



21 February 2022

Director – Regional Assessments
Department of Planning and Environment
Locked Bag 5022
Parramatta, NSW 2124

cc: Tahlia Sexton tahlia.sexton@dpie.nsw.gov.au

Andrew Watson <Andrew.Watson@planning.nsw.gov.au>

Dear Sir/Madam,

Proposal: **Proposed Mixed Use Development comprising; retail, hotel accommodation and Shop-top housing.**
Property: **Lot 1 DP 1194024; No. 10 Young Street West Gosford**
Application No: **10609**

I refer to your email of 13 January 2022 and provide the following comments on the exhibited development, noting the additional time sought and concurred via email with Andrew Watson dated 24 January 2023 in which to provide comment of the development until 20 February 2023.

Planning

1. A detailed site plan is required showing existing and finished surface levels, existing structures, easements and adjoining development.
2. Shadow diagrams are to be provided. Shadow impact on southern side shall be 1 hourly in winter time between 9.00am and 3.00pm.
3. A detailed Landscape Plan is required to be submitted with the DA.
4. Visual impact/view loss assessment to be provided from street and surrounding properties.
5. Address relevant planning controls, including SEPP (Precincts-Regional) 2021, Gosford City Development Control Plan 2018, SEPP65/ADG. SEPP (Resilience and Hazards) 2021, SEPP (Transport and Infrastructure) 2021.
6. DA to be compatible for inclusion in Council's 3D model for the Gosford City Centre.



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7. Plant/Services on roof need to be disguised by an architectural roof feature.
8. Acoustic report to address likely road traffic noise and noise from Gosford Racecourse / Entertainment Grounds.
9. Proposed development should address likely future development potential on adjoining lots to ensure the proposed development does not significantly reduce the development potential.

Waste Services

1. Bin room dimensions on level 5 are insufficient due to lift overrun (plans).
2. Need to include reference to DWMC being applicable to residential units and clearly demonstrate the physical/operational separation of domestic waste from hotel and commercial (Plan of Management).
3. Although the plan states commercial operators –it must be noted and understood that residential units will still be required to pay individual DWMC, subject to rates confirmation (Plan of Management).
4. Volumes of waste should be representative of EPA volumes and not operator estimates (page 2 Plan of Management).
5. Distinct separation of domestic and commercial collections needs to be demonstrated (WMP).
6. Travel pathways for bins and trucks – including grades etc needs to be shown (Plans).
7. Page 56 of traffic impact assessment shows a different waste room set up to the architectural plans.
8. Page 86 in SEE references to waste in paragraph 1 do not align with details provided. It is stated the development will comply with all standards, guidelines and council requirements, yet little details are provided about standards, guidelines and council requirements within the WMP and Plan of Management.
9. APP. 26 signage details contains no references to any waste avoidance or recycling signage to support the statements about signage in the WMP and Plan of Management.
10. No details about any potential bin room equipment for bin exchange/monitoring and chute system discharge to ensure separation of waste and recyclables. The Plan of Management states dual chute system but the plans indicate only a single chute and no identification of separate bins in plans.
11. Generally, the plans and intent proposed appear to have the basics of a workable system but, in addition to the above comments, WMP and SITE WASTE MINIMISATION AND

MANAGEMENT PLAN are very basic and do not contain sufficient information to allow an understanding of the methodology proposed, nor demonstrate that waste management will be in accordance with 'all standards, guidelines and council requirements' as stated.

Architecture

Context and Neighbourhood Character

The site is located within the Enterprise Corridor section of the DCP. It is bounded by a car sales yard and a vacant lot to the south, a carpark to the east and industrial buildings to the north.

A hotel and residential development are supported in principle, but the development has major non-compliances with the DCP and the ADG. This results in poor urban design, poor amenity for occupants and will have detrimental impacts on the development potential of adjoining sites.

Built form and scale

It is acknowledged that narrow site proportions and the water table may be issues but these are site constraints the applicant was aware of. They are not a justification for non-compliance with controls and poor design.

The application has major non-compliance with height controls. The eastern section containing the residential units is 46m or 27% above the permitted 36m height. It is acknowledged that other sections are below the maximum height, but this is because they are required for a roadway or are too narrow to be make use of the height.

The western building is built to the northern boundary. This reduces the development potential on the adjoining site and necessitates any building separation and landscaping required to be provided entirely on the adjoining site.

The use of above ground parking further contributes to height non-compliance. The DCP Chapter 5.2.9 includes the following controls:

3. On-site parking is to be accommodated underground, or otherwise fully integrated into the design of the building as illustrated in Figures 10 and 11. Where integration is not achieved, car-parking areas will count towards gross floor area for the purposes of calculating Floor Space Ratio.

