

6 October 2025

Minister for Planning and Public Spaces
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Attention: Renah Givney

SUBMISSION TO SSD-69773460

35-37 & 41 Dwyer Street, and 372-374 Mann Street, North Gosford

Dear Renah,

This objection has been prepared and lodged by the undersigned property owner, Purple Flower Pty Ltd ATF The Purple Flower Trust, with professional input from Nathaniel Murray of NSW Town Planning Pty Ltd (B. Town Planning (UNSW, Hons), J.D. (UNSW), GDLP), whose 20+ years of experience and expertise has ensured the submission accurately addresses relevant planning principles, statutory controls, and public interest considerations.

As the owner of four properties located directly opposite the subject site to the North, at 40 Dwyer Street and 400–404 Mann Street, North Gosford NSW 2250, we formally object to the development proposed under SSD-69773460 for 35–37 & 41 Dwyer Street and 372–374 Mann Street, North Gosford NSW 2250, which is currently on public exhibition between 10 September 2025 and 7 October 2025.

The application is described on the Major Project's website as follows:

Demolition of all structures and construction of a mixed use development comprising commercial and residential land uses with ancillary carparking and open space.

More specifically, and as outlined in the Exhibition Notice, the development proposes:

- *site preparatory works including tree removal, demolition of existing structures and earthworks*
- *3 buildings ranging in height between 7 and 21 storeys comprising:*
 - *A total of 249 apartments:*
 - *81 x 1 bedroom apartments*
 - *137 x 2 bedroom apartments*
 - *31 x 3 bedroom apartments*
 - *ground floor commercial premises (213m²)*
 - *3 to 6 levels of basement, including 353 parking spaces*
- *Public domain works to Dwyer Street and Mann Street*

From a review of the documentation submitted for the proposal, it can be determined that the development is significantly out of context and constitutes an overdevelopment of the Site.

While this may be the first exhibition under the guise of a new application, this is essentially the sixth time a notification period for development of such large scale has been publicly notified for the subject land since 2016. The previous proposal, which encompassed both sides of Mann Street (forming the so-called northern gateway to Gosford City Centre), was refused following a public hearing — notably on the grounds of excessive bulk and scale, and that ultimately the proposal was not in the public interest.

The significance of the previous refusal, underpinned by substantial community objection, should not be disregarded simply because this is a new or standalone application made by a

different proponent, and lodged under a different policy framework. The public interest remains the same, and it is important to recognise that this proposal represents only “half” of a broader strategy that will in all likelihood be replicated on the northern side of Mann Street must. Notably, the applicant also owns the land opposite, and the visual montages submitted with this application clearly infer the future development of that site to a comparable varied height and scale. This contextual reality must be taken into account in assessing the cumulative impact of the proposal. This matter is expanded upon further in the following sections of this submission.

From the perspective of the laypersons in the community, including owner or occupiers of neighbouring properties directly affected like myself, the process and this development is not a new or separate process that is beginning the transformation of this Site. Instead, it represents the next stage in what has been a protracted process under the same albeit evolving planning framework. The same underlying issues remain relevant, regardless of any procedural or technical distinctions that might appear to set aside prior community sentiment. No matter how the development is framed or presented the views and opinions of the community remain consistent: development of the subject land must be contextually appropriate, responsive to its setting, and proportionate to its location at the periphery of Gosford City Centre. In its current form, the proposal fails to achieve these outcomes.

It is relevant to acknowledge that although the previous refused scheme was proposed under the former provisions of Gosford Local Environmental Plan 2014, the provisions of *State Environmental Planning Policy (Gosford City Centre) 2018* (the Gosford City Centre SEPP) were gazetted during this time. Those provisions are what now form the provisions for the Gosford City Centre in Chapter 5 of *State Environmental Planning Policy (Precincts—Regional) 2021* (the Regional Precincts SEPP), under which the subject application is now made, including the provisions that enable exceptions to the floor space ratio and height development standards.

Therefore, the subject provisions were, to some extent, already in effect and formed established matters for consideration, and furthermore, were indicators of how the locality is intended to be developed during the previous review undertaken pursuant to section 8.2 of the *Environmental Planning and Assessment Act 1979*, and the associated public hearing. Despite that policy framework and the established direction of the City Centre being well understood at the time, the previous application was still refused. This outcome reflected the clear weight given to community expectations regarding appropriate character, bulk, and scale, which prevailed over the unreasonableness of the design. We now find ourselves in a similar position with the current application. Unless the design is fundamentally amended to achieve contextual appropriateness, refusal remains the only reasonable outcome.

Notwithstanding that credit must be given to the more developed nature of the proposal and vastly improved architectural merit when compared to the previous scheme (as many times as it was amended), significant objection is raised to the subject proposal in respect of the resulting bulk and scale of the tower component at the corner of Mann Street and Dwyer Road.

To this end, this objection does not seek refusal but for reasonable reduction to a more contextually appropriate outcome. The Minister and his delegates are urged to consider a reduction in the scale of the tower in line with the well-established expectations of the community and sound planning and urban design outcomes.

It is acknowledged that there is a legitimate need to increase housing supply in response to the current housing crisis. However, such provision must not come at the expense of other essential considerations, including the preservation of established community expectations, urban character, and rational urban design and planning outcomes.

In this instance, the proposal seeks to invoke provisions that provide exceptions to the maximum building height and floor space ratio controls set out on the relevant maps. These provisions permit exceedance of the controls “by an amount to be determined by the consent authority” subject to satisfaction of specified criteria and “to the satisfaction of the consent authority”.

A determining consent authority, acting reasonably, could not be satisfied with the extent of variation to the mapped height controls proposed. The scale of departure from the mapped height controls is so substantial that approval of the development in its current form would be considered so unreasonable that no reasonable authority could ever have made it.

For context, Clause 5.25(2) of the Regional Precincts SEPP provides:

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The height shown for the land on the Height of Buildings Map ranges from 36m in the portion of the Site referred to in the application as being Site A (being an area of 1,576sqm at the corner of Mann Street and Dwyer Street).

The Height of Buildings Map indicates an 18m height limit for Site B (being the remaining and larger 5,462sqm part of the development area).

Clause 5.26 of the Regional Precincts SEPP provides:

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The maximum floor space ratios for Site A and Site as shown on the Floor Space Ratio Map are 4:1 and 2.75:1 respectively.

Despite the above clauses, clause 5.46 of the Regional Precincts SEPP provides for exceptions as follows (noting that only subclause (4) is reproduced as that is the clause the Applicant has indicated it is reliant upon):

(4) Development consent may be granted to development that results in a building with a height that exceeds the maximum height shown for the land on the Height of Buildings Map, or a floor space ratio that exceeds the floor space ratio shown for the land on the Floor Space Ratio Map, or both, by an amount to be determined by the consent authority, if—

- (a) the site area of the development is at least 5,600 square metres, and*
- (b) a design review panel reviews the development, and*
- (c) if required by the design review panel, a competitive design process is held in relation to the development, and*
- (d) the consent authority takes into account the findings of the design review panel and, if held, the results of the competitive design process, and*
- (e) the consent authority is satisfied with the amount of floor space that will be provided for the purposes of commercial premises, and*
- (f) the consent authority is satisfied that the building meets or exceeds minimum building sustainability and environmental performance standards.*

Based on this clause, the proposal seeks a building height of 72.45m for Site A (**a variation to the mapped control of 26.45m or 101.25%**) and building height of 25.69m for Site B (**a variation of 10.69m or 59.39%**).

