



# Mixed Use Development 60-64 Showground Road, Gosford

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Part 4 Development Application  
(DA 22/11444)

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Title: Mixed Use Development

Subtitle: Part 4 Development Application (DA 22/11444)

*Cover image: Architectural Plans - Mixed use development consisting of a health services facility (comprising 38 tenancies), retail premises, and independent living units (7 units) within a six (6) storey building with over four (4) levels of basement car parking, demolition, tree removal, associated earthworks and infrastructure, 60-64 Showground Road, Gosford (Lots 1-4 SP 20095 and Lots 1-6 SP 20058) (Elevation Architecture, 2022)*

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# Glossary

Abbreviation	Definition
<b>ADG</b>	Apartment Design Guidelines
<b>AHD</b>	Australian Height Datum
<b>Applicant</b>	Cornerstone Development Management Pty Ltd
<b>CBD</b>	Central Business District
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Central Coast Council
<b>CoGDAP</b>	City of Gosford Design Advisory Panel
<b>DA</b>	Development Application
<b>Department</b>	Department of Planning and Environment
<b>Development</b>	The development as described in the SEE and RFI for the new Mixed Use Development at 60-64 Showground Road, Gosford
<b>EHG</b>	Environment and Heritage Group, of the Department of Planning and Environment
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>GDCP</b>	Gosford City Centre Development Control Plan 2018
<b>GUDF</b>	Gosford Urban Design Framework
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>RFI</b>	Request for Information

Abbreviation	Definition
<b>RTS</b>	Response to Submissions letter titled <i>DA 22/11444 – Submissions letter, dated 11 Jan 2023</i>
<b>SEE</b>	Statement of Environmental Effects titled <i>Integrated Health Hub Facility and Disability Accommodation 60-64 Showground Road, Gosford (Lots 1-4 on SP 20095 and Lots 1-6 on SP 20058)</i> by Metroplan Serviced Pty Ltd dated 12 August 2022
<b>SEPP</b>	State Environmental Planning Policy
<b>BASIX SEPP</b>	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
<b>Housing SEPP</b>	State Environmental Planning Policy (Housing) 2021
<b>SEPP 65</b>	State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
<b>Regional SEPP</b>	State Environmental Planning Policy (Precincts—Regional) 2021
<b>Resilience and Hazard SEPP</b>	State Environmental Planning Policy (Resilience and Hazards) 2021
<b>Transport and Infrastructure SEPP</b>	State Environmental Planning Policy (Transport and Infrastructure) 2021
<b>TfNSW</b>	Transport for New South Wales

# Executive Summary

## Introduction

This report provides an assessment of a development application (DA 22/11444) for a mixed use development at 60-64 Showground Road, Gosford, lodged by Cornerstone Development Management Pty Ltd (the Applicant).

The application seeks approval for the demolition of the existing single and two storey residential units on site and construction of a six-storey mixed use building, including:

- 38 health services facilities
- Independent living units (7 units)
- Retail premises
- 228 basement parking spaces (216 carparking spaces)
- Tree removal
- Excavation
- Site works.

The site is located within the Central Coast Local Government Area. The proposal has a capital investment value of \$34,130,011 and is predicted to generate up to 100 construction jobs and 150 operational jobs.

## Engagement

The application was publicly exhibited between 4 October 2022 and 24 October 2022 (28 days). The Department received two submissions from the public, as well as comments from TfNSW, Central Coast Local Health District and Sydney Trains. The Central Coast Council (Council) was contacted but provided no comments. The Department also engaged the City of Gosford Design Advisory Panel (the Panel) to review and provide advice on the proposal. A referral to the Panel was required under *section 5.46 of State Environmental Planning Policy (Precincts – Regional) 2021* (Regional SEPP).

The Applicant provided additional information in response to a request for information (RFI) which included:

- Housing SEPP compliance table
- Fire Services Layout
- Design Excellence Statement
- Long Section
- Updated Architectural Plans
- Energy Efficiency Statement
- Updated Traffic Impact Assessment
- Updated Acoustic Assessment
- Gosford Heath Hub – Operational Management Plan

- Response to Submissions letter

## **Assessment**

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

The key assessment issues considered in the Department's assessment are design excellence, built form and urban design, traffic, and parking.

The Department considers that the proposal should be supported, as it:

- is consistent with the strategic planning context for Gosford;
- is permissible development within the land use zone, meets the criteria to exceed the mapped building height (under section 5.46 of Regional SEPP) and complies with the floor space controls;
- exhibits a high standard of architectural design throughout the building, including articulation to reduce the bulk and scale of the building and improve amenity for the residents as well as the surrounding area;
- is consistent with the future character of the area and does not adversely impact surrounding amenity in terms of solar access and view impacts; and
- provides adequate onsite car parking and the traffic generated by the development does not adversely impact the surrounding road network.

Noting concerns raised in submissions and during the assessment, the Department recommends the following conditions, in addition to the standard conditions to manage environmental impacts:

- the preparation and implementation of a Construction Noise and Vibration Management Plan (CNVMP) to mitigate construction impacts; and
- a restriction of use for the units to be only used for people with a disability.

## **Conclusion**

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

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# 1 Introduction

## 1.1 The Department's Assessment

This report provides the Department of Planning and Environment's (Department's) assessment of a development application for the demolition of the existing buildings and construction of a mixed use development at 60-64 Showground Road, Gosford (DA 22/11444) located within the Central Coast Local Government Area (LGA).

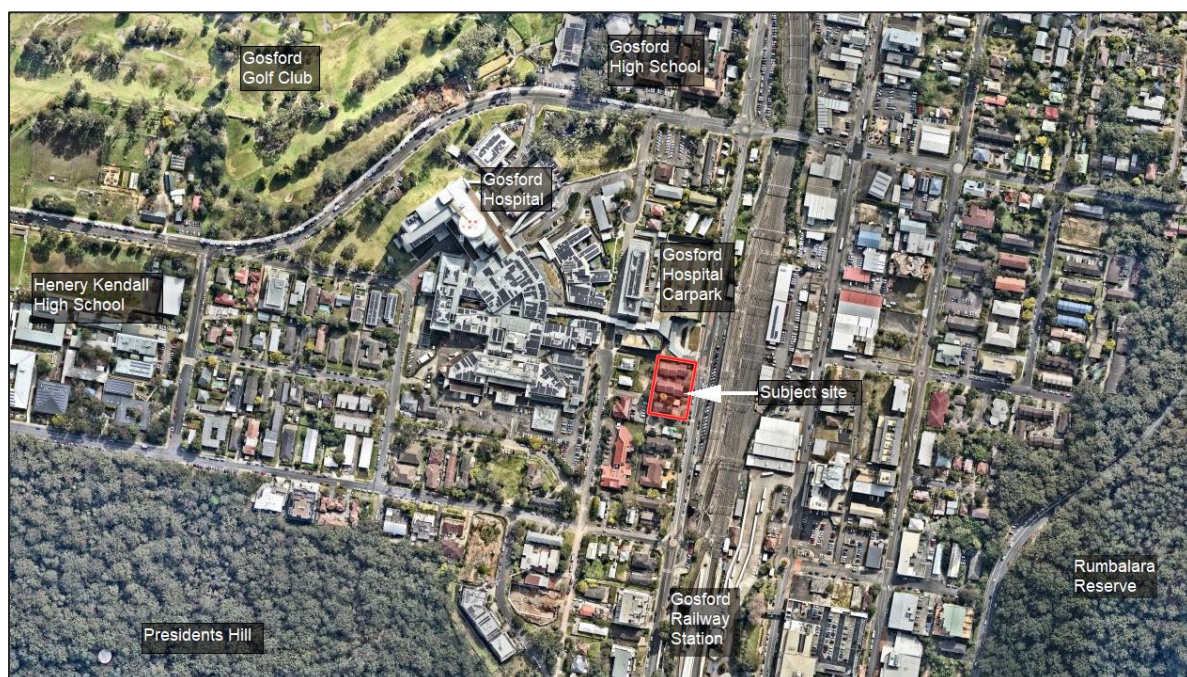
The application has been lodged by Cornerstone Development Management Pty Ltd (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Department's assessment has considered all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE), Response to Request for Information (RFI), additional information and advice from government agencies. The Department's assessment also considered the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised by agencies and the Department. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts.

## 1.2 Site Description

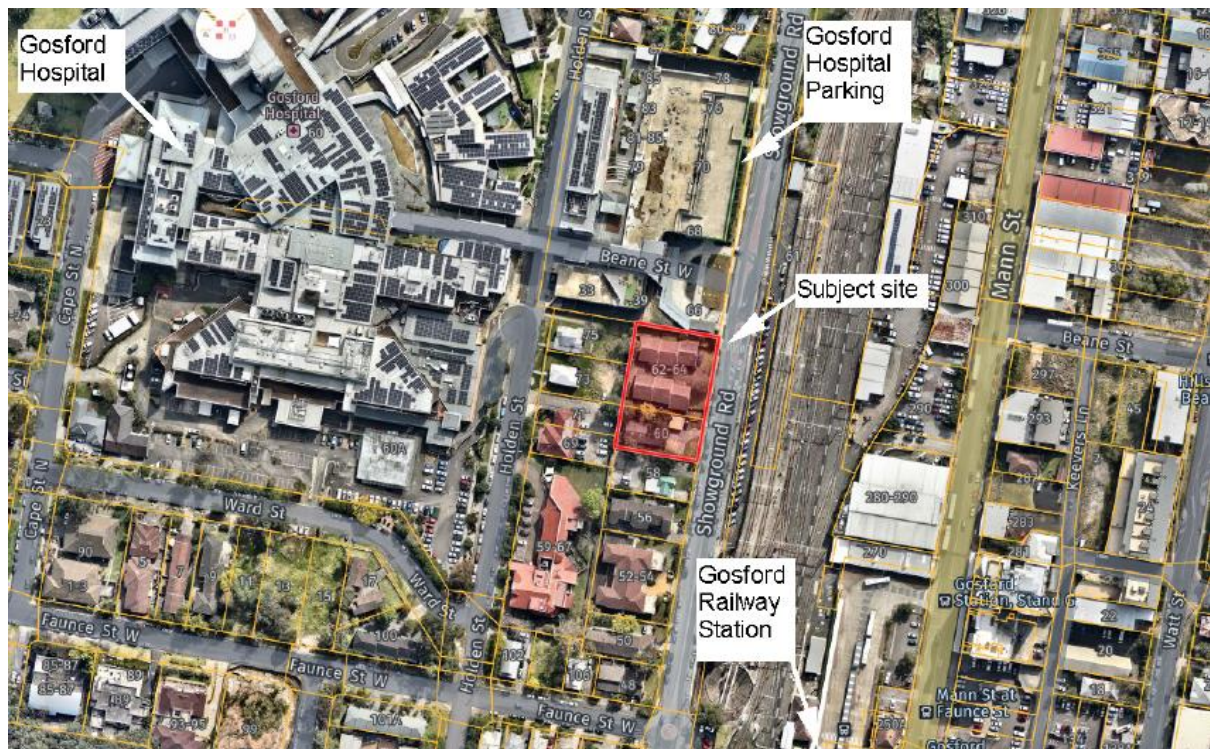
The site is Lots 1-4 SP 20095 and Lots 1-6 SP 20058) 60-64 Showground Road, Gosford. The site is bound to the north by Gosford Hospital, to the west and south by residential dwellings, and to the east by Showground Road and existing rail infrastructure. The locality is primarily characterised by the Gosford Hospital and associated health and medical related uses. Further to the north are the Gosford High School and Gosford Golf Course to the north. The main northern railway line is located to the east of the site, and Gosford Railway Station is located approximately 450 m to the south. The site's local context is illustrated in **Figure 1**.



**Figure 1** | Local context (Base source: Nearmap)



The subject site is rectangular in shape and covers an area of 2,437m<sup>2</sup>, refer to **Table 1** and **Figure 2**. It has a frontage of 60.35m to Showground Road, where vehicular access is proposed (**Figure 2**).



**Figure 2 | Site Map** (subject site outlined in red) (Base source: Nearmaps)

The site is occupied by a single and two storey residential developments (**Figure 3**). There are 16 trees to be removed and there are no state or local heritage items located on the site. The site falls by approximately 5.58m from the north western corner at the rear of the property (RL 15.5) to the south eastern corner at Showground Road frontage (RL9.92).



**Figure 3 |** Existing development on site (Source: Applicant's documentation)

### **1.3 Surrounding Land Uses and Road Network**

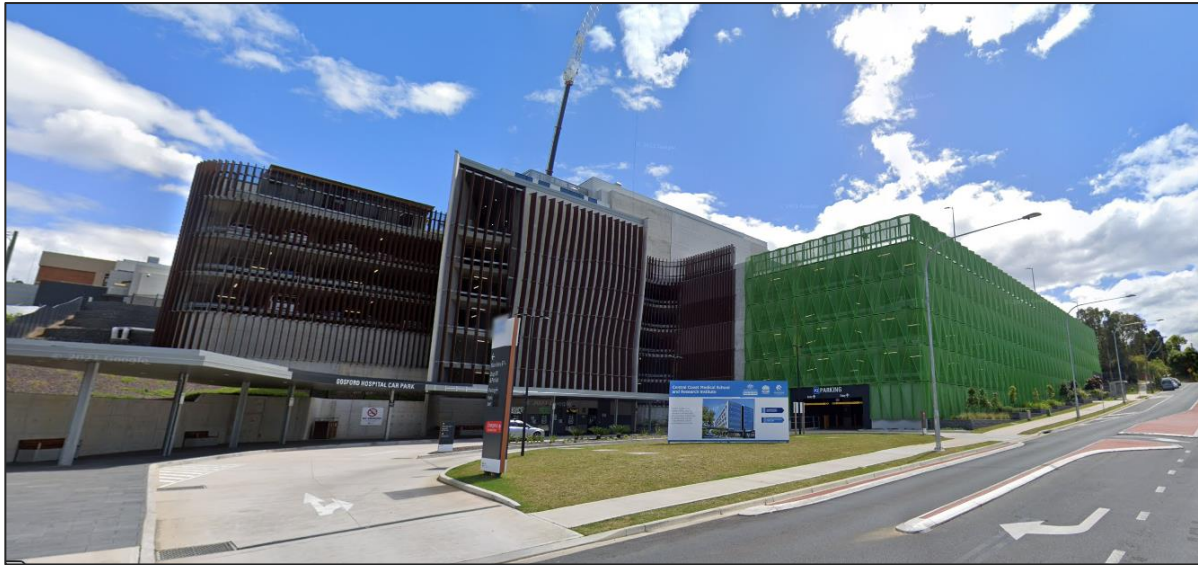
The site is located adjacent to the Gosford Hospital campus, in an area consisting of a mixture of residential developments further to the north and south of the subject site and railway infrastructure opposite the site.

The surrounding context is summarised below and shown in **Figure 4** to **Figure 7**:

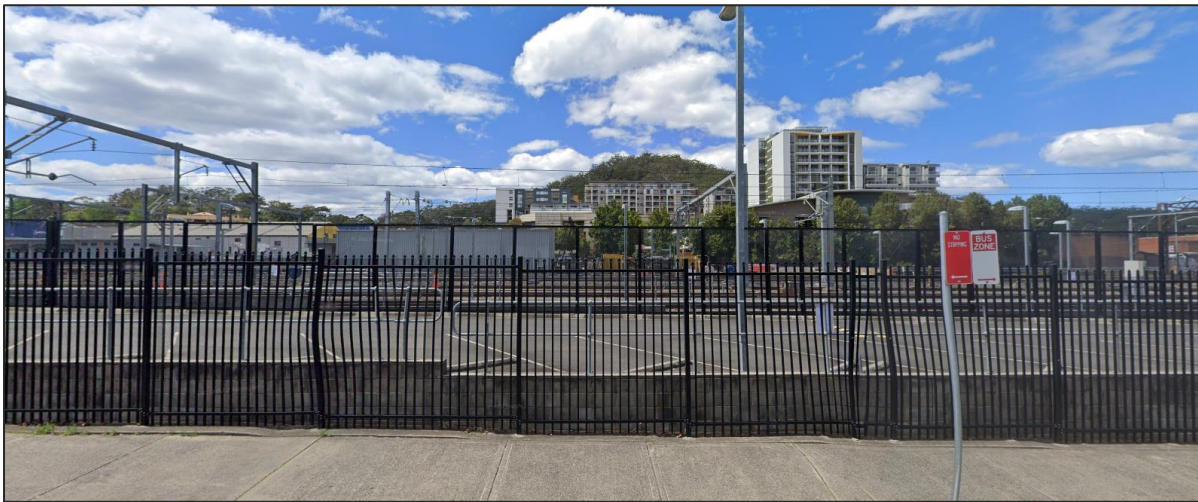
- north of the site is Gosford Hospital multi storey car park. Further south-east of the site (approximately 550m) is the Gosford Train Station.
- immediately to the east of the site is Showground Road and railway line and associated rail infrastructure.
- immediately to the south of the site is a commercial type premises used for health related uses.
- directly to the west of the site are two single storey allied health buildings.

