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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT

RE: DONNISON STREET GOSFORD

PANEL: **CHRIS WILSON**
 WENDY LEWIN

ASSISTING PANEL: **HEATHER WARTON**

DEPARTMENT OF **MATTHEW ROSEL**
PLANNING, **KIERAN THOMAS**
INDUSTRY AND **LOUISE STARKEY**
ENVIRONMENT: **SILVIO FALATO**
 BRENDON ROBERTS

LOCATION: **SYDNEY**

DATE: **11.35 AM, THURSDAY, 3 SEPTEMBER 2020**

MR C. WILSON: Good morning. Before we begin, I would like to acknowledge the traditional custodians of the lands on which we meet and pay my respects to their elders, past and present. Welcome to the meeting today. This meeting is with the Department of Planning, Environment and Industry. The Lederer Group Proprietary
5 Limited is proposing a concept application for a podium and building envelopes for five towers for residential and retail and commercial uses, the concept landscape plan, design guidelines and a design excellence strategy for the site at 136, 146 and 148 Donnison Street, Gosford.

10 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 Department of Planning, Industry and Environment, known as
15 “the Department” during this meeting, has prepared an assessment of the development, and the assessment report was received by the Commission on the 19th of August 2020.

My name is Chris Wilson, and I am the chair of the panel. Joining me is my fellow
20 Commissioner, Wendy Lewin, and Heather Warton from the Office of the Independent Planning Commission. As I understand it, representing the Department are Kieran Thomas, Director, Regional Assessments, Matt Rosel, Consultant Planner, Regional Assessments, Louise Starkey, Senior Planning Officer, Regional Assessments, Silvio Falato, Team Leader, Regional Assessments, and Brendon
25 Roberts, Principal Planner, Planning and Assessments.

30 In the interests of openness and transparency and to ensure the full 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 commissioner’s decision-making process and has been conducted via electronic means in line with current COVID-19 rules around social distancing and public
gatherings. It’s taking place at a preliminary stage of this determination process and will form one of several sources of information upon which the Commission will base its decision.

35 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 position to answer straightaway, please feel free to take it on notice and provide any additional information in writing, which we will then put on our website. I would
40 ask that all participants state their name before speaking for the first time, and please be mindful not to talk over the top of one another, so that we can ensure the accuracy of the transcript. We’ll now work through the agenda.

45 Okay. Thank you, everyone, for being here. So we just want to talk generally about the building envelope and height. So:

...the proposed envelopes with the actual, not minimum concept envelope dimension. Note there is –

5 yes. So I guess we're trying to reconcile the justification for the – well, we need to understand the justification. We've heard this morning from the applicant in relation to what they believe to be the justification for the current envelopes. I guess we'd like the department to talk to that as well, if you don't mind.

10 MR M. ROSEL: Yes. Thanks, Chris.

MR WILSON: Taking into consideration, Matt, also – look, there's a number of things – there's a – there was a desire to step down the heights. That seems to have not eventuated in the built form. So there's some issues like that.

15 MS H. WARTON: Can I just ask how they'll – did the Department have a presentation? Sorry. I didn't check that upfront.

MR ROSEL: Sorry, Heather. What was that?

20 MS WARTON: Did you have a – so did you have a presentation and a series of slides?

MR ROSEL: We have some slides that we may choose to refer to while we're - - -

25 MS WARTON: Okay.

MR ROSEL: - - - explaining our position, but other than that, a more elaborate presentation - - -

30 MR WILSON: Okay. But before - - -

MS WARTON: Thank you.

35 MR WILSON: Before we start, Heather, how is that going to be shared? Do we need to - - -

MS WARTON: Well, whenever – okay. Who will be showing the slides? Is it you, Matt?

40 MR ROSEL: I have the slides; however, I don't believe I have permission through Zoom to actually share them.

45 MS WARTON: Okay. If I make you the host, is that easier? Will you need to refer to them during the presentation?

MR ROSEL: I can do. I'll have to just quickly transfer them to this computer, so I'll just be one second, if that's okay.

MR WILSON: That's all right. Take your time.

MS WARTON: Okay.

5 MR ROSEL: Cool.

MR B. ROBERTS: Heather, you can make me the host and I can share them.

10 MS WARTON: Oh, okay. That's fine. Yes, I'll do that, if you have them as well.

MR ROBERTS: Yes.

15 MR ROSEL: Thanks, Brendon. I can just refer to the slide number, which will be the top right-hand corner on the slide.

MS WARTON: Okay. So you're the host now, Brendon.

MR ROBERTS: How's that looking, everybody?

20 MR WILSON: Just while you're doing that, I guess we've also asked – similar to what happened at Mann Street, we've asked the applicant for some additional information relating to concept envelope dimensions, finished levels of the podia, lower heights shown in metres above ground level, a full yield for reference scheme, and diagrams showing the envelope and area and volumetric fill for each tower,
25 similar to what we did at Mann Street.

MR ROSEL: Okay. Thanks, Chris. If you like, I'll quickly begin to answer your question.

30 MR WILSON: Yes.

35 MR ROSEL: Okay. So just in terms of a quick bit of background, the Gosford City Centre, as the Commissioners know, is undergoing a period of renewal, and this is promoted by regional and State planning policy, which has also been spurred on by recent investments and developments within the city itself. There've been a number of development approvals by council, the regional panel and the IPC which allowed for new developments, including tall towers along the central spine of Gosford, which is Mann Street, on either side. These developments will result in quite a big change in the character of Gosford City Centre and a move away from the current
40 low-rise nature that it currently has.

45 Thanks, Brendon; that's actually a good shot. This is slide number 1, and this shows recent approvals and – in red, and it's also showing what the site is proposing in green, and this is the view from one of the identified view line – view corridors from McGowan Road, I believe. The Gosford City Centre SEPP includes building height controls for the site, and the development exceeds those controls, as noted in the department's assessment report at table 20. Clause 8.4(4) of the Gosford City Centre

SEPP allows developments to exceed building height controls when the identified criteria has been met, and, in those circumstances, the building height development controls wouldn't apply to the proposal.

5 The Department has considered the proposal in accordance with those criteria and believes that they have been met satisfactorily, and that's outlined in detail at Table 21 of the Department's assessment. In terms of the height specifically, and in response to the concerns raised, the applicant has reduced the height of the towers between nine and – sorry – four and nine metres. Brendon, if you could possibly go
10 to slide number 3. Thanks. That's great.

MR WILSON: Yes. That's the one we're interested in.

