



Matthew Wales
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Dear Mr Wales,

**Pre-Development Application Advice
53-55 Donnison Street West, Gosford (Lots A & B in DP312912)**

I refer to your pre-development application (Pre-DA) meeting held on Tuesday 28th April 2020 in relation to a seven-storey residential flat building at the above site. Further to the advice provided to you during the meeting, I provide this written advice for your records.

This advice is based on the proposed development, as described by you, in:

- Pre-DA Advice Request Form
- Pre-DA briefing prepared by Wales & Associates dated 18 March 2020
- Architectural presentation prepared by ELK designs dated 17 March 2020

The Department recommends the proposal be refined to address the key issues raised during the pre-DA meeting and in the advice below. Please note that this advice is preliminary in nature and that no detailed assessment of the site or proposed development has been undertaken. Should the development or any relevant planning policy change in any way prior to the lodgement of a development application (DA) then this advice may no longer be fully accurate or complete.

In preparing this advice, the Department has consulted Central Coast Council and a copy of that advice is enclosed for your information.

Following lodgement of the DA and a detailed assessment, additional issues may arise that are not detailed in this letter and may require the proposed development to be modified or additional information provided. The determining authority may also determine that the proposed development cannot be supported on the site.

Proposed development

The proposed development includes the following:

- construction of a seven-storey residential flat building, comprising 32 units
- associated onsite carparking and site works, including site preparation, earthworks, drainage, services and landscaping.

Zoning and Permissibility

The site is zoned R1 General Residential pursuant to State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford SEPP). The objectives of zone R1 are:

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

The proposed development is defined as a “residential flat building”, which is permitted with consent in the zone. Any site remediation of contaminated land (if required) is permitted with consent pursuant to Clause 8 of State Environmental Planning Policy No. 55 – Remediation of Land. Any demolition of a building or work (if required) may be carried out but only with development consent pursuant to clause 2.7 of the Gosford SEPP.

Capital Investment Value

Any DA lodged with the Department must clearly state the capital investment value (CIV) of the proposed development. Based on the pre-DA meeting, the development is anticipated to have a capital investment value (CIV) in excess of \$10,000,000.

Any future DA must be accompanied by a report from a qualified quantity surveyor providing a detailed calculation of the CIV of the proposal, including details of all assumptions and components from which the CIV calculation is derived. The report shall be prepared on company letterhead and indicate the applicable GST component of the CIV, an estimate of jobs that will be created during the construction and operational phases of the proposed development and certification that the information provided is accurate at the date of preparation. Please refer to the Department’s planning circular PS 10-008 which describes what items must be included and excluded when calculating the CIV for development.

Consent Authority

Based on the estimated CIV, clause 1.6 of the Gosford SEPP prescribes that the Minister for Planning is the consent authority for the development.

Statement of Environmental Effects

The Regulation requires all DAs, except for designated development, include a Statement of Environmental Effects (SEE).

A SEE must be submitted with the DA that fully describes the proposed development and includes an assessment of the potential environmental impacts associated with the development, how these impacts have been identified and how you will minimise these impacts. The DA and SEE must be prepared in accordance with, and meet the minimum requirements of, Schedule 1 of the Regulation. The SEE must provide an assessment against all relevant environmental planning

instruments, development control plans and plans applicable to the site and development. Where relevant, the SEE should also include adequate baseline data and consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed).

Any future DA and SEE should consider and address the planning advice and key issues listed below. The SEE must also address the relevant matters for consideration in accordance with section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

Planning Advice

The Department has provided planning advice below for your consideration, organised by key issue. Feedback on any specific request for advice is provided under the relevant section.

Statutory and Strategic Provisions

- Provide an assessment against relevant provisions, including (but not be limited to) those outlined in **Attachment A**.
- Demonstrate that the site is suitable for the proposed development.
- Detail the nature and extent of any prohibitions that apply to the development.
- Provide details of the proposed use and particulars for development.
- Identify compliance with the development standards and controls applying to the site and provide a detailed justification for any non-compliances.
- Provide a Clause 4.6 application for any non-compliance with applicable development standards in the Gosford SEPP (i.e. a written application that compliance with that development standard is unreasonable or unnecessary).

