Specialist Planner Referral (ADG)

TO:	PATCH PLANNING – Independent planning consultant
FROM:	ELLE DURRANT - SENIOR DEVELOPMENT OFFICER (PLANNING)
DATE:	20 NOVEMBER 2024
DA NO:	DA2023/00419
PROPERTY:	121 HUNTER STREET NEWCASTLE
PROPOSAL	Demolition of existing buildings & the erection of a mixed-use development consisting of retail premises, shop top housing and residential flat buildings with 195 dwellings.

The content of this referral is intended to provide information for the Assessment Officer to consider in the determination of the application. It is understood that any decision related to application or any request for further information/changes to the application, will be made after consideration of all legislation, relevant state and local policies, guidelines and procedures and all submissions received.

Assessment Scope

The following plans have been assessed;

Plan No / Supporting Document	Prepared by	Revision/ Date
Appendix A - Architectural Drawings - Precinct (60 pages)	SJB Architects, Durbach Block Jaggers, and Curious Practice	Various (uploaded to Planning Portal 31 Oct 2024)
Appendix B - Architectural Drawings - 3 North & 3 South (42 pages)	SJB Architects, Durbach Block Jaggers, and Curious Practice	Various (uploaded to Planning Portal 31 Oct 2024)
Appendix C - Architectural Drawings - 3 West (25 pages)	SJB Architects, Durbach Block Jaggers, and Curious Practice	Various (uploaded to Planning Portal 31 Oct 2024)
Appendix D - Architectural Drawings - 4 North (33 pages)	SJB Architects, Durbach Block Jaggers, and Curious Practice	Various (uploaded to Planning Portal 31 Oct 2024)
Appendix E - Architectural Drawings - 4 South (38 pages)	SJB Architects, Durbach Block Jaggers, and Curious Practice	Various (uploaded to Planning Portal 31 Oct 2024)
Appendix F - Housing SEPP Design Statement (242 pages)	SJB Architects, Durbach Block Jaggers, and Curious Practice	Version 03 14 Oct 2024
Appendix G - East End Stage 3 & 4 DA Design Report (145 pages)	SJB Architects, Durbach Block Jaggers, and Curious Practice	Version 02 29 Oct 2024

Appendix L - Landscape Development Application Design Report (68 pages)	COLA Studio	April 2023
Appendix BBB - Draft 88B Instrument (27 pages)	LTS Surveyors	Document No: 250525_1, and 251058_1 Reference No: 51778/002, and 51778/006
Appendix CCC - Draft Stratum Plans (25 pages)	LTS Surveyors	Issue A 31 Oct 2024
Appendix EEE - Draft Strata Plans (27 pages)	LTS Surveyors	Issue A 31 Oct 2024

The scope of this assessment is limited to Chapter 4 (Design of residential apartment development) of *State Environmental Planning Policy (Housing) 2021* ('Housing SEPP'). Specifically, the provisions of the Apartment Design Guide ('ADG').

State Environmental Planning Policy (Housing) 2021

On 14 December 2023, the NSW Government consolidated the provisions of *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* ('SEPP 65') into the *State Environmental Planning Policy (Housing) 2021* ('Housing SEPP') and the *Environmental Planning and Assessment Regulation 2021* ('EP&A Reg2021').

Specifically, the *State Environmental Planning Policy Amendment (Housing) 2023*, published on 14 December 2023, repealed SEPP 65 and amended the Housing SEPP, including in relation to the design of residential apartment development.

Put simply, the former provisions of SEPP 65 relating to the design of residential apartment development now sit in a new chapter of the Housing SEPP - Chapter 4 Design of residential apartment development.

The saving provisions of the 14 December 2023 amended SEPP meant the provisions of Chapter 4 did not apply to an application lodged but not yet determined prior to the date the amended SEPP was published. However, the savings provisions of the 14 December 2023 amending SEPP were ineffective to retain the function of SEPP 65 for applications which the new Chapter 4 did not apply.

To address this, the Housing SEPP was further amended by the *State Environmental Planning Policy Amendment (Housing) 2024* published on 15 March 2024. The 15 March 2024 amending SEPP inserted savings provision making Chapter 4 of the Housing SEPP apply to relevant application lodged, but not determined prior to the 14 December 2023.

As such, the 15 March 2024 amending SEPP means that assessment of an application lodged but not finally determined before 14 December 2023 should be referring to the provisions of Chapter 4 of the Housing SEPP, not the repealed SEPP65. In this respect the current application, which was lodged 24 May 2023, is assessed against Chapter 4 of the Housing SEPP.

Chapter 4 of the Housing SEPP aims to improve the quality of residential apartment development by establishing a consistent approach to the design and assessment of new apartment development across the State. The nine design principles and the provisions of the Apartment Design Guide ('ADG') established under SEPP 65 continue to operate under Chapter 4 of the Housing SEPP.

Section 144 - Application of chapter

Section 144(2) of the Housing SEPP sets out development for which Chapter 4 applies. The development application comprises development for the purposes of shop top housing (113 apartments within proposed buildings 3 North, 3 South, 3 West, and 4 North) and a residential flat building (82 apartments within proposed '4 South'); consists of the erection of a new building at least 3 or more storeys; and contains at least 4 or more dwellings. As such, the provisions of Chapter 4 are applicable in accordance with Section 144 of this policy.

Section 144(4) clarifies that if a particular development comprises development which Section 144(2) identifies and other development, Chapter 4 applies only to the part of the development identified under Section 144(2) and does not apply to the other part. As such, the retail premises component of the development application is not subject to the provisions of Chapter 4.

Section 145 - Referral to design review panel for development applications

Section 145 of the Housing SEPP only requires the consent authority to refer a development application to which Chapter 4 applies to the relevant design review panel for advice on the quality of the design of the development prior to determination, if a competitive design process has not been held. The development site has been subject to a competitive design process ('design competition') to satisfy the requirements of Clause 7.5(4) (design excellence) of the *Newcastle Local Environmental Plan 2012* ('NELP 2012'). The design competition identified a winning scheme that successfully informed design development and lead to the subject development application. Accordingly, referral to a design review panel is not required for the purposes of Section 145 of the Housing SEPP.

Notwithstanding the above, it is noted that the development application required design review by the CN's Urban Design Review Panel ('UDRP') for the purposes of Clause 7.5(6) (design excellence) of the NLEP 2012. The UDRP operate under a charter stating that they undertake the functions of a design review panel for the purposes of both Clause 7.5 of the NLEP 2012, and Chapter 4 of the Housing SEPP.

To avoid the operation of two separate design review panels, being both the design competition Design Integrity Panel ('DIP') and CN's UDRP, it was established that CN's UDRP would assume the role of the design competition DIP for all development phases following lodgement of the development application, up until the development completion (should the development application be supported).

To ensure the detailed design remains consistent with the design quality endorsed in earlier reviews, design excellence conditions have been included in the recommended. These conditions establish a program of ongoing design review post consent. Additionally, a condition has been included requiring the nominated architects of the competition winning scheme, being SJB Architects, Durbach Block Jaggers, and Curious Practice, be retained until the completion of the development (issue of Occupation Certificate). In the event the competition winning scheme architect(s) need to be replaced, appointment of alternative architectural firm(s) is to be endorsed by the CN's UDRP.

Section 147 - Determination of development applications and modification applications for residential apartment development

Section 147 of the Housing SEPP requires the consent authorities to take into consideration; (a) the quality of the design of the development, evaluated in accordance with the design principles set out in Schedule 9 of the Housing SEPP; (b) the ADG; and (c) any advice received from a design review panel, when determining a development application to which Chapter 4 of the Housing SEPP applies.

CN's UDRP have reviewed the proposed development on several occasions. Upon receipt of the subject development application, the proposal was referred to the UDRP at the meeting held 5 July 2023. At this meeting, the UDRP reviewed both the current development application **DA2024/00419**, and the then relevant modification application **MA2023/00175**, and written advice was obtained. Specifically, the 5 July 2023 UDRP written advice considered the design quality of the proposed development having consideration for the design principles set out in Schedule 9 of the Housing SEPP. The UDRP supported the development application **DA2024/00419** subject to the provision of additional information on view impacts and heritage matters for CN's assessment, as noted in their written advice.

On 15 May 2024, the Hunter Central Coast Regional Planning Panel ('HCCRPP') refused modification application **MA2023/00175**. Following this, a section 8.2(1) review of determination application, **RE2024/00002**, was lodged seeking to review the reasons for refusal of modification application **MA2023/00175**. In requesting a review, no changes were made to the proposal pursuant to **MA2023/00175**, however additional information was provided, including details on view impacts, addressing the 5 July 2023 UDRP advise in this regard.

The UDRP consider the section 8.2(1) review application **RE2024/00002**, including the additional view impact documentation, at the meeting held 26 June 2024, at which time the UDRP continued to provide unwavering support of the proposal and written advise obtained. The HCCRPP determined to approve **RE2024/00002** on 28 October 2024.

A final information package for development application **DA2024/00419** was submitted in November 2024, addressing all assessment matters raised by CN during the assessment process including the advice from the UDRP meeting held 5 July 2023. This package notably includes the current amended architectural drawings relied upon for this assessment, updated to correct minor drafting errors and add necessary details (such as setback dimensions) for assessment. Additionally, expert reports on view impact —previously reviewed by UDRP under section 8.2(1) of application **RE2024/00002**—and heritage conservation, which has been considered by CN's Heritage Officer.

The subject application was subsequently electronically referred to the UDRP for comment. The final advice of the UDRP, provided via email dated 08 November 2024 confirmed the following:

i) That current amended architectural drawings, and additional expert documentations, are satisfactory, and

ii) That the UDRP had no further recommendations.

The development application as amended has sufficiently incorporated the recommendations of the UDRP through the assessment process. As such, the development application has now satisfied the UDRP advice and is considered an appropriate design response consistent with the design quality principles set out in Schedule 9 of the Housing SEPP.

A Housing SEPP Design Statement (dated 14 October 2024, prepared by SJB Architects, Durbach Block Jaggers, and Curious Practice) was submitted in support of the current amended proposal. In accordance with section 29(2) of the *Environmental Planning and Assessment Regulation 2021* ('EP&A Reg2021'), this statement verifies that a qualified designer, which means a person registered as an architect under the *Architects Act 2003*, directed the design of the development, and provides an explanation that verifies how the related development addresses the design principles set out in Schedule 9 of the Housing SEPP, and the objectives in Part 3 and 4 of the ADG.

The ADG provides greater detail on how residential development proposals can meet the design quality principles set out in Chapter 4 of the Housing SEPP, through good design and planning

practice. Each topic area within the ADG is structured to provide; (1) **objectives** that describe the desired design outcomes; (2) **design criteria** that provide the measurable requirements for how an objective can be achieved; and (3) **design guidance** that provides advise on how the objectives and design criteria can be achieved through appropriate design responses, or in cases where design criteria cannot be met.

Whilst the ADG is a guide which under section 147(1)(b) of the Housing SEPP the consent authority must take into consideration when determining a development application to which Chapter 4 applies, the provisions of section 149(1) of the Housing SEPP establishes that a requirement, standard or control set out in the ADG will prevail over any inconsistent development control plan requirement, standard or control for specific topic areas; (a) visual privacy, (b) solar and daylight access; (c) common circulation and spaces; (d) apartment size and layout; (e) ceiling heights; (f) private open space and balconies, (g) natural ventilation; and (h) storage.

Assessment of the current amended proposal has been undertaken having consideration for the ADG. The residential apartment component of the development application is considered to demonstrate good design and planning practice.

Table 1 below, addresses compliance with the objective and design criteria of the relative topic in accordance with section 149(1) of the Housing SEPP. Assessment comments are generally provided separately under headings for **'Precinct'**, **'3 North'**, **'3 South'**, **'3 West'**, **'4Noth'**, and **'4 South'** each. In some instances, a single response for **'Precinct'** to avoid redundancy when the feedback for each building would be identical. Similarly, responses may focus solely on the individual buildings if a **'Precinct'** response would offer limited value due to the specific nature of the objective being addressed.

Table 1: Compliance with required topic areas of ADG

3D Communal and public open space		
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping		
Design Criteria:	**Comment:**	**Compliance:**
1. Communal open space has a minimum area equal to 25% of the site.	**<u>Precinct</u>** The total site area equals 6450sqm 25% of the total site area equals 1612.5sqm. The current proposal includes three areas of communal open space across the Precinct; • Building 3 North Level 04 (rooftop) = 473sqm • Building 4 North Level 04 terrace = 112sqm • Building 4 South Level 09 terrace = 199sqm (see 'COMMUNAL OPEN SPACE' drawing DA-PR-8032, dated 15/10/2024) The total communal open space provided is 784 sqm, or 12% of the total site area. A variation to the minimum communal open space requirements described in this part of the ADG (minimum area equal to 25% of the site area) is proposed taking into consideration; the high amenity of the communal open spaces provided; the additional communal indoor spaces provided; the location of the site in the city center; and the large portion of site to be dedicated 'public space' which is off benefit to both future residents and the public. However, the applicant's initially-submitted reason in support of this variation lacked sufficient detail and certainty regarding which future residents would have access to specific residential communal spaces (both indoor or outdoor) across the Precinct upon completion. Particularly, where such amenities might be located within a different building. As requested by CN, further details of the proposed subdivision was provided which focused on confirming the access intended across the multiple buildings and properties. Specifically, Draft Stratum Plans and accompanying Draft 88B Instrument; and Draft Strata Plans have been prepared by LTS Surveyors. Of relevance, a single strata scheme is shown encompassing the residential components of Building 3 North, Building 3 South, and Building 3 West. Similarly,	Satisfactory (Merit based assessment, and subject to recommended conditions of consent)

	the residential components of Building 4 North and Building 4 South are shown subject to a single strata scheme. Forming residential strata schemes by stage, rather than creating separate strata schemes for each building, ensures that future residents within a stage can access all residential communal spaces (indoor and outdoor) provided for that stage, regardless of which building their lot is located in for that stage. To ensure the above outcome, a condition has been recommended requiring the communal space within each stage to be freely available for the use and enjoyment of all residents within that stage. Furthermore, conditions have been included requiring a public right of carriageway over the publicly accessible private land across the entire development precinct (being 'Market Plaza'; the through-site connection between 'Market Plaza' and Morgan Street; and the through-site connection between Newcomen and Laing Streets). This will ensure these 'public spaces' remain freely available for the use and enjoyment to the benefit to both future residents and the public.	
Design Criteria:	**Comment:**	**Compliance:**
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).	**Precinct** Stage 3 The principle useable part of the communal open space for Stage 3 (Level 04 (rooftop) of Building 3 North) is orientated north and achieves direct sunlight from 9am until 3pm in mid-winter to 100% of the area. (see submitted solar analysis POV drawings DA-PR-8017 to DA-PR-8020, dated 15/10/2024, for details) Stage 4 The principle useable part of the communal open space for Stage 4 (Level 09 of Building 4 South) achieves direct sunlight from 9am until 3pm in mid-winter to over 50% of the area. (see submitted solar analysis POV drawings DA-PR-8017 to DA-PR-8020, dated 15/10/2024, for details)	Complies
Objective 3D-2 Communal open space is design to allow for a range of activities, respond to site conditions and be attractive and inviting		
Comment:		**Compliance:**
Precinct		Complies

The current proposal includes three areas of communal open space; all of these spaces are internal to the development site. Facilities are provided within communal open spaces and common spaces for a range of age groups, including seating for individuals or groups; outdoor dinning areas; outdoor lounging areas; swimming pool; passive open turf area; mass and feature planting. For details refer to the *Landscape DA Design Report* prepared by COLA Studio dated December 2023. The communal areas and the garden have been designed to provide large outdoor spaces, overlooked by the development, that can be enjoyed throughout the year by the residents and their visiting family and friends.	
Objective 3D-3 Communal open space is design to maximise safety	
Comment:	**Compliance:**
Precinct Communal open space and public domain is readily visible from habitable rooms and private open space areas within the development while maintaining visual privacy.	Complies
Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	
Comment:	**Compliance:**
The current proposal includes two areas of 'public open space' across the Precinct, totaling 1356sqm, or 21% of the total site area; • 'market plaza' (including 'Market Plaza' to Morgan Street through-site link) = 1125sqm • Newcomen to Laing Streets through-site link = 231sqm The applicant identifies three additional areas of 'open space' across the Precinct, totaling 512sqm, or 7.9% of the total site area; • Building 3 West, Thorn Street building setback = 233sqm • Building 4 North ground level courtyard = 119sqm • Building 4 South internal landscaped courtyard = 160sqm (open to sky) (see 'OPEN SPACE' drawing DA-PR-8033, dated 15/10/2024, for details). Assessment acknowledges that the two through-site connections required under the Concept DA, as modified, are 'public open spaces' for the purposes of the ADG. In contrast, the three additional are considered 'open space', the distinction being these 'open spaces' are not suitable for active use like the communal and public open spaces and as such are not considered here further, however that is not to dimmish or overlook the positive contribution of these open spaces to the overall amenity of for future residents. The public open spaces are linked through view lines, pedestrian desire paths, termination points and the wider street grid. Market plaza, provided in Stage 3, is oriented in a north-south direction to visually connect the Harbour to Christ Church Cathedral, and provides opportunity to connect the two points physically in the future. The planning of this space is in keeping with the site's historic and originally intended use as it represents reinstatement of an element of Dangar's plan for Newcastle City Centre prepared in 1823. The use of the plaza is intended to be flexible to the community needs including community markets, food festivals, open air cinema, small concerts and the like. The public open space are well connected with public streets; improving ground plane activation and permeability through the site. A series of circuits are created back to Hunter Street through the introduction of the market plaza with primary connection from Hunter Street to Laing Street and secondary connection to Margan Street, and the extension of Laing Street through to Newcomen Street.	Complies

A positive address and active frontages should be provided adjacent to public open space. Market plaza is bound by the three building of Stage 3, providing for an active retail edge to the public open space. The Laing Lane Café building capitalizes of the opportunity for additional activation fronting Newcomen Street to activate the Newcomen to Laing Streets through-site link.		

3E Deep soil zones

Objective 3E-1

Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.

Design Criteria:	Comment:	Compliance:
1. Deep soil zones are to meet the following minimum requirements: **Site area** / **Minimum dimensions** / **Deep soil zone (% of site area)** greater than 1500sqm / 6m / 7%	**Precinct** The total site area equals 6450sqm 7% of the total site area equals 451.5sqm The current proposal includes one deep soil zone across the Precinct; • Building 4 North Ground = 98sqm (see 'DEEP SOIL' drawing DA-PR-8031, revision 3, dated 15/10/2024, for details). The total deep soil zone provided is 98sqm, or 1.5% of the total site area. A variation to the minimum deep soil requirements described in this part of the ADG (a total of 7% of the site with a minimum dimension of 6m) is proposed. The design guidance provided for this objective acknowledges that achieving the design criteria is not possible on some sites including where; • The location and building typology have limited or no space for deep soil at ground level (e.g central business district, constrained sites, high density areas, or in centres); and or • There is 100% site coverage or non-residential uses at ground floor level. Achieving the design criteria is not possible due to the location and constraints of the subject sites (high density area and city centre local), and the extensive site coverage with non-residential development at ground with basement carparking below. The proposal instead complies with the design guidance for this objective by integrating acceptable stormwater management and alternative forms of landscaping such as planting on structures. This is considered acceptable.	Satisfactory (Merit based assessment)

3F Visual privacy

Objective 3F-1

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

Design Criteria:	Comment:	Compliance:

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms & balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.

Precinct

Separation distances between buildings and a side and/or rear boundary have been addressed under the relevant building headings further below.

Separation distances between buildings on the same site are addressed immediately below.

<u>Separation distances between Building 3 North and Building 3 West</u>

Up to 12m, being:

- *Building 3 North - Ground, Level 01, and Level 02*
- *Building 3* West - *Ground, Level 01, and Level 02*

Ground Floor of both Building 3 North and Building 3 West do not include residential apartments and as such the provisions of the ADG do not apply.

At Level 01 and Level 02, a minimum separation distance of approximately 24m is provided between Building 3 North and Building 3 West, with a maximum separation distance of 27.8m.

This complies with the minimum separation distance of 12m required for buildings on the same site at this height (6m for habitable + 6m for habitable).

(see Precinct floor plan drawings DA-PR-0305 to DA-PR-0306, dated 15/10/2024, for details)

Complies

Up to 25m, being:

- *Building 3 North - Level 03 and Level 04 (rooftop)*
- *Building 3 West - Level 03 to Level 06*

At Level 03 and Level 04, a minimum separation distance of approximately 24m is provided between Building 3 North and Building 3 West, with a maximum separation distance of 27.8m.

