

Department of Planning, Housing and Infrastructure

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53-55 Donnison Street West, Gosford

Development Application Assessment Report (DA 22/1307)

November 2025





Acknowledgement of Country

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Executive Summary

This report details the Department's assessment of the development application DA 22/107 for a residential flat building at 53-55 Donnison Street West, Gosford, located in the Central Coast Council (Council) local government area (LGA).

Matthew Wales (the applicant) seeks approval to demolish the existing dwelling house on the site and construct a part 7 / part 8 storey residential flat building containing 2 additional basement levels, a communal rooftop terrace, 26 residential apartments, 31 basement car parking spaces and associated drainage, sewer diversion and landscaping works. The proposal has an estimated development cost (EDC) of \$10,232,581, excluding GST and is expected to generate 71 construction jobs and 3 operational jobs.

The proposal is a Part 4 development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Minister for Planning and Public Spaces is the consent authority for the proposal pursuant to section 1.6 of the State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford SEPP) as the development has an estimated development cost of between \$10 million and \$75 million.

The proposal and associated amendments have been publicly exhibited twice (2022 and 2025). During the exhibition periods, the Department received advice from 2 Government Agencies and submissions from Central Coast Council providing comments on the development. The Department also received 8 public submissions all of which object to the proposal.

Key concerns raised in submissions relate to car parking, traffic impacts, pedestrian safety, amenity impacts to adjoining properties, construction impacts, height, density, property values, artificial lighting, wind impacts, aviation and other environmental impacts.

The Department has carefully considered all issues raised and considers the key assessment issues to be design excellence, built form, visual impacts, solar access, car parking, traffic impacts, pedestrian safety, amenity impacts to adjoining properties and aviation. These matters have been reviewed and addressed through a combination of technical assessments, consultation with relevant authorities and recommendations for potential risk mitigation. Further details and evaluation relating to these and other relevant considerations are provided in **Section 6 of this report**.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in submissions and the applicant's additional information.

The Department considered the proposal acceptable as:

- positively contributes to the broader strategic demand for housing as well as the renewal of the Gosford City Centre
- is permissible development within the land use zone, and meets the floor space controls under Clause 5.55 of Gosford SEPP
- will achieve relevant sustainability targets and a high level of amenity for future occupants
- is consistent with the future character of Gosford, which is being revitalised into a higher density urban centre and does not adversely impact surrounding amenity, in terms of solar access, view impacts and privacy impacts
- improved landscaping and tree planting, contributing to urban greening and amenity

As such, the Department considers that the proposal is in the public interest and concludes that the proposal is approvable, subject to conditions.

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1 Introduction

1.1 The proposal

The applicant proposes a DA for the demolition of the existing dwelling house on the site and construction of a residential flat building (RFB) located at 53-55 Donnison Street West, Gosford, within the Central Coast Local Government Area (LGA).

The DA seeks approval for the construction of a part 7 / part 8 storey RFB, containing 2 additional basement levels, a communal rooftop terrace, 26 residential apartments, 31 basement car parking spaces and associated drainage, sewer diversion and landscaping works.

The application has been lodged under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposal has a capital investment value of \$10,232,581, excluding GST and is expected to generate 71 construction jobs and 3 operational jobs.

An overview of the proposed development is provided in **Section 2**.

1.2 Gosford City Centre

Gosford City Centre is located within a valley framed by the densely forested Presidents Hill to the west, Rumbalara Reserve to the east and Brisbane Water / harbour to the south (see **Figure 1**).

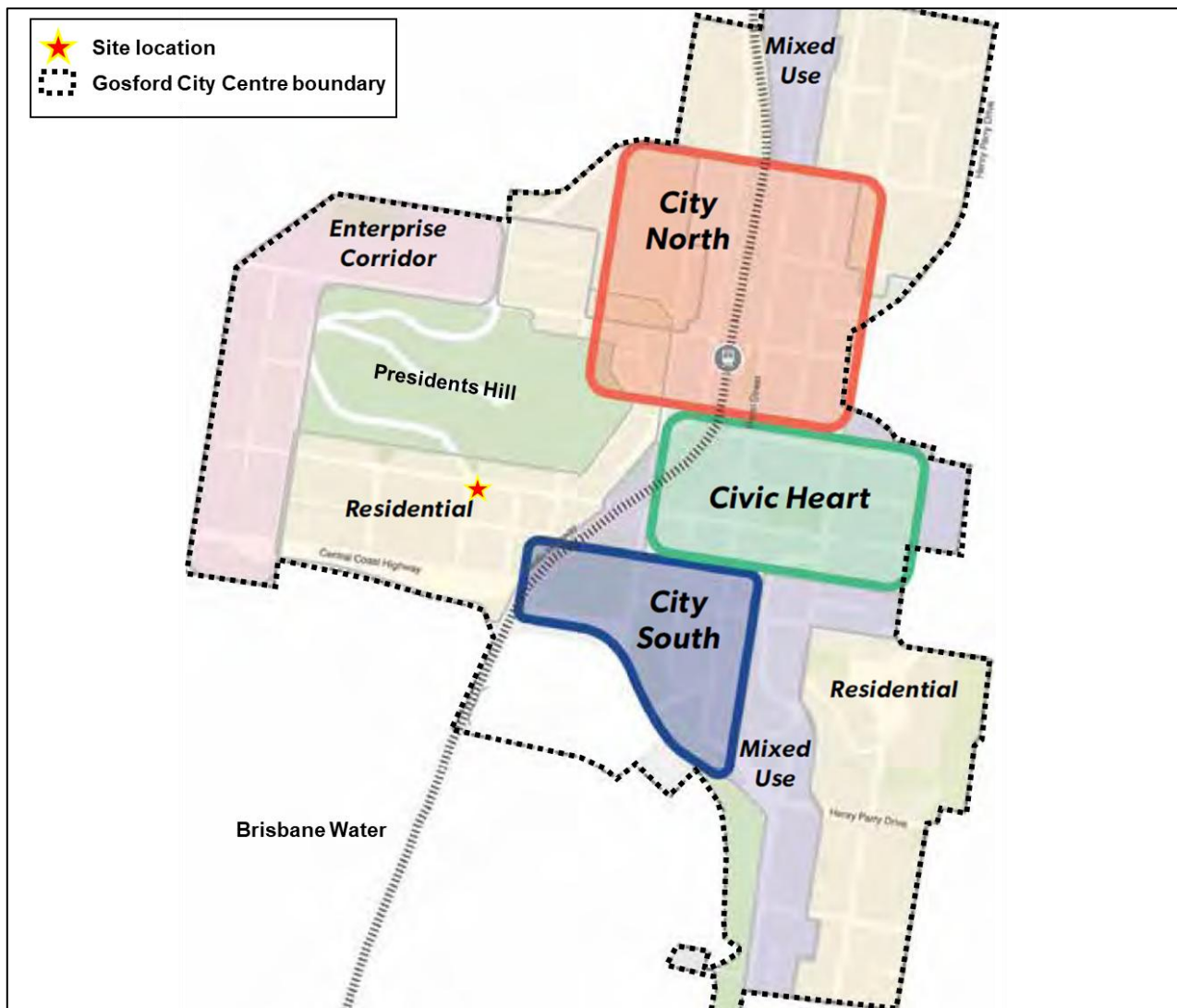


Figure 1 | Gosford City Centre boundaries and urban character areas (Base source: GDGP)

Gosford City Centre is laid out in a grid of roads that generally run north to south and includes a variety of different urban and natural areas comprising different uses and characters.

Originally home to the Darkinjung and the Guringai indigenous people, Gosford was founded in 1823 and expanded rapidly. The City Centre, or CBD, comprises the Gosford Hospital, Gosford train station, local, State and government agency offices and a mix of retail and commercial uses. Outside the three core areas, the City Centre includes predominantly residential areas to the west (including the site), north east, north-west and south east.

The Gosford City Centre is currently undergoing a period of renewal and revitalisation, with significant investment in the city over recent years driving new developments, changes to the built environment, increased job opportunities and new housing supply.

The revitalisation of Gosford is promoted by Regional and State planning policy, which aim to grow Gosford City Centre as the Central Coast's regional capital, attract new investment, residents, businesses, tourists, cultural activity and improve the built environment and connectivity.

1.3 Site description

The site is located in the western part of the Gosford City Centre, is rectangular in shape and has an area of 1,165m², as indicated on the Statement of Environmental Effects (SEE) and architectural plans. The Department notes that the survey plan prepared by Clarke Dowdle & Associates, dated 13 November 2019, references a site area of 1,134.9m². Upon review of the boundary dimensions, it is evident that this figure is a typographical error. Accordingly, the assessment will proceed based on the correct surveyed site area of 1,165m².

The site comprises a corner plot with street frontages to Donnison Street West to the north and Batley Street to the west, and adjoins 57 Donnison Street West to the east and 2 Wilhelmina Street to the south (Error! Reference source not found. to Figure 4). The site is known as 53-55 Donnison Street West, Gosford, and legally described as Lots A and B, DP312912.

The western half of the site (Lot B) contains an existing split-level one to two storey dwelling house and associated hardstand. Vehicle access is via a driveway off Batley Street. The eastern half of the site (Lot A) is vacant.

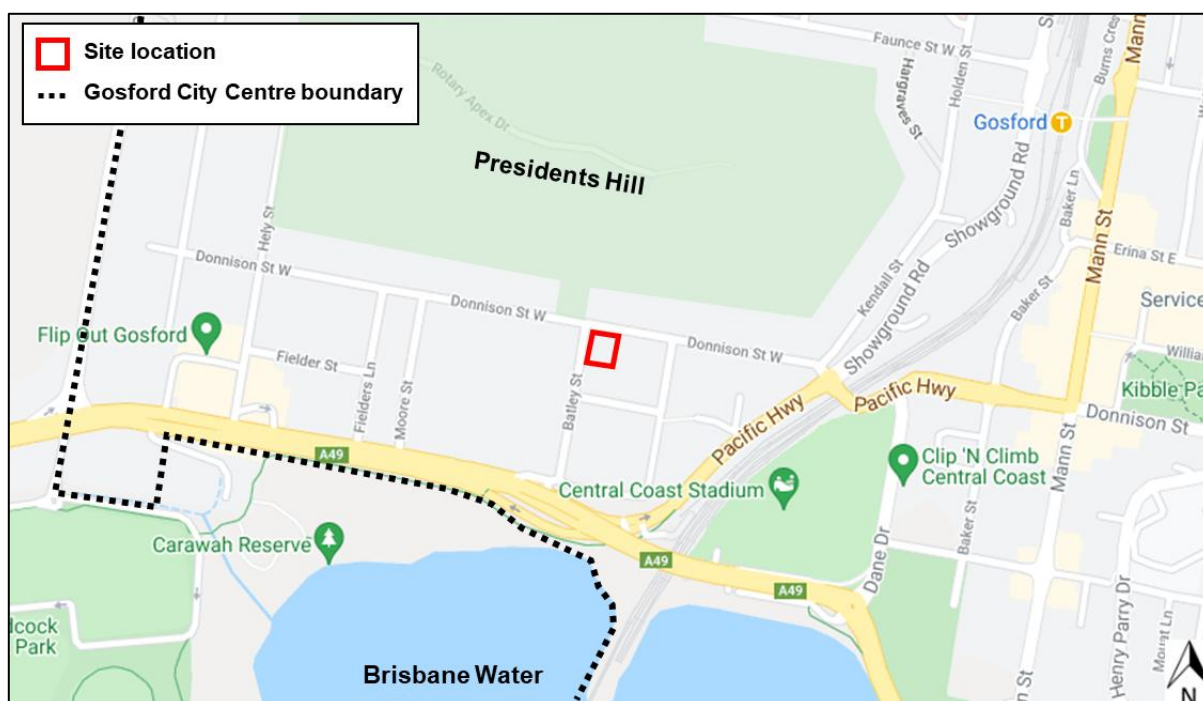


Figure 2 | Local context map



Figure 3 | Views towards the site from Donnison Street West (top) and Batley Street (bottom) (Base source: applicant's SEE)

The site is subject to a significant level change, with a fall of approximately 6m (from RL 38 to RL 32) between the northern boundary at Donnison Street West to the southern boundary shared with 2 Wilhelmina Street.

10 trees are located on the site around the periphery of the existing dwelling, 6 small street trees are located along the Batley Street frontage, and the eastern half of the site (Lot A) comprises an open grassed area. The site is not identified as being subject to flooding or containing any State or local heritage items.

1.4 Surrounding context

The site is located within a predominantly residential urban context. The buildings surrounding the site vary in form, age, height and architectural design. Over the past 10 years the immediate surrounding area has evolved from a wholly low-density residential neighbourhood to a mixed (low

to medium) density area including residential buildings up to 9 storeys. The surrounding context is summarised below and shown at Figure 4 to Figure 5. To the:

- north of the site are 58 to 62 Donnison Street West, comprising three two-storey dwelling houses. Further north, behind these houses, and adjoining the western side of 58 Donnison Street West, is the forested President's Hill
- east of the site are 57 to 61 Donnison Street West, comprising two dwelling houses and a three-storey apartment building. Further east, is 72 Donnison Street West a nine-storey apartment building
- south of the site is 2 Wilhelmina Street, comprising an eight-storey apartment building. Further south are four and eight-storey apartment buildings.
- west of the site is 10 and 14 Batley Street, comprising eight and five-storey apartment buildings. Further west is 39-47 Donnison Street West, comprising a group of two-storey townhouses.

The closest residential properties to the site include the dwelling house at 57 Donnison Street West (to the east) and apartments within 2 Wilhelmina Street (to the south), which are set back approximately 9 metres from the shared boundary with the site.

There are no State or local heritage items within the vicinity of the site.

The immediate surrounding road network consists of local two-way roads with no kerbside parking restrictions. Broader access to the neighbourhood is via 3 intersections, including Central Coast Highway and Batley and Moore Streets (left-in/left-out), and via a roundabout at the intersection of Donnison Street West and the Pacific Highway.

The site is within walking distance of existing public transport options, including:

- bus stops at Donnison Street West (Route 41), located 165m (approximately 3 minutes' walk) to the east, and on Pacific Highway (Routes 55 and 70), located 470m (approximately 6 minutes' walk) to the east
- Gosford Train Station (services to Newcastle / Sydney) is located 750m (approximately 11 minutes' walk) to the east.



Figure 4 | The site and surrounding context (Base source: Nearmap)



Figure 5 | The site and surrounding context (Base source: Google Map)



Figure 5 | View north-west along Donnison Street West towards the existing two storey dwellings opposite the site at 58 to 62 Donnison Street West (Source: Google Map)

1.5 Related projects and works

Other than minor applications relating to the existing dwelling on the site, there are no relevant recent DAs or planning history relating to the property. Review of historic aerial photographs confirms the vacant eastern half of the site (Lot A) was used during 2017 and 2018 for construction storage, parking and works associated with the redevelopment of 2 Wilhelmina Street for an apartment building.

Between 2010 and 2016, 5 DAs for RFB were approved by Council and the Hunter and Central Coast Joint Regional Planning Panel (JRPP) relating to properties adjoining and nearby the site (Error! Reference source not found. and Figure 6). These developments:

- are relevant to the current proposal due to their proximity to the site, height and scale and contribution to the evolution of the character and setting of this part of the Gosford City Centre
- predate the commencement of the State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford SEPP) and were approved by Council or the JRPP in accordance with the now-repealed clause 8.9 of Gosford Local Environment Plan 2014 (which allowed a 30% increase above maximum height and FSR controls)
- have been constructed and are occupied.

Table 1 | Approved development applications to nearby and adjoining sites

DA reference	Description of development	Height / FSR	Approved
2 Wilhelmina Street (DA48120/2015)	8 storey residential building including 67 apartments	Height: 23.4m FSR: 2.9:1	14 Mar 2016
10 Batley Street (DA38440/2010)	5 storey residential building including 31 apartments	Height: 23.4m FSR: 1.63:1	1 Dec 2010
14 Batley Street (DA46043/2014)	8 storey residential building including 39 apartments	Height: 30.7m FSR: 2.29:1	19 Dec 2014
8 St George Street (DA49516/2016)	7 storey residential building including 60 apartments	Height: 23.4m FSR: 2.9:1	20 Jun 2016
72 Donnison Street (DA49552/2016)	9 storey residential building including 33 apartments	Height: 26.2m FSR: 2.6:1	30 Mar 2016



Figure 6 | Aerial view of the site and nearby / adjoining apartment buildings (Base source: Nearmap)

2 Project

2.1 Project overview

The key components and features of the proposal (as amended by the Response to Submissions (RtS)) are summarised in Table 2. A link to the applicant's SEE and RtS is provided in Appendix B.

Table 2 | Main components of the proposed development

Component	Description
Project summary	Demolition of the existing dwelling house on the site and construction of a part 7 / part 8 storey RFB, containing 2 additional basement levels, a communal rooftop terrace, 26 residential apartments, 31 basement car parking spaces and associated drainage, sewer diversion and landscaping works.
Site area	1,165m ²
Site preparation works	Demolition of existing dwelling and bulk earthworks / excavation of 3,535m ³
Gross Floor Area (GFA)	2,505m ² residential GFA
Floor Space Ratio (FSR)	FSR 2.15:1
Maximum height	Part 7 / part 8 building (maximum height 27.65m / RL 62.8m)
Use	<p>26 apartments, comprising:</p> <ul style="list-style-type: none">• 4 x 1 bedroom apartments• 16 x 2 bedroom apartments• 6 x 3 bedroom apartments <p>Of the 26 apartments, 4 are adaptable (accessible) apartments and 2 are liveable apartments.</p>
Parking	<ul style="list-style-type: none">• 31 car parking spaces, including 2 accessible spaces at ground and basement levels.• 5 motorcycle parking spaces.• 9 residential bicycle parking spaces.
Access	<ul style="list-style-type: none">• Vehicular access to the ground and basement car parking levels via two separate vehicle driveways both off Batley Street.• Pedestrian access from Donnison Street West.

Component	Description
Landscaping	<p>Landscaping works including:</p> <ul style="list-style-type: none"> removal of 16 trees, including 10 on-site and 6 street trees off-site provision of 29 replacement trees, including 23 on-site and 6 street trees provision of a ground floor level communal open space located to the eastern side of the development provision of a roof top communal open space hard and soft landscaping around the site.
Infrastructure	Relocation / realignment of existing Council sewer infrastructure.
Jobs	71 construction jobs and 3 operational jobs.
Total Development Cost (Incl. GST)	\$11,255,839
Capital Investment Value (Excl. GST)	\$10,232,581
NatHERS / BASIX	<ul style="list-style-type: none"> NatHERS rating: 5.9 star average BASIX outcome: <ul style="list-style-type: none"> water: 41% (required target: 40%) thermal comfort: pass (required target: pass) energy: 20% (required target: 20%)

See applicant's visual representation in **Figure 8** below.



Figure 8 | applicant's photomontage representation of the proposal as viewed from Batley Street (Source: ELK Architects)

2.2 Staging and subdivision

The development will be undertaken in a single stage.

The SEE notes that the applicant anticipates a Condition of Consent will be applied, requiring the consolidation of the existing two allotments. It also indicates that, following the completion of the development, an application will be lodged for the strata subdivision of the individual residential apartments.

3 Strategic context

3.1 Key strategic issues

The project is largely consistent with the strategies, plans and policies outlined in Table 3 below, and therefore the Department considers the development proposal appropriate for the site.

Table 3 | Summary of government strategies, plans and policies

Strategy, plan or policy	Consistency	Comments
Central Coast Regional Plan 2041	Consistent	<p>The Central Coast Regional Plan 2041 (CCRP) is the 20-year strategic planning blueprint aims to achieve its ongoing revitalisation by increasing higher density residential and commercial development, creating active public spaces and enhanced connectivity and encouraging economic growth, jobs and development.</p> <p>As a response to the new ways people live and work in light of the COVID-19 pandemic, the CCRP'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 CCRP as it:</p> <ul style="list-style-type: none">• provides for medium-density residential development within 15 minutes walking distance of the city centre, public transport, in close proximity to the Southern Growth Corridor and with access to jobs and services• provides for 26 new apartments, which would improve housing choice and diversity within the Southern Growth Corridor and the Gosford City Centre• includes inclusive, well-designed spaces and would enhance the amenity and attractiveness of the area through the provision of high quality and landscaping• comprises infill development in an existing urban area with infrastructure, facilities and services to support growth and

Strategy, plan or policy	Consistency	Comments
		would reduce pressure for the development of environmental and resource lands.
Central Coast Community Strategic Plan 2025–2035	Consistent	<p>The Central Coast Community Strategic Plan 2025–2035 (CCCSP) is the Council’s long-term vision for the region, developed in consultation with the community to guide decision-making and investment over the next decade. The CCCSP focuses on creating a liveable, sustainable, and inclusive Central Coast by promoting housing diversity, access to services, environmental stewardship, and resilient infrastructure.</p> <p>The CCCSP responds to evolving community needs and aspirations, including the impacts of climate change, population growth, and changing work patterns. It emphasises the importance of well-connected neighbourhoods, vibrant centres, and equitable access to opportunities and services.</p> <p>The proposed development is generally consistent with the goals and objectives of the CCCSP as it:</p> <ul style="list-style-type: none"> • provides medium-density housing in a well-located urban area, supporting housing choice and affordability • contributes to a compact and connected community by being within walking distance of public transport, services, and employment opportunities • supports sustainable growth by utilising existing infrastructure and reducing the need for expansion into environmentally sensitive areas • achieves relevant sustainability targets, including BASIX and NatHERS ratings, ensuring energy efficiency and a high level of residential amenity enhances the local urban environment through high-quality design, landscaping, and inclusive spaces that promote community wellbeing.
Central Coast Council Local Strategic Planning Statement	Consistent	<p>The Central Coast Local Strategic Planning Statement (LSPS) outlines Council’s 20-year vision for land use planning across the LGA, aligning with the CCRP and the CCCSP. It identifies local planning priorities to guide sustainable growth, protect</p>

Strategy, plan or policy	Consistency	Comments
		<p>environmental assets, support housing diversity, and strengthen infrastructure and connectivity.</p> <p>The LSPS promotes a compact and connected urban form, with a focus on revitalising centres, enhancing liveability, and ensuring development is well-integrated with transport and services. It also seeks to balance growth with environmental protection and resilience to climate change.</p> <p>The proposal is consistent with the LSPS as it:</p> <ul style="list-style-type: none"> • fosters a compact, connected and green City Centre with a range of services • relieves pressure on further greenfield expansion for housing delivery.
Gosford Urban Design Framework	Consistent	<p>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.</p> <p>The GUDF locates the subject site within a residential area at the western edge of the Gosford City Centre. The site is not identified as being within one of the three core precincts located along Gosford's central spine of Mann Street.</p> <p>The proposal is consistent with the GUDF design principles as it:</p> <ul style="list-style-type: none"> • revitalises the City Centre by increasing housing supply and the general resident population • new medium density housing development, with one, two and three bedroom apartments, that increase housing choice and diversity • provides for high quality landscaping, including tree planting to enhance visual amenity and the public domain • would not have an adverse impact on key views to the surrounding natural landscape.

