

ATTACHMENT C

**STAGE 1 STATE SIGNIFICANT
DEVELOPMENT ASSESSMENT REPORT**

**1 ALFRED STREET, 19-31 PITT STREET
AND 31A PITT STREET, SYDNEY**

DEVELOPMENT APPLICATION: 1 ALFRED STREET AND 19-31 PITT STREET AND 31A PITT STREET SYDNEY**FILE NO: D/2015/1049****DEVELOPMENT APPLICATION NO: D/2015/1049****SUMMARY**

D/2015/1049 comprises a State Significant Development (SSD) application seeking approval for a mixed use hotel, residential and retail development at 1 Alfred Street, 19-31 Pitt Street and 31A Pitt Street, Sydney. In particular, the project seeks approval for:

- Stage 1 building envelopes and proposed uses for two towers (Tower A and Tower B);
- Tower A comprises a mixed use (residential and retail) building with a proposed maximum height of 185m / RL191 and proposed maximum gross floor area of 35,438m²;
- Tower B comprises a mixed use (hotel and retail premises) building with a proposed maximum height of 110m / RL112.5 and proposed maximum gross floor area of 21,409m²;
- six level basement car park across the site;
- vehicle access arrangements for subsequent stages of the development; and
- realignment of Rugby Place and new pedestrian link connecting Rugby Place to Herald Square.

This significant project will enable the redevelopment of a prominent site within one of the City's key precincts, Circular Quay. The project will facilitate new uses on the site, including active street level uses, a significant supply of new residential dwellings and a hotel development which will have a significant economic function within the precinct and the wider Sydney CBD. The application has a Capital Investment Value (CIV) of \$554,000,000.

As the proposed hotel component of the Stage 1 SSD application will exceed \$100 million CIV, the development is defined as SSD under State Environmental Planning Policy (State and Regional Development) 2011. As such, the Minister is the consent authority for development applications for the project. However, the Stage 1 SSD application and following development applications for subsequent stages will involve complex interrelations of existing development consents previously granted by the Central Sydney Planning Committee (CSPC) and the existing Voluntary Planning Agreement (VPA) with the City of Sydney. Given the long history of involvement by the City and the CSPC on the site, a request was made by the Applicant to the Minister of Planning and the Secretary of the Department of Planning and Environment to provide for the delegation of current and future development applications for assessment and consent authority functions to the City of Sydney.

On 10 August 2015, The Hon Rob Stokes MP, Minister for Planning and Carolyn McNally, Secretary, Department of Planning and the Environment delegated their respective consent authority and assessment functions to the City of Sydney Council for the subject SSD application (see **Attachment C**).

The Stage 1 SSD application is therefore lodged for assessment and determination by the City of Sydney and the CSPC respectively.

The State Significant Development Assessment Report which provides a full assessment of the proposal is provided in **Attachment A**. The assessment found that the development has been designed having regard to the opportunities and constraints of the site and provides an appropriate built form which generally complies with the relevant planning controls and surrounding development. Subject to the recommendations provided in the Assessment Report, and recommended Conditions of Consent provided in **Attachment B**, the application is recommended for deferred commencement approval.

The State Significant Development Assessment Report and recommended Conditions of consent are provided to the CSPC for consideration and determination.

ATTACHMENTS

Attachment A: State Significant Development Assessment Report

Attachment B: Recommended Conditions of Consent

Attachment C: Instrument of Delegation

Attachment D: Building Envelope Plans

Attachment E: Indicative Floor Plans

Attachment F: Design Excellence Strategy

RECOMMENDATION

It is resolved that:

- (A) the Design Excellence Strategy, prepared by Urbis, dated November 2015, shown at Attachment F to the subject report, be endorsed; and
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to State Significant Development Application No. D/2015/1049, as detailed in Attachment B (Recommended Conditions of Consent), to the subject report.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

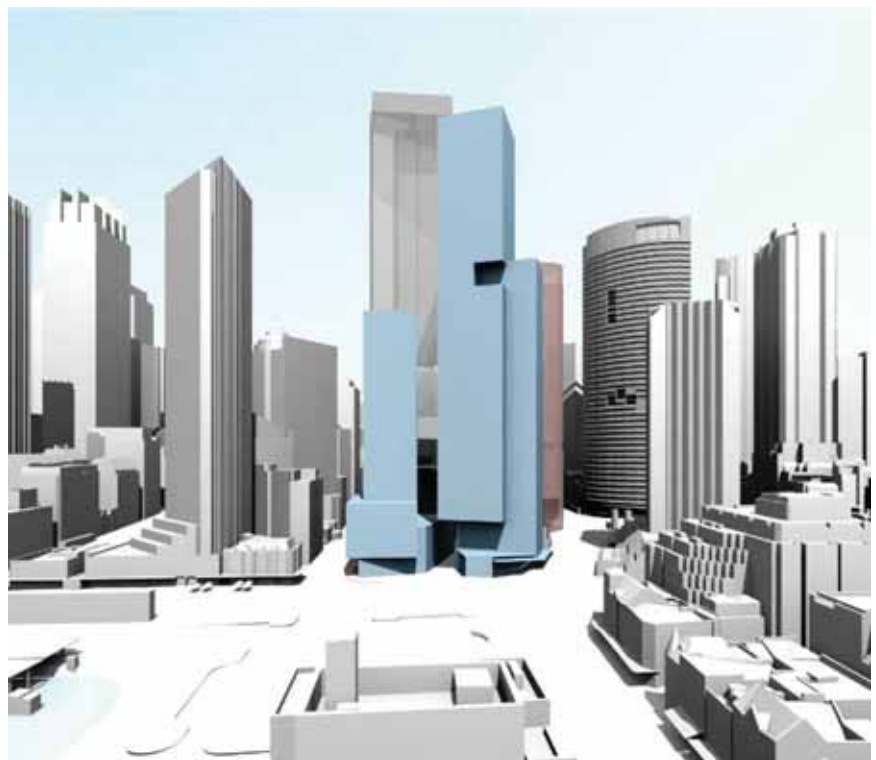
(Natasha Ridler, Senior Planner)

***STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:***

***Mixed Use Hotel, Residential and Retail
Development***

***1 Alfred Street, 19-31 Pitt Street, 31A Pitt
Street, Sydney***

D/2015/1049 (SSD 15_7101)



Central Sydney Planning Committee's
Environmental Assessment Report
Section 89E of the
Environmental Planning and Assessment Act 1979

December 2015

ABBREVIATIONS

Applicant	Urbis Pty Ltd or any other person or persons who rely in this consent to carry out the development that is subject to this consent
APDG	Alfred, Pitt, Dalley and George Streets
CSELR	CBD South East Light Rail
CIV	Capital Investment Value
Council	The City of Sydney Council
CSPC	Central Sydney Planning Commission
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPI	Environmental Planning Instrument
FSR	Floor Space Ratio
GFA	Gross Floor Area
Minister	Minister for Planning
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department
SEPP	State Environmental Planning Policy
SLEP 2012	<i>Sydney Local Environmental Plan 2012</i>
SSD	State significant development
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement

Cover Photograph: Proposed building envelopes viewed from the north (Source: Applicant's RtS)

EXECUTIVE SUMMARY

This report provides an assessment of a State Significant Development (SSD) Application (D/2015/1049) seeking approval for a mixed use hotel, residential and retail development at 1 Alfred Street, 19-31 Pitt Street and 31A Pitt Street, Sydney.

In particular, the project seeks approval for:

- Stage 1 building envelopes and proposed uses for two towers (Tower A and Tower B);
- Tower A comprises a mixed use (residential and retail) building with a maximum height of 185m / RL191 and maximum gross floor area of 35,438m²;
- Tower B comprises a mixed use (hotel and retail premises) building with a maximum height of 110m / RL112.5 and maximum gross floor area of 21,409m²;
- Six level basement car park across the site;
- Vehicle access arrangements for subsequent stages of the development;
- Realignment of Rugby Place and new pedestrian link connecting Rugby Place to Herald Square.

The Minister for Planning and Secretary, Department of Planning and the Environment delegated their respective consent authority and assessment functions to the City of Sydney Council (Council) for this development application. This development application is therefore lodged for assessment and determination by Council.

The application was publicly exhibited for 30 days from 20 August to 18 September 2015. Council received 8 submissions from public authorities and 29 public submissions.

Key assessment issues for the application include built form and urban design, impacts on surrounding development, residential amenity, traffic, parking and access and public domain.

The proposal complies with the permissible FSR and height in metres control identified in Sydney Local Environmental Plan 2012 (SLEP 2012). A departure from the floor plate development standard required in SLEP 2012 is proposed. The proposed envelopes of Towers A and B have been modified to address initial concerns raised with regard to building separation, inconsistent street wall height to Pitt Street and inefficiency of floor plates.

The proposal has been assessed with regard to impacts on surrounding development, including view loss and solar access. It is not considered that the proposal will create unacceptable impacts on surrounding properties in this regard.

Due to the conceptual nature of a Stage 1 application a detailed assessment of future residential amenity can only be made against the Tower A Stage 2 development application. Notwithstanding, indicative floor plans have been submitted with the proposal that demonstrate that the floor plates and envelope sought are generally capable of accommodating a design that is compliant with State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

The subject site is located within close proximity to the planned CBD South East Light Rail (CSELR), which has a terminus at Circular Quay. Council is currently working with Transport for NSW (TfNSW) and the project contractor, ALTRAC Light Rail consortium through the design development phase of the CSELR. Traffic arrangements resulting from introduction of light rail in Circular Quay are yet to be finalised, however known works include changes to Pitt Street. Due to the uncertainty of the final design of Pitt Street, the location of the proposed vehicle access driveway and hotel set-down/pick-up facility cannot be approved at this time. Conditions have been recommended requiring ongoing consultation with the CBD Coordination Office, CBD and South East Light Rail Project Team and City of Sydney City Transformation Unit during the design competition and Tower B Stage 2 detailed design phase to ensure all traffic / transport

ATTACHMENT C

interface issues along Pitt Street are addressed. Future applications will also be referred to the Central Sydney Traffic and Transport Committee (CSTTC).

The application includes a public benefit offer that outlines a series of land dedications and restrictions on title to facilitate the provision of publicly accessible open space, lanes and other links across the site for use as both pedestrian thoroughfares and for passive recreation. The offer also includes a \$3.5 million public art contribution. The revised public benefit offer has been agreed between the Applicant and Council. A deferred commencement condition has been recommended requiring a Voluntary Planning Agreement (VPA) in accordance with the agreed public benefit offer to be exhibited, executed and registered on title prior to the consent becoming operational.

The proposal will deliver high density housing and hotel accommodation in an inner city location with excellent access to jobs, transport, open space, services, facilities and attractions consistent with the goals and objectives outlined in the NSW Government's 'NSW 2020' and 'A Plan for Growing Sydney'.

Subject to the recommendations provided in this report and subsequent conditions, the application is recommended for deferred commencement approval.

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a State Significant Development (SSD) application (D/2015/1049) seeking approval for a mixed use hotel, residential and retail development at 1 Alfred Street, 19-31 Pitt Street and 31A Pitt Street, Sydney.

In particular, the project seeks approval for:

- Stage 1 building envelopes and proposed uses for two towers (Tower A and Tower B);
- Tower A comprises a mixed use (residential and retail) building with a maximum height of 185m / RL191 and maximum gross floor area of 35,438m²;
- Tower B comprises a mixed use (hotel and retail premises) building with a maximum height of 110m / RL112.5 and maximum gross floor area of 21,409m²;
- six level basement car park across the site;
- vehicle access arrangements for subsequent stages of the development;
- realignment of Rugby Place and new pedestrian link connecting Rugby Place to Herald Square.

The Minister for Planning and Secretary, Department of Planning and the Environment delegated their respective consent authority and assessment functions to the City of Sydney Council (Council) for this development application. This development application is therefore lodged for assessment and determination by Council.

The Stage 1 SSD application does not seek consent for architectural design or building construction. Such approvals will be sought via subsequent detailed Stage 2 development applications following the completion of the Stage 1 SSD application and a competitive design excellence process.

1.2 The Site

The site is located on the northern edge of the Sydney CBD, within the City of Sydney Local Government Area.

The site is bounded by Alfred Street to the north, Pitt Street to the east, Rugby Place to the south and George Street to the west and forms the northern portion of the Alfred, Pitt, Dalley and George (APDG) block identified in Clause 6.25 of Sydney Local Environmental Plan 2012 (SLEP 2012).

The site includes the properties identified at **Table 1** and indicated at **Figure 1**. Wanda One Sydney Pty Ltd owns all of the land within the subject site.

Table 1: Site address and legal description

Site	Site Address	Legal Description	Site Area
'Goldfields House'	1 Alfred Street	Lot 1 DP217877 & Lot 1 DP220830	2,686sqm
'Fairfax House'	19-31 Pitt Street	Lot 1 DP537286	916.5sqm
'The Rugby Club' and Rugby Lane reserve	31A Pitt Street	Lot 180 DP606866	437.5sqm

The site is irregular in shape and has a total site area of 4,040sqm. The site has an approximate 58.825m frontage to Alfred Street (arc), 49.18m frontage to Pitt Street, 14.475m frontage to George Street and 25.83m frontage to Rugby Place. The site has a slight fall (approximately 3.6m) from west to east.

The site currently contains three buildings. Goldfields House (1 Alfred Street), completed in 1966, comprises a 26 storey commercial office tower, with retail spaces at ground level (**Figure 2**). The total existing gross floor area (GFA) is approximately 29,170sqm. Pedestrian access into the office tower is provided at the corner of George Street and Alfred Street. Primary vehicular access is provided via a basement entry ramp off 13-17 Pitt Street, to the Wilson Gold Fields Car Park. The entry ramp is located adjacent to the boundary at 19-31 Pitt Street. In total, approximately 120-130 car spaces are provided within the basement area. Secondary vehicular access including a loading dock is provided at the rear of the site via Rugby Place.

Fairfax House (19-31 Pitt Street) comprises a 13 storey commercial office tower, constructed in 1970, with retail shops at ground level (**Figure 3**). The total existing GFA is approximately 5,561sqm. Pedestrian access into the office tower is provided at the corner of Pitt Street and Rugby Place. The Fairfax House building consists of one basement level however the Wilson Gold Fields Car Park is located adjacent to the site.

The Rugby Club (31A Pitt Street) comprises a converted six storey commercial office building, with the Rugby Club restaurant and function space at ground level (**Figure 4**). Pedestrian access is provided via Rugby Place, which can be accessed from both George and Pitt Streets.

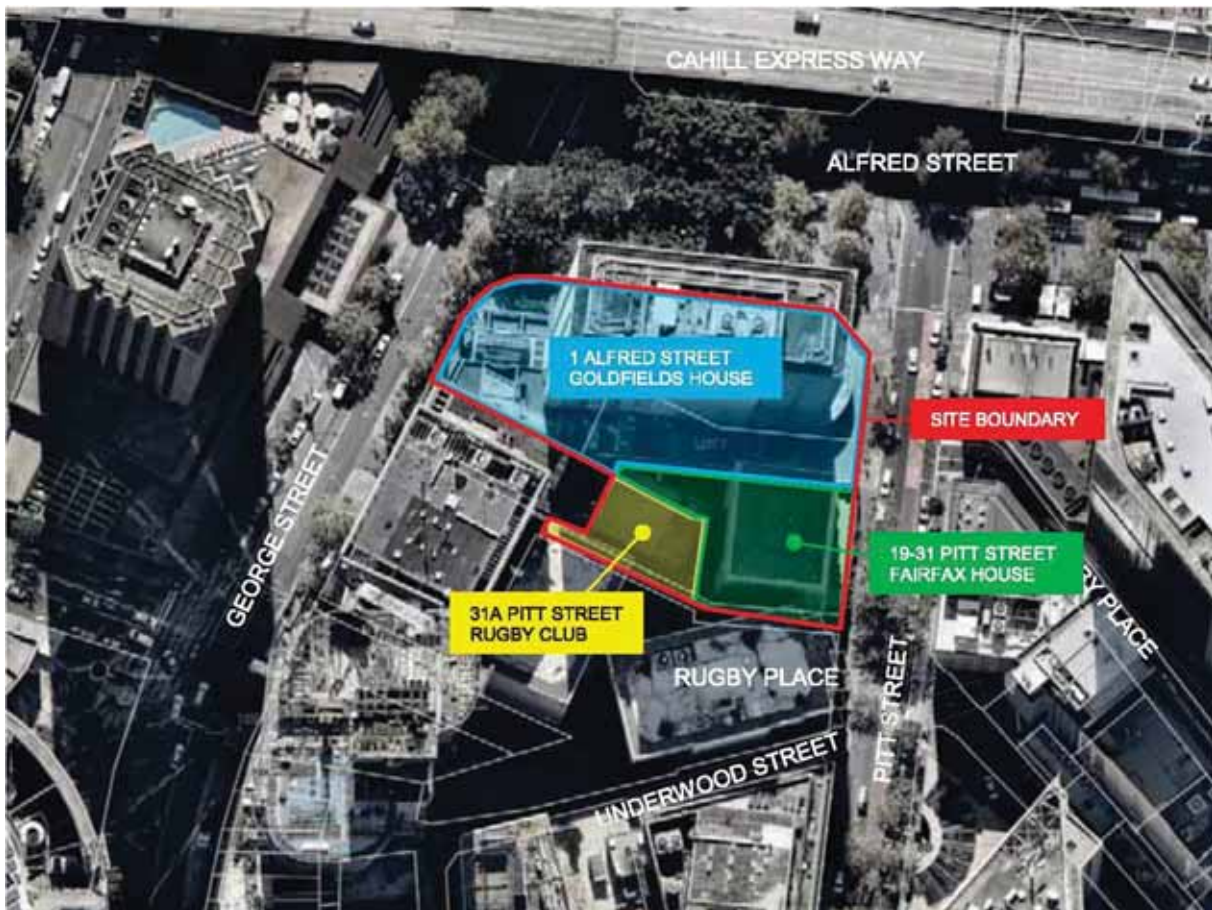


Figure 1: Delineation of properties within the subject site (Source: Applicant's EIS)



Figure 2: 1 Alfred Street, Goldfields House, viewed from north (left) and west (right) (Source: Applicant's EIS)



Figure 3: 19-31 Pitt Street, Fairfax House, viewed from Pitt Street (left) and pedestrian access from Pitt Street (right) (Source: Applicant's EIS)



Figure 4: 31A Pitt Street, Rugby Club, viewed from Rugby Place (both) (Source: Applicant's EIS)

1.3 Surrounding Development

North

To the immediate north of the site are Herald Square and Alfred Street. Herald Square includes the Tank Stream Fountain, a local heritage item. Herald Square incorporates areas for outdoor dining and includes public seating. Further north of Alfred Street is the City Circle Railway line, the Cahill Express Way, and Circular Quay.

East

To the immediate east of the site is Pitt Street, which acts as a primary arterial road having north-south orientation. The heritage listed Tank Stream runs underground, parallel and adjacent to, the eastern boundary of the site. The location of the Tank Stream varies between 110mm and 175mm from the boundary and is located approximately 1m from the existing basement level wall.

Further to the east of the site across Pitt Street is the heritage listed Ship Inn building which is physically connected to the high rise 'Gateway' building, which is a 50 storey commercial office tower with a retail centre at lower levels. Alfred Street also includes Customs House and the existing AMP Tower at 33 Alfred Street.

South

To the immediate south of the site is Rugby Place. Rugby Place acts as an access way for the loading dock provided to the rear of 1 Alfred Street.

South of Rugby Place is 33-35 Pitt Street, known as The Atrium and 182 George Street, also known as the St George building. The Atrium is a 12 storey commercial office building. The St George building is a 16 storey commercial office building with St George Bank branch and other retail tenancies at ground floor level. A Planning Proposal and DCP Amendment, submitted by

Lend Lease is currently being considered by Council for the redevelopment of this site. The Planning Proposal, which was approved by the CSPC on 25 June 2015 for submission to the Minister for Planning, proposes a 220m commercial tower on the 33-35 Pitt Street site. While the gateway determination has been received, the Planning Proposal has not been placed on public exhibition at the request of Lend Lease.

Further to the south is 200 George Street, a Mirvac redevelopment that is currently under construction. At the completion of the development, this building will measure 150m in height (37 storeys) and will have retail areas facing onto both George Street and Underwood Street. The building will also facilitate a basement car park.

West

To the immediate west of the site is George Street, which acts as a primary arterial road and main thoroughfare connecting Circular Quay to the Central CBD. Further to the west is the Four Seasons Hotel and Quay West. Grosvenor Place is also located further east and is a 46 storey commercial office building.

1.4 History Relevant to the Development Application

The site includes three land parcels, which were previously under separate ownership. As a result, the development site has been the subject of a number of development applications. Relevant applications include a Stage 1 development consent for the Fairfax House site and a Stage 2 development consent for the Goldfields House site. These applications are discussed below.

Fairfax House Stage 1 Development Application (D/2010/1533)

On 18 August 2011 the Central Sydney Planning Committee (CSPC) granted a deferred commencement consent for a Stage 1 development application. The approval includes consent for the demolition of the existing office building, and approval of an indicative building envelope for a 32 storey (110m / RL112.75) mixed use development with five levels of basement parking (Figure 5).

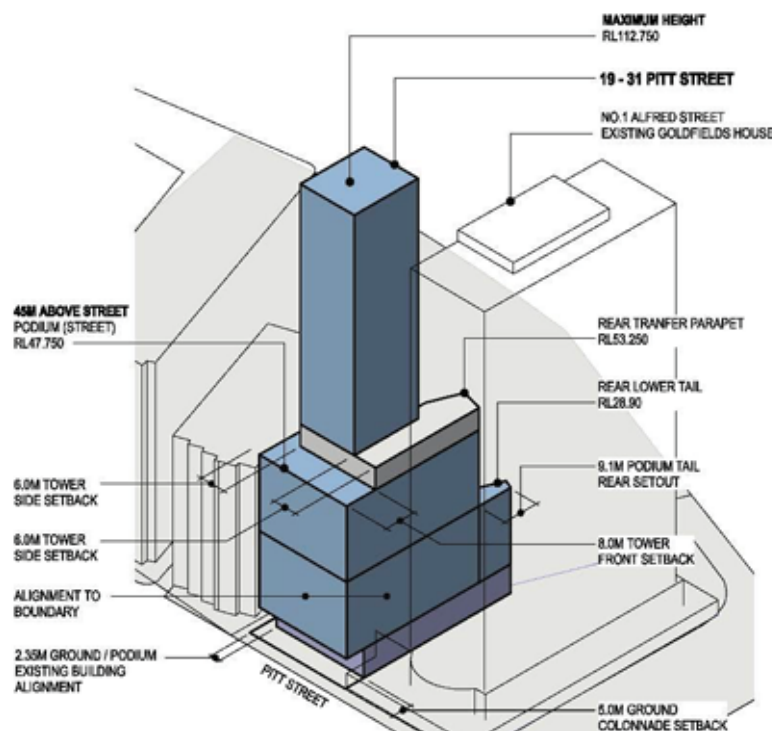


Figure 5: Approved Stage 1 envelope for Fairfax House (Source: Mark Hurcum Design Practice Architects)

Goldfields House Stage 2 Development Application (D/2010/2029)

On 10 May 2012 the CPSC granted a deferred commencement consent for a Stage 2 development application. On 9 May 2013, the deferred commencement matters were satisfied and an operational consent was granted.

The approved Stage 2 development includes demolition of Goldfields House, excavation of 8 basement levels and construction of two mixed use buildings of 55 storeys (Tower A) and 15 storeys (Tower B) accommodating 197 apartments, 924sqm of retail/commercial floor space, 297 car parking spaces and public domain improvement works (**Figure 6**).



Figure 6: Approved Stage 2 proposal for Goldfields House (Source: Kerry Hill Architects)

A competitive design process was carried out prior to the approved Stage 2 development application in 2009. The following five architectural practices participated in the competition:

- Miralles Tagliabue;
- Johnson Pilton Walker;
- Bligh Voller Nield;
- Kerry Hill Architects; and
- Make Architects.

The scheme designed by Kerry Hill Architects was named as the winning scheme by the design jury in November 2009. Kerry Hill Architects were then commissioned to proceed to a Stage 2 development application.

The requirement to lodge a development plan (or Stage 1 development application) under the Sydney LEP 1995 was waived at the time because the planning controls in the newly created APDG block within SLEP 2012 and Sydney Development Control Plan 2012 (SDCP 2012) presented a detailed framework for building envelopes and public domain outcomes for the Stage 2 development application.

1.5 Other Relevant Applications

Tower A Development Application (D/2015/882)

Whilst the subject application seeks Stage 1 development consent for building envelopes and uses across the site, this application is consistent with the building envelope for Tower A proposed in a concurrent Stage 2 development application (D/2015/882) seeking to amend D/2010/2029. That development application seeks to expand Tower A and excise Tower B and the basement car park from the Stage 2 development previously approved for the site. The combined effect of the amendments will increase the approved GFA of Tower A from 31,627sqm to 35,438sqm.

Kerry Hills Architects have continued their commission for the current development application. In September 2015, Council Officers reconvened the design jury for the design competition to comment on whether or not the amended design retained the architectural integrity of the winning scheme. The design jury held that the proposal subject of D/2015/882 continued to portray the defining aspects of the winning proposal.

The application is currently being assessed concurrently with this Stage 1 development application.

2. PROPOSED DEVELOPMENT

2.1 Project Description (as exhibited)

The proposal, as exhibited and described within the Environmental Impact Statement (EIS) is described below:

- building envelopes and proposed uses for two towers (Tower A and Tower B);
- Tower A comprises a mixed use (residential and retail) building with a maximum height of 185m / RL191 and maximum gross floor area of 36,540sqm;
- Tower B comprises a mixed use (hotel, retail premises and registered club) building with a maximum height of 110m / RL112.5 and maximum gross floor area of 21,070sqm;
- six level basement car park across the site;
- vehicle access arrangements and car parking rates for subsequent stages of the development;

- distribution of gross floor area across the site and the residential unit mix for Tower A;
- realignment of Rugby Place and new pedestrian link connecting Rugby Place to Herald Square.

2.2 Response to Submissions

Following the public exhibition of the proposal and detailed assessment of the application by Council, including referrals to internal and external stakeholders, the Applicant was requested to address the issues raised in the submissions as well as a number of specific design issues identified by assessment of the proposal.

The Applicant provided a Response to Submissions (RtS) (**Appendix B** of this report), which contains further information and clarification of the key issues raised by Council and agency and public submissions. The key revisions to the proposed development are summarised below:

- removal of 'registered club' within Tower B;
- removal of 900mm from the eastern elevation of the Tower A envelope;
- reduction of the Tower B envelope (Levels 5-24) by 13.7% by rationalising services cores and reductions in the typical room sizes;
- increase the separation between Tower A and Tower B to a minimum of 10.4m, resulting in an additional separation of 3.48m compared to the proposal as originally lodged;
- increased separation at ground and podium level from 11m (lodged) to 12m to open up the through-site link between Tower A and Tower B;
- increase the height of the Pitt Street podium from 18.5m (lodged) to 30m;
- minor amendments to the proposed basement envelope;
- revision to the proposed geometry of the through-site link reflecting revised indicative floor to ceiling heights;
- maintain the Pitt Street upper level Tower B setback at 6m;
- maintain the southern setback at 6m; and
- minor amendments to the indicative internal layout of Tower A and Tower B as a result of the above modifications.

2.3 Description of Revised Proposal

The key components of the revised proposal, as described in the RtS are outlined in **Table 2**. The proposed building envelopes are showing in **Figures 7** and **8** below. Indicative GFA and proposed FSR calculations are based on the inclusion of design excellence bonus floor space. Details of apartment numbers and unit mix, hotel room numbers and car parking rates are indicative only. Final calculations and numbers will be assessed and determined under subsequent Stage 2 development applications.

Table 2: Overview of revised proposal

Parameter	Proposal				
Land Uses	Retail premises Commercial premises Tourist and visitor accommodation Residential flat building Function centre (hotel ballroom)				
Building Height					
Tower A	185m / RL 191				
Tower B	110m / RL 112.5				
Indicative Gross Floor Area	56,847sqm				
Tower A	Residential: 34,556sqm		Retail: 882sqm		
Tower B	Hotel: 20,934sqm		Retail: 475sqm		
Proposed FSR	14.07:1				
Tower A – indicative number of apartments	Studio	1 Bed	2 Bedroom	3+bedroom	Total
	4 / 2.2%	13 / 7.1%	87 / 47.3%	80 / 43.5%	184 / 100%
Tower B – indicative number of hotel keys	179 Hotel keys Hotel patron capacity: approximately 205 persons Potential ballroom capacity: 620 persons				
Car parking	Six basement levels of car parking and services				

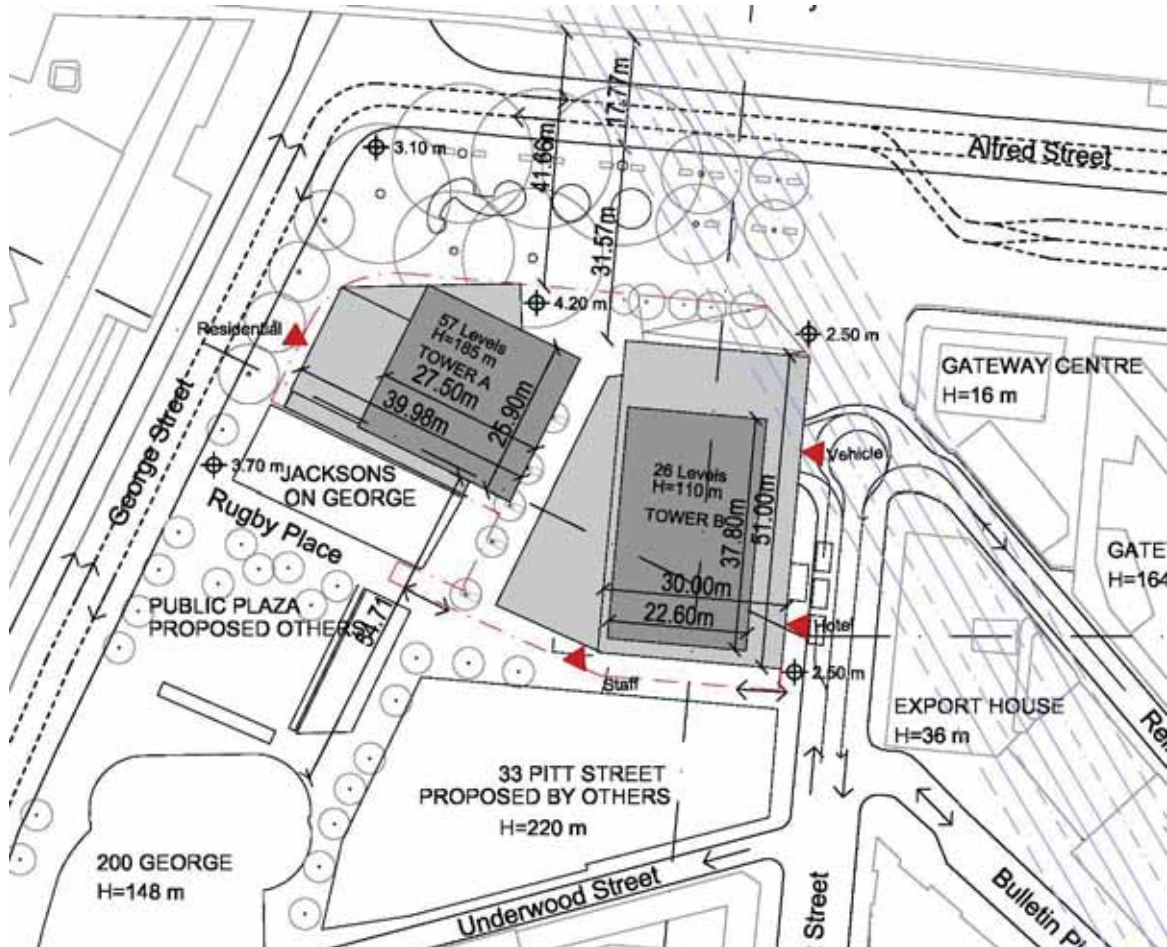


Figure 7: Proposed revised building envelopes (Source: Applicant's RtS)

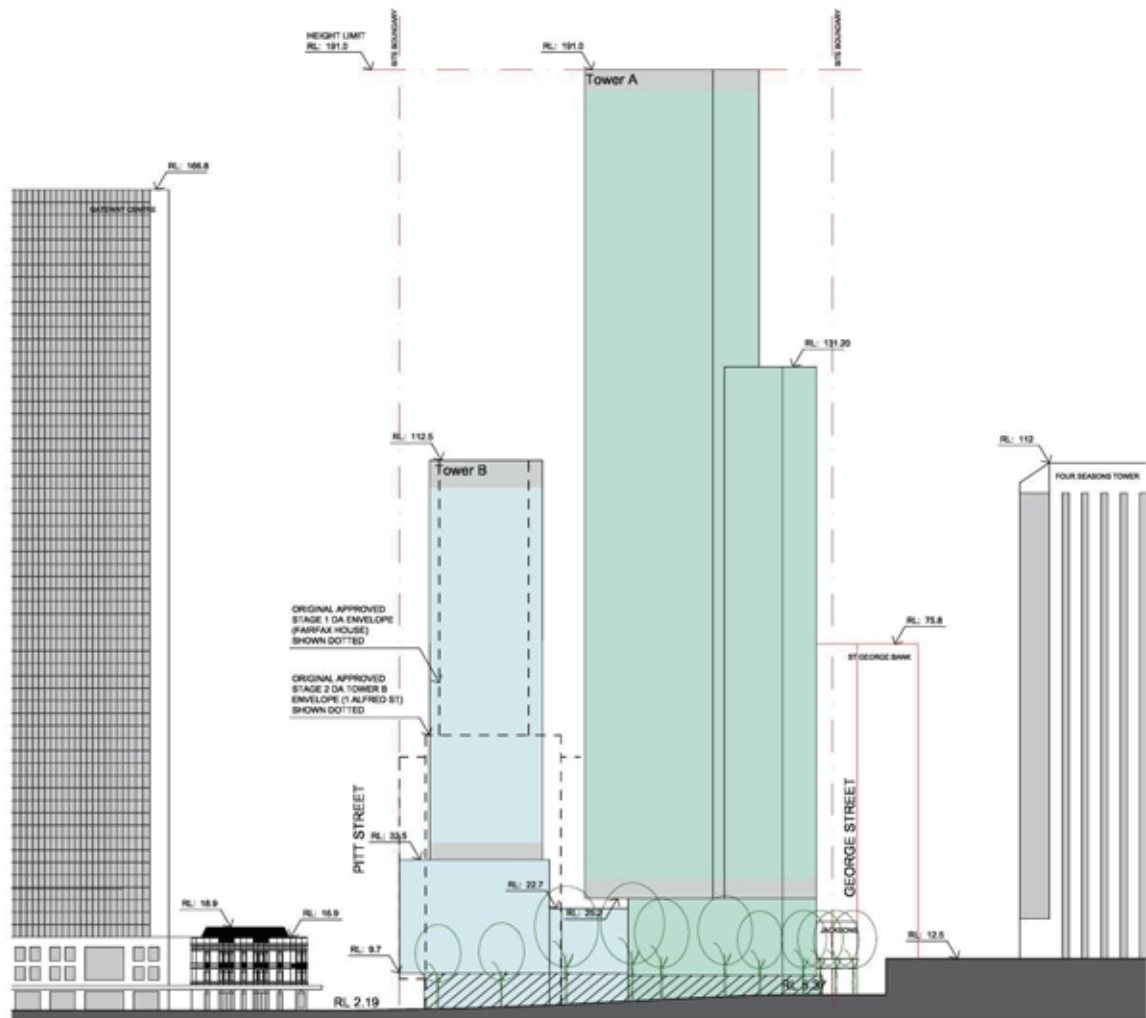


Figure 8: Proposed revised building envelopes, north elevation (Source: Applicant's RtS)

2.4 Project Need and Justification

NSW 2021 – A Plan to Make NSW Number One

'NSW 2021 A Plan to Make NSW Number One' is the State Government's 10 year plan to guide policy and decision making. One of the underlying, central themes of the strategy is to improve the performance of the NSW economy, with a 'priority action' being: "Increase tourism in NSW with double the visitor expenditure by 2020".

The establishment of Destination NSW and the preparation of the Visitor Economy Industry Action Plan (December 2012) are key initiatives which provide specific actions that reinforce the Government's commitment to the visitor economy of the State. One of the specific recommended actions from the Visitor Economy Industry Action Plan is to stimulate tourism development, especially for visitor accommodation and attracting investment. The proposed inclusion of a hotel on the site is directly consistent with this recommendation.

A Plan for Growing Sydney 2031

In December 2014 the NSW State Government released 'A Plan for Growing Sydney' (the Plan), a new Metropolitan Strategy to guide land use planning decisions within Sydney's metropolitan area until 2031. The Plan is based on four primary goals:

- A competitive economy with world class services and transport.
- A city of housing choice, with homes that meet our needs and lifestyles.
- A great place to live with communities that are strong, healthy and well connected.
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Notably Direction 1.1 of the Plan is to 'grow a more internationally competitive Sydney CBD'. The proposed development is consistent with the priorities and directions of the Plan as the proposed development will:

- Enhance the residential and visitor capacity of the CBD, providing a vibrant mix of uses that enhance the visitor experience and international investment.
- Support the visitor economy and strengthen the Global Economic Corridor.
- Recognise the importance of Sydney Harbour as the global icon of Sydney that will drive investment.
- Provide capacity for employment growth in the CBD through the proposed commercial and hotel uses.
- Assist the City of Sydney in contributing to the predicted 664,000 new dwellings required in Sydney by 2031 (39,000 new dwellings per annum).
- Deliver new dwellings in highly accessible locations in close proximity to employment opportunities and centres.

Draft Sydney City Sub-Regional Strategy

Whilst somewhat superseded by A Plan for Growing Sydney, the Draft Sydney City Sub-Regional Strategy (2007) applies to the site.

The proposed development is consistent with the sub-regional strategy as it provides hotel space and tourism facilities, which the sub-regional strategy identifies as being critical to maintaining Sydney's global competitiveness. Specifically a key direction of the sub-regional strategy is to ensure capacity for new hotel developments. Further, the strategy identifies that the projected visitor numbers are expected to increase by an additional 1.1 million visitors in the Sydney Metropolitan Area by 2016.

As such, the proposal will directly contribute to the economic and employment directions of the sub-regional strategy. The development will also contribute to the delivery of new dwellings in the CBD, making a significant contribution to the required target of 55,000 additional dwellings.

NSW Long Term Transport Master Plan

The proposed development is consistent with the NSW Long Term Transport Master Plan in that it:

- Supports the construction of the CSELR network that will run adjacent to the site, and enable a more 'pedestrian friendly' environment to be established within and around the site.
- Supports the upgrades to the Circular Quay station and interchange.
- Ensures the Metro Corridor that traverses the site is not impeded by the development.

Sydney's Cycling Future

The proposed development will be consistent with TfNSW's plan 'Sydney's Cycling Future' as the proposed basement will accommodate the required end of trip facilities and resident bike storage required by the SLEP 2012 and the SDCP 2012. The integration of the proposed separated cycle lane along the eastern side of Pitt Street is discussed below under the Sydney City Centre Access Strategy.

Sydney's Walking Future

The proposed development is consistent with TfNSW's plan 'Sydney's Walking Future' as the development maximises active frontages, improves pedestrian access within and around the APDG block, provides walking links to key areas of public open space, and maximises opportunities for connectivity to major public transport infrastructure including the CSELR and the Circular Quay Interchange. The proposed public domain has been designed to ensure sightlines are maintained through the through-site links across the site.

Sydney 2030 Strategy

The proposed development is consistent with the broad Sydney 2030 vision in that:

- It will provide highly accessible housing and the opportunity to investigate precinct wide ESD strategies as part of Stage 2 phases of the development.
- It will make an important contribution to the economic role of Sydney by providing visitor accommodation at Circular Quay. The proposal provides the opportunity for additional 300+ ongoing full time equivalent jobs which contributes to the target of an additional 97,000 jobs by 2030.
- The proposal will facilitate significant improvements to the ground plane with improved pedestrian access and amenity through and around the site.

Sydney City Centre Access Strategy (SCCAS)

In addition to identifying the approved CSELR at George Street adjacent to the subject site, the Access Strategy identifies Circular Quay as a new interchange precinct which will feature a new light rail stop, fewer buses, de cluttered footpaths and improved way finding.

The Access Strategy also identifies a future bi-directional separated north-south cycleway along Pitt Street (between King Street and Circular Quay) adjacent to the site. The application proposed a section of 'No Parking' restriction on the Pitt Street frontage to provide for set-down/pick-up facility for the hotel by taxi, car, mini bus and tour coach. The application states that the proposed set-down/pick-up facility has had regard for the possible future provision of a 2.5m two-way bicycle lane along the eastern site frontage, separated from the set-down/pick-up facility lane and the moving traffic lane by narrow islands in the manner that has been implemented elsewhere in the CBD.

Due to the uncertainty of the final design of Pitt Street including the location of the proposed cycleway, ongoing consultation is required with CBD Coordination Office and Council during the design competition and Stage 2 details design to ensure all traffic / transport interface issues along Pitt Street are addressed. Subsequent applications will also be the subject of further consultation with the Central Sydney Traffic and Transport Committee.

Draft Visitor Accommodation Action Plan 2014

As outlined in the Draft Visitor Accommodation Action Plan, the health of Sydney's visitor economy is important to the NSW and the Australian tourism industry. The Action Plan states that the City of Sydney should provide a positive environment for investment by removing barriers and having a positive policy approach to accommodation development rather than through incentives or supply targets.

The proposal will make a significant contribution to the visitor accommodation market and satisfying tourism demand.

3. STATUTORY CONTEXT

3.1 SEPP (State and Regional Development) 2011

Clause 8(1) of *State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional Development SEPP), provides that the development specified in Schedule 1 is SSD. Clause 13(2) of Schedule 1 provides for the following:

13 Cultural, recreation and tourist facilities

- (2) *Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that:*
- (a) *has a capital investment value of more than \$100 million, or*

The proposal is development listed in Clause 13(2) of Schedule 1 as it includes:

- development for tourist related purposes; and
- the development for that purpose will have a Capital Investment Value (CIV) of more than \$100 million.

The proposal includes a statement provided by a qualified Quantity Surveyor that confirms the CIV for Tower B is well in excess of \$100 million.

3.2 Delegated Authority

On the 10 August 2015, The Hon Rob Stokes MP, Minister for Planning and Carolyn McNally, Secretary, Department of Planning and the Environment delegated their respective consent authority and assessment functions to the City of Sydney Council for the subject SSD application. The Instrument of Delegation is provided in **Appendix D** of this report.

The Stage 1 SSD application is therefore lodged for assessment and determination by the City of Sydney.

Section 40 of the City of Sydney Act 1988 requires the CSPC to determine applications for major developments, being applications with an estimated cost of more than \$50 million. The application has an estimated CIV of \$554,550,000 and is therefore referred to the CSPC for determination.

3.3 Permissibility and Zoning

The site is zoned B8 Metropolitan Centre under SLEP 2012. The proposed mixed use development is permitted with consent in the B8 Metropolitan Centre zone.

3.4 Environmental Planning Instruments

Section 89H of the EP&A Act provides that Section 79C of the EP&A Act applies to the assessment of SSD, subject to the provisions of Division 4.1. Under Section 79C of the EP&A Act, assessment against the provisions of any environmental planning instruments (EPIs) that substantially govern the carrying out of a project is required. The following EPIs apply to the site:

- *State Environmental Planning Policy (State & Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 55 - Remediation of Land;*
- *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development;*

- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- Sydney Local Environmental Plan 2012.

Council's consideration of relevant EPIs is provided in **Appendix C** and **Section 5** of this report. In summary, Council is satisfied that, subject to recommended conditions, the application is consistent with the requirements of the EPIs.

3.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act and read as follows:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposal complies with the above objects. Specifically, the proposal promotes the orderly and economic use of the site and will contribute to the enhancement of the social and economic welfare of the community. The proposal includes measures to deliver ecologically sustainable development (**Section 3.6**). Further, the delegation of the proposal from the Minister for Planning to Council promotes the sharing of planning outcomes between State and local government.

3.6 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The proposed development has been considered in relation to the ESD principles and is considered to be satisfactory. The precautionary and inter-generational equity principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project, including the undertaking of environmental studies and specialist reports. The proposal does not require the removal of any significant vegetation.

Overall, with the implementation of recommended conditions, the proposal is consistent with ESD principles and Council is satisfied that the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

3.7 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Regulation cited within this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

3.8 Airports (Protection of Airspace) Act 1996

The proposed development results in a building (Tower A) that penetrates the prescribed airspace for Sydney Airport as detailed under the *Airports (Protection of Airspace) Act 1996*. The construction of a building to the height proposed constitutes a “controlled activity” that requires approval under Section 183 of the Act.

In accordance with the above provisions, and those replicated at Clause 7.16 of SLEP 2012, the application was referred to Sydney Airport Corporation Limited (SACL) on 19 August 2015.

Clause 7.16 of SLEP 2012 states that the consent authority cannot grant development consent until such time as the relevant Commonwealth body advises that:

- (a) *the development will penetrate the Limitation or Operations Surface but it has no objection to its construction; or*
- (b) *the development will not penetrate the Limitation or Operations Surface.*

In correspondence dated 8 September 2015, the Federal Department of Infrastructure and Regional Development confirmed that approval for the controlled activity had been granted, subject to conditions. These conditions have been included at **Appendix A** of this report.

3.9 City of Sydney Act 1988

Section 51N of the *City of Sydney Act 1988* requires the CSPC to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a development application 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.*

The application was presented to the CSTTC on 1 December 2015. The Committee expressed support for the application and recommended that the detailed matters of traffic access and management be dealt with at the relevant Stage 2 development application. Recommended conditions have been included within **Appendix A** of this report requiring appropriate consultation with the CSTTC, including submission of relevant documentation as part of any relevant Stage 2 development application for Tower B.

3.10 Secretary's Environmental Assessment Requirements

Section 2 of the EIS addresses compliance with the Environmental Assessment Requirements. These matters have been addressed in the EIS sufficient to enable consideration, assessment and determination of the proposal.

3.11 Considerations under Section 79C of the EP&A Act

Section 79C(1) of the EP&A Act sets out the matters to be considered by the consent authority in determining a development application. Consideration of these matters is set out in **Table 3** below.

Table 3: Considerations under Section 79C of the EP&A Act

Section of EP&A Act	Matter for Consideration	Consideration in this Report
79C(1)(a)(i)	Provisions of any Environmental Planning Instrument.	Assessment against relevant EPIs has been undertaken in Appendix C of this report.
79C(1)(a)(ii)	Any proposed instrument that has been subject to consultation under the EP&A Act and notified by the consent authority.	Not applicable
79C(1)(a)(iii)	Any development control plan.	Under Clause 11 of the State & Regional Development SEPP, development control plans do not apply to state significant development. Notwithstanding, an assessment against the site specific APDG controls contained in SDCP 2012 has been undertaken in Appendix C of this report.
79C(1)(a)(iiia)	Any planning agreement entered into under section 93F.	The site is subject to a planning agreement, as discussed in Section 5.5 of this report.
79C(1)(a)(iv)	The regulations	The application satisfactorily meets the relevant requirements of the Regulation.
79C(1)(a)(v)	Any coastal zone management plans.	Not applicable
79C(1)(a)(b)	The likely impacts of the development.	The likely impacts of the proposal have been assessed in Section 5 of this report. Where appropriate, conditions have been recommended to mitigate potential impacts.

79C(1)(a)(c)	Suitability of the site for the development.	The proposal is of a nature in keeping with the overall function of the site and zone objectives. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.
79C(1)(a)(d)	Any submissions received.	Submissions received as a result of the public exhibition of the proposal have been taken into account during the assessment of this proposal. See Section 4 of this report for further information.
79C(1)(a)(e)	The public interest.	Based on the assessment of the proposal carried out in Section 5 of this report, it is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with Section 89F of the EP&A Act and Clause 83 of the EP&A Regulation, the City exhibited the application for 30 days from 20 August 2015 until 18 September 2015. The applications were publicly available on Council's and the Department of Planning and Environment's website and exhibited at Council's One Stop Shop and the Department's Information Centre.

Public exhibition notices were also placed in the Sydney Morning Herald on the 18 August 2015 and the Daily Telegraph and Central Sydney Courier on the 19 August 2015. The application was also notified adjoining landholders and relevant State government authorities in writing. A total of 6 site notices were displayed at the development site. Details of the public exhibition are outlined in **Table 4**.

The RtS was also exhibited on Council's website from 26 November 2015. Relevant State government authorities were notified of the RtS in writing.

Table 4: EIS exhibition details

Exhibition/notification	Format	Dates
Publicly exhibited	Council's website Council's One Stop Shop (hard copies) Department of Planning and Environment's website Department of Planning and Environment's Information Centre (hard copies)	20 August 2015 until 18 September 2015
Newspaper notice	Sydney Morning Herald Daily Telegraph Central Sydney Courier	18 August 2015 19 August 2015 19 August 2015
Written notices	Letters sent to owners and occupiers of 88 surrounding properties	17 August 2015
Site notices	6 x site notices displayed on the development site	20 August 2015 until 18 September 2015

4.1 Submissions

As a result of the public exhibition, 37 submissions comprising 8 submissions from public authorities and 29 submissions from the general public during the exhibition period. In addition to the above, one additional public authority submission was received after the closure of the exhibition period.

Copies of the submissions may be viewed at **Appendix B** of this report. A summary of the issues raised in the submissions is provided in **Tables 5** and **6** below. The issues raised have been addressed in detail in **Section 5** and/or by way of a recommended condition at **Appendix A** of this report.

4.2 Public Authority Submissions

Nine submissions were received from public authorities in response to the exhibition of the EIS. An additional 8 submissions were received from public authorities in response to the RtS at the time of finalising this report. The submissions from public authorities are summarised in **Table 5** below. Public authorities had until 9 December 2015 to make further responses to the RtS. As at the date of finalising this report, the following is the status of those referrals.

Table 5: Summary of Issues Raised in Public Authority Submissions

NSW EPA	
EIS	Should the proponent identify that the proposal includes any Scheduled Activities under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act), then it will need to apply to the EPA for an Environmental Protection Licence. Any licence application will need to be supported by an appropriate level of environmental assessment and confirmation that the activity has been approved as part of the planning consent (if issued). The EPA recommends that the Council clarify with the proponent if the proposal is likely to trigger any scheduled activity threshold.
	The EPA notes that in the event that the proposed cogeneration plant exceeds the threshold for metropolitan electricity works (internal combustion engines), the level of environmental assessment required to support a licence application will include: <ul style="list-style-type: none"> • Preparation of an Air Quality Impact Assessment; and • Consideration of the requirements of the Protection of the Environment (Clear Air) Regulation and the EPA's Interim Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra.
RtS	Response received. No additional comments or conditions.
Heritage Council of NSW	
EIS	The proposal would not have any adverse impacts on the heritage values of Sydney Opera House, Circular Quay Railway Station, Customs House or Sydney Harbour Bridge.
	Given the potential impacts the proposal may have on the extended Tank Stream curtilage, archaeological potential, and Aboriginal archaeological potential and cultural significance, the Heritage Council of NSW has made recommendations for four conditions of consent, if granted.
RtS	A response was received from the Office of Environment and Heritage, as delegate for the Heritage Council. See Office of Environment and Heritage RtS response for details.
Ausgrid	
EIS	The developer is to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development.
RtS	Response received. No additional comments or conditions.

NSW Office of Environment and Heritage	
EIS	Acknowledgement of application provided, however OEH has made the decision not to provide comment or advice on biodiversity, natural hazards, and Aboriginal cultural heritage matters due to other priorities.
RtS	Response received. In response to the EIS, the Heritage Council recommended that as there is potential for Aboriginal objects to be present within the footprint of the Rugby Club, Fairfax House site and immediate surrounds, a Full Aboriginal Cultural Heritage Assessment Report with community consultation in line with current Office of Environment and Heritage Guidelines must be prepared and submitted as part of the relevant Stage 2 development application. In the RtS the Applicant has suggested that that the Heritage Council recommendation for a Full Aboriginal Cultural Assessment Report would only be required if the Aboriginal Due Diligence Assessment undertaken for the site confirms that there is potential for 'Aboriginal objects' on this site. After consideration of the RtS, as Delegate of the Heritage Council, the Office of Environment and Heritage agreed that an Aboriginal Due Diligence Assessment would be appropriate followed by a full Aboriginal Cultural Assessment report and community consultation, if required.
NSW Department of Primary Industries	
EIS	DPI understands that the proponent is seeking to implement a staged development process. However DPI Water notes that improved consideration of the hydrogeological of the site will be required. The hydrogeological setting is improperly understood and lacks any quantified analysis. The inclusion of the Tank Stream in the development footprint necessitates that this work be undertaken with diligence. DPI Water notes that a detailed groundwater assessment has not been undertaken, however has no objection to the proposed staged assessment for this project on provision that a comprehensive hydrogeological review and assessment under the Aquifer Interference Policy be undertaken at the earliest time in the process and water licensing requirements are fulfilled.
RtS	Response received. Additional conditions recommended requiring a comprehensive investigation of the hydrological setting, including ongoing monitoring, prior to the submission of a Stage 2 development application.
Transport for NSW	
EIS	There are concerns about the potential impacts of the proposed development on the structural integrity and the safe, effective operation and maintenance of the future CBD Rail Link (CBDRL). The placing of any foundations, other structures and building loads in or near the proposed rail alignment would affect the structural integrity and operation of the CBDRL. TfNSW requests that the City of Sydney imposes conditions of consent as requested by Sydney Trains in its submission to the City of Sydney. The cumulative increase in construction vehicle movements from the site and surrounding projects could have the potential to impact on traffic operations on Pitt Street, bus services in the CBD, and the safety of pedestrians and cyclists within the Circular Quay and Wynyard Precincts, particularly during commuter peak periods. TfNSW requests that the proponent prepare a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) prior to the commencement of construction, which takes into account other construction projects (including CSELR and AMP Quay Quarter projects) in the Circular Quay and Wynyard precincts. The final CPTMP should be endorsed by the CBD Coordination Office within TfNSW prior to the issue of any Construction Certificates.
RtS	Draft response received. Additional conditions recommended.
Sydney Trains	
EIS	There are concerns about the potential impacts of the proposed development on the structural integrity and the safe, effective operation and maintenance of the future CBD Rail Link (CBDRL). The placing of any foundations, other structures and building loads in or near the proposed rail alignment would affect the structural integrity and operation of the CBDRL. Request that Council imposes conditions of consent provided in the Sydney Trains submission.

RtS	Response received. No additional conditions.
Sydney Water Corporation	
EIS	The proponent is required to respond to the SEARs with regards to Water, Drainage, Stormwater and Groundwater.
	Sydney Water strongly prefers that there be 3m between the development and the edge of the Tank Stream SWC. The proponent is required to prepare a statement of heritage impact which identifies what impact the proposed works will have on the heritage significance of the Tank Stream as well as detailed mitigation measures to offset potential impact on heritage values. Under no circumstances will permission be given for any new stormwater connection to the Tank Stream SWC. The proponent may use the existing stormwater connections provided that no modifications are proposed to the existing connection in the Tank Stream SWC.
	No building or permanent structure is to be constructed within 1m from the outside wall of the stormwater assets.
	The submitted concept plan is to be revised to ensure that the proposed buildings and permanent structures are 1m away from the outside face of the Sydney Water's stormwater assets.
	Stormwater run-off from the site should be of appropriate quality before discharged into a Sydney Water asset or system.
RtS	The following response has been received with regard to the issues raised by EIS Sydney Water and the Applicants RtS: <ul style="list-style-type: none"> An Integrated Water Management Plan, Groundwater Monitoring Plan, Stormwater concept Plan and information on potential augmentation of Sydney Water infrastructure will be required for the Stage 2 development application. This plan should be referred to Sydney Water. Sydney Water requests that prior to the submission of a Stage 2 application, suitable arrangements are made with Sydney Water with regard to encroachment on and protection of existing Sydney Water stormwater drains. Stormwater concept plans including discharged stormwater quality targets must be submitted as part of the Stage 2 development application. The Stage 2 development application should outline the methodology to ensure no adverse impacts to the Tank Stream during the construction phase.
Sydney Airports	
EIS	Application for a controlled activity approved, subject to conditions.
RtS	Response received. No additional conditions.
Sydney Harbour Foreshore Authority	
EIS	No comment received.
RtS	Response received. No issues raised.
NSW Department of Planning and Environment	
EIS	No comment received.
RtS	Response received. No issues raised.

4.3 Public Submissions

Twenty-nine submissions were received from the general public in response to the exhibition of the EIS. Of these, 28 object to the proposal and 1 supports the application. Of the objection submissions, 21 were from or on behalf of owners and/or residents of the Cove Apartments including a number of 'pro-forma' letters. The submissions from the general public are summarised in **Table 6** below.

Table 6: Summary of public submissions

Issue	Description
Support the application	<ul style="list-style-type: none"> Support of the application as it will provide more top quality hotel accommodation in Sydney and boost the city's economy creating construction jobs followed by long-term commercial and retail employment opportunities.
Built form – generally	<ul style="list-style-type: none"> The proposal does not provide an appropriate built form. The proposal is a 'wall of buildings' along Alfred Street. The proposed Tower B has a different architectural language to Tower A. The whole site should be redesigned. The proposal diminishes vistas and views down narrow Sydney streets. Alternative schemes to consider – prepared by Hassell.
Impact on properties to the south - generally	<ul style="list-style-type: none"> The proposal blocks sun, light, and views to the properties for the south. Adverse impact on views and failure to achieve reasonable view sharing. The impact of properties to the south will make them less financially viable. The proposal will result in shadows on George Street. Council's plans are being easily abandoned.
Classification as a 'State Significant Hotel'	<ul style="list-style-type: none"> Since Wanda is prepared to change the Stage 2 taller building, the hotel could be located in this building.
Opportunity for a Tall, Iconic Tower	<ul style="list-style-type: none"> The 'Three Tall Towers' objective to be pursued. The Applicant should pursue a taller, thinner tower.
Public domain benefits	<ul style="list-style-type: none"> The public domain works are being deferred. The public domain proposed is encumbered. The Wanda proposal will 'erode' the public benefits of nearby proposals.
Other public benefits	<ul style="list-style-type: none"> The consent authority should exercise caution to ensure that the development does not retain the considerable benefits of the current consent for D/2010/2029 whilst surrendering the burdens. There is no public benefit to the increased height of the building to the City of Sydney. There is a lack of adequate public benefits from non-compliance with existing controls. Additional height and floor space was granted to the developer on the basis of increased public benefit.
Non-compliance with Sydney LEP 2012	<ul style="list-style-type: none"> Non-compliance with building height control – does not provide 'satisfactory distribution of built form'. The proposal does not apply to the whole of Block 3. Non-compliance with maximum FSR control. Requirement for design excellence. Non-compliance with the 24% requirement of Clause 6.25(3).
Non-compliance with Sydney DCP 2012	<ul style="list-style-type: none"> Objectives of the APDG controls not achieved. Application of APDG controls. Application of other Sydney DCP 2012 controls.
Proposed shared basement Access with Lend Lease proposal	<ul style="list-style-type: none"> The traffic report should be updated to reflect the proposed shared basement access on Pitt Street with the Lend Lease site.
Complexity of the development approval process	<ul style="list-style-type: none"> The proposal 'opts in' and 'opts out' of controls. The planning approval process does not adhere to or respect the strategic planning undertaken to date.

	<ul style="list-style-type: none"> Concern regarding the level of consultation undertaken with the City of Sydney. There should be a comprehensive plan for the whole block. Implications for the Tower B design competition.
Statutory approval for Tower A amendment DA	<ul style="list-style-type: none"> This application should not rely upon the provisions of other development consents. The 'Amending DA' is not a stage 2 DA. The application is inconsistent with the Stage 1 Development Consent for D/2007/1384. The application is inconsistent with the Stage 1 Development Consent for Fairfax House. The amending DA cannot be approved before the Stage 1 SSDA.
Adequacy of the Clause 4.6 statement	<ul style="list-style-type: none"> The Clause 4.6 is not 'particular to the circumstances of the proposed development on this particular site'. There are not sufficient planning grounds to support the Clause 4.6 statement and the controls are not unreasonable or unnecessary.
SEPP 65 failings	<ul style="list-style-type: none"> The introduction of sensitive residential apartments to Tower A at lower levels adjacent to Jacksons on George directly contradicts key design principles of SEPP 65.
General failure of specialist reports to address the SEARs	<ul style="list-style-type: none"> Specialist reports generally do not provide adequate baseline data, consider cumulative impacts, provide contingency plans for managing significant risks, address amenity for future occupants or address amenity for Jacksons on George
Failings of acoustic assessment reports	<ul style="list-style-type: none"> The acoustics report does not acknowledge the existence of Jacksons on George or assess potential noise and vibration impacts to/from this venue.
Flooding impacts	<ul style="list-style-type: none"> The proposal inadequately addresses potential for flooding and overland flow.
Hazardous materials	<ul style="list-style-type: none"> Absence of hazardous materials assessment and inadequacy of submitted contamination assessment.
BCA compliance	<ul style="list-style-type: none"> Concern regarding compliance of southern façade with BCA.
Notification	<ul style="list-style-type: none"> Concern over level of notification undertaken by City of Sydney, including notification radius. <p><i>Council comment:</i></p> <ul style="list-style-type: none"> The application was notified to adjoin property owner and occupiers in accordance with the Regulations for SSD applications and Council policy for notification radiuses.
Cumulative impact	<ul style="list-style-type: none"> Cumulative impact cannot be considered in two separate applications. Cumulative impact in bulk and scale with other proposals. Specialist reports to consider cumulative impact.
Impact on property values	<ul style="list-style-type: none"> The impacts of the development will have a substantially detrimental effect on the values and rental income of properties in the Cove Apartments.
Rights of way / easements	<ul style="list-style-type: none"> Existing rights of way benefiting adjoining land are not respected. Rugby Place will become inaccessible during the construction of the Wanda proposal. Use of Blue Anchor Lane. Ongoing use of the lanes should be negotiated with surrounding land owners.
Construction impacts	<ul style="list-style-type: none"> Inadequacies of the CMP. Cumulative construction impacts. Impacts of hoardings

	<ul style="list-style-type: none"> • Adverse impacts due to extension of basement excavation south. • Construction hours. • Cranes over Jacksons on George. • Construction Traffic Management Plan required. • Conditions survey required. • Additional construction management plans are required to adequately address existing conditions and potential impacts. • Falling debris from construction. • Air quality during construction. • Dust impacts. <p><i>Council comment:</i></p> <ul style="list-style-type: none"> • Appropriate conditions will be included on relevant Stage 2 development applications to mitigate construction impacts, in accordance with Council policies.
Design impacts to specific sites	<ul style="list-style-type: none"> • Impacts to Mirvac and AMP 200 George Street. • Impacts to Proposed George Street Plaza. • Impacts to Grosvenor Place. • Impacts to Jacksons on George. • Impacts to other surrounding buildings (including Cove Apartments).

4.4 Applicant's Response to Submissions

The Applicant provided a response to the issues raised in submissions, which is included in the RtS document (**Appendix B** of this report) and resulted in some revisions to the SSD application as outlined in **Section 2.2**. Council is satisfied that the issues raised in all submissions have been addressed to Council's satisfaction through the RtS, this report and the relevant appendices of the EIS.

5. ASSESSMENT

The key issues in the assessment of this proposal are:

- built form and urban design;
- impacts on surrounding development;
- residential amenity;
- traffic, parking and access; and
- public domain.

5.1 Built form and urban design

Floor space ratio and additional floor space in Central Sydney

The site is identified in SLEP 2012 Floor Space Ratio Maps as 'AC' which permits a base FSR of 8:1. Clause 6.4 of SLEP 2012 states that a building may exceed the maximum permitted floor space ratio shown for the land on the Floor Space Ratio Map where a building is eligible for an amount of additional floor such as 'accommodation floor space'.

The proposed development includes commercial premises, retail premises, residential accommodation and hotel accommodation and therefore is eligible for additional accommodation floor space in accordance with Clause 6.4 of SLEP 2012. The amount of additional accommodation floor space is 4.5:1 for commercial premises, retail premises and residential accommodation floor space and 6:1 for hotel accommodation floor space. Clause 6.4(2) states that the amount of additional floor space that can be achieved is to be reduced proportionally if

only part of a building is used for a particular purpose. As such, only the hotel use will attract additional floor space of 6:1. The remaining commercial, retail and residential uses will attract additional floor space at a rate of 4.5:1.

In addition to this, up to 10% bonus floor space may be granted under Clause 6.21(7) of SLEP 2012 if the building designs for Tower A and Tower B are as a result of a competitive process and the detailed designs for each building exhibit design excellence. As this application is for a Stage 1 concept only, design excellence bonus floor space will be assessed and determined under the Stage 2 development application for Tower A (D/2015/882) and the future Stage 2 development application for Tower B.

The amount of additional accommodation floor space for commercial premises, retail premises, residential accommodation, visitor accommodation uses floor space is shown in **Table 7** below. These figures do not include the 10% design excellence bonus.

Table 7: Proposed GFA and FSR summary

Site area and proposed GFA	
Total site area	4,040sqm
Total Base Permissible GFA	32,320sqm (8:1)
Total proposed GFA (excluding design excellence bonus)	52,722sqm
Percentage of total GFA by proposed use	
Retail / Residential Accommodation Floor Space (Tower A and Tower B)	35,913sqm = 63% of total GFA
Hotel Accommodation Floor Space (Tower B)	19,415sqm = 37% of total GFA
Additional Accommodation Floor Space	
Retail / Residential Accommodation Floor Space	11,453sqm (4.5:1 x 63%)
Hotel Accommodation Floor Space	8,969sqm (6:1 x 37%)
Total permissible GFA including Accommodation Floor Space	52,742sqm (32,320sqm + 11,453sqm + 8,969sqm)
Proposed FSR	13.05:1

Building envelope height and form

Height and floor plate

The site is identified in SLEP 2012 Height of Buildings Maps as 'AC' which permits a maximum building height of 110m. Clause 6.25(3) of SLEP 2012 allows for additional building heights, beyond the base 110m control within parts of the APDG block, which includes the subject site (referred to as block 3). Specifically, Clause 6.25 provides that development consent may be granted to the erection of a building of up to 185m on up to 24% of the area of block 3 if the development will:

- (a) include recreation areas and lanes and roads through the site, and
- (b) include business premises and retail premises that have frontages at ground level (finished) to those recreation areas, lanes and roads, and
- (c) provide a satisfactory distribution of built form and floor space development.

Tower B complies with the base maximum height requirement of 110m. Tower A seeks to employ Clause 6.25(3) by proposing a maximum height of 185m. The following assessment is provided with regard to the above criteria:

- The proposal includes a 12m wide through-site link between Tower A and Tower B to provide pedestrian connectivity from Herald Square in the north to the future laneway network and public plaza to the south of the site. The provision of this through-site link has been guaranteed through an agreed public benefit offer that outlines the proposed lanes and roads that are to be dedicated and otherwise granted rights of access, rights of footway and public recreation on the site. The public benefit offer identifies a total of 1,404sqm of area across the development site to be made available to the public for pedestrian access and recreation (see **Section 5.5** for further detail) through a combination of dedicated land and land over which rights of access are granted.
- Indicative floor plans show retail tenancies are proposed at the ground level of Tower A along street frontages and adjacent to the proposed through-site link. As the detailed design of Tower B has not yet been undertaken, the competition design competition brief and subsequent Stage 2 development application will require the ground level to include business and retail frontages recreation areas, lanes and roads.
- As outlined in **Section 2.2** above and discussed below, Council required modifications to the originally proposed built form of Tower A and B. The revised building envelopes, as outlined in the RtS, largely address the initial concerns raised by Council regarding the envelopes built form and distribution of floor space.

The existing Stage 2 development application (D/2010/2029) complies with the floor plate control. Indicative floor plans and plans submitted with development application D/2015/882 show a Tower A floor plate of 712sqm, representing 26.5% of the area of block 3, exceeding the 24% standard of Clause 6.25 of SLEP 2012.

Clause 6.25(7) of SLEP 2012 states that development in block 3 may also relate to Lot 180, DP 606866 (The Rugby Club) and Lot 1 in DP 537286 (Fairfax House). When considering the floor plate of Tower A in the context of the larger development site which includes the Fairfax House and Rugby Club sites, the proposed tower floor plate equates to 17.62% of the enlarged site area.

Notwithstanding the above, this Stage 1 SSD application seeks consent for a building envelope for Tower A only, and no consent is sought for, or is to be provided for the floor plate of Tower A. As such, assessment of compliance with the floor plate provisions of Clause 6.25 can only be made under the concurrently assessed development application for Tower A.

Tower A tower design

The proposal has been modified to address concerns raised by Council relating to the design of Tower A. The originally submitted envelope for Tower A proposed a 900mm extension to the eastern elevation beyond the existing approved envelope for Tower A. The extension would result in a reduced separation between the towers, which combined with the proposed height of Tower B would create unacceptable bulk, inadequate separation and impacts on views and solar access to buildings and public spaces to the south.

The revised RtS proposed includes the deletion of the 900mm eastern extension. As detailed below, the revised Tower A envelope is considered satisfactory with regard to building separation, visual impact and impacts on surrounding properties.

Tower B podium and tower design

The proposal has been modified to address concerns raised by Council relating to the design of Tower B. The originally submitted envelope for Tower B proposed a floor plate of approximately 943sqm and a maximum podium height of 18m (**Figure 9**).

The originally proposed Tower B built form was not considered to be appropriate. The 18m podium height created an inconsistent street wall height along Pitt Street. The indicative floor plate was considered to be inefficient and opportunities were identified to relocate GFA from the tower portion of the building to the podium in order to create a more consistent street wall height along Pitt Street and reduce the visual impact of the tower element. The originally proposed podium also resulted in a narrowing of the 'open to sky' element of the through-site link between Tower A and Tower B (**Figure 10**).

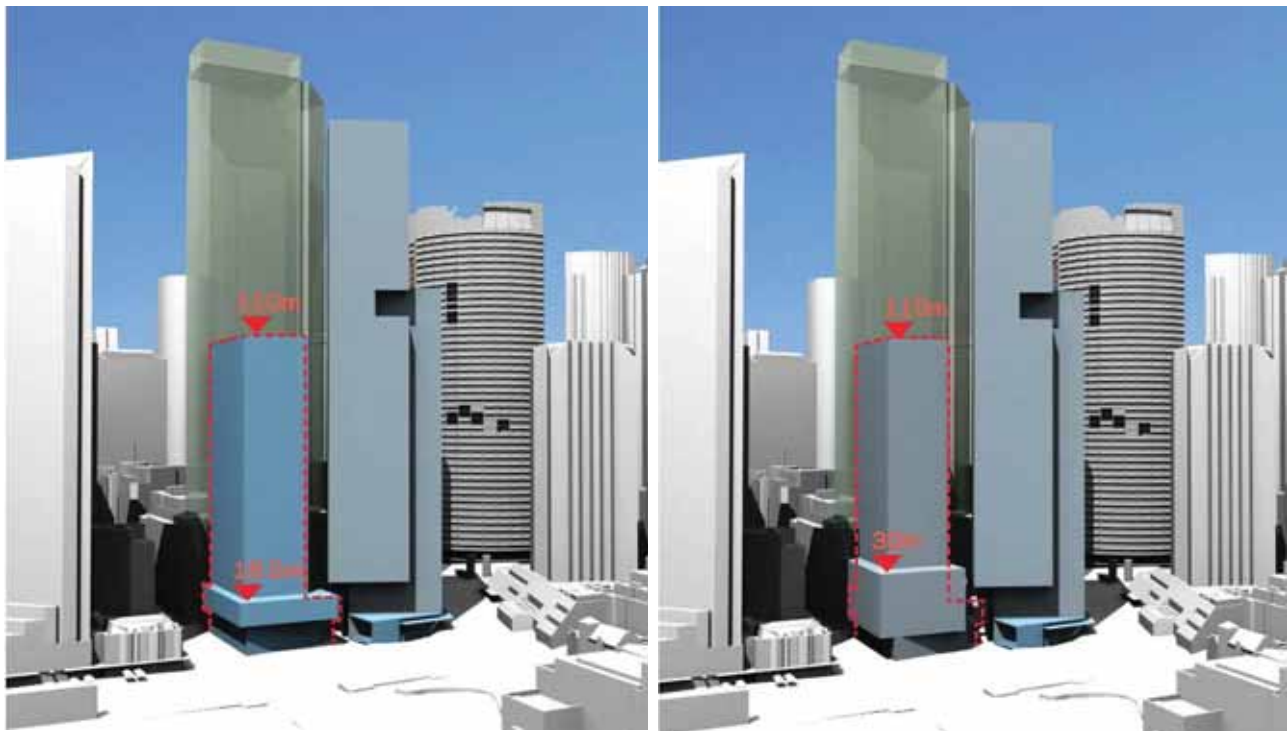


Figure 9: Tower B envelope lodged (left) and revised (right) (Source: Applicant's design study)

The revised proposal contained within the RtS addresses the above concerns. The floor plate of Tower B has been rationalised by reducing the size of the core and room sizes, resulting in a reduction in building depth by 2m and a reduced building envelope area of 855sqm. By increasing the podium street wall height to 30m from 18m, this has allowed more of the GFA to be relocated to lower levels, improving view and solar access to surrounding properties and public spaces.

Modifications to the podium also assisted in providing a more 'open to the sky' through-site link) between the towers, as well as increasing the ground floor separation between buildings from 11m to 12m (**Figure 10**).

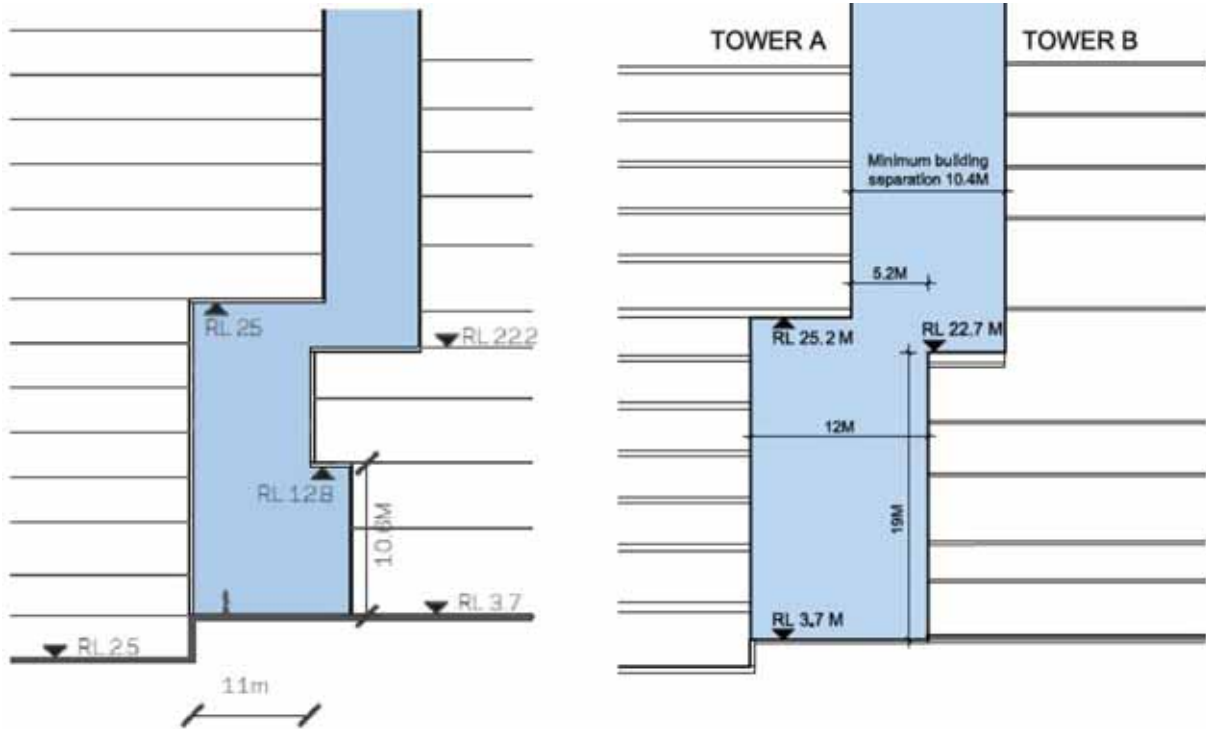


Figure 10: Lodged (left) and revised (right) north/south through site link (Source: Applicant's RtS)

As detailed below, the revised Tower B envelope is considered satisfactory with regard to building separation, visual impact and impacts on surrounding properties.

Building separation

The proposal has been modified to address concerns raised by Council relating to building separation between Tower A and Tower B. The originally submitted design proposed a minimum building separation of 6.92m between Tower A and Tower B on Levels 5 to 25, increasing to 16.85m towards Rugby Place (Figure 11).



Figure 11: Building separation between towers, as lodged (Source: Applicant's EIS)

The originally proposed building separation was not considered to be appropriate as the separation would create unacceptable bulk, inadequate separation for privacy between Tower A and Tower B, and diminish views and solar access to buildings and public spaces to the south.

The revised proposal includes a minimum 10.4m building separation between the two towers on the site, which expands to 19m towards Rugby Place. This reduction has been achieved as a result of the modifications to the Tower B envelope discussed above, in conjunction with a reduction in the proposed width of Tower A envelope by 900mm on the western elevation.

Notwithstanding the improvement made to building separation from the originally submitted design, the revised separation does not comply with the minimum building separation requirements within the Apartment Design Guideline (ADG) of between 12m and 24m between habitable rooms, depending on the height of the building.

Indicative floor plans provided as part of this Stage 1 application for Tower A and Tower B indicate the following:

- Levels 6 to 23 illustrates a minimum 10.4m separation between the north-eastern corner of a proposed residential apartment in Tower A and the north-western corner of indicative hotel rooms or suites within Tower B (see **Figure 12**);
- Level 24 illustrates a minimum 10.4m separation between the north-eastern corner of a proposed residential apartment in Tower A and the north-western corner of an indicative restaurant within Tower B;
- Level 24 illustrates a minimum 10.4m separation between the north-eastern corner of a proposed residential apartment in Tower A and the north-western corner of an indicative bar, including outdoor terrace within Tower B.



Figure 12: Revised building separation between towers, Levels 16 to 21 indicative floor plan (Source: Applicant's EIS)

While the proposal does not comply with the required building separation for habitable rooms between Tower A and Tower B, as demonstrated in the indicative plans, the western facade of Tower B can be treated to ensure an inactive facade is provided, and screens and window positioning at Tower B can ensure the ongoing visual privacy to Tower A. Resolution of this issue will require careful planning through the detailed design phase of Tower B, including consideration of appropriate uses in the subject locations.

Visual impact

The site is located in a prominent location at the north-western end of Circular Quay and will alter the CBD skyline. As such, the application includes a visual analysis which considered the proposal from key public locations and vantage points around the city. The visual analysis is contained in Appendix F of the EIS. The analysis includes buildings currently proposed by other parties, including the Lend Lease proposal which is immediately south of the site, and Barangaroo to the west.

The visual analysis assesses the potential visual impact of the proposal against that of the previously approved built form on the site under D/2015/1533 (being the approved Stage 1 for Fairfax House site) and D/2010/2029 (being the approved Stage 2 for Goldfields House). A summary of the findings of the visual analysis is provided below:

- When viewed against the prominent base height at the Circular Quay waterfront, the proposed building envelopes sit appropriately within the skyline at a height commensurate with other visible towers, including the existing and approved AMP tower and Four Seasons Hotel, Grosvenor Place, Barangaroo and various towers at the east of the City (**Figure 13**).
- The views of the proposal from the Opera House forecourt, will be seen in context of the Gateway building, and as such will not be read as visually intrusive or dominant within the skyline (**Figure 14**).
- The views of the proposal from the Sydney Harbour Bridge (south) will be from a significant distance (over 700m), and as such the envelopes will be read in the context of the wider city skyline (**Figure 15**).
- The proposal viewed from George Street looking north will have limited visibility on the approach to Sydney Harbour and will be read in the context of the proposed redevelopment of 200 George Street.
- The proposal viewed from Pitt Street looking north will be read in the context of existing development. The proposed Tower B podium presents a consistent street height in relation to other existing buildings. The proposed Tower B tower form is setback 6m from Pitt Street, ensuring that the narrow width of Pitt Street is not overly impacted or enclosed.



Figure 13: View of lodged proposal against city skyline (Source: Applicant's EIS)

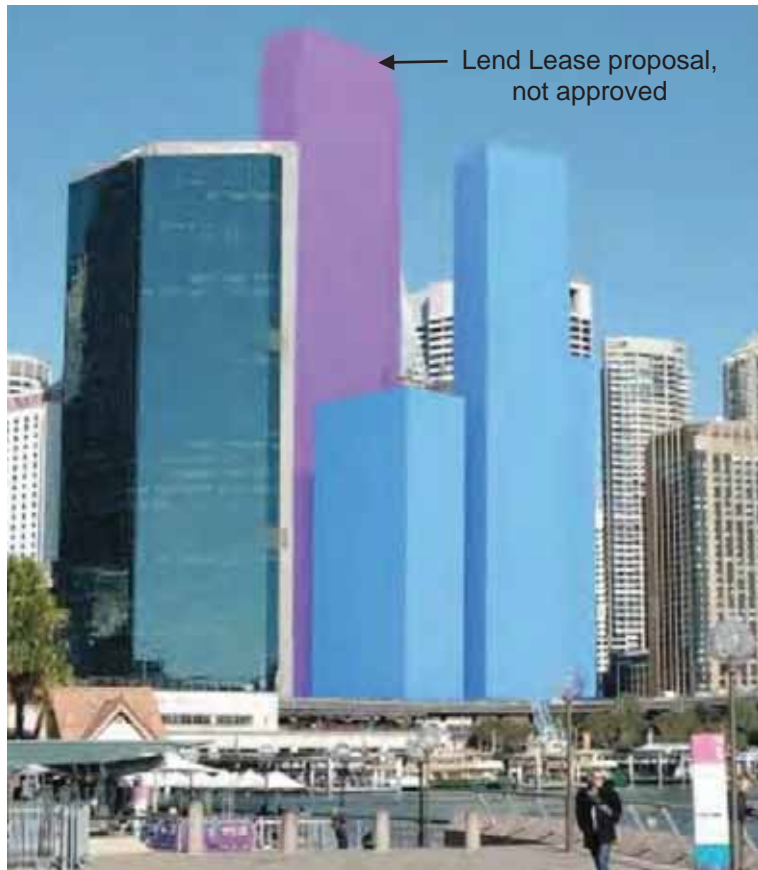


Figure 14: View of lodged proposal from the Opera House (Source: Applicant's EIS)

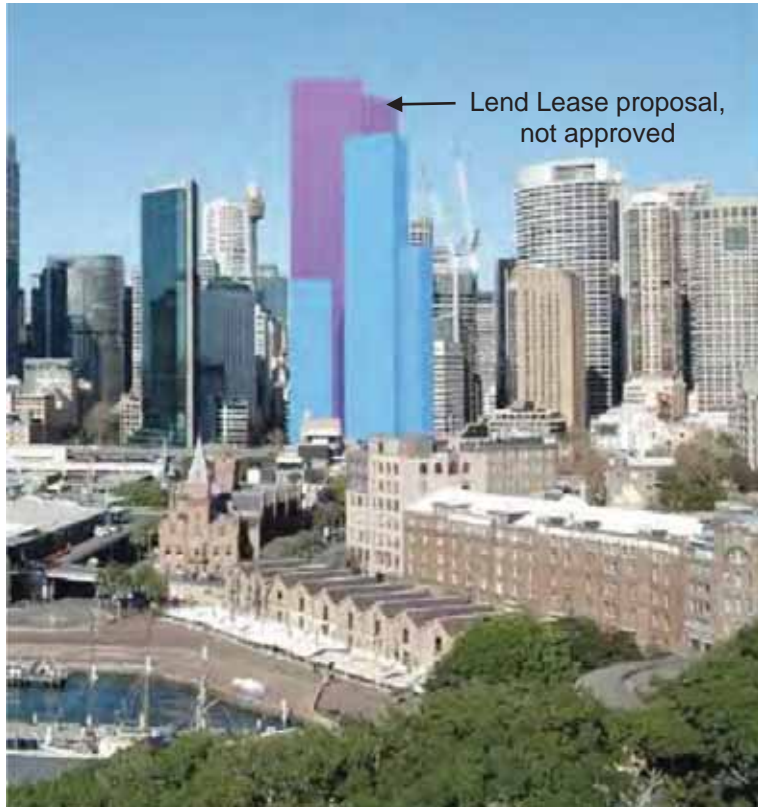


Figure 15: View of lodged proposal from the Harbour Bridge south (Source: Applicant's EIS)

In light of the above, it is not considered that the proposal will result in unreasonable impact on view corridors from key public locations and vantage points around the city.

5.2 Impacts on surrounding development

View analysis

One of the primary issues raised in the public submissions was the impact the proposed development would have on view corridors from surrounding buildings. The submitted visual analysis contained in Appendix F of the EIS considers the impact of views from neighbouring properties and a supplementary assessment of views has been included in the Appendix D of the RtS.

With respect to view sharing, the Land and Environment Court provides a planning principle for the assessment of residential views, established following a decision by Senior Commissioner Roseth in *Tenacity Consulting v Warringah [2004] NSWLEC 140*.

Prior to determination of D/2010/2029 (being the approved Stage 2 for Goldfields House), Council undertook an independent view loss assessment from the nearest residential flat building, being the Cove Apartments. The analysis concluded that the Stage 2 proposal would result in a loss of water and district views, however, would not result in loss of iconic views from apartments. The proposal was assessed as not resulting in material view loss when considered against the principles for view sharing and those established in *Tenacity Consulting v Warringah*. **Figures 16, 17 and 18** below illustrate the existing and proposed scenarios at apartments selected by the Owner's Corporation as those most likely to be worse affected by the Stage 2 proposal.

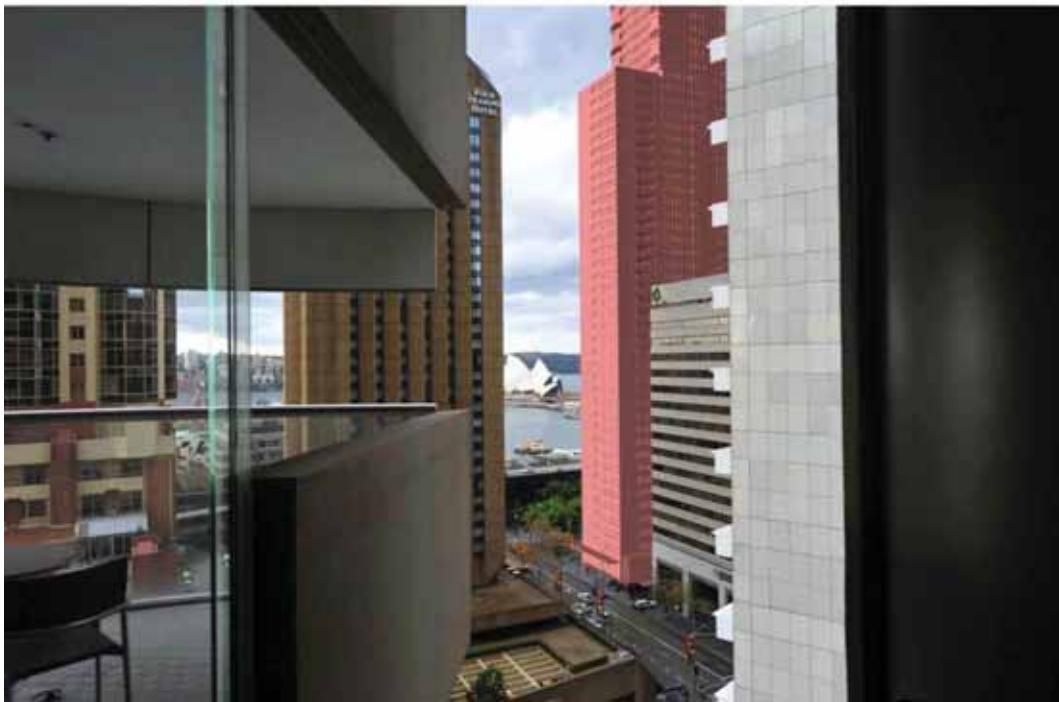


Figure 16: Existing (above) and proposed under D/2010/2029 (below) views from Level 9 (Source: City of Sydney)



Figure 17: Existing (above) and proposed under D/2010/2029 (below) views from Level 30 (Source: City of Sydney)



Figure 18: Existing (above) and proposed under D/2010/2029 (below) views from Level 38 (Source: City of Sydney)

The Applicant's visual analysis submitted for the subject SSD application assesses the potential visual loss of the proposal against that of the existing Goldfields House building and the previously approved built form on the site under D/2015/1533 (being the approved Stage 1 for Fairfax House site) and D/2010/2029. The analysis includes the proposed Lend Lease proposal which is immediately south of the site. The potential view loss impact from surrounding buildings is discussed below.

The Cove Apartments

The Cove is an existing residential flat building located at 129 Harrington Street, Sydney. As demonstrated in **Figure 19** and **Figure 20** below, the proposal will have negligible impact on the previously approved outlook of the Cove Apartments towards Sydney Harbour.

Additional view loss as a result of the proposal, when compared to the approved envelopes onsite includes the narrowing of views to Circular Quay and loss of a small portion of water view between Tower A and the existing Gateway building at RL 120m and a small portion of the Botanical Gardens and narrowing of water views at RL 160m. View loss from the minor expansion of the Tower A envelope cannot be discerned.

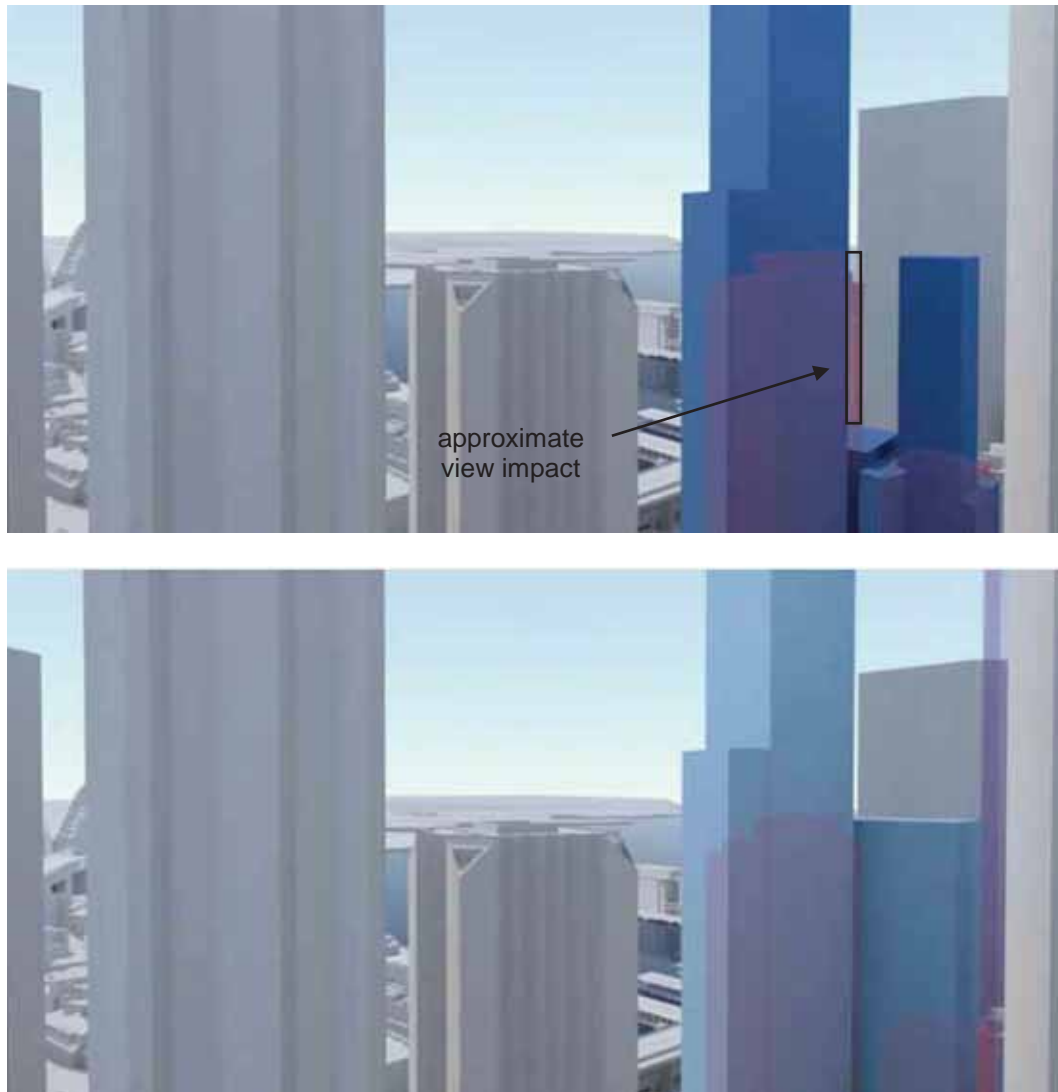


Figure 19: Currently existing and currently approved buildings (above) vs proposal (below), as viewed from the Cove Apartments at RL 120m (Source: Applicant's EIS)

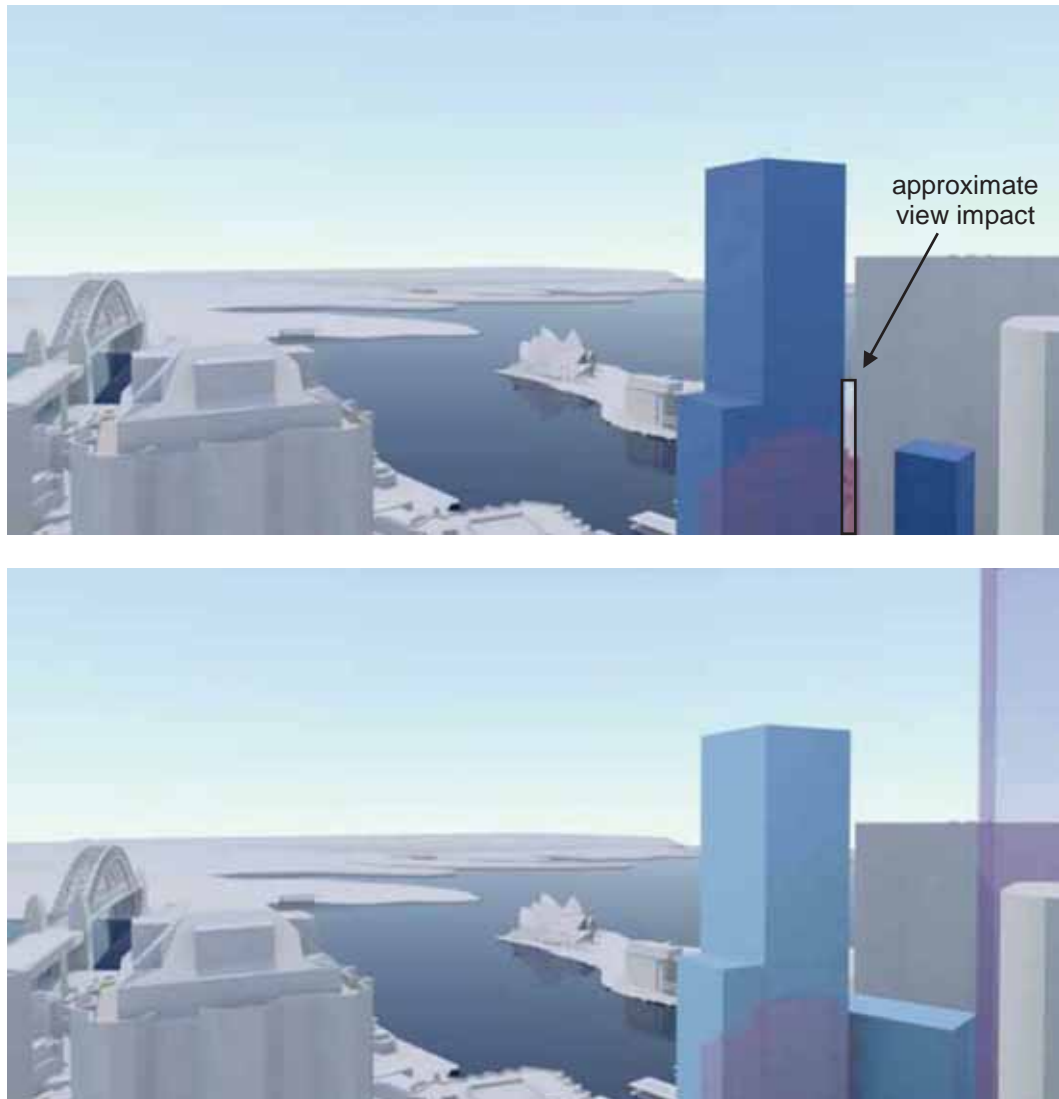


Figure 20: Currently existing and currently approved buildings (above) vs proposal (below), as viewed from the Cove Apartments at RL 160m (Source: Applicant's EIS)

Australia Square

Australia Square is an existing commercial tower located at 264-278 George Street, Sydney. As demonstrated in **Figure 21** below, the proposal will have negligible impact on the previously approved outlook of Australia Square.

Additional view loss as a result of the proposal, when compared to the approved envelopes onsite includes the narrowing of views towards Circular Quay and water views between Towers A and B. It should be noted however, that these views are currently not available due to the existing envelope of Goldfields House.

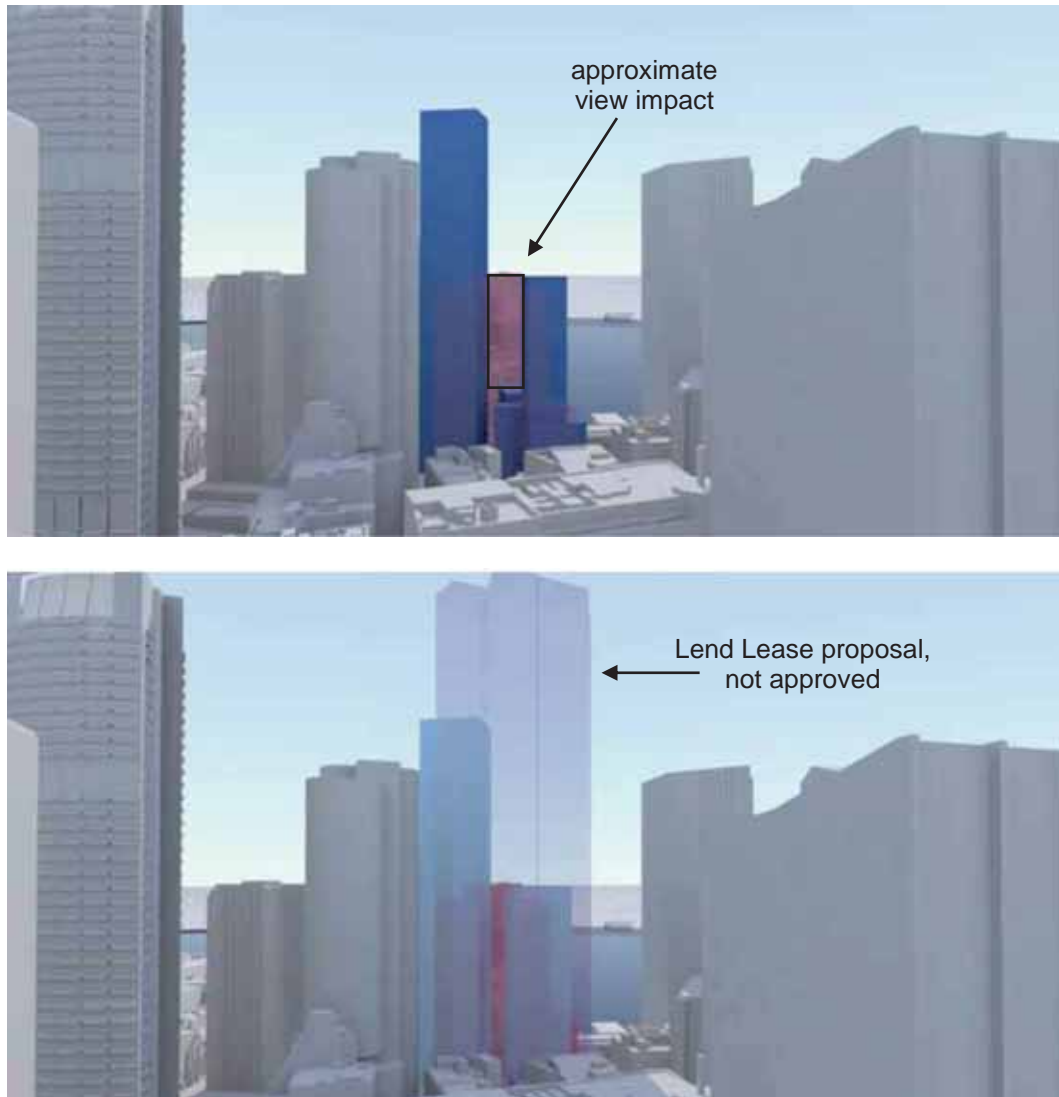


Figure 21: Currently existing and currently approved buildings (above) vs proposal (below), as viewed from Australia Square at RL 110m (Source: Applicant's EIS)

Grosvenor Place

Grosvenor Place is an existing 46 level commercial tower located at 205-227 George Street, Sydney. As demonstrated in **Figure 22** below, the proposal will have negligible impact on the previously approved outlook from Grosvenor Place to significant landmarks, and will have a minor impact on wider views of Sydney Harbour east.

Additional view loss as a result of the proposal, when compared to the approved envelopes onsite includes the loss of a portion of Circular Quay and water view that currently exists between Tower A and the Gateway building. The loss of views to the Opera House as a result of the minor expansion of the Tower A envelope cannot be discerned.

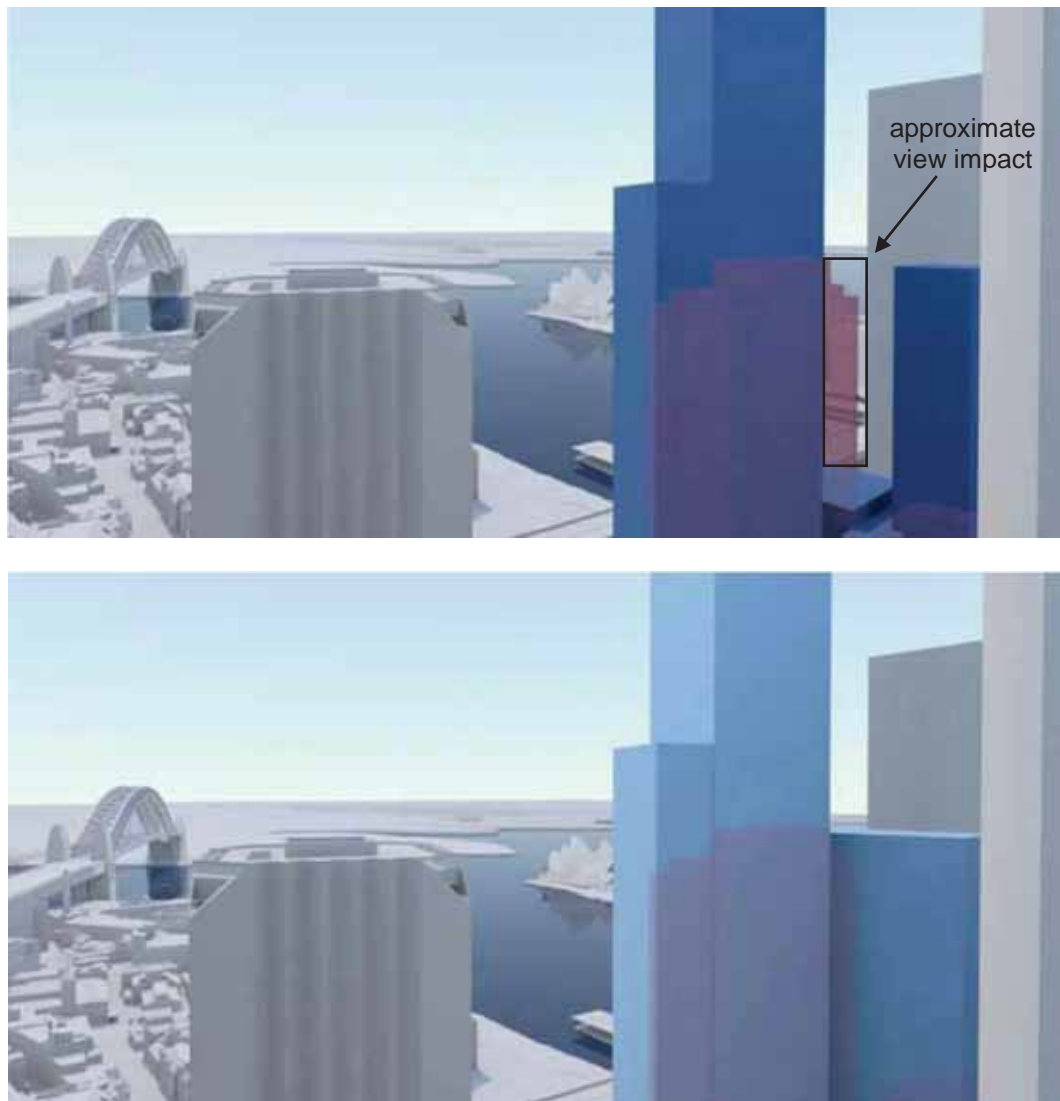


Figure 22: Currently existing and currently approved buildings (above) vs proposal (below), as viewed from Grosvenor Place at RL 120m (Source: Applicant's EIS)

200 George Street

200 George Street is a 37 storey commercial tower currently under construction. As demonstrated in **Figure 23** below, the proposal will have negligible impact on the previously approved outlook from 200 George Street to significant landmarks from RL 140m, including the Opera House and Harbour Bridge. A small portion of water view is lost, however this is offset by the water view gain as a result of the demolition of Goldfields House. The loss of views to the Harbour Bridge as a result of the minor expansion of the Tower A envelope cannot be discerned.

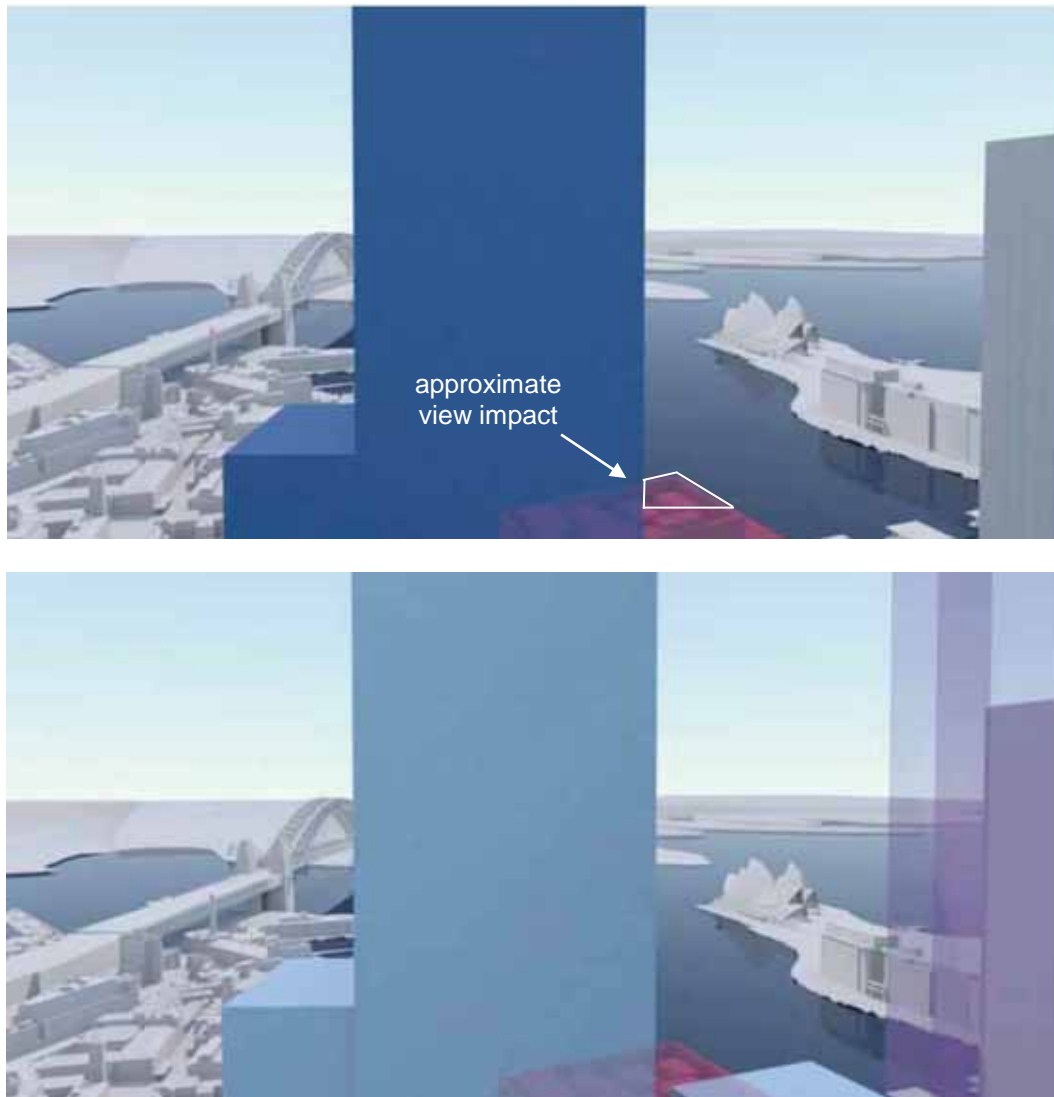


Figure 23: Currently existing and currently approved buildings (above) vs proposal (below), as viewed from 200 George Street at RL 140m (Source: Applicant's EIS)

Figure 24 below shows that at lower levels (RL 90m) 200 George Street would be afforded a full view to the Opera House as a result of the demolition of Goldfields House, if the proposal approved under D/2010/2029 was constructed. This view gain was offset by a loss of Harbour Bridge views as a result of Tower A approved under D/2010/2029. Under the current proposal, the view gain to the Opera House is also removed due to the increase in height of Tower B to 110m from the 55m approved under D/2010/2029.

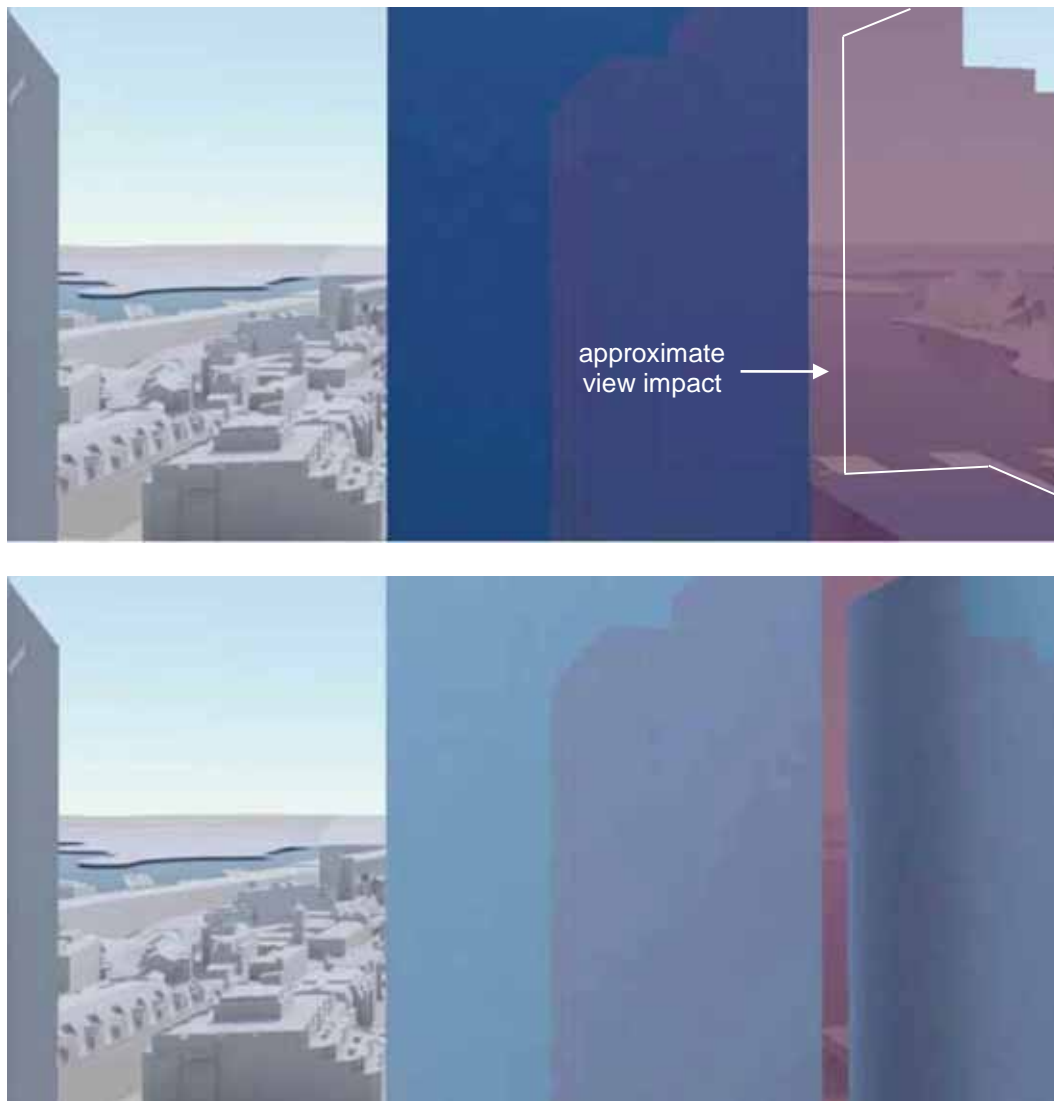


Figure 24: Currently existing and currently approved buildings (above) vs proposal (below), as viewed from 200 George Street at RL 90m (Source: Applicant's EIS)

The principles for view sharing established in *Tenacity Consulting v Warringah* relate to residential properties, not commercial. However in the absence of established planning principles for view sharing from commercial properties, the following assessment is made against the *Tenacity* principles:

- The potential view loss, as a result of the proposal vs that approved under D/2010/2029 are iconic views, including the Sydney Opera House and Sydney Harbour.
- The 200 George Street building has an addressed to, and fronts George Street. The views that would be affected are limited to the north eastern corner of the building, which is the side and rear corner of the building when viewed from George Street.
- As demonstrated in **Figure 23** above, iconic Opera House views are still maintained to other levels within the building, above a height of 110m.
- The amount of view lost is a small portion in comparison to the overall floor plate, building height and opportunities for views from the north western corner of the site to the Harbour Bridge.
- As shown in **Figure 25** below, the view corridors proposed through the site will still allow for an appropriate level of view sharing from the north eastern corner of the building.
- The height and FSR of the Tower A and B envelopes comply with the height and FSR controls outlined in SLEP 2012.

- Within the context of central Sydney, where high rise built form is commonplace, there would be a reasonable expectation that new development will be characterised by tower forms and that a partial loss of views resulting from nearby development cannot be fully mitigated.

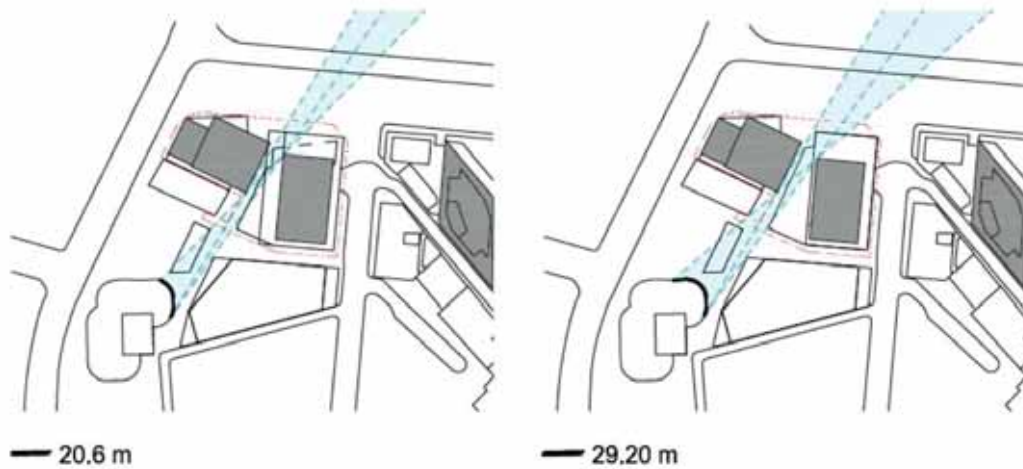


Figure 25: Extent of views still received from 200 George Street despite the lodged proposal (left) and revised proposal (right) (Source: Applicant's RtS)

Lend Lease proposal

The Lend Lease site is located at 33-35 Pitt Street, Sydney (180 George Street). Existing buildings on site comprise two, 12 storey commercial buildings connected by an 8 level glass covered atrium. In October 2014 Lend Lease submitted a planning justification report to Council requesting site-specific amendments to SLEP 2012 to enable significant redevelopment of a parcel of land (including 33-35 Pitt Street) within the APDG block. The resulting Planning Proposal, which was approved by the CSPC on 25 June 2015 for submission to the Minister for Planning, proposes a 220m commercial tower on the 33-35 Pitt Street site.

While the gateway determination has been received, due to ongoing discussions with the applicant as to possible amendments to the Planning Proposal it has not been placed on public exhibition. It therefore not a matter for consideration under Section 79C(1)(a)(ii) of the EP&A Act. Notwithstanding, an assessment has been carried out below under the general public interest consideration requirements of Section 79C(1)(e). For the purpose of this assessment it has been assumed that the Planning Proposal proceeds in accordance with the scope approved by the CSPC in June 2015.

As demonstrated in **Figure 26** below, the proposal will have negligible impact on the previously approved outlook from future views from the proposed Lend Lease building to significant landmarks from RL 140m, including the Opera House and Harbour Bridge. A small portion of water and the Harbour Bridge southern pylon is lost, however this is considered acceptable in the context of views to the Harbour Bridge that are maintained.

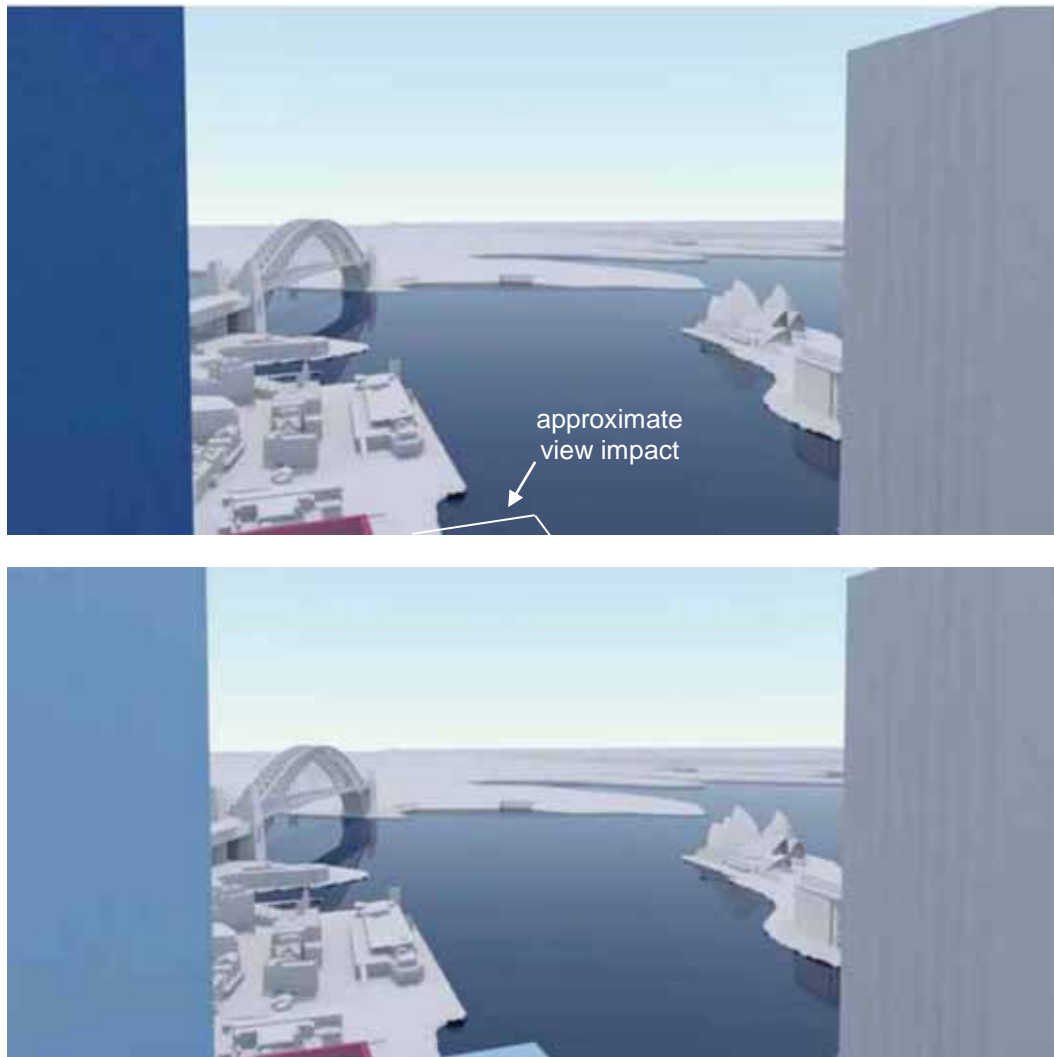


Figure 26: Currently existing and currently approved buildings (above) vs proposal (below), as viewed from the future Lend Lease site at RL 140m (Source: Applicant's EIS)

Figure 27 below shows that at lower levels (RL 70m) the future Lend Lease building would be afforded a considerable view gain to the Harbour Bridge as a result of the demolition of Goldfields House, if the proposal approved under D/2010/2029 was constructed. Under the current proposal, the view gain to the Harbour Bridge is reduced. The proposal reduced a minor view gain to the south eastern corner of the Opera House.

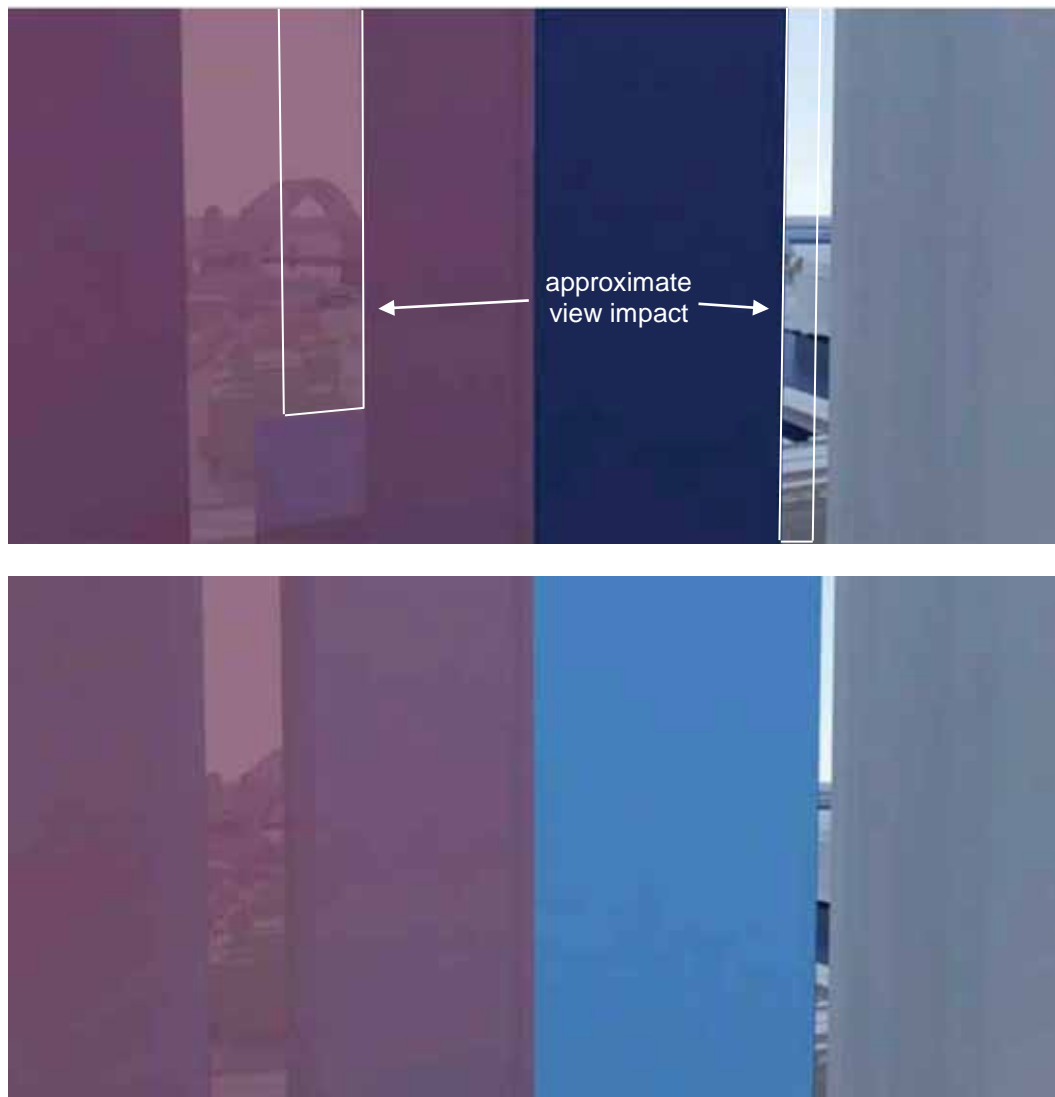


Figure 27: Currently existing and currently approved buildings (above) vs proposal (below), as viewed from the future Lend Lease site at RL 70m (Source: Applicant's EIS)

The principles for view sharing established in *Tenacity Consulting v Warringah* relate to residential properties, not commercial. However in the absence of established planning principles for view sharing from commercial properties, the following assessment is made against the *Tenacity* principles:

- The potential view loss, as a result of the proposal vs that approved under D/2010/2029 are to iconic views, including the Sydney Harbour Bridge and Sydney Harbour.
- Following construction, the future Lend Lease building would have an addressed to, and would front Pitt Street. The views that would be affected are limited to the north elevation of the building, which is the side of the building when viewed from Pitt Street or George Street.
- As demonstrated in **Figure 26** above, iconic Harbour Bridge and Opera House views are still maintained to other levels within the building, above a height of 110m.
- The amount of view lost is a small portion in comparison to the overall floor plate, building height and opportunities for views from levels that site above 110m.
- As shown in **Figure 28** below, the view corridors proposed through the site will still allow for an appropriate level of view sharing from the northern elevation.
- The height and FSR of the Tower A and B envelopes comply with the height and FSR controls outlined in SLEP 2012.

- Within the context of central Sydney, where high rise built form is commonplace, there would be a reasonable expectation that new development will be characterised by tower forms and that a partial loss of views resulting from nearby development cannot be fully mitigated.

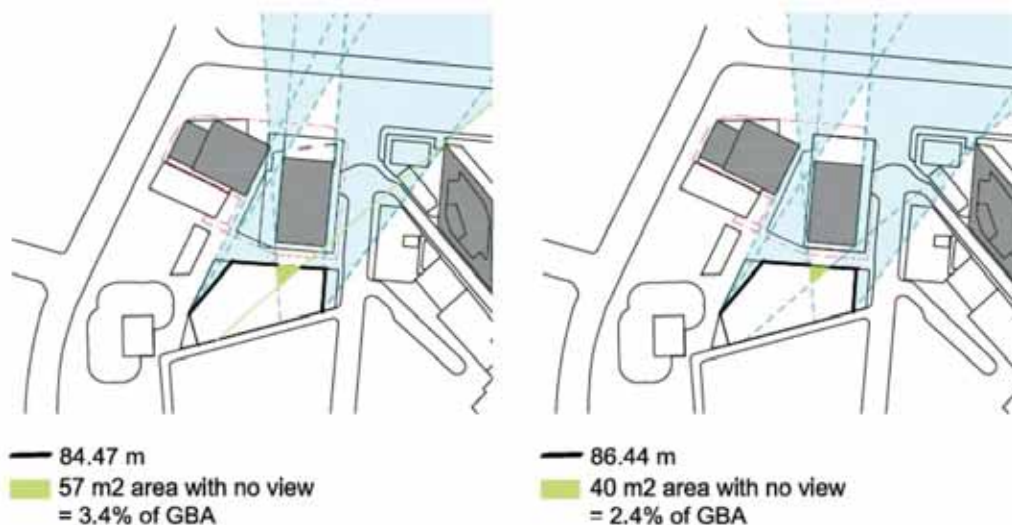


Figure 28: Extent of views still received from the Lend Lease site despite the lodged proposal (left) and revised proposal (right) (Source: Applicant's RtS)

Based on the below assessment, the impact on private views from both residential and commercial buildings is considered to be reasonable.

Sun access plane and overshadowing

Clause 6.19 of SLEP 2012 states that development consent must not be granted to development resulting in additional overshadowing, at any time between 14 April and 31 August, on Macquarie Place between 10:00am and 2:00pm. Whilst the site is not identified as land that is affected by Sun Access Planes, it is located in close proximity to Macquarie Place, which is located at the intersection of Bridge and Loftus Streets.

The application includes detailed shadow diagrams, which are contained in Appendix F of the EIS. These diagrams demonstrate that the proposal does not result in any additional overshadowing to Macquarie Place during the specified times.

A review of the submitted shadow diagrams was undertaken to assess whether the proposal would have any overshadowing impact on surrounding residential properties. The assessment found that the proposed envelopes do not result in any solar access loss on surrounding residential properties. It is noted that overshadowing to commercial properties is not a matter for consideration when assessing overshadowing and solar access impacts.

Following public exhibition of the proposal, several submissions were received raising concern over the potential overshadowing to properties to the south, including a proposed public square that forms part of the Lend Lease proposal not yet approved. As a result, the RtS included detailed shadow diagrams illustrating the impact of the revised proposal on the public domain to the south of the proposal. The analysis assesses the potential impact of the proposal against that of the previously approved built form on the site under D/2015/1533 and D/2010/2029. The shadow diagrams included within the RtS indicate the following:

- The revised proposal will not result in any discernible increase in overshadowing of the proposed public square and laneway south of the site, compared to that approved during the midday peak between 10:00am and 2:00pm.
- The proposal will result in a 16% increase in sunlight at 10:20am 14 April to the north south laneway to the south of the site.
- The proposal will not result in an increase in overshadowing to George Street or the Grosvenor Place forecourt during the Winter Solstice, Summer Solstice, or Equinox compared to that already approved.

Based on the above, it is not considered that the proposal will result in unreasonable impact upon sunlight access to surrounding properties or public domain spaces.

5.3 Residential amenity

The residential component relates to Tower A, which has been identified to accommodate residential uses. The proposal includes indicative floor plans for Tower A.

Due to the conceptual nature of a Stage 1 application a detailed assessment against SEPP 65 and the Apartment Design Guide (ADG) can only be made against the Tower A Stage 2 development application. Notwithstanding, the Stage 1 development application building envelopes and indicative floor plans have been considered against the SEPP 65 design quality principles in **Appendix C**.

Clause 28(2)(c) of SEPP 65 requires consideration of the ADG, which provides additional detail and guidance for applying the design quality principles outlined in SEPP 65. A detailed assessment of compliance with the ADG will be undertaken against the Tower A Stage 2 development application.

5.4 Traffic, parking and access

The subject site is located within close proximity to the planned CBD South East Light Rail (CSELR), which has a terminus at Circular Quay. Council is currently working with Transport for NSW (TfNSW) and the project contractor, ALTRAC Light Rail consortium through the design development phase of the CSELR. Traffic arrangements resulting from introduction of light rail in Circular Quay are yet to be finalised, however current known CSELR works for the Circular Quay precinct include the following:

- a 67m long light rail stop on Alfred Street extending across the face of Circular Quay Station, running between Loftus and Pitt Streets, comprising two platforms and three light rail tracks;
- no through traffic into Alfred Street from Loftus Street. The position of road closure and the turnaround options are yet to be decided, however it is envisaged that most Loftus Street traffic will be diverted into Reiby Place to form a one-way system back to Bridge Street via Pitt Street;
- closure of Pitt Street south of Alfred Street. The position of road closure and the turnaround options are yet to be decided;
- conversion of Pitt Street to two-way from Bridge Street to the road closure at Reiby Place;
- conversion of Loftus Street to two-way from Bridge Street to the road closure south of Alfred Street;
- construction of a bike lane on the west side of Pitt Street, in line with the Sydney Centre Access Strategy;
- a proposed taxi rank on the eastern side of Pitt Street from Bridge Street to the road closure at Reiby Place.

The above works and associated changes to traffic arrangements will impact directly on the traffic, parking and access arrangements for the proposal. These elements, which are discussed

below, will require further detailed design resolution and ongoing coordination with Council, Central Sydney Traffic and Transport Committee, TfNSW CBD Coordination Office, TfNSW Sydney Light Rail Delivery Office and RMS. These stakeholders are currently examining kerb side use for the northern CBD, and space is being examined for light rail, bus stops and layovers, and a super taxi rank.

Basement driveway location

The application proposes six basement levels beneath Tower A and Tower B. Indicative drawings show the basement containing parking for private vehicles, services vehicles, motorbikes and bicycles, residential and hotel drop off zones, loading docks, garbage rooms, storage for residential and commercial uses, plant and services and back of house areas of the proposed hotel.

Access to the basement levels is currently proposed via an ingress and egress driveway approximately 10m wide, located at the northern end of the Pitt Street site frontage (**Figure 29**). The proposed driveway would result in the consolidation of existing vehicle access points across the site into one single entry at Pitt Street.

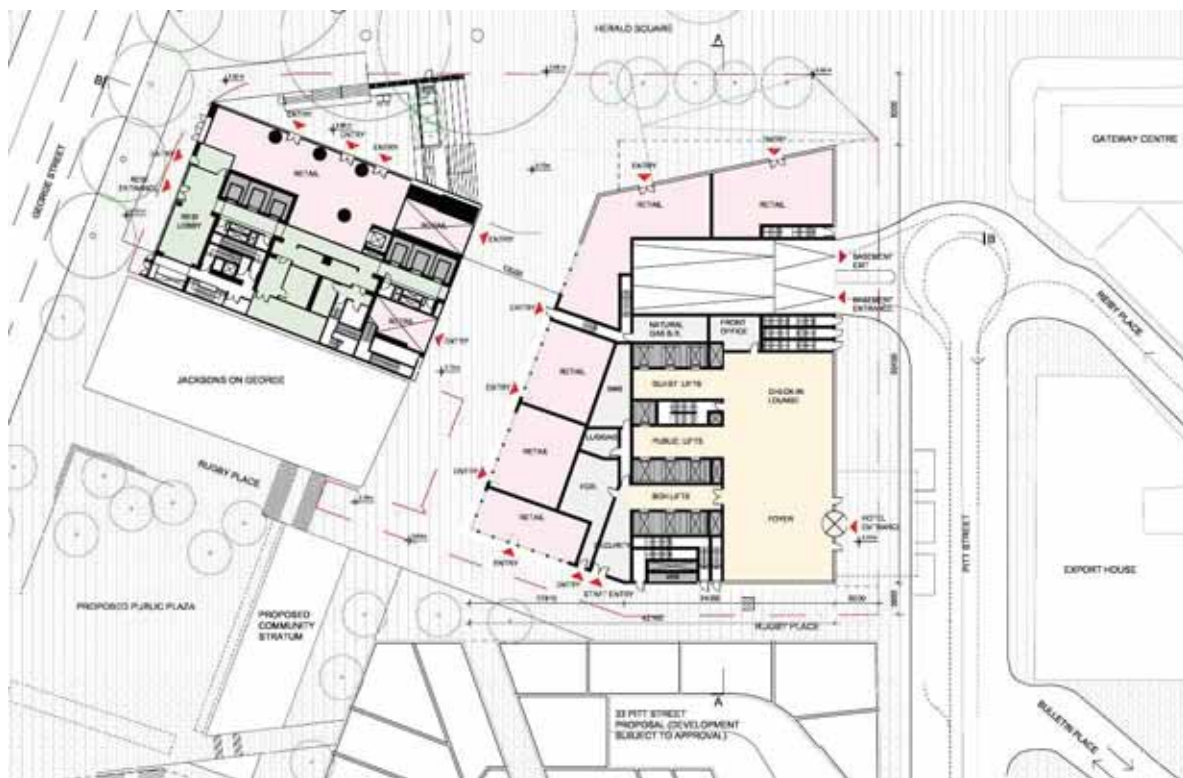


Figure 29: Indicative site access and set-down/pick-up (Source: Applicant's RtS)

Due to the uncertainty of the final design of Pitt Street including the exact location and turnaround design options for the closure of Pitt Street south of Alfred Street, the location of the driveway cannot not be approved at this time. Conditions have been recommended requiring ongoing consultation with the with CBD Coordination Office, CBD and South East Light Rail Project Team and Council during the design competition and Stage 2 details design to ensure all traffic / transport interface issues along Pitt Street are addressed. Relevant future applications will also be referred to the Central Sydney Traffic and Transport Committee (CSTTC).

Further to the above, the EIS states that the Applicant would welcome the opportunity to discuss with surrounding land owners, such as Lend Lease, the potential to further integrate the proposed basement with surrounding properties to reduce vehicular access points to Pitt Street. The

reduction in the number of crossings along Pitt Street would be supported by Council. A condition has been recommended requiring the Applicant to consult with adjoining land owners regarding the potential to integrate basement access with adjoining sites.

Hotel set-down/pick-up facility

The application proposes a section of 'No Parking' restriction on the Pitt Street frontage to provide for set-down/pick-up facility for the hotel by taxi, car, mini bus and tour coach. The application states that the proposed set-down/pick-up facility has had regard for the possible future provision of a 2.5m two-way bicycle lane along the eastern site frontage, separated from the set-down/pick-up facility lane and the moving traffic lane by narrow islands in the manner that has been implemented elsewhere in the CBD.

Due to the uncertainty of the final design of Pitt Street including the location of the proposed cycleway, potential location of a taxi rank and viability of coaches access via Reiby Place, the set-down/pick-up facility cannot not be approved at this time. Conditions have been recommended requiring ongoing consultation with the with CBD Coordination Office, CBD and South East Light Rail Project Team and Council during the design competition and Stage 2 details design to ensure all traffic / transport interface issues along Pitt Street are addressed. Relevant future applications will also be referred to the Central Sydney Traffic and Transport Committee (CSTTC).

5.5 Public domain

Planning agreement

The existing Stage 2 development consent for 1 Alfred Street (D/2010/2029) includes an executed Voluntary Planning Agreement (VPA). The VPA includes a series of land dedications and restrictions on title to facilitate the provision of publicly accessible open space, lanes and other links across the site for use as both pedestrian thoroughfares and for passive recreation.

As a result of the enlarged site area, the public benefit offer has been amended to increase public domain works through the Fairfax House and Rugby Club sites. Notably, the amended public benefit offer provides for an overall increase in the area to the encumbered land from 1,065sqm as executed in the VPA of 1 Alfred Street, to 1,404sqm across the site. The amended public benefit offer also increases funds to be allocated for public art works from \$1.5 million to \$3.5 million. Combined, the cost of works, public art contribution and increased public domain area represents a value of approximately \$5 million.

The revised public benefit offer has been agreed between the Applicant and Council. A deferred commencement condition has been recommended within at **Appendix A** of this report requiring an agreed VPA to be exhibited, executed and registered on title prior to the consent becoming operational.

5.6 Other issues

Right of way and easements

The development site is affected and benefitted by a number of Rights of Carriageway, Rights of Way and various easements, generally in the vicinity of Rugby Place. The assessment of this application has found that there appears to be some doubt over the creation, extent and location of some of these easements, as well as the parties benefitted by some of the easements.

Building envelope plans show the south western corner of Tower B will conflict with some of the easements in question.

It is therefore considered that the questions surrounding the Rights of Carriageway, Rights of Way and various easements should be resolved prior to the consent becoming operational.

The site currently comprises four lots. The easements could be created under Section 88B of the *Conveyancing Act 1919* as part of a required consolidation of the site. Once created, the older easements that are currently the subject of some doubt, could be extinguished. A deferred commencement condition has therefore been recommended requiring the lots be consolidated and easements be resolved prior to the consent becoming operational.

6. CONCLUSION

The merits of the proposal have been assessed taking consideration the issues raised in the submissions. It is considered that the impacts of the proposal have been satisfactorily address within the proposal, RtS and recommended conditions.

The proposal is consistent with the objects of the EP&A Act and ESD principles. The proposal will deliver high density housing and hotel accommodation in an inner city location with excellent access to jobs, transport, open space, services, facilities and attractions consistent with the goals and objectives outlined in the NSW Government's 'NSW 2020' and 'A Plan for Growing Sydney'. The proposal provides the opportunity for additional 300+ ongoing full time equivalent jobs which will help boost the economy of central Sydney.

The development has been designed having regard to the opportunities and constraints of the site and provides a built form which generally complies with the relevant planning controls and surrounding building form.

The proposal forms a major part of the significant transformation of Circular Quay, one of the City's key precincts. The redevelopment of the site will encourage pedestrian activity and vibrancy and reinforce the economic viability and function of the area and its surrounds. The agreed public benefit offer will ensure the delivery of approximately \$5 million in value in the form of public domain works and public art contribution.

The subject application (D/2015/929) is supported and recommended for approval, subject to conditions.

7. RECOMMENDATION

It is recommended that the Central Sydney Planning Committee, as delegate of the Minister for Planning:

- **consider** all relevant matters prescribed under Section 79C of the EP&A Act, as contained in the findings and recommendations of the assessment report and appended documentation;
- **grant consent** to the development application, subject to conditions, under Section 89E of the EP&A Act, having considered all relevant matters in accordance with the above.

Graham Jahn
Director City Planning, Development and Transport

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APPENDIX A RECOMMENDED CONDITIONS OF CONSENT

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PART A - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

(1) VOLUNTARY PLANNING AGREEMENT

- (a) That a Voluntary Planning Agreement (VPA) in accordance with the public benefit offer made by Wanda One Sydney Pty Ltd, dated 3 December 2015 is to be publicly exhibited, executed and submitted to Council;
- (b) The payment of the monetary contribution must be provided to Council in accordance with the VPA;
- (c) The guarantee must be provided to Council in accordance with the VPA at the time of execution; and
- (d) The VPA, as executed, must be registered on the title of the land in accordance with the VPA.

(2) CONSOLIDATION OF THE SITE AND EXTINGUISHMENT OF EASEMENTS

- (a) All land titles within the site must be consolidated into one lot. A surveyed plan of consolidation must be registered with the Office of Land and Property Information Division of the Department of Lands.
- (b) All easements within the areas designated as C, G and J in deposited plan 537286 must be extinguished (wholly or in part) in so far as each easement relates to the areas designated as C, G or J in deposited plan 537286.

(3) SURRENDER OF PREVIOUSLY APPROVED STAGE 1 CONSENT

The following consent is to be surrendered in accordance with section 80A(5) of the Environmental Planning and Assessment Act 1979 and section 97 of the Environmental Planning and Assessment Regulation 2000:

- (a) D/2010/1533 for a Stage 1 approval at 19-31 Pitt Street, Sydney.
- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of this deferred commencement consent, failing which this deferred commencement consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;
- (C) the consent will not operate until such time that the Council notifies the applicant in writing that deferred commencement consent conditions as indicated above, have been satisfied; and
- (D) upon Council giving written notification to the applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

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PART B – CONDITIONS OF CONSENT (ONCE CONSENT IS OPERATIONAL)

Upon compliance with the conditions contained in Part A, the consent will become operative, subject to the following conditions, as maybe amended by such other conditions that may arise as a result of compliance with conditions/information required in Part A.

SCHEDULE 1A

(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. A subsequent development application is required prior to commencement of any work on the site.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with State Significant Development application No. D/2015/1049, as amended, dated 17 July 2015 and the following drawings:

Drawing Number	Architect	Date
DA01/E Massing Envelope Context Plan	Crone Partners	24.11.15
DA02/E Massing Envelope Basement 3-6	Crone Partners	24.11.15
DA03/E Massing Envelope Basement 1-2	Crone Partners	24.11.15
DA04/F Massing Envelope Ground	Crone Partners	24.11.15
DA04A/D Massing Envelope Lower Ground	Crone Partners	24.11.15
DA05/F Massing Envelope Level 1	Crone Partners	24.11.15
DA06/F Massing Envelope Level 2	Crone Partners	24.11.15
DA07/F Massing Envelope Level 3	Crone Partners	24.11.15
DA08/F Massing Envelope Level 3FM-4	Crone Partners	24.11.15
DA09/G Massing Envelope Level 5-28	Crone Partners	27.11.15
DA10/F Massing Envelope Level 27/38	Crone Partners	27.11.15
DA11/G Massing Envelope Level 39-57	Crone Partners	27.11.15
DA12/E Massing Envelope East Elevation	Crone Partners	27.11.15
DA13/E Massing Envelope North Elevation	Crone Partners	27.11.15
DA14/D Massing Envelope West Elevation	Crone Partners	27.11.15
DA15/E Massing Envelope South Elevation	Crone Partners	27.11.15

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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 as part of this Stage 1 development consent:

- (a) any works, including demolition, excavation, construction and public domain improvements;
- (b) subdivision;
- (c) layout, mix and number of residential units and hotel rooms;
- (d) the precise quantum of commercial, residential and hotel floor space;
- (e) the number of on-site car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (f) any additional up to 10% design excellence floor space which may be allowable under Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (g) the proposed vehicular access to the basement parking levels to/from Pitt Street;
- (h) any works located outside of the site boundary including:
 - (i) the proposed set-down and pick-up zone located along the western side of Pitt Street;
 - (ii) the turning circle located at the head of Pitt Street;
- (i) ground floor RL levels.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with Deferred Commencement Condition **(1) VOLUNTARY PLANNING AGREEMENT** are to be complied with.

(5) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

The detailed Stage 2 design for Tower A and Tower B, including services, must be contained within the building footprint and envelope approved as part of this consent and comply with relevant planning controls.

(6) BUILDING HEIGHT

- (a) The maximum height of future buildings, including all plant and services must not exceed the following:

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- (i) Tower A – RL191(AHD);
- (ii) Tower B – RL112.5 (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 13.05:1 calculated in accordance with Clauses 4.4, 4.5 and 6.4 of Sydney Local Environmental Plan 2012 (as amended).
- (b) Notwithstanding clause (a) above, the maximum floor space ratio may be increased in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012 (as amended) only if the consent authority is satisfied that the resulting Stage 2 development(s) exhibit design excellence and are the result of a competitive design process which satisfies the requirements of any relevant local environmental plan and/or development control plan.
- (c) Precise details of the distribution of floor space shall be provided with the relevant future Stage 2 development applications.
- (d) 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) STAGE 2 DEVELOPMENT APPLICATION TO COMPLY WITH RELEVANT PLANNING CONTROLS

- (a) Any Stage 2 development application must be designed to comply with the provisions of Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012). In particular:
 - (i) Section 4.2.1.2 of Sydney DCP 2012 Floor to ceiling heights and floor to floor heights
- (b) The residential component of any Stage 2 development must be designed to comply with “State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development” (as amended), the Apartment Design Guide (ADG).
- (c) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the relevant Stage 2 development application.

(9) COMMUNAL FACILITIES AND COMMON OPEN SPACE

- (a) The Stage 2 development application for Tower B is to include provision for communal facilities/common open space that is accessible to the residents of Tower A.

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(10) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 shall be carried out for Tower B and:

- (a) conducted prior to lodgement of a Stage 2 development application;
- (b) conducted in accordance with the approved Design Excellence Strategy prepared by Urbis, dated November 2015; and
- (c) the detailed design of the development must exhibit design excellence.

The design brief for the competitive design process shall incorporate the following requirements:

- (d) The design for Tower B needs to respond in a way that achieves the same or improved built form and public domain outcomes as the 2009 design competition and 2013 approval (D/2010/2029).
- (e) The integration of public domain elements to ensure a cohesive public domain approach. The public domain between the two buildings needs to be maintained and enhanced with regard to the geometry, alignment and visibility that was achieved in the previous 2009 design and 2013 approval.
- (f) A focus on the integration of art and architecture. Competition participants should provide a description of what successful artistic/architectural/curatorial collaboration would look like and a methodology for achieving this integration.
- (g) The design of vehicle access to the basement and any set-down and pick-up zone required to service the hotel. It is recommended that competition participants consult with the CBD Coordination Office, CBD and South East Light Rail Project Team and the City of Sydney during the design phase to ensure that transport interface issues along Pitt Street adequately consider relevant transport projects in the vicinity of the site.
- (h) The requirements, as outlined in Condition **(36) SYDNEY TRAIN CONDITIONS**.

(11) PUBLIC ART

- (a) A Public Art Strategy is to be developed for the site/development in accordance with the Sydney Development Control Plan 2012 and the City of Sydney Public Art Policy. This Strategy shall form part of the documentation lodged with the future relevant Stage 2 development application.
- (b) The requirement to accommodate public art as part of the redevelopment of the site must form part of the competitive design process brief and the nominated location should be included as part of the future relevant Stage 2 development application.
- (c) All public art required under this condition is in addition to the public art contribution required under the Voluntary Planning Agreement entered into in accordance with Deferred Commencement Condition **(1) VOLUNTARY PLANNING AGREEMENT**.

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(12) PUBLIC DOMAIN PLAN

- (a) A Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with any Stage 2 development application for the site. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*).

(13) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 150 lineal metres of stone site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(14) PUBLIC DOMAIN LIGHTING

- (a) A detailed Public Domain Lighting Plan for pedestrian and street lighting in the public domain must be prepared by a suitably qualified, practicing lighting engineer or lighting designer and must be submitted to Council with the relevant Stage 2 development application. The Lighting Plan must be prepared in accordance with the City of Sydney's Interim Draft Sydney Lights Design Code, Sydney Streets Code, *Sydney Streets Technical Specification* and *Public Domain Manual* and must include the following:
 - (i) vertical and horizontal illuminance plots for the public domain lighting design to demonstrate compliance with all relevant Australian Standards and to meet the lighting categories and requirements specified by the City;
 - (ii) the location, type and category of existing and proposed lights, including details of luminaire specifications, required to ensure compliance with City policies and Australian Standards;
 - (iii) footing locations and structural details;
 - (iv) