GAT & Associates Pty Ltd

Statement of Environmental Effects

March 2018

70 John Whiteway Drive, Gosford

S4.55(2) Modification to Development Application No. 47044/2015 for the clearing and excavation of the site and construction of a 4-5 storey residential flat building with basement car parking.

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1. INTRODUCTION

This Statement of Environmental Effects has been prepared in support of a Section 4.55(2) Application to modify Development Consent No. 47044/2015. The Joint Regional Planning Panel issued an approval for the clearing and excavation of the site with construction of a 4-5 storey residential flat building consisting of 66 units with basement car parking providing 76 car spaces. This application was lodged on the 29/01/2015 and was approved on 7 September 2017.

For reference, and to provide a more comprehensive history, the subject site previously formed part of a larger site which was legally defined as Lot 2 in Deposited Plan 778384. Consent for subdivision of this larger site was granted in March 2004 which created Lots 100 and 101 in Deposited Plan 1066540. Along with this subdivision, consent was granted for construction of a 48-unit residential flat building on resultant Lot 100, which is the subject lot of this application. Currently, on Lot 101, sit 4 residential flat buildings commonly known as 'The Sanctuary' development.

Subsequently, a development application was approved on the 29/01/2015 at Lot 100 in Deposited Plan 1066540, being DA No. 47044/2015. This approval is the subject of this Section 4.55(2) application.

GAT & Associates has been engaged by our client Emirates Holdings Australia Pty Ltd to prepare a Statement of Environmental Effects to accompany this Section 4.55(2) Application to Central Coast Council – Gosford.

This Statement of Environmental Effects is based on information and details shown on the following architectural plans prepared by Benson McCromack Architecture, Project 1767A, Revision A, Dated March 18, DA Issue 01.

The following updated reports and supplementary documentation have been considered and should be read in conjunction with this Statement of Environmental Effects:

- BASIX Certificate prepared by Victor Lin & Associates;
- Landscape Plan prepared by Matthew Higginson Landscape Architecture Pty Ltd;
- Traffic Report prepared by Stanbury Traffic Planning;
- Access Report Prepared by Accessible Design Solutions;
- Stormwater Management Plan prepared by C & M Consulting Engineers.

This Statement of Environmental Effects has been prepared based on the submitted plans, inspections of the site and general knowledge of the site and locality with the aim of:

- Assessing the proposal against relevant statutory controls.
- Determining whether the proposal is acceptable within the existing and likely future context of the area.
- Considering whether the proposal is acceptable within the broader planning controls.
- Addressing any likely environmental and external impacts (positive and negative).

The proposed works have been assessed in relation to:

- Section 4.15 Evaluation of the Environmental Planning and Assessment Act, 1979.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- State Environmental Planning Policy 55 – Remediation of Land.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- Gosford Local Environmental Plan 2014.
- Gosford Development Control Plan 2013.

2. SITE CONTEXT

The subject site is commonly known as 70 John Whiteway Drive, Gosford and is legally defined as Lot 100 in Deposited Plan 1066540. The site is located on the eastern side of John Whiteway Drive and contains a single street frontage. Refer to Figure 1 – Site Location Map.

Source: https://maps.six.nsw.gov.au/

Figure 1 Site Location Map

The subject site is currently vacant of any built form with it being largely vegetated. As per DA 47044/2015, consent was sought and granted for the clearing of vegetation across the site to facilitate the approved residential flat building development.

The site is irregular in its shape with a varying depth, generally between 30-35m and features a curved street frontage to John Whiteway Drive measuring approximately 135m. Similarly, the sites eastern boundary is curved and splayed with its total length measuring approximately 145m. The sites southern boundary is splayed and totals an approximate distance of 28m with the northern boundary measuring approximately 46m. Overall, the site provides for a total area of 4776m^2.

The subject site is currently vegetated with no built form occupying the site. Refer to Figure 2 and 3. Proximate development is characterised by medium to high density residential forms that are generally of a contemporary stock, character and style. Immediately adjoining the site to the north is an undeveloped portion of the Georgiana Terrace Road Reserve which provides a bushfire access trail to Rumbalara Reserve further to the north. Immediately to the south of the site is an undeveloped and vegetation parcel of land. To the east and southeast of the site are four (4) residential flat buildings that form part of 'The Sanctuary' development. Refer to Figure 4. Directly opposite the site on the western side of John Whiteway Drive at No. 89 is a former a quarry site. Approval under DA 19601 was granted at No. 89 on 13 February 2004 for construction of a residential flat building containing 178 units. This consent is current and has commenced.

Source: Benson McCormack Architecture

Figure 2 Subject Site

Source: Benson McCormack Architecture

Figure 3 Subject Site

Source: Benson McCormack Architecture

Figure 4 'The Sanctuary' Development

The subject site is identified as forming part of the Gosford City Centre, as is evident through recent and proximate approvals, the area is experiencing an increased residential growth and demand for such housing.

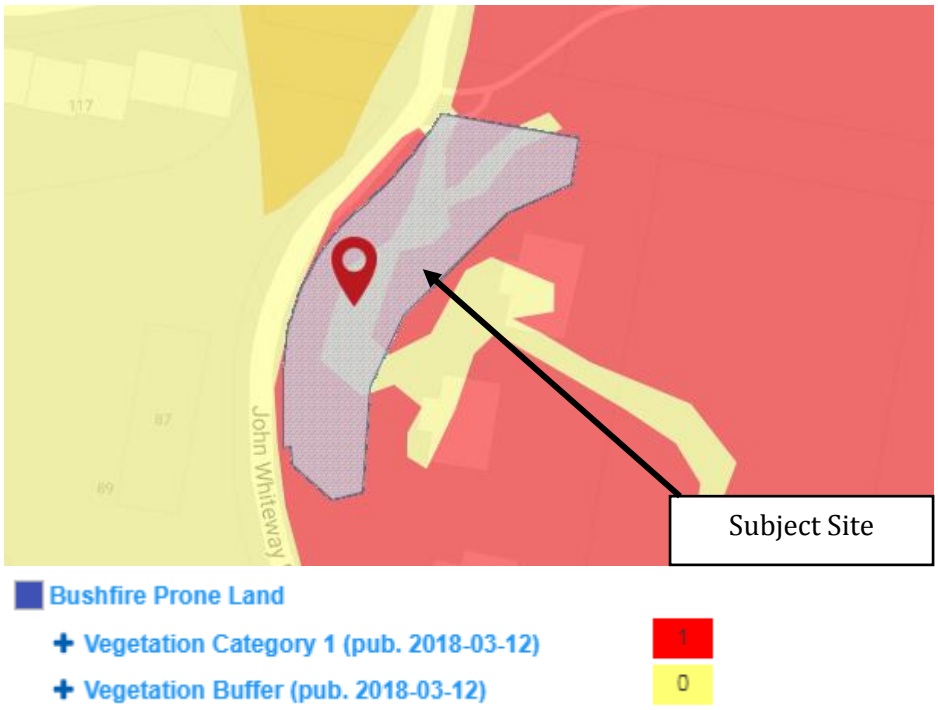
With the site being located within the Gosford City Centre, it is benefited by numerous local amenities, services, facilities and infrastructure within proximity of the site. Connection to such amenities is facilitated via John Whiteway Drive which connects to Henry Parry Drive and then more broadly to the Gosford City Centre.

Gosford City Park is located approximately 500m south-west from the site, offering a wide expanse of public green open space and a positive interaction with Brisbane Water Basin. Gosford Park, Memorial Park and Lions Park are all located at a similar distance and orientation from the site, providing a comparable amenity.

In terms of other notable amenities, Blue Tongue Central Coast Stadium is located approximately 710m west of the site, with Gosford TAFE College being an approximate distance of 300m north-west of the site.

Within proximity of the site are several bus stops along nearby Henry Parry Drive, Mann Street and Dane Drive. Gosford Railway Station is located at an approximate distance of 860m north-west from the site, each providing connections to a more expansive public transport network.

The site has not been identified as flood prone land or as being within a flood prone area and has no heritage affectations. However, the subject site has been identified as bushfire prone land consisting of Vegetation Category 1 and Vegetation Buffer land. Refer to Figure 5.



Source: NSW Planning Portal

Figure 5 Bushfire Map

3. PROPOSAL

The proposal before Council is a Section 4.55(2) modification to DA 47044/2015. The proposed modifications have been summarised in the comments below. Reference should also be made to the submitted architectural plans prepared by Benson McCormack Architecture.

Apartment Mix and Unit Numbers and Layout

The proposed apartment mix has been refined to now consist of:

- 9 x 1-bedroom units (12%) – (Previously 12 x 1-bedroom units, 18%)
- 42 x 2-bedroom units (58%) – (Previously 44 x 2-bedroom units, 66%)
- 21 x 3-bedroom units (30%) – (Previously 10 x 3-bedroom units, 15%)

Overall, the number of units has increased from the approved 66 to the proposed 72. With the following breakdown proposed:

- Ground – 1 bed = 4 units, 2 beds = 5 units, 3 beds = 3 units
- Level 1 – 1 bed = 2 units, 2 beds = 11 units, 3 beds = 4 units
- Level 2 – 1 bed = 1 unit, 2 bed = 12 units, 3 bed = 4 units
- Level 3 – 1 bed = 1 unit, 2 bed = 12 units, 3 bed = 4 units
- Level 4 – 1 bed = 1 units, 2 bed = 2 units, 3 bed = 6 units

In terms of apartment layouts, their location and orientation has generally remained as approved throughout the levels. The 3 distinct wings of the built form are retained.

Car Parking

Overall, car parking spaces have increased from 76 spaces to the proposed 102 spaces. The following breakdown is proposed:

- Residential = 87 spaces (previously, 62)
- Visitor = 15 spaces (previously, 14)
- Motorbike = 8 spaces (previously, 5)
- Bicycle = 35 spaces (previously, 30)

Additional car parking has been facilitated through refinements and rearrangement at the ground floor and basement levels. The basement level has been extended further south, with additional spaces added to the end of the development underneath Block 1. Tandem spaces have been added for additional spaces to larger apartments.

Storage and Utilitarian Areas

These areas have been redistributed and consequently rationalised throughout the development. This has contributed to the additional car parking spaces proposed at the site, as detailed above.

Communal Open Space

- The communal open space area has been increased from the approved 215m^2 to the proposed 647.8m^2.
- Communal open space has been relocated to the northern end of level 4 with access being from via lift and stair cores within Blocks 2 & 3.

- The communal open space is now north facing toward Rumbalara Reserve, which now benefits from a heightened level of solar access.

Floor Levels

- Floor levels have been equalled, whereas prior floor levels for Block 3 generally stood 250mm above corresponding floor levels to those of Blocks 1 and 2. Consequently floor levels of Block 3 have been lowered by 250mm.

Building Envelope and Roof Form

- The general building position within the sites boundaries, site coverage and orientation remain as approved.
- Curved roofs have been replaced by flat roofs, offering more generous eave overhangs.
- Flat planes which incorporate pebble ballast above hidden waterproofing membranes have replaced metal roof surfaces visible from the public domain.

Waste Management

- As appose to the approved scheme which provided 2 garbage storage rooms, the modifications provide for 3 garbage storage rooms and bin holding/collection areas.
- These bin areas are situated adjacent to lift and stair cores which service each Block, respectively. Each will be provided with a garbage chute, to improve efficient storage and collection.
- The garbage room which services Block 1 will be located at basement level, with the remaining room situated at ground level. Bins will be moved via a utility lift.
- These rooms will each comprise of a carousel for generous waste along with storage space for recycling and green waste bins.
- Floor by floor waste rooms are proposed and are located within each Block's building core. These floor by floor rooms also comprise of a recycling bin to separate waste.
- Collection location points will not be compromised.

4. SECTION 4.15 EVALUATION

4.1 Environmental Planning & Assessment Act, 1979

In order to have the ability to modify a development consent under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 ('EP&A Act'), Council must be satisfied that the development as modified would be substantially the same as the development for which the development consent was originally granted.

The planning merits of the modification are not relevant to the determination of the threshold question of whether the development to which the consent relates would be substantially the same development as the development for which the consent was originally granted.

In this regard, Council must apply the "substantially the same development test" to any Section 4.55 Application lodged. Case law in Vacik Pty Ltd v Penrith City Council (Stein J, 10242 of 1991, 24 February 1992) stated this test in the following terms:

> "... 'substantially' when used in the section means essentially or materially or having the same essence".

In relation to determining whether the proposed modified development is "essentially or materially" the same as the approved development. Justice Bignold in Moto Projects No. 2 Pty Ltd v North Sydney Council (1999) 106 LGERA 298 at 309, states:

> *"The relevant satisfaction required by s 96(2)(a) to be found to exist in order that the modification power be available involves an ultimate finding of fact based upon the primary facts found. I must be satisfied that the modified development is substantially the same as the originally approved development.*
>
> *The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is "essentially or materially" the same as the (currently) approved development.*
>
> *The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared…..".*

Considering the above, the Section 4.55 proposal is "essentially or materially" the same as the development that was initially approved. The overall built form will generally remain as approved, particularly to John Whiteway Drive where only minor changes are proposed to the building's façade to reflect the internal changes. The most significant changes are to the sides of the approved built form which results in a rationalised stepped footprint and a more sympathetic architectural expression within the sites given context. Protrusion and recession of certain building elements therefore result, with works maintaining appropriate separation distances and setbacks. Modifications largely remain within the approved building envelope.

In terms of comparing the qualitative and quantitative comparative aspects of the development, the modification proposes the following:

- An increase to the number of units from 66 to 72.