Strategy, plan or policy	Consistency	Comments
Somersby to Erina Corridor Strategy	Consistent	<p>Council's Somersby to Erina Corridor Strategy responds to the CCRP actions for the Southern Growth Corridor.</p> <p>The proposal will support the recommendations and actions in the draft strategy. In particular, it would focus residential development within an existing centre, enhance the public domain and contribute to housing choice within Gosford.</p>
Central Coast Car Parking Study	Consistent	<p>Council has prepared the Central Coast Car Parking Study (CCPS). The CCPS outlines Council's commitment to support the region's growth and deliver robust, ongoing improvements to parking and transport infrastructure, management practices and resources. The study also provides a framework to improve the management and quality of parking and transport services.</p> <p>The CCPS confirms that existing parking demand in Gosford is very high (more than 5,000 vehicles during peak periods) and the City Centre has an immediate need to find new car parking options to offset expected development and cater for recent developments in the commercial core.</p> <p>The CCPS (dated 2021) identifies short-term (2023), medium term (2028) and long term (2038) strategies to address parking in the City Centre. In particular, use of parking space in existing facilities, provision of parking on the city fringe, on-street metered parking and improve public transport services and smart parking initiatives.</p> <p>The site is located within the western residential area of the Gosford City Centre and proposes bicycle and motorbike parking, car parking in accordance with a combination of the RMS Guide and GDCP and is also in xx minutes walking distance of public transport options. The Department has considered car parking provision in detail at Section 6.4 and at Appendix E.</p>

4 Statutory context

4.1 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought and the permissibility of the project are provided in Table 4 below.

Table 4 | Permissibility and assessment pathway

Consideration	Description
Consent authority	<p>Minister for Planning and Public Spaces</p> <p>Pursuant to clause 1.6(b) of the State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford SEPP), the Minister 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.</p> <p>The Gosford SEPP has since been replaced by State Environmental Planning Policy (Precincts – Regional) 2021 (Precincts – Regional SEPP) and its Chapter 5 Gosford City Centre, however, the Precincts – Regional SEPP includes savings provisions: The Gosford SEPP continues to apply for development applications lodged before the commencement of the Precincts – Regional SEPP.</p>
Decision-maker	<p>The Director of Regional Assessments</p> <p>In accordance with the Minister’s delegation dated 9 March 2022, the Director, Regional Assessments may determine the application as:</p> <ul style="list-style-type: none">• the relevant Council has not made an objection• there are less than 15 public submissions in the nature of objection• a political disclosure statement has not been made.
Permissibility	<p>Permissible with consent</p> <p>The Gosford SEPP is the principle environmental planning instrument (EPI) that applies to the site. The site is zoned R1 General Residential under the Gosford SEPP and the development is identified as a ‘residential flat building’ which is permissible with consent in the R1 zone. Therefore, the Minister (or his delegate) may determine the carrying out of the development.</p> <p>The Department has considered the consistency of the proposal against the relevant development standards within the Gosford SEPP, and in particular consideration of the exceedance of the height of building and FSR development standards, is set out in Section 6 and Appendix E.</p>

4.2 Mandatory matters for consideration

The following relevant matters have been taken into account in the assessment of the application:

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

The Department has undertaken a detailed assessment of the above matters at **Appendix E** and is satisfied that the application has appropriately addressed the relevant matters for consideration.

5 Engagement

5.1 Exhibition of the application and amendments

5.1.1 Public exhibition

On 28 February 2022, the applicant lodged the SEE for the redevelopment of the site. In accordance with Schedule 1 of the EP&A Act, the proposal has been publicly exhibited twice following lodgement of the original application and subsequent amendments, including:

- 11 March 2022 until 31 March 2022 (original submission exhibition)
- 17 June 2025 until 7 July 2025 (amendments exhibition)

During each exhibition, nearby landowners and occupiers were notified, and relevant government agencies, along with Central Coast Council, were invited to provide comment.

A summary of the key amendments in 2025 is provided in **Appendix A**.

5.1.2 Summary of advice received from government agencies

The Department received advice from 2 government agencies on the DA.

A summary of the agency advice is provided in **Table 5**. A link to the full copy of the advice is provided in **Appendix C**.

Table 5 | Summary of agency advice

Agency	Advice summary
Central Coast Local Health District (CCLHD)	<p>Review of SEE: CCLHD does not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none">• provide an Aviation Impact Assessment that assesses the impact on the Gosford Hospital helipad and flight paths• if deemed necessary based on to the scale of development, provide a social impact assessment• provide a minimum of 11 bicycle spaces, 9 in the basement and 2 for visitors• address issues related to air quality, noise and vibration, site contamination, water cycle, Crime Prevention Through Environmental Design (CPTED), open space, solar access and overshadowing, monitoring and enforceability and community feedback.

Agency	Advice summary
	<p>Review of amendment 2025: CCLHD does not object to the proposal and provided the following updated comments:</p> <ul style="list-style-type: none"> • reiterate the need to assess and manage air quality impacts from demolition, excavation, and construction to protect nearby residents • clarify that the requirement for pre-construction assessment to the satisfaction of the Appropriate Regulatory Authority was originally raised by the Public Health Unit and remains applicable • acknowledge risks identified in the Detailed Site Investigation and requested appropriate management measures • request that the applicant ensure all relevant plumbing and drainage standards are met for the proposed use of rainwater in landscaping • encourage consideration of cumulative impacts on health services from this and other developments in the Gosford area • confirm no concerns from NSW Ambulance and Westpac Rescue, subject to final building height matching the Aviation Risk Assessment • confirm previous recommendations have been addressed, including bicycle parking and inclusion of a Social Impact Assessment.
Rural Fire Services (RFS)	<p>Review of SEE: RFS does not object to the proposal and recommended conditions relating to landscaping design, building construction standards, vehicular access, water and utility services and establishment of asset protection zones.</p>

The following agencies raised no concerns or provided no comment:

- Transport for NSW (TfNSW)
- Access Regulator within the NSW Department of Climate Change, Energy, the Environment and Water (NRAR)
- Department of Planning and Environment (DPE) Water (since become NSW Department of Climate Change, Energy, the Environment and Water – Water Group), and
- Biodiversity & Conservation Division of Department of Planning & Environment (BCD) (since become NSW Department of Climate Change, Energy, the Environment and Water – Conservation Programs, Heritage, and Regulation Group (CPHR)).

5.1.3 Summary of council submissions

Central Coast Council (Council) reviewed the SEE and subsequent amendment submitted by the applicant. A summary of their submission is provided in **Table 6** below.

Table 6 | Summary of council's submission on the amendment report

Council	Submission summary
Central Coast Council	<p>Review of amendment 2025: Council does not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none">• The addition of 11 storage spaces across Basement Level 1 and Basement Level 2 is considered an improvement to residential amenity.• While the Traffic and Parking Assessment Report confirms compliance with the Apartment Design Guide, it is not considered beneficial to the proposed reduction in car parking spaces, noting that many residents own multiple vehicles and on-street parking capacity is insufficient, particularly along Donnison Street West.• The Design Verification Statement and updated plans have been reviewed. Although concerns regarding solar access, view sharing, and privacy were raised by objectors, Council considers that the 3.2m height increase and rooftop terrace setbacks are sufficient to avoid any notable additional impacts on these aspects.

5.1.4 Summary of public submissions

The Department received 5 submissions¹ during the public exhibition period of the SEE and 3 submissions¹, during the public exhibition period of the amendment report. All 8 submissions objected to the project. A link to all submissions in full is provided in **Appendix C**.

The issues raised from public submissions in 2022 are summarised below:

- increased pressure on on-street car parking spaces
- traffic impact and pedestrian safety
- adverse amenity impact to adjoining properties (overshadowing, overlooking and loss of views)

¹ Each petition or submission that contains the same or substantially the same text is counted as one submission in accordance with section 2.7(6) of the Planning System SEPP.

- operational and construction noise impacts
- construction traffic impacts
- wind impact
- inappropriate density of development
- height would dominate 58 Donnison Street West and reduce its heritage value
- adverse impact on property values.

The same issues were reiterated during the re-exhibition period in 2025, particularly the concern of increased pressure on on-street car parking spaces, which was mentioned in all three submissions. This concern has been further intensified by the reduction in car parking spaces from 38 to 31 in the amended proposal.

In addition to previously raised concerns, the following new issues were identified during the re-exhibition period:

- excessive artificial lighting
- health concerns due to reduced natural light
- loss of pedestrian access due to construction
- increase in rubbish during construction.

6 Assessment

The Department has considered the SEE, accompanying documents, issues raised in submissions and the RtS in its assessment of the application. The Department considers the key issues associated with the proposal are:

- design excellence
- built form
- residential amenity
- parking, traffic and vehicle access
- landscaping and trees, and
- aviation.

Each of these issues is discussed in the following sections of this report. Other issues considered in the assessment of the application are discussed in **Section 6.7**.

6.1 Design excellence

Clause 8.3 of the Gosford SEPP ensures that new development within the Gosford City Centre exhibits design excellence. Clause 8.3 applies to all applications for the erection of new buildings within the Gosford City Centre, and therefore, the Gosford SEPP design excellence provisions apply to the subject proposal.

Under the Gosford SEPP, the consent authority is required to consider design excellence against the following:

- the attainment of a high standard of architectural design, materials and detailing
- form and external appearance, and quality and amenity of the public domain
- impact on solar access to identified open spaces, vistas and view corridors
- how the development addresses land use, heritage and streetscape, built form relationship (on and off site), bulk, massing and modulation of buildings, heights, environmental impacts, ESD, pedestrian, cycle, vehicular and service access, circulation, public domain and site suitability.

The Gosford SEPP does not require a design competition or any formal design review for the proposal.

The application describes that the proposal exhibits design excellence as it:

- responds positively to the evolving urban context at the intersection of Batley and Donnison Streets, with a built form that complements the scale and typology of surrounding developments
- adopts recommendations from pre-DA consultation, resulting in improved setbacks, articulation, and landscaping that enhance amenity and reduce visual bulk
- integrates deep soil zones, planting on structure, landscaped communal areas and street tree design to support residential amenity and environmental quality
- minimises impacts on neighbouring properties through acoustic and visual buffers, and avoids adverse overshadowing or privacy loss
- incorporates ESD principles and complies with BASIX requirements.

No comments were provided by Council specifically related to Design Excellence.

The Department considers that the proposal:

- despite variations to the required height and floor space controls under the Gosford SEPP, provides an adequate pedestrian scale and a built form that is consistent with the surrounding context including the height, bulk and scale of nearby RFBs (discussed further in **Section 6.2**)
- complies with the required setbacks, and street vistas are maintained and framed by landscaping in the street setback areas (discussed further in **Section 6.2**)
- does not result in significant view loss from public places, including Waterview Park, and maintains key view corridors towards Brisbane Water and surrounding ridgelines
- does not adversely impact solar access to key public open spaces, and surrounding properties will retain adequate solar access (discussed further in **Section 6.2**)
- minimises adverse environmental impacts and addresses pedestrian, cycle and vehicular access requirements (discussed further in **Section 6.4**)
- constitutes ESD by meeting sustainability targets including BASIX, as well as by inclusion of a range of ESD initiatives and sustainability measures (discussed further in **Appendix E2**).

In terms of architectural design, materials and detailing, the Department considers that the facades are well articulated through variations in building materials, modulation, and the incorporation of balconies, which effectively reduce the perceived scale and bulk of the development. The use of light-coloured face brick is particularly supported, as it contributes to a warm and high-quality finish that enhances the overall architectural expression. The proposed landscaped areas along the street

frontages and the rooftop communal garden terrace further reinforce the design's commitment to environmental quality and residential amenity.

Based on the above, the Department is satisfied that the proposal exhibits design excellence and achieves a high standard of design that will positively contribute to the quality and amenity of the public domain and wider revitalisation of the Gosford City Centre.

6.2 Built form

The proposed development comprises a part 7 / part 8 RFB (Figure 8) exceeding the height of buildings development standard, the FSR development standard and the site coverage control. To consider the appropriateness of the built form in relation to the site and surrounding context, the Department has considered the proposed height, density (FSR), site coverage, consistency with the future character of the area and impacts on surrounding amenity (solar access and view impacts).

6.2.1 Building height

The development comprises a RFB with a communal rooftop terrace. The maximum proposed building height is RL 62.8m (approximately 27.65m above ground).

According to building height limit under the Gosford SEPP 2018, the maximum permitted building height for the subject land is 18m. The proposed overall height of 27.65m represents a 53.6% variation from this standard.

The development also includes street walls between 9m and 14.6m high. Section 5.2.2 in the GDCP limits street wall height to 12m for the subject site.

Concern was raised in public submissions about the height and scale of the development, its visual impact, and its effect on the character of the surrounding area.

The application includes a Visual Impact Assessment (VIA), which evaluates the proposed apartment building in relation to urban design, visual impacts, and public realm considerations. Based on photographic analysis from key public vantage points, the VIA concludes that the height and scale of the proposed development are appropriate within the evolving urban context of the Gosford City Centre. The building's slender form, consistent alignment with surrounding developments of similar scale contribute to an acceptable visual outcome.

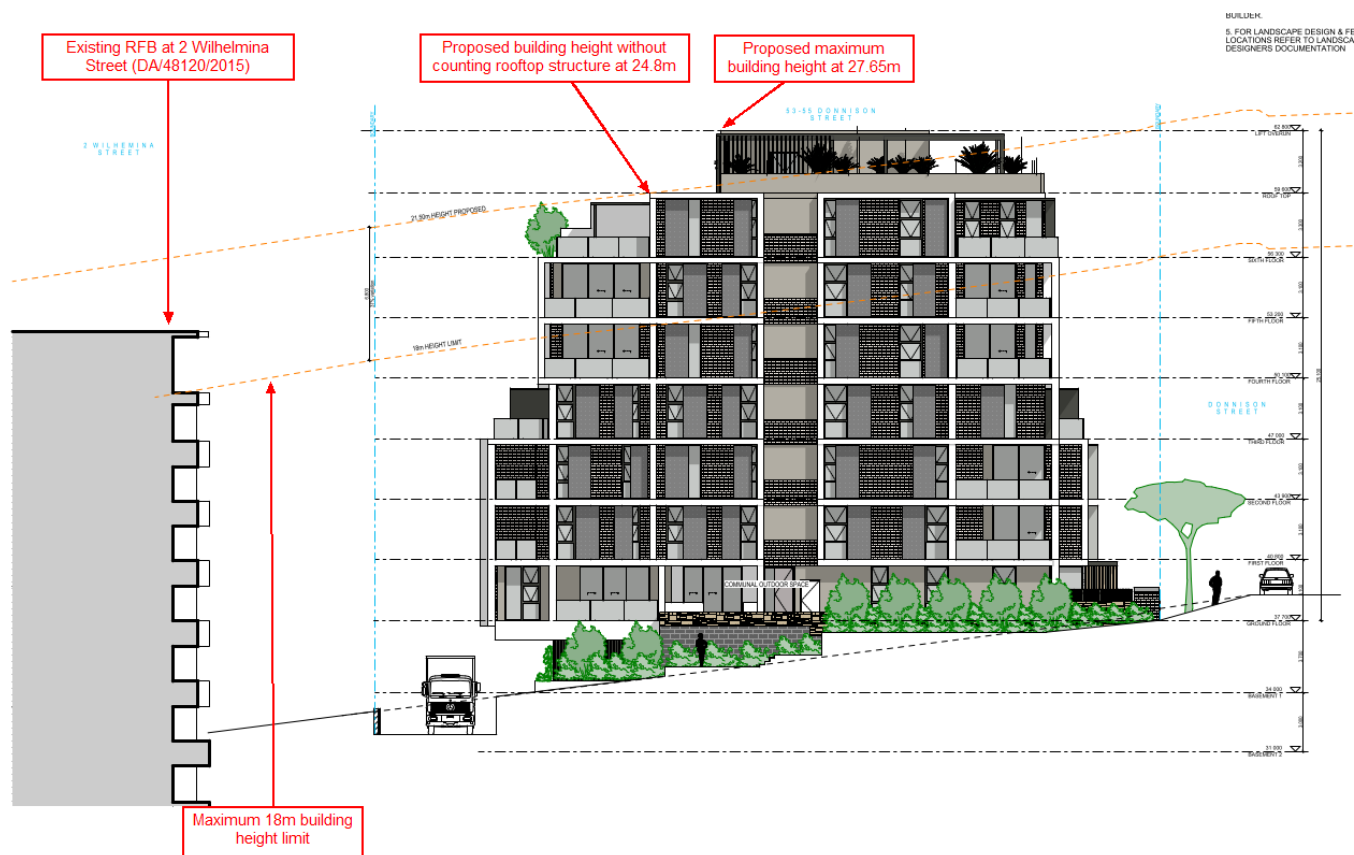


Figure 9 | Eastern elevation (Base source: ELK Architects)

As shown in Figure 9 above, the proposed development is positioned behind the bulk of the existing RFB at 2 Wilhelmina Street, which benefited from the 30% bonus provisions under the former Gosford LEP 2014 controls, which ceased in 2016. This effectively prevents the proposed development from benefiting from primary southern views if strict compliance with the height controls were observed.

As outlined in Section 1.5, the Department notes that the existing RFB in the surrounding area range from 5 to 9 storeys, with the maximum building height reaching 30.7m at 14 Batley Street (DA 46043/2014). All surrounding developments benefited from the 30% bonus provisions under the former Gosford LEP controls. Both 14 Batley Street and 72 Donnison Street also obtained Clause 4.6 variations to further increase their approved building heights. Considering the existing building heights in the locality and the proposed height of the subject development, the Department considers that the proposed height variation is consistent with the scale of surrounding RFBs and aligns with the established built form, contributing to balanced planning outcomes. Refer to **Appendix F – Consideration of Clause 4.6 Variation Request** for further information.

The Department also notes that the proposal:

- is adequately separated from adjoining properties to ensure an appropriate built form relationship and transition to existing and future development (further discussed below)

- would not result in unreasonable amenity impacts, such as view loss or overshadowing (further discussed below).

The proposed street wall height exceeds the GDCP control of 12m, with sections ranging from 9m and 14.6m (Figure 10).

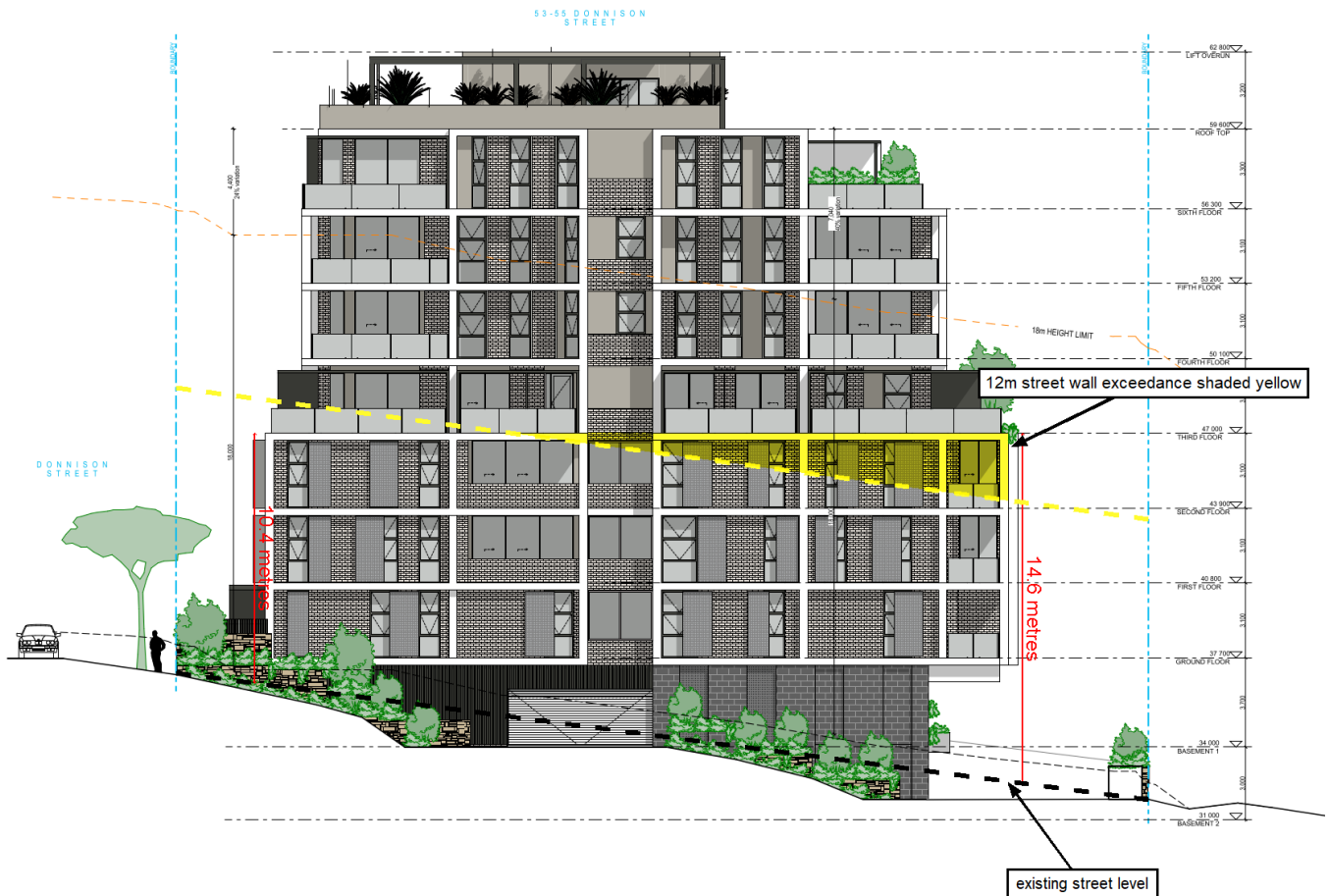


Figure 10 | Location of street wall height maximum (yellow dash line) (Base source: ELK Architects)

The Department is satisfied that the objectives of the street wall requirement are achieved, as it:

- maintains the desired 4-storey scale at street level through articulation and modulation
- responds to the sloping topography, which necessitates varied street wall heights
- maintains consistent internal floor levels, avoiding stepped floor plates that would compromise design quality and accessibility
- does not result in additional privacy or overshadowing impacts of surrounding properties.

