



STATEMENT OF ENVIRONMENTAL EFFECTS

TO ACCOMPANY A DEVELOPMENT APPLICATION FOR AN
APARTMENT COMPLEX COMPRISING 75 DWELLINGS AT
70 JOHN WHITEWAY DRIVE GOSFORD



Prepared for
Integral Financial Pty Ltd

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Urban and Regional Planning, Environmental Planning and Statutory Planning
Registered Office: Lyndhurst, Suite 19, 303 Pacific Highway, Lindfield N.S.W 2070
Telephone: (02) 9416 9111 Facsimile: (02) 9416 9799
email: admin@inghamplanning.com.au
A.C.N. 106 713 768

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This Statement of Environmental Effects (SEE) is provided in support of a development application for an apartment development comprising 75 dwellings at 70 John Whiteway Drive Gosford.

A preDA meeting was held with Council on 18 December 2014. The minutes of that meeting are attached at **Appendix A**. The manner in which the applicant has responded to the matters raised is provided at **Appendix B**.

The SEE contains the following sections:

- **Section 2** examines the characteristics of the subject property;
- **Section 3** details the nature of the surrounding locality;
- **Section 4** provides a detailed description of the proposal;
- **Section 5** discusses the zoning and development controls relating to the land; and
- **Section 6** provides an assessment of the proposal in relation to the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979.

The site is subject of a valid development consent for a development similar to that now proposed (DA 19775/2003) and so many of the relevant impacts have been previously considered by Council and considered to be acceptable.

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The Site

The site is known as 70 John Whiteway Drive Gosford and is located to the south of the Gosford town centre between John Whiteway Drive and Henry Parry Drive (see **Figure 1 Location** and **Figure 2 Site**). The legal description of the land is Lot 100 DP1066540.



Figure 1 – Location



Figure 2 – Site

The land is irregularly shaped but is generally 30-35m deep from the curved frontage of John Whiteway Drive. It is moderate to steeply sloping and is partly vegetated. It does not contain any structures however has a number of easements as indicated on the submitted survey plan. It has an area of 4776sqm.



Figure 3 – Site viewed from John Whiteway Drive



Figure 4 – site of proposed entry at Georgiana Terrace

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Surrounding Environment

The immediate locality is characterised by high rise apartment buildings. All of the existing development on this part of John Whiteway Drive sit 3 or more storeys above street level.

4

The Proposal

The proposed development includes the following:

- Clearing and excavation of the site;
- Construction of a new 4-5 storey residential flat building containing 75 apartments and 106 car spaces. The apartments are comprised of 13x1 bed, 52x2 bed and 10x3 bedroom dwellings. A communal swimming pool and deck area is provided at Ground Floor level;
- Creation of a cul-de-sac within the Georgiana Terrace road reserve in order to provide access to basement parking;
- Landscaping of the site.



Figure 5 – perspective image of the proposed development

The development statistics for the proposal are detailed in **Appendix Q**.

5

Zoning and Development Controls

5.1 Zoning

The subject site is zone R1 General Residential under Gosford City Centre Local Environmental Plan 2014 where residential flat buildings are a permitted use (see **Figure 6**). The proposal is also considered to be consistent with the objectives of the R1 zone in that it will:

- assist in meeting housing needs in the community;
- contribute to the range of dwelling types in the City Centre;
- be consistent with the desired future character of the zone;
- promotes best practice design in apartment development.

