

**Appendix B**  
**Cumberland Local Environmental Plan 2021**

<b>Clause</b>	<b>Provision</b>	<b>Discussion</b>
<b>1.2</b>	<p><b>Aims of Plan</b></p> <p>(1) This Plan aims to make local environmental planning provisions for land in Cumberland in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</p>	<p>The proposed development is consistent with the relevant aims of the Cumberland Local Environmental Plan 2021 at the following subclauses:</p> <ul style="list-style-type: none"> <li>• Subclause 2(b).</li> <li>• Subclause 2(c).</li> <li>• Subclause 2(f).</li> </ul>
<b>2.3</b>	<p><b>Zone Objectives and Land Use Table</b></p> <p>The site exhibits two zones as follows:</p> <ul style="list-style-type: none"> <li>• Part B4 Mixed use zone for approximately half the site.</li> <li>• Part B6 Enterprise Corridor zone for the remaining half of the site.</li> </ul> <p>The objectives of the B4 Mixed Use zone are:</p> <ul style="list-style-type: none"> <li>• <i>To provide a mixture of compatible land uses.</i></li> <li>• <i>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.</i></li> </ul> <p>The objectives of the B6 Enterprise Corridor zone are:</p> <ul style="list-style-type: none"> <li>• <i>To promote businesses along main roads and to encourage a mix of compatible uses.</i></li> <li>• <i>To provide a range of employment uses (including business, office, retail and light industrial uses).</i></li> <li>• <i>To maintain the economic strength of centres by limiting retailing activity.</i></li> </ul>	<p>Given the location of the site and type of development being modified, it is considered that all the objectives stated are complied with.</p> <p>In addition, the development lies adjacent to a railway station, a shopping complex and related services.</p> <p>The development is appropriate for the site given location.</p>
	<b>Permissibility</b>	The site exhibits two zonings being.

		<ul style="list-style-type: none"> <li>• B4 Mixed use zone.</li> <li>• B6 Enterprise Corridor.</li> </ul> <p>The development as modified is occurring across both zones.</p> <p>The proposed development encompassing Buildings A, B and the western side of Building C is identified as being:</p> <p>1 - Shop top housing is defined by the Cumberland Local Environmental Plan 2021 as being:</p> <p><i>“one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities”.</i></p> <p><b>Note—</b>  <i>Shop top housing is a type of <b>residential accommodation</b>—see the definition of that term in this Dictionary.</i></p> <p>Shop top housing (Buildings A, B and for the western side of Building C) is a permissible form of development on the site within the B4 Mixed Use zone subject to consent and the B6 Enterprise Corridor subject to consent as prescribed in Schedule 1 (Clause 24) of the Cumberland Local Environmental Plan 2021.</p> <p>The proposed development encompassing Buildings C and D (except for the western side of Building C) is defined as a residential flat building.</p> <p>2 - A residential flat building is defined by the Cumberland Local Environmental Plan 2021 as being:</p>
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		<p><i>“a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing”.</i></p> <p><b>Note—</b>  <i>Residential flat buildings are a type of <b>residential accommodation</b>—see the definition of that term in this Dictionary.</i></p> <p>A residential flat building is not a permissible development in either the B4 Mixed Use zone or the B6 Enterprise Corridor zone.</p> <p>Buildings C and D except for the western side of Building C incorporates residential apartments on the ground level in addition to three floors above comprising of apartments.</p> <p>The modification application retains Building C and D in its approved format. Given that the Sydney West Joint Regional Planning Panel has approved of Building C and D in its current form (and generally without significant change), Building C and D as shown on the plans is considered acceptable and permitted in this instance.</p>
<b>4.3</b>	<p><b>Height of Buildings</b></p> <p>(2) 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.</p> <p>The part of the site earmarked for acquisition is not provided with a height limitation.</p> <p>For that area within zone B4 Mixed use - <b>54 metres</b>.</p> <p>For that area within zone B6 Enterprise Corridor - <b>42 metres</b>.</p>	<p><u>Block A</u> - 71.05 metres.</p> <p>This is from the natural ground level to the topmost ridge forming the topmost part of the common area situated on the rooftop of the building.</p> <p>The variation is 17.05 metres or 31.5%.</p> <p><b>The variation to the most recent consent is 8.1 metres or 12.8% for Block A.</b></p> <p><u>Block B</u> - 47.85 metres.</p>

