Application No: D/2006/1843/E

Site: 21-43 HARRIS STREET, PYRMONT

Proposal: Section 4.55(2) to modify the following:

- reconfigure rooftop plant;
- reconfigure the Level 6 floorplate;
- re-design recesses in the eastern and western building facades;
- increase the floor to ceiling height of the upper ground level childcare;
- relocate of services and extend back of house area; and
- delete part (c) of Condition 3 (Design Modifications) relating to floor to floor heights.

Background: On 7 May 2007, development consent D/2006/1843 was granted for the construction of a 7 storey commercial office building with frontages to Harris, Harvey, Mount and Bowman Streets.

Modification D/2006/1843/A amended a number of conditions addressing car parking, security, a site audit, heritage interpretation, and provision of art work.

Modification D/2006/1843/B amended a number of conditions relating to external and internal design changes, child care facilities, roof terraces, affordable housing contribution, bicycle facilities, acoustic compliance, and the public domain plan.

Modification D/2006/1843/C deleted Condition 99 (Rock Cutting Into Blocks).

Modification D/2006/1843/D amended Condition 8E (Use of Intrusive Appliances)

Cost of Works: $48,512,000

Zoning: Permissible in the B3 Commercial Core zone.
SITE AND SURROUNDING DEVELOPMENT

A site visit was carried out on 10 July 2018.

The site is located at 21-43 Harris Street, Pyrmont. The site is rectangular in shape and has a total site area of 3,046sqm. The site is bound by Bowman Street (north), Harris Street (east), Harvey Street (south) and Mount Street Walk (west). The site is currently under construction. It has an approximate 4m cross fall from south to north. The area is predominantly characterised by medium to high density commercial and residential buildings.

The adjoining development to the north comprises a 7 storey commercial building (Nokia Building). To the west of the Nokia Building, is the Fleetview residential building, and beyond this the Refinery Square precinct of Jacksons Landing. Development to the east includes low scale retail buildings, which are listed as local heritage items within Sydney LEP 2012. These buildings are generally 2-3 storeys in height.

Development to the south consists of the John Street Square development comprising ground floor retail and residential apartments up to 7 storeys. Immediately west of the site comprises an agglomeration of 3 storey residential terraces along Mount Street Walk.

Photos of the site are below:

![An aerial view of the site.](image-url)

**Figure 1:** An aerial view of the site.
Figure 2: The site viewed from Harris Street.

Figure 3: The site viewed from the corner of Bowman Street and Mount Street Walk.
Figure 4: The opposite side of Harris Street.

Figure 5: The commercial building on the opposite side of Bowman Street.

Figure 6: Terraces on the opposite side of Mount Street Walk.
Development Application

Compliance Action

The site has been subject to a compliance action which is not directly relevant to the subject application relating to noise from construction.

PROPOSAL

Section 4.55(2) to amend the approved commercial building as follows:

- Amend Condition 1 - Approved Development to include a revised set of architectural plans detailing the following modifications:
  - reconfigure rooftop plant;
  - reconfigure Level 6 floorplate;
  - re-design recesses within the east and west facades;
  - increase floor to floor height of the childcare centre located on the upper ground level;
  - relocation of services and extend the back of house area; and
- Delete part (c) of Condition 3 (Design Modifications) relating to floor to floor heights for the childcare centre which currently reads as follows:
(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- The Harris Street awning should be reconfigured as follows:
  - Vertical sections at each step should be left open, with weather protection provided by an overlap of the horizontal sections.

- The Harris Street façade materials at ground level should incorporate primarily sandstone rather than the terracotta tiles shown on the Development Application drawings. The sandstone should be either quarried from the site or be a fine to medium grained 'yellow block' quartz Triassic Hawkesbury sandstone, or of similar physical and chemical properties, such as weathering and durability, to the traditionally quarried Pyrmont sandstone.

(c) The floor to floor height of levels 1 to 5 are to be reduced by 50mm each (resulting in floor to floor heights of 3650mm) to ensure that the childcare centre has a minimum floor to floor height of 3700mm.

The amendments are to be submitted for the approval of Council prior to a Construction Certificate being issued.

AMENDMENTS TO THE MODIFICATION APPLICATION

During the assessment process amendments were requested addressing the design of the roof top plant, the layout and design of Level 6 and the planter beds, the internal heights of the child care centre and location of services.

On 17 August, 13 September and 5 November 2018 additional information and amended plans were submitted.

