

5.6 Variation to Clause 4.6 - Exceptions to Development Standards

5.6.1: Height of Building Variation

This request has been prepared to provide written justification for the proposed variation to Councils Height of Building (HOB) development standard stipulated by Clause 4.3 and 7.11. The maximum height of building proposed is 23.55 metres, which represents an 1.95 metre variation to the 21.6m control stipulated by Clause 7.11 of the PLEP2010 (a minor 9% variation).

The proposal has varied built form across the three frontages ranging from 6-7 storeys however presenting to the street as five storeys in several locations due to the stepped back nature of the upper level. The proposal is predominantly consistent with the height control stipulated by Clause 7.11 (21.6 metres), achievable through the provision of 3.5 metre floor to ceiling heights on ground level and Level 1.

A variation to the strict application of the Height of Building control (Penrith Health and Education Precinct) is considered appropriate for the subject site as:

- The objectives of the PLEP2010 Height of Building and Penrith Health and Education Precinct controls are achieved notwithstanding the technical non-compliance.
- The objectives of the PLEP2010 B4 Mixed Use zone are achieved notwithstanding the technical non-compliance.
- There are sufficient environmental planning grounds to support the proposed variation.
- The public benefit of maintaining the development standard is not eroded by the proposal given the minor variation and the benefits associated through retail corner activation, medical mixed commercial space, an adaptable first level, a varied and suitable mixed use building and a new skilfully designed building with three frontages as envisaged for the Penrith Health and Education Precinct.

The variation against the 21.6 metre height control appears at the sites primary frontage to Somerset Street through a landmark seven storey built form on the corner of Somerset and Derby Street which extends up Somerset Street (see below section). Note the built form on the corner of Somerset and Hargrave Street is compliant with the 21.6m height control.

A photomontage of the proposed built form alignment from the corner of Somerset and Derby Street can also be seen below. When viewed in conjunction with the east-west section this clearly demonstrates that the height is consistent with the surrounding locality (aligning with the top of the 8 storey council car park). The existing carpark presents as a visual eye sore to the surrounding context. Its presence is considerably softened through the high quality articulated architectural building proposed.

East-west section:



North-South Section



Montage: Corner of Derby and Somerset Street



1: Clause 4.6 Considerations

As this proposal involves a departure from the Height of Building (Penrith Health and Education Precinct) control of the PLEP2010, a formal variation to this standard is required under *Clause 4.6- Exceptions to Development Standards*. This provision allows consent to be granted for a development even though it would contravene a development standard imposed by this or any other planning instrument.

The provisions of Clause 4.6 which the consent authority must have regard to in determining whether a development that contravenes a development standard should be supported are summarised as follows:

- *That compliance with the development standard is unreasonable and unnecessary in the circumstances of the case; Cl 4.6 (3)(a)*
- *That there is sufficient environmental planning grounds to justify contravening the development standard; Cl 4.6 (3) (b)*
- *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: Cl 4.6 (4)(a)(ii)*
- *The public benefit of maintaining the development standard, and Cl 4.6 (5)(b)*

- Any other matters required to be taken into considered by the Director-General before granting concurrence Cl 4.6 (5)(c)

An assessment of the proposed height of building variation is provided below.

2. The Proposed Variation

This Clause 4.6 variation seeks to vary the height of building standard stipulated by *Clause 4.3- Height of Buildings* and *Clause 7.11- Penrith Health and Education Precinct* of the PLEP2010.

Clause 4.3 (2) states:

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

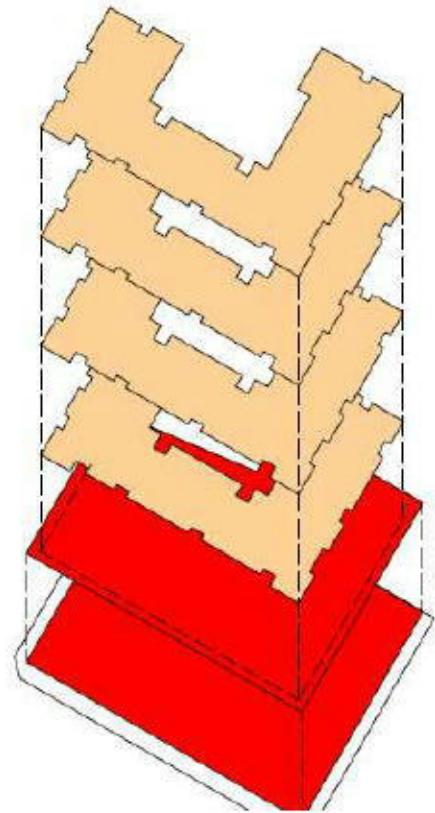
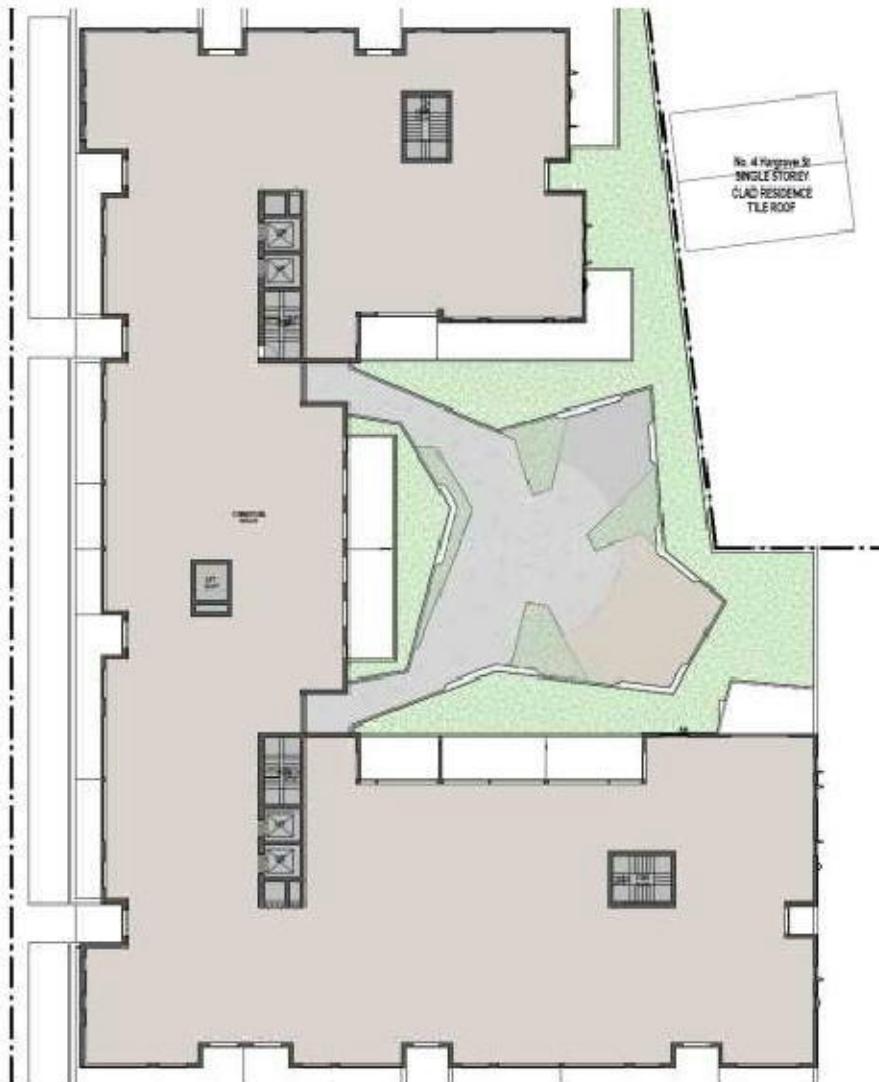
Despite this, Clause 7.11 (2 and 3) state:

(2) This clause applies to land identified as “Penrith Health and Education Precinct” on the Clause Application Map.

(3) Despite clause 4.3, development consent may be granted to development on land that exceeds the maximum height shown for that land on the Height of Buildings Map by up to 20% if the floor to ceiling height of both the ground and first floors are equal to or greater than 3.5 metres.

The PLEP2010 Height of Building May sets a maximum height of 18 metres. Clause 7.11 allows a 20% variation to this (21.6 metres) subject to higher than usual floor to ceiling heights (3.5 metres), which have been provided in the proposed design. The adaptability of converting Level 1 from residential to commercial is detailed in the Architectural Plans and shown in the excerpt on the following page. Even with this change, an FSR of 3.21:1 is achieved demonstrating that FSR control applying to the site cannot be achieved without varying the height of building control. An additional 1173.3sqm would be required on the site to achieve the 3.5:1 FSR. Council's controls for bulk and scale therefore do not align as they apply to this site. The reduced FSR proposed by this application is a testimony to appropriately contextual design and represents a far superior option than a bulkier form which maximises GFA on the site.

Level 1 Commercial Adaptability:



FSR 3.21
(2 commercial + 4 residential storeys)

Ground level	2868.1sqm
Level 1	2868.1sqm
Level 2-5	1819 x 4 = 7276sqm
Total	13012.2sqm

For the purposes of calculating height of building, the PLEP2010 provides the following definitions.

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

It is proposed to provide a maximum height of building on the site of 23.55 metres. As detailed in the Architectural plans, this is specifically sectioned to the eastern edge portion of the building fronting Somerset Street, the sites primary frontage. The proposed built form has been modulated and varied ranging from 6-7 storeys across the site for the purpose of providing internal amenity to the courtyard and improving solar orientation for the site. From the exterior given the modulation and upper level setbacks, the proposed presents as a five storey building to the street from several

locations. Given the proposal is considerably under Council's FSR control and the majority of the building is consistent with councils height control, the redistribution of floor space to the sites eastern edge is considered appropriate given the minor 9% variation. This also mirrors up with the adjacent hospital carpark providing a conforming scale.

As detailed in the Architectural plans, the proposed built form has been skilfully designed and articulated to address all three frontages whilst maintaining the amenity of the internal courtyard and individual apartments.

3. Objectives of the Zone and the Standard

Clause 4.6 (4)(a)(ii) states that a request for exemption from a development standard must establish that the proposed variation is consistent with both the objectives of the zone and standard.

