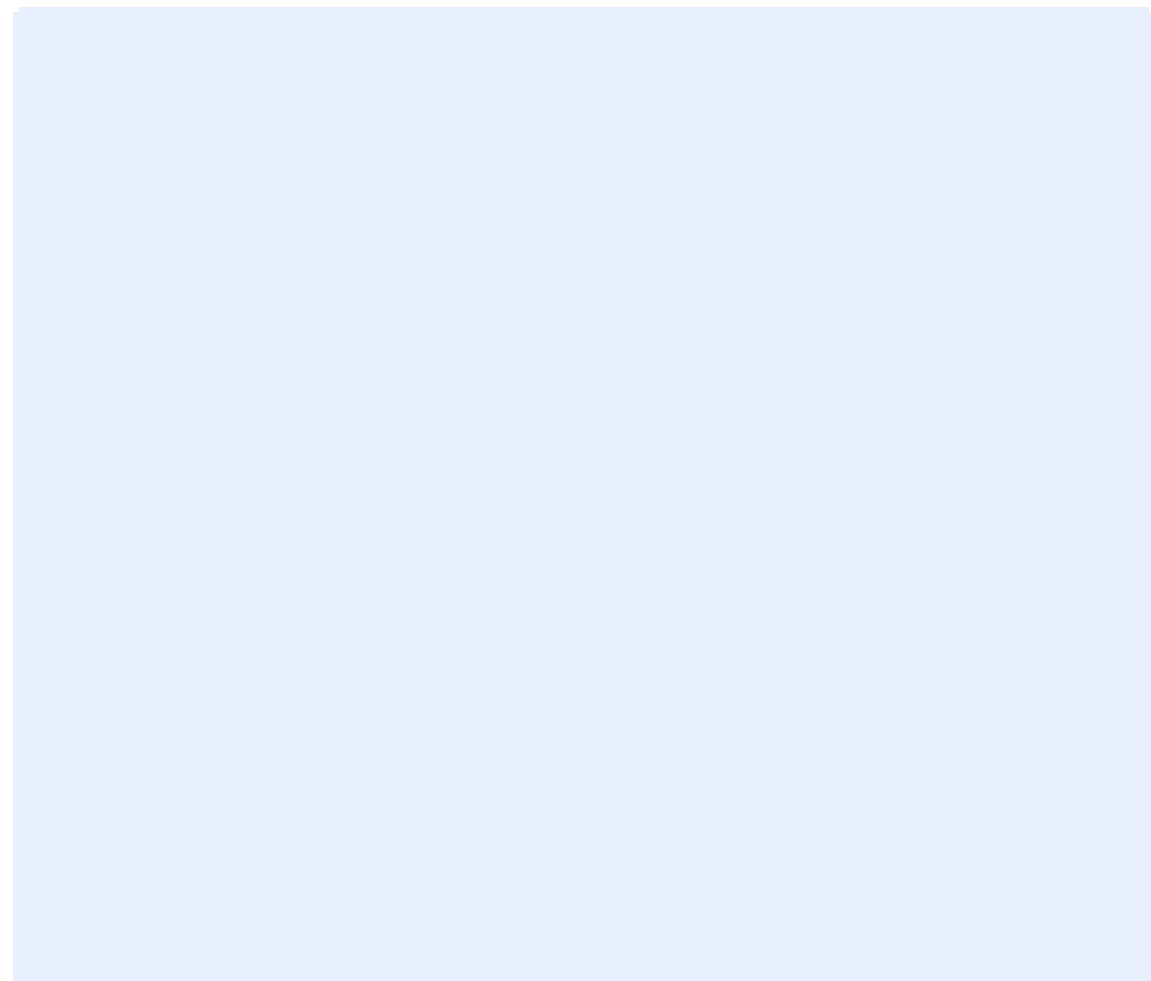




Crown Sydney Hotel Resort Modification 3

Amalgamation of apartments
State Significant Development Modification Assessment
(SSD 6957 MOD 3)

July 2020



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Glossary

Abbreviation	Definition
Applicant	Crown Resorts Limited
Council	City of Sydney
CSHR	Crown Sydney Hotel Resort
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
GFA	Gross Floor Area
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

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1 Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD 6957) for a mixed-use development known as the Crown Sydney Hotel Resort (CSHR).

The application has been lodged by Ethos Urban on behalf of Crown Resorts Limited (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application seeks to amalgamate six apartments on Levels 48 and 49 to create one two-storey (duplex) apartment. The proposal would reduce the total number of approved residential apartments from 81 to 76.

1.1 Background

The modification application relates to the CSHR, identified as Lot 214 in DP 1221076 at Barangaroo South in the City of Sydney local government area (LGA). Barangaroo is located on the north-western edge of the Sydney central business district (**Figure 1**). CSHR is located in the north-western portion of Barangaroo South and adjoins Barangaroo Avenue to the west and forms part of Stage 1C (**Figure 2**).



Figure 1 | The Barangaroo site (outlined in red) and Barangaroo South (shaded in yellow) (Base source: Google)