		<p>This is from the natural ground level to the topmost ridge forming the topmost part of a stairwell providing access to a rooftop area.</p> <p>The variation is 5.85 metres or 13.92%.</p> <p><b>The variation to the most recent consent is 4.3 metres or 9.4% for Block B.</b></p> <p>Block C and D - 19.2 metres. There are no height issues associated with Blocks C and D.</p>
<b>4.4</b>	<p><b>Floor Space Ratio</b></p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <ul style="list-style-type: none"> <li>For that area within zone B4 Mixed use - 6.5:1.</li> <li>For that area within zone B6 Enterprise Corridor - 5.0:1.</li> </ul> <p>Subclause 2F is also applicable in which if a building on a site on land is shown as Area B on the floor space ratio map is used for the purposes of residential accommodation or tourist and visitor accommodation or both, the maximum floor space ratio for the part of the building used for the purposes is:</p>	<p>The approved floor space ratio across the site is 33,695.35 square metres or 6.49:1 which is taken from Modification 2015/220/5.</p> <p><u>Proposed</u></p> <p>For the B4 Mixed use zone - 6.84:1. Variation is 5.2%. For the B6 Enterprise Corridor zone - 5.59:1. Variation is 11.8%.</p> <p>There is a variation to this however the variation is much reduced as follows:</p> <p><u>Approved development</u></p> <p>For the B4 Mixed use zone - 7.15:1. Variation is 10%. For the B6 Enterprise Corridor zone - 5.64:1. Variation is 12.8%.</p> <p>The variation is reduced and for this reason, the development is supported.</p> <p>Previous - 14,860 square metres as approved (Equivalent to 8.87:1). Modified proposal - 14,338 square metres (Equivalent to 8.56:1). There is a reduction of 522 square metres.</p>

	<p>(FSR Max -1.7):1.</p> <p>6.5-1.7 = 4.8:1.</p>	
<b>4.6</b>	<p><b>Exceptions to development standards</b></p> <p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>A Clause 4.6 Variation is not required for the variation to the height under a modification application.</p> <p>However, a detailed justification is provided for Panel consideration. The justification to the height control is described below.</p>
<b>5.6</b>	<p><b>Architectural roof features</b></p> <p>(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.</p> <p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:</p> <p>(a) the architectural roof feature:</p> <p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <p>(b) any building identification signage</p>	<p>An architectural roof feature is not proposed for either building within the development.</p> <p>However, it is noted that there are common open space areas situated across the roof of all buildings (Except for that part of Building B facing south) which includes lift access, and amenities. The rooftop features have prior approval.</p> <p>These add to the visual interest of all the buildings and are supported.</p>

	<p>or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.</p>	
<b>5.10</b>	<p><b>Heritage Conservation</b></p> <p>(5) Heritage assessment.</p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>The site is not listed as a heritage item or containing archaeological items within the Cumberland Local Environmental Plan 2021 and no heritage assessment is required.</p> <p>The site is not identified as being a heritage conservation area.</p>
<b>5.21</b>	<p><b>Flood planning</b></p> <p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate</p>	<p>The site is subject to flooding. Council engineers have not raised significant concerns with the flood potential of the site.</p>

	<p>measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	
<b>6.1</b>	<p><b>Acid Sulphate Soils</b></p> <p>Development must not impact on acid sulphate soils.</p>	<p>The site is not mapped for acid sulphate soils.</p> <p>Any underground site issues have been addressed during the initial planning phase for the site. It is considered that a detailed assessment of acid sulphate soils is not required for the application.</p> <p>Extensive site works and excavation works have been conducted across the site which are ongoing.</p>
<b>6.2</b>	<b>Earthworks</b>	

