SUPPLEMENTARY REPORT – MODIFICATION
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

City of Newcastle

PANEL REFERENCE & DA NUMBER	PPSHCC-147- MA2022/00286 (DA2019/00711) File Number 2019/39309 EXP No 1 National Park Street Pty Ltd v Newcastle City Council
LGA	City of Newcastle (CN)
PROPOSED DEVELOPMENT	Section 4.56 Modification to a Development Application for a mixed used development comprising demolition, retail, commercial, public spaces, residential apartments, associated parking, staging, and stratum subdivision.
STREET ADDRESS AND OWNER DETAILS	Lot 1171 in DP 858465; Lot 1181 in DP 596950; Lot 99 DP 1134475; Lot 1 in DP 741514; and Lot 100 in DP 612505. 1, 17, 19 National Park Street and 434 King Street Newcastle West
APPLICANT	GWH BUILD DEVELOPMENTS PTY LTD
OWNER	EXP NO 1 National Park Street Pty Ltd
DATE OF DA LODGEMENT	26 August 2022
ORIGINAL DA DETERMINATION DATE	21 September 2020 Jurisdiction: Class 1 File Number 2019/393097
APPLICATION TYPE	Modification Application under 4.56
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*: General development with a CIV greater than $30 million. Section 275 of the *Environmental Planning and Assessment Regulation 2021* states that a council must not determine an application to modify a development consent under the Act, Section 4.55(2), on behalf of a regional planning panel, if the application is of a kind specified in the *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents* published on the NSW Planning Portal on 30 June 2020.
CIV	$73,288,558 (excluding GST)
RECOMMENDATION	Approval

Background.

The subject application (MA2022/00286) for a Mixed-Use development, including shop top housing with 194 dwellings, ground floor retail premises, and commercial premises, known as '1 National' was reported to the Hunter Central Coast Regional Planning Panel (HCCRPP) for determination on 14 December 2022.

This supplementary report provides further information in response to matters raised during the determination meeting and provides associated amended conditions of consent. The supplementary

assessment should read in conjunction with the original assessment report. A version of the amended conditions is provided at **Attachment A**.

Reasons For Deferral

"The Panel has had the benefit of a briefing on this matter from the Applicant and Council.

The application is a modification to a Development Application approved by the Land and Environment Court. The approved development had the benefit of a design waiver and had demonstrated design excellence.

The current proposal seeks to change the architecture of the building and increase the height of both tower and marginally increase the FSR. The proposal has been considered by the Urban Design Review Panel on three (3) occasions.

The documentation lodged with the application does not allow for a detailed understanding of the degree of change proposed from the application as originally approved. This makes a qualitative and quantitative consideration difficult.

There is insufficient detail on the plans in terms of dimensions – e.g., separation between towers and oversized carparking space and landscaped areas. The Council's report recommends a reduction in height by the removal of level 19 on the northern tower. The Panel requires plans to assess the design outcomes resulting from this proposed condition.

The applicant provided the Panel with a submission addressing a number of matters in the report. The Panel notes they are not pressing the removal of the communal roof top space on the northern tower.

The Panel on the information before it is not yet satisfied of the design excellence of the proposal. The landscape outcomes require more work and integration with a properly considered public domain plan. Additionally, detail is required around turning circles, column spacing, staging, construction management, worker parking, storage, street activation, and internal amenity. The Panel also needs to understand the degree of change and the space within the carpark. End of trip facilities are also considered important.

The Panel requires additional information and consideration of these matters to determine the merits of the modification, and to be satisfied that the design excellence elements of the original approval are not comprised or lost. The Panel cannot be satisfied that this this the case with the current information.

The Panel determined that the application should be deferred for the following:

- *(a) Detailed comparison of the proposed plans against the original approval in plan and elevations.*
- *(b) Detailed comparison of compliance with ADG and the difference between the original approval and proposed.*
- *(c) GFA plans showing what has been included in GFA and a comparison against the original approved plans-any car parking above Council requirements is to be included as GFA.*
- *(d) Amended plans providing for:*
  - *(i) Dedicated waste area collection providing sufficient bin space to meet Council's requirements;*
  - *(ii) Deletion of Level 19 on the northern tower -including RL's and layout and elevation detail;*
  - *(iii) Cross-section through oversized car spaces showing ceiling height;*
  - *(iv) Dimensions to be included on plans – specifically setbacks from boundary, spacing between building and car parking length;*

(v) Turning circle for MRV;
(vi) Inclusion of common end of trip facilities;
(vii) Elevational treatment including streetscape presentation that demonstrates design excellence; and
(viii) Improved street activation and internal amenity.

(e) Operational Management Plan outlining how proposed stacked car parking is to be allocated and managed.
(f) Identification of EV charging points in accordance with Council's Policy.
(g) Revised landscaping plan that integrates public and private domain and provides for design excellence in the landscape outcome. Street tree planting needs to be included.
(h) Detailed Construction Management Plan that demonstrates:
(i) How the site will be staged and impacts on residents managed;
(ii) How new residents will be advised; and
(iii) How worker parking during the construction is to be managed".

Terms of Deferral

"The Panel agreed to defer the determination of the matter for the information outlined at (a) to (h) above.

The Panel expects the revised information referred to above to be submitted to Council within five (5) weeks from the date of this deferral record.

The amended package is to be referred to the Urban Design Review Panel for comment on the design excellence and landscape outcomes.

The Panel expects an addendum assessment report from Council responding to the material and the matters raised above. The Panel will determine the matter electronically.

The decision to defer the matter was unanimous".

Response to the Reasons for Deferral

The applicant has taken into consideration the reasons for deferral and subsequent request for additional information made by Council. The applicant has submitted additional documentation and an amended plans for further assessment.

Council and the Urban Design Review Panel has conducted a review of the proposed amendments and whilst most changes including staged construction are supported, Council does not agree to the inclusion of the Stratum subdivision. Council has omitted the Stratum from the application and believes that this can be issued closer to the issuing of the interim or final occupation certificate.

The proposed modifications principally relate to building height, bulk, change in design, apartment configuration, car parking and staged construction. A summary of the of the proposed amendments are provided below.

Table 1: Proposed Modifications

	DA2019/00711	Proposed changes
Apartment typologies	193 62 x 1 Bed 108 x 2 Bed 23 x 3 Bed	194 36 x 1 Bed 127 x 2 Bed 31 x 3 Bed
	South Tower	South Tower

	116 34 x 1 Bed 68 x 2 Bed 14 x 3 Bed	117 21 x 1 Bed 76 X 2 Bed 20 X 3 Bed
	North Tower 77 28 x 1 Bed 40 x 2 Bed 9 x 3 Bed	North Tower 77 15 x 1 Bed 51 x 2 Bed 11 x 3 bed
GFA	23,036	23,207.5
Commercial GFA	1406	1233.5
FSR – 5.5:1	5.435	5.48
Height of building 66m	78.380 AHD	80.00 AHD
	South Tower 78.380 AHD 76.18m	South Tower 80.00 AHD 77.8m A 1.62m increase
	North Tower 65.98 AHD 63.78m	North Tower 69.750 AHD 67.55m A 3.77m increase
Car parking	248 Car Parks	303 Car Parks
Communal Open Space	1552.3	1266.5
Landscape	1006	1154

Building Height

The location and overall form of the building envelopes are not inconsistent with the intent of the approved development.

