

Objection to a Proposed Mixed Use Development – 372-374 Mann Street and 35-37 Dwyer Street North Gosford

Your Ref: SSD – 69773460

Attn: Renah Givney

Senior Planning Officer

Department of Planning, Housing and Infrastructure

Dear Renah,

I am a resident situated within close proximity of the proposed development described above. I reside at Unit 42/70 Hills Street, North Gosford which sits directly opposite the subject site and overlooks it. My apartment is on Level 5 and has an outlook due west across the subject site with expansive views of Gosford Showground, the surrounding mountains and beyond.

The proposed development would appear to me to represent an overly ambitious proposal and an egregious overdevelopment of the site. The bulk and scale of the development is not in keeping with the existing and evolving character of the locality nor the intent of the existing zoning controls and objectives.

I should add that we are not against developing these sites in fact we welcome quality development in the North Gosford area as it is definitely required. We are merely opposed to flagrantly ignoring the current development controls simply in order to create additional density on a site that really isn't suited for it.

I haven't had a chance to forensically examine all the documentation and it is unlikely that I will ever get time to do that given the quantum provided. Notwithstanding, I make the following observations and comments in relation to the proposed development: -

Planning Controls and Objectives

The proposed development does not meet the intent of the planning controls as contained within the SEPP nor does it accord with the zone objectives. The subject site is not technically located within the Gosford City Centre and as such the proposal should accord with the building height

control to represent an orderly hierarchy of development from the city fringes to the city centre. The subject site is positioned a distant 1.3km from the train station again ensuring higher densities are not warranted in this location.

It is noted that the subject site is zoned B4 Mixed Use pursuant to the State Environmental Planning Policy (Gosford City Centre) 2018 (the SEPP). The objectives of the B4 Mixed Use zone are listed as follows: -

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreation facilities, social, education and health services and higher density residential development.*
- *To allow development in Point Frederick to take advantage of and retain view corridors while avoiding a continuous built edge along the waterfront.*
- *To create opportunities to improve the public domain and pedestrian links of Gosford City Centre.*
- *To enliven the Gosford waterfront by allowing a wide range of commercial, retail and residential activities immediately adjacent to it and increase opportunities for more interaction between public and private domains.*
- *To protect and enhance the scenic qualities and character of Gosford City Centre.*

Comment

The proposed development does not accord with the zone objectives as follows: -

- The proposal does not provide for a mixture of compatible land uses. Out of a total proposed gross floor area of 21,843.75 m² only 211m² is proposed as commercial floor space. This appears to be in the form of a single tenancy positioned on the ground floor of the tower building. There is no commercial floor space provided for in the rear buildings despite the intent to build a road adjoining these buildings. The

commercial floor space provided represents only 0.9% of the total GFA. Accordingly, this development does not accord with the first three zone objectives which seek to provide a range of uses within the zone to support the local community. The current proposal is not a mixed use development it merely has an area for a complimentary café or the like. The applicant themselves in their submission note that the amount of commercial space is deficient and that the development is predominantly residential; and

- The proposal does not add to the scenic qualities and character of the Gosford City Centre. The subject site is situated a significant distance from the Gosford City Centre being on the northern periphery of the city. The tower building in particular will stand out and detract from the surrounding buildings given the huge scale of the building. It is noted that directly opposite the subject site a two level townhouse development has been approved. The transition in scale from this development to the proposed tower will look out of place due to the comparative size and scale.