This complies with the minimum separation distance of 18m required for buildings on the same site at this height (9m for habitable + 9m for habitable).

(see Precinct floor plan drawings DA-PR-0307 to DA-PR-0308, dated 15/10/2024, for details)

Note: Level 04 is the rooftop of Building 3 North and as such there is no need to consider the separation distances between Building 3 North and Building 3 West above this height.

Complies

<u>Separation distances between Building 3 South and Building 3 West</u>

Up to 12m, being:

Complies

	• *Building 3 South - Ground, Level 01, and Level 02* • *Building 3 West - Ground, Level 01, and Level 02* Ground Floor of both Building 3 South and Building 3 West do not include residential apartments and as such the provisions of the ADG do not apply. A minimum separation distance of 17.2m and 17.4m is provided between Building 3 South and Building 3 West at Level 01 and Level 02 respectively, with a maximum separation distance of 21.8m and 22m respectively. This complies with the minimum separation distance of 12m required for buildings on the same site at this height (6m for habitable + 6m for habitable). (see Precinct floor plan drawings DA-PR-0305 to DA-PR-0306, dated 15/10/2024, for details)	
	Up to 25m • *Building 3 South - Level 03 to Level 06* • *Building 3 West - Level 03 to Level 06* A minimum separation distance ranging from 17.6m to 17.9m is provided between Building 3 South and Building 3 West at Level 03 to Level 05, with a maximum separation distance ranging from 22.1m to 22.5m (see Precinct floor plan drawings DA-PR-0307 to DA-PR-0309, dated 15/10/2024, for details). Whilst the minimum does not comply with the 18m distance required between buildings on the same site at this height (9m for habitable rooms + 9m for habitable rooms), on average the separation complies with the controls and maximises outlook and solar access for apartments. Where the minor variation occurs, the apartments and their balconies have been configured to avoid direct overlooking between buildings. Specifically, the east and west facades of Building 3 West have been angled or rotated off the standard grid alignment, so they are not perpendicular to the north and south facades, resulting in a parallelogram-shaped layout in plan view. The windows are further angled within the depth of the Building 3 West façade to further direct apartment views northeast towards the harbour rather than directly east to Building 3 North and Building 3 South. The spatial relationship between the buildings of Stage 3, including the minor non-compliance, was supported by both the DIP and CN's UDRP, with no	Satisfactory (Merit based assessment)

	objections or concerns raised in this regard. The non-compliance is able to be accepted on a balanced view having regard for both visual privacy, bulk and scale, and access to light and air. A minimum separation distance of 18.1m is provided between Building 3 South and Building 3 West at Level 06 with a maximum separation distance of 22.7m. This complies with the minimum separation distance of 18m required for buildings on the same site at this height (9m for habitable + 9m for habitable). (see Precinct floor plan drawings DA-PR-03010, dated 15/10/2024, for details)	
	Over 25m • *Building 3 South - Level 07 to Roof* • *Building 3 West - Level 07 and Level 08 (rooftop)* A minimum separation distance of 18.2m and 18.4m is provided between Building 3 South and Building 3 West at Level 07 and Level 08 respectively, with a maximum separation distance of 22.9m and 23.0m receptively (see Precinct floor plan drawings DA-PR-0311 to DA-PR-0312, dated 15/10/2024, for details). This does not comply with the minimum 24m distance required between buildings on the same site at this height (12m for habitable rooms + 12m for habitable rooms). Where the variation occurs, the apartments and their balconies have been configured to avoid direct overlooking between buildings. Specifically, the east and west facades of Building 3 West have been angled or rotated off the standard grid alignment, so they are not perpendicular to the north and south facades, resulting in a parallelogram-shaped layout in plan view. The windows are further angled within the depth of the Building 3 West façade to further direct apartment views northeast towards the harbour rather than directly east to Building 3 North and Building 3 South. The spatial relationship between the buildings of Stage 3, including the non-compliance, was supported by both the DIP and CN's UDRP, with no objections or concerns raised in this regard. The non-compliance is able to be accepted on a balanced view having regard for both visual privacy, bulk and scale, and access to light and air.	Satisfactory (Merit based assessment)

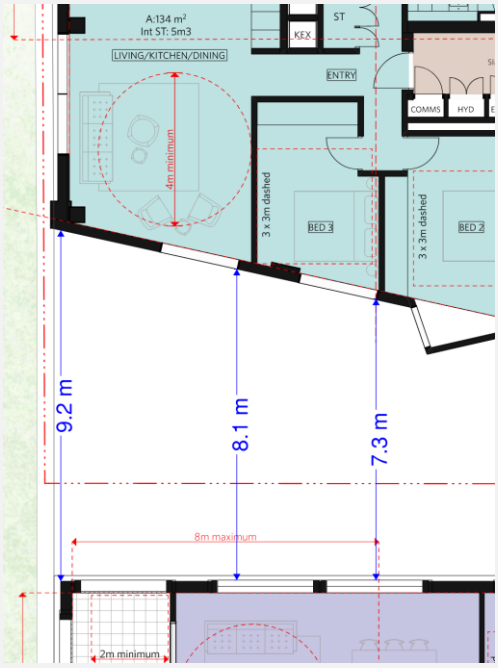
	Note: Level 08 is the rooftop of Building 3 West and as such there is no need to consider the separation distances between Building 3 South and Building 3 West above this height.	
	<u>Separation distances between Building 3 North and Building 3 South</u> *Up to 12m* • *Building 3 North - Ground, Level 01, and Level 02* • *Building 3 South - Ground, Level 01, and Level 02* Ground Floor of both Building 3 North and Building 3 South do not include residential apartments and as such the provisions of the ADG do not apply. A minimum separation distance of 2.4m and 2.6m is provided between Building 3 North and Building 3 South at Level 01 and Level 02 respectively, with a maximum separation distance of 9.2m and 9.3m receptively (see Precinct floor plan drawings DA-PR-0305 to DA-PR-0306, dated 15/10/2024, for details). This does not comply with the 6m (6m for habitable rooms + 0m for blank wall) to 12m (6m for habitable rooms + 6m for habitable rooms) separation distances required between buildings on the same site at this height. To address privacy concerns arising from the reduced separation, alternative design measures have been incorporated into the façade design. Notably, 'ear-type' windows have been used for most habitable room windows on the south façade of Building 3 North, redirecting views away from the adjacent north façade of Building 3 South. These measures are considered to effectively manage privacy impacts, and the technical non-compliances are able to be accepted on a balanced view. However, four south-facing windows in apartments 3N-01.01 and 3N-02.01 of Building 3 North lack the 'ear-type' window design despite not meeting the minimum separation distances. These windows have a direct line of sight to the north-facing habitable room windows of Building 3 South. The assessment identifies an opportunity to apply the 'ear-type' window design to these four windows, consistent with the rest of the habitable room windows of the south façade, to mitigate visual privacy impacts and maintain a consistent design approach. Accordingly, a condition has been recommended requiring the	Satisfactory (Merit based assessment, and subject to recommended conditions of consent)

development to amend to the south facing windows of apartment 3N-01.01 and 3N-02.01 to ensure suitable visual privacy is provided.

Overall, the non-compliance is able to be accepted on a balanced view having regard for both visual privacy, bulk and scale, and access to light and air, subject to recommended conditions of consent. Nevertheless, full details of the non-compliance are provided below:

APARTMENT 3N-01.01

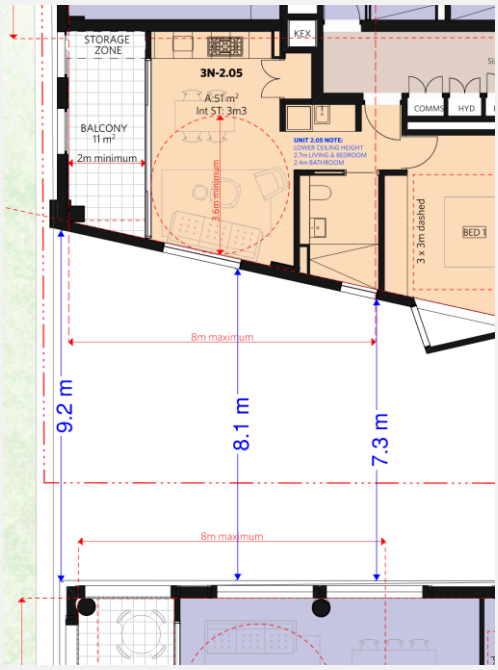
At Level 01, the south facing 'BED 3' and 'LIVING' windows of apartment 3N-01.01 are separated from the north facing habitable room windows of Building 3 South a distance of 7.3m and 8.1m respectively. However, a minimum separation distance of 12m is required between buildings on the same site at this height (6m for habitable rooms + 6m for habitable rooms).



Extract of apartment 3N-01.01, separation distances between south facing 'BED 3' and 'LIVING' windows, and the north facing habitable room windows of Building 3 South, shown blue (source: 'FLOOR PLAN - 3N&3S - LEVEL 01', drawing DA-3N&3S-1006, revision G, dated 15/10/2024)

APARTMENT 3N-02.05

At Level 02, the south facing bathroom window of apartment 3N-02.05 is separated from the north facing habitable room windows of Building 3 South a distance of 7.3m. However, a minimum separation distance of 9m is required between buildings on the same site at this

	height (3m for non-habitable rooms + 6m for habitable rooms). Furthermore, the south facing living room windows of apartment 3N-02.05 is separated from the north facing habitable room windows of Building 3 South a distance of 8.1m. However, a minimum separation distance of 12m is required between buildings on the same site at this height (6m for habitable rooms + 6m for habitable rooms).  Extract of apartment 3N-02.05, separation distances between south facing bathroom and living room windows, and the north facing habitable room windows of Building 3 South, shown blue (source: 'FLOOR PLAN - 3N&3S - LEVEL 02', drawing DA-3N&3S-1007, revision G, dated 15/10/2024)	
	Up to 25m • *Building 3 North - Level 03 and Level 04 (rooftop)* • *Building 3 South - Level 03 to Level 06* Level 03 and Level 04 (rooftop) of Building 3 North do not include residential apartments and as such there is no need to consider the separation distances to Building 3 South. (see Precinct floor plan drawings DA-PR-0307 to DA-PR-0308, dated 15/10/2024, for details) **Note:** as Level 04 is the rooftop of Building 3 North there is no need to consider the separation distances between Building 3 North and Building 3 South above this height.	Complies
	<u>Separation distances between Building 4 North and Building 4 South</u> *Up to 12m* • *Building 4 North - Level 01, Level 02, Level 03, and Level 04*	Satisfactory (Merit based assessment,

	• *Building 4 South - Basement 01, Lower Ground, Upper Ground, and Level 01* At a height of up to 12m, a minimum 8.6m separation distance is provided between the south façade of Building 4 North and the north façade of Building 4 South. (see Precinct floor plan drawings DA-PR-0305 to DA-PR-0306, dated 15/10/2024, for details). Generally, blank walls are used to the south facade of Building 4 North, resulting in compliant separation distance to the north facing apartment balconies of Building 4 South (6m for habitable + 0m for blank wall). However, six south-facing habitable room windows of apartment 4N-2.06 and 4N-3.06 in Building 4 North do result in instances of technical non-compliance. The significant slope of the Stage 4 site, which raises from north to south, has resulted in a design response that steps up the hill from north to south. Meaning the floor levels of Building 4 North and Building 4 South are offset, which does go some way to reducing visual privacy impacts. Despite this, direct line of sight from these windows to the north-facing apartment balconies of Building 4 South remain possible. The assessment identifies opportunity for the provision of translucent glazing to the south facing windows of apartment 4N-2.06 and 4N-3.06. The operable portion of these windows are shown with an 'awning' operation which is sufficient to maintain visual privacy even when the window is open. Accordingly, a condition has been recommended to require translucent glazing and awning operation mechanisms are provided to the south facing windows facing windows of apartment 4N-2.06 and 4N-3.06 to ensure suitable visual privacy is achieved. Given the level changes at this interface, and the addition of translucent glazing to the south facing windows of Building 4 North (via condition of consent), suitable visual privacy can be achieved and as such the separation provided at this height are considered acceptable. Nevertheless, full details of the non-compliance are provided below: <u>APARTMENT 4N-2.06, and 4N-2.06</u> A minimum 8.6m separation distance is provided from the south facing habitable room windows of apartment 4N-2.06 and 4N-3.06 (located on Level 02 and Level 03 respectively of Building 4 North), to the	(subject to recommended conditions of consent)

	north facing communal areas and balconies of apartments 4S-UG.05 & 4S-UG.06 (located on Lower Ground and Upper Ground of Building 4 South respectively). This does not comply with the 12m minimum separation distance required for buildings on the same site at this height (6m for habitable + 6m for habitable).	
	Up to 25m • *Building 4 North - Level 05, Level 06, Level 07, and Level 08 (rooftop)* • *Building 4 South - Level 02, Level 03, and Level 05* At a height above 12m, up to 25m, a minimum 16.4m separation distance is provided between the south façade of Building 4 North and the north façade of Building 4 South. (see Precinct floor plan drawings DA-PR-0309 to DA-PR-0312, dated 15/10/2024, for details). Generally, blank walls are used to the south facade of Building 4 North, resulting in compliant separation distance to the north facing apartment balconies of Building 4 South at this height (9m for habitable + 0m for blank wall). However, six south-facing windows of apartment 4N-5.01, 4N-6.03 and 4N-7.01 in Building 4 North do result in instances of technical non-compliance. The significant slope of the Stage 4 site, which raises from north to south, has resulted in a design response that steps up the hill from north to south. Meaning the floor levels of Building 4 North and Building 4 South are offset, which does go some way to reducing visual privacy impacts. Despite this, direct line of sight from these windows to the north-facing apartment balconies of Building 4 South remain possible. The assessment identifies opportunity for the provision of translucent glazing to the south facing windows of apartment 4N-5.01, 4N-6.03 and 4N-7.01. The operable portion of these windows are shown with an 'awning' operation which is sufficient to maintain visual privacy even when the window is open. Accordingly, a condition has been recommended to require translucent glazing and awning operation mechanisms are provided to the south facing windows facing windows of apartment 4N-2.06 and 4N-3.06 to ensure suitable visual privacy is achieved. Given the level changes at this interface, and the addition of translucent glazing to the south facing windows of Building 4 North (via condition of consent), suitable	Satisfactory (Merit based assessment, (subject to recommended conditions of consent)

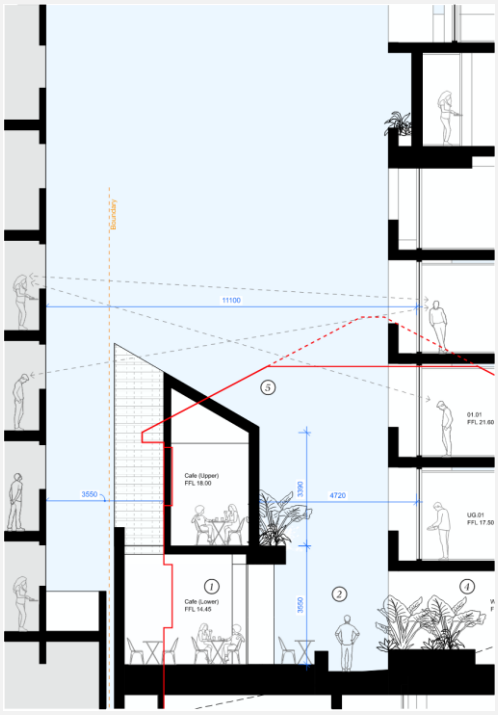
	visual privacy can be achieved and as such the separation provided at this height are considered acceptable. Nevertheless, full details of the non-compliance are provided below: <u>APARTMENT 4N-5.01, 4N-6.03, and 4N-7.01</u> A minimum 8.6m separation distance is provided from the south facing windows of apartment 4N-5.01, 4N-6.03 and 4N-7.01. (located on Level 05, Level 06, and Level 07 of Building 4 North respectively) to the north facing balconies of apartments of Building 4 South (located on Level 02, Level 03, and Level 04 respectively). This does not comply with the 18m minimum separation distance required for buildings on the same site at this height (9m for habitable + 9m for habitable). **Note:** Level 08 is the rooftop of Building 4 North there is no need to consider the separation distances between Building 4 North and Building 4 South above this height.	
	<u>Separation distances between Laing Lane Cafe and Building 4 South</u>	
	Up to 12m • *Laing Lane Cafe - 'Lower', and 'Upper'* • *Building 4 South - Lower Ground, Upper Ground, Level 01, and Level 02* The 'Lower' level of the Laing Lane Café building and the Lower Ground level of Building 4 South do not include residential apartments. Therefore, the provisions of the Apartment Design Guide (ADG) do not apply to these levels. A minimum separation distance of approximately 3.7m (scaled from submitted floor plans) is provided from the 'Upper' level of the Laing Lane Café building to the north-facing apartment balconies of Building 4 South (located on Upper Ground level). While the south façade of the Laing Lane Café building primarily features a blank wall, this separation distance falls short of the ADG's minimum requirement of 6m between blank walls and habitable balconies (0m for blank wall + 6m for habitable). When considering this technical non-compliance, it is important to acknowledge the presence of the existing apartment building at 16-18 Newcomen Street, directly north of the Laing Lane Café building. This building's exposed southern	Satisfactory (Merit based assessment)

wall is largely built to the boundary without articulation or fenestration. Where setbacks do occur, its windows are located just 1.85m from the shared boundary with the subject site.

The insertion of the Laing Lane Café building not only softens the 5 storey expanse of blank wall at the 16-18 Newcomen Street boundary interface, it also acts as a privacy device to reduce impacts of the neighbours non-compliant south-facing windows on north facing apartment balconies of Building 4 South.

The limited height of the Laing Lane Café building, combined with its pitched roof design, allows acceptable daylight access and outlook for the lower-level apartments of Building 4 South directly adjacent.

The design measures at this interface are considered to effectively achieve suitable visual privacy. As such, the proposed separation at this height is considered acceptable despite the separation distance between building on the same site being numerically less than the separation distances described in this part of the ADG.



Extract of section showing separation distances between existing neighbour No.16-18 Newcomen Street on the left, proposed Laing lane café in the middle, and proposed Building 4 South on the right (source: East End Stage 3 & 4 Design Report, version 02, dated 29/10/2024, page 122)

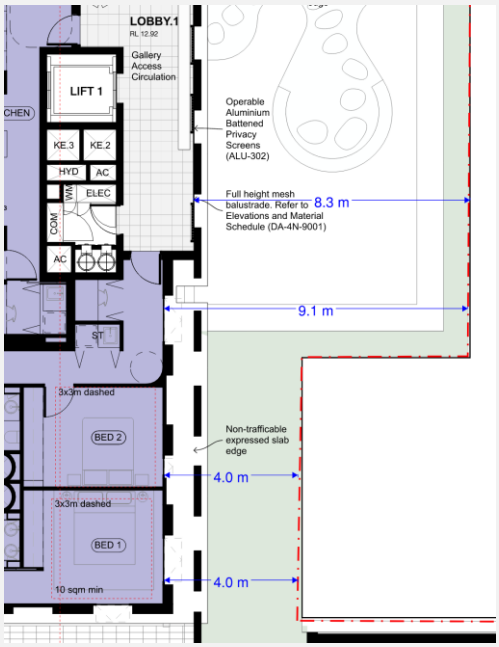
Note: As Level 02 (Upper) is the top floor of the Laing Street Café building there is no need to consider the separation distances between the Laing Street Café

	building and Building 4 South above this height.	
	3 North Building 3 North addresses: • Hunter Street to the north • Morgan Street to the east These are public streets and as such, the minimum separation distances for side and rear boundaries described in this part of the ADG do not apply to these boundaries. To the south and west of Building 3 North are Building 3 South and Building 3 West, respectively. In these cases, the minimum separation distances between buildings on the same site, as specified in this section of the ADG, do apply. Separation distances between buildings on the same site have been addressed under the **'Precinct'** heading above.	
	3 South Building 3 South addresses: • Morgan Street to the east • Laing Street to the south These are public streets and as such, the minimum separation distances for side and rear boundaries described in this part of the ADG do not apply to these boundaries. To the north and west of Building 3 South are Building 3 North and Building 3 West, respectively. In these cases, the minimum separation distances between buildings on the same site, as specified in this section of the ADG, do apply. Separation distances between buildings on the same site have been addressed under the **'Precinct'** heading above.	
	3 West Building 3 West addresses: • Hunter Street to the north • Laing Street to the south • Thorn Street to the west These are public streets and as such, the minimum separation distances for side and rear boundaries described in this part of the ADG do not apply to these boundaries. Directly east of Building 3 West are Building 3 North and Building 3 South. In these cases, the minimum separation distances between buildings on the same site, as specified in this section of the ADG, do apply.	

