



A community group working towards advocating all levels of Government to improve planning outcomes and achieve more environmentally sustainable, ecologically sound and liveable environments for our communities.

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Director – Industry Assessments
Planning and Assessment
Department of Planning, Industry and Environment
Locked Bag 5022, PARRAMATTA NSW 2124

Dear Sir/Madam,

This submission is in response to the State Significant Development (SSD)-10414 Mixed use development at 8-16 Watt Street, Gosford (Gateway site)

This submission is presented on behalf of the Central Coast Community Better Planning Group (**CCCBPG**). The vision of our group is to work towards achieving more environmentally sustainable, ecologically sound and liveable environments in our community. Our group consists of community representatives from each Ward within the local government area of the Central Coast.

The decision to prepare this submission resulted from community members conducting a number of zoom meetings. The submission therefore has direct input from community representatives from across the Central Coast.

The CCCBPG **OBJECTS** to this development on the following grounds.

In presenting our objection we understand that the site is zoned B3 Commercial Core under State Environmental Planning Policy (Gosford City Centre) 2018 (**SEPP GCC**). Residential flat buildings are not permissible in the B3 zone; however, “shop-top housing” is permissible provided there are retail or business premises on the ground floor. We assume the proposed apartments for students in Tower 1B and seniors in Tower 2 would be permissible as shop-top housing.

Under the SEPP GCC, the maximum Floor Space Ratio (**FSR**) on this site is 5:1, whereas the FSR of the proposed development would be 8:1. The proposed floorspace of 80,400 m² would be 59% above the permissible floorspace of 50,590 m².

We also understand that SEPP GCC incorporates the same height controls that previously applied under Gosford Local Environmental Plan 2014 (**GLEP 2014**). The height limit for this site is 36 metres; the towers exceed the height limit as follows:

Tower 1A – 270%; Tower 1B – 183%; Tower 2 – 343%; Tower 3 – 194%.

CCCBPG acknowledges pursuant to clause 8.4(4) of SEPP GCC that:

- (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, an architectural design competition 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 architectural design competition, 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. (bold and underline emphasis added)

As the site 10,118 m² we recognised that the applicant is relying upon the provisions of clause 8.4(4) of SEPP GCC to allow an exceeds in both the height and FSR. Given the significant variation to both height and FSR we request the consent authority consider the building height and FSR objectives.

Under clause 4.3 of SEPP GCC height of buildings it states:

- (a) to establish maximum height limits for buildings,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,***
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity,***
- (e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,***
- (f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.*** (bold emphasis added)

CCCBPG draws the consent authority's attention to objectives c, d, e, and f which explicitly apply to the relationship between a proposed development and its context, whether it is the relationship to other buildings, the impacts on public areas and open space, or views of natural topography.

Under clause 4.4 of SEPP GCC Floor Space Ratio it states

- (a) to establish standards for the maximum development density and intensity of land use,*
- (b) to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,***
- (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,***
- (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,***

- (e) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (f) *to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design. (bold emphasis added)*

Similarly, three of the objectives for FSR limits apply to the relationship between the proposed development and the character of the area and the environmental impact of the development on the adjoining areas.

The achievement of these objectives is fundamental to the assessment of development proposals under the *Environmental Planning and Assessment Act 1979*. Therefore, for the consent authority to exercise the provisions of clause 8.4 of SEPP GCC in respect to height and FSR it needs to be weighed against the objectives of development standards of clause 4.3 and 4.4 of SEPP GCC.

In accordance with clause 8.4 (b), (e) & (f) of SEPP GCC, it is noted that these requirements include a review of the development by a Design Review Panel (**DRP**) and that the consent authority must take into consideration the findings of the DRP.

CCCBPG is aware in the recent determination of the DA for the Kibbleplex development, the Independent Planning Commission (**IPC**) stated that: *cl. 8.4(4) is only an enabling clause*. In other words, although the requirements of cl. 8.4(4) are necessary conditions for a development consent to be granted for the proposed development, they are not sufficient on their own.

