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TRANSCRIPT OF PROCEEDINGS

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O/N H-1246742

INDEPENDENT PLANNING COMMISSION

**MEETING WITH DEPARTMENT OF PLANNING,
INDUSTRY AND ENVIRONMENT**

RE: 26 & 32 MANN STREET, GOSFORD

PROJECT #: SSD 11014

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

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

LOCATION: **SYDNEY**

DATE: **10.07 AM, MONDAY, 27 JULY 2020**

THIS PROCEEDING WAS CONDUCTED BY VIDEO CONFERENCE

MR C. WILSON: Before we begin I would like to acknowledge the traditional
5 custodians of the lands in which we meet and pay my respects to their elders past and
present. Welcome to the meeting today. SH Gosford Residential Proprietary
Limited is proposing a concept application for a building envelope with three towers
for residential, hotel and commercial uses and associated landscape master plan,
10 design guidelines and design excellence strategy for the site at 26 and 32 Mann
Street, Gosford. This is SSD 10114 known as the Central Coast quarter
development. The Department of Planning, Industry and Environment known as
“the Department” during this meeting has prepared an assessment of the
development in the assessment report received by the Commission on 9 July 2020.
15 My name is Chris Wilson. I am the chair of this panel. Joining me is my fellow
Commissioner, Wendy Lewin as well as Heather Warton and Steven Barry from –
Steven is not with us. So not Steven – from the office of the Independent Planning
Commission.

Representing the Department are Brendon Roberts, Acting Director Regional
20 Assessments, Matt Rosel, Consultant Planner Regional Assessments, Louise Starkey,
Senior Planning Officer Regional Assessments and Silvio Falato, Team Leader. 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
25 Commission’s decision-making process and is being conducted by 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.

30 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 straight away, please, feel free to take the question on notice and
provide any additional information in writing which we will then put on our website.
35 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 can ensure the
accuracy of the transcript. We will now work through the agenda. So, Brendon, I
understand you want to give a brief overview of the proposal?

40 MR B. ROBERTS: Yes, thank you, Chair. I just wanted to say thank you to the
commissioners. Before I begin I, too, would like to acknowledge the traditional
custodians of the land and pay my respect to all elders past, present and future. Yes,
many thanks for the agenda. We received it on Friday. I intend just to provide a
short opening statement on the Department’s assessment and then we will go into a
45 little bit more detail under the headings of – that you’ve given us in the agenda, and
we’re happy for you to take – or we are happy to take questions at any time while we

– while we are giving you that brief. We're here to talk to you about the Department's assessment of a concept significant development application at Mann Street, Gosford.

5 I understand that you have visited the site late last week and the proposal seeks
concept approval for a building envelope comprising a podium and three towers
ranging in height between 52 metres RL and 81 metre RL providing nearly 40,000
square metres of residential hotel and commercial floor space. The application was
publicly exhibited between 11 October 2019 and 7 November 2019. Section 5 of the
10 Department's assessment report summarises their exhibition and provides a summary
of all the submissions that we received on the proposal. In addition to submissions
received from the state agencies the Department received submissions from council
and one from the Community Environment Network. They both objected to the
proposal. The Department has also received a further submission on the proposal
15 which was referred to the Commission separately. It was received once the
Department had finalised its assessment. Council object to the proposal in relation to
the design excellence, the building form, landscaping, flooding, sustainability, traffic
and parking, environmental health and planning considerations.

20 The one public submission from the Community Environment Network objected to
the proposal in relation to the building envelope heights, design excellence and they
also requested that the Independent Planning Commission be the consent authority
for this application which is the case. In response to the submissions and also
correspondence from the Department the applicant provided its response to
25 submissions which included additional information and also made a few minor
changes to the – to the proposal. That's all set out in section 5 of the Department's
assessment report. The revised proposal was reviewed by the Gosford Design
Advisory Panel who concluded that the proposal exhibits design excellence. The
Department's assessment considers the proposal in accordance with all the statutory
30 matters and it has, in particular, regard to the issues raised in submissions.

The Department recommends that the proposal be approved subject to the
recommended conditions and/or the future assessment requirements for the reasons
set out in our assessment report. But I wish to just draw your particular attention to a
35 few points that – the Department's conclusions from the assessment report. The
proposal is consistent with the strategic planning – sorry, the proposal is consistent
with the strategic planning context for the Gosford city centre as it would deliver
jobs, homes within the city centre and close to public transport. This is all set out in
section 3 of the assessment report. While the proposal exceeds the numerical height
40 and floor space ratio development standard in the Gosford SEPP the Department is
satisfied that it meets the criteria to allow a variation to those standards for the
reasons set out in section 4.6.