The proposal floor space ratios are 6.48:1 for Site A (a variation of 3,908.48sqm or 62%) but will remain below at 2.14:1 for Site B (-3,331.82sqm or -7% of what would otherwise be permitted). The nett outcome is a variation of 576.66sqm across the entire development (the proposal refers to 581sqm variation; however, it is unclear how that slightly increased number is calculated).

While the floor space ratio outcome does not seem unreasonable, the allocation of the floor space provided is concentrated on Site A. This outcome leads to the building height proposed.

The key parts of clause 5.46(4) against which the consent authority cannot possibly be in satisfaction of are as follows:

1. Site Area

5.46(4)(a) requires the site area of the development to be at least 5,600sqm. While the combined Site A and Site B areas total 7,038sqm the tower component is situated on only a 1,576sqm. This restricted site area for such a large structure does not allow for appropriate outcomes that would be otherwise be provided for similarly scaled development on a larger land parcel.

The proposed tower on Site A relies on the provision of deep soil to be provided on Site B. While numerically this works, it disregards the underlying intent of the provision — which is to provide a contextual landscape setting that softens built form impacts, enhances amenity for residents and visitors, and contributes positively to the streetscape.

In this case, the deep soil and open space have been concentrated toward the city-centre facing aspects, rather than the residential interface along Dwyer Street and the adjoining low-rise precinct. This orientation prioritises the visual presentation of the development to the city over its contextual relationship with the existing neighbourhood. The result is a design that neglects the amenity, character, and environmental balance the deep soil provisions are intended to protect.

Locating the required open space and deep soil areas away from the largest and most visually dominant building in the development defeats the fundamental purpose of the control. This approach treats the standard as a mathematical exercise rather than a design principle, and it is highly unlikely that such an outcome aligns with the original intent of the variation provisions.

It is noted that the Design Panel has raised concern about the tower site not providing stand-alone compliance for individual buildings in lieu of an aggregated approach for matters of the Apartment Design Guide.

The concentrated built form also means that while there is a variation of only 576.66sqm across both Sites A and B, the variation to the floor space ratio control that applies only to Site A is some 62%.

The building height controls is exceeded by more than double the mapped control.

While the Applicant may argue that the development should be assessed on aggregate (Sites A and Site B together), the reality is that different base controls for height and FSR apply to the different parts of the Site. They must inherently be considered on that basis.

This logical approach indicates clearly that Site A is an overdevelopment for that part of the overall proposal. The portion of the development site with a floor space ratio of 4:1 and height of 36m is only 22.4% of the total Site area, but is accommodating 46.6% of the development (10,212.48sqm out of 21,901.16sqm), at over double the height of base height controls, without meeting minimum requirements for open space and deep soil for that building within that part of the Site. This is an unreasonable outcome.

2. Commercial Floor Space

5.46(4)(e) requires the consent authority to be satisfied with the amount of floor space that will be provided for the purposes of commercial premises.

The proposal includes only 213sqm of ground floor commercial floor space. This represents just 0.9% of the total gross floor area (GFA) provided within the development. Even when calculated solely for the Tower on Site A, the proportion rises to only 2.08% — still a negligible contribution relative to the overall scheme.

The inclusion of this requirement for consideration in the variation controls of 5.46(4) cannot be underestimated. It is clear that in applying additional floor and height controls in the Precinct, that non-residential, employment, and/or active uses considerations should play a significant role in allowing the variations.

Given that the variations under clause 5.46 only apply to land zoned in the “business zones” being:

- (a) Zone B3 Commercial Core,
- (b) Zone B4 Mixed Use,
- (c) Zone B6 Enterprise Corridor —
should meaningfully contribute to non-residential, employment-generating, and active ground-level uses.

The intent of the provision is to ensure that any uplift in development potential delivers reciprocal public and economic benefit through commercial activation and job creation. However, in this instance, the proposed scheme allocates the entirety of the additional height and floor area to residential use — resulting in a tower that is more than double the mapped height and 62% over the prescribed FSR, without providing any corresponding uplift in commercial or employment outcomes.

The nominal allocation of less than 1% of the total floor area as commercial floor space across the entire development is inconsistent with intention and spirit of Clause 5.46. It fails to activate the precinct, contribute to local employment, or support the mixed-use balance envisioned for Gosford’s gateway corridor. The consent authority cannot be reasonably satisfied that this element of the variation control has been met. To align with the objectives of Clause 5.46(4)(e), the residential tower should be substantially reduced in scale so that the proportion of residential to commercial floor space is brought back into appropriate balance, consistent with the intent of the business zoning framework.

3. Sustainability and Environmental Performance Standards

5.46(4)(f) requires (f) the consent authority to be satisfied that the building meets or exceeds minimum building sustainability and environmental performance standards.

However, the proposal fails to demonstrate that these requirements can be met. The tower cannot satisfy several key design standards applicable under the Apartment Design Guide (ADG) including those related to open space, deep soil provision, and

natural ventilation. it is unlikely that the consent authority can reasonably conclude that the sustainability of the development can be achieved.

Flow-on effects relate to matters such as restricted ability for adequate natural infiltration across the Site. In addition, the extended building height produces a far longer shadow that anticipated by base controls.

The application, in a manner similar to previous applications on this land, attempts to justify the proposed height of the tower on the basis that its location marks the northern “gateway” to the Gosford City Centre. However, while the precinct is indeed referred to as the Gosford City Centre, this particular site is in fact located in North Gosford and sits outside the identified structure areas for the “Civic Heart” and “City North” zones. These zones commence further south, from Etna Street, as defined in the Gosford Urban Design Framework prepared by the NSW Government Architect (October 2018).

In this regard, the site occupies a transitional “no-man’s land position” not formally included within any Structure Plan boundary. The Framework itself acknowledges that *“[t]he high street of Mann Street between the hospital and the waterfront is 1.4km long”* and is measured from Etna Street, not Dwyer Street.

Consequently, the claim that the site forms part of the City Centre gateway is misleading and inconsistent with the strategic urban design framework. It follows that the proposed intensity, height, and associated environmental impacts are unjustified in this location, and the consent authority cannot reasonably be satisfied that Clause 5.46(4)(f) has been met.

In this context, the Site should be treated as a mixed-use transition area to lower density development adjoining to the North. **Figures 1 to 5** show how the Site is excluded from the City Centre Structure Plans and is not considered part of any ‘Gateway Site’, ‘Strategic Centre’, or other type of ‘Key Site’.

