

JOINT REGIONAL PLANNING PANEL (Hunter and Central Coast)

Council Assessment Report

Panel Reference	2016HCC022
DA Number	49564/2016
Local Government Area	Central Coast Council
Proposed Development	Residential Flat Building - Three Towers (101 Units) & Demolition of Existing Structures (JRPP)
Street Address	LOT: 1 DP: 17420, LOT: 2 DP: 17420, LOT: 24 DP: 17440, LOT: 23 DP: 17440, LOT: 15 DP: 17440, LOT: 14 DP: 17440, 177 and 179 Albany Street, 8 and 10 Duke Street, 2 and 4 Auburn Street, Point Frederick
Applicant	Point Frederick Real Pty Ltd
Owner	Point Frederick Real Pty Ltd
Date of DA Lodgement	31/03/2016 Amended plans lodged 15/07/2016 and 2/09/2016
Number of Submissions	104 to original application. 58 to amended plans.
Recommendation	Approval - subject to conditions
Regional Development Criteria (Schedule 4A of the Act)	Development with a capital investment value over \$20m
List of all relevant s79C(1)(a) matters	<ol style="list-style-type: none"> 1. Environmental Planning & Assessment Act 1979 - Section 79C 2. Local Government Act 1993 - Section 89 3. Roads Act 1993 4. Gosford Local Environmental Plan 2014 5. Gosford Development Control Plan 2013 6. State Environmental Planning Policy No 55- Remediation of Land. 7. State Environmental Planning Policy (Infrastructure) 2007 8. State Environmental Planning Policy (State and Regional Development) 2011 9. State Environmental Planning Policy 65-Design Quality of Residential Flat Buildings
List all documents submitted with this report	<ul style="list-style-type: none"> • Proposed Conditions of Consent • Development Plans

(contd)

for the Panel's consideration	<ul style="list-style-type: none">• Clause 4.6 submission
Report prepared by	R A Eyre
Report date	10 May 2017

Summary of s79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable comments to be considered as part of the assessment report.</i>	Yes



Title: Development Application No. 49564/2016, Proposed Residential Flat Building - Three Towers (101 Units) & Demolition of Existing Structures on LOT: 1 DP: 17420, LOT: 2 DP: 17420, LOT: 24 DP: 17440, LOT: 23 DP: 17440, LOT: 15 DP: 17440, LOT: 14 DP: 17440, 177 and 179 Albany Street, 8 and 10 Duke Street, 2 and 4 Auburn Street Point Frederick

Department: Environment and Planning

Report Purpose

To enable the determination of a development application.

Applicant	Point Frederick Real Pty Ltd
Owner	Point Frederick Real Pty Ltd
Application Number	49564/2016
Description of Land	LOT: 1 DP: 17420, LOT: 2 DP: 17420, LOT: 24 DP: 17440, LOT: 23 DP: 17440, LOT: 15 DP: 17440, LOT: 14 DP: 17440, 177 and 179 Albany Street, 8 and 10 Duke Street, 2 and 4 Auburn Street, Point Frederick
Proposed Development	Residential Flat Building - Three Towers (101 Units) & Demolition of Existing Structures
Zoning	R1 General Residential
Site Area	5114m ²
Existing Use	Dwelling-houses
Value of Works	\$34,530,172.00

Summary

It is proposed to demolish the existing dwelling houses on the site and erect a 5 storey residential flat building containing 101 apartments ranging from studio to 3 bedroom apartments. The apartments will be in 3 buildings over two basement car parking levels for 150 vehicles. Vehicular access will be from both Duke Street and Auburn Street.

Application Type	Development Application – Local.
Application Lodged	31/03/2016
Delegation level	Joint Regional Planning Panel

Advertised and Notified / Notified Only	Amended plans-Exhibition period closed on 24/08/2016
Submissions	Fifty eight (58) to amended plans.

Disclosure of Political Donations & Gifts	No
--	----

Recommendation

- A JRRP assume the concurrence of the Secretary of the Department of Planning and Environment for the use of Clause 4.6 to vary the maximum building height standard of clause 4.3 and 8.9 of the Gosford Local Environmental Plan 2014 (GLEP 2014) to permit the proposed development.
- B JRPP as consent authority grant consent to Development Application No 49564/2016 for Residential Flat Building - Three Towers (101 Units) & Demolition of Existing Structures on LOT: 1 DP: 17420, LOT: 2 DP: 17420, LOT: 24 DP: 17440, LOT: 23 DP: 17440, LOT: 15 DP: 17440, LOT: 14 DP: 17440, 177 and 179 Albany Street, 8 and 10 Duke Street, 2 and 4 Auburn Street Point Frederick
- C In accordance with Section 95(1) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of two (2) years.
- D The objectors are notified of JRPP's decision.
- E The External Authorities be notified of the JRPP's decision.

Assessment

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans.

Summary of Non Compliance

Policy	Details
GLEP 2014	Maximum building height- variation up to 1.2m (7.7%)
Gosford Development Control Plan 2013 (GDCP 2013)	Variation to maximum floor plate and side and rear setbacks above 12m.

Background

The original application lodged was for 111 apartments in 6-7 storey buildings, over 6 lots. As a result of public submissions and meetings with Council, the applicant has submitted amended plans reducing the height and number of residential apartments to essentially a complying development on height and FSR. The amended plans were advertised and 58 submissions received.

The amended plans now also include an additional lot (181 Albany Street) which was previously isolated by the original development proposal.

The following table shows the difference between the original proposal and the amended proposal the subject of this assessment.

Item	Original DA	Amended DA	Difference
Height	22m	16m-16.8m	-5.2m to -6m
Storeys	7	5	-2
FSR	2.5:1	1.95:1	-0.55:1
Units	111	101	-10
No of lots	6	7	+1
Deep soil planting	12.3%	17.5%	+5.2%
Car Parking	156	150	-6

The Proposal

The proposal comprises:

- A residential flat building containing 101 units. This consists of 20 x 1 bedroom + studio, 42 x two bedroom units, and 39 x three bedroom units, in three blocks or towers.
- Two basement levels of car parking for 150 vehicles, 42 bicycle spaces, and 7 motorcycle spaces.
- A height of 5 storeys.
- Driveway access from Duke Street and Auburn Street.
- Landscaping including 896m² (17.5% of the site for deep soil planting).

The proposal is divided into three buildings.

- Building A is located on the corner of Duke Street and Albany Street and will contain 37 units.
- Building B is located on Duke Street with 36 units.
- Building C is located on Auburn Street and contains 28 units.



Figure 1 - Image viewed from corner of Albany Street and Duke Street

The Site

The development site consists of seven (7) adjoining lots. Two of the lots front Auburn Street, two front Duke Street and three front Albany Street.

Existing development on the site, is generally older single and two storey dwelling houses. These are progressively being demolished under separate Complying Development Certificates.

The site has a level of about RL 15m at the north east corner in Auburn Street, rising to about RL 20m at the south east corner in Duke Street and on the western side at Albany Street. A crest of about 1m-1.5m runs across the middle of the three lots fronting Albany Street.

The site is located on the southern side of the Central Coast Highway (York Street) and in close proximity and walking distance to the Highway (and bus stops), and three schools. These include two high schools and a primary school. The site is located on the southern boundary/limit of the Gosford City Centre area.

The Surrounds

This area is predominately characterised by a mix of residential uses ranging from single dwelling houses to residential flat buildings (see figure 2). The area is in transition toward a medium density development zone.

The southern side of Duke Street is zoned R2 with a maximum building height of 8.5m. Development in this area south of Duke Street is mainly single dwelling houses.

The adjoining development on the north west side is residential flats. On the northern side is 6 Auburn Street which is a new dwelling house which will be isolated between the proposed development and existing residential units in Albany Street.

On the eastern side in Duke Street is a town house development with courtyards/private open space located on the western side of the units.

Existing development in Auburn Street is a mix of new and old single dwelling houses and residential units. Auburn Street is a cul-de-sac.



Figure 2 - Locality Plan

Applicable Planning Controls

The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

- Environmental Planning & Assessment Act 1979 – Section 79C
- Local Government Act 1993 – Section 89
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Gosford Local Environmental Plan 2014
- Gosford Development Control Plan 2013
- Protection of the Environment Operations Act 1997
- Roads Act 1997
- State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65)
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)
- State Environmental Planning Policy (State and Regional Development) 2011

Permissibility

The subject site is zoned R1 General Residential under GLEP 2014 (see figure 3). The proposed development is defined as a residential flat building which is permissible in the zone with consent of Council.

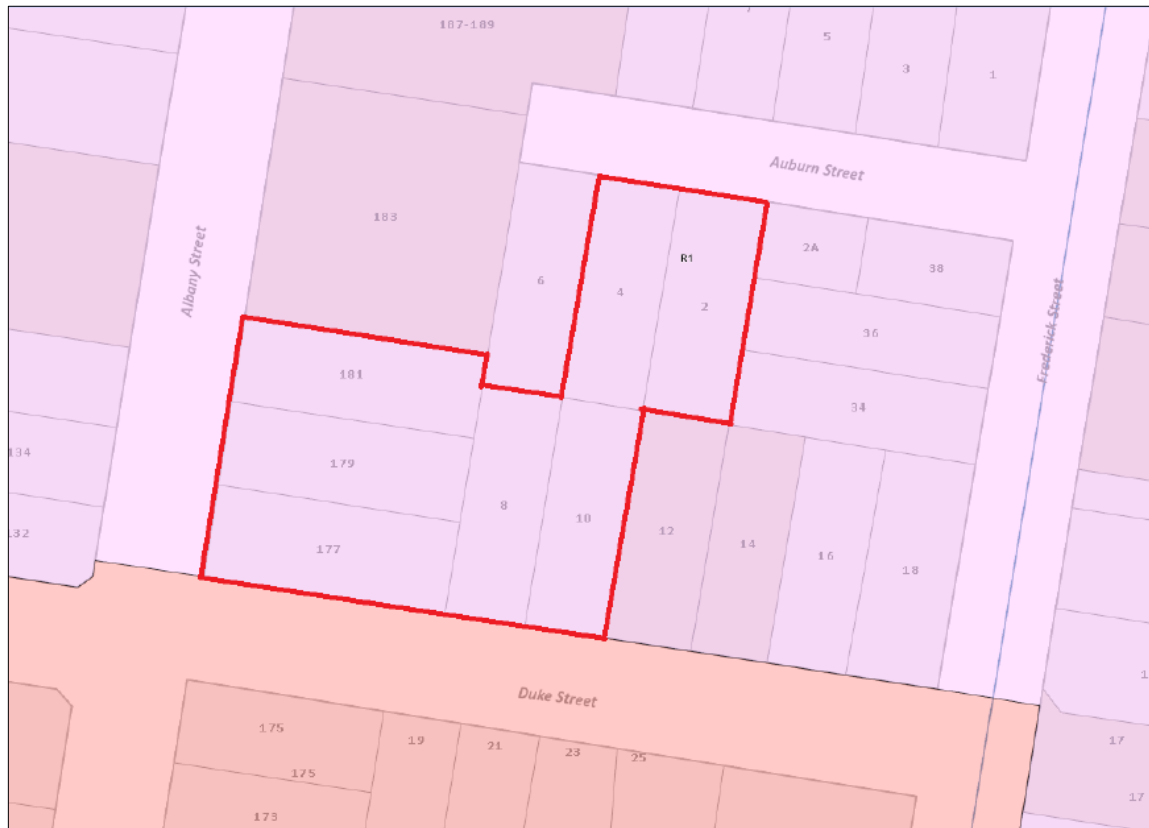


Figure 3 - Zoning Plan

State Environmental Planning Policies

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

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is considered to be consistent with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy 55-Remediation of Land

Clause 7 of SEPP 55 requires Council to consider whether the land is contaminated when determining a Development Application.

The past use of the land has been for residential purposes. Council has no information to indicate the land may be contaminated therefore, a contamination report is not required.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is not one which must be referred to the Roads & Maritime Services under the SEPP Infrastructure. However, due to the issues raised in public submissions, the application was referred to the RMS. The RMS advise that they have no objections to the proposal, as it is considered there will be no significant impact on the nearby classified (State) road network.

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

The proposal is subject to the requirements of SEPP 65. The application is supported by a Design Verification Statement prepared by Caine King (ARB #7974) and an assessment of compliance against the Apartment Design Guide (ADG) design criteria. These verify that the design quality principles set out in State Environmental Planning Policy No 65 – Apartment Design Guide (ADG) are achieved.

Council has assessed the proposal against the design quality principles which apply under SEPP 65 and conclude that the proposal meets the principles to a satisfactory degree.

Council's Architect has provided assessment advice in relation to the SEPP 65 Design Quality Principles which is provided in detail elsewhere in this report. Several concerns were raised and are provided below:

Council's assessment of the ADG design criteria is set out in the following table:

Design Criteria	Required	Proposed	Compliance
3D-1 Communal Open Space	Minimum communal open space area 25% of the site	Substantial landscaped communal open space is provided. The communal garden spaces provide access to apartments and maintain multiple accessible paths of travel through the site from Albany, Duke and Auburn streets. The minimum of communal area of 25% is provided.	Yes
	50% direct sunlight to principal usable part for min 2 hrs between 9am and 3pm mid-winter	The development achieves winter sun to over 50% of the communal open space area.	Yes
3E-1 Deep Soil Zone	Minimum 7% of the site, with minimum dimension 6m for a site greater than 1,500m ²	Approximately 22% of the site is allocated to deep soil planting, well above the 7% minimum. Where deep soil planting is not achieving the 6m minimum dimension, it is being utilised to soften boundary impacts on adjoining properties and to increase privacy. 7.9% of the deep soil zone has a 6m minimum dimension.	Yes
	On some sites, it may be possible to provide a greater area for deep soil zones. Sites between greater than 1500m ² 15% should be achieved, if possible.	Approx. 22% of site area will be provided for deep soil planting.	Yes
3F-1 Visual Privacy	Separation from boundaries (habitable rooms and balconies):	The 3 buildings comply with the objectives of building separation. Minor encroachments exist on the 4 th	Considered satisfactory.

Design Criteria	Required	Proposed	Compliance
	6m (up to 12m in height) 9m (up to 25m in height) 12m (over 25m in height)	floor and penthouses. Average building separation is 11-12m and 15-16m on the penthouses. Setbacks/separation on the lower levels generally comply with average 5-6m. Where setbacks don't comply, orientation of units and screening is provided where necessary to preserve privacy.	
3J-1 Bicycle and Car Parking	Minimum parking provided in accordance with the GDCP 2013: <ul style="list-style-type: none"> 1 space per 1 bedroom unit (20 units) = 20 spaces 1.2 spaces per 2 bedroom unit (42 units) = 50.4 spaces 1.5 spaces per 3 bedroom unit (39 units) = 58.5 spaces 0.2 spaces per unit - visitor parking = 20.2 spaces Total = 149.1 or 150 spaces 	150 car parking spaces are provided in accordance with the DCP requirements.	Yes
4A-1 Solar and Daylight Access 4B-3 Cross Ventilation	Living rooms and private open space of at least 70% of apartments receive a minimum of 3hr sun between 9am and 3pm mid-winter. A maximum of 15% receive no sun in mid winter.	52 (51.5%) of apartments receive a minimum of 3 hours direct sunlight between 9 am and 3 pm in mid winter to living areas. 71 (70.3%) receive at least 2 hours sunlight, and 30 (29.7%) receive less than 2 hours sunlight. There are no units wholly facing south which receive no direct sunlight. External communal spaces receive 3 hours sunlight to 100% of area.	No. While less than 70% receive less than 3 hours direct sunlight, this is offset by nil units receiving no sunlight in mid winter. See comments below.
	Min 60% of apartments cross ventilated. Over all depth of cross over apartments is 18m max.	76 of the 101 apartments (70%) are cross ventilated. The maximum building depth is below 18m.	Yes
4C-1 Ceiling Heights	Minimum 2.7m	The proposed floor-to-floor height is 3.1m which with allowance for floor thickness will permit a minimum floor to ceiling height of 2.7m.	Yes
4D-1 Apartment Size	Studio: 35m ² 1 bedroom: 50m ² 2 bedroom: 70m ²	The minimum unit sizes as follow; - Studio min 36m ² - 1-bedroom min 52m ²	No. Six x2 bedroom units with 2

Design Criteria	Required	Proposed	Compliance
	(5m ² per additional bathroom) 3 bedroom – 90m ² (5m ² per additional bathroom)	- 2-bedroom min 74m ² - 3-bedroom min 108m ²	bathrooms in Building C have an area of 74m ² whereas 75m ² is required. Most of the unit sizes well exceed the minimum area required. The variation is minor and the variation is supported.
4D-2 Room depths	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All habitable rooms have an operable window in excess of the 10% minimum required.	Yes
	Habitable room depths and maximum 8m depth for open plan layouts.	All habitable rooms are generally limited to below 8.1m depth from exterior walls/windows.	Yes
4D – 3 Layout	Bedroom and living room sizes – 9m ² for other bedrooms & 10m ² for master bedrooms with min 3m width. Living rooms minimum 3.6m width for studio and 1 bedroom units, minimum 4m width for 2 & 3 bedroom units.	Bedrooms achieve a minimum 3m width and minimum size of 9m ² . Living areas achieve a 4m-5m width and an area greater than 10m ² .	Yes
4E-1 Balconies	Studio 4m ² 1 bedroom: 8m ² , min 2m depth 2 bedroom: 10m ² , min 2m depth 3 bedroom: 12m ² , min 2.4m depth	The balcony sizes comply with the minimum balcony sizes.	Yes
4F-1 Common Circulation	Podium/ground level private open space minimum 15m ² , minimum depth 3m	Private open space at ground level, meets the minimum 3m dimension and 15sqm and greater.	Yes
	Maximum of 8 apartments off a circulation core (although design guidance allows up to 12 apartments)	A maximum of 8 apartments are located off a single core.	Yes
4G-1 Storage	Studio 4m ³ 1 bedroom: 6m ³	The proposed development has provided the required storage in the	Yes

Design Criteria	Required	Proposed	Compliance
	2 bedroom: 8m ³ 3 bedroom: 10m ³ Note: Minimum 50% within unit	basement and apartments.	