- An increase to the number of car parking spaces at the site from 76 to 102 spaces including 11 accessible spaces.
- The proposal will provide for an improved unit mix, with the introduction of more 3-bedroom units whilst maintaining an adequate number of 1 and 2-bedroom units. The overall height of the development has been generally decreased by 400mm.
- Relocation of the communal open space from the eastern side of the ground floor to the roof top, toward the northern side of the building and toward Rumbalara Reserve.
- Adjustment of numerous floor slabs which would result in lowering of the northern wing (Block 3) of the built form and consequently removal of warped slabs which were previously associated with parking areas.
- Amendments to the built forms architectural expression which will result in a more contemporary presentation and one that further compliments the areas natural context.
- Overall improvements to solar access and cross ventilation for the benefit of future residents.
- Overall improvement in solar access for neighbouring development.

Notwithstanding the above quantitative comparisons, the characteristics of the development, when taking into consideration the qualitative aspects are essentially considered the same. The reasons for this are:

- The proposal generally reduces the height of the approved built form as amendments to the roofscape are proposed.
- An area of communal open space will be retained, however will now be placed on the roof.
- The proposed materials and finishes will generally remain consistent with that of the approved.
- The approved building envelope will generally remain the same with minor modifications in terms of recession and protrusions of certain building elements due to internal modifications and additions.

4.2 Section 4.15 of the Environmental Planning and Assessment Act,1979

The following section provides an assessment of the proposed development in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

(1) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development, the subject of the development application.

The provisions of:

4.3 Any Environmental Planning Instrument

4.3.1 State Environmental Planning Policy – Building Sustainability Index (BASIX)

The proposal has been assessed against the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The proposal satisfies the targets set by the Policy in relation to water, thermal and energy.

A BASIX Certificate has been issued for the modified development and is attached under a separate cover to this Statement of Environmental Effects. This shows compliance with the required water, thermal and energy provisions under BASIX.

4.3.2 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

This was considered as part of the original Development Application assessment and was found to be acceptable.

In accordance with State Environmental Planning Policy No. 55, Council is able to conclude that no further assessment of contamination is necessary.

4.3.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

This State Policy aims to improve the design quality of residential flat buildings of three or more storeys, incorporating four or more dwellings.

The policy sets out a series of design principles for Local Council or other consent authorities to consider when assessing development proposals for flats.

The SEPP 65 underwent a comprehensive review and the changes were notified on the NSW legislation website on 19 June 2015 and will commence on 17 July 2015. For development applications lodged after 19 June 2015 and determined after 17 July 2015, the Apartment Design Guide, along with the changes to SEPP 65 will apply.

The proposed apartments are designed and accord with the design principles as stipulated in this State Environmental Planning Policy. All information and details shown within this Statement of Environmental Effects is based on the submitted plans prepared by Benson McCormack Architecture.

State Environmental Planning Policy No. 65 specifies nine design quality principles for residential flat buildings. These principles are as follows:

Principle 1 Context and Neighbourhood Character

Principle 2 Built Form and Scale

Principle 3 Density

Principle 4 Sustainability

Principle 5 Landscape

Principle 6 Amenity

Principle 7 Safety

Principle 8 Housing Diversity and Social Interaction

Principle 9 Aesthetics

The aims and objectives of this policy are:

(1) "This policy aims to improve the design quality of residential apartment development in New South Wales.

(2) This policy recognises that the design quality of residential apartment development is of significance for environmental planning for the state due to the economic, environmental, cultural and social benefits of high quality design.

(3) Improving the design quality of residential apartment buildings aims:

(a) to ensure that they contribute to the sustainable development of New South Wales;

(i) by providing sustainable housing in social and environmental terms; and

(ii) by being a long term asset to their neighbourhood; and

(iii) by achieving the urban planning policies for their regional and local contexts; and

(b) to achieve better built form and aesthetics of buildings and the streetscapes and the public places they define; and

(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities; and

(d) to maximise amenity, safety and security for the benefit of their occupants and the wider community; and

(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and

(f) to contribute to the provision of a variety of dwelling types to meet population growth, and

(g) to support housing affordability, and

(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.

(4) This Policy aims to provide:

(a) consistency of policy and mechanisms across the State; and

(b) a framework for local and regional planning to achieve identified outcomes for specific places."

The SEPP notes that good design is a creative process which, when applied to towns and cities, results in the development of great urban places, buildings, streets, square and parks.

Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.

Furthermore, good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic, and environmental challenges.

These nine design quality principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions. These principles are addressed under Appendix A of this report.

4.3.3.(a) Residential Apartment Design Guidelines

Further to the above design quality principles, Clause 30(2) of SEPP No. 65 also requires residential apartment development to be designed in accordance with the Department of Planning's publication entitled *Apartment Design Guide* (ADG). Compliance with ADG is assessed under a table within Appendix B of this report.

Communal Open Space

In accordance with Objective 3D-1, 25% of the site is to be set aside as communal open space. The approved development to which modification is sought, provided for a communal open space area of 215m^2 or 4.5%. These were comprised of a ground floor pool and deck toward the south-eastern portion of the site. Proposed modifications to consent DA 47044/2015, have resulted in an increased area of communal open space for the benefit of future residents, equalling 647.8m^2 or 13.56%.

Communal open space has been relocated to the roof from the ground floor. This is considered to be of an appropriate design solution as overall residential amenity will be heightened. Future residents are considered to benefit as modifications have allowed a numeric increase to this space and with its location on the roof, the communal open space area will achieve more than adequate solar access. Improved views over Rumbalara Reserve and more broadly the Gosford City Centre are facilitated, being at 270 degrees. Relocation of this space, will continue to ensure equitable, fluid and direct access for residents with any acoustic and visual privacy concerns to adjoining sites and future residents deemed as being further mitigated.

This communal open space is positively complimented thought the provision of deep soil planting and garden areas on the ground floor, not only providing a desirable outlook from this space but also for a visual balance between hard and soft paved areas at the site.

Furthermore, as approved, balconies are of an appropriate size and dimension to ensure useability for future residents and are generally larger in area than the minimum requirements.

Overall, the communal open space will remain consolidated into a well designed and usable area, one which is easily identifiable with equitable and direct access provided for residents.

Visual Privacy

The proposed modifications have generally maintained the approved separation distances as approved under DA 47044/2015, which were considered appropriate in ensuring visual privacy between development east of the site.

Separation distances of 14.5m – 26m between the approved built form and neighbouring development were sought and approved. Whilst the proposed modifications have resulted in differing protrusions and recessions of certain building elements, separations distances have generally remained as approved, ranging between 15.025 – 30.050m. In fact, a minor improvement has resulted overall.

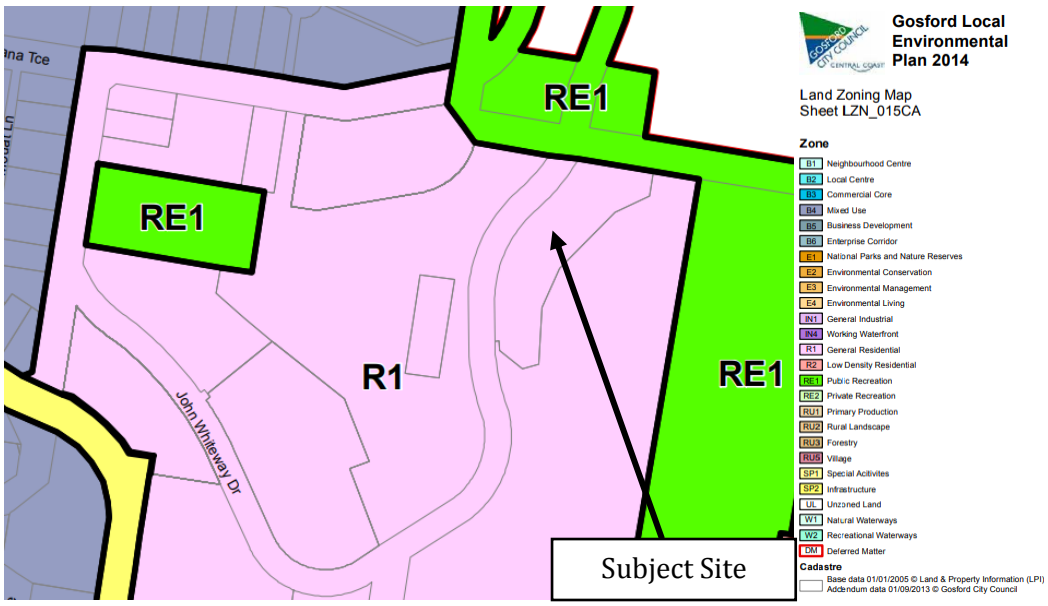
As is clearly demonstrated in the accompanying set of architectural plans prepared by Benson McCormack Architecture, that whilst modifications have led to certain protrusion and recession of built form elements this has not resulted in lesser separation distances between built forms. Protrusions are in general alignment with the approved building envelope, ensuring adequate separation distances, as approved, are retained. Similarly, as approved, a combination of privacy screening, use of blank walls and offsetting glazing and balconies have been incorporated into the overall design to further mitigate any visual privacy concerns to nearby built form.

Refer to Appendix B for an assessment of the planning guidelines of Apartment Design Guide.

4.3.4 Gosford Local Environmental Plan 2014

4.3.4.(a) Zoning

The subject site has is zoned R1 General Residential in accordance with the Gosford Local Environmental Plan 2014. Refer to Figure 6.



Source: Gosford Local Environmental Plan 2014

Figure 6 Land Zoning Map

The objectives of the R1 General Residential zone are as follows.

> *"1 Objectives of zone*

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To promote best practice in the design of multi dwelling housing and other similar types of development.*
- *To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development."*

In response to these objectives the following comments are made.

The proposed modifications will continue to provide for the housing needs of the community with an increase in unit numbers from the approved 66 to the proposed 72 units. An improved unit mix will result with inclusion of additional 3-bedroom units, whilst maintaining an adequate number of 1 and 2-bedroom units. This diverse housing choice is capable of accommodating a range of family and household structures. As approved, the residential nature of the development will remain unchanged.

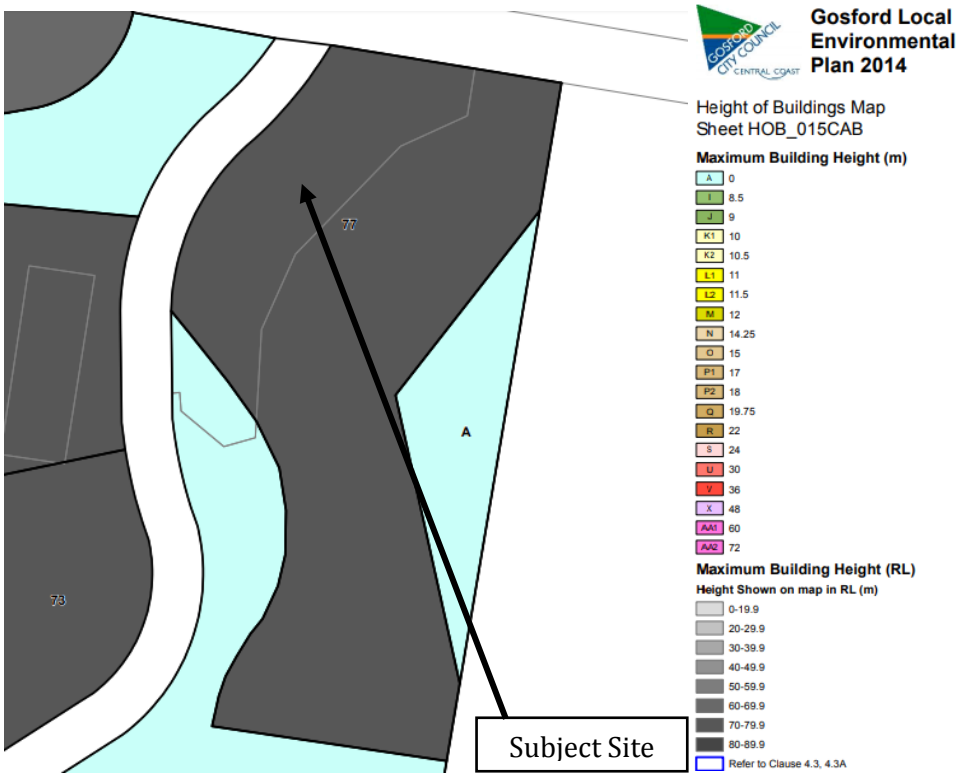
Through the proposed modifications, the desired future character of the area will be positively contributed to, as the modifications will result in essentially the same development as approved. Modifications are well designed and are of a high architectural quality, resulting in an improved relationship with the natural environment, offering a more sympathetic and contemporary fabric than approved.

There are no other land uses proposed through this application.

As detailed above, it is considered that the proposed modifications are in keeping with the objectives of the R1 General Residential Zone.

4.3.4.(b) Height

The subject site is found to contain two (2) height controls across the site. Part of the site being contained to the southernmost portion has a prescribed maximum height of 0m. The remaining portion of the site has been prescribed a maximum building height of 77RL. Refer to Figure 3 below.



Source: Gosford Local Environmental Plan 2014

Figure 7 Height Map

The proposed modifications are generally contained within the approved building envelope. In terms of height, DA 4077/2015 sought a variation to the standard and was approved at RL80.85m at its highest point. The proposed modifications have resulted in an overall height reduction to the approved built form, with a maximum height of RL80.450m proposed. Refer to Appendix E for a detailed written justification to vary this standard.

Refer to Appendix C for an assessment of the proposal against Council's LEP standards.

4.4 Draft Relevant State, Regional and Local Environmental Planning Instruments

There are no draft plans to be considered.

4.5 Development Control Plans

4.5.1 Gosford Development Control Plan 2013

4.5.1.(a) Setbacks

The proposed modifications sought through this application have ensured development is generally contained within the approved building envelope, with no further variations sought to what was approved. As detailed earlier within this report, design changes to the approved development have resulted in the recession and protrusion of certain building elements, however,

where protrusion has occurred these elements are either contained within the required setback or within the approved building envelope.

To the street, Council requires a minimum setback of 5m be provided. The proposed modifications are contained wholly within the required setback or within the approved building envelope, therefore no further variations would result. Where any variations were sought and approved under DA 47044/2015 their extent is not worsened through modifications. Therefore, the built forms impression to the public domain will remain essentially the same as approved.

To the rear, Council requires a 6m setback be provided. As approved, the proposed modifications ensure compliance in this regard with development being generally contained within the approved building envelope.

Appropriately landscaped setbacks are retained so too is consistency with the approved building envelope, along with numeric compliance in this regard.

Refer to Appendix D for an assessment of the proposal against Council's DCP controls.

4.6 Regulations

There are no prescribed matters which hinder the development.

4.7 Likely Impacts

This clause addresses the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

4.7.1 Impact on the Natural Environment

The proposed modifications will not have any adverse impact on the natural environment, with majority of these concerns being addressed as part of the original development application.

The site has already been approved for the purposes of a multi storey residential flat building with the site located in an area undergoing transition, as is evident in recent and proximate approvals to the site.

Stepped footprints have rationalised the built form to soften its architectural expression and will consequently have a more sympathetic integration within the dominant natural landscape of the locality.

The modifications will retain the provision for enhanced landscaping at the site.

4.7.2 Impact on the Built Environment

The proposed modifications are appropriate to the site in terms of alignment and proportion, therefore consistent with the desired future character of the area, as is evident in the current approval at the site and more proximate approvals and developments. It is considered that the proposed modifications will have no adverse impact on adjoining properties, as detailed within this Statement of Environmental Effects and demonstrated throughout the previous approved development on site, which remains essentially the same.

4.7.3 Social and Economic Impacts on the Locality

Proposed modifications will continue to provide for high quality residential accommodation within an area, which as demonstrated in recent and proximate approvals, is experiencing a transition to higher density forms.

It is considered that the proposed development and modifications will make a positive contribution to the local area by providing a high quality and visually attractive residential flat building in a location which has suitable access to local amenities, services and facilities within the Gosford City Centre.

4.8 Suitability of the Site

The land is appropriately zoned to permit the development and the development meets the objectives of the R1 General Residential zone under the Gosford Local Environmental Plan 2014.

4.9 Submissions made in accordance with this Act or the regulations

Not relevant.

4.10 The Public Interest

The public interest would be served by approval of this development, as it will provide for a high quality residential flat building of exceptional architectural standard. The development will continue to provide for residential accommodation within the Gosford City Centre in an area well serviced by local amenities, services, facilities and infrastructure.

Proposed modifications will enhance the internal and external amenity for future residents, whilst rationalising the built forms architectural expression and language to provide for a more seamless integration with the predominant natural landscape setting in the locality. There will be no adverse impact upon adjoining properties and detailed within this Statement of Environmental Effects.

It is considered that the proposed development is conducive to Council's policies and does not result in any unreasonable impacts.

Under the circumstances of the case, it is considered that the proposed development is acceptable and should be supported.

5. CONCLUSION

The proposed modifications have made regard to the surrounding land uses. It is considered that all reasonable measures to mitigate any adverse environmental effects have been taken into consideration, in relation to the proposal.

The modifications sought to DA No. 47044/2015 have been assessed in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979 and have found to be satisfactory. The proposal is permissible with the consent of Council.

The beneficial effects of the proposal include:

- Proposed units that are well-designed to provide excellent amenity and outlooks, whilst maintaining privacy between neighbours.
- Residential units that will contribute to the supply of housing and unit mix with additional 3-bedroom units and adequate provision of 1 and 2-bedroom units within the Gosford City Centre and in the broader Gosford Local Government Area.
- Appropriate provision of on-site car, motorbike and bicycle parking along with adequate levels of private and communal open space.
- Construction of a building that is of a scale and mass consistent with the future character of the R1 General Residential zone on which the site is located.
- The proposal is compatible with Council's planning objectives and controls for the site and the locality.

The proposed development will have no significant impact on the air or water quality in the locality.

The proposed works do not result in any unreasonable impact to adjoining properties and are conducive to Council's policies and accordingly, it is sought that Council approve the application.

Appendix A 9 Principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The following comments are provided to address the 9 Design Principles:

Principle 1 Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment:

The subject site is located on the eastern side of John Whiteway Drive within the Gosford City Centre. The provision of additional and high quality residential accommodation within this well serviced location offers a highly desirable development outcome within the context of the immediate and broader locality.

The sites proximate location to Rumbalara Reserve and to public green open space along the Brisbane Water Basin exemplifies the sites desirable location in the vicinity of public recreation areas. These facilitate both passive and active recreation activities.

Proposed modifications will continue to provide for a well-designed and articulated façade that offers a positive interaction and activation to John Whiteway Drive. Diverse apartment types, layouts and sizes along with the three designated lobby areas and pedestrian entry paths will continue to contribute to the vibrancy created by the original approval. Casual surveillance to the public domain will be maximised.

With there being several examples of contemporary higher density development in proximate locations to the site, the proposed modifications will continue to ensure that the development seamlessly integrates and positively responds to this future desired character.

As the modifications are generally contained within the approved building envelope, positive relationships with the streetscape and that of adjoining sites will continue. Appropriate setbacks from site boundaries and neighbouring development, will continue to offer an attractive interface with the public and private realm.

The sites access provisions, including safety and order will be retained. Front landscaping provides for an inviting yet safe linkage to John Whiteway Drive.

Overall, the proposed modifications will contribute to the positive revitalisation of the subject site in a context where there are sufficient links to the Gosford City Centre and surrounding amenities, services and infrastructure.

Principle 2 Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment:

The proposed modifications will result in a development that remains essentially the same as approved. Minor adjustments namely, certain design amendments to the built form will provide for overall deeper recessions breaking up the perceived length of the built form. Importantly, the modifications have been designed to respect the approved built form and proximate development within the locality, continuing to offer appropriate solar access and visual privacy to nearby development.

Important elements of the approval, such as suitable visual transitions from larger residential flat buildings to the east, down to Rumbalara Reserve and John Whiteway Drive are retained. Articulation of the built form is improved as stepped footprints are rationalised to soften the buildings architectural expression. This will result in a more sympathetic integration with the prominent landscaped context.

Modifications seek to retain the logical building arrangement of having 3 'Blocks' including its general configuration. Its siting, as approved, will continue to offer a suitable degree of casual surveillance with the integration of safe and generous pedestrian links being retained, complimenting the enhanced streetscape activations.

Short and distant views over the site and more broadly to the east, west, north and south taking in key elements such as the City Centre, Rumbalara Reserve and the Brisbane Water Basin are retained. With communal open space relocated to the roof, residents will benefit from 270-degree views from this space. This provides for enhanced visual and audible privacy when compared to its previous location on the ground floor.

Landscaping as approved, will work to provide a delineation between public and private spaces, mitigating any unintended site access. An inviting view onto the site and approved development will result, creating a visual interest from John Whiteway Drive.

With the roof form being generally flattened, generous eave overhangs are proposed to provide for a more elegant built form.

Principle 3 Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment:

The development will continue to provide for new residential accommodation within the locality. The proposed 72 units are considered appropriate in the context of proximate development and that which has been approved on site. Given the sites location within the Gosford City Centre, future residents will benefit from the ample and diverse amount of local services, facilities and infrastructure within proximity of the subject site.

Modifications will result in an increase to 3-bedroom units whilst maintaining an adequate mix of 1 and 2-bedroom units hence, facilitating a diverse housing choice to accommodate an array of household and family structures within the local community.

Principle 4 Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comment:

Where possible, the principles of energy efficient and environmental sensitive design have been incorporated into the development.

The proposed modifications have continued to ensure environmental, social and economic outcomes harmoniously complement one another through key design aspects. These include, but are not limited to, providing common areas where residents can interact in both a landscaped and non-landscaped setting which inherently promotes aspects of strong social continuity.

With the sites location in the Gosford City Centre and availability of public transport infrastructure, this may encourage residents to use alternative modes of transport to navigate around the locality and broader local government area. An increased population density is likely to take advantage of nearby local services promoting economic prosperity.

As detailed within this Statement of Environmental Effects, the built form ensures units have been designed to maximise cross ventilation and natural light. These passive design principles assist to reduce energy consumption.

Energy efficiency parameters prescribed by the accompanying BASIX Certificate will ensure that the development meets the required targets.

Principle 5 Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.

Comment:

As previously approved, the modifications will retain the high quality landscaped areas throughout the subject site. Existing site levels have been used to minimise excavation at the site. The open space areas are designed in a hierarchy of areas providing privacy for residents with open site lines to communal areas retained. Landscaped areas will continue their general orientation to maximise solar access, with planting also indirectly used to guide pedestrian movements throughout the site.

Principle 6 Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

Comment:

Careful consideration has been given to ensure design principles of passive surveillance, visual and open space amenity for residents and integrated streetscape character are promoted. The modifications will continue to ensure high levels of visual and acoustic amenity are retained between neighbouring properties, with these generally taking place within the approved building envelope. Retention of multiple lift cores will ensure that distance of travel to apartments is minimised.

Modifications ensure the additional units achieve adequate solar access, with the orientation of units remaining generally as approved, therefore continuing to maximise solar access. Storage spaces, balconies and private open space areas, have been designed to meet the standards of the Apartment Design Guide requirements.

Adaptable unit designs have also been provided to meet the differing needs of the population, contributing to the adequate level of housing choice inherently created by the development.

Principle 7 Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment:

Modifications have had regard to the principles of 'Safer by Design'. Aspects such as passive surveillance have been achieved through appropriate orientation of building entries that feature direct links to John Whiteway Drive and over communal spaces offering visual and physical interaction with these areas. Visual privacy issues will continue to be mitigated through the proposed modifications with the eastern facade being generally setback further than approved.

Principle 8 Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comment:

The modifications will continue to provide for new and high quality residential accommodation within an area that is experiencing change and one that is suited to provide such a development. Modifications have proposed an increase to 3-bedroom units whilst maintaining an appropriate mix of 1 and 2-bedroom units in accordance with the Gosford Development Control Plan 2013. The diverse housing choice and apartment mix, including adaptable designs, will cater to the diverse housing needs of the community and can accommodate an array household and family structures.

Future residents will be benefited by the sites location within the Gosford City Centre and the availability of amenities, services and infrastructure.

Both active and passive recreational opportunities will be provided throughout the site including on the ground floor and at roof level to the designated communal open space. This offers a means of social interaction between residents in both landscaped and non-landscaped settings.

Principle 9 Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

It is considered the proposed modification continues to incorporate the composition of building elements, textures, materials and finishes that contribute to an overall high quality and aesthetically appealing development. The prominent location of the subject site and surrounding development have been considered in the design of modifications. Stepped footprints have been rationalised to soften the architectural expression of the built form which provides for a more sympathetic integration to the predominant natural setting. A general flattening of the roof with inclusion of generous eaves has created a more elegant built form.

Design Verification Statement:

A Design Verification Statement was prepared and submitted as per DA 47044/2015, in accordance with State Environmental Planning Policy No. 65.

Appendix B Apartment Design Guide

STANDARD	OBJECTIVE	COMPLIANCE
Site Analysis	3A-1 - Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Complies. No change to DA 47044/2015. Refer also to architectural plans prepared by Benson McCormack Architecture.
Orientation	3B-1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Complies. Generally, as approved under DA 47044/2015
	3B-2 - Overshadowing of neighbouring properties is minimised during mid-winter.	Complies. Modifications generally maintain the same building envelope as approved under DA 47044/2015.
Public Domain Interface	3C-1 – Transition between private and public domain is achieved without compromising safety and security.	Complies.
	3C-2 – Amenity of the public domain is retained and enhanced.	Complies.
Communal And Public Open Space	3D-1 – An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping *Design criteria:* Communal open space has a minimum area equal to 25% of the site (see figure 3D.3) Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3pm on 21 June (mid winter).	Complies. Refer to Part 4.3.3(a) of this SEE for comments. Increase from approved DA 47044/2015 which provided 215m^2 (4.5%) to the proposed 647.8m^2 (13.56%). Adequate Solar Access is achieved.

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td></td><td>3D-2 – Communal open space is design to allow for a range of activities, respond to site conditions and be attractive and inviting.</td><td>Complies.
Communal open spaces are of adequate sizes and dimensions to facilitate a range of recreational activities which are both active and passive.</td></tr>
<tr><td></td><td>3D-3 – Communal open space is designed to maximise safety.</td><td>Complies.</td></tr>
<tr><td></td><td>3D-4 – Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</td><td>N/A</td></tr>
<tr><td>Deep Soil Zones</td><td>3E-1 - Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality

Design criteria:
Deep soil zones are to meet the following minimum requirements:
<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></table></td><td>Complies.
1460m² or 30% of the sites area has been allocated as a deep soil zone.</td></tr>
<tr><td>Visual Privacy</td><td>3F-1 - Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

Design criteria:</td><td>Complies.
Refer to Part 4.3.3(a) of this SEE for comments.</td></tr>
</table>

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td></td><td>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances between building to the side and rear boundaries are as follows:
<table>
<tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr>
<tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr>
<tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr>
<tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr>
</table>
Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</td><td></td></tr>
<tr><td></td><td>3F-2 - Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</td><td>Complies.</td></tr>
<tr><td rowspan="3">Pedestrian Access And Entries</td><td>3G-1 - Building entries and pedestrian access connects to and addresses the public domain.</td><td>Complies.</td></tr>
<tr><td>3G-2 - Access, entries and pathways are accessible and easy to identify.</td><td>Complies.</td></tr>
<tr><td>3G-3 - Large sites provide pedestrian links for access to streets and connection to destinations</td><td>Complies.</td></tr>
<tr><td>Vehicle Access</td><td>3H-1 - Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</td><td>Complies.
As approved under DA 47044/2015.</td></tr>
<tr><td>Bicycle And Car Parking</td><td>3J-1 - Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas

Design criteria:</td><td>Complies.