The proposal also incorporates balconies, eaves, vertical elements, varied materials, and a podium form to reduce perceived bulk and scale, ensuring a comfortable pedestrian environment in terms of daylight, scale, and character.

The Department considers that the proposed height and street wall variations are acceptable, as the outcome is comparable with other nearby RFBs and consistent with the future desired character of development within Gosford City Centre envisaged by the SEPP. Further, the development provides for a built form outcome that is appropriate for the Site and its relationship to existing nearby RFB buildings, and would not have unreasonable amenity or visual impacts.

6.2.2 Density (FSR)

Under Clause 8.13 of the Gosford SEPP, the maximum permissible FSR for the subject site is 1.5:1, as the site has a street frontage greater than 24m and a site area between 1,000m² and 1,500m², and the Floor Space Ration Map of the Gosford SEPP shows 2:1 for the site. The application proposes an FSR of 2.15:1, representing a 43.3% variation to the 1.5:1 standard.

The applicant seeks this variation under Clause 4.6 of the Gosford SEPP, as the justification is based on the following:

- the proposed development responds to the site's prominent location at the intersection of Donnison Street and Batley Street
- the increased FSR offsets the impacts of previous bonus provisions applied to adjoining developments, which resulted in higher built form outcomes (e.g. 2 Wilhelmina Street with an approved FSR of 2.9:1)
- the proposal will deliver a high-quality residential building with articulated facades, improved streetscape activation, and a modest yield of 26 apartments
- the development is compatible with the emerging character of the precinct.

The Department notes that the proposed FSR is consistent with the scale and intensity of surrounding residential flat buildings, as demonstrated in **Section 1.5**, and will not result in adverse amenity impacts to adjoining properties or the public domain. The proposal maintains an appropriate built form relationship to neighbouring developments and provides for high-quality residential amenity and landscaping (further discussed below).

The Department is satisfied that the proposed variation to the FSR standard is consistent with the objectives of Clause 4.4 of the Gosford SEPP, as it:

- establishes an appropriate development density and intensity for the site

- achieves a built form outcome that is compatible with the desired future character of the area (further discussed below)
- minimises adverse environmental effects (further discussed below)
- facilitates design excellence and efficient use of the land (discussed in **Section 6.1**).

Furthermore, the proposal aligns with the objectives of the R1 General Residential zone by providing for the housing needs of the community, supporting a variety of housing types and densities, and contributing to the economic and social revitalisation of Gosford City Centre.

In conclusion, the Department considers that the proposed FSR variation is reasonable and justified in the context of the site and surrounding development. Strict compliance with the standard would not respond to the planning context or the intent of the controls, and would result in an underutilisation of the site. The Department therefore supports the proposed FSR as sought under Clause 4.6 of the Gosford SEPP.

The maximum site coverage permitted by the GDCP is 50%. The proposal has a site coverage of 58%, which is a variation of 8% to the development control.

The applicant notes that, excluding hardstand areas, the site coverage equates to 45% of the site area.

The Department considers that the site coverage is acceptable, as the proposal:

- does not unreasonably impact the amenity of the surrounding area
- exceeds the minimum deep soil zone (DSZ) requirements and includes the planting of 29 new trees (providing a net increase of 13 trees for the site)
- complies with daylight access and natural ventilation requirements in the ADG and provides acceptable levels of visual privacy
- provides communal open space at both ground level and rooftop, required by the ADG for use by residents.

6.2.3 Consistency with the future character

The application describes that the proposal is consistent with the future character of the area, noting that:

- the West Gosford residential catchment is undergoing significant transition from single and two-storey detached dwellings to high-density residential flat buildings
- the proposed development will contribute positively to this transition by activating both the Donnison Street and Batley Street frontages and providing high-quality accommodation close to the Gosford City Centre

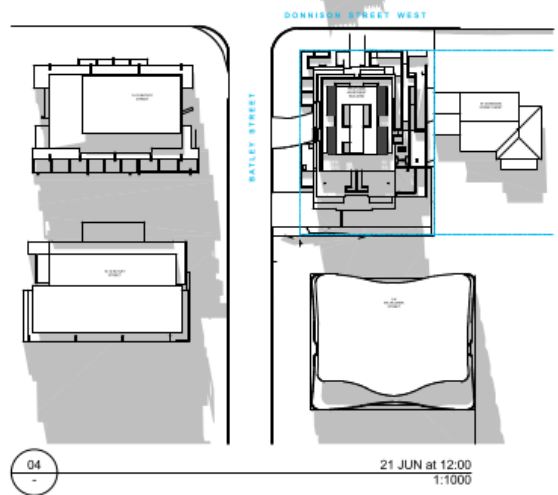
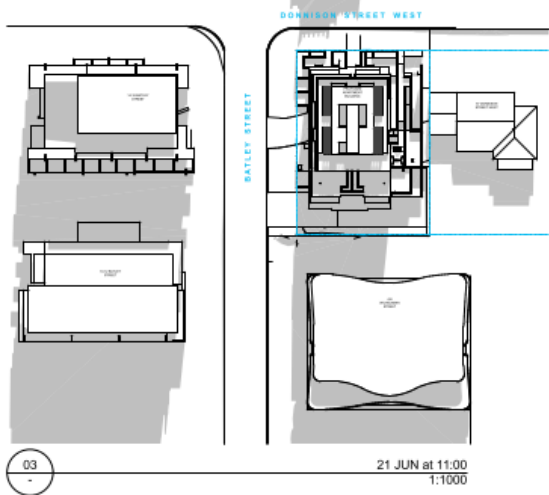
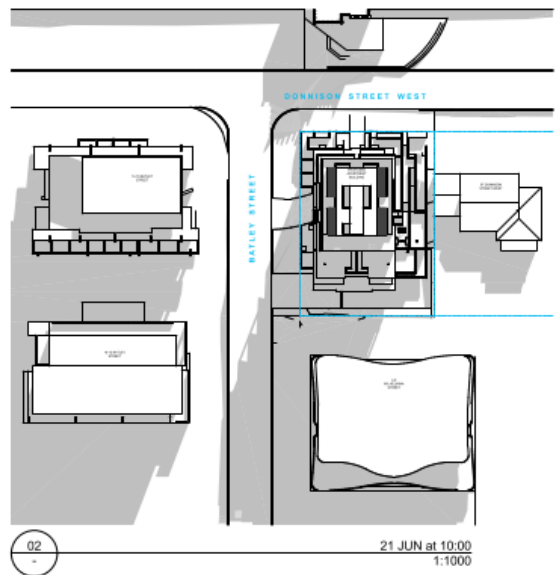
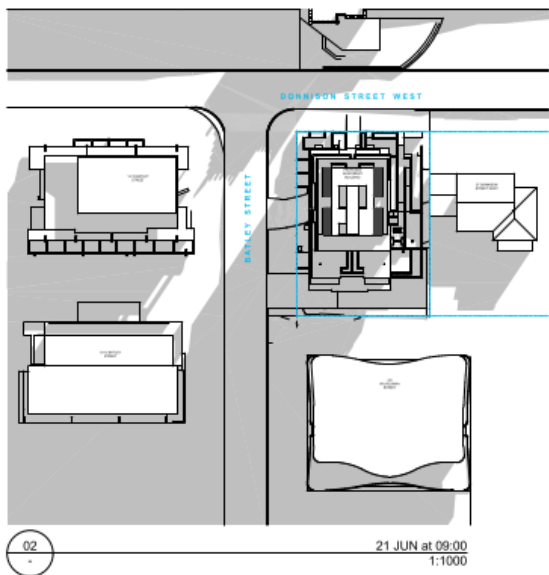
- the development utilises the natural features of the land and reinforces the trend toward higher density living in proximity to key urban infrastructure
- The design ensures no unreasonable impacts in terms of overshadowing, privacy, or views, and includes landscaping to enhance the streetscape (further discussed below).

The Department is satisfied that the proposal is consistent with the desired future character of the area as envisaged in the Gosford SEPP. The development supports the transition to higher density residential living, aligns with strategic planning objectives for the precinct, and contributes to the revitalisation of the Gosford City Centre. The proposal maintains compatibility with surrounding built form, provides good residential amenity, and incorporates landscaping to support the green and leafy character of the locality.

6.2.4 Overshadowing

The applicant has provided a shadow analysis showing the predicted solar access impacts on the surrounding properties during winter solstice at hourly increments between 9am and 3pm (Figure 10 and 11). This analysis demonstrates that during mid-winter, the proposal will primarily cast shadows onto Batley Street, the north-facing apartments and setback areas of 2 Wilhelmina Street, and the rear garden of 57 Donnison Street West. The impacts are summarised as follows and discussed in detail below:

- at 9am, the proposal will cast a shadow onto Batley Street and north-western corner of the balconies at 2 Wilhelmina Street
- at 12pm, the proposal will cast a shadow onto the north-facing balconies of apartments up to the third floor at 2 Wilhelmina Street
- at 3pm, the proposal will cast a shadow onto the northern and eastern setback areas and north-eastern corner of the balconies of 2 Wilhelmina Street, as well as the rear garden of 57 Donnison Street West.



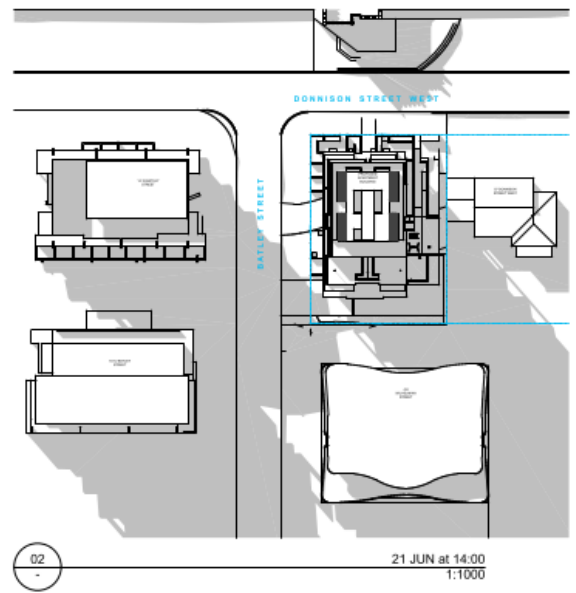
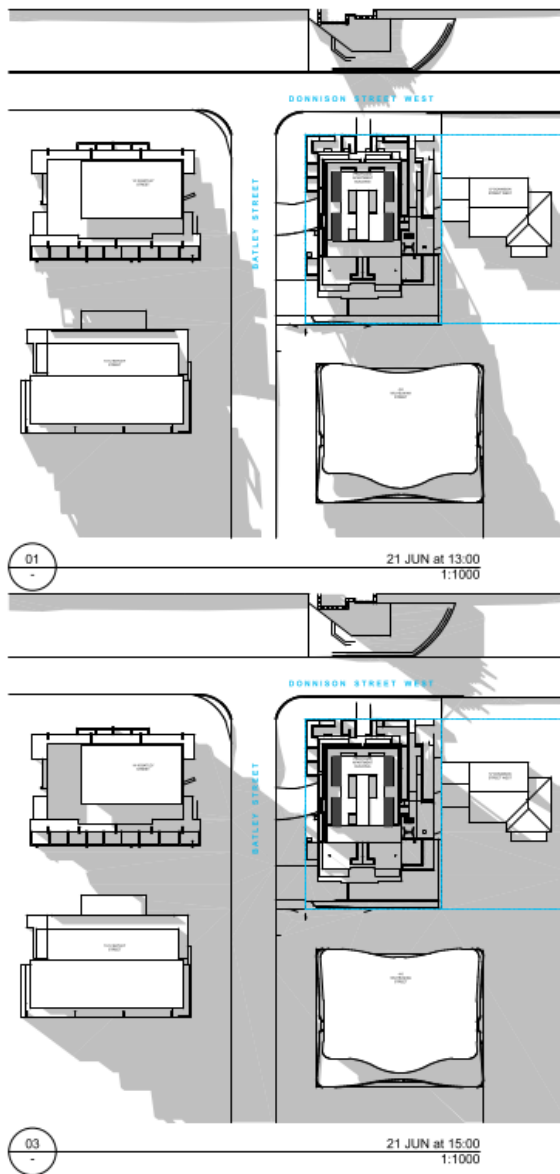


Figure 10 | Mid-winter shadow diagrams in hourly intervals (Source: ELK Architects)

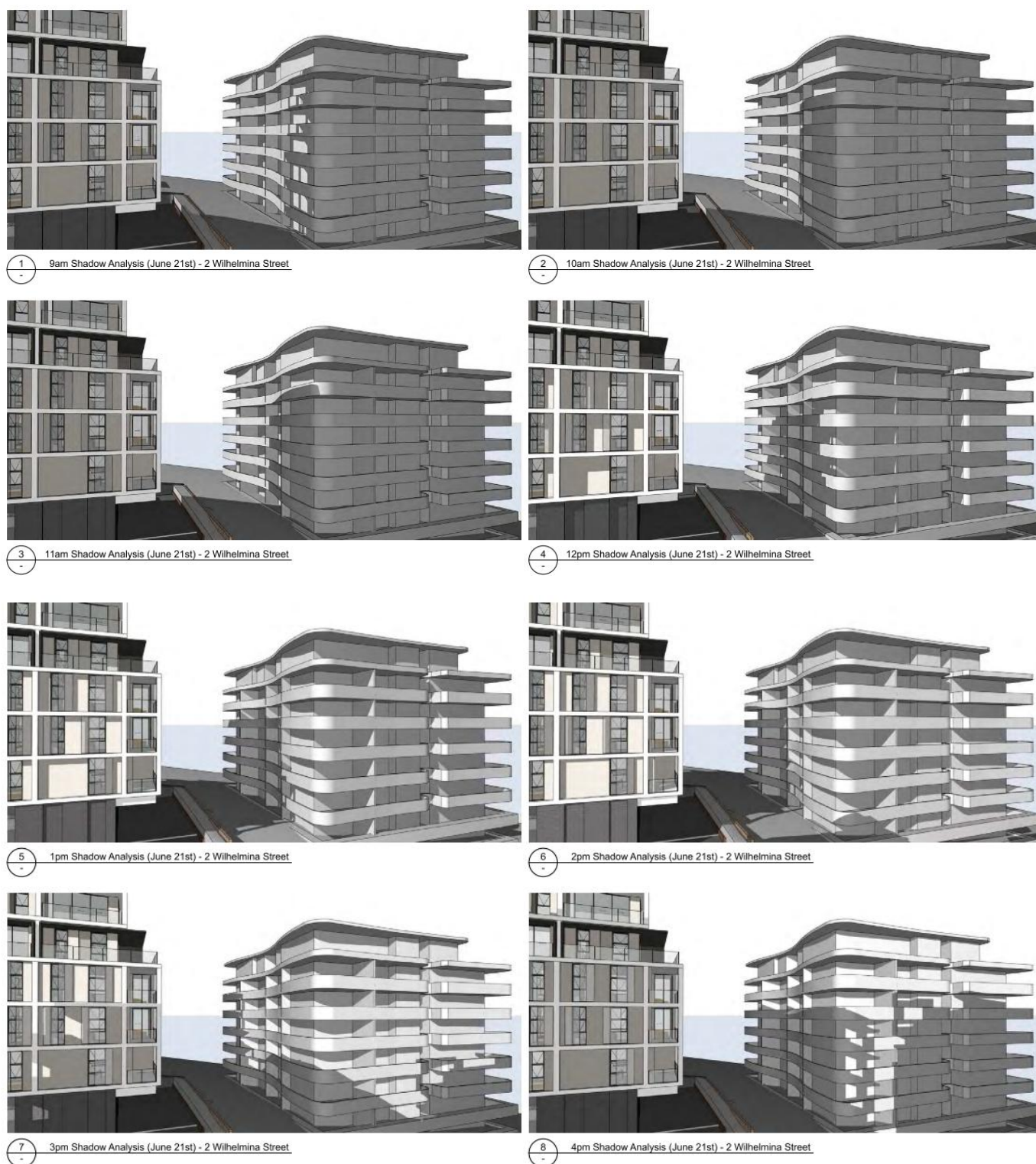


Figure 11 | Mid-winter shadow analysis in hourly intervals (Source: ELK Architects)

The application describes that overshadowing impacts to 2 Wilhelmina Street are limited to the side setback areas and north-facing balconies. The Applicant further argues that by complying with the ADG setback requirements, the overshadowing is considered minimal and does not result in any adverse impact on the amenity of neighbouring units.

While the proposal exceeds the maximum building height and FSR standards, it complies with the building setback requirements of the ADG, which assists in minimising overshadowing impacts.

The Department has reviewed the applicant's mid-winter 3D shadow analysis, which presents hourly intervals between 9 am and 3 pm. Based on this analysis, the Department is satisfied that the affected neighbouring properties at 2 Wilhelmina Street, retain more than two hours of solar access during mid-winter. While a detailed breakdown of individual units is not provided, the modelling indicates that overshadowing is limited and does not result in significant loss of amenity.

In addition, the proposal incorporates appropriate building separation and orientation, which further mitigates overshadowing impacts.

The Department therefore considers the overshadowing impacts of the proposal to be acceptable.

6.2.5 Views

Clause 8.11 of the Gosford SEPP and the GDCP protect key vista and view corridors in the Gosford City Centre. The applicant notes that the site is not located in a sensitive visual location and there are no views across the site from surrounding properties due to the topography of the area, existing vegetation and orientation of surrounding development.

The Department notes that the proposal is not located within any key view corridors as identified in the GDCP. In addition, the proposal is set back from site boundary and provides front setback landscaping, including new trees, to sit comfortably when viewed from surrounding areas. The proposed part 7 / part 8 storey RFB is consistent in alignment and scale with surrounding developments. As such, the Department considers that the proposal will not have an adverse impact on views from surrounding properties.

6.3 Residential amenity

The Department has assessed the proposal against SEPP 65, the ADG and GDCP in Appendix C, which concludes the development provides a high level of internal amenity in accordance with the aims and objectives of these guidelines. The proposal complies with most design criteria in the ADG and GDCP, including in relation to apartment size, solar access and natural ventilation.

However, the proposal departs from several ADG and DCP design criteria in relation to:

- private open space (POS)
- Acoustic privacy

The Department has therefore considered these aspects of the proposal in more detail below.

6.3.1 POS

The ADG includes design criteria for minimum POS areas and depths to enhance the amenity and indoor/outdoor lifestyle for residents. The development provides POS to all apartments in the form of balconies or terraces. The POS for 20 of the 26 (77%) apartments meets the minimum area and depth of design criteria in the ADG. The remaining 6 apartments meet the minimum area criteria but do not comply with the minimum depth criteria, as outlined below:

- 2 x 2 bed apartments (Units 402 and 502) – require a 10m² balcony with a minimum depth of 2m. These apartments are provided with 11m² balconies, but with a depth of only 1.8m (0.2m variation)
- 2 x 3 bed apartments (Units 103 and 203) – require a 12m² balcony with a minimum depth of 2.4m. These apartments are provided with 12m² balconies, but with a depth of only 2.2m (0.2m variation)
- 2 x 2 bed apartments at ground floor facing to Donnison Street West (Units 01 and 04) – require 15m² of private open space with a minimum depth of 3m. These apartments are provided with terraces of 16m² and 20m² respectively, but with depths ranging from 2.2 – 2.4m (0.6m – 0.8m variation)

The Department considers that these 6 balconies / terraces are sufficiently sized to be functional, with areas capable of accommodating a table and 2–4 chairs, as encouraged by the ADG. Most of the balconies / terraces have a northern aspect, and all ground level terraces are surrounded by landscaping to ensure a high level of amenity for residents.

On this basis, the Department is satisfied the proposal provides useable POS that will contribute to the amenity and lifestyle of the residents.

6.3.2 Acoustic privacy

The ADG provides design guidance for internal layout to minimise noise transfer between different uses in the building. The ADG recommends that noisy areas (such as entries and corridors) be located next to or above each other and quieter areas located next to or above each other. Service areas (such as access cores or driveways) are to be located away from bedrooms.