Siting Factors/Height and Scale

- There is no planning imperative or restriction requiring the construction of a rear road to the dwellings proposed on Site B. The road would appear to be merely to offset parking within the building and to provide a buffer between the buildings and the railway line. The proposed road places an unfair burden on surrounding properties to similarly provide through access via this road. Should the adjoining properties to the south (currently a car yard) not continue the road through their site then the concept is superfluous. Without any planning imperative to do this the road is simply not required;
- As a result of the proposed road the buildings themselves have been decreased in size to allow space for the road. This results in an inferior development in terms of internal amenity and adds to the over scale of the buildings. In particular the applicant has increased the height to provide additional density directly as a result of the proposed road. If the buildings were constructed in a typical fashion over a basement parking level then the desired density could be reached on such a large site without significantly encroaching into the allowable height

limit. Further, the width of the building and apartments does not accord with the apartment building design code;

- It is noted that there are four (4) properties situated on this corner with a height limit of 36m. The planning controls always envisaged a gateway type building in this location as well as on the opposite side of Mann Street. A height limit of 36m would allow for a significant building of at least 10 storeys which is already double that of any other surrounding apartment complex. It is clear that the planning controls envisaged that these four properties would be developed together to create a single significant street frontage. By isolating two of the properties and developing this site in isolation the intent of the planning controls will not be met. The Statement of Environmental Effects does not discuss at all what attempts have been made to consolidate the site with the adjoining land parcels. Constructing a 72m tower in isolation of the other two (upzoned) properties will look odd and will ultimately lead to having two towers side by side. This would be a disastrous outcome for the precinct;
- This site is situated 1.3km from the train station. The site does not fall within the parameters for increasing density as per the recently released NSW Government initiatives for such development. In particular the density of development should be at its greatest within 400m of a train station or major transport node and this should decrease in size out to 800m. This site being positioned 1.3km outside of the Gosford Train Station does not warrant any additional consideration in terms of additional development density. The existing planning documents already allow for a significant scale of development of approximately 10-11 storeys which is appropriate as a gateway site;
- The tower building in its current form will be as high as the new Archibald towers directly in the centre of the city and will be higher than the new Waterfront building which is the most significant gateway site to the whole city. There is no requirement for such substantive buildings in this location; and
- It is noted generally that all development within Gosford allows for a cascading or tiered effect. Gosford is a valley bounded by mountains and hilly areas to the east and west. If you look at Gosford development on the fringes is built up the slope in a tiered fashion

with each development overlooking the one below it. Even the new taller buildings in the city centre are overlooked by developments on the high areas of Henry Parry Drive. In this instance the building on the flat will be overlooking buildings such as mine on the slope. The proposed tower building will set a precedent by changing the existing landscape of Gosford in terms of how planning has always been carried out. Should the development maintain the already generous height limits the status quo will be able to remain or at least that building should be a similar height to mine.

Views and Overshadowing

- The proposed tower and apartment buildings at the rear will completely block our existing view of the Gosford Showgrounds. The Gosford Showgrounds is an iconic location within Gosford and it is a view which we have very much enjoyed whether it is watching the greyhounds, fireworks, monster trucks or go kart racing there is always something worth watching at the showgrounds. This development will erase 100% of our view. There has been no mention of the impact on views from the buildings situated higher than this site in any of the planning documentation submitted. In fact the documentation is completely disingenuous as it assumes the surrounding area is already developed through the use of artistic representations to show surrounding development as large scale residential apartment buildings which simply don't exist. They have looked at an imaginary scenario rather than the real situation;
- Tenacity Consulting Vs Warringah Council established the test and planning principles for view sharing. This includes a four step process with the first step prioritising the views i.e. iconic views or water views are the most prized. I would argue that that views of the showground are absolutely iconic in the context of the Gosford landscape and that the construction of the oversized tower and buildings on Site B will completely obliterate any view that we have. The second test states that views from living areas are the most prized. Our views of the showground and surrounding treed mountains are from our living room so they should be given some priority in terms of view sharing. The third test is the severity of the view loss. We will lose quite a large chunk of our distant views of the mountains and 100% of our views of

the showground. The severity is at a maximum level. No effort has been made by the developer at all to ameliorate the loss of views from existing adjoining dwellings. If the buildings on Site B were to be constructed to the permissible height limit and perhaps divided into 3 x buildings with no access road (so as the same density can be achieved) then there could potentially be some sharing of views. As mentioned, they have created a make believe situation where everything surrounding the development is already constructed at a high density;

