



Ref: #073/2019
28th October 2024

Michael Doyle
Senior Planning Officer – Regional Assessments
Development Assessment and Systems
Department of Planning, Housing and Infrastructure
6 Stewart Avenue
NEWCASTLE 2302

Dear Michael,

**DA/22/1307 – Proposed Residential Flat Building
53-55 Donnison Street at Gosford
RESPONSE TO SUBMISSION**

I refer to our telephone conversation on Monday 17th June at which time we discussed the previous RFI issues and updated plans associated with the proposed residential flat building in Donnison Street. I also refer to our response dated the 21st June 2024 and your subsequent email dated 27th June 2024.

In order to facilitate further assessment of the application, the following submission is made in relation to the RFI matters raised in previous correspondence and the previous responses. Our comments are in **bold italics**.

DEPARTMENT COMMENTS

Traffic and Parking

1. The Department notes provision of two vehicle entries results in potential impacts relating to streetscape/visual amenity, pedestrian-vehicle interaction and vehicle manoeuvrability. Consider redesigning the two-level car park to provide for one single driveway/vehicle access point with an internal circulation ramp providing connectivity between levels. Alternatively, provide an assessment of the impacts mentioned above and justification for two vehicle entries for the proposed development. ***This issue has been addressed in the amended Statement of Environmental Effects (V5) and updated Traffic and Parking Assessment (Issue C1).***
2. The Department notes, for this site, the Gosford City Centre Development Control Plan 2018 (GDCCP) recommends a flat car parking rate of 38 spaces and the Apartment Design Guidelines (ADG) recommends a minimum car parking rate of 30 spaces (as the site is within 400m of B4 Mixed Use zone in a Regional Centre).

The overall strategic objective of current transport policies is to reduce car parking provision within city centres, including regional centres. Provide justification for the additional car parking spaces provided. It is noted that a reduction in spaces, to the minimum required by the ADG, may aid in providing the basement internal circulation ramp raised in point 1. ***This issue has been addressed in the amended Architectural Plans, Statement of Environmental Effects and updated Traffic and Parking Assessment (Issue C1).***

3. Provide adequate swept paths for waste collection vehicles as the current swept path analysis indicates that vehicle movements would conflict with landscaping and tree planting along the southern boundary. ***This issue has been addressed in the updated Traffic and Parking Assessment (Issue C1) and updated Landscape Plan (Issue G).***
4. Confirm the number of motorcycle parking spaces proposed to be provided. ***This issue has been addressed in the updated Architectural Plans, Statement of Environmental Effects (V5) and Traffic and Parking Assessment (Issue C1) whereby five (5) motorbike spaces have been provided.***

Built Form, Design and Layout

5. Update the Visual Impact Assessment (VIA) to include 'as proposed' imagery to justify conclusions in the assessment. The VIA must include any design amendments arising as a result of responding to matters raised in this correspondence. ***As agreed, the amended Statement of Environmental Effects (V5) has been updated to include a Visual Impact Assessment.***
6. The exposed blank walls of the above ground car parking on the southern and western elevations are to be provided with architectural and/or landscape treatments/elements. ***This has been addressed in the amended Architectural Plans (Issue D).***
7. The development results in inconsistencies with the ADG requirements. The Department recommends the following:
 - (a) provide an analysis of the predicted overshadowing of the adjoining north facing apartments within 2 Wilhelmina Street. In particular, confirm the number of apartments affected, the rooms affected and the resulting hours of solar access (Part 3B);
 - (b) amend the development to include an additional accessible apartment (increase from 4 to 5) to meet the ADG (Part 4Q) minimum Universal Design Standard 20% requirement;
 - (c) provide a communal open space at roof level, noting the current proposed communal open space (17%) does not meet the ADG minimum space requirement (25%) (Part 3D) and is largely taken up by ramps and level changes which materially reduces its usability/functionality;
 - (d) provide an updated deep soil zone calculation noting the booster plant has been included in the calculation and some areas appear to be below the 3m dimensional requirements (e.g. the area adjacent to the POS of apartment 4) (Part 3E); and
 - (e) increase the size of the balcony of 3 bed unit (103) at first floor level by a minimum of 2m² (from 10m² to 12m²) (Part 4E).***These issues have been addressed in the amended Architectural Plans (Issue D)***