Design Excellence

- A Design Excellence Statement (DES) should be provided that demonstrates how the proposal exhibits design excellence in accordance with Clause 8.3 of the Gosford SEPP and contributes to the natural, cultural, visual and built character values of Gosford City Centre.

Built Form and Urban Design

- The SEE should demonstrate how the proposal is informed by the planning framework, including the Gosford SEPP and the Gosford Development Control Plan 2018 (Gosford DCP).
- The SEE must address the height, bulk and scale of the proposed development, including consideration of the building layout, separation, massing, setbacks and the size of the proposed floor plates.
- The maximum height of buildings (HOB) applying to the land is 18m. The development proposes a 21.7m building height, seeking a 20.6% variation to the development standard.
- The mapped floor space ratio (FSR) applying to the site is 2:1. However, based on the zone, street frontage and site area, clause 8.13(2)(a)(ii) of Gosford SEPP stipulates the FSR for the site is 1.5:1. The development proposes a 2.73:1 FSR, seeking an 82% variation to the development standard. The proposed bulk and scale of the development would be unlikely to be supported in its current form.
- Setbacks (including front, rear and side setbacks) should comply with Chapter 5 of the Gosford DCP. Street setback controls help to create great streetscapes and provide a good pedestrian environment. The controls ensure buildings have a consistent alignment and

provide space for planting and footpaths. These setbacks should be deep soil and contain no parking structures.

- The Gosford DCP requires a 3-4m ground level front setback with a 6-12m maximum street wall height. Above street wall an additional 3m setback is required. The Gosford DCP also requires a 3m side setback at ground level with an additional 4.5m setback above the street wall. A minimum 6m rear setback is required, together with building separation and visual privacy requirements under SEPP65 and the Apartment Design Guide.
- The proposed basement extends from the northern to southern boundary effectively reducing the potential for deep soil zones onsite, including the Donnison Street West frontage.
- The development proposes a 2.4m ground level setback at the Donnison Street West frontage and a 2.3m ground level setback at the Batley Street frontage, which reduces the potential for quality street landscaping and significant street trees.
- The Gosford DCP requires a minimum 1.5m side setback to driveways where proposed adjacent to residential development to minimise the impact of vehicle access points on residential amenity and the public domain.
- The proposed development is over the 50% site coverage control of the Gosford DCP, which reduces soft landscaping, deep soil and the amenity for future residents.
- The proposed communal open space area appears to offer limited amenity and may result in privacy impacts to residents. Investigate options to improve the quantity and/or quality of the communal open space and landscaped areas onsite for future residents.
- The Batley Street frontage is predominantly occupied by blank walls and carpark ventilation louvres, and provides little (if any) building articulation.
- All building facades should be well articulated. Blank walls with minimal articulation facing any boundary will not be supported. In addition, any above-ground parking and services should be fully integrated into the design of the development to minimise their visual impact to the street.
- The DA must provide justification as to how the proposed unit mix has been arrived at.
- Elevations should be provided which include the adjoining properties to demonstrate how the scale of the proposed development will relate to its (current and future) surroundings.

Public Domain/Landscaping

- Outline the scope of public domain improvements, pedestrian linkages, street activation, and landscaping to be provided as a part of the proposal and investigate options to improve the pedestrian connections to adjacent sites and streets.
- Detailed landscaping plans must be submitted with the DA. Plans must include a planting schedule, planting locations, deep soil zones, pot sizes, densities and measures to ensure the retention of existing trees.
- An Arborist report will be required to support the removal of any trees.
- The planting of established trees should be considered for the Donnison Street West and Batley Street frontages to help soften the bulk and scale of the development.
- The basement layout should be adjusted to ensure that it is not located within the 3x3m corner splay dedication area.

Visual Impacts

- Prepare a comprehensive Visual and View Impact Assessment in support of the proposal.

