

# Memo

**To** TANYA O'BRIEN

**cc** AILSA PRENDERGAST

**From** A STUART/AST

**Date** 29 March 2017

**Internal Reference** Development Application 49558/2016

**Subject** Proposed Residential Flat Building - Two Towers at 34-44 Hills Street, Gosford

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

The site is located on the western side of Hills Street between Etna Street and Lindsey Street. The Assessment Report identifies the existing use as three single storey dwellings and vegetation.

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. Refer to Figure 1.

On Page 6 it is identified that:

*"The immediate locality is characterised by a mix of land use and building types. To the west of the site, the land is zoned B4 Mixed Use and is occupied by commercial building and associated car parking areas. To the north, south and east of the site, the land is zoned R1 General Residential, and is generally occupied by low scale dwelling houses. North- east of the site on the opposite side of Hills Street, a multi storey residential flat development has recently been constructed."*

## Previous DAs

DA Number	Proposal	Address	Status
2016.49558	Residential Flat Building - Two Towers (99 Units) & Demolition of Existing Structures (JRPP)	44 Hills Street NORTH GOSFORD NSW 2250	UNDETERMINED
2004.23978	Residential Flat Building (32 units x 3 storeys) LOTS 23, 24, 25, 26 SEC 2 DP 1591, LOT: 1 DP: 874151 NO. 34-44 HILLS ST GOSFORD	44 Hills Street NORTH GOSFORD NSW 2250	APPROVED 20/02/2007
2002.18383	Residential Flat Building	34-36 Hills Street NORTH GOSFORD NSW 2	APPROVED 21/01/2003
2002.16309	Residential Flat Building	34-36 Hills Street NORTH GOSFORD NSW 2	REFUSED 12/11/2002

Figure 1: History of previous applications on the site.

### Clause 8.9 of GLEP 2014

An unintended drafting error of Clause 8.9 has been identified by Council where no savings provisions were included in the application of the Clause (introduced under Gosford LEP 2014 (Amendment No. 12). A draft LEP to amend Clause 8.9 to rectify this issue was placed on public exhibition from 25 November 2016. The matter has been resolved via Amendment No. 27 to the GLEP 2014, gazettal date 17 February 2017.

### Clause 4.6 Request

This document is attached.

### Councils Architects comments

This document is attached.

### Pre DA Advice

This document is attached.

### Clarification of FSR

As discussed on Page 24 of the Assessment Report the proposed development has a maximum FSR of 2.91:1 in Area U2 and a maximum FSR of 2.72:1 in Area T2.

This represents a variance of 5.8% (Area U2) and 21% (Area T2) to the mapped maximum FSR. Clause 8.9 provides a 30% bonus to incentivise development which is applicable to this application.

Clause 8.9 (3)(b) (30% bonus) establishes a maximum FSR of 3.5:1 (Area U2) and 2.9:1 (Area T2). The proposed development results in an FSR of 2.9:1 (Area U2) and 2.72:1 (Area T2), therefore complies with the applicable development standard.

Figure 2 provided below, identifies the boundaries of the site and the two different FSR development standards discussed above, being Area U2 (34-36 Hills Street) and Area T2 (38-44 Hills Street).

