



Seniors Living Development at Masons Parade, Point Frederick

Part 4 Development Application
(DA 21/14808)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	Brisbane Water (NSW) Legacy
CIV	Capital Investment Value
Council	Central Coast Council
DA	Development Application
Department	Department of Planning and Environment
Development	The development as described in the SEE and RTS (and additional information) for 51-57 & 59 Masons Parade, Point Frederick
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000 (now Environmental Planning and Assessment Regulation 2021)
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
NRAR	Natural Resources Access Regulator
Planning Secretary	Secretary of the Department of Planning and Environment
RFI	Request for Information
RTS	Response to Submissions letter titled <i>Response to Request for Further Information Proposed Redevelopment of Brisbane Water Legacy Seniors Village 51-57 & 59 Masons Parade, Point Frederick NSW</i> by JW Planning Pty Ltd dated 11 March 2022
SEE	Statement of Environmental Effects titled <i>Proposed Redevelopment of Existing Legacy Seniors living Village involving Demolition, Construction of 54 Self-Contained Apartments including Administration and Community Facilities, Landscaping and Car Parking, and Subdivision of Land</i> by JW Planning Pty Ltd dated September 2021
SEPP	State Environmental Planning Policy
TfNSW	Transport for New South Wales

Executive Summary

Introduction

This report provides an assessment of a development application (DA 21/14808) for the redevelopment of the existing Legacy Seniors Living Village at 51-57 & 59 Masons Parade, Point Frederick, lodged by Brisbane Water (NSW) Legacy on 12 November 2021.

The application seeks approval for the redevelopment of the existing village into a 7 storey building involving demolition, construction of 54 self-contained apartments, an office, community facilities, landscaping, carparking, signage and subdivision of the land.

The site is located within the Central Coast Local Government Area (LGA). The proposal has a capital investment value of \$24,524,169.

Engagement

The application was publicly exhibited between Wednesday 17 November 2021 until Tuesday 14 December 2021 (28 days) on the NSW Planning Portal. The Department received advice from two State agencies and submissions from Central Coast Council (Council) and nine members of the public (2 in objection, 7 in support). Key issues raised in agency and public submissions included visual impact, flooding, solar access, traffic and overshadowing.

Council did not object to the proposal and provided comments regarding overshadowing, view loss, flooding, traffic, the waste storage room, deep soil planting and affordable housing. TfNSW did not object and provided comments regarding construction traffic measures, sight line distances from driveway and stormwater drainage. NRAR did not object and provided comments outlining the proposal did not need NRAR approval.

The Applicant provided a response to submissions (RtS) on 11 March 2022 which included information and detailed plans requested by the City of Gosford Design Advisory Panel (CoGDAP), further overshadowing analysis, further visual impact analysis and comments regarding Council, TfNSW and public submissions. The Applicant also provided further information including a Flood Impact Assessment Memorandum, Evacuation Plan, Feasibility Studies for surrounding lots, further information regarding solar access and ADG and DCP compliance and a View Sharing Analysis on 5 July 2022. On 19 September 2022, the Applicant requested approval of signage to also be included in the development application. On 26 September 2022, the Applicant provided the plans for the requested signage and also amended the office layout.

Assessment

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) and has carefully considered the issues raised in the submissions and the Applicant's response to those issues.

The key assessment issues considered in the Department's assessment are building design and residential amenity, flooding and evacuation, demolition and subdivision.

The Department considers that the proposal be supported, as:

- it is consistent with the strategic planning context for Gosford City Centre

- its permissible development within the land use zone, meets the criteria to exceed the mapped building height (under Clause 8.4 of GCC SEPP) and meets the floor space controls in the relevant environmental planning instrument
- it exhibits a high standard of architectural design appropriate for a seniors housing development and includes articulation to reduce the bulk and scale of the building and improve amenity to residents and surrounding properties
- the City of Gosford Design Advisory Panel (CoGDAP) determined that the development exhibits Design Excellence on 9 December 2021
- it is consistent with future character of the area and does not adversely impact surrounding amenity, in terms of solar access, view impacts and privacy impacts
- it provides adequate onsite car parking to meet the needs of residents and the associated traffic can be accommodated without adversely impacting the surrounding road network
- it provides good residential amenity and communal open space to all future residents, satisfactorily complying with the Apartment Design Guide.

However, noting concerns raised in submissions, the Department's assessment recommends the following conditions:

- a pre and post dilapidation report to ensure protection of heritage items in proximity to demolition site;
- minimum floor level of 2.78m AHD to mitigate flooding impacts;
- the implementation of the Flood Emergency Response and Evacuation Plan;
- the preparation and implementation of a Construction Traffic Management Plan to mitigate construction impacts; and
- the restriction of use of the development to seniors living.

Conclusion

The Department concludes the proposal would result in benefits to the local community and is therefore in the public interest, subject to appropriate conditions.

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1 Introduction

1.1 Introduction

This report details the Department of Planning and Environment's (the Department) assessment of development application DA 21/14808 (the application) at 51-57 & 59 Masons Parade, Point Frederick (the site), located within the Central Coast local government area (LGA) (**Figure 1**).

The application was lodged on 12 November 2021 by Brisbane Water (NSW) Legacy (the Applicant). The application seeks approval to redevelop the existing Legacy Seniors Living Village, comprising demolition of existing buildings, construction of a seven-storey building consisting of 54 self-contained apartments, communal facilities, administrative offices, landscaping, carparking, signage and subdivision of the land (two lots into two lots).

The Department's assessment has considered all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE), Response to Submissions (RTS), additional information and advice from government agencies and Central Coast Council (Council). The Department's assessment also considered the legislation and planning instruments relevant to the site, evaluates the key issues associated with the development and provides recommendations for managing any impacts.



Figure 1 | Regional context (Base source: Nearmap)

1.2 Site Description

The site is located at 51-57 and 59 Masons Parade, Point Frederick, south east of the Gosford CBD and legally described as Lot 51 DP 732632 and Lot 8 DP 218157.

The site is zoned as 'B4 Mixed Use' under *State Environmental Planning Policy (Gosford City Centre) 2018* (GCC SEPP) (now consolidated within *State Environmental Planning Policy (Precincts - Regional) 2021*). Lot 51 DP 732632 is 11520sqm with frontage of 73.925m and Lot 8 DP 218157 is 777.8sqm with a frontage of 23.27m.

The site is currently used as seniors housing for war widows and veterans with single and two storey brick buildings dating from the 1960's and 1970's. The existing accommodation includes 64 x 20 sqm bedsit apartments with nine marginally larger two-bedroom apartments, as well as a Legacy Hall for functions, the Brisbane Water Legacy administration office, landscaping and carparking (**Figure 2**).



Figure 2 | Existing street frontage to Masons Parade (Source: Google Maps)

1.3 Surrounding Land Uses and Road Network

The surrounding area generally contains a mix of low to medium density housing, retail and recreational uses (**Figure 3**). To the west of the site is the Gosford Olympic Swimming Pool, public car parking, the Central Coast Highway and the Gosford Boat Ramp and a café. To the south of the site is the three and four storey Araluan Apartments, and residential buildings including a block of units on York Street. To the north of the site is the eight storey Ravello Residences and a two storey restaurant. To the east of the site is medium density residential developments between one and three storeys.

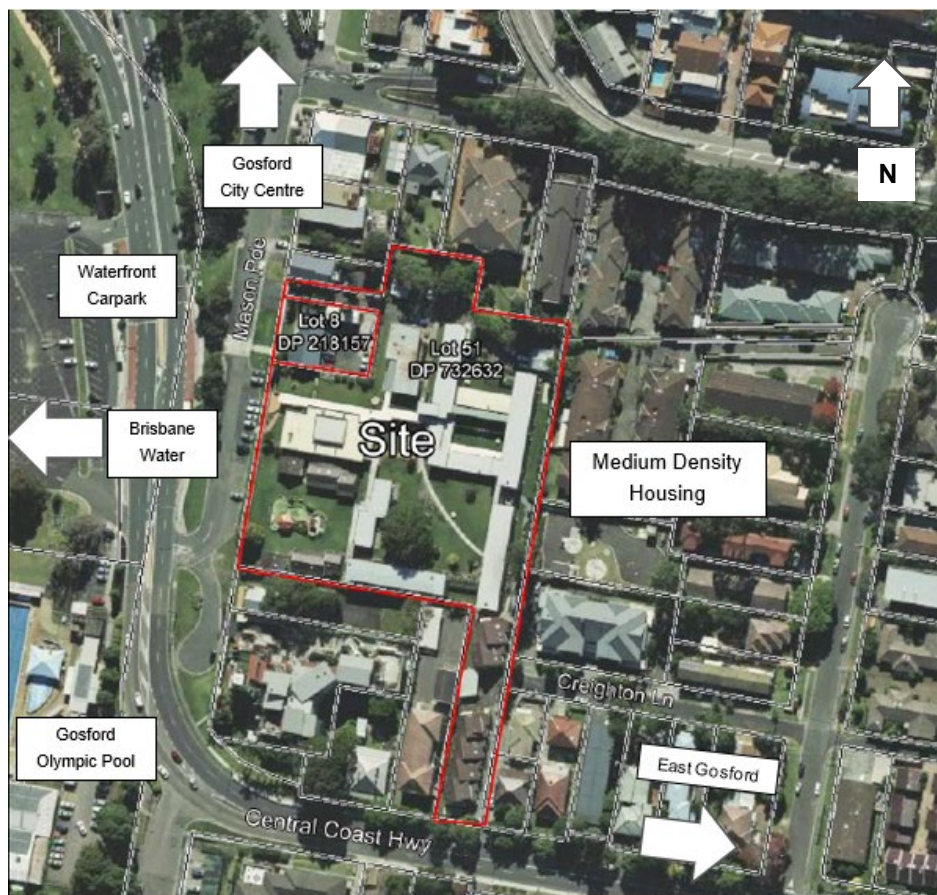


Figure 3 | Local context and project site (Source: Applicant's documentation)

2 Project

2.1 Description of the Development

The application seeks consent for the redevelopment of the site, comprising demolition of existing buildings, construction of 54 self-contained apartments, associated facilities and subdivision.

The main components of the development are described in **Table 1** below and described in full in the SEE and RTS report included in **Appendix A** – List of Documents. The layout and design of the proposal are included as **Figure 4**, **Figure 5** and **Figure 6**.

Table 1 | Main Components of the Project

Aspect	Description
Demolition	<ul style="list-style-type: none"> Demolition of existing buildings on Proposed Lot 1
Building Construction	<ul style="list-style-type: none"> Construction of seven-storey seniors living building including 54 self-contained apartments and an office space The site is 12,297.8 sqm in area The site has a combined frontage of 97.2m The proposed building requires a lot size of 6,040.98 sqm with a frontage of 53.03m The residual lot is 6,256.82 sqm in area Maximum Height of Building (excluding lift overrun) 26.550 m Floor Space Ratio (FSR) of 0.76:1
Subdivision	<ul style="list-style-type: none"> Two (2) lots into two (2) lot subdivision of the site creating Proposed Lot 1 and Proposed lot 2 Realignment of the current boundary between the two existing lots relative to the new building and associated access, parking and landscaping
Landscaping	<ul style="list-style-type: none"> Retain existing stormwater channel and associated vegetation on Proposed Lot 1 Existing landscaping elements on Proposed Lot 1 to be removed including 5 trees and ornamental gardens and lawn Existing vegetation on proposed Lot 2 to be retained Construction of a central courtyard Inclusion of communal gardens and active/maintained lawns along the east of the site
Signage	<ul style="list-style-type: none"> A building identification wall logo sign on the Masons Parade frontage at street level measuring 1.825m by 2.025m
Carparking	<ul style="list-style-type: none"> 20 internal parking spaces with controlled garage door access

	<ul style="list-style-type: none"> • 28 external parking spaces including 2 disability spaces
Operational Traffic	<ul style="list-style-type: none"> • 22 trips in the evening peak • 114 trips per day
Hours of Operation	<ul style="list-style-type: none"> • Operation of Brisbane Waters Legacy Administration: Monday to Friday 8:30am to 5pm
Cost of Development	<ul style="list-style-type: none"> • \$24,524,169
Jobs	<ul style="list-style-type: none"> • Construction: approximately 1000 • Operational: 8 administrative staff



Figure 4 | Impression of proposed streetscape of Masons Parade frontage (Source: Applicant's documentation)

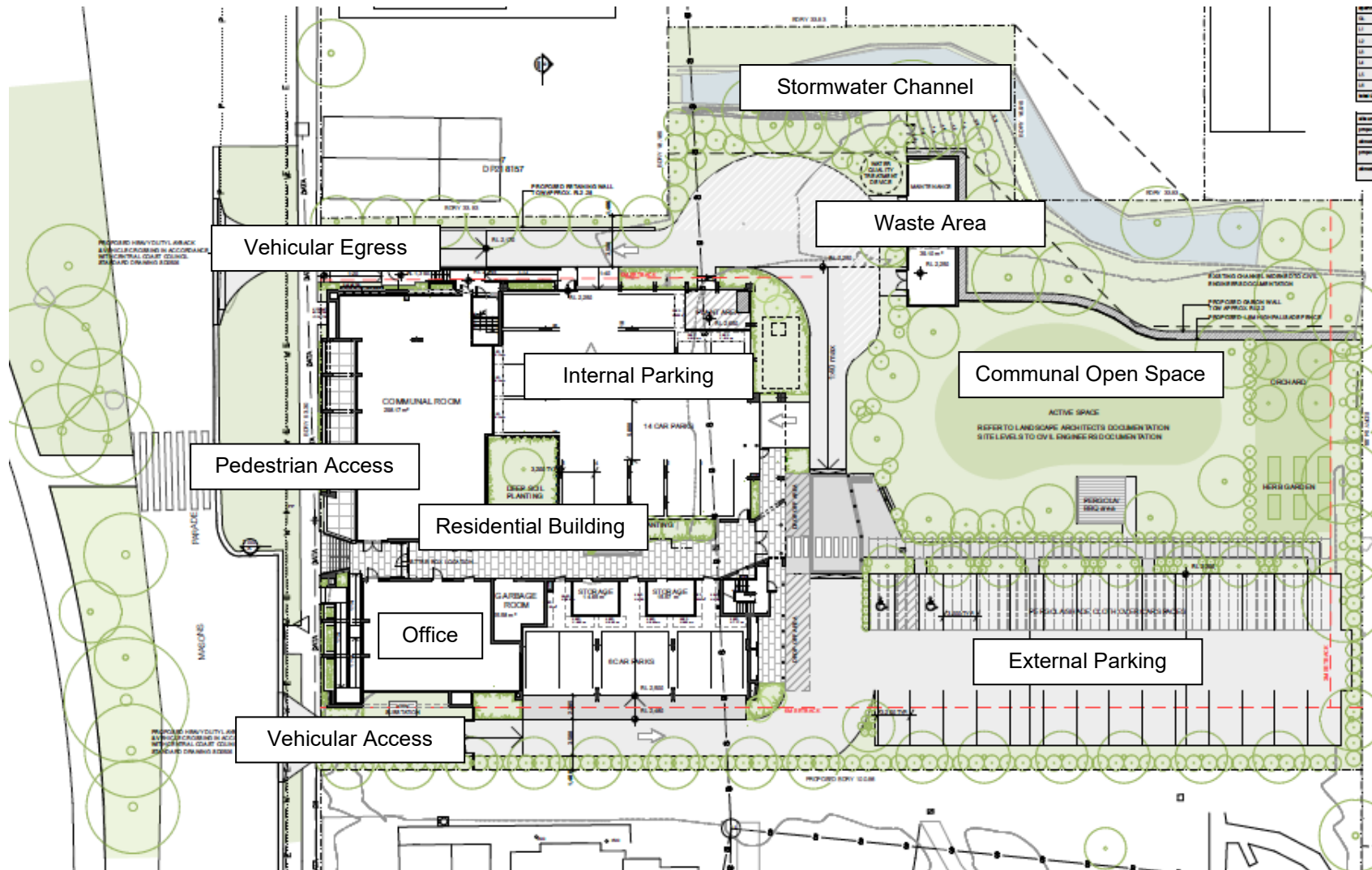


Figure 5 | Development Layout (Base source: Applicant's documentation)