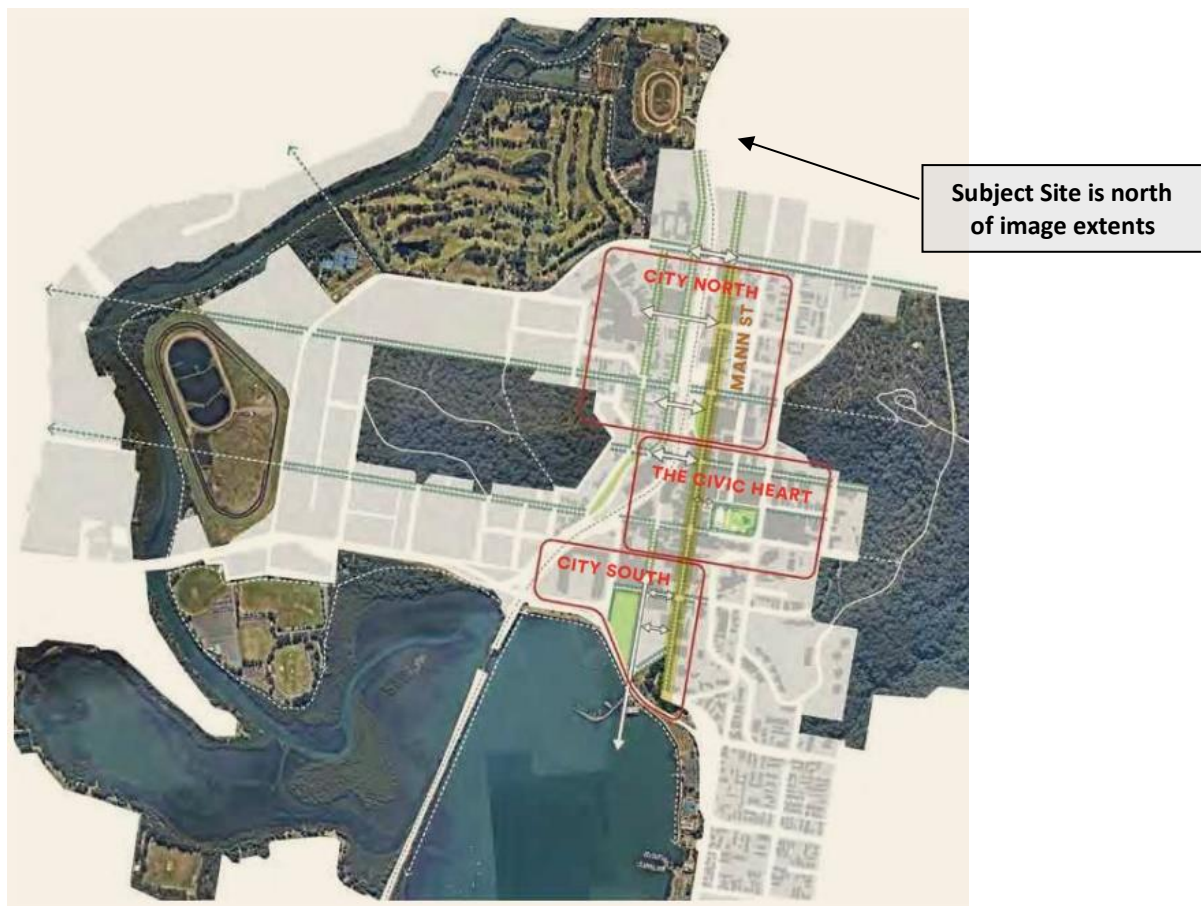


Figure 1 – Gosford Urban Design Framework – Key Strategic Centres (Source: NSW Government Architect, September 2018)

The scale of Gosford

By comparing Gosford to Sydney and Newcastle, its two closest neighbouring cities, Gosford's large regional city footprint is evident. The high street of Mann Street between the hospital and the waterfront is 1.4km long, which is similar to the length of Sydney's George Street between Townhall and Circular Quay. It is not a walk done every day.

This scale comparison is contrasted by a relatively small population of people living in the centre. A city of this scale needs a greater density of visitors, residents and businesses to feel active as a regional capital.

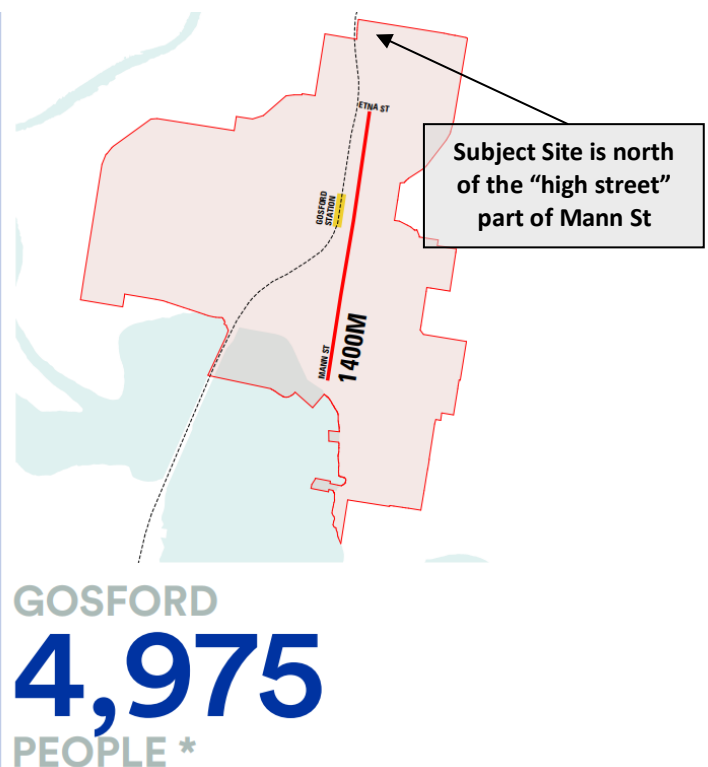


Figure 2 – Gosford Urban Design Framework – The Scale of Gosford (Source: NSW Government Architect, September 2018)

2.6 Design principles for City North

The following design principles outline the key moves for City North, which can enable investment in this part of the city.

On the following pages these principles are investigated in more detail, suggesting a range of opportunities and potential projects to consider.

Existing



The existing lot and building size of City North to the east of the railway line, is varied and sits within a walkable street grid. Smaller lot sizes and multiple owners constrain easy amalgamation of sites into super lots, therefore the potential exists to promote a more organic, varied and finer scale of redevelopment in this area.

This area is in close proximity to station and commercial centre, offering an area of potential with diversity and flexibility for the city to grow.

Subject Site is north of "City North"

1. Improve pedestrian connections across the rail corridor



Observation: The hospital development is a large investment in Gosford which will bring large numbers of people into the area, and drive the growth of related allied health services, but it is not well connected across the railway into the civic heart of the city.

Principle: Connect investment into the high potential of City North with a range of short, medium and long-term projects

1. Improve the existing connections at Etna Street prioritising pedestrian, cyclist and emergency vehicles and reduce traffic on sections of Racecourse Road prioritising 'destination' related traffic
2. Investigate options for a new pedestrian crossing from the hospital to Beane Street in the east
3. Investigate options for an addition crossing of the railway at Etna Street linked to the extension of the platforms and a potential new station entry point.

2. Improve pedestrian environment and tree canopy



Observation: The poor pedestrian environment of City North impacts the connectivity of the surrounding uses with the civic heart of the city and the ability to support innovation related activities including health and education.

Principle:

1. Establish Mann Street as a strong green spine through the city, connecting the distinct areas along its length.
2. Improve pedestrian amenity along Showground Road, Etna Street and Faunce Street to connect the schools and hospitals into the station and centre of Gosford
3. Connect City North with the surrounding green spaces in a wider active transport network
4. Investigate opportunities to widen footpaths and create active transport links on Mann Street and Showground Road. Also consider improved footpaths and active transport across Etna Bridge.