Furthermore, the Commission states in another part of the determination report:

*The Commission notes that **design excellence** is not a criterion that needs to be met in order to obtain additional height and floor space ratio using cl. 8.4(4) of the Gosford SEPP, but all development subject to cl.8.3 must exhibit 'design excellence' in order to be approved. (bold emphasis added)*

Under clause 8.3 of SEPP GCC design excellence it states:

- (1) The objective of this clause is to ensure that development exhibits design excellence that **contributes to the natural, cultural, visual and built character values** of Gosford City Centre.
- (2) This clause applies to development involving the erection of a new building or external alterations to an existing building.
- (3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development **exhibits design excellence**.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—
 - (a) whether a high standard of **architectural design, materials and detailing appropriate** to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) **whether the development is consistent with the objectives of clauses 8.10 and 8.11,**
 - (d) any relevant requirements of applicable **development control plans,**
 - (e) how the development addresses the following matters—
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,

- (iii) heritage issues and streetscape constraints,
- (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (v) **bulk, massing and modulation of buildings**,
- (vi) street frontage heights,
- (vii) environmental impacts such as sustainable design, **overshadowing**, wind and reflectivity,
- (viii) the achievement of the principles of ecologically sustainable development,
- (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
- (x) the impact on, and any proposed improvements to, the public domain.

In presenting comments on the design excellence CCCBPG were unable to locate architectural design, material and detailing in the EIS. Nor were we able to ascertain whether the proposed design has been submitted to a Design Review Panel for comment.

In our opinion due to the excessive height and bulk of the proposed development we believe the proposed development will cause excessive overshadowing of public places and nearby streets. Noting that clause 8.3(4)(c) of SEPP GCC requires reference to clause 8.10 and 8.11.

Clause 8.10 of SEPP GCC solar access to key public open spaces states:

- (1) The objectives of this clause are—
 - (a) to **protect and enhance sun access to key public open spaces**, and
 - (b) to prevent adverse cumulative impacts of development.

Examination of the shadow diagrams on page 87 of the Environmental Impact Statement (EIS) indicates that the proposed plaza between the towers will be complete shadow for the majority of the day with only the occasional solar access.

Burns Place is one of the key public open spaces and it would be 51 % overshadowed at 9 am in mid-winter, but it would be shadow-free by 11 am. The overshadowing would be worse at the equinox because the sun is more easterly in the early morning. The EIS was supposed to provide shadow diagrams for summer and winter solstices and the equinoxes but no information was provided for the summer equinox.

The statement on page 88 of the EIS which states:

The projected shadow impacts of the proposal are appropriate in the circumstance as the proposed buildings are compliant with height and FSR controls and are consistent with existing and future development of adjoining sites

As stated by the IPC clause 8.4(4) of SEPP GCC is only an enabling clause. Therefore, the proposed overshadowing is not compliant with the height and FSR controls as the excessive height and FSR have to be assessed on their merits.

Clause 8.11 of SEPP GCC key vistas and view corridors states:

- (1) The objective of this clause is to **protect and enhance key vistas and view corridors** in Gosford City Centre.

- (2) **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. (bold emphasis added)

In accordance with chapter 4.4 of GCCDCP 2018 views and vistas objectives are:

1. Enhance Gosford's unique identity and sense of place that is created by the current significant views and vistas, particularly those identified in Figure 4.
2. Protect Gosford's character of visual openness with the surrounding landscape.
3. Maintain and enhance significant view corridors from public spaces and streets to Brisbane Water and the identified view corridors which afford views of the ridgelines of Rumbalara Reserve and Presidents Hill.
4. Open up new significant views, where possible.

CCCBPG supports the public plaza between the towers as it does open a new view corridor between Burns Park and Rumbalara Reserve. Although the public plaza opens up a new view corridor CCCBPG strongly objects to the proposed tower heights.

