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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1271550

INDEPENDENT PLANNING COMMISSION

**MEETING WITH STAKEHOLDER -COMMUNITY ENVIRONMENT NETWORK
INC**

RE: DONNISON STREET GOSFORD

PROJECT #: SSD 9813

PANEL: **CHRIS WILSON (CHAIR)**
WENDY LEWIN
HEATHER WARTON

CEN: **MICHAEL CONROY**
GARY CHESTNUT

LOCATION: **SYDNEY**

DATE: **10.00 AM, FRIDAY, 4 SEPTEMBER 2020**

THIS PROCEEDING WAS CONDUCTED BY VIDEO CONFERENCE

MR C. WILSON: Good morning. Before we begin, I would like to acknowledge the traditional custodians of the land on which we meet and pay my respects to their
5 elders, past and present. Welcome to the meeting today. The Lederer Group Pty Ltd is proposing a concept application for a podium and building envelope for five towers for residential and retail and commercial uses, a concept plan, landscape plan, design guidelines and a design excellence strategy for the site 136 to 146 and 148
10 Donnison Street, Gosford. A Stage 1 development for demolition of the existing buildings, removal of vegetation, extinguishment of easements and stormwater and sewer works is also proposed. This is State Significant Development application 9813, known as *Gosford Alive*. The Community Environment Network – the CEN, a community group, has lodged an objection to the development. The Commission has decided to hold a stakeholder meeting to hear their concerns.

15 My name is Chris Wilson. I'm the chair of this panel. Joining me is my fellow Commissioner, Wendy Lewin, and Heather Warton from the office of the Independent Planning Commission. Representing the CEN are Michael Conroy and Gary Chestnut. In the interest of openness and transparency and to ensure the full
20 capture of information today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website. This meeting is one part of the commission's decision making process and is being conducted via electronic means, in line with current COVID-19 rules around social distancing and public gatherings. It's taking place at the preliminary stage of this determination process
25 and will form one of several sources of information upon which the commission will base its decision.

It is important for the commissioners to ask questions of meeting attendees to clarify issues as we consider it appropriate. If you are asked a question and are not in a
30 position to answer straight away, please feel free to take the question on notice and provide any additional information in writing, which we will subsequently put on our website. I would ask that all participants state their name before speaking each time and please be mindful not to talk over the top of one another so that we ensure the accuracy of the transcript. We will now begin with the agenda. So, Mike, we'll
35 throw over to you, in terms of presenting your submission – running through your submission.

MR M. CONROY: Okay. I've emailed a written copy of our - - -

40 MR WILSON: Which we have. Thank you.

MR CONROY: Okay. I won't assume that you've read it all in the time since I sent it, since I assume that you had a rest after your labours yesterday, so I'll run through it; and I realise that parts of it cover material which we already covered in our
45 previous submission in relation to the development in Mann Street, so I won't go into

those parts in detail either. I'd just like to briefly talk again about the strategic context of this development and I'd like to challenge some statements that the Department has made in their assessment report where they're suggesting, from my reading of it, that the developments which have occurred along Mann Street in the last three or four years are establishing a new built form character which has been brought in as a result of the Gosford State Environmental Planning Policy and the urban design framework on which that was based.

As I pointed out in the written submission, all those developments that the Department gives as examples of this supposed new built form character, those developments were all approved under the Gosford LEP; and the other thing that I'd like to point out and emphasise is that the development controls for height and Floor Space Ratios that were in the Gosford LEP are identical to the ones which have been carried over into the Gosford State Environmental Planning Policy. So I challenge the Department's statement that the SEPP will introduce a new built form character to the Gosford City Centre.

MR WILSON: Sorry, Mike, just on that point, so you're suggesting that – well, I guess, what you're referring to is the 30 per cent bonus provision, yes, in the LEP? That's what the Department's comparing the current built – or the proposed built form against – the – those approvals that had that 30 per cent bonus provision; is that what you're saying?

MR CONROY: Well, I – what I'm questioning more is the Department's comment that prior to the SEPP coming in the development – sorry, the built form that we were trying to achieve was to only have low-rise development along - - -

MR WILSON: Oh, I see what you're saying.

MR CONROY:

MR WILSON: Yes.

MR CONROY: - - - in the centre of Gosford.

MR WILSON: Yes.

MR CONROY: Now, as we've pointed out in our written submission, there are – well, planning controls in Gosford LEP even before the 30 per cent bonus came in, some of the areas close to the – closer to the railway station where the height limits allow buildings up to 72 metres high - - -

MR WILSON: Okay. I've got you.

MR CONROY: - - - with a Floor Space Ratio - - -

MR WILSON: All right.

MR CONROY: to one, so we don't think – I mean, even with the 30 per cent bonus, the buildings that have been approved and constructed don't go in excess of the sort of built form that was envisaged along Mann Street - - -

5 MR WILSON: Okay.

MR CONROY: - - - you know, six, seven or even 10 years ago when the Gosford LEP was being drafted.

