

# ATTACHMENT B

## ATTACHMENT B

**PUBLIC SUBMISSIONS -  
SUMMARY OF ISSUES AND COUNCIL  
OFFICER RESPONSES**

**1 ALFRED STREET, SYDNEY**



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Amenity Impacts		
Issue	Summary	Response
<i>Acoustic Impacts</i>	<ul style="list-style-type: none"> <li>• Application does not address acoustic privacy of future occupants.</li> <li>• Proposed residential development including balconies on southern façade may be impacted by noise emitted from 24/7 operation of Jacksons on George relating to:               <ul style="list-style-type: none"> <li>○ Mechanical ventilation;</li> <li>○ Arrival and vacation of patrons;</li> <li>○ Entertainment provisions;</li> <li>○ Outdoor dining areas;</li> <li>○ Roof/Plant operations;</li> <li>○ Exhaust systems;</li> <li>○ Loading dock operations; and</li> <li>○ Other services.</li> </ul> </li> <li>• Proximity of residential development to upper most level of Jacksons on George is likely to lead to future noise complaints.</li> <li>• Acoustic protection recommendations:               <ul style="list-style-type: none"> <li>○ Delete southern balconies between L7-L38;</li> <li>○ Reinstate southern façade treatments approved under D/2010/2029; and</li> <li>○ Use of air seals.</li> </ul> </li> </ul>	<p>The recommended conditions include the requirement for revised acoustic assessment for apartments facing Jacksons on George to infill any open balconies and apply treatment to any windows that will be non-compliant with noise criteria. The dominant noise source from Jacksons on George is expected to be entertainment noise from patrons and music on outdoor terraces and Level 2 bar.</p>
<i>Emissions</i>	<ul style="list-style-type: none"> <li>• Jacksons on George mechanical exhaust systems and odours are likely to impact residential balconies proposed on southern façade.</li> <li>• Emissions from demolition, bulk excavation and construction plant and equipment pose significant risk to the operations and commercial viability of Jacksons on George.</li> </ul>	<p>A number of south facing balconies are to be filled in as wintergardens as a result of noise assessment, as conditioned in the recommendation.</p>

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	<ul style="list-style-type: none"> <li>• There are a number of exposure paths for airborne products of the combustion from the development site to Jacksons on George including primary pollutants of potential concern (POPC).</li> </ul>	<p>Appropriate conditions have been applied to manage and mitigate construction impacts.</p> <p>Combustion resulting in “airborne products” is ill-defined in the submission. The development is a mixed use proposal with the usual mechanical systems and plant areas.</p>
<p><i>Safety</i></p>	<ul style="list-style-type: none"> <li>• Potential for objects to fall from residential balconies at the southern boundary onto the Jacksons on George open terrace areas/roof resulting in injury or death.</li> </ul>	<p>There is a 3m setback between the development and Jacksons on George. Balconies are to be constructed with no balustrade top edge on which to rest any objects and an upstand at the ground level to minimise the potential for any object falling. It is noted that changes to balconies may be required as a result of design modification conditions.</p>
<p><i>SEPP 65 Non-Compliances</i></p>	<ul style="list-style-type: none"> <li>• Introduction of residential apartments to Tower A at lower levels adjacent to Jacksons on George directly contradicts key design principles of SEPP 65 including visual privacy, acoustic privacy and building separation.</li> <li>• The scheme should be reconsidered in the context of SEPP65 issues and BCA compliance.</li> <li>• Insufficient building separation: <ul style="list-style-type: none"> <li>○ 7.19m separating Towers A and B; and</li> <li>○ 9.6m to the proposed Lendlease tower south of the site.</li> </ul> </li> </ul>	<p>SEPP 65 principles for privacy and noise have been considered and addressed in the assessment of the DA. Suitable mitigation through privacy and noise management have been incorporated.</p> <p>Building separation between Building A and the future Building B has been increased to 10.4m–16m since the exhibition of the DA. The separation is supported and Building B, during the design competition phase and Stage 2 DA, will need to address the privacy impacts of the selected design.</p> <p>Any tower on the Lend Lease site is subject to public exhibition of a Planning Proposal and an approvals process. The development, as</p>

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	<p><i>Solar Access and Overshadowing</i></p> <ul style="list-style-type: none"> <li>• The development will block most of the morning sun to The Cove Apartments (including corridor between Goldfields House and George Street development) and cause additional shadowing from the east.</li> <li>• Major sun and light minimisation factors will strongly influence the daily environmental existence of permanent residents within The Cove apartments.</li> <li>• Consideration required of the cumulative impact on (solar access) amenity from various developments within vicinity to The Cove.</li> <li>• The built form results in significant solar access impacts on the existing and proposed public domain including the Lendlease future George Street Plaza and lanes by way of additional overshadowing in the mornings of late September through to late March.</li> <li>• The George Street Plaza will only achieve solar access later in the day, possibly missing the lunchtime period.</li> <li>• Council's objectives for sun and light to the lanes and alleys south of Goldfields House (including enhanced amenity for office workers, visitors and residents) will be gravely reduced.</li> <li>• The erection of two towers 58 and 26 storeys in height will cast significant shadows across the vicinity of George Street.</li> <li>• The George Street hoarding configuration indicated on the Hoarding Plan is likely to overshadow the outdoor dining area of Jacksons on George, particularly during cooler months. It is also likely to partially overshadow the Jacksons front bar dining area, having an adverse impact on the commercial viability of Jacksons on George.</li> <li>• Recommendations:             <ul style="list-style-type: none"> <li>○ A reduction in height will lead to improved solar access to the George St Plaza; and</li> </ul> </li> </ul>		<p>The amendments within the DA do not result in any additional significant overshadowing during 9am to 3pm on The Cove apartments. Early morning sunrise between existing low rise buildings is not a protected matter in planning controls.</p> <p>The amendments within the DA do not reduce access to light at the Cove Apartments.</p> <p>The amendments within the DA have no additional overshadowing impacts on the George Street Plaza and lanes. There was a 900mm eastern extension of the tower when the DA as lodged. This has since been removed from the DA to maintain the existing eastern tower alignment and therefore match the existing approved overshadowing.</p> <p>The DA is only for minor amendments to the approved Building A. A second building to the east is subject to a separate Stage 1 DA.</p> <p>Construction hoardings are temporary and necessary for pedestrian protection on public and private land. Overshadowing by construction hoardings is temporary and minimal.</p> <p>Overshadowing of the potential Plaza along George Street has been studied and will not be</p>	<p>amended, complies with the southern setback control of 3m, when measured to the glassline, in the Sydney DCP.</p>
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	<ul style="list-style-type: none"> <li>○ Additional floor space at the eastern extension should be relocated to the northern façade line of Tower A to ensure no additional overshadowing.</li> </ul>	<p>altered as a result of reducing the height of Building A as suggested in the submission. The DA maintains the approved building height.</p>
<p><i>Use</i></p>	<ul style="list-style-type: none"> <li>● The hotel could be located within the Stage 2 taller building.</li> <li>● The amending DA proposes an intensification of sensitive residential land uses on floors 3, 4 and 5 directly adjacent Jacksons on George (as compared to the previous non-sensitive land uses approved under the former consent D/2010/2029).</li> <li>● Sensitive residential apartment land use (above L6) is proposed to be 500mm closer to Jacksons on George under the proposed Tower A southern facade alignment. These apartments will be impacted by amenity issues relating to noise, vibration, privacy and light.</li> <li>● Intensification of land use (compared to D/2010/2029) will have adverse impacts on existing operations of Jacksons on George and resultant poor residential amenity resulting from existing approved uses on the Jacksons on George site.</li> <li>● Developments such as the proposed will force families out of the city CBD and in doing so, have adverse flow on effects to city safety, small business viability and local jobs and change the culture of the Rocks.</li> </ul>	<p>The DA maintains the approved building height. Any future hotel to the east of Building A is subject to a design competition and Stage 2 DA.</p> <p>The existing approval has residential uses facing Jacksons on George from Level 4 and up. Compared to the approved DA, the changes proposed include residential use at Level 3 and new balconies facing south. There are wintergardens at lower levels and requirements within the recommended conditions for privacy treatment to windows and filling in balconies that will not comply with noise standards.</p> <p>The development, as approved and amended, provides apartments and facilitates for families living the CBD, more so than the existing office building. Building A has larger than usual apartments for larger households.</p>
<p><i>View Loss</i></p>	<ul style="list-style-type: none"> <li>● The proposal approved in 2011 already resulted in significant loss of amenity for surrounding buildings, especially The Cove apartments and Grosvenor Place. Residents are concerned about further loss of amenity.</li> <li>● Permitting the new development to extend to the north-west boundary (approx. 15m wider than Goldfields House) will result in significant loss of views from Grosvenor Place and the Cove Apartments.</li> <li>● 80 apartments in the north-eastern corner of The Cove building will lose about a third of their view corridor to the Opera House and Sydney Heads.</li> </ul>	<p>The amendments proposed in the DA have no significant adverse loss of amenity for surrounding properties due to minimal changes proposed.</p> <p>The DA does not propose to extend the approved development to the north-west boundary. There is a 2m northern extension of the tower. This is setback from the north-west boundary. This demonstrates that there will be no additional</p>