4. Any on site above ground parking should be 'sleeved' by a minimum 8m depth activation (commercial or residential use) facing any street as illustrated in Figure 11.

The application does provide some external screening to the carpark levels, but this is not considered an adequate response to the integration of above ground parking which continues to contribute to non-complying height and bulk and scale.

It is emphasised that the western section has a height control of 24m and proposes a height of 20m. This would permit one additional floor on the western section. This does not equate to three additional floors on the eastern section as is claimed in the claimed in the applicant's view analysis shown below.

As the applicant's own view analysis clearly illustrates, the proposed non-complying height has a significant detrimental impact on views to President's Hill and would create a precedent for further non-compliance that would obscure this iconic public landmark.



Figure 13. View from Central Coast Highway - Compliant FSR and Height (Source: RobertsDay, 2021)



Figure 14. View from Central Coast Highway - Proposed Design (Source: RobertsDay, 2021)

Density

Complies with numerical controls but the non-complying height and setbacks show that the application is an overdevelopment of the site.

Sustainability

BASIX certificate indicates the application complies with minimum statutory controls however the additional sustainability measures required by the independent panel to justify above ground parking have not been demonstrated.

Landscape

Deep soil zones and landscaping should be an integral part of the design. They should complement the existing natural features, provide outlook from units, provide screening to and from adjoining developments and contribute to the buildings setting. They should not be relegated to leftover or unbuildable area.

The ADG requires 7% of the site; or 323M² to be deep soil zone. The application proposes approximately 60m² deep soil or only 19% of the required minimum. This is all located in a largely inaccessible and unusable space at the end of the right of way.

While street trees are strongly supported, they must be an addition to, not a substitute for deep soil and landscaping onsite.

Amenity

Amenity is acceptable. Units are well planned with living areas opening to balconies and most units achieving complying solar access.

Safety

Units have windows and balconies overlooking the street and public areas to provide surveillance.

Aesthetics

The aesthetics are generally acceptable, and the architects have attempted to disguise the visual bulk and scale, non-complying height, and above ground parking by using deep recesses in the facades, curved corners, screening and stepping the façade, though it is considered that this is not an adequate response and cannot disguise the excessive height, inadequate deep soil and landscaping non-complying setbacks.

Recommendations

The application is not supported by Councils Architect. As the applicant's own view analysis clearly illustrates, the proposed non-complying height has a significant detrimental impact

on views to President's Hill and would create a precedent for further non-compliance that would obscure this iconic public landmark.

Despite this it is considered that the non-complying setbacks and above ground parking could be considered acceptable if the application was amended to comply with the height control.

Engineering

Road works

Road works are required in Racecourse Road including road pavement, kerb and gutter, footway formation, concrete footpath, and drainage. Road works are required in Young Street including road pavement, kerb & gutter, heavy duty vehicle access crossings, footway formation, concrete footpath, and drainage. The applicant would need to seek Council's approval under Section 138 of the Roads Act for works within the road reserve/s.

Access

There is an existing concrete access contained within a right of carriageway (vide 1194024) that provides access between Young Street and Racecourse Road. The development proposes to upgrade this access to include alterations to the width and alignment and also provide parallel car parking spaces, access provisions to the car show room, and landscaping. The access must be designed to comply with AS2890. Although this access is indicated on the plans as a "new road", this access must remain in private ownership. Adjustments to the configuration of the right of carriageway on title of the affected properties will be required to correlate to the new construction of this access.

There is a right of carriageway (vide 9134368) within the northern part of Lot 1 DP 1194024 (No 10 Young Street) that is proposed to be upgraded as the services lane. The road surface levels of this upgrade must ensure suitable vehicular access provisions into the existing industrial units on the neighbouring property (No 12 Young Street), and ensure that drainage patterns in this service road are suitably drained and not cause nuisance to the neighbouring properties. Details should be submitted to address this.

The development will need to comply with AS2890. Non-compliances noted that need to be amended include: The inner curve on the bottom of the ramp for egressing vehicles onto the private services lane on the northern side of the development does not comply with the minimum 4m radius requirement. Furthermore, the parallel configuration of this ramp to this private services lane and building design would restrict sight distance to vehicles using the services lane which would cause safety concerns. This needs to be rectified in the design as part of the DA assessment.

Waste

The application proposes 58 residential units over levels 5-12 for which it is assumed could be strata titled off into private ownership in the future under a separate application.