3. Provide a new public space



Observation: There is a lack of public open space

Principle:

1. Provide a public open space for the City North area that can bring the east and west of the city together, as well as connect to the Civic Heart.
2. Investigate a location for public open space that can bring the east and west of the city together, as well as connect to the Civic Heart.
3. Consider that it has a unique and authentic identity based on the character of City North.
4. Provide a variety of soft and hard spaces for people to meet, enjoy a lunch break and engage as a community.
5. Ensure the space has good solar access.
6. Provide trees and greener places.

4. Promote a diversity of built form



Observation: The varied grain of the built fabric and the robust street grid offers a range of opportunities for refurbishment, adaptive re-use and new buildings.

Principle:

1. The opportunity for a diversity of building types and scales of spaces should be encouraged, to create a varied grain and pedestrian scale environment along Mann Street.
2. Retain existing trees and plant new ones.
3. Encourage through site links and porous built form.

5. Celebrate glimpsed views



Observation: Glimpsed views of Presidents Hill, Rumbalara Reserve and Brisbane waters connect the area with the wider landscape.

Principle:

1. Views to key landmarks should be celebrated at the station, the arrival to the city. Careful redesign of Burns Park, the Gateway Centre site, and any future station redesign, could create a glimpsed view of Rumbalara Reserve from the station. The concourse should consider water views whilst any other opportunities to view Presidents Hill from the station and its surrounds should be explored.
2. Views to key landmarks should be considered from existing and new public vantage points and be a consideration in new or changes to built form.

Figure 3 – Gosford Urban Design Framework – Gosford City North Design Principles do not include the Subject Site (Source: NSW Government Architect, September 2018)

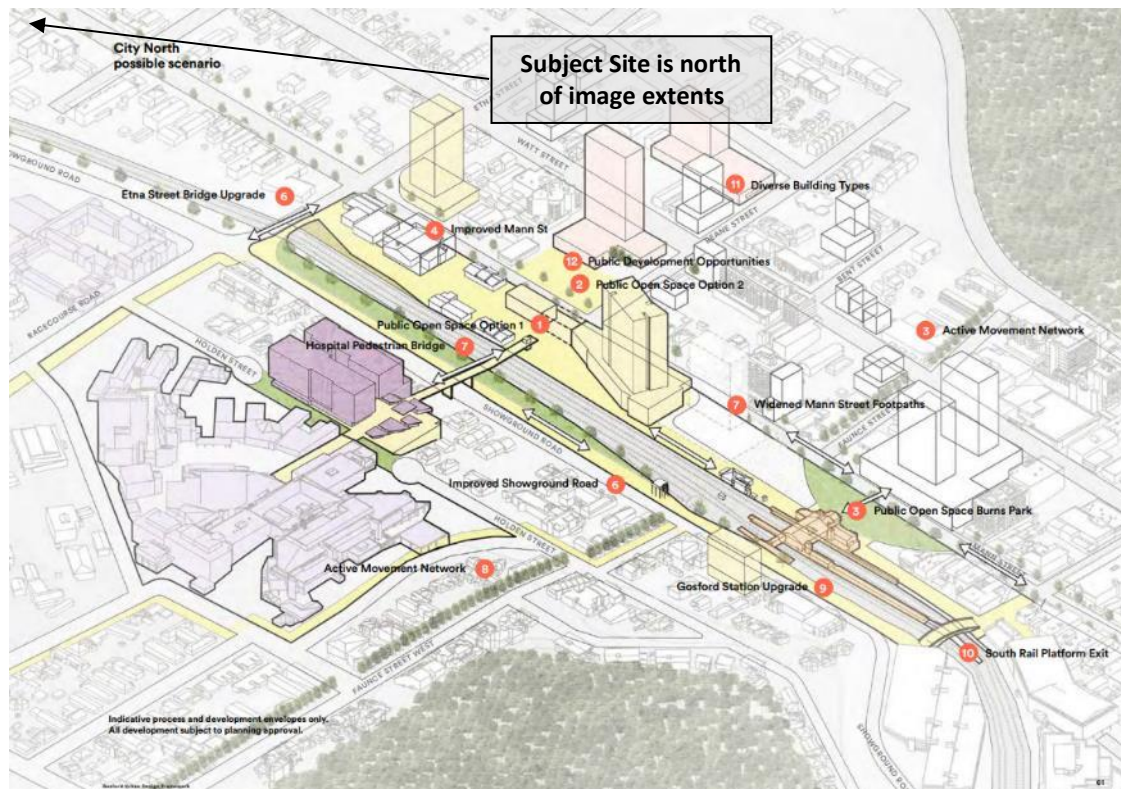


Figure 4 – Gosford Urban Design Framework – Gosford City North Design Possible Scenario does not include the Subject Site (Source: NSW Government Architect, September 2018)



Figure 5 – Gosford Urban Design Framework – Gosford City North Structure Plan does not include the Subject Site (Source: NSW Government Architect, September 2018)

In stark contrast to the established urban design approach for Gosford set out in the *Gosford Urban Design Framework (NSW Government Architect, 2018)*, the proposal instead seeks to erect a tower more than double the mapped height controls on the periphery of the City Centre Precinct. This represents a fundamental departure from the strategic vision for Gosford’s built form, which seeks to focus height and density within the Civic Heart and City Core, tapering towards the outer edges.

The proponent attempts to self-identify the site as a “gateway” to justify an unjustifiable scale. However, no such gateway characterisation exists for this location within the Urban Design Framework or associated planning instruments.

The tower would essentially create a vastly out-of-context built form in a transition zone at the edge of the city, standing taller than development closer to the City Centre, before the development skyline again rises in the true City Core. This inverted and irregular composition would destroy any desired bell-curved skyline resulting in a permanently disjointed city profile.

Even if the Site were to be considered a gateway, this does not automatically justify unfettered height or scale. A gateway site should express a sense of arrival and identify, not dominance. The transition from low density residential areas to a sudden 72.45-metre structure would create a visually jarring and unwelcoming contrast overwhelming the surroundings context. Should the northern side of Mann Street be developed to a similar extent, the outcome would be two isolated vertical markers, disconnected from their urban surroundings and entirely inconsistent with the principles of integrated gateway design.

An effective “gateway” outcome can be achieved through strong ground floor activation, articulated facades, and a modestly scaled built form that responds to the corner prominence – without the need for the excessive height proposed.

Furthermore, the exceptions to development standards under the SEPP (Precincts—Regional) 2021 apply across the entire Gosford City Centre precinct. Accordingly, housing targets can be achieved through appropriately distributed, context responsive development, rather than through the concentration of excessive bulk and scale in a single unsuitable peripheral location.

This principle is reinforced in the *Gosford Urban Design Framework* (Executive Summary, page 12) – see **Figure 6** below. The third plan indicated on that page is particularly relevant and has been magnified within the Framework to emphasise the importance of avoiding large, standalone projects outside of the Strategic Centres of City North, Civic Heart, and City South. The subject proposal seeks to deliver precisely such an outcome, contravening the intended planning logic and urban design principles of the Framework.

