

# **Attachment C**

<p><b>Clause 4.6 Variation Request – Height of Buildings</b></p>
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**CLAUSE 4.6 VARIATION REQUEST  
DETAILED DESIGN DEVELOPMENT APPLICATION FOR A MIXED-USE TOWER  
525 GEORGE STREET, SYDNEY**



**Prepared by Planning Lab**

**Updated on 1 May 2023**

# Summary

## Site

525-529 George Street, Sydney - Lot 1 in DP 224683

## Variation sought

Clause 4.3 Height of Buildings

## Extent of variation

Maximum height of buildings control = 150m

The maximum exceedance is 5.39m at the lift overrun which is a 3.6% variation of the height control.

## Summary of non-compliance

The proposal includes an area on the roof designed to contain lift overruns, fire stairs and mechanical plant and equipment. This rooftop element is an integral part of the design and forms a decorative crown on the tower. This area is largely consistent with the definition of an architectural roof feature (ARF) but for the inclusion of a bathroom and sheltered walk way which are both within the maximum height limit.

The subject site is currently occupied by a building that is constructed to the north, south and east site boundaries and has a colonnade to the eastern George Street boundary. All existing structures will be demolished under the proposal. Consistent with the findings of past Land and Environment Court (LEC) decisions, the height of ground level (existing) has been determined by an extrapolated plane determined from the heights of surrounding footpaths.

The portion of the rooftop element identified in red in Figure 1 exceeds the 150m height limit. As illustrated, the extent of variation fluctuates and is greater in the west than in the east which is due to the uneven topography of the perimeter of the site. The tallest element is the lift overrun which reaches a maximum height of 155.39m above the extrapolated ground level (existing).

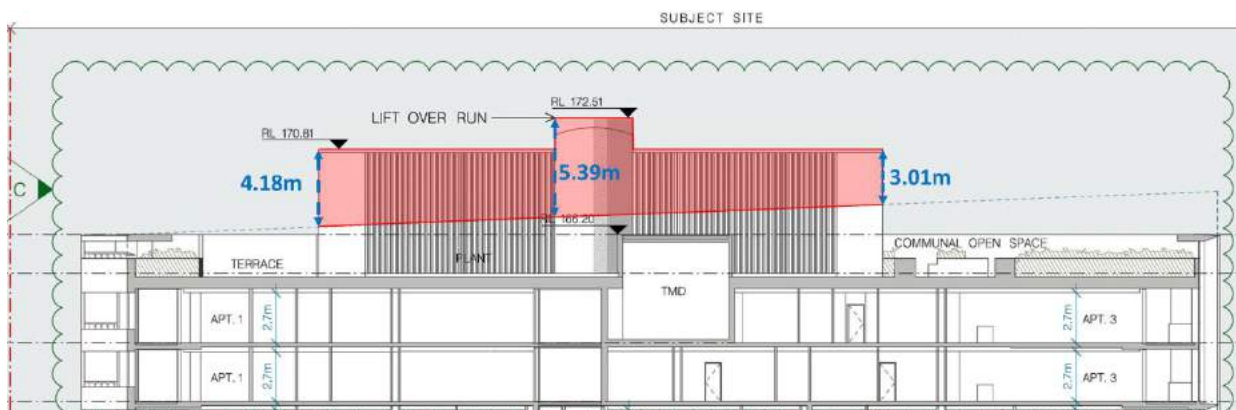


Figure 1 - Area of variation indicated in red using Section A

## Introduction

This Clause 4.6 Variation Request has been prepared in accordance with Clause 4.6 (cl 4.6) of the *Sydney Local Environmental Plan 2012 (SLEP 2012)* to vary Clause 4.3 (cl 4.3) relating to the maximum height of buildings. It supports a detailed design Development Application (DA) submitted to the City of Sydney under D/2022/481 for 525-529 George Street, Sydney ('the site'). The detailed design was lodged concurrently with a modification to the concept envelope under D/2019/758/A. The detailed design DA proposes demolition of existing structures on the site, excavation and construction of a mixed use development comprising a 44 storey tower with podium. The proposed development includes seven levels of basement, a cinema complex, retail tenancies, 292 hotel rooms, 115 apartments and vehicular access from Kent Street.

The proposed building has a maximum height of 155.39m at RL 172.51(AHD) which exceeds the site's 150m maximum height limit under cl 4.3 of the Sydney LEP 2012.

The objectives of cl 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development. This request has been prepared having regard to the following:

- the Department of Planning and Environment's *Guidelines to Varying Development Standards* (August 2011);
- the objectives of cl 4.3 of the SLEP 2012, being the development standard to which a variation is sought; and,
- relevant case law in the New South Wales Land and Environment Court and New South Wales Court of Appeal regarding cl 4.6 variations including *Wehbe v. Pittwater Council* [2007] NSWLEC 827 and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

This Variation Request provides an assessment of the development standard and the extent of variation being proposed. The variation is then assessed in accordance with the principles set out in the *Wehbe* judgement where it is demonstrated that compliance with the height standard is unreasonable and unnecessary in the circumstances of the development since the objectives of the standard are achieved notwithstanding the variation.

## Proposal

The DA proposes demolition of existing structures on the site, excavation and construction of a mixed use development comprising a 44 storey tower with podium having a maximum height of 155.39m at RL 172.51 (AHD). The proposed development includes seven levels of basement, a cinema complex, retail tenancies, 292 hotel rooms, 115 apartments and vehicular access from Kent Street.

The proposed design includes a roof feature which exceeds the SLEP 2012 height limit and is the subject of this Clause 4.6 Variation Request. The roof element contains lift overruns; fire stairs; mechanical plant and equipment; a sheltered walkway to common open space; and, a bathroom.

## Clause 4.6 Exceptions to development standards

Clause 4.6(2) of the SLEP 2012 provides that development consent may be granted for development even though the development would contravene a development standard imposed by the SLEP 2012, or any other environmental planning instrument, if it is not expressly excluded from the operation of the clause. Building height is not excluded from the operation of the clause.

Clause 4.6(3) prevents development consent from being granted under cl 4.6 unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and*
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.*

This Clause 4.6 Variation Request has been prepared to satisfy Clause 4.6(3).

## What is the Environmental Planning Instrument (EPI) that applies to the land?

The Environmental Planning Instrument (EPI) to which this variation relates is the Sydney Local Environmental Plan 2012.

## What is the zoning of the land?

The site is zoned SP5 - Metropolitan Centre under the SLEP 2012 (as amended on 26/04/2023). The proposed uses are residential apartments, a hotel, a function centre, an entertainment facility and retail. All uses are permitted with consent. As demonstrated later in this Request, the proposal is consistent with the relevant zone objectives, namely:

- To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.
- To provide opportunities for an intensity of land uses commensurate with Sydney's global status.
- To permit a diversity of compatible land uses that are characteristic of Sydney's global status and that serve the workforce, visitors and wider community.
- To encourage the use of alternatives to private motor vehicles, including public transport, walking and cycling.
- To promote land uses with active street frontages within podiums that contribute to the character of the street.
- To promote the efficient and orderly development of land in a compact urban centre.
- To promote a diversity of commercial opportunities varying in size, type and function, including new cultural, social and community facilities.

- To recognise the important role that central Sydney's public spaces, streets and amenity play in a global city.
- To promote the primary role of the zone as a centre for employment and permit residential accommodation and serviced apartments where the accommodation complements employment-generating land uses.

## What is the development standard being varied?

Clause 4.3(2) of the SLEP 2012 provides that the maximum height for a building on any land is not to exceed the height shown for the land on the Height of Buildings Map. The site is identified on the Height of Buildings Map as having a maximum height of 150m.

## Is the development standard excluded from the operation of Clause 4.6 of the EPI?

Cl 4.6(2) states that development consent may be granted for development even though the development would contravene a development standard. However, this does not apply to a development standard that is expressly excluded under cl 4.6(8). The maximum height development standard is not identified under subclause 4.6(8) and is therefore not specifically excluded from the operation of cl 4.6 of SLEP 2012.

## The Site and its Context

This detailed DA relates to 525 George Street, Sydney ('the site'), which is legally described as Lot 1 in DP 224683. The site is currently occupied by the southern section of the Event Cinemas complex which is located across two titles between 505-523 and 525 George Street. 505-523 George Street is under separate ownership and this DA relates solely to 525 George Street. The existing cinema building occupies the entire site to all boundaries.

The site is located within the midtown area of the Sydney CBD, approximately 250m south of Townhall and 120m northwest of World Square where it sits in approximately the middle of the block between Bathurst Street to the north and Liverpool Street to the south.

The surrounding land uses at the ground level are predominantly retail including entertainment uses. Nearby towers host a mix of land uses including residential, serviced apartments, hotels and commercial office space. The site enjoys a high level of pedestrian traffic along George Street.

### Development to the North

Adjoining the site's northern boundary is 505-523 George Street where a detailed design application was approved in 2020 for a new 280m tall residential tower and mixed-use podium. The tower reaches a maximum height of RL 287 over 80 storeys. It includes a 10m tall ARF.

Further north is 501 George Street and 488 Kent Street which are towers A and B, respectively within

a single development known as 'Regent Place'. Tower A, known as Lumiere, is a 40-storey residential building. Tower B is known as Fraser Suites and is a 30-storey tower containing serviced apartments. The common podium is occupied by a range of commercial and retail uses.

### **Development to the South**

Development to the south of the site is separated by Albion Place. The Albion Place Hotel is a heritage-listed 4-storey building located at 531-535 George Street.

To the immediate south is 528 Kent Street known as the Meriton Suites on Kent Street which is a 40-storey tower containing serviced apartments with a 4-storey podium containing retail uses. The building's crown reaches a maximum height of 185m (AHD).

To the south along the Kent Street frontage, the site is adjacent to 518-520 Kent Street which is a 3-storey restaurant and office building.

### **Development to the East**

580 George Street is occupied by the HSBC centre which is a 33-storey office tower with a podium containing a food court at the ground level and a retail arcade at the lower ground level.

### **Development to the West**

To the west of the site, along Kent Street, there are two low-scale heritage items. 529 Kent Street is occupied by a single storey building located in a garden operating as 'Tetsuya's Restaurant'. 531 Kent Street is occupied by a single storey State heritage-listed building known as the former "Judge's House" with the listing including interiors and the garden.

To the southwest is 533-539 Kent Street which is a 14-storey apartment tower with 68 units built on a podium. The podium incorporates several heritage listed buildings along Kent Street and retains their facades.





Figure 2 – Aerial image identifying the site (Six Maps)



Figure 3 – The site viewed looking south along George Street



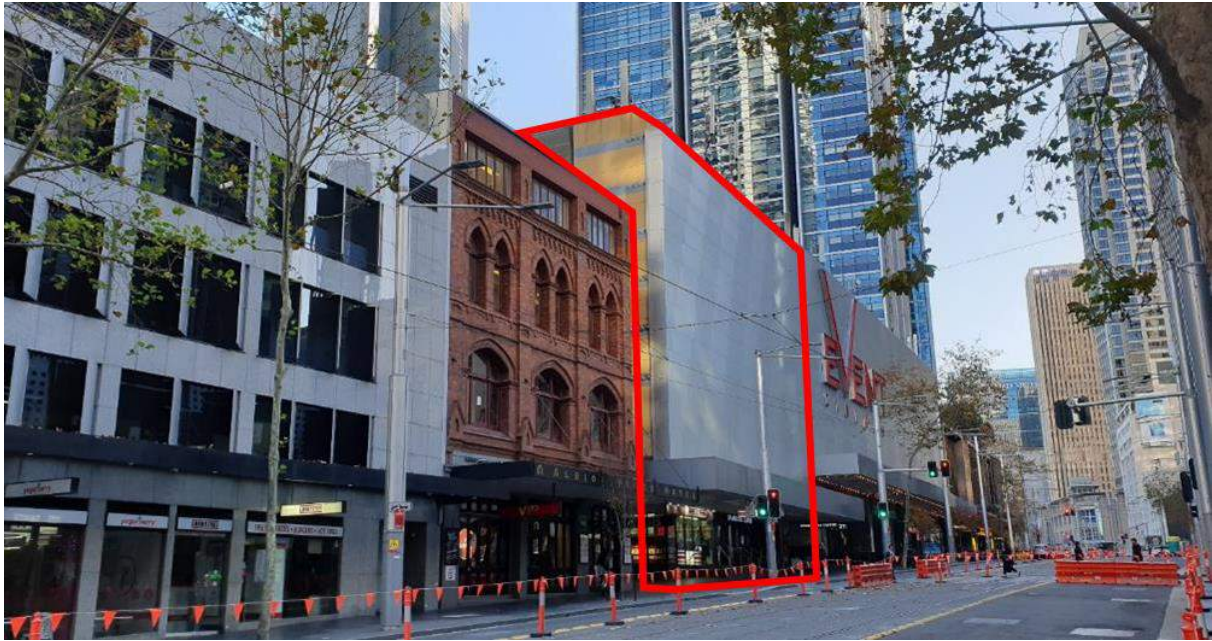


Figure 4 – The site viewed looking north along George Street

## Extent of Variation to the Development Standard

This application involves a variation to the maximum height limit of 150m by up to 5.39m which is a variation of 3.6%. A portion of the building's crown (identified in red in figure 5) exceeds the 150m height limit. As shown, the extent of variation fluctuates and is greater in the west than in the east due to the fall of the land. The tallest element is the lift overrun which reaches a maximum height of 155.39m above the extrapolated ground level (existing).

The ground level (existing) of the site has been determined using an extrapolated plane based on the reduced levels (RL) of the footpath on George and Kent Streets. This is consistent with the method of establishing maximum building height as set out in *Bettar v Council of the City of Sydney* [2014] NSWLEC 1070 ('*Bettar*') and *Stamford Property Services Pty Ltd v City of Sydney* [2015] NSWLEC 1189 ('*Stamford*') and *Tony Legge v Council of the City of Sydney* [2016] NSWLEC 1424 ('*Tony Legge*').

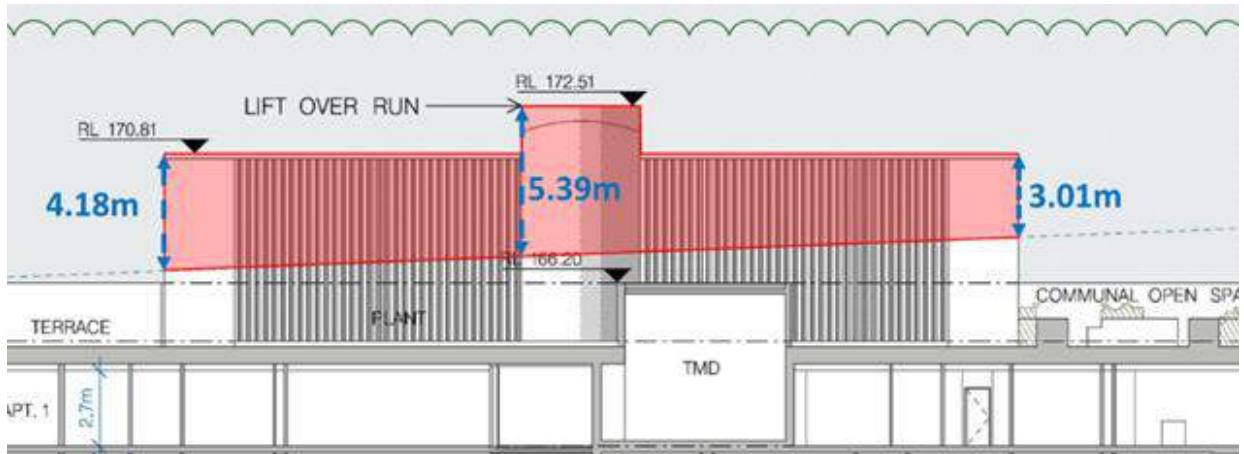


Figure 5 - Area of variation indicated in red on Section A (long section)

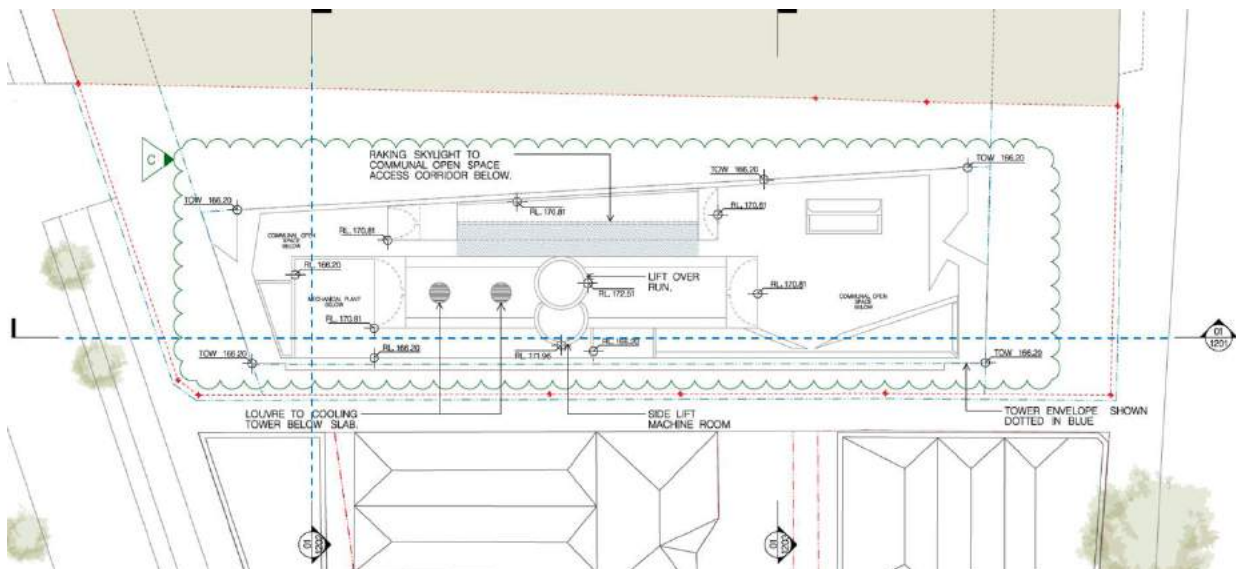


Figure 6 - Roof plan with the long cross-section location emphasised in dotted blue

## Legal basis for determining ground level by extrapolated plane

### Bettar v Council of the City of Sydney

*Bettar* related to a proposed development for a four and five storey residential flat building with retail at ground level and a basement below at 4 Boundary Street, Alexandria. The proposed development was proposed to be built to all site boundaries. A key issue was how the ground level (existing) would be determined. The applicant argued that it could be established by the floor levels of the existing ground floor or basement levels on the site while Council argued that it should be determined from the footpath at the edge of the site.

