

# Specialist Planner Referral (ADG)

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**TO:** ELIZA ARNOTT – PRINCIPAL DEVELOPMENT OFFICER  
(CONCIERGE)

**FROM:** Elle Durrant - Principal Development Officer (Planning)

**DATE:** 9 MAY 2025

**DA NO:** MA2024/00381

**PROPERTY:** 124-126 Bull Street Newcastle West

**PROPOSAL** Sec 4.55 (2) Modification to DA2019/01169 - Mixed use development - demolition of structures erection of 14 storey mixed use including seniors living and aged care facilities - changes to approved use, dwelling numbers, parking, floor plan and elevation

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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.

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## **Assessment Scope**

The following plans have been assessed;

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Architectural drawings (80 pages)	Various (submitted 07 May 2025)	Fender Katsalidis	Various (submitted 07 May 2025)
Design Verification Statement (42 pages)	Revision: Rev G	Fender Katsalidis	26 March 2025
Traffic Analysis Report for 124-126 Bull Street Newcastle West (Tower A) (13 pages)	Report 1	KONE	22 April 2025
Traffic Analysis Report for 124-126 Bull Street Newcastle West (Tower B) (13 pages)	Report 1	KONE	22 April 2025
Landscape drawings (25 pages)		OCULUS	01 April 2025
Draft Plan of Subdivision	Reference: 2319_DP (Draft)_R4_241014	Timothy R. Rheinberger	Unknown
Response to Request for Additional Information MA2024/00381	-	GYDE	04 April 2025
Response to Request for Additional Information on the 10 April 2025 and 16 April 20256	-	GYDE	28 April 2025
Construction Management Overview (14 pages)	-	GWH	02 May 2025

The scope of this assessment is limited to subclauses 7.5(4) and 7.5(5) of the *Newcastle Local Environmental Plan 2012* ('NLEP 2012'), and Chapter 4 (Design of residential apartment development) of *State Environmental Planning Policy (Housing) 2021* ('Housing SEPP') - notably, the provisions of the Apartment Design Guide ('ADG').

#### Newcastle Local Environmental Plan 2012

##### *Clause 7.5 - Design excellence*

The Original Development Consent triggered the architectural design competition requirement under Clause 7.5 (Design excellence) of the *Newcastle Local Environmental Plan 2012* ('NLEP 2012').

However, at the time of assessment of the Original Development Consent, Clause 7.5(5) specifies that subclause (4) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required. The Government Architect NSW (delegate of the Director-General) has certified in writing that a design competition is not required in this case ('Competition Waiver Agreement', dated 14 August 2018 - see **Attachment I**). Clause 7.5(5) applied and as such an architectural design competition was not required to be held prior to the granting of Original Development Consent.

The development is required to comply with the conditions of the Competition Waiver Agreement which, amongst other things, requires that a process of continuing design review be established to ensure the development retains design excellence through to completion of construction. This is addressed in Condition 37, imposed on the Original Development Consent which reads:

37. *In accordance with the terms and conditions of the Competition Waiver Agreement (Dated 14 August 2018) the applicant shall obtain written approval from the Design Excellence Panel prior to the release of any Construction Certificates or tender documentation for the project.*

CN's Urban Design Review Panel ('UDRP') undertakes the functions of a design review panel (or design excellence panel) for the purposes of NLEP 2012, Clause 7.5 (Design excellence). The role of the UDRP to review and advise on the detailed building design to ensure the achievement of design excellence consistent with the approved development.

The Competition Waiver Agreement remains applicable to the subject modification application. Accordingly, Condition 37 imposed on the Original Development Consent remains applicable, and remains unchanged under the subject modification application.

#### State Environmental Planning Policy (Housing) 2021 - Chapter 4

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.

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 subject modification application comprises development for the purposes of a residential flat building 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 commercial component (retail premises) of the proposed modification is not subject to the provisions of Chapter 4 of the Housing SEPP in accordance with Section 144(2).

#### *Section 146 - Referral to design review panel for modification applications*

Section 146(2) of the Housing SEPP requires the consent authority to refer a modification application to which Chapter 4 applies to the relevant design review panel for advice on the design quality of the development prior to determination if the qualified designer who designed the original development consent has not designed the subject modification.

A design statement (by Fender Katsalidis Architects Rev G, dated 26 March 2025) was submitted in support of the proposed modification prepared in accordance with Section 102 of the *Environmental Planning and Assessment Regulation 2021* ('EP&A Reg2021') which requires a modification application made under Section 4.55(2) of the EP&A Act1979 to be accompanied by a statement by a qualified designer where the original development application was required to be accompanied by one. A qualified designer is defined in the EP&A Reg2021 as a person registered as an architect in accordance with the *Architects Act 2003*. The submitted statement; (1) verifies that the qualified designer who directed the design for which the original development consent was granted has directed the design of the architectural drawings for the subject modification application; (2) provides an explanation that verifies how the related development documentation achieves the design principals for residential apartment development and objectives of the ADG; and (3) verifies that the modification does not diminish or detract from the design quality of the original development or compromise the design intent of the original development. Accordingly, referral to a design review panel is not required for the purposes of Section 146(2) of the Housing SEPP.

Notwithstanding the above, Section 146(3) of the Housing SEPP clarifies that the consent authority may also refer a modification application for residential apartment development to the relevant design review panel for advice before determining the modification application.

Furthermore, it is noted the modification application required design review by CN's Urban Design Review Panel ('UDRP') for the purposes of Clause 7.5 (design excellence) of the NLEP 2012. The UDRP operates 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. Refer to Section 4.2.1(a) of the assessment report for assessment comment under clause 7.5 of the NLEP 2012.

The modification application has been reviewed by the UDRP for advice on the quality of the design of the development.

#### *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 modification application to which Chapter 4 of the Housing SEPP applies.

CN's Urban Design Review Panel ('UDRP') have reviewed the proposed modification on four occasions and written advice obtained having regard to the design quality principles set out in Schedule 9 of the Housing SEPP.

Initially the proposed modification was considered twice prior to lodgement of the subject modification application at a meetings of the UDRP held on 28 August 2024 (ref. **UD2024/00429**) and 28 October 2024 (ref. **UD2024/00429.01**). The applicant sought pre-lodgement feedback from the UDRP as to whether the concepts for the proposed modification were able to achieve design excellence. The UDRP were generally supportive of the applicant's approach; although they noted regret that no accommodation will now be provided for a residential aged care facility or for self-care living for seniors, the UDRP recognised that there is also a need for general residential accommodation in the City.

The subject modification application (ref. **MA2024/00381**) was subsequently lodged and the proposed modification reviewed for a third and fourth time at the meetings of the UDRP held 29 January 2025 (ref. **UD2024/00429.02**) and 26 March 2025 (ref. **UD2024/00429.03**). The UDRP 26 March 2025 advice confirmed its position that the proposed modification demonstrates excellent design quality and included some relatively minor recommendations, which in the opinion of the UDRP should further enhance the design. The UDRP 26 March 2025 advice clarified that should the required changes be incorporated and presented to CN, the UDRP did not require review of the subject modification application (see **Attachment G**).

As detailed in this report, amendments have been made to the proposed modification throughout the assessment of the subject modification application to addresses assessment matters raised by CN, including the UDRP advice. The current architectural drawings relied upon for this assessment were submitted on 07 May 2025.

An assessment of the current architectural drawings has been undertaken having regard to the UDRP 26 March 2025 advice in relation to the design principles set out in Schedule 9 of the Housing SEPP. In summary, the subject modification application has sufficiently incorporated the recommendations of the UDRP through the assessment process. As such, the development application has now satisfied the UDRP advice in respect to the previous iteration and is now considered an appropriate design response consistent with the design quality principles set out in Schedule 9 of the Housing SEPP.

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 advice on how the objectives and design criteria can be achieved through appropriate design responses, or in cases where design criteria cannot be met.

Notably, Section 147(3) clarifies that subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the ADG.

Whilst the ADG serves as a guideline which under Section 147(1)(b) of the Housing SEPP must be considered by the consent authority when assessing an application to which Chapter 4 applies, the provisions of Section 149(1) establish that the requirements, standards, or controls outlined in the ADG will prevail over any inconsistent development control plan provision for the following 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 proposed modification 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. Where a topic area is not specified a design criteria, or where it is not possible for the development to satisfy the design criteria, the compliance comments in the following table will have regard to the design guidance relevant to that topic area.

