



23 May 2023

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Dear Sir/Madam,

Proposal: Residential Flat Building
Property: No. 182-186 Gertrude Street, NORTH GOSFORD NSW 2250
Application No: DA 23/3021

I refer to your email of 2 May 2023 and provide the following comments on the exhibited development.

Waste Management

The proposal in its current form is not supported in terms of waste servicing for the following reasons:

- The requirement for residents to take their waste from several floors to a basement location is not a good, safe or user-friendly outcome for occupiers over the life of the building. The property would benefit from a user-friendly system such as waste 'rooms', or a chute or vacuum system located on each floor.
- The use of circa 50 individual 240 litre wheelie bins, which require manual relocation to and from another separate collection point each week for on street servicing is not supported by Council. The use of bulk bins which are deployed in a single storage and collection point, or waste service room would be a safer and more efficient outcome.
- The mention of a commercial collection operator is not supported by Council as this will force future residents to not only having to pay the legislated domestic waste charge to Council but also an additional commercial operator charge. The savings made by constructing a low quality and poor outcome waste service is simply cost shifting the delivery of an expensive and inefficient operational and collection service onto future residents for the life of the building.



- Generally, for a residential property of this scale, Council would expect, however is not provided in this instance, a fully integrated waste and recycling management and collection system involving the following:
 - Service or collection points within easy reach for residents, such as chutes on each floor that transfers separate materials to a suitably sized waste service room (total footprint area of bins plus 70% for safe manoeuvring).
 - A waste service room, containing, at a minimum, separate bulk bins for recycling and waste, recommended on an automated carousel or similar. The waste service room must be easily and directly accessed by a LGV collection vehicle weekly.
 - The waste service room would have sufficient space to also accommodate bulky waste (circa 10m²) for weekly servicing and allow for other waste items such as batteries or electronic waste storage and collection.
 - The proposed onsite garbage collection and removal off site by a Small Rigid Vehicle (SRV) is not supported by Council. The use of a Heavy Rigid Vehicle (HRV) will require increased/larger onsite access and collection areas. In addition, if a HRV is to access the site and traverse the interior of the development, please ensure adequate height clearance is provided clear of services etc. Preliminary structural engineering plans are requested to ensure a HRV can adequately access any garbage servicing area provided within a building.
- Notwithstanding the above concerns, there appears to be no plans, diagrams or movement pathways that show that the proposed waste service proposal is workable and can be delivered. Once an improved, efficient and user-friendly waste solution is designed and proposed, it must contain sufficient supporting details and evidence that clearly shows how the service will function and can be easily accessed and utilised by ALL related parties.

Planning

The application is not supported in its current form. The proposal presents significant non-compliance with height, setbacks and site coverage which indicate the application is an overdevelopment of the site, Councils primary planning concerns are summarised below:

- The subject site has a mapped height of 'P' which is 18 metres pursuant to cl. 5.25 – Height of buildings under *State Environmental Planning Policy (Precincts—Regional) 2021*. The proposal includes 27.957% (5.85m) variation to the SEPP height control (top floor is non-compliant). A reduced height and or compliance with the height control is recommended.



- The ADG requires a 9m setback above 4 storeys including to balconies. The design proposes only 6 metres or 33% non-compliance on parts of the north south and west boundaries.

Units 401 (level 5) and 501 (level 6) both breach the 9-metre setback and retain a 6-metre setback as with the levels below. The added mass appears to be in relation to bedrooms in these apartments. It is considered that these non-complying setbacks will result in visual and acoustic privacy impacts.

- The Shadow Plans supporting the application do not adequately address the impacts of overshadowing of the western side of the design, particularly in relation to the breaches in setbacks on levels 5 and 6. Variation is sought regarding privacy issues relating to the western wall but does not appear to address overshadowing concerns. Shadow Plans show breaches of setback having distinct impacts on 39 and 41 Hills Street in late March and late September. The shadow plan in late June shows even broader impact further to the south-west.
- The proposal may result in view loss for the adjoining properties. This needs to be addressed in a revised Statement of Environmental Effects, specifically in relation to the proposed setbacks and height variations.
- The site cover is proposed at 65% which exceeds the 50% maximum permitted under the applicable DCP. Breach of site coverage is being justified by compliance under ADG and DCP of FSR communal and public open space, deep soil zones, solar and daylight access, private open space, and balconies. This justification is not considered acceptable.
- The proposed waste storage arrangement is not supported in its current form and will need to be reconsidered. Additionally, refer to waste comments above. Kerbside servicing, in the form proposed and for a development of this scale, is not supported by Council.
- An updated Design Verification Statement is required. *Clause 29 of the Environmental Planning and Assessment Regulation 2021* requires the following for a development application to be made:

(2) *The statement by the qualified designer must—*

(a) *verify that the qualified designer designed, or directed the design of, the development, and*

Please also ensure the architectural plans supporting the DA are referenced appropriately in the updated Design Verification Statement not just a summary of the proposed development as it remains unclear as to what version, date of the development this verification refers to.

- It is noted the BASIX Certificate supporting the application is dated 19 October 2022. Any BASIX certificate accompanying a development must have been issued no earlier than 3 months before the date on which the application is made, noting the application was lodged with the Department on 17 April 2023. A new BASIX Certificate is required.
- Owners consent for stormwater easements/ relocation of sewer etc appears to not have been provided. All work required on adjoining properties must be appropriately detailed in the required Statement of Environmental Effects (and any supporting technical reports) and in plan form.

Architectural

The application is not supported in its current form. The proposal presents significant non-compliance with height, setbacks and site coverage which indicate the application is an overdevelopment of the site and does not exhibit design excellence as required by the Gosford City Centre.

It is considered that approval could only be supported if significant amendments are made to address the following:

- Some height and side setback non-compliance may be supported on the north of the site, if it can be demonstrated that it does not increase overshadowing of this or adjoining sites.
- The front setback complies with the 3m to 4m requirement in the GCCDCP.
- The driveway and particularly the high side wall are moved further from the boundary and significant landscaping is provided to screen it from the adjoining site and the street.
- It is noted that unit 204 is shown as a 1-bedroom unit but has a large storage area opening to the balcony through glass doors. This is clearly a 2-bedroom unit and will require amendment to car parking calculations.

Detailed considerations having regard to SEPP 65, the Apartment Design Guide (ADG) and the Gosford City Centre DCP (GCCDCP) is provided below:



Context

The site is zoned for medium density with a maximum FSR of 2:1 and an 18 metre maximum height. It is likely the adjoining sites to the south will be redeveloped. A medium density development is appropriate in this location and is supported in principle however the significant non-compliance with height, setbacks, site coverage and parking indicate the application is an overdevelopment of the site. It does not exhibit design excellence as required by the Gosford City Centre SEPP and is inconsistent with the existing and likely future context.

Built Form and Scale

The proposed development significantly breaches the applicable height control. It is understood that this is a sloping site however this is a site constraint, not a justification for non-compliance. Some height non-compliance could be considered it site coverage, setbacks and all other issues are resolved to Council's satisfaction.

The ADG requires a 9 metre setback above 4 storeys including to balconies. The design proposes only 6 metres or 33% non-compliance on parts of the north, west and south. Non-complying setbacks result in visual and acoustic privacy impacts. It is acknowledged that the bedroom windows do not face the boundary, but they increase visual bulk and overshadowing and balconies are also non-complying resulting in privacy impacts to adjoining sites. This is a particular concern on the north and south where there is little significant planting to provide screening or outlook to and from adjoining sites.

