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11 August 2020

Office of the IPC  
Level 3, 201 Elizabeth Street  
SYDNEY NSW 2000  
Sent via email: heather.warton@ipcn.nsw.gov.au

**Attention:** Heather Warton (Senior Planning Consultant)

To Heather,

## **26 MANN STREET, GOSFORD (SSD 10114) RESPONSE TO IPC FOLLOW UP QUESTIONS**

We are in receipt of your letter correspondence dated 4 August 2020 which requests further clarification on a number of matters, together requests for additional information. Please refer to our detailed response to each matter overleaf, together with the following documents which have been appended to this correspondence for information.

- Letter correspondence from the Applicant regarding public benefit offer and the HCCDC, issued to DPIE on 28/08/2020.
- Through site link order of cost prepared by RLB.
- Design Analysis in response to IPC queries prepared by DKO.
- Applicant correspondence/response to draft conditions, issued to DPIE on 25/06/20.
- Leagues Club Field Construction Drawings.
- DAP Meeting Minutes.

We trust that this information is sufficient to enable the finalisation of the assessment and determination of this SSDA. If you have any questions, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "A. Harvey".

Andrew Harvey  
Director  
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**1. Taking into consideration the uplift of floorspace for the proposed scheme (as opposed to a GCC SEPP compliant scheme), what are the fundamental public benefits of this proposal (besides development contributions)?**

The proposal seeks to provide a number of key public benefits which are aligned with the aims and objectives of the SEPP (GCC) and more broadly the Central Coast Regional Plan 2036. These are discussed in further detail below.

However, to have a full appreciation of these, there needs to be some background and context to the extensive work undertaken as part of the Gosford City Centre Revitalisation Strategy and the specific inclusion of Clause 8.4 in the SEPP (GCC) which provides 'exceptions' to height and floor space on key sites in Gosford City Centre. Should the matters outlined in that Clause be satisfied (which the Department's assessment concludes), our view is that the proposal is 'compliant' and provides benefits that are inextricably linked to this.

Clause 8.4 of the SEPP provides a very overt and deliberate mechanism introduced by the NSW Department of Planning & Infrastructure (DPIE) to acknowledge that only very select 'key sites' and specifically those which exceed 5,600m<sup>2</sup> in site area have the ability to provide an alternative height and floor space outcome dependent on achieving design excellence, provision of a suitable quantum of commercial floor space and meeting or exceeding sustainability performance standards.

A critical component of this Clause goes to the notion of land use and how it seeks to expressly incentivise opportunities for enhanced growth in employment, retail and tourism uses (and the like) that directly align with the objectives of the SEPP. By way of comparison, a development application not relying on the incentive clause could alternatively provide a residential use with limited (or indeed no) employment, retail or tourism related uses.

Indeed, prior to the gazettal of the SEPP (GCC) this was initially the direction of the applicant, in line with the (then) Gosford LEP 2014 – which was a scheme with limited employment or commercial related uses. However, in light of the inclusion of Clause 8.4, and the appointment of the Gosford Design Advisory Panel (DAP), we were encouraged to engage with the DPIE to explore opportunities to better integrate and enhance the non-residential use components on the site, coupled with a 'master planned' approach to the site which was focused on achieving a high level of 'design excellence' through a very iterative review process with the DAP.

This approach specifically aligned with a number of the key principles espoused within Gosford DCP 2018 which supports the SEPP (GCC), such as:

- The site needing to be the subject of a master planning process to ensure *"holistic consideration of site-specific urban design issues"*.
- Acknowledgment that the appropriate height and built form outcome for development of this site *"will be determined through a master planning process"* which is to include design testing and consideration of environmental impacts.
- The provision of visual connections and pedestrian links between Baker Street and Mann Street being a 'priority' for the site.
- Publicly accessible space to be considered and integrated into the scheme.

We note that DPIE have been requested to provide all the relevant minutes of the DAP meetings which were held to date. These should provide a helpful overview of how the applicant's approach to the site specifically responded to this feedback and was refined throughout this process.

