

FRIENDS OF GOSFORD PTY LTD

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20 May 2020

**Submission regarding proposed development
at 89 John Whiteway Drive, Gosford**

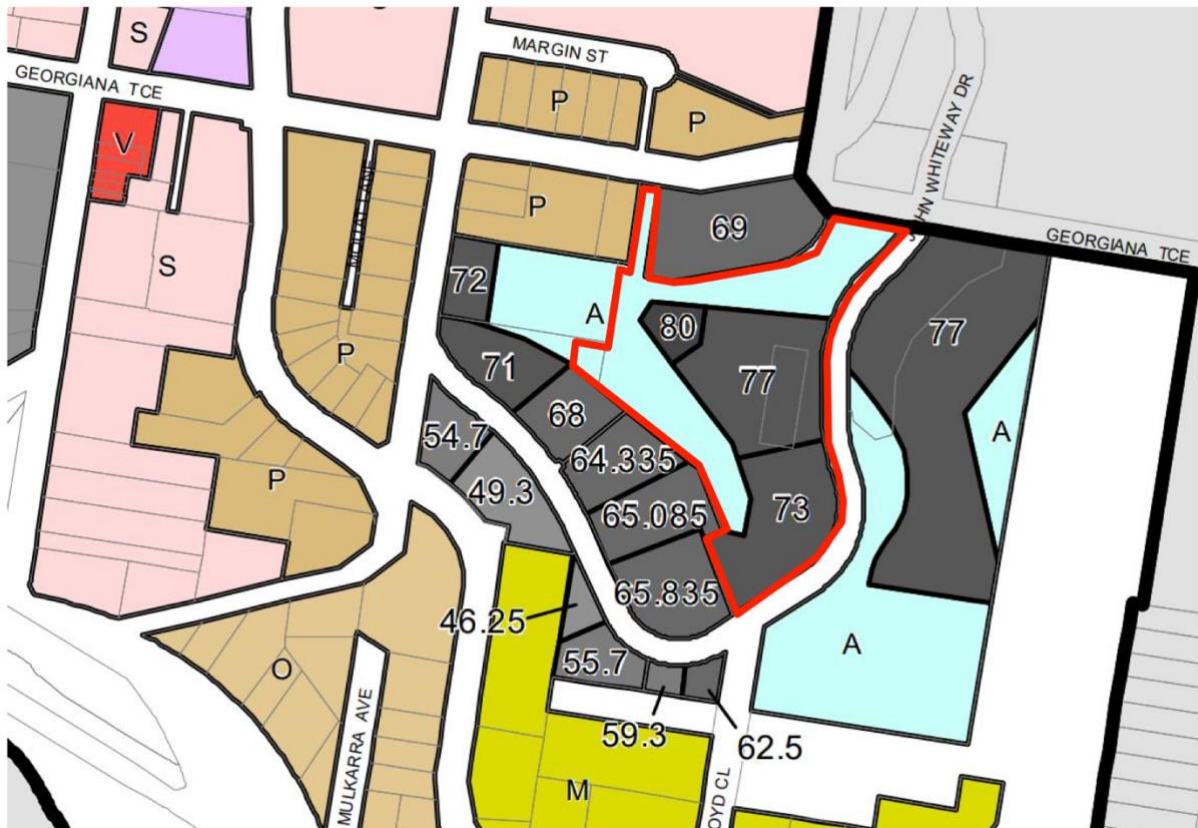
Application No SSD-10321

Our organisation Friends of Gosford Pty Ltd is advised by a number of local professionals - the members are passionate about the future role Gosford will play in the commercial and residential city - they are leaders in their fields - with considerable expertise in the area of town planning, architecture, engineering, medical and the law.

We are **very** concerned about the proposed development and **object to the project** on the following grounds.

Objection 1 – Significant Height Variation – Clause 4.6 Variation not supported

In accordance with the Gosford City Centre Height of Building Maps Sheet HOB_001 copied below there are three building height controls across the site which is outlined in red.



Source NSW Legislation URL

https://www.legislation.nsw.gov.au/maps/44012221-c265-4856-bb43-1ffd2a598e99/SEPP_GCC_HOB_001_012_20180612.pdf

The building height are set at 80, 77 and 73 RL across the site. The applicant is proposing four (4) block towers.