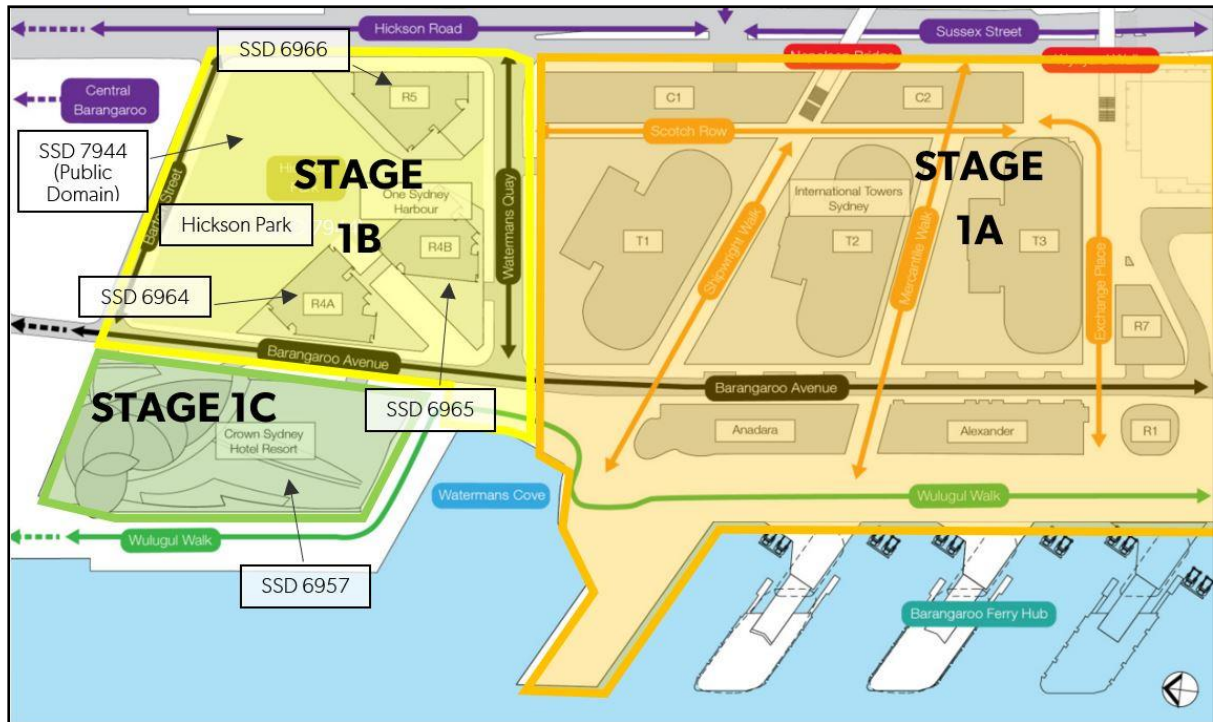


Figure 2 | Barangaroo South buildings and construction stages – CSHR part of Stage 1C (highlighted green) (Base source: Applicant’s EIS)

The CSHR is currently under construction. A number of other key approvals have been issued for development at Barangaroo South, Headland Park and Barangaroo Central (**Figure 3**), including:

- residential Buildings R4A and R4B (under construction)
- stage 1B basement car park (under construction)
- stage 1B permanent public domain works (under construction)
- blocks 4 and 5 and Hickson Road remediation works (under construction)
- Barangaroo ferry hub (complete)
- commercial Buildings C1, C2, C3, C4 and C5 (complete)
- residential buildings R8 and R9 (complete)
- stage 1A basement car park (complete)
- stage 1A permanent public domain works (complete)
- retail Buildings R1 and R7 (complete)
- Barangaroo Reserve (former Headland Park – complete)
- Barangaroo Central foreshore promenade (complete).