Total required = 89 spaces.</td></tr>
</table>

STANDARD	OBJECTIVE	COMPLIANCE
	For development in the following locations: *on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or* *on land zoned, and sites within 400 metres of land zoned, b# Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre* *the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less* *The car parking needs for a development must be provided off street.*	Total approved = 76 spaces. Total proposed = 102 spaces. Motorbike required = 8 spaces. Motorbike approved = 5 spaces. Motorbike proposed = 5 spaces. Bicycle required = 30 spaces. Bicycle approved = 30 spaces. Bicycle proposed = 35 spaces.
	3J-2 – Parking and facilities are provided for other modes of transport	Complies.
	3J-3 – Car park design and access is safe and secure.	Complies.
	3J-4 – Visual and environmental impacts of underground car parking are minimised.	Complies.
	3J-5 – Visual and environmental impacts of on-grade car parking are minimised.	N/A

STANDARD	OBJECTIVE	COMPLIANCE
	3J-6 – Visual and environmental impacts of above ground enclosed car parking are minimised	N/A
Solar And Daylight Access	4A-1 - To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. *Design criteria:* *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas* *In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter* *A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter*	Complies. Approved units continue to receive adequate solar access. Additional units will continue to receive adequate solar access,
	4A-2 – Daylight access is maximised where sunlight is limited.	Complies.
	4A-3 – Design incorporates shading and glare control, particularly for warmer months.	Complies.
Natural Ventilation	4B-1 – All habitable rooms are naturally ventilated.	Complies.
	4B-2 – The layout and design of single aspect apartments maximises natural ventilation.	Complies.
	4B-3 - The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents *Design criteria:* *At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed* *Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.*	Complies. 87.5% of units are naturally cross ventilated.
Ceiling Heights	4C-1 - Ceiling height achieves sufficient natural ventilation and daylight access *Design criteria:* *Measured from finished floor level to finished ceiling level, minimum ceiling heights are:*	Complies. Ceiling heights are provided as per

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td></td><td>
<table>
<tr><th colspan="2">Minimum ceiling height
for apartment and mixed use buildings</th></tr>
<tr><td>Habitable rooms</td><td>2.7m</td></tr>
<tr><td>Non-habitable</td><td>2.4m</td></tr>
<tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr>
<tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr>
<tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr>
</table>
These minimums do not preclude higher ceilings if desired.
</td><td>approved DA 47044/2015.</td></tr>
<tr><td></td><td>4C-2 - Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.</td><td>Complies.</td></tr>
<tr><td></td><td>4C-3 - Ceiling heights contribute to the flexibility of building use over the life of the building.</td><td>Complies.</td></tr>
<tr><td>Apartment Size And Layout</td><td>4D-1 - The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.

Design criteria:
Apartments are required to have the following minimum internal areas:
<table>
<tr><th>Apartment type</th><th>Minimum internal area</th></tr>
<tr><td>Studio</td><td>35m²</td></tr>
<tr><td>1 bedroom</td><td>50m²</td></tr>
<tr><td>2 bedroom</td><td>70m²</td></tr>
<tr><td>3 bedroom</td><td>90m²</td></tr>
</table>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.
</td><td>Complies.

1 bed, 1 bath minimum = 57.3m²

2 bed, 2 bath minimum = 84.4m²

3 bed, 2 bath minimum = 103.7m²</td></tr>
</table>

STANDARD	OBJECTIVE	COMPLIANCE
	A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each. *Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms*	
	4D-2 – Environmental performance of the apartment is maximised. *Design criteria:* *Habitable room depths are limited to a maximum of 2.5 x the ceiling height* *In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.*	Complies. Generally, as per DA47044/2015.
	4D-3 – Apartment layouts are designed to accommodate a variety of household activities and needs *Design criteria:* *Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)* *Bedrooms have a minimum dimension of 3m (excluding wardrobe space)* Living rooms or combined living/dining rooms have a minimum width of: *3.6m for studio and 1 bedroom apartments* *4m for 2 and 3 bedroom apartments* *The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.*	Complies. Room sizes generally remain as approved in terms of overall sizes and dimensions.
Private Open Space And Balconies	4E-1 – Apartments provide appropriately sized private open space and balconies to enhance residential amenity. *Design criteria:* *All apartments are required to have primary balconies as follows:*	Complies. 1 bedroom minimum = 10.1m² 2 bedroom minimum = 10.1m² 3 bedroom minimum = 15.6m²

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td></td><td>
<table>
<tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr>
<tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr>
<tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr>
<tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr>
<tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr>
</table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m.
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.
</td><td>Minimum depth requirements are achieved.</td></tr>
<tr><td></td><td>4E-2 - Primary private open space and balconies are appropriately located to enhance liveability for residents.</td><td>Complies.</td></tr>
<tr><td></td><td>4E-3 - Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</td><td>Complies.</td></tr>
<tr><td></td><td>4E-4 - Private open space and balcony design maximises safety</td><td>Complies.</td></tr>
<tr><td>Common Circulation And Spaces</td><td>4F-1 - Common circulation spaces achieve good amenity and properly service the number of apartments

Design criteria:
The maximum number of apartments off a circulation core on a single level is eight.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</td><td>Complies.
Maximum 7.</td></tr>
<tr><td></td><td>4F-2 - Common circulation spaces promote safety and provide for social interaction between residents</td><td>Complies.</td></tr>
<tr><td>Storage</td><td>4G-1 - Adequate, well designed storage is provided in each apartment

Design criteria:
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</td><td>Complies.
Modifications have ensured adequate storage has been provided for the proposed development,</td></tr>
</table>

<table>
<tr><th>STANDARD</th><th>OBJECTIVE</th><th>COMPLIANCE</th></tr>
<tr><td></td><td><table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>At least 50% of the required storage is to be located within the apartment.</td><td>with at least 50% of the required storage being located within the apartment.</td></tr>
<tr><td></td><td>4G-2 - Additional storage is conveniently located, accessible and nominated for individual apartments.</td><td>Complies.</td></tr>
<tr><td>Acoustic Privacy</td><td>4H-1 - Noise transfer is minimised through the siting of buildings and building layout</td><td>Complies.</td></tr>
<tr><td></td><td>4H-2 - Noise impacts are mitigated within apartments through layout and acoustic treatments.</td><td>Complies.</td></tr>
<tr><td>Noise And Pollution</td><td>4J-1 - In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</td><td>Complies.
Built form has been designed to mitigate any concern.</td></tr>
<tr><td></td><td>4J-2 - Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</td><td>Complies.</td></tr>
<tr><td>Apartment Mix</td><td>4K-1 - A range of apartment types and sizes is provided to cater for different household types now and into the future.</td><td>Complies.
The S4.55(2) modification includes 9 x 1 bedroom (11%), 42 x 2 bedroom (58%), 21 x 3 bedroom (30%).</td></tr>
<tr><td></td><td>4K-2 - The apartment mix is distributed to suitable locations within the building.</td><td>Complies.</td></tr>
<tr><td></td><td>4L-1 - Street frontage activity is maximised where ground floor apartments are located</td><td>Complies.</td></tr>
</table>

STANDARD	OBJECTIVE	COMPLIANCE
Ground Floor Apartments		
	4L-2 - Design of ground floor apartments deliver amenity and safety for residents	Complies.
Facades	4M-1 - Building facades provide visual interest along the street while respecting the character of the local area.	Complies. Generally, as approved under DA 47044/2015.
	4M-2 - Building functions are expressed by the façade.	Complies. Generally, as approved under DA 47044/2015.
Roof Design	4N-1 – Roof treatments are integrated into the building design and positively respond to the street.	Complies. Generally, as approved under DA 47044/2015.
	4N-2 - Opportunities to use roof space for residential accommodation and open space are maximised	Complies. Generally, as approved under DA 47044/2015.
	4N-3 – Roof design incorporates sustainability features.	Complies. Generally, as approved under DA 47044/2015.
Landscape Design	4O-1 – Landscape design is viable and sustainable	Complies. Generally, as approved under DA 47044/2015.
	4O-2 – Landscape design contributes to the streetscape and amenity.	Complies. Generally, as approved under DA 47044/2015.
Planting On Structures	4P-1 – Appropriate soil profiles are provided.	Complies.

STANDARD	OBJECTIVE	COMPLIANCE
	4P-2 – Plant growth is optimised with appropriate selection and maintenance.	Complies.
	4P-3 - Planting on structures contributes to the quality and amenity of communal and public open spaces	Complies.
Universal Design	4Q-1 - Universal design features are included in apartment design to promote flexible housing for all community members.	Complies.
	4Q-2 - A variety of apartments with adaptable designs are provided.	Complies.
	4Q-3 - Apartment layouts are flexible and accommodate a range of lifestyle needs.	Complies.
Adaptive Reuse	4R-1 - New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A
	4R-2 - Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A
Mixed Use	4S-1 - Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	N/A
	4S-2 - Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	N/A
Awnings And Signage	4T-1 - Awnings are well located and complement and integrate with the building design.	N/A
	4T-2 - Signage responds to the context and desired streetscape character.	N/A
Energy Efficiency	4U-1 - Development incorporates passive environmental design.	Complies. Refer to amended BASIX certificate.
	4U-2 - Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	Complies. Refer to amended BASIX certificate.

STANDARD	OBJECTIVE	COMPLIANCE
	4U-3 - Adequate natural ventilation minimises the need for mechanical ventilation.	Complies. 87.5% of units will be naturally cross ventilated.
Water Management And Conservation	4V-1 - Potable water use is minimised.	Complies. Refer to amended BASIX certificate.
	4V-2 - Urban stormwater is treated on site before being discharged to receiving waters.	Complies. Considered under DA 47044/2015.
	4V-3 – Flood management systems are integrated into site design.	Considered under DA 47044/201.
Waste Management	4W-1 - Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies.
	4W-2 - Domestic waste is minimised by providing safe and convenient source separation and recycling.	Complies.
Building Maintenance	4X-1 – Building design detail provides protection from weathering.	Complies.
	4X-2 – Systems and access enable ease of maintenance.	Complies.
	4X-3 – Material selection reduces ongoing maintenance costs.	Complies.

Appendix C Gosford Local Environmental Plan 2014

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Clause 2.7 Demolition	• The Demolition of a building or work may be carried out only with development consent.	
Zoning	• Zone R1 General Residential Objectives of the zone: • To provide for the housing needs of the community. • To provide for a variety of housing types and densities. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To ensure that development is compatible with the desired future character of the zone. • To promote best practice in the design of multi dwelling housing and other similar types of development. • To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.	Complies. Refer to Part 4.3.4(a) of this SEE for comments.
Clause 4.1 Minimum Subdivision Lot Size	• 550m2	N/A No Subdivision is proposed.
Clause 4.3 Height of Buildings	• 77RL, A (0)	Proposed modifications lower the approved height of 80.850RL to the proposed 80.450RL Refer to Part 4.3.4(b) of this SEE for comments.
Clause 4.4 Floor Space Ratio	• 1:5:1	Complies. 1.49:1 is proposed.
Clause 5.10 Heritage Conservation	1) Objectives The objectives of this clause are as follows: • to conserve the environmental heritage of Gosford, • to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, • to conserve archaeological sites, • to conserve Aboriginal objects and Aboriginal places of heritage significance.	N/A Subject site has not been identified as an item or heritage nor is the site located within a heritage conservation area.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
Clause 7.1 Acid Sulfate Soils	• Class 5	Considered under DA 47044/2015.
Clause 7.2 Flood Planning	1) The objectives of this clause are as follows: • to minimise the flood risk to life and property associated with the use of land, • to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, • to avoid significant adverse impacts on flood behaviour and the environment.	N/A The subject site has not been identified as flood prone land nor is it within a flood planning area.
8.3 Floor space ratio	• N/A None of the provisions within this clause apply. Refer to Clause 4.4 within this table above	N/A Refer to Clause 4.4.
8.4 Minimum building street frontage	(1) The objective of this clause is to encourage the amalgamation of smaller lots to achieve the efficient development of land and design of buildings. (2) This clause applies to land in the following zones: • Zone B4 Mixed Use, • Zone B6 Enterprise Corridor. • Development consent must not be granted to the erection of a building on land to which this clause applies unless the building will have a street frontage of at least 24 metres. • Despite subclause (3), development consent may be granted for the erection of a building on land to which this clause applies if the consent authority is satisfied that: (a) due to the physical constraints of the land or adjoining land, it is not possible for the building to have a street frontage of at least 24 metres, and (b) the development is consistent with the objectives of this Part.	N/A Site is zoned R1 General Residential.
8.5 Design excellence	• The objective of this clause is to deliver the highest standard of architectural and urban design. • Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in Gosford City Centre unless the consent authority considers that the development exhibits design excellence. • In considering whether development exhibits design excellence, the consent authority must have regard to the following matters: (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	Complies. Considered under DA 47044/2015.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain, (c) whether the proposed development detrimentally impacts on view corridors, (d) whether the proposed development detrimentally overshadows Kibble Park, William Street Plaza, Burns Park and the waterfront open space adjoining The Broadwater, (e) any relevant requirements of applicable development control plans, (f) how the proposed development addresses the following matters: (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, with particular emphasis on water saving and recycling, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements, (x) the impact on, and any proposed improvements to, the public domain.	
8.6 Car parking	• Development consent must not be granted for development on land in Zone B3 Commercial Core or Zone B4 Mixed Use that involves the erection of a new building or an alteration or addition to an existing building that increases the gross floor area of the building unless: (a) at least one car parking space is provided for every 75 square metres of the gross floor area of the building that is to be used for commercial activities, and (b) at least one car parking space is provided for every 40 square metres of the gross floor area of the building that is to be used for the purpose of retail premises. • Car parking required to be provided by this Plan must be provided on site unless the consent authority is satisfied that the provision of car parking is adequately provided elsewhere. • For the purposes of this clause, the following are to be included as part of a building's gross floor area: (a) any area of the building that is used for car parking and is at or above existing ground level,	N/A Site is zoned R1 General Residential.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	(b) any area of the building that is used for car parking below ground level, except where the car parking is provided as required by this clause. • Council-owned public car parking is not to be included as part of a building's gross floor area. • In this clause: *commercial activities, in relation to the use of a building, means the use of the building for the purposes of office premises, business premises, hotel or motel accommodation (but not hotel or motel accommodation that is subdivided under a strata scheme), food and drink premises or other like uses or a combination of such uses.*	
8.7 Active street frontages	• The objectives of this clause are: (a) to ensure that buildings in Zone B3 Commercial Core have a suitable amount of non-residential floor space to achieve the objectives of the zone, and (b) to ensure active uses are provided at street level to encourage the presence and movement of people. • Development consent must not be granted to the erection of a building on land in Zone B3 Commercial Core unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use. • Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following: (a) entrances and lobbies (including as part of mixed use development), (b) access for fire services, (c) access for a back street or service lane, (d) vehicular access. • In this clause, a building has an active street frontage if: (a) all premises on the ground floor, first floor and second floor of the building will not be used for the purposes of residential accommodation, and (b) all premises on the ground floor of the building facing the street or a pedestrian link will provide public access to the premises.	N/A Site is zoned R1 General Residential.
8.9 Development incentives	• The objective of this clause is to provide incentives for development on land in Gosford City Centre. • This clause applies to land identified as "Gosford City Centre" on the Development Incentives Application Map. • Development consent may be granted for the erection of a building on land to which this clause applies if the building: (a) will not exceed the maximum height shown for the land on the Height of Buildings Map by more than 30%, and	N/A Subject site not identified on Gosford City Centre Development Incentives Map.

