

Item 4.**Modification Application: 525-529 George Street, Sydney - D/2019/758/A**

File No.: D/2019/758/A

Summary

Date of Submission:	31 May 2022, 9 November 2022
Applicant:	Mr Giovanni Cirillo, Planning Lab
Architect/Designer:	Candalepas Associates
Developer:	Event Hospitality and Entertainment Limited
Owner:	The Greater Union Organisation Pty Ltd
Planning Consultant:	Planning Lab
Heritage Consultant:	Urbis
DAP:	1 September 2022
Cost of Works:	\$0
Zoning:	SP5 Metropolitan Centre.
Proposal Summary:	<p>The application is a Section 4.55(2) modification to amend concept building envelopes for an indicative 155.39m high mixed use development containing a three to four storey podium with indicative commercial uses and a tower above containing hotel accommodation and residential apartments. The proposal includes a basement and a shared vehicular access with 505-523 George Street from Kent Street.</p> <p>Specifically, the modifications include amendments to the podium to modify the top of the podium height from RL 44.00 to 45.00, adjustment of the setback podium envelope to Kent Street to accommodate a pool terrace and adjustment of the podium envelope to accommodate awnings and balustrades to the level four terraces fronting both Kent Street and George Street.</p>

The modifications to the tower envelope include an extension to the south by 550mm to accommodate structure, an extension to the north by 300mm to incorporate a structure for public art and modification to the maximum height of the tower envelope to incorporate plant, lift overruns and to facilitate access to the communal rooftop open space.

The application is referred to the Central Sydney Planning Committee (CSPC) for determination as the proposed modifications relate to “major development” for the purposes of the City of Sydney Act, 1988.

A separate detailed design development application (D/2022/481) is presented concurrently for approval.

The proposed modifications to the subject concept development consent will deliver consistency between future staged development applications, as required under Section 4.24 of the Environmental Planning and Assessment Act, 1979.

The original application was notified for 14 days between 2 June 2022 and 17 June 2022. No submissions were received. The amended application was renotified for 14 days between 9 November 2022 and 24 November 2022. One submission was received.

The matters raised in the submission received include concerns relating to the additional height of the envelope at roof level and the location of the waste and goods loading dock. These issues are addressed within the report.

As amended, the proposed modifications to the building envelope are considered to result in a development that is substantially the same as previously approved and contextually appropriate. The changes are not likely to significantly impact the overall use of the building, nor the amenity of surrounding sites.

The detailed design of the development will be considered concurrently by the CSPC under development application D/2022/481, which demonstrates that a generally compliant scheme can be provided within the amended envelopes. The proposed modifications are recommended for approval.

Summary Recommendation: The Section 4.55 application is recommended for approval.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iii) Sydney Airport Referral Act 1996
- (iv) State Environmental Planning Policy No.65— Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG)
- (v) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
- (vi) Sydney Development Control Plan 2012 (Sydney DCP 2012)

Attachments:

- A. Amended Conditions of Consent
- B. Selected Drawings

Recommendation

It is resolved that consent be granted to Section 4.55 Application No. D/2019/758/A subject to the amendment of the following conditions (with modifications shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions), as follows:

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/758 dated 16 July 2019, as amended, and the following drawings prepared by Candalepas Associates:

Drawing Number	Issue	Drawing Name	Date
1101 <i>S4.55-1 1101</i>	B	Building Envelope – Plan	12.03.2020 <i>04.11.2022</i>
1301 <i>S4.55-1 1301</i>	B	Building Envelope – East Elevation	12.03.2020 <i>04.11.2022</i>
1302 <i>S4.55-1 1302</i>	B	Building Envelope – West Elevation	12.03.2020 <i>04.11.2022</i>
1303 <i>S4.55-1 1303</i>	B	Building Envelope – North Elevation	12.03.2020 <i>04.11.2022</i>
1304 <i>S4.55-1 1304</i>	B	Building Envelope – South Elevation	12.03.2020 <i>04.11.2022</i>
1350 <i>S4.55-1 1350</i>	B	Building Envelope – Axonometrics	12.03.2020 <i>04.11.2022</i>
2102	B	Indicative Scheme – Basement 1	12.03.2020
2103	B	Indicative Scheme Lower Ground Floor	12.03.2020

and as amended by the conditions of this consent.

- (b) Drawing numbers 2101 and 2103 referenced in (a) above are only approved in terms of the location of the driveway and breakthrough panel through to the basement of 505-523 George Street. No other details on these drawings are approved under this consent.
- (c) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(Condition amended – D/2019/758/A – 11 May 2023)

(4) ENVELOPE HEIGHT

The height of the approved envelope must not exceed RL ~~169.12~~ **172.51** (AHD).

(Condition amended – D/2019/758/A – 11 May 2023)

(6) FLOOR SPACE RATIO

- (a) The Floor Space Ratio for all detailed development applications on the site must ~~not exceed the maximum permissible~~ be calculated in accordance with the relevant clauses of the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process.
- (c) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application.
- (d) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

(Condition amended – D/2019/758/A – 11 May 2023)

SCHEDULE 1B - GOVERNMENT AGENCY CONDITIONS**(33) SYDNEY AIRPORT CORPORATION LIMITED / DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, CITIES AND REGIONAL DEVELOPMENT**

- (a) The building **must not exceed** a maximum height of ~~167.4 metres~~ **175.6 metres AHD**, this **includes all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- (b) Separate approval **must be sought** under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
- (c) The Proponent **must ~~advise~~ advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-216.
- (d) On completion of construction of the building, the Proponent must provide ~~the airfield design manager~~ **SACL** with a written report from certified surveyor on the finished height of the building.
- (e) ***A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.***

Breaches of approval conditions are subject to significant penalties under Sections 185 and 187 of the Act.

(Condition amended – D/2019/758/A – 11 May 2023)

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development, as modified, is substantially the same development as that originally approved and is consistent with Section 4.55(2)(a) 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, in order to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (C) The proposed modifications are consistent with and are considered acceptable having regard to the reasons given for the original approval in accordance with Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.

- (D) The proposal is consistent with the aims, objectives and relevant provisions of the Sydney Local Environmental Plan 2012 (SLEP 2012) and Sydney Development Control Plan 2012 (SDCP 2012) for the reasons set out in the report.
- (E) The modified building envelopes can accommodate a building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the SLEP 2012.
- (F) The increased height and bulk of the building envelopes are in keeping with the desired future character of the area. These variations are reasonable and justified with regard to the concurrent detailed design development application D/2022/481.
- (G) The changes to the approved building envelopes are appropriate and are not likely to significantly impact the overall use of the building or the amenity of surrounding sites or locality.
- (H) The development as modified is in the public interest.

Background

The Site and Surrounding Development

1. A detailed description of the site and surrounds is provided in the assessment report for the detailed design development application (D/2022/481) that is presented to the Central Sydney Planning Committee (CSPC) concurrently for approval.

History Relevant to the Modification Application

Development Applications

2. The following applications are relevant to the current proposal:
 - **D/2019/758** – Development consent was granted on 25 May 2020 by the CSPC for a Concept (Stage 1) development application on the subject site for a building envelope 150m in height containing indicative residential and hotel uses in the tower and commercial uses in the podium.

Condition 7 of D/2019/758 requires unimpeded vehicular access and egress via the shared driveway approved at 525-529 George Street to be made available to 505-523 George Street at all times for vehicles associated with the operation of the building.

3. The following applications are relevant to the adjoining site at 505-523 George Street:
 - **D/2019/857** – Development consent was granted on 25 May 2020 by the CSPC for demolition of existing structures on site, excavation and construction of a mixed-use building comprising:
 - (i) a tower containing 507 residential apartments and facilities (including temporary use of the apartments as serviced apartments for a time-limited period up to 20 years) and a restaurant and bar on level 80;
 - (ii) a podium containing a City of Sydney childcare centre and meeting room, publicly accessible toilets, retail premises including a cinema and facilities ancillary to the serviced apartments,
 - (iii) public artwork and a through-site link; and
 - (iv) eight basement levels containing car parking, end of trip facilities, storage, plant rooms and ancillary use areas.