Assessment comments are provided under headings for '**Tower A + Tower B**', '**Tower A (west)**' and '**Tower B (east)**'. In some instances, a single response for '**Tower A + Tower B**' is provided to avoid redundancy when the feedback for each individual building would be identical. Similarly, responses may focus solely on the individual buildings if a '**Tower A + Tower B**' response would offer limited value due to the specific nature of the objective being addressed.

**Table 1: Compliance with required topic areas of ADG**

<b>3B Orientation</b>	
<b>Objective 3B-1</b> Building types and layouts respond to the streetscape and site while optimising solar access within the development	
<b>Objective 3B-2</b> Overshadowing of neighbouring properties is minimised during mid winter	
<b>Comment:</b>	<b>Compliance:</b>
<p><b><u>Tower A + Tower B</u></b></p> <p>Under the proposed modification, the buildings remain sited to clearly address the street while maximising solar access to apartments.</p> <p>The scale and bulk of the built form is broken down into two towers, the separation of the two towers uses 'through' access zones as the communal open space. The approved public 'through-site link' adjacent the east boundary remains unchanged under the proposed modification. Both these 'through' access zones provide direct connection between the two street frontages, navigating the site's slope from King Street to Bull Street. The twin residential tower design will have identity with both King Street and Bull Street by facing both street frontages and incorporating direct access from both streets - consistent with the Original Development Consent and Modification Development Consent.</p> <p>The site does not directly adjoin any existing residential development, however given the height of the proposal, the potential impacts of the proposed modification on the solar access of existing residential development within the vicinity of the subject site have been considered</p> <p>There is currently limited high density residential development within the immediate vicinity of the subject site, primarily being the seven storey 'Westcourt' building and eleven storey Marketown Shopping Centre development containing the 'Spire Apartments', both located to the south west of the subject site. Further south-west (approx. 150m from the site) on the western half of the street block bound by Hall, Arnott, Parry, and Ravenshaw Streets, are is some medium and high density residential development.</p> <p>Comparison shadow diagrams have been submitted which demonstrate the impact of the overshadowing from the proposed modification within the subject site and beyond the site (see comparison shadow diagrams drawings DA748 and DA749, dated 21 March 2025)</p> <p>Assessment of the Original Development Consent and Modified Development Consent found the approved development was suitably laid out having regard to the general</p>	<p>Complies</p>



orientation and aspect. Due to the general orientation of the site, North-South, the overshadowing impacts to adjoining buildings is minimized to an acceptable level within the tight urban context. Overshadowing impacts of the proposed modification on surrounding development remain predominantly limited to commercial development and considered reasonable and acceptable.

The proposal does not result in unacceptable impacts by way of overshadowing to solar collectors on neighbour buildings.

### 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.	<p><b><u>Tower A + Tower B</u></b></p> <p>The total site area equals 6631sqm 25% of the total site area equals 1,657.75sqm The current modification (as amended) includes three areas of communal open space;</p> <ul style="list-style-type: none"> <li>• Level 1 (Podium) = 1,134sqm</li> <li>• Level 15 (Roof) Tower A = 623sqm</li> <li>• Level 15 (Roof) Tower B = 1006sqm</li> </ul> <p>The total communal open space provided is 2,763sqm, or 41% of the total site area. This communal open space area is supported by landscaping areas.</p> <p>Amongst other changes, the Modified Development Consent introduced staged construction works and a one into two lot stratum subdivision.</p> <p>Accordingly, the communal open space provisions for each of the towers have also been considered independently with respect to the objectives of this part of the ADG.</p> <p>The subject modification application seeks changes to the approved construction staging and draft plan of stratum subdivision to reflect the physical design changes proposed.</p> <p>The proposed modifications ensure that, upon completion of each construction stage resulting in 'residential apartment development' subject to the provisions of the ADG, the associated communal open space relied upon to meet ADG requirements will also be completed</p> <p>In this regard, the following is noted:</p> <ul style="list-style-type: none"> <li>• Under the Modified Development Consent, the two towers were intended to function independently, each with exclusive communal facilities within its own stratum lot: <ul style="list-style-type: none"> <li>○ <b>Tower A (seniors housing):</b> The Original Development Consent included communal open space on Level 5, which was removed under the Modified Development Consent. It was replaced with an area of communal open space at Level 1 (podium), situated between the two towers and designated for the</li> </ul> </li> </ul>	Complies

	<p>exclusive use of seniors housing residents.</p> <ul style="list-style-type: none"> <li>○ <b>Tower B (residential flat building):</b> The Original Development Consent included communal open space on the Level 15 rooftop, which was retained in the Modified Development Consent and supplemented with an area of communal open space at Level 1 (podium) situated between the two towers and designated for the exclusive use of residential apartment residence.</li> <li>• The subject modification application proposes further design and operational changes to the communal areas. While each tower will retain its own exclusive communal facilities within their respective stratum lot, both will also share access to communal areas located on the Level 1 (podium). Key proposed changes include: <ul style="list-style-type: none"> <li>○ <b>Tower A (west):</b> Introduction of a new rooftop communal spaces on Level 15 of Tower A (west), comprising 623sqm of open space directly connected to indoor communal amenities. This space will be for the exclusive use of Tower A residents and will be relied upon to satisfy the communal open space provisions described in this part of the ADG.</li> <li>○ <b>Tower B (east):</b> Minor changes to the approved Level 15 rooftop communal space of Tower B (east), including the enclosure of the existing awning to create an enclosed 'BBQ Area North', and the addition of an enclosed 'BBQ Area South'. Level 15 (roof) of Tower B (east) will provide 1006sqm of communal open space, directly connected to new indoor communal amenities, and exclusively for Tower B residents. Tower B (east) will continue to rely on this space to satisfy the communal open space provisions described in this part of the ADG.</li> <li>○ <b>Level 1 (podium):</b> The two previously separate communal open spaces at Level 1 (podium) will be consolidated into a single shared space, directly connected to internal communal amenities in both towers at this level. The applicant has confirmed the intent for both towers to have shared access to all indoor and outdoor communal facilities on Level 1 (podium) (see GWH email dated 5 May 2024).</li> </ul> </li> <li>• An amended draft plan of stratum subdivision has been prepared by Timothy R. Rheinberger (Reference: 2319_DP (Draft)_R4_241014), which shows: <ul style="list-style-type: none"> <li>○ <b>Proposed Part Lot 22</b> encompasses those components of the development</li> </ul> </li> </ul>	
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	<p>associated exclusively with Tower A (west)</p> <ul style="list-style-type: none"> <li>○ <b>Proposed Part Lot 21</b> encompasses those components of the development associated exclusively with Tower B (east), as well as the Level 1 (podium) communal open space and the public 'through- site link' (known as 'Memorial Walkway')</li> <li>• An updated Construction Management Overview document has been prepared by GWH (dated 02 May 2025). This document details; <ul style="list-style-type: none"> <li>○ <b>Phase 3:</b> is the construction of Tower B (east), and includes; (1) the entire Level 1 (podium) communal open space; (2) the public 'through- site link'; and (3) the Level 15 (roof) communal open space of Tower B (east)</li> <li>○ <b>Phase 4:</b> is the construction of Tower A (west) and includes the Level 15 (roof) communal open space of Tower A (west)</li> <li>○ <b>Commencement of Phase 4 is contingent on the commencement of Phase 3:</b> meaning construction of Tower B (east) will commence prior to that of Tower A (west).</li> <li>○ Importantly, the introduction of a dedicated rooftop communal open space for Tower A (west) ensures that Tower A (west) can operate independently and meet ADG communal open space requirements, even if the shared communal open space at Level 1 (podium) is not completed prior to its occupation.</li> </ul> </li> </ul> <p>The amended documentation submitted during the assessment of the subject modification application is considered satisfactory with respect to assurance that, upon the completion of each tower the relevant communal open space will also be delivered.</p>	
Design Criteria:	Comment:	Compliance:
<p>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).</p>	<p><b><u>Tower A (west)</u></b></p> <p>The Original Development Consent included a 'Terrace' at Level 5 of Tower A (west), which served as the principal useable part of communal open space for the seniors housing component of the approved development.</p> <p>The Modified Development Consent removed the Level 5 'Terrace'. Instead, Tower A was to rely on the Level 1 (podium) 'courtyard' - located between the two towers - for its principal useable part of communal open space. To support this change, the Modified Development Consent included changes to the approved Level 1 (podium) communal open space to provide a dedicated area for Tower A (west), with direct access to the internal communal amenities of Tower A (west).</p>	<p>Complies</p>