Solar and Daylight Access

The proposed development seeks a variation from the ADG design criteria for solar and daylight access, under Section 4A of the Guide. Objective 4A-1 sets out the following:

- *To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space*

The design criteria for Section 4A of the guide are set out as follows:

- *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.*
- *In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.*
- *A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter.*

Section 4A also sets out the following design criteria for solar and daylight access:

- *Achieving the design criteria may not be possible on some sites. This includes:*
 - *where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source*
 - *on south facing sloping sites*
 - *where significant views are oriented away from the desired aspect for direct sunlight*
- *Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.*

The proposed development seeks to provide the following amounts solar access/direct sunlight to living rooms and private open spaces between 9am and 3pm mid-winter:

- 52 (51.5%) of the apartments will receive 3 hours of sunlight.
- Of those units that don't receive 3 hours sunlight, 19 (18.8%) will receive 2 hours sunlight. Therefore of all units, 71 (70.3%) of units will receive at least 2 hours sunlight.
- Nil (0%) of the apartments will receive no sunlight.

The longest street frontage is along the southern side of the site fronting Duke Street. The design/layout of the units has taken this into account in the orientation of the units mainly to the north, east and west to maximise the level of sunlight access.

As the site is not within the Sydney Metropolitan Area or within the Newcastle or Wollongong LGAs, the ADG requires that 70% of apartments must receive 3 hours direct sunlight. In this case, the proposal represents a shortfall of 18.8% from the control (i.e, only 51.5% provided where 70% is required).

The justification for the reduced solar access requirement in the Sydney Metropolitan Area and Newcastle and Wollongong LGAs is based upon the increased densities within connected urban centres. Where 3 hours was the normal expectation for low density residential development, higher density development often struggles to achieve the full 3 hours of direct sunlight and often achieves this at the expense of another design quality, such as views or orientation.

The Gosford City Centre (and the site) is subject to a range of medium to high density controls which promote a built form consistent with (or even greater than) that permitted in most equivalent Sydney metropolitan centres, or within Newcastle or Wollongong. In this regard, the proposal is consistent with built forms that would be required to provide only 2 hours of solar access under Section 4A. Therefore, it is considered appropriate to apply the 2 hour minimum direct sunlight control, rather than the 3 hour control.

Further (and in general terms), it is the opinion of Council that the ADG has overlooked the Gosford City Centre in the phrasing of this control, as the built form within Gosford would be consistent with and within the same broad metropolis of those areas listed under Section 4A(1).

Accordingly, this assessment concludes that the 2 hour control is appropriate to apply in this instance and in other instances within the Gosford City Centre.

When assessed against Section 4A(1), the proposal would provide 70.3% of apartments with at least 2 hours direct sunlight.

In regard to Section 4A(3), the ADG requires that only a maximum of 15% of units receive no sunlight however, the proposed development will result in nil units receiving no sunlight. This represents an exceedance of 15% over the control.

This assessment concludes that the ADG makes allowance for such variations.

Further, Council's Architect has assessed the development and raises no objections in regard to the level of unit amenity. In conclusion, the variation to the control for 70% of units to have 3 hours sunlight is acceptable and supported.

Gosford Local Environmental Plan 2014

Development Standard	Required	Proposed	Compliance with Controls	Variation	Compliance with Objectives
-----------------------------	-----------------	-----------------	---------------------------------	------------------	-----------------------------------

Clause 4.3 & 8.9 Maximum building height	15.6m	16m to 16.8m	No	0.4m to 1.2m (2.5% to 7.7%)	Yes
Clause 4.4 & 8.9 Maximum FSR	1.95:1	1.95:1	Yes	Nil	Yes

Height

The maximum height is 15.6m (including the 30% bonus permitted under Clause 8.9 of the GLEP 2014). Part of the proposal exceeds the 15.6m height limit, the encroachments over the height limit are shown coloured in Figure 4.

Building A has a height up to 16m. This is a variation of 0.4m or 2.5%.

Buildings B and C have a height up to 16.8m. This is a variation of 1.2m Or 7.7%.



Figure 4 - Variation to 15.6m height plane

The applicant has submitted a submission under clause 4.6 of the GLEP 2014 which contends that adherence to the development standard is unreasonable and unnecessary in this case for the following reasons:

- The majority of the development complies with the maximum height limit of 15.6m.
- The variation is due to the varying topography of the site.
- The variation is minor and only extends for the upper portions of the roof plane.

-
- The variation causes no additional overshadowing of neighbouring properties or view loss.
 - The variation does not increase the visible bulk and scale of the development.

(A copy of the applicants Clause 4.6 submission is included in attachment 3).

Clause 4.6 exception to development standards requires consideration of the following:

1. Has the applicant submitted a written request that seeks to justify the contravention of the development standard by demonstrating:
 - (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?

Comment

The applicant's written request has adequately justified that compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental planning grounds to justify varying the development standard. The subject land has varying slope through and across the site. The proposed variation is minor, and is considered reasonable given the slope of the site and the difficulty in fully complying with height limits on a sloping site. Additionally, the proposal complies with the allowed FSR and the additional height does not result in additional overshadowing impacts.

2. Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

Comment

The development will not have unreasonable impacts on the neighbouring residents or character of the area and is consistent with the objectives of the R1 General Residential Zone and the allowed FSR. The extent of the variations (being 2.5% and 7.7%) are considered acceptable given the site constraints. Matters relating to overshadowing and privacy are addressed in the DCP assessment and the proposal will not have an adverse impact on any areas of public open space.

3. Has the concurrence of the Director-General has been obtained?

Comment

Under Planning Circular PS 08-033 issued 9 May 2008 Council may assume the concurrence of the Director-General when considering exceptions to development standards under clause 4.6. Council is therefore able to approve the variation.

This assessment has been carried out having regard to the relevant principles identified in the following case law:

- *Wehbe v Pittwater Council [2007] NSWLEC 827*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*

-
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248*

The Clause 4.6 requests submitted by the applicant appropriately addresses the relevant principles and exhibits consistency with the relevant objectives under GLEP 2014.

The development is considered to be in line with the relevant objectives. The request for a variation to the height control under Clause 4.6 is considered to be well founded and is recommended for support.

Zone R1 General Residential

The objectives for the R1 General Residential are:

- *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 proposal provides a variety of housing size for the existing and future needs of the community. The Gosford City Centre masterplan aims to provide 10,000 residents in the city centre. The Central Coast regional plan establishes that the region will grow by an additional 75,000 people to 2036.

The area is in transition toward a medium density development character and the proposal is considered compatible with the future character of the area. The proposal generally complies with the GDCP 2013 and the ADG.

Therefore the proposed development meets the objectives of the zone.

5.5 Development within the coastal zone

The provisions of Clause 5.5 of GLEP 2014 require Council to consider matters in relation to the Coastal Zone. The Coastal Zone is an area defined on the maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

The proposed development is of a scale and design considered compatible with its location in the city centre. The development is not considered likely to impact the amenity of the coastal foreshore, headlands or have impacts on biodiversity or ecosystems. The relevant matters have been considered in the assessment of this application and are considered consistent with the stated aims and objectives.

5.10 Heritage Conservation

The site is not located adjacent to, or in the vicinity of a heritage item.

7.1 Acid sulphate soils

This land has been identified as being affected by the Acid Sulphate Soils Map and the matters contained in Clause 7.1 of GLEP 2014 have been considered. The site contains Class 5 Acid Sulphate Soils. Class 1-4 acid sulphate soils are within 500m. An acid sulphate soil management plan has been prepared.

8.1 Objectives

The objectives of Part 8 for the Gosford City Centre are:

- 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 enhance the Gosford waterfront.*
- i) *to provide direct, convenient and safe.*

The development will provide increased population, near a major public transport route, to support the economic and social revitalisation of the Gosford City Centre. The development will increase the diversity of housing stock within Gosford. The design generally meets the criteria for design excellence and SEPP 65 and ADG requirements. As such, the proposal complies with the above objectives.

8.5 Design Excellence

The provisions of Clause 8.5 require Council to consider that the development exhibits design excellence. Assessment of the proposal against the matters attributed to design excellence under Clause 8.5(3) concludes that Council is satisfied that the proposal exhibits design excellence as the architectural design, materials and detailing provide for a modern built form, provide articulation and address the corner location.

In particular, the proposal offers architectural design, which is appropriate for the intended development of the area, and employs design features and articulation that enhance the appearance of the development and the amenity of units. The design is supported by a design verification statement which has been assessed and outlines a number of reasons which confirm that the design incorporates appropriate features and methods which demonstrate excellence.

The development provides for a mix of studio 1, 2 and 3 bedroom apartments which will add to housing mix in the locality. The units have been assessed against the ADG and are considered appropriate. The development is supported by a BASIX certificate indicating that the development meets sustainability criteria.

The development is considered likely to establish a high standard of design to be built upon by future developments in the locality as Gosford continues to grow and develop.

Gosford Development Control Plan 2013

The application has been assessed against GDCP 2013 requirements, including setbacks, privacy, views and overshadowing, and the proposal generally meets the objectives of these controls as detailed below.

Development Control	Required	Proposed	Compliance
4.1.2.2 Building to street alignment and street setback	3-4m range (min. 3m and max 4m) for Duke Street and Albany Street. Auburn Street not specified.	The proposed development provides a 3m setback to Duke St and Albany St, & 6m to decks/balconies in Auburn St.	Yes
	Balconies may project up to 600mm into front building setbacks.	All balconies are located behind the front setback.	Yes
4.1.2.3 Street Frontage Height	The street frontage height of buildings must comply with the minimum and maximum heights	Not applicable	Not applicable
4.1.2.4 Building Depth & Bulk	Maximum floor plate 20% of GFA up to 500m ² above 12m Maximum building depth (excluding balconies) – 18m	Building A- 697m ² and 23m depth Building B- 482m ² and 20m depth. Building C- 316m ² and 13m depth.	No. See comments below.
4.1.2.5 Side Setback (up to 12m height)	Habitable - 6m min. Non habitable 3m	6m setback to habitable rooms is provided.	Yes
4.1.2.5 Side Setback (above 12m height)	Habitable - 9m min. Non habitable 4.5m	6m to balcony and 9m to bedrooms is provided	No. Balconies are part of the habitable areas. This is a variation of 3m Or 33% for the top level (Level 4) on buildings A & B. See comments below.

Development Control	Required	Proposed	Compliance
4.1.2.5 Rear Setback (up to 12m height)	Habitable - 6m min.	A setback of 6m is provided	Yes
4.1.2.5 Rear Setback (above 12m height)	Habitable - 9m min. Non habitable 6m	6m to balcony and 9m to bedroom.	No. Balconies are part of the habitable areas. This is a variation of 3m (33%) for the top level (level 4) of Building B. See comments below.
4.1.2.7 Site Cover	Max. site cover - 50%	The proposed site coverage is 41% and complies	Yes
4.1.2.7 Deep Soil Zones	15% min. Min. Dimension 6m	The proposed deep soil planting complies with the GDCP requirement (15%) with 22% of the total site provided as deep soil zone, and 7.9% with minimum dimension of 6m as required under the ADG.	Yes
4.1.2.10 View Corridors	Protect significant view corridors	Figure 2.1.4 within the GDCP Gosford City Centre nominates significant views which are considered integral to the character of the area and which require protection and consideration with regard to new development. The site is not located within any identified view corridor.	Yes
4.1.3.3 Street Address	Clear Street address	The main street access and address is off Duke Street. Buildings A, B & C have separate additional access from Albany Street, Duke Street, and Auburn Street respectively. A condition of consent should require the street address to each building to be clearly defined. Refer condition 2.10. For large developments such as this proposal, the GDCP encourages multiple entrances on each street frontage as is proposed.	Yes
	Direct front door access for ground floor units.	Direct access to street from ground floor units is provided.	Yes
	Residential buildings are to provide not less than 65% of the lot width as street address.	The development has been designed to present articulated facades to the street. The primary frontage is to Duke Street.	Yes
4.1.3.5 CPTED Principles	Address Safer by Design and CPTED principles	A CPTED Assessment has been provided and considered. Appropriate conditions have been suggested.	Yes
4.1.3.7 Vehicle Access	One access point only. Max. 2.7m width (or up to 5.4m wide for safety reasons)	Two vehicle access driveways are provided. One to Duke Street and one to Auburn Street. The provision of two driveways 6m wide is acceptable given the density and size of the	Yes

Development Control	Required	Proposed	Compliance
		development and given its multiple street addresses.	
4.1.3.9 Building Exteriors	Various controls, similar to clause 8.5 of GLEP.	The development presents to the public domain and provides street setbacks, landscaping and passive surveillance of the street. Details of materials and colours are provided in the plans within the application documentation will be endorsed via condition 1.1 .	
4.1.4.2 Pedestrian Access and Mobility	<div>Building Entry Points - Clearly visible from street</div> <div>Design for disabled persons</div> <div>Barrier free access to not less than 20% of dwellings</div> <div>At least 1 main pedestrian entrance with convenient barrier frees access to ground floor</div> <div>Continuous access paths of travel from all public roads</div> <div>Access paths of durable materials (slip resistant materials, tactile surfaces and contrasting colours)</div>	<div>Considered acceptable.</div> <div>Appropriate conditions are recommended for imposition requiring compliance with the BCA. (Refer Condition 1.2)</div>	Yes
4.1.4.3 Vehicle Footpath Crossings and Vehicular Driveways and Manoeuvring	<div>Located 6m min. from the perpendicular of any intersection</div> <div>Minimum driveway setback 1.5m from side boundary</div> <div>Enter and leave in forward direction</div> <div>Compliance with Council's standard Vehicle Entrance Design & subject to Roads Act approval</div> <div>Compliance with AS2890.1</div> <div>Use semi-pervious materials for driveways open car spaces</div>	<div>Two vehicle crossings are proposed, located at the southern boundary in Duke St and in Auburn Street.</div> <div>Appropriate conditions required by Councils Development Engineer are recommended for imposition.</div>	Yes
4.1.4.4 On-Site Parking	<div>1 space/1-bed (20 units) = 20</div> <div>1.2 space/2-bed (42 units) = 50.4</div> <div>1.5 space/ 3- bed (39 units)= 58.5</div> <div>Visitor parking (0.2 per unit) = 20.2</div> <div>Total: Residential 129 spaces Visitor 21 spaces Total: 150 spaces</div>	The development generates the need for 150 car spaces. The development provides 150 car spaces.	Yes
	Disability accessible car parking not less than 4% or minimum 2 spaces = 6 spaces	10 accessible car spaces are provided.	Yes.
	Motorcycle parking – 1 space per 15 units = 7 spaces required	The development generates the need for 7 motorcycle spaces. The development provides 7 motorcycle spaces.	Yes

Development Control	Required	Proposed	Compliance
	Bicycle Parking Residents – 1 space per 3 dwellings = 33.6 spaces Bicycle Parking Visitors – 1 visitor space per 12 dwellings = 8.4 spaces Total = 42 spaces	The development generates the need for 42 bicycle spaces. The development provides 42 bicycle spaces.	Yes
	Provided car parking wholly underground unless unique site conditions prevent achievement.	Complies	Yes
	Compliance with AS2890.1	Capable of complying, an appropriate condition is proposed.	Yes
	Uncovered parking areas are prohibited	Not applicable	Not applicable
	Bicycle parking secure and accessible with weather protection	Complies	Yes
4.1.4.5 Site Facilities	Mail boxes in one location, integrated into a wall, similar building materials and secure and of sufficient size	Mail boxes are proposed in one location on the northern side of building A. Refer landscape plan L101.	Yes
	Locate ancillary structures (e.g. satellite dish and air conditioning units) away from street. Integrated into roofscape design. One master antenna per residential apartment buildings.		
	Size, location and handling procedures for all waste to satisfaction of Council's Waste & Emergency Staff	A waste management plan has been provided. Appropriate conditions required by Waste Servicing are recommended for imposition.	Yes
	Waste storage not to impact on neighbours in terms of noise, and be screened from the public and neighbouring properties		
	Waste storage area well lit, easily accessible and on level grade, free of obstructions		
	Waste storage area behind main building setback and facade		
4.1.4.5 Fire & Emergency Vehicles	Compliance with Fire Brigades Code of Practice – Building Construction – NSWFB Vehicle Requirements	Considered acceptable. A condition is to be imposed requiring compliance with BCA.	Yes
4.1.5.2 Energy Efficiency and Conservation	Compliance with BASIX	BASIX Certificate submitted indicating compliance with mandatory energy efficiency standards.	Yes
4.1.5.3 Water Conservation	Efficient best practice management of water resources	A Storm Water Cycle Management Plan was provided and deemed acceptable by Council's engineers.	Yes
4.1.5.4 Reflectivity	Not result in glare, not exceed 20%	Non-reflective materials have been utilised for the façades of the building. Elevations will be shaded by balconies and vertical louvres. It is considered glare will not pose a problem to surrounding road users.	Yes

Development Control	Required	Proposed	Compliance
4.1.5.5 Wind Mitigation	Wind Effects Report for buildings over 14m	The limited height of the proposed development and those surrounding negate the requirement to prepare a wind effects report.	Not applicable.
4.1.5.6 Waste and Recycling	Length of storage area 0.65 x no of bins	A Waste Management Plan has been provided and is considered acceptable.	Yes
	Width of storage area 2.5m min. SEPP 65 & RFDC	Appropriate conditions required by Waste Servicing are recommended for imposition.	
4.1.6.1 Residential Development Controls	3.3.3.5.2 Sunlight and Overshadowing	Complies with GDCP controls. Refer to Comments below.	Yes
4.1.6.2 Housing Choice & Mix	1 bed units 10% min to max 25%	The proposed development complies with the controls and provides for a mix of unit styles and sizes: <ul style="list-style-type: none"> 1 bed: 20% 2 bed: 41% 3 bed: 39% 	Yes
	2 Bed not more than 75%		
	15% of dwellings (for sites with slope less 20%) capable of adaption for disabled or elderly residents = 15 accessible dwellings	GDCP requires 15 accessible units. The proposed development provides 16 accessible units (16%).	Yes
	Where possible provide adaptable dwellings on the ground level	Adaptable units are provided on the ground floor.	Yes
	Application to be accompanied by an Access Consultant report	Provided.	Yes
	Car parking to adaptable dwelling to comply with AS	Accessible parking spaces are provided at a higher rate than required.	Yes
4.1.6.3 Storage	7.5m ³ for 1 bed units 10m ³ for 2 bed units Min 50% of required storage areas within dwelling	Storage rates provided comply with the GDCP. The total storage area is provided within units.	Yes

Maximum Floor Plate above 12m height

Building A exceeds the floor plate and building depth set by GDCP 2013. Buildings B & C generally comply. However, the floor plates are considered appropriate for the site as the development is spread over 3 buildings and provides for the consolidation of 7 existing lots. The total floor plate above 12m height is less than the 1500m² that would be permitted in total. The variation to the size of each building provides a better street scape and provides the largest building A on the corner of Albany Street and Duke Street as a corner statement. The top floor level on each building is also set back a greater distance from the street and side/rear boundaries which reduce the bulk and scale appearance at street level.

