

SUPPLEMENTARY INFORMATION REPORT

JOINT REGIONAL PLANNING PANEL HUNTER AND CENTRAL COAST

Panel Reference	2016HCC035-NEWCASTLE
DA No.	DA 2016/00528
Proposal	Demolition of existing buildings, erection of a 13-storey mixed use development including 76 residential units, three ground level commercial units, five floors of parking and associated site works.
Street Address	No. 990 Hunter Street, Newcastle West Lot 1 DP 24105
Applicant/Owner	Brancourt Nominees
Report By	Tony Tuxworth – Consultant Planner for Newcastle City Council
Report Date	28 September 2017

The JRPP considered a report in relation to the above referenced development application on 29 June 2017 and deferred a decision on determination of the application for the following reasons:

- *Concern over the inconsistencies between documentation submitted for approval with various plans and consultant reports not reflecting the revised architectural plans.*
 - *More clarity required on the proposed facade treatments of the building, in particular: the treatment of the lower levels of the building on all facades that are to accommodate non-active uses and their visual impact from the public domain including the rail corridor and public roads; the location and size of green walls; other facade treatment (including materials and colours) for the areas that do not accommodate green walls and their contribution to design excellence.*
 - *Insufficient information available to determine the extent, viability and visual appearance of the green walls, including the frame design/materiality during growth phase. The Panel had concerns over the design of green walls that were to be grown from planter beds located within the carpark and require more details to confirm that this design methodology works in practice.*
 - *Concerns over the accuracy of the overshadowing diagrams, not currently identified as mid-winter and shown as MGA North rather than required True North. Certification and more detail required.*
 - *Concerns were held over the building separation distance non-compliances which warrant greater attention to treatment of terrace and balcony screens facing south-east to address acoustic and visual privacy matters, and so as to not unreasonably impact on the future development of the adjoining site.*
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- *The Panel had concerns over the visual impact of the development, particularly all non-residential facades as viewed from the rail corridor and surrounding streets, and the south-eastern façade of the building.*
- *The revised plans post date the Urban Design Consultative Group review comments. It is not clear whether each recommendation contained in the UDG comments has been incorporated into the revised plans, or where not, what justification has been provided and whether this has been assessed as acceptable.*
- *More clarity is required in relation to the proposal's compliance with SEPP 65 and in particular the ability to meet the solar access and natural ventilation requirements of the Apartment Design Guide (ADG).*
- *The Panel had concerns over acoustic and vibration impacts associated with residential apartments adjoining a classified road and rail corridor including to private open space located close to rail. The acoustic and vibration report did not relate to the revised architectural scheme for the site and required updating.*
- *Clarification on the provision of adaptable apartments and/or universally designed apartments noting the Applicant's SEPP 65 Report indicates two per floor are to be provided but these have not been shown on the revised plans. Clarification that the required number of accessible car spaces provided on the plans correspond to the number of units to be provided.*
- *The proposal relies on a significant non-compliance with the applicable FSR control and the Panel require the further material outlined above to adequately consider the Clause 4.6 variation, which warrants some further attention to address the above details.*

TERMS OF THE DEFERRAL

The development application was deferred. The applicant is invited to submit an amended proposal and/or further details within 6 weeks of publication of this decision for subsequent consideration by Council staff and the Panel. Addressing the matters below:

- *Updated architectural plans that address the reasons for the deferral.*
- *Updated landscape plans that reflect the set of architectural plans for which approval is sought. The Panel had concerns over reliance on privacy screens for private outdoor areas encroaching within the ADG building separation distance on Level 4 and request further consideration be made to this interface such as use of solid walls and/or setbacks.*
- *Updated landscape plan is to identify access to the proposed green roof for maintenance purposes without needing to access common space through a private residence for this purpose (for example via a ladder or hatch from level below).*
- *Design details for the proposed green walls including construction materials and frame, location and extent of all green walls, planting schedule and irrigation. Provide further details of how the plants within the proposed planter beds within the car park areas will access sufficient light, water and air to grow sufficiently to create the proposed exterior green walls. Design should take into account solar access and overshadowing impacts from the proposed building.*
- *Further design details of facade screening including materials and finishes for all above ground carpark areas and non-residential uses that do not incorporate green walls, taking into consideration the visual impact of the development as viewed from*

both public roads and the rail corridor, and comments received from Sydney Trains. Larger scale, more legible photomontages are required to demonstrate the above.