The approved proposal set a maximum building height of 63.78m for the northern tower and 76.18m to the southern tower. The application proposes an increase to the approved height to 67m northern tower and 77.8m to the southern tower. The proposal exceeds the maximum 'height of buildings' development standard as follows:

Table 2: Comparison Building Height

NLEP Height Control (Measured from existing ground level)	Proposed Height (metres from existing ground level)	Reduced Level (AHD)	Variation (m) to NLEP	Variation (1%) to NLEP
Approved North Tower				
60 metres Bonus 10% 66m	Lift Overrun 63.78m Rooftop Plant/Architectural Roof Feature. N/A Roof of Level 19 – 61.88m	Lift Overrun 65.98 AHD Rooftop Plant/Architectural Roof Feature. N.A Roof of Level 19 - 64.080 AHD	3.78m 1.88m	6.3% 3.1%
Approved South Tower				
60 metres Bonus 10% 66m	Lift Overrun: 76.18m Rooftop -	Lift Overrun: 78.380 AHD Rooftop	16.18m	26.9%

	Plant/Architectural Roof Feature 74.66m Level 21 - 70.9m	Plant/Architectural Roof Feature 76.868 AHD Level 21 - 73.10 AHD	14.66m 10.9m	24.43% 18.16%
Proposed Amended North Tower				
60 metres Bonus 10% 66m	Lift Overrun: 67.55m **(Originally proposed at 70.56).** Rooftop Plant/Architectural Roof Feature. Roof of Level 19 - 66m	Lift Overrun: 69.750 AHD **(Originally proposed at 72.76 AHD).** Rooftop Plant/Architectural Roof Feature. Roof of Level 19-68.2AHD	7.55m 6m	12.58% 10%
Proposed Amended South Tower				
60 metres Bonus 10% 66m	Lift Overrun 77.8m Rooftop Plant/Architectural Roof Feature. 75.3m Roof of Level 21-71.85m	Lift Overrun 80.00AHD Rooftop Plant/Architectural Roof Feature. 77.50 AHD Roof of Level 21-74.05AHD	17.8m 15.3m 11.85m	29.66% 25.5% 19.75%

As a Section 4.55(2) modification, Clause 4.6 of the Newcastle LEP 2012 with regard to requesting a variation to the 'height of buildings' development standard does not apply.

In light of the matters raised by HCCRPP the applicant has reviewed the height and provided the following response:

"The enclosed plans remove Level 6 from the Northern tower, reducing the height by one level as requested".

The applicant has chosen to remove Level 6 and not Level 19, it is noted that the number of units as proposed has remained unchanged.

Overall, it is considered that the changes remain procedurally consistent, as the proposed heights retain the desired scaling in transition of the building height from the Spotlight, The Site, and to Verve.

The above table provides a clear breakdown of height exceedance that applies to the rooftop elements including lift overrun and architectural roof features.

Figure 1: – Height Plane Diagram 60

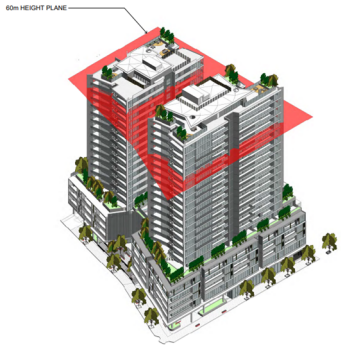


Figure 2: – Height Plane Diagram 66m

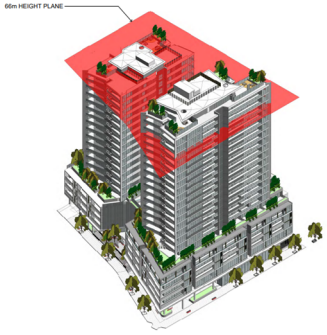


Figure 3: Southern Tower Approved Height

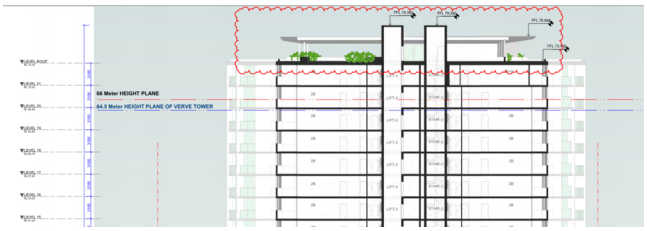


Figure 4: Northern and Southern Tower Approved Height

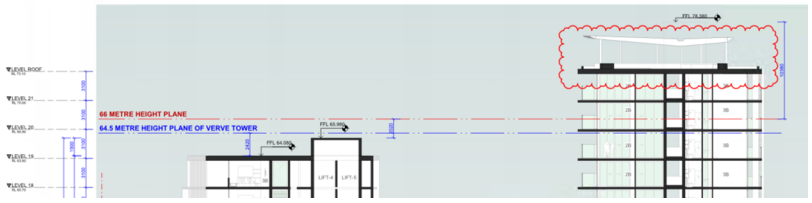
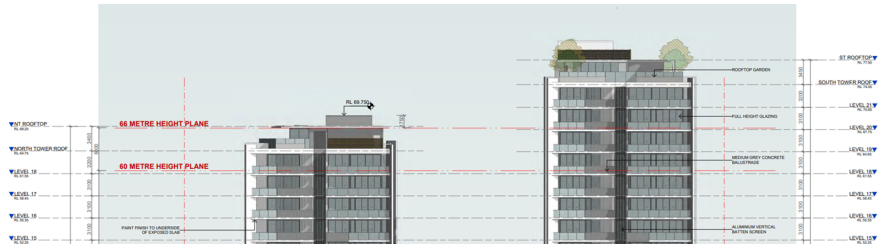


Figure 5: Proposed Northern and Southern Tower Height



The overall building height has increased to incorporate the lift overrun and rooftop communal open space areas (now located on both towers). The development as approved did not include a rooftop communal area on the northern tower. It is noted that the approved rooftop design on the southern tower presented as a slender form, which has now become slightly flatter with the removal of 'winged roof'.

The height exceedance will not result in any detrimental impact on the adjoining properties or the public domain. The proposed rooftop communal space does not adversely impact on privacy, solar access, or views. A significant extent of the proposed variation to the height relates to the provision of a communal rooftop areas for future residents. This inclusion ensures that the future occupants of the development are provided with a high level of amenity that will not impact on any surrounding view corridors.

Whilst exceeding the building height standard for the site, the proposed development contributes to the locality through an active streetscape with commercial tenancies on the ground floor, and a slim tower design. The development is compliant with the prescribed floor space ratio development standard, which has ensured that the overall massing of the podium and towers remains unchanged.

Should the proposal be required to strictly comply with the prescribed height requirement, the bulk and scale would appear as a large mass when viewed from the public domain. Ensuring that the approach to height is scaled, the visual impacts are reduced on the public domain and the west end precinct.

Figure 6: Approved National Park Street elevation

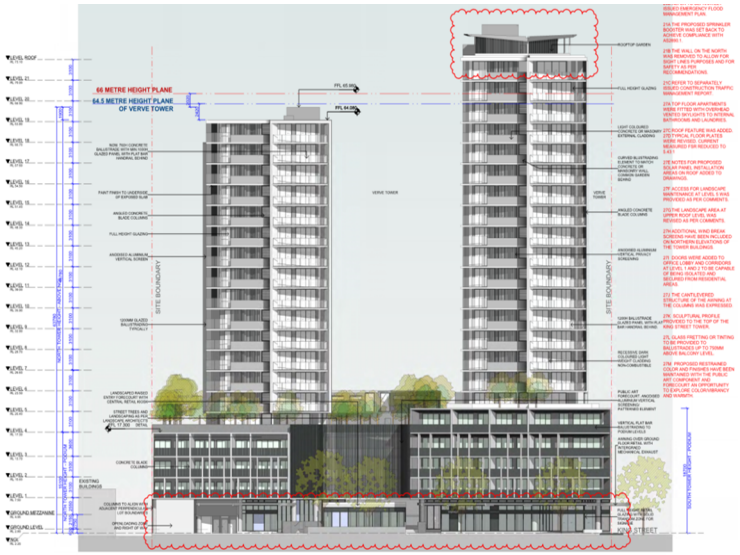
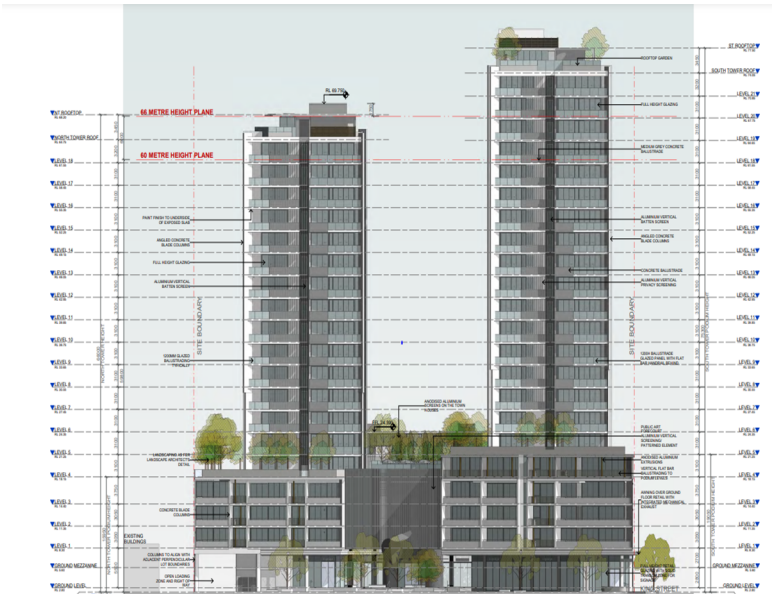


Figure 7: Proposed National Park Street elevation.