8. The development results in inconsistencies with the GDCP requirements. The Department recommends the following:
- (a) provide for 9 residential and 2 visitor bicycle parking spaces in accordance with the GDCP requirement (1 residential space per 3 dwellings and 1 visitor space per 12 dwellings); ***This issue has been addressed in the amended Architectural Plans (Issue D), the updated Statement of Environmental Effects (V5) and the Traffic and Parking Assessment (Issue C1);***
 - (b) justify the non-compliance with the street wall height and above podium setback requirements (Section 5.2.2) ***This issue will be addressed under separate cover;***
 - (c) confirm what the site coverage area is including hard-standing areas (paths, driveways etc) (Section 5.2.14); ***This issue is addressed in the amended Architectural Plans (Issue D) – see Drawing No.DA031;***
 - (d) provide a plan identifying the internal and site boundary fencing and retaining walls details including heights and materials (section 5.2.15); ***This issue has been addressed in the amended Architectural Plans (Issue D) and amended Landscape Plan (Issue G);***
 - (e) provide for residential gates/entrances to apartments 01 and 04 directly from the street (Section 5.2.16) and address private open space privacy and security for these apartments. ***This issue has been addressed in the amended Architectural Plans (Issue D);***
 - (f) confirm how the development has responded to the driveway and manoeuvring areas objectives and controls of Section 7.3 and the vehicle footpath crossing objectives and controls of Section 4.5.1 and justify the provision of two vehicle access points (Section 4.5.1). ***This has been addressed in the updated Statement of Environmental Effects (V5) and the Traffic and Parking Assessment (Issue C1);***
 - (g) provide for rainwater harvesting/recycling system for use in landscape irrigation / other water recycling processes (Section 8.3 and 5.2.13); and
 - (h) increase the size of the balcony of apartment 504 by 1m² (from 9 m² to 10m²) (Section 9.3). ***This issue has been addressed in the amended Architectural Plans (Issue D).***
9. Provide a BCA report confirming the development can meet relevant building standards. ***This issue is addressed in the previously lodged Building Code of Australia Compliance Report prepared by AI Consultancy dated May 2023 (see attached).***
10. Provide a schedule of accommodation confirming gross floor area, apartment types and sizes, balcony sizes, storage sizes, communal open space sizes (internal/external), private open spaces sizes, solar access, car parking (residential, visitor, accessible), bicycle parking (residential and visitor) and motorcycle parking. ***These issues have been addressed in the amended Architectural Plans (Issue D)***

Environmental

11. Provide an updated BASIX certificate and stamped plans noting the issue date of the submitted certificate is more than 3 months prior to lodgement of the application. The BASIX certificate should include any design amendments arising as a result of responding to this correspondence. ***This has been addressed in the updated BASIX Certification prepared by EEC (see attached).***
12. The site is mapped as being located on Class 5 acid sulfate soils. Provide a response to clause 6.1 of the Gosford SEPP and update the Preliminary Geotechnical Assessment and Preliminary Site Investigation for Contamination report to include acid sulfate soils assessment and mitigation. ***This has been addressed in the attached Detailed Site Investigation prepared by Australian GeoEnviro.***
13. Identify any environmentally sustainable design initiatives/features would be incorporated in the development. ***The proposed building design achieves full cross ventilation for each unit. Further, a large water storage tank for collection of water for distribution as an alternative water source for landscaping requirements is to be provided.***
14. Confirm whether the development includes centralised air conditioning/plant/mechanical ventilation. Details of any plant equipment are to be shown on the architectural drawings. ***Individual air conditioning units and mechanical ventilation are to be provided to all wet areas and kitchens. However, every unit complies with cross flow requirements which would reduce operational costs.***
15. Confirm the purpose of the 'water tank' located at Basement Level 2 and whether it forms part of a rainwater harvesting system for landscaping irrigation. ***It is confirmed that the rainwater tank is used for landscaping.***
16. Consider replacing 'Magnolia Little Gem' with the Australian native alternative *Tristanopsis laurina* 'Luscious'. ***This has been addressed in the amended Landscape Plan (Issue G) – see attached.***

Amenity

Provide a Noise Impact Assessment considering operational and construction noise and vibration impacts in accordance with relevant legislation and guidelines and include management and mitigation measures; ***This issue has been addressed in the updated Statement of Environmental Effects (V5) following additional advice from Spectrum Acoustics under Section 19.4.2 – Noise and Vibration Impacts noting that at the development application stage, very little is known about the specifics of the demolition, excavation and construction methods and programme.***

Spectrum Acoustics has advised that generic advice can often be sourced from the EPA's Interim Construction Noise Guide (ICNG, 2009) and included in the acoustic report for DA but it has been their experience that Council's require an in-depth assessment of construction noise and vibration impacts and preparation of a Construction Noise Management Plan (CNMP) as a condition of consent. The CNMP then has to be approved by Council and/or the independent certifier prior to issue of a Construction Certificate.