4. Photomontages of the development are provided in the figures below.



Figure 1: Photomontage of the approved development at 505-523 George Street - view from the International Convention Centre



Figure 2: Photomontage of the approved development at 505-523 George Street from George Street, the subject DA relates to the site immediately to the south (left-hand side)



Figure 3: Photomontage of the approved development at 505-523 George Street as viewed from Kent Street, the subject DA relates to the site immediately to the south (right-hand side)

Competitive Design Process

5. A competitive design process was undertaken for the development site in accordance with the provisions of Clause 6.21D of the SLEP 2012 and the City of Sydney Competitive Design Policy. As a result of this competitive design process the applicant is seeking up to 10 per cent additional floor space pursuant to Clause 6.21D of the SLEP 2012.
6. The Competitive Design Alternatives Process was carried out between 23 October 2020 and 8 December 2020. The architectural firms who participated in the Design Competition included: Candalepas Associates; Andrew Burges Architects and; John Wardle Architects.
7. Candalepas Associates was selected as the winning scheme by the four member selection panel. A photomontage of the winning scheme is provided in the figure below:



Figure 4: Photomontage of the winning Candalepas Associates scheme

Detailed Design Development Application - D/2022/481

8. On 31 May 2022, a development application for the detailed design of the site was lodged with the City. The DA proposes the demolition of the existing building and construction of a new mixed use development with a maximum height of 155.39m (RL 172.51 AHD) with hotel, residential, function centre, retail and entertainment facility land uses in a 43 storey podium and tower.
9. The application is being reported concurrently to the CSPC for determination. The detailed design development application is recommended for approval. Refer to the separate report for details.

Proposed Modifications

10. The subject Section 4.55(2) modification application proposes to amend the Concept development consent D/2019/758 to ensure consistency with the concurrent detailed design development application D/2022/481.
11. Specifically, the application seeks to modify condition (2) ' Approved Development' to:
 - amend the top of the podium from RL44.00 to RL45.00 to align with the adjacent approved development at 505-523 George Street (D/2019/157);

- adjust the set-back podium envelope to Kent Street to accommodate the relocated pool terraces (maximum height of RL48.35);
 - adjust the podium envelope to accommodate awnings and balustrades to the level four terraces fronting both Kent Street and George Street;
 - modify the tower envelope to the south by 550mm to accommodate tower structure;
 - modify the tower envelope to the north by 300mm to incorporate a structure for public art; and
 - modify the tower envelope to incorporate plant and lift overrun to communal open space, noting the maximum height of the envelope has increased from RL169.12 to RL172.51.
12. The above amendments necessitate the following conditions to be modified:
- **Condition 4 - Envelope Height** - to amend the height of the approved envelope from RL169.12 to RL172.51 (AHD).
 - **Condition 6 - Floor Space Ratio (FSR)** - to amend the wording of the condition which currently restricts the FSR to the maximum permissible under the Sydney LEP 2012. The concurrent detailed design development application (D/2022/481) exceeds the maximum permissible FSR and the condition is proposed to be amended to stipulate that the FSR for all subsequent detailed design development applications must be calculated in accordance with the relevant clauses of the Sydney LEP 2012.
 - **Condition 33 - Sydney Airport Corporation Limited / Department of Infrastructure, Transport, Cities and Regional Development** - to amend the height referenced in the condition.
13. Axonometric drawing extracts, elevations and a building envelope plan are provided below.

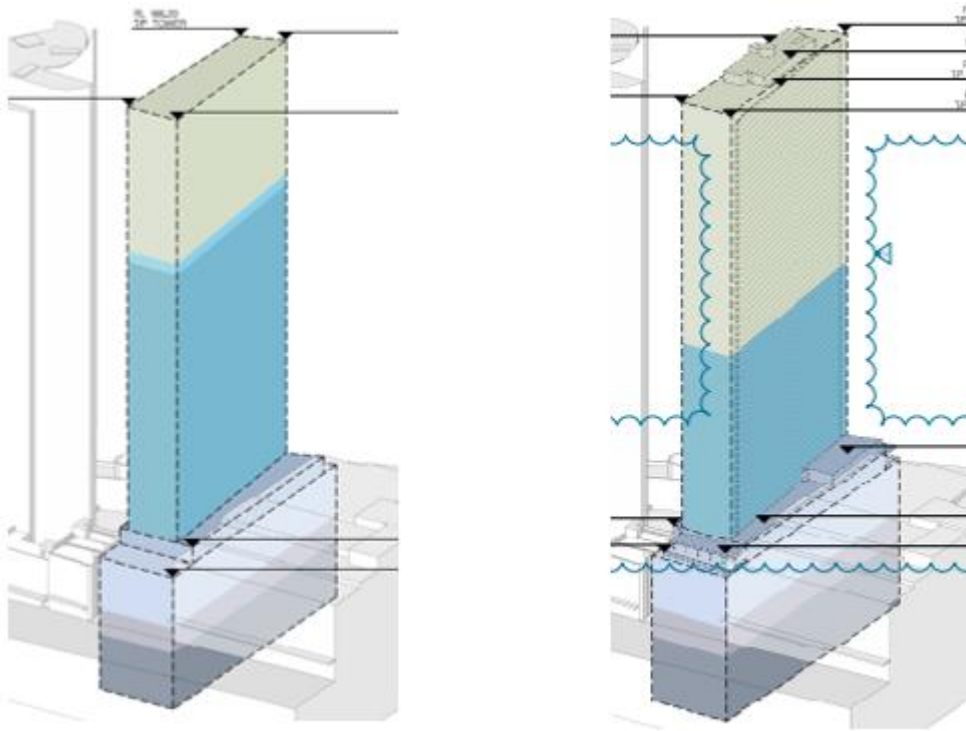


Figure 5: Approved axonometric (left) and proposed axonometric (right) viewed from George Street, proposed areas of modification identified as hatched

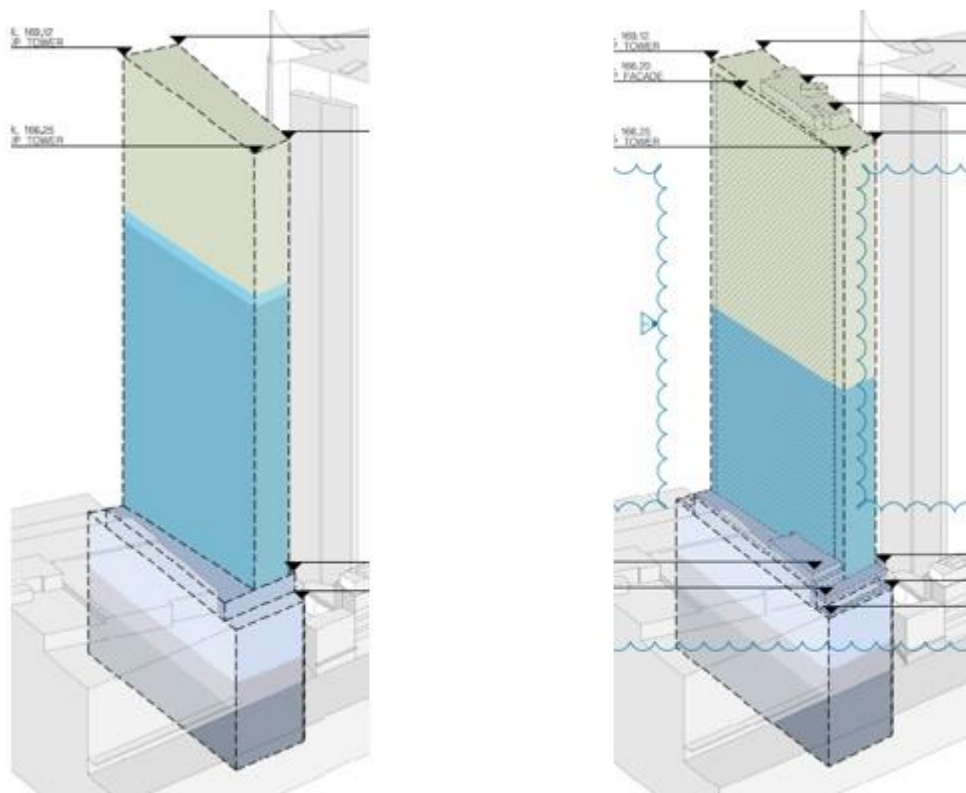


Figure 6: Approved axonometric (left) and proposed axonometric (right) viewed from Kent Street, proposed areas of modification identified as hatched