45 The proposed heights are largely consistent with other developments – other
approved developments in the city centre as summarised in section 1.4 of our
assessment report, and based – noting the advice from the government – sorry, the
Gosford Design Advisory Panel the proposal exhibits design excellence and it

includes design guidelines and design – and a design excellence process to ensure that design excellence in the detailed design stages that will be subject to future development applications. This is considered in section 6.2 of the Department’s assessment report. The Department’s assessment has also assessed any potential
5 impacts that the proposal might have on surrounding amenity and, also, in relation to traffic and parking and considers that the proposal is reasonable and any issues or any impacts can be mitigated through conditions or through future assessment requirements. I thought you might want to just run through some of the topics that you’ve listed in the agenda, although, they’re quite a high level. So I’m happy for
10 you to – to specify any questions that you might have or if you just would be happy for us to run through those – those topic areas.

MR WILSON: Yes, sure. We have a number of general questions around each of those – those headings. Just in terms of – first up, I guess, it’s a – we understand it’s
15 a concept plan only and it’s a little bit more difficult to determine or to compare concept plan – concept plan in terms of comparison between a compliance scheme and a non-compliance – sorry, a non-compliance of the proposal. We have just a number of questions in relation to – if there’s any more detailed information available to us particularly in – two reasons. The response – the urban design
20 response. Is there any more detailed elevations in sections with a more accurate representation of the – of the reserve behind the – behind the proposal?

MR ROBERTS: I think – there – there definitely would be more so than what’s in our assessment report. We would have just included a selection to – to present to –
25 that to you graphically. The Department’s visual impact – sorry, the applicant’s visual impact assessment considers the proposed scheme against a scheme that might comply with the numerical controls and – and so we can dig out those and send them to you. They would all form part of the EIS which is available on the Department’s website. But I’m happy to - - -
30

MR WILSON: We’re – I guess, we are particularly interested in the FSR and the LEP, the height – height plan control, if RL is noted, open space and solar access and shadow diagrams. Would they have been done?

35 MR ROBERTS: Yes.

MR WILSON: In terms of the comparison?

MR ROBERTS: Well, when you say the controls under the LEP it’s the controls
40 under the Gosford SEP.

MR WILSON: Sorry, the SEPP. Sorry. Yes, so I meant to say - - -

MR ROBERTS: Yes, and that’s what – that’s what I mean by a numerical – a
45 scheme that complies with the numerical controls

MR WILSON: Look, yes, just – we’re just trying to understand the difference between the – what would be a compliance scheme numerically and what is being proposed.

5 MR M. ROSEL: Can – I can jump, in Brendon. I’m - - -

MR ROBERTS: Thank you.

10 MR ROSEL: It’s Matthew Rosel here. From memory, the applicant has provided, I suppose, schematic details of the – of a compliance scheme and that formed part of the details they submitted with their visual impact assessment. In terms of the detailed overshadowing impacts of that scheme, from memory, I don’t think they had provided that information. But I think it’s maybe something we could take on notice or - - -

15 MR WILSON: Okay.

MR ROSEL: - - - potentially a question you could direct towards the applicant if the Commission hasn’t already met with the applicant.

20 MR WILSON: Well, I think – I think it needs to go to you. I think the protocol is that it goes to you and then you go – then you make a - - -

25 MR ROSEL: Yes.

MR WILSON: You seek it from your – so we might just – we might just together a question on that to see if there’s any more detailed information which would just assist us - - -

30 MR ROSEL: Yes.

MR WILSON: - - - in terms of - - -

35 MR ROBERTS: Yes.

MR WILSON: - - - understanding the difference in impacts in relation to a numerical compliance scheme and a – and the proposal.

40 MS W. LEWIN: Yes, I think it’s – it’s Wendy Lewin here I think that we had difficulty finding in the EIS information that – the information you described which was a comparative analysis. So it would be fantastic if you would be able to approach the applicant and acquire that information.

45 MR ROSEL: Yes, that’s not problem. We can do that for you. Yes.

MS LEWIN: Thank you.

MR WILSON: Heather. Heather, you're on mute.

MS H. WARTON: Okay. I'm back.

5 MR WILSON: Yes.

MS WARTON: Thank you. I just was interested – I noticed in the SEPP height of building maps this site has a – an RL maximum height not a height above metres and I was wondering why that is. I thought it may be because it has actually been
10 excavated and that's why. But – so I was wondering, firstly, do you know the basis for the height of building being specified as an RL and not a height in metres as all the other sites seem to be in the height of building map, and also do you know the basis of why RL – I think it's 48 – was set?