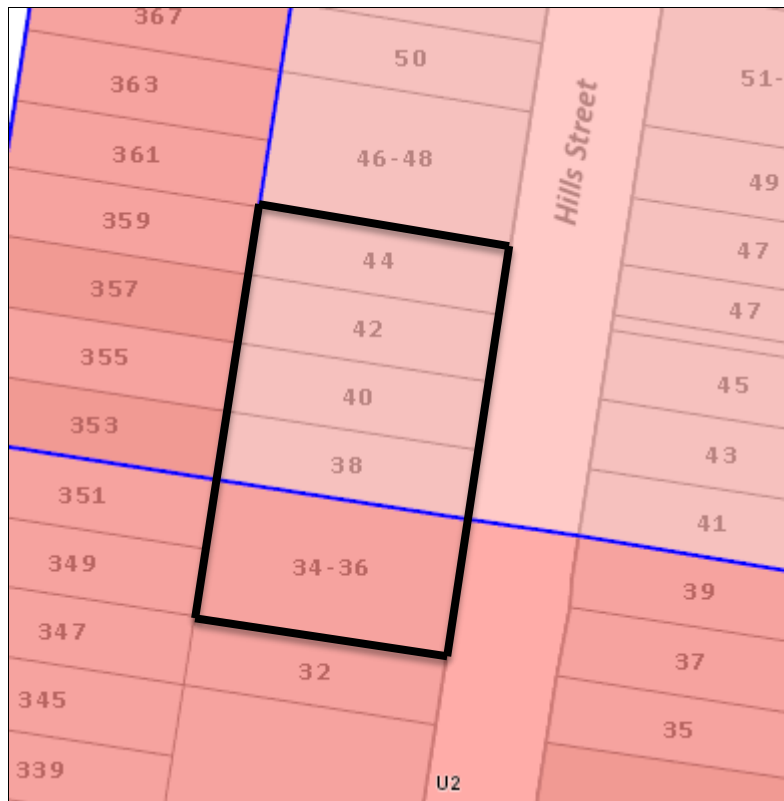


Figure 2: FSR Map

Also refer to FSR Calculation Plans (Sheets 37-39) of ECM Doc No. 23946287, identified as supporting documentation, wherein the applicants FSR calculation plans represent the different controls for the site. These have been attached for ease of reference.

#### Surrounding Approvals

1. Development Application No.46176/ 2014

Proposal:	Residential Flat Building (24 Units) and Demolition of Residential Dwelling
Property:	No. 47 Hills Street NORTH GOSFORD
Lapses:	9 February 2019



Figure 3: Photomontage: DA 46176

2. Infrastructure Project Application No. 09/0495 (Construction Finished)

Proposal: 24 Affordable Housing Apartments  
Property: 51-53 Hills Street, NORTH GOSFORD

3. Development Application No. 46236/2014

Proposal: 48 Residential Apartments.  
Property: 69-71 Hills Street, NORTH GOSFORD.



Figure 4: Northern (side) and Western (street) elevations of the approved development (DA No. 46236) located at No. 69-71 Hills Street.

4. Development Application No. 46268/ 2014

Proposal: Mixed Use Development (38 Units) with Ground Floor Commercial Premises and Demolition of Existing Structures  
Property: 357 & 359 Mann Street NORTH GOSFORD



Figure 5: Northern (side) and Western (street) elevations of the approved development (DA No. 46268) located at No. 357 and 359 Mann Street.

5. Development Consent No. 46267 (currently under construction)

Proposal: 21 Apartments  
 Property: 226 Gertrude Street, NORTH GOSFORD.

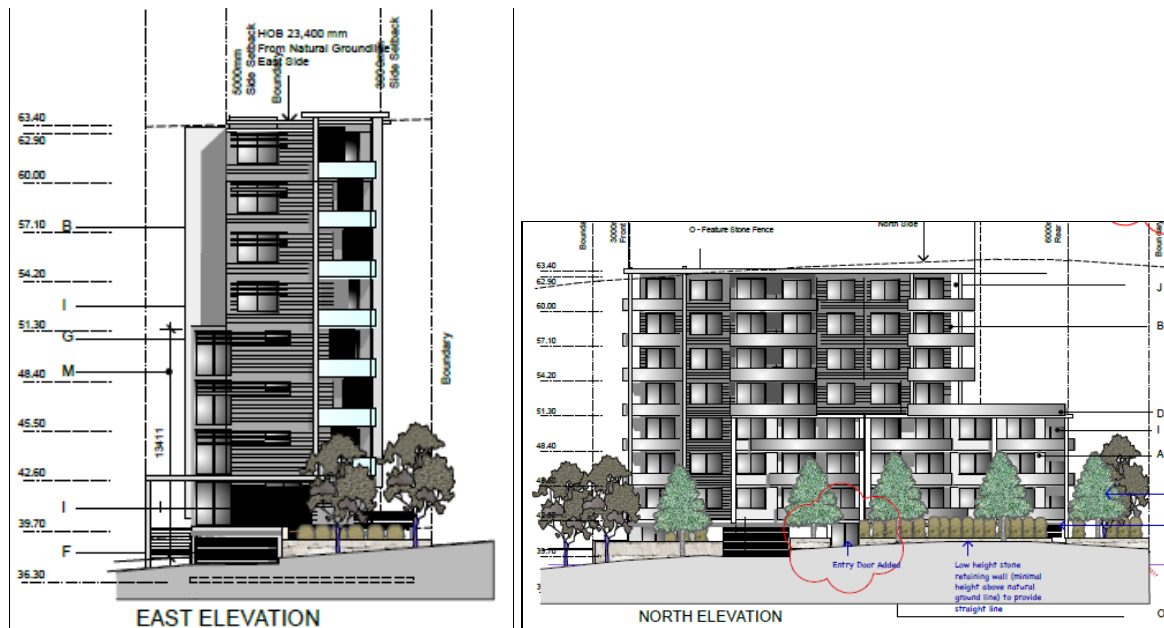


Figure 5: North and East Elevations of the approved development at No. 226 Gertrude Street