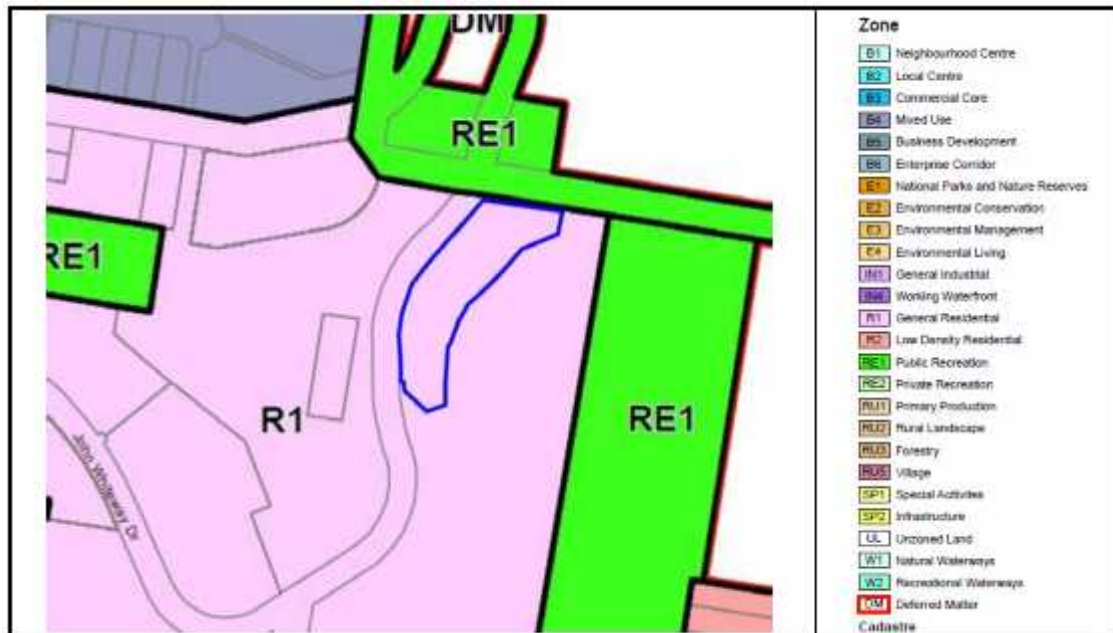


Figure 6 – Zoning

5.2 Development Controls

The following documents are relevant to the assessment of the proposed development:

- State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19);
- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65);
- State Environmental Planning Policy (SEPP) No 71- Coastal Protection;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX);
- Gosford City Centre Local Environmental Plan 2014;
- Gosford City Centre Development Control Plan 2014.

6.1 Environmental planning instruments

6.1.1 State Environmental Planning Policy No 19 – Bushland in Urban Areas

The subject site adjoins land which contains bushland zoned RE1 under the LEP (see **Figure 6**). Therefore the following requirement of SEPP 19 applies:

9 *Land adjoining land zoned or reserved for public open space*

- (1) *This clause applies to land which adjoins bushland zoned or reserved for public open space purposes.*
- (2) *Where a public authority:*
 - (a) *proposes to carry out development on land to which this clause applies, or*
 - (b) *proposes to grant approval or development consent in relation to development on land to which this clause applies, the public authority shall not carry out that development or grant the approval or development consent unless it has taken into account:*
 - (c) *the need to retain any bushland on the land,*
 - (d) *the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and*
 - (e) *any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.*

Having regard to the above it is considered that there is no need to retain any bushland on the site as the removal of the majority of vegetation has already been approved under the existing consent. The Flora and Fauna Report at **Appendix J**, does not indicate that the existing vegetation is part of any ecological corridor or link to the adjoining bushland area and so its removal will not have any unreasonable impacts.

6.1.2 State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

The provisions of this SEPP technically apply however this issue was addressed in the existing consent.

6.1.3 State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65)

In accordance with the requirements of SEPP 65, a Design Verification Statement has been prepared as is attached at **Appendix C**. Assessment of the provisions of the Residential Flat Design Code (RFDC) is provided at **Appendix D**.

6.1.3 State Environmental Planning Policy (SEPP) No 71- Coastal Protection

The provisions of SEPP 71 require Council consider the aims and objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the Department of Planning NSW. The subject property falls within the Coastal Zone.