- The proposed development does not accord with the height of building objectives which seek to ensure that neighbouring buildings and the public areas retain as much exposure to sunlight and views as possible. The current proposal being of excessive bulk, height and scale does not meet the objectives of the building height clause within the SEPP; and
- A similar situation occurs with the overshadowing. The shadow diagrams do not reflect the current circumstance of development. They show similar sized and scale towers and apartment building through massing diagrams rather than the true extent of existing development. In the scenario included in the development plans it shows no overshadowing from the tower of buildings in Hills Street. This simply is and will not be the case. This is an attempt to mislead anybody looking at the plans. Due to the unique orientation of Gosford all dwellings mainly only receive eastern or western sunlight. Our main source of sunlight is from the west with some absorption into the main bedroom from the north. By late afternoon the tower building in particular will take away or severely impact on our main source of solar access. This solar access is directly into our living area. If the tower building was developed to the correct height limit as per the planning controls then I don't believe we would be affected. In the doomsday sort of scenario included within the development plans it would appear that one day we will be surrounded by similar scale towers and buildings and will never receive any sunlight ever. It is impossible to accurately depict the scale of overshadowing as the shadow diagrams are not truthful and these should be rectified at the very least. It is ok if they include a future scenario shadow diagram but

they should also include the current scenario within their shadow drawings otherwise assessment of this proposal is impossible.

Access and Traffic

- It is not understood from reading the documentation whether or not an accurate traffic count has not been carried out. The traffic report itself is dated May 2024 which is some 17 months prior to the application being submitted. Traffic in the region has increased significantly since that time as a number of new large scale developments and subdivisions to the north have come on line. The applicant in the compliance table assumes a traffic volume based off 2010 figures with an assumption that Mann St now carries 20,000 daily vehicle trips. They have made this assumption without any basis whatsoever and without relying on their own attached traffic report (Pg 8 of the compliance table). It is impossible to determine what traffic date they have actually relied upon in establishing this proposal due to contradictions within the documentation;
- There would appear to be no requirement for a significant ground level pedestrian plaza. The street frontage should be activated but this is not a high trafficked area by pedestrians in fact nobody walks along this location unless they are heading to one of the car sale yards. The applicant is simply creating a void space in lieu of providing any meaningful commercial floor space as they are aware that the only floor space in this location would be suited to more bulky goods retailing or more industrial type uses as evidenced by the number of car yards, mechanics and car hire premises in the immediate locality;
- The proposed development may result in the inability to ever widen Mann Street in the future. It is noted that the access road to Gosford is almost completely dual carriageway all the way from the Motorway to Wyoming. It is envisaged that long term planning would or should increase the dual carriageway all the way until the railway line crossing at the signalized intersection to the south of the subject site. Alternatively, a new dual access railway crossing should be constructed at Wyoming to divert traffic away from the city centre;
- I couldn't find reference to it in the documentation but I am not sure that allowance has been made to allow fire trucks and garbage trucks

into appropriate areas to service the development. This could warrant attention;