Council is satisfied that the documentation has adequately addressed the variation to the height limit and the proposal can be supported. The proposal continues to achieve the objectives of both the prescribed zone and building height development standard. The proposal amended development will not result in an unreasonable impact on amenity or result in any significant adverse environmental impacts as a result of the variations.

Design Excellence

The proposals recent amendments had been reviewed by the Urban Design Review Panel in April and the following comments were provided:

"The corridor windows now read externally as “punctures" in a solid wall rather than a continuous element. The Approved DA had garden beds at the ends of every corridor which would have been very attractive, but in the absence of this, the treatment appeared to have anodised vertical battens unifying the vertical element - which is preferable to the individual windows. Another option that could be acceptable would be to treat it as a curtain wall with continuous glazing over the floor slabs.

The changes to the King Street entry are to be amended as per sketch.

Please review the southern tower lobby entrance at ground level – Can you make any changes to improve the entrance?

The outdoor amenity of level 6 units / 7 units is impacted due to the roof of the below townhouses and setbacks to the Verve. Could you look at a rooftop garden? This would increase the amenity and the overall landscaping.

The Panel is prepared to sign off providing/assuming we can make reasonable strides towards achieving these few remaining items".

The applicant subsequently responded by amending the plans that included the inclusion of vertical battens, an amended entrance and lobby area, and the addition of a rooftop garden on the town houses.

The UDRP reviewed the plans as amended and provided the following response:

"The Panel refer to the issue identified previously in respect to the appearance of the corridor windows in the elevations for 1 National Park St. Reference is made to the amended elevations in the package and confirm that the amended design incorporating vertical battens satisfies the issue raised in respect to the appearance of the windows externally. It is confirmed that providing that the few remaining identified issues are addressed by the Applicant, the project is capable of achieving Design Excellence".

The draft conditions have been provided, which specify that the plans must be reviewed by the UDRP prior to release of the construction certificate.

Apartment Design Guideline (ADG)

An amended SEPP 65 Design Quality Statement (Dated 28 February 2023 prepared by Marchese Partners and CKDS Architecture) was submitted in support of the current amended proposal pursuant to Clause 50(1A) of the *Environmental Planning and Assessment Regulation 2000* ('EP&A Reg2000'). This statement confirms that a qualified designer, which means a person registered as an architect in accordance with the Architects Act 1921 as defined by Clause 3 of the EP&A Reg 2021, directed the design of the architectural drawings, and provides an explanation that verifies how the related development documentation achieves design quality principals and objectives of the ADG.

It is noted that design refinement issues remain including the positioning of columns, balcony privacy, ventilation, location of air conditioning units, and access onto adjoining balconies. This will be addressed by further review by the Urban Design Review Panel prior to the issue of the first Construction Certificate. The following table has regard to the ADG and identifies some of the minor design refinement issues that will assist in informing those further discussions.

APT	Bed	ADG APT Req.	ADG balcony size	S4.55 advised area	CALC'd APT	CALC'd Balc Min dim.	Comments
1A	1	50m2	2m & 8m2	70.8m2	70.1m2	1.9m x 4.3m (8.2m2)	
1B	1	50m2	2m & 8m2	62.1m2	62.0m2	1.9m x 6.0m	
1C	1	50m2	2m & 8m2	67.1m2	66.4m2	1.9m x 7.0m	
1D	1	50m2	2m & 8m2	79.0m2	78.8m2	1.8 x 5.9m	
1E	1	50m2	2m & 8m2	58.0m2	57.8m2	1.75m x 5.8m	The balcony width + living area is narrow.
1F	1	50m2	2m & 8m2	57.8m2	56.6m2	1.6/6.5 x 5.8m	The balcony width short fall (1.6-6.5)
1G	1	50m2	2m & 8m2	71.8m2	69.3m2	1.8m x 4.9m (8.82m2)	The bedroom window, awning may have a potential conflict with A/C Unit. (BCA ventilation).
1H	1	50m2	2m & 8m2	61.1m2	59.5m2	1.8m x 6.5 (11.7)	Balcony width less than 2m (1.8), Bedroom width less than 3.0m (2.9), living area width less than 3.6m (3.5)
1I	1	50m2	2m & 8m2	55.9m2	54.8m2	Podium - 70.8m2, OR Tower deck - 16.2m2	Privacy concerns between podium decks / POS
1J	1	50m2	2m & 8m2	62.9m2	61.3m2	38.8m2	Privacy concern from communal open space to POS & to north facing window from living room. Privacy concern between the adjacent apartment balcony. No operable glazing on south side of living area which prevents cross ventilation.
1K	1	50m2	2m & 8m2	56.2m2	54.8m2	1.75 x 7.5m	Balcony width short (1.75m). Privacy concern to adjacent apart balcony.
1L	1	50m2	2m & 8m2	61.3m2	59.9	Tower deck 29.6m2	Privacy concern between apartment decks.
1M	1	50m2	2m & 8m2	(41.1 + 41.6) 82.7m2	(36.6 + 35.9) 72.5m2	Podium L4 - 25.2m2 Deck, L5 - 6.9m2	Privacy concerns between podium decks / POS. The A/C unit location is unacceptable.
2A & 2B	2	75m2	2m & 10m2	(55.0 + 70.0) 125.0	(54.3 + 69.0) 123.3	Podium L4 - (2.3m) 11.7m2. Decks, L5 - 6.4m2 &	Podium Level POS, width less than 3m (2.3m), Living room width less than 4m (3.5). Potential privacy concerns on podium level POS also between south facing upper floor decks. Poor A/C unit locations. Compromised

						12.9m2	arrangement between column and bedroom sliding door to deck.
2C	2	75m2	2m & 10m2	91.6	90.9	1.8m x 5.5m (9.9m2)	
2D	2	75m2	2m & 10m2	83.2	82.8	1.8m x 6.9m	
2E	2	75m2	2m & 10m2	77.8	76.6	1.75m x 6.0m	A shortfall living room width of 3.5m (req = 4.0m).
2F	2	75m2	2m & 10m2	77.3	77	1.75m x 8.05m	Balcony width short (1.75) & living width small (3.7m).
2G	2	75m2	2m & 10m2	76.6	76.1	1.75m x 8.7m	0.25m balcony width shortfall & living width small (3.7m).
2H	2	75m2	2m & 10m2	77.9	75.6	1.6/65 x 6.0m	Living area width less than 4.0m (3.6). Balcony less than 2m (1.65m). Compromised amenity to living areas.
2I	2	75m2	2m & 10m2	77.3	75	1.6/65 x 8.0m	The balcony width is short (1.6-65). The bedroom width is less than 3.0m (2.6/2.8m). The bedroom area is less than 9m2. The living area width is less than 4.0m (2.7 / 3.3). A compromised amenity overall, especially as indoor, and outdoor living areas are compromised.
2J	2	75m2	2m & 10m2	77.1	75.7	1.6/65 x 8.7m	Th balcony is less than 2m (1.6). the bedroom width is less than 3m.
2K	2	75m2	2m & 10m2	87.9	87.4	Podium - 27.1m2, OR Tower Deck - 18.2m2	There are privacy concerns between podium decks / POS. Unacceptable A/C unit location. A small living area. The fixed glazed panels in the winter garden impede ventilation. The tower decks do not have 10m2 portion with min dimension of 2m.
2L	2	70m2	2m & 10m2	74.5	73.2	Podium - 95m2, OR Tower deck - 41.4m2	There are privacy concerns between podium decks. There appears to be a short fall in the living room width.
2M	2	75m2	2m & 10m2	92.8	91.5	Podium - 51.3m2, OR Tower Deck - 25.2m2	Privacy concerns between podium decks / POS. Minor, bedroom width shortfall (2.9).
2N (per 2K)						Tower deck 29.3m2	As per 2K, however a more acceptable A/C unit placement.

