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TRANSCRIPT OF PROCEEDINGS

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O/N H-1246795

INDEPENDENT PLANNING COMMISSION

STAKEHOLDER MEETING

RE: 26 & 32 MANN STREET, GOSFORD

PROJECT No. SSD 11014

PANEL:

CHRIS WILSON (Chair)
WENDY LEWIN

HEATHER WARTON (Office of IPC)

APPLICANT:

MICHAEL CONROY
GARY CHESTNUT

LOCATION:

SYDNEY

DATE:

2.00 PM, TUESDAY, 28 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 on which we meet and pay my respects to their elders past
and present. Welcome to the meeting today. S H Gosford Residential Proprietary
Limited is proposing a concept application for a building envelope with three towers
for residential, hotel and commercial uses, an associated landscaping master plan,
design guidelines, and design excellence strategy for the site at 26 to 32 Mann Street,
10 Gosford.

This is SSD 10114, known as a Central Coast Quarter Development. The
Community Network - Environment Network community group known as CEN has
lodged an objection to the development. The Independent Planning Commission has
15 decided to hold a stakeholder meeting to hear their concerns. My name's Chris
Wilson, I am the chair of this panel. Joining is my fellow commissioner, Wendy
Lwein, as well as Heather Warton from the Office of the Independent Planning
Commission. Representing CEN are Michael Conroy and a Gary Chestnut. In the
interests of openness and transparency and to ensure the full capture of information
20 today's meeting is being recorded and a full transcript will be produced and made
available on the commission's website.

This meeting is one part of the Commission's decision-making process and it is
being conducted via electronic means in line with current COVID-19 rules around
25 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. It is important for the commissioners to
ask questions of meeting attendees to clarify issues as we consider appropriate. If
you are asked a question and not in a position to answer straight away, please feel
30 free to take it on notice and provide any addition on a later date which we'll put on
our website.

I would ask that all participants state their name before speaking each time and
please be mindful not to talk over the top of one another so that we can ensure the
35 accuracy of the transcript. We will now work through the agenda. So my – the
Commission felt it was important obviously, given the nature of your submission,
that you be afforded the opportunity to directly address the Commission. So firstly,
you fully understand that the role of the Commission is independent in essence and
the Council's objection has triggered the referral of the application to IPC?
40

MR M. CONROY: Yes, we understand.

MR G. CHESTNUT: Yes.

45 MR WILSON: Okay. So we would like to hear in your words, your concerns,
particularly your concerns over height and floorspace ratio. And any – well, any

other concerns you have actually, but they're the key ones, obviously, which you've raised in your – on your submission.

5 MR CONROY: Yes. I'd just like to clarify, I actually emailed a letter through to Heather Warton about an hour ago but, because of internet problems, I'm not sure it would've got to her.

10 MR WILSON: Mike, we've been in back to back meetings. We met with the applicant and Council this morning. So we probably haven't had a chance to open our emails just yet, so – it – you – feel free to address it. Heather, are we able to bring that up? Do you want us to bring it – that up on screen? Do you want us to share that submission, that email, Mike, or do you just want to talk to it?

15 MR CONROY: Well, I – I'll talk to it and you – you'll have the - - -

MR WILSON: Well, we'll consider it.

MR CONROY: - - - version there for - - -

20 MR WILSON: And we'll put it on our website.

MR CONROY: Yes.

25 MR WILSON: We'll consider it and put it on our website.

MR CONROY: Okay. So I'd like to first of all open by saying that the State Environmental Planning Policy for Gosford, when it was introduced in 2018 adopted large parts of the previous Gosford LEP 2014 that applied to the Gosford City Centre. And it's notable in that, that the height limit maps and the floor space ratio maps that were incorporated in the State Environmental Planning Policy are pretty well the same as the ones that were in Gosford LEP, and if you refer to the relevant clauses – that's clauses 4.3 and 4.4 – of the State Environmental Planning Policy, they are a direct copy of what is in Gosford LEP 2014.

35 And this is significant because those clauses include objectives for the height controls and the floor space controls that apply in the Gosford CBD. And in the submission that we sent through to you we point out that a large number of those objectives – four of the objectives for the height control, and three of the objectives for the floor space ratios – relate to how the development is – that is proposed, in this case the St Hilliers Development - they relate to how that development relates to its adjoining properties and to the public domain, including the Leagues Club Park and other major public places that are around that part – southern part of Gosford CBD.