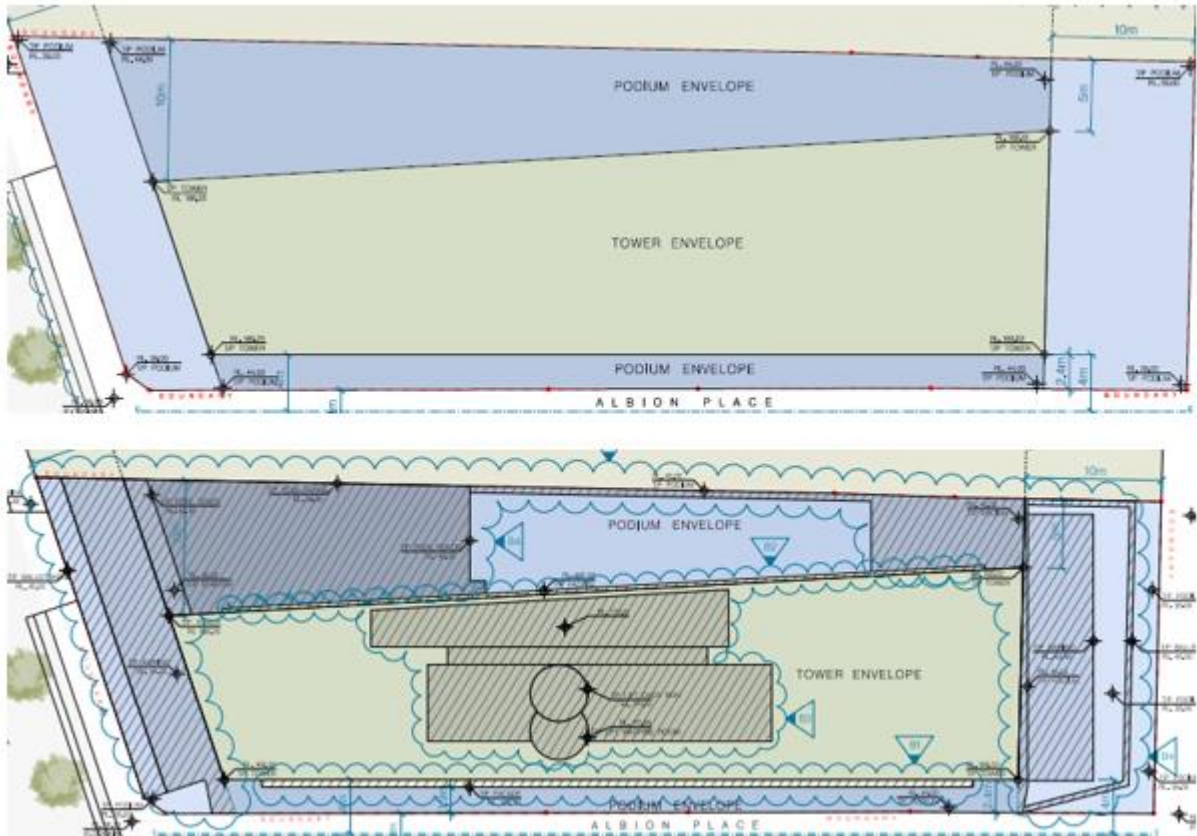


Figure 7: Approved building envelope plan (top) and proposed building envelope plan (bottom), proposed areas of modification identified as hatched

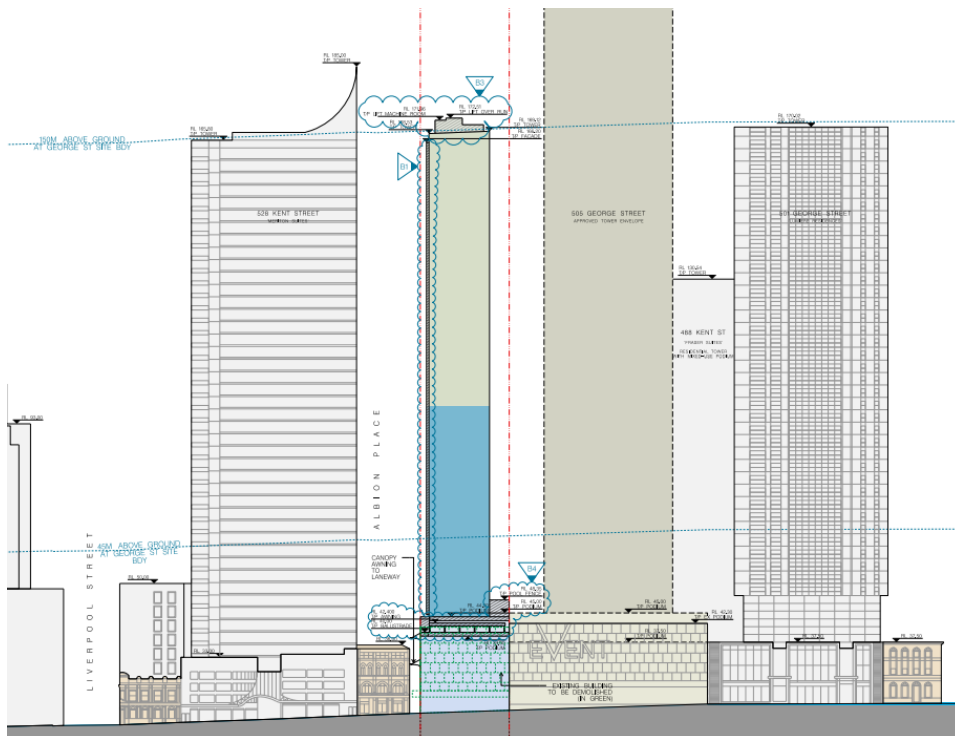


Figure 8: Proposed George Street (east) elevation, areas to be modified clouded

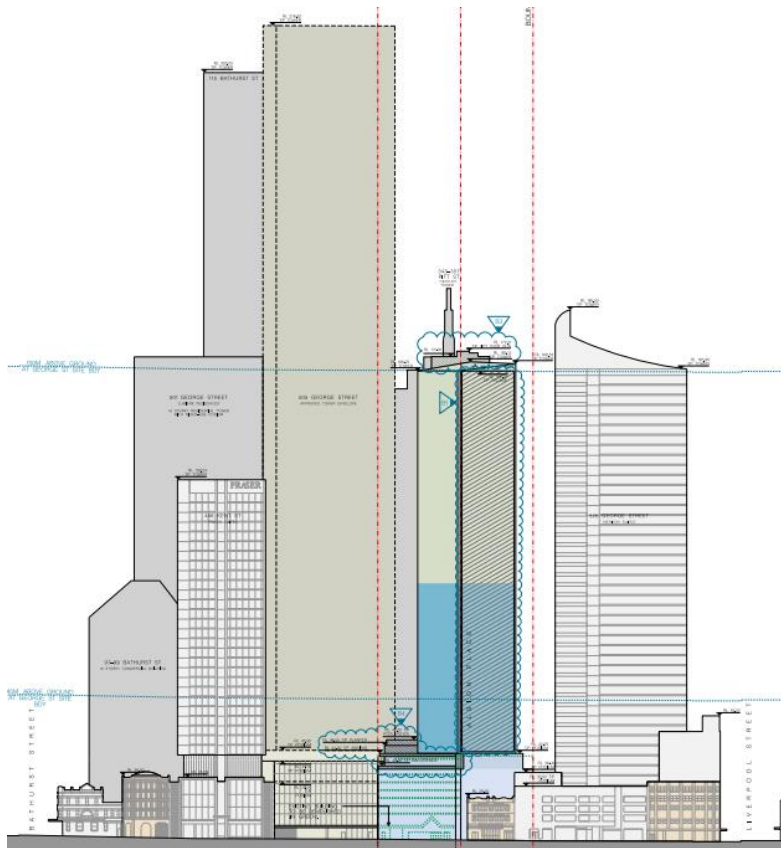


Figure 9: Proposed Kent Street (west) elevation, areas to be modified clouded

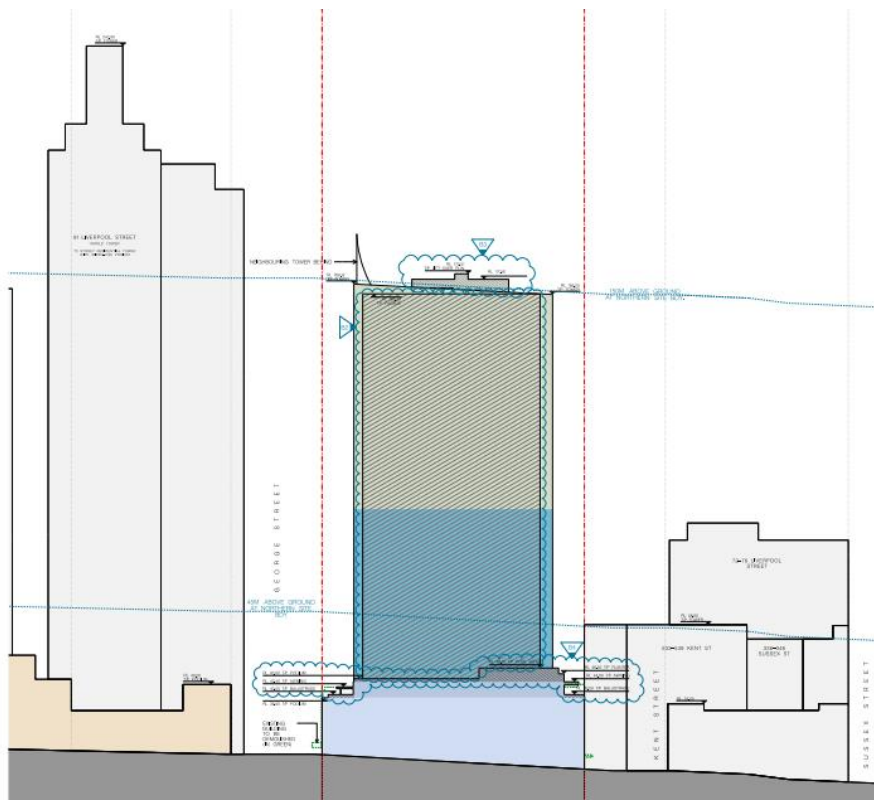


Figure 10: Proposed northern elevation, areas to be modified clouded

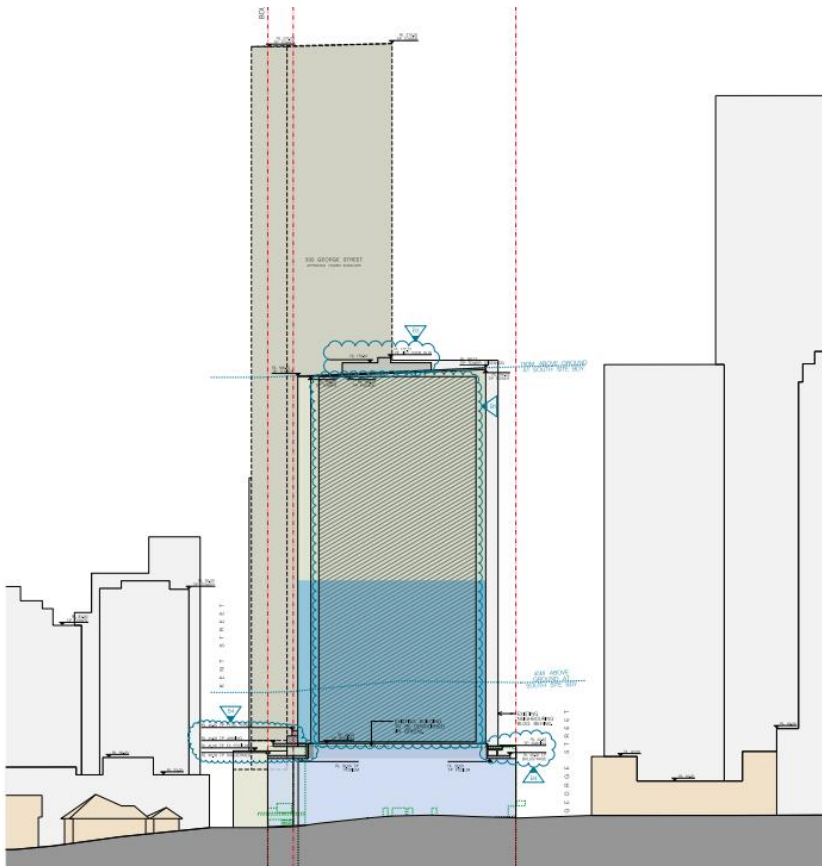


Figure 11: Proposed Albion Lane elevation, areas to be modified clouded

Threshold Test

14. The development as proposed to be modified is substantially the same as that originally approved.
15. 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 mixed use building envelopes, including retail, commercial, hotel and residential land uses which front George Street, Kent Street and Albion Place.
16. The proposed modifications to the podium are to accommodate the detailed design and result in improved functionality and amenity of this space. Specifically, the modifications seek an increased top of podium height to match 505 George Street, allow for fencing of the hotel pool area and provide for balustrades and awnings to the external terraces on level four. The modifications to the podium do not alter the George Street frontage height and seek a minor increase (1 metre) to the Kent Street frontage height which is considered appropriate within the context of the street.

17. The proposed modifications to the tower allow for the inclusion of architectural elements for the inclusion of public art, privacy screening and tower structural support. The areas of expanded building envelope do not accommodate any additional gross floor area and do not result in the relocation of any windows, balconies or habitable floorspace towards the site's boundaries. At roof level the modification provides an amended roof form which is consistent with the concurrent detailed design development application. The detailed design development application includes lift overruns, fire stairs, mechanical plant and equipment, a sheltered walkway to communal open space and a bathroom above the height of the approved tower envelope.
18. The proposed modifications to the envelopes are supported as they do not result in unacceptable amenity impacts and deliver envelopes that are capable of achieving an acceptable level of amenity for future occupants and adjoining properties.
19. In accordance with Section 4.55(2) of the Environmental Planning and Assessment Act, 1979, an assessment of the application against the relevant provisions of Section 4.15(1) of the Act is provided under the headings below.

Economic, Social and Environmental Assessment

20. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Environmental Planning and Assessment Act, 1979

21. Section 4.55(3) of the EP&A Act requires that a consent authority is to take into consideration the reasons given for the consent that were originally given to grant consent.
22. The original application (D/2019/758) was approved for the following reasons:
 - (a) Consent is granted on the basis that the development application is a concept development application under s.4.22 of the Environmental Planning and Assessment Act 1979.
 - (b) The proposed development is consistent with Section 4.15 of the EP&A Act, in that subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site and does not result in unreasonable environmental impacts for the reasons outlined in the report to the Central Sydney Planning Committee.
 - (c) The development, subject to conditions, is generally consistent with the applicable State Environmental Planning Policies, SLEP 2012, SDCP 2012 and the Apartment Design Guide (ADG).
 - (d) The concept development complies with the maximum permitted height under the SLEP 2012, and the subsequent detailed development application is capable of complying within the maximum permitted floor space ratio within the parameters of the building envelope under SLEP 2012. The detailed DA is also capable of achieving up to an additional 10 per cent floor space within the parameters of the building envelope, subject to compliance with Clause 6.21 of SLEP 2012 and the recommended conditions of consent.

- (e) The proposal, subject to conditions, satisfies the relevant provisions contained in Clause 6.21(4) of SLEP 2012 as the proposed land use is suitable for the site, the proposal sets out ecological sustainable development key targets for the development, the building envelope does not detrimentally impact of view corridors in the context of the CBD or result in unacceptable overshadowing, and the massing and setbacks of the building envelope are compatible with the existing and desired future character of the area.
 - (f) The proposed is consistent with the objectives of the B8 Metropolitan Zone of SLEP 2012.
 - (g) The proposal will improve the quality of the public domain through activation of George Street and Albion Place.
 - (h) For the reasons above and as outlined in the body of the report to the CSPC, the proposed development is in the public interest subject to conditions.
23. The original reasons for approval have been considered and the proposal is considered acceptable and consistent with the original reasons. Specifically:
- (a) The application relates to a concept development application and the modification application is limited to amendments to the podium and tower envelopes.
 - (b) The development, as amended, is consistent with Section 4.15 of the EP&A Act, includes appropriate conditions as recommended, achieves the objectives of the planning controls for the site and does not result in unreasonable environmental impacts.
 - (c) The development, as amended, is generally consistent with the applicable State Environmental Planning Policies, SLEP 2012, SDCP 2012 and the ADG.
 - (d) While there is a non-compliance with both the maximum permitted height and FSR under the SLEP 2012, the exceedances are considered acceptable for the reasons discussed in this report.
 - (e) The modified proposal satisfies the relevant provisions contained in Clause 6.21D of SLEP 2012 relating to design excellence.
 - (f) The proposal is consistent with the objectives of the SP5 Metropolitan Centre zone.
 - (g) The proposed modification does not result in any impacts to the quality of the public domain to George Street and Albion Place, as originally approved.
 - (h) The proposed modification application is in the public interest.

Sydney Local Environmental Plan 2012

24. The relevant provisions of the SLEP 2012 have been taken into consideration in the assessment of the proposal.
25. The site is located within the SP5 Metropolitan Centre zone. The proposed development comprises commercial, residential and hotel uses which are permissible within the zone.

26. Compliance with the development standards prescribed under Clause 4.3 height of buildings and Clause 4.4 FSR are discussed below.
27. The detailed design development application (D/2022/481) demonstrates the revised building envelope satisfies the objectives of Clause 6.21C relating to design excellence.
28. The development is consistent with other relevant provisions.

Discussion

29. A summary of the proposed amendments and an assessment of their acceptability is discussed below.

Modification to amend the top of podium from RL44.00 to RL45.00 to align with the adjacent approved development at 505-523 George Street.

30. The modification seeks to provide a modified podium height of RL 45.00 to the area to the immediate northeast of the tower, adjacent to 505-523 George Street. The amended height matches the height of the podium at 505-523 George Street approved by D/2019/857.
31. This modification does not result in any change to the George Street frontage height and the additional bulk will not be visible from the public domain below.
32. The concurrent detailed design development application (D/2022/481) identifies that this area will accommodate landscaping and plant and equipment.
33. The figures below depict the location of the amended podium height and identify its location comparative to the approved development at 505-523 George Street.
34. The amended podium height in this location will not have an unacceptable impact on the adjoining site at 505-523 George Street and the modification is supported.

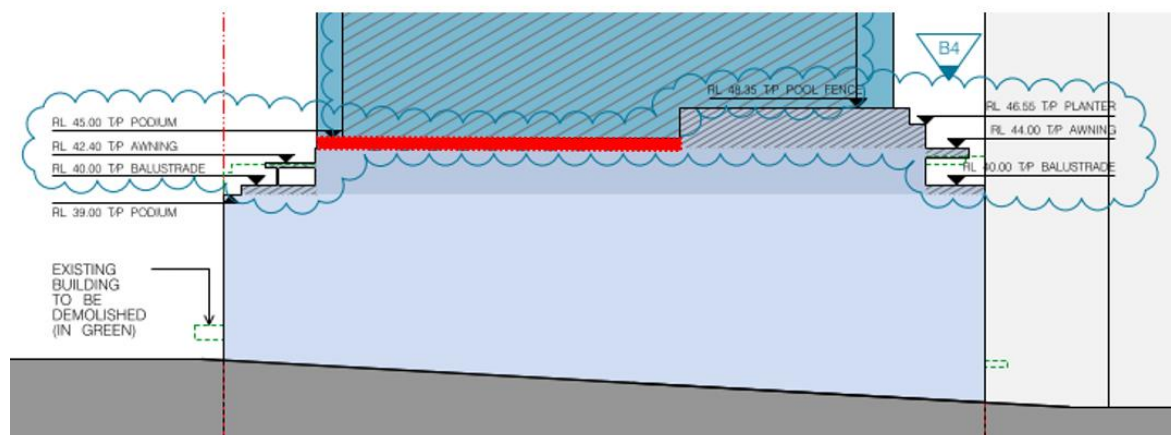


Figure 12: Proposed northern elevation - area in red identifies location of amended podium height from RL 44.00 (approved) to RL 45.00 (proposed)

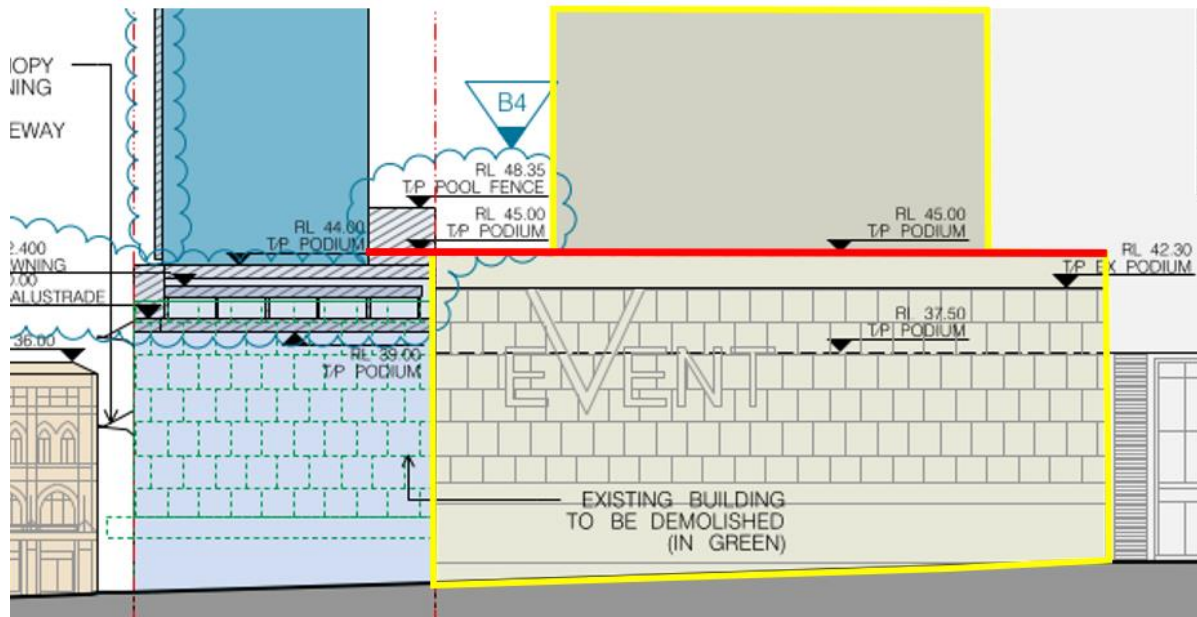


Figure 13: Proposed George Street elevation - yellow outline identifying approved envelope at 505-523 George Street, with red line denoting approved podium height (RL 45.00) which is consistent with the proposed height of the podium adjacent to 505-523

Modification to adjust the podium envelope to accommodate awnings and balustrades to the Level 4 terraces.

35. The applicant has stated that these modifications have arisen in response to feedback provided by the design competition Selection Panel to improve the functionality of level four and the external terraces.
36. The modifications do not result in an amendment to the George Street frontage height but allow for the provision of a balustrade and awning to enclose the external terrace at this level.
37. The modifications result in an increase in the Kent Street frontage height by 1m from RL39.00 to RL40.00 to permit a balustrade around the external terrace.
38. Section 5.1.1.1 of the SDCP 2012 requires a maximum street frontage height of 25m to Kent Street. The approved envelope frontage height to Kent Street is approximately 22.65m and the proposed frontage height (including the balustrade) will remain below 25m in compliance with the DCP.
39. When viewed in the context of Kent Street, the podium and the awning (RL 44.00) will remain lower in height than the podium approved at 505-523 George Street which has a height of RL45.00. This is supported.
40. The modifications will improve the functionality of the external space and will not result in a privacy impact to the approved development at 505-523 George Street.
41. Views from the public domain depicting the increased balustrade height and provision of an awning to the Kent Street frontage at level four are provided below:

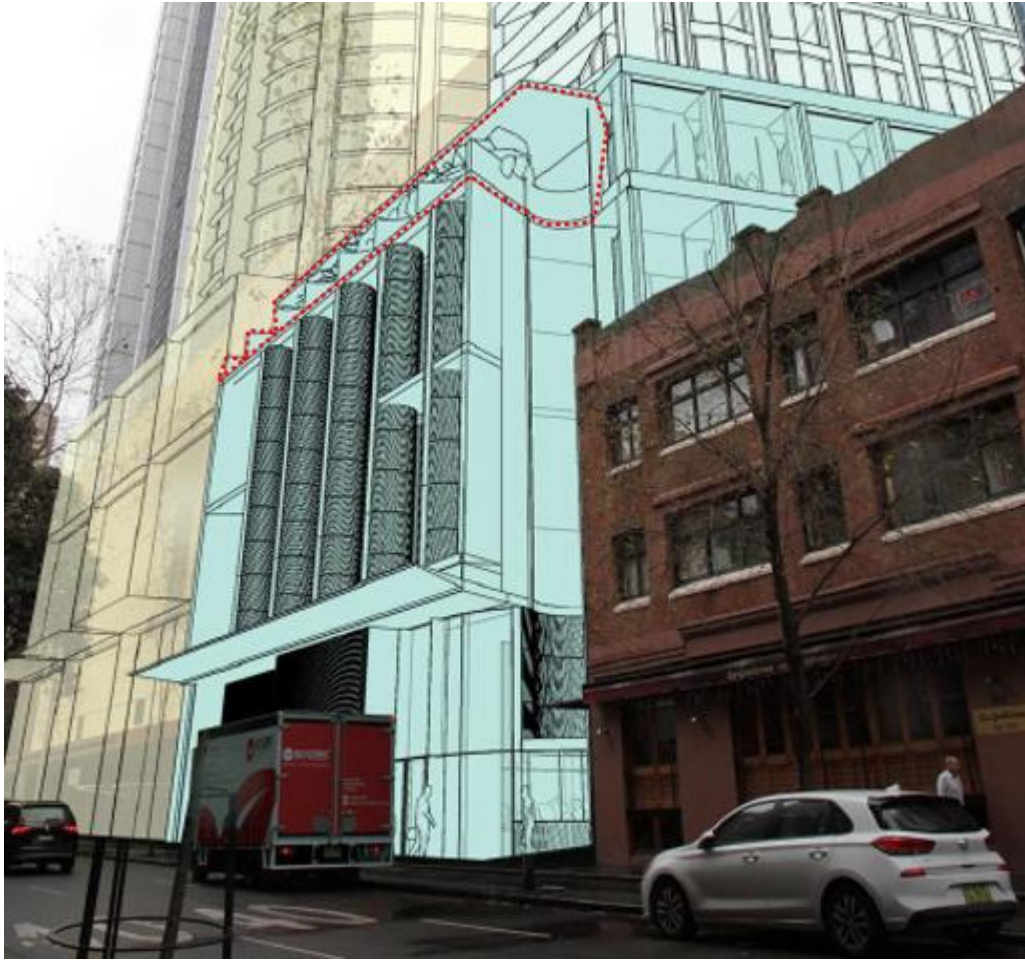


Figure 14: 3D study of detailed design development application viewed from Kent Street looking north. Location of proposed amendments to the podium to facilitate balustrade and awning identified in red and approved development at 505-523 George Street.



Figure 15: 3D study of detailed design development application viewed from Kent Street looking south. Location of proposed amendments to the podium to facilitate balustrade and awning identified in red and approved development at 505-523 George Street identified in yellow.

Modification to adjust the setback podium to Kent Street to accommodate the relocated pool terraces.

42. The modification seeks to permit a pool fence with a maximum height of RL48.35 and a planter with a maximum height of RL 46.55 to the top of the north-western extent of the podium. As depicted in the figures above, the encroachments above the Kent Street frontage are not visible from the public domain due to the projecting awning to the level four terrace which shields the setback pool deck.
43. A Memorandum has been prepared by the applicant's wind engineering consultant and identifies that the relocated pool is within a more exposed location. The new location is considered to be relatively protected from prevailing winds from the south and north-east, however winds from the west which are most frequent in winter are expected to impact the location. To ameliorate wind impacts, the envelope provides for a 1.8m high balustrade around the pool to shield the pool from winds to the west.
44. The proposed modification is supported.

Modification of tower envelope to the south by approximately 550mm to accommodate tower structure and modification of tower envelope to the north by approximately 300mm to incorporate a structure for public art.

45. The modification allows for the integration of public art (as required by conditions 10(a), 10(d) and 15 of the original concept development consent D/2019/758) and privacy screens on the tower's northern facade and allows for the provision of building structural elements, embellishment and privacy screening on the tower's southern facade.
46. The modifications result in a reduced side setback to the site's northern and southern site boundaries however do not facilitate additional GFA and do not result in the re-location of any windows, balconies or habitable floorspace towards these boundaries.
47. The modification to the tower envelope to provide privacy screening is supported noting the approved tower envelope does not provide adequate separation in accordance with Objective 3F-1 of the ADG from the approved tower envelope at 505-523 George Street (D/2019/857) and the existing Meriton Suites tower at 537-551 George Street. The concurrent detailed design development application provides for privacy screens and blades to the north-eastern and south-eastern windows within the modified tower form in order to address this non-compliance which is supported.
48. The City's Heritage Specialist has advised the changes to the tower envelope are acceptable and are assessed to have an acceptable impact on the adjacent heritage items including Albion Place, 531-533 George Street and 1-7 Albion Place.
49. The minor amendments to the tower envelope are supported.

Modification of tower envelope to incorporate a lift overrun to communal open space concealed within.

50. The modification seeks to amend the maximum height of the tower envelope from RL 169.12 to RL 172.51 to provide an amended roof form which is consistent with the concurrent detailed design development application. The detailed design development application includes lift overruns, fire stairs, mechanical plant and equipment, a sheltered walkway to communal open space and a bathroom above the height of the approved tower envelope.
51. The modification results in an increase in the height of the tower envelope beyond the permissible 150m height of buildings standard. However, as a Section 4.55(2) modification, Clause 4.6 of the SLEP 2012 with regard to requesting a variation to the 'height of buildings' development standard does not apply. Notwithstanding, a detailed assessment under Clause 4.6 of the SLEP 2012 has been carried out as part of D/2022/481 for the detailed design, which also proposes a height variation. The impacts caused as a result of the amended envelope are discussed under the headings below.

Wind Impacts

52. The Memorandum prepared by the applicant's wind engineering consultant identifies the wind conditions on the rooftop terrace to be relatively strong, however the balustrades intended for the roof terrace were not present in the test model. The provision of 2m high balustrades (which have been incorporated into the amended tower envelope) and landscaping on the roof terrace is expected to provide adequate protection for the roof terrace to avoid safety exceedances.

Overshadowing

53. With regard to overshadowing, there is some impact to the Meriton Suites tower which is used for serviced apartments. The accompanying analysis undertaken by the applicant identifies the overshadowing impact is limited to Levels 53, 54, 55 and 56 and limited to the north facing serviced apartments on those particular floors. All impacted serviced apartments will continue to receive between three to four hours of solar access to their primary living rooms at mid-winter. One serviced apartment (No.5504) experiences a loss of 30 minutes of solar access to its balcony but receives four hours of solar access to its living room at mid-winter.
54. The adjoining Meriton Suites tower is used as serviced apartments and does not contain permanent residential apartments. While the ADG does not apply to the building, all affected apartments will continue to receive reasonable levels of solar access to their living rooms at mid-winter. The additional overshadowing impacts resulting from the amended envelope are considered acceptable.

View Loss

55. In relation to view loss, the amended envelope has the potential to impact views from the neighbouring Meriton Suites tower and the approved building at 505-523 George Street.
56. With respect to the Meriton Suites tower, the height exceedance is not anticipated to have a significant impact on views from the serviced apartments due to the uppermost serviced apartment level being located below the height of the amended rooftop envelope. Impacted views will be limited to immediate sky views only and will not impact any iconic views from the serviced apartments.
57. With respect to the approved tower at 505-523 George Street, there is anticipated to be some view loss from south-facing apartments within the mid-section of the tower. However, it is important to note that these views are not yet available as works have yet to commence in accordance with the development consent (D/2019/857).
58. The applicant has provided three-dimensional view loss studies which demonstrate the affected views from two apartments located across levels 46 and 47 respectively. These apartments are considered to be the worst affected in terms of view loss due to their southern orientation and height within the approved tower envelope which directly overlooks the amended roof envelope.
59. In summary, the view loss impact is considered to be minor, noting the affected apartments are provided with primary views to the east and west which are not impacted. The extent of the view impact on these apartments is minor as the separation between the towers is sufficient to allow substantial views from all affected windows around the proposed modified roof envelope. All affected apartments will continue to achieve suitable outlook and will retain district views from other angles.
60. A summary of the view impacts detailed in the applicant's view loss assessment is provided below.

Views E.1 and E.2

61. Views E.1 and E.2 have been taken from the central south-facing apartment on Level 46 and 47. A plan showing the location of the apartment within the tower and the impacted field of view from the living room is provided below.



Figure 16: View Plan - View Cone shown at Unit 4608, Living Room on Level 46 (noting this floorplan is replicated on Level 47 above)

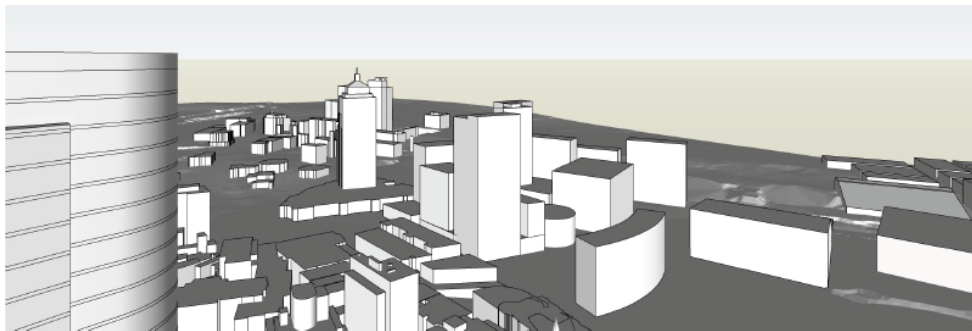


Figure 17: View E.1 - Existing condition from apartment at Level 46

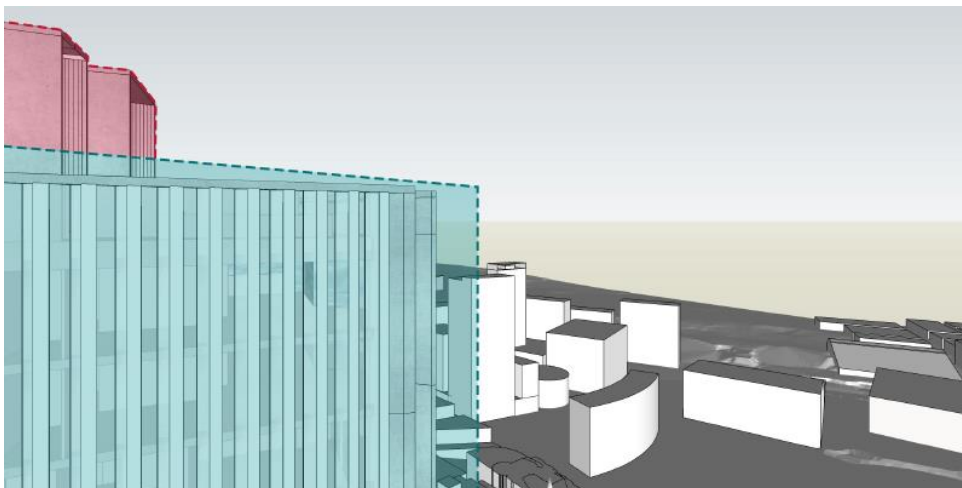


Figure 18: View E.1 - View Perspective from apartment at Level 46, approved building envelope identified in blue, amended envelope outlined in red

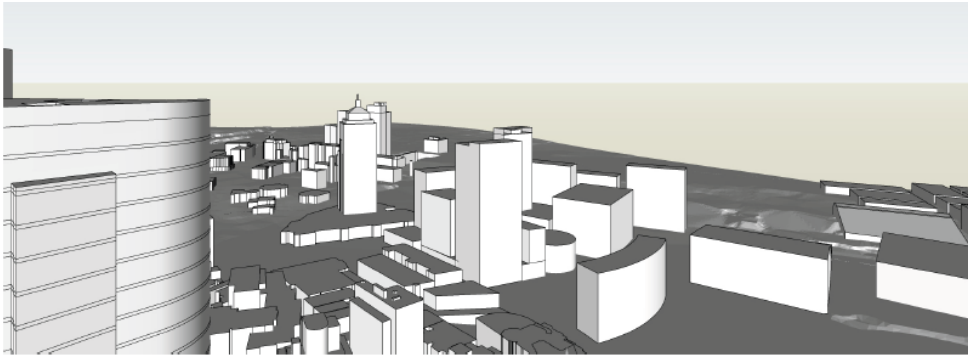


Figure 19: View E.2 - Existing condition from apartment at Level 47

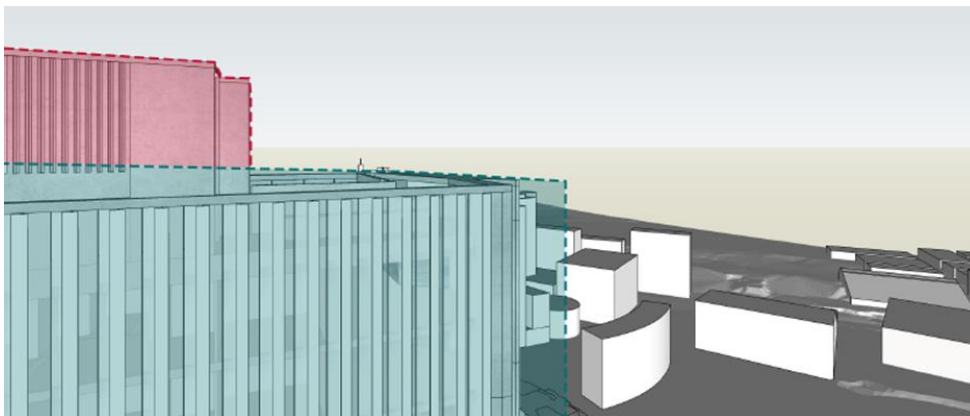


Figure 20: View E.2 - View Perspective from apartment at Level 47, approved building envelope identified in blue, amended envelope outlined in red

62. This view from the living room looks to the southwest across the proposed development site at 525-529 George Street, as well as to more open vistas across Darling Harbour and the Pyrmont Peninsular. Given the height of the viewpoint, views from this location includes both district views across to neighbouring buildings as well as more distant views to the west, including to Sydney's western suburbs. Importantly, this view is highly urban, with CBD buildings dominant.
63. Views E.1 and E.2 will be impacted by the amended envelope with reduced views to the southwest. However, existing views to the south are largely restricted by the existing Meriton Suites tower. The extent of obstruction is relatively small, and the essence of the view remains. There is no iconic view loss as a result of the proposed modification. The view impact is considered acceptable given district and distant views will be maintained.

Views F.1 and F.2

64. Views F.1 and F.2 have been taken from the south-eastern facing apartment on Level 46 and 47. A plan showing the location of the apartment within the tower and the impacted field of view from the living room is provided below.



Figure 21: View Plan - View Cone shown at Unit 4607, Living Room (noting this floorplan is replicated on Level 47 above)

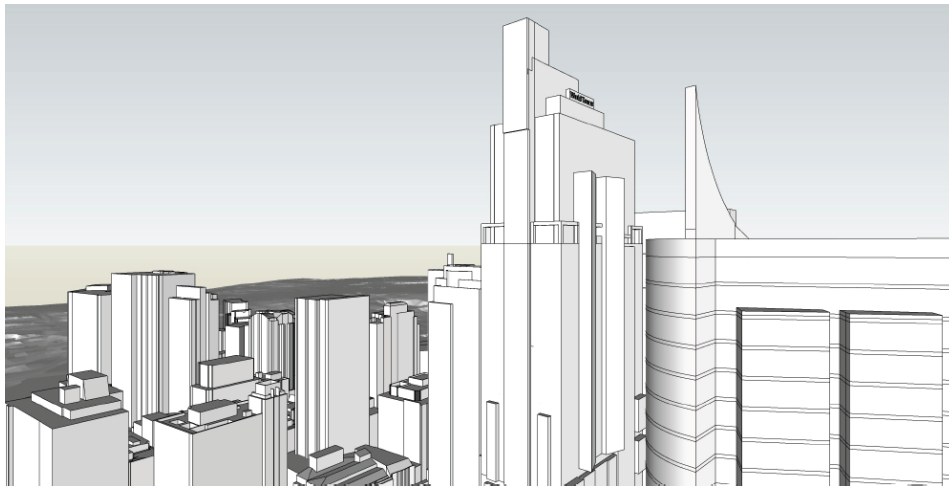


Figure 22: View F.1 - Existing condition from apartment at Level 46

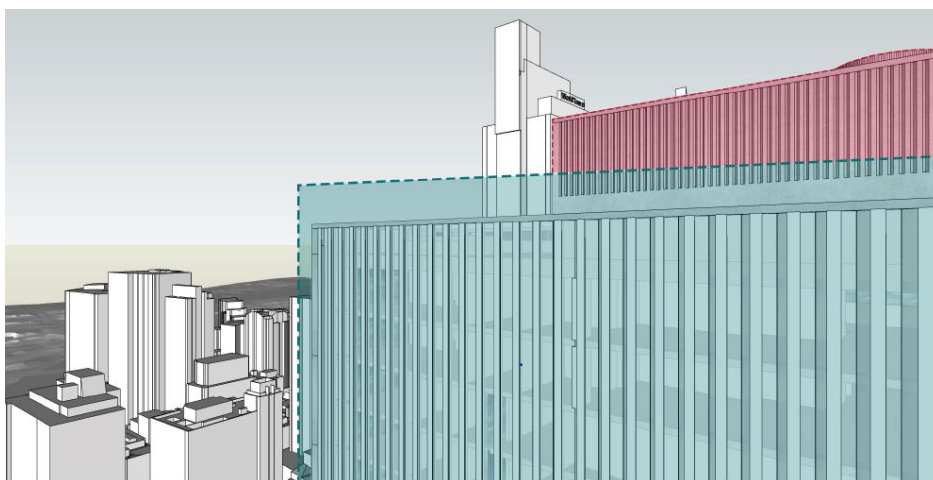


Figure 23: View F.1 - View perspective from apartment at Level 46, approved building envelope identified in blue, amended envelope outlined in red

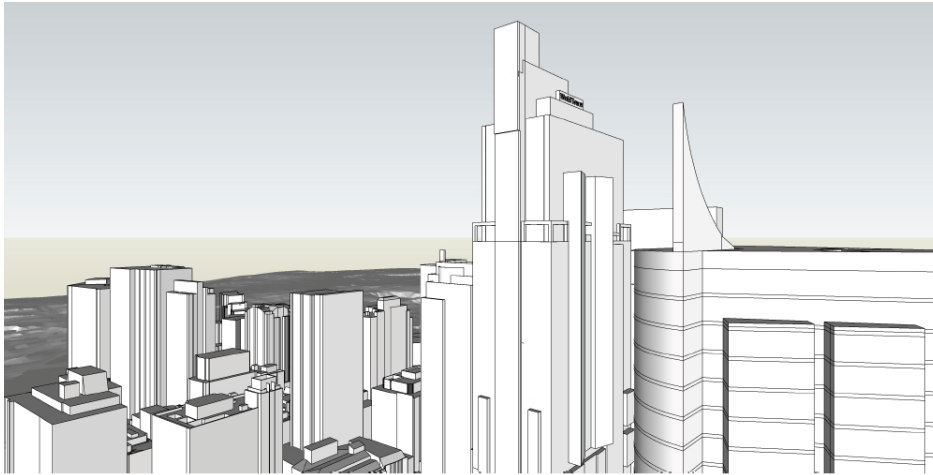


Figure 24: View F.2 - Existing condition from apartment at Level 47

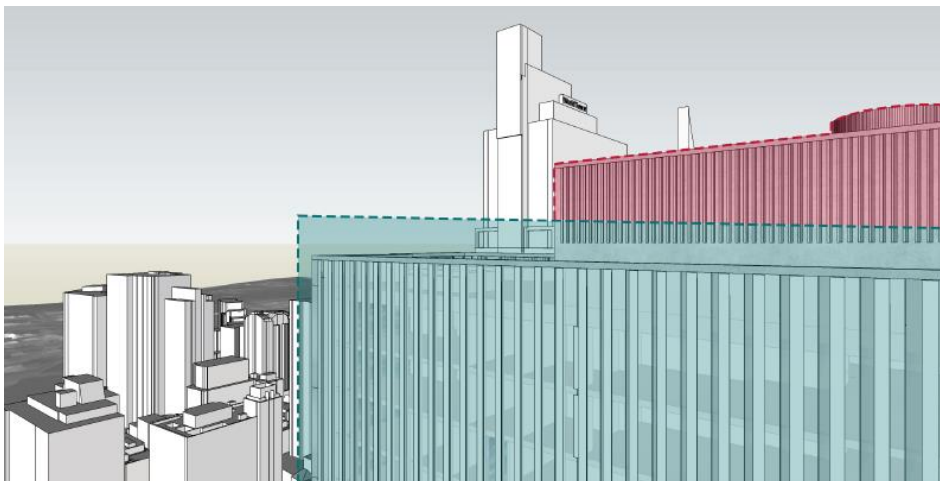


Figure 25: View F.2 - View perspective from apartment at Level 47, approved building envelope identified in blue, amended envelope outlined in red

65. This view looks southeast across the site at 525-529 George Street, the Meriton Suites tower behind and buildings behind on Liverpool Street. This view is highly urban and does not contain any iconic features. Due to the height of the viewpoint, views from this location comprise mostly district views across to neighbouring buildings including residential and commercial towers.
66. The proposed development will affect the views from this location by reducing views to the south and southeast. It is noted that views to the south would be largely affected by the existing Meriton Suites tower behind. The amended envelope is considered to have a negligible impact on the nature of this view and district views will be maintained. Further, it is acknowledged that the living room benefits from two aspects and views directly to the east will be maintained and will be unaffected by the proposed amendment to the tower envelope.
67. In summary, the view loss impacts are considered acceptable given there is no impact to any iconic views. The impacted views primarily comprise sky views and views of the tops of nearby buildings. The affected apartments will benefit from good outlook to the east and west and will maintain district views.

Privacy

68. The modified tower roof envelope is to accommodate building services and lift overruns and does not provide for any potential for adverse privacy impacts on neighbouring developments.

Visual Impact

69. The modified tower roof envelope responds to existing heights of neighbouring buildings and approved developments which are of a similar or greater scale. From the public domain the modified envelope will not be visible.

Amendment to the FSR

70. To ensure consistency with the concurrent detailed design development application D/2022/481, Condition 6 relating to FSR is required to be amended. The concurrent detailed design development application seeks to vary the maximum permissible FSR standard and provide an FSR of 15.13:1 equating to a GFA of 28,283sqm. The condition on the Concept development consent (D/2019/758) currently restricts the FSR for all detailed development applications to the maximum permissible calculated in accordance with the SLEP 2012.
71. Clause 4.6 of the SLEP 2012 with regard to requesting a variation to the 'FSR' development standard does not apply. Notwithstanding, a detailed assessment under Clause 4.6 of the SLEP 2012 has been carried out as part of D/2022/481 for the detailed design, which also proposes an FSR variation.
72. In summary, the basis for the applicant's variation request is to provide bicycle parking above ground and at grade with Albion Place to allow cyclists to access the bicycle parking without crossing through any tenancies or relying on any lifts. The applicant has identified that an alternative design could rearrange the internal planning to locate the bicycle parking in the basement where it would be excluded from GFA. However, this is considered to result in a worse outcome in terms of accessibility, convenience and safety for cyclists accessing the site.
73. As discussed in the assessment report for the detailed design development application, the Clause 4.6 variation is supported and accordingly, the amendment to Condition 6 is supported. The wording of Condition 6 is to be amended to require the FSR for future detailed design development applications to be calculated in accordance with the SLEP 2012.

Consultation

Internal Referrals

74. The application was discussed with Council's Heritage and Urban Design Unit who advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

External Referrals

Sydney Airport

75. The application was referred to Sydney Airport, who raised no objection to the proposed modifications, subject to the amendment of Condition 33 (Sydney Airport Corporation Limited / Department of Infrastructure, Transport, Cities and Regional Development) to amend the maximum building height referenced in the condition.
76. It is noted the amended condition includes reference to RL175.6 which is higher than the maximum height of the proposed building envelope (RL172.51). This is due to the fact that at the time of referral to Sydney Airport the building envelope had a maximum height of RL175.6 and during the assessment of the application, the height was subsequently reduced.
77. Sydney Airport have confirmed that the amendment to the condition is supported on the basis that the wording covers any proposed development up to the height of RL175.6.

Advertising and Notification

78. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 2 June 2022 and 1 July 2022. A total of 2497 properties were notified and no submissions were received.
79. Following the receipt of amended plans the amended application was re-notified for a period of 14 days between 9 November 2022 and 24 November 2022. One submission was received.
80. The issues relevant to this modification application are as follows:
 - (a) **Issue:** The roof should be deleted, and plant and equipment should be wholly contained within the existing Concept (Stage 1) Concept approval to ameliorate issues of view loss and outlook from 505-523 George Street.

Response: Since the lodgement of the original application the roof design has been rationalised and reduced in scale. The elements that protrude the Concept approval and breach the height of buildings development standard are limited to a small extent of the roof and include the centralised lift overrun, fire stairs, mechanical plant and equipment, a sheltered walkway to the communal open space and a bathroom.

With regard to outlook and view loss, the extent of view loss caused by the amended envelope is minor and will not significantly reduce the quality of views. As demonstrated in the view loss analysis there is some view loss impact from the area of height non-compliance which affect the south and south-eastern facing apartments within the approved tower at 505-523 George Street. However, it has been demonstrated that the view loss does not impact any iconic views and the impacted views primarily comprise sky views and views of the tops of nearby buildings. The affected apartments will benefit from good outlook to the east and west and will maintain district views. The view loss impact is considered acceptable.

Issue: Provision of an opening to the waste and goods loading dock on basement level 1 is not supported. The opening is directly facing the common driveways towards the connection of 505-523 George Street. The opening should be moved to an alternative location where it will not visually interfere with existing guests and residents.

Response: This issue is relevant to the detailed design development application (D/2022/481). A detailed response to this issue is provided in the assessment report to D/2022/481.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

81. Similarly, a condition has been recommended to require an affordable housing contribution as part of the concurrent detailed design development application (D/2022/481).

Relevant Legislation

82. Environmental Planning and Assessment Act 1979.

Conclusion

83. This Section 4.55(2) application proposes the altering of the approved building envelopes to be consistent with the detailed design development application (D/2022/481). The detailed design development application is presented to the CSPC concurrently for approval.
84. The scope of the proposed modifications include:
 - (a) amend the top of the podium from RL44.00 to RL45.00 to align with the adjacent approved development at 505-523 George Street (D/2019/157);
 - (b) adjustment of set-back podium envelope to Kent Street to accommodate the relocated pool terraces (maximum height of RL48.35);
 - (c) adjustment of podium envelope to accommodate awnings and balustrades to the level four terraces fronting both Kent Street and George Street;
 - (d) modification of the tower envelope to the south by 550mm to accommodate tower structure;
 - (e) modification of tower envelope to the north by 300mm to incorporate a structure for public art; and

- (f) modification of tower envelope to incorporate plant and lift overrun to communal open space, noting the maximum height of the envelope has increased from RL169.12 to RL172.51.
85. The modifications to the envelopes are supported as they do not result in unacceptable amenity impacts and deliver envelopes that are capable of achieving an acceptable level of amenity for future occupants and adjoining properties.
86. The proposed building envelopes are capable of accommodating a future building which exhibits design excellence in accordance with Clause 6.21C of the SLEP 2012. The detailed design development application (D/2022/481) being considered concurrently by CSPC demonstrates that a generally compliant scheme can be provided within the amended envelopes that delivers design excellence in accordance with Clause 6.21C of SLEP 2012.
87. The proposed modifications are in the public interest and recommended for approval.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Lotti Wilkinson, Senior Planner