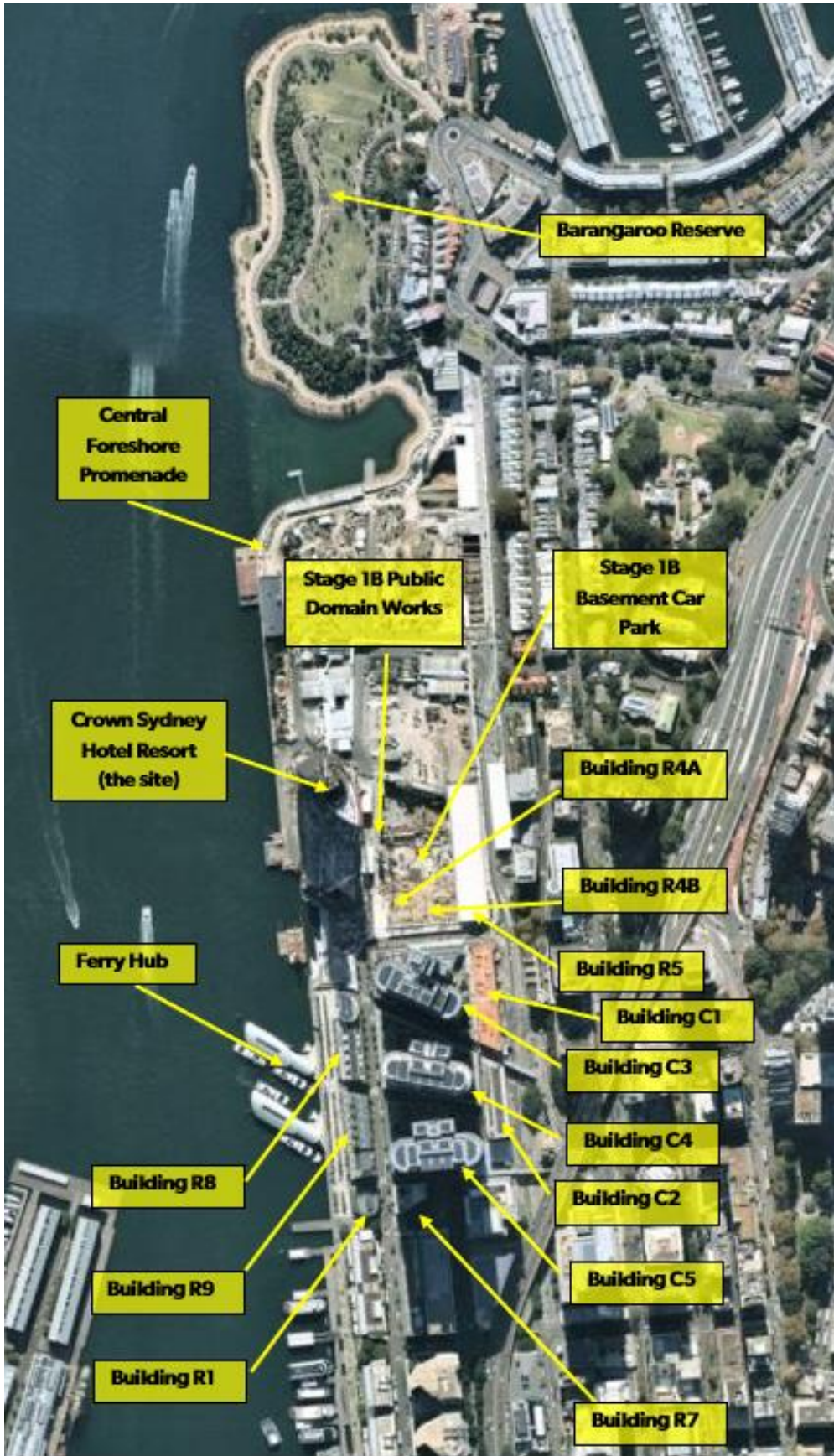


Figure 3 | Barangaroo construction and completed projects plan (Base source: Nearmap)

1.2 Approval history

On 28 June 2016, the Independent Planning Commission (former Planning Assessment Commission) approved a SSD application (SSD 6957) for the construction of a mixed-use building, known as CSHR (the SSD Approval), including:

- site remediation, earthworks, excavation, structural and site preparation works
- construction and fit-out of a 71-storey tower including podium
- construction of three basement levels
- a total GFA of 77,500 m², comprising:
 - 66 residential apartments
 - hotel use (350 hotel keys/rooms) and ancillary guest and visitor facilities
 - 6,085 m² restricted gaming facility GFA
 - 6,700 m² retail GFA
- 610 on-site car parking spaces and 188 bicycle parking spaces
- public domain works and landscaping
- business and building identification signage and signage zones.

The development consent has been modified on two occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval date
MOD 1	<ul style="list-style-type: none"> • 87 residential apartments (an additional 21 apartments) • hotel (349 hotel keys/rooms) and ancillary guest and visitor facilities • reconfiguration of basement car parking resulting in 641 on-site car parking spaces (31 additional) and 207 bicycle parking spaces • reconfiguration of terraces on levels 3, 4 and 24 • design changes to porte-cochere, outdoor seating areas and ground level landscaping • public viewing deck on level 66. 	Group Deputy Secretary	4.55(2)	31 October 2019
MOD 2	<ul style="list-style-type: none"> • reduction in total number of residential apartments from 87 to 81 • amalgamation of residential apartments on Levels 33, 37, 51, 60 and 61 	Executive Director	4.55(1A)	7 May 2020

- increase in total residential GFA from 22,487 m² to 22,525 m².
-

2 Proposed modification

On 19 May 2020, the Applicant lodged a modification application (SSD 6957 MOD 3) seeking approval, under section 4.55(1A) of the EP&A Act to amalgamate six apartments on Levels 48 and 49 to create one two-storey (duplex) apartment.

The proposed modification would reduce the total number of residential apartments from 81 to 76 and decrease the total residential GFA by 61 m² from 22,525 m² to 22,464 m². The proposed works seek to remove and rearrange the internal walls of the apartments to create a larger single amalgamated apartment. No changes to car parking are proposed.

The proposed apartment amalgamation is described in **Table 2** below and shown in **Figures 4 to 7**.

Table 2 | Proposed modifications per level

Level	Approved	Proposed
Level 48	<ul style="list-style-type: none">• 2 x 3 bedroom apartment• 1 x 4 bedroom apartment	<ul style="list-style-type: none">• 1 x 6 bedroom + study duplex apartment
Level 49	<ul style="list-style-type: none">• 1 x 2 bedroom apartment• 1 x 3 bedroom apartment• 1 x 4 bedroom apartment	

The proposed changes to the residential GFA are outlined in **Table 3** below.

Table 3 | Proposed changes to GFA

Residential GFA	Approved	Proposed	Maximum GFA permitted
Total GFA (m ²)	22,525 m ²	22,464 m ²	22,600 m ²

