



Metroplan Services

**60-64 SHOWGROUND ROAD GOSFORD
LOTS 1-4 SP 20095 AND LOTS 1-6 SP 20058**

**INTEGRATED HEALTH HUB FACILITY AND
SPECIALIST DISABILITY ACCOMMODATION**

**REQUEST TO VARY DEEP SOIL ZONE
DEVELOPMENT STANDARD PURSUANT TO
CLAUSE 5.28 OF STATE ENVIRONMENTAL
PLANNING POLICY (PRECINCTS-REGIONAL)
2021**



**Prepared on behalf of:
Cornerstone Healthcare Properties**

For submission to:

NSW DEPARTMENT OF PLANNING AND ENVIRONMENT

15 May 2023

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Purpose

This written request has been prepared in accordance with clause 5.28 of State Environmental Planning Policy (Precincts -Regional) 2021 and accompanies a development application (DA) to demolish existing structures at 60 and 62-64 Showground Road Gosford (Lots 1-4 on SP 20095 and Lots 1-6 on SP 20058) and erect a 6-storey building to be used as a multi-disciplinary health hub, including medical centre with ancillary ground floor retail and basement parking, and specialist disability accommodation (SDA) at roof top level.

This request is to vary a development standard as set out in clause 108(2)(f) – deep soil zones of SEPP (Housing) 2021. Clause 108 (2)(f) states: -

(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units—

(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.

Extent of Variation

Approximately 50m² of deep soil planting is proposed as part of the development which is a variation to the required amount. Excavation is proposed to extend to three of the four property boundaries to facilitate a basement car park. However the development does have a perimeter planting zone which has a significant depth of soil and which covers 15.2% of the site area, including a 4.8m wide planting zone along the southern boundary and minimum 2m wide planting zones along the majority of the northern and western boundaries.

Discussion

This request has been prepared having regard to the Department of Planning and Environment's *Guidelines to Varying Development Standards* (August 2011) and various relevant decisions in the New South Wales Land and Environment Court and New South Wales Court of Appeal (Court).

Clause 5.28 of SEPP (Precincts -Regional) 2021 is set out as follows:

(1) The objectives of this section are as follows—

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- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.*
- (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—*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless—*
- (a) the consent authority is satisfied that—*
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Secretary must consider—*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

With respect to Clause 5.28(3) above, it is submitted that compliance with the deep soil planting development standard is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

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- The ground floor landscape concept plans submitted with the application (refer Figure 1 below) show the proposed perimeter planting zone which covers 15.2% of the site area, including a 4.8m wide planting zone along the southern boundary and minimum 2m wide planting zones along the majority of the northern and western boundaries. The proposal also includes substantial planting along the Showground Road frontage.
- Although not deep soil planting, the proposed landscaping solution is able to incorporate substantial perimeter planting types and creepers which 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.
- In addition to the perimeter soil zone at ground floor level, the proposal has a landscaped area on the roof top in excess of 30% of the site area which is directly accessible by future residents.

With respect to Clause 5.28(4) above, the proposed variation to the deep soil planting development standard is consistent with the objectives of this section in that it will allow for a high quality development outcome, which has achieved design excellence, while ensuring that the proposal will continue to be in the public interest.

Figure 1 – Extract of Landscape Plan showing ground floor perimeter planting

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With respect to Clause 5.28(5) above, contravention of the development standard does not raise any matter of significance for State or Regional Environmental Planning and allowing the development standard to be relaxed in this instance is in the public interest. The proposal will introduce land uses and activities which are compatible with activities in the existing health precinct, and which complement the character of the area. The development has achieved design excellence and is in a location which will maximise public transport patronage and encourage walking and cycling as well as improve the public domain.

Zone Objectives

Despite the variation to deep soil planting development standard, the proposal will also continue to be consistent with the objectives of the B4 Mixed Use zone as set out in SEPP (Precincts-Regional) 2021. The zone objectives are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreation facilities, social, education and health services and higher density residential development*
- *To allow development in Point Frederick to take advantage of and retain view corridors while avoiding a continuous built edge along the waterfront.*
- *To create opportunities to improve the public domain and pedestrian links of Gosford City Centre.*
- *To enliven the Gosford waterfront by allowing a wide range of commercial, retail and residential activities immediately adjacent to it and increase opportunities for more interaction between public and private domains.*
- *To protect and enhance the scenic qualities and character of Gosford City Centre.*

The proposal is an integrated multi-use health hub offering activities compatible with those in the existing health precinct. The development as proposed has achieved design excellence and complements the character of the area.

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Conclusion

This written request under clause 5.28 of State Environmental Planning Policy (Precincts - Regional) 2021 accompanies a development application (DA) to demolish existing structures at 60 and 62-64 Showground Road Gosford and erect a 6-storey building to be used as a multi-disciplinary health hub, including medical centre with ancillary ground floor retail and basement parking, and specialist disability accommodation (SDA) at roof top level.

An exception is sought, pursuant to clause 5.28 of State Environmental Planning Policy (Precincts - Regional) 2021 to the deep soil planting development standard as set out in clause 108(2)(f) – deep soil zones of SEPP (Housing) 2021.

In summary:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- There are sufficient environmental planning grounds to justify the contravention;
- The development has achieved design excellence and is consistent with the objectives of the development standard as well as the objectives of the B4 Mixed Use zone;
- The development is in the public interest and there is no public benefit in maintaining the standard; and
- The variation does not raise any matter of State or Regional Significance.

The variation will not result in unreasonable environmental impacts and will facilitate a high quality planning outcome for this site. In this case, a variation of the development standard is justified.

Therefore, it is considered appropriate to exercise the flexibility provided by Clause 5.28 in the circumstances of this application.