



STATEMENT OF ENVIRONMENTAL EFFECTS

**TO ACCOMPANY A DEVELOPMENT APPLICATION FOR AN
APARTMENT COMPLEX COMPRISING 101 DWELLINGS AT
34-44 HILLS STREET GOSFORD**



**Prepared for
Brighton Landing Pty Ltd**

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This Statement of Environmental Effects (SEE) is provided in support of a development application for an apartment development comprising 101 dwellings in two buildings at 34-44 Hills Street Gosford.

A preDA meeting was held with Council on 24 September 2015. The minutes of that meeting are attached at **Appendix A**. The manner in which the applicant has responded to the matters raised is provided at **Appendix B**.

The SEE contains the following sections:

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

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The Site

The subject land is known as 34-44 Hills Street Gosford and is shown on **Figure 1** below. It is comprised of 5 lots being: Lots 23, 24, 25 and 26 in Sec 2 DP 1591 (547sqm each) and Lot 1 DP 874151 (1096sqm). The total site area is 3284sqm.

The land slopes from the street front to the western boundary. It presently contains three single storey dwelling and some vegetation however there is nothing of any significance.

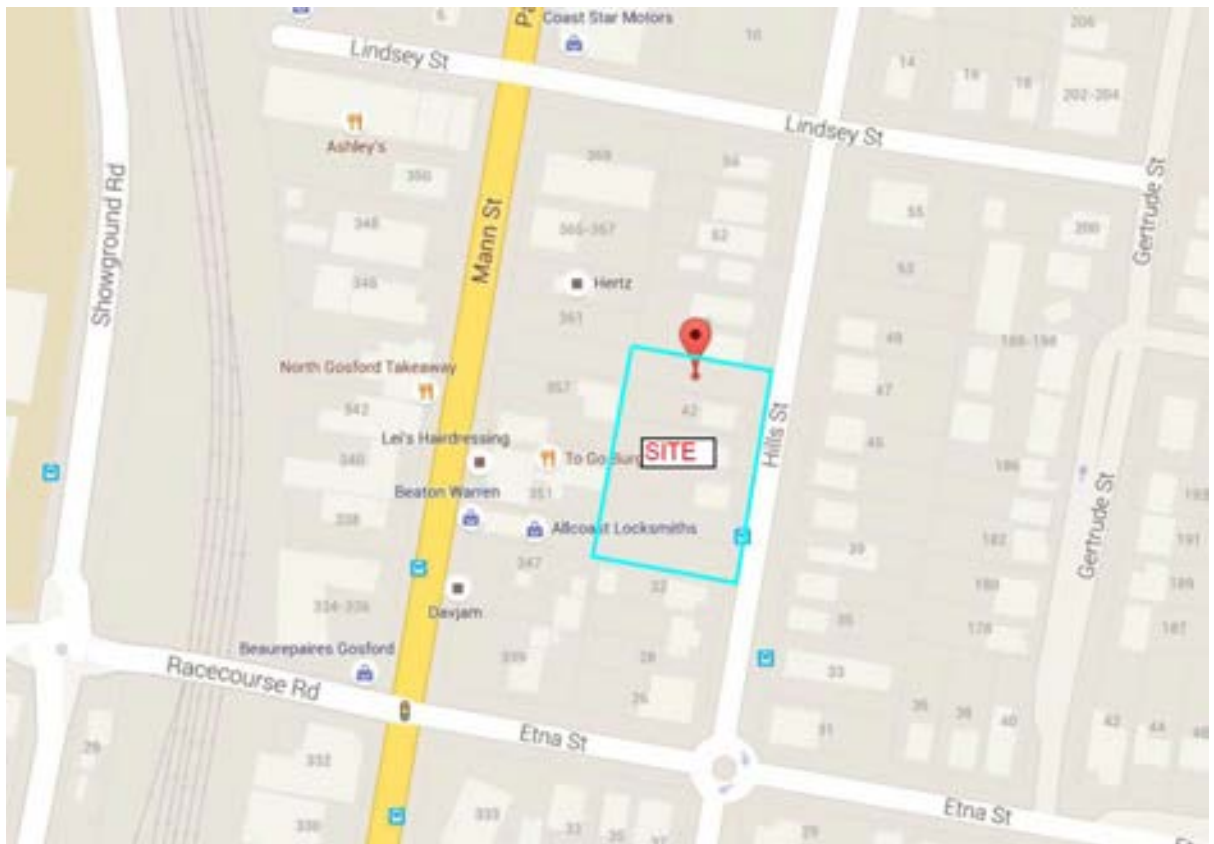


Figure 1 – Location



Figure 2 – Site



Figure 3 – Site viewed from Hills Street

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Surrounding Environment

The immediate locality is characterised by a mix of land use and building types. To the west the land is zoned for mixed use development and contains mainly commercial buildings. To the north, south and east are predominantly low scale dwelling houses. New development comprises high rise apartment buildings such as that located opposite the site at No 51 Hills Street.



