

24 July 2012

Laura Locke
Team Leader - Development Assessment
Hurstville City Council
PO Box 205
Hurstville BC NSW 1481

Dear Laura

RE: AMENDED PLANS

SECTION 96(2) APPLICATION DA-2011/21 REV03 FOR MODIFICATIONS TO APPROVED MIXED USE DEVELOPMENT (EAST QUARTER, STAGE 2) - JOINT REGIONAL PLANNING PANEL REFERENCE NO. 2012SYE035

93 FOREST ROAD, HURSTVILLE (LOT 2, DP 270611)

We refer to the above site and Section 96(2) application and write in response to the resolution of the Sydney East Joint Regional Panel (JRPP) meeting held on 18 July 2012 as follows:

- "1. The Panel has considered the planning assessment report, which recommends refusal, the applicant's submission that it intends to remove two floors from one of the buildings, as well as the verbal advice of the planning assessment officer that she needs to prepare a supplementary report on the changes proposed by the applicant. The Panel unanimously resolves to defer the application.*
- 2. The Panel requests the applicant to submit amended drawings by 24 July 2012, and the council's planning assessment officer to prepare a supplementary report by 3 August 2012.*
- 3. Following receipt of that report, the Panel will determine the application by communicating by electronic means, unless the planning assessment officer, the applicant or one of the Panel members requests another public meeting.*
- 4. The Panel notes that the council's staff and the applicant disagree on whether the "Premises Standard" applies to this application, and that this issue requires resolution before the matter is determined."*

In response to Item 2 above, please find enclosed the following:

- Revised Architectural Plans prepared by Kann Finch (Attachment A) including:
 - Cover Sheet, Drawing No. 6071-DA000 Revision H.
 - Stage 2 – Level 10, Drawing No. 6071-DA116, Revision D.
 - Stage 2 – Level 11, Drawing No. 6071-DA117, Revision E.
 - Stage 2 – Level 12, Drawing No. 6071-DA118, Revision E.
 - Stage 2 – Level 13, Drawing No. 6071-DA119, Revision E.
 - Stage 2 – Building B Elevations, Drawing No. 6071-DA131, Revision E.
 - East – West Section, Drawing No. 6071-DA 134, Revision H.
- Revised Project Statistics Schedule prepared by Kann Finch (Attachment B).
- 3D View Analysis Model from Building D prepared by Integrated Design Solutions (Attachment C).

The amended plans and further analysis is submitted to enable your preparation of a supplementary report by 3 August 2012 for further consideration by the JRPP prior to determination of this Section 96(2) Application.

1. Revised Architectural Plans

As outlined in correspondence from Milestone dated 17 July 2012, two residential floor levels have been deleted from Building B resulting in an 11 storey building and a maximum building height RL of 96.40. The reduced building height reinstates the height of Building B as approved by the JRPP under the original Stage 2 DA approved in 2011 (JRPP Reference No. 2011SYE018). A result of the reduction of these two floors, views of the iconic Sydney Central Business District (CBD) skyline will be maintained for the residential occupants on Level 12 of Building D (refer to Section 2 – View Impacts).

The revised Section 96(2) Application Plans are held at Attachment A. The revised Project Statistics Schedule (refer to Attachment B) has been updated to reflect the deletion of two residential floors from Building B.

2. View Impacts

The Stage 1 buildings, known as Buildings C and D occupy the western end of the East Quarter development site and comprise the 12 Storey Building D and the 6 storey Building C. The two additional residential floors originally proposed for Building B under this application have been deleted as part of this revised Section 96(2) application and therefore Building B proposes a total of 11 storeys. The deletion of two floors from Building B resolves the view impact which were issues raised by one occupant in Building D (during Council's public notification of this application).

Table 1 below outlines the RLs of Buildings B and D within the East Quarter site.

Table 1: Approved and Proposed Building Heights (RLs) of Buildings B and D within the East Quarter Site

Building Level	STAGE 1 – BUILDING D AS BUILT (Floor / Parapet Level)	STAGE 2 – BUILDING B DA-2011/21 s.96 (Rev03) Two additional floors deleted (Floor / Parapet Level)
Level 12	RL 96.90 / RL103.90	N/A
Level 11	RL 93.75	RL 92.70 / RL 96.40
Level 10	RL 90.60	RL 89.70

In accordance with the tests provided in the *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* Land and Environment Court (Court) judgement we provide the following analysis of the proposed deletion of two floors from Building B and the resultant impact on views obtained from Building D of the Sydney CBD skyline.

Step 1: Views Potentially Affected

The first step involves an assessment of the views potentially affected. The views obtained from the residential units in Building D are of the iconic Sydney CBD skyline to the north east, approximately 14km from the East Quarter site.

Step 2: Where Views are Obtained

The second step is to consider from what part of the property the views are obtained. **Figure 1** below identifies all windows/sliding doors located on Level 12 of Building D that obtain views of the Sydney CBD skyline (orange numbers in **Figure 1**).

