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STATEMENT OF ENVIRONMENTAL EFFECTS (Amended)

Demolition of existing structures and construction of a residential flat building comprising 39 units, basement parking, and associated works

Lot 1 DP17128, Lot 25 & 24 Sec 3 DP 1591
182-186 Gertrude Street North Gosford

Prepared on behalf of Lindfield Group Pty Ltd

October 2023

This submission has been prepared by

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Director

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1. Introduction

This amended Statement of Environmental Effects has been prepared by Orbit Planning to support a development application for demolition of existing structures, removal of vegetation and construction of a residential flat building containing 39 apartments over 8 habitable floor levels, basement carparking with vehicle access from Gertrude Street and associated earthworks and landscaping at Lot 1 DP 17128 and Lots 24 & 25 Sec 3 DP 1591, 182-186 Gertrude Street North Gosford.

The proposal is illustrated in the plans and documents that accompanies the application as follows:

- Architectural plans (Rev C) prepared by Texco Design Pty Ltd
- Design Verification Statement prepared by Texco Design Pty Ltd
- Basix Certificate prepared by Australia Energy Efficiency Consulting
- Survey prepared by TIGO Surveys Pty Ltd
- Statement of Environmental Effects prepared by Orbit Planning
- Clause 5.28 Variation Request prepared by Orbit Planning
- Traffic Impact Assessment prepared by PDC Consultants
- Preliminary Geotechnical Investigation Report prepared by Stantec
- Preliminary Site Investigation prepared by Stantec
- Acoustic Impact Assessment prepared by PKA Acoustic Consulting
- Addendum to Acoustic Impact Assessment prepared by PKA Acoustic Consulting
- Arboricultural Impact Assessment prepared by Advanced Treescape Consulting
- Landscape Plan prepared by Conzept Landscape Architects
- Operational Waste Management Plan prepared by Elephants Foot Consulting
- Water Cycle Management Report prepared by JCO Consultants
- Sediment and Sediment Control Plan and Stormwater Concept Design prepared by JCO Consultants Pty Ltd
- BCA Compliance and Access Report prepared by Buildings Innovations Australia
- Crime Risk Assessment Report prepared by Planning Ingenuity
- Quantity Surveyors Report prepared by Property and Building Assessments
- Flood Impact Assessment prepared by JCO Consultants
- Aviation Impact Assessment prepared by AviPro
- Construction Traffic Management Plan prepared by Motion Traffic Engineers
- Construction Noise & Vibration Management Plan prepared by PKA Acoustic Consulting
- Australian Adaptable Housing Standard (AS4299-1995

1.1 The Proposed Development

Proposal:	Demolition of existing structures, removal of vegetation and construction of a residential flat buildings containing 39 apartments over 8 levels, basement carparking with vehicle access from Gertrude Street and associated earthworks and landscaping.
Site:	Lot 1 DP 17128 and Lots 24 & 25 Sec 3 DP 1591, 182-186 Gertrude Street North Gosford.
Environmental Assessment:	General Development, Part 4 of the Environmental Planning and Assessment (EP&A) Act 1979.
CIV:	**$11,414,292.12**
Consent Authority:	Minister for Planning

2. Site Analysis

2.1 Site Location and Description

The legal description of the subject site is Lot 1 DP 17128 and Lots 24 & 25 Sec 3 DP 1591, 182-186 Gertrude Street North Gosford. The site when consolidated has an area of 1808m^2 and is generally square in shape with a 45m frontage to Gertrude Street. The site is located on the western side of Gertrude Street and is surrounded by a mix of low density single residential dwellings to the east, south and west and a medium-density residential development to the north. The wider locality is characterised by a prominence of medium and high-density residential developments, with many single dwelling allotments being redeveloped to make way for the higher density residential residences, consistent with the high density zoning and height controls.

The site currently contains the following building improvements:

- Lot 1 Brick dwelling, metal garage and metal shed (**Photo 1**)
- Lot 25 Metal clad dwelling, timber deck and metal shed. (**Photo 2**)
- Lot 24 Brick dwelling and carport. (**Photo 3**)

The allotments have a range of soft landscaping, trees, hardstand areas and fences. Vegetation consists of grass, trees and shrubs located towards the rear of the site.

The site contains a 7.5 metre elevation drop from Gertrude Street in the east to the western rear boundary.

The development site is within the Gosford City Centre as identified under State Environmental Planning Policy (Precincts - Regional) 2022 (SEPP (Regional) 2021) and is located within close proximity to the Gosford CBD. The Gosford Railway Station is located a 10-minute walk from the site. The Gosford Hospital, Gosford Showground, Gosford Golf Club, Gosford Private Hospital and numerous businesses, commercial premises and educational establishments are within the surrounding locality.

The location of the subject site is shown in **Figure 1.**

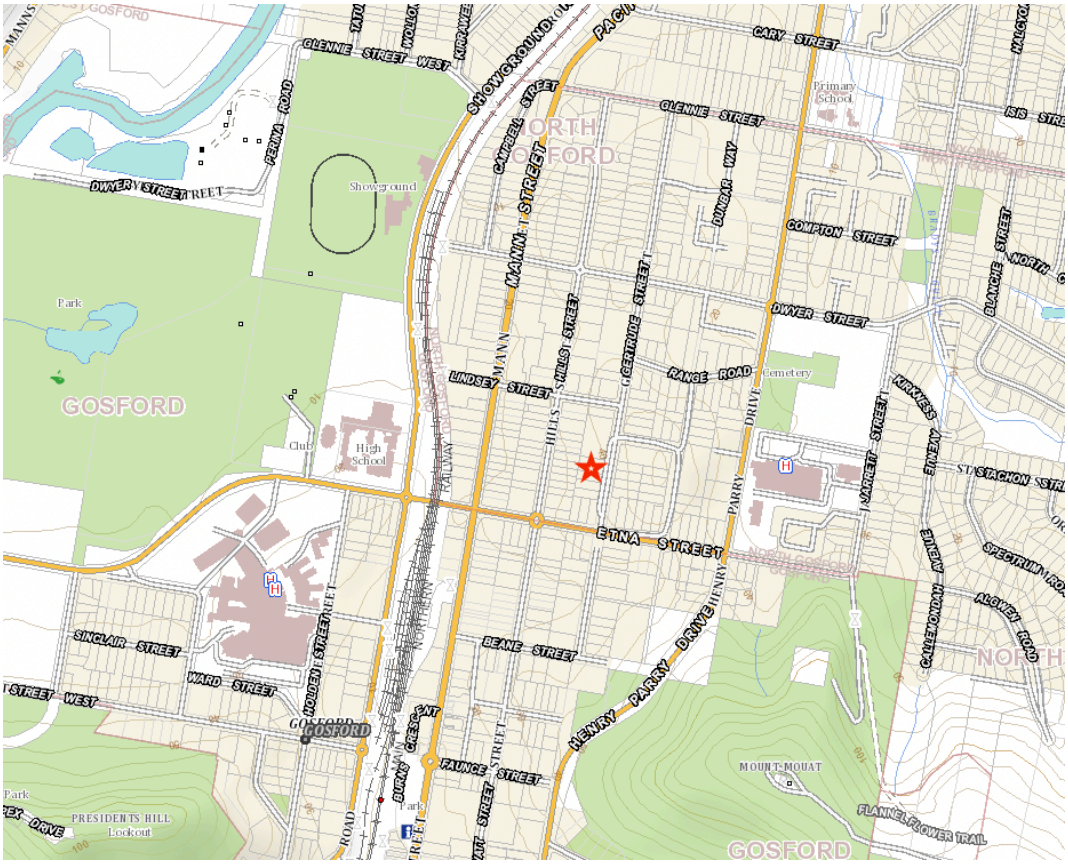


Figure 1 Site Location

Figure 2 Aerial view of site and surrounds

Photo 1 View of existing dwelling at 182 Gertrude Street

Photo 2 View of existing dwelling at 184 Gertrude Street

Photo 3 View of existing dwelling at 186 Gertrude Street

2.2 Utilities and Services

Reticulated water and sewer services are currently connected to the three dwellings on the site. The site currently has access to electricity and telecommunications facilities.

2.2.1 Drainage Easement

There is an easement of variable width for stormwater drainage pipes in the south west corner of Lot 1 DP1128 (No 82 Gertrude Street), marked 'A' on the survey extract below. This easement benefits Council. There are two adjoining drainage easements marked 'B' and 'C' on the extract below that are not within the subject site but which also benefit Council. The combination of easements 'A', 'B' and 'C' align with the drainage pipes and pits that direct stormwater from Gertrude Street through to Hill Street as illustrated in the Council Asset Plan provided below. There is no encroachment on the easement from the proposed building footprint.

A copy of Dealing J38132 that sets out the terms of easement 'A' is provided under separate cover.

The Concept Stormwater Plan DA-SW201 prepared by JCO Consultants Pty Ltd and submitted as part of the application documentation shows that the proposed development will connect to the existing Council drainage easement in Area 'A'.

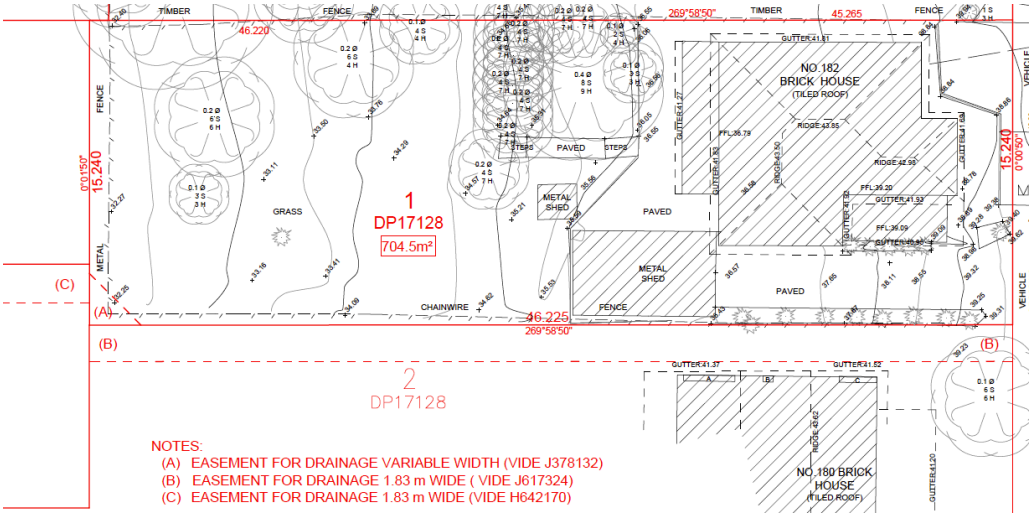


Figure 3 Survey Extract showing easements

2.2.2 Sewer

There is a sewer line and maintenance hole that traverses the site generally from north to south and which is owned by Council see **Figure 4**. The Orion Group has prepared a letter dated 6 September 2023 to provide details of this infrastructure and a copy of this is submitted under separate cover. In summary:

- The existing infrastructure is owned by Central Coast Council. The sewer main provides a point of connection for the neighbouring property to the north which is 188-198 Gertrude Street
- It appears that the neighbouring property does have more than one point of connection, it is unclear at this stage which of the connections is actually in use. For the purpose of the preliminary review it is assumed that part of the neighbouring site drains into the existing gravity sewer line traversing 182-186 Gertrude Street. There does not appear to be any easement for the infrastructure.
- The sewer line will need to be removed to accommodate the development (and any easement extinguished as needed)
- Based on preliminary discussions it is intended to remove the sewer line between points B and C in Figure 5 below. A new structure will be constructed at the end of the shortened line at C to allow for connection of the proposed development.
- To not interrupt servicing for 188-198 Gertrude Street it is proposed to deviate the line to the west

picking it up just within the boundary of 182-186 Gertrude Street, build a structure in the northwestern corner of the lot and then connect it to the next MH ("A") located adjacent to the western boundary of 188-198 Gertrude Street (this is the blue line in **Figure 5)**.

Figure 4 Council Asset Plan showing location of pits and pipes to which the easement relates.

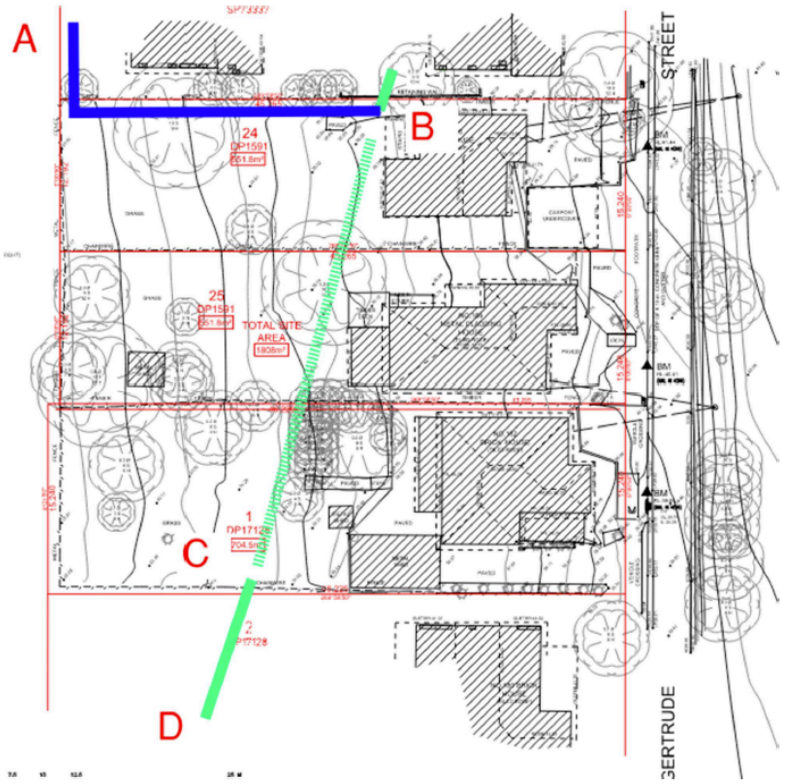


Figure 5 Sewer Connection Concept Plan

A plan is being developed to detail the area of work together with owners consent from the affected neighbour.

2.3 Access and Parking

The site accommodates three residential dwellings, with each dwelling being provided with a 3.5m wide driveway access onto Gertrude Street. Gertrude Street is a local road that runs in a north-south direction between Glennie Street in the north and Beane Street in the south. Gertrude Street is a 50km/h speed zone and accommodates a single lane of traffic in each direction. The site is serviced by a short service laneway that runs in a north-south direction, connecting with Gertrude Street at both the north and south end (between Etna street in the south and Ormond Street in the north). The split level Service Road accommodates a single lane of traffic in each direction and is subject to 'No Stopping' along both kerbsides for the entire length (**Photo 4**). The primary function of the Service Road is to provide vehicle access to six (6) residential properties which includes the subject site.

Photo 4 View of change in level in road reserve of Gertrude Street (to the right) and access road (to the left)

3. Description of the Proposed Development

The development application seeks consent for the demolition of existing structures, removal of vegetation and construction of a residential flat buildings containing 39 apartments over 8 levels, basement carparking with vehicle access from Gertrude Street and associated earthworks and landscaping.

The amended design consists of the following:

- 1 x studio apartment
- 4 x 1 bedroom apartments
- 25 x 2 bedroom apartments
- 9 x 3 bedroom apartments

Each apartment contains bedrooms, bathrooms, living area, kitchen, laundry, storage and private open space.

The basement carparking consists of 47 spaces over 3 level of parking, including 5 disabled accessible parking spaces

All car parking areas have direct access to an internal lift for access into the residential flat building.

Landscaping consists of deep soil plantings along all boundaries of the site. A terraced communal open space area is provided at the rear of the apartment building and a communal roof top space will be provided with landscaped planter boxes around the perimeter.