	<p>As part of the proposed modification, new rooftop communal areas are to be added to Tower A (west). Level 15 (roof) of Tower A (west) will provide 623sqm of communal open space, directly connected to indoor communal amenities, for exclusive use by Tower A residences.</p> <p>Accordingly, Tower A (west) will now rely on Level 15 (roof) as the principal useable part of communal open space. The communal open space at Level 15 (roof) of Tower A has northerly aspect and achieves a minimum of 2hrs sunlight between 9am and 3pm in mid-winter to over 50% of the area.</p> <p>For details see 'VIEW FROM THE SUN DIAGRAMS' prepared by Fender Katsalidis (drawings DA557 to DA563, dated 24 April 2025).</p>	
	<p><b><u>Tower B (east)</u></b></p> <p>The Original Development Consent, and Modified Development Consent, included communal open space at Level 15 (roof) of Tower B (east), which served as the principal useable part of communal open space for the residential apartment component of the approved development.</p> <p>The proposed modification includes minor changes to the Level 15 (roof) of Tower B (east) to provide indoor communal amenities at this level - specifically, enclosing the approved awning to provide an enclosed 'BBQ Area North', and the addition of an enclosed 'BBQ Area South'. Nevertheless, Level 15 (roof) of Tower B (east) will provide 1006sqm of communal open space, directly connected to proposed indoor communal amenities and for the exclusive use by Tower B residences.</p> <p>Accordingly, Tower B (east) will continue to rely on Level 15 (roof) as the principal useable part of communal open space. The communal open space at Level 15 (roof) of Tower B has northerly aspect and achieves a minimum of 2hrs sunlight between 9am and 3pm in mid-winter to over 50% of the area.</p> <p>For details see 'VIEW FROM THE SUN DIAGRAMS' prepared by Fender Katsalidis (drawings DA557 to DA563, dated 24 April 2025).</p>	Complies
<p><b>Objective 3D-2</b> Communal open space is design to allow for a range of activities, respond to site conditions and be attractive and inviting</p> <p><b>Objective 3D-3</b> Communal open space is design to maximise safety</p> <p><b>Objective 3D-4</b> Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>		
Comment:	Compliance:	
<b><u>Tower A + Tower B</u></b>		

<p>The proposed modification includes three areas of communal open space and one area of public open space; all of these are internal to the site.</p> <p>The communal open spaces have associated landscaping 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.</p> <p>Facilities are provided within communal open spaces and common spaces allow for a range of age groups.</p> <p>Public open space, in the form of a pedestrian through site link (memorial walkway), is provided adjacent the east sit boundary to connect King Steet to Bull Street and remains unchanged from the Modified Development Consent. Condition 98, was imposed on the Original Development Consent requiring a public right of way be registered over the proposed accessway linking King Street and Bull Street. This condition remains relevant and unchanged under the subject modification application.</p> <p>A summary of the key features incorporated into each of the three areas of communal open space and the public open space under the proposed modification is provided below:</p> <p><u>Tower A + Tower B communal open space at Level 1 (podium)</u></p> <p>The Original Development Consent included communal open space at Level 1 (podium), located between to the two towers. The Modified Development Consent approved changes to this space, dividing it into two separate areas; the western half for the exclusive use of Tower A (seniors housing), and the eastern half for Tower B (residential flat building).</p> <p>The subject modification application proposes further design and operational changes to the Level 1 (podium) communal open space. It seeks to consolidate the two previously separated areas into a single, shared communal space—restoring the arrangement approved under the Original Development Consent. This unified space will be directly accessible from the internal communal amenities of both towers at this level.</p> <p>Under the proposed modification, the Level 1 (podium) communal open space will provide; pool area with deck surround, sun lounges and informal seating; passive gathering/seating for individuals or groups; raised lawn picnic area; raised landscaping with mass planting and feature trees.</p> <p>(For details see page 14 of landscape documentation prepared by Oculus dated 1 April 2025)</p> <p><u>Tower A (west) communal open space at Level 15 (roof)</u></p> <p>As part of the proposed modification, new rooftop communal areas are to be added to Tower A (west).</p> <p>Under the proposed modification, Level 15 (roof) of Tower A (west) will provide; two undercover BBQ areas with seating for dinning; seating niches for individuals or groups; raised lawn picnic area; raised landscaping with mass planting and feature trees.</p> <p>(For details see page 17 of landscape documentation prepared by Oculus dated 1 April 2025)</p> <p><u>Tower B (east) communal open space at Level 15 (rooftop)</u></p> <p>The Original Development Consent included communal open space on the Level 15 rooftop, which was retained in the Modified Development Consent. Minor changes to the approved communal open space at Level 15 (roof) of Tower B (east) - specifically, enclosing the existing awning to create an enclosed 'BBQ Area North', and a new enclosed 'BBQ Area South'.</p> <p>Under the proposed modification, Level 15 (roof) of Tower B (east) will provide; an enclosed winter garden; two undercover BBQ areas with seating for dinning; seating niches for individuals or groups; raised lawn picnic area; table tennis area; raised communal vegetable planters; raised landscaping with mass planting and feature trees.</p> <p>(For details see page 16 of landscape documentation prepared by Oculus dated 1 April 2025)</p> <p><u>Through site link (memorial walkway) public open space at Ground Level</u></p> <p>The Original Development Consent and Modified Development Consent include a public 'through-site link' (known as 'Memorial Walkway') adjacent to the east boundary</p>	<p>Complies</p>
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<p>which provides access/ connection between the two street frontages, navigating the site's slope from King Street to Bull Street.</p> <p>Under the Modified Development Consent, the public 'through-site link' (known as 'Memorial Walkway') provides; memorial reflection pool; feature wall to host memorial interpretation; memorial reflection pool; lawn picnic area; café plaza; water feature; feature tree planting; and mass planting.</p> <p>This remains unchanged under the proposed modification.</p> <p>(For details see page 11 of landscape documentation prepared by Oculus dated 1 April 2025)</p>								
<b>3E Deep soil zones</b>								
<p><b>Objective 3E-1</b></p> <p>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.</p>								
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>						
<p>1. Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>greater than 1500m<sup>2</sup></td><td>6m</td><td>7%</td></tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	greater than 1500m <sup>2</sup>	6m	7%	<p><b><u>Tower A + Tower B</u></b></p> <p>The total site area equals 6631sqm 7% of the total site area equals 464.17sqm</p> <p>Large areas of deep soil with a minimum dimension of 6m are not provided (approximately 255sqm of deep soil area is located within the building setback along Bull Street, however these areas do not achieve the 6m minimum dimension).</p> <p>The design guidance provided for this objective acknowledges that achieving the design criteria is not possible on some sites including where;</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• There is 100% site coverage or non-residential uses at ground floor level.</li> </ul> <p>Assessment of the Original Development Consent and Modified Development Consent found that achieving the design criteria is not possible due to the location and constraints of the subject sites (high density area and the site being part of a transportation precinct), and the extensive site coverage with non-residential development at ground. The proposed modification continues to instead complies with the design guidance for this objective by integrating acceptable stormwater management and alternative forms of planting such as planting on structures ('through site link', Level 1 podium, Level 15 roofs).</p> <p>This is considered acceptable.</p>	<p>Satisfactory (Merit based assessment)</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)						
greater than 1500m <sup>2</sup>	6m	7%						
<p><b>Objective 3F-1</b></p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p>								
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>						
<p>1. Separation between windows and balconies is provided to ensure visual privacy is</p>	<p><b><u>Tower A + Tower B</u></b></p> <p>The site is irregular in shape, with three street frontages; King Street (north boundary), Bull</p>							

achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:			Street (south boundary), and Ravenshaw Street (west boundary).	
			As such, the site has one 'side boundary' – the east boundary. The separation distances from the east boundary have been addressed under the relevant building heading, being <b>Tower B (east)</b> , further below	
			Separation distances between buildings on the same site are addressed immediately below.	
			<b>Note:</b> Basement Level 2 to Ground Level and Level 15 (roof) do not contain residential apartments. As such the minimum separation distances described in this part of the ADG are not applicable at these levels.	
			<u>Separation distance between Tower A (west) and Tower B (east)</u>	
			<i>Up to 12m [Level 1, Level 2, &amp; Level 3]</i>	Complies
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.			At Level 1 (podium), the proposed modification provides a minimum separation distance of approximately 17m between the west façade external façade of Tower A (west) and the west facing balconies of Tower B (east). 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).	
			At Level 2, the proposed modification provides a minimum separation distance of 18.7m between the east facing balconies of Tower A (west) and the west facing balconies of Tower B (east). 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).	
			At Level 3, the proposed modification provides a minimum separation distance of 20.8m between the east facing balconies of Tower A (west) and the west facing balconies of Tower B (east). 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).	
			<i>Up to 25m [Level 4, Level 5, Level 6 &amp; Level 7]</i>	Complies
			At Level 4 to Level 7, the proposed modification provides a minimum separation distance of 20.8m between the east facing balconies of Tower A (west) and the west facing balconies of Tower B (east). This complies with the minimum 18m separation distance required for buildings on the same site at this height (9m for habitable + 9m for habitable).	
			<i>Over 25m [Level 8 to Level 14]</i>	Satisfactory (Merit based assessment)
			At Level 8 to Level 14, the proposed modification generally provides a separation distance of 24.5m between the between the east facing habitable windows and balconies of Tower A (west) and the west facing habitable windows and balconies of Tower A (east). This complies with the minimum 24m separation	

	<p>distance required for buildings on the same site at this height (12m for habitable rooms + 12m for habitable rooms).</p> <p>However, the minimum separation distance is reduced to between 20.8m and 22.8m in limited locations where the 'saw-tooth' balconies project beyond the primary façade alignment. In these cases, the balconies have been designed to minimize direct overlooking through the angled configuration or 'saw-tooth' design.</p> <p>On balance, the building separation and balcony articulation of the proposed modification are considered to maintain an acceptable level of visual privacy.</p>	
	<p><u>Separation distance between Tower B (east) apartments '01B' and '02B' on Level 2 to Level 14</u></p> <p>The Modified Development Consent approved a separation distance of 2.5m between the north facing living room window of apartments '01B' in Tower B (east) and the south facing living room window of apartment '02B' in Tower B (east), on Level 2 to Level 14. A separation distance ranging from 12m to 24m, depending on the height above ground, is required between habitable windows in buildings on the same site and as such did not comply.</p> <p>This remains unchanged under the subject modification application.</p> <p>In response concerns raised by CN during the assessment of the Modified Development Consent in regards to this non-compliance, the applicant advised the following design measures would be incorporated to mitigate potential visual privacy impacts:</p> <ul style="list-style-type: none"> <li>• Translucent glazing to the north facing windows of the '01B' apartments, and</li> <li>• Side opening awning mechanisms to the operable panel of the north facing window of the '01B' apartments (to eliminate direct sight lines when windows are open),</li> <li>• The above measures were not implemented for the south facing windows of the '02B' apartments in order to better promote daylight access and both windows remain operable to promote natural ventilation.</li> </ul> <p>Assessment of the Modified Development Consent accepted the above on a balance view and Condition 42A was imposed on the Modified Development Consent to ensure translucent glazing and side opening awning mechanisms are provided to the north facing living room window of apartments '01B' of Tower B.</p> <p>Condition 42A remains applicable to the proposed modification, however does require minor amendments to reflect other changes sought under the proposed modification. Accordingly, Condition 42A has been amended</p>	<p>Satisfactory (Merit based assessment)</p>





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.		
<b>Comment:</b>		<b>Compliance:</b>
<b><u>Tower A + Tower B</u></b>  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, vertical fencing, and changes in level between private open space and common access paths, have been utilised at the ground plane to separate the private open space and windows of apartments from adjacent communal open space, common areas and public domain.		Complies
<b>A4 Solar and daylight access</b>		
<b>Objective 4A-1</b> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space		
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>
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.	<b><u>Tower A + Tower B</u></b>  Refer to supplementary memo	Satisfactory (Merit based assessment)
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>
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
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.	<b><u>Tower A + Tower B</u></b>  Refer to supplementary memo	Satisfactory (Merit based assessment)
<b>Objective 4A-2</b> Daylight access is maximised where sunlight is limited.		
<b>Objective 4A-3</b> Design incorporates shading and glare control, particularly for warmer months.		
<b>Comment:</b>		<b>Compliance:</b>
<b><u>Tower A + Tower B</u></b>  Full height glazing for the maximum practical extent of apartment frontages has been provided to maximise daylight access. The light source for all habitable rooms are glazing with sill heights lower the 1.5m. Courtyard and skylights as light sources are not proposed.  The proposed modification will result in each tower having its own exclusive communal open space located on its respective rooftop. In addition, both towers will share access to communal open space on Level 1 (podium). As a result, all apartments within the development will benefit from a variety of communal open spaces, with multiple opportunities to access northern sunlight throughout the day, thereby maximizing daylight exposure for future resident		Complies

The design incorporates shading devices such as eaves, external screening, and recessed balconies, to shade summer sun but allow winter sun to penetrate living areas.		
4B Natural ventilation		
Objective 4B-1 All habitable rooms are naturally ventilated		
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation		
Comment:	Compliance:	
<u>Tower A + Tower B</u>  All habitable rooms are naturally ventilated via adjustable windows, located in external walls, with suitable effective operable areas.  For the single aspect apartments, apartment depths have been 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
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.	<u>Tower A + Tower B</u>  As approved under the Modified Development, 83 out of the 163 apartments (independent living units + residential apartments) located on the first nine storeys of Tower A (seniors housing) and Tower B (residential flat building) combined, or 51%, are naturally cross ventilated.  In assessing the Modified Development Consent, consideration was given to the applicant's written justification for the variation from the 60% benchmark for natural cross ventilation. The justification stated:  <i>"Notwithstanding these figures the design is considered consistent with the objectives for natural ventilation within the ADG for the following reasons:</i> <ul style="list-style-type: none"><li><i>all habitable spaces are naturally ventilated (Objective 4B-1);</i></li><li><i>the layout of single aspect apartments maximises natural ventilation with large areas of operable glazing and suitable depth to achieve adequate air flow (Objective 4B-2); and</i></li><li><i>the number of apartments with natural cross ventilation, while below 60%, has been maximised having regard to the site and design constraints (Objective 4B-3).</i></li></ul> Assessment of the Modified Development Consent also acknowledged that review by CN's UDRP did not take issue with the level of natural cross ventilation and supported the Modified Development Consent.	Satisfactory (Merit based assessment)

	<p>Analysis of the architectural documentation submitted for the proposed modification found <b>101 out of the 178 apartments</b> on the first nine storeys of Tower A (west) and Tower B (east) combined, or <b>57%</b>, are naturally cross ventilated - representing an improvement over the approved scheme.</p> <p>The layout and design of single aspect apartments under the proposed modification continue to maximize natural ventilation; with apartment depths minimized and frontages maximized to increase airflow.</p> <p>The non-compliance is able to be accepted on a balanced view.</p> <p>For completeness, the non-compliant apartments are detailed under the relevant building heading further below.</p> <p>Condition 42B was included in the Modified Development Consent to ensure operable windows relied upon to satisfy the natural ventilation objectives of the ADG are delivered at construction. This was particularly in response to concerns raised by CN during the assessment of the Modified Development Consent that a number of dual aspect independent living units in Tower A showed fixed glazing to the secondary aspect despite being identified by the applicant as achieving natural cross ventilation.</p> <p>Analysis of the architectural documentation submitted for the proposed modification found suitable graphics have been provided in both plan and elevation views demonstrating operable glazing were relied upon to satisfy the natural cross ventilation requirements described in this part of the ADG. Accordingly, Condition 42B is no longer relevant and has been deleted in the recommended Draft Schedule of Conditions (refer to <b>Attachment A</b>).</p>	
	<p><b><u>Tower A (west)</u></b></p> <p>Analysis of the architectural documentation submitted for the proposed modification found <b>41 out of the 82 apartments</b> on the first nine storeys of Tower A (west), or <b>50%</b>, are naturally cross ventilated.</p> <p>For details see 'PROPOSED CROSS VENTILATION DIAGRAMS' prepared by Fender Katsalidis (drawings DA513 to DA515, dated 24 April 2025).</p> <p>Notably, the proposed modification represents an improvement on the previously approved Modified Development Consent for Tower A (west) in terms of compliance with the natural ventilation requirements of the ADG. Under the Modified Development Consent, only 30 of the 66 independent living units, or 43%, on the first nine storeys of Tower B (east) were naturally cross-ventilated.</p>	<p>Satisfactory (Merit based assessment)</p>

