



28 August 2018

Glenn.Hornal@planning.nsw.gov.au

Mr Glenn Hornal
Senior Planning Officer, Central Coast
Department of Planning and Environment
PO Box 1148
Gosford NSW 2250

Dear Glenn,

**RE: Site Compatibility Certificate – Council Response
 Eastern Suburbs Leagues Club Ltd,
 82-90 Blackwall Road, Woy Woy**

The Department of Planning and Environment received an application for a site compatibility certificate under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the SEPP), where the following is proposed:

- Redevelopment of Eastern Suburbs Leagues Club for seniors living purposes containing 143 infill self-care dwellings, located over 7 levels with a 2 x roof top terraces.
- Two levels of basement car parking accommodating 225 car parking spaces.
- A restaurant in the order of 368m².
- A swimming pool and gymnasium for use by residents of the development, along with members of the club and the general community.
- Retail space in the order of 333m².
- The building height will be seven storeys. All ground floor uses will be active uses, including the club, restaurant, pool gymnasium and loading and service facilities. The residential uses will be located from Level 1, over six levels, with common open space levels on the roof top of each of the two buildings proposed.
- The maximum building height is 23.1m, with a further allowance up to 3 metre to allow for plant, equipment and outdoor spaces.
- The proposed floor space ratio is 3.2:1

Under clause 25(5) of the SEPP, the Secretary of the Department must not issue a site compatibility certificate unless Council's written comments concerning the consistency of the proposed development with the criteria listed in that clause has been received. As such, Council provides the following response pursuant to Clause 25(5) of the SEPP.

- (a) *is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*
- (i) *the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development*

Comment

- The site is mapped as containing Class 2 Acid Sulfate Soils. Due to the extent of earthworks likely to occur during construction, an Acid Sulfate Soil Management Plan will be required. This can be provided with the Application or as a condition prior to issue of Construction Certificate.
- The proposal does not involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003*.
- Council's records indicate that the subject site is affected by flooding in high intensity storm events. The 1 % AEP flood level is 1.57 metres AHD and the flood Planning Level is 2.27 metres AHD. The flood planning level includes a freeboard (500mm +200mm sea level rise allowance) and applies to all habitable areas within the proposed development in accordance with the definition as described in the NSW Flood Planning Development Manual.
- Access to basement levels within the proposed development should address the flood planning level by either raised driveway profiles or automated flood barriers to ensure flood waters do not enter basement levels.
- Evacuation routes and consideration of the Probable Maximum Flood level (RL 2.06 metres AHD) are also a requirement of seniors living developments.

- (ii) *the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land*

Comment

- The surrounding locality is characterised by low to medium density residential development and public reserves. The construction of a new club building and cafes is consistent with the established use and recent approvals over the site. It is noted that no assessment has occurred with regard to the amenity impact to surrounding residents given the lack of details provided on the submitted plans. However, Council considers the seniors housing component is compatible with the residential character of the area and can be designed to ensure minimal impact on surrounding residents in terms of privacy, overshadowing or view loss.
 - The development is located in close proximity to services and transport.
- (iii) *the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision*

Comment

- Off-street car parking (internal) shall be designed in accordance with AS 2890.1:2004, AS 2890.2-2002, AS 2890.3-2015 and AS 2890.6:2009.
 - A traffic impact report from a traffic engineer is to be submitted with a DA for the proposed development. The traffic engineer is to address traffic generation, car parking, manoeuvring, safety and compliance with AS 2890. In addition, the traffic engineer shall address the footpath, road lane widths and parking requirements mentioned above.
 - Any application for the proposed development shall be accompanied with a Water Cycle Management Plan (WCMP) Strategy demonstrating that the requirements of Section 6.7.6.5 will be complied with.
- (iv) *in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development*

Comment

This is not relevant in that the subject site is zoned B2 Local Centre under *Gosford Local Environmental Plan 2014*.

- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development*
- The maximum building height for the site is 19.75m (mapped at T3). The proposal provides a maximum height of 26.1 metres, resulting in a 6.35m or 32% variation.
 - The maximum floor space ratio is 2.3:1 (mapped at Q). The proposed floor space ratio is 3.2:1, resulting in a 0.9:1 or 39% variation. However, it is noted that pursuant to Clause 45 (2) of the SEPP, a bonus of 0.5 may be applicable to the mapped FSR.
 - The site adjoins a zone boundary to the east. The Apartment Design Guide (ADG) recommends an additional 3 metre setback on zone boundaries between apartment buildings and lower density zones (pp 37). This is considered particularly important as the adjoining sites are narrow and unlikely to be able to be redeveloped to a similar density. This problem is exacerbated by the significant height non-compliance. Building separation not only provides visual privacy but acoustic privacy, solar access and adequate area for landscaping and should comply with the ADC.
 - Two carpark access points are not supported. In particular access from Blackwall Road has a detrimental impact on the streetscape and may result in traffic safety issues.
 - The ADG requires 12 metre setbacks to habitable rooms including balconies for buildings above 24 metres high.
 - Non-compliance with height, FSR and setback controls indicates the scale of the building is excessive and inconsistent with the existing and likely future context. It will result in loss of amenity and reduced development opportunities on adjoining sites, particularly the commercial sites directly to the south fronting Victoria Road.
 - The option of acquiring the sites to the south is strongly recommended and may alleviate some amenity issues resulting from the non-complying height and also resolve parking and servicing problems.
 - Street front podium heights should generally be two to three storeys to provide an appropriate pedestrian scale and ensure solar access to the footpath and public spaces.
 - The ADG requires 7% or 313m² of the site area to be deep soil planting and with a minimum dimension of 6 metres (pp61). There is no deep soil planting proposed for the site. While additional landscaping on the slab is supported, it does not provide the deep soil and significant planting necessary for screening on the zone boundary. While street trees are supported they should be an addition to, not a substitute for on-site landscaping. The location and of services must be determined prior to the application being submitted to ensure the street trees can actually be located where they are shown. If services prevent street trees, additional deep soil planting must be provided on the site.

Comment

- (vi) *if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation.*

Comment

This is not relevant to the subject site in that the proposal does not involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003*.

Should you have any enquires with regard to this matter please contact Antonia Stuart on (02) 4325 8126 between business hours, Monday to Friday.

Yours faithfully

A Prendergast

Ailsa Prendergast

**Section Manager
Development Assessment South
Central Coast Council**