Paragraph 37 relevantly stated:

*“It is relevant to consider the objectives of the building height development standard in considering how best to determine the maximum height of the building using the dictionary definitions in LEP 2012. The objectives include, at cl 4.3(a) of LEP 2012, to ensure the height of*

*development is appropriate to the condition of the site and its context. As one of the purposes of the development standard is to relate the proposal to its context, it follows that the determination of the existing ground level should bear some relationship to the overall topography that includes the site.”*

The Commissioner found in paragraphs 35-42 that once an existing building is demolished, the point at which the height of the building was measured from will no longer be discernible or relevant as a measurement for a proposed building. It was accepted that using existing development with varying floor levels could result in substantially different heights on adjoining properties under the same height limit which would be absurd.

The Commissioner accepted Council’s approach to determining ground level (existing) by extrapolating the ground levels from the surrounding footpath. This was justified in paragraph 41 where the Commissioner wrote that the *“level of the footpath at the boundary bears a relationship to the context and the overall topography that includes the site, and remains relevant once the existing building is demolished”*.

*Bettar* established the extrapolation method for determining ground level (existing) having found that the determination of the existing ground level should bear some relationship to the overall topography that includes the site.

#### Stamford Property Services Pty Ltd v City of Sydney

*Stamford* related to a proposed development for the partial retention of existing development on the site along with the construction of a new 19 storey tower building with basement parking at 93-97 Macquarie Street, Sydney. The site had a substantial change in level of up to 6.8m and was built to all site boundaries.

As in *Bettar*, the site’s natural ground level had been altered previous development. Unlike *Bettar*, there were limited available survey levels around the site to extrapolate a ground plane. Sufficient survey data was identified and the extrapolation method established in *Bettar* was applied. In considering the *Bettar* extrapolation method, the Commissioners stated at paragraph 285:

*“In our view, Bettar provides a practical operation to the definition, both for a greenfield site and, as here, a modified site in a built environment. It places the proposed building in its context, rather than relying on the present built form of any existing development on a site.”*

*Stamford* utilised the extrapolation method with the findings noting that this placed a building in its context.

#### Tony Legge v Council of the City of Sydney

*Tony Legge* related to a proposed fifth storey addition to an existing building at 292 King Street, Newtown. The Commissioner concurred with the approach taken in *Bettar* and *Stamford* noting in paragraph 41 that:

*“in circumstances where the site is wholly built out it is appropriate to take the levels of the site at its interface with the public domain. This approach was reinforced in Stamford Property Services Pty Ltd v City of Sydney & Anor [2015] NSWLEC 1189 for the value it provides in*

*placing ‘the proposed building in its context, rather than relying on the present built form of any existing development on a site’.*”

*Tony Legge* reinforced the importance of considering the proposed building in its context rather than relying on the present built form of any existing development on a site.

### Relevance

In *Bettar*, the subject site was occupied to all boundaries by existing development that was proposed to be demolished. The varying floor levels would create ‘absurd’ variations in building height if applied so a plane was extrapolated from the available surrounding footpath levels. This approach was reaffirmed in both *Stamford* and *Tony Legge* where it was again relevant that the proposed building height be considered in its context.

The circumstances of *Bettar* apply equally to the proposal which is occupied to three boundaries by existing development and with a colonnade to the eastern site boundary that is proposed to be demolished. For the development to be considered in its context, the ground level (existing) must be extrapolated from George and Kent streets. This approach has been adopted in the height limit lines shown in the accompanying architectural plans by Candalepas Associates.

## Clause 4.6(3)(a) - Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically, the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was the satisfaction of the first test of the five-set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

In *Wehbe v Pittwater Council* [2007] 156 LGERA 446 [42] – [51] (“*Wehbe*”) and repeated in *Initial Action* [17]-[21] the Chief Judge identified 5 ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary and that it is sufficient for only one of these ways to be established.

Although *Wehbe* concerned a SEPP 1 objection, it remains relevant to requests under clause 4.6 as confirmed by Pain J in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, notwithstanding that if the first and most commonly applied way is used, it must also be considered in 4.6(4)(a)(ii).

The 5 ways in *Wehbe* are that:

1. the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
3. the objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

4. the development standard has been virtually abandoned or destroyed by the Council's actions in granting consents departing from the standard and hence the standard is unreasonable; or,
5. the zoning of the land is unreasonable or inappropriate.

The five ways are not exhaustive and it may be sufficient to establish only one. This Request relies on the first way established under Wehbe. The remaining 4 are not relevant to the circumstances of the DA.

## Compliance is unreasonable and unnecessary

Strict compliance with the height of building development standard is unreasonable and unnecessary in the circumstances of this application as:

- the proposal is consistent with the objectives of the height of buildings standard as detailed below; and
- the proposed variation to the height of buildings standard does not give rise to any significant or unacceptable negative environmental impacts on the amenity of the locality.

As the proposal is consistent with the objectives of the height of buildings standard, compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances.

## Compliance with the height standard

### Clause 4.3 Objective (a)

*(a) to ensure the height of development is appropriate to the condition of the site and its context,*

The proposed development is located within the mid-town area of the Sydney CBD. This area contains numerous tower developments over 150m (figure 7). The bulk of the proposed building height is located within the maximum height limit. The variation relates to the rooftop element where building services are located. The rooftop element is designed as a functional and sculptural form which will complement the development by utilising the same material pallet and by concealing plant and equipment.

The use of rooftop structures to contain and conceal lift overruns and rooftop plant and equipment is common within the Sydney CBD, often utilising clause 5.6 of the SLEP 2012 as an ARF. The proposed rooftop element contains many of the aspects of an ARF except that it contains an area of GFA where sheltered access is provided to the communal open space and in a bathroom. Notably, the GFA is located below the maximum height limit of the site. But for the co-location of this GFA within the lower levels of the roof feature and within the height limit, it would be consistent with the provision of Clause 5.6 of the SLEP 2012 which permits architectural roof features to exceed the height limit. The inclusion of a sheltered access way and bathroom is necessary to support the amenity of occupants while they access the communal open space. Notwithstanding this variation from the definition of an ARF, the use of similar structures is common and often permitted. Such structures have been included in adjacent buildings including the Meriton Suites which has a large



exaggerated curved roof feature and in the recently approved design for 505 George Street where a 10m tall ARF will contain rooftop plant and equipment.

The proposed tower is located between the Meriton Suites building to the south, an approved tower at 505 George Street to the north and an existing tower at 501 George Street. It is a comparable height to Meriton Suites and 501 George Street but is substantially smaller than the approved building at 505 George Street, as demonstrated in the George Street streetscape elevations shown below (figures 8-9) which are extracted from the concept development application made under D/2019/758/A. The tower is of an appropriate size and location in relation to neighbouring towers.

The existing Meriton Suites building reaches RL 165.80 at the ceiling of the top habitable floor which is similar to the height of the subject development at RL 166.20. The Meriton Suite's roof feature reaches a maximum height of RL 185.00 which is 12.49m taller than the maximum RL proposed on the subject site of RL 172.51. The approved development at 505 George Street will reach a maximum height of RL 276.62. This is 104.11m taller than the maximum RL proposed on the subject site.

The proposed tower's footprint is comparably slender when viewed in the context of its neighbouring towers. The design will sit in between larger towers which will form its immediate context in the skyline. The proposed roof element is suitable to the site's context given the larger size of its neighbours. The 3.6% variation that is proposed is inconsequential and imperceptible in relation to the size of 505 George Street which is more than 100m taller. The proposed design also results in a decorative rooftop element that is 12.49m lower than that of the Meriton Suites building. Its relatively lower height ensures that the height exceedance of the proposed development will not dominate its neighbours.

Viewed from the east or west, the design's employment of strong vertical articulation on the eastern and western facades will serve to emphasise its slender appearance. Its shape, position and alignment will positively contribute to a coherent urban form. The tower's proportion and setbacks, including its street-facing facades, provide a complementary addition to the streetscape.

The employment of a rooftop structure to contain mechanical services above the height limit is common in the Sydney CBD. It has been employed by neighbouring developments which are taller than the subject proposal. The height of the proposed development is increased by up to 5.39m by the variation but remains shorter than adjacent developments which determine the site's context. The proposed building height is appropriate to the site's condition and context.

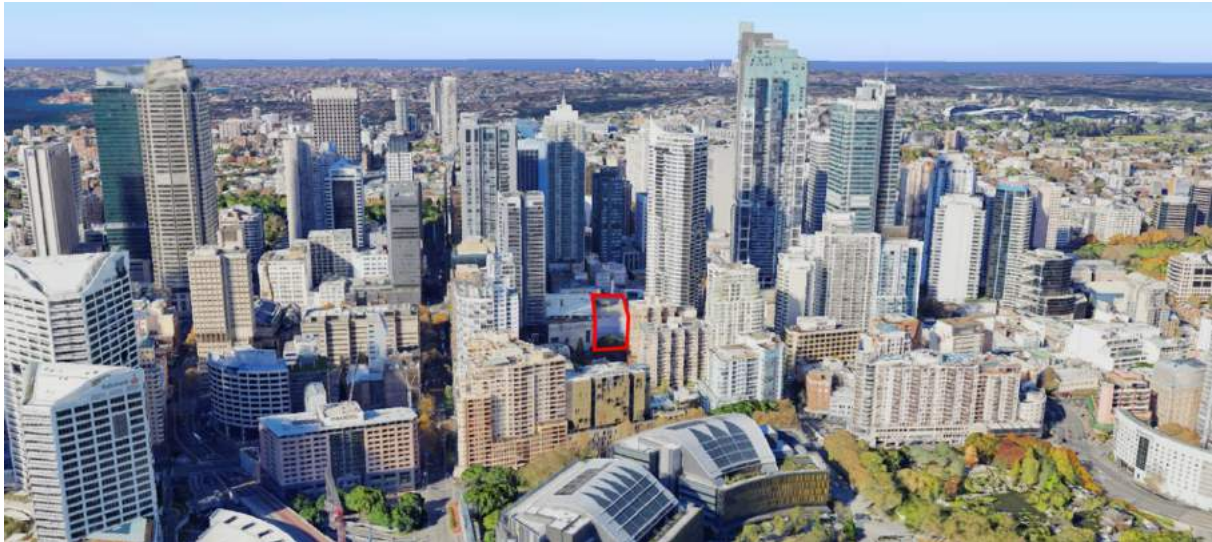


Figure 7 - The site viewed from the west in its CBD context (Google earth).

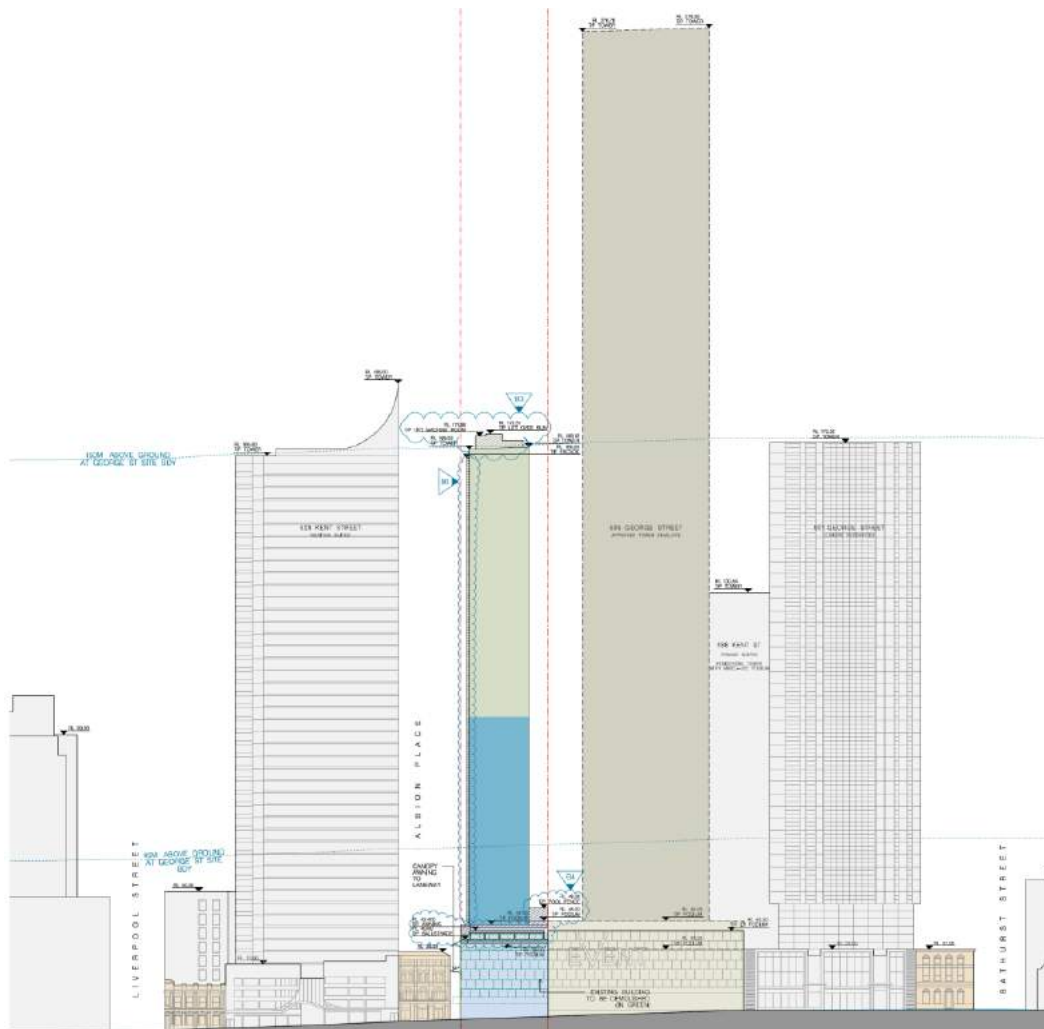
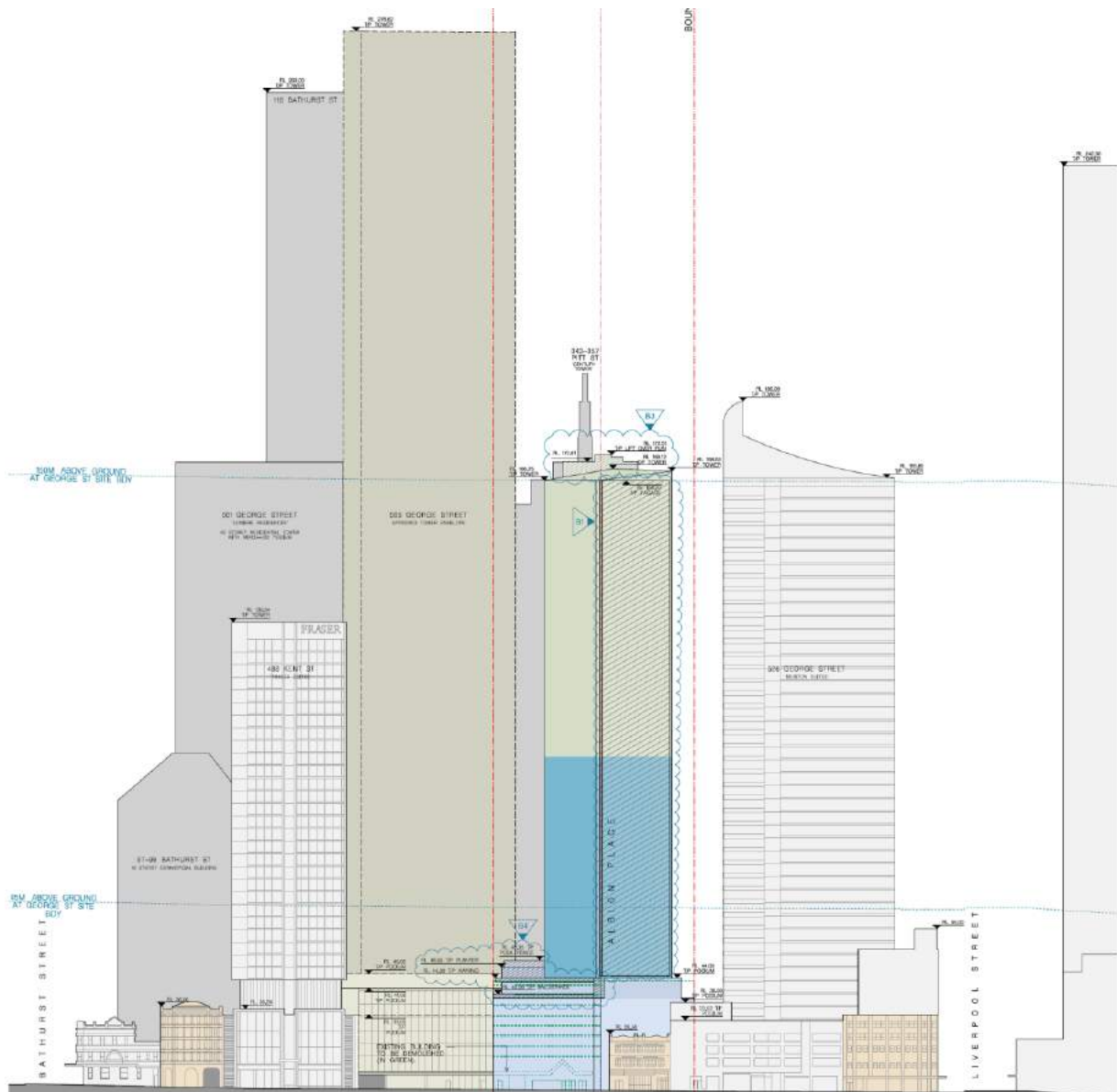


Figure 8 - Eastern streetscape elevation



**Figure 9 - Western streetscape elevation**

**Clause 4.3 Objective (b)**

*(b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,*

The subject site is not of heritage significance nor is it within a heritage conservation area. The site is adjacent to Albion Place which is a heritage item along with several surrounding heritage listed buildings. These are identified in yellow in figures 8-9. The adjacent heritage buildings are all below the height of the proposed building podium. Accordingly, the tower is substantially taller than any surrounding heritage buildings and a height variance contained within its roof plane will have no impact on the visual curtilage of any heritage buildings. The proposed variance does not result in an inappropriate height transition between the proposed development and any heritage items.

### **Clause 4.3 Objective (c)**

*(c) to promote the sharing of views outside Central Sydney,*

The subject site is located within Central Sydney and this objective is not applicable to the proposal.

### **Clause 4.3 Objective (d)**

*(d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,*

The subject site is located within the centre of the Sydney CBD where it is immediately adjacent to larger built and approved developments. The site does not form part of a transitional height area and this objective is not applicable to the proposal.

### **Clause 4.3 Objective (e)**

*(e) in respect of Green Square—*

*(i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and*

*(ii) to ensure the built form contributes to the physical definition of the street network and public spaces.*

The subject site is not in or near Green Square. This objective is not applicable to the proposal.

## **Environmental Impacts**

The primary environmental amenity matters of consideration are; overshadowing, privacy/overlooking, view loss and visual domination. These matters provide an indication of a proposal's suitability and reflect the matters of consideration under Section 4.15 of the Act. They are considered below.

