



Residential Development at 89 John Whiteway Drive, Gosford Modification 1

Modification to Buildings A and B

State Significant Development Modification Assessment

(SSD 10321 MOD 1)

April 2022



Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Residential Development at 89 John Whiteway Drive, Gosford Modification 1

Subtitle: Modifications to Buildings A and B

Cover image: Artist rendering of proposed development looking north over the landscaping (Source: Marchese Partners)

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Glossary

| Abbreviation | Definition |
|----------------------------|--|
| AHD | Australian Height Datum |
| BCA | Building Code of Australia |
| CIV | Capital Investment Value |
| CPP | Community Participation Plan |
| Council | Central Coast Council |
| Crown Lands | Crown Lands, DPIE |
| AWE | Department of Agriculture, Water and the Environment (formerly DoEE) |
| Department | Department of Planning and Environment |
| DPI | Department of Primary Industries, DPIE |
| DRG | Division of Resources & Geoscience, DPIE |
| EESG | Environment, Energy and Science Group, DPIE |
| EIS | Environmental Impact Statement |
| EPA | Environment Protection Authority |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2000 |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999</i> |
| EPI | Environmental Planning Instrument |
| EPL | Environment Protection Licence |
| ESD | Ecologically Sustainable Development |
| FRNSW | Fire and Rescue NSW |
| GCDCP | Gosford City Development Control Plan 2018 |
| Gosford SEPP | State Environmental Planning Policy (Gosford City Centre) 2018 |
| Heritage | Heritage NSW, Department of Premier and Cabinet |
| LEP | Local Environmental Plan |

| | |
|---------------------------|---|
| Minister | Minister for Planning |
| NPWS | National Parks & Wildlife Service, DPIE |
| NRAR | Natural Resources Access Regulator, DPIE |
| RMS | Roads and Maritime Services, TfNSW |
| SEARs | Planning Secretary's Environmental Assessment Requirements |
| Planning Secretary | Secretary of the Department of Planning, Industry and Environment |
| SEPP | State Environmental Planning Policy |
| SRD SEPP | State Environmental Planning Policy (State and Regional Development) 2011 |
| SSD | State Significant Development |
| SSI | State Significant Infrastructure |
| TfNSW | Transport for NSW |

Executive Summary

Introduction

This report provides an assessment of the modification of the residential development at 89 John Whiteway Drive, Gosford.

The modification is limited to Building A, B and the basement design, and seeks approval for the following modifications:

- An overall reduction in the number of apartments from 201 to 198
- Minor reduction in building height for both buildings A and B
- A number of internal layout amendments to both buildings A and B
- A number of external design amendments to both buildings A and B
- Amendments to the overall basement and carparking layout
- Introduction of a Neighbourhood Shop.

The application has been lodged by The Trustee for JWD Developments Unit Trust (the Applicant) under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Engagement

The Department publicly exhibited the modified application between 14 January 2022 and 28 January 2022 (14 days). In response to the exhibition, the Department received four submissions from 5 government agencies and 1 from the general public.

The issues raised in the submissions related to the requirements for a Biodiversity Development Assessment Report (BDAR), privacy concerns from the public walkway, stability of the rock shelf and the proposed neighbourhood shop.

The applicant provided a Response to Submissions report to address the issues raised in the submissions. The Department was satisfied with the documentation provided and all outstanding matters were adequately addressed.

Assessment

The Department has considered the merits of the modified proposal in accordance with the relevant matters under section 4.55(1A) and 4.15 of the *Environmental Planning and Assessment Act 1979* as well as the issues raised within the submissions and the Applicant's responses.

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

- It is substantially the same development as what was originally approved
- It exhibits design excellence in accordance with the Gosford SEPP
- It addresses design amendments required by conditions of consent

- Solar Access and natural ventilation to the apartments have improved
- The inclusion of the neighbourhood shop will have minor environmental impacts.

Conclusion

The Department is satisfied the modified development would result in a positive contribution to the Gosford City Centre. The Department supports the modified design of the proposal as improved levels of amenity will be achieved for future residents, and the development will make a positive contribution to the neighbourhood character.

Overall, the modified development is consistent with the strategic planning objectives for the Central Coast Region and the City Centre. The proposal is consistent with the Gosford Urban Design Framework as it will provide a high-quality development to meet the needs of the community and make a positive contribution to the building stock and character of the Gosford City Centre.

The issues raised by Government agencies, Council and the community have been addressed in the proposal, the Department's assessment report or by recommended conditions of consent.

For the reasons outlined above, the Department concludes the proposal is in the public interest and recommends that the modification application be approved subject to conditions.

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1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (**SSD 10321**) consent for a Residential Development at 89 John Whiteway Drive, Gosford.

The modification application seeks approval for the redesign of building A and B as well as the basement. The modification results in:

- An overall reduction in the number of apartments from 201 to 198
- Minor reduction in building height for both buildings A and B
- A number of internal layout amendments to both buildings A and B
- A number of external design amendments to both buildings A and B
- Amendments to the overall basement and carparking layout.
- Introduction of a Neighbourhood Shop

The application has been lodged on 17 December 2021 by Ethos Urban on behalf of JWD Development (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The site is located at 89 John Whiteway Drive, Gosford on the eastern fringe of the Gosford City Centre in the Central Coast local government area (LGA).

The site is legally described as Lot 100 in DP 1075037 and Lot 1 DP 45551. The site is irregular in shape and has a total area of approx. 22,300m² (**Figure 1 and 2**)

The site is currently vacant and has remained undeveloped since it was historically used as a sandstone quarry up until 1985.

The site occupies the upper bench of a former quarry. The topography is delineated by a large benched excavation area associated with earlier quarrying activities. This area is relatively flat, with a gradual fall towards the south-west from 68m AHD to approximately 64m AHD. The northern portion of the site includes an elevated horseshoe shaped area (between 69m AHD to 74m AHD), with a series of cut sandstone faces stepping up to relatively flat benched areas. The western portion of the site also includes a cut sandstone face dropping to a height of approximately 60m AHD from 77m AHD.

The northern and western portion of the site are covered with dense, mostly native vegetation, including a continuous canopy of trees.

There is currently no vehicular access to the site.

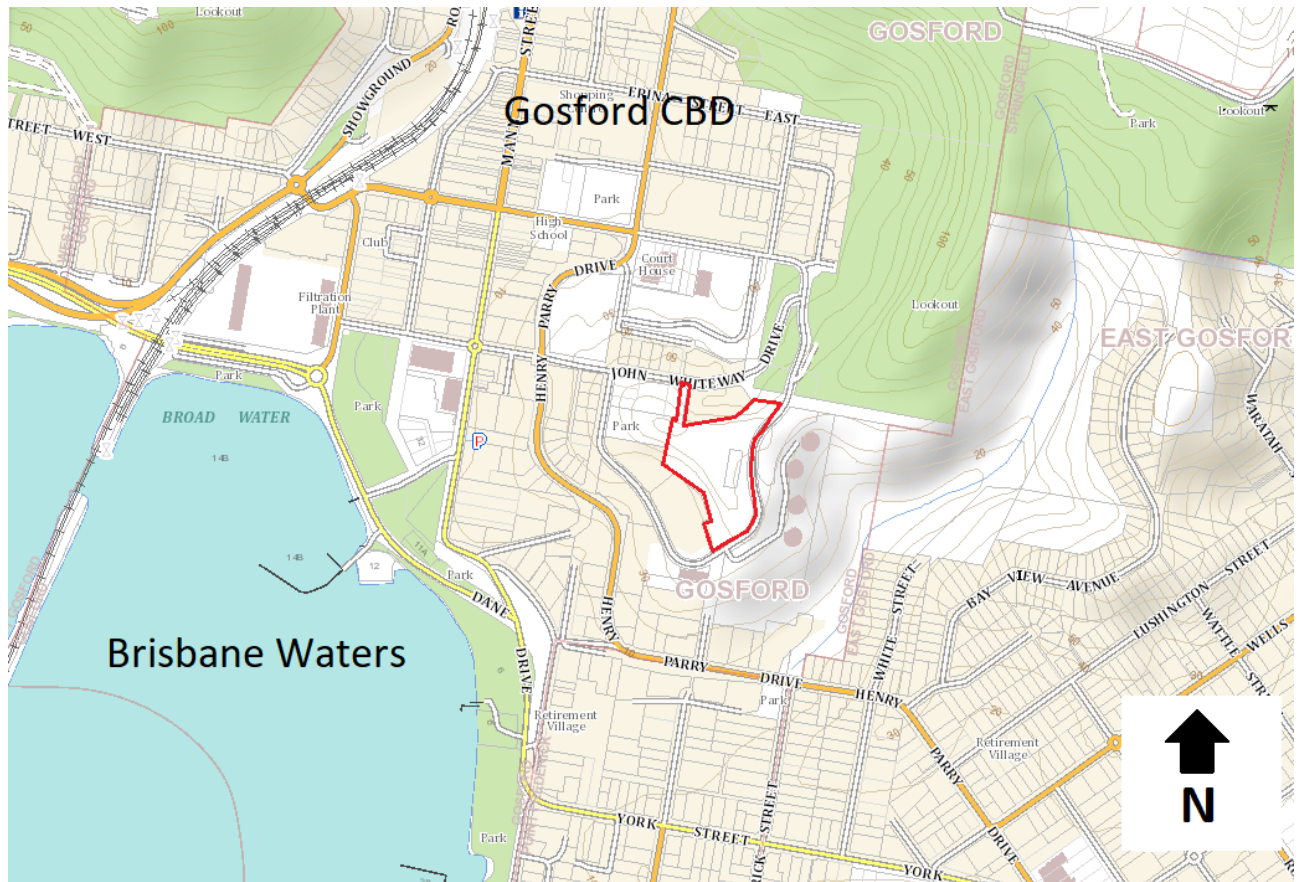


Figure 1 | Local Context Map (Source: ePlanning Spatial Viewer)



Figure 2 | Aerial image of the local context (Source: Nearmap, 2022)

1.2 Surrounding Land Uses

The site is located within a residential area of the Gosford City Centre characterised by residential flat buildings. Specifically:

- To the north of the site is a residential flat building, up to four storeys in height, known as 117 John Whiteway Drive.
- To the east are four residential flat buildings, known collectively as 'The Sanctuary' (80 John Whiteway Drive). Further to the north-east of the site is the Rumbalara Reserve.
- To the south is a two-three storey residential flat building (84 John Whiteway Drive).

