



# 56 Beane Street, Gosford Residential Flat Building (Affordable Housing)

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Development Application Assessment  
DA 10132

July 2020



NSW Department of Planning, Industry and Environment | [dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Published by the NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

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*Cover image: Photomontage of proposed development at 56 Beane Street, Gosford prepared by Stanton Dahl Architects*

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# Glossary

Abbreviation	Definition
<b>AHD</b>	Australian Height Datum
<b>Applicant</b>	NSW Land and Housing Corporation
<b>ARH SEPP</b>	State Environmental Planning Policy (Affordable Rental Housing) 2009
<b>AS</b>	Australian Standard
<b>BCA</b>	Building Code of Australia
<b>BCD</b>	Biodiversity Conservation Division, of the Department of Planning, Industry and Environment
<b>CBD</b>	Central Business District
<b>CCRP 2036</b>	Central Coast Regional Plan 2036
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Central Coast Council
<b>DCP</b>	Development Control Plan
<b>Department</b>	Department of Planning, Industry and Environment
<b>DSZ</b>	Deep Soil Zones
<b>EESG</b>	Environment, Energy and Science Group, of the Department of Planning, Industry and Environment
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999
<b>EPI</b>	Environmental Planning Instrument
<b>EPL</b>	Environment Protection Licence
<b>ESD</b>	Ecologically Sustainable Development
<b>FFL</b>	Finished Floor Level
<b>GDCP</b>	Gosford City Centre Development Control Plan 2018
<b>Gosford SEPP</b>	State Environmental Planning Policy (Gosford City Centre) 2018
<b>GUDF</b>	Gosford Urban Design Framework

<b>LAHC</b>	NSW Land and Housing Corporation
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>Minister</b>	Minister for Planning and Public Spaces
<b>POS</b>	Private Open Space
<b>SEPP 55</b>	State Environmental Planning Policy 55 - Remediation of Land
<b>RFB</b>	Residential Flat Building
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SEPP 65</b>	State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
<b>SIA</b>	Social Impact Assessment
<b>TfNSW</b>	Transport for NSW
<b>The site</b>	56 Beane Street, Gosford
<b>TPIR</b>	Traffic and Parking Impacts Report
<b>WMP</b>	Waste Management Plan

# Executive Summary

## Introduction

This report provides an assessment of a development application (DA 10132) for the construction of a residential flat building (RFB) at 56 Beane Street, Gosford, lodged by the NSW Land and Housing Corporation (the Applicant).

The application seeks approval for the construction of a part 7 / part 8 storey RFB, containing 41 affordable housing units, 19 basement car parking spaces, stormwater infrastructure and landscaping.

The site is located within the Central Coast local government area. The proposal has a capital investment value of \$10,149,990 and is predicted to generate up to 45 construction jobs.

## Engagement

The application was publicly exhibited between 30 January 2020 and 20 February 2020 (22 days). The Department received submissions from two State agencies, Central Coast Council (Council) and four public objections.

Council initially provided comments on the proposal, raising concerns relating to the built form and design, vehicle accessway, waste collection, social impacts, the Arborist Report and developer contributions. Key concerns raised in public submissions related to car parking, alternative uses for the site, building setbacks and clustering of affordable housing.

The Applicant provided a response to submissions (RtS) which included minor changes to the layout of the ground floor, an updated Arborist Report and Waste Management Plan. In response, Council advised that it objected to the proposal due to building form, basement ramp design, waste collection, social impacts and the Arborist Report.

## Assessment

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

The key assessment issues considered in the Department's assessment are design excellence, built form and urban design, residential amenity, traffic, parking and vehicle access, and waste collection.

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

- is consistent with the strategic planning context for Gosford
- complies with the land use zone, building height and floor space controls in the relevant environmental planning instrument
- exhibits design excellence with a high standard of architectural design appropriate for a contemporary RFB and includes articulation to reduce the bulk and scale of the building and improve amenity to residents and surrounding properties
- is consistent with future character of the area and does not adversely impact surrounding amenity, in terms of solar access, view impacts and privacy impacts

- provides adequate onsite car parking to meet the needs of residents and the associated traffic can be accommodated without adversely impacting the surrounding road network
- provides good residential amenity to all future residents, satisfactory complying with the Apartment Design Guide.

However, noting concerns raised in submissions, the Department's assessment recommends the following conditions:

- relocation or alternative design/mechanical solution of a disabled access ramp in the front setback to improve the streetscape presentation
- payment of a security deposit to Council to rectify any damage to Council assets
- redesign and allocation of storage cages to apartments and if required, additional in apartment storage to comply with storage requirements
- relocation of the stormwater pipe to within the drainage easement on the site
- compliance with bushfire construction and maintenance requirements of *Planning for Bushfire Protection 2006*
- ongoing maintenance of landscaping at the corner of Beane and Gertrude Streets to allow appropriate pedestrian sight lines
- compliance with relevant Australian Standards for design of the basement ramp and removal of redundant driveways with kerb and gutter reinstated in those areas
- tree protection measures during construction.

## Conclusion

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

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# 1 Introduction

## 1.1 Preamble

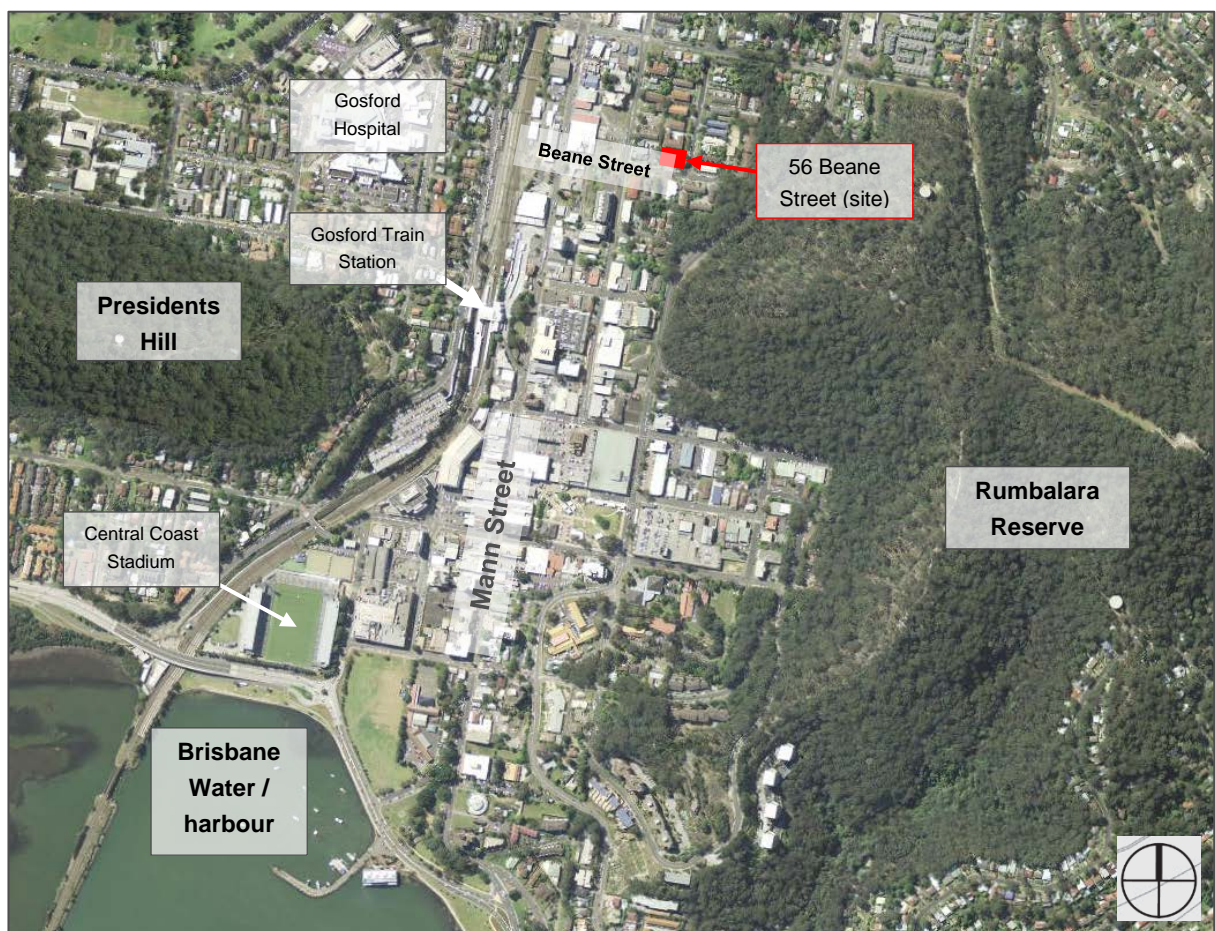
This report provides the Department of Planning, Industry and Environment's (Department's) assessment of a development application for the construction of a residential flat building (RFB) at 56 Beane Street, Gosford (DA 10132).

The application seeks approval for the construction of a part 7 / part 8 storey RFB, containing 41 affordable housing units, 19 basement car parking spaces, stormwater infrastructure and landscaping.

The application has been lodged by the NSW Land and Housing Corporation (LAHC) (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.2 Gosford city centre

The Gosford City Centre is located within a valley framed by the densely forested Waterview Park (Presidents Hill) to the west, Rumbalara Reserve to the east and Brisbane Water / harbour to the south (**Figure 1**). It is within the Central Coast local government area (LGA). The Gosford City Centre is laid out on a grid of roads that generally run north to south, located either side of a central spine (Mann Street).



**Figure 1 |** Gosford Context Map (Base source: Sixmap)

Originally home to the Darkinjung and the Guringai indigenous people, Gosford was founded in 1823 and expanded rapidly. The Gosford City Centre contains the Gosford Hospital, Gosford train station, local, State and government agency offices and a mix of retail and commercial uses. Residential areas are located to the northeast, west and southeast and Brisbane Water foreshore is located to the south.

The Gosford City Centre is currently undergoing a period of renewal and revitalisation, with significant investment in the city over recent years delivering new developments, changes to the built environment, increased job opportunities and new housing supply.

The revitalisation of Gosford is promoted by regional and state planning policy, which aims to grow Gosford City Centre as the Central Coast's regional capital, attract new investment, residents, businesses, tourists, cultural activity and improve the built environment and connectivity.

### 1.3 The site

The site is 56 Beane Street, which is located approximately 500 metres (m) north of the Gosford CBD. It is rectangular in shape and covers an area of 1,284m<sup>2</sup>. It is a corner lot with frontages to Beane Street of 46.9m (south boundary) and Gertrude Street of 27.4m (east boundary) (**Figure 2** and **3**).



**Figure 1 | Site Map** (Base source: Sixmaps)

The site is currently vacant of buildings and used as an informal car park (**Figure 2** and **3**). It previously contained medium density housing that was demolished between 2007 and 2010. There are several mature trees on the site mainly located along the Gertrude Street frontage and adjacent to the western boundary. There are no State or local heritage items located on the site.

The site has a 4.47m slope from the south-east corner to the north-west corner, with embankments to the Gertrude Street and Beane Street frontages (**Figure 4**). There is also a 2.44m wide easement to



drain water along the western boundary, although the existing drainage pipe is located slightly diagonal to this easement.



**Figure 3 |** 56 Beane Street as viewed from the corner of Beane and Gertrude Street (Source: Department)



**Figure 4 |** Embankment to Gertrude Street frontage (Source: Department)

The site is within walking distance of existing public transport options, including:

- Hill Street bus stop, which provides a North Gosford to Gosford loop service (route 40) (approximately 90m to the site)
- Gosford Train Station, which provides services to Newcastle and Sydney (approximately 550m to the site).



## 1.4 Surrounding context

The site is located north of the Gosford CBD, in an area with a mix of medium density residential and low rise commercial development. The area forms part of the transition from high density development associated with the Gosford CBD to lower density residential development north of Etna Street.

The surrounding context is summarised below and shown in **Figures 5 to 9**. To the:

- north of the site is a part 2 / part 3 storey RFB with ground level parking. Further north, along Gertrude Street, is a mix of residential uses, including dwelling houses, townhouses, villas and 2 and 3 storey RFBs
- east of the site are several 2 and 3 storey multi dwelling housing developments. Further east, beyond the end of Beane Street, is Henry Parry Drive and the Rumbalara Reserve
- south of the site is a single storey medical practice with ground level parking, 3 storey townhouses and 3 storey RFBs
- west of the site is a single storey medical practice with ground level parking. Further west, along Beane Street, is a part 6 / part 7 storey mixed use building and a combination of vacant land, commercial and light industrial land.



**Figure 5 |** Surrounding context (Base source: Nearmaps)





**Figure 6 |** Typical 3 storey housing at corner of Beane and Gertrude Streets (Source: Google maps)



**Figure 7 |** Adjoining part 2 / 3 storey RFB on Beane Street (Source: Google maps)

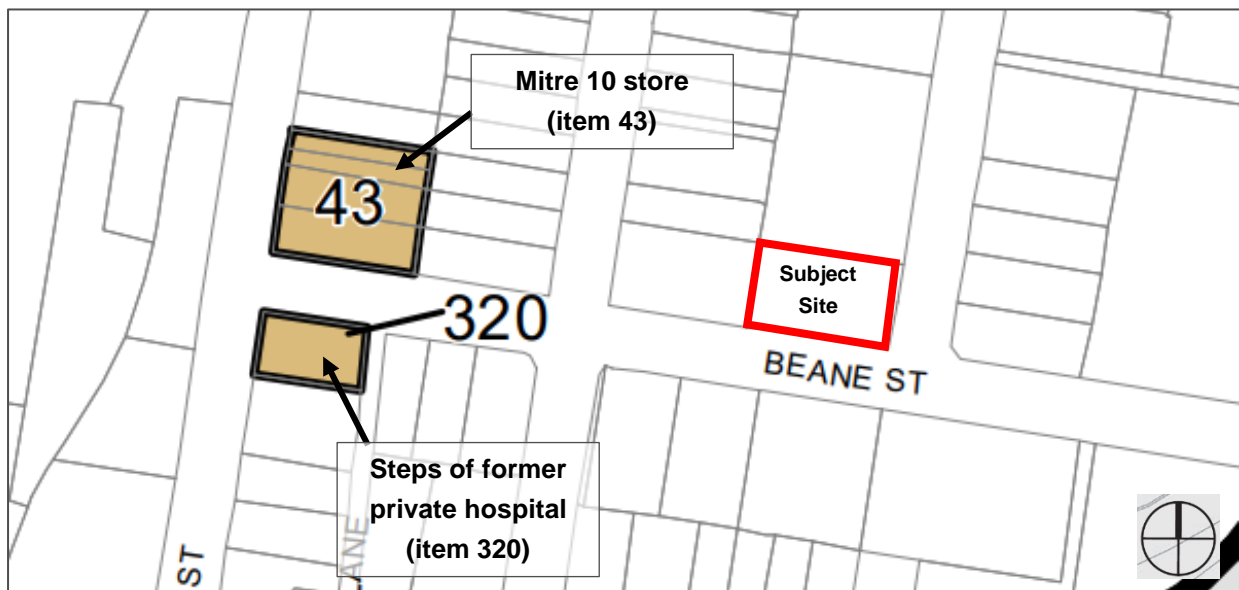


**Figure 8 |** 3 storey RFB along Beane Street (Source: Google maps)



**Figure 9 |** RFBs at the corner of Watt and Beane Street (Source: Department)

The surrounding area contains two items of local heritage under the State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford SEPP) (**Figure 10**). There are no State heritage items within the surrounding area.



**Figure 10 |** Heritage items in vicinity of site (Base source: Gosford SEPP Heritage Map)



## 2 Project

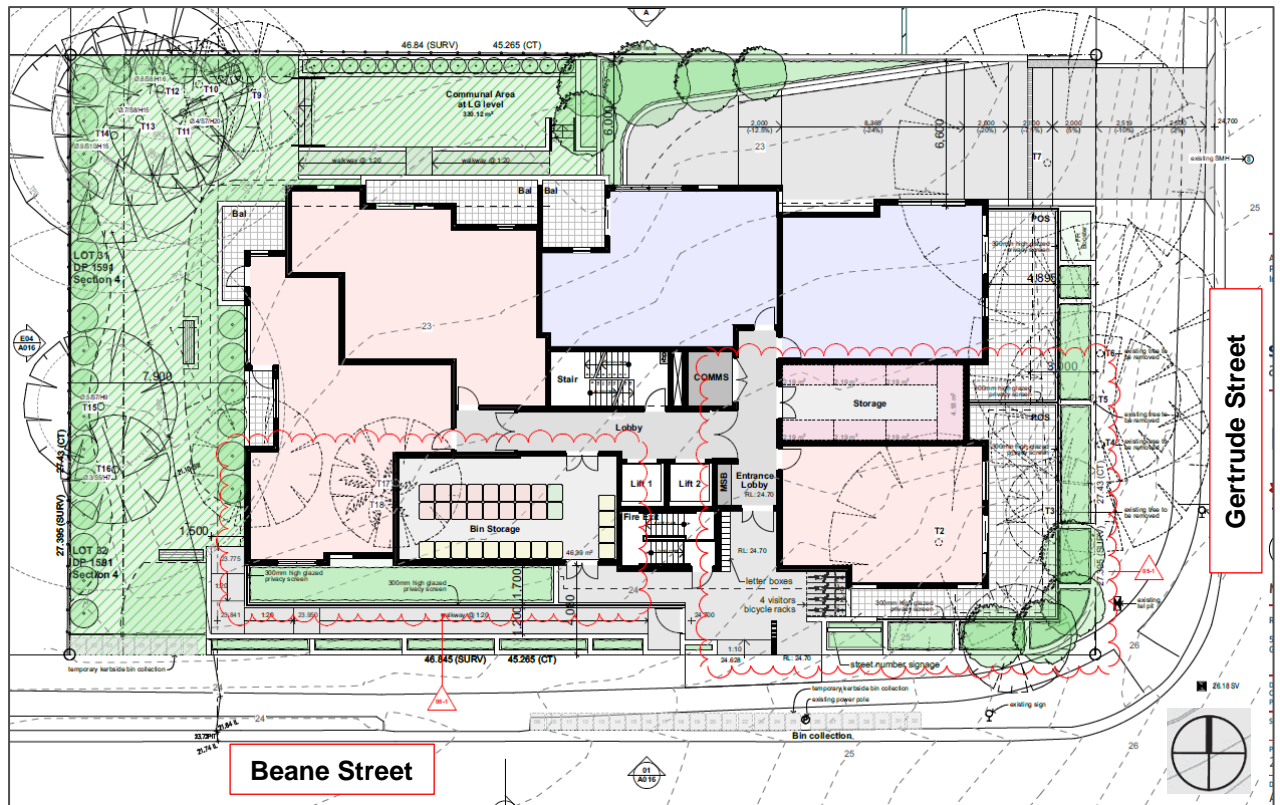
### 2.1 Description of development

The key components of the proposed development (as amended by the Response to Submission (RtS)) are summarised in **Table 1** and shown in **Figures 11 to 14**. A link to the Applicant's Statement of Environmental Effects (SEE) and RtS is provided at **Appendix B**.

