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10 March 2017

Carolyn McNally  
Secretary  
Department of Planning and Environment  
23-33 Bridge Street  
SYDNEY NSW 2000

Attention: Amy Watson (Team Leader - Key Sites Assessments)

Dear Amy

**RESPONSE TO SUBMISSIONS  
NORTH EAST PLOT (SSD 6626 MOD 1)**

This letter, prepared by JBA on behalf of the proponent, sets out the responses to the issues raised on the modification application to the North East Plot Development Consent (SSD 6626) in accordance with Clause 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg).

**Response to Submissions/Matters Raised**

The North East Plot Modification Application (SSD 6626 MOD 1) was submitted to the Department of Planning and Environment (the Department) on 23 December 2016. The Modification Application was notified and the following agencies provided written submissions:

- NSW Environment Protection Authority (EPA);
- NSW Heritage Council;
- Sydney Water; and
- The City of Sydney Council (Council).

The EPA, Sydney Water and Council confirmed that they had no comments on the proposed modifications.

The NSW Heritage Council recommended that a suitably qualified historical archaeologist should be consulted in the event that unknown historical material or heritage sites/items be uncovered or identified during the construction and operational phases, to determine the significance of those objects. The NSW Heritage Council also noted the Archaeology and Heritage Conditions of Consent (Conditions E28 - E33) remain relevant. These points raised by NSW Heritage Council are noted, and it is acknowledged by the proponent that Conditions E28 - E33 of the development consent continue to apply.

The Department has also requested further justification on the following items:

- relocation of the western façade of Building NE3 in the context of residential amenity; and
- relocated fire tank in relation to its size and access arrangements, having regard to relevant standards.

These matters are addressed in detail below.

### Building NE3 Western Façade

It is clarified that the western façade of Building NE3 has shifted 330mm to the east. The Department has requested further justification of this amendment. It is clarified that this amendment has been driven by a number of matters, including general design development and importantly as a response to in-ground site conditions which were not precisely defined at the time the original development consent was granted.

An overarching strategy for the Darling Square development from the inception of the project has been to minimise excavation and disturbances of the existing ground conditions. This strategy was adopted in light of the extensive services, etc. located within the ground, heritage related items below the ground surface and contamination concerns. Since approval of the North East Plot, further information on existing in-ground structures has been gained, namely the identification of foundation structures associated with the now demolished Sydney Entertainment Centre (SEC).

An existing foundation associated with the SEC was identified below the location of the previous western wall of Building NE3. In order to avoid significant in-ground works to remove this foundation, the wall has been shifted 330mm to the east. The relationship of Building NE3 and the foundation is illustrated in Figure 1 below.

Within the North East Plot site, the design has been coordinated such that only two primary foundations associated with the SEC have been removed. These include one below the core of Building NE3, and another in the zone of the European archaeology (Dam Wall). The first was removed due to the significant nature of the core and an inability to avoid the foundation, whilst the second was removed in line with the recommendations of the archaeological expert. These two instances demonstrate that removal of the existing in-ground structures has only been considered and undertaken in significant circumstances where the design could not be coordinated around the existing foundations.

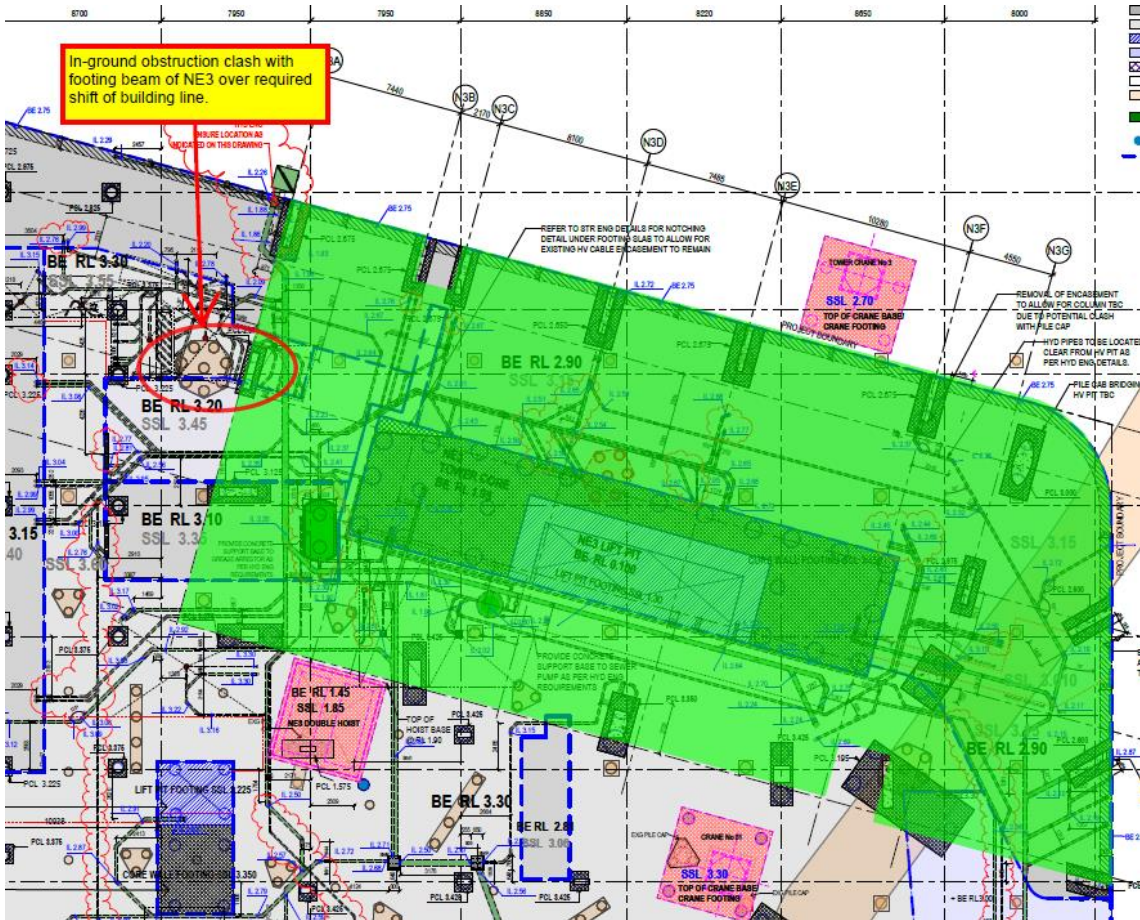


Figure 1 – Existing foundation (circled in red) compared to location of Building NE3

In light of the in-ground conditions, the shift of the wall 330mm has allowed for an outcome consistent with the overarching strategy of Darling Square. The flow on effect of this change therefore needs to be considered, particularly on residential apartments in the western portion of Building NE3.

Overall, the following reductions in floor space have occurred across each floor as a result of the above change, and additional design development:

- reduction of 9m<sup>2</sup> on Level 6;
- reduction of 8.1m<sup>2</sup> per floor on Levels 7-37;
- reduction of 11.7m<sup>2</sup> per floor on Levels 38-39; and
- reduction of 6m<sup>2</sup> per floor on Levels 40.

These reductions have been driven by a number of changes, including the shift of the western façade, changes to balcony forms and adjustments to riser/wall thicknesses. It is noted that these changes are quite detailed and would not ordinarily be included within planning documentation, but given the status of the project there is a desire to capture all key design development changes.

The reduction of floor space on each level can be further divided as set out in **Table 1**.

**Table 1** – Detailed breakdown of changes

Level	Detailed breakdown of changes
Level 6	<ul style="list-style-type: none"> <li>■ Western façade shift – 9m<sup>2</sup> per floor</li> </ul>
Level 7-37	<ul style="list-style-type: none"> <li>■ Western façade shift – 5.5m<sup>2</sup> per floor</li> <li>■ North-Western apartment north balcony adjustment – 1.7m<sup>2</sup> per floor</li> <li>■ Riser/Wall thickness adjustments over design development – 0.9m<sup>2</sup> per floor</li> </ul>
Level 38-39	<ul style="list-style-type: none"> <li>■ Western façade shift – 6m<sup>2</sup> per floor</li> <li>■ Riser/wall thickness adjustments over design development – 5.7m<sup>2</sup> per floor</li> </ul>
Level 40	<ul style="list-style-type: none"> <li>■ Western façade shift – 6m<sup>2</sup> per floor</li> </ul>

Despite the reduction in floor space per level, each individual apartment continues to exceed the minimum apartment size design criteria of Objective 4D-1. Only two design criteria are not numerically achieved in the amended proposal. This does not mean the relevant objectives are not achieved, rather further assessment is required to determine consistency with the objectives. The proposals consistency with these two objectives, being Objective 4D-3 relating to living room widths and 4E-1 relating to balcony sizes, was set out in detail in the original modification application.

The proposal includes 33 apartments with a living room width 300mm below the recommended width in the design criteria for Objective 4D-3 (3.7m opposed to 4m), and 33 apartments with balconies 1m<sup>2</sup> below their original approved size (total 7.7m<sup>2</sup>).

These two instances of change are considerably minor when considered in the context of the overall apartments, and are not expected to be discernible for future residents. The overall arrangement of spaces within the apartments, and importantly the usability of the apartments, has not been modified.

Both the living rooms and balconies remain usable spaces where a range of furniture layouts are capable of being accommodated. The spaces are well proportioned and efficiently organised within the apartments, creating a clear hierarchy of spaces and catering to a variety of living requirements. **Figure 2** illustrates the proposed apartments and identifies the location of the living room and balconies requiring further detailed assessment.



Figure 2 – Level 8-18 floor plan extract (subject living room outlined in blue / subject balcony outlined in red)

The 66 apartments identified above still retain a high level of amenity as the apartments:

- receive solar access for two hours between 9:00am and 3:00pm during mid-winter;
- are naturally cross ventilated;
- are dual sided, allowing for enhanced light and ventilation to a range of living spaces within the apartments;
- are provided with a good outlook or views depending on their height within the building;
- are consistent with, or in excess of, the minimum apartments sizes set out in the design criteria for Objective 4D-1 of the ADG;
- are provided with a functional, free-flowing and logical layout which facilitates a range of activities and will enable flexibility for change over time clear (refer to **Figure 2** above). A structured hierarchy of spaces is provided in each apartment to enhance efficiencies and allow for a clear division of spaces;
- include bedrooms which are well proportioned and consistent with the minimum sizes set out in the design criteria for the relevant objectives of the ADG;
- have been efficiently designed with a minimisation of circulation spaces, with the entry door opening directly onto living/kitchen spaces where possible, therefore ensuring that floor space is able to be provided within living areas;
- are generally afforded a rectangular and regular layout of the living area to facilitate and enable flexibility in furniture layouts and allow for alternative furniture pieces over the life of the apartment; and
- contain balconies directly accessed from living spaces, ensuring that a merging of indoor/outdoor living is facilitated and entertaining spaces/opportunities are enhanced in scale and proportion.

Furthermore, when these apartments are considered holistically within Building NE3, the overall North East Plot and the overall Darling Square development, the amenity of all apartments can be better evaluated. The following factors should be considered when determining amenity for apartments in the Darling Square site:

- The Darling Square development is located in an urban infill site within Sydney's CBD, seeking to establish a new neighbourhood amongst the existing urban fabric of the city. The precinct is offered unparalleled access to significant amenities in terms of access to employment, transport, services and facilities in the Sydney CBD and Darling Harbour.
- When all apartment types and sizes are considered, there is a diverse mix offering variation in product and price point. Given the access issues associated with the Sydney housing market, there is a desire to provide a range of apartment sizes to encourage greater market access and meet changing demographics.
- All apartments will be provided with high quality finishes and fittings, delivering a high standard of internal amenity to residents and ensuring all spaces are used most efficiently.

In light of the above assessment, it is evident that all apartments within Building NE3 continue to achieve a high level of amenity. The proposed amendments, resulting in minor reductions in floor space, will not detrimentally affect the residential amenity of apartments, with each individual apartment continuing to achieve consistency with the objectives of the ADG. In considering all aspects of the project, the proposal continues to deliver a high level of residential amenity whilst balancing the constraints of the site.

#### **Fire Tank Relocation**

The Department has requested confirmation that the relocated fire water storage tank is consistent with the relevant standards. Wood and Grieve engineers have confirmed that the relocated tank is consistent with the relevant standards (refer to **Attachment A**), namely in that the tank is sized in accordance with the requirements of AS 2118.6-2012 and access requirements are consistent with AS 2304-2011.

We trust the above information is sufficient to allow the finalisation of the assessment. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or [brendan@jbaurban.com.au](mailto:brendan@jbaurban.com.au).

Yours faithfully



Brendan Hoskins  
*Principal Planner*