To the west is an area of bushland and a grouping of five residential flat buildings along John Whiteway Drive, with heights ranging between seven to nine storeys (91-95 and 97-99 John Whiteway Drive). Due to the topography of the site and the western cliff edge, these properties are located well below the ground level of the proposed building area.

No heritage items directly adjoin, or are located within the vicinity of, the site.

The surrounding road network consists of a variety of local and State roads. Henry Parry Drive is a State arterial road, which is two-way (four lanes) with no kerb-side parking. John Whiteway Drive, is a local road with a default speed limit of 50km/h. The road is a two-lane, two-way road with on-street parking on the opposite side of the road from the subject site. Georgiana Terrace is a local road providing a direct connection between Henry Parry Drive and John Whiteway Drive.

Gosford Railway Station provides train services to the Sydney CBD, Wyong and Newcastle with services running every 20-30 minutes during peak times and approximately hourly during off-peak times. Whilst several bus stops are located within proximity of the site at Henry Parry Drive (250 metres), Mann Street (400 metres) and Donnison Street (550 metres); they are not easily accessible by foot due to the steep topography, as mentioned above.

1.3 Approval history

On 14 October 2021, development consent was granted by the Executive Director, Key Sites and Regional Assessments for the development of the Residential Development at 89 John Whiteway Drive, Gosford. The development consent / project approval permits the following works:

- Site preparation and earthworks.
- Construction and use of 4 residential flat buildings (that vary from Relative Level (RL) 86.4 metres (m) up to RL 99.1m) ranging in height from 5 to 9 storeys, including:
 - 204 residential apartments
 - 1 basement level and 1 part- basement level car parking for 305 parking spaces
 - maximum gross floor area (GFA) of 24,692m² comprised of residential floorspace, including associated residential facilities
 - site-wide concept landscape plan including elevated walkway public viewing platform.

2 Proposed modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to modify the development consent SSD-10321. The modification seeks to redesign buildings A and B with both internal and external changes as well as a modified basement layout.

The comparison of the approved development and the proposed modification is outlined in **Table 1** below and shown in **Figure 3** to **Figure 8**.

Table 1: Comparison of approved development and proposed modification

| Element | Original Approval | Proposed Modification |
|--------------------------------|--|---|
| Site Works | Excavation of basement to maximum RL 60.4m | Excavation of basement to maximum RL 60.1m to address previous errors in architectural drawings. |
| Residential Flat Buildings | Four residential flat buildings comprising 204 apartments to maximum heights of: Building A: RL 88.6m (6 Storeys) Building B: RL 88.6m (7 Storeys) Building C: RL 94.8m (8 Storeys) Building D: RL 99.1m (5-9 Storeys) | Four residential flat buildings comprising 198 apartments to maximum heights of: Building A: RL 85.8m (6 Storeys) Building B: RL 88.45m (7 Storeys) Building C: RL 94.8m (8 Storeys) Building D: RL 99.1m (5-9 Storeys) |
| Basement and Car parking | One basement level and one part-basement level including: 305 residential car parking spaces 14 motorcycle spaces 85 bicycle parking spaces | One basement level and one part-basement level including: 296 residential car parking spaces 14 motorcycle spaces 87 bicycle parking spaces |
| GFA, Land Use and FSR | A total of 24,692m ² of GFA FSR 1.11:1 | A total of 24,855m ² of GFA FSR 1.11:1 |
| Landscaping and Deep Soil Area | 5,774m ² of communal open space 11,570m ² of deep soil space | 5,861m ² of communal open space 11,865m ² of deep soil space |
| Neighbourhood Shop | Nil | Neighbourhood Shop (99.7m ²) Hours of Operation: 7am – 7pm Monday to Saturday. Closed Sunday |

2.1 Design Modifications

Condition B2

Condition B2 of the development consent required a number of amendments to the approved plans to improve the design. The modified plans have sought to address these amendments through the modified plans as follows:

- The southern vehicle basement entrance to John Whiteway Drive was required to be redesigned to increase the setback, improve the integration of the access into the development and minimise the blank wall interface to the southern vehicle entrance.



Figure 3: Approved facade of building A and southern vehicle entrance



Figure 4: Proposed modified design of facade of building A and southern vehicle entrance

- The southern façade of Building B has been redesigned to reduce the extent of black wall through the introduction of balconies, openings and the use of the sandstone at the ground level.

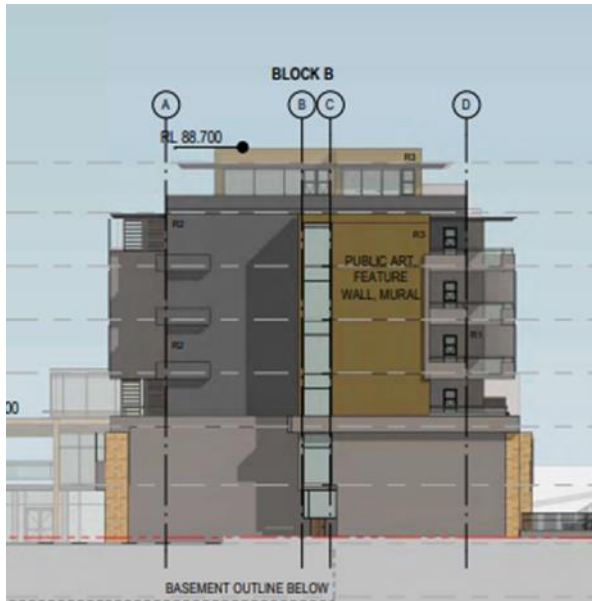


Figure 5: Approved southern facade of Building B

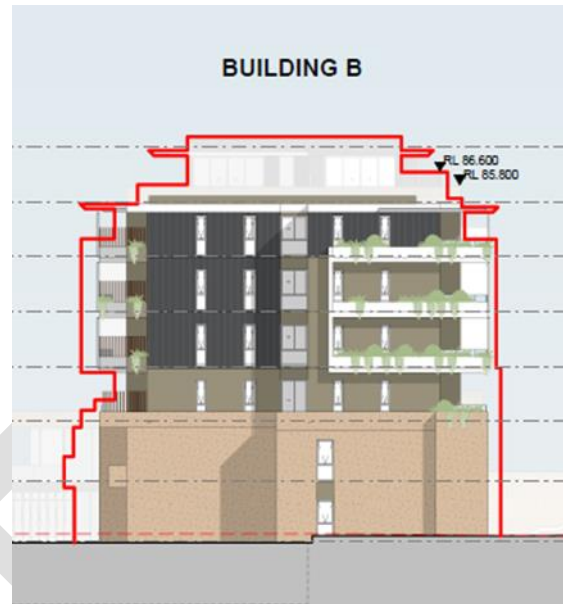


Figure 6: Proposed modified design of southern facade of building B

Internal Amendments

The internal layout of each floor has been reviewed with adjustments made to improve amenity and solar access. This has included changes to the apartment mix:

Table 2: Comparison of apartment mix between approved development and modification

| Apartment | Approved | Proposed Modification |
|-----------|-------------|-----------------------|
| 1 Bedroom | 29 (14.2%) | 27 (14%) |
| 2 Bedroom | 121 (59.3%) | 108 (54%) |
| 3 Bedroom | 53 (26%) | 53 (29%) |
| 4 Bedroom | 1 (0.5%) | 6 (3%) |

The communal areas on level 2 have been removed, with the areas on the upper basement level of Building D being increased. The communal spaces have been amended to include a function space, cellar, tasting room and indoor seating area.

Basement Amendments

The footprint of the basement has been reduced, specifically within the north-west corner, with the cut required reducing from approx. 81,500m³ to 73,300m³ as depicted in **Figure 7 and 8**. The parking layout has been replanned, with the overall parking reduced from 305 to 295 to reflect the reduction in the number of apartments.

Parking for the proposed neighbourhood shop has been proposed on the upper basement level, with 2 spaces within the basement, and 2 spaces within the external accessway.

The building services have been relocated from Building C to A to enable the development to be constructed in stages.