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

Component	Description
Project summary	Construction of a part 7 / part 8 storey RFB, containing 41 affordable housing units*, 19 basement car parking spaces, stormwater infrastructure works and landscaping.
Site area	1,284 m <sup>2</sup>
Gross Floor Area (GFA)	3,051m <sup>2</sup>
Floor Space Ratio (FSR)	FSR 2.4:1
Maximum height	Part 7 / part 8 storeys (or maximum 24m / RL 46.7)
Apartment mix	41 apartments, comprising: <ul style="list-style-type: none"> <li>• 21 x one bedroom</li> <li>• 20 x two bedroom</li> </ul>
Access	<ul style="list-style-type: none"> <li>• Vehicular access to the basement from Gertrude Street</li> <li>• Pedestrian access to the building and open space area from Beane Street</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• 19 x car parking spaces, including seven accessible spaces</li> <li>• 3 x motorcycle parking spaces</li> <li>• 18 x bicycle parking spaces, comprising: <ul style="list-style-type: none"> <li>○ 14 located in basement</li> <li>○ 4 located on ground level adjacent to the pedestrian entry.</li> </ul> </li> </ul>
Landscaping	Landscaping works, including: <ul style="list-style-type: none"> <li>• retention of six trees onsite</li> <li>• removal of 11 trees onsite</li> <li>• provision of 17 new trees onsite and various shrubs and groundcover planting</li> <li>• seven new street trees.</li> </ul>
Jobs	<ul style="list-style-type: none"> <li>• 45 construction jobs</li> </ul>
Capital investment value (CIV)	<ul style="list-style-type: none"> <li>• \$10,149,990</li> </ul>

\*Note: Affordable housing is defined in the EP&A Act as housing for very low, low or moderate income households. Clause 6 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* further clarifies that a very low, low or moderate income household is a household that has a gross income less than 120% of the median household income for Greater Sydney and pays more than 30% of that gross income in rent, or is eligible to occupy rental housing under the National Rental Affordability Scheme and that residential development under this policy on land owned by LAHC is affordable housing.



**Figure 11 | Site Plan (Source: Applicant's RtS)**



**Figure 12 | Beane Street elevation (Source: Applicant's RtS)**





**Figure 13 |** Gertrude Street elevation (Source: Applicant's RtS)



**Figure 14 |** Photomontage of the proposal viewed from the corner of Beane and Gertrude Streets (Source: Applicant's RtS)

## 3 Strategic context

### 3.1 Central Coast Regional Plan 2036

The Central Coast Regional Plan 2036 (CCRP 2036) identifies the Gosford City Centre as the capital of the Central Coast and aims to achieve its ongoing revitalisation by:

- increasing the proportion of higher density residential and commercial development within the centre and broader region, to provide a range of services and dwellings for the growing population
- creating active public spaces and enhanced connectivity between key sites and landmarks
- delivering economic growth, jobs and development, as part of a broader strategy to support strategic centres and growth corridors.

The proposed development supports the delivery of the following CCRP 2036 goals and directions:

#### **Goal 1: A prosperous Central Coast with more jobs close to home**

- Goal 1, Directions 1 and 2 to grow Gosford City Centre as the region's capital, by providing 41 affordable housing units within walking distance of the city centre and close proximity to the Southern Growth Corridor.

#### **Goal 2: Protect the natural environment and manage the use of agricultural & resource lands**

- Goal 2 to protect the natural environment, as the proposal within the Gosford City Centre reduces pressure for environmental and resource land to be used for new development.

#### **Goal 3: Well-connected communities and attractive lifestyles**

- Goal 3, Direction 15 to create well-planned and compact settlement patterns by providing new medium density housing in an existing urban area, within walking distance of the city centre, and improving access to jobs and services.
- Goal 3, Direction 18 to create places that are inclusive, well designed and offer attractive lifestyles through the provision of housing diversity, improve the quality of the public domain and make Gosford a more robust and livelier place.

#### **Goal 4: A variety of housing choice to suit needs and lifestyle**

- Goal 4, Direction 19 to accelerate housing supply and improve housing choice by providing affordable housing within an identified strategic centre.
- Goal 4, Direction 20 to grow housing choice in and around local centres and near the Southern Growth Corridor, by providing affordable housing close to employment, recreation, transport and medical services.
- Goal 4, Direction 21 to provide housing choice to meet community needs, as the proposal provides a range of one and two bedroom housing types as affordable housing to meet local and regional housing needs.

### 3.2 Gosford Urban Design Framework

The Gosford Urban Design Framework (GUDF), prepared by the Government Architect NSW (GA NSW), supports the ongoing revitalisation of Gosford into a regional capital with well-connected, well-

designed and revitalised places containing attractive lifestyles, safe neighbourhoods and greener places.

The GUDF locates the subject site within a residential zone within the City North precinct, which also contains the Gosford Train Station, Gosford hospital and medical land uses, which link back to the Civic Heart through Gosford's central spine of Mann Street.

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

- 2.1 to use existing government assets to provide opportunities for revitalisation, a diverse range of housing and to increase the general resident population.
- 2.6.2 to improve the pedestrian environment and tree canopy, as the proposal will provide additional street trees to enhance pedestrian amenity and the public domain.
- 2.6.4 to promote a diversity of built form, by providing new medium density housing development, with one and two bedroom apartments, that also increase housing diversity.
- 3.6.5 to celebrate glimpsed views of Presidents Hill and Rumbalara Reserve by ensuring the proposal maintains key views to the surrounding landscape.

The GUDF also identifies the need for an integrated access and movement strategy, including car parking study for the Gosford City Centre (**Sections 3.5 and 3.6**).

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

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

The site is located within Gosford City Centre, immediately north of the Southern Growth Corridor boundary (**Figure 15**). Notwithstanding, the proposal will support delivery of the following recommendations and actions in the draft strategy, as it will:

- focus residential development in existing centres with a mix of medium and high-density options and reinforcing its role as the regional capital
- implement the GUDF recommendations for Gosford and the City North
- contribute to additional housing choice within Gosford by providing affordable housing options.



**Figure 15 |** Draft Somersby to Erina Corridor map showing the site (in red) immediately north of the boundary (Source: Council's Draft Somersby to Erina Corridor Strategy)

### 3.4 Draft Central Coast Urban Spatial Plan

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

- provides residential development within the Gosford City Centre, which contributes to the vision for compact centres with a mix of higher densities within the City Centre
- develops an existing urban site, aligning with the protection of environmental lands by relieving pressure on further greenfield expansion for housing delivery.

### 3.5 Affordable and Alternative Housing Strategy

Council has prepared an Affordable and Alternative Housing Strategy to address the growing need for affordable and alternative housing within the Central Coast region. The Strategy is the outcome of detailed research and community consultation into the affordable housing needs for very low, low and moderate income households, which makes up at least 60% of the Central Coast community.

The Strategy identifies a growing need for affordable housing options in appropriate locations in the Central Coast region, including the need for an additional 2,500 small renting households and 2,400 family renting households between 2016 to 2036. The Strategy states that in 2016 there were around 24,200 households in 'housing stress', with this figure projected to reach at least 31,000 by 2036. In addition, between 2011 and 2016, there was a 35% increase in homelessness in the Central Coast, with around 6,000 people who are homeless or marginally housed in the region.

The proposal supports the aims of the Strategy as it will:

- improve access to affordable housing in the region by increasing supply
- create 41 new affordable housing units in Gosford City Centre, close to jobs and services, contributing towards the identified demand.

## 4 Statutory Context

### 4.1 Consent Authority

Pursuant to clause 1.6(b) of the *State Environmental Planning Policy (Gosford City Centre) 2018* (Gosford SEPP), the Minister for Planning and Public Spaces is the consent authority under Part 4 of the EP&A Act as the development has a CIV of between \$10 million and \$75 million.

In accordance with the Minister's delegation, dated 9 March 2020, the Director, Regional Assessments may determine the application as:

- the Applicant has not disclosed a reportable political donation in connection with the application
- there are less than 10 public submissions in nature of objections
- Council did not object under the mandatory requirements for community participation in Schedule 1 of the EP&A Act.

### 4.2 Permissibility

The Gosford SEPP is the principal environmental planning instrument (EPI) that applies to the site. The site is zoned R1 General Residential under the Gosford SEPP. The development is identified as a RFB which is permissible with consent in the R1 zone.

The Minister's delegate may therefore determine the carrying out of the development.

### 4.3 Mandatory Matters for Consideration

The following are the relevant mandatory matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- relevant EPIs
- objects of the EP&A Act
- Ecologically Sustainable Development (ESD)
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

#### Section 4.15 matters for consideration

The matters for consideration under section 4.15 of the EP&A Act have been addressed in **Table 2**.

**Table 2** | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided below, at <b>Section 6</b> and <b>Appendix C</b> .
(a)(ii) any proposed instrument	Satisfactorily complies. The Department's consideration of the application against the draft Remediation of Land State



	Environmental Planning Policy (draft Remediation SEPP) is provided at <b>Appendix C</b> .
(a)(iii) any development control plan	Satisfactorily complies. The Department's consideration of the relevant controls under the Gosford City Centre Development Control Plan (GDCP) is provided in <b>Section 6</b> and <b>Appendix C</b> .
(a)(iia) any planning agreement	No existing planning agreements apply to the site.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, requirements for notification and fees.
(a)(v) any coastal zone management plan	The site is not within the Coastal Environment Area and Coastal Use Area under the State Environmental Planning Policy (Coastal Management) 2018.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Appropriately mitigated or conditioned as discussed in <b>Section 6</b> .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in <b>Sections 6</b> .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period as discussed at <b>Sections 5</b> and <b>6</b> .
(e) the public interest	The Department considers the proposal is in the public interest as discussed at <b>Section 6</b> .

## Environmental Planning Instruments

The relevant EPIs that apply to the proposed development include:

- Gosford SEPP
- ARH SEPP
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) (and the associated Apartment Design Guide (ADG))
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP).

The Department is satisfied that the proposal is consistent with the relevant requirements of these EPIs (including the ADG and GDCP), as contained in the detailed assessment in **Appendix C**. Compliance with the key numerical controls contained in the EPIs are detailed in **Table 3**.

**Table 3** | Key development controls

Requirement	Control		Proposed	Complies
	Guideline	Requirement		
Building height	Gosford SEPP	24m	24m	Yes
Floor space ratio	Gosford SEPP ARH SEPP	2:1 0.5:1 bonus <b>Total: 2.5:1</b>	<b>2.4:1</b>	Yes
Landscaping	ARH SEPP	35m <sup>2</sup> per dwelling (1,435m <sup>2</sup> )	350m <sup>2</sup>	No (see <b>Section 6.2</b> )
Deep soil zone	ARH SEPP ADG	15% of site min dimensions of 3m (193m <sup>2</sup> ) 7% of site min dimensions of 3m (90m <sup>2</sup> )	23% of site with min dimension of 3m (296m <sup>2</sup> )	Yes
Communal open space	ADG	25% of site area (321m <sup>2</sup> )	25.7% of site area (330m <sup>2</sup> )	Yes

### Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 1.3 of the Act. The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant.

The Department has considered the proposal to be satisfactory with regard to the objects of the EP&A Act, as detailed in **Table 4**.

**Table 4** | Consideration of the proposal against the Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal will promote the social welfare of the community by providing 41 new affordable housing apartments to meet housing need. The application will not impact on any natural or artificial resources, agricultural land or natural areas.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ESD (see below).
(c) to promote the orderly and economic use and development of land,	The proposal involves the orderly and economic use of land through the efficient redevelopment of an existing urban site, that is in close proximity to existing services and public transport, for affordable housing.

	The development of the site will also provide economic benefits through job creation and infrastructure investment during the construction stage.
(d) to promote the delivery and maintenance of affordable housing,	The application involves the delivery of an additional 41 affordable housing apartments to help meet existing need in the Central Coast.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The project involves the redevelopment of a previously developed site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. The proposal includes an overall net increase of six trees onsite, providing new habitat opportunities.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	Heritage impacts of the proposal are considered at <b>Appendix C</b> . The proposal will not have an adverse impact on the nearby heritage items and standard conditions are recommended to ensure any heritage items found during construction are adequately considered.
(g) to promote good design and amenity of the built environment,	The proposal achieves a high standard of design and amenity as discussed in <b>Section 6</b> and <b>Appendix C</b> .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal is supported by detailed reports, including geotechnical and Building Code of Australia (BCA) reports, which conclude the development is capable of meeting relevant construction standards. The Department recommends conditions requiring compliance with cladding, fire safety and structural requirements of the BCA.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in <b>Section 5</b> , which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in <b>Section 5</b> , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council's office during the exhibition period.

## Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:



- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The development proposes the following ESD initiatives and sustainability measures:

- compliance with BASIX requirements and an average NatHERs energy rating of 7.8 stars
- water efficient fixtures and fittings
- rainwater harvesting in a 32,850L rainwater tank for use in toilet flushing, washing machines, landscape irrigation and car washing purposes
- provision of a roof solar photovoltaic system
- measures to reduce energy consumption through insulation to walls and roof and building design maximising natural light and ventilation.

#### **Environmental Planning and Assessment Regulation 2000**

Subject to other references to compliance with the EP&A Regulation cited in this report, the requirements for notification (Part 6) and fees (Part 15) have been complied with.

#### **4.4 Other approvals**

The Department recommends a condition requiring the Applicant seek a certificate of compliance from Council under Section 307 of the *Water Management Act*. Under Section 69 of the *Local Government Act*, a Section 68 approval is not required for the relocation of the drainage pipe as the proposal is Crown development.

## 5 Engagement

### 5.1 Department's engagement

In accordance with the requirements of Schedule 1, clause 7 of the EP&A Act and the GDCP, the Department publicly exhibited the application for at least 21 days from 30 January 2020 to 20 February 2020 (22 days). It was made available on the Department's website, at the Department's Gosford office (107 Mann Street, Gosford) and at Council's Gosford office (49 Mann Street, Gosford).

The Department advertised the exhibition in the Central Coast Express Advocate and wrote to surrounding landowners, relevant State agencies and Council.

### 5.2 Summary of submissions

In response to the exhibition, the Department received seven submissions, comprising submissions from two State agencies, a submission from Council and four public submissions objecting to the proposal.

A summary of the submissions is provided at **Table 5** and a summary of the issues raised in the submissions is provided at **Section 5.3**. Copies of the submissions may be viewed at **Appendix B**.

**Table 5** | Summary of submissions

Submitters	Number	Position
<b>State agencies</b>	<b>2</b>	
<ul style="list-style-type: none"><li>Central Coast Local Health District (Central</li><li>NSW Rural Fire Service</li></ul>		Comment
<b>Council</b>	<b>1</b>	Comment
<b>Community</b>	<b>4</b>	Objections
<b>TOTAL Submissions</b>	<b>7</b>	

### 5.3 Submissions

A summary of issues raised in State agency submissions is provided in **Table 6**.

**Table 6** | Summary of State agency submissions

<b>Central Coast LHD</b>
Central Coast LHD noted that an aviation assessment may be required to assess the potential impact of the proposal on the Gosford Hospital helicopter landing site.

RFS recommended conditions relating to the management of Asset Protection Zones (APZ), construction standards, utility services and landscaping.

A summary of the issues raised in Council's submission is provided in **Table 7**.

**Table 7 |** Summary of Council's submission during exhibition

### Council

Council did not object to the proposal, but raised the following comments:

#### Planning

- the proposal should comply with the DCP 2018 for front setbacks, site coverage and front fencing
- ground floor courtyard fencing along Gertrude Street does not provide passive street surveillance
- lift overruns and roof plant should be shown on the plans and integrated into the design of the building and other roof services (such as antennas) should not be a skyline feature on top of the building
- driveway should be setback a minimum 1.5m from the northern boundary to allow landscaping

#### Building articulation, amenity and design

- design issues with the communal open space, driveway and basement level should be resolved
- unit 105 has poor residential amenity, as it is partially below ground level, has high courtyard walls and the floor above cantilevers over the private open space
- communal open space should be visually and physically connected with public areas (such as lobby) for safety and increased useability

#### Traffic and access

- footpath and pram ramp at the corner of Beane and Gertrude Streets will need to be reconstructed following basement excavation
- 3m x 3m splay at the corner of Beane and Gertrude Streets should be dedicated to Council for the road reserve, and no part of the development should be located within this area
- the driveway crossing should be redesigned
- redundant vehicle crossing should be replaced with new kerb and gutter, turf and concrete footpath
- driveway access, basement carpark and ramp, and all vehicle manoeuvring must be completed in accordance with AS 2890, where ramp width, vehicle queueing length and vehicle stopping / standing grades currently do not comply with AS 2890
- driveway needs to accommodate service vehicle heights for waste vehicles, removalist trucks and furniture deliveries

#### Stormwater, water and sewer

- require preliminary design details of the secondary stormwater flow path with the application
- habitable areas must be 0.5m above the 1% AEP storm event and non-habitable areas must be at the minimum level of the 1% AEP storm event
- require on-site detention to limit post development flows back to pre-development flows for all storm events up to the 1% AEP storm event
- nutrient / pollution measures to achieve targets in the DCP 2013
- rainwater should be reused on the site
- stormwater connection to Council's system requires approval under the *Local Government Act 1993*
- balcony over the future drainage easement and existing pipeline is not permitted in DCP 2013
- a Section 307 certificate will need to be obtained for the development
- proposal may impact a water main in Beane Street

#### Waste

- waste storage and collection must be accommodated within the site, which may require alternative building designs
- kerbside collection of mobile garbage bins does not occur twice weekly as indicated by the Applicant
- waste storage room should not be located off the lobby due to odour and noise issues

#### Social impacts

- a social impact assessment (SIA) should be prepared

#### Arborist

- update arborist report to assess height, diameter, retention value and health of trees to support its recommendations

#### Contributions

- relevant Gosford City Centre contributions and levies apply to the proposal.
- 

### Public submissions

The Department received four public submissions, all objecting to the proposal. Key concerns raised in objections include:

- insufficient car parking for residents will result in additional demand for on-street parking
- clustering of affordable housing in one area of Gosford
- limited front setback and open space provided
- site is better suited for open space due to limited parks and green spaces in the area.