The development minimises noise transfer between apartments with each floor having the same layout as the floor above (where possible), and similar uses are generally located near to one another. Bedrooms are positioned away from the stairwell and lift core. However, the habitable rooms of Units 02, 03 and 04 are located in close proximity to the driveway.

Minimising the transfer of noise between service areas and habitable areas is important to maintain good residential amenity. To minimise noise transmission levels between habitable rooms and

driveway, the Department recommends an acoustic assessment be undertaken to determine whether noise mitigation measures should be implemented to achieve relevant minimum standards under the BCA. Subject to the above condition, the Department considers that adequate levels of amenity can be provided to the apartments.

6.4 Parking, traffic and vehicle access

Parking, traffic and vehicle access are key considerations in the Department's assessment of the proposal. On-site car parking provision has a direct link to the amount of traffic generated by the development and its impact on surrounding roads.

The application includes a Traffic and Parking Assessment (TPA), which considers the existing and proposed vehicular and pedestrian arrangements, provision of parking and potential traffic impacts on the surrounding area.

6.4.1 Parking

Objective 3J-1 from the ADG requires that any development that are located within 800m of a railway station or light rail stop in the Sydney Metropolitan Area meets the minimum car parking requirements set out in the *RMS Guide to Traffic Generating Developments 2002* (RMS Guide), or the car parking requirement prescribed by the relevant Council, whichever is less.

For this proposal, car parking requirements are assessed against the RMS Guide, while motorcycle and bicycle parking are assessed under the GDCP. The proposal includes:

- 31 on-site car parking spaces (including 2 accessible spaces)
- 5 motorcycle spaces
- 9 bicycle spaces

A comparison of the required and proposed parking provision is provided in Table 8.

Table 8 | Required and proposed parking rates

Mode	Guideline	Amount	Proposed	Complies
Car	RMS Guide to Traffic Generating Developments	0.6 spaces per one bedroom unit (2.4)	31 spaces	Yes
		0.9 spaces per one bedroom unit (14.4)		
		1.4 spaces per one bedroom unit (8.4)		
		Visitors: 1 space per 5 apartments (5.2)		
		Total required: 30.4 spaces		

Mode	Guideline	Amount	Proposed	Complies
Motorcycle	GDCP	1 space/15 dwellings (3)	5 spaces	Yes
Bicycle	GDCP	Residents: 1 space/ 3 dwellings (9) Visitors: 1 space/12 dwellings (2)	9 spaces in total	No

Concerns were raised in public submissions regarding increased pressure on on-street parking. Council also noted that, although the applicant claims compliance with ADG car parking provisions, the reduction in car parking spaces (from 38 in the original proposal to 31 in the amended scheme) is not considered beneficial.

In response, the TPA that the applicant submitted notes that the proposal satisfies Objective 3J-1 of the ADG and aligns with the RMS Guide, given the site is located within 800m to Gosford Railway Station.

The Department acknowledges the concerns raised but agrees with the applicant that the proposal complies with the car parking requirements of the RMS Guide. Furthermore, the site benefits from excellent access to public transport, including Gosford train station and nearby bus stops, as well as proximity to the Gosford CBD, which offers employment, recreational, and medical services. These factors support the strategic planning objective to reduce reliance on private vehicles and limit car parking provision in city and regional centres.

The GDCP requires a total of 11 bicycle parking spaces (9 for residents and 2 for visitors), while the proposal provides 9 spaces. Although this represents a shortfall of 2 spaces, the Department considers the variation acceptable for the following reasons:

- the proposal meets the GDCP requirement for resident bicycle parking (9 spaces), with the shortfall only affecting visitor spaces
- visitor bicycle parking demand is expected to be low given the site's urban context and proximity to alternative transport options the design efficiently utilises available space, and the inclusion of 9 bicycle spaces demonstrates a reasonable effort to accommodate active transport.

6.4.2 Traffic

The TPA predicted future trips generated by the proposal based on the RMS Guide rates for high density residential developments (i.e. a building comprising 20 or more units). Trips generated by the proposal during the AM and PM peak are provided in Table 9.

Table 9 | Trips generated by the proposal during AM and PM peaks

Peak Period	Trips In	Trips Out	Total Vehicle Trips
AM Peak	1	7	8 trips (one trip every 7.5 mins)
PM Peak	7	1	8 trips (one trip every 7.5 mins)

The TRA concluded that the traffic generated from the proposal is minor and have no negative impact on the operation of the existing road network and no safety impacts.

Council did not raise concerns with traffic generation resulting from the proposal.

Noting the above, the Department is satisfied that the proposal will have minimal impact on the operation of the street network.

6.4.3 Vehicle access

Vehicle access to the site is proposed from Batley Street, along the western boundary. Section 4.5.1 of the GDCP permits only one vehicle access point with a maximum width of 5.4m for a double-crossing driveway. The proposal includes two separate driveways each serving different basement levels, and both exceed the maximum permitted width. Both driveways are designed to accommodate two-way vehicle movements.

- the first driveway, measuring 6m, provides access to basement level 1
- the second driveway, measuring 9.2m, provides access to visitor parking, the loading bay, and basement level 2.

Section 7.3 of the GDCP also requires driveway access to be set back 1.5m from the side boundary when adjacent to residential development. The site shares a southern boundary with an existing RFB at 2–6 Wilhelmina Street. Most of the proposed 9.2m wide driveway is set back 1.8m from this boundary, except for a small portion near the Batley Street exit, which encroaches into the required setback. This is highlighted in Figure 12 below.

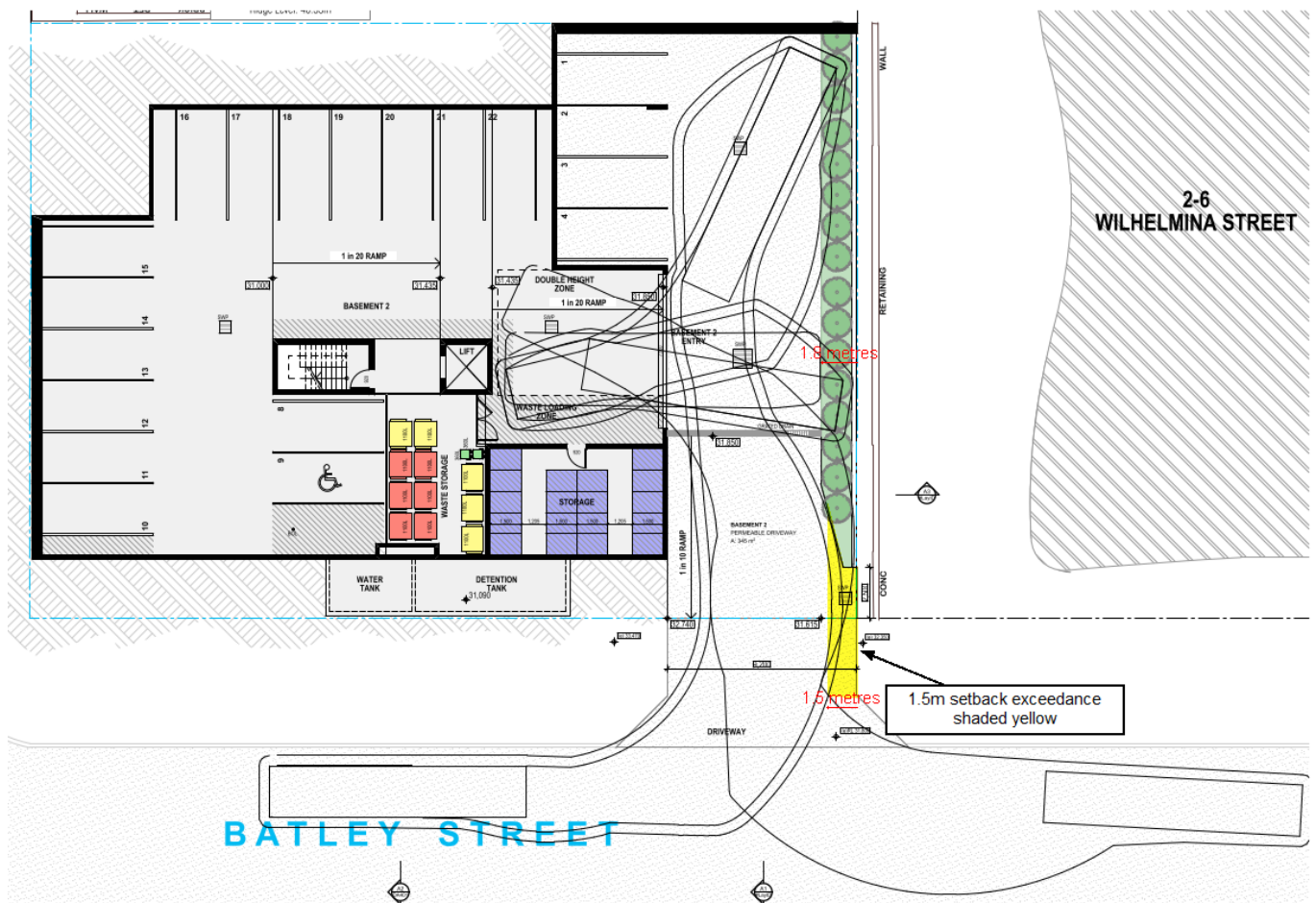


Figure 12 | Basement level 2 floor plan (Base source: ELK Architects) In the TPA, the applicant acknowledges the Department’s concerns regarding the dual driveway arrangement, particularly its potential impact on pedestrian movements along the site’s frontage. The TPA states that adequate sight splays are provided at each driveway, consistent with AS2890.1 design requirements. It further argues that the dual driveway design will not significantly differ from a single driveway in terms of pedestrian impact, as traffic flow is distributed between the two access points, reducing potential conflict at each crossing.

Regarding the non-compliance of driveway width, the TPA includes swept path diagrams to justify the proposed dimensions:

- the 6m wide driveway was tested using a B85 vehicle.
- the 9.2m wide driveway, which provides access to the waste loading zone, was tested using a heavy rigid vehicle.

For the partial setback variation near the southern boundary, the swept path analysis indicates that the encroaching portion is necessary to facilitate turning movements for the heavy rigid vehicle accessing the waste loading zone.

The Department considers the variation in the number of driveways to be reasonable due to:

- functional separation of access points for different basement levels and uses
- improved traffic flow and reduced congestion at each driveway
- enhanced operational efficiency for service vehicles and residents.

The Department also considers the variation in width and partial setback non-compliance to be acceptable for the following reasons:

- 1.8m wide landscaping is provided along most of the driveway length, including adjacent to the neighbouring development
- driveway widths allow for safe vehicle passing without causing queuing onto Batley Street
- the section of the driveway adjoining the southern boundary is located 9m from any openings on the neighbouring building and will be separated by boundary fencing
- clear sight lines are maintained along Batley Street
- the proposal will remove two existing driveways (a 10.5m wide triple crossing and a 3.5m wide single crossing, shown in Figure 3), maintaining a similar total width of vehicle crossings associated with the site.

The Department recommends the following conditions:

- the vehicle access crossing connecting the basement ramp to the footpath area incorporate suitable profile transitions
- redundant vehicle access crossings be removed and replaced with new kerb and gutter, concrete footpaths and turf.

Additionally, while the TPA advises the proposal has been designed to comply with all applicable AS, including provisions related to driveway grades, ramp widths and grades and passing bays, the Department recommends a condition requiring compliance with all relevant AS.

Subject to the recommended conditions requiring compliance with the relevant AS, Councils specifications for the vehicle crossing and footpaths and replacement of redundant driveways with kerb and gutter, the Department is satisfied that vehicular access has been appropriately designed.

6.5 Landscaping and trees

Objective 3E of ADG requires a minimum of 7% to 10% of the site area to be provided as deep soil zone, with a minimum dimension of 3m. Section 5.2.14 of the GDGP requires the deep soil zone to comprise no less than 15% of the total site area, preferably in one continuous block, and with no dimension (width or length) less than 6m.

The application complies with the ADG requirement by providing 123m² of deep soil area,

representing 10.6% of the site area, with a minimum dimension of 3m. However, none of these areas meet the GDCP requirement of a minimum 6m dimension, and therefore cannot be counted as deep soil zone under the GDCP.

The Department considers that, given the site constraints and the proposal's compliance with the ADG requirements for deep soil zone and communal open space, the absence of deep soil areas with a minimum 6m dimension is acceptable. Landscaping is provided around the building to soften its scale and bulk, improve residential outlook, and enhance the development's setting. The landscaping includes a mix of native and non-native species and incorporates outdoor dining furniture and seating for residents. On this basis, the Department is satisfied with the extent and quality of landscaping provided.

Section 9.3 of the GDCP requires communal open space to retain existing mature trees where possible, consist of at least 50% deep soil, have a minimum dimension of 6 metres in any direction, and include landscaping, seating, and barbecue facilities.

The application proposes two communal open spaces (one at ground level and one on the rooftop). No existing mature trees are located within the proposed ground level communal open space, and the space does not include at least 50% deep soil.

The proposal involves the removal of 16 existing trees, including all 10 mature trees on-site and 6 street trees. In response, the application proposes to plant 29 new trees, including 23 on-site and 6 street trees. Retention of existing mature trees is not feasible due to their location within the construction envelope or proximity to proposed works, which would result in unsustainable impacts.

The Department supports the non-compliance with tree retention and deep soil provision in communal open space for the following reasons:

- the location and footprint of the proposed building limit opportunities to retain mature trees or provide large deep soil zones
- the number of replacement trees exceeds the number of trees to be removed, contributing to long-term canopy cover and biodiversity
- the proposed landscaping and communal open spaces offer functional and aesthetic benefits for residents, including seating, greenery, and recreational opportunities
- the site is undergoing redevelopment, and the proposed tree replacement strategy aligns with broader urban greening objectives
- the proposal meets the ADG's requirements for communal open space and deep soil zones, which are considered sufficient in this context.

On this basis, the Department accepts the absence of retained mature trees and the non-provision of 50% deep soil in the proposed communal open space.

6.6 Aviation

The proposed development is located 800 metres west from Gosford Hospital, and therefore has the potential to impact helicopter flight paths to and from the hospital, both on completion and during the construction period. Given the proximity to the Gosford Hospital Helicopter Landing Site (HLS), the CCLHD initially raised concerns regarding potential particularly in relation to building height and crane operations during construction.

CCLHD noted that hospital helipads are classified by NSW Health as critical health infrastructure, and developments within a 5 km radius of a hospital HLS must be carefully assessed to ensure they do not impede safe aeromedical operations. Specific concerns included potential interference with surveyed flight paths and the visibility of construction cranes, especially at night.

In response, the applicant submitted an Aviation Impact Assessment prepared by a suitably qualified aviation consultant. The assessment reviewed the development's location, elevation, and proximity to the Gosford Hospital HLS, including the RNP 340 instrument approach and missed approach procedures approved by the Civil Aviation Safety Authority (CASA).

The Aviation Impact Assessment concludes that:

- the rooftop elevation of the proposed development is RL 62.8 (62.8 m AHD), which is significantly below the adjacent terrain elevation of 116 m AHD between the site and the hospital,
- the development does not penetrate the Object Identification Surface (OIS) and is therefore not considered an obstacle under aviation safety guidelines,
- the construction crane, estimated to reach approximately 27 m above ground level, does not exceed the threshold for mandatory aviation lighting or CASA notification,
- the development will have no impact on the authorised approach and departure paths to and from the Gosford Hospital HLS, nor on the RNP 340 instrument approach or its missed approach procedure,
- while aviation lighting is not required under current regulations, the report recommends that crane lighting be installed in accordance with NSW Health GL2020_014 Guidelines for Hospital HLS in NSW as a matter of good practice.

The additional material was referred to CCLHD who advised that there were nil issues with the development having regard to the aviation impact.

The Department has carefully considered the reports and agency advice provided on this matter. Notwithstanding the findings of the report, the Department has recommended a condition to ensure that cranes required for construction are fitted with appropriate aviation lighting.

6.7 Other issues

The Department's consideration of other issues is summarised in Table below.

Table 10 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Artificial lighting	<ul style="list-style-type: none"> Concerns were raised in public submissions about potential light pollution from the proposed apartments, including claims of light clutter and over-illumination due to the concentration of light fixtures in a small area. The Department has reviewed the architectural plans submitted with the application. The proposed development includes standard residential lighting, such as balcony fixtures, entryway lights, and low-level pathway illumination, which are typical for medium-density residential developments. The design does not include any high-intensity floodlighting, illuminated signage, or excessive external lighting that would result in significant artificial light spill beyond the site boundaries. The building orientation and setbacks, including landscaped buffers and fencing, further assist in minimising light spill to adjacent properties. On this basis, and subject to the development being carried out in accordance with the approved plans and compliance with Australian Standard AS 4282:2019 – <i>Control of the Obtrusive Effects of Outdoor Lighting</i>, the Department considers that the proposal will not result in excessive artificial lighting. No additional conditions are recommended as the proposed lighting is considered reasonable, typical for residential use, and unlikely to cause adverse amenity impacts. 	The Department recommends conditions requiring all external lighting to be constructed and maintained in accordance with Australian Standard AS 4282:2019 – <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .
Crime Prevention Through	<ul style="list-style-type: none"> Section 5.2.16 of the GDCP outlines objectives to ensure developments are safe and secure for pedestrians, reduce opportunities for crime 	The Department recommends conditions requiring the

Issue	Findings and conclusions	Recommended conditions
Environmental Design (CPTED)	<p>through environmental design, contribute to public domain safety, and encourage a sense of ownership over communal spaces.</p> <ul style="list-style-type: none"> Control 3 under this section specifically seeks to avoid blind corners and dark alcoves that may provide concealment opportunities in pathways, stairwells, hallways, and car parks. The Department has reviewed the proposed design and notes that the visitor car parking area is located at the lower ground level in the eastern-south corner of the site, partially enclosed by a solid wall fronting Batley Street. It is acknowledged that when a waste collection vehicle is parked in the designated loading zone, public surveillance of the visitor parking area from Batley Street may be obstructed, creating a potential blind spot. The applicant did not submit a separate CPTED report, and while some CPTED principles were addressed in the SEE, no specific commentary was provided regarding the visitor parking area. The Department considers that while the risk is low due to the residential nature of the development and the intended use of visitor parking by building guests, additional safety measures are warranted to address the potential concealment risk. Accordingly, the Department recommends the following conditions to enhance safety and security in this area: <ul style="list-style-type: none"> installation of sensor-activated lighting in the visitor car park. provision of CCTV surveillance covering the visitor parking and waste loading zone. consideration of convex safety mirrors to improve visibility around corners. 	<p>implementation of sensor-activated lighting, CCTV surveillance, and convex safety mirrors within the visitor parking area to enhance safety and security.</p>

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> Subject to the implementation of these measures, the Department is satisfied that the proposal can meet the safety and security objectives of the GDCP, and no further amendments to the design are required. 	
Impact on 58 Donnison Street West	<ul style="list-style-type: none"> A public submission raised concerns that the proposed building height would visually dominate 58 Donnison Street West and diminish its perceived heritage value. The Department acknowledges that the proposed building height does not comply with the maximum height control. However, the Department considers the proposed height to be appropriate within the evolving urban context of the Gosford City Centre, where increased density and building scale are anticipated as part of strategic renewal, as discussed in Section 6.2.1 The dwelling at 58 Donnison Street West is not heritage-listed, and while it may hold local character value, it does not carry statutory heritage significance. The subject site is not identified as a heritage item, nor is it located near any heritage-listed properties under Schedule 5 of the SEPP (Gosford City Centre) 2018. The proposal has been assessed for visual, overshadowing, and privacy impacts. The Department is satisfied that the development does not result in unreasonable overshadowing or overlooking of surrounding properties, including 58 Donnison Street West. On this basis, the Department considers the proposed building height acceptable, and no additional conditions are recommended in relation to visual or heritage impacts. 	<p>No additional conditions or amendments are necessary.</p>
Construction noise impact	<ul style="list-style-type: none"> The proposal includes excavation and construction works that are anticipated to occur a 15-month period. 	<p>The Department recommends conditions requiring the implementation of the</p>

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> • The closest receivers to the site include the dwelling house at 57 Donnison Street West (to the east) and apartments within 2 Wilhelmina Street (to the south), which are set back approximately 9 metres from the shared boundary with the site (Figure 4 and Figure 5). • The Interim Construction Noise Guideline 2009 (ICNG) recommends limits to construction noise impacts. In particular, it sets noise management levels (NML) of 65 dB(A) for open space and a limit of 10 dB(A) above the existing background noise level for residential properties. The ICNG confirms impacts above 75 dB(A) represent a point where sensitive receivers may be 'highly noise affected'. • Concerns were raised in public submissions about construction noise impacts associated with the development. Council did not provide comments on the construction noise impact. • To manage the potential NML exceedances, The Department recommends the following mitigation measures: <ul style="list-style-type: none"> ○ the works need to be undertaken in accordance with the ICNG requirements and Council's standard hours of construction, 7am to 6pm Monday to Friday, 8am to 4pm Saturday and no work on Sunday or public holidays ○ all construction vehicles are only permitted to arrive at the work site during approved construction hours. ○ preparation and implementation of a Construction Noise and Vibration Management Plan (CNVMP) ○ implementation of respite periods for noisy works ○ no engine idling and appropriate concrete pump location 	<p>Department's construction noise mitigation measures, preparation of a CVNMP and implementation of the standard construction hours.</p>

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> notification, reporting and complaints handling where NML's are exceeded all feasible and reasonable mitigation measures to reduce noise should be carried out (e.g. acoustic barriers, materials handling, equipment location and selection, management training and noise monitoring). On this basis, and subject to the applicant's compliance and commitment to implement the above and all reasonable and feasible mitigation measures to mitigate and manage construction noise, the Department is satisfied that construction works can be appropriately managed to minimise disruption to nearby amenity. 	
Other construction impacts	<ul style="list-style-type: none"> In addition to potential construction noise, concerns were raised in public submissions about other potential construction impacts including traffic impact on adjoining properties. To address the above concerns, the Department recommends conditions requiring: <ul style="list-style-type: none"> the preparation of a Construction Environmental Management Plan (CEMP) to address construction vehicle routes and delivery times to mitigate impact on residential properties, and including detailed management plans relating to construction pedestrian traffic management, soil and water management, air quality and waste management the preparation of a Construction Traffic and Pedestrian Management Plan (CTPMP) alternative routes for vehicles 20m long the applicant to obtain a Road Occupancy Licence (ROL). The Department considers subject to the implementation of the construction noise 	<p>The Department has recommended conditions requiring the implementation of the CEMP, CTPMP and ROL and its associated construction management and dilapidation plans.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>mitigation measures (discussed previously), the CTPMP (including alternative routes), ROL, CEMP and its associated management and dilapidation plans, construction impacts can be appropriately managed and mitigated in accordance with standard practice for development sites in urban areas.</p>	
Wind Impact	<ul style="list-style-type: none"> Concerns were raised in public submissions regarding the potential wind impact associated with the development. The Department notes that a wind report has not been submitted in this application. However, the site is not located near Brisbane Water and is considered unlikely to result in having wind funnelling impacts. The Department has considered that the side setbacks allow the circulation of wind through the site and around the proposed building. Additionally, Council does not usually request wind report for similar sized developments, such as at DA 48850/2015 at 181 Gertrude Street, Gosford and DA 10132 at 56 Beane Street, Gosford. 	No additional conditions or amendments are necessary.
Reflectivity	<ul style="list-style-type: none"> The building facades comprise a combination of glazing and solid materials. The Department notes that overall the building does not include a high proportion of glazing on its facades. Subject to a condition limiting specular reflectivity to a maximum of 20%, the Department is satisfied the development would not result in unacceptable glare. 	The Department recommends a condition limiting specular reflectivity to a maximum of 20%.
Property value	<ul style="list-style-type: none"> Concerns were raised in public submissions the proposal would have an adverse impact on property values. The Department considers matters relating to the private contracts of sale and/or value of properties are not planning matters for 	No additional conditions or amendments are necessary.