The site is not identified as a Heritage Item nor within proximity to Heritage Item under the Regional SEPP.





**Figure 4 |** Existing multi storey car park to the north of the site (Source: Google maps)



**Figure 5 |** Gosford railway infrastructure to the east (Source: Google maps)





**Figure 6** | Adjoining building to the south of the subject site (Source: Google maps)



**Figure 7** | Adjoining buildings to the west of the subject site (Source: Google maps)

## 2. Project

### 2.1 Description of the Development

The DA seeks consent for the demolition of the existing building and construction of a new mixed use development for the purpose of health services facilities and an aged care facility in the Gosford City Centre. The main components of the development are described in **Table 1** below and described in full in the SEE and RTS report included in **Appendix A**. A photomontage of the proposal is included at **Figure 8** below:

**Table 1** | Main components of the proposed development

Aspect	Description
Demolition	<ul style="list-style-type: none"><li>• Demolition of existing buildings</li></ul>
Building Construction	<ul style="list-style-type: none"><li>• Construction of a six storey new mixed use building, including:<ul style="list-style-type: none"><li>○ health services facilities (38 tenancies)</li><li>○ independent living units (7 units)</li><li>○ retail premises (1)</li><li>○ Basement parking spaces and associated service areas (ambulance bay and refuse bay)</li><li>○ earthworks (excavation 15.9m)</li><li>○ tree removal (16 trees)</li><li>○ site works.</li></ul></li></ul>
Site area	<ul style="list-style-type: none"><li>• 2, 437m<sup>2</sup></li></ul>
Gross Floor Area (GFA)	<ul style="list-style-type: none"><li>• 7,712m<sup>2</sup></li></ul>
Floor Space Ratio (FSR)	<ul style="list-style-type: none"><li>• 3.37:1 (2437m<sup>2</sup>)</li></ul>
Maximum height	<ul style="list-style-type: none"><li>• 6 storeys (or maximum 22.9m / RL 34.9)</li></ul>
Access	<ul style="list-style-type: none"><li>• Vehicular access to the car park and loading area from Showground Road</li><li>• Pedestrian access to the health services facility and units from Showground Road with separate lobbies and lifts</li></ul>
Parking	<ul style="list-style-type: none"><li>• 222 car parking spaces within 3 basement levels including 6 accessible spaces</li><li>• 3 motorcycle spaces</li><li>• 14 visitor bicycle parking spaces</li><li>• 2 van spaces</li><li>• 1 drop off space</li></ul>
Landscaping	<ul style="list-style-type: none"><li>• Landscaping works, including:<ul style="list-style-type: none"><li>○ Provision of a landscaped communal open space on the roof</li><li>○ Deep planter boxes along the southern and western boundary</li><li>○ Planter boxers and awning gardens along the street frontage</li></ul></li></ul>
Earthworks	<ul style="list-style-type: none"><li>• Excavation of 13.5m to 15.9m (approximately 34,245.42m<sup>3</sup>) for basement parking and services</li></ul>

Aspect	Description
Tree removal	<ul style="list-style-type: none"> <li>Removal of 16 trees</li> </ul>
Jobs	<ul style="list-style-type: none"> <li>Construction: approximately 100</li> <li>Operational: approximately 150</li> </ul>
Capital investment value (CIV)	<ul style="list-style-type: none"> <li>\$34,130,011</li> </ul>

## 2.2 Applicant's Need and Justification for the Development

The Applicant outlines that the proposal will bring additional key health care infrastructure to meet community needs and demands. The proposal will help achieve a number of key actions set out in the Central Coast Regional Plan 2041, including placing a high-quality health care facility including disability housing, which achieves design excellence, in a location which will reinforce the existing established health care precinct in Gosford.

The proposal satisfies a number of key objects set out in the EP&A Act including promoting the social and economic welfare of the community, promoting a high standard of environmental performance, incorporating the principles of ecologically sustainable development, contributing positively to the amenity of the built environment and promoting the orderly and economic use and development of land. The proposal will also result in the creation of additional employment in Gosford during the construction phase and operation of the development.



**Figure 8 |** Proposed 3D View (Source: Applicant's documentation)



## 3 Strategic context

### 3.1 Central Coast Regional Plan 2041

The Central Coast Regional Plan 2041 (CCRP 2041) recognises that the Central Coast contains many different communities across various urban, rural and coastal contexts, each of which will see the 15-minute neighbourhood take a different shape. The provision of additional housing and medical services within the City North reinforces the 15-minute neighbourhood principles and delivers employment outcomes. Attracting investment, the co-location of a range of associated uses and providing new pedestrian linkages across the train line remains a challenge to connecting the redevelopment of hospital to the city centre.

Gosford City Centre is the regional capital of a healthy, prosperous and connected Central Coast. It is the focus of professional, civic and health services. Gosford is a vibrant and diverse hub with employment opportunities, housing choice, health and education precincts, efficient public transport, events, restaurants, bushwalks and cycleways, shopping, culture and waterfront activities. The Government Architect NSW's Urban Design Framework provides the long-term vision for Gosford City Centre.

The proposed development is consistent with the goals and objectives of the plan as it:

- provides additional housing and medical services within the Gosford City Centre, in close proximity to jobs and services, reducing car dependency;
- supports infill development and the revitalisation of the Gosford City Centre; and
- contributes towards housing diversity by the provision of seven (7) independent living units.

### 3.2 Gosford Urban Design Framework

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

The GUDF locates the subject site within the City North area, which includes the hospital and health precinct adjacent to the west of the northern railway line. The proposed development is consistent with the GUDF key design principles as it will provide allied health services in the area, including medical consultation for the broader regional population catchment. The independent living units will strengthen the range of housing types for an increased population, as well as new models of living close to the Gosford Hospital and providing for a diverse population to the City North area.

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

- to improve pedestrian amenity along Showground Road, Etna Street and Faunce Street to connect the schools and hospitals into the station and centre of Gosford
- 4.1 to provide for the opportunity for a diversity of building types and scales of spaces should be encouraged to create a varied grain and pedestrian scale environment along Mann Street.
- 4.2. retain existing trees and plant new ones.

### **3.3 Draft Somersby to Erina Corridor Strategy**

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

The site is located within Gosford City Centre, in the City North health precinct, and will support the delivery of the following actions:

- development of allied health facilities to support the growth of services and specialisation in the region

The proposal will establish medical services that are close to public transport. This will facilitate improved pedestrian connections, walkability, and public transport to and from the proposal. The proposal also provides up to 38 specialist medical facilities which will strengthen the specialisation of health services in the region.

### **3.4 Draft Central Coast Urban Spatial Plan**

Council's Draft Urban Spatial Plan (Draft USP) responds to the CCRP 2036 and establishes how Council intends to manage sustainable growth across its LGA. The proposal is consistent with the Draft USP, as it:

- contributes towards improving the liveability and functioning of our existing centres will provide further incentive for Gosford City Centre to grow and thrive
- assists with renewing Gosford City Centre as a place for people building upon the existing strengths and characteristics of the City Centre.

## 4 Statutory Context

### 4.1 Part 4 development

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

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

- the Applicant has not disclosed a reportable political donation in connection with the application
- there are less than 15 public submissions in nature of objections
- Council did not object under the mandatory requirements for community participation in Schedule 1 of the EP&A Act.

### 4.2 Permissibility

The site is zoned B4 Mixed Use under the Regional SEPP. The development is identified as a health services facility and seniors housing and is permissible with consent.

Health Services Faculties are not prohibited in the B4 zone under the Land Use Table in the Regional SEPP and, therefore, are Permitted with Consent in this zone. Seniors Housing and commercial premises are listed as Permitted with Consent in the B4 zone under the Land Use Table. The development meets the relevant objectives of the B4 zone as discussed further in **Section 6.5**.

*Note: On the 26 April 2023, five new employment zones and three new supporting zones took effect in local environmental plans across NSW. The SEPP maps have not been updated but it is assumed that the B4 Mixed Use zone will be translated to MU1 Mixed Use zone. For the purposes of this report, the site will be referred to as being zoned B4 Mixed Use.*

### 4.3 Mandatory Matters for Consideration

The following are the relevant mandatory matters for consideration:

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

#### Section 4.15 matters for consideration

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

#### Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective

integration of economic and environmental considerations in decision-making processes. The Department has considered the project in relation to ESD principles.

The development proposes ESD initiatives and sustainability measures, including:

- design of apartments to promote increased access to daylight and natural ventilation with a central courtyard to promote thermo-regulation
- sustainability commitments to deliver effective water and greenhouse gas reductions outlined in the BASIX Certificate
- design of apartments that achieve a NatHERS rating between 6.4 and 7.7 stars
- a minimum 4-5 star green building rating target.

The precautionary and inter-generational equity principles have been implemented throughout the decision-making process, and the assessment of the development application's environmental impacts are detailed in **Section 7** of this report. Overall, the application is consistent with ESD principles, and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

### **Environmental Planning and Assessment Regulation 2021**

Section 61(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, comprising the following:

- Demolition of a building proposed - provisions of AS 2601;

These provisions have been considered and addressed in the draft conditions.

Unless otherwise noted, the EP&A Regulation has been complied with, including fees (Schedule 4, Part 2)

### **Environmental Planning Instruments**

The relevant EPIs that apply to the proposed development include:

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (and the associated Apartment Design Guide (ADG))*
- *State Environmental Planning Policy (Precincts- Regional) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Infrastructure and Transport) 2021*

The Department is satisfied that the proposal is consistent with the relevant requirements of these EPIs, as contained in the detailed assessment in **Appendix C**.

## **4.4 Public Exhibition and Notification**

In accordance with section 2.22 and Schedule 1 of the EP&A Act, the development application is required to be publicly exhibited for at least 14 days. This aligns with the minimum exhibition period set out in the Department's Community Participation Plan for a development application of this nature. However, the City of Gosford DCP 2018 recommends 21 days. Given the scale of the proposal, the application was notified for 21 days.

The application was on public exhibition from Tuesday, 4 October 2022, until Tuesday, 24 October 2022. Details of the exhibition process and notifications are provided in **Section 5.1**.

## 4.5 Objects of the EP&A Act

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

The Department has fully considered the relevant objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 1**).

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

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The development will promote: <ul style="list-style-type: none"> <li>the proper management and development of suitably identified land</li> <li>the social welfare of the community by providing appropriate medical services and housing for people with a disability</li> <li>a suitable environment through appropriate environmental management during construction and operation.</li> </ul>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Department has considered ecologically sustainable development (ESD) in its assessment of the development. The Department is satisfied the development can be carried out in a manner that is consistent with the principles of ESD.
(c) to promote the orderly and economic use and development of land,	The proposal involves the orderly and economic use of land through the efficient redevelopment of an existing urban site, that is in close proximity to existing services and public transport, and medical services.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,	The project involves the redevelopment of a previously developed site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. The proposal does not involve any significant native vegetation clearing.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	No impacts to built and cultural heritage have been identified. There are no listed Aboriginal sites or places recorded or declared in or near the site.
(g) to promote good design and amenity of the built environment,	The proposal achieves a high standard of design and amenity as discussed in <b>Section 6</b> .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended a number of conditions of consent to ensure the construction and maintenance of the development is undertaken in accordance with the relevant legislation, guidelines, policies and procedures.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department referred the development to relevant government agencies and Council during the exhibition period and invited them to comment. The Department has given due consideration to their advice.

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(j) to provide increased opportunity for community participation in environmental planning and assessment. The Department publicly exhibited the development application as outlined in **Section 5**. Property owners within the vicinity of the development were directly notified in writing.

#### 4.6 Other approvals

The Applicant has not indicated that the proposal is integrated development under section 4.46 of the EP&A Act. A condition has been recommended requiring appropriate approvals to be sought under section 138 of the *Roads Act 1993*.



# 5 Engagement

## 5.1 Consultation by the Department

The Department undertook consultation with relevant local and State authorities as well as affected landowners during the exhibition of the application and throughout the assessment of the development. These consultation activities included:

- making the application and SEE publicly available from 4 October 2022 to 24 October 2022 (21 days) on the NSW Planning Portal
- notifying landowners by letter in the vicinity of the site about the public exhibition
- notifying and inviting comments from relevant State government authorities and Council.

## 5.2 Submissions and Advice

During the exhibition period, the Department received two submissions from the public, as well as comments from Ausgrid, TfNSW, Central Coast Local Health District and Sydney Trains.

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

## 5.3 Key issues raised in submissions

### Key Issues – Public Authorities

**Ausgrid** did not object to the proposal and recommended conditions of consent.

**Central Coast Local Health District** did not object to the proposal and raised concerns regarding privacy and details within the acoustic report.

CCLHD were concerned about the amount of overlooking from the proposal to the health buildings west of the site.

CCLHD were not satisfied with the acoustic report that was submitted with the application. The acoustic report labelled nearby receivers as commercial, and the CCLHD has indicated the nearby users are allied health buildings. As such, CCLHD requested that the acoustic report be revised to re-assess the nearby receivers as medical uses.

**TfNSW** did not object to the proposal and advised that construction traffic measures, internal arrangements, parking, manoeuvring and the capacity of Showground Road and the roundabout to the north of the site should be considered.

**Sydney Trains** provided concurrence under section 2.99 of the *Infrastructure and Transport SEPP* and recommended conditions of consent to be included.

**Council** did not provide a response.

### Key Issues – Community

Two submissions from members of the community were received during the exhibition period. The two submissions objected to the proposal. The objections raised concerns about privacy, traffic, housing and excavation.

## 5.4 Response to submissions and request for information

Following exhibition, the Department placed all submissions on its website and requested the Applicant provide a response to the issues raised in submissions and additional information requested by the Department.

The Applicant submitted a response to the RFI (**Appendix A – List of Documents**), which provided additional information and clarification in response to the issues raised in submissions and by the Department including:

- Housing SEPP compliance table
- Fire Services Layout
- Design Excellence Statement
- Long Section
- Updated Architectural Plans
- Energy Efficiency Statement
- Updated Traffic Impact Assessment
- Updated Acoustic Assessment
- Gosford Heath Hub – Operational Management Plan
- Submissions letter

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

These were made publicly available on the Department's website. Further consultation with public authorities was not undertaken because the Department was satisfied that all concerns raised by public authorities were adequately addressed by the Applicant or have been addressed through conditions of consent.

The Department sort clarification from Sydney Trains about their concurrence and recommended conditions of consent. In response, Sydney Trains maintained that their recommended conditions must be imposed in full or their concurrence would be considered to be withdrawn.

The Department also requested additional information addressing the standards for independent living units contained in the Housing SEPP. In response, the Applicant submitted a response to the RFI (**Appendix A – List of Documents**), which provided additional information including:

- Housing SEPP compliance table
- A clause 5.28 statement addressing the deep soil zone development standard in the Housing SEPP
- Selected amended architectural plans

Again, these were made publicly available on the Department's website but were not forwarded to authorities as the matters did not relate to authorities' previous comments.

## 6 Assessment

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

- building design and residential amenity
- overlooking privacy
- traffic impacts
- construction noise.

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

### 6.1 Building Design and Residential Amenity

#### Building design and appearance

The proposal seeks approval for a six-storey mixed use development containing 38 health services facilities, independent living units (7 units), a retail premises, basement parking, communal open space. The building is designed to front Showground Road with separate access area for the medical services and independent living units that is positioned towards the northern portion of the site (**Figure 9**). The building is articulated into two major forms, with separation between these forms along the street frontage.