Figure 4 – No 51 Hills Street adjacent to the site

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The Proposal

The proposed development includes the following:

- Clearing and excavation of the site;
- Construction of 2 new apartment buildings. Building A is the southern-most and is 9 storeys containing 67 apartments and 82 car spaces. The apartments are comprised of 27x1 bed, 33x2 bed and 7x3 bedroom dwellings. Building B is the northern-most and is 8 storeys containing 34 apartments and 43 car spaces. The apartments are comprised of 10x1 bed, 21x2 bed and 3x3 bedroom dwellings. At ground level of this building are a communal swimming pool gymnasium;
- The total number of apartments is 101 with a total of 125 car spaces including 20 visitor and 11 accessible spaces. There are 42 bicycle storage spaces and 6 spaces for motorcycles;
- Provision of infrastructure including drainage and overland flow path;
- Landscaping of the site.

It is likely that the development will be constructed in stages with Building A being the first stage. The manner in which the building complies or can comply with, the BCA, is detailed in the Report at **Appendix H**.



Figure 5 – perspective image of the proposed development

The development statistics for the proposal are detailed on the submitted plans.

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Zoning and Development Controls

5.1 Zoning

The site is zoned R1 under Gosford LEP 2014 (see **Figure 6**) pursuant to Clause 2.3 of the LEP. Residential flat buildings are a permissible use in this zone. This clause also requires the consent authority to have regard to the objectives of the zone before consent can be granted. It is considered that consent can be granted as the following discussion demonstrates consistency with the zone objectives.