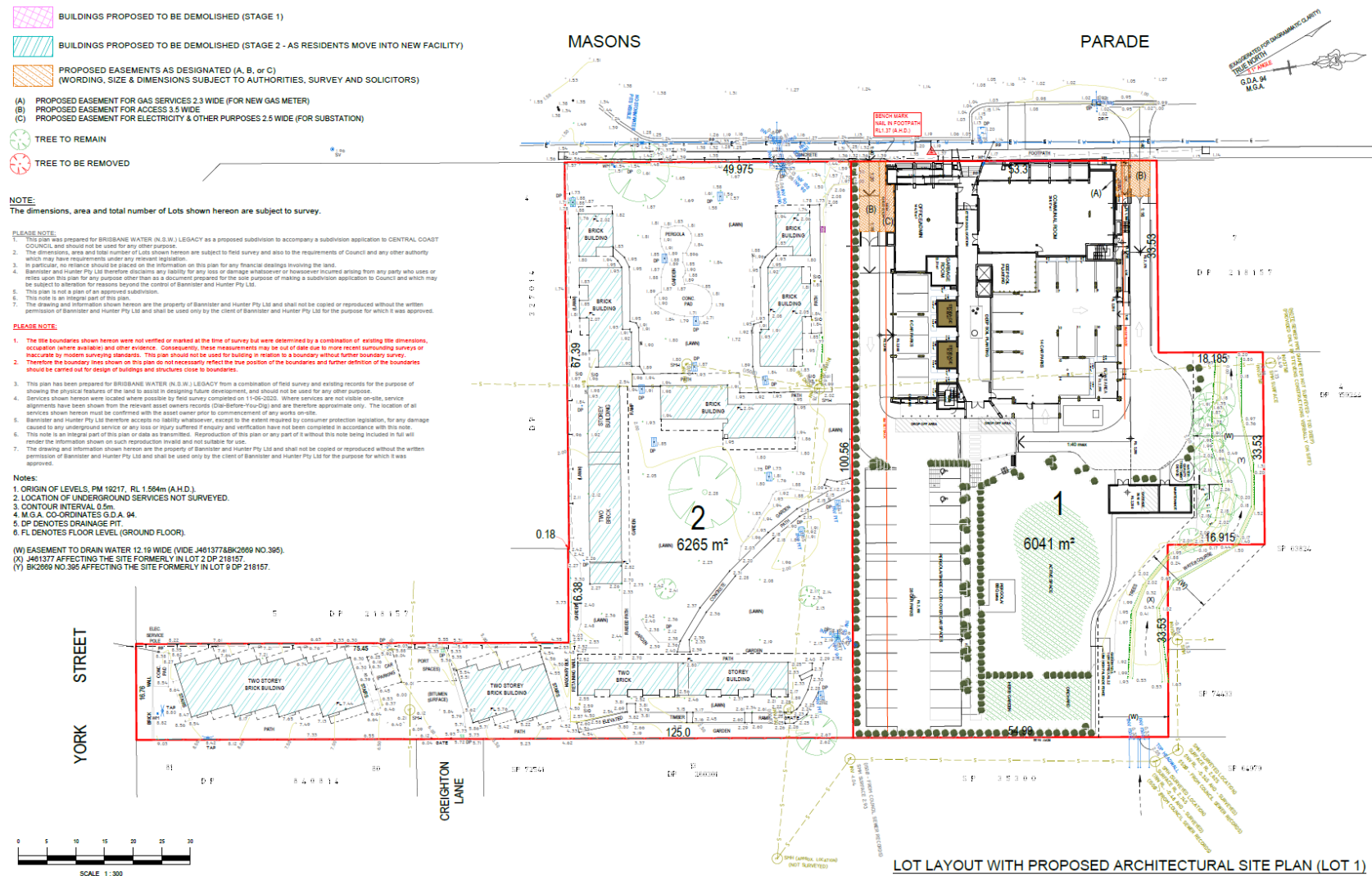


Figure 6 | Proposed Subdivision Plan (Source: Applicant's documentation)

2.2 Applicant's Need and Justification for the Development

The Applicant states that the accommodation and facilities within the existing village are no longer adequate for the needs of the occupants. The proposal will provide contemporary, dignified and quality Seniors housing in the form of self-contained apartments whilst subdividing the land to enable the sale of a part of the land that is surplus to their needs.

The Applicant is self-funded and relies on returns from investments, community benefactors and returns from Retirement Village operations to run support programs for the families of Veterans. The sale of the surplus land will raise significant capital to partly fund the proposed redevelopment.

3 Strategic context

3.1 Central Coast Regional Plan 2036

The Central Coast Regional Plan 2036 (CCRP 2036) identifies the Gosford City Centre as the capital of the Central Coast and aims to achieve its ongoing revitalisation by:

- increasing the proportion of higher density residential development within the centre and broader region, to provide a range of services and dwellings typologies for the growing population
- creating active public spaces and enhanced connectivity between key sites and landmarks
- delivering economic growth, jobs and development, as part of a broader strategy to support strategic centres and growth corridors.

The proposed development supports the delivery of the following CCRP 2036 goals and directions:

Goal 1: A prosperous Central Coast with more jobs close to home

- Goal 1, Directions 1 and 2 to grow Gosford City Centre as the region's capital, by providing 54 seniors living housing units within walking distance of the city centre and close proximity to the Southern Growth Corridor.

Goal 2: Protect the natural environment and manage the use of agricultural & resource lands

- Goal 2 to protect the natural environment, as the proposal within the Gosford City Centre reduces pressure for environmental and resource land to be used for new development.

Goal 3: Well-connected communities and attractive lifestyles

- Goal 3, Direction 15 to create well-planned and compact settlement patterns by providing new medium density housing in an existing urban area, within walking distance of the city centre, and improving access to jobs and services.
- Goal 3, Direction 18 to create places that are inclusive, well designed and offer attractive lifestyles through the provision of housing diversity, improve the quality of the public domain and make Gosford a more robust and livelier place.

Goal 4: A variety of housing choice to suit needs and lifestyle

- Goal 4, Direction 19 to accelerate housing supply and improve housing choice by providing affordable housing within an identified strategic centre.
- Goal 4, Direction 20 to grow housing choice in and around local centres and near the Southern Growth Corridor, by providing affordable housing close to employment, recreation and transport.

3.2 Gosford Urban Design Framework

The Gosford Urban Design Framework (GUDF), prepared by the Government Architect NSW (GA NSW), supports the ongoing revitalisation of Gosford into a regional capital with well-connected, well-designed and revitalised places containing attractive lifestyles, safe neighbourhoods and greener places.

The GUDF locates the subject site just south of the City South district which includes extensive parklands, the Central Coast Stadium, Gosford Olympic Swimming Pool, Central Coast Leagues Club and the Sailing Club.

The proposal is consistent with the following GUDF key design principles for the City South:

- 3.6.1 to preserve and strengthen the connection with the distinct landscape setting which frames the city by maintaining strong visual connections to key views and vistas and improving the visual amenity of the site
- 3.6.4 to promote a diversity of uses and attractors in City South by continuing the seniors living land use that contributes to the diversity of the area

3.3 Draft Somersby to Erina Corridor Strategy

Council's Draft Somersby to Erina Corridor Strategy responds to the CCRP 2036 actions for the Southern Growth Corridor. Gosford, the Central Coast's regional city, is identified as one of six centres in the corridor connected by the Central Coast Highway. The vision for Gosford is a premier waterfront city with medium to high density neighbourhoods, civic uses, education, health, retail, art and culture, and genuine housing choice.

The site is located within Gosford City Centre, in the south of the Southern Growth Corridor within the East Gosford and Point Frederick Centre. The proposal will support delivery of the following recommendations and actions in the draft strategy, as it will:

- focus residential development in existing centres with a mix of medium and high-density options and reinforcing its role as the regional capital
- implement the GUDF recommendations for Gosford and the City South
- contribute to additional housing choice within Gosford by providing affordable housing options.

3.4 Draft Central Coast Regional Plan 2041

The draft Central Coast Regional Plan 2041 (the draft plan) was on public exhibition from 6 December 2021 until 4 March 2022. The draft plan is the 20-year strategic planning blueprint to ensure the ongoing prosperity of the Central Coast's vibrant and connected communities. The draft plan builds on the CCRP and responds to an era of rapid change within the Central Coast, to promote sustainable growth, connected communities, resilience and a region that all residents have a stake in.

As a response to the new ways people live and work in light of the COVID-19 pandemic, the draft plan's key focus is creating a sustainable '15-minute region' of connected neighbourhoods where people's everyday needs are close to home and can be met with a short walk and bike ride or a car trip in rural areas. The close access to jobs and services will encourage exercise, public transport use and reduce dependency on cars. The proposed development is generally consistent with goals and objectives of the draft plan as it:

- provides additional housing within the Gosford City Centre, in close proximity to jobs and services, reducing car dependency;
- is consistent with the draft plan's emphasis on infill approaches to growth over greenfield; and
- provides diverse housing choices within the Gosford City Centre.

4 Statutory Context

4.1 Part 4 development

Pursuant to clause 1.6(b) of the *State Environmental Planning Policy (Gosford City Centre) 2018* (Gosford SEPP) (now consolidated within *State Environmental Planning Policy (Precincts – Regional) 2021*), the Minister for Planning is the consent authority under Part 4 of the EP&A Act as the development has a CIV of between \$10 million and \$75 million.

In accordance with the Minister's delegation, dated 9 March 2022, the Director, Regional Assessments may determine the application as:

- the Applicant has not disclosed a reportable political donation in connection with the application
- there are less than 10 public submissions in nature of objections
- Council did not object under the mandatory requirements for community participation in Schedule 1 of the EP&A Act.

4.2 Permissibility

The site is zoned B4 Mixed Use under the Gosford SEPP (now consolidated within *State Environmental Planning Policy (Precincts – Regional) 2021*) where seniors housing is permitted with consent.

The development meets the relevant objectives of the B4 Mixed Use as discussed further in **Section 6**.

4.3 Mandatory Matters for Consideration

The following are the relevant mandatory matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- relevant EPIs
- objects of the EP&A Act
- Ecologically Sustainable Development (ESD)
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) (now Environmental Planning and Assessment Regulation 2021).

Section 4.15 matters for consideration

The matters for consideration under section 4.15 of the EP&A Act have been addressed in **Appendix B – Considerations under Section 4.15 of the EP&A Act**.

Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes. The Department has considered the project in relation to ESD principles.

The development proposes ESD initiatives and sustainability measures, including:

- design of apartments to promote increased access to daylight and natural ventilation with a central courtyard to promote thermo-regulation;
- use of materials on the façade including aluminium timber look sliding screens and roller blinds to manage solar heat and light; and
- sustainability commitments to deliver effective water and greenhouse gas reductions outlined in the BASIX Certificate.

The precautionary and inter-generational equity principles have been implemented throughout the decision-making process and assessment of the development application's environmental impacts are detailed in **Section 6** of this report. Overall, the application is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

Environmental Planning and Assessment Regulation 2000

The application was submitted prior to the commencement of Environmental Planning and Assessment Regulation 2021; therefore, the assessment is being undertaken via the now repealed Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) pursuant to the savings and transitional arrangement within Clause 3 of Part 1 of Schedule 6 of Environmental Planning and Assessment Regulation 2021.

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for notification (Part 6, Division 7) and fees (Part 15, Division 1) have been complied with.

Environmental Planning Instruments

Since lodgement of the DA, all NSW State Environmental Planning Policies have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of *State Environmental Planning Policy (Housing) 2021*, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. For consistency, the Department has considered the development against the relevant provisions of the SEPPs that were in force when the DA was lodged.

The relevant EPIs that apply to the proposed development include:

- Gosford SEPP (now consolidated within *State Environmental Planning Policy (Precincts- Regional) 2021*)
- SEPP (Housing for Seniors or People with a Disability) 2014 (now consolidated within *State Environmental Planning Policy (Housing) 2021*)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) (now consolidated within *State Environmental Planning Policy (Resilience and Hazards) 2021*)
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) (and the associated Apartment Design Guide (ADG))
- State Environmental Planning Policy (Infrastructure) 2007

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- State Environmental Planning Policy No.64 (Advertising and Signage) (now consolidated within *State Environmental Planning Policy (Industry & Employment) 2021*)
- State Environmental Planning Policy (Coastal Management) 2018 (now consolidated within *State Environmental Planning Policy (Resilience & Hazards) 2021*)
- Draft State Environmental Planning Policy (Housing) (as exhibited)

The Department is satisfied that the proposal is consistent with the relevant requirements of these EPIs (including the ADG and GDCP), as contained in the detailed assessment in **Appendix C – Consideration of Environmental Planning Instruments**.

4.4 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the development application is required to be publicly exhibited for at least 14 days. This aligns with the minimum exhibition period set out in the Department's Community Participation plan for a development application of this nature.

The application was on public exhibition from Wednesday 17 November 2021 until Tuesday 14 December 2021. Details of the exhibition process and notifications are provided in **Section 5**.

4.5 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 1.3 of the EP&A Act.

The Department has fully considered the relevant objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 2**).

Table 2 | Considerations Against the Objects of the EP&A Act

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The development will promote:</p> <ul style="list-style-type: none"> • the proper management and development of suitably identified land • the social welfare of the community by providing appropriate housing for seniors, war widows and veterans • a suitable environment through appropriate environmental management during construction and operation.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Department has considered ecologically sustainable development (ESD) in its assessment of the development. The Department is satisfied the development can be carried out in a manner that is consistent with the principles of ESD.
(c) to promote the orderly and economic use and development of land,	The proposal involves the orderly and economic use of land through the efficient redevelopment of an existing urban site, that is in close proximity to existing services and public transport, for seniors housing.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,	The project involves the redevelopment of a previously developed site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. The proposal does not contain any native vegetation clearing.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	No impacts to built and cultural heritage have been identified. There are no listed Aboriginal sites or places recorded or declared in or near the site. The site narrow frontage to York Street is between two items of Local Heritage Significance under the Gosford SEPP (now consolidated within <i>State Environmental Planning Policy (Precincts – Regional) 2021</i>) on Proposed Lot 2. Demolition on Proposed Lot 2 will be subject to a separate development application and assessed during this process. Demolition impacts of the proposal are considered in Section 6 . The proposal will not have an adverse impact on the nearby heritage items and standard conditions are recommended to ensure any heritage items found during construction are adequately considered.
(g) to promote good design and amenity of the built environment,	The proposal achieves a high standard of design and amenity as discussed in Section 6 and Appendix C – Consideration of Environmental Planning Instruments .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended a number of conditions of consent to ensure the construction and maintenance of the development is undertaken in accordance with the relevant legislation, guidelines, policies and procedures.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department referred the development to relevant government agencies and Council during the exhibition period and invited them to comment. The Department has given due consideration to their advice.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the development application as outlined in Section 5 . Property owners within the vicinity of the development were directly notified in writing.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from Wednesday 17 November 2021 until Tuesday 14 December 2021 (28 days). The application was exhibited on the Department's website.

The Department notified adjoining landowners and relevant State and local government authorities in writing.

The application was made publicly available for 28 days due to the potential requirement for approval from the Natural Resource Access Regulator (NRAR) due to works within 40m of a water course under Section 91 of the *Water Management Act 2000*. NRAR have advised that approval is not required.

5.2 Submissions and Advice

During the exhibition period, the Department received nine submissions from the public and one submission from Council, as well as advice from TfNSW and NRAR.

A summary of the submissions is provided below. A link to the full copy of the submissions and advice is provided in **Appendix A** – List of Documents.

5.3 Submission and advice summary

Key Issues – Public Authorities

Central Coast Council did not object to the proposal and provided comments regarding overshadowing, view loss, flooding, traffic, the waste storage room, deep soil planting and affordable housing.

TfNSW did not object and provided comments regarding construction traffic measures, sight line distances from driveway and stormwater drainage.

NRAR did not object and provided comments outlining the proposal did not need NRAR approval.

Key Issues – Community

Nine submissions from members of the community were received during exhibition.

Seven submissions supported the proposal as it provided affordable and well-designed housing for veterans and their families in an accessible location.

Two submissions objected to the proposal raising concerns regarding site isolation, scale, overshadowing, traffic, flooding and visual impacts.

5.4 Response to submissions

The Department requested a Response to Submissions (RtS) on 20 December 2021, and amended the request on 28 January 2022. On 11 March 2022, the Applicant provided a RtS on the issues raised by the public

authorities, the Department and community members during the exhibition of the development (see **Appendix A – List of Documents**).

The RtS sought to address the issues raised during the exhibition of the SEE and provided clarification and additional information in regard to:

- the remaining items requested by the CoGDAP to achieve design excellence including plans outlining the sun shading resident lounge, proposed facades and the maintenance and garbage storage building;
- further overshadowing diagrams demonstrating impacts arising from the proposal at the summer solstice; and
- further visual impact assessment of impacts on the public and private domain.