Environmental and Residential Amenity

- Assess the potential impacts of overshadowing and solar access, acoustic impacts, visual privacy, view loss, lighting and wind impacts. A high level of environmental amenity must be demonstrated.
- Provide A3 sized shadow diagrams that show the expected shadows cast by the proposal at hourly intervals between 9am and 3pm (inclusive) on the 21 June (Mid-Winter Solstice) and at 9.00am, 12.00pm and 3.00pm on 21 December (Summer Solstice).
- While the Department has not undertaken a detailed assessment of the proposal against the ADG at this preliminary stage, the proposal appears to have several non-compliances with the ADG, including communal open space and deep soil.
- The proposed development must achieve compliance with the numerical requirements of the ADG. The SEE must contain a detailed compliance table that clearly sets out how SEPP 65 and the ADG (design objectives, criteria and design guidance) have been addressed.
- The DA must be accompanied by a design verification statement from a registered architect as defined in SEPP 65 that addresses those matters required to be verified by SEPP 65.

Transport and Accessibility (Construction and Operation)

- Submit a traffic report prepared in accordance with relevant guidelines. The report must assess the traffic impacts of the development on the surrounding local and classified road network using SIDRA or similar traffic model and specify any road upgrade works (local and classified) required to maintain acceptable levels of service. It should also assess the adequacy of public transport, pedestrian and bicycle provisions to meet the likely future demand of the proposed development and demonstrate that sufficient on-site car parking, loading/unloading, pedestrian and cycling facilities (including bicycle parking and end-of-trip facilities) would be provided for the development.
- Prepare a preliminary Construction Traffic Management Plan for the proposal and outline how construction traffic, public transport, bicycle and pedestrian impacts, and parking impacts would be appropriately managed and mitigated.

Bushfire

- Part of the site is mapped as bush fire prone land (Vegetation Buffer). The DA must be accompanied by a Bushfire Assessment Report that demonstrates compliance with the RFS publication Planning for Bush Fire Protection 2019.

Building sustainability and environmental performance

- Demonstrate how the proposal promotes energy efficiency and how the proposal meets the Water Sensitive Urban Design principles and incorporates those practices.
- A valid BASIX Certificate for the proposed development must be submitted with the DA.

Heritage

- Assess any impacts on State and local heritage items, including conservation areas, natural heritage areas, relics, gardens, landscapes, views and trees and recommend mitigation and management measures where required.
- Prepare an aboriginal archaeology report in accordance with the relevant Office of Environment and Heritage (OEH) guidelines (if required).

Social & Economic Impacts

- The SEE must include an assessment of the social and economic impacts of the development, including consideration of any increase in demand for community infrastructure and services.

Public Benefit and Contributions

- Outline the contributions and proposed public benefits to be delivered as part of the proposal including details of any Voluntary Planning Agreement.

Construction Noise and Vibration

- Prepare a noise and vibration assessment in accordance with the relevant EPA guidelines. This assessment must detail construction and operational noise impacts on nearby sensitive receivers and outline the proposed management and mitigation measures that would be implemented.

Biodiversity and Coastal Management

- Assess any biodiversity impacts associated with the proposal.
- Address coastal management issues and State Environmental Planning Policy (Coastal Management) 2018.

Soil and Water

- The DA should include geotechnical assessment, Acid Sulfate Soils assessment and groundwater assessment.

Utilities

- Assess the capacity of existing services and utilities and identify any upgrades required to facilitate the development.
- Assess the impacts of the proposal on existing utility infrastructure and service provider assets and describe how any potential impacts would be managed.
- Chapter 5 of the Gosford DCP provides details for substation locations, which must be provided wholly within the subject site, either internal to the development or suitably located and integrated within the architectural or landscaping design.

Drainage, Water and Sewer

- Prepare a Water Cycle Management Plan Strategy demonstrating how stormwater would be appropriately managed in accordance with Council's requirements.
- Consider the engineering, water and sewer comments in Central Coast Council's Pre-DA Advice dated 21 April 2020.

Easements, restrictions, staging and site suitability

- Provide details of all existing easements, restrictions or positive covenants applying to the land.
- Provide details on present and previous land uses on site and adjoining land, and determine whether the present or any previous use is a potentially contaminating activity.
- Demonstrate that the site is suitable for the proposed development, in accordance with the requirements of SEPP 55.
- Having regard to the Department's guideline on Safeguarding Strategically Important Helicopter Landing Sites in NSW, the Department requires an Aviation Impact Statement to

assess the potential aviation impacts of the proposal (during construction and operation) including helicopter flight paths servicing Gosford Hospital.