Issue	Findings and conclusions	Recommended conditions
	<p>consideration and therefore objections based on loss of property value are not able to inform the assessment of the application</p> <ul style="list-style-type: none"> The Department has assessed the merits of the application in detail at Section 6 of this report and concludes, subject to conditions, the development will not unreasonably impact the local environment. Therefore, the Department is satisfied the proposal is unlikely to result in any significant adverse impacts on property prices. 	
Bushfire	<ul style="list-style-type: none"> The site is mapped as within the bushfire buffer of Category 1 vegetation. A Bushfire Assessment Report concludes the development can comply with the RFS document 'Planning for Bushfire Protection 2019' (PBP 2019) subject to: <ul style="list-style-type: none"> establishment and ongoing maintenance of a 24m Asset Protection Zone (APZ) to the north and northwest, provided by Donnison Street West Construction of the building to meet Bushfire Attack Level (BAL) standards, specifically BAL-29 for the northern and western elevations and roofline, and BAL-19 for the eastern and southern elevations. implementation of appropriate landscaping and fuel management practice provision of water, electricity and gas as required in the PBP 2019. <p>The RFS recommended conditions relating to APZ management, construction standards, utility services and landscaping.</p> <p>The Department is satisfied that subject to the recommended conditions outlined in the Bushfire Assessment Report and RFS submission, the application can comply with PBP 2019 and appropriately manage bushfire risk.</p>	<p>The Department recommends that conditions suggested by RFS related to APZ management, construction standards, water and utility services, landscaping and the preparation of an emergency evaluation management plan be imposed.</p>

7 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development (**Appendix E**), advice from government agencies, local council and public submissions (**Section 5**), and strategic government policies and plans (**Section 3**). This includes consideration of the development application package, which involves architectural plans, SEE, TPA, Visual Impact Assessment, Bushfire Assessment Report, and other supporting documentation. Submissions from public, Council and relevant agencies have also been reviewed and considered in detail.

The Department's assessment concludes that the proposal is acceptable subject to the recommended conditions, as it:

- positively contributes to the broader strategic demand for housing as well as the renewal of the Gosford City Centre
- is permissible development within the land use zone, and meets the floor space controls under Clause 5.55 of Gosford SEPP
- will achieve relevant sustainability targets and a high level of amenity for future occupants
- is consistent with future character of Gosford which is being revitalised into a higher density urban centre and does not adversely impact surrounding amenity, in terms of solar access, view impacts and privacy impacts
- improved landscaping and tree planting, contributing to urban greening and amenity

Overall, the Department considers that the development integrates well with its surroundings and is comparable with other RFBs surrounding the site. The Department considers the impacts of the proposal are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent.

Consequently, the Department considers that the proposal is in the public interest and that the development should be approved, subject to the recommended conditions.

8 Recommendation

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

- considers the findings and recommendations of this report
- accepts and adopts the findings and recommendations in this report as the reasons for making 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 53-55 Donnison Street West (DA 22/1307), subject to the conditions in the attached development consent
- signs the attached development consent (Appendix G).

Recommended by:



Tony Liu
Planning Officer
Regional Assessments

Recommended by:



Felicity Greenway
Team Leader
Regional Assessments

9 Determination

The recommendation is adopted by:

A handwritten signature in black ink, reading "Louise Densmore". The signature is written in a cursive style with a large, stylized 'L' and 'D'.

Louise Densmore

Director

Regional Assessments

Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
ADG	State Environmental Planning Policy 65, Apartment Design Guide
AHD	Australian height datum
Applicant	Matthew Wales
APZ	Asset Protection Zone
BASIX	State Environmental Planning Policy (Building Sustainability Index) 2004
CCRP 2036	Central Coast Regional Plan 2036
CIV	Capital investment value
Council	Central Coast Council
CNVMP	Construction Noise, Vibration Management Plan
CPTED	Crime Prevention through Environmental Design
CPTMP	Construction Pedestrian Traffic Management Plan
CSSI	Critical State significant infrastructure
DA(s)	Development application(s)
DCCEEW	Australian Government Department of Climate Change, Energy, the Environment and Water
DCP	Development Control Plan
Department	Department of Planning, Housing and Infrastructure
DPI	Department of Primary Industries within the Department of Regional NSW

Abbreviation	Definition
DSI	Detailed Site Investigation
EIS	Environmental impact statement
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental planning instrument
EPL	Environment protection licence
ESD	Ecologically sustainable development
FEAR	Future Environmental Assessment Requirement
FFL	Floor finished floor level
FSR	Floor space ratio
FRNSW	Fire and Rescue NSW
GDCP	Gosford City Centre Development Control Plan 2018
GFA	Gross floor Area
ICNG	Interim Construction Noise Guideline
Heritage	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
IPC	Independent Planning Commission
LEP	Local environmental plan
LGA	Local government area

Abbreviation	Definition
Minister	Minister for Planning
NCC	National Construction Code
NML	Noise management level
NVIA	Noise and Vibration Impact Assessment
PBP 2006	Planning for Bushfire Protection 2006
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
RFS	Rural Fire Services
RL	Reduced level
RMS Guide	<i>RMS Guide to Traffic Generating Developments 2002</i>
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Housing and Infrastructure
SEPP	State environmental planning policy
SEPP 55	State Environmental Planning Policy No.55 – Remediation of Land
Site	53-55 Donnison Street West, Gosford
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State significant development
SSI	State significant infrastructure
TfNSW	Transport for NSW
TIA	Transport Impact Assessment

Abbreviation	Definition
TPA	Traffic and Parking Assessment
ToA	Term of Approval
VIA	Visual Impact Assessment

Appendices

Appendix A – Summary of key amendments to the project

Since lodgement, some key aspects of the project have been amended at the request of the applicant via an amendment report.

A summary of the key amendments is provided in Table A below.

Table A | Key amendments

Aspect	Original project in EIS	Amended project
Overall building maximum height	24.45m	27.65m (includes new communal rooftop terrace with additional stairwell, lift, fixed outdoor furniture, and pergola structures)
Parking Spaces	38 car parking spaces 2 motorcycle parking spaces 4 bicycle parking spaces	31 car parking spaces 5 motorcycle parking spaces 9 bicycle parking spaces
Storage Cages	provided only for Units 01, 04, 102, 202, 301, 302, 303, 304	additional storage cages provided in the basement, replacing some original car parking spaces

Appendix B – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/da-221307-residential-flat-building-53-55-donnison-street-west-gosford>

Appendix C – Submissions and government agency advice

All submissions and government agency advice can be found here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/da-221307-residential-flat-building-53-55-donnison-street-west-gosford>

Appendix D – Consideration of Community Views

A summary of the key issues is provided in Table D below.

Table D | Key issues and how they have been considered

Issue	Consideration
Limited on-street car parking	<p>The Department notes that the proposal complies with the RMS Guide, as required under Objective 3J-1 of the ADG. The site's proximity to Gosford Railway Station and other public transport options supports reduced reliance on private vehicles. While there is a minor shortfall in visitor bicycle parking, the Department considers this acceptable given the urban context and available transport alternatives.</p> <p>Refer to Section 6.4.1.</p>
Traffic impact and pedestrian safety	<p>The Department considers that traffic generated by the proposal is minimal and will not adversely affect the operation of the surrounding road network. While the dual driveway arrangement exceeds GDCP controls, adequate sight splays are provided, and traffic is distributed between access points, reducing pedestrian conflict.</p> <p>Refer to Section 6.4.2 and 6.4.3.</p>
Adverse amenity impact to adjoining properties (including overshadowing, overlooking and loss of views)	<p>The Department notes that southern adjacent properties retain more than two hours of solar access during mid-winter, consistent with ADG requirements. The proposal incorporates compliant building separation, which mitigate privacy and visual impacts. The site is not located within any key view corridors, and the development is appropriately scaled and landscaped to sit comfortably within its context.</p> <p>Refer to Section 6.2.4 and 6.2.5.</p>
Construction impacts (including noise, traffic, waste management and pedestrian access)	<p>The Department acknowledges these concerns and has recommended conditions requiring CNVMP, CEMP and CTPMP. These plans will address noise mitigation, vehicle routes, delivery times, waste handling, and pedestrian access. Subject to these measures, construction impacts are considered manageable and consistent with standard practice for urban development.</p> <p>Refer to Section 6.7.</p>

Issue	Consideration
Built form (including height and density)	<p>The Department acknowledges that the proposal exceeds the maximum building height and FSR controls, but considers the variations reasonable given the site's context and surrounding existing developments. The proposal maintains appropriate setbacks, incorporates design elements to reduce bulk and scale, and aligns with the desired future character of the Gosford City Centre. The Department is satisfied that the built form will not result in unreasonable amenity or visual impacts.</p> <p>Refer to Sections 6.2.1, 6.2.2 and 6.2.3.</p>
Property values	<p>The Department notes that property value is not a planning matter for consideration under the planning framework. The assessment focuses on environmental, amenity, and strategic planning impacts, and concludes that the proposal will not result in unreasonable impacts to the local area.</p> <p>Refer to Section 6.7.</p>
Artificial lighting	<p>The Department considers the building orientation, setbacks, and landscaping help minimise light spill to adjoining properties. Subject to compliance with Australian Standard AS 4282:2019, the lighting is considered reasonable and unlikely to cause adverse amenity impacts.</p> <p>Refer to Section 6.7.</p>
Wind impact	<p>While no wind report was submitted, the Department notes the site is not located near Brisbane Water and is unlikely to experience wind tunnelling effects. The building's setbacks allow for adequate wind circulation, and similar developments in the area have not required wind assessments.</p> <p>Refer to Section 6.7.</p>

Appendix E – Statutory considerations

E1 Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in Table E1 below.

Table E1 | Objects of the EP&A Act and how they have been considered

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,	The proposal promotes social and economic welfare by increasing housing choice and diversity within the Gosford City Centre to address housing need. The proposal would not impact on any natural or other resources, agricultural land or natural areas.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal has been designed in accordance with ESD principles and the Department recommends conditions to ensure sustainable targets are met (Section E3 of this Appendix).
(c) to promote the orderly and economic use and development of land,	<p>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. The proposal will facilitate redevelopment of the site for residential purposes, the merits of which are considered in Section 6.</p> <p>The development of the site will also provide for 74 new jobs in total across the construction phase (assumed 15 months construction period) and operational phase (assumed 10 months operational period).</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>The proposal will not result in the loss of any existing affordable housing provisions in the locality.</p> <p>The proposal includes four 1 bedroom apartments in a highly accessible location, which is consistent with the aims of Council's Central Coast Affordable and Alternative Housing Strategy.</p>

Object	Consideration
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The project involves redevelopment of an existing urban site, which does not contain any significant habitat. The proposal would therefore not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not contain and is not located nearby any existing heritage items.
(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 E4 of this Appendix.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<p>The proposal has been designed to be accessible and includes 4 adaptable apartments and 2 liveable apartments.</p> <p>The application includes a BCA Report that concludes the development is capable of complying with the requirements of the relevant sections of the Act.</p>
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in Section 5, which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5, which included notifying adjoining landowners and displaying the proposal on the Department's website during the exhibition period.

E2 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 and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The applicant has confirmed that the proposal would meet BASIX Thermal Comfort Pass requirement, exceed the 40% Water requirement by 1% (achieving 41%) and comply with 40% Energy requirement.

In addition, to the above minimum sustainability targets, the development proposes a range of ESD initiatives and sustainability measures, including:

- an average NatHERs energy rating of 5.9 stars
- water efficient fixtures and fittings
- rainwater harvesting in a 10,000L rainwater tank for use in toilet flushing, washing machines, landscape irrigation and car washing purposes
- measures to reduce energy consumption through insulation to walls and roof and building design maximising natural light and ventilation.

Subject to conditions requiring that the minimum sustainability targets be met, the proposed development would be consistent with ESD principles and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

E3 EP&A Regulation

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

E4 Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

Since the submission of the DA, all NSW State Environmental Planning Policies (SEPPs) 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 submitted.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- State Environmental Planning Policy No.65 – Residential Apartment Development (SEPP 65)
- State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP)
- State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford SEPP).
- other relevant plans, policies or guidance:
 - Gosford City Centre Development Control Plan 2018 (GDCCP).

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

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

The application includes a BASIX report for the building demonstrating satisfactory compliance with BASIX targets. The BASIX scores of the building are:

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

The Department has recommended a condition of consent requiring the development to be constructed in accordance with the BASIX report (certificate reference: 1137691M_02).

State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The application includes a Detailed Site Investigation (DSI), which includes a desktop review, intrusive soil sampling, laboratory testing, and an assessment of the site's suitability for the proposed development.

The DSI confirms that the site has historically been used for residential purposes since at least the 1940s. The eastern portion of the site (No. 55) was previously occupied by a dwelling that was removed between 2003 and 2006, and subsequently used for construction staging between 2018 and 2019. The western portion (No. 53) contains a townhouse constructed in the early 1990s.

The investigation identified potential environmental concerns, including:

- Possible importation of fill material containing contaminants;
- Potential heavy metal and asbestos contamination from previous and existing structures.

Eight boreholes were excavated across the site in a systematic pattern, with twelve samples (including QA/QC) sent to a NATA-accredited laboratory for analysis. The results indicated that most samples were below relevant assessment criteria, except for sample BH5-0.1m, which contained chrysotile asbestos fragments and exceeded the EIL and HIL thresholds for lead, copper, and zinc.

Based on the analysis, the DSI concluded that the site does present a risk to human health and the environment. However, the site can be made suitable for the proposed development, subject to the following recommendations:

- Completion of a hazardous building materials survey (HazMat survey) prior to demolition to identify and manage asbestos-containing materials and lead-based paints
- Asbestos clearance inspection and validation of soils following demolition and removal of debris and vegetation
- Remediation works at BH5-0.1m to address identified contamination
- Assessment of any imported or exported material in accordance with NSW EPA Waste Classification Guidelines to ensure suitability for intended use.

The DSI was prepared in accordance with current NSW EPA guidelines. While the level of contamination is considered manageable, the report notes the possibility of further contaminated soils between sampling locations.

The Department is satisfied that the contamination risks have been appropriately identified and can be mitigated through the recommended measures. Subject to conditions requiring implementation of these recommendations, the site is considered suitable for the proposed residential development in accordance with SEPP 55.

Draft Remediation of Land State Environmental Planning Policy

The Explanation of Intended Effect for a Draft Remediation of Land SEPP was exhibited until 13 April 2018. The Draft Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposal has demonstrated it can be suitable for the site, subject to future DA(s), the Department considers it would be consistent with the intended effect of the Remediation of Land SEPP.

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

State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) seeks to improve the design quality of residential developments and encourage innovative design. The Department has assessed the proposal against the SEPP 65 aims / objectives at **Error! Reference source not found..**

The ADG is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments. The Department has assessed the proposal against the requirements of the ADG at **Error! Reference source not found..**

Table E2 | Consideration of the aims and objectives of SEPP 65

SEPP 65 Principle	Department's Response
1. Context and Neighbourhood Character	The development is located within a 'residential area' of the Gosford City Centre and is consistent in its form and function with the desired future character of this part of Gosford. The Department has considered the height, scale and design of the development at Section 6 and concludes the proposal responds to the existing and future context of the site and surrounding area and maintains adequate levels of amenity for existing neighbouring properties.
2. Built Form and Scale	The height and scale of the development is appropriate in this location and context and is of a similar height and scale as the other new nearby developments within this part of the Gosford City Centre. The development is considered to achieve design excellence as discussed in Section 6 . The development would not have any heritage impacts or unreasonable amenity impacts.
3. Density	The development is compatible with the emerging character of the Gosford City Centre. The density of the development has strategic merit and the proposal has demonstrated that it would not have unreasonable built form, traffic or amenity impacts (Section 6).

SEPP 65 Principle	Department's Response
4. Sustainability	The development has been designed in accordance with ESD principles and the Department has recommended conditions requiring the development achieve minimum sustainability targets.
5. Landscape	Hard and soft landscaping, including trees, is proposed around the development. The Department considers the landscaping achieves a high standard of design and forms an integral part of the development (Section 6.5).
6. Amenity	The proposal generally complies with the requirements of the ADG (Error! Reference source not found.) and the GDCP (Error! Reference source not found.). The proposal has demonstrated that the development would achieve satisfactory residential amenity, including satisfactory levels of internal layout amenity, solar access, natural ventilation and privacy. Minor non-compliances with the ADG recommended standards are considered justified (Section 6).
7. Safety	The development would provide for passive and active surveillance of the surrounding area and includes appropriate security measures to ensure crime prevention through design, subject to the recommended conditions discussed in Section 6.7.
8. Housing Diversity and Social Interaction	The development will enhance housing supply and choice by providing a mix of apartment types to cater to a range of household needs. This includes the provision of adaptable (accessible) and liveable apartments, contributing to inclusive and diverse housing options. The inclusion of accessible housing supports residents with varying mobility needs and promotes social equity. Overall, the development will aid in creating a mixed and balanced community.
9. Architectural Expression	The development includes appropriate building articulation, modulation and setbacks to complement the desired character for the site and surrounding area. The palette of materials and finishes would appropriately articulate the building form. The architectural detail responds appropriately to the site's opportunities and constraints and would provide for a visually interesting contemporary building (Section 6).

The ADG sets out a number of guidelines for residential apartment development to ensure apartments are provided with an appropriate level of residential amenity. An assessment of the proposal against the ADG best practice design principles is provided at Error! Reference source not found..

Table E3 | Assessment of the proposal against the ADG requirements

ADG – Relevant Criteria	Proposal	Complies
2E Building Depth		
<ul style="list-style-type: none"> • Use a range of building depth of 12-18m from glass line to glass line • Where greater depths are proposed demonstrate layouts can achieve acceptable amenity 	<ul style="list-style-type: none"> • Building depth of approximately 17m • The application has demonstrated that a high level of internal and external amenity would be provided. 	Yes
3B Orientation		
<ul style="list-style-type: none"> • Building type/layouts respond to streetscape, optimising solar access • Overshadowing of neighbouring properties is minimised 	<ul style="list-style-type: none"> • Direct access is provided from the street and solar access is maximised. • Overshadowing is minimised. 	Yes
3C Public Domain Interface		
<ul style="list-style-type: none"> • Transition between public/private without compromising security • Amenity of public domain is retained and enhanced 	<ul style="list-style-type: none"> • Active frontage is provided and the entrance lobby is easily identifiable. • Landscaping is provided between the building and adjoining streets. 	Yes
3D Communal and Public Open Space		
<ul style="list-style-type: none"> • minimum 25% of the site • minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter 	<ul style="list-style-type: none"> • Communal open space is provided at both the ground floor on the eastern side and on the rooftop of the development. Together, they constitute 294 m², which is equivalent to 25.9% of the site area. • The communal open space receives direct sunlight in mid-winter for more than 2 hours. 	Yes
3E Deep Soil Zones		
<ul style="list-style-type: none"> • For sites with an area of 650sqm - 1,500sqm, a minimum of 7% to 10% of the site should provide for deep soil zone(s) 	The proposal includes 123m ² (10.6%) deep soil area.	Yes
3F Visual Privacy		

ADG – Relevant Criteria			Proposal	Complies
<ul style="list-style-type: none">Minimum building separation distance:			<ul style="list-style-type: none">The rear elevation is setback from the southern boundary shared with 2 Wilhelmina Street by 6m up to 4 storeys and 9m up to 8 storeys.The side elevation is located 6m away from the eastern boundary shared with 57 Donnison Street West, a single storey dwelling house.	Yes
Height	Habitable rooms and balconies	Non-habitable rooms		
Up to 12m (4 storeys)	6m	3m		
Up to 25m (5-8 storeys)	9m	4.5m		
Over 25m (9+ storeys)	12m	6m		

3G Pedestrian Access to Entries

<ul style="list-style-type: none"> Building entries and pedestrian access connects to and addresses the public domain Access, entries and pathways are accessible and easy to identify Large sites provide pedestrian links for access to streets and connection to destinations 	<ul style="list-style-type: none"> Entries are well located, designed and easily identifiable. Access, entries and pathways are accessible. 	Yes
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3H Vehicle Access

Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	<ul style="list-style-type: none"> Vehicle access to the site is provided with appropriate sight lines. The carpark entries are well designed. 	Yes
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3J Bicycle and Car Parking

<ul style="list-style-type: none"> Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less Parking is available for other modes of transport Car parking design access is safe and secure Visual and environmental impacts of underground, at grade or above ground car parking are minimised 	<ul style="list-style-type: none"> 9 bicycle parking spaces are proposed for residents and visitors (shortfall of one bicycle space). 31 car parking spaces are provided, which the Department concludes is acceptable (Section 6.4.1) Due to the slope of the site, above ground car parking would be visible along Batley Street. However, this would be appropriately screened by landscaping. 	<p>Considered acceptable (red)</p> <p>Refer to Section 6.4.1</p>
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4A Solar and Daylight Access

Minimum of 70% of apartments' living rooms	20 of the 26 apartments (77%) receive 3	Yes
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ADG – Relevant Criteria	Proposal	Complies
<p>and private open spaces receive 3hrs direct sunlight between 9am-3pm in mid-winter (for sites outside the Sydney Metropolitan Area)</p> <ul style="list-style-type: none"> • Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter • Shading and glare control is provided 	<p>hours of direct sunlight during mid-winter.</p> <ul style="list-style-type: none"> • All apartments receive direct sunlight in mid-winter. • Balconies and metal screens provide passive solar protection to apartments. 	