45 So in looking at the way that this development seeks to override the height limits and the floor space ratio limits, you need to look at those objectives that are in the State Environmental Planning Policy, and the question that I think the Commission needs to answer is, how are we going to achieve the objectives of those clauses about how

this development relates to the adjoining public domain, how are we going to achieve those objectives in the absence of the height limits and the floor space limits being complied with by this development? Moving on from that, the actual question of, can the development standards be exceeded by a development?

5

That hinges – as I interpret the State Environmental Planning Policy – the exceedance of the development standards hinges on (a) the advice from the Design Advisory Panel about whether or not this development or proposed development exhibits design excellence. And the clause that says that the development standards can be exceeded in the – actually, it – that clause itself doesn't define what "design excellence" means. To understand design excellence you've got to go to clause 8.3. And it's our argument that this development does not comply with the definition of design excellence that's given in clause 8.3. And I'd just like to note that the Council – Central Coast Council – in their submission on the EIS also made a similar statement, that they did not consider that this proposal complies with the requirements of design excellence that are defined in clause 8.3.

Now, there are two or three – two or three particular criteria for design excellence that specifically are relevant to the – to this proposal. I mean, the – there are a – most of the criteria do apply to this development, but I'd just like to highlight the three criteria that we consider that the – this development doesn't comply with. And they are criteria (b), (c) and (d) of clause 8.3, subclause (3). So clause – subclause (b) is:

25 *Whether the form and external appearance of the development will improve the quality and amenity of the public domain.*

Subclause (c):

30 *Whether the development is consistent with the objectives of clause 8.10 and 8.11 –*

and we'll go into those two clauses later on. And subclause (d):

35 *Any relevant requirements of the applicable development control plan.*

And the particular development control plan that the State Environmental Planning Policy relies on is the Gosford City Centre DCP which was prepared by the Department of Planning, as I understand it, and presumably approved by the Minister.

40 So - - -

MR WILSON: Wasn't it – wasn't it the Government Architect - Chris Wilson here – wasn't it the Government Architect's office, Michael, or – that prepared the frame – the DCP and the Gosford - - -

45

MR CONROY: The - - -

MR WILSON: - - - Design Guidelines Framework, or - - -

5 MR CONROY: I think the Government Architects prepared the framework and design guidelines - - -

MR WILSON: And – and the – and the Department prepared the – the SEPP, obviously.

10 MR CONROY: That’s – yes, and - - -

MR WILSON: Yes.

15 MR CONROY: And my understanding was it was the Department that prepared the DCP.

MR WILSON: Okay.

20 MR CONROY: I mean, there are – that - there are large parts of the DCP that were actually copied from the previous Gosford Council DCP chapter – I can’t remember the - - -

MR WILSON: Yes, no, that’s okay.

25 MR CONROY: - - - chapter, that - - -

MR WILSON: That’s okay.

30 MR CONROY: That – that – that applied to the Gosford City Centre. I don’t know whether Gary wants to throw any illumination on that.

MR CHESTNUT: Gary Chestnut here. As Michael’s just indicated, there were very large chunks of the former Gosford DCP which were just copied straight across, basically word for word.

35

MR WILSON: But is that necessarily a bad thing?

MR CHESTNUT: No, it’s not a bad thing. It just means you – the Commission has to take that into consideration in assessing this application.

40

MR WILSON: Sure, of course, the DCP as – as it applies. But the – the origin of those provisions, I guess, well, I mean, what’s the – I – just I was asking the relevance of whether it came – where it came from. Because we will consider the DCP under – well, we’re required to - and the development against that DCP.

45

MR CHESTNUT: Gary Chestnut here. I think what Michael was trying to highlight with the DCP is that the former planning – the objectives of the - aims and objectives of the zoning were – were actually complemented within the DCP. So the State Environmental Planning Policy which allows the variation - - -

5

MR WILSON: Yes, I - - -

MR CHESTNUT: - - - - - -

10

MR WILSON: No, I understand what you're saying.

MR CHESTNUT: That's the conflict.

15

MR WILSON: Yes, yes. I understand what you're saying. On that note, Michael, I mean – of the LEP 2014, some of the developments around – the 30 per cent bonus that was – I think it was applicable, was it fording house – was it affordable housing, Wendy? There was a 30 per cent bonus which applied across the CBD in relation to two thousand – it must have been on the LEP because the SEPP is only more recent than that. Is that – is that right?

20

MR CONROY: Yes, yes, it was - - -

MR WILSON: The Council mentioned the bonus this morning.

25

MR CONROY: Yes. Well, the 30 per cent bonus was actually introduced, I think even earlier than the – the 2014 LEP, but it was – it was added into Gosford LEP 2014 at some stage. It – I think it was clause 8.9 in - - -

30

MR WILSON: Okay.

