



JWP

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Ms. Teresa Glzzi
Team Leader, Regional Assessments
Department of Planning, Industry and Environment
Level 18, 12 Darcy Street
Parramatta NSW 2150

Dear Teresa,

**PROPOSED BRISBANE WATER LEGACY REDEVELOPMENT
RELEVANCE OF CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARD**

I refer to the Brisbane Water Legacy Seniors housing redevelopment proposal involving B4 Zoned land legally described Lot 8 and Lot 51 DP.

As you are aware, the Proposal involves a design that exceeds the 15m Height of buildings provision under Clause 4.3 of State Environmental Planning Policy (SEPP) (Gosford City Centre) 2018.

As you will also be aware, Clause 8.4 of the SEPP provides for Exceptions to Height in the B4 zone; in particular under Clause 8.4(3) by *an amount to be determined by the consent authority, if—*

- (a) the site area of the development is at least 2,800 square metres but less than 5,600 square metres, or the building will have a street frontage of at least 36 metres, and*
- (b) a design review panel reviews the development, and*
- (c) the consent authority takes into account the findings of the design review panel, and*
- (d) the consent authority is satisfied with the amount of floor space that will be provided for the purposes of commercial premises, and*
- (e) the consent authority is satisfied that the building meets or exceeds minimum building sustainability and environmental performance standards.*

The enclosed Development Application (DA) demonstrates compliance with these considerations and the design has been the subject of consideration by the Gosford City Centre Design Review Panel. The Panel's findings are included at Attachment AB of the DA Report by JWP.

During our lodgement of the DA, the DPIE Portal required a Clause 4.6 Exception to development standard. However, we note that the following under Clause 4.6(8) of the SEPP:

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—*
- (ca) clauses 8.4(5), 8.10 and 8.11.*

Clause 8.4(5) notes (underline added):

8.4 Exceptions to height and floor space in Zones B3, B4 and B6

(5) Despite any other provision of this Plan and except as otherwise provided by this clause, development on land to which this clause applies on a site having an area of 2,800 square metres or more or a street frontage of 36 metres or more (or both) must not result in either or both of the following—

(a) a building with a height that exceeds the maximum height shown for the land on the Height of Buildings Map,

(b) a building with a floor space ratio that exceeds the floor space ratio shown for the land on the Floor Space Ratio Map.

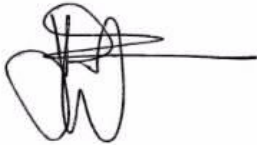
It is our view that the application does not require a Clause 4.6 Exception to development standard as Clause 4.6(8)(ca) precludes the application of Clause 4.6 in the specific circumstances of the exception sought under Clause 8.4.

This clarification is lodged in response to the DPIE Portal request for a Clause 4.6 Exception to enable lodgement of the DA.

Should you have any further questions in relation to the proposal, please do not hesitate to contact me on 4948 4322 or 0414 015 235.

Yours faithfully

JW PLANNING PTY LTD

A handwritten signature in black ink, appearing to be 'JW', with a long horizontal line extending to the right.

Jason Wasiak
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Bach. Urban & Regional Planning (U.N.E)
Assoc. Dip. Eng (LESD) (H.I.T)