15 MR ROBERTS: Thanks, Heather, for that question. I will ask Louise if she – she knows that. I – we've assessed this proposal against the SEPP and so, I guess, it kind of comes down to the fact that – that these are the controls set out in the SEPP and that's what we've assessed the proposal against. Lou, do you know – do you know any background in terms of where this – this number comes from?

20

MS L. STARKEY: The – it's Louise Starkey. The height of buildings map in the Gosford SEPP includes across the city centre some heights in metres but also has certain sites as RL. The reason behind that we would need to investigate. It was included in the SEPP from the historic Gosford LEP document.

25

MR ROBERTS: Yes. Okay. And the height of buildings – the controls in the SEPP are also based on the – the work that the government architect lead on in terms of the Gosford urban design framework. So the height are – the heights are based on that background evidence.

30

MS WARTON: And is there a document that we can have a look at or can they have a look at - - -

MR ROBERTS: Yes.

35

MS WARTON: - - - the Gosford - - -

MR ROBERTS: The – there's a – there's a web page on the Department's website that sets out all the – all the documents related to the revitalisation of Gosford.

40

MS WARTON: Okay. Thank you.

MR WILSON: Just in term – next one, I guess, we're having a little bit of trouble understanding is the envelope efficiency recommendation. From our understanding,
45 the proponent's indicative scheme fills up – pretty much fills up the envelope and the Department's recommended future buildings must only occupy 85 per cent of the

envelope. Is this sufficient to enable – so is this to enable – further enhance the ability for them to demonstrate design excellence? What’s the rationale for the - - -

MR ROBERTS: Yes.

5

MR WILSON: - - - 85 per cent?

MR ROBERTS: That’s correct. So the – the 85 per cent is – is – it’s a standard that’s established throughout, I guess, practice in terms of assessing especially applications for concept approvals. There’s – there’s always a little bit of – there’s a little bit of flexibility between the approved scheme – the approved concept and the detailed design within those and that’s to allow the detailed design to allow the articulation of buildings to allow some indents to improve articulation balconies. And acknowledging that those more detailed design treatments will be subject to future – future assessments.

15

The – with this proposal there has always been a – the applicant has progressed quite well in its illustrative scheme and so there has always been an illustrative scheme which was presented to the design advisory panel and which the design – the Design Advisory Panel are quite comfortable with. So our – our recommendation acknowledges that there’s always – there’s always an intention to allow some flexibility. And if you look at the specific condition we actually recommend that it’s 85 per cent but that can be increased subject to the Design Advisory Panel being satisfied. And it – it all comes down the – the illustrative scheme is quite a tight fit within the – within the concept approval.

20

25

MR WILSON: Okay. So - - -

MR ROBERTS: And we’re quite comfortable with that.

30

MR WILSON: Okay. So – but on the basis that – if they were – if the DA was to meet the 85 per cent or – or it was submitted as 85 per cent that would be a reduction in GFA?

35

MR ROBERTS: Yes.

MR WILSON: Yes. Okay. I understood the ADG said 70 – states 70 per cent. Is that correct?

40

MR ROSEL: Yes, it does. But, I suppose, the ADG is just setting out a guideline. So that’s seen as, like, a basic guideline from which, you know, people can develop their – their schemes from. So it’s more of an aim and an objective rather than a hard control or rule in that regard.

45

MR WILSON: Okay.

MR ROSEL: Just – the other thing I would just like to point out is that although the applicant – sorry, it’s just Matthew Rosel again – although the applicant has developed to a pretty advanced stage the details indicative scheme there’s no guarantee that they will actually submit that as part of their future applications. So
5 that was another reason why we felt it was necessary to recommend a condition to set the efficiency targets for the envelopes just so in the – the event that a future scheme comes forward that’s completely unrelated to the individual scheme.

MR WILSON: Sure. But – but, I presume, in – notwithstanding there’s an
10 exemption – an exemption in the 85 per cent it will result in – it is likely to result in slimmer or shorter buildings?

MR ROSEL: It could do - - -

15 MR ROBERTS:

MR ROSEL: Sorry, Brendon. Go ahead.

MR ROBERTS: Sorry. I will say – I mean, not necessarily. The – the way that
20 we’ve worded the recommended condition – it all comes down to – to what extent the Design Advisory Panel considers that the – the detailed design of the building within the envelope exhibits design excellence.