The RtS did not propose any amendments to the proposal.

The Department has considered the issues by public authorities, the community and the Applicant's RtS in the assessment of the application.

The RtS was made publicly available on the Department's website but was not referred back to the relevant authorities as the Department was satisfied that all concerns raised by public authorities were adequately addressed by the Applicant or have been addressed through conditions of consent.

5.5 Additional Information

On 5 July 2022, the Applicant also provided further information in response to two requests for additional information, requested on 25 March 2022 and 12 May 2022, which included the following:

- Flood Impact Assessment and Flood Emergency Response and Evacuation Plan (FERP)
- Revised Internal Civil Plans, Architectural Plans and Landscape Plans
- Proposed Lot 2 Feasibility Study and Proposed Lot 2 Solar Access Study
- Lot 7 Feasibility Study
- Proposed Lot 1 Building Envelope Plan
- Proposed Lot 1 Communal Open Space Plans
- Balcony Compliance Plan
- View Sharing Analysis

On 19 September 2022, the Applicant requested the Department include signage as part of the proposal. Subsequently, on 26 September 2022, the Applicant provided additional information required for the Department to assess one business identification sign including:

- Signage Design Plan
- Sign Location Plan (Revised Western Elevation)
- Sign Compliance Assessment

Additionally, on 26 September 2022, the Applicant provided a revised ground floor plan with a revised office layout after the Department raised concerns regarding the compliance of the office with the Building Code of Australia.

6 Assessment

The Department has considered the SEE, the issues raised by public authorities and the community, the Applicant's RTS and additional information in its assessment of the development. The Department considers the key assessment issues to be:

- building design and residential amenity
- flooding and evacuation
- subdivision.

Each of these issues is discussed in the following sections of the report. Other issues taken into consideration during the assessment are discussed in **Table 3**.

6.1 Building Design and Residential Amenity

Building design and appearance

The proposal seeks approval for a seven-storey residential flat building containing 54 apartments, an office space and communal facilities. The building is designed around a central courtyard, with communal areas on each residential level and a communal open space to the rear of the site (**Figure 7**). The building is articulated into two major forms, with separation between these forms along the street frontage addressing Masons Parade.

The Applicant describes the built form as including soft landscaping to connect to the broader landscape and being designed to mimic the natural surrounding topography, adopting rhythmical separation between built forms along the street frontage.



Figure 7 | Impression of proposed north-east façade of seniors housing development (Source: Applicant's documentation)

Prior to lodgement of the application, the proposal underwent pre-lodgement design review by the City of Gosford Design Advisory Panel (CoGDAP) as follows:

- Design Reference Group Workshop 1 on 13 October 2020
- Design Reference Group Workshop 2 on 7 December 2020
- Design Reference Group Workshop 3 on 30 June 2021 and
- CoGDAP meeting on 18 August 2021

At the 18 August 2021 CoGDAP meeting, the Panel advised the proposal should proceed to lodgement. The Panel determined the proposal was designed to integrate within the surrounding context, incorporate good design principles and positively contribute to the existing local character.

During exhibition, the Department referred the proposal to the CoGDAP for advice, as the proposal sought to utilise the provisions under Clause 8.4(3) of the Gosford SEPP to exceed the mapped building height applying to the land.

On 9 December 2021, the Panel were unanimous in forming the opinion that the development exhibits Design Excellence. The Panel commended the Applicant for the commitment and responsiveness to the design review process. The Panel formed the view that the proposed built form scale, use of materials and landscaping will positively contribute to the local character and the building layout provides good levels of residential amenity. The Panel requested additional information to be provided to the Department during the assessment process. The Applicant provided this as part of the Response to Submissions documentation, including:

- a detailed section of a sunshade for the resident lounge area;
- detailed sections of the proposed facades to satisfy the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development submission requirements under Schedule 2 Forms of the EP&A Regulation; and
- additional drawings of the maintenance and garbage storage building.

The Department is satisfied that the proposal will result in a high standard of architectural design, materials and detailing appropriate to the building type and location and the form and external appearance of the development will improve the quality and amenity of the public domain. The proposal has been subject to an extensive design review process and the Department is satisfied that the proposal exhibits design excellence in accordance with Clause 8.3 of the Gosford SEPP, as assessed in **Appendix C**.

Height Variation

The proposed development has an overall building height of RL 27.95 m including the lift overrun (and RL26.550 m excluding lift overrun). Under clause 4.3(2) of the Gosford SEPP the maximum building height applying to the land is 15m. The proposal exceeds this maximum building height by +12.95 m resulting in a variation to the standard by approximately 86%.

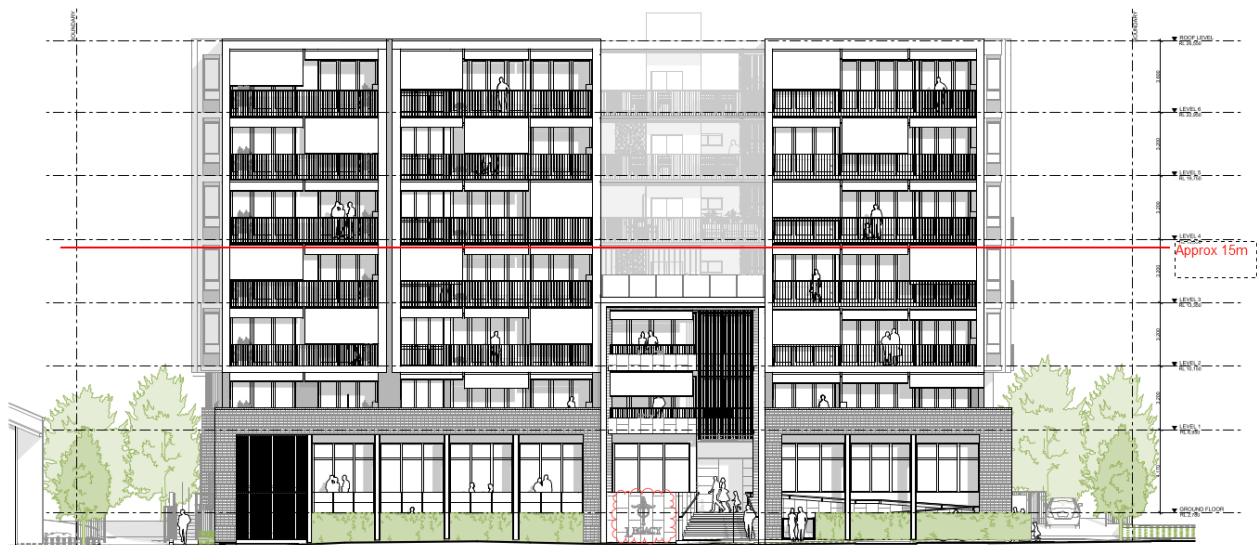


Figure 8 | Proposal's height in comparison to 15m height limit (red line) under Gosford SEPP 2018
(Base source: Applicant's documentation)

The Applicant states that the additional building height is appropriate for the site as the additional height aids in facilitating solar access and ventilation into the courtyard, as well as allowing for communal areas on each residential levels. Additionally, the site is required to be built on a ground level required to provide flood protection in a flood event.

Members of the community raised concerns regarding the scale of the proposal. Council commented on the arrangement of the development, suggesting that the proposed 5 storeys on the northern side and 7 storeys on the southern side should be reversed.

Clause 8.4(3) of the Gosford SEPP permits variations to building height in cases where proposal's meet certain site criteria (at least 36m street frontage or 2,800sqm site area), a design review panel reviews the proposal, the consent authority considers the findings of the panel and is satisfied with the amount of commercial floor space and the building's sustainability and environmental performance.

The proposal meets the criteria to exceed the maximum height of buildings in accordance with the provisions of Clause 8.4(3). The overall site area is 12,306 sqm and overall street frontage to Masons Parade is 103.275 m and to York Street is 16.76 m. The proposed residential flat building is located on Proposed Lot 1 which, following subdivision of the land, will have a site area of 6,041 sqm and street frontage to Masons Parade of 53.3 m. The proposal has been reviewed by the CoGDAP, the Department has considered the Panel findings in its assessment of the application, is satisfied with the proposed office space and the proposed building sustainability and environmental performance standards.

The proposal has undergone extensive design review pre and post lodgement of the application in accordance with Clause 8.4(3)(b). The bulk, scale and height has been reviewed by the CoGDAP and was determined to be an appropriate design for the site and its constraints. The Panel formed the view that the building layout will provide good levels of residential amenity and the scale, built form, use of materials and landscaping will positively contribute to the existing local character. The Department has received revised plans since the panel's decision. The revised plans include amendments to the office layout on the ground floor, and the addition of business identification signage, but does not include any external design amendments affecting the external built form.

The Department notes the scale of development is varied surrounding the site (**Figure 9**). To the south is a three and four storey residential flat building (known as the Araluan Apartments). To the north is an eight storey residential flat building (known as Ravello Residences) and a two storey restaurant. To the east is medium density residential developments between one and three storeys.

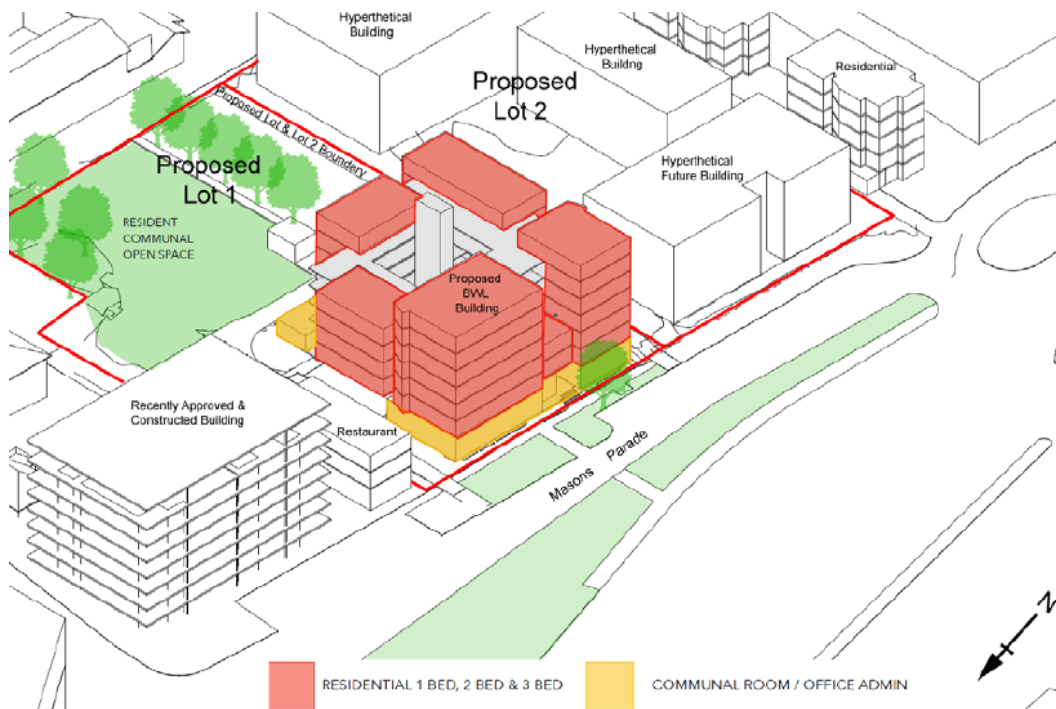


Figure 9 | Proposal in context of scale of surrounding development (Source: Applicant's documentation)

The Department is satisfied that the proposed building height variation is suitable for the character and scale of the immediate locality, provides a suitable built form relationship to existing and approved development and does not result in adverse impacts on surrounding properties.

Solar Access

The Apartment Design Guide (ADG) provides design criteria and general guidance for development proposals to achieve the nine design quality principles identified in SEPP 65 (State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development). As the proposal is for a residential flat building, SEPP 65 applies to the application, and therefore the Apartment Design Guide is relevant.

Objective 4A-1 of the ADG prescribes that at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm in mid-winter to living rooms and private open spaces. It also prescribes a maximum of 15% of apartments in a building may receive no direct sunlight between 9 am and 3 pm in mid-winter.

The Applicant prepared an overshadowing assessment which addresses solar access and overshadowing impacts. The Applicant has provided a solar analysis which shows that 33% of the units (18 units) within the development receive a compliant 3 hour solar access. The proposal's inability to provide compliant solar access is largely due to the orientation of the lot and the buildings on the site.

Whilst the proposal does not achieve numerical compliance with the solar access requirement, the Applicant has relied on the design guidance provided for Objective 4A-1 of the ADG, which outlines that it may not be possible to achieve compliant solar access where buildings are located away from the desired aspect for

direct sunlight to achieve a significant view. The Applicant has noted that the development has been designed to take advantage of the views to Brisbane Water to the west. The Applicant notes that 30 of the 54 units within the development receive water views.

In considering solar access and residential amenity, the Department notes the following:

- six out of 54 units (11%) across the development achieve no direct sunlight between 9am and 3pm mid-winter and also are not orientated towards water views
- 18 out of 54 units (33%) receive 3 hours of compliant solar access under the ADG controls
- of the 24 units not orientated for visual amenity, 18 (75%) receive 3 hours of solar access
- with the inclusion of the additional 30 units which are considered to receive significant water views, a total of 89% of units will receive acceptable solar access or achieve significant views to offset the loss of solar amenity
- the proposal includes 928.02 sqm of principal communal open space that achieves at least two hours of direct sunlight between 9am-3pm mid-winter.

The Department acknowledges that the proposal has also been subject to the CoGDAP where solar access was assessed in consideration whether the proposal exhibited design excellence. The Panel determined that the proposed development exhibited design excellence on 9 December 2021.

On balance, the Department is satisfied that whilst the minimum solar access requirements of 3 hours have not been strictly achieved for the apartments, the proposal provides the necessary amenity for residents through orientation to views (where they are available) and the large offering of communal open space. The Department is therefore satisfied that the proposal would offer a reasonable level of amenity of future residents and the proposal can be supported.

Overshadowing

The proposed seven-storey building results in overshadowing impacts to the public domain (Council's verge), onsite and the balance of the site known as Proposed Lot 2. The submitted shadow diagrams indicate the development would impact on the Proposed Lot 2 between 9am and 3pm mid-winter (**Figure 10**).

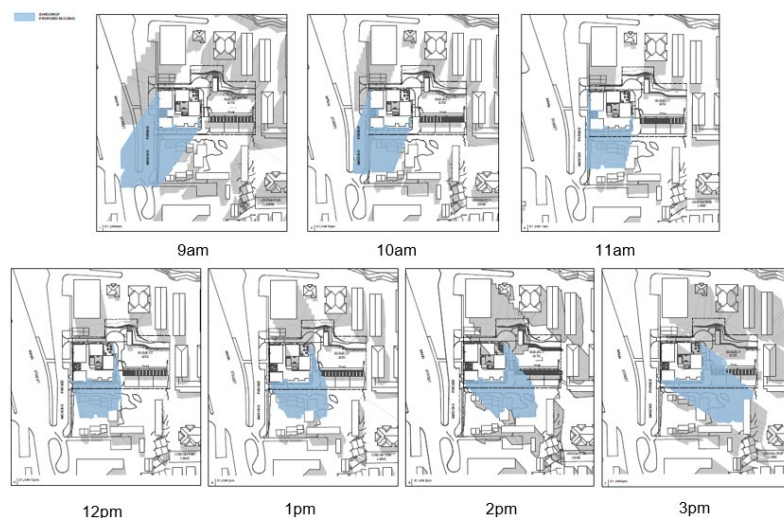


Figure 10 | Overshadowing Analysis of Proposal Mid-Winter (21 June)

During exhibition, Council and members of the community raised concerns regarding overshadowing on Proposed Lot 2 and adjoining properties as a result of the development. On 28 January 2022, the Department raised concerns about the overshadowing impact and the need for additional information to undertake a satisfactory assessment.

On 11 March 2022, the Applicant responded with a solar access study for Proposed Lot 2 demonstrating that solar access can be achieved by a compliant development on the lot (**Figure 11**). This study outlines that 73% of units within a likely hypothetical development on Proposed Lot 2 can achieve a minimum 3 hours of solar access on June 21 because of the proposed development, exceeding the required 70% in the Apartment Design Guide. The study also indicates that the hypothetical communal open space within Proposed Lot 2 will exceed the required minimum 25% of site area and minimum 50% direct sunlight to principal area for at least two hours between 9am-3pm mid-winter.



Figure 11 | Lot 2 Solar Access Feasibility Study (Applicant's documentation)

Solar access to future development on proposed Lot 2 will be assessed through separate development applications.