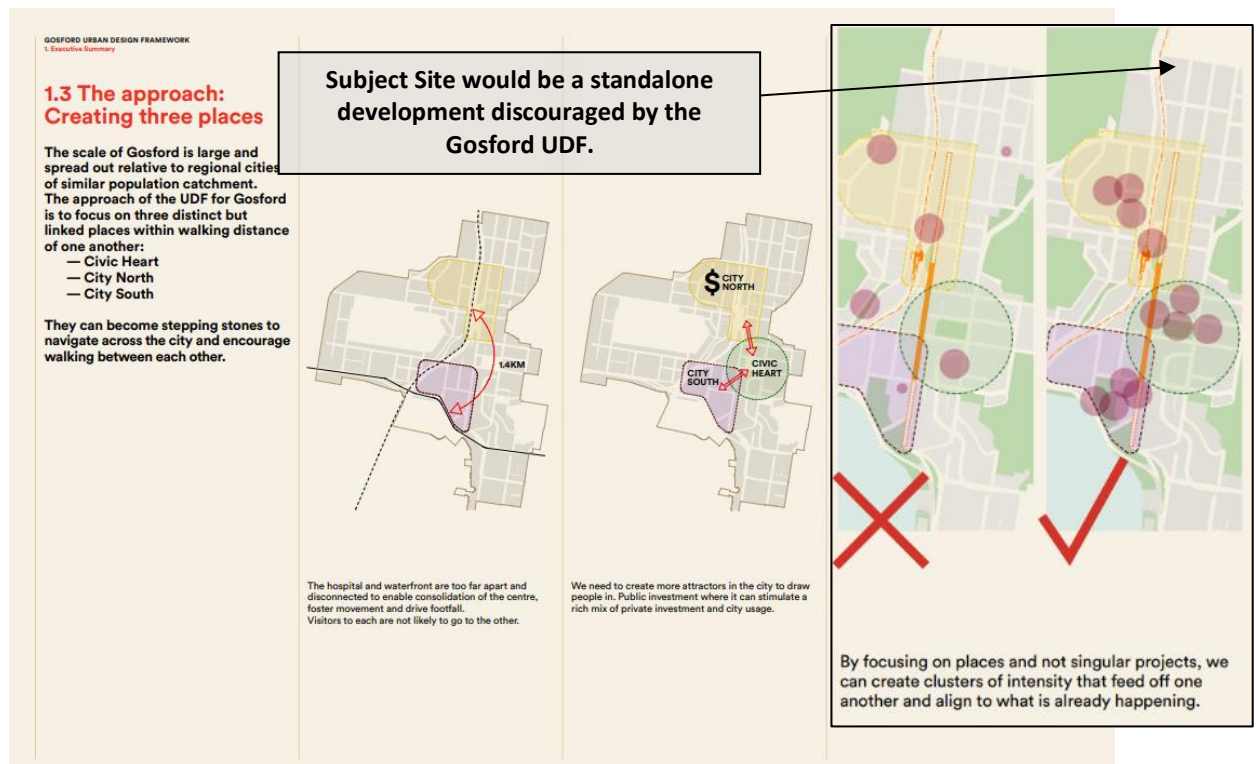


Figure 6 – Approach for the Gosford Urban Design Framework (Source: NSW Government Architect, September 2018)

As a point of reference to the unreasonableness of the variation to the mapped controls being proposed, the State Significant Development (SSD) pathway lead by the Housing Development Authority (HDA) eligibility criteria is a suitable guide. That process provides for strategically-located Sites to proceed in a streamlined state significant development pathway with a concurrent rezoning process, should that be required. Applicants need only lodge an Expression of Interest to the Department.

Of note, the eligibility and expression of interest criteria states (amongst other matters) the following matters:

Largely consistent with development standards	Does not exceed applicable development standards by more than 20%.
Has addressed any previously refused proposal	Applicant positively addresses any reasons for refusal if development is based on a previously refused or stalled application/planning proposal/land and environment court appeal. Note: any proposal that is already being considered under another pathway will not be declared as State significant until the applicant withdraws from that pathway.

Proposal has strategic merit	• Land is not zoned: ○ C2 Environmental Conservation ○ C3 Environmental Management ○ RE2 Private Recreation ○ RU1 Primary Production ○ RU2 Rural Landscapes ○ RU3 Forestry ○ RU4 Primary Production Small Lot⁷. • Applicant demonstrates that the proposal has strategic merit ○ aligns with a relevant strategic plan or responds to a change in circumstances that has not been recognised by the existing planning framework ○ there is no other available state assessed pathway ○ aligns with development standards/zoning set for the site through a State-led process within the past 24 months ○ is consistent with an underway state-led rezoning.
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This demonstrates that even under programs rolled out directly in response to the immediate housing crisis, which expressly contemplate limited exceedances of development controls and/or a need for a planning proposal to amend them, variations exceeding 20% are not intended to be supported.

Presumably the 20% guide reflects an understanding of the fact that any greater variation would result in contextual incompatibility, excessive bulk and scale, and broader amenity impacts that cannot be reasonably mitigated.

Applying this 20% cap as a guide for the subject application, the development could therefore reasonably achieve no more than:

- an additional 7.2 metres above the mapped maximum building height of 36 metres (resulting in a total permissible height of 43.2 metres, equating to approximately 14–15 storeys at an average of 3 metres per floor), and
- an additional 0.8:1 above the mapped 4:1 floor space ratio (FSR) control for Site A (resulting in a total permissible 4.8:1 FSR or approximately 7,564.8 m² of gross floor area).

In terms of addressing the previous grounds for refusal, the current proposal fails to do so. The previously refused scheme on the subject site, which proposed a tower on the same area now referred to as Site A, had a height of 46.8 metres (originally proposed at 75.7 metres). **Figures 7 to 9** illustrate the evolution of that earlier scheme, while **Figure 10** shows the current proposal.

It is evident that the new application has reverted back to a higher structure than that previously refused. The development has clearly not “positively addressed” the reasons for past refusals, and, on the same basis, requires a substantial reduction in height and bulk to achieve an appropriate contextual response.



Figure 7 – Original 2016 Application with Height up to RL95.7 (75.7m) for Tower 3 (the current Site A location)



Figure 8 – 2018-2019 Amendments with Reduced Height up to RL74 (54m) for Tower 3 (the current Site A location)

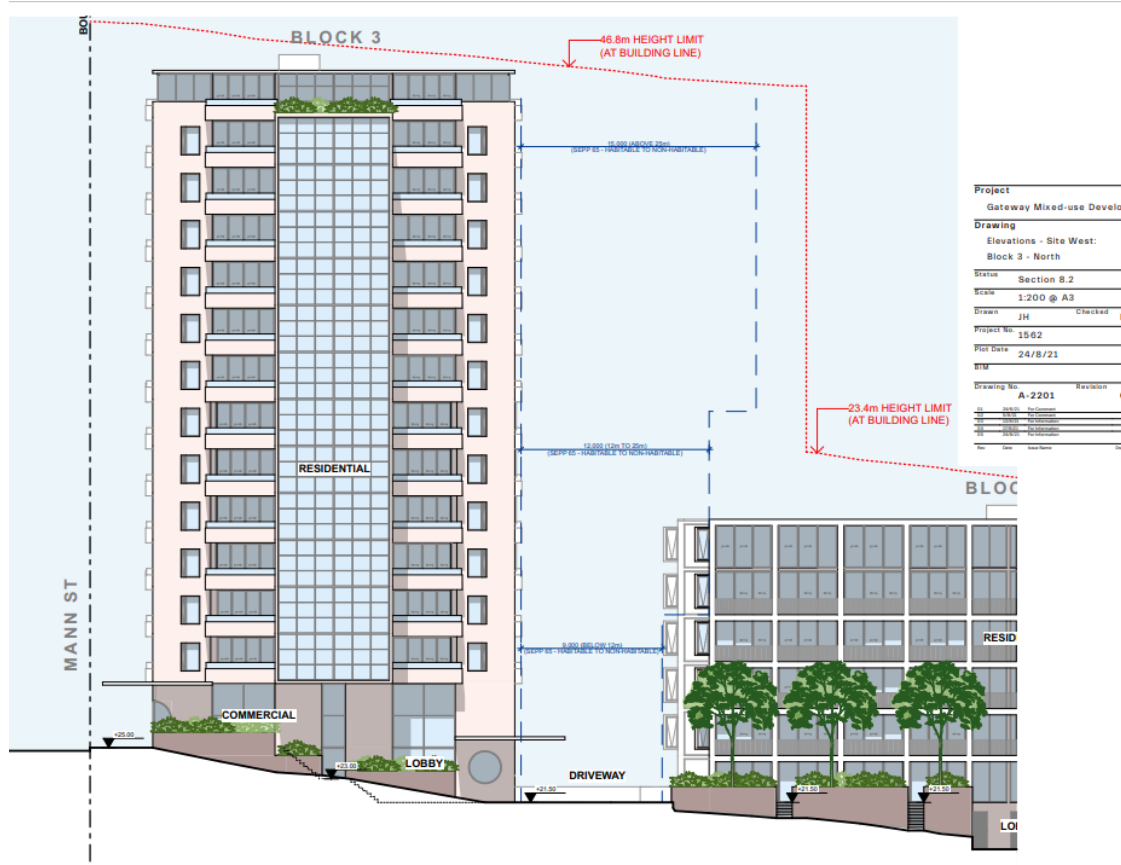


Figure 9 – 2021 Scheme with Reduced Height up to unspecified RL but below (46.8m) for Tower 3 (the current Site A location).

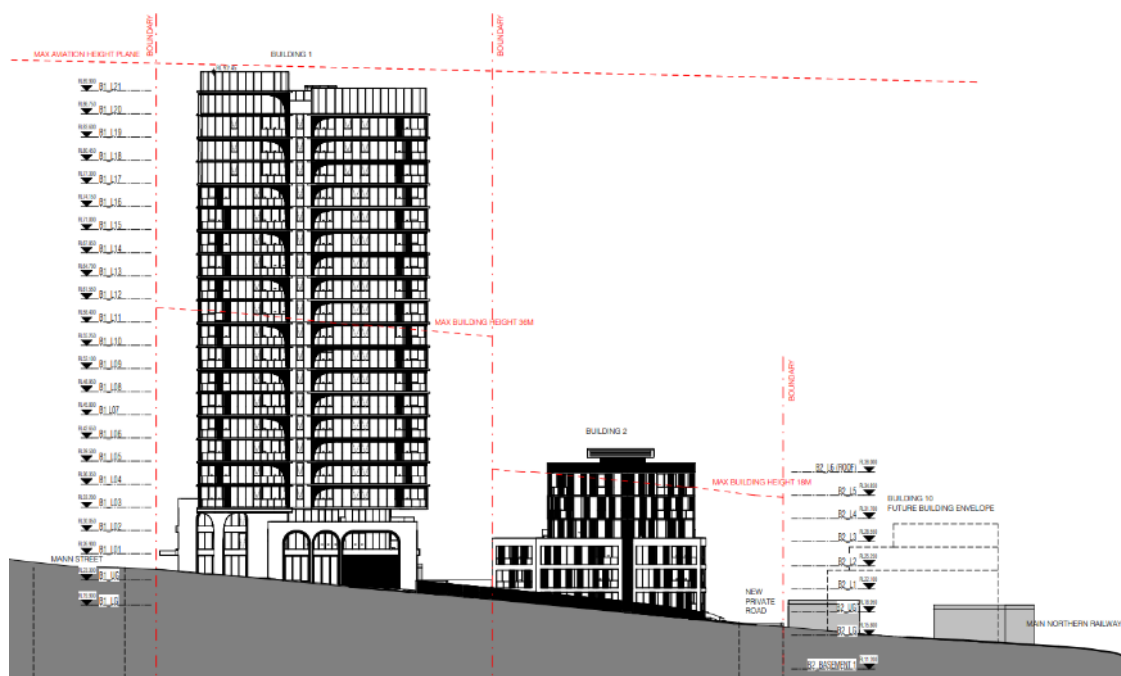


Figure 10 – 2025 Subject Application Increased Height up to RL92.45 (72.45m) for Site A (the former Tower 3 location).

Contextually, the 2021 Scheme, at 46.8m is shown in comparison to approved development on opposite side of Dwyer Street on properties in Figures 11 to 13 below, which were used in submissions against that proposal. The development now proposed in the subject application is some 25.65m taller than the modelling shown.



Figure 11 - View looking eastward along Dwyer St showing the reduced 2021 Scheme with a 46.8m tower height at 35-37, 41A Dwyer St, 372-374, 393-397 Mann St and 76 Hills St against the scale of proposed development on opposite side of Dwyer Street, near the intersection with Mann St. The subject proposal is at tower height 72.45m.

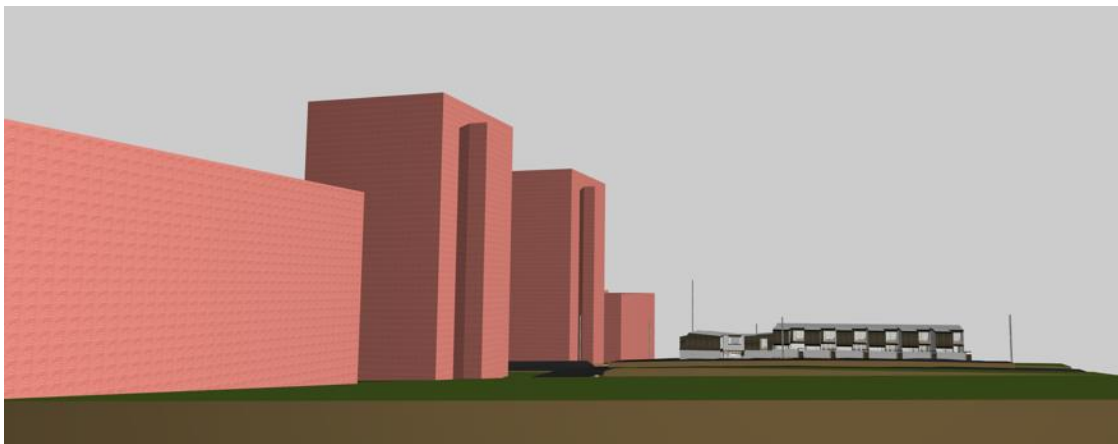


Figure 12 - View looking westward along Dwyer Street showing reduced 2021 Scheme with a 46.8m tower height at 35-37, 41A Dwyer St, 372-374, 393-397 Mann St and 76 Hills St against the scale of proposed development on opposite side of Dwyer Street, near the intersection with Mann St. The subject proposal is at tower height 72.45m.