3.1 Pre Development Application

Texco Design attended a Development Assessment Pre-Lodgment Meeting DA-Meeting (PDA/78/2022) with Central Coast Council on 19th May 2022. The advice provided is addressed in this report as follows:

Council Advice	**Supporting documentation**	**Addressed in report**
SEPP 65 – Design of Quality Residential Apartment Development	Design Verification Statement prepared by Texco Design Pty Ltd	Refer to section 4.1.3
SEPP Basix	BASIX Certificate number 1342348M_02	Refer to section 4.1.1
SEPP – Resilience and Hazards	Preliminary Site Investigation prepared by Stantec	Refer to section 4.1.2
SEPP Precincts – Regional 2022		
Clause 5.25 – Height of buildings	Written request for variation prepared by Orbit Planning	Refer to section 4.1.4
Clause 5.26 – Floor Space Ratio	Development Statistics prepared by Texco Design Pty Ltd	Refer to section 4.1.4
Clause 5.28 – Exceptions to Development Standards	Written request for variation prepared by Orbit Planning	Refer to section 4.1.4
Clause 5.39 – Acid Sulfate Soils	Preliminary Site Investigation prepared by Stantec	Refer to section 4.1.2 & 4.1.4
Clause 5.40 –Flood Planning	Flood Impact Assessment prepared by JCO Consultants	Refer to section 4.1.4
Clause 5.44 – Design Excellence	Design Verification Statement prepared by Texco Design Pty Ltd	Refer to section 4.1.4

Clause 5.53 – Key vistas and view corridors	Design Verification Statement prepared by Texco Design Pty Ltd	Refer to section 4.1.4
Clause 5.55 – Floor Space Ratio in Zone R1	Development Statistics prepared by Texco Design Pty Ltd	Refer to section 4.1.4
Gosford City Centre Development Control Plan		
Part 3 Places and Character	Design Verification Statement prepared by Texco Design Pty Ltd	Refer to section 4.2.1
Part 5 Built Form	Design Verification Statement prepared by Texco Design Pty Ltd	Refer to section 4.2.3
Part 7 Access and Parking	Traffic Impact Assessment prepared. By PDC Consultants Waste Management Plan prepared by Elephants Foot Consulting	Refer to section 4.2.4
Part 8 Environmental Management	Water Cycle Management Plan prepared by JCD Consultants Operational Waste Management Plan prepared by Elephants Foot Consulting Acoustic Assessment prepared by PKA Acoustic Consulting	Refer to section 4.2.5
Part 9 Residential Development Controls	Design Verification Statement prepared by Texco Design Pty Ltd BCA 2019 A1 Indicative Compliance report prepared by Building Innovations Australia	Refer to Section 4.2.6
Reports/Plans Required		
Earthworks Plan	Prepared by Texco Designs Pty Ltd	
Architectural Plans	Prepared by Texco Designs Pty Ltd	
View Analysis and Streetscapes Perspectives	Prepared by Texco Design Pty Ltd	
Survey Plan	Prepared by TIGO Surveys Pty Ltd	
Statement of Environmental Effects	Prepared by Orbit Planning	
Quantity Surveyors Report	Prepared by Property & Building Assessments Pty Ltd	
Traffic and Parking Assessment	Prepared by PDC Consultants	
Water Cycle Management Plan	Prepared by JCD Consultants	
Geotechnical Report	Prepared by Stantec	
BASIX Certificate	BASIX Certificate number 1342348M_02	
Arborist Report	Prepared by Advanced Treescape Consulting	

Preliminary Civil Engineering Plans	To be provided as part of Construction Certificate documentation
Erosion and Sediment Control Plans	Prepared by JCO Consultants
Landscape Plans	Prepared by Conceptz Landscape Architects
Crime Prevention through Environmental Design (CPTED) Report	Prepared by Planning Ingenuity
BCA Report	Prepared by Building Innovations Australia
Access Report	Included in BCA Report prepared by Building Innovations Australia
Services Plan	To be provided as part of Construction Certificate documentation
Waste Management Plan	Prepared by Elephants Foot Consulting
Swept Turning Plan Overlays	Contained within Traffic Impact Assessment prepared by PDC Consultants

3.2 Request for Further Information

The Department of Planning & Environment (DPE) issued a Request for Further Information (RFI) letter dated 19 July 2023. The Applicant met with DPE to discuss the proposal and additional information has been provided in response to the concerns raised. The Applicant has prepared an Amendment List dated 12 October 2023 responding to each item in Attachment A of the RFI (submitted under separate cover).

It is noted that at the time of writing some additional information was still being finalised and this will be submitted by the Applicant as soon as it is available.

4. Environmental Planning and Assessment Act, 1979

As consent is required for the proposed development, the proposal is to be assessed under the provisions of Part 4 of the Environmental Planning and Assessment (EP&A) Act, 1979.

The proposed development is deemed "general" pursuant to the provisions of the EP&A Act, 1979.

Section 4.15 of the EP&A Act, 1979 sets out the matters a consent authority must take into account when determining a development application. These include: -

(1) Matters for consideration general. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) the provisions of—

(i) any environmental planning instrument, and
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
(iii) any development control plan, and
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
(v) (Repealed)

that apply to the land to which the development application relates,

(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,
(c) the suitability of the site for the development,
(d) any submissions made in accordance with this Act or the regulations,
(e) the public interest.

The proposed development is assessed against the Section 4.15 evaluation criteria below.

4.1 State Environmental Planning Policies

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

The aim of this policy is:

*(1) Regulations under the Act have established a scheme to encourage sustainable residential development (**the BASIX scheme**) under which:*

(a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and

(b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.

(2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.

(3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

The proposed development includes the provision of a number of BASIX sustainability measures. In terms of water consumption, the development proposes 4 star water efficiency rating for all fixture in the welling including (shower heads, toilet flushing system, kitchen taps, dish washers, etc). There is also a rainwater tank to collect rainwater and recycle it for landscaping purpose. In terms of solar access and ventilation, units are orientated and windows are strategically located to ensure abundance of daylight, and provide cross ventilation for cooling purpose. Insulation is implemented to all external walls to provide sufficient thermal comfort. This passive design will reduce energy consumption on heating and cooling.

The adopted measures are noted in the updated BASIX certificate and the plans, which are submitted under separate cover.

4.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

(1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.
(2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—

(a) by specifying when consent is required, and when it is not required, for a remediation work, and
(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
(c) by requiring that a remediation work meet certain standards and notification requirements.

A preliminary site investigation has been undertaken by Stantec which provides the following summary of contamination potential:

Based on the information reviewed relating to the site history and the site inspection, potential sources of contamination or potential areas of environmental concern identified included:

- *Soil on the Site potentially impacted due to the possibility for uncontrolled fill to have been historically placed at the Site;*
- *Given the age of the residential dwellings and structures onsite, there may have been potential ACMor hazardous building materials used in dwellings;*

Stantec considers it unlikely that contaminants of potential contaminants of concern are present; in site soils or groundwater, at concentrations that represent a potential risk to users of the site nor constrain the intended redevelopment.

Having regard to the findings of the preliminary site investigations the proposed development is considered to be suitable for the site.

4.1.3 State Environmental Planning Policy No. 65 – Design of Quality Residential Apartment Development

The aims of this policy are:

(1) This Policy aims to improve the design quality of residential apartment development in New South Wales.

(2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high-quality design.

(3) Improving the design quality of residential apartment development aims—

(a) to ensure that it contributes to the sustainable development of New South Wales—

(i) by providing sustainable housing in social and environmental terms, and

(ii) by being a long-term asset to its neighbourhood, and

(iii) by achieving the urban planning policies for its regional and local contexts, and

(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and

(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and

(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and

(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and

(f) to contribute to the provision of a variety of dwelling types to meet population growth, and

(g) to support housing affordability, and

(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.

(4) This Policy aims to provide—

(a) consistency of policy and mechanisms across the State, and

(b) a framework for local and regional planning to achieve identified outcomes for specific places.

The following parts are relevant to the proposed development as follows:

Part 4 Application of Design Principles

An updated Design Verification Statement as well as an Apartment Design Guide Compliance Table has been prepared by Texco Design and is submitted under separate cover.

A copy of the response to the Schedule 1 Design Quality Principles is provided here for ease of reference:

> **Principle 1: Context and neighbourhood character**
>
> *Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*
>
> *Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*
>
> *Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*
>
> <u>Design statement response:</u>

The development site is situated within the vicinity of the Gosford City Centre, approximately1km Northward of the Gosford Railway Station, and just two streets removed from what is Gosford's central commercial corridor along Mann Street. The development falls within the Central Coast Council Local Government Area (LGA) and is more accurately located within the suburb of North Gosford, or more specifically, the City North precinct of the Gosford City Centre Character Areas.

In its broader context, the site is located within a pocket of R1 zoning, straddled between the business precinct (as earlier described) running North-South along Mann Street, a light industrial zone running East-West along Glennie Street, and multiple other smatterings of parks, reserves, golf clubs and creeks. Gosford City Centre presents variety of retail and commercial strip along Mann Street, which is adjacent to the Railway station corridor.

The development site is comprised of 3 standard lots, (Lot 24 & 25, DP1591, and Lot 1, DP 17128), all located to the West of Gertrude Street, with a combined street frontage of 46m. The site measures around 1808m$_2$ of site area and achieves a relatively square shape following amalgamation. The site falls sharply from the street level, with an approximate 7.5m of elevational drop from the street (the site's Eastern boundary) to the rear, and this presents the greatest situational difficulty to the development proposal.

The site's primary vehicular access is achieved off an access road that branches parallel to Gertrude Street, which acts to separate opposing lanes of traffic, and as such, results in quite a quiet, protected, and domestic nature to the streetscape.

The site is currently occupied by three separate dwellings, which are all to be demolished for the current development proposal for a residential flat building, comprising 39 units over 8 storeys, and roughly 2 levels of basement carparking.

The site is zone R1 and located within the City North area defined in the Gosford City Centre DCP. Under SEPP (Precincts – Regional) 2021, selected sites with economic, environmental or social significance to the State are chosen, including Gosford, to promote their economic and social revitalisation. This site, situated in the heart of the City North Area, will be a pioneer development along this stretch of Gertrude Street, and shall aim towards providing a high standard of precedence for future developments along the neighbouring lots, and towards contributing positively socially and economically to the community.

While there are no directly neighbouring developments of a similar scale or recency along this length of Gertrude Street, we may find other examples of residential flat building (RFB) developments further north, at Nos. 208-210 Gertrude Street, (a 4 storey high apartment building that is a brick finished contemporary aesthetics), Nos. 212-220 Gertrude Street (a three-storey apartment complex, with multiple building blocks), a little further up, and lastly 226 Gertrude Street. This is a stark, 8 storey residential flat building constructed on the corner lot of the intersection between Gertrude Street and Dwyer Street. It is assumed that some of the lower-rise developments were completed prior to the latest up-zoning of the Gosford precinct in 2014.Further abroad, there are a few examples of recent RFB or mixed-use developments along Mann Street, of a similar scale, contemporary aesthetic, though these are not always as relevant given their commercial nature on the ground level facing the street, and their zoning differences.

The site is not heritage listed nor is it located within a heritage conservation area.

A couple of recent developments which can be used as direct examples of precedence for the present development. These are No. 70 Hills Street, and No. 69 Hills Street. These two residential flat buildings are located just North of the proposed development site, and only one street removed to the West of Gertrude Street. Both RFB's are located similarly within an R1 zone, an 18m maximum building height zone, and on highly sloped sites. The resultant massing for both developments are therefore similar: both feature 7-storey street elevations, with 4-storey podiums, and a recessive top three floors; both feature stepping masses towards the back of their respective sites, following their natural topography; and both feature sunken units in a bid to presumably above by the 18m building height limit.

Principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Design statement response:

It is here, important to note that the proposed development site is situated within an R1 zone, with a maximum building height of 18m. Given these planning controls, it is typically presumed that the site shall allow for a development of 6 storeys (assuming floor-to-floor heights of 3m each). It is with this massing strategy in mind, that we have proposed a six-storey massing facing Gertrude Street. We have here, attempted to avoid relying on sinking the building to allow for additional storeys, as is presumed to have been the intent of the developers and designers of the two buildings aforementioned (at No. 70 Hills Street, and No. 69 Hills Street), as they feature 7-storey frontages.

The proposal can be considered to have an overall height of eight storeys, however, due to the two-storey-high natural fall of the site topography towards the Western end, which necessitates a splitting of the building mass into two parts: a higher element (the Eastern block facing the street) and a lower element (with a sharp drop of one-storey facing towards the rear communal open area). Some better views of this massing are showcased under our response to Principle 9: Aesthetics, later in this document, and in the below diagrams.

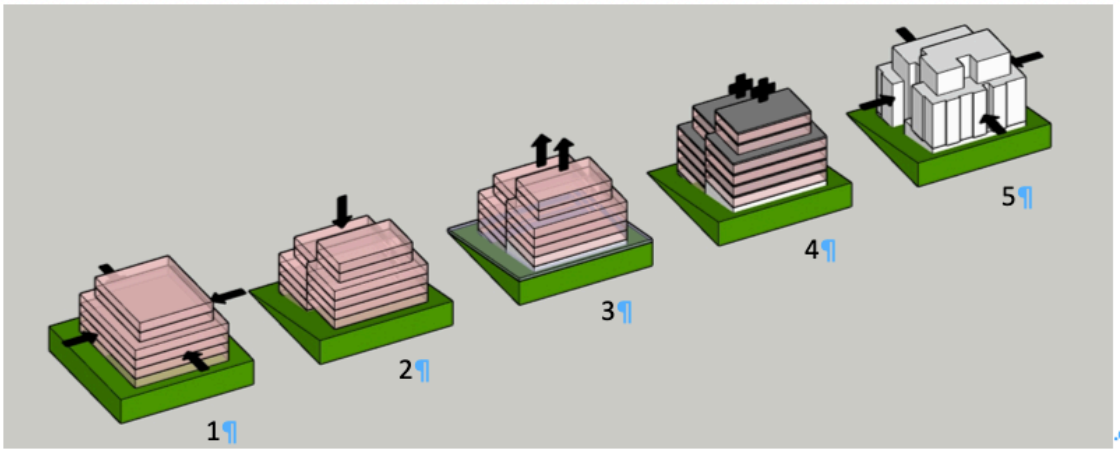


Figure 5: 6-step massing model illustrating the following conceptual progressions to the final massing., as follows:
Step 1: starting with a 6-storey massing, with 6m setbacks to three sides, and a 3m setback to the front. The top two floors are set back a further 3m from each side.
Step 2: Splitting the building mass with the fall of the site. Step down is 2 storeys in height
Step 3: Raising the building above the flood water path
Step 4: Addition of constructional tolerance to the floor-to-floor heights
Step 5: Articulation and carving-out of massing to allow for balconies and division of massing to reduce visual bulk
Step 6: Lowering building parts to minimize its shadowing impacts to neighbours. Refer to architectural drawing 020 for detail.

The overall height of the proposed development breaches the 18m maximum building height by roughly 3m at the frontmost corner of the site, and this continues to expand in severity the further back or down the site one takes the measurement to a maximum of 5.8m. This breach of height is largely exaggerated by the sharp fall of the site, which is difficult to match without adverse impact on the design and layout of the apartment units. A minor floodwater management strategy of providing 200mm freeboard above the natural ground line also adds to the height of the building at the entry point.

Lastly, these height concerns are topped off by an increasing requirement for additional structural considerations, and service tolerances, to be accounted for during later constructional phases. Anticipating this and having faced numerous challenges with past projects and experiences with the ADG requirement to balance a 2.7m ceiling height for all habitable rooms, we have taken the initiative to provide a 3.2m floor-to-floor height to each residential storey. Taken altogether, we believe the breach of the maximum building height plane to be warranted, and of no major adverse impact overall.

The building mass has been developed with generous setbacks to three sides, with a 3m front setback (2.4m for balconies) to improve street activation and engagement, as per DCP requirements. The building mass further recesses its southern setback to level 07, creating a 4-2 division of street wall podium to upper terraces.

The large setbacks provides space to co-locate deep soil zones, landscaping areas, and communal open areas, to ensure a good amount of amenity is retained for the future tenants of this development. This all helps to set a good precedent for all future developments along the street by way of an existing RFB character which is desired and duplicable.

The proposal has also reduced its bulk from Level 7 through removal of southern unit with reshaped the balconies below to minimize its shadowing impact to neighbours.

The setbacks to the North and South boundaries also help to alleviate any concerns of overshadowing of the southern neighbouring lots (even taking into consideration their future development as a RFB of a similar scale), and vice versa, alleviates any future overshadowing concerns over the current ground level units due to the future development of the northern neighbouring lots. The setbacks provide adequate building

separation that ensures the visual amenity and privacy of the proposed building and future developments will not be compromised.

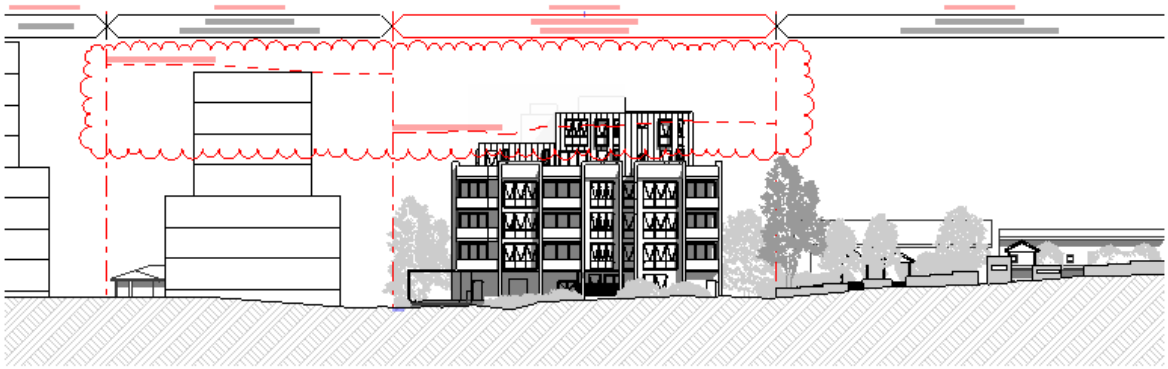


Figure 6: Streetscape elevation showing potential future development to the south of subject site having higher height limit, the proposed building will provide a transition between the differing height zones.

It might be prudent now, to also draw to attention to the fact that the development is located at a zone transition between an 18m height limit to a 24m maximum building height limit directly towards the South. As such, the proposed development suitably provides a transition in height between higher scale development to the south of the site and lower scale of development to the north of the site. The Northern neighbouring lot is already consolidated into an 18-townhouse complex, and as such, is unlikely to be re-developed in the near future. As such, the proposed building contributes positively to the streetscape by being empathetic to the scale of surrounding future developments.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Design statement response:

The proposal comprises 39 apartment units across eight habitable floors, and a gross floor area (GFA) of roughly 3615.86m^2. Given a site area of around 1808m2, this amounts to a floor space ratio (FSR) of 1.99:1, which is just shy of the FSR 2:1 permissible for this site under the SEPP Regional (Chapter 5, Gosford City Centre). We thus consider this development to be well within the appropriate scale and density for its site, its zoning, and its scale, as envisioned for the future of the Gosford City Centre.

The proposed development shall be the first redevelopment on this stretch of Gertrude Street, aiming for a higher density than the current low-lying detached dwelling prevailing character of the street. As such, it is benefitted by the fact that the relative increase in population and traffic density shall not overly congest the street or its surrounds.

The setbacks are set as below:

- Side & rear setback: Min 6m for level 4 and below; Min 9m for level 5 and above.

- Front setback: Min 3m for level 4 and below (2.4m for balconies on ground floor); Min 6m for level 5 and above.