CLAUSE	DEVELOPMENT STANDARD/CONTROL	COMPLIANCE
	(b) will not exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by more than 30%. (4) Development consent may be granted under this clause only if the development application was lodged before 3 April 2016 and not finally determined immediately before the commencement of Gosford Local Environmental Plan 2014 (Amendment No 27).	

Appendix D Gosford Development Control Plan 2013

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
4.1 Gosford City Centre		
4.1.1 Introduction		
4.1.1.4 City Centre Character Areas	**General Residential** The expansion of the residential zone within the city centre has been established to accommodate the additional 10,000 residents over the next 25 years. It is intended that new development within this zone will consist of medium to high density with heights allowing for 5 to 7 storeys. The proximity of the residential zone to the commercial core will support the viability of the city centre and encourage 24-hour use of the city's amenities.	Complies.
4.1.2 Building Form		
4.1.2.2 Building to Street Alignment and Street Setbacks	• 5-6m range (build to min. 5m and max 6m. landscaped setback • Street building alignment and street setbacks are to comply with Figure 2.1. • Balconies may project up to 600mm into front building setbacks, provided the cumulative width of all balconies at that particular level totals no more than 50% of the horizontal width of the building façade, measured at that level.	Complies. A front setback in the range of 5-6m is proposed.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	• Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible (see also Section 3.4.1.3.9 Building Exteriors of this chapter).	Generally, as approved under DA 47044/2015. Refer to Part 4.5.1(a) of this SEE for comments.
4.1.2.3 Street Frontage Heights	Controls The street frontage height of buildings must comply with the minimum and maximum heights above mean ground level on the street front as shown in Figure 2.3. Notwithstanding the above, the street front height of any new building is to be consistent with the controls in Section 4.1.2.10 Sun Access Planes and View Corridors of this chapter.	N/A Not shown on map to have a street frontage height control.
4.1.2.4 Building Depth and Bulk	Controls The maximum floorplate sizes and depth of buildings are illustrated in Figure 2.5 and specified in the following table. Notwithstanding the above, no building above 24m in height is to have a building dimension in excess of 45m. At street frontage height levels, and where development is built from street edge to street edge, articulate buildings using atria, light wells and courtyards to improve internal building amenity and achieve substantial daylighting at every level, and cross ventilation and/or stack effect ventilation. All points on an office floor should be no more than 10m from a source of daylight (e.g. window, lightwell or skylight) in buildings with a total height of 24m or under, and no more than 12.5m from a window in buildings with a total height over 24m.	Complies. Maximum building depth remains generally, as approved under DA 47044/2015.

<table>
<tr><th>CHAPTER/ PLANNING GUIDELINE</th><th>DEVELOPMENT STANDARD/CONTROL</th><th>COMPLY</th></tr>
<tr><td></td><td>
<table>
<tr><th>Land Use zone</th><th>Maximum floor plate size</th><th>Condition</th><th>Maximum building depth (excludes balconies)</th></tr>
<tr><td>Commercial Core (Commercial and retail uses)</td><td>1,200m²</td><td>above 24m height</td><td>30m</td></tr>
<tr><td>Mixed Use and Enterprise Corridor (all uses)</td><td>750m²</td><td>above 16m height</td><td>24m</td></tr>
<tr><td>All other zones (all uses)</td><td>20% of GFA up to 500m² max</td><td>above 12m (or 18m)*</td><td>18m</td></tr>
</table>
*Where height is shown as 24m on the Height of Building map in the Gosford LEP 2014
</td><td></td></tr>
<tr><td>4.1.2.5 Boundary Setbacks and Building Separation</td><td>Controls
Note: For the purposes of this section, commercial uses means all non-residential buildings (including hotel accommodation, but not serviced apartments).

The minimum building setbacks from the front, side and rear property boundaries are specified in the following table and illustrated in Figures 2.6 to 2.8.

Notwithstanding the above, a minimum separation distance of 36m applies between buildings over 36m in height. In mixed use buildings, setbacks for the residential component are to be the distances specified in the table below for residential development in the specified zone.

If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means, for example, the construction of screens. These will be assessed on merit by the consent authority.</td><td>Complies.
Refer to Part 4.5.1(a) of this SEE for comments.</td></tr>
</table>

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY

Minimum setback distance from property boundary

Zone	Setback condition	Front	Side	Rear
Commercial Core	Up to 16m	Street setback†	0m	0m
	Above 16m	6m*	4.5m	6m
	Above 36m	8m*	6m	6m
Mixed Use	**Commercial uses:**			
	- up to 16m	Street setback†	0m	6m
	- between 16m - 36m	6m*	4.5m	6m
	- above 36m	8m*	13m	13m
	Residential uses up to 12m height:#			
	- non-habitable rooms	Street setback†	3m	6m
	- habitable rooms	Street setback†	6m	6m
	Residential uses up to 12-24m height:#			
	- non-habitable rooms	6m	4.5m	6m
	- habitable rooms	6m	9m	9m
	Residential uses above 24m height:	8m*	13m	13m
All other zones	**All uses up to 12m height:**			
	- non-habitable rooms	Street setback†	3m	6m
	- habitable rooms	Street setback†	6m	6m
	All uses above 12m height:			
	- non-habitable rooms	3m	4.5m	6m
	- habitable rooms	3m	9m	9m

* Setback occurs at street frontage height (i.e. only one setback allowable).
# notwithstanding the associated side setback controls, buildings are permitted to build to the side lot boundary (i.e. 0m side setback up to relevant street frontage height) in the Mixed Use Zone where windows to habitable and non-habitable rooms are placed to face the front or rear of the lot.
† refer to Figure 2.1 specific street alignment and street setbacks.

<table>
<tr><th>CHAPTER/ PLANNING GUIDELINE</th><th>DEVELOPMENT STANDARD/CONTROL</th><th>COMPLY</th></tr>
<tr><td>4.1.2.7 Site Cover and Deep Soil Zones</td><td>
Controls
a. The maximum site cover for development is specified in the following table:
<table>
<tr><th>Zone</th><th>Commercial & Mixed Use</th><th>Residential</th></tr>
<tr><td>Commercial Core</td><td>100%</td><td>N/A</td></tr>
<tr><td>Mixed Use and Enterprise</td><td>75%</td><td>60%</td></tr>
<tr><td>All other zones</td><td>75%</td><td>50%</td></tr>
</table>

All developments with a residential component in all zones except the Commercial Core must include a deep soil zone.

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.

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 accordance with the provisions of Section 4.1.2.9. In such cases, compensatory stormwater management measures must be integrated within the development to minimise stormwater runoff.

Where deep soil zones are provided, they must accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature plants.

No structures, works or excavations that may restrict vegetation growth are permitted in this zone (including but not limited to car parking, hard paving, patios, decks and drying areas).
</td><td>Complies.
37%</td></tr>
</table>

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
4.1.2.8 Landscape Design	Controls Landscaped areas are to be irrigated with recycled water. Remnant vegetation must be maintained throughout the site wherever practicable. A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development.	Complies. Considered under DA 47044/2015. Refer to Landscape Plan.
4.1.2.9 Planting on Structures	Controls Areas with planting on structures are to be irrigated with recycled water. Design for optimum conditions for plant growth by: providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, providing appropriate soil conditions and irrigation methods, and providing appropriate drainage. Design planters to support the appropriate soil depth and plant selection by: ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas. Increase minimum soil depths in accordance with: the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, the level of landscape management, particularly the frequency of irrigation, anchorage requirements of large and medium trees, and soil type and quality	Complies. Refer to Landscape Plan.

<table>
<tr><th>CHAPTER/ PLANNING GUIDELINE</th><th>DEVELOPMENT STANDARD/CONTROL</th><th>COMPLY</th></tr>
<tr><td></td><td>Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:
<table>
<tr><th>Plant type</th><th>Min Soil Depth</th><th>Min soil volume</th></tr>
<tr><td>Large trees (over 8m high)</td><td>1.3m</td><td>150 cu m</td></tr>
<tr><td>Medium trees (2m to 8m high)</td><td>1.0 m</td><td>35 cu m</td></tr>
<tr><td>Small trees (up to 2m high)</td><td>800 mm</td><td>9 cu m</td></tr>
<tr><td>Shrubs and ground cover</td><td>500 mm</td><td>n/a</td></tr>
</table></td><td></td></tr>
<tr><td>4.1.2.10 Sun Access Planes and View Corridors</td><td>Controls
Notwithstanding the maximum heights stated in the Height of Buildings Map in the Gosford Local Environmental Plan 2014, the maximum building heights on land shown marked on Figure 2.13 in the vicinity of Kibble Park is to have a maximum building height for the specified setbacks in accordance with the following controls.
• Any part of a building located in the 18m height zone on the western side of Mann Street (opposite William Street – Marked ‘A’ on Figure 2.13), that is above 10.5 metres in height is to be set back at least 20 metres from the eastern boundary so as to ensure the maintenance of views to President’s Hill and to ensure that there will be no overshadowing of William Street Plaza greater than could occur on the commencement of this plan.
• Any part of a building fronting Mortimer Lane (west of Kibble Park – marked ‘B.’ on Figure 2.13) that is above 10.5 metres in height is to be set back at least 17 metres from the eastern boundary so as to ensure the maintenance of solar access to Kibble Park and views to President’s Hill.
• Any part of a building fronting William Street Plaza (north of Kibble Park – marked ‘C.’ on Figure 2.13) that is above 9 metres in height is to be setback at least 17 metres from the southern boundary so as to ensure the maintenance of solar access to William Street Plaza.
• Any part of a building fronting William Street (north of Kibble Park – marked ‘D.’ on Figure 2.13) that is above 10.5 metres in height is to be set back at least 17 metres from the southern boundary so as to ensure the maintenance of solar access to Kibble Park.
• The above does not apply to development resulting only in refurbishment of a building.</td><td>N/A</td></tr>
</table>