### **Overshadowing**

The Sun Eye View diagrams prepared by Candalepas Associates demonstrate that the proposed roof feature will have a minor additional overshadowing impact on the north-facing portion of the uppermost level of the Meriton Suites building. This impact is limited in mid-winter to being between approximately 9:30am – 11:45am and between approximately 1:30 – 2:45. During the mid-day period, the subject site will be within the shadow cast by 505 George Street.

The extent of the overshadowing upon the Meriton Serviced Apartments has been studied in detail in elevational shadow studies by Candalepas and Associates (See Appendix 1 to this Report). The extent of the overshadowing that is caused by areas of the proposed building above the height limit is minor and to impact a relatively small number of apartments on the uppermost levels of the Meriton Suites serviced apartments.

Specifically, the impact is only upon levels 53, 54, 55 and 56, and limited to the north facing serviced apartments on those floors, itemised in Appendix 1. The impact on each serviced apartment has been quantified in detail in Appendix 1. The impacts are overall considered to be minimal in extent and duration. The report concludes that there is no change in total number of serviced apartments achieving 2hrs solar access to living rooms and private open space due to the additional roof feature above approved envelope.

All the impacted serviced apartments continue to receive 3 – 4 hours of solar access to their primary living rooms in mid-winter, substantially more than the ADG guideline of 2 hours minimum. One serviced apartment (5504) experiences a loss of 30 minutes of solar access to its balcony but has 4 hours of solar access to its living rooms in mid-winter.

However, it is significant to note that the building has been in use as serviced apartment since its construction and does not contain permanent residential apartments. The NSW Apartment Design Guide does not apply to the building and must not be used in assessing overshadowing impact upon serviced apartments. The provisions of Clause 7.28 of Sydney LEP 2012 is not applicable to the subject application and is addressed later in this Report.

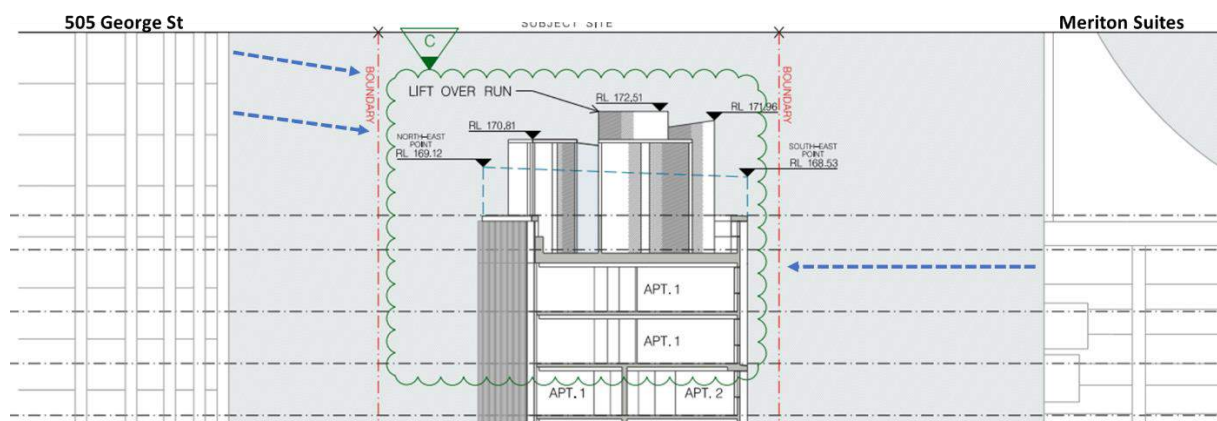
The minor overshadowing is an acceptable impact within the City CBD context and does not result in non-compliance with any applicable environmental planning Instrument.

### Privacy / overlooking

The areas of the proposed roof feature above the height limit accommodate building services and lift overruns. It does not provide any potential for adverse privacy impacts on neighbouring developments.

### View loss

The site's location means that the proposal has the potential to impact views from the neighbouring Meriton Suites tower and from the approved (but not constructed) 505 George Street. These are considered in turn.



**Figure 10 - View impacts from neighbouring towers indicated in blue.**



The proposed roof element and its associated height exceedance are not anticipated to have any impact on views from the Meriton Suites. This is because the highest habitable floor level of the Meriton Suites is below the height of the roof feature and the height exceedance (figure 10). As a result, there is no negative impact on views from the Meriton Suites.

There will be some view loss from south-facing serviced apartments in the approved but not yet constructed 505 George. This may have a minor effect on the south-facing serviced apartments of levels 48 and 49 which are set at RLs of 171.10 and 174.20, respectively. Of the impacted serviced apartments, the south-eastern corner apartments have primary views to the east which are not impacted. The extent of the view impact on these serviced apartments is minor as the separation between the towers is sufficient to allow substantial views from all affected windows around the proposed area of height exceedance. All affected serviced apartments will continue to achieve suitable outlooks and will retain district views from other angles.

The extent of the potential, future view loss upon the approved Serviced Apartments and Residential Apartments at 505 George St has been studied in detail in three-dimensional view loss studies by Candalepas and Associates (See Appendix 1 to this Report). The extent of the view loss that is caused by areas of the proposed building above the height limit is minor and will not significantly reduce the extent of quality of views enjoyed by the relevant serviced apartments. The approved building (not yet constructed) is also approved as serviced apartments for a period not exceeding 20 years from the date the first Occupation Certificate being issued for the first use of any part of the Whole Tower. The minor view loss is an acceptable impact within the City CBD context and does not result in non-compliance with any applicable environmental planning instrument.

It is also noted that in the Council's report to the Central Sydney Planning Committee (4th December 2014) assessing the redevelopment of 505 George St stated '*apartments should not have a single aspect to the south*'. This statement was specifically in reference to visual impacts to and from a proposed redevelopment of 525 George St.

In addition to the view impacts on 505 George Street being minor, it should also be considered that the building has not begun construction and that the affected units are also approved for use as serviced apartments. It should also be noted that 505 George Street is approved to be over 100m taller than the subject development. The weight that Council applies to the minor view impacts on 505 George Street should be substantially less than might be applied to a shorter residential building that is occupied.

On balance, the view impacts of the proposed additional height are minor and acceptable in the circumstances of the development.

### **Visual domination**

Visual domination is usually associated with perceptions from the public domain and from multi-storey buildings. In this case, the building responds to the existing heights of the neighbouring buildings and DA approved developments which are of similar or greater scale. From the public domain, the height exceedance will not be visible as demonstrated in the Visual Assessment undertaken by Candalepas Associates.

As established at length above, the proposal is consistent with its CBD context and the height exceedance does not result in visual domination.

### Clause 4.6(3)(b) - Are there sufficient environmental planning grounds to justify contravening the development standard?

The objects of the *Environmental Planning and Assessment Act 1979* include the promotion of good design and amenity of the built environment. The proposed contravention of the height development standard will allow the development to integrate lift overruns and mechanical plant and equipment within a decorative building element that is consistent with the surrounding built context. It will also provide sheltered access to the communal open space allowing for their use by occupants as well as providing bathrooms adjacent to the communal open space. The proposed height exceedance results in a substantially better outcome for the development by improving the amenity of the communal open space and by facilitating the building's plant, equipment and overruns.

The height exceedance has been demonstrated within this Request to have only minor and acceptable environmental impact with regards to view impacts and overshadowing on neighbouring developments which are of greater height. It has also been shown to be consistent with the pattern of development within the Sydney CBD where rooftop equipment is encouraged to be concealed within architectural rooftop features.

There are sufficient environmental planning grounds to justify the contravention of the development standard as the proposed contravention promotes good design and amenity in the built environment through its positive contribution to the building's function and its minimal and acceptable environmental impacts.

### Clause 4.6(4)(a)(i) - consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

These matters are comprehensively addressed above in this written request with reference to the five-part test described in *Wehbe v Pittwater Council* [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

## Clause 4.6(4)(a)(ii) - consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

### **Objective of the Development Standard**

The consistency of the proposed development with the specific objectives of the height of buildings development standard is addressed above.

### **Objectives of the Zone**

Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the SP5 - Metropolitan Centre zone under the SLEP 2012 (as amended on 26/04/2023). The proposal is consistent with the relevant zone objectives, namely:

- To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.
- To provide opportunities for an intensity of land uses commensurate with Sydney's global status.
- To permit a diversity of compatible land uses that are characteristic of Sydney's global status and that serve the workforce, visitors and wider community.
- To encourage the use of alternatives to private motor vehicles, including public transport, walking and cycling.
- To promote land uses with active street frontages within podiums that contribute to the character of the street.
- To promote the efficient and orderly development of land in a compact urban centre.
- To promote a diversity of commercial opportunities varying in size, type and function, including new cultural, social and community facilities.
- To recognise the important role that central Sydney's public spaces, streets and amenity play in a global city.
- To promote the primary role of the zone as a centre for employment and permit residential accommodation and serviced apartments where the accommodation complements employment-generating land uses.

The proposed uses are residential apartments, a hotel, a function centre, an entertainment facility and retail premises. All uses are permitted with consent. The development is consistent with the objectives of the zone in that the proposal for a mixed-use tower envelope on the subject site:

- Reinforces the pre-eminent role of business, retail, entertainment and tourist uses and the site's contribution to and participation in the global economy.
- Provides a complaint intensity of land uses commensurate with Sydney's global status.
- Incorporates a diversity of compatible and permissible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.
- Encourages the use of alternatives to private motor vehicles, such as public transport, walking and cycling by offering bicycle parking and being accessible by public transport.
- Promotes uses with active street frontages on George Street and Albion Place for the purposes of retail premises, and a hotel lobby on Kent Street.
- Promotes the efficient and orderly development of land by utilising the available height and FSR under the LEP.
- Promotes commercial, cultural and social facilities by providing a hotel, cinemas and food and drink premises on the site.
- Provides residential apartments that will not negatively impact the other employment generating uses being proposed, and complements employment-generating land uses in the CBD.

## Objectives of Clause 4.6

The specific objectives of cl 4.6 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The proposal demonstrates a high-quality design that responds positively to its CBD context. A degree of flexibility is necessary to permit a structure containing building services above the height limit. This provides a better outcome for the site by allowing lift overruns and mechanical plant to be concealed within a sculptural rooftop element that is integrated into the building's design. The additional height also permits the sheltering of the accessway to the proposed communal open space.

Accordingly, it is considered that the consent authority can be satisfied that the proposal meets objective 1(a) of Clause 4.6 in that allowing flexibility in relation to the Height of Buildings development standard will achieve a better outcome in this instance in accordance with objective 1(b).

## Relevance of Sydney LEP 2012 'Clause 7.28 - Serviced apartments'

Sydney LEP 2012, Clause 7.28 states:

*(1) The objectives of this clause are as follows—*

- (a) to ensure that development for the purpose of serviced apartments provides the same level of*

- amenity as that provided by development for the purpose of residential flat buildings,*
- (b) to prevent substandard residential accommodation occurring through the conversion of serviced apartments to residential flat buildings.*
- (2) Development consent for development for the purpose of serviced apartments or a change of use of a building from serviced apartments to a residential flat building must not be granted unless the consent authority has considered the following in relation to the development—*
- (a) the design quality principles set out in Schedule 1 to State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development,*
  - (b) the design principles of the Apartment Design Guide (within the meaning of that Policy).*

Sydney LEP defines ‘tourist and visitor accommodation’ “*as a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—*

- (a) backpackers’ accommodation,*
- (b) bed and breakfast accommodation,*
- (c) farm stay accommodation,*
- (d) hotel or motel accommodation,*
- (e) serviced apartments.”*

It is readily apparent that the purpose of the clause is to prevent the circumvention of SEPP 65 and the Apartment Design Guide in *converting* buildings from Serviced Apartments to Residential Apartments. Such a scenario would typically involve proponents first gaining approval for serviced apartments which are a form of ‘tourist and visitor accommodation’ (SEPP 65 and ADG does not apply), and then subsequently seeking consent for a change of use of the building (where SEPP 65 and ADG building envelope considerations are of limited relevance to a change of use application).

Clause 7.28 is not predicated upon a concern that serviced apartments lack sufficient solar amenity. Serviced apartments provide substantially higher level of internal amenity than all other forms of short-term tourist and visitor accommodation contained in the definition.

The clause was neither intended nor does it operate to prevent development occurring near serviced apartments. The clause only operates when consent is sought for “*development for the purpose of serviced apartments or a change of use of a building from serviced apartments to a residential flat building*”. Neither of these two prerequisites apply in this case and so the clause has no relevance to the application at hand

## Conclusion

Strict compliance with the height of buildings development standard contained within clause 4.3 of the Sydney Local Environmental Plan 2012 has been shown in this Variation Request to be unreasonable and unnecessary in the circumstances of the case. Further, there are sufficient environmental planning grounds to justify the proposed variation. In this regard, it is reasonable and appropriate to vary the height of buildings development standard to the extent proposed.



## **VISUAL ASSESSMENT**

**PREPARED TO ACCOMPANY A  
DETAILED DEVELOPMENT APPLICATION TO THE CITY OF SYDNEY COUNCIL**

Project No 5863

**525 GEORGE ST SYDNEY NSW 2000**

Prepared on behalf of

**EVENT HOSPITALITY AND ENTERTAINMENT LIMITED**

Prepared by

**CANDALEPAS  
ASSOCIATES**

**309 SUSSEX ST SYDNEY NSW  
2000**

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ISSUE

**B 20.04.2023**

**ADDENDUM TO REPORT DATED 19 MAY 2022.**

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### **1.0 VISUAL ASSESSMENT - 505 GEORGE STREET (PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS)**

- 1.1 VIEW ASSESSMENT E.1.
- 1.2 VIEW ASSESSMENT E.2.
- 1.3 VIEW ASSESSMENT F.1.
- 1.4 VIEW ASSESSMENT F.2.

### **2.0 VISUAL ASSESSMENT - 528 KENT STREET (EXISTING MERITON SERVICED APARTMENTS)**

### VIEW E.1. PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS

**LOCATION:** 505 GEORGE STREET

**HEIGHT:** RL 164.9 - LEVEL 46 (1M WITHIN ASSUMED DEVELOPMENT FOOTPRINT).

**DISTANCE TO THE SITE:** 22M (APPROXIMATE).

**VIEW TYPE:** PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS VIEW (ASSUMED DEVELOPMENT FOOTPRINT).

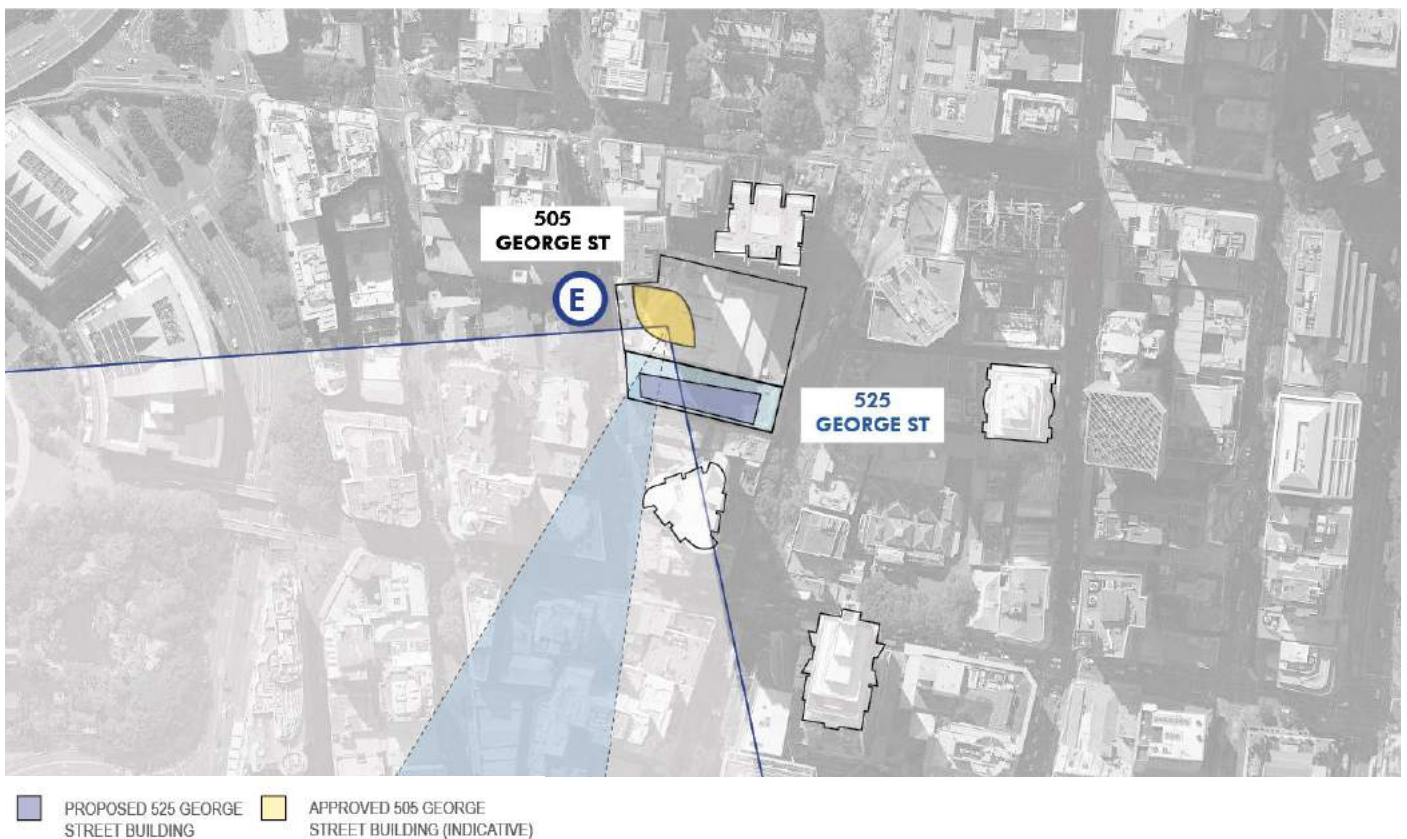


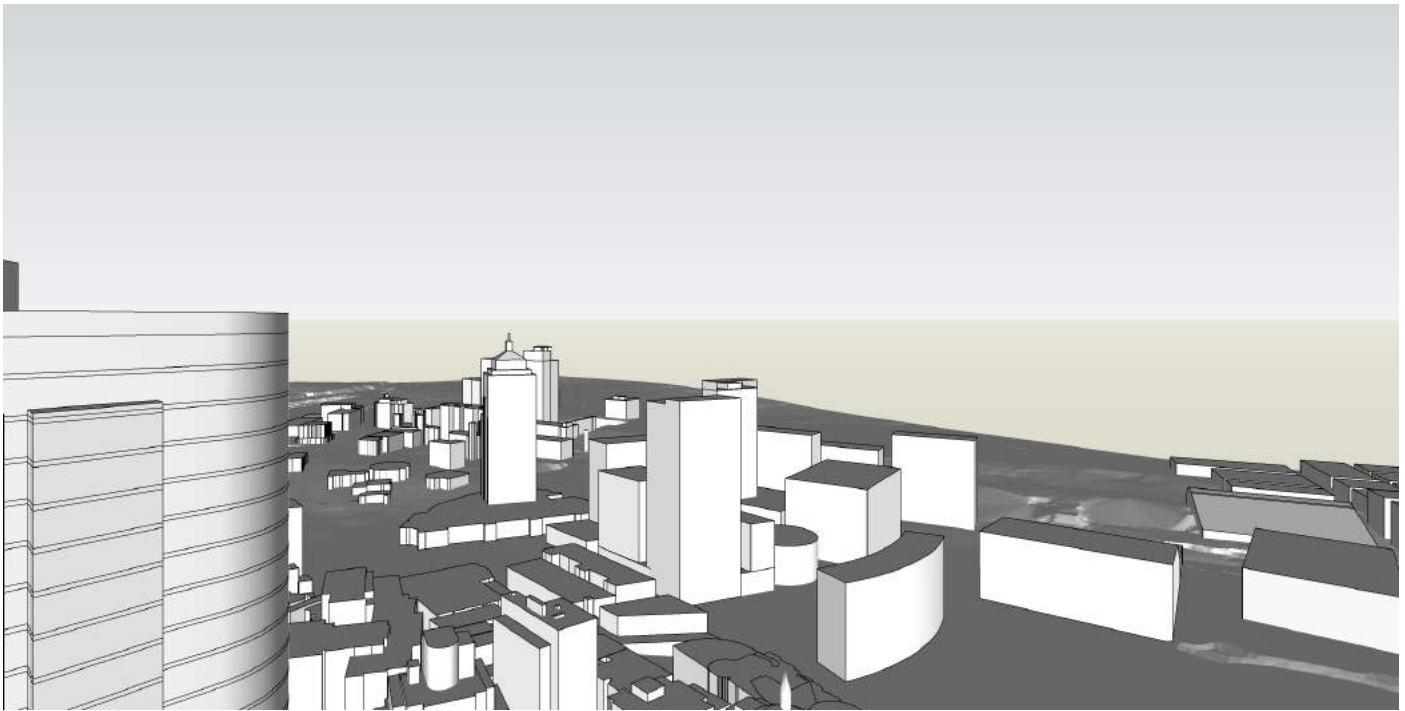
Figure (01) – View E.1. View Plan – Proposed Serviced Apartments and Residential Apartments, 505 George St (assumed future redevelopment plan)

This view location is from an assumed residential apartment in the proposed serviced apartments and residential apartments for 505 George St. The assumed footprint for the tower has been based on publicly available material for the Approved Stage 2 Development Application by Architectus and Ingenhoven Architects.