They are generous enough to allow comfortable visual separation for all balconies, living rooms and bedrooms from any future neighbouring developments, and allows room to breathe, and to enjoy clear vistas out from the development.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Design statement response:

Sustainable design techniques have been employed to ensure resource, energy and water efficiency, reducing the reliance on technology and operation costs. The building has been assessed under BASIX requirements, and against NatHERS ratings to ensure the thermal comfort, low reliance on energy-hungry services, and water efficiency aspects of the development are within sustainable standards. Insulation shall be provided to all external walls as necessary, and windows have been located strategically to ensure not only an abundance of daylight and vistas, but also to ensure access to solar gain throughout the year. The orientation of units also assists with this, with the northern orientation of living areas allowing a majority of units to have access to solar gain in the winter, and dual or corner aspects allowing for opportunities for natural ventilation for cooling in the summer.

The design and arrangement of units are repeated where possible to ensure an efficiency of services. From a macro perspective, the selection of materials and finishes is intended to achieve a long-wearing and maintenance-free finish which shall lengthen the building's lifecycle and avoid the need for redevelopment for many years.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Design statement response:

The proposed development has been provided pockets of landscaping to all of its boundaries, making use of the front and rear setbacks to co-locate deep soil zones capable of accommodating medium to large trees, and the deep soil strips on either the Northern and Southern sides to accommodate a soft buffer against those shared boundaries. The landscaping is largely allocated towards communal use, and shall be maintained by the building management to ensure the appropriate care for the gardens can be provided.

A degree of landscaping is also provided on level 6 to create a perimeter around the communal open area here. These planter boxes provide a degree of visual screening, and provide a buffer zone from the balustrade edges, thus preventing overlooking from the rooftop into the neighbouring properties. The landscaping design has been prepared by a landscape architect to ensure compliance, suitability of species, and appropriateness of the plantings.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

Design statement response:

The apartments have been designed with generous floorplans, and thus reserves additional space to allow flexibility of use to suit a diverse range of needs and lifestyles. The proposed room mix features 1 Bed, 2 Bed and 3 Bed apartments, reflecting the local demographic and market desirability of developments in the North Gosford. The master bedrooms have been located facing North, with generous windows and views out into the canopies of the existing trees.

Each of the units features a combined living/dining/kitchen area, as is desirable in today's market. This makes for a large combined volume for the collective use of the family, with visual connectivity between the various activities and sub-volumes within the family space. This connectivity extend out onto the balconies. Most of the kitchens have been provided with island benches, with sinks facing the living space. The living areas all feature a dual-aspect, with windows on at least two sides to promote cross-ventilation and makes a variety of vistas available to the inhabitants.

The balconies have also been located on the northern side of the living areas where possible, and ought to be sunny and useable throughout the year. The shade that the balconies provide over the living room doors below also provide a degree of shelter that promote their use through poor weather.

All the apartment units have also been afforded a degree of enclosed storage, and some have the potential for study corners to be incorporated as an extension of the living space.

Six out of the 39 apartment are assigned as adaptable units for future adaptation of higher accessibility standards. This shall allow a degree of flexibility for occupants of a larger age range and a broader spectrum of physical disability.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.

Design statement response:

The proposed development features living areas and balconies which overlook the street frontage, thus promoting a degree of passive surveillance of the street and of the pedestrian entry. The basement parking area shall be shuttered to also restrict access into the private parking area.

The pedestrian entryway to the development is clearly defined by a portal frame, underlined by a projecting awning. The generous entry allows for clear slight lines and an easily-surveilled building entry.

The ground level landscaped and communal open area is both irregular in shape, and tiered to fall with the natural slope of the site, and as such, creates some blind spots and obscure spaces, but the landscaping design, in conjunction with adequate outdoor lighting ought to alleviate some of these safety concerns. Multiple balconies and habitable windows also overlook every aspect of the ground level communal space, and ought to lend a hand in passive surveillance of these shared areas.

The entry pathway and the communal open space on the rooftop shall be lit at night to allow a degree of visibility and security. Nevertheless, the lighting to the communal open space shall be dim, or at least be orientated away from neighbouring windows so as to protect their amenity through the night.

Principle 8: Housing diversity and social interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

Design statement response:

The proposed development features 39 apartments, with a broad mix of Studio (2.6%), 1-bed (10.2%), 2-bed (64.1%) and 3-bed (23.1%) units, 6 of those being adaptable for tenants with a potential physical disability

or limitation. This mix largely reflects the market demand and demography of the region, and desired future character of the area as a vibrant residential precinct capable of sustaining multiple types of living arrangements and family sizes.

From a broader perspective, the development site is suitably placed within a large residential community, with easy access to means of public transport or public parking for guests. It is also located in close proximity with essential services and amenities, with a 500m radius, there are two parks, Gosford Hospital, Gosford High School, and within a 1km radius, it features the Gosford train station and suburb centre, as such, most basic needs for groceries, cafes and the like are just a short trip away.

The combined aspects of good amenity within the local area, with access to education, healthcare, parks and recreation, shopping and dining all add to the overall suitability of the development for a balanced domestic lifestyle. The added bonuses of safety, and provision of on-site communal facilities and spaces within the development also serve to enhance opportunities for inhabitants to enjoy a variety of modes of living.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

<u>Design statement response:</u>

The aesthetic design of the proposal is driven by the vision of a modern apartment, in a sort of contemporary coastal character set by the newer developments centred around the central commercial corridor along Mann Street. This character deliberately eschews the post-war brick styling of residential flat buildings more commonly found around the quieter streets of Gosford, and is defined by a primarily white façade, with grey blocks, and timber trimmings/accents.

Figure 8: Architectural concept render showing the overall design intent, materiality, colours and textures.

This palette is applied to the proposed development in the following manner: predominantly white portal frames and solid balcony upturns; dark grey infill within each of the portals, and a dark grey podium level to create a visually distinct and recessive massing; and occasional vertical timber battens for privacy screening.

The built form, as discussed briefly in Principle 2 above, is defined by a 4-storey podium massing, and additional setbacks to all sides on the top two storeys, creating a 4-2 division of the six-storey street bulk. The massing of the podium level is further articulated via an alternating division of portal frames and balconies, creating a roughly three-bay façade, accentuating the verticality of the base. The portal frames are designed with a slanted soffit, and visually "frame" the large openings to bedrooms and living rooms. A framing element has also been provided over the driveway entry into the site, to lend a unifying visual element to the building entry.

Viewed from the side, the building also reads as two masses, with a one-storey drop/splits down the middle, which correlates with the slope of the site, and the negotiation of the ground level. The rear half of the building, centred around the western vertical circulation (lift and stair) core follows a similar 4-2 division of the podium and terrace massing.

Figure 9: In-model view of the street (East) elevation of the proposed development. Note, 4-2 division of the six-storey massing, and the three-bay division of the lower podium.

Figure 10: In-model view of the Northern elevation of the proposed development. Note, the one-storey stepdown of the massing down the middle.

4.1.4 State Environmental Planning Policy (Precincts – Regional) 2021

Chapter 5 – Gosford City Centre

Part 5.1 Preliminary

Clause 5.1 Aims of Chapter

The aims of this Chapter are as follows—

(a) to promote the economic and social revitalisation of Gosford City Centre,

(b) to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,

(c) to protect and enhance the vitality, identity and diversity of Gosford City Centre,

(d) to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,

(e) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes,

(f) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,

(g) to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,

(h) to preserve and enhance solar access to key public open spaces,

(i) to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront,

(j) to ensure that development exhibits design excellence to deliver the highest standard of architectural and urban design in Gosford City Centre.

Clause 5.2 Land to which this chapter applies

Under the provisions of Clause 5.2 the development site is identified on the Land Application Map for this chapter.

Clause 5.5 Consent Authority

The clause states:

The consent authority for the purposes of this Chapter is—
(a) for development that has a capital investment value of less than $10 million—the Council, and

(b) for development that has a capital investment value of not less than $10 million but not more than $75 million—
(i) the Minister for Planning, or
(ii) if the development has a capital investment value of not less than $40 million and the Council objects to the development—the Independent Planning Commission.

A Registered Quantity Surveyor's detailed cost report has been prepared which nominates a CIV of $11,414,292.12. Pursuant to Clause 5.5(b(i) the Minister for Planning is the consent authority for the application.

Part 5.2 Permitted or Prohibited Development

5.12 Zoning of land to which Chapter applies

The development site is zoned R1 General residential as shown on the Land Zoning Map.

Clause 5.13 Zone objectives and Land Use Table

Clause 5.13 provides that the consent authority must have regard to the objectives for development in a zone when determining a development application.

Part 5.3 Land Use Table

Zone R1 General Residential

1. **Objectives of zone**

- *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 has regard to the objectives of the zone as follows:

The proposal provides a new housing development with a variety of living arrangements to suit the growing demographic within the Gosford City Centre.

The proposed residential flat building contributes 39 apartments to the locality which helps to increase the availability of residential accommodation within the residential zone. The sites close proximity to the Gosford Railway Station, makes the site an ideal location for housing as public transport is easily accessed. In addition to this there are a variety of public services, educational establishments and commercial premise within close proximity which allows for access, employment and usability of these services by residents to meet their day to day needs.

The proposed development has been designed generally in accordance with the built form controls set out by the Part 5 SEPP (Regional) 2021 with some variations sought on merit as outlined in this report. Despite the non-compliances, the development is of a form that is compatible with the desired future character of the zone.

The proposal has been designed in accordance with the design provisions of SEPP 65 and the Apartment Design Guide. A detailed assessment of these principals is provided in the Design Verification Statement prepared by Texco Design Pty Ltd.

The proposed development is best defined as a residential flat building as follows:

> ***residential flat building*** *means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.*

The SEPP provides that residential flat buildings are permissible with consent in the R1 General Residential Zone.

Part 5.5 Principal development standards

Clause 5.22 Minimum subdivision lot size

The objectives of this section are as follows—

> *(a) to reflect State, regional and local planning strategies relating to the provision of various sizes of land,*
> *(b) to ensure that the subdivision of land is compatible with the desired future character of the area,*
> *(c) to promote the ecologically, socially and economically sustainable subdivision of land,*
> *(d) to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will, through its potential cumulative effects, not create capacity problems for existing infrastructure.*

The development site is mapped as having a minimum subdivision lot size of 450m^2. The proposed development includes the consolidation of three residential allotments to create a development lot with a size of 1808m^2.

Clause 5.25 Height of buildings

The objectives of this section are as follows—

> *(a) to establish maximum height limits for buildings,*
> *(b) to permit building heights that encourage high quality urban form,*
> *(c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,*
> *(d) to nominate heights that will provide an appropriate transition in built form and land use intensity,*

(e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,

(f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.

In accordance with the provisions of section 5.25(2) the maximum height for the development site is mapped as 'P' which is a maximum height of 18 metres.

The proposed residential flat building has been designed with the natural topography of the land and the future desired development outcome for the locality in mind. The site slopes away from the street with an approximately 7.5m drop to the rear of the site. The steep slope is a major constraint to the design of the development and as a result the proposed development exceeds the 18m maximum height by 3m at the front of the building and 5.8m at the centre of the building.

The breach in the maximum height is exacerbated by the slope of the site, given the steep slope it is difficult to match the design to natural ground levels. It should be noted that from the street and adjoining properties the height of the building presents as a 6 storey structure which is consistent with the existing and future desired outcome for the locality. In addition to this, the development site adjoins a 24 metre maximum height limit to the south. The proposed development provides a suitable transition from the developments to the north of the site and the future potential of the sites to the south in the higher maximum height limit. It is noted that the design has been amended to reduce the horizontal length of Level 07 and provide increase setbacks at this level to the southern boundary.

The residential flat building has been designed to provide liveable spaces for residents whilst also having consideration to the external appearance and impacts on bulk and scale in the locality. Larger 3.2m clearances between levels have been incorporated into the design to allow for a 2.7m ceiling height within each apartment, while also allowing for structural considerations and service clearances. While the generous floor to floor height to each residential storey contributes to the overall height for the building and the requirement for a variation to the maximum building height requirement, it is considered necessary as it enhances the amenity of the residents and provides a feeling of spaciousness within each unit.

The topography of the site is considered the largest contributor to the height exceedance. The extensive fall over the site equates to just over two storeys in height. The design of the apartment building considers the fall over the site and includes a split in the building mass in response to the topography. The height exceedance will not be visually intrusive due to the articulation and finished built form and is likely to be unrecognisable to adjoining properties. The upper two storeys have been recessed so they are also not within the sight line of pedestrians on Gertrude Street as evidenced by the sight analysis on Drawing 018 Rev A. The southern half of the top floor (Level 7) has also been removed to reduce shadow impacts to the neighbouring dwelling. The design incorporates large setbacks of 6-9 metres to three sides of the development, with a predominately 3m setback to the street employed to improve street activation and engagement. The wide open pedestrian walkway into the building creates a spacious and welcoming environment for residents and visitors. The setbacks to the north and south help to provide opportunities for deep soil plantings within the communal open spaces and ensure future high density development on the neighbouring southern site is able to achieve compliance with the relevant access to sunlight provisions of the ADG as demonstrated in Drawing 013A.

A clause 5.28 Variation Request expands further on these comments and has been prepared to support the proposed height variation and this is submitted under separate cover.

Clause 5.26 Floor space ratio

The objectives of this section are as follows—

(a) to establish standards for the maximum development density and intensity of land use,

(b) to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,

(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,

(d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,

(e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,

(f) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,

(g) to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope,

(h) to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.

In accordance with the provisions of section 5.26(2) the floor space ratio for the development site is mapped as 2.25:1. Despite this section 5.55(2)(b)(i) provides an exception as follows:

(2) Despite section 5.26, the maximum floor space ratio for a building that has a street frontage of at least 24 metres is—

(b) if the building is on a site area of at least 1,500 square metres, but less than 2,000 square metres—

(i) if the maximum floor space ratio shown for the land on the Floor Space Ratio Map is at least 2.25:1—2:1, or

The development site is 1808m^2 in size and so the floor space ratio for the development site is taken as being 2:1.

The floor space ratio for the proposed development is as follows:

Lot size	Proposed GFA	Proposed FSR	Complies
1808m^2	3615.86m^2	1.99:1	Yes

Clause 5.28 Exceptions to development standards

The objectives of this section are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Section 5.28(2) provides that development consent may be granted for development that contravenes a development standard.

Section 5.28(3) requires a written request that seeks to justify the contraventions of the development standard by demonstrating the following:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The design statement prepared by Texco Design Pty Ltd provides a detailed assessment and justification of the proposed height variation.

The written requested prepared by Orbit Planning accompanies this development application which provides justification for the variation to the development standard for height.

Part 5.7 Additional local provisions – generally

Clause 5.39 Acid Sulfate Soils

The objective of this section is as follows—

to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The proposed development has regard to this clause as follows:

The development site is mapped as Class 5 Acid Sulfate Soil. The Preliminary Site Investigation prepared by Stantec addresses acid sulfate soils as follows:

Based on the review of available Acid Sulfate Soil Risk Map, there is no known occurrence of acid sulphate soil materials at the Site. A review of the CSIRO National Acid Sulfate Soil Atlas indicates that there is an extremely low probability / very low confidence for exposing acid sulfate soils.

Clause 5.40 Flood Planning

The objectives of this clause are as follows—

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,

(c) to avoid significant adverse impacts on flood behaviour and the environment.

The proposed development has regard to this clause as follows:

The development site is identified as being affected by Gosford CBD Overland Flood Study. A flood certificate for each allotment has been obtained. A Flood Impact Assessment has been prepared by JCO Consultants. The Flood Impact Assessment addresses the information request by DPIE in their request for further information dated 18 January 2023 which states:

Flooding – provide a flood assessment report, prepared by a suitability qualified person, that assesses the impact of the development including any changes to flood risk on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required. The report must also identify the minimum finished floor levels for habitable rooms and provide a copy of any flood certificates obtained from Council.

It is noted that although Central Coast Council DCP does not apply to this development consideration of the controls applicable for flooding have been addressed and are considered on a merit basis within the Flood Impact Assessment.

The objectives of the Flood Impact Assessment are to:

- Define design flood levels, velocities and depths for the catchment existing Terrain;
- Amend the model to include the proposed development footprint and investigate if the proposed development affects the flood characteristics;
- proposed mitigation measures to eliminate any impacts and
- Address the requirements of Central Coast Council's DCP

The Overland Flow 'Flood Study' incorporates the following:

- Addressing the 'flood planning controls' per Central Coast Councils LEP & DCP;
- Design considerations pursuant to 'NSW Floodplain Development Manual';
- An assessment of the potential overland flooding from local upstream catchment;
- Modelling of overland flow flood behaviours comparing pre & post flood impact on the subject site utilising 2D 'TUFLOW' Flood Model.

The Flood impact Assessment provides detailed analysis and documents the procedures and findings of the hydraulic modelling relative to the subject site for both the pre & post development scenario conditions. The proposed building footprint encroaches into the 1% AEP flood extent, as such the proposed structure must be constructed with flood resistance material. The 2D TUFLOW modelling results for the 1% AEP storm event identified that some design mitigation measures were required as detailed in the below Figure 8.3.1 and 8.3.2 extracts from the Flood impact Assessment. The driveway crest level is set to RL40.10mAHD to protect the basement from inundation. The side landscape area (Yellow Hatched in Figure 8.3.1 and Figure 8.3.2) along the northern boundary is to be lowered to offset the potential flood impact to the neighbouring property.

Figure 8.3.1: Site Regrading in TUFLOW model

Figure 8.3.2: Site Setup in TUFLOW model

The required and adopted floor levels are summarised in the Table 1 extract from the report.