In addition to Clause 8.4 (as well as other relevant Clauses in the SEPP), the Gosford DCP 2018 identifies the site as a 'key site' with some key guidance around built form, but also the types of public benefits envisaged as part of any redevelopment of the site. This has played a central role in the development of the master planning approach which has had a significant and ongoing review role by the Design Advisory Panel and Office of the NSW Government Architect. In March, following seven (7) meetings with the Panel, the following advice was issued by the Chair of the DAP, stating:

*The Panel is satisfied you have worked to address each of these issues and considers that, for a concept masterplan process, your proposal now **exhibits Design Excellence**.*

*The Panel **commends you for your willingness to participate in the design review process and respond to the comments and suggestions raised**.*

With regard to the 'exceptions' clause we make the following observations:

- It has provided the unique opportunity to provide a generous quantum of commercial uses aligned with the strategic planning framework to assist with the creation of job opportunities, high quality tourism accommodation, more diverse retail, food and beverage offerings, and uses which create an enhanced ground plane.
- As a proportion of land use, these non-residential land uses represent a gross floor area (GFA) of 12,873m<sup>2</sup> (32%) or just over a third of the total floor space of the project. This is in addition to and complements the commercial office building delivered by the applicant in the first stage of the development (7,730sqm of GFA).
- The proposed floor space commensurate to the 'mapped' FSR under the SEPP (GCC) represents an increase of approximately 28.5% which is reasonably close and aligned with the portion of non-residential uses. Conversely, the proposed quantum of residential floor space (26,369sqm) is less than what the mapped FSR could potentially deliver in a full residential scheme (31,094sqm).
- The creation of a critical mass of the commercial, tourism and retail uses has provided a much more enhanced ground plane, laneway and pedestrian experience developer in close collaboration with a retail strategy consultant. However, in addition, providing flexibility with the building height has enabled the three (3) tower forms to be in more of a slender, and graduated form from north to south.
- The masterplan approach developed in close consultation with the DAP has sought to examine a range of built form outcomes and sought to respond to the wide range of matters required under the design excellence clause of the SEPP (GCC). A number of the public benefits described below have developed from both the enhanced variety of uses in the scheme, and also the iterative design review process.

In summary, the strategic planning framework has created a number of benefits both tangible and less tangible. These are discussed in further detail below.

## **Public Benefits**

### **1. Publicly accessible through-site link**

In accordance with the 'key site' provisions in Gosford DCP 2018, a key part of the public benefits derived from the site's development is the provision of a significant, publicly accessible through-site link. The creation of public space, and connection between multiple public spaces is a very unique opportunity and benefit to Gosford City Centre described in the points below in further detail.

- Creation of a new, publicly accessible, open-to-sky, pedestrian through-site link and plaza space which links Mann Street to Leagues Club Park and also Vaughan Avenue. This would create a variety of spatial experiences throughout the day and night to enhance the southern part of Gosford City Centre.
- The link will provide approximately 1,830sqm of site area (approximately 20% of the site) which will be open to the public, activated and sleeved by retail, food and beverage uses and also complimented by the proposed hotel tower which would have a permeable ground floor which connects into the laneway.
- The applicant would be committed to:
  - Delivering and embellishing the entire link area and maintaining this in perpetuity at no cost to Council.
  - Providing a public lift which provide equitable access from Mann Street through to the Leagues Club Park which would be maintained by the applicant in perpetuity.
  - Providing landscaping, planters, cladding, soil, plants, irrigation and waterproofing of the link area which would be maintained by the applicant in perpetuity.
  - Provision of public seating areas, furniture, weather protection and awnings to enhance pedestrian connectivity.
  - Provision of bicycle parking areas for the public.
  - Providing lighting, wayfinding signage, CCTV and security/surveillance of the area 24/7 which would be maintained by the applicant in perpetuity.
  - Retention of existing significant Moreton Bay Fig Tree.
  - Providing public art in accordance with a Public Art Strategy, which is a requirement of any future Stage 2 DA.
- Preliminary cost estimates of the physical works only (i.e. not the ongoing maintenance) to provide the link is in the order of \$4.05 million.

## **2. Visual connection, public views and aspect towards Gosford Harbour & Leagues Club Park**

- In accordance with the 'key site' principles in Gosford DCP 2018 and guidance from the Gosford DAP considerable work has gone into creating porosity in the development that creates visual connectivity to Gosford Harbour.
- The east-west spine which connects Mann Street to Leagues Club Park provides an important aperture and view aspect to the Harbour, which could have alternatively been a massing arrangement which maximised private views at the expense of public views from Mann Street.
- While there is not a quantifiable value attached to view corridors, this is a key objective of the Gosford DCP 2018, and there is a very high qualitative value attributed to the creation of public views towards iconic elements.

## **3. Footpath and Public Domain Upgrades**

- In addition to the provision of the publicly accessible through-site link, the applicant would be committed to the provision of upgrades to the existing footpaths along Mann Street and Vaughan Street which take up a significant frontage to property.