MR WILSON: Right. So it could be - - -
25

MR ROBERTS: And that’s - - -

MR WILSON: Yes.

30 MR ROBERTS: It could be 85 per cent. It could be nearer to 100 per cent. But it all comes down to what the Design Advisory Panel say.

MR WILSON: Okay. Thanks. Wendy.

35 MS LEWIN: Yes. So that – that also likely affects the opportunities and lack of opportunity for assessing visual – or view loss, let us say. If the envelopes are fluid – the COC14 requires a visual and view loss assessment that gives consideration to the public and private view impacts. And we’re just wondering whether you could explain what’s intended by this requirement and does the Department anticipate a
40 future DA may be required to amend the building envelope as a result of this requirement?

MR ROSEL: Sorry, could you – could you – could you point to us – us towards that requirement? Was it - - -
45

MS LEWIN: Mr Wilson.

MR ROSEL: - - - under the conditions?

MR WILSON: C14, Matt.

5 MS LEWIN:

MR ROSEL: C14.

10 MR ROBERTS: Thanks, Wendy. I will start. It's Brendon here. I think – I guess, the first point to note is that we've assessed the impacts of the envelope. So we've assessed the – the impacts – the visual impacts – the view impacts of the envelope being the largest extent of – of impact. So, you know, we're comfortable with the impacts of that envelope and, therefore, we're comfortable with any impacts of developments within that envelope. I think – I guess, the fact that the applicant has
15 an illustrative scheme and the fact that we acknowledge that the – the envelope is more of a tighter fit than those impacts are probably – the visual impacts and the view impacts are probably more aligned to those impacts of what we assessed under the concept approval. But the – the future assessment requirement, I guess, gives the – provides the ability for those – those view impacts and visual impacts to be just re-
20 considered as part of the – the assessment of the future DA. The – if the applicant were to come in with their current scheme – their current illustrative scheme then that fits within the envelope. So it wouldn't require modification.

25 MS LEWIN Right. Okay. And to that we're going to – just considering solar access and the envelopes there's mention in your report – and modification B1 and, I think, C requires an amendment to the envelope to explore opportunities to further increase solar access to the southern through site link. Could you expand on how you see that developing? Do you see – does the Department see further opportunities are possible for the applicant to explore?

30 MR ROSEL: I can handle that one, Brendon, if you like.

MR ROBERTS: Thanks, mate.

35 MR ROSEL: It's Matthew Rosel here. I will just quickly show the commissioners a slide on the screen here. So just bear with me. Sorry, Heather, the Zoom – as the host has disabled participant screen sharing.

40 MS WARTON: Have I?

MR ROSEL: Yes. Could you - - -

MS WARTON: Okay. Well, I will share it.

45 MR ROSEL: - - - allow me to share? Okay.

MS WARTON: I will share it. I don't know how to - - -

MR ROSEL: So it's – it's slide number 4.

MS WARTON: That one?

5 MR ROSEL: That's the one.

MS WARTON: Can you see it?

10 MR ROSEL: Yes, I can see it.

MS WARTON: Can everyone see it?

MR WILSON: Yes.

15 MR ROBERTS: Yes, thank you.

MS LEWIN: Yes, thanks.

20 MS WARTON: Good.

MR ROSEL: So the Department identified that with the northern – or southern component of the northern tower in its present location and design it – the actual corner there which is indicated by the southern half of the northern tower – that arrow – actually, that corner clips off direct sunlight through to the through site link. So the potential is to either rotate the southern tower or to clip off the corner or through either architectural means and ways to allow for a greater amount of sunlight through to the – the through site link there. Heather, if you go to the next slide, please. The applicant has taken the first step to adding or amending a scheme and that was to clip off the corner of their podium and that's shown here at the 2 pm and 30 3 pm examples of overshadowing.

But, again, this highlights that the corner of the northern tower there – if it was slightly amended – it need not be in a dramatic way or a significant way – however, if it was slightly amended that would maximise, you know, solar access through to that thought site link certainly for a full hour duration rather than the shorter period which they're currently showing. So that's the Department's thinking on this matter. But the condition is worded in a way that it – it also allows the applicant to explore other opportunities so that they're not bound to making the changes that were suggested in the report at all and the Department is happy to work with the applicant 40 to, you know, explore other opportunities.