	<p><b><u>Tower B (east)</u></b></p> <p>Analysis of the architectural documentation submitted for the proposed modification found <b>60 out of the 96 apartments</b> on the first nine storeys of Tower B (east), or <b>63%</b>, are naturally cross ventilated.</p> <p>For details see 'PROPOSED CROSS VENTILATION DIAGRAMS' prepared by Fender Katsalidis (drawings DA513 to DA515, dated 24 April 2025).</p> <p>Notably, the proposed modification represents an improvement on the previously approved Modified Development Consent for Tower B (east) in terms of compliance with the natural ventilation requirements of the ADG. Under the Modified Development Consent, only 53 out of the 97 apartments, or 55%, on the first nine storeys of Tower B (east), were naturally cross ventilated.</p> <p>The improved performance of Tower B (east) can be attributed to the following changes under the proposed modification:</p> <ul style="list-style-type: none"> <li>• Total number of apartments within Tower B (east) is reduced by one - specifically, approved apartment '101B' at Level 1 has been replaced with a 'communal facilities' room</li> <li>• Internal layout of apartments 211B, 311B, 411B, 511B, 611B, 711B, 811B, 911B, 1011B, 1111B, 1211B, 1311B, and 1411B have been reconfigured to provide a larger, unobstructed window in north external wall to achieve natural cross ventilation (to the same extent accepted under the Modified Development Consent for typical apartments '01B' and '02B' on Level 2 to Level 14 of Tower A (east)).</li> </ul>	Satisfactory (Merit based assessment)
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	N/A	N/A
<b>4C Ceiling heights</b>		
<b>Objective 4C-1</b> Ceiling height achieves sufficient natural ventilation and daylight access.		
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>
1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <b>Minimum ceiling height for apartment and mixed use buildings</b> </div>	<p><b><u>Tower A + Tower B</u></b></p> <p>The site is located within the MU1 Mix Use zone and 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).</p>	
	<u>Ground floor [Ground Level]</u>	

Habitable rooms	2.7m	<p>The Modified Development Consent approved a floor-to-floor height of 4.4m for Ground Level, which was considered capable of facilitating the increased minimum ceiling height of 3.3m described in this part of the ADG.</p> <p>This remains unchanged under the proposed modification.</p>	Complies
Non-habitable	2.4m		
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.		<p><u>First floor [Level 1 (podium)]</u></p> <p>The Modified Development Consent approved a floor-to-floor height 3.6 m for the first floor of Tower A (west) and 3.2 m for Tower B (east). Although these heights do not allow for the increased 3.3 m ceiling height described under this part of the ADG, assessment of the Modified Development Consent accepted this was consistent with the ceiling heights achievable under the Original Development Consent.</p> <p>Under the proposed modification, the 3.2 m floor-to-floor height for the first floor of Tower B (east) remains unchanged. However, the floor-to-floor height for the first floor of Tower A (west) is increased from 3.6 m to 3.75 m, thereby reducing the extent of non-compliance compared to the previously approved Modified Development Consent.</p> <p>This is considered acceptable.</p>	Satisfactory (Merit based assessment)
		<p><u>Apartments [Level 2 to Level 14]</u></p> <p>The proposed modification provides all storeys containing apartments with a floor-to-floor height of at least 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.</p> <p>No two storey apartments or attic spaces are proposed.</p>	Complies
<p><b>Objective 4C-2</b> Ceiling height increases the sense of space in apartments and provides for well proportioned rooms.</p>			
<p><b>Objective 4C-3</b> Ceiling heights contribute to the flexibility of building use over the life of the building.</p>			
<b>Comment</b>			<b>Compliance:</b>
<p><u><b>Tower A + Tower B</b></u></p> <p>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.</p> <p>Under the proposed modification, the Ground Level maintains an increased floor-to-floor height of 4.4m which should be capable of facilitating the increased minimum ceiling height of 3.3m described in this part of the ADG.</p> <p>The Modified Development Consent approved a floor-to-floor height 3.6 m for the first floor of Tower A (west) and 3.2 m for Tower B (east). Although these heights do not allow for the increased 3.3 m ceiling height described under this part of the ADG, assessment of the Modified Development Consent accepted this was consistent with the ceiling heights achievable under the Original Development Consent.</p> <p>Under the proposed modification, the 3.2 m floor-to-floor height for the first floor of Tower B (east) remains unchanged. However, the floor-to-floor height for the first floor</p>			Satisfactory (Merit based assessment)

of Tower A (west) is increased from 3.6 m to 3.75 m, thereby reducing the extent of non-compliance compared to the previously approved Modified Development Consent. Whilst this continues to be less than the 3.3m ceiling height described in this part of the ADG, the approved development does not facilitate increased ceiling heights to the lower level apartments. As such, the proposed modification is consistent with the Original Development Consent and Modified Development Consent in this regard.

#### 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:										
<div>1. Apartments are required to have the following minimum internal areas:</div> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>studio</td><td>35m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 bedroom</td><td>90m<sup>2</sup></td></tr></table> <div>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</div> <div>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</div>	Apartment type	Minimum internal area	studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	<div><b><u>Tower A + Tower B</u></b></div> <div>Under the proposed modification, all 280 apartments achieve the minimum internal areas required.</div> <div>The submitted apartment type floor plans, prepared by Fender Katsalidis, label the internal area.</div> <div>(see submitted apartment type floor plans drawings; DA120 to DA131 and DA140 to DA147, dated 24 April 2024)</div>	Complies
Apartment type	Minimum internal area											
studio	35m <sup>2</sup>											
1 bedroom	50m <sup>2</sup>											
2 bedroom	70m <sup>2</sup>											
3 bedroom	90m <sup>2</sup>											
Design Criteria:	Comment:	Compliance:										
<div>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.</div>	<div><b><u>Tower A + Tower B</u></b></div> <div>Under the proposed modification, all habitable rooms within the apartments are provided with a window within an external wall.</div>	Complies										
Objective 4D-2												
Environmental performance of the apartment is maximised.												
Design Criteria:	Comment:	Compliance:										
<div>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</div>	<div>N/A</div> <div>(all apartments are provided a combined living/ dining/ kitchen area)</div>	N/A										
Design Criteria:	Comment:	Compliance:										
<div>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</div>	<div><b><u>Tower A + Tower B</u></b></div> <div>Under the proposed modification, all 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.</div>	Complies										



