

WILLOWTREE PLANNING



MEMO

Project No	WTJ23-223
Subject	10 Young Street, West Gosford (DA 10609) – Matters Arising relating to Design
Date	11.04.2023
Prepared by	Willowtree Planning
To	DPE

Central Coast Council – Context and Neighbourhood Character

Comment:

“A hotel and residential development are supported in principle, but the development has major non-compliances with the DCP and the ADC. This results in poor urban design, poor amenity for occupants and will have detrimental impacts on the development potential of adjoining sites.”

Response:

As the proposal seeks to vary the building height provision of the *State Environmental Planning Policy (Precincts – Regional) 2021*, Design Excellence is a key criterion for the proposed development and is subject to review by the City of Gosford Design Advisory Panel (CoGDAP), as prescribed by Clause 5.46 of the Regional Precincts SEPP.

Pursuant to Clause 5.46(3) of the Regional Precincts SEPP, CoGDAP must review the proposed development, and the consent authority shall take into account the findings of CoGDAP. Extensive engagement with CoGDAP has been facilitated, of which a summary is outlined at TABLE 3 within the submitted Statement of Environmental Effects (SEE).

The proposal has taken on board and incorporated the recommendations of CoGDAP as part of a rigorous iterative design process. CoGDAP unanimously agreed at a final meeting on 20 February 2022 that the submitted proposal exhibits Design Excellence, subject to satisfying a couple of matters that are described at Section 1.3.1.1 of the submitted SEE.

In awarding Design Excellence, CoGDAP was required to consider all elements of Clause 5.45(4) of the Regional Precincts SEPP, which includes:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

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- (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
- (c) whether the development is consistent with the objectives of sections 5.52 (Solar access to key public open spaces) and 5.53 (Key vistas and view corridors),*
- (d) any relevant requirements of applicable development control plans,*
- (e) how the development addresses the following matters—*
 - (i) the suitability of the land for development,*
 - (ii) existing and proposed uses and use mix,*
 - (iii) heritage issues and streetscape constraints,*
 - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) bulk, massing and modulation of buildings,*
 - (vi) street frontage heights,*
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (viii) the achievement of the principles of ecologically sustainable development,*
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (x) the impact on, and any proposed improvements to, the public domain.*

It is noted that the Council advises under its recommendation that the “non-complying setbacks could be considered acceptable if the application was amended to comply with the height control”.

Having regard to the above, the proposed development successfully responds to the requirements of Clause 5.46(3) of the Regional Precincts SEPP relating to exceptions to the maximum building height control in the B6 zone.



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Central Coast Council – Built Form and Scale

Comment:

"It is acknowledged that narrow site proportions and the water table may be issues but these are site constraints the applicant was aware of. They are not a justification for non-compliance with controls and poor design."

The application has major non-compliance with height controls. The eastern section containing the residential units is 46m or 27% above the permitted 36m height. It is acknowledged that other sections are below the maximum height, but this is because they are required for a roadway or are too narrow to be make use of the height.

The western building is built to the northern boundary. This reduces the development potential on the adjoining site and necessitates any building separation and landscaping required to be provided entirely on the adjoining site."

Response:

The Council's comment relating to maximum building height is addressed above under 'Context and Neighbourhood Character'.

The following response was provided to CoGDAP in respect of the development potential of 1A Racecourse Road in Willowtree Planning's submission dated 16 December 2021.

The subject site presents an irregular shape, with an unusual boundary interface to 1A Racecourse Road, West Gosford. The arrangement of this boundary provides a challenging circumstance in providing separation.

There are a few items at play in determining a suitable setback for our proposed development at 10 Young Street, West Gosford, which are extrapolated as follows.

Introduction of privacy screening/ sliding shutters:

The introduction of screening/ sliding shutters to the building façade adjacent to 1A Racecourse Road, obstructs views to and from the potential neighbouring built form. The potential built form for 1A Racecourse Road has been anticipated based on the following:

- Scoping documentation submitted as part of SSD-21848218;
- Gosford SEPP development standards; and
- ADG controls.