The internal amenity of the units is not considered to be compromised as the habitable rooms all include openable windows for light and ventilation. 76 of the 101 apartments (70%) are cross ventilated. The maximum building depth is below 18m as set by the ADG.

Building Setbacks

The proposal generally complies at ground level through to level 3. The top floor level (level 4) on buildings A & B have side and rear setbacks of 6m to balconies whereas 9m is required.

The provision of balconies on the higher levels closer to the side and rear boundaries has the potential to impact privacy of adjoining developments. In particular, in this case, the rear yard of the isolated dwelling house at 6 Auburn Street.

This could be mitigated by privacy screens on the balconies of the units on the northern side of building B and western side of building C. Such screens should be designed to prevent looking down into the adjoining back yard, but still permit sunlight to the balconies. **(Refer Condition 2.10)**

Sunlight and Overshadowing

A shadow analysis has been provided for winter and autumn to show impacts resulting from the development on the public domain and neighbours. It is noted that the shadow impacts are substantially the same as that which would occur if the height was compliant.

The shadow diagrams submitted for March show that the proposed building will mostly overshadow Duke Street and Albany Street, as well as the adjoining 6 Auburn Street in the early morning. The shadow impact is gone before mid-day. The rear private open space of 6 Auburn Street will receive over 3 hours sunlight, even in June.

In the afternoon, the proposal will overshadow the courtyards/private open space of the units at 12 Duke Street, as the courtyards are located on the western side of this site.

The courtyards/private open space of the townhouse at 12 Duke Street will be overshadowed by their own building in the morning up to about 1.00pm in March. In March, the proposal will overshadow the adjoining courtyards from about 2.00pm onwards.

In June, the proposal will start to overshadow the courtyards progressively from about 9.00am onwards.

The shadow impacts on 12 Duke Street are significant and will impact the amenity of residents of these sites as the courtyards will not receive 3 hours sunlight. However, this will still occur with a development of complying height.

The impact on 12 Duke Street is mitigated to an extent by the proposed building being set back 6-9m from the side boundary due to the location of the driveway on the eastern boundary.

The additional shadow impact due to the height variation is minor and not significant. Accordingly, the shadow impact is reasonable and does not justify refusal of the proposal.

While the shadow impact in June will be greater, the impact is also not unreasonable for the short time this occurs.

Other Matters for Consideration

Central Coast Regional Plan 2036

The Central Coast Regional Plan 2036 (CCRP) was approved and launched by the NSW Department of Planning and Environment on 14 October 2016. The CCRP sets out the vision for the Central Coast over the next 20 years and identifies economic, social and environmental opportunities to build a more prosperous region and actions to guide development and land use.

The proposal has been assessed against the relevant goals and actions of the CCRP in the following table:

Goal/Action No.	Goal/Action	Assessment
Goal 1	A prosperous Central Coast with more jobs close to home	The proposed development will increase population to support the city centre and local businesses. The site is located close to public transport and schools and within walking distance of the Gosford waterfront.
Direction 1	Grow Gosford City Centre as the region's capital	
Action 1.1	Grow Gosford City Centre as the region's capital and focus of professional, civic and health services for the region's population.	
Action 1.3	Attract and facilitate greater commercial development within Gosford City Centre by improving the public domain and providing opportunities for development through local planning controls.	
Action 1.8	Ensure that development in Gosford City Centre responds to its natural setting and complements the public domain.	The site is located within an established residential area identified for medium density. The height and façade of the proposal responds to its natural setting and complements the public domain with active street frontage. The proposal is consistent with this action.
Action 7.1	Facilitate economic development that will lead to more local employment opportunities on the Central Coast	The proposal will produce construction employment opportunities and provide new residential accommodation which will support local businesses. The proposal is consistent with this action.
Goal 4	A variety of housing choice to suit needs and lifestyles	The proposal will provide 101 new residential units with an acceptable mix of 1, 2 and 3 bedroom units. The proposed dwelling supply is appropriately located and will improve housing choice that suits a range of needs and lifestyles.
Action 20.1	Improve housing choice by supporting housing delivery in and near the growth corridors and local centres.	
Action 20.3	Implement policies, plans and investment options that will support greater housing diversity in centres.	

Having regard to the above assessment, the proposal is consistent with the relevant goals, directions and actions of the Central Coast Regional Plan 2036.

Gosford City Centre Masterplan: Our City Our Destiny

In 2008 the "Gosford Challenge" was initiated as a process of community participation and partnership between the then Gosford City Council and the community to establish the objectives which would guide the revitalisation of Gosford.

The masterplan is not a statutory matter for consideration.

The “Our City Our Destiny” Masterplan identifies 5 key precincts of activity. The subject site is located south of the waterfront precinct, while not forming part of this precinct.

Under Section 3.5 Living in the City, the Masterplan identifies the targeted areas for residential growth to achieve an increase of 10,000 persons in 6,000 dwellings by the year 2031. The Masterplan identifies that the site is within an area of the Gosford City Centre that will accommodate up to 2,220 additional residents. The proposed development is consistent with these aspects of the Masterplan, being a medium density residential development providing increased housing supply and choice within the City Centre.

The proposal is generally consistent with the relevant initiatives, goals and key elements of the Masterplan.

Isolated Lot

The proposal results in 6 Auburn Street being an isolated lot between existing and proposed residential flat developments. The applicant has provided evidence that the owner of 6 Auburn Street has been consulted as part of the initial development scoping. The evidence shows that the landowner declined an offer to purchase the site for inclusion in the application. It is considered that there is economic life remaining in the dwelling. The isolated dwelling will not be out of place within the Auburn Street culdesac, given the transitional nature of development in the locality.

Development at Zone Interface

The subject land is zoned R1 General Residential with a mapped maximum height of 12m (15.6m with 30% bonus). The land on the southern side of Duke Street is zoned R2 Low Density Residential with a height limit of 8.5m.

In *Seaside Property Developments Pty Ltd v Wyong Shire Council* [2004] NSWLEC 117, the court established that the planning principle that development in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in the adjoining different zone.

In this situation the future development in the adjoining R2 zone is likely to be single and two storey dwelling houses. The proposed development on the R1 zoned land is 5 storeys with the top level setback further than the levels below. The setback areas are landscaped with deep soil zones provided in line with policy. This vegetated setback combined with the separation between the two different zones by Duke Street which is about a 20m road reserve width, is considered to adequately separate the different development in the respective zones.

View Loss

The site is located at a crest in the land and the adjoining developments essentially do not enjoy views of any significance of Brisbane Water or other features. Existing views are to distant hills or glimpses of Brisbane Water.

The planning principles established by the Land and Environment Court in *Tenacity Consulting v Waringah* [2004] NSWLEC 140 have been considered. View loss from the development is not considered unreasonable, as the proposed development predominantly complies with the height limit, or the views are obtained across the side boundary of the site. As such, retention of these views is unreasonable to expect, particularly given the increasing densities proposed to be provided for under the GLEP 2014.

Planning Agreements

The proposed development is not subject to a planning agreement/draft planning agreement.

Development Contribution Plan

The subject site is located within Development Contribution Plan S94A Contribution Plan-Gosford City Centre, where residential flat developments are subject to s94 contributions at 4% of the CIV. The applicable contribution amount was calculated and imposed as a condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate. **(Refer Condition 2.9)**

Referrals

Internal Referral Body	Comments
Development Engineer	Supported subject to conditions.
Waste	Supported subject to conditions.
Tree Assessment	See comments below
Water & Sewer	Supported subject to conditions
Architect	<p>CONTEXT</p> <p>The site is located on the edge of the City Centre Zone but surrounded by single residences with a two storey strata titled RFB directly adjoining to the east on Duke Street and another diagonally to the north west on Albany Street.</p> <p>It is acknowledged that the site is now zoned for higher density however its location on the edge of the City Centre zone and directly adjoining the R2 on the opposite side of Duke Street must be taken into account.</p> <p>The ADG recommends that at a change in zone between apartment buildings and a lower density area, the building setback from the boundary should be increased by 3 metres.</p> <p>As referred to in the letter from the applicants planning consultant ADW Johnson dated 30 January 2017, to address this issue the applicant has agreed to relocate and group all in-ground and overhead services within the Duke Street and Albany Street footpath</p>

	<p>reserves within a concrete box culvert in accordance with the letter from the applicant's Landscape Architect Xeriscapes dated 25 January 2017 and shown in Landscape drawing L601 Issue A.</p> <p>This will permit the planting of eight street trees as shown in landscape drawings L101 and L102 Issue E.</p> <p>This is considered an appropriate method of screening and disguising the scale of the new building and provides an acceptable zone interface.</p> <p>It is acknowledged that the applicant attempted to purchase the isolated property at 6 Auburn and was unable to do so. Though this is considered an undesirable planning outcome, it does not justify refusal of the application.</p> <p>BUILT FORM AND SCALE In other respects built form is generally acceptable. The application uses an extended floor slab and balconies to define the ground floor and provide a definite base to the buildings.</p> <p>The middle four floors use a clearly expressed horizontal pattern of slabs and balconies divided by extended blade walls. The use of storey high louvres add smaller scale details and contrasting material to these levels with the upper floor setback slightly to create a separate top to the building.</p> <p>DENSITY The application complies with FSR controls.</p> <p>SUSTAINABILITY BASIX certificate supplied indicating compliance with mandatory energy efficiency standards.</p> <p>LANDSCAPE The location of parking areas and ramps on the eastern boundaries remains a concern and results in adjoining residential buildings to the east facing tall retaining walls with no landscaping to screen or soften these blank walls.</p> <p>This is a particular concern for the strata titled units that have private open spaces facing the five storey height of Building B with no landscaping to provide any screening. The proposed screen panels with climbing plants are not considered an adequate response to this issue.</p> <p>The application proposes a 2 to 3 metre high boundary wall with planting above this between building C and the adjoining dwellings. This is considered acceptable in this instance only because the adjoining houses are set back and have mature trees within their rear</p>
--	--

	<p>yards to provide screening.</p> <p>Subject to relocating all services and planting street trees as set out in Context, street front landscaping is now acceptable.</p> <p>AMENITY Within the development amenity is acceptable. All apartments are well planned and comply with minimum sizes in the ADG. Living areas are limited in depth and comply with the height/depth recommendations in the ADG. All living rooms and bedrooms are located on exterior walls and face the sky or large balconies to maximise natural light.</p> <p>SAFETY The application has balconies and windows overlooking the street to provide surveillance.</p> <p>There is a direct site line from the street to the entry with no areas for concealment.</p> <p>HOUSING DIVERSITY AND SOCIAL INTERACTION The application provides studio, 1, 2 and 3 bedroom units and includes accessible to cater for a variety of occupants.</p> <p>AESTHETICS Aesthetics are acceptable subject to addressing the issues set out under Context, Built Form and In other respects built form is generally acceptable. The application uses an extended floor slab and balconies to define the ground floor and provide a definite base to the buildings.</p> <p>The middle four floors use a clearly expressed horizontal pattern of slabs and balconies divided by extended blade walls. The use of storey high louvres add smaller scale details and contrasting material to these levels with the upper floor setback slightly to create a separate top to the building.</p>
Building Surveyor	<p>Council's interpretation of the classification of buildings and structures in accordance with Part A3 of the BCA is: 2, 7a & 10b.</p> <p>The site is mapped on Council's land slip risk mapping as low risk. The provided geotechnical report prepared by Aargus, GC6497-1A dated 24th March 2016 focuses on construction conditions which is considered reasonable for DA stage assessment with no further report required.</p>
External Referral Body	Comments
Roads & Maritime	No objections. Advices provided.

Tree Assessment

Council's Tree Assessment Officer advises:

*The latest amended Landscape plan Issue E 30/1/17, has proposed a *Corymbia gummifera* with the potential height of 20m under power wires in Albany Street instead of the previously recommended *Tristeniopsis laurina* (8m high).*

The amended plans have also deleted street tree planting in Auburn Street, but have proposed suitable tree planting within the property, which is satisfactory.

*It is recommended that the Landscape plan be amended to change street tree planting in Albany Street from *Corymbia gummifera* to *Tristeniopsis laurina* to cater for the overhead wires.*

The letter from Xeriscapes also considers methods of tree planting with underground services. They discuss two options, concrete services plenum and root barrier system.

Both methods are suitable; however the concrete services plenum would provide the greatest protection to services and allow better root development. (Refer conditions 2.10 & 5.8).

Political Donations

During assessment of the application there were no political donations were declared by the applicant, applicant's consultant, owner, objectors and/or residents.

Public Submissions

Fifty eight (58) public submissions were received in relation to the amended application. The issues raised have predominantly been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979.

A summary of the submissions are detailed below.

1. The proposal will deteriorate the character and heritage of the area and decrease property values.

Comment

The area is in transition to include greater proportions of medium density residential development. The proposal is one that has been designed having regard to the planning controls and the impact on adjoining sites. It is noted that property values is not a matter for consideration under Section 79C of the EP&A Act 1979, however the proposal is unlikely to decrease property values as there is a demand for additional residential accommodation in this area as evident by the number of developments approved and under construction. There are no heritage items on or in the vicinity of the site.

-
2. The increase in traffic, noise and parking congestion. Council previously resolved to have an independent traffic assessment carried out.

Comment

The application was accompanied by a traffic report which confirmed that the road system can cater for the additional traffic generated by the development.

The traffic report submitted identifies that:

- The proposal will generate about 42 trips in the weekday morning peak, and 28 trips in the afternoon peak. This represents a 1% increase in traffic along York Street in the morning peak period.
- The traffic impacts on the area are negligible compared to the existing residential developments and the schools in the area.

The application was also referred to the RMS for consideration. The RMS raised no objections to the proposal and did not consider that any upgrading to any intersections with the Central Coast Highway (York Street) is required as a result of this and other developments in the area.

The development provides adequate on site car parking, motorcycle and bicycle parking. It should be noted that on street car parking is mainly generated by the nearby high school during school time.

The use of the site for medium density residential use will not generate any significant noise nuisance.

3. The height limit is 12m and there should be no buildings above 3 storeys. The height and towers will dominate the skyline.

Comment

The height limit is 15.6m as the site is subject to a 30% bonus under clause 8.9 of the GLEP 2014. The development has been reduced in height to generally comply with the 15.6m limit, albeit with a minor variation over part of the development. The separation of the building into 3 blocks reduces the impact on the streetscape and the skyline.

4. All northerly views will be blocked.

Comments

Views from surrounding properties to the north are essentially not iconic views and are to the distant hills. The view loss is not considered unreasonable, as the building height generally complies with the controls within GLEP and buildings A & B, have a 12m separation to allow for view penetration.

5. Three towers are not in keeping with the Point Frederick area. The greater height compromises light and privacy to neighbours.

Comment

The building is divided into 3 blocks. This reduces the bulk and scale and reduces the visual impact of the development by separating the towers. This combined with setbacks to side and rear boundaries mitigates the impact on surrounding sites. The development is consistent with new developments which are emerging in the locality.

6. The noise and dust generated during construction.

Comment

The impacts during construction can be mitigated by dust control measures such as watering and construction screening. These impacts are only during the short construction period and are not considered unreasonable.

7. The proposed building does not meet design excellence requirements.

Comment

The development has been designed by a registered architect as required under SEPP 65. The design verification statement and plans have been assessed by Council's architect.

The provisions of Clause 8.5 of GLEP have been considered with respect of design excellence. Assessment of the proposal against the matters attributed to design excellence under Clause 8.5(3), concludes that Council is satisfied that the proposal exhibits design excellence as the architectural design, materials and detailing provide for a modern built form, provide articulation and address the corner location.

8. The shadow impact is unacceptable and unfair.

Comment

The shadow impact is not unreasonable as the building height generally complies with the maximum height established by GLEP 2014. The shadow impact on the adjoining townhouses at 12 Duke Street will occur with a Complying Development, as the courtyards for these units are located on the western side of the town houses. The overshadowed courtyards are provided with only about 1 hour of sunlight to the principle open space area during mid-winter.

However, this is partly due to the overshadowing by the building itself on 12 Duke Street.

9. The development is too close to the R2 zone on the southern side of Duke Street. The development is better suited to the centre of Gosford rather than on the border of the city.

Comment

The development adjoins the zone boundary. The principles of development at the zone interface have been considered. The separation of the development from the low density on the southern side of Duke Street by the width of Duke Street and the landscaped setback area is considered reasonable.

-
10. The proposal is an overdevelopment of the site.

Comment

The proposal complies with the maximum FSR permitted, and the proposed site coverage is 41%. As such, the development is not considered to be unreasonable.

11. The proposal will generate an increase in waste bins which the waste contractor has trouble collecting now.

Comment

The proposal provides bulk bins which will be collected from within the site and not from the street. Council's Waste Management Assessment Officer, has no objections to the proposal.

12. There is only one right hand turn onto the Central Coast Highway at Frederick Street lights. Traffic already backs up at the lights in the afternoon peak time when the nearby school finishes. The size of the development and traffic generated is excessive and will impact existing residents.

Comment

The RMS has assessed the traffic impact and have no objections to the proposal. The intersection of Frederick Street and the Highway, were recently upgraded and the RMS consider it is adequate for the additional traffic generated. While the afternoon peak period results in a bank up of traffic when the nearby high school finishes, this is only over a relatively short time period and quickly dissipates.

13. The driveway location in Duke Street is dangerous and should be in Albany Street.

Comment

The driveway location in Duke Street meets current sight distance standards. Traffic in Duke Street tends to have a lower traffic speed than Albany Street providing for safer access.

14. The proposal may impact view corridors.

Comment

The site is not one identified in Chapter 4.1 of the GDCP 2013 as being within a view corridor to be retained.

15. The 30% bonus should not apply to this site.

Comment

The application was lodged while the 30% bonus to height and FSR clause was operative. This is stated under clause 8.9 of the GLEP 2014.

16. There is an oversupply of housing with low occupancy rates in existing housing.

Comment

There is generally a shortage of housing in certain areas. The market will determine the location where additional housing is needed. The strategic plan for Gosford is to provide for a population of 10,000 persons in proximity to Gosford city centre.

17. It is suggested that right hand turns from Masons Parade be prohibited and Lynn Avenue be made a one way street.

Comment

The application was referred to the RMS who did not require/suggest these changes. It is noted that the Central Coast Highway is under the control of the RMS. Into the future the RMS will consider the operation of these intersections. Any change to a one way system must be considered as part of a Traffic Management Plan for the area and endorsed by the RMS Local Traffic Committee.