The amendments resulted in the renotification of the development application for 14 days from 5 November to 20 November 2018. One submission was received during the second round notification.

It is noted that in February 2018 a pre-developpoment meeting occurred regarding the modifications proposed. The assessment of the modification application has progressed the design of the commerical building to achieve key qualitative outcomes including the provision of internal amenity to the child care centre. These amendements are addressed in the assessment section.

THRESHOLD TEST
The development as proposed to be modified is considered to be substantially the same as that originally approved for the following reasons:

- The development remains a commercial office building with retail and commercial uses activating the Harris Street frontage. No change of use has been proposed.

- Modification ‘B’ approved in December 2017 considered alterations to the appearance of the building introducing the structural grid design and the internal reconfiguration of the floor plates providing for an upper and lower ground level to better address the topography of the site. The subject Modification ‘E’ only seeks minor amendments to the built form.

- The original development identified a requirement for a child care centre by way of a condition of consent. Modification ‘B’ identified the location and scale of the child care centre on the upper ground level. Modification ‘E’ remains substantially the same as the original development as the child care centre on the upper ground level has been maintained.

**Level 7 Roof Top Plant**

- Modification ‘E’ seeks to alter the original building envelope by reconfiguring the rooftop plant and layout of the Level 6 floor plate resulting in an increase to the building height and building envelope. The modifications include raising the entire building by 200mm to accommodate an addition internal floor to floor height for the child care centre and providing 2400mm clearance within the roof top plant on Level 7 for servicing.

- This equates to an increased maximum building height of 1.45m beyond the original building envelope. The modifications to the building envelope are considered to be minor in nature and the massing of the original development has fundamentally been retained. See figures 8, 9 and 10 which depict the modifications to the Level 7 layout which remains for plant operations.
Figure 8: Original Development Approved Level 7

Figure 9: Modification ‘B’ approved Level 7 in December 2017

Figure 10: Modification ‘E’ proposes an extension to the Level 7 Plant. Note dotted blue line indicates extent of the Level 7 floor plate approved under Modification ‘B’ in December 2017.
Figure 11: Internal reconfiguration of the floors. The increases currently proposed to the building envelope shown shaded in green.

Redesign of Level 6 Floor Plate

- The redesign of the Level 6 floor plate proposes an increased commercial floor area to accommodate a loss of GFA (approx. 80sqm) as a result of the building being upgraded to a A grade, 6 green star and 5 star NABERS building. To facilitate this increase in building efficiencies the structure and service provisions increased resulting in a reduction of GFA to each commercial plate. It is therefore proposed as part of this modification to recover a portion of the lost GFA within Level 6. The reconfiguration of Level 6 also includes the provision of a balustrade to the external facade of the planter and roof top terraces. The material changes to Level 6 from the original approval are shown below in Figures 12, 13 and 14.

- Modification ‘E’ remains substantially the same as the original development in that it retains the outdoor terraces to Mount Street Walk and Harris Street. The glass line of Level 6 is moving towards the southern boundary, however, the setback was designed to provide separation to the adjoining residential uses. The restriction on access to the southern elevation for maintenance purposes only and the retention of the 3m wide planter approved under Modification ‘B’ maintains the intent of the original approval to provide separation and amenity to adjoining land uses.
Figure 12: Original Approval of Level 6

Figure 13: Modified Level 6 floor plate approved under Modification ‘B’. Note the introduction of the 3m wide planter on the southern boundary.
Figure 14: Proposed amendments to Level 6. Note blue dashed line indicates the location of the original building envelope.

Building Facade Design

- Modification ‘B’ approved numerous modifications to the external appearance of the original building. The modifications currently proposed relate to the grid pattern previously supported.

- The proposed amendments to the east and west recessed building facades result in minor alterations to the appearance of the building from the public domain. The structural grid design of the built form supported in Modification ‘B’ are retained in the subject modification. The amendments now being sought relate to the proportions of the recesses to align with the grid indented design and do not seek to remove or relocate the recesses to the building facades.

- Design changes to the entry points at the street level have the same intent as the original development of providing separate entry points to the commercial building activating the streetscape resulting in substantially the same development.