Objectives of the B4 Mixed Use Zone:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To create opportunities to improve public amenity.*
- *To provide a wide range of retail, business, office, residential, community and other suitable land uses.*

The proposed provides a mixture of varied and integrated land uses which complement each other and the sites strategic location adjoining the Nepean Hospital. The provision of a corner orientated retail shop (Derby and Somerset) adjoining large medical/commercial floorplates with residential apartments above represents an appropriate mix for the site, which benefits from excellent access to public transport and services within Penrith.

The proposed development will considerably improve the amenity of the site and act as an anchor high class development with three frontages. The pinnacle form on the corner of Derby and Somerset represents an appropriate urban design outcome which reduces the visual obtrusiveness of the adjoining Hospital car park, improving the presentation of this corner to the surrounding context and roads. The hospital carpark currently presents as a visual eye sore to the surrounding locality. In addition to the above, the proposal will improve the public domain adjoining the site through quality paving and landscaping, a vast improvement from the existing arrangement and a design approach which provides considerable public benefit.

Objectives of the Height of Building Standard (Clause 4.3)

While the proposal seeks a variation to the numerical height of building development standard, it is considered to be consistent with the relevant objectives of the control as detailed below:

- (1) *The objectives of this clause are as follows:*
 - a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
 - b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,*
 - c) *to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,*
 - d) *to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.*

Given the existing precedent set by the 8 storey hospital carpark, the proposed built form which is modulated and varied presents of a compatible scale to the surrounding locality, particularly given its pinnacle corner location. The surrounding area is earmarked for substantial medical mixed use and residential uplift as identified by the existing PLEP2010 controls. The majority of the proposal is consistent with the height of building control for the site.

East/West Section 2:



The proposed heights (which vary across the site in respect of adjoining interfaces) have been strategically formulated to reduce associated impacts. This includes stepped down forms, edge landscaping and building orientation to reduce privacy/solar impacts on surrounding properties. It is important to note that the surrounding area to the north, south and east is underdeveloped in its current state and will most likely be redeveloped for 5 + storey mixed use residential purposes in the future. This is also further likely given none of these buildings are strata titled. As detailed in the Architectural plans and design statement submitted with this application, the proposal will improve the urban form of site, provided a transitioning built form which reduces the visual obtrusiveness of the adjacent car park and provides a high quality architecturally designed building. In terms of bulk of scale, an FSR of 3.13:1 is proposed (considerable less than the permissible 3.5:1) on the site. This represents a built form

focused on positive urban outcomes as opposed to yield given another 1505.5 sqm of GFA is permissible on the site to achieve Council's 3.5:1 FSR standard.

The minor variation to the height control (9%) will not impact upon the fundamental detail of the building's design which proposes a high quality development in a key growth area of Penrith. The proposal meets the objectives of Clause 4.3 of the PLEP2010 and has negligible impacts above that permissible within the height control. Given the majority of built form maintains compliance with Councils height controls, the development does not relay excessive bulk and scale. A less modulated form (6 storeys across the entire site), consistent with the both the height and FSR control could be achieved on the site, however with worse urban design outcome to that proposed by this application. Such an approach does not represent a positive urban design outcome for the site.

Objectives of the Penrith Health and Education Precinct (Clause 7.11)

- (1) *The objectives of this clause are as follows:*
 - a) *To encourage a built form that is suitable for both residential and health services facilities,*
 - b) *To encourage adaptive reuse of residential buildings for health services facilities in the Penrith Health and Education Precinct where the residential use within the building ceases in the future.*

An appropriate built form capable of accommodating high demand health services and residential development is proposed on the site through suitable floor to ceiling heights for respective uses. Large floor to ceiling heights are proposed at ground and level 1 to adequately cater for medical uses likely to occupy these large floorplates. 3.05 metre floor to ceilings are proposed for all residential levels, consistent with the NSW Government Apartment Design Guidelines (SEPP 65).

The floor to ceiling height and floor plate design of level 1 allow for potential adaptive re-use from residential to health services based on market demand. This allows flexibility for the future as previously addressed in section 2 of this 4.6 variation. The proposal meets the objectives of Clause 7.11 through the provision of adaptive floor heights and compatible land uses consistent with those envisaged for the area.

4. Consistency with the Aims of Clause 4.6

Given the proposal involves a departure from the height of building control of the PLEP2010, a formal variation to the standard is sought under Clause 4.6- Exceptions to Development Standards. Consent, may, subject to Cause 4.6, be granted for development even though development would contravene a development standard imposed by this or any other environmental planning instrument.

The following considerations are addressed below in respect of this request to vary the strict application of Clause 4.3 of the PLEP2010.

"That compliance with the development standard is unreasonable and unnecessary in the circumstances of the case;

That there is sufficient environmental planning grounds to justify contravening the development standard;

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;

The public benefit of maintaining the development standard; and

Any other matters required to be taken into consideration by the Director-General before granting concurrence."

It is submitted that strict compliance with the height of building control is not necessary in the circumstances for the following reasons.

