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Damain Jaeger
City of Newcastle
Via email: djaeger@ncc.nsw.gov.au

16 August 2023

Dear Damian,

711 HUNTER STREET, NEWCASTLE WEST - DA2022/01316 (PPSHCC-159) AND DA/2022/01317 (PPSHCC-160)

1. INTRODUCTION

This letter has been prepared by Urbis on behalf of our client Hunter Street JV CO Pty Ltd (**the Applicant**) in response to the current development applications for 711 Hunter Street, Newcastle West, which are under assessment by City of Newcastle.

These two (2) separate developments applications are being considered concurrently, and referenced as follows:

- PPSHCC-159 – DA2022/01316 - 711 Hunter St, Newcastle West - Stage 1 of a 26-storey mixed-use development
- PPSHCC-160 – DA2022/01317 - 711 Hunter St, Newcastle West - Stage 2 of a 26-storey mixed use building

Both applications were deferred on 8 August 2023 following a Hunter and Central Coast Regional Planning Panel (**the Panel**) briefing meeting on Thursday 27 July 2023. The reasons for deferral were common between the two applications and the Panel outlined the following reasons:

- *Accurate GFA calculations in accordance with the definition of GFA under NLEP 2012.*
- *Analysis of compliance with the ADG and clear statement as to where differences in assessment have occurred, and in the event that there are significant breaches, justification for the degree of variation or amended plans to improve compliance.*
- *Revised clause 4.6 written requests that include correct calculations, detail the breaches, and provided arguments specific to the breach, addressing the requirements of clause 4.6 (3) (a) and (b).*
- *Revised landscaping proposal for the podium that address the outcomes anticipated by the winning scheme and avoids the use of artificial turf.*

- *Amended plans and details relating to carpark façade and lighting including material finishes.*
- *Documentation detailing the capacity of the lifts to service the development.*
- *Arrangements for shelter in place.*

This letter is the applicant's response to the matters raised by the Panel and is accompanied by the technical documents outlined in Table 1 to support the RFI response.

Table 1 – Amended technical documents

| Document | Consultant |
|--|-------------------|
| Amended Architectural Plans | Plus Architecture |
| Amended Solar Access Study | Plus Architecture |
| Amended Gross Floor Area Plans | Plus Architecture |
| Updated Landscape Plans | Urbis |
| Landscape Maintenance Plan | Urbis |
| Amended ADG Assessment | Plus Architecture |
| Amended Clause 4.6 Variation Statement – FSR | Urbis |
| Amended Clause 4.6 Variation Statement – Building Separation | Urbis |
| Lift Capability Study | S4B Studio |
| Revised BASIX Assessment | Credwell |

Following the Panel deferral the design team met with Dr Philip Pollard, Urban Design Review Panel (UDRP) Chair on Monday 08 August 2023 to discuss the Level 05 design development. A copy of the ADG assessment completed by CN was also requested following the deferral, this has not been provided by CN.

This letter is structure as follows:

- **Section 2 – Deferral Responses:** provides a response to the items identified in the deferral letter.
- **Section 3 – Proposed Amendments:** provides a summary of the proposed amendments because of the deferral comments from the Panel pursuant to clause 113 of the *Environmental Planning and Assessment Regulation 2021*.
- **Section 4 – Conclusion.**

All matters have been adequately addressed and CN can prepare their Supplementary Assessment Report and present back to the Panel for electronic determination.

2. SUBMISSION AND FORMAL RESPONSE TO DEFERRAL MATTERS

2.1. GFA CALCULATIONS

Panel Comment: *Accurate GFA calculations in accordance with the definition of GFA under NLEP 2012.*

Response: The FSR for Stage 1 is 5.58:1 and Stage 2 is 5.64:1. It is acknowledged that the GFA numbers submitted with the development applications did not include waste storage/collection rooms and storage rooms at Ground Level and the storage and bicycle storage areas at Level 01 to Level 05.

This approach to exclude waste and storage floor area was modelled off the accepted GFA approach from City of Newcastle for 1 National Park Street and Dairy Farmers. Both these applications involved above ground car parking to response to ground conditions and flooding.