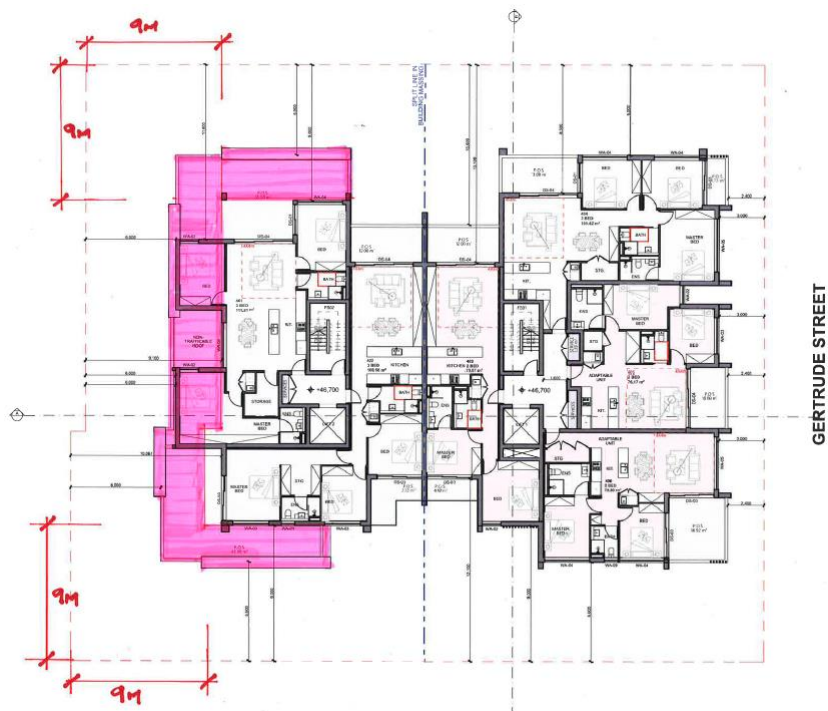


Figure 1: Extent on non-complying setback (Level 5)

Some minor non-compliance may be considered on the north if this is screened with significant landscaping as this does not result in overshadowing.

The application does not include a full southern elevation however the top of the ramp wall is at approximately 40.3m or up to 3.5m above the southern boundary. This is located approximately 1.4m from the boundary and is unscreened by landscaping.



Figure 2: Existing ground level at boundary shown in green. Extent of unscreened driveway wall located 1.4m from boundary shown in pink.

The Gosford GCCDCP requires a ground floor setback for this site of 3m to 4m. Existing setbacks on this side of Gertrude Street are approximately 5m to the south of the site and 3.5m to 5m on the multi unit development to the north. This application proposes from 1.6m to 3m at the ground floor. This is inconsistent with the existing and likely future context, particularly because this section of Gertrude Street is so narrow.

It is considered the ground floor setbacks must fully comply with the GCCDCP.

The application proposes 65% site cover or 15% non-compliance. This increases the visual bulk and reduces the area available for landscaping necessary to disguise the non-complying height and setbacks.

Density

The FSR complies with numerical controls but the number and extent of non-compliances indicate the application is an over development of the site.

Sustainability

BASIX certificate supplied indicating compliance with mandatory energy efficiency standards. The use of solar hot water and photovoltaic cells or other energy saving options should also be considered.

Landscape

The ADG requires the deep soil is approximately zones to have a minimum of 7% of the site area. The application complies with this numerical standard but locates almost all landscaping in narrow strips along boundaries. It is also noted that subject to the provision of OSD and a re- routed sewer main, this landscaping may be further reduced.

There is particular concern at the provision of only one significant canopy tree in the design and the lack of landscaping on the southern boundary to screen the high driveway wall.

Amenity

The majority of units achieve acceptable levels of solar access though unit G04 is questionable.

Units are generally well planned with usable balconies. The communal open space on the roof top is considered to be acceptable. Access to the rear communal space via the fire stairs is circuitous and has privacy impacts on adjoining units.

Safety

The application provides balconies and windows overlook the street and common areas to provide surveillance.

Housing Diversity and Social Interaction

The application provides 1-, 2- and 3-bedroom units and adaptable units to cater for a variety of occupants.

Aesthetics

The upper floors step back and the building is articulated, however this is inadequate to disguise the bulk and scale resulting from the non-comply height, setbacks and site coverage.

Water & Sewer

The location of the current sewer through the properties, appears to conflict with the proposed development (refer to Figure 3 below).

The application in its current form is not supportable as no details accompany the application pertaining to how the site and adjoining properties will be serviced.

The following advice is provided, noting the proponent was given similar advice previously following a Pre-Development Meeting with Council:

- Water and sewer is available to the land. The site is located within the Water & Sewer Redevelopment Services Plan (DSP) Area. The developer shall be required to obtain a Section 307 certificate for development of the land. Water and sewer developer (S307) contributions apply for the number of units. Water & Sewer S307 contributions are utilised to ensure suitable capacity is available within the system to accommodate development within the area.
- A Council sewer main (150mm VC SE Line) is located across the development site and it's dead-end junction servicing the northern adjoining neighbouring property 188-198 Gertrude Street only.