Scoping documentation submitted as part of SSD-21848218

Luux Properties has commenced a State Significant Development (SSD) assessment process for a proposed mixed-use development at 1A Racecourse Road, West Gosford, involving residential flat buildings, hotel accommodation and commercial uses. The component of development that adjoins 10 Young Street is the

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Stage 2 provision of 14 storey residential tower, with a tower setback of approximately 12.4m from the southern property boundary and at least 15.9m from the eastern boundary (that is adjacent to 10 Young Street).

It is understood that these development outcomes for 1A Racecourse Road are not definite, however as detailed below there are other standards and controls that have been investigated to understand the future development opportunities, and determine whether the proposed development of 10 Young Street is sympathetic to such opportunities.

Gosford SEPP development standards

1A Racecourse Road, West Gosford, is afforded the following development standards:

Standard	Requirement
Land zoning	B6 Enterprise corridor
Height of buildings	12m
FSR	1.5:1
Key site	Gosford City Centre
Exceptions to height and floor space in Zones B3, B4 and B6	The proposal may exceed the maximum height and FSR described above, by an amount to be determined by consent authority, subject to the requirements of Clause 5.46 of the Regional Precincts SEPP.

Based on the above, it is understood that 1A Racecourse Road may be afforded additional building height and FSR under the same provisions as 10 Young Street, including Design Excellence. The scoping design for 1A Racecourse Road indicates a total FSR of 2.9:1 and building height (for the tower adjacent to 10 Young Street) of approximately 45m; around 10 storeys above the standard 12m height limit for this site.

Among other things, to achieve the uplift of FSR and building height, 1A Racecourse Road, must also demonstrate how the development will address:

- (i) *the suitability of the land for development,*
- (ii) *existing and proposed uses and use mix,*
- (iii) *heritage issues and streetscape constraints,*
- (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
- (v) *bulk, massing and modulation of buildings,*
- (vi) *street frontage heights,*
- (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
- (viii) *the achievement of the principles of ecologically sustainable development,*
- (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
- (x) *the impact on, and any proposed improvements to, the public domain.*

Of particular interest is the requirement to address overshadowing of 10 Young Street. When comparing a compliant scheme for 1A Racecourse Road to the proposed uplift of some 10 storeys, the overshadowing impact to 10 Young Street is anticipated to be severe.

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ADC controls

Among other things, the development of 1A Racecourse Road would need to demonstrate that overshadowing of neighbouring properties is minimised during mid-winter. In particular, 'overshadowing should be minimised to the south or downhill by increased upper level setbacks'.

Whilst it is unclear whether 1A Racecourse Road, would in fact be granted an uplift in building height as described above, this outcome has been considered in assessing whether the proposed development is commensurate to the opportunities of 1A Racecourse Road.

The introduction of privacy screening/ sliding shutters at 10 Young Street, as illustrated in drawings refs. **DA3.03 H** and **DA3.04 G**, aligns with the key outcomes of visual privacy, balancing site and context specific design solutions with views, outlook, ventilation and solar access.

Law of Averages:

Given the alignment of the boundary between 10 Young Street and 1A Racecourse Road, it is apparent that both properties intend to apply the 'law of averages' approach to building separation, which benefits both properties development opportunities.

The angled nature of the property boundary presents a challenge in demonstrating strict compliance with Objective 3F-1 of the ADC.

By straightening the extent of this boundary, purely for the purpose of determining a building separation, an outcome that benefits both sites are achieved. This outcome allows development at 1A Racecourse Road to be located closer to the boundary in the northern portion of the separation area, as shown in **pink** below. Similarly, the outcome also allows 10 Young Street's development to be located closer in the southern portion of the separation area, as shown in **blue** below.

Based on this approach it is considered that both properties benefit equally from this arrangement, and 1A Racecourse Road is certainly not burdened.