Conclusion

The proposed development generally complies with the GLEP 2014 and GDGP 2013 except for the maximum building height, maximum floor plate and side/rear setbacks. However, the variations are minor or have no significant additional impacts on adjoining properties.

The amendment of the proposal has reduced the height, number of units and impact on adjoining properties and is considered appropriate for the site.

The issues raised in public submissions are addressed by the amended plans or do not justify refusal of the proposal. The main issue raised that the road system cannot cater for the traffic generated by this and other developments in the area is not supported by the traffic report and comments from the RMS.

The impact of overlooking of the adjoining properties, in particular 6 Auburn Street, can be addressed by the provision of privacy screens. At ground level, there is significant landscaping along the boundaries to protect privacy and amenity.

This application has been assessed under the heads of consideration of section 79C of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area. The development site is in an area nominated to grow in population and density into the future.

Accordingly, the application is recommended for approval pursuant to Section 80 of the *Environmental Planning and Assessment Act*.

Plans for Stamping:

Amended Plans ECM Doc No. 23235812, 24134144 (Sheet DA-102), 23495435 (Sheet DA-103)

Supporting Documents for Binding with consent:

BASIX Certificate Number 705977M_02, (ECM Doc No 23235812)

Waste Management Plan (ECM Doc No 23235814)

SEPP 65 Compliance Statement and Apartment Design Guide Report DN 24207719

Landscape Plans (ECM Doc No 22970504, 23920019, 24207720)

Attachments:

1. Proposed Conditions of Consent:

1. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans by CKDS Architecture

Landscape Plans By xeriscapes

Drawing	Description	Sheets	Issue	Date
DA-001	Cover Sheet	1	D	2/9/2016
DA-002	Notes/Legends/Precedents	1	D	2/9/2016
DA-003	BASIX Certificate	1	D	2/9/2016
	Detail and Contour Survey	1	B	23/10/2016
DA-005	Precedent Images	1	D	2/9/2016
DA-006	Site Analysis	1	D	2/9/2016
DA-007	Planning	1	D	2/9/2016
DA-101	Site Plan	1	D	2/9/2016
DA-102	Basement B2	1	G	9/3/2017
DA-103	Basement B1/Lower Ground	1	E	27/10/2016
DA-104	Ground Floor Plan	1	D	2/9/2016
DA-105	Levels 1-2 Plan	1	D	2/9/2016
DA-106	Level 3 Plan	1	D	2/9/2016
DA-107	Level 4 Plan	1	D	2/9/2016
DA-108	Roof Plan	1	D	2/9/2016
DA-201	North Elevation	1	D	2/9/2016
DA-202	South Elevation	1	D	2/9/2016
DA-203	East Elevation	1	D	2/9/2016
DA-204	West Elevation	1	D	2/9/2016
DA-205	North Elevation 2	1	D	2/9/2016
DA-206	West Elevation 2	1	D	2/9/2016
DA-207	East & South Elevations 2	1	D	2/9/2016
DA-301	Section 1	1	D	2/9/2016
DA-302	Section 2	1	D	2/9/2016
DA-303	Basement Section	1	D	2/9/2016
DA-304	Driveway Long Sections	1	D	2/9/2016
DA-401	3D Perspectives	1	D	2/9/2016
DA-402	3d Render	1	D	2/9/2016
DA-403	3D Height Plane Diagram	1	D	2/9/2016
DA-501	Colour Board	1	D	2/9/2016
DA-601	June 9am Shadow Studies	1	D	2/9/2016

DA-602	June 12 pm Shadow Studies	1	D	2/9/2016
DA-603	June 3pm Shadow Studies	1	D	2/9/2016
DA-604	March 9am Shadow Studies	1	D	2/9/2016
DA-605	March 12pm Shadow Studies	1	D	2/9/2016
DA-606	March 3pm Shadow Studies	1	D	2/9/2016
DA-607	SEPP 65 Solar Compliance	1	F	29/3/2017
DA-608	SEPP 65 Solar Compliance	1	F	29/3/2017
L000	Landscape Cover Sheet	1	C	15/7/2016
L101	Landscape Plan	1 of 2	E	30/1/2017
L102	Landscape Plan	2 of 2	E	30/1/2017
L601	Landscape Sections	1	C	15/7/2016

Supporting Documentation

Document	Title	Date
ADW Johnson Pty Ltd	Statement of Environmental Effects and Addendum	April 2016 & July 2016
BJ Bradley & Associates	Traffic Assessment Report Addendum	25 October 2016
Aargus	Geotechnical Report GC6497-1A	24 March 2016
Lindsay Dynan	Water Cycle Management Plan Project No00012597	30/3/2016
Philip Chun	Access Report	30/3/2016
Cardno NSW	Crime Risk Assessment	30/3/2016
Cardno NSW	Waste Management Plan	5/9/2016

- 1.2. Carry out all building works in accordance with the Building Code of Australia.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

All conditions under this section must be met prior to the issue of any Construction Certificate

- 2.1. No activity is to be carried out on site until any Construction Certificate has been issued, other than:
- a. Site investigation for the preparation of the construction, and / or
 - b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent.
- 2.2. Submit to Council, the accredited certifier and relevant adjoining property owners a dilapidation report, prepared by a practising structural engineer, detailing the structural characteristics of all buildings located on adjoining properties and any Council asset in the vicinity of the development. The report must indicate the structure's ability to withstand the proposed excavation, and any measures required to ensure that no damage to these structures will occur during the course of works.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, the applicant must demonstrate in writing that all steps were taken to obtain access to the adjoining property(s).

- 2.3. Submit an application to Council under Section 138 of the *Roads Act, 1993*, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Albany Street, Duke Street and Auburn Street.
- b. 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location across the full frontage of the site in Albany Street, Duke Street and Auburn Street.
- c. Heavy-duty vehicle crossings (2 Numbers) constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom, and shall comply with AS2890.2:2002 Off-street Commercial Vehicle Facilities.
- d. All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.
- e. All redundant vehicular crossings are to be removed and footway formation reinstated.
- f. A kerb inlet pit in the frontage of the site (north-eastern side) in Auburn Street and piping it to the nearest street piped drainage system located at the intersection of Auburn Street with Frederick Street.
- g. Roadside furniture and safety devices as required e.g. fencing, signage, guide posts, chevrons, directional arrows, and/or guard rail in accordance with RMS and relevant Australian Standards.
- h. A pram ramp at the intersection of Albany Street and Duke Street.
- i. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.4. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.

-
- 2.5. Pay a security deposit of \$100000 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.
- 2.6. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website www.gosford.nsw.gov.au. Early application is recommended.

- 2.7. Submit engineering details prepared and certified by a practising structural engineer to the Council (Water Authority) for development constructed near or over the sewer main and / or adjacent to Council's water mains. The engineering details must comply with Council's guidelines for "Building Over or Near Council Sewer and Water Mains" and must be approved by Council. A fee for engineering plan assessment must be paid when submitting the engineering details.

Additional fees for the submission of contractor's documentation and sewer inspection fees apply for the adjustment or encasement of Council's sewer main. Subject to approval of the engineering plans, and payment of the prescribed fees, the developer must contact Council's Water and Sewer Quality Inspector on mobile phone 0419 412 725 a minimum of one week prior to commencement of any work involving building over and / or adjacent to sewer mains.

- 2.8. Submit design details of the following engineering works within private property:
- a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.
 - b. A stormwater detention system must be designed in accordance with the Gosford DCP 2013 Chapter 6.7 - Water Cycle Management and Council's Civil Works Specification. The stormwater detention system must limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% AEP storm event. A runoff routing method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and/or secondary flowpaths.
 - c. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.

-
- d. On-site stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 - *Water Cycle Management*. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
 - e. The secondary stormwater flow path as shown on the approved plans must be capable of conveying 50% of the 1% AEP flood flow must be designed in accordance with Civil Works Specification.
 - f. Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in Auburn Street (newly constructed pit)/Albany Street.

These design details and any associated reports must be included in the construction certificate.

- 2.9. Pay to Council a contribution amount of **\$1,381,207.00** that may require adjustment at time of payment, in accordance with the Section 94A Development Contribution Plan - Gosford City Centre.

The total amount to be paid must be indexed each quarter in accordance with the Consumer Price Index (All Groups index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

Contact Council's Contributions Planner on (02) 4325 8222 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the Section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contributions Plan may be inspected at the office of Central Coast Council, 49 Mann Street or on Council's website:

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

- 2.10 Submit amendments to the approved plans to the accredited certifier pursuant to Clause 139 of the *Environmental Planning Regulation 2000: Applications for construction certificates* that must detail:
- a. Amended landscape plan to provide street tree species for Albany and Auburn Streets are to be *Tristanopsis laurina* (Water Gum), and street tree species for Albany Street are to be *Lophostemon confertus* (Brush Box).

-
- b. Street address for building A shall be to Albany Street, street address for building B shall be to Duke Street, and street address for building C shall be to Auburn Street. The street address shall be clearly defined for direct pedestrian access from the primary street frontage to the main front door access to each building.
 - c. The provision of privacy screens on the balconies of levels 1 and above, on the northern side of building B, and units on the south western side of building C. The screens are to be designed to prevent overlooking of the rear of 6 Auburn Street while maintaining sunlight to the balconies.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

All conditions under this section must be met prior to the commencement of any works

- 3.1. Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
 - a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b. Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days notice of the intention to commence building or subdivision work. The forms can be found on Council's website www.gosford.nsw.gov.au
- 3.2. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.
- 3.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
 - a. The name, address and telephone number of the principal certifying authority for the work; and
 - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited.

Remove the sign when the work has been completed.

- 3.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act*

2011 (to be provided by licensed plumber). These documents can be found on Council's website at: www.gosford.nsw.gov.au.

Contact Council prior to submitting these forms to confirm the relevant fees.

4. DURING WORKS

All conditions under this section must be met during works

- 4.1. Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
 - b. No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.
- 4.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.3. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.4. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.5. Cease all works if any Aboriginal objects or artefacts are uncovered during works. Immediately contact the NSW Office of Environment & Heritage and comply with any directions or requirements.
- 4.6. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.7. Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.

-
- 4.8. Compliance with all solid waste commitments detailed within the Waste Management Plan dated 5 September 2016 by Barker Ryan Stewart.
 - 4.9. Suitable doors i.e. roller shutters or similar to be installed to all residential waste storage enclosures.
 - 4.10. Ventilation to BCA and amenity requirements to be provided to all residential waste storage enclosures.
 - 4.11. Submit a report prepared by a registered Surveyor to the Principal Certifying Authority at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans.
 - 4.12. Incorporate the following Crime Prevention Through Environmental Design (CPTED) principles and strategies to minimize the opportunity for crime:
 - a. Provide adequate lighting to common areas as required under *AS1158: Lighting for roads and public spaces*.
 - b. Paint the ceiling of the car park white.
 - c. Design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity.
 - d. Design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
 - e. Provide signage within the development to identify all facilities, entry/exit points and direct movement within the development.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

All conditions under this section must be met prior to the issue of any Occupation Certificate

- 5.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.2. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.3. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.4. Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and

Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.

- 5.5. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 5.6. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.7. Amend the Deposited Plan (DP) to:
 - Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
 - a. Create a 'Restriction as to User' over all lots containing an on-site stormwater detention system and/or a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - b. Create a 'Restriction as to User' over all land affected by a secondary flow path to ensure:
 - i) The shape of the flow path is not altered.
 - ii) No structure is erected within the flow path, excluding fences that are flood compatible.
 - iii) The minimum floor level of any dwelling is defined by a reduced level related to AHD being 500mmm above the 1% AEP flood level.

And

- Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
- a. To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - i) The facility will remain in place and fully operational.
 - ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
 - iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.

-
- iv) Council is indemnified against all claims of compensation caused by the facility.

Submit to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

- 5.8. Landscaping and street tree planting for Albany, Duke & Auburn Streets shall be completed as per approved Landscape Plans.
- 5.9. Submit to Council certification from Lindsay Dynan certifying Project Reference 12597, Drawing No. DA05, Revision B, dated 13 March 2017 is designed in accordance with AS2890.2.
- 5.10 Amend the deposited plan (DP) to include a Section 88B instrument under the *Conveyancing Act 1919* to indemnify Council against claims for loss or damage to the pavement or other driving surface and against liabilities losses, damages and any other demands arising from any on-site collection service, at the applicant's cost.
- 5.11 Consolidate all lots into a single allotment under one Certificate of Title or approval for strata subdivision.
- 5.12 Construct, grade, drain, seal and line mark including directional arrows with impervious paving material the driveway, vehicle manoeuvring area and car parking spaces as shown on the approved plan, in accordance with *AS2890.1-2004: Parking facilities - Off-street parking*.
- 5.13 The street number is to be at least 100mm high and be clearly visible from the street frontage.
- 5.14 Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.

6. ONGOING OPERATION

- 6.1 Maintain the on-site stormwater detention facility in accordance with the operation and maintenance plan.
- 6.2 Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.3 Permanent prominently displayed signage to be provided adjacent to and within the Bin Loading Zone indicated on Drawing No. DA-102, Issue G, dated 9 March 2017 by CKDS Architecture to state: *"Waste servicing area. Keep clear at all times"*.

-
- 6.4 Residential waste vehicle manoeuvring to be as indicated on Project Reference 12597, Drawing No DA-05 Revision B dated 13 March 2017 by Lindsay Dynan.
 - 6.5 No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs etc.
 - 6.6 Comply with all commitments as detailed in the Waste Management Plan signed by Barker Ryan Stewart, dated 5 September 2016.
 - 6.7 Locate the approved waste storage enclosure/area as indicated on Drawing Number DA-102, Issue G, dated 9 March 2017, prepared by CKDS Architecture.
 - 6.8 Service Waste Management in accordance with Gosford DCP 2013, Part 7: Chapter 7.2 - *Waste Management, Appendix H*.
 - 6.9 Construct and manage garbage chutes in accordance with the provisions of Gosford DCP 2013, Part 7: Chapter 7.2 - *Waste Management, Appendix F*.
 - 6.10 No materials, waste matter or products shall be stored outside the building or the approved waste storage area, at any time.
 - 6.11 All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.

7. ADVICE

- 7.1. Consult with public authorities who may have separate requirements in the following aspects:
 - a. *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - b. *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
 - c. *Ausgrid* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - d. *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.

-
- e. *Central Coast Council* in respect to the location of water, sewerage and drainage services.
- 7.2. Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- 7.3. *Dial Before You Dig*
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)*
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- 7.4. Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.
- 7.5. Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment Policy*. This policy can be found on Council's website at: www.gosford.nsw.gov.au
- 7.6. Ensure the proposed building or works comply with the requirements of the *Disability Discrimination Act*.

NOTE: The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement

or presence in the body of a disease-causing organism. This development consent does not indicate nor confirm that the application complies with the requirements of the DDA.

- 7.7. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 7.8. Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.

8. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a ***criminal offence***. Failure to comply with other environmental laws may also be a ***criminal offence***.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

9. REVIEW OF DETERMINATION

- 9.1. Subject to provisions of Section 82A of the Act the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

10. RIGHT OF APPEAL

- 10.1 Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.

10.2 To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

2. Plans

THE HILL ALBANY RESIDENTIAL DEVELOPMENT

Corner Albany St & Duke St Point Frederick

Location Map - Google Image



3D Perspective



DEVELOPMENT APPLICATION

ID	Title
DA-001	Cover Sheet
DA-002	Notes/Legend/Precedents
DA-003	BASIC Certificate
DA-004	Survey
DA-005	Precedent Images
DA-006	Site Analysis
DA-007	Planning
DA-101	Site Plan
DA-102	Basement B2
DA-103	Basement B1/Lower Ground
DA-104	Ground Floor Plan
DA-105	Levels 1-2 Plan
DA-106	Level 3 Plan
DA-107	Level 4 Plan
DA-108	Roof Plan
DA-201	North Elevation
DA-202	South Elevation
DA-203	East Elevation

Drawing List

DA-204	West Elevation
DA-205	North Elevation 2
DA-206	West Elevation 2
DA-207	East & South Elevations 2
DA-301	Section 1
DA-302	Section 2
DA-303	Basement Section
DA-304	Driveway Long Sections
DA-401	3D Perspectives
DA-402	3d Render
DA-403	3D Height Plane Diagram
DA-501	Colour Board
DA-601	June 9am Shadow Studies
DA-602	June 12pm Shadow Studies
DA-603	June 3pm Shadow Studies
DA-604	March 9am Shadow Studies
DA-605	March 12pm Shadow Studies
DA-606	March 3pm Shadow Studies
DA-607	SEPP 65 Solar Compliance
DA-608	SEPP 65 Solar Compliance

Local Environment Plan

Geofford City Council

ZONING: R1 GENERAL RESIDENTIAL

BUSHFIRE PRONE AREA: NO

HERITAGE IMPACT: NIL

ACID SULFATE SOILS: CLASS 5 - NO KNOWN OCCURRENCE

100 YEAR FLOOD RISK: NO

FBI: 1.5 : 1 < 30% ALEP Clause 8.9.1 - 156 : 1

BUILDING HEIGHT: 12m < 30% ALEP Clause 8.9.1 - 156m

Development Control Plan

Geofford City Council

The development is consistent with the Local Environment Plan in the Geofford City Council and the development is a controlled development.