## 5.4 Response to submissions

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

The Applicant submitted its RtS (**Appendix B**), which provided additional information and clarification in response to the issues raised in submissions and by the Department including:

- a revised Waste Management Plan (WMP) updating the required bins for weekly collection
- an updated Arborist Report which includes an assessment of tree size, age and retention value
- an Aviation Report confirming the proposal will not impact the Gosford Hospital helicopter landing site.

The RtS also included amended plans with the following changes:

- the garbage room has increased in size to accommodate 13 x 360L recyclable, 16 x 360L general waste and 2 x 240L green bins, following Council's comments that waste would only be collected once a week
- ground floor storage room relocated to between unit 104 and 105 and amended layouts of units 104 and 105 to accommodate the revised garbage room design
- minor adjustments to the entry lobby and adjacent bicycle rack
- unit 105 has been redesigned from adaptable housing to general housing, with unit 102 designed as adaptable housing due to the location change of the storage room.

The RtS was made publicly available on the Department's website and referred to Council and the State agencies. Submissions were received from the two State agencies and Council. A summary of issues raised in the submissions is provided at **Table 8** and copies of the submissions may be viewed at **Appendix B**.

**Table 8 |** Summary government authority and Council submissions to the notification of the RtS

<b>Central Coast LHD</b>
Central Coast LHD noted that the aviation report indicated the application would not have an impact on the helicopter approach and departure paths for the Gosford Hospital.
<b>RFS</b>
RFS advised it raises no concern with the proposal subject to the conditions recommended previously.
<b>Council</b>
Council advised it objects to the proposal, unless the following issues are resolved:
<u>Planning</u> <ul style="list-style-type: none"> <li>0m front boundary setback between street and basement does not allow sufficient deep soil planting</li> <li>proposal should comply with required maximum site coverage (of 50%) to allow increased landscaping areas, reduced building bulk and improved amenity</li> <li>the driveway should be setback 1.5m from the northern boundary</li> <li>development to operate as affordable housing for at least 10 years (as required in ARH SEPP)</li> </ul>
<u>Building articulation and design</u>
<ul style="list-style-type: none"> <li>communal space to provide more visual and physical connection with the public areas of the building</li> </ul>
<u>Traffic and access</u>
<ul style="list-style-type: none"> <li>3m x 3m splay at the corner of Beane and Gertrude Streets should be dedicated to Council to provide sight distances, noting the footpath cannot be located outside of this area due to street gradient</li> <li>basement access ramp does not comply with the queuing area gradient and ramp width as required by AS 2890.1:2004</li> <li>vehicle crossing to provide suitable profile transition to the street and replace redundant vehicle crossing with new kerb and gutter</li> </ul>
<u>Stormwater</u>
<ul style="list-style-type: none"> <li>relocate the 750mm diameter stormwater drainage pipeline, which will require Section 68 <i>Local Government Act</i> approval and condition requiring refundable security deposit to Council for the works</li> </ul>
<u>Waste</u>
<ul style="list-style-type: none"> <li>do not support kerb-side waste collection and proposal to be redesigned for on-site waste collection</li> </ul>
<u>Social impacts</u>
<ul style="list-style-type: none"> <li>provide SIA to consider social impacts of the proposal informed by community engagement</li> </ul>
<u>Arborist report</u>
<ul style="list-style-type: none"> <li>revised Arborist Report does not assess height, diameter, significance, retention value and health of the trees</li> <li>two trees located in Council's road reserve should be retained as the Arborist Report is insufficient</li> <li>require a condition to protect retained trees in accordance with the relevant Australian Standard.</li> </ul>

The Department has considered the comments raised in submissions during its assessment of the application (**Section 6** and **Appendix E**) and/or by way of recommended conditions in the instrument of consent at **Appendix D**.

## 6 Assessment

The Department has considered the SEE, accompanying documents, issues raised in submissions and the Applicant's RtS in its assessment of the application. The Department considers the key issues associated with the proposal are:

- design excellence
- built form and urban design
- internal residential amenity
- traffic, parking and vehicle access
- waste collection.

Each of these issues is discussed in the following sections of this report. Other issues considered in the assessment of the application are discussed at **Section 6.6**.

### 6.1 Design excellence

Clause 8.3 of the Gosford SEPP ensures that new development within the Gosford City Centre exhibits design excellence. Clause 8.3 applies to all applications for the erection of new buildings within the Gosford City Centre and therefore the Gosford SEPP design excellence provisions apply.

Under the Gosford SEPP, the consent authority is required to consider design excellence against the following:

- the attainment of a high standard of architectural design, materials and detailing
- form and external appearance and quality and amenity of the public domain
- impact on solar access to identified open spaces, vistas and view corridors
- how the development addresses land use, heritage and streetscape, built form relationship (on and off site), bulk, massing and modulation of buildings, heights, environmental impacts, ESD, pedestrian, cycle, vehicular and service access, circulation, public domain and site suitability.

The Gosford SEPP does not require a design competition or any formal design review for the proposal.

The Applicant contends that the proposal exhibits design excellence as it:

- provides a high standard of architectural design and is generally consistent with the desired building typology encouraged under the development controls for the Gosford City Centre
- does not result in overshadowing or other impacts to public open spaces
- does not impact key views identified in the GDCP and is in keeping with the street vista for Beane and Gertrude Streets, noting the proposal complies with the building height control
- considers requirements of the GDCP and ADG, with variations to controls not adversely impacting adjoining properties or the public domain
- does not impact the significance of heritage items in vicinity of the site
- incorporates ESD principles and complies with BASIX requirements.

Council did not raise any specific concerns relating to design excellence. However, Council did raise concerns with the exceedance of the site coverage control, front setbacks, courtyard fence heights and communal open space (discussed at **Section 6.2** and **6.3**).

The Department notes that the proposal:

- complies with the required height and floor space controls in the Gosford SEPP, and the proposed podium street wall height, albeit a variation to the control, provides an adequate pedestrian scale (discussed further in **Section 6.2**)
- replaces an informal car park with a residential building with a 4 storey presentation to the street, consistent with the desired character for the site as set out in the GDCP
- does not impact key view corridors to Rumbalara Reserve, Presidents Hill or Brisbane Water
- while minor front setback variations are proposed, street vistas are maintained and framed by landscaping in the front setback areas (discussed further in **Section 6.2**)
- does not adversely impact solar access to key public open spaces and surrounding properties will continue to maintain adequate solar access (discussed further in **Section 6.2**)
- minimises adverse environmental impacts and addresses pedestrian, cycle and vehicular access requirements (discussed further in **Section 6.4**).

In terms of architectural design, materials and detailing, the Department notes that the facades are well articulated through building material variations, building breaks and balconies to reduce the vertical and horizontal scale of the building and break up the bulk of the building. In particular, the Department supports the use of face brick in the facade design, as this provides a warmth and high quality finish in the choice of materials. The south-east corner of the building (at Beane and Gertrude Streets) has been highlighted through contrasting face brick colours, grey balconies and timber look accent finishes linking the street wall and upper podium designs.

As discussed in **Section 6.2**, the Department considers that the proposed accessible ramp located within the front setback area to Beane Street separates the building from the surrounding public domain, and adversely affects visual surveillance and activation. The Department therefore recommends a condition that this ramp be relocated within the site or area redesigned to improve the design quality of this setback area.

Based on the above, the Department is satisfied that the proposal exhibits design excellence and achieves a high standard of design that will positively contribute to the quality and amenity of the public domain and wider revitalisation of the Gosford City Centre.

## 6.2 Built form and urban design

The Department considers the following aspects are key in determining the appropriateness of the built form and urban design quality for the proposal:

- building scale
- site coverage
- setbacks and street wall heights
- landscaping
- ground floor design.

### Building scale

The proposed development comprises a part 7 / part 8 storey RFB (**Figures 11 to 14**). To consider the appropriateness of the building in relation to the site and surrounding context, the Department has



considered the proposed height, density (floor space), consistency with the future character of the area and impacts on surrounding amenity (solar access, view and privacy impacts).

#### *Building height*

Clause 4.3(2) of the Gosford SEPP provides that development on the site is not to exceed a maximum building height of 24m. The proposal has a maximum building height of 24m.

The Applicant contends that, while the proposed height is different to other residential developments north and east of the site, it is consistent with the desired future character of the area as envisaged in the Gosford SEPP and GDCP. It is also consistent with other existing developments along Watt Street. The Applicant also contends that the proposal provides a transition in height from the permitted maximum 20 storey height limit to the immediate west (**Figure 16**).



**Figure 16 |** The proposal compared with the existing surrounding built form (left) and allowed future built form under the Gosford SEPP (right) (Source: SEPP 65 Design Verification Statement)

The Department supports the proposed building height as it complies with the building height control, and is consistent with the desired future character of the area and height transition, as envisaged in the Gosford SEPP and GDCP. The proposal also achieves a high level of architectural design, does not adversely impact solar access to surrounding properties (discussed below) and maintains key views to the surrounding landscape (discussed below).

#### *Density (floor space)*

Under clauses 4.4(2) and 8.13 of the Gosford SEPP, the maximum FSR for the site is 2:1. As the proposal is for affordable housing, an FSR bonus of 0.5:1 is available under clause 13 of ARH SEPP. As such, the maximum FSR for the site is 2.5:1.

The application seeks to use bonus FSR, proposing a total FSR of 2.4:1.

The Applicant considers the proposal is consistent with the future desired character of the area and that the density is supported due to the site's location close to public transport and the Gosford CBD. The Applicant also notes that proposed units have adequate light, ventilation, privacy and amenity.

The Department notes that the proposal complies with the FSR requirements for the site provided by the Gosford SEPP and ARH SEPP. As discussed below, the proposal will have minimal impact on significant views and solar access to surrounding properties. As discussed in **Section 6.4**, the traffic generated by the proposal will not impact the operation of surrounding streets. The Department therefore supports the proposed floor space.



### *Consistency with the future character*

Clause 16A of ARH SEPP requires the consent authority to consider whether a proposal is compatible with the character of the local area prior to granting consent.

The Applicant contends that the proposal is consistent with the character of the area, noting that:

- the existing character is mixed with various land use zones and activities, including medium density residential development and medical related commercial uses
- the surrounding area is in transition, as the Gosford SEPP has significantly increased development capacity in the area
- development potential immediately surrounding the site has increased to 8 storeys to the north and south, 6 storeys to the east and 20 storeys to the west
- Council has approved an 8 storey RFB at 181-183 Gertrude Street (DA48850/2015) and there is an existing 7 storey building at the corner of Beane and Watt Streets
- medium density developments along Gertrude and Beane Streets are unlikely to be redeveloped in the short term as they are strata titled, however the detached houses and low density commercial uses to the immediate west and south of the site may be redeveloped
- the proposed use is compatible with the zone and the scale and height comply with controls
- the proposal will not result in adverse or unreasonable overshadowing, privacy, noise or view impacts to surrounding properties and provides suitable landscaping to create an attractive streetscape presentation.

The Department is satisfied that the proposal is consistent with the desired character for the area as envisaged in the Gosford SEPP, as it complies with the maximum building height control and FSR (while also using an FSR bonus in the ARH SEPP). In addition, the proposal does not result in unreasonable amenity impacts on surrounding properties (discussed below) and provides good residential amenity for future residents of the development. The Department also notes that the proposal provides landscaping and tree planning to maintain the green and leafy character of the area.

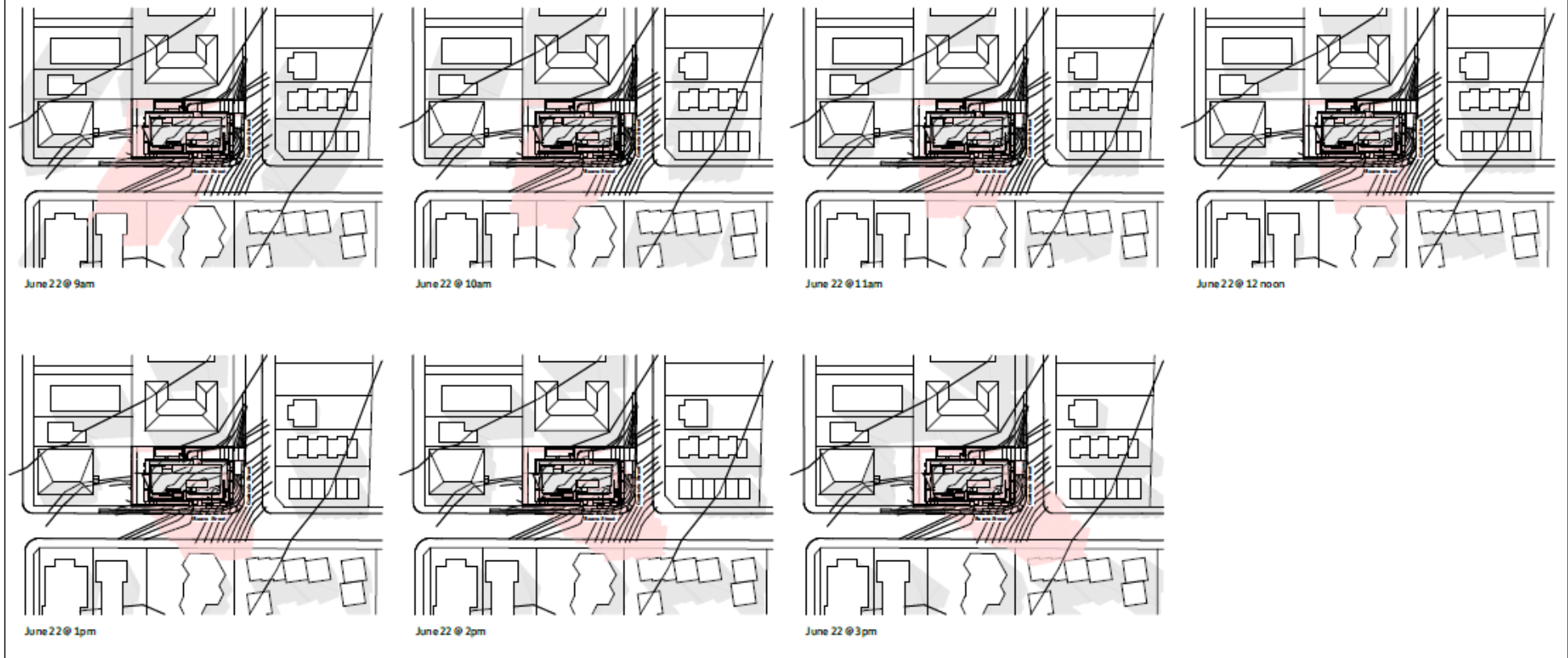
### *Overshadowing*

Clause 8.10 of the Gosford SEPP requires the consent authority to be satisfied that the proposal will not unreasonably overshadow Kibble Park or the Leagues Club Field. The subject site is located over 600m from Kibble Park and the Leagues Club Field and will not overshadowing these public open spaces.

The Applicant has also provided a shadow analysis showing the predicted solar access impacts on the surrounding properties during winter solstice at hourly increments between 9am and 3pm (**Figure 17 and 18**). This analysis shows that during mid-winter the proposal will primarily cast shadows onto Beane Street and the front gardens of properties to the south, summarised as follows and considered in detail hereunder:

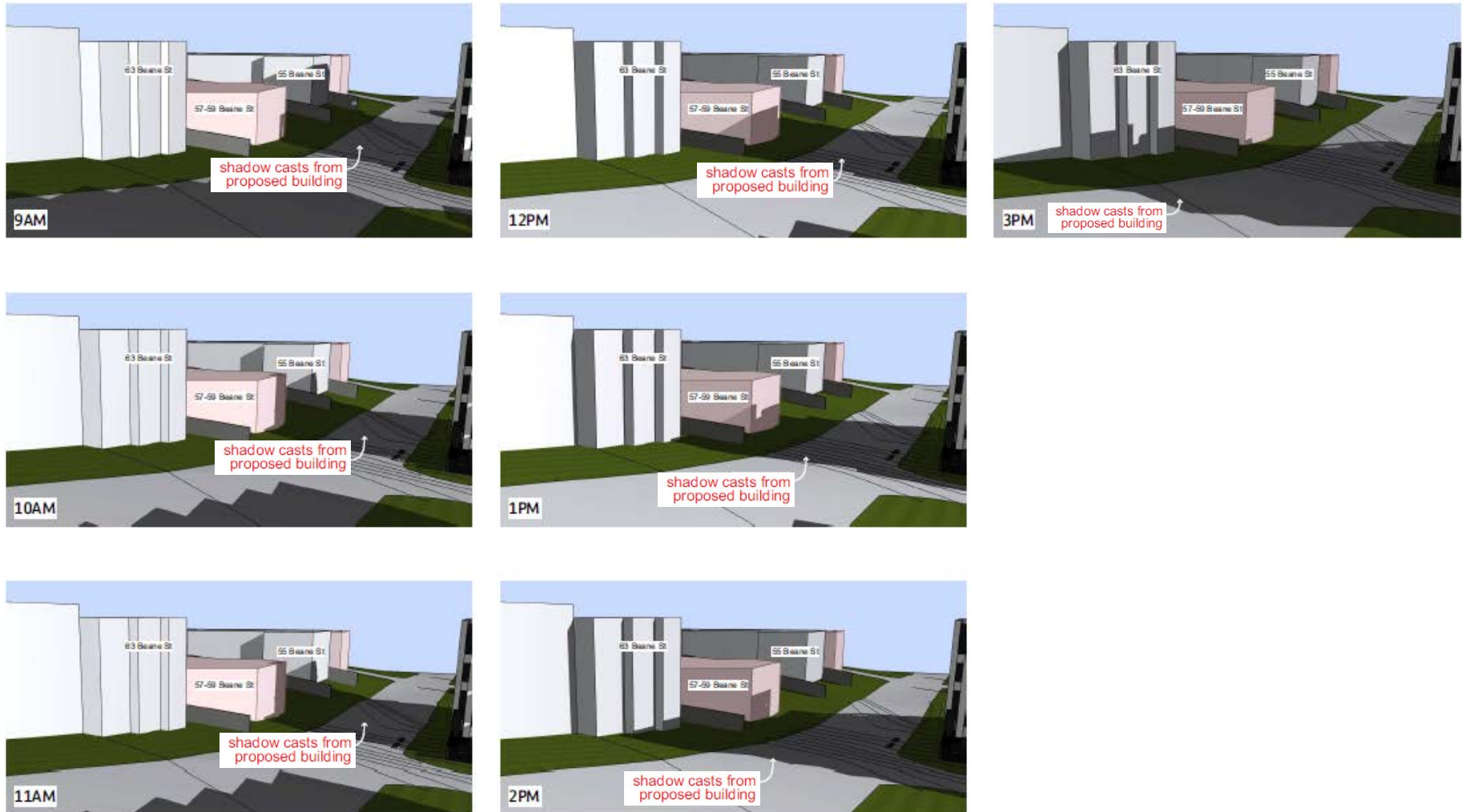
- at 9am, the proposal will cast a shadow onto Beane Street, the car parking area associated with the medical centre at 57-59 Beane Street, the driveway and balconies of the RFB at 55 Beane Street and a small portion of an RFB at 1 Hill Street
- at 12pm, the proposal will cast a shadow onto Beane Street and the front façade of the medical centre at 57-59 Beane Street
- at 3pm, the proposal will cast a shadow onto Beane Street, part of Gertrude Street and the front setback and front balconies of some townhouses at 63 Beane Street.