2O	2	75m2	2m & 10m2	90.4	88.7	Tower deck 30.0m2	Privacy concerns between podium decks / POS. Minor bedroom shortfall width less than 3m (2.9).
2P	2	75m2	2m & 10m2	79.7	77.4	Podium - 32.4m2, Tower Deck - 12.75m 2 (1.7m)	Privacy concerns between podium decks / POS. Podium POS width less than 3m (2.6). Tower Deck width less than 2m (1.7)
2Q	2	75m2	2m & 10m2	92.6	90.1	Podium - 51.1m2, Tower Deck - 19.8m2 (10.4m2 with min 2m width)	Privacy concerns between podium decks / POS. Minor bedroom shortfall width less than 3m (2.9). An unacceptable A/C unit location. The fixed glazing to all winter garden panels restricts ventilation.
2R	2	75m2	2m & 10m2	89.9	87.8	Podium - 58.5m2,	Privacy concerns between podium decks / POS. Minor bedroom shortfall width less than 3m (2.9). Small living area.
2S	2	75m2	2m & 10m2	89.9	87.9	Tower deck 30.4m2	Minor bedroom shortfall width less than 3m (2.9). Small living area.
2T	2	75m2	2m & 10m2	91.4	88.5	Tower deck 34.1m2	Privacy concern from L6 communal open space. Privacy concern into townhouse units on podium from balcony. Minor bedroom shortfall width less than 3m (2.9). Unacceptable A/C unit location.
3A	3	100m2	2.4m & 12m2	(89.4 + ??) Total ??	(84.9 + 49.4) 134.3m2	Podium, L4 - 66.5m2 Deck, L5 - 29.5m2	Privacy concerns between podium decks / POS. The UPPER FLOOR on Level 5 - areas not included within the Apartment Matrix. There appears to be no obvious privacy screen to south end of deck between neighbour.
3B	3	95m2	2.4m & 12m2	108.5	107.8	1.9m x 12.9m	The bedroom less than 3m + living room widths / the area is compromised. There appears to be a shortfall in balcony width.
3C	3	95m2	2.4m & 12m2	108.3	105.6	1.8m x 11.5m	The bedroom widths are less than 3m / Living room widths / area appears to be inadequate. There appears to be a shortfall in balcony width.

3D	3	95m2	2.4m & 12m2	11.9	119.7	Podium - 23.6m2 + Deck 11.3m2	Internal apartment layout circulation concerns. The study area between bedrooms should provide access to south deck, as only access to south deck through 1 bedroom.
3E	3	95m2	2.4m & 12m2	119.9	119.1	Tower deck 56.1m2	A/C unit location unacceptable.
3F	3	95m2	2.4m & 12m2	110.7	108.5	Tower Deck 50.1m2 (10.2m2 with min 2.4m width)	Minor bedroom shortfall width is less than 3m (2.95), minor shortfall in balcony area with min 2.4m width requirement 12m2 (10.2).
3G	3	95m2	2.4m & 12m2	216	212.6	(34.3 + 56.2) 90.5	The neighbouring apartment bedroom has access onto the balcony.
3H	3	95m2	2.4m & 12m2	100.3	97.6	1.7 x 7.6 (12.9)	The unit has access onto neighbouring apartment balcony. There is a shortfall in the balcony min width less than 2.4m (1.7)
3I	3	95m2	2.4m & 12m2	172.4	169.8	(30.4 + 48.6) 79.0	

Vehicular Access, Driveway Design and Crossing Location

Driveway Design and Right of Carriageway Use

Vehicular access for the development is from the existing driveway located at National Park St. The driveway will be modified, and additional civil works will be undertaken on the right of carriageway area to ensure that the access is designed to suit the new development traffic movements.
The vehicular access from National Park St site frontage is generally similar in design as per the approved DA, with the location of the proposed columns carefully located to ensure that access to the adjoining properties is maintained and future proofing surrounding properties for vehicular access.

The right of carriageway will be restricted to a minimum 4.5m height limit as the proposed new building will be built over the right of carriageway.

Pedestrian access along the north of the carriageway access has also been retained.

Proposed access doors to the service rooms along the carriageway and vehicular access including Water & Gas Meters, Fire Control and waste rooms have been designed with doors opening internally and do not encroach over the right of carriageway. Chevron type line marking is proposed along the south of the carriageway access to enhance safety for anyone accessing these service rooms for maintenance operations.

The right of carriageway access width of 6m has been retained and will provide for a two-way traffic movement.

The vehicular access had been principally designed for medium rigid vehicles (MRV) to enter/exit the site with ease and modifications by relocating the proposed roller door setback further south has allowed for heavy rigid vehicles (HRV) to enter and exit the site in a forward direction. Although

multiple turns may be required for HRV, the changes have allowed for CN HRV waste trucks to enter and exit the site for waste collection purposes, while also futureproofing the developments of other remaining surrounding properties in managing waste collection.

The two 900dia columns in the mid-section of the right of carriageway forms typically like a roundabout for traffic management purposes. Additionally, the revised plans have indicated the locations of the Parking Card reader and confirmed the locations for traffic safety mirrors and signs.

The following features are principally provided, which are above and beyond the original approved DA:

- The development proposal has considered the vehicular and pedestrian access needs for the development and adjoining properties, which have been generally enhanced.

- The proposed piers on the ground level along the right of carriageway have been designed at locations consistent with approved plans and more accurately detailed.

- The revised submission has considered the overall users of the right of carriageway, sightlines for existing properties driveway access and maintained adjoining property parking areas.

- Sightline provisions at the driveway entrance at the interface with National Park St have been designed to ensure drivers have clear view of pedestrians.

- The right of carriageway will be upgraded with new pavement.

- The ground floor access to the parking areas has been generally designed as a slow environment to accommodate for pedestrian and cyclist movements.

- A clear height of 4.5m is available for HRV and MRV access in accordance with AS2890.2.

- The development has been designed for HRV and MRV access into the site, and vehicles will be able to enter and exit in a forward direction.

- The redesign of the site for access by HRV not only allows the development's residential waste collection to be serviced by CN Waste Services but allows the surrounding properties to consider using CN as potential waste service providers, this futureproofs the potential development for the surrounding sites in managing waste collection.

- Other serviceability elements such as removalist vehicles and parcel drop-off can be managed via the right of carriageway.

- The future stratum subdivision will widen the right of carriageway widths and provide additional rights over the carriageway areas, which directly benefits the adjoining properties.

It is noted that the matters arising from use of the existing right of carriageway is generally a civil matter and may need to be resolved by the applicants and the owners of the adjoining lots who benefit from the access.

Conclusively, the proposed development vehicular access being designed for HRV is a very desirable outcome and secures the development and surrounding properties for longer term operational sustainability.

Car Parking, Access Design and Management

Internal vehicular access ramps have generally been designed to the Australian Standards. The design of the internal parking and loading zone areas are generally compliant and vehicles will be able to enter and exit from the site in a forward direction.

Signs, line markings and traffic flows are proposed to ensure that traffic flows and safety within the development parking area and right of carriageway is appropriately managed. Additional safety elements such as flashing lights, mirrors at the ramps and speed and slow down signs will further enhance safety within the parking and access areas.

A new roller door with 3.2m height clearance is proposed at the entry of the access to the car parking. The additional height will allow smaller delivery vehicles to access the commercial parking area.

The proposed roller gate and card reader shall be appropriately managed to operate. Residential visitor car parking must be made accessible at all times.

Although an operation management plan for the management aspect of car parking and general operations have been provided, a more detailed operation management plan for future stratum operations must be developed for longer term sustainable operation of the vehicular access areas.

- An additional condition is recommended to ensure a detailed operational management plan is developed to manage the car parking and access arrangement.

Parking Demand

Introduction

Intersect Traffic has provided a traffic report and GWH has provided additional traffic and parking information in response to CN's request for further information (RFI). The addendum traffic report and response to RFI by GWH have generally addressed the issues raised by CN.

The revised architectural plans and GWH response confirms that a total of 303 car parking spaces are proposed within the four (4) levels of car parking. The increase in car parking is generally due to changes to the car parking layout and conversion of longer spaces to stacked car parking spaces.
However, approximately up to 2 commercial car parking spaces on the Ground Level may have to be redesigned to allow for bicycle parking and end user facilities. Overall car parking for the development therefore may be a total maximum of 301 car parking spaces and includes the potential modification to the car parking on the ground level.
Although the current DCP (Effective from 1 November 2022) have savings provisions allowing the use of the previous DCP car parking rates, there is clear opportunity for this development to achieve compliance with the current DCP. The use of the new DCP parking rates for this development is supported by CN.
The revised plans and subsequent responses to the RFI have achieved the parking requirements based on the current endorsed Traffic, Parking and Access DCP.