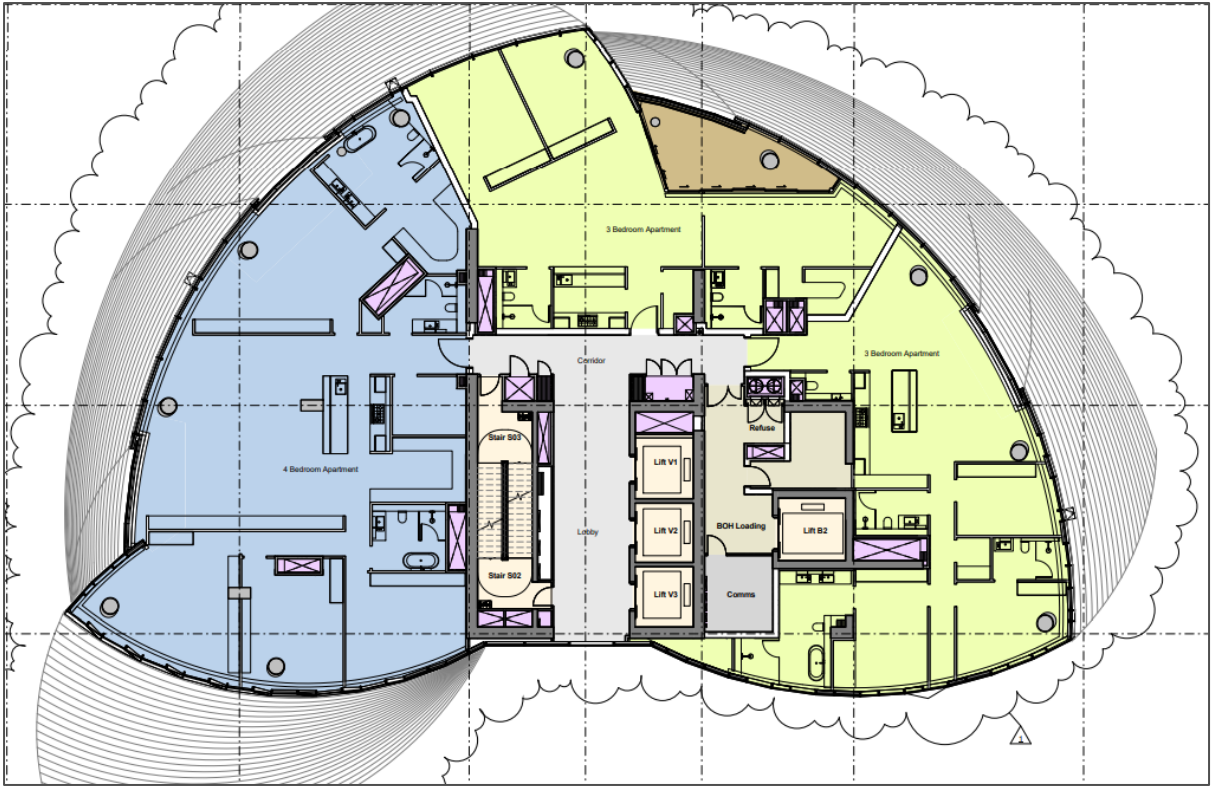


Figure 4 | Approved 2 x 3 bedroom and 4-bedroom apartment layout on Level 48 (Source: MOD 1)

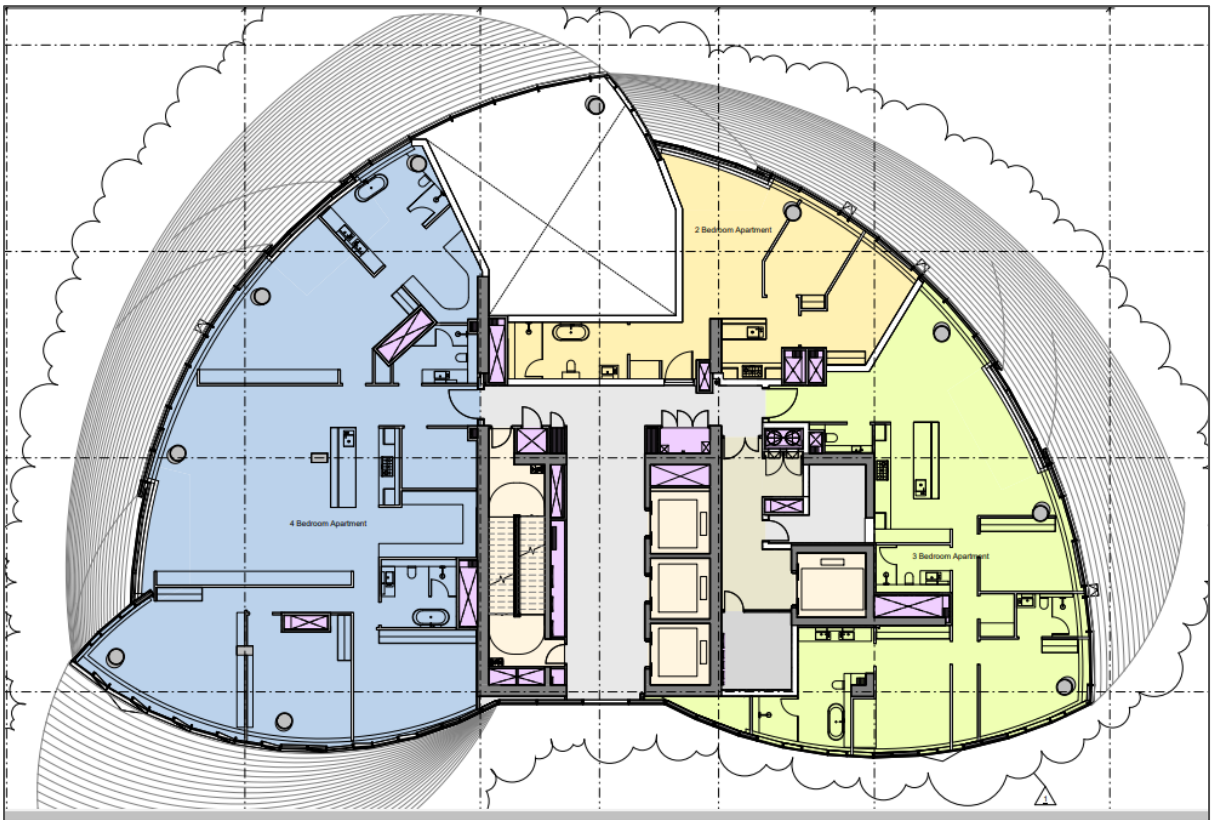


Figure 5 | Approved 2 bedroom, 3 bedroom and 4-bedroom apartment layout on Level 49 (Source: MOD 1)

