

Notice of decision – DA 22/11444, Mixed Use Development – 60-64 Showground Road, Gosford

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Development Application
Application number and project name	DA 22/11444 / PAN-253309 Mixed Use Development – 60-64 Showground Road, Gosford
Applicant	Mr Luke Goodwin, Cornerstone Development Management Pty Ltd
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning has, under s.4.16 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

24 May 2023

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1)

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- The project is permissible with development consent under the *State Environmental Planning Policy (Regional - Precincts) 2021* (Regional SEPP) and is consistent with the Gosford Urban Design Framework and other-policies including
 - *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 (Infrastructure and Transport) 2021*, Development Near Rail Corridors and Busy Roads – Interim Guideline, the Draft Construction Noise Guideline, and Australian Standard AS2436-2010 "Guide to noise and vibration control on construction, demolition and maintenance sites"
- The impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The proposal incorporates fixed screening to reasonably preserve neighbouring privacy, traffic generated will not unreasonably affect the road network, and consent conditions can address excavation and construction noise to neighbouring premises.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent (where applicable); and
- weighing all relevant considerations, the project is in the public interest.

• **Attachment 1 – Consideration of Community Views**

The Department exhibited the Development Application for the project, including the Statement of Environmental Effects, from 4 October 2022 until 24 October 2022 (14 days) and received two unique submissions, including two objections to the project, and comments from Ausgrid, Central Coast Local Health District, Sydney Trains and Transport for NSW (TfNSW). Central Coast Council did not make a submission.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include privacy, traffic and excavation. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Privacy</i></p> <ul style="list-style-type: none"> Request screening to protect privacy, including appropriate location of windows and open spaces, and the screening of upper floor windows along the western (rear) elevation 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposed units are orientated towards private- and communal- open space facing Showground Road to the east. The Applicant submitted revised plans that include aluminium battens screening windows and balconies, thereby reducing overlooking of adjoining properties. The adjoining properties to the rear appear to be used for car parking and commercial purposes; The adjoining properties to the rear do not appear to be used for residential purposes. <p><i>Conditions/Response</i> No conditions are required where the amended proposal incorporates adequate screening measures.</p>
<p><i>Traffic</i></p> <ul style="list-style-type: none"> Potential increase in traffic generation from the proposed development Suggest traffic counts be revised taking into account local school times 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> TfNSW did not consider that the proposal would significantly impact the nearby classified (State) road network. The Applicant submitted a revised traffic impact assessment report including revised the timing of the traffic counts, being 3pm-6pm. The average weekday peak hour traffic flows on Showground Road occurred between 8am-9am in AM Peak and 4pm-5pm in PM Peak. The proposed development will generate 388 trips in the AM and 317 trips in the PM. The Department considers that the overall increase in trip numbers will not have unacceptable environmental impacts on the road network surrounding the site. <p><i>Conditions/Response</i> No conditions are required where the proposal will not unreasonably impact the surrounding road network.</p>
<p><i>Excavation</i></p> <ul style="list-style-type: none"> Excavation and construction noise shall impact adjacent health care facilities Request further assessments, including that the acoustic report categorise adjoining premises as 'Health' instead of 'Commercial' Request mitigation measures 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant submitted a revised acoustic report that described how the surrounding premises were classified in line with the Interim Construction Noise Guideline, including a table assessing the concerned receivers against each classification available. The report concluded that the appropriate receiver type – Offices – had been selected. The Guideline describes how other land uses may be, at times, sensitive to noise. The Guideline describes that the proponent should undertake special investigation to determine suitable noise levels, and consult with occupants of commercial premises. The Department considers that the neighbouring uses may require noise isolation more than a typical office premises. <p><i>Conditions/Response</i> Conditions of consent will categorise the concerned receivers as 'sensitive' and require a Construction Noise and Vibration Management Sub-Plan (CNVMP) to be prepared prior to the construction of the development.</p>