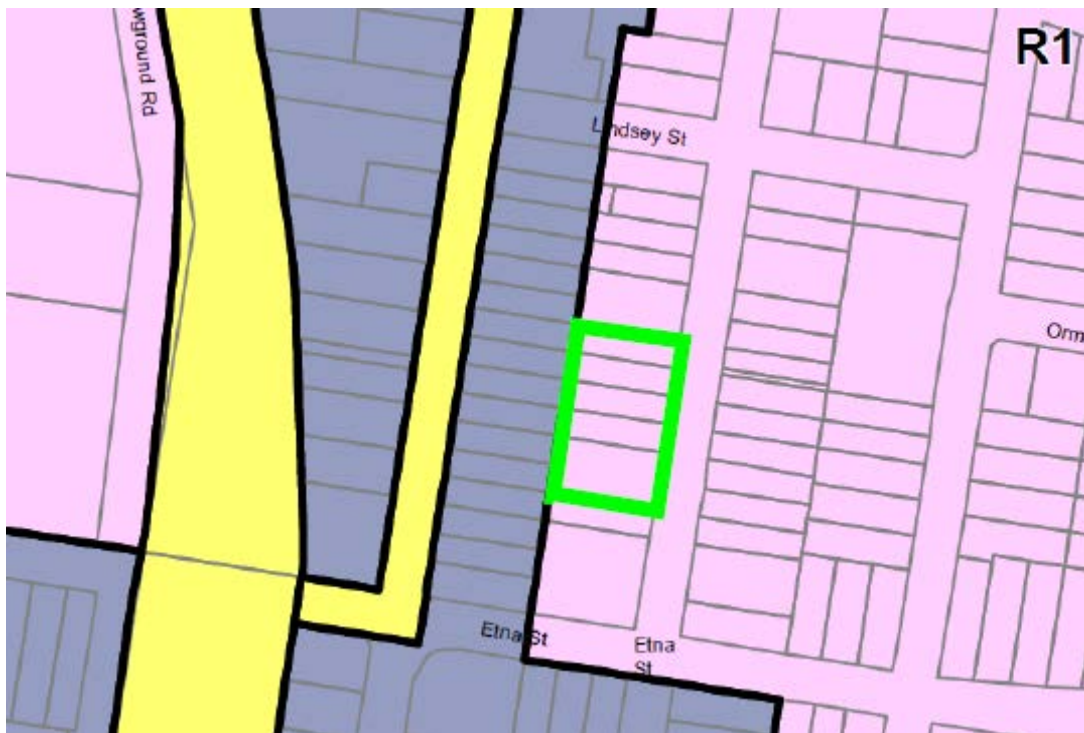


Figure 6 – Zoning

- *To provide for the housing needs of the community.*

Comment – the variation of the height will allow slightly more housing than a complying development and will better achieve this objective.

- *To provide for a variety of housing types and densities.*

Comment – by allowing more accommodation, a greater variety of dwelling types can be provided, ensuring better achievement of this objective than a complying scheme.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment – NA

- *To ensure that development is compatible with the desired future character of the zone.*

Comment – Although the proposal provides for different height outcomes than the controls they are not so different as to be of different character and so it is considered that consistency with this objective will be achieved.

- *To promote best practice in the design of multi dwelling housing and other similar types of development.*

Comment - The proposed design is considered to be superior to that which would be achieved by enforcing compliance and is of best practice standard for this type 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.*

Comment - NA

5.2 Development Controls

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

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

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Evaluation under Section 79C

6.1 Environmental planning instruments

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

The provisions of this SEPP technically apply however the site has a history of residential use and a previous consent has been granted for the development of the site for residential purposes and so contamination is not likely to be present.

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

Pursuant to SEPP 65 and the associated EP&A Regulations, the DA must be accompanied by a Design Verification Statement prepared by the architect of the building including comments regarding the achievement of the 10 Design Principles of Part 2 of SEPP 65. This statement prepared by the principle architect, Mr Maurice Beraldo is provided at **Appendix C**.

Clause 28 of SEPP 65 requires the consent authority to consider certain matters in its assessment of a DA to which the Policy applies. These matters include the design principles contained in Schedule 1 of SEPP 65 and the "Apartment Design Guide" (ADG). These matters are addressed in the Design Verification Statement at **Appendix C**.

Clause 6A of SEPP 65 indicates that the provisions of the Apartment Design Guide override any DCP requirements in relation certain matters. These matters are addressed in the following table:

Provision	Requirement	Comment
(a) visual privacy,	12m separation between habitable rooms unless privacy measures in place	COMPLIES There are no privacy issue to the sites to the north and south or between the two proposed buildings as the apartments are orientated to the east and west and so have only secondary windows the side elevations. These windows can accommodate privacy screens that will prevent direct viewing between windows. The setback to the rear boundary is over 11m meaning that adequate separation can be provided to any future development west of the site.
(b) solar and daylight		COMPLIES As can be seen in the submitted solar access

Provision	Requirement	Comment
access,		diagrams, 82 of the 101 apartments (81%) receive a minimum of 2 hours solar access to living rooms and private open space.
(c) common circulation and spaces,	8 apartments per level	COMPLIES Generally there are 8 or less apartments at each level with the exception of Level 2 of Building A which have 9 apartments.
(d) apartment size and layout,	1/2/3 bed apartments – Min area 50/70/90sqm respectively	COMPLIES As indicated on the submitted plans, the proposed apartments are all larger than the minimum recommended.
(e) ceiling heights,	2.7m	COMPLIES The proposed ceiling heights are 2.7m.
(f) private open space and balconies,	1/2/3 bed apartments – min area 8/10/12sqm respectively min dimension 2/2/2.4m respectively	GENERALLY COMPLIES The proposed ground level apartments are only small and do not warrant large private open space areas. More appropriately these areas are used for communal open space and planting. The majority of apartments have the required open space and where they do not there is only minor variation and this is offset by some apartments having much larger spaces than required. Providing a range of accommodation types is consistent with the overall principles of SEPP 65.
(g) natural ventilation,	60% of apartments	COMPLIES As indicated on the submitted drawings, 61% of apartments are cross ventilated.
(h) storage	1/2/3+ bed apartment – 6/8/10cu.m respectively	GENERALLY COMPLIES As detailed on the submitted plans all apartments have the total storage required and the vast majority of apartments have 50% internal storage.

