

ITEM 6. DEVELOPMENT APPLICATION: 280-288 GEORGE STREET SYDNEY

FILE NO: D/2015/1518

DEVELOPMENT APPLICATION NO: D/2015/1518

SUMMARY

Date of Submission: 21 October 2015

Applicant: Planning Lab

Architect: Johnson Pilton Walker Pty. Ltd.

Developer: Toga Hotel Property Investments No. 2 Pty. Ltd.

Owner: Toga Hotel Property Investments No. 2 Pty. Ltd.

Cost of Works: \$58,929,000

Proposal Summary: The proposal is a Stage 1 Development Application for a conceptual building envelope to a height datum of RL140.73 (approximately 95.2m or 28 storeys). The proposal includes:

- In-principle support for demolition of the existing 13-storey building (subject to future consent);
- Indicative future uses of hotel accommodation and retail / business premises;
- Indicative loading docks, car spaces, service areas and a substation on the basement levels; and
- Vehicular access from Curtin Place.

The building envelope has been tested to accommodate a gross floor area of 9,053 sqm or a floor space ratio of 15.27:1, which is inclusive of an additional 10% floor space.

The application was advertised and notified from 30 October to 28 November 2015. No submissions were received.

**Proposal Summary
(continued):**

The proposed tower component is setback 3m from both the George Street and Hunter Street frontages. The proposed setbacks do not meet the DCP requirements.

The variation from the setback controls would enable a future built form that addresses the street frontages and the visually prominent intersection between George and Hunter Streets. The proposed envelope will enable an acceptable degree of sky views from the public domain. A condition is recommended to require modelling of the north-western corner of the future building to improve views to Australia Square tower.

The proposed street frontage / podium height is contextually appropriate to the CBD location, and is compatible with the height and scale of the surrounding buildings on George Street. In order to provide a suitable setting and transition in scale to the heritage listed NSW Sports Club at 10-14 Hunter Street, a condition is recommended to require modelling to the podium built form and/or articulation to the street wall facades in the Stage 2 detailed design.

The future building within the proposed envelope is capable of satisfying the objectives of relevant planning controls.

As such, the development application is recommended for approval.

Summary Recommendation:

The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 and Regulation 2000
- (ii) State Environmental Planning Policy No. 55 Remediation of Land
- (iii) State Environmental Planning Policy (Infrastructure) 2007
- (iv) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed SEPP)
- (v) Sydney Local Environmental Plan 2012 (gazetted 14 December 2012, as amended)
- (vi) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

Attachments:

- A - Selected drawings
- B - Indicative floor plans
- C - View impact analysis
- D - Shadow diagrams

RECOMMENDATION

It is resolved that, pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, consent be granted to Development Application No. D/2015/1518, subject to the following conditions:

SCHEDULE 1A**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation****(1) STAGED DEVELOPMENT APPLICATION**

Pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2000*, this Notice of Determination relates to a Stage 1 Development Application, and a subsequent development application (Stage 2) or applications are required for any work on the site.

(2) APPROVED STAGE 1 DEVELOPMENT

- (a) Development consent is limited to a Stage 1 concept plan building envelope and indicative land uses within this envelope, in accordance with Development Application No. D/2015/1518, dated 21 October 2015 (as amended), and the following drawings:

Drawing Number / Title	Architect	Date
DA1-A-0100 (00) Site Plan	JPW	16-10-15
DA1-A-1000 (01) Floor Plate Schedule	JPW	19-01-16
DA1-A-2000 (00) Elevation George Street	JPW	16-10-15
DA1-A-2001 (00) Elevation Hunter Street	JPW	16-10-15
DA1-A-2002 (00) Elevation Little Hunter Street	JPW	16-10-15
DA1-A-2003 (00) Elevation Curtin Place	JPW	16-10-15

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(3) MATTERS NOT APPROVED IN STAGE 1 DEVELOPMENT CONSENT

The following matters are NOT approved and do not form part of this Stage 1 development consent:

- (a) any works, including demolition, excavation and construction;
- (b) the quantum, ratio and distribution of hotel accommodation, retail / commercial floor space;
- (c) the floor layout of the hotel accommodation and the total number of hotel rooms;
- (d) the floor levels of each storey;
- (e) the number, configuration and layout of the basement level/s;
- (f) the vehicular access / crossover location on Curtin Place;
- (g) the number and configuration of car spaces, bicycle spaces and loading spaces / zones;
- (h) the siting and configuration of substation;
- (i) the precise quantum of total floor space; and
- (j) any uplift up to 10% of the gross floor area (GFA) of the building.

(4) STAGE 2 DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE

Subject to other conditions of this consent, the building envelope is only approved on the basis that the Stage 2 building design, including services and balconies, are contained wholly within the approved building footprint and envelope, and comply with relevant planning controls.

(5) DESIGN EXCELLENCE

The detailed design of the development must exhibit design excellence in accordance with the provisions of Clause 6.21 of Sydney Local Environmental Plan 2012.

(6) BUILDING HEIGHT

The maximum height of any future building on the site must not exceed RL 104.73 (AHD).

(7) FLOOR SPACE RATIO – CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the proposal must not exceed the maximum 14:1, calculated in accordance with the provisions of Clauses 4.4, 4.5 and 6.4 of the Sydney Local Environmental Plan 2012 (as amended).
- (b) Precise details of the distribution of floor space shall be provided with the future Stage 2 Development Application.

- (c) Any floor space ratio in excess of 8:1 shall be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

(8) DETAILED DESIGN OF BUILDING

The detailed design of the Stage 2 Development Application shall incorporate the following requirements:

- (a) Improve the relationship with the scale and setting of the adjoining heritage item at 10-14 Hunter Street (NSW Sports Club) via measures such as:
 - (i) Providing a step-down in the street wall to acknowledge the height of the heritage item both in Curtin Place and Hunter Street;
 - (ii) Using articulations, such as horizontal façade elements, to align with the parapet and other features of the aforementioned heritage item; and/or
 - (iii) Providing a recessive slot that visually separate the future building from the adjacent heritage item;
- (b) Incorporate deep articulation and high quality materials for the eastern façade of the proposed building, where it extends above the height of the NSW Sports Club, in order to improve the setting to the heritage item and general city views from Hunter and Pitt Streets;
- (c) Provide spatial enclosure to Australia Square at 264-278 George Street by incorporating simple forms, articulation with a vertical emphasis, fine grain detailing, and light coloured masonry cladding;
- (d) Explore means of modelling the form of the future building at its north-western corner, so as to expand views to Australia Square tower looking north along George Street;
- (e) Explore means of providing visual and, where possible, physical connection between Hunter Street and Curtin Place and Australia Square at the ground floor of the future building;
- (f) Provide a high degree of activation to the George Street, Hunter Street and Curtin Place frontages of the site;
- (g) Provide ceiling heights that comply with Section 4.2.1.2 of Sydney DCP 2012; and
- (h) Explore means of providing additional footpath space along the George Street frontage, in order to improve pedestrian circulation and views to Australia Square from the public domain.

(9) HOTEL USE

Documentation shall be submitted with the Stage 2 Development Application for the hotel use and its operation in accordance with the requirements of Section 4.4.8 of the Sydney DCP 2012.

(10) PUBLIC ART

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the Sydney DCP 2012 and the Public Art Policy. This Strategy shall form part of the documentation lodged with the future Stage 2 Development Application.
- (b) The nominated location of public art is to be included in any future Stage 2 Development Application.

(11) LOT CONSOLIDATION

Any Stage 2 Development Application is to make provision for all land titles within the site to be consolidated into one lot.

(12) WIND

Prior to the lodgement of a Stage 2 Development Application, the detailed design shall be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the publicly accessible pedestrian space, the surrounding streets, neighbouring buildings, communal external areas within the subject development and private open space. Any recommendations of this wind tunnel testing and wind assessment report shall be incorporated into the final detailed design lodged as a Stage 2 Development Application.

(13) STORMWATER AND DRAINAGE

Any Stage 2 Development Application is to provide details of the drainage system for the development which is to be designed and constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

(14) ACID SULPHATE SOILS

The following information must be submitted to Council with the Stage 2 Development Application. Depending on the information obtained, further clarification or conditions may be required:

- (a) Submit to Council an Acid Sulphate Soils Management Plan (ASSMP) for the proposed works prepared in accordance with the NSW Acid Sulphate Soils Management Advisory Committee, Acid Sulphate Soils Assessment Guidelines 1998 for the proposed works that are classified as being in an Acid Sulphate Soils zone class 3. The ASSMP must be prepared by a person or company who is qualified and competent in relevant geotechnical expertise in relation to the assessment of Acid Sulphate Soil risks.

