

9 September 2020

Heather Warton
Planning Officer
Independent Planning Commission

By email: heather.warton@ipcn.nsw.gov.au

Dear Heather,

RE: Response to IPC Request for Information dated 4 September 2020, State Significant Development (SSD-9813), 136-146 & 148 Donnison Street, Gosford.

I refer to your request for additional information in relation to the above mentioned SSD application. We take this opportunity to provide a response to each of the items raised by you, outlined below, which should be read alongside the following drawings prepared by Buchan:

- Updated Architectural Design Report dated 9 September 2020, with expanded yield calculations;
- Updated Envelopes for Approval (Rev H) dated 9 September 2020, providing revised or new drawings as requested; and
- Area Definition, which provides an overview of the calculation method for envelopes, GFA, volumetric fill, and NSA.

PREAMBLE

We thank you for the opportunity to have presented the scheme and its background in more detail to you in our meeting on 3 September. We reiterate the efforts undertaken as a project team to be collaborative with, and responsive to the requests of, the Design Advisory Panel (DAP) and Department of Planning, Industry and Environment (DPIE) throughout the refinement of the proposal. We also restate and highlight the efforts undertaken by Lederer to revitalise the heart of Gosford City Centre through the redevelopment of this site, pursued for close to five years.

As you are aware, the built form context of Gosford is changing dramatically, and historical height limits – which were frequently exceeded with Council supported incentives provisions - and existing buildings can no longer be the basis for determining the scale of future development. Instead, our scheme has been developed to respond to the emerging and desired future context of Gosford, which has been identified by the NSW Government as a location to prioritise growth and investment. In terms of the subject proposal, the establishment of heights and densities has considered:

- The emerging built form context, which is transitioning to significantly higher densities. A number of recent approvals are at comparable or higher maximum heights and densities than that proposed at the subject site. As an example, the nearby 'The Archibald' tower under construction at 108 - 118 Mann Street 300m to the west was approved to an RL of 103m and an FSR which exceeds 8:1, both of which are higher than that proposed at Gosford Alive.

- The static landscape context of Rumbalara Reserve and Presidents Hill, with high points generally in the vicinity of RL 120m – RL 150m and RL 112m respectively. The proposal sits comfortably below these maximum heights (RL 101m) and, importantly, allows for new views to be opened up through the middle of the site to Rumbalara Reserve whilst protecting angled views from Kibble Park.

Having demonstrated our compliance with the key provisions of *State Environmental Planning Policy (Gosford City Centre) 2018* (GSEPP) and how we have worked responsively with key stakeholders, our expectation is that this provision of information will facilitate the approval of the development, as proposed and endorsed by DPIE and the DAP.

Should the Commission be considering changes to the built form, we would strongly request you meet directly with the DAP prior to making any determination along these lines. The DAP were a key stakeholder in the assessment process and were critical in establishing the final envelopes, and so far have not been consulted with by the Commission. As you are aware, the DAP included the Acting NSW Government Architect, the NSW Chief Planner, and deemed that the final proposal exhibits design excellence.

To contradict the findings of this panel in the absence of direct discussions would represent a limitation in the Commission's overall assessment process.

RESPONSE TO QUESTIONS / REQUESTS

1a) The proposed concept envelope drawings (prepared by Buchan dated 2 June 2020) updated to show the actual dimensions of the proposed envelopes not just 'minimum' or 'maximum' dimensions. This includes attention to the discrepancy that the minimum dimension shown between Tower 1 and Tower 2 of 'Min 24m' is larger than the 'Min 24m' dimension shown between Tower 3 and Tower 4.

Refer to revised drawing DA-02.

1b) The finished RLs of the ground levels at the corners of each podium, and the finished RLs at the centre of the North-South link where it intersects with the East-West link, and the RL at the street entrances to the links.

Refer to revised drawing DA-02.

1c) On a separate diagram in plan form (similar to DA-02) the proposed maximum building heights (envelope height) in metres above Ground Level (Existing) (which is referred to in the definition of building height in the Dictionary of the GSEPP). This should be the highest level on each podia and tower (measured from the lowest ground level existing corresponding in that part of the site). Could the RLs of existing ground levels at the corners of each podium also be shown.

