

# **Attachment F – Summary of Responses**

(RFI dated 12 May 2022)

Item no:	Regional Assessments RFI dated 12 <sup>th</sup> May 2022	Applicant and/or Design Response																																		
Subdivision																																				
1	Provide indicative future development site plan for Proposed Lot 2 (not for approval) to demonstrate the adequacy of the proposed subdivision, including demonstration that a development footprint, communal open space, access and parking can be accommodated.	<p>Refer to <b>Lot 2 Feasibility Study</b> in <b>Attachment G</b>. <i>Plan ref. GR/20033_DA_9200 to 9204 Issue A.</i></p> <p>The proposed Lot 2 is 6,256.9sqm in area. The design study indicates the potential for two (2) hypothetical buildings, Building A and Building B. Both hypothetical buildings comprise 5 levels while in compliance with the 15m height limit. In full compliance with the ADG setback criteria, the hypothetical design could yield 95 units with an FSR of 1.67 (FSR Max is 2:1) with compliant parking and communal open space provisions. The following table serves to illustrate that proposed Lot 2 will readily accommodate an efficient, orderly and economic use of the land.</p> <table><tr><td>site area (m²)</td><td>6256.93</td><td></td><td>total units</td><td>95</td><td></td></tr><tr><td>proposed FSR</td><td>1.67</td><td>1</td><td>communal open space required (m²)</td><td></td><td>1564.23</td></tr><tr><td>allowable FSR</td><td>2</td><td>1</td><td>COS building provided (m²)</td><td></td><td>2111.48</td></tr><tr><td>proposed height (m)</td><td></td><td>15</td><td>COS 2hr solar access required (m2)</td><td></td><td>1055.74</td></tr><tr><td>allowable height (m)</td><td></td><td>15</td><td>COS 2hr solar access provided (m²)</td><td></td><td>1329.01</td></tr></table>					site area (m²)	6256.93		total units	95		proposed FSR	1.67	1	communal open space required (m²)		1564.23	allowable FSR	2	1	COS building provided (m²)		2111.48	proposed height (m)		15	COS 2hr solar access required (m2)		1055.74	allowable height (m)		15	COS 2hr solar access provided (m²)		1329.01
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Site isolation																																				
2	Provide an assessment that considers the general principles for redevelopment and the isolation of sites by redevelopment of adjacent site(s) in accordance with Karavellas v Sutherland Shire Council[2004] NSWLEC 251 at 17-19, specifically addressing the proposal’s impact on Lot 7 of DP 218157.	<p>Refer to <b>Lot 7 Feasibility Study</b> in <b>Attachment H</b>. <i>Plan ref. GR/20033_DA_9207 Issue A.</i></p> <p>A general principle for redevelopment and the isolation of sites is to ensure that land, as a consequence of development on adjoining land, is able to be redeveloped in an efficient and coordinated manner.</p> <p>Lot 7 is 352.48sqm in area. The design study indicates the potential for a hypothetical four (4) Level mixed use building with a commercial space on the ground floor, and three (3) x 3-bed residential units above. The hypothetical building can comply with the 15m height limit and relevant building setbacks. The hypothetical building would have an FSR of 1.29:1 while remaining compliant with parking and communal open space requirements.</p> <p>The following table serves to illustrate that the proposed development will not isolate Lot 7, as design testing confirms that Lot 7 is able to readily accommodate an efficient, orderly and economic use of the land in compliance with relevant development standards.</p> <table><tr><td>site area (m²)</td><td>352.48</td><td></td><td>total units</td><td>3</td><td></td></tr><tr><td>proposed FSR</td><td>1.29</td><td>1</td><td>total adaptable units</td><td>0</td><td></td></tr><tr><td>allowable FSR</td><td>2</td><td>1</td><td>total universal units</td><td></td><td></td></tr><tr><td>proposed height (m)</td><td></td><td>15</td><td>COS provided</td><td>127</td><td></td></tr><tr><td>allowable height (m)</td><td></td><td>15</td><td>COS required</td><td>88.12</td><td></td></tr></table>					site area (m²)	352.48		total units	3		proposed FSR	1.29	1	total adaptable units	0		allowable FSR	2	1	total universal units			proposed height (m)		15	COS provided	127		allowable height (m)		15	COS required	88.12	
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		As noted in the DA Statement of Environmental Effects, it is understood that Lot 7 was in the same ownership as and when the recently developed building north of Lot 7 was under development assessment. The fact that Lot 7 was not amalgamated as part of the adjoining new development by the same owner suggests that the development assessment reached a similar conclusion that the development of the land to the north would not cause Lot 7 to be isolated.								
Solar Access and ADG Compliance										