6.1.3 State Environmental Planning Policy (BASIX) 2004

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

6.1.4 Gosford Local Environmental Plan 2014

The following provisions of the LEP are relevant:

Height of buildings

The applicable height control indicated on the LEP map is part 24m (Area S) and part 18m (Area P2) (see **Figure 7**). This equates to a 5/6 storey building on the northern part of the site and a 7/8 storey building on the southern part.

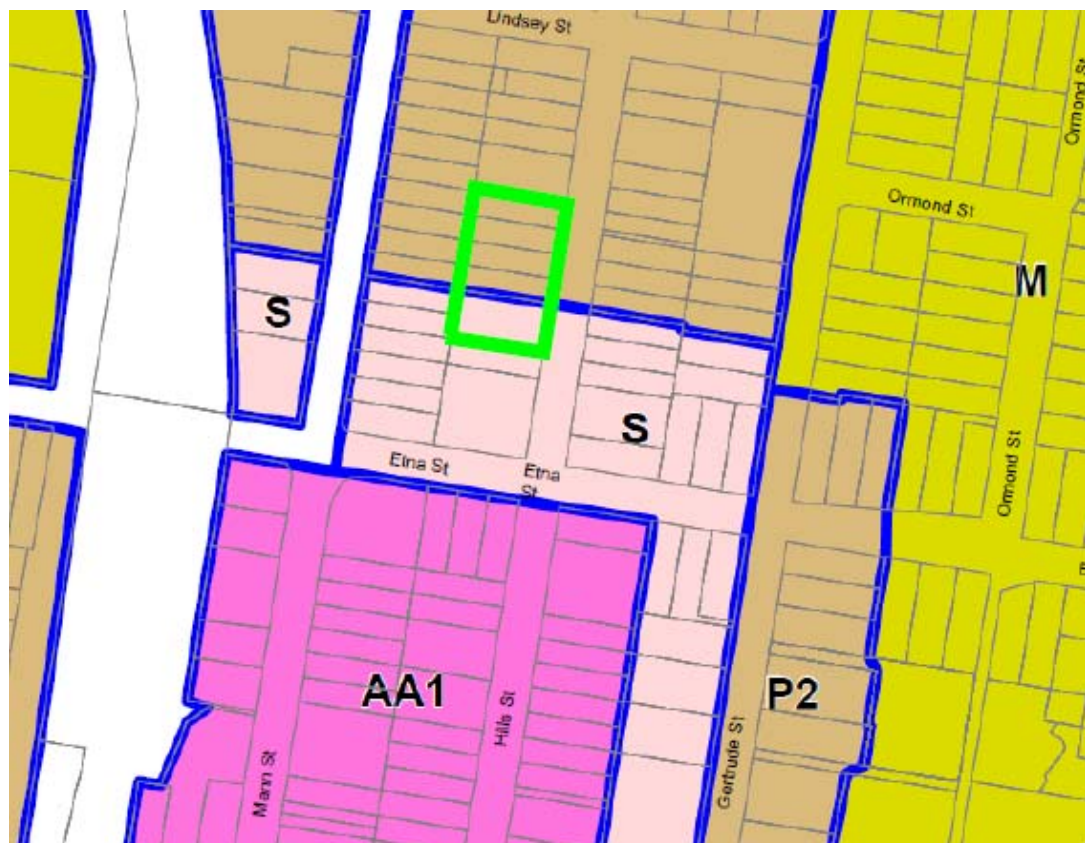


Figure 7 – Height of Buildings

However Clause 8.9 of the LEP does apply until 2 April 2016. This clause states:

8.9 Development incentives

- (1) *The objective of this clause is to provide incentives for development on land in Gosford City Centre.*
- (2) *This clause applies to land identified as "Gosford City Centre" on the [Development Incentives Application Map](#).*
- (3) *Development consent may be granted for the erection of a building on land to which this clause applies if the building:*
 - (a) *will not exceed the maximum height shown for the land on the [Height of Buildings Map](#) by more than 30%, and*
 - (b) *will not exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) by more than 30%.*
- (4) *This clause ceases to apply 12 months after the commencement of Gosford Local Environmental Plan 2014 (Amendment No 12).*

The site is within Gosford City Centre, therefore pursuant to this Clause, the applicable building heights will be 23.4m and 31.2m.