15 MR ROSEL: Yes. So this slide actually shows some of the amendments and it includes stepping of the height. So the steps were introduced fronting Henry Parry Drive on the left-hand side of the slide, and also in front of William Street North on the right-hand side, and this has allowed for more of a domed shaped from east-west across the site in terms of the height of buildings. So the DAP has considered the proposed revised scheme and is generally supportive of it and has actually also said
20 that, in its opinion, the proposal – concept proposal displays design excellence.

The Department has carefully considered the height of the towers and concludes they're acceptable for various reasons. I'll just quickly list some of the key reasons now. The first is obviously that the proposal meets the Gosford City Centre SEPP
25 exceedance criteria and also that's been developed in consultation with the DAP. The proposal is consistent with the emerging character of Gosford and the strategic direction for the city. The tower heights, as I mentioned just then, step down to Kibble Park in the west and Rumbalara Reserve in the east. The tower envelopes have been designed to have slender eastern elevations, which is the principal
30 elevations of the development. The proposal establishes view corridors between the towers, is lower in height than Rumbalara Reserve and would result in only minimal interruption of the Gosford City Centre DCP-identified view corridors.

35 If you could just go back to slide number 1, Brendon, for me, just here – just point out again that the maximum heights are less than the maximum heights of nearby recently approved tower developments, and the proposal contributes positively to the growing cluster of towers in the city, providing for more visually modulated and interesting skyline, and finally that the height of the buildings do not have, in our
40 opinion, adverse visual or amenity impacts.

MR WILSON: Yes. I guess we're interested in – if you want to go back to that slide where you got the – why is the dome – and, Wendy, you might want to help me here. Why is the dome approach – is the right approach or the acceptable approach, as opposed to, for instance, tower – is it 4, this middle one, or 3?
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MR ROSEL: Tower 4, yes.

MR WILSON: Having a different height than 1 and 5 – or 2 and 5.

MS W. LEWIN: So just to – it's Wendy here. We note that everyone is so far referring to the stepped profile of the towers, but the steps are occurring on the leading edges of the towers to the east and to the west. We were interested in a further explanation as to why towers 3 and 4 are not less in height than tower 5, generally, why there's a level table at the top of levels – of towers 3, 4 and 5.

MR WILSON: We do note that 5 was reduced in height at some stage.

MR ROSEL: Yes, that's right.

MR WILSON: Yes.

MS LEWIN: They both have an RL of 100 at the top. So it's part of a conversation that we've been having with certainly the applicant, and we'd like to understand further from you whether there was any consideration to have towers 3 and 4 at different height from towers 1 and 2 and tower 5, to accord with the intent of the council's DCP.

MR ROSEL: It's Matthew Rosel here again. So basically the actual heights of the building, as you can see, they graduate up from Henry Parry Drive. They do result in a more uniform middle height for table – towers 3 and 4 and 5, and then there is a leading edge step down. The principal, I suppose, spine of Gosford City Centre is Mann Street and so it's felt that, you know, that's where the general view lines – the critical view lines are coming from, and at Kibble Park. And it's felt that the stepping up of the built form from there is appropriate. And so actually reaching at that middling height at tower 4 and 3 was felt to be acceptable because it was that transition moving up.

So then also, as Chris pointed out, the applicant has reduced the height of tower 5, which is the westernmost component, and introduced a step as well, at leading edge, to bring it down. So it's felt that that domed arrangement is appropriate and it does allow for that transition from the more trafficable areas of Gosford City Centre. So, overall, we felt that that was an acceptable transition.

MR WILSON: Okay. We would like to talk about volumetric fill again. Could you explain the concept of volumetric fill for this DA. It has been assessed as 85 per cent. How has this been determined?

MR ROSEL: Yes. So it might be worthwhile if we look at one of the other slides that we have. So if you could go to slide number 5, please, Brendon. So what this slide is showing us is – in blue dash is the envelope parameters of the towers.

MR WILSON: Yes.

MR ROSEL: And this is above podium level. And then what's also indicated here is the white component within the envelope, and they're the voids and the balconies and other spaces which don't count as GFA but also do count towards adding articulation, visual interest and other features to the building. So what's proposed is what's called a "loose-fit building envelope". So the proponent has proposed a block, I suppose, which is the building envelope, and within that they're suggesting the GFA would not fill the entire envelope. Instead, it allows less of a volumetric fill to account for and provide for these voids, articulation balconies and other features that add that visual interest.

10 So the applicant's GFA schedule actually indicates this. So, overall, their proposal – they're suggesting that the maximum that the blue dash building envelope line could accommodate is, you know, approximately 130,000 square metres of GFA; however, they're only proposing, I think, 72,000 or so square metres of GFA. So that actually shows that there is that allowance within the building envelope for those voids. So they're not planning to max out the volumetric fill.

20 So the Department's looked towards the partment design code which sets out just a general rule of thumb and it suggests that when considering a concept plan and building envelopes, that the envelopes themselves should not be filled, you know, greater than 75 to 85 per cent, and then that would allow for a suitable level of flexibility and opportunity to include, you know, voids and balconies and the like. So the Department's used that as – that rule of thumb as a guide and has recommended a FEAR to set that as a baseline to start from. And, yes, we'd be looking to assess the detailed design applications on that basis.

30 MR WILSON: Okay. So correct me if I'm wrong, Heather, but the applicant's basically said that having that condition across the site means that some towers could achieve more gross floor area and some might be already at that upper level. Is that right, Heather?

35 MS WARTON: Yes. So my understanding, there's two different concepts. There's the concept of how much of your building fills the envelope and then there's the separate concept as to how much GFA fills the envelope. So the applicant has assumed, as I had assumed, based on our previous application that we were involved in, that the concept of the volumetric fill was the actual building itself. It wasn't a GFA concept, so that they're – the applicant just told us then – and I can't find the information in the actual documentation, but they provided a table, which will go on our website, which I presume the Department has – is that the lowest volumetric fill they have is 81 per cent for tower 1.

45 And this was average for the fill for both the podium and the towers, because when you look at the tower, for example, tower 1, it looks like it's much closer than the 80 per cent, but the actual podium has more – it's a looser fit. So the applicant was under the impression, as was I, that the volumetric fill referred to not GFA, just how much of the building - - -

MR WILSON: Built form.

MS WARTON: How much of the built form fills the envelope, because I've done some calculations in terms of the GFA versus the exterior dimensions of the building – of the envelope, and it comes out to be about 60 per cent. So that's a different concept. So I just – that – so is it – what you're talking about in volumetric fill, you are talking about GFA to the external dimensions of the envelope, or were you talking about built form?

10 MR ROSEL: So just to clarify, we are talking about built form. The applicant, during the assessment of the application, didn't provide us with a volumetric fill calculation. So the Department is looking to limit the built form within the envelope in terms of its volumetric fill.