- These upgrades would be undertaken in consultation with Council and discussed in further detail as part of the detailed design DAs lodged on the site.

#### **4. Embellishment Opportunities with Leagues Club Field**

- The applicant has had ongoing engagement with Hunter and Central Coast Development Corporation (HCCDC) given the site's interface with Leagues Club Field and the upgrades occurring to this. Turf Design Landscape Architects engaged by HCCDC are also acting for the applicant which has allowed there to be high degree of coordination on the park interface.
- It is understood that the budget for the upgrades to Leagues Club Field has the potential scope for additional embellishment and enhancements, with initial discussions with HCCDC indicating that items such as an additional amenities block remain as an active opportunity to be explored.
- Correspondence is attached from HCCDC from August 2019 indicating HCCDCs openness to this opportunity, and while the delivery of the park has advanced more expeditiously, we understand that there still remains an opportunity to deliver public benefits in this manner.

#### **5. Local and Regional Road Upgrades**

- While not specifically defined at this stage, the applicant would be required to provide contributions towards both local and regional traffic upgrades. Specifically, we note that Transport for NSW have identified potential upgrades on Central Coast Highway intersection(s).
- As the Concept DA is not proposing any physical works at this stage, we note that DPIE has recommended that actions arising from the 'Gosford Transport Plan' will be required to be assessed that detailed DA stage.

#### **6. Community Facilities and Social Infrastructure**

- We note that the DPIE have recommended in Condition C16 that future development application(s) include a Social and Economic Impact Assessment (SEIA) that considers the social and economic impacts of the proposal, including cumulative impacts, including health impacts, of the development in context with other existing/approved large developments within the Gosford City Centre.
- The applicant is supportive of this condition which may investigate further opportunities, albeit subject to the findings of these investigations. This may result in further public benefits that are delivered as part of future DAs.

#### **7. Broader Social and Economic Public Benefits**

In addition to the above, we wanted to articulate and re-iterate some of the very significant social economic benefits that the proposal will deliver Gosford City Centre:

- **Significant local job growth**
  - The proposal will deliver 250 direct jobs through the ongoing operation of the retail, commercial, and hotel components of the development and a further 86 indirect jobs from flow-on effects, and contribute \$36.9 million in value added to the New South Wales economy on an annual ongoing basis.
  - Providing a diverse mix of uses including a hotel, residential apartments, retail uses as well as food and beverage tenancies, which will add to the town centres attractiveness, operational efficiency and convenience as a precinct for workers, residents and visitors.

- **Enhanced commercial office offer and supply**
  - The proposal will complement the Gosford town centre by improving the overall commercial office offer in the local area and by contributing a critical mass of A and B Grade commercial space. It is noted that St Hilliers have successfully delivered an A Grade commercial building at the 32 Mann Street. This development demonstrates the level of quality and offer that will be delivered as part of the proposed scheme.
  - Providing higher quality commercial space that will attract new businesses into the town centre who are currently put off by the poor quality of the existing vacant space. This proposal will be a catalyst for urban renewal and revitalisation in the locality.
  - Delivering highly accessible commercial space that is well serviced by major bus routes, with a bus stop located at the north-eastern corner of the site at the corner of Mann Street and Georgiana Terrace. Gosford Railway Station is also located 650 metres north of the site, offering convenient access by commuters, local residents and visitors to the site.
- **Additional retail spending from residents, workers and guests at the subject site.** The proposed development will bring an additional \$21.6 million in additional retail spending into the Gosford town centre and support the growth of local businesses.
- **Orderly use of land to deliver a vibrant town centre.** The proposed development will revitalise the existing Mann Street retail strip which is currently ageing and somewhat dilapidated. This will be achieved by:
  - Optimising tenant diversity across the site by limiting the scale of tenancies, to create space for a vibrant mix of specialty retail and commercial uses.
  - Providing a retail mix that will complement existing shops in the town centre. Improving the overall Gosford town centre retail offer will encourage more people in the trade area to visit the town centre and increase activation and amenity.
  - Enhancing Gosford's night-time economy and providing food and beverage facilities to service attendees at the nearby Central Coast Stadium.
- **Creating a walkable environment.** The location of the development, within the town centre, adjacent to open space and existing retail and commercial facilities, and at the base of residential apartment and hotel buildings will encourage walkability and reduce car dependency for shopping. This should assist in reducing traffic generation within the trade area.
- **Promoting lower prices and greater choice.** The extension of choice for trade area residents will also promote greater competition, with possible benefits in terms of keener prices and better-quality goods and services.

