

COUNCIL ASSESSMENT REPORT

Panel Reference	2019ECI009
DA Number	DA-2014/319/C
LGA	Bayside Council
Proposed Development	Modification to leaf-stream screens to re-align with balcony and accessible locations
Street Address	213 Princes Highway and 4 Wardell Street, Arncliffe
Applicant/Owner	Council to complete
Date of DA lodgement	20 December 2018
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Clause 3 Capital Investment Value of the initial proposal exceeds \$20 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Section 4.56 of the Environmental Planning and Assessment Act, 1979 • Section 4.15 of the Environmental Planning and Assessment Act, 1979 • Rockdale Local Environmental Plan 2011 • SEPP 65 and Apartment Design Guide • Rockdale DCP 2011 • No changes to planning agreement entered into under Section 7.4, • Environmental Planning and Assessment Regulation 115
List all documents submitted with this report for the Panel's consideration	Appendix A – Façade Review Draft Notice of Determination
Report prepared by	GMU
Report date	4 April 2019

Summary of s79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

Planning Assessment Report

RALAN Arncliffe - Modification of Development 213 Princess Highway & 4 Wardell Street Arncliffe

Prepared for Bayside Council by GMU, 4th of April 2019

Issue	Date	Status	Prepared by
A	25/3/2019	Draft	Gabrielle Morrish, Lee Kosnetter, Elina Braunstein
B	25/3/2019	Draft	Gabrielle Morrish, Lee Kosnetter, Elina Braunstein
C	03/4/2019	Draft	Gabrielle Morrish, Lee Kosnetter, Elina Braunstein
D	04/4/2019	Final	Gabrielle Morrish, Lee Kosnetter, Elina Braunstein

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I. Introduction

GMU have been engaged by Bayside Council to provide a peer review and assessment of the proposed Modification of Development to Consent No. DA-2014/319/B (proposed modification).

The deferred commencement approval includes the following:

- 41 commercial suites;
- 318 residential units;
- A Youth Centre and associated ball courts;
- Basement parking;
- A public reserve;
- Landscaping;
- Road works and Torrens title subdivision creating 3 lots, including the public park.

The modification seeks to modify Condition 12(ic) of the Deferred Commencement Consent relating to the leaf-stream privacy screens. Condition 12(ic) in Development Consent No. DA-2014/319/B states the following:

The leaf-stream privacy screens are to be re-instated to Elevation A and F as per the following approved plans under DA-2014/319:

Drawing Number DA 203, Revision H, dated Dec 2015, Elevation A

Drawing number DA208, Revision H, dated Dec 2015, Elevation F

The amended elevations are to be approved by Director City Futures at Bayside Council prior to the issue of the Construction Certificate.

I.1 Documents Reviewed

In preparing this report, GMU have reviewed the following applicable controls and documents describing the site and its immediate surroundings:

- Arncliffe Façade Review Development Application prepared by DBI & EJE architects, dated 15 November 2018
- Façade Review Comparison Study (Comparison Study) prepared by DBI & EJE architects, dated 25th of February 2019
- Façade Review Comparison Study (Comparison Study) prepared by DBI & EJE architects, dated 25th of March 2019
- Statement of Environmental Effects (SEE) prepared by Momentum Projects, December 2018
- Notice of Determination Section 96 Environmental Planning and Assessment Act, 1979 by Bayside Council

GMU has reviewed the following legislation relevant to the development proposal:

- Environmental Planning and Assessment Act 1979 and Regulation 2000
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65) and the Apartment Design Guide (ADG)
- Rockdale Local Environmental Plan 2011
- Rockdale Development Control Plan 2011

I.2 Project history

According to the SEE, the consent was issued following an agreement reached between Ralan Arncliffe Pty Ltd and Council at conciliation conference held pursuant to Section 34 of the Land and Environment Court Act 1979 (the agreed outcome).

Annexure A of the Court judgement contains the deferred commencement conditions and other conditions relating to the consent. GMU understand that the consent became effective from 8 April 2016. The current proposal seeks to modify the approved design of the façade.

2. Site description

The property known as 213 Princes Highway and 4 Wardell Street, Arncliffe and is situated on the western side of the Princess Highway between, Hattersley Street and Wigram Road, and has a frontage to Wardell Street.