- Updated schedule of materials, finishes and colours for the revised plans.
- Identification of substation location on the revised plans if one is required.
- Further SEPP 65 and ADG assessment including identification of compliance with the solar access and natural ventilation requirements calculated in accordance with the Apartment Design Guide on an individual apartment basis level by level. This analysis should include the implications of fixed glazing that is proposed to mitigate acoustic impacts for some apartments. Details of proposed alternative solutions and justification are to be provided if compliance with the ADG is not met.
- Revised Clause 4.6 variation that reflects the GFA sought in the revised plans and more accurately relates to a variation to floor space ratio identified in Clause 7.10A (Floor Space Ratio for Other Development) rather than a variation to a minimum lot size requirement as currently described.
- Certified shadow diagrams that reflect the revised architectural plans and drawn to True North. The plans must be provided and identified as mid winter shadow plans and show overshadowing hour by hour between 9.00am and 3.00pm mid winter.
- Updated waste management plan report that reflects the revised architectural plans and the proposed details for future collection of waste to the satisfaction of Council. The Panel is generally of a mind not to favour the requirement for garbage shuts after considering the design justification provided by the applicant at the meeting.
- Updated civil and structural engineering plans that reflect the revised architectural plans. The Panel would be prepared to consider updated concept plans in this regard, with detailed civil and structural engineering design to be addressed via an appropriate condition of any approval.
- Updated acoustic report that reflects the revised architectural plans. The report is also to include further investigation of acoustic impacts for private open space areas facing road and rail and identification of any mitigation measures.
- Clarification of which units are proposed as accessible/adaptable and confirmation of corresponding number and location of car spaces for these units.
- Additional assessment of whether each recommendation contained in the UDG comments that pre-date the revised plans have been incorporated into the revised plans, or where not, what justification has been provided and whether this has been assessed as acceptable.

In response to the terms of deferral, the applicant has provided additional information. The details of the revised assessment are outlined in the below table:

DEFERRAL MATTER	ASSESSMENT COMMENT
Updated architectural plans that address the reasons for the deferral.	<p>Updated architectural plans have been submitted, to clarify the required facade treatments of the building, particularly:</p> <ul style="list-style-type: none"> • the treatment of the lower levels of the building on all facades that are to accommodate non-active uses and their visual impact on the public domain including the rail corridor and public roads;

	<ul style="list-style-type: none"> • the location and size of the green walls; • other facade treatments (including materials and colours) for the areas that do not accommodate green walls and their contribution to design excellence. <p>The plans include shadow diagrams together with a letter from the architect certifying that the shadow diagrams are accurate.</p> <p>Plans have been included to clarify compliance with SEPP 65 and in particular the ability to meet the solar access natural ventilation requirements of the ADG. The plans also provide details of the adaptable apartments, with two adaptable apartments being provided per floor and the number and location of accessible car parking spaces. The accessible car parking spaces are consistent with the provisions of Objective 4Q-1 of the ADG which requires apartments incorporating the Living Housing Guideline's silver level universal design features which have car parking width of 3.2m.</p>
<i>Updated landscape plans that reflect the set of architectural plans for which approval is sought. The Panel had concerns over reliance on privacy screens for private outdoor areas encroaching within the ADG building separation distance on Level 4 and requested further consideration be made to this interface such as use of solid walls and/or setbacks.</i>	<p>Updated landscape plans have been prepared that reflect the set of architectural plans for which approval is sought.</p> <p>Privacy screens have been provided to the private open space area to Unit 4.6.C1 in the south-eastern corner of the building where it encroaches on the required setback.</p>
<i>Updated landscape plan is to identify access to the proposed green roof for maintenance purposes without needing to access common space through a private residence for this purpose (for example via a ladder or hatch from level below).</i>	<p>The landscape plan and architectural plan have been updated to show an access panel from the carpark area below to the proposed green roof on level 4 so that access is provided to the common space other than through the private residences.</p> <p>A condition has been recommended to require a ladder to be provided, permanently attached to the underside of the roof slab to enable easy access to the access panel. Refer to condition C40.</p>
<i>Design details for the proposed green walls including construction materials and frame, location and extent of all green walls, planting schedule and irrigation. Provide further details of how the plants within the proposed planter beds within the car park areas will</i>	<p>Design details of the proposed green wall have been provided, including construction materials, frame, location and extent of the green wall, planting schedule and irrigation. The green wall has been limited to the front wall of the building, in front of the car parking levels 1 to 4. The landscape plan submitted, now also provides a planter light penetration diagram and a section showing the garage planter facade system</p>