	<p>The submitted apartment type floor plans, prepared by Fender Katsalidis, include dimensions measuring from glass line to furthest kitchen bench.</p> <p>(see submitted apartment type floor plans drawings; DA120 to DA131 and DA140 to DA147, dated 24 April 2024)</p>	
<b>Objective 4D-3</b> Apartment layouts are designed to accommodate a variety of household activities and needs.		
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>
<b>1.</b> Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)	<p><b><u>Tower A + Tower B</u></b></p> <p>Under the proposed modification, all master bedrooms have a minimum area of 10sqm and all other bedrooms have a minimum area of 9sqm (excluding wardrobe space).</p> <p>The submitted apartment type floor plans, prepared by Fender Katsalidis, include a red dashed square measuring 3 meters by 3 meters to illustrate the minimum 9sqm area requirement for apartment bedrooms. It is visibly evident that all master bedrooms provide at least 1sqm of additional floor area beyond the red dashed square, thereby meeting the 10sqm minimum requirement.</p> <p>(see submitted apartment type floor plans drawings; DA120 to DA131 and DA140 to DA147, dated 24 April 2024)</p>	Complies
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>
<b>2.</b> Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	<p><b><u>Tower A + Tower B</u></b></p> <p>Under the proposed modification, all bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>The submitted apartment type floor plans, prepared by Fender Katsalidis, feature a red dashed square measuring 3 meters by 3 meters, illustrating the required minimum bedroom widths.</p> <p>(see submitted apartment type floor plans drawings; DA120 to DA131 and DA140 to DA147, dated 24 April 2024)</p>	Complies
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>
<b>3.</b> Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments.</li> <li>• 4m for 2 and 3 bedroom apartments.</li> </ul>	<p><b><u>Tower A + Tower B</u></b></p> <p>Analysis of the submitted architectural documentation found the proposed modification will result in 215 out of the total 280 apartments have either living rooms, or combined living/ dining rooms which achieve the minimum dimensions required for the number of bedrooms provided.</p> <p>The design guidance for this objective acknowledges that a merit based assessment is appropriate in circumstances where minimum areas or room dimensions are not met.</p> <p>The design drawings have suitably demonstrated the apartments are well designed by showing the useability and functionality of</p>	Satisfactory (Merit based assessment)

	<p>the space with realistically scaled furniture layouts and circulation spaces, despite the minor non-compliance.</p> <p>As such, the proposal complies with the design guidance for this objective.</p> <p>For completeness, the non-compliant apartments are detailed under the relevant building heading below.</p>	
	<p><b><u>Tower A (west)</u></b></p> <p>Analysis of the submitted architectural documentation found the proposed modification will result in 92 out of the 129 residential apartments proposed in Tower A (west) have either living rooms, or combined living/ dining rooms which achieve the minimum dimensions required for the number of bedrooms provided.</p> <p>For details refer to typical floor plans for each apartment type prepared by Fender Katsalidis (drawings DA140 to DA147, dated 24 April 2024)</p> <p>Details of the non-complying apartments are listed below;</p> <p><b><u>TOWER A</u></b></p> <p><b><u>APARTMENT TYPE 2A - 1 x 2 BEDROOM</u></b></p> <p>Apartment 101A has a living room with a minimum dimension of 3.96m, which falls short of the required minimum dimension of 4m for living rooms in a 2 bedroom apartment.</p> <p>(For details refer to 'TOWER A - APARTMENT TYPE 2A &amp; 2B', drawing DA141, rev. 03, dated 21 March 2025, prepared by Fender Katsalidis)</p> <p><b><u>TOWER A</u></b></p> <p><b><u>APARTMENT TYPE 2B - 13 x 2 BEDROOM</u></b></p> <p>Apartments 204A, 304A, 404A, 504A, 604A, 704A, 804A, 904A, 1004A, 1104A, 1204A, 1304A, and 1404 each have a living room with a minimum dimension of 3.775m, which falls short of the required minimum dimension of 4m for living rooms in a 2 bedroom apartment.</p> <p>(For details refer to 'TOWER A - APARTMENT TYPE 2A &amp; 2B', drawing DA141, rev. 03, dated 24 April 2024, prepared by Fender Katsalidis)</p> <p><b><u>TOWER A</u></b></p> <p><b><u>APARTMENT TYPE 2E - 13 x 2 BEDROOM</u></b></p> <p>Apartments 201A, 301A, 401A, 501A, 601A, 701A, 801A, 901A, 1001A, 1101A, 1201A, 1301A, and 1401A each have a living room with a minimum dimension of 3.86m, which falls short of the required minimum dimension of 4m for living rooms in a 2 bedroom apartment.</p> <p>(For details refer to 'TOWER A - APARTMENT TYPE 2E', drawing DA143, rev. 03, dated 24 April 2024, prepared by Fender Katsalidis)</p>	<p>Satisfactory (Merit based assessment)</p>

	<p><b><u>TOWER A</u></b>  <b><u>APARTMENT TYPE 3D - 10 x 3 BEDROOM</u></b>          Apartments 210A, 310A, 410A, 510A, 610A, 710A, 810A, 910A, 1010A, and 1110A each have a living room with a minimum dimension of 3.28m, which falls short of the required minimum dimension of 4m for living rooms in a 2 bedroom apartment.          (For details refer to 'TOWER A - APARTMENT TYPE 3D', drawing DA147, rev. 03, dated 24 April 2024, prepared by Fender Katsalidis)</p>	
	<p><b><u>Tower B (east)</u></b>          The Modified Development Consent, Tower B (residential flat building) included 124 out of the 152 apartments with living rooms, or combined living/ dining rooms which met the minimum dimensions required for the number of bedrooms provided.          Under the proposed modification, Tower B (east) now provides 123 out of the 151 apartments with living rooms, or combined living/ dining rooms, which achieve the minimum dimensions required for the number of bedrooms provided.          For clarity, the extent of non-compliance remains unchanged from the Modified Development Consent. The reduction of one non-compliant apartment and one total apartment is due to the removal of an approved apartment on Level 1 (podium) of Tower B (east).          For completeness, details of the non-complying apartments are listed below;</p> <p><b><u>TOWER B</u></b>  <b><u>APARTMENT TYPE 3A - 3 x 3 BEDROOM</u></b>          Apartments 102B, 204B, and 304B each have a living room with a minimum dimension of 3.36m, which falls short of the required minimum dimension of 4m for living rooms in a 3 bedroom apartment.          (For details refer to 'TOWER B - APARTMENT TYPE 3A &amp; 3B', drawing DA127, rev. 03, dated 24 April 2024, prepared by Fender Katsalidis)          This represents a 10mm increase from the previously approved Modified Development Consent, which supported a minimum living room dimension of 3.35m.          Note: The apartment type naming has changed since the Modified Development Consent, in which these apartments were identified as 'TOWER B - APARTMENT TYPE 3B'</p> <p><b><u>TOWER B</u></b>  <b><u>APARTMENT TYPE 3B - 11 x 3 BEDROOM</u></b>          Apartments 404B, 504B, 604B, 704B, 804B, 904B, 1004B, 1104B, 1204B, 1304B, and 1404B each have a living room with a minimum</p>	<p>Satisfactory          (Merit based assessment)</p>

	<p>dimension of 3.36m, which falls short of the required minimum dimension of 4m for living rooms in a 3 bedroom apartment.</p> <p>(For details refer to 'TOWER B - APARTMENT TYPE 3A &amp; 3B', drawing DA127, rev. 03, dated 24 April 2024, prepared by Fender Katsalidis)</p> <p>This represents a 10mm increase from the previously approved Modified Development Consent, which supported a minimum living room dimension of 3.35m.</p> <p>Note: The apartment type naming has changed since the Modified Development Consent, in which these apartments were identified as 'TOWER B - APARTMENT TYPE 3A'</p> <p><u>TOWER B</u> <u>APARTMENT TYPE 3C - 8 x 3 BEDROOM</u></p> <p>Apartments 101B, 203B, 303B, 403B, 503B, 603B, 703B, and 803B each have a living room with a minimum dimension of 3.36m, which falls short of the required minimum dimension of 4m for living rooms in a 3 bedroom apartment.</p> <p>(For details refer to 'TOWER B - APARTMENT TYPE 3C', drawing DA128, rev. 03, dated 24 April 2024, prepared by Fender Katsalidis)</p> <p>This represents a 10mm increase from the previously approved Modified Development Consent, which supported a minimum living room dimension of 3.35m.</p> <p>Note: The apartment type naming has changed since the Modified Development Consent, in which these apartments were identified as 'TOWER B - APARTMENT TYPE 3E' and 'TOWER B - APARTMENT TYPE 3D'</p> <p><u>TOWER B</u> <u>APARTMENT TYPE 3D - 6 x 3 BEDROOM</u></p> <p>Apartments 903B, 1003B, 1103B, 1203B, 1303B, and 1403B each have a living room with a minimum dimension of 3.36m, which falls short of the required minimum dimension of 4m for living rooms in a 3 bedroom apartment.</p> <p>(For details refer to 'TOWER B - APARTMENT TYPE 3D &amp; 3E', drawing DA129, rev. 03, dated 24 April 2024, prepared by Fender Katsalidis)</p> <p>This represents a 10mm increase from the previously approved Modified Development Consent, which supported a minimum living room dimension of 3.35m.</p> <p>Note: The apartment type naming has changed since the Modified Development Consent, in which these apartments were identified 'TOWER B - APARTMENT TYPE 3C'.</p>	
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>
4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	N/A (cross-over or cross-through apartments are not proposed)	N/A