MR CONROY: - - - in LEP 2014. And it always had a sunset clause as part of that clause 8.9. But what happened was that the Council repeatedly renewed the sunset clause - - -

35

MR WILSON: Okay.

MR CONROY: - - - sunset clause expired they put – they put in a new one. So it actually had quite a long history of being renewed between, I think, about 2012 and right up to when the SEPP was made. Well - - -

40

MR WILSON: Okay.

MR CONROY: - - - it last expired in, I think, April 2016 and then the SEPP came in about 14 months later.

45

MR WILSON: Okay. That's interesting, thank you. Sorry to interrupt you.

MR CONROY: I mean, that is relevant actually to something I'm – if I have time I'll discuss at the end of our submission, about some of the developments that were approved using that 30 per cent bonus clause. But most of the – most of the argument that I want to talk about today is basically that the form of the proposed
5 development from St Hilliers will detract from the quality of the public domain in the southern end of Gosford CBD because of its excessive height and bulk. In particular, the development will block views of Rumbalara Reserve and Brisbane Water, and it will cause overshadowing of nearby public open spaces.

10 Now, one of the issues here that - it comes through in the Department of Planning's assessment report - is that the arguments to justify this overriding of the height limits and the floor space ratio limits, the argument rests on the proposal that the towers – the three towers that are proposed – would be tall and slender buildings. And this keeps coming through again and again in the – both the EIS prepared by the
15 proponent and in the assessment report. So it's claimed that the impacts of the towers on the public domain will somehow be reduced as a result of these buildings being tall and slender. And I'd just like to challenge - or CEN is challenging - whether what the proponent is putting forward is actually tall and slender – can be classified as “tall and slender” buildings.

20

And I refer you to the relevant section in the Gosford City Centre DCP. And it provides four criteria, or sorry, four controls that are aimed at achieving slender buildings. The first control is:

25 *A maximum floor plate size for towers of 750 square metres in the case of ones with residential uses or hotels.*

The third of the – the second criteria is not relevant to this development because its – I can't remember the reason now – because it's in a different zone. So in business
30 zones the limit is 750 square metres. The third criterion is that:

The maximum building length for towers in any direction should be 45 metres and that –

35 and the fourth criteria is:

That all tower forms must be set back a minimum of eight metres from the street wall frontage.

40 So we would like the Commission to take note, in particular, of the northern tower and the southern tower in relation to these criteria. The northern tower only just complies with the maximum length and only just complies with the maximum floorplate area, so it's right on the limit of those two criteria. And the northern tower doesn't comply with the minimum setbacks from the street frontage. And it – it's
45 CENs view that the design of the tower seems to be aimed at maximising the number of apartments that have a frontage to Brisbane Water and that locating the apartments

as close as possible to the waterfront at the cost of – at the same time – maximising the impacts on the public domain of the Gosford waterfront.

5 Now, we also know is that the proponents have been persuaded by the Department to increase the setback from the Baker Street frontage. But even with that change in the plan, they're still not achieving the minimum setback that was set in the DCP of eight metres from the Baker Street frontage. And the – I think – well, I can't remember the exact figure, but it was certainly well less than eight metres, what was proposed. In the case of the southern tower, it doesn't comply with any of the
10 criteria for a slender building. The frontage on Vaughan Terrace is nearly 50 metres long, and the frontage on the northern side of that tower is about the same length.

They don't actually give a measurement to it on the plans, but I scaled off that it was somewhere close to 50 metres as well. So it's well in excess of the maximum of 45
15 metres that was recommended in the Gosford City Centre DCP. In regard to the setbacks on the street frontages, on those two frontages - the Vaughan Terrace and the Baker Street frontage - the tower has a setback of between zero and two metres on those two frontages. And as a – it's as a result of those two exceedances of the controls that the shadow that's created by that southern tower on the Memorial Park
20 which is to the south of the tower, that – the size of that shadow would – could, in fact, be maximised by the exceedance of those development controls.

And just to finish on that, the floorplate size of the southern tower is 779 square metres which, as the Commission might be aware, is well in excess of the maximum
25 floorplate size that's recommended in the DCP. So the argument that CEN is making there is that neither the northern tower nor the southern tower fit into our consideration as being slender buildings. They're certainly tall buildings but we certainly don't think they're slender buildings by the standards set by the DCP. I'd now like to move on to this - the particular clauses 8.10 and 8.11 which are referred
30 to in the criteria for design excellence. Clause 8.10 is:

Solar access to key public open spaces.

35 Now, the objective of clause 8.10 is:

To protect and enhance sun access to key public open spaces and, secondly, to prevent adverse cumulative impacts of development.