Clarification of what the minor non-compliance with the street wall actually is (pg33)

In accordance with Section 4.1.2.3 of GDCP 2013 identifies that street frontage heights refer to the height of the building that directly addresses the street from the ground level up to the first (if any) setback. The street frontage height of the subject site must comply with the minimum and maximum heights, being 10.5m- 16 metres.

The subject proposal results in variation to this provision of 50% for Building B (the northern tower) and 75% for Building A (southern tower). Whilst this variation is arguably not minor, it is otherwise considered acceptable.

As discussed above, the proposal does not step back at the street frontage, however, it is well articulated by the use of the external design feature wall which falls within the minimum and maximum height specified in this provision. The design is considered to incorporate a strong architectural expression and the desired street frontage height is achieved. Refer to Figure 6.



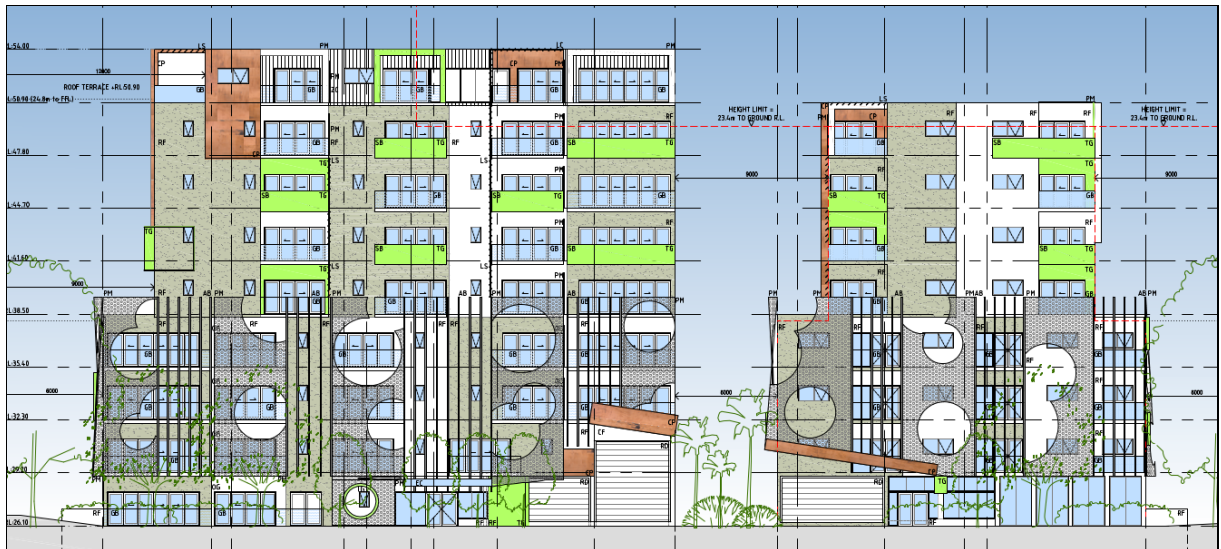


Figure 6: Hill Street Elevation of the subject proposal.

### Rational for the number of driveways and ground level planning and options to reduce

Page 12 of the Assessment Report states:

*"In relation to the concerns raised regarding the two vehicle access points and a separate garbage collection dock, it is confirmed that a common car park with a single entry is not possible because of the drainage easement through the middle of the site. Whilst a common carpark with a single entry would be preferred it is not considered the development currently proposed will adversely impact the desired quality of the street scape and neighbourhood character. The street frontage of the property spans approximately 72 metres, of which approximately 14 metres or 19% is occupied by vehicular access, located centrally to the development. It is not considered these elements of the development dominate the streetscape. The ground floor level street façade of the development is also occupied by two (2) apartments, multiple pedestrian entries and other features articulating the developments street façade such as two (2) water features, planter beds occupying over 100m<sup>2</sup>, and a common room."*

### A3 Plans

These plans will be provided at the Briefing.

### Advice on Status of Design Review Panel at Gosford

To be discussed separately at the Briefing by Councils Architect.