# Shadow Diagrams - June



**Figure 17 |** Mid-winter shadow diagrams (Source: Applicant's RtS)

Shadow Analysis (neighbour - June 22) View from Beane Street



**Figure 18 |** Mid-winter shadow analysis (Source: Applicant's RtS)

The Applicant contends that overshadowing impacts to 55 Beane Street are limited to the driveway and balconies which are likely to be partly overshadowed by existing vegetation along the front boundary, and any shadow will pass by 11am. The Applicant notes that overshadowing to the townhouses at 63 Beane Street is limited to the front garden area and does not extend to the residential levels or balconies which are located above ground. The shadowing to the medical centre is limited to the front garden and at midday to the front façade. As such, the Applicant contends that overshadowing impacts associated with the proposal to be minor.

The proposal complies with the building height and floor space controls and the minor setback variations do not impact overshadowing. The Department notes that the proposal has the potential to cast a shadow on the front entry and lower level balconies of three townhouses at 63 Beane street between 2pm to 3pm and balconies of units at 55 Beane Street between 9am to 11am. However, the proposal maintains more than 3 hours of solar access to these properties mid-winter between 9am and 3pm.

The Department therefore considers any overshadowing impacts of the proposal to be acceptable.

### *Views*

Clause 8.11 of the Gosford SEPP and the GDCP protect key vista and view corridors in the Gosford City Centre. The Applicant notes that the site is not located in a sensitive visual location and there are no views across the site from surrounding properties due to the topography of the area, existing vegetation and orientation of surrounding development.

The Applicant also notes that taller buildings are allowed on surrounding properties to the west and south-west, which could screen the proposal from any views from the west towards Rumbalara Reserve.

The Department notes that the proposal is not located within any key view corridors as identified in the GDCP and complies with the building height and floor space control. In addition, the proposal is setback from site boundary and provides front setback landscaping, including new trees, to sit comfortably when viewed from surrounding areas. As such, the Department considers that the proposal will not have an adverse impact on views from surrounding properties.

### *Privacy*

The ADG provides building separation distances to ensure buildings are sufficiently separated from neighbouring sites to achieve reasonable levels of internal and external visual privacy. The ADG recommends separation distances of 6m between habitable spaces and 3m between non-habitable spaces for buildings up to 12m (or 4 storeys). For buildings between 12m and 25m (or 5-8 storeys), the separation increases to 9m between habitable spaces and 4.5m between non-habitable spaces.

The proposal complies with the required separation distances, except:

- one bedroom on Levels 2 to 4 is located 4.6m from the western boundary
- building wall and windows of Levels 5 to 7 are located 8.95m from the western boundary
- balconies of Levels 5 to 7 are located 8.6m from the northern boundary
- one balcony on each Levels 5 to 7 is located 8.6m from the western boundary.

The Applicant contends that the variation at the northern boundary will not result in privacy impacts to the adjoining property, as potential redevelopment of this site is likely to orient living and balcony areas to the north, east or west to meet amenity and solar access requirements. In support of the variation to

the western boundary, the Applicant contends the proposal will be screened by existing vegetation between the properties. Additionally, the Applicant contends that development of the site to the west is permitted (under the GDCP) to build to the side boundary on the lower levels.

While the proposal includes variations to the building separation requirements of the ADG to the northern and western boundary, the Department considers these variations do not significantly increase overlooking and privacy impacts to adjoining properties as:

- three of the four variations are minor (0.05m and 0.4m)
- existing and proposed vegetation along the western boundary will aid in screening the development, reducing opportunity for overlooking
- the existing development west of the site is commercial with car parking along its boundary with the subject site (**Figure 5**)
- the angled bedroom on Levels 2 to 4 and balconies on the Levels 5 to 7 assist with the overall articulation of the proposed building.

### **Site coverage**

The maximum site coverage permitted by the GDCP is 50%. The proposal has a site coverage of 55.7%, which is a variation of 10.2% to the development control.

Council raised concern with the site coverage, noting that compliance with the maximum requirement allows additional areas of soft landscaping, deep soil zones (DSZ), reduced building bulk and improved amenity.

The Applicant justifies the variation noting compliance with the relevant floor space and communal open space requirements, and the DSZ exceeds the minimum requirements. The Applicant also notes that the proposal provides an appropriate transition to future development on the adjoining site to the west, which allows a maximum site coverage of 60-75% depending on the future use.

While noting Council's concerns that the site coverage exceeds the required 50%, the Department considers that the site coverage is acceptable, as the proposal:

- complies with the floor space and height controls, and does not adversely impact the amenity of the surrounding area
- exceeds the minimum DSZ requirements and includes the planting of 17 new trees (providing a net increase of six trees for the site)
- complies with daylight access and natural ventilation requirements in the ADG and provides acceptable levels of visual privacy
- provides communal open space, including outdoor dining areas and seating, required by the ADG for use by residents.

### **Setbacks and street wall heights**

The GDCP requires various numerical street setbacks and street wall heights to enhance the appearance of the streetscape and create a pleasant environment at a pedestrian scale. These also help to ensure buildings have a consistent alignment and provide space for planting. The Department's consideration of the proposal against these are set out below.



### Street setbacks

The GDCP requires a minimum setback of 3m to a street with the setback area consisting of deep soil only and no basement parking structures underground. The GDCP allows balconies to protrude by up to 0.6m into this setback, provided the cumulative width of the balconies does not exceed 50% of the building façade.

While the proposed building is setback by 3m to Beane and Gertrude Streets, the following is proposed in the street setbacks:

- balconies associated with Units 201, 208, 301, 308, 401 and 408 project between 0.2m to 1m in the Beane Street setback (**Figure 19**)
- balconies associated with Units 207, 208, 307, 308, 407 and 408 project 0.2m in the Gertrude Street setback (**Figure 20**)
- the basement extends up to the Beane and Gertrude Street site boundaries
- the basement protrudes 0.7m above ground for 1.7m into the Beane Street setback (**Figure 21**)
- a 22m long disabled access ramp is proposed in the Beane Street setback.



**Figure 19 |** Location of balconies (shaded yellow) within 3m setback to Beane Street (Source: Applicant's RtS)

Council raised concern that the basement protrudes above natural ground on Beane Street at the south-west corner and that all basement boundaries should be setback 3m from street setbacks to allow for deep soil planting to reduce hard surface areas and provide an attractive streetscape presentation.

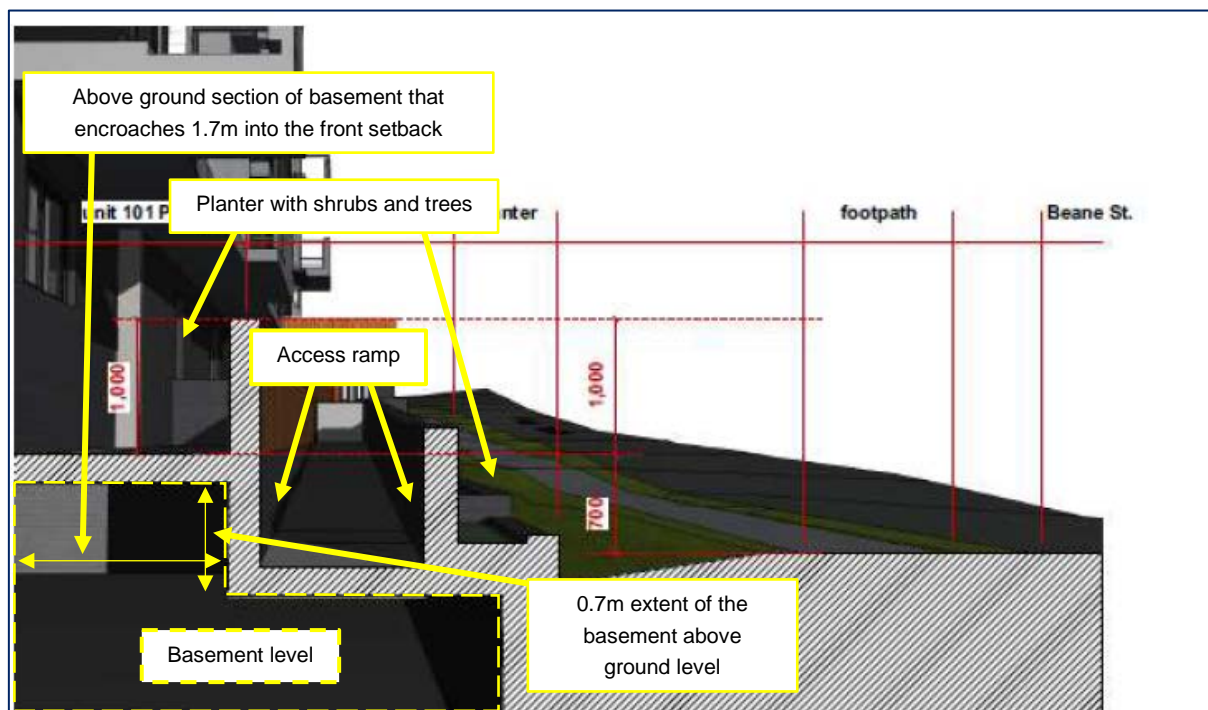
The Applicant contends that there is only a small area of the basement which extend above ground level due to the slope of the site. Where this protrusion occurs, planters and low front fences are proposed to screen the basement protrusion (**Figure 21**).

The Department acknowledges that the building includes a street setback of 3m, as required in the GDCP. The Department supports the proposed variations to the location of the basement in this setback area, noting planters containing shrubs and trees are provided along the majority of the street

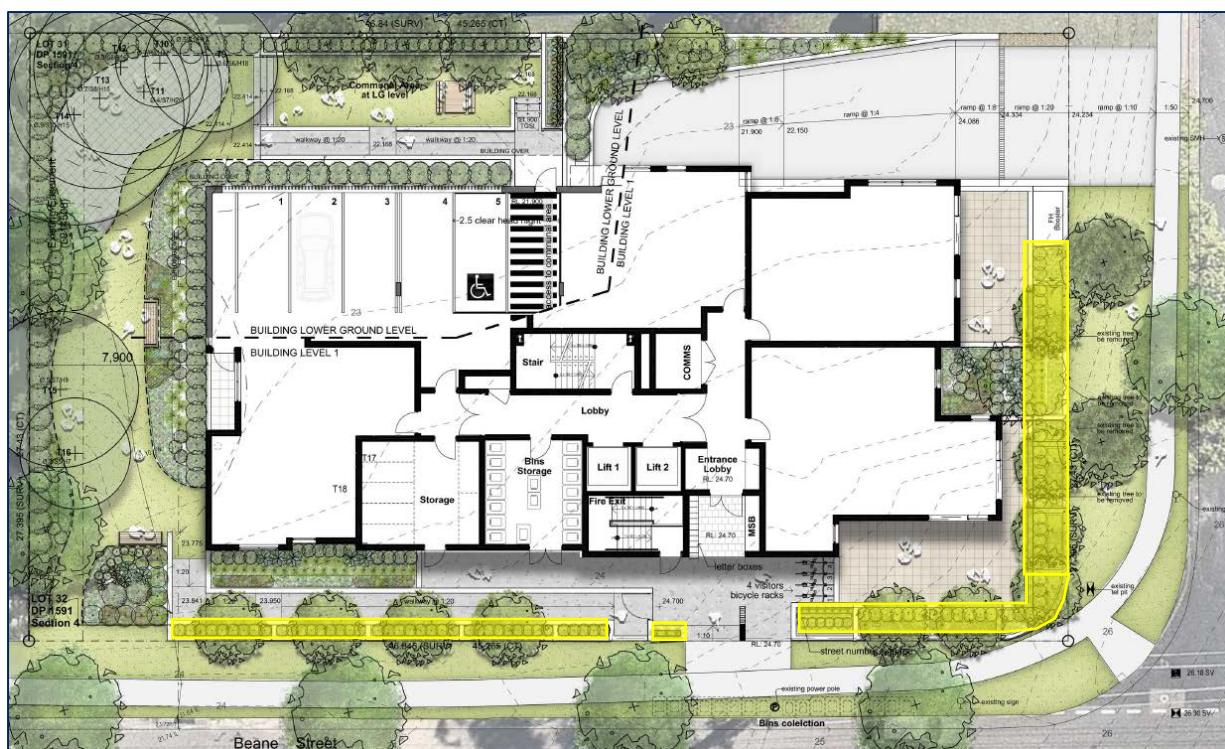
frontage to provide an attractive streetscape, enhance the setting of the building and define the street edge (**Figure 22**).



**Figure 20 |** Location of balconies (shaded yellow) within 3m setback to Gertrude Street (Source: Applicant's RtS)



**Figure 21 |** Detailed cross section of the front setback to Beane Street (Source: Applicant's RtS)



**Figure 22 | Landscape Plan with front setback planter beds highlighted yellow (Source: Landscape Plan)**

Balconies which protrude into the street setbacks each include a different balustrade design to create variation and interest to the façade while reducing the perceived bulk of the building. As shown in **Figures 19** and **20** the balconies on each street boundary do not exceed more than 50% of the façade.

The Department notes that a disabled access ramp to the communal open space is proposed within the Beane Street setback. An accessible entry to the communal open space from the ground floor is important to ensure equity in access for residents. However, this is a dominant feature in the Beane Street frontage, and separates the building from the adjacent public domain. The ramp occupies a large portion of the front setback and reduces opportunities for additional landscaping in the setback. The Department therefore recommends a condition requiring the Applicant explore alternative locations for the access ramp, or an alternative mechanical solution that will reduce its visual dominance in the streetscape.

#### *Street wall heights and upper podium*

The GDCP allows a maximum street wall height of 12m (4 storeys) above the existing street level, and an upper podium of 7m (2 storeys) setback 3m from the building line of the street wall frontage.

The development includes street wall heights of between 12.6m and 14.6m and an upper podium of 11.3m (3 storeys) (**Figure 23**). The Applicant contends these departures to be acceptable as:

- street wall heights vary due to the sloping nature of the site and surrounding land
- the variation allows the levels of each floor to be maintained through the building, avoiding steps in the building as it negatively impacts on design and internal accessibility
- the proposed 4 storey street wall provides the desired building typology for the Gosford City Centre and is lower than other recently constructed apartment developments that have a street wall of 5 storeys



- the 3 storey upper podium is consistent with the overall proportions of the building and does not exceed the maximum building height control
- the variations do not result in additional privacy or overshadowing of surrounding properties.



**Figure 23 | Location of street wall height maximum (yellow dash line) (Source: Applicant's RtS)**

The Department is satisfied that the proposed development complies with the required height control and satisfies the objectives of the street wall and upper podium requirement. The proposal maintains the desired 4 storey scale of the street wall, is designed to reflect the topography of the site without requiring internal stairs and provides an appropriate transition towards the adjoining site to the west (should that site be developed in accordance with the required controls).

### Landscaping

Clause 14(1)(c) of the ARH SEPP requires landscaping be provided at a rate of 35m<sup>2</sup> per dwelling for applications lodged by social housing providers. The development proposes 41 apartments and as such requires 1,435m<sup>2</sup> of landscaping.

The application provides 350m<sup>2</sup> of landscaped area, which includes 330m<sup>2</sup> of communal open space. The Applicant contends that the proposed landscaped area is acceptable as it represents 27% of the site area and the proposed DSZ and communal open space complies with ADG and GDCP requirements. The Applicant also contends that, as the total landscaped area required in the ARH SEPP is larger than the site area, the landscaped area requirement would not apply to the proposed RFB.

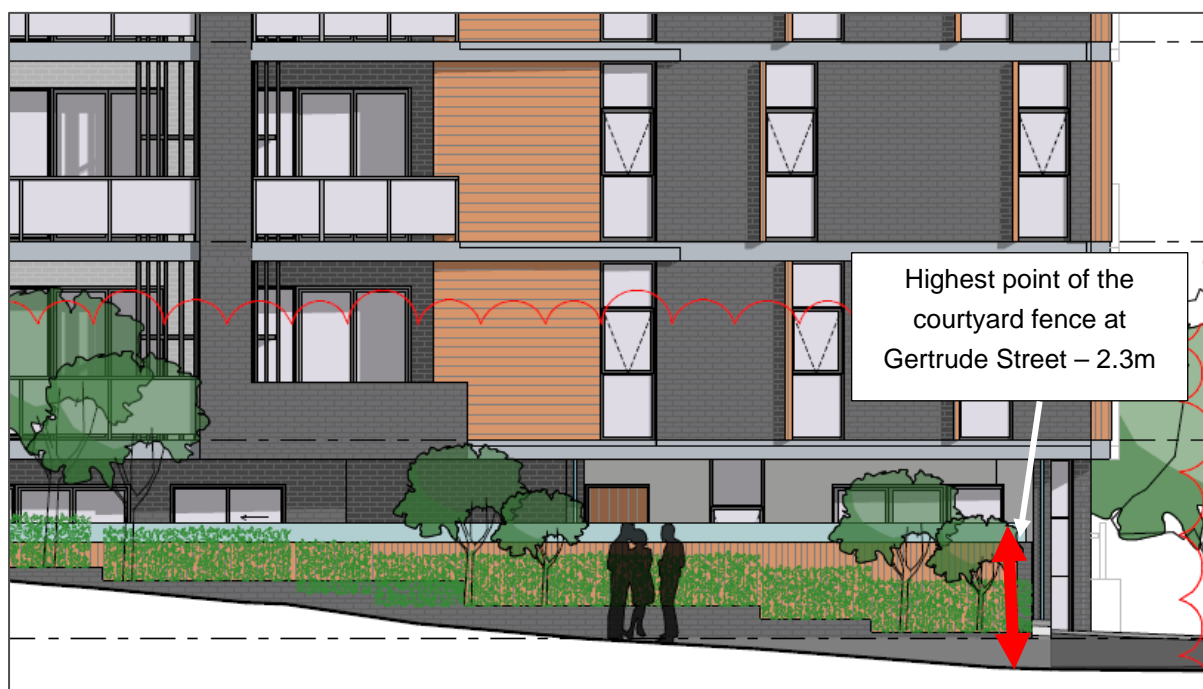
The Department agrees that, given the size of the site and that the proposal complies with the height and floor space control, it is unreasonable for the proposal to provide the required landscaping. In addition, the proposal complies with requirements for DSZ and communal open space. Landscaping is provided surrounding the building to help soften its scale and bulk, improve the outlook for residents and enhance the setting of the development (**Figure 22**). The landscaping includes a mix of native and non-native plant species, and provides open space comprising outdoor dining furniture and seating for residents. On this basis, the Department is satisfied with the amount of landscaping provided.