40 Now, in its assessment report the Department of Planning has looked at the overshadowing of Leagues Club Field by this development proposal, and it's looked at the criterion that's included in clause 8.10 for overshadowing and has come to the conclusion that the development would comply with that standard because in the analysis that's been done:

45 *Seventy per cent of Leagues Club Field would receive more than four hours of sunlight at the winter solstice.*

But what the Department has failed to look at in its assessment – and as far as I'm aware it hasn't been considered at all in the analysis in the EIS – is the second part of the objectives for clause 8.10 is:

5 *To prevent adverse cumulative impacts of development.*

Now, around Leagues Club Field we've got a significant number of developments, or more – certainly more than one. We've already got approval for the Waterside development which will overshadow the park until, I think, close to 11 o'clock in the morning at the winter solstice. We've obviously got this current proposal which will overshadow the Leagues Club Park in the morning, and we've also got in the pipeline a development proposal for the Central Coast Leagues Club on the northern side of Leagues Club Park. Now, as we understand it, the Leagues Club proposal would have two towers which would overshadow the Leagues Club Park. Now, at this stage I think the – they've requested environmental - - -

MR WILSON: SEARs have been issued, in my understanding.

MR CONROY: Sorry?

MR WILSON: I think SEARs have been issued; is that correct, Heather?

MS H. WARTON: I'm not sure, but I think - - -

MR WILSON: Or they've either requested them - - -

MS WARTON: I - - -

MR WILSON: - - - whether they've been - - -

MS WARTON: Yes.

MR WILSON: - - - issued or not I'm not – I – I'll have to check that.

MR CONROY: Yes, well - - -

MR WILSON: There's no application at foot at the moment, that's my understanding.

MR CONROY: No, I - - -

MR WILSON: request

MR CONROY: my understanding was that an EIS was being prepared - - -

MR WILSON: Well, the SEARs must have been issued then.

MR CONROY: The – yes, I think SEARs was issued some time – towards end of 2019. Anyway, our point – our argument is that the Central Coast Leagues Club is going to propose another high-rise development that exceeds the height limits and the floor space ratio limits. That will certainly overshadow Leagues Club Park and
5 we would say that to ensure compliance with clause 8.10 in the State Environmental Planning Policy, the proponent and the Department should have considered the adverse cumulative impacts of those three major developments. And, I mean, basically - well, we would say that if, as we suspect, the cumulative impact of those developments is that more than 30 per cent of the field will be overshadowed up to
10 about midday or later at the winter solstice, then the Department and – and/or your Commission – would need to look at how the overshadowing should be shared, if you like, between the developments.

Or – sorry, to turn that round the other way, you should be looking at how to reduce the impacts of those – of this current proposal and the Leagues Club proposal so that that objective can be complied with. Now, I don't know whether Gary wants to add anything on that issue, because I know he did some work on that in an earlier proposal.

20 MR CHESTNUT: Gary Chestnut here. I – I've got some information about chapter 5.2.5 of the DCP but I – you're not up to that at this stage so I'll reserve my comments until you get on to that.

MR CONROY: Okay. The other aspect of the overshadowing issue is that in the
25 DCP there is a provision under the heading of Controls, concerning potential overshadowing of the Memorial Park – that's the War Memorial Park – and the Rotary Park which is also known as the Poppy Park. And the requirement that's proposed in the Gosford DC – City – Gosford City Centre DCP is that:

30 *Buildings must be designed to ensure that at least 50 per cent of the open space receives the minimum of four hours of sunlight between 9 am and 3 pm at the winter solstice.*

Now, the assessment report from the Department of Planning considers the potential
35 overshadowing of the Rotary Park and included shadow diagrams which indicated that the park would have satisfactory solar access. However, the consideration of the potential overshadowing of Memorial Park – from my reading of it – was quite superficial and it dismissed the issue of solar access for the Memorial Park on the basis that there are several large trees in and around the park. And I guess the
40 Department was trying to say that solar access wasn't important for the War Memorial because the trees would overshadow the park.

However, we've looked at aerial photographs, including the most recent version of Google – recent version of Google Earth, and that shows there is significant clearing
45 around the War Memorial in the centre of the Memorial mark and it has direct sunlight for at least part of the day. On every photograph I looked at the actual War Memorial was actually in – had direct sunlight shining on it. The shadow diagram

was exhibited as part of the St Hilliers EIS, indicated that the centre of the Memorial Park would be overshadowed by the southern tower for at least two hours in the middle of the day at the winter solstice. The assessment report therefore should have undertaken a more rigorous investigation of this issue and considered possible
5 modification of the proposed southern tower to mitigate the potential impact on the Memorial Park.