The additional floor space above the design excellence bonus is isolated to floor space attributed to storage and waste rooms which if they were in a basement would be excluded from the calculations.

The breakdown of GFA is provided in Table 2. The proposed development is eligible for an additional 10% FSR, subject to achieve, design excellence.

The proposed development exceeds the additional allowable 10% slightly (1.65% for Stage 1 and 2.78% for Stage 2.) In terms of GFA quantum 210.23sqm of waste/storage is provided above the design excellence bonus for Stage 1 and 517.79sqm of waste/storage is provided above the design excellence bonus for Stage 2.

Table 2 – Numeric Overview of Proposed Variation

| Maximum Permitted FSR & GFA (Clause 7.10) | Maximum Permitted FSR & GFA plus 10% bonus provision | Proposed FSR & GFA (August 2023) | Location of Additional GFA | Variation |
|---|---|---|--|---|
| Stage 1 FSR: 5:1 Site Area: 2,510sqm GFA: 12,550sqm | Stage 1 FSR: 5.5:1 Site Area: 2,510sqm GFA: 13,805sqm | Stage 1 FSR: 5:58:1 Site Area: 2,510sqm GFA: 14,015.23sqm | Ground level – waste storage rooms, waste collection rooms including bulk waste, and general storage including bicycle. Level 01 to 05 – residential storage to meet the ADG including bicycle. | Above 5:1 Base FSR: 1,465.23sqm Above 5.5:1 Design Bonus: 210.23sqm 11.65% total with 10% allowance for the Design Excellence Bonus, therefore 1.65% variation. |

| Maximum Permitted FSR & GFA (Clause 7.10) | Maximum Permitted FSR & GFA plus 10% bonus provision | Proposed FSR & GFA (August 2023) | Location of Additional GFA | Variation |
|--|--|---|---|---|
| Stage 2 FSR: 5:1 Site Area: 2,214sqm GFA: 11,070sqm | Stage 2 FSR: 5.5:1 Site Area: 2,214sqm GFA: 12,177sqm | Stage 2 FSR: 5:64:1 Site Area: 2,214sqm GFA: 12,484.56sqm | Ground level – waste storage rooms, general storage including bicycle, back of house facilities. Level 01 to 05 – residential storage to meet the ADG including bicycle. | Above 5:1 Base FSR: 1,414.56sqm Above 5.5:1 Design Bonus: 307.56sqm 12.78% total with 10% allowance for the Design Excellence Bonus, therefore 2.78% variation. |
| Combined FSR: 5:1 Site Area: 4,724sqm GFA: 23,620sqm | Combined FSR: 5.5:1 Site Area: 4,724sqm GFA: 25,982sqm | Combined FSR: 5.6:1 Site Area: 4,724sqm GFA: 26,499.79sqm | As above. | Above 5:1 Base FSR: 2,879.79sqm Above 5.5:1 Design Bonus: 517.79sqm 10.87% total with 10% allowance for the Design Excellence Bonus, therefore 0.87% variation. |

2.2. ADG ASSESSMENT

Panel Comment: *Analysis of compliance with the ADG and clear statement as to where the difference in assessment have occurred, and in the event that there are significant breaches justification for the degree of variation or amended plans to improve compliance.*

Response: Table 3 below provides a numerical overview of ADG compliance, whilst section 2.2.2 provides justification for the solar access non-compliance.