4B Natural Ventilation

<ul style="list-style-type: none"> • At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) • Overall depth of a cross-over or cross-through apartment does not exceed 18m 	<p>26 of the 26 apartments (100%) achieve natural cross ventilation.</p>	<p>Yes</p>
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4C Ceiling Heights

<ul style="list-style-type: none"> • Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <ul style="list-style-type: none"> - Habitable rooms 2.7m - Non-habitable rooms 2.4m 	<p>Proposed minimum habitable ceiling heights and non-habitable ceiling heights comply with the ADG recommended minimums.</p>	<p>Yes</p>
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4D Apartment Size and Layout

<ul style="list-style-type: none"> • Minimum apartment sizes <ul style="list-style-type: none"> - Studio 35sqm - 1 bedroom 50 m² - 2 bedroom 70 m² - 3 bedroom 90 m² • Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms • Habitable room depths are limited to 2.5 x the ceiling height • In open plan layouts the maximum habitable room depth is 8m from a window • Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m • Bedrooms have a minimum dimension of 3 m (excluding wardrobes) • Living rooms have a minimum width of: 	<ul style="list-style-type: none"> • The proposed apartments sizes include: <ul style="list-style-type: none"> - 1 bedroom – 57 to 58 m² - 2 bedroom – 78 to 90 m² - 3 bedroom – 105 to 130 m² • Each habitable room includes a window • All habitable room depths are less than 2.5 x ceiling height (6.75m) • The depth of open plan kitchen/living rooms are all habitable less than 8m from a window • All main bedrooms are greater than 10m² and secondary bedrooms are greater than 9m² • All bedrooms exceed the 3m dimension requirement • All living rooms exceed the minimum width requirements • No cross-over / through apartments 	<p>Yes</p>
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ADG – Relevant Criteria	Proposal	Complies
<ul style="list-style-type: none"> - 3.6 m for studio and one bed - 4 m for 2 and 3 bed • The width of cross-over or cross-through apartments are at least 4 m internally. 	proposed	

4E Private Open Space and Balconies

<ul style="list-style-type: none"> • Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> - 1 bedroom min area 8sqm min depth 2m - 2 bedroom min area 10sqm min depth 2m - 3 bedroom min area 12sqm min depth 2.4m • For apartments at ground floor level or similar, private open space must have a minimum area of 15sqm and depth of 3sqm • Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building • Primary open space and balconies maximises safety 	<ul style="list-style-type: none"> • Balconies are provided to all apartments, including: <ul style="list-style-type: none"> - 1 bedroom – 9m² -11m², with a minimum depth of 2m - 2 bedroom – 10m² -20m², with a minimum depth of 1.8m (Unit 402 and 502) - 3 bedroom – 12m² to 31m², with a minimum depth of 2.2m (Unit 103 and 203) The Department is satisfied that balconies are of a sufficient size for function and resident amenity • Ground floor terraces are between 16-20m², with a minimum depth of 2.2m – 2.4m (Unit 01 and 04) The Department is satisfied that ground floor terraces are of a sufficient size for function and resident amenity • All balconies are integrated into the architectural form/detail of the building. • Balcony design avoids opportunities for climbing and falls. 	<p>Considered acceptable (red)</p> <p>Refer to Section 6.3.1</p>
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4F Common Circulation and Spaces

<ul style="list-style-type: none"> • Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. • For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 • Natural ventilation is provided to all common circulation spaces where possible • Common circulation spaces provide for interaction between residents 	<ul style="list-style-type: none"> • Maximum number of apartments on a floor off a single circulation core is 4. • Number of apartments per lift is 26. • The communal corridors have access to a central void for natural light and ventilation. • Communal corridors and the ground floor lobby are appropriately sized. • No unreasonably long corridors are proposed. 	Yes
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ADG – Relevant Criteria	Proposal	Complies
<ul style="list-style-type: none"> Longer corridors are articulated 		
4G Storage		
<ul style="list-style-type: none"> The following storage is required (with at least 50% located within the apartment): <ul style="list-style-type: none"> Studio apartments 4m³ 1 bedroom apartments 6 m³ 2 bedroom apartments 8 m³ 3 bedroom apartments 10 m³ 	All apartments exceed the minimum storage requirements	Yes
4H Acoustic Privacy and 4J Noise and Pollution		
<ul style="list-style-type: none"> Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. Noise impacts are mitigated through internal apartment layout and acoustic treatments. 	Apartments are appropriately laid out to prevent noise transfer.	Yes
4K Apartment Mix		
<ul style="list-style-type: none"> Provision of a range of apartment types and sizes Apartment mix is distributed to suitable locations within the building. 	<ul style="list-style-type: none"> The proposal includes a range of apartments sizes, including: <ul style="list-style-type: none"> 4x1 bedroom apartments 16x2 bedroom apartments 6x3 bedroom apartments 	Yes
4L Ground Floor Apartments		
<ul style="list-style-type: none"> Street frontage activity is maximised where ground floor apartments are located Design of ground floor apartments delivers amenity and safety for residents 	<ul style="list-style-type: none"> Street frontage is maximised The ground floor apartments are setback from the street and include terraces ensuring amenity and safety for residents 	Yes
4M Facades		
<ul style="list-style-type: none"> Building facades provide visual interest along the street while respecting the character of the local area Building functions are expressed by the facade 	<ul style="list-style-type: none"> The development is of a high standard of design and appearance and achieves design excellence (Section 6.1). The building design has been appropriately expressed to indicate a residential development. 	Yes
4N Roof Design		
<ul style="list-style-type: none"> Roof treatments are integrated into the building design and positively respond to the 	<ul style="list-style-type: none"> The proposed inclusion of a flat roof with thin-profile parapet is consistent with the 	Yes

ADG – Relevant Criteria	Proposal	Complies
<p>street</p> <ul style="list-style-type: none"> • Opportunities to use roof space for accommodation and open space is maximised • Roof design includes sustainability features 	<p>overall architectural design of the building.</p> <ul style="list-style-type: none"> • A roof communal garden including hard and soft landscaping has been provided for residents and their guests. 	

4O Landscape Design and 4P Planting on Structures

<ul style="list-style-type: none"> • Landscape design is viable and sustainable • Landscape design contributes to streetscape and amenity • Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance) • Plant growth is optimised with appropriate selection and maintenance • Building design includes opportunity for planting on structure 	<ul style="list-style-type: none"> • The site includes extensive landscaping, which would be viable and sustainable and contribute to the streetscape and amenity. • The proposed planting species list is largely comprised of native plants. • The roof includes a roof garden with landscaping. 	Yes
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4Q Universal Design

<ul style="list-style-type: none"> • 20% of apartments meet the Universal Design Guidelines. • A variety of apartments with adaptable designs are provided • Apartment layouts are flexible and accommodate a range of lifestyle needs 	<ul style="list-style-type: none"> • Six (23%) apartments meet the Universal Design criteria. • Four (15%) apartments are adaptable. • Apartment layouts are regular in shape and flexible to accommodate a range of lifestyles. 	Yes
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4T Awning and Signage

<ul style="list-style-type: none"> • Awnings are well located and complement and integrate with the building • Signage responds to the context and design streetscape character 	<ul style="list-style-type: none"> • No awnings are proposed • This application does not include signage. 	N/A
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4U Energy Efficiency

<ul style="list-style-type: none"> • Development incorporates passive environmental and solar design • Adequate natural ventilation minimises the need for mechanical ventilation 	<p>The development has been designed in accordance with ESD principles and the Department has recommended conditions requiring the development achieve appropriate sustainability targets (Appendix E (E3)).</p>	Yes
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4V Water Management and Conservation

<ul style="list-style-type: none"> • Potable water use is minimised 	<p>The site is not identified as being subject to</p>	Yes
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ADG – Relevant Criteria	Proposal	Complies
<ul style="list-style-type: none"> Urban stormwater is treated on site before being discharged to receiving waters Flood management systems are integrated into the site design 	<p>flooding.</p> <p>Water efficient fittings and fixtures and a rainwater tank for use in toilet flushing, washing machines, landscape irrigation and car washing is proposed.</p> <p>An onsite detention tank with stormwater filters is also proposed to treat stormwater prior to being discharged to Council's stormwater system</p>	

4W Waste Management

<ul style="list-style-type: none"> Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity Domestic waste is minimised by providing safe and convenient source separation and recycling 	<p>Waste storage is provided at basement level 2 and will not be visible from the street.</p>	Yes
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4X Building Maintenance

<ul style="list-style-type: none"> Building design detail provides protection from weathering Systems and access enable ease of maintenance Material selection reduced ongoing maintenance cost 	<ul style="list-style-type: none"> The building has been appropriately designed to allow ease of maintenance. The materials are robust. 	Yes
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State Environmental Planning Policy (Coastal Management) 2018

The Coastal SEPP gives effect to the objectives of the Coastal Management Act 2016 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 these criteria when assessing proposals for development that fall within one or more of the mapped areas.

The Coastal SEPP identifies the southern edges of the site are located within the Coastal Use Area. An assessment of the proposal against the requirements under Divisions 4 'Coastal Use' and Division 5 'General' of the Coastal SEPP is provided at Error! Reference source not found..

Table E4 | Consideration of Division 3 to 5 of the Coastal SEPP

Coastal Management SEPP	Department Comment / Assessment
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Clause 14 Development on land within the 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 proposal would not impact on access to any existing foreshore, beach or headland areas. The site is not located near Brisbane Water and would not impede access.
ii. overshadowing, wind funnelling and the loss of views from public places to foreshores,	The site is not located near Brisbane Water and would not result in overshadowing, public view loss towards the water or have wind funnelling impacts.
iii. the visual amenity and scenic qualities of the coast, including coastal headlands,	The visual amenity of the local coastal zone and its surroundings will not be impacted on by this proposal. The site is not located near the Brisbane Water foreshore and the proposed height and scale of the development is considered acceptable, as discussed at Section 6.2.5. The proposal would not adversely interrupt the appreciation of Gosford's valley setting framed by hills.
iv. Aboriginal cultural heritage, practices and places	The Department has considered Aboriginal cultural heritage at Section 6.7 and concludes the proposal would not have any adverse impacts in this regard.
v. cultural and built environment heritage, and	The site is not located near any heritage items and therefore would not have an adverse heritage impacts.

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

i. the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	The site is located within an existing urban R1 general residential zoned site and would not have any adverse impacts on the coastal management area. The proposed use of the site for residential use would not give rise to adverse impacts on the existing coastal use area.
ii. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	
iii. if that impact cannot be	

Coastal Management SEPP	Department Comment / Assessment
minimised—the development will be managed to mitigate that impact, and	
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The Department has considered the height, scale and impact of the proposed development at Section 6.2 and concludes the proposal is acceptable and would achieve a high standard of design and appearance.
Clause 15 Development in coastal zone generally – development not to increase risk of coastal hazards	
Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The proposal involves the redevelopment of an existing urban R1 general residential zoned site. The proposal would not increase the risk of coastal hazards on the site or other surrounding land.

State Environmental Planning Policy (Gosford City Centre) 2018

The Gosford SEPP was gazetted in October 2018 and seeks to promote the economic and social revitalisation of Gosford City Centre. In addition, it aims to seeks to strengthen Gosford’s regional position, enhance its vitality, identity and diversity, promote employment, residential, recreational and tourism opportunities, manage natural and man-made resources, protect and enhance the environment, preserve solar access to open spaces, create a mixed-use place and pedestrian links and ensure developments exhibit design excellence.

The Department has considered the relevant provisions of the Gosford SEPP at Table E5 and concludes the development is consistent with the Gosford SEPP.

Table E5 | Consideration of the relevant clauses of the Gosford SEPP

Clause	Control	Department’s consideration	Complies
Clause 2.1 Land use zones	The proposed development is on land zoned R1 General Residential.	The proposal is permissible with consent and meets the objectives of the zone.	Yes
Clause 2.7 Demolition	The demolition of a building may be carried out only with development consent.	Development consent is sought for the demolition of the existing dwelling house on the site.	Yes

Clause	Control	Department's consideration	Complies
Clause 2.7 Height of buildings	A height of buildings development standard of 18m applies to the site.	<p>The maximum height of the building is 27.65m and exceeds the maximum Gosford SEPP height of buildings control for the site.</p> <p>The Department is satisfied the development includes measures mitigating its height and that it complements surrounding development and comparable in height with nearby existing RFBs.</p>	No (red) refer to Section 6.2.1 and Appendix F
Clause 4.4 Floor space ratio	<p>An FSR development standard of 2:1 applies to the site.</p> <p>However, notwithstanding this, in accordance with City Centre requirements under clause 8.13, the site has a FSR of 1.5:1.</p>	<p>The proposed FSR is 2.15:1 and exceeds the maximum Gosford SEPP FSR control for the site.</p> <p>The Department is satisfied the development does not unreasonably impact and indeed complements surrounding development.'</p>	No (red) refer to Section 6.2.2 and Appendix F
Clause 4.6 Exception to development standards	Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	<p>The Application has submitted variation requests relating to height of buildings (clause 4.3) and FSR (clause 4.4) under the provisions of clause 4.6.</p> <p>The Department has considered the variations at Section 6.2 and Appendix F.</p>	Yes
Clause 5.10 Heritage conservation	To conserve the environmental heritage of the City of Gosford, the significance of heritage items and heritage conservation areas, including associated fabric, settings and views, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.	There are no heritage items in the vicinity of the site. The Department concludes the development would not have an adverse impact on heritage (Section 6.7).	Yes
Clause 6.1 Acid sulfate	The site is mapped as being located on Class 5 acid sulfate soils. Development should not disturb,	The application includes a DSI, which concludes the site does	Yes

Clause	Control	Department's consideration	Complies
soils	expose or drain acid sulfate soils and cause environmental damage.	present a risk to human health and the environment, but the contamination can be identified and mitigated through the recommended measures. Subject to the recommended conditions, the Department -considers the site is suitable for the proposed development (Appendix E)	
Clause 8.3 Design Excellence	All developments must exhibit design excellence	The Department's has considered the development at Section 6.1 and concludes it exhibits design excellence	Yes
	In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters –		
	a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	As discussed at Section 6.1 , the Department has concluded the proposal demonstrates a high standard of architectural design through its considered use of materials, articulation, and detailing that respond appropriately to the building type and its urban context. The design incorporates a well-resolved façade treatment and material variation that contribute to visual interest and reflect the intended character of the precinct.	Yes
	b) whether the form and external appearance of the development will improve the quality and amenity of the public domain	As discussed at Section 6.1 and 6.2 , the Department has concluded the form and external appearance of the development positively contribute to the public domain by enhancing the streetscape and pedestrian experience. The	Yes

Clause	Control	Department's consideration	Complies
		proposal includes active frontages, landscaping, and a scale that aligns with the desired future character, thereby improving the amenity and visual quality.	
	c) whether the development is consistent with the objectives of clauses 8.10 and 8.11	The proposal is not located within any key vistas or views. The proposal is located a considerable distance away from key open spaces and therefore would not result in any overshadowing impacts.	Yes
	d) any relevant requirements of applicable development control plans	The Department has assessed the proposal against the requirements of the GDCP (Error! Reference source not found.).	Yes
	e) i) the suitability of the land for development	The development is permissible with consent, the height and FSR non-compliances are acceptable and site contamination can be managed and/or mitigated	Yes
	e) ii) existing and proposed uses and use mix	The site is currently used for as a residential dwelling house. The development proposes residential (apartment) use on the site, which is permissible with consent and consistent with the existing and evolving urban character of this part of the Gosford City Centre.	Yes
	e) iii) heritage issues and streetscape constraints	The proposal would not result in any adverse heritage impacts. The building would provide for articulated and high-quality street frontages.	Yes

Clause	Control	Department's consideration	Complies
	e) iv) the relationship of development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form	As discussed at Section 6.2.3 the Department has concluded the development has an appropriate relationship to existing and future adjoining developments	Yes
	e) v) bulk, massing and modulation of buildings	As discussed at Section 6.1 , the Department has concluded the bulk, massing and modulation of the proposal is acceptable and overall, the development achieves design excellence.	Yes
	e) vi) street frontages heights	The design of the building presents a human scale street wall up to second floor level. The levels above are slightly setback to emphasise the street-wall effect. As discussed at Section 6.2.1 the Department concludes the proposal achieves a high standard of design and appearance.	Yes
	e) vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity	As discussed at Appendix E (E2) the proposal has been designed in accordance with ESD principles As discussed at Section 6.2.4 the proposal would not result in any adverse overshadowing impacts. As discussed at Section 6.7 , wind and reflectivity impacts can be managed or mitigated subject to conditions.	Yes
	e) viii) the achievement of the principles of ecologically sustainable development	As discussed at Appendix E (E2) the development has been designed in accordance with ESD principles.	Yes

Clause	Control	Department's consideration	Complies
	e) ix) pedestrian, cycle, vehicular and service access, circulation and requirements	As discussed at Section 6.4 the proposal provides for appropriate car, bicycle and service vehicle access.	Yes
	e) x) the impact on, and any proposed improvements to, the public domain	The proposal includes hard and soft landscaping around the ground floor frontages to adjoining streets and public domain. This approach softens the appearance of the development and integrates it appropriately into the surrounding public domain.	Yes
Clause 8.11 Key vistas and new view corridors	To protect and enhance key vistas and view corridors in Gosford City Centre.	The development is not located within and identified key views or street vistas under the GDCP.	Yes
Clause 8.13 Floor space ratio in Zone R1	Despite clause 4.4, an FSR of 1.5:1 applies to the site as: - it has a street frontage >24m; - it is a site >1,000m ² and <1,500m ² ; clause 4.4 FSR is at least 2:1 and <2.25:1.	The proposed FSR is 2.15:1 and exceeds the maximum Gosford SEPP FSR control for the site. The Department is satisfied the development does not unreasonably impact and indeed complements surrounding development .	No refer to Section 6.2.2 and Appendix F

Gosford City Centre Development Control Plan 2018

The Department has considered the proposal against the relevant controls and guidelines within the GDCP at Table E6.