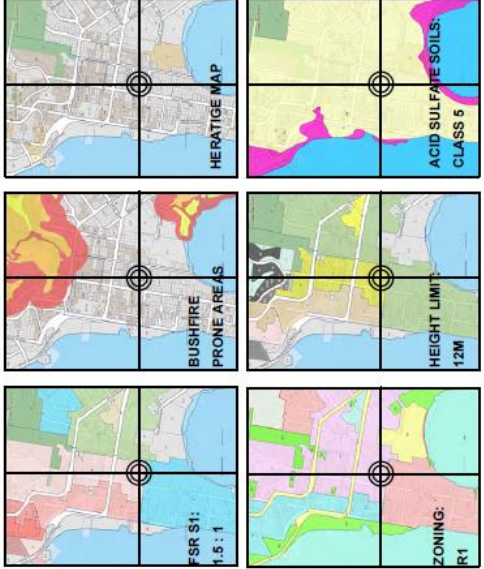
Geofford City Council LEP 2014

Geofford City Council LEP 2014 2.1 Character

Geofford City Council LEP 2014 2.2 Multi-Use Development

Geofford City Council LEP 2014 2.3 Multi-Use Development

Geofford City Council LEP 2014 2.4 Multi-Use Development



DEVELOPMENT APPLICATION

CKDS ARCHITECTURE

PO Box 445
100 GERRARD Street North, St. Leonards, NSW 1585
Ph: 02 9550 1000 Email: info@ckds.com.au

The Hill Albany Residential Development

1563

Corner Albany St & Duke St Point Frederick, NSW 2250

Cover Sheet

DA-001

2020/01/09

DA

001

2020/01/09

DA-001

2020/01/09



PRECEDENT IMAGES - EXTERIORS



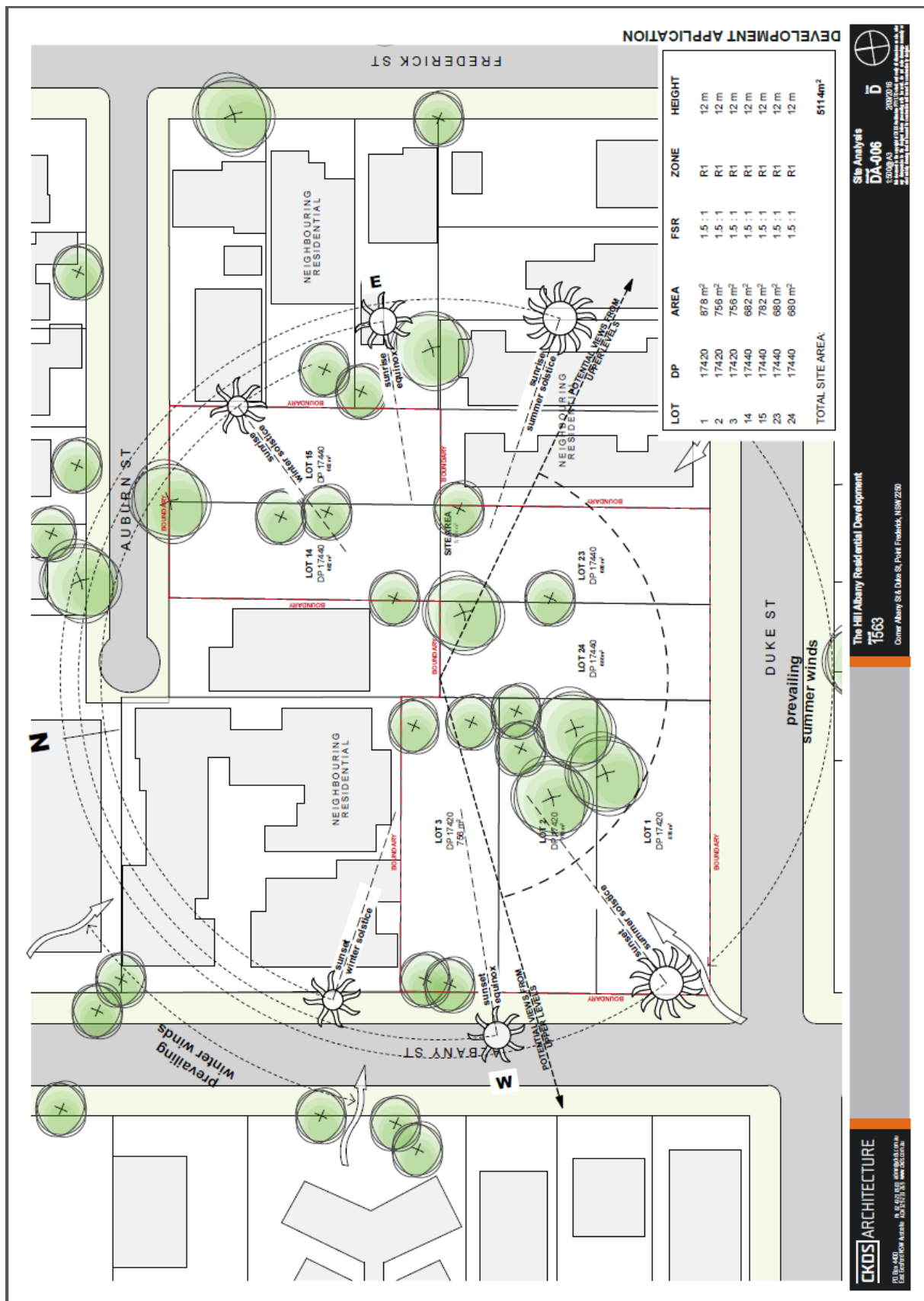
PRECEDENT IMAGES - INTERIORS AND BALCONIES

CKDS ARCHITECTURE
 101 BAYVIEW RD, #4, SUITE 201, BAYVIEW, ONTARIO
 L4W 5G6
 Tel: 416-491-1111 Fax: 416-491-1112
 www.ckds.ca

The Hill Albany Residential Development
 1563
 Corner Albany St & Dale St, Port Franks, NSW 2250

Precedent Images
DA-005
 2020/05
 © CKDS Architecture Pty Ltd
 All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without prior written permission from CKDS Architecture Pty Ltd.

DEVELOPMENT APPLICATION



PLANNING CONTROLS	
ZONING:	R1
HEIGHT LIMIT:	15.6m
SITE AREA:	5114m ²
ALLOWABLE GFA (1.5 : 1 FSR)	6488m ²
BONUS INCENTIVE (+ 30%)	1946m ²
MAX ALLOWABLE GFA:	8434m ²
MAX ALLOWABLE FSR:	1.95:1

UNIT COUNT	
B1	STUDIO (1B)
1B	1
2B	4
3B	0
G	1B
	4
	2B
	10
1	1B
	4
	2B
	10
	3B
	8
2	1B
	4
	2B
	10
	3B
	8
3	1B
	6
	2B
	6
	3B
	8
4	1B
	0
	2B
	2
	3B
	7
TOTAL	1B + STUDIO
	20
	2B
	42
	3B
	39
	101

BUILDING HEIGHT:	15.7M
TOTAL STORIES:	5
APARTMENT SIZE RANGES	
STUDIO	39m ²
1B	52-64m ²
2B	74-107m ²
3B	109-146m ²

GROSS FLOOR AREA/FLOOR SPACE RATIO	
B1	BUILDING A: 98m ² BUILDING B: 460m ² BUILDING C: 460m ²
G	BUILDING A: 933m ² BUILDING B: 893m ² BUILDING C: 501m ²
1	BUILDING A: 918m ² BUILDING B: 669m ² BUILDING C: 501m ²
2	BUILDING A: 918m ² BUILDING B: 669m ² BUILDING C: 501m ²
3	BUILDING A: 918m ² BUILDING B: 669m ² BUILDING C: 310m ²
4	BUILDING A: 697m ² BUILDING B: 462m ² BUILDING C: 0m ²
TOTAL	BUILDING A: 4,354m ² BUILDING B: 3,259m ² BUILDING C: 2,279m ²
GFA:	9,900m ²
SITE AREA:	5114m ²
FSR:	1.95:1

PARKING REQUIREMENTS	
1 PER 1 BEDROOM UNIT:	20
1.2 PER 2 BEDROOM UNIT:	51
1.5 PER 3 BEDROOM UNIT:	59
VISITOR PARKING 0.2 PER UNIT:	20
ACCESSIBLE PARKS 0.1 PER UNIT:	10 OF 101
TOTAL CAR PARKS REQUIRED:	150
TOTAL CAR PARKS PROVIDED:	169
BICYCLE PARKING REQUIRED (1 PER 3 DWELLINGS + 1 VISITOR PER 12 DWELLINGS):	42
BICYCLE PARKING PROVIDED:	42
MOTORCYCLE PARKING REQUIRED (1 SPACE PER 15 DWELLINGS)	7
MOTORCYCLE PARKING PROVIDED:	7
PARKING COMPLIANCE:	YES

ADDITIONAL COMPLIANCES	
DOP SETBACK COMPLIANCE:	SEE DRAWINGS
SEPP 65 SEPARATION COMPLIANCE:	SEE DRAWINGS
SEPP 65 SOLAR COMPLIANCE:	SEE SK-604, SK-605
SEPP 65 OVERSHADOWING COMPLIANCE:	SEE SK-601 - 603
DEEP SOIL ZONE REQUIREMENTS (AS PER LOCAL COUNCIL REQUIREMENTS)	
DEEP SOIL PROVIDED:	898m ²
PERCENTAGE OF SITE DEEP SOIL:	17.5%
BUILDABLE AREA	
BUILT SITE AREA COMPLIANCE (<50%):	YES
PUBLIC ART	
PUBLIC ART REQUIRED AS GFA EXCEEDS 5000M ²	
ADAPTABLE UNIT COUNT	
NUMBER OF ADAPTABLE UNITS:	16 OF 101 (16.1%)

DEVELOPMENT APPLICATION



CKOS ARCHITECTURE
P/L 18/2400
250 GERRARD AVENUE, NORTH MELBOURNE VIC 3048
TEL: 03 9439 1234 WWW.CKOSARCHITECTURE.COM.AU

The Hill Albany Residential Development

1563

Corner Albany & Launceston St, Port Melbourne, VIC 3207

Planning DA-407

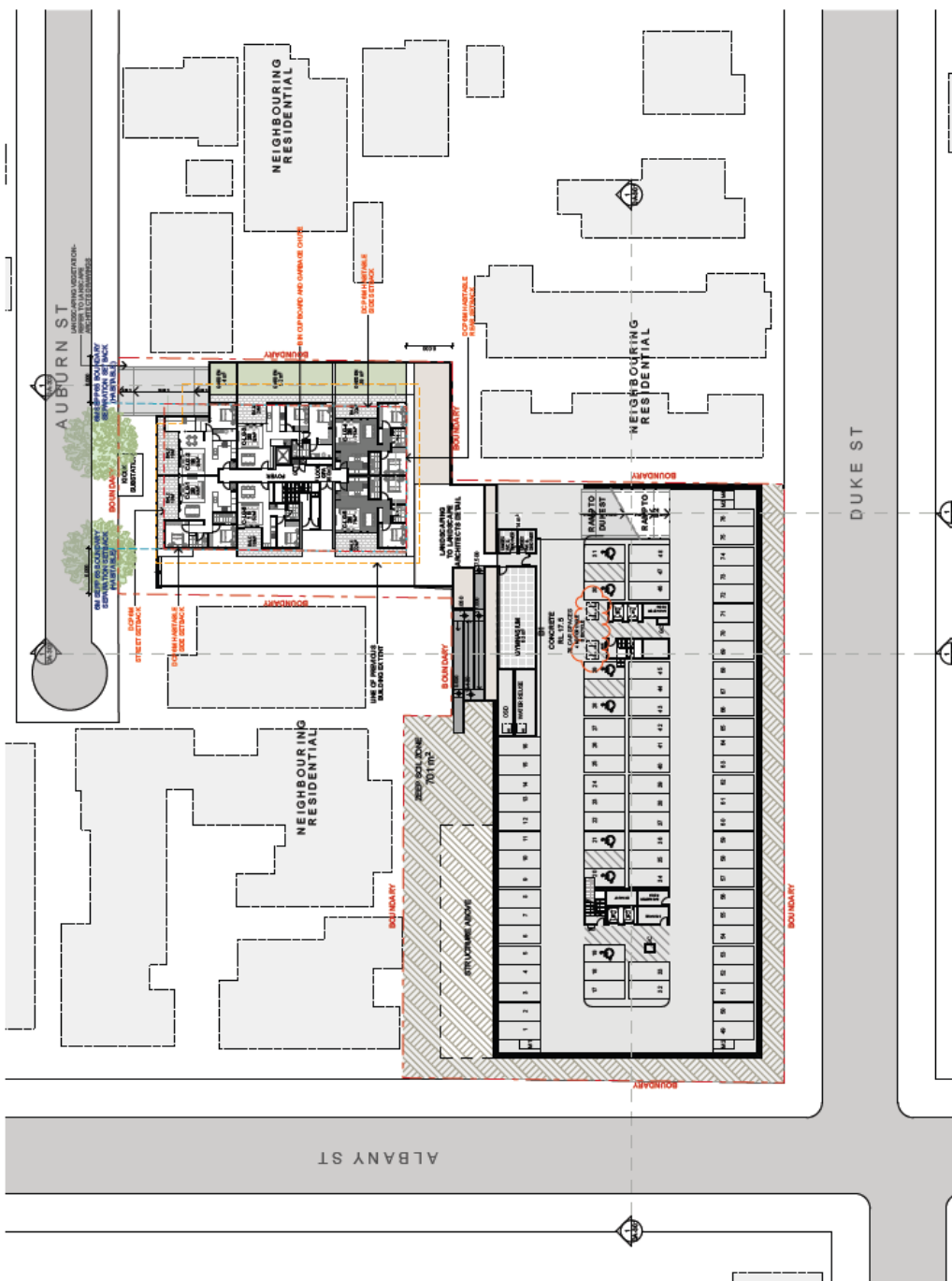
5

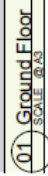
20/02/2018

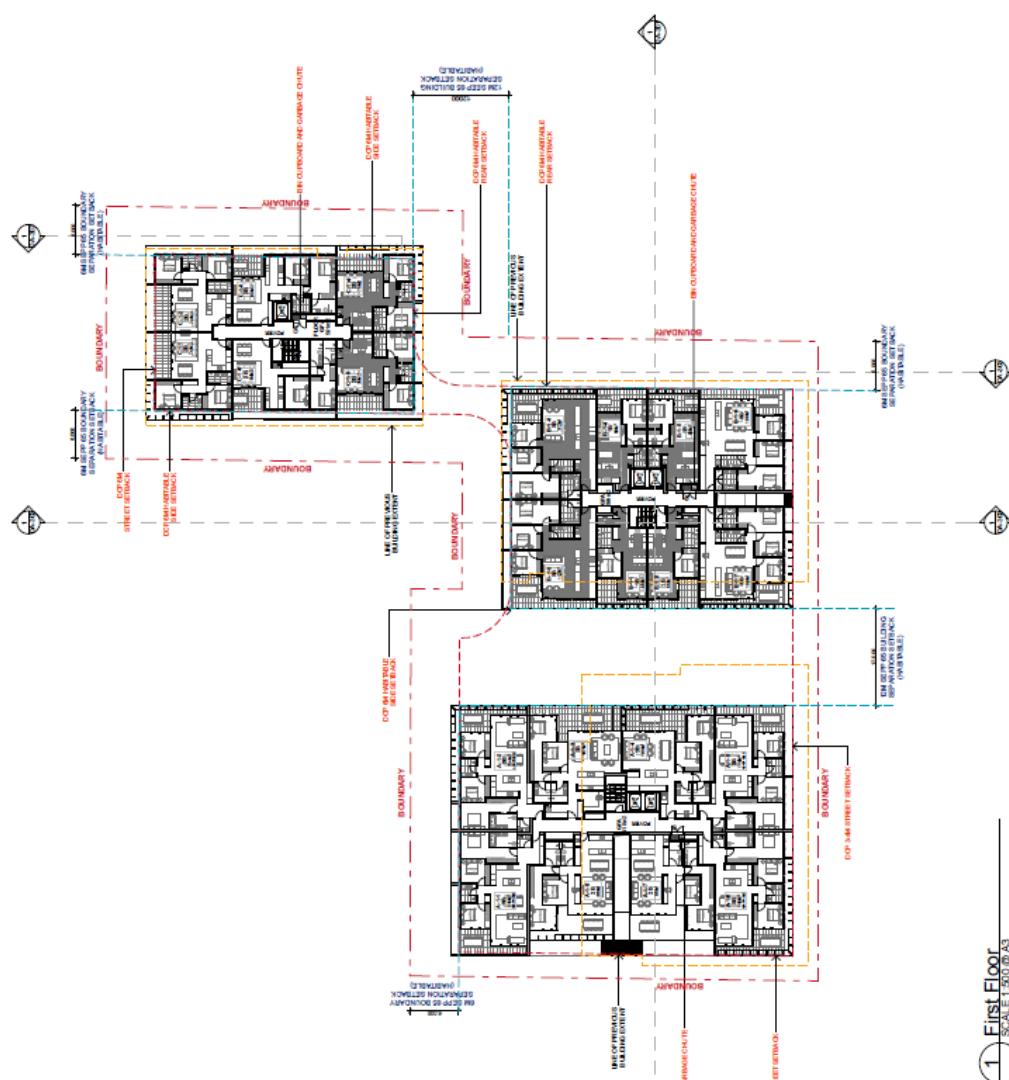
DA-407 is a development application for a change of use of land from R1 to R11. The application is for a change of use of land from R1 to R11. The application is for a change of use of land from R1 to R11.