The 'Plan of Management' and 'Site Waste Minimisation and Management Plan' for the proposal indicate that garbage collection for both the residential and non-residential uses are to be undertaken via rear loading truck up to a length of 11m. Council requires all residential developments to be designed to be serviced by a vehicle representative of the AS2890.2:2018 12.5m Heavy Rigid Vehicle (HRV), and not via a private contractor arrangement. Therefore, the development is to be designed to be serviced by vehicles up to the 12.5m HRV and other geometric requirements. Vehicular swept turning paths (including unobstructed clearances around the vehicle) are also to be provided to verify the AS2890.2:2018 12.5m HRV can enter and exit the site in a forward direction via the proposed service bay, including the entry and exit swept turn paths from and to Young Street.

It is also envisaged that the location of the columns and car spaces 2 and 3 adjoining the loading dock access of the services land would obstruct the swept turning path of the waste vehicle entering and exiting the loading dock. The swept turning paths within Varga section of the Seca Solutions Traffic Impact Statement (Appendix 21) appears to rely on an 11m truck and a slightly modified building design to that now proposed and would not comply with Council's requirements for residential waste servicing. This design needs to be rectified as part of the DA assessment.

Traffic

The Department of Planning will need to refer this proposal to Transport for NSW. A response for Transport for NSW does not appear to be included in any Agency Advice associated with 'Original DA submissions'.

Flooding

Council's records indicate the site is affected by flooding. The Flood Impact Assessment (Appendix 18) indicates the Flood Impact arising from this development for the 10% AEP, 1% AEP and PMF events is greater than 10mm on adjoining properties in several areas and is not supported by Council. It is generally accepted in Australia that the maximum flood impact from a residential or commercial development should be no more than 10mm outside of the property during the 1%AEP event. The impact must be reduced to maximum rise of 10mm.

The Applicant is required to show the downstream drainage impacts at Central Coast Highway which would result from stormwater being directed to the already overloaded drainage system in this catchment.

The Applicant proposes to set the minimum floor level of the showroom at the 1%AEP flood level. This floor level does not include a freeboard (500mm). The Applicant proposes to install a flood barrier to protect the building from flooding up to the Flood Planning Level (FPL). The location of the showroom is in a H3 zone with deep floodwater on the site and surrounds. For this reason, the showroom is recommended to be raised to the 1%AEP flood level plus 500mm. Flood barriers would not be supported at this location. Council generally does not support flood barriers for new developments.

The Applicant is required to submit a Flood Emergency Plan with the development. The Flood Emergency Plan would include but not be limited to emergency planning, evacuation triggers, evacuation routes, signage, flood awareness, expected isolation times should early evacuation not occur. For the development to be supported the Flood Emergency Plan would be required to satisfy all relevant criteria outline in CCC LEP cl 5.21.

The Applicant is required to demonstrate that this proposal manages safety risk and will not result in a net safety risk increase compared to the existing site.

Drainage

The application indicates it is proposed to upgrade the stormwater drainage network in the vicinity of the site including a diversion of the existing underground pipes “extending from the south”, running beneath the proposed new road before connecting into Racecourse Road, and to upgrade the existing network in 1A Racecourse Road to a new 1200mm RCP as indicated in Figure 3 of the Flood Impact Assessment (Appendix 18).

Figure 3 appears to be based on the drainage network indicated Appendix A of the Concept Engineering Report which indicates the drainage through the site draining in a northerly direction to No 1A Racecourse Road. Council does not agree with this assumption as it varies significantly from Council's records which indicates that the drainage system in this area is associated with a drainage network and series of associated easements that legally discharge stormwater from the western end of Donnison Street West in a southerly direction through private properties including the subject site, across Central Coast Highway, and then into the drain in the vicinity of Adcock Avenue. (Therefore, the indicated proposed drainage network indicated with the application appears to drain stormwater uphill). Any variation to Council's records of the drainage system would need to be verified through full supporting documentation, full survey and CCTV pipeline video footage to be undertaken by the applicant and at the applicant expense.

The proposed stormwater management proposed in Figure 3 of the Flood Impact Assessment (Appendix 18) including diversion of stormwater infrastructure is diverting stormwater that would normally flow through the site as indicated above, to the drainage system in Racecourse Road via works within the neighbouring property (No 1A Racecourse Road). Hydraulically, the existing drainage system in Racecourse Road is problematic as verified by the applicant's engineer observing this system inundated with water during a number of inspections. Furthermore, the drainage system at the Central Coast Highway / Racecourse Road intersection frequently fails during storm events resulting in nuisance flooding of the intersection and sometimes closures of the Central Coast Highway and Racecourse Road at this location. Diverting stormwater flows as proposed would further exacerbate this problem.