15 MS WARTON: Okay. Right.

MR ROSEL: However, we were basing that on the information that we had before us, and it was felt that with a roughly 60 per cent GFA fill of envelopes, that allowed enough – likely enough space to easily accommodate the 85 per cent - - -

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MR WILSON: Built form.

MR ROSEL: - - - volumetric fill.

25 MR WILSON: Yes. Okay.

MS WARTON: Okay. So the applicant, I understand, has worked out the built form fill, and that ranges from 81 per cent up to about 98 per cent. So they said, "Well, where it's 81 per cent, that means we'll be able to have more GFA, and where it's 95 per cent" – I think it was from the – I don't know – one of the other towers that looks fairly close to 100 per cent.

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MS LEWIN: No, tower 5.

35 MS WARTON: Tower 5. "That means we'll need to lose GFA." Is that your understanding?

MR ROBERTS: It's Brendon Roberts speaking. It's my understanding that the GFA that the applicant is seeking approval for, which is a different control, if you like – it's – the concept approval will impose, should it be approved, a maximum GFA that can be accommodated on the site. And it's – the applicant proposed that GFA based on their calculations from the illustrative scheme. So what we're talking about here is very much that the maximum GFA that would be set as a condition of the approval wouldn't be able to be exceeded. I'm sure there's opportunities for the applicant to move some GFA from one building to the other, but – and I just reiterate what Matt said. I think it is very much a building form. It's a volumetric fill. We

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also shared the draft conditions with the applicant and they didn't raise any significant concerns with the volumetric fill of the 85 per cent.

5 The – and it's also useful to note, I think volumetric fill is – it's also – it's a measure, I think, that is used more in kind of architectural and design terms to understand the difference between a detailed building, and sometimes it's used when you talk about, say, the – I don't want to introduce new terms, but the – so the gross building area, as opposed to the gross floor area. And so I think we just need to be really clear that, you know, when we're talking about a maximum GFA, that's very much the
10 maximum GFA as defined by the SEPP and what's included and excluded in the SEPP. And as Matt quite rightly said, the – you know, we're looking to the ADG to give us some guidance as to how much of the envelope can be filled with building form, and that suggests a range of 75 to 85 per cent and that's where that recommendation has come from.

15 MS WARTON: Okay. So just following on from that, just so it's really clear in my mind – so for tower 5, for instance, if their building fill, being the fill of the building to the envelope, the actual built form is, say, 95 per cent, and that's based on the reference scheme, and the reference scheme has a particular amount of GFA and
20 that's included in the maximum GFA that they're seeking, won't tower 5 then have to be – have less building in it to make the 85 per cent fill?

MR ROSEL: Can I just jump in? I can answer that, Heather.

25 MS WARTON: Yes. Thank you.

MR ROSEL: So just to add flexibility, because there is this tension and you rightly pointed it out – to add that flexibility, the way we've drafted FEAR C4 is to set the 85 per cent as a baseline. And we felt that was appropriate because it is based or it
30 has come from the ADG, which is a rule of thumb, so it's not necessarily set in stone. So we felt that setting that as a baseline was a fair and reasonable beginning. It does – the – what is it – FEAR C4 does allow for some flexibility to rise above that 85 per cent volumetric fill if the applicant can demonstrate, as part of future detailed applications, that the increase above 85 per cent wouldn't result in adverse amenity
35 or heritage or visual impacts, and we felt that it gave a suitable amount of flexibility to explore opportunities like this in potentially one tower, to go above the 85 per cent.

40 MS WARTON: Okay. Thank you.

MR WILSON: So I presume the 85 per cent will apply to any DA for – I think the first stage is towers 1 and 2; is that right, Heather?

45 MS WARTON: Yes. That's what their advice is.

MR WILSON: And the podium. So that 85 per cent will apply to that development; yes?

MR ROSEL: Yes, that's - - -

MR WILSON: So it'll apply equally across those two towers, and it applies to the podiums too, doesn't it?

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MS LEWIN: The podiums and the through-site links.

MR WILSON: Yes. Okay. All right. Moving on from envelope fill, design excellence. I guess that's what we, as a consent authority, have to satisfy ourselves with, more importantly than anything else. I mean, the question I've got in front of me says, "Are you satisfied?" Well, you must have been satisfied because you've recommended approval, but there is a 66 per cent uplift in relation to this development proposal. I guess, from your perspective, can you just explain to us the crux of design excellence outcomes that justify that 66 per cent uplift?

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MR ROSEL: Yes. Chris, it's Matthew Rosel again. I can answer that for you. So the Department's considered design excellence at section 6.2 of its assessment report, which is page 29. It's also provided a summary – a detailed summary at table 19 at page 77, which is Appendix D, in terms of its consideration of design excellence. So just in terms of a bit of background, the – obviously the applicant has been working with the DAP to – in terms of the evolution of the application itself, and the DAP actually also concluded that a competition wasn't required, but, as I said previously, they consider the application exhibits design excellence, and that was their formal response to the department.

25

So the Department has basically – I'll start again. The applicant, in response to the Department's request, has actually prepared a design excellence strategy, and that's been required at FEAR C1 of the draft consent. That design excellence strategy set out some design parameters. The Department thought that it actually could go further and has recommended changes to the design excellence strategy, and that was in response to comments received by the DAP, by council and also from the Department's experience with dealing with design excellence in other cases.

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So the key things that were required to be changed were firstly an expansion of the architectural selection criteria and that future DAs be presented to the DAP prior to lodgement, also that future developments should foster architectural diversity across the small precinct and that the architects are retained during each stage of the process. Further beyond this, the Department also recommended the applicant should provide for design guidelines, and these were considered to be a critical component, to actually set quite clear and succinct parameters and guidelines for future developments within the building envelopes.

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So the applicant provided its own guidelines, and again the Department felt although they provided for a good starting point, they weren't necessarily robust enough to provide that clear and clarified way forward for future developments. So the Department's amended these and they provided Appendix G at page 100 of its report. The Department's recommended quite a few changes, and we feel that subject to

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future applications, detailed applications addressing those design guidelines, that the actual developments themselves will achieve design excellence. The Department's also considered aspects of ecological sustainable development, its relationship within the surrounding townscape and built form, and, you know, so overall it was felt that the development exhibited design excellence, and we were given comfort of that by the DAP as well.

MR WILSON: Does - - -

10 MR ROBERTS: Thanks, Matt. It's – sorry.

MR WILSON: Let me ask a question, Brendon.

MR ROBERTS: Yes.