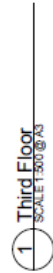


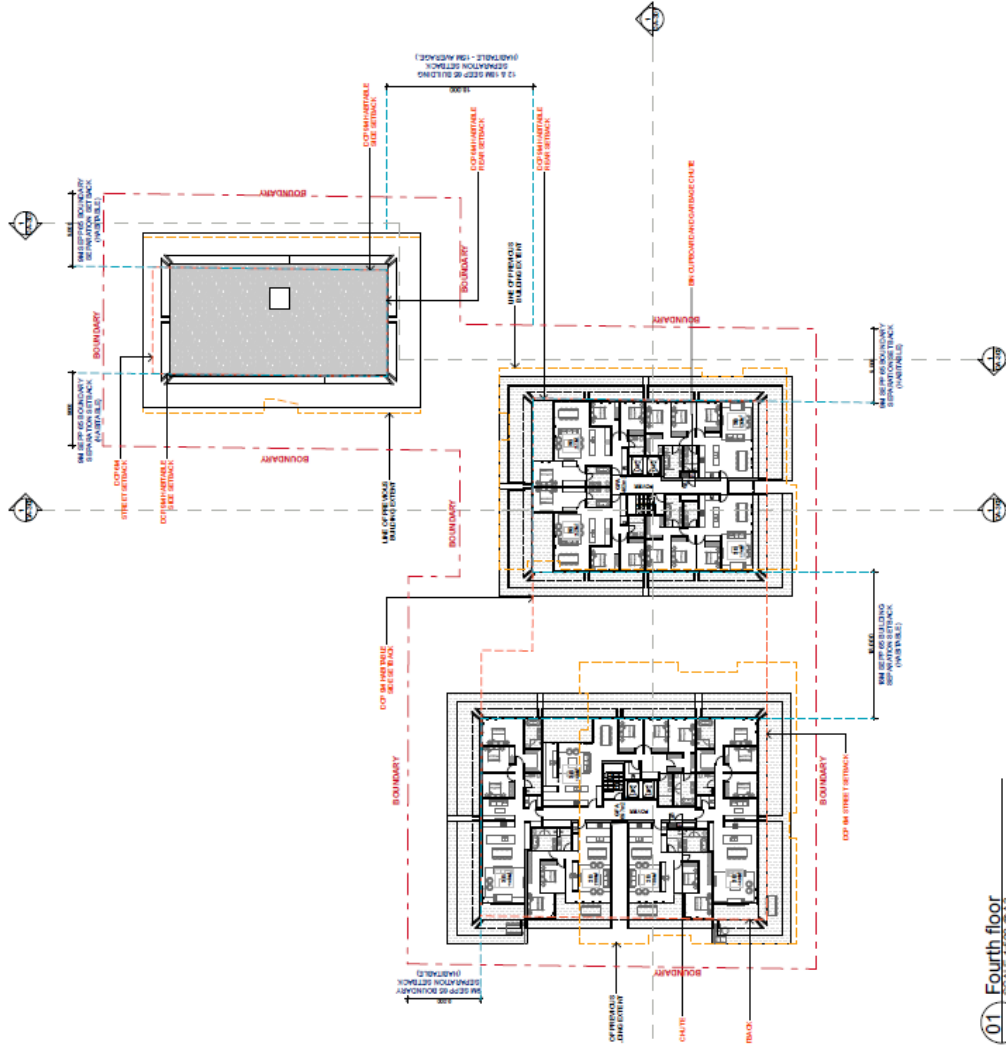




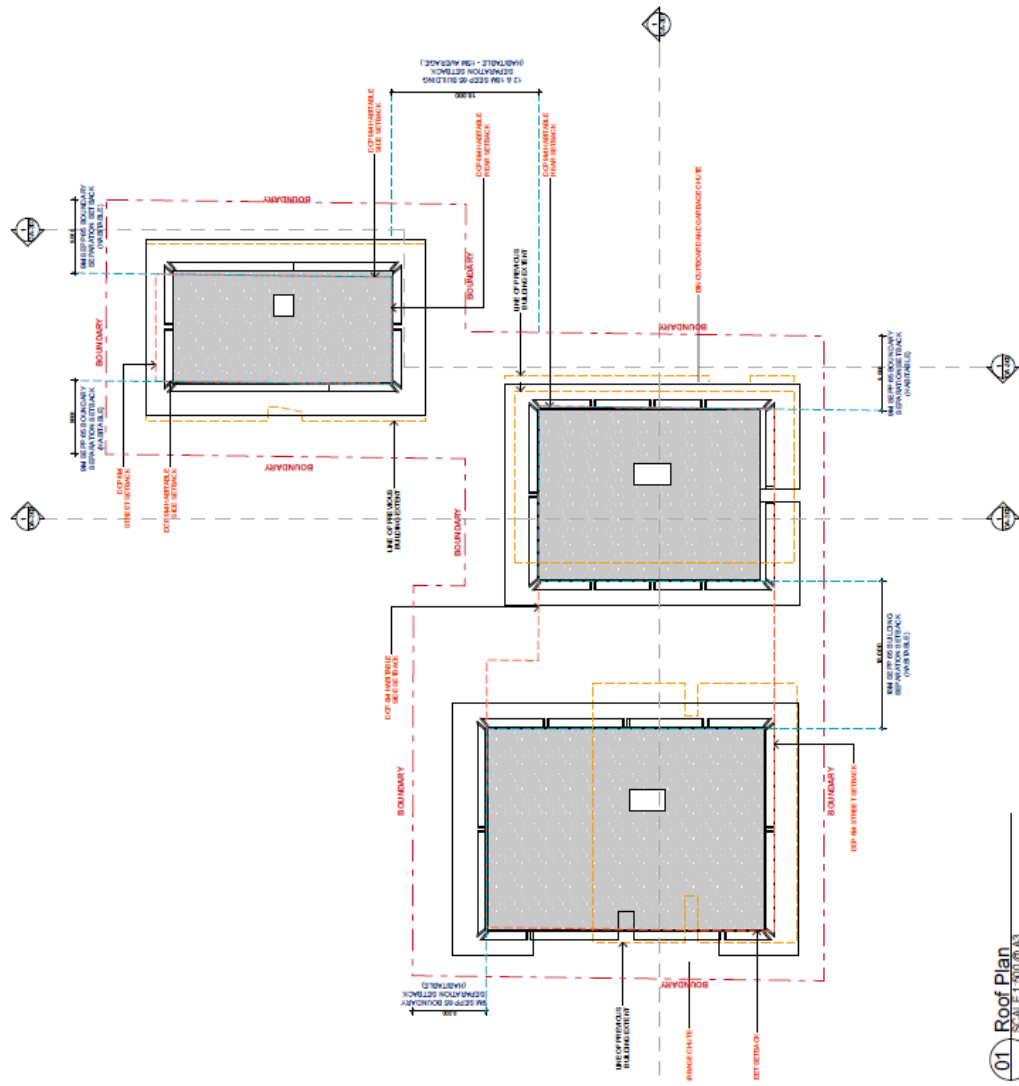




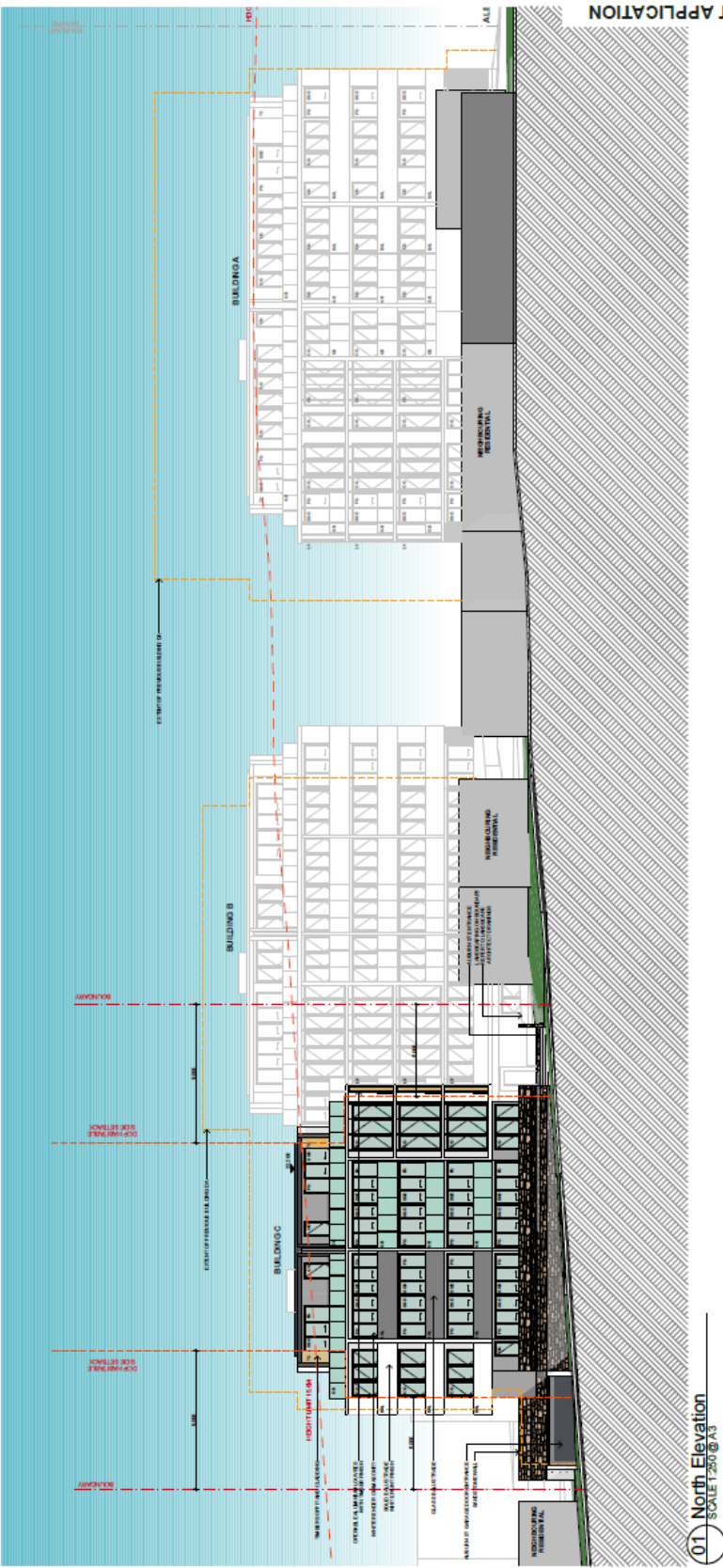




01 Fourth floor
SCALE 1:500 @A3



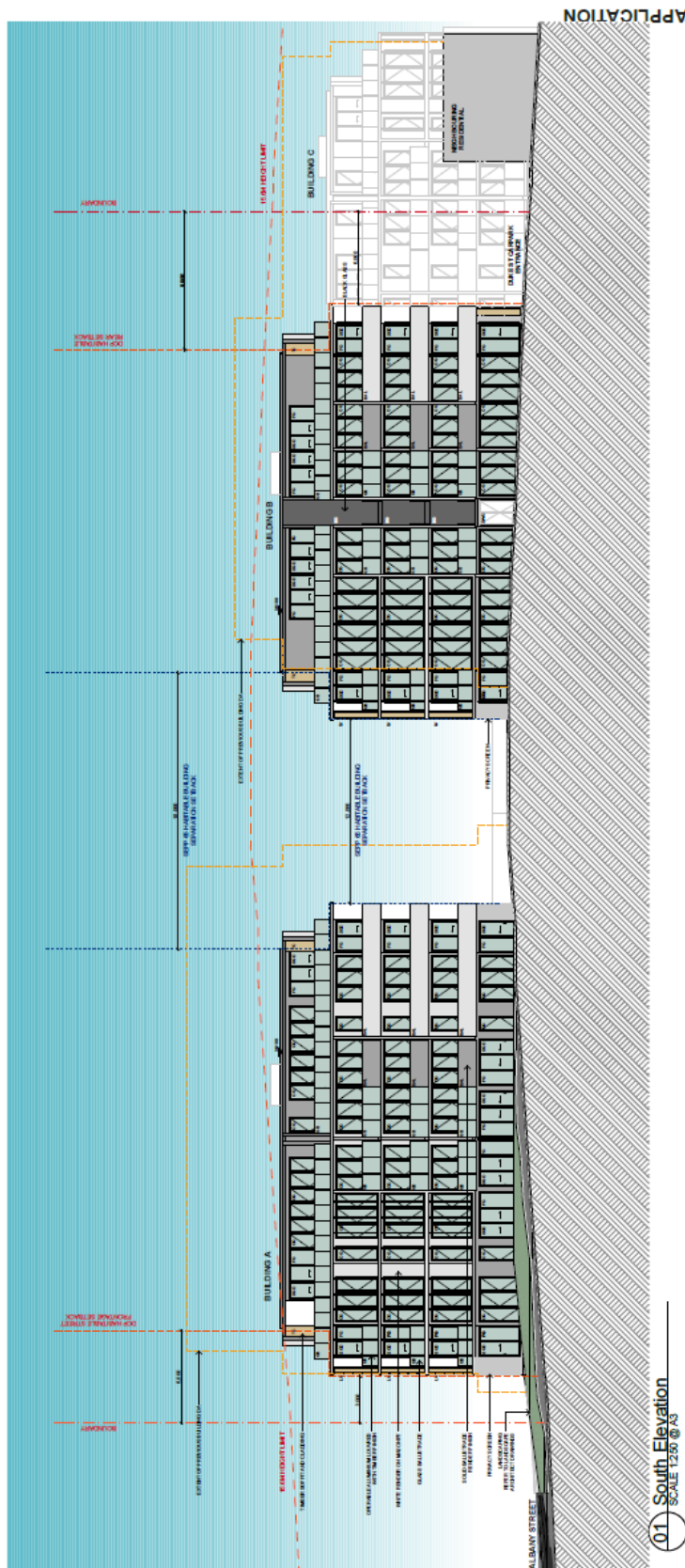
01 Roof Plan
SCALE 1:500 @ A3



North Elevation
DA-201
b
2022-08-08
The Hill Albany Residential Development
Corner Albany St & Due St, Port Frederick, NSW 2280

The Hill Albany Residential Development
T563
Corner Albany St & Due St, Port Frederick, NSW 2280

CKDS ARCHITECTURE
P.O. Box 440
25 GERRARD ST. N. SYDNEY NSW 1585
02 9550 1311 www.ckds.com.au

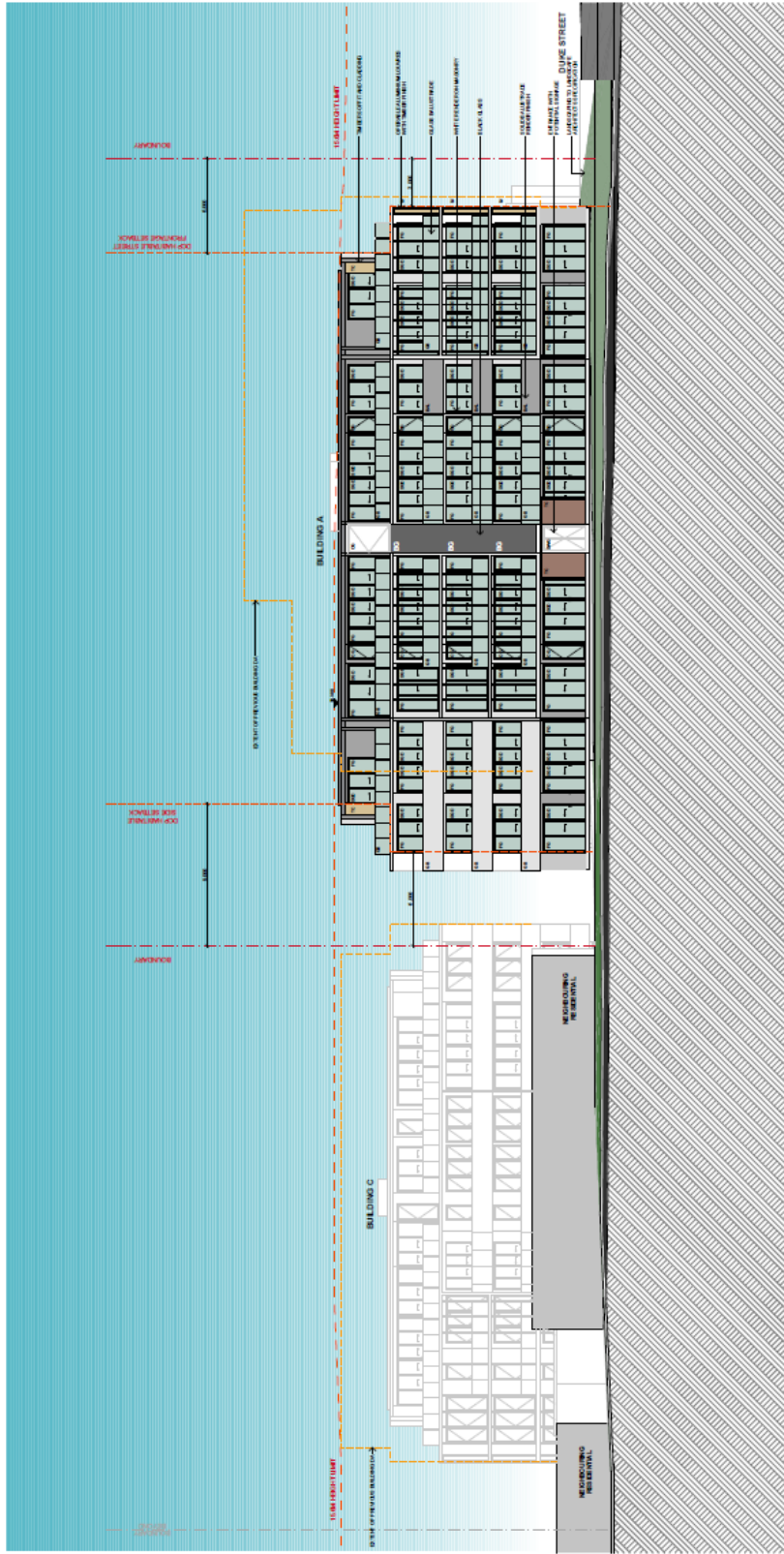


DEVELOPMENT APPLICATION

CKOS ARCHITECTURE
 10/100 AND 10/1000 SCALE
 10/1000 SCALE
 10/1000 SCALE

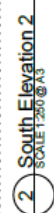
The Hill Albany Residential Development
 1563
 Corner Mary & Duke St, Park Forest, NSW 2239