The proponent was advised to communicate with the owners or the strata manager of the northern neighbouring property and reroute the internal sewer to the council main ML line located along the western boundary, if any sewer connection exists to SE01.



Figure 3: Existing sewer main (purple)



If this rerouting is proposed, landowners consent is required from the owners or the strata manager of the northern neighbouring property 88-198 Gertrude Street to delete the existing sewer junction from sewer manhole SE01, so that the existing sewer main SE line can be truncated at the southern boundary of the development site so as to avoid a sewer clash with the proposed basement.

- Alternatively, the sewer can be relocated outside the footprint of the basement, if the existing depth of the sewer main and the sewer junction servicing the northern neighbouring property 88-198 Gertrude Street permits.

In this instance, Council may consider to retain the sewer main within channel in the basement slab, if all of the above solutions can't be achieved. It is to be noted, this will impact the levels of the basement slab and vehicular access ramps etc.

- It was also recommended the proponent engage an external hydraulic consultant for the water service size and if required a fire service for the proposed development. This information is also lacking from the application.

Engineering

The proposal in its current form is not supported in terms of engineering for the following reasons:

- The proposed onsite garbage collection and removal off site by a Small Rigid Vehicle (SRV) is not supported by Council. The use of a Heavy Rigid Vehicle (HRV) will require increased/larger onsite access and collection areas.
- The proposal presents traffic safety concerns as a result of vehicle traffic conflicts between residential, service and garbage vehicles entering the site with vehicles exiting the site at the same time.

Notes: Residential, service and garbage vehicles entering and exiting the site travel into/over the path of oncoming vehicles exiting/entering the site and also into vehicles waiting at the waiting bay on Level 02 Gertrude Street as shown by turning paths in the Traffic Impact Assessment supporting the application.

- The internal circulation roadway and two-way ramps do not comply with AS 2890.1 Section 2.5 Design of Circulation Roadways and Ramps which requires a minimum 5.5m width + clearances.



The proposed driveway access cross over within Gertrude Street does not comply with AS 2890.1 Section 3.3 Gradients of Access Driveways which states a maximum longitudinal grade of + 5%. The proposed driveway grade from back of layback to front site boundary is too steep.

Notes: PDC Consultants Traffic Impact Assessment (Ref 0541r01v03 10/3/23 P Corbett) states in part:

'7. Conclusions. 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. Any minor amendments considered necessary (if any) can be dealt with prior to the release of a Construction Certificate. It is therefore concluded that the proposed development is supportable on traffic planning grounds.'

Construction of the following works in accordance with Council's standards and AS 2890 will be required (and detailed in preliminary civil engineering plans):

- a Replace redundant access cross overs with kerb and guttering across the full frontage of the site in Gertrude St.
- b 1.5m wide reinforced (SL72 steel fabric) concrete footpath in an approved location across the full frontage of the site in Gertrude Street.
- c Construction of an industrial/commercial vehicle access crossing that has a minimum width to accommodate largest vehicles to enter/exit site including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- d Footway formation graded at +2.5% from the top of the kerb to the property boundary across the full frontage of the site in Gertrude Street.
- e All proposed internal works on the site including access driveways, structures at /near the property boundaries including retaining walls, fences, gates and steps must be at a suitable level to allow the above roadworks, footway and accesses to be constructed in accordance with the Council and Australian Standards.

- f Vehicle access driveway centreline and both edges long sections and cross sections design from the centreline of the road to the proposed car parking spaces in accordance with Australian Standard 2890 and Council's Design Specification are to include reduced levels (RL), chainages / distances along the driveway/car parking spaces and grades expressed as percentages. Notes: The design RL level at the back of the layback is 50mm below the top of kerb RL; the driveway cross fall at the site boundary is to parallel the gutter/layback slope. The longitudinal access profiles are to include the required layback at the kerb line, 2.5% footway formation in the road reserve, and the maximum 3% grade within the site associated with any area related to waste servicing.
- Details are required (however not provided) showing the vehicle access driveway centreline and both edges long sections and cross sections from the centreline of Gertrude Street to the proposed car parking spaces in accordance with Australian Standard 2890 and Council's Design Specification. These details are to include reduced levels (RL), chainages /distances along the driveway/car parking spaces and grades expressed as percentages.