Figure 13 - View showing disproportionate scales of the 2021 Scheme at the Dwyer Street/Mann Street intersection between tower height of 46.8m. The subject proposal is at tower height 72.45m.

A comparison of the original 2016 refused scheme at RL95.7 (75.7m), which is much closer to what is now proposed at RL92.45 (72.45m) can be seen in **Figures 14 to 16** below and demonstrates far greater disparity with the maximum heights with surrounding development to the north and which resulted in the reduction in the first place, which is now being reversed.

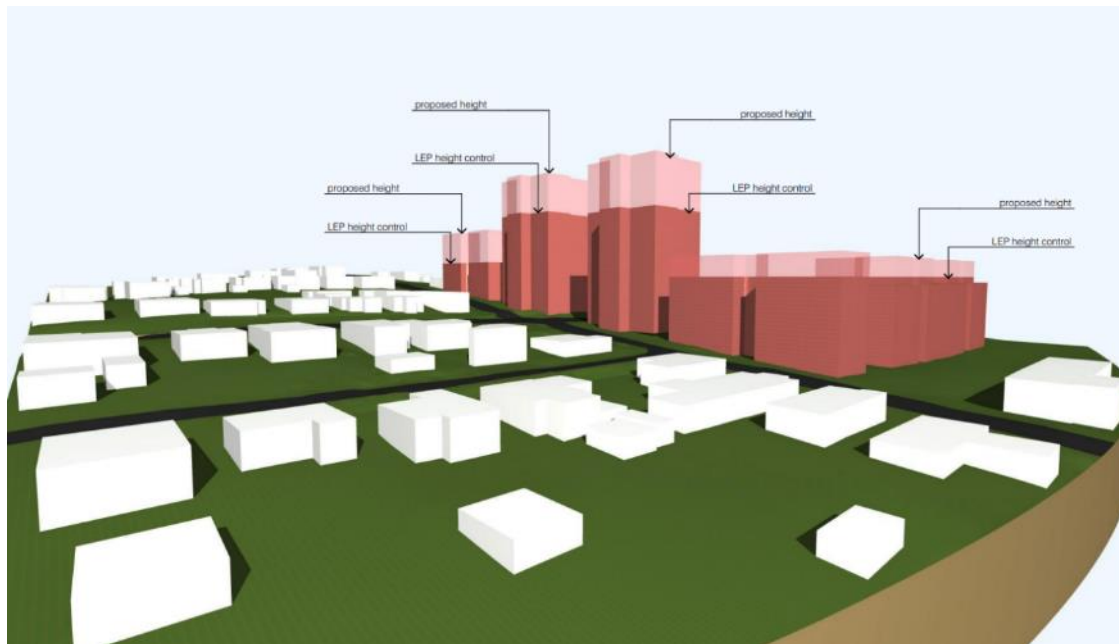


Figure 14 - View showing disproportionate scales of the 2016 Scheme at the Dwyer Street/Mann Street intersection between tower height of RL95.7 (75.7m). The subject proposal is at tower height 72.45m.

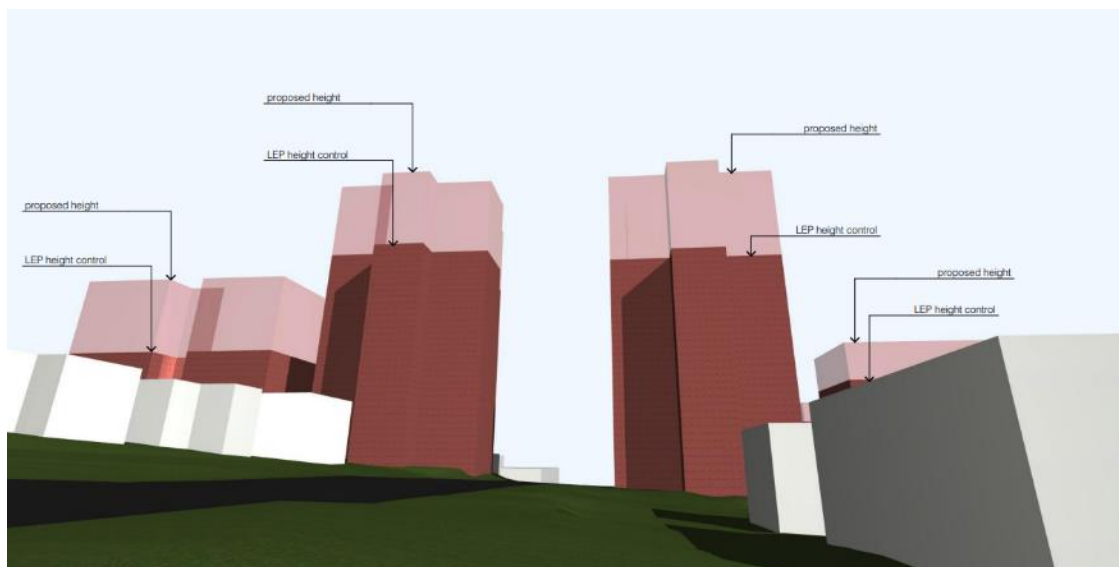


Figure 15 – View southward along Mann Street of the 2016 Scheme at the Dwyer Street/Mann Street intersection between tower height of RL95.7 (75.7m). The subject proposal is at tower height 72.45m.

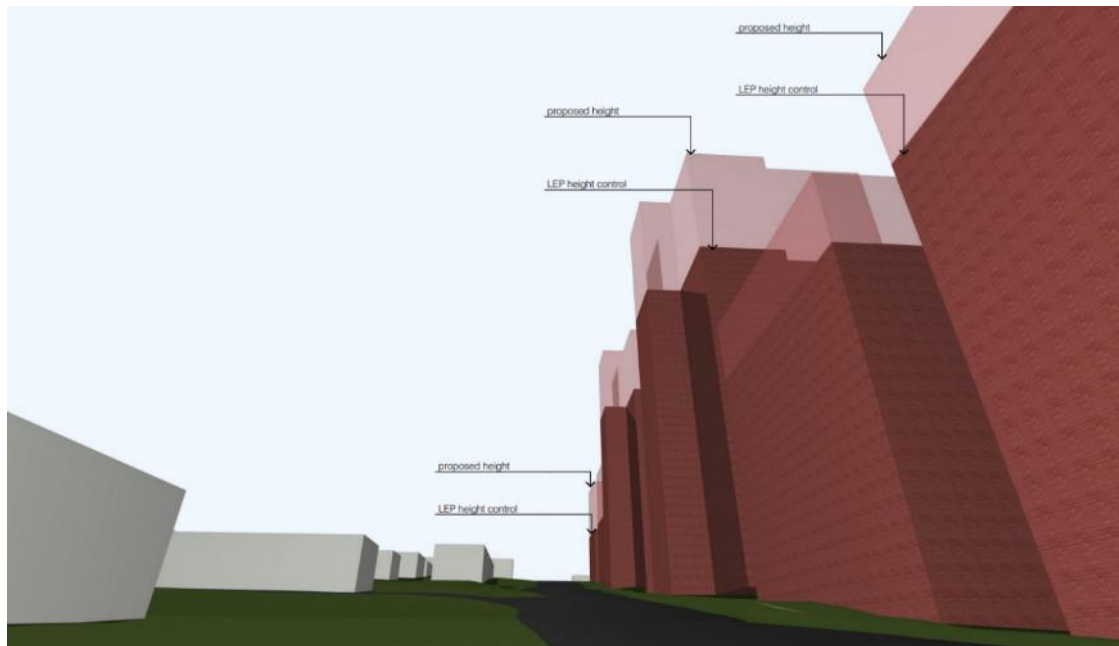


Figure 16 – View looking East along Dwyer St of the 2016 Scheme at the Dwyer Street/Mann Street intersection between tower height of RL95.7 (75.7m). The subject proposal is at tower height 72.45m.