South Elevation
 DA-202
 10/1000 SCALE
 10/1000 SCALE

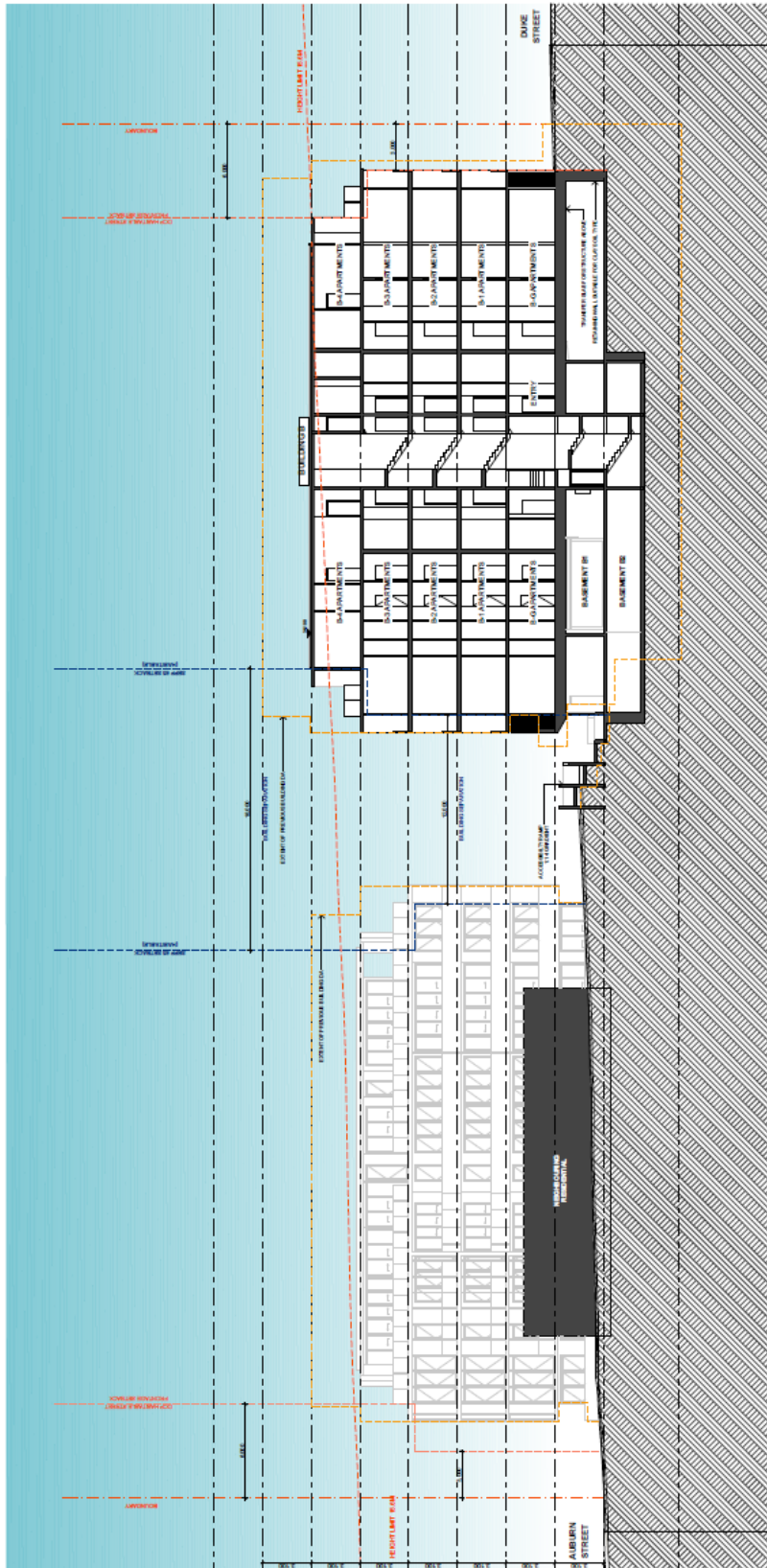


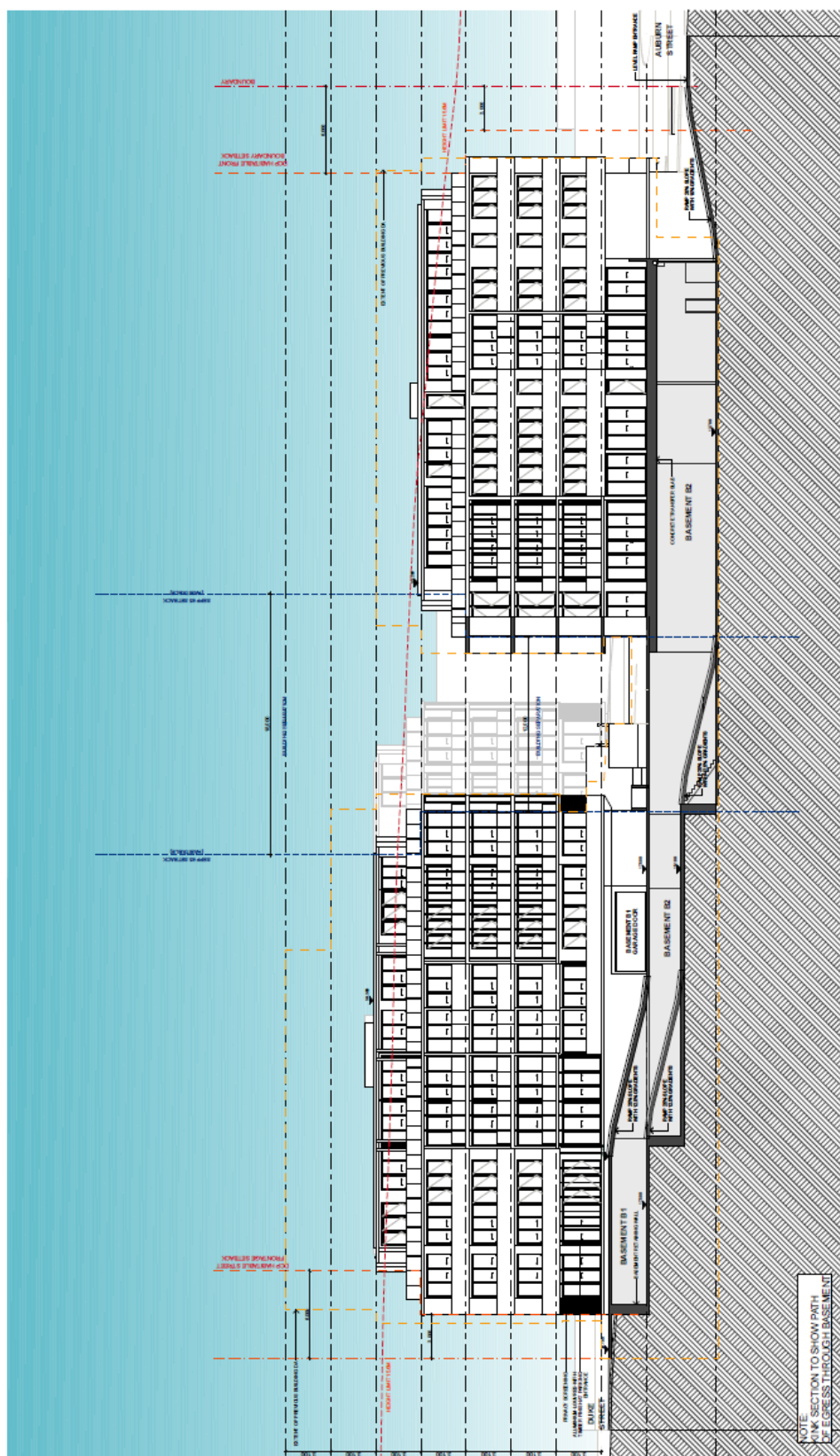
01 WEST ELEVATION
SCALE 1/2" = 1'-0"





- 71 -







DEVELOPMENT APPLICATION



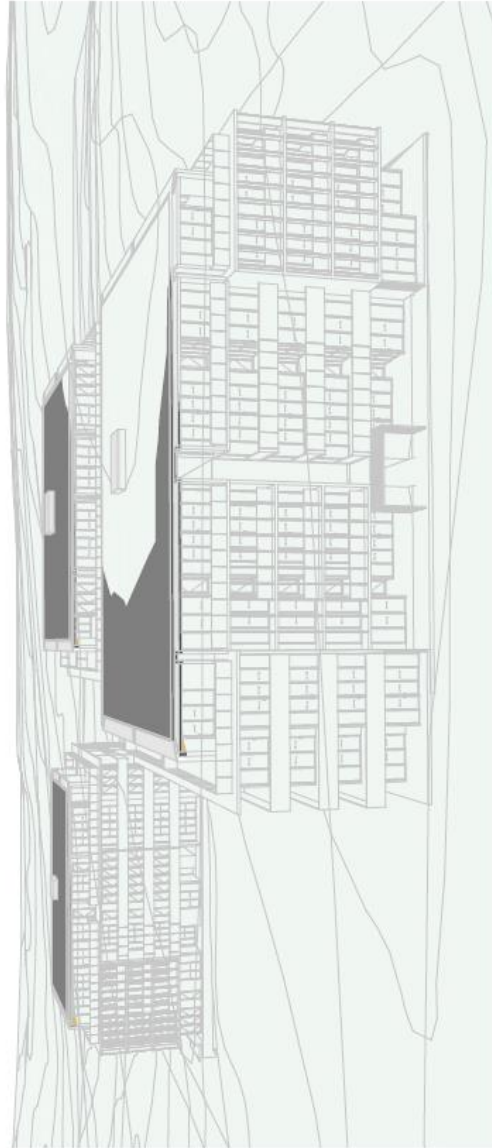
CKOS ARCHITECTURE
 10111 44th Avenue, Suite 100, Richmond, BC V6X 2C9
 Tel: 604.273.1111 | Fax: 604.273.1112 | www.ckos.ca

The Hill Albany Residential Development
T563
 Corner Albany St & Oak St, Port Franks, N.W. 2230

3d Render
DA-402
 © CKOS ARCHITECTURE
 2020/07/10
 This is a preliminary rendering and is not to be used for construction purposes.

3D HEIGHT PLANE DIAGRAMS

MINOR ENCROACHMENTS ON 15.6M
HEIGHT PLANE SHOWN COLOURED



DEVELOPMENT APPLICATION

3D Height Plane Diagram
DA-403
D
20/07/2016
The above is a 3D Height Plane Diagram of a development, and it is not intended to be used for any other purpose. It is not a site plan, and it does not show the location of the development on the site. It is a diagram of the development, and it is not a site plan.

The Hill Albany Residential Development
T563
Corner Albany & Dale St, Port Frederick NSW 2220

CKDS ARCHITECTURE
P.O. Box 400, Port Adelaide, SA 5015
08 8322 1000
www.ckds.com.au

BLACK GLASS - PROVIDE VIEWS WHILST MAINTAINING PRIVACY AND PREVENTING SUN GLARE

BG

STONEWORK TO FRAME COURTYARD AND COMMUNAL SPACES ON GROUND FLOOR. SANDSTONE OR SIMILAR TBC

ST1

BLACK POWDERCOATED STEEL BALUSTRADE TBC

BAL 1

OPERABLE LOUVERS - POWDERCOATED METAL TO RESEMBLE TIMBER

LV1

OFF WHITE PAINTED BALUSTRADE

PF1: DULUX VIVID WHITE OR SIMILAR

SLAB EDGE CAPPING WITH DARK GREY PAINT

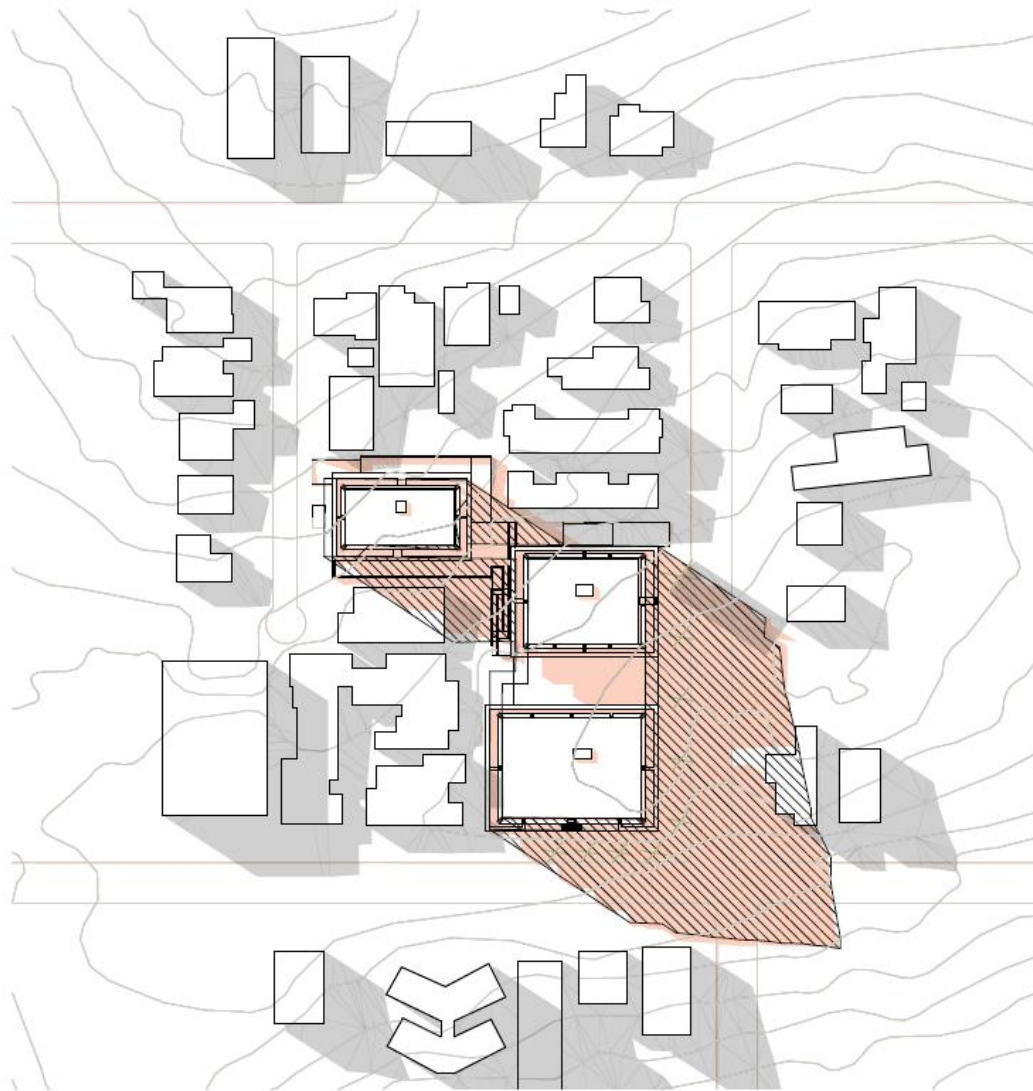
PF2: DULUX LEADMAN UD OR SIMILAR

GLASS BALUSTRADE

GB

TIMBER SOFFIT AND WALL CLADDING

TC

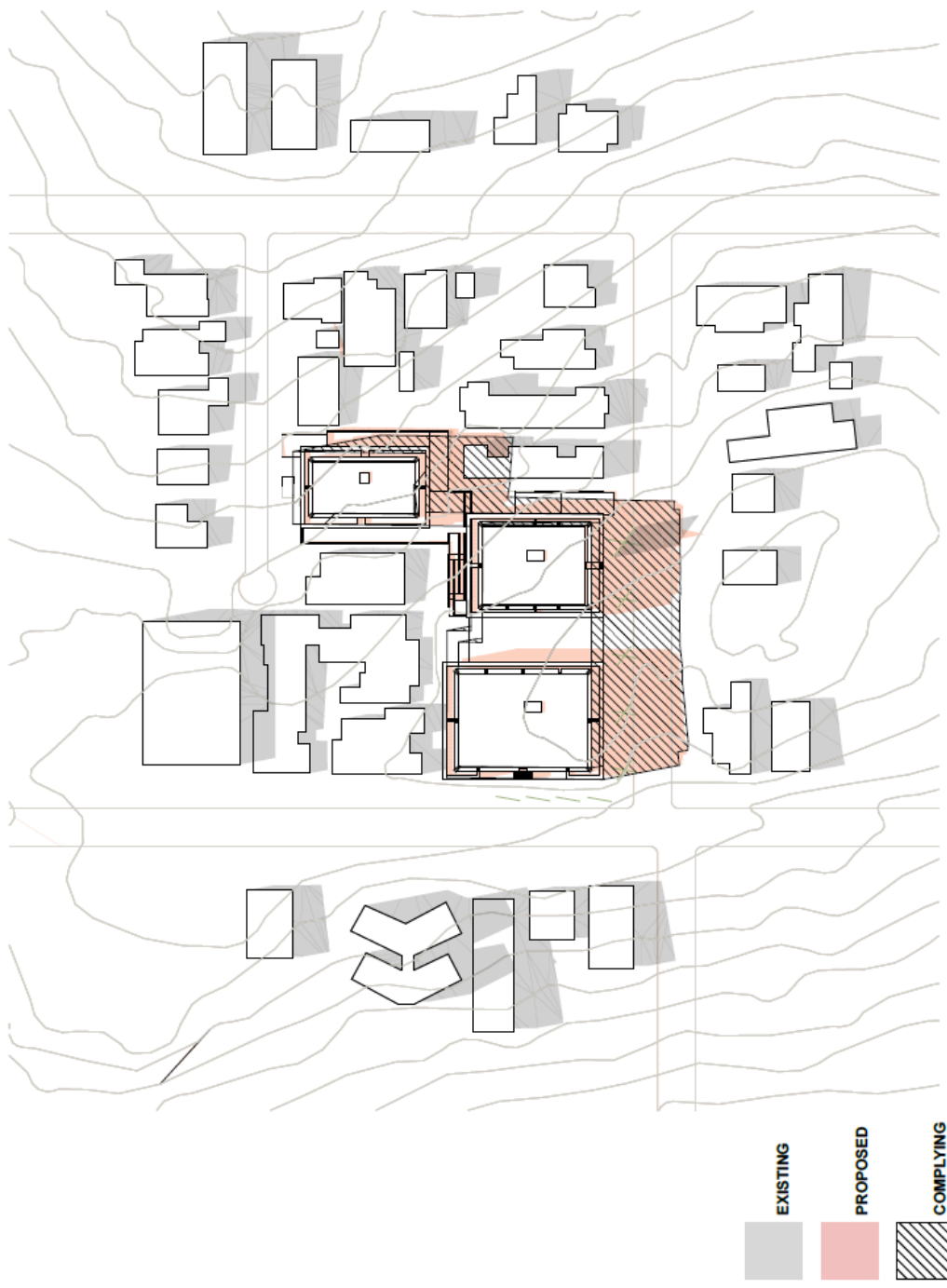


DEVELOPMENT APPLICATION

June Sam Shadow Studies
DA-601
D
2022/01/18
The Council of the City of Sydney
The Council of the City of Sydney
The Council of the City of Sydney
The Council of the City of Sydney

The Hill Albany Residential Development
T563
Corner Albany St & Dalrymple St, Port Frederick, NSW 2220