The site comprises all of the land contained in Lots 1 to 14, DP 124275, Lots 25 to 33, DP1646, and Lot 1, DP 652922.

3. Proposed modifications

- The proposal is seeking to modify the façade though amendments to the condition 12(ic) as follows:

Proposed modification (extracted from the SEE prepared by Momentum Projects, December)	GMU comments
<p>Condition 12(ic) in Development Consent No. DA-2014/319/B requires the leaf-stream privacy screens to be re-instated to Elevation A and F as per the following approved plans under DA-2014/319:</p> <p>Drawing Number DA 203, Revision H, dated Dec 2015, Elevation A;</p> <p>Drawing number DA208, Revision H, dated Dec 2015, Elevation F.</p> <p><u>Condition 12(ic) in Development Consent No. DA-2014/319/B requires the leaf-stream privacy screens to be installed to Elevation A and F as per the following approved plans under DA-2014/319:</u></p> <p><u>Drawing Number DA 203 – Proposed Elevation A, Revision A (DBI & EJE), dated 15/11/18;</u></p> <p><u>Drawing number DA208, - Proposed Elevation F, Revision A, (DBI & EJE), dated 15/11/18.</u></p>	<p>The approved outcome was intended to enhance the slender proportions of the expressed tower components to the public domain, as opposed to the continuous building form behind the towers, spanning more that 100m in length.</p> <p>For buildings G, D and C, the approved (negotiated) outcome presented 3 vertical tower components clad almost entirely in the adjustable leaf-stream screens to break the perceived length of the development and provide a sense of identity and address to the different buildings.</p> <p>The proposed modification results in a substantial reduction in the area of the façade covered by the adjustable leaf stream screens for buildings G, E, D and C. This is illustrated in the following images.</p>

Fig. 1 Table showing the proposed modification



Fig. 2. The southern elevation as approved (Comparison Study prepared by EJE & DBI)

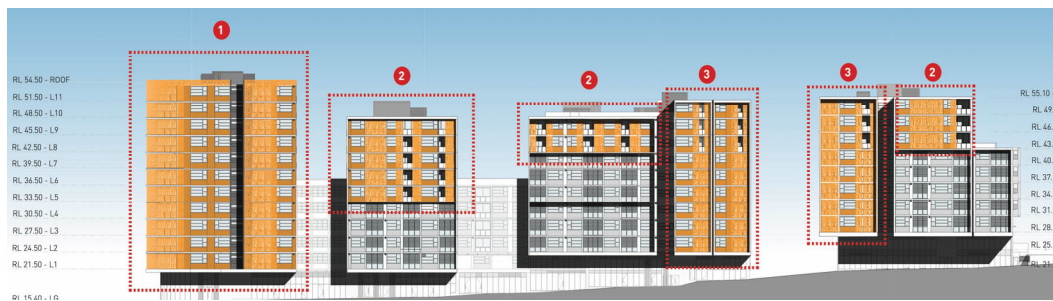


Fig. 3. The southern elevation as proposed (Comparison Study prepared by EJE & DBI), showing the reduction in leaf-stream panels



Fig. 4. The northern elevation as approved (Comparison Study prepared by EJE & DBI)

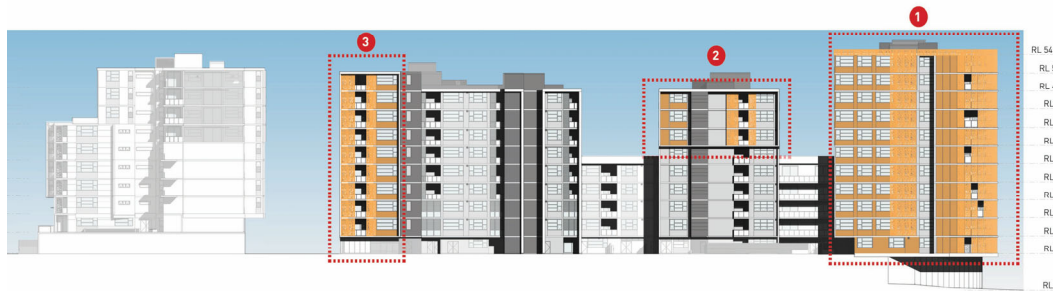


Fig. 5. The northern elevation as proposed (Comparison Study prepared by EJE & DBI), showing the proposed modification

4. Statutory Planning Framework

4.1 Section 4.56 – Modification by consent authorities of consents granted by the Court

The Statement of Environmental Effects accompanying the application identified the application as being made under Section 4.55(1a) of the Act, however as the consent is the subject of Court Decision, the appropriate mechanism is Section 4.56. A statement confirming the application is made under Section 4.56 was requested from, and subsequently submitted by, the applicant.