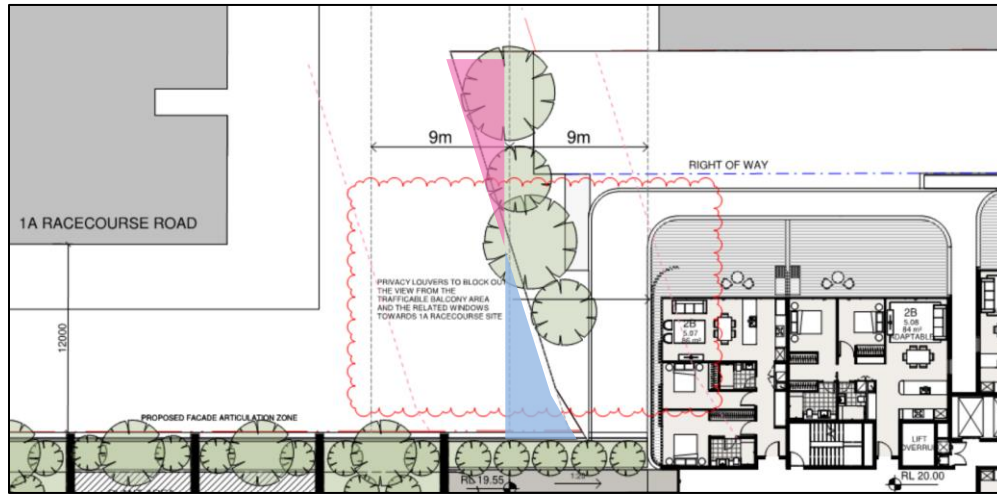
It is also valuable to note that much of interface of this boundary is afforded to an existing and to be maintained ROW. As such, approximately 8 to 10m of this area at 10 Young Street does not propose any habitable or non-habitable elements; therefore 1A Racecourse Road would not be subject to any building separation for up 10m of the subject boundary.

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With the inclusion of privacy screening at 10 Young Street, and in consideration of the above, it is demonstrated that the proposal achieves a quality outcome with respect to its interface with 1A Racecourse Road.

Comment:

"The use of above ground parking further contributes to height non-compliance. The DCP Chapter 5.2.9 includes the following controls:

- 3. On-site parking is to be accommodated underground, or otherwise fully integrated into the design of the building as illustrated in Figures 10 and 11. Where integration is not achieved, car-parking areas will count towards gross floor area for the purposes of calculating Floor Space Ratio.*
- 4. Any on site above ground parking should be 'sleeved' by a minimum 8m depth activation (commercial or residential use) facing any street as illustrated in Figure 11.*

The application does provide some external screening to the carpark levels, but this is not considered an adequate response to the integration of above ground parking which continues to contribute to non-complying height and bulk and scale."

Response:

Above ground car parking has been considered acceptable through both the Pre-DA process and Design Excellence process. Above ground car parking is the only viable option due to the potential flooding conditions and existing stormwater infrastructure requirements. This is commonly accepted throughout the Gosford LGA and has been accepted by the authorities from the project inception.

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The car park, which acts as a podium to the overall built form, has been screened in accordance with the recommendations of CoGDAP to ensure visual amenity both to and from the car parking levels. The screening is integrated into the overall project design and contributes to the project's appearance.

This planning and design response has been accepted by CoGDAP.

Comment:

"It is emphasised that the western section has a height control of 24m and proposes a height of 20m. This would permit one additional floor on the western section. This does not equate to three additional floors on the eastern section as is claimed in the applicant's view analysis shown below.

As the applicant's own view analysis clearly illustrates, the proposed non-complying height has a significant detrimental impact on views to President's Hill and would create a precedent for further non-compliance that would obscure this iconic public landmark."

Response:

As per the request of the CoGDAP, the podium height and street frontage to Racecourse Road has been reduced to a lower level than the current height permitted by the Regional Precincts SEPP, and has been transferred to the tower element. This ensures that the view corridors to Presidents Hill, particularly from along the Central Coast Highway, are maintained.

This much is demonstrated in the views referred to below (from page 35 of the Urban Design and Visual Impact Assessment Report, prepared by Hatch-RobertsDay), which compare a compliant building envelope with the proposed design.