## Ground floor design

The GDCP requires developments maximise the number of residential ‘front door’ entries at ground level and provide front fences with a maximum height of 1.4m that are 50% visually permeable where they exceed 1m in height.

The proposal does not provide any ‘front door’ entries at ground level, with access provided to ground floor apartments via the lobby due to the difference in levels between the street and ground floor apartments.

Front fencing consists of an 0.8m retaining wall at the street boundaries, fencing surrounding the courtyards of ground floor Units 104 and 105 of 1.8m from finished courtyard level and 1.5m fence between the access ramp and Unit 101/ bin storage room. Due to the level differences between the street and the site some fences could be up to 1.9m from the footpath level of Beane Street and 2.3m from the footpath level of Gertrude Street (**Figure 24**).



**Figure 24 | View of courtyard fences along Gertrude Street elevation (Source: Applicant's RtS)**

The Applicant contends that, as the fences are setback between 1.5m to 2.15m from the site boundary and screened by landscaping, the visual impact associated with the solid fencing is minimised. The Applicant also notes that fencing provides safety and privacy for residents of street level apartments. Passive surveillance of the street is provided through the windows on the elevations.

Council raised concern with the height of the courtyard fences as they are not visually permeable, which diminishes the interface between the public/private spaces and contributes to an undesirable streetscape presentation. In response, the Applicant amended the fence design to provide a 0.3m transparent element above the 1.5m solid fence to reduce the visual impact (**Figure 24**).

To further improve visual appearance from the street and increase natural surveillance, the Department recommends:

- that the courtyard fence of Unit 104 be a maximum height of 1.8m as measured from footpath level (rather than 1.8m from the courtyard level) with the area above 1.5m being of transparent or permeable material
- the fence between the access ramp and Unit 101 and the bin storage area, be deleted and replaced with landscaping.

The Department notes that due to the upward slope of the footpath leading to the Beane/Gertrude Street corner, the courtyard fence for Unit 105 does not need to be altered as it is approximately 1.5m high measured from footpath level.

The Department considers variations to the 'front door' entries and front fences are acceptable, subject to the above recommended conditions, as:

- the site's topography and level differences between the footpath and ground floor apartments do not allow accessible access to the apartments, including to the two adaptable dwellings provided on ground level
- the front courtyard fences are sufficiently setback from the site boundary and include planting and landscaping to screen the fences
- passive surveillance of the street is provided from widows and upper level apartments, and from the courtyards subject to the above recommended fencing condition.

### *Conclusion*

Overall, the Department supports the proposed building scale, as:

- building height and floor space complies with controls in the Gosford SEPP and ARH SEPP
- it is consistent with the desired future character for the area identified in the Gosford SEPP
- overshadowing is mostly limited to the road reserve of Beane Street and any shadows cast to the residential properties south of the site, do not overshadow the property for more than three hours mid-winter
- there are no significant view corridors through the site
- minor variations to building separation do not adversely impact privacy
- variation to site coverage has minimal impact on resident amenity, noting the proposal complies with building height, FSR, DSZ, communal open space and solar access requirements
- variation to setbacks do not adversely impact the streetscape as adequate landscaping is still provided, building facades are well articulated and compliance with desired building typology of the GDCP
- variation to the numerical landscaping requirement of the ARH SEPP maintain adequate landscaping to soften the building scale and bulk, improve the outlook for residents and enhance the setting of the development.

## **6.3 Residential amenity**

The Department has assessed the proposal against SEPP 65, the ADG and GDCP in **Appendix C**, which concludes the development provides a high level of internal amenity in accordance with the aims and objectives of these guidelines. The proposal complies with the majority of recommendations in the ADG and GDCP, including in relation to apartment size, solar access and natural ventilation.

However, the proposal departs from several ADG and DCP recommendations and Council has raised concerns in relation to:

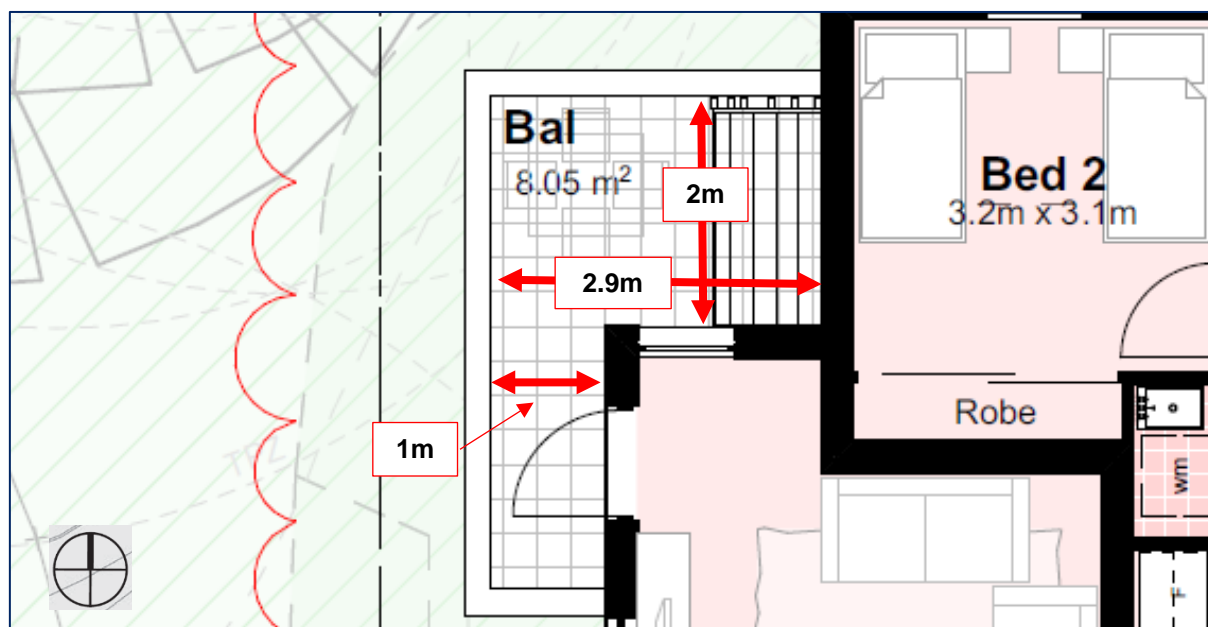
- private open space (POS)
- communal open space
- storage
- acoustic privacy.

The Department has therefore considered these aspects of the proposal in more detail below.

### Private Open Space (POS)

The ADG recommends minimum POS areas and depths to enhance the amenity and indoor/outdoor lifestyle for residents. The development provides POS to all apartments in the form of balconies or courtyards. The POS for 30 of the 41 (73%) apartments meets the recommended minimum area and depth requirements of the ADG. The remaining 11 apartments meet the minimum area requirements but do not comply with the minimum depth required, as described below:

- 3 x 1 bed apartments (202, 302 and 402) – require an 8m<sup>2</sup> balcony with a depth of 2m. The apartments are provided with an 8.1m<sup>2</sup> balcony, but only 7.8m<sup>2</sup> at the required 2m depth (0.2m<sup>2</sup> variation)
- 8 x 2 bedroom apartments (101, 102, 203, 206, 303, 306, 403 and 406) – require a 10m<sup>2</sup> balcony with a depth of 2m. These apartments are provided with L-shaped balconies ranging between 10.1m<sup>2</sup> to 11.8m<sup>2</sup>, that have a principal area with minimum dimensions of 2m x 2.9m and the remainder of the balcony having a 1m depth (**Figure 25**). (Note: Unit 101 provides its POS via two balconies, one larger space equalling 8.05m<sup>2</sup> (**Figure 25**) and one smaller space equalling 3.8m<sup>2</sup> also accessed from the living area)



**Figure 25 | Example of 'L' shaped balcony (Source: Applicant's RtS)**

The Department considers that these 11 balconies are sufficiently sized to be functional, have an area able to accommodate a table and 2-4 chairs as desired by the ADG guidelines, and most have a northern aspect to ensure good amenity to residents.

On this basis, the Department is satisfied the proposal provides useable POS that will contribute to the amenity and lifestyle of the residents.

### **Communal open space**

Council raised concern that there is little physical or visual connection between communal open space and public areas of the building (such as lobby) and limited surveillance of the communal open space.

In response to Council's concerns, the Applicant's RtS noted the communal open space is compliant with ADG requirements. It also noted that primary access to the communal space will be from ground level (via a gate along Beane Street) with secondary access provided from the basement car park. The majority of units (34/41) overlook the communal open space to provide surveillance and there is no requirement in the ADG or GDCP for communal open space to be visually connected to the building lobby. However, Council advised it maintained its concerns about the lack of a visual link between the public areas of the building and lack surveillance.

The Department notes that communal open space provides outdoor recreation opportunities for residents and plays an important role in providing 'breathing space' between buildings. The Department supports the proposed layout, as it provides one large connected communal open space that has outdoor dining and seating facilities, with largely a northern aspect.

The Department notes that a physical link between the lobby and communal open space is not possible due to the slope of the site. However a link within the building is provided via the basement level which is accessible by lift, ramp and contains a marked accessible pedestrian route to the open space. As noted by the Applicant, surveillance of the communal open space is provided through balconies and windows to habitable rooms facing north and west.

On this basis, the Department considers the proposal provides adequate communal open space, with good natural surveillance and accessible by residents from both inside and outside the building.

### **Storage**

The ADG recommends one bedroom apartments are provided with 6m<sup>3</sup> of storage and two bedroom apartments with 8m<sup>3</sup> of storage, with at least 50% of the storage located within the apartment and the remainder in an external area (e.g. basement).

6 of the 21 one bedroom apartments (28.5%) comply with storage requirements, while the remainder (15 apartments) provides between 2.43m<sup>3</sup> to 4.48m<sup>3</sup> of storage within the apartments. None of the 20 two bedroom apartments comply with the minimum storage requirements, with between 4.5m<sup>3</sup> to 6.67m<sup>3</sup> of storage provided within the apartments. In total, 35 apartments do not contain the required storage.

The proposal includes 35 storage cages located on the ground and basement levels ranging in size from 2.09m<sup>3</sup> to 4.18m<sup>3</sup>. While these storage cages have not been allocated to specific apartments, the Department notes allocating a storage cage to each non-complaint apartment will aid in gaining compliance with the ADG requirement. It is noted that the storage cages will need to be re-divided to align with the missing storage amounts for the apartments.

While the majority of apartments will comply with the storage requirements of the ADG once allocated a storage cage, there will be a small number of apartments that do not comply as a total of 78.94m<sup>3</sup> of space is provided in these storage cages and a total of 88.85m<sup>3</sup> of storage is missing from the 35

apartments (a shortfall of 9.91m<sup>3</sup>). The Department notes there are apartments which have internal areas greater than the minimum required by the ADG and as such, have capacity to provide additional storage in the apartments.

Storage is an important component of apartment design and contributes to the amenity of an apartment. The Department notes that while the number of storage cages provided aligns with the number of apartments without ADG required storage amounts, the storage cages will need to be re-divided to correctly align with the missing amount for each apartment and additional in-apartment storage may need to be provided. The Department therefore recommends that amended plans be provided demonstrating each apartment meets the minimum storage requirements of the ADG.

Subject to the above condition, the Department considers that each apartment will be provided with sufficient storage space to meet the needs of future residents, consistent with the objectives of the ADG.

### **Acoustic privacy**

The ADG provides design guidance for internal layout to minimise noise transfer between different uses in the building. The ADG recommends that noisy areas (such as entries and corridors) be located next to or above each other and quieter areas located next to or above each other. Service areas (such as access cores or driveways) are to be located away from bedrooms.

The development minimises noise transfer between apartments with each floor having the same layout as the floor above (where possible) and similar uses are generally located near to one another. However, one bedroom in units 208, 308, 408, 604 and 704 directly adjoin the lift core, and the habitable rooms of Units 103 and 104 are close to the driveway.

Minimising the transfer of noise between service areas and habitable areas is important to maintain good residential amenity. To minimise noise transmission levels between bedrooms and the lift core and habitable rooms and driveway, the Department recommends an acoustic assessment be undertaken to determine whether noise mitigation measures should be implemented to achieve relevant minimum standards under the BCA. Subject to the above condition, the Department considers that adequate levels of amenity can be provided to the apartments.

## **6.4 Parking, traffic and vehicle access**

Parking, traffic and vehicle access are key considerations in the Department's assessment of the proposal. On-site car parking provision has a direct link to the amount of traffic generated by the development and its impact on surrounding roads.

The application includes a Traffic and Parking Impacts Report (TPIR), which considers the existing and proposed vehicular and pedestrian arrangements, provision of parking and potential traffic impacts on the surrounding area.

### **Parking**

Parking requirements for the proposal are set out in the ARH SEPP (for cars) and the GDCP for all other modes. The proposal provides 19 on-site car parking spaces, seven accessible parking spaces,



three motorcycle spaces and 18 bicycle spaces (including four spaces for visitors). A comparison between the required and proposed parking provision is provided in **Table 9**.

**Table 9** | Required and proposed parking rates

Mode	Requirement		Proposed	Complies
	Guideline	Amount		
Car	ARH SEPP	0.4 spaces per 1 bedroom unit (8) 0.5 spaces per 2 bedroom unit (10.5)	19 spaces	Yes
Accessible car spaces	GDCP	10% of total parking spaces required by the GDCP (6)	7 spaces	Yes
Motorcycle	GDCP	1 space/15 dwellings (3)	3 spaces	Yes
Bicycle	GDCP	Residents: 1 space/ 3 dwellings (14) Visitors: 1 space/12 dwellings (4)	14 resident spaces 4 visitor spaces	Yes

Concerns were raised in public submissions that the proposal does not provide sufficient parking. Council did not raise concerns with the amount of parking proposed.

In response, the Applicant contended that the proposal is consistent with car parking requirements of the ARH SEPP and the site is in an accessible area within walking distance of the Gosford train station and bus services.

The Department notes the concerns raised in the public submissions, however agrees with the Applicant that the proposal is consistent with the car parking requirements of the ARH SEPP and GDCP (**Table 8**). In addition, the site is located in close proximity to public transport, including Gosford train station and bus stops, and the Gosford CBD which provides a range of employment, recreation and medical services.

## Traffic

The TPIR predicted future trips generated by the proposal based on the RMS Guide to Traffic Generate Development 2002 rates for high density residential developments. The TRIP noted that there is no existing traffic generated from the site as it is vacant. Trips generated by the proposal during the AM and PM peak are provided in **Table 10**.

**Table 10** | Trips generated by the proposal during AM and PM peaks

Peak Period	Trips In	Trips Out	Total Vehicle Trips
AM Peak	2	6	8 trips (one trip every 7.5 mins)
PM Peak	4	2	6 trips (one trip every 10 mins)



The TRIP concluded that the traffic generated from the proposal is minor and have no negative impact on the operation of the existing road network and no safety impacts.

Council did not raise concerns with traffic generation resulting from the proposal.

Noting the above, the Department is satisfied that the proposal will have minimal impact on the operation of the street network.

### **Vehicle access**

Vehicle access to the site is provided from Gertrude Street along the northern boundary of the site. The proposal includes one ramp to the basement which is accessed via a roller shutter. The ramp can accommodate vehicle movements in both directions.

Council noted that the GDCP required the driveway access be setback 1.5m from the side boundary and that the ramp must comply with AS2890, including requirements related to driveway width and vehicle passing gradients.

In response, the Applicant advised:

- landscaping has been provided for most of the length of the driveway including the area adjacent to the adjoining development
- driveway widths exceed the requirements of AS2890.1 and provides adequate vehicle passing without causing the queuing into Gertrude Street
- vehicle queueing gradients are provided in accordance with AS 2890.1.

Council reviewed the RtS and advised it does not consider that queueing gradients comply with AS 2890.1 and the ramp is not sufficiently wide to allow two way vehicle passing at the location of the roller shutter. Council also suggests the following conditions:

- the vehicle access crossing connecting the basement ramp to the footpath area incorporate suitable profile transitions
- redundant vehicle access crossings be removed and replaced with new kerb and gutter, concrete footpaths and turf.

The Department notes that the section of the driveway that directly adjoins the site boundary is located 10m from any openings on the neighbouring dwelling and will be separated by boundary fencing between the properties. As such, the Department considers the driveway location to be acceptable.

While the TRIP advises the proposal has been designed to comply with all applicable AS, including provisions related to driveway grades, ramp widths and grades and passing bays, the Department recommends a condition requiring compliance with all relevant AS and recommends Council's suggested conditions.

The GDCP requires the driveway footpath crossing be a maximum of 5.4m wide at the street. The Applicant proposes a 6m wide footpath crossing to match the width of the driveway and to allow simultaneous movements in opposite directions. The Department considers this variation acceptable, as there are clear sight lines along Beane Street. In addition, the proposal will remove an existing 6.5m wide vehicular crossing along Beane Street and therefore reduce the size of vehicle crossings associated with the site.

Subject to the recommended conditions requiring compliance with the relevant AS, Councils specifications for the vehicle crossing and footpaths and replacement of redundant driveways with kerb and gutter, the Department is satisfied that vehicular access has been appropriately designed.

## 6.5 Waste collection

Waste collection is a key consideration in the Department's assessment of the application. The development includes the onsite storage of waste in a communal bin store on the ground floor with access from the lobby and kerbside collection of bins.

Council raised concern with the proposed kerbside waste collection, noting that under the DCP 2013 a development containing 41 units requires onsite collection. In addition, the draft Waste Control Guidelines require onsite bulk bin collection for developments containing 12 or more. Council also notes that bin collection does not occur twice weekly as indicated in the Waste Management Plan (WMP).

In response, the Applicant:

- submitted an amended WMP calculating the number of bins required for once weekly collection and with larger bins to reduce the overall number of bins
- noted that the DCP 2013 does not apply to the proposal
- advised that on-site bin collection is not practical noting the sites size, dimensions and levels
- noted that collection zones will be split between the kerbside and area adjoining the footpath to minimise the visual impact of the bins
- advised the space needed for kerbside collection would equate to a linear area of 31m for a three hour period
- noted that Council could impose restricted parking during collection times as is the case for other developments in the Gosford City Centre.