The relevant matters for consideration are stated under Section 4.56 of the Act. An assessment of this proposal against those considerations is provided below.

(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

The proposed modifications relate to anomalies between the approved plans and the conditions of approval with regard to façade treatments, and the proposal does not involve any change to the approved development in terms of its substantive parameter (gross floor area; building height; car parking; overall building form; use; etc). The proposed development is therefore substantially the same as the original consent.

(b) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, and

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Given the nature of the proposed amendments, notification of the application was not required.

(1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Consideration of the matters referred to in section 4.15(1) relevant to the modification is provided below.

4.2 Section 4.15 Planning Considerations

The relevant matters for consideration are stated under Section 4.15 of the EP&A Act. An assessment of this proposal against those considerations is provided below.

Section 4.15(a)(i) Environmental Planning Instruments

4.15(a)(i) any environmental planning instrument

The following is an assessment against relevant environmental planning instruments, including State Environmental Planning Policies (SEPPs), the Rockdale Local Environmental Plan 2011 (RLEP) and Rockdale Development Control Plan 2011 (RDCP).

SEPP (Building Sustainability Index – BASIX) 2004

The original BASIX Certificate as per DA-125/2018 remains valid. It is a condition of the original consent to comply with this Certificate.

SEPP 55 Remediation of Land

The previous assessment by Council against the SEPP is not affected by the modification.

SEPP 65 Design Quality of Residential Flat Development

See Section 5 Below.

Rockdale Local Environmental Plan 2011 (RLEP)

The proposed use of the site remains as approved and is permissible with development consent in the B6 Enterprise Corridor. The modifications do not alter any compliance or otherwise of the Principal Development Standards relating to Minimum Lot Size, Height of FSR.

The modification satisfies the relevant considerations of the LEP.

Section 4.15(a)(ii) Draft Environmental Planning Instruments

4.15(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no relevant draft EPIs.

Section 4.15(a)(iii) Development Control Plans

4.15(a)(iii) any development control plan

The only development control plan applicable to the site is the Rockdale Development Control Plan 2011.

Rockdale Development Control Plan 2011 (RDCP)

The relevant matters to be considered under the RDCP for the proposal are limited to the streetscape controls (Part 4.2) and sustainable housing design (Part 4.4). Noting the SEPP 65 assessment above, the proposal satisfies the RDCP.

Section 4.15(a)(iiia) Planning Agreements

4.15(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

The proposal does not include or modify any Planning Agreements.

Section 4.15(a)(iv) The Regulations

4.15(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The proposal satisfies the regulations to the extent they relate to the development as tabulated below:

Regulation Clause 115	Comment
(1) An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act must contain the following information:	
(a) the name and address of the applicant,	Provided
(b) a description of the development to be carried out under the consent (as previously modified),	Provided
(c) the address, and formal particulars of title, of the land on which the development is to be carried out,	Provided
(d) a description of the proposed modification to the development consent,	Provided
(e) a statement that indicates either: (i) that the modification is merely intended to correct a minor error, misdescription or miscalculation, or (ii) that the modification is intended to have some other effect, as specified in the statement,	Provided
(f) a description of the expected impacts of the modification,	Provided
(g) an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,	Provided
(g1) in the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016,	N/A
(h) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the making of the application (except where the application for the consent the subject of the modification was made, or could have been made, without the consent of the owner),	Provided
(i) a statement as to whether the application is being made to the Court (under section 4.55) or to the consent authority (under section 4.56), and, if the consent authority so requires, must be in the form approved by that authority.	A statement was subsequently provided under Section 4.56
(2) The notification requirements of clause 49 apply in respect of an application if the consent of the owner of the land would not be required were the application an application for development consent rather than an application for the modification of such consent.	N/A
(3) In addition, if an application for the modification of a development consent under section 4.55 (2) or section 4.56 (1) of the Act relates to residential apartment development and the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A), the application must be accompanied by a statement by a qualified designer.	A design verification statement was provided
(3A) The statement by the qualified designer must: (a) verify that he or she designed, or directed the design of, the modification of the development and, if applicable, the development for which the development consent was granted, and	Provided