3	Provide an assessment of the impact of the proposed seniors housing development on the future development of Lot 2, including demonstrating that future residential development on Lot 2 can adequately achieve solar access to units and communal open space.	Refer to <b>Lot 2 Feasibility and Solar Access Study</b> in <b>Attachment I. Plan ref. GRI20033_DA_9205 to 9206 Issue A.</b>  The study indicates that 73% of the units within a hypothetical multilevel building on proposed Lot 2 will achieve the minimum 3 hours of sunlight on June 21 as a consequence of the proposed development. This exceeds the minimum 70% requirement. Similarly, the study indicates that areas of communal open space within the hypothetical building on Lot 2 will exceed the area required to have a 2hr minimum of solar access.								
4	Update Solar Access table in Attachment B Architectural Plans Page 22 to correct Level 1 Unit 07 and Level 5 Unit 05 to correctly reflect non-compliance.	Refer to updated Page 22 of Architectural Plan in <b>Attachment D. Plan ref GRI20033_DA_9101 Issue D.</b>  Statement for level 5 is not correct. Level 1 unit 7 updated.								
5	Provide calculations to support compliance with the proposal's building envelope being 25-30% greater than the achievable floor area in accordance with ADG Objective 2B.	Refer to <b>Building Envelope Plan</b> in <b>Attachment J. Plan ref GRI20033_DA_9208 Issue A.</b>  The allowable FSR is 2:1 while the proposal has an FSR of 0.76:1 which is 62% lower than the allowable gross floor area.								
6	Provide further details of the proposed principal area of the communal open space and the amount of direct sunlight it will receive in accordance with ADG Objective 3D.	Refer to <b>Lot 1 COS Diagram</b> in <b>Attachment K.</b>  The amount of direct sunlight provided to the principle area of communal open space exceeds the 2hr minimum under ADG Objective 3D, as the following table in the Lot 1 COS Diagram plan demonstrates: <table><tr><td>Communal open space (m<sup>2</sup>) required (COS)</td><td>1510.25</td></tr><tr><td>Communal open space (m<sup>2</sup>) provided</td><td>1578.05</td></tr><tr><td>COS 2hr solar access required (m<sup>2</sup>) min 50% of COS</td><td>755.13</td></tr><tr><td>COS 2hr solar access provided (m<sup>2</sup>)</td><td>928.02</td></tr></table>	Communal open space (m <sup>2</sup> ) required (COS)	1510.25	Communal open space (m <sup>2</sup> ) provided	1578.05	COS 2hr solar access required (m <sup>2</sup> ) min 50% of COS	755.13	COS 2hr solar access provided (m <sup>2</sup> )	928.02
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7	Provide dimensions of each proposed balcony in accordance with ADG Objective 4E-1.	Refer to <b>Balcony Compliance</b> plan in <b>Attachment L</b> . <i>Plan ref GRI20033_DA_9210 Issue A.</i>  The balcony design exceeds the minimum area specified by ADG Objective 4E-1 in all instances.
<b>DCP Compliance</b>		
8	Address the requirement for bicycle and motorcycle parking for commercial spaces as per Gosford City Centre DCP 2018 Control 7.4.	<p>Gosford City Centre DCP 2018 Control 7.4 requires parking in accordance with Table 2, which for commercial floorspace, requires:</p> <ul style="list-style-type: none"> <li>• Motorbike parking at the rate of 1 space per 25 car spaces. According to SECA traffic engineers, there is a requirement for four (4) car parking spaces and given that there is an oversupply of parking on site for the office it is anticipated that a staff member riding can use one of these spaces if required; and</li> <li>• Bicycle parking at the area of 1 space per 200sqm gross floor area per employee. According to SECA traffic engineers, bicycle parking suitable for 2 bicycles would be appropriate.</li> </ul> <p>Two (2) Bicycle spaces are dedicated on the Ground Floor parking area – refer to <b>Ground Flood Plan</b> in <b>Attachment D</b>. <i>Plan ref GRI20033_DA_1100 Issue U.</i></p> <p>Dedicated parking for Motorcycles is not provided for the reason that staff riding can use one of the surplus car spaces. However, if the DPIE prefer an area to be line marked and dedicated to Motorcycles, then as per the DPIE email of 24 May 2022, ... <i>the Department can condition that this can be amended and provided prior to the issue of a Construction Certificate as part of the conditions of consent.</i></p>
<b>View sharing</b>		
9	Provide a View Sharing Analysis which identifies the impact of the redevelopment on the surrounding properties' views towards Brisbane Waters including properties to the east of the site.	Views from surrounding properties across and through the site toward Brisbane Waters are obscured by distance to the waterfront, within which are changes in topography, existing 2 storey developments, and trees or varying maturity. An assessment of the potential impacts and potential for view sharing is provided in <b>Attachment M</b> .