MR ROBERTS: Thanks, Matt. Is it worthwhile to point out that the – the Department's – the Department had another recommendation in relation to the north tower to set it back from the - - -

45 MR WILSON: Yes.

MR ROBERTS: - - - streets by five metres which the applicant has – has agreed to do and that, in itself, will improve solar access to the – the through site link already. So we acknowledge that there’s a whole range of tweaks and changes that the applicant can make to the – the buildings and to improve solar access. Some of those changes have been made such as setting the building back from the street and the applicant has agreed to chamfer the corner of that podium to improve solar access.

And we were – the Department’s condition is worded in such a way that it gives a little bit of flexibility to be able to consider additional measures to improve solar access should they be required. In saying that, we will also need to acknowledge the – the intended character of that through site link and it will be very well activated through retail offering on the ground level and, you know, there will be activity down there anyway. So, you know, there needs to be a balance struck between it having good amenity but also being a vibrant and inclusive space.

MS LEWIN: Thanks, Brendon. Okay.

MR WILSON: Okay. Wendy, do you want to talk about – I mean, obviously design excellence is a – is a major topic.

MS LEWIN: It is a major topic. I think we – look, Brendon, I think in the earlier part of the presentation from the Department you mentioned that consideration was given to the height extents because it was considered that it would mainly be consistent with the height of other developments in the area. But we’re wondering, really, was that the only basis or are there – what was the basis of the Department’s assessment when it considered the proposal against the section criteria in clause 8.4.1 of the SEPP? Was there anything else?

MR ROBERTS: Thank you, Wendy. The – you’ve pretty much nailed that one. The Department’s assessment of the additional height and GFA is pretty much based on assessing it against clause 8.4.4 or 844 which allows them to exceed the numerical development standard as long as they meet certain criteria. So the Department’s assessment goes into a lot of detail about how we consider that it does meet those criteria and two of the most important is that it exhibits design excellence and there was a – what we thought was a rigorous process that the Design Advisory Panel considered this proposal and the – the suggestions that the Design Advisory Panel had were taken on board and the Design Advisory Panel concluded that the scheme for a concept application exhibits design excellence.

Through the assessment process we made sure that the applicant had a rigorous process to ensure that – that the principles that made the scheme – that gave the scheme design excellence were carried through into the detailed design stage. In doing so we required that the applicant prepared design guidelines that would be used to assess the detailed design and we also required the applicant to set out the exact design excellence process that it would go through in – in future development applications. We considered those three things contributed to the scheme itself to delivering design excellence. But just as important is also, you know, assessing the

environmental impacts of the envelope on – on the amenity of the surrounding – the surrounding area. We also had regard to the strategic planning contacts that this development is an important – it's identified as a key site within the strategic plans.

5 It will deliver a significant contribution to the revitalisation of Gosford which is consistent with the government's vision. We – we acknowledge that there's a number of developments being approved in the surrounding area – approved by Council or the Regional Panel all for developments of about the same scale – height and scale as this proposal and – and those two things give us an indication of the
10 desired future character for Gosford in terms of its building form. The – and then going to our assessment of any impacts on the surrounding area in terms of view impacts, overshadowing impacts, traffic impacts and our assessment concludes that – that all of those are – can be mitigated if – any adverse impacts can be mitigated and/or assessed as part of the future DAs. I don't know if you – if you needed any –
15 anything specific on that, Wendy?

MS LEWIN: We might – we might follow up in a letter with some questions that perhaps target some of the points that you've just raised and maybe it's worthwhile considering what's required under clause 8.34 of the SEPP as well. We were – I
20 mean, it may take a lot longer to go through these points but we know that development consent must not be granted unless the consent authority considers the development exhibits design excellence having regard to the matters (a) to (e) in – in that particular clause. We were concerned that perhaps not all of those items (a) to (e) had been sufficiently addressed.

25 But perhaps, as I said, that might become the subject of a question in a letter to the Department and also to the applicant. I have another question that goes to the beginning of the – the process that the applicant undertook and wondered whether the Department was aware of what the initial private competition process was that
30 they undertook to help them establish or – a position in relation to design excellence as a process? Did they follow any endorsed competition process that you're aware of? Was there a jury? Do you know how the submissions were assessed and so on?

MR ROBERTS: If I – it's Brendon. If I recall correctly the scheme itself has been
35 in evolution for quite some time and the applicant may – may be able to give you a lot more detail in terms of the processes long before we were involved. I should note that there is no requirement under the SEPP for this development to have a competition and so if the applicant did have a competition then they would have done so voluntarily. It's not something that we had regard to in our assessment.

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MS STARKEY: Brendon, it's Louise.

MR ROBERTS: Hi.

45 MS STARKEY: In addition to that on page 9 of the applicant's EIS they've documented the process they took for their own private design competition. So

information is available on that page. Any additional information may need to be sought from the applicant.