Overall, the proposed development meets CN's current DCP car parking requirements and the proposal is supported.

Proposed development and approved DA car parking breakdown based on the current DCP Parking Rates are as follows:

Table 1 - DCP Car parking proposal as follows:

	MA2022/00286 Proposed Unit Breakdown		Current DCP Parking Rates – (Effective 1/11/22)	MA2022/00286 Car Parking Requirement		Proposed Residential Car parking (As per architectural plan Dwg No. S455-A31-003 – note: drawing seems to not reflect correct number of residential units and parking)		CN Recommended Car parking Accepted Allocation (As per recommended conditions)
	Stage 1 South Tower	Stage 2 North Tower		Stage 1 South Tower	Stage 2 North Tower			
Studio / 1 bedroom (Total 36)	21	15	1 space per dwelling	21	15	35		36 (Conditioned by CN)
2 bedrooms (Total 127)	76	51	1 space per dwelling	76	51	158 (44 Tandem allocated to single units)		159 (a total of 32 Tandem allocated to 2-bedroom units (Conditioned by CN)
3 bedrooms (Total 31)	20	11	2 spaces per dwelling	40	22	64		62 (12 Tandem allocated to 3-bedroom units) (Conditioned by CN)
Total for Residential	117	77		137	88	Not confirmed	Not confirmed	257 (32 additional car parking spaces allocated to 2 bedroom residential units above the current DCP rates) (Conditioned by CN)
	194 Units			225		257		
Residential Visitor			No minimum or maximum			19 (Includes 2 Disabled Visitor Spaces)		19 (Additional 14 commercial spaces to be used as visitor spaces outside business hours – co-shared between commercial/visitor) 1 visitor space to be designed as a car wash.

					(Conditioned by CN)
Commercial / retail	1233m2	No Specified Rates – based on demand		27	25 (Note: 2 spaces being removed and design refined for provision of end user facility on Ground Level) (Additional 14 commercial spaces to be used as visitor spaces outside business hours – co-shared between commercial/visitor) (Conditioned by CN)
Disabled Parking		As per BCA requirements and AS2890.6		2 disabled spaces on ground level shared between visitor parking and commercial	2 disabled spaces (Accepted by CN)
Total Car Parking				303	301 (Estimated max. car parking for the development) (Accepted & Conditioned by CN)
Loading and Servicing	Heavy Rigid Vehicle (HRV) as the largest expected vehicle to access the site. Main purpose for HRV entering and exiting the site would be for waste collection. Loading bay provision: 1 space within the right of carriageway area Medium Rigid Vehicle (MRV): expected to be more frequent to service the commercial units and for residential servicing. Light Vehicle: use commercial spaces as required and for parcel drop-off etc. (Accepted & Conditioned by CN)				

Table 2 - Approved DA2019/00711 - Residential and Commercial Parking

Approved Units	Previous DCP Parking Rates	DA2019/00711 Approved Car Parking	
62	0.6 space per dwelling	38	182 Car parking for residential
108	0.9 space per dwelling	98	
23	1.4 spaces per dwelling	33	
Total residential Units: 193	Previous DCP Required Parking	169	
Disabled Car parking		2	
	1 per first 3 units and 1 thereafter for every 5	39	
Commercial / Retail Parking	1 per 60m2 GFA	25 spaces	
Loading and Servicing	As per proposed Use	Light Vehicle: use commercial spaces as required	
		Medium Rigid Vehicle (MRV): 1	
Total Car Parking		248	

Table 3 - Car parking breakdown based at each floor level (includes design refinement) as follows:

Car Parking	Ground Floor	Ground Mezzanine	Level 01	Level 02	Level 03	CN Recommended parking Accepted Allocation (As per recommended conditions)
Residential Visitor	19 (Includes 2 disabled spaces)					(Conditioned by CN)
Commercial	25 Spaces Includes 11 Stacked (Tandem) Parking (22 spaces)					2 commercial spaces being removed and design refined for provision of end user facility on Ground Level. Recommended 25 spaces (14 commercial spaces to be used as visitor spaces outside business hours)

						(Conditioned by CN)
Residential Car Parking		49 (15 Tandem parking)	70 (11 Tandem parking)	70 (9 Tandem parking)	68 (9 Tandem parking)	Total 44 Tandem residential car parking (Accepted by CN)
Total Car Parking **(as indicated on submitted plans)**	46	~~49~~	70	70	68	303 (Conditioned by CN to provide Max 301 spaces)
Motorbike	-	5	4	2	4	Total 15 Motorbike spaces (Accepted by CN)
Bicycle	27 Secure Spaces with 11 charging points for scooter and bicycle 10 Open Visitor Spaces Total 37) End user facility	39	52	55	58	Total 241 Bicycle parking. Two (2) commercial spaces on GF level to be redesigned to provide for additional showers, toilets, change rooms and storage lockers (Accepted by CN)
		Individual bicycle storage proposed within storage areas for residential units				
EV Charger	13					2 Additional EV Charges will be required (5% of 303 spaces) – min. 15 spaces Total Recommended - 15 EVC. (Conditioned by CN)

Residential Off-street Car Parking

The proposed development has changed the number of residential units and unit configuration as indicated in Table 1 and 2 above.

Comparisons on the car parking requirements between the previous Traffic, Parking & Access DCP and the current DCP, which came into effect on 1 November 2022 have been accounted for by Intersect Traffic (Traffic Consultant).

Meetings held between the applicants and CN have discussed the current DCP parking requirements. Car parking for residential units seems to be a major focus element for residential unit sales. Hence, out of the total 301 car parking spaces, 257 car parking spaces have been dedicated for residential units.

Commercial spaces are reduced from 27 to 25 to allow for 2 spaces to be designed and refined for the provision of end user facility (see comments for bicycle parking below).

When compared to the approved DA2019/00711, out of the total 248 car parking spaces, approximately 182 car parking spaces were allocated to the 193 residential units, 39 residential visitor car parking spaces, 25 commercial/retail and 2 disabled spaces were approved.

Due to the proposed development redesign, there have been 44 tandem car parking spaces proposed.
Applicants have proposed the entire 44 spaces to be allocated to the 2-bedroom units. This allocation will result in 13 of the 2-bedroom units to be without any car parking spaces, which is not acceptable.
In order to redistribute the 44 tandem spaces and provide parking for the other remaining 13 units, CN recommends that 32 tandem spaces be allocated to 2-bedroom units and 12 tandem spaces to be allocated to 3-bedroom units.
This will ensure that all units have their allocated parking space.

- Based on the tandem car parkign distribution between the 2 bedroom and 3 bedroom units, overall, the proposed development will have 32 additional residential car parking spaces above the current DCP residential car parking rates.
- The original approval for DA2019/00711 had 248 car parking spaces. The current modification proposal has a maximum of 301 car parking spaces (this number includes the required design refinement). Hence, overall, the proposed development will have approx. 53 additional car parking spaces when compared with the approved DA2019/00711.

Although CN noted that the overall car parking areas had minor changes, the main reason for the additional car parking provision is due to the vehicular access ramp layout location being redesigned, consequently leading to the design changes to the car parking layout arrangements itself, which then led to the applicants confirming the positions of the 44 tandem car parking spaces.
Overall, CN does not have any objections for the provision of the additional car parking spaces.

Stage 2 Parking Provision

Further to this, as the development is being staged and the northern tower will be delayed as Stage 2, it is recommended that a minimum of 88 car parking spaces be set aside for the stage 2 development. This will ensure the allocated parking spaces are appropriately managed for the Stage 2 residential tower units.

Residential Visitor and Commercial Off-street Car Parking

The development will provide approx. 19 dedicated residential visitor parking and approximately 25 commercial car parking spaces. Additional visitor parking spaces can be provided via use of the commercial spaces as visitor parking outside of business hours.

The multi-use of commercial car parking is supported by CN.

- An additional condition is recommended to allow for the commercial spaces to be used as visitor parking outside business hours (min. 14 spaces along the access isles).

Two (2) of the visitor parking spaces is proposed to be designed as disabled parking and meets the design criteria of AS2890.6.

13 visitor spaces are proposed to be installed with Electric Vehicle Charging stations, however based on the new car parking numbers (301 spaces), 15 EV charging spaces is required.