<p>(b) provide an explanation of how:</p> <p>(i) the design quality principles are addressed in the development, and</p> <p>(ii) in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, and</p> <p>(c) verify that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.</p>	
<p>(3B) If the qualified designer who gives the design verification under subclause (3) for an application for the modification of development consent (other than in relation to State significant development) does not verify that he or she also designed, or directed the design of, the development for which the consent was granted, the consent authority must refer the application to the relevant design review panel (if any) for advice as to whether the modifications diminish or detract from the design quality, or compromise the design intent, of the development for which the consent was granted.</p>	Satisfied. Design Review carried out by GMU
<p>(4) If an application referred to in subclause (3) is also accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in that subclause need not be verified to the extent to which they aim:</p> <p>(a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or</p> <p>(b) to improve the thermal performance of the building.</p>	A BASIX Certificate accompanies the application
<p>(5) The consent authority may refer the proposed modification to the relevant design review panel but not if the application is for modification of a development consent for State significant development.</p>	Referred to GMU for design review
<p>(6) An application for the modification of a development consent under section 4.55 (1A) or (2) of the Act, if it relates to development for which the development application was required to be accompanied by a BASIX certificate or BASIX certificates, or if it relates to BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule 1 for it to be so accompanied), must also be accompanied by the appropriate BASIX certificate or BASIX certificates.</p>	As above (Clause 4)
<p>(7) The appropriate BASIX certificate for the purposes of subclause (6) is:</p> <p>(a) if the current BASIX certificate remains consistent with the proposed development, the current BASIX certificate, and</p> <p>(b) if the current BASIX certificate is no longer consistent with the proposed development, a new BASIX certificate to replace the current BASIX certificate.</p>	As above (Clause 4)
<p>(8) An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act relating to land owned by a Local Aboriginal Land Council may be made only with the consent of the New South Wales Aboriginal Land Council.</p>	N/A
<p>(9) The application must be accompanied by the relevant fee prescribed under Part 15.</p>	Provided.
<p>(10) A development consent may not be modified by the Land and Environment Court under section 4.55 of the Act if an application for modification of the consent has been made to the consent authority under section 4.56 of the Act and has not been withdrawn.</p>	N/A

Section 4.15(b) Other Impacts

4.15(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposal has an appropriate impact on the built environment as the desired design excellence outcome is maintained by the modified proposal subject to conditions of consent. There are no social or economic impacts arising from the modification.

Section 4.15(c) Site Suitability

4.15(c) the suitability of the site for the development

The site continues to be suitable for the development as modified.

Section 4.15(d) Submissions

4.15(d) any submissions made in accordance with this Act or the regulations

Given the nature of the proposed amendments, notification of the application was not required.

Section 4.15(e) Public Interest

4.15(e) the public interest

The proposal will have no detrimental effect on the public interest and does not undermine the integrity of Council's controls, including Design Excellence Provisions in the LEP. The positive public interest deliverables of the existing approval, including additional residential accommodation, commercial areas, community facilities and public areas, are retained.

5. Assessment against SEPP 65 and the ADG

GMU have reviewed the information provided by Council relating to the proposed modifications. We have considered the justification provided in the documentation and the reasons behind the existing Condition of Consent 12(ic) and design which resulted in Council entering in the Section 34 agreement.

We have considered the impacts of the proposed modifications and undertaken an assessment against SEPP 65 and the relevant principles in the Apartment Design Guide (ADG).

According to the SEE prepared by Momentum Projects (December 2018), the original 2015 DA included screens in a number of locations where there is no access to operate or maintain them. The design intent diagrams and sections present an attractive and simple façade system but only resolved the screen element in balcony conditions.