Council has stated this in their comment below as:-

“This assessment should be completed prior to work commencing, and to the satisfaction of the Appropriate Regulatory Authority. If approval is granted, we request that appropriate conditions be applied to this effect”.

It is considered that an appropriate Condition of Consent can be included to ensure that the required acoustic report is provided prior to the issue of a Construction Certificate.

17. Provide an updated social and economic benefits assessment of the proposal noting that section 19.8 of the Statement of Environmental Effects includes benefits associated with land uses not proposed in the development as part of its assessment. ***The updated Statement of Environmental Effects (V5) addresses this issue under Section 19.8 – Socio Economic Effects;***
18. Clarify the number of construction jobs identified, noting 500 construction jobs is not typical for the scale of development proposed. ***The updated Statement of Environmental Effects (V5) addresses this issue together with the attached Employment Estimate Assessment prepared by Construction Consultants (Quantity Surveyors);***
19. Clarify the number of operational jobs identified noting the development is purely residential in nature. ***The updated Statement of Environmental Effects (V5) addresses this issue together with the attached Employment Estimate Assessment prepared by Construction Consultants (Quantity Surveyors);***

Airspace

20. Information and clarification, prepared by a suitably qualified aviation expert, whether the proposal will impact Gosford Hospital’s helicopter flight paths, particularly from the use of cranes during the construction phase. ***This has been addressed in the attached Aviation Impact Assessment.***

Subdivision

21. Clarify whether lot consolidation or strata subdivision forms part of the proposal. ***This has been addressed in the amended Statement of Environmental Effects (V5).***

3D Model

22. Submit a 3D Digital Model of the development as requested in Attachment E of the Departments pre-DA advice dated 12 May 2020. ***This was forwarded to the Department on the 14th June via Dropbox Link.***

Landowner Consent

23. Owners consent, on a company letter head, must be submitted. The letter must identify the subject site/allotments and if being signed by a representative of a company, the authorisation the individual has to sign behalf of the company.

6.

A recent land title search must also be provided to confirm the site/allotments ownership. ***Updated authority letters are attached together with the relevant Certificates of Title.***

CENTRAL COAST LOCAL HEALTH DISTRICT – ADDITIONAL INFORMATION

Please find below our responses in **bold italics** to the previous correspondence from Central Coast Local Health District.

Social Impact Assessment

This application does not include a Social Impact Assessment. The District seeks confirmation from the Department of Planning and Environment that the lack of social impact assessment is consistent with the scale of the development. ***This has been addressed in the amended Statement of Environmental Effects (V5) under Section 19.8 – Socio Economic Effects.***

Aviation Impact Assessment

It is important to note that hospital helipads (HLS) are listed by NSW Health as critical Health Infrastructure. As such, impediments by building developments to the safe and effective operation of the HLS must be closely scrutinised and impacts mitigated where necessary. As end users, NSW Ambulance have concerns when developments occur within a 5km radius of a hospital helipad (dependent upon topography and development height). This concern predominately revolves around height of the completed building, its impact on surveyed flight paths and the appropriate identification of all construction cranes, particularly at night. This application does not include an Aviation Impact Statement. As such, the District and Ambulance Aeromedical Operations representative are not able to determine the impact of the development on the Gosford Hospital Helipads or the flight paths into the hospital helipad. It is requested that an Aviation Impact Assessment is urgently commissioned to enable our informed consideration before any approval can be given. ***This has been addressed in the attached Aviation Impact Assessment.***

Public Health Issues

The Public Health Unit has raised a number of concerns including regarding the impact of the construction on air quality, noise and vibration impacts, site contamination, water cycle, Crime Prevention Through Environmental Design, open space, solar access and overshadowing, monitoring and enforcement and community feedback. Further details are outlined in Attachment A. ***See comments below.***

Health promotion Issues

Health promotion has identified lack bicycle parking spaces as a concern, and recommends the development provides nine (9) bicycle parking spaces in the basement parking area and at least two (2) bicycle parking spaces for visitors in a convenient space near the front entrance to the apartments. Further details are outlined in Attachment B. ***Nine (9) bicycle spaces have been provided on the Basement Level 1 which is considered adequate (see Architectural Plans REV D).***