10 MR WILSON: Thank you.

MR CONROY: The next section of our submission talks about why we have the development standards in the Gosford CBD; these are the development standards for height and Floor Space Ratio. Now, we covered that in our – the last presentation
15 that we did to the Commission, so I won't go over that again – unless you've got any questions in relation to that - - -

MR WILSON: Wendy, do you have any questions in relation to that? Wendy,
20 you're – can you hear us, Wendy?

MS W. LEWIN: Oh, have I muted? Sorry. Beg your pardon. No. I'm clear on the discussion on the development standards to do with height.

MR WILSON: Okay. Thanks.
25

MR CONROY: Okay. So I'd like to now move on to our argument in our submission about why we don't think that the proposal for the Donnison Street site displays design excellence, and basically our argument is that there are a number of criteria listed under clause 8.3 in the Gosford State Environmental Planning Policy.
30 There are a number of criteria which developments are required to meet in order to demonstrate design excellence and I've listed those points in our submission, where we think that the proposed development does not display design excellence and we think that – you know, until they can demonstrate far better achievement of those criteria they shouldn't qualify for having Floor Space Ratios and height – building
35 heights that exceed the standards that are set in - - -

MR WILSON: Just on that, Mike, can we – Heather, are we able to put the submission – share the – share - - -

40 MS H. WARTON: Yes. Sure. I can share it.

MR WILSON: Gary's submission.

MS WARTON: Yes.
45

MR WILSON: We'll just – can we just look at those closely, Mike? Do you mind? We just - - -

MR CONROY: Go ahead.

MR WILSON: Oh, that's okay. Heather's got it and we'll put it up - - -

5 MS WARTON: Yes.

MR WILSON: - - - on the screen. I think it would be useful just to go through these with all of us present. And you can talk to them, Mike, so - - -

10 MS WARTON: Okay. Can you see it?

MR WILSON: Yes. So can we go to the design excellence section, please, Heather?

15 MS WARTON: Yes

MR CONROY:

MR WILSON: I saw it. It's set out here somewhere.

20

MS WARTON: I did email it to you, Chris, and Wendy.

MR WILSON: Yes. I know. Keep going. That's development - - -

25 MR CONROY:

MS WARTON: Design excellence?

MR WILSON: Yes.

30

MS WARTON: Okay.

MR WILSON: Just talk to that a bit, Mike.

35 MR CONROY: I beg your pardon?

MR WILSON: Do you want to just talk to this part of your submission?

40 MR CONROY: I don't mind doing that. I might point out that the actual text of our submission that follows this doesn't address these criteria point for point.

MR WILSON: Okay.

45 MR CONROY: Because some of the criteria - - -

MR WILSON: Oh, well, just talk to your concerns on, I guess, the criteria; just generally - - -

MR CONROY: Yes.

MR WILSON: - - - meeting the criteria or how it doesn't meet the criteria to – and, therefore, demonstrate design excellence and, therefore, is not entitled to the uplift.

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MR CONROY: Well, whether the form and external appearance of the development will improve the quality and amenity of the public domain, there are a couple of issues here. I – from my point of view, the biggest issue is obviously the impact on views from Kibble Park, but I'll address that more in the second point - - -

10

MR WILSON: Okay.

MR CONROY: criterion C. The other questions to do with the external appearance of the development is the impact actually on the government property to the south of - - -

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MR WILSON: TAFE?

MR CONROY: - - - Donnison Street, the site of the Gosford Court House and the TAFE College. Now, the proposed development is going to present a wall of buildings along Donnison Street – I mean, a podium that's up to 17 metres high along that section of Donnison Street and then, on top of that, two towers that are about 90 metres high above ground level, plus the tower on the corner of Henry Parry Drive, so they're going to completely dominate the views from that public site and they're also going to overshadow it significantly in – particularly in the winter – well, they're going to overshadow it at all times of the year, but in the winter time the courthouse is going to be overshadowed in the mornings and there's a TAFE building just up the road from the courthouse which is going to be overshadowed, as far as I can work out, most of the time from 9 o'clock in the morning till 3 o'clock in the afternoon.

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Now, since I wrote the submission I had the opportunity to check what that building in the TAFE is used for, and, as far as I can see, it's actually used for training people as beauticians and hairdressers, and I would have thought that good lighting conditions for people working in those industries was essential to their training. I recognise that obviously they would have artificial lighting as well in the building, but for them to work in a building that's permanently in shadow in the winter time is hardly conducive to a good experience. And I think the other question you've got to ask is given that's a publicly owned property and given the nature of the way government manages its properties these days, in the future the government may want to redevelop that site for other purposes or sell it for commercial uses since it does have – I think it has a business zoning, from memory - - -

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45

MR WILSON: Well, we asked this question yesterday, Mike; we thought it had a business zoning and we asked the – was it the council? And they said it was SP1, but then - - -

MS WARTON: I checked the SEPP and it was definitely B4.