GMU understand that the following design concerns have lead to the proposed modification (SEE, 3.1.1);

- *Screen panels need to be easily accessed by residents in order to ensure adequate lighting and ventilation to units, as well as protection from the late afternoon sun or for additional privacy (lower levels) from the public domain at street level.*
- *Screen panels also need to be functional and accessible for cleaning and maintenance, to ensure longevity of the system and safety to the public on street level.*
- *They should also be proposed to avoid positioning in front on the façade cladding when this displays its own colours, as this mix might have a detracting effect on the consistency of the screen's appearance.*

We have assessed the proposal based on the justification put forward by the applicant.

Relevant ADG principle	GMU comments
<p>Principle 1: Context and Neighbourhood Character</p> <p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The negotiated outcome resulting in Condition 12(ic) and the approved arrangement for the leaf stream screens, was intended to mitigate the perceived bulk of the development to compensate for the insufficient articulation of the built forms and to provide improved identity to the building.</p> <p>Due to the substantial length of the site, strong articulation and variation in the expressed façade composition was considered essential, to break up the continuous wall of development to Princess Highway, in response to the existing development scale and the prevailing lot subdivision pattern. Furthermore, the variation in texture and façade proportions was intended to respond to the diverse character of this particular part of Princess Highway.</p> <p>The site is located in an area undergoing transformation and the streetscape along Princess Highway (the predominant public domain interface) currently includes a wide range of development typologies and remnant dwellings typical of the traditional smaller lot subdivision pattern of the area. To achieve a compatible outcome, future development in the area must consider the existing as well as future development in the area.</p> <p>Due to the extensive length of the development (exceeds 100m in length), variation in the façade expression is an important factor in reducing the visual dominance of the development and mitigating the scale of the development relative to the scale and character of the existing development fabric.</p>

Relevant ADG principle	GMU comments
	<p>The proposed modifications result in a reduction in the adjustable leaf-stream screens to significant portions of the facades compared to the approved. The outcome of the proposed modification removes a number of screens to expose the façade however, where the screens are removed, the external cladding system is replaced with metal panels with expressed joints. This will ensure a dynamic expression to the façade and allow the different building forms to be defined individually to break up the perceived scale of the development in response to the existing and future context.</p> <p>To adequately address and complement the existing and future context of the site, the proposed modifications provide metal cladding panels to match the colour of the leaf screens to articulate the form, mitigate the scale of the development and complement the context. The recommended adjustment is listed in Part 7 of this report (Recommendation) and will ensure that the proposal can satisfy Principle No. 1 whilst addressing the practical concerns relating to the screens.</p>
<p>Principle 6: Amenity</p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</i></p>	<p>We understand that the reduction in privacy screens will improve the outlook to a number of rooms, providing for improved amenity to future occupants.</p> <p>The proposed modification concentrates the screens to locations near the balconies to improve access for cleaning and maintenance purposes. This may slightly restrict outlook from and daylight access to the private open spaces however, given the overall improved amenity to the units, we consider the proposed modification to satisfy Principle No. 6.</p>
<p>Principle 9: Aesthetics</p> <p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>The proposed modifications alter the presentation of the development to the public domain along Princess Highway (south) and Townsend Place (northwest) however, the modifications include mitigating measures to break up the perceived building length and prevent adverse impacts to the streetscape.</p> <p>The modification substantially reduces the extent of the leaf-stream screens however, due to the metal panel finish provided for the areas where the screens are removed the outcome achieves similar visual proportions to the façades, achieving a harmonious outcome.</p> <p>To the southern elevation, a greater part of the façade composition now relies on the metal cladding system in similar visual plane as the leaf-stream screen elements. To avoid a reduction in visual depth, the expressed box frame elements should protrude beyond the plane of the screens and balustrades for the tower elements facing princess Highway, in accordance with the condition listed in chapter 7 of this report. The expressed box frame elements will visually ensure the tower components are individually defined. The metal</p>

Relevant ADG principle	GMU comments
	<p>cladding panels have expressed joints to add texture and emphasise the tower forms.</p> <p>To the northern elevation, the modifications result in reduction in the dynamic elements of the adjustable screens however, the metal panels to match the tones of the leaf-stream screens ensure a visually compelling contribution to the streetscape.</p> <p>The intended outcome of the approved condition was to ensure clarity in the visual hierarchy, expressing the slender tower forms as the prominent forms in the elevational profile. To mitigate the length of the development, the towers are articulated as the dominant forms. The proposed modifications ensure that the scale of the development is visually mitigated to compensate for the extensive length of the building form and insufficient built form articulation.</p> <p>Providing the proposed modification is in accordance with the recommended outcomes listed in Chapter 7 of this report, the proposal can satisfy Principle No. 9 of the ADG.</p>

According to the Façade Review Comparison Study (prepared by DBI & EJE architects, dated 25th of March 2019) provided by the applicant (Appendix A), the expressed box-framed structures articulating the tower forms appear to be decreased in depth, when compared to the approved. The lesser depth of the framing element further detracts from the articulation of the tower forms and the intended visual hierarchy.