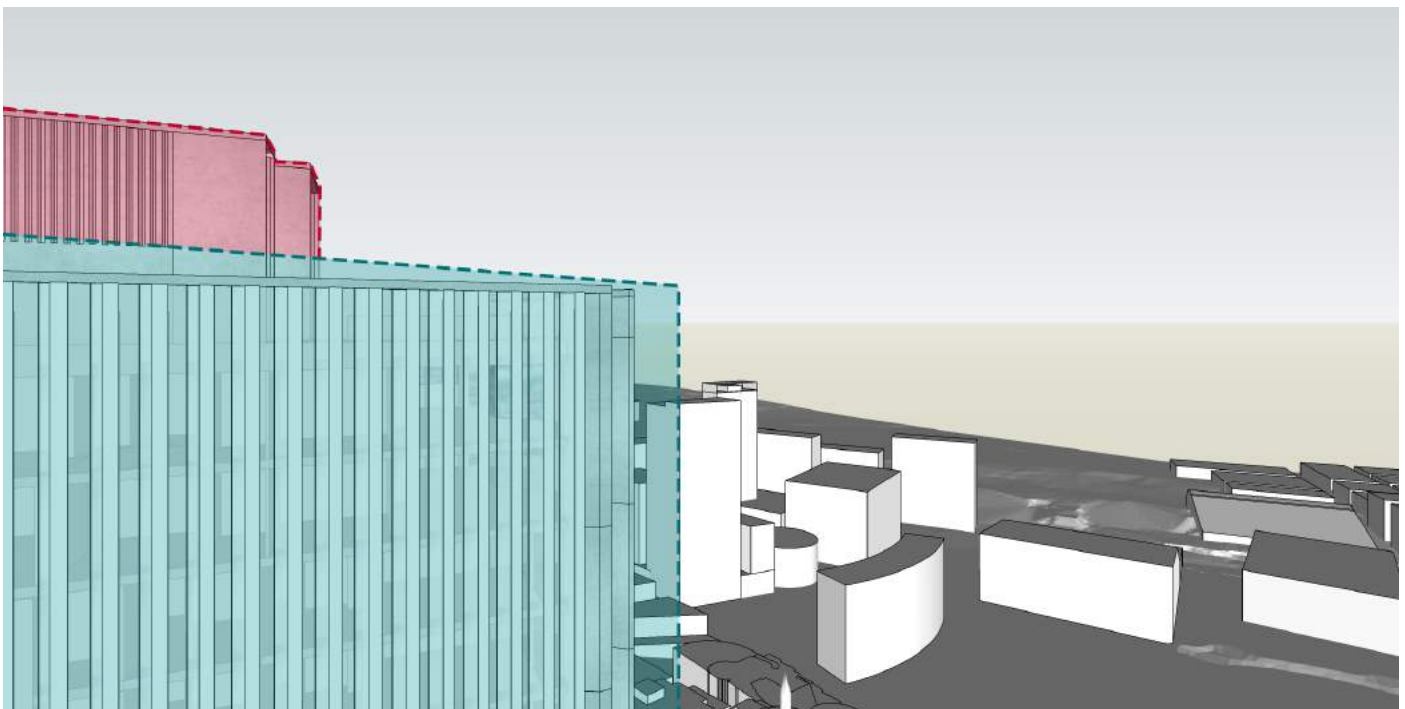
It should be also noted that the report by the Central Sydney Planning Committee (4th December 2014) assessing the redevelopment of 505 George St stated ‘apartments should not have a single aspect to the south’. This statement was specifically in reference to visual impacts to and from a proposed redevelopment of 525 George St.

View E. looks to the south west across the proposed development site at 525 George Street as well as more open vistas across Darling Harbour and the Pymont Peninsular. Given the height of the viewpoint, views from this location sees both district views across to neighbouring buildings as well as more distant views to the west i.e. Sydney’s western suburbs.

**VIEW E.1. PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS**



**Figure (02) – View E.1. View Perspective – Proposed Serviced Apartments and Residential Apartments, 505 George St, (RL164.9 - Level 46) – Existing Condition**



**Figure (03) – View E.1. View Perspective – Proposed Serviced Apartments and Residential Apartments, 505 George St, (RL164.9 - Level 46) – Proposed Development**

Approved Building Envelope
  Zone of Proposed Building External to Approved Envelope

Level 46 of the proposed serviced apartments and residential apartments at 505 George Street corresponds approximately with the Level 43 Roof Terrace of the proposed development at 525 George Street. This level within 505 George Street comprises of apartments approved for temporary use as serviced apartments for a time-limited period of up to 20 years, as well as future residential apartments.

The proposed development at 525 George will affect the views from this location by reducing views to the south west. Views to the south would be affected by the existing Meriton serviced apartments at 528 Kent Street. This view affect is not considered unacceptable given that the view-point will still enjoy district and distant views.

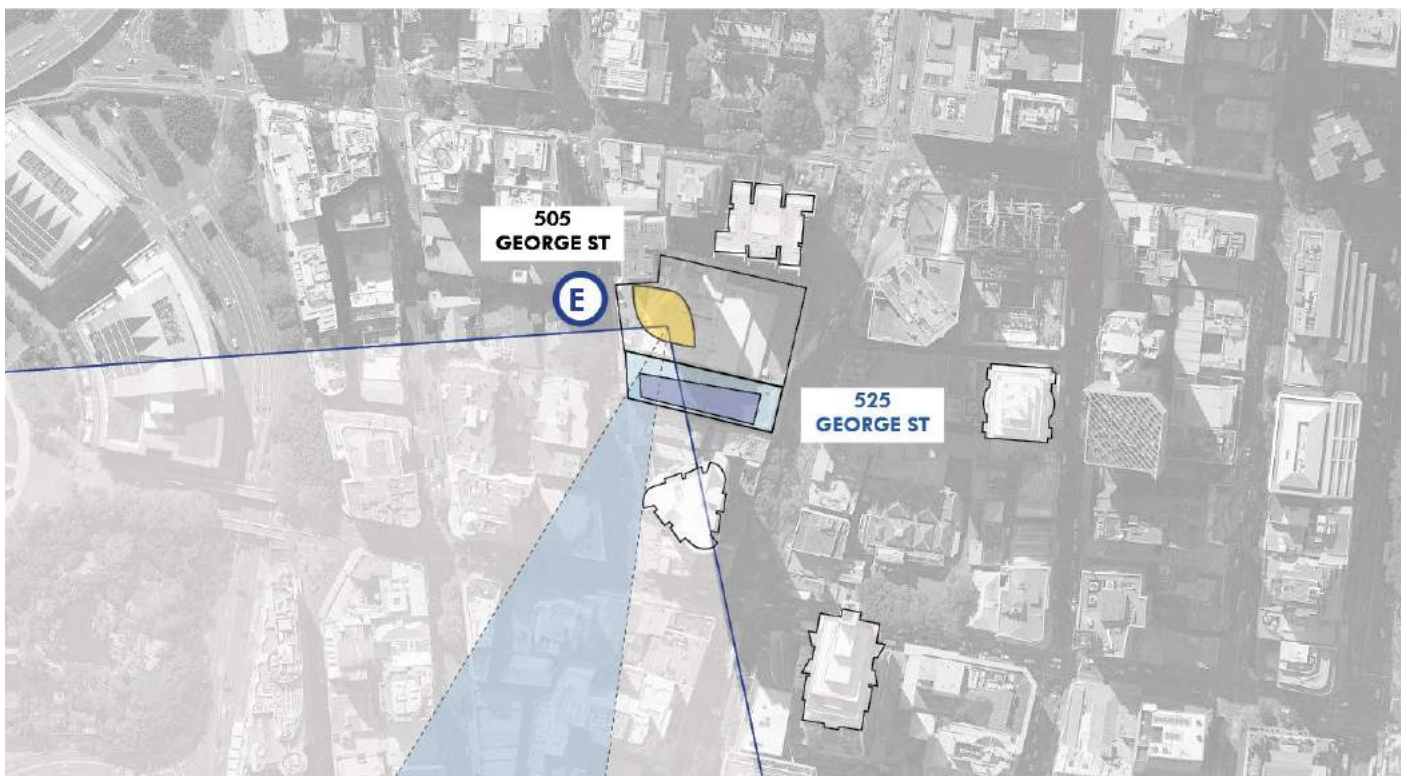
### VIEW E.2. PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS

**LOCATION:** 505 GEORGE STREET

**HEIGHT:** RL 168.0 - LEVEL 47 (1M WITHIN ASSUMED DEVELOPMENT FOOTPRINT).

**DISTANCE TO THE SITE:** 22M (APPROXIMATE).

**VIEW TYPE:** PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS VIEW (ASSUMED DEVELOPMENT FOOTPRINT).



■ PROPOSED 525 GEORGE STREET BUILDING    
 ■ APPROVED 505 GEORGE STREET BUILDING (INDICATIVE)

**Figure (04) – View E.2.** View Plan – Proposed Serviced Apartments and Residential Apartments, 505 George St (assumed future redevelopment plan)

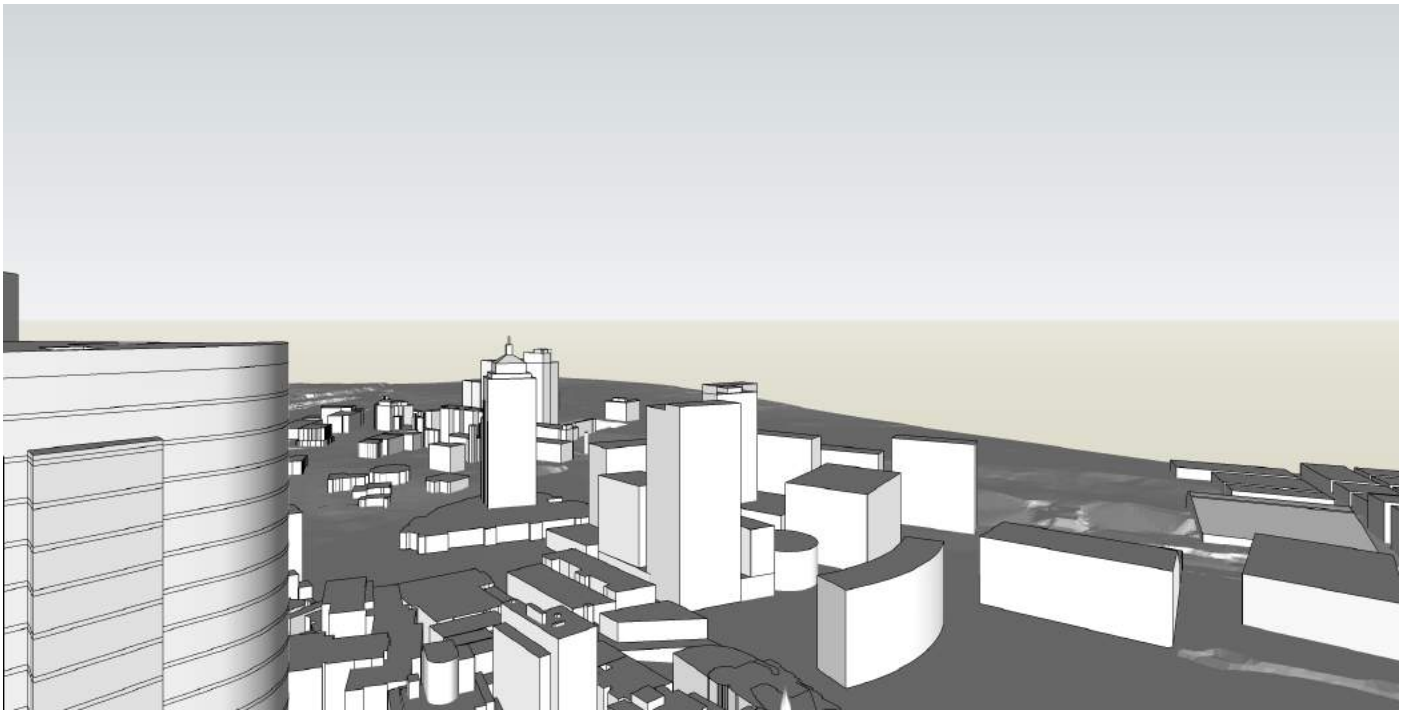
This view location is from an assumed residential apartment in the proposed serviced apartments and residential apartments for 505 George St. The assumed footprint for the tower has been based on publicly available material for the Approved Stage 2 Development Application by Architectus and Ingenhoven Architects.

It should be also noted that the report by the Central Sydney Planning Committee (4th December 2014) assessing the redevelopment of 505 George St stated ‘apartments should not have a single aspect to the south’. This statement was specifically in reference to visual impacts to and from a proposed redevelopment of 525 George St.

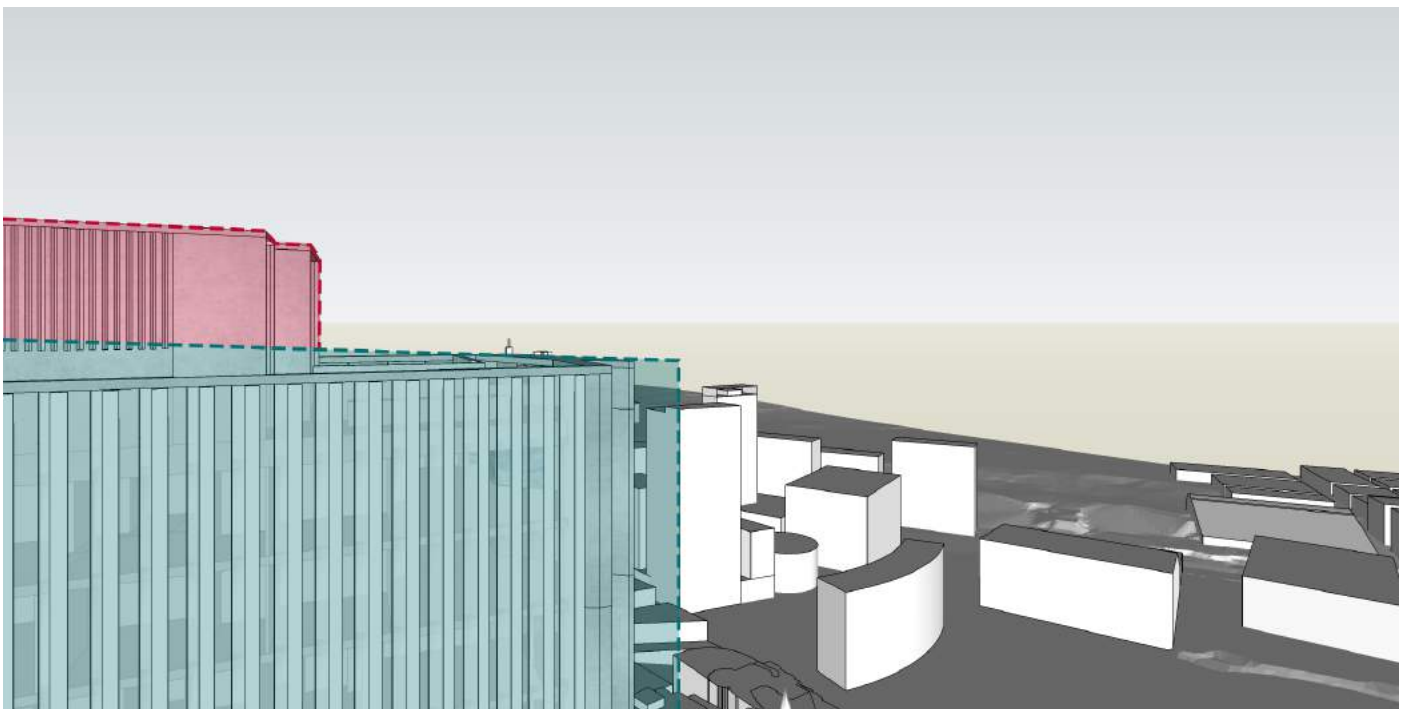
View E. looks to the south west across the proposed development site at 525 George Street as well as more open vistas across Darling Harbour and the Pymont Peninsular. Given the height of the viewpoint, views from this location sees both district views across to neighbouring buildings as well as more distant views to the west i.e. Sydney’s western suburbs.