OR

- (b) Submit to Council a Preliminary Assessment prepared in accordance with the NSW Acid Sulphate Soils Management Advisory Committee, Acid Sulphate Soils Assessment Guidelines 1998 for the works that are classified as being in an Acid Sulphate Soils zone class 5. The Preliminary Assessment must be prepared by a person or company who is qualified and competent in relevant geotechnical expertise in relation to the assessment of Acid Sulphate Soil risks. The Preliminary Assessment must conclude that an ASSMP is not required in accordance with the guidelines otherwise an ASSMP must also be submitted to Council in accordance with clause (a) of this condition.

(15) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the City's Area Planning Manager and the Principal Certifying Authority immediately.

(16) CONSTRUCTION NOISE MANAGEMENT PLAN

A Construction Noise Management Plan must be prepared and submitted with the Stage 2 Development Application. This Plan must be prepared by a suitably qualified acoustic consultant and must detail, but not limited to, the following:

- (a) the equipment to be used during construction on site, the quantity of all equipment and a plan of how equipment will be operated on site cumulatively;
- (b) the type of work that will be conducted during the construction process;
- (c) details on (any) respite periods and any noise mitigation measures required; and
- (d) detail the extent of community consultation to be undertaken.

(17) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A construction traffic management plan must be prepared and submitted with the Stage 2 Development Application.

(18) TRANSPORT IMPACT ASSESSMENT

A detailed Transport Impact Study must be prepared in accordance with the provisions of Schedule 7.4 of Sydney DCP 2012, and shall be submitted with the Stage 2 Development Application.

(19) CAR PARKING SPACES AND DIMENSIONS

- (a) The permissible number of car parking spaces is to be established as part of the Stage 2 Development Application.

- (b) The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities.

(20) BICYCLE PARKING AND END OF TRIP FACILITIES

Details of the location, number and class of bicycle parking must be included in the Stage 2 Development Application.

Bicycle parking for residents and employees must be provided in the uppermost basement parking level. Class 2 facilities, or a combination of Class 1 and Class 2 facilities, are considered acceptable for residents. Employee bicycle parking is to be provided in close proximity to end-of-trip facilities.

All visitor bicycle parking is to be provided at grade in an easily accessible and visible location.

Note: Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.

(21) VEHICLE ACCESS

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

(22) LOADING WITHIN SITE

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times, and must not obstruct other properties/units or the public way.

(23) SERVICE VEHICLE SIZE LIMIT

The Stage 2 Development Application must include swept paths for the largest vehicles to access the building. These will be used to determine a condition for the largest vehicle permitted to service the site.

(24) LOADING DOCK MANAGEMENT PLAN

A management plan demonstrating how the loading and unloading requirements of the hotel and retail / commercial land uses can be catered for by the loading docks must be submitted with the Stage 2 Development Application.

(25) COACH PARKING MANAGEMENT PLAN

A coach parking management plan for the hotel use is to be submitted with the Stage 2 Development Application.

(26) TRAFFIC WORKS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(27) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

An access report shall be submitted with the Stage 2 Development Application to demonstrate that the building has been designed, and is capable of being constructed, to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

(28) WASTE FACILITIES

Any Stage 2 Development Application is to provide details of the location, construction and servicing of the waste collection facilities for the proposed building. The design of the facilities is to be in accordance with Council's "Policy for Waste Minimisation in New Developments."

(29) AUSGRID

- (a) Consultation is required with Ausgrid to ensure that technical and statutory requirements in regards to the safe and reliable operation and maintenance of Ausgrid's network are maintained.
- (b) Details of the consultation undertaken are to be provided with the Stage 2 Development Application.

(30) TRANSPORT FOR NSW

The following information and requirements of Transport for NSW (TfNSW) must be fully addressed and detailed in the Stage 2 Development Application:

(a) Construction Traffic Management Plan

Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the CBD Coordination Office within TfNSW and Roads and Maritime Services. The CPTMP needs to specify, but not limited to, the following:

- (i) Location of the proposed work zone;
- (ii) Location of the proposed crane location;
- (iii) Haulage routes;
- (iv) Construction vehicle access arrangements;
- (v) Proposed construction hours;
- (vi) Estimated number of construction vehicle movements;
- (vii) Construction programme;

- (viii) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- (ix) Cumulative construction impacts of projects including Sydney Light Rail Project. Should any impacts be identified, the duration of the impacts; and
- (x) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

Submit a copy of the final plan to the Coordinator General, CBD Coordination Office for endorsement, prior to the commencement of any work.

(b) **Development near Sydney Light Rail**

The development is to be designed and constructed in accordance with the 'Development Near Rail Corridors and Busy Roads – Interim Guideline' (2008) prepared by Department of Planning and Environment. This guideline includes requirements for excavation within proximity to rail lines, safety and other requirements to be incorporated into design.

(c) **Coach Parking Area**

Details of proposed coach parking arrangements for the hotel are to be provided in the Stage 2 Development Application.

(d) **Loading Dock**

Detailed swept path analysis is to be provided in the Stage 2 Development Application.

(e) **Signalised Pedestrian Crossing on Hunter Street**

Any proposed changes to the midblock signalised pedestrian crossing be undertaken with the approval of Roads and Maritime Services and in conjunction with the CBD Coordination Office within TfNSW.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply to the development.

- | | |
|------------|--|
| Clause 98 | Compliance with <i>Building Code of Australia</i> and insurance requirements under the <i>Home Building Act 1989</i> |
| Clause 98A | Erection of signs |
| Clause 98B | Notification of <i>Home Building Act 1989</i> requirements |
| Clause 98C | Conditions relating to entertainment venues |

Clause 98D Conditions relating to maximum capacity signage

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>.

BACKGROUND

The Site

1. The subject site consists of four land parcels, being Lot 1 in DP 215950 and Lots 2, 3 and 4 in DP 217746. The site is described as No. 280-288 George Street, Sydney.
2. The site is located on the eastern side of George Street, between Curtin Place to the north and Hunter Street to the south. The site has three frontages.
3. Lot 4 in DP 217746 forms the main part of the site. There are two triangular splays at the corners between Curtin Place and George Street (being Lot 2 in DP 217746) and between Hunter Street and George Street (being Lot 3 in DP 217746). The above splays are public roads approximately 2m below and 5m above the footpath level.
4. The site has a total land area of 593 sqm, inclusive of the two triangular splayed corners.
5. The site is occupied by a 13-storey commercial building with retail uses on the ground level and office suites above. There is a colonnade along the George Street frontage and a basement car park for 18 vehicles accessible from Curtin Place. The building was constructed in 1964.



Figure 1 Aerial view of the subject site (in white border) and surrounding environment.



Figure 2 Existing building on the site, as viewed from the intersection between George and Hunter Streets.



Figure 3 Lower levels of the existing building, note the colonnade located along the George Street frontage of the site.



Figure 4 Colonnade along the George Street frontage of the existing building.

Surrounding development

6. Immediately to the north of the site is Curtin Place, which is a public laneway connecting with Pitt Street, Little Hunter Street, Hamilton Street and George Street. Further to the north is the Australia Square complex consisting of a 50-storey office tower fronting George Street, public plaza areas and a 13-storey office building at the rear facing Pitt Street. The complex is listed as a heritage item under the Sydney LEP 2012.
7. To the east of the site is a 5-storey commercial building at No. 10-14 Hunter Street known as the "NSW Sports Club", which is listed as a heritage item on both the State Heritage Register and the Sydney LEP. In between Little Hunter Street and Hamilton Street is a 17-storey office building. Further to the east is a 6-storey building known as the "Grand Hotel", which is listed as a heritage item on both the State Heritage Register and the Sydney LEP. At the corner of Pitt and Hunter Streets is the Tank Stream Hotel, which is a 15-storey building. The "Former Wales House" at the corner of Pitt and O'Connell Streets is listed as a heritage item on both the State Heritage Register and the Sydney LEP.
8. Hamilton Street and the Tank Stream that runs underground are listed as heritage items on both the State Heritage Register and the Sydney LEP.
9. To the south on the opposite side of Hunter Street are a mixture of lower scale and mid-rise commercial buildings. The 3-storey "Former Skinners Family Hotel" building at the corner of George and Hunter Streets is listed as a heritage item on both the State Heritage Register and the Sydney LEP.
10. To the west on the opposite side of George Street is a range of mid- to high-rise commercial buildings, including No. 285-287 George Street, which is listed as a heritage item under the Sydney LEP.
11. Photographs of the surrounding developments are provided in **Figures 5 to 10**.