The Applicant describes the built form as rectangular with articulation on both the southern & northern elevations. The proposal provides internal amenity and a quality outlook to the north, east & south and provides for an improved public domain and pedestrian connectivity.



**Figure 9** | Impression of proposed eastern elevation (street frontage) (Source: Applicant's documentation)

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

- 13 October 2021 Design Reference Group Workshop 1
- 08 December 2021 Design Reference Group Workshop 2
- 16 February 2022 CoGDAP meeting

At the 16 February 2022 CoGDAP meeting, the Panel advised the proposal should proceed to lodgement. The Panel determined the proposal was designed to provide a development integrated within the surrounding context, that incorporates good design principles and that will positively contribute to the existing local character.

After the Department's RFI the proposal was referred to the CoGDAP for advice, as the proposal sought to utilise the provisions under section 5.46(3) of the Regional SEPP to exceed the mapped building height applying to the land.

The Panel was unanimous in forming the opinion that the development exhibits Design Excellence and commended the Applicant for the commitment and responsiveness to the design review process. The Panel outlined that the proposed scale, built form, use of materials and landscaping will positively contribute to the existing local character and the Hospital Precinct located in the City North.

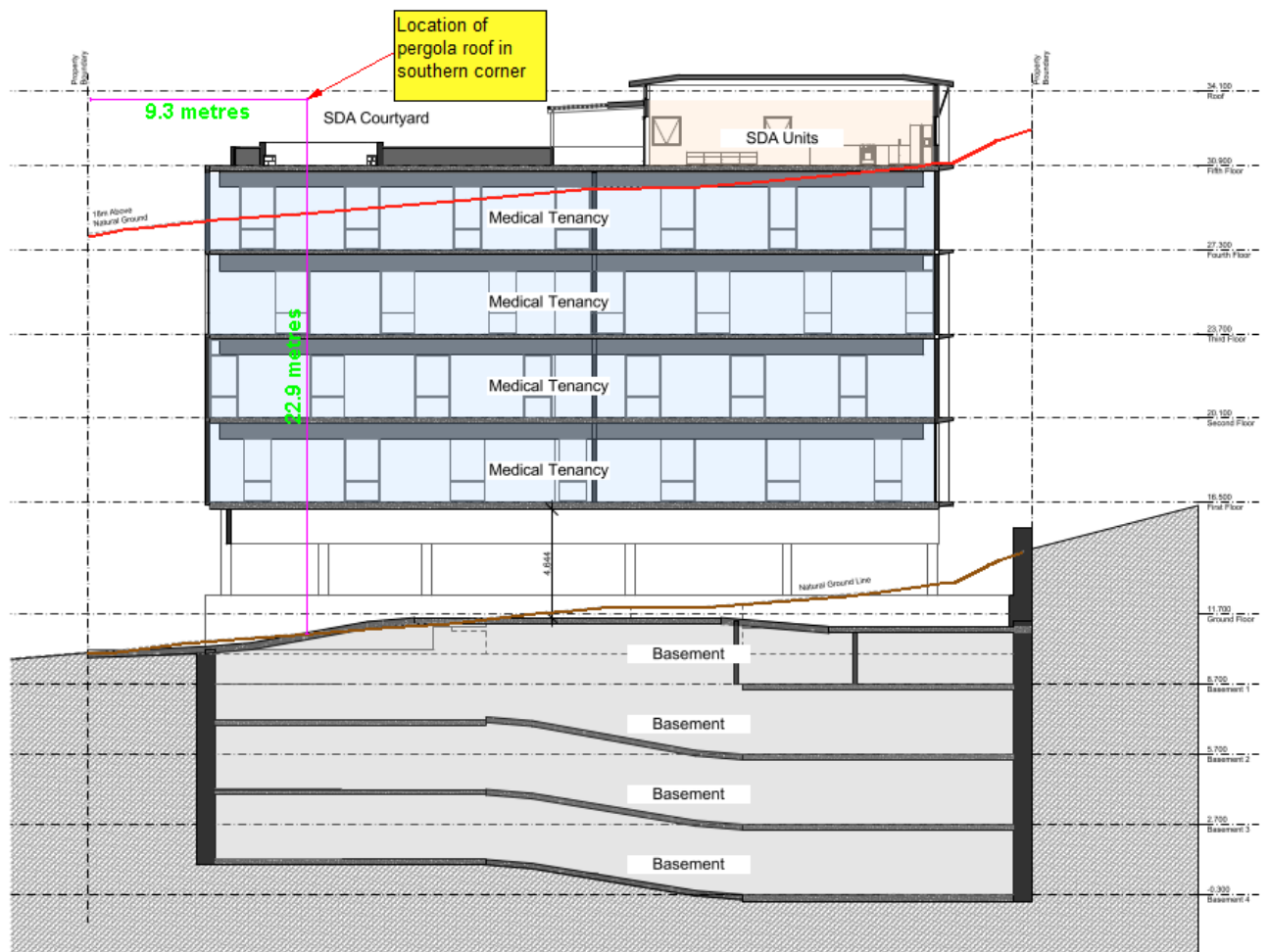
The Panel suggested several design improvements that the Applicant may wish to explore further as part of the design refinements. In response, as part of the RFI documentation the Applicant provided:

- revised roof plans to accommodate increased natural sunlight to the private open spaces areas of the units
- expanding access to the building in the northeastern corner by reducing the length of vegetation planter boxes and increasing the width of the straight entry walkway (stairs). To improve privacy concerns raised by adjacent lots, the building's front façade is wrapped around the top floor
- use of sandstone materials in the design on part of the northern and eastern elevations fronting the street.

The Department is satisfied that the proposal will result in a high standard of architectural design, materials and detailing appropriate to the building type and location. The built form and external appearance of the development will improve the quality and amenity of the public domain. The proposal has been subject to an extensive design review process and the Department is satisfied that the proposal exhibits design excellence in accordance with section 5.46 of the Regional SEPP, as assessed in **Appendix C** – Consideration of Environmental Planning Instruments.

### Height Variation

The proposed development has an overall building height of 22.9m for the roof of the pergola towards the southern end of the building. Under Section 5.25 of the Regional SEPP the maximum building height applying to the land is 18m. The proposal exceeds this maximum building height by +4.9m resulting in a variation to the standard by approximately 27.6%, see **Figure 10**.



1 C Section C  
Scale 1:200

**Figure 10 |** Proposal's height above the natural ground level (brown line) in comparison to 18m height limit (red line) under Regional SEPP 2018 (Base source: Applicant's documentation)

The Applicant states that the additional building height is appropriate and is permitted under section 5.46 if the building achieves design excellence.

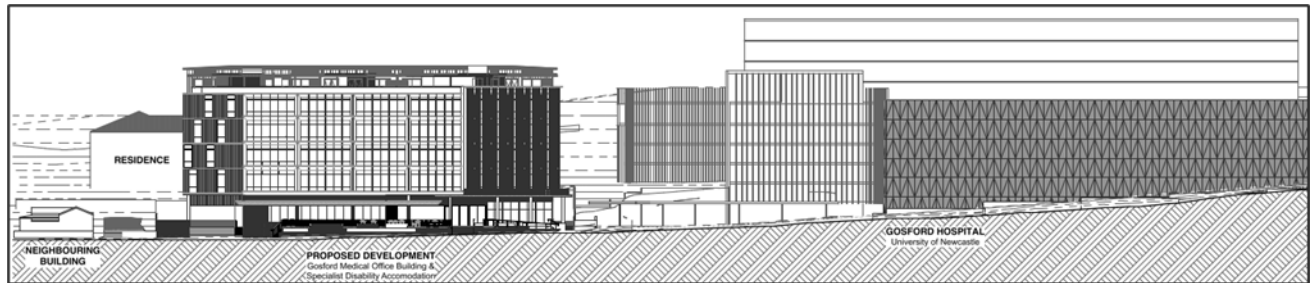
Section 5.46 of the Regional SEPP permits variations to building height in cases where proposals meet certain site criteria (at least 36m street frontage or 2,800m<sup>2</sup> site area), a design review panel reviews the proposal, the consent authority considers the findings of the panel, and the consent authority is satisfied with the amount of commercial floor space and with the building's sustainability and environmental performance.

The proposal has undergone extensive design review pre- and post- lodgement of the application in accordance with Section 5.46 (3) (b). The bulk, scale and height has been reviewed by the CoGDAP and was determined to be an appropriate design for the site and its constraints (slope). The Panel formed the view that the building layout will provide good levels of residential amenity and the scale, built form, use of materials and landscaping will positively contribute to the existing local character.

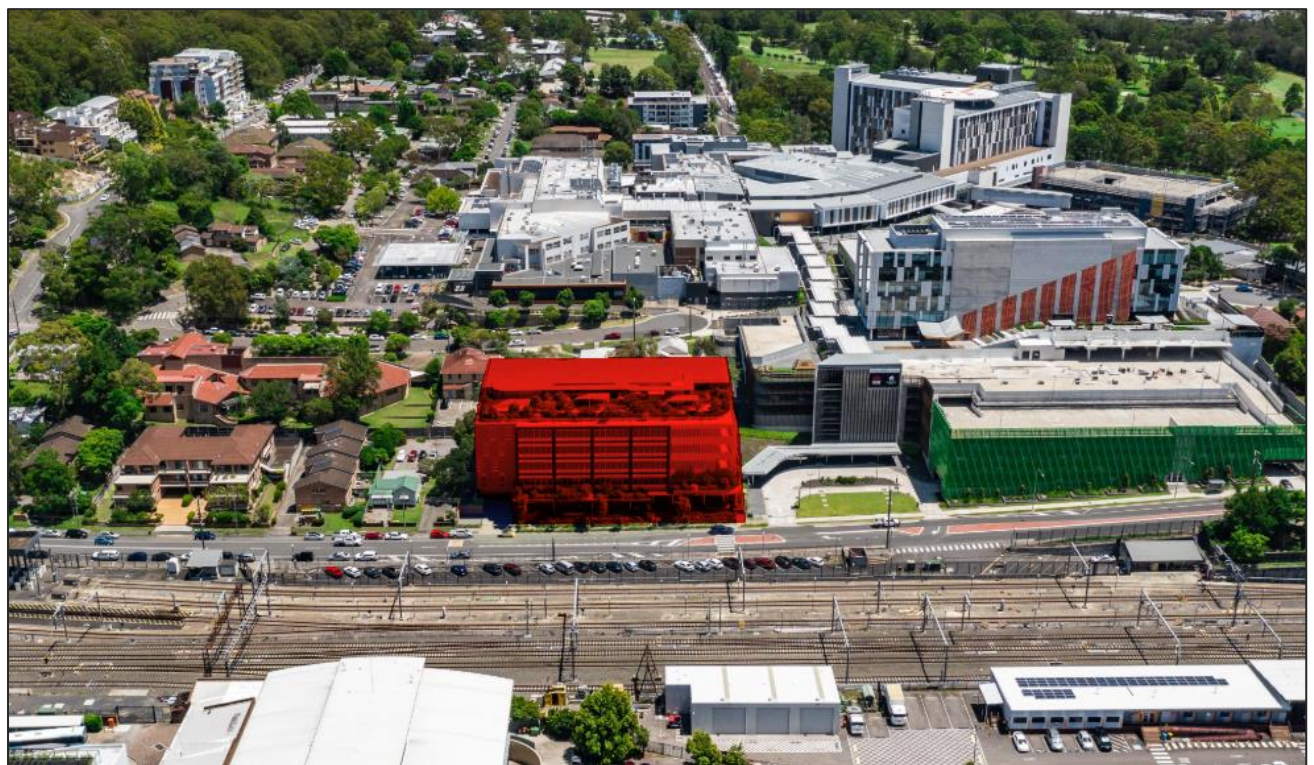
The Department has received revised plans since the Panel's decision. The revised plans included amendments to increase sunlight to the private open space areas for the units on the top floor, additional fin/blades on the western elevation to the units, ground floor access, use of sandstone to parts of the planter boxes at street level.



The Department notes the scale of development is varied surrounding the site (**Figure 11 and Figure 12**). Immediate areas to the north and south of the site are zoned B4 Mixed Use. To the north is a multi-storey parking station. Immediately to the west and south of the site are single storey developments. Surrounding the site and further to the west and is the Gosford Hospital all within the SP2 Health Services Facility zone.



**Figure 11** | Long section of Showground Road, the proposal and scale of surrounding development (Source: Applicant's documentation)



**Figure 12** | Proposal (highlighted in red) in context of scale of surrounding development (Source: Applicant's documentation)

The Department has considered the Panel findings in its assessment of the application, and the Department is satisfied with amount of commercial floor space and the proposed building's sustainability and environmental performance standards. The Department is satisfied that the proposed building height variation is suitable for the character and scale of the immediate locality, provides a suitable built form relationship to existing and approved development and does not result in adverse impacts on surrounding properties.

The proposal meets the criteria to exceed the maximum height of buildings in accordance with the provisions of Section 5.46 (3).

### Street Wall Height

The GDCP Section 5.2.1 outlines setbacks for developments at varying heights and Section 5.2.2 outlines street wall heights for developments. The GDCP controls requires a setback of 3-4m at ground level and a street wall height of 6-14m. This is to achieve comfortable street environments for pedestrians in terms of



daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees, and to encourage a strong architectural expression.

The proposal has the following setbacks:

- Below ground level, the basement is set back nil to each boundary.
- At ground level (ground floor), the front windows and wall of the proposed building have a varied front setback of 4m towards the southern portion of the building and 4.7m towards the northern portion of the building. In addition, the ground level includes raised garden beds, stairs, ramp, pathway and a raised seating area that are variously set back between nil and 1.5m.
- From the first to the fourth floor, the front wall of the building is set back 3.6m from the front boundary to a height of 19.5m above the mean ground level. In addition, the first floor includes planters that are set back 0.9m from the boundary.
- The fifth floor (top floor) and the outer wall to the units are set back 23m from the boundary. In addition, the fifth floor includes a planter, balustrade & balcony and pergola that are set back 6m, 7m and 9.3m respectively.

This results in a partial non-compliance, because part of the street wall height exceeds the 14m maximum by 5.5m.

As mentioned above the proposal has been subject to extensive design review, pre- and post- lodgement of the application in accordance with Section 8.4(3)(b) of the Regional SEPP. The bulk, scale and height has been reviewed by the CoGDAP, and the building was determined to be an appropriate design for the site. The ground floor has been designed to have a generous awning with landscaping that will overhang and soften the building. The landscaping will enhance the building and streetscape as well as contributing to the amenity of the occupants of the building. The top storey has been set back to the rear to the development, allowing roof top landscaping and communal open space to present to the street. It is considered that the proposed building provides visual interest, respects the character of the local area and delivers amenity and safety for residents and pedestrians with a direct outlook to the streetscape.

The Department is satisfied that the design of the street wall height, articulation, materials and detailing of the building is considered appropriate for the site, zone and locality. It will improve the quality and amenity of the occupants of the building and public domain, and it expresses a strong architectural features, which are the objectives of this control.

## **6.2 Development standards for Independent Living Units**

The proposal seeks approval for a six-storey mixed use development including independent living units (7 units) upon the top floor.

Clause 108 in the Housing SEPP contains non-discretionary development standards for development that proposes independent living units. Clause 108 seeks to set standards for particular matters that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. The matters relate to building height, FSR, landscaped area, deep soil zone, solar access, private open space and car parking, and are addressed as follows.

### **Height**

Clause 108(2)(a) and (b) relate to building height. Clause 108(2)(a) limits building height to no more than 9.5m, excluding servicing equipment on the roof of a building. Clause 108(2)(b) stipulates that servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m, must be integrated into the roof design or screened from public view, no more than 20% of roof area, and must be no more than 11.5m high.

The development standards in the Housing SEPP which seek to regulate height and floor space cannot apply to those aspects of the DA that are not development for the purpose of independent living units. The subject DA is for a mixed use development, and so the development standards in the Regional SEPP are the relevant controls for building height and floor space.