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MR WILSON: Sorry. So the DAPs decision now, in terms of having design – well, okay. The need for design guidelines and a design excellence strategy, does that mean the DAP will not be making a decision in the future on whether a competition's required or not?

20

MR ROSEL: No, that's not the case. So it's actually open to the - - -

MR WILSON: They still could make that decision?

25 MR ROSEL: That's correct. So later on down the track, if they so chose, for whatever reason, they could actually require the applicant to go forward with a competition as part of a detailed design application. So we're only considering the concept at this stage, so there's - - -

30 MR WILSON: Sure.

MR ROSEL: - - - that next round.

35 MR WILSON: Okay. We just wanted to make sure – the understanding of the applicant's somewhat different.

MR ROSEL: Okay.

40 MR WILSON: Do you want to just – you've got a few issues here with design excellence. Do you want to just talk to those? Sorry, Brendon.

MS WARTON: I think Brendon may have – sorry. Brendon may – or – sorry – Matt.

45 MR WILSON: Matt.

MS WARTON: Matt may have explained it. I was just wondering what the amendments to the design excellence strategy were aimed at achieving.

MR ROSEL: Yes.

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MS WARTON: But they came from the DAP mostly?

MR ROSEL: So it was a combination. It came from the DAP, from council and from the Department. So I can identify the ones that came from the DAP and council, if you wish. So under FEAR B1, point – subpoint (a), which was “expand the Architect selection” – was a DAP recommendation, and subpoint (d), which was the ongoing retention of architectural firms, was both council and the DAP; (b) and (c) were recommended by the Department.

15 MS WARTON: Okay. And the – but the requirement to have various award-winning architects, did that – I think that was in the DAP minutes, was it?

MR ROSEL: That’s correct. Yes.

20 MS WARTON: And so that – so the applicant – as Chris mentioned, the applicant was of the view that the DAP has said, “From now on, you don’t need” – well, “Definitely from now on, there’ll be no need for any design competition”, but that’s not minuted anywhere, and that’s the applicant’s understanding but that not’s your understanding?

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MR ROBERTS: Can I - - -

MR ROSEL: It is - - -

30 MR ROBERTS: Can I suggest that we seek advice on that particular question from the DAP. So we’ll take that question on notice.

MR WILSON: I’m happy for you to do that. We need to clarify it, one way or another.

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MR ROBERTS: Yes.

MS WARTON: Yes.

40 MR ROBERTS: And - - -

MR WILSON: It looks like the DAP’s the only one who can do it.

45 MR ROBERTS: And in particular whether the DAP have made the decision for now and into the future or is it – if it’s only based on what it knows currently, and it might reserve its right to change its mind later on.

MS WARTON: Right.

MR WILSON: Okay.

5 MS WARTON: Just on the DAP, it was mentioned in some of the documentation about a June 25th DAP meeting. I don't think that was – I don't have the year. Must have been 2019. I don't think that was in the minutes. Are you aware of any other minutes floating around?

10 MS L. STARKEY: Louise Starkey speaking. I can answer that. The Department can provide a copy of the Panel meeting advice dated 25 June 2019 and, if required, a copy of workshop notes from the 30th of May 2019. So the DAP has reviewed the proposal from its inception to through its resolution, on a number of occasions. First, the Panel's Design Reference Group held a workshop with the applicant prior to
15 lodgement on the 30th of May 2019, and then the DAP reviewed the proposal on three occasions following that, the first on the 25th of June 2019, prior to lodgement of the application, and then two more times following that, after lodgement of the application, first in response to exhibition of the EIS and second prior to lodgement of the RTS.

20

MS WARTON: Okay. Yes, that would be good if we could have those extra minutes.

25 MR WILSON: Just in terms of the DAP, what is the statutory basis for the DAP making statements regarding design excellence in the context of the requirements of clause 8.4?

MR ROBERTS: Chris, I can answer that. It's probably – it's Brendon speaking. And this is the point I wanted to raise earlier. I think it's useful to clarify the
30 difference between the criteria that are used to consider whether a variation to the controls is – you know, is supported or is allowed to be considered further. So, you know, in the first instance, when you talk about the uplift in height and GFA, the first clause that we would look to is clause 8.4(4) of the Gosford SEPP, as you know. The – and that just speaks to the – a design review panel being established and if a
35 competition is required. The clause that you – that you're talking to in relation to design excellence is slightly different to that clause.

So – and I kind of think you look at clause 8.4(4) first to see whether it can kind of
40 move through to the next stage of assessment, and that's where – and if it ticks all those boxes under the clause to exceed the height and floor space, then you do, and that's where our assessment focuses on, what are those – the merits and impacts of the proposal. And then we look to clause 8.3 of the Gosford SEPP, and I note that clause 8.3 of the Gosford SEPP actually says that, "This clause applies to the
45 erection of buildings."

So we have to note that this is a concept application. And so our assessment focuses on the extent to which the future buildings can be capable of achieving design

excellence, and that's where the advice of the panel, together with the design guidelines and the design excellence strategy – and that – so that focuses on setting in place a process and a framework for the detailed design of the buildings to be designed and for us to have comfort – or the consent authority to have comfort in the
5 future, that they exhibit design excellence.

MR WILSON: Okay. So, look, moving on, solar access. I think – we looked at the site yesterday. I think we understand that Kibble Park is – pretty much maintains solar access, but do you want to just quickly go through compliance with key
10 overshadowing controls. We have a few questions in relation to that. We understand Kibble Park. We're particularly interested in the land to the – is it the south, Wendy? Help me on my – my geography's escaping me today. Anyway, the TAFE land, where the ABC, TAFE and the courthouse are. What street's that? That's - - -

15 MS WARTON: It's Donnison Street.

MR WILSON: Donnison Street. We're particularly interested in the overshadowing there. Yes, we – that's a start anyway. Then we'll talk about through-site links, I guess.

20 MR ROSEL: Yes. So the Department considered the buildings to the south, on the opposite side of Donnison Street within its report. I think it was in section 6.7. Basically, the Department was of the view that, firstly, the courthouse isn't really a use which would usually attract protection of solar access. So the next point was just
25 to do with the TAFE, and you'll kind of see here on the slide that Brendon's helpfully put up that the TAFE itself is a large L-shaped site that wraps around the courthouse.

30 And although it's noted that, indeed, the application would result in overshadowing of the TAFE grounds, it's quarantined really to that northern aspect of the TAFE itself, which is – some of its administrative buildings, I believe. So it was felt that, on balance, the overshadowing was – you know, was acceptable. The Department's focus for overshadowing was primarily towards protecting Kibble Park and then also to considering and coming to a conclusion on the overshadowing of the through-site
35 links.

MR WILSON: Okay. Wendy, have you anything to add to that?