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View from Central Coast Highway- Compliant Envelope (FSR and Height)



View from Central Coast Highway- Proposed Design

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It is evident that the visual impact on the Presidents Hill escarpment is reduced when taking this alternative approach. The design both succeeds in developing a gateway-built form, whilst being responsive to this significant natural form. The proposed design is not considered to be dominant, but rather reduces the bulkiness of the development that would result when complying with height limit controls. Additionally, the design contributes to an engaging arrival experience when driving in from the Central Coast Highway.

The 'green' colour on Presidents Hill in the prepared photomontages clearly demonstrates that the iconic Hill is more discernible with the proposed design response relative to an otherwise compliant building envelope when entering the precinct from the Central Coast Highway.

It is also argued that the proposed height is 'site-specific' and based on meeting a set of criteria that does not extend to other sites within the precinct (including being identified as a gateway site in the Regional Precincts SEPP with the Site benefitting from the highest height limit control among the lands located west of Gosford). The Proposal is aiming to be a precedent to meet gateway objectives, prominence, and pride of place, rather than a precedent for height (please refer to page 10 of the Urban Design and VIA Report prepared by Hatch-RobertsDay).

Central Coast Council – Density

Comment:

"Complies with numerical controls but the non-complying height and setbacks show that the application is an overdevelopment of the site."

Response:

This has been addressed above.

Central Coast Council – Sustainability

Comment:

"BASIX certificate indicates the application complies with minimum statutory controls however the additional sustainability measures required by the independent panel to justify above ground parking have not been demonstrated."

Response:

CoGDAP provided the following comment when awarding Design Excellence to the proposed development:

*"The development is required to meet or exceed the minimum building sustainability and environmental performance standards to satisfy the Design Excellence requirements. In addition to the identified Ecological Sustainable Design initiatives, **the proponent indicated that the***

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development would incorporate the provision of electronic vehicles and solar power generation. These matters should be resolved prior to lodging the amended Development Application."

As illustrated in drawing refs. **DA2.03. J**, **DA2.04 G**, **DA2.24 J** and **DA2.25 G** all residential, residential visitor and four (4) hotel car parking spaces will be equipped with EV charging points.

In addition, the above ground car parking areas will be naturally ventilated (and not mechanically ventilated), and will require significantly less artificial lighting than a subterranean equivalent.

Central Coast Council – Landscape

Comment:

"Deep soil zones and landscaping should be an integral part of the design. They should complement the existing natural features, provide outlook from units, provide screening to and from adjoining developments and contribute to the buildings setting. They should not be relegated to leftover or unbuildable area.

The ADG requires 7% of the site; or 323m² to be deep soil zone. The application proposes approximately 60m² deep soil or only 19% of the required minimum. This is all located in a largely inaccessible and unusable space at the end of the right of way.

While street trees are strongly supported, they must be an addition to, not a substitute for deep soil and landscaping onsite."

Response:

The following response was provided to CoGDAP on the same matter in Willowtree Planning's submission dated 16 December 2021.

Through the resolution of the proposed boundary adjustment, deep soil zones for the proposed development have also been resolved.

The proposed site area, following the boundary adjustment, would be 3,750 m².

Pursuant to Objective 3E-1, the minimum DSZ for the site, as amended, equates to 262.5 m², being 7% of the site area.

The proposal, as amended, offers four (4) key DSZs totalling 290.7 m² (or 7.75 % of the site):

- DSZ 1 – adjacent to 1A Racecourse Road, West Gosford ≈ 87.3 m²
- DSZ 2 – northeast area adjacent to ROW ≈ 13 m²
- DSZ 3 – southeast corner of the site ≈ 167.7 m²
- DSZ 4 – south of ROW opposite hotel lobby ≈ 22.7 m²

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The proposal, as amended, achieves the minimum DSZ percentage requirements of the ADG. Whilst the proposal does not achieve the minimum 6 m dimension to all DSZs, this is due to the constraint of the ROW that traverses the site.

Aside from the 7.75 % of DSZs on site, the proposal includes the following supplementary landscaping:

- 389 m² of total Ground Level landscaping;
- 193 m² of landscaping at the Level 5 communal open space area; and
- 408 m² of landscaping at the Level 13 communal open space area.