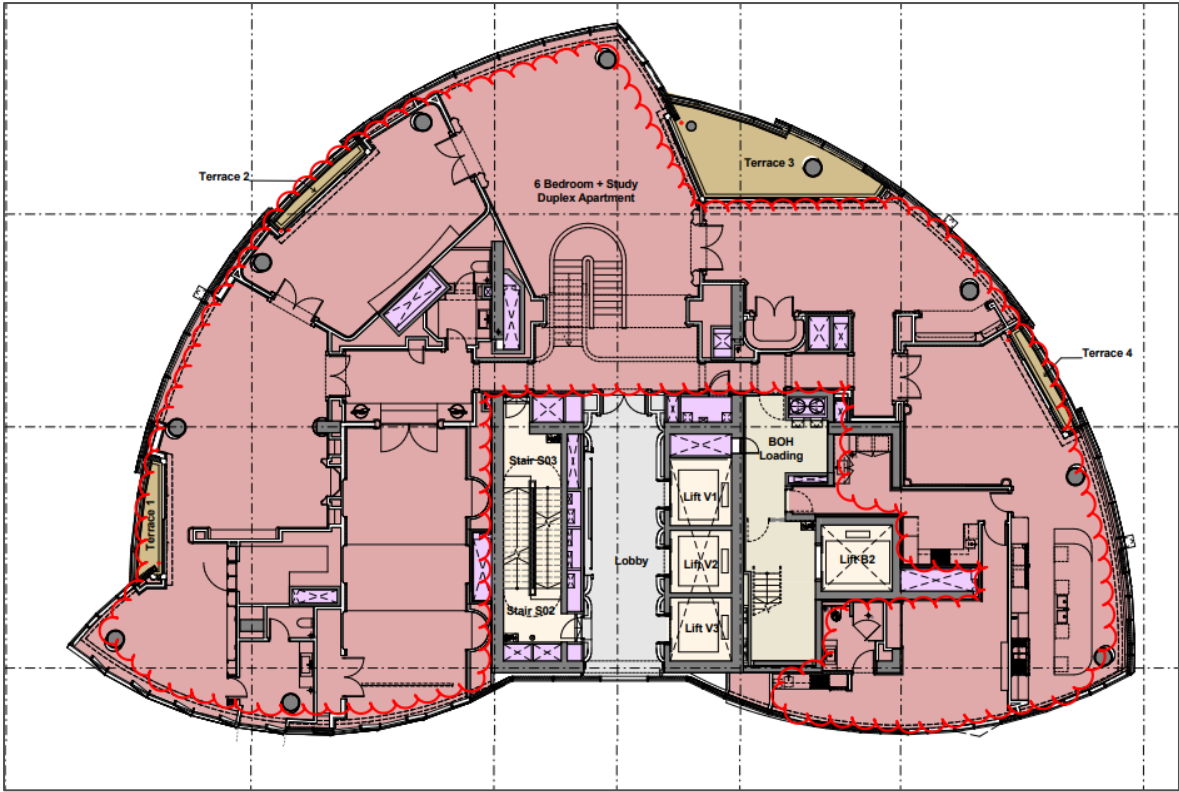


Figure 6 | Proposed 6 bedroom + study duplex apartment layout on Level 48 (Source: MOD 3)

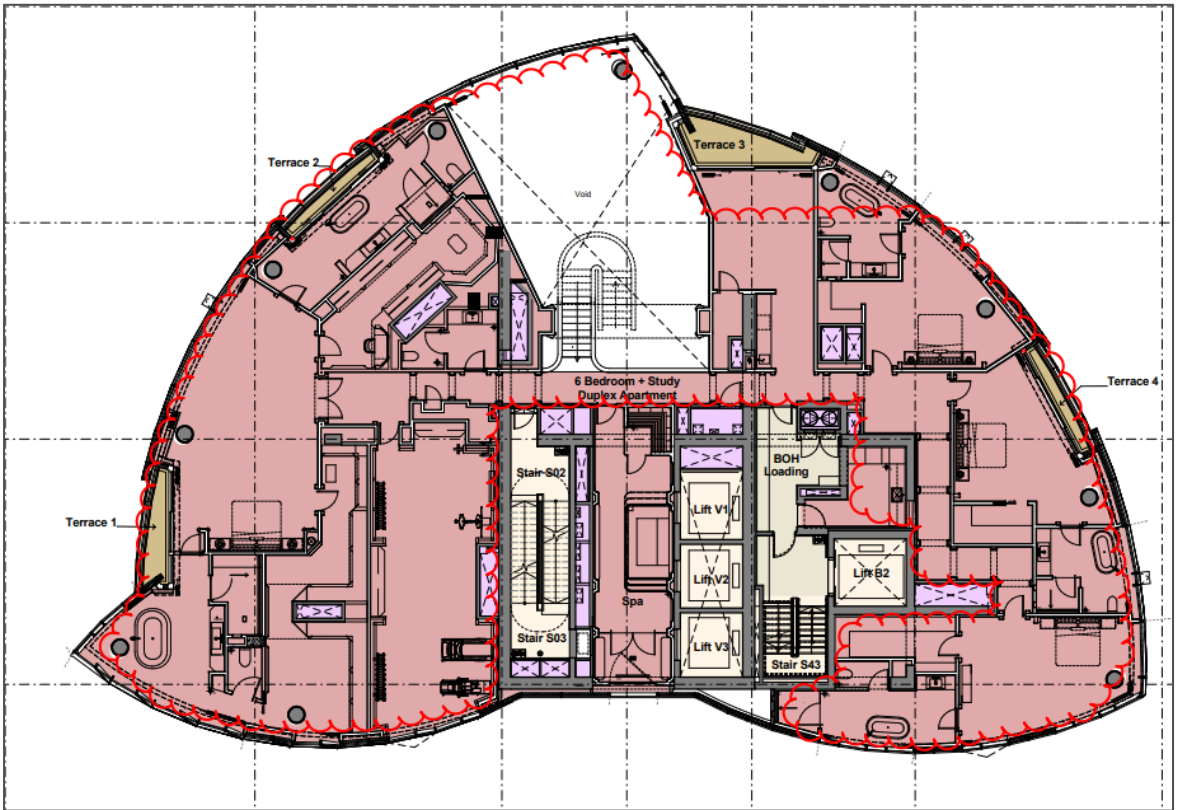


Figure 7 | Proposed 6 bedroom + study duplex apartment layout on Level 49 (Source: MOD 3)

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is provided in **Appendix B**.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55 (1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act.

Minister's delegate as consent authority

In accordance with the Minister's delegation, the Executive Director, Regions, Industry and Key Sites may determine this application as:

- a political disclosure statement has not been made
- there are 10 or less public submissions in the nature of objections.