MR WILSON: Yes.

5 MS WARTON: Like, I checked it yesterday, but - - -

MS LEWIN: map. Yes.

10 MS WARTON: I'm a bit confused. I mean, I checked the 2018 version of the SEPP, the current version – anyway, I don't - - -

15 MR WILSON: Well, we'll confirm that, Mike, because we raised this issue yesterday with both the applicant and council and the proponent, actually, in terms of the overshadowing along – on the other side of Donnison Street, but – anyway, sorry to interrupt you. Keep going.

20 MR CONROY: Okay. So I guess my point is that given that part of that site does appear to be underutilised at the moment they may be looking for future uses on that site, and if that's the case, it – the impact of this development would significantly affect the potential use of that site and its financial value to the government and the public purse.

25 MR WILSON: I agree. It may become surplus at any stage to government needs and, therefore, if it is zoned B4, then – anyway, that's something we're looking closely at, Michael.

MR CONROY: Okay. I'm looking at the SEPP as well and it's pretty – in the original maps it was definitely zoned B4.

30 MS WARTON: Yes. It's definitely zone B4. I've got it up on my screen now.

MR WILSON: Okay. So – all right. We were right. Okay.

35 MS WARTON: I might email the council and get them to clarify that.

MR WILSON: Yes. There might be some discrepancy there. Okay. Sorry to interrupt you, Michael. Keep going.

40 MR CONROY: That's all right. Moving on to criterion C, whether the development is consistent with the objectives of clause 8.10 and 8.11, in terms of clause 8.10, which deals with overshadowing of public places, I think we accept that the overshadowing of Kibble Park by this development is probably not as significant an issue as we originally thought it would be. That's partly because this development was also being proposed in conjunction with the redevelopment of the
45 Imperial Centre on the northern side of Kibble Park and - - -

MR WILSON: Yes.

MR CONROY: So we – when we originally objected to the State Environmental Planning Policy we were looking at the combined impacts of those two developments. So in terms of the five towers that are proposed on this site, I don't consider that the overshadowing of Kibble Park is a major concern.

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MR WILSON: There's some minor overshadowing, we understand, in the – in one of the corners up till about 8 o'clock; is that right, Wendy, or Heather?

MS LEWIN: Yes. It is.

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MR WILSON: Yes.

MR CONROY: Yes. I suspect that the overshadowing would be worse in – around the equinox. The overshadowing in the mornings would be, you know, more significant when you had the sun coming from the east early in the morning, rather than coming from the north-east.

15

MR WILSON: Okay.

MR CONROY: But I haven't looked closely at that issue. So the main issue, therefore, with criterion C is the impact of the proposed development on key vistas and view corridors. And I'd like to start this point by pointing out that when the original height controls were formulated – the ones that were in Gosford LEP 2014, there was a great deal of work done on the height controls of the buildings to be allowed around Kibble Park, and if you look at those height controls closely, the height limits to the east of Kibble Park were deliberately stepped up from 15 metres to 30 metres and then to 48 metres along the Albany Street frontage of this site. So that was a deliberate policy decision by the people who drafted Gosford LEP 2014 and its predecessor that the buildings – the building plane would not be so high as to obstruct the views of Rumbalara Reserve from Kibble Park.

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Now, obviously the five towers proposed in this development would considerably exceed those height limits that are incorporated in Gosford LEP 2014, which have been adopted in the Gosford SEPP. So that then raises the issue of, you know, what views are made available as a result of the built form that's proposed. Are those views of the Rumbalara ridgeline comparable in their scope and quality to what would have been achieved if the buildings complied with the height controls in clause 4.3 of the SEPP - - -

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MR WILSON: So, Mike, just on that, is it the objective to maintain a view of the ridgeline or is the objective to maintain views to the reserve, or both? Because a compliant scheme basically – well, from the – just the limited information we have, a compliant scheme would generally block views – would be blockier and block views through to the reserve, whereas, more slender towers – whether they're slender enough or – more slender towers and higher would block – you know, you wouldn't be able to see the ridgeline, but you'd be able to see the reserve. So what's – what –

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is one more important than the other, in terms of when those height controls were established?

5 MR CONROY: Might be a bit unfair, I'm going to toss this one to Gary because
- - -

MR G. CHESTNUT: Okay. Now, can I - - -

10 MR WILSON: You understand what I'm asking - - -

MR CHESTNUT: Yes. No. Sorry, can I jump in here?

MR WILSON: Sure.

