



17 November 2020

Michelle Niles
Major Projects
Department of Planning, Industry and Environment
NSW Planning Portal

Dear Ms Niles

Major Projects – Exhibition Submission – Proposed Mixed Use Development at 10 Young Street, West Gosford (DA 10609)

Thank you for the opportunity to provide comment on the proposed Mixed Use Development at 10 Young Street, West Gosford.

Please find below key issues for your consideration.

Planning

- A 12m and 36m maximum building height is permissible on the eastern portion of the site and a 24m maximum building height is permissible on the western portion of the site. The proposed development is above the height controls. Previous bonus provisions do not apply to the site and are not considered to be sufficient justification for non-compliance with height.

Any non-compliance with the height should demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority should ensure that adequate justification for the height non-compliance is provided and consider the findings of the design review panel.

- The easement for the right of carriageway along the southern boundary is identified on the Section 88B as 6.6m wide. The plans depict the new road and part of the parallel parking to be located within the easement however plans indicate proposed new road and portion of carparking in the easement to be approximately 9m in width. No documentation proposing the amendment to the easement has been provided with the application.
- Works are proposed on the southern adjoining lots (Lot 11 DP1201715 and Lot 201 DP1201057) for the construction of the new street, landscaping works, redesign of the dealership car parking and reduction of the awning to the entrance of the dealership showroom. No owners consent has been provided for the works on the adjoining lots.

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It is further noted that the plans also indicate a carparking layout on Lot 201 DP1201057 which is different to the carparking layout approved under DA/47009/2015 for Carls Jr. takeaway restaurant on the site.

- Objective 4S-2 of the ADG requires residential levels of the building to be integrated within the development, and safety and amenity is maximised for the residents. Specifically, to ensure safety:
 - The residential entries and circulation spaces should be separated from commercial uses. It is noted that the residential lifts have access to the hotel levels of the proposal.
 - Commercial service areas should be separated from residential components.
- The ADG requires a minimum of 7% deep soil planting with minimum dimensions of 6m to be provided. The proposed development has insufficient area dedicated to deep soil zones on the site and none of the deep soil zones meet the minimum dimensions. Deep soil zones and landscaping should be an integral part of the design. They should contribute to the outlook from units, provide screening to and from adjoining developments and contribute to the buildings setting. Deep soil zones should not be relegated to leftover or unbuildable area.
- The proposal does not demonstrate compliance with ADG building separation. The areas of ADG building separation non-compliance are predominantly along the northern side boundary to 1A Racecourse Road.
- The site is a prominent site upon entry to the Gosford city centre. The consent authority should have regard for the presentation of the proposed development to the corner of racecourse road and the new street as viewed from Central Coast Highway to ensure the proposal positively contributes to the streetscape.
- A 3-4m front ground level setback and a 3m side ground level setback is required under the provisions of the Gosford City Centre DCP 2018 (GCCDCP 2018). Further, above the street wall height, upper floors must be setback an additional 3m from the front lower levels and 4.5m from the side lower levels.

The proposed development proposes a zero setback to Racecourse Road and along the northern boundary adjoining 1A Racecourse Road at ground level. No upper level setbacks are proposed to the northern boundary to 1A Racecourse Road, the western and

eastern side of the building and a zero upper level setback to the boundary is proposed to the southern boundary.

- GCCDCP 2018, Clause 5.2.4 requires that above the street wall height, all building facades should be well articulated to be attractive in all views. The northern elevation as viewed from Racecourse Road is predominantly occupied by blank walls with minimal articulation and no upper level setback and does not positively contribute to the streetscape. Further articulation should be provided to the northern elevation by providing greater variation in materials, including the provision of glazing and providing upper level setbacks.

It is also noted that no natural light is available to the hallways within the hotel and glazing along the northern façade can provide natural light to the hallway to improve the internal amenity of the hotel.

- The ADG and GCCDCP 2018 requires entrances to be in visually prominent positions and be easily identifiable with visible numbering. The proposal does not have clearly identifiable entries to the residential lobby, hotel or showroom. The entrances should include high quality architectural design features and articulation to improve identification of entrances to provide way-finding and safety for occupants and visitors and to contribute to the amenity of the development.
- The ADG and GCCDCP 2018 requires the design of lift plant rooms and lift overruns to be integrated into the overall architecture of the building. The plant rooms and lift overruns should be adequately screened on the roof to reduce visual prominence from the street and to the rooftop communal open space.
- The plant area adjoining the communal open space may cause some acoustic impacts. The plant room should be appropriately screened to ensure acoustic impacts are minimised and provide satisfactory acoustic amenity to the communal open space.
- The only bicycle parking on the site is located outside near the residential entry. The ADG identifies that secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.
- Additional screening should be provided to the aboveground carpark levels to improve streetscape presentation and the security of the carpark.