- Block A has a proposed building height of RL of 86.680 in an area that has a building height control of RL 73
- Block B has varying building height ranging from a proposed building height of RL of 88.400 in the location that has a building height control of RL 73 and a proposed building height of RL 88.600 in an area that has a building height control of RL 77
- Block C has a proposed building height of RL 102.770 in an area that has a building height control of RL 77.
- Block D has varying building height ranging from a proposed building height RL 97.600 and a proposed building height of RL 107.600 in an area that has a building height control of RL 77. Plus, a section of Block

D ranging in height from RL 100 to RL 107.600 in an area that has a building height control of RL 80.

In accordance with legislative requirements the applicant has submitted a written Clause 4.6 Variation Request – Height to justify the multiple building height variations.

In our opinion we believe the written Clause 4.6 Variation Request – Height is fundamentally flawed, and the Department of Planning should not rely upon the planning analysis presented. The first reason why the planning analysis is flawed is because the consultant who prepared the written Clause 4.6 Variation has not taken into consideration why there are three (3) building height variations across the site and why there is a further fifteen (15) building height variation being applied to the adjoining properties that make up the former Gosford Quarries.

To understand why there are eighteen (18) separate building heights across the former Gosford Quarry land you need to understand the planning history and planning controls that applied to the land prior to the site being zoned residential with specific controls and restrictions.

In 1975, the NSW Planning and Environment Commission published both the Gosford Wyong Structure Plan (GWSP) and the Gosford Wyong Rural Lands Study (RLS). The RLS, recognised that:

- *Too often the word rural has been applied merely to land used for primary production, and it has not been appreciated that a **rural background is an integral part of an urban region**. Where there is a large population this rural background assumes special importance¹*

¹ Department Planning and Environment - Rural Lands Study 1975 page 7 (DPE – RLS)

- *To **protect the rural character**, it is necessary to understand what makes an area attractive and how the natural environment functions, so that the use of the land does not destroy its intrinsic qualities.*²
- *If the quality of both the landscape and the environment of Gosford/Wyong is to be maintained and if possible improved, **it is essential that the most sensitive areas are protected from all future development.***³

A key messages from the RLS is that the word rural does not merely apply to primary production; rural background is an integral part of an urban region; there is a need to protect the rural character; and it is essential that the most sensitive areas are protected from all future development.

As an outcome of the GWSP and RLS with the need to protect the most sensitive areas Council adopted Interim Development Order No 122 (IDO No 122). In accordance with Clause 30 of IDO 122 it states that:

- (1) Subject to this Clause a **building or structure shall not be erected within 50 metres of any ridge line or prominent visible brow identified on any plan submitted to the Council.**
- (2) Subclause (1) does not apply if -
 - (a) the whole of the site area is within 50 metres of one of the points referred to in that subclause;
 - (b) the Council is of the opinion that the levels, depths or other exceptional physical characteristics of the site require that the building or structure be erected within 50 metres of such a point; or
 - (c) the only part of the site which has direct access to a public road is within 50 metres of such a point.

Due to the various provisions presented in the GWSP, RLS and IDO No 122, when Council considered the rezoning of the former Gosford Quarries it took into consideration the need to protect a prominent visible brow identified in

² DEP - RLS 1975 page 13

³ DEP - RLS 1975 page 46

plans that would have been submitted to Council as part of the rezoning application.

To protect the prominent visible brow across the former Gosford Quarry land the Council imposed eighteen (18) maximum building heights.

The second reason why the planning analysis presented in the written Clause 4.6 Variation is flawed is because we know of no other location in NSW that has such multiple building height variations. As the site of the original Gosford Quarry is unique in having eighteen (18) maximum building height controls we do not think it applicable to apply the decisions from the NSW Land and Environment Court in:

1. *Wehbe v Pittwater Council* [2007] NSW LEC 827;
2. *Four2Five Pty Ltd v Ashfield Council* [2015] NSW LEC 1009; and
3. *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

In our opinion as the cases listed above do not consider multiple building heights across a sensitive ridgeline which has been identified in multiple strategic documents as essential to protect and controlled in a local planning instrument the cases listed are not relevant.