The height 'zones' as shown in the Height of Building Map in the Gosford City Centre SEPP 2018 (GSEPP) should also be shown on this diagram. From this the Panel should be able to identify the maximum height in metres of the proposal in each height 'zone' as referenced in clauses 4.4 of the GSEPP (the Panel is also aware that c l 8.4(4) is applicable).

Refer to drawing DA-03. Note that this has taken interpolated RLs across the site to estimate metres above ground of each podium level and tower. As an example, to assist with the Commission's reading of this drawing, Tower 5 is shown with a maximum height of 81.6m above ground from a low point of RL 19.4m.

1d) On a separate diagram, could the FSR zones from the FSR Map in the GSEPP also be shown, with the area of each 'zone' shown with the footprint of the building overlaid. The approximate GFA of the Reference Scheme buildings as they sit within each FSR zone should be shown, with the podium GFA shown separately from the tower GFA. This was not mentioned in the meeting, but is also required. There is some reference to this in the RTS, but it only refers to the GFA in the towers and the actual area of the 'FSR' zone is not shown.

Refer to new drawing DA-04.

1e) An expansion of the Yield Table for the Reference Scheme that was provided in the email from Joseph Bell to the Department dated 9 July 2020 (July 2020 Email). This should show the podium and the tower of each building separately, floor by floor, and also by use. From the table, it should be able to be clear as to the amount of GFA in the podium of for example Building 1, separated in to the retail and commercial GFA; the total residential GFA; and the GFA on any one floor should also be clear.

It was not noted in the meeting, but could you also define 'NSA' in the Table provided in the July Email. If NSA is the same as Gross Building Area (GBA - the floor area of the built form including non GFA areas such as balconies), then it would be useful to show this as well, as it is assumed that this has been used to calculate the 'fill' of the envelope.

Refer to expanded yield calculations within the back end of the Architectural Design Report.

Note that a minor drafting error has been resolved and the volumetric fill per tower is changed compared to that presented to the Commission in the meeting on 3 September. The overall average remains unchanged at 89%.

The definition of NSA has been provided in the 'Area Definition' drawing prepared by Buchan. However, this is not an area definition typically used in planning approvals and was included in the yield table for informative purposes only. NSA has therefore not been included on the tower-by-tower breakdowns.

1f) Following on from e. the 'volumetric fill' of each envelope, which it is understood means is the sum area of the built form level by level, compared to the envelope size needs to be established. Some information has been provided in the EIS and follow up requests from the Department, but factual fill per tower for example is not clear. The envelope size was shown for each Tower in the July Email, but not the size of each podium. The volumetric fill of the podium needs to be shown separately from that of each tower, the average between the two not being relevant. The 'building efficiency' being the amount of GFA in each part of the building compared to the envelope should then be able to be ascertained from the table referred to in e. above.

Refer to the detailed breakdowns provided in the expanded Architectural Design Report. This shows that the volumetric fill largely exceeds 85% for the majority of levels and for the scheme overall.

We note DPIE's advice in its meeting with the Commission that the 85% figure has been guided by the Apartment Design Guide (ADG). Were it the case that building envelopes had been designed first, to be later followed by a detailed design, this ratio may have been appropriate. This approach was not taken in the case of the subject proposal which had a detailed design firstly developed, which was 'shrink-wrapped' by envelopes. This has resulted in much tighter volumetric fill ratio, which would be at tensions with the proposed FEAR C4(c) if applied strictly and tower-by-tower.

2. Envelope diagrams showing a compliant scheme, using the same building forms and siting proposed in the Reference Scheme and Concept Envelopes. This is to be 'compliant' with regards to the heights shown in the GSEPP HOB Maps, and separately a compliant scheme with regards to the FSR Map in the GSEPP.

This is a complex matter that we urge the Commission consider carefully.

We firstly note that the request for a 'compliant' scheme implies that the Commission considers the current proposal to be non-compliant, and must therefore justify its additional height and FSR above the mapped metrics in GSEPP, similar to the justification required to support a Clause 4.6 request. We remind the Commission that the scheme is compliant as proposed, as it must only have satisfied the provisions of Clause 8.4(4) to activate exceptions to height and FSR, which are then to be determined at the discretion of the consent authority. **The scale or percentage of this 'exception' is not listed as an assessment consideration**, rather the Commission should consider whether the holistic outcomes of the proposal and the exceptions are in keeping with the objectives of GSEPP overall.