Council reviewed the RtS and advised it maintained its previous concerns.

The Department notes that due to the sites dimensions and levels, onsite collection is not possible as:

- an increase in height to accommodate waste vehicles would result in the basement protruding above ground level at the street frontages, elevate the ground floor apartments and result in the loss of four units on the top floor to comply with the height control
- the increase in ceiling height needed to accommodate waste vehicles would require the gradient of the vehicular access ramp to be steeper and non-compliant with the AS
- minimum swept path for manoeuvring a waste vehicle would require an expansion of the basement, resulting in a loss of communal open space and DSZ
- provision of a second vehicular access driveway (to allow the waste vehicle to drive in and out in one direction) would result in a vehicle crossing along Beane Street negatively impacting the streetscape.

The GDCP, which applies to the proposal, allows kerbside collection where street frontage and WorkCover requirements permit and when a caretaker is responsible for the prompt movement of bins. The Department notes that Beane Street contains the required frontage size for collection and waste collection vehicles are able to accommodate 360L bins. Additionally, the Applicant advises that a caretaker will be responsible for the movement of bins to and from the storage room to the kerb.

While noting Council's concerns, the Department supports the proposed waste collection arrangements, as the GDCP permits kerbside collection and the site cannot accommodate onsite collection due to its size, without resulting in unacceptable adverse impacts, such as an increase in height or reduction in the DSZ.

However, the Department recommends a condition that bins only be brought to the kerb within 10 hours prior to collection and must be removed within 2 hours of collection.

The Department does not consider the application would set a precedent for other developments for kerbside collection, due to the specific circumstances of the proposal, the slope and size of the site, and public benefit associated with affordable housing.

## 6.6 Other issues

**Table 11** | Other issues related to the proposal

Issue	Findings	Recommendations
<b>Drainage pipe relocation</b>	<p>A drainage easement is located along the length of the western boundary. However, Council's stormwater pipe is partly located outside of the easement and traverses slightly diagonal to the western boundary before connecting to Beane Street.</p> <p>Council noted that structures are not permitted over the stormwater pipe and a 3m wide easement to drain water centrally over the pipeline would be required.</p> <p>The RtS noted that the stormwater pipe should be relocated to within the existing easement. In response, Council requested preliminary engineering drawings and hydraulic calculations for the relocation and noted that the realignment works are subject to a Section 68 <i>Local Government Act 1993</i> approval.</p> <p>Stormwater plans submitted with the application indicate that the pipe should be relocated within the easement by "others". While the proposed buildings remain clear of the easement location, upper levels are located over the pipeline and would therefore not comply with maintenance access clearances. The Overland Flow Study also recommended that the pipe be relocated to within the easement and upgraded from a 750mm pipe to 900mm pipe to ensure the development does not impact flooding.</p> <p>The Department considers it appropriate that the Applicant relocate the stormwater pipe to within the easement and increase the pipe diameter from 750mm to 900mm as part of construction works.</p> <p>The relocation works may require the removal of two trees (Trees 15 and 16) located in the easement. The Arborist Report identifies Tree 16 as 'consider for</p>	<p>The Department recommends a condition that the stormwater pipe be relocated to within the drainage easement, and should Trees 15 and 16 need to be removed to accommodate the pipe, replacement tree planting be provided.</p>

removal' and Tree 15 as 'consider for retention'. Tree 15 is identified as being part of a group of trees in the north-west corner, but located 12m south of the cluster.

It is therefore acceptable that only if required, these trees may be removed for the relocation of the stormwater pipe to the drainage easement, subject to replacement tree planting being provided.

<b>Apartment mix</b>	<p>The GDCP requires that one bedroom apartments make up no more than 40% of apartments for LAHC developments and that two bedroom apartments are no more than 75% of apartments. The proposed apartment mix consists of 51% one bedroom and 49% two bedroom apartments.</p> <p>The Applicant contends the proposed apartment mix is required as the waiting times for one bedroom dwellings is longest, followed secondly by two bedroom dwellings in the Gosford area. The Applicant also notes that the tenant profile has changed over time and there are more elderly and single person households, leading to an under-occupancy rate of 14%. The proposal therefore seeks to respond to these local trends by providing more one and two bedroom affordable housing options.</p> <p>The Department is satisfied that the proposed apartment mix is provided to cater for the housing needs of the LAHC tenants.</p>	<p>No changes or conditions required.</p>
<b>Splay</b>	<p>Council requested a 3m x 3m splay on the corner of Beane and Gertrude Street be dedicated to Council as 'road reserve'.</p> <p>The Applicant's RtS noted that a new footpath (located outside of the site boundary) will be provided as part of the works and that other development sites did not require the dedication of land. In response, Council advised that due to the gradients of the intersection, the existing pedestrian ramp at the kerb return could not be realigned and that the splay is required to provide suitable sight distances.</p> <p>To ensure adequate site levels are maintained at the corner, a condition has been recommended that shrubs located within 3m of the sites south-eastern corner be maintained to a height of no greater than 1.2m and the branches of any trees pruned to maintain sight lines.</p>	<p>The Department recommends that landscaping at the corner of Beane and Gertrude Streets be maintained to allow adequate sight lines for the public footpath.</p>
<b>Street trees</b>	<p>The development requires the removal of two street trees in close proximity to the east boundary of the site, along Gertrude Street.</p> <p>The Department notes that Council has subsequently approved the removal of these trees as part of a tree</p>	<p>No changes or conditions required.</p>

removal application. In addition, replacement street tree planting will provide a net increase of five trees.

**Impact on Gosford Hospital helicopter operations**

Central Coast LHD requested an aviation assessment be undertaken to ensure the proposal does not impact on helicopter operation associated with Gosford Hospital.

No changes or conditions required.

An Aviation Due Diligence Report was submitted with the RtS, which concluded that the proposal will not impact on helicopter operations during construction or upon completion. In response, Central Coast LHD advised it had no further comment.

The Department is satisfied that the proposal will not impact on helicopter operation associated with Gosford hospital.

**Flooding**

The site is affected by overland flooding from the local upstream catchment when Council's drainage infrastructure system exceeds capacity.

The Department recommends a condition requiring the implementation of a range of flood mitigation measures identified in the Overland Flow Study.

An Overland Flow Study has been submitted which advised the minimum finished floor levels (FFL) for habitable rooms as 24.1m AHD, non-habitable rooms as 23.6m AHD and included a range of mitigation measures to eliminate impacts of flooding caused by the development footprint. These measures include the upgrade and relocation of the stormwater pipe to within the drainage easement, minor changes to planter boxes, creation of a driveway crest to stop flood water from entering the basement and construction of a new junction pit over the existing easement near Beane Street.

The development proposes a minimum FFL of RL 24.7m to the ground level and the Department is satisfied that subject to implementation of the recommendations of the Overland Flow Study, the development will not create a hazard to future residents nor increase flooding of the surrounding catchment.

**Bushfire**

The site is mapped as within the bushfire buffer of Category 1 vegetation. A Bushfire Assessment Report concludes the development can comply with the RFS document 'Planning for Bushfire Protection 2006' (PBP 2006) subject to:

- the site being managed as an Inner Protection Area (IPA)
- bushfire construction standards being met as identified in the relevant AS
- an emergency evacuation management plan being prepared
- provision of water, electricity and gas as required in the PBP 2006.

The Department recommends that conditions related to APZ management, construction standards, water and utility services, landscaping and the preparation of an emergency evaluation management plan be imposed.

The RFS recommended conditions relating to APZ management, construction standards, utility services and landscaping.

The Applicant's RtS noted that the development complies with the RFS recommended conditions, and in response RFS advised it raised no further comment.

The Department is satisfied that subject to the recommended conditions outlined in the Bushfire Assessment Report and RFS submission, the application can comply with PBP 2006.

<b>Social impacts</b>	Council noted that an SIA be submitted for consideration in the assessment of the application.	No changes or conditions required.
	<p>The Applicant's RtS advised that social impacts were assessed as part of the SEE and that there are a number of social and economic benefits of the development. These include increased housing supply in an appropriate location, increasing the supply of affordable housing for the region, jobs associated with construction and investment in the local area.</p> <p>In response, Council advised it did not consider the social impacts of the proposal were adequately considered in the SEE and that no evidence of community engagement was provided in the assessment of social impacts.</p> <p>The Department notes that as part of the assessment of the application, surrounding landowners and residents were notified of the application. Four submissions were received, objecting to the proposal as considered in <b>Section 5</b>.</p> <p>The Department considers that the social impacts of the proposal have been adequately considered in the application. There is a public benefit associated with the development of an unused site, already in the ownership of LAHC, for affordable housing close to multiple forms of public transport, employment opportunities, health and recreation facilities.</p>	
<b>Location</b>	<p>One public submission raised concern that affordable housing is being clustered together and the site would be better utilised as a local park. If the development was to proceed, the submission requested more open space be provided.</p> <p>In response, the Applicant's RtS noted that the proposal will provide contemporary housing on underutilised land already owned by LAHC for the social benefit of the community. The Applicant also noted that the proposal provides communal open space which meets the requirements of the ADG and DSZ that exceeds ADG requirements.</p>	No changes or conditions required.

The Department notes that the site was previously used for affordable housing prior to its current use as an unofficial parking area. Development of the site for contemporary housing to meet the community's need for affordable housing, in a location close to transport, employment and recreation, provides for the orderly and economic development of the land in line with the EP&A Act objectives.

<b>Developer contributions</b>	Council requested that developer contributions be required in line with Council's S94A Development Contributions Plan (known as a Section 7.12 levy) and the Special Infrastructure Contribution – Gosford City Centre (SIC).	No changes or conditions required.
	In response, the Applicant's RtS noted that Section 7.12 levies and the SIC do not apply to developments for affordable housing.	
	The Department is satisfied that the 7.12 levy does not apply to affordable housing development pursuant to clause 25J(3)(I) of the EP&A Regulations. As noted in the SIC Implementation Guide, the SIC does not apply to development for community purposes including affordable housing.	
<b>Requested conditions from Council</b>	Council has recommended conditions requiring the development operate as affordable housing in accordance with clause 17 of ARH SEPP and a security deposit be provided to Council to ensure any damage to Council assets is rectified.	The Department recommends a condition requiring a security deposit be provided to Council to ensure any damage caused to Council assets is rectified.
	The Department notes that clause 17 of ARH SEPP does not apply to land owned by LAHC and as such, the requested condition has not been recommended. A condition requiring the requested security deposit has been recommended.	



## 7 Evaluation

The Department has assessed the application, accompanying documents and the RtS in accordance with the relevant requirements of the EP&A Act, Regulations and EPIs, and has carefully considered all submissions.

The proposal provides 41 new affordable housing units within the Gosford City Centre. The site has sufficient capacity to accommodate the proposed housing without causing adverse impacts on the surrounding area.

The Department has considered the merits of the proposal and considers it acceptable as:

- the proposal is consistent with the objects of the EP&A Act, including facilitating ESD, and is consistent with relevant strategic planning objectives
- exhibits design excellence and achieves a high standard of architectural design that includes articulation to reduce the bulk and scale of the building, improve amenity for residents and minimise impacts to surrounding property
- the site is able to support the scale of the development proposed, as the height and floor space comply with the planning controls
- the residential amenity provided to the apartments is acceptable, subject to conditions to distribute storage cages to some apartments and confirmation from an acoustic engineer that habitable rooms located close to lift cores and the driveway will be acoustically attenuated
- the car parking provided complies with planning controls, the proposal does not result in adverse traffic impacts to surrounding streets and subject to conditions, the basement ramp will comply with Australian Standards and Council guidelines
- subject to the timely movement of bins to and from the street, kerbside waste collection is supported
- issues related to relocation of the drainage pipe, splay ownership, bushfire, flooding and damage to Council assets during construction can be reduced and/or mitigated through recommended conditions.

The impacts of the proposal are acceptable and can be appropriately mitigated through the recommended conditions. The Department also considers the application provides a public benefit as it delivers 41 affordable housing units. As such, the application is approvable, subject to the conditions as outlined in **Appendix D**

## 8 Recommendation

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

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 10132, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix D**).

**Recommended by:**



**Michelle Niles**  
Senior Planner  
Regional Assessments

**Recommended by:**



**Silvio Falato**  
Team Leader  
Regional Assessments

## 9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'B. Roberts', with a long horizontal stroke extending to the right.

15 July 2020

**Brendon Roberts**

A/Director

Regional Assessments

# Appendices

## Appendix A – List of Documents

List of key documents relied on by the Department in its assessment:

- Statement of Environment Effects and attachments, prepared by Michael Leavy Consulting dated December 2019
- Survey Plan, prepared by TSS Total Surveying Solutions Revision 2 dated 21 August 2019
- Deposited Plan, prepared by Stephen Thorne dated 21 January 2019
- Architectural Drawings package, prepared by Stan Dahl Architects
- SEPP 65 Design Verification Statement, prepared by Stan Dahl Architects dated 6 December 2019
- Landscape Plans, prepared by Site Image Landscape Architects Revision B dated 5 December 2019
- Construction Noise and Vibration Management Plan, prepared by Rodney Stevens Acoustics dated 25 November 2019
- Proposed car park layout design checks as per AS/NZ 2890 series, prepared by TEF consulting dated 9 December 2019
- Water Cycle Management Report/Strategy, prepared by Quantum Engineers dated 16 December 2019
- Stormwater Management Plans, prepared by Quantum Engineers, Revision A dated 6 December 2019
- Driveway Plans, prepared by Quantum Engineers, Revision B dated 6 December 2019
- Traffic and Parking Impacts Report, prepared by TEF consulting dated 4 December 2019
- BASIX Certificates certified by Greenview Consulting Pty Ltd dated 18 December 2019
- NaTHERS Certificate certified by Greenview Consulting Pty Ltd dated 18 December 2019
- BCA Assessment Report, prepared by BCA Logic dated 17 December 2019
- Access Report, prepared by Vista Access Architects dated 4 December 2019
- Hydraulic & Fire Design Intent Statement, prepared by Greenview Consulting dated 2 December 2019
- Energy Efficiency Advice, Greenview Consulting dated 18 December 2019
- Waste Management Plan, prepared by Michael Leavy Consulting dated 9 December 2019
- Bushfire Assessment Report, prepared by Clarke Dowdle & Associates dated December 2019
- Overland Flow Study, prepared by Quantum Engineers dated 10 December 2019
- Arboricultural Impact Assessment, prepared by Koala Arbor Consulting Arborists dated 4 December 2019
- Aboriginal and Historical Due Diligence Assessment and Statement of Heritage Impact, prepared by AECOM dated 6 December 2019
- Construction and Operation Management Plan, prepared by Mono dated 10 December 2019
- Response to Submissions and attachments, prepared McNally Management dated 2 April 2020
- BASIX Certificate No 1060964M\_05 and NatHERS Certificate dated 25 May 2020.



## Appendix B – List of referenced documents

The following supporting documents and information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows:

**1 Statement of Environmental Effects**

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10132](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10132)

**2 Submissions**

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10132](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10132)

**3 Response to Submissions**

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10132](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10132)

## Appendix C – Statutory Considerations

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Gosford City Centre) 2018 (GCC SEPP)
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)
- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
- Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP)
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX).

The Department has also considered the proposal against the Gosford City Centre Development Control Plan 2018 (GDCCP).

### Compliance with Controls

*State Environmental Planning Policy (Gosford City Centre) 2018 (GCC SEPP)*

**Table 1 | GCC SEPP compliance table**

Relevant Clause	Consideration and Comments	Complies
1.6 Consent authority	The proposal has a capital investment value of \$10.1 million and as such, the Minister for Planning and Public Spaces is the consent authority	N/A
2.3 Zone objection and Land Use Table	The site is zoned R1 General Residential.  The proposal provides for affordable rental housing for the housing needs of the community, in a location close to public transport and services and is consistent with the desired future character of the area.	Yes
4.3 Height of Buildings	The maximum building height permitted for the land is 24m. The proposal has a building height of 24m.	Yes
4.4 Floor Space Ratio	The site is identified as having a floor space ratio (FSR) of 3:1, which pursuant to Clause 8.13 is reduced to 2:1. However, when including the ARH SEPP FSR bonus, the proposal complies with the required FSR, as discussed further at <b>Section 6.2</b> .	Yes
5.10 Heritage conservation	The site is located in vicinity of two items of local heritage significance, being a Mitre 10 store (Item 43) and the steps of a former private hospital (Item 320). These items are located approximately 130m west of the site.  A Heritage Impact Assessment (HIA) has been submitted assessing the impact of the proposal to the Mitre 10 store. The HIA concludes that due to the distance between the heritage item and the site, the proposal will not impact the heritage significance of the item.  While the HIA does not consider the steps of the former private hospital, which is located across the road from the Mitre 10 store, due to the	Yes

distance between the steps and the site, it is considered that the proposal will not impact the heritage significance of the steps of the former private hospital.