	Freeboard Requirement (mm)	Post Development 1% AEP from Model (m AHD)	PMF Flood Level from Model (m AHD)	1% AEP level from Council Letter (m AHD)	Minimum Floor Level (m AHD)	Adopted Design Levels (m AHD)
Habitable Area (Level 2)	500	RL39.80	RL40.11	RL39.65	FFL40.30	FFL40.30
Habitable Area (Ground)	500	RL33.40	RL33.52	RL33.31	RL33.90	RL33.90
Driveway Crest	Above PMF	RL39.90	RL40.06	RL39.90	RL40.06	RL40.10

Table 1 Floor Level Requirements (extract Flood Impact Assessment)

The Flood Impact Assessment concludes and recommends as follows:

> *A detailed flood impact investigation was carried out on the subject site. A two-dimensional hydraulic model was constructed for this study. A TUFLOW model was undertaken using Direct Rainfall method to simulate the overland flood contributing towards the subject site. The flood depth generated from the TUFLOW model are consistent if not more conservative than Councils Flood Information.*
>
> *Utilising the 2D hydraulic model, the flood behaviour during 1% AEP was determined. The flood water depth, flood levels, flood hazard, VxD product and velocities, generated by the TUFLOW model, were assessed in this study. Our assessment has revealed 'negligible' increase (less than 10mm) in off-site floodwater depth from pre to post development scenarios. Furthermore and more importantly, this increase does not create a hazard to the future residents nor exacerbate flooding in the surrounding catchment. The proposed regrade/cutdown within the landscaping area created additional flood storage or flowpath to safely divert the upstream runoff. 375mm DIA pipe proposed under the driveway ramp will allow water to discharge freely and avoid permanent pounding*
>
> *In conclusion, to avoid any impact whatsoever on the flood behaviour of the catchment, the following mitigation measures will be implemented as part of the DA submission:*
>
> - *The Habitable Floor Levels on Ground Floor Level and Level 2 to be above the minimum floor levels detailed in Table 1 (500mm freeboard + 1%AEP Flood Level);*
> - *Non-Habitable Floor Levels are to be minimum 300mm above external ground;*
> - *Driveway Crest level to be minimum above PMF flood level (RL40.06mAHD)*
> - *The external area to be regraded/cutdown as per Mitigation Measures shown in Figure 10.1 and Figure 10.2;*

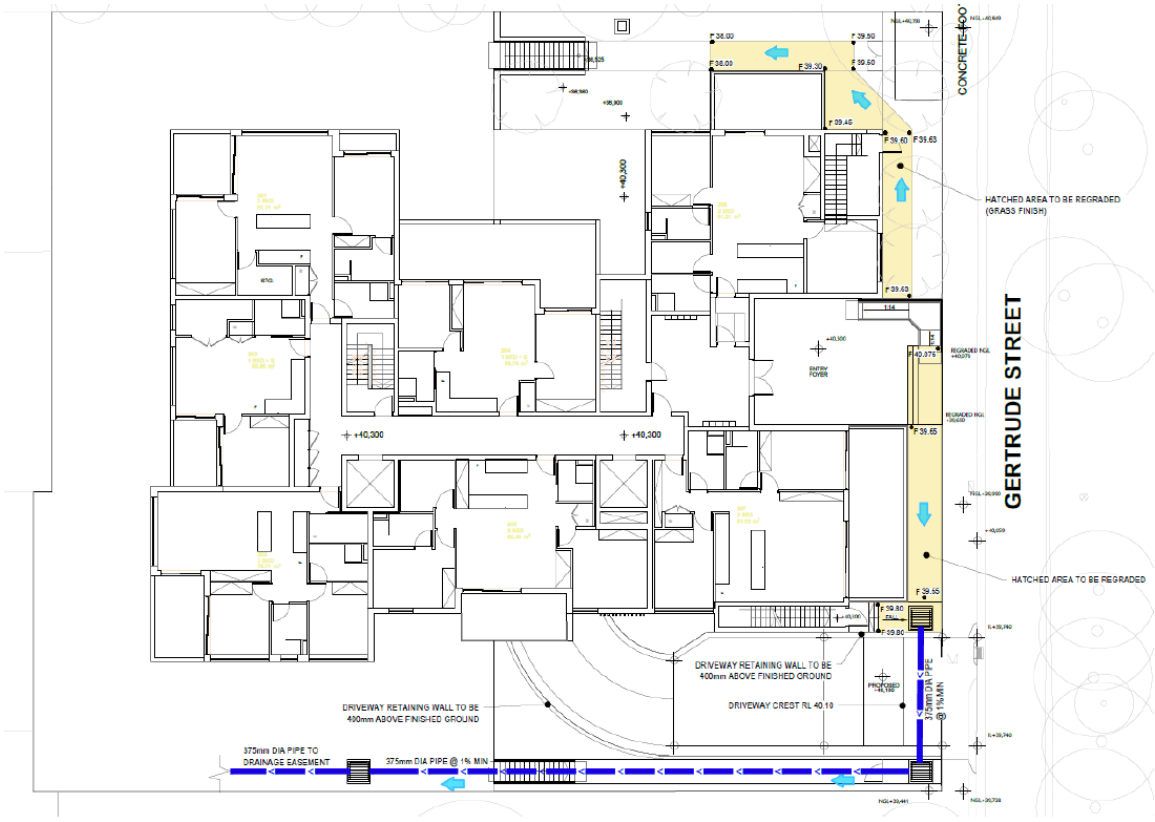


Figure 10.1 Mitigation Measures - 1

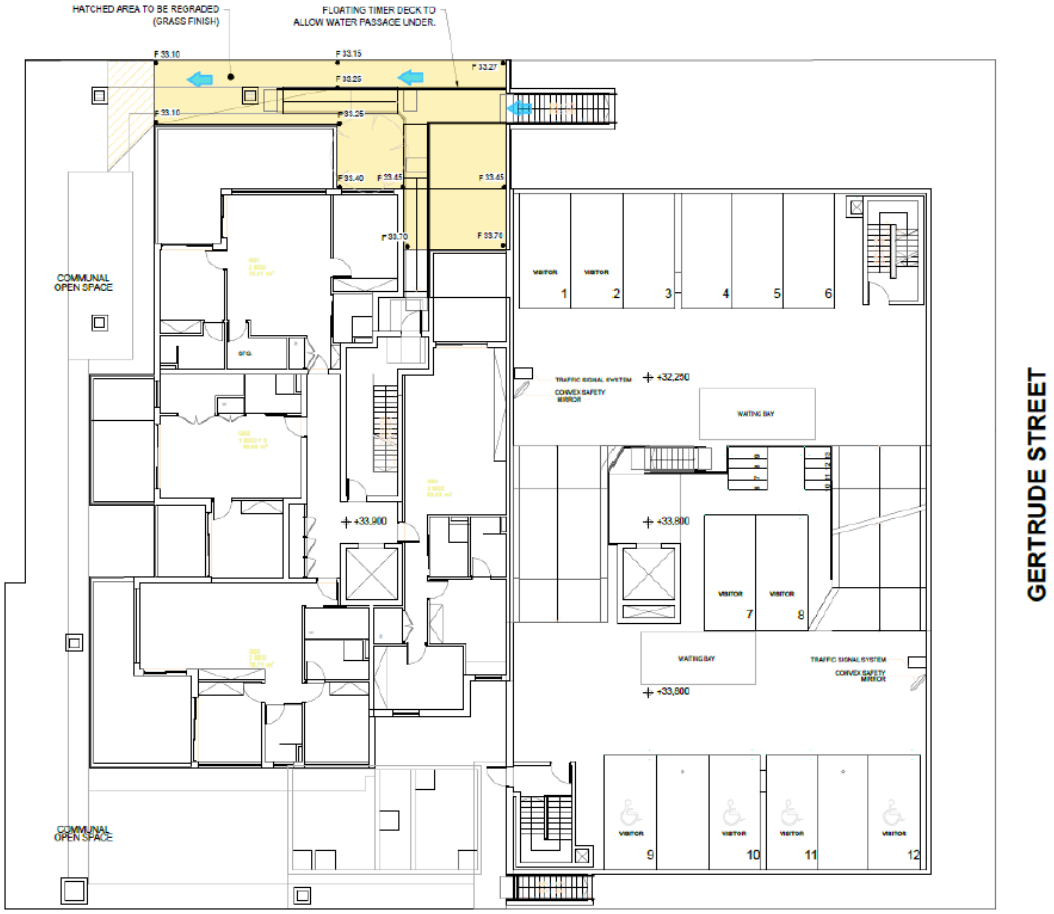


Figure 10.2 Mitigation Measures - 2

- *Install 3x900SQ Pits and 375mm diameter pipes to divert potential runoff to side setback (refer to figure 10.1)*
- *Retaining walls on both sides of the Driveway to be minimum 400mm above finished ground area to prevent water from backflowing into basement;*
- *Entry Pathway on both sides of the proposed driveway must be equal to or lower than driveway levels. Provide minimum 1% cross fall to allow for overland flow to escape with opened style fencing. Refer to Figure 10.1.*
- *All structures including retaining walls of the proposed building below the Flood Planning Level (1%AEP flood level + 500mm Freeboard) to be of flood compatible building components, refer to Figure A.2 in Appendix A for Flood Depth and Flood Levels.*
- *All proposed fencing within the 1%AEP floodplain to be permeable fencing (louvres or pool fencing) up to the 1%AEP Flood level to allow flood water flow through, minimum base opening to be 200mm from natural ground levels;*
- *No external infill above existing ground is permitted in the flood affected area unless approved by Council.*

The above recommendations have been included in the updated architectural plans.

A copy of the Flood Impact Assessment is provided under separate cover.

Part 5.8 Gosford City Centre

Clause 5.44 Design Excellence

The objective of this clause is as follows—

> *to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Gosford City Centre.*

Clause 5.45(2) provides that this clause applies to development involving the erection of a new building.

Clause 5.45(3) provides that development consent must not be granted unless the consent authority considered that the development exhibits design excellence.

The proposed development has regard to the design principals outlined in Clause 5.45(4) as follows:

Design Excellence	**Assessment**
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposed development is a contemporary architectural form that presents as a 6 storey building with recessed upper levels consistent with the planning controls for the Gosford City Centre. The proposal utilises a variety of materials and finishes contributing to the architectural presentation of the building. A white and grey palette is proposed, with timber privacy screens to create a modern façade with a costal appearance.

Design Excellence	Assessment
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The proposed built form and landscape works will ensure that the building will be viewed in a landscape setting and the contemporary design and articulated form will improve the presentation of the building compared to the existing streetscape.
(c) whether the development is consistent with the objectives of sections 5.52 and 5.53,	The proposed development will not result in unreasonable overshadowing of the public domain or result in a loss of views or key vistas. Generous setbacks to the north and south boundaries are provided to ensure adequate solar access to the proposed development and adjoining properties can be maintained.
(d) any relevant requirements of applicable development control plans,	The Gosford City Centre DCP is addressed in detail in Section 4.2 of this report.
(e) how the development addresses the following matters	
(i) the suitability of the land for development,	A site analysis has been provided to illustrate various siting considerations which have been taken. Several key points that have been considered are the orientation of the site, the topography of the land, appropriateness of its high density residential nature, and nearby local amenities such as: 1.Access to public transport in the form of the Gosford Train Station 2.Proximity to retail and commercial amenities along Mann Street 3.Healthcare facilities Gosford Hospital 4.Educational facilities Gosford High School
(ii) existing and proposed uses and use mix,	The development site consists of three standard allotments which all currently contain a single detached dwelling and associated outbuildings. There are examples of higher density townhouse developments to the north of the site. It is acknowledged that the proposed development will be the first residential flat building located along this length of Gertrude Street.
(iii) heritage issues and streetscape constraints,	The development site is not located within a heritage conservation area or within close proximity to a heritage listed item. The streetscape elevation presents with a wide-open pedestrian pathway into the development as the central focal point into the site. The 3m setback to Gertrude Street is provided with a variety of landscape treatments to soften the development and contribute a residential appearance to the street amenity. The large 46m frontage to Gertrude Street provides adequate room for a separate pedestrian and vehicle access into the development without creating overcrowding or safety issues.
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The proposed development has considered the existing and also future desired development outcome for the locality in the design. The proposed development will move away from the older style residential development typically found along this stretch of Gertrude Street and will provide a unique development for a period of time whilst the surrounding allotments are also redeveloped to create a new

Design Excellence	Assessment
	streetscape character that is more modern and in alignment with the future desired development outcome planned for the locality and housing potential for the area.
(v) bulk, massing and modulation of buildings,	The building mass has been developed over the site having regard to the topography of the site, height requirements, construction requirements, flooding, setbacks and street presentation. The building mass has been articulated to reduce visual bulk. Increased setbacks to the upper two stories and for balconies within the lower levels creates modulation to the overall building mass, whilst also providing visual interest through the use of a variety of finishes and colours.
(vi) street frontage heights,	The development presents as a 6 storey building to the street. The overall height of the proposed development breaches the 12m street frontage by on average 2.5 metres. As discussed in the meeting between the Architect and the Department assessors, the variation of the maximum 12m street wall is warranted given the fact that the variation is largely contributed by the top parapet wall/balustrade which is part of the design to enrich the streetscape and to enable the use of the rooftop space. The proposed height does not create unacceptable bulk or scale issues when viewed from the street but will provide improved liveability to residents with a 3.2m floor to floor height clearance provided by the development. This provides adequate clearance for a 2.7m floor to ceiling height within each apartment, with the remainder for structural considerations and service clearances.
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	The building has been designed to incorporate resource, energy and water efficiency measures. Both BASIX and NatHERS requirements have been considered in the design to ensure thermal comfort and water efficiency. Window and door openings have been placed to encourage cross ventilation and adequate solar access. Long wearing, low reflective materials and finishes are proposed for the development. The development site has a favourable orientation and the building mass has been designed to take advantage of solar access opportunities. Whilst the development causes some overshadowing to the southern neighbours, the north-south orientation ensures that the solar access to the front of the site will be maintained in the morning and the rear in the afternoon. The architectural drawings prepared by Texco Design Pty Ltd provide shadow and sun eye diagrams to demonstrate solar access and overshadowing impacts. It is noted that the area is in transition and the existing single storey dwellings on neighbouring sites will be redeveloped for high density residential housing in the future. The design of this development has ensured that future high density development on the neighbouring southern site is able to achieve compliance with the relevant access to sunlight provisions of the ADG as demonstrated in Drawing 013A. Similarly, it is anticipated that development on this site will not affect the ability of

Design Excellence	Assessment
	future developed sites to the west from achieving compliance with access to sunlight provisions outlined in the ADG.
(viii) the achievement of the principles of ecologically sustainable development,	Sustainable design techniques have been employed to ensure resource, energy and water efficiency, reducing the reliance on technology and operation costs. The building has been assessed under BASIX requirements, and against NatHERS ratings to ensure the thermal comfort, low reliance on energy-hungry services, and water efficiency aspects of the development are within sustainable standards. Insulation shall be provided to all external walls as necessary, and windows have been located strategically to ensure not only an abundance of daylight and vistas, but also to ensure access to solar gain throughout the year. The orientation of units also assists with this, with the northern orientation of living areas allowing a majority of units to have access to solar gain in the winter, and dual or corner aspects allowing for opportunities for natural ventilation for cooling in the summer. The design and arrangement of units are repeated where possible to ensure an efficiency of services. From a macro perspective, the selection of materials and finishes is intended to achieve a long-wearing and maintenance-free finish which shall lengthen the building's lifecycle and avoid the need for redevelopment for many years.
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	The building entry pathway has been located along the eastern Gertrude Street frontage of the site. The pedestrian access directly connects the entry lobby with the street. The building is generally setback 3m from the Gertrude Street frontage and the centrally located pedestrian access provides a wide and clear entry point into the building. The pedestrian entry is highlighted by a portal frame to provide a clear visual indicator and physical threshold at the boundary. An 1200mm high open style fence will be provided to front boundary. A privacy screen is provided to the balcony of the east facing ground floor unit to provide privacy to occupants. This also provides a visual indictor of the transition from public to private domains. The vehicle access into the site is separate from the pedestrian access, however built form linkages are provided. The driveway ramp is indicated by a portal frame canopy which projects forward of the building line. The roller door into the basement is located at the bottom of the ramp to avoid visual impacts on the streetscape. The driveway access is 5.5m wide and located towards the southern boundary of the site.

Design Excellence	Assessment
(x) the impact on, and any proposed improvements to, the public domain.	Along this section of Gertrude Street there is limited pedestrian accessibility, with only a narrow pedestrian walkway provided. There is no street furniture. The proposed development presents with a welcoming façade to the street and clear delineation between the public and private domain through landscape treatment and building form.

Clause 5.53 Key vistas and view corridors

The objective of this clause is as follows—

to protect and enhance key vistas and view corridors in Gosford City Centre

The proposed development has regard to this objective as follows:

The proposed residential flat building will not result in any unreasonable view loss impacts upon adjoining properties views to the south-west towards the Gosford City Centre and Brisbane Waters.

Clause 5.55 Floor space ratio in Zone R1

In accordance with the provisions of section 5.26(2) the floor space ratio for the development site is mapped as 2.25:1. Despite this section 5.55(2)(b)(i) provides an exception as follows:

(2) Despite section 5.26, the maximum floor space ratio for a building that has a street frontage of at least 24 metres is—

(b) if the building is on a site area of at least 1,500 square metres, but less than 2,000 square metres—

(i) if the maximum floor space ratio shown for the land on the Floor Space Ratio Map is at least 2.25:1—2:1, or

The development site is 1808m^2 in size and so the floor space ratio for the development site is taken as being 2:1.