The development standard is unreasonable and unnecessary in the circumstances of the case;

The proposal presents generally as a building compatible with the 21.6 metre height control given the varied built form which ranges from 6 to 7 storeys yet presents predominantly as five to six storeys to the street. The building only exceeds the 21.6 metre height control by 1.95m along approximately 70% of the sites fronting to Somerset Street, the pinnacle frontage. The corner of Somerset and Derby Street all represents the first view point for vehicles travelling east from the Penrith CBD towards the site along Somerset Street and a key intersection for two main connector streets (Somerset and Derby). Maintaining a pinnacle form on this corner is therefore considered appropriate.

Regardless of the minor technical non-compliance, the proposal aligns with the LEP objectives and desired future character for the area. The minor height variation is countered by the varied built forms along Somerset Street and Derby which provide a better urban design outcome for the site as a whole. The height variation can be validated as a redistribution of floorspace from other areas of the site where a form below the height control is proposed. The departure from the standard has negligible impacts, particularly when viewed contextually adjacent the 8 storey hospital car park. If anything, the increased form on this corner and along Somerset Street will reduce the visual obtrusiveness of the existing carpark which is currently out of place presenting an unideal bulky form. It is also important to note that Council's FSR and Height controls do not align for the site.

The proposal represents a built form with 12,680 sqm of GFA, FSR of 3.13.1. A further 1505.5 sqm of GFA is permissible on the site within the 3.5:1 FSR control. The built form submitted with this application represents a design focused on positive urban outcomes as opposed to yield. A less modulated form, consistent with the both the height and FSR control could be achieved on the site, however with worse urban design outcome to that proposed by this application.

That there is sufficient environmental planning grounds to justify contravening the development standard;

The proposed variation has urban design/planning merit through locating increased densities on corner locations and key site frontages to highlight key forms with reduced forms on other site edges including stepped down elements along the facades, particularly sensitive edges which adjoin existing low density residential land.

Additionally, the proposal does not hinder the orderly economic potential of surrounding properties. The benefits of providing 115 residential apartments, localised retail uses and large commercial floorplates appropriate for medical services far outweigh the negligible impact associated with the minor variations to height on the site primary frontage, which presents an appropriate urban design outcome.

The provision of such medical facilities and residential uses aligns with the direction for development surrounding the recently refurbished Nepean Hospital and will provide employment, housing and service opportunities immediately adjoining the hospital.

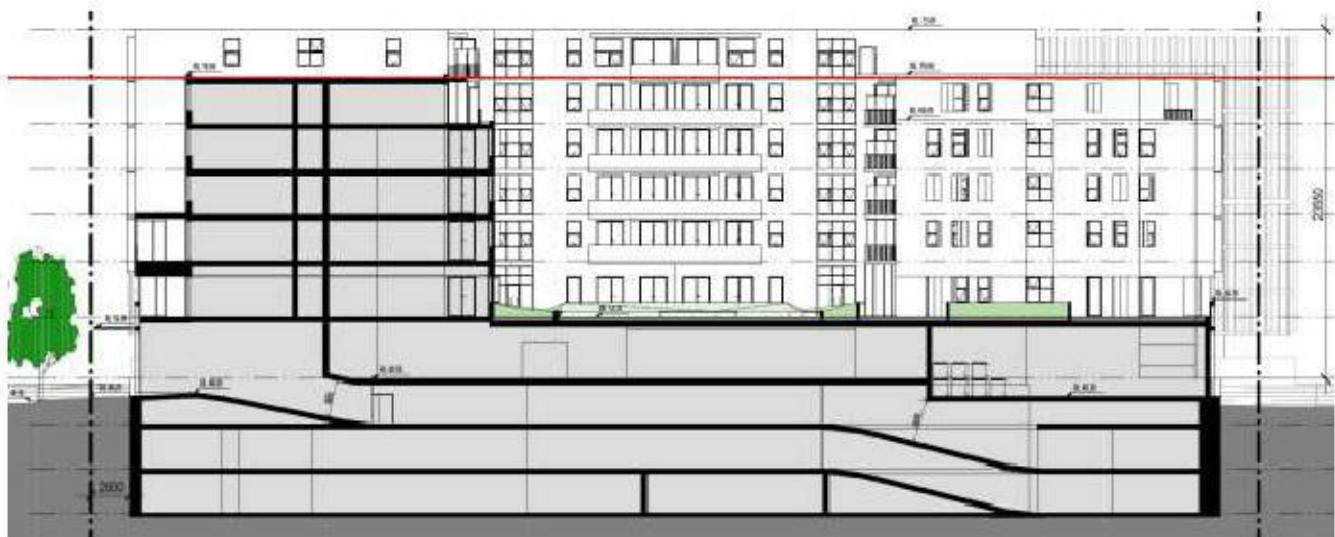
The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposal is consistent with the objectives for development within the B4 Mixed Use zone along with Clause 4.3 (Height of Building) and 7.1 (Penrith Health and Education Precinct), as detailed above. The proposal will provide a number of public benefits in terms of employment (construction + operation), housing and retail opportunities within close proximity to the Nepean Hospital, along with an improved urban form. The proposal will increase public amenity and provide a benchmark medical mixed use development adjacent the car park, one of the first of its kind since the recent PLEP2010 amendments.

The public benefit of maintaining the development standard

Under Clause 4.6 (5a) of the PLEP2010, the consent authority must consider if there is public benefit associated with maintaining the development standard. Given the nature of the proposed variation (solely located on one corner of the site), there is limited public benefit in maintaining the development standard, particularly when the majority of the site is compliant with the height control:

North-South Section



The public benefits of the broader development far outweigh the negligible impact associated with the minor variation. A number of key public benefits are listed below

- Improved urban design/public domain (landscaping upgrades + varied and visually appealing modulated façade).
- Retail activation of key corners (Somerset and Derby).
- Large floorplates for medical uses to act as ancillary services to the Nepean Hospital. Level 1 is also adaptable for medical uses should demand suffice.
- High quality residential apartments suitable for local residents and employees of the hospital wishing to live close to work
- Employment opportunities associated with both the construction and operation of the proposed site.
- A built form compatible with the existing hospital carpark, reducing the visual intrusiveness of this structure.

Any other matters

Under Clause 4.6(5c) of the PLEP2010 (the consent authority) must consider if the proposal raises any other matters for consideration. Given the nature of the proposed variation and its use, no matters are raised by this proposal.

For the reasons outlined above, the proposed minor variation to the PLEP2010 Height of Building standard should be supported by Penrith Council.

Summary and Conclusion

A Variation to the strict application of Council's Height of Building development standards is considered appropriate for the subject site. The variation to height is isolated to a portion of the building which involves primary corner and site frontages. The minor variation to the height of building control for the Penrith Health and Education Precinct (1.95m) corresponds to a 9% variation. Such a minor variation will not present as visually unobtrusive or out of context when viewed alongside the 8 storey Council carpark adjacent the site which as it stands acts as an eye sore to the surrounding context. The redevelopment of the site adjacent this existing carpark provides a secondary pinnacle form on the corner of Derby and Somerset Street, an improved visual presentation of this corner.

The proposal represents a built form with 12,680 sqm of GFA, FSR of 3.13.1. A further 1505.5 sqm of GFA is permissible on the site within the 3.5:1 FSR control. The built form submitted with this application represents a design focused on positive urban outcomes as opposed to yield. The minor variation to height control is the consequence of this design response. Alternatively a less modulated form (6 storey form across the entire site), consistent with the both the height and FSR control could be achieved on the site, however with worse urban design outcome to that proposed by this application.

In addition to the above justification, the proposal is considered to meet the intent of Council's controls relating to height of building and the Penrith Health and Education Precinct along with the B4 zone objectives. It is therefore considered that in accordance with Clause 4.6 of the PLEP2010, the proposal demonstrates that in this case, the development standard is unreasonable and unnecessary, given the associated benefits of the proposal as detailed above.

11 May, 2016

Matthew Rawson
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Penrith Council
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Email: mathew.Rawson@penrith.city

Dear Matthew,

RE: DA15/1475: Response to Councils Comments; 2 Hargrave Street, Kingswood.

This letter responds to the second round of comments received from Council in regards to the proposed development required to assist Council in making a recommendation to the Joint Regional Planning Panel. The letter responds to Council's comments and requests under the following headers:

- Building Height
- Use of Private Land for Footpath
- UDRP Comments: Eastern edge setback (4 Hargrave Street)
- Waste Management