There is further complexity in the fact that the mapped heights and FSRs in GSEPP, carried across from Gosford Local Environmental Plan 2014 (GLEP 2014), were regularly and 'compliantly' exceeded under previous incentives provisions. The now repealed Clause 8.9 of GLEP 2014 allowed development to exceed the mapped height and FSR controls by 30% to incentivise development, instigated by Council for continuation from 2012 through to 2016, with no specific criteria needing to be met for these exceedances. It was not uncommon for the 30% bonus to be significantly exceeded still, via the use of Clause 4.6 variations, with the support of Council (see 27-37 Mann Street¹ or 108-118 Mann Street²).

Given the above, the relevance of this request by the Commission is questioned. Nevertheless, a scheme that is capped at the 'mapped' height limit has been prepared by Buchan in new drawings DA-06 through DA-09.

The FSR associated with this scheme will be provided to the Commission as soon as possible.

3. In addition to the above material (mostly) discussed at the meeting, could you confirm the number of storeys in each building in each podium and in each tower, in the Reference Scheme and in the Concept Envelope.

To avoid mis-representation, we recommend that the Commission refer to plans DA-100 to DA-128 in the existing Reference Design package which clearly outlines 'level' numbers per tower across the site. Similarly, the level numbers could be referred to from the expanded yield table in the Architectural Design Report. This is preferable to stating a static 'storeys' number, which would vary depending on the level of the street frontage chosen to measure this from.

Note that the concept proposal does not propose a storeys limit per se, but will instead be bound by a maximum height. The potential number of storeys will be limited by the minimum floor-to-ceiling heights outlined in the Apartment Design Guide.

¹ <https://www.planningportal.nsw.gov.au/planning-panel/mixed-use-retail-commercial-restaurant-residential-development-and-demolition>

² <https://www.planningportal.nsw.gov.au/planning-panel/mixed-use-development-145>

4. Could you also provide a eastern and western internal elevation for the Concept Envelopes for the North-South link and the East-West link, similar to the elevations taken from the street boundaries.

We refer the Commission to existing drawings DA-24 and DA-25 in architectural package 1A – Envelopes for Approval.

5. There was discussion at the Site meeting that there would be fill taken from the eastern end of the Site, to 'fill up the hole' left when the existing building was demolished. This fill was to be used to form a temporary surface car parking area. If this is to occur as part of the Stage 1 DA for which approval is sought could you advise if this forms part of this application. This was raised at the meeting with the Department that was also held yesterday, but the Department advised that they were unaware that any excavation or filling was proposed (other than for the services relocation). Could you please clarify what earth works are proposed (the relevant drawings) and advise how the proposed temporary car park will be constructed.

The only excavation proposed as a part of the Stage 1 approval is that associated with the relocation of services. Further excavation, and filling for the purposes of the temporary car park at the rear of the site, will occur in later stages and will be subject to development approval.

It is reasonable to expect this level of detail would be provided at further detailed development application stages as opposed to at the concept application stage.

6. Similarly, the issue of the need for above ground car parking was raised, including with at the Meeting held with the Central Coast Council (also held in the afternoon, yesterday). The Council indicated that there were possibly two existing levels of basement underground (already excavated) that could be used for future below ground car parking. Assuming this is the case, could you please provide:

a. clarification as to why future proposed earthworks will be required to fill the site once the building has been demolished; and

b. justification for the proposed permanent multi level above ground car parking, - including any geotechnical advice (eg: high water table) which may support this.

Lederer has advised that it is not the case that two levels of underground basement exists, though there is a loading dock built into the rise on Albany Street which Council may have been referring to. Points a) and b) have therefore not been responded to.

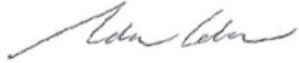
7. Could you also ask Urbaine architectural to confirm that the VIA provided with the Application complies with the Land and Environment Court guidelines for the preparation of photomontages.

Urbaine Architecture have confirmed separately to Mecone that their VIA was undertaken in compliance with the Land and Environment Court guidelines.

CONCLUSION

Thank you for the opportunity to provide a response on these matters. We trust that the above provides you with the information required to finalise your assessment. Do not hesitate to contact me at acoburn@mecone.com.au to discuss further if required.

Yours sincerely



Adam Coburn

Practice Director – Western Sydney