3.3 Mandatory matters for consideration

The following are relevant mandatory matters for consideration:

- section 4.55(1A) of the EP&A Act, including environmental planning instruments or proposed instruments;
- EP&A regulation;
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts;
- suitability of the site;
- any submissions;
- the public interest; and
- the reasons for granting approval for the original application.

The Department has considered all of these matters in its assessment of the proposal. The Department has also given consideration to the relevant matters in **Section 5** and **Appendix B**.

3.4 Consistency with Concept Approval

In accordance with Clause 3b of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and other Provisions) Regulation 2017*, the Department has considered the proposed modification and is of the opinion the modification remains consistent with the Concept Plan as the works are solely internal and minor. In respect of car parking, further consideration of this issue is provided in **Section 5**.

4 Engagement

4.1 Department's engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications.

Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 2 June 2020, and was referred to City of Sydney Council (Council) for comment.

4.2 Summary of submissions

The Department received one submission from Council in relation to the application. Council reiterated its comments that it provided in response to MOD 2 (SSD 6957 MOD 2).

Council noted the proposal seeks to consolidate a number of apartments. However, Council advised it makes no reduction to on-site car parking, and therefore the number of car parking spaces remains excessive.

No public submissions were received.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application and Concept Approval
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation
- Council's submission.

The Department considers the key assessment issues associated with the proposal are dwelling mix and car parking. Other issues are considered in **Section 5.3** and **Appendix B**.

5.1 Dwelling mix

The proposal seeks to reduce the total number of approved apartments by five from 81 to 76 by amalgamating six apartments across two levels of the building (levels 48 and 49). The Applicant has advised the amalgamation of apartments into a single duplex apartment is necessary due to a specific buyer request.

The proposal would decrease the number of two-bedroom apartments from 25 to 24, decrease the number of three-bedroom apartments from 36 to 33 and decrease the number of four-bedroom apartments from 19 to 17. The proposal would create a new six bedroom plus study duplex apartment with a floor area of approximately 1,340 m².

A summary of the approved and proposed dwelling mix is outlined in **Table 4** below.

Table 4 | Approved and proposed dwelling mix

Type	Approved number of apartments (MOD 2)	Proposed number of apartment	Change
Two Bed	25	24	-1
Three Bed	36	33	-3
Four Bed	19	17	-2
Five Bed	1	1	0
Six Bed	0	1	+1
Total	81	76	-5 (6.2%)

The Department considers the revised unit mix is acceptable as the proposed changes are minor and the proposal retains an appropriate range of different unit types and sizes. The new apartment would still provide a high level of amenity for its future residents (considered further in **Section 5.3** and

Appendix B) and the proposal would not result in any additional amenity or visual impacts as no external changes to the building are proposed.

The Department is therefore satisfied the revised dwelling mix is acceptable and the proposal would not result in any additional impacts beyond those already assessed and approved.

5.2 Car parking

The proposal seeks to retain the number of residential car parking spaces currently approved at 157. The proposed single duplex apartment would be allocated six car parking spaces. The proposed car parking allocation is shown in **Table 5** below.

Table 5 | Car parking allocation

Level	Approved apartments	Car parking allocation	Proposed apartment	Car parking allocation
48	• 2 x 3 bedroom apartment	2	• 1 x 6 bedroom + study duplex apartment	6
	• 1 x 4 bedroom apartment	2		
49	• 1 x 2 bedroom apartment	0		
	• 1 x 3 bedroom apartment	0		
	• 1 x 4 bedroom apartment	2		

The maximum car parking rate outlined in the Concept Plan for three bed + units is 2 spaces per unit. The proposal would therefore exceed the maximum car parking rate by 4 spaces.

Council reiterated its comments that it provided in response to MOD 2 (SSD 6957 MOD 2). Council noted the proposal seeks to consolidate a number of apartments. However, Council advised it makes no reduction to on-site car parking, and therefore the number of car parking spaces remains excessive.

The Department considered the issues raised by Council in its assessment of MOD 2 (SSD 6957 MOD 2). While the Department supports reduced car parking rates in inner city locations, the Department maintains it is acceptable to retain the approved number of residential car spaces in this instance as:

- the construction of the basement levels are currently near completion and the reduction of car spaces or conversion of surplus car spaces to storage space is not practical
- the exceedance of the Concept Plan car parking rates (+4 spaces for the proposed unit) is considered to be reasonable given the size of the proposed apartment
- the traffic and parking assessment confirms that the proposal would not result in any additional traffic generation or any adverse traffic impacts on the broader Barangaroo street network
- the surplus car spaces are likely to be used for the storage of 'collectable cars' and the infrequent use of these vehicles is unlikely to result in adverse traffic impacts

- the Applicant has committed to providing additional benefits including three dedicated shared use electric vehicle charging bays, one dedicated car wash bay and two dedicated visitor car parking bays
- some of the 157 residential car spaces will be dedicated 'fuel efficient' car spaces and be equipped with electric charging stations.

The Department's assessment therefore concludes retaining the number of residential car spaces at 157 is acceptable in this instance, given the construction of the basement car park is near completion, the non-compliance is minor and the proposal would not result in any additional traffic impacts.

5.3 Other issues

Other relevant issues for consideration are addressed in **Table 6**.

