

Portal Application No.: PAN-253309
Our ref.: DA 22/11444

Luke Goodwin
Cornerstone Development Management
Level 3, 1645 Anzac Avenue
NORTH LAKES QLD 4509

Via email: luke.goodwin@chpfund.com.au

Dear Mr Goodwin

**Mixed Use Development at 60-64 Showground Road, Gosford (DA22/11444)
Request for Additional Information**

The Department refers to the above Development Application (DA) at 60-64 Showground Road, Gosford, (DA 22/11444).

After careful consideration of the application, the Department is requesting that you provide the additional information listed in **Attachment A – Request for Information**.

Further to the Request for Comment on Draft Conditions dated 30 March 2023 and your email responses, the Department has made minor changes to the draft conditions of approval. Refer to **Attachment B – Applicant and Department commentary on specific draft conditions of approval** and **Attachment C – Draft development consent** for further information.

Please note that the Department plans to make further changes to the draft conditions of approval, including deletion of conditions that will be addressed by amended architectural plans in response to section 2 in **Attachment A**.

You are requested to provide information addressing **Attachment A** and, should you choose, information addressing **Attachments B and C**, or notification that the information will not be provided, to the Department via the NSW Planning Portal by **22 May 2023**. If you are unable to provide the requested information within this timeframe, you are requested to provide, and commit to, a timeframe detailing the provision of this information.

If you have any questions, please contact Michael Doyle on (02) 9228 6283 or via email at michael.doyle@dpie.nsw.gov.au

Yours sincerely



Keiran Thomas
Director Regional Assessments
Regional Assessments
as delegate for the Planning Secretary
Date: 11 May 2023

Attachment A – Request for Information

1. State Environmental Planning Policy (Housing) 2021

- Provide a detailed statement demonstrating compliance with the relevant clauses of Division 7 Non-discretionary Development Standards in Part 5 Housing for Seniors and People with a Disability.
- For any proposed non-compliance with a development standard (non-discretionary or otherwise, in particular Landscaping (s 108(2)(e) of the Housing SEPP) and Deep Soil Zones (s 108(2)(f) of the SEPP), provide a statement pursuant to Clause 5.28 Exceptions to Development Standards under *State Environmental Planning Policy (Precincts – Regional) 2021*. Alternately, provide amended architectural- and landscape- plans that demonstrate compliance with the standards. Any such plans should ensure that no new or increased impacts than the current form of the proposal.
- Provide a statement outlining the role of the proposed SDA OOA Unit, particularly where the proposed SDA Units constitute Independent Living Units and noting the lack of bedroom in the OOA Unit.

2. Architectural Design

- Provide amended architectural plans that demonstrate compliance with the siting and access provisions in Clause 4 Letterboxes in Part 1 in Schedule 4 of the Housing SEPP.
- Provide amended architectural plans that demonstrate compliance with the provisions concerning the width and design of car parking spaces in order to satisfy Clause 5 Private Car Accommodation in Part 1 in Schedule 4 of the Housing SEPP.
- Provide amended architectural plans that either demonstrate or notate that proposed bedrooms, bathrooms and toilets in the dwellings will comply with Clauses 8 to 10 in Part 1 in Schedule 4 of the Housing SEPP.
- Provide amended architectural plans that either demonstrate or notate that proposed SDA lift will comply with Clause 18 in Part 1 in Schedule 4 of the Housing SEPP.

Attachment B – Applicant and Department commentary on specific draft conditions of approval

Preliminary draft consent condition	Applicant comment (summary)	Department comment
TfNSW (Sydney Trains)		
<p>A26. During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.</p>	<p>Request conditions B24, B28 and B29 be deleted; however, conditions A26, A27, D33, D34 and D35 could remain as a compromise.</p>	<p>A26, A27, D33, D34 and D35 do not relate to the same matters as B24, B28 and B29.</p>
<p>A27. Sydney Trains or Transport for NSW, and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.</p>		<p>In addition, where a proposal has been referred to a rail authority under Section 2.99 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (T&I SEPP), that section only allows a consent authority to grant consent with the concurrence of the rail authority. In the subject case, Sydney Trains has granted concurrence subject to the strict imposition of their requirements; The Department cannot approve the development without the conditions by Sydney Trains, and Sydney Trains has considered but declined to allow changes to their conditions.</p>
<p>B24. Prior to the issuing of a Construction Certificate, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in compliance with the relevant ASA Standards (https://www.transport.nsw.gov.au/industry/asset-management-branch):</p> <ul style="list-style-type: none"> i. Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor. ii. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its lands or easements. iii. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub 		

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<p>ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.</p> <p>iv. Detailed Survey Plan showing the relationship of the proposed development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.</p> <p>v. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.</p> <p>vi. If required by Sydney Trains, a Monitoring Plan.</p> <p>The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.</p>		
<p>B28. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.</p>		
<p>B29. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction</p>		