The proposed buildings have heights of 24.8-27.45m (1.4-4.05m higher than the control) and 27.9-30.12m (1.8-3.3m lower than the control). As can be seen below in **Figure 8**, that part of the development within Area S height control is significantly below the height limit. This is the part of the development closest to the southern neighbour and ensures less impact on this property. That part of Building A within Area P2 is above the height control. However it is considered that the boundary between P2 and S areas is arbitrary and a more appropriate determinant is the location of the existing drainage easement through the site. This easement provides a natural location for the separation of building forms and also the point where building height should change. Building B is only slightly above the lower height control for Area P2 and provides a transition from the 9 storeys of Building A to 8 storeys.



Figure 8 – Building height relative to height controls

The above provides for a balanced outcome for the site where part of the development is above the height control and part which is below. Further it is noted that despite the breach of the height control, the proposal remains significantly below the permitted FSR, as discussed below.

This matter is addressed further in the request to breach the height control at **Appendix D**.

FSR

The applicable FSR control indicated on the LEP map is part 2.75:1 (Area U2) and part 2.25:1 (Area T2) (see **Figure 9**).

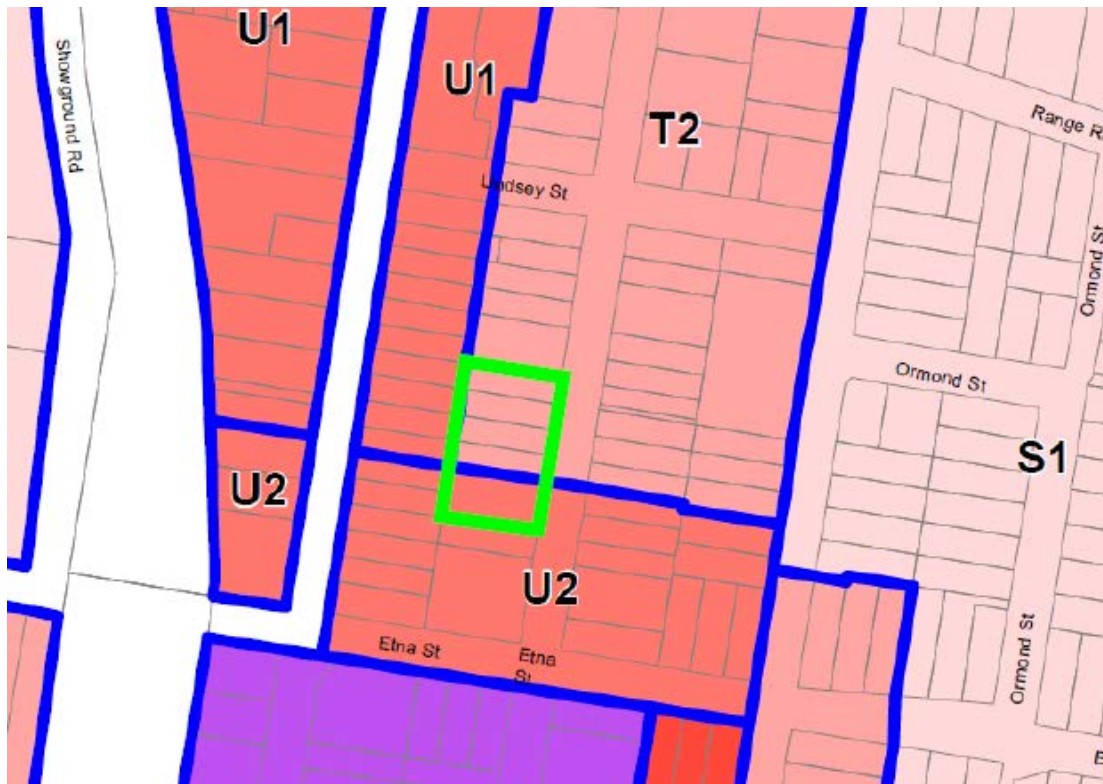


Figure 9 – FSR

The southern-most lot is within the U2 area and so the GFA achievable on this part of the site is 3014sqm. The remaining 4 lots are within the T2 area and so the potential GFA is 4923sqm. The total achievable GFA is 7937sqm. However Clause 8.3 of the LEP states:

- (1) *The maximum floor space ratio for a building is:*
- (a) *if the building is on a site area of at least 1,000 square metres, but less than 1,500 square metres and has a street frontage of at least 24 metres—3:1, or*
 - (b) *if the building is on a site area of at least 1,500 square metres, but less than 2,000 square metres and has a street frontage of at least 24 metres—3.5:1, or*
 - (c) *if the building is on a site area of at least 2,000 square metres, but less than 2,500 square metres and has a street frontage of at least 24 metres—4:1.*

The overall site area is 3284sqm. The site frontage is in excess of 24m. This being the case, the above does not apply.

However pursuant to Clause 8.9 (referred to above), the 30% bonus will apply to the map FSR's. Therefore the potential GFA within the U2 area is 3918.2sqm and the potential GFA within the T2 area is 6399.9sqm. The proposed GFA within U2 is 3,191sqm which only slightly exceeds the permitted FSR without the bonus and is well below that permitted with the bonus. The proposed GFA within T2 is 5,806.50sqm, significantly less than is permitted with the 30% bonus.

Clause 5.9 Preservation of trees or vegetation – the subject site has limited vegetation and it is proposed to remove all existing vegetation. This is discussed in the Arborists report at **Appendix F**.

Clause 7.1 Acid sulfate soils – as indicated in the relevant LEP map the site is subject to low potential for Acid Sulfate Soils.

Clause 7.2 Flood Planning – the site is not flood affected per se however development of the site will affect overland and so has the potential to cause localised flooding. The proposal has been designed to mitigate any potential impacts as discussed at **Appendix L**.

Part 8 Additional local provisions—Gosford City Centre – as noted above the bonus FSR provisions of Clause 8.9 apply. The only other relevant clause under this part is 8.5 Design Excellence. The proposal is consistent with this clause as it exhibits design excellence as discussed in the Design Verification Statement at **Appendix C**.

6.2 Draft environmental planning instruments

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

6.3 Development control plans

6.3.1 Gosford Development Control Plan 2013

The relevant provisions are addressed in the following table.

Provision	Comment
Part 2 Scenic Quality and Character	This part is of limited relevance as there are detailed provisions relating to these matters in Part 4.1 of the DCP which relates to Gosford City Centre. In any event the proposal will be compatible with the desired future scenic quality of the area as discussed in Appendix C .
Part 3 Specific Controls and Development types	The relevant Chapter is 3.3 however it is noted that it does not apply to development in the Gosford City Centre. There are detailed provisions relating to the city centre in Part 4.1 of the DCP.
Part 4.1 Gosford City Centre	The relevant provisions of this part are summarised and addressed below.
Part 6 Environmental Controls	These provisions are generally not relevant however water and soil management are addressed in the Stormwater Report at Appendix L .
Part 7 General Controls	The only provisions of relevance to the proposal relate to waste management. An Operational Waste Management Plan has been prepared and is attached at Appendix I . A Construction Waste Management Plan has been prepared and is attached at Appendix J .