The proposal is considered to be consistent with the aims and objectives of the SEPP. The matters of relevance listed under Clause 8 are commented upon as follows:

- the development is highly suitable given its type, location and design and its relationship with the surrounding area. In this regard the area is dominated by high rise development that is visible from surrounding areas. The proposal will be compatible with the heights of surrounding development and as detailed in the Visual Impact Assessment at **Appendix E**, will not have an adverse impact on the visual quality of the area;
- the development is consistent with the scenic quality of the area for the reasons given above. The chief tools for ensuring scenic quality is maintained are the height and FSR controls of the LEP. The proposal complies with the FSR control and although there is a breach of the height control, this is acceptable as discussed in detail in **Appendix F**.

6.1.4 State Environmental Planning Policy (BASIX) 2004

As detailed at **Appendix G**, the proposed units achieve compliance with BASIX.

6.1.5 Gosford Local Environmental Plan 2014

The following provisions of the LEP are relevant:

Clause 4.3 Height of buildings – pursuant to this Clause the relevant height is RL77m, although a small part of the site has a 0m height limit (see **Figure 7**). The proposal has a height of RL 81.16m and as such a request to breach this control in accordance with Clause 4.6 of the LEP is provided at **Appendix F**.

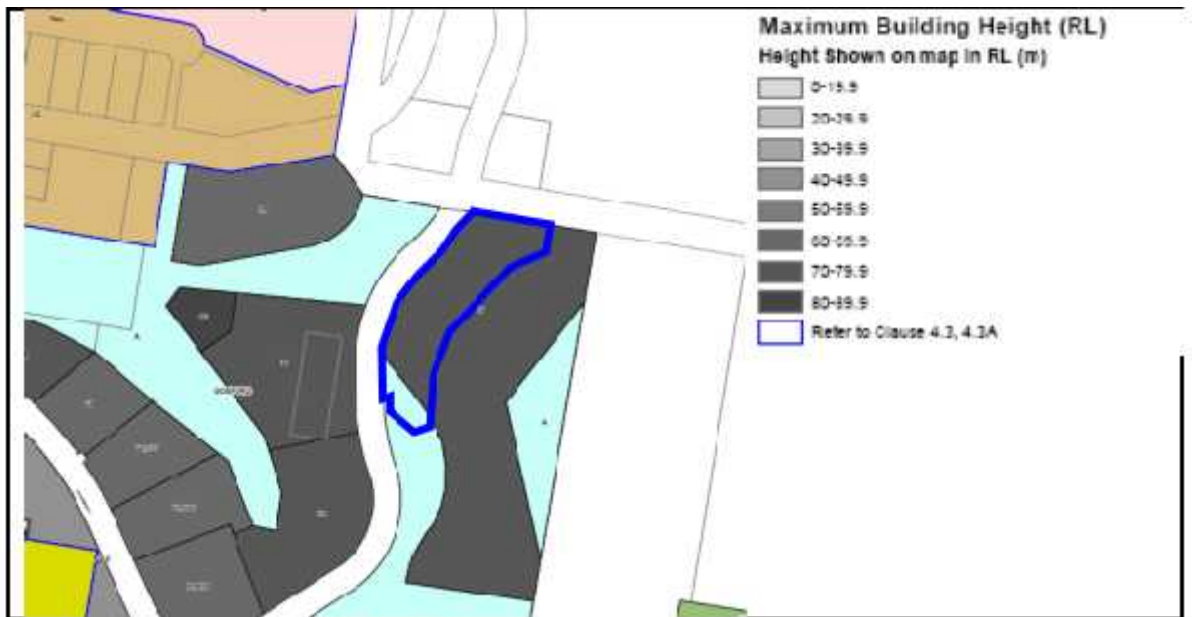


Figure 7 – LEP Height Map

Clause 4.4 Floor space ratio – the permitted FSR is 1.5:1 as indicated on **Figure 8** from the LEP. The proposal complies with this control, having an FSR of 1.5:1.

