

60-64 Showground Road Gosford Non-discretionary development standards for independent living units

Division 7 of Part 5 of State Environmental Planning Policy (Housing) 2021 sets out non-discretionary development standards for independent living units. Clause 108 (1) is set out as follows:

- (1) *The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters*

The table below provides an assessment of the proposed development against the non-discretionary development standards set out in clause 108(2)

60-64 Showground Road Gosford – State Environmental Planning Policy (Housing) 2021 – Part 5 Division 7 Non - Discretionary Development Standards - Compliance Table

PROVISION	RESPONSE
Division 7 – Development standards for independent living units	
(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,	<p>The site has a height limit 18m pursuant to Part 5.5 of SEPP (Precincts Regional) 2021, so the building height standard is less onerous than 9.5m. The proposed building has a maximum height of 22.1m.</p> <p>Because of the height non-compliance, the proposal is subject to the provisions of clauses 5.45 and 5.46 of the SEPP that allow for variation to the nominal floor space and building height controls where that development achieves design excellence.</p>
<p>(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m—</p> <ul style="list-style-type: none"> (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m, 	<p>Servicing equipment is suitably screened from view from public places, is limited to an area of no more than 20% of the surface area of the roof and does not result in the building having a height of more than 11.5m.</p>
(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	<p>The site has a mapped FSR limit of 2:1, but is also subject to the formula set out in Clause 5.46 (2) of the SEPP (Precincts Regional) 2021, since the site area is less than 2800m², so the FSR development standard is less onerous than 0.5:1.</p>
(d) for a development application made by a social housing provider—at least 35m ² of landscaped area per dwelling,	Not applicable

PROVISION	RESPONSE
(e) if paragraph (d) does not apply—at least 30% of the site area is landscaped,	In addition to at least 15% perimeter soil zone at ground floor level, the proposal has a landscaped area on the roof top which, in combination with the proposed ground floor landscaping, is in excess of 30% of the site area. The landscaped roof top area is directly accessible by future residents.
(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,	<p>The proposal has a perimeter soil zone (not deep soil zone) of 374m² (15.2%) of the site area. Clause 5.28 of SEPP (Precincts Regional) 2021 is relevant and is set out as follows:</p> <p><i>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</i></p> <p><i>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i></p> <p><i>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</i></p> <p>A request to vary the deep soil zone development standard pursuant to clause 5.28 of SEPP (Precincts Regional) 2021 is provided at Attachment B.</p> <p>Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case. The proposed landscaping solution incorporates substantial perimeter planting types and creepers which properly structure the building's private and public spaces while creating green facades, facilitating a good degree of privacy and softening its interface with the public domain and surrounding properties, particularly at street level. Given the landscaping solution, it is submitted that there are sufficient environmental planning</p>

PROVISION	RESPONSE
	grounds to justify contravening the development standard in this instance, and that the development will still result in significant public benefit.
g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,	The Design Excellence Statement prepared by the project architects dated December 2022 demonstrates that all dwellings receive at least two hours of solar access between 9am and 3pm at the winter solstice.
(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building— (i) at least 15m ² of private open space per dwelling, and (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,	Not applicable
(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and— (i) an area of at least 10m ² , or (ii) for each dwelling containing 1 bedroom—an area of at least 6m ² ,	All dwellings have private outdoor areas of at least 10m ² in addition to direct access to a substantial landscaped common courtyard area at rooftop level.
(j) for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,	Not applicable
(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.	8 dedicated resident parking spaces are proposed at basement level.