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Any new public spaces such as the desired pedestrian links specified in Figure 3.1 Existing and Desired Links are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice). Significant views to be protected are illustrated in Figure 2.14. Limit floorplates of buildings above nominated street frontage heights (refer to Section 4.1.2.4). Align tall building elements to maximise view corridors between buildings.	
	4.1.3 Pedestrian Amenity	
4.1.3.2 Permeability	Controls Through site links are to be provided as shown in Figure 3.1. Where possible, existing dead end lanes are to be extended through to the next street as redevelopment occurs. New through site links should be connected with existing and proposed through block lanes, shared zones, arcades and pedestrian ways and opposite other through site links. Existing publicly and privately owned links are to be retained. Through site links for pedestrians are to be provided as shown in Figure 3.1, and: • are to be open to the air and publicly accessible, • have active frontages or a street address (refer to Figure 3.4 Active Streets), • be clear and direct throughways for pedestrians, • generally, have a minimum width of 4m clear of all obstructions (except for links within and connecting to the Baker Street car-park area which are to have a minimum width of 8m), and • have signage at street entries indicating public accessibility and the street to which the through site link connects. • Arcades are to:	N/A Through site links are not required to be provided.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	• have active frontages for their length • be clear and direct throughways for pedestrians, • provide public access at all business trading times, • have a minimum width of 4m clear of all obstructions (including columns, stairs, escalators), • where practical, have access to natural light for at least 30% of their length, • where air conditioned, have clear glazed entry doors comprising at least 50% of the entrance, and • have signage at street entries indicating public accessibility and the street to which the through site link connects. Internal arcades will not be approved in preference to activation of an existing or required pedestrian link or lane. New through site laneways for pedestrians and vehicles are to be provided as indicated in Figure 3.1. Lanes are to: • be clear and direct throughways for pedestrians with paving finishes, lighting etc. that are appropriate for a pedestrian route. • provide public access at all times, • have a minimum width of 6m clear of all obstructions, and • have signage indicating public accessibility and the street to which the lane connects. Where lanes are primarily used for building access and servicing, 'safer by design' principles must be demonstrated (refer to Section 4.1.3.5).	
4.1.3.3 Active Street Frontages and Address	Objectives • To promote pedestrian activity and safety in the public domain. • To maximise active street fronts in Gosford city centre. • To define areas where active streets are required or are desirable. • To encourage an address to the street outside of areas where active street frontages are required.	N/A Site is not identified on Figure 3.4 Active Street Frontage and Address Map.
4.1.3.4 Front Fences	Controls	Considered as per DA 47044/2015.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Front fences include fences to the primary and secondary street frontages, and side boundary fences forward of the building alignment. Front fences must be a maximum weighted average height of 1.2m above street level. Notwithstanding the above, the maximum height of any portion of a front fence must not exceed 1.4m above street level. Front fences over 1m in height above street level must be at least 50% visually permeable. The use of varied materials is preferred. The use of sheet metal is not permitted as a front fence material.	No additional fencing is proposed.
4.1.3.5 Safety and Security	Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention though environmental design (CPTED) principles). Ensure that the building design allows for passive surveillance of public and communal spaces, access ways, entries and driveways. Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks. Maximise the number of residential 'front door' entries at ground level. Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering. Clearly define the development boundary to strengthen the transition between public, semi-private and private space. This can be actual or symbolic and can include landscaping, fences, change in paving material, etc. Provide adequate lighting of all pedestrian access ways, parking areas and building entries.	Complies. Modifications will ensure clear site lines are available to promote passive surveillance over communal spaces, access ways, entries and driveways. Multiple pedestrian access ways are proposed to ensure adequate and equitable access into the built form. These are visually prominent and easily read. Public and private domains are visually

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Provide clear lines of sight and well-lit routes throughout the development. Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway. For large scale retail and commercial development with a construction value of $7million or over, provide a 'safety by design' assessment in accordance with the CPTED principles from a qualified consultant.	distinguished through strategic planting and clear delineation of spaces, thus mitigating any unintended building and site access.
4.1.3.7 Vehicle Footpath Crossings	Controls **Location of Vehicle Access** No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified in Figure 3.8 which are significant pedestrian circulation routes. In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted. Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian activity. Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date. Vehicle access may not be required or may be denied to some heritage buildings. **Design of Vehicle Access** Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 2.7 metres over the footpath, and perpendicular to the kerb alignment. In exceptional circumstances, a double lane crossing with a maximum width of 5.4 metres may be permitted for safety reasons (refer to Figure 3.7).	Complies. Vehicle access provisions remain as approved under DA 47044/2015.

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	Vehicle access ramps parallel to the street frontage will not be permitted. Vehicle access ramps parallel to the street frontage will not be permitted. Ensure vehicle entry points are integrated into building design. Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building facade. Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street. **Porte Cocheres** Porte cocheres are not favoured and may only be permitted for hotels subject to urban design, streetscape, heritage and pedestrian amenity considerations. Where practicable, porte cocheres are to be internal to the building with one combined vehicle entry and exit point, or one entry and one exit point on two different frontages of the development. In exceptional circumstances for buildings with one street frontage only, an indented porte cochere with separate entry and exit points across the footpath may be permitted, as long as it is constructed entirely at the footpath level and provides an active frontage at its perimeter.	N/A
4.1.3.8 Pedestrian Overpasses and Underpasses	Objectives • To promote pedestrian activation of streets and public places. • To promote 'safer by design' and crime prevention principles. • To encourage pedestrian circulation at street level. • To protect views and vistas along streets.	N/A
4.1.3.9 Building Exteriors	Controls Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of:	Complies. Building exteriors remain generally as approved,

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	appropriate alignment and street frontage heights, setbacks above street frontage heights, appropriate materials and finishes selection, facade proportions including horizontal or vertical emphasis, and the provision of enclosed corners at street intersections. Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged. Articulate façades so that they address the street and add visual interest. External walls should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass. Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided. To assist articulation and visual interest, expanses of any single material is to be avoided. 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. Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass. Highly reflective finishes and curtain wall glazing are not permitted above ground floor level (refer to Section 4.1.5.4). A materials sample board and schedule is required to be submitted with applications for development over $1 million or for that part of any development built to the street edge.	with minor architectural amendments to improve the built forms integration with the natural environment and overall enhance the buildings architectural language. Building facades remain articulated, to express important built elements, contributing to the developments visual interest from the public domain. A low cost and an efficient maintenance outcome will result from the chosen materials and finishes, which generally remain as approved.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as: • expressed cornice lines that assist in enhancing the streetscape, • projections such as entry canopies that add visual interest and amenity, and • provided that the projections do not detract from significant views and vistas (refer to Figure 2.14 Views). The design of roof plant rooms and lift overruns are to be integrated into the overall architecture of the building.	
4.1.3.10 Corner Treatments	Controls Buildings identified in Figure 3.10 are to address corner sites through: • architectural emphasis and use of distinguishing architectural features and materials to adjacent buildings, • an additional storey may be permitted onto the specified street frontage height range (refer Figure 2.4 Street Frontage Heights), and • the use of a consistent 'short splay' corner treatment on corners designated as 'Gateway' sites. A primary entrance door to the building is to be placed at the splayed section of the corner. Notwithstanding the above, new corner buildings opposite or adjacent to Heritage Items are to respond to the Heritage Items in terms of height, scale and proportion.	N/A Site is not identified in Figure 3.10.
4.1.3.11 Public Artworks	Controls Public art is to respond to the particular site of the development as well as the city as a whole. Provide well designed and visually interesting public art made by artists or organisations that are competent in the selected field. Construct public art of materials that are hard-wearing, resistant to vandalism and constructed to ensure minimal maintenance.	N/A
4.1.3.12 Advertising and Signage	Objectives • To ensure that all advertising achieves a very high level of design quality in terms of graphic design, its relationship to the architectural design of buildings and the character of streetscapes.	N/A

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	• To limit the overall amount of advertising through the provision of fewer, more effective signs, to avoid the creation of visual clutter on buildings and streetscapes. • To promote signs that add character to the streetscape and assist with way finding and the pedestrian useability of the city. • To promote signs that complement the architectural style and use of buildings. • To consider the amenity of residential development and the visual quality of the public domain. • To encourage corporate logos and colours in signs that achieve a high degree of compatibility with the architecture of the building. • To ensure that the location and design of signs are consistent with road safety principles.	
4.1.4 Access, Parking and Servicing		
4.1.4.2 Pedestrian Access and Mobility	Controls Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity. The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended). Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas. The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor. The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.	Complies. As approved, building entries remain clearly visible from the sites street frontages, which assists in promoting the built forms legibility, hence contributing to visitor and occupant amenity. Continuous paths of travel are retained, so too areas of barrier free access.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	
4.1.4.3 Vehicular Driveways and Manoeuvring Areas	Controls Driveways should be: • provided from lanes and secondary streets rather than the primary street, wherever practical, • located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, • located a minimum of 6 metres from the perpendicular of any intersection of any two roads, and • if adjacent to a residential development, setback a minimum of 1.5m from the relevant side property boundary. Vehicle access is to be integrated into the building design so as to be visually recessive. All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn. Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval. Driveway widths must comply with the relevant Australian Standards. Car space dimensions must comply with the relevant Australian Standards. Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1). Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 8. Ramp widths must be in accordance with AS 2890.2	Complies. Vehicular access provisions remain as approved under DA 47044/2015 and continue to comply with relevant Australian Standards. Additional car parking spaces have been provided in accordance with the relevant Australian Standards.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms. For residential development in the General Residential zone, use semi-pervious materials for all uncovered parts of driveways and parking areas to assist with stormwater infiltration.	
4.1.4.4 On-Site Parking	Controls General (all development) Except as separately provided for in the Gosford Local Environmental Plan 2014, on-site vehicle and bicycle parking is to be provided in accordance with Table 4.1 of this chapter. Car parking is to be provided wholly underground unless Council is satisfied unique site conditions prevent achievement of parking in basements. Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council. Car parking and associated internal manoeuvring areas provided over and beyond that required by this chapter and the Gosford Local Environmental Plan 2014 is to be calculated towards gross floor area. Car parking above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future. On-site parking must meet the relevant Australian Standard (AS 2890.1 2004 – Parking facilities, or as amended). To accommodate people with disabilities, provide a minimum of 4% of the required parking spaces, or minimum of 2 spaces per development, (whichever is the greater) as an appropriately designated and signed disabled parking space. Uncovered on-site parking areas, including the top of front building setbacks, are prohibited. Bicycle parking is to be in secure and accessible locations, with weather protection.	Complies. Additional car parking to that approved under DA 47055/2015 is proposed. The approved development had relied upon the RMS rates as detailed within Appendix B of this SEE.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Multi Dwelling Housing, Residential Flat Buildings **Resident car parking:** 1 Bedroom dwelling - 1 car space/dwelling 2 Bedroom dwelling - 1.2 car spaces/dwelling 3 or more bedroom dwellings - 1.5 car spaces/dwelling **Visitor car parking:** 0.2 spaces/dwelling, provided on site and clearly marked for use by visitors only Disability accessible car parking: Not less than 10% of the required resident and visitor spaces **Motorcycle parking:** 1 space/15 dwellings (or part thereof) **Bicycle parking:** 1 resident's space/3dwellings + 1 visitor space/12 dwellings (or part thereof)	
4.1.4.5 Site Facilities and Services	Controls **Mail boxes** Provide mail boxes for residential building and/or commercial tenancies in one accessible location adjacent to the main entrance to the development. They should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building. Mail boxes shall be secure and large enough to accommodate articles such as newspapers. **Communication structures, air conditioners and service vents** Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures: away from the street frontage, integrated into the roof-scape design and in a position where such facilities will not become a skyline feature at the top of any building, and adequately setback from the perimeter wall or roof edge of buildings.	Complies. Considered under DA 47044/2015. Complies. Considered under DA 47044/2015.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	A master antenna must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas. **Waste (garbage) storage and collection** **General (all development)** All development is to preferably accommodate waste handling and storage on-site. The size, location and handling procedures for all waste, including recyclables, is to be determined in accordance with Council waste contract and advice from Council's Waste and Emergency Services staff. Access for waste collection and storage is preferred from rear lanes, side streets or rights of ways. Waste storage areas are to be designed to: • ensure adequate driveway access and maneuverability for any required service vehicles, • be located so as not to create any adverse noise impacts on the existing developments or sensitive noise receptors such as habitable rooms of residential developments, and • be screened from the public way and adjacent development that may overlook the area. The storage facility must be well lit, easily accessible and on level grade for movement of bins, free of obstructions that may restrict movement and servicing of bins or containers and designed to minimise noise impacts. **Location requirements for waste storage areas and access:** Where waste volumes require a common collection, storage and handling area, this is to be located: • for residential fl at buildings, enclosed within a basement or enclosed carpark, • for multi-unit housing, at ground behind the main building setback and façade, or within a basement or enclosed carpark, and • for commercial, retail and other development, on-site in basements or at ground level within discrete service areas not visible from main street frontages.	Complies. Waste storage will continue to be provided within the basement level, to ensure its visibility from the public domain is mitigated and that any unsympathetic noise impacts are not created. Complies. Located within a basement.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Where above ground garbage collection is prohibitive or impractical due to limited street frontage, or would create an unsafe environment, an on-site basement storage area must be provided. Where a waste vehicle is required to enter the site, access and circulation areas shall be designed to accommodate Council's current waste contractor vehicles. Designs should conform to Council's current technical standards, being typically a vehicle with the following specification: Vehicle length 10m Vehicle height 4.0m Ramp width 4m Turning circle AUSTOADS template for HRV, R=12.5m, Axle Weight speed=5kph 9 tonne/axle Any access route for waste collection vehicles and operators is subject a Section 88B Instrument under the Conveyancing Act for right of access being provided prior to an occupational certificate being issued. **Service docks and loading/unloading areas** provide adequate space within any new development for the loading and unloading of service/delivery vehicles. Preferably locate service access off rear lanes, side streets or rights of way. Screen all service doors and loading docks from street frontages and from active overlooking from existing developments. Design circulation and access in accordance with AS 2890.1.	Complies. Considered under DA 47044/2015. Considered under DA 47044/2015. No change to approved development in this regard.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Fire service and emergency vehicles For developments where a fire brigade vehicle is required to enter the site, vehicular access, egress and manoeuvring must be provided to, from and on the site in accordance with the NSW Fire Brigades Code of Practice - Building Construction - NSWFB Vehicle Requirements. Generally, provision must be made for NSW Fire Brigade vehicles to enter and leave the site in a forward direction where: • NSW Fire Brigade cannot park their vehicles within the road reserve due to the distance of hydrants from the building or restricted vehicular access to hydrants, or • otherwise required by the NSW Fire Brigades Code of Practice - Building Construction NSWFB Vehicle Requirements.	Considered under DA 47044/2015. No change to approved development in this regard.
4.1.5 Environmental Management		
4.1.5.2 Energy Efficiency and Conservation	Controls **Residential** New dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies. Refer to amended BASIX certificate.
4.1.5.3 Water Conservation	Controls New dwellings, or developments which contain a residential component within a mixed use building or serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy - Building Sustainability Index (BASIX).	Complies. Refer to amended BASIX certificate.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	All new developments shall incorporate a third pipe system within the development to facilitate supply of recycled or captured rainwater for non-potable uses including: toilet / urinal flushing, laundry and non-potable garden / hard surface uses. The third pipe alternate water supply system shall satisfy the following criteria: • be installed in accordance with AS/NZS 3500:2003, the NSW Plumbing Code of Practice 2006 and the Water Supply Code of Australia (Sydney Water Edition) WSA 03-2002 • be connected to all toilets, garden/ outdoor taps and laundry • incorporate a connection point outside the building alignment in the event external recycled water is supplied to the property by the local Water Authority. • be assessed and agreed to by Council prior to development consent. All new development shall demonstrate implementation of best practice water saving infrastructure including provision of rainwater / stormwater retention tanks. (refer Water Cycle Management chapter of this DCP and associated guidelines). The requirements of the Design Excellence provisions (Clause 8.5 of Gosford LEP 2014) in relation to water conservation and reuse are deemed to be satisfied by a development that achieves a 75% or better self reliance for water use.	
4.1.5.4 Reflectivity	Controls All new development shall incorporate the following water saving measures: New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers. Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%. Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.	Complies. Generally, as approved under DA 47044/2015. Refer to amended BASIX Certificate.
4.1.5.5 Wind Mitigation	Controls To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings: • 10 metres/second in retail streets, • 13 metres/second along major pedestrian streets, parks and public places, and	Considered under DA 47044/2015. Overall building height has been reduced from