- 2. At the Meeting with the Panel, there was mention of potential works or contributions to the Leagues Club Field project, being a contribution to the Hunter and Central Coast Development Corporation (HCCDC). Could you please elaborate on any proposal in that regard? Further, the Panel requests any information on the proposed public art strategy, including details of any engagement with the local Indigenous community.**

As noted above, the Applicant has had ongoing engagement with the HCCDC given the site's interface with the Leagues Club Field. The same landscape architect is working for the Applicant and the HCCDC, which has enabled a high degree of coordination.

It is noteworthy that the planning of the development site commenced prior to the announcement of the Leagues Club Field upgrade. Once the upgrade was announced, and in concert with the DAP's recommendation, the Applicant engaged with the HCCDC to ensure the proposed public domain scheme aligned closely with the park design. This coordination has resulted in the provision of a continuous, secure link from Mann Street that meets the park edge, ensuring a seamless transition between both sites. The link and interface will also be supported by the activated retail edge on Baker Street,

There remains an opportunity to work with the HCCDC on the park interface together with further embellishments and enhancements. This is confirmed in written correspondence between the Applicant and the HCCDC. The Applicant is aware that the Leagues Club Field is not in its 'final state', with opportunities remaining to add and embellish the space. The Applicant remains in active discussions with the HCCDC on this matter, which will continue through to the detailed DA stage.

We also note that Draft Condition (C17) requires the preparation of a Public Art Strategy as part of future DA(s). We are of the view that there is a unique opportunity to engage with the local indigenous community to provide public art or interpretation opportunities on the site. While the Draft Condition does not specifically mention engagement with the local Indigenous community, the Applicant would welcome the condition to be reworded to require this.

**3. Could you elaborate on how the relevant criteria for wind impact on pedestrian use/comfort, and the recommendations in the Windtech Wind Assessment report (such as the need to provide densely foliated evergreen trees on the site) will be met? Is there any additional information on how the proposal has/could be designed to respond to wind impacts?**

The general approach to site planning, in alignment with the Gosford DCP 2018, has been to create a concept approach which allows the future architectural form to create a high degree of pedestrian comfort for the local residents and the public. A key component of this has been the creation of a lower podium scale through-out the development which seeks to manage any unreasonable wind impacts.

Throughout the application, we have designed the proposal to ensure that wind impacts can be suitably managed through the design/envelope, or through additional treatments if wind tunnel modelling required this at the detailed DA stage.

The initial Pedestrian Wind Environment report provides a general review of the wind comfort/safety conditions expected for the scheme. This assessment is based on the expected interaction of the proposed building massing with the prevailing winds for the region. Where Windtech identified areas within and around the development that may be adversely impacted by wind, appropriate in-principal wind mitigation treatments have been recommended for the design team to incorporate into the detailed design of the buildings. These treatments can include strategic planting or architectural features i.e. awnings, screens et cetera.

Once the design progresses to a detailed DA stage, a more detailed Pedestrian Wind Environment study will be undertaken to verify the wind conditions associated with the detailed design. This wind tunnel study will provide quantitative data to compare directly against appropriate wind comfort and safety criteria. The results of this assessment will be used to provide a more specific set of in-principal wind mitigation treatments for the development. Where necessary, wind mitigation treatment testing can also be undertaken to verify the effectiveness of the recommended wind treatment plan.

For this early planning stage, Windtech would advise that the recommendations within our currently provided desktop wind environment report be incorporated into the detailed design, for verification through wind tunnel testing at the detailed DA stage.

**4. Please provide copies of the following documents:**

- a. perspective/montage of the view along the through-site link to the waterfront;**
- b. a concept landscape plan to show the finished levels of the various spaces and accessible pathways; and**
- c. a copy of your submission to the Department of Planning, Industry and Environment (DPIE) on the draft conditions.**

These documents are appended to this correspondence.