	Separation distances between buildings on the same site have been addressed under the **'Precinct'** heading above.	
	4 North (including Laing Lane Café) Building 4 North addresses: • Hunter Street to the north • Morgan Street to the west Laing Lane Café addresses: • Newcomen Street to the east These are public streets and as such, the minimum separation distances for side and rear boundaries described in this part of the ADG do not apply to these boundaries. Building 4 North occupies an irregularly shaped part of the site with the following boundaries considered 'side or rear boundaries': • East boundary shared with 103 Hunter Street • East boundary shared with 16-18 Newcomen Street • South boundary shared with 16-18 Newcomen Street Accordingly, this portion of the site has three 'side or rear boundaries' to which the minimum separation distances described in this part of the ADG apply. Details are provided further below. The Laing Lane Café building is located adjacent the following 'side or rear boundaries': • North boundary shared with No.16-18 Newcomen Street Whilst the Laing Lane Cafe building does not contain residential apartments and is therefore not subject to the provisions of the ADG, it is still considered in this table further below in order to assess the suitability of the building form and setbacks having regard to its direct interface with the existing residential apartment development at No.16-18 Newcomen Street. See below for details. Further south of Building 4 North and the Laing Lane Café building is Building 4 South, to which the minimum separation distances between buildings on the same site as described in this section of the ADG are applicable. Separation distances between buildings on the same site have been addressed under the **'Precinct'** heading above.	
	Separation distances from Building 4 North to east boundary shared with 103 Hunter Street	

	Up to 12m • *Building 4 North - Ground Floor, Level 01, Level 02, and Level 03* Ground Floor of Building 4 North does not include residential apartments and as such the provisions of the ADG do not apply. At Level 01 to Level 03, blank walls are proposed to the east boundary shared with No. 103 Hunter Street. No separation is required from blank walls, and as such complies. (see Precinct floor plan drawings DA-PR-0304 to DA-PR-0307, dated 15/10/2024, for details).	Complies
	Up to 25m • *Building 4 North - Level 04 to Level 07* At Level 04 to Level 07, blank walls are proposed to the east boundary shared with No. 103 Hunter Street. No separation is required between blank walls, and as such complies. (see Precinct floor plan drawings DA-PR-0307 to DA-PR-0311, dated 15/10/2024, for details).	Complies
	Over 25m • *Building 4 North - Level 08* At Level 08, blank walls are proposed to the east boundary shared with No. 103 Hunter Street. No separation is required between blank walls, and as such complies. (see Precinct floor plan drawings DA-PR-03012, dated 15/10/2024, for details).	Complies
	<u>Separation distances from Building 4 North to east boundary shared with No. 16-18 Newcomen Street</u> *Up to 12m* • *Building 4 North - Ground Floor, Level 01, Level 02, and Level 03* The Ground Floor of Building 4 North does not include residential apartments and as such the provisions of the ADG do not apply. At Level 01 to Level 03, an 8.3m separation distance is provided between the east edge of residential 'LOBBY.1' of Building 4 North and the east boundary shared with 16-18 Newcome Street. This complies with minimum separation distance for buildings from side and rear boundaries at this height (6m for habitable rooms).	Satisfactory (Merit based assessment)

	(see Precinct floor plan drawings DA-PR-0305 to DA-PR-0307, dated 15/10/2024, for details). At Level 02 and Level 03, a 9.1m (approximate scaled from submitted floor plans) separation distance is provided between the east facing non habitable room windows of Building 4 North and the east boundary shared with 16-18 Newcome Street. This complies with minimum separation distance for buildings from side and rear boundaries at this height (3m for non-habitable rooms). (see Precinct floor plan drawings DA-PR-0305 to DA-PR-0307, dated 15/10/2024, for details). However, the stepped alignment of the east boundary shared with No. 16-18 Newcomen Street results in 4 east-facing habitable room windows across Level 02 and Level 03 in Building 4 North having a reduced separation distance of approximately 4m (scaled from submitted floor plans). This does not comply with the 6m minimum separation distance required for building from side and rear boundaries at the height. The existing apartment building at No.16-18 Newcomen Street is primarily built to all boundaries, including balconies and windows to its boundaries shared with Building 4 North. It is acknowledged that this existing condition does not allow equitable shared separation distances between neighbouring sites and thus, the constraints of the site limit the ability to achieve compliant building separation to Building 4 Norths non-compliant neighbour. Generally, this portion of the east façade of Building 4 North presents as a defensive façade and where a limited number of windows have been incorporated these are strategically located towards the neighbours blank walls. Additionally, wider façade columns, with strategic placement, have been integrated into the façade treatment to achieve visual privacy. Furthermore, the boundary setbacks for Building 4 North are consistent with that approved under the Concept DA, as modified, and the subject development application does not alter the circumstances. The design documentation demonstrates sufficient design measures have been incorporated to resolve any privacy interface issues arising where separation distances between Building 4 North and side and/or rear boundaries are	

	numerically less than the separation distances described in this part of the ADG. Overall, the non-compliance is able to be accepted on a balanced view having regard for both visual privacy, bulk and scale, and access to light and air. Nevertheless, full details of the non-compliance are provided below: <u>APARTMENT 4N-2.06, and 4N-3.06</u> At Level 02 and Level 03, the east facing 'BED 1' and 'BED 2' windows of apartment 4N-2.06 and 4N-3.06 are separated from the east boundary shared with No.16-18 Newcomen Street a distance of approximately 4m (scaled from submitted floor plans). This does not comply with the 6m minimum separation distance required for building from side and rear boundaries at the height  Extract of apartment 4N-02.06, separation distances between east facing habitable room windows and east boundary shared with No. 16-18 Newcomen Street, shown blue (source: 'FLOOR PLAN - 4N - LEVEL 02', drawing DA-4N-1003, revision 6, dated 15/10/2024)	
	Up to 25m • *Building 4 North - Level 04 to Level 07* At Level 04 to Level 07, an 8.3m separation distance is provided between the east edge of residential 'LOBBY.1' of Building 4 North and the east boundary shared with 16-18 Newcome Street. As 'LOBBY.1' is designed as gallery access circulation space, it is considered habitable space for the purposes of measuring privacy separation distances under this part of the ADG. Therefore, a	Satisfactory (Merit based assessment)

	minimum 9m separation distance is required at this height, which has not been met. (see Precinct floor plan drawings DA-PR-0308 to DA-PR-0311, dated 15/10/2024, for details). The existing apartment building at No.16-18 Newcomen Street is primarily built to all boundaries, including balconies and windows to its boundaries shared with Building 4 North. It is acknowledged that this existing condition does not allow equitable shared separation distances between neighbouring sites and thus, the constraints of the site limit the ability to achieve compliant building separation to Building 4 Norths non-compliant neighbour. Generally, the façade design acts as a devise to mediate multiple external environmental conditions that vary in impact across the site of Building 4 North. In this instance, privacy is controlled by a combination of full height balustrade mesh, layered with operable aluminum battened (vertical) privacy screens, strategically placed façade columns, and extended slab edges beyond the trafficable area. Furthermore, the boundary setbacks for Building 4 North are consistent with that approved under the Concept DA, as modified, and the subject development application does not alter the circumstances. The design documentation demonstrates sufficient design measures have been incorporated to resolve any privacy interface issues arising where separation distances between Building 4 North and side and/or rear boundaries are numerically less than the separation distances described in this part of the ADG. Overall, the non-compliance is able to be accepted on a balanced view having regard for both visual privacy, bulk and scale, and access to light and air. **Note:** As Level 07 is the top floor in the portion of Building 4 North where adjacent the east boundary shared with No.16-18 Newcomen Street, there is no need to consider the separation distances between above this height.	
	<u>Separation distances from Laing Lane Café building to north boundary shared with No. 16-18 Newcomen Street</u>	
	Up to 12m • *Laing Lane Cafe - 'Lower', and 'Upper'*	Complies

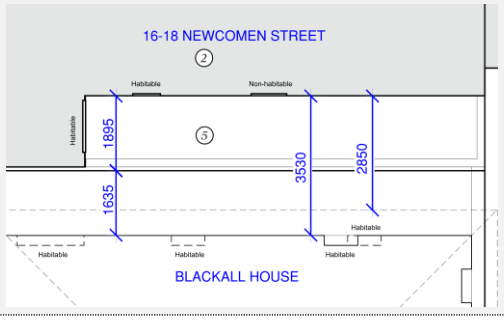
Whilst the Laing Lane Cafe building does not contain residential apartments and is therefore not subject to the provisions of the ADG, it is still considered here in order to assess the suitability of the setbacks having regard to its direct interface with an existing residential apartment development at No.16-18 Newcomen Street.

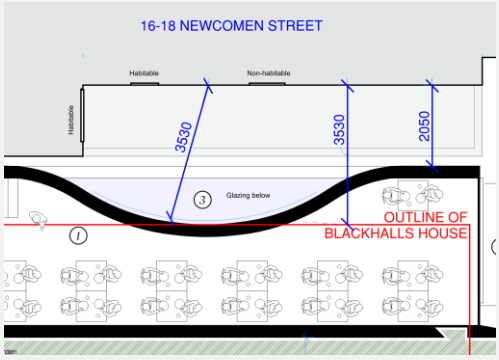
A blank wall is proposed for both the 'Lower' and 'Upper' levels of the Laing Lane Café building along the north boundary shared with No. 16-18 Newcomen Street. No separation is required between blank walls, and as such complies.

Whilst not required to satisfy the minimum building separation distances described in this part of the ADG as a blank wall does not require any setback, the design of the Laing Lane Café building aims to maintain the amenity of the existing non-compliant neighbour at No.16-18 Newcomen Street. Specifically, the northern façade at the 'Upper' level incorporates a curved sculptural relief, or 'indent,' designed to address the existing south-facing windows of No. 16-18 Newcomen Street, which are only 1.85m from the shared boundary. This feature aligns with the existing setback of the Blackhall House building on the subject site which is proposed for demolition as part of the subject development application. Blackhall House, a two-story structure currently set back 1.635m from the northern boundary, has multiple habitable room windows overlooking the neighboring residential apartments.

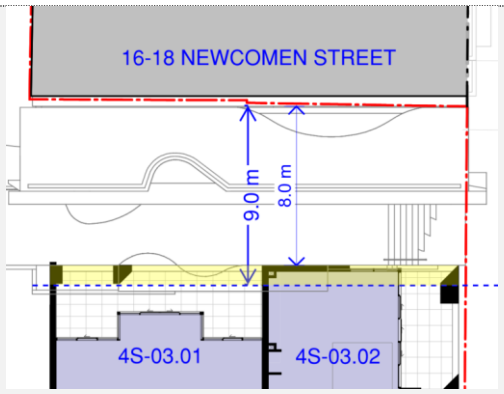
The proposal improves neighbourly amenity by eliminating the immediate overlooking condition that exists as a result of Blackhall House's north facing habitable windows.

The DIP also provided strong support for the Laing Lane Café building, describing it as a positive addition that will activate the area and commending the curved gesture as a considerate response to the neighboring property.



	Extract of plan view showing existing interface at north boundary shared No.16-18 Newcomen Street, labels added in blue (source: East End Stage 3 & 4 Design Report, version 02, dated 29/10/2024, page 119)  Extract of plan view showing proposed interface at north boundary shared No.16-18 Newcomen Street, labels added in blue and red (source: East End Stage 3 & 4 Design Report, version 02, dated 29/10/2024, page 124)	
	<u>4 South</u> Building 4 South addresses: • Newcomen Street to the east, • King Street to the south, and • Morgan Street to the west These are public streets and as such, the minimum separation distances for side and rear boundaries described in this part of the ADG do not apply to these boundaries. The portion of the overall development site which Building 4 South is located is irregular in shape, and has the following boundaries which are considered 'side or rear boundaries': • North boundary shared with 16-18 Newcomen Street Accordingly, Building 4 South has one 'side or rear boundaries' to which the minimum separation distances described in this part of the ADG are applicable. Details of which are provided below. Also directly north of Building 4 South, and located on the subject development site, is Building 4 North. As such, the minimum separation distances between buildings on the same site described in this part of the ADG are applicable and have been discussed under the **'Precinct'** heading above.	
	<u>Separation distances from Building 4 South to north boundary shared with No.16-18 Newcome Street</u>	
	Up to 12m • *Building 4 South - Lower Ground, Upper Ground, Level 01, and Level 02*	Complies

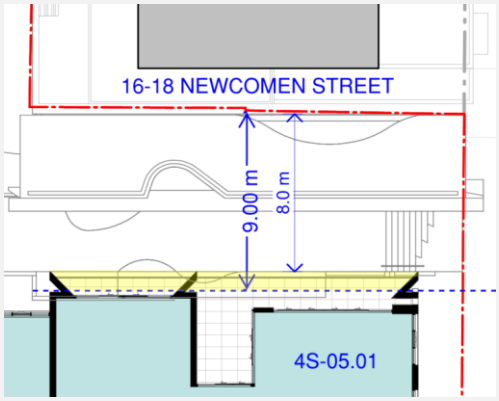
	At a height of up to 12m, being Lower Ground Level to Level 02, a minimum 8m separation distance is provided between the north façade of Building 4 South and north boundary shared with No.16-18 Newcomen Street. (see Precinct floor plan drawings DA-PR-0306 to DA-PR-0309, dated 15/10/2024, for details). This complies with the minimum separation distance of 6m required from apartment balconies to boundaries at this height.	
	Up to 25m • *Building 4 South - Level 03 to Level 06* At Level 03 to Level 06, a minimum 8m separation distance is provided between the north façade of Building 4 South and north boundary shared with No.16-18 Newcomen Street. (see Precinct floor plan drawings DA-PR-0310 to DA-PR-0313, dated 15/10/2024, for details). Whilst the minimum does not comply with the 9m distance required between apartment balconies and side and/or rear boundaries, the technical non-compliance is considered minor and relates to a 'secondary' area of the apartment balcony (where the primary balcony area is the portion which achieves the minimum balcony area and depth requirements of Objective 4E-1). Overall, the non-compliance is able to be accepted on a balanced view having regard for both visual privacy, bulk and scale, and access to light and air. Nevertheless, full details of the non-compliance are provided below: <u>APARTMENT 4S-03.01, 4S-03.02, and 4S-04.02</u> The north-facing balconies of apartments 4S-03.01 and 4S-03.02 at Level 03, and apartment 4S-04.01 at Level 04, are setback 8m from the north boundary shared with No.16-18 Newcomen Street, which is less than the 9m separation distance required for building at this height to the side and/or rear boundaries.	Satisfactory (Merit based assessment)



Extract of apartment 4S-03.01 and 4S-03.02, separation distances between north facing balconies and the north boundary shared with No.16-18 Newcomen Street shown in blue. (source: 'FLOOR PLAN - PRECINCT - LEVEL 06', drawing DA-PR-0310, revision 9, dated 15/10/2024)

APARTMENT 4S-05.01, and 4S-06.01

The north facing balconies of apartments 4S-05.01 and 4S-06.01 at Level 05 to Level 06, respectively, are setback 8m from the north boundary shared with No.16-18 Newcomen Street. This is less than the 9m separation distance required to the side and/or rear boundaries for building at this height.



Extract of apartment 4S-05.01, separation distance between north facing balcony and the north boundary shared with No.16-18 Newcomen Street shown in blue. (source: 'FLOOR PLAN - PRECINCT - LEVEL 08 (3W ROOF)', drawing DA-PR-0312, revision 9, dated 15/10/2024)

Over 25m

- *Building 4 South - Level 07 to Level 10 (Roof)*

At Level 07 to Level 10 (roof), a minimum separation distance of 8m is provided between the north façade of Building 4 South and north boundary shared with No.16-18 Newcomen Street. (see Precinct floor plan drawings DA-PR-0314 to DA-PR-0317, dated 15/10/2024, for details).

Although this does not meet the required 12m separation distance for habitable room windows and apartment balconies from side or rear boundaries, the technical

Satisfactory

(Merit based assessment)

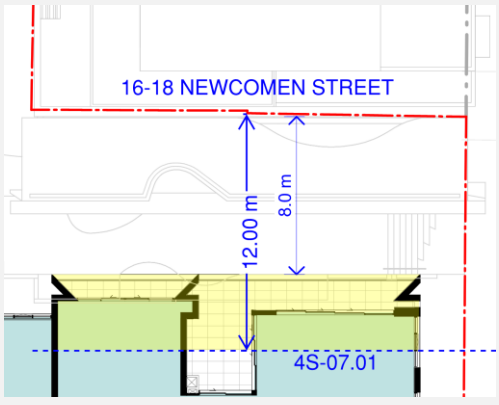
non-compliance is limited to the eastern section of the northern façade of Building 4 South. This non-compliance arises due to the irregular lot boundaries, as No. 16-18 Newcomen Street (and No. 105 Hunter Street further north) are not part of the broader redevelopment of the city block.

The singular alignment of the northern edge of Building 4 South is considered desirable as it maintains a consistent architectural order and vertical expression of the façade massing. This northern edge capitalise on the sun and views with continuous, generously sized balconies that provides amenity and activate the Newcomen to Laing Streets through-site connection at ground level below. Deep balconies and blades create a shadowed expression that addressed aspects of inter-lot privacy and spatial separation to No.16-18 Newcomen Street without limiting desirable outlook amenity or solar access.

Overall, the non-compliance is considered acceptable when assessed in the context of the adjacent properties, irregular site configuration, sloped topography, development scale, and the apartment layouts. Nevertheless, full details of the non-compliance are provided below:

<u>APARTMENT 4S-07.01</u>

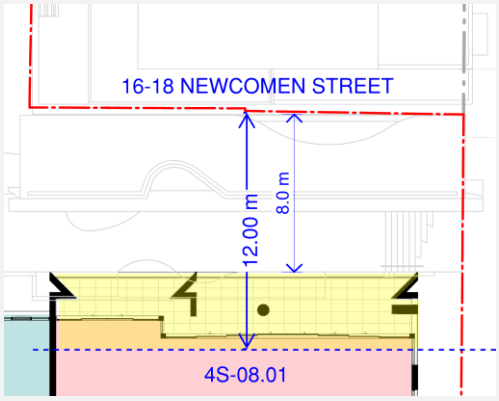
The north facing balcony and habitable room windows of apartments 4S-07.01 at Level 07 are setback 8m and 9.5-9.8m, respectively, from the north boundary shared with No.16-18 Newcomen Street. This is less than the 12m separation distance required to the side and/or rear boundaries for building at this height.



Extract of apartment 4S-07.01, separation distances between north facing habitable room windows and apartment balcony and the north boundary shared with No.16-18 Newcomen Street shown in blue. (source: 'FLOOR PLAN - PRECINCT - LEVEL 10', drawing DA-PR-0314, dated 15/10/2024)

APARTMENT 4S-08.01

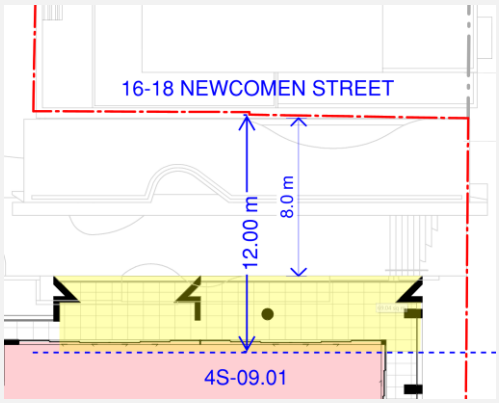
The north facing balcony and habitable room windows of apartments 4S-08.01 at Level 08 are setback 8m and 10.5-11.2m, respectively, from the north boundary shared with No.16-18 Newcomen Street. This is less than the 12m separation distance required to the side and/or rear boundaries for building at this height.



Extract of apartment 4S-08.01, separation distances between north facing habitable room windows and apartment balcony and the north boundary shared with No.16-18 Newcomen Street shown in blue. (source: 'FLOOR PLAN - PRECINCT - LEVEL 11', drawing DA-PR-0315, dated 15/10/2024)

APARTMENT 4S-09.01

The north facing balcony and habitable room windows of apartments 4S-09.01 at Level 09 are setback 8m and 11.2m, respectively, from the north boundary shared with No.16-18 Newcomen Street. This is less than the 12m separation distance required to the side and/or rear boundaries for building at this height.