Relocation of services and internal modifications

- The amendments proposed relate to the internal reconfiguration of the building addressing the increased structural requirements for the building to provide unencumbered commercial floor plates. The amendments currently proposed result in qualitative improvements to the functioning of the commercial building.
MERITS ASSESSMENT

Amendment: Modification of Condition 1- Approved Plans

Applicant’s Submission: The applicant submits that:

The modified development facilitates a workplace with the creative feel of a contemporary warehouse and represents a significant Ecologically Sustainable Design (ESD) improvement to the originally approved development. The incorporation of ESD principals has also been ongoing throughout the detailed design phase.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- the proposed development retains the same use as the approved development and in this respect, there is no material change in the essence of the development;
- it largely retains the same built form envelope;
- the building plant modifications have arisen due to detailed design requirements pursuing a PCA Grade A building and a 5-star Green Star (as built) rating;
- the fundamental elements and public benefits delivered by the development in the form of street front activation, visual interest and internal amenity will continue to be provided; and
- the environmental impacts of the modified development are substantially the same as the approved development.

Assessment: The amendments have merit and are supported as follows:

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Assessment</th>
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<tbody>
<tr>
<td>Increased building height resulting from reconfiguration of roof top plant and floor to floor height for the child care centre.</td>
<td>The proposed modification to the roof top plant results in a minor extension of the building envelope towards the southern boundary. The internal height of the roof top plant also increased to 2400mm to provide access and egress from the service areas. Figures 8, 9 and 10 identify the modifications to the plant layout. The increased height of the plant room coupled with the increase in the overall building height by 200mm to accommodate the floor to floor heights of 3700mm required for the child care centre will result in the building exceeding the Sydney LEP 2012 maximum 33m height of buildings standard. The exceedance only occurs in the north eastern corner of the site at the intersection of Bowman and Harris Streets. Refer to Figures 11 and 12 which identify the localised portions of the building that exceed the maximum height limit.</td>
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</table>
Consideration of *Clause 4.3 Height of Buildings* has been addressed below.

Figures 13, 14 and 15 identify the additional overshadowing generated by the proposed modifications. The windows, roof forms, building facades and private open spaces of adjoining developments specifically along Harvey Street and Mount Street Walk impacted by the development have already been considered reasonable as part of the original approval. The proposed modifications do not cause shadows to any additional windows or private open spaces that are not already impacted. The modified building envelope is therefore considered to be acceptable.

<table>
<thead>
<tr>
<th><strong>Reconfigure Level 6 floorplate</strong></th>
<th><strong>Supported</strong></th>
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<tbody>
<tr>
<td>The material changes to Level 6 are shown in Figures 12, 13 and 14. The amendments include:</td>
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<tr>
<td>• the depth of the building envelope being modified on Level 6 resulting in a reduced setback to the southern boundary from 10m at the commercial glass line to 8.8m resulting in a reduced setback of 1.2m; and</td>
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<tr>
<td>• The roof terraces have been extended along the entire frontage to Mount Street Walk and Harris Street, however, the external access along the southern boundary has been restricted to a 600mm maintenance access way to service the 3000mm wide planter.</td>
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<td>The original development identified a 10m setback to the southern boundary however Modification ‘B’ approved amendments to this 10m setback to include a 2m wide terrace shielded by a 3m wide planter. This modification to the southern setback was supported as the building envelope remained unchanged and the increase to the roof top terraces was offset by the planter bed which restricted sightlines from the commercial terrace to adjoining residential uses.</td>
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<tr>
<td>The amendment to the building envelope results in minor additional overshadowing to the public domain and immediately adjoining buildings. As stated above the additional shadows are considered to be negligible. The application was subject to a number of amendments to retain the 3m wide planter along the southern boundary and restrict access to the southern terrace for maintenance purposes only. These amendments restrict sightlines from the roof top terraces to the residential land uses to the south and providing a landscaped buffer within the building separation preserving the visual amenity and privacy of adjoining residential land uses.</td>
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<tr>
<td><strong>Re-align the recesses in east and west facades</strong></td>
<td><strong>Supported</strong></td>
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<td>-------------------------------------------------</td>
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<td>Modification ‘B’ considered <em>Clause 6.21 design excellence</em> provisions of Sydney LEP 2012 with respect to the structural grid design and the materials and finishes proposed including the precast concrete, extensive glazing and terracotta cladding as opposed to the sandstone finishes originally nominated. Design conditions were imposed regarding glazing and facade materials. The subject modification application does not seek to modify those design conditions.</td>
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<tr>
<td>The amendments to the recesses are minor in nature as they do not change the materials and finishes previously supported and do not detract from the public domain. As a result the design excellence has been maintained.</td>
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<table>
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<tr>
<th><strong>External building facade changes</strong></th>
<th><strong>Supported</strong></th>
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</thead>
<tbody>
<tr>
<td>Modifications proposed will:</td>
<td></td>
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<tr>
<td>- relocate the fire hydrant on the Harris Street frontage and redesigning the landscaped planter bed;</td>
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<td>- provide a pedestrian access to the café from Bowman Street;</td>
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<tr>
<td>- relocate the car park exhaust grill from Mount Street Walk to Harvey Street aligning with the driveway entry to the John Street Square development opposite;</td>
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<tr>
<td>- modify the building entry from Bowman Street and to the gym on Harris Street to include precast concrete framing to complement the grid design within the upper floors;</td>
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<tr>
<td>- elevate the planter bed located above the car park entry on Bowman Street to facilitate loading and unloading; and</td>
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<tr>
<td>- modify to the window and doorway entries to the SoHo commercial offices fronting Harvey Street to align the grid pattern on the building façade.</td>
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<tr>
<td>As detailed above the external changes respond to the structural grid design and improvements to the access points at street level to support the activation of the building for retail and commercial purposes.</td>
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<tr>
<td>The proposal also seeks to relocate the car park exhaust vent which currently vents to Mount Street Walk. The vent has been relocated to Harvey Street immediately adjoining the car park entry to the John Street Square development. This relocation of services as opposed to the residential frontages of Mount Street Walk properties improves the amenity outcomes for surrounding land uses.</td>
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<tr>
<td>Relocation of services and extend back of house area</td>
<td>Supported</td>
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<td>---------------------------------------------------</td>
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<tr>
<td>The amendments include:</td>
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<tr>
<td>• extending the atrium to the east to align the voids within the upper commercial floor plates;</td>
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<tr>
<td>• reconfiguring the stair access within the gym to service the lower ground floor;</td>
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<tr>
<td>• relocating the café back of house on the lower ground floor; and</td>
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<tr>
<td>• providing a void over the lower ground floor gym entry.</td>
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The relocation of services at the ground floor level fronting Harris Street do not unreasonably impact upon the streetscape or the presentation of built form to the public domain. The modifications relate to the internal reconfiguration specifically to the atrium and the loss of GFA on the commercial floors. The increased structural requirements for the building to provide unencumbered commercial floor plates delivering a commercial A grade, 6 green star, 5 star NABERS building has also contributed to the service redesign.