2.2.1. Numerical ADG Assessment

Table 3 – Numerical ADG compliance

| | DA Lodged | Council's Assessment | Revised Assessment or Justification |
|---|---|--|--|
| Solar Access (70%) between 9:00am to 3:00pm | Stage 1: 89% (121/136) Stage 2: 65% (79/122) Combined: 78% (200/258) | Stage 1: 46.3% (63/136) Stage 2: 50.8% (62/122) Combined: 48.4% (125/258) | Stage 1: 82.3% (112/136) Stage 2: 52.1% (63/121) Combined: 68.1% (175/257) |
| Solar Access between 8:25am to 3:00pm | N/A | N/A | Stage 1: 82.3% (115/136) Stage 2: 66.1% (80/121) Combined: 74.7% (195/257) Whilst the construction of the commercial tower at 723 Hunter Street has seen a reduction in solar from the design competition in 2021 to now (particularly for the Southern tower). The main objective of achieving 2 hours direct sunlight at winter solstice can still be achieved through a slight adjustment to the time period for calculation bringing forward 8:25am which sees compliance increase to 74.7%. |
| No Solar Access (15%) | 14.7% (38/258) | 16.2% (42/258) | Stage 1: 5.1% (7/136) Stage 2: 24.8% (30/122) Combined: 14.4% (37/158) |

| | DA Lodged | Council's Assessment | Revised Assessment or Justification |
|--|-----------------------------------|---|---|
| | | | Refer to detailed solar assessment. |
| Balcony Size | 100% compliant with minimum size. | Stage 1: 85.6% (113/132) Stage 2: 46.6% (55/118) Combined: 67.2% (168/250) | <p>The development is 100% compliant with minimum size – refer to detailed apartment breakdown.</p> <p>The ADG allows for balcony areas in excess of 1m to be included in the area calculation. The independent assessment only calculated balcony areas in excess of the 2m or 2.4m minimum dimension which is incompatible with the ADG definition.</p> |
| Balcony Dimension | | Stage 1: 85.6% (113/132) Stage 2: 46.6% (55/118) Combined: 67.2% (168/250) | <p>Stage 1: 99.3% compliant (135/136) refer to detailed apartment breakdown. One apartment being Apartment 1.25.03 (3-bed) is the only non-compliant balcony for Stage 1, however is significantly larger than minimum size requires to compensate and demonstrated to cater for a range of furniture layouts.</p> <p>Stage 2: 98% (120/122) refer to detailed apartment breakdown Compliant</p> <p>Apartments 2.25.01 (3 bed) and 2.25.03 (3 bed) are marginally non-compliant due to the irregular tower form. However, are significantly larger than minimum size requires to compensate and demonstrated to cater for a range of furniture layouts.</p> |
| Apartment Layout Bedroom Size Master bedrooms have a minimum | | Master Bedrooms Stage 1: 44.8% (61/136) Stage 2: 72.1% (88/122) | <p>Stage 1: 100% Compliant</p> <p>Stage 2: 100% Compliant</p> <p>All master bedrooms achieve the minimum 10sqm requirement. Refer to detailed assessment attached.</p> |

| | DA Lodged | Council's Assessment | Revised Assessment or Justification |
|--|-----------|---|--|
| area of 10m2 and other bedrooms 9m2 (excluding wardrobe space) | | Combined: 57.7% (149/258) Other bedrooms Stage 1: 83% (113/136) Stage 2: 92.6% (113/122) Combined: 87.5% (226/258) | Stage 1: 100% Compliant Stage 2: 100 Compliant All master bedrooms achieve the minimum 10sqm requirement and other bedrooms achieve 9sqm requirement. Refer to detailed assessment attached. |
| Apartment Size | | Stage 1: 91.2% (124/136) Stage 2: 100% (122/122) Combined: 95.3% (246/258) | Stage 1: 91.2% (124/136) Stage 2: 100% (122/122) Combined: 95.3% (246/258) One apartment type in Tower 1 (apartment type 3) through floors 6 - 17 has shortfall of 12cm2 and is the only non-compliance in the development. Given the extreme minor nature of the non-compliance which can easily be remedied in Design Development it is considered 100% compliance is achieved. The apartment is highly efficient with no wasted circulation space and has been demonstrated to achieve functional layout options. |
| Apartment Layout Bedroom Dimension | | Stage 1: 68.3% (93/136) Stage 2: 38.5% (47/122) | Stage 1: 100% Compliant Stage 2: 99.2% (121/122) compliant All bedrooms in tower 1 achieve the minimum dimension required in each direction. All bedrooms in tower 2 achieve the minimum dimension except for the |