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<ul style="list-style-type: none"> <li>● The dominant view (from The Cove) is the existing strip that goes through the Goldfield House corridor. It is not a big strip and the proposed development will reduce this further.</li> <li>● Views and view corridors from The Cove apartments will be blocked, destroyed or significantly diminished/degraded including those to:             <ul style="list-style-type: none"> <li>○ Sydney Heads;</li> <li>○ Opera House;</li> <li>○ Northern Beaches;</li> <li>○ Lady Macquarie; and</li> <li>○ Bennelong.</li> </ul> </li> <li>● The blocking of existing views from The Cove due to increased height, extra tower and realignment of the new development will have a substantial and detrimental effect on the values and rental income of properties in The Cove apartments.</li> <li>● View corridors of many existing city buildings will be blocked and negatively impact on rate paying residents and property owners.</li> <li>● Views from the proposed George Street Plaza (south of the site) including those to the harbour and bridge will be severely impacted if the proposal is built to the north-western boundary.</li> <li>● The development does not allow reasonable view sharing for existing and potential towers on the APDG block.</li> <li>● The View Analysis as submitted by the applicant is inaccurate and flawed, in that:             <ul style="list-style-type: none"> <li>○ Photographic evidence submitted with the DA is misleading and does not reflect the actual (visual) impact;</li> <li>○ The view analysis provided for Grosvenor Place appears to be more reflective of the potential loss for units (within The Cove) orientated to the north-east;</li> <li>○ The Grosvenor Place analysis does not afford a reliable or accurate representation of the loss, as Grosvenor Place is several metres further to the east of The Cove;</li> <li>○ An amateur assessment of the likely view loss based on the proposed building envelopes and the existing view has been carried out. This</li> </ul> </li> </ul>	<p>view loss impact from any future Plaza along George Street south of the site.</p> <p>The amendments proposed in the DA will not have any significant adverse view loss on The Cove apartments. This is addressed in the Issues section of the assessment report.</p> <p>The amendments proposed in the DA do not have any effect on view sharing for towers in the APDG Block. The proposed extensions to Building A are on the northern and southern sides.</p> <p>Council Officers undertook their own view loss analysis for the approved DA and have assessed the amendments in this context. The additional footprint of Building A to the north and south has no significant additional view loss impact on The Cove. This is addressed in the Issues section of the assessment report.</p>
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	<p>indicates that the existing view of the entire opera house as well as the forecourt, opera house steps and harbour frontage and activity on the water will be wholly or partially compromised;</p> <ul style="list-style-type: none"> <li>○ Previous view analysis was taken from an unreasonable position and not one to reflect a vantage point where Cove residents would normally stand or sit on their apartments. A new view analysis should be conducted from the Cove Apartments; and</li> <li>● Independent view analysis undertaken by a number of submitters, indicates:             <ul style="list-style-type: none"> <li>○ The bulk and scale of the impacts upon The Cove apartments are greater than that proposed by the applicant.</li> </ul> </li> <li>● Recommendations:             <ul style="list-style-type: none"> <li>○ Revise the western setback and exchange height of Tower A with the projected Tower B.</li> </ul> </li> </ul>	
<p><i>Visual Privacy</i></p>	<ul style="list-style-type: none"> <li>● Extending the building profile into the north-west will reduce the line of sight to bedrooms and/or offices. This is not conducive to happy and healthy city living. At present, when privacy and natural light are sought, the only window coverings that can be left open are those that face the corridor between the existing Goldfields House. The proposed development will remove this final privacy option and force occupants to close all curtains and rely on artificial light. Clearly this is not a viable option for family living.</li> <li>● The proposal does not address visual privacy for residential occupants from Jacksons on George.</li> <li>● The intensification of sensitive residential apartment land use, coupled with the realignment of Tower A southern facade closer to Jacksons on George, have the potential to create cross viewing and privacy issues to residential apartment owners and occupants arising from the 24/7 operation of Jacksons on George.</li> </ul>	<p>The DA does not propose to extend the approved development to the north-west boundary. There is a 2m northern extension to the tower portion only. This is setback from the north-west boundary. This fact demonstrates no additional view loss impact from any future Plaza along George Street south of the site.</p> <p>Notwithstanding that the amendments proposed are very limited, building separation between Building A and The Cove is significantly much more than 24m as required by SEPP 65 and the Apartment Design Guide.</p> <p>The existing approval has residential uses facing Jacksons on George from Level 4 and up. Compared to the approved DA, the changes proposed include residential use at Level 3 and new balconies facing south. There are</p>



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		<p>wintergardens at lower levels and a requirement within the recommended conditions for privacy treatment to windows and filling in balconies that will not comply with noise standards.</p>
<p><i>Wind Impacts</i></p>	<ul style="list-style-type: none"> <li>• Greater wind flow (as suggested within the Final Wind Assessment Report) is expected to further exacerbate the potential for debris to fall from balconies onto Jacksons on George.</li> <li>• The oversized development will create strong wind currents within the proposed George Street Plaza.</li> </ul>	<p>There is a 3m setback between the development and Jacksons on George. Balconies are to be constructed with no balustrade top edge on which to rest any objects and an upstand at the ground level to minimise the potential for any object falling. It is noted that changes to balconies may be required as a result of design modification conditions.</p> <p>A 600mm extension is proposed to the southern side of the tower element. This cannot be considered to create an oversized building.</p> <p>Pedestrian wind study was lodged with the DA and demonstrates no significant adverse impact.</p>