Item no:	Regional Assessments RFI dated 12 <sup>th</sup> May 2022	Applicant and/or Design Response
10	Provide an assessment that considers the acceptability of the impact of the proposed development on the views enjoyed by private properties in the vicinity of the development in accordance with <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140- external site at 25-29.	<p><b><u>Relevant tests in <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140 are below in italics:</u></b></p> <p><i>25 The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.</i></p> <p><i>26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</i></p> <p>As explained in the view analysis in Attachment M, it is likely that only 3+ storey buildings behind and in the vicinity of the site would be sufficiently elevated to access views toward Brisbane Water and of those, only a few (if any) would have their views across the BWL site. It is also likely, due to the distance of those buildings to the waterfront (the nearest is 280m from the waterfront) and the vegetation and development in between, that any water views will be obscured and therefore likely to be distant, partial water views. None of the partial views would include icons.</p> <p><i>27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</i></p> <p>The view analysis identified that the nearest (and possibly only) 3+ story building in the vicinity to have potential for views across the BWL site (and the proposed building in particular) has a view over their rear boundary. It appears that views (if any) are likely to be standing views.</p> <p><i>28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.</i></p>

		<p>The view loss assessment suggests that any loss of partial views toward Brisbane Water by the nearest 3 storey building as a consequence of the proposed BWL building would be at worst, minor, but most likely, negligible. That is as a consequence of the distant (280m+) and obscured nature of any potential view toward Brisbane Water from that dwelling, and the availability of wide view cone outside of the airspace of the proposed BWL building.</p> <p><i>29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.</i></p> <p>The view sharing assessment suggests that the potential loss of partial view toward Brisbane Water would only be likely to occur in 3+ storey buildings. It follows that any view loss affecting buildings in the vicinity could potentially occur as a consequence of any building on the site that is greater than 2 storeys (say 8m) and yet, the BWL site has a maximum building height of 15m. The potential for negligible to minor impact on partial views would therefore not be as a result of the proposal to exceed the building height standard.</p> <p>The 'worst case' view impact potentially caused by the proposed BWL building (as determined in <b>Attachment M</b>) is considered reasonable because:</p> <ul style="list-style-type: none"> <li>• the potential for even moderate impacts on views could equally occur as a result of a building in full compliance of all ADG, SEPP and DCP development controls, including the 15m height limit; and</li> <li>• the view sharing assessment (<b>Attachment M</b>) concludes that any impact on views would in the worst case, only be negligible to minor; and</li> <li>• the proposal delivers development of a kind that supports the objectives of the B4 mixed use zone in a location that is in close proximity</li> </ul>
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Item no:	Regional Assessments RFI dated 12 <sup>th</sup> May 2022	Applicant and/or Design Response
		<p>to public transport, community infrastructure, and active and passive recreation activities; and</p> <ul style="list-style-type: none"> <li>the BWL proposal meets an important and critical need for affordable and dignified social housing in a central and high amenity location, benefitting the broader community. In this regard, the potential for a negligible to minor impact on the views of an individual dwelling in the vicinity of the site in the context of providing 54 units of Legacy accommodation in this location is more than acceptable.</li> </ul>