MS LEWIN: Thanks, Ms – good.

5

MS STARKEY: Yes.

MR WILSON: So fundamentally, Robert, is the – the additional height of it all particularly on the northern tower – is that considered by the Department a key public benefit of this proposal in terms of delivering a revitalisation of Gosford town centre?

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MR ROBERTS: That's not what our assessment finds.

MR WILSON: What are – what are the key public benefits of the proposal noting there is a – you know, noting there is a significant of controls which were – which, on my understanding, were put in place by the – by the government. Is – what is the – what are the key – the key public benefit outcomes of the proposal?

15

MR ROBERTS: So the key public benefit outcomes of the proposal is in relation to the – the requirements for through site links and improvements to the public domain. There's also the mandatory contributions which are based on the quantum of development being approved. So the - - -

20

MR WILSON: Yes. But that's contributions. That's not public benefit necessarily.

25

MR ROBERTS: Well, the contributions – it's money towards improvements of infrastructure as a result of the development. So it's – it's the same.

MR WILSON: Yes. But that's not – that – you would – you would normally have to deliver that anyway.

30

MR ROSEL: Sorry, it's Matthew Rosel here. I will just jump in quickly. The other things that the Department is seeking for the applicant to explore is the potential for the provision of affordable housing community facilities and a child care facility on the site. So we – the Department was looking at the – the uplift that has resulted from the proposal and felt that further exploration of those components would be appropriate. So there's precautional delivery of public benefits associated with the increase in heights and the façade the proposal is putting forward.

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MR WILSON: But there's no commitment from the applicant yet to deliver any affordable housing.

MR ROBERTS: So can I just say section 6.7 of our assessment report sets out our assessment of public benefits in a lot of detail. We need to assess this application against the statutory requirements and – and we've – you know, we've done so – the statutory requirements in relation to the contributions in the infrastructure and those,

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kind of, public domain public benefits. If you – if you believe that there's additional public benefits that should be achieved in order for them to – to seek – to – if you like, to seek support for the quantum of development that has been – that has been proposed then I'm happy to hear what you have in mind.

5

MR WILSON: We're just – no, we're just – we're just interested in terms of – given the significant uplift afforded – the proposal by the additional floor space we were just wondering whether there was a additional public benefit associated with that beyond - - -

10

MR ROBERTS: Yes.

MR WILSON: - - - what is – what is deemed to be revitalisation of the Gosford town centre. But that's okay. We can move along. Just in terms of energy efficiency the National Construction Code 2019 came in on 1 March which, my understanding, is mandated new commercial residential buildings at – at a minimum – named as five point – is it 5.5? Well, anyway, request commercial buildings to achieve a minimum of 5.5 star energy efficiency and above yet we've only got four – we're only requiring four stars here. What's the rationale behind that?

20

MR ROSEL: I can jump in on that one. It's Matthew Rosel. So the applicant had offered the four star rating was the first point. The second point was the Gosford city centre DCP recommends four star rating both for NABERS and also for the Green Star – Green Star rating scheme. So the Department was basing it's – it's assessment on those requirements in the first instance and the applicant's offer.

25

MR WILSON: Okay. All right. So we will take that into consideration. Thanks. Heather.

30

MS WARTON: So you've touched on this already. But I was interested of the status of some of the other approved developments. So on the screen there's 50 to 70 Mann Street, the three towers to the north and in – on page 7 of the assessment report you talk about three DAs. 50 to 70 Mann, 27 to 37 Mann and 21 to 23 Mann – sorry, four – and 17 Mann Street. We saw Merindah – 21 to 23 Mann – when we were up at the site. The first one – 50 to 70 Mann – which, I think, is the large one here that was approved in January 2015. So by my reckoning its – may have expired, if not, commenced. I was interested in checking – or if you have the information as to the status of those DAs that you refer to. Are they all still current? Have they physically commenced? Are any of them likely not to commence?

40

MR ROBERTS: Heather, we can come back to you on the first two points. We wouldn't – we wouldn't be able to comment on the likelihood of whether they may or may not commence. But we will come back to you on – on the status of them. I should also note that regardless of whether they have commenced or been built or not been built we've referred to these as they set the context for the future character of the area as approved by council and the panel. So we acknowledge that that council and the panel have approved developments commensurate to the scale of the current

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proposal. We haven't, kind of, relied on the extent to which they may or may not be built and their – and their current, kind of, status, if you like.

MS WARTON: Okay. Thank you.