Impact on Health Services

The potential cumulative impacts of development should be considered in light of this project and other significant current and future development within Gosford's centre and surrounds. Whilst this development is relatively small, any increase in population results in increased demand on Health Services. The District encourages the developer and planner to continue to note this increased demand. ***This issue is noted.***

Best Practice Built Form and Ecologically Sustainable Development

The PHU advocates that development should be in accord with eco-city principles, built on principles of living within the means of the environment.¹ Planning for urban development should take account of the cumulative impacts on human health and the environment arising from the intensification of our built form. Urban heat, solar access, traffic, loss of contact with nature and the opportunity for the community to lead healthy lifestyles are examples of considerations. While every development is assessed independently, cumulatively, all developments can contribute positively and negatively to urban form and function. The potential cumulative impacts of multi storey development in the Gosford area should be considered with ecologically sustainable development principles as a cornerstone. High rise buildings should follow sustainable and green architecture standards, considering the natural environment and other relevant ecological designs² to promote healthy, socially sustainable communities. The current application is for a development that is similar to others in the surrounding area, and we seek assurance that it achieves best practice in these terms.

The proposed development at 53-55 Donnison Street encompasses the ideas of Ecological Sustainable Design and provides a building that sits well within its context, provides healthy living spaces for its residents, and provides a connection to the natural environment.

The building location is adjacent to other similar scale buildings along Donnison and Batley Streets and creates a consistent streetscape within the higher density portion of the area. As a rapidly growing Regional City, Gosford has good public transport links, a growing town centre and major medical, which gives the residents of this apartment building access to social, recreational, health and spiritual amenity all within walking distance.

The building has been designed to meet environmental sustainability standards and gives the residents a healthy space for living and working within both the residential apartments and the roof top gardens and terrace.

The design provides a range of apartment options to suit different family sizes and budgets, with varying bedroom numbers, view aspects, and communal areas on the roof top and common foyers.

The safety of the residents is paramount, and while an inviting, community focused streetscape is provided, a safe and secure carpark, entry foyer and communal area allows the residents to feel at ease in their home. The communal space also gives the building a sense of community while connecting with the natural environment.

The roof top gardens provide a range of spaces for meandering, staying, and gathering in cool, shaded areas while also providing visual connection to the surrounding Waterview Park to the north, the city to the east and Brisbane Water to the south.

The building works well and with a variety of apartment options, the apartments can easily adapt to the needs of a growing or established family and provide space for Work from Home as required.

The quality of the building creates value in the lives of the inhabitants by providing sunny, cross ventilated, healthy environments in both the internal apartments and the communal roof top garden terrace.

The design of the apartments adds an aesthetically pleasing building into both the streetscape of Donnison and Batley Streets, but into the urban fabric of the growing Gosford City. The material pallet includes natural materials, light and bright colour palette and landscapes areas along the street fronts, up the building in a green wall and over the roof top in the communal garden terrace. The building will have a positive engagement with not only the built environment, but also the natural environment and the residential community within.

Air Quality

The SEE (p87) notes potential air quality impacts from emissions from construction machinery and vehicle exhausts associated with excavation and construction. It does not provide any assessment of those impacts, nor of potential impacts from ground disturbance during excavation. A thorough assessment is required to identify potential impacts on air quality during construction, including excavation works, with appropriate mitigation measures identified, if required. Without pre-empting this assessment, it is possible that construction works may give rise to particulate matter emissions.

Our advice is that epidemiological studies have been unable to identify a threshold below which exposure to particulate matter air pollution (PM) is not associated with health effects. Therefore, any increase in exposure must be assumed to have an adverse impact on the health of the community, even at levels below the accepted assessment criteria. We ask that this advice be considered in determining the current application with an appropriate impact assessment undertaken and conditions applied to any approval. ***Normally an air quality assessment would be required as part of the planning application for development which are likely to significantly affect local traffic flows, traffic composition or developments that are built close to existing busy roads. In this instance, it is considered unnecessary and can be managed through suitable conditions of consent.***

Noise and Vibration Impacts

The 'Noise Impact Assessment' (Spectrum Acoustics 2020) addresses road and rail noise and vibration, concluding that no further assessment is required. We seek assurance that this is a valid conclusion. The SEE (p84) notes that 'some short term noise impacts will be experienced during the construction phase'. The SEE does not provide any assessment of potential noise and vibration impacts arising from construction and excavation.