- To highlight how bad traffic can be I recently had to pick my wife up at the gym at Central Coast Leagues Club approximately 1km or so away from where we live at 5pm. I wasn't aware that there had been an accident on the freeway and an accidents at both West and East Gosford. This created total gridlock within Gosford City Centre on all roads and it took me 1 ½ hours to reach the Leagues Club. In fact I never reached it my wife ended up walking to the car and we were able to turn around and go home. The traffic situation with one road in and out can become very bad very quickly and nothing is being done to alleviate this issue. Should development like this continue there must be an imperative on Council and/or the NSW Government to fix the surrounding infrastructure to accommodate these increases in density. It is an easy fix but obviously requires money; and
- Currently vehicles heading to Gosford Station and Hospital turn left at Dwyer St and run up through Hills St using it as a rat run down to the traffic lights and the rail crossing point. Hills Street is completely blocked during peak hours. This development will significantly increase this traffic as people leaving this site will only be able to turn left, head up to the roundabout in Wyoming and then return towards the city centre. The traffic documentation states that there is no impediment to turning right out of Dwyer Street which is nonsense. This intersection is just over the crest of a hill and it would be madness to try and turn right at this juncture as you will almost certainly be hit by fast moving and unsuspecting traffic coming over the hill at 60 kmh. At the very least there should be signage saying vehicles can't turn right from this intersection for safety reasons and at the most this intersection would need to be signalised which again could create a dangerous situation given the aforementioned location of the intersection over the crest of a hill.

Wind

- As mentioned elsewhere the photo montages of the proposal are not realistic. They show buildings of a similar height and scale surrounding the proposed development as greyed out shadows to minimize the actual impact of the proposal. Should all development within this

immediate precinct be developed to a similar height it will create a wind tunnel from the south that will impact the area greatly; and

- Wind comes off Brisbane Water and runs straight through the town along Mann St. The advent of large buildings along the entire corridor of Mann St will create a wind tunnel similar to those experienced in areas of the Sydney CBD. The unique orientation of Gosford assists in exacerbating this phenomenon. To alleviate this situation buildings should transition from the waterfront and city centre down to the extremities of the locality. This is exactly as envisaged by the planning controls (the SEPP) which I believe are currently sufficient and should be adhered to.

Conclusion

The subject site is not Gosford City Centre. The objectives of the SEPP discuss a transition of building density and scale towards the city centre and the waterfront. The sheer scale of this development is not suitable for the locality and accordingly the aims, objectives and intent of the SEPP are not met.

The planning documentation already envisages a higher than average building in this particular location at 36m which would represent an appropriate gateway site of approximately 10-11 storeys rather than a 21 storey building. A true gateway building should not be measured in height but rather architectural merit. Just because a building is large does not make it a great gateway to a location. It is noted that the planning documentation makes no suggestion of similar gateway buildings in East Gosford or West Gosford. The planning documentation does not refer to any gateway buildings to be located at the other extremities of the city centre. To assume that one is required in North Gosford is presumptuous at best particularly given that Gosford has multiple entrances from the north. The entrance along Mann St could be mirrored at Showground Road and Henry Parry Drive. The reasoning behind the proposal made by the applicant for such a large scale development is therefore no existent.

It is clear that the SEPP does envisage a significant building considering the permissible height limit and FSR at this location which could create a landmark building and gateway site but the reasoning to significantly add to this site by doubling the density lacks any real planning merit and is just a density grab through over development.

The apartment mix which includes 81 x 1 bedroom units is excessive and demonstrates that dwellings are being squashed in simply to provide additional bulk and scale to the proposal. They are not warranted or required to meet the required bulk and scale in accordance with the planning controls. The units are clearly targeted towards investors and not first home buyers. In particular it would seem that the high prevalence of 1 x bedroom units may be an attempt to provide a void in available student accommodation given the construction of the new university building opposite the subject site. In particular the tower includes 38 x 1 bedroom units which adds significant height to the building that is simply not required.

Although the subject site is situated within the city centre context of the SEPP it is clearly not envisaged to be of such a significant scale in this peripheral location. The majority of the controls relate specifically to areas within the actual city centre and not in the outer edges of the area. It is evident that the intent of the controls is to provide a statement building with a maximum height of 36m on the northern perimeter and then a gradual increase in height, density and scale towards the city centre. The subject proposal presents as the antithesis to the planning intent of the SEPP and cannot be approved in its current form.

Thank you for giving consideration to this submission. I am actually very keen to see the area developed with good quality buildings however this proposal represents a gross over development of the site and should not be approved in its current form. I would appreciate being kept up to date throughout the assessment.