Chapter 5 of the Regional SEPP applies to Gosford CBD and includes section 5.28 that facilitates variation to development standards within any EPI. The Regional SEPP also includes section 5.46 that permits variations to building height where the site meets criteria relating to street frontage length and site area, a design review panel reviews the proposal, the consent authority considers the findings of the panel, and the consent authority is satisfied with the amount of proposed commercial floor space and with the proposed building's sustainability and environmental performance.

The proposed building height is more than 9.5m, however a section 5.28 variation under the Regional SEPP is only necessary for variations to non-discretionary development standards set out in clause 108 of the Housing SEPP which relate to matters other than height and FSR.

The proposed development has an overall building height of 22.9m. Under Section 5.25 of the Regional SEPP the maximum building height applying to the land is 18m. The proposal exceeds this maximum building height by +4.9m resulting in a variation to the standard by approximately 27.6%.

The subject site meets the site criteria under section 5.46 of the Regional SEPP. The CoGDAP reviewed the proposal, and the Department has considered their comments. The Department is satisfied with amount of commercial floor space and the proposed building's sustainability and environmental performance standards. The requirements for section 5.46 have been met.

The proposal does not include servicing equipment on the roof. The proposal complies with Clause 108(2)(b) under the Housing SEPP.

### **Floor space ratio**

Clause 108(2)(c) of the Housing SEPP limits FSR to no more than 0.5:1. However, the development standards in the Regional SEPP are the relevant controls for floor space. Chapter 5 of the Regional SEPP applies to Gosford CBD and includes section 5.28 that facilitates variation to development standards within any EPI. The Regional SEPP also includes section 5.46 that permits variations to FSR where the site includes particular street frontage length and site area and the FSR does not exceed a particular formula.

The proposed FSR exceeds the limit under the Housing SEPP, however a section 5.28 variation under the Regional SEPP would only be necessary for variations to non-discretionary development standards set out in clause 108 of the Housing SEPP which relate to matters other than height and FSR.

The proposed development includes an FSR of 3.37:1. This represents 8,209sqm GFA, including 651.3sqm residential GFA, upon the 2,437sqm site. Section 5.26 of the Regional SEPP limits FSR on the site to 2:1 however, subsequently, section 5.46 limits FSR on the site to 3.84:1. The proposed FSR complies with section 5.46 of the Regional SEPP.

### **Landscaped area**

Clause 108(2)(d) and (e) relate to landscaped area. The Dictionary in the Housing SEPP defines landscaped area as the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area. The SEPP does not define open-air recreation facility or clarify whether hard surfaces for communal open space meets the definition of landscaped area, however references to driveway and parking area in the definition suggests that hard surface dedicated to recreation may count as landscaped area.

Clause 108(2)(d) requires at least 35sqm landscaped area for a development application made by a social housing provider, and clause 108(2)(e) requires a minimum of 30% of the site area to be landscaped for all other development applications.

Clause 108(2)(d) relates to any development application made by a social housing provider. In the subject case, the application has been made by a private entity. Clause 108(2)(d) does not apply to the subject application.

The proposal includes 730sqm (30%) area that is vegetation that is uncovered, albeit that is upon basement and other floors. The proposal is considered to meet Clause 108(2)(e).

### **Deep soil zone**

Clause 108(2)(f) requires a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site.

The subject proposal includes a basement set back nil to the northern side, western rear and southern side boundaries and set back 4.6m to the eastern front boundary. The proposal includes garden beds within the front setback area but which are narrow, do not include trees, and are not demonstrated to constitute deep soil zone. The absence of any deep soil area equates to a variation of 100% to the standard under clause 108(2)(f).

The Applicant has submitted a written request seeking variation to the standard. The Department is satisfied that the written request adequately addresses that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard. The Department also concludes that the proposal will be in the public interest because the proposal is consistent with the objectives of the standard and the objectives for development within the zone. The Department is satisfied that the provisions of clause 5.28 of the Regional SEPP are met and that variation to the deep soil standard can be granted. Refer to **Appendix D – Clause 5.28 Variation: Deep Soil Zone** for further information.

### **Solar access**

Clause 108(2)(g) requires at least 70% of dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces.

Design criterion 1 under part 4A Solar and Daylight Access in the ADG requires living rooms and private open spaces of at least 70% of apartments in a building to receive a minimum of 2 hours direct sunlight in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas, or at least 3 hours direct sunlight in all other areas, between 9 am and 3 pm at mid winter.

The Department's assessment of the proposal with respect to 4A of the ADG finds that proposal complies with the minimum 70% of apartments receiving sunlight between 9am and 3pm mid-winter. Consequently, the proposal shall also comply with clause 108(2)(g) of the Housing SEPP.

### **Private open space**

Clause 108(2)(h) and (i) relate to private open space. Clause 108(2)(h) relates to ground floor dwellings and single storey buildings. Alternately, clause 108(2)(i) requires each dwelling to include a balcony accessible from a living area with minimum dimensions of 2m and either at least 6sqm in size or, if the dwelling includes two or more bedrooms, at least 10sqm in size.

The proposed units are upon the top floor. Clause 108(2)(h) does not apply.

The Applicant's Attachment A – SEPP (Housing) 2021 Compliance Table – Clause 108(2) prepared by Metroplan Services dated 15 May 2023 describes that all dwellings have private outdoor areas of at least 10sqm.

### **Car parking**

Clause 108(2)(j) and (k) relate to car parking. Clause 108(2)(j) relates to any development application made by or with a social housing provider. Alternately, clause 108(2)(k) requires at least 0.5 parking spaces to be provided for each bedroom.

The subject application has been made by a private entity. Clause 108(2)(j) does not apply to the application.

The proposal includes 12 bedrooms between seven dwellings. The proposal also includes an On-Site Overnight Assistance Unit studio as an additional support to the Specialist Disability Accommodation to provide flexibility if additional assistance is required by one the occupants of the SDA.

Clause 108(2)(k) thereby requires the proposal to include at least seven car parking spaces.

The proposal includes eight resident car parking spaces. The proposal complies with Clause 108(2)(k).

## **6.3 Noise impacts (construction)**

The development site is surrounded by a hospital, medical facilities, allied health buildings, residential developments, and rail infrastructure. Noting the site's surroundings, some impacts may occur during the excavation, construction, and operational phases. Noise from heavy machinery during excavation/construction and piling may cause unacceptable impacts to nearby receivers.

The applicant submitted an acoustic report. The report considers potential noise impacts from construction and was assessed in accordance with the advice presented in the Interim Construction Noise Guideline (ICNG) (Department of Environment & Climate Change NSW, 2009) and Australian Standard AS2436-2010 “Guide to noise and vibration control on construction, demolition and maintenance sites”.

The report recommends construction methods, materials and treatments to be used for the site, given both internal and external noise sources, to meet the ICNG. The recommendations include acoustic treatments such as glazing, building construction, separation between uses, mechanical noise and commercial delivery times.

The report also assesses potential impacts during construction from associated noise and vibration on nearby receivers.

The preliminary construction noise and vibration assessment within the acoustic report found all construction activities are likely to create periods of noise above the highly noise affected level of 75 dBA at the nearest residential receiver (R1 south of the subject site in **Figure 13** below). Construction noise impacts are expected at the nearest commercial receivers (identified as C1, C2 and C3 adjoining the site to the west in **Figure 13**) but not within the educational or health buildings (identified as H1 and E1 further west and north west of the site).



**Figure 13 |** Construction site in red and nearest assessed receivers labelled (source: Applicants acoustic report)

NSW Health expressed concerns about acoustic impacts on adjacent health care facilities during construction. NSW Health requested further assessments, including that the acoustic report indicate the premises at 67-77 Holden St, 69-71 Holden St, and 73-75 Holden St as receiver types 'Health' instead of 'Commercial', and mitigation measures be implemented. NSW Health believe these premises have been misclassified because properties C1, C2, and C3 provide health care to vulnerable members of the communities.

In response to the RFI that was sent to the Applicant, a revised acoustic report was submitted. The acoustic report gave a detailed assessment as to how the adjoining and surrounding premises were classified in line with the ICNG, including a table assessing the C1, C2 and C3 receivers against each classification available in the ICNG, and concluded that the appropriate receiver type – Offices – had been selected. The report also describes that, unless the C1, C2 and C3 receivers are used as hospital wards or operating theatres, the Applicant believes the current classification of 'commercial/office' is appropriate.

Section 2.1 of the ICNG describes residences, classrooms, hospitals as sensitive land uses, and identifies that commercial premises, such as research facilities, child care centres, office premises and retail spaces, may at times be sensitive to noise from construction. Section 4.1 of the ICNG lists noise limits for:

- Other sensitive land uses, including education uses, hospital wards and community centres
- Commercial and industrial premises, including offices, and including other business that may be very sensitive to noise such as theatres and child care centre



The ICNG describes that the proponent should undertake a special investigation to determine suitable noise levels in accordance with maximum levels specified in AS 2107 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors. The ICNG describes that the proponent should assess noise levels for the project and consult with occupants of commercial and industrial premises.

The NSW Environmental Protection Authority (EPA) has also published the Draft Construction Noise Guideline (2021). The Draft Guideline describes that other sensitive land uses should not be unduly disturbed. The Draft Guideline identifies education uses, hospital wards, community centres and offices as sensitive land uses, and the Draft Guideline describes that, due to the broad range of sensitivities to construction noise on commercial or industrial land, different categories of noise management levels may apply.

The site fronts Showground Road, and the northern railway line is nearby. Construction of the development is likely to result in some disturbance in the locality, including that construction activities are expected to exceed the highly noise affected level of 75 dBA at the nearest residential receiver (R1). Levels presented represent typical worst-case 15-minute periods, where the noisiest plant are operating for the full 15 minutes.

The revised acoustic report does not describe detailed engagement with the C1, C2 or C3 receivers or, alternately, interrogate their type of commercial use, including the presence of patients and the delivery of health care directly to members of the community on site.

The Department considers that the C1, C2 and C3 receivers may not require health care practitioners to maintain the level of concentration and require a noise isolated environment to the extent of an operating theatre or where persons may rest, however the uses may continue to require noise isolation more than a typical office premises.

Conditions of consent will require an appropriate Construction Environmental Management Plan (CEMP), including a Construction Noise and Vibration Management Sub-Plan (CNVMP) to be prepared prior to the construction of the development. The Department also recommends that, considering the above, the Definitions in the Notice of Determination identifies the C1, C2 and C3 receivers as sensitive land uses for the purposes of the requirements of the development consent.

To minimise construction impacts, recommended conditions also specify construction hours and appropriate management of noise and vibration during construction. The Applicant's acoustic report makes several recommendations to mitigate noise and vibration impacts, which the Department will implement:

- construction and excavation activities will only occur during standard construction hours
- the CEMP is to predict noise and vibration at the nearest receivers based on proposed plant
- the CEMP must include both a noise and vibration monitoring plan. The noise monitoring plan will include verification noise measurements at the beginning of a new stage of works, and in response to a new complaint received.
- the efficacy of sound blankets or hoarding around the construction site is to be investigated as a noise barrier to protect the amenity of adjacent and nearby receivers
- impacted receivers are to be consulted regarding the nature and timing of the works, including predicted noise and vibration impacts at their property and the mitigation measures that will be adopted
- nearby receivers are also to be provided with a site contact to direct any noise or vibration complaints
- any complaints received will be investigated and measurements will be undertaken and compared to predictions made in the CNVMP. If the measurements are not in line with predictions made, additional reasonable and feasible mitigation measures will be investigated.
- plant will be selected with consideration to the sound and vibration output. Selected plant will not be any larger than what is required to undertake the activity.
- sound barriers (either plywood hording or sound barrier mats hung from site fencing) will be erected around the site perimeter to extend to at least 1.8 m above ground level
- vibration monitors programmed to send text message alerts to the work crew are to be used at nearby receiver locations that are within the minimum working distance for cosmetic damage. This will depend on the plant being used and will be updated once plant have been selected.

A CEMP is recommended to be prepared to manage and mitigate the impacts of construction, including sediment and erosion, contamination, waste, traffic, noise and vibration and flooding. The CEMP must also implement the recommendations that were recommended above and within the acoustic report.

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

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

## 6.4 Overlooking Privacy

The proposal is a significant redevelopment of the existing site from one to two storey medium density housing to a seven (7) storey mixed use development. The development site, being bound by existing public roads to the east and private infrastructure (parking station) to the north, is afforded adequate separation to existing adjoining development in these directions. The development site adjoins existing commercial type development (allied health buildings) directly to the south and west.

As outlined in the Applicant's SEE, privacy concerns have been addressed through building setbacks and separation that generally comply the DCP to maintain Gosford's character of visual openness and provide good amenity for building occupants including daylight, outlook, visual privacy, acoustic amenity, ventilation, wind mitigation and view sharing.

The submission from Central Coast Local Health District requested that any approval include screening to protect privacy, including appropriate location of windows and open spaces, and the screening of upper floor windows along the western elevation.

In response to the RFI, the Applicant submitted revised plans and a revised design excellent report that stated the following:

- *On the Western façade aluminium battens are screening windows and balconies on the upper level to reduce solar heat gain and provide privacy for residents. Drawing A-DA-09.04 Elevations-West has been amended to include additional privacy screens/techniques to reduce overlooking of adjoining properties*
- *It should be noted that the design of the upper lever has been designed to consider the visual and acoustic privacy of adjacent neighbours. Open space associated with the units is oriented towards the Showground Road (eastern) frontage with balconies and windows on the western façade limited in size to reduce overlooking.*
- *Perimeter landscaping of the roof level open space area will also reduce the opportunity to overlook adjoining neighbours and direct views further afield*

The surrounding properties comprise dwelling houses that are used as health services premises. Their backyards appear to be used as car parking or are vacant and disused. 58 Showground Rd adjoining the south side of the subject site appears to comprise a dwelling house that has been converted into Showground Centre and, immediately adjoining the site, comprises a side driveway and rear car park.

The Department considers that the units will not unreasonably compromise the privacy of adjoining existing developments to the western and southern properties. The proposed units have been designed to have an easterly outlook to Showground Road. Communal open space and private courtyards have been oriented towards the east, encouraging passive surveillance on the upper level that overlooks the street away from the adjoining properties to the west. The development incorporates some elements of screening to components of the proposal on the upper floor, as well as 900mm sill windows to protect and enhance the privacy of adjoining land uses.

The development is responsive to surrounding development, provides for the appropriate separation ranging from adjoining land uses and incorporates design elements, such as orientation of communal open space, window size and placement, screening, and fins/blades that ensure the development will not result in unacceptable privacy impacts.

The Department is satisfied that the proposed development will not unreasonably impact privacy of adjoining properties to the south and west.



## 6.5 Traffic and Access

The site is located on a busy road, is large and is not unreasonably constrained. It is acknowledged that there are a number of residential flat buildings, multi-dwelling unit developments, medical and other commercial premises in close proximity to the proposal. As such, any development on this location needs to be well designed, well managed and address potential traffic impacts.

The Traffic Impacts Assessment (TIA) included that northbound and southbound daily traffic counts for Showground Road are 4782 and 4246 respectively. The traffic impact assessment predicted that the proposal Hub will generate 447 and 365 trips in the AM and PM.

The community raised concerns regarding potential increase in traffic generation from the proposed development and suggested traffic counts be revised taking into account local school times. A referral response from TfNSW raised no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.

The Applicant submitted a revised traffic impact assessment report that considered both the construction and operational traffic impacts of the proposal.

The report revised the timing of the traffic counts from 3pm-6pm. A review of these automatic count results indicated that the average weekday peak hour traffic flows on Showground Road occurred between 8am-9am in AM Peak and 4pm-5pm in PM Peak. While the average weekend peak hour traffic flows on Showground Road occurred between 8am-9am in AM Peak and 4:30pm-5:30pm in PM Peak.

The proposed development will generate 388 trips in the AM and 317 trips in the PM. The proposed layout will allow right and left turn movements into the Health Hub access using a layout similar to the Gosford Hospital Access. However, right turn out of the site will not be permitted in order to avoid long delays and queuing on the exit driveway.

Conditions of consent will require the internal circulation roads and parking layout to be designed in accordance with 2890.1 & 2890.2. The Department considers that the overall increase in trip numbers will not have unacceptable environmental impacts on the road network surrounding the site and that internal arrangements and access have been designed in accordance with the relevant requirements.