To avoid adverse effects on the local community's health and wellbeing, we suggest that a thorough assessment of these impacts is warranted, including as necessary, identification of mitigation measures for all potentially affected receivers. This assessment should be completed prior to work commencing, and to the satisfaction of the Appropriate Regulatory Authority.

If approval is granted, we request that appropriate conditions be applied to this effect. ***This issue has been addressed in the updated Statement of Environmental Effects (V5) following additional advice from Spectrum Acoustics under Section 19.4.2 – Noise and Vibration Impacts noting that at the development application stage, very little is known about the specifics of the demolition, excavation and construction methods and programme.***

Spectrum Acoustics has advised that generic advice can often be sourced from the EPA's Interim Construction Noise Guide (ICNG, 2009) and included in the acoustic report for DA but it has been their experience that Council's require an in-depth assessment of construction noise and vibration impacts and preparation of a Construction Noise Management Plan (CNMP) as a condition of consent. The CNMP then has to be approved by Council and/or the independent certifier prior to issue of a Construction Certificate. Council has stated this in their comment below as:-

"This assessment should be completed prior to work commencing, and to the satisfaction of the Appropriate Regulatory Authority. If approval is granted, we request that appropriate conditions be applied to this effect".

It is considered that an appropriate Condition of Consent can be included to ensure that the required acoustic report is provided prior to the issue of a Construction Certificate.

Site Contamination

The Preliminary Geotechnical Assessment and Preliminary Site Contamination Report (Douglas Partners 2021, p12) and SEE (p98) recommend that an intrusive site investigation, a pre demolition hazardous building material survey, and potentially a groundwater quality study be conducted. We support these recommendations and seek confirmation that these investigations will be completed to the satisfaction of the Appropriate Regulatory Authority. If approval is granted, we request that appropriate conditions be applied to this effect. ***This has been addressed in the attached Detailed Site Investigation prepared by Australian GeoEnviro.***

Water Cycle

The SEE refers to the use of rainwater tanks (p65). We support Water Sensitive Urban Design principles and note that the applicant may need to eventually seek various approvals for water reuse depending on water source and intended end use. ***This issue is noted.***

Crime Prevention Through Environmental Design (CPTED)

We note and support the provision of public open spaces, especially when designed so that people feel safe using these areas. The SEE addresses CPTED principles, and we request that any approval include conditions to underpin the adoption of appropriate design features. ***This issue has been addressed in the amended Statement of Environmental Effects (V5).***

Open Space, Solar Access and Overshadowing

Our urban areas must be ‘places for people’ and it is imperative that the community has access to quality open space. The development should ensure that local amenity is protected and enhanced. The SEE (p100) concludes that the development will not have any appreciable effect on biodiversity or ecological integrity.

The enhancement and protection of native flora and fauna has benefits to human health and wellbeing through contact with nature and improving our capacity to deal with climate change and extreme weather events. The development should address the opportunity to create an improvement in diversity and local ecology. To this end, we commend rooftop planting and the use of native species across the site, to help ensure a healthy and safe haven for wildlife. All possible measures should be implemented to maximise solar access and minimise over shadowing within the development, and in relation to neighbouring properties and public open spaces. We seek confirmation that the current design provides the best possible outcome. If approval is granted, we request that appropriate conditions be applied to this effect. ***This issue is noted.***

Monitoring and Enforcement

Management of air quality and noise and vibration impacts on the local community, particularly during construction and excavation will depend on effective implementation and monitoring of control measures, and potentially, enforcement of approval conditions. Should approval be granted, we ask that conditions be applied to ensure appropriate monitoring of noise and air quality impacts, and that control measures are effectively implemented. ***This issue is noted and agreed that an appropriate condition of consent can be applied.***

Community Feedback

The applicant is encouraged to consult with the surrounding community to ensure that the project does not impact on the community, for example to identify a construction schedule that will create least possible disruption. The applicant should provide a contact point for complaints if noise and vibration or air quality issues occur and an undertaking that a prompt and genuine response will be made to any complaints. ***This issue is noted.***

I trust that this report and the uploaded documents adequately respond to the previous RFI’s and subsequent discussions.

Yours faithfully,



Matthew Wales
Business Manager

Enclosed:

Amended Statement of Environmental Effects (V5)
Updated Traffic and Parking Assessment (Issue C1)
Architectural Plans (Issue D)
Landscape Plan (Issue GH)
Building Code of Australia Compliance Report
BASIX Certification
Aviation Impact Assessment
SEPP 65 Housing Design Summary
SEPP Housing Design Excellence Report
Employment Estimate Assessment