The floor space ratio for the proposed development is as follows:

Lot size	Proposed GFA	Proposed FSR	Complies
1808m^2	3615.86m^2	1.99:1	Yes

4.2 Gosford City Centre Development Control Plan 2018

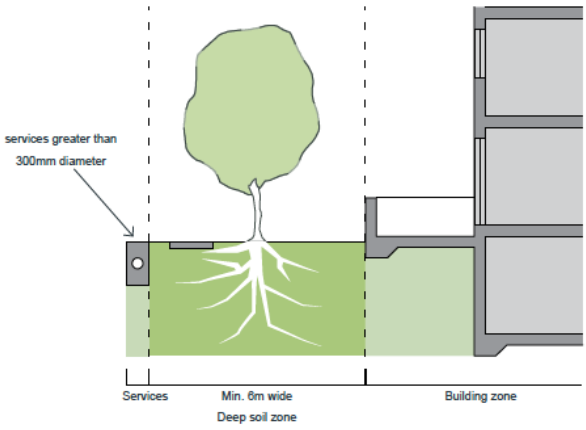
4.2.1 Compliance Table Summary Update Table when plans final

The following table provides a summary of the controls, the proposal and compliance with the elements of Gosford City Centre DCP 2018 that are relevant to this application.

Control	Proposal	Compliance
Part 3 Places and character		

Control	Proposal	Compliance
3.5 Other Areas	The site is ideally located within the residential area and the proposed development will provide a diverse range of housing suitable to accommodate the growing population.	Yes
Part 5 Built form		
5.1 Site size and Design Excellence	The combined lots have an area less than 2800m^2 and is therefore characterised as 'small site'.	
5.2 Built Form 5.2.1 Street setbacks and rear setbacks 3 metres front setback (noting Control 4 permits balconies to encroach 600mm into the front building setback provided the cumulative width of all balconies at the level is no more than 50% of the horizontal width of the building façade measured at that level). 6 metre rear setback	A 3 metre building setback is provided to the street at ground level with balcony encroachment of 600mm as follows: - Level 2 (ground level to Street) cumulative width of all balcony encroachment is 23% - Level 3 cumulative width of all balcony encroachment is 41% - Level 4 cumulative width of all balcony encroachment is 33% - Level 2 cumulative width of all balcony encroachment is 33% A minimum rear setback of 6m is provided	Yes Yes Yes
5.2.2 Street wall heights and upper podium Maximum 12 metre street wall height Upper Podium setback 3 metres from building line of street wall frontage and Upper podium to have maximum height of 2 storeys/7 metres	The maximum street wall height is 14.939 metres The upper podium is setback 3 metres The upper podium has a height of 2 storeys & 6.4 metres	Variation Yes Yes
5.2.3 Active Street frontages and street address	The development site is not labelled 'primary active frontage' on Figure 8 of the DCP.	N/A
5.2.4 Building setbacks and separation Side setback up to street wall height is 3 metres Side setback above street wall is 4.5 metres	All setbacks comply with DCP provisions. (apart from a minor variation to the driveway which is setback 1.8 metre to the southern boundary)	Variation

Control	Proposal	Compliance
All setbacks to also comply with ADG which for building and balcony are: - Up to 4 storeys – 6 metres - From 5 -8 storeys – 9 metres	ADG Setbacks of building and balcony up to 4 storeys (minimums): North – 6m South – 6m West – 6m ADG Setbacks of building and balcony 5-8 storeys (minimums): North – 6m to balcony - 9m to habitable room South – 9m West – 9m	Yes Yes Yes Variation Yes Yes Yes
5.2.11 Internal amenity Building depth, deep soil requirements, communal open space and planting on structures to follow guidance in APG that accompanies SEPP 65.	As detailed on the plans and in the Design Verification Statement the design generally compiles with ADG requirements. Each unit is provided with adequate solar access, window or door openings for cross ventilation. The protection of neighbour's privacy has been achieved mainly through the orientation of the rooms and balconies away from the shared boundaries. In addition, planting shall be provided on the shared boundaries to provide soft visual screening.	Yes
5.2.12 Building services and the streetscape	The substation has been situated at ground level in an accessible location towards the front of the site. Building entry and parking entrances are all treated with high quality materials consistent with the external finishes of the development.	Yes
5.2.13 Landscape design	The landscape design prepared by Conzept Landscape Architects provides a variety of landscape treatments, deep soil plantings and communal open spaces.	Yes
5.2.14 Site cover and deep soil zones The maximum site cover for the site is 50% Deep soil zone shall comprise no less than 15% of the total site area and no width or length less than 6 metres	Site cover is proposed at 65% which exceeds the 50% maximum permitted under the DCP. It is noted that the development complies with the ADG controls relating to Floor Space Ratio, communal and public open space, deep soil zones, private open space and balconies all of which are related to the DCP control of site cover. A variation for this non-compliance is sought. Deep soil zones are provided in excess of the minimum 15% of the total site area (17.9% provided) with dimension length and width of at least 6 metres.	Variation Yes

Control	Proposal	Compliance
No structures, works or excavations that may restrict vegetation growth are permitted in this zone (including but not limited to car parking, hard paving, patios, decks and drying areas).	It is noted that hard pavers have been included in the calculation as shown in the Diagram of the ADG below. This is considered to be acceptable as the installation of the pavers does not restrict vegetation growth within the deep soil area and provides safe and convenient access for users of the space.  Figure 3E.2 Diagram showing the minimum dimension of deep soil zones for sites greater than 1,500m²	Variation.
5.2.15 Front Fences Fences to a maximum weighted average height of 1.2 metres above street level. Front fences over 1 metre in height above street level must be at least 50% visually permeable.	The proposed front fence does not exceed 1.2 metres above street level as detailed in Drawing 205. The proposed fence comprises a concrete base with a metal slat fence that is visually permeable.	Yes Yes
5.2.16 Safety and security	A number of safety and security measures are implemented into the design and assessed as compliant with CPTED principles in the Crime Risk Assessment Report prepared by Planning Ingenuity	Yes
5.2.17 Building exteriors	The Design Verification Statement prepared by Texco Design Pty Ltd provides a thorough assessment of the external façade and compliance with the ADG.	Yes
Part 7 Access and parking		
7.2 Pedestrian access and mobility	Pedestrian access is centrally located on the building and is separate from vehicle access. Safety and security measures are implemented to enhance safety of residents and their visitors. An Access Report to confirm the adaptable dwellings are capable of being modified to comply with the Australian Adaptable Housing Standard (AS4299-1995) is	Yes

Control	Proposal	Compliance
	being finalised at the time of writing and will be submitted under separate cover.	
7.3 Vehicular driveways and manoeuvring areas	Vehicle access into the site is provided by a ramp on the southern side of the site which is setback 1.8 metres from the boundary. Vehicles can enter and exit the site in a forward direction. See Traffic Impact Assessment prepared by PDC Consultants.	Yes
7.4 On-site parking	As discussed in the Traffic Impact Assessment prepared by PDC Consultants on-site parking is provided in accordance with ADG requirements with 47 spaces comprising 39 resident spaces and 8 visitor spaces. Bicycle parking is provided for 16 bikes and motorbike parking is provided for 3 motorbikes. Vehicle parking is provided across a number of basement levels, with ramp access between. Ramps and parking spaces are provided in accordance with AS requirements. A traffic signal system is provided to manage traffic flow within the site	Yes
7.5 Site facilities and services	An Operational Waste Management Plan has been prepared by Elephants Foot Consulting. Consultation has been held with Central Coast Council on waste collection arrangements and changes to the design are in line with these discussions the changes include: - Relocate the bin room to street level (Level 2) and provide the following bins: o General Waste: 3 x 1100L Bins collected 2 x weekly o Recycling: 2 x 1100L Bins collected 2 x weekly o Spare Bins: 2x 1100L MGBs (One waste and one recycling) o Other Bins: 12 x 240L Recycling Bins & 12x Waste Bins to be placed on each residential o level of each core. - A bin cupboard containing a 240L bin for waste and a 240L bin for recycling will be provided on each residential level of each core. The residents will be responsible for walking their waste and recycling to the disposal point on their level and placing their waste and recycling into the correct bins. - The building manager will monitor the fullness of the bins on each residential level. Once full or as required, the building manager will bring the 240L bins to the Bin Room and decant the bins into the corresponding 1100L bin with the aid of a bin lifter. The building manager will return the empty bins to their operational locations. - Council will be engaged to collect the residential waste and recycling twice weekly. - On the evening prior to collection day, the building manager will transport the bins from the Bin Room to the kerbside of Gertrude St.	Yes

Control	Proposal	Compliance
	- To service the bins, the collection vehicle parks on Gertrude St adjacent to the bins. The waste collection staff will leave the vehicle to wheel the bins to the rear of the vehicle for servicing. Once serviced, the collection staff will return to the vehicle and continue on Gertrude St. Once servicing is complete, the building manager is responsible for returning the 1100L bins to the Bin Room. Further details on waste arrangements are provided in the Operational Waste Management Plan submitted under separate cover. Mailboxes are provided in an accessible location within the foyer of the development. An area for communication structure and air conditioners is provided centrally on the roof out of sight of adjoining properties.	
Part 8 Environmental Management		
8.3 Water conservation	A Water Cycle Management Plan has been prepared by JCO Consultants which addresses water conservation measures, on site detention targets and stormwater quality targets.	Yes
8.4 Reflectivity	Low reflective, long wearing external materials will be used for the proposed residential flat building.	Yes
8.6 Waste and recycling	An Operational Waste Management Plan has been prepared by Elephants Foot Consulting. All waste will be collected in a bin storage room and collected by Council twice weekly.	Yes
8.7 Noise and vibration	The Acoustic Assessment prepared by PKA Acoustic Consulting considers the impact of traffic noise on the proposed residential building. The report provides a number of recommendations that have been implemented into the design and construction and can be reinforced by condition of consent. A Construction Noise & Vibration Assessment has also been done by PKA Acoustic Consulting which is submitted under separate cover.	Yes

4.2.2 Part 3 Places and Character

Clause 3.5 – Other Areas

The objectives of this clause are:

1. *Encourage a mix of uses including employment, residential, recreation and retail that support the commercial core.*
2. *Provide a diversity of housing, including higher density residential development in the city fringe to support the viability of the city centre and encourage 24-hour use of the city's amenities.*
3. *Facilitate tourism and increased residential development along the waterfront.*
4. *Provide a mix of lower scale employment uses in the enterprise corridor zone to encourage employment generating opportunities that complement the commercial core.*
5. *Built form in the city fringe areas is to maintain 5 the prominence of Presidents Hill and views to Brisbane Water.*

The proposed development has regard to the objectives of this clause as follows:

The proposed development provides a 39 unit residential flat building with a variety of studio, 1, 2 and 3 bedroom apartments. The sites location within close proximity to public transport, the Gosford CBD, educational establishments and major public services such as the Gosford Hospital make the proposed development ideally suited to support the use of the city's amenities. The site is located within a residential area that is within walking distance to the city centre, public transport medical services and educational establishments.

4.2.3 Part 5 Built Form

Clause 5.1 – Height and Floor Space Ratio

The site is identified as a small site in the height and FSR table of the DCP. The requirements for a small site are as follows:

Requirement	Proposed	Compliance
Height – 18m	23.438m	Variation.
FSR – 2:1	1.99:1	Yes

Clause 5.2 – Built Form Provisions

The following setback controls apply to the site in accordance with the requirements of the DCP:

Clause 5.2.1 – Street setbacks and rear setbacks

Requirement	Proposed	Compliance
5.2.1 Street setbacks and rear setbacks 3 metres front setback (noting Control 4 permits balconies to encroach 600mm into the front building setback provided the cumulative width of all balconies at the level is no more than 50% of the horizontal width of the building façade measured at that level). 6 metre rear setback	A 3 metre building setback is provided to the street at ground level with balcony encroachment of 600mm as follows: - Level 2 (ground level to Street) cumulative width of all balcony encroachment is 23% - Level 3 cumulative width of all balcony encroachment is 41% - Level 4 cumulative width of all balcony encroachment is 33% - Level 2 cumulative width of all balcony encroachment is 33% A minimum rear setback of 6m is provided	Yes Yes

The objectives of this clause are:

a. Provide for public amenity of the street including:
   — landscape and deep soil zones in appropriate locations,
   — to establish the desired spatial proportions of the street and define the street edge
   — to provide for high quality pedestrian amenity and activity.
b. Enhance the setting and street address of the building.
c. Provide front setbacks appropriate to building function and character, including entries and setbacks for ground floor apartments.
d. Create a transition between public and private space.
e. Maintain sun access to the public domain.

The development complies with the above objectives and controls.

Clause 5.2.2 – Street wall heights and upper podium

Requirement	Proposed	Compliance
5.2.2 Street wall heights and upper podium Maximum 12 metre street wall height	The maximum street wall height is 14.939 metres, exceeding the permitted height by an average of 2.5 metres.	Variation
Upper Podium setback 3 metres from building line of street wall frontage and	The upper podium is setback 3 metres	Yes
Upper podium to have maximum height of 2 storeys/7 metres	The upper podium has a height of 2 storeys/ 6.4 metres	Yes

The objectives of this clause are:

a. *Achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.*
b. *Reinforce the intrinsic character and scale of existing and heritage buildings in Gosford City Centre whilst also enable flexibility in contemporary building design.*
c. *Protect solar access to key streets and public spaces.*
d. *Encourage a strong architectural expression.*
e. *Provide for views of the hillsides from key locations.*
f. *Achieve a consistent and strong building line where desirable for urban design and streetscape reasons*

The mean ground level for the street front has been identified on the relevant elevations and sections. The height exceeds the limit by an average of 2.5m. As discussed in the meeting between the Architect and the Department assessors, the variation of the maximum 12m street wall is warranted given the fact that the variation is largely contributed by the top parapet wall/balustrade which is part of the design to enrich the streetscape and to enable the use of the rooftop space. It is requested that the variation be supported.

Clause 5.2.4 – Building Setbacks and Separation

Requirement	Proposed	Compliance
5.2.4 Building setbacks and separation Side setback up to street wall height is 3 metres Side setback above street wall is 4.5 metres	All setbacks comply with DCP provisions (apart from a minor variation to the driveway which is setback 1.8 metre to the southern boundary)	Variation

All setbacks to also comply with ADG which for building and balcony are: - Up to 4 storeys – 6 metres - From 5 storeys and above – 9 metres	ADG Setbacks of building and balcony up to 4 storeys (minimums): North – 6m South – 6m West – 6m ADG Setbacks of building and balcony 5-7 storeys (minimums): North – 6m to balcony - 9m to habitable room South – 9m West – 9m	Yes Yes Yes Variation Yes Yes Yes

The objectives of this clause are:

a. *To provide good amenity for building occupants including daylight, outlook, visual privacy, acoustic amenity, ventilation, wind mitigation and view sharing.*
b. *To achieve usable and pleasant streets and public domain areas.*
c. *To maximise view corridors and maintain Gosford's character of visual openness with the surrounding landscape.*
d. *Provide for the preferred building typology.*

The development provides setbacks from side and rear boundary as per the requirement from ADG, with 6m setback up to 4 storeys, and 9m above, apart from unit 601 where the balcony is setback 6 metres from the northern boundary. The position of Unit 601 in the north eastern corner of the site limits the opportunity for potential privacy impacts as the balcony overlooks the roof of the neighbouring building to the north. The variation to the 9 metre setback in this location for a length of 15 metres which is less than half of the building depth is considered acceptable given the absence of amenity impacts to the neighbouring development.

The development provides setback in compliance with DCP controls with an exception to the driveway entrance to the basement parking which is setback approximately 1.8 metres. The driveway wall extends 15 metres at this setback distance and then curves away from the boundary to a compliant setback position. A variation is sought to the non-compliance on the basis that the encroaching southern driveway wall is blank and will not cause any adverse privacy impacts to the adjoining neighbour. Ground cover landscaping is provided between the driveway wall and the boundary and it is noted that the remainder of the southern boundary is landscaped with a combination of canopy trees, feature trees and screen planting to provide amenity for the residents and soften the view of the development.

Overall, the building mass has been designed with articulation provided through increased setbacks to upper levels, balconies located along the sides of the built form and deep soil landscaping along all boundaries. The protection of the neighbour's privacy has been achieved mainly through the orientation of the rooms and balconies away from the shared boundaries. A degree of planting shall be provided on the shared boundaries to provide a degree of soft visual screening.

Clause 5.2.11 – Internal Amenity

The objectives of this clause are:

a. *To ensure high quality internal amenity for all uses in Gosford.*

38 units achieve solar access to their primary living spaces and private open space throughout the year. Of these 30 units (77%) achieve at least 3 hours of direct sunlight between 9am to 3pm mid-winter 21 June, exceeding the 70% minimum. 8 units (20.5%) achieve less than 3 hours direct sunlight between 9am to 3pm mid-winter 21 June. Only one unit (2.5%) achieves no direct sunlight between 9am to 3pm mid-winter 21 Jun, in compliance with the maximum 15% of units allowable under the APG.

Units layouts are arranged to allow habitable rooms to receive daylight where sunlight is limited.

Where possible, balconies are incorporated to habitable room as a transition that provides shading over warmer months. 77% of units are naturally ventilated, complying with ADG requirement of 60%.

Single aspect apartments are designed to have less depth and incorporate kinks at the external wall to allow ventilation opportunities.

The 3.2m floor-to-floor heights shall comfortably achieve a ceiling height of 2.7m in all habitable rooms.

High ceilings to a height of 2.7m shall be sufficient to facilitate a wide range of furniture/uses suitable for the amenity of most inhabitants.

All units comply with the minimum apartment sizes required by the Apartment Design Guide.

All habitable rooms in all units have access to windows sized no less than 10% of the floor area of that room, with operability to ensure access to natural ventilation.

All habitable rooms have sufficient access to windows, and are not so deep so as to create areas of poor daylight or ventilation amenity

All units have been provided generous floor plans, which allow additional room for storage, and excess room in living areas. All living areas feature widths of no less than 4m, and all bedrooms are no less than 3m in their shortest dimension.

All master bedrooms are slightly enlarged to allow 10$m_2$of floor area, and wardrobes of 1.5-1.8m length

Clause 5.2.12 – Building Services and the Streetscape

The objectives of this clause are:

a. To ensure a high quality streetscape.
b. To minimise intrusion of building services on the public domain.