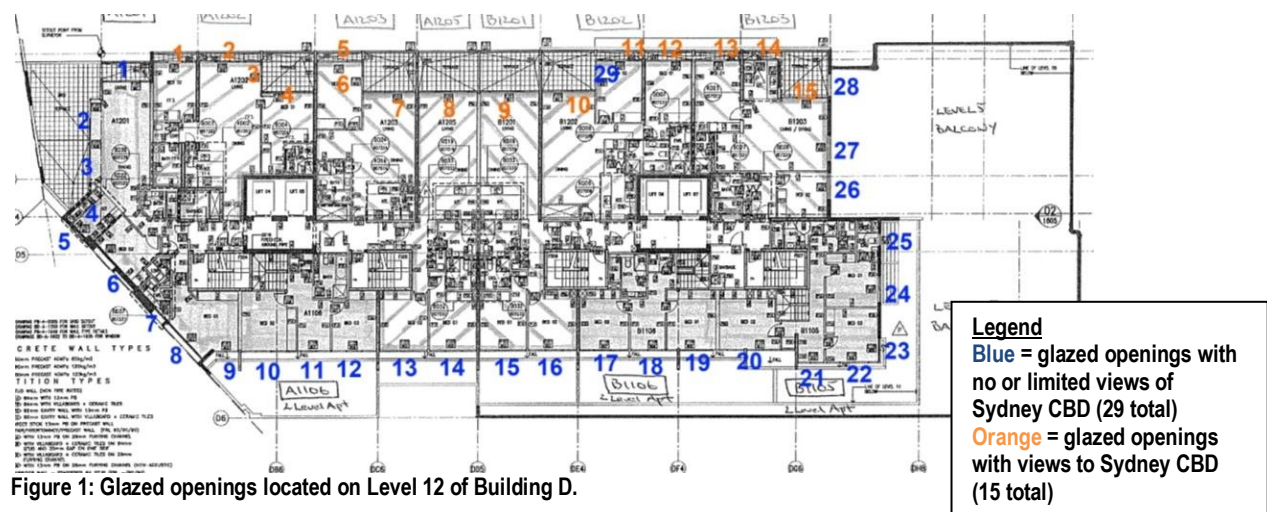


Figure 1: Glazed openings located on Level 12 of Building D.

Step 3: Extent of the Impact

The third step is to assess the extent of the impact for the whole of the property and not just the windows affected.

As a result of the proposed deletion of two floors from Building B, views of the Sydney CBD skyline currently enjoyed by the occupants in Building D will be maintained (100% of units with existing Sydney CBD skyline views will continue to have this view maintained).

The 3D View Analysis Model held at Attachment C overlays the proposed building envelope (grey outline) of Building B as viewed from within Level 12 in Building D. The Model demonstrates views of the entire Sydney CBD skyline will be retained for all Building D occupants.

Step 4: Reasonableness of the Impact

The fourth and final step outlined in the planning principle is to assess the reasonableness of the proposal that is causing the impact. The proposed deletion of two floors from Building B will reinstate the iconic Sydney CBD skyline views for all the existing occupants in Building D of the East Quarter development.

Further assessment against the Tenacity principle is not required.

CONCLUSION

This letter addresses the requirement for the applicant to provide amended drawings by 24 July 2012. We have also provided further clarification regarding view impacts.

This further assessment demonstrates that the revised scheme for Stage 2 does not impact on any views from the top floor of Building D. Importantly the iconic Sydney CBD skyline views obtained from Building D will be maintained. The proposed envelope, includes an identical height of Building B as that in the Stage 2 DA (DA-2011/21) approved by the JRPP, will therefore not result in any unacceptable view loss for Stage 1 buildings when assessed using the planning principle set out by the Court.

Given the environmental planning merits of the revised proposal and the significant public benefits of the project, we have no hesitation in recommending approval of the proposal.

If you require any clarification of this matter or any further analysis please do not hesitate to contact me.

Yours sincerely

Milestone (AUST) Pty Limited



Lisa Bella Esposito
Director

Encl.

ATTACHMENT A

REVISED ARCHITECTURAL PLANS PREPARED BY KANN FINCH

DRAWING LIST
UPDATED 19 JULY 2012

DA003	BASEMENT 4	1:500	REV B
DA004	BASEMENT 3	1:500	REV G
DA005	BASEMENT 2	1:500	REV G
DA006	BASEMENT 1	1:500	REV F
DA007	GROUND FLOOR LEVEL	1:500	REV C

DA107	STAGE 2 GROUND FLOOR	1:200	REV D
DA108	STAGE 2 LEVEL 01	1:200	REV D
DA109	STAGE 2 LEVEL 02	1:200	REV C
DA110	STAGE 2 LEVEL 03	1:200	REV C
DA111	STAGE 2 LEVEL 05	1:200	REV C
DA112	STAGE 2 LEVEL 06	1:200	REV C
DA113	STAGE 2 LEVEL 07	1:200	REV C
DA114	STAGE 2 LEVEL 08	1:200	REV C
DA115	STAGE 2 LEVEL 09	1:200	REV C
DA116	STAGE 2 LEVEL 10	1:200	REV D
DA117	STAGE 2 LEVEL 11	1:200	REV E
DA118	STAGE 2 LEVEL 12	1:200	REV E
DA119	STAGE 2 LEVEL 13	1:200	REV E
DA120	STAGE 2 LEVEL 15	1:200	REV D
DA121	STAGE 2 LEVEL 16	1:200	REV D
DA122	STAGE 2 LEVEL 17	1:200	REV D
DA123	STAGE 2 LEVEL 18	1:200	REV D
DA124	STAGE 2 LEVEL 19	1:200	REV D
DA125	STAGE 2 LEVEL 20	1:200	REV D
DA126	STAGE 2 ROOF LEVEL	1:200	REV B

DA130	STAGE 2 ELEVATIONS BUILDING A	1:200	REV C
DA131	STAGE 2 ELEVATIONS BUILDING B	1:200	REV E
DA132	STAGE 2 ELEVATIONS BUILDING E	1:200	REV D
DA133	STAGE 2 ELEVATIONS BUILDING E	1:200	REV D
DA134	EAST - WEST SECTION	1:200	REV H
DA135	NORTH - SOUTH SECTION	1:200	REV E

DA140	STAGE 2 EXTERNAL FINISHES BUILDING A	1:200	REV B
DA141	STAGE 2 EXTERNAL FINISHES BUILDING B	1:200	REV B
DA142	STAGE 2 EXTERNAL FINISHES BUILDING E	1:200	REV B
DA143	STAGE 2 EXTERNAL FINISHES BUILDING E	1:200	REV B



DEVELOPMENT APPROVAL 2011-DA-21 S96 (Rev 03) APPLICATION

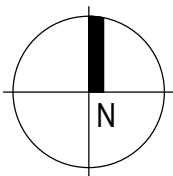
Architects:
KANNFINCH
ARCHITECTURE
INTERIOR DESIGN
MASTER PLANNING
FACILITIES PLANNING
Kann Finch Group Pty Ltd 50 Carrington St Sydney NSW 2000
ACN 139 614 798 Tel +61 2 9299 4111 www.kannfinch.com
Nominated Architect: Michael Gaston NSW ARB Reg No 3889