As part of the assessment process the mezzanine within the gym was proposed to be replaced with additional GFA as a result of storage areas being identified on the lower ground floor. These storage areas have since been removed and the mezzanine reinstated.

**Amendment:** Delete part (c) of Condition 3 (Design Modifications) relating to floor to floor heights

**Applicant’s Submission:** The applicant submits that:

- *A decrease in floor to floor heights of each commercial level by 50mm (as required by Condition 3) is unachievable due to the service zone requirements for each level due to the size, atrium layout and cross over requirements of the mechanical ducts on large unencumbered floorplates.*

**Assessment:** The deletion of part (c) of Condition 3 has merit and is supported as the design modification required to achieve amenity to the child care centre has been achieved through the raising of the overall building height by 200mm thereby not requiring a reduction in the floor to floor heights of the commercial levels as envisaged in the condition. Given this matter is addressed in the revised design and supported in Condition 1 with amended plans the deletion of Condition 3(c) is justified.

**SYDNEY LEP 2012**
The provisions of the LEP have been taken into consideration in the assessment of the proposal.

The site is located within the B3 Commercial Core zone. The proposed uses are defined as commercial premises, child care centre, recreation facility (indoor) and food and drink premises, which are permissible.

**FSR**

The original proposal was approved prior to the gazettal of *Sydney LEP 2012*. Under the current controls, the approved FSR is 5.6:1. Modification ‘B’ supported an increase to the FSR to 6.3:1. The *Sydney LEP 2012* permits a maximum FSR of 6:1, and also grants an additional 0.3:1 for provision of end of journey floor space. The inclusion of 908sqm dedicated to end of journey floor space in Basement Level 1, which resulted in a compliant FSR (inclusive of the bonus FSR).

The current Modification ‘E’ including the internal reconfiguration of the floor plates has led to a reduction in commercial floor space and an increase to Level 6 resulting in a total GFA of 18,940sqm equating to an FSR of 6.21:1 which is an overall reduction on the previously approved 19,190sqm.

**BUILDING HEIGHT**

A maximum height limit of 33m applies to the site. The current modification proposes a localised encroachment on the 33m height limit by 200mm.