The substation has been situated at ground level in an accessible location towards the front of the site. Building entry and parking entrances are all treated with high quality materials consistent with the external finishes of the development.

Clause 5.2.13 – Landscape Design

The objectives of this clause are:

a. To ensure that the use of potable water for landscaping irrigation is minimised.
b. To ensure landscaping is integrated into the design of development.
c. To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities.
d. To improve storm water quality and control run-off.
e. To improve the micro-climate and solar performance within the development.
f. To improve urban air quality and contribute to biodiversity.

A landscape plan prepared by Conzept Landscape Architects details the landscape treatment for the proposed development. Substantial deep soil zones have been provided to all four boundaries of the site, allowing for a reduced reliance on on-slab plantings. The roof top area will have landscaped planter boxes around the perimeter to screen the balustrades and also provide screening to adjoining properties.

The landscaped areas are primarily allocated for communal use and maintenance will be undertaken by the building managers. Maintenance of the landscaping will be undertaken by a qualified landscape maintenance contractor. Maintenance works will include, but not be limited to the following:

- Watering all planting and lawn areas plus irrigation maintenance
- Clearing litter and other debris from landscaped areas
- Removing weeks, pruning and general plant maintenance
- Replacement of damaged, stolen or unhealthy plans
- Make good areas of soil subsidence or erosion
- Topping up of mulched areas
- Spray/treatment for insect and disease control
- Fertilising with approved fertiliser at correct rates
- Mowing lawns and trimming edges each 14 days in summer or 18 days in winter
- Adjusting ties to stakes
- Maintenance of all paving, retaining and hardscape elements.

Landscaped areas are to be irrigated with an automated drip irrigation system using recycled water to ensure the efficient usage of water.

Existing trees to be retained shall be done in accordance with *AS4970 – Protection of trees on development sites*. Where general works are occurring around such tress, or pruning is required, a qualified arborist will be engaged to oversee the works and manage tree health.

Trees to be retained will be protected during the construction period and any soil within the drip line of these trees shall be excavated and removed by hand only. No material stockpiling will occur within the root zone of the trees to be retained.

Any roots larger in diameter than 50mm shall only be severed under care and instruction of a qualified arborist. Roots smaller than 50mm shall be cut cleanly with a saw.

Temporary fencing will be installed around the base of all trees to be retained prior to the commencement of landscape works. Where possible the temporary fencing will be located around the drip line of the tress, or a minimum of 3m from the trunk. The temporary fencing will be maintained for the full construction period.

Clause 5.2.14 – Site Cover and Deep Soil Zones

The objectives of this clause are:

a. To provide an area on sites that enables soft landscaping and deep soil planting, permitting the retention and/or planting of trees that will grow to a large or medium size.
b. To limit building bulk on a site and improve the amenity of developments, allowing for good daylight access, ventilation, and improved visual privacy.
c. To provide passive and active recreational opportunities.

Requirement	Proposed	Compliance
Site cover – 50%	65% site cover	Variation.
Deep soil zone – 15%	17.9%	Yes

A deep soil zone with a minimum dimension of 6m is provided over an area of 323.74m^2 which equates to 17.9% of the site. The landscape and deep soil calculation plan prepared by Texco Design provides the calculations for the deep soil zone consistent with the definition within the ADG. The deep soil zones are located on the north, south and west sides of the proposed apartment building. The landscape plan prepared by Conzept Landscape Architects identifies a mix if trees and shrubs that will grow to a variety of heights and widths as mature plants.

The site cover is proposed at 65% which exceeds the 50% maximum permitted under the DCP. It is noted that the development complies with the ADG controls relating to Floor Space Ratio, communal and public open space, deep soil zones, solar and daylight access, private open space and balconies all of which are related to the underlying objectives of the site cover control. Despite the technical non-compliance the development is consistent with the

objectives as it provides generous areas of soft landscaping and deep soil planting, the building has been designed to maximum daylight access and ventilation and ensures future high density development on the neighbouring southern site is able to achieve compliance with the relevant access to sunlight provisions of the ADG as demonstrated in Drawing 013A.

Clause 5.2.15 Front Fences

The objectives of this clause are:

a. *Ensure front fences allow for passive surveillance of the street.*
b. *To clearly define the interface between the public and private domain.*
c. *To encourage the preservation and/or construction of fences and walls that contribute to the character of the locality.*

The proposed front fence does not exceed 1.2 metres above street level as detailed in Drawing 205. The proposed fence comprises a concrete base with a metal slat fence that is visually permeable. The fencing is consistent with the DCP guidelines as it will allow passive surveillance of the street, clearly defines the interface between public and private domain and sets a positive precedent or future fencing designs as the street is redeveloped for higher density as envisaged by the planning controls.

Clause 5.2.16 – Safety and Security Address

The objectives of this clause are:

a. *To ensure developments are safe and secure for pedestrians.*
b. *Reduce opportunities for crime through environmental design.*
c. *To contribute to the safety of the public domain.*
d. *Encourage a sense of ownership over public and communal open spaces.*

A crime risk assessment report has been prepared by Planning Ingenuity to address Crime Prevention through Environmental Design (CPTED) principals. Included in the assessment is a safety audit of the proposed development provided in section 6 of the report and a number of recommendations that have been incorporated into the design or will be implemented during the ongoing management of the development. The recommendations of the report are as follows:

The building is deemed to be either safe or safe subject to the implementation of the following recommendations:

- *Pedestrian entries should not be flanked by tall plantings which could obscure sightlines or allow for any areas of concealment;*
- *Lighting meeting Australian Standards must be provided to street frontages as well all entry pathways, basement levels and driveways. This especially necessary where these areas are covered and where casual surveillance is obstructed (such as the northern access/egress);*
- *Vegetation at all entrances are to be maintained to ensure that vegetation does not obstruct sight lines from the adjoining public roadways. This is to be managed by the relevant Strata Management company;*
- *Vegetation must be strategically placed so as not to obstruct throughway and entrances or create hiding spots;*
- *The main pedestrian access points as well as the facades of the buildings, basement areas and lobbies are to be illuminated after daylight hours to a level that allows clear lines of sight from the street frontages and spaces immediately surrounding the building;*
- *The main entry foyer and lower level foyer are to be accessed via a security door with access being restricted by an intercom, code or card lock system;*
- *Access to the basement areas is to be controlled by a security door with access being restricted to an intercom, code or card lock system for residents. Residential visitors will have access via the intercom system, as the parking areas are to be separated by a security door or the like; •Street number and way-finding signage is to be readily identifiable from Gertrude Street.*
- *The facades located at Ground Level and Level 2should be buffered with landscaping where possible and include appropriate levels of illumination to deter graffiti;*
- *A security alarm is to be linked to the basement entries and residential lobbies which is be activated in the event of forced entry;*

- *Windows and doors on the ground floor and street fronting units at Level 2are to be made of toughened glass;*
- *The internal portions of the basements are to be illuminated in accordance with the AS1158.1, AS1680 and AS2890.1;*
- *The ceiling of each basement level shall be painted white or a like colour to increase visibility and reflective light throughout each basement level;*
- *Mailboxes are to be secured by lock and key;*
- *All painted surfaces on the external parts of the building are to be treated with a graffiti resistant coating, particularly the ground floor and Level 2 facades fronting Gertrude Street.*
- *Graffiti is to be removed as quickly as possible to minimise potential for cumulative graffiti and vandalism actions; and*
- *Strata management is to be responsible for the maintenance of common property including landscaping and removal of any graffiti. Graffiti should be removed as quickly as possible as to reduce accumulative graffiti.*

In addition to the above, it is noted that the site is within areas of high crime instances on the Crime Hotspots maps as shown in this Report. Given the high density nature of the development, the proposed crime protection measures recommended for the site are considered to ensure safety of future residents and the general public.

The proposed development will increase the residential density on the subject site through the provision of 39 residential apartments. The design of the overall built form, in addition to the individual apartments, is such that primary living areas will be orientated towards local streets, entries and through site links, as far as practicable. The proposal will provide a high level of passive surveillance to the public domain and internally within the site which is expected to reduce the opportunity for incidents in crime.

Clause 5.2.17 – Building Exteriors

The objectives of this clause are:

a. *Contribute positively to the streetscape and public domain by means of high quality architecture and robust selection of materials and finishes,*
b. *Provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower levels and roof tops,*
c. *Present appropriate design responses to nearby development that complement the streetscape,*
d. *Clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security,*
e. *Maintain a pedestrian scale in the articulation and detailing of the lower levels of the building, and*
f. *Contribute to a visually interesting skyline.*

The proposed residential flat building provides a modern design suitable for the contemporary coastal character that is set by the newer developments in the central commercial corridor along Mann Street. The façade will be primarily white, with grey blocks and timber trimmings and accents. The external materials will be long wearing to improve the building lifespan and reduce maintenance requirements. There are no large expanses of any single material or colour, with regular breaks or changes provided in the external façade.

The built form, as discussed briefly in Principle 2 above, is defined by a 4-storey podium massing, and additional setbacks to all sides on the top two storeys, creating a 4-2 division of the six-storey street bulk. The massing of the podium level is further articulated via an alternating division of portal frames and balconies, creating a roughly three-bay façade, accentuating the verticality of the base. The portal frames are designed with a slanted soffit, and visually "frame" the large openings to bedrooms and living rooms. A framing element has also been provided over the driveway entry into the site, to lend a unifying visual element to the building entry. Viewed from the side, the building also reads as two masses, with a one-storey drop/splits down the middle, which correlates with the slope of the site, and the negotiation of the ground level. The rear half of the building, centred around the western vertical circulation (lift and stair) core follows a similar 4-2 division of the podium and terrace massing.

The building has been designed with deep balconies and partially hooded windows in the form of the portal frames. These design elements help to provide a degree of shading/shelter to the largest openings on the building façade.

The building shall also utilise simple, and typical constructional materials and cladding systems to ensure ease of construction, and longevity of the building with minimal maintenance required.

Complicated systems have been avoided for difficult access for maintenance. Materials selection of mainly paint on render and metal cladding will allow simple cleaning and maintenance.

The external colours and material schedule is provided on Drawing 401.

4.2.4 Part 7 Access and Parking

Clause 7.2 – Pedestrian Access and Mobility

The objectives of this clause are:

a. To provide safe and easy access to buildings to enable better use and enjoyment by people regardless of age and physical condition, whilst also contributing to the vitality and vibrancy of the public domain.
b. To ensure buildings and places are accessible to people with a disability.
c. To provide a safe and accessible public domain.

The main pedestrian access into the site is centrally located within the building mass that addresses Gertrude Street. The pedestrian access provides a clear entry point into the site and helps to create built form direction to lead visitors to the entrance. A portal frame clearly defines the pedestrian access, with an underlying awning to provide weather protection to the front entry. There are clear sightlines and an easily surveyed building entry. Dimmed lighting will be provided to the front entry to provide visibility at night and ensure safety of users.

The pedestrian access is separate from the vehicular access into the site, ensuring safety of both pedestrians and motorists using the site.

At the time of writing an Access Report was being finalised to confirm the adaptable dwelling are capable of being modified to comply with the Australian Adaptable Housing Standard (AS4299-1995). This will be submitted under separate cover.

An assessment against BCA Part D3 Access for People with Disabilities has been undertaken in the BCA 2019 A1 Indicative Compliance Report prepared by Building Innovations Australia, which confirms that the development is either compliant or compliance is readily achievable.

Clause 7.3 Vehicular Driveways and Manoeuvring Areas –

The objectives of this clause are:

a. To minimise the impact of vehicle access points on the quality of the public domain.
b. To minimise impact of driveway crossovers on pedestrian safety and streetscape amenity.
c. Minimise storm water runoff from uncovered driveways and parking areas.

The vehicle access into the development is located towards the southern boundary, with adequate clearance between the vehicle access and main pedestrian access into the building. A new driveway crossing will be constructed in accordance with Council's standard Vehicle Entrance Designs. The location of the driveway also allows for visual splays to both sides, free from any tall obstructions. The driveway ramp is highlighted by a portal frame canopy that projects forward of the building line. The roller shutter access door is setback behind the building line at the bottom of the access ramp which provides adequate room for the parking of a vehicle off the roadway whilst waiting for the roller door to open. Vehicles have adequate manoeuvring within the parking area to ensure they can enter and exit the site in a forward direction.

The driveway, internal driveways, car spaces and passing bays all comply with minimum widths and dimensions of relevant Australian Standards. A standard typical parking space is dimensioned 2.4 metres wide and 5.4 metres long. Internal passing lanes are a minimum of 6.2m wide. Disabled parking spaces are provided with a clear accessible path of travel to lift into building. Accessible parking spaces are a minimum width of 2.4m and length of 5.4 metres, with an isle width of 5.8 metres. The accessible parking spaces are located adjacent to a 2.4 metre wide and 5.4 metre long shared area.

The first 6 metres of the Level 02 – Level 01 driveway / ramp has the following grade inside the property boundary, due to stormwater design requirements:

- 8% (1 in 12.5) for 2 metres
- Flat for 2 metres
- 10% (1 in 10) for 2 metres

The vehicle ramp has a maximum grade of 20% (1 in 5), with 2 metre transitions of 10% (1 in10) along the inside edge of the ramp. The width of the ramp varies from 5.5 metres for the first 12 metres inside the site boundary and reduces to 4.4 metres at the curve. The ramp is designed to accommodate one lane, two way traffic. Swept path analysis is provided in Appendix B of the Traffic Impact Assessment prepared by PDC Consultants.

Vehicle circulation ramps between the basement levels have a minimum width of 3.6 metres between kerbs and will accommodate one lane, two way traffic flow. The one lane, two way vehicle ramps will require the provision of traffic signals to manage the internal circulation of vehicles within the basement. It is noted that the vehicles existing the site will always have right of way to avoid any congestion at the entry.

Clause 7.4 – On-site Parking

The objectives of this clause are:

a. To facilitate an appropriate level of on-site parking provision in the city centre to cater for a mix of development types.
b. To minimise the visual impact of on-site parking.
c. To provide adequate space for parking and manoeuvring of vehicles (including service vehicles and bicycles).
d. To promote Gosford City Centre as a more lively and vibrant place by providing parking incentives for certain developments in the city centre.
e. To encourage economic growth in the city centre.
f. To enable the conversion of above ground parking to other future uses.
g. To recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking.

DCP Requirement

Development type	Parking Rate	Parking Requirement
Resident car parking	1 space per studio/1 bedroom dwelling	5 spaces
	1.2 spaces per 2 bedroom dwelling	30 spaces
	1.5 spaces per 3 bedroom dwelling	13.5 spaces
Visitor car parking	0.2 spaces per dwelling	7.8 spaces
Total car parking required		56.3 spaces

RMS Guide Requirement

Development type	Parking Rate	Parking Requirement
Resident car parking	0.6 space per 1 bedroom dwelling	3 spaces
	0.9 spaces per 2 bedroom dwelling	22.5 spaces
	1.4 spaces per 3 bedroom dwelling	12.6 spaces
Visitor car parking	0.2 spaces per dwelling	7.8 spaces
Total car parking required		45.9 spaces

The Apartment Design Guideline provides that the proposed development provides the lesser requirement. As a result, the proposed development provides 47 parking spaces, 10% of these spaces are required to be accessible car parking spaces. The architectural plans prepared by Texco Design identify 5 accessible car parking spaces in the basement parking areas.

Motorcycle Parking

Development type	Parking Rate	Parking Requirement
Motorcycle parking	1 space per 15 dwellings	3 spaces
Total motorcycle parking required		3 spaces

Three motorcycle parking spaces are identified on the basement 01 plan prepared by Texco Design.

Bicycle Parking

Development type	Parking Rate	Parking Requirement
Resident Bicycle parking	1 space per 3 dwellings	13 spaces
Visitor bicycle parking	1 space per 12 dwellings	3
Total bicycle parking required		16

16 bicycle parking spaces are provided for the development. The bicycle parks are located on the basement 01, ground floor and level 01 plans prepared by Texco Design.

Clause 7.5 – Site Facilities and Services

The objectives of this clause are:

a. *To ensure that site facilities (such as clothes drying areas, mailboxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units and communication structures) are effectively integrated into the development and are unobtrusive.*
b. *To ensure that site services and facilities are adequate for the nature and quantum of development.*
c. *To establish appropriate access and location requirements for servicing.*
d. *To ensure service requirements do not have adverse amenity impacts.*

Mailboxes

The mailboxes are located in the entry lobby which ensure they are accessible to all residents.

Communication structures, air conditioners and service vents

An area for communication structure and air conditioners is provided centrally on the roof out of sight of adjoining properties

Waste (garbage) storage and collection - General (all development)

Following discussion with Central Coast Council's Waste Services Department an amended Operational Waste Management Plan has been prepared by Elephants Foot Consulting. The amended Plan outlines the waste management procedures for the proposed development as follows:

Bin Summary
The site will have the following bins;
General Waste: 3 x 1100L Bins collected 2 x weekly
Recycling: 2 x 1100L Bins collected 2 x weekly

Spare Bins: 2x 1100L MGBs (One waste and one recycling)
Other Bins: 12 x 240L Recycling Bins & 12x Waste Bins to be places on each residential level of each core.

Waste disposal procedures
A bin cupboard containing a 240L bin for waste and a 240L bin for recycling will be provided on each residential level of each core. The residents will be responsible for walking their waste and recycling to the disposal point on their level and placing their waste and recycling into the correct bins. The building manager will monitor the fullness of the bins on each residential level. Once full or as required, the building manager will bring the 240L bins to the Bin Room and decant the bins into the corresponding 1100L bin with the aid of a bin lifter. The building manager will return the empty bins to their operational locations.

Waste collection procedures
Council will be engaged to collect the residential waste and recycling in accordance with council's collection schedule. As per the correspondence between Darren North of the Central Coast Council's waste services department and Andy Wu of Texco Design the 24th of August 2023 it is assumed that the waste and recycling bins would be collected twice weekly. On the evening prior to collection day, the building manager will transport the bins from the Bin Room to the kerbside of Gertrude St.