**VIEW E.2. PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS**



**Figure (05) – View E.2. View Perspective – Proposed Serviced Apartments and Residential Apartments, 505 George St, (RL168.0 - Level 47) – Existing Condition**



**Figure (06) – View E.2. View Perspective – Proposed Serviced Apartments and Residential Apartments, 505 George St, (RL168.0 - Level 47) – Proposed Development**

Approved Building Envelope
  Zone of Proposed Building External to Approved Envelope

Level 47 of the proposed serviced apartments and residential apartments at 505 George Street corresponds approximately with the Level 43 Roof Terrace of the proposed development at 525 George Street. This level within 505 George Street comprises of apartments approved for temporary use as serviced apartments for a time-limited period of up to 20 years, as well as future residential apartments.

The proposed development at 525 George will affect the views from this location by reducing views to the south west. Views to the south would be affected by the existing Meriton serviced apartments at 528 Kent Street. This view affect is not considered unacceptable given that the view-point will still enjoy district and distant views.



## VIEW F.1. PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS

**LOCATION:** 505 GEORGE STREET

**HEIGHT:** RL 164.9 - LEVEL 46 (1M WITHIN ASSUMED DEVELOPMENT FOOTPRINT).

**DISTANCE TO THE SITE:** 22M (APPROXIMATE).

**VIEW TYPE:** PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS VIEW (ASSUMED DEVELOPMENT FOOTPRINT).



**Figure (07) – View F.1.** View Plan – Proposed Serviced Apartments and Residential Apartments, 505 George St (assumed future redevelopment plan)

This view location is from an assumed residential apartment in the proposed serviced apartments and residential apartments for 505 George St. A more detailed discussion regarding the assumptions made for the redevelopment of 505 George St is detailed in the assessment of View E. View F. looks to the south east across the proposed development site at 525 George Street as well as the existing tower at 528 Kent Street and neighbouring buildings long Liverpool St. Given the height of the viewpoint, views from this location are mostly district views across to neighbouring buildings including residential and commercial towers.

### VIEW F.1. PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS

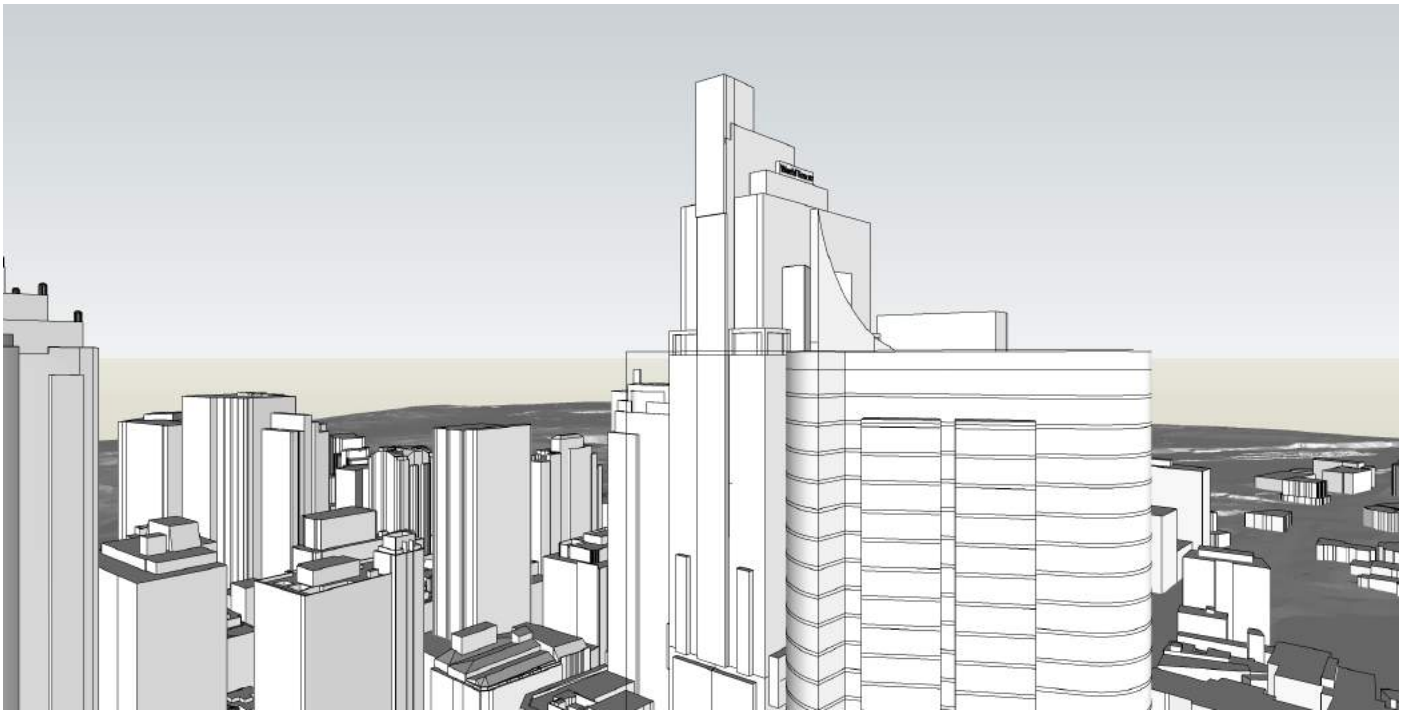


Figure (08) – View F.1. View Perspective – Proposed Serviced Apartments and Residential Apartments, 505 George St, (RL164.9 - Level 46) – Existing Condition

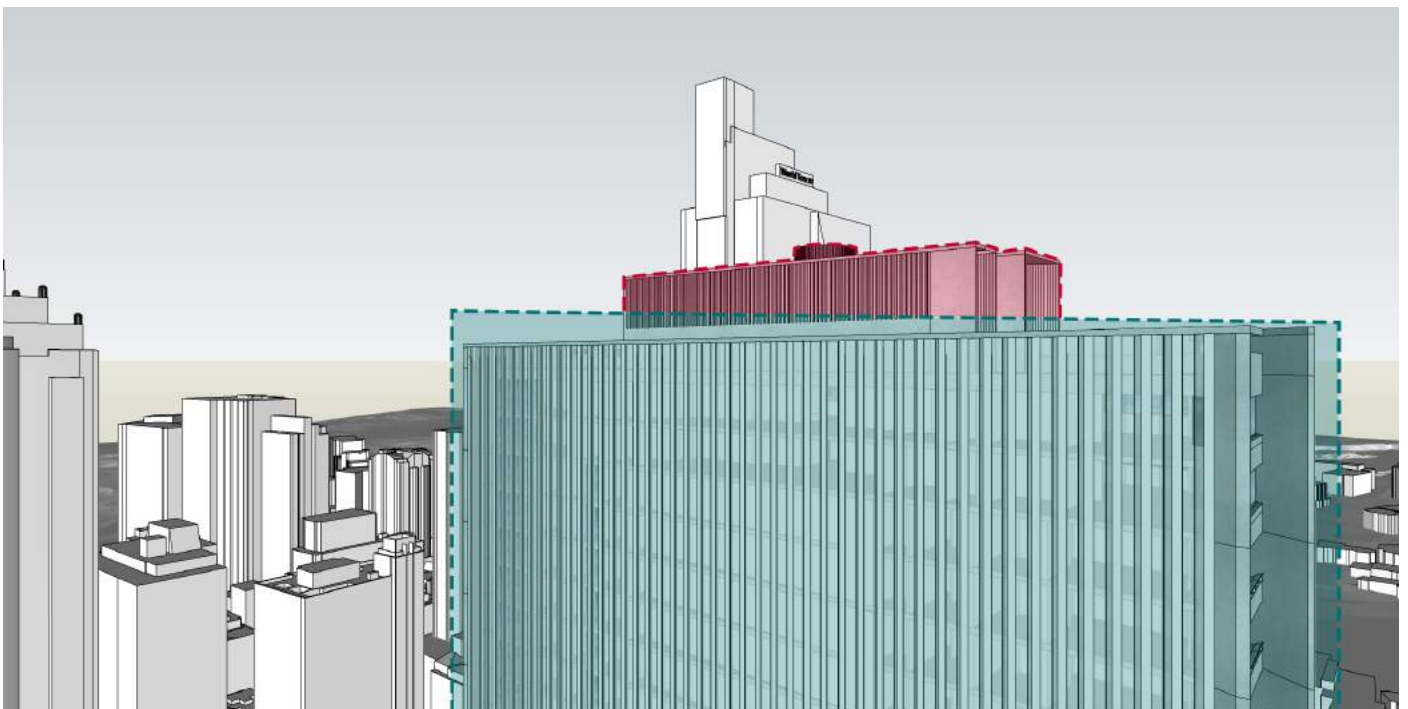


Figure (09) – View F.1. View Perspective – Proposed Serviced Apartments and Residential Apartments, 505 George St, (RL164.9 - Level 46) – Proposed Development

Approved Building Envelope
  Zone of Proposed Building External to Approved Envelope

Level 46 of the proposed serviced apartments and residential apartments at 505 George Street corresponds approximately with the Level 43 Roof Terrace of the proposed development at 525 George Street. This level within 505 George Street comprises of apartments approved for temporary use as serviced apartments for a time-limited period of up to 20 years, as well as future residential apartments.

The proposed development at 525 George will affect the views from this location by reducing views to the south and south east. Views to the south would be largely affected by the existing Meriton serviced apartments at 528 Kent Street. This view affect is not considered unacceptable given that the viewpoint will still enjoy district views.

**VIEW F.2. PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS**

**LOCATION:** 505 GEORGE STREET

**HEIGHT:** RL 168.0 - LEVEL 47 (1M WITHIN ASSUMED DEVELOPMENT FOOTPRINT).

**DISTANCE TO THE SITE:** 22M (APPROXIMATE).

**VIEW TYPE:** PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS VIEW (ASSUMED DEVELOPMENT FOOTPRINT).



Figure (10) – View F.2. View Plan – Proposed Serviced Apartments and Residential Apartments, 505 George St (assumed future redevelopment plan)

This view location is from an assumed residential apartment in the proposed serviced apartments and residential apartments for 505 George St. A more detailed discussion regarding the assumptions made for the redevelopment of 505 George St is detailed in the assessment of View E. View F. looks to the south east across the proposed development site at 525 George Street as well as the existing tower at 528 Kent Street and neighbouring buildings long Liverpool St. Given the height of the viewpoint, views from this location are mostly district views across to neighbouring buildings including residential and commercial towers.



**VIEW F.2. PROPOSED SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS**

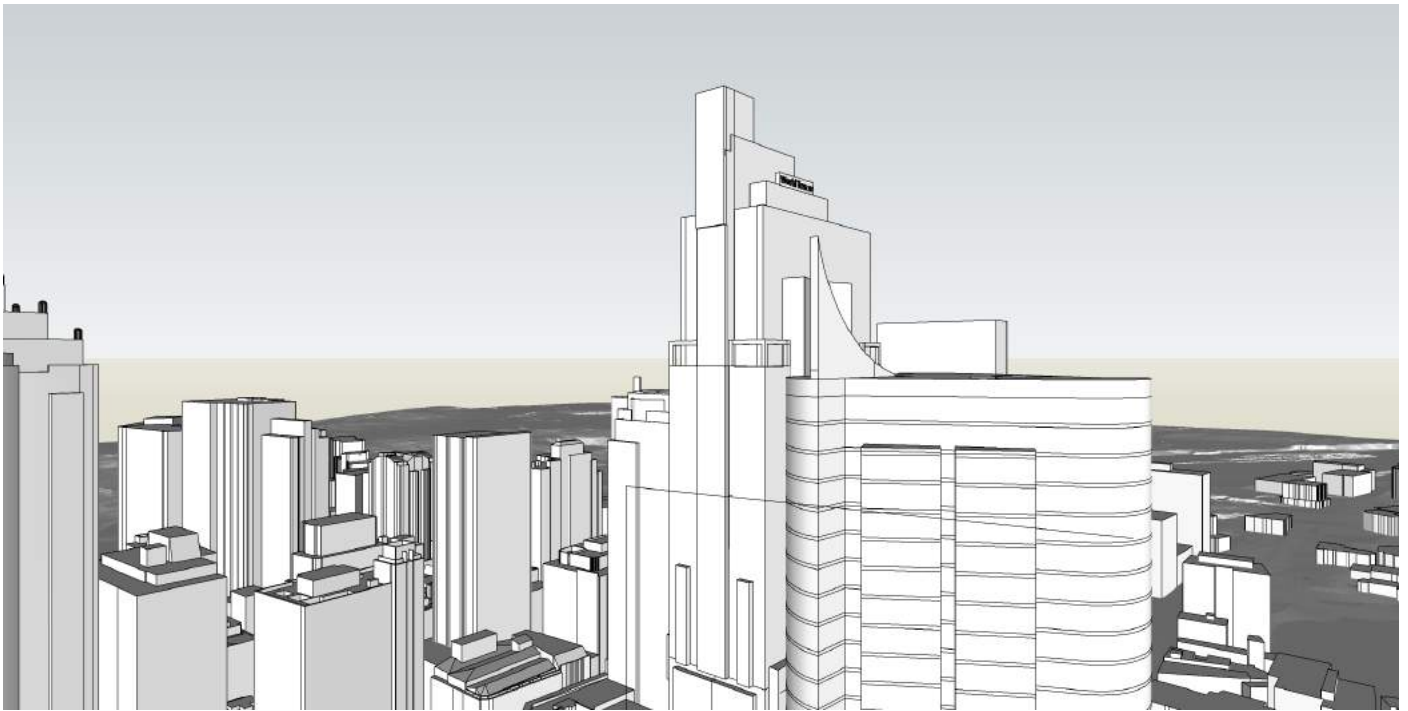


Figure (11) – View F.2. View Perspective – Proposed Serviced Apartments and Residential Apartments, 505 George St, (RL168.0 - Level 47) – Existing Condition

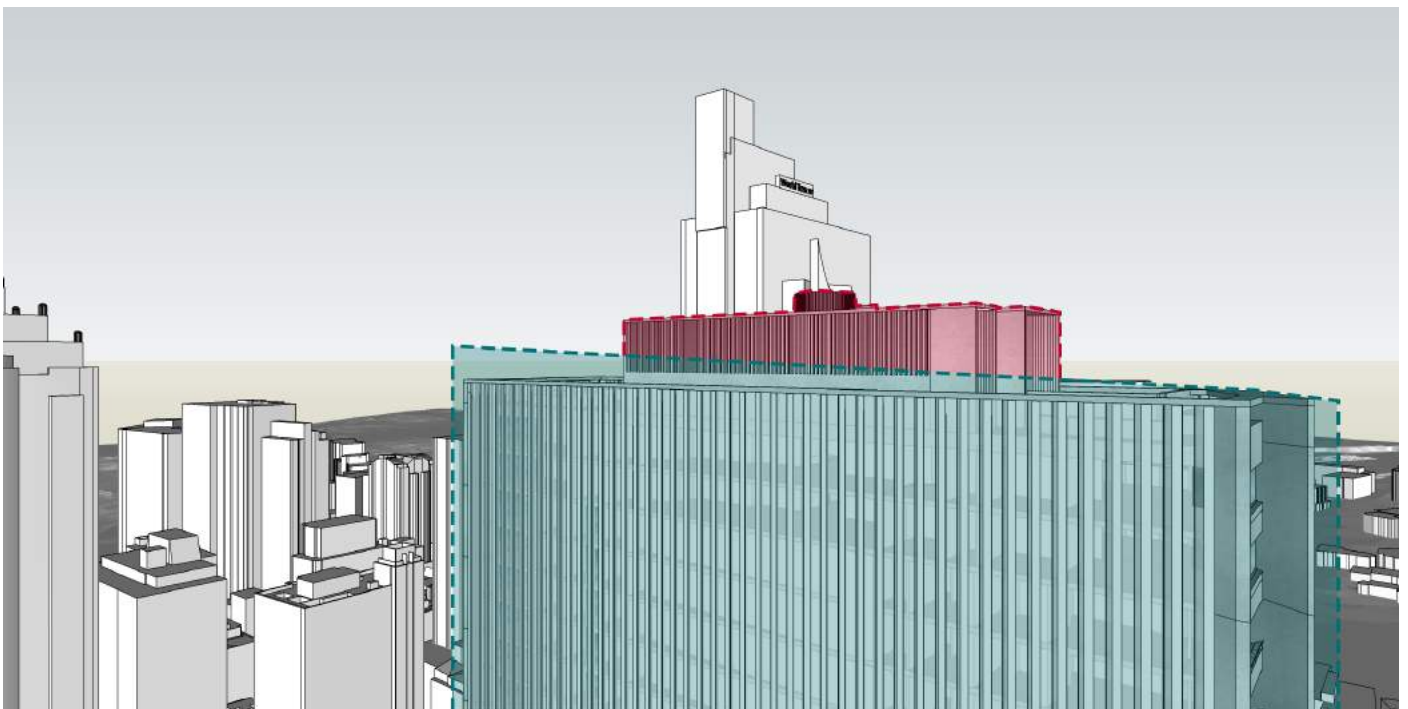


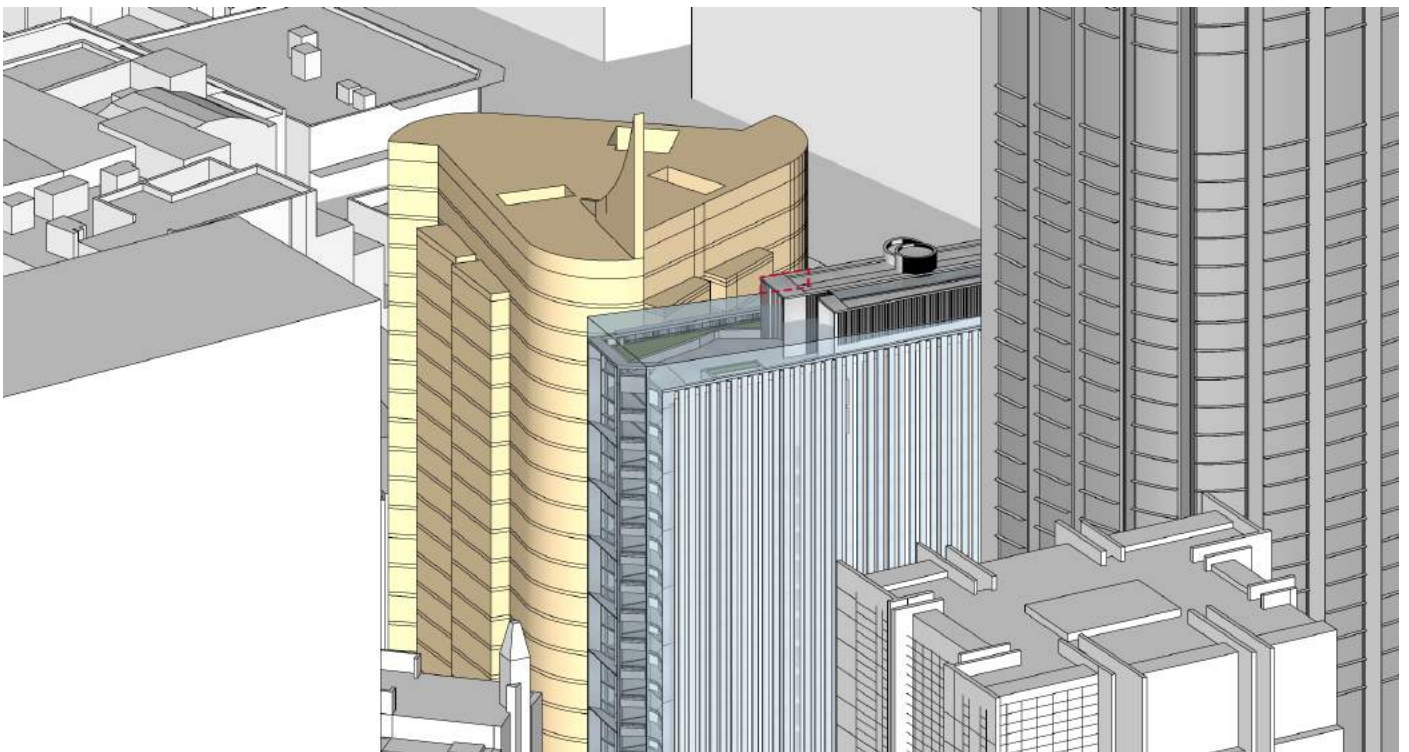
Figure (12) – View F.2. View Perspective – Proposed Serviced Apartments and Residential Apartments, 505 George St, (RL168.0 - Level 47) – Proposed Development