Now, I know there have been some changes to the proposed envelope for the southern tower, but I'm not aware of whether any further modelling has been
10 undertaken of the overshadowing since it hasn't been raised as an issue in the Department's assessment report.

MR WILSON: Well – well, just to – it is an issue for us. I mean, we were aware of the issue and we actually went on site – we were at Memorial Park last week having
15 a look, having a look around. Yes, see, Heather's got a photo of it there.

MS WARTON:

MR WILSON: So we're fully aware of that, Mike, so we're not – we haven't
20 dismissed it. So we'll be fully considering that as well in our determination.

MR CONROY: Okay. Thank you. Okay. So moving on now to clause 8.11 in the SEPP, Key Vistas and View Corridors. And, I mean, the objective in the clause is fairly clear:
25

To protect and enhance key vistas and view corridors in Gosford City Centre.

And it's worth noting that that clause explicitly says that:

30 *Development consent must not be granted to development unless the consent authority is satisfied that the development is consistent with the objectives of this clause.*

Now, the clause in the SEPP doesn't define what are "key vistas and view corridors",
35 so we rely therefore on the section 4.4 of the Gosford City Standard DCP which does set out objectives and controls for protecting views and vistas. And I think the main control in section 4.4 explicitly states:

40 *The key views are those existing views of ridgelines of Presidents Hill, Rumbalara Reserve and views of Brisbane Water from important locations, including the centre of Kibble Park, Leagues Club Field and Brian McGowan Bridge.*

Now, it's interesting that the Department of Planning in their assessment report
45 actually picked out three figures which I think were originally in the EIS appendix concerning the visual analysis. They've picked out three figures, 19, 20 and 21 in the assessment report. They illustrate:

*The potentially severe impact of the proposed development on views of the
ridgeline of Rumbalara Reserve from Brian McGowan Bridge, Brisbane Water
and the Leagues Club Field.*

5 So it's our view that those three figures demonstrate quite comprehensively that the
proposed development doesn't comply with the objectives of clause 8.11. And I'd
just like to comment on why there is such an overwhelming impact from the
proposed development and the factors in the seriousness of that impact. First of all,
10 the height of the three towers obscures the ridgeline of Rumbalara even from
viewpoints that are quite far away. So the views from the top of the Brian McGowan
Bridge which is, you know, probably three or four hundred metres from the proposed
development, and the view from the middle of Brisbane Water – which is shown in
figure 20 in the assessment report – they're both quite distant views from the
development and even in those views these buildings are so high that they actually
15 obscure the ridgeline of Rumbalara Reserve.

The impact is made worse because the bulk of the three towers, especially the
northern and southern towers, and the fairly minimal separation between the towers,
has a – in effect, created a wall of buildings along the eastern side of Leagues Club
20 Field. Now, I mean, we recognise that there are proposed corridors separating those
three towers, but unless you're standing at a position directly in line with those three
corridors, the three buildings, in effect, just form a visual wall once you're more than
about 300 metres away from the development. And to exacerbate that impact, the
through sight links are not wide, they have quite high buildings behind them.

25 For example, the Merindah Apartments on Mann Street and the proposed Creighton
building which hasn't yet been built but it has been included in the – in figures 19, 20
and 21 to show the cumulative of impact, if you like, of the proposed developments
in Mann Street on those views of the Rumbalara ridge. And just to make things even
30 worse, if the proposed Waterside development is built to the north of Georgiana
Terrace, that would add even higher buildings at the northern end of the visual wall.
So, I mean, basically what we're saying is that this – the towers, in themselves, block
parts of the view of the Rumbalara ridge, but it's also the combined effect of all of
the development that's either been approved or proposed along the southern section
35 of Mann Street that's going to virtually obscure completely the southern end of the
Rumbalara Reserve.

That's about the views from the western side of the development. The proposed
development will also block the views of Gosford Waterfront from Rumbalara
40 Reserve itself. Now, it's hard to get a grasp on this, but it – it's fairly clear that the
new – newly redeveloped Leagues Club Field - I mean, which is having a
considerable amount of money being put into landscaping and redevelopment of the
Leagues Club Field as a public – publicly accessible space – that the views of that
from Rumbalara Reserve would be blocked by this development. And just in
45 conclusion to this section, I would argue that the impacts of the proposed
development on these regionally significant views can only be mitigated by reducing

the height and bulk of the three towers and increasing the separation between the towers.

5 Now, if I could continue, the – our written submission doesn't go any further than that because I ran out of time to - - -

MR WILSON: That's okay, Mike, we've got till – we've got another 20 minutes, so feel free to take those 20 minutes.