<i>access sufficient light, water and air to grow sufficiently to create the proposed exterior green walls. Design should take into account solar access and overshadowing impacts from the proposed building.</i>	which indicates a drip irrigation system and the installation of drainage substrate and a drain to all planters. The light penetration diagram indicates that there will be sufficient access to light, water and airflow to create the proposed exterior green wall. However it is noted that there will be limited direct sunlight in mid-winter.
<i>Further design details of facade screening including materials and finishes for all above ground carpark areas and non-residential uses that do not incorporate green walls, taking into consideration the visual impact of the development as viewed from both public roads and the rail corridor, and comments received from Sydney Trains. Larger scale, more legible photomontages are required to demonstrate the above.</i>	The amended architectural plans indicate that vertical slats will be provided along the southern and western sides (railway line) of the building to screen the proposed carpark area when viewed from the public domain. The semi-open slats allow for ventilation to the carpark. A 3D montage of the building is included in the updated SEPP 65 statement to show the extent of the screen walls and a detail of the construction of the screens has been provided by the architect.
<i>Updated schedule of materials, finishes and colours for the revised plans.</i>	An updated schedule of materials, finishes and colours for the revised plans has been provided by the architect within the amended SEPP 65 Statement.
<i>Identification of substation location on the revised plans if one is required.</i>	Identification of substation location on the revised plans is shown on the ground floor southern corner of the building.
<i>Further SEPP 65 and ADG assessment including identification of compliance with the solar access and natural ventilation requirements calculated in accordance with the Apartment Design Guide on an individual apartment basis level by level. This analysis should include the implications of fixed glazing that is proposed to mitigate acoustic impacts for some apartments. Details of proposed alternative solutions and justification are to be provided if compliance with the ADG is not met.</i>	<p>An updated SEPP 65 assessment has been provided, which has addressed the solar access and natural ventilation requirements on an individual apartment basis, and floor by floor. A breakdown of the number of hours of sunlight and ventilation achieved for each unit has been provided in the updated SEPP 65 statement. Sun diagrams indicate that 54 of the 76 units (70%) will achieve a minimum of 2 hours of sunlight between 9.00am and 3.00pm mid-winter in accordance with the requirements of the ADG.</p> <p>A plan has been prepared to indicate the extent of ventilation provided to each unit.</p> <p>The submitted ADG compliance table indicates that the proposal does not strictly comply with the design criterion in Objective 4B-3 of the ADG which requires that 60% of apartments are naturally cross ventilated in the first nine storeys of buildings. On average 36% of apartments in the first nine storeys are cross ventilated. Cross ventilation requires an apartment have multiple aspects however 44 out of the total 76 apartments are single aspect. Natural ventilation opportunities are maximised despite natural cross</p>

	<p>ventilation numbers being limited.</p> <p>Further the proposal does not comply with the design guidance requirements that apartments be designed to minimise the number of corners, doors and rooms that might obstruct airflow.</p> <p>Apartments which do achieve ventilation are constricted by corners, doors and corridors which potentially limit ventilation. This situation is largely unavoidable due to the difficult shape of the subject site.</p> <p>The following response was provided by the applicant's planning consultant:</p> <p><i>In single aspect apartments, natural ventilation is facilitated by limited apartment depths and access to a courtyard or balcony with a minimum width to depth ratio of 2:1. Where building indentations are angled to the open side, the shortest side is considered as the depth ratio. Private balconies between apartments 1.5 and 1.6 cannot achieve the required width to depth ratio as individual balconies without significantly impacting the living areas within the apartments. Therefore, the separating wall between the two apartments is nominated as a timber screen that allows ventilation between the balconies, but still allows privacy to each balcony and apartment. Therefore, the width to depth ratio is calculated by combining both balconies. This design solution has also been incorporated on levels 2 and 3 between apartments 2.5 and 2.6; and apartments 3.5 and 3.6.</i></p> <p><i>Consideration has been given to the placement of all openings to ensure that the overall depth of a cross-over or cross-through does not exceed 18m. Additionally, their placement draws on significantly different pressure regions to assist in drawing air through the apartment efficiently. For single aspect apartments located on the north-east facade that have been considered 'cross ventilated' due to their openings being staggered on the angled façade and the positioning of openings in balconies.</i></p> <p>While the proposal does not strictly comply with the requirements of the ADG, the natural ventilation provided to each unit is considered to be acceptable in the circumstances.</p>
<p><i>Revised Clause 4.6 variation that reflects the GFA sought in the revised plans and more accurately relates to a variation to floor space ratio identified in</i></p>	<p>A revised LEP Clause 4.6 variation request has been provided that reflects the GFA sought in the revised plans and more accurately relates to the variation to the floor space ratio identified in Clause 7.10a of the</p>