## 6.6 Other

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

**Table 3 | Other Issues**

Issue	Findings	Recommendations
<b>Site Suitability</b>	<p>The site is zoned B4 Mixed Use under the Regional SEPP (now consolidated within <i>State Environmental Planning Policy (Precincts – Regional) 2021</i>). The development meets the objectives of the zone as the development integrates medical type business, retail and housing in an accessible location to maximise public transport patronage and encourage walking and cycling.</p> <p>Seniors housing (housing for seniors and people with a disability) is a permitted use with development consent within the B4 Mixed Use zone. Additionally, demolition is permissible with development consent under section 2.7</p> <p>Section 89 of <i>State Environmental Planning Policy (Housing) 2021</i> (the Housing SEPP) allows for seniors housing in commercial zones except for on any part of the</p>	No recommendation necessary.

Issue	Findings	Recommendations
	<p>ground floor of a building that fronts a street on land zoned primarily for commercial purposes. There is no seniors housing proposed on the ground floor of the development and it is therefore compliant with Section 89.</p> <p>The Department is satisfied that the proposed development is suitable for the site as it is permissible and meets the objectives of the B4 zone.</p>	
<b>Car Parking</b>	<p>The proposal provides a total of 228 car parking spaces.</p> <p>The Housing SEPP provides a parking rate of 0.5 car spaces for each bedroom. Therefore, the development must provide 7 car parking spaces for residents. The proposal includes 8 spaces dedicated to the units.</p> <p>Under section 5.47 (1) (a) of the Regional SEPP, commercial premises must provide a minimum 1 space per 75m<sup>2</sup> (requiring 101 spaces).</p> <p>Under the GDCP 2018, the rate for a medical centres is 3 space per surgery or consulting plus 1 space for each practitioner. The rate for a retail space in mixed use zones under the GDCP is 1 space per 40m<sup>2</sup>.</p> <p>The proposal does not involve the fit out of tenancies. Because of this, the applicant provided a comprehensive parking assessment that predicted the estimated future use of the building based off other medical type facilities across the state and proposes 228 spaces.</p> <p>The Department is satisfied with the parking provision of the development as it provides car parking in accordance with the rates set out in the Regional SEPP and Seniors SEPP.</p>	<p>A condition of consent is included to ensure 8 spaces and one visitors space are allocated to residential units and 220 for the commercial and retail use.</p>
<b>Deep Soil Planting</b>	<p>Part 3E of the ADG requires a minimum of 7% of the site area is required for deep soil. Therefore, Part 3E requires the site include at least 170sqm of deep soil area.</p> <p>Clause 108(2)(f) of the Housing SEPP requires a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site.</p> <p>The proposal includes no deep soil areas. However, the proposal contains the following deep planting elements:</p> <ul style="list-style-type: none"> <li>• construction of deep planter boxes within the front setback</li> </ul>	<p>Conditions of consent have been included requiring details of landscaping and details prior to the issue of construction certificates.</p>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> <li>• construction of deep planter boxes along the northern, southern and western boundary</li> <li>• construction of a roof top communal area with gardens</li> </ul> <p>The Applicant provided Landscape Plans, and the Department has recommended standard conditions to ensure the landscaping is carried out in accordance with the approved plans. The Department has also recommended conditions that require soil volume, depth and area that meets the standards in the ADG. The conditions do not represent the imposition of development standards that are more onerous than the deep soil standard contained in the Housing SEPP.</p> <p>The Department considers that with the appropriate care and conditions for maintenance, the deep planter areas will provide a suitable setting for the development.</p> <p>The Applicant has submitted a written request seeking variation to the standard. The Department is also satisfied that the Applicant's written request to vary the deep soil standard in the Housing SEPP adequately addresses the necessary matters under clause 5.28 of the Regional SEPP.</p> <p>The Department is satisfied that the proposed vegetation and landscaping is appropriate subject to the recommended conditions.</p>	
<b>Contributions</b>	<p>The Gosford City Centre Special Infrastructure Contribution (SIC) applies to all new development on residential and business zoned land within the Gosford City Centre that has a delivery cost of \$1 million or more triggering payment of a 2% levy. Circumstances apply where the SIC does not apply, however, the Applicant has not provided information to confirm that an exemption is applicable.</p> <p>The Department has recommended the standard condition requiring the payment of the SIC. The Applicant can provide information as a post approval matter to confirm whether an exemption is applicable.</p> <p>Central Coast Council has a local 94A Development Contribution Plan– Gosford City Centre (now a 7.12 plan), known as the Civic Improvement Plan. This plan applies to all development with a cost of more than \$250,000 that increases the gross floor area on land. The plan originally levied 4% until 2018 when the SIC was introduced and is now amended to trigger payment of a 1% levy.</p>	<p>Conditions of consent have been included requiring payment of SIC and local contributions.</p>

Issue	Findings	Recommendations
<b>Servicing and Utilities</b>	The Department is satisfied that subject to the recommended conditions, the access to utilities is appropriate.	Conditions of consent are included to ensure service authority clearances are obtained for access to water, electricity, telecommunications and gas (where relevant).

## 7 Evaluation

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

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

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

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

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

- provide medical services adjacent to the Gosford Hospital, public transport and with the Gosford City Centre
- provide contemporary, quality disability housing in the form of self-contained apartments in the Gosford City Centre
- be consistent with the strategic planning context for Gosford City Centre
- comply with the land use zone and floor space controls in the relevant environmental planning instrument
- include an appropriate variation to building height, as permissible by Section 5.46 of the Regional SEPP due to the surrounding scale and context of the site and appropriate design
- exhibit design excellence with a high standard of architectural design appropriate for a seniors housing development
- be consistent with future character of the area and not adversely impact surrounding amenity, in terms of solar access, view impacts and privacy impacts
- provide adequate onsite car parking to meet the needs of residents and the associated traffic can be accommodated without adversely impacting the surrounding road network
- provide good residential amenity to all future residents, satisfactorily complying with the Apartment Design Guide.

The Department is satisfied that the requirements for a variation to the development standard for deep soil zone have been met and the Department considers that, subject to some improvements via consent conditions, the landscape outcome for the site is compatible with the existing character, desired character and amenity for the development, the site and the surrounding area.

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



## 8 Recommendation

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

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons formaking the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 22/11444, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix E – Recommended Instrument of Consent**).

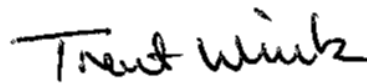
**Recommended by:**



Michael Doyle

**Senior Planning Officer**

**Recommended by:**



Trent Wink

**Team Leader**

## 9 Determination

The recommendation is **Adopted** by:

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

Keiran Thomas  
**Director**  
**Regional Assessments**

# Appendices

## Appendix A – List of Documents

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

### Statement of Environmental Effects

- Statement of Environmental Effects – '*60-64 Showground Road Gosford, Integrated Health Hub Facility and Disability Accommodation*' prepared by Metroplan Services dated 12 August 2022

### Submissions

- All submissions received from relevant public authorities and Council

### Additional Information

- *Response to Request for Information letter '60-64 Showground Road Gosford – Proposed Integrated Health Hub Facility And Disability Accommodation – Additional Information'* prepared by Metroplan Services dated 11 January 2023
- *60-64 Showground Road Gosford – State Environmental Planning Policy (Housing) 2021 - Part 5 Housing for Seniors and People with a Disability 2021 - Compliance Table*
- *Fire Services Layout*, prepared by Premium Fire Services dated 19 December 2022
- *Design Excellence Statement Showground Road Integrated Medical Office Building Revision C* prepared by Elevation Architecture dated 22 December 2022
- *Long Street Elevation* prepared by Elevation Architecture dated 22 December 2022
- *Updated Architectural Drawings Revision F* dated 18 January 2023
- *Energy Efficiency Statement Mixed Use Development 60-64 Showground Road Gosford* prepared by CES Chapman Environmental Services undated
- *Traffic Impact Assessment* prepared by Northern Transport Planning and Engineering Pty Ltd dated 11 January 2023
- *DA Acoustic Assessment 60, 62 & 64 Showground Road, Gosford, NSW* prepared by RCA Australia Revision 3 dated 16 December 2022
- *Gosford Health Hub – Operational Management Plan* prepared by Cornerstoen Healthcare Properties undated
- *Revised Ground Floor Plan* prepared by Integrated Design Group dated 19 September 2022
- *Response to Request for Information letter 'RE: 60-64 Showground Road Gosford – Proposed Integrated Health Hub Facility And Disability Accommodation – Additional Information'* prepared by Metroplan Services dated 15 May 2023
- *Attachment A – SEPP (Housing) 2021 Compliance Table – Clause 108(2)* prepared by Metroplan Services dated 15 May 2023

- *Attachment B – Statement pursuant to Clause 5.28 Exceptions to Development Standards under State Environmental Planning Policy (Precincts Regional) 2021* prepared by Metroplan Services dated 15 May 2023
- *Attachment C – Amended Architectural Drawings revisions I, K, J and F* prepared by Elevation Architecture dated 10 May 2015

#### **Statutory Documents**

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

All documents relied upon by the Department during its assessments of the application may be viewed at: <https://pp.planningportal.nsw.gov.au/daex/under-consideration/mixed-use-development-60-64-showground-road-gosford-da-2211444>

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

**Table 4 |** Matters for Consideration under Section 4.15 of the EP&A Act

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

## Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs were considered as



part of the Department's assessment:

- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) (and the associated Apartment Design Guide (ADG))*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Industry & Employment) 2021*
- *State Environmental Planning Policy (Precincts- Regional) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

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

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

The Department has assessed the application against the SEPP 65 aims/objectives at **Table 5** and ADG at **Table 6**.

**Table 5 | SEPP 65 Assessment**

Relevant Section	Consideration and Comments	Complies
2 Aims of Policy	This is considered below.	Yes
28 Determination of development applications	(1) The City of Gosford Design Advisory Panel (CoGDAP) determined that the development exhibited Design Excellence on 19 December 2022.  (2) The application is evaluated in accordance with the advice of the design review panel, the design quality principals and the ADG below.	Yes

30 Standards that cannot be used as grounds to refuse development consent or modification of development consent	(1) (a) the proposal has more than the recommended minimum amount of parking required by the ADG	Yes
	(b) all apartments meet the recommended minimum internal area for one bedroom apartments of 50m <sup>2</sup> , for two bedroom apartments of 70m <sup>2</sup> and for three bedroom apartments 90m <sup>2</sup> .	Yes
	(c) all apartment ceiling heights meet the recommended minimum ceiling height of 2.7m for habitable and 2.4m for non-habitable rooms.	Yes
	(2) The proposal is evaluated in accordance with the design quality principals and the ADG below.	Yes

### Schedule 1 Design Quality Principles

1. Context and neighbourhood character	<p>The proposal has been designed to comply with the future desired character of the area identified in the Regional SEPP and GDCP and provides an appropriate built form on Showground Road.</p> <p>The proposal will not have any detrimental impacts on the amenity of existing and future adjoining development.</p>	Yes
2. Built form and scale	The proposal is consistent with the desired future character for the site. The site is consistent with the built form, scale and height of other developments in close proximity and contributes to the character of the streetscape.	Yes
3. Density	The building is an appropriate density and scale consistent with the desired character for the area in the Regional SEPP. The proposed density achieves a high level of residential amenity and is supported by the desired character for area.	Yes
4. Sustainability	<p>The proposal provides for the implementation of mitigation measures for avoiding, reusing, recycling and managing waste during construction of the development.</p> <p>The building complies with BASIX requirements.</p>	Yes
5. Landscape	Landscaping is provided and comprises a combination of greenery and timber elements throughout the roof top garden, a central courtyard, use of the vertical garden on the northern elevation, precast planters, communal gardens to enhance the appearance and amenity of the development.	Yes
6. Amenity	The proposal provides a high level of amenity for future residents as considered against the ADG below. The proposed apartments will receive satisfactory levels of solar access to living areas, natural ventilation and privacy.	Yes

7. Safety	The proposal provides passive surveillance through communal open space that fronts the public domain. Appropriate surveillance for persons entering and leaving the premises is proposed and access on the ground floor has clearly defined secure access points that are well lit, visible and easy to maintain.	Yes
8. Housing diversity and social interaction	The independent lifestyle units delivers housing diversity by providing accommodation for people with disabilities  The communal open space area will provide opportunities for social interaction between residents.	Yes
9. Aesthetics	The building design and materials are considered to fit well within the site and locality and will contribute positively to the streetscape.	Yes

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

**Table 6 | Apartment Design Guide**

Relevant objective	Consideration and Comments	Complies
<b>Part 2: Developing Controls</b>		
2B Building Envelopes	The allowable FSR is 2:1 and the proposal has an FSR of 3.37:1, see below 2D assessment.	Yes
2C Building Height	The maximum building height permitted for the land is 15m. The proposal has a building height of 26.55m. The proposal relies on Section 5.46 of the Regional SEPP for additional height.	N/A
2D Floor Space Ratio	Regional SEPP FSR for the site is 2:1 but the site is also subject to section 5.46 (2) since the site area is less than 2800m <sup>2</sup> .  <i>2 + (X × 0.02):1, where X is the percentage of the gross floor area (GFA) of the building that is used for a purpose other than residential purposes</i>  The development has a proposed total GFA of 8209.4m <sup>2</sup> including a residential GFA of 651.3m <sup>2</sup> . Using the above formula, the percentage of residential floor space is 651/8209 = 8%  Therefore X (% of GFA other than residential is approximately 7558m <sup>2</sup> or 92%).  Using the formula, the maximum permitted FSR is 3.84:1  The proposal has an FSR of 3.37:1 (2437m <sup>2</sup> ).	Yes
2E Building Depth	The apartments on the top floor are oriented east to west, are cross-through/dual-aspect and have a variety of depths ranging from 12 m – 14 m. All units are cross through units and are less than the maximum 18 m in depth.	Yes

2F Building Separation	<p>The setback distances for the building are as follows:</p> <ul style="list-style-type: none"> <li>Ground to 4th floor (medical facilities): <ul style="list-style-type: none"> <li>north – 2.1 m – 3 m</li> <li>south – 3.8 m - 4.5 m</li> <li>west – 4 m</li> </ul> </li> <li>5th floor (residential units): <ul style="list-style-type: none"> <li>north – 3 m</li> <li>south – 4 m</li> <li>west – 4 m</li> </ul> </li> </ul>	Considered acceptable – see Section 6.4
2G Street Setbacks	The proposed setback is 4 m – 4.7 m and appropriate for a Mixed Use zone and the surrounding context.	Yes
2H Side and Rear Setbacks	The proposed side setbacks provide for adequate privacy and separation between neighbouring properties.	Considered acceptable – see Section 6.4
<b>Part 3: Siting</b>		
3A Site analysis	The proposal is informed by a site analysis plan, identifying opportunities and constraints of the site conditions and surrounding context.	Yes
3B Orientation	The building is designed to address Showground Road, facing the street and with direct access from the street.	Yes
3C Public domain interface	Passive surveillance is available from the entrance at ground level and roof top communal open space that overlooks the public domain. The building has a clear entrance with lobby and street boundaries clearly delineate the public and private domain.	Yes
3D Communal and public open space	Minimum 25% of site area and minimum 50% direct sunlight to principal area for at least two hours between 9am-3pm mid-winter – the application therefore requires 609.25 m <sup>2</sup> of communal open space and it includes 650 m <sup>2</sup> . The communal open space is located on the upper most level of the proposal achieving the minimum sunlight requirements.	Yes
3E Deep soil zones (DSZ)	<p>A minimum of 7% of the site area is required for deep soil – the application therefore requires 170 m<sup>2</sup> of deep soil.</p> <p>No deep soil has been provided.</p>	Considered acceptable – see Section 6.5
3F Visual privacy	<p>The following minimum setbacks from boundaries are required to provide for adequate separation:</p> <ul style="list-style-type: none"> <li>Up to 12 m (4 storeys): <ul style="list-style-type: none"> <li>6 m for habitable rooms/balconies</li> <li>3 m for non-habitable rooms</li> </ul> </li> <li>Up to 25 m (5-8 storeys): <ul style="list-style-type: none"> <li>9 m for habitable rooms/balconies</li> <li>4.5 m for non-habitable rooms</li> </ul> </li> </ul> <p>The proposal does not comply with the minimum building separation distances set out by the ADG. The proposed top floor containing residential units includes windows and</p>	Considered acceptable – see Section 6.4