15 MR CHESTNUT: Can I – it's actually both, and the reason why it's both is you've
got to come to an appreciation of what council has in local government – oh, sorry,
the Central Coast Council has in local government, and that is the Coastal Open
Space System, and that is the Coastal Open Space System consists of Rumbalara
20 Reserve, but it's also the surrounding area of and so the concept was actually
started back in 1974, would you believe, on a rural land study which talked about –
although it talks about the rural lands, it identifies that a city or a living area is a
combination of its landscape, and so the landscape of this – the Gosford CBD and the
surrounding Coastal Open Space System is an integral part of what makes a liveable
area. And so the council spent a lot of effort – as it came back from 1974 it
25 recognised the importance of integrating the natural landscape into the city area, and
so it's actually – from my perspective, it was both, and that's why there was so much
effort placed on stepping back the development from Kibble Park.

30 MR WILSON: Okay. Thank you very much. Back to you, Michael, sorry.

MR CONROY: Okay. So, I mean, to try and make this comparison of is – you
know, the difference between a compliant scheme and the scheme that's been
proposed with the five towers, I've just adopted this mathematical technique of
saying, well, if you stand in the middle of Kibble Park and look eastwards towards
35 Rumbalara Reserve, if you were at the point where your field of vision extended
from William Street – the corner of William Street and Henry Parry Drive down to
the corner of Donnison Street and Henry Parry Drive, so your field of view was the
whole frontage of this development site, then under the compliant scheme your field
of view would allow you to see the ridgeline and probably the top slopes of
40 Rumbalara – the upper slopes of Rumbalara Reserve.

If the five towers are built as proposed, then the proponent is arguing, well, you'll be
able to see that slice of Rumbalara Reserve that's visible between the two lines of
towers, and you're looking through, what I would call, a canyon that's only 24
45 metres wide. So taking that 24 metre wide slice, it actually only constitutes 28 per
cent of the field of view that you would have from William Street down to Donnison
Street. And what we go on to say in the submission is there's even some doubt as to

whether that 24 metre wide slice would actually be available, because the way the concept proposal has been designed it allows for some flexibility in the location of towers 3 and 4, and that flexibility in the location of those towers means that the canyon that you're looking through might effectively be reduced below 20 metres in width.

Our other concern is that the visual impact assessment that was done by the proponent relies on photographs that were taken at the point just to the north-east of the library building in Kibble Park. They claim that the photos are taken from the centre of Kibble Park; well, when you look at the mapping in their report, the point where the photos were taken is nowhere near the centre of Kibble Park. It's about three quarters of the way down Kibble Park, so it's, you know, 20 or 30 metres, at least, further west than the centre of Kibble Park and, therefore, the photo is showing a wilder – a wider field of view than would actually be achieved for most of the people standing in Kibble Park. So I'm – I guess what I'm arguing is that you can't rely on those photographs to give you a reliable impression of what views most people would have if they're standing – you know, if they were scattered at random across Kibble Park.

MR CHESTNUT: I was going to say – can I just add in a little bit more information while Michael's just taking a pause?

MR WILSON: Sure. Of course.

MR CHESTNUT: With the Coastal Open Space System I should also explain that when the planning instrument came in 1974 under Interim Development Order No. 122 was what's called a bonus lot subdivision, and that is land that was zoned 7C2 could be subdivided to a certain degree, and then as a bonus provision money went into a trust account to actually purchase the Coastal Open Space System. So Rumbalara Reserve has actually been purchased by a planning instrument since 1977 because the rural land in '74. It wasn't until 1977 that IDO 122 came into place, and so the concept of actually – the protection of the ridgelines and the Coastal Open Space System came about because of this planning instrument that's been in place for about 40 years. So it's not only just – and the thing is that Rumbalara Reserve then connects to Katandra Reserve, so it's actually the gateway to the rest of the reserve, which I think's around 8000 hectares in total.

MR WILSON: Okay. That's interesting. Thank you. That'd probably be a good segue into slender towers, Michael, I think, which is your next point; is that right? I don't know. Do you want - - -

MR CONROY: No. Slender towers I covered – sorry, it's earlier in the submission.

MR WILSON: Oh, I thought it was next, sorry.

MR CONROY: I – anyway, I basically skipped over that whole section because of following the order of the criteria in - - -

MR WILSON: Okay.

MR CONROY: well, our concern about the slender towers argument is that the DCP sets down four criteria for what it considers tall and slender buildings, and the
5 five towers – some of the five towers fail to comply with three of the four criteria. Four of them, as far as I can see, fail to comply with the 750 square metre floor plates that are required. Now, the Department in its assessment report argued or accepted the applicant’s argument that these are only building envelopes and, therefore, if the building envelopes are approved as shown in this proposal, they
10 would actually only achieve 85 per cent of the – a maximum of 85 per cent of the floor plates that are shown in the concept.