40 MS LEWIN: Yes. I'll just comment that the overshadowing for the TAFE is on open space to the north of the TAFE site rather than only over administrative buildings, but – and Donnison Street is overshadowed for most of the year, as you know, significantly.

45 MR WILSON: And did you consider what that site might be in the future, in terms of its current zoning?

MR ROSEL: Which site was that? Sorry, Chris.

MS LEWIN: TAFE.

MR WILSON: Did you consider what the TAFE site might be in the future, in terms of its current zoning? What - - -

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MS LEWIN: It's B4, isn't it?

MR WILSON: We think it's - it's also - we understand it's zoned B4.

10 MR ROSEL: To be honest, the Department was looking at the current situation - - -

MR WILSON: All right.

MR ROSEL: - - - when - in its assessment.

15

MR WILSON: Okay. Now, in terms of the through-site links - so I guess there's been a lot of talk about a future link across Henry Parry Drive because of the - I mean, it's a fairly busy road. Someone suggested an overpass. Someone suggested a pedestrian crossing, which have all been ruled out. Well, I understand people don't see those as feasible. Is there another alternative, or is it just - just it's pedestrians at the two sets of lights?

20

MR ROSEL: I believe that's something that probably would - could be a discussion between the roads authority and the applicant; however, the Department's not proposing or recommending that anything further beyond the existing crossings, which are signalised, be used for pedestrian crossings or to cross that road.

25

MR WILSON: We noted that. I mean, any crossing of the road would be - would significantly impact upon Kibble Park, and I think - - -

30

MR ROSEL: Yes.

MR WILSON: And I think a pedestrian crossing's - well, there's no way the - well, my understanding is the RMS are against that. So really it's just the two sets of lights.

35

MR ROBERTS: Yes. That's right. And in considering any options, we would have to look at the potential benefits and the impacts, such as the impacts on the townscape and the streetscape, especially if you have some connection bridge where an underpass-type arrangement is desirable or, you know, an additional pedestrian crossing midway through that street. It seems like it's pretty close to the existing - the two junctions. So, I mean, those are the kind of three options that come to mind. None of those are proposed or assessed.

40

45 MR WILSON: Yes.

MR ROSEL: It's also a question of the visual benefit and cost.

MR WILSON: Yes.

MR ROSEL: So the potential benefit of having a more easy crossing point, but the impact of a visual – you know, very large pedestrian crossing, and, as you pointed
5 out, Chris, also potential loss of Kibble Park open space.

MR WILSON: And may compromise design excellence. Anyway, so, look, just in terms of these through-site links, so you're satisfied they're wide enough? I mean, what are they? Are they 18 metres? Is that right, Heather?
10

MS WARTON: 18 and – oh, 24 and 14.

MR WILSON: And you're satisfied they - - -

15 MS WARTON: No. They're 18 and 14.

MR WILSON: - - - obtain sufficient solar access?

MR ROSEL: So in the Department's report, we've obviously pointed out that the
20 east-west through-site link in midwinter will be largely overshadowed, and that's a result primarily of the surrounding building, I believe, particularly the podium as well as the tower. We felt that that, unfortunately, was unavoidable, given the orientation of that through-site link. The north-south link is likely to receive approximately 1.5 hours of direct sunlight in midwinter, and again it was felt that it
25 was acceptable, however unavoidable in terms of the overshadowing it would experience.

The key thing to note is that the solar access it does get is within that window of 11, 12, 1 o'clock, which is the middle of the day; it's the perfect time for, you know,
30 lunch breaks, etcetera, and so we felt that that was, you know, acceptable and a nice balance. So overall, on balance, we felt that the solar access was acceptable in this instance.

MR WILSON: Okay. Heather? Wendy?
35

MS LEWIN: Just wondering whether there was any discussion about reprofiling or developing studies that would look at the profile of tower 1 in particular, to promote more solar access into that north-south - - -

40 MR WILSON: Which one's that, this one?

MS LEWIN: That one there. The Department was quite active in promoting further study of the profile of the envelope on the Mann Street project, and I was wondering whether that was a continuing discussion or was continued during the discussion
45 about this project. I'm not sure.

MR ROSEL: So – I'm happy to jump in on that.

MS LEWIN: Thanks for that.

MR ROSEL: It was the case that we did look – it's similar to the Mann Street. We did turn our minds to the potential for additional solar access. This site is very
5 different to the Mann Street site, in – particularly in the sense of how it's oriented, how the towers are laid out. It was felt that by even reprofiling tower 1, clipping off an edge or chamfering or doing anything like that, the impact on the development yield would be significant, and the potential additional overshadow – sorry –
10 additional solar access would be proportionately great, and so we felt that it would be unreasonable to require the applicant to further reduce the size of their scheme and such like to achieve a moderate or low-level increase in solar access. So we felt that, on balance, that what's being put forward was acceptable.

MS LEWIN: Okay. Thank you.
15

MR WILSON: Okay. Heather, do you want to talk to commercial floor space?

MS WARTON: Sure. So this scheme, I think, has seven and a half per cent commercial floor space and not all of Donnison Street is activated with commercial
20 floor space. So I guess the question is, "Is seven and a half per cent enough?" It was less than Mann Street, excluding the hotel, so Mann Street had, like, probably a-third commercial, non-residential element, and this doesn't haven't that much. So I just wanted to understand what the rationale that this was satisfactory in terms of the – reading clause 8.4(4).

MS STARKEY: Yes. It's Louise Starkey speaking. Happy to take this one. So, as you know, the Department considered the adequacy of the commercial floor space provided in the concept proposal in terms of GFA in section 6.7 and starting at page
30 59 of its report. Upon lodgement of the EIS, the proposal included approximately 3,690 square metres of commercial floor space. That equated to around about five per cent of the total GFA at the time. In response to submissions, and also a request from the Department to look at this – increasing this, the applicant increased the amount of commercial floor space by 46 per cent from that value to around 5,420 square metres, which now comprises, as you said, around seven and a half to eight
35 per cent of the total GFA.

The Department considered that the proposal meets the objectives of the zone as it provided a mix of compatible and diverse land uses. It also provided them in accessible locations that aim to improve the public domain and pedestrian links. The
40 Department does acknowledge that the B4 zone also permits various residential accommodation as a nominate land use which would otherwise result in no retail or commercial on site. The Department also considered the applicant's justification that was put forward within the SEIA provided upon lodgement of the RtS which contained a commercial needs and impact analysis.

45 The Department – in addition, the Department considered the site's location severed from the city core by Henry Parry Drive, an arterial road, and formed the view that

significant portion of residential development would be suitable on site. Then we concluded that, with the increase of the commercial floor space provided by the applicant at RtS, the quantum of floor space was adequate.