5

MR WILSON: So just in terms of the public domain the Gosford urban design frameworks – one of its key objectives is the – I guess, the protection and the maintenance of – of the public domain. Just in terms of the northern towers in particular, I mean, we're just trying to understand the – the impact that the northern tower has on the – particularly on the – the Leagues Club field and so forth and – and maybe Poppy Park as well to a lesser extent.

MR ROSEL: Yes, I can answer that, Chris. It's Matthew Rosel. So the Department considered in detail the relationship of the northern tower specifically to the Leagues Club field and – and when the applicant originally submitted their application the northern tower was set back, basically, between two and four metres from the podium fronting Baker Street and the Leagues Club field. The Department felt that that gave quite a dominant relationship between the tower and the – the open space there and through negotiation with the applicant with – they've agreed to set the tower back holistically by another five metres so that the podium reads at much more of a human scale of development.

It has a stronger face to Baker Street and the Leagues Club field and the tower itself with that additional set back would appear more recessive and less dominant, and we feel that with that change which is required by a condition – with that change the relationship between the northern tower and the open field there is a lot better – a lot more reasonable and we're satisfied with that one.

MR WILSON: Does it reduce the overshadowing as well that set back – the additional set back?

MR ROSEL: It will have a minor reduction in overshadowing. The exact amount hasn't been tested as yet. However, I just want to point out that the proposal as it's currently designed before setting back the tower further already complies and exceeds the – the recommended minimum overshadowing requirement for the Leagues Club field. So this would step it back further and would add even further improvements to solar access to the field.

MR ROBERTS: Thanks, Matt. That's set out in quite a lot of detail from paragraphs 6.4.48 of the Department's assessment report.

MR WILSON: Okay. Thank you. Moving on. The status of Gosford city transport plan. Do you know where that's up to, Brendon, and whether or not that's likely to have implications for – for this proposal?

45

MR ROBERTS: So I've – I will – I will seek an update on its status and provide that to the Commission.

MR WILSON: That's okay.

MR ROBERTS: The Department's assessment – the report – the report is – is in draft and the – there wasn't – it wasn't available. It's not a material consideration in
5 the Department's assessment. So the Department has considered traffic impacts of the proposal currently having regard to advice from Council and from Transport for New South Wales. The Department acknowledges that the traffic impacts are – can be accommodated on the site subject to potentially improvements to a few of the junctions and the Department has recommended conditions requiring that the extent
10 to which any intersections need to be upgraded and the extent to which the applicant needs to contribute towards those intersection upgrades will be considered in detail in the assessment of the – of the detailed DA stages.

MR WILSON: Those DAs - - -
15

MR ROBERTS: And it's at that - - -

MR WILSON:

MR ROBERTS: At that stage that transport plan will be a material consideration to
20 - - -

MR WILSON: You might want to include that in the FIA if it goes ahead.

MR ROSEL: Sorry, could I just jump in? I think it is included in there.
25

MR WILSON: Is it? Okay.

MR ROSEL: Just one second. I can tell you. For the car parking – so C22 which is
30 related to traffic and transport – the last point which is point I – C22I – recommends any consideration of the future concept city centre transport plan.

MR WILSON: Yes. Okay.

MR ROSEL: And that's the same with – with FIA C23 and at sub-point H.
35

MR WILSON: Okay. Last one. Terms of the DAP meetings. Are we able to get – is there anymore additional information relating to the – the meetings?

MR ROBERTS: Would you like to elaborate on that?
40

MR WILSON: Are there minutes or anything that will be available to the - - -

MR ROBERTS: Yes.
45

MR WILSON: - - -

MR ROBERTS: They're included – they're included in the Department's assessment report as appendix – it could be appendix C. They're – they're all - - -

5 MR WILSON: Are they the actual minutes, are they?

MR ROBERTS: The minutes, yes.

MR WILSON: Okay. We will check that. I didn't think they were.

10 MS WARTON: There were – seems to be more – this is Heather. I did see appendix E but they – it's only one meeting. I understand there were several meetings. I think we wanted to see all the minutes if that was available. Also, I tried to contact the person that you recommended, Brendon, but they never responded to me. So I was wondering if there was another contact from the DAP in
15 case we – we want to talk to them.

MS STARKEY: It's Louise. I can recommend a contact of Trent Wink as the panel secretariat or Paul Maher – M-a-h-e-r I believe – and we can provide those details to
20 you. We have attached the advice which was issued subsequent to the meeting. It provides a record of the meeting and, in fact, is effectively the minutes of the meeting. There are two records provided within appendix E, I believe - - -

MR WILSON: E. Yes. No, we've read E.