10 MR CONROY: Well, Gary wants to say something as well. So just to round off what I'm saying, I'd just like to refute or comment on something that's said in the Department's assessment report. In justifying this proposal, the Department of Planning has in a couple of places in their report said that:

15 *New developments including tall buildings have been approved and constructed along the central spine of Gosford CBD and have established a new built form character for the CBD.*

20 And that they're trying to argue that:

This proposal would reinforce the new strategic direction for Gosford established by the Gosford SEPP and DCP.

25 And I think CEN would argue that the Gosford SEPP hasn't established a new strategic direction for the Gosford CBD. The – as I – as Gary and I were pointing out in – in the introduction, the SEPP has adopted the height and floor space ratio maps that were included in the Gosford LEP 2014. Now, the Department of Planning is referring to some tall buildings that have been approved along the central spine of Gosford CBD. As you have pointed out, Chris, those developments were all
30 approved using clause 8.9 of the Gosford LEP 2014. So it's difficult to argue that the approvals of those buildings was based on some kind of alternative concept of the structure and form of the Gosford CBD when the - I mean, those developments as far as I can recall, were all approved by the Joint Regional Planning Panel.

35 And I can remember, certainly at one of the meetings, the chair of the Joint Regional Planning Panel was being very cautious about how far they deviated from the development controls in the Gosford LEP 2014. That's basically all I want to say at this stage.

40 MR WILSON: Okay. Michael, a lot of those issues you've raised today we had discussions at length with Council this morning, so we're appreciative of your submission and we understand the basis of your submission. Gary, you want to have – you – you've got something to add to this?

45 MR CHESTNUT: Yes, Gary Chestnut here. I just want to add what Mike was talking about when he was talking about the slender tower designs and he was

talking about, you know, chapter 5.2.5. And I – actually I draw everybody's attention to actually part 6 of that chapter, which is:

5 *The tower height should be varied. Where two towers are provided on one site, their height above ground level should be a minimum of 15 per cent variation between each tower and, if there's three towers that should be a 30 per cent variation.*

10 So from my point of view, looking at that particular aspect, the southern tower should be 30 per cent lower than the first – whatever the first tower's approved height is. By having – and it - of course it depends if one – which – how you number your towers, one, two or three, of course. But I would anticipate the southern tower should be the lowest tower of the three towers.

15 MR WILSON: That was an issue that was raised by Council this morning, the graduation of the buildings from - west to east? I get a bit confused by my directions. But – yes.

20 MS W. LEWIN: That – that also accords with the Gosford City Centre SEPP, the objectives in terms of topography and development heights.

MR CHESTNUT: Yes.

25 MR WILSON: Some of those views, Michael, you also mentioned, we – Council gave us a list of views which we've – which we've been to, including Point Clare and the bridge, and one we haven't had a look at which we probably will in the future, is from the Reserve itself. So we have been to the site. We've looked at those, we've looked at a lot of those views, the public domain views, the regionally - regional views and so forth.

30 MR CONROY: Yes.

MR WILSON: Sorry, Gary - - -

35 MR CHESTNUT: Yes, I - - -

MR WILSON: Yes, I – I interrupted, I'm sorry.

40 MR CHESTNUT: That's okay. What I was also going to say too, when you look at the shadow diagrams that – that have been presented in the EIS, if you use that provision, that clause about how do you get your tower heights from the third tower being 30 per cent lower, that means the shadow diagrams they've used the tower held a 48 – RL 48. And, of course, if you have the tower heights that you would put three towers without the provision of the SEPP, that height there wouldn't be 48 which
45 overshadows the – the Memorial Park, it would actually be lower and I think for – rather than being 48 it should be somewhere around about the 33 – 33 or 34 mark.

And so, again, if you reduce the southern tower to that level, you'd actually have less of an overshadowing impact upon the Memorial Park.

5 MS LEWIN: No, it's a point well made.

MR CHESTNUT: Thanks, Wendy.

MR WILSON: What about the proposed hotel, do you have any issues there?

10 MR CHESTNUT: Gary, here. No, personally, I didn't actually think of, you know, its permitted use. So although I understand there'll be traffic generation and things of that nature, and traffic is a key consideration for all development in the Gosford Central Business District Understand Council is doing a traffic analysis and, you know, it's – personally, I'd like to find out the outcome of that traffic analysis before
15 you get all the approvals going forward, however we don't live in an ideal world. But traffic consideration would be a factor that I would – you know, would be in forefront of my consideration.

MR WILSON: And parking, I presume, would you - - -
20

MR CHESTNUT: Yes.