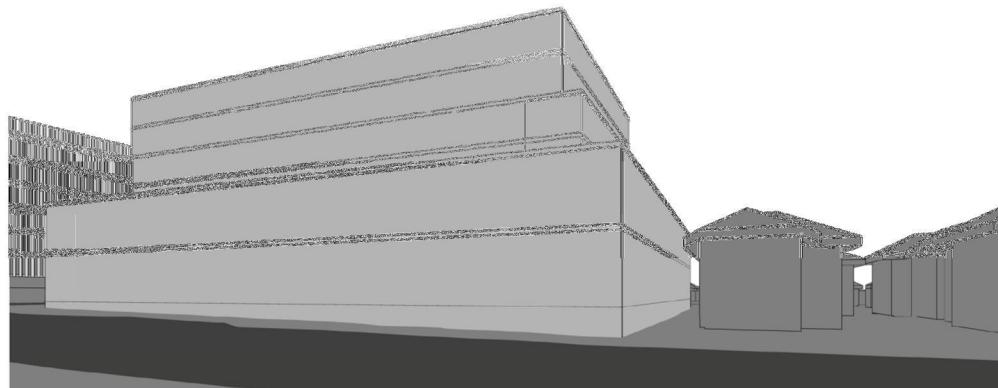
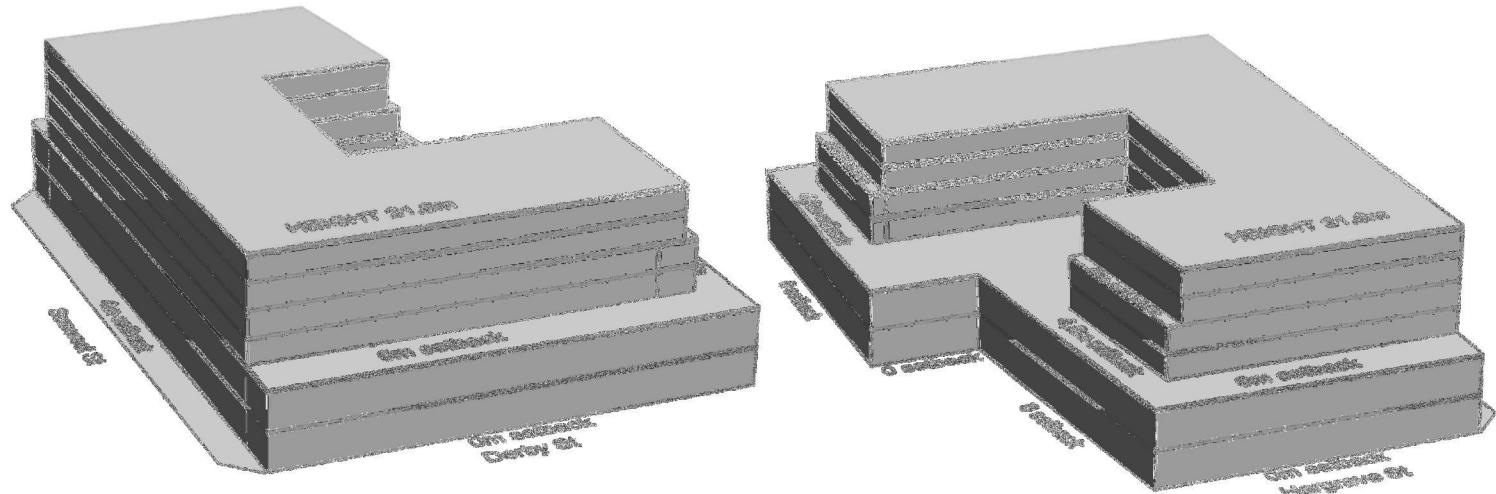
1) Building Height

Council has requested additional justification of the proposed building height justifying that there are sufficient environmental planning grounds to justify contravening the development standard particularly something specific to the site and development rather than generic benefits (such as provision of jobs + housing stock). Accordingly, the Morson Group has prepared mock block study plans showing the comparison of the proposal scheme v that which could be achieved with a compliant scheme (21.6m in height and 3.5:1 FSR). In addition to principle LEP controls, the block study abided by key DCP principles as follows:

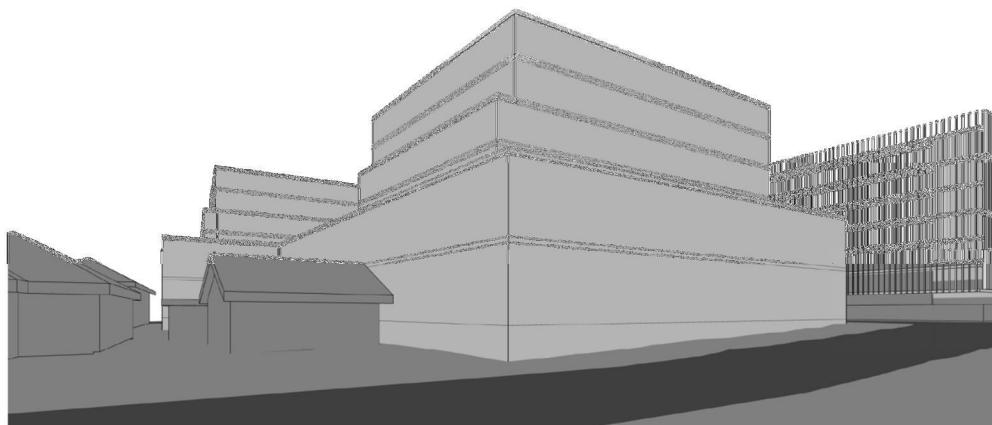
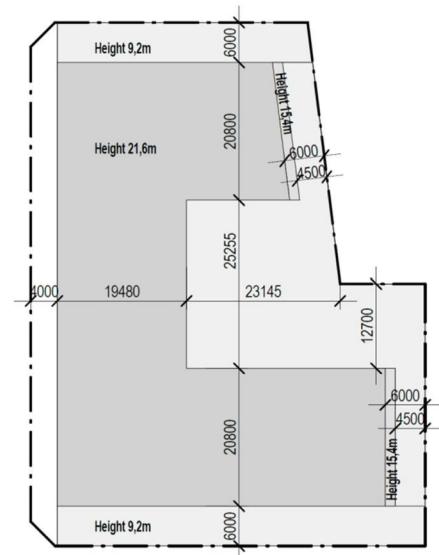
- Non-residential land uses built to side and rear boundary for up to 12m
- Provision of 2 levels of commercial (medical uses) with a 4m setback to Somerset Street, built to boundary along the northern, southern and eastern frontages.
- Residential separation distances (up to four storeys)
 - up to four storeys: 9m between habitable rooms
 - 6m between non-habitable rooms
- Residential separation distances (five to eight storeys)
 - 12m between habitable and non-habitable rooms
 - 9m between non-habitable rooms