25 MS STARKEY: Okay. And so - - -

MR WILSON: And that's it, basically, is it?

30 MS STARKEY: There were additional workshops held. But those are separate to the panel meetings and there were two additional workshops and we would need to seek that information from the panel secretariat.

MR WILSON: Okay.

35 MR ROBERTS: Just on that I should note that the name I gave you, Heather, was the chair of the panel - - -

MS WARTON: Right.

40 MR ROBERTS: - - - that considered this proposal. If the Commission would like to meet and receive a briefing from the chair then I do recommend that you meet with that – that person and I'm happy to facilitate or arrange a meeting. I – I – whether – it's up to the Commission whether they would like to meet with the - - -

45 MR WILSON: Yes, we will make that - - -

MS WARTON: Okay.

MR WILSON: - - - decision and get back - - -

MR ROBERTS: Yes.

5 MR WILSON: - - - to you Brendon. Appreciate it. Look, that's what – that's – do you have anything additional, Wendy? Heather?

10 MS WARTON: So there's just one question. Clause 8.45 of the SEPP – so that's the design excellence clause and I know there's different sections of it depending on how big your site is and so on. So I understand that this development falls under 8.44 because the site is greater than 5600 metres, and the design panel reviews the development and so on. But I just want to understand clause 4.45. Do you – can you tell me what that means because when you read that clause it, sort of, implies that you still may need a 4.6 variation. I can't – it's, like, what's the point of that clause
15 in the whole – in that – in the overall clause?

MS STARKEY: It's Louise here. I'm - - -

MS WARTON: Yes.

20

MS STARKEY: - - - happy to speak to that.

MS WARTON: Good.

25 MS STARKEY: The history in drafting the SEPP – it was a requirement of PC to have this 8.45 so that the effect of 8.4 – it – so 8.4 is used instead of a clause 4.6 variation for those particular sites. So it narrows your choice into 8.4.

30 MS WARTON: Right. It's just, yes, because it uses the word “the clause except as otherwise provided by this clause”. So I don't know that “this clause” means 8.4(5) or if it meant 8.4 – the clause – the whole clause.

MS STARKEY: That means - - -

35 MS WARTON: Very confusing.

MS STARKEY: That means 8.4.

MS WARTON: Okay. Okay. Thank you.

40

MR WILSON: Okay. Wendy?

45 MS LEWIN: No, no. No, there is a question related to the Windtech report and the proposed mitigation measures that would be included in the future developed scheme. I'm just wondering whether the Department has a view on whether the extent of those proposed mitigation measures in planting terms not in the physical

building fabric terms – but the extent of planting and type of planting could be reasonably accommodated with this proposal or within this proposal?

5 MR ROSEL: I can answer that one for you, Wendy. It's an so, firstly, the wind report indicates that it hasn't undertaken a wind tunnel test.

MS LEWIN: That's right.

10 MR ROSEL: So their proposed mitigation measures, I suppose, are indicative at this stage. The Department has recommended that future DAs include a wind tunnel test which would inform the actual mitigation measures that they're – they should provide to address wind impacts and ensure that, you know, those spaces are comfortable for their intended uses. In terms of planting the council, as you may recall, raised a concern that the planting on the podium may be difficult in terms of, 15 you know, securing appropriate soil profiles.

However, as this is at a – a concept stage it's open to the applicant to explore the actual detail of the construction, etcetera, of the podium to accommodate a planting and that's certainly something that's being woven into the design guidelines and, 20 from memory, as well as the conditions so that that's something that would be assessed as the detailed applications come forward to the Department for assessment.

MS LEWIN: Thank you.

25 MR WILSON: Well, I think that's – that's it for us, Brendon. We may have a few residual questions that we will follow up by way of writing. Is there anything else you want to add?

30 MR ROBERTS: Nothing other than we've just noticed that the – the recommended instrument refers to an older version of the design guidelines. So we will issue – we will send a – just an update. It's just a change to the date. The context without going into a lot of detail is that we – we previously recommended changes to the design guidelines that the applicant took on board and issued an amended version. So – and we – we've neglected to update that date.

35

MR WILSON: That's okay. No problems. Well, look, unless there's anything else I thank you all for participating.

40 MR ROBERTS: Thank you very much.

MR ROSEL: Thank you.

MS LEWIN: Thank you.

45 MR WILSON: Thanks. Cheers. Bye.

MS LEWIN: Bye.

MR ROSEL: Bye.

MATTER ADJOURNED at 11.00 am INDEFINITELY