MR WILSON: Goes hand in hand with that. So, Michael, is there any – is there – you would like to add any more? Heather, do you or Wendy have any questions?
25

MS LEWIN: No, I don't have any questions, I think many of the – Council also addressed some of those concerns with us earlier. It's a – it's a comprehensive submission and I would thank you for being – it being so well ordered and argued.

30 MR CONROY: Thanks.

MR WILSON: Heather.

MR CHESTNUT: The Department's – have you seen the Department's
35 recommended conditions? I presume you have. They have a condition for a further environmental assessment requirement regarding reducing the envelopes to 85 per cent, which in the assessment report - - -

MR WILSON: No, not – hang on, not – not reducing the envelope, reducing - - -
40

MS WARTON: Sorry - - -

MR WILSON: Reducing the bulk within the envelope.

45 MS WARTON: Reducing the – so the building can fill - - -

MR WILSON: Yes.

MS WARTON: - - - eight-five per cent, should get the terminology correct. And in the assessment report, they refer to that addressing the issue of the slender towers. I've just had a look through the – that section on the DCP assessment in the assessment report. Do you think that would go some way towards addressing the
5 issues you've raised about the slender towers?

MR CONROY: Well, I mean, it's difficult to comment without knowing what – what that means in terms of reduction of the floorplate and, I guess, the reduction in the floor space ratio that you might expect as a result of it. I mean, I can't – and I'm
10 being cynical here – why would a proponent do an EIS for a development with a floorspace ratio of 4.5 to 1 if, in fact, they're prepared to knock 15 per cent off it? And - - -

MR WILSON: Well, I don't think they will, Michael. You probably need to have a
15 look at the condition because it's based – again, it's based on design excellence. They can have more than the 85 per cent if they demonstrate design excellence; isn't that the way it goes, Heather?

MS WARTON: Yes, it isn't just, "You must reduce by" - - -
20

MR WILSON: Yes, there's an out - - -

MS WARTON: - - - "by percentage, there are as – but – but this can be varied if you show this, this and this". It isn't a straightforward reduction. I mean, yes, they
25 could argue that they don't need to change it at all, based on the condition if they satisfied this criteria in the condition.

MS LEWIN: It's also not in front of us to assess.

30 MR WILSON: Sorry?

MS LEWIN: We're not offering – they're not offering to - - -

MS WARTON: No.
35

MS LEWIN: - - - work with that. So – well- - -

MS WARTON: No.

40 MS LEWIN: - - - what we're looking at is not a scheme that has an 85 per cent reduction - - -

MR WILSON: Yes.

45 MS LEWIN: - - - to the floor plan, so - - -

MR WILSON: It's just a - - -

MS LEWIN: but - - -

MR WILSON: - - - it's just a recommendation. You – you've looked at the Department's conditions, have you, Michael?

5

MR CONROY: I skimmed through them - - -

MR WILSON: Okay.

10 MR CONROY: - - - and the thing that scared me was that the reference to design guidelines which have been prepared by the proponent, I mean, it's the first time in my life I've seen the proponents of developments actually drafting a design guidelines for their own development, and basically, us – the Department is prepared to endorse those for future development applications. And I only skimmed through
15 the design guidelines, but they look to me to be so broad and open-ended that, I mean – I mean, basically, on questions like this building envelope and so on, I would think that they could justify 100 per cent – a development that was 100 per cent of the building envelope straight off in relation to the criteria in the design guideline.

20 MR WILSON: Subject to input from design – is it the DAP, Design Advisory Panel, in terms of design excellence? That's how I understand any further applications would be subject to the DAP which includes Council. That's just an observation.

25 MR CONROY:

MR WILSON: Yes, sorry?

MR CONROY: Were you suggesting that the Design Advisory Panel includes
30 Council?

MR WILSON: It does now. We just – it was confirmed by Council this morning.

MR CONROY: We weren't aware of that.
35

MR WILSON: Well, it's only just occurred, Michael, so you might want to confirm with Council, but they advised us this morning – and it'll be in the minutes of the meeting – that they were observer for the second half last year and have been now incorporated as a member of the Design Advisory Panel for the future – for future
40 applications. Is that – that's correct, isn't it, Heather, Wendy?

MS WARTON: That's what - - -

MS LEWIN:
45

MS WARTON: - - - they said, yes.

MR WILSON: And my – I'm just – I'm just - - -

MS WARTON: Their architect - - -

5 MR WILSON: I'm not making it up, I'm just - - -

MS WARTON: Yes, no, they – it'll be, as Chris said, it'll be in the transcript. They said they hadn't – because I asked them the question about their involvement in the design panel to date and they said they had been an observer but I don't think they've
10 been very actively participating but he did confirm that they were going to be on the panel from now on.