**Please note that DPIE has been asked to obtain the following additional information and may need to liaise with you:**

- A. In regard to the proposed urban design response - drawings of the proposed envelope showing the RLs of Yaruga Lookout, Ouraka Lookout and Henry Parry Drive.**
- B. Shadow diagrams showing the extent of overshadowing of Poppy Park and the War Memorial Park, particularly the area directly in front of the War Memorial (the parks are not fully shown on the submitted diagrams).**
- C. Using the same podium and tower footprints proposed (in pages 41 - 49 incl.) and with reference to the elevations, sections and yield (pages 50 - 54 incl.) of the Applicant's EIS - an accurate site control analysis with drawings to scale, (not massing sketches as provided on page 23 ) of a proposal with a 'compliant' height (Gosford SEPP height control) showing the:**
  - resultant FSR;**
  - height plane, with RLs noted on the ridgeline for Yaruga Lookout, Ouraka Lookout and Henry Parry Drive;**
  - open space; and**
  - solar access / shadow diagrams.**

In accordance with the IPC's request, these drawings have been prepared for analysis purposes. The options presented in the DKO Design Analysis are purely theoretical/analytical and provided in response to the IPC's request for information. **These concepts are not commercially viable and could not be delivered by the applicant**, as the design and coordination of the overall masterplan has been developed through a very strategic response to the Gosford SEPP and sought to provide a very specific land use quantum and mix based on commitments made with a preferred hotel operator, potential retail and commercial tenants and also various public benefits being provided by the applicant.

These drawings illustrate the following key points:

- Scenario 1 & 2 – Both these illustrative schemes requested by the IPC, while providing differing height and floor space arrangements, show a different land use arrangement that hasn't been proposed by the applicant. They adopt the same higher quantum and mix of commercial floor space in the podium as the proposed scheme, as well as a significantly reduced hotel component in both these options which would fundamentally not be viable and would require a complete re-thinking of the approach to the site.

- Scenario 3 – This illustrative scheme has looked at more of a residential lead scheme which aligns with the ‘mapped’ height and floor space controls for the site. While a lower form and massing, compared to the proposal (for approval) , this would deliver very minimal (to potentially no) commercial floor space, more residential floor space, provide large floor plate sizes, reduce the ability to provide significant public benefits such as the pedestrian through-site link and other embellishments, reduced sustainability outcomes, and reduce the ability to provide a really vibrant retail and commercial precinct on this ‘Key Site’. While this scheme could have potentially been delivered when the applicant engaged with Council and DPIE during the early stages of the project, our view is that would be a scheme much less aligned with the aims and objectives of the SEPP.

Further to the above, the following key points are reinforced with reference to the proposed scheme:

- The uplift gained through a ‘design excellence’ pathway is commensurate with the non-residential floor space provided as part of the proposed scheme. The delivery of this non-residential floor space is key to the social and economic benefits delivered by the proposal, together with its consistency with the aims and objectives of the SEPP (Gosford City Centre) 2018.
- It is noteworthy that the (former) Gosford LEP 2014 sought to incentivise redevelopment through a ‘bonus’ provision, which allowed significant height and floor space variations. This clause did not require large proportions of non-residential space and did not contain the same prerequisites for uplift as the new Gosford SEPP clause. While many large residential tower developments were approved, very few have actually been constructed.

### **Other matters requiring clarification**

#### **Floorplate Size**

It should be noted that the measurement of maximum floorplate size is based on Gross Floor Area (GFA), not NSA or any other measurement. The control within Section 5.2.5 of the Gosford DCP specifies that all development within the B4 zone should have a maximum floorplate size of 750sqm. The reference scheme submitted as part of the proposal includes the following floor plate sizes:

- Eastern (Hotel) Building – 568 sqm.
- Southern (Residential) Building – 800 sqm.
- Northern (Residential) Building – 714 sqm.

With regard to the southern tower non-compliance, it is worth noting:

- The minor non-compliance is considered appropriate, noting the generous building separation, achievement of key ADG amenity criteria (i.e. solar and cross ventilation) and the lack of environmental impacts (i.e. shadow, views) caused by the larger footprint.
- The floorplate was initially smaller in previous schemes, however, was increased in accordance with DAP advice (relating to siting and overall height).
- The reference scheme is indicative. While one tower is slightly over the control – the other two are well under. Overall, the envelopes promote slender and well-articulated building forms.

#### **Baker Street Extension**

We note that during Council’s briefing with the IPC, there were a number of concerns raised about this issue.



For clarification, the Applicant is in receipt of construction drawings for the Leagues Club Field upgrade, which are appended to this correspondence for ease of reference. These drawings were provided to ensure alignment between the two projects. These drawings show the Baker Street extension will be constructed as a one-way (shared zone), consistent with the SSDA submission.

The Leagues Club Field upgrade was progressed by HCCDC on behalf of Central Coast Council via Part 5 of the EP&A Act. As part of this Part 5 (REF) process, a program of stakeholder consultation was undertaken, which included Central Coast Council. Moreover, a formal public exhibition process, in accordance with Clauses 13 and 15 of the ISEPP, was also undertaken with Central Coast Council. Council has sighted and commented on the final revision of documents (for approval).