The third reason why the planning analysis is flawed is because the analysis undertaken by the planning consultant has undertaken a proposed height variation of the SEPP Height (RL) against the proposed building height (RL). This analysis is presented in Table 1 copied below

Table 1 Proposed Building Heights

Building	SEPP Height (RL)	Proposed Building Height (RL)	Maximum Variation (M / %)
Block A	73m	86.400m	13.400m (18.36%)
Block B	73m	88.400m	15.400m (21.1%)
	77m	88.600m	11.600m (15.06%)
Block C	77m	102.568m	25.568m (33.23%)
Block D	77m	107.600m	30.600m (39.74%)
	80m	107.600m	27.600m (34.5%)

This table indicates the maximum variation expressed as a meter percentage varies from 15.06% to 39.74%. However, this analysis does not take into consideration the current ground level and the proposed building height.

By taking into consideration the natural ground level, height limit, permissible building height the following table has been prepared.

Building	Ground level#	Height limit (RL)	Permissible building height (m)	Proposed roof level (RL)	Proposed building height(m)	Variation in height (m)	Percentage increase^
A	65.0	73	8.0	86.4	21.4	13.4	168%
B (south)	65.0	73	8.0	88.4	23.4	15.4	193%
B (north)	68.5	77	8.5	88.6	20.1	11.6	136%
C	68.5	77	8.5	102.6	34.1	25.6	301%
D (east)	68.5	77	8.5	107.6	39.1	30.6	360%
D (west)	68.5	80	11.5	107.6	39.1	27.6	240%

Notes:

- Ground level based on RL of the lowest habitable floor (as shown in elevations attached to EIS).

^ - (Variation in height/Permissible height)*100.

Information provided in the above table identifies that the percentage increase above the natural ground level to the proposed building height results in a variation from 136% to 360%. In our opinion a variation of this magnitude is not justified in such a sensitive location along a ridgeline.

Objection 2 – Significant departure to Chapter 10.3 of Gosford City Centre Development Control Plan 2018

The planning rational for restricting the maximum building height across the former Gosford Quarry site was included within the DCP. At page 93 of the DCP it states:

- A To protect the western section of the ridgeline from visual encroachment by development when viewed from specified public viewing locations.
- B To provide the northern section of the ridgeline and non-ridgeline influenced properties with development controls referenced to appropriate visual impact analysis and relevant site-specific constraints.
- C To ensure that the amenity of the area is protected for existing and future residents of the locality.
- D To ensure that the land will be developed in a form and manner that the community will accept as a good example of high-density residential development.

Planning objectives A and B emphasis, the importance of visual impact is a key consideration when the site is viewed from public viewing locations. The retention of the vegetated ridge line around the Brisbane Water and the Gosford City Centre has been a long-term planning principle that has been consistently applied. It is acknowledged that the applicant submitted a Visual Impact Assessment prepared by ADG Architects.

However, we do not agree with the opinion expressed that the proposed development has a low visual impact. As discussed in objection 1 above a long-term planning strategy for the Central Coast has been the protection of the ridgeline from development.

Photo 4 copied from the Architectural Plans illustrates that the site is located at the crest of a ridge.



SITE PHOTO 4 (SOUTHERN VIEW TOWARDS BRISBANE WATERS)

At page 28 of the ADG Architects Visual Assessment it presents a photo of site and a photo of the site with the proposed development.





Comparing the two photos indicates the proposed development is above the ridgeline. As the proposed development is above the ridgeline the impact will be significant.

Objection 3 – Site location

Although the site falls within the Gosford City Centre and from a map or aerial view is within walking distance to nodes of public transport and the City Centre in physical terms pedestrian access is restricted. The reason it is restricted is there is a 22% grade along Georgiana Terrace to John Whiteway Drive and a 15% grade from Albany Street North to the site along John Whiteway Drive.

In practical terms due to the steepness of Georgiana Terrace and John Whiteway Drive it is not practical to be traversed with anyone that has a physical disability. Therefore, pedestrian access is restricted to strong

individuals. From a planning perspective the placement of 260 units in an isolated location is not a good example of high-density residential development. High-density residential development should have easy, accessible pedestrian access to both public transport and shops.

Malcolm H Brooks OAM
Chairman
Friends of Gosford Pty Ltd