Client:
East Quarter Hurstville Pty Ltd



Project:
**East Quarter Development
93 Forest Road , Hurstville**

Scale/Orientation:



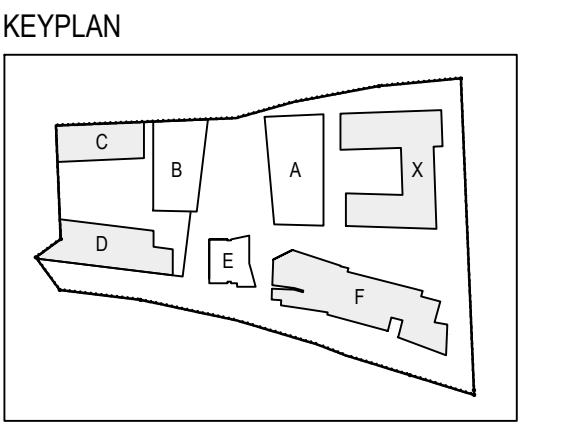
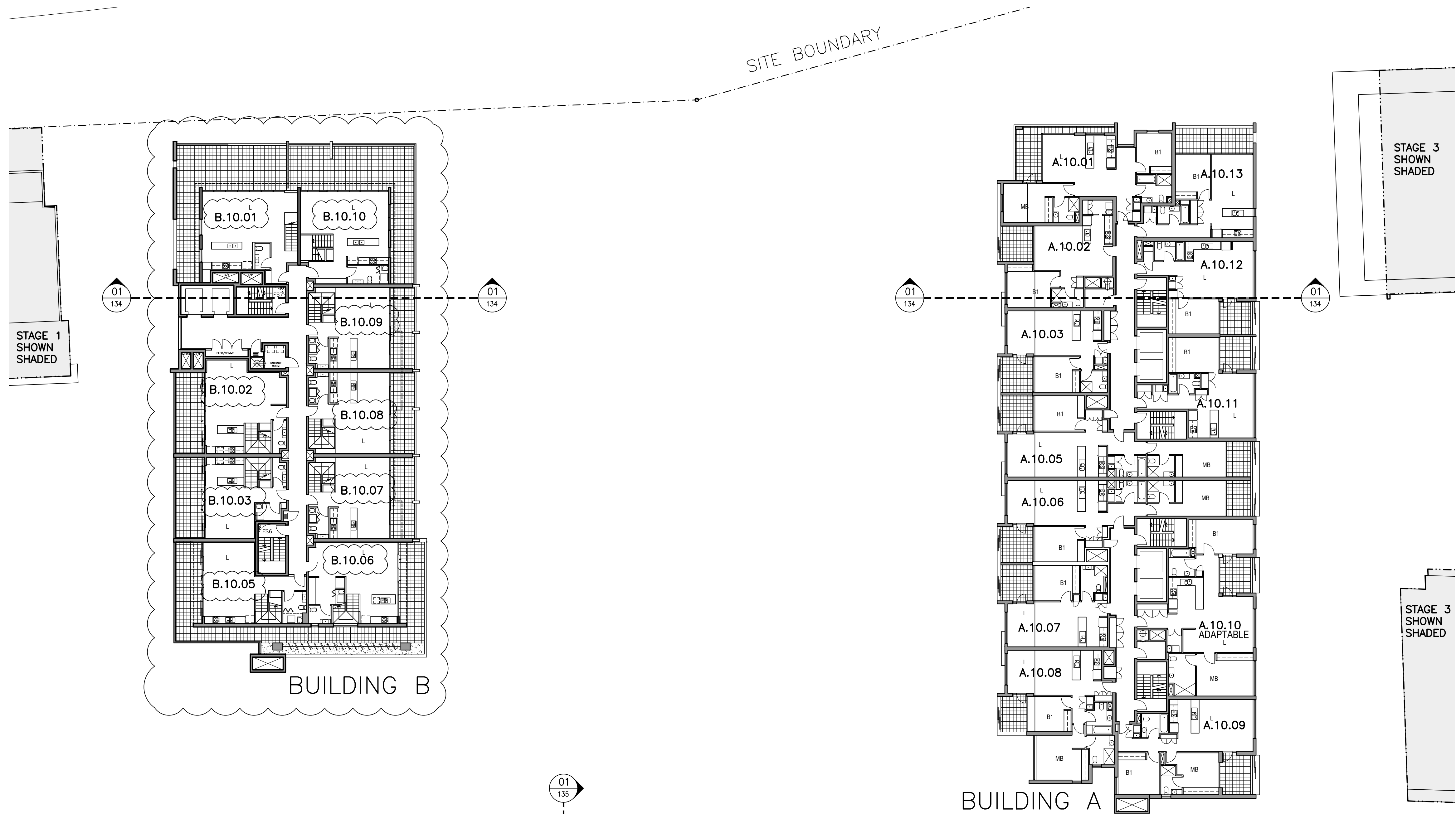
Drawing:

COVER SHEET

H	S96 MODIFIED; DEL FLOORS BLDG B	PM	19.07.12
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F	S96 - ADD LEVEL B4	PM	13.02.12
E	S96 REVISIONS	PM	30.01.12
D	S96 REVISIONS	PM	23.11.11
C	GENERAL UPDATE	GK	23.03.11
B	DA ISSUE	GK	21.01.11
A	ISSUE FOR INFORMATION	MB	20.12.10
No.	AMENDMENT	DRAWN	DATE

Project Number: Drawing Number:

6071 -DA000 REV H



GENERAL NOTES

REFER TO 6071-004 TO 6071-007 FOR STAGE 2 BASEMENT AND SITE PLAN DRAWINGS

REFER TO 6071-107 TO 6071-123 FOR STAGE 2 PLANS

REFER TO 6071-130 TO 6071-133 FOR STAGE 2 BUILDING ELEVATIONS

REFER TO 6071-134 FOR STAGE 2 BUILDING SECTIONS

EXTENT OF STAGE 1 AND STAGE 3 WORKS SHOWN SHADED

REFER TO STAGING PLANS AND PREVIOUS APPROVALS FOR ADDITIONAL INFORMATION

ROOM LEGEND:

L-LIVING ROOM

MA-MASTER BEDROOM

B1-BEDROOM 1

B2-BEDROOM 2

DEVELOPMENT APPROVAL 2011-DA-21 S96 (Rev 03) APPLICATION

Architects:

KANNFINCH

ARCHITECTURE
INTERIOR DESIGN
MASTER PLANNING
FACILITIES PLANNING

Kann Finch Group Pty Ltd 50 Carrington St Sydney NSW 2000
ACN 139 614 798 Tel +61 2 9299 4111 www.kannfinch.com
Nominated Architect: Michael Gaston NSW ARB Reg No 3899

Client:

East Quarter Hurstville Pty Ltd



Project:

East Quarter Development
93 Forest Road , Hurstville

Scale/Orientation:

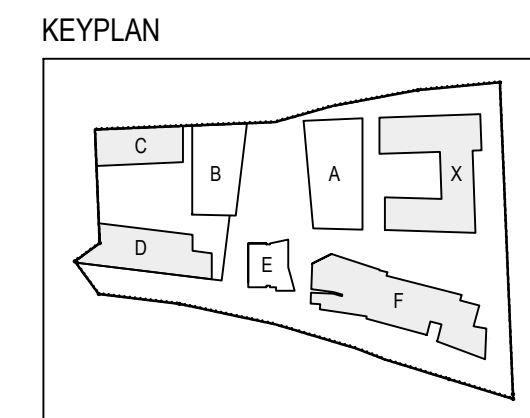
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STAGE 2 - LEVEL 10

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B	DA ISSUE	GK	21.01.11
A	ISSUED FOR INFORMATION	MB	20.12.10
No.	AMENDMENT	DRAWN	DATE

Project Number: Drawing Number:

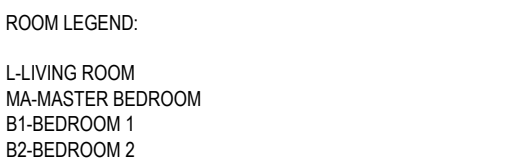
6071-DA116 REV D



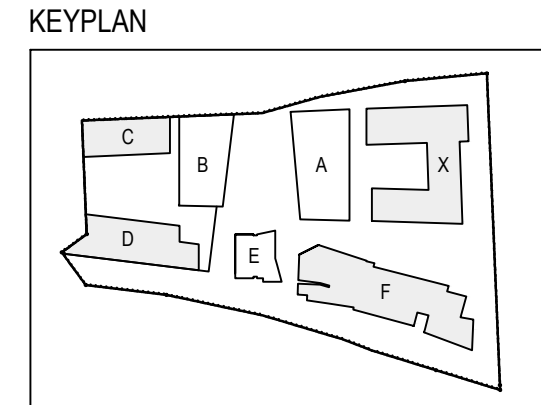
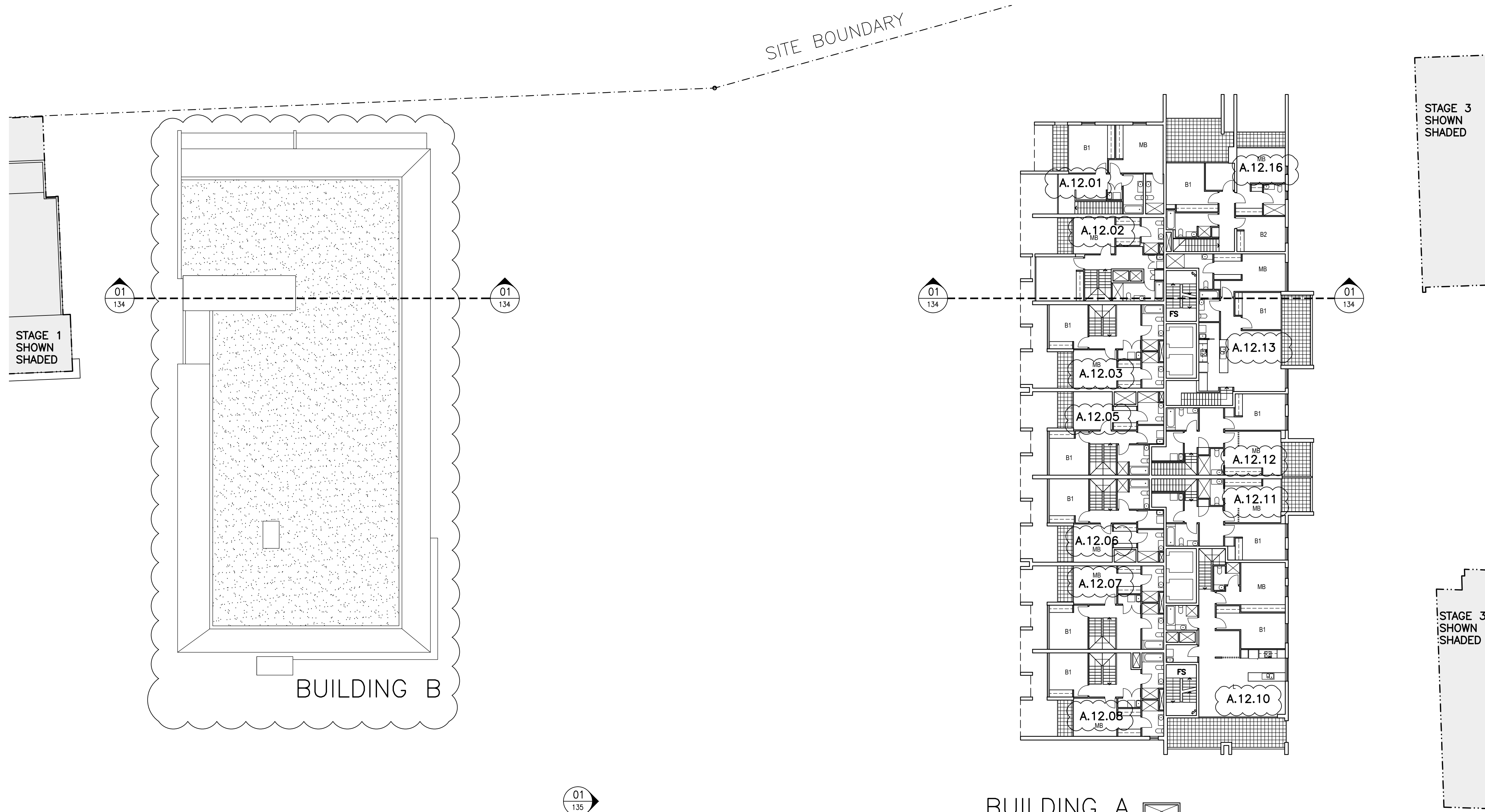
ROOM LEGEND:
L-LIVING ROOM
MA-MASTER BEDROOM
B1-BEDROOM 1
B2-BEDROOM 2