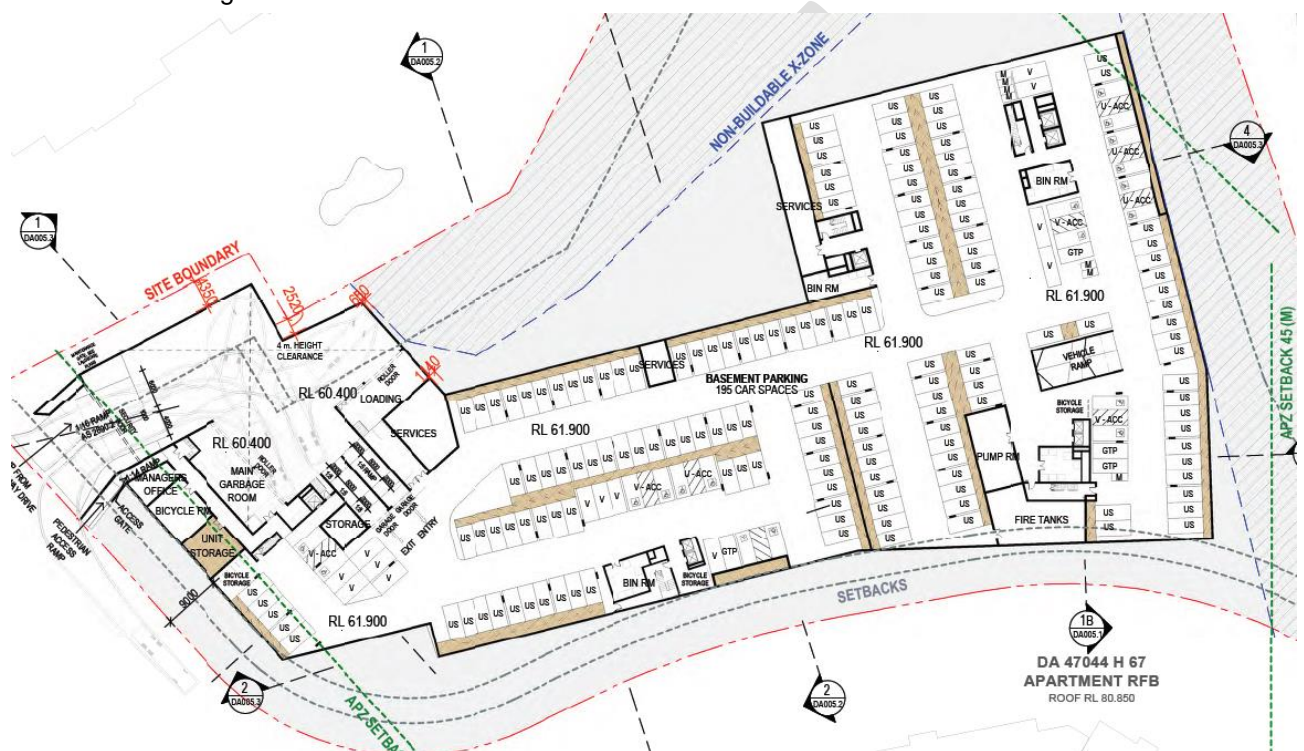


Figure 7: Approved lower level basement level

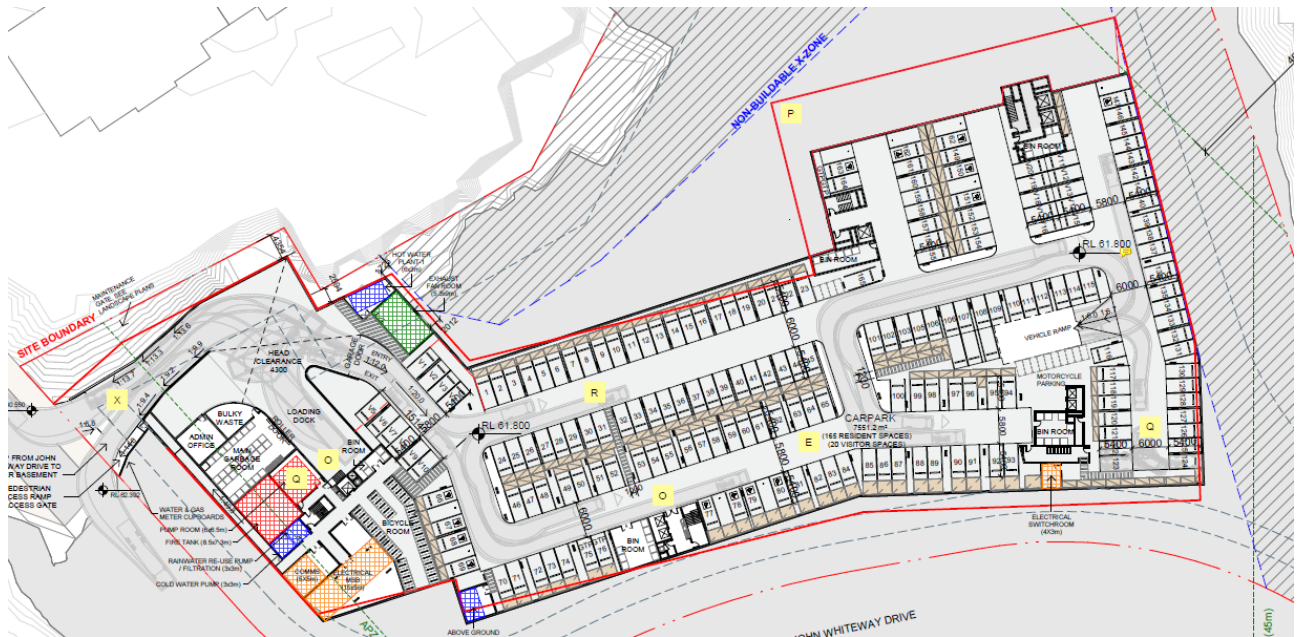


Figure 8: Proposed modified design of lower-level basement

External Amendments

A number of minor external design changes have been proposed to accommodate the amendments to the internal layout. Overall, there has been a reduction in the building envelope of both buildings A and B.

Townhouses have been introduced to the ground level and level 1 of Building A. This has improved the active street frontage along John Whiteway Drive.

Sandstone and other light external cladding have been introduced at the ground level and level 1 of both Buildings A and B to assist in the visual presentation of the buildings and to link the development to its former use as a sandstone quarry.

Neighbourhood Shop

The neighbourhood shop is proposed to be located on level 1 of Building B, adjacent to the northern vehicle entrance. The shop is proposed to be 99.7m² in area and will accommodate what was approved as communal space. The space will include a shop front of approx. 65m² as well as storage and a bathroom.

The shop is proposed to be open 7am to 7pm Monday to Saturday and closed on Sundays and public holidays. The shop will have a maximum of two staff. 4 designated parking spaces have been proposed within the upper basement level for the shop, with 2 spaces within the basement and 2 spaces within the external accessway.

3 Strategic context

The proposed modification is consistent with the strategic context for the following reasons:

- 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 as outlined in Direction 1. The proposal will facilitate an increase jobs in the region particularly during construction, consistent with Direction 7. The proposal also supports Direction 19 and Action 20.1 as it provides for housing supply and choice within the Gosford City Centre.
- It is consistent with the 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 the Gosford City Centre. The proposal will provide infill development to support the need for new homes in the Gosford City Centre through the provision of a variety of unit types, which is consistent with one of the key design principles.
- It is consistent with the Draft Central Coast Regional Plan 2041. The draft plan was recently exhibited and has a key focus of creating a sustainable '15-minute region' of connected neighbourhoods where peoples everyday needs are close to home and can be met in close proximity. This proposed modification is generally consistent with goals and objectives of the draft as it provides additional housing within the Gosford City Centre, in close proximity to employment and services.
- It is consistent with the NSW Future Transport Strategy 2056 as it provides facilities to support active transport travel options and encourages the use of non-car modes of travel where possible.
- It would provide direct investment in the region of approximately \$98 million and would support 528 construction jobs during the construction process.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

The Department acknowledges that the modification seeks to introduce a new land use to the development, being the neighbourhood shop. The Department considers that the introduction of the new land use would not preclude the development from being substantially the same as follows:

- The shop would have a floor area of 99.6m², being 0.004% of the overall GFA
- The shop would have minimal environmental impacts
- Given its location, the majority of customers are expected to be pedestrians, limiting adverse traffic impacts.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent authority

Minister's delegate as consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2022, the Director, Regional Assessments, may determine the application.

4.3 Mandatory matters for consideration

Error! Not a valid bookmark self-reference. 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.

Table 1 | 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 Appendix B . |
| (a)(ii) any proposed instrument | The Department's consideration of the relevant draft EPIs is provided in Appendix B . |
| (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 relevant DCPs at Appendix B . |
| (a)(iiia) any planning agreement | Not applicable. |
| (a)(iv) the regulations | The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications and public participation procedures for SSD. |
| (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 | The modification report, RtS and RFI adequately demonstrate that all likely impacts of the modification can be appropriately mitigated, subject to implementation of additional conditions in relation to the neighbourhood shop and groundwater discussed in Section 6 . |
| (c) the suitability of the site for the development | The information provided adequately demonstrates that the site is suitable for the modified development, subject to additional conditions Section 6 . |
| (d) any submissions | Consideration has been given to the submissions received during the exhibition period. See Sections 5 and 6 . |
| (e) the public interest | The proposal is not considered to be prejudicial to the public interest, subject to the implementation of additional conditions as discussed in Sections 6 and 7 . |

Those matters that warrant consideration are discussed below:

Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any EPI relevant to the development that is the subject of a development application. The EPIs that have been considered as part of the assessment of the modified proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007

- State Environmental Planning Policy No. 55: Remediation of Land
- Draft State Environmental Planning Policy (Remediation of Land)
- State Environmental Planning Policy No. 65: Design Quality of Residential Design Development
- State Environmental Planning Policy (Gosford City Centre) 2018
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 19: Bushland in Urban Areas
- State Environmental Planning Policy (Coastal Management) 2018
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

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.