To service the bins, the collection vehicle park on Gertrude St adjacent to the bins. The waste collection staff will leave the vehicle to wheel the bins to the rear of the vehicle for servicing. Once serviced, the collection staff will return to the vehicle and continue on Gertrude St. Once servicing is complete, the building manager is responsible for returning the 1100L bins to the Bin Room.

Bulky waste procedures
An area will be made available for the storage of discarded residential bulky items (e.g. whitegoods, furniture, etc.). This room should be located within close proximity of the garbage and recycling bin collection room and must have a minimum doorway width of 1.5m to allow for easy movement of large waste items in and out of the room. The size of the bulky waste room proposed is based on the bulky waste room sizing rate provided in the NSW EPA's Better Practice Guide for Resource Recovery in Residential Developments 2019. For 39 units, the site will need a minimum of $10m^2$.

Residents will need to liaise with building management regarding the transportation of bulky items and the availability of the Bulky Waste Storage Room. It is the caretaker's responsibility to arrange collection dates with Council and then coordinate with the residents. One the evening before collections, the Building Manager will transport the bulky waste from the Bulky Waste Area to the kerbside of Gertrude St. On the day of bulky waste collection, the collection vehicle will park on Gertrude St and load the bulky waste onto the collection vehicle.

4.2.5 Part 8 Environmental Management

Clause 8.2 Energy Efficiency Conservation

The objectives of this clause are

a. *To reduce the necessity for mechanical heating and cooling.*
b. *To minimise greenhouse gas emissions.*
c. *To use natural climatic advantages of the coastal location such as cooling summer breezes, and exposure to unobstructed winter sun.*

The development complies with Basix provisions.

Clause 8.3 – Water Conservation

The objectives of this clause are:

a. *To reduce per-capita mains consumption of potable water.*
b. *To harvest rainwater for use and reduce urban storm water runoff.*
c. *To reduce wastewater discharge.*
d. *To reuse wastewater where appropriate.*
e. *To safeguard the environment by improving the quality of water run-off and to mimic pre-development flows where appropriate.*

f. To ensure infrastructure design is complimentary to current and future water use.
g. To protect public health.

The proposed development includes the provision of a number of BASIX sustainability measures. These measures are noted in the BASIX certificate and the plans, which are submitted under separate cover.

Water fixtures within the development shall be provided in accordance with the water ratings noted in the BASIX certificates.

An underground tank has been provided for the collection of rainwater for the use of landscaping or flushing purposes. The stormwater collection within the underground OSD tank, and subsequent discharge into council assets shall be in accordance with council's regulations.

The site is minorly affected by flooding, and the building internal finish heights have been set in accordance with Flood Impact Assessment. The development aims to reduce obstruction or diversion of the existing catchment flows through the site, whilst ensuring that all habitable areas are lifted above any floodwater movements during a heavy rainfall event.

Clause 8.6 – Waste and Recycling

The objectives of this clause are:

a. To minimise waste generation and disposal to landfill with careful source separation, reuse and recycling.
b. To minimise the generation of waste through design, material selection, building and best waste management practices.
c. To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development as well as the ongoing generation of waste.
d. To ensure efficient storage and collection of waste and quality design of facilities.

A Waste Management Plan has been prepared by Elephants Foot Consulting in consultation with Central Coast Council's Waste Services Department outlines the waste management procedures for the proposed development. Each floor has a bin cupboard where residents will deposit their rubbish (general and recycling). The building manager will transfer the bins to the communal bin room which has been integrated into the design of the building at street level. The external door to the bin room will only be used by the building manager to transport the bins to the front of the site for Council collection. The external bin room entrance is screened from the street by a planter box with landscaping which will eliminate any adverse visual impact to the streetscape.

Section 11.0 of the Waste Management Plan outlines the construction requirements of the bin room to ensure it is provided with adequate ventilation, lighting, bin washing facilities, impervious flooring suitable for washing and stormwater drainage.

Clause 8.7 – Noise and Vibration

The objectives of this clause are:

a. To ensure development is designed so noise and vibration from new businesses, light industrial and leisure/cultural/entertainment venues and other noise generating activities do not unacceptably affect the amenity of nearby residential and other noise or vibration sensitive uses.
b. To ensure development is designed and constructed so that noise and vibration impacts from existing neighbouring activities do not unreasonably compromise the amenity of occupants of the proposed development.
c. To ensure noise and vibration impacts between different uses and occupancies within a development provide reasonable amenity to all occupants of the development.

An acoustic assessment prepared by PKA Acoustic Consulting provides an assessment of the traffic noise impact into the proposed residential development. The assessment has been conducted in accordance with the acoustic requirements of Central Coast Council and the Department of Planning's *Developments Near Rail Corridors and Busy Roads – Interim Guidelines'*, NSW EPA Noise Policy for Industry 2017 and the Building Code of Australia. The report provides an assessment of traffic noise intrusion, plant noise and noise design for internal walls and floors.

The recommendations of the acoustic assessment, including construction requirements, are as follows:

6.0 RECOMMENDATIONS

Calculations have been carried out to specify the building facade elements. The acoustic requirements are given below.

All recommendations must be checked by respective assessing representatives to ensure compliance with other non-acoustic requirements.

1. *The acoustic systems shown in the descriptions is one that satisfies the acoustic requirements only. No representation is given that it is fit for any other purpose. The construction must be checked and designed by others to verify that it complies with all necessary fire rating, structural, waterproofing, durability and any other non-acoustic requirements.*
2. *Any additional construction or fixtures must be acoustically detailed to seal to the room and ceiling construction without degrading the sound insulation rating (Rw) required in either instance.*

6.1.1 External Walls

The acoustic systems shown in the descriptions is one that satisfies the acoustic requirements only. No representation is given that it is fit for any other purpose. The construction must be checked and designed by others to verify that it complies with all necessary fire rating, structural, waterproofing, durability and any other non-acoustic requirements.

Any additional construction or fixtures must be acoustically detailed to seal to the room and ceiling construction without degrading the sound insulation rating (Rw) required in either instance.

The calculations show that the any upgrades to the facade directly facing the road must be done to have a minimum Weighted Sound Reduction index of Rw 40. The required minimum Rw rating can be readily met by the standard Brick Cavity or Brick Veneer. Where light-weight construction is proposed, this can be readily met by standard construction that comprise of an external cladding and internal lining with insulation.

6.1.2 Roof

The calculations show that any upgrades to the roof should have a minimum performance of Rw 40. This can be achieved by standard construction that satisfy typical BASIX requirements. All penetrations must be sealed appropriately to ensure that there are no airgaps as per the following eaves details.

6.1.3 Windows/Doors

Based on the measurements conducted, the noise impact from the traffic activity when averaged over the day and night (as per the standard) is minimal and no additional acoustic detailing is required to meet the council's acoustic requirements. Standard construction can be used.

Note: The reason for the compliance with standard construction is due to the nature of the assessment which assesses the noise average over 15 hours during the day and 9 hours during the night. However, individual vehicle pass bays will still be audible and maybe subjectively considered intrusive depending on the sensitivity of the occupant in the proposed premises.

For this reason, though it is not a requirement, it is advisable to install a minimum 6 mm laminated glazing and acoustic sealed frames to the facade directly facing the train line to improve acoustic comfort of the proposed premises. This however is at the client's discretion and not a mandatory recommendation.

6.3 Requirements

All walls and floors separating sole occupancy units must comply with the construction ratings listed in Section 4.2 of this report.

6.3 Mechanical Noise Mitigation

The selection and placement of any outdoor mechanical equipment such as condenser units, exhausts serving car parks and toilets, roller doors for access etc. must be designed to acoustically comply with the criteria established in Table 5-1 of this report. This must be checked by an acoustic consultant and the

appreciate criteria must be selected depending on the location of the equipment and the positioning of the residential receiver's boundary from the main road (to check if shielded from traffic noise).

6.4 Construction Noise & Vibration

If the preparation of a Construction Noise & Vibration Management Plan is required by the certifying authority, the noise criteria established in Sections 4.3, 4.4 and 5.2.2 must be considered.

In addition, a Construction Noise and Vibration management Plan has been prepared by PKA Consultants which includes mitigation measures that can be included as conditions of consent.

4.3 The Likely Impacts of the Development

4.3.1 Economic and Social Impacts

The proposed development will provide employment and income generation for the local community and a variety of housing options in a rapidly growing community with ease of access to services.

The proposed residential flat building will provide 39 new residential premises, with suitable on-site parking and facilities for each unit provided to ensure the amenity of occupants and surrounding properties. The proposed apartment complex provides a mix of studio, 1, 2 and 3 bedroom units, with a number of these designed as adaptable housing. The housing mix reflects the needs of the community and will provide an opportunity for a diverse range of occupants to reside in the area.

During the construction phase of the development there will be significant positive economic impacts as various trades and services are employed to undertake work on the development. The local economy will also be supported through the purchase of building materials. Based on the project value the estimated number of construction jobs is 100 and the estimated number of operation jobs is 12.

Ancillary benefits of the development are the opportunity for additional families to relocate in to the area creating a larger generation of income within the community and an increase usage of existing services such as public transport and educational facilities.

Overall, it is considered that the development will have a positive social and economic impact on the local community.

4.3.2 Security and Crime Prevention

Crime Prevention Through Environmental Design (CPTED) is a strategy that aims to influence offender's decision-making process. It uses urban planning, design and place management strategies to reduce the likelihood of necessary crime ingredients from intersecting in time and space. CPTED reduces crime opportunities by increasing the reality or perception of risk to offenders, increasing the effort required to commit crime, reducing opportunities for excuse making and reducing the likely rewards of criminal behaviour.

Safer by Design is a program based on the principles of Crime Prevention Through Environmental Design and has been a fundamental consideration to the design of the development.

A crime risk assessment report has been prepared by Planning Ingenuity to address Crime Prevention through Environmental Design (CPTED) principals. Included in the assessment is a safety audit of the proposed development provided in section 6 of the report and a number of recommendations that have been incorporated into the design or will be implemented during the ongoing management of the development. The recommendations of the report are detailed under section 4.2.3 on this report.

The proposed development has been designed in accordance with, and is considered to be consistent with, the principles of 'safer by design'.

4.3.3 Acoustic Assessment

An Acoustic Report is provided as part of this application. The report is prepared by PKA Acoustic Consulting. The report provides an assessment and noise measurements of the traffic noise on the proposed development. The recommendations of the report have been outlined in section 4.2.3 of this report and will be incorporated into the design and construction of the proposed residential flat building.

4.3.4 Traffic Assessment

A Traffic Impact Assessment Report is provided as part of this application. The report is prepared by PDC Consultants.

Onsite parking is provided across multiple levels of basement car parks. A traffic signal system is proposed to ensure vehicle movements within the site are managed in a safe and efficient manner. The traffic signals will consist of red/green traffic lights and waiting bays within the car parking levels. All ramps are sufficient for one lane, two-way traffic. The signals will be configured so that vehicles entering the site are always given the green signal to minimise the potential for on street queuing.

The traffic generation assessment confirms that the development will generate seven 21 vehicle trips / hour during the weekday AM peak period and 12 vehicle trips / hour during the weekday PM peak period. However, once the traffic generation of the existing residential dwelling is taken into consideration, the proposed development would result in a net increase in traffic generation of 18 vehicle trips / hour during the weekday AM peak period and nine (9) vehicle trips / hour during the weekday PM peak period. This equates to one (1) additional vehicle trip every 3-4 minutes during the AM peak period and one (1) additional vehicle trip every 6-7 minutes during the PM peak period, which will have no material impact on the performance of the external road network and accordingly, no external improvements will be required to facilitate the development.

The RMS Guide / ADG and GCCDCP 2018 requires the development to provide 47residential car parking spaces on-site including eight (8) visitor car parking spaces. In response, the development provides a total of 47 car parking spaces on-site. The proposed parking provision is therefore considered acceptable and will ensure all car parking demands are accommodated on-site, with no reliance on on-street parking.

The proposed access and internal parking arrangements generally comply with the relevant requirements of AS 2890.1, AS 2890.2, AS 2890.3 and AS 2890.6.

4.3.5 Solar Access and Shadow Diagrams

The development site provides an ideal north south orientation, and the proposed residential flat building has been designed to maximise solar gain and access throughout the apartments. Windows and doors have been placed strategically and units have been oriented with living areas to the north.

38 units achieve solar access to their primary living spaces and private open space throughout the year. Of these 30 units (77%) achieve at least 3 hours of direct sunlight between 9am to 3pm mid-winter 21 June, exceeding the 70% minimum. 8 units (20.5%) achieve less than 3 hours direct sunlight between 9am to 3pm mid-winter 21 June. Only one unit (2.5%) achieves no direct sunlight between 9am to 3pm mid-winter 21 Jun, in compliance with the maximum 15% of units allowable under the APG.

As requested by the Department, the Applicant prepared the following additional architectural drawings in relation to shadowing impacts:

- Drawing 015: to show the overshadowing issues (to 180 Gertrude St) caused by the compliant development massing as per ADG, which doesn't comply

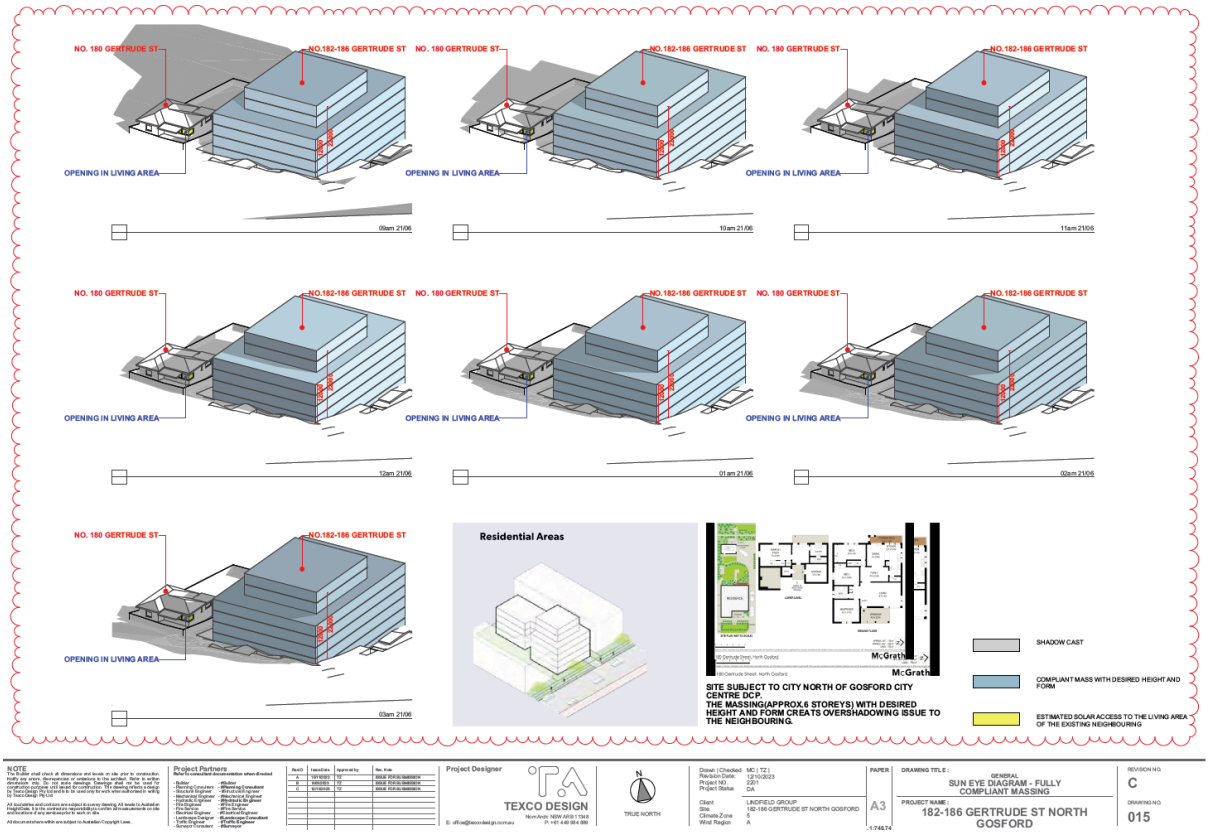


Figure 6 Fully Compliant Massing Shadow Impacts

- Drawing 016: to show the ideal development massing that doesn't overshadow 180 Gertrude St, which damages the streetscape.