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	• 16 metres/second in all other streets. Site design for tall buildings (towers) should: • set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, • ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre, • consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level, and • ensure useability of open terraces and balconies. A Wind Effects Report is to be submitted with the Development Application for all buildings greater than 14m in height. For buildings over 48m in height, results of a wind tunnel test are to be included in the report.	the approved RL80.850m to the proposed RL80.450m.

<table>
<tr><th>CHAPTER/ PLANNING GUIDELINE</th><th>DEVELOPMENT STANDARD/CONTROL</th><th>COMPLY</th></tr>
<tr><td>4.1.5.6 Waste and Recycling</td><td>
Residential development
a. All development is to provide for storage of waste bins on-site in an area of sufficient size to accommodate waste generated by the development in accordance with the following tables:
<table>
<tr><th>Type of waste</th><th>Quantity per dwelling</th><th>Collection frequency</th></tr>
<tr><td>General Waste</td><td>120 litres/week/unit</td><td>weekly</td></tr>
<tr><td>Recycling</td><td>120 litres/week/unit</td><td>fortnightly</td></tr>
<tr><td>Garden organics</td><td>A nominal number of 240 litre Green Waste MGB's for shared use of the residents may be provided subject to suitable storage provisions and available street frontage to the development for kerbside collection by the current Domestic Waste Collection Contractor</td><td>fortnightly</td></tr>
</table>
The storage area must accommodate the number of individual mobile bins required or accommodate sufficient larger bulk bins with the following minimum dimensions:
<table>
<tr><th>Bin Type</th><th>Length (metres)</th><th>Width (metres)</th></tr>
<tr><td>Mobile bin (120 or 240 litres)</td><td>0.65 x No. of bins</td><td>2.5m</td></tr>
<tr><td>Bulk bins (e.g. 1200 litres)</td><td>1.45 x No of bins</td><td>1.45 x No of bins + 1m corridor space</td></tr>
</table>
The storage area must be located in a position which is:

visibly unobtrusive from the street and compatible with the design of the main building,
easily accessible to dwelling occupants,
accessible to waste collection vehicles and operators (or adequately managed by the body corporate to permit relocation of bins to an approved collection point),
has water and drainage facilities for cleaning and maintenance; and
does not immediately adjoin private open space, windows or clothes drying areas.

</td><td>Complies.
Considered under 47044/2015, with the modifications proposing no change in this regard.
All waste and recycling provisions will remain as approved.</td></tr>
</table>

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Provision is to be made to allow collection of the waste either directly from the waste storage area, or by transfer to a waste collection point. The collection point will be: • where street frontage and Workcover requirements permit, by placement of mobile bins in line at the kerbside, or • on-site, with access in accordance with the requirements of Section 4.1.4.5. Where waste bins are to be transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point prior to collection and returned on same day of collection.	
4.1.5.7 Noise and Vibration	Controls Development should be designed to minimise the potential for offensive noise. Where a proposed development includes an activity which may generate unreasonable noise or which may be affected by an existing noise source, an acoustic study is to be undertaken to establish noise levels and provide a mitigation strategy, demonstrating the measures to be taken to effectively mitigate noise. Noise sensitive developments, such as dwellings, should be designed to reasonably protect the proposed development from noise sources such as arterial roads, railway lines, sporting complexes and entertainment venues. Noise buffering should not be provided by high fences, garages or blank walls to public streets. Where screening by these or similar methods is the only practical solution, the screen should be no greater than 50% of the street frontage. Such screening should have visual interest and retain some surveillance from the building behind the screen's entries, windows or balconies, when practical. Where proposed noise sensitive development may be affected by existing noise generators (industry or night club) the development should be designed to incorporate adequate shielding from those noise sources.	Complies. Considered under DA 47044/2015, with the proposed modifications having no additional impact in this regard.

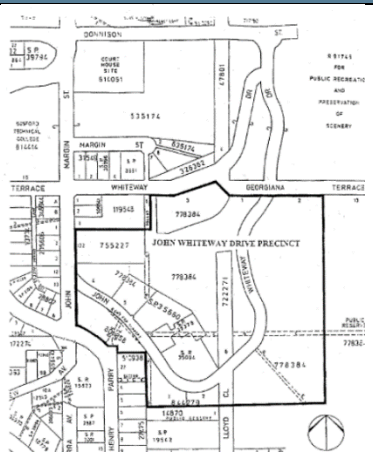
CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Entertainment venues, hotels, clubs, cinemas and the like, either licensed or unlicensed, should prepare a plan of management including provisions to: • Ensure patrons enter and leave the premises in a quiet and orderly manner whenever the premises are open to the public. • Manage noise levels within the premises to prevent an unreasonable effect on the amenity of the locality. Commercial, light industrial and retail developments; or mixed use developments, should have suitably located and designed goods delivery and garbage collection areas, vehicle entry and exits, and other noise sources, so that amenity of residents both within the development and in nearby buildings is reasonably protected. Home based businesses should not generate unreasonable levels of noise beyond their property boundary. When a development consent is granted and includes conditions of consent requiring monitoring of noise levels and setting of acoustic performance standards, provision should be made to test actual noise levels after the development is occupied and when noise generating activities commence; and for corrective acoustic treatment to be applied if necessary.	
4.1.6 Residential Development Controls		
4.1.6.1 Residential Development Controls	Controls SEPP 65 and the Residential Flat Design Code 2002 (specifically the "rules of thumb") will be applied as the design controls for residential development within the Gosford City Centre. Where a conflict exists between this DCP and the Residential Flat Design Code, the provisions of this DCP will prevail. Multi-dwelling housing is to be designed in accordance with the general provisions of this DCP and this section, to the extent that they apply.	Complies. Refer to Appendix B within this SEE for an assessment against ADG.
4.1.6.2 Housing Choice and Mix	Controls In addition to the provisions for apartment mix as per Part 3 of the Residential Flat Design Code, the following additional controls apply.	Complies. The S4.55(2) modification includes 9 x 1 bedroom (12%), 42 x 2

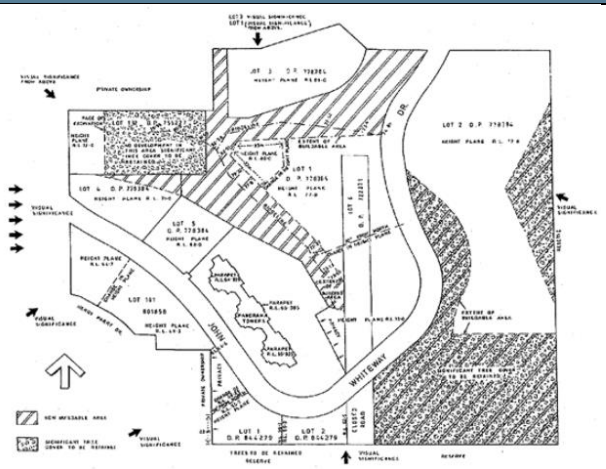
CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Where residential units are proposed at ground level within the Mixed Use zone and Special Activities zones, a report must be provided with the development application demonstrating how future commercial uses can be accommodated within the ground level design. The report must address: • access requirements including access for persons with a disability, • any upgrading works necessary for compliance with the Building Code of Australia, and • appropriate floor to ceiling heights (refer to Section 4.1.2.6 Mixed Use Buildings). To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size: • provide a mix of bed-sitter/studio, one bedroom, two bedroom and three bedroom apartments, • bed-sitter apartments and one bedroom apartments must not be greater than 25% and not less than 10% of the total mix of apartments within each development, • two bedroom apartments are not to be more than 75% of the total mix of apartments within each development, and • for smaller developments (less than six dwellings) achieve a mix appropriate to the locality. Up to a 40% mix of studio and one bedroom apartments is permitted within residential development owned by the Department of Housing. For residential apartment buildings and multi-unit housing on land with less than 20% slope, 15% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes "preadaptation" design details to ensure visitability is achieved. Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.	bedroom (58%), 21 x 3 bedroom (30%).

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995). Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces.	
4.1.6.3 Storage	Controls Storage areas are to be in addition to kitchen cupboards and bedroom wardrobes. Storage areas are to be in accordance with the following average rates: • $7.5m^3$ for studio and one bedroom units, • $10m^3$ for two bedroom units, and • $12.5m^3$ for three plus bedroom units. At least 50% of the required storage areas are to be provided within the dwelling.	Complies. Storage has been provided in accordance with ADG and complies, refer to Appendix B.
4.1.7 Controls for Special Areas		
4.1.7.4 Special Area - John Whiteway Drive Precinct		
Heights of Buildings	Figure 7.2 is a Development Principles Plan which illustrates the building height planes and other development controls necessary for development to conform with the relevant objectives of this chapter of the DCP. The maximum height planes proposed for each existing lot in the precinct are as follows:	Complies. The proposed modifications have reduced the overall height of built form from the approved 80.850AHD to the proposed 80.450AHD.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Lot 132 DP 755227 — 72.0m AHD Lot 1 DP 778384 (NW Section) — 80.0m AHD Lot 1 DP 778384 (North Section) — 77.0m AHD Lot 1 DP 778384 (South Section) — 73.0m AHD Lot 2 DP 778384 — 77.0m AHD Lot 3 DP 778384 — 692.0m AHD Lot 4 DP 778384 — 71.0m AHD Lot 5 DP 778384 — 68.0m AHD Lot 6 DP 722271 (North Section) — 77.0m AHD Lot 6 DP 722271 (South Section) — 73.0m AHD Lot 101 DP 801858 (South end) — 49.3m AHD Lot 101 DP 801858 (North end) — 54.70m AHD Lot 1 DP 844279 (East end) — 59.3m AHD Change of Height (East side) — 55.7m AHD (West side) — 46.24m AHD (NW end) — 44.6m AHD Lot 2 DP 844279 (East end) — 62.5m AHD (West end) — 59.3m AHD	
Buildable Area	The buildable area of each lot is illustrated in Figure 7.2 and coincides with the Restriction as to User on the title of the relevant lots under the Conveyancing Act, 1919. The Restriction as to User has application only where the restriction is not inconsistent with the provisions of the relevant planning instrument. The covenant supporting the designated buildable areas has application, as the buildable area provisions have been included in this DCP. The function of the buildable area is to clearly define areas suitable for development, taking into consideration a wide diversity of natural and human influenced opportunities and constraints. The integrated components of ridgeline, geology and vegetation, contrast with the legacy of extractive activities and define the visually sensitive elements of the precinct. Adherence to the buildable areas and supporting development controls will ensure the visual and environmental integrity of the precinct and individual allotments will be maintained. Development within and variations to the designated buildable area must be supported by a comprehensive geotechnical survey conducted by a qualified geotechnical engineer which assesses the stability risk posed to both	Complies. Considered under DA 47044/2015 and was found to be appropriate.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	the ridge, proposed development and existing development. This information is to be submitted with the development application. In particular the geotechnical report should specifically assess: • any unacceptable stability risk to the ridgeline posed by the development, • any risk to existing and approved potential development, and • appropriate measures to minimise this risk to both the ridgeline and the proposed development, including recommendations for acceptable setbacks. In some cases, lots may be further excavated as a means to achieve the development potential on the land. Excavation depth shall be determined by the geotechnical assessment and subject to the maintenance of an adequate gravity feed to Council's stormwater system. Geotechnical engineers are advised of the existence of cracking in the quarried caves within Lots 4 and 5 DP 778384. Verification of the extent of this cracking, and its influence upon development should be assessed in relation to ridgeline affected lots. **Figure 7.1: John Whiteway Drive Precinct**	

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	 **Figure 7.2: Development Principles Plan**	Complies. The modifications will result in essentially the same development as approved. Modifications have resulted in an improved

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	 **Built form** The built form should be designed and located to provide maximum orientation of future dwellings to sunlight, views, vistas and areas of public open space. Design should have special consideration for the scale, bulk and articulation of built form presented to the streetscape. Buildings adjacent to the public open space should be orientated to take advantage of the visual quality of the open space through views from internal and external living spaces. Where possible living areas within buildings should face the public open space. Due to the prominence and scale of buildings on the site, building colours and materials should be sympathetic to the local background and environment of the individual sites, having regard to the sandstone cliff faces and the indigenous vegetation. Building materials should be selected to avoid reflective building finishes.	architectural language and a development that will positively integrate with the natural landscape of the site and locality. A flatter roof with generous eave overhangs has resulted in a more elegant built form. The stepped foot print of the built form has been rationalised to soften the its architectural expression, with deep recessions in the building breaking up the perceived length of the development. The modifications continue to ensure compliance with Council's floor space ratio control, with no subdivision proposed.