Biodiversity Conservation Act 2016

The initial development application was accompanied by a Biodiversity Development Assessment Report (BDAR) to assess vegetation to be removed and/or impacted and calculate offsets credits required in accordance with the biodiversity offset scheme. Conditions of consent were imposed requiring offset credits to be retired.

The applicant has not provided an updated BDAR report to accompany the modification.

Notwithstanding, the Department considers that the proposed modification will not impact on biodiversity values above what was previously assessed and considered. Pursuant to clause 7.17(2)(c) of BC Act, a BDAR is not warranted for this modification.

Legislative Amendments

Following the submission of the application, the Environmental Planning and Assessment Regulation 2000 was repealed and replaced by Environmental Planning and Assessment Regulation 2021 on 1 March 2022. Clause 3 of Part 1 of Schedule 6 of the 2021 Reg provides that assessment of an application made, but not determined before 1 March 2021 is to be undertaken under the 2000 Reg.

The consolidated State Environmental Planning Policies commenced on 1 March 2022. This repealed the majority of existing SEPPs and replaced them with 11 new consolidated EPIs based on themes or issues. The assessment of this application has been undertaken under the former EPIs under their relevant savings and transitional arrangements.

5 Engagement

5.1 Department's engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the Department exhibited the application for 14 days from 14 January 2021 to 28 January 2021 on the Departments website.

Adjoining land Previous submitters were notified of the modification application and invited to make a submission. The modification application was also referred to:

- Transport for NSW (including Road Maritime Services)
- Biodiversity Conservation Division
- Central Coast Council
- DPIE Water
- NSW Rural Fire Service
- NSW Health

5.2 Summary of submissions

During the exhibition period, the Department received a total of one submission objecting to the proposal. In addition, advice was provided by 5 agencies.

Table 3 | Summary of Agency Submissions

| Submitter | Advice |
|------------------------------------|--|
| Government Agencies | |
| Biodiversity Conservation Division | A BDAR or BDAR waiver is required to be submitted with the application in accordance with the Biodiversity Conservation Act 2016. This matter is further discussed in Section 6.8 |
| Transport for NSW | No further comments |
| NSW Health (Central Coast LHD) | No further comments |
| DPIE Water | The increased excavation of the basement has potential to increase flows of groundwater. The applicant should undertake investigations to address the potential for groundwater flows. |
| NSW Rural Fire Service | No further comments |
| Total Agency submissions | 5 |

5.3 Key issues raised in submissions

The single submission received raised a number of concerns in relation to the modification:

- The fence and boardwalk along the north of the site, including the stability of the sandstone and privacy concerns
- The introduction of a commercial use within a residential area.

5.4 Response to submissions Request for Further Information

Following the conclusion of the exhibition period, the Department requested that the applicant review the submissions, and respond to the issues raised.

The applicant provided a Response to Submissions (RtS) report and amended plans on 11 February 2022 to address the issues raised in the submissions as well as agency comments.

The amended plans have provided for 4 parking spaces (noting that 3 were originally proposed) in line with the GDCP requirements. The location of the parking has been repositioned, moving 2 of the required spaces outside of the basement to the accessway. One additional parking space has been added to the upper basement level to compensate for the additional neighbourhood shop space.

The RTS reaffirms that the development will not have any additional biodiversity impacts, as such a revised BDAR is not required.

In response to the DPE Water comments, a request for further information (RFI) was sent through to the applicant requesting additional information to address the concerns raised.

A response to the RFI was provided on 4 March 2021 that clarified the extent of excavation approved as part of the original application as well as the excavation changes as a result of this modification. The applicant provided amended plans as well as an addendum to the original geotechnical reports to assist in clarifying the excavation required as part of this modification.

The RFI response was forwarded to DPE Water for review and they subsequently advised on 21 March 2022 that previous concerns had been addressed.

The Department was satisfied with the documentation provided, and the assessment herein is based on the documents submitted with the modification application as amended by the RTS/RFI.

6 Assessment

The Department has considered the Modification Report, RtS and responses to RFIs along with the issues raised in submissions. The Department considers the key assessment issues for the modification are:

- neighbourhood shop
- design excellence
- built form and urban design
- visual impact
- solar access and amenity
- landscaping and tree removal
- traffic and parking

Each of these issues is discussed in the following sections of this report. Other issues considered during the assessment of the application is discussed at **Section 6.8**.

6.1 Neighbourhood Shop

The modification seeks to introduce a neighbourhood shop to level 1 of Building B. The shop will front, and have direct access to, John Whiteway Drive. The applicant has identified that the shop will employ 2 people and has nominated 7am to 7pm as the hours of operation. The shop will be available for the public to utilise.

Clause 5.4(7) of the Gosford SEPP prescribes a maximum floor area of 100m² for a neighbourhood shop. The proposed shop, of 99.7m², complies with the standard.

The operation of the neighbourhood shop is considered to have minor additional environmental impacts due to the nature of its use being predominately for the selling of general merchandise such as foodstuffs, personal care products, newspapers and the like.

Due to the subject site location with presence of other residential developments in close proximity, it is considered that the majority of customers of the shop will be within walking distance. Therefore, it is considered that the shop is unlikely to generate significant traffic impacts, with any additional traffic likely to be offset by the reduction of 6 apartments from the overall development.

The applicant has proposed to include 4 dedicated parking spaces for the shop within the upper basement level to be utilised by both staff and customers.

To outline the day to day operations of the neighbourhood shop and ensure that the parking is functional, a condition of consent is recommended requiring the preparation of a management plan. The plan should include details of the operation of the allocated parking spaces for both customers and guests, management of deliveries and waste.

6.2 Design Excellence

Clause 8.3 of the State Environmental Planning Policy (Gosford City Centre) 2018 (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**. It is noted that conditions of consent were imposed requiring design amendments to assist in the design achieving design excellence. These matters are addressed below:

- Redesign of the southern vehicle entrance to integrate it into the overall development, increase its setback and reduce its scale **Figure 9, 10 and 11**
- Introduction of townhouse development on the ground level of buildings A and B with direct street access to reduce the appearance of blank facades and to improve the active street frontage. **Figure 10**
- Increased articulation and openings to the southern elevation of building B to reduce the amount of blank wall **Figure 5 and 6**

In considering whether a development exhibits design excellence, the Department has considered a range of matters required to be considered in relation to design excellence as set out in Clause 8.3 of the SEPP as addressed below, including:

- Building height
- Urban Design
- Solar Access

Overall the Department considers that the modified design results in an improved outcome that exhibits design excellence.



Figure 9: Approved Building A façade and southern vehicle entrance

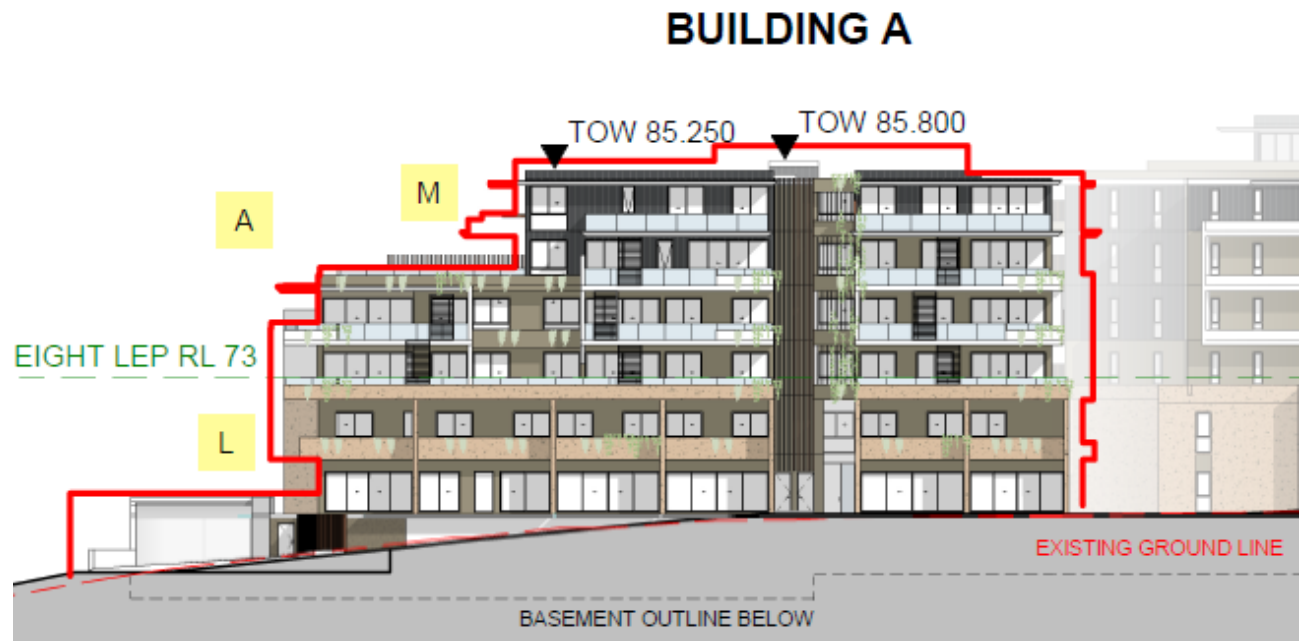


Figure 10: Proposed modified Building A façade and southern vehicle entrance



Figure 11: Artist rendering of the proposed modified Building A and vehicle entrance

6.3 Built Form and Urban Design

Building Height

Clause 4.3 of the Gosford SEPP sets a maximum building height for the site, ranging from RL 73 to RL80. The approved development sought a variation pursuant to clause 4.6 of the Gosford SEPP to vary the height control.