However, when you work out what 85 per cent of those floor areas is – for the four
15 towers that exceed the 750 square metres, when you take 85 per cent of the figure they all still exceed the 750 square metres, and three of them, towers 1, 2 and 4, are quite significantly in excess, you know; the worst one, tower 2, is 46 per cent over the 750 square metres, tower 1 is 25 per cent in excess and tower 4 is 18 per cent in excess.

20 MR WILSON: Are you referring to the reference scheme, Michael, or the envelopes – the reference scheme?

MR CONROY: Well, there’s a table in the Department’s assessment report and I don’t know where the final column – not being an architect, I don’t fully understand
25 how they arrived at the final column in that table where they come up with figures roughly around 750 square metres. What I said is they’ve asked for approval of the floor plates that are listed in the middle column of that table, and, I mean, those are the floor plates that range from 785 – sorry, I have to look at my notes here.

30 MR WILSON: Michael, I think we’ve asked the applicant for more detail on this issue. Heather, is that correct?

MS WARTON: Yes, that’s right. We wanted – because there’s this whole issue of
35 the 85 per cent fill. Are they talking about fill being GFA fill, or are they talking about actual building – like, what you might call GBA, like actual built form fill? So that’s been a little bit confused in my mind. The floor plate is measured in GFA. So, for example, their tower 1 is below the 750 when you look at the reference scheme. So in terms of the floor plate size, I think they might be okay on the reference scheme, but the concept of the 85 per cent fill is still a little bit confused.

40 But we have asked the applicant for floor-by-floor details of the – of reference scheme and separately what the fill is of the podium compared to the towers, because they’ve given some information referenced in the Department’s report, but it’s averaged the podium fill and the tower fill which are two different things. To my
45 mind, they can’t be averaged. Yes. But I think – do you know what table it was that you were referring to, Gary, in the Assessment Report? There is a table. I thought it was table 11, but – I just can’t find the table. Oh, here it is. Table 11 on page 42 of

the Assessment Report has the floor plate size: 1100 square metres. That's – what they're talking about there is the actual physical size of the envelope.

MR CONROY: Yes.

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MS WARTON: The actual GFA of the floor plate. So they've got two columns: one is the envelope size, and one is the actual reference scheme in GFA.

MR CONROY: Well, what I've done in our submission is I've taken the 1104
10 square metres of the envelope - - -

MS WARTON: Right.

MR CONROY: - - - and applied the 85 per cent to that figure.
15

MS WARTON: Right.

MR CONROY: And it produces the number 938 square metres. So - - -

20 MS WARTON: Okay. Yes. Yes.

MR CONROY: I mean, if that's not the GFA figure, then I just don't know how they work out the figures in that righthand column of the table you're looking at.

25 MS WARTON: Yes. Yes. I think it's – I think it will become clearer when we get the GFA, because we don't actually have a table showing the actual GFA of the reference scheme floor by floor. I've estimated it based on the drawings, but that's what – so that will become clearer to the panel. But it's a reasonable point to make. I understand.

30

MR CONROY: I mean, part of the reason for my confusion is I searched high and low for actual plans of individual floors, and I was unable to locate any in either the documents that were exhibited with the EIS or in the department's assessment report.

35 MS WARTON: They are on the website. They're definitely there, the reference scheme. I could roughly tell you where it is, but there's definitely a link called the reference scheme.

MR CONROY: Okay. Well, it's – not knowing the jargon, I was unable to locate
40 - - -

MS WARTON: It might be called indicative scheme.

MR CONROY: Okay.
45

MR WILSON: Okay. Well, Mike, just in noting the time, you might want to continue.

MR CONROY: Yes. So that – I mean, that’s one of the criteria. The other criteria that two or three of the towers fail to meet is the maximum building length to the towers in any direction is 45 metres. And the third criteria that they fail to meet is that all tower forms must be set back a minimum of eight metres from the street wall
5 frontage. Now, there is a sort of let-out clause in regard to the eight-metre setback where the DCP says, well, if you can’t achieve eight metres, six metres is okay. But when you look at the actual envelopes and the way they’re located in relation to the podium, it looks like to me that if you only have a six-metre setback from the street frontage for the towers on the William Street side, the podium is already set back 2.5
10 metres from the street frontage. So the tower wall is only going to be set back 3.5 metres from the podium wall.