The Department is satisfied that the proposed development results in adequate solar access to the onsite communal open space, will not adversely impact the development potential of Proposed Lot 2 and that future development will be capable of achieving adequate solar access to apartments and open space through building siting and design considerations.

View Loss

The proposal is a significant redevelopment of the existing site from one to two storey low density seniors housing to a seven storey medium density seniors housing development. The Applicant states that the terrain of the surrounding area and greenspace edges enables the proposal to maximise the views across Brisbane Waters without significantly impacting existing view corridors (**Figure 12**).

During exhibition, Council and members of the community raised concerns regarding the visual impacts of the proposal including visual amenity, view loss and Gosford City Centre key views and vistas.

To address Council and public concerns, the Department requested the Applicant provide further visual impact assessment addressing the impacts of the proposal on view loss for surrounding neighbours. In response, the Applicant provided a View Sharing Analysis to assess views from surrounding development toward Brisbane Water, particularly from the east of the site). The area to the east of the site is predominately single and double storey residential development which has obscured views toward Brisbane Water due to vegetation, landscaping and the existing development on the site.

The View Sharing Analysis identified that the surrounding development most likely to be impacted by the proposed development is the three-storey building to the east of the site with current partial views of Brisbane Water (158 Albany Street, Point Frederick). This building is approximately 280m from the waterfront.

The Department has assessed the impact of the proposal on the most affected property (158 Albany Street) having regard to the planning principle established by *Tenacity Consulting v Warringah* [2004] NSWLEC 140, which sets out four steps for the assessment of view sharing and notes the following:

1. *The affected views*: The affected view is not an iconic view. While it includes narrow tracts of water views of Brisbane Water, the overall view is dominated by sky views and the approved development in the mid and foreground.
2. *From where the views are obtained*: The views are obtained from the three storey building, predominately from the third floor apartments to the west.
3. The proposal would result in the following:
 - a small portion of the existing partial views may be lost;
 - partial views of Brisbane Water would be retained (**Figure 13**); and
 - foreground building form views, horizon and overall sky views would not be affected.

The Department considers the overall change in views compared to the existing development is acceptable.

4. *Reasonableness of the proposal and compliance with controls*: Exceedance of height and FSR development standards are permitted for the site under Clause 8.4 of the Gosford SEPP. Under this Clause, the proposal was also subject to a design review panel and the proposal and its height variation has been assessed in detail by the panel and the Department and considered acceptable. In all other regards the proposed building form and height are considered to be reasonable and would not result in any unacceptable impacts for the surrounding area.

The Department is satisfied that the proposed redevelopment is reasonable and will not significantly reduce views of surrounding properties to Brisbane Waters.



Figure 12 | View toward properties to the east of the site from second storey of existing seniors living development (Source: Applicant's documentation)



Figure 12 | Partial views retained by 158 Albany Street (Source: Applicant's documentation)

6.2 Flooding and Evacuation

The site is affected by the flooding considerations under Clause 7.2 of the Gosford SEPP for land at or below the flood planning level. Under this clause, the consent authority must be satisfied that the development is compatible with the flood hazard of the land, not likely to adversely affect flood behaviour on surrounding properties, includes appropriate measures to manage risk to life from flood, not likely to have adverse environmental impacts or result in unsustainable social and economic costs to the community as a result of flooding.

The Applicant provided a Stormwater Management Plan (SMP) which included an assessment of flooding constraints of the site. The SMP outlined the site's 1% AEP Flood Hazard Categories which shows the site contains both high and low hazard extents as well as the Probable Maximum Flood (PMF) and Peak Flood Depths which shows the site contains varying levels of peak depth (**Figure 14**). The SMP did not assess the impacts associated with the proposal and its footprint on surrounding properties and did not include an appropriate evacuation plan.

Council and the Department raised concerns regarding the flooding constraints of the site, the suitability of the site for seniors housing and lack of information on impact to flood behaviour within and outside of the site due to the redevelopment.

The Department requested additional information including a flood impact and risk assessment reflecting the site's flooding hazard. This assessment was to include proposed evacuation and emergency response procedures during a flood event and flood impacts on surrounding developments and/or land resulting from the proposal and impact on flood behaviour.

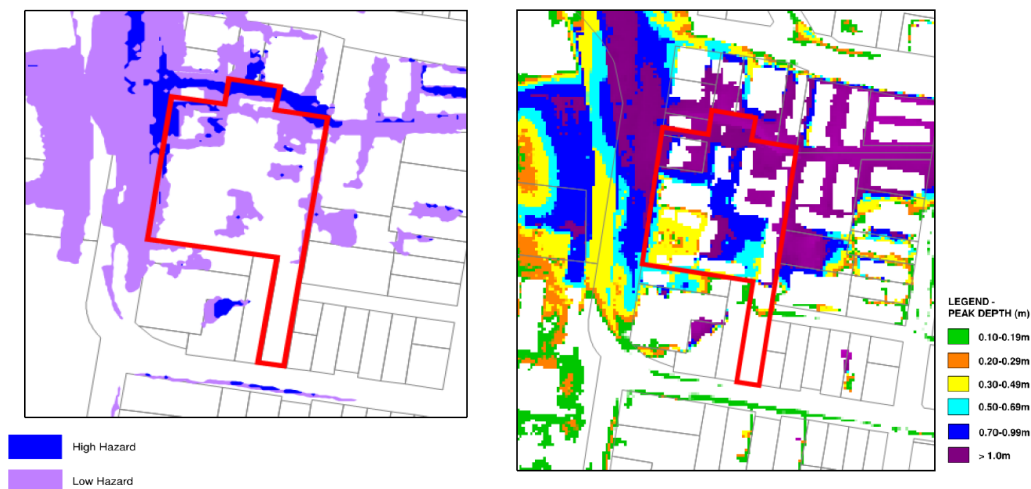


Figure 13 | Right - 1% AEP Flood Hazard Categories and Left - PMF Peak Flood Depths
(Source: Applicant's documentation)

Flood risk and behaviour

On 5th July 2022 the Applicant provided a Flood Impact Assessment Memorandum. This Memorandum summarised the results of additional assessment using a developed TUFLOW model, which included several key differences from the original Flood Study due to more accurate information becoming available since the preparation of the original study. The Memorandum identifies that:

- the critical event duration for the site is a 45 minute storm event;
- the majority of the subject site (outside of the extent of the main channel) experiences flood conditions that are safe for pedestrians;
- there is a significant decrease in flood depth to the east of the subject site, attributed to the removal of the existing buildings that formed a barrier to block flow path;
- there is a decrease in flood depth within the open channel ranging from 10 to 100 mm which is expected to be due to the additional food storage introduced by the new development footprint; and
- there is a small increase in flood depth of approximately 20 mm within the open channel adjacent to an existing building.

With a flood level of approximately 2.0m AHD in the channel, the finished floor level for the redevelopment is 2.2m above the 1% AEP floor level in this location (2.78m AHD) and therefore the minor increase of 20mm adjacent to the proposed buildings is not expected to create a significant adverse impact to this property. Further, the Flood Impact Assessment Memorandum outlines that the proposed redevelopment will reduce the flooding depths on surrounding properties.

The Department referred the Flood Impact Assessment to the Department's Chief Engineer for review. The Chief Engineer commented that the adverse impacts of the development are not considered consequential to the site or adjoining sites. The Chief Engineer also concluded that the report adequately addresses the flood constraints of the site, adopts an appropriate means of analysis and that the conclusions of the assessment are well suited to the site.

The Department has recommended that the detailed construction plans be submitted to the satisfaction of the Certifier, prior to the issue of the first Construction Certificate, confirming that the minimum floor level is in accordance with Council's Flood Certificate for the site.

The Department is satisfied that the proposed redevelopment will not increase the flood risk for the proposal site or adversely impact on surrounding properties.

Evacuation

The Department raised concerns regarding the evacuation management of the proposed redevelopment given the flooding constraints of the site and vulnerable nature of the residents. Due to the vulnerable nature of the residents within this seniors housing development, the Department requested further information regarding evacuation.

On 5th July 2022, the Applicant provided a Flood Emergency Response and Evacuation Plan (FERP) to nominate roles and responsibilities during a flood emergency, provide material for education and awareness and to identify potential evacuation and evasion procedures including evacuation routes and flood refuge opportunities. The Department referred the FERP to the Department's Chief Engineer for review who concluded that the proposal's ground floor level is above the PMF predicted levels for all three assessed flood scenarios. The FERP proposes different required actions of people on site in the three flood scenarios and the Chief Engineer identified that the reliance on residents making a judgement call on which scenario is occurring and subsequently which action to take is not favourable.

Applying the 'Plan of Management' Planning Principle (Renaldo Plus 3 Pty Limited v Hurstville City Council (2005) NSWLEC 315) the Department must be satisfied that the project is not relying on a 'stay in place' flood strategy that doesn't provide sufficient level of certainty that the measures would be implemented when a

flood event occurs. The Department is satisfied, in line with the Planning Principles that apply, that the Flood Emergency Response Plan:

- does not require the residents to act in a manner that would be unlikely or unreasonable in the circumstances as the plan relies on the compliance with evacuation orders, nomination of chief, deputy chief and regular flood wardens, and as a last resort, the safe on-site refuge of residents, staff or visitors;
- reasonably expects the residents to know of its requirements as the plan relies on evacuation orders issued by the State Emergency Service (SES), an on-site PA system to alert all staff, residents and visitors, an early warning network automated text and email service and the nomination of chief, deputy chief and regular flood wardens;
- does not require absolute compliance to achieve an acceptable outcome as on-site refuge as a last resort has been deemed safe; and
- is enforced as a condition of consent.

The Plan involves the nomination and responsibilities of a Chief Flood Warden, Deputy Chief Flood Warden, Flood Wardens and Staff.

Due to the vulnerable nature of seniors housing, and in response to comments from the Department's Chief Engineer, the Department has conditioned the FERP to be resubmitted to the Planning Secretary for approval to allow for detailed review by an expert in flood evacuation measures. The Department has also recommended conditions requiring the preparation and implementation of flood warning and notification procedures for construction workers, including evacuation and refuge protocols, prior to the commencement of construction and the ongoing implementation of the approved operational FERP.

The Department is satisfied that, subject to conditions, the proposal has adequately assessed evacuation options and the proposal provides adequate potential evacuation and evasion procedures including evacuation routes and flood refuge opportunities.

6.3 Subdivision

The proposal includes a two (2) into two (2) subdivision of the site to create Proposed Lot 1 and Proposed Lot 2. The site currently comprises of two (2) existing lots with a combined area of 12,297.8 sqm with an existing/combined frontage of 97.2 m. The proposed building requires a lot size of 6,040.98 sqm with a frontage of 53.30 m (Proposed Lot 1) and therefore the residual lot (Proposed Lot 2) is proposed to be 6,256.82 sqm with a street frontage to Masons Parade of 49.975 m and to York Street of 16.76 m (**Figure 15**).

Subdivision is permitted with consent under the Gosford SEPP and there is no minimum lot size required.

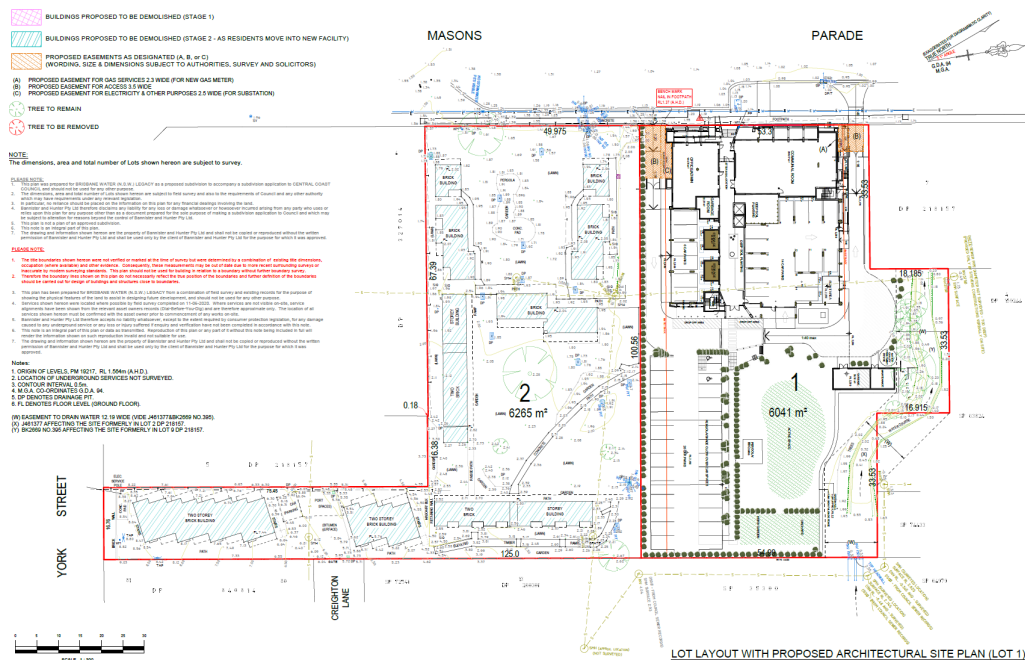


Figure 14 | Proposed Subdivision Plan (Source: Applicant's documentation)

With no minimum lot size for the site, the proposal complies with Clause 41 of the Gosford SEPP.

Remaining on Proposed Lot 2, not approved for demolition, will be approximately ten one to two storey brick buildings and associated landscaping, carparking and footpaths. These buildings are mostly independent living units for existing residents that will be used to accommodate the existing residents while Proposed Lot 1 is being redeveloped. Demolition of the remaining buildings on Proposed Lot 2, following completion of the new seniors living development and transition of existing residents, would require separate development approval.

The Applicant has also provided a Feasibility Study for Proposed Lot 2, demonstrating that Proposed Lot 2 is developable within the provisions of the Gosford SEPP with the potential for two hypothetical buildings (A and B), both comprising of five storeys in accordance with the 15m maximum building height provision within the GCC SEPP. In compliance with the ADG setback requirements, the hypothetical development would contain approximately 95 units and a FSR of 1.67:1 compliant with the 2:1 requirement.

The Department has included a suite of conditions regarding the subdivision of land including protection of public infrastructure, the registration of subdivision plan and utility services to ensure the subdivision does not result in any adverse impacts to surrounding properties and infrastructure and that both proposed lots can be adequately serviced. The Department has also included a condition requiring a Construction Environmental Management Plan which requires appropriate measures to be implemented regarding dust suppression, noise impacts and sediment and erosion controls.

The Department is satisfied that the proposal will result in an appropriate subdivision layout as the lots will be of developable lot size and Proposed Lot 2 feasibility studies identify potential future development is capable of complying with the provisions of the Gosford SEPP and ADG requirements.

6.4 Other issues

The Department's assessment of other issues is provided in **Table 3**.

Table 3 | Other Issues

Issue	Findings	Recommendations
Site Suitability	<p>The site is zoned B4 Mixed Use under the Gosford SEPP (now consolidated within <i>State Environmental Planning Policy (Precincts – Regional) 2021</i>). The development meets the objectives of the zone as the development as it maintains the seniors housing use of the site that contributes to the mixture of compatible land uses in the zone and provides suitable residential development in an accessible location to maximise public transport patronage and encourage walking and cycling.</p> <p>Seniors housing is a permitted use with development consent within the B4 Mixed Use zone. Additionally, demolition is permissible with development consent under Clause 2.7 and subdivision is permissible with consent under Clause 2.6.</p> <p>Clause 19 of the Seniors SEPP allows for seniors housing in commercial zones except for on any part of the ground floor of a building that fronts a street on land zoned primarily for commercial purposes. There is no seniors housing proposed on the ground floor of the development and is therefore compliant with Clause 19. Clause 21 outlines that subdivision is permitted with consent for development under the Seniors SEPP.</p> <p>The Department is satisfied that the proposed development is suitable for the site as it is permissible and meets the objectives of the B4 zone.</p>	No recommendation necessary.
Demolition	<p>The proposal includes demolition of existing buildings on Proposed Lot 1 in accordance with the demolition plan provided in the architectural plan set.</p> <p>The south of the site (Proposed Lot 2) is located in proximity to three items of Local Heritage Significance under Clause 5.10 Schedule 5 of the Gosford SEPP (Items 326, 327 and 145). Items 326 and 327 share a boundary with the narrow frontage</p>	A suite of conditions of consent have been included to require a dilapidation report for both pre-demolition and post-demolition on land where the works are in proximity to the

of the site to York Street which will adjoin either side of a section of Proposed Lot 2. Item 326 is a block of units and Item 327 is a house and fence. heritage items and protection measures.

