



22 April 2020

Michelle Niles
Major Projects
Department of Planning, Industry and Environment
NSW Planning Portal

Dear Ms Niles

Major Projects – Response to Submissions – Proposed Residential Flat Building at 56 Beane Street, Gosford (DA 10132)

Thank you for the opportunity to provide further comment on the proposed Residential Flat Building at 56 Beane Street, Gosford. The response to the submissions has been reviewed and Council still has concerns in relation to several aspects of the proposed development. The remaining issues are outlined below for your consideration.

Planning

- Although the street level setbacks comply, the zero-boundary setback to the basement does not provide sufficient space for deep soil planting within the front setback. There should be a consistent setback of 3m – 4m along Beane Street to the basement as required in the Gosford City Centre DCP 2018 (GCCDCP 2018) to provide area for deep soil zones, reduce the hardstand area and provide attractive streetscape presentation.
- The proposal is over the 50% site coverage requirement specified in the GCCDCP 2018. The maximum site coverage requirement of 50% allows areas for soft landscaping and deep soil zones, reduces building bulk and improves the amenity of developments. The FSR is a separate requirement to the site coverage and compliance with the FSR is not considered to be suitable justification for the variation. It is recommended that the site coverage at least be near 50% to afford the residents suitable amenity.
- The driveway should be setback a minimum of 1.5m from the northern boundary to allow for screen planting between the site and adjoining residential development to minimise amenity impacts to neighbouring residential development. It is acknowledged that some landscaping is provided along the lower part of the driveway, however no screen planting is provided to the upper section of the driveway where the amenity impacts are greatest.



- It is recommended that in the event of any approval granted that a condition be imposed to ensure the development operates as affordable housing for a minimum of 10 years in accordance with clause 17 of SEPP (Affordable rental Housing) 2009. For example:

Execute a section 88E instrument under the Conveyancing Act 1919 to establish the following positive covenants; with the Department/Council having the benefit of these covenants and having sole authority to release and modify.

- a) *The positive covenant(s) must ensure that for a period of 10 years from the date of the issue of the Occupation Certificate.*
 - (i) *all units must be used for the purposes of affordable housing as defined by the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, and*
 - (ii) *all accommodation that is used for affordable housing must be managed by a registered community housing provider; and*
 - (iii) *the rent of the units, are not to exceed the formula for Affordable Housing as defined in Clause 6 of State Environmental Planning Policy (Affordable Rental Housing) 2009; and*
 - (iv) *use for in-fill development under Division 1 of State Environmental Planning Policy (Affordable Rental Housing) 2009.*

Building articulation and design

- No amendments have been made to the design of the communal open space. There is little physical or visual connection between the communal open space and the public areas of the building and little surveillance of the communal open space apart from the balconies to a few apartments located above it. Communal open space that is visually and physically connected with the public areas in the building would be a safer and more usable option for residents.

Engineering

- As previously stated in Council's submission dated 20 February 2020, a 3m x 3m corner splay at the intersection with Beane Street and Gertrude street is to be dedicated to Council as the Council footpath encroaches into the corner of the site and to provide suitable sight distances. Due to the vertical grade of the road carriageway at the intersection, the existing pedestrian ramp at the kerb return cannot be realigned and the footpath is to be retained in its current location. Council maintains that the requested 3m x 3m corner splay is to be dedicated to Council and the building design amended accordingly.

- The proposed vehicle access crossing connecting to the building basement ramp shall incorporate suitable profile transitions on each side of the access crossing over the footway area. The access crossing should be designed and supported by preliminary engineering plans detailing levels, gradients, transitions and retaining walls to demonstrate the proposed design can work and to ensure any approval can be conditioned accordingly.
- The redundant vehicle access crossings will need to be removed and replaced with new kerb and gutter and the footway will need to be reinstated with turf and a concrete footpath. This should be included as a condition in the event an approval is granted to ensure the kerb and gutter is reinstated.
- The basement access ramp does not comply with AS 2890.1:2004 Table 3.3 as the queuing length is for minimum of 2 vehicles (12m). It is also noted that the amended architectural plans, Drawings A005 & A007, dated 26 November 2019, clearly show gradients within the queuing (12m length) of 12.5%, 20% and 24%. It is also identified that the width of the driveway ramp adjacent to the shutter is not of sufficient width to provide two way vehicle passing or direct ingress through the shutter area while maintaining lane discipline. This is considered dangerous as this design will encourage vehicles to queue behind the boundary and into the footway and road carriageway.
- The relocation of the 750mm diameter stormwater drainage pipeline should be detailed within the application and supported by preliminary engineering plans and hydraulic calculations. The stormwater re-alignment works, once agreed by Council, are subject to Section 68 *Local Government Act 1993* approval. A stormwater design has not been included within the application.
- In the event that approval is granted, the following condition of consent should be included to ensure any damage caused to Council assets are rectified:
 - Pay a security deposit of \$50,000 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.

Waste

- As previously advised in Council's pre-DA advice dated 25 September 2019 and Council's submission during the exhibition period dated 20 February 2020, kerbside collection is not supported for residential flat buildings in excess of 18 units as detailed under Gosford DCP 2013, Chapter 7.2 – Waste Management. Residential developments over 18 units must

provide for a bulk bin collection service stored and serviced within the property. A waste storage area and collection area should be located entirely on site in the basement. It is noted that the other residential developments within Beane Street contain less units and were approved under previous development standards and as such do not provide suitable justification for kerbside waste collection. Previous waste collection comments provided in the Council's submission should be addressed.

Social impacts

- As previously advised in Council's pre-DA advice dated 25 September and Council's submission during the exhibition period dated 20 February 2020, a Social Impact Assessment (SIA) is a general requirement for affordable housing developments. An SIA has not been submitted with the application and the social impacts are not sufficiently assessed in part 6.13 of the SEE, in particular there is no evidence of any community engagement in the assessment of social impacts.

Arborist report

- The arborist report is considered to be insufficient as it does not provide any assessment of the height, diameter, significance, retention value and health of the trees assessed to justify the trees to be removed or retained other than the location within the development footprint.
- Trees 4 and 6 are located within the Council road reserve and are proposed for removal. As Council consent has not been granted for the removal of the trees and the arborist report has failed to provide sufficient information on the health and significance of the trees the trees should be retained.
- In the event that an approval is granted the trees to be retained are to be protected in accordance with the relevant Australian standards and the following recommended conditions of consent:
 - *Protective fencing is to be installed to protect the street trees to be retained. Any street tree damaged during the works must be immediately reported to Council, which may incur a compensation fee, rectifying and/or replaced with a tree of a similar height and species at no cost to Council.*
 - *Undertake the removal of trees in a manner so as to prevent damage to those trees that are to be retained including the trees located in the Council road reserve.*

- *Ensure a qualified arborist (AGF 5) is on-site to oversee the works in relation to tree protection measures during critical stages of construction.*
- *Establish Tree Protection Zones (TPZ) around trees identified to be retained. The distance from retained trees to the boundary of the TPZ can be determined in AS4970-2009: Protection of trees on development sites. Trees to be retained are to be protected by fencing and/or other accepted protection measures in accordance with AS4979-2009: Protection of trees on development sites. All required tree protection measures are to be maintained for the duration of construction works.*

It is considered the proposed development, in its current form, cannot be supported unless the above key issues, which are fundamental to the design of the development, are resolved.

If you have any further enquiries, please contact Rebecca Samways on 4350 5209.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Andrew Roach".

Andrew Roach
Unit Manager, Development Assessment
DEVELOPMENT ASSESSMENT