Approval Strategy	
Issue	Summary
<p><i>Planning Pathway</i></p>	<ul style="list-style-type: none"> <li>• The correct planning pathway has not been followed.</li> <li>• The approval process is complex and does not adhere to, or respect, the level of strategic planning that has been undertaken by the City Of Sydney and landowners within the APDG block.</li> <li>• Given the degree of variation proposed to the APDG controls, concern is raised that the applicant has not undertaken a considered and</li> </ul>
Response	<p>The amendments to the DA do not challenge the original findings of D/2010/2029 regarding the suitability of the development in land use planning context, both in policy and implementation.</p>

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<p>consultative strategic planning exercise with Council. The application may be misinterpreting the planning controls contrary to the APDG objectives which will result in uncertainty for neighbouring landowners who have proceeded that development would occur in an orderly manner.</p> <ul style="list-style-type: none"> <li>• The approval strategy is not practicable. The process is not in the public interest and results in an outcome that has no certainty as a result of the basement car park being separated into a future development application.</li> <li>• The development to which the Amending DA relates forms part of a State Significant Development (SSD) as the hotel component of the development will have a capital investment exceeding \$100 million.</li> <li>• The remainder of the development is also declared to be SSD pursuant to Clause 8 of the State and Regional Development SEPP. Council does not have the power to consider or approve the DA.</li> <li>• The Amending DA should be lodged as a SSD application to the Minister and should be accompanied by an Environmental Impact Statement (EIS).</li> <li>• The application is premature as the SSDA has not been determined. The application should be refused or the applicant invited to withdraw.</li> <li>• If the controls are deemed to be unworkable (i.e. non-compliances, Clause 4.6), the correct approach would be to undertake a comprehensive review of the controls including the preparation of a planning proposal and amendment to the Sydney DCP 2012 consistent with the approach consistently applied by Council in relation to other proponents.</li> <li>• A single comprehensive Stage 1 DA or DCP should be considered and determined before any detailed design development applications are lodged or assessed.</li> </ul>	<p>The planning process employed for the amendments proposed is valid.</p> <p>There is no basis in revisiting baseline strategic planning for the APDG Block when the extent of changes to the existing approval is limited.</p> <p>There is sufficient certainty to the outcome of the DA as amended. A condition is recommended that ensures the amended proposal cannot proceed without the basement car parking proceeding.</p> <p>The DA does not include any aspects that are State Significant Development. As such, it and can proceed as Local Development.</p> <p>The DA is not to be determined until the concurrent Stage 1 DA is determined. It is capable of being assessed alongside the Stage 1 DA and does not need to be refused or withdrawn.</p> <p>Clause 4.6 requests are a valid planning consideration. A clause 4.6 is supported to the LEP tower footprint development standard as the minor increases in footprint push the tower into non-compliance. It would be compliant when considered across the site area of the Stage 1 DA.</p> <p>A clause 4.6 is supported to the LEP FSR standard as, technically, the design for Building A has not been subject to a design competition under the December 2013 Competitive Design Policy to be eligible for up to 10% bonus floor space. It has, however, been subject to a Design Integrity</p>
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	<ul style="list-style-type: none"> <li>• AMP and MGS would like to see Wanda and Council undertake a first principles assessment of the existing built form and the surrounding towers (approved or under construction) to establish a built form outcome that is equitable and respectful of the other significant investment that is occurring within the block.</li> <li>• The development relates only to Tower A. In this regard, the proposed development no longer relates to the whole of the block. As such, concern is raised that the SEE does not adequately address how the proposed development satisfies Clause 6.25(5) of the SLEP 2012.</li> </ul>	<p>Review to satisfy the consent authority that design excellence is maintained. This is addressed in the Issues section of the assessment report.</p> <p>The amendments in the DA are minor and maintain the built form, scale and massing of the approved development. A “first principles” re-assessment of built form is not required.</p> <p>The development, as amended, relates to the whole of the site in that the existing Goldfields House is to be demolished and Building A is proposed to the west of site and temporary ground treatment is proposed to the east of site.</p>
<p><i>Inconsistencies with Stage 1 / Stage 2 applications</i></p>	<ul style="list-style-type: none"> <li>• The documents for D/2015/882 consistently refer to D/2010/2029 as a "Stage 2 DA" and they seek consent to make amendments to the supposed Stage 2 DA. This is incorrect as the Stage 1 DA D/2007/1384 had lapsed, therefore there was no Stage 1 consent in place when D/2010/2029 was determined. The Assessment report and NOD for D/2010/2029 make no reference to a Stage 2 DA. The applicant requested and obtained a waiver to prepare a Development Plan on the basis that other studies and the site specific APDG DCP/LEP represented a development plan for the site. This is a legal/procedural matter. However, the applicant and consent authority must exercise care in the nomenclature used on D/2015/882 to ensure that the application and any future consent are constructed properly.</li> <li>• The Stage 2 DA cannot be assessed or determined without prior consent to the Stage 1 State Significant Development Application, because one cannot determine whether an appropriate distribution of floor space has occurred.</li> </ul>	<p>A separate Stage 1 DA has been lodged and is being assessed concurrently with this application.</p> <p>A requirement to prepare a development plan or Stage 1 DA was waived on the granting of consent for DA D/2010/2029. As such, there is no Stage 1 DA and the consent to D/2010/2029 is considered to be a Stage 2 DA as a detailed proposal.</p> <p>The DA is not to be determined until the concurrent Stage 1 DA is determined. It is capable of being assessed alongside the Stage 1 DA and does not need to be refused or withdrawn.</p> <p>Stage 1 DA D/2007/1384 is not relevant to the subject DA. The concurrent Stage 1 DA</p>