The Applicant has confirmed that the proposal only seeks approval for demolition in accordance with the submitted demolition plan being for buildings on Proposed Lot 1 only.

The future purchaser of Proposed Lot 2 may prefer that either the buildings be retained or demolished. Should the demolition occur, the impacts of the demolition, including on the heritage items, would be assessed as part of a separate development application. The Department is satisfied that a detailed heritage assessment is suitable at the time of lodgement of a new development on Proposed Lot 2.

The Department is satisfied, subject to conditions, that the proposal will not adversely impact on the heritage items and that demolition will not have adverse impacts on the surrounding properties.

Site Isolation	<p>The site is adjoined by Lot 7 to the north, currently occupied by a two storey restaurant development and after subdivision, Proposed Lot 2 will directly adjoin the site to the south.</p> <p>The Department raised concerns regarding the potential for site isolation of both Proposed Lot 2 to the south and Lot 7 to the north of the site. The Applicant provided a Feasibility Study for both of these lots.</p> <p>The Lot 2 Feasibility Study indicates the potential for two hypothetical buildings (A and B) both comprising of five storeys in accordance with the 15m maximum building height provision within the GCC SEPP. In compliance with the ADG setback requirements, the hypothetical development would contain approximately 95 units and a FSR of 1.67:1 compliant with the 2:1 requirement.</p> <p>Lot 7 to the north of the site is 352.48 sqm in area and the Lot 7 Feasibility Study indicates that a hypothetical four storey mixed use building would be compliant with height and FSR provisions. The</p>	No recommendation necessary.
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building would comply with the 15m maximum building height provision and would have an FSR of 1.29:1 compliant with the 2:1 requirement.

The Feasibility Studies shows appropriate and compliant parking and communal open space for both potential developments.

The Department is satisfied that the proposed development will not result on adverse impacts on the future development potential for Proposed Lot 2 or Lot 7.

Traffic and Access

The community raised concerns regarding the potential increase in traffic generation of the proposed redevelopment.

The Applicant has considered both the construction and operational traffic impacts of the proposal.

The proposed development will generate 114 trips per day. The current development contributes less than 50 vehicle movements per day, therefore the redevelopment will increase by less than 70 trips per day.

A Construction Traffic Management Plan will be prepared for the project prior to the issue of Construction Certificate which will consider parking demands, impacts on traffic flows, heavy vehicle routes and access arrangement to minimise impacts during construction.

TfNSW commented that the internal arrangements on site including traffic/ pedestrian management, parking, service vehicles and provision for people with disabilities are matters for Council to consider.

In response to TfNSW, the Applicant confirmed that:

- Vehicle Swept Path Plans (refer to Figures 72 and 73 in DA Planning Report) demonstrate compliance for the Central Coast Council design waste vehicle in accordance with the Gosford Inner City DCP.
- Internal circulation roads and parking layout are designed in accordance with 2890.1 & 2890.2.

A condition of consent has been included to require a Construction Traffic Management Plan to be prepared prior to the issue of a Construction Certificate which includes consideration of parking demand.

The access way between all on-grade accessible car spaces and the building are within the max 1:40. All pedestrian ramps and pathways comply to AS1428.1-2009.

The Department considers that the overall increase in trip numbers will have minimal impact on the road network surrounding the site and that internal arrangements and access have been designed in accordance with the relevant requirements.

Car Parking

The proposal provides a total of 48 car parking spaces, with 4 of these spaces allocated to the commercial activities and the remainder allocated to residents.

The Seniors SEPP provides a parking rate of 0.5 car spaces for each bedroom. Therefore, the development must provide 39 car parking spaces for residents. The proposal includes 48 spaces in total, with 44 spaces allocated for residents and therefore exceeds the required number of spaces.

The administration area has a total area of 144.7 sqm and is classed as a commercial activity. Under clause 8.5 (1) (a) of the Gosford SEPP, commercial premises must provide a minimum 1 space per 75 sqm (requiring 2 spaces). Under the GDCP 2018, the rate for an office is also 1 space per 75 sqm. The proposal has allocated 4 spaces to the administration building and complies with the DCP provisions.

The Department is satisfied with the parking provision of the development as it provides car parking in accordance with the rates set out in the Gosford City Centre DCP, Gosford SEPP and Seniors SEPP.

A condition of consent is included to ensure 4 spaces are allocated for the commercial use.

Design Excellence

The proposal is subject to Clause 8.3 of the Gosford SEPP, requiring the consent authority to be satisfied that the development considers design excellence before granting consent.

The Department has considered the requirements of Clause 8.3 and is satisfied that the proposal exhibits design excellence as:

- a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;

No recommendation necessary.

- the frontage will improve the amenity of the public domain;
- the proposal meets the requirements of Clause 8.10 and 8.11 as discussed in **Appendix C – Consideration of Environmental Planning Instruments**
- relevant requirements of applicable control plans have been considered (**Appendix C – Consideration of Environmental Planning Instruments**)
- and the suitability of the site, the existing and proposed uses, relationship to other adjoining developments and access (**Table 3**), heritage impacts (**Section 6.4**), bulk and scale and overshadowing impacts (**Section 6.1**), street frontage heights (**Appendix C – Consideration of Environmental Planning Instruments**) and ESD principles (**Section 4.3**) and have been considered.

Additionally, the proposal was subject to three City of Gosford Design Reference Group (DRG) workshops since mid-2020. On 9 December 2021, the City of Gosford Design Advisory Panel (CoGDAP) determined that the development exhibited Design Excellence. The panel advised that further information should be sought to address outstanding design issues.

In response, as part of the RtS documentation, the Applicant provided the additional information as discussed in **Section 6.1**.

The Department is satisfied with the CoGDAP's conclusion that the proposal has achieved design excellence and has explored options to ensure the best design outcome for the site.

BCA Compliance

The Applicant provided a Building Code of Australia (BCA) Compliance Assessment with the development application. The assessment did not provide detailed assessment of the office component and the Department raised concerns regarding the adequacy of assessment, particularly relating to the provision of

A condition is included to ensure the Applicant completes a detailed BCA compliance assessment of the office at Construction Certificate stage.

adequate bathrooms for a commercial space for more than 10 occupants.

On 19 September 2022, the Department requested additional information and detailed assessment of BCA compliance for the office.

On 26 September 2022, the Applicant provided a revised ground floor plan with a revised fit out for 8 occupants, therefore complying with the bathroom provision for under 10 occupants. The Applicant did not provide a detailed BCA assessment but sought advice from a qualified expert confirming the revised plan is compliant with the BCA provisions.

The Department is satisfied that subject to the Applicant completing a detailed assessment of BCA compliance of the office at Construction Certificate stage, the approval of the office component is appropriate.

Signage

On 19 September 2022, the Applicant requested the Department include proposed signage as part of the development application. Subsequently, on 26 September 2022, the Applicant provided the additional information required to include the proposed signage. The proposal includes a building identification wall logo sign on the Masons Parade frontage at street level. The sign is 1.825m by 2.025m in size and is not illuminated.

The Department has included the signage within the assessment, with a full assessment of *State Environmental Planning Policy No 64 – Advertising and Signage* in **Appendix C**.

The Department is satisfied that the proposed signage is appropriate for the development, subject to the recommended conditions.

A condition of consent is included to ensure signage is constructed in accordance with the approved plans.

Sight Line Distances

TfNSW commented on appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part A and the relevant Australian Standards. TfNSW also commented on the Department being satisfied with the location of the proposed driveway promoting safe vehicle movements.

No recommendation necessary.

The Applicant's Traffic Impact Assessment Report has considered sight line distances. Masons Parade provides clear visibility to the right (in excess of 100 metres) and to the left there is clear visibility to the intersection of Masons Parade and the Central Coast Highway (approximately 60 metres).

Masons Parade is a 50km/hr road. The 60 m visibility is slightly less than the required minimum requirements of a 50km/hr road, however, meets the requirements of a 40 km/hr road. The road behaviour is consistent with that of a 40 km/hr road as drivers would be negotiating the turn from the Central Coast Highway and are expected to be travelling at less than 40 km/hr.

The Department is satisfied that the sight line distances from the proposed driveway will not reduce road safety and promotes safe vehicle movements.

Waste

Council commented on the separation of the waste storage room from the building and this creating vehicle/pedestrian conflicts and its visibility from the street.

The Applicant provided details of the proposed materials and elevations of the waste storage room and maintenance shed with dark materials designed to disappear within the landscape.

The Department is satisfied that the waste storage room and maintenance shed will not adversely impact occupants and has been designed to be integrated within the landscape.

Council also commented on the need for the driveway width and pavement strength to be designed to comply with Council's Waste DCP requirements and that liability for any damage would not fall on Council or its contractors.

The Applicant has provided the dimensions for proposed waste collection vehicles and outlined that compliance with Council's DCP waste requirements and liability can be included within conditions of consent.

A condition of consent is included to implement the Operational Waste Management Plan.

Setbacks

The GCC DCP Section 5.2.1 outlines setbacks for developments at varying heights.

No recommendation necessary.

GCC DCP controls require 0m at ground level and 6-14m for street wall height. The proposed development provides a 0m setback on ground level and a brick podium (street wall) of 7m in height. Accordingly, the proposal complies with the GCC DCP requirement.

A 6m side setback is proposed from the ground to fourth floor and a 9m side setback is proposed for the fifth and sixth floor (excluding balconies). Objective 3F of the ADG outlines visual privacy measures regarding separation distances. The building design complies with the minimum building separation distances outlined in the ADG, except for the balconies on level 5 and 6 on the southern façade. This building separation provision is aimed to reduce privacy impacts.

Privacy screens have been provided to the level 5 & 6 balconies that intrude on the 9m side setback to reduce the privacy impacts. The Department is satisfied that the privacy screens adequately reduce privacy impacts.

Residential Amenity and ADG controls

The Department has undertaken a detailed assessment against the relevant ADG controls to ensure a reasonable level of residential amenity for future residents at **Section 6.1** and **Appendix C**. In addition, building depths and circulation core is discussed further below.

No recommendation necessary.

Building Depths

Objective 2E of the ADG outlines building depth provisions to ensure apartments receive adequate daylight and natural ventilation and to optimise natural cross ventilation.

The proposed apartments have a variety of depths and use corner units / cross through units to assist with ventilation. A wide central courtyard means all units are cross through units and are less than the required 14m in depth. However, all units achieve cross ventilation, and the building is orientated toward the significant views of Brisbane Waters. The courtyard is used as a secondary light source to the apartments.

Circulation Core

Objective 4F-1 of the ADG outlines provisions relation to common circulation spaces to achieve good amenity and be able to properly service the number of apartments. The ADG outlines that the maximum number of apartments off a circulation core on a single level should be eight.

The proposed building design consists of separate but linked buildings around a courtyard. This creates separation between small groups of apartments and better amenity for the residents. The number of apartments off a single core does not exceed 12 and is reduced on upper levels.

The Department is satisfied that the layout and design of the building will facilitate good amenity and the ability to properly service the number of apartments on each level with separation between small groups of apartments on each level.

Deep Planting

Soil

The proposal includes deep soil planting in the middle of the building structure on the ground floor.

No recommendation necessary.

Council commented that the deep soil planting in the middle of the building is unlikely to survive.

Site Design Studios, the Applicant's landscape architects, have advised that the deep soil planting will survive and flourish with deep soil, mulching, irrigation and maintenance.

The Department considers that with the appropriate care as outlined above, and in accordance with the proposed landscape plans, the deep soil planting is appropriate for the development.

Acid Soils

Sulfate

The site is mapped with the potential for Class 2, 2a and Class 5 Acid Sulfate Soils.

A suite of conditions are included to ensure the adequate management of Acid Sulfate Soils.

Groundwater testing indicated that actual and potential acid sulfate soils are encountered at depths between 0.5m and 4.5m below ground level and are therefore likely to be disturbed during construction.

The Applicant provided an Acid Sulfate Soils Management Plan (ASSMP).

The Department is satisfied that, subject to conditions, the proposal has adequately addressed potential ASS impacts.

Stormwater

TfNSW commented on the proposal's discharged stormwater, outlining that it should not exceed the capacity of the Central Coast Highway stormwater drainage system.

The Applicant provided a Concept Stormwater Management Plan which confirms that the development will not have any detrimental impacts to the peak flow rates of stormwater runoff reaching the Central Coast Highway.

The Department considers the stormwater design will not adversely impact the stormwater system or adjoining sites and to be appropriate for the site.

A condition of consent is included that ensures the stormwater design will be designed to not exceed the capacity of the Central Coast Highway stormwater drainage system.

Vegetation and landscaping

The proposal includes tree and ornamental landscaping removal but does not include the removal of any native vegetation. The native vegetation existing on site, including the vegetation within the channel to the north of the site is to be retained.

The proposal contains the following landscaping elements:

- Retention of the existing stormwater channel and associated vegetation on Proposed Lot 1
- Existing landscaping elements on Proposed Lot 1 are proposed to be demolished including 5 trees and ornamental gardens and lawns
- Existing vegetation on proposed Lot 2 to be retained
- Construction of a central courtyard
- Inclusion of communal gardens and active/maintained lawns along the east of the site

The Applicant provided Landscape Plans, and the Department has recommended standard conditions to ensure the landscaping is carried out in accordance with the approved plans.

The Department is satisfied that the proposed vegetation and landscaping is appropriate subject to the recommended conditions.

Conditions of consent are included that ensures the landscaping is completed in accordance with the approved plans.

Construction Impacts

The proposal has the potential for construction impacts on existing residents and surrounding neighbours including noise and vibration impacts.

A Construction Environmental Management Plan (CEMP) is recommended to be prepared to manage and mitigate the impacts of construction, including sediment and erosion, contamination, waste, traffic, noise and vibration and flooding.

The Applicant must also prepare and implement a Community Communication Strategy for the duration of construction and the 12 months following to allow for surrounding neighbours and residents to raise any concerns of construction impacts.

The Department is satisfied that the impacts of construction will be appropriately managed through conditions.

A recommended condition of consent has been included requiring a CEMP and Community Communication Strategy.

Contributions

The Gosford City Centre Special Infrastructure Contribution (SIC) applies to all new development on residential and business zoned land within the Gosford City Centre that has a delivery cost of \$1 million or more triggering payment of a 2% levy. Circumstances apply where the SIC does not apply, however, the Applicant has not provided information to confirm that an exemption is applicable.

The Department has recommended the standard condition requiring the payment of the SIC. The Applicant can provide information as a post approval matter to confirm whether an exemption is applicable.

Central Coast Council has a local 94A Development Contribution Plan– Gosford City Centre (now a 7.12 plan), known as the Civic Improvement Plan. This plan applies to all development with a cost of more than \$250,000 that increases the gross floor area on land. The plan originally levied 4% until 2018 when the SIC was introduced and is now amended to trigger payment of a 1% levy.

Conditions of consent have been included requiring payment of SIC and local contributions.

Servicing and Utilities

The Department notes that the proposal requires adequate services for the proposed development on Proposed Lot 1 and any future development on Proposed Lot 2.

Conditions of consent are included to ensure service authority clearances are obtained for access to water, electricity,

The Applicant has advised that water, telecommunications and electricity are available to the site. The Applicant also provided a feasibility study for Proposed Lot 2 that shows where the sewer lines are located and accessible from on Proposed Lot 2.

The Department is satisfied that subject to the recommended conditions, the access to utilities is appropriate.

telecommunications and gas (where relevant).

Additionally, a condition has been included to ensure the adequacy of engineering details for building works over or adjacent to sewer are to the satisfaction of Council.

7 Evaluation

The Department's assessment of the application has considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department has considered the merits of the proposal, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development and advice received from the relevant public authorities, Council and community submissions.

Council and State agencies did not object to the proposal. The Department has sought to address any issues raised during public and agency consultation.

The Department's assessment of the development identified building design and residential amenity, flooding and evacuation, demolition and subdivision as the key issues for consideration. The Department concludes the development would be managed to an acceptable level of environmental performance and has recommended a range of conditions to support this.

Overall, the Department has considered the merits of the proposal and this assessment has concluded the development would:

- provide contemporary, dignified and quality seniors housing in the form of self-contained apartments in the Gosford City Centre
- be consistent with the strategic planning context for Gosford City Centre
- comply with the land use zone and floor space controls in the relevant environmental planning instrument
- include an appropriate variation to building height, as permissible by Clause 8.4 of GCC SEPP due to the surrounding scale and context of the site and appropriate design
- exhibit design excellence with a high standard of architectural design appropriate for a seniors housing development
- be consistent with future character of the area and not adversely impact surrounding amenity, in terms of solar access, view impacts and privacy impacts
- provide adequate onsite car parking to meet the needs of residents and the associated traffic can be accommodated without adversely impacting the surrounding road network
- provide good residential amenity to all future residents, satisfactorily complying with the Apartment Design Guide.