And, I mean, my concern is that when you look at a building like that, I mean, the width of the podium along the side of that tower is barely wide enough for a
15 walkway. It’ll just look like a balcony would look like hung on the side of the tower. So to me it doesn’t achieve the objectives of the DCP in relation to the building setbacks. I think that’s probably all I wanted to say. I mean, my overall conclusion is that the architects – if they were architects, the people who designed this concept – tried to achieve towers that have a slender profile when you’re viewing it along an
20 east-west axis because they wanted to minimise the overshadowing on Kibble Park. But in doing that, they’ve come up with a building form which is excessively in the dimensions from north to – sorry, they’re slender when viewed from the western perspective, but the building form as a result is - - -

25 MR WILSON: north.

MR CONROY: - - - effectively along that east-west axis, and that is why it has such adverse impacts - - -

30 MR WILSON: On the southern side.

MR CONROY: - - - when it comes to the impacts the block of land to the south of the development. Okay. I’d like to - - -

35 MR CHESTNUT: Could I just jump – I was going to say, could I just jump in in respect to Chapter 5.2 of the DCP, and that is – I think Michael has put down points 1 to 4 about the buildings being slender. I’d also bring the Commissioner’s attention to point 6 of that DCP which is the tower height should be varied when there are two or more towers, which was raised previously. So if you actually applied point 6 of
40 chapter 5.2.5, you will find that in accordance with the approval, you’ve got towers 4 and 5 being RL 101, but if you apply the 15 per cent reduction, that should go down to 85.

If you went to tower 3, which you would then apply a 30 per cent reduction, that
45 should go down to around 70. Likewise too, the other towers should go down to 55 and 40. So there appears to be no – the applicant hasn’t addressed the provisions of part 6 of that particular chapter. And, again, if you then vary the towers, you know,

15 per cent reduction for each tower, that would actually reduce the overshadowing on the public areas of the courthouse and the TAFE College.

MR WILSON: Okay. Thank you.

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MR CHESTNUT: Back to you, Michael.

MR CONROY: Okay. I think we've talked pretty well about the first – if we can – Heather, can we go back to the list of the - - -

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MS WARTON: Yes.

MR CONROY: - - - criteria for design excellence attached - - -

15

MS WARTON: Sure.

MR CONROY: - - - to this - - -

MS WARTON: Up again? Oh, here.

20

MR CONROY: here.

MS WARTON: Yes.

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MR CONROY: So we've really covered the first bullet points in item E and probably we've touched on the second bullet point in terms of the bulk of the buildings and modulation, whatever that means to a layperson. Moving on to street frontage heights. Now, this to me is one of the crucial issues which we objected to in our submission on the EIS. And, I mean, the whole problem here stems basically from the amount of aboveground parking that's proposed in the development. So I'd like to talk about that first of all.

30

I mean, the original proposal was for one level of underground parking and four levels aboveground parking, and that resulted in a podium that had totally unacceptable height in terms of the street walls on William Street and Donnison Street. Now, I understand that the proponents have reduced the amount of parking aboveground to a certain extent, but they've still got three levels of aboveground parking in significant areas of the podium, and as a result of that, they're ending up with street walls that go up to 17 metres high along Donnison Street. Now, if you look at the DCP and its control on aboveground parking in section 5.2.9, I think it is, it says that aboveground parking should on be allowed where there are geotechnical reasons that you can't put the parking underground. Now, as I understand it, I've seen no evidence of there being geotechnical problems with underground parking.

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MR WILSON: Michael, just on the matter, just for your interest, we asked a question yesterday. We asked, was it the applicant, Heather?

MS WARTON: Yes.

MR WILSON: We asked the applicant to provide evidence of why they've decided to have so much aboveground parking. Is there geotechnical issues? So we're
5 waiting on that response.

MR CONROY: Well, I mean, just to go to the argument that's usually – I mean, that's been – the argument that's been produced for developments in the vicinity of Mann Street is that if you go underground, you're going to hit the water table very
10 close to the surface because there was a watercourse running along and across Mann Street and out to Brisbane water. But on this particular site, as you're aware, the topography is well above the height of Mann Street – the level of Mann Street. And in one of the appendices to their EIS, I read somewhere that the water table was at RL 2.0 or close to RL 2.0. Now, given that the ground level, I think, at Henry Parry
15 Drive is RL 11 or in the – or near Harry Parry Drive it's RL 11, it means that they're nine metres above the water table. So I can see no reason why they can't have at least two levels of underground parking for the whole of the development. And - - -

MR WILSON: Council also opined yesterday, Michael, that there was already a
20 substantial basement in that existing building. Anyway, that'll be in the transcript; you can read that.

MR CONROY: Okay. So, I mean, our position is that if they provide underground parking on two levels, it will reduce considerably the amount of parking that needs to
25 be above ground level and street wall heights shouldn't be any higher than 14 metres. And, I mean, our other comment is that they talk about having townhouse-type developments along that Donnison Street frontage, and I just can't envisage, not being an architectural guru, how you could have townhouses with a frontage wall that's 17 metres high. I mean, that would allow something like four to five storeys in
30 the townhouse.

Okay. We've covered overshadowing, which is the next bullet point. So the only other issue that we've covered in our written submissions is access for pedestrians and cyclists and the, I guess, potential conflict between providing that and providing
35 vehicular access. And, I mean, our basic argument is that I've seen several items of correspondence from Roads and Maritime Services where they say that the section of Henry Parry Drive that goes through that part of Gosford is one of their major concerns in terms of road congestion. They sent a letter to the council, I think in response to one of the other significant state developments that are proposed, saying
40 that they see the intersection of Henry Parry Drive and Donnison Street as being close to capacity in the near future.