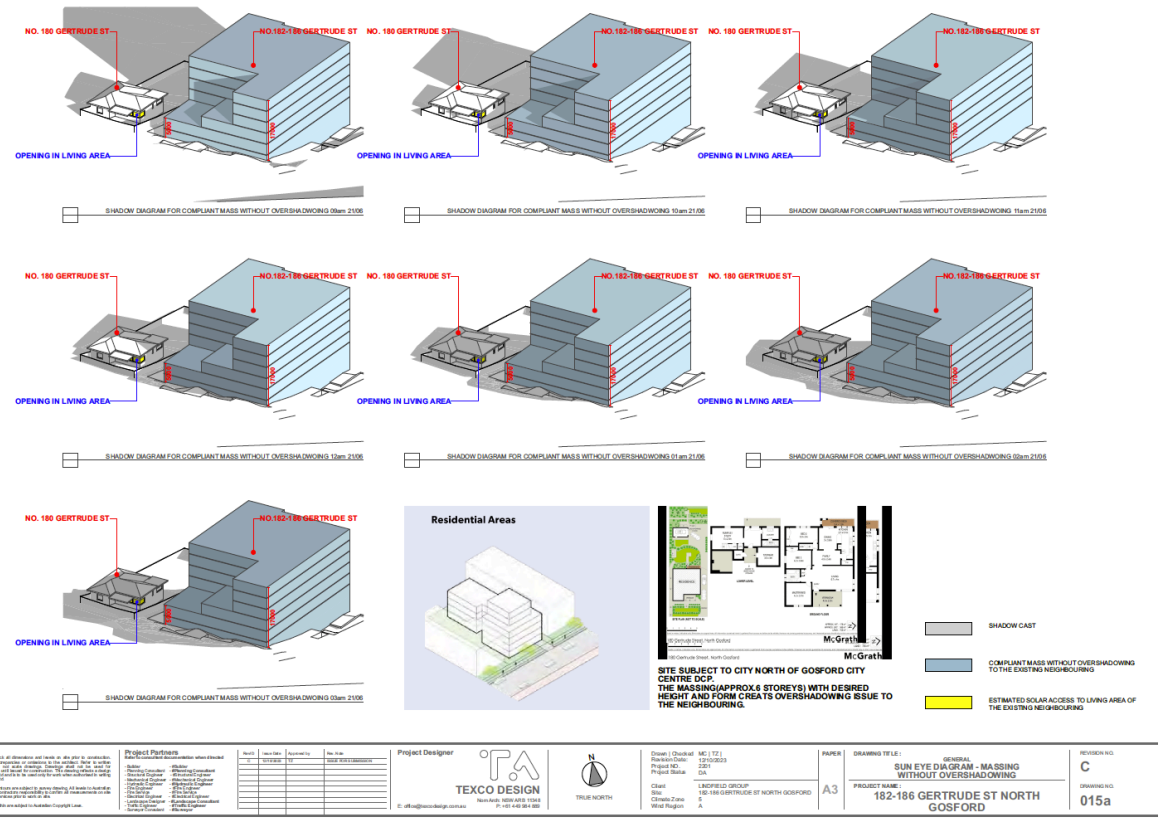


Figure 7 Massing without Overshadowing

Based on the above information, it is evident that a building design required to avoid the overshadowing issue to 180 Gertrude St creates significant streetscape issues with an imbalanced front façade to Gertrude Street. This building design is not desirable and would be inconsistent with the design guidelines outlined in the Gosford City Centre DCP. Notwithstanding an effort has been made to reduce the shadowing impacts with the proposal being amended to reduce bulk from Level 7 through the removal of the southern unit together with reshaped balconies of Unit 406, 506 & 602. This combination of changes assists in minimizing the shadowing impact to 180 Gertrude Street.

It is noted that the area is in transition and the existing single storey dwellings on neighbouring sites will be redeveloped for high density residential housing in the future. The design of this development has ensured that future high density development on the neighbouring southern site is able to achieve compliance with the relevant access to sunlight provisions of the ADG as demonstrated in Drawing 013A. (**Figure 8**)

Figure 8 Massing without Overshadowing

Updated shadow diagrams based on the amended design have been prepared for March (**Figure 9**), June (**Figure 11**), and September (**Figure 12**), to demonstrate the impact to the neighbouring dwelling to the south at 180 Gertrude Street. The proposed development will cause overshadowing of the southern neighbour. However, the favourable north south orientation of the site creates opportunity for the southern lot to obtain some solar gain to the front of their property in the morning, and some to the rear yard and rear windows in the afternoon which helps to mitigate the solar loss. The shadow diagrams demonstrate the overshadowing to be most severe at 12 noon on 21 June. The majority of the dwelling has solar access at 9am on 21 June and a large section of the dwelling will receive solar access from 3pm onwards on 21 June. The impacts in March and September are significantly less and reasonable solar access can be retained at these times.

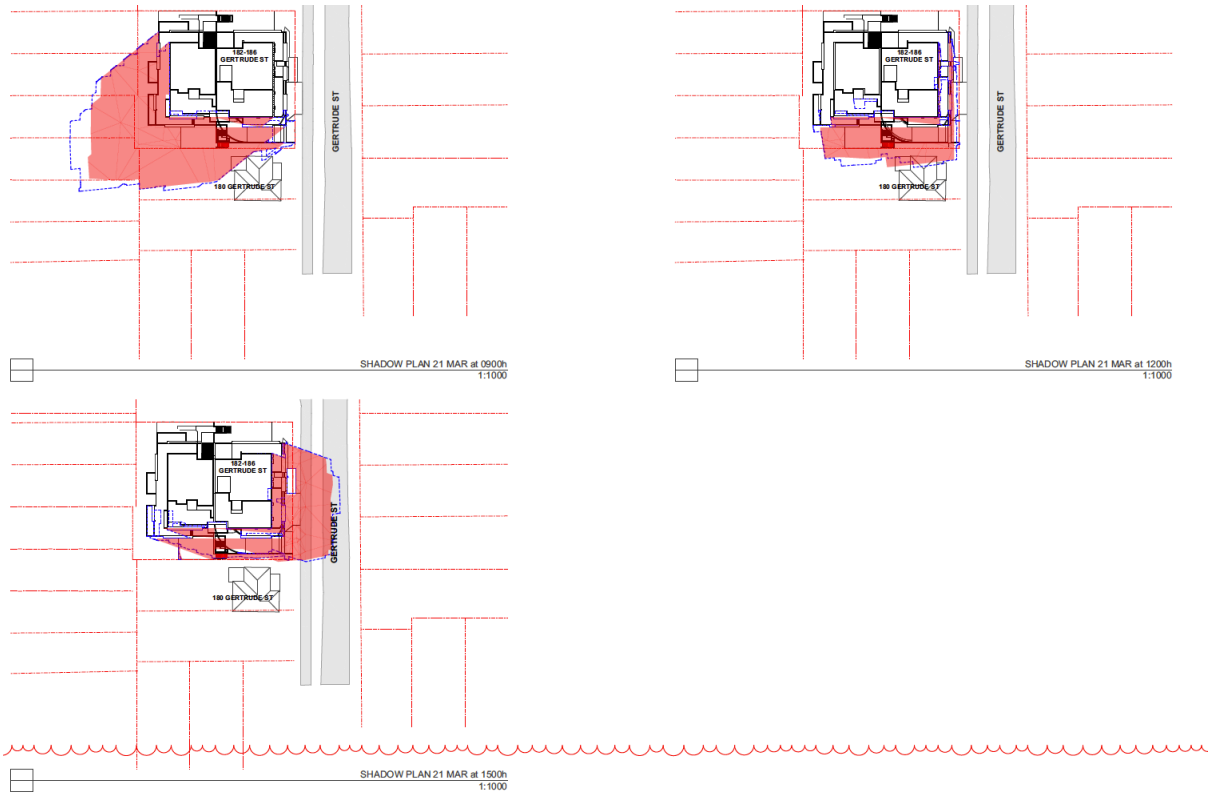


Figure 9 – March shadow diagrams showing the impact to the southern neighbour

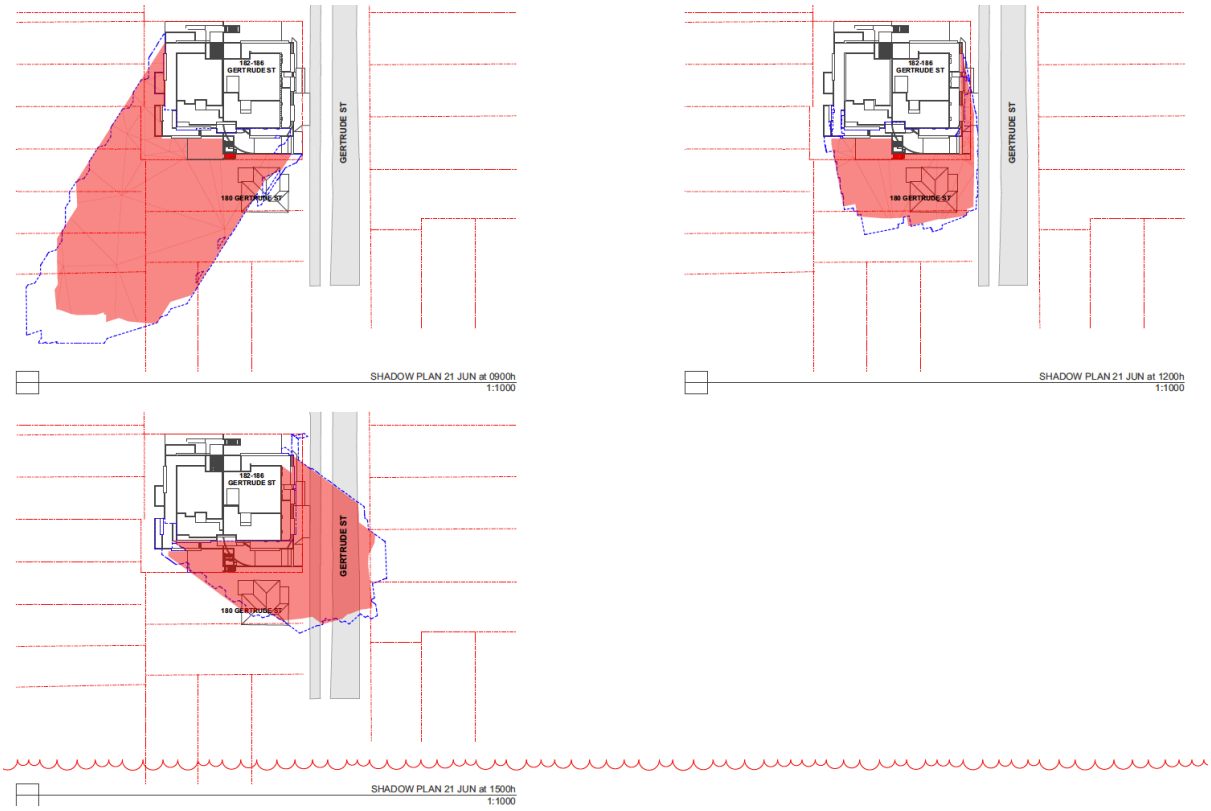


Figure 10 – June shadow diagrams showing the impact to the southern neighbour

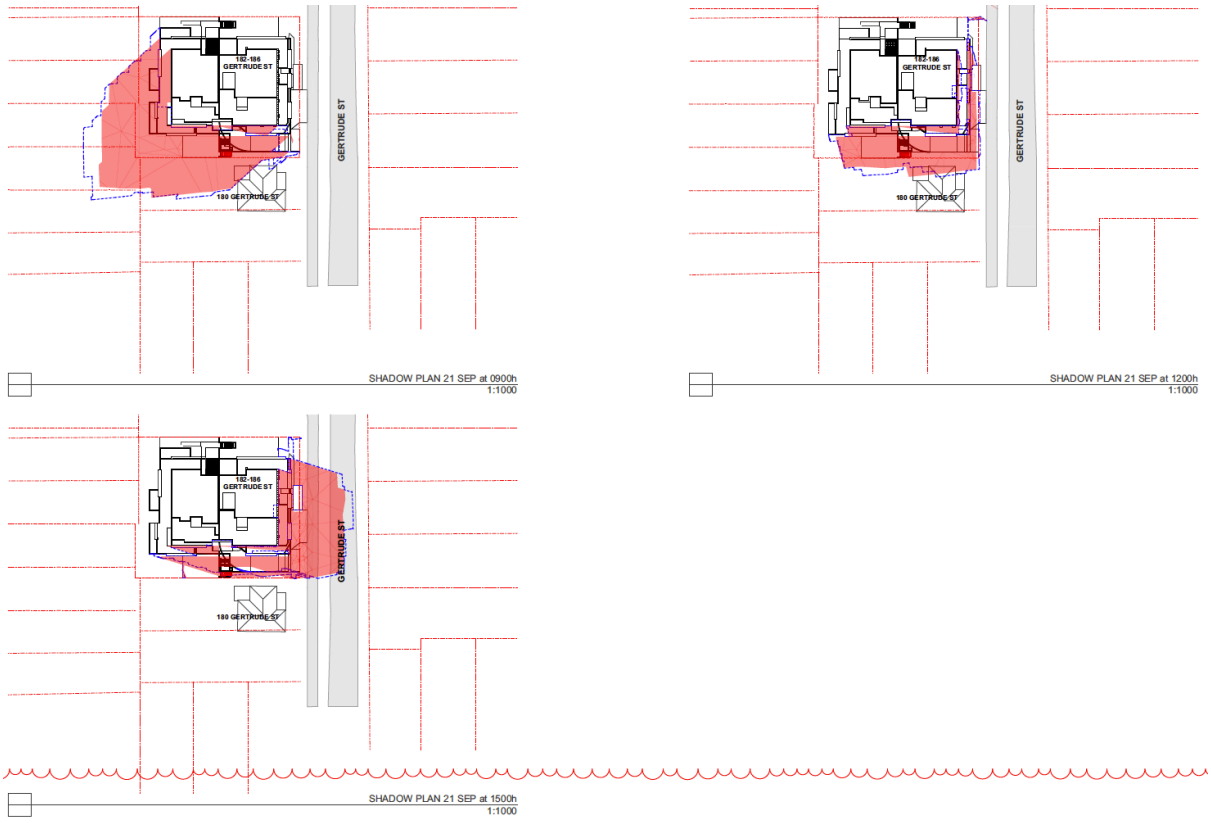


Figure 11 – September shadow diagrams showing the impact to the southern neighbour

On balance, it is submitted that the overshadowing impacts are not unexpected given the high density zoning and the future character of the area as dictated by the planning controls. The shadow impacts on the existing dwelling is a relatively short term issue which will remedied by the redevelopment of the site in the future for high density housing. With these considerations in mind we ask that the development be support in its amended form.

4.3.6 Acoustic and Visual Privacy

Balconies and living areas have been oriented away from shared boundaries to ensure both visual and acoustic privacy of residents. Generous setbacks and privacy screens also contribute to the overall privacy of residents. The sections of the building closest to these boundaries have limited or no door and windows opening out within close proximity to the neighbouring properties.

In addition to this the boundaries of the site are provided with adequate landscaping to provide additional screening of the proposed residential flat building.

The landscape plan prepared by Conzept Landscape Architects details the landscape treatment to the communal open space and boundaries of the site. Open space areas have been located towards the rear of the site and are terraced to follow the topography of the site. The landscaped sections ensure the open space is screened from adjoining properties. The roof top open space area includes landscaped planter boxes to provide an increased barrier to the sides of the roof and will also act as a landscaped screen to prevent overlooking into adjoining properties.

An Acoustic Report has been prepared by PKA Acoustic Consulting , as well as an Addendum dated 5/10/23 addressing some concerns raised during the initial assessment. Recommendations are included to mitigate acoustic impacts. The report provides an assessment and noise measurements of the traffic noise on the proposed development. The report also provides there is an acceptable range of acoustic generation from the site. The building utilises a more passive approach to siting to control its noise impact to the existing neighbouring developments, by way of its setbacks.

The proposed development is suitably set-back from the shared boundaries. Acoustic treatment of the internal walls and intertenancy walls will be detailed during the Construction Certificate phase, but can be readily achieved through discontinuous construction and the appropriate acoustic insulation treatments.

4.3.7 Aviation Impacts

In response to comments from Central Coast Local Health District an Aviation Impact Assessment (AIA) has been prepared by AviPro to address the potential of the development, both during construction and on completion, to impact the helicopter flight paths to PC1 helipad at Gosford Hospital. The AIA concludes:

- *the development at 182-186 Gertrude St, North Gosford will have no impact on the approach and departure paths to and from the Gosford Hospital HLS, including the RNP 340 instrument approach and its missed approach procedure;*
- *aviation obstruction lighting is not required on this building once developed,*
- *aviation lighting similar to the standards in NSW Health GL2020_014 Guidelines for Hospital HLS in NSW will not be required on cranes during construction if they operate at night or in low visibility and are kept below RL 90, and*
- *this development does not need to be advised to CASA through AirServices Australia as a tall structure.*

A copy of the report is provided under separate cover.

4.4 Suitability of the Site

The proposed development is permissible in the zone and this application demonstrates it is generally compliant with the applicable planning controls. Where variations are sought a justification has been provided. The development of the site for the purposes of a residential flat building is compatible with the future desired character of the area as determined by the high density planning controls that applies in this locality. The development will not create any unreasonable shadowing, visual or acoustic impacts to the adjoining developments. The site is able to accommodate the proposed development in a safe, efficient and visually unobtrusive way. The proposed use ensures the site can be developed and used without significant adverse impact on the environment or amenity of any adjoining owner. The development, as proposed, is considered to be suitable for the site.

4.5 Public Submissions

It is understood that Council will notify the application to adjoining landowners, who will be given 14 days to provide a response. Should issues be raised during the notification period that have not been addressed by this report we would appreciate being afforded an opportunity to respond.

4.6 The Public Interest

A thorough assessment of this development has been undertaken in accordance with the requirements of the Environmental Planning & Assessment Act 1979.

The interest of the wider public has been considered in this assessment and the positive benefits to the local community can be summarised as follows:

- Ongoing and new employment opportunities for local residents created during construction (builder)
- Financial and employment flow on into the local community;
- Opportunities for new residents to relocate into the area and utilise existing services within close proximity to the site;

It is considered that the merits of the proposal are such that it would be in the interests of the local and wider public for the Minister for Planning to grant conditional consent to the proposed development.

5. Conclusion

A thorough assessment of the proposed application has been undertaken and the changes are considered to be acceptable having regard to the matters for consideration under Section 4.15 of the EP&A Act 1979.

The proposed use will not result in any unreasonable adverse impacts in the locality and can be comfortably accommodated on the site. The proposed use will help activate employment opportunities both directly within the construction of the residential flat building and also indirectly through the provision of the range of housing proposed within close proximity to the Gosford Civic Heart. Support for this application, inclusive of the Clause 5.28 variation to the height limit, will ensure the orderly and economic use and development of the land Furthermore, the proposed development will be able to be conducted without significant adverse effects on the environment, while meeting the objectives of the EP&A Act, 1979.

Orbit Planning respectfully request that the Minister of Planning grant conditional consent to the development detailed within the development application and supporting documentation.