The modification seeks to reduce the building heights for both buildings A and B. Building A is proposed to reduce from 88.6m AHD to 85.8m AHD, whilst building B is proposed to reduce in height from 88.6m AHD to 88.45m AHD. It is noted that both buildings will still significantly exceed the maximum building height for the subject site as set under Gosford SEPP, however the rational and reasoning for the previous 4.6 variation remain valid:

- The site is unique
- The additional height and limited footprint ensures ample communal open space and landscaping
- The height does not adversely impact adjoining residential development through overshadowing
- The apartments achieve suitable solar access
- The development is not visually prominent within the surrounding area when viewed from local vantage points and blends into the surrounding residential context.

Due to the minor reduction in building height for buildings A and B there will be some corresponding reduction in overshadowing of adjoining residential development. In the case of Building B (with a 150mm decrease in height), the reductions in overshadowing will be negligible. Likewise, the reduction in height will result in a minor reduction in the visibility of the development when viewed from vantage points of Gosford City Centre and the waters edge.

Built Form

The modified design seeks to address a number of design refinements required by conditions of consent. In addition, the applicant has sought to reduce the overall footprint and envelope of the buildings. The FSR for the development has minimally increased, with an additional 163m² of floor space.

The southern vehicular entrance has been redesigned in accordance with condition B2 of the development consent. The new design has increased the setback to John Whiteway Drive, reduced its visual dominance when viewed from the streetscape, and integrated the access to Building A.

Townhouses have been introduced to the ground floor and level 1 of both buildings A and B. The townhouses will have pedestrian access and private open space to create an active street frontage and remove the extents of blank façade. The introduction of the neighbourhood shop to level 1 of Building B has further improved the active street frontage with the shop opening to John Whiteway Drive.

Design improvements to the southern façade of Building B has resulted in increased articulation through balconies and windows to remove the blank wall presented to John Whiteway Drive.

The design changes have improved the visual presentation of the building to both the streetscape, as well as the internal communal open space.

6.4 Visual Impact

Clause 8.11 of Gosford SEPP requires that the consent authority is satisfied that the development protects and enhances key vistas and view corridors in Gosford City Centre. This is reinforced by section 4.4 of the Gosford City Development Control Plan (GCDCP). A comprehensive visual assessment was undertaken as part of the original application that demonstrated that the proposed development would only be partially visible within the vistas, and that views to Rumbalara Ridgeline would not be compromised.

The reduced building heights and building envelopes would reduce the visibility of the building. Although it is acknowledged that the minor reduction in Building B (150mm) is unlikely to have a significant impact on the building's visibility.

The Department is satisfied that the proposed modification adequately protects and enhances key vistas and view corridors in Gosford City Centre.

6.5 Amenity

Solar Access

The Apartment Design Guide (ADG) prescribes that living areas and private open space of at least 70% of apartments receive a minimum of 3 hours of sunlight between 9am and 3pm in mid-winter (21 June).

The applicant provided a detailed solar analysis to support the modified proposal. The reconfigured layout of the apartments has resulted in improvements in solar access. The modified design achieves compliant solar access of 3 hours to 53% of apartments (up from 43%).

In addition, the applicant has provided a revised view analysis to demonstrate that when apartments with significant views are included, 73% of apartments receive 3 hours of compliant solar access and/or have significant views (previously 63%). It is also noted that 14 apartments (or 7%) will receive no direct sunlight during mid-winter (down from 21 apartments or 10%).

It is noted that the above calculations are based on the approved design including all apartments in Building C and D. Condition B2 of the development consent requires that 3 apartments be deleted from building D due to their poor solar access and amenity. By removing these apartments from the above calculations, 53.8% of apartments achieve 3 hours of solar access and 74.8% achieve 3 hours of solar access and/or receive significant views.

The Department considers that the modified design has significantly improved solar access for the apartments and whilst not achieving the prescribed 3 hours of sunlight for 70% of apartments, would still result in improved amenity for residents.

Privacy and Building Separation

The ADG stipulates separation requirements to ensure adequate visual and acoustic privacy. The redesigned floor plans of the apartments largely complies with the separation requirements.

It is noted that the separation between apartments B0-01 and A0-04 is non-compliant (approx. 3.5m) with no apparent visual screening proposed. Whilst the submitted landscaping plans identify vegetation in this area, the Department considers that a privacy screen is required to ensure the private open space is useable. Conditions of consent are recommended to require a visual screen on the northern side of the outdoor POS of A0-04.

The Department is satisfied that the proposed modification results in suitable separation to ensure that privacy of apartment and private open space can be achieved.

6.6 Landscaping

The modified application has resulted in a slight increase in landscaped area from 5,774m² to 5,861m² (an increase of 87m²) as well as an increase in the deep soil space.

The applicant has provided revised landscaping plans that accommodate the amendments to the buildings design as well as corresponding amendments to the landscaping design.

No changes to the vegetation removal or the public walkway along the north of the subject site are proposed.

6.7 Traffic and Parking

Car Parking

The modified development seeks to reduce the parking provided on site, from 305 to 295 as a result in the reduction of apartments. The proposed parking is in accordance with GDCP requirements, including the provision of 29 accessible spaces.

Table 4: Comparison of approved and proposed carparking

| Use | Approved | Proposed |
|--------------------|----------|----------|
| Residents | 264 | 252 |
| Visitor | 41 | 40 |
| Neighbourhood Shop | 0 | 4 |
| Total | 305 | 296 |

The parking layout has been revised to accommodate the reduced footprint of the basement.

Traffic Impacts

The reduction in the number of apartments will have a minimal reduction in the overall traffic generated by the development. The submitted revised traffic assessment has identified that the modified development would result in one less traffic movement each in the AM and PM peak hour periods. Notwithstanding, the introduction of the neighbourhood shop is likely to counteract the reduction in

traffic. However, it is acknowledged that the majority of customers to the shop would be from the development itself or from within walking distance, therefore unlikely to generate significant traffic.

The Department is satisfied that the modified development will not generate adverse traffic impacts above what has previously been assessed.

6.8 Other Issues

The Department's consideration of other issues is provided at **Table 5**.

Table 5: Other Issues

| Issue | Findings | Recommendations |
|-----------------------------------|---|--|
| Internal Communal Space | <p>The modification seeks to relocate communal space from level 1 of building B to the upper basement level of Building D.</p> <p>The amended communal areas include a function space, tasting room and cellar. The inclusion of these areas is not considered to have an adverse impact assuming they are available for the use of the residents.</p> <p>However, it is considered that these rooms have the potential to be utilised for commercial uses given the nature of the facilities included.</p> | <p>A condition of consent that restricts the use of the function space, tasting room and cellar to communal uses.</p> |
| Earthworks and Groundwater | <p>The modified design reduces the amount of cut required for the basement levels and increases the amount of deep soil zones.</p> <p>The depth of excavation has been clarified with this modification, with both depths of 60.1m and 60.4m being approved as part of the original application.</p> <p>DPE Water did seek further information in relation to the increased depth of excavation and the potential impacts on groundwater inflows. Additional information was provided by the applicant to demonstrate that the level of excavation would not intercept groundwater, nor adversely impact on groundwater take. DPE Water recommended a condition of consent be imposed requiring a Water License be required should dewatering exceed 3ML per annum.</p> <p>The department is satisfied that the existing conditions of consent, as well as the recommended condition from DPE Water would ensure that the development would not have an adverse impact on the subject site or the</p> | <p>A new condition as recommended by DPE Water is proposed requiring a water licence for dewatering exceeding 3ML p.a.</p> |

surrounding area with respect to earthworks, erosion and sedimentation or groundwater.

| | | |
|--|--|--|
| Bushfire | <p>The application was referred to the RFS for comment on the modified design with no response being received.</p> <p>Given the development does not seek to decrease setbacks to surrounding fire sources nor significantly alter the footprint of the development, the department considers that the existing bushfire protection measures are suitable for the development and in accordance with <i>Planning for Bushfire Protection 2019</i>.</p> | <p>No changes to the existing conditions required.</p> |
| Contamination | <p>A comprehensive contamination assessment was undertaken as part of the preparation of the original application. The modified development does not alter the land use, excavate new areas nor change the risk to the environment or human health with respect to contamination.</p> <p>Conditions of consent are in place requiring remediation of the site, followed by a site audit following the remediation works.</p> | <p>No changes to the existing conditions required.</p> |
| Water Quality and Stormwater Management | <p>The proposed modified development is generally within the same footprint of the approved development with a small reduction in the footprint of Buildings A and B and a corresponding increase in landscaping.</p> <p>There will be a net increase in pervious surfaces which will assist in on site</p> <p>Water quality and stormwater management will not be significantly altered above what was previously considered by the department. A stormwater management system is required to be submitted by the applicant prior to the release of the construction certificate.</p> | <p>No changes to the existing conditions required.</p> |
| Biodiversity | <p>The modified development will reduce the footprint of the development and reduce the amount of cut required on site. No additional vegetation is proposed to be removed as part of the development.</p> <p>Pursuant to clause 7.17 of the Biodiversity Conservation Act 2016, the Department considers that the modified development does not warrant a revised Biodiversity</p> | <p>No changes to the existing conditions required.</p> |

assessment as the Department is satisfied that the development will not have an increased impact on biodiversity values.