Development Contributions

The following development contribution levies apply to development in Gosford City Centre:

- 2% Special Infrastructure Contribution (SIC), in accordance with Gosford City Centre SIC Ministerial Direction, Ministerial Determination and Order; and
- 1% local contribution, in accordance with Central Coast Council's 7.12 (former S94A) Contributions Plan Centre (Civic Improvement Plan 2007) for Gosford City Centre.

Pre-DA Consultation

The Department has consulted with Central Coast Council on the proposal. A copy of Council's advice dated 21 April 2020 is provided at **Attachment B** for your information.

Prior to lodging the DA, it is strongly recommended that you consult with relevant public authorities to ensure that their requirements are fully understood and addressed. The SEE should describe where the proposal has been designed or amended in response to comments provided.

DA Lodgement

Any future DA should be lodged to the attention of the Director - Regional Assessments and addressed to centralcoast@planning.nsw.gov.au

A copy of the 'DA form' and 'DA supplement: a guide to filling in your application' is provided at **Attachment C**. The applicant must submit at least 1x soft copy of the DA for assessment purposes. Please contact the Department at least 2 weeks prior to lodgement to confirm the number of hard copies required (if any) for exhibition.

Development Classification

A preliminary review of the site and proposed development has identified that:

- The proposal is local development, as it does not meet the requirements of regionally significant or State significant development.
- The proposal may be referred to the NSW Rural Fire Service for advice under the *Rural Fires Act 1997*.
- The proposal will be referred to Central Coast Council and Transport for NSW for advice and may require approval under section 138 of the *Roads Act 1993*.

The applicant must determine whether the proposed development is also integrated development, requiring a specified permit or other types of approvals pursuant to Section 4.46 of the EP&A Act. In making this determination, the applicant should complete the integrated development questionnaire in the 'DA supplement: a guide to filling in your application' (refer **Attachment C**).

The DA will be notified and/or publicly exhibited in accordance with the Gosford DCP or other legislative requirements.

Documents to be submitted with the DA

The DA and SEE must include all relevant documentation required under Schedule 1 of the Regulation and address the Planning Advice provided above. To assist the Department in assessing the impacts of your proposal, you may need to attach one or more environmental

reports to your application. The DA should include any material aforementioned above, as well as documents listed in **Attachments A and D** and a 3D digital model of the proposal satisfying the requirements listed in **Attachment E**. Failure to submit the above information will result in the Department rejecting the DA.

DA Fees

The DA must be accompanied by the application fees specified in the *Environmental Planning and Assessment Regulation 2000*. All DA fees must be calculated and submitted in accordance with the Department of Planning and Environment's planning circular PS 13-002. The circular requires that a cost estimate of the proposed development be submitted with the DA along with the methodology used to calculate it. A detailed cost report must be prepared by a registered quantity surveyor and submitted with the DA.

Other Information

Please note that following receipt and detailed assessment of the DA, additional issues may arise that are not detailed in this letter and may require the proposed development be modified and/or additional information provided. The determining authority may also determine that the proposed development cannot be supported. You will be advised of this as soon as possible following the lodgement of the DA.

Conclusion

The proposal would unlikely be supported in its current form. It is recommended that the applicant consider the pre-DA advice and address the issues raised through further design refinement. Should the proposal still seek to vary applicable development standards, a clause 4.6 objection will be required.

For further enquiries, please contact Louise Starkey on (02) 4345 4410 or Louise.Starkey@planning.nsw.gov.au

Yours sincerely



Silvio Falato

12/05/2020

Team Leader

Regional Assessments

Enclosed:

Attachment A: Policies, Plans Guidelines and DA Documents

Attachment B: Central Coast Council advice

Attachment C: DA form and DA supplement

Attachment D: DA Lodgement Checklist Residential Flat Buildings

Attachment E: 3D model submission requirements

ATTACHMENT A

Policies, Plans, Guidelines and DA Documents

The following guidelines may assist in the preparation of the DA and SEE. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

<http://www.legislation.nsw.gov.au>

<http://www.shop.nsw.gov.au/index.jsp>

<http://www.australia.gov.au/publications>

<https://www.centralcoast.nsw.gov.au/council/news-and-publications/policies-and-codes>