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
	Density The residential development potential of the lots is controlled by the FSR provisions of the Gosford Local Environmental Plan 2014. **Subdivision** Any proposal for the resubdivision of the existing allotments must be accompanied by a comprehensive site analysis and development concept plan detailing the justification for such development. The development concept plan should assess: • the maximisation of development potential, • containment of any adverse impacts upon the environmentally sensitive elements of the site, • any adverse impact upon the external visual presentation of the precinct as a whole, and • the utility of the buildable area involved in the proposed subdivision.	

Appendix E Written Justification to Vary Clause 4.3 Height of Building

WRITTEN JUSTIFICATION TO VARY CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

1. Introduction

This submission seeks a variation to Clause 4.3 of the Gosford Local Environmental Plan 2014 (GLEP14), which relates to building height.

This submission has been prepared with regards to a Development Application over No. 70 John Whiteway Drive, Gosford seeking a Section 4.55(2) Modification to the approved 4-5 storey residential flat building development.

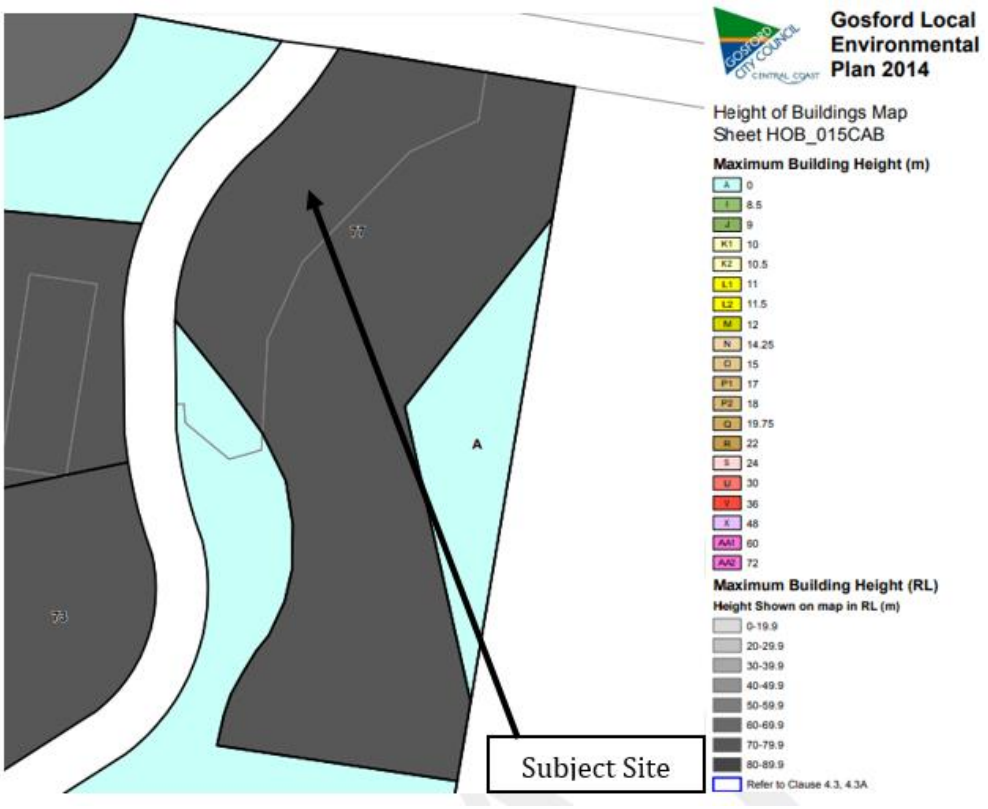
The Environmental Planning Instrument to which this variation relates to is the Gosford Local Environmental Plan 2014.

The development standard to which this objection relates to is Clause 4.3 – Height of Buildings of the Gosford Local Environmental Plan 2014, which reads as follows:

> 4.3 Height of Buildings
> *"(1) The objectives of this clause are as follows:*
> *(a) to establish the maximum height limit for buildings,*
> *(b) to permit building heights that encourage high quality urban form,*
> *(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
> *(d) to nominate heights that will provide an appropriate transition in built form and land use intensity,*
> *(e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,*
> *(f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.*
>
> *(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
>
> ***Note.** Clauses 4.3A, 4.6, 5.6, 7.7 and 8.9 provide for exceptions to the maximum height shown for the relevant land on the Height of Buildings Map in certain circumstances.*

As demonstrated in Figure 1 below, in accordance Clause 4.3(1), the subject site is found to contain two (2) height controls. Part of the site, being contained to the southernmost portion, has a prescribed maximum height of 0m. The remaining portion of the site has been prescribed a maximum building height of 77RL.

Figure 1 – Height of Buildings Map (*Source: NSW Legislation, GLEP14, map 015CAB)*



The approved residential flat building was approved with a variation to the standard. As approved the development provides for a maximum building height of RL80.85m which is a breach of 3.85m or a variation of 4.76%. The proposed modifications have resulted in an overall lowering of the built form by 400mm, therefore the maximum building height proposed is RL80.45m or a lesser breach of 3.45m equalling 4.48%.

A written justification is therefore required for the proposed variation to the maximum building height development standard applying to the site at 70 John Whiteway Drive, Gosford.

2. Extent of Non-Compliance

As noted above Clause 4.3 of the GLEP 14 states that the maximum building height for the site is RL77m.

The current proposal seeks a maximum building height of RL80.45m which is 400mm lower than the approved building height of RL80.85m.

The approved scheme had varied the standard by 3.85m or 4.76% with the modifications, lessening the extent of the breach to equal 3.45m or 4.48%. The difference being 400mm or 0.28%.

It is our submission that because the breach to the building height control has been reduced there will not be any impact on the amenity of the development or adjoining properties, nor will the variation compromise the architecture of the building or the bulk and scale of the development.

As the variation is reduced, a degree of flexibility is considered reasonable in this instance.

3. Is Compliance With the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

The proposed variation from the development standard is assessed against the accepted "5 Part Test" for the assessment of a development standard variation established by the NSW Land and Environment Court in Wehbe vs Pittwater Council (2007) LEC 827.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

"…the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."

It is therefore our submission that the Wehbe test is of relevance in the consideration of a standard to determine whether or not it is unreasonable or unnecessary in the circumstances of the case and it is evident in the Four2Five matter, the above test is relevant.

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827,* Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are as set out below:

First	*The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.* *The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable. (applicable)*
Second	*A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary. (not applicable)*
Third	*A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. (not applicable)*
Fourth	*A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. (not applicable)*

Fifth	*A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary. (not applicable)*

In respect of the building height standard, the first method is invoked.

The objectives supporting the maximum building height control identified in Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.

> *"(1) The objectives of this clause are as follows:*
> *(a) to establish the maximum height limits for buildings*
> *(b) to permit building heights that encourage high quality urban form,*
> *(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
> *(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*
> *(e) To ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,*
> *(f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.*

The proposed modifications satisfy objective (a), in that a maximum height limit has been established for the site being RL77m. Development consent was given under DA 47044/2015 for a maximum building height of 80.850 which varied the control by 3.85m. The modifications result in a lesser height breach being 3.45m, which is an improvement in this regard, and is not considered significant.

The proposed modifications will continue to perpetuate a building form that is of high quality. Stepped footprints have rationalised the built form, whilst continuing to offer a positive articulation, further complimented by deeper recessions, breaking up the perceived length of the building. The built forms architectural expression and language are enhanced, with a more sympathetic integration to sites natural context deemed to result. Consistency with Objective (b) will continue.

As, approved the built form remains as essentially the same development through the proposed modifications. Modifications ensure that the proposal will continue to comply with the relevant solar access provisions, with any overshadowing impacts remaining as approved. Adequate separation distances to 'The Sanctuary' development as approved, will be retained. Objective (c) is adhered to.

In regard to Objective (d), the built form will continue to provide for an adequate transition to the street and to the west, from 'The Sanctuary' development. Views to Rumbalara Reserve are maintained, with the modifications being consistent with the approved building envelope and siting of the development.

In terms of Objective (e), the subject site has not been identified as located in an area that comprises a protected view corridor. There are no further impacts deemed to result in this regard.

With the built form maintaining essentially the same bulk and scale as approved, there are no additional impacts deemed to result in terms of overshadowing to public open spaces. The site is notably to the south of Rumbalara Reserve. Importantly, the building height is reduced as to what was approved. Consistency with Objective (f) is maintained.

4. Are there Sufficient Environmental Planning Grounds?

The assessment above and as demonstrated throughout the Section 4.55(2) Modification Report has demonstrated that the resultant environmental impacts of the proposed modifications will be satisfactory.

The proposal addresses the sites constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.

Whilst the modifications continue to exhibit a breach to Council's maximum height standard, this is of a lesser extent than approved, hence a more positive outcome is deemed to result.

We respectfully submit that the proposal will result in a better planning outcome than approved. Overall, the built forms architectural expression is enhanced, with the overall design being rationalised. Deeper recesses will work to mitigate the perceived length of the built form, resulting in a more sympathetic integration with the sites natural context.

With the site being located within the Gosford City Centre, it is benefited by numerous local amenities, services, facilities and infrastructure within proximity of the site. Connection to such amenities is facilitated via John Whiteway Drive which connects to Henry Parry Drive and then more broadly to the Gosford City Centre. Within proximity of the site are several bus stops along nearby Henry Parry Drive, Mann Street and Dane Drive. Gosford Railway Station is located at an approximate distance of 860m north-west of the site, each providing connections to a more expansive public transport network.

The development is also notably continuing to ensure compliance with the maximum FSR at the site proposing 1.49:1.

In this case, strict compliance with the development standard for height of buildings development standard of the GLEP 14 is unnecessary and unreasonable.

5. Is the Variation in the Public Interest?

A variation to a development standard must not be granted for development that contravenes a development standard unless 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 to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3.

The building contextually has regard to its surrounding properties and provides sufficient communal open space and landscaping for the amenity of future residents.

Furthermore, it is important to also consider the objectives of the R1 General Residential zone in relation to the development, which are as follows:

> ***Zone R1 General Residential Zone***
>
> ***Objectives of zone***
> - *To provide for the housing needs of the community*
> - *To provide a variety of housing types and densities.*
> - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
> - *To ensure that development is compatible with the desired future character of the zone.*
> - *To promote best practice in the design of multi dwelling housing and other similar types of development.*
> - *To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.*

In response to the above the following is provided:

The proposed modifications will continue to provide for the housing needs of the community with an increase in unit numbers from the approved 66 to the proposed 72 units. An improved unit mix will result with inclusion of additional 3-bedroom units, whilst maintaining an adequate number of 1 and 2-bedroom units. This diverse housing choice is capable of accommodating a range of family and household structures. As approved, the residential nature of the development will remain unchanged.

Through the proposed modifications, the desired future character of the area will be positively contributed to, as the modifications will result in essentially the same development as approved. Modifications are well designed and are of a high architectural quality, resulting in an improved relationship with the natural environment, offering a more sympathetic and contemporary fabric than approved.

There are no other land uses proposed through this application.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest.

6. Public Benefit of Maintaining the Standard

It is considered that there is no benefit to the public or the community in maintaining the development standard. The proposed modifications will allow for the creation of additional units and parking spaces, whilst offering a more sympathetic integration of built form within the sites natural context.

The modified development is of a high architectural standard which continues to promote solar access, natural cross ventilation and appropriate separation distances. An adequate unit mix will continue to be provided, catering to a variety of lifestyles and familial structures with the Gosford City Centre, being an area well serviced by local amenities, infrastructure and services along with public transport.

It is not considered that the variation sought raises any matter of significance for State or Regional environmental planning.

The departure from the height of buildings control within the GLEP 14 is lessened than that approved. The modifications continue to allow for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

7. Is the Variation Well Founded?

It is considered that this has been adequately addressed in Parts 4 and 5 of this submission. In summary, this Written Variation is well founded in that:

- Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;
- There are sufficient environmental planning grounds to justify the departure from the standards;
- The development meets the objectives of the standard to be varied (height of buildings) and objectives of the R1 General Residential zoning of the land;
- The proposed modifications are in the public interest and there is no public benefit in maintaining the standard;
- The breach does not raise any matter of State of Regional Significance; and
- The modifications maintain essentially the development as approved under DA 47044/2015.

Based on the above, the variation is considered to be well founded.

8. Conclusion

The proposal does not strictly comply with the maximum building height control as prescribed by Clause 4.3 of the GLEP 14. However, has resulted in a lesser breach to the standard than approved. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the breach to the control does not create any adverse environmental impacts.

Based on the above, it is sensible to conclude that strict compliance with the maximum building height control is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

Should you have any questions regarding the proposed development, please do not hesitate to contact me.

Kind regards,

Valdis Aleidzans
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Plan 3288