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	<ul style="list-style-type: none"> <li>• In indicating that the applicant is willing to surrender the Stage 1 Consent (D/2007/1384), they infer that the Stage 1 Consent is currently active. This gives rise to significant legal issues.</li> <li>• As the Stage 1 Consent appears to be operational, by application of Section 83(d)(2) of the EP&amp;A Act, any subsequent development application in respect of the site must not be inconsistent with the Stage 1 Consent. In this regard, the Stage 1 Consent did not rely on the APDG site specific controls in the SLEP 2005 which were introduced after the Stage 1 Consent was granted. Accordingly, the Stage 2 Consent could not be considered to be consistent with the Stage 1 Consent. Further, the Stage 2 Consent could not be considered to be consistent with the development approved by the Stage 1 Consent because the built form outcome was completely different with different tower forms and a different arrangement of buildings and uses on the site.</li> <li>• While the Stage 1 Consent continues to be in force in relation to the site, the Amending DA cannot be approved where it is inconsistent with the these consents (in breach of section 83D(2) of the EP&amp;A Act). Approval of the Amending DA would therefore be beyond power and would be susceptible to legal challenge on this basis.</li> <li>• By operation of section 83D(2), it is not within the power of the Council to grant the Stage 2 Consent. The Stage 2 Consent could therefore be susceptible to challenge in Class 4 proceedings in the Land and Environment Court.</li> <li>• Any assessment of the cumulative impacts need to have regard to the whole of the APDG block, which is difficult without assessing and determining a Stage 1 DA for the site. Therefore, the Stage 2 DA should not be supported without an assessment and determination of a Stage 1 Da for the site.</li> <li>• The current proposal is an amalgam of the previous DA and proposed new designs which defeat the objectives of the previous planning proposal</li> </ul>	<p>conditions require the surrender of relevant Stage 1 DAs over the land.</p> <p>The proposed amendments to Building A have been designed having had the benefit of consideration with the concurrent Stage 1 DA. The design rationale for the amended Building A remains sound, and suitably unified, with the concurrent Building B and public realm Stage 1 DA concept.</p> <p>Changes to the ownership of surrounding land do not alter the fact that the existing consent is operational and the Applicant intends to proceed, subject to the amendments proposed.</p>
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	<p>which the Council approved. The developers rely on the previous approved DA for Tower A, however this approval was part of a total design concept which no longer applies. Tower A has remained as previously submitted, but the remainder of the site has been altered in such a way that completely negates the design rationale of Tower A.</p> <ul style="list-style-type: none"> <li>It is proposed that Tower B has increased height and bulk with a new design resulting in differing architectural language with no unity of design which this most important site deserves. The whole site should be redesigned rather than taking one element of the previous design, as the site ownership in this precinct has undergone various changes since the original DA was granted.</li> </ul>	
<p><i>Requirement for a DCP or Master Plan</i></p>	<ul style="list-style-type: none"> <li>The application is non-compliant with Clause 7.20 of the Sydney LEP 2012 as a Development Control Plan (or alternatively staged development consent in place) has not been prepared for the development. Therefore, the approval of this building pre-empts the out coming of any stage development application and approval process.</li> <li>There are three large and current proposed developments by Mirvac, Lendlease and Wanda with no Master Plan for the block. The development should be rejected until a comprehensive plan for the block is put forward as envisaged by the City of Sydney in its guidelines.</li> </ul>	<p>The DA is not to be determined until the concurrent Stage 1 DA is determined. It is capable of being assessed alongside the Stage 1 DA.</p> <p>The DA has been lodged for minor amendments to the existing consent. The existing consent is operational and the Applicant intends to proceed with the development.</p>

<b>Bulk &amp; Scale</b>	
<b>Issue</b>	<b>Summary</b>
<p><i>Non-compliance with planning controls</i></p>	<ul style="list-style-type: none"> <li>The proposed increase in bulk and scale is non-compliant with the Sydney LEP 2012 in terms of: <ul style="list-style-type: none"> <li>Clause 4.6</li> </ul> </li> </ul>
	<p><b>Response</b></p> <p>The submissions are referring to the tower footprint. A Clause 4.6 request has been made requesting dispensation from strict compliance with Clause 6.25(4) of the Sydney LEP, being a</p>

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	<ul style="list-style-type: none"> <li>○ Clause 6.25(4)</li> <li>○ Figure 6.10</li> <li>● The development includes a tower element to a height of 185m on 27.5% of the area of Block 3 as defined in the Sydney LEP 2012. This exceeds the required development standard of 24%.</li> <li>● The development does not provide a satisfactory distribution of built form and floor space development in that the proposed built form and floor space bears no relations to any Stage1 consent applying to the site, the outcome of the UDS to guide the preparation of the APDG controls, any competitive design competition winning entry and the APDG controls for the site as reflected in Sydney DCP 2012.</li> <li>● Compliance with the APDG Sydney DCP 2012 would provide a satisfactory distribution of built forms.</li> <li>● Development represents a creep in floor size beyond the set APDG control guidelines.</li> </ul>	<p>maximum limit on the extent of the site (24%) able to accommodate a 185m tall tower. The non-compliance is supported as set out in the Issues section of the assessment report.</p> <p>The amendments to the existing consent are lodged in the context of a concurrent Stage 1 DA for the revised building envelope, future below ground works and a future eastern building. The existing consent stems from a winning design competition scheme which itself is the basis for the site's APDG planning controls in the LEP and DCP.</p> <p>The minor amendments proposed to the existing Building A design are considered acceptable.</p>
<p><i>Impacts</i></p>	<ul style="list-style-type: none"> <li>● Development is too wide for the harbour front site, far wider than the current building.</li> <li>● Proposal creates a visual curtain/wall that would act as a barrier to views of architecture behind it and harbour in front of it. This includes views to historic buildings within the precinct.</li> <li>● Additional floor plate will impact various view points from within Grosvenor Place.</li> <li>● By virtue of its bulk and scale, a 110m tower with a minimum building separation to Tower A of 6.92m will block easterly views from 200 George St and reduce sunlight access to the precinct. This is contrary to the APDG objectives.</li> </ul>	<p>The east-west width of the approved Building A is unchanged. A minor increase to the north-south width is supported and does not affect the Harbour view of the development.</p> <p>Building A is the subject of this application, not Building B.</p>

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	<ul style="list-style-type: none"> <li>• Consideration required of cumulative bulk and scale impacts by Tower B, 182 George St and whole APDG Block.</li> <li>• The Amending DA and the SSDA introduce a more dominant tower that is wider and deeper than the current approval, resulting in environmental impacts arising from tower crowding.</li> <li>• Expanding the footprint of the existing buildings will crowd out the people from an immensely significant cultural and historical site, destroying open space and a site of immense cultural and historical significance. The people's space must be preserved.</li> <li>• How can the 'three tall towers' approach for a narrower, taller building be achieved given the owner of the amalgamated sites has approvals to commence work?</li> </ul>	
<p><i>Design recommendations</i></p>	<ul style="list-style-type: none"> <li>• Development should remain committed to 'Three Significant Tall Towers' approach for the site. This will enable sharing of space, views, sun, light, outlooks and enhanced amenity.</li> <li>• Consideration of an alternate tall, slimmer and "iconic" building on the site, no wider or further west than the existing Goldfields House. This will enable shared views for Ernst Young and Lendlease future building occupants.</li> <li>• A taller, narrower tower would resolve amenity issues whilst still capitalising on its investment with maximum floor space.</li> <li>• Location of Tower A must be swapped with the location of Tower B to enable the grouping of hotels at the corner of George and Alfred Streets.</li> <li>• Reject the application and reconsider the whole development concept for the site. Only a much narrower building should be permitted within the northern, harbour fronting, and primary-view end of the renewed block.</li> <li>• The footprint of the buildings on this site must not be allowed to enlarge.</li> </ul>	<p>The DA has been lodged for minor amendments to the existing consent by the Applicant. The existing consent for the site is operational and the Applicant intends to proceed with the development as amended. As such, the bulk, scale and character of the approved development is to proceed, subject to the minor amendments proposed.</p> <p>The minor proposed enlargement of the footprint of Building A is assessed to be acceptable.</p> <p>The Design Integrity Panel has found that the design for Building A is acceptable.</p>

