

# **Attachment C**

**Original Report to CSPC – 23 July 2020**

**Item 4.****Development Application: 163-173 McEvoy Street, Alexandria - D/2017/238/A****File No.: D/2017/238/A****Summary****Date of Submission:** 25 November 2019. Amended plans received on 12 May 2020.**Applicant:** Ceerose/Priansa Pty Ltd**Architect/Designer:** Andrew Burns Architecture and PBD Architecture**Developer:** Ceerose/Priansa Pty Ltd**Owner:** Priansa Pty Ltd**Cost of Works:** \$0**Zoning:** The site is zoned B4 - Mixed Use under the Sydney Local Environmental Plan (SLEP) 2012. The development is permissible with consent.**Proposal Summary:** This Section 4.56(2) application seeks to modify the concept approval for two mixed use building envelopes. The envelopes are labelled as 'Building A' fronting McEvoy Street and 'Building B' fronting Lawrence Street.

The current concept was approved by the Land and Environment Court on 24 August 2018.

The proposed modifications principally involve altering the approved building envelopes to align with the winning design competition scheme and the detailed design development application. Amendments to detailed design and landscape conditions are also proposed. Proposed modifications are as follows:

- (a) Increase the height of Buildings A and B.
- (b) Increase the width of the existing bays of Building A, amendments to bay setbacks/building separation and include an additional bay to the north.

- (c) Enlarge the footprint of Building B to meet the south-western property boundary.
- (d) Reduce the depth of the floorplate of Building A.
- (e) Modification of Condition 5 Detailed Design to allow for below ground apartments within Building B and floor space within articulation zones within Building A.
- (f) Modification of Condition 6A to allow for minor exceedances of height for architectural roof features, plant and the like.
- (g) Modification of Condition 12 Landscaping to delete the minimum 6m dimension for deep soil zones.

The proposed modifications will deliver consistency between staged development applications for the site, as required under Section 4.24 of the Environmental Planning and Assessment Act, 1979. The detailed design development application (D/2019/1350) is presented to the CSPC concurrently for approval.

The application was notified between 11 December 2019 and 16 January 2020. 55 submissions were received as a result of this notification. Following submission of amended plans, the application was re-notified for a period of 14 days between 20 May and 4 June 2020. 52 submissions were received. Issues raised include traffic generation, site access and parking, height, bulk and scale, density, tree removal and landscaping, overshadowing, privacy, heritage, noise, construction impacts, air quality, wind impacts, hours of operation, design excellence, inconsistency with concept approval, insufficient documentation and inadequate re-notification period.

As amended, the proposed building envelopes are considered to be substantially the same as previously approved and contextually appropriate. The detailed design application will be considered concurrently by the CSPC under DA No. D/2019/1350, demonstrates that a generally compliant scheme can be provided within the amended envelope. Consequently the amendment is recommended for approval.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) Sydney Airport Referral Act 1996
- (iii) Water Management Act 2000
- (iv) State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012

**Attachments:**

- A. Amended Conditions of Consent
- B. Amended Building Envelope Drawings
- C. Solar Impact Analysis
- D. Concept Approval - LEC Judgement

## Recommendation

It is resolved that consent be granted to Section 4.56 Application No. D/2017/238/A subject to the amendment of the following conditions (with modifications shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions), as follows:

### (2) APPROVED DEVELOPMENT

- (h) Development must be in accordance with Development Application No. D/2017/238 dated 15 November 2019 and the following drawings prepared by ~~BKA~~ Andrew Burns Architecture:

Drawing Number	Drawing Name	Date
DAO70 Revision G	<del>Floor Plan Envelope Ground Floor</del> (Scheme 05 - Compliant)	19 June 2018
DAO71 Revision G	<del>Floor Plan Envelope Level 01-02</del> (Scheme 05 - Compliant)	18 June 2018
DAO72 Revision G	<del>Floor Plan Envelope Level 03</del> (Scheme 05 - Compliant)	19 June 2018
DAO73 Revision G	<del>Floor Plan Envelope Level 04</del> (Scheme 05 - Compliant)	18 June 2018
DAO74 Revision E	<del>Floor Plan Envelope Level 05</del> (Scheme 05 - Compliant)	29 June 2018
DAO75 Revision H	<del>Elevation Envelope</del> (Scheme 05 - Compliant)	18 June 2018
DAO76 Revision F	<del>Section Envelope</del> (Scheme 05 - Compliant)	18 June 2018

<b>100-C</b> <b>Revision C</b>	<b>Floor Plan Envelope Ground Floor</b>	<b>06.05.20</b>
<b>101-C</b> <b>Revision C</b>	<b>Floor Plan Envelope Level 1 – Level 2</b>	<b>06.05.20</b>
<b>102-C</b> <b>Revision C</b>	<b>Floor Plan Envelope Level 3</b>	<b>06.05.20</b>
<b>103-C</b> <b>Revision C</b>	<b>Floor Plan Envelope Level 4</b>	<b>06.05.20</b>
<b>104-B</b> <b>Revision B</b>	<b>Floor Plan Envelope Level 5</b>	<b>06.05.20</b>
<b>105-B</b> <b>Revision B</b>	<b>Floor Plan Envelope Level 6</b>	<b>06.05.20</b>
<b>106-B</b> <b>Revision B</b>	<b>Floor Plan Envelope Level 6</b>	<b>06.05.20</b>
<b>107-B</b> <b>Revision B</b>	<b>Elevation Envelope</b>	<b>06.05.20</b>
<b>108-B</b> <b>Revision B</b>	<b>Section Envelope</b>	<b>06.05.20</b>

and as amended by the conditions of this consent.

- (i) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

**(5) DETAILED DESIGN OF BUILDINGS**

The drawings lodged for the competitive design process brief and detailed design development application must incorporate the following requirements:

- (a) Buildings to McEvoy Street should be designed with at least two distinct building components, each with its own architectural character, having regard to 4.2.4 of the Sydney Development Control Plan 2012.
- (b) A five storey street wall must be provided to buildings fronting to McEvoy Street, with any levels above provided with a setback from street.
- (c) Any exposed blank walls should be provided with a visually interesting treatment of high quality design.
- (d) Floor level entries, including any opening to basement, lift wells and lobbies, must comply with the City's Interim Floodplain Management Policy for setting floor levels.
- (e) Any basement levels must be designed to accommodate onsite residential waste collection by Council's waste collection vehicles.
- (f) The buildings fronting to McEvoy Street must be provided with active commercial uses at the ground floor level.
- (g) Any required substation on the site must be integrated into the development.
- (h) The future detailed design of the building and residential apartments fronting to Lawrence Street must reflect the fine grain and subdivision pattern and respect the context and scale of the adjoining Cooper Estate heritage conservation area.
- (i) No more than 15% of apartments are to receive no direct sunlight between 9am to 3pm at the mid-winter solstice. North-facing apartments shall be maximised and single-oriented south-facing apartments shall be minimised.
- (j) At least 60% of apartments in the development are to be naturally cross ventilated.
- ~~(k) No below ground habitable rooms are to be provided to any residential apartments.~~
- ~~(l) Any void areas at ground level below the Lawrence Street building should be provided as non-habitable basement storage.~~
- (m) All buildings must have a clear street address, with all entry lobbies having a direct spatial and visual connection from the street to communal open space areas.
- (n) Communal open space areas should be provided with direct and legible pedestrian connectivity through the site.
- ~~(o) All articulation zones in any future detailed design of Building A are to be for balconies and architectural features only, with no gross floor area.~~
- ~~(p) —~~

## (6) BUILDING HEIGHT

The maximum heights of the building envelopes, as defined in the Sydney Local Environmental Plan 2012, are:

- (a) Building A: RL ~~30.9~~ **34.1** AHD, as identified in the approved plans.
- (b) Building B: RL ~~23.42~~ **24.4** AHD ~~for parapet~~ as identified in the approved plans.

~~Notwithstanding (a) above, the development may be eligible for up to 10% design excellence uplift in building height to Building A, subject to compliance with the provisions of Clause 6.21 (7) of Sydney Local Environmental Plan 2012.~~

~~No further exceedance of the Height of Buildings standard is to be included in any subsequent detailed design development applications.~~

## (6A) ARCHITECTURAL ROOF FEATURES, ROOFTOP LIFT OVERRUNS, SKYLIGHT AND PLANT

- (a) Notwithstanding condition **6(a) and 6(b)** of this development consent, **architectural roof features**, lift over runs, skylights, solar panels and plant may be permitted to the rooftop of **Building A and** Building B ~~to a maximum height of RL 24.420 AHD~~, provided these elements are:
  - ~~(i) — setback behind any sight lines as viewed from Lawrence Street; and~~
  - (ii) located to ensure no overshadowing to any adjoining properties; and
  - (iii) screened on all sides, architecturally detailed and integrated into the building design; and
  - (iv) not to include any gross floor area.

The requirements of this clause are to be incorporated into the competitive design process brief and detailed design development application.

- (b) No items other than those listed in clause 6A (a) are permitted on the rooftop of **Building A and** Building B.

## (12) LANDSCAPING OF THE SITE

- (a) The detailed design development application must include a Landscape Concept Plan and Landscape Design Statement prepared by a qualified landscape architect or landscape designer.
- (b) The Plan and Statement should:
  - (i) Clarify the vision and design principles for all landscaping to achieve design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012 and the integration of landscape design.

- (ii) Identify any site, landscape, streetscape, heritage view and/or planning constraints, including (but not limited to), microclimate, ground contamination, existing levels, services and easements, existing trees, landscape features, landscape setbacks and screening/buffer requirements.
  - (iii) Integrate the design and treatment of the driveway with the landscape design strategy for the site.
  - (iv) Integrate the substation and services within the building, outside of deep soil areas and the public domain.
  - (v) Identify the location of deep soil areas, tree planting, communal open spaces, green roofs and walls, sustainable design measures including water sensitive urban design treatments, sustainability targets and direct sunlight to communal and private open spaces.
  - (vi) Quantify and illustrate landscape design compliance with the relevant codes including Parts 3 and 4 of the Apartment Design Guide, Section 4.2.3 of the Sydney Development Control Plan 2012 and Sydney Landscape Code Volume 2.
  - (vii) Provide deep soil zones, in accordance with Part 3E of the Apartment Design Guide, with a minimum of 10.5% of the total site area ~~and minimum dimension of 6 metres~~. In addition, a minimum 3-metre wide deep soil zone to the full Lawrence Street frontage must be provided, noting deep soil zones must be unencumbered by structures either above or below ground.
- (c) The Plan and Statement should consider the quality of the landscape street setbacks, the interface spaces between buildings facing and the public domain achieving balance between privacy and passive surveillance to apartments adjacent to communal open spaces, the public domain and include the provision of large tree species.
- (d) The Plan and Statement should establish a clear commitment to designing landscape sustainably and in an integrated manner, and demonstrate that the function and aesthetic of both the landscape and the building have been considered concurrently in relation to each other.
- (e) The requirements noted above in (a) through (d) inclusive must be included in the competition brief for the competitive design process.

**Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) The development as modified is substantially the same as was originally approved and is consistent with the requirements of Section 4.56(2) of the Environmental Planning and Assessment Act 1979.
- (B) The proposed modifications ensure that the detailed design development application is consistent with the concept approval to satisfy Section 4.24 of the Environmental Planning and Assessment Act 1979.
- (C) The increased height and bulk of the building envelopes are in keeping with the desired future character of the area and will not adversely impact the amenity of the surrounding area. These variations are reasonable and justified with regard to the detailed design development application.
- (D) The proposed building envelopes are capable of accommodating a future building design which is capable of exhibiting design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.

## Background

### The Site and Surrounding Development

1. A site visit was carried out by staff on 10 February 2020 and 22 June 2020.
2. The site comprises 163-173 McEvoy Street, Alexandria and is legally described as Lot 1 in DP 786187. The site is subject to a strata plan with 18 industrial strata lots, identified as SP 34123.
3. The site has frontages to two streets, being located on the north-western side of McEvoy Street and the south-eastern side of Lawrence Street. It is located towards the southern end of the block bounded by Harley Street to the south-east and Fountain Street to the north-west.
4. The site slopes from the north-west in a south-easterly direction by approximately 2.8m.
5. The site is L shaped with a total area of 5,570.7sqm and boundary dimension of approximately:
  - (i) 89.4m along the south-eastern boundary (McEvoy Street);
  - (ii) 59m along the north-western boundary (Lawrence Street);
  - (iii) 68.7m along the south-western side boundary;
  - (iv) 40m along the north-eastern boundary with the property at 84 Lawrence Street;
  - (v) 28.4m along the north-western boundary with the property between 74 and 84 Lawrence Street;
  - (vi) 41m along the north-eastern boundary with the property at 147-161 McEvoy Street.
6. There are approximately 66 mature and semi-mature trees located within the site, predominately located along the frontages to McEvoy Street and Lawrence Street.
7. The site accommodates a 2 storey industrial unit development, which has vehicle and pedestrian access from McEvoy Street. The existing complex has nil setbacks to the south-western, north-western and north-eastern boundaries of the site, at grade car parking throughout the site and a retaining wall adjacent to the north-western boundary to Lawrence Street. A substation is located in the eastern corner .
8. The site is not a heritage item or located within a heritage conservation area. The Cooper Estate Conservation Area is located immediately to the north and west .
9. The Green Square Urban Renewal area and Southern employment lands are located on the opposite of McEvoy Street.
10. The surrounding area contained a mixture of land uses. In this location, McEvoy Street accommodates multi-storey residential, light industrial, commercial, retail and food and drinks premises. Lawrence Street is predominantly residential in character. The scale of development ranges from one to six storeys in height.

11. To the north-east is a part four, five and six storey mixed use development at 147-161 McEvoy Street known as 'Spectrum'. The buildings on this site comprise ground floor retail, 47 residential apartments, a rear communal open space area and basement parking with vehicle access via McEvoy Street.
12. Immediately to the south-east is McEvoy Street, a four lane arterial road carrying east and west bound traffic between Bourke Street and Euston Road. McEvoy Street is a State classified road under the Roads Act, 1993. This road is currently zoned SP2 and joins with Euston Road to the south west. Traffic volumes are expected to increase as these roads provide direct access to the future West Connex motorway.
13. To the east, opposite at the intersection of McEvoy Street and Bowden Street is a single storey warehouse at 132-138 McEvoy Street which accommodates a retail remises trading as 'The Base Warehouse'. This property has vehicle access from McEvoy Street to an at-grade carparking area and separate vehicle access to the warehouse via Bowden Street. This site includes an approval for a 4 storey commercial building (D/2018/1615). Works have not yet commenced on site.
14. To the south-east and south opposite are number of single and double storey warehouse buildings at 140-142, 144 and 146 McEvoy Street with vehicle access from McEvoy Street to at-grade parking areas.
15. To the south-west at the intersection of McEvoy Street and Harley Street is a two storey warehouse building at 175-177 McEvoy Street, occupied by a pet supplies retail premises, trading as 'Petbarn'. This site has an at-grade loading dock and car parking area with vehicle access to Harley Street.
16. To the south-west at the intersection of Lawrence Street and McEvoy Street is a three storey residential flat building at 118-136 Lawrence Street. This building comprises eighteen residential apartments and a rear communal open space area, above basement car parking with vehicle access to Lawrence Street.
17. Immediately to the north-west is Lawrence Street, a two lane local street, with parallel on-street parking on its south-eastern side and angled on-street parking on its north-western side.
18. To the north are a row of six attached contemporary three-storey dwelling houses between 74 and 84 Lawrence Street.
19. To the west and north-west opposite the site are a mixture of development types within the Cooper Estate heritage conservation area. This mix of existing development includes:
  - (a) The Bowden Playground at 103A Lawrence Street;
  - (b) A row of four attached single storey residential dwelling houses between 97 and 103 Lawrence Street;
  - (c) A mixed use warehouse development at 93-95 Lawrence Street comprising a residential dwelling and bicycle retail premises trading as 'Morgans Bicycles';
  - (d) A two storey residential flat building at 87-91 Lawrence Street comprising seven residential apartments;

- (e) A row of five attached contemporary three storey dwelling houses between 79 and 85A Lawrence Street;
- (f) Four single storey detached and semi-detached dwelling houses between 71 and 77 Lawrence Street; and
- (g) Five attached two storey dwelling houses between 61 and 69 Lawrence Street.

20. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area (site in red)



Figure 2: Context map (site in red), red hatching of the adjacent Cooper Estate conservation area



Figure 3: Site looking north from McEvoy Street



Figure 4: Site looking south west towards 175-177 McEvoy Street (Petbarn)



**Figure 5:** 175-177 McEvoy Street (Petbarn) immediately to the south west



**Figure 6:** 147-161 McEvoy Street (Spectrum) immediately to the north east



**Figure 7:** 132-138 McEvoy Street (Base Warehouse) located on the opposite side of the street. The site has approval for 4 storey commercial development



**Figure 8:** 140-142, 144 and 146 McEvoy Street located on the opposite side the street



Figure 9: Site viewed from Lawrence Street looking east



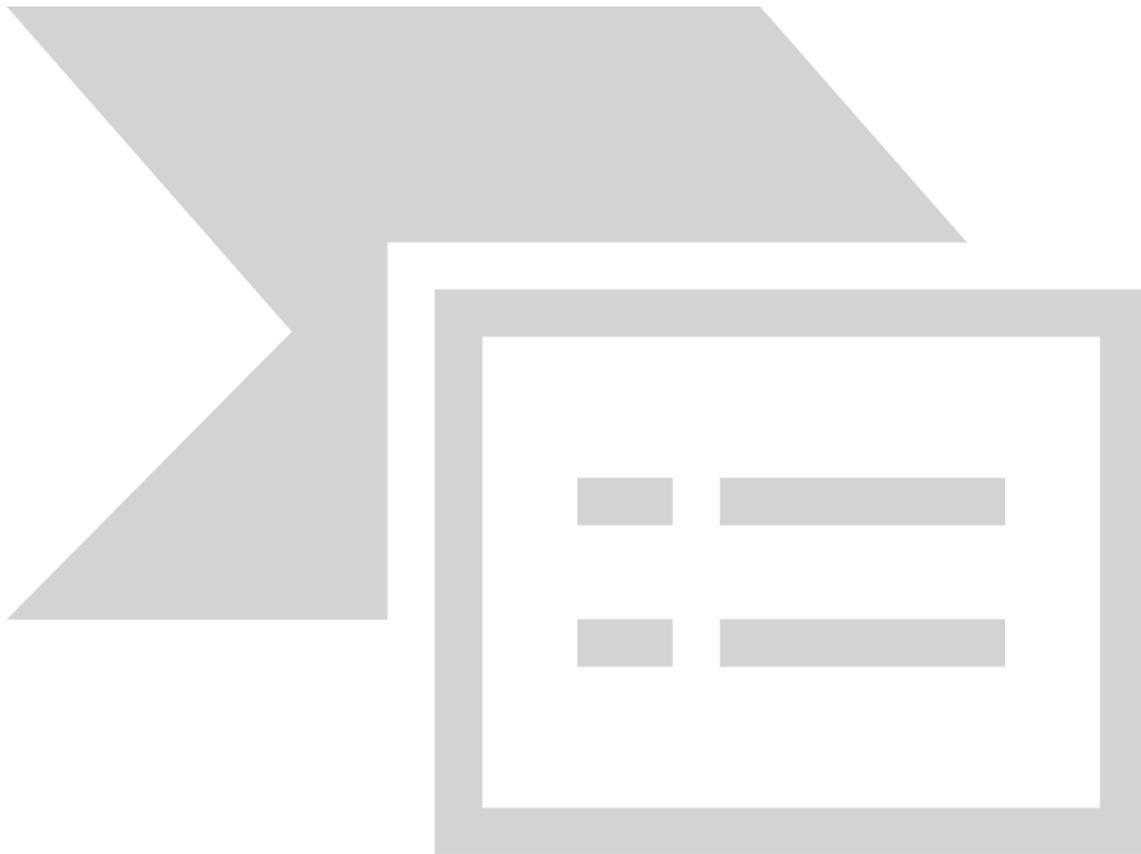
Figure 10: 118-136 Lawrence Street immediately to the west



**Figure 11:** 74-84 Lawrence Street containing 3 storey terraces immediately to the west



**Figure 12:** 1-3 storey contemporary and traditional terraces along Lawrence Street, within the Cooper Street conservation area



**Figure 13:** Contemporary residential flat building along Lawrence Street towards Fountain Street

### **Proposal**

21. The Section 4.56(2) modification seeks to modify the concept approval to bring it in line with the subsequent detailed design application.
22. The application modifies the existing concept envelope to:
  - (a) Increase the height of Building A and B;
  - (b) Increase the width of the existing bays of Building A, amendments to bay setbacks/building separation and include an additional bay to the north;
  - (c) Enlarge the footprint of Building B to meet the south-western property boundary; and
  - (d) Reduce the depth of the floorplate of Building A.
23. Conditions 2, 5, 6, 6A and 12 of the consent are to be modified to reflect the amended plans and the detailed development application as proposed in D/2019/1350.
24. Plans of the amended envelopes are provided below and in Attachment B. Changes to the envelopes are illustrated in the issues section of this report.

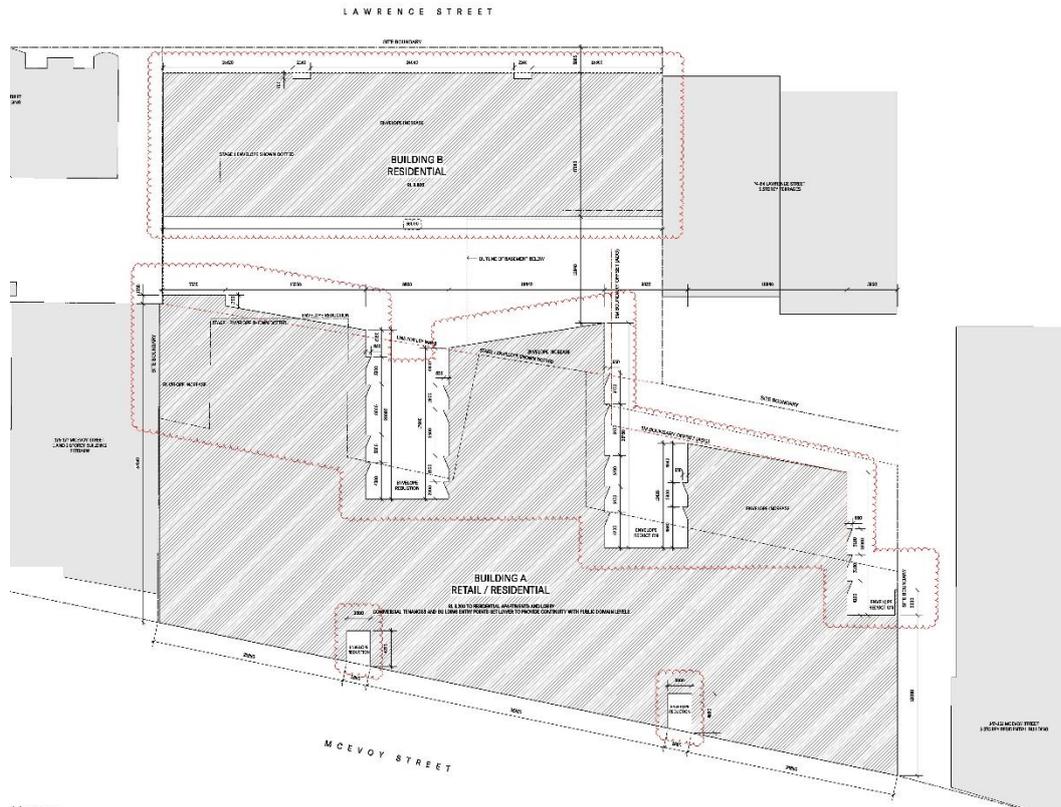


Figure 14: Proposed Ground Floor envelope

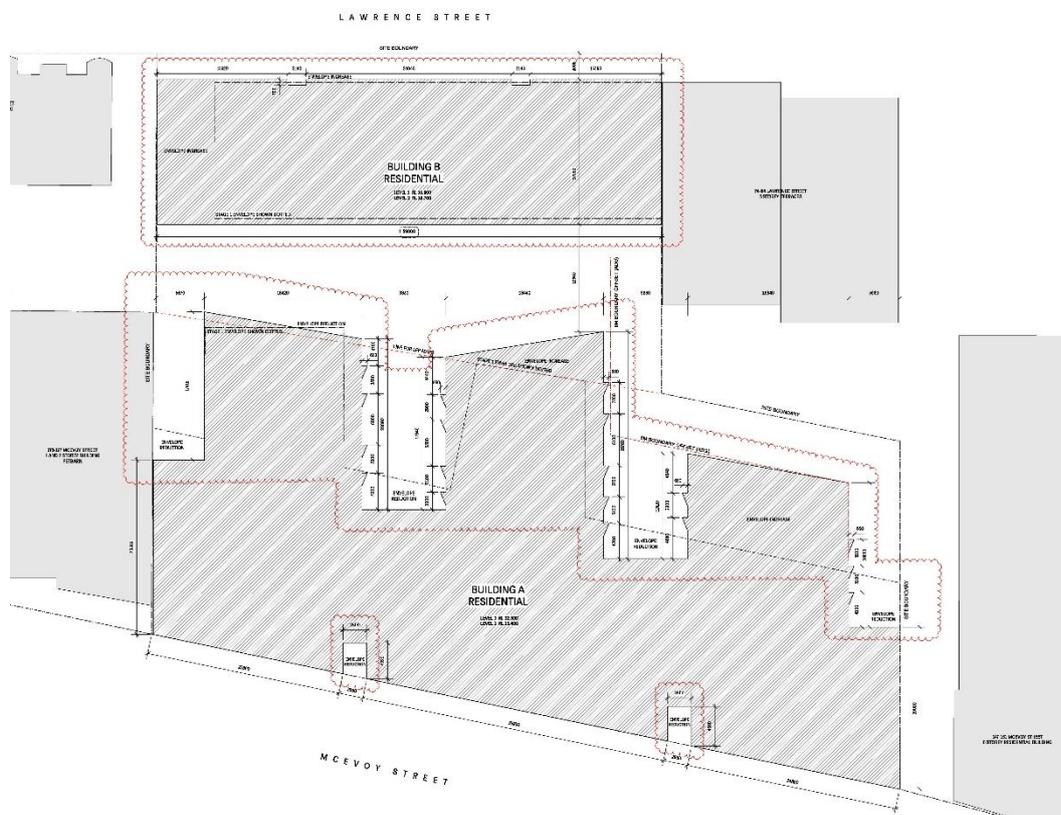


Figure 15: Proposed Level 1/Level 2 envelope

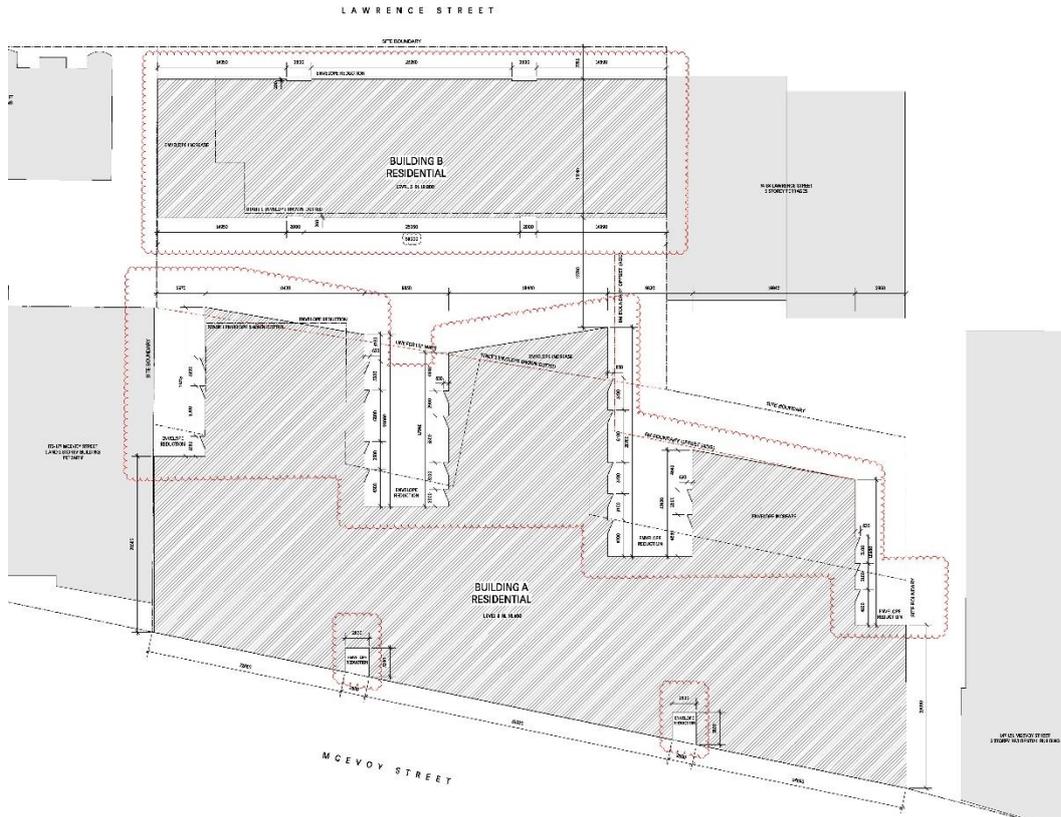


Figure 16: Proposed Level 3 envelope

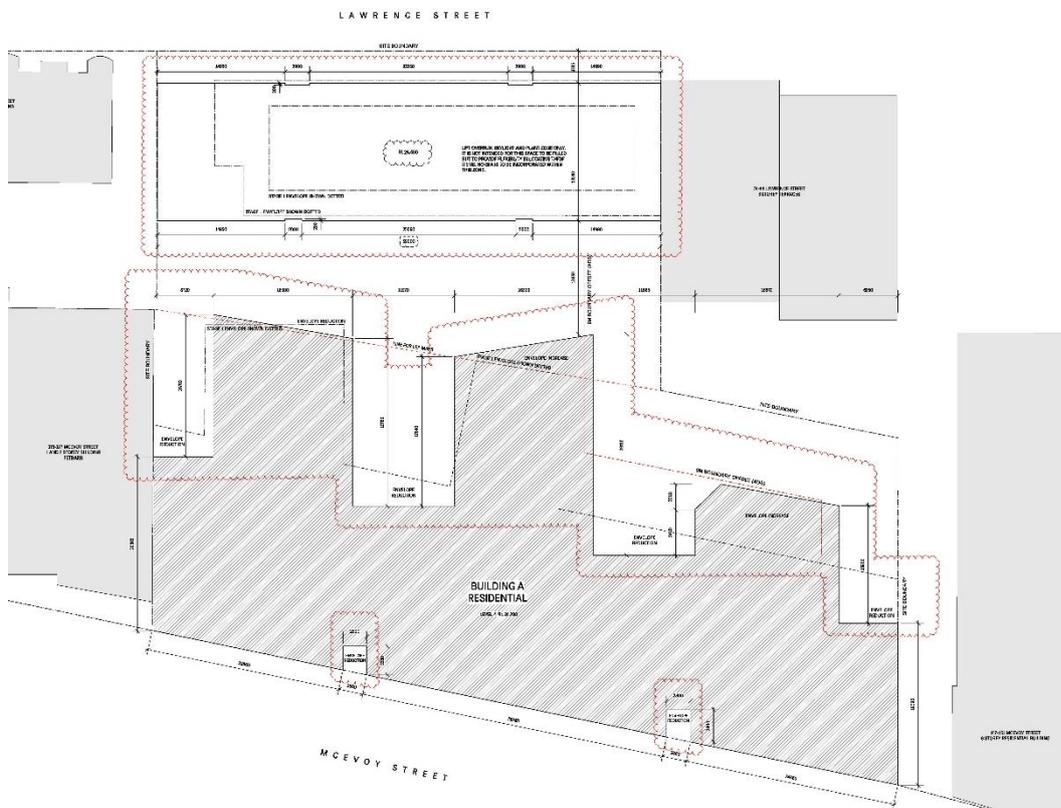


Figure 17: Proposed Level 4 envelope



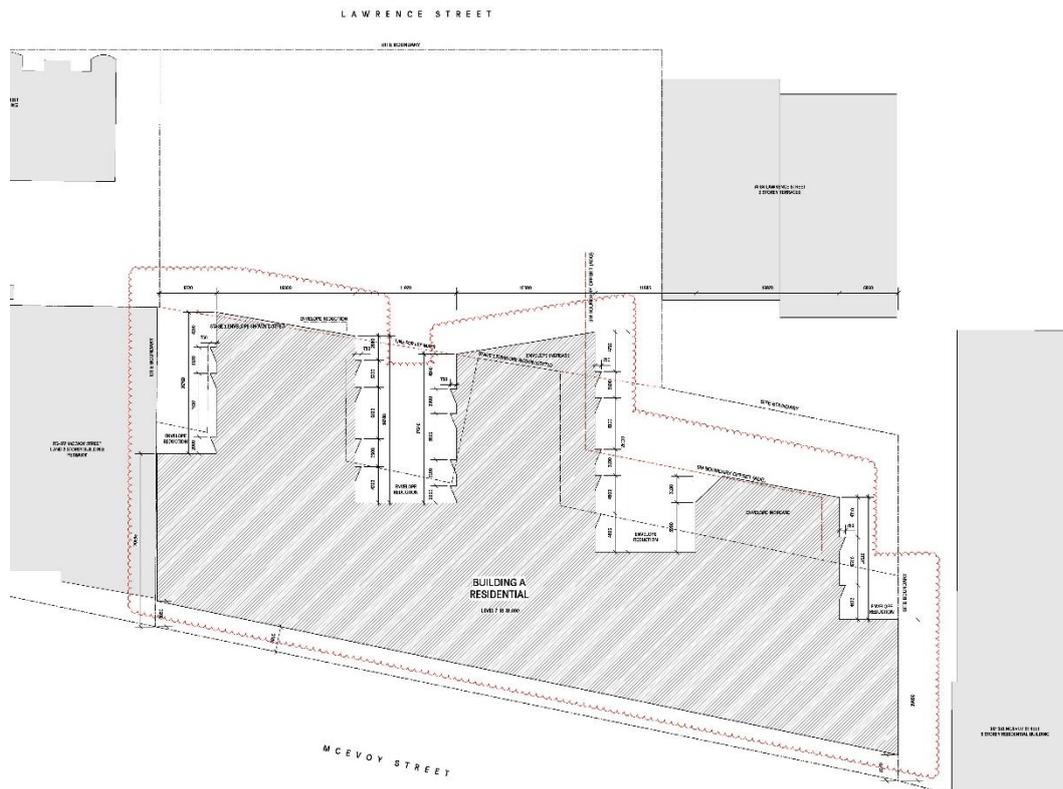


Figure 20: Proposed Level 7 envelope

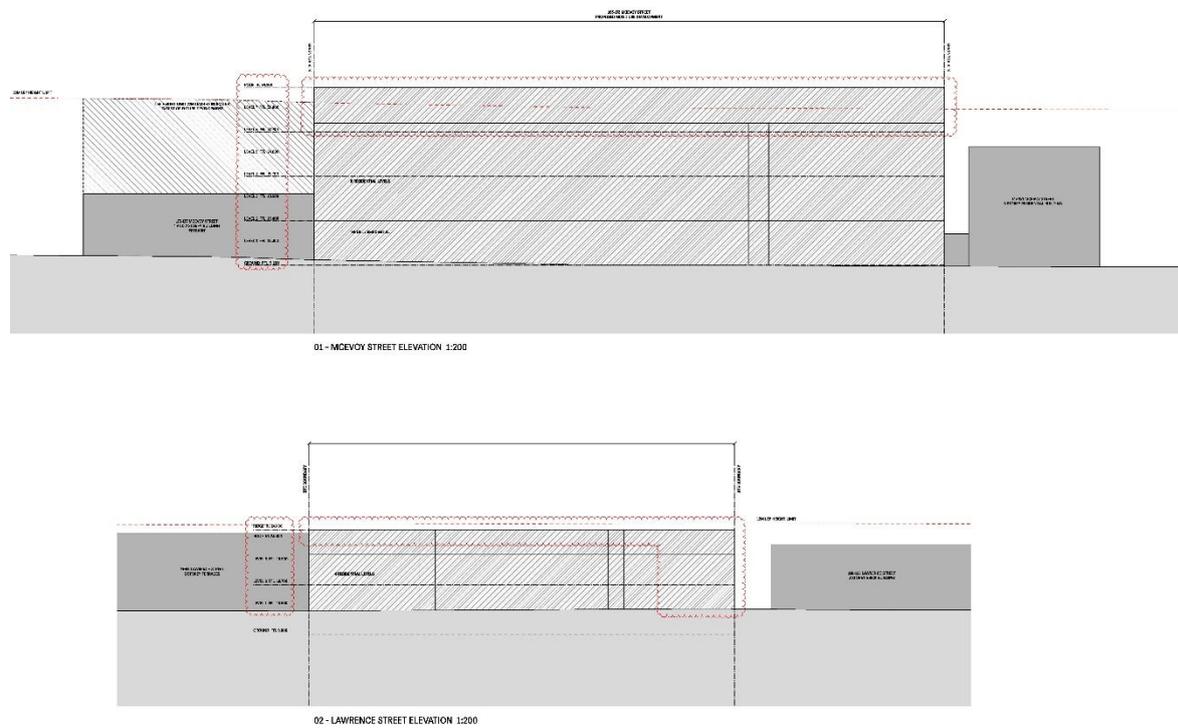
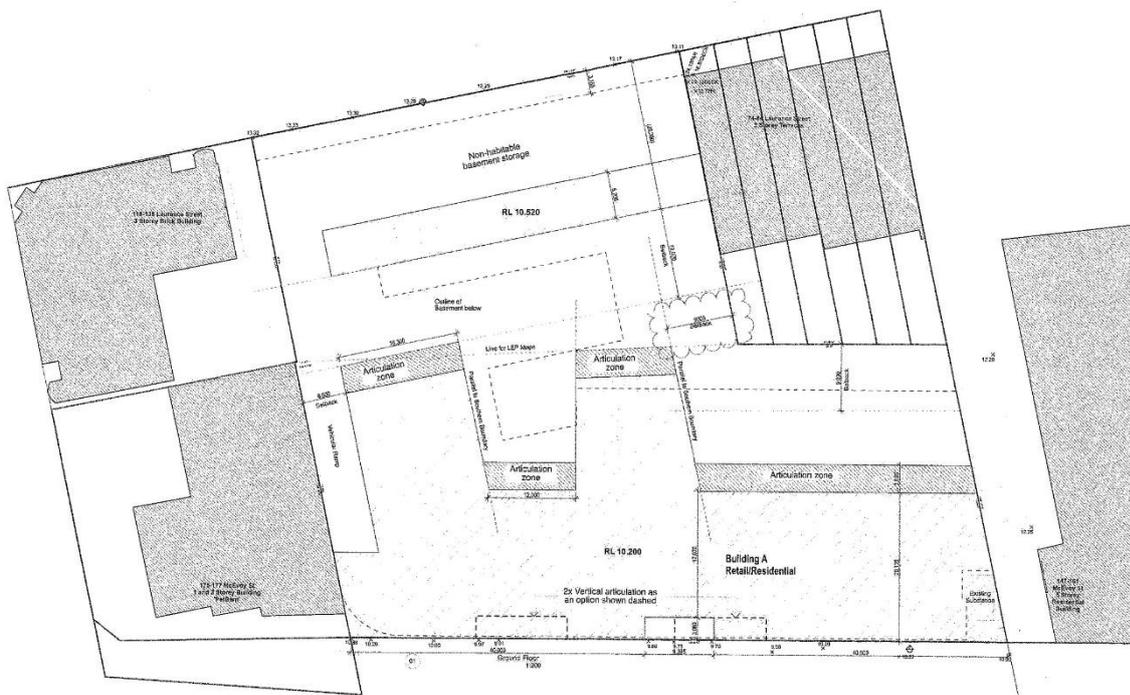


Figure 21 Proposed Elevation envelopes

## History Relevant to the Development Application

### D/2017/238 - Concept Development Application

25. On 24 August 2018, deferred commencement development consent was granted by the Land and Environment Court for the concept development application.
26. The proposal included two separate buildings between 4 and 6 storeys in height and 2 levels of basement carparking.
27. The deferred commencement conditions required the submission of physical and electronic models, minor design modifications to building envelopes and a revised public art strategy.
28. The deferred commencement conditions were satisfied on 12 April 2019, and the development consent is now active.
29. The subject Section 4.56(2) modification application seeks to amend the approved concept design to ensure consistency with the detailed design application.
30. Plans and sections of the originally approved concept are provided below.



**Figure 22:** Originally approved concept - ground floor



**Detailed Design Development Application (D/2019/1350)**

33. The detailed development application D/2019/1350 has been lodged and has been assessed concurrently with this Section 4.56(2) application
34. D/2019/1350 seeks approval for demolition of existing structures, remediation, excavation and construction of a part 7 part 8 storey mixed use building containing residential apartments and commercial tenancies (and signage) to McEvoy Street, a 4 storey residential flat building to Lawrence Street, and 2 basement levels with vehicular access from Lawrence Street.
35. The application is to be determined by the CSPC and is recommended for approval. Refer to detailed development application (D/2019/1350) CSPC report for details.

**Threshold Test**

36. The development as proposed to be modified is substantially the same as that originally approved. The location and overall form of the building envelopes are not inconsistent with the intent of the approved concept. As per the originally approved concept application, the proposed modifications will deliver two mixed-use commercial and residential building envelopes, with Building A fronting McEvoy Street and Building B fronting Lawrence Street. Proposed modifications primarily relating to building height and separation.
37. The height modification allows for design excellence provisions that are permissible under the LEP, namely the additional 10% height awarded to the application following the completion of the competitive design process.
38. Footprint and building separation changes to Building A and Building B are supported as they do not result in unacceptable overshadowing or privacy impacts and deliver envelopes that are capable of achieving an acceptable level of amenity for future occupants and adjoining properties.
39. In accordance with Section 4.56(1A), an assessment against the relevant provisions of Section 4.15(1) of the Act are provided under the headings in the Issues section below.

**Economic/Social/Environmental Impacts****Environmental Planning and Assessment Act 1979**

40. Besides the other matters discussed in this report, the previous assessment against the provisions of Section 4.15 of the Environmental Planning & Assessment Act are still relevant.
41. A copy of the Land and Environment Court Judgment for D/2017/238 is provided at Attachment D.

**Sydney Airport Referral Act 1996**

42. Section 183 of the Commonwealth Airports Act 1996 specifies that, amongst other things, construction of a building or other structure that intrudes into a prescribed airspace is a controlled activity.

43. Schedules 2 and 5 of the Civil Aviation Building Control Regulations 1988 identify the site is subject to a prohibition of the construction of buildings more than 50 feet in height (15.24m) above existing ground height.
44. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA). The Sydney Airport Airfield Design Manager, as an authorised person of CASA, provided approval for the controlled activity on 12 December 2019.

### **State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development**

45. SEPP 65 provides that in determining an application for a residential apartment development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality.
46. The amended envelopes have been assessed against the design principles of SEPP 65 and the objectives of the Apartment Design Guidelines.
47. Consideration has been given to whether the amended building envelopes have the ability to achieve the 9 design quality principles set out in Schedule 1 of the SEPP.

#### **(a) Principle 1: Context and Neighbourhood Character**

The amended building envelopes allow for a development that is contextually appropriate and consistent with the existing and desired future character of the area.

#### **(b) Principle 2: Built Form and Scale**

The amended envelopes are capable of providing a built form that has appropriate massing and scale. The Building A envelope retains the 5 storey street wall height to McEvoy Street with an upper level setback that is consistent with the original concept approval. The Building B envelope continues to present as a 3 storey built form to Lawrence Street.

#### **(c) Principle 3: Density**

The amended building envelopes allow for a development that can deliver a complying maximum Floor Space Ratio in line with Clause 4.4 of SLEP 2012.

#### **(d) Principle 4: Sustainability**

Detailed design applications are required to comply with BASIX requirements. The detailed design proposal has demonstrated that sustainability targets can be met by the amended envelopes.

#### **(e) Principle 5: Landscape**

The amended envelopes allow for ample landscaping to be provided in the central courtyard area and do not reduce the deep soil zone required to Lawrence Street as part of the original concept approval.

**(f) Principle 6: Amenity**

The amended envelopes can accommodate a development with a reasonable level of amenity for the future occupants of the development, as well as adjoining properties.

**(g) Principle 7: Safety**

The amended envelopes allow for a development that can achieve the principles of Crime Prevention Through Environmental Design (CPTED).

**(h) Principle 8: Housing Diversity and Social Interaction**

The amended envelopes allow for a development that can provide a suitable mix of dwelling types.

**(i) Principle 9: Aesthetics**

The amended envelopes are consistent with the design competition winning scheme, which was considered by the Jury as the entrant most capable of demonstrating design excellence.

48. The development is considered generally acceptable when assessed against the above stated principles and the SEPP generally, which are replicated in large part within Council's planning controls.

49. An assessment against the relevant objectives of the Apartment Design Guide is outlined below.

**Apartment Design Guide**

<b>2E Building Depth</b>	<b>Compliance</b>	<b>Comment</b>
12-18m (glass to glass)	Acceptable	The three projecting bays of Building A have a maximum depth of 18.4m, which is marginally over the 18m minimum.  Building B has been designed with a maximum building depth of 17.08m.

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	Yes	<p>The envelope modifications to the bays of Building A and the addition of the third, northern bay does not preclude the required amount of common open space from being delivered at detailed design stage. A total area of approximately 1,441sqm remains in the central courtyard, which equates to approximately 26% of the site.</p> <p>The detailed design application has demonstrated that adequate communal open space can be provided, through a combination of uncovered and covered areas.</p>

3E Deep Soil Zones	Compliance	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Yes	The envelope modifications do not preclude the required amount of deep soil zones from being provided for the site. The detailed design application shows that approximately 10.7% of deep soil zone planting is provided across the site.

2F Building Separation and 3F Visual Privacy	Compliance	Comment
<p>Up to four storeys (12 metres):</p> <ul style="list-style-type: none"> <li>• 6m between habitable rooms / balconies</li> <li>• 3m between non-habitable rooms</li> </ul>	Assessed as acceptable	<p>The proposal generally complies with the recommended building separation distances and is capable of delivering a development that can provide for an acceptable level of privacy for future occupants and adjoining properties.</p> <p>See discussion under the heading Issues.</p>

2F Building Separation and 3F Visual Privacy	Compliance	Comment
Five to eight storeys (25 metres): <ul style="list-style-type: none"> <li>• 9m between habitable rooms / balconies</li> <li>• 4.5m between non-habitable rooms</li> </ul>		

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7m	Yes	Section and elevation envelopes show minimum floor to floor heights of 3.1m, which are capable of delivering a minimum floor to ceiling height of 2.7m.
Non-habitable rooms: 2.4m	Yes	

50. The amended envelopes are considered acceptable and allow a development that can achieve a high level of compliance with SEPP 65 and the objectives of the Apartment Design Guide.

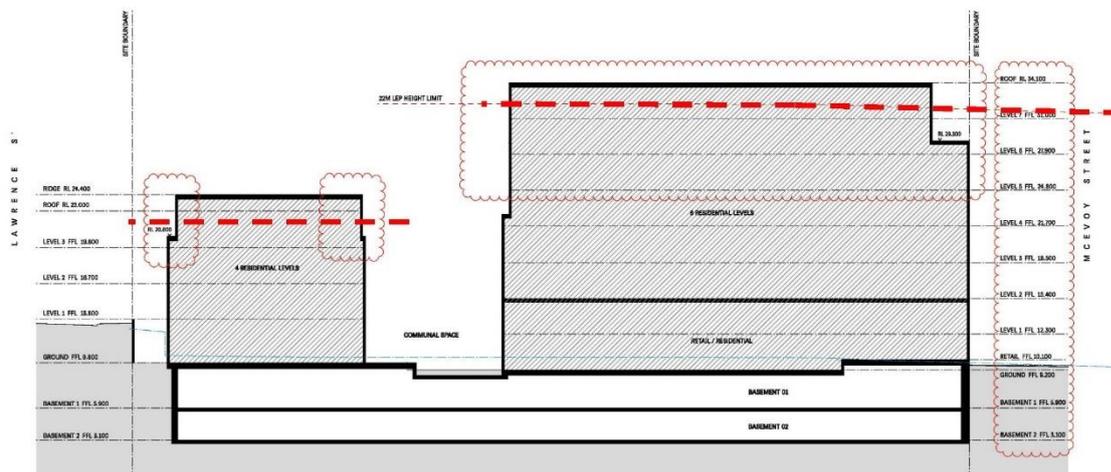
### Sydney LEP 2012

51. The site is located within the B4 - Mixed Use zone. The mixed use development associated with the building envelopes is permissible in the zone.
52. Compliance with Clause 4.3 Height of Buildings development standard is discussed in the Issues section below.
53. The detailed design development application demonstrates that the revised building envelope can accommodate compliant Floor Space Ratio as outlined in Clause 4.4 and satisfy the objectives of Clause 6.21 Design Excellence.
54. The development is not inconsistent with other relevant provisions

## Issues

### Building envelope modifications

55. The proposed changes to the building envelopes and an assessment of their acceptability are discussed below.
- (a) Increase the height of Building A
    - (i) The concept approval set maximum building heights in RLs that corresponds to a 6 storey building with a 5 storey street wall height.
    - (ii) The application proposes an increase to the approved RLs to potentially allow a part 7 part 8 storey building with a 5 storey street wall height. This allows for an increase in height by 10% as part of design excellence provisions.
    - (iii) The application proposes exceeding the maximum 22m LEP height of building development standard by approximately 2.1m. The extent of the non-compliance is illustrated in Figure 25.



**Figure 25:** Proposed variation to building height - Building A and B (height control shown red dashed)

- (iv) The applicant has submitted a solar impact analysis in order to assess the potential overshadowing impact of the modified envelopes. A solar impact analysis is included at Attachment C and reproduced in part below in Figures 26, 27 and 28.
- (v) Detailed solar analysis has been provided to qualify the overshadowing impact of the nearest residential neighbour at 118-136 Lawrence Street. This building is located immediately to the southwest of the proposal and is designed in an L-shape with a communal open space area located along the property boundary and private terraces/balconies adjoining (see Figure 26).



**Figure 26:** Adjoining property at 118-136 Lawrence Street; communal open space in blue, private courtyards in yellow



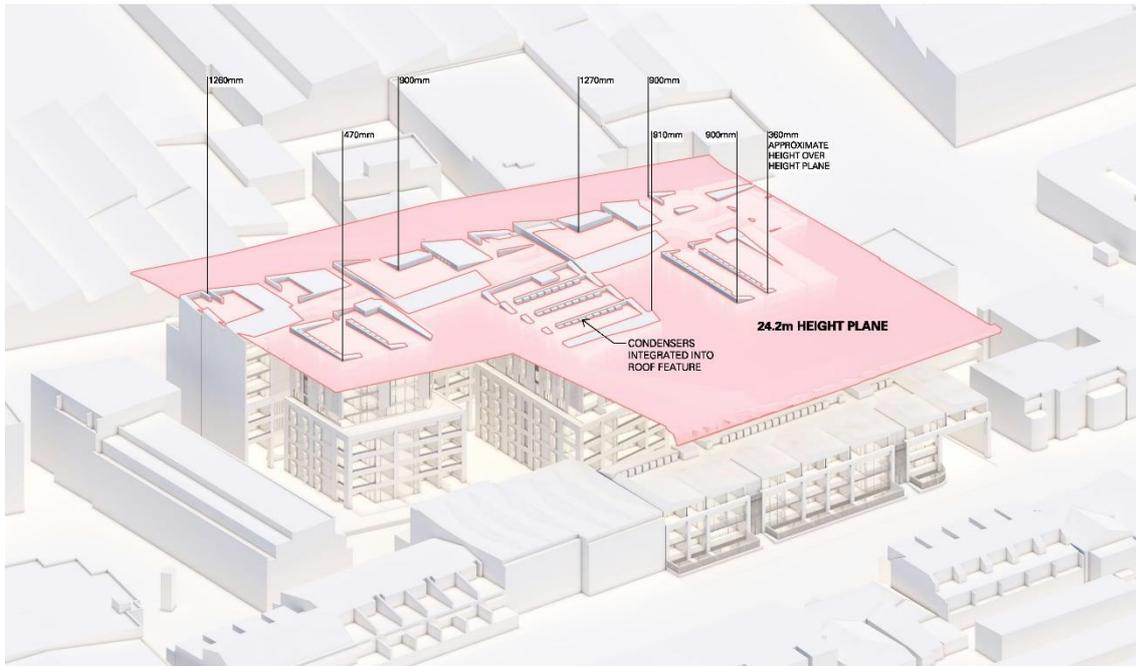
**Figure 27:** Views from the sun to adjoining property at 118-136 Lawrence Street at 9am, 10am and 11am for originally approved Concept plan envelopes



**Figure 28:** Views from the sun to adjoining property at 118-136 Lawrence Street at 9am, 10am and 11am for proposed modified Concept plan envelopes

- (vi) The adjoining property currently receives solar access to 81% of its communal open space for 2 hours between 9am and 3pm at mid winter. The proposal reduces solar access to the communal open space, but retains solar access to 66% of the communal open space for 2 hours between 9am and 3pm mid winter. This impact is within the Apartment Design Guide criteria and is acceptable.
- (vii) Solar analysis also demonstrates that the modified envelopes do not reduce solar access to private open space areas. Further, the modified envelopes retain 2 hours of solar access to private open space of 61% of apartments, which complies with the Apartment Design Guide criteria. A review of floor plans of the adjoining property found that the proposal will not create unacceptable overshadowing to living room windows of the adjoining property.
- (viii) The above demonstrates that the proposed envelope modifications will not result in unacceptable impacts on solar access to adjoining properties and is acceptable in this regard.
- (ix) Building A continues to comply with the 5 storey street wall height required by the original concept approval and the upper levels are setback from the McEvoy Street property boundary by 3m, resulting in an appropriate height in relation to the sites McEvoy Street context.
- (x) The additional height to Building A may result in up to 2 additional storeys. The original concept notionally approved 6 storeys, and the modification has the potential to deliver up to 8 storeys, as shown in Figure 25. Potential additional storeys would not result in a reduction in amenity as compliant floor to ceiling heights can be delivered for residential uses.
- (xi) The additional height to Building A also allows for the inclusion of an additional 10% above the 22m height control, as afforded by the design excellence provisions.
- (xii) In light of the above, the proposed increase in height of Building A is supported as the additional height will not result in additional impacts to adjoining properties or reduced amenity for future occupants.

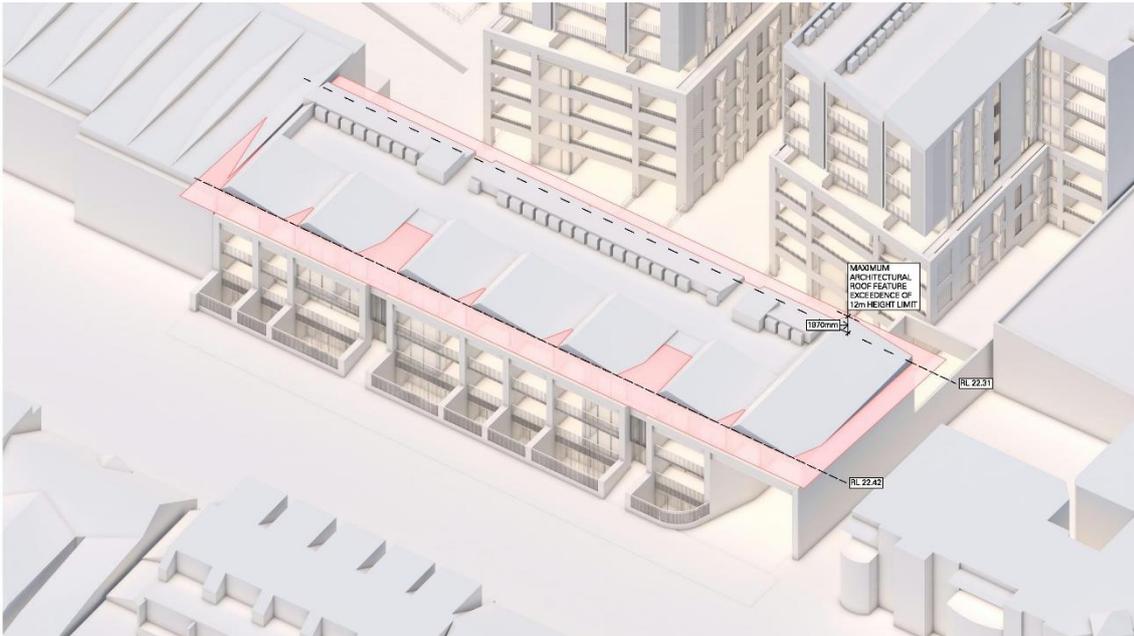
- (xiii) The modified envelopes are also capable of delivering a built form that is consistent with the existing and future desired character of the area. This is demonstrated by the detailed design application. Figure 29 illustrates the extent to which the detailed design application goes above the LEP height control (including the 10% design excellence bonus). This is relatively minor and as it is confined to an architectural roof feature, does not unreasonably add to the bulk and scale of the building when viewed from the public domain and surrounding buildings.



**Figure 29:** Proposed variation to building height - Building A

- (b) Increase in height of Building B
- (i) The concept approval set maximum building heights in RLs that corresponds to a building that presents as 3 storeys to Lawrence Street and 4 storeys to the internal courtyard.
  - (ii) The application proposes exceeding the maximum 12m LEP height of building development standard by 1.97m. The extent of the non-compliance is illustrated in Figure 25.
  - (iii) Notwithstanding the proposed height increase, the modified envelope retains the 3 storey form to Lawrence Street and 4 storey form to the internal courtyard, as per the original concept approval. The proposed additional height will not accommodate any additional storeys on Building B.
  - (iv) Submitted shadow diagrams indicate that the additional height will not create unacceptable impacts on surrounding properties with regard to solar access.

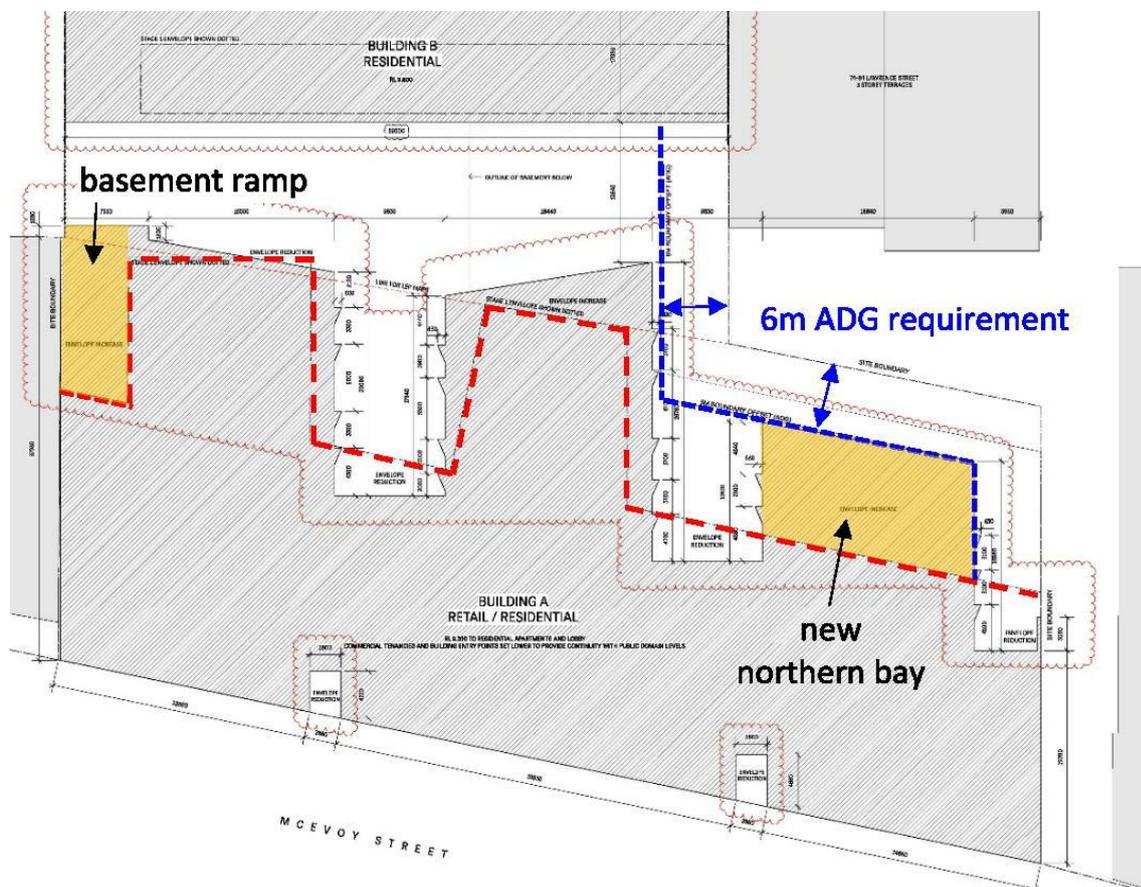
- (v) In light of the above, the proposed increase in height of Building B is supported as the additional height is not expected to result in additional impacts to adjoining properties or reduced amenity for future occupants.
- (vi) The modified envelopes are also capable of delivering a built form that is consistent with the existing and future desired character of the area. This is demonstrated by the detailed design application. As illustrated in Figure 30, the area of non-compliance with the LEP building height control is relatively minor and as it is confined to an architectural roof feature, does not unreasonably add to the bulk and scale of the building when viewed from the public domain and surrounding buildings.



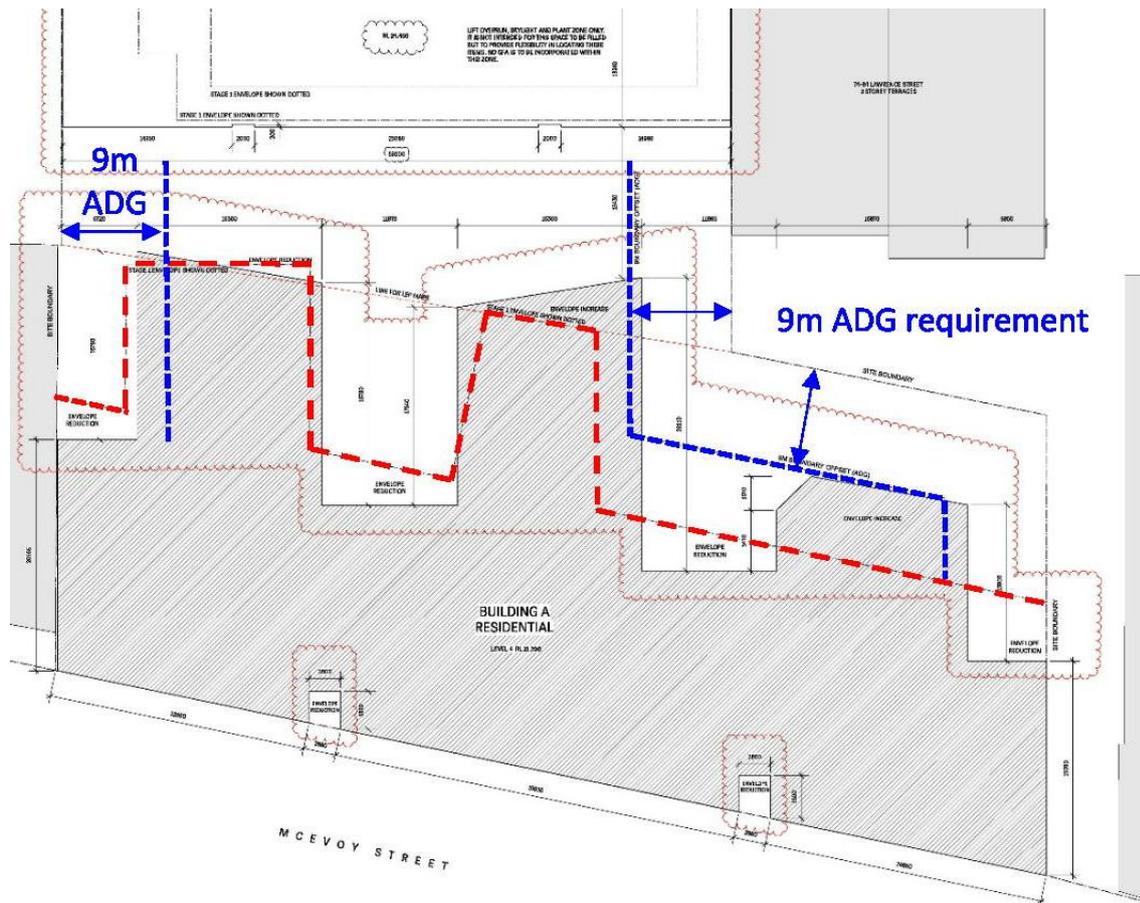
**Figure 30:** Proposed variation to building height - Building B

- (c) Increase the width of the existing bays of Building A, amendments to bay setbacks/building separation and inclusion of an additional bay to the north.
  - (i) As shown in Figure 31, the proposal infills the separation between the southern bay and the south-western property boundary at the ground floor to allow for driveway access to the basement (shaded yellow in Figure 31). This increase is confined to a single storey and is acceptable.
  - (ii) As shown in Figure 32, the proposal increases the separation between the southern bay and the south-western property boundary for Level 4 upwards. This increase is from 6m approved under the original concept plan to 7m under the proposed modification.
  - (iii) The middle bay has been increased in width and length to provide a minimum of 9.8m between the each of the three bays of Building A at lower levels (G to Level 3) and 11.9m at upper levels (Level 4 to 7).

- (iv) The new northern bay (shaded yellow in Figure 31) provides between 6m and 6.8m between the bay and the northern property boundaries at lower levels (G to Level 3) and between 7.8m and 9.5m at upper levels (Level 4 to 7).
- (v) The angled ends of the bays to Building A provides an overall separation distance of between 10.3 and 15.6m between Building A and B.
- (vi) As shown in Figure 31 and 32 the proposal generally complies with the recommended building separation distances outlined in the Apartment Design Guideline and it is considered that an acceptable level of amenity and privacy can be delivered for future occupants and adjoining properties.
- (vii) Where separation distances are not achieved, the detailed design proposal demonstrates that design features can be developed that ameliorate visual privacy concerns for future occupants and adjoining properties.

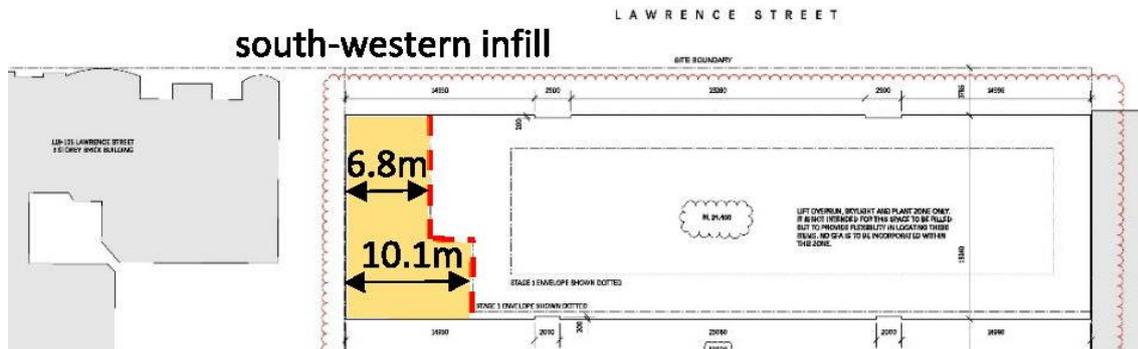


**Figure 31:** Ground floor amended envelope with approved concept envelope (red) and required ADG building separation to adjoining property boundaries (blue). The diagram illustrates the change to the bays of Building A



**Figure 32:** Level 4 amended envelope with approved concept envelope (red) and required ADG building separation to adjoining property boundaries (blue)

- (d) Enlarge the footprint of Building B to meet the south-western property boundaries.
  - (i) As shown in Figure 33, the modification infills the separation between the approved envelope and the south-western property boundary (indicated in yellow). This infill is in the order of 6.8m at Levels 1 and 2 and increases to 10.1m for a portion of Level 3. This increase is largely to allow an integrated access to the basement.
  - (ii) The enlargement of the footprint of Building B to meet the side boundaries facilitates a development that is consistent with the existing streetscape. Lawrence Street is characterised by terraces (both traditional and contemporary) built to the boundary.
  - (iii) The applicant has submitted shadow diagrams that compare the approved concept envelopes with the modified envelopes. These diagrams demonstrate that the proposed modifications to the side setbacks of Building B will not create unacceptable impacts on surrounding properties with regard to solar access. This is further demonstrated within the detailed design application.



**Figure 33:** Level 3 amended envelope with infill to south-western property boundary of Building B shown in yellow

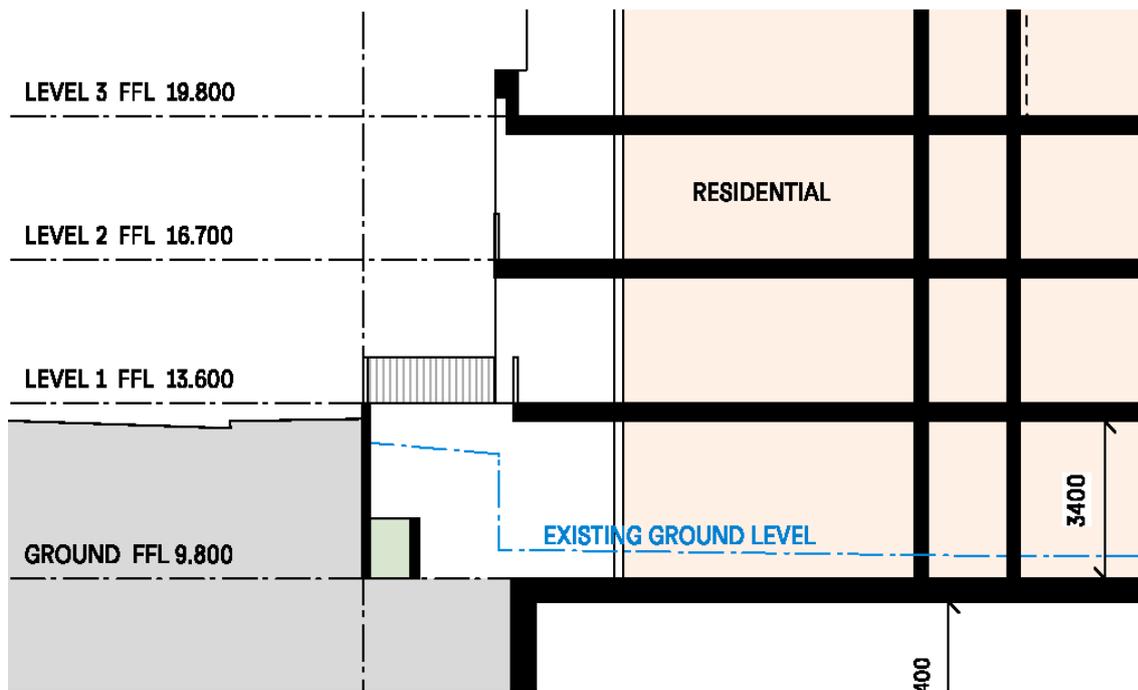
- (e) Reduce the depth of the floorplate of Building A.
- (i) The reduction of the depth of the floor plate of Building A allows for additional opportunities for landscaping integrated within the communal open space between the bays.
  - (ii) The floor area displaced by the reduction in floorplate has been reallocated to the building height. As outlined above, the increased height is acceptable as it does not result in unacceptable impacts and is consistent with the existing and desired future character of the area.

### Condition modifications

56. The proposed changes to conditions and an assessment of their acceptability are discussed below.

- (a) Condition 5(k) and 5(l) Subterranean Units
- (i) Conditions 5(k) and 5(l) restricted the inclusion of habitable space within the north and western portion of the ground floor of Building B due to its subterranean location.
  - (ii) The modification proposes the deletion of these conditions to allow for the provision of apartments on the ground floor fronting Lawrence Street.
  - (i) A key concern for subterranean apartment includes amenity, including access to sunlight and outlook.
  - (ii) The proposed envelopes are provided with a setback from the Lawrence Street property boundary that can achieve adequate levels of privacy and amenity. Further, the amenity of the below ground apartments proposed within the detailed design application has been assessed and is acceptable.

- (iii) In summary, the apartments are either maisonette apartments or through apartments, with living, dining and kitchen areas orientated towards the central courtyards on the Ground floor or are located on Level 1, allowing solar access to living spaces. Uses located below street level are limited to bedrooms, with a setback of minimum 5m from the property boundary to the glass line allowing natural light and ventilation into these rooms as well as space for landscaping (see Figure 34). Integrated screening is also proposed to control privacy, outlook, and access to light and ventilation without creating a sense of enclosure.



**Figure 34:** Minimum 5m setback to glass line

(b) Condition 5(o) Articulation Zones

- (i) This condition limits development within the rear articulation zones of Building A to balconies and architectural features only, with no gross floor area. Articulation areas are shown in Figure 35.



Figure 35: Approved concept plan articulation zones

- (ii) The design of the proposal has been advanced through the design competition and detailed design application and as outlined, modifications to the envelopes of the Building A bays are supported and as such, the deletion of the condition is also supported.
- (iii) Notwithstanding the above, the intent of the condition is largely met by the detailed design application through the concentration of balconies along the rear of the building bays.
- (c) Condition 6A Architectural Roof Features, Rooftop Lift Overruns, Skylight and Plant
  - (i) This condition allows the detailed design development application to exceed the approved RLs for elements including lift overruns, skylights and plant for Building B.
  - (ii) The condition is to be modified to include architectural roof features within the permitted items that may breach the approved RLs, and extend the condition to include Building A.

- (iii) As demonstrated in Figures 29 and 30, the detailed design application seeks minor exceedances to the LEP building height control, which align with the modified RLs. These exceedances are confined to architectural roof features and integrated plant that does not create unacceptable overshadowing to adjoining properties or unreasonably add to the bulk and scale of the building when viewed from the public domain and surrounding buildings.
- (d) Condition 12 Landscaping of the Site
  - (i) This condition requires the provision of deep soil zones with a minimum of 10.5% of the total site area and a minimum dimension of 6m, in addition to a 3m wide deep soil zone to the Lawrence Street frontage that are unencumbered by structures above or below ground.
  - (ii) The modification proposes to amend the 6m requirement to allow a minimum of 3m.
  - (iii) Approximately 10.7% of deep soil planting is proposed, with a minimum 3m dimension. This includes a 3m wide strip along the Lawrence Street frontage. However as outlined in the detailed design application assessment, the stepped garden beds proposed to address privacy to the subterranean apartments to Lawrence Street result in limited deep soil being achieved in this area due to structures and footings. Appropriate conditions have been recommended on the detailed design application to address this issue.

#### **Other Impacts of the Development**

57. The proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

#### **Suitability of the site for the Development**

58. The proposal is of a nature in keeping with the overall function of the site.

#### **External Referrals**

59. The application was referred to Transport for New South Wales, Water NSW, Sydney Water; and Ausgrid.
60. Comments from all the relevant external referrals are addressed or included in the recommended conditions of consent in Attachment A where relevant.

#### **Notification, Advertising and Delegation (Submission(s) Received)**

61. In accordance the Community Participation Plan 2019 the proposed development is required to be notified. As such the application was notified for a period of 14 days between 11 December 2019 and 16 January 2020 (extended for the holiday period). As a result of notification a total of 202 properties were notified and there were 55 submissions received.

62. Following submission of amended plans and additional information, the application was re-notified for a period of 14 days between 20 May 2020 and 4 June 2020. As a result of this renotification 52 submissions were received.

(a) Traffic generation and parking

- Increased traffic flows on Lawrence Street as a result of the development.
- Amenity impacts (noise, pollution, safety) as a result of vehicle access from Lawrence Street.
- Amenity impacts from waste, service and delivery vehicles required to service the site.
- Increase in parking congestion on Lawrence Street.
- Lack of parking provided onsite.

**Response** - The modification does not include additional basement levels that would significantly increase the amount of traffic generation above the approved concept plan. An assessment of traffic undertaken on the detailed design application has found that the proposal is expected to generate comparable traffic volumes to what is currently generated by the existing use.

The concept approval includes conditions for all waste to be collected from within the site and the detailed design application has been designed accordingly.

(b) Site access / Lawrence Street driveway

- Request vehicle access be made via McEvoy Street, as currently exists, not Lawrence Street.
- Risks to pedestrian safety as a result of the Lawrence Street driveway.
- The original Concept plans for this site showed vehicle access from McEvoy Street.

**Response** - The modification shows driveway access from Lawrence Street, which is consistent with the concept plan approved by the Land and Environment Court.

McEvoy Street is a Classified Road and accordingly the development is subject to the provisions of Clause 101 of State Environmental Planning Policy (Infrastructure) 2009. Clause 101 of the Infrastructure SEPP sets out that the development should not provide access to the site from the classified road where there is alternate access available.

Conditions have been recommended on the detailed design application requiring signage at the vehicle egress points. This signage will require vehicles to stop and give way to pedestrian and bicycles before crossing a footway.

Indicative design plans submitted with the original concept application did show vehicle access via McEvoy Street, however this was not supported or approved, as per Clause 101 noted above.

## (c) Height, bulk and scale

- Proposed height and scale is inappropriate, does not respect the surrounding area, context or adjoining buildings.
- Nil side setbacks for Building B is out of character in the area and contributes to the bulk and scale of the development.
- Development does not promote view sharing.
- Breaches to building height will set a precedent for further non-compliances in the area.
- Nil setback for Building A to the north-eastern property boundary will impact adjoining Spectrum Townhouses.

**Response** - Refer to the detailed discussion provided in the Issues section above.

The provision of nil side setbacks is the underlying built form presented along Lawrence Street and within the Cooper Estate conservation area. The provision of nil side setbacks to Building B is consistent with the character of Lawrence Street. The proposal is of a similar scale to existing 2-3 storey contemporary and traditional terrace buildings within the conservation area.

The portion of building envelope with a nil setback to Building A was previously approved by the Land and Environmental Court. The modification envelopes are consistent with the Court approval for this portion of Building A.

The proposal will not result in the loss of views from surrounding properties.

Any future development application that may be submitted in the locality would be assessed against the relevant planning controls for the site and on the individual merits of the proposal.

## (d) Density

- High density development is not in keeping with the low density of Lawrence Street.
- Apartment developments should be located closer to public transport.
- Removal of the restriction on below ground apartments allows for more apartments than would otherwise be the case.

**Response** - The detailed design application demonstrates that the proposal complies with the floor space ratio requirement outlined in Sydney LEP 2012.

The site is located in a B4 Mixed Use zone, which permits residential flat buildings. The adjoining R2 General Residential zone along Lawrence Street also permits residential flat buildings, as evident by a number of development that currently exist along Lawrence Street.

The site is located within walking distance of a number of existing and planned bus services and train/metro stations.

The concept approvals restriction on below ground apartments was not a mechanism to limit density, rather due to concern over amenity. As outlined in the Issues section above the proposed below ground apartments offer acceptable amenity and are supported.

(e) Tree removal and landscaping

- The proposal reduces deep soil zones and has limited opportunity for replacement planting.
- Protection of Lawrence Street street trees.
- Excessive tree removal and pruning.
- Landscaped areas have been reduced in size and do not provide adequate amenity for future occupants.
- Removal of tree will have an impact on wildlife and reduce shade for residents.

**Response** - The removal of trees is not approved under this concept application. The removal and retention of trees within the site and in the public domain has been assessed under the detailed design report and is acceptable subject to conditions.

(f) Overshadowing and solar access

- Overshadowing to adjoining properties, in particular 118-136 Lawrence Street.
- Additional height will result in loss of solar access to adjoining properties.

**Response** - The proposed exceedance in height will not result in any adverse overshadowing impacts on adjoining properties. Detailed analysis has been undertaken under the detailed design application that demonstrates acceptable levels of solar access for adjoining properties.

(g) Heritage impacts and character of the Cooper Estate area

- Inclusion of below ground habitable rooms on Lawrence Street will create a visual impact and the building will appear more dominant.
- Lack of front garden to Lawrence Street due to subterranean apartments is not in keeping with the heritage conservation area.
- The proposal is inconsistent with the DCP locality statement for the area.
- Design and materials of Building B affects the integrity of the heritage conservation area.
- Lawrence Street and the conservation area will be visually impacted by the 8 storeys of Building A.

**Response** - The concept application is for building envelopes only and does not approved detailed design elements. The inclusion of below ground apartments has been discussed in the Issues section above and is acceptable. An assessment of the proposed materials, architectural expression and form of the proposal is undertaken under the detailed design application. The detailed design application is not expected to have adverse impacts on the conservation area and is supported.

(h) Privacy impacts

- Privacy impacts to adjoining properties.
- Window boxes direct views straight into adjoining properties.
- Overlooking from balconies of Building A to the rear yards of the Spectrum townhouses.
- The proposal includes a new wing to Building A that doesn't comply with building separation requirements to the Spectrum Apartments.

**Response** - The proposal generally complies with the recommended building separation distances outlined in the Apartment Design Guideline (ADG). Where separation distances are not achieved, the detailed design application incorporates design features to ameliorate visual privacy concerns for future occupants and adjoining properties.

(i) Noise impacts

- A noise assessment to adjoining properties has not been undertaken.
- The noise impact assessment has not adequately addressed noise impacts from increased traffic and the commercial premises.
- The noise study reveals potentially high impact of increased traffic noise in Lawrence Street near the site.

**Response** - Noise impacts have been assessed under the detailed design application and are acceptable.

(j) Construction impacts

- Construction impacts, including dust, noise pollution, safety and security.
- Request for appropriate protection of adjoining property during demolition and construction stage and liaison with neighbours.

**Response** - Appropriate construction management conditions are recommended as part of the detailed design application to manage construction impacts.

(k) Wind impacts

- Concern over a wind tunnel effect as a result of the proposed buildings.

**Response** - The height of the buildings is not expected to create a wind tunnel effect.

## (l) Air quality

- No air quality study has been carried out for Lawrence Street.
- No consideration for exhaust fumes from additional vehicles utilising Lawrence Street.

**Response** - Traffic generation as a result of the proposal is not expected to result in a reduction in air quality on Lawrence Street.

## (m) Design excellence

- The proposal does not exhibit design excellence.
- Building envelope modifications breach the restrictions set by the original concept approval on the ground of design excellence.

**Response** - A competitive design process was undertaken in accordance with the provisions of Clause 6.21 of SLEP 2012 and the City of Sydney Competitive Design Policy. The detailed design proposal is consistent with the design intent of the winning scheme of a competitive design process and the development, as amended satisfies design excellence provisions pursuant to Clause 6.21 of Sydney LEP 2012.

## (n) General amenity

- The proposal does not meet the design quality principles outlined in SEPP 65 and does not meet the criteria set out in the Apartment Design Guideline.
- Minimum floor to ceiling heights will not be met by 3m floor to floor heights.

**Response** - The development as modified does not diminish or detract from the design quality and intent of the original concept approval. The detailed design proposal generally complies with the relevant amenity requirements outlined in the ADG.

## (o) Boundary fence

- Existing warehouse buildings currently provide high boundary walls to the adjoining properties at 74-78 Lawrence Street and 84 Lawrence Street providing privacy security and noise insulation. The application does not provide details of the boundary wall treatment.

**Response** - Appropriate conditions have been recommended on the detailed design application to address safety and security during construction. Adjoining properties will be secured during construction by temporary fencing in the form of hoarding or the like.

Permeant fencing along a property requires owners consent for all adjoining properties, and the proposed material and height of boundary fences is a decision to be agreed on by all property owners. The applicant has advised that affected adjoining properties will be consulted regarding the construction of boundary fences.

(p) Water table

- Lowering the water table could lead to damage to surrounding properties.

**Response** - The modification proposal does not seek to increase the depth of excavation above what was previously approved. The detailed design application was referred to NSW Water for assessment. General Terms of Approval have been received from Water NSW and included in the recommended conditions on D/2019/1350.

(q) Rubbish bins

- The proposal will increase the amount of garbage bins along Lawrence Street.

**Response** - As per existing conditions, all residential and commercial waste is required to be collected from within the site. The detailed design application has been designed accordingly.

(r) Submitted documentation

- Inconsistencies within the documentation and inaccurate representation of the proposal.

**Response** - The submitted drawings and supporting documentation is considered accurate and adequate in order to make an assessment against the relevant controls.

(s) Renotification period

- Inadequate time provided to review the modified documents placed on renotification.

**Response** - Amended plans and documentation was re-notified for a period of 14 days, which is line with Council's approach for the notification of amended documentation. A one week extension to this period was granted where requested.

## Public Interest

63. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

## S7.11 Contribution

64. The development is not subject to a S7.11 development contribution as it is for a concept approval. Appropriate contributions have been levied as part of the detailed design application (D/2019/1350).

## Relevant Legislation

65. Environmental Planning and Assessment Act 1979.
66. Sydney Airport Referral Act 1996.
67. Water Management Act 2000.

## Conclusion

68. This Section 4.56(2) application proposes altering the approved building envelopes to align with the detailed design development application (D/2019/1350). The detailed design development application is presented to the CSPC concurrently for approval.
69. The proposed modifications to the approved building envelope will deliver consistency between staged development applications for the site, as required under Section 4.24 of the Environmental Planning and Assessment Act, 1979.
70. The development as proposed to be modified is substantially the same as that originally approved. The location and overall form of the building envelopes are not inconsistent with the intent of the approved concept. As per the originally approved concept application, the proposed modifications will deliver two mixed use commercial and residential building envelopes, with Building A fronting McEvoy Street and Building B fronting Lawrence Street. Proposed modifications primarily relate to building height and separation.
71. The height modification allows for design excellence provisions that are permissible under the LEP, namely the additional 10% height awarded to the application following the completion of the competitive design process.
72. Footprint and building separation changes to Building A and Building B are supported as they do not result in unacceptable overshadowing or privacy impacts and deliver envelopes that are capable of achieving an acceptable level of amenity for future occupants and adjoining properties.
73. The proposed building envelopes are capable of accommodating a future building which exhibits design excellence in accordance with Clause 6.21 of the Sydney LEP 2012. The detailed design application being considered concurrently by CSPC under DA No. D/2019/1350 demonstrates that a generally compliant scheme can be provided within the amended envelope that delivers design excellence in accordance with Clause 6.21 of Sydney LEP 2012.
74. The proposed modifications are recommended for approval.

## GRAHAM JAHN, AM

Director City Planning, Development and Transport

Natasha Ridler, Area Planning Coordinator