Figure 5 Curtin Place looking east. The heritage listed Australian Square complex is seen on the left hand side of the photograph.



Figure 6 Hunter Street frontage of the site and the adjoining heritage item ("NSW Sports Club").

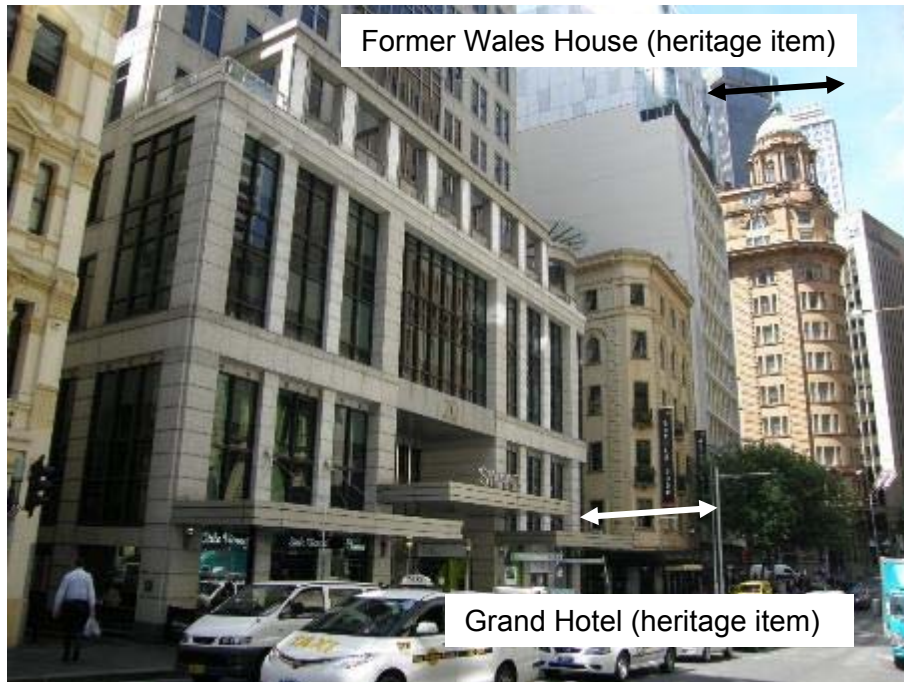


Figure 7 Hunter Street looking east.



Figure 8 Southern corner of Hunter and George Streets.



Figure 9 Western side of George Street, south of Margaret Street.



Figure 10 Western side of George Street, north of Margaret Street.

PROPOSAL

12. The proposal is a Stage 1 Development Application seeking consent for a conceptual building envelope for a mixed-use development to a height of approximately 95.2m (RL104.73). The proposed envelope indicatively contains 28 storeys, including a lower ground and 2 basement levels.

13. The envelope has been tested to accommodate a gross floor area (GFA) of 9,053 sqm or 15.27:1 floor space ratio (FSR). This FSR is inclusive of a 10% potential design excellence uplift in floor space. The proposal seeks in-principle agreement to demolition of the existing building on the site.
14. The proposal seeks consent for the following indicative land uses:
 - (a) Retail and hotel lobby on the lower ground level, ground level and level 1;
 - (b) Hotel accommodation from level 2 to level 24;
 - (c) Plant rooms on levels 25 and 26;
 - (d) Loading dock, storage and plant rooms on basement level 1; and
 - (e) Plant room and substation on basement level 2.
15. Vehicular access to the site is to be provided on the Curtin Place frontage, near the north-eastern corner of the site.
16. **Figures 11 to 13** below show the models of the proposed envelope. A full set of building envelope drawings is provided in **Attachment A**.



Figure 11 Proposed envelope as viewed from George Street, looking south.



Figure 12 Proposed envelope as viewed from George Street looking north.



Figure 13 Proposed envelope as viewed from the lower plaza area of Australia Square.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

17. A competitive design process was undertaken prior to the lodgement of the subject Stage 1 Development Application.
18. The design competition was conducted in accordance with the Architectural Design Competition Brief, which was developed in consultation with the City, and was endorsed by Council on 4 June 2015. TFE Hotels, as the proponent of the competitive process, engaged 6 architectural firms to participate in an invited architectural design competition.
19. The design scheme by Johnson Pilton Walker (JPW) was selected by the jury as the winner of the competitive process in September 2015.
20. The subject Stage 1 building envelope reflects the above winning design scheme.



Figure 14 Artist's impression of the winning design scheme by JPW.

21. A Stage 2 Development Application has recently been lodged with Council and is currently under assessment.

CITY OF SYDNEY ACT 1988

22. Section 51N requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a DA that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney CBD. A full extract of this Section is provided below.

"51N Planning proposals having a significant impact on traffic and transport in the Sydney CBD

- (1) The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.*
 - (2) The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.*
 - (3) The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.*
 - (4) The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee."*
23. The proposal indicates that the driveway entry in Curtin Place will be relocated further to the east near the north-eastern corner of the site. Having liaised with the City's Access Unit, in this instance, the proposal is not considered by the CSTTC delegate, the Director City Planning, Development and Transport, to have a significant impact on traffic and transport in the CBD, and formal consideration by the CSTTC is not necessary at this stage.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

24. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

Environmental Planning and Assessment Act 1979 – Section 79C(1)

25. The proposed development is in the vicinity of the Sydney Light Rail currently under construction. The proposal may have implications on the construction activities associated with the Light Rail project, as well as local traffic conditions during the operational phase. The application was referred to Transport for NSW (TfNSW) for comments in order to enable a thorough assessment of the likely impacts of the development pursuant to Section 79C(1)(b) of the EP&A Act. TfNSW has provided a response and recommended a number of conditions. These conditions have been included in this report.

Environmental Planning Instruments and DCPs**State Environmental Planning Policy No. 55 Remediation of Land**

26. The aim of SEPP 55 is to ensure that a change of land use will not increase the risks to health, particularly in circumstances where a more sensitive land use is proposed.
27. A phase 1 preliminary environmental site investigation was submitted to Council. Council's Environmental Health Unit has advised that the historic uses of the site present a low risk of contamination. As a result, no further detailed site investigation will be required as part of the Stage 2 Development Application. The site is considered to be suitable for the intended uses.
28. A condition is recommended to require notification to Council and the certifying authority, should additional information that may alter previous conclusions about site contamination be obtained during the demolition and construction phase.

State Environmental Planning Policy (Infrastructure) 2007

29. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 45 – Electricity transmission or distribution network

30. The proposal indicates the replacement of the existing substation within the basement of the building. In accordance with Clause 45 of Subdivision 2 – *Development likely to affect an electricity transmission or distribution network*, the application was referred to Ausgrid for comments on 30 October 2015. No submission has been received to date. The period since the authority was notified has passed the 21 days required under Clause 45(2)(b). There is therefore no impediment on the determination of the application.
31. It is recommended that a condition be imposed to require the applicant to liaise with Ausgrid prior to the lodgement of a Stage 2 Development Application, and that any required electricity infrastructure be included in the detailed design scheme.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

32. The site is within the designated Sydney Harbour Catchment under the SREP. It is identified as being within the hydrological catchment of Sydney Harbour and is subject to the provisions of the Plan.
33. Notwithstanding, the site does not fall within a Foreshores and Waterways Area or strategic foreshore site. The proposed development is considered to be consistent with the aims and planning principles of the SREP.