7.1 Acid Sulfate Soils – Class 5	The site is classified as Class 5 Acid Sulfate Soils (ASS). The proposal is not located within 500m of land classed 1-4, nor is below 5m AHD and will not lower the water table below 1m AHD on adjacent classes of land.	Yes
7.2 Flood Planning	The site is partly located in flood prone land. A Overland Flow Study submitted with the application recommends a minimum habitable finished floor level of 24.1m and measures to mitigate drainage and flooding impacts. While the proposal complies with the FFL of 24.1m, the Department has recommended conditions that the measures identified in the Study be implemented.	Yes – via condition
8.3 Design excellence	<p>The proposal is considered to exhibit design excellence having regard to the matters for consideration in the SEPP as follows:</p> <ul style="list-style-type: none"> <li>a) The proposal exhibits a high quality architectural design that incorporates materials and detailing appropriate for a contemporary residential flat building (RFB) suitable for its location in a residential area.</li> <li>b) The building is visible from public domain however includes a range of measures, including landscaping and variation of building materials, to ensure the proposal improves amenity to the public domain.</li> <li>c) The proposal will not overshadow key public open spaces and is not located within key vistas or view corridors</li> <li>d) The proposal has been assessed against requirements of the Gosford City Centre Development Control Plan (GDCP) as discussed in in <b>Table 5</b>.</li> <li>e) (i) as the zoning of the land permits RFBs and the proposal is complies with the maximum height and FSR permitted for the land, the land is suitable for the proposal. (ii) the land is currently vacant and the proposed land use is permitted in the zone. (iii) the site is located in vicinity of a Mitre 10 store and former steps of a private hospital which is identified as being of local heritage significance. As discussed above, the Department is satisfied the proposal will not result in any adverse streetscape impacts. (iv)(v)(vi) the location, bulk, massing of the building and its height at the street frontage is considered appropriate and consistent with the requirements of the Gosford SEPP and GDCP. (vii) Impacts are considered throughout the assessment including at <b>Table 5</b> below. Subject to conditions, the proposal is not considered to result in any adverse environmental impacts having regard to sustainable design, overshadowing, wind and reflectivity. (viii) the proposal is designed to achieve BASIX requirements and includes measures such as rainwater tanks for watering of landscaped areas and water efficient fittings. (ix) the proposal includes off-street car, motorcycle and bicycle parking and direct connections to the pedestrian network. (x) the proposal will not result in adverse impacts to the public domain. The removal of two street trees within close proximity to the site has been approved by Council, and is compensated by the planting of five street trees leading to a net increase of three street trees.</li> </ul>	Yes – see <b>Section 6.1</b>
8.10 Solar access to key public open space	The proposal is located approximately 600m from Kibble Park and 980m from the Leagues Club Field and will not result in overshadowing of the public open spaces.	Yes

8.11 Key vistas and view corridors	The site is not located within any key view corridors for the Gosford city centre. The GCC DCP identifies street vistas along Beane and Gertrude Streets, however it is considered the proposal is in keeping with the desired future character for the area and will not block views to Rumbalara Reserve noting surrounding sites have permitted maximum building heights of 48m and 60m.	Yes
8.13 Floor space ratio in Zone R1	The site is identified as having a floor space ratio (FSR) of 3:1, which pursuant to Clause 8.13 is reduced to 2:1. However, when including the ARH SEPP FSR bonus, the proposal complies with the required FSR, as discussed further at <b>Section 6.2</b> .	Considered acceptable – see <b>Section 6.2</b>

*State Environmental Planning Policy (Affordable Rental Housing) 2009*

**Table 2 | ARH SEPP compliance table**

Relevant Clause	Consideration and Comments	Complies
10 Development to which Division applies	The proposal is development to which Division 1 of the ARH SEPP applies as: <ul style="list-style-type: none"> <li>RFBs are permitted with consent in the R1 zone under the provisions of the GCC SEPP</li> <li>the site does not contain a heritage item or interim heritage order</li> <li>the site is in an accessible area, being located within 550m walking distance of the entrance of Gosford railway station.</li> <li>the site adjoins land zoned B4 Mixed Use and is within 400m walking distance of the zone.</li> </ul>	Yes
13 Floor Space Ratios	As the maximum FSR permitted on the site is 2.5:1 and 100% of the floor space will be used for affordable housing, an FSR bonus of 0.5:1 is available for the proposal.	Yes
14 Standards that cannot be used to refuse consent	<p>1. Site and solar access requirements:</p> <p>(b) site area: minimum 450m<sup>2</sup> – the site is 1284m<sup>2</sup></p> <p>(c) landscaped area: 35m<sup>2</sup> of landscaped area per dwelling, requiring a total of 1435m<sup>2</sup> - 350m<sup>2</sup> of landscaping provided.</p> <p>(d) deep soil zone (DSZ): 15% of site area with minimum dimensions of 3m, ideally located at the rear of the site – 23.5% of the site is provided as DSZ.</p> <p>(e) solar access: living rooms and private open spaces (POS) of 70% of dwellings to receive three hours of direct sunlight between 9am and 3pm mid-winter – 29 units (of 41 apartments) or 70% of apartments receive three hours of direct sunlight during mid-winter between 9am and 3pm.</p> <p>2. General:</p> <p>(a) parking: 0.4 spaces per one bedroom dwelling and 0.5 spaces per two bedroom dwelling – the proposal has 20, one bedroom dwellings</p>	<p>Yes</p> <p>Considered acceptable – see <b>Section 6.2</b></p> <p>Yes</p> <p>Yes</p>



	and 21 two bedroom dwellings, therefore requiring 19 (18.5) car parking spaces. The proposal provides 19 car parking spaces.	Yes - see <b>Section 6.4</b>
	(b) dwelling size: 50m <sup>2</sup> for one bedroom and 70m <sup>2</sup> for two bedroom dwellings – the minimum size of a one bedroom dwelling is 51.07m <sup>2</sup> and 70.05m <sup>2</sup> for a two bedroom dwelling.	Yes
15 Design Requirements	This clause does not apply to the development as clause 4 of SEPP 65 applies.	N/A
16 Continued application of SEPP 65	The Department has considered the application against the provisions of SEPP 65 as discussed below in <b>Table 3</b> and <b>Table 4</b> .	Yes
16A Character of local area	The Department considers that the design of the development is compatible with the character of the local area noting that a period of transition is occurring from the predominately existing three storey medium density housing to higher density development aligned with planning controls in the Gosford SEPP. Consistency with the character of the local area is discussed further at <b>Section 6.2</b>	Yes – see <b>Section 6.2</b>
17 Must be used for affordable housing for 10 years	This clause does not apply to development on land owned by the NSW Land and Housing Corporation (who is the Applicant)	N/A
18 Subdivision	The application does not seek to subdivide the land.	N/A

#### *State Environmental Planning Policy No 55 – Remediation of land*

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The application includes a Detailed Site investigation (DSI), which includes a desktop assessment of previous uses, site walkover, soil sampling and consideration of the need for further investigations or remediations required.

The DSI noted that before coming into the Applicant's ownership in 1966, the site was owned by a blacksmith, carpenter and sawmill. As such, it presents the risk that industrial processes may have occurred and also has the potential to be impacted from historic filling associated with previous development, construction and demolition works. However, reviews of aerial photography did not identify commercial or industrial activities on the site.

A site walkover assessment did not identify any evidence of contamination or contaminating activities. However, it did find one fragment of bonded asbestos containing material (ACM) which was likely to be from nearby roadway or service excavation within the roadway. No asbestos or ACM was detected in the soil samples collected during drilling works in both field screening and laboratory analysis.

The DSI concludes that there is low risk that the site has been contaminated based on current or historic land use and the site is suitable for the proposed high-density residential land use.

The Department accepts these conclusions that the proposed development is suitable for the site.

## Draft Remediation of Land State Environmental Planning Policy

The Explanation of Intended Effect for a Draft Remediation of Land SEPP was exhibited until 13 April 2018. The Draft Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposal has demonstrated it can be suitable for the site, the Department considers it would be consistent with the intended effect of the Remediation of Land SEPP.

**State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development**  
SEPP 65 seeks to improve the design quality of residential development and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out the best practice principles for residential development.

The Department has assessed the application against the SEPP 65 aims/objectives at **Table 3** and ADG at **Table 4**.

**Table 3 | SEPP 65 aims/objectives**

Relevant Clause	Consideration and Comments	Complies
2 Aims of Policy	This is considered below.	Yes
28 Determination of development applications	(1) Council does not have a design review panel. (2) The application is evaluated in accordance with the design quality principals and the ADG below.	Yes
30 Standards that cannot be used as grounds to refuse development consent or modification of development consent	1 (a) the proposal has less than the recommended minimum amount of parking required by the ADG however complies with the parking requirements of the ARH SEPP	Considerable acceptable – see <b>Section 6.4</b>
	(b) all apartments meet the recommended minimum internal area for one bedroom apartments of 50m <sup>2</sup> and for two bedroom apartments of 70m <sup>2</sup> .	Yes
	(c) all apartment ceiling heights meet the recommended minimum ceiling height of 2.7m for habitable and 2.4m for non-habitable rooms.	Yes
	2 The proposal is evaluated in accordance with the design quality principals and the ADG below.	Yes
<b>Schedule 1 Design quality principles</b>		
1. Context and neighbourhood character	The proposal has been designed to comply with the future desired character of the area identified in the Gosford SEPP and GDCP and provides an appropriate built form at the corner of Beane and Gertrude Streets.	Yes
	The proposal will not have any detrimental impacts on the amenity of existing and future adjoining development.	
2. Built form and scale	The proposal is consistent with the desired future character for the site as set out in the height and FSR controls in the Gosford LEP.	Yes

The proposal seeks to use a FSR bonus provided by the ARH SEPP, and utilises appropriate building articulation, such as variation of building materials and building breaks in the façade, to reduce perceived bulk and scale of the building.

3. Density	The building is an appropriate density and scale consistent with the desired character for the area in the Gosford SEPP. The proposed density, despite using the addition FSR bonus in the ARH SEPP, achieves a high level of residential amenity and is supported by the desired character for the City North area identified in the GDCP.	Yes
4. Sustainability	<p>The proposal provides for the implementation of mitigation measures for avoiding, reusing, recycling and managing waste during construction of the development.</p> <p>The building complies with BASIX requirements and has an average NatHERs energy rating of 7.8 stars, includes water efficiency fittings and fixtures, and complies with natural ventilation and solar access requirements.</p>	Yes
5. Landscape	Landscaping is provided at ground level adjacent to the northern and western boundaries of the site and to boundaries with Beane and Gertrude Streets via deep soil planter boxes. Landscaping comprises a combination of retention of existing trees, new trees and shrubs, lawn and paved areas, to enhance the appearance and amenity of the development.	Yes
6. Amenity	The proposal provides a high level of amenity for future residents as considered against the ADG below. The proposed apartments will received satisfactory levels of solar access to living areas, natural ventilation and privacy.	Yes
7. Safety	The proposal provides passive surveillance through balconies and windows that front the public domain and communal areas. The building and car park entry have secure access.	Yes
8. Housing diversity and social interaction	<p>The proposal provides affordable residential accommodation for residents in the Central Coast area. The building has been designed to cater for the needs of LAHC residents including through provision of adaptable housing and accessible car spaces.</p> <p>The communal open space area will provide opportunities for social interaction between residents.</p>	Yes
9. Aesthetics	The building design and materials are considered to fit well within the site and locality and will contribute positively to the streetscape.	Yes

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

**Table 4 | ADG objectives**

Relevant objective	Consideration and Comments	Complies
<b>Part 3: Siting</b>		
3A Site analysis	The proposal is informed by a site analysis plan, identifying opportunities and constraints of the site conditions and surrounding context.	Yes
3B Orientation	The building is designed to address both Beane and Gertrude Streets. The entry to the pedestrian building is provided from Beane Street and POS for apartment address both streets.	Yes

	A minimum three hours of solar access is provided to 70% of units in accordance with ADG requirements. The building is designed to minimise overshadowing of neighbouring properties.	
3C Public domain interface	Passive surveillance is available from balconies and windows which overlook the public domain. The building has a clear entrance with lobby and planting is provided at the street boundaries to clearly delineates the public and private domain.	Yes
3D Communal and public open space	Minimum 25% of site area and minimum 50% direct sunlight to principal area for at least two hours between 9am-3pm mid-winter – the application provides 25.7% of the site area (330m <sup>2</sup> ) for communal open space which receives more than two hours of direct sunlight mid-winter due it's northern aspect.	Yes
3E Deep soil zones (DSZ)	Minimum 7% of site area with minimum dimensions of 3m – the application provides 23% of the site (296m <sup>2</sup> ) as DSZ with a minimum dimensions of 3m.	Yes
3F Visual privacy	<p>6m between habitable spaces and 3m between non-habitable spaces for building up to 12m (4 storeys). 9m between habitable spaces and 4.5m for non-habitable spaces for buildings up to 25m (8 storeys) – the application consists of one building footprint with no opportunities for internal apartments to address each other.</p> <p>Levels 1 to 4 are located a minimum of 6m from the northern and western boundary with the exception of one bedroom on levels 2 – 4, that is located 4.6m from the western boundary. Levels 5 – 7 are located a minimum of 8.6m from the northern and western boundaries</p> <p>The variation is discussed in <b>Section 6.2</b>.</p>	Considered acceptable – see <b>Section 6.2</b>
3G Pedestrian access and entries	The building pedestrian entry is provided from Beane Street and is easily identifiable and accessible with ramped access provided.	Yes
3H Vehicle access	Vehicle access is provided from Gertrude Street via a driveway to the basement car park. The basement entry is located behind the building line and will be partially obstructed from public view as it is flush with the northern elevation of the building.	Yes
3J Bicycle and car parking	<p>The RMS guide requires a minimum 21 (20.6) residential car spaces and 9 (8.2) visitor spaces - the application provides 19 car parking spaces in line with the ARH SEPP requirements for the site.</p> <p>The application complies with the GDCP requirement of 18 bicycle parking spaces comprising 14 for residents and four for visitors and three motorcycle spaces .</p>	Considered acceptable – see <b>Section 6.4</b>

#### Part 4 Designing the building

4A Solar and daylight access	<p>At least 70% of units receiving a minimum three hours of direct sunlight to living areas and POS mid-winter – 70.7% (29 units) receive a minimum three hours of sunlight to living areas mid-winter.</p> <p>A maximum of 15% of apartments that receive no sunlight between 9am – 3pm mid-winter – five units (12%) receive no sunlight between 9am=3pm mid-winter.</p>	Yes
4B Natural ventilation	<p>Minimum 60% of apartments are natural cross ventilated – 63.4% (26 units) are naturally cross-ventilated.</p> <p>Overall depth of cross-over or cross-through apartments does not exceed 18m – no units exceed 18m in depth.</p>	Yes



4C Ceiling heights	Minimum 2.7m to habitable rooms and 2.4m to non-habitable rooms – a ceiling height of 2.7m is provided to all apartments.	Yes
4D Apartment size and layout	<p>Minimum 50m<sup>2</sup> for one bedroom and 70m<sup>2</sup> for two bedroom – all apartments comply with minimum size requirements.</p> <p>All habitable rooms must have a window in an external wall with a minimum total glass area of 10% of the floor area. Daylight and air cannot be borrowed from other rooms – habitable rooms have a window on an external wall or a door/window to the balcony and windows exceed the 10% requirement.</p> <p>Maximum habitable room depths are 2.5 x the ceiling height – bedrooms comply with the maximum depth of 6.75m as the proposed depth maximum is 4.3m.</p> <p>Maximum depths for open plan layouts is 8m from a window – the maximum depth proposed is 7m from a window.</p> <p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> – all bedrooms meet minimum size requirements.</p> <p>Bedrooms have a minimum dimension of 3m – all bedrooms are a minimum dimension of 3m.</p> <p>Living/dining rooms have a minimum width of 3.6m for one bedroom and 4m for two bedroom units – all living and living/dining rooms have the required minimum widths.</p> <p>Minimum width of 4m for cross-over or cross-through apartments – all apartments are greater than 4m in width.</p>	Yes
4E Private open space (POS) and balconies	<p>Minimum balcony size of 8m<sup>2</sup> with a depth of 2m for one bedroom apartments and 10m<sup>2</sup> with a depth of 2m for two bedroom apartments – while all balconies comply with the minimum size requirements, Units 101, 102, 202, 203, 206, 302, 303, 306, 402, 403 and 406 do not comply with the minimum depth requirements due to the shape of balconies. These units have 'L' shaped balconies and as such, a portion of the balcony has a depth of less than 2m. However, the area which satisfies the minimum depth requirement is sufficient in size to allow outdoor furniture and for it to be useable. These balconies also have a northern aspect and will receive excellent amenity.</p> <p>Ground level or podium level units must have a POS of a minimum 15m<sup>2</sup> and minimum depth of 3m – five units are located on the ground floor of the building, of which two (Units 104 and 105) are provided courtyard style POS which satisfy the minimum size and depth requirements. Due to the fall of the site, three of the units are provided with balconies. These balconies have a northern aspect, overlook the communal open space and are considered to have a good level of amenity.</p>	Considered acceptable – see <b>Section 6.3</b>
4F Common circulation and spaces	Maximum number of apartments off a circulation core on a single level is eight – the maximum number of apartments off a circulation core is eight.	Yes
4G Storage	<p>Minimum storage areas for one bedroom apartments of 6m<sup>3</sup> with at least 50% located within the apartment – 6/21 one bedroom units comply the storage requirements, with the remainder of units containing between 2.43m<sup>3</sup> – 4.48m<sup>3</sup> of storage within the units.</p> <p>Minimum storage areas for two bedroom apartments of 8m<sup>3</sup> with at least 50% located within the apartment – no two bedroom units comply with the minimum amount however between 4.51m<sup>3</sup> – 6.67m<sup>3</sup> of storage is provided within the units.</p>	Considered acceptable subject to condition – see <b>Section 6.3</b>

The variation is discussed in **Section 6.3**.

4H Acoustic privacy	<p>Noise transfer is minimised as each floor has the same layout or similar uses are generally located on top of each other.</p> <p>One bedroom from Units 208, 308, 408, 504, 604 and 704 adjoins the lift core. The Department has recommended that confirmation from an acoustic consultant be provided that adequate levels of noise amenity can be achieved in these bedrooms or that adequate noise mitigation be provided to the bedrooms.</p>	Considered acceptable subject to condition – see <b>Section 6.3</b>
4K Apartment mix	The development proposes a mix of one and two bedroom apartments to respond to the housing needs of LAHC clients.	Yes
4L Ground floor apartments	<p>Ground floor apartments along Gertrude Street have been provided with POS addressing the street. These apartments have transparent fencing for fencing elements above 1.2m high to ensure privacy and security for the apartments while also allowing passive surveillance of the streets.</p> <p>Due to the slope of the site, other ground floor apartment have been provided with balconies. These balconies have a northern aspect to ensure adequate amenity.</p>	Yes
4M Facades	The building façade is articulated with building breaks and variation to exterior materials, including dark and light face brick and wall cladding, bringing visual interest to the street elevations.	Yes
4N Roof Design	A flat roof has been designed to reduce the perceived scale and bulk of the building. Plant equipment has been located centrally on the roof to minimum it's visually from street level.	Yes
4O Landscape design	Landscaping consists of a mixture of native and non-native plants and trees and communal dining and seating furniture. Plant landscaping has been provided along all site boundaries to soften and screen the development.	Yes
4P Planting on structures	Planter beds are proposed above the basement car park containing a number of trees and shrubs in line with the Landscape Plan.	Yes
4Q Universal Design	The application complies with universal design principles and provides six adaptable apartments.	Yes
4R Awning and signage	Clear identification of the building number is provided at the pedestrian entry at Beane Street.	Yes
4U Energy efficiency	The application meeting BASIX water, thermal and energy efficiency targets. Apartments have also been orientated to maximum solar access and achieve natural ventilation.	Yes
4V Water management and conservation	<p>Water efficient fittings and fixtures and a rainwater tank for use in toilet flushing, washing machines, landscape irrigation and car washing is proposed.</p> <p>An onsite detention tank with stormwater filters is also proposed to treat stormwater prior to being discharged to Council's stormwater system.</p>	Yes
4W Waste management	Waste storage is provided at ground level within the building and will not be visible from the street.	Yes
4X Building maintenance	The building has been appropriately designed with robust materials and to allow ease of maintenance to occur.	Yes

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

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

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

- Energy – 38 (target 20)
- Water – 41 (target 40)
- Thermal comfort - Pass

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

### Gosford City Centre Development Control Plan 2018

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

The Department's assessment of the relevant development controls is provided in **Table 5** below.