Conditions are already in place requiring the retirement of biodiversity credits calculated in accordance with the BDAR submitted with the original application.

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7 Evaluation

The proposed SSD modification application seeks to amend the approved plans for the residential development at 89 John Whiteway Drive, 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 and all environmental issues associated with the proposal have been thoroughly addressed.

The Department's assessment of the proposal concludes:

- it is substantially the same development as originally determined
- it is of minimal environmental impact
- it is considered that the modified development exhibits design excellence
- the modified development addresses design amendments required by conditions of consent
- solar access to apartments has been improved with an increased number of apartments achieving adequate solar access
- the interface with the public domain has been improved by the modified design
- the modified 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 residents, and improve pedestrian amenity and environmental outcomes on the site.
- subject to developer contributions to assist with funding infrastructure improvements, the proposal would not result in material traffic or parking impacts, and conditions are recommended to encourage sustainable transport use and ensure reduced reliance on private vehicles.

The proposal is generally consistent with key government strategic plans and policies, including the Central Coast Regional Plan 2036, the Draft Central Coast Regional Plan 2041 and the Central Coast Local Strategic Planning Statement.

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

- additional investment housing 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.

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 documentation 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 89 John Whiteway Drive Gosford be approved, subject to the recommended conditions of consent.

8 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-10321-Mod-1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** consent SSD-10321
- **signs** the attached approval of the modification.

Recommended by:



Chris Eldred
Senior Planning Officer
Regional Assessments

Recommended by:



Kendall Clydsdale
Team Leader
Regional Assessments

9 Determination

The recommendation is **Adopted/Not adopted** by:

Keiran Thomas

Director

Regional Assessments

as delegate of the Minister for Planning

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Appendices

Appendices should follow this general layout but may be modified for specific reporting needs where necessary:

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 and Environment's website as follows.

1. Modification Report

<https://pp.planningportal.nsw.gov.au/major-projects/projects/mod-1-design-changes-buildings-and-b>

2. Submissions

<https://pp.planningportal.nsw.gov.au/major-projects/projects/mod-1-design-changes-buildings-and-b>

3. Applicant's Response to Submissions

<https://pp.planningportal.nsw.gov.au/major-projects/projects/mod-1-design-changes-buildings-and-b>

4. Applicant's Response to Further Information

<https://pp.planningportal.nsw.gov.au/major-projects/projects/mod-1-design-changes-buildings-and-b>

Appendix B – Statutory considerations

State Environmental Planning Policy (State and Regional Development) 2011

The State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) aims to identify development that is of State significance due to its size, economic value, or potential impact.

The modified proposal is classified as State significant development (SSD) under section 4.36 of the EP&A Act, as it comprises development on land identified as being within the Gosford City Centre and has a capital investment value of more than \$75 million under clause 15 of Schedule 2 of the SRD SEPP.

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 Department referred the modified application to TfNSW who had no comments on the development.

State 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 original application included a Detailed Site Investigation (DSI), which provided a summary of previous investigations, likely contaminants, recommendations on further investigation, remediation and management and the suitability of the site for the proposed use.

The DSI confirmed that the site was historically used as a sandstone quarry up until 1985. In 2003 the site appeared to have been used as a car park and has been unoccupied since approximately 2010. Several remnant concrete building slabs and old equipment associated with quarrying activities were identified. Various wastes (concrete, scrap metal, tiles, bricks, non-putrescible rubbish, concrete mounds, burnt-out car) were observed across the site.

The DSI also identified soil and groundwater contaminants exceeding guideline criteria.

A Remediation Action Plan (RAP) was also submitted with the EIS which included measures to ensure the site is made suitable for the development. Conditions of consent were imposed requiring that the RAP is implemented.

The Department is satisfied that the subject site remains suitable for the modified development subject to the implementation of the RAP as required by the conditions of consent.

Draft Remediation of Land State Environmental Planning Policy

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 require all remediation work 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 modified proposal will be consistent with the objectives of the Draft Remediation SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort. SEPP BASIX requires all new dwellings meet sustainable targets of a 20% reduction in energy use (building size dependent) and 40% reduction in potable water.

A compliant BASIX Certificate was submitted with the proposed modification demonstrating compliance with the required standards.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

Clause 9 of SEPP 19 - Bushland in Urban Areas specifies requirements for land adjoining bushland zoned or reserved for public open space purposes. Where a public authority proposes to grant approval or development consent in relation to development on land to which this clause applies, the public authority shall not carry out that development or grant the approval or development consent unless it has considered

- the need to retain any bushland on the land,
- the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and
- any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

The site is adjacent to Council's John Whiteway Drive Bush Reserve (to the east). The northern part of the site, which is located within the non-buildable area, currently forms a linkage between John Whiteway Bushland Reserve and Rumbalara Reserve. The applicant intends on maintaining this linkage from Rumbalara Reserve to the subject site. The VMP outlines that the corridor will be retained for native wildlife through a combination of vegetation retention where suitable and native vegetation replanting works.

When having regard to the above, the Department is satisfied that the above matters have been considered and is satisfied that the modified proposal meets the objectives of SEPP 19

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.

A portion of the site is identified as being located within the Coastal Environment Area under the SEPP.

The Department has assessed the impacts of the proposed modified development on the coastal environment area and pursuant to Clause 13, is satisfied that the proposed modified 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. Pursuant to clauses 15 and 16, the Department is also satisfied the modified development is not likely to cause increased risk of coastal hazards and notes there is no certified coastal management plan applicable to the site

State Environmental Planning Policy No. 65 – Residential Apartment Development, including Apartment Design Guide

State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) seeks to improve the design quality of residential developments and encourage innovative design. The ADG is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments.

Clause 30(2) of SEPP 65 outlines that development consent must not be granted if, in the opinion of the consent authority, the development does not demonstrate that adequate regard has been given to the design quality principles and the objectives specified within the Apartment Design Guide for the relevant design criteria. An assessment of how the proposal satisfies Clause 30(2) of SEPP 65 is provided below.

Table 9 below provides the Department's consideration of the Design Quality Principles in relation to the proposed modification

Table 6 | Consideration of the Design Principles of SEPP 65

| SEPP 65 Principle | Department Response |
|--|---|
| Context and Neighbourhood Character | The Department is satisfied that the modification has improved the relationship between the proposed development, its site and the surrounding residential context and satisfied the Design Quality Principle 1. Refer to discussion under Section 6.3 Built Form. |
| Built Form and Scale | The modified development has addressed a number of the design amendments required via conditions of consent. The built form and scale proposed are considered satisfactory. The department is satisfied that the modified development is consistent with the Design Quality Principle 2. Refer to discussion under Section 6.3 Building Height and Built Form. |
| Density | The resulting FSR from the modification has not changed from the approved development, remaining at 1.11:1. The Department considers that the modified development will still achieve a level of density that is appropriate to the site and its context. |
| Sustainability | The modified design has improved solar access and cross-ventilation for the development. The Department is satisfied that the modified development is consistent with Design Quality Principle 4. |
| Landscape | The proposed modification seeks to increase the amount of deep soil areas and the overall landscaped area therefore the |

Department considers that the proposal is consistent with Design Quality Principle 5.

| | |
|---|---|
| Amenity | The modified design has satisfactorily improved the amenity of the apartments as an increased number of apartments achieve adequate access to sunlight and natural ventilation. The Department is satisfied that the development is consistent with Design Quality Principle 6. |
| Safety | The introduction of the townhouses at the ground level of Building A has improved the active street frontage along John Whiteway Drive, but also the internal communal space improving opportunities for passive surveillance. |
| Housing Diversity and Social Interaction | The proposed modification has increased the housing diversity offered within the residential development. The modification increases the number of townhouses and large apartments (3-4 bedrooms). The Department is satisfied that the development complies with Principle 8. |
| Aesthetics | The modified design has addressed a number of design amendments required via condition of consent. The resulting development has improved the developments visual presence through increased articulation and use of materials. |

A SEPP 65/ Apartment Design Guide compliance statement was provided by the applicant's architect. The table below provides the Department's considerations of the relevant Objectives and Design Criteria contained within the ADG:

Table 7 | Consideration of the Apartment Design Guide

| Objective | Department Consideration |
|--|---|
| 3A-1 Site Analysis | Satisfactory |
| Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context. | The design remains substantially the same as originally approved that was based on the opportunities and constraints of the site. |
| 3B-1 Orientation | Satisfactory |

| | |
|--|--|
| Building types and layouts respond to the streetscape and site whilst optimising solar access within the development | The modified design has improved the solar access for the development. |
|--|--|

3B-2 Orientation

Satisfactory

Overshadowing of neighbouring properties is minimised during mid-winter.

Whilst the applicant has not provided revised shadow diagrams, the Department considers that the reduction in building height and the building envelopes will not increase any overshadowing of neighbouring properties.

3C-1 Public Domain Interface

Satisfactory

Transition between private and public domain is achieved without compromising safety and security.

The interface between the development and the public domain has been improved through the introduction of townhouses with private open space opening to John Whiteway Drive. Further to this, the landscaping assists in delineating the transition.

3C-2 Public Domain Interface

Satisfactory

Amenity of the public domain is retained and enhanced.

3D-1 Communal and Public Open Space

Satisfactory

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.

3D-1 Communal and Public Open Space – Design Criteria

Satisfactory

Communal open space has a minimum area equal to 25% of the site area.

Whilst revised shadow diagrams were not submitted, the Department considers that the reduction in building height and the building envelopes will only improve the solar access to the open space.

Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two hours between 9am and 3pm on 21 June (mid-winter).