	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>All earthworks on site have been approved. No additional earthworks are proposed across the site.</p> <p>Extensive site works and excavation works have been conducted across the site which are ongoing.</p>
<b>6.4</b>	<p><b>Essential Services</b></p> <p>(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</p> <p>a) the supply of water,</p> <p>b) the supply of electricity,</p> <p>c) the disposal and management of sewage,</p> <p>d) stormwater drainage or on-site conservation,</p> <p>e) suitable vehicular access.</p>	<p>The site is serviced with water and sewer services and conditions are attached to the original consent addressing services.</p>
<b>6.12</b>	<p><b>Urban Heat</b></p> <p>In deciding whether to grant development consent for the purposes</p>	<p>The roof area of Building A, B (Except for the taller part of the building facing south), C and D features a common area and rooftop landscaping including</p>



	<p>of commercial premises, industries or residential accommodation, the consent authority must consider whether—</p> <p>(a) the facade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including private open space and the public domain, and</p> <p>(b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and</p> <p>(c) the heating, ventilation and air conditioning systems of the building are designed to minimise the release of heat in the direction of private open space and the public domain, and</p> <p>(d) the development maximises the use of green infrastructure that is strategically designed and managed to support a good quality of life in an urban environment, and</p> <p>(e) the development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and</p> <p>(f) the building is designed to achieve high passive thermal performance.</p>	<p>amenities.</p> <p>The rooftop of Buildings C and D features a swimming pool for additional amenity.</p> <p>There is no change to the approval except for alterations to the layout of the amenity features.</p> <p>Generally, the BASIX Certificate is showing that water and energy requirements are complied with. A score of 40 and 35 are achieved for water and energy requirements which is.</p>
<b>6.13</b>	<p><b>Ground floor development in B2 and B4 zones.</b></p> <p>(1) The objective of this clause is to ensure that active uses are provided at the street level in certain business zones to encourage the presence and movement of people.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone B2 Local Centre,</p>	<p>There are 5 apartments situated on the ground floor of the development facing Neil Street. The apartments are approved and generally no significant change is occurring to the approved apartments. Based upon the position of the zone boundary between the B4 Mixed Use zone and the B6 Enterprise Corridor zone, there are at least 3 apartments situated within the B4</p>

	<p>(b) Zone B4 Mixed Use.</p> <p>(3) Development consent must not be granted to development for the purposes of commercial premises, mixed use development that includes commercial premises or a change of use of a building to commercial premises on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building—</p> <p>(a) will not be used for the purposes of residential accommodation, and</p> <p>(b) will not be used for a car park or to provide ancillary car parking spaces, and</p> <p>(c) will provide for uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building.</p> <p>(4) Subclause (3)(b) does not apply to a site that—</p> <p>(a) is greater than 60 metres in depth from all street frontages, or</p> <p>(b) has a gradient steeper than 15%, measured from boundary to boundary, or</p> <p>(c) is owned by a public authority and is to be used as a public or commuter car park.</p>	<p>Mixed Use zone situated on the ground floor.</p> <p>A variation to the Clause is identified but the apartments are approved.</p>
<b>6.14</b>	<p><b>Design Excellence</b></p> <p>(2) This clause applies to development involving the construction of a new building, or external alterations to an existing building, that will result in—</p> <p>(a) a building that is greater than 30 metres in height on land shown as “Area 1” on the Design Excellence Map, or</p> <p>(b) a building that is greater than 55 metres in height on land shown as “Area 2” on the Design Excellence Map, or</p>	<p>The site is not situated within Area 1, Area 2 or Area 3 as shown on the Design Excellence Map.</p> <p>While the Design Excellence Panel has reviewed the application due to the building having a height that is greater than 25 metres, it is identified that Clause 6.14 will not directly apply to the development application due to its location outside the areas specified in Subclause (2).</p> <p>A detailed assessment concerning the Design Excellence Panel is addressed</p>