Clause 4.6 - Exceptions to Development Standards		
Issue	Summary	Response
<p><i>Applicant submission of Clause 4.6 relating to maximum building height under Clause 6.25(3)(c)</i></p>	<ul style="list-style-type: none"> <li>The applicant has not adequately addressed the requirements of Clause 4.6 or demonstrated that the floor plate development standard should be varied in this instance.</li> <li>The request to vary provisions is not well founded.</li> <li>The grounds upon which the 4.6 is sought, do not appear to be particular to the circumstances of the proposed development. The 4.6 variation fails to explain how floor space is distributed across the site - relies on a separate application yet to be determined.</li> <li>It has not been established that the non-compliance results in a better outcome, particularly with regard to a satisfactory distribution of built form and floor space.</li> <li>Insufficient environmental planning grounds to justify non-compliance in relation to the adverse environmental impacts associated with tower crowding, overshadowing, boundary setbacks and the principle of reasonable sharing of views.</li> <li>The cumulative impacts of the increase cannot be determined at this point and should not be supported.</li> <li>To allow the variation would contravene the purpose of the APDG controls which include enabling taller buildings on parts of the street block to provide an integrated lane network, publically accessible open space and greater tower separation for better views and daylight access.</li> <li>To allow the variation would result in impacts to the proposed public domain in terms of solar access and views.</li> <li>The Clause is clear that no increase in the size of the tower footprint is allowed.</li> </ul>	<p>See the discussion in the Issues section of the assessment report. The assessment report finds that the Clause 4.6 request to vary the tower floor plate standard is acceptable and supported. The DA has been lodged in the context of a concurrent Stage 1 DA for the building envelopes of Building A and Building B to the east. The cumulative impacts of the marginally wider tower are assessed in the Stage 1 DA assessment. Sufficient environmental planning grounds exist for the consent authority to accept the proposed variation from the tower floor plate standard.</p> <p>Impacts to public and private views and to overshadowing from the proposed increased width of the tower are minimal and acceptable.</p> <p>The DA maintains the approved integrated lane network, publically accessible open space and tower separation. In relation to tower separation, a previously exhibited extension of the tower to the east has since been deleted from the DA.</p>



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Construction		
Issue	Summary	Response
<i>Construction Hours</i>	<ul style="list-style-type: none"> <li>Noisy construction works should be restricted to between 8am – 9pm, Mondays to Fridays and 9am – 9pm, Saturday and Sundays.</li> </ul>	Standard construction hours within the CBD have been conditioned on the original DA and shall be maintained.
<i>Construction Management Plan (CMP)</i>	<ul style="list-style-type: none"> <li>More comprehensive CMP required to address/resolve issues with demolition/excavation works proposed directly adjacent the common boundary (between Wanda site and Jacksons on George), impacts arising from air borne hazardous materials removal from Goldfields House prior and during demolition works, construction related vehicular access and egress, materials handling access, introduction of loading zones, hoarding zones, temporary works zones, temporary construction plant and equipment.</li> <li>The Tower Cranes 1 and 2 (as indicated within the CMP) have potential to swing above and drop materials onto Jacksons on George leading to injury or death.</li> <li>The construction of Tower A is likely to require Temporary Construction Related Plant, Systems and Equipment (TCPSE) that will project over Jacksons on George during temporary installation and removal. TCRSPE debris can become detached from and may fall from TCRSPE during works. The CMP is of insufficient detail to assess the extent of any TCPSE. The installation, utilisation and removal of possible TCPSE has potential to swing above and drop onto Jacksons on George during its installation, jumping, operation and removal.</li> </ul>	<p>The existing conditions on the existing consent include the requirement for a Construction Environmental Management Plan, Construction Traffic Management Plan and asbestos management.</p> <p>Subsequent approvals from the City are required for construction traffic management, works zones, cranes, hoardings, gantries, road occupancy and the like. At each relevant stage, the impacts of the request are assessed.</p> <p>Construction equipment such as cranes, hoardings and plant typically swing or hang above other properties.</p> <p>Construction management relating to Rugby Place is subjected to review in a Construction Traffic Management Plan and any Roads Act approvals</p>

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	<ul style="list-style-type: none"> <li>• A review of Kerry Hill Plans indicates the BMU resting position extends over the Jacksons on George boundary and onto land owned by others.</li> <li>• CMP provides no details as to how Rugby Place will be managed during construction.</li> </ul>	
<p><i>Hazardous Materials (HAZMAT) Assessment Report</i></p>	<ul style="list-style-type: none"> <li>• No site specific HAZMAT Assessment Report submitted with either Valad DA D/2010/2029, SSD 2015_7101 (D/2015/1049) or Amending DA D/2015/882.</li> <li>• Absence of an adequate Hazardous Materials Assessment Report meeting the requirements of AS 2601 <i>Demolition of Structures</i>.</li> </ul>	<p>The existing consent requires compliance with AS2601-Demolition of Structures.</p>
<p><i>Environmental Phase 1 Site Assessment Report</i></p>	<ul style="list-style-type: none"> <li>• Does not satisfy the requirements of Australian Standard AS 2601, <i>Demolition of Structures</i>.</li> <li>• Coffey have not enquired nor reviewed relevant asbestos records for existing Goldfields House, Fairfax House or Rugby Club as part of the Phase 1 Land Contamination Site Assessment.</li> <li>• There could be areas of Goldfields House steel framed and precast structure where it is impossible to adequately remove all asbestos prior to the commencement of actual structural demolition process. If this is the case, the CSPC's standard conditions that deal with asbestos (as set out in D/2010/2029), are likely to be inadequate to protect occupants of Jacksons on George and the broader surrounding public realm.</li> <li>• The City, under its <i>Managing Asbestos Policy 2013</i>, has a responsibility for legislative functions for minimising the risks from asbestos applying in various scenarios including (amongst others) land use planning including development approvals and demolition.</li> </ul>	<p>The existing consent requires compliance with AS2601-Demolition of Structures.</p> <p>Suitable asbestos management conditions are included on the existing DA. Nothing specific about the existing building is unusual in terms of removal of demolition materials.</p>
<p><i>Geotechnical Desktop Study – Coffey</i></p>	<ul style="list-style-type: none"> <li>• A review of the Geotechnical Desktop Study indicates the impacts of basement works upon Jacksons on George to include:</li> </ul>	<p>Basement works are to be subject to a future Stage 2 DA consistent with the concurrently assessed Stage 1 DA concept. Basement work</p>