3D-2 Communal and Public Open Space

Satisfactory.

Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.

The modified design retains areas for a range of active and passive recreational activities.

3D-3 Communal and Public Open Space

Satisfactory

Communal open space is designed to maximise safety.

The introduction of townhouses to the ground level and level 1 of Building A improves passive surveillance across the communal open space.

3D-4 Communal and Public Open Space

Satisfactory

Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.

The open space remains well connected with John Whiteway Drive.

3E-1 Deep Soil Zones – Design Criteria

Satisfactory

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.

The modified design retains 53% of deep soil zones.

3E-1 Deep Soil Zones - Design Criteria

Satisfactory

Deep soil zones are to meet the following minimum requirements:

As above

Site area >1,500m²

Minimum dimensions of 6m and 7% of site area.

Site area >1,500m² with significant existing tree cover

Minimum dimensions of 6m and 7% of site area.

3F-1 Visual Privacy

Satisfactory

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

3F-1 Visual Privacy – Design Criteria

Separation distance between windows and balconies is provided to ensure visual privacy is achieved. Minimum requires separation distance from buildings to the side and rear boundaries are as follows:

- Building up to 12m (4 storeys) 6m between habitable rooms and balconies, 3m between non-habitable rooms.
- Building up to 25m (5-8 storeys) 9m between habitable rooms and balconies, 4.5m between non-habitable rooms.
- Building over 25m (9+ storeys) 12m between habitable rooms and balconies, 6m between non-habitable rooms.

Separation distances between buildings on the same site should combine required building separations depending on the type of room.

Gallery access circulation should be treated as habitable space when measuring privacy separation distance between neighbouring properties.

Satisfactory.

There is a minor non-compliance between units A0-04 and B0-01. To ensure compliance, a privacy screen will be required to be erected along the southern end of the private open space of A0-04 to create the required 6m separation.

3F-2 Visual Privacy

Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.

Satisfactory

The modified design has improved access to light and air without compromising privacy.

3G-1 Pedestrian Access and Entries

Building entries and pedestrian access connects to and addresses the public domain.

Satisfactory

The pedestrian access for both buildings A and B front John Whiteway Drive.

3G-2 Pedestrian Access and Entries

Satisfactory

Access, entries and pathways are accessible and easy to identify.

The pedestrian access and entrances are clearly visible.

3H-1 Vehicle Access

Satisfactory

Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.

The revised southern vehicle entrance (required by condition of consent), with an increased setback and reduced entrance has reduced its visual dominance within the development and improved its appearance within the streetscape.

3J-1 Bicycle and Car Parking

Satisfactory

Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.

The modified development has sufficient car and bicycle parking.

3J-1 Bicycle and Car Parking – Design Criteria

Satisfactory

For development in the following locations:

- on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area, or
- on land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre.

Parking has been provided in accordance with the DCP requirements, noting that 7 spaces have been allocated for electric vehicles and/or car share arrangements.

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 less.

The car parking need for a development must be provided off-street.

3J-2 Bicycle and Car Parking

Satisfactory

Parking and facilities are provided for other modes of transport.

| | |
|---|--|
| 3J-3 Bicycle and Car Parking | Satisfactory |
| Car park design and access is safe and secure. | |
| 3J-4 Bicycle and Car Parking | Satisfactory |
| Visual and environmental impacts of underground car parking are minimised. | The revised design of the southern vehicle entrance has reduced its visual impact on the streetscape. |
| 4A-1 Solar and Daylight Access | Satisfactory |
| To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. | The Department considers that the revised design optimises the number of apartments receiving sunlight to habitable rooms. See Section 6.5. |
| 4A-1 Solar and Daylight Access – Design Criteria | The Department is satisfied that the amended design provides suitable solar access based on the following: |
| Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas. | 105 of 198 (53%) apartments receive 3hr compliant solar access. |
| A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter. | An existing condition of consent requires that 3 apartments with poor amenity be deleted. This improves the solar access to 105 of 195 (53.8%). |
| Achieving the design criteria may not be possible on some sites. This includes: | A further 41 apartments are considered to have significant water views resulting in 73% of units receiving compliant solar access or views to offset the limited solar access. |
| where significant views are oriented away from the desired aspect for direct sunlight | It is noted that the revised plans have reduced the number of units receiving no sunlight in mid-winter from 21 to 14 (or 7%). |
| | The Department is satisfied that 73% solar access is acceptable and compliant with the ADG. |
| 4B-1 Natural Ventilation | Satisfactory |
| All habitable rooms are naturally ventilated. | All habitable rooms within the proposed development are ventilated. |
| 4B-2 Natural Ventilation | Satisfactory |
| The layout and design of single aspect apartments maximises natural ventilation. | The revised layout design has improved opportunities for natural ventilation. |
| 4B-3 Natural Ventilation | Satisfactory |

The number of apartments with natural cross ventilation is maximized to create a comfortable indoor environment for residents.

4B-3 Natural Ventilation – Design Criteria

Satisfactory

64.1% of apartments are naturally ventilated.

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 naturally 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-1 Ceiling Heights

Satisfactory

Ceiling height achieves sufficient natural ventilation and daylight access.

Ceiling Heights meet the minimum requirements.

4C-1 Ceiling Heights – Design Criteria

Satisfactory

Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

Ceiling Heights meet the minimum requirements.

Habitable rooms

2.7m.

Non-habitable rooms

2.4m.

Two 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.

4C-2 Ceiling Heights

Satisfactory

Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.

4D-1 Apartment Size and Layout

Satisfactory

The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.

4D-1 Apartment Size and Layout – Design Criteria

Satisfactory

Apartments are required to have the following minimum internal areas:

All apartments meet the minimum size requirements based on the number of bedrooms.

- Studio 35m².
- One bedroom 50m².
- Two bedroom 70m².
- Three bedroom 90m².

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

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.

4D-2 Apartment Size and Layout

Satisfactory

Environmental performance of the apartment is maximized.

4D-3 Apartment Size and Layout – Design Criteria

Satisfactory

Habitable room depths are limited to a maximum of 2.5 x the ceiling height.

The proposal is consistent with Objective 4D-3.

In open plan layout (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.

4D-3 Apartment Size and Layout – Design Criteria

Satisfactory

Bedrooms and living rooms satisfy the minimum areas and dimensions.

Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (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:

One-bedroom apartments

3.6m.

Two- or three-bedroom apartments

4m.

The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.

4E-1 Private Open Space and Balconies

Satisfactory

Apartments provide appropriately sized private open space and balconies to enhance residential amenity.

4E-1 Private Open Space and Balconies - Design Criteria

Satisfactory

All balconies meet the minimum area and dimensions

All apartments are required to have primary balconies as follows:

Studio apartments

4m².

One bedroom apartments

8m² with a minimum depth of 2m.

Two bedroom apartments

10m² with a minimum depth of 2m.

Three+ bedroom apartments

12m² with a minimum depth of 2.4m.

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 15m² and a minimum depth of 3m.

4E-2 Private Open Space and Balconies

Satisfactory

Primary private open space and balconies are appropriately located to enhance liveability for residents.

4E-3 Private Open Space and Balconies

Satisfactory

Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.

The revised design has improved the integration of the balconies into the architectural form and reduced the envelope of the buildings.

4E-4 Private Open Space and Balconies

Satisfactory

Private open space and balcony design maximizes safety.

4F-1 Common Circulation and Spaces

Satisfactory.

Common circulation spaces achieve good amenity and properly service the number of apartments.

Common circulation spaces within the proposed development achieve good amenity.

4F-2 Common Circulation and Spaces

Satisfactory.

Common circulation spaces promote safety and provide for social interaction between residents.

4G-1 Adequate, well designed Storage is provided in each apartment

Satisfactory

Adequate, well designed storage is provided in each apartment.

Suitable storage has been provided in each apartment.

4G-1 Adequate, well designed Storage is provided in each apartment

Satisfactory

In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

Apartments generally meet the storage requirements as prescribed. Where 50% of storage is not provided within the apartment, storage exceeds the minimum by more than 1m³.

Studio apartments 4m³.

One bedroom apartments 6m³.

Two bedroom apartments 8m³.

Three+ bedroom apartments 10m³.

At least 50% of the required storage is to be located within the apartment.

4G-2 Adequate, well designed Storage is provided in each apartment

Satisfactory.

Additional storage is conveniently located, accessible and nominated for individual apartments.

Additional storage is generally located adjacent to parking spaces or walkways.

4H-1 Acoustic Privacy

Satisfactory

Noise transfer is minimized through the siting of buildings and building layout.

The layout of buildings and apartments are not anticipated to generate adverse noise transfer. The minor non-compliance for building and POS separation is between two residential land uses, which are unlikely to generate adverse noise levels.

4H-2 Acoustic Privacy

Satisfactory

Noise impacts are mitigated within apartments through layouts and acoustic treatments.

Habitable rooms are generally located away from stairwells and lift cores.

4J-1 Noise and Pollution

Not Applicable.

In noisy or hostile environments, the impacts of external noise and pollution are minimized through the careful siting and layout of buildings.

Not located in a noisy or hostile environment.

4J-2 Noise and Pollution

Not Applicable.

Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.

Not located in a noisy or hostile environment.

4K-1 Apartment Mix

Satisfactory

A range of apartment types and sizes is provided to cater for different household types now and into the future.

The modified development provides a mix of apartment types and sizes.

4K-2 Apartment Mix

Satisfactory

The apartment mix is distributed to suitable locations within the building.

The apartments are appropriately distributed throughout the building.