	<p>(c) a building that is on land shown as “Area 3” on the Design Excellence Map.</p> <p>(3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.</p> <p>(4) In considering whether the development exhibits design excellence, the consent authority must consider the following matters—</p> <p>(a) whether the development has been endorsed by the Cumberland Design Excellence Panel as exhibiting design excellence,</p> <p>(b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(c) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(d) whether the development detrimentally impacts on view corridors, (e) how the development addresses the following matters—</p> <p>(i) the suitability of the land for development,</p> <p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p> <p>(iv) the location of any proposed tower, having regard to the need to achieve an acceptable relationship with other existing or proposed towers on the same site or on a neighbouring site in terms of separation, setbacks, amenity and urban form,</p> <p>(v) bulk, massing and modulation of buildings,</p> <p>(vi) street frontage heights,</p>	<p>within the main report for Panel consideration.</p>
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	<p>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</p> <p>(viii) the achievement of the principles of ecologically sustainable development,</p> <p>(ix) pedestrian, cycle, vehicular and service access and circulation requirements,</p> <p>(x) the impact on, and proposed improvements to, the public domain.</p> <p>(5) The height of a building to which this clause applies may exceed the maximum height shown for the land on the Height of Buildings Map by an amount, to be determined by the consent authority, of up to 10% of the amount shown on that map.</p> <p>(6) The floor space ratio of a building to which this clause applies may exceed the floor space ratio shown for the land on the Floor Space Ratio Map by an amount, to be determined by the consent authority, of up to 0.5:1.</p>	
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### **Assessment of the Height variation and justification**

The applicant requests that the consent authority consider the request to vary the height standard and grant consent to the proposal despite the departure from the control, for the reasons stated below.

#### **Applicant's justification**

A detailed Clause 4.6 variation is not lawfully required for the modification application. However the following reasons indicate that the departure to the height control is acceptable noting that no Clause 4.6 variation is required.

#### ***Consideration of Clause 4.6***

Clause 4.6 of the Cumberland Local Environmental Plan 2021 provides that development consent may be granted for development even though the development would contravene a development standard. Subclause 3-5 provides:

*(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from*

*the applicant that seeks to justify the contravention of the development standard by demonstrating:*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*(4) Development consent must not be granted for development that contravenes a development standard unless:*

*(a) the consent authority is satisfied that:*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

*(ii) 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, and*

*(b) the concurrence of the Director-General has been obtained.*

*(5) In deciding whether to grant concurrence, the Director-General must consider:*

*(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

*(b) the public benefit of maintaining the development standard, and*

*(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

*Each of these provisions is addressed individually below.*

Clause 4.6(3) & Underlying Objectives of the Standard Compliance unreasonable or unnecessary

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control, and the objectives of the zone, are achieved despite the non-compliance to the numerical development standard as set out above which satisfies the Wehbe Test 1.

In accordance with the provisions of this clause, it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the building height development standard are stated as:

*(a) to establish a maximum height of buildings to enable appropriate development density,*

*(b) to ensure that the height of buildings is compatible with the character of the locality,*

*(c) to minimise the visual impact of development,*

*(d) to ensure sufficient solar access and privacy for neighbouring properties.*

The proposal remains consistent with the objectives based on the following:

- In relation to objective (a), the height of the development enables an appropriate development density. Despite the minor increase in height, there is a decrease in floor space ratio for the total development. Hence, the maximum building height as proposed enables a suitable development density that is marginally less than the original approval.

- The development proposal is consistent with the intent of the maximum height control and will provide an attractive series of buildings that addresses the site's frontages. The height in storeys aligns with the development control plan provisions and the height of the building is compatible with the character of the locality which satisfies objective (b).

This is particularly the case given the varied building heights on the site that were specifically formulated to provide the most suitable urban design response on the site.

The non-compliance is minor in nature with the majority of the building being compliant with the building height control and the extent of the breach is not changing the height in storeys at all as the changes relate to floor to floor heights and lift over-runs. The structure associated with the rooftop communal open space and service overruns are recessed. Its impact to the streetscape is negligible as it will be visually unnoticeable when viewed from the street level as compared to the prior scheme and therefore satisfies objective (c). This is particularly the case because the height in storeys does not change from that originally approved.