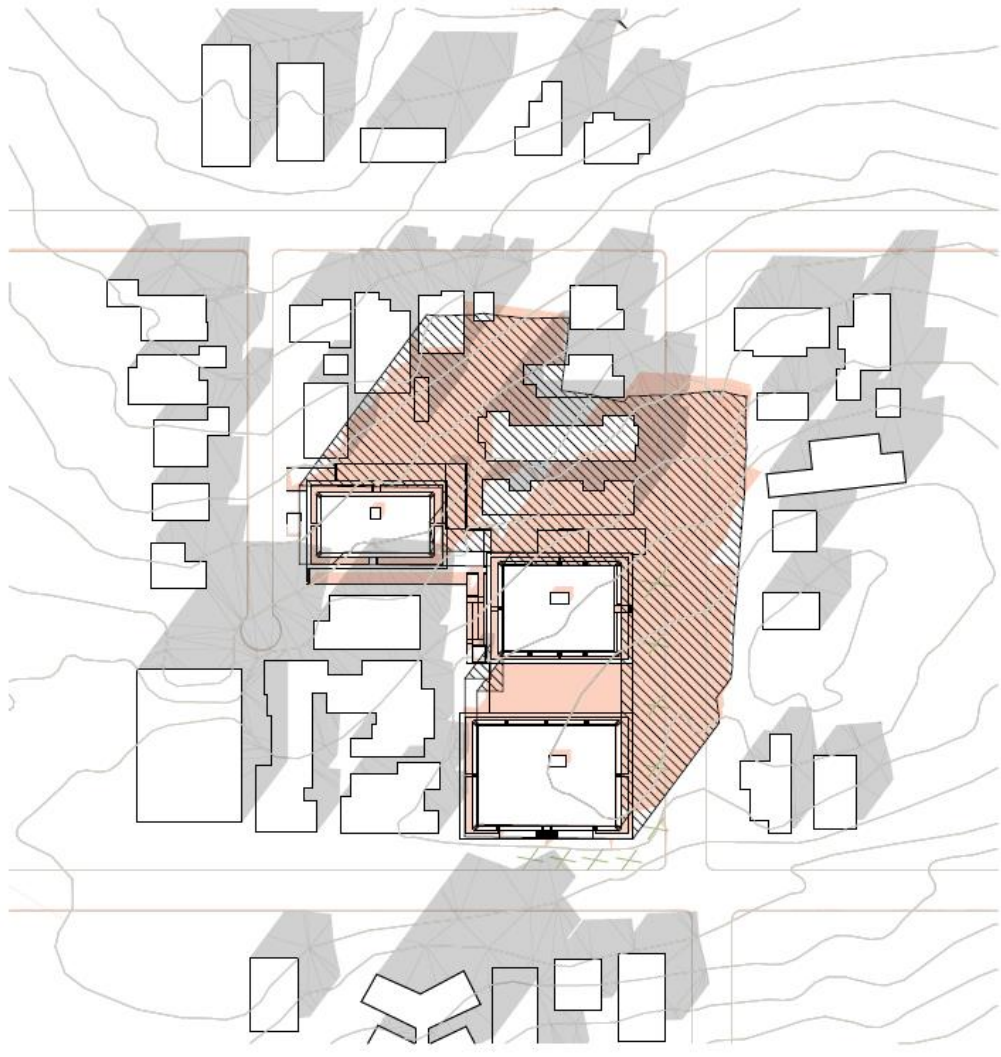
CKDS ARCHITECTURE
P.O. Box 440, 100/102 St. George Street, Sydney, NSW 1587
Tel: 02 9252 1234 Fax: 02 9252 1235 Email: info@ckds.com.au



DEVELOPMENT APPLICATION

June 12pm Shadow Studies
DA-602
1000-03
2007018
The Hill Albany Residential Development
Corner Albany St & Dale St, Port Frederick, NSW 2309

CKOS ARCHITECTURE
10 The AVO, 11-15/15-17 The AVO, 11-15/15-17 The AVO
1000-03, 11-15/15-17 The AVO, 11-15/15-17 The AVO
1000-03, 11-15/15-17 The AVO, 11-15/15-17 The AVO



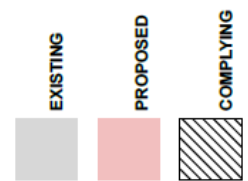
- EXISTING
- PROPOSED
- COMPLYING

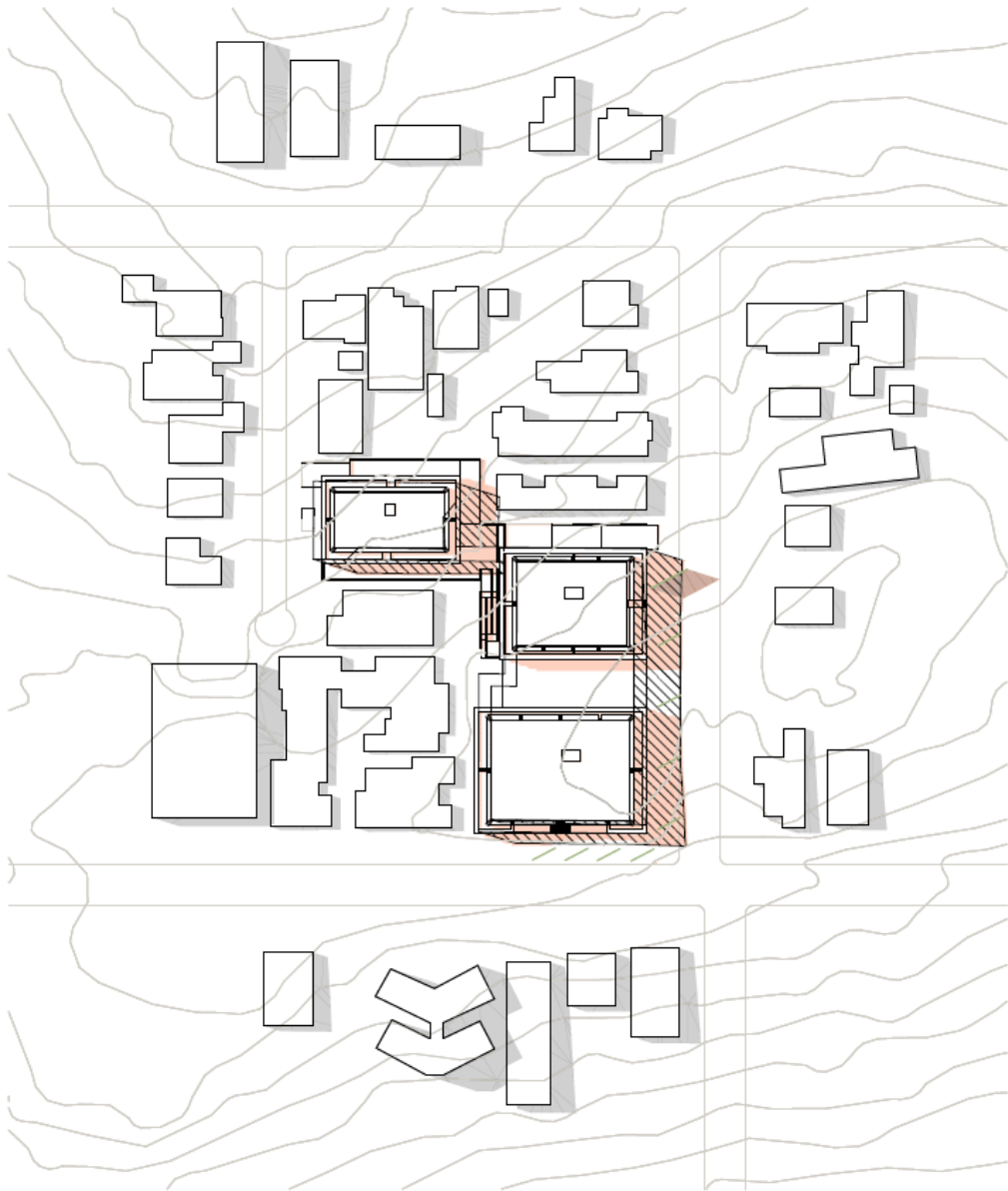
DEVELOPMENT APPLICATION

CKOS ARCHITECTURE
PO Box 4401, Adelaide, SA 5001
 Tel: 08 8333 1111
 Email: info@ckos.com.au

The Hill Albany Residential Development
T563
Corner Albany St & Ouse St, Port Frederick NSW 2280

June 3pm Shadow Studies
DA-603
20/02/18



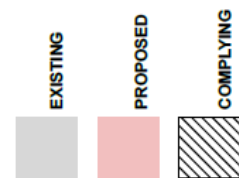
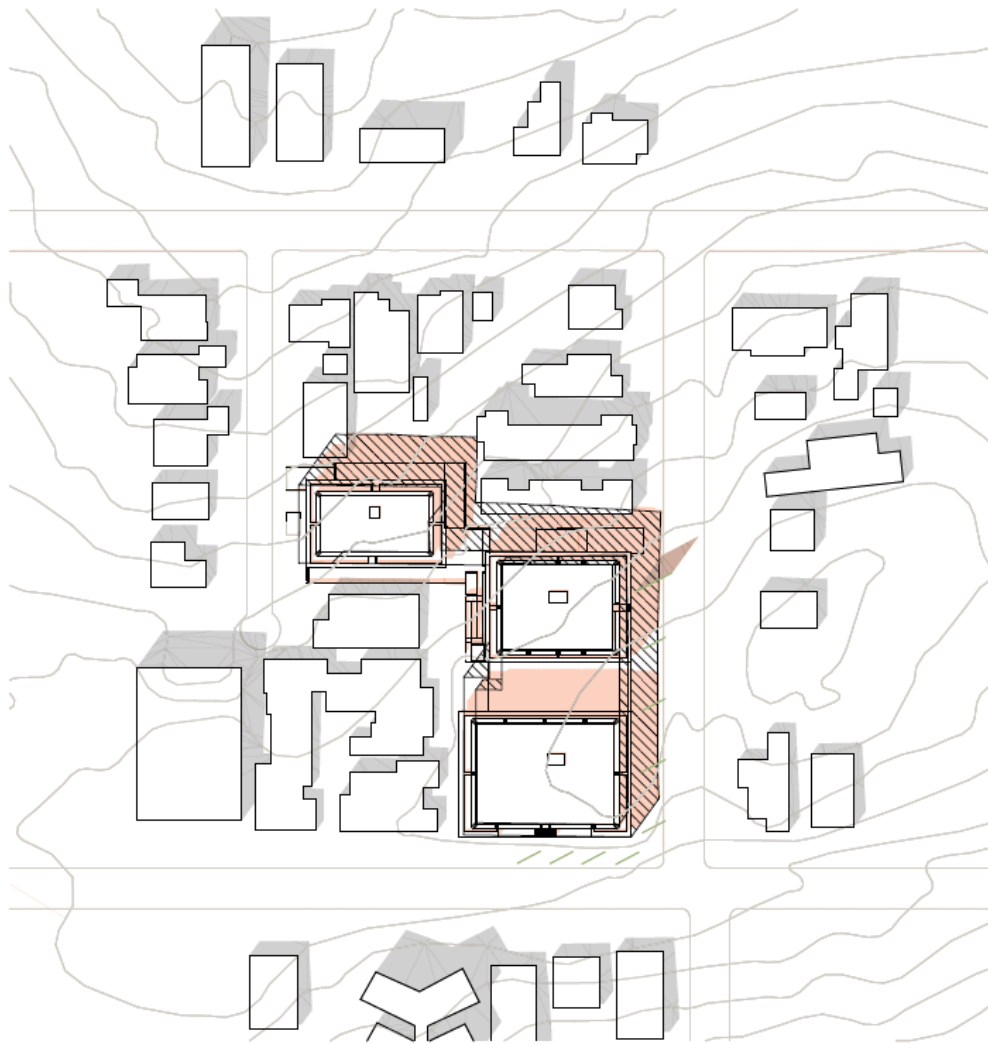


DEVELOPMENT APPLICATION

March 12pm Shadow Studies
 DA-605
 1:1000 A3
 10/03/16
 The Hill Albany Residential Development
 Corner Albany St & Dale St, Port Frederick, NSW 2203

The Hill Albany Residential Development
 1563
 Corner Albany St & Dale St, Port Frederick, NSW 2203

CKOS ARCHITECTURE
 10/10/16
 10/10/16
 10/10/16

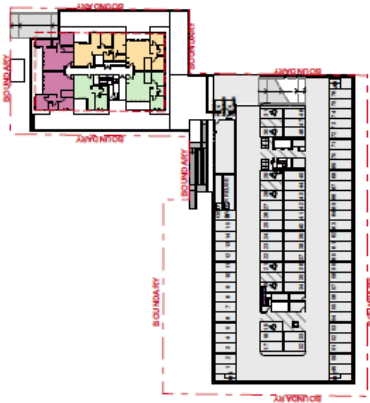


DEVELOPMENT APPLICATION

March 3pm Shadow Studies
 DA-606
 20/02/18
 The Hill Albany Residential Development
 Corner Albany St & Duke St, Port Frederick, NSW 2280

The Hill Albany Residential Development
 T563
 Corner Albany St & Duke St, Port Frederick, NSW 2280

CKOS ARCHITECTURE
 PT 100/401 P.O. BOX 1001 PORT FREDERICK NSW 2280
 Tel: 08 9471 1001 Fax: 08 9471 1002 www.ckos.com.au



1 B1
SCALE 1:1000 @ A3



2 Ground Floor
SCALE 1:1000 @ A3



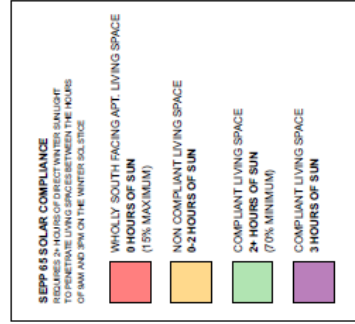
3 First Floor
SCALE 1:1000 @ A3



4 Second Floor
SCALE 1:1000 @ A3



5 Third Floor
SCALE 1:1000 @ A3



DEVELOPMENT APPLICATION

SEPP 65 Solar Compliance
DA-607
1:1000 A3
20/03/2017

The Hill Albany Residential Development
T563
Corner Albany St & Dale St, Port Freeland, NSW 2203

CKOS ARCHITECTURE
PO Box 440
100 Campbell Avenue, Port Macquarie NSW 2444
02 6555 8511 www.ckos.com.au



1 Fourth floor
SCALE 1:1000 @A3

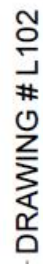
SEPP 65 SOLAR CLASSIFICATION	NUMBER OF APTS.	PERCENTAGE
3HR COMPLIANT APARTMENTS	52	51.5%
COMPLIANT APARTMENTS	19	18.8%
NON COMPLIANT APARTMENTS	30	29.7%
WHOLLY SOUTH FACING APARTMENTS	0	0%
TOTAL	101	100%

70% COMPLIANCE ACHIEVED: YES
15% LIMITATION ON WHOLLY SOUTH FACING SPACES ACHIEVED: YES

SEPP 65 SOLAR COMPLIANCE
REQUIRES 2+ HOURS OF DIRECT WINTER SUNLIGHT TO PENETRATE LIVING SPACES BETWEEN THE HOURS OF 9AM AND 3PM ON THE WINTER SOLSTICE
WHOLLY SOUTH FACING APT. LIVING SPACE 0 HOURS OF SUN (15% MAXIMUM)
NON COMPLIANT LIVING SPACE 0-2 HOURS OF SUN
COMPLIANT LIVING SPACE 2+ HOURS OF SUN (70% MINIMUM)
COMPLIANT LIVING SPACE 3 HOURS OF SUN

DEVELOPMENT APPLICATION

DRAWING # L101



Drawing #	Drawing Name:	Rev:
L 000	COVER SHEET	C
L 101	LANDSCAPE PLAN (1 OF 2)	C
L 102	LANDSCAPE PLAN (2 OF 2)	C
L 501	LANDSCAPE DETAILS	C

Project	THE HILL ALBANY RESIDENTIAL DEVELOPMENT PT. FREDERICK	Issued Date	COVER SHEET
Client	CENTRAL REAL	Issued To	C
Project Name	61 OXUS ARCHITECTURE	Scale	1/8" = 1'-0"
1. XING 01		Scale	1/8" = 1'-0"
2.		Scale	1/8" = 1'-0"
DEVELOPMENT APPLICATION			



3. Applicant's Clause 4.6 submission.

OFFICE USE ONLY

Application Number

Date Received



Objection to a Development Standard

Under Gosford LEP 2014 *Clause 4.6 Exception to Development Standards*

Use this form for objection to a development standard contained within a gazetted environmental planning instrument under the provisions of a Standard Instrument Local Environmental Plan.

An objection statement is required if your development does not comply with a particular development standard applicable to the proposal. There is no automatic right to a variation and the onus is on the applicant to justify the departure from the development standard. It is only in justified circumstances that Council may vary a development standard.

1. APPLICANT NAME

Note – Full details of the applicant (or company) are required on the Part B Application Form.

Full Name (or Company name)

POINT FREDERICK REAL PTY LTD

2. LOCATION OF PROPERTY - Specify all properties subject to this application.

A street address and lot and deposited plan number is required. RMB is not acceptable as the property location.

Unit/Street No. 177, 179, 181 8, 10 2, 4	Street Name ALBANY DUKE AUBURN	Suburb POINT FREDERICK
Lot No. 1, 2, 3 23, 24 14, 15	Section	DP / SP No. 17420 17440 17440

3. PROPOSED DEVELOPMENT/USE

RESIDENTIAL APARTMENTS

4. DEVELOPMENT STANDARD WHICH THE OBJECTION RELATES - Specify clause

GOSFORD LEP CLAUSE 4.3 - HEIGHT OF BUILDINGS

5. WHAT ARE THE OBJECTIVES OF THE DEVELOPMENT STANDARD?

- (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.

Wyang Office: 2 Hely St / PO Box 20 Wyang NSW 2259 | P 02 4350 5555

Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250 | P 02 4325 8222

E ask@centralcoast.nsw.gov.au | W www.centralcoast.nsw.gov.au | ABN 73 149 644 003

6. STATE THE NUMERIC VALUE OF THE DEVELOPMENT STANDARD

15.6m

7. STATE THE PROPOSED NUMERIC VALUE OF THE DEVELOPMENT

Building A - 16m ; Building B - 16.8m ; Building C - 16.8m.

8. STATE THE % VARIATION OF THE PROPOSED DEVELOPMENT TO THE DEVELOPMENT STANDARD

Building A - 2.5% ; Building B - 7.7% ; Building C - 7.7%.

9. REASON FOR THE PROPOSED VARIATION

The majority of the development complies with the maximum 15.6m height limit (see plan DA-403). Due to the varying topography of the large combined site however, there are aspects of the development which still exceed this limit to a marginal extent.

10. REASON WHY STRICT COMPLIANCE IS UNREASONABLE OR UNNECESSARY IN THIS INSTANCE

The variation is minor and only extends for upper portions of the roof plane (see DA-403)
The variation is a result of the undulating topography of the site
The variation causes no additional overshadowing of neighbouring properties than a compliant envelope (see DA-601- 606)
The variation causes no additional view loss than a compliant envelope.
The variation does not increase the visible bulk and scale of the development

11. PRIVACY AND PERSONAL INFORMATION

Information on this form is collected by Council for administrative and assessment purposes. It will be used by Council staff and other government agencies for the purpose of assessing the application and will be made available for public access.

To protect the applicant and the owner(s) privacy, personal details are recorded only on the Part B - Application Detail & Owner(s) Consent form which is not published. It is the applicant's responsibility to ensure other documents do not contain any personal or financial information.