Notes: The design RL level at the back of the layback is 50mm below the top of kerb RL, where the driveway cross fall at the site boundary is to parallel the gutter slope.

The longitudinal access profiles required are to include the required layback at the kerb line and 2.5% footway formation in the road reserve.

- Details are required showing future concrete footpath levels at/along front site boundary being at +2.5% rise from existing/reinstated top of kerb in Gertrude Street to the site boundary, compatible with proposed internal site works and levels.

All proposed internal works on the site including access driveways, structures at /near the property boundaries including retaining walls, fences, gates and steps must be at a suitable level to allow roadworks, footway and accesses to be constructed in accordance with the Council and Australian Standards.

- No details of the stormwater drainage from the proposed stormwater connection point within the site to Council's stormwater drainage system in Hills Street has been provided. A stormwater drainage report is required to assess the capacity, location and suitability of the stormwater drainage system from the proposed connection point within site to Council's stormwater drainage system in Hills Street. Landowners consent from affected properties may also be required.

The design, analysis and report shall be prepared and certified by a suitably qualified and experienced civil engineer and be carried out in accordance with the procedures recommended in 'Australian Rainfall and Runoff – A Guide to Flood Estimation' by The Institution of Engineers Australia and be based on survey details & levels.

Notes: The site receives stormwater from the upstream areas.

Provision is to be made for the interception, collection and suitable disposal of all overland surface stormwater flows from all upstream areas.

All works required to accommodate the above stormwater flows are to be located wholly within the subject site.

All structures and obstructions including retaining walls shall be setback sufficient distance from the property boundary to accommodate the collection and disposal of all overland surface stormwater flows wholly within the subject site.

- A Water Cycle Management Plan consisting of a written report and plans in accordance with Central Coast DCP 2022 Chapter 3.1 Water Cycle Management must be submitted to address the following criteria: a. Retention. b. Stormwater Quality. c. Onsite Detention Requirements. d. Local overland drainage. e. Flooding. f. Water Conservation is required.

Flooding

- The site is identified as being affected by Gosford Overland Flood Study.
- Based off its Flood Impact Assessment, there are no issues in terms of emergency evacuation as the flows are shallow and short duration.

Trees

- The proposal is supported by an Arboricultural Impact Assessment D15475850 (*Russell Kingdom, October 2022*) that nominates removal of all but one tree from the footprint of the works site. The only tree to be retained in the immediate vicinity of the works footprint is a native Cheese tree (*Glochidion ferdinandi*), located near the rear boundary of the site, which was considered by Councils Arborist to be an acceptable distance from the proposed works.



- Trees to be removed are primarily planted ornamental and exotic species (as listed in detail in the Arboricultural Impact Assessment), with the more visually prominent specimens being Liquidambar (*Liquidambar styraciflua*) and Jacaranda (*Jacaranda mimosifolia*), however several native species, including clusters of eleven (11) Bangalow Palms (*Archontophoenix cunninghamiana*) and Weeping Bottlebrush (*Callistemon viminalis*) have been identified for removal as they are directly situated in the works envelope and are in declining health.
- Neighbour's trees along the northern side boundary have been addressed and considered by the Arboricultural Impact Statement, noting that new retaining walls will be replacing an existing retaining wall.
- The assessing Arborist has provided a tree protection plan in the submitted Arboricultural Impact Statement (*Russell Kingdom October 2022*) that has been linked to recommended conditions of consent. The recommendations provided in the submitted Arboricultural Impact Statement (Council Ref: D15475850) are to be adhered to as a condition of consent.

Conclusion

The proposal in its current form is not supported in its current form due to issues pertaining to waste, planning, engineering and urban design. As such, draft conditions of consent have not been provided at this stage, noting they can be provided via further request.

It is recommended the proponent review Councils comments and redesign the proposal accordingly (noting the majority of this issues were raised by Council as problematic and requiring review in a Pre-Development Meeting previously held with Council staff).

Should you have any questions please contact the undersigned on 0439 136 835 or via email antonia.stuart@centralcoast.nsw.gov.au

Regards

A handwritten signature in black ink, appearing to read "Antonia Stuart".

Antonia Stuart

Section Manager

DEVELOPMENT ADVISORY SERVICES