Table E6 | Compliance with the relevant GDCP objectives and controls

GDCP objectives and controls	Department's consideration	Complies
Section 4.1 – Pedestrian Network		
Objectives	Objectives	Yes

GDCP objectives and controls	Department's consideration	Complies
<p>A. Provide high pedestrian comfort for pedestrian amenity and safety.</p> <p>B. Retain and enhance existing through site links.</p> <p>Controls</p> <p>6. Reference should be made to relevant guidelines in Austroads Guides, Australian Standards, NSW Government Planning Guidelines for Walking and Cycling and NSW Roads and Maritime Services technical directions.</p>	<p>A. The proposal includes new paths linking to pedestrian entrances, which are of appropriate widths and pedestrian comfort and safety.</p> <p>B. The proposal maintains existing surrounding footpaths</p> <p>Controls</p> <p>6. The Department has recommended conditions requiring compliance with relevant Australian Standards.</p>	

Section 4.4 – Views and Vistas

<p>Objectives</p> <p>A. Enhance Gosford's unique identity and sense of place that is created by the current significant views and vistas, particularly those identified in Figure 4.</p> <p>B. Protect Gosford's character of visual openness with the surrounding landscape.</p>	<p>Objectives</p> <p>A. The proposal is not located within the view-cones identified in the GDCP Figure 4.</p> <p>B. The development achieves design excellence and is setback from site boundaries to ensure the character and visual openness of Gosford is maintained (Section 6.2.5).</p>	Yes
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Section 4.5.1 – Vehicle Footpath Crossings

<p>Objectives</p> <p>A. To make vehicle access to buildings more compatible with pedestrian movements.</p> <p>B. Reduce the impact of vehicular access on the public domain.</p> <p>Controls</p> <p>Location of Vehicle Access</p> <p>1. One vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.</p> <p>2. Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian activity.</p>	<p>Objectives</p> <p>A. Two vehicular entrance points are provided, off the side street.</p> <p>B. The design has limited impacts on the public domain.</p> <p>Controls</p> <p>Location of Vehicle Access</p> <p>1. Two vehicular access points are proposed, off the side street.</p> <p>2. See response to control 1 above.</p> <p>3. See response to control 1 above.</p> <p>5. Proposed double crossing to access basement 2, visitor's spaces and the loading bay has a width of 9.2m; and the proposed double crossing to access basement 1 has a width of 6m.</p>	Considered acceptable (red) - refer to Section 6.4.3
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GDCP objectives and controls	Department's consideration	Complies
<p>3. Where practicable, adjoining buildings are to share or amalgamate vehicle access points.</p> <p>5. Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 2.7 metres over the footpath, and perpendicular to the kerb alignment. In exceptional circumstances, a double lane crossing with a maximum width of 5.4 metres may be permitted for safety reasons.</p>	<p>The vehicle access points and widths account for the steep slope across the site, appropriate building setbacks, and car and waste collection vehicle movements. The Department is satisfied the driveways allow sightlines and crossing opportunities for pedestrians, including for the size and the low traffic generating nature of the development.</p>	

Section 5.2.1 – Street Setbacks and Rear Setbacks

<p>Objectives</p> <p>A. Provide for public amenity of the street including:</p> <ul style="list-style-type: none"> landscape and deep soil zones in appropriate locations, to establish the desired spatial proportions of the street and define the street edge to provide for high quality pedestrian amenity and activity. <p>B. Enhance the setting and street address of the building.</p> <p>C. Provide front setbacks appropriate to building function and character, including entries and setbacks for ground floor apartments.</p> <p>D. Create a transition between public and private space.</p> <p>E. Maintain sun access to the public domain.</p> <p>Controls</p> <p>5. Building separation and visual privacy requirements of SEPP65 and the Apartment Design Guide will also apply.</p>	<p>Objectives</p> <p>A. The development includes areas of deep soil within the through site link, defines the street edge and provides for high quality pedestrian amenity and activated frontages.</p> <p>B. Refer to response to Objective A above</p> <p>C. The ground floor elevations include apartments appropriate to the character of the surrounding residential area. The building is setback from the street and includes terrace/landscaping transitional spaces.</p> <p>D. See response to Objective C above.</p> <p>E. The proposal would not adversely overshadow the public domain.</p> <p>Controls</p> <p>5. The proposal complies with the ADG recommended building separation and visual privacy standards.</p>	<p>Yes</p>
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Section 5.2.2 – Street Wall Heights and Upper Podium

<p>Objectives</p> <p>A. Achieve comfortable street environments for pedestrians in terms of</p>	<p>Objectives</p> <p>A. Refer to Section 5.2.1 response to Objective A.</p>	<p>Considered acceptable</p>
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GDCP objectives and controls	Department's consideration	Complies
<p>daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.</p> <p>B. Reinforce the intrinsic character and scale of existing and heritage buildings in Gosford City Centre whilst also enable flexibility in contemporary building design.</p> <p>C. Protect solar access to key streets and public spaces.</p> <p>D. Encourage a strong architectural expression.</p> <p>E. Provide for views of the hillsides from key locations.</p> <p>F. Achieve a consistent and strong building line where desirable for urban design and streetscape reasons.</p> <p>Controls</p> <p>1. The street frontage height of buildings must comply with the minimum and maximum heights above mean ground level on the street front as shown in Figure 8 (being minimum 3m setback up to maximum 12m street wall height, for this site)</p> <p>2. All built form above the street wall height should be set back a minimum of 3m from the building line of the street wall frontage.</p>	<p>B. The proposal would not have an adverse impact on any heritage items.</p> <p>C. The proposal would not result in adverse overshadowing of public domain.</p> <p>D. The development achieves design excellence (Section 6.1).</p> <p>E. The development would not adversely obscure general views towards President Hill.</p> <p>F. Refer to response to Objective A above</p> <p>Controls</p> <p>1. Street wall heights of between approximately 9m and 14.6m are proposed, part of the street wall facing Batley Street is above 12m permitted. This variation is partly due to the site's slope, and also reflects the intended four-storey built form along Batley Street.</p> <p>2. Built form above the street wall height is setback 3m from the street wall building line.</p>	(red) - refer to Section 6.2.1

Section 5.2.3 – Active Street Frontages and Street Address

Objectives	Objectives	Yes
<p>A. Ensure frontages are pedestrian oriented and of high quality design to add vitality to streets.</p> <p>C. To promote pedestrian activity and the vibrancy of Gosford.</p> <p>D. To provide excellent pedestrian experience in the public domain.</p> <p>E. To promote active and safe streets in the Gosford City Centre.</p> <p>F. To provide buildings with clear address and direct access to the street.</p>	<p>A. The proposal includes the provision of apartments at ground floor level, which ensure ground floor frontages are appropriately activated.</p> <p>C-F Refer to response to Objective A.</p>	

GDCP objectives and controls	Department's consideration	Complies
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Section 5.2.4 – Building Setbacks and Separation

<p>Objectives</p> <p>A. To provide good amenity for building occupants including daylight, outlook, visual privacy, acoustic amenity, ventilation, wind mitigation and view sharing.</p> <p>B. To achieve usable and pleasant streets and public domain areas.</p> <p>C. To maximise view corridors and maintain Gosford's character of visual openness with the surrounding landscape.</p> <p>Controls</p> <p>1. Setbacks for residential uses must be compliant with the Apartment Design Guide.</p>	<p>Objectives</p> <p>A. The development provides for a high standard of future residential amenity in terms of daylight, outlook, privacy, noise, ventilation and wind mitigation.</p> <p>B. The integrated built form and landscaping of the development achieves design excellence.</p> <p>C. The development includes setbacks and maintains the open character of Gosford.</p> <p>Controls</p> <p>1. The development complies with the ADG setback requirements</p>	Yes
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Section 5.2.6 – Fine grain frontages

<p>Objectives</p> <p>A. Ensure that development responds to the human scale.</p> <p>C. To respond to the character and grain of existing buildings at street level (even when taller buildings are provided).</p> <p>D. Provide a variety of architectural character.</p> <p>E. Ensure that the scale, modulation and façade articulation of development responds to its context.</p> <p>Controls</p> <p>1. The maximum continuous street frontage length of an individual podium (below street wall height) is 40m. Where a podium form exceeds this length it will be visually broken into two or more podium forms.</p>	<p>Objectives</p> <p>A. The development provides for a human scale of development.</p> <p>C. The character and grain of the development is consistent with other nearby residential apartment buildings.</p> <p>D. The development is highly articulated and modulated and includes appropriate materials.</p> <p>E. As above.</p> <p>Controls</p> <p>1. The maximum continuous street frontage is to Batley Street (30.8m).</p>	Yes
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Section 5.2.9 - Above ground car parking

<p>Objectives</p> <p>A. To ensure excellent streetscape activation</p>	<p>Objectives</p> <p>A. The proposal appropriately activates the street. Car parking is unavoidably</p>	Yes
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GDCP objectives and controls	Department's consideration	Complies
<p>B. To minimise the visual impact of parking</p> <p>C. To ensure excellent amenity, activation and use in building areas that have a visual relationship to the street</p> <p>Controls</p> <ol style="list-style-type: none"> 1. Car parking is to be provided wholly underground unless the determining authority is satisfied unique site conditions prevent achievement of parking in basements. 2. On-site car parking provided at or above ground level is to have a minimum floor to floor height of over 3.5m so it can be adapted to another use in the future. 3. On-site parking is to be accommodated underground, or otherwise fully integrated into the design of the building. 4. Any on site above ground parking should be 'sleeved' by a minimum 8m depth activation (commercial or residential use) facing any street. 	<p>partially above ground fronting Batley Street due to the steep slope of the site.</p> <p>B. All above ground car parking has been screened from view by landscaping and architectural treatments.</p> <p>C. Refer to response to Objectives A and B.</p> <p>Controls</p> <ol style="list-style-type: none"> 1. The proposal includes car parking partly above ground level, which is considered acceptable given the circumstances of the site and would not have an adverse design or amenity impacts. 2. The proposal provides for appropriate floor to ceiling heights. 3. The above ground car parking is screened by landscaping and architectural treatments. 4. Refer to response to Control 3. 	

Section 5.2.11 - Internal amenity

<p>Objectives</p> <p>A. To ensure high quality internal amenity for all uses in Gosford.</p> <p>Controls</p> <ol style="list-style-type: none"> 1. Building depth, deep soil requirements, communal open space and planting on structures should follow the guidance provided in the Apartment Design Guide that accompanies SEPP 65. 3. Development applications are to demonstrate compliance with Apartment Design Guide sun access for residential uses. 	<p>Objectives</p> <p>A. The Department has considered the internal amenity of the development at Appendix E (E4) and concludes the development provides for a high standard of internal amenity.</p> <p>Controls</p> <ol style="list-style-type: none"> 1. The Department has considered the ADG requirements within the preceding section of this Appendix and concludes the proposal generally complies. Minor non-compliances are considered acceptable. 3. The development complies with ADG solar access requirements. 	Yes
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Section 5.2.12 – Building Services and the Streetscape

Objectives	Objectives	Yes
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GDCP objectives and controls	Department's consideration	Complies
<p>A. To ensure a high quality streetscape.</p> <p>B. To minimise intrusion of building services on the public domain.</p> <p>Controls</p> <p>2. Building entries, building services including fire services and parking and servicing locations should all be treated with high quality materials.</p>	<p>A. The podium provides for a high quality streetscape and interface with the public domain.</p> <p>B. Building services fronting the public domain have been minimised. The hydrant/booster assembly is surrounded by landscaping.</p> <p>Controls</p> <p>2. High quality materials are proposed. The pedestrian and vehicle building entries are treated with high quality building materials and are integrated with the design of the facades.</p>	

Section 5.2.13 – Landscape Design

<p>Objectives</p> <p>A. To ensure that the use of potable water for landscaping irrigation is minimised.</p> <p>B. To ensure landscaping is integrated into the design of development.</p> <p>C. To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities.</p> <p>D. To improve storm water quality and control run-off.</p> <p>E. To improve the micro-climate and solar performance within the development.</p> <p>F. To improve urban air quality and contribute to biodiversity.</p> <p>Controls</p> <p>1. For all development applications, a landscape plan shall be submitted by a suitably qualified landscape architect</p> <p>2. All development proposals are to be designed to minimise the impact on significant trees on site, street trees and trees on adjoining land including remnant vegetation.</p> <p>3. Landscaped areas are to be irrigated with recycled water.</p>	<p>Objectives</p> <p>1. The proposal includes a rainwater harvesting system for irrigation. The Department has recommended a landscape maintenance plan be prepared.</p> <p>2. The landscaping forms an integral part of the overall design of the development.</p> <p>3. The landscaping design enhances privacy, outlook, views and recreational opportunities.</p> <p>4. The proposal includes planting at roof level and at ground level around the site, which would control run-off, improve micro-climate, air quality and contribute to biodiversity.</p> <p>5. Refer to response to Objective D.</p> <p>6. Refer to response to Objective D.</p> <p>Controls</p> <p>7. The application includes a landscape plan.</p> <p>8. The proposal includes the removal of 10 trees on-site and 6 street trees and the provision of 23 replacement trees on-site and 6 street trees.</p> <p>9. Refer to response to Objective A.</p>	Yes
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GDCP objectives and controls	Department's consideration	Complies
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Section 5.2.14 - Site cover and deep soil zones

<p>Objectives</p> <p>A. To provide an area on sites that enables soft landscaping and deep soil planting, permitting the retention and/or planting of trees that will grow to a large or medium size.</p> <p>B. To limit building bulk on a site and improve the amenity of developments, allowing for good daylight access, ventilation, and improved visual privacy.</p> <p>C. To provide passive and active recreational opportunities.</p> <p>Controls</p> <p>1. The maximum site cover for development is 50% for development in Residential Zones</p> <p>2. All developments with a residential component in all zones except the Commercial Core must include a deep soil zone.</p> <p>3. The deep soil zone shall comprise no less than 15% of the total site area (or proportionate to the percentage of residential uses in a mixed-use development). It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6 metres.</p> <p>5. Where deep soil zones are provided, they must accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature plants.</p> <p>6. No structures, works or excavations that may restrict vegetation growth are permitted in this zone (including but not limited to car parking, hard paving, patios, decks and drying areas).</p>	<p>Objectives</p> <p>A. The proposal facilitates the provision of soft landscaping and deep soil planting allowing for the planting of new trees (medium-large sizes).</p> <p>B. The proposal provides for an appropriate standard of future residential amenity.</p> <p>C. The communal open spaces provide for active and passive recreational opportunities.</p> <p>Controls</p> <p>1. The building occupies 45% of the site area (excluding hard-stand areas). Including hard-stand areas the site proposal has a site coverage of 58%. The Department is satisfied the proposed site coverage is acceptable, as it does not adversely impact amenity, exceeds deep soil requirements by ADG standards with substantial tree planting, and delivers compliant solar access, ventilation, and communal open space.</p> <p>2. Deep soil areas are provided within the through site link for tree planting.</p> <p>3. The proposed deep soil zone is less than 15% of the total site area.</p> <p>5. 16 trees are proposed for removal. The proposal includes the provision of 23 replacement trees on-site and 6 street trees. All trees are within deep soil areas.</p> <p>6. The proposed basement levels are setback from the street edge and would not impact on tree growth.</p>	<p>Considered acceptable (red)</p> <p>Refer to Section 6.2.2 and 6.5</p>
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Section 5.2.16 Safety and Security

Objectives	Objectives	Considered
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GDCP objectives and controls	Department's consideration	Complies
<p>A. To ensure developments are safe and secure for pedestrians.</p> <p>B. Reduce opportunities for crime through environmental design.</p> <p>C. To contribute to the safety of the public domain.</p> <p>D. Encourage a sense of ownership over public and communal open spaces.</p>	<p>A. The development has been designed to minimise opportunity for crime.</p> <p>Public domain, communal open spaces, entrances and pathways would be subject to passive surveillance by proposed apartments.</p> <p>The main pedestrian entrance to the building is readily identifiable. The site boundary is clearly defined by landscaping and fencing.</p> <p>Ground floor street residential entries are provided.</p> <p>The Department is satisfied that potential concealment risks near the visitor car park can be appropriately addressed through recommended conditions, refer to Section 6.7.B-D Refer to response to Objective A.</p>	<p>Acceptable, Refer to Section 6.6</p>

Section 5.2.17 Building Exteriors

<p>Objectives</p> <p>A. Contribute positively to the streetscape and public domain by means of high quality architecture and robust selection of materials and finishes,</p> <p>B. Provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower levels and roof tops,</p> <p>C. Present appropriate design responses to nearby development that complement the streetscape,</p> <p>D. Clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security,</p> <p>E. Maintain a pedestrian scale in the articulation and detailing of the lower levels of the building, and</p> <p>F. Contribute to a visually interesting skyline.</p>	<p>Objectives</p> <p>A. The Department has considered the design and appearance of the development at Section 6.1 and concludes the proposal is of a high standard of design and achieves design excellence.</p> <p>B-F Refer to response to Objective A.</p>	<p>Yes</p>
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Section 7.2 Pedestrian Access and Mobility

GDCP objectives and controls	Department's consideration	Complies
<p>Objectives</p> <p>A. To provide safe and easy access to buildings to enable better use and enjoyment by people regardless of age and physical condition, whilst also contributing to the vitality and vibrancy of the public domain.</p> <p>B. To ensure buildings and places are accessible to people with a disability.</p> <p>C. To provide a safe and accessible public domain.</p> <p>Controls</p> <ol style="list-style-type: none"> 1. Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity. 2. The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended). 3. Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas. 4. All development must provide at least one main pedestrian entrance with convenient barrier free access to at least the ground floor level. 5. All development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access. 6. Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours. 	<p>Objectives</p> <p>A-B The application includes an Access Report which confirms the development would achieve DDA compliance</p> <p>C. Building entrances will be visible and identifiable from the street.</p> <p>Controls</p> <ol style="list-style-type: none"> 1. Main building entry is clearly visible from primary street frontage and includes a covered entry foyer. 2. The Department has recommended a condition requiring the design of the development meet the relevant Australian Standards and the DDA. 3. Barrier free access is to be provided to apartments and common areas. 4. The pedestrian entrance to the development is convenient and barrier free. 5. The development provides continuous access paths of travel from all public roads and spaces as well as unimpeded internal access. 6. The proposed materials are durable and appropriate. 	<p>Yes</p>

GDCP objectives and controls	Department's consideration	Complies

Section 7.3 Vehicular Driveways and Manoeuvring Areas

<p>Objectives</p> <p>A. To minimise the impact of vehicle access points on the quality of the public domain.</p> <p>B. To minimise impact of driveway crossovers on pedestrian safety and streetscape amenity.</p> <p>C. To provide a safe and accessible public domain.</p> <p>Controls</p> <p>1. Driveways should be:</p> <ol style="list-style-type: none"> provided from lanes and secondary streets rather than the primary street, wherever practical, located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, located a minimum of 6 metres from the perpendicular of any intersection of any two roads, and if adjacent to a residential development, setback a minimum of 1.5m from the relevant side property boundary. <p>2. Vehicle access is to be integrated into the building design so as to be visually recessive.</p> <p>3. All vehicles must be able to enter and leave the site in a forward direction.</p> <p>4. Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.</p> <p>5. Driveway widths must comply with the relevant Australian Standards. Car space dimensions must comply with the relevant Australian Standards. Driveway</p>	<p>Objectives</p> <p>A. Vehicular access to the site is proposed via the secondary street (Batley Street). The access arrangement is not anticipated to result in adverse impacts on pedestrian safety or streetscape amenity and is considered to comply with relevant design requirements.</p> <p>B. Refer to response to Objective A.</p> <p>C. The development provides appropriate connections to the public domain.</p> <p>Controls</p> <p>1. Driveways access:</p> <ol style="list-style-type: none"> has been provided from the secondary street (Batley Street), is clear of power poles, drainage inlet pits and street trees, is more than 6m from the intersection of Batley Street and Donnison Street West, and a small portion is located within 1.5m of the side boundary. This variation is discussed further at Section 6.4.3 <p>2. Visual impacts associated with vehicle access are minimised as the driveway slopes down to the basement parking level and landscaping is provided along part of the length of the driveway to soften its impact.</p> <p>3. The Traffic report confirms that all vehicles are able to enter and leave in a forward direction.</p> <p>4. A condition has been recommended to ensure compliance with Council's Vehicle Entrance Designs and any requirements for a Section 138 Roads Act approval</p> <p>5. The Traffic report confirms the driveway width, grades, ramps, car space dimensions and passing bays</p>	<p>Considered acceptable (red), see Section 6.4.3</p>
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GDCP objectives and controls	Department's consideration	Complies
<p>grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).</p> <p>6. Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 8. Ramp widths must be in accordance with AS 2890.2</p> <p>7. Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.</p> <p>8. For residential development in the General Residential zone, use semi-pervious materials for all uncovered parts of driveways and parking areas to assist with storm water infiltration.</p> <p>9. Building entries, building services including fire services and parking and servicing locations should all be treated with high quality materials. Materials used to treat the external facade should 'turn in' and continue at least 3m into vehicular entry locations.</p>	<p>comply with requirements of AS/NZS 2890.1:2004</p> <p>6. Refer to response to Control 5.</p> <p>7. Windows to habitable rooms of Units 02, 03 and 04 are located in vicinity of the driveway. A condition has been recommended that confirmation from an acoustic consultant be provided that adequate levels of noise amenity can be achieved in these units or that adequate noise mitigation be provided.</p> <p>8. A condition has recommended that uncovered part of the drive be constructed of semi-pervious materials.</p> <p>9. Façade finishes are used along the driveway until the roller shutter entry.</p>	

Section 7.4 – On-Site Parking

Objectives	Objectives	Considered acceptable (red)
<p>A. To facilitate an appropriate level of on-site parking provision in the city centre to cater for a mix of development types.</p> <p>B. To minimise the visual impact of on-site parking.</p> <p>C. To provide adequate space for parking and manoeuvring of vehicles (including servicing vehicles and bicycles).</p> <p>G. To recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking.</p> <p>Controls</p> <p>1. On-site vehicle and bicycle parking is to be provided in accordance with Table 2 of this chapter.</p>	<p>A. The proposal provides for an appropriate amount of on-site car and bicycle parking in accordance with the GDCP requirements (Section 6.4.1).</p> <p>B. All above ground car parking has been screened by landscaping and architectural treatments.</p> <p>C. Car parking areas are provided with appropriate space for vehicle manoeuvrability</p> <p>G. Refer to response to Objective A.</p> <p>Controls</p> <p>1. Refer to response to Objective A.</p> <p>3. Due to the slope of the site, the basement level is partially located</p>	

GDCP objectives and controls	Department's consideration	Complies
<p>3. Car parking above ground level is to have a minimum floor to ceiling height of 3.1m so it can be adapted to another use in the future.</p> <p>4. On-site parking must meet the relevant Australian Standard.</p> <p>5. Provide a minimum of 4% of the required parking spaces, or minimum of 2 spaces per development, (whichever is the greater) as disabled parking.</p> <p>8. Bicycle parking is to be in secure and accessible locations, with weather protection.</p> <p>10. Reference should be made to relevant guidance in Austroads Guides, Australian Standards, NSW Government Planning Guidelines for Walking and Cycling and NSW Roads and Maritime Services technical directions.</p>	<p>above ground. The ceiling height of 2.7m is considered acceptable as the parking is needed to satisfy parking requirements of the building and cannot be adapted for another use in the future.</p> <p>4. The Department has recommended a condition requiring on-site parking meet the relevant Australian Standards.</p> <p>5. Two disabled parking spaces are provided.</p> <p>8. Bicycle parking is in a secure and accessible location.</p> <p>10. The Department has recommended conditions requiring compliance with the relevant Australian Standards.</p>	