Approved Building Envelope
  Zone of Proposed Building External to Approved Envelope

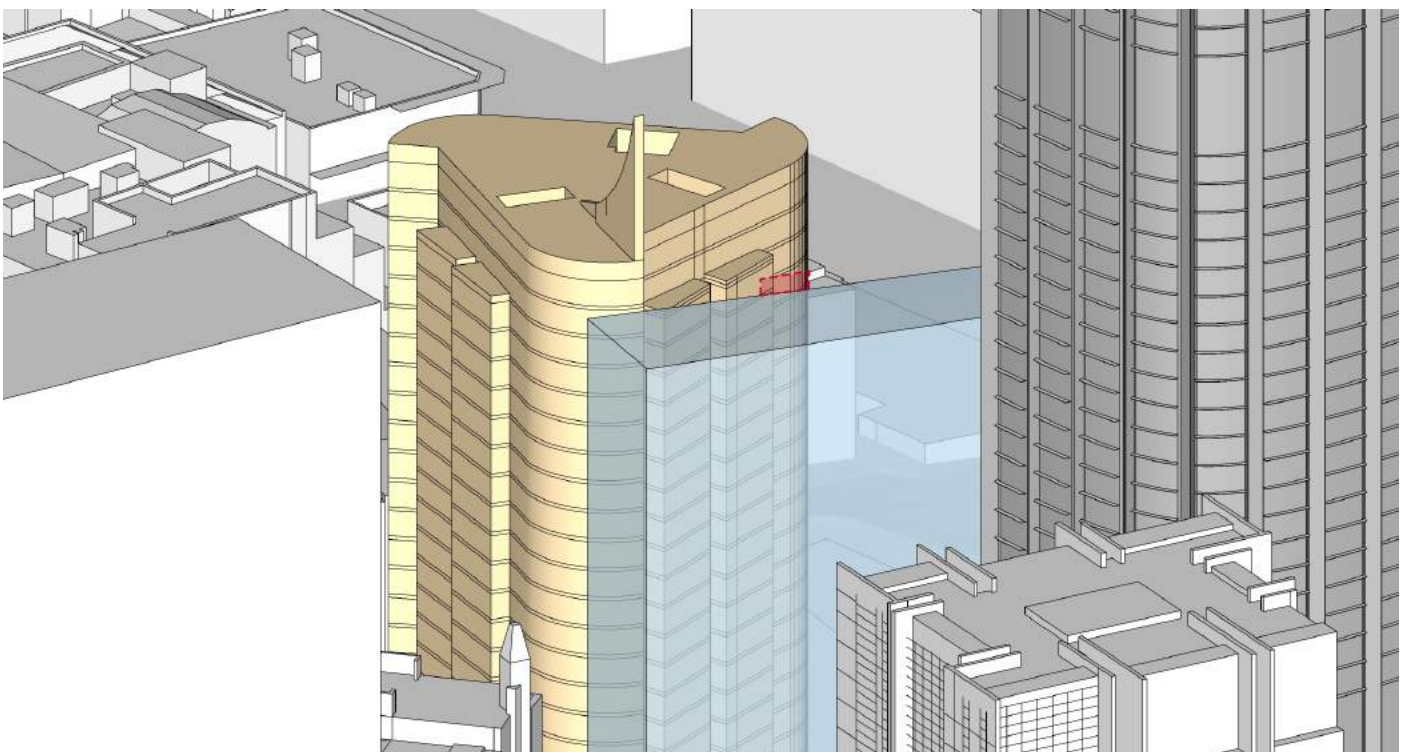
Level 47 of the proposed serviced apartments and residential apartments at 505 George Street corresponds approximately with the Level 43 Roof Terrace of the proposed development at 525 George Street. This level within 505 George Street comprises of apartments approved for temporary use as serviced apartments for a time-limited period of up to 20 years, as well as future residential apartments.

The proposed development at 525 George will affect the views from this location by reducing views to the south and south east. Views to the south would be largely affected by the existing Meriton serviced apartments at 528 Kent Street. This view affect is not considered unacceptable given that the viewpoint will still enjoy district views.

**VISUAL ASSESSMENT: 9:30AM, JUNE 21**



View From Sun, 09:30am – Proposed Development



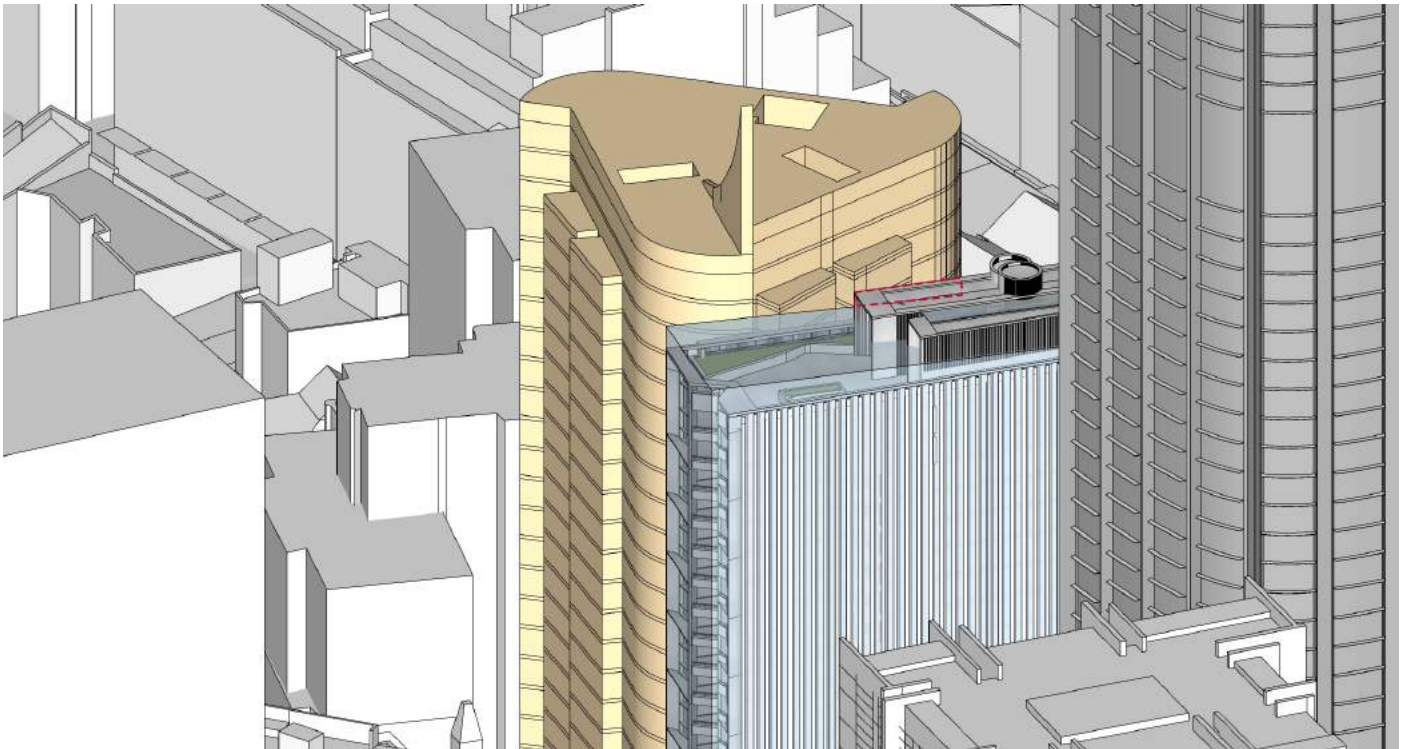
View From Sun, 09:30am – Approved Building Envelope, highlighting zone of additional overshadowing.

Approved Building Envelope    Zone of Additional Visual Impact    528 Kent St, Existing Meriton Serviced Apartments

**Visual Impact to 528 Kent St Existing Meriton Serviced Apartments at Levels: 54, 55**



**VISUAL ASSESSMENT: 10:00AM, JUNE 21**



**View From Sun, 10:00am – Proposed Development**



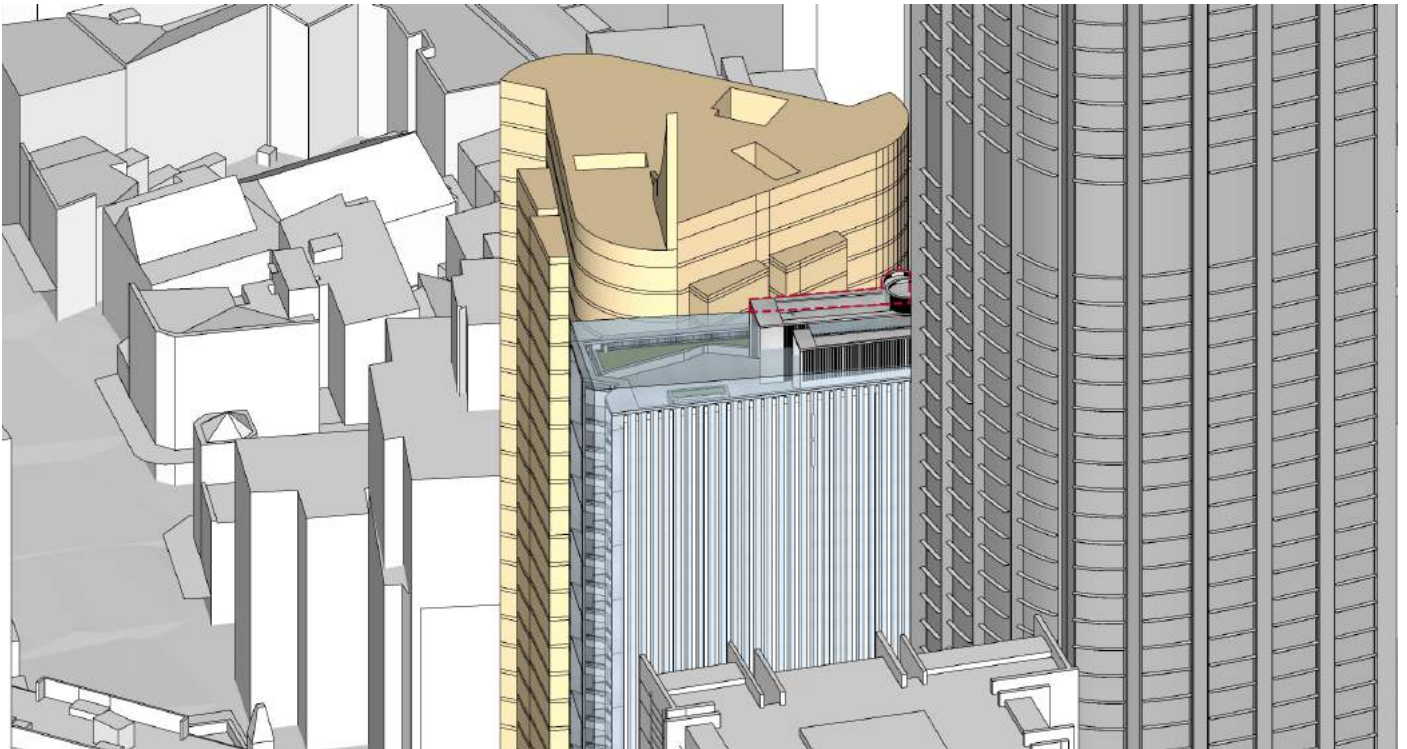
**View From Sun, 10:00am – Approved Building Envelope, highlighting zone of additional overshadowing.**

Approved Building Envelope    Zone of Additional Visual Impact    528 Kent St, Existing Meriton Serviced Apartments

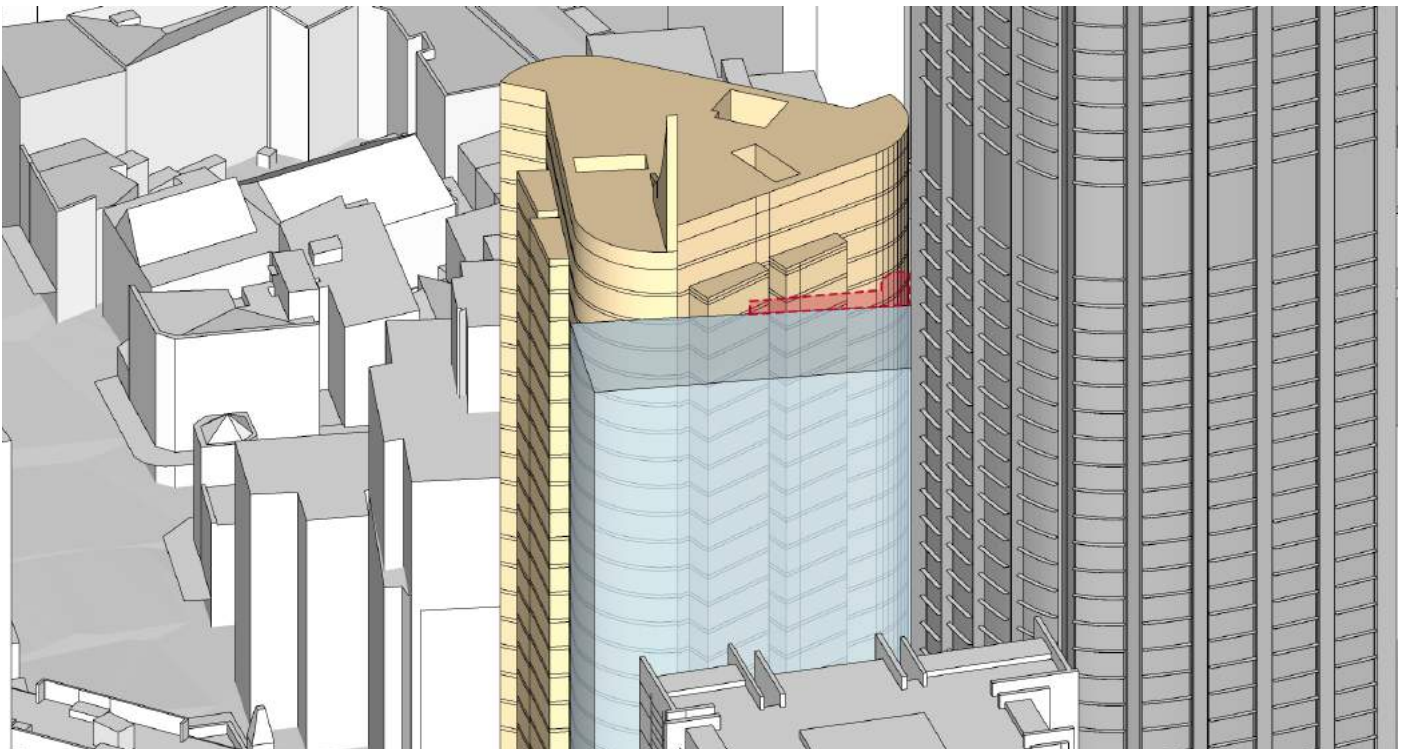
**Visual Impact to 528 Kent St Existing Meriton Serviced Apartments at Levels: 53, 54, 55**



**VISUAL ASSESSMENT: 10:30AM, JUNE 21**



View From Sun, 10:30am – Proposed Development

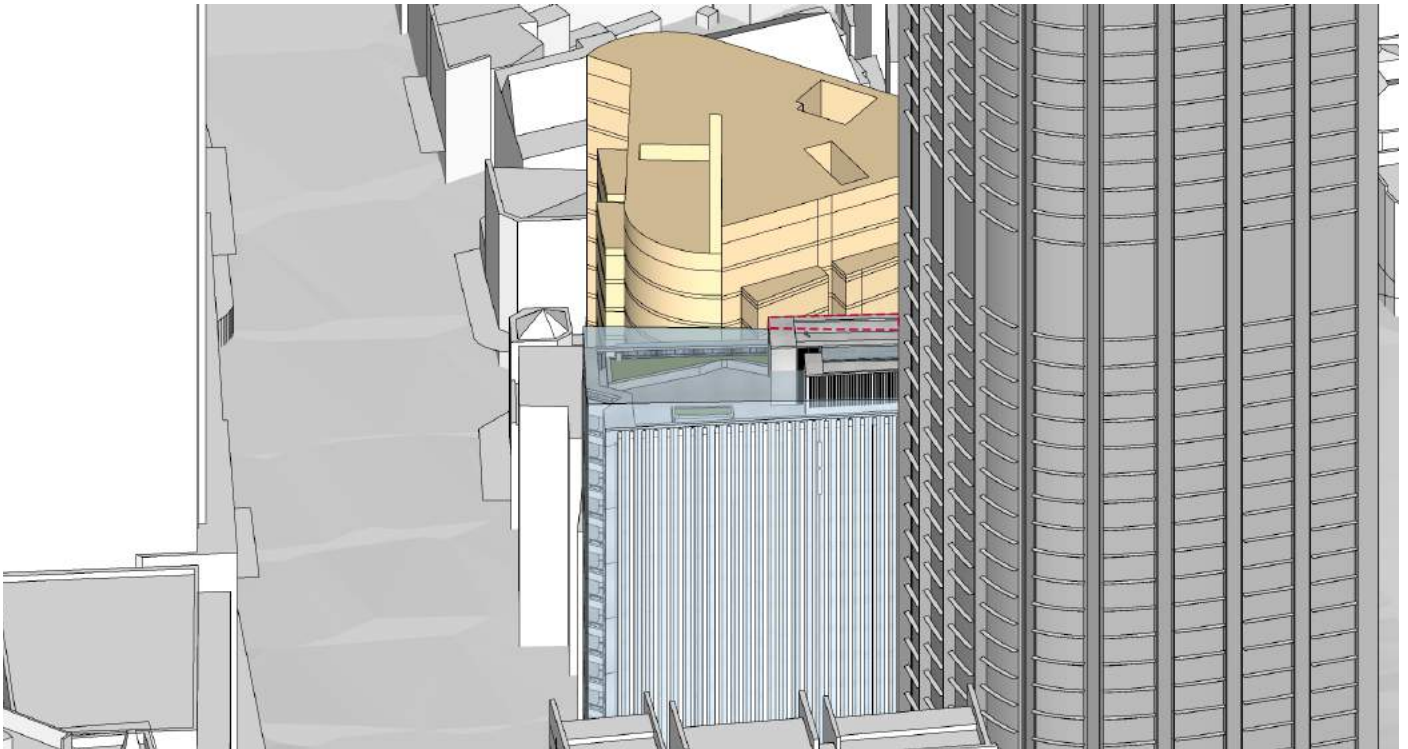


View From Sun, 10:30am – Approved Building Envelope, highlighting zone of additional overshadowing.