The total landscaping is 990m², which equates to 26.37% coverage when including the right of way; and 34.5% coverage when excluding the right of way.

Central Coast Council – Aesthetics

Comment:

"The aesthetics are generally acceptable, and the architects have attempted to disguise the visual bulk and scale, non-complying height, and above ground parking by using deep recesses in the facades, curved corners, screening and stepping the façade, though it is considered that this is not an adequate response and cannot disguise the excessive height, inadequate deep soil and landscaping non-complying setbacks."

Response:

It is reiterated that the proposed design has been awarded Design Excellence by CoGDAP, which was required to consider all elements under Clause 5.45(4) of the Regional Precincts SEPP.

The points referred to have been addressed elsewhere within this response document.

With specific regard to building aesthetic, the design and detailing of the residential buildings are deliberately simple and clean to create a modernist and timeless aesthetic that clearly articulate slender tower forms. The selection of façade colour and finishes clearly distinguish the functions behind and provide slender built forms above the podium element.

The façade elements embrace the horizontality that brings in the human scale, articulated through the paint and metal finishes. The vertical elements consisting of metal fin and louver screens adds further articulation and helps identifying the program within the proposed development.

The materiality reflects a modern aesthetic that responds to the existing industrial uses of the surrounding sites and responds to the character of West Gosford.

Careful consideration has been given to the slender nature of the tower elements as described by the Design Review Panel. The proposed development remains at eight apartments per floor (as allows under the ADG) and have been separated into two separate slender elements by dividing the apartments into two blocks of four by the introduction of a vertical building slot, significant in size. The slot, in conjunction with differing tower colours portrays the tower development as two slender forms, one more dominant

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than the other one, sitting comfortably above the podium and public domain. The western tower form (the white, more dominant one) has also shifted south to create an offset in forms that visually enhances the slender nature of the towers, address the buildings proportions from key vantage points and locally becomes the natural cover of the drop off area of the hotel component of the building.

Central Coast Council – Recommendation

Comment:

"The application is not supported by Councils Architect. As the applicant's own view analysis clearly illustrates, the proposed non-complying height has a significant detrimental impact on views to President's Hill and would create a precedent for further non-compliance that would obscure this iconic public landmark.

Despite this it is considered that the non-complying setbacks and above ground parking could be considered acceptable if the application was amended to comply with the height control."

Response:

As addressed above, the views referred to demonstrate that there is no increased impact upon views of President's Hill following the CoGDAP endorsed transfer of massing from the podium element to the tower. The proposed development actually obscures less of the Presidents Hill escarpment than an equivalent building envelope that is otherwise compliant with the maximum building heights control.

Community Environment Network – Design

Comment:

"In Council's submission of November 2020, it was argued that the proposal does not achieve design excellence because it does not comply with the design controls in Gosford City Centre DCP 2018. In particular, the proposal does not meet the requirement for setbacks of the ground floor from street boundaries or the requirement for setbacks of the upper floors from the ground floor or podium. The Council submission also criticized the lack of articulation on the north elevation. There does not appear to be any serious attempt to rectify these deficiencies."

Response:

Each of these elements haven been discussed thoroughly through the Design Excellence process with CoGDAP. The non-compliances have been considered better design outcomes due to the Site's location, the irregularity of the Site's shape and proximity to future design outcomes at 1A Racecourse Road.

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TABLE 1 of the submitted SEE provides a chronology of the rigorous iterative design process following the Proponent's engagement with the CoGDAP, which occurred between December 2019 and the unanimous award of Design Excellence in February 2022.

The CoGDAP has further confirmed in its submission in respect of DA 10609, dated 1 February 2023, that the *"amended proposal exhibited remains consistent with the advice given to the Proponent at the Panel's meeting on 8 February 2022 and continues to exhibit design excellence"*.

The items have been discussed thoroughly during the Design Excellence process with the CoGDAP. The Proposal creates better design outcomes through ground floor activation, landscaping, horizontal articulation of the podium and providing human scale with no impact on the surrounding sites.

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