TfNSW and Council are currently collaborating on a project to reduce the frequent road flooding at the intersection of Central Coast Highway and Racecourse Road. In this regard, a proposed diversion of more flows to this intersection is not supported. It is recommended the Department of Planning refer this application to Duncan Howley – Program Manager –

Resilience Hub, TfNSW for comment (Duncan Howley
Duncan.Howley@transport.nsw.gov.au).

The development is proposed over the existing Council stormwater pipelines and associated easement/s to drain water within the subject site. Council objects to the proposal to construct structures over & within the easement/s to drain water. Council's DCP: Section 3.1.4 – Building adjacent to drainage easement / stormwater pipes, does not permit building over Council's drainage systems or easements and outlines requirements when constructing in close proximity. The proposal is to comply with the DCP.

Any proposal to alter the existing drainage network including diversion of pipelines and stormwater flows must be supported by an hydraulic investigation of the impact on the receiving sub-catchment and areas downstream of the connection point (e.g. Central Coast Highway / Racecourse Road intersection) and consider the impact of secondary stormwater flows through the subject site and neighbouring properties. Secondary stormwater flows have been not addressed with the application.

Any proposed drainage augmentation must ensure that the piped flows, and the major flows (safe overland flow paths) are developed to be compliant with Council's Civil Works Specification, and must not exacerbate existing flooding in the area or result in adverse impacts to neighbouring or Council land (including TfNSW road corridors).

In relation to the proposed augmentation works within No 1A Racecourse Road, Council does not have an easement to drain water over the pipeline that connects through this site directly to Racecourse Road (nor a record of the construction of the existing pipeline to be augmented). The application does not appear to include documentary evidence from the owner of No 1A Racecourse Road granting their concurrence/consent to works within their property and the creation of associated easements to drain water within their property that in effect would also limit future development potential in their site in those areas.

Any proposed works relating to works on Council's stormwater drainage system or works to be handed over to Council's care and control, must be approved by Council under Section 68 of the Local Government Act.

Any proposal to create and or relinquish easements to drain water that benefit Council must be endorsed by Council. The proposal in its current form does not provide adequate supporting information to support such changes to Council's drainage network.

Re-Subdivision

It is noted that the proposed plan of subdivision (Appendix 4 of the SEE) associated with the re-subdivision of the common boundary between Lot 1 DP 119402 (No 10 Young Street) and Lot 201 DP 1201057 (No 61 Central Coast Highway) does not include any proposed alterations to easements associated with changes to existing drainage, water, or sewer infrastructure which would require the concurrence of Council as asset owner (such concurrence is not provided with this response), nor changes to the right of access (J) to accommodate changes to the internal private "new road".

The re-subdivision of the common boundary between Lot 1 DP 119402 (No 10 Young Street) and Lot 201 DP 1201057 (No 61 Central Coast Highway) and any changes to easements will require the applicant to submit and have approved, an application for a Subdivision Certificate to Council. The Subdivision Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*

Sewer

The existing water and sewer infrastructures do not have the capacity for the proposed development.

Council is currently undertaking a water and sewer upgrade under Housing Acceleration Funding (HAF) in the vicinity of the proposed development area. A new gravity sewer main will be constructed by Council along Racecourse Road, the proposed New Street and traverse through No 61 Central Coast Highway to the south of Central Coast Highway which will connect into the new Council sewer system. Council will also deliver a new water main along Racecourse Road and connect the existing dead end water main along Young Street to the new water main along Racecourse Road. Council's project manager (Johnson Zhang, Section Manager Assets and Planning, 02 4350 5766 or johnson.zhang@centralcoast.nsw.gov.au) would like to discuss further detail design with the proponent to suit the proposed development.

Any proposed structures over the existing Council vacuum sewer line will not be supported by Council. Proposed diversions of the vacuum sewer mains must be approved by Council as the Water Authority. Water and Sewer Developer Charges will be applicable to the proposed development. A S305 application under the *Water Management Act* will be required prior to commencement of work on site and a S307 Certificate will be required prior to issue of Occupation Certificate.

Conclusion

The proposed development should be redesigned to address the concerns raised in this correspondence. This may require a reduction in the height and scale of the proposed development to better address the constraints of the site and reduce the impact on the locality and adjoining properties. Should you have any questions please contact Council's Principal Development Planner, Ross Edwards on 0437 628 027 or via email ross.edwards@centralcoast.nsw.gov.au

Yours sincerely,



Antonia Stuart

Section Manager

DEVELOPMENT ADVISORY SERVICES