<i>Clause 7.10A (Floor Space Ratio for other development) rather than a variation to a minimum lot size requirement as currently described.</i>	LEP.
<i>Certified shadow diagrams that reflect the revised architectural plans and drawn to True North. The plans must be provided and identified as mid winter shadow plans and show overshadowing hour by hour between 9.00am and 3.00pm mid winter.</i>	Amended shadow diagrams have been provided by the architect with true north marked on the plans. The plans provide mid-winter shadow plans and show overshadowing hour by hour between 9.00am and 3.00pm mid-winter. Shadow diagrams now provided appear to be accurate. The overshadowing impacts are considered to be reasonable.
<i>Updated waste management plan report that reflects the revised architectural plans and the proposed details for future collection of waste to the satisfaction of Council. The Panel is generally of a mind not to favour the requirement for garbage chutes after considering the design justification provided by the applicant at the meeting.</i>	An updated Waste Management Plan report has been prepared to reflect the revised architectural plans which indicate a common storage area at ground floor level and do not provide for garbage chutes throughout the building.
<i>Updated civil and structural engineering plans that reflect the revised architectural plans. The Panel would be prepared to consider updated concept plans in this regard, with detailed civil and structural engineering design to be addressed via an appropriate condition of any approval.</i>	Updated civil and concept engineering plans have been prepared and submitted with the application. A recommended condition (Condition C19) has been proposed requiring details to be submitted with a Construction Certificate application.
<i>Updated acoustic report that reflects the revised architectural plans. The report is also to include further investigation of acoustic impacts for private open space areas facing road and rail and identification of any mitigation measures.</i>	<p>An updated Acoustic Engineer's report has assessed the potential noise impacts from the rail corridor and Hunter Street. The report indicates that standard glazing on some windows would not be acceptable to attenuate internal levels to satisfy the relevant criteria. The report recommends that noise control measures outlined in Section 6 of the report be implemented to reduce road and rail noise emissions to satisfy the relevant internal criteria.</p> <p>The report also includes further investigation of acoustic impacts of private open space areas facing the road and the rail corridor. The report provides the following assessment for the private open space areas;</p> <p><i>For residential developments, internal noise levels are the key parameter to be considered with respect to</i></p>

	<p>noise emissions from road or rail sources. Assignment of external criteria would make the feasibility of construction near transport corridors unfeasible and contrary to the State Governments initiative with respect to the integration of land uses and transport. The key principles of this initiative include intentionally locating housing, activities jobs and services in accessible areas close to public transport hubs (Department of Planning, 2008).</p> <p>In summary, there are no discrete external noise criteria that are specifically assigned road/rail noise and private open spaces. Notwithstanding, the Environment Protection Authority (EPA) 2011, NSW Road Noise Policy (RNP) prescribes at facade (ie external) noise criteria for residential premises. It is noted, that these criteria are for road traffic noise emissions and primarily are adopted when considering noise emissions from redevelopment of roads or land use developments that may generate additional traffic on the road network. Notwithstanding, the RNP criteria for sub-arterial roads is 60dBA, LAeq15hr (day) and 55dBA, LAeq9hr (night) have been considered in this assessment.</p> <p>Additionally, vibration emissions from the rail traffic are demonstrated to satisfy recommended levels that may generate a low probability of adverse comment or disturbance to building occupants.</p> <p>Condition D40 of the consent will require that the building be constructed in accordance with the requirements outlined in the updated acoustic report.</p>
Clarification of which units are proposed as accessible/adaptable and confirmation of corresponding number and location of car spaces for these units.	<p>The amended architectural plans indicate the proposed accessible/adaptable units and the corresponding number and location of car spaces for these units. The plans indicate that 12 units have been designed as accessible/adaptable units. 16 accessible car parking spaces have been included within the carpark, each with a continuous path to the apartment entrance. The accessible car parking spaces are indicated on the architectural plans as a universal car space and have a width of 3.2m wide which is consistent with the requirements of the ADG.</p>
Additional assessment of whether each recommendation contained in the UDG comments that pre-date the revised plans have been incorporated into the revised plans, or where not, what justification has been provided and whether this has been	<p>The required additional assessment has been provided. A copy of this correspondence is included in Appendix A to this report. The assessment provided indicates that the amended proposal addresses all of the issues raised at the Urban Design Consultative Group Meeting of 26 October 2016.</p>

<i>assessed as acceptable.</i>	
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It is considered that information that has been provided adequately addresses the reasons for deferral, subject to the recommended conditions of consent.

Further to the assessment report considered by the JRPP on 29 June 2017, it is confirmed that the capital investment value of the development is \$20.96 million. The cost of works including GST is \$23.05 million. This is confirmed by the applicant's detailed cost report dated 13 May 2016.

Attachments

- Amended architectural plans prepared by Michael Carr Architect
- Amended SEPP 65 Report prepared By Michael Carr Architect
- SEPP 65 Review prepared by EJE architects
- Amended Clause 4.6 Variation to the provisions of Clause 7.10A of the NLEP
- Amended landscape plan prepared by Mara Consulting
- Amended Acoustic Engineers report prepared by Muller Acoustic Consulting
- Letter from KDC planning responding to the issues raised by the RDCG
- Letter from KDC responding to reasons of deferral.