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	<ul style="list-style-type: none"> <li>○ The use of hydraulic impact hammers for bulk excavation, trimming excavation sides and detailed excavation, will cause vibrations that could damage vibration sensitive structures and services;</li> <li>○ Vibration damage to in-ground services/utilities;</li> <li>○ Risk of overbreak poses structural integrity and stability issues;</li> <li>○ Removal of existing Goldfields House basement walls could lead to consolidation settlement of Jacksons on George including along George St, Crane Lane, Blue Anchor Lane and Rugby PI and immediate surround because of modifications to the local groundwater table;</li> <li>○ Grouting could potentially lead to:             <ul style="list-style-type: none"> <li>▪ Lifting of foundations and further movement to Jacksons on George surrounds;</li> <li>▪ Further displacement of existing in-ground services; and</li> <li>▪ Leak into sewers, stormwater and other services.</li> </ul> </li> <li>○ Lateral displacement (caused by rock stress relief) could lead to structural and architectural cracking amongst other damage and failure of in-ground serviced below and within vicinity;</li> <li>○ Damage arising from basement excavation and induced ground movements has potential to exceed that permitted under Category 1 Damage Classification based on CIRIA RP30, 1996;</li> <li>○ Demolition of the existing Goldfields House braced walls could lead to potential lateral and vertical displacement of the Jacksons on George structure unless temporary support is provided (anchors).</li> <li>○ Anchoring along the southern boundary is likely required. Anchors could lead to damage of the existing Jacksons on George structure and the existing services below and within proximity;</li> </ul>	<p>impacts will be assessed in that Stage 2 DA and are not relevant to the DA.</p>
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	<ul style="list-style-type: none"> <li>○ Rock anchors have potential to impact existing infrastructure either via ground displacement or mechanical impact during installation and rogue grouting.</li> <li>○ Unstable wedge block could fail directly adjacent of from under Jacksons on George, leading to significant structural impacts.</li> <li>○ Potentially unstable rocks at outward projecting or re-entrant excavation corners could potentially lead to collapse of excavation face from below Jacksons on George.</li> <li>○ Potential for sub-vertical joints cross corner and potentially unstable wedge type block failure from below Jacksons on George.</li> <li>● The 200 George Street development involved a commercial agreement between the developer/Mirvac and the adjacent owners to suitably manage impacts arising from bulk excavations directly adjacent the operating premise.</li> </ul>	
<p><i>Site Access / Right of Way</i></p>	<ul style="list-style-type: none"> <li>● Without access from Pitt St and George St, Jacksons on George may be unable to operate under redevelopment scenarios including Wanda and George Street Light rail. Without a binding commercial agreement with third parties to the contrary, Wanda must maintain Rugby Place open at all times.</li> <li>● It is unclear how Built proposes retain Rugby Place open and operational for the beneficiaries of Rights (per Linker plans) to access Rugby Place (possibly including Jacksons on George).</li> <li>● Loading zones along George St with the purpose of servicing the proposed development will further destroy the ambience of outdoor and mixed modal dining at Jacksons on George diminishing the dining area and financial viability of Jacksons on George.</li> </ul>	<p>Consideration of Construction Traffic Management Plan relating to Rugby Place is to take place as part of the satisfaction of consent conditions and will be carried out in the context of any affected users having rights of access.</p>

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<p><i>Basement Works</i></p>	<ul style="list-style-type: none"> <li>● Existing basement walls should be retained and reused not demolished as this will result in significant environmental and amenity impacts to Jacksons on George.</li> <li>● The proposed basement will significantly increase noise, vibration, dust, emissions and other environmental impacts upon Jacksons on George, beyond the Valad scheme.</li> </ul>	<p>Basement works are to be subject to a future Stage 2 DA consistent with the concurrently assessed Stage 1 DA concept. Basement work impacts will be assessed in this Stage 2 DA.</p>
<p><i>Impacts</i></p>	<ul style="list-style-type: none"> <li>● The environmental and commercial impacts to Jacksons on George arising from excavation, demolition, construction of the site and associated works are as follows: <ul style="list-style-type: none"> <li>○ Noise;</li> <li>○ Vibration;</li> <li>○ Dust (TSP), silica dust and fine particles (PM10);</li> <li>○ Emissions;</li> <li>○ Other environmental impacts;</li> <li>○ Internal amenity</li> <li>○ Additional cleaning;</li> <li>○ Potential loss of 45 jobs;</li> <li>○ Commercial viability; and</li> <li>○ Loss of right of way during construction and upon completion of the hotel podium.</li> </ul> </li> <li>● Patrons and staff may be subjected to the following: <ul style="list-style-type: none"> <li>○ Airborne asbestos fibres and related future chronic health impacts;</li> <li>○ Dining within an environment subject to dust</li> </ul> </li> </ul>	<p>The objectors list of construction impacts is universal to almost all construction projects and all are capable of management and mitigation.</p> <p>The existing conditions on the existing consent include the requirement for a Construction Environmental Management Plan, Construction Traffic Management Plan, construction noise management and asbestos management.</p> <p>Approvals from the City are required for construction traffic management, works zones, cranes, hoardings, gantries, road occupancy and the like. At each relevant stage, the impacts of the request are assessed.</p>

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	<ul style="list-style-type: none"> <li>Structure borne vibration from proposed works may lead to failure of façade rendered surfaces at Jacksons on George including dislodgement of render. This has the potential to fall within the proposed development site leading to injury or death of site construction workers.</li> </ul>	
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<b>Councillor Duties</b>		
<b>Issue</b>	<b>Summary</b>	<b>Response</b>
<i>Duty of Care</i>	<ul style="list-style-type: none"> <li>Councillors have a duty of care and should be mindful of (the impacts of the proposal) electorate member's investments and wishes. A premium price was paid for properties at The Cove taking into consideration previous Sydney LEP and height limits which were not going to change.</li> <li>If Councillors capitulate from their original objectives and approve this development, it will be adversely taken as a major betrayal and neglect of duty to the wishes of the electorate members.</li> </ul>	<p>The consent authority for the DA is the Central Sydney Planning Committee. Notwithstanding, the impacts of the proposal have been assessed in accordance with the Environmental Planning and Assessment Act 1979.</p>

<b>Design</b>		
<b>Issue</b>	<b>Summary</b>	<b>Response</b>
<i>Design Competition</i>	<ul style="list-style-type: none"> <li>The competitive design process that supported the Stage 1 Consent cannot be relied upon because the development is substantially different from the winning entry. In this regard, a fresh competitive design process is required to be undertaken.</li> <li>Although Kerry Hill Architects previously won the design competition for an earlier design scheme, this does not overcome the current requirement for design excellence or the requirement for a new design competition in accordance with Clause 6.21(5) of the Sydney LEP 2012.</li> </ul>	<p>Building A, as amended, is not substantially different from the winning design competition entry as contended. A fresh competition is not required.</p> <p>A design competition is required for the eastern hotel tower however.</p> <p>The DA maintains the design integrity of the winning design competition entry in relation to Building A.</p>

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	<ul style="list-style-type: none"> <li>• The proposed development selects part of a design competition winning development and dispenses with the remaining part of the winning entry.</li> <li>• The proposal does not meet any of the requirements set out in Clause 6.21 of the Sydney LEP 2012 and there are no grounds under which a competitive design process would be unreasonable or unnecessary.</li> <li>• The proposed development is not consistent with the winning entry or Figure 6.16 of the Sydney DCP 2012 and therefore the envelope controls contained in Figure 6.16 do not apply. It is not correct to assert that the Sydney DCP 2012 envelopes directly adopt the built form of Stage 1 Consent because this only applies to a development that is the same as the Kerry Hill scheme.</li> <li>• A Design Integrity Assessment (DIA) ought to be prepared to ensure that the proposal is equivalent to, or an improvement upon, the design excellence qualities of the KHA winning competition scheme.</li> </ul>	<p>The DA satisfies the requirements in relation to design excellence in SLEP 2012.</p> <p>It is not a correct assertion that DA building design must be precisely as awarded at design competition stage. The City's Competitive Design Policy recognises that changes occur from competition phase to DA phase, for example, based on detailed engineering advice.</p> <p>The design of the changes to the development have been subjected to examination by the original competition Selection Panel in a Design Integrity Review. The Panel held that the amendment continue to exhibit design excellence. Council Officers agree that design excellence is maintained. See discussion in the History section of the assessment report.</p>
<p><i>Design Excellence</i></p>	<ul style="list-style-type: none"> <li>• There is nothing to suggest the proposed building exhibits design excellence. Consequently, the development is not entitled to bonus FSR. The development therefore exceeds the allowable FSR and is not permissible.</li> <li>• In order to demonstrate design excellence, the building to which this application relates would need to be the subject of a competitive design process.</li> </ul>	<p>The design of the changes to the development have been subjected to examination by the original competition Selection Panel in a Design Integrity Review. The Panel held that the amendment continue to exhibit design excellence. Council Officers agree that design excellence is maintained. See discussion in the History section of the assessment report.</p>
<p><i>Design issues</i></p>	<ul style="list-style-type: none"> <li>• The exhibited drawings for D/2015/882 include simple building elevations and two exterior finishes boards. Given the new DA is an amendment to D/2010/2029 and seeks to retain the approved design excellence bonus floor space ratio, Council must assess whether or not the new scheme diminishes the design quality of the approved design.</li> <li>• The block design, mass and width of the proposed building offers no creative flow. The surrounding buildings have dimensions and movement</li> </ul>	<p>The design of the changes to the development have been subjected to examination by the original competition Selection Panel in a Design Integrity Review. The Panel held that the amendment continue to exhibit design excellence. Council Officers agree that design</p>