Now, for people to get access to the parking levels within this proposed development, it's going to involve turning movements from Henry Parry Drive into
45 Donnison Street and/or William Street. And, I mean, although the applicant's modelling doesn't show that as having significant impacts, I suspect that's because they haven't assumed as higher growth rate in the general traffic movements along

Henry Parry Drive as the RMS is assuming. The committee that I sit on, the advisory committee for Central Coast Council in relation to Gosford CBD, has been shown modelling where they've assumed that traffic will grow at the rate of about 2 per cent per annum in the Gosford CBD, and that is going to be, I guess, the straw that breaks the camel's back on Henry Parry Drive.

Now, given the level of congestions that are envisaged at those intersections, I mean, what is always entails – I used to work in the sort of area of transport planning, and when you get too close to capacity at an intersection, the way the traffic engineers deal with it is they increase the cycle length on the traffic lights. And, I mean, you'd all be aware of how this operates in the Sydney CBD, that if you get major congestion at intersections, the pedestrians are just forced to wait sometimes more than two minutes before they get a green light to cross one street of the intersection.

And I've actually had that experience at the intersection of Henry Parry Drive and William Street. I mean, I know this is anecdotal, but pedestrians there are forced to wait quite significant times already, and they have to cross one street at a time and you can't just get from one corner diagonally across into Kibble Park. So given that's the situation that's envisaged and those intersections are the ones that are going to be used for access to the parking stations, it's our view that the proponents of this development are going to have to make some kind of provision to facilitate the movement of pedestrians and cyclists who wish to cross to and from the development to Kibble Park and presumably in the direction of places like the Imperial Centre and Gosford Railway Station.

MR WILSON: We touched on this yesterday talking to the other stakeholders. I know there's been suggestions of an overbridge, underpasses and so forth. Are you aware of any solution in relation to this matter that's apparent?

MR CONROY: Well, I mean, I would think the proposal of a pedestrian overbridge from the podium of this development into Kibble Park may be the simplest solution. I can think of more innovative solutions which would probably cost a hell of a lot more money. The sort of solution I would think of would be that you eliminate the turning movements at those intersections by the proponent paying for the construction of – how can I put it – ramps that – slip roads that come off Henry Parry Drive and turn underneath the development into – turn straight into the basement of the development. I mean, that obviously would require considerable cooperation between the public authorities and the private developer and would involve major disruption in terms of its construction.

MR WILSON: Yes.

MR CONROY: You would actually be constructing a tunnel underneath Henry Parry Drive. But that's one way of separating out the turning movements of the vehicles at those two key intersections, and if you do that, it frees up enough capacity at ground level for the pedestrians and cyclists to continue using the crossings at ground level that are already there.

MR WILSON: Okay. What would you like to discuss next, Mike? Where are we?

MR CONROY: Sorry, the even more radical solution is to put Henry Parry Drive
5 underground, but I just think that's probably something that's out of the question in
- - -

MR WILSON: It may not be out of the question, Mike, but it probably is out of the
question in relation to this application.

10 MR CONROY: Yes. Okay. So that's – I think I've covered everything that I
wanted to say. I don't know whether Gary wants to add anything in terms of the
criteria for design excellence.

MR CHESTNUT: No, I've already had that opportunity in respect to the variation
15 of the building lights.

MR WILSON: Okay. Heather, Wendy, do you have any questions in relation to the
submissions so far?

20 MS WARTON: No. I just had a quick look at the view analysis document. I just
want to bring up – can you see that? This is from the view analysis. Is that the view
that you were referring to, Michael?

MR CONROY: Yes, that parking area is immediately to the east of the library
25 building. So, basically, I mean, my concern is that they've picked the point that is as
far away as possible from the Henry Parry Drive end of the park - - -

MS WARTON: Right.

30 MR CONROY: - - - so as to get the widest possible view.

MS WARTON: I think there's a key in the front here. It shows where it was taken
from.

35 MR CONROY: Yes, there's an aerial photograph of the - - -

MS WARTON: Yes, I think it's point 14 on the key. So they're saying – I think
that it's there. That would be the carparking bit there. That's where it's taken from.
14A, I think.

40 MR CONROY: Yes. Well, the circle with 14A on it is actually on top of the library
building.

MS WARTON: Right.

45 MR CONROY: So I think there's a cross just to the right of the 14A caption, and
that's where the photo is taken from.

MS WARTON: Oh, okay. Isn't that an umbrella or something?

MR CONROY: Sorry, not the black – no, not the black cross.

5 MS WARTON: Oh.

MR CONROY: There's a red cross to the south of it. To the east of where it says 14A there's a red - - -

10 MS WARTON: Yes. Here.

MR CONROY: Red cross.