5 MS WARTON: And where was the extra floor – where did the extra floor space occur? Where did they put it?

MR ROSEL: So, from my recollection, that was placed within the through site links and also along Donnison Street. This was – formed part of their response to the
10 Department's concern above above-ground car parking which we were recommending that they sleeve above-ground car parking for visual reasons. So they were able to tie that in with that concern. They're addressing that concern by increasing their commercial floor space.

15 MS WARTON: Thanks, Matt.

MR ROBERTS: Yes. That's correct that the – in response to our letter that the applicant increase the commercial floor space, and some of that was used to increase activation of the street which went to that second point that you raised, Heather.

20 MS STARKEY: So the Department did consider the length of Donnison Street – it is a considerable length – and the breakup of that length with the through site link is a positive outcome, but also through the sleeving of – of that – those sections along Donnison sleeving the car parking behind those uses was also a positive outcome. I
25 just thought I'd also add that the Department sought to secure the commercial floor space that the applicant was stating would be provided to a minimum gross floor area condition, and we thought that was satisfactory to secure the amount.

MR ROSEL: The other thing just to point out is that the eastern end of Donnison
30 Street is potentially less desirable for a commercial floor place than potentially the – the western end, which is adjacent to Kibble Park and – and closer to where the action is. So I think that – that also needs to be taken into consideration in terms of the activation and uses on the – the ground floors and – and such like along
35 Donnison Street.

MR WILSON: Yes. I guess – I guess that's – that's correct. We – I guess we also considered with 750 units, which is quite significant – so, I mean, the – it should be able to – just some sort of additional sustainable commercial activity just from the
40 population alone. Anyway, look, yes, that's something we've got to consider.

And you're satisfied with the sustainability measures as required by clause 8.4. I mean, I guess – I guess – guess I keep raising this is because those – particularly for commercial – commercial floor space, I mean those standards now are much higher, particularly in the Construction Code of Australia, than – higher than, you know, a
45 NATHERs four star. That's a minimum, I guess, what you're saying, is that the expectation is they meet that or – or – or exceed. Because most other – well, a lot of

other commercial developments are meeting much higher standards than what's been required here. Why is that?

5 MS STARKEY: It's Louise Starkey. I'm happy to take the first - - -

MR WILSON: Is it merely because it's in the SEPP – I mean, the DCP?

MS STARKEY: So the DCP does set out some guidance - - -

10 MR WILSON: Yes.

MS STARKEY: - - - around sustainability measures for developments.

15 MR WILSON: Yes.

MS STARKEY: But the Department really considered council's position that – as well that development should strive to achieve or exceed beyond minimum sustainability standards. So the Department's FEARs are such that that allows that to occur. It sets minimum measures and targets but also requests the exploration of exceeding those targets but beyond the minimum standards.

20 MR WILSON: But those minimum standards are, to some degree, what you're referring to in the DCP and not necessarily other minimum standards that now might be set by other instruments or other – other codes.

25 MS STARKEY: Yes. But notwithstanding that I – the – in the response to submissions the applicant provided a consolidated list of ESD commitments - - -

30 MR WILSON: Yes.

MS STARKEY: - - - for the proposal, and that covered a lot of – a range of things, including thermal comfort, energy efficiency, water sensitive urban design, green features, renewable energy and future proofing. So there's a range of commitments there as well.

35 MR WILSON: Just on car parking, I mean, we understand – is there a geotechnical reason why they haven't been able to underground or is it purely a – a – a commercial reason?

40 MR ROSEL: Might be one we could take on notice. I can't recall off the top of my head, to be honest.

MR WILSON: Okay.

45 MS STARKEY: I do have some context to that. It's Louise. We can either take probably the second half on notice, but with my – the – my understanding of costs with city centre and the feasibility of development, a lot of developers find it difficult

or less feasible to sink basement car parking below ground depending on the type of building and location. I'm not sure if that's the case in this instance, but we would need to take it on notice.

5 MR WILSON: Okay. Why isn't the car park – there's a – there was a car parking requirement in the Mann Street ToA which is not in this one. Why – why is that?

MR ROSEL: Could you remind us which – which requirement that was.

10 MR WILSON: It was the fifth one.

MS WARTON: In the – I'll – I'll help Chris with that one. In the – in Mann Street there was the Term of Approval that stated the car parking requirements, but there's no ToA in this one that – that stated it. Like, there's the FEARs, but it was up front
15 in the Terms of Approval. Your car parking shall be this and this, like, you know
- - -

MR ROBERTS: Between X and Y.

20 MS WARTON: Between the minimum for the residential and the maximum for the DCP.

MR ROSEL: Shall we take that one on notice? We'll come back to you and clarify that.
25

MR ROBERTS: It would be good just to reference the other consent so we have all the information.

MS STARKEY: Yes. My – my understanding is that in this consent ToA A12
30 refers to car parking and states that this consent does not approve car parking rates per se and talks about FEARs for future applications.

MR WILSON: Okay. But – but it doesn't - - -

35 MS WARTON:

MR WILSON: But it doesn't say that it has to be – it has to be between the – the maximum set by the DCP and the minimum set by the RMS. That's what you're saying, Heather, aren't you?
40

MS WARTON: Yes.

MR WILSON: Yes.

45 MS WARTON: I thought it wasn't as a ToA, but I could be wrong there.

MR WILSON: Okay. All right.

MS WARTON: so what ToA is it?

MR ROSEL: ToA A12.

5 MS STARKEY: A12.

MS WARTON: Okay. I might have misread the – I must – maybe I didn't print out one of the pages or something.

10 MR WILSON: Anyway, let's – we'll move on from that but – because we're – we're getting close to time – but just in terms of contamination, there was a bit of an each way bet in the report that said – I think a preliminary contamination report had been done which sort of says – which indicates that the site is likely to be suitable but a whole lot of other work has to be done prior to DAs being put in. So I assume,
15 then, that the – the Department was comfortable that the use is suitable for the site. Yes.

MS STARKEY: So it's Louise Starkey here - - -

20 MR WILSON: Yes.

MS STARKEY: - - - again. So we did assess contamination, and it's located in different locations within the report – section 6.7 on page 55 and also in detail at appendix D. Just briefly, the EIS did include a Phase 1 contamination assessment
25 which provided a summary of likely contaminants and recommended future investigation, remediation and management. It undertook a desktop study, review of the site and history and identified there's a medium potential for soil contamination on the site. But to answer your question, the Department requested the applicant to provide an addendum to the phase 1 report to confirm - - -
30

MR WILSON: Right.