The departure will not unreasonably impact on the solar access of adjoining properties or the public areas in the vicinity of the site, nor does it impact on privacy which satisfies objective (d). The comparison solar access drawings show a minor increase in shadows mainly to the bus interchange and rail station in the afternoon period and a slight increase in the shadow to the properties to the immediate south. The extent of shadow increase is minor and will not impact on the ability for adjoining properties to redevelop noting the planning controls contemplate significant redevelopment of those sites.

The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.

### ***Sufficient Environmental Planning Grounds & Design Response***

The below points demonstrate that suitable environmental planning grounds exist to justify contravening the height development standard and further demonstrates that the height departure does not give rise to any unacceptable environmental impacts, and therefore the proposal is an appropriate design response for the subject site.

- The design rationale has been driven through analysis of solar access to the site and the reduced height to the northern perimeter is offset by the increased height along Pitt Street and part of the new road at the south-east corner which is the driver of the height variation.
- The proposal adopts a floor space ratio that is reduced relative to the prior approval which demonstrates that the height variation is not a means of capturing additional

yield. This is a site specific design response to acknowledge the sites opportunities and constraints.

- The development site is constrained by flooding which has necessitated an increase to the natural ground level to provide an adequate freeboard that effectively increases the height of the building to ensure that flood waters cannot enter the building.
- The increased height is proposed to ensure compliance with the ADG 3.1m floor to floor heights to improve amenity for the residential units and to provide the necessary slab thicknesses to accommodate the building size and configuration.

All the elements that contribute to the minor breach enables a better design outcome for the development. This enables the development to meet necessary standards, and this is consistent with the relevant objectives of the Environmental Planning and Assessment Act 1979:

*(g) to promote good design and amenity of the built environment,*

*(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

Therefore, the current proposal demonstrates suitable environmental planning grounds and demonstrates that there is merit in varying the height control to achieve a better design response on the site which demonstrates sufficient environmental planning grounds to support the departure.

#### **Clause 4.6(4)- Public Interest and Objectives of the Zone**

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest, as it remains consistent with the objectives of the height control. The proposal is consistent with the objectives of the B4 and B6 zone.

The proposal provides for the housing needs of the community and contributes to a variety of housing forms within a high-density urban centre context. The development site is in close proximity to public transport and existing facilities. The design concept recognizes the key site attributes and provides for an attractive built form that relates to the existing and future site context.

#### **Planning Comment**

There are merits in supporting the justification on the following grounds:

- The development adopts a reduced floor space ratio which in turn reduces the approved intensity of use of the development.
- The site is impacted by flooding and ground floor levels have ben increased to address the recent flood models. The development accounts for the flood levels to ensure that water will not enter the building should a flood occur.

- The development is now designed where it can be constructed given that all relevant Building Code of Australia issues have been incorporated into the final design.

However, Council staff has reviewed the height increase per floor level and it is identified that much of the increase is occurring through habitable floor areas. The increase in height through the habitable floors of Tower Building A is 3.6 metres and the increase in the habitable floors of Tower Building B is 2.15 metres.

There is concern that a precedent may be set. It is considered appropriate not to support the increase in the height of the development through habitable floors of Tower Building A and B.

This would result in the height of Towers A and B being varied as follows:

<b>Proposed height</b>	<b>Modified height</b>	<b>Variation reduction</b>
4.3 - Height of Buildings.		
Block A (West tower) - 71.05 metres.	67.45 metres.	Variation is reduced to 13.45 metres or 24.9 metres.
Block B - 47.85 metres.	45.7 metres.	Variation is reduced to 8.8%.
Block C - 19.2 metres.	May remain the same at 19.2 metres as no variation occurs.	

The change if supported by the Panel would result in a minor reduction of shadowing created by the development. This is addressed via a condition attached to the recommendation.