



Community Environment Network Inc.

An alliance of community and environment groups from Lake Macquarie and the Central Coast.

27th July 2020

Mr Peter Duncan
Chair
Independent Planning Commission
201 Elizabeth Street
Sydney NSW 2000

Re. 26 - 32 Mann Street, Gosford – Central Coast Quarter (SSD 10114)

Dear Mr Duncan

This is a submission from the Community Environment Network regarding the development application for the St Hilliers development at 26-32 Mann Street, Gosford. In particular, this submission concerns the application for approval of a State Significant Development in accordance with State Environmental Planning Policy (State and Regional Development) 2011 and State Environmental Planning Policy (Gosford City Centre) 2018.

The Community Environment Network is an alliance of community and environment groups from the Central Coast and Lake Macquarie LGAs. We are a not-for-profit, community based organisation that works for ecologically sustainable development and against threats to it. Our membership is approximately 400 including 90 groups with an affiliated membership of approximately 5,000.

CEN is a non-political organisation and has not made any donation to a political party in the last two years.

Why do we have development standards in Gosford CBD?

The State Environmental Planning Policy (Gosford City Centre) adopted the following objectives for height limits in Gosford CBD:

- (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.*

It is worth noting that four of the objectives 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.

The SEPP also adopted the following objectives for limits to floor space ratios in Gosford CBD:

- (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.*

Similarly, three of the objectives for floor space ratio 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. So any proposal to override the development standards for height and floor space ratio in a planning instrument needs to be weighed against the objectives of those development standards.

Exceedance of development standards

The Department's Assessment Report states:

Clause 8.4(4) of Part 8 of the Gosford SEPP provides that exceptions to the height and FSR development standards (Table 5) may be granted to developments zoned B4 Mixed Use located within the Gosford City Centre where they meet the specified exceptions criteria (Table 6).

The Assessment Report goes on to state:

The Department is satisfied the proposal meets the criteria in clause 8.4(4) for the height and FSR development standard exception and therefore the exceedances of the height and FSR development standards can be considered.

When this development application was exhibited in October-November 2019, however, both Central Coast Council and the Community Environment Network objected to the proposal because it would exceed the development standards for height and floor space ratio. Both submissions argued that the exceedance of development standards could not be justified under clause 8(4) because the proposal does not exhibit design excellence.

Lack of design excellence

Clause 8.3 requires that development consent must not be granted to development involving the erection of a new building unless the consent authority considers that the development exhibits design excellence (cl. 8.3(2) and 8.3(3)). CEN considers, however, that the proposed development fails to achieve design excellence in relation to a number of issues (under cl.8.3(4)):

- (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, and
(d) any relevant requirements of applicable development control plans.

It will be argued in the following sections that the form of the proposed development will detract from the quality of the public domain because of its excessive height and bulk. In particular, the development will block views of Rumbalara Reserve and Brisbane Water and cause overshadowing of nearby public open spaces.

Are the proposed towers tall and slender buildings?

It is argued in the EIS that the proposed towers should be exempt from the development standards for height and floor space ratio because the towers will be tall and slender buildings. Thus it is claimed that the impacts of these towers on the public domain will be somehow reduced.

The relevant section of the Gosford City Centre DCP (5.2.5) provides the following controls to achieve slender buildings:

1. For development within the B zones (B3, B4 and B6), the maximum floorplate size for towers is:
 - a. **750sqm GFA for residential uses, serviced apartments and hotels.**
 - b. 1500sqm GFA for commercial uses (office space)
2. In other zones, the maximum GFA of a tower level is 20% of the total GFA and up to 500sqm GFAmax
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**

The Northern Tower just complies with the maximum floorplate size and maximum building length, but it does not comply with the minimum setback from the street wall (even in the latest modification). The design of this tower seems to be aimed at maximising the number of apartments with frontage to Brisbane Water and locating the apartments as close as physically possible to the waterfront, at the cost of maximising the impacts on the public domain to the west.

The Southern Tower does not comply with any of the criteria for a slender building. The frontage on Vaughan Terrace is nearly 50 metres and the northern frontage is as excessive. Furthermore, the setbacks on both street frontages are between 0 and 2 metres; thus the overshadowing of the Memorial Park is maximised in both its width and length. The floorplate size of 779 sqm is conclusive proof that this cannot be considered a slender building.

Clause 8.10 Solar access to key public open spaces

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.*

The Assessment Report has argued that the proposed development meets the objectives of this clause because more than 70% of Leagues Club Field will receive more than 4 hours of sunlight at the winter solstice and, therefore, satisfy clause 8.10 (2). However, this overlooks the second objective of preventing “adverse cumulative impacts” and, in particular, a proposal for development of two high rise towers on the Central Coast Leagues Club site.

If both the St Hilliers development and the Leagues Club development proceed, the cumulative impacts (including the Waterside development) will probably result in overshadowing of more than 30% of Leagues Club Field until noon at the winter solstice. The Assessment Report should have considered the possible

“adverse cumulative development” that could occur around Leagues Club Field and the proposed developments need to be planned so that their cumulative overshadowing impacts satisfy clause 8.10(2).

The Gosford City Centre DCP also includes a provision concerning the potential overshadowing of the Memorial Park and the Rotary Park to the south of the St Hilliers development site:

For other existing public open spaces, such as Burns Park, Memorial Park and Gosford Rotary Park (Poppy Park), including Gosford City Park, buildings must be designed to ensure that at least 50% of the open space receives a minimum of 4 hours of sunlight between 9am and 3pm on 21 June.

The Assessment Report considers the potential overshadowing of the Rotary Park and includes diagrams which indicate that the Park would have satisfactory solar access. However, the consideration of the potential overshadowing of Memorial Park is superficial and dismisses solar access on the basis that there are several trees in and around the Park.

An examination of aerial photographs reveals that there is a significant clearing around the War Memorial in the centre of the Memorial Park and it has direct sunlight at least part of the day. The shadow diagrams exhibited as part of the St Hilliers EIS indicate that the centre of the Memorial Park would be overshadowed by the Southern Tower in the proposed development for at least two hours in the middle of the day at the Winter solstice.

The Assessment Report, therefore, should have undertaken a more rigorous investigation of this issue and considered possible modification of the proposed Southern Tower to mitigate the potential impact on the Memorial Park.

Clause 8.11 Key vistas and view corridors

- (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.*

Section 4.4 of the Gosford City Centre DCP sets out objectives and controls for protecting Views and Vistas. The controls include:

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

Figures 19, 20 and 21 in the Assessment Report illustrate the potentially severe impact of the proposed development on views of the ridgeline of Rumbalara Reserve from Brian McGowan Bridge, Brisbane Water and Leagues Club Field. These are only a selection from the many views shown in the Visual Analysis section of the EIS.

The overwhelming impact of the proposed development is the result of a number of factors:

- The height of the three towers obscures the ridgeline of Rumbalara even from viewpoints that are quite far away, e.g. Brian McGowan Bridge and the middle of Brisbane Water.
- The bulk of the three towers, especially the Northern and Southern Towers, and their minimal separation results, in effect, in a wall of buildings along the eastern side of Leagues Club Field.
- The through-site links are not wide and have quite high buildings behind them, e.g. the Merindah Apartments and the proposed Creighton building.

- Furthermore, the proposed Waterside development would add even higher buildings at the northern end of the visual wall.

The proposed development will also block the views of Gosford Waterfront, especially the redeveloped Leagues Club Field, from Rumbalara Reserve.

The impacts of the proposed development on these regionally significant views can only be mitigated by reducing the height and bulk of the three towers and increasing the separation between the towers.

Yours sincerely



Michael Conroy
Executive Member
Community Environment Network