MS STARKEY: - - - that the land was suitable. Instead – or can be made suitable. Instead the applicant submitted an amended Phase 1 which assessed and confirmed
35 the potential for soil contamination but despite that also confirmed that the site can be made suitable for the development.

MR WILSON: So doesn't preclude it being used for residential purposes or – yes. Okay. Thank you.

40

MS WARTON: Could I just go back to the question about the Term of Approval. So in Mann Street it was very specific in – in term of approval A12:

45 *Car parking shall be provided at a rate no more than the requirements of the Gosford City Centre DCP 2018 and no less than the requirements of the RMS guide to traffic generating development.*

That's 12 – A12. And in this one it just says in A12:

This consent does not approve car parking rates. Further development shall be in accordance with the FEAR.

5

I understood in Mann Street they didn't really seek car parking rates either but, nevertheless, the car parking was worked out and there was a traffic report and the same thing is here. I just was wondering why the difference in the approach to drafting the consent. But that can be - - -

10

MR WILSON: Yes.

MS WARTON: - - - taken on notice.

15

MR ROBERTS: We'll take that on notice, Heather.

MR ROSEL: I could just – if I can, Brendon, I could just - - -

MR ROBERTS: Yes.

20

MR ROSEL: - - - add a little bit more clarity. We will still take it on notice, but FEAR C20 actually has the – the text that you're referring to, Heather, at C20, sub-point (b), which states that:

25

The applicant shall provide for onsite car parking at a rate no more than the recommended requirements of the DCP and no less than the requirements RMS guidelines.

30

So it may be that there was just a drafting difference, however, we can come back to you on that.

MS WARTON: Okay. Thank you.

35

MR WILSON: Wendy, did you have anything more at this stage?

40

MS LEWIN: Not on contamination. I think we need to – to understand a little more about the staging however. Part of their staging in the early works will be moving fill around, I suppose, so excavation and putting – and we understand from our site visit yesterday and our meeting with the applicant that they will be removing the fill and placing it on the back part of the site, and so the contamination issue is – is relevant, and we're just wondering whether there's some further consideration in terms of the staging process for contamination report to be – and – and moving of the fill or material around the site to be addressed.

45

MS STARKEY: So I can jump in first. It's Louise Starkey. The Department asked the applicant to confirm the extent of excavation or any below ground works associated with stage 1 through an RFI. The applicant explained that stage 1 did not

include excavation of the site or remediation works, and these would be undertaken as part of subsequent DAs. Accordingly the Department recommended C31 requiring future DAs include that detailed contamination assessment in accordance with – in accordance with the findings of that original contamination assessment.

5 The Stage 1 conditions also include an unexpected contamination procedure.

MS WARTON: It's Heather. Were you aware that they are going to fill the site? They may not be excavating but they're – well, they are excavating and moving the fill around according to what they advised us yesterday.

10

MR ROSEL: It's Matthew Rosel here. That's – that's not something that they were suggesting to us that they were doing as part of Stage 1. As – as Louise mentioned, that – they were clear that that is just demolition and making good at the site.

15 MS WARTON: They said they were doing it as part of the creation of the temporary car park, but is the temporary car park part of Stage 1 or a latter stage?

MR ROSEL: That is part of Stage 1, however, our understanding was that they were just going to lay down hard stand to address that after following demolition. So
20 there may be something we could explore further with the applicant if they've changed their position.

MS STARKEY: It – yes.

25 MR ROBERTS: Can I – sorry – it's Brendon. It might be worthwhile us just confirming exactly what works were assessed in that regard, because what – what you're suggesting is news to us.

MR ROSEL: Yes.

30

MR ROBERTS: And it might be a question of just making really clear in – in a – in a condition whether certain works are approved or not.

MR ROSEL: Yes. Definitely.

35

MS LEWIN: Yes. That's – hi, it's Wendy. That would be very helpful, I think, for everybody.

MR WILSON: Okay. Can we – with – with mandatory, we got a copy of your recommended conditions to the – to the applicant and the applicant's response. Are
40 we able to do that again for this proposal?

MS STARKEY: It's Louise. So we can provide a copy of the recommended conditions, although the applicant's response is public. It was provided, I believe
45 - - -

MR WILSON: We've got it already, have we?

MS STARKEY: Yes. It's public – published on our website. It is - - -

MR WILSON: Okay.

5 MS STARKEY: - - - in an email, so that may be why you haven't seen it - - -

MR WILSON: Okay. Right.

MS STARKEY: - - - but it is published.

10

MR WILSON: All right. Okay. Well, that's good. Heather, anything else?

MS WARTON: Public benefits. Do we want to ask about that, or did we already touch on that? So in terms of over and above development contributions, what are the public benefits of the scheme?

15

MR ROSEL: So it's Matthew Rosel again. So the Department considered public benefit at section 6.6, page 50 of its report. The proposal is providing that the key public benefit it's providing is the new through site links, and they're something that's been advocated for by the Gosford City Centre DCP as part of this key development site. So the Department is very supportive of that provision. In addition to that, the applicant has agreed, following its RtS, to provide for a community facility and a child care centre, and the Department is obviously supportive of that as well.

20

25

In addition to that, noting that the applicant has maximised the development potential of the site, the Department felt it was important for the applicant to take additional steps, and they included, firstly, an investigation of the provision of affordable housing, and affordable housing is something that the council has been advocating for. And second to that, the Department felt, given the size of the site and the – the nature of the development, that it's important to secure public artwork through the development itself. So they were the suite of public benefits that the – the application would be bringing forward.

30

35 MR WILSON: So is there a requirement for those public benefits to be delivered in the first stages or is it just left loose?

MR ROSEL: It's been left open at this stage - - -

40 MR WILSON: Because - - -

MR ROSEL: - - - for the - - -

45 MR WILSON: - - - there may – I guess the back – you know, the – I guess the – the rest of the development may not proceed for the next 10, 15, 20 years, so it may be something that we consider.

MR ROBERTS: Strengthening the future assessment requirement, that speaks to what detailed DAs these certain public benefits are included within.

MR WILSON: Yes. Look - - -

5

MR ROBERTS: Yes.

MR WILSON: Yes. Because I think the community – I think the community centre and so forth should be delivered up front.

10

MR ROSEL: Okay.

MR WILSON: Anyway, well, that's something we'll consider. We'll take – again, we'll think about that. If you've got – if you've got a view on that we're happy to – we're happy to hear it. Heather.