Sydney Local Environmental Plan 2012

34. The site is zoned B8 Metropolitan Centre under the Sydney LEP 2012. The proposed indicative uses are defined as 'hotel accommodation' and 'business premises'. Both are permissible land uses in the zone.
35. The relevant matters of the LEP to be considered are outlined below:

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of buildings	Yes	A maximum height of 235m is permitted. A height of approximately 95.2m (RL104.73) is proposed.
4.4 Floor Space Ratio 6.4 Accommodation floor space	Able to comply	<p>A maximum base FSR of 8:1 is permitted under Clause 4.4 of the LEP.</p> <p>As the site is within Area 1, an additional accommodation floor space of 4.5:1 (for <i>office premises, business premises, retail premises</i>) to 6:1 (for <i>hotel accommodation</i>) is applicable to the site pursuant to Clause 6.4(1) of the LEP.</p> <p>The indicative land uses include <i>hotel accommodation and retail premises / business premises</i>. The collective maximum FSR potentially available to the site under these clauses, based on plans submitted with the application, amounts to 13.88:1.</p> <p>The proposal demonstrates that the building envelope has the capability to accommodate a GFA of 9,053 sqm, which equates to an FSR of 15.27:1. This FSR is inclusive of a 10% uplift in floor space above 13.88:1.</p> <p>The scale and massing of the proposed envelope are generally considered to be contextually appropriate in this CBD location (refer to the "Issues" section).</p> <p>A condition is recommended for imposition to advise that any uplift in FSR is not awarded as part of a Stage 1 Development Application. The award of any uplift in FSR (and the percentage granted) would form part of the assessment of a Stage 2 Development Application.</p>

Compliance Table		
Development Control	Compliance	Comment
5.10 Heritage conservation	Able to comply	<p>The subject site is not listed as a heritage item or within a heritage conservation area. The site is located adjacent to the following heritage items:</p> <ul style="list-style-type: none"> • I1764: 'Australia Square' including tower and plaza buildings, forecourt, plaza and interiors, 264-278 George Street and 87-95 Pitt Street (Local significance); and • I1808: NSW Sports Club including interior, 10-14 Hunter Street (State significance). <p>The site is also located in the vicinity of a number of heritage items, including:</p> <ul style="list-style-type: none"> • I1765: Former commercial building including interiors, 285-287 George Street (Local significance); • I1766: Former Skinners Family Hotel including interiors, 296 George Street (State significance); • I1806: Hamilton Street (State significance); • I1809: Grand Hotel including interiors, 30-32 Hunter Street (State significance); and • I1915: Former Wales House including interior, 64-66 Pitt Street (State significance). <p>Refer to further discussion on heritage conservation in the "Issues" section of this report.</p>
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space	Able to comply	<p>Any FSR in excess of 8:1 allowable under Clause 4.4 of the LEP shall be subject to a requirement for allocation of heritage floor space (HFS) in accordance with the provisions of Clause 6.11.</p> <p>An assessment and imposition of an appropriate condition will be the subject of the Stage 2 Development Application.</p>
6.16 Erection of tall buildings in Central Sydney	Able to comply	Refer to the "Issues" section for details.

Compliance Table		
Development Control	Compliance	Comment
6.21 Design excellence	Able to comply	As the current proposal is a Stage 1 application, no details on the architectural design have been given. The design excellence provisions of Clause 6.21 will be further assessed as part of the Stage 2 Development Application.
Division 1 Car parking ancillary to other development	Able to comply	The proposed envelope indicatively shows the provision of loading dock and car parking within basement level 1. The exact number of loading bays and parking spaces is not given as part of the Stage 1 Development Application. A condition is recommended to advise that no consent is granted to the number of car parking spaces and basement levels as part of this Stage 1 application.
7.14 Acid Sulphate Soils	Able to comply	The site is identified as containing Acid Sulphate Soils Class 5. The proposal does not involve any excavation or building work. This matter will be addressed in detail as part of the Stage 2 Development Application.
7.15 Flood planning	Able to comply	Potential flooding impacts and appropriate floor and entry levels for the future building will be addressed in detail as part of the Stage 2 Development Application.
7.16 Airspace operations	N/A	The proposed building envelope does not penetrate the prescribed air space for Sydney Airport.
7.20 Development requiring preparation of a development control plan	Yes	As the height of the proposed envelope exceeds 55m, the provisions of Clause 7.20 apply and a site specific DCP is required. Notwithstanding, Section 83C(2) of the Environmental Planning and Assessment Act 1979 permits the making of a staged development application in lieu of preparing a site specific DCP. The lodgement of the subject Stage 1 application is considered to have satisfied the above requirement.

Sydney Development Control Plan 2012

36. The relevant provisions of Sydney Development Control Plan 2012 are addressed below:

3. General Provisions		
Development Control	Compliance	Comment
3.1.5 Public art	Able to comply	<p>A Public Art Strategy is required to be developed for the site in accordance with the DCP and the Public Art Policy.</p> <p>The provision of public art within the future development will form part of the Stage 2 application assessment.</p> <p>A condition is recommended to require the inclusion of a Public Art Strategy as part of the documentation lodged with the Stage 2 Development Application.</p>
3.2.1 Improving the public domain	Yes	The proposal will not result in any additional overshadowing of publicly accessible open spaces when compared to the existing condition.
3.2.3 Active frontages	Able to comply	<p>Those sections of George Street, Hunter Street and Curtin Place adjoining the site are identified as active frontages according to the Active Frontages Map of the DCP.</p> <p>The proposal indicatively includes retail or business premises on the lower, ground, ground and first levels facing all street and laneway frontages. Activation and casual surveillance of the public domain could potentially be achieved.</p> <p>The detailed floor layout and façade design would form part of the Stage 2 Development Application.</p>
3.2.6 Wind effects	Able to comply	A condition is recommended to require the submission of a wind effects report as part of the Stage 2 Development Application.
3.3 Design excellence and competitive design processes	Able to comply	A competitive design process has been undertaken prior to the lodgement of the subject Stage 1 development application. Refer to the "Background" section of this report for details.

3. General Provisions		
Development Control	Compliance	Comment
3.6 Ecologically sustainable development	Able to comply	The sustainability aspect of the future building will be assessed in detail as part of the Stage 2 Development Application.
3.7 Water and flood management	Able to comply	This matter will be addressed in detail as part of the Stage 2 Development Application.
3.9 Heritage	Able to comply	Refer to the "Issues" section for further details.
3.11 Transport and parking <i>3.11.1 Managing transport demand</i>	Able to comply	A condition is recommended to require the preparation of a transport impact study as part of the Stage 2 Development Application. The study will be required to address the provisions of Schedule 7.4 of the DCP, including an assessment of the likely impacts on the surrounding street network and appropriate means of mitigating any adverse effects of the development.
<i>3.11.3 Bicycle parking and associated facilities</i>	Able to comply	A condition is recommended to require compliance with the bicycle parking and end-of-trip facilities requirements of the DCP in the Stage 2 Development Application.
<i>3.11.6 Service vehicle parking</i>	Able to comply	The envelope plans indicatively show the provision of loading docks within basement level 1. Loading and service facilities are not approved under a Stage 1 Development Application, and would form part of the detailed design for a Stage 2 proposal when the exact land uses are known. An appropriate condition is recommended to advise that parking and loading facilities are not approved as part of the subject application, and to outline matters that must be addressed in the Stage 2 development proposal.

3. General Provisions		
Development Control	Compliance	Comment
3.11.11 <i>Vehicle access and footpaths</i>	Able to comply	<p>The envelope plans indicatively show the provision of a new vehicular access point on the Curtin Place frontage near the north-eastern corner of the site.</p> <p>The exact location and configuration of the vehicular access point should be subject to further assessment as part of the Stage 2 Development Application. This would include detailed swept path analysis and consideration of the impact on parking restriction in Curtin Place. A condition is therefore recommended to advise that the vehicular access location and design are not approved under the Stage 1 application.</p> <p>A further condition is recommended to ensure the Stage 2 detailed design provides activation of all street and laneway frontages.</p>
3.12 Accessible design	Able to comply	A condition is recommended to ensure the Stage 2 proposal provides appropriate access and facilities for people with disabilities in accordance with the provisions of the BCA.
3.13 Social and environmental responsibilities	Able to comply	<p>The envelope plans indicatively show that casual surveillance and activation could potentially be provided to George Street, Hunter Street and Curtin Place.</p> <p>The safety and security aspect of the proposal will be assessed in detail as part of the Stage 2 Development Application.</p>
3.14 Waste	Able to comply	A condition is recommended to ensure the Stage 2 detailed design application complies with the requirements of the DCP and Council's waste management code.

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
<p>4.2.1 Building height</p> <p>4.2.1.2 <i>Floor to ceiling heights and floor to floor heights</i></p>	Able to comply	<p><i>First basement:</i></p> <p>The DCP specifies a minimum floor to ceiling height of 3.6m for the first basement floor. The indicative section shows that basement level 1 and lower ground level (which is located partly underground) have a floor to floor height of 3.58m and 2.8m respectively, and do not meet the DCP requirement.</p> <p><i>Ground level:</i></p> <p>The drawings indicatively show that the floor to floor height for the ground storey is 3.8m, and would not meet the 3.6m minimum ceiling height requirement of the DCP, as the floor slab and services would be more than 0.2m in thickness.</p> <p><i>First commercial floor:</i></p> <p>The first storey (proposed to be used for retail purposes) has an indicative floor to floor height of 3.7m, and is able to meet the 3.3m ceiling height requirement of the DCP.</p> <p><i>Habitable room levels:</i></p> <p>The indicative section shows that the typical hotel levels have a minimum floor to floor height of 3.1m, and is capable of achieving the 2.7m ceiling height requirement of the DCP.</p> <p>It is recommended that a condition be imposed to require the detailed Stage 2 design to comply with the ceiling height provisions of the DCP.</p>
4.2.3.1 Solar access	Yes	The proposed envelope will not result in overshadowing of any surrounding residential properties.