| | DA Lodged | Council's Assessment | Revised Assessment or Justification |
|---|-----------|---|--|
| | | Combined: 54.2% (140/258) | secondary bedroom in apartment 2.01.02 (which still exceeds 9m2 in size). Due to the irregular tower form as a result of the design excellence competition some of the bedrooms have encroachments into the minimum dimension on one end. In all instances the bedrooms have been increased in size above the ADG requirements, and often include a door swing nook. The bedrooms have been demonstrated to achieve satisfactory layout options. Refer to detailed apartment breakdown |
| Apartment Layout – Living Room width | | Stage 1: 82.3% (112/136) Stage 2: 71.3% (87/122) Combined: 77.1% (199/258) | Stage 1: 100% Compliant Stage 2: 100% compliant All living rooms achieve the minimum dimension required in each direction. Due to the irregular tower form as a result of the design excellence competition some of the living spaces have encroachments into the minimum dimension a one end. In all instances the living rooms have been increased in size above the ADG requirements and demonstrated to achieve satisfactory layout options. Refer to detailed apartment breakdown |

2.2.2. Justification for Non-Compliance (Solar Access)

Solar access is an important consideration for new apartments under the ADG and has been a foundation for consideration throughout the design phase.

Importantly, the design competition brief for the project identified the need for achieving solar access generally in accordance with the Design Guidance in the ADG, and to optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.

However, the competition brief also acknowledged the challenge with the subject site being on a long north-south orientation axis, as well as a large floor plate commercial office building sitting directly to

the east of the site which casts a shadow over a significant portion of the north-west perimeter of the site, and also a series of new and existing developments which sit to the north and east of the site. In summary, the challenge for architects in the competition was managing neighbouring developments to the north, east and west that were casting shadows on the site, but also those with sensitive interfaces, views and other amenity considerations.

All of the competition schemes were unable to achieve strict compliance with the solar access provisions of the ADG, however the Plus Architecture scheme (or winning scheme) provided the most innovative tower form to best address this. Specifically, the tower envelopes during the design competition phase angled the tower forms to allow their eastern face to receive a minimum of two hours of sunlight. This design intent has been a key driver throughout the design evolution. The alternative would have been to run the tower facades parallel to National Park Street, which would result in a poorer solar outcome.

The competition and DA scheme (as lodged) acknowledged that the Stage 1 tower (located to the north) was able to achieve a much higher level of solar access, albeit that the position of the Stage 2 tower was less than the required solar access 70% requirement. This was acknowledged by both the Design Integrity Panel (DIP) and UDRP and deemed acceptable.

While the ADG recommends as a guide 2 hours of solar access to be examined within 9am-3pm in the winter solstice, we have examined a slightly wider quantum of time (i.e. between 8.25am and 3.30pm) when sun is penetrating into habitable and private open spaces. This indicates a high 'over compliance' for Stage 1 (82.3%) and higher level of solar access for Stage 2 (66.1%), and a combined level of solar access for the whole development of 74.7%. In our view, the additional time period to assess the solar access has been considered on a number of constrained sites, and also was a key area of the previous draft Design and Place SEPP that was generally unanimously supported by the development industry, GANSW and DPE.

Since the Panel Meeting, clarity has been provided to the eastern units for Stage 1 which confirm that 2hrs minimum can be achieved between 9:00am-11:00am on 21st June. The detailed design overtime including the development of services, structure and nuances to the built form has meant that in some instances a minor discrepancy in the minimum two hours is achieved from 8:25am and not 9:00am. This is such a case for Stage 2 Unit type 03 between levels 6-19. This adjustment sees compliance with 2 hours direct sunlight at Winter solstice being achieved for 74.7% of apartments however for 16 of these apartments the time period is extended by 35 minutes.

As Stage 1 will be constructed and occupied before Stage 2 is completed it will achieve more than required when considered on its own. Overall, Stage 2 will achieve less solar access than Stage 1 given the towers are oriented north-south and Stage 1 tower is positioned in front of Stage 2, overshadowing it. This was a known consideration at the competition stage and has been further acknowledged by the UDRP.