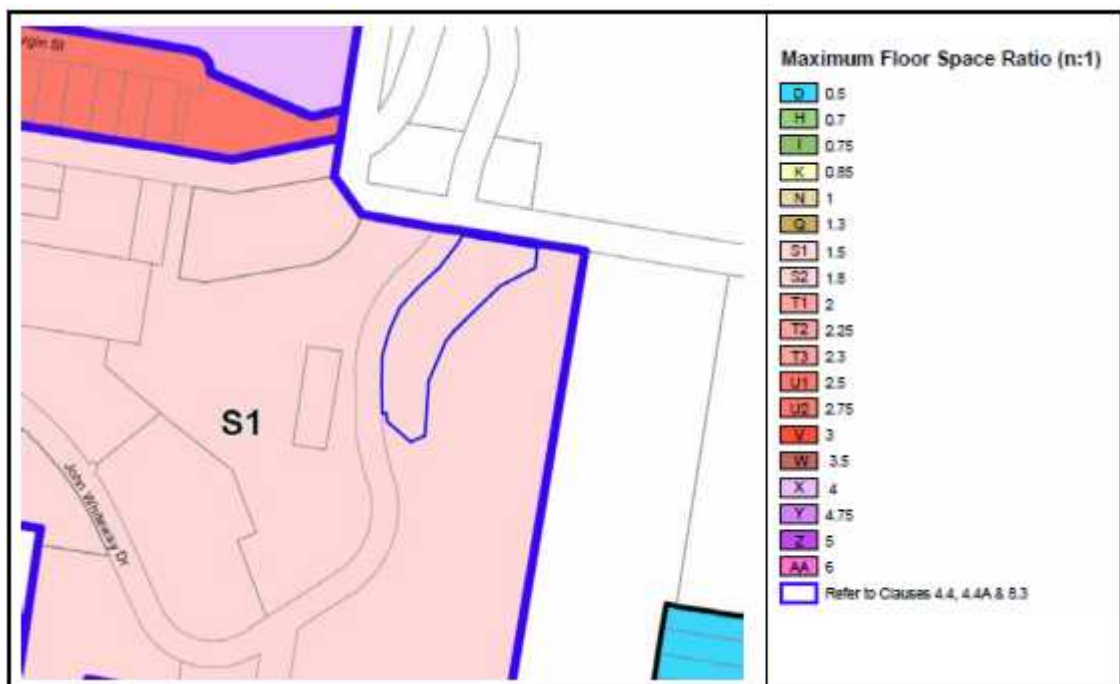


Figure 8 – LEP FSR Map

Clause 5.5 Development within the coastal zone – the proposal is consistent with the objectives of this clause, particularly as the development of the site has already been approved. The Visual Impact Assessment at **Appendix E**, demonstrates that the proposal will not affect the scenic quality of the coastal location.

Clause 5.9 Preservation of trees or vegetation – the subject site is partly vegetated and the proposal will necessitate removal of the majority of the existing vegetation. As discussed in the Flora and Fauna Assessment at **Appendix J**, this will not have an unreasonable ecological impacts. More specifically, a discussion of trees that are to be removed and retained is provided in the Arborists report at **Appendix K**.

Clause 7.1 Acid sulfate soils – as indicated in the relevant LEP map the site is not within an area subject to Acid Sulfate Soils.

Part 8 Additional local provisions—Gosford City Centre - This part applies to the subject site however it is noted that it does not fall into the area where Clause 8.9 Development incentives applies (see **Figure 9**). The only relevant clause under this part is 8.5 Design Excellence. The proposal is consistent with this clause as it exhibits design excellence as discussed in the Design Verification Statement at **Appendix C**.

6.2 Draft environmental planning instruments

There are no draft EPI's of direct relevance to the proposal.



Figure 9 – Development Incentives LEP Map

6.3 Development control plans

6.3.1 Gosford Development Control Plan 2013

The relevant provisions are addressed in the following table.