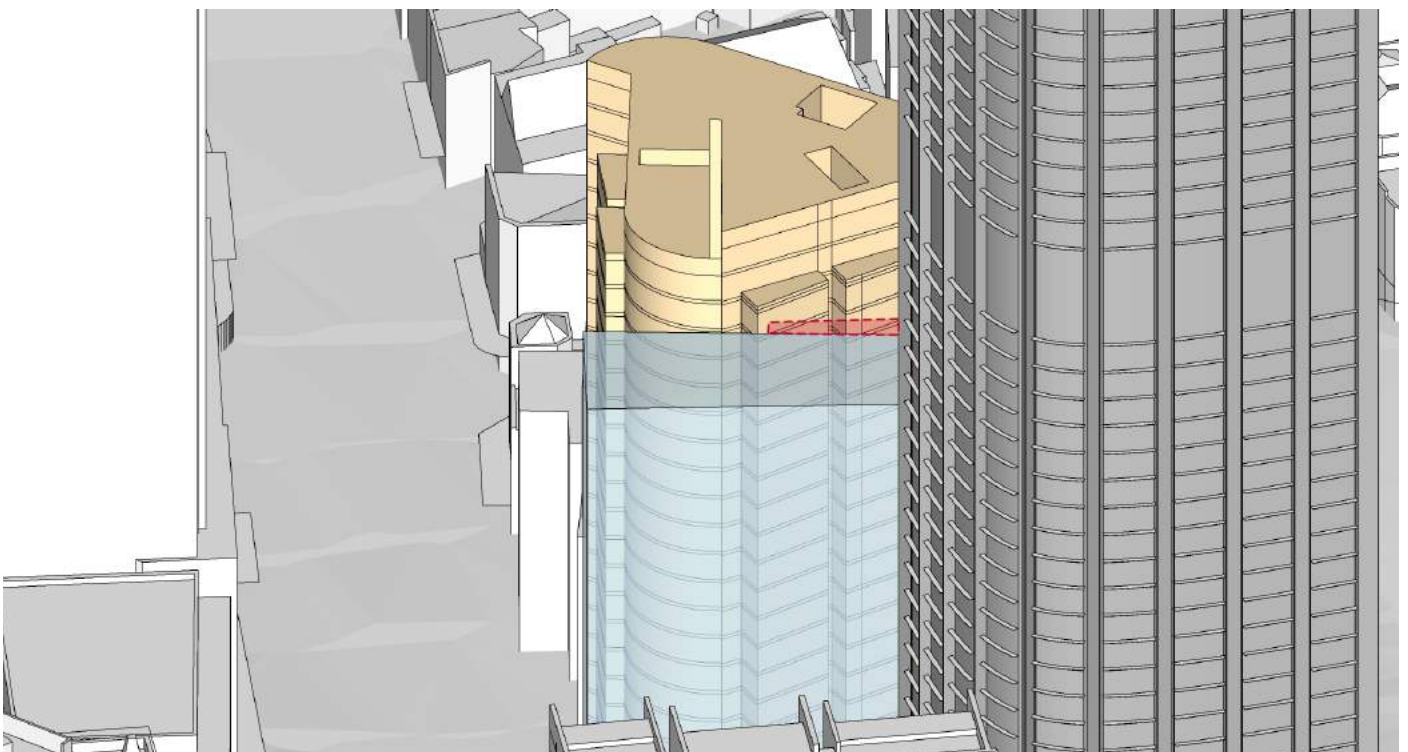
Approved Building Envelope    Zone of Additional Visual Impact    528 Kent St, Existing Meriton Serviced Apartments

**Visual Impact to 528 Kent St Existing Meriton Serviced Apartments at Levels: 52, 53, 54, 55**

**VISUAL ASSESSMENT: 11:00AM, JUNE 21**



View From Sun, 11:00am – Proposed Development



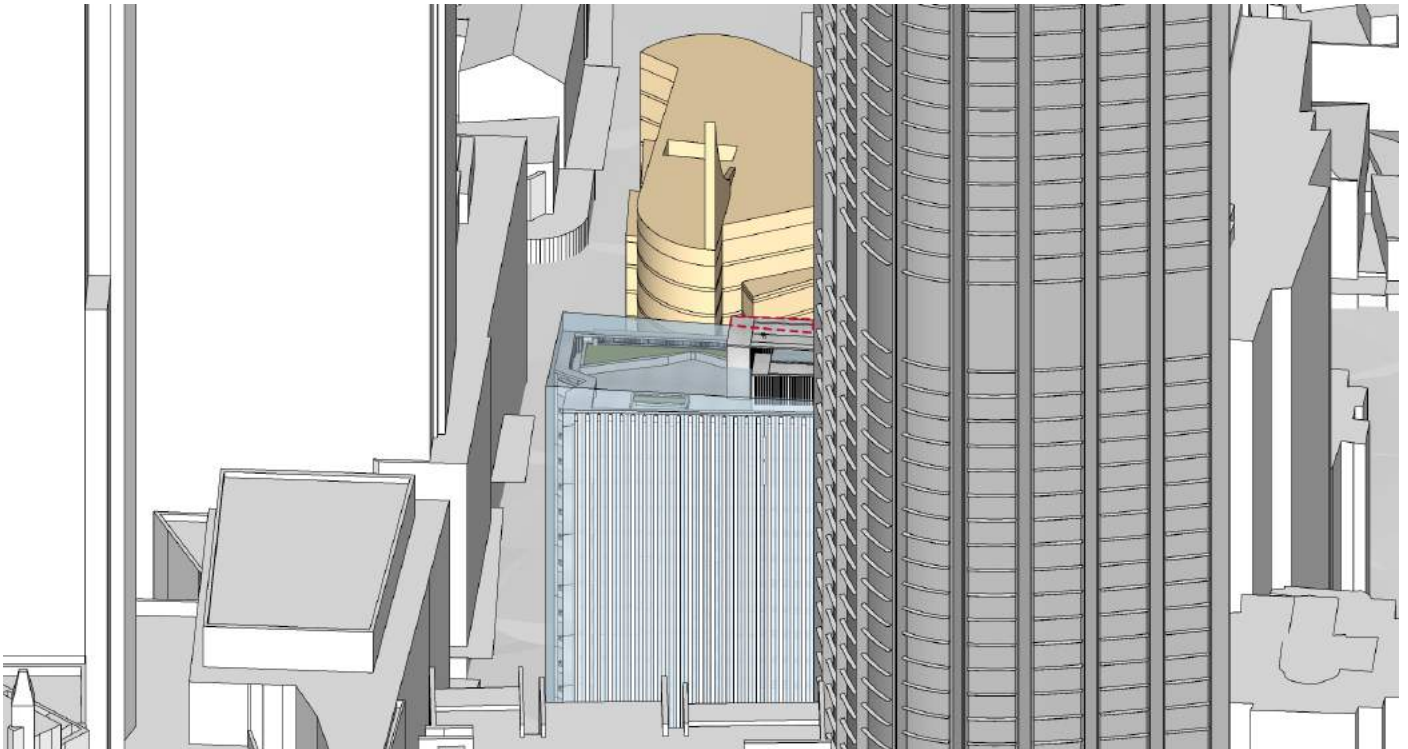
View From Sun, 11:00am – Approved Building Envelope, highlighting zone of additional overshadowing.

Approved Building Envelope    Zone of Additional Visual Impact    528 Kent St, Existing Meriton Serviced Apartments

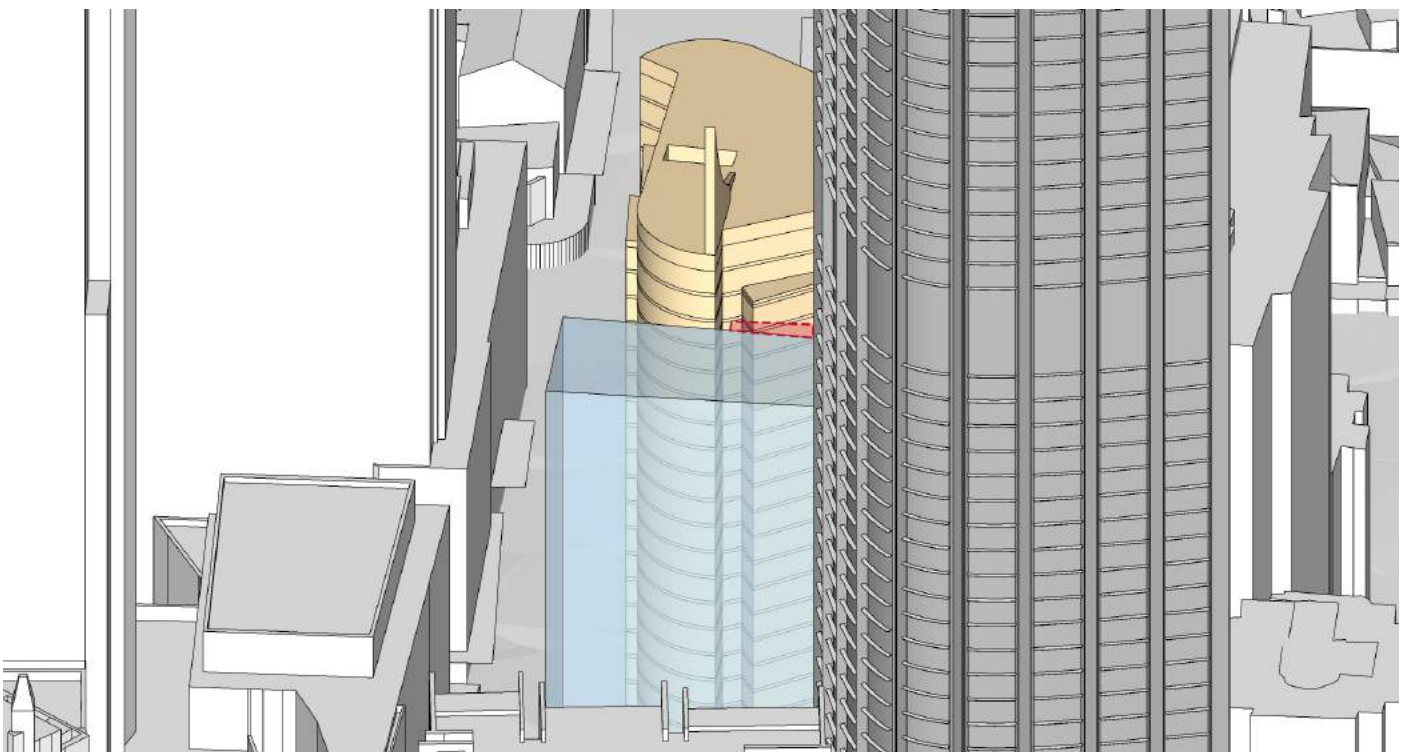
**Visual Impact to 528 Kent St Existing Meriton Serviced Apartments at Levels: 53, 54, 55**



**VISUAL ASSESSMENT: 11:30AM, JUNE 21**



**View From Sun, 11:30am – Proposed Development**

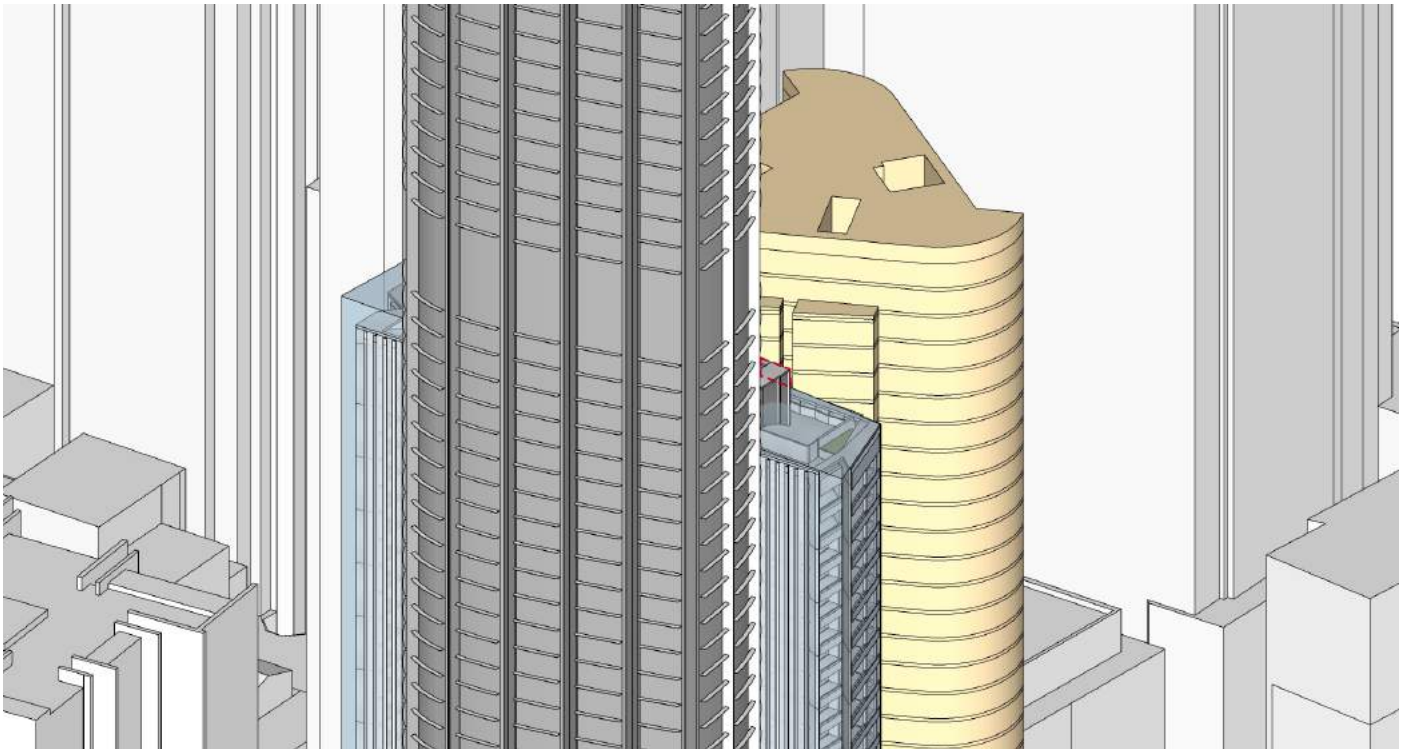


**View From Sun, 11:30am – Approved Building Envelope, highlighting zone of additional overshadowing.**

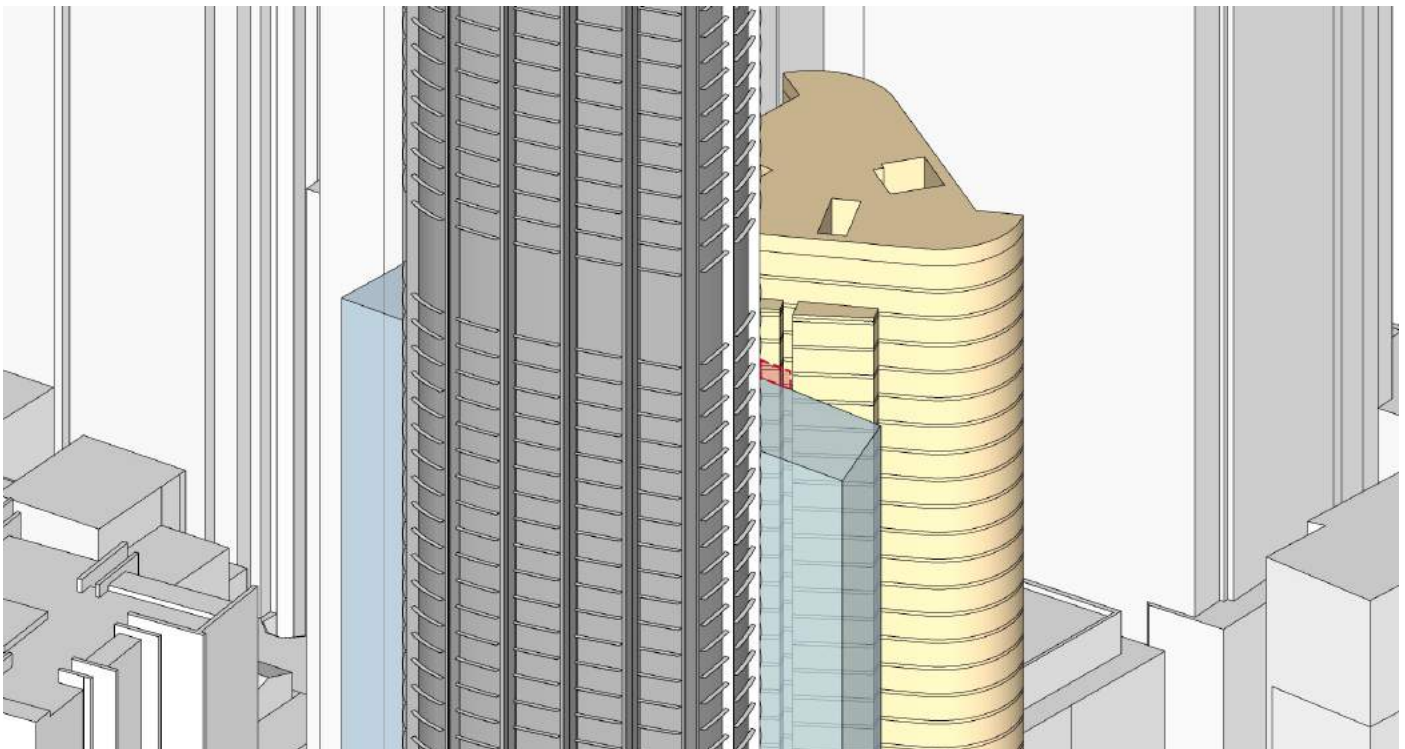
Approved Building Envelope    Zone of Additional Visual Impact    528 Kent St, Existing Meriton Serviced Apartments