Extract of apartment 4S-09.01, separation distances between north facing habitable room windows and apartment balcony and the north boundary shared with No.16-18 Newcomen Street shown in blue. (source: 'FLOOR PLAN - PRECINCT - LEVEL 12', drawing DA-PR-0316, dated 15/10/2024)

Objective 3F-2

Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.

Comment:	**Compliance:**

Generally, communal open space, common areas and access paths are separated from private open space and windows to apartments. A combination of substantial landscape planting, fencing/ screening, and changes in level between private open space and common access paths, have been utilised to separate the private open space and windows of apartments from where adjacent communal open space and/or common areas.		Complies
A4 Solar and daylight access		
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space		
Design Criteria:	**Comment:**	**Compliance:**
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	**<u>Precinct</u>** Analysis of the submitted architectural drawings found **136 out of the total 195 apartments** proposed in the Precinct, or **70%**, will achieve a minimum of 2 hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. • Building 3 North: 7 out of the 9 apartments • Building 3 South: 21 out of the 29 apartments • Building 3 West: 37 out of the 52 apartments • Building 4 North: 20 out of the 23 apartments • Building 4 South: 51 out of the 82 apartments A detailed assessment of each building is provided under the respective building headings below.	Complies
	<u>3 North</u> The submitted solar access compliance diagrams states 7 out of the 9 apartments proposed in Building 3 North, or 78%, will achieve a minimum of 2 hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. (see 'COMPLIANCE DIAGRAMS - 3N&3S - SOLAR' drawing DA-3N&3S-8001, dated 15/10/2024, for details) Analysis of the submitted solar analysis 3D views confirmed 7 out of the 9 apartments proposed in Building 3 North, or 78%, will achieve a minimum of 2 hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. (see 'SOLAR ANALYSIS POV' drawings DA-PR-8011, DA-PR-8015, and DA-PR-8017 to DA-PR-8020, dated 15/10/2024, for details)	Complies
	<u>3 South</u>	

	The submitted solar access compliance diagrams states 21 out of the 29 apartments proposed in Building 3 South, or 72%, will achieve a minimum of 2 hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. (see 'COMPLIANCE DIAGRAMS - 3N&3S - SOLAR', drawing DA-3N&3S-8001, dated 15/10/2024, for details) Analysis of the submitted solar analysis 3D views confirmed 21 out of the 29 apartments proposed in Building 3 South, or 72%, will achieve a minimum of 2 hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. (see 'SOLAR ANALYSIS POV' drawings DA-PR-8011, DA-PR-8015, and DA-PR-8017 to DA-PR-8020, dated 15/10/2024, for details)	
	3 West The submitted solar access compliance diagrams states 37 out of the 52 apartments proposed in Building 3 West, or 71%, will achieve a minimum of 2 hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. (see 'COMPLIANCE DIAGRAMS - 3W - SOLAR' drawing DA-3W-8001, dated 15/10/2024, for details) Analysis of the submitted solar analysis 3D views confirmed 37 out of the 52 apartments proposed in Building 3 West, or 71%, will achieve a minimum of 2 hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. (see 'SOLAR ANALYSIS POV' drawings DA-PR-8011, DA-PR-8015, and DA-PR-8017 to DA-PR-8020, dated 15/10/2024, for details)	Complies
	4 North The submitted solar access compliance diagrams states 20 out of the 23 apartments proposed in Building 4 North, or 87%, will achieve a minimum of 2 hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. (see 'COMPLIANCE DIAGRAMS - 4N - SOLAR', drawing DA-4N-8001, dated 15/10/2024, for details) Analysis of the submitted solar analysis 3D views confirmed 20 out of the 23 apartments proposed in Building 4 North, or 87%, will achieve a minimum of 2 hrs	Complies

	solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. (see 'SOLAR ANALYSIS POV' drawings DA-PR-8011, DA-PR-8015, and DA-PR-8017 to DA-PR-8020, dated 15/10/2024, for details)	
	4 South The submitted solar access compliance diagrams states 57 out of the 82 apartments proposed in Building 4 South, or 70%, will achieve a minimum of 2hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. (see 'COMPLIANCE DIAGRAMS - 4S - SOLAR' drawing DA-4S-8001, dated 15/10/2024, for details) However, analysis of the submitted solar analysis 3D views confirmed 51 out of the 82 apartments proposed in Building 4 South, or 62%, will achieve a minimum of 2hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. (see 'SOLAR ANALYSIS POV' drawings DA-PR-8011, DA-PR-8015, and DA-PR-8017 to DA-PR-8020, dated 15/10/2024, for details) The design guidance provided for this objective acknowledges that achieving technical compliance with the design criteria may not be possible on some sites. Building 4 South instead complies with the design guidance for this objective given the design drawings have suitably demonstrated how; (1) the site constraints and orientation (three street frontages, and significant views to the south to Christ Church Cathedral and Cathedral Park) create challenges for solar access in mid-winter during the specified hours; and (2) the proposal has been designed having regard to optimizing the number of apartments receiving sunlight to habitable rooms, primary windows, and private open space. Additionally, all apartments within the development have access to the communal open space at Level 09 (rooftop) of Building 4 South, providing them alternative access to northern sun. This is considered acceptable. Nevertheless, details of the discrepancies between the applicants calculations and CN assessment are listed below: APARTMENT 4S-UG.05	Satisfactory (Merit based assessment)

	'COMPLIANCE DIAGRAMS - 4S - SOLAR' (drawing DA-4S-8001, dated 15/10/2024) shows this apartment highlighted dark yellow, indicating it receives a minimum 2hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. Analysis of the submitted solar analysis 3D views found this apartment private open space receives solar access from 11:15am until 1:15pm. This totals 2hrs which complies. However, analysis of the submitted solar analysis 3D views found this apartment living room receives solar access from 11:45am until 1:15pm. This totals 1.5hrs which is less than 2hr and does not comply. <u>APARTMENT 4N-2.08</u> 'COMPLIANCE DIAGRAMS - 4S - SOLAR' (drawing DA-4S-8001, dated 15/10/2024) shows this apartment highlighted dark yellow, indicating it receives a minimum 2hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. However, analysis of the submitted solar analysis 3D views found this apartment receives solar access from 11:45am until 12:30pm. This totals 45 mins which is less than 2hr and does not comply. <u>APARTMENT 4S-3.04</u> 'COMPLIANCE DIAGRAMS - 4S - SOLAR' (drawing DA-4S-8001 dated 15/10/2024) shows this apartment highlighted dark yellow, indicating it receives a minimum 2hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. However, analysis of the submitted solar analysis 3D views found this apartment living room only receives solar access from 9am until 9:30, totaling 30 mins, which is less than 2hr and does not comply. Similarly, the private open space receives solar access from 9am until 10am, totally 1 hr, which is also less than 2hr and does not comply. It is acknowledged that additional 3D solar analysis views have been provided at 15-minute intervals from 8:00am to 9:00pm. An analysis of these views confirms that this apartment receives solar access	

	throughout the hour to BOTH the living room and private open space. <u>APARTMENT 4S-7.03</u> 'COMPLIANCE DIAGRAMS - 4S - SOLAR' (drawing DA-4S-8001, dated 15/10/2024) shows this apartment highlighted dark yellow indicating it receives a minimum 2hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. Analysis of the submitted solar analysis 3D views found the private open space of this apartment receives a minimum 2hr solar access between 9am and 3pm at mid-winter. This is largely due to the provision of a skylight located in Level 08 slab above, which allows solar access to reach the apartment balcony below. It is assumed the applicant has relied on this skylight to provide direct sunlight into the living room of the apartment, and this is the reason the applicant has shown this apartment as being compliant (receiving min 2hrs solar access to living and private open space) on the submitted solar access compliance diagrams. However, there is insufficient detail on the submitted solar analysis 3D views to confirm the skylight is of a suitable size and location to provide direct sunlight to the living room of apartment 4S-7.03. <u>APARTMENT 4S-7.04, 4S-7.05,</u> 'COMPLIANCE DIAGRAMS - 4S - SOLAR' (drawing DA-4S-8001, dated 15/10/2024) shows this apartment highlighted dark yellow, indicating it receives a minimum 2hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. Analysis of the submitted solar analysis 3D views found the living rooms of these apartments receive a minimum 2hr solar access between 9am and 3pm at mid-winter, largely due to the provision of a skylights located in Level 08 slab above the apartment living rooms below. However, the documentation does not demonstrate direct sunlight is achieved to the private open space of these apartments at any time between 9am and 3pm at mid-winter. It is noted that these apartments have a north facing secondary balcony which due to the aspect receive solar access from 10:30am to 12:30pm and 10am to 11am	

	for 4S-7.04 and 4S-7.05 respectively. Nevertheless, this part of the ADG discusses solar access to BOTH living rooms and private open space of an apartment and the private open space for these apartments is the south facing primary balcony which receives no solar access.	
Design Criteria:	**Comment**	**Compliance:**
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.	N/A	N/A
Design Criteria:	**Comment:**	**Compliance:**
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.	**<u>Precinct</u>** Analysis of the submitted architectural drawings found **22 out of the total 195 apartments** proposed in the Precinct, or **11%**, will receive less than 15mins solar access to BOTH living room and private open space between 9am and 3pm at mid-winter. • Building 3 North: 2 out of the 9 apartments • Building 3 South: 2 out of the 29 apartments • Building 3 West: 0 out of the 52 apartments • Building 4 North: 0 out of the 23 apartments • Building 4 South: 18 out of the 82 apartments A detailed assessment of each building is provided under the respective building headings below.	Complies
	<u>3 North</u> The submitted solar access compliance diagrams show 2 out of 9 apartments proposed in Building 3 North, or 22%, highlighted light grey to indicate they will receive less than 15mins solar access to BOTH living room and private open space between 9am and 3pm at mid-winter. (see 'COMPLIANCE DIAGRAMS - 3N&3S - SOLAR' drawing DA-3N&3S-8001, dated 15/10/2024, for details) Analysis of the submitted solar analysis 3D views confirmed 2 out of 9 apartments proposed in Building 3 North, or 22%, will receive less than 15mins solar access to BOTH living room and private open space between 9am and 3pm at mid-winter. (see 'SOLAR ANALYSIS POV' drawings DA-PR-8011, DA-PR-8015, and DA-PR-	Satisfactory (Merit based assessment)

	8017 to DA-PR-8020, dated 15/10/2024, for details) The non-compliance is minimal, noting a maximum of 1 apartment out of the 9 proposed within Building 3 North could 'receive no sunlight' to comply with this Design Criteria. The 'non-compliance' is influenced by the limited number of storeys containing apartments (two) and the small total number of apartments (nine). The two apartments affected, located at the south-east corner of the floor plate (one on each level), are constrained by the site's orientation and the adaptive reuse of a heritage-listed building. While Building 3 North benefits from good solar access to its north and west elevations, the heritage façade limits openings to the east-facing apartments, impacting their access to direct solar access. The design guidance provided for this objective acknowledges that achieving technical compliance with the design criteria may not be possible on some sites The design drawings have suitably demonstrated how; (1) the site constraints and orientation (adaptive re-use of heritage listed building) create challenges for solar access in mid-winter; and (2) the proposal has been designed having regard to optimizing the number of apartments receiving sunlight to habitable rooms, primary windows, and private open space (greater then 3m ceiling heights, generously sized apartments with the ADG minimum internal areas exceeded, 'winter gardens' providing flexible indoor/outdoor living area, and dual aspect). Additionally, all apartments within the development have access to the communal open space at Level 04 (rooftop) of Building 3 North, providing them alternative access to northern sun. This is considered acceptable.	
	3 South The submitted solar access compliance diagrams show 2 out of 29 apartments proposed in Building 3 South, or 7%, highlighted light grey to indicate they will receive less than 15mins solar access to BOTH living room and private open space between 9am and 3pm at mid-winter. (see 'COMPLIANCE DIAGRAMS - 3N&3S - SOLAR' drawing DA-3N&3S-8001, dated 15/10/2024, for details) Analysis of the submitted solar analysis 3D views confirmed 2 out of 29 apartments proposed in Building 3 South, or 7%, will	Complies

	receive less than 15mins solar access to BOTH living room and private open space between 9am and 3pm at mid-winter. (see 'SOLAR ANALYSIS POV' drawings DA-PR-8011, DA-PR-8015, and DA-PR-8017 to DA-PR-8020, dated 15/10/2024, for details)	
	3 West The submitted solar access compliance diagrams shows all apartments proposed within Building 3 West highlighted either dark yellow or light yellow, indicating all apartments receive at least 15mins solar to BOTH living room and private open space between 9am and 3pm at mid-winter. (see 'COMPLIANCE DIAGRAMS - 3W - SOLAR', drawing DA-3W-8001, dated 14/10/2024, for details) Analysis of the submitted solar analysis 3D views found all apartments receive at least 15mins solar access between 9am and 3pm at mid-winter to BOTH living room and private open space between 9am and 3pm at mid-winter. For clarity, 0 out of the 52 apartments proposed in building 3 West, or 0%, receive less than 15mins solar access to BOTH living room and private open space between 9am and 3pm at mid-winter. (see 'SOLAR ANALYSIS POV' drawings DA-PR-8011, DA-PR-8015, and DA-PR-8017 to DA-PR-8020, dated 15/10/2024, for details)	Complies
	4 North The submitted solar access compliance diagrams shows all apartments proposed within Building 4 North highlighted either dark yellow or light yellow, indicating all apartments receive less than 15mins solar access to BOTH living room and private open space between 9am and 3pm at mid-winter. (see 'COMPLIANCE DIAGRAMS - 4N - SOLAR', drawing DA-4N-8001, dated 15/10/2024, for details) Analysis of the submitted solar analysis 3D views found all apartments receive at least 15mins solar access to BOTH living room and private open space between 9am and 3pm at mid-winter. For clarity, 0 out of the 23 apartments proposed in Building 4 North, or 0%, receive less than 15mins solar access to BOTH living room and private open space between 9am and 3pm at mid-winter. (see 'SOLAR ANALYSIS POV' drawings DA-PR-8011, DA-PR-8015, and DA-PR-	Complies

	8017 to DA-PR-8020, dated 15/10/2024, for details)	
	4 South The submitted solar access compliance diagrams shown which shows 12 out of the 82 apartments proposed in Building 4 South, or 15%, highlighted light grey to indicate these apartments will receive less than 15mins solar access to BOTH living room and private open space between 9am and 3pm at mid-winter. (see 'COMPLIANCE DIAGRAMS - 4S - SOLAR' drawing DA-4S-8001, dated 15/10/2024, for details) However, analysis of the submitted solar analysis 3D views found 18 out of the 82 apartments proposed in Building 4 South, or 22%, will receive less than 15mins solar access to BOTH living room and private open space between 9am and 3pm at mid-winter. (see 'SOLAR ANALYSIS POV' drawings DA-PR-8011, DA-PR-8015, and DA-PR-8017 to DA-PR-8020, dated 15/10/2024, for details) The design guidance provided for this objective acknowledges that achieving technical compliance with the design criteria may not be possible on some sites. Building 4 South instead complies with the design guidance for this objective given the design drawings have suitably demonstrated how; (1) the site constraints and orientation (three street frontages, and significant views to the south to Christ Church Cathedral and Cathedral Park) create challenges for solar access in mid-winter during the specified hours; and (2) the proposal has been designed having regard to optimizing the number of apartments receiving sunlight to habitable rooms, primary windows, and private open space. Additionally, all apartments within the development have access to the communal open space at Level 09 (rooftop) of Building 4 South, providing them alternative access to northern sun. This is considered acceptable. Nevertheless, details of the discrepancies between the applicants calculations and CN assessment are listed below: <u>APARTMENT 4S-UG.03, 4S-1.04, and 4S-2.05</u> 'COMPLIANCE DIAGRAMS - 4S - SOLAR' (drawing DA-4S-8001, dated 15/10/2024) shows this apartment highlighted light yellow, indicating it	Satisfactory (Merit based assessment)

	receives a minimum 15mins, but less then 2hrs, solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. However, analysis of the submitted solar analysis 3D views found this apartment receives solar access to BOTH the living room and private open space at 9am but does not receive solar access to the living room at 9:15am. While the private open space of this apartment receives a minimum 15mins, solar access between 9am and 3pm at mid-winter, the living room does not. In order to be considered as receiving solar access for the purposes of this Design Criteria, direct sunlight to BOTH the living room and private open space needs to be achieved as set out in the accompanying design guidance. It is acknowledged that additional 3D solar analysis views have been provided at 15-minute intervals from 8:00am to 9:00pm. An analysis of these views confirms that this apartment receives solar access throughout the hour to BOTH the living room and private open space. <u>APARTMENT 4S-7.03</u> 'COMPLIANCE DIAGRAMS - 4S - SOLAR' (drawing DA-4S-8001, revision 6, dated 15/10/2024) shoes this apartment highlighted dark yellow indicating it receives a minimum 2hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. Analysis of the submitted solar analysis 3D views found direct sunlight is achieved for at least 15mins to the private open space (apartment balcony), however the documentation does not demonstrate direct sunlight is achieved to the living room of the apartment. It is assumed the applicant has relied on this skylight to provide direct sunlight into the living room of the apartment, and this is the reason the applicant has shown this apartment as being compliant (receiving min 2hrs solar access to living and private open space) on the submitted solar access compliance diagrams. However, there is insufficient detail on the submitted solar analysis 3D views to confirm the skylight is of a suitable size and location to provide direct sunlight to the living room of apartment 4S-7.03.	

	APARTMENT 4S-7.04, and 4S-7.05 'COMPLIANCE DIAGRAMS - 4S - SOLAR' (drawing DA-4S-8001, revision 6, dated 15/10/2024) shows these apartments highlighted dark yellow, indicating they receive a minimum 2hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. Analysis of the submitted solar analysis 3D views found the living rooms of these apartments receive a minimum 15mins, solar access between 9am and 3pm at mid-winter due to the provision of a skylights located in Level 08 slab above the apartment living rooms below. However, the documentation does not demonstrate direct sunlight is achieved to the private open space of these apartments at any time between 9am and 3pm at mid-winter. It is noted that these apartments have a north facing secondary balcony which due to the aspect receive solar access from 10:30am to 12:30pm and 10am to 11am for 4S-7.04 and 4S-7.05 respectively. Nevertheless, this part of the ADG discusses solar access to BOTH living rooms and private open space of an apartment and the private open space for these apartments is the south facing primary balcony which receives no solar access. In order to be considered as receiving solar access for the purposes of this Design Criteria, direct sunlight to BOTH the living room and private open space needs to be achieved as set out in the accompanying design guidance.	
Objective 4A-2 Daylight access is maximised where sunlight is limited.		
Comment		**Compliance:**
Precinct Full height glazing for the maximum practical extent of apartment facade has been provided to maximise daylight access (the exception being where heritage facades have been maintained). Where provided, internal courtyards, skylights, and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms. Opportunities for reflected light into apartments are optimised through the use of light coloured finishes. All apartments within the development will have access to areas of communal open space within their respective Stage, maximising daylight access for future residents by providing multiple options to access northern sun no matter the time of day.		Complies
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months.		