Section 7.5 - Site Facilities and Services

Objectives	Objectives	Yes
<p>A. To ensure that site facilities (such as clothes drying areas, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units and communication structures) are effectively integrated into the development and are unobtrusive.</p> <p>B. To ensure that site services and facilities are adequate for the nature and quantum of development.</p> <p>C. To establish appropriate access and location requirements for servicing.</p> <p>D. To ensure service requirements do not have adverse amenity impacts.</p>	<p>A-D Site facilities can be integrated into the design of the development.</p> <p>Mailboxes have been provided near the main building entry.</p> <p>No rooftop plant is proposed as part of this application.</p> <p>A condition requiring one master antenna, sited to minimise visibility to surrounding public areas, has been recommended.</p> <p>Onsite waste handling and storage is provided.</p> <p>Waste collection will occur on-site via access from Batley Street. The waste storage area is located at basement level and would not be visible from the street or impact on neighbour amenity.</p>	

Section 8.2 – Energy Efficiency and Conservation and Section 8.3 Water Conservation

Objectives	Objectives	Yes
<p>A. To reduce the necessity for mechanical</p>	<p>A. The development has been designed in</p>	

GDCP objectives and controls	Department's consideration	Complies
<p>heating and cooling.</p> <p>B. To minimise greenhouse gas emissions.</p> <p>C. To use natural climatic advantages of the coastal location such as cooling summer breezes, and exposure to unobstructed winter sun.</p> <p>Objectives</p> <p>A. To reduce per-capita mains consumption of potable water.</p> <p>B. To harvest rainwater for use and reduce urban storm water runoff.</p> <p>C. To reduce wastewater discharge.</p> <p>D. To reuse wastewater where appropriate.</p> <p>E. To safeguard the environment by improving the quality of water run-off and to mimic pre-development flows where appropriate.</p> <p>F. To ensure infrastructure design is complimentary to current and future water use.</p> <p>G. To protect public health.</p> <p>Controls</p> <p>1. New dwellings, including multi-unit development are to demonstrate compliance with BASIX.</p> <p>2. New dwellings shall demonstrate implementation of best practice water saving infrastructure including provision of rainwater / stormwater retention tanks.</p>	<p>accordance with ESD principles and the Department has recommended conditions requiring that sustainability targets are met.</p> <p>B-C Refer to response to Objective A above.</p> <p>Objectives</p> <p>A-G Refer to response to Objective A above.</p> <p>Controls</p> <p>1. The application includes a BASIX certificate confirming compliance with relevant requirements.</p> <p>2. The proposal includes rainwater and on-site detention tanks.</p>	

Section 8.4 – Reflectivity

<p>Objectives</p> <p>A. To restrict the reflection of sunlight from buildings to surrounding areas and buildings.</p> <p>Controls</p> <p>1. New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.</p> <p>2. Visible light reflectivity from building</p>	<p>Objectives</p> <p>A. The development does not include large expanses of glazing.</p> <p>Controls</p> <p>1. The Department has recommended a condition limiting specular reflectivity to a maximum of 20% to ensure the development does not result in unacceptable glare, refer to Section 6.7.</p>	<p>Yes, subject to recommended conditions in Section 6.7</p>
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GDCP objectives and controls	Department's consideration	Complies
<p>materials used on the facades of new buildings should not exceed 20%.</p> <p>3. Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.</p>	2-3 Refer to response to Objective A	

Section 8.5 – Wind Mitigation

<p>Objectives</p> <p>A. To ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.</p>	<p>Objectives</p> <p>A. A wind report has not been submitted. However, side setbacks allow the circulation of wind through the site and around the proposed building. Additionally, Council does not usually request wind report for similar sized developments, such as at DA 48850/2015 at 181 Gertrude Street, Gosford and DA 10132 at 56 Beane Street, Gosford.</p>	Considered acceptable
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Section 8.6 – Waste and Recycling

<p>Objectives</p> <p>A. To minimise waste generation and disposal to landfill with careful source separation, reuse and recycling.</p> <p>B. To minimise the generation of waste through design, material selection, building and best waste management practices.</p> <p>C. To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development as well as the ongoing generation of waste.</p> <p>D. To ensure efficient storage and collection of waste and quality design of facilities.</p>	<p>Objectives</p> <p>A. The application includes a site waste management plan. The Department has considered operational waste at Section 6.7 and has recommended an operational waste management condition.</p> <p>B-C Refer to response to Objective A.</p>	Yes
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Section 8.7 – Noise and Vibration

<p>Objectives</p> <p>A. To ensure development is designed so</p>	<p>Objectives</p> <p>A. The application includes a Noise Impact</p>	Yes
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GDCP objectives and controls	Department's consideration	Complies
<p>noise and vibration from new businesses, light industrial and leisure / cultural / entertainment venues and other noise generating activities do not unacceptably affect the amenity of nearby residential and other noise or vibration sensitive uses.</p> <p>B. To ensure development is designed and constructed so that noise and vibration impacts from existing neighbouring activities do not unreasonably compromise the amenity of occupants of the proposed development</p> <p>C. To ensure noise and vibration impacts between different uses and occupancies within a development provide reasonable amenity to all occupants of the development.</p>	<p>Assessment. The Department has considered noise and vibration at Section 6.3.2 and concludes noise and vibration impacts can be managed or mitigated subject to condition.</p> <p>B-C Refer to response to Objective A.</p>	

Section 9 – Residential Development Controls

<p>The provisions in the Apartment Design Guide associated with State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65) will be applied as the design controls for residential development within Gosford City Centre (including flats, any residential component of a mixed use development, and serviced apartments that are strata titled).</p> <p>Multi-dwelling housing is to be designed in accordance with the general provisions of this DCP and this chapter, to the extent that they apply.</p>	<p>The Department has considered the proposal against the requirements of the ADG and GDCP and concludes the development is generally in accordance with those guidelines, and the minor inconsistencies identified are considered acceptable (Section 6).</p>	Yes
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Section 9.1 Housing Choice and Mix

<p>Objectives</p> <p>A. Ensure that residential development provides a mix of dwelling types and sizes to cater for a range of households.</p> <p>B. Ensure that dwelling layout is sufficiently flexible for residents' changing needs over time.</p> <p>C. Ensure a sufficient proportion of dwellings include accessible layouts and</p>	<p>Objectives</p> <p>A. The proposal includes a range of 1, 2 and 3 bedroom apartments.</p> <p>B. The apartments are regular in shape and exceed minimum room and apartment space standards ensuring flexibility.</p> <p>C. Adaptable apartments are provided that would meet occupant needs</p>	Yes
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GDCP objectives and controls	Department's consideration	Complies
<p>features to accommodate changing requirements of residents.</p> <p>D. Ensure the provision of housing that will, in its adaptable features, meet the access and mobility needs of any occupant.</p> <p>E. Ensure the delivery of a diversity of housing in Gosford, including the provision of affordable housing.</p> <p>Controls</p> <p>2. Residential development to comply with the following mix and size:</p> <p>a. provide a mix of studio, 1, 2 and 3 bed apartments,</p> <p>b. 1 bed apartments must not be greater than 25% and less than 10%</p> <p>c. 2 bed apartments are not to be more than 75%</p> <p>4. 15% of all dwellings must be adaptable.</p> <p>5. Dwellings above ground level may only be adaptable where lift access is available.</p> <p>6. The development application must be accompanied by certification from an accredited Access Consultant Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces.</p>	<p>D. Refer to response to Objective C.</p> <p>E. Refer to response to Objective A.</p> <p>Controls</p> <p>2. a. Refer to response to Objective A above.</p> <p>b. the proposal provides 4 (15%) 1 bed apartments</p> <p>c. the proposal provides 16 (61%) 2 bed apartments</p> <p>4. 4 (15%) of apartments are adaptable</p> <p>5. All adaptable apartments are on ground floor level or have access to lifts</p> <p>6. The application includes an Access Report confirming adaptability. Disabled parking is provided.</p>	

Section 9.2 Storage

<p>Objectives</p> <p>A. To provide adequate storage for everyday household items within easy reach of the dwelling.</p> <p>B. To provide storage for sporting, leisure, fitness and hobby equipment.</p> <p>Controls</p> <p>1. In addition to storage in kitchens, bathrooms and bedrooms wardrobes. The following storage is to be provided:</p>	<p>Objectives</p> <p>A-B The proposal provides storage in accordance with this GDCP (and ADG) storage requirement.</p> <p>Controls</p> <p>1. Refer to response to Objective A above.</p>	Yes
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GDCP objectives and controls	Department's consideration	Complies
<ul style="list-style-type: none"> - 1 bedroom – 6m³ - 2 bedroom – 8m³ - 3+ bedroom – 10m³ <p>2. At least 50% of the required storage is to be located within the apartment</p>		

Section 9.3 Multi-Dwelling Housing

Objectives <p>A. To ensure development positively contributes to and actively addresses the streetscape</p> <p>B. To ensure development contributes to a well framed streetscape</p> <p>C. To clearly define semi-private, private and communal spaces, and to ensure no left over spaces with ambiguous ownership</p> <p>D. To ensure adequate levels of privacy for new and existing residents</p> <p>E. To ensure adequate levels of solar access to private open spaces and principle living rooms within the development, and to existing dwellings</p> <p>F. To provide quality, usable private and communal open spaces for residents</p> <p>G. To maximise deep soil and open space for mature tree planting, water percolation and residential amenity</p> <p>H. To minimise the physical and visual dominance of car parking, garaging and vehicular circulation</p> Controls <p><u>Form and Streetscape</u></p> <p>1. Development is to maximise the number of dwellings that directly front the street. Dwellings are to face existing streets rather than to new internal access way/roads</p> <p>2. Buildings addressing the street are to have a minimum height of 2 storeys</p> <p>3. Parts of development towards the rear of the site should be more modest in scale</p>	Objectives <p>A. The building is articulated, modulated and achieves design excellence. The building actively address both adjoining streets.</p> <p>B. The street-wall frames the streetscape.</p> <p>C. There is clear delineation between public and private spaces.</p> <p>D. Building separation from existing and proposed buildings ensures future and existing residents are not significantly overlooked.</p> <p>E. The proposal exceeds the ADG recommended minimum solar access requirements.</p> <p>F. The development provides quality, usable private and communal open spaces for residents</p> <p>G. The proposal provides deep soil areas in excess of the GDCP and ADG recommended minimums.</p> <p>H. The above ground car parking has been screened by landscaping or architecturally treated.</p> Controls <p><u>Form and Streetscape</u></p> <p>1. The proposal includes ground floor apartments fronting Donnison Street West. There are no internal facing apartments.</p> <p>2. The podium is three to four storeys</p> <p>3. The rear part of development is stepped in height and setback.</p> <p>5. Private, public and communal spaces are clearly defined with a clear sense of</p>	<p>Considered acceptable (red)</p> <p>Refer to Section 6.3.1 and 6.5</p>
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GDCP objectives and controls	Department's consideration	Complies
<p>to limit the impact on adjoining properties</p> <p>5. Utilise the site so that any private, public and communal spaces are clearly defined with a clear sense of ownership</p> <p><u>Privacy</u></p> <ol style="list-style-type: none"> 1. Privacy measures such as screens, landscaping and fencing should be provided between private open spaces at ground level 2. A minimum separation distance between directly opposing second level or higher rear windows (within the private domain) to primary living areas and bedrooms of 12m applies. 3. Use landscaping to provide a visual buffer between new / existing dwellings <p><u>Solar Access</u></p> <ol style="list-style-type: none"> 1. Dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight to principal living rooms and to at least 50% of the private open space between 9am and 3pm on 21st June. <p><u>Private Open Space</u></p> <ol style="list-style-type: none"> 1. Provide each dwelling with private open space in the form of a balcony or terrace adjacent to a living room or kitchen of the dwelling, having a minimum area of 10m² with a minimum depth of 2.5m <p><u>Communal Open Space</u></p> <ol style="list-style-type: none"> 1. Retain, where possible, existing mature trees in communal open space. 2. Communal open space should be readily accessible to all dwellings in the development. 3. Communal open space should receive a minimum of 3 hours of sunlight between 9am and 3pm to a least 50% of the space on 21st June. 4. Communal open space is to consist of at least 50% deep soil, have a minimum dimension of 6m in any direction, contain 	<p>ownership.</p> <p><u>Privacy</u></p> <ol style="list-style-type: none"> 1. Balconies and private terraces include privacy screen and/or do not overlook each other. 2. The proposal complies with ADG minimum building separation distance requirements. 3. The development includes landscaping along its boundaries. <p><u>Solar Access</u></p> <ol style="list-style-type: none"> 1. 77% of apartments within the development receive a minimum of 3 hours sunlight to principal living rooms and to at least 50% of the private open space between 9am and 3pm on 21st June. <p><u>Private Open Space</u></p> <p>Each apartment is provided with a balcony or podium garden space having a minimum area of 10m², 5 apartments have a depth less than 2.5m (Section 6.3.1)</p> <p>The Department is satisfied that balconies are of a sufficient size for function and resident amenity</p> <p><u>Communal Open Space</u></p> <ol style="list-style-type: none"> 1. It was not possible to retain the existing trees on the site (Section 6.5). <p>The Department is satisfied that the removal of existing mature trees is acceptable, given their location within the construction footprint and the proposed replacement strategy, which delivers a net increase in tree canopy coverage.</p> <ol style="list-style-type: none"> 2. Communal open space has lift and stair access from the communal circulation spaces. 3. The communal open space can receive a minimum of 3 hours of sunlight between 9am and 3pm to a least 50% of the space on 21st June. 4. The communal open space does not 	

GDCP objectives and controls	Department's consideration	Complies
<p>landscaping, seating and barbecue areas.</p> <p>5. Dwellings are to be designed so that they overlook and provide informal surveillance of communal open spaces. Any threshold treatments between private and communal space is not to exceed 1.2m in height.</p>	<p>include at least 50% deep soil (Section 6.5).</p> <p>The Department accepts the shortfall in deep soil provision within the communal open space, as the site constraints limit opportunities, and the proposal meets ADG requirements while offering functional and landscaped areas for residents.</p> <p>The apartments overlook and provide informal surveillance of communal open spaces.</p>	

Appendix F – Consideration of Clause 4.6 Variation Request

F1 Clause 4.6

Clause 4.6(2) of the Gosford SEPP permits the consent authority to consider a variation to a development standard imposed by the Gosford SEPP or any other EPI. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying development standards to achieve better development outcomes. In consideration of the proposed variation, clause 4.6 requires the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has prepared written requests in accordance with clause 4.6(3) to vary two applicable development standards, including the Gosford SEPP:

- height of buildings development standard (clause 4.3)
- FSR development standard (clause 4.4, as amended by clause 8.13)

Clause 4.6(4)(a) requires the consent authority to be satisfied that:

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

The Department has considered the proposed exceptions to the development standard under clause 4.6 at Section C1.2, applying the tests arising from *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 (as summarised by *Gabriel Stefanidis v Randwick City Council* [2017] NSWLEC 1307) and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

F2 Development standards and variations

Height of buildings

Clause 4.3(2) of the Gosford SEPP sets a maximum building height for the site of 18m. The building has a maximum height of 27.65m and would therefore exceed the maximum building height control by 9.65m (approximately 53.6%).

Floor space ratio

Clause 4.4 of the Gosford SEPP maps the site as subject to FSR of 2:1, however clause 8.13 of the SEPP provides that, despite clause 4.4, the maximum FSR for the site is FSR 1.5:1. The proposal has a FSR of 2.15:1 and would therefore exceed the maximum FSR for the site by 0.65:1 (approximately 43%).

F3 Exceptions to development standards

Table F | Department's consideration of Clause 4.6 requirements

1: Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone	
Height of buildings	The applicant's justification outlines that the proposed development is permissible within the R1 General Residential zone and will deliver much-needed residential accommodation to support the local community and the West Gosford precinct. The site is well-served by infrastructure, has direct access to Gosford Rail Station and the city centre, and is easily accessible to the local community. These attributes support the zone objectives, which relate to meeting housing needs, providing a variety of housing types and densities, achieving the desired future character, and promoting best practice design.
FSR	

	<p>The Department considers that the proposed development seeks to meet the housing needs of the community, provide a variety of housing types and densities, and support well-designed development in accessible locations. Specifically:</p> <ul style="list-style-type: none"> • the proposal contributes positively to the urban fabric of the Gosford City Centre by delivering a residential development aligned with the zone's intended character and land use • it provides a mix of apartment sizes, supporting housing diversity, in a location that is well-connected to public transport and pedestrian networks • the site's proximity to the commercial core of Gosford enhances accessibility to services and supports the vibrancy and growth of the city centre.
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2: Is the consent authority satisfied the proposed development will be consistent with the objectives of the standard

Height of buildings	<p>The objectives of the height of buildings clause in the Gosford SEPP are:</p> <ol style="list-style-type: none"> a) to establish maximum height limits for buildings, b) to permit building heights that encourage high quality urban form, c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight, d) to nominate heights that will provide an appropriate transition in built form and land use intensity, e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area, f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features. <p>The Department is satisfied that the exceedance of the 18m standard is consistent with the objectives of the height of buildings standard in this instance, as:</p> <ul style="list-style-type: none"> • the height of the development is similar to other existing apartment buildings opposite the site, on adjoining land and within the immediate vicinity of the site Error! Reference source not found.. In this context the proposed building height would not be out of place and would not set a development precedent.
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2: Is the consent authority satisfied the proposed development will be consistent with the objectives of the standard

- The proposed built form and scale are consistent with, and will make a positive contribution towards, the emerging built form and housing outcomes in the area. The proposed development provides for a high-standard of architectural design and achieves design excellence (Section 6.1).
- The development would not result in any unreasonable overshadowing of the public domain, other public spaces or adjoining residential properties (Section 6.2.4).
- The building includes appropriate setbacks and its rear elevation is stepped. The overall design of the development provides for appropriate built form transition between the existing eight storey buildings on opposite and adjoining properties.
- The development is located on a corner site and the height and scale of the development provides for an appropriate balance to the existing eight storey buildings on opposite and adjoining sites. The proposal would not obscure any existing view corridors.
- The proposal would not overshadow any public open spaces and would not obscure views towards natural topographical features.

The development would not have an adverse impact on neighbouring amenity in terms of visual bulk, loss of privacy overshadowing and/or views.

FSR

The objectives of the FSR standard are:

- a) to establish standards for the maximum development density and intensity of land use,
- b) to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,
- c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
- d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,
- e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,

2: Is the consent authority satisfied the proposed development will be consistent with the objectives of the standard

- f) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,
- g) to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope,
- h) to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.

The Department is satisfied that the proposed development is consistent with the objectives of the FSR standard and the exceedance of the development standard is acceptable, as:

- the FSR of the development is similar to other existing apartment buildings opposite the site, on adjoining land and within the immediate vicinity of the site Error! Reference source not found.. In this context the proposed building FSR would not be out of place and would not set a development precedent.
- The proposed density of the development is consistent with, and will make a positive contribution towards, the emerging housing outcomes in the area.
- The density of the development would not result in any unreasonable amenity impacts to adjoining properties or the public domain (Section 6.2.2).
- The development contributes positively to the emerging visual character of the area.
- The development includes appropriate setbacks, communal open space and landscaping. The site is capable of accommodating the proposed density of development.

The building is articulated, modulated and achieves design excellence (Section 6.1).

3: Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed

Height of buildings

FSR

The applicant has demonstrated that compliance with the development standards is unreasonable or unnecessary in the circumstances of the case, having regard to the five tests outlined in *Wehbe v Pittwater Council* [2007] NSWLEC 827. It establishes

3: Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed

proposed development achieves the objectives of the standard and accordingly justifies the variation to the height of buildings and FSR development controls, meeting the first test outlined in Wehbe.

The applicant's justification establishes that the proposed development achieves the objectives of the relevant standards and the R1 General Residential zone, including the delivery of diverse housing, accessibility to public transport and services, and alignment with the desired future character of the Gosford City Centre.

The Department supports the applicant's conclusions and considers that the proposed development is consistent with the zone objectives. Accordingly, compliance with the development standards is unnecessary, as the proposal achieves the intended planning outcomes, and unreasonable, as no planning purpose would be served by requiring strict compliance.

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4: Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and, consistent with the Court, the matters required to be demonstrated have adequately been addressed

Height of buildings

FSR

The Department has considered the applicant's written request and is satisfied that sufficient environmental planning grounds exist to justify the variation to the height of buildings and FSR development standards. In accordance with the Court's interpretation in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, these grounds must be site-specific and not generalised planning arguments.

The applicant has demonstrated that the site's location — close to Gosford Rail Station, the city centre, and existing infrastructure — supports higher density residential development consistent with strategic planning objectives. The proposal accommodates communal open space and landscaping despite the FSR exceedance, contributing to amenity and urban greening. The building's scale and form are compatible with surrounding development and reflect the emerging character of the area. Potential impacts on neighbouring properties are minor and can be mitigated through design measures.

These site-specific planning grounds justify the contravention of the development standards and demonstrate that the proposal will result in a contextually appropriate and well-designed outcome, consistent with Clause 4.6 and relevant case law.

4: Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and, consistent with the Court, the matters required to be demonstrated have adequately been addressed

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Having considered the applicant's written request, the Department is satisfied the applicant has adequately addressed that compliance with the development standards is unreasonable or unnecessary in the circumstances of the case, there are sufficient environmental planning grounds to justify the contravention of the development standards, and the matters required to be demonstrated have adequately been addressed.

The Department therefore concludes that the applicant's written request adequately addresses the matters required to be demonstrated under clause 4.6 of the Gosford SEPP and the proposed development will be in the public interest because it is consistent with the objectives of the Gosford SEPP height of buildings and FSR development standards and the objectives for development within the zone.

Appendix G – Recommended instrument of consent

The recommended instrument of consent can be found here:

<https://www.planningportal.nsw.gov.au/daex/under-consideration/da-221307-residential-flat-building-53-55-donnison-street-west-gosford>