Block Massing Analysis

The block massing exercise demonstrates that a worse planning and design outcome could be achieved on the site via a '*complying scheme*' which abides by Councils planning controls for the Penrith Health and Education Precinct. The permissible envelope can be seen below:



View from Derby St



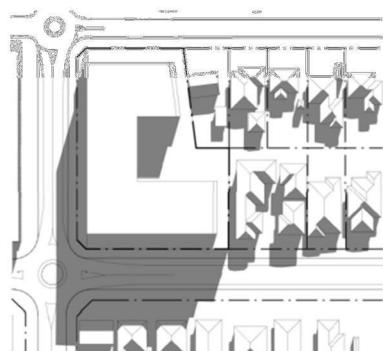
View from Hargrave St

Solar Analysis: Increased Solar Impacts:

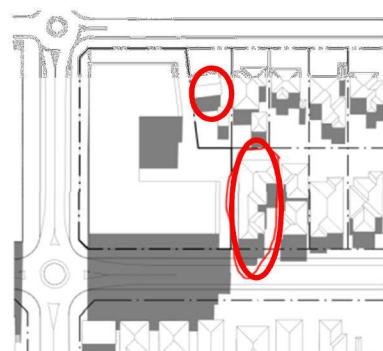
- Red circle: eastern interface 1 hour of direct sunlight mid-winter
- Red circle: Southern interface: increased shadowing of road + southern homes (1 hour of direct sunlight mid-winter)



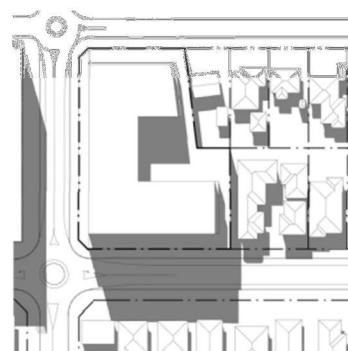
Diagram 1 - 9am



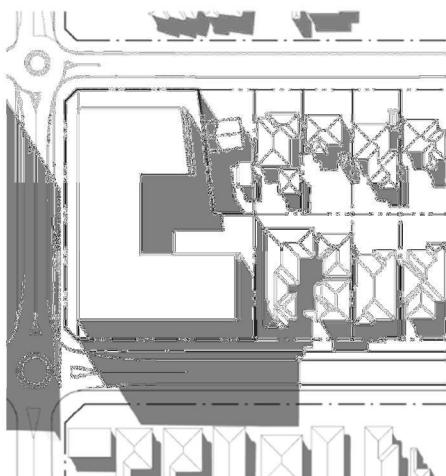
PR - Shadow Diagram 2 - 10am
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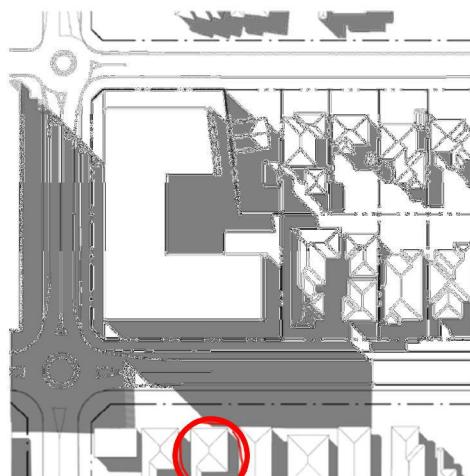
PR - Shadow Diagram 3 - 11am
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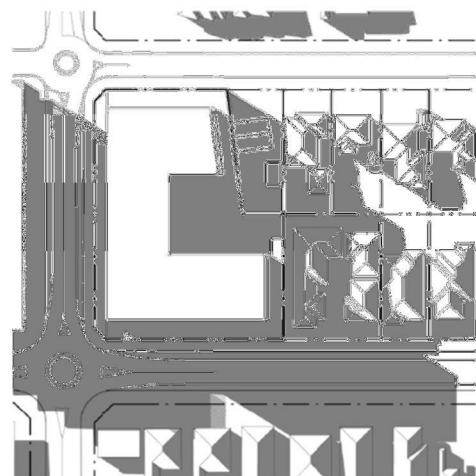
PR - Shadow Diagram 4 - 12pm
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! - Shadow Diagram 5 - 1pm
1:800



PR - Shadow Diagram 6 - 2pm
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PR - Shadow Diagram 7 - 3pm
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Specifically the following key issues are raised with the compliant block envelope (which proposes a 3.5:1 FSR as opposed to the 3.13:1 FSR proposed by the DA).

Planning Issue	Detail/Impacts
<i>Communal Open Space</i>	<ul style="list-style-type: none"> - Significant reduction in communal open space within the central element of the development. - reduction of 118 sqm of communal open space to that proposed under the DA - Heating impacts (increased provision of hard stand materials) - Reduced solar access for public open space (given the reduction in separation).
<i>Eastern Interface (wall height)</i>	<ul style="list-style-type: none"> - Two storey wall heights built to eastern boundary for commercial use is permissible under the DCP. Significant amenity implication for the adjoining sites (hard stand wall approximately 7.5m high) - Poor design outcome for the surrounding precinct (sets negative design precedent) - Significant privacy issues between the site and 4-6 Hargraves Street and 25-27 Derby Street (strata titled building). podium level 2 storeys up with direct east and northern views over adjoining low density uses.