Comment	Compliance:
Precinct The design incorporates shading devises such as eaves and recessed balconies, to shade summer sun but allow winter sun to penetrate living areas. Operable shading is incorporated on the western façade of Building 3 West in the form of retractable screens - noted as 'FIX-101 Yellow External Blind' on submitted architectural drawings (see 'ELEVATIONS - 3W - WEST' drawing DA-3W-1404, dated 15/10/2024, for details) Operable shading is incorporated on the northern and western façades of Building 4 North in the form of external curtains - noted as 'CUR-301 Exterior Curtain, operable, light colour' on submitted architectural drawings (for details see 'ELEVATIONS - 3N - NORTH' drawing DA-3N-1401 dated 15/10/2024, and 'ELEVATIONS - 3N - WEST' drawing DA-3N-1405 dated 15/10/2024)	Complies
4B Natural ventilation	
Objective 4B-1 All habitable rooms are naturally ventilated	
Comment	**Compliance:**
Precinct All habitable rooms are naturally ventilated via adjustable windows, located in external walls, with suitable effective operable areas. A variety of window types are proposed that provide natural ventilation	Complies
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation	
Comment	**Compliance:**
3 North 2 out of the 9 apartments proposed in Building 3 North are single aspect apartments. Details of these apartments are listed below: • Level 1: 1 apartment (3N-1.02) • Level 2: 1 apartment (3N-2.02) All the single aspect apartments are north facing, with apartment depths minimised and frontages maximised to increase ventilation and airflow.	Complies
3 South 0 out of the 29 apartments proposed in Building 3 South are single aspect apartments.	Complies
3 West 11 out of the 52 apartments proposed in building 3 West are single aspect apartments. Details of these apartments are listed below: • Level 1: 2 apartments (3W-01.03, and 3W-01.06) • Level 2: 2 apartments (3W-02.03, and 3W-02.06) • Level 3: 2 apartments (3W-03.03, and 3W-03.06) • Level 4: 2 apartments (3W-04.03, and 3W-04.06) • Level 5: 2 apartments (3W-05.03, and 3W-05.06) • Level 6: 1 apartment (3W-06.06) • Level 07: nil All the single aspect apartments in Building 3 West are north facing, with apartment depths minimised and frontages maximised to increase ventilation and airflow. Natural ventilation is further enhanced by providing generous window and door openings (full height glazing for maximum practical extent of apartment frontages has been provided)	Complies

4 North 5 out of the 23 apartments proposed in building 4 North are single aspect apartments. Details of these apartments are listed below: • Level 1: nil • Level 2: 2 apartments (4N-02.04, and 4N-02.05) • Level 3: 2 apartments (4N-3.04, and 4N-3.05) • Level 4: 1 apartment (4N-4.04) • Level 5 to Level 8: nil Single aspect apartments in Building 4 North have been designed with wide frontages and narrow depths to encourage greater natural ventilation. Full height glazing for the maximum practical extent of the apartment frontages has been provided. With multiple openings provided within the glazing to further enhance natural ventilation.		Complies
4 South 11 out of the 82 apartments proposed in building 4 South are single aspect apartments. Details of these apartments are listed below: • Upper Ground: 3 apartments (4S-UG.01, 4S-UG.03, and 4S-UG.06) • Level 1: 2 apartments (4S-01.01, and 4S-01.08) • Level 2: 2 apartments (4S-02.01, and 4S-02.10) • Level 3: 3 apartments (4S-03.01, 4S-03.07, and 4S-03.12) • Level 4: 1 apartment (4S-04.01) • Level 5 to Level: nil The majority of the single aspect apartments in Building 4 South are north facing. All single-aspect apartments in Building 4 South have been designed with wide frontages and narrow depths to encourage greater natural ventilation. Full height glazing for the maximum practical extent of the apartment frontages has been provided. With multiple openings provided within the glazing to further enhance natural ventilation.		
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.		
Design Criteria:	**Comment:**	**Compliance:**
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	**Precinct** Analysis of the submitted architectural drawings found **166 out of the total 195 apartments** proposed in the Precinct, or **85%**, are naturally cross ventilated: • Building 3 North: 7 out of the 9 apartments • Building 3 South: 29 out of the 29 apartments • Building 3 West: 41 out of the 52 apartments • Building 4 North: 18 out of the 23 apartments • Building 4 South: 71 out of the 82 apartments A detailed assessment of each building is provided under the respective building headings below.	Complies
	3 North The submitted natural ventilation compliance diagrams state 7 out of a total 9 apartments proposed in Building 3	Complies

	North, or 78%, will achieve natural ventilation. (see 'COMPLIANCE DIAGRAMS - 3E - CROSS' drawing DA-3E-8002, dated 15/10/2024, for details) Assessment of the submitted floor plans for Building 3 North prepared by Durbach Block Jaggers confirmed the above.	
	3 South The submitted natural ventilation compliance diagrams state 29 out of a total 29 apartments proposed in Building 3 East, or 100%, will achieve natural ventilation. (see 'COMPLIANCE DIAGRAMS - 3E - CROSS' drawing DA-3E-8002, dated 15/10/2024, for detais) Assessment of the submitted floor plans for Building 3 South prepared by Durbach Block Jaggers confirmed the above. No enclosed balconies are proposed.	Complies
	3 West The submitted natural ventilation compliance diagrams state 41 out of the 52 apartments proposed in building 3 West, or 79%, are naturally cross ventilated. (see 'COMPLIANCE DIAGRAMS - 3W - CROSS VENTILATION' drawing DA-3W-8002, dated 15/10/2024, for details) Assessment of the submitted floor plans for Building 3 West prepared by SJB Architects confirmed the above. No enclosed balconies are proposed.	Complies
	4 North The submitted natural ventilation compliance diagrams for Building 4 North states 18 out of the 23 apartments proposed in Building 4 North, or 78%, will achieve natural cross ventilation. (see 'COMPLIANCE DRAWINGS - 4N - CROSS VENTILATION' drawing DA-4N-8002, revision 3, dated 15/10/2024) Assessment of the submitted floor plans for Building 4 North prepared by Curious Practice confirmed the above.	Complies
	4 South The submitted natural ventilation compliance diagrams for Building 4 South states 71 out of the 82 apartments proposed in building 4 South, or 86%, will achieve natural cross ventilation. (see 'COMPLIANCE DIAGRAMS - 4S - CROSS VENTILATION' drawing DA-4S-8002, dated 15/10/2024, for details)	Complies

	Assessment of the submitted floor plans for Building 4 South prepared by SJB Architects confirmed the above. No enclosed balconies are proposed	
Design Criteria:	**Comment:**	**Compliance:**
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	**3 North** N/A (Cross-over or cross-through apartments are not proposed within Building 3 North)	N/A
	3 South N/A (Cross-over or cross-through apartments are not proposed within Building 3 North)	N/A
	3 West 14 out of the 52 apartments proposed in building 3 West are cross-through apartments. Details of these apartments are listed below: • Ground: nil • Level 1: 2 apartments (3W-01.04 and 3W-01.05) • Level 2: 2 apartments (3W-02.04, and 3W-02.05) • Level 3: 2 apartments (3W-03.04, and 3W-03.05) • Level 4: 2 apartments (3W-04.04, and 3W-04.05) • Level 5: 2 apartments (3W-05.04, and 3W-05.06) • Level 6: 2 apartments (3W-06.04 and 3W-06.05) • Level 07: 2 apartments (3W-07.04 and 3W-07.05) The submitted Housing SEPP Design Statement (issued 14 October 2024), states that the cross through apartments are 18.7m deep, from glass line to glass line, and that cross ventilation will be achieved due to: • The extent of glazing of both façade, and • The apartment layout - the openings are directly opposite down a corridor (without any obstructions) The cross through apartments in Building 3 West are located in the centre of the floor plate providing an efficient dual core building plan. The submitted design documentation demonstrates the ability for natural ventilation to cross-through apartments despite the additional overall apartment depth (i.e. location and size of operable windows, suitable ceiling heights).	Satisfactory (Merit based assessment)

	The non-compliance is considered minor and can be accepted.	
	4 North 7 out of the 23 apartments proposed in building 4 North are cross-through apartments. Details of these apartments are listed below: • Ground to Level 1 = nil • Level 2: 2 apartments (4N-2.01 and 4N-2.02) • Level 3: 2 apartments (4N-3.01 and 4N-3.02) • Level 4: 2 apartments (4N-4.01 and 4N-4.02) • Level 5 to Level 8: nil The submitted Housing SEPP Design Statement (issued 14 October 2024), states that cross through apartments are a maximum 13m. This is not demonstrated on the submitted architectural floor plans (drawings DA-4N-1002 and DA-4N-1009, revision 6, dated 15/10/2024) Scaling from the submitted floor plans prepared by Curious Practice, the maximum overall depth of cross-through apartments in Building 4 North is 13.4m measured glass line to glass line, which is less than 18m and therefor complies.	Complies
	4 South 39 out of the 82 apartments proposed in Building 4 South are cross-through apartments. Details of these apartments are listed below: • Basement 03 to Lower Ground: nil • Upper Ground: 1 apartment (4S-UG.04) • Level 01: 4 apartments (4S-1.03, 4S-1.04, 4S-1.05, and 4S-1.06) • Level 2: 4 apartments (4S-2.03, 4S-2.04, 4S-2.07, and 4S-2.08) • Level 3: 5 apartments (4S-3.03, 4S-3.04, 4S-3.06, 4S-3.09 and 4S-3.10) • Level 4: 7 apartments (4S-4.03, 4S-4.04, 4S-4.06, 4S-4.07, 4S-4.09, 4S-4.10 and 4S-4.12) • Level 5: 6 apartments (4S-5.02, 4S-5.03, 4S-5.05, 4S-5.06, 4S-5.08, and 4S-5.09) • Level 6: 6 apartments (4S-6.02, 4S-6.03, 4S-6.05, 4S-6.06, 4S-6.08 and 4S-6.09) • Level 7: 5 apartments (4S-7.02, 4S-7.04, 4S-7.05, 4S-7.07, and 4S-7.08) • Level 8: 1 apartment (4S-8.03) • Level 9: nil	Complies

	The submitted Housing SEPP Design Statement (issued 14 October 2024), states that cross through apartments are typically 9-9.5m in depth. This is not demonstrated on the submitted architectural floor plans (drawings DA-4S-1005 and DA-4S-1014, revision 12, dated 15/10/2024) Scaling from the submitted floor plans prepared by SJB Architects, the maximum overall depth of a cross-through apartments is approximately 9.5m measured glass line to glass line, which is less then 18m and therefor complies.	

4C Ceiling heights

Objective 4C-1

Ceiling height achieves sufficient natural ventilation and daylight access.

Design Criteria:	Comment:	Compliance:
1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	**<u>Precinct</u>** The site is located within the MU1 Mix Use zone as such the increased ceiling heights for ground and first floor described in this part of the ADG are applicable (a minimum ceiling height of 3.3m measured from finished floor level to finished ceiling level). All buildings generally have an increased floor-to-floor height at the ground floor which would be capable of facilitating the increased minimum ceiling height of 3.3m described in this part of the ADG. The exception being part of the ground floor in Building 3 West, and the ground floor of Building 4 South, details of which are provided under the relevant building heading below. Furthermore, with the exception of Building 3 North, the floor-to-floor height provided for the first floor of all buildings will not be able to facilitate an increased ceiling of 3.3m as required. The documentation originally submitted with the development application did not acknowledge these non-compliances and as such no justification was provided to support the variation on merit. As requested by CN, a satisfactory detailed response ('Justification for Reduced L1 Ceiling Heights East End Stage 3 & 4') was provided by the applicant which focused on identifying why the ceiling height design criteria cannot be met and addressing how the ADG objective has been achieved notwithstanding a ceiling height less than 3.3m is provided to the first floor. A dot-point summary of which is provided below:	

Minimum ceiling height for apartment and mixed use buildings	
Habitable rooms	2.7m
Non-habitable	2.4m
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use

These minimums do not preclude higher ceilings if desired.

	Stage 3
	• The approach to ceiling heights in Stage 3 is strongly informed by the concept to create a 'market plaza' bounded by three buildings and united by a fourth structure - the awning.
	• The 'market plaza' was a key concept for the masterplan of the winning competition design
	• The awning wraps the three buildings which comprise Stage 3, having to navigate the variation in topography from Hunter Street to Laing Street and how the three buildings site within.
	• The heritage listed Municipal building (Building 3 North) sets the datum for the contiguous awning which ties the Stage 3 buildings together - the awning is set to align with the pre-existing horizontal banding within the fenestration of the heritage façade.
	• The awning is a key driver in establishing the height of the first floor slab - aligning the apartment openings with the edge of the awning to allow future residents to look out over the planted roof top of the awning and beyond to the plaza.
	• The applicant acknowledged that the historical nature of Municipal building (Building 3 North) results in large floor to floor heights for the ground floor of buildings where adjacent Hunter Street (in excess of the minimum 3.3m described under the ADG)
	• As such, alternatives to increase the first floor ceiling heights without increasing the over height of buildings, by reducing the height of the first floor slab where explored but ultimately discounted as this would;
	  ○ reduce window opening size above the awning and result in unacceptable amenity impacts for apartments, and
	  ○ reduce ceiling heights to the ground floor below which are needed to navigate the level changes over 'Market Plaza'
	• Increased ceiling heights to the ground floors of Stage 3 were prioritised as part of the overall activation strategy for 'Market Plaza', which was an important outcome to be achieved from the design competition.
	• In addition to facilitating adaptability over time, the decision to provide additional ceiling height to the ground floor was critical to facilitate a loading dock on the eastern side of Building 3 South at the higher street level of Laing	

	Street - sufficient height clearances to receive a heavy ridge vehicle are achieved without introducing further complexities of a split floor slab at the first floor slab over the ground floor. <u>Stage 4</u> • The existing timber floor and ceilings of the existing heritage contributory buildings which form part of Building 4 North, are not suitable for a safe and compliant new residential flat building. • However, in an attempt to maintain the existing relationship of the contributory facades, the existing interior volumes, and the integrity and function of the existing openings - the floor and ceiling levels of Building 4 North within these facades have been retained. This minimises the appearance of facadism and promotes greater integrity of the existing streetscape. • The result of maintaining the existing floor levels has limited the opportunity for increased ceiling heights within the first floor of Building 4 North. • The approved Concept DA shows Building 4 South comprising a residential flat building only and this remains unchanged under the subject modification application. • It is acknowledged that the design of Building 4 South responses to the significant slope of the site, which is an average of approximately 10 meters from north to south within the footprint of the building. As such, there is no consistent 'first floor' across the footprint of the building when considering the built form with respect to the ground plane. • The extremely steep level changes across Newcomen Street make pedestrian amenity challenging for active retail use. It is highly unlikely the first floor would be adapted due to this site constraint, and it would also go against the precinct wide masterplan strategy for distribution of building use for the East End development in its entirety (comprising Stage 1, Stage 2, Stage3 and Stage 4). The above is now addressed in the submitted Housing SEPP Design Statement (issued 14 October 2024). Through the assessment, it has been identified that ceiling heights of less than those described in this part of the ADG can be accepted on balance view having regard for the wide-ranging and often conflicting factors which impact the floor-	

	to-floor heights (site topography, building orientation, heritage conservation, street activation, overall building height, etc).	
	3 North	
	Mixed use: Analysis of the submitted elevations and sections prepared by Durbach Block Jaggers found the Ground Level and Level 01 of Building 3 North have increased floor-to-floor heights of 4.53m and 4.29m respectively. As such a minimum ceiling height from finished floor level to finished ceiling level of 3.3m can be achieved for the ground and first floor of Building 3 North to promote future flexibility. (see 'SECTIONS - 3N&3S - BUILDING SECTION B', drawing DA-3N&3S-1501, revision E, dated 15/10/2024)	Complies
	Apartments: Apartments are located on Level 01 and Level 02 of Building 3 North. Analysis of the submitted elevations and sections prepared by Durbach Block Jaggers found the Level 01 and Level 02 of Building 3 North generally have floor-to-floor heights of 4.29m and 4.44m respectively. The exception being where an additional floor is proposed above apartment 3N-2.05 located in the south-west corner of Building 4 North on Level 02, which has a 3.22m floor-to-floor. (see 'SECTIONS - 3N&3S - BUILDING SECTION D' drawing DA-3N&3S-1504, dated 15/10/2024, for details) As such, a minimum ceiling height, measured from finished floor level to finished ceiling level, of 2.7m to habitable rooms and 2.4m to non-habitable rooms can be achieved for all apartments in Building 4 North. No attic spaces are proposed.	Complies
	3 South	
	Mixed use: Analysis of the submitted elevations and sections prepared by Durbach Block Jaggers found the Ground Level of proposed Building 3 South has an increased floor-to-floor height of 5.375m for the retail premises, and 5.950m for the loading dock. As such, a minimum ceiling height from finished floor level to finished ceiling level of 3.3m can be achieved for the ground floor to promote future flexibility of use.	Satisfactory (Merit based assessment)

	(see 'SECTIONS - 3N&3S - BUILDING SECTION A' drawing DA-3E-1501 dated 15/10/2024, for details) Level 01 of Building 3 South has a floor-to-floor height of 3.15m, however a minimum ceiling height from finished floor level to finished ceiling level of 3.3m required. As addressed under the **'Precinct'** heading above, ceiling heights of less than those described in this part of the ADG can be accepted when balancing various factors, such as site topography, building orientation, heritage conservation, street activation, and overall building height. <u>Apartments:</u> Apartments are located on Level 01 to Level 10 of building 3 South. Level 01 to Level 09 have a have a floor-to-floor height of 3.15m. Level 10 has an increased floor-to-floor height of 6.5m which accommodates a mezzanine level within the single penthouse apartment on that level (apartment 3S-10.01). (see 'SECTIONS - 3N&3S - BUILDING SECTION A' drawing DA-3E-1501, dated 15/10/2024, for details) As such, a minimum ceiling height from finished floor level to finished ceiling level of 2.7m to habitable rooms and 2.4m to non-habitable rooms can be achieved for all apartments. No attic spaces are proposed.	Complies
	<u>3 West</u>	
	<u>Mixed use:</u> Ground Level has an increased floor-to-floor height of 5.8m. As such, a minimum ceiling height from finished floor level to finished ceiling level of 3.3m can generally be achieved for the ground floor to promote future flexibility of use. The exception being the retail premises addressing Laing Street to the south, where the finished floor level has is increased to response with the topography of the site which raised from north to south. The non-compliance is minor, as a 3.275m ceiling height, measured from finished floor level to finished ceiling level, is achieved (see 'SECTIONS - 3W - BUILDING SECTION B' drawing DA-3W-1502, dated 15/10/2024, for details). Level 01 has a floor-to-floor height of 3.15m, however a minimum ceiling height from finished floor level to finished ceiling level of 3.3m required. As addressed under the **'Precinct'** heading above, ceiling heights of less than	Satisfactory (Merit based assessment)

	those described in this part of the ADG can be accepted when balancing various factors, such as site topography, building orientation, heritage conservation, street activation, and overall building height.	
	Apartments: Apartments are located on Level 01 to Level 07 of Building 3 West. Level 01 to Level 05 have a have a floor-to-floor height of 3.15m, with Level 06 and Level 07 having an increased a floor-to-floor height of 3.35m. As such, a minimum ceiling height from finished floor level to finished ceiling level of 2.7m to habitable rooms and 2.4m to non-habitable rooms can be achieved for all apartments. No attic spaces are proposed.	Complies
	4 North	
	Mixed Use Three retail premises are proposed at ground level of building 4 North. Two retail premises are addressing Hunter Street at the north of the site (labelled 'RETAIL S4N-C.01', and 'RETAIL S4N-C.02' on the submitted floor plans) and are shown on the 'Ground' floor plan. The third retail premises is addressing Morgan Street at the southwest corner of Building 4 North (labelled 'RETAIL S4N-C.02' on the submitted floor plans) and is shown on the 'Level 1' floor plan. However, due to the slope of the site, which raises from north to south, all three retail premises are located at the ground plane. The two Hunter Street retail premises have a floor-to-floor height of 3.9m, while the Morgan Street retail premises has a floor-to-floor height of 4.2m. As such, a minimum ceiling height of 3.3m (from finished floor to ceiling level) can be achieved for all three retail premises located at the ground plane to promote flexibility for future uses. An increased ceiling height of 3.3m is also required for the first floor. However, Building 4 North does not have a consistent 'first floor' due to the design responding to the site's slope: • Above the ground floor retail premises on the north portion of the site is a single 4-bedroom apartment (apartment '4N-1.01') with a floor-to-floor height of 3.2m. The apartment is located within the volume of the existing heritage contributory building, and as such the floor-to-floor heights are limited in that it needs to integrate	Satisfactory (Merit based assessment)

	with the existing building façade to be maintained. Whilst the floor-to-floor height of 3.2m provided to this apartment cannot facilitate the 3.3m ceiling height required, the design response is considered appropriate having regard to the site conditions (existing heritage contributory building and slope of site). • Above the ground floor retail premises at the southwest corner of Building 4 North is Level 2, which contains apartments. This is due to the ground floor levels being stepped to respond to the slope of the site. Level 02 clearly reads as the second-floor of the building and therefore it is not considered appropriate to expect an increased ceiling height be provided. As addressed under the **'Precinct'** heading above, ceiling heights of less than those described in this part of the ADG can be accepted when balancing various factors, such as site topography, building orientation, heritage conservation, street activation, and overall building height.	
	<u>Apartments:</u> Apartments are located on Level 1 to Level 08 of Building 4 North. All levels containing apartments have a minimum floor-to-floor height of 3.2m. As such, a minimum ceiling height from finished floor level to finished ceiling level of 2.7m to habitable rooms and 2.4m to non-habitable rooms can be achieved for all apartments. No attic spaces are proposed.	Complies
	<u>4 South</u>	
	<u>Mixed Use:</u> The design of Building 4 South responses to the site's significant slope, which averages approximately 10 meters from north to south within the building footprint. As such, there is no consistent 'ground' or 'first floor' across the entire footprint in relation to the ground plane. The building's levels—'Lower Ground,' 'Upper Ground,' 'Level 01,' and 'Level 02'—each interface with the ground plane at different points. The 'Lower Ground' level has a floor-to-floor height of 3 meters, while 'Upper Ground,' 'Level 01,' and 'Level 02' each have a floor-to-floor height of 3.15 meters. As addressed under the **'Precinct'** heading above, ceiling heights of less than those described in this part of the ADG can be accepted when balancing various	Satisfactory (Merit based assessment)

	factors, such as site topography, building orientation, heritage conservation, street activation, and overall building height.	
	Apartments: Apartments are located on levels 'Upper Ground' to 'Level 09'. Levels 'Upper Ground', 'Level 01', 'Level 02', 'Level 04', and 'Level 05' have a floor-to-floor height of 3.15m. 'Level 03', 'Level 07', 'Level 08', and 'Level 09' have an increased floor-to-floor height of 3.35m. As such, a minimum ceiling height from finished floor level to finished ceiling level of 2.7m to habitable rooms and 2.4m to non-habitable rooms can be achieved for all apartments. No attic spaces are proposed.	Complies
Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.		
Comment:		**Compliance:**
Precinct Ceiling heights that increased the sense of space within the apartment and provide well-proportioned rooms can be achieved within the proposed floor-to-floor heights.		Complies
Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building.		
Comment:		**Compliance:**
Precinct The design guidance for Objective 4C-3 encourages greater than minimum ceiling heights for lower level apartments in centres for the purpose of allowing flexibility and conversion to non-residential uses. As addressed under the **Objective 4C-1 Design Criteria 1** above, ceiling heights of less than those described in this part of the ADG can be accepted when balancing various factors, such as site topography, building orientation, heritage conservation, street activation, and overall building height.		Satisfactory (Merit based assessment)
4D Apartment size and layout		
Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.		
Design Criteria:	**Comment:**	**Compliance:**
1. Apartments are required to have the following minimum internal areas: **Apartment type** / **Minimum internal area** Studio / 35m² 1 bedroom / 50m² 2 bedroom / 70m²	**3 North** All 9 apartments proposed within Building 3 North are provided the minimum internal areas required. Specifically, the following minimum internal floor areas are proposed: • 1 Bedroom apartments (1 bathroom): minimum 51sqm • 2 Bedroom apartments (2 bathrooms): minimum 75sqm	Complies