Provision	Comment
Part 2 Scenic Quality and Character	This part is of limited relevance as there are detailed provisions relating to these matters in Part 4.1 of the DCP which relates to Gosford City Centre. In any event as detailed in the Visual Impact Assessment at Appendix E , the proposal will be compatible with the scenic quality of the area.
Part 3 Specific Controls and Development types	The relevant Chapter is 3.3 however it is noted that it does not apply to development in the Gosford City Centre. There are detailed provisions relating to the city centre in Part 4.1 of the DCP.
Part 4.1 Gosford City Centre	The relevant provisions of this part are summarised in Appendix H . Any non-compliance with these provisions are discussed below.
4.1.2.2 Building to Street Alignment and Street Setbacks	The relevant map indicates a requirement for a 5-6m setback. The site has a curved street frontage and the building is sited to respond to this curve. The minimum setback is 5m as required however the setback is sometimes greater than 6m. This is considered to be acceptable in the circumstances as the building form still generally follows the road alignment and provides for a cohesive streetscape presentation. It also allows for increased landscaping which assists in breaking up the scale of the building.
4.1.7.4 Special Area - John Whiteway Drive Precinct	The proposal extends beyond the 'buildable area' identified in this section however this is considered to be minor and of little consequence as discussed in Appendix F .

The City Centre DCP indicates that only certain other Council DCP's are applicable. Those of relevance to the proposal are discussed below.

6.4 Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

There is no agreement of relevance to the proposed development.

6.5 Any matter prescribed by the regulations that apply to the land to which the development relates

No matters of relevance are raised in regard to the proposed development.

6.6 The likely impacts of that development

In addition to those matters raised above, the following issues are of relevance.

6.6.1 View impacts

The proposal will not have any view impacts on surrounding properties. The visibility in the broader views from the locality will be minimal as detailed in the Visual Impact Assessment at **Appendix E**.

6.6.2 Visual impact

The visual impact of the development in closer views from John Whiteway Drive will be mitigated by the reduced scale of the building achieved by it being excavated into the site and the overall design which breaks the long street elevation into components created by recessed entry areas and use of darker colours. The greater than required street setback will also allow additional screen planting to soften the appearance.

From the adjoining towers the building will be screened by substantial planted areas.

6.6.3 Bushfire Threat

The Bushfire Report at **Appendix I** concludes that the subject site is subject to risk from bushfire however given that the proposal provides a significantly improved outcome compared to the previously approved development in this regard, subject to the recommended construction standards, the proposal will ensure that risks are appropriately minimised.

6.6.4 Flora and Fauna

As detailed in the Flora and Fauna Assessment at **Appendix J**, the development of the subject site will not have any unreasonable impacts in relation to ecological issues.

6.6.5 Crime Prevention Through Environmental Design (CPTED)

The proposal has been designed having regard to the principles of CPTED as discussed in the Design Verifications Statement at **Appendix C** and the CPTED Statement at **Appendix L**.

6.6.6 Water Quality

The quality of stormwater leaving the site will not be reduced and will be more appropriately managed as detailed in the Stormwater Management Plan at **Appendix P**.

6.7 **The suitability of the site for the development**

The site is highly suited to the proposed development as it is located in a zone specifically designed to encourage high density residential development. Maximising the use of such areas in easily accessible locations is sound planning and consistent with the objectives of the LEP.

6.8 **Submission made in accordance with this Act or the regulations**

Submissions received following public notification of the application area a matter for the Council to consider.

6.9 **The public interest**

The proposal is considered to be in the public interest as it is consistent with the planning controls that apply and assists in meeting the objectives of the applicable planning documents.

The proposal is predominantly consistent with the planning controls that apply to the site. The potential impacts of the development of this site have previously been assessed by Council in their approval of the current development consent and concluded that they were not unreasonable. The new proposal does not significantly alter these impacts. The additional levels of parking and accommodation can be provided without unreasonably increasing adverse impacts. Also there will be an improvement in the overall quality of the built form as the new proposal is more contemporary in design and will complement other high rise development in the vicinity.

We fully support the proposal and seek Council's favourable consideration of the subject development application.

Appendix A

Minutes of preDA meeting with Gosford Council on
18 December 2014

Appendix B

**Response to matters raised in preDA meeting
by DEM Architects**

Appendix C

SEPP 65 Design Verification Statement by DEM Architects

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