>2</sup>
2 bedroom apartment		8m <sup>2</sup>
3+ bedroom apartment		10m <sup>2</sup>
At least 50% of the required storage is to be located within the apartment.		

#### 4.4.1 Solar Amenity

Objective 4A-1 of the Apartment Design Guide (ADG) prescribes that living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm in mid-winter. Under the original DA the Department agreed that variation for solar compliance was acceptable due to the desired significant views such as the Brisbane Water to the south and that constrained by orientation, confined building footprint, existing rock shelves, the layout of John Whiteway Drive and a desire to locate buildings to address the extensive length of the street frontage meant that solar amenity did not need to meet the minimum requirements of the ADG.

An updated water view analysis has been prepared consistent with the original DA at **Appendix G**.

Overall, the solar amenity of the amended proposal has improved as outlined at **Table 8** below.

**Table 8 Solar Access Compliance**

Solar Access	2 hours	3 hours	2 hours + views	3 hours + views
<b>Approved</b>				
Overall	70%	43%	86%	66%
<b>MOD 1</b>				
Overall	73%	43%	90%	73%
<b>As modified (Mod 2)</b>				
Overall	72%	49%	88%	77%

#### 4.4.2 Circulation

Objective 4F-1 of the ADG requires that circulation spaces achieve good amenity and properly service the apartments contained within a building. Design criteria 1 states the maximum number of apartments off a circulation core on a single level is eight.

Building B (Level 1) contains 10 apartments off a single core. This is consistent with the Design Guidance which states that 'where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core'. Building C contains no more than 12 apartments off a single core.

It should also be noted that 8 Building C Level 1 apartments have external building entry via their courtyards, providing multiple options for entry and less reliance on the corridor as the only circulation corridor.

## 5.0 Assessment of Impacts

### 5.1 Built Form, Scale and Visual Impact

Due to improved internal re-planning and efficiency gains, the amended design of Building C and Building D has reduced in bulk and scale, with the envelope and height of each building being less than that approved. Accordingly, the visual impacts are reduced by the modification which is considered a positive outcome.

### 5.2 Residential Amenity

As outlined at **Section 4.4** the amended design is consistent with the ADG compliance or has resulted in improvements compared to the approved design, particularly solar amenity. Accordingly, the modified proposal will ensure appropriate residential amenity is provided.

### 5.3 Traffic and Parking

A Transport Addendum Statement has been prepared by Baker Ryan Stewart and is made available in **Appendix E**. The proposed development seeks approval for 298 parking spaces for residential, visitor and neighbourhood shop purposes, in lieu of 295 spaces (approved in Mod 1) or 205 spaces (originally approved). As demonstrated in **Table 9** below, the proposed development remains to comply with the relevant standards and will remain to function in a satisfactory manner in accordance with the original design intent.

**Table 9 Key Parking Parameters**

Use	Required	Provided	Compliant?
Residential	241	256	Y
Neighbourhood Shop	4	4	Y
Visitor	38	38	Y
Accessible	30	30	Y
Bicycle Parking	79	79	Y
Motorcycle Parking	13	15	Y

Additionally, the reduced number of total dwellings will reduce traffic generation by 1 vehicle/hr during the am peak period and by 11 vehicles/hr during the pm period, as compared to the original approval of 201 dwellings.

### 5.4 Access

An Access Report has been prepared by Lindsay Perry Access and is made available in **Appendix G**. The report confirms that the proposed development is generally compliant with the current statutory requirements.

### 5.5 Waste Management

A revised Waste Management Plan has been prepared by Barker Ryan Stewart and is made available in **Appendix K**. The proposed development will continue to operate in accordance with the original waste removal procedures, and maintenance and cleaning procedures provided in the approved development.

Commercial waste will remain unchanged, being removed by staff and sorted into general and recycled waste and then placed in the 2 x 240L bins provided. Waste bins will be stored within the neighbourhood shop and transferred twice a week to the kerbside for collection by a private contractor. Biodiversity

### 5.6 Biodiversity

The modification does not have any impact on the existing areas of biodiversity including the wildlife corridor. Accordingly there are no biodiversity impacts to assess. In accordance with clause 7.17(2)(c) of the *Biodiversity Conservation Act 2016*, a BDAR or BDAR waiver is not required as the proposed modification will not increase the impact on biodiversity values.

## 5.7 Bushfire

The amended design has been reviewed by Clarke Dowdle & Associates and continues to comply with the previous Bushfire assessment (see **Appendix H**).

## 5.8 Reasons for granting consent

The following reasons were provided for the granting of consent to the development:

Reason for Decision	Consistency
1 The project 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 201 new dwellings to meet housing demand and provide housing diversity;	The proposal remains consistent with this statement. The project will remain to deliver an investment to the region, construction jobs and new dwellings that meet housing demand and provide housing diversity.
2 The project is permissible with development consent and is consistent with NSW Government policies including the North Coast Regional Plan 2036, The Gosford Urban Design Framework, and Future Transport Strategy 2056;	The project remains permissible with development consent and remains to be consistent with NSW Government policies including the North Coast Regional Plan 2036, The Gosford Urban Design Framework, and Future Transport Strategy 2056;
3 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 proposal remains consistent with this statement. The impacts on community and environment can be appropriately minimised, managed or offset to an acceptable level.
4 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; and	The proposed development provides minor design changes that will improve the design and will result in reduced bulk and scale of Buildings C and D, which is an improved outcome for the community.
5 Weighing all relevant considerations, the project is in the public interest.	The proposal remains consistent with this statement with the proposed development is in the public interest.

## 6.0 Justification of the Amended Project

The proposed modifications seek a range of modifications that have resulted from design development and generally related to Buildings C and D.

In accordance with section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- is substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.