3 bedroom	90m^2	• 3 Bedroom apartments (2 bathrooms): minimum 134sqm (For details see architectural floor plans prepared by Durbach Block Jaggers, drawings DA-3N&3S-1006 to DA-3N&3S-1007, dated 15/10/2024)	
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each.		**3 South** All 23 apartments proposed within Building 3 South are provided the minimum internal areas required. The following minimum internal floor areas are proposed: • 2 Bedroom apartments (2 bathrooms): minimum 80sqm • 3 Bedroom apartments (2 bathrooms): minimum 157sqm • 4 Bedroom apartments (4 bathrooms): minimum 331sqm (For details see architectural floor plans prepared by Durbach Block Jaggers, drawings DA-3N&3S-1006 to DA-3N&3S-1016, dated 15/10/2024).	Complies
		3 West All 52 apartments proposed within Building 3 West are provided the minimum internal areas required. The following minimum internal floor areas are proposed: • 1 Bedroom apartments (1 bathroom): minimum 54sqm • 2 Bedroom apartments (2 bathrooms): minimum 87sqm • 3 Bedroom apartments (2 bathrooms): minimum 145sqm • 3 Bedroom apartments (3 bathrooms): minimum 147sqm • 4 Bedroom apartments (3 bathrooms): minimum 231sqm (For details refer to architectural floor plans prepared by SJB Architects, drawings DA-3W-1005 to DA-3W-1011, dated 15/10/2024)	Complies
		4 North All 23 apartments proposed within Building 4 North are provided the minimum internal areas required. The following minimum internal floor areas are proposed: • 1 Bedroom apartments (1 bathroom): minimum 56sqm • 2 Bedroom apartments (2 bathrooms): minimum 81sqm • 3 Bedroom apartments (2 bathrooms): minimum 211sqm • 3 Bedroom apartments (3 bathrooms): minimum 143sqm • 4 Bedroom apartments (3 bathrooms): minimum 333sqm	Complies

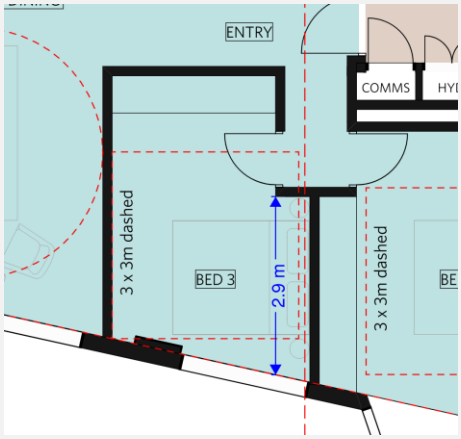
	• 4 Bedroom apartments (4 bathrooms): minimum 216sqm (For details refer to architectural floor plans prepared by Curious Practice, drawings DA-4N-1002 to DA-4N-1010, dated 15/10/2024)	
	4 South All 82 apartments proposed within Building 4 South are provided the minimum internal areas required. The following minimum internal floor areas are proposed: • 1 Bedroom apartments (1 bathroom): minimum 60sqm • 2 Bedroom apartments (2 bathrooms): minimum 78sqm • 3 Bedroom apartments (2 bathrooms): minimum 118sqm • 3 Bedroom apartments (3 bathrooms): minimum 170sqm • 4 Bedroom apartments (3 bathrooms): minimum 304sqm • 4 Bedroom apartments (4 bathrooms): minimum 400sqm (For details refer to architectural floor plans prepared by SJB Architects, drawings DA-4S-1005 to DA-4S-1014, dated 15/10/2024)	Complies
Design Criteria:	**Comment:**	**Compliance:**
2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	**Precinct** All apartment habitable rooms are provided a suitably sized window in an external wall.	Complies
Objective 4D-2 Environmental performance of the apartment is maximised.		
Design Criteria:	**Comment:**	**Compliance:**
1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	**3 North** For habitable rooms (excluding combined living, dining, and kitchen rooms), the maximum permissible depth is 6.75m when the ceiling height is 2.7m. Combined living, dining, and kitchen rooms are subject to **Design Criteria 2** (see below). All other habitable rooms have been designed with depths of less than 6.75m For details see architectural floor plans prepared by Durbach Block Jaggers (drawings DA-3N&3S-1006 to DA-3N&3S-1007, dated 15/10/2024).	Complies
	3 South For habitable rooms (excluding combined living, dining, and kitchen rooms), the maximum permissible depth is 6.75m	Complies

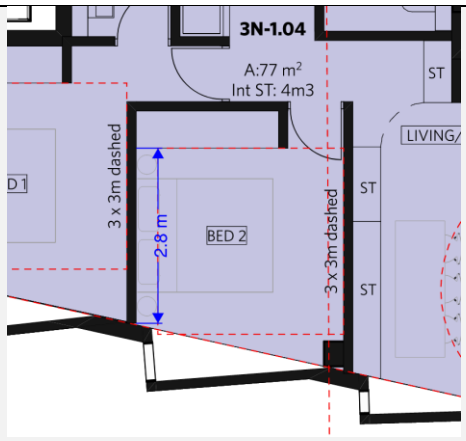
	when the ceiling height is 2.7m. Combined living, dining, and kitchen rooms are subject to **Design Criteria 2** (see below). All other habitable rooms have been designed with depths of less than 6.75m For details see architectural floor plans prepared by Durbach Block Jaggers (drawings DA-3N&3S-1006 to DA-3N&3S-1016, dated 15/10/2024).	
	3 West For habitable rooms (excluding combined living, dining, and kitchen rooms), the maximum permissible depth is 6.75m when the ceiling height is 2.7m. Combined living, dining, and kitchen rooms are subject to **Design Criteria 2** (see below). All other habitable rooms have been designed with depths of less than 6.75m. For further details, refer to the architectural floor plans by SJB Architects (drawings DA-3W-1005 to DA-3W-1011, dated 15/10/2024).	Complies
	4 North For habitable rooms (excluding combined living, dining, and kitchen rooms), the maximum permissible depth is 6.75m when the ceiling height is 2.7m. Combined living, dining, and kitchen rooms are subject to **Design Criteria 2** (see below). All other habitable rooms have been designed with depths of less than 6.75m For details refer to architectural floor plans prepared by Curious Practice (drawings DA-4N-1002 to DA-4N-1010, dated 15/10/2024).	Complies
	4 South For habitable rooms (excluding combined living, dining, and kitchen rooms), the maximum permissible depth is 6.75m when the ceiling height is 2.7m. Combined living, dining, and kitchen rooms are subject to **Design Criteria 2** (see below). All other habitable rooms have been designed with depths of less than 6.75m For details refer to architectural floor plans prepared by SJB Architects (drawings DA-4S-1005 to DA-4S-1014, dated 15/10/2024).	Complies
Design Criteria:	**Comment:**	**Compliance:**
2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	**3 North** All 9 apartments have a maximum habitable room depth of less than 8m from a window for open plan living, dining and kitchen area.	Complies

	The architectural floor plans for Building 3 North, prepared by Durbach Block Jaggers, include a red dashed line set 8 meters from the windows in the exterior walls, illustrating this depth for all apartments. (see architectural floor plan drawings DA-3N&3S-1006 to DA-3N&3S-1007 dated 15/10/2024, for details)	
	3 South All 29 apartments have a maximum habitable room depth of less than 8m from a window for open plan living, dining and kitchen area, measured from glass line to furthest kitchen bench. The architectural floor plans for Building 3 South, prepared by Durbach Block Jaggers, include a red dashed line set 8 meters from the windows in the exterior walls, illustrating this depth for all apartments. (see architectural floor plan drawings DA-3N&3S-1006 to DA-3N&3S-1016 dated 15/10/2024, for details)	Complies
	3 West All 52 apartments have a maximum habitable room depth of less than 8m from a window for open plan living, dining and kitchen area, measured from glass line to furthest kitchen bench. The architectural floor plans for Building 3 West, prepared by Durbach Block Jaggers, include a red dashed line set 8 meters from the furthest kitchen bench, demonstrating a window falls within this 8-meter depth for all apartments. (see to architectural floor plan drawings DA-3W-1005 to DA-3W-1011 dated 15/10/2024, for details)	Complies
	4 North All 23 apartments have a maximum habitable room depth of less than 8m from a window for open plan living, dining and kitchen area. The architectural floor plans for Building 3 South, prepared by Curious Practice, include a red dashed line set 8 meters from the windows in the exterior walls, illustrating this depth for all apartments. (see architectural floor plan drawings DA-4N-1002 to DA-4N-1010 dated 15/10/2024, for details)	Complies
	4 South All 82 apartments have a maximum habitable room depth of less than 8m from a window for open plan living, dining and	Complies

	kitchen area, measured from glass line to furthest kitchen bench. The architectural floor plans for Building 3 West, prepared by SJB Architects, include a red dashed line set 8 meters from the furthest kitchen bench, demonstrating a window falls within this 8-meter depth for all apartments. (see architectural floor plan drawings DA-4S-1005 to DA-4S-1014 dated 15/10/2024, for details)	
Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs.		
Design Criteria:	**Comment:**	**Compliance:**
1. Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space)	**3 North** All master bedrooms have a minimum area of 10sqm and all other bedrooms have a minimum area of 9sqm (excluding wardrobe space). The architectural floor plans for Building 3 North, prepared by Durbach Block Jaggers, feature a red dashed square measuring 3 meters by 3 meters, illustrating the minimum area of 9sqm for all apartment bedrooms. The master bedrooms are further labeled to confirm a minimum area of 10 sqm. (see architectural floor plan drawings DA-3N&3S-1006 to DA-3N&3S-1007 dated 15/10/2024, for details)	Complies
	3 South All master bedrooms have a minimum area of 10sqm and all other bedrooms have a minimum area of 9sqm (excluding wardrobe space). The architectural floor plans for Building 3 South, prepared by Durbach Block Jaggers, feature a red dashed square measuring 3 meters by 3 meters, illustrating the minimum area of 9sqm for all apartment bedrooms. The master bedrooms are further labeled to confirm a minimum area of 10 sqm. (see architectural floor plan drawings DA-3N&3S-1006 to DA-3N&3S-1016 dated 15/10/2024, for details)	Complies
	3 West All master bedrooms have a minimum area of 10sqm and all other bedrooms have a minimum area of 9sqm (excluding wardrobe space). The architectural floor plans for Building 3 West, prepared by Durbach Block Jaggers, feature a red dashed square measuring 3 meters by 3 meters, illustrating the minimum area of 9sqm for	Complies

	all apartment bedrooms. The master bedrooms are further labeled to confirm a minimum area of 10 sqm. (see architectural floor plan drawings DA-3W-1005 to DA-3W-1011 dated 15/10/2024, for details)	
	4 North All master bedrooms have a minimum area of 10sqm and all other bedrooms have a minimum area of 9sqm (excluding wardrobe space). The architectural floor plans for Building 4 North, prepared by Durbach Block Jaggers, feature a red dashed square measuring 3 meters by 3 meters, illustrating the minimum area of 9sqm for all apartment bedrooms. The master bedrooms are further labeled to confirm a minimum area of 10 sqm. (see architectural floor plan drawings DA-4N-1002 to DA-4N-1010, dated 15/10/2024, for details)	Complies
	4 South All master bedrooms have a minimum area of 10sqm and all other bedrooms have a minimum area of 9sqm (excluding wardrobe space). The architectural floor plans for Building 4 South, prepared by SJB Architects, feature a red dashed square measuring 3 meters by 3 meters, illustrating the minimum area of 9sqm for all apartment bedrooms. The master bedrooms are further labeled to confirm a minimum area of 10 sqm. (see architectural floor plan drawings DA-4S-1005 to DA-4S-1014, dated 15/10/2024, for details)	Complies
Design Criteria:	**Comment:**	**Compliance:**
2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	**3 North** 6 out of the 9 apartments proposed in Building 3 North have bedrooms which achieve the 3m minimum dimension (measured excluding wardrobe space). The architectural floor plans for Building 3 North, prepared by Durbach Block Jaggers, feature a red dashed square measuring 3 meters by 3 meters, illustrating the required minimum bedroom width for all apartments. (see architectural floor plan drawings DA-3N&3S-1006 to DA-3N&3S-1007 dated 15/10/2024, for details) The design guidance for this objective allows for a merit-based assessment in situations where minimum room dimensions or areas are not met. The	Satisfactory (Merit based assessment)

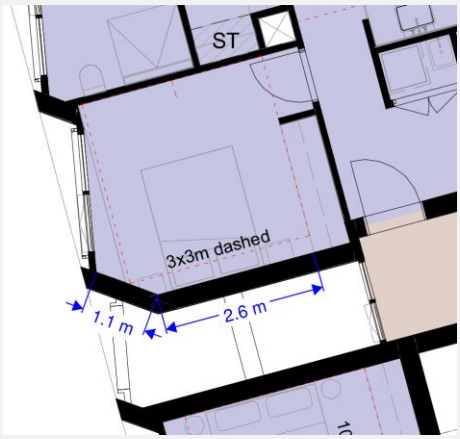
	design drawings have suitably demonstrated the apartments are well designed by showing the useability and functionality of the space with realistically scaled furniture layouts and circulation spaces, despite the minor non-compliance. As a result, the proposal is considered to comply with the design guidance for this objective. Nevertheless, the non-compliant apartments are detailed below: <u>APARTMENT 3N-1.01</u> Generally, 'BED 3' of apartment 3N-101 has a minimum dimension of 3m or greater. However, a small portion falls below this standard, measuring approximately 2.8 meters (scaled from the submitted floor plans) due to the angled alignment of the south facing exterior wall.  Extract of apartment 3N-1.01, 'BED 3' minimum width dimensioned in blue (source: 'FLOOR PLAN - 3N&3S - LEVEL 1 PLAN', drawing DA-3N&3S-1006, dated 15/10/2024) <u>APARTMENT 3N-1.04, and 3N-2.04</u> Generally, 'BED 2' of apartments 3N-104, and 3N-2.04 have a minimum dimension of 3m or greater. However, a small portion falls below this standard, measuring approximately 2.8 meters (scaled from the submitted floor plans) due to the angled alignment of the south facing exterior wall.	

	 Extract of apartment 3N-1.04, 'BED 2' minimum width dimensioned in blue (source: 'FLOOR PLAN - 3N&3S - LEVEL 1 PLAN', drawing DA-3N&3S-1006, dated 15/10/2024)	
	3 South 29 out of the 29 apartments proposed in Building 3 South have bedrooms which achieve the 3m minimum dimension (measured excluding wardrobe space). The architectural floor plans for Building 3 South, prepared by Durbach Block Jaggers, feature a red dashed square measuring 3 meters by 3 meters, illustrating the required minimum bedroom width for all apartments. (see architectural floor plan drawings DA-3N&3S-1006 to DA-3N&3S-1016, dated 15/10/2024, for details)	Complies
	3 West 25 out of the 52 apartments proposed in Building 3 West have bedrooms which achieve the 3m minimum dimension (measured excluding wardrobe space). The architectural floor plans for Building 3 West, prepared by SJB Architects, feature a red dashed square measuring 3 meters by 3 meters, illustrating the required minimum bedroom width for all apartments. (see to architectural floor plan drawings DA-3W-1005 to DA-3W-1011, dated 15/10/2024, for details) The design guidance for this objective allows for a merit-based assessment in situations where minimum room dimensions or areas are not met. The design drawings have suitably demonstrated the apartments are well designed by showing the useability and functionality of the space with realistically scaled furniture layouts and circulation spaces, despite the minor non-compliance. As a result, the proposal is considered to comply with the design guidance for this	Satisfactory (Merit based assessment)

objective. Nevertheless, the non-compliant apartments are detailed below:

<u>APARTMENT 3W-01.01, 3W-02.01, 3W-03.01, 3W-04.01, 3W-05.01, and 3W-06.01</u>

Generally, the second bedroom of these apartments have a minimum dimension of 3m or greater. However, a small portion falls below this standard, measuring approximately 2.6 meters (scaled from the submitted floor plans), due to the angled concrete blades which are a key feature of the façade design and expression.



Extract of apartment 3W-01.01, second bedroom minimum width dimensioned in blue (source: 'FLOOR PLAN - 3W - LEVEL 01', drawing DA-3W-1005, dated 15/10/2024)

<u>APARTMENT 3W-01.04, 3W-02.04, 3W-03.04, 3W-04.04, 3W-05.04, 3W-06.04, and 3W-07.04</u>

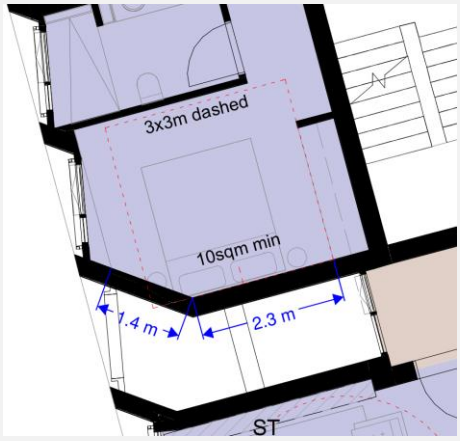
Generally, the second bedroom of these apartments have a minimum dimension of 3m or greater. However, a small portion falls below this standard, measuring approximately 2 meters (scaled from the submitted floor plans), due to the angled concrete blades which are a key feature of the façade design and expression.

Extract of apartment 3W-01.04, second bedroom minimum width dimensioned in blue (source:

'FLOOR PLAN - 3W - LEVEL 01', drawing DA-3W-1005, dated 15/10/2024)

APARTMENT 3W-01.05, 3W-02.05, 3W-03.05, 3W-04.05, 3W-05.05, 3W-06.05, and 3W-07.05

Generally, the second bedroom of these apartments have a minimum dimension of 3m or greater. However, a small portion falls below this standard, measuring approximately 2.3 meters (scaled from the submitted floor plans), due to the angled concrete blades which are a key feature of the façade design and expression.



Extract of apartment 3W-01.05, second bedroom minimum width dimensioned in blue (source: 'FLOOR PLAN - 3W - LEVEL 01', drawing DA-3W-1005, dated 15/10/2024)

APARTMENT 3W-01.08, 3W-02.08, 3W-03.08, 3W-04.08, 3W-05.08, 3W-06.08, and 3W-07.08

Generally, both bedrooms of these apartments have a minimum dimension of 3m or greater. However, a small portion of both the master and second bedrooms falls below this standard, measuring approximately 2.9 meters (scaled from the submitted floor plans), due to the angled concrete blades which are a key feature of the façade design and expression.