	<p>balconies to habitable rooms but is set back 4.5m, 4m and 3m to the southern side, western rear and northern side boundaries respectively.</p> <p>The surrounding properties comprise dwelling houses that are used as health services premises. Their backyards appear to be used as car parking or are vacant and disused.</p> <p>The proposed units have been designed to have an easterly outlook to Showground Road. Communal open space and private courtyards have been oriented towards the east, encouraging passive surveillance on the upper level that overlooks the street away from the adjoining properties to the west. The development incorporates 900mm sill windows to protect and enhance the privacy of adjoining land uses.</p> <p>The development is responsive to surrounding development, incorporating design elements, such as orientation of communal open space, window size and placement, screening, and fins/blades, that ensure the development will not result in unacceptable privacy impacts.</p> <p>The Department is satisfied that the proposed development will not unreasonably impact privacy of adjoining properties to the south and west.</p> <p>The development does not unduly constrain future development to the west or south.</p>	
3G Pedestrian access and entries	The building pedestrian entry is provided from Showground Road and is easily identifiable and accessible.	Yes
3H Vehicle access	Carparking has been integrated into the design of the building within the basement levels.	Yes
3J Bicycle and car parking	<p>The applicable parking rate for the residential component of the development is set out in the Guide to Traffic Generating Developments, which specifies the following rates:</p> <ul style="list-style-type: none"> <li>• 1 spaces per unit<sup>1</sup>;</li> <li>• + 1 space per each 5 x 2 bedroom units; and</li> <li>• +1 space per 5 units (visitor parking)</li> </ul> <p>The minimum parking spaces required are 9, and 8 car parking spaces have been provided. The proposal does not comply with the parking requirements of the ADG.</p> <p>However, the proposed units are for people with a disability and therefore the Housing SEPP applies. Car parking requirements of 0.5 car spaces are required for each bedroom and therefore 7 spaces are required.</p> <p>The proposal includes 8 car parking spaces and therefore exceeds the minimum required.</p> <p>The development also includes the provision of bicycle spaces within the basement and near the main entrance at ground level.</p>	Yes
<b>Part 4 Designing the Building</b>		
4A Solar and daylight access	All of the 7 units will receive acceptable solar access. The proposal is therefore compliant with the minimum 70% of apartments receiving sunlight between 9am and 3pm mid-	Yes

	winter and also are not orientated towards water views.	
4B Natural ventilation	Minimum 60% of apartments are natural cross ventilated – 100% (7 units) are naturally cross-ventilated.	Yes
4C Ceiling heights	Minimum 2.7m to habitable rooms and 2.4m to non-habitable rooms – a ceiling height of 2.7m is provided to all apartments.	Yes
4D Apartment size and layout	<p>All apartments meet the recommended minimum internal area for one bedroom apartments of 50m<sup>2</sup> and for two bedroom apartments of 70m<sup>2</sup></p> <p>All habitable rooms must have a window in an external wall with a minimum total glass area of 10% of the floor area. Daylight and air cannot be borrowed from other rooms – habitable rooms have a window on an external wall or a door/window to the balcony and windows meet the 10% requirement.</p> <p>Maximum habitable room depths must be 2.5 x the ceiling height – bedrooms comply with the maximum depth.</p> <p>Maximum depths for open plan layouts must be 8 m from a window – the maximum depth proposed meets this requirement.</p> <p>Master bedrooms must have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> – all bedrooms meet minimum size requirements. All bedrooms comply with the requirements for Housing SEPP. All bedrooms are 13.5m<sup>2</sup>.</p> <p>Bedrooms must have a minimum dimension of 3m – all bedrooms are a minimum dimension of 3m.</p> <p>Living/dining rooms must have a minimum width of 3.6m for one bedroom and 4 m for two bedroom units – all living, and living/dining rooms have the required minimum widths.</p> <p>A minimum width of 4 m for cross-over apartments. All of the 7 units are greater than the minimum widths.</p>	Yes
4E Private open space (POS) and balconies	<p>Apartments must have minimum balcony size of 8m<sup>2</sup> with a depth of 2m for one bedroom apartments, 10m<sup>2</sup> with a depth of 2m for two bedroom apartments.</p> <p>All units comply with the following areas.</p>	Yes
4F Common circulation and spaces	Maximum number of apartments off a circulation core on a single level must be eight. There are 7 units proposed on the top floor. Access to the units is via a single lift that opens onto a covered outdoor walkway facing the communal open space.	Yes
4G Storage	<p>Minimum storage areas for one bedroom apartments of 6m<sup>3</sup> with at least 50% located within the apartment, for two bedroom apartments of 8m<sup>3</sup> with at least 50% located within the apartment.</p> <p>All apartments are over the minimum size, have been afforded with private courtyards and basement parking. A condition of consent will require construction plans to clearly indicate the minimum storage areas on the plans to the satisfaction of the Principle Certifying Authority.</p>	Yes – via condition of consent
4H Acoustic privacy	Adequate building separation for acoustic privacy with adjoining buildings has been provided.	Yes
4J Noise and Pollution	Appropriate side and rear setbacks are provided, providing adequate building separation for acoustic privacy and minimal noise impacts for residents and adjoining buildings. The Department has included a suite of conditions to reduce noise impacts.	Yes

4K Apartment mix	The development proposes a mix of one and two bedroom apartments.	Yes
4M Facades	The building façade is articulated with building breaks and variation to exterior materials bringing visual interest to the street elevations. Proposed finishes and materials include glass, brown coloured bricks, James Hardy cladding with white and teahouse paint finishes, concrete, sandstone, and aluminium battens.	Yes
4N Roof Design	A flat roof has been designed to reduce the perceived scale and bulk of the building.	Yes
4O Landscape design	The recommended tree planning is 1 large tree or 2 medium trees per 80m <sup>2</sup> of deep soil. No deep soil has been provided.  Approximately 10 medium to large trees are proposed in deep planter areas within the side setbacks. Approximately 10 medium trees are proposed on the roof top communal open space area and 3 street trees are proposed.	Yes
4P Planting on Structures	The proposal includes a number of garden beds at ground level and elevated garden beds above the awning that front the street. Plantings are also proposed on a sub-level retaining wall to the rear of the development. Additionally, planter boxes and vertical planting are proposed throughout the development.  A condition of consent will require a Landscape Management Plan to be provided prior to the issue of construction certificate to ensure maintenance is upheld for these landscaping elements.	Yes – via a condition of consent
4Q Universal Design	The application complies with universal design principles.	Yes
4S Mixed Use	The proposal is located close to public transport and residential areas are located on different floors to commercial areas.	Yes
4T Awnings and Signage	Balconies are proposed along high pedestrian traffic streets. All signage will be incorporated into the development and any signage will be erected in accordance with Exempt development provisions or will be subject to a separate Development Application.	Yes
4U Energy efficiency	The application meeting BASIX water, thermal and energy efficiency targets. Apartments have also been designed to optimise heat storage in winter and heat transfer in summer with pergola areas and fins/blades on the west façade and greenery through open walkways and within shared spaces.	Yes
4V Water management and conservation	Water efficient fittings, fixtures and appliances will be provided as per BASIX.	Yes
4W Waste management	Waste storage is provided at ground level within the building where waste will be transferred to a waste collection area in a separate maintenance building. A caretaker will be employed to maintain and manage all waste management.	Yes
4X Building maintenance	The building has been appropriately designed with robust materials and to allow ease of maintenance to occur.	Yes

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

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

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

- Energy – 25 (target 20)
- Water – 40 (target 40)
- Thermal comfort – Pass

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

### State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

The Koala SEPP does not apply to land because it has an area less than one hectare. The Department is satisfied that there is minimal vegetation on the site (as confirmed by the Applicant) with only lawn areas and ornamental landscaping and no native vegetation clearing and therefore the development will have no impact on koalas or koala habitat.

### State Environmental Planning Policy (Housing) 2021

The Housing SEPP aims to encourage the provision of housing: to meet the needs of seniors or people with a disability; makes efficient use of existing infrastructure and services; and promotes good design. It establishes design principles to ensure built form responds to the characteristics of the site. The Department's consideration of the design principles is at 7.

**Table 7 |** Consideration of Part 5 Housing for Seniors or people with a disability

Relevant Section	Consideration and Comments	Compliance
<b>Division 3 Development Standards</b>		
84 Development Standards General	(2) (a) The site has an area of 2437m <sup>2</sup>  (b) The site has a frontage to Showground Road of 60.35m  (c) Residential Flat Buildings (RFBs) are not listed as Prohibited in the B4 zone. Therefore, RFBs are Permitted with Consent in the zone. Subclause (2)(c) does not apply to the subject proposal.  (3) (a) Subclause (2)(c) refers to servicing equipment on the roof of the building, and subclause (3)(a) refers to 'the servicing equipment'. Subclause (3)(a) is thereby taken to only apply to such servicing equipment and not to equipment that is located elsewhere across the site:	Yes

Subclause (3)(a) is not considered to impose any requirement on the proposed transformer at ground level at the front property boundary.

85 Development standards for hostels and independent living units	<p>(1) The proposed disability accommodation has been designed to comply with the standards concerning accessibility and useability independent living units and additional standards for independent living.</p> <p>(2) The SDA units and design of facilities for disabled persons will also comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).</p>	Yes
88 Restrictions on occupation of seniors housing	<p>The proposed development will be carried out for the accommodation of people with a disability.</p> <p>A condition of consent has been included to restrict the use of the accommodation to people with a disability.</p>	Yes
89 Use of ground floor of seniors housing in business zones	The disability units are proposed on the fifth floor of the building. The ground floor is to accommodate 91m <sup>2</sup> retail area, 886m <sup>2</sup> area for medical services facilities.	Yes
91 Fire sprinkler systems in residential care facilities	<p>A fire sprinkler plan was submitted with the application.</p> <p>However, the proposal does not resemble a Residential Care Facility; The proposal constitutes Independent Living Units. Refer to Clause 94 below for further information.</p>	N/A
<b>Division 4 Site-related requirements</b>		
93 Location and access to facilities and services— independent living units	<p>The site is in close proximity to a number of services and facilities.</p> <p>Gosford Hospital adjoins the site immediately to the north and west of the site. The Gosford Railway Station and bus interchange is approximately 290m to the south with a main entry off Showground Road.</p> <p>A footpath exists on along both sides of Showground Road. Direct access to the footpath is viable outside the site which extends to Gosford station via a zebra crossing on Showground Road. The approximate slope of the footpath on the eastern side of showground road is 2.3% which is a suitable access path as required by section 93 (4) (c) of the SEPP.</p> <p>The trains and buses provide adequate connection to services in the area.</p>	Yes
94 Location and access to facilities and	The Regional SEPP includes Schedule 10 Dictionary for Chapter 5 that defines Residential Care Facilities as including meals and cleaning services, personal/nursing care, and	N/A



services— Residential care facilities	<p>appropriate staffing.</p> <p>The Housing SEPP defines Independent Living Units as dwellings with private cooking, sleeping and bathing facilities.</p> <p>RCFs and IDUs are each forms of Seniors Housing.</p> <p>The application has not detailed provision of meals, services, care and staffing. Conversely, the units include cooking, sleeping and bathing facilities.</p> <p>The units resemble Independent Living Units. Clause 94 does not apply to the proposal.</p>	
95 Water and sewer	The site is serviced by reticulated water and sewer.	Yes
<b>Division 5 Design Requirements</b>		
97 Design of in-fill self-care housing	The proposal responds to the relevant Design Principles and Development Standards of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	Yes
98 Design of Seniors Housing	The Department is satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the principles set out in Division 6. Refer to below for further information.	Yes
<b>Division 6 Design principles</b>		
99 Neighbourhood amenity and streetscape	<p>(a) The City of Gosford Design Advisory Panel (CoGDAP) determined that the development exhibited Design Excellence on 19 December 2022.</p> <p>(b) There are no heritage items in proximity to the development.</p> <p>(c) The proposal complies with SEPP 65 Guidelines.</p> <p>(d) The proposal's landscape plan considers contact and maintenance considerations.</p> <p>(e) No major existing trees are to be retained.</p> <p>(f) The site is not within a riparian zone.</p>	Yes
100 Visual and acoustic privacy	The proposal complies with the visual and acoustic privacy requirements of the SEPP 65 Apartment Design Guidelines	Yes
101 Solar access and design for climate	The apartments are designed to promote increased access to daylight and natural ventilation and are all cross ventilated. Apartments receive significant daylight not requiring artificial light during daylight hours.	Yes
102 Stormwater	The proposal includes a new drainage system that will treat stormwater runoff before it is diverted into the existing stormwater infrastructure. The Applicant has provided a Stormwater Management Report	Yes

103 Crime prevention	The building has been designed taking into account Crime Prevention Through Environmental Design (CPTED) principles. The design of the building and landscaping incorporates passive supervision of public and community areas and pathways, measures to distinguish private areas from the public domain, and controlled access points. The Applicant has provided a Crime Risk Assessment	Yes
104 Accessibility	<p>The proposal includes access to Showground Road allowing residents to use footpaths and public transport.</p> <p>The proposal includes direct pedestrian access off the primary street frontage including a continuous path of travel to the main entrance and building lobby/lift area.</p> <p>The design of the proposal includes separation between pedestrian and vehicular activities.</p>	Yes
105 Waste management	The Applicant has provided an Operational Waste Management Plan which outlines that operational waste will be separated in to waste streams to reduce landfill and encourage recycling	Yes
<b>Division 7 Non-discretionary development standards</b>		
106 Interrelationship of Division with design principles in Division 6	The design of the proposal demonstrates that adequate consideration has been given to the principles set out in Division 6.	Yes
107 Non-discretionary development standards for hostels and residential care facilities – The Act, s.415	The proposal does not resemble a Residential Care Facility.	N/A
108 Non-discretionary development standards for independent living units – The Act, s.415	<p>Clause 108 seeks to set standards for particular matters that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. The matters relate to building height, FSR, landscaped area, deep soil zone, solar access, private open space and car parking.</p> <p>The standards contained in the Regional SEPP are the relevant controls for height and FSR for the subject site and proposal. Refer to <b>Section 6.2</b> for further information.</p> <p>The proposal does not include any deep soil zone, however the Department is satisfied that the Applicant's written request that seeks variation to the standard addresses all necessary matters and that section 5.28 of the Regional SEPP, that facilitates exceptions to standards, is satisfied. Refer to <b>Appendix D – Clause 5.28 Variation: Deep Soil Zone</b> for further information.</p>	

The Department considers that the proposal satisfies the other standards under section 108 of the Housing SEPP.