Motorbike Parking Provisions

15 Motorbike parking spaces have been indicated on the revised plans, whereas 12 motorbike parking was approved.
This proposal is supported.

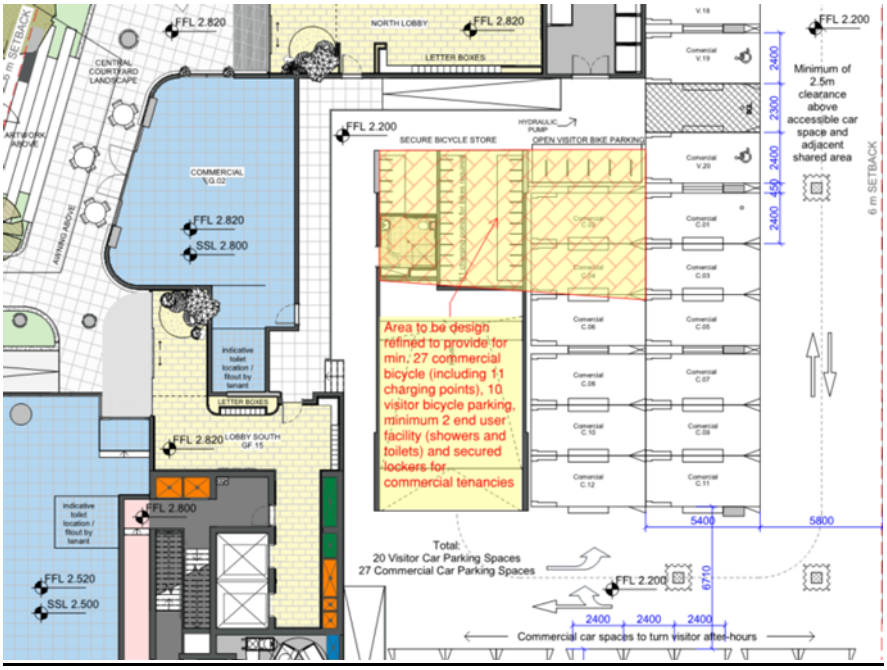
Bicycle Parking Provisions

Commercial Bicycle Parking and Facility

The revised plans propose approx. 27 bicycle parking spaces for commercial use and 10 visitor bicycle spaces on the ground floor car parking level. One end user shower and toilet facility are provided. CN DCP requires provision of at least two end user facility with the provision of secured lockers.
The removal of two (2) commercial parking spaces and redesign of the proposed area to allow for additional showers, toilets, change rooms, lockers alongside bicycle parking will allow for cyclists to use the area at one central location.

The current proposal is for use of the commercial unit toilet facilities as change and shower rooms, it is hard to comment on how this can practically be managed in an office environment.

Mark-up of Ground Floor Commercial Parking to accommodate End User facility and bicycle parking.



Residential Bicycle Storage

Revised plans indicate use of the proposed storage spaces for bicycle parking for residential units. No objection is raised to this proposal. Each residential unit is required to be provided with 1 bicycle space and overall, proposed bicycle parking spaces achieves compliance with the DCP.

Approximately 11 bicycle spaces shall be equipped with electric charging stations for electric bicycles.

Plugin Electric Vehicle Charging (EVC)

The draft Environmental Planning and Assessment Amendment (Design and Place) Regulation 2021, relating to the draft State Environmental Planning Policy (Design and Place) 2021 may not be proceeding at this time.

CN has recently adopted a revised Traffic, Parking and Access DCP policy which requires such developments to provide Electric Vehicle parking within the development.
The DCP requires at least 5% of the car parking spaces to be installed with Level 2 or higher electric vehicle charging points and 100% of the parking spaces to be designed with electrical infrastructure (such as cable size, distribution boards and electrical circuitry) to allow for future installation of car charging points.

The development will have approximately 301 car parking spaces, thus at least 15 car parking spaces must be installed with Level 2 or higher electric vehicle charging (EVC) points. The current proposal indicates13 visitor car parking spaces will be installed with EVC, and an additional 2 spaces will be required to be installed with EVC, this has been conditioned accordingly.

- Based on the above, it is considered appropriate that additional conditions be included to require the provision for charging infrastructure facilities on site to future proof the building and cater for drivers of electric vehicles, in line with CN DCP.

Conclusion

This development has proposed a balanced approach towards the use of cars and alternative transport modes and multi-use car parking spaces and is supported.
As discussed earlier, CN does not object to the provision of additional car parking spaces due to the design modifications and recommends that the car parking be allocated as per the recommended conditions.

Traffic Management

Traffic Generation

The traffic report has considered the issues surrounding traffic generation, trip distribution and have considered the impacts on the surround road networks.

It is also very likely that the daily traffic generation numbers may be further reduced as the development is close to the Newcastle Transport Interchange, has good access to bus services outside the site and is in walking proximity to shops. Furthermore, the development is within walking and riding distances of the waterfront and the future Newcastle City Commercial hub in Newcastle West.

The submitted traffic report has demonstrated that the development will not impact on the surrounding road network. The adjoining traffic signals will be at serviceable level. Furthermore, TfNSW had not raised any issues with the proposed development.

Construction Traffic

A concept construction traffic management plan for the proposed staging has been provided. It is anticipated that the right of carriageway will be subject to construction traffic during building works for the proposed piers and building over the access and will need to be managed in order to facilitate the existing users of the carriageway.
The operational issues relating to the use of the right of carriageway during building construction works may need to be resolved by the applicants.

The construction traffic management plan has appointed the use of National Park St to manage the

building construction process. King St will generally be open to normal traffic and the bus stop will remain in operation.

Provision of Works Zone can be resolved at construction stage in consultation with CN Traffic and Transport Section.

It is noted that construction activity has already begun with a hoarding approval in place.

Conclusion

The submitted Traffic Report and subsequent responses have demonstrated that the proposed development generally complies with the CN DCP and relevant Australian Standards for off-street parking.

The development will not cause traffic delays or impact traffic flows and can be sustained. Construction activities may have an impact on traffic for a short duration. It is anticipated that these matters can be appropriately managed by the developers.
Pedestrian flows at each stage are proposed to be appropriately managed with Stage 1 building entry being provided with a secured access at OC.

In consideration of the above factors and noting the recommendations on the traffic report, it can be stated that the development can be sustained in terms of the traffic and pedestrian management.

Waste and Servicing Collection

Waste collection for the commercial and retail have been proposed via private collection from the provided bin storage areas on the Ground Floor area.

The medium rigid vehicle (MRV) service bay located adjoining the bin storage area within the site will be used for bin collections.

Changes to the internal layout and additional turning area have been proposed to allow for heavy rigid vehicles (HRV) to access within the site.

A round-about style median area is proposed within the site which will allow MRVs and HRVs to manoeuvre within the site. Entry and exit turning plans for MRV and HRV demonstrate that forward in/out movements can be achieved.
A minimum 4.5m height clearance is proposed along the right of carriageway and the height clearances comply with AS2890.2.

Additional servicing for residential and commercial purposes can be managed from the loading zone.

The proposed roller gate at the car parking entry is proposed to have approximately 3.2m height clearance, hence allows the potential for smaller vehicles to use the commercial parking bays to service the commercial units and for parcel delivery.

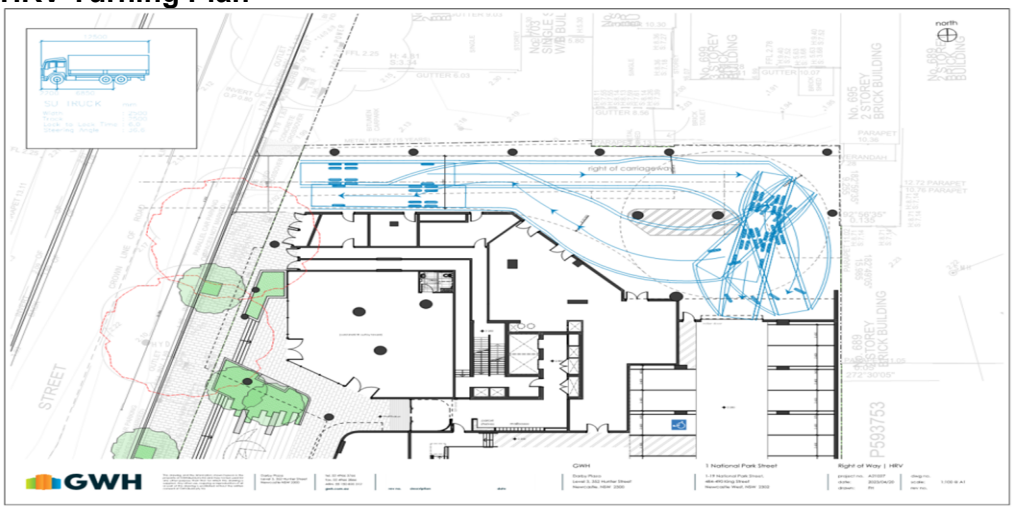
Residential Bin and Bulk Collection

The waste collection process and design of the vehicular access are usually done to ensure heavy rigid vehicles (HRV) trucks can collect waste from the development. Modifications have been proposed to further set-back the roller gate and associated infrastructure. The revised design has allowed for HRVs to turn within the round-about style median area (although a few additional manoeuvres may be required) and use the loading space to collect residential and bulk waste.