<i>Solar Impacts</i>	<ul style="list-style-type: none"> - Reduced access to solar during mid-winter for adjoining sites to the east (less than 2 hours winter solstice). - Increased solar impacts to the south (given form is built to boundary for first two levels consistent with the built form DCP controls). - Increased solar impacts to the site itself (form built to boundary at the northern edge).
<i>Internal Amenity</i>	<ul style="list-style-type: none"> - The internal amenity of the building would be compromised via the block modelling, in terms of building depth and width - Reduced common open space - Reduced eastern aspect for apartments (solar implications) - SEPP 65 building design implications (depth, cross ventilation etc).
<i>Architectural Form</i>	<ul style="list-style-type: none"> - Reduced indentation, modulation and articulation of building façade. the existing design provides façade breaks which improve the presence of the building and cross ventilation. - The block model shows a building built to boundary which presents as boxy and overly dense however which complies with key Council controls + DCP design guidelines - Reduced upper level setbacks to that currently proposed (NE and SE interface).
<i>SEPP 65/ADG compliance</i>	<ul style="list-style-type: none"> - Reduced separation for south and north facing balconies over the common open space - Reduced cross ventilation via a bulky form/larger building envelope. Less corner and cross over apartments. - Reduced solar access (south + north facing units over the courtyard) through reduced separation - It is believed a configuration of units within this envelope would struggle to meet the development controls of the ADG and SEPP 65 (cross ventilation, length of corridors).
<i>Reduced landscaping</i>	<ul style="list-style-type: none"> - Reduced site edge landscaping given first two levels would be built to boundary - negative streetscape implications (site edge landscaping limited to primary western frontage) - Increased heating of the site (concrete hardstand GBA increase).
<i>Visual Impacts</i>	<ul style="list-style-type: none"> - Block modelling presents as overbearing to the surrounding context. Reduced height on the western interface further highlights the presence of the existing hospital carpark which is a visual eyesore. - lower height with a larger footprint sets a negative precedent for development in the area with reduced regard to amenity, solar access, provision of publically appealing landscaping and an unappealing architectural presence.
<i>Urban Design</i>	<ul style="list-style-type: none"> - block model scheme disregards key urban design principles which encourage larger forms on key corner sites - provision of a denser envelope with less height variation provides a negative urban design outcome for a key site with three street frontages in Kingswood. - Architectural form appears bland and unmodulated.

Concluding comments:

As detailed above, the array of planning implications associated with a complying development scheme on the site provides a significantly worse outcome than that proposed by the DA submitted to Council regardless of strict compliance with key LEP controls (Height + FSR) and additional DCP guidelines. In addition to the justification provided in the Cause 4.6 variation, the above table provides a substantial level of detail and justified planning arguments for the

proposed DA design as opposed to a compliant form with a compliant. The justification and level of detail provides goes above and beyond generic planning benefits, by focusing on social implications, amenity and visual benefits in addition to the provision of new housing stock and significant employment opportunity via medical uses. Further to the above, the DA design follows key urban design marker principles and a built form which reduces the visually overbearing presence of the 8 storey hospital carpark to the west of the site. As such it is unique in nature and a unique design response in height which as it applies to the site is suitable from both a design and amenity perspective.

2) Use of Private Land for Footpath

Given a public footpath which provides access to the site is proposed within the confines of the site boundary, Council has requested owners consent be provided for the creation of an easement for the right of footway for pedestrians around the site.

A notation of such an easement has been provided within the updated set of Architectural plans submitted with this application. It is understood there will be no cost to Council for the creation of this easement, which be required to be registered prior to OC.

A formal letter providing owners consent of the existing 7 site owners has been signed as submitted with this application. We anticipate this is sufficient information for Council to make their recommendation with this conditioned to OC.

3) UDRP Comments: Eastern Edge Setback (4 Hargrave Street).

Council has raised concerns with the building interface to 4 Hargrave Street and the landscaping strip which runs along the sites eastern boundary. As stated in previous correspondence, the landscaped width at the sites north-western corner cannot be increased (given the required width of the waste turntable + location of fire stairs to the west which link every floor). In light of this, Council has requested an accessible landscaped finger which links the eastern interface with 4 Hargrave Street to the sites south-eastern edge fronting Derby Street (adjoining 25 Derby Street).

As such, the following design changes have been made (as detailed in the before v proposed architectural comparisons below and the submitted architectural package):

- Retail/commercial storage deleted. Internal storage to be provided within each tenancy.
- Eastern edge north of bulky waste storage treated with landscaping (see below montage)
- Retail/commercial storage + portion of GFA to the west to be replaced with landscaping strip connecting existing triangular finger to the landscaping strip along the sites south eastern edge (adjoining 25 Derby Street)
- Door access on Clinic 1 eastern edge allowing access to landscaping strip.
- Landscaped stripped to be serviced via access off Derby Street.

The above changes present an improved design outcome for the site particularly its eastern interface to adjoining properties. These design changes are considered sufficient for Council to now proceed to a recommendation to the JRPP meeting in June, 2016.