**Visual Impact to 528 Kent St Existing Meriton Serviced Apartments at Levels: 54, 55**

**VISUAL ASSESSMENT: 1:30PM, JUNE 21**



**View From Sun, 1:30pm – Proposed Development**



**View From Sun, 1:30pm – Approved Building Envelope, highlighting zone of additional overshadowing.**

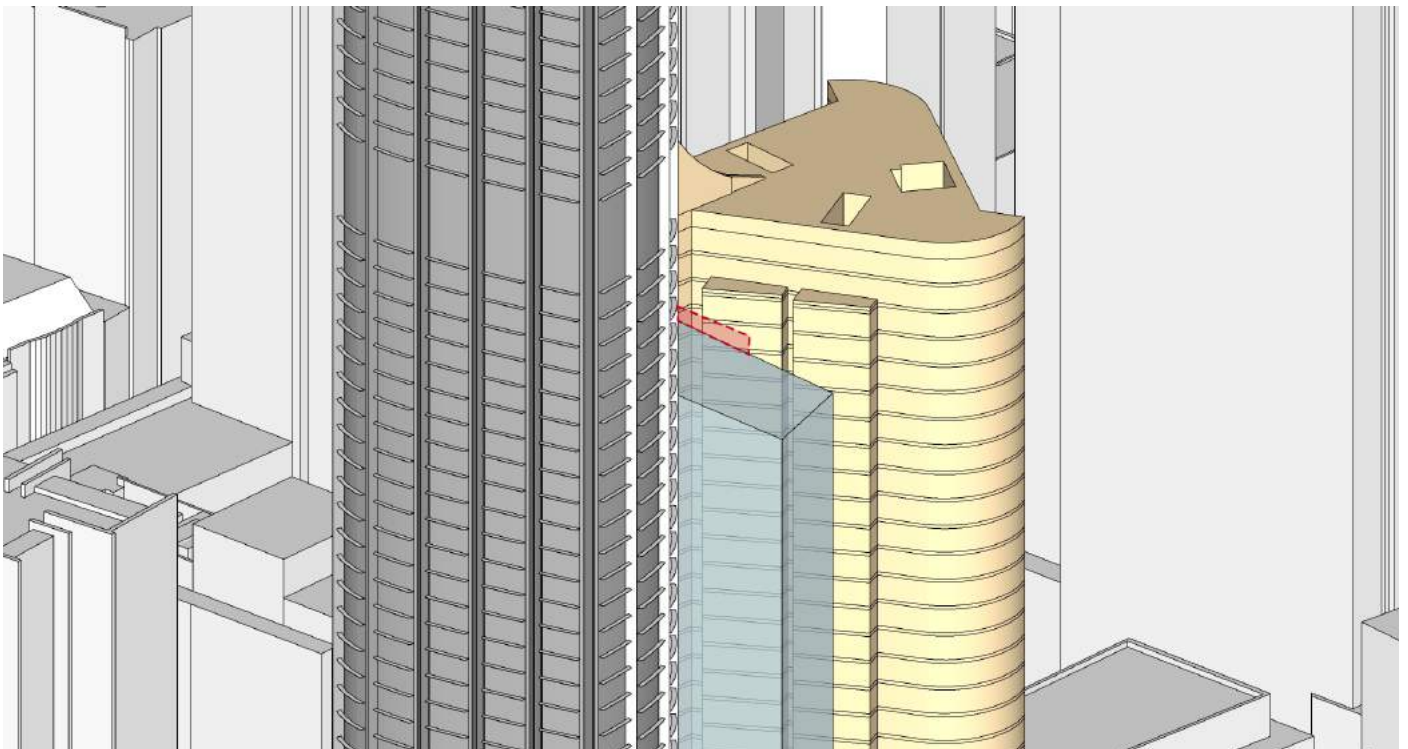
Approved Building Envelope    Zone of Additional Visual Impact    528 Kent St, Existing Meriton Serviced Apartments

**Visual Impact to 528 Kent St Existing Meriton Serviced Apartments at Levels: 53, 54**

**VISUAL ASSESSMENT: 2:00PM, JUNE 21**



**View From Sun, 2:00pm – Proposed Development**



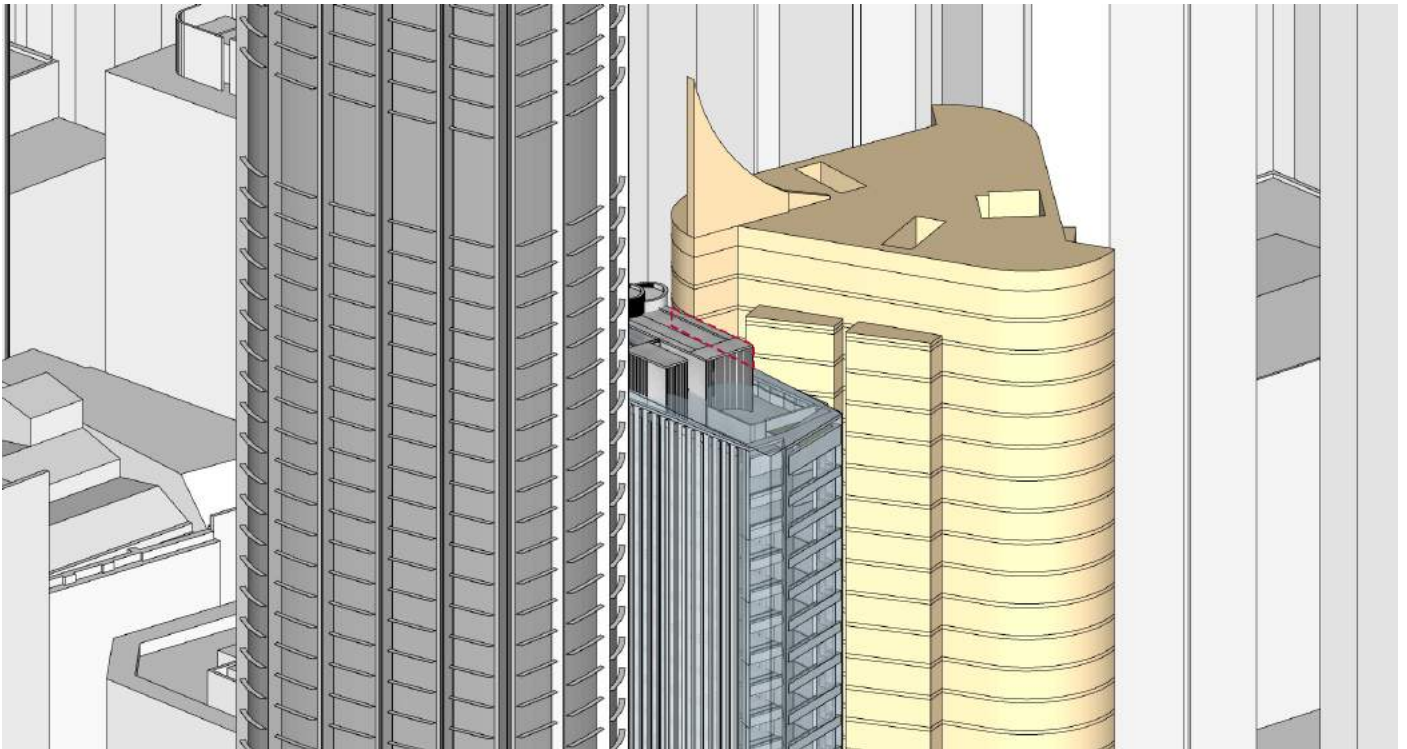
**View From Sun, 2:00pm – Approved Building Envelope, highlighting zone of additional overshadowing.**

■ Approved Building Envelope   ■ Zone of Additional Visual Impact   ■ 528 Kent St, Existing Meriton Serviced Apartments

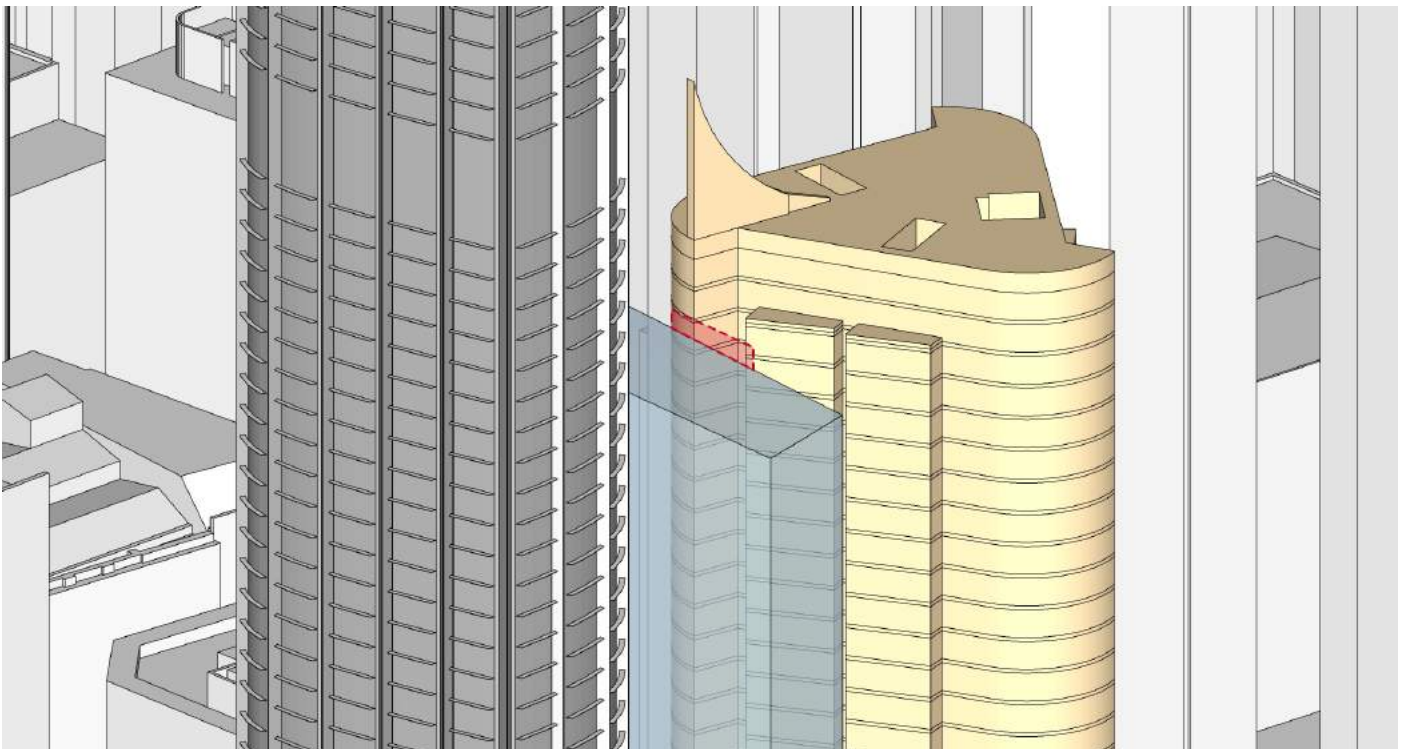
**Visual Impact to 528 Kent St Existing Meriton Serviced Apartments at Levels: 54, 55**



**VISUAL ASSESSMENT: 2:30PM, JUNE 21**



View From Sun, 2:30pm – Proposed Development



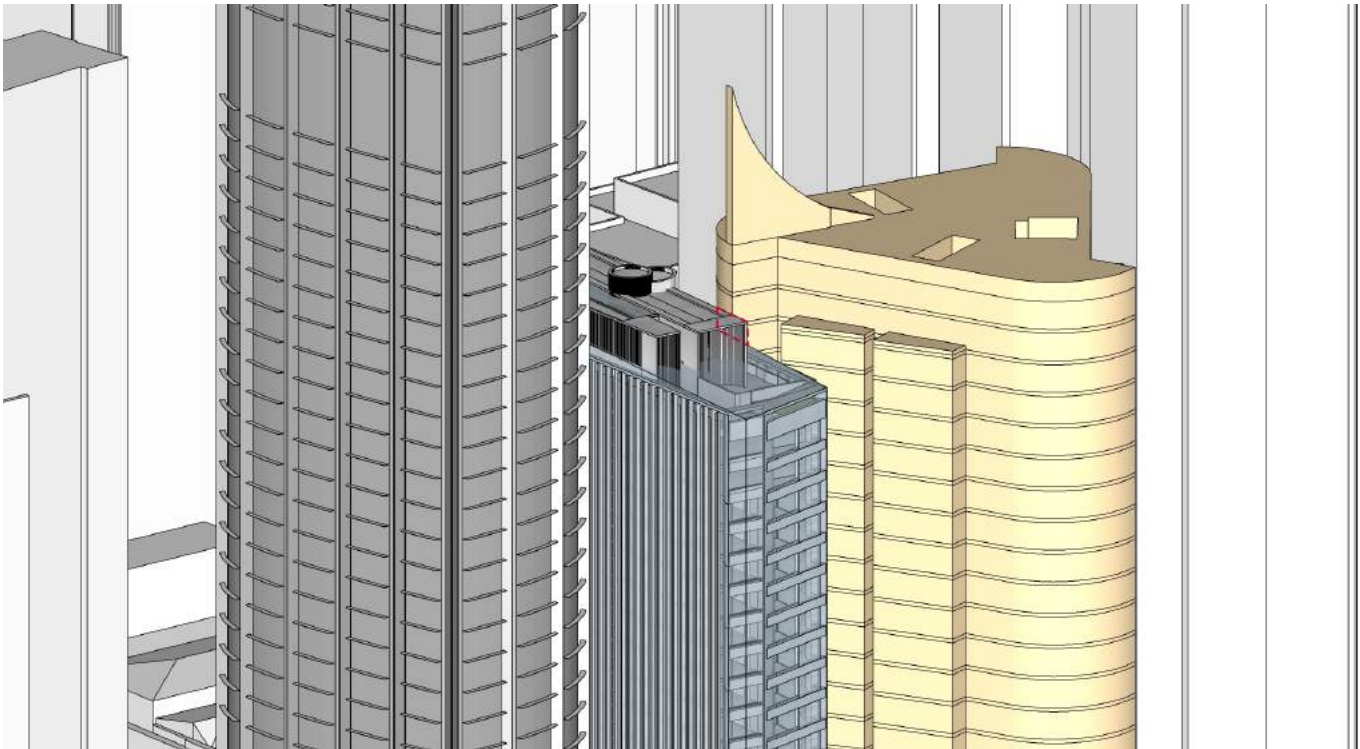
View From Sun, 2:30pm – Approved Building Envelope, highlighting zone of additional overshadowing.

Approved Building Envelope    Zone of Additional Visual Impact    528 Kent St, Existing Meriton Serviced Apartments

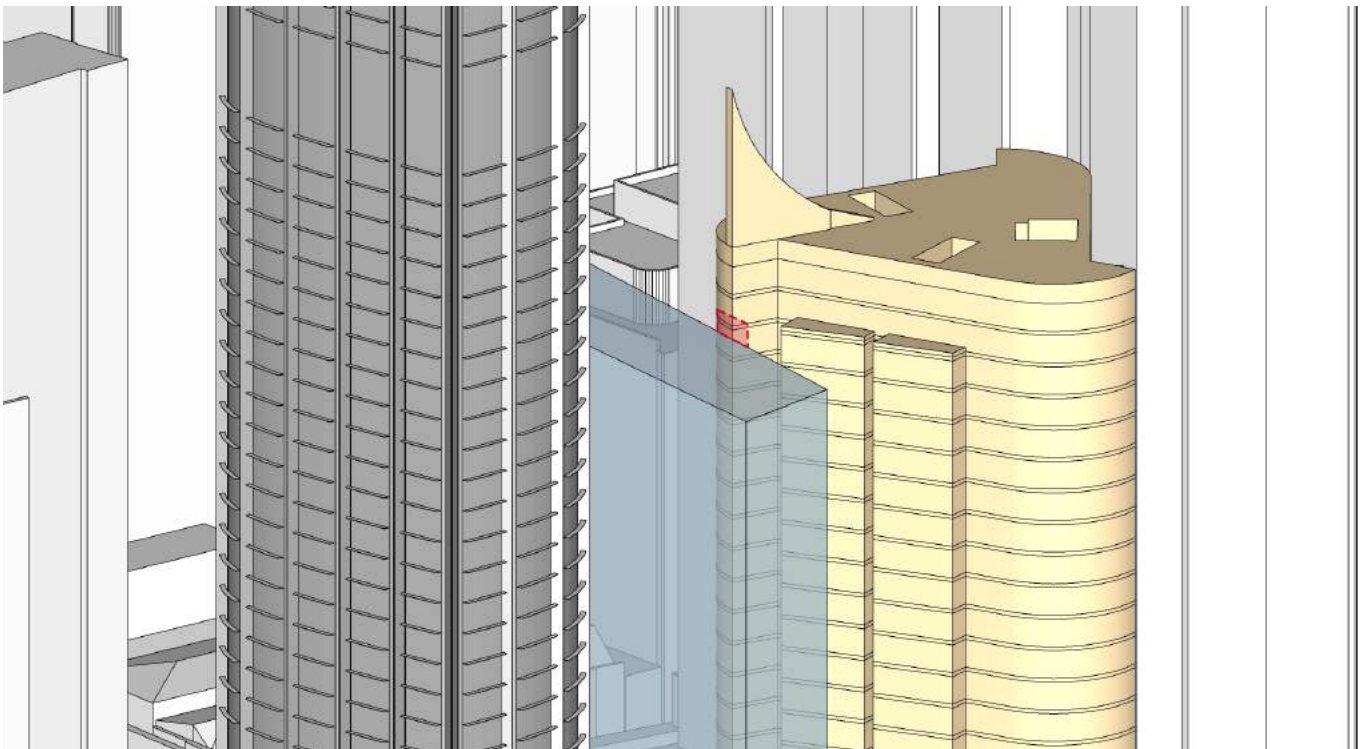
**Visual Impact to 528 Kent St Existing Meriton Serviced Apartments at Levels: 54, 55**



**VISUAL ASSESSMENT: 3:00PM, JUNE 21**



**View From Sun, 3:00pm – Proposed Development**



**View From Sun, 3:00pm – Approved Building Envelope, highlighting zone of additional overshadowing.**

Approved Building Envelope    Zone of Additional Visual Impact    528 Kent St, Existing Meriton Serviced Apartments

**Visual Impact to 528 Kent St Existing Meriton Serviced Apartments at Levels: 55, 56**