4L-1 Ground Floor Apartments

Satisfactory

Street frontage is maximized where ground floor apartments are located.

The modified development has introduced townhouses to the ground level and level 1 of Building A with frontage and access to John Whiteway Drive.

4L-2 Ground Floor Apartments

Satisfactory

Design of ground floor apartments delivers amenity and safety for residents.

The modified development has improved the amenity for residents within the ground floor townhouses of building A through the increase in private open space. The passive surveillance to John Whiteway Drive and the internal communal open space has also improved.

4M-1 Facades

Satisfactory

Building facades provide visual interest along the street while respecting the character of the local area.

The introduction of the sandstone and light-coloured cladding to the ground and first levels of the development have suitably grounded the development. These materials provide a link to the sites historic use as a quarry. Whilst the vertical elements and transition of colours up the storeys creates visual interest.

4M-2 Facades

Satisfactory

Building functions are expressed by the façade.

Building entries, accessways and apartments are clearly expressed through the architectural design of the facades.

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|---|---|
| 4N-1 Roof Design | Satisfactory |
| Roof treatments are integrated into the building designed and positive respond to the streets. | The roof of buildings A and B has been suitably integrate into the building design. |
| 4N-3 Roof Design | Satisfactory |
| Roof design incorporates sustainability features. | The proposed roof deign includes solar panels and elements of a green roof. |
| 4O-1 Landscape Design | Satisfactory |
| Landscape design is viable and sustainable. | The landscaping design is considered sustainable subject to general garden maintenance. |
| 4O-2 Landscape Design | Satisfactory |
| Landscape design contributes to the streetscape and amenity. | The landscaping will enhance the site and the streetscape. |
| 4P-3 Planting on Structures | Satisfactory |
| Planting on structures contributes to the quality and amenity of communal and public open spaces. | The landscaping design includes suitable plantings on structures. |
| 4Q-1 Universal Design | Satisfactory |
| Universal design features are included in apartment design to promote flexible housing for all community members. | Adequate universal design features have been included. |
| 4Q-2 Universal Design | Satisfactory |
| A variety of apartments with adaptable designed are provided. | A number of apartments have been designed to ensure they are adaptable. |
| 4Q-3 Universal Design | Satisfactory |
| Apartment layouts are flexible and accommodate a range of lifestyle needs. | A number of apartments have been designed to ensure they are adaptable. |
| 4U-1 Energy Efficiency | Satisfactory |
| Development incorporates passive environmental design. | Suitable passive environmental design elements have been included. |

| | |
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| 4U-2 Energy Efficiency | Satisfactory |
| Development incorporates passive solar design to optimize heat storage in winter and reduce heat transfer in summer. | The modified design has imposed solar access to a number of apartments. The development would be subject to BASIX controls. |
| 4U-3 Energy Efficiency | Satisfactory |
| Adequate natural ventilation minimises the need for mechanical ventilation. | Suitable natural ventilation has been achieved. |
| 4W-1 Waste Management | Satisfactory |
| Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. | Waste storage has been included within the building's basement out of view of the streetscape. |
| 4W-2 Waste Management | Satisfactory |
| Domestic waste is minimised by providing safe and convenient source separation and recycling. | Suitable waste collection and sorting rooms have been provided. |
| 4X-1 Building Maintenance | Satisfactory |
| Building design detail provides protection from weathering. | The building materials selected provide suitable protection from weathering. |
| 4X-2 Building Maintenance | Satisfactory |
| Systems and access enable ease of maintenance. | Whilst the building services have been relocated, they are in a more accessible location within the basement of Building A. |
| 4X-3 Building Maintenance | Satisfactory. |
| Material selection reduces ongoing maintenance costs. | The Department is satisfied the proposed material choices are appropriate for this location and will not result in unreasonable ongoing maintenance. |

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 modified development is consistent with the Gosford SEPP.

| Clause | Department Comment/Assessment |
|--|---|
| Clause 2.1 Land Use Zones | The site is zoned R1 General Residential. The neighbourhood Shop is permissible with consent in this zone. The proposal (including the Neighbourhood Shop) is consistent with the objectives of the zone as it contributes to the provision of a variety of housing types and densities, and also provides services that meets the day to day needs of residents. |
| Clause 4.3 Height of Buildings | The proposed development exceeds the prescribed maximum height. It is noted that a 4.6 variation was approved at the time of the original approval. The proposed modification seeks to reduce the height of Buildings A and B. |
| Clause 4.4 Floor Space Area | An FSR control of 1.5:1 applies to the site. Whilst there is a minor increase in floor area proposed as part of the modification, the FSR for the development remains at 1.11:1 and complies with this clause. |
| Clause 5.4 Controls relating to miscellaneous permissible uses | Clause 5.4(7) sets the maximum floor area of a neighbourhood shop to 100m ² . The proposed floor area of the neighbourhood shop is 99.7m ² , and therefore complies with this clause. |
| Clause 6.1 Acid Sulphate Soils | The Geotechnical Investigation submitted with the original application provided an acid sulphate assessment which concluded that there is no potential for lowering the water table at the site during construction. As such, no further assessment is required under the clause. |
| Clause 8.3 Design Excellence Consent must not be granted unless the proposal exhibits design excellence. Matters for consideration: | The approved application achieved Design Excellence and was reviewed by the City of Gosford Design Advisory Panel. Consent was granted subject to a number of conditions to improve the design of the development. The modified design seeks to address a number of the conditions imposed. The Department is satisfied that the modified proposal exhibits design excellence as discussed in Section 6.2 and in consideration of the following: |
| (a) high standard of design, materials and detailing | a) The modified design presents a high standard or architectural design and a variety of materials that is appropriate to the buildings location on a former |

appropriate to building type and location,

(b) form and external appearance impact on public domain,

(c) impacts to solar access to key public open space and identified vistas and view corridors,

(d) the requirements of any applicable DCP

(e) how the development addresses the following matters:

(i) the suitability of the land for development,

(ii) the existing and proposed uses and use mix,

(iii) heritage issues and streetscape constraints,

(iv) relationship of the development with other development

(v) bulk, massing, modulation of buildings,

(vi) street frontage heights,

(vii) environmental impacts, including solar access, shadowing, sustainable

quarry, but also in an area of similar residential flat buildings.

b) The external appearance (of Buildings A and B) has been amended to address the conditions of consent to reduce the visual dominance of the southern basement entrance, but also to improve the developments presentation to the public domain.

c) There are no public spaces or identified view corridors affected by the modified development as outlined in **Section 6.4**

d) Whilst Development Control Plans do not apply to SSD developments, consideration has been given below to the requirements of the Gosford City Centre DCP (below).

e) i) The development is considered suitable for the site as it is permissible with consent within the R1 General residential zone and will contribute to the continued revitalisation of the Gosford City Centre.

ii) The surrounding area consist of a large number of Residential flat buildings. This development will continue the development of this area for residential uses.

iii) The development is not anticipated to have adverse heritage impacts subject to the existing conditions requiring a Heritage Management Plan. The revised design has improved the developments relationship to the streetscape.

iv) The modified development has reduced the height of both buildings A and B, however given the location of the development and the topography of the site, it is separated both physically and visually from surrounding residential development. Notwithstanding, the development is consistent with the surrounding high-density residential developments.

v) and vi) The modified development has reduced the height and envelope of both buildings A and B. Further to this, the inclusion of town houses at street level and light materials has assisted to reduced the impact of the height of the building.

| | | |
|---|---|--|
| | design, wind, and reflectivity, | vii) The modified development will not result in any additional adverse environmental impacts |
| (viii) | ecologically sustainable development, | viii) The modified development does not alter the ESD initiatives previously assessed. |
| (ix) | access, circulation, pedestrian network | ix) The modified development does not alter the pedestrian access throughout the site. |
| (x) | impact on improvements to public domain | x) The introduction of the townhouses in Building A and the neighbourhood shop in Building B further improve the active street frontage and the public domain. |
| <hr/> | | |
| Clause 8.10 Solar access to key public open spaces | The site is not located within the immediate vicinity of any identified public open spaces that would be affected by the development. | |
| <hr/> | | |
| Clause 8.11 Key Vistas and View corridors | The Department is satisfied that the modified proposal would not affect any key vistas or view corridors as discussed in Section 6.4 | |
| <hr/> | | |

Gosford City Centre Development Control Plan 2018 (GCCDCP)

In accordance with Clause 11 of SRD SEPP, Development Control Plans do not apply to state significant development. Notwithstanding, a consideration of the relevant parts of the DCP has been undertaken below:

The site is identified as being within the residential area. The development is consistent with the intended future character of the site which is to consist of medium to high density residential development.

The development does not result in an adverse impact to vistas or view corridors as considered in Section 6.4. The development will also not result in overshadowing of public spaces.

The development is generally consistent with the built form standards.

- The height of both Buildings A and B has been reduced, noting that the variation to the building height control was assessed in conjunction with the original approval.
- Setbacks of both Buildings A and B have been increased
- Introduction of Townhouses and the Neighbourhood Shop has improved the active street frontage

The changes to the southern basement entrance have improved its integration into the broader development. Parking has been provided in accordance with the requirements of the DCP, including the provision of 4 parking spaces for the neighbourhood shop.

The Department is satisfied that the development is generally consistent with the objectives and controls of the GCDCP.

Appendix C – Notice of modification

The notice of modification can be found on the Department of Planning and Environment's website as follows:

<https://pp.planningportal.nsw.gov.au/major-projects/projects/mod-1-design-changes-buildings-and-b>

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