Policies, Plans and Guidelines	
Statutory policies and plans	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979 • Biodiversity Conservation Act 2016 • NSW Rural Fires Act 1979 • State Environmental Planning Policy (Gosford City Centre) 2018 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy (Coastal Management) 2018 • State Environmental Planning Policy No.55 – Remediation of Land • State Environmental Planning Policy No 64 - Advertising and Signage • State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development & accompanying Apartment Design Guide • Draft State Environmental Planning Policy (Environment) • Central Coast Council's 7.12 (former S94A) Contributions Plan Centre (Civic Improvement Plan 2007) for Gosford City Centre • Gosford City Centre Special Infrastructure Contribution (Ministerial Direction, Ministerial Determination and Order).
Strategic plans	<ul style="list-style-type: none"> • Future Transport Strategy 2056 and supporting plans • State Infrastructure Strategy 2018-2038 • Central Coast Regional Plan 2036 • NSW Government Architect's Gosford Urban Design Framework 2018 • Gosford City Centre Transport Management and Accessibility Plan
Guidelines and policies	<ul style="list-style-type: none"> • Gosford City Centre Development Control Plan 2018 • City of Gosford Design Advisory Panel (CoGDAP) Guide for Proponents and Stakeholders (DPE, 2018) • Gosford City Centre Streetscape Design Guidelines (Oculus for Gosford City Council, 2011) • Central Coast Council's 3D Model Submission Requirements (rev3) • Central Coast Council's Civil Works Specifications • Central Coast Council's Gosford City Centre Developer Services Plan (DSP) • Central Coast Council's Gosford City Centre Water Servicing Strategy (Aug 2017) • Central Coast Council's Gosford City Centre Sewer Servicing Strategy (Mar 2017) • Central Coast Council's Gosford CBD Overland Flood Study • Central Coast Council's Voluntary Planning Agreements Policy for Gosford City Centre (adopted July 2017) • Central Coast Council's Draft Greener Places Strategy • Central Coast Council's Draft Biodiversity Strategy • Central Coast Council's Gosford Bike Strategy 2014 • NSW Planning guidelines for walking and cycling (DIPNR & RTA, 2004) • Planning for Bushfire Protection 2019 • Guide to Traffic Generating Developments (RMS, 2002), including Section 2 Traffic Impact Studies

	<ul style="list-style-type: none"> • Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development (Austroads, 2016) • Standards Australian AS2890 Parking Facilities Set • Cycling Aspects of Austroads Guides (2017) • Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land (DUAP) • Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011) • Statement of Heritage Impact Guide (OEH) • Design in context: Guidelines for infill development in the Historic Environment (NSW Heritage Office, 2005) • Managing Urban Stormwater – Soils & Construction Volume 1 (Landcom, 2004) • NSW Aquifer Interference Policy (2012) • Guidelines for Controlled Activities on Waterfront Land (2018) • Central Coast Council's Water Cycle Management Guidelines • Central Coast Council's Waste Control Guidelines • Interim Construction Noise Guideline (DECC, 2009) • Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA, 2005) • Better Placed: An integrated design policy for the built environment of New South Wales (GANSW, 2017) • Healthy Urban Development Checklist (NSW Health, 2009)
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The following Documents are to be submitted with any DA:

DA Documents
<ul style="list-style-type: none"> • Completed DA form • All of the information listed in Schedule 1, Part 1, Clause 2(5) of the Regulation. • All relevant documents contained within the DA lodgement checklist (refer Attachment D and a completed copy of the checklist). • Architectural Plans (A3) including landscape and public domain plans, detailed overshadowing diagrams, materials/colours schedule and cross ventilation diagrams • Storm water and drainage concept plans (A3) • 3D digital model (refer submission requirements in Attachment E) • Visual impact assessment • Compliance tables for all relevant development standards and planning controls • A table identifying the proposed land uses including a floor-by-floor breakdown of GFA, total GFA and site coverage • Water cycle management plan strategy • Contamination assessment • Access statement • Acoustic report • Bushfire assessment report • Erosion & sediment control plan • Design excellence statement • Aboriginal archaeology report (if applicable) • Flora and fauna report (if applicable) • Arborist report (if applicable) • Remediation action plan (if applicable) • Salinity assessment and management plan (if applicable) • Acid sulphate soil assessment (if applicable)