The reason for our strong objection is that there is currently an unobstructed line of between the ridgelines of Presidents Hill and the Rumbalara Reserve passes over Gosford Station and the Gateway site. Tower 2 of the proposed development, with a height of RL 135.9, would be so high that it would directly block the view between the two significant ridgelines. The EIS fails to show this potential visual impact because it is claimed that the view along this line is blocked by vegetation on each of the ridges.

The DCP also identifies many streets, including Faunce Street, that have long distance vistas of the surrounding ridgelines. From the western end of Faunce Street (near Presidents Hill), there is a vista of the western ridgeline in Rumbalara Reserve; about half of this vista would be obscured by the proposed development. Similarly, from the eastern end of Faunce Street (east of Watt Street), there is a vista of Presidents Hill, which would be obscured by the proposed development.

Looking at the design excellence we note in accordance with chapter 5.2.5 of Gosford City Centre Development Control Plan 2018 (**GCCDCP 2018**), slender towers with high amenity it states;

1. For development within the B zones (B3, B4 and B6), the maximum floorplate size for towers is:
 - a. 750 sqm GFA for residential uses, serviced apartments and hotels.
 - b. 1500 sqm GFA for commercial uses (office space).
- Note - This maximum floor plate control applies only to towers, and not to podium level development.
2. In other zones, the maximum GFA of a tower level is 20% of the total GFA and up to 500 sqm GFA max.
3. **The maximum building length for towers in any direction is 45m.**
4. All tower forms must be set back a minimum 8m from the street wall frontage, however reductions may be accepted (from 8m to 6m) on some sites where it is demonstrated that this control would compromise the ability to design the podium or tower appropriately.
5. All building frontages for a tower with a length over 30m should be:
 1. Expressed as two vertical forms
 2. Include a clear 'break' of minimum 1m width and 1m depth
 3. Include a stepped height difference of minimum two storeys

6. Tower heights should be varied. Where two towers are provided on one site, their height above ground level should have a minimum of 15% variation between each tower (e.g. with three towers, the tallest should be minimum 30% taller than the shortest).
7. For sites with more than one tower, **separation between buildings should be considered in accordance with the specified distances for each component use, as if there is a boundary between them.** (bold emphasis added)

Towers 1A and 1B are really just one tower built in two stages; they share a common service core and lift shafts and there is no physical separation in the structure. Therefore, in relation to the maximum floorplate criteria, the floorplate area for Tower 1 is 980 – 1000 m². Gross Floor Area (GFA).

The dominant uses in Tower 1 are a hotel, education and student living with 64% of the floorspace; commercial office space comprises 23% of the floorspace and the rest (13%) would be retail/entertainment. On this basis, a slender tower should have no more than 750 m². GFA floorplate size.

The east-west dimension of Tower 1 is estimated to be about 58 metres, which is 29% more than the maximum length of 45 m in GCCDCP 2018. Therefore Tower 1 does not meet either of these requirements for a slender tower.

Tower 2 has a typical floorplate area of 1400 – 1450 m² GFA, which is acceptable for a tower that is predominantly commercial office space. However, the north-south dimension of this tower (up to RL 52) is over 50 metres which is 11% more than the maximum required by GCCDCP 2018.

It is concluded, therefore, that neither Towers 1 or 2 meet the requirements in the GCCDCP 2018 for a slender tower and should be re-designed.