| STAGE
| SHOWN
| SHADED

6071 -DA117 REV E



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B	DA ISSUE	GK	21.01.11
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GENERAL NOTES
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 REFER TO 6071-107 TO 6071-123 FOR STAGE 2 PLANS
 REFER TO 6071-130 TO 6071-133 FOR STAGE 2 BUILDING ELEVATIONS
 REFER TO 6071-134 FOR STAGE 2 BUILDING SECTIONS

EXTENT OF STAGE 1 AND STAGE 3 WORKS SHOWN SHADED
 REFER TO STAGING PLANS AND PREVIOUS APPROVALS FOR ADDITIONAL INFORMATION

ROOM LEGEND:
 L-LIVING ROOM
 MA-MASTER BEDROOM
 B1-BEDROOM 1
 B2-BEDROOM 2

DEVELOPMENT APPROVAL 2011-DA-21 S96 (Rev 03) APPLICATION

Architects:
KANNFINCH
 ARCHITECTURE
 INTERIOR DESIGN
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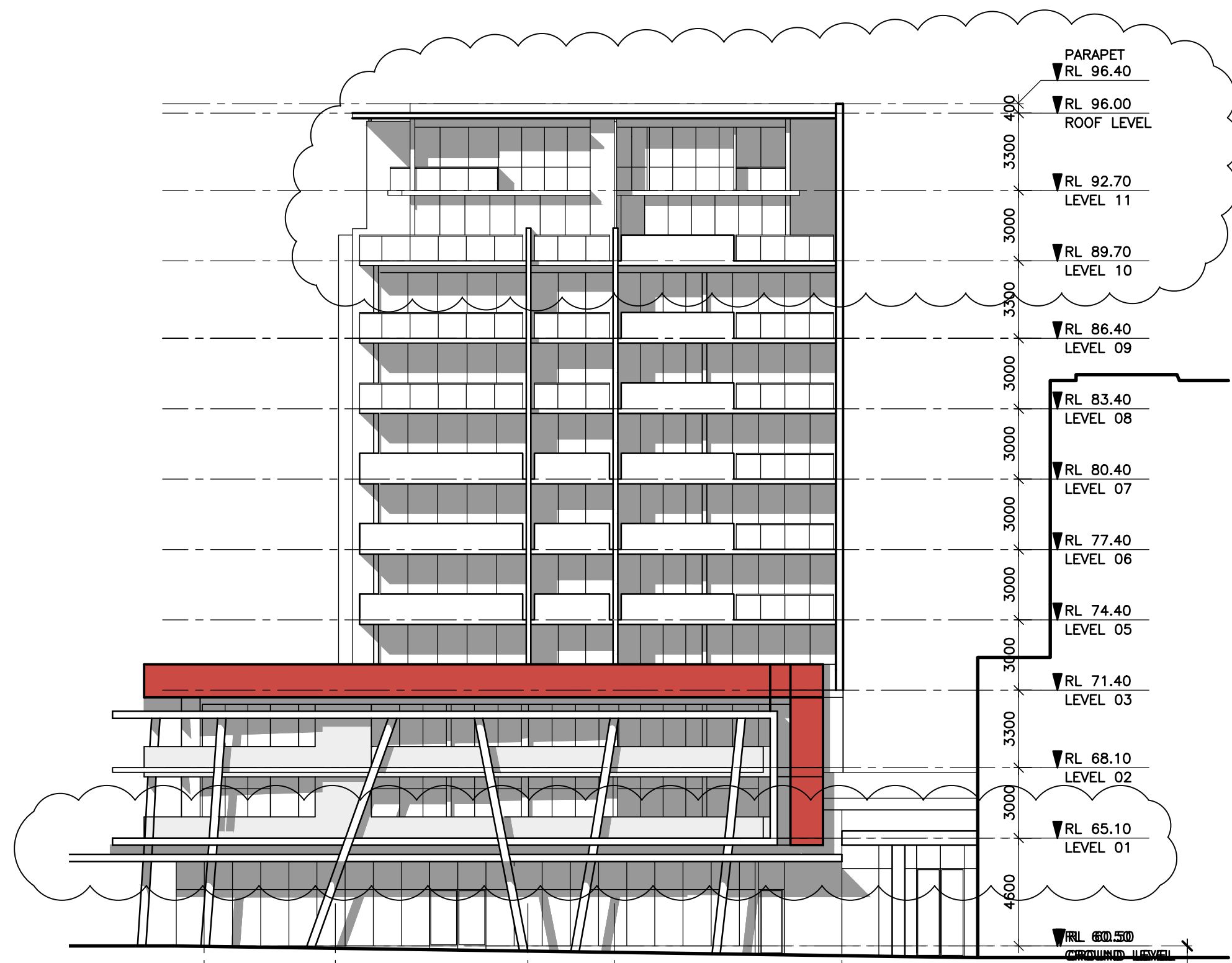
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Drawing:
STAGE 2 - LEVEL 13

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B	DA ISSUE	GK	21.01.11
A	ISSUED FOR INFORMATION	MB	20.12.10
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Project Number: Drawing Number:

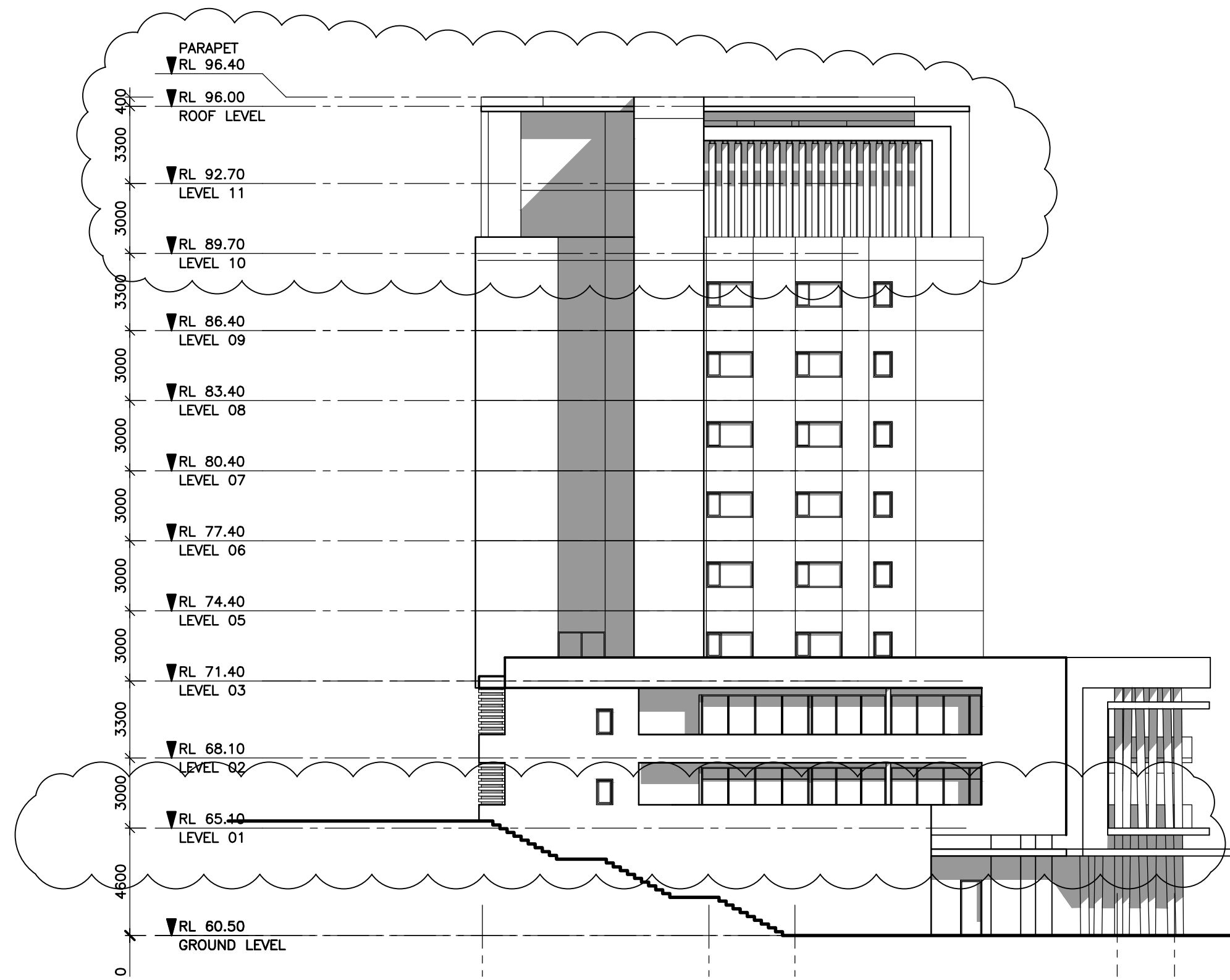
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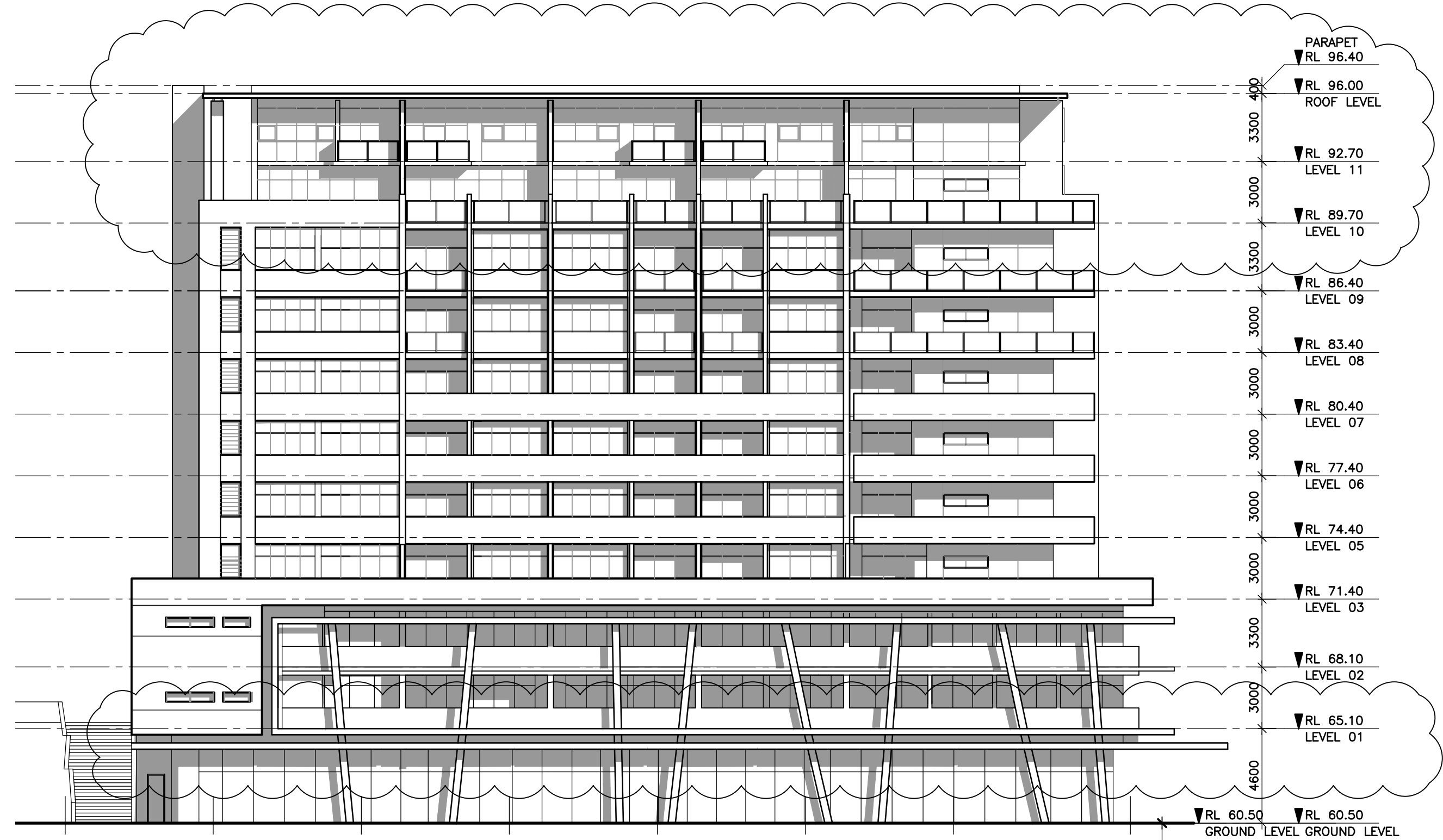
NORTH ELEVATION
BUILDING B