#### **Schedule 4 Standards concerning accessibility and usability for hostels and independent living units**

##### Part 1 Standards applying to hostels and independent living units

1 Application of Standards in this Part	The standards set out in this Part apply to any seniors housing that consists of hostels or independent living units.	Yes
2 Siting Standards	The site has a gradient of less than 1:10 throughout the entirety of the site and a compliant continuous path is provided to street access. Common areas access is provided in accordance with AS 1428.1 as outlined in the provided Access Report.	Yes
3 Security	Pathway Lighting will be designed and located to avoid glare for pedestrians and adjacent dwellings and will provide at least 20 lux at ground level. The Department has included this as a condition of consent.	Yes
4 Letterboxes	The proposal includes letterboxes on hard stand area with wheelchair access and circulation by a continuous accessible path. The letterboxes are proposed to be located together in a central location adjacent to the street entry.	Yes
5 Private Car Accommodation	<p>Clause 5 requires (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890.6, and (b) 10% of the total number of car parking spaces (or at least one space if there are fewer than 10 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres.</p> <p>Amended plan A-DA-03.01 rev. 1 titled Floor Plan – Basement 4 submitted on 15 May 2023 notates eight resident car parking spaces, ‘resident parking to comply with Clause 5 Private Car Accommodation in Part 1 of Schedule 4 of the SEPP (Housing) 2021’, and ‘car space 3.6m wide as per Clause 5...’</p> <p>The amended plan mistakenly notates 3.6m rather than 3.8m. It is recommended that a consent condition address the error.</p>	Yes
6 Accessible Entry	Proposed dwelling entries comply with section 4.3.1 and 4.3.2 of AS 4299.	Yes
7 Interior: General	All bedrooms and balcony doors comply with AS 1428.1-2009 door circulation.	Yes
8 Bedroom	All apartments have compliant accessible bedrooms.	Yes

9 Bathroom	Compliant accessible bathroom are proposed in all apartments all other features will be included in the detailed design to be achieved at Construction Certificate stage.	Yes
10 Toilet	Compliant visible toilets will be included in each unit.	Yes
11 Surface Finishes	Will be included in detailed design documentation to be achieved at Construction Certificate stage.	Yes
12 Door Hardware	Will be included in detailed design documentation to be achieved at Construction Certificate stage.	Yes
13 Ancillary Items	Applicant has noted.	Yes
<u>Part 2 Additional standards for independent living units</u>		
15 Living Room and Dining Room	Living and dining rooms of dwellings comply with circulation space outlined in section 4.7.1 of AS 4299 and all other features will be included in detailed design documentation to be achieved at Construction Certificate stage.	Yes
16 Kitchen	Kitchens comply with the 1550mm clearance between benches.  All other features will be included in the detailed design to be achieved at Construction Certificate stage.	Yes
17 Access to kitchen, main bedroom, bathroom and toilet	Each apartment is one level with direct access to kitchens, main bedrooms, bathrooms and toilets located on the entry level.	Yes
18 Lifts in Multi Storey Buildings	Will be included in detailed design documentation to be achieved at Construction Certificate stage.	Yes
19 Laundry	All features will be included in the detailed design to be achieved at Construction Certificate stage.	Yes
20 Storage for Linen	Each proposed dwelling includes has the capacity for a linen cupboard. All features will be included in the detailed design to be achieved at Construction Certificate stage.	Yes
21 Garbage	The waste storage areas are internal and located in an area of the building which is unobtrusive from the street, but which facilitates good access by building occupants/users and waste collection vehicles.	Yes

## State Environmental Planning Policy (Precincts – Regional) 2021

The Department has considered the proposal against the Regional SEPP. These relevant matters are addressed in **Table 8** below.

**Table 8** | Consideration of Part 5 of the Regional SEPP

Relevant Section	Consideration and Comments	Complies
5.5 Consent authority	The proposal has a capital investment value of \$ 34.13 million and as such, the Minister for Planning is the consent authority	N/A
5.13 Zone objection and Land Use Table	The site is zoned B4 Mixed Use.  The proposal provides for a mixed use development comprising of medical services facilities, retail and housing for the people with a disability, in a location close to public transport and services and is inconsistent with the desired future character of the area.	Yes
5.16 Subdivision	Subdivision is not proposed.	N/A
5.17 Demolition Requires Development Consent	The proposed demolition is permitted with development consent.	Yes
5.22 Minimum Subdivision Lot Size	The site is mapped in an area with no minimum lot size.	Yes
5.25 Height of Buildings	The maximum building height permitted for the land is 18m. The proposal has a building height of 22.5m. The proposal relies on section 5.46 of the Regional SEPP for additional height.	N/A
5.26 Floor Space Ratio	The site is identified as having a floor space ratio (FSR) of 2:1. The proposal has a FSR of 3.34:1. The proposal relies on section 5.46 of the Regional SEPP for additional FSR.	N/A
5.36 Heritage conservation	The site is not located in proximity to heritage items.	N/A
5.39 Acid Sulfate Soils	The site is mapped with the potential for Class 5 Acid Sulfate Soils. The Applicant provided a Geotechnical Investigations report which indicates that Acid Sulfate Soils are unlikely to be present.	Yes
5.40 Flood Planning	The site is not mapped as being on flood prone land.	N/A
5.45 Design excellence	The proposal was subject to three City of Gosford Design Reference Group (DRG) workshops since October 2021.  The City of Gosford Design Advisory Panel (CoGDAP) determined that the development exhibited Design Excellence on 19 December 2022.	Yes



5.46 Exceptions to height and floor space in Zones B3, B4 and B6	<p>The site is mapped with a maximum FSR of 2:1. The proposal has an FSR of 3.34:1 and therefore exceeds the maximum FSR.</p> <p>The proposal seeks a variation to FSR under section 5.46. The FSR is able to be varied under this section as the site has an area less than 2800m<sup>2</sup> and the floor space ratio does not exceed the calculation in accordance with Section 5.46 (2) (b). The calculation is:</p> <ul style="list-style-type: none"> <li>• <math>2 + (X \times 0.02):1</math>, where <i>X</i> is the percentage of the gross floor area (GFA) of the building that is used for a purpose other than residential purposes</li> </ul> <p>The development has a proposed total GFA of 8209.4m<sup>2</sup> including a residential GFA of 651.3m<sup>2</sup>. Using the above formula, the percentage of residential floor space is 651/8209 = 8%</p> <p>Therefore X (% of GFA other than residential is approximately 7558m<sup>2</sup> or 92%).</p> <p>Using the formula, the maximum permitted FSR is 3.84:1</p> <p>The site is mapped with a maximum building height of 18m. The proposal is 22.5m (excluding the lift overrun) in height and therefore exceeds the maximum building height.</p> <p>The proposal seeks a variation to the height under Section 5.46. The height is able to be varied under this section as the development will have a street frontage of at least 36m and a design review panel has reviewed the development.</p>	Yes
5.47 Car Parking in Zones B3 and B4	<p>Commercial is required to have 1 space per 75m<sup>2</sup> GFA. The commercial space has a GFA of 8209.4m<sup>2</sup> and therefore 110 car parking spaces are required (rounded up from 109.5 spaces).</p> <p>Retail is required to have 1 space per 40m<sup>2</sup> GFA. The retail area has an area of 103m<sup>2</sup> and therefore 3 parking spaces are required (rounded up from 2.5).</p> <p>The proposal however has catered for additional parking, anticipating future usage and using the GDCP 2018 rates:</p> <ul style="list-style-type: none"> <li>• spaces per consulting room plus 1 space per employee</li> <li>• retail 1 space per 40m<sup>2</sup> (or 2.5 per 100m<sup>2</sup>)</li> <li>• Accessible Parking 4% of total parking</li> </ul> <p>Further, the Housing SEPP outlines a parking rate of 0.5 car spaces for each bedroom. Therefore, under the Housing SEPP the development must also provide 7 car parking spaces for the occupants on top of the 4 for the administration uses, totaling 7 spaces.</p> <p>A total of 228 car parking spaces are proposed on site, with 221 allocated to the commercial and retail activities, therefore the proposal meets the requirements of section 5.47 (1) (a) (b).</p>	Yes
5.53 Key vistas and view corridors	<p>The proposed development is located outside of the areas with significance in key views and vistas and is not in proximity to the key lines of sight.</p>	N/A

## State Environmental Planning Policy (Resilience and Hazards) 2021

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

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

The Applicant submitted a Detailed Site Investigation. The Assessment included detailed fieldwork analysis which included the collection and analysis of soil samples located on the site. The Assessment concluded that the site is suitable for the development.

- *The site may have been used for residential purposes since as far back as 1888 and with the possible exception of localised filling and the use of hazardous building materials in since demolished structures was not considered likely to be contaminated. No indications of contamination were observed during the fieldwork and no hydrocarbons, pesticides or asbestos were identified in the collected soil samples; concentrations of metals were detected however at low levels which are not considered to pose a constraint to the development or require more than standard management practices during the construction*

Based on the above site investigation report findings and historic use of the site being residential, the proposal is considered to satisfy the relevant objectives and provisions of SEPP, therefore, it is considered that the subject site is suitable for the proposed development.

The Department is satisfied that the proposal is consistent with the requirements of the Policy.

## State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Section 4.28 relates to proposals involving works that are within proximity to electrical infrastructure. In accordance with section 4.28(2) the application was referred to the electricity supply authority (Ausgrid) who did not object to the proposal. Ausgrid recommended several conditions of which the Applicant did not object to. The conditions relating to safety, and excavation near underground and overhead powerlines will form part of the consent.

In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development

Section 2.99(1)(b) of the Transport and Infrastructure SEPP applies to development that involves penetration of ground to a depth of at least 2m below ground level on land within 25m of the ground directly

below a rail corridor. The proposal has a cut of approximately 10m – 16m that is within 20m of the rail corridor. As such, section 2.99(2) requires the consent authority to give written notice of the application to the rail authority and take into consideration their response and any guidelines.

Sydney Trains advised they that the proposed development has been assessed in accordance with the requirements of Section 2.99(4) of the Transport and Infrastructure SEPP and provides concurrence under this section provided all operational conditions are imposed. Correspondence from Sydney Trains and their draft conditions were provided to the applicant in a holding letter that was sent 15 November 2023. In a response to the Departments request for information the Applicant did not object to recommended conditions.

The Development Near Rail Corridors and Busy Roads – Interim Guideline addresses issues such as design and planning to protect future occupants from rail-related noise and vibration, as well as managing construction issues such as excavation and use of cranes. Part C of the guideline relates to developments impacted by rail corridors and busy roads. This part contains information on development impacted by rail corridors and busy roads. It addresses the specific requirements for noise and vibration and provides additional information on air quality.

Sydney Trains provided conditions of consent requiring, prior to the issue of an Occupation Certificate, a report to be prepared certifying that the completed development meets the requirements of the guidelines, as well as regarding excavation, crane placement and vibration.

The Department is satisfied that the proposal is consistent with the requirements of this Policy.

### **Gosford City Centre Development Control Plan 2018**

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

The Department's assessment of the relevant development controls is provided in **Table 9** below.

**Table 9 | Relevant GDCP Controls**

Control	Consideration and Comments	Complies
<b>Chapter 3: Places and character</b>		
3.2 City North	The site is located in north area adjacent to the Gosford Hospital. The application satisfies Objective 1 as the proposal supports health related uses that will support the growth of an indication precinct. The proposal satisfies Objectives 2 by providing a development in close proximity to services and the train station which intern creates options for active transport. Objective 5 is also satisfied as the proposal provides for a range of housing types in the City North precinct.	Yes
<b>Chapter 4: Public spaces</b>		
4.1 Pedestrian network	(1) Existing pedestrian footpaths along the Showground Road frontage will be upgraded and maintained.	Yes
4.4 Views and vistas	(1) The proposal has been designed in conjunction with the City of Gosford Design Advisory Panel which determined that the development exhibited Design Excellence on 19 December 2022. (2) The proposal has no significant impacts on key views and vistas	Yes

	identified in the DCP.	
4.5 Footpath crossings and pedestrian overpasses and underpasses	<p><u>4.5.1 Vehicle Footpath Crossings</u></p> <p>(1) One vehicle access points is proposed from Showground Road.</p> <p>(5) The vehicle access is 6.5m in width, greater than the 2.7 m maximum however is designed in accordance with AS 2890.1 for User Class 1A (residential) which requires a minimum 3m width and is at least 3.5m in width in accordance with AS 2890 to accommodate a swept path of an medium rigid vehicle.</p> <p>(6) Vehicle access points are perpendicular to the road.</p> <p>(7) Vehicle entry points have been integrated into the design.</p> <p>(8) The internal car park garage door is not on the street facing façade. In these circumstances, no condition of consent will be imposed requiring any door to be a roller shutter or tilting door.</p>	<p>Yes</p> <p>Considered acceptable</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Chapter 5: Built form</b>		
5.1 Site size and design excellence	The site has more than a 36m frontage to the primary street (Showground Road) and is therefore classified as "Medium site" as the site is located in a B4 zone. The site was subject to a design excellence project with the City of Gosford Design Advisory Panel as discussed in <b>Section 6.1</b> .	Noted
5.2 Built form provisions	<p><u>5.2.1 Street setbacks and rear setbacks</u></p> <p>Figure 8 in section 5 Built Form, and control no. 1 in section 5.2.1, require, at ground level, development upon the site to be set back at least 3-4m from the front property boundary, and require a street wall of between 6m and 14m high.</p> <p>A minimum front setback of 4m-6.4m on ground level is provided. The setback complies with figure 8 and control no. 1.</p> <p>The street wall height exceeds the 14m maximum by is 5.5m. The height does not comply with figure 8 and control no. 1. The variation is considered at <b>Section 6.1</b>.</p> <p>A 4.8m side setback is provided for the southern boundary from the ground to sixth level. A 4m setback to the rear boundary from the ground to the sixth level is provided, and a 3m setback to the northern boundary is provided. The side and rear setbacks comply with the numerical controls contained in section 5.2.1.</p> <p><u>5.2.2 Street wall heights and upper podium</u></p> <p>Street wall height of 19.2m is proposed, which does not comply with the 6-14m requirement.</p> <p>From the second to the fifth level, the building is setback 3.5m from the front boundary. The upper floor (sixth level) is setback 17.3m and is differentiated through material selection, colour and was subject to a design excellence process where the CoGDAP determined the proposal has achieved design excellence.</p> <p><u>5.2.3 Active street frontages and street address</u></p> <p>Office and retail spaces are provided at ground level which front the street providing pedestrian interest and activation.</p>	<p>Partial – refer to <b>Section 6.1</b></p> <p>Considered acceptable – see <b>Section 6.1</b></p> <p>Yes</p>

<p>Vehicular access is provided on this frontage as the Department is satisfied that it is the only suitable location on the property for such access.</p>	
<p><u>5.2.4 Building setback and separation</u></p> <p>Controls no. 1 and 2 require setbacks to be provided in accordance with Figure 8 and the ADG respectively. Control no. 3 requires building façades to be well articulated.</p> <p>The proposal has the following boundary setbacks:</p> <ul style="list-style-type: none"> <li>• north = 3m</li> <li>• south = 4m</li> <li>• west = 4m</li> </ul> <p>Above the street wall height, all building façades are well articulated to be attractive with various articulation points to distinguish the front entry to the building and avoids the use of blank walls.</p>	<p>Considered acceptable – see <b>Section 6.1</b></p>
<p><u>5.2.6 Fine grain frontages</u></p> <p>The proposal is broken up into forms of less than 40m in length at ground level.</p> <p>The second to fifth levels are greater than 40m in length. However the built form is broken up by different architectural elements such as blades, aluminium batters, and flat cladding.</p> <p>The built form has an articulated single point of entry that is setback with the retail and commercial spaces located on the ground level.</p>	<p>Considered acceptable – see <b>Section 6.1</b></p>
<p><u>5.2.8 Building sustainability and environmental performance for key sites, medium sites and large sites</u></p> <p>The proposal complies with BASIX.</p> <p>A BASIX certificate has been provided with the proposal with the following BASIX scores for the building:</p> <ul style="list-style-type: none"> <li>• Energy – 25 (target 20)</li> <li>• Water – 40 (target 40)</li> <li>• Thermal comfort - Pass</li> </ul> <p>The BASIX certificate ensures the proposal meets the required targets and accordingly satisfies the aims of the BASIX SEPP. A condition requiring as much has also been imposed.</p> <p>Compliance with specifications of Control will be achieved through building specifications at Construction Certificate stage.</p>	<p>Yes</p>
<p><u>5.2.11 Internal Amenity</u></p> <p>The proposal has been assessed against ADG requirements above. The commercial uses of the building are within 10m of windows and therefore a source of daylight.</p>	<p>Yes</p>
<p><u>5.2.12 Building services and the streetscape</u></p> <p>Control no. 1 requires 'substations must be provided wholly within the subject site, either internal to the development or suitably located and integrated within the architectural or landscaping design.'</p> <p>The proposal includes a transformer at the front property boundary. It is recommended that consent conditions require the transformer to be set back at least 14m from the front property boundary.</p>	<p>Yes</p>
<p><u>5.2.13 Landscape Design</u></p> <p>A landscape plan has been provided with the application which includes a planting schedule, existing tree onsite, details of landscaping elements and maintenance requirements. There are no significant trees on or in</p>	<p>Yes</p>



the vicinity of the site.

#### 5.2.14 Site cover and deep soil zones

Yes – resolved  
via condition

The proposal does exceed the 75% maximum site coverage.