Discussion of Part 4.1 of the DCP

- A street frontage setback of 2-2.5m – the proposal has a front setback of 2.5-4.6m - **COMPLIES**;
- A street frontage height of 10.5-16m – the proposal does not step back which is consistent with the design of the building opposite at 51-53 Hills Street. As indicated on the plans, it is proposed to address building bulk through use of different materials and finishes – **MINOR NON-COMPLIANCE**;
- A building depth of 18m and a width of 45m if over 24m – Building A depth is 28.25m and width 33.55m – Building B depth is 31.14m and width 21.62m. However this only applies for buildings over 24m. Only part of the building is over 24m – **PART COMPLIANCE**;
- Up to 12m - side setbacks of 3m (non-habitable) and 6m (habitable) and rear setback of 6m. Above 12m - side setbacks of 4.5m (non-habitable) and 9m (habitable) and rear setback of 6m (non-habitable) and 9m habitable – the proposal provides setbacks to the side boundaries that comply with these requirements. The separation between internal building elements are less however as the design does not have habitable windows facing each other the requirements do not apply - **COMPLIES**;
- A max site cover of 50% of site area. The proposed site cover is 53.7%. This is only a minor non-compliance and is considered acceptable as the objectives of the standard are met by the building bulk being broken up by having separate buildings and significant planted areas around the building which complies with this requirement – **MINOR NON-COMPLIANCE**;
- A min deep soil area of 15% of site area (min dimension 6m). The proposal has a deep soil area of 457.4sqm (13.9%). This is a minor non-compliance and is more than compensated for by the significant additional planted areas (35%) – **MINOR NON-COMPLIANCE**;
- Safety and security – as discussed in **Appendix C**, the proposed design has had appropriate regard for the principles of CPTED;
- Building exteriors – the proposed building exteriors are generally consistent with the relevant requirements. The building will have a high quality appearance and make a positive contribution to the streetscape;
- Car Parking – these provisions are negated by the SEPP 65 requirements discussed below. 10% of spaces are required to be accessible. Accordingly for 121 spaces, 12 accessible spaces have been provided (8 in Building A and 4 in Building B) – **COMPLIES**;
- Motorcycle parking (1 per 15 dwellings) - Building A-5 spaces required/5 spaces provided –**COMPLIES**. Building B-3 spaces required/3 spaces provided – **COMPLIES**;
- Bicycle parking (1 resident space per 3 dwellings, 1 visitor space per 12 dwellings) -Building A-28 spaces required/28 spaces provided – **COMPLIES**;
Building B-15 spaces required/15 spaces provided – **COMPLIES**;
- Noise and vibration - An Acoustic Report is attached at **Appendix M**.
- The following unit mix requirements apply:

To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size:

- provide a mix of bed-sitter/studio, one bedroom, two bedroom and three bedroom apartments,
- bed-sitter apartments and one bedroom apartments must not be greater than 25% and not less than 10% of the total mix of apartments within each development,
- two bedroom apartments are not to be more than 75% of the total mix of apartments within each development, and
- for smaller developments (less than six dwellings) achieve a mix appropriate to the locality

The proposal provides for 36% 1 bedroom, 53% 2 bedroom and 11% 3 bedroom apartments – **PART COMPLIANCE**. There are slightly more 1 bedroom apartments than recommended however in a location like this which is within walking distance of the railway station and hospital, this is considered to be an appropriate outcome.

- The following adaptable housing requirements apply:

For residential apartment buildings and multi-unit housing on land with less than 20% slope, 15% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “preadaptation” design details to ensure visitability is achieved.

Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.

The DCP requires 15% of the 101 apartments to be adaptable. 16 adaptable apartments are provided which achieves 15%. This issue and accessibility generally are addressed in the Accessibility Report at **Appendix G - COMPLIES**

- Communal Open Space – the following provisions apply.
 1. Retain, where possible, existing mature trees in communal open space.
 2. Communal open space should be readily accessible to all dwellings in the development.
 3. Communal open space should receive a minimum of 3 hours of sunlight between 9am and 3pm to a least 50% of the space on 21st June.
 4. Communal open space is to consist of at least 50% deep soil, have a minimum dimension of 5m in any direction, contain landscaping, seating and barbeque areas.
 5. Dwellings are to be designed so that they overlook and provide informal surveillance of communal open spaces. Any threshold treatments between private and communal space is not to exceed 1.2m in height.

A swimming pool and gym are proposed and there is significant area in the rear setback provided as communal space which meets the above requirements.
COMPLIES.

- Parking and driveways – the proposed driveway and parking design meets the requirements of this clause.

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

There is no agreement of relevance to the proposed development.

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

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

6.6 The likely impacts of that development

The impacts of the development have been addressed above and in the attached appendix documents.

6.7 The suitability of the site for the development

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

6.8 Submission made in accordance with this Act or the regulations

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

6.9 The public interest

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

The proposal is predominantly consistent with the planning controls that apply to the site. It will assist in the continuing transformation of Gosford CBD and make a positive contribution to creating a vibrant city centre for the Central Coast.

The proposal will result in an improvement in the overall quality of the built form in the area as it has a high quality contemporary in design and will complement other recent high rise development in the vicinity.

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

Appendix A

Minutes of preDA meeting with Gosford Council on 24 December 2015

Appendix B

Response to matters raised in preDA meeting by Ingham Planning

Appendix C

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