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	<p>in their design. The Harry Seidler waves, other round and elliptical buildings, high rise/low girth type buildings dominate the landscape and provide depth (i.e. you can see through their perimeters to the buildings behind).</p> <ul style="list-style-type: none"> <li>• Tower A creates a high needle, it projects too far west and it totally disregards its neighbours including Grosvenor Place and Cove Apartments.</li> <li>• The proposals should be required to be in harmony with their neighbours.</li> <li>• The developer appears to have given no consideration to the effect of its plans on the proposed development or Council's objectives to the south. Does this mean the Council's plans to enhance the development prospects of the site to the south can be so easily abandoned? The developer should not be able to get 'everything' at the expense of surrounding residents and other planned developments to the south.</li> </ul>	<p>excellence is maintained. See discussion in the History section of the assessment report.</p> <p>The amendments proposed in the DA have near imperceptible impact on the overall form, bulk, scale and character of the approved building.</p> <p>The height, western setback and impacts of the development on surrounding properties, and particularly The Cove, were assessed under the original DA and are not altered by the proposed amendments.</p> <p>The amendments proposed do not have any significant impact on development to the south.</p>
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<b>Flooding</b>	
<b>Issue</b>	<b>Summary</b>
<i>Flooding Impacts</i>	<ul style="list-style-type: none"> <li>• Potential for adverse upstream flood impacts to the Jacksons on George basement level arising from the proposal and from the apparent inadequacy of the BMT WBM base case.</li> </ul>
<b>Response</b>	
<p>The amendments proposed do not pose any flood impact potential to the basement of the Jacksons on George hotel.</p>	

<b>Height</b>	
<b>Issue</b>	<b>Summary</b>
<i>Non-compliance with planning controls</i>	<ul style="list-style-type: none"> <li>• Proposal excises requirements under Clause 6.25 of the Sydney LEP 2012 to provide "recreation areas and lanes and roads through the site". As such, alternative planning controls (relating to height) for the APDG Block do not apply.</li> </ul>
<b>Response</b>	
<p>The DA was originally exhibited on the basis of no north-south through-site link being included in the revised scope of works. This has since been amended and the north-south through site-</p>	



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	<ul style="list-style-type: none"> <li>• The amending DA does not comply with Clause 6.25(5) of the Sydney LEP 2012 because it does not relate to the whole block because it does not provide any development on the remainder of Block 3 other than the demolition of existing buildings. As such, the additional height provided in Clause 6.25(3) is not engaged to permit a tower of up to 185m on up to 24% of Block 3 as is proposed by the Amending DA.</li> <li>• Non-compliance with Sydney LEP 2012 height control - exceeds the allowable height limit of 110m as required by Clause 4.3.</li> <li>• Non-compliance with the maximum height in metres as shown on Figure 6.10 <i>Alternative Heights</i> in relation to the height of Tower B and the setback from Circular Quay of Tower A.</li> <li>• The Stage 1 DA proposes significant variations to the block specific APDG building envelope controls.</li> <li>• The proposal does not meet the minimum frontage height requirements for George or Pitt St.</li> <li>• The proposed does not limit the number of buildings above 75m.</li> <li>• The Amending DA and SSDA seek to exploit the controls in so far as a tall tower is concerned and maintain the original controls on the balance of the site. The application both 'opts in' and 'opts out' in the same application.</li> </ul>	<p>link is included in the DA, enabling the tower footprint permitted under Cl. 6.25 of SLEP.</p> <p>The development, as amended, relates to the whole of the site in that the existing Goldfields House is to be demolished and Building A is proposed to the west of site and temporary ground treatment is proposed to the east of site. The DA has been lodged alongside a concurrent Stage 1 DA for buildings for Building A and Building B.</p>
<p><i>Issues</i></p>	<ul style="list-style-type: none"> <li>• No benefit to the City of Sydney to increase the height of the proposed development.</li> <li>• Additional height and FSR granted on the basis of increased public benefit. What public benefit? A gap between buildings?</li> <li>• The building shall not go up to 57-storeys as it is located along the Sydney Harbour Foreshore.</li> <li>• Now that the lower building is to be twice as tall, the building behind it will be denied sun, light and views for another 100 years.</li> <li>• Allowing more of the aspect to the north to be blocked by permitting Wanda to nearly double the height of the 'smaller' building will have a very negative impact upon the proposers of these developments to the south. It will make them less financially viable and therefore less likely to</li> </ul>	<p>The DA does not include additional building height. The approved height is maintained.</p> <p>The impacts of Building B to the east are subject to the concurrent Stage 1 DA assessment and future design competition and Stage 2 DA.</p>

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	be of the quality and significance to make a dramatic contribution to Sydney.
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Heritage & Cultural Losses	
Issue	Response
<p><i>Historical significance</i></p> <ul style="list-style-type: none"> <li>The site in fact belongs to the people who have an inherent attachment to this land. "We, the people, have native title to this land because of its historical significance. We, the people, have created the value that this site has. It must remain open for the people of Australia to come home to. Developers must not be able to crowd out the people. You must not deny the people free access to our heritage. You must not allow developers to destroy the people of Australia's heritage".</li> <li>The site of the proposed development is an historic site. The site of the development proposal has immense cultural and historical significance.</li> </ul>	<p>The Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander heritage significance of the site has been examined and the impacts of the proposal, as amended, are satisfactory. Conditions with regard to heritage form part of the recommended conditions.</p> <p>The site is currently occupied by a 28 storey office tower spanning the whole boundaries. A much greater extent of the site will be opened up to public access and enjoyment upon redevelopment.</p>

Inadequacies in Submitted Information	
<p><i>Traffic Report</i></p> <ul style="list-style-type: none"> <li>The traffic report does not assess cumulative traffic impacts arising from a proposed shared basement, nor does it provide shared access concepts, turn circles, proposed vehicle sizes, constraints and the like. Therefore, it is unfeasible to assess the shared access proposal.</li> </ul>	<p>It is not practical to retain basement car parking access through a future Building B building envelope. Basement car parking design is to be realised through a design competition and Stage 2 DA for Building B. A condition is recommended that ensures the amended proposal cannot proceed without the basement car parking proceeding.</p>