In addition, the construction of the commercial tower at 723 Hunter Street has seen a reduction in solar from the design competition in 2021 to now (particularly for the southern tower). The main objective of achieving 2 hours direct sunlight at winter solstice can still be achieved through a slight adjustment to the time period for calculation bringing forward 8:25am which sees compliance increase to 74.7%.

City of Newcastle were supportive of the solar access as per the Council Assessment Report dated 20 July 2023 stated the following:

- Solar Access (70%): *The current proposal has been reviewed by both the Design Integrity Panel (DIP) and CN's UDRP. Notwithstanding the non-compliance in terms of solar access, the proposal is on balance is considered to be acceptable.*
- No Solar Access (15): *This shortfall is minor in nature, being 3 apartments (15% of the proposed development equates to 39 apartments) therefore the overall proposed development can be regarded as satisfactory.*

The variation to the solar access guideline is considered supportable based upon the above and can therefore be supported by HCCRPP and CN.

2.3. REVISED CLAUSE 4.6 VARIATION STATEMENTS

Panel Comment: *Revised clause 4.6 written requests that include correct calculations, detail the breaches, and provided arguments specific to the breach, addressing the requirements of clause 4.6 (3) (a) and (b).*

Response: Revised clause 4.6 variation requests for FSR and building separation have been attached to this response; additional detail is outlined below.

2.3.1. Floor Space Ratio

The Clause 4.6 FSR variation statement has been amended to reflect the revised GFA numbers outlined in Section 2.1 of this response.

The FSR for Stage 1 is 5.58:1 and Stage 2 is 5.64:1. The additional floor space above the design excellence bonus is isolated to floor space attributed to storage and waste rooms which if they were in a basement would be excluded from the calculations.

The proposed development exceeds the additional allowable 10% slightly (1.65% for Stage 1 and 2.78% for Stage 2.). In terms of GFA quantum 210.23sqm of waste/storage is provided above the design excellence bonus for Stage 1 and 517.79sqm of waste/storage is provided above the design excellence bonus for Stage 2.

The variation is supportable for the following key reasons:

- The gross floor area (GFA) of the residential component of the project alone would be below the maximum FSR of 5:1, noting that the commercial/retail components of 613.84sqm (Stage 1) and 529.43sqm (Stage 2) would be a large component of the area that exceeds the development standard. However, Clause 7.10 inextricably limits flexibility whereby there is a mix of both residential and commercial/retail floor space as part of the one development, such as a pro-rated approach with the outcome for mixed use being a binary outcome from an FSR perspective (i.e. either the 5:1 for mixed use or 8:1 for commercial).
- Further, the proposed scheme would also be compliant with the prescribed FSR (including the design excellence bonus) if the areas typically excluded in the definition of GFA under NLEP for waste collection and storage where in a basement typology. However, as the site specific circumstances have required a podium solution due to mine subsidence, water table and Aboriginal archaeology considerations, the provision of above ground waste rooms and storage, which are to be included in the GFA calculations, results in a non-compliant scheme.
- The additional floor space is isolated to waste and storage uses not residential floor space. This additional GFA is contained within the proposed podium and does not attribute any additional

discernible bulk and scale. The proposed podium size is required to accommodate the parking requirements prescribed in the Newcastle Development Control Plan 2012.

- The scheme has been through a Design Excellence process. The Plus Architecture scheme was recommended by the Jury as the winning scheme in the competitive design process. The design is a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and heritage; and the Chair of CN's UDRP.
- Under clause 4.4 of the LEP an 8:1 FSR is permitted for wholly commercial development, which represents a scale significantly more than the proposed development. The bulk and scale of the proposal has been carefully resolved to respond the surrounding context and represents an appropriate design response. The proposed development provides an FSR consistent with clause 7.5(6).
- The proposal delivers a significant public benefit by the redistribution of floor space from the ground plane to the tower to provide generous and publicly accessible spaces with through site links creating greater permeability of the site.
- The variation to FSR does not result in non-compliances to the Apartment Design Guidelines (ADG) visual privacy guidelines and does not result in unreasonable tower setbacks or street wall heights inconsistent with Newcastle Development Controls 2012 (NDCP) objectives. The design is sympathetic to the surrounding context and does not overwhelm the public domain.
- The proposed variation does not result in any unreasonable amenity impacts to adjoining properties or public spaces including Birdwood Park.
- The proposed variation does not result in any additional height above the NLEP height limit; therefore, the resultant additional bulk and scale is negligible.
- The proposal will not result in any adverse impacts to surrounding heritage items and enhances view lines to the Army Drill Hall from National Park Street.