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- The only access to the building for the rear staff parking spaces appears to be through the loading dock. Separate pedestrian access from the loading dock should be provided to the rear of the building to minimise conflict between vehicles and pedestrians.
- No parking has been identified for customers to the car dealership. The only available parking appears to be on the street which should not be relied upon.
- The plans do not detail any vehicular entry to the showroom. Plans should be amended to detail how display vehicles will access the showroom. Consideration should also be given for potential conflict points between vehicles entering the showroom and pedestrians.

Engineering

- The proposal seeks to augment Council's trunk system by combining two separate drainage catchments into one. Council does not support any re-division of the existing overland/trunk drainage flows in 1A Racecourse Road. The trunk drainage system in Racecourse Road has limited capacity for additional stormwater runoff with ponding occurring during minor rainfall events immediately downstream in Central Coast Highway.

The combination of the two drainage systems will result in more stormwater being directed to a problematic catchment. Such an arrangement cannot be supported. Notwithstanding this, it has not been adequately demonstrated that such a re-division is legally permissible without the establishment of an Easement for Drainage over 1A Racecourse Road.

Due to the above concerns, Council does not support building over the trunk drainage system traversing the property.

- An on-site stormwater detention and drainage system will be required to control the rate of runoff leaving the site. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100-year average reoccurrence interval (ARI) design storms. This was not detailed on the submitted concept stormwater drainage plans, nor any nutrient and pollution control measures.

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- The proposed stormwater drainage outlet (headwall) will conflict with the landscaping identified in the northern portion of the site.
- Levels for the proposed driveway within the northern right of way do not match with the existing industrial uses (mechanic) at 12 Young Street.
- Floor levels have been set below the recommended flood planning level (1% + 500mm freeboard). Justification is based upon street activation and non-habitable uses. This arrangement cannot be supported. As an alternative, a floodgate system has been suggested, however, this is not deemed appropriate where a compliant floor level can be provided. It is also noted that the proposal is also unsatisfactory with respect to any consideration of climate change effects.
- The submitted flood assessment report has indicated impact upon adjoining properties and the Young Street entry in the 1% AEP event (Local Catchment) of up to 100mm. This outcome cannot be supported.
- Driveway widths, grades, vehicular ramp widths and grades and car space dimensions must be in accordance with AS/NZS 2890.1 (2004) - "Off-street car parking".
- The proposed loading areas, vehicle manoeuvrability and internal driveway grades must be in accordance with AS 2890.2 (2002) – "Off-street commercial vehicle facilities".
- The proposed disabled parking spaces must be in accordance with AS/NZS 2890.6 (2009) – "Off-street parking for people with disabilities". Spaces R01, R02, R35 and R40 are noted as non-compliant.
- Separate approval by Council will be required under the *Roads Act 1993* for necessary upgrade works in Racecourse Road and Young Street.
- Separate approval by Council will be required under the *Local Government Act 1993* for any upgraded trunk stormwater management system.
- Footway formation graded at +2% from the top of kerb to the property boundary across the full frontage of the site is required in Racecourse Road.
- Upgraded public street lighting and pavement will be required in Young Street.

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- The creation of a Positive Covenant and Restriction on the use of Land for the required on-site stormwater detention and drainage, and nutrient/pollution control facility will be required.

Traffic

- DPIE should engage a traffic consultant to assess potential conflict points including the Young Street entry/exit to the easement and through traffic, access from the Racecourse Road right hand turn and the multiple accesses off the right of way (for the proposed development and adjoining sites) near public road intersections, parking bays and pedestrian areas.
- Introducing a land use to an area that is different to the established land use, alters the function of movement and place for the given area. This change introduces a different function and purpose to the adjoining roads and road related areas that need to be safely managed. Traffic safety risks should be eliminated where practical.

Appropriate selection of mitigation controls should be applied to the development to minimise risks where elimination is not possible. It should be noted that increased exposure/increased risks may not necessarily be located on or adjacent to the development site, but much further away. Consideration should be given to the potential traffic safety risks associated with the proposed development including racecourse patrons walking back from a race day who will require safe locations to cross the road, footpath and adequate street lighting.