We understand that the approved scheme was not accurately depicted in the photomontage provided (Fig 6 below). Given the proposed amendments to the façade, GMU consider it essential to ensure visual definition and depth to the box frame elements, to compensate for the significant reduction in the number of screens. The box framed tower elements facing Princess Highway should provide a minimum protrusion in accordance with the recommended outcomes listed in Chapter 7 of this report.

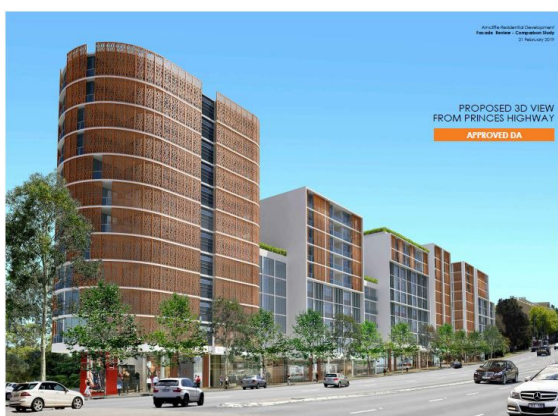


Fig. 6. Photomontage showing the approved proposal (by EJE & DBI)



Fig. 7. Photomontage showing the proposed modifications (by EJE & DBI)

6. Conclusion

GMU understand that considerations for maintenance and cleaning of the façade elements form the basis for the proposed modification. We find the justification provided by the applicant to be well founded. We consider the proposed amendments to provide a dynamic façade expression, replacing a number of leaf-stream screens with an alternative metal façade cladding to compliment the arrangement of the screens. However, to sufficiently mitigate the perceived scale of the development to the southern interface and result in a development which is suitable for the site in context, the proposal should be amended to provide adequate depth to the expressed box frame elements to the towers facing Princess Highway, in accordance with the amended condition below.

The proposal has been determined to be substantially the same development as the previous approval and does not contribute to additional adverse amenity impacts upon nearby or adjoining development.

7. Recommendation

It is recommended that the Bayside Planning Panel (BPP), as the determining Authority in this instance, approve that the development consent DA-2014/319/B be modified in accordance with the following:

1. Condition 12(ic) of DA-2014/319/B be amended to read as follows:

The leaf-stream privacy screens are to be reinstated **provided** to Elevation A and F **in accordance with as per the following approved plans under DA-2014/319:**

— ~~Drawing number DA203, Revision H, Dated Dec 2015, Elevation A~~

— ~~Drawing number DA208, Revision H, Dated Dec 2015, Elevation F~~

- **Drawing Number DA 203 – Proposed Elevation A, Revision B (DBI & EJE), dated 15/11/18;**
- **Drawing number DA208, - Proposed Elevation F, Revision B, (DBI & EJE), dated 15/11/18.**

The plans are to be amended to satisfy the following:

- i. **The box framed element is to protrude at least 300mm beyond the plane of the screens and balustrades for the tower element of Building C facing Princess Highway (as approved); and**
- ii. **The box framed element is to protrude at least 150mm beyond the plane of the screens and balustrades the tower element of Building D facing Princess Highway (as approved); and**
- iii. **Metal panels with expressed joints are to be provided where the leaf screens are removed. The metal panels must be coloured to match the leaf screens (in accordance with Proposed DA 203 Elevation A, Proposed DA 208 Elevation F in Appendix A).**

The amended elevations are to be approved by Director City Futures at Bayside Council prior to the issue of the Construction Certificate.

[Amendment A - S96(AA) inserted on 21 December 2017]

[Amendment C – S4.56 amended on **date of consent**]