HRVs can therefore enter and exit in a forward direction.

Although the proposal is for private waste pick-up, consultation has been done with CN Waste Collection team. If required, CN trucks (which are generally heavy rigid vehicles (HRV) could enter the site via the right of carriageway to collect waste.
Generally, residential waste collection services may require a separate agreement with CN Waste Management team (if the applicants or future strata choose CN to collect waste).

HRV Turning Plan



Conclusion

Overall, the proposed loading area design is consistent with the approved DA design and the intent for waste collection and servicing has been enhanced with the proposed development to allow for HRVs to enter and exit the site.

The modification to the turning area also futureproofs the adjoining sites for future development in the management of waste collection and servicing.

Public Domain Works and Local Area Traffic Management (LATM).

Public Domain works will need to be done generally in accordance with the City Centre Public Domain Manual and Newcastle West Public Domain Concept plan (See extract 1 and 2 below).
Streetscape elements such as provision of cycleways and Smart City infrastructure including street lighting shall be provided as part of the public domain upgrade works.

Meetings have been conducted between the applicants and CN and proposed staging of the public domain works have been understood. To ensure that public domain staged works are appropriately managed and duly completed, a bond is required to be paid as part of the Section 138 Roads Act application and conditions will be modified to ensure that staging can be appropriately managed.

In addition to this, it is CN's view that the National Park St public domain area adjacent to the proposed Courtyard and public art area should be designed to allow a special feature area.
This could potentially compliment the courtyard at the National Park St frontage of the future development at 711 Hunter St (Spotlight).

Consultation has been done with CN City Greening team and a concept proposal for street tree planting on King St and replacement of the removed tree has been provided (See Extract 3 below).
This information has been relayed to the applicants and no objections have been raised.

- Additional conditions are recommended.

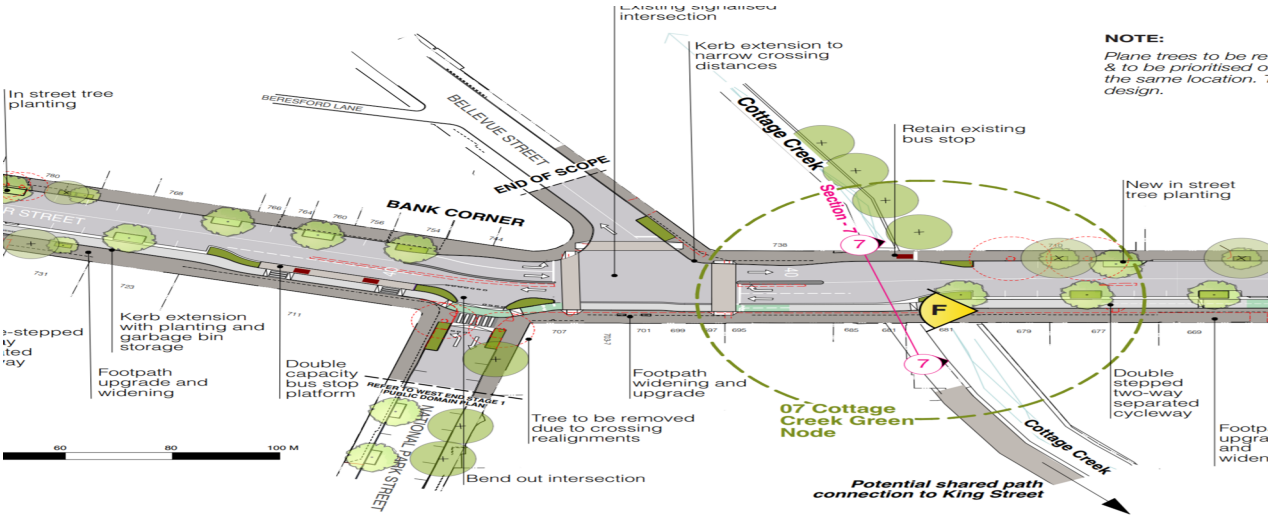
The design for the street awnings and street tree installation can be resolved at the relevant construction certificate stage as part of the Roads Act application.

711 Hunter St (Spotlight) Ground Floor Landscape Plan

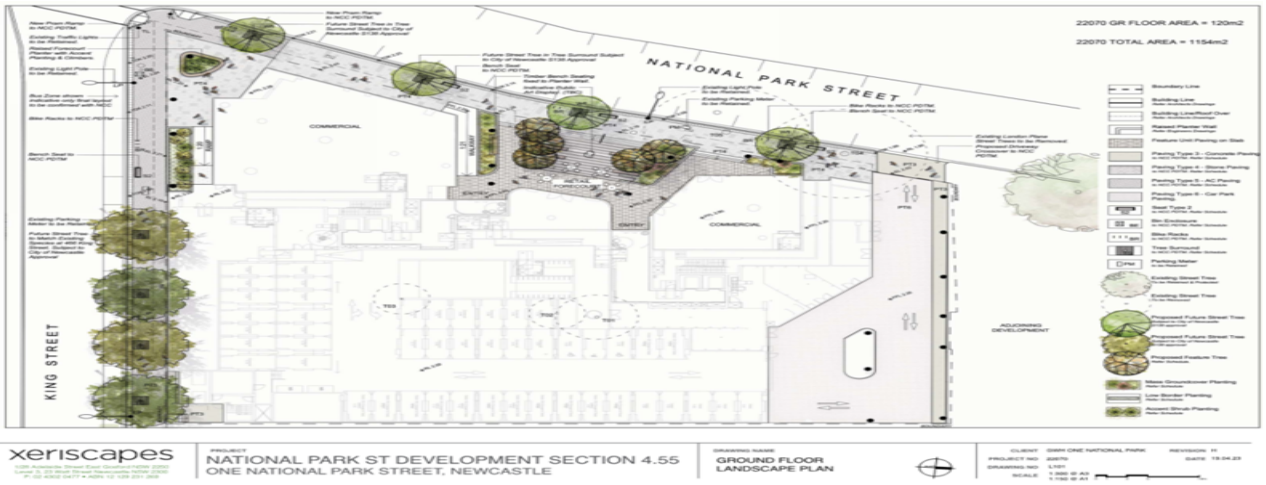
Extract 1 – Newcastle West Public Domain Works (Stage 1)

Figure 15 Illustrative Public Domain Plan

Extract 2 – Newcastle West Public Domain Works (Stage 2)



Extract 3 – Street tree planting concept



Conclusion

Public domain upgrade staging works including street lighting, footpath works, civil and drainage works, pedestrian ramps at close intersections for desired pedestrian travel and Local Area Traffic Management (LATM) works will need to be undertaken at the relevant stage.

Any changes to on-street parking, including requests for any new loading zones, will need to be approved by Newcastle City Traffic Committee.

The staging works proposed within the road reserve can be resolved as a condition of consent for the proposed development.

Staging

The applicant is seeking to stage the proposal as into two stages. A construction management plan including updated staging plans has been provided to Council. The plan provides details into how each stage of the development will be managed, and how impacts on residents will be minimised and dealt with. The construction program has also been provided that indicates that the shell of the second tower will be completed once stage 1 is finalised, with a suggested delay of 6 months between completion of stage 1 and stage 2. The draft conditions have been staged, to reflect the sequencing including public domain works and public art.