We note that both 1 National Park Street and Dairy Farmers development applications do not propose basements. The HCCRPP did not require waste and storage floor area to be included in the GFA numbers, therefore the approach to exclude waste and storage floor area has been accepted in similar circumstances.

The variation is considered supportable based upon the above and can therefore be supported by HCCRPP and CN.

2.3.2. Building Separation

The building separation variation statement has been amended to reflect the building separation distances accurately. The building separation is outlined below in Table 3.

Table 4 – Building separation breakdown

| Required Building Separation | Proposed |
|------------------------------|---|
| 24 metres | 15.1 metres between northern tower and 723 Hunter Street (Stage 1 DA) |

| Required Building Separation | Proposed |
|------------------------------|---|
| 24 metres | 22.633 metres between northern and southern tower elements (Stage 2 DA) |
| 24 metres | 17 metres between southern tower and 723 Hunter Street (Stage 2 DA) |

The variation is supportable for the following key reasons:

- The proposed development complies with the ADG, which is a State-wide policy that provides guidance on building separation and what is an equitable setback share in different scenarios.
- The relationship between adjacent properties and the site, and internal to the site, is appropriate given compliance with the ADG. In particular, a 9m setback is proposed between the northern tower and adjacent commercial building (723 Hunter Street). This represents an equitable share under the ADG given the setback is between a blank wall and a commercial development.
- CN, while not abandoning clause 7.4, have provided a number of recent examples of flexibility with this development including at 1 National Park Street, Verve and The Store.
- Clause 7.4 does not have any clear objectives in the NLEP; therefore, the design response has relied on the objectives established by the ADG.
- The proposed development results a better outcome than a compliant tower form. Should compliance be required, this would push the tower form to the east of the site toward the street frontage, which would result in non-compliance tower setbacks and lead to unreasonable impacts to the public domain. The design is sympathetic to the surrounding context and does not overwhelm the public domain.
- The building separation distance resulting from non-compliance does not result in any unreasonable impacts on adjoining properties and within the development, particularly with respect to overshadowing, loss of privacy and loss of views.

The variation is considered supportable based upon the above and can therefore be supported by HCCRPP and CN.

2.4. LEVEL 05 LANDSCAPING

Panel Comment: *Revised landscaping proposal for the podium that address the outcomes anticipated by the winning scheme and avoids the use of artificial turf.*

Response: A workshop was held with Dr Philip Pollard, UDRP Chair, on 07 August 2023 to discuss options for Level 05. Based upon the feedback from the UDRP, the following design changes have occurred to Level 05:

- Removal of apartment in south tower and inclusion of additional common room and large covered BBQ facilities. Conversion of a 2-bedroom apartment into a 3-bedroom apartment.
- Reconfiguration of the landscaping with increased soft landscaping throughout podium achieving greater alignment with the Connecting with Country framework,
- Inclusion of additional landscaping around the perimeter of Level 05 on the National Park frontage.

- Reducing the POS, complete removal of artificial turf and widening the beds on the north tower.

In principal Dr Pollard is supportive of the design changes. It is understood that the UDRP will convene electronically to review and provide a formal response to the design changes. In the opinion of the Applicant, this approach is appropriate rather than a full UDRP meeting considering the discrete nature of this design matter.

2.5. CARPARKING FAÇADE AND LIGHTING

Panel Comment: *Amended plans and details relating to carpark façade and lighting including material finishes.*

Response: In response to the headlight, a spill solid upstand are the car park edges has been implemented to mitigate direct glare from vehicles as they manoeuvre through the car park, refer to Figure 1. This will provide filtering of artificial light that will appear in an interesting and less impactful way.

Lighting will also be provided in the car park that will be censored, to ensure the car park is still safe but reduce lighting and the amount of energy, light pollution, and impact on light spill. The lights will be motion sensed to reduce energy, light pollution and light spill when not required.

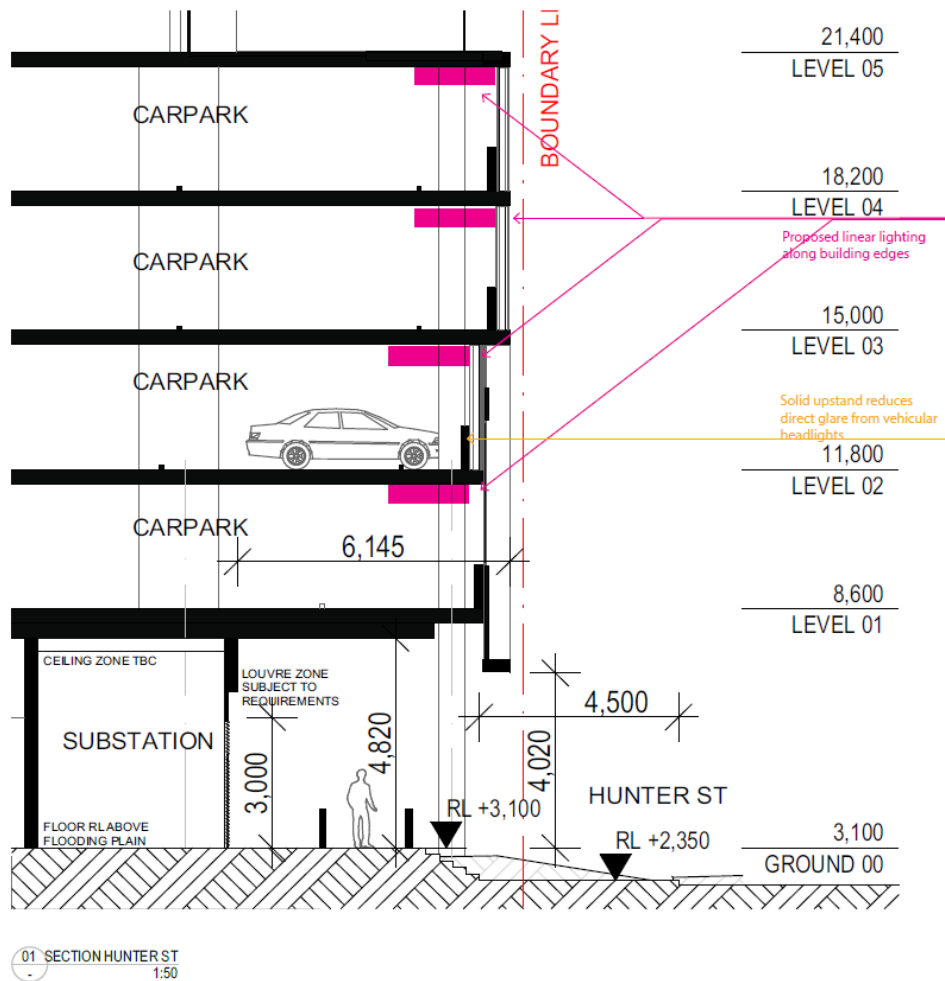
Further, the car park will be illuminated will allow for safer drivers and pedestrians that vehicles will visibly see including road markings, signs, paths of egress. Minimising the need for drivers to use their headlights. These resolutions were presented at DIP Session no. 2 and considered resolved by the DIP.

The UDRP minutes received do not make mention of an issue with headlight spill, rather a concern that the warm glow of the permitter façade has been removed in one of the diagrams issued to show the CPTED updates for the tower 1 lobby.

The Applicant clarified in the response to the UDRP minutes that this was not an updated render, rather a diagram to demonstrate the new glazing line, and that the warm glow on the façade would be retained as a critical element of the design response.

This clarification was presented to Dr Philip Pollard, UDRP Chair, on 07 August 2023 and in principle support of the resolution was received.

Figure 1 – Carparking headlight spill



Source: Plus Architecture

2.6. LIFT SERVICING

Panel Comment: Documentation detailing the capacity of the lifts to service the development.

Response: A lift servicing report has been prepared and accompanies this response. It concludes the lift core arrangement is suitable and minimise lift waiting times.

Amendments to the building core design occurred in consultation with the DIP following the design competition to achieve a more satisfactory separation to the commercial tower at 723 Hunter Street. As part of this process the applicant commissioned expert advice by a lift consultant to ensure that the proposed lifts have the capacity to reasonably service the number of floors and apartments.

2.7. SHELTER IN PLACE

Panel Comment: Arrangements for shelter in place.

Response: Amended architectural drawings were provided to CN in May 2023 to address comments regarding flood risk management and refuge. The proposal has identified a flood refuge to be provided at Level 05, this is above the Flood Planning Level (PMF) and suitable for occupants. Level 05 has sufficient capacity to accommodate those persons using the ground floor retail and business tenancies.

The flood refuge was identified within the updated architectural plans which includes the expected user numbers at the site. It is noted that a flood risk management plan will be required to be prepared prior to Construction Certificate stage for both stages.

BG&E, specialist flood engineers, concluded in their Water Management and Flood Management Strategy submitted with the applications that subject to the implementation of an Emergency Flood response plan and provision of on-site flood refuge, the flooding risk to life from the development to an acceptable level.

3. AMENDED APPLICATION

Pursuant to section 113 of the Environmental Planning and Assessment Regulation 2021 (refer below) this letter seeks to amend development applications: DA2022/01316 and DA2022/01317, to respond to the matters for deferral outlined above.

113 Amendment of modification application

(1) An applicant may, at any time before a modification application is determined, apply to the consent authority for an amendment to the modification application.

(2) The application must be made on the NSW planning portal.

(3) If the amendment will result in a change to the proposed modification, the application must contain details of the change, including the name, number and date of any plans that have changed, to enable the consent authority to compare the development with the modification originally proposed.

(4) The consent authority may, through the NSW planning portal, approve or reject the application.

(5) If the consent authority approves the amendment, the modification application is taken to be lodged on the day on which the applicant applied for the amendment if the consent authority—

(a) considers the amendment not to be minor, and

(b) notifies the applicant, by the NSW planning portal, that the later day applies.

(6) A requirement to use the NSW planning portal under this section does not apply if the modification application is subject to proceedings in the Court.

This request for amendment is made on the NSW Planning Proposal and contains the relevant information as specified in clause 113 (3). The amendments are considered minor and response to the queries raised in the deferral.

The amendment will not change the cost of works or Capital Investment Value. Given the amendment does not involve substantial physical works, it will not give rise to any additional environmental impacts than those already assessed as part of the development application.

The proposed amendments include:

- Removal of apartment in south tower and inclusion of additional common room. Conversion of a 2-bedroom apartment into a 3-bedroom apartment.

- Reconfiguration of the ratio of artificial turf and landscaping. Some increased soft landscaping throughout podium
- Inclusion of additional landscaping around the perimeter of Level 05 on the National Park frontage.
- Reducing the POS and widening the beds on the north tower.

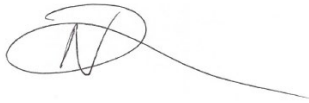
This section of the letter should be read in conjunction with submitted revised Landscape Plans prepared by Urbis and accompanying plans and reports identified in Table 1.

4. CONCLUSION

We trust the additional information addresses the matters raised by HCCRPP in the Record of Deferral dated 8 August 2023 and can enable both DA's to be determined by the HCCRPP.

Should you wish to discuss any matter further, please do not hesitate to contact the undersigned.

Kind regards,

A handwritten signature in black ink, appearing to be "NR" with a long, sweeping underline.

Naomi Ryan
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