The renders/montages provided as part of the application are misleading and do not correctly depict surrounding land in either its current or future potential development.

The development should be shown in line with the Policy issued for photomontages by the NSW Land and Environment Court, as follows:

Requirements for photomontages

1. *Any photomontage proposed to be relied on in an expert report or as demonstrating an expert opinion as an accurate depiction of some intended future change to the present physical position concerning an identified location is to be accompanied by:*

Existing Photograph.

- a) *A photograph showing the current, unchanged view of the location depicted in the photomontage from the same viewing point as that of the photomontage (the existing photograph);*
- b) *A copy of the existing photograph with the wire frame lines depicted to demonstrate the data from which the photomontage has been constructed. The wire frame overlay represents the existing surveyed elements which correspond with the same elements in the existing photograph; and*
- c) *A 2D plan showing the location of the camera and target point that corresponds to the same location the existing photograph was taken.*

Survey data.

- d) *Confirmation that accurate 2D/3D survey data has been used to prepare the Photomontages. This is to include confirmation that survey data was used:*
 - i. *for depiction of existing buildings or existing elements as shown in the wire frame; and*
 - ii. *to establish an accurate camera location and RL of the camera.*

2. *Any expert statement or other document demonstrating an expert opinion that proposes to rely on a photomontage is to include details of:*
 - a) *The name and qualifications of the surveyor who prepared the survey information from which the underlying data for the wire frame from which the photomontage was derived was obtained; and*
 - b) *The camera type and field of view of the lens used for the purpose of the photograph in (1)(a) from which the photomontage has been derived.*

A physical model showing the potential development of surrounding land within compliant building envelopes should also be prepared in accordance with the *Environmental Planning and Assessment Regulations 2021*.

The significance of the renders/montages is evident in the modelling provided in **Figures 11 to 16** above. Of particular relevance, land on the northern side of Dwyer Street is depicted as open space, portraying the development within a green, park-like setting. In reality, this land on the northern side of Dwyer Street has development consent for terrace housing that will be dwarfed by the proposed development. Figures 11 to 13 illustrate these approved terraces opposite the site, shown at scale, confirming the misleading nature of the visual material on exhibition.

In addition, the renders/montages depict the land on the opposite side of Mann Street (the other side of the “gateway” site previously subject to a related application) as accommodating buildings well above the mapped height control of 36m. This is not a given outcome for that Site and should not be relied upon as a contextual accurate to support the proposal.

Furthermore, in reference to the third item from the HDA eligibility/EOI criterion referenced above, the development is not supported by any strategic plan or change circumstances not already recognized within the existing planning framework. The controls currently in place for the Gosford City Centre in the Regional Precincts SEPP existed in similar iterations under the now repealed Gosford City Centre SEPP from 2018. Those controls and the intended outcome for Gosford were known to the previous determining authorities who still refused the scheme. No change warranting reconsideration of what is essentially the same level of overdevelopment for the tower and broader development exists.

Accordingly, the proposal would not satisfy the eligibility for SSD under the HDA framework, which was specifically set up to facilitate housing delivery through streamlined pathways. It goes without saying that a proposal outside this streamlined framework, particularly one that so clearly exceeds reasonable variation parameters, should not be capable of approval. The consent authority must therefore exercise its discretion under clause of 5.46 of the Precincts SEPP to require a significant reduction in height and bulk prior to any approval being contemplated.

Approving a development that effectively reverses nearly a decade of consistent community objection and multiple formal refusals, and which would not meet the states own streamlined housing criteria, would seriously undermine public confidence and trust in the planning system. For these reasons, approval of the proposal in its current form cannot be considered a reasonable or balanced planning outcome by the determining authority.

IN SUMMARY

While redevelopment of the Subject Site at North Gosford is welcomed, there is serious objection to the significant over-development of the Site proposed in its current form, which demonstrates little consideration or regard to the surrounding context.

No genuine attempt has been made to mitigate the identified impacts evident in previous schemes comprising similar height and scale.

The combination of issues highlighted throughout this submission confirms that the site is being substantially overdeveloped, notwithstanding only a modest numerical variation in floor space ratio.

The inappropriate distribution of the floor space across the site, coupled with the failure to satisfy the consent authority's requirement for variation, reinforces the unreasonableness of the proposal.

In essence, the proposal:

- exceeds maximum building height by concentrating development on part of the Site to an unreasonable extent,
- exceeds floor space ratio by concentrating development on part of the Site to an unreasonable extent,
- provides a miniscule proportion of commercial floor space (less than 1%) in a mixed-use zone, contrary to the intent of Clause 5.46, and which the consent authority must take into account in considering the variations to height and floor space ratio,
- results in significant overshadowing because of the excessive tower height,
- does not provide any community benefit, despite seeking major and unreasonable planning concessions,
- comprises misleading and disingenuous visual information (specifically the renders/montages provided);
- is not located in a gateway, strategic, or key location that warrants the proposed scale,
- fails to satisfy and is inconsistent with the Apartment Design Guide standards on an individual building basis, which undermines the intent of the relevant controls for deep soil, open space, and amenity,
- reflects design choices by the Applicant – not genuine site constraints, and
- is not in the public interest, as evidenced by 10 years of consistent community objection to development of this scale on this Site.

As with the previous schemes, approval of this proposal in its current form would redefine development potential for the locality – defeating the intrinsic purpose and expected outcomes established by the planning controls, and undermining community certainty moving forward.

The applicant appears to rely on the State Government's eagerness to revitalise the City Centre as justification for an overdevelopment that disregards and undermines the intent of the planning framework, the contextual constraints of the site, the resulting impacts on the amenity and character of surrounding properties, and the broader public interest.

The renders and photomontages prepared by the applicant are not in accordance with the Policy prepared by the NSW Land and Environment Court's visualisation policy and are therefore misleading.

It is both reasonable and necessary for the future development of this site to respond to its context and align with community expectations. A proposal brought forward within the unvaried State Environmental Planning Policy (Precincts—Regional) 2021 controls would represent a positive outcome for all stakeholders — delivering growth for Gosford while protecting community amenity, local character, and sound planning principles.

It is therefore maintained that the Minister, or his delegate, must require a significant reduction in the scale of the proposal to achieve a design that meets the capacity of all parts of the site, responds appropriately to its context, and upholds sound planning principles.

Should any further information or clarification of the points outlined in this submission be required, please contact our town planner, Nathaniel Murray from NSW Town Planning Pty Ltd on 0478 051 747, or myself (the undersigned) on 0423 455 094.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Dignam', followed by a horizontal line.

Geoffrey Dignam
Director, Purple Flower Pty Ltd ATF The Purple Flower Trust
(Owner – 40 Dwyer Street North Gosford)