WEST ELEVATION
BUILDING B



SOUTH ELEVATION
BUILDING B



EAST ELEVATION
BUILDING B

DEVELOPMENT APPROVAL 2011-DA-21 S96 (Rev 03) APPLICATION

Architects:

KANNFINCH
ARCHITECTURE
INTERIOR DESIGN
MASTER PLANNING
FACILITIES PLANNING
Kann Finch Group Pty Ltd 50 Carrington St Sydney NSW 2000
ACN 139 614 798 Tel +61 2 9299 4111 www.kannfinch.com
Nominated Architect: Michael Gaston NSW ARB Reg No 3889

Client:

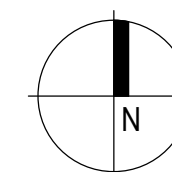
East Quarter Hurstville Pty Ltd



Project:

East Quarter Development
93 Forest Road, Hurstville

Scale/Orientation:



0 2 4 8m
SCALE 1:200 @ A1

Drawing:

STAGE 2 - Building B
Elevations

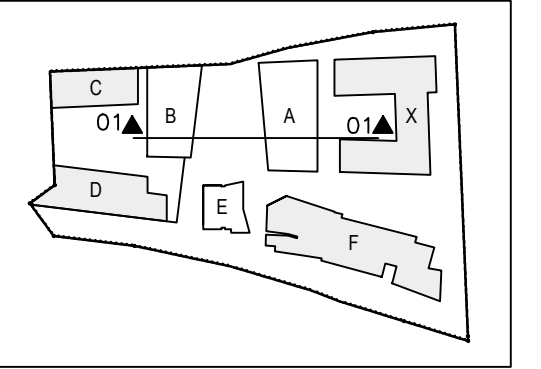
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B	DA SUBMISSION	GK	21.01.11
A	ISSUE FOR INFORMATION	MB	20.12.10
No.	AMENDMENT	DRAWN	DATE

Project Number:

Drawing Number:

6071 -DA131 REV E

KEYPLAN



GENERAL NOTES

REFER TO 6071-004 TO 6071-007 FOR STAGE 2 BASEMENT AND SITE PLAN DRAWINGS

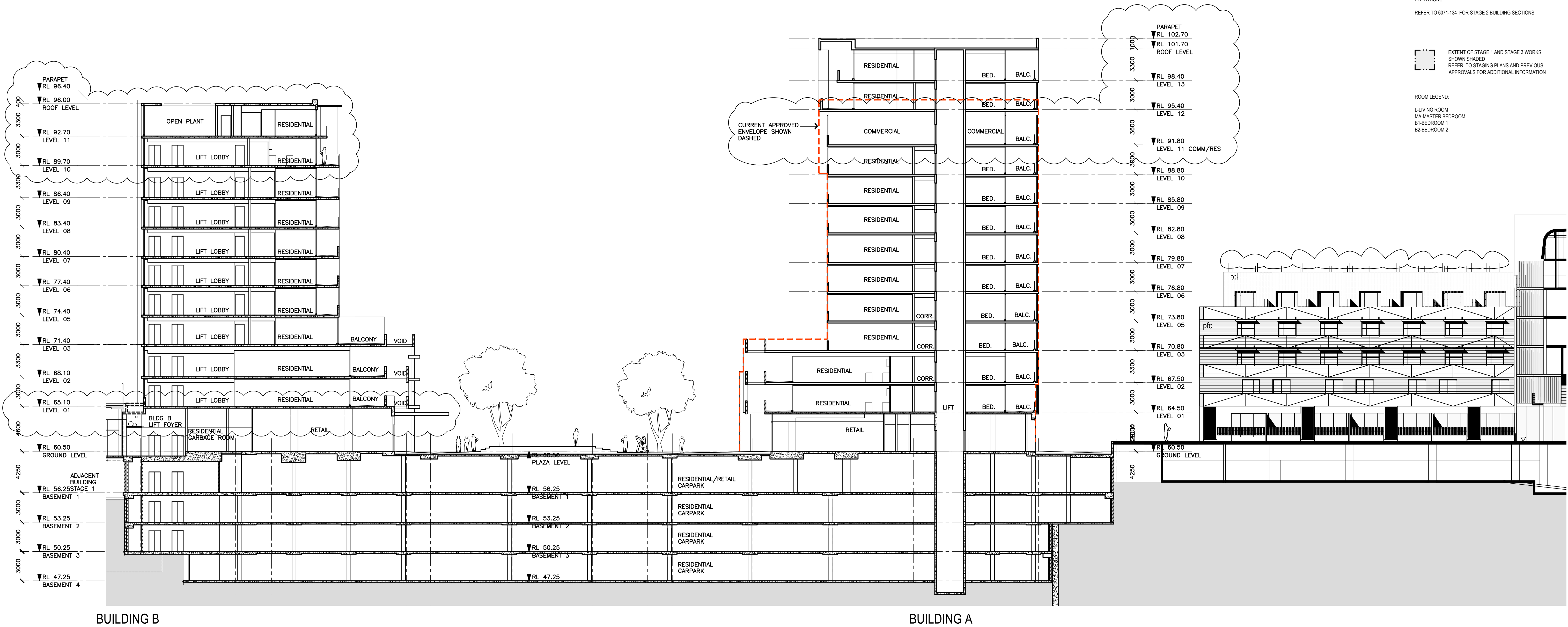
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REFER TO 6071-130 TO 6071-133 FOR STAGE 2 BUILDING ELEVATIONS