MR CONROY:

15 MS LEWIN: It was Andrew Roach.

MS WARTON: the new DAs, they said, for anything in the pipeline they wouldn't be, but for the new applications they would be.

20 MS LEWIN: The person who advised us was Andrew Roach who's the unit manager - - -

MR CONROY: Yes.

25 MR WILSON: - - - of Development Assessments and he is the person who's been an observer and will be on the DAP.

MR WILSON: Member. Anyway, that's just an observation as well.

30 MR CHESTNUT: Yes.

MR WILSON: So, Michael - - -

MR CHESTNUT: Thank you for sharing that observation, that's interesting.
35

MR WILSON: Yes, well, it'll be on our website so you'll be able to see it in your own eyes. Don't take my word for it, take theirs.

MR CONROY: Well, it – I mean, the only reason we're surprised is that at the time that the SEPP was made we – we certainly were arguing that there should be
40 representatives of Council on the Design Advisory Panel and I'm pretty certain the Council, itself, was complaining that they'd been completely left out of the process. So it – it's surprising but on the other hand, perhaps the current Minister's being more responsive to the Council than his predecessor was.

45 MR WILSON: Well, we're not going to comment on that, but we just – we're just reiterating what Council said this morning.

MR CONROY: Yes.

MR WILSON: Okay. So we've still got a little bit more time, Michael, is there anything else to add?

5 MR CONROY: Just harking back to your comments to – in response to Gary about the traffic issue, I don't know whether you're aware that every – in my observation – every one of these State Significant Developments that's been proposed in the Gosford CBD has provoked a response from what used to be the RTA, RMS I
10 supposed they're call now – or, well, sorry, I'm not sure whether they're still even the R – RMS. But anyway, it would provoke a response from the roads people in particular, but also the transport department that they thought that somebody needs to have a good hard look at the cumulative impacts on all – of all these developments on transport demand in the Gosford CBD.

15 And I, as a sort of ex-transport person from my very much younger days, completely puzzled about how you can keep on assessing development applications for these State Significant Developments without anyone having done a comprehensive assessment of the potential impacts of something like five or six major developments
20 that are now proposed in the city centre.

MR WILSON: So, Michael, we asked the Department, we understand that New South Wales - or Transport for New South Wales undertaking what is called the Gosford Central Transport Plan; is that right, Heather?

25 MS WARTON:

MR WILSON: And it's due for completion soon.

30 MS WARTON: yes.

MR WILSON: And my – and we asked – well, we asked whether or not that was going to be completed and we were – and my understanding, one of the conditions from the Department recommends that future transport impact assessments in
35 relation to the DAs have consideration of that report. So we're just – we're not – we – we're just waiting for a response in terms of when is that likely to be finished.

MR CONROY: Yes.

40 MR WILSON: But I assume, or I'm hoping - or we won't assume anything actually, we'll check – that that's looking at cumulative impacts in terms of traffic. And my understanding the SIC – there's a SIC – that the SIC is based on cumulative impacts as well in terms of upgrades of bridges and roads and roundabouts and so forth. But again, we'll look into that as part of our determination.

45 MR CONROY: Yes, well, look, the only – or part of the reason I've raised this is that I sit on the Gosford – sorry – yes, on the Gosford CBD Advisory Committee

that's a Council advisory committee. And that's been operating for nearly two years and we've been getting that same story from the transport people that, you know, that it's due soon. I mean, I think we got that at the second or third meeting that the committee would have had in 2018.

5

MR WILSON: Okay. Well, we'll follow up the status of that as well, anyway. I think we've asked that question anyway, from the Department, and they're going to get back to us. So any – anything else, Gary, Michael?

10 MR CHESTNUT: Nothing else from me except to thank you for the opportunity of being able to share our viewpoints to you direct.

MR WILSON: No problem, pleasure. Mike? Good to see you again - - -

15 MR CONROY: I – just thank you for – yes, spending time on Zoom.

MR WILSON: That's all right. We've been on it all day.

MR CONROY: Yes.

20

MR WILSON: No worries. Thank you very much. We really appreciate your input.

MS LEWIN: Thank you.

25

MS WARTON: Thank you then.

MR CONROY: Okay.

30 MR CHESTNUT: Have a nice afternoon.

MR WILSON: Thank you.

MS LEWIN: You too, thank you.

35

MS WARTON: Bye.

MR CONROY: Bye bye.

40

ADJOURNED

[2.53 pm]