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<p>Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.</p>		
<p>D33. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.</p>		
<p>D34. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.</p>		
<p>D35. The Applicant/Developer shall not at any stage block the corridor access gate on Showground Road and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.</p>		
<p>Special Infrastructure Contributions</p> <p>B24. The Applicant must obtain a determination from the Planning Secretary as to whether a special infrastructure contribution is required to be made under the Environmental Planning and Assessment (Special Infrastructure Contribution – Gosford City Centre) Determination 2018 (2018 Determination). The Applicant must a determination before the time by which, a special infrastructure contribution, if made as a monetary contribution, would have to be paid under the 2018 Determination.</p> <p>To assist the Planning Secretary in making a determination, the Applicant is to provide the Planning Secretary with a current estimate of the proposed cost of carrying out the development, as referred to in the 2018 Determination.</p>	<p>Request, at this point in time, the Department determine whether an SIC applies (and the condition either removed or altered accordingly).</p>	<p>The NSW Planning Portal requires any requirements for local contributions to be nominated. Such requirements, and other information and requirements, may not be known or finalised until the determination.</p> <p>In addition, some legislation describes that documents must be submitted through the Portal; The SIC may not count if it is outside the Portal.</p> <p>However, the Department proposes to amend the wording of B4 (and, in particular, its 'More information') to direct the Applicant to instructions on how to submit an SIC request</p>

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<p>If the Planning Secretary determines that a special infrastructure contribution is required to be made under the 2018 Determination, the Applicant must make a contribution in accordance with the Determination (as in force at the date of this consent).</p> <p>A person may not apply for a construction certificate in relation to development the subject of this consent unless the person provides, in connection with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made, or that arrangements are in force for the making of the contribution.</p> <p>In this condition:</p> <p>developer means the person having the benefit of this development consent, and</p> <p>Planning Secretary means the Secretary of the Department of Planning and Environment.</p> <p>More information</p> <p>A request for assessment by the Department of Planning and Environment, of the amount of the special infrastructure contribution required under this condition, can be made through the NSW Planning portal (https://www.planningportal.nsw.gov.au/special-infrastructure-contributionsonline-service). Please refer enquiries to SIContributions@planning.nsw.gov.au.</p>		
<p>Construction Hours</p> <p>D5. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:</p> <p>(a) between 7 am and 6 pm, Mondays to Fridays, inclusive; and</p>	<p>More traditional and appropriate construction hours are more practical and balanced to allow the work to ultimately be completed in a shorter timeframe and mitigate</p>	<p>The Interim Construction Noise Guideline (2009) and the Draft Construction Noise Guideline (2021)</p>

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<p>(b) between 8 am and 1 pm, Saturdays.</p> <p>No work may be carried out on Sundays or public holidays.</p> <p>D8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:</p> <p>(a) 9 am to 12 noon, Mondays to Fridays;</p> <p>(b) 2 pm to 5 pm Mondays to Fridays; and</p> <p>(c) 9 am to 12 noon, Saturdays.</p>	<p>any ongoing impacts to the community. Subject to the modest extensions (7am weekdays, and 4pm Saturdays), we can accept the additional restrictions on 'noisy' works under D8.</p>	<ul style="list-style-type: none"> Describe hospitals, research facilities and office premises as sensitive or, at times, sensitive uses. Recommend standard construction hours. Comment that out of hours works may be appropriate where the proponent demonstrates impracticality and need, other than work schedule convenience or project expedience; In general, only works on public infrastructure (transport and utilities) need to be undertaken out of hours. Provides hierarchy of out of hours works, placing early mornings as least preferable extension to hours. Comment that community consultation should be undertaken. <p>The Draft Guideline also describes that duration of works and mitigation measures are required, and includes case study D1 that works in a city context but with surrounding sensitive receivers should not be subject to works out of hours.</p> <p>The subject application included an acoustic report that acknowledged submissions, categorised surrounding receivers as sensitive, described that some proposed works will exceed noise criteria, and recommended standard construction hours, recommended that all reasonable, and described that mitigation measures must be investigated.</p>

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		<p>In the above circumstances, the Department is unable to support extension of construction hours.</p>
<p>Hours of Operation</p> <p>F5. The hours of operation of the medical service facilities, and retail shall be Mondays to Fridays 7:00 am to 7:00 pm.</p>	<p>Given the nature of the integrated health building and the likely tenants, a lot tenants will need to open on weekends and outside of business hours to service the community. The building will be an integrated health and medical facility for the community and the majority of these types of facilities are open seven(7) days across the country with long trading hours to cater for community needs and demands. We are also in discussion with an urgent care provider along with GP and Diagnostic Imaging providers all of which would look to provide out of hours care to assist in taking the load off the public health system. Request permitted operation everyday until 11pm.</p>	<p>Additional information received on 12 January 2023 included a cover letter and Appendix I – Gosford Health Hub Operational Management Plan. The letter and Management Plan proposed operating hours between 7am and 7pm but noted ‘the operating hours of the building may change from time to time depending on the demands and needs of the community and tenants.’ The letter and Plan did not restrict the days of operation.</p> <p>Schedule 8 Conditions Applying to Complying Development Certificates under the Industrial and Business Alterations Code, the Industrial and Business Buildings Code and the Container Recycling Facilities Code in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> (the Codes SEPP) includes Clause 21(2)(a) that permits other commercial premises to operate everyday.</p> <p>In the above circumstances, the Department proposes to alter the wording of F5 to permit operation everyday.</p> <p>The Department is unable to support other extension of operating hours under the subject application, however a modification application that proposes a physical change to the approved development and greater operating hours, or a new development application that proposes</p>

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		greater operating hours, potentially could be made in the future.

Attachment C – Draft development consent