REFER TO 6071-134 FOR STAGE 2 BUILDING SECTIONS

EXTENT OF STAGE 1 AND STAGE 3 WORKS SHOWN SHADED
REFER TO STAGING PLANS AND PREVIOUS APPROVALS FOR ADDITIONAL INFORMATION

ROOM LEGEND:
L-LIVING ROOM
MA-MASTER BEDROOM
B1-BEDROOM 1
B2-BEDROOM 2



BUILDING B

BUILDING A

EAST / WEST SECTION

DEVELOPMENT APPROVAL 2011-DA-21 S96 (Rev 03) APPLICATION

Architects:
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ARCHITECTURE
INTERIOR DESIGN
MASTER PLANNING
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Project:
East Quarter Development
93 Forest Road , Hurstville

Scale/Orientation:

0 2 4 8m
SCALE 1 : 200 @ A1

Drawing:
EAST - WEST SECTION

H	S96 MODIFIED; DEL FLOORS BLDG B	PM	19.07.12
G	S96 REVISION 03	PM	19.03.12
F	S96 REVISIONS - ADD LEVEL B4	PM	13.02.12
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B	DA ISSUE	GK	21.01.11
A	ISSUE FOR INFORMATION	MB	20.12.10
No.	AMENDMENT	DRAWN	DATE

Project Number: Drawing Number:

6071 -DA134 REV H

ATTACHMENT B

REVISED PROJECT STATISTICS SCHEDULE PREPARED BY KANN FINCH

East Quarter - Project Statistics Schedule - DA-2011-21-S96 (Rev 03) March 2012 (Mod Bldg B height as approved)

UPDATED 19 July 2012																																						
STAGE 2	Building		1B		2B		3B		Building apartment total		Solar Access+ 3hr winter		South Facing		xflow		Kitchen natural vent		ground floor entry		adaptable apartments		Retail Gross letable Area (for carparking calculations)		Commercial Gross Floor Area		FSA / GFA per Geostrata verification		Visitor Parking Required Proposed @1/4 apartments		Resident Parking Required @ 1/1Bed, 1/2Bed, 2/3Bed		Retail Parking Required @ 1 per 27.5m2		Commercial Parking Required @ 1 per 55.0m2		TOTAL PARKING REQUIRED	
	A	50		76		2		128	122	0	66	22	0	12	622.2 m2		500.0 m2		13,055.4 m2		32	130	23	9	194													
	B	42		39		4		85	70	2	39	16	0	11	774.7 m2				8,381.5 m2		21	89	28	0	138													
	E	16		50		17		83	63	0	67	34	0	16	505.0 m2		527.3 m2		9,309.2 m2		21	100	18	10	149													
	108		165		23		296		255		2		172		72		0		39		1,901.9 m2		1,027.3 m2		30,746.1 m2		74	319	70	19	482							
	Mix	36.49%		55.74%		7.77%																																
	APARTMENT TOTAL					296																																

AS APPROVED 2003-DA-1046		Building		1B		2B		3B		Building apartment total		Solar Access+ 3hr winter		South Facing		xflow		Kitchen natural vent		ground floor entry		adaptable apartments		Child Care Gross letable Area (for carparking calculations)		Commercial Gross Floor Area		FSA / GFA		@ 1/10		@ 1/1Bed, 1/2Bed, 2/3Bed		@ 1 per 27.5m2		@ 1 per 55.0m2		TOTAL PARKING REQUIRED	
STAGE 3	F	53		83		26		162	118	35	90	37	7	16	649.0 m2		0.0 m2		18,803.0 m2		16	188	24	0	228														
	X	32		67		16		115	71	2	82	12	29	9	0.0 m2		131.3 m2		12,461.2 m2		12	131	0	2	143														
	85		150		42		277	189	37	172	49	36	25	649.0 m2		131.3 m2		31,264.2 m2		28	319	24	3	374															
	Mix	30.69%		54.15%		15.16%																																	
	APARTMENT TOTAL				277																																		

FLOOR SPACE ANALYSIS				
	Site area	FSA	FSR	Notes
Stage 1	6115.3	16747	2.74 :1	As approved
Stage 2	8404.4	30,746.1	3.66 :1	This application only
Stage 3	13927.3	31,264.2	2.24 :1	As approved
Total Site	28447	78757.3	2.77 :1	

Project Statistics Stage 2		Development Stats	RFDC Rules of Thumb
Winter Solar Access		86%	70%
South Facing		1%	10%
X Flow		58%	60%
Kitchen Nat Vent		24%	25%
Ground floor entry		0%	-
Adaptable Apartment		13%	10%

PARKING SCHEDULE	
TOTAL PARKING REQUIRED STAGE 2 & STAGE 3	856
Stage 2 parking - PROPOSED	
Level B4	146
Level B3	163
Level B2	174
Level B1	155
On grade parking (approved)	5
Total Stage 2 parking	643
Spaces reserved for Stage 3 per approved S96 applications	
	161

Stage 3 parking - per 2003 -DA-1046 S96 (Rev 15)	
Level B3	0
Level B2	133
Level B1	139
Total Stage 3 parking	272

ATTACHMENT C

**3D VIEW ANALYSIS MODEL FROM BUILDING D PREPARED BY INTEGRATED DESIGN
SOLUTIONS**