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:			<b><u>Tower A + Tower B</u></b>	Satisfactory (Merit based assessment)
<b>Dwelling type</b>	<b>Min. area</b>	<b>Min. depth</b>	The proposed modification will result in all 280 apartments with primary balconies that achieve the minimum area required for the number of bedrooms provided.	
Studio	4m <sup>2</sup>	-	However, analysis of the architectural documentation submitted for the proposed modification found 277 out of the total 280 apartments have primary balconies that achieve the minimum depth required for the number of bedrooms provided.	
1 bedroom	8m <sup>2</sup>	2m	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.	
2 bedroom	10m <sup>2</sup>	2m	The design drawings have suitably demonstrated how; (1) the site constraints (consistently high wind conditions present in the locality, and close proximity to road, and other noise sources) 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 increased 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.	
3+ bedroom	12m <sup>2</sup>	2.4m	The non-compliances proposed are minimal (100mm) and can be accepted on a balance view regarding both minimum balcony depths and areas.	Satisfactory (Merit based assessment)
The minimum balcony depth to be counted as contributing to the balcony area is 1m.			As a result, the proposed modification is considered to comply with the design guidance for this objective. Nevertheless, the non-compliant apartments are detailed below under the relevant building heading.	
			<b><u>Tower A (west)</u></b>	
			Analysis of the architectural documentation submitted for the proposed modification found 126 out of the 129 residential apartments proposed in Tower A (west) have primary balconies that achieve the minimum area and depths required based on the number of bedrooms provided.	Satisfactory (Merit based assessment)
			The typical floor plans for each apartment type, prepared by Fender Katsalidis, use a red dashed line set 2 meters from the exterior wall to indicate where the required minimum balcony	

	<p>depth for 1 and 2 bedroom apartments has been achieved. For 3 bedroom apartments, the typical floor plans for each apartment type 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 these plans, confirming each primary balcony meets the minimum area required for the number of bedrooms served.</p> <p>For details refer to typical floor plans for each apartment type prepared by Fender Katsalidis (drawings DA121 to DA131, dated 24 April 2024)</p> <p>Details of the non-complying apartments are listed below;</p> <p><u>TOWER A</u></p> <p><u>APARTMENT TYPE 3E - 3 x 3 BEDROOM</u></p> <p>The primary balconies of apartments 1208A, 1308A, and 1408A are each 12sqm which complies with the minimum 12sqm required for 3 bedroom apartments.</p> <p>However, dimensions shown on the apartment type floor plan illustrates that a maximum balcony depth of 2.3m is provided, which falls short of the minimum 2.4m depth required for a 3 bedroom apartment.</p> <p>(For details refer to 'TOWER A - APARTMENT TYPE 3E', drawing DA146, rev. 03, dated 22 April 2024, prepared by Fender Katsalidis)</p>	
	<p><u>Tower B (east)</u></p> <p>Analysis of the architectural documentation submitted for the proposed modification found 151 out of the 151 residential apartments proposed in Tower B have primary balconies that achieve the minimum area required for the number of bedrooms provided, which complies.</p> <p>The typical floor plans for each apartment type, prepared by Fender Katsalidis, use a red dashed line set 2 meters from the exterior wall to indicate where the required minimum balcony depth for 1 and 2 bedroom apartments has been achieved. For 3 bedroom apartments, the typical floor plans for each apartment type 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 these plans, confirming each primary balcony meets the minimum area required for the number of bedrooms served.</p> <p>For details refer to typical floor plans for each apartment type prepared by Fender Katsalidis (drawings DA121 to DA131, dated 24 April 2024)</p>	Complies
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>
	<u><b>Tower A + Tower B</b></u>	



<p><b>2.</b> 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 15m<sup>2</sup> and a minimum depth of 3m.</p>	<p>Under the proposed modification, 23 out of the total 280 apartments are located on a podium or similar structure.</p> <p>For details per tower of the relevant apartments see below.</p> <p>Analysis of the architectural documentation submitted for the proposed modification found all apartments located on podium or similar structure have a private open space (usable balcony area + landscaping) with a minimum area of 15sqm and minimum depth of 3m.</p>	Complies
	<p><b><u>Tower A (west)</u></b></p> <p>Under the proposed modification, 9 out of the 129 residential apartments proposed in Tower A (west) are located on a podium or similar structure. Details of these apartments are:</p> <ul style="list-style-type: none"> <li>• Level 2 = 9 apartments (201A, 202A, 203A, 204A, 206A, 207A, 208A, 209A, and 210A)</li> </ul> <p>Analysis of the submitted architectural documentation found these apartments have a private open space (usable balcony area + landscaping) with a minimum area of 15sqm and minimum depth of 3m.</p>	Complies
	<p><b><u>Tower B (east)</u></b></p> <p>Under the proposed modification, 14 out of the 151 residential apartments proposed in Tower B (east) are located on a podium or similar structure. Details of these apartments are:</p> <ul style="list-style-type: none"> <li>• Level 1 (podium) = 4 apartments (101B, 102B, 107B, and 108B)</li> <li>• Level 2 = 5 apartments (202B, 203B, 204B, 209B, and 210B)</li> <li>• Level 3 = 5 apartments (302B, 303B, 304B, 309B, and 310B)</li> </ul> <p>Analysis of the submitted architectural documentation found these apartments have a private open space (usable balcony area + landscaping) with a minimum area of 15sqm and minimum depth of 3m.</p>	Complies
<p><b>Objective 4E-2</b> Primary private open space and balconies are appropriately located to enhance liveability for residents.</p> <p><b>Objective 4E-3</b> Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p> <p><b>Objective 4E-4</b> Private open space and balcony design maximises safety.</p>		
<b>Comments:</b>		<b>Compliance:</b>
<p><b><u>Tower A + Tower B</u></b></p> <p>Private open space and balconies have generally been orientated with the longer side facing outwards to optimise daylight access into adjacent rooms.</p> <p>Private open spaces and balconies predominantly face north, east or west.</p> <p>Whilst a percentage of apartments face south, this is necessary to ensure the development presents appropriately to Bull Street on the southern elevation. Additionally, apartments with southerly aspect, particularly those at higher elevations, will benefit from district views across the low density Cooks Hill heritage precinct,</p>		Complies

<p>National Park open space precinct, and further afield to the coastline and the ocean. South facing apartments at lower levels retain good amenity due to the wide and treelined nature of Bull Street and the existing setback and low height of adjacent development.</p> <p>Private open space and balconies have been designed as an extension of the main living area by being located adjacent to the living area, dining room or kitchen.</p> <p>A combination of solid, partially solid and clear glass balustrades have been selected to respond to the location. 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. Full width full height glass balustrades have generally been avoided. Under the Modified Development Consent, CN's UDRP supported the introduction of solid upstands to many of the balconies as a positive revision that will make balconies more amenable for resident use and will improve the buildings' appearance - this treatment has been maintained under the proposed modification.</p> <p>The projecting 'saw-tooth' balconies have been integrated into the building design and the design of soffits.</p> <p>Powdercoated aluminium horizontal and vertical louvres are integrated into the external façade design to control sunlight and wind.</p> <p>Clothes drying and storage are not located on balconies.</p> <p>Air conditioning units located on balconies have been enclosed in screening structures which are integrated into the building design to address concerns regarding visual and acoustic impacts.</p> <p>The design and detailing of private open space and balconies has avoided opportunities for climbing and falls. Horizontal screening has not been proposed.</p>		
<b>4F Common circulation and spaces</b>		
<b>Objective 4F-1</b>		
Common circulation spaces achieve good amenity and properly service the number of apartments.		
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>
1. The maximum number of apartments off a circulation core on a single level is eight.	<p><b><u>Tower A (west)</u></b></p> <p>The Modified Development Consent approved Tower A (seniors housing) with a single circulation core containing two lifts, servicing up to 11 independent living units on a single level.</p> <p>Under the proposed modification, Tower A (west) retains a single circulation core containing two lifts, now servicing a maximum of 10 apartments on a single level - representing a minor improvement over the approved development.</p> <p>The design guidance provided for this objective acknowledges that achieving the design criteria is not possible on some sites by stipulating that where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</p> <p>As such, the proposed modification complies with the design guidance for this objective.</p>	Satisfactory (Merit based assessment)
	<p><b><u>Tower B (east)</u></b></p> <p>The Modified Development Consent approved Tower B (residential flat building) with a single circulation core containing three lifts, servicing up to 11 apartments on a single level.</p> <p>This remains unchanged under the proposed modification.</p> <p>The design guidance provided for this objective acknowledges that achieving the design criteria</p>	Satisfactory (Merit based assessment)