In accordance with chapter 6.3 Key Site 2 8-16 Watt Street (Gateway Centre) of the GCC DCP 2018 it states:

1. This is a key site due to its size and proximity to Gosford Railway Station and as it offers significant urban renewal opportunities. Accordingly, this site must be subject to a master planning process to ensure holistic consideration of urban design issues.
2. A new through site link from Watt Street to Mann Street is desirable in order to connect pedestrians, east and west, across the city.
3. Taller buildings maybe appropriate on this site subject to design testing to determine the optimum location of towers and the new through site link being delivered.
4. The through site link should
 - a. designed as an internal arcade, at a minimum width of 4.5metres;
 - b. designed to be two storeys in height (having a minimum floor to ceiling height of 8 metres) to ensure that the space is inviting and encourages use by the public;
 - c. publicly accessible 24 hours a day; and
 - d. aligned with the existing sandstone archway in Burns Place.
5. The appropriate height for development of this site will be determined through the master planning process, which must include design testing and consideration of impacts on views and overshadowing. In particular, the master planning process should test options to achieve glimpses of Rumbalara Reserve from Burns Park. The master planning process will also need to consider the building's potential impacts to the heritage listed Burns Park, including the fountain, spaces and layout and the cultural plantings.
6. It is desirable to provide end of trip facilities in the City North place area, in close proximity to the railway station.

7. Where public domain improvements are provided on -site, consideration may be given to additional height.

CCCBPG found the EIS has not adequately considered the impacts on views and overshadowing, as discussed above. In particular, the impacts on Burns Place have not been fully assessed because the EIS only shows shadow diagrams in mid-winter, whereas the overshadowing is probably a significant issue for most of the year.

The analysis above has demonstrated that Towers 1 and 2 do not meet the DCP criteria for slender towers. This shows, therefore, that the bulk of these buildings is excessive and results in the adverse impacts that have been described under other criteria.

For example, the excessive width and height of the towers results in the overshadowing of Burns Place in the morning. The width of Tower 1 will cause most of the proposed public plaza to be overshadowed for most of the day in winter.

The excessive width and height of Tower 2 will cause excessive overshadowing of buildings on the eastern side of Watt Street on winter afternoons. From 2pm onwards the shadows will extend east of Henry Parry Drive and south of Erina Street.

The height and bulk of these towers will also have the significant visual impacts on long range views between Rumbalara Reserve and Presidents Hill.

In accordance with chapter 4.1 Pedestrian network objective of GCC DCP 2018 it states:

1. Provide high pedestrian comfort for pedestrian amenity and safety.
2. **Retain and enhance existing through site links.**
3. Retain and develop lanes as useful and interesting pedestrian connections as well as for service access. (emphasis added)

Although the proposed development would remove the existing through site link in the Gateway Centre, it is interpreted that this will be replaced with a proposed public plaza. CCCBPG supports this proposal. However, the removal of the existing pedestrian overbridge from Burns Place to the Gateway Centre is of concern. The EIS does not propose a replacement for the overbridge; it assumes that pedestrian traffic between Gosford Station and the proposed public plaza will cross Mann Street at grade.

In our opinion the loss of the overbridge is significant as it will create a conflict of pedestrian movement across Mann Street. Given that the proposed development is promoting student accommodation it is likely that pedestrian movement will increase.

Chapter 4.1 pedestrian network controls of GCC DCP 2018 states:

1. Existing publicly and privately owned links are to be retained.
2. Where possible, existing dead end streets and lanes are to be extended through to the next street as redevelopment occurs to provide pedestrian links.
3. **Open air links for pedestrians are to be provided** as shown in Figure 2. These shall:
 - a. be open to the air and publicly accessible.

- b. have a minimum width of 6m clear of all obstructions unless otherwise noted.
- c. Connect with existing and proposed through block lanes, shared zones, arcades and pedestrian ways and opposite other through site links.
- d. have active frontages or a street address.
- e. be clear and direct through-ways for pedestrians.
- f. have signage at street entries indicating public accessibility and the street to which the through site link connects. (bold emphasis added)

Fig 2 of GCCDCP 2018 clearly identifies an open air link from Faunce Street West to Faunce Street. As the proposed development fronts Faunce Street, CCCBPG recommends that as the existing pedestrian overbridge is to be removed that the applicant consult with the State Government to provide an open air link for pedestrians.

Yours sincerely



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 on behalf
 Central Coast Community Better Planning Group