Following assessment, the Department considers the development is approvable, subject to the recommended conditions of consent.

8 Recommendation

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

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons formaking the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 21/14808, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix D** – Recommended Instrument of Consent).

Recommended by:



Tahlia Sexton
Senior Planning Officer
Regional Assessments

Recommended by:



Louise Densmore
Team Leader
Regional Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to read 'K T' followed by a horizontal line.

Keiran Thomas

Director

Regional Assessments

Appendices

Appendix A – List of Documents

The Department relied upon the following key documents during its assessment of the proposed development:

Statement of Environmental Effects

- Statement of Environmental Effects – ‘*Proposed Redevelopment of Existing Legacy Seirs living Village including Demolition, Construction of 54 Self Contained Apartments including Administration and Community Facilities, Landscaping and Car parking, and Subdivision of Land*’ prepared by JW Planning Pty Ltd dated October 2021

Submissions

- All submissions received from relevant public authorities and Council

Response to Submissions

- Response to Submissions ‘*Response to Request for Further Information Proposed Redevelopment of Brisbane Water Legacy Seniors Village 51-57 & 59 Masons Parade, Point Frederick NSW*’ prepared by JW Planning Pty Ltd dated 11 March 2022

Additional Information

- *Response to 2nd and 3rd Request for Further Information Proposed Redevelopment of Brisbane Water Legacy Seniors Village 51-57 & 59 Masons Parade, Point Frederick NSW* prepared by JW Planning Pty Ltd dated 4 July 2022
- *Signage Plan and Revised West Elevation* prepared by Integrated Design Group dated 19 September 2022
- *Revised Ground Floor Plan* prepared by Integrated Design Group dated 19 September 2022

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B** – Considerations under Section 4.15 of the EP&A Act)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix C** – Consideration of Environmental Planning Instruments)

All documents relied upon by the Department during its assessments of the application may be viewed at: <https://www.planningportal.nsw.gov.au/daex/under-consideration/legacy-seniors-village-redevelopment-51-59-masons-parade-point-frederick>

Appendix B – Considerations under Section 4.15 of the EP&A Act

Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
a) the provisions of: <ul style="list-style-type: none"> i.) any environmental planning instrument, and 	The Department has considered the relevant environmental planning instruments in its assessment of the development. Details of the assessment is provided in Appendix C – Consideration of Environmental Planning Instruments .
<ul style="list-style-type: none"> ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and 	The Department has considered the relevant draft environmental planning instruments in its assessment of the development. Details of the assessment is provided in Appendix C – Consideration of Environmental Planning Instruments .
<ul style="list-style-type: none"> iii.) any development control plan, and 	The Gosford City Centre Development Control Plan 2018 (GCCDCP) does apply to the site and is assessed in Appendix C – Consideration of Environmental Planning Instruments .
<ul style="list-style-type: none"> iii.) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and 	The Applicant has not entered into a planning agreement under section 7.4 of the EP&A Act.
<ul style="list-style-type: none"> iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates, 	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
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 Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	The development is permissible with consent and the site is suitable for occupation by the development as it is located on suitably zoned B4 Mixed Use.
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
e) the public interest.	The development would provide necessary suitable housing for seniors/war widows and veterans. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers the development is in the public interest.

Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs were considered as part of the Department's assessment:

- Gosford SEPP (now consolidated within *State Environmental Planning Policy (Precincts-Regional) 2021*)
- SEPP (Housing for Seniors or People with a Disability) 2014 (now consolidated within *State Environmental Planning Policy (Housing) 2021*)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) (now consolidated within *State Environmental Planning Policy (Resilience and Hazards) 2021*)
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) (and the associated Apartment Design Guide (ADG))
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- State Environmental Planning Policy No.64 (Advertising and Signage) (now consolidated within *State Environmental Planning Policy (Industry & Employment) 2021*)
- State Environmental Planning Policy (Coastal Management) 2018 (now consolidated within *State Environmental Planning Policy (Resilience & Hazards) 2021*)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) (now consolidated within *State Environmental Planning Policy (Biodiversity and Conservation) 2021*)
- Draft State Environmental Planning Policy (Housing) (as exhibited)

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

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 certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

The scale and location of the development does not trigger Schedule 3 of the ISEPP and referral to Transport of NSW was not required.

State Environmental Planning Policy (Koala Habitat Protection) 2021 (Koala SEPP)

The Koala SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Clause 11 of the Koala SEPP applies to land with an area of at least one hectare that does not have a Koala Plan of Management. The Department is satisfied that there is minimal vegetation on the site (as confirmed by the Applicant) with only lawn areas and ornamental landscaping and no native vegetation clearing and therefore the development will have no impact on koalas or koala habitat.

State Environmental Planning Policy (Coastal Management) 2018

The Coastal Management SEPP commenced on 3 April 2018. The Coastal SEPP consolidates and replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection). From March 1 2022, the SEPP was consolidated within *State Environmental Planning Policy (Resilience & Hazards) 2021*.

The Coastal Management SEPP gives effect to the objectives of the Coastal Management Act 2016 (NSW) from a land use planning perspective. It defines four coastal management areas and specifies assessment criteria that are tailored for each coastal management area. The consent authority must apply those criteria when assessing proposed developments for development that fall within one or more of the mapped areas.

The site is mapped as a coastal environment area and as a coastal use area under the Coastal Management SEPP. These relevant matters are addressed in **Table 4** below.

Table 4 | Consideration of SEPP (Coastal Management) 2018

Criteria	Department's Consideration	Compliance
Division 3 Coastal environmental area		
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:		
(a) The integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.	The proposal would not have a significant impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.	Yes
(b) The coastal environmental values and natural coastal processes.	The site is within an existing developed urban area and on a highly disturbed site. As such, it is not expected the proposal will have an impact on the coastal environmental and natural coastal processes.	Yes
(c) The water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes.	The proposal will not impact on the Marine Estate or any sensitive coastal lakes.	Yes
(d) Marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.	The site is void of any significant vegetation.	Yes
(e) Existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.	The site does not contain existing public open space or provide access to and along the foreshore.	Yes
(f) Aboriginal cultural heritage, practices and places.	The proposal will not impact upon any Aboriginal cultural heritage, practices and places.	Yes
(g) The use of the surf zone.	The site is not located within a surf zone.	Yes

Division 4 Coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	The development is wholly contained within the site boundary and will not impede or diminish public access to the foreshore.	Yes
(ii) overshadowing, wind funneling and the loss of views from public places to foreshores	The development will not overshadow the foreshore and will not result in a loss of views from a public place.	Yes
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands	The high standard of the building's architectural design will have a positive impact on the scenic qualities of the area.	Yes
(iv) Aboriginal cultural heritage, practices and places		
(v) cultural and built environment heritage	The proposal will not impact upon any Aboriginal cultural heritage, practices, places and built environment heritage.	Yes

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)

The aims of the Vegetation SEPP is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The site contains existing lawn areas and ornamental landscaping but does not contain any native vegetation that needs to be cleared. Tree protection measures have been incorporated into the design of the proposal to mitigate any residual impacts. The Department is satisfied that there is minimal vegetation on the site (as confirmed by the Applicant) with no native vegetation to be cleared, therefore the development will have no impact on koalas or koala habitat.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 (now consolidated within *State Environmental Planning Policy (Resilience and Hazards) 2021*) aims to provide a State-wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

The Applicant submitted a Detailed Site Investigation. The Assessment included detailed fieldwork analysis which included the collection and analysis of soil samples located on the site.

The Assessment concluded that the site is not suitable for the development as is but recommended actions to be taken for the land to be made suitable. The Assessment recommended a Remedial Action Plan (RAP) should be prepared to address the potentially unacceptable friable asbestos in soil related human health exposure risks at the site and nickel, lead and zinc in groundwater related exposure risks. The Applicant also provided a Targeted Groundwater Assessment that revisited the recommendation for the RAP. The Assessment refers to the Asbestos Management Plan provided by the Applicant which notes the asbestos risk for the site. The Groundwater Assessment concluded that as the asbestos and groundwater risks have

been managed, a RAP is no longer needed and the site in its current state is suitable for future development of the site for continued medium density residential land use.

Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

The draft Remediation SEPP seeks to retain the key operational framework of the current SEPP 55, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land. The development has been assessed against SEPP 55 (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

State Environmental Planning Policy (Gosford City Centre) 2018

The Department has considered the proposal against the Gosford SEPP (now consolidated within State Environmental Planning Policy (Precincts - Regional) 2021). These relevant matters are addressed in **Table 5** below

Table 5 | Consideration of Gosford SEPP

Relevant Clause	Consideration and Comments	Complies
1.6 Consent authority	The proposal has a capital investment value of \$24.5 million and as such, the Minister for Planning is the consent authority	N/A
2.3 Zone objection and Land Use Table	The site is zoned B4 Mixed Use. The proposal provides for seniors housing for the housing needs of the community, in a location close to public transport and services and is consistent with the desired future character of the area.	Yes
2.6 Subdivision	The proposed subdivision of the land is permitted with development consent.	Yes
2.7 Demolition Requires Development Consent	The proposed demolition is permitted with development consent.	Yes
4.1 Minimum Subdivision Lot Size	The site is mapped in an area with no minimum lot size.	Yes
4.3 Height of Buildings	The maximum building height permitted for the land is 15m. The proposal has a building height of 26.55m. The proposal relies on Clause 8.4 of the Gosford SEPP for additional height.	N/A
4.4 Floor Space Ratio	The site is identified as having a floor space ratio (FSR) of 0.76:1, which complies with the required FSR of 2:1.	Yes
5.10 Heritage conservation	The site is located in proximity to three items of Local Heritage Significance under Clause 5.10 Schedule 5 of the Gosford SEPP (Items 326, 327 and 145). Items 326 and 327 share a boundary with the narrow frontage of the site to York Street which will adjoin either side of a section of Proposed Lot 2. Item 326 is a block of units and Item 327 is a house and fence. The Department is satisfied that a detailed heritage assessment is more suitable at the time of lodgement of a new development on Proposed Lot 2. To ensure demolition works do not impact on the heritage items a condition of consent has been included to	Yes

	require a dilapidation report for both pre-demolition and post-demolition on land where the works adjoin the heritage items.	
7.1 Acid Sulfate Soils	The site is mapped with the potential for Class 2 and Class 5 Acid Sulfate Soils. The Applicant provided an Acid Sulfate Soils Management Plan (ASSMP) which has been included as a condition of consent.	Yes
7.2 Flood Planning	<p>The site is partly located in flood prone land.</p> <p>A Stormwater Management Plan and Design Statement submitted with the application recommends a minimum habitable finished floor level of 2.78m and measures to mitigate drainage and flooding impacts. The proposal complies with the FFL of 2.78m. The Applicant also provided a Flood Impact Assessment Memorandum to address the impacts on adjoining sites as discussed in Section 6.2.</p> <p>The Department has recommended conditions including the implementation of the Flood Emergency Response Plan, the submission of detailed plans to the satisfaction of the Certifier prior to the issue of the first Construction Certificate and the preparation and implementation of flood warning and notification procedures for construction workers and evacuation and refuge protocols prior to the commencement of construction</p> <p>Subject to conditions, the Department is satisfied that the proposed redevelopment will not increase the flood risk for the proposal site or adversely impact on surrounding properties.</p>	Yes
8.3 Design excellence	<p>The proposal was subject to three City of Gosford Design Reference Group (DRG) workshops since mid-2020.</p> <p>The City of Gosford Design Advisory Panel (CoGDAP) determined that the development exhibited Design Excellence on 9 December 2021.</p>	Yes
8.4 Exceptions to height and floor space in Zones B3, B4 and B6	<p>The site is mapped with a maximum building height of 15m. The proposal is 26.550 m (excluding the lift overrun) in height and therefore exceeds the maximum building height.</p> <p>The proposal seeks a variation to the height under Clause 8.4. The site is able to be varied under this clause as the development will have a street frontage of at least 36 m and a design review panel has reviewed the development.</p>	Yes
8.5 Car Parking in Zones B3 and B4	The administration area on the ground floor of the proposed development is categorised as a commercial activity and 1 space per 75 sqm is required. The administration area has an area of 144.7 sqm and therefore 2 parking spaces are required. The proposal however has catered for parking to be allowed at the GDCP 2018 rate for an office which requires 4 parking spaces. Further, the Seniors SEPP outlines a parking rate of 0.5 car spaces for each bedroom. Therefore, under the Seniors SEPP the development must also provide 39 car parking spaces for the occupants on top of the 4 for the administration uses., totaling 43 spaces. A total of 48 car parking spaces are proposed on site, with 4 allocated to the commercial activities, therefore the proposal meets the requirements of Clause 8.5 (1) (a) and the GDCP 2018.	Yes
8.11 Key vistas and view corridors	The proposed development is located outside of the areas with significance in key views and vistas and is not in proximity to the key lines of sight in Clause 8.11 figure.	Yes

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2014

The Seniors Housing SEPP aims to encourage the provision of housing: to meet the needs of seniors or people with a disability; makes efficient use of existing infrastructure and services; and promotes good design. It establishes design principles to ensure built form responds to the characteristics of the site. The Department's consideration of the design principles is at **Table 6**. Since the lodgement of the DA the Seniors SEPP has been repealed and replaced with *State Environmental Planning Policy (Housing) 2021*.

Table 6 | Consideration of Housing SEPP

Relevant Clause	Consideration and Comments	Compliance
Part 1 General		
18 Restrictions on occupation of seniors housing allowed under this Chapter	<p>The proposed development will be carried out for the accommodation of seniors.</p> <p>A condition of consent has been included to restrict the use of the accommodation to seniors.</p>	Yes
19 Use of Seniors housing in commercial zones	There is no seniors housing proposed on the ground floor of the development.	Yes
21 Subdivision	The proposed subdivision is permitted with consent.	Yes
Part 2 Site Related Requirements		
25 (5) Application for site compatibility certificate	<p>The proposal involves the redevelopment of existing seniors living site and there are no significant environmental or resource values. Potential flood and expected sea level rise hazards are managed with flood mitigation measures such as suitable floor levels discussed in Section 6.2.</p> <p>The site is located within 120m walk of a frequent bus service to and from the Gosford CBD which is within 1km from the site.</p> <p>The likely impact of bulk, scale, built form and character of the proposed development on existing uses, approved uses and future uses of land in the vicinity has been the subject of three Design Review Panel workshops. The proposal will improve the standard of accommodation available, consolidate the existing use and enable the creation of a new parcel of land.</p>	Yes
Part 3 Design Requirements		
26 Location and Access to	The site is within 100m of public transport via a public pathway with a grade of approximately 1:10.	Yes

Facilities	<p>The local bus stop is located on Dane Drive with the Masons Parade side an 84.5 m walk and the Brisbane Waters side located a 117.8 m walk with buses less than every 10 minutes.</p> <p>The local train station is also approximately 1.3km north of the site.</p>	
28 Water and Sewer	The proposal is connected to reticulated sewer and water services.	Yes
29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	<p>Clause 24 does not apply.</p> <p>See compliance with Clause 25 (5) (b) (i) (iii) and (v) above.</p>	Yes
Part 3 Design Requirements		
30 Site Analysis	The Applicant has provided a site analysis.	Yes
31 Design of In-Fill Self-Care Housing	The proposal responds to the relevant Design Principles and Development Standards of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	Yes
32 Design of In-Fill Self-Care Housing		
33 Neighbourhood Amenity and Streetscape	<p>(a) The City of Gosford Design Advisory Panel (CoGDAP) determined that the development exhibited Design Excellence on 9 December 2021.</p> <p>(b) Heritage items have been considered in Section 6 and the Department is satisfied that the proposal is sensitive to the surrounding heritage items.</p> <p>(c) The proposal complies with SEPP 65 Guidelines.</p> <p>(d) The proposal complies with SEPP 65 Guidelines.</p> <p>(e) The proposal's landscape plan considers contact and maintenance considerations.</p> <p>(f) No major existing trees are to be retained.</p> <p>(g) The proposal's design is setback from the riparian zone.</p>	Yes
34 Visual and Acoustic Privacy	The proposal complies with the visual and acoustic privacy requirements of the SEPP 65 Apartment Design Guidelines.	Yes