15

MS WARTON: Maybe that's all. Just the – the activation by the SOHO units and the terraces on Donnison Street. Do you think that's going to be adequate in terms of activating that part of the street? I notice you – there was some discussion about, you know – even by the applicant – that's a fair – you know, that part of the site towards the east is a fair way from where all the action is and it's a fair way from the main commercial hub, but there are commercial uses along Albany Street. There's three – there's a few three-storey commercial office buildings there. Why couldn't they provide some office space – more office space along Donnison? And do you think that the activation is enough through the – the SOHO units, I understand, maybe, because they'll have individual entries, but the terraces are basically the three storey – three storey residential flat buildings.

20

25

MR ROSEL: So at this stage – it's Matthew Rosel speaking – at this stage the Department hasn't – hasn't approved the location of any SOHOs or commercial floor space for that matter. It's something that will be reserved for consideration as part of future development applications. It may be that the applicant doesn't choose to purport any SOHO units at all. I think the key thing for the Department was to secure an adequate amount of commercial floor space for the site and then in future development application stage will explore in great deal the appropriate location and the nature of those non-residential uses. So it's something that we could look at as part of the applications.

30

35

MS WARTON: On the – on the concept envelope that's to be approved, on that part of Donnison Street, the podium of tower 5 is residential, it's not commercial. So they're clearly saying it's not – you're not – we're not seeking approval for commercial floor space there. I don't know if you've got the elevations in your package.

40

45

MR ROSEL: I don't think we do actually.

MR WILSON: No. There's no – there's no commercial activation from – through site link.

5 MS WARTON: They're on my screen, but, yes, like, there's blue on tower 2 along Donnison; there's blue on tower 4, one level of blue, but all of tower 5 in the podium is – well, it's shown as pink which – common area, which I presume was – that's where the terraces and SOHOs are.

10 MR ROSEL: If it's okay, I have not got the – the plan before me, so we could take that on notice and come back to you if you like.

MR ROBERTS: Yes.

15 MR ROSEL: Yes.

MR ROBERTS: We're happy to. Or – or if the – if the Commission feels strongly about that being commercial as opposed to retail, we're happy to look at conditions and workability or – or should you wish to send us something.

20 MR WILSON: We have raised it with the applicant - - -

MR ROBERTS: Yes.

25 MR WILSON: - - - and they did – did say that they were fifty-fifty about whether SOHO – is it, Heather, whether SOHO accommodation is – that it could be – it could be commercial.

MR ROBERTS: Yes.

30 MR WILSON: But certainly where the townhouses are located that they didn't expect that would be – attract any – any commercial or retail interest whatsoever.

35 MS WARTON: I mean, I guess I'm just looking at what – what they seek, what the concept plan as showing on the diagram will show, would – would approve, and it doesn't show it as blue. And I think there's a note that in their calculations of commercial/retail, they have not included the SOHO floor space. I think I read that somewhere, if that sounds right.

40 MR ROBERTS: Okay.

MR WILSON: All right. But I think – I think that's – Wendy, did you have anything – any last comments?

45 MS LEWIN: No, no. I'm fine. Thanks.

MR WILSON: Okay. All right, Heather, I think that's sufficient. Look, thank you very much guys. That was – that was good. Thank you. So, Heather, what – what – what have we got on notice?

5 MS WARTON: Well, I don't know – I'm not anticipating a big follow-up letter. Not much, I don't think. Just I'll jot down what we're asking the applicant to provide in terms of, like, a bit more detail on their proposed envelope in terms of the dimensions and so on. The compliant scheme, we're asking for a few more RLs on them and so on. That's – that's what we're going to ask them. In terms of what we
10 need from you, just clarification of that – why the Term of Approval is more prescriptive for Mann Street. It's – in Mann Street it's a Term of Approval and it's in the FEAR. It's a little bit different for this one. I was just curious as to why.

MR ROBERTS: And we were going to confirm with the Design Advisory Panel in
15 relation to competition.

MS WARTON: Design and - - -

MR WILSON: Yes.

20

MS WARTON: - - - competition, yes.

MR WILSON: That would be good.

25 MS WARTON: Yes.

MS LEWIN: And the issue with fill.

MS WARTON: And the fill, yes.

30

MR WILSON: Yes.

MS WARTON: I mean, we should – I meant to ask the applicant that question but – because they did say on site, and then I – I don't – I was thinking I didn't recall any
35 drawing showing, you know, excavation of fill or cut and fill drawings in the package.

MR WILSON: Yes.

40 MS LEWIN: Well, we haven't seen any.

MS WARTON: Just one more thing, the – the envelope – tower 5 is hard up against the development site to the north. There's four lots, and my reading of those four lots, it would be more than 5,000 square metres, so it's potential development site.
45 Yes, that site there.

MR WILSON: And they're being consolidated, aren't they, Heather?

MS WARTON: Yes. They did mention yesterday that maybe one person was putting together a development site there. So it would come under the ambit of the SEPP, or the 8.4 of the SEPP, although I think this has 4.75:1 FSR anyway. The interface – I was wondering about the interface between tower 5 and the
5 development site next door because the car parking isn't sleeved. Either it's a – is it a blank wall? We need the elevational diagrams to show that. Did you look at the interface or the – the impacts of this site on the site next door I guess is the simple question?

10 MR ROSEL: So it was assumed that the – the podium to the northern side of tower 5 and to the eastern side of tower 3 probably would be a blank wall as - - -

MR WILSON: That's what they explained yesterday, Heather.

15 MS WARTON: Did they?

MR ROSEL: So that's it.

MR WILSON: Yes.
20

MR ROSEL: It would be expected that any development of the consolidated sites to the north, tower 5, would arguably prepare its own podium to butt up against this development.

25 MS WARTON: Okay.

MR ROSEL: And then have a tower above, or whatever they choose to do for the site. At this stage we haven't seen anything. So it was felt that that was a reasonable site by site relationship.
30

MS WARTON: Okay. Thanks.

MR WILSON: All right. That's it. Thank you very much all of you.

35 MR ROBERTS: Thank you very much.

MS STARKEY: Thank you.

MS WARTON: Thank you.
40

MR ROBERTS: No problem.

MR WILSON: Just in terms of timing, will you be – when – so we've given the applicant until next Tuesday COB. Is that okay in terms of following up on those
45 couple of items?

MR ROBERTS: Sounds reasonable to me.

MR WILSON: That's what I like to hear, Brendon.

MR ROBERTS: I just thought I was on mute for a minute. It sounds reasonable. If
– if we do need an extension then we will - - -

5

MR WILSON: Let us know.

MR ROBERTS: - - - we'll come and ask you for something. Yes.

10 MR WILSON: All right. Thank you very much everybody.

MS WARTON: Thank you.

MR ROBERTS: Thanks.

15

MS WARTON: Thanks, everyone.

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[12.46 pm]