	<p>is not possible on some sites by stipulating that where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</p> <p>As such, the proposed modification complies with the design guidance for this objective.</p>	
Design Criteria:	Comment:	Compliance:
<p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p><b><u>Tower A (west)</u></b></p> <p>Under the proposed modification, Tower A (west) retains a single circulation core containing two lifts, now servicing total of 129 apartments. Accordingly, on average a single lift will service 64.5 apartments, which is greater than the maximum of 40 apartments per lift described in this part of the ADG.</p> <p>An analysis of the lift performance for the has been prepared in support of the subject modification application (see '<i>Traffic Analysis Report for 124-126 Bull Street Newcastle West (Tower A)</i>', prepared by KONE, version: report 1, created 11 April 2025). The vertical traffic analysis shows the Tower A (west) lifts proposed will have a '<i>good</i>' overall performance and meet the performance requirements for residential development.</p> <p>Documentation submitted in support of the proposed modification demonstrates consultation with lift service providers and shows that the number of lifts, speed, and size are adequate to serve the number of apartments proposed.</p> <p>The non-compliance is able to be accepted on a balanced view.</p>	<p>Satisfactory (Merit based assessment)</p>
	<p><b><u>Tower B (east)</u></b></p> <p>Under the proposed modification, Tower B (east) retains a single circulation core containing three lifts, now servicing total of 151 apartments. Accordingly, on average a single lift will service 50.3 apartments, which is greater than the maximum of 40 apartments per lift described in this part of the ADG.</p> <p>An analysis of the lift performance for the has been prepared in support of the subject modification application (see '<i>Traffic Analysis Report for 124-126 Bull Street Newcastle West (Tower B)</i>', prepared by KONE, version: report 1, created 11 April 2025). The vertical traffic analysis shows the Tower A (west) lifts proposed will have a '<i>excellent</i>' overall performance and meet the performance requirements for residential development.</p> <p>Documentation submitted in support of the proposed modification demonstrates consultation with lift service providers and shows that the number of lifts, speed, and size are adequate to serve the number of apartments proposed.</p> <p>The non-compliance is able to be accepted on a balanced view.</p>	<p>Satisfactory (Merit based assessment)</p>

<b>Objective 4F-2</b> Common circulation spaces promote safety and provide for social interaction between residents.										
<b>Comments:</b>		<b>Compliance:</b>								
<b><u>Tower A + Tower B</u></b> Internal corridors have been designed to provide clear and well-defined circulation paths. Direct and legible access has been provided between the vertical circulation points (lifts) and apartment entries by giving straight, clear sight lines.		Complies								
<b>4G Storage</b>										
<b>Objective 4G-1</b> Adequate, well designed storage is provided in each apartment.										
<b>Design Criteria:</b>	<b>Comment:</b>	<b>Compliance:</b>								
1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><td><b>Dwelling type</b></td><td><b>Storage size volume</b></td></tr><tr><td>1 bedroom</td><td>6m<sup>3</sup></td></tr><tr><td>2 bedroom</td><td>8m<sup>3</sup></td></tr><tr><td>3+ bedroom</td><td>10m<sup>3</sup></td></tr></table> At least 50% of the required storage is to be located within the apartment	<b>Dwelling type</b>	<b>Storage size volume</b>	1 bedroom	6m <sup>3</sup>	2 bedroom	8m <sup>3</sup>	3+ bedroom	10m <sup>3</sup>	<b><u>Tower A + Tower B</u></b>  The architectural documentation submitted for the proposed modification details all the apartments are provided the minimum storage volumes required in accordance with the number of bedrooms provided.  For details refer to the development schedule prepared by Fender Katsalidis (drawings DA550 to DA556, dated 24 April 2024)  The storage for each apartment is provided by a combination of; (1) storage located and access from within the individual apartments, and (2) storage volume access from a common area (a secure storage cage within the carparking areas).  The architectural floor plans for the proposed modification show an adequate number of individual storage cages located within the carparking areas for the total number of apartment.  Conditions 42C and 123A were imposed on the Modified Development Consent to ensure each independent living unit + residential apartments is allocated a storage cage of adequate size to meet the total minimum storage volume described under this part of the ADG.  Conditions 42C and 123A remain applicable to the proposed modification and as such remain unchanged in the recommended Draft Schedule of Conditions (refer to <b>Attachment A</b> ).	Complies
<b>Dwelling type</b>	<b>Storage size volume</b>									
1 bedroom	6m <sup>3</sup>									
2 bedroom	8m <sup>3</sup>									
3+ bedroom	10m <sup>3</sup>									
<b>Objective 4G-2</b> Additional storage is conveniently located, accessible and nominated for individual apartments.										
<b>Comments:</b>		<b>Compliance:</b>								
<b><u>Tower A + Tower B</u></b>  In addition to the storage volume located within apartments, storage volume for individual apartments accessed from common areas (individual storage cages located in car parking areas) is provided to achieve the total storage volume required.  The individual storage cages, capable of storing larger and less frequently access items, are located in the car parking areas, are secure, and are capable of being clearly allocated to specific apartments.		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:

### **A. Amended condition/s to read:**

36. ~~A Design Verification Statement from a qualified designer shall be submitted to the Certifying Authority. The statement shall confirm the Construction Certificate plans and specifications achieve or improve the design quality of the development for which consent is granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. Full details are to be included in the documentation for the first Construction Certificate for the residential flat development.~~

~~Note: ‘Qualified Designer’ means a person registered as an architect in accordance with the Architects Act 2003. This condition is imposed in accordance with Clauses 143A of the Environmental Planning and Assessment Regulation 2000.~~

**Before the issue of each construction certificate for the development (i.e., whether for part or whole of a building), a statement from a qualified designer is to be provided, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles of *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment development).**

**Note: ‘Qualified Designer’ means a person registered as an architect in accordance with the *Architects Act 2003*.**

**(Condition amended - MA2024/00381)**

37. In accordance with the terms and conditions of the Competition Waiver Agreement (Dated 14 August 2018) the applicant shall obtain written approval from the Design Excellence Panel prior to the release of ~~any Construction Certificates or tender documentation for the project.~~ **every construction certificate for works above the ground level slab, to confirm the detailed design is consistent with the design quality as approved**

**(Condition amended - MA2024/00381)**

- 42A The north facing glazing to living room of apartments ~~101~~, 201**B**, 301**B**, 401**B**, 501**B**, 601**B**, 701**B**, 801**B**, 901**B**, 1001**B**, 1101**B**, 1201**B**, 1301**B**, and 1401**B** located in Tower B are to be provided with:

- a) Frosted translucent glass, and
- b) Side opening awning mechanisms for the operable portion

Full details are to be included in documentation for a Construction Certificate application for the relevant stage of construction.

**(Condition amended - MA2023/000221)**

**(Condition amended - MA2024/00381)**

**B. Deleted condition/s**

- 42B ~~Operable glazing is to be provided where identified by the annotation 'OP' on the approved floor plans. Full details are to be included in the documentation submitted for a Construction Certificate application for the relevant stage of construction.~~

~~(Condition inserted - MA2023/000221)~~

**(Condition deleted - MA2024/00381)**

**C. Inserted condition/s to read:**

Nil.