35 Solar Access and Design for Climate	<p>The apartments are designed to promote increased access to daylight and natural ventilation, with the central open courtyard while residences are cross ventilated. Apartments receive significant daylight not requiring artificial light during daylight hours.</p> <p>The proposal overshadows the land to the south. This land is proposed to become a separate lot that is likely to be redeveloped in future. Given the proposed building will be setback (50m) from the rear (eastern) boundary, the proposal retains significant solar access to that land. The solar impact is therefore reasonable for an urban environment.</p>	Yes
36 Stormwater	The proposal includes a new drainage system that will treat stormwater runoff before it is diverted into the existing stormwater infrastructure. The Applicant has provided a Stormwater Management Report.	Yes
37 Crime Prevention	The design of the building and landscaping incorporates passive supervision of public and community areas and pathways, measures to distinguish private areas from the public domain, and controlled access points. The Applicant has provided a Crime Risk Assessment.	Yes
38 Accessibility	The proposal includes pedestrian links to Masons Parade and to the existing road crossing and traffic lights to allow residents to use the paths and public transport. The design of the proposal includes separation between pedestrian and vehicular activities.	Yes
39 Waste Management	The Applicant has provided an Operational Waste Management Plan which outlines that operational waste will be separated in to waste streams to reduce landfill and encourage recycling.	Yes

Part 4 Development Standards to be Complied With

40 Development Standards – Minimum Sizes and Building Height	<p>(1) The proposal is compliant with the provisions of Clause 40.</p> <p>(2) The site is a combined 12,297.8 sqm and the P\proposed lot where the seniors housing is to be built will be 6040.98 sqm and is therefore compliant.</p> <p>(3) The proposed site frontage of the proposed seniors housing lot is 53.30 m and is therefore compliant.</p> <p>(4) N/A</p> <p>(5) N/A</p>	Yes
41 Standards or Hostels and Self-Contained Dwellings	The proposal complies with the standards specified in Schedule 3.	Yes

Part 7 Development Standards that cannot be Used as Grounds to Refuse Consent

50 Standards that cannot be used to Refuse Development Consent for Self-Contained Dwellings	(a) N/A	Yes
	(b) N/A	
	(c) The proposal includes 40.14% of landscaped area, therefore compliant with the minimum 30% requirement.	
	(d) The proposal includes 33.45% of deep soil area and is therefore compliant with the minimum 15% requirement. The proposal also includes two thirds of the landscaping at the rear of the site and exceeds the minimum dimension of 3mx3m.	
	(e) With the inclusion of the additional 30 units which are considered to receive significant water views, a total of 89% of units will receive acceptable solar access or achieve significant views to offset the loss of solar amenity. The proposal is therefore compliant with the minimum 70% requirement.	
	(f) All proposed balconies exceed the 6sqm or 10sqm minimum area, the 2mx2m dimension and is accessible from the living area.	
	(h) 0.5 car spaces are required for each bedroom and therefore 39 spaces are required with the addition of 4 for the proposed offices on the ground floor. The proposal includes 48 car parking spaces and therefore exceeds the minimum 43 required.	

Schedule 3 Standards Concerning Accessibility and Useability for Hostels and Self-Contained Dwellings

2 Siting Standards	The site has a gradient of less than 1:10 throughout the entirety of the site and a compliant continuous path is provided to street access. Common areas access is provided in accordance with AS 1428.1 as outlined in the provided Access Report.	Yes
3 Security	Pathway Lighting will be designed and located to avoid glare for pedestrians and adjacent dwellings and will provide at least 20 lux at ground level. The Department has included this as a condition of consent.	Yes
4 Letterboxes	The proposal includes letterboxes on hard stand area with wheelchair access and circulation by a continuous accessible path. The letterboxes are proposed to be located together in a central location adjacent to the street entry.	Yes
5 Private Car Accommodation	The proposed car parking spaces will comply with the requirements for parking for persons with a disability set out in AS 2890 with widths of 3.2m. Two accessible car spaces have been	Yes

designed in accordance with AS 2890.6-2009 and meet the requirement of subclause (b).

6 Accessible Entry	Proposed dwelling entries comply with Clauses 4.3.1 and 4.3.2 of AS 4299.	Yes
7 Interior: General	All proposed secondary bedrooms and balcony doors will comply with AS 1428.1-2009 door circulation. Plans will be adjusted at Construction Certificate stage to demonstrate compliance.	Yes
8 Bedroom	At least one compliant accessible bedroom is included in each dwelling and all other features will be included in the detailed design documentation to be achieved at Construction Certificate stage.	Yes
9 Bathroom	At least one compliant accessible bathroom is included in each dwelling and all other features will be included in the detailed design to be achieved at Construction Certificate stage.	Yes
10 Toilet	One compliant visible toilet will be included in each dwelling. Some units incorporate a sliding door inside the grabrail zone and the therefore the plans will be amended to comply at Construction Certificate stage. This has been included as a condition of consent.	Yes
11 Surface Finishes	Will be included in detailed design documentation to be achieved at Construction Certificate stage.	Yes
12 Door Hardware	Will be included in detailed design documentation to be achieved at Construction Certificate stage.	Yes
13 Ancillary Items	Applicant has noted.	Yes
15 Living Room and Dining Room	Living and dining rooms of dwellings comply with circulation space outlined in Clause 4.7.1 of AS 4299 and all other features will be included in detailed design documentation to be achieved at Construction Certificate stage.	Yes
16 Kitchen	Kitchens in some units do not currently comply with the 1550mm clearance between benches. Plans will be amended at Construction Certificate stage to comply. This has been included as a condition of consent. All other features will be included in the detailed design to be achieved at Construction Certificate stage.	Yes
18 Lifts in Multi Storey	Will be included in detailed design documentation to be achieved at Construction	Yes

Buildings	Certificate stage.	
19 Laundry	Some laundries do not currently have compliant door circulation. Plans will be amended at Construction Certificate stage to comply. This has been included as a condition of consent. All other features will be included in the detailed design to be achieved at Construction Certificate stage.	Yes
20 Storage for Linen	Each proposed dwelling includes a linen cupboard. All features will be included in the detailed design to be achieved at Construction Certificate stage.	Yes
21 Garbage	Garbage storage is included on each floor and is located in an accessible location. Details of the garbage room will be included at Construction Certificate stage and will include connection to an accessible path of travel. This has been included as a condition of consent.	Yes

Draft State Environmental Planning Policy (Housing) (as exhibited)

The draft Housing SEPP seeks to provide new legislation for the housing industry in NSW to encourage more affordable and diverse housing. The draft SEPP consolidated and repealed the following five SEPP's:

- *State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)*
- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*
- *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)*
- *State Environmental Planning Policy No 21 – Caravan Parks*
- *State Environmental Planning Policy No 36 – Manufactured Home Estates.*

Since lodgment of the DA, all NSW State Environmental Planning Policies have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021. Therefore, the DA has been assessed against *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*. At the time of lodgment the draft Housing SEPP was available, and the Department is satisfied that the development would be consistent with the draft Housing SEPP.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) (and the associated Apartment Design Guide (ADG))

SEPP 65 seeks to improve the design quality of residential development and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out the best practice principles for residential development.

The Department has assessed the application against the SEPP 65 aims/objectives at **Table 7** and ADG at **Table 8**.

Table 7 | SEPP 65 Aims/Objectives

Relevant Clause	Consideration and Comments	Complies
2 Aims of Policy	This is considered below.	Yes
28 Determination of development applications	(1) The City of Gosford Design Advisory Panel (CoGDAP) determined that the development exhibited Design Excellence on 9 December 2021. (2) The application is evaluated in accordance with the advice of the design review panel, the design quality principals and the ADG below.	Yes
30 Standards that cannot be used as grounds to refuse development consent or modification of development consent	(1) (a) the proposal has more than the recommended minimum amount of parking required by the ADG (b) all apartments meet the recommended minimum internal area for one bedroom apartments of 50 sqm, for two bedroom apartments of 70 sqm and for three bedroom apartments 90 sqm. (c) all apartment ceiling heights meet the recommended minimum ceiling height of 2.7m for habitable and 2.4m for non-habitable rooms. (2) The proposal is evaluated in accordance with the design quality principals and the ADG below.	Yes Yes Yes Yes
Schedule 1 Design Quality Principles		
1. Context and neighbourhood character	The proposal has been designed to comply with the future desired character of the area identified in the Gosford SEPP and GDCP and provides an appropriate built form on Masons Parade. The proposal will not have any detrimental impacts on the amenity of existing and future adjoining development.	Yes
2. Built form and scale	The proposal is consistent with the desired future character for the site. The site is consistent with the built form, scale and height of other developments in close proximity and contributes to the character of the streetscape.	Yes
3. Density	The building is an appropriate density and scale consistent with the desired character for the area in the Gosford SEPP. The proposed density achieves a high level of residential amenity and is supported by the desired character for area.	Yes
4. Sustainability	The proposal provides for the implementation of mitigation measures for avoiding, reusing, recycling and managing waste during construction of the development.	Yes

	The building complies with BASIX requirements.	
5. Landscape	Landscaping is provided and comprises a combination of greenery and timber elements throughout the walkway, a central courtyard, use of the vertical plane, precast planters, communal gardens and active/maintained lawns to enhance the appearance and amenity of the development.	Yes
6. Amenity	The proposal provides a high level of amenity for future residents as considered against the ADG below. The proposed apartments will receive satisfactory levels of solar access to living areas, natural ventilation and privacy.	Yes
7. Safety	The proposal provides passive surveillance through balconies and windows that front the public domain and communal areas. Appropriate surveillance for persons entering and leaving the premises is proposed and all access to the dwellings and internal communal areas will be via dedicated controlled access and monitored by CCTV.	Yes
8. Housing diversity and social interaction	The proposal includes a mix of apartment sizes which provides choices for differing demographics, needs and budgets. The communal open space area will provide opportunities for social interaction between residents.	Yes
9. Aesthetics	The building design and materials are considered to fit well within the site and locality and will contribute positively to the streetscape.	Yes

The Department's assessment against the objectives of the ADG are summarised below.

Table 8 | ADG Objectives

Relevant objective	Consideration and Comments	Complies
Part 2: Developing Controls		
2B Building Envelopes	The allowable FSR is 2:1 and the proposal has a FSR of 0.76:1, 62% lower than the allowable GFA. The Applicant has provided Building Envelope Plans to support this.	Yes
2C Building Height	The maximum building height permitted for the land is 15m. The proposal has a building height of 26.55m. The proposal relies on Clause 8.4 of the Gosford SEPP for additional height.	N/A
2D Floor Space Ratio	Gosford City SEPP FSR for the site is 2:1. The proposal has an FSR of 0.76:1.	Yes

2E Building Depth	The apartments have a variety of depths and use corner units / cross through units to assist with ventilation. A wide central courtyard means all units are cross through units and are less than the required 14m in depth. However, all units achieve cross ventilation, and the building is orientated toward the significant views of Brisbane Waters. The courtyard is used as a secondary light source to the apartments.	Considered acceptable – See Section 6.4
2F Building Separation	The separation distances for the building are as follows: <ul style="list-style-type: none"> Ground to 4th floor – 12m (6m each side) 5th & 6th floor – 18m (9m each side). 	Yes
2G Street Setbacks	The proposed setback is 0m and appropriate for a Mixed Use zone and the surrounding context.	Yes
2H Side and Rear Setbacks	The proposed side setbacks are in accordance with the building separation guidelines. Proposed rear setbacks are governed by the landscape requirements.	Yes
Part 3: Siting		
3A Site analysis	The proposal is informed by a site analysis plan, identifying opportunities and constraints of the site conditions and surrounding context.	Yes
3B Orientation	The building is designed to address Masons Parade, facing the street and with direct access from the street. With the inclusion of the additional 30 units which are considered to receive significant water views, a total of 89% of units will receive acceptable solar access or achieve significant views to offset the loss of solar amenity. The proposal is therefore compliant with the minimum 70% requirement of the ADG.	Yes
3C Public domain interface	Passive surveillance is available from balconies and windows which overlook the public domain. The building has a clear entrance with lobby and street boundaries clearly delineate the public and private domain.	Yes
3D Communal and public open space	Minimum 25% of site area and minimum 50% direct sunlight to principal area for at least two hours between 9am-3pm mid-winter – the application therefore requires 1,510.25 sqm of communal open space and it includes 1,578.05 sqm. Therefore, 755.13 sqm is required to achieve at least two hours solar access and the proposal provides 928.02 sqm.	Yes
3E Deep soil zones (DSZ)	The proposal complies with the Seniors SEPP requirements with 2020.98 sqm provided for deep soil planting. The proposal includes 33.45% of deep soil area and is therefore compliant with the minimum 7% requirement. The proposal also includes two thirds of the landscaping at the rear of the site and exceeds the minimum dimension of 3mx3m.	Yes

3F Visual privacy	<p>Except for the balconies to level 5 and 6 on the southern façade, the design complies with the minimum building separation distances.</p> <p>Privacy screens have been provided to the level 5 & 6 balconies that intrude on the 9m side setback.</p> <p>The variation is discussed in Section 0.</p>	Considered acceptable – see Section 6.4
3G Pedestrian access and entries	The building pedestrian entry is provided from Masons Parade and is easily identifiable and accessible.	Yes
3H Vehicle access	Carparking has been integrated into the design of the building. The northern half of the external car park spaces are proposed to be shaded by a shade sail pergola. The internal car park will have a controlled garage door access.	Yes
3J Bicycle and car parking	The proposal complies with the parking requirements of the Seniors SEPP. 0.5 car spaces are required for each bedroom and therefore 39 spaces are required with the addition of 4 for the proposed offices on the ground floor. The proposal includes 48 car parking spaces and therefore exceeds the minimum 43 required. The development also includes the provision of 2 bicycle spaces on the ground floor. A condition of consent has been included to amend the parking to include 2 motorcycle spaces prior to the issue of a construction certificate.	Yes

Part 4 Designing the Building

4A Solar and daylight access	<p>With the inclusion of the additional 30 units which are considered to receive significant water views, a total of 89% of units will receive acceptable solar access or achieve significant views to offset the loss of solar amenity. The proposal is therefore compliant with the minimum 70% requirement.</p> <p>11% of units across the development achieve no direct sunlight between 9am and 3pm mid-winter and also are not orientated towards water views.</p>	Considered acceptable – see Section 6.1
4B Natural ventilation	<p>Minimum 60% of apartments are natural cross ventilated – 100% (54 units) are naturally cross-ventilated.</p> <p>The apartments have a variety of depths and use corner units / cross through units to assist with ventilation. A wide central courtyard means all units are cross through units and are less than the required 14m in depth.</p>	Considered acceptable – see Section 6.4
4C Ceiling heights	Minimum 2.7m to habitable rooms and 2.4m to non-habitable rooms – a ceiling height of 2.7m is provided to all apartments.	Yes
4D Apartment size and layout	<p>All apartments meet the recommended minimum internal area for one bedroom apartments of 50 sqm, for two bedroom apartments of 70 sqm and for three bedroom apartments 90 sqm.</p> <p>All habitable rooms must have a window in an external wall with a minimum total glass area of 10% of the floor area. Daylight and air cannot be borrowed from other rooms – habitable rooms have a window on an external wall or a door/window to the balcony and windows meet the 10% requirement.</p> <p>Maximum habitable room depths must be 2.5 x the ceiling</p>	Yes