Table 6 | Summary of other issues

Issue	Findings	Recommendations
Gross Floor Area (GFA)	<ul style="list-style-type: none"> • The modification application seeks to decrease the total residential GFA by 61 m² from 22,525 m² to 22,464 m². The reduction in residential GFA is attributed to the internal reconfiguration of the residential apartments and amalgamation of six apartments into one. • The Applicant notes the reduction in GFA remains below the approved total maximum residential GFA of 22,600 m² approved under the Concept Plan. • The Department considers the decrease of 61 m² (- 0.27%) in GFA is acceptable as it below the maximum in the Concept Plan, it relates to internal changes only and would not result in any adverse impacts beyond those already assessed and approved. 	No additional conditions or amendments are necessary.
Residential Amenity	<ul style="list-style-type: none"> • The proposal seeks approval to modify the internal layout of residential apartments on Levels 48 and 49. • The Applicant notes the amalgamated apartment will continue to demonstrate a high level of amenity • The Department has assessed the proposed modification against SEPP 65 and the relevant ADG requirements and notes that the amalgamated apartment does not meet the ADG requirements with regard to habitable room depth and ventilation. • However, the Department is satisfied the amalgamated apartment would still provide high levels of amenity due to its significant size, expansive views to iconic locations including the Sydney Harbour Bridge and Sydney Opera House, and access to sunlight and its open plan nature. Further consideration of the ADG is provided at Appendix B. 	No additional conditions or amendments are necessary.

- The Department therefore considers the residential amenity of the amalgamated apartment is reasonable and acceptable.
-

6 Evaluation

The Department has reviewed the modification application and all additional information, and assessed the merits of the proposal, taking into consideration advice from Council.

The Department has considered all relevant matters under section 4.15 of the EP&A Act, and is satisfied that the development, as proposed to be modified, is substantially the same development as that originally approved.

The Department considers the proposal is acceptable for the following reasons:

- the total maximum residential GFA does not exceed 22,600 m² as required by the Concept Plan
- the modifications to the internal layout of the apartments are minor and the proposed single duplex apartment would continue to have a high level of residential amenity
- the proposal continues to offer a variety of apartment types and sizes to cater for different household types
- retaining the approved number of car spaces would not result in adverse traffic impacts and is considered to remain generally consistent with the Concept Plan.

The Department considers the modification is in the public interest and should be approved, subject to the recommended modified conditions of consent.

7 Recommendation

It is recommended that the Executive Director Regions, Industry and Key Sites, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 6957 MOD 3 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 6957
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

Recommended by:



Anthony Witherdin
Director
Key Sites Assessments

8 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:

Anthea Sargeant

Executive Director

Regions, industry and Key Sites

(as delegate of the Minister for Planning and Public Spaces)

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

1. Modification Application

<https://www.planningportal.nsw.gov.au/major-projects/project/27001>

Appendix B – Statutory considerations

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in **Table 1**.

Table 1 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
The proposed modification is of minimal environmental impact	As discussed in Section 5 of this report, the potential environmental impacts arising from the proposed modification are minor in nature and can be mitigated by the recommended conditions of consent (Appendix C).
The development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.	<p>The development, as proposed to be modified, is substantially the same development as that originally approved in that:</p> <ul style="list-style-type: none"> the land use mix remains consistent with that of the approved development the proposed modifications to the approval will not alter the building form or function the internal modifications proposed are minor in the context of the scale of the building no changes to the maximum approved GFA are proposed the number of approved car parking spaces would stay the same the anticipated environmental impacts arising from the proposed modifications are consistent with those of the approved development.
The application has been notified in accordance with the regulations.	Section 4 of this report demonstrates the modification application followed the consultation requirements as outlined in the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation).
Any submission made concerning the proposed modification has been considered.	The Department has considered the submissions received during the exhibition period (refer to Sections 4 and 5 of this report).

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 2 | Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The proposed modification is consistent with the relevant Environmental Planning Instruments (EPIs) as addressed below in this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 4).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the likely impacts of the proposed modification acceptable and have been appropriately addressed (refer to Section 5 of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Section 5 .
(d) any submissions	The Department has considered the submissions received (refer to Section 4 and 5 of this report).
(e) the public interest	The Department considers the proposed modification to be in the public interest.
Reasons given by the consent authority for the grant of the consent that is sought to be modified	The Department has considered the reasons given by the consent authority for the grant of the consent in its assessment in Section 5 .

Environmental Planning Instruments

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft Remediation of Land State Environmental Planning Policy
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft Environment State Environmental Planning Policy
- Other Plans and Policies:
 - Sydney Harbour Foreshores and Waterways Area DCP 2005.

The Department undertook a comprehensive assessment of the proposal against relevant EPIs in its original assessment. Due to the minor nature of the modification application, the Department is satisfied the application remains consistent with EPIs.

Consideration of the modification application against State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development is provided below.

State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65)

The Applicant has submitted an updated design verification statement, stating the key principles of the design would remain adhered to and the modifications would be consistent with the design quality principles and objectives of the Apartment Design Guide (ADG). The Department considers the modified proposal meets the majority of these recommendations, with consideration given to the criteria relevant to the proposed amendments in **Table 3**.

Table 3 | Consideration of the relevant provisions of the Apartment Design Guide under SEPP 65

ADG – Relevant Criteria	Proposal
<p>3J Bicycle and Car Parking</p> <ul style="list-style-type: none"> • Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less. • Parking and facilities are provided for other modes of transport. • Car park design and access is safe and secure. • Visual and environmental impacts of underground car parking are minimised. 	<p><u>Approved (MOD 2)</u></p> <ul style="list-style-type: none"> • 157 residential car parking spaces and 87 residential bicycle spaces. <p><u>Proposed</u></p> <ul style="list-style-type: none"> • The application does not seek changes to the number of residential car parking spaces or bicycle parking spaces. • The Department considers retaining the number of residential car spaces at 157 and bicycle spaces at 87 is acceptable and that the proposal is generally consistent with the Concept Plan (refer to Section 5).
<p>4A Solar and Daylight Access</p> <ul style="list-style-type: none"> • To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. • Minimum of 70% of apartments’ living rooms and private open spaces receive 2hrs direct sunlight between 9 am -3 pm in mid-winter in the Sydney Metropolitan Area. 	<p><u>Approved (MOD 2)</u></p> <ul style="list-style-type: none"> • 74.10% of apartments achieve a minimum of 2 hours of sunlight between 9am and 3pm in mid-winter. <p><u>Proposed</u></p> <ul style="list-style-type: none"> • The proposed modification will decrease the percentage of apartments achieving the minimum amount of sunlight from 74.10% to

- Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter.
- Daylight access is maximised where sunlight is limited.
- Design incorporates shading and glare control, particularly for warmer months.

72.3% but it still above the 70% minimum required.

- The amalgamated apartment will receive complying solar and daylight access.

4B Natural Ventilation

- Depths of habitable rooms support natural ventilation
- At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated).
- Overall depth of a cross-over or cross-through apartment does not exceed 18m.

Approved (MOD 2)

- Internally located studies (present in approximately 20% of apartments) are mechanically ventilated
- All apartments are greater than 10 storeys above ground.

Proposed

- All habitable rooms within the amalgamated apartment support natural ventilation except for the home cinema which is mechanically ventilated.
- The amalgamated apartment is located on levels 48 and 49, and as such, is deemed to be cross ventilated.

4C Ceiling Heights

Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

- Habitable rooms 2.7 m
- Non-habitable rooms 2.4 m.

For two-storey apartments:

- 2.7 m for main living area floor
- 2.4 m for second floor, where its area does not exceed 50% of the apartment area.

Approved (MOD 2)

- Some study/home office rooms will have ceilings lower than 2.7 m due to ceiling services constraints.
- Only 8 apartments are affected, and the ceilings in those studies will be 2.55 m (exceeding BCA minimum for habitable rooms). Ceilings in the adjacent habitable rooms will exceed 2.7 m.

Proposed

- Ceilings in all habitable rooms within the amalgamated apartment exceed 2.7 m.

4D Apartment Size and Layout

- Minimum apartment sizes
 - Studio 35 m²
 - 1 bedroom 50 m²
 - 2 bedroom 70 m²
 - 3 bedroom 90 m².
- Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms.

Approved (MOD 2)

- All apartments, including bedrooms and living rooms, meet the minimum size requirement.
- The proposal is consistent with the remainder of these recommendations, with the exception of those discussed below.
 - some apartments exceed the maximum ceiling height to room depth requirement due to the generous size of the room.
 - some apartments have areas which extend to a depth of 8-10 m measured from the window to the back wall of the

- Habitable room depths are limited to 2.5 x the ceiling height.
- In open plan layouts the maximum habitable room depth is 8m from a window.
- Master bedroom have a minimum area of 10 m² and other bedrooms have 9 m².
- Bedrooms have a minimum dimension of 3m (excluding wardrobes).
- Living rooms have a minimum width of:
 - 3.6 m for studio and one bed
 - 4 m for 2 and 3 bed.
- The width of cross-over or cross-through apartments are at least 4m internally.

living area, due to the generous size of the room.

Proposed

- The amalgamated apartment has a GFA of approximately 1,340 m² and meets the minimum size requirements.
- Some habitable rooms exceed the maximum ceiling height to room depth requirement due to the oversized and generous nature of the rooms.
- The home cinema and open gym do not comply with the maximum habitable room depth of 8 m.
- The Department considers these inconsistencies with the ADG recommendations are minor would not adversely impact on the overall amenity of the amalgamated apartment.

4E Private Open Space & Balconies

- Apartments provide appropriately sized private open space & balconies to enhance residential amenity
- Primary private open space & balconies are appropriately located to enhance liveability for residents
- Private open space & balcony design is integrated into & contributes to the overall architectural form & detail of the building
- Private open space & balcony design maximises safety

Approved (MOD 2)

- All apartments are above 10 storeys and have balconies. Most balconies meet the Design Criteria. Those that do not meet the criteria meet the design guidance.
- Glass balustrades are provided to maximise views. Surveillance of street is not achievable with residential floors beginning at level 34. Visual privacy is not a problem due to the height of the balconies and separation from adjacent proposed buildings.

Proposed

- The primary balcony (Terrace 3) meets the minimum area and depth requirements. The amalgamated apartment also includes additional smaller balconies.
- Glass balustrades are provided to maximise views. Surveillance of street is not achievable with as the amalgamated apartment is located on levels 48 and 49. Visual privacy is not a problem due to the height of the balconies and separation from adjacent proposed buildings.

4K Apartment Mix

- Provision of a range of apartment types and sizes.
- Apartment mix is distributed to suitable locations within the building.

Approved (MOD 2)

A variety of types and sizes would be provided within the 81 units. The 81 apartments would be comprised of:

- 25 x 2-bedroom apartments (30.9%)
- 36 x 3-bedroom apartments (44.4%)
- 19 x 4-bedroom apartments (23.5%)
- 1 x 5-bedroom apartments (1.2%)

A range of apartment types and sizes would be provided, and the apartments would be logically located within the building.

Proposed

A variety of types and sizes would be provided within the 76 units. The 76 apartments would be comprised of:

- 24 x 2 bedroom apartments (31.6%)
- 33 x 3 bedroom apartments (43.4%)
- 17 x 4 bedroom apartments (22.4%)
- 1 x 5 bedroom apartment (1.3%)
- 1 x 6 bedroom apartment (1.3%).

A range of apartment types and sizes would be provided, and the apartments would be logically located within the building.

4Q Universal design

- Universal design features are included in apartment design to promote flexible housing for all community members (Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guidelines silver level universal design features).
- A variety of apartments with adaptable designs are provided.
- Apartment layouts are flexible and accommodate a range of lifestyle needs.

Approved (MOD 2)

- The proposal is capable of complying with the requirements for universal design. All apartments are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs.

Proposed

- The proposal is capable of complying with the requirements for universal design. The amalgamated apartment is of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs.

Appendix C – Notice of modification

The Notice of Modification can be found at the Department of Planning, Industry and Environment's website as follows.

<https://www.planningportal.nsw.gov.au/major-projects/project/27001>