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<p><i>Acoustic Report</i></p>	<ul style="list-style-type: none"> <li>• Failure to identify or assess Jacksons on George as a potential significant source of noise and vibration including potential noise intrusion, operation hours and nature of use.</li> <li>• The Acoustic Report fails to acknowledge the intensification of noise sensitive uses within the lower levels for Tower A, directly adjacent Jacksons on George, nor the introduction of balconies to the southern facade alignment between Levels 7 - 38.</li> <li>• The Acoustic Logic report fails to address construction related noise and vibration impacts upon Jacksons on George. The Built prepared CMP acoustic content is inadequate.</li> </ul>	<p>This is addressed in the recommended “design modifications” condition of the assessment report. Noise management in relation to apartments facing Jackson on George is necessary.</p>
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Notification / Submission Process		
Issue	Summary	Response
<p><i>Previous Notifications</i></p>	<ul style="list-style-type: none"> <li>• No cove owners of the Body Corporate were informed about the last two DA applications despite their involvement and loss of amenity.</li> <li>• The original development application for public comment was exhibited over the Christmas/New Year period in 2010/2011.</li> </ul>	<p>The Cove apartments are outside a 75m notification radius applied, and applied consistently for DAs across the LGA, in accordance with the Sydney DCP 2012.</p> <p>In accordance with Sydney DCP 2012, the application was advertised in the daily metropolitan newspaper and local newspaper, as well as Council’s website. Site notices were also placed on the site for the duration of the exhibition period.</p> <p>The original DA notification period is not relevant to consideration of the present DA.</p> <p>Nevertheless, dozens of The Cove owners and occupants have lodged submissions to the DA.</p>

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<i>Current Notification</i>	<ul style="list-style-type: none"> <li>The City of Sydney failed to act in good faith by properly notifying residents of the development at 1 Alfred Street.</li> <li>It is unfortunate that it relied on the 75m rule to choose not to notify surrounding residents of such a significant development affecting their daily lives.</li> </ul>	The Cove apartments are outside a 75m notification radius applied consistently in accordance with the Sydney DCP 2012. Nevertheless, dozens of The Cove owners and occupants have lodged submissions to the DA.
<i>Previous Submissions</i>	<ul style="list-style-type: none"> <li>Cove residents and Body Corporate have presented letters and submissions to the three previous proposals for the Goldfields House site. It is understood that all these submissions have been, and are still being, ignored.</li> </ul>	Previous and current submissions on DAs for the site have been considered in the assessment of each application.

<b>Public Domain Works</b>		
<b>Issue</b>	<b>Summary</b>	<b>Response</b>
<i>Undertaking of Works</i>	<ul style="list-style-type: none"> <li>Developer cannot deliver works stipulated in VPA made in relation to D/2010/2029 as land upon which public domain improvements are to be carried out has been excised from current proposal.</li> <li>Public domain works are being deferred to a time unknown.</li> </ul>	The DA was originally exhibited on the basis of no north-south through-site link being included in the revised scope of works. This has since been amended and the north-south through site-link is included in the DA, enabling the tower footprint permitted under Cl. 6.25 of SLEP.
<i>Non-Compliance with planning controls</i>	<ul style="list-style-type: none"> <li>Non-compliance with Clause 6.25(3) of Sydney LEP 2012 as inclusion of public domain works has been excised from subject proposal.</li> <li>The application does not satisfy the requirements of Clause 6.25(4)(a)(b) or (c).</li> <li>The application does not clearly indicate the proposed recreation areas, lanes or roads through the site. In this regard, it is not appropriate to rely on the VPA. The proposed Ground Floor plan with retail only fronting Alfred Street does not adequately include business premises and retail premises that have frontages at ground level.</li> </ul>	The application has been amended to include the north-south through site link. It was previously lodged without this public domain. The inclusion of the public domain renders the DA eligible to access Clause 6.25 of the Sydney LEP.

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	<ul style="list-style-type: none"> <li>It is imperative that the proposed developments of both the Goldfields House site and the ADG site allow for greater open space at the ground level allowing for the activation of the street frontage, more green space and a less dense and more inviting streetscape for the heart of the Sydney CBD. This is very much in line with the Sydney City Council's Master Plan.</li> </ul>	
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Setbacks		
Issue	Summary	Response
<i>Non-Compliance with planning controls</i>	<ul style="list-style-type: none"> <li>The minimum setback for a wall with openings of 3m is not met on the southern wall of Tower A whereas the setback provided is 2.86m (with balconies setback some 2.25m and some parts of the building setback some 1.91m).</li> <li>The development does not provide adequate boundary setbacks with the setback from the southern boundary on George St being 1.91m.</li> <li>Southern setback was already non-compliant under previous approval.</li> <li>The building is not built to the street and public domain edge, particularly on Pitt Street.</li> </ul>	<p>The proposed setback, as dimensioned on the DA drawings is 2.86m to the building and 3m to the glass line. The setback control in the DCP is 3m.</p> <p>A concurrent Stage 1 DA seeks to set the building envelope for Building B.</p>
BCA	<ul style="list-style-type: none"> <li>The realignment of the southern facade to within 1.9m of the common boundary of Jacksons on George, coupled with the approved and operable windows on the northern facade of Jacksons on George together with the acoustic and other issues raised in our submission report, does not meet the "DTS" standard of the BCA and will require "Alternate Solutions" including facade fire rating, drenching and other BCA compliance provisions prior to the issue of a Construction Certificate.</li> <li>Concern raised that BCA Part F windows, in particular window setbacks relating to the northern facade windows of Jacksons on</li> </ul>	<p>BCA alternative solutions are capable of being carried out within the development. The southern building setback control in the planning controls is 3m.</p>

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	<p>George has not been appropriately assessed at this stage. No details regarding the nature of the Alternate Solutions proposed have been provided in the Wanda EIS.</p> <ul style="list-style-type: none"> <li>• Alternate solutions approved and implemented at 1 Alfred Street have the potential to impose adverse constraints on both the existing and potential development of land at 174 George Street including enclosure and fire rating of northern facade window openings, additional facade and roof fire rating, introduction of drenchers and the like.</li> <li>• An alternate solution has the potential to incur adverse built form cost outcomes to the existing Jacksons on George including imposition of additional side setbacks and fire rating provisions in the future redevelopment of 174 George leading to an erosion of market value of the land and existing improvements at 174 George.</li> </ul>	
<p><i>Impacts</i></p>	<ul style="list-style-type: none"> <li>• Tower A is not setback from George Street as is the present building, Goldfields House. The construction of this tower along the edge of its George Street boundary will result in apartments at The Cove losing a substantial part of the existing view of Circular Quay and the Opera House and loss of sunlight.</li> </ul>	<p>The DA does not propose any change to the George Street setbacks of the approved development. No western extension of the building footprint has been contemplated with the DA.</p>
<p><i>Inadequacies in information submitted</i></p>	<ul style="list-style-type: none"> <li>• Despite the Crone Envelope Plans provided as part of SSD 2015-7101 (D/2015/1049), the Tower A setback from Jacksons on George boundary could be as small as 1.9m and not 2.8m as indicated.</li> </ul>	<p>The proposed setback, as dimensioned on the DA drawings is 2.86m.</p>