Waste and swept paths for MRV and HRV

Dedicated waste area collection providing sufficient bin space to meet Council's requirements. The waste area for bulky goods has been increased in size in response to CN's concerns. At the request of Council, the applicant has also amended the sites ground floor and mezzanine level to ensure the proposal can be serviced by CN's waste truck (Heavy Ridged Vehicle). The inclusion of HRV access for waste collection purposes will ensure that the development can be services by CN in the long term. Moreover, future developments for the surrounding properties (with legal rights over the carriageway) will also be future proofed.

It is noted that car parking and storage (mezzanine level) will need to be removed to facilitate the height of this vehicle, however given the proposed increase in parking (as part of the modification) CN considers that this can be accommodated.

Cross-section through oversized car spaces showing ceiling height.

Cross-sections have now been provided to assist with understanding servicing within the building.

Figure 3: Sections

Detailed comparison of the proposed plans against the original approval in plan and elevations

The applicant has now provided a complete set of comparison plans, that identify both the original approval and the subject proposal as modified. The architectural plans have been updated to include accurate dimensions and detail. It should be noted that there is no proposed change to the approved separation of the towers.

Landscaping

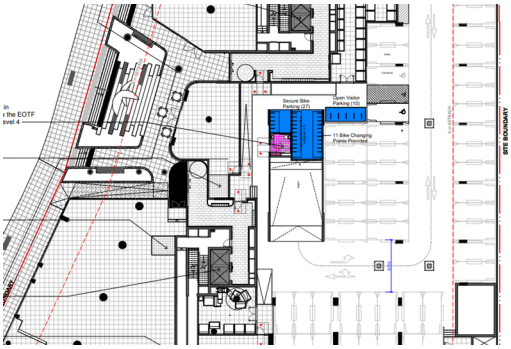
An amended landscaping plan has been provided which identifies a more considered approach to the developments landscape treatments and public domain. The applicant has also provided a rooftop garden on the central town houses, which has minimised the visual impact on the level 6 apartments.

End of trip facilities

Inclusion of common end of trip facilities have been included in the proposal. Something about non-compliance with the DCP. As the proposal seeks an additional 32 car parking spaces, CN considers that the proposal should accommodate addition end of trip facilities as identified on the plans. This

has been further conditioned and will require details to be provided, prior to the release of the construction certificate. CN does not consider that the EOT facilities should be located within the individual tenancies or within the communal podium area that is dedicated to residents.

Figure 4 – End of Trip Facilities



Operational Management Plan outlining how proposed stacked car parking is to be allocated and managed.

An amended Traffic Impact Assessment has been prepared by Intersect Traffic which includes an on-site parking operational management plan that indicates how stacked car parks will be allocated and managed.

Additional Matters Raised During Assessment

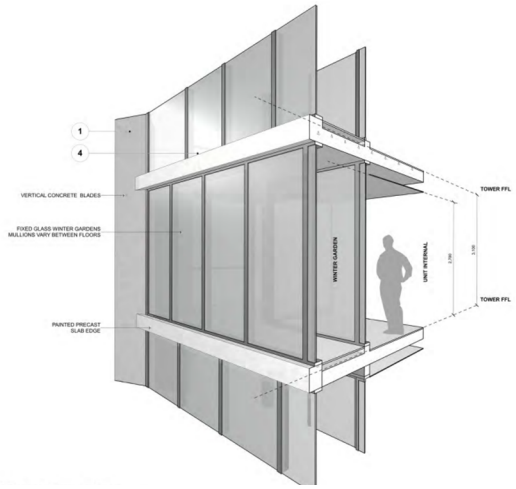
Finished Floor Levels

The applicant was requested to confirm the finished floor levels of the balcony and the internal living area of the units. After review of the drawing no. 'S455-A3-025' there was a concern that the slab design would result in a 'step-up' from the internal area to the balcony / winter garden.

The applicant provided the following response:

"See attached typical balcony detail showing the internal and external floor heights. All our Balconies are typically 20mm porcelain pavers on adjustable proprietary pedestal system. The FFLs (Finished Floor Levels) are typically 50mm higher at the balcony from the internal apartment FFL, with a step over hob/ subsill detail to ensure Balcony sliding doors weather proofness and freeboard as required to comply with NCC and AS4654".

Figure 6: Materiality – Tower Winter Garden



The applicant did not want to provide the details of the FFL and stated that they were provided on the submitted floor plan. It was explained that they could talk to the HCCRPP as to why this detailed should not be provided as part of the assessment.

Liveable Housing – The applicants design SEPP 65 Design Quality Statement has stated that at least 40 (20%) of the residential units are designed and fit-out to achieve the 'silver level' requirements as set out in the Liveable Housing Design Guidelines. Given the predicted raised balcony FFL CN is unsure how the 'silver level' will be achieved. Therefore, CN have conditioned as follows:

"At least 20% of the residential units shall be designed and fit-out to achieve the 'silver level' requirements as set out in the Liveable Housing Design Guidelines details published by Liveable Housing Australia. Details shall be submitted to Satisfaction of the Urban Design Review Panel prior to the issue of the relevant Construction Certificate".

Floor to Floor Height

It is noted that the floor-to-floor height is nominated at 3.1m, which is to accommodate a 2.7 internal ceiling height, waterproofing, and services. The inability to comply with the 2.7m internal height, could result in the submission of a further modifications, including additional height which will facilitate required servicing. A realistic floor-to-floor height of 3.2m would ensure that there is allowance for further discrepancies. A draft condition has been imposed to ensure that the 2.7m ceiling height is achieved.

Communal Open Space Area

The amended plans included the calculation of the landscaping space of private units as shown below. CN requested that the applicant amend the plans to exclude the balconies and landscaping of the private units.

Figure 7: Common Open Space Area

The applicant subsequently responded by removing the nominated Area 2 to included Area 1 being the entrance the proposed building. The applicant detailed that Area 1 had been excluded from the calculations being the entrance forecourt to the proposal.

Figure 8: Common Open Space Area

The inclusion of this space as a standalone communal open space area was not accepted by CN. Area 1 is primarily made up of steps to the development, is not located a level area, and does not have a minimum dimension of 3mtrs. Arguably, the images noted under Section 3D provide clear examples of what is considered as communal and public open space.

CN have not included the entrance to the site as communal open space.

Street trees located on King Street Road

The applicant was requested to remove the proposed street trees nominated on King Street Road as they conflict with the location of the exiting bus stop situated on King Street. Further to this request, the applicant amended the plans omitting the trees.

Air-Condition Units

Air-condition units on balconies, the locations adjusted on updated plans (18 April). It is noted that some air condition locations are directly in front of full height bedroom or living room windows. These have been omitted from any renders. A draft condition has been placed on the consent requiring A/C units not to be made visible from the street, and common areas within the development. Details to be provided to prior to the release of the CC and for approval from the Urban Design Review Panel.

Winter Gardens

The external full height glazing along the balcony edge appears to be all identified as fixed glazing.

For some of the corner units this will significantly reduce ability for natural cross ventilation e.g., Unit

2Q S 0705. Winter garden glazing is across entire south edge of balcony to corner ‘feature’ blade column. With no window on the south side in the living area, this space is no longer considered ‘cross ventilated’ and should be technically considered as a single aspect unit. This appears to recur for a significant number of units located on corners. Draft conditions have been included which requires a 'fixed' glazing element in the winter garden elements to be amended to include at least 1 panel of lovers or other operable glazing. The future occupants would benefit substantially for this.

Level 6

Unit S 0601 level 06. - Balcony privacy concern adjacent entrance to common open space. Unit 1J S0602. Privacy concern to common open space from balcony. Draft conditions have been included that the consent that will require details of privacy treatments.

Conclusion

The above supplementary report, in combination with the revisions to the draft conditions by the Regional Planning Panel and the City of Newcastle, comprehensively addresses the concerns and issues arising from the determination meeting.

With regard to Section 4.56(1)(a) of the *Environmental Planning and Assessment Act* 1*979*, Council is satisfied that the proposed modification is substantially the same as the development as originally approved. The application as modified still provides a mixture of retail, business, and residential uses. The amendments are largely in response to the operational needs of the development, construction constraints, dwelling reconfiguration, and material changes. The inclusion of additional residential units does not significantly alter the intent of the approved scheme.

It is recommended that the application be supported on the combined basis of the 'Council Assessment Report' and this Supplementary Report subject to the revised draft conditions of consent.

Attachment A – Amended conditions – Highlighted in red.
Attachment B – Amended Plans