	<p>height – bedrooms comply with the maximum depth.</p> <p>Maximum depths for open plan layouts must be 8m from a window – the maximum depth proposed meets this requirement.</p> <p>Master bedrooms must have a minimum area of 10 sqm and other bedrooms 9 sqm – all bedrooms meet minimum size requirements. All master bedrooms comply with the requirements for SEPP Seniors. The smallest master bedroom (3 bed) is 11.86 sqm. All other master bedrooms are 12.57 sqm or greater.</p> <p>Bedrooms must have a minimum dimension of 3m – all bedrooms are a minimum dimension of 3m.</p> <p>Living/dining rooms must have a minimum width of 3.6m for one bedroom and 4m for two bedroom units – all living, and living/dining rooms have the required minimum widths.</p> <p>Apartments must have a minimum width of 4m for cross-over or cross-through apartments – all apartments are greater than 4m in width.</p>	
4E Private open space (POS) and balconies	<p>Apartments must have minimum balcony size of 8 sqm with a depth of 2m for one bedroom apartments, 10 sqm with a depth of 2m for two bedroom apartments and 12 sqm with a depth of 2.4m for three bedroom apartments.</p> <p>All apartments comply with the following areas:</p> <ul style="list-style-type: none"> 1 bed + study = varies 9.52 sqm, 10.7 sqm, 27.4 sqm 2 bed = 19.25 sqm bed + study = 29.76 sqm bed = 25.62 sqm <p>The Applicant provided Balcony Compliance plans that demonstrate the balconies all exceed the minimum depth requirements.</p>	Yes
4F Common circulation and spaces	<p>Maximum number of apartments off a circulation core on a single level must be eight – Complies with user concession. The building design consists of separate but linked buildings around a courtyard. This creates separation between small groups of apartments and better amenity for the residents. Number of apartments off a single core does not exceed 12 (proposal has 11) and is reduced on upper levels.</p>	Considered acceptable – see Section 6.4
4G Storage	<p>Minimum storage areas for one bedroom apartments of 6m³ with at least 50% located within the apartment, for two bedroom apartments of 8m³ with at least 50% located within the apartment and for three bedroom apartments of 10m³ with at least 50% located within the apartment.</p> <p>All apartments comply with these requirements and additional storage is also provide on the ground floor and within the car park.</p>	Yes
4H Acoustic privacy	<p>6m side setback is provided, providing adequate building separation for acoustic privacy with adjoining buildings.</p>	Yes
4J Noise and Pollution	<p>6m side setback is provided, providing adequate building separation for acoustic privacy and minimal noise impacts for residents and adjoining buildings. The Department has included a suite of conditions to reduce noise impacts.</p>	Yes

4K Apartment mix	The development proposes a mix of one, two and three bedroom apartments.	Yes
4M Facades	The building façade is articulated with building breaks and variation to exterior materials bringing visual interest to the street elevations. proposed finishes and materials include glass, cream coloured brick base, tones similar to the sandstone from the Gosford Quarries and a two tone façade (white on units addressing Masons Parade and dark grey to various other parts of the building).	Yes
4N Roof Design	A flat roof has been designed to reduce the perceived scale and bulk of the building. Plant equipment has been located centrally on the roof to minimum it's visually from street level.	Yes
4O Landscape design	Approximately 25 large trees required in deep soil area. Approximately 30 medium to large trees are proposed in deep soil area.	Yes
4P Planting on Structures	The proposal includes an internal courtyard on Level 1 and a vegetable garden terrace on Level 2 with 1m high raised vegetable planters. Additionally, planter boxes and vertical planting are proposed throughout the development. A Landscape Management Plan has been provided to ensure the appropriate planting and maintenance for these landscaping elements.	Yes
4Q Universal Design	The application complies with universal design principles.	Yes
4S Mixed Use	The proposal is located close to public transport and residential areas are located on different floors to commercial areas.	Yes
4T Awnings and Signage	Balconies are proposed along high pedestrian traffic streets. All signage will be incorporated into the development and any signage will be erected in accordance with Exempt development provisions or will be subject to a separate Development Application.	Yes
4U Energy efficiency	The application meeting BASIX water, thermal and energy efficiency targets. Apartments have also been designed to optimise heat storage in winter and heat transfer in summer with roller blinds on the west façade and greenery through open walkways and within shared spaces.	Yes
4V Water management and conservation	Water efficient fittings, fixtures and appliances will be provided as per BASIX.	Yes
4W Waste management	Waste storage is provided at ground level within the building where waste will be transferred to a waste collection area in a separate maintenance building. A caretaker will be employed to maintain and manage all waste management.	Yes
4X Building maintenance	The building has been appropriately designed with robust materials and to allow ease of maintenance to occur. Typical 1:20 wall details were provided by the Applicant and further information regarding materials is included in the Urban Design Analysis provided by the Applicant.	Yes

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

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 sizedependent) and 40% reduction in potable water.

A BASIX certificate has been provided with the proposal with the following BASIX scores for the building:

- Energy – 20 (target 20)
- Water – 41 (target 40)
- Thermal comfort - Pass

The BASIX certificate ensures the proposal meets the required targets and accordingly satisfies the aims of the BASIX SEPP. A condition requiring as much has also been imposed.

State Environmental Planning Policy No 64 – Advertising and Signage

State Environmental Planning Policy No 64 - Advertising and Signage (SEPP 64) (now consolidated within State Environmental Planning Policy (Industry & Employment) 2021) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The development includes building identification signage on the Masons Parade façade.

Under clause 8 of SEPP 64, consent must not be granted for any signage unless the development is consistent with the objectives of the SEPP and with the assessment criteria contained in Schedule 1. The Department considers the development to be compatible with the desired amenity and visual character of the area, provide effective communication and is of high-quality design and is therefore consistent with the objectives of SEPP 64. The Department's assessment of Schedule 1 of SEPP 64 is provided in **Table 9** below.

Table 9 | Assessment of SEPP 64

Assessment criteria	Department's consideration	Compliance
1 Character of the area		
Is the development compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is located on street level and is business identification signage integrated into the design of the building. Therefore, the proposed signage is considered compatible with the surrounding character of the site.	Yes
Is the development consistent with a particular theme for outdoor advertising in the area or locality?	The development does not include any advertising however includes building identification signage which is consistent with the theme of the locality.	Yes
2 Special areas		
Does the development detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will not detract from the amenity or visual quality of the surrounding area.	Yes
3 Views and vistas		
<p>Does the development:</p> <ul style="list-style-type: none"> obscure or compromise important views? dominate the skyline and reduce the quality of vistas? respect the viewing rights of other advertisers? 	<p>The proposed signage:</p> <ul style="list-style-type: none"> will not obscure any views, including important views. does not dominate the existing skyline will not disturb the viewing rights of other advertisers in the vicinity. 	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the development appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate for the setting of the proposed development.	Yes
Does the development contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute to the visual interest of the building by providing identification and recognition of the site.	Yes
Does the development reduce clutter by simplifying existing advertising?	The site does not contain any existing advertising.	N/A

Does the development screen unsightliness?	The proposed signage is integrated into a new development that exhibits design excellence, therefore there is no unsightliness.	Yes
Does the development protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is integrated into the building façade and does not protrude above the building.	Yes
Does the development require ongoing vegetation management?	The proposed signage does not require any ongoing vegetation management	N/A

5 Site and building

Is the development compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale, proportion and other characteristics of the building.	Yes
Does the development respect important features of the site or building, or both?	The proposed signage will not detract from the important features of the site and building.	Yes
Does the development show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is innovatively located and appropriately relates to the building.	Yes

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage is for business identification only.	Yes
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7 Illumination

<p>Would illumination:</p> <ul style="list-style-type: none"> • result in unacceptable glare? • affect safety for pedestrians, vehicles or aircraft? • detract from the amenity of any residence or other form of accommodation. • Can the intensity of the illumination be adjusted? • Is the illumination subject to a curfew? 	The signage will not be illuminated.	N/A
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8 Safety

Would the development reduce safety for:	The Department considers that the signage:	Yes
<ul style="list-style-type: none"> pedestrians, particularly children, by obscuring sightlines from public areas? for any public road? pedestrians or bicyclists? 	<ul style="list-style-type: none"> will not reduce the safety for any public road or pedestrians or cyclists. will not obscure any sightlines, and therefore is not considered to reduce the safety of pedestrians. 	

Gosford City Centre Development Control Plan 2018

The GCC DCP applies to land subject to the GCC SEPP and provides the controls for development in the Gosford CBD.

The Department's assessment of the relevant development controls is provided in **Table 10** below.

Table 10 | Relevant GCC DCP Controls

Control	Consideration and Comments	Complies
Chapter 3: Places and character		
3.5 Other Areas	The site is located in area not identified in the DCP. The application satisfies Objective 1 as the proposal incorporates a mix of uses including residential and commercial. The proposal also satisfies Objectives 2 and 3 by providing diverse housing along the waterfront. Objective 5 is also satisfied as the proposal has no significant impacts on the key views and vistas identified in the DCP.	Yes
Chapter 4: Public spaces		
4.1 Pedestrian network	(1) Existing pedestrian footpaths along Masons Parade will be maintained.	Yes
4.4 Views and vistas	<p>(1) The proposal has been designed in conjunction with the City of Gosford Design Advisory Panel which determined that the development exhibited Design Excellence on 9 December 2021.</p> <p>(2) The proposal has no significant impacts on key views and vistas identified in the DCP.</p>	Yes
4.5 Footpath crossings and pedestrian overpasses and underpasses	<p><u>4.5.1 Vehicle Footpath Crossings</u></p> <p>(1) One vehicle access point is proposed from Masons Parade with a separate access point further south on Masons Parade.</p> <p>(2) The vehicle access is from a minor street (Masons Parade)</p> <p>(5) The vehicle access is 3.5m in width, greater than the 2.7 m maximum however is designed in accordance with AS 2890.1 for User Class 1A (residential) which requires a minimum 3 m width and is at least 3.5 m in width in accordance with AS 2890 to accommodate a swept path of an 11m garbage truck.</p> <p>(6) Vehicle access points are perpendicular to the road.</p> <p>(7) Vehicle entry points have been integrated into the design.</p>	<p>Yes</p> <p>Yes</p> <p>Partial – refer to Section 6.4</p> <p>Yes</p> <p>Yes</p>

	(8) The internal car park garage door are not on the street facing façade and a condition of consent has been included which requires the door to be roller shutters or tilting doors.	Yes
Chapter 5: Built form		
5.1 Site size and design excellence	The site has more than a 36m frontage to the primary street (Masons Parade) and is therefore classified as "Medium site" as the site is located in a B zone. The site was subject to a design excellence project with the City of Gosford Design Advisory Panel as discussed in Section 6.4	Noted
5.2 Built form provisions	<p><u>5.2.1 Street setbacks and rear setbacks</u></p> <p>A minimum front setback of 0m on ground level is provided and a brick podium (street all) of 7m in height in accordance with the required 0m at ground level and 6-14m for street wall height.</p> <p>A 6m side setback is provided from the ground to fourth floor and a 9m side setback is provided for the fifth and sixth floor (excluding balconies). Fixed louvres and pot plant are provided for privacy to balconies over living areas intruding on the 9m setback.</p> <p>The variation is considered at Section 0.</p> <p><u>5.2.2 Street wall heights and upper podium</u></p> <p>Street wall height of 7m is proposed, compliant with the 6-14m requirement.</p> <p>From the second to the sixth floor the building is setback 800mm from the boundary. The upper podium is differentiated through material selection and colour and was subject to a design excellence process where the CoGDAP determined the proposal has achieved design excellence.</p> <p><u>5.2.3 Active street frontages and street address</u></p> <p>Office and communal facilities are provided on ground level where the frontage is labelled 'primary active frontage' providing pedestrian interest and activation.</p> <p>Vehicular access is provided on this frontage as the Department is satisfied that it is the only suitable location on the property for such access.</p> <p><u>5.2.4 Building setback and separation</u></p> <p>A 6m side setback is provided to cater for access and vehicle circulation to the parking at the rear of the site, from the ground to the fourth floor. Above the street wall height, all building facades are well articulated to be attractive with various articulation points to distinguish the front entry to the building and avoids the use of blank walls.</p> <p><u>5.2.6 Fine grain frontages</u></p> <p>The proposal is broken up into forms of less than 40m in length.</p> <p>The built form has an articulated single point of entry with the communal rooms and office space located on the street with views to Brisbane Water. The brick podium is broken by black materials which clearly show the main entry to the building.</p> <p><u>5.2.8 Building sustainability and environmental performance for key sites, medium sites and large sites</u></p>	<p>Partial – refer to Section 6.4</p> <p>Considered acceptable – see Section 6.4</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

The proposal complies with BASIX.

A BASIX certificate has been provided with the proposal with the following BASIX scores for the building:

- Energy – 20 (target 20)
- Water – 41 (target 40)
- Thermal comfort - Pass

The BASIX certificate ensures the proposal meets the required targets and accordingly satisfies the aims of the BASIX SEPP. A condition requiring as much has also been imposed.

Compliance with specifications of Control will be achieved through building specifications at Construction Certificate stage.

5.2.9 Above Ground Parking

Yes

The Department is satisfied that above ground carparking is suitable at this site due to flooding constraints. The car parking is provided with a floor to floor height of 4.17m, complying with the required minimum 3.5m.

5.2.11 Internal Amenity

Yes

The proposal has been assessed against ADG requirements above. The commercial uses of the building are within 10m of windows and therefore a source of daylight.

5.2.12 Building services and the streetscape

Yes

A new kiosk is proposed wholly within the site and integrated with the landscape design. The proposed substation is located on the ground floor.

5.2.13 Landscape Design

Yes

A landscape plan has been provided with the application which includes a planting schedule, existing tree onsite, details of landscaping elements and maintenance requirements. There are no significant trees on or in the vicinity of the site.

5.2.14 Site cover and deep soil zones

Yes

The proposal does not exceed the 75% maximum site coverage.

Deep soil zones are provided in the development. Deep soil has a minimum required area of 15% which is of 906.15 sqm for this site. The proposal provides 2020.98 sqm which is 33.45% of the site and the deep soil to the rear of the site exceeds the minimum dimension of 6m.

5.2.16 Safety and Security

Yes

The proposal has been designed to integrate within the character of the surrounding developments and has achieved design excellence through the CoGDAP.

Balconies have been provided with views to Brisbane Water and other areas of public interest.

Building facades incorporate a mix of suitable materials to add visual interest and will be constructed with high quality and durability.

5.2.19 Advertising and Signage

Yes

The signage proposed is depicted in provided 3D renders, plans and elevations. The signage is located and designed to complement and integrate within the building design.

Chapter 7: Access and Parking

7.2 Pedestrian Access and Mobility

The front façade clearly articulates the front entrance which is visible from the street.
Facilities have been designed in accordance with the relevant Australian Standards and an Access Report has been provided with the application.
All dwellings comply with the Seniors Housing SEPP (now consolidated within State Environmental Planning Policy (Housing) 2021.

Yes

7.3 Vehicular Driveways and Maneuvering Areas

Access and egress are provided in separate locations along Masons Parade as a one-way loop road providing a circuit around the development.
Driveways are designed in accordance with Council's Standard Vehicle Entrance Designs and will be subject to a Section 138 Roads Act application.

Yes

7.4 On-Site Parking

Parking is provided in compliance with the rate set out in Table 2 of the DCP. 39 spaces are required for the residential component (44 are provided) and 2 spaces are required for commercial (4 are provided).
Two disabled car park spaces are allocated on the site which is 5% of the required amount, compliant with the required 2 minimum and minimum 4%.
On-site parking is proposed to be covered by a pergola with a shade cloth.
Parking is proposed to be located to the side and the rear of the site with suitable landscaping to protect amenity.

Yes

7.5 Site Facilities and Services

Mailboxes

Mailbox is provided in one accessible location in the main entrance of the building.

Yes

Communication structures, air conditioners and service vents

Compliance will be achieved with building specifications at Construction Certificate stage.

Yes

Waste (garbage) storage and collection – General (all development)

Waste handling and storage will be located on site within an allocated storage area. A Waste management Report has been provided with the application. Waste storage facilities will be well lit, easily accessible and located on a suitable grade.

Yes

Location requirements for waste storage areas and access

The waste storage areas are designed to be located behind the building setback and façade. Vehicle Swept Paths are compliant.

Yes

Service docks and loading/unloading areas

The driveway provides two drop off areas at the rear of the building with the addition of a large, paved lay-by area for service and delivery vehicles to park, load and unload.

All service doors and loading docks are screened from the street.

Chapter 8: Environmental Management

8.2 Energy Efficiency and Conservation	The proposal complies with BASIX.	Yes
8.3 Water Conservation	The proposal complies with BASIX.	Yes
8.4 Reflectivity	The proposed materials and finishes are unlikely to result in glare.	Yes
8.6 Waste and Recycling	A Waste Management Plan was provided with the application. A suitable location of the waste storage area is provided on-site adjacent to the paved lay-by area for easy unloading and loading of waste bins.	Yes
8.7 Noise and Vibration	<p>The waster areas have been designed to minimise the potential for offensive noise with the waste storage located at a distance from any sensitive receivers.</p> <p>Compliance will be achieved with building specifications at Construction Certificate stage.</p>	Yes

Chapter 9: Residential Development Control

9.1 Housing Choice and Mix	A mix of one, two and three bedroom units have been provided based on demands of existing and future residents.	Yes
9.2 Storage	<p>Minimum storage areas for one bedroom apartments of 6m³ with at least 50% located within the apartment, for two bedroom apartments of 8m³ with at least 50% located within the apartment and for three bedroom apartments of 10m³ with at least 50% located within the apartment.</p> <p>All apartments comply with these requirements and additional storage is also provide on the ground floor and within the car park.</p>	Yes

Appendix D – Recommended Instrument of Consent