**Table 5 | Relevant GDCP controls**

Control	Consideration and Comments	Complies
<b>Chapter 3: Places and character</b>		
3.2 City North	The site is located in the residential area of the City North character area. The application satisfies Objective 5 and the character statement as it seeks to deliver 41 new affordable residential apartments for the housing needs of the Central Coast in a location easily accessible to transport, employment and recreation.	Yes
<b>Chapter 4: Public spaces</b>		
4.1 Pedestrian network	(1) Existing pedestrian footpaths along Beane and Gertrude Streets will be maintained.	Yes
4.4 Views and vistas	(4) The application complies with building height controls in the Gosford SEPP and built form controls in Chapter 5 of this DCP. Compliance with built form controls in Chapter 5 is discussed below.	Yes
4.5 Footpath crossings and pedestrian overpasses and underpasses	<u>4.5.1 Vehicle Footpath Crossings</u> (1) One vehicle access point is proposed from Gertrude Street. (2) The vehicle access is from the secondary street (Gertrude Street) (5) The proposed driveway crossing over the footpath is 6m wide, 0.6m wider than maximum 5.4m permitted. A variation is proposed to match the width of the driveway and allow simultaneous movements in opposite directions. The variation is discussed in <b>Section 6.4</b> .	Yes Yes Partial – refer to <b>Section 6.4</b>

(6) The vehicle access is located perpendicular to Gertrude Street.	Yes
(7) The vehicle access point is considered to adequately integrate with the building design.	Yes
(8) A roller door is proposed along the buildings northern façade.	Yes
(9) The walls of the vehicular entry will be constructed of face brick as used in the building façade.	Yes

## Chapter 5: Built form

5.1 Site size and design excellence	The site has a 46m frontage to the primary street (Beane Street) however is not classified as "Medium site" as the site is not located in a B zone.	Noted
5.2 Built form provisions	<p><u>5.2.1 Street setbacks and rear setbacks</u></p> <p>(1) (2) A minimum front setback of 3m is provided to Beane and Gertrude Street however the basement footprint extends below these setbacks and partly protrudes aboveground at the south-west corner of the building. Planter boxes containing trees and shrubs are provided within these front setbacks for landscaping and to aid in creating an attractive streetscape. The Department has also recommended the relocation of the front ramp to elsewhere on the site to increase landscaping in the front setback. The variation is considered at <b>Section 6.2</b>.</p> <p>(4) While the majority of balconies project 500mm forward of the 3m front setback, the balconies of Units 201, 208, 301, 308, 401 and 408 project 1m forward of the 3m front setback to Beane Street. The non-compliant balconies include different balustrade design aiding in creating variation to the facade and reducing perceived bulk. This variation is considered at <b>Section 6.2</b>. The total amount of balconies forward of the building line (both compliant and non-compliant) do not exceed 50% of the façade.</p> <p>(5) Building separation and visual privacy requirements of SEPP 65 are discussed in Table 4.</p> <p><u>5.2.2 Street wall heights and upper podium</u></p> <p>(1) Street wall heights of between 12.6m and 14.6m are proposed, above the maximum of 12m permitted. The variation partially results from the sloping nature of the site however a four storey element to the street is still provided as envisioned by the GDCP. The variation is discussed further at <b>Section 6.2</b>.</p> <p>(2) Built form above the street wall height is setback 3m from the street wall building line, where a podium of three storeys is proposed.</p> <p><u>5.2.3 Active street frontages and street address</u></p> <p>(3) Pedestrian access is provided from Beane Street (primary street).</p> <p><u>5.2.4 Building setback and separation</u></p> <p>(1) Minimum side setbacks up to street wall height of 4.6m and a minimum side setbacks above street wall height of 8.95m are provided.</p> <p>(2) Visual privacy requirements of SEPP 65 are discussed in Table 4.</p>	<p>Partial – refer to <b>Section 6.2</b></p> <p>Partial – refer to <b>Section 6.2</b></p> <p>Refer to Table 4</p> <p>Considered acceptable – see <b>Section 6.2</b></p> <p>Considered acceptable – see <b>Section 6.2</b></p> <p>Yes</p> <p>Yes</p> <p>Refer to Table 4</p>

(3) All building facades are articulated with building breaks and variation to exterior materials, including dark and light face brick and wall cladding, bringing visual interest to the elevations.	Yes
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5.2.6 Fine grain frontages

(1) the maximum length of the podium is under 40m along Beane and Gertrude Streets.	Yes
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5.2.9 Above ground parking

(1) Car parking is partially above ground to allow ground floor apartments to be level with the street frontage as the site slopes away from the street. It is also noted that if the car park level was wholly below ground, access from Gertrude Street (the secondary street) would not be possible due to the access grades required. The car parking level is not visible from the public domain.	Considered acceptable
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(2) A floor to ceiling level of 2.8m has been provided for the car parking level. Due to the residential nature of the building, car parking spaces will continuously need to be used for demand generated by building residents and cannot be adapted for another use in the future.	Considered acceptable
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(3) Car parking forms part of the building footprint of the apartment building and have been integrated into the design of the building.	Yes
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(4) The portion of the car park level located above ground is generally located adjacent to the northern and western boundaries and will not be visible from the street level or cause adverse visual impacts to the public domain.	Considered acceptable
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5.2.11 Internal amenity

(1) Building depth, DSZ, communal open space and planting on structures requirements of the ADG is addressed in Table 4.	Refer to Table 4
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(3) Solar access requirements of the ADG is addressed in Table 4.	Refer to Table 4
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5.2.12 Building service and the streetscape

(2) The pedestrian and vehicle building entries are treated with high quality building materials and are integrated with the design of the facades. These materials continue to the roller shutter doors of the basement parking level.	Yes
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5.2.13 Landscape design

(1) A landscape plan has been submitted by Site Image Landscape Architects which includes a planting schedule, existing tree onsite, details of landscaping elements and maintenance requirements..	Yes
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(2) the application requires the removal of 11 trees onsite and includes the planting of 17 trees, resulting in a net benefit of 6 additional trees. The tree removal is required to accommodate the proposed building footprint and is supported by an Arborist report confirming that trees to be removed are not significant and range between low to moderate retention value.	Yes
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(3) Rainwater is proposed to be used for irrigation purposes.	Yes
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5.2.14 Site cover and deep soil zones

(1) A site coverage of 55.7% is proposed, above the maximum of 50% permitted. The application complies with deep soil, communal open space and FSR requirements and is considered to provide acceptable	Considered acceptable – see <b>Section 6.2</b>
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levels of amenity to future residents. The variation is discussed further at **Section 6.2**.

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| (2) A DSZ is provided.   | Yes  |
| (3) A DSZ which is 23% of the site area is provided with minimum dimensions of 6m is provided.   | Yes  |
| (5) The DSZ will allow for the planting of new trees.  | Yes  |
| (6) The application will require the relocation of an existing drainage pipe to within its existing easement located in the deep soil zone. This relocation is discussed further in <b>Section 6.6</b> . | Considered acceptable – see <b>Section 6.6</b> |

#### 5.2.15 Front fences

- |  |   |
|--|---|
| (1) Front and side fences are proposed.  | Yes   |
| (2)(3)(4) Retaining walls which directly adjoining Beane and Gertrude Street are a maximum of 80cm. Fencing surrounding the courtyards of ground floor dwellings (that address the street) are 1.8m from the ground level of the courtyards, however due to the slope of the streets appear as high as 2.3m from the footpath level on Gertrude Street. The variation is discussed further at <b>Section 6.2</b> . | Considered acceptable subject to condition – see <b>Section 6.2</b> |
| (5) A condition has been recommended to ensure front fencing is not made of sheet metal.   | Yes – subject to condition  |

#### 5.2.16 Safety and Security

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|--|--|
| (1) an assessment demonstrating compliance with CPTED principals has been proved.  | Yes  |
| (2) POS and habitable room windows overlook communal spaces, access ways, entries and driveways.   | Yes  |
| (3) A convex mirror to the lobbies of Levels 2 – 7 is recommended to be installed, near the intersection of the main lobby hallway with the hallway leading to the window and storage area, to ensure a blind spot is not created. | Yes – subject to condition                     |
| (4) Due to the slope of the site, ground level entries to apartments are not provided. This is discussed further in <b>Section 6.2</b> .   | Considered acceptable – see <b>Section 6.2</b> |
| (5) The building entry is provided along Beane Street and is clearly identifiable through the provision of a visible building number.  | Yes  |
| (6) Low height retaining and landscaping are provided to the street boundary to clearly define the development boundary.   | Yes  |

#### 5.2.17 Building exteriors

- |   |     |
|---|-----|
| (1) The building design is considered to be acceptable with regard to adjoining buildings. The application has been sited to respond to the corner setting of the site, contain appropriate residential finishes and includes vertical and horizontal articulation, such variation to finishes, building breaks and window location, to minimise the building bulk and scale. | Yes |
| (2) Balconies are provided along all facade elevations.   | Yes |
| (3) All facades have been articulated with building breaks, variation to finish colours and variation to window and balcony location to create interest.  | Yes |

(4) Face brick and wall cladding are proposed for external walls.	Yes
(6) Multiple finishes and variation of finish colour is provided to create visual interest.	Yes
(7) Walls on the ground floor are broken-up via windows and doors.	Yes
(12) Roof plant has been located centrally on the roof level and to match the height of the parapet along the Beane Street elevation to reduce its visibility from street level.	Yes

## Chapter 7: Access and parking

7.2 Pedestrian Access and Mobility	(1) The main building entry along Beane Street is clearly visible and a large street number reinforces the entry point to the building.	Yes
	(2) The BCA and Access Reports indicate the application is capable of compliance with access requirements. A condition has been recommended to ensure compliance is achieved.	Yes – subject to condition.
	(3) (4) Barrier free pedestrian access is provided to the building entry and communal open space via ramps with gradients of 1 in 20.	Yes
	(5) Barrier free access is provided to the main building entry and communal space and lift access if provided to all levels of the building.	Yes
	(6) All surfaces are slip free and will be built of durable materials.	Yes
7.3 Vehicular Driveways and manoeuvring areas	(1) Driveway access:	
	(a) has been provided from the secondary street (Gertrude Street).	Yes
	(b) is clear of power poles, drainage inlet pits and street trees.	Yes
	(c) is more than 6m from the intersection of Beane and Gertrude Streets.	Yes
	(d) is located within 1.5m of the side boundary. This variation is discussed further at <b>Section 6.4</b> .	Considered acceptable – see <b>Section 6.4</b>
	(2) Visual impacts associated with vehicle access are minimised as the driveway slopes down to the basement parking level and landscaping is provided along part of the length of the driveway to soften its impact.	Yes
	(3) The Traffic report confirms that all vehicles are able to enter and leave in a forward direction.	Yes
	(4) A condition has been recommended to ensure compliance with Council's Vehicle Entrance Designs and any requirements for a Section 138 <i>Roads Act</i> approval.	Yes – subject to condition
	(5) (6) The Traffic report confirms the driveway width, grades, ramps, car space dimensions and passing bays comply with requirements of AS/NZS 2890.1:2004.	Yes
	(7) Windows to habitable rooms of Units 103 and 104 are located in vicinity of the driveway. A condition has been recommended that confirmation from an acoustic consultant be provided that adequate levels of noise amenity can be achieved in these units or that adequate noise mitigation be provided.	Considered acceptable subject to condition – see <b>Section 6.3</b>
	(8) A condition has recommended that uncovered part of the drive be constructed of semi-pervious materials.	Yes – subject to condition
	(9) Façade finishes are used along the driveway until the roller shutter entry.	Yes

7.4 On-site Parking	(1) Car parking - the DCP requires 46 car parking spaces for residents and 9 spaces for visitors. The application provides a total of 19 car parking spaces for residents compliant with ARH SEPP requirements.	Complies with ARH SEPP – see <b>Section 6.4</b>
	Disability accessible car parking – the DCP requires 10% of spaces to be accessible (i.e. 6 spaces). The application provides 7 accessible spaces.	Yes
	Motorcycle spaces – the DCP requires 3 motorcycle spaces and the application provides 3 spaces.	Yes
	Bicycle parking – the DCP requires 14 spaces for residents and 4 spaces for visitors. The application provides 14 spaces for residents in the basement and 4 spaces for residents adjacent to the building entry.	Yes
	(3) Due to the slope of the site, the basement level is partially located aboveground. The ceiling height of 2.8m is considered acceptable as the parking is needed to satisfy parking requirements of the building and cannot be adapted for another use in the future.	Considered acceptable
	(4) The Traffic Report confirms the application meets requirements of AS 2890.1 2004.	Yes
	(5) The application provides a total of 7 accessible spaces.	Yes
	(6) The application is compliant with parking rates in ARH SEPP.	Considered acceptable – see <b>Section 6.4</b>
	(8) Resident bicycle parking is provided in the basement level and visitor bicycle parking is partially covered by the level overhead, however a condition has been recommended that a lightweight structure be provided over the visitor parking to ensure the spaces are weather protected.	Yes – subject to condition
	(10) The Traffic Report confirms compliance with relevant guidelines.	Yes
7.5 Site facilities and services	<i>Mailboxes</i> (1) Mailboxes have been provided near the main building entry.	Yes
	(2) (3) Mailboxes are provided against the western wall of the main entry and a condition has been recommended to ensure they are constructed of materials consistent with the appearance of the building and large enough to accommodate newspapers.	Yes – subject to condition
	<i>Communication structures, air conditioners and service vents</i> (1) A central plant area has been provided on the roof which is located centrally on roof space and below the height of the parapet along the Beane Street façade.	Yes
	(2) A condition requiring one master antenna, sited to minimise visibility to surrounding public areas, has been recommended.	Yes – subject to condition
	<i>Waste (garbage) storage and collection – general (all development)</i> (1) Onsite waste handling and storage is provided.	Yes
	(2) Waste collection is proposed from Beane Street and is discussed further at <b>Section 6.5</b> .	Considered acceptable – see <b>Section 6.5</b>
	(3) The waste storage area is located inside the building at the ground floor and will not be visible from the street or impact on neighbour amenity.	Yes

	(4) The waste storage area will be one level, be accessible from within the building from the lobby area for residents and have access to outside via doors that open directly to the front of the building for movement of bins on collection day.	Yes
	<i>Location requirements for waste storage areas and access</i> (1)(a) the waste storage area is located in a enclosed room on the ground level of the building. Waste collection is discussed further at <b>Section 6.5</b> .	Considered acceptable – see <b>Section 6.5</b>
	<i>Fire Service and emergency vehicles</i> (2) Emergency vehicles are able to park their vehicles on the road near the hydrant.	Yes
<b>Chapter 8: Environmental management</b>		
8.2 Energy efficiency and conservation	<i>Residential</i> (1) A BASIX certificate demonstrating compliance with SEPP BASIX requirements has been provided.	Yes
8.3 Water Conservation	(1) A BASIX certificate demonstrating compliance with SEPP BASIX requirements has been provided.	Yes
	(2) A rainwater tank with a capacity of 32,850L, is provided for use in toilet flushing, washing machine, irrigation and car washing.	Yes
8.4 Reflectivity	(1) The application does not include large areas of glazing.	Yes
	(2) A condition requiring that light reflectivity from facade building materials does not exceed 20% has been conditioned.	Yes – subject to condition
8.5 Wind Mitigation	(2) A wind report has not been submitted. However, side setbacks allow the circulation of wind through the site and around the proposed building. Additionally, Council does not usually request wind report for similar sized developments, such as at DA 48850/2015 at 181 Gertrude Street, Gosford.	Considered acceptable
8.6 Waste and Recycling	<i>Residential development</i> (2) The application seeks to provide the volume of general, recycling and garden waste bins required for a 41 unit development in larger bin sizes than specified in the DCP. It is noted that Council has not raised an issue with the bin sizes and the variation is discussed at <b>Section 6.5</b> .	Considered acceptable – see <b>Section 6.5</b>
	(3) The waste storage area:	
	(a) is located in an enclosed room in the ground level of the building and will not be visible from the street.	Yes
	(b) is accessible from the lobby of the building.	Yes
	(c) allows for the easy relocation of bins to the kerb for collection via doors that open to the buildings exterior entry.	Yes
	(d) a condition has been recommended to ensure water and drainage facilities are provided in the bin storage room for cleaning purposes.	Yes – subject to condition
	(e) does not adjoin POS, windows or clothes drying areas.	Yes
	(4) Bin collection is proposed from Beane Street and bins will be moved to the street from the bin storage room by a building manager or caretaker. Waste collection is discussed further at <b>Section 6.5</b> .	Yes
8.7 Noise and vibration	(1)(2)(3) the site is not located in vicinity of uses which create offensive noises and the proposal is for residential development consistent with the nature of surrounding land uses.	Yes

## Chapter 9: Residential development controls

9.1 Housing choice and mix	(2) (3) the application provides for 21 x one bedroom and 20 x two bedroom apartments to cater for the demand for affordable housing for LAHC clients in the Gosford area. The variation to the housing mix requirements is discussed at <b>Section 6.6</b> .	Considered acceptable – see <b>Section 6.6</b>
	(4) 17% of apartments (7 units) are adaptable.	Yes
	(5) Four adaptable apartments are located on the ground floor and lift access is provided to the entire building (including the basement level) to allow access for people with disabilities.	Yes
	(6) An Access Report has been submitted which confirms the application is capable of complying with requirements of AS 4299-1995).	Yes
	(7) The Access Report confirms accessible parking spaces are capable of compliance with AS 2890.6-2009.	Yes
9.2 Storage	Storage requirements of the ADG is addressed in Table 4	Refer to Table 4

## Chapter 10: Controls for Special Areas

10.1 Heritage items	<p>The site is located in vicinity of two items of local heritage significance, being a Mitre 10 store (Item 43) and the steps of a former private hospital (Item 320). These items are located approximately 130m west of the site.</p> <p>As discussed in <b>Table 1</b>, the Department does not consider the proposal will adversely impact the heritage significance of the heritage item.</p>	Refer to Table 1
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Having regard to the assessment detailed in Section 6 of this report, it is considered that the application displays an acceptable level of consistency with the objectives and controls of the GDCP.

## Appendix D – Recommended Instrument of Consent

See attached.

## Appendix E – Community Views for Draft Notice of Decision

See attached.