4. Development Types		
4.4 Other Development Types and Uses – Visitor Accommodation		
Development Control	Compliance	Comment
4.4.8.3 Additional provisions for hotels, private hotels and motels	Able to comply	The subject Stage 1 application only seeks in-principle consent for hotel accommodation. The detailed internal layout and operational matters will be the subject of a Stage 2 Development Application.

5. Specific areas – Central Sydney		
Development Control	Compliance	Comment
5.1.1 Street frontage heights	No, but acceptable	<p>The proposed street frontage height is RL58.05, which is equivalent to approximately 45.75m (George Street), 47.59m (Hunter Street) and 48.55m (Curtin Place).</p> <p>The proposal exceeds the 45m maximum street frontage height control of the DCP by approximately 0.75m (George Street), 2.59m (Hunter Street) and 3.55m (Curtin Place).</p> <p>Refer to further assessment details in the “Issues” section.</p>
5.1.2.1 Front setbacks	No, but acceptable	<p>The DCP stipulates the following setbacks above podium for street frontages:</p> <ul style="list-style-type: none"> • George Street (north-south major street): 8m weighted average, 6m minimum • Hunter Street (secondary street): 6m <p>The proposal provides the following setbacks for the tower component:</p> <ul style="list-style-type: none"> • George Street: 3m • Hunter Street: 3m <p>The proposed envelope does not comply with the DCP controls. Refer to the “Issues” section for details.</p>

5. Specific areas – Central Sydney		
Development Control	Compliance	Comment
5.1.2.2 Side and rear setbacks	No, but acceptable	The DCP stipulates a minimum side setback of 6m for principal windows of hotels up to a height of 45m. Above a height of 45m, a side setback of 12m is required for hotels. The proposed envelope for the podium and tower does not provide any setback from the eastern side boundary. Refer to the “Issues” section of this report.
5.1.2.3 Setbacks for buildings adjoining or fronting lanes	Yes	The DCP stipulates a minimum setback of 6m from the centreline of laneways above the street frontage height for hotels. The envelope for the tower is setback 6.805m from the centreline of Curtin Place.
5.1.5 Building bulk	Yes	The size of the floor plate above the street frontage height is approximately 396 sqm (under 1,000 sqm). The maximum horizontal dimension is approximately 20.9m (under 40m).
5.1.6 Building exteriors	Able to comply	The subject proposal seeks consent for a conceptual building envelope only. The articulations, materiality and detailing will form part of a Stage 2 development application.

ISSUES

Erection of tall buildings in Central Sydney

37. Clause 6.16 of the Sydney LEP applies as the site is within Central Sydney and the proposed building envelope has a height of more than 55m. As the site area is less than 800 sqm, the proposal is required to comply with the provisions of Clause 6.16(3)(a) to (c).
38. Sub-clause (a) requires that the future building will have a freestanding tower with each face being able to be seen from a public place.
39. The site has three street / lane frontages. The adjoining heritage listed NSW Sports Club at 10-14 Hunter Street (to the east of the site) is subject to restrictions on the land title to maintain the floor area and height of the existing building. Accordingly, the proposed tower component will have all four elevations visible from the public domain.
40. Sub-clause (b) requires that the development and neighbouring buildings will have adequate amenity and privacy.

41. There are no residential properties in the immediate vicinity to the site. The site has two street and one laneway frontages, and the tower component is separated from the surrounding commercial buildings. Specifically, it is approximately 16m from the nearest point of Australia Square tower to the north, approximately 24m from the closest building on the western side of George Street (275-281 George Street) and approximately 22m from the closest building on the southern side of Hunter Street (5 Hunter Street). The proposal is not considered to result in any significant amenity or privacy impacts on those properties along the opposite side of Curtin Place, George Street and Hunter Street.
42. The proposal does not provide any setback from the eastern common boundary. This is considered to be acceptable as the indicative design does not rely on the eastern elevation for solar access, ventilation or outlook. As mentioned above, the site at 10-14 Hunter Street is subject to restrictions on floor space and height, and is highly unlikely to be developed further. On this basis, the nil side setback arrangement is not considered to cause any significant adverse impact on the amenity or privacy of the adjoining property at 10-14 Hunter Street.
43. Sub-clause (c) requires the ground floor of the building facing the street to be used for *business premises* or *retail premises*. The indicative floor plans show that this requirement can be complied with. This matter will be addressed in detail as part of the Stage 2 development application.

Street frontage / podium heights

44. Section 5.1.1 of the Sydney DCP stipulates a street frontage height for new buildings of between 20m and 45m. The key objective of the control is to ensure built forms are compatible with the surrounding heritage items and the desired streetscape character.
45. The proposed street frontage height is RL58.05, which is equivalent to approximately 45.75m to George Street, 47.59m to Hunter Street and 48.55m to Curtin Place. The proposal exceeds the 45m maximum street frontage height control by approximately 0.75m (George Street), 2.59m (Hunter Street) and 3.55m (Curtin Place).
46. The proposed street frontage height is considered to be acceptable as:
 - (a) The subject site has a land area of 593 sqm (less than 1,000 sqm). Pursuant to the provisions of Clause 5.1.1(1)(c) of the DCP, where a site is less than 1,000 sqm in land area (i.e. a small site), a street frontage height of 45m is permissible. The variation above the 45m control is attributed to the slope of the site and the adjoining streets, where there is a moderate fall along both the Hunter Street and Curtin Place frontages;
 - (b) The podium height is contextually appropriate to the CBD location, and is compatible with the height and scale of the surrounding buildings along the eastern side of George Street (refer to **Figure 15** below). The podium envelope would enable a future built form that addresses the visually prominent intersection between George and Hunter Streets; and

- (c) The existing building on the site has a parapet height reaching RL55.85. There is an attic level (excluding plant rooms) which is slightly recessed from the parapet wall alignment with a height to RL57.61. The proposed podium height of RL58.05 is slightly greater than, but commensurate with, the existing building (being 0.44m higher). The proposal is not considered to result in any significant additional environmental impacts than the existing condition.

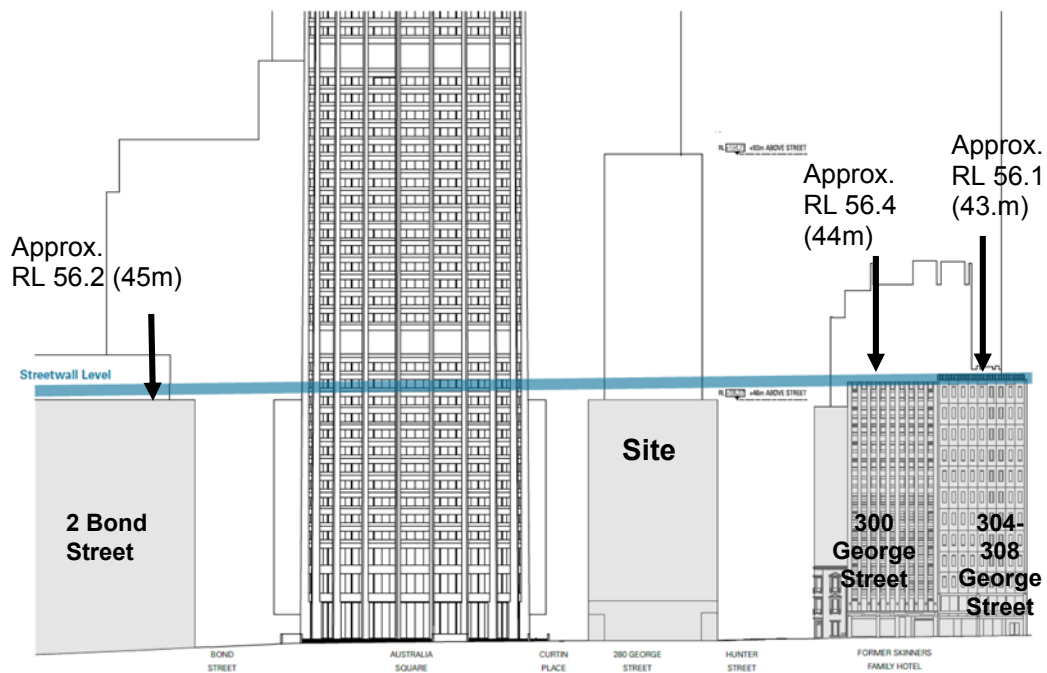


Figure 15 Streetscape elevation of the eastern side of George Street. Note the parapet levels (to AHD, excluding rooftop structures) of the surrounding buildings.

Heritage

47. The site is located adjacent to two heritage items. Australia Square (including the tower and plaza buildings, forecourt, plaza and interior) located on the northern side of Curtin Place, is listed as a heritage item under Schedule 5 of the Sydney LEP 2012. The NSW Sports Club located to the east of the site at 10-14 Hunter Street is listed as a heritage item on both the State Heritage Register and Schedule 5 of the LEP.
48. It is considered that the proposed envelope would enable a future building that appropriately relates to the aforementioned heritage items as:
- (a) The podium envelope would provide enclosure to the forecourt / upper plaza areas of Australia Square. The envelope has a rectilinear geometry and would enable the future building to provide a contrast to the circular form of the Australia Square tower. Refer to Figure 16 below. In order to improve the setting to the heritage listed Australia Square complex, a condition is recommended to require the detailed design to incorporate articulation with a vertical emphasis, fine grain detailing and light coloured masonry materials;

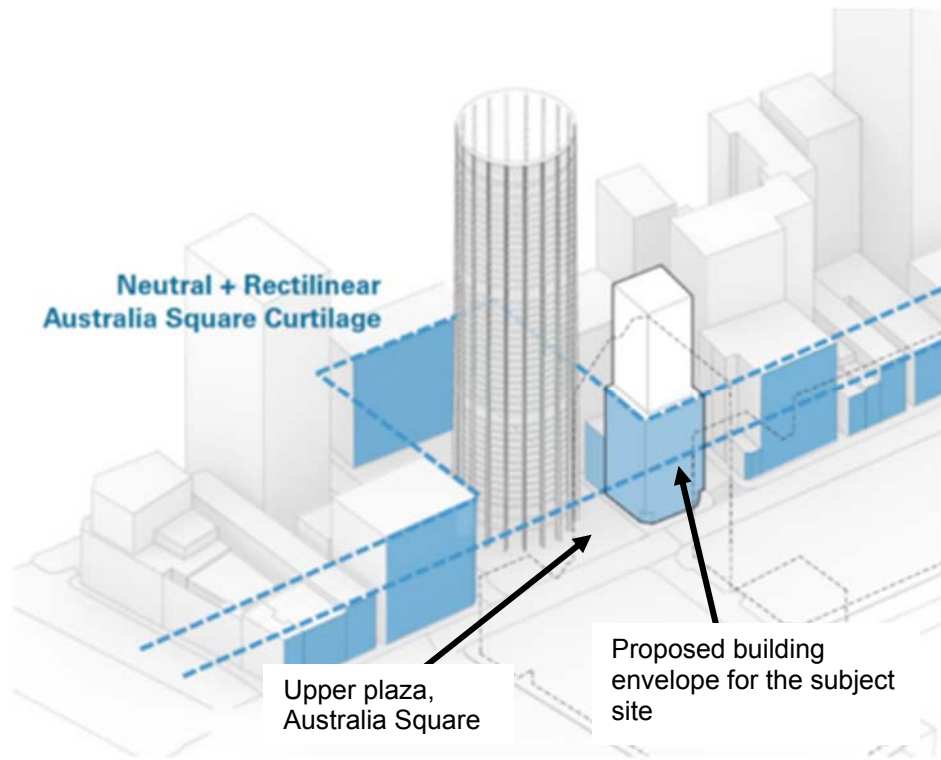


Figure 16 Bird's eye view showing building blocks on the eastern side of George Street.

- (b) In order to maximise visibility of Australia Square at pedestrian level, a condition is recommended to require the Stage 2 detailed design to explore opportunities for providing visual and/or physical connection at ground level between Hunter Street and Australia Square and Curtin Place;
- (c) The height of the podium (RL58.05) is significantly greater than the parapet level of the adjoining heritage listed NSW Sports Club at 10-14 Hunter Street (RL35.13), being a difference of 22.92m. The height of the above heritage item is lower than other more recent developments in the locality and is subject to a height restriction on the title to the land. Refer to **Figure 17** below;
- (d) In order to provide a suitable setting and transition in scale to the NSW Sports Club, a condition is recommended to require appropriate modelling to the built form and/or articulation to the facades in the Stage 2 detailed design application. This would include the incorporation of stepping in the podium walls, provision of horizontal articulations to align with the parapet of the above heritage item, and/or inclusion of a recessive slot that visually separates the building from the heritage item; and
- (e) In order to contribute to the setting of the NSW Sports Club and general city views from Hunter and Pitt Streets, the eastern elevation of the proposed building, where it extends above the height of the NSW Sports Club, should incorporate deep articulation and high quality materials. A condition to the above effect is recommended.

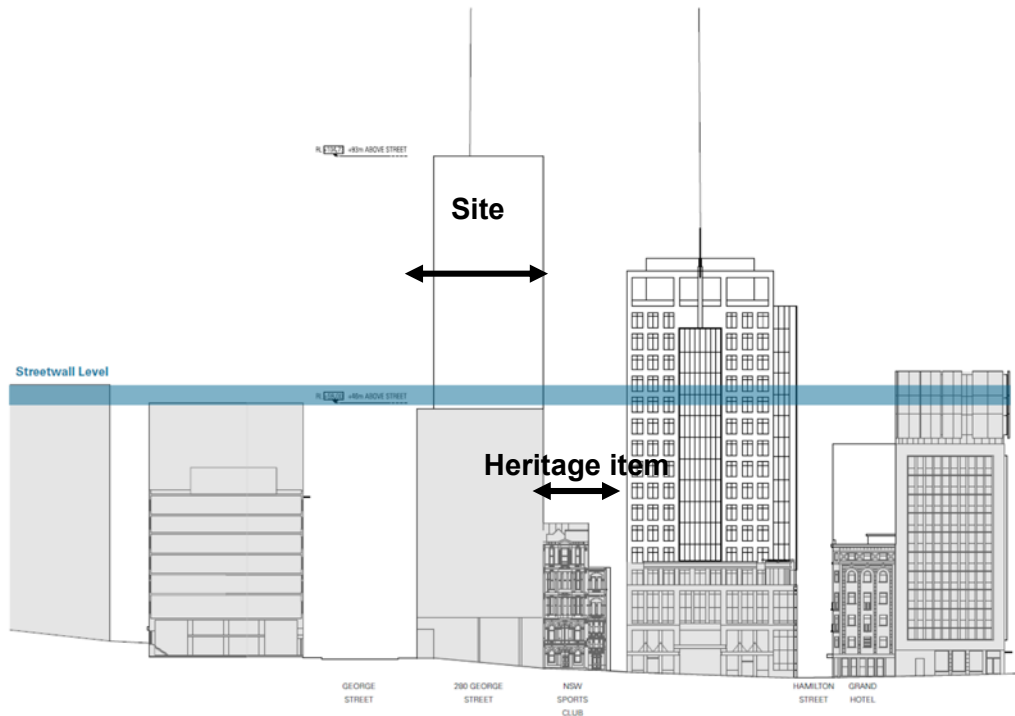


Figure 17 Streetscape elevation of the northern side of Hunter Street.

Tower setbacks – front and side

- 49. The key objectives for tower setbacks under Section 5.1.2 of the DCP are to enhance the quality of the public domain in terms of wind mitigation and daylight access.
- 50. The requirements for setbacks above street frontage height under Section 5.1.2.1 of the Sydney DCP and the proposed setback arrangement are summarised in the table below:

Street	Classification	Requirement	Proposed tower setback
George Street	Major north-south street	Weighted average 8m, minimum 6m	3m
Hunter Street	Minor east-west street	Minimum 6m	3m
Curtin Place	Laneway	6m from centreline of lane	6.805m from centreline of lane

- 51. As indicated in the above table, the proposed tower envelope does not comply with the DCP requirements for front setbacks. In this instance, the extent of variation is supported as:

- (a) The subject site has two street and one laneway frontages, and is only adjoined by one property on its eastern side boundary. The adjoining heritage listed NSW Sports Club to the east is subject to a height and floor space restriction to the title of the land and is unlikely to be developed further. The Australia Square tower to the north is setback from the street boundaries and is located within an open plaza. The 3-storey former Skinners Family Hotel at the south-eastern corner of George and Hunter Streets is also unlikely to be developed further due to its heritage listing and limited land area (approximately 82 sqm). Based on the site characteristics and the contextual environment, the future tower will be appropriately separated from the surrounding buildings, and will not detrimentally affect the quality of the public domain, in terms of daylight access and sky views at pedestrian level;
- (b) The eastern side of George Street between Bridge Street and Martin Place currently does not have any tower developments. The proposed tower setback is not considered to detract from any prevailing streetscape character (refer to **Figure 18** below). The proposed setbacks would enable a future built form that addresses the street and laneway frontages and the visually prominent intersection between George and Hunter Streets;
- (c) The existing commercial building at 248-252 George Street (near the corner of Bridge and George Streets) has a height of approximately 42m. The podium height is approximately 25m and the storeys above are setback approximately 4m to 5m from the George Street boundary. It should be noted that this development does not form part of any established setback pattern, and therefore should not be used as a reference point for determining the tower setbacks for the proposal;

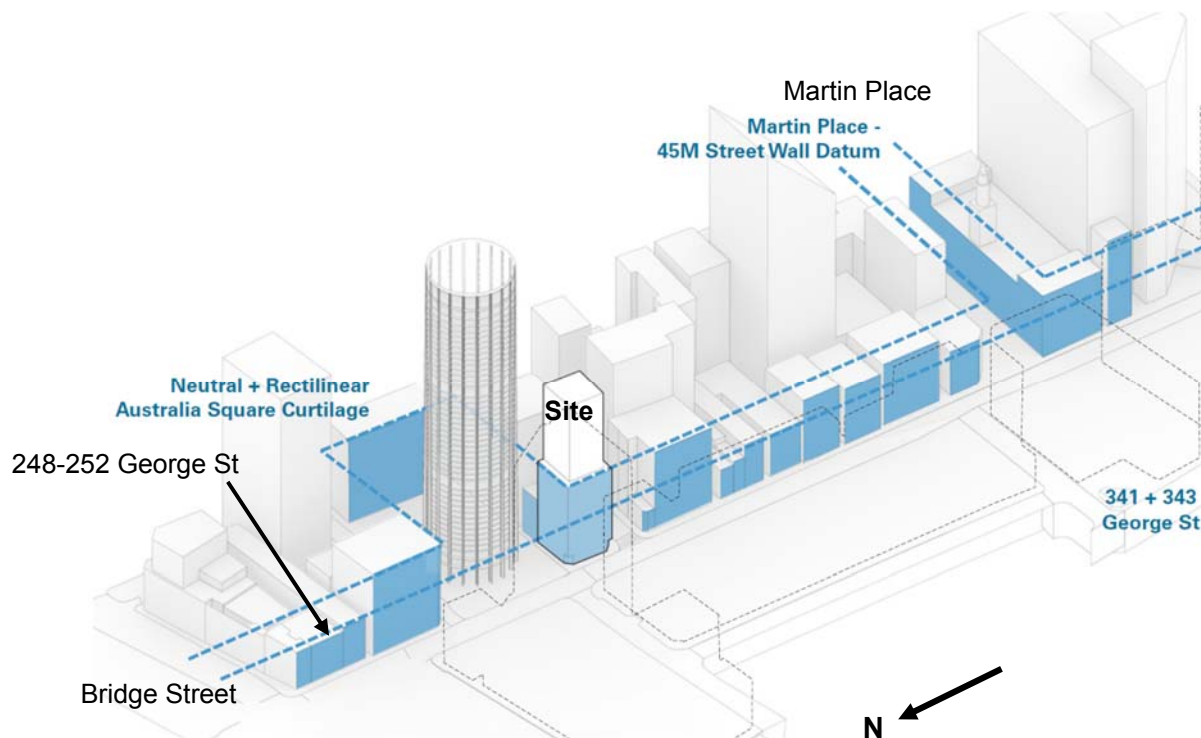
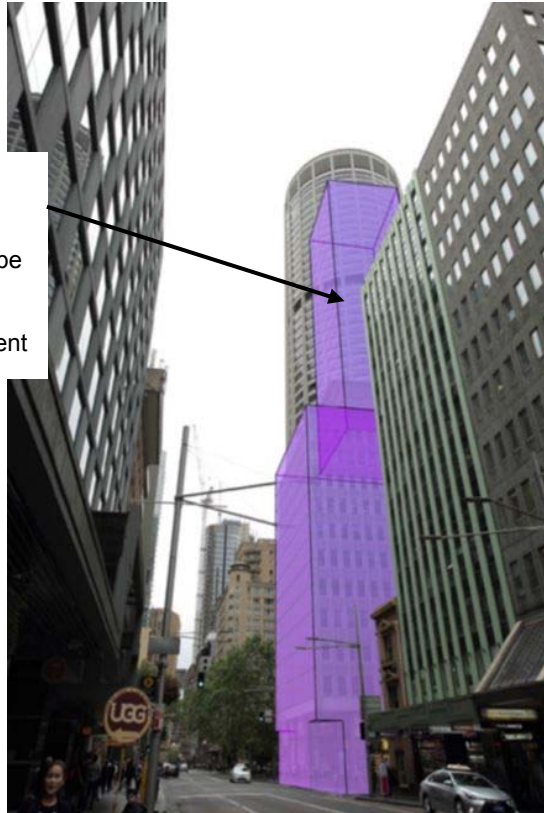


Figure 18 Existing built form and street walls along the eastern side of George Street between Bridge Street and Martin Place. Note that there is no established tower setback pattern in this section of George Street.

- (d) The application has included a visual analysis comparing the difference between a DCP permissible tower envelope and the proposed scheme (refer to **Figures 19 to 22**). Note that an envelope strictly complying with the tower setback controls and achieving the same FSR yield would result in a building reaching a height of approximately RL 120.23, which is 15.5m above the proposed height:

**DCP
Permissible
Scheme**

Part of
Australia
Square
tower will be
obscured
after the
development



**Proposed
Scheme**

In
comparison
with the DCP
envelope,
additional top
portion of
Australia
Square tower
will be visible.

Lesser amount of mid
to upper portion
of Australia Square
tower is visible
when compared to
DCP
envelope.

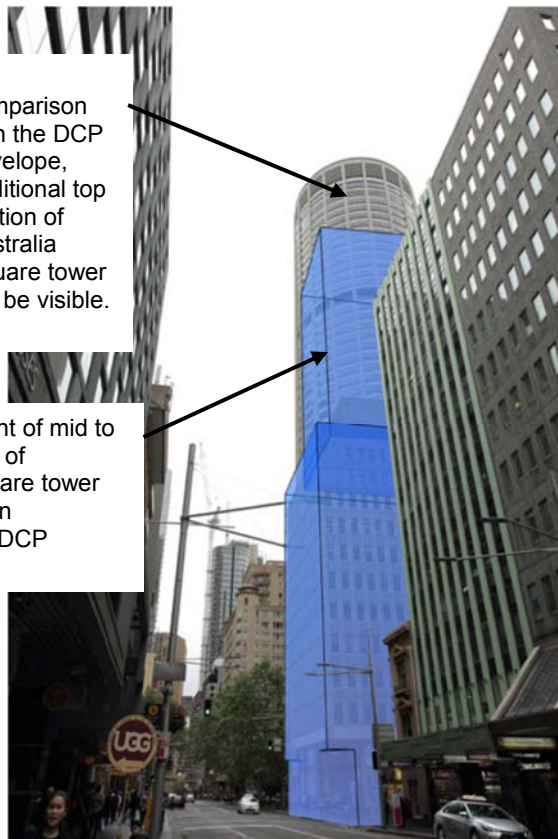


Figure 19 Comparison between DCP permissible and proposed envelopes, George Street looking north.

**DCP
Permissible
Scheme**

Sky views
obscured
after the
development



**Proposed
Scheme**

In comparison
with DCP
envelope, more
sky views will
be retained
above the tower

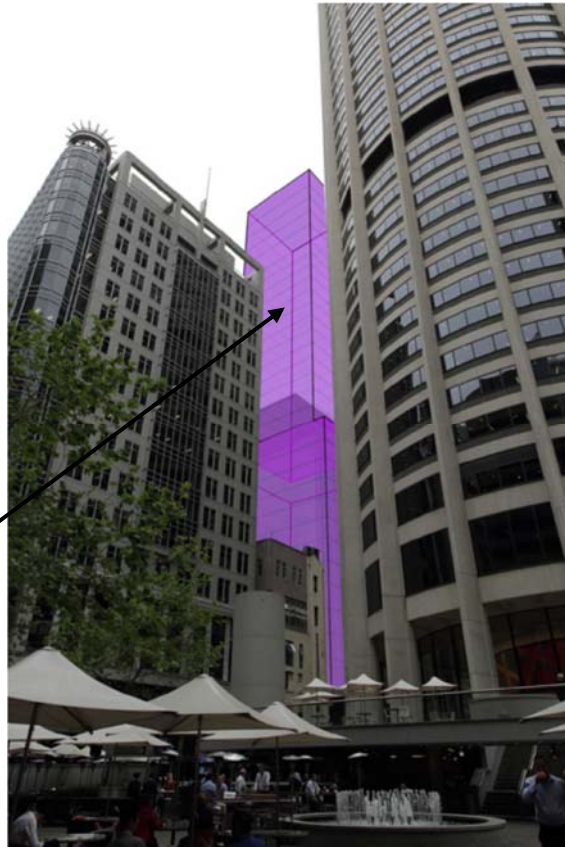
Slightly less sky
views will be
available around the
tower due to larger
tower floor plates in
comparison to DCP
envelope



Figure 20 Comparison between DCP permissible and proposed envelopes, George Street looking south.

**DCP
Permissible
Scheme**

Sky views
obscured
after
development



**Proposed
Scheme**

More sky views
will be available
in comparison to
DCP envelope



Figure 21 Comparison between DCP permissible and proposed envelopes, views from lower plaza of Australia Square.

**DCP
Permissible
Scheme**

Sky views
obscured
after
development



**Proposed
Scheme**

Generous sky views
will be retained
above and around
the tower.

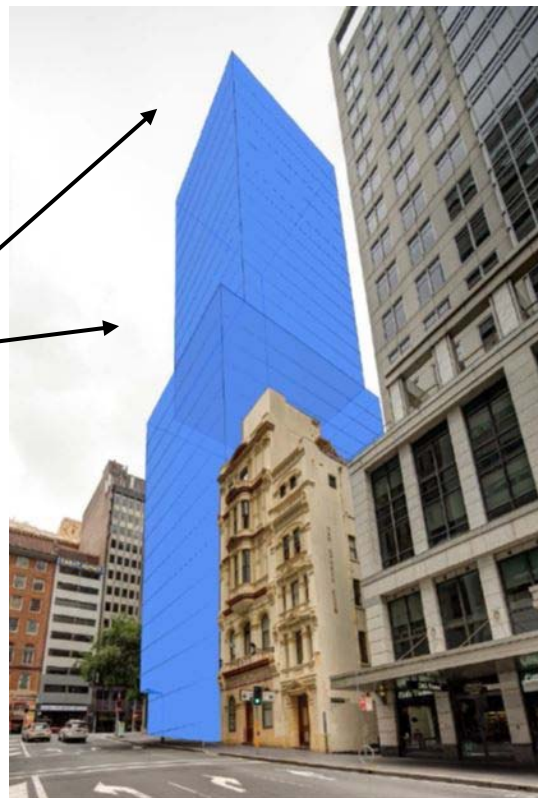


Figure 22 Comparison between DCP permissible and proposed envelopes, views from Hunter Street, looking west.

- (e) As demonstrated in the above images, when compared to a DCP permissible scheme, the proposed tower envelope will result in a smaller amount of sky views from the opposite side of George Street, looking south. However, additional and more open sky views will be available above the tower. It should be noted that the permissible height limit for this site is 235m under Clause 4.3 of the Sydney LEP. However, this maximum height limit is highly unlikely to be achievable for the site due to its constrained land area;
 - (f) The proposal will have a neutral impact on sky views from the opposite side of George Street, looking north, when compared to a DCP permissible envelope;
 - (g) When viewed from the lower plaza area of Australia Square, the proposed envelope will enable additional sky views as compared to a DCP permissible envelope;
 - (h) As demonstrated in the view analysis, a generous amount of sky views will be retained above and around the proposed tower envelope from Hunter Street;
 - (i) Based on the above, the reduced setbacks, on balance, are not considered to result in an unacceptable building mass as viewed from George Street, Hunter Street and publicly accessible open spaces in the vicinity;
 - (j) The proposed envelope will enable additional portion of the topmost part of Australia Square tower to be visible from George Street when compared to a DCP permissible scheme. It is noted that some portions of the middle to upper section of the tower would be obscured by the proposed envelope. To address this issue, a condition is recommended to require modelling of the north-western corner of the future building to improve retention of views to Australia Square tower;
 - (k) The proposed envelope will not result in unacceptable loss of outlook or district views from the surrounding commercial properties. Refer to the view analyses in **Attachment C** for details; and
 - (l) The application has included an opinion based wind assessment of the proposed envelope. The assessment report indicates that the massing of the envelope is expected to have minimal impacts on the local wind environment. A condition is recommended to require a detailed wind assessment report with wind tunnel analysis to be submitted with the Stage 2 development application. This will ensure that the detailed design of the building will maintain suitable wind conditions at ground level for public safety and comfort.
52. The DCP stipulates a minimum side setback of 6m for principal windows of hotels up to a height of 45m. Above a height of 45m, a side setback of 12m is required for hotels. The proposed envelope for the podium and tower does not provide any setback from the eastern side boundary.
53. The proposal is considered to be acceptable as the indicative design demonstrates that the future hotel rooms do not rely on the eastern elevation for solar access, ventilation or outlook. There is a covenant restricting the floor space and height of the adjoining heritage listed NSW Sports Club building to the existing condition. As discussed, a condition of consent is recommended to require appropriate articulation of the eastern façade above the height of the NSW Sports Club to achieve an adequate streetscape outcome.

Other Impacts of the Development

54. The proposed development is capable of complying with the BCA.
55. It is considered that the proposal will not result in detrimental environmental, social or economic impacts on the locality, subject to the imposition of appropriate conditions of consent.

Suitability of the Site for the Development

56. The conceptual building envelope and indicative land uses are considered to be contextually appropriate to the CBD location, subject to the recommended conditions. The site is located in close proximity to the future Sydney Light Rail and would promote sustainable modes of transport. The proposed development is capable of providing activation to the surrounding public domain and would enhance the character of the locality. Therefore, the site is considered to be suitable for the development.

INTERNAL REFERRALS

57. Council's internal service units including Building, Environmental Health, Heritage & Urban Design, Public Domain (City Infrastructure), Surveying, Transport and Access and Waste Management; Quantity Surveying consultant and Design Advisory Panel have reviewed the application and raised no objections, subject to conditions.

EXTERNAL REFERRALS

58. The proposed development is in the vicinity to the Sydney Light Rail currently under construction. The development application has been referred to Transport for NSW (TfNSW) for comments. TfNSW has reviewed the proposal and raised no objections, subject to conditions that require the provision of information relating to construction traffic management, coach parking, manoeuvrability of loading vehicles and any proposed changes to the signalised pedestrian crossing on Hunter Street. These conditions have been incorporated in the draft consent.
59. The application has been referred to Ausgrid, Roads and Maritime Services and Sydney Water Corporation for general comments. No response has been received from these authorities to date.

Notification, Advertising and Delegation (No Submissions Received)

60. In accordance with Schedule 1 of Sydney DCP 2012, the proposal was advertised and notified from 30 October to 28 November 2015. No submissions have been received.

PUBLIC INTEREST

61. It is considered that the proposal will have no detrimental effect on the public interest, subject to the imposition of the recommended conditions.

FINANCIAL IMPLICATIONS / S61 CONTRIBUTION**Section 61 Contributions**

62. Section 61 contributions will form part of the Stage 2 Development Application.

RELEVANT LEGISLATION

63. Environmental Planning and Assessment Act 1979 and Heritage Act 1977.

CONCLUSION

64. The proposal seeks consent for a Stage 1 concept plan for a building envelope with a height of up to RL104.73, which is approximately 95.2m above existing ground level.
65. It is considered that, subject to the imposition of the recommended conditions, the proposed building envelope and indicative land uses would appropriately respond to the constraints of the site and applicable planning controls. In those instances where numerical variation is sought to the planning controls, such as tower setbacks and street frontage heights, they are considered to be justifiable on planning grounds and are supported.
66. As such, the development application is recommended for approval, subject to the recommended conditions.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Simon Ip, Senior Planner)