The child care centre is located on the upper ground floor providing 559sqm of indoor space and 740sqm within an outdoor terrace. A design condition applies requiring a specific minimum floor to floor height of 3700mm for the child care centre to increase physical daylight into the centre. The design condition envisages a reduction in the floor to floor height of the commercial floors within the building in order for the building design to remain within the maximum height 33m height limit presenting a maximum RL45.6.

Modification ‘E’ proposes to increase the floor to floor height of the child care centre resulting in a maximum height of RL47.05 at the location of the lift overrun which has also been extended to service Level 7. This presents an increase of 1.45m to the original building envelope.

A maximum RL46.68 is maintained for the majority of Level 7 which presents a variation of 1.08m above the original building envelope. See figure 15 which identifies the additional height proposed.

Modification ‘E’ initially designed the increased height for the roof top plant within the original RL45.6 which complied with the 33m height standard but required the internal height of the child care centre to be constrained and unable to achieve the design condition and internal amenity. To ensure adequate amenity to the child care centre a 200mm breach of the maximum building height standard is proposed in the north eastern corner of the site at the intersection of Harris Street and Bowman Street.

Whilst an exceedance of a development standard would normally require consideration of a variation request under Clause 4.6 this provision of the *Sydney LEP 2012* permits an increase of up to 200mm.
LEP 2012 does not apply to modification applications. A merit assessment of the modification has been undertaken with consideration given to the objectives of the B3 Commercial Core zone and Clause 4.3 Height of Buildings standard.

Zone B3 Commercial Core – objectives

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To promote uses with active street frontages.

The development maintains the range of active business and commercial uses envisaged to service the community needs providing services and employment. The proximity of the site to the John Street light rail station immediately opposite provides an appropriate location for the commercial development.

4.3 Height of buildings

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

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

(c) to promote the sharing of views,

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

(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.

Overall the height of the development is in context with the John Street Square development to the south and the Nokia Building to the north. The building form steps down the site as it presents to Harris Street activating the streetscape with business uses in a similar vain to other sites fronting Harris Street.

The 200mm height breach is localised to the north-eastern corner at the intersection of Harris Street and Bowman Street (see figure 15) which does not adjoin the sensitive receivers identified in the residential development along Harvey Street Mount Street Walk to the south and west respectively. The localised height exceedance would not be visually discernible from the public domain given the minor nature of the non-compliance. The built form context presented to Mount Street Walk remains consistent with that envisaged by the building height and floor space applied through the Sydney LEP 2012.
The increase to the overall height of the building has been considered in the context of additional overshadowing presented to surrounding developments. The additional overshadowing is not created by the portion of the building which breaches the maximum height limit but rather by portions of the building increasing in height within the 33m height plane. The shadow analysis identifies that no additional windows or habitable spaces are impacted by shadows and that those areas already impacted receive negligible increases in shadowing that would not be discernible from the original development.

The localised nature of the additional height will do detract from heritage items on the opposite side of Harris Street nor impact on view sharing beyond the original development.

Objectives (d) and (e) do not apply.

Given consideration of the objectives the variation to the Clause 4.3 Height of Buildings standard is supported.

Figure 15: Aerial view of the north eastern corner of the site. The 33m height control is indicated in red and the breech of the roof top plant is shown in blue.
Figure 16: The section of the roof top plant which exceeds the 33m height limit. The 33m height limit is shown as a green dashed line.

Figure 17: Overshadowing at 9am generated by the amendments proposed to the building height and envelope in blue. The yellow shadows are produced by the original development.

Figure 18: Overshadowing at midday generated by the amendments proposed to the building height and envelope in blue. The yellow shadows are produced by the original development.
Figure 19: Overshadowing at 3pm generated by the amendments proposed to the building height and envlope in blue. The yellow shadows are produced by the original development.

Car Parking

The proposal retains the approved number of car parking spaces at 190 spaces. 13 spaces that were previously allocated to commercial uses have been allocated for use by the childcare centre as passenger pick up and set down spaces in accordance with Clause 7.8.3 of Schedule 7 of Sydney DCP 2012.

Heritage

The site is not a heritage item, nor is it located in a heritage conservation area. The site is in proximity to locally listed heritage items. The proposal is not considered to have an adverse impact on any heritage significant fabric within the locality.

SECTION 4.15 ASSESSMENT

Besides the other matters discussed in this report, the previous assessment against the provisions of Section 4.15 of the EP & A Act are still relevant.