- The traffic assessment report has not considered the following aspects of the proposed development:
 - Queued traffic blocking the proposed intersection with Racecourse Road.
 - The provision of a passing lane for right turning traffic into the right of way.
 - The purpose of the recently constructed median in Racecourse Road. It is noted that formal approval and completion of the necessary road works in Racecourse Road to permit right turn into the site will be required.
- The parallel parking located adjacent to a pedestrian crossing is not in accordance with the Australian Standards having regard for safety issues.

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- Road widening should be provided around the tight bend on Young Street to cater for the swept vehicle travel paths. Furthermore, there are possible sight distance issues for motorists around the bend and approaching the pedestrian crossing.
- The vehicle travel lines from the carparking spaces to the right of way and to Young St may cause conflicts between road users.
- The right of way may have limited use at different times of the day encouraging higher speeds due to the lack of speed management placing pedestrians at risk and may contribute to run-off road crashes or head on crashes with opposing traffic.

To address the concerns above a Road Safety Audit (RSA) should be undertaken to identify the risks. Council should be included in the RSA team due to its function as a Roads Authority, having local knowledge and the ability to advise on acceptable measures.

It is recommended an RSA be undertaken initially prior to any consent being granted as an RSA may identify risks that will influence and change design proposals which is difficult to change at a later date after approvals are granted and significantly increases time and costs to the proposed development.

It should be noted that DPIE would not be satisfying obligations, nor would the relevant consent authority, without imposing a Road Safety Audits and a Safe System Assessment of the road, road related areas, accesses and carparks in consideration of the proposal and the impacts to existing areas and future users as a result of the development.

Water and sewer

- A Section 307 Certificate of Compliance under the *Water Management Act 2000* for the development will be required. The payment of water and sewer contributions are applicable in accordance with the Services Charges Policy.

Waste

- The waste management of the development should be in accordance with the provisions of Gosford DCP 2013, Chapter 7.2 – Waste Management.

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- A maximum gradient of 3% is required within the waste storage enclosure, bulk bin roll out area and the waste truck servicing area. A waste truck servicing area 13.5m long x 4m should be indicated.
- Residential waste vehicle manoeuvring should be demonstrated by swept turning path overlays for a HRV in accordance with GDCP 2013, Chapter 7.2 – Waste Management. Swept turning path details should be designed and certified by the applicant's Traffic Engineer to AS 2890.2. The waste vehicle must enter and exit in a forward direction.
- A minimum 4m clear vertical height clearance must be provided in all waste vehicle manoeuvring areas. The vertical clearance within the manoeuvring areas must be free of ceiling services and utility installations.
- The waste storage enclosure should be fully dimensioned and sized to accommodate bulk waste bins based on the waste generation volumes indicated above and a nominal number of shared green waste mobile garbage bins. Sufficient space within the waste storage enclosure should be provided to allow manoeuvring of bulk bins in an efficient manner.
- The waste storage enclosure should be located where it is readily accessible to residents and the residential waste collection contractor. The residential waste storage/waste servicing location should be designed to allow ready roll out of bulk waste bins from the waste storage enclosure to the rear of the residential waste collection vehicle.
- Other vehicle movements must not be impeded during servicing of bulk waste bins.
- The mixed use development must incorporate separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components.

The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict. Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses. Separate residential and commercial waste management systems are needed to minimise conflict arising from vehicular movement.

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Contributions

- A 1% levy applies to developments in the Gosford City Centre for developments between over \$200,000 under the Gosford City Council S94A Development Contribution's Plan – Gosford City Centre.

The issues raised above are brought to the attention of the Department for consideration in the detailed assessment of the proposal. In doing so it is acknowledged that these issues, and any other issues raised by state government agencies or via public submissions, will be duly assessed by the Department in their overall consideration of the application under a merit assessment. It is also requested that Council is re-notified if any amendments to the application are publicly re-notified.

Your attention is also drawn to the resolution of Council on 10 December 2019, a copy of which has previously been provided to the Minister for Planning and Public Spaces, Executive Director Compliance, Industry and Key Sites and Regional Assessments- Department of Planning, Industry and Environment.

If you have any further enquiries, please contact Rebecca Samways on 4350 5209.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Andrew Roach".

Andrew Roach
Unit Manager
DEVELOPMENT ASSESSMENT