MS WARTON: The dot.

15

MR CONROY: Yes.

MS WARTON: This spot here.

20 MR CONROY: So - - -

MS WARTON: That's like in the middle of the park though.

MR CONROY: No, the middle of the park under one of those blue – the blue - - -

25

MS WARTON: Back – in here somewhere.

MR CONROY: Yes.

30 MS WARTON: Okay.

MS LEWIN: Yes, it's slightly to the - - -

35 MS WARTON: Right. Okay. So this isn't really park. You're saying this is park here, and we don't have a view from here which is - - -

MR CONROY:

40 MS WARTON: - - - the middle of the park. Okay. I get it. Okay. Thank you. Sorry, Wendy, did you have anything else?

MS LEWIN: No, I'm clear on the presentation.

45 MR CONROY: I mean, if I can just sum up. I mean, my personal view is that the only way to solve all of the problems is to go back and revisit the initial concept of having these five towers. You can't resolve the issues – all of the issues that we've raised if you have that line of three towers along the Donnison Street frontage. It's –

I mean, apart from creating the effect of the canyon for viewing Rumbalara Reserve, it's also the cause of the complete dominance and overshadowing of the publicly owned sites on the south side of Donnison Street. I mean, my view is that they need to revisit the assumption that they can get three bulky towers along that frontage.

5

MR WILSON: Okay. Is there anything further, Michael? I mean, we're happy for you to continue to speak to the submissions. Have you covered basically everything, or - - -

10 MR CONROY: I'm happy we've covered everything we wanted to say.

MR WILSON: Okay. Wendy? Heather?

MS LEWIN: No, I'm familiar with the submission.

15

MS WARTON: No.

MS LEWIN: And, Gary, have you covered everything?

20 MR CHESTNUT: Just one other – it's really – this is actually most probably a trivial matter, but when I was reading Appendix 1 of the architectural design report, and the architectural design report, it actually puts on a proposed tower on a block – on a parcel of land which is only 4000 square metres. So you can't actually have – when they're actually been considering the bulk and design of their five towers, 25 they've considered a proposed tower on a built form on the corner – not part of this allotment of land, and they've done a similar type tower. But they haven't – and they've actually considered it on multiple occasions in the architectural design report like on pages 31, 41, 46, 47, 52, 59, 60, 67, 69, 72, 73. So it was a deliberate choice of actually looking at the scale and bulk of the building and actually having a similar 30 tower on the parcel of land which is not their allotment of land. But it's only 4000 square metres, so it has to come down to only being 36 metres in height. So - - -

MR WILSON: Because it doesn't meet the set provisions? Because it doesn't come under the set?

35

MR CHESTNUT: Correct, it doesn't come under the set.

MR WILSON: We had this discussion, didn't we, Heather? Didn't we - - -

40 MS WARTON: Yes, with the applicant on site. And I thought I roughly worked out it was 5000 square metres, and they said it was an acre. I don't know how big an acre is.

MR CHESTNUT: I've actually measured it on the Central Coast Council's website.

45

MS WARTON: Right.

MR CHESTNUT: There's four parcels of land.

MR WILSON: Okay.

5 MR CHESTNUT: And each parcel of land is just under 1000 square metres. So it only comes to around 4000 square metres, not 5200.

10 MS WARTON: Okay. Because I took it off the dimensions from the – off the survey. But maybe we can – I'll clarify that with the council. They should be able to easily tell us from their information how big it is.

MR CHESTNUT: But recognise it's four individual parcels of land.

15 MS WARTON: Yes.

MR CHESTNUT: So you've got to accumulate the four, and if you can't accumulate the four, you know, it doesn't comply with the provisions of the set.

20 MS WARTON: And if it was four and it is 4000, then what's the implication of what their model that you're saying?

MR CHESTNUT: Their model is – the model is actually - - -

25 MR WILSON: They can't achieve a tower on site; is that right?

MR CHESTNUT: Sorry, what was that, Chris?

MR WILSON: They can't achieve a tower on site.

30 MR CHESTNUT: They can't achieve a tower on site.

35 MR WILSON: Okay. It's a good point, Gary. Thank you. Okay. You'll see that we've covered a lot of the things you've raised today with the applicant, council and the Department yesterday. Our notes will be on our website. So, look, we thank you very much for your input. It has been very helpful.

MR CHESTNUT: Thanks for giving us the opportunity.

40 MR WILSON: No, it's a pleasure.

MR CONROY: Thank you.

MS WARTON: Thanks very much.

45 MR WILSON: Thanks, Mike.

MR CONROY: Yes. Thanks for all your hearings.

MS WARTON: Pleasure. Thanks. Bye.

MR WILSON: Bye.

5 MR CONROY: Bye.

MS LEWIN: Bye.

10 **MATTER ADJOURNED at 10.59 am INDEFINITELY**