CONSULTATION

The modification application has been reviewed internally by the City's Urban Designer and Landscape Architect. Amendments have been made throughout the assessment process to improve the design as discussed within the assessment section.

Sydney Trains within Transport NSW reviewed the modification application and on 12 November 2018 raised no issues with the proposal as the rail authority for the Inner West Light Rail.

NOTIFICATION, ADVERTISING AND DELEGATION (Submissions received)

As a Section 4.55(2) modification, the application was notified for a period of 14 days in accordance with Schedule 1 under the Sydney DCP 2012. As a result of this notification there were 3 submissions received in the first round of notification.
The application was renotified in November 2018 for 14 days due to changes in building height. 1 submission was received during the second round notification.

The issues raised during public exhibition are as follows:

(a) Noise at entry/exit point to underground carpark ie confirmation that there will not be any “sound” alarm at the carpark entrance for vehicles departing the building.

Response: The location and design of the underground carpark has previously been approved. The subject application does not include any amendments to the carpark location.

(b) Window shading/outside screens are necessary, to ensure privacy for the residents in Mount Street Walk and Harvey Street, as these streets are a residential enclave.

Response: The design of the glazing does not form part of this modification application and has previously been addressed. The glazing has already been approved to a standard that does not require external shading devices.

(c) That the child care outdoor patio not wrap around to Mount St Walk, so as not to increase the ambient noise levels to residences across the street.

Response: The location and scale of the child care centre has already been approved under a previous modification application. Only the internal floor to floor height of the centre has been amended in this application.

(d) The issue of lights left on all night in the building needs to be addressed by Council. Please comment on how this will be managed. Residents will be adversely affected if the lights are left on all night, particularly given the size of the windows.

Response: The use of internal lighting does not form part of this application however Condition 64 addresses the energy efficiency of the building and the requirement for internal lighting to be managed to reduce energy consumption.

(e) The size and scale of Harvey Street and Mount Street Walk is out of proportion to Bowman and Harris Street. The drawings appear less intrusive on the residential areas

Response: The drawings have been considered in context with the existing street network and the development controls applied to the site under the Sydney LEP 2012 and Sydney DCP 2012.

(f) Relocation of storage area on lower ground floor with waste removal adjoining Mount Street Walk. What noise mitigation has been proposed to residents on Mount Street Walk?

Response: The waste storage area still remains internal to the building requiring a commercial waste contractor to enter the loading area to collect waste. This arrangement has not been modified. The location where the waste in stored within the lower ground floor will not impact on the amenity of adjoining properties.

(g) the gym area now includes storage. What is planned on being in this storage area?
Response: The storage area has been removed from the amended plans and returned to useable GFA within the gym as approved under Modification 'B'.

(h) the approved Level 6 plan identified access to a roof terrace. The amended plans appear to have removed the access and reduced the distance between the office windows and the residential units that back onto Harvey Street. The mass of Level 7 appears to intrude more into the units on Harvey Street. If no access is permitted to the terrace that would be preferred.

Response: No external access has been permitted along the southern extent of Level 6 apart from maintenance for the 3m wide planter.

(i) Is the outdoor child care terrace internal or is it external and extends around to Mount Street Walk.

Response: The terrace for the child care centre is outdoor with the commercial floors above providing cover. The location and design of the indoor and outdoor spaces was addressed under a previous modification.

(j) Carpark exhaust should vent out to Bowman Street rather than to residential properties. Clarification of where the carpark exhaust has been moved?

Response: The car park exhaust was identified in Modification ‘B’ as venting to Mount Street Walk. The subject application relocates the vent to Harvey Street adjoining the service entry opposite. Given the approved location of the car park exhaust system its relocation to Bowman Street is not possible.

(k) Design Report Part 3 references the street name is wrong. It should be Mount Street Walk not Mount Street.

Response: The design report has been used for assessment purposes and the incorrect notation noted.

(l) the additional building height creates overshadowing to adjoining properties on Harvey Street impacting on amenity.

Response: The increase in overshadowing has been addressed in the assessment section of this report and deemed to be acceptable.

CONCLUSION AND RECOMMENDATION

Having regard to all of the above matters, it is considered that the modification generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012, is acceptable and is recommended for approval subject to conditions as shown in the attached Decision Notice.

The application is Approved under delegated authority of Council.

The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.
Report Prepared by: Rene Hayes
Senior Planner

Application reviewed by: Sue McMahon
Area Planning Manager

Application determined by:

BILL MACKAY
Manager Planning Assessments