No deep soil has been provided.

A number of deep planter boxes have been provided along the southern boundary, street frontage, and on the roof top that are capable of supporting medium mature trees and shrubs. The Department has recommended conditions that require soil volume, depth and area that meets the standards for deep soil zones under Part 3E of the ADG. The Department considers that with the appropriate care and conditions for maintenance, the deep planter areas will provide a suitable setting for the development.

#### 5.2.16 Safety and Security

Yes

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

Communal open space has been provided that overlooks the street.

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

#### 5.2.17 Building Exteriors

Yes

Controls require consideration be given to the alignment between the proposed setbacks and height of street wall and upper storeys and those of adjoining buildings, articulated facades, and avoiding expanses of any single material. In addition, section 5.2.17 includes:

- Control no. 7: Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.
- Control no. 9: Highly reflective finishes and curtain wall glazing are not permitted above ground floor level (refer to Section 8.4.1).

Section 8.4.1 disallows glare that causes discomfort or threatens safety of pedestrian and drivers, and limits façade reflectivity to 20%.

The multistorey Gosford Hospital Car Park at the northern side adjoining property 66-78 Showground Rd includes two primary building elements:

1. A four- to six- storey building with green lattice façade appearing to be set back up to 2m from the front property boundary to its north side
2. A six- to seven- storey building comprising concrete with vertical fins with a generous front setback upon the southern side of the property.

The proposed building appears to match the alignment and street wall height of the first element of the adjoining multistorey car park. However, it is noted that the street falls to the south, and the proposed building does not appear to include a street wall that steps down from the adjoining street wall or with the natural fall of the street.

The façade includes windows across four storeys. The windows include some vertical screens and dark concrete columns.

Consent conditions limit reflectivity to 20%. Sydney Trains has also granted concurrence subject to the imposition of a condition that limits glare and reflectivity.

### **Chapter 7: Access and Parking**

7.2 Pedestrian  
Access and

The front façade clearly articulates the front entrance which is visible from the street.

Yes

Mobility	Facilities have been designed in accordance with the relevant Australian Standards and an Access Report has been provided with the application. All dwellings comply with the Housing SEPP.	
7.3 Vehicular Driveways and Manoeuvring Areas	Objectives relate to crossovers and stormwater. Controls relate to crossover design, however control no. 6 limits ramps less than 20m long to no more than 1:8 grade, however the proposed basement includes a 11.2m ramp with a 1:6 grade portion. Access and egress is provided in one location off Showground Road. Entrance designs will be subject to a Section 138 Roads Act application. On 15 May 2023 the Applicant submitted a letter describing that requiring compliance with the control would cause flow on impact of additional grade and ramp in other areas of the basement which are currently designed with minimal to no grade, and would thereby compromise accessibility and pedestrian safety. The Applicant added that the proposed all comply with minimum Australian Standards and any NCC requirements. The Department accepts the justification of the Applicant. The proposal complies with the objectives of this control.	Considered acceptable
7.4 On-Site Parking	The application complies with parking rates set out in in the Regional SEPP for the commercial and retail components of the proposal.	Yes
7.5 Site Facilities and Services	<u>Mailboxes</u> Mailboxes are to be provided in an accessible location in the main entrance of the building.	Yes
	<u>Communication structures, air conditioners and service vents</u> Compliance will be achieved with building specifications at Construction Certificate stage.	Yes
	<u>Waste (garbage) storage and collection – General (all development)</u>  Waste handling and storage will be located on site within an allocated storage area, A Waste management Report has been provided with the application. Waste storage facilities will be well lit, easily accessible and located on a suitable grade.	Yes
	<u>Location requirements for waste storage areas and access</u> The waste storage areas are designed to be located behind the building setback and façade. Vehicle Swept Paths are compliant.	Yes
	<u>Service docks and loading/unloading areas</u> The driveway provides two drop off areas at the rear of the building with the addition of a large, paved lay-by area for service and delivery vehicles to park, load and unload. All service doors and loading docks are screened from the street.	

## Chapter 8: Environmental Management

8.2 Energy Efficiency and Conservation	The proposal complies with BASIX.	Yes
8.3 Water Conservation	The proposal complies with BASIX.	Yes
8.4 Reflectivity	The proposed materials and finishes are unlikely to result in glare.	Yes
8.6 Waste and Recycling	A Waste Management Plan was provided with the application. A suitable location of the waste storage area is provided on-site at ground level that	Yes

	is out of site from street view.	
8.7 Noise and Vibration	<p>The waste areas have been designed to minimise the potential for offensive noise with the waste storage located at a distance from any sensitive receivers.</p> <p>Compliance will be achieved with building specifications at Construction Certificate stage.</p>	Yes

## Chapter 9: Residential Development Control

9.1 Housing Choice and Mix	A mix of one, two and units have been provided based on demands of existing and future residents.	Yes
9.2 Storage	<p>There is sufficient space in all to accommodate the required storage areas. All 7 units are over the minimum areas required for 1 and 2 bedroom units.</p> <p>A condition of consent will require dedicated storage areas to be shown on the plans prior to the release of the construction certificate.</p>	Yes – resolved via condition

## Appendix D – Clause 5.28 Variation: Deep Soil Zone

Clause 108 Non-discretionary Development Standards for Independent Living Units of the Housing SEPP includes:

- (1) *The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*
- (2) *The following are non-discretionary development standards in relation to development for the purposes of independent living units –*

...

- (f) *a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,*

...

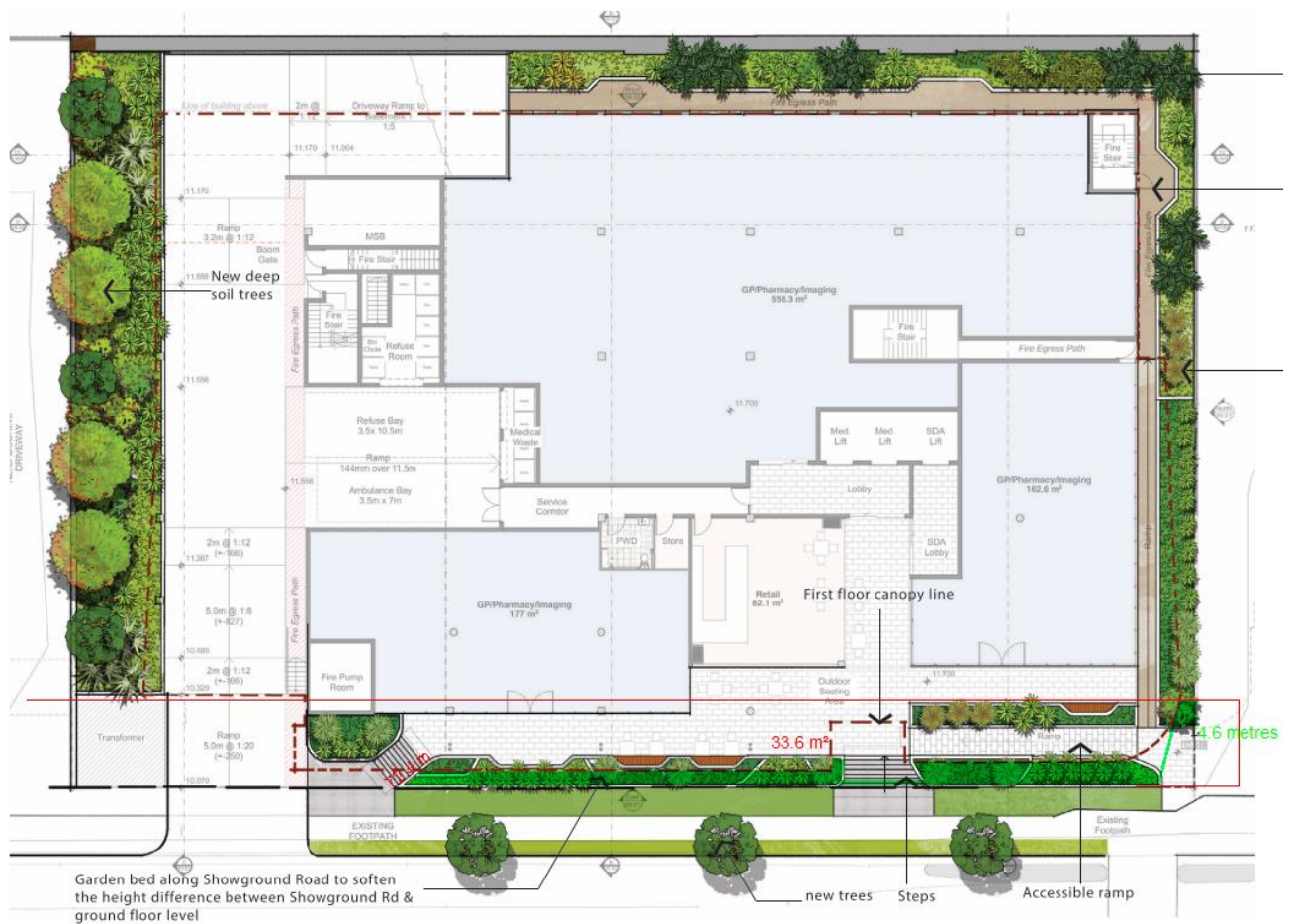
The Dictionary of the Housing SEPP includes:

**deep soil zone** *means a landscaped area with no buildings or structures above or below the ground.*

The subject proposal includes a basement set back nil to the northern side, western rear and southern side boundaries and set back 4.6m to the eastern front boundary. The proposal includes garden beds within the front setback area.

The landscape plan demonstrates that the upper floors of the building overhang all but, by calculation, 33sqm of the front setback area at ground floor street level (**Figure 14**). In addition, the garden beds within the front setback area are narrow and do not include trees, and the plans do not demonstrate that the garden beds will not include a bottom surface and thereby constitute deep soil zone. Consequently, the proposal may include approximately 33sqm deep soil area, which represents 1.4% of the 2,437sqm site, however the application does not clearly demonstrate deep soil area, and the proposal likely does not include any deep soil area.

The proposal seeks a variation to the minimum deep soil area as prescribed by Clause 108 of the Housing SEPP. The absence of any deep soil area equates to a variation of 100%.



**Figure 14 | Landscape plan (Base source: Applicant's documentation)**

Clause 5.28 of the Regional SEPP permits the consent authority to consider a variation to a development standard imposed by an environmental planning instrument. The aim of clause 5.28 is to provide an appropriate degree of flexibility in applying development standards to achieve better development outcomes. In consideration of the proposed variation, clause 5.28 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.*

In accordance with clause 5.28(3), the Applicant has prepared a written request to vary the deep soil zone standard (**Appendix A – List of Documents**).

Clause 5.28(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...*

The Department has considered the proposed exception to the standard under clause 5.28, 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*.

**1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone**

The objectives of the B4 Mixed Use zone are as follows:

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

The Applicant submitted a statement for the subject proposal is consistent with objectives of the zone and is in the public interest for the following reasons:

- The proposal will introduce land uses and activities which are compatible with activities in the existing health precinct
- The development is in a location which will maximise public transport patronage
- The development achieves design excellence and a high quality outcome, ensuring that it will be in the public interest.

The Department is satisfied that the application is consistent with the zone objectives. The Department considers the proposal, principally being for medical tenancies but also including independent living units that will be inhabited by seniors, or persons with a disability, is compatible with the neighbouring hospital and other health services. The site is a 220m walk, including not steep, upon formed footpaths and with controlled street-crossing opportunities, to Gosford Station. The proposal will not inhibit existing road reserve or footpath width.

The proposal was referred to the CoGDAP for advice, and CoGDAP was unanimous in forming the opinion that the development exhibits Design Excellence and commended the Applicant for the commitment and responsiveness to the design review process. The Department is satisfied that the proposal exhibits design excellence with a high standard of architectural design appropriate for a seniors housing development.

**2. Is the consent authority satisfied the proposed development will be consistent with the objectives of the standard,**

The objectives of the deep soil zone standard in the Regional SEPP are:

- (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

The Department considers the proposal to be consistent with these objectives, as outlined below:

- Clause 108(2)(d) and (e) of the Housing SEPP contain development standards relating to landscaped area, and site area that is landscaped
- Section 3E Deep Soil Zones in the ADG requires the subject site to include a minimum of 7% deep soil zone, and the Department has recommended a consent condition requiring the proposal be amended to include this 7%
- The Regional SEPP does not contain development standards relating to deep soil or landscaping
- The GDCP includes:
  - Figure 8 in section 5 Built Form that requires, at ground level, development upon the site to be set back at least 3-4m from the front property boundary
  - Control no. 1 in section 5.2.1 Street Setbacks and Rear Setbacks that seeks deep soil within the required front setback
  - Control no. 1 in section 5.2.11 Internal Amenity that seeks '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.'
  - Control no. 1 in section 5.2.14 Site Cover and Deep Soil Zones that limits site cover to no more than 75% for Commercial & Mixed Use development, or no more than 60% for Residential development, in the Mixed Use and Enterprise zones
  - Control no. 3 in section 5.2.14 Site Cover and Deep Soil Zones that requires '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.' Control no. 5 requires deep soil zones to 'accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature plants.' Alternately, control no. 4 requires, 'where non-residential development results in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure. In such cases, compensatory storm water management measures must be integrated within the development to minimise storm water runoff.'

The GDCP does not contain standards relating to deep soil that are more onerous than the standard contained in the Housing SEPP, or site cover or landscaping standards that conflict with the deep soil standard in the Housing SEPP

- The Department, including under section 3E of the ADG, has not imposed a deep soil size requirement that is more onerous than the standard contained in the Housing SEPP.

**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**

Preston CJ, in the judgement of *Wehbe v Pittwater Council* [2007] NSWLEC 827, established five tests that can demonstrate if compliance with a standard is unreasonable or unnecessary in the circumstances of a specific development:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard
2. The underlying objective or purpose of the development standard is not relevant to the development, therefore compliance is unnecessary
3. The underlying objective or purpose of the development standard would be defeated or thwarted if compliance was required
4. The standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard
5. The zoning of land was unreasonable or inappropriate, such that the standards for that zoning are also unreasonable or unnecessary.

The Applicant submitted a statement for the subject proposal describing that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds, to justify contravening the standard, for the following reasons:

- Proposed substantial perimeter planting types and creepers will properly structure the building's private and public spaces while creating green facades, facilitating a good degree of privacy and softening the building's interface with the public domain and surrounding properties, particularly at street level
- Landscaped area on the roof top in excess of 30% of the site area.

The statement seeks to demonstrate that the proposal satisfies the first test under *Wehbe* and therefore compliance with the standard is unreasonable or unnecessary in the circumstances of the subject case.

The Department is satisfied that the application is consistent with *Wehbe*. The Department considers that the Applicant's justification for non-compliance with the standard is well founded, the Applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and the Department supports the Applicant's conclusions that compliance with the standard is unreasonable or unnecessary.

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

The Applicant submitted a statement describing sufficient environmental planning grounds, to justify contravening the standard, as described under section 3 above.

Having considered the Applicant's written request and further to the Department's assessment of deep soil, landscaping and site cover, the Department is satisfied the Applicant has adequately demonstrated there are sufficient environmental planning grounds to justify the contravention of the development standard.

The Department therefore concludes that the Applicant's written request adequately addresses that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

and that there are sufficient environmental planning grounds to justify contravening the development standard, the matters required to be demonstrated under Clause 5.28 of the Regional SEPP. The Department also concludes that the proposal will be in the public interest because the Department is satisfied that the proposal is consistent with the objectives of the standard and the objectives for development within the zone. In supporting the Applicant's request, the Department considers that the development will deliver an overall better planning outcome for the site.

Clause 5.28(4)(b) requires the concurrence of the Planning Secretary be obtained for granting consent to variation to a development standard.

Planning Circular PS 20-002 sets out the situations where the Planning Secretary concurrence is assumed. For developments assessed by the Department, the assumed concurrence is not restricted.

The Department is satisfied that the provisions of clause 5.28 are met and that variation to the deep soil standard can be granted.

## Appendix E – Recommended Instrument of Consent

<https://pp.planningportal.nsw.gov.au/daex/under-consideration/mixed-use-development-60-64-showground-road-gosford-da-2211444>