Extract of apartment 3W-01.08, bedroom minimum width dimensioned in blue (source: 'FLOOR PLAN -

	3W - LEVEL 01', drawing DA-3W-1005, dated 15/10/2024)	
	4 North 23 out of the 23 apartments proposed in Building 4 North have bedrooms which achieve the 3m minimum dimension (measured excluding wardrobe space). The architectural floor plans for Building 4 North, prepared by Curious Practice, feature a red dashed square measuring 3 meters by 3 meters, illustrating the required minimum bedroom width for all apartments. (see architectural floor plan drawings DA-4N-1002 to DA-4N-1010 dated 15/10/2024, for details)	Complies
	4 South 82 out of the 82 apartments proposed in Building 4 South have bedrooms which achieve the 3m minimum dimension (measured excluding wardrobe space). The architectural floor plans for Building 4 South, prepared by SJB Architecture, feature a red dashed square measuring 3 meters by 3 meters, illustrating the required minimum bedroom width for all apartments. (see architectural floor plan drawings DA-4S-1005 to DA-4S-1014 dated 15/10/2024, for details)	Complies
Design Criteria:	**Comment:**	**Compliance:**
3. Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments. • 4m for 2 and 3 bedroom apartments.	**3 North** All 9 apartments proposed in Building 3 North achieve the minimum required widths for living or combined living/dining rooms based on the number of bedrooms provided. The architectural floor plans for Building 3 North, prepared by Durbach Block Jaggers, use red dashed circles with diameters of 3.6m and 4m to illustrate that the minimum living room widths for 1 bedroom and 2+ bedroom apartments have been met. (see architectural floor plan drawings DA-3N&3S-1006 to DA-3N&3S-1007, dated 15/10/2024 for details)	Complies
	3 South All 29 apartments proposed in Building 3 South achieve the minimum required widths for living or combined living/dining rooms based on the number of bedrooms provided. The architectural floor plans for Building 3 South, prepared by Durbach Block	Complies

	Jaggers, use red dashed circles with diameters of 4m to illustrate that the minimum living/ dining room widths for all apartments have been met - noting that Building 3 South consists exclusively of apartments with two or more bedrooms. (see architectural floor plan drawings DA-3N&3S-1006 to DA-3N&3S-1016, dated 15/10/2024 for details)	
	3 West All 52 apartments proposed in Building 3 West achieve the minimum required widths for living or combined living/dining rooms based on the number of bedrooms provided. The architectural floor plans for Building 3 West, prepared by SJB Architects, use red dashed circles with diameters of 3.6m and 4m to illustrate that the minimum living/ dining room widths for 1 bedroom and 2+ bedroom apartments have been met. (see to architectural floor plan drawings DA-3W-1005 to DA-3W-1011, dated 15/10/2024 for details)	Complies
	4 North All 23 apartments proposed in Building 4 North achieve the minimum required widths for living or combined living/dining rooms based on the number of bedrooms provided. The architectural floor plans for Building 4 North, prepared by Curious Practice, use red dashed circles with diameters of 3.6m and 4m to illustrate that the minimum living/ dining room widths for 1 bedroom and 2+ bedroom apartments have been met. (see architectural floor plan drawings DA-4N-1002 to DA-4N-1010, dated 15/10/2024 for details)	Complies
	4 South All 82 apartments proposed in Building 4 South achieve the minimum required widths for living or combined living/dining rooms based on the number of bedrooms provided. The architectural floor plans for Building 4 South, prepared by SJB Architecture, use red dashed circles with diameters of 3.6m and 4m to illustrate that the minimum living/ dining room widths for 1 bedroom and 2+ bedroom apartments have been met. (see architectural floor plan drawings DA-4S-1005 to DA-4S-1014, dated 15/10/2024 for details)	Complies
Design Criteria:	**Comment:**	**Compliance:**

4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	**3 North** N/A (Cross-over or cross-through apartments are not proposed within Building 3 North)	N/A
	3 South N/A (Cross-over or cross-through apartments are not proposed within Building 3 South)	N/A
	3 West 14 out of the 52 apartments proposed in building 3 West are cross-through apartments. Details of these apartments are listed below: • Ground: nil • Level 1: 2 apartments (3W-01.04 and 3W-01.05) • Level 2: 2 apartments (3W-02.04, and 3W-02.05) • Level 3: 2 apartments (3W-03.04, and 3W-03.05) • Level 4: 2 apartments (3W-04.04, and 3W-04.05) • Level 5: 2 apartments (3W-05.04, and 3W-05.06) • Level 6: 2 apartments (3W-06.04 and 3W-06.05) • Level 07: 2 apartments (3W-07.04 and 3W-07.05) All 14 cross-through apartments proposed in Building 3 West have internal widths greater than 4 meters. The architectural floor plans for Building 3 West, prepared by SJB Architects, use red dashed circles with diameters of 4m to illustrate that the cross-through apartments are greater than 4m in width internally. (see to architectural floor plan drawings DA-3W-1005 to DA-3W-1011 dated 15/10/2024, for details)	Complies
	4 North 7 out of the 23 apartments proposed in Building 4 North are cross-through apartments. Details of these apartments are listed below: • Ground to Level 1: nil • Level 2: 2 apartments (4N-2.01 and 4N-2.02) • Level 3: 2 apartments (4N-3.01 and 4N-3.02) • Level 4: 2 apartments (4N-4.01 and 4N-4.02) • Level 5 to Level 8: nil All 7 cross-through apartments proposed in Building 4 North have internal widths greater than 4 meters.	Complies

	The architectural floor plans for Building 4 North, prepared by Curious Practice, use red dashed circles with diameters of 4m to illustrate that the cross-through apartments are greater than 4m in width internally. (see architectural floor plan drawings DA-4N-1002 to DA-4N-1010 dated 15/10/2024, for details)	
	4 South 39 out of the 82 apartments proposed in Building 4 South are cross-through apartments. Details of these apartments are listed below: • Basement 03 to Lower Ground: nil • Upper Ground: 1 apartment (4S-UG.04) • Level 01: 4 apartments (4S-1.03, 4S-1.04, 4S-1.05, and 4S-1.06) • Level 2: 4 apartments (4S-2.03, 4S-2.04, 4S-2.07, and 4S-2.08) • Level 3: 5 apartments (4S-3.03, 4S-3.04, 4S-3.06, 4S-3.09 and 4S-3.10) • Level 4: 7 apartments (4S-4.03, 4S-4.04, 4S-4.06, 4S-4.07, 4S-4.09, 4S-4.10 and 4S-4.12) • Level 5: 6 apartments (4S-5.02, 4S-5.03, 4S-5.05, 4S-5.06, 4S-5.08, and 4S-5.09) • Level 6: 6 apartments (4S-6.02, 4S-6.03, 4S-6.05, 4S-6.06, 4S-6.08 and 4S-6.09) • Level 7: 5 apartments (4S-7.02, 4S-7.04, 4S-7.05, 4S-7.07, and 4S-7.08) • Level 8: 1 apartment (4S-8.03) • Level 9: nil All 39 cross-through apartments proposed in Building 4 South have internal widths greater than 4 meters. The architectural floor plans for Building 4 South, prepared by SJB Architecture, use red dashed circles with diameters of 4m to illustrate that the cross-through apartments are greater than 4m in width internally. (see architectural floor plan drawings DA-4S-1005 to DA-4S-1014 dated 15/10/2024, for details)	Complies
4E Private open space and balconies		
Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity.		
Design Criteria:	**Comment:**	**Compliance:**
1. All apartments are required to have primary balconies as follows:	**3 North** All 9 apartments proposed in Building 3 North have primary balconies that achieve	Complies

Dwelling type	Minimum area	Minimum depth
Studio	4m^2	-
1 bedroom	8m^2	2m
2 bedroom	10m^2	2m
3+ bedroom	12m^2	2.4m

The minimum balcony depth to be counted as contributing to the balcony area is 1m.

the minimum area and depths required based on the number of bedrooms provided.

The architectural floor plans for Building 3 North, prepared by Durbach Block Jaggers, use a red dashed line set 2 meters from the exterior wall to indicate that the required minimum balcony depth for 1 and 2 bedroom apartments has been achieved. For 3+bedroom apartments, the floor plans show a red dashed line set 2.4 meters from the exterior wall, confirming compliance with the minimum depth requirement. Additionally, the area of each balcony is clearly labeled on the floor plans, confirming each primary balcony meets the minimum area required for the number of bedrooms served.

(see architectural floor plan drawings DA-3N&3S-1006 to DA-3N&3S-1007 dated 15/10/2024, for details)

3 South

28 out of the 29 apartments proposed in Building 3 South have primary balconies that achieve the minimum area and depths required based on the number of bedrooms provided.

The architectural floor plans for Building 3 North, prepared by Durbach Block Jaggers, use a red dashed line set 2 meters and 2.4m from the exterior wall to indicate where the required minimum balcony depth for 2 bedroom and 3+ bedroom apartments has been achieved (noting that Building 3 South consists exclusively of apartments with two or more bedrooms). Additionally, the area of each balcony is clearly labeled on the floor plans, confirming each primary balcony meets the minimum area required for the number of bedrooms served.

(see to architectural floor plan drawings DA-3W-1005 to DA-3W-1011, dated 15/10/2024, for details)

The design guidance provided for this objective acknowledges that balcony use may be limited in some proposals, and in these situations other amenity benefits for occupants should be provided in the apartment, or in the development, or both.

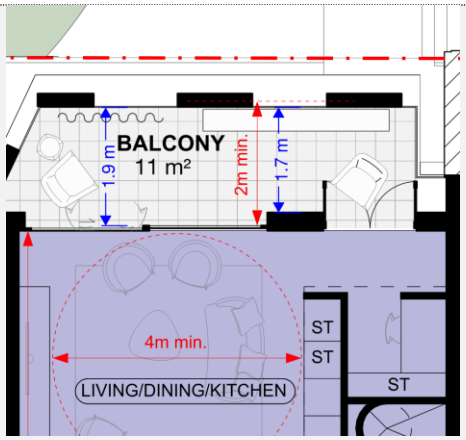
The design drawings have suitably demonstrated how; (1) the site constraints (high wind conditions present at higher levels in the locality) may limit balcony use; and (2) the proposal has been designed having regard to optimizing residential amenity for occupants (greater than minimum internal areas for

Satisfactory

(Merit based assessment)

	apartments, and high-quality public and communal open space). The non-compliance proposed can be accepted on a balance view regarding both minimum balcony depths and areas. As a result, the proposal is considered to comply with the design guidance for this objective. Nevertheless, the non-compliant apartments are detailed below: <u>APARTMENT S3-10.01</u> The submitted architectural floor plans label the primary balcony as 124sqm, which complies with the minimum area required for 4 bedroom apartments (12sqm). However, the red dashed line, set 2.4m from the balcony balustrade, illustrates that the minimum balcony depth of 2.4m required for a 4 bedroom apartment is not achieved. Upon scaling from the submitted floor plans, the balcony depth ranges from approximately 1.2m to 1.7m.	
	<u>3 West</u> All 52 apartments proposed in Building 3 West have primary balconies that achieve the minimum area and depths required based on the number of bedrooms provided. The architectural floor plans for Building 3 West, prepared by SJB Architects, use a red dashed line set 2 meters from the exterior wall to indicate that the required minimum balcony depth for 1 and 2 bedroom apartments has been achieved. For 3+ bedroom apartments, the floor plans show a red dashed line set 2.4 meters from the exterior wall, confirming compliance with the minimum depth requirement. Additionally, the area of each balcony is clearly labeled on the floor plans, confirming each primary balcony meets the minimum area required for the number of bedrooms served. (see to architectural floor plan drawings DA-3W-1005 to DA-3W-1011 dated 15/10/2024, for details)	Complies
	<u>4 North</u> 6 out of the 23 apartments proposed in Building 4 North have primary balconies that achieve the minimum area and depths required based on the number of bedrooms provided. The architectural floor plans for Building 4 North, prepared by SJB Architects, use a red dashed line set 2 meters from the exterior wall to indicate that where the required minimum balcony depth for 1 and	Satisfactory (Merit based assessment)

	2 bedroom apartments has been achieved. For 3+ bedroom apartments, the floor plans show a red dashed line set 2.4 meters from the exterior wall, confirming where compliance with the minimum depth requirement has been achieved. Additionally, the area of each balcony is clearly labeled on the floor plans, confirming each primary balcony meets the minimum area required for the number of bedrooms served. (see architectural floor plan drawings DA-4N-1002 to DA-4N-1010 dated 15/10/2024, for details) The design guidance provided for this objective acknowledges that balcony use may be limited in some proposals, and in these situations other amenity benefits for occupants should be provided in the apartment, or in the development, or both. The design drawings have suitably demonstrated how; (1) the site constraints (adaptive reuse of heritage contributory buildings) may limit balcony use and, (2) the proposal has been designed having regard to optimizing residential amenity for occupants (greater than minimum internal areas for apartments, and high-quality public and communal open space). Furthermore, the design drawings have suitably demonstrated the apartment balconies are well designed by showing the useability and functionality of the space with realistically scaled furniture layouts and circulation spaces, despite the non-compliance. The non-compliance proposed can be accepted on a balance view regarding both minimum balcony depths and areas. As a result, the proposal is considered to comply with the design guidance for this objective. Nevertheless, the non-compliant apartments are detailed below: <u>APARTMENT 4N-2.02, 4N-2.03, 4N-3.02, 4N-3.03, 4N-4.02, and 4N-4.03,</u> The submitted architectural floor plans label the primary balcony as 11sqm, which complies with the minimum area required for 2 bedroom apartments (10sqm). However, the red dashed line, set 2m from the external wall, illustrates that the minimum balcony depth of 2m required for a 2 bedroom apartment is not achieved. Upon scaling from the submitted floor plans, the balcony depth ranges from approximately 1.7m to 1.9m	

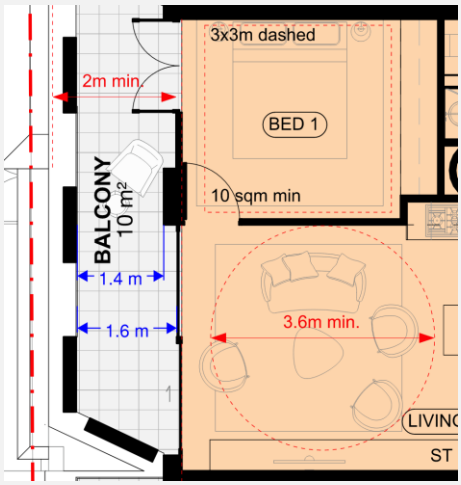


Extract of apartment 3N-03.02, balcony depth dimensioned in blue (source: 'FLOOR PLAN - 4N - LEVEL 03', drawing DA-4N-1004, dated 15/10/2024)

APARTMENT 4N-2.04, 4N-3.04, and 4N-4.04

The submitted architectural floor plans label the primary balcony as 10sqm, which complies with the minimum area required for 1 bedroom apartments (8sqm).

However, the red dashed line, set 2m from the external wall, illustrates that the minimum balcony depth of 2m required for a 1 bedroom apartment is not achieved. Upon scaling from the submitted floor plans, the balcony depth ranges from approximately 1.4m to 1.6m



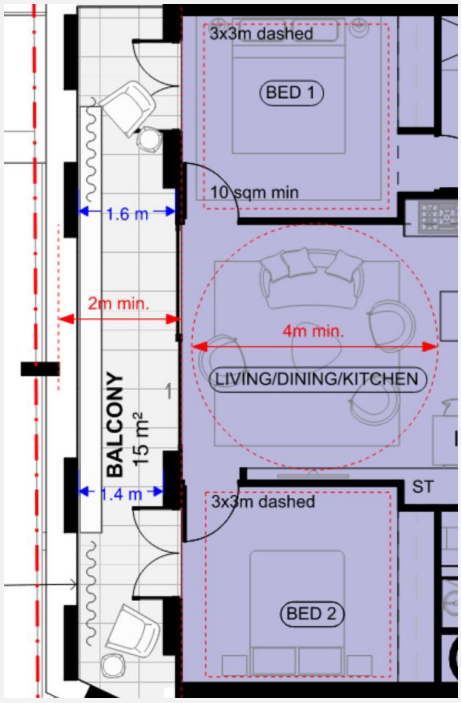
Extract of apartment 3N-03.04, balcony depth dimensioned in blue (source: 'FLOOR PLAN - 4N - LEVEL 03', drawing DA-4N-1004, dated 15/10/2024)

APARTMENT 4N-2.05, 4N-2.06, 4N-3.05, 4N-3.06, 4N-3.05, and 4N-6.03

The submitted architectural floor plans label the primary balcony as 15sqm, which complies with the minimum area required for 2 bedroom apartments (10sqm).

However, the red dashed line, set 2m from the external wall, illustrates that the minimum balcony depth of 2m required for

a 2 bedroom apartment is not achieved. Upon scaling from the submitted floor plans, the balcony depth ranges from approximately 1.4m to 1.6m

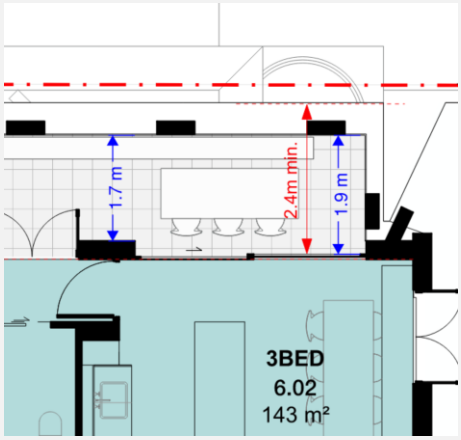


Extract of apartment 3N-03.05, balcony depth dimensioned in blue (source: 'FLOOR PLAN - 4N - LEVEL 03', drawing DA-4N-1004, dated 15/10/2024)

APARTMENT 4N-6.01, and 4N-6.02

The submitted architectural floor plans label the primary balcony as 31sqm, which complies with the minimum area required for 3+ bedroom apartments (12sqm).

However, the red dashed line, set 2m from the external wall, illustrates that the minimum balcony depth of 2.4m required for a 3+ bedroom apartment is not achieved. Upon scaling from the submitted floor plans, the balcony depth ranges from approximately 1.7m to 1.9m



Extract of apartment 3N-06.02 (typical) balcony depth dimensioned in blue (source: 'FLOOR PLAN - 4N - LEVEL 06', drawing DA-4N-1007, dated 15/10/2024)

	4 South All 82 apartments proposed in Building 4 South have primary balconies that achieve the minimum area and depths required based on the number of bedrooms provided. The architectural floor plans for Building 4 South, prepared by SJB Architecture, use a red dashed line set 2 meters from the exterior wall to indicate that where the required minimum balcony depth for 1 and 2 bedroom apartments has been achieved. For 3+ bedroom apartments, the floor plans show a red dashed line set 2.4 meters from the exterior wall, confirming where compliance with the minimum depth requirement has been achieved. Additionally, the area of each balcony is clearly labeled on the floor plans, confirming each primary balcony meets the minimum area required for the number of bedrooms served. (see architectural floor plan drawings DA-4S-1005 to DA-4S-1014, dated 15/10/2024, for details)	Complies
Design Criteria:	**Comment:**	**Compliance:**
2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m.	**3 North** N/A (No apartments proposed at Ground Level or at Level 04 where the communal landscape podium is located)	
	3 South N/A (No apartments proposed at Ground Level. Whilst apartments are located on Level 04 where the communal landscape podium is located, the design and location of the apartments not what is considered a 'podium or similar structure').	N/A
	3 West N/A (No apartments proposed at Ground Level, and the design and location of the apartments on Level 1 and above are not what is considered a 'podium or similar structure').	N/A
	4 North N/A (No apartments proposed on Ground Level, and the design and location of the apartments on Level 01 and above are not what is considered a 'podium or similar structure').	N/A
	4 South N/A	N/A

	(No apartments proposed at Ground Level, and the design and location of the apartments on Level 1 and above are not what is considered a 'podium or similar structure'. However it is important to note that due to the site's slope, there is no consistent 'ground level.' Where apartments are positioned near street level at the public domain interfaces along King and Newcomen Streets, balcony sizes have been increased to provide privacy and amenity benefits to apartment residents).	
Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents.		
Comments:		**Compliance:**
Precinct Apartment balconies have been designed and sited to predominately face either north, east or west. They have been designed as an extension of the main living area by being located adjacent to the combined living/ dining/ and kitchen and are generally orientated with the longer side facing outwards to optimise daylight access into adjacent rooms.		Complies
Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.		
Comments:		**Compliance:**
3 North Apartment balconies of Building 3 North are positioned behind the retained heritage façade, with the existing windows preserved and restored. As a result, the apartment balconies feature 'solid' balustrades formed by the heritage façade itself. This design allows views and passive surveillance of the streets below while maintaining visual privacy and supporting a range of uses on the balcony. Clothes drying, storage and air conditioning units are not located on balconies. A plant room is located of Level 03 of the Building 3 North to accommodate apartment air conditioning units amongst other services. The plant room is completely internal and not visible from the public domain. (see 'FLOOR PLAN - 3N&3S - LEVEL 3 drawing DA-3N&3S-1008 dated 15/10/2024, for details).		Complies
3 South Steel palisade style balustrades have been selected. They are integrated with the façade design to provide a combination of solid and transparent balustrade to apartment balconies. This suitably responds to the location; allowing for views and passive surveillance while maintaining sufficient visual privacy and allow for a range of uses on the balcony. No glass balustrades have been included in the design of Building 3 South. The balconies are completely integrated and form part of the façade design of Building 3 South. Projecting balconies are not proposed. Sunlight and wind control forms part of the façade design. Operable screens, shutters, hoods and pergolas are not proposed. Clothes drying, storage and air conditioning units are not located on balconies. A plant room is sunken into the arched roof form of building 3 South to accommodate apartment air conditioning units amongst other services. The plant room is integrated into the arch design to minimise view impacts from surrounding context. (for details see 'SECTIONS - 3E - BUILDING SECION A', drawing DA-3N&3S-1501, dated 15/10/2024).		Complies

3 West Solid and transparent balustrades have been selected based on their location on Building 3 West. Solid balustrades are provided on Level 01 where sightlines from the public domain below are not otherwise obscured/ interrupted by street awnings. Full-width, full-height glass balustrades have been largely avoided, with their use limited to the building's corners. This design choice enhances architectural expression and amenity by allowing selected views, increasing natural light, and emphasizing the facade grid and corner articulation. All balconies in building 3 West are located along public streets or public open space. There are no overlooking or safety concerns and as such balustrades have not been setback from the building or balcony edge. The balconies are completely integrated and form part of the façade design of Building 3 West. Projecting balconies are not proposed. Operable external blinds have been integrated into the design of the western façade to control sunlight and wind. Clothes drying, storage and air conditioning units are not located on balconies. An 'AC PLANT ZONE' is nominated on the submitted 'ROOF PLAN - 3W - ROOF' (drawing DA-3W-1012, dated 15/10/2024) to accommodate apartment air conditioning units.	Complies
4 North Where apartment balconies of Building 4 North are position behind the retained heritage façade, these act as winter gardens with an internal room maintained further behind the façade. As a result, these apartment balconies feature 'solid' balustrades formed by the heritage façade itself. Existing windows within the heritage facade are proposed to be repaired and reconditioned to their original operable form. This design allows views and passive surveillance of the streets below while maintaining visual privacy and supporting a range of uses on the balcony. In relation to the new built form, the balconies are completely integrated and form part of the façade design. A mixture of solid facade columns, vertical bar balustrade, and full height balustrade mesh is proposed for the balustrades. The graduation of the façade columns provides greater privacy to the lower apartments and opens up to the view on the upper floors. Where greater privacy or protection from the weather is required the columns are used to provide a more defensive edge. No glass balustrades have been included in the design of Building 4 North. Higher level balconies have their balustrades setback slightly of the face of the façade, while rooftop terrace balustrades are setback further again from the building edge. Sunlight and wind control forms part of the façade design. The combination of the solid facade columns with the expressed slab edges enables good solar gain in winter and protection in summer. Operable shading is incorporated on the northern and western façades of Building 4 North in the form of external curtains. While operable aluminium battened (vertical) privacy screens have been integrated into the design of the eastern façade to control privacy to the site's immediate neighbours. Clothes drying, storage and air conditioning units are not located on balconies. A 'SCREENED PLANT AREA' is nominated on the Level 08 rooftop to accommodate apartment air conditioning units (see 'FLOOR PLAN - 4N - LEVEL 08' drawing DA-4N-1009 dated 15/10/2024, for details).	Complies
4 South Solid and transparent balustrades have been selected to respond to the location. The lower levels of Building 4 South have solid brick balustrades, with vertical bar balustrades gradually incorporated to the upper levels. They have been designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony.	Complies

No glass balustrades have been included in the design of Building 3 South. The balconies are completely integrated and form part of the façade design of Building 4 South. Projecting balconies are not proposed. Sunlight and wind control forms part of the façade design. Operable screens, shutters, hoods and pergolas are not proposed. Clothes drying, storage and air conditioning units are not located on balconies. A 'PLANT ROOM' is shown on Level 08 to accommodate apartment air conditioning units (see 'FLOOR PLAN - 4S - LEVEL 08' drawing DA-4S-10013 dated 15/10/2024, for details).	
Objective 4E-4 Private open space and balcony design maximises safety.	
Comments:	**Compliance:**
Precinct The design and detailing of private open space and balconies has avoided opportunities for climbing and falls. Horizontal screening has not been proposed.	Complies

4F Common circulation and spaces		
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments.		
Design Criteria:	**Comment:**	**Compliance:**
1. The maximum number of apartments off a circulation core on a single level is eight.	**3 North** Building 3 North has a single circulation core containing one lift which services a maximum five apartments on a single level.	Complies
	3 South Building 3 South has a single circulation core (containing two lifts) which services a maximum four apartments on a single level.	Complies
	3 West Building 3 West is divided into two segments, each with a circulation core containing one lift which services a maximum four apartments on a single level.	Complies
	4 North Building 4 North is divided into two segments, each with a circulation core containing one lift, labelled 'LOBBY.1' and 'LOBBY.2' on the submitted architectural drawings. 'LOBBY.1' (western core) services a maximum of five apartments on a single level. 'LOBBY.2' (eastern core) services a maximum of one apartment on a single level.	Complies

	4 South Building 4 South is divided into four segments. Each quadrant has a circulation core containing one lift which services a maximum of three apartments on a single level.	Complies
Design Criteria:	**Comment:**	**Compliance:**
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	**3 North** N/A (Building 3 North is 3 storeys + rooftop communal open space)	N/A
	3 South Two lifts service the 29 apartments proposed within Building 3 South. Meaning, on average a single lift will service 14.5 apartments which complies.	Complies
	3 West N/A (Building 3 West is 8 storeys)	N/A
	4 North N/A (Building 4 North is 9 storeys)	
	4 South Building 4 South is divided into four segments. Each quadrant of is serviced by one lift: 22 apartments in the northeast, 18 in the southeast, 20 in the southwest, and 22 in the northwest.	Complies
Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents.		
Comments:		**Compliance:**
Precinct Internal corridors have been designed to provide clear and well-defined circulation paths. Residential lobby corridor widths are suitable to allow for comfortable movement and access. Tight corners and spaces have been avoided. Direct and legible access has been provided between the vertical circulation points (lifts and stairs) and apartment entries by minimising corridor length to give short, straight, clear sight lines.		Complies
4G Storage		
Objective 4G-1 Adequate, well designed storage is provided in each apartment.		
Design Criteria:	**Comment:**	**Compliance:**

1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: **Dwelling type** / **Storage size volume** Studio / $4m^3$ 1 bedroom / $6m^3$ 2 bedroom / $8m^3$ 3+ bedroom / $10m^3$ At least 50% of the required storage is to be located within the apartment.	**<u>3 North, 3 South, and 3 West</u>** All apartments proposed in Building 3 North, Building 3 South, and Building 3 West, are provided with storage located and access from within the apartment equal to at least 50% of the storage volume required in accordance with the number of bedrooms. The architectural floor plans for Building 3 North and Building 3 South (drawings DA-3N&3S-1006 to DA-3N&3S-1007, dated 15/10/2024) prepared by Durbach Block Jaggers, and for Building 3 West (drawings DA-3W-1005 to DA-3W-1011, dated 15/10/2024), clearly indicate the designated storage areas within each apartment, marked with an 'ST' annotation. Additionally, the total internal storage volume for each apartment is nominated on the floor plans Where the total storage volume required for an apartment cannot be fully provided within the apartment itself, additional storage located and access from common areas is included to meet the total storage volume required. Specifically, individual 'storage cages' are provided in the car parking areas serving Building 3 North, Building 3 South, and Building 3 West, on Basement 02 and Basement 03 levels. Together, the three building within Stage 3 consist a total 90 apartments: • Building 3 North: 9 apartments • Building 3 South: 29 apartments • Building 3 West: 52 apartments Of these 90 apartments, one apartment is provided the total required storage volume without needing additional storage external to the apartment (3W-7.01). This means the remaining 89 apartments require a designated storage cage to meet the minimum storage requirements as outlined in this part of the ADG (see 'STORAGE SCHEDULES', drawing DA-PR-0901, dated 15/10/2024, for details). Analysis of the basement floor plans for Building 3 North and Building 3 South (drawings DA-3N&3S-1002 and DA-3N&3S-1001, dated 15/10/2024) prepared by Durbach Block Jaggers, and for Building 3 West (drawings DA-3W-1002 and DA-3W-1001, dated 15/10/2024) prepared by SJB Architects, found 73 numbered storage cages are provided: • Numbers 1 to 38 located on Basement 02 • Numbers 39 to 73 located on Basement 03	Complies (subject to recommended conditions of consent)

	Additionally, 15 unnumbered storage cages shown basement floor plans: • 2 unnumbered storage cages in the southeast corner of Basement 02 • 13 unnumbered storage cages near the residential lobby for Building 3 West on Basement 03 This gives a total of 88 storage cages. However, two of the numbered storage cages are located within a secured 'penthouse garage' towards the northeast corner of Basement 02, reducing the available number of stage cages for allocation to separate apartments by one. As a result, 87 storage cages are available for allocation, which is two short of the required number for the 89 apartments needing storage external to the apartment. However, the assessment has identified there is sufficient space available within the car parking areas to provide the two additional storage cages, ensuring enough storage cages are available for the number of apartments requiring additional storage volume external to the apartment. A condition has been recommended requiring the development to be amended to include two additional storage cages located and access from within the basement car parking levels servicing Building 3 North, Building 3 South, and Building 3 West. Furthermore, a condition has been included to ensure the storage areas shown on the Draft Strata Plans align with submitted architectural floor plans, as amended by any conditions of consent. An additional condition ensure that each apartment is allocated a storage cage of adequate size to meet the total minimum storage volume described under this part of the ADG	
	4 North All 23 apartments proposed in Building 4 North are provided with storage located and access from within the apartment equal to at least 50% of the storage volume required in accordance with the number of bedrooms. The architectural floor plans for Building 4 North (drawings DA-4N-1002 to DA-4N-1010, dated 15/10/2024) prepared by Curious Practice, clearly indicate the designated storage areas within each apartment, marked with an 'ST' annotation. Additionally, the total internal storage volume for each apartment is nominated on the floor plans.	Complies

	In addition to the storage volume located within apartments, further storage located and access from common areas is included to meet the total storage volume required. Specifically, individual 'storage cages' are provided in a room accessed from the car parking area serving Building 4 North and Building 4 South on level Basement 02 (but shown on 'FLOOR PLAN - 4N - GROUND' drawing DA-4N-1001, dated 15/10/2024) All 23 apartments require the allocation of a storage cage to meet the minimum storage volume requirements set out in this part of the ADG (see 'STORAGE SCHEDULES', drawing DA-PR-0901, revision 2, dated 15/10/2024, for details). Analysis of the submitted floor plans for Building 4 North confirms that 24 storage cages are provided, numbered 1 to 24, - exceeding the number of apartments needing additional external storage. A condition has been recommended requiring the development to be amended to ensure that each apartment is allocated a storage cage of adequate size to meet the total minimum storage volume described under this part of the ADG. Furthermore, a condition has been included to ensure the storage areas shown on the Draft Strata Plans align with submitted architectural floor plans, as amended by any conditions of consent.	
	4 South All 82 apartments proposed in Building 4 South are provided with storage located and access from within the apartment equal to at least 50% of the storage volume required in accordance with the number of bedrooms. The architectural floor plans for Building 4 South (drawings DA-4S-1005 to DA-4S-1014, dated 15/10/2024) prepared by SJB Architects, clearly indicate the designated storage areas within each apartment, marked with an 'ST' annotation. Additionally, the total internal storage volume for each apartment is nominated on the floor plans. In addition to the storage volume located within apartments, further storage located and access from common areas is included to meet the total storage volume required. Specifically, individual 'storage cages' are provided in a room accessed from the residential lobbies on the Upper Ground level (see 'FLOOR PLAN - 4S - UPPER GROUND' drawing DA-4S-1005, dated 15/10/2024).	Complies

	Of these 82 apartments, 10 apartments are provided the total required storage volume without needing additional storage external to the apartment. This means the remaining 72 apartments require a designated storage cage to meet the minimum storage requirements as outlined in this part of the ADG (see 'STORAGE SCHEDULES', drawing DA-PR-0901, revision 2, dated 15/10/2024, for details). Analysis Analysis of the submitted floor plans for Building 4 South confirms that 80 storage cages are provided, numbered 1 to 80, - exceeding the number of apartments needing additional external storage. A condition has recommended requiring each apartment to be allocated a storage cage of adequate size to meet the total minimum storage volume described under this part of the ADG. Furthermore, a condition has been included to ensure the storage areas shown on the Draft Strata Plans align with submitted architectural floor plans, as amended by any conditions of consent.	
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments.		
Comments:		**Compliance:**
Precinct In addition to the storage volume provided within apartments, additional storage located and access from common areas across the development is included to ensure each apartment meets the total storage volume requirements outlined in this part of the ADG. Specifically, secure individual 'storage cages' are provided in car parking areas and communal storage rooms. These storage cages are designed to accommodate larger, less frequently accessed items, are clearly allocated to specific apartments, and are strategically located. In car parking areas serving Building 3 North, Building 3 South, and Building 3 West, they are placed at the rear or sides of parking spaces to ensure that allocated parking remains accessible. For Buildings 4 North and Building 4 South, storage cages are located within communal storage rooms, accessible from common circulation areas of the building. Overall, the storage cages are suitably integrated into the overall building design and are not visible from the public domain.		Complies

Recommendation

It is recommended that the application is:

- ☐ Supported
- ☒ Supported with recommended conditions below
- ☐ Not supported for the following reasons
  In the event the application is supported, and a consent is to be issued, conditions have been provided below.
- ☐ Deferred and additional information requested:

Table 2: Recommended conditions

General Conditions	
New condition	**Design excellence** A process of design integrity is to be established to ensure the approved development retains design excellence through to completion, including the following: a) Newcastle City Councils Urban Design Review Panel are to be appointed as the design integrity panel to oversee the development for its duration and are to review, assess and advise on the extent to which design excellence is realised. The program of design review post development consent is to include: i) Prior to the submission of every Construction Certificate application to confirm the detailed design is consistent with design quality as approved ii) Prior to the submission of every Occupation Certificate application to confirming design excellence has been achieved to the Panels satisfaction iii) Prior to the submission of any application to modify development consent affecting the design, to confirm detailed design is consistent with design quality endorsed as approved b) The nominated architects of the approved development are to be retained until the completion of the development (issue of an occupation certificate). In the event the nominated architects need to be replaced, appointment of an alternate architectural firm is to be endorsed by Newcastle City Council's Urban Design Review Panel prior to the replacement of the nominated architect coming into effect. Written notification must be provided to Newcastle City Council and the Registered Certifier upon the endorsement of the newly appointed architect. **Note:** meetings of Newcastle City Councils Urban Design Review Panel will be scheduled to meet CN's operational need. The cost of attending a design review meeting will be borne by the applicant. The related fee is that which is applicable for referral to the Newcastle City Councils Urban Design Review Panel outside of the application assessment process (i.e. the prior to submission of application fee) as set out in CN's fees and charges document. Condition reason: to ensure the approved development retains design excellence through to competition

Before Issue of a Construction Certificate	
New condition	**Requirements for final building design** Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), the development must be amended as follows: a) The south facing windows to the combined living/ dining/ kitchen area and 'BED 3' of apartment 3N-01.01, located in Building 3 North, must be redesigned to incorporate the splayed window configuration consistent with the design of the adjacent 'BED 2' window. The configuration of these windows is to redirect views from these windows towards the proposed Market Square, rather than directly towards Building 3 South adjacent. b) The south facing windows to the combined living/ dining/ kitchen area and bathroom of apartment 3N-02.05, located in Building 3 North, must be redesigned to incorporate the splayed window configuration consistent with the design of the adjacent 'BED 1' window. The configuration of these windows is to redirect views from these windows towards the proposed Market Square, rather than directly towards Building 3 South adjacent. c) All south facing windows to apartments 4N-2.06, 4N-3.06, 4N-4.05, 4N-5.01, 4N-6.03, and 4N-7.01, located in Building 4 North, must be provided with: i) Frosted translucent glass, and ii) Awning mechanism, opening outwards from a top hinge, for the operable portion Full details are to be included in the documentation submitted for a Construction Certificate application. Condition reason: to ensure acceptable visual privacy
New condition	**Design excellence** Before the issue of the any construction certificate for the development (i.e., whether for part or whole of a building), written notification from Newcastle City Council's Urban Design Review Panel is to be obtained confirming the architectural documentation prepared for the construction certificate application has been reviewed and the Panel is satisfied that the detailed design is consistent with design quality as approved. Full details are to be included in the documentation for a construction certificate application. Condition reason: to ensure the approved development retains design excellence through to competition.
New condition	**Residential storage** Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating all residential apartments are to be provided with the storage volume, via a combination of internal and external storage, as nominated in the approved storage schedules prepared by SJB Architects, Durbach Block Jaggers, and Curious Practice (drawing DA-PR-0901, revision 2, dated 15/10/2024). Internal storage is to be located and access from within the residential apartment, and be in addition to storage in kitchens, bathrooms, and bedrooms. External storage is to be in the form of storage cages located as shown on the approved floor plans prepared SJB Architects, Durbach Block Jaggers, and Curious Practice, as amended by conditions of this consent. The storage cages are to be individually secured and clearly allocated to the specific apartment. Full details are to be included in documentation for a construction certificate application. Condition reason: to ensure apartments are provided the minimum storage volumnes required under the Apartment Design Guide.

Before Issue of an Occupation Certificate	
New condition	**Design excellence** Before the issue of any occupation certificate for the development (i.e., whether for part or whole of a building), written notification from Newcastle City Council's Urban Design Review Panel is to be obtained confirming design excellence has been achieved to the Panels satisfaction. Full details are to be included in the documentation for an Occupation Certificate application. Condition reason: to ensure the approved development retains design excellence through to competition.
New condition	**Residential storage** Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), each apartment is to be allocated a storage cage of adequate size to meet the storage volume in accordance with Condition XX of this consent. Condition reason: to ensure apartments are provided the minimum storage volumnes required under the Apartment Design Guide.
Before Issue of a subdivision certificate	
New condition	**Communal open space Stage 3** The communal open space of Building 3 North is to be freely available for the use and enjoyment of all residents of Buildings 3 North, Building 3 South, and Building 3 West (proposed lot 35). Communal open space of Building 3 North is under no circumstances to be restricted or limited via subdivision, by-laws or any other mechanism which would impact any of these residents being able to freely use this area. Full details are to be included in documentation for a subdivision certificate application. Condition reason: the ensure all future residents of Stage 3 will have access to all residential communal spaces within Stage 3, especially where such amenities are located within a different building.
New condition	**Communal open space Stage 4** The communal open space of Building 4 North and Building 4 South (both indoor and outdoor) is to be freely available for the use and enjoyment of all residents of Buildings 4 North and Building 4 South (proposed lot 42). These communal open spaces of Building 4 North and Building 4 South are under no circumstances to be restricted or limited via subdivision, by-laws or any other mechanism which would impact any of these residents being able to freely use this area. Full details are to be included in documentation for a subdivision certificate application. Condition reason: the ensure all future residents of Stage 4 will have access to all residential communal spaces within Stage 4, especially where such amenities are located within a different building.
Before Issue of a strata certificate	
New condition	**Residential storage** Before the issue of a strata subdivision certificate, details are to be provided demonstrating that each apartment has been allocated a storage cage of adequate size to meet the storage volume in accordance with Condition XX of this consent. Condition reason: to ensure apartments are provided the minimum storage volumnes required under the Apartment Design Guide.