Moreover, the one-way / shared-zone condition has been critical to how the design team have conceived this 'retail edge'. This 'edge' condition is vital to the relationship between the development site and the Leagues Club Field. The Applicant is committed to working with Council and the HCCDC to ensure it is activated and results in a positive public domain outcome.

#### **Application of RMS Parking Rates**

With regard to parking provision, it is noteworthy that the Applicant has sought to minimise the amount of basement parking provided in light of flood constraints and the existing (state road) intersection performance issues.

Notwithstanding, the Applicant has demonstrated (through the reference scheme) that the applicable parking requirements for the retail and commercial components of the development (legislated under the SEPP) can be accommodated on-site.

The residential component of the development will be further reviewed at the detailed DA stage(s) when the apartment mix is finalised, noting that the RMS guidelines are applicable because the site is zoned B4 (per ADG guidance). The ADG is 'switched-on' via SEPP 65, which is the state-based planning policy that guides apartment development in NSW.

Accordingly, SEPP 65 & the NSW ADG supersede the Gosford City Centre DCP 2018 in this instance. These rates have been used in accordance with the planning framework that applies to the site and in order to mitigate on and off-site environmental impacts. There is no 'dispensation' sought, as the applicable rates have been used to calculate parking provision. It is also noteworthy that in pre-lodgement discussions in February 2018, Council accepted the use of RMS rates for the residential components of the development.

#### **Solar and Park Overshadowing**

The overshadowing analysis undertaken for the proposal confirms:

- The proposal complies with the SEPP control relating to solar access to the Leagues Club Field. 100% of Leagues Club Field receives 4 hours of direct sunlight.
- The proposal complies with the DCP control relating to solar access to other public open spaces.
- The proposal will not have significant or consequential impacts on surrounding residential properties.

From a qualitative perspective, the shadow drawings indicate:

- Poppy Park is only affected by the proposed (height and FSR) variations between 10am and 11am. It is also noted that these spaces are significantly overshadowed by existing (heritage-protected) vegetation.

- The north east (War Memorial) corner of Poppy Park is not used as an active space. It is also not commonly used for gatherings during the affected times (10am to 11am).
- The South West (water feature) portion of the park is used for gathering/activities, and this space is not significantly overshadowed by the proposal.

In relation to the impacts of this moving shadow on heritage significance, Heritage Architect John Carr has stated:

*“In my opinion, the shadows cast by the proposed buildings are a moving issue and do not affect the heritage significance of the Items 31 and A9 as they are and have been for some considerable time subject to moving shadows from the existing landscaping”.*

- The Leagues Club Field is noted in the Gosford DCP and UDF as being an active open space, which once refurbished, will provide a regional playground for children and families. It is also proposed that the Leagues Club Field will provide open space for active play, training groups and lunch time sports.

It is noteworthy, having accounted for the above, that the impact of the proposal upon the Leagues Club Field at midwinter is negligible at the ‘critical’ times (i.e. 11am-2pm, when people will be most commonly using it).

#### **Requirement for additional solar to the southern through site link**

The Applicant was provided with Draft Conditions by the DPIE in June 2020. One of those Draft Conditions required further solar access to the southern through site link. This was discussed with the DPIE and in response the Applicant made two ‘key moves’ to address this. Firstly, the northern tower was setback further (to the extent desired by DPIE), and the northern commercial podium was chamfered – which resulted in an additional 112sqm of solar at midwinter (to the southern through site link).

The Draft Condition (as it stands) requires further ideas to be “explored” post-determination. One of the sub-conditions includes reference to reducing the hotel (eastern tower) podium.

When considered as a whole, the development site and ground plane receives generous levels of solar access throughout the year – including the Mann Street retail frontage and the communal open spaces contained within the podiums. This Draft Condition is focussing on one part of the scheme, which was never intended to receive (and does not require) abundant levels of solar access to function successfully.

The Draft Condition raises concern because:

- a) It will negate the opportunity to provide a key part of the hotel, which was intended for public access; and
- b) It does not acknowledge the intent of the ‘laneway’ condition, which was curated in collaboration with a retail consultant (refer to the Applicant’s letter response to the Draft Conditions appended to this correspondence for further information on this).

To avoid open-ended conditions and the potential for wholesale post-determination design amendments, notwithstanding the impracticality of making such amendments (due to knock-on impacts such as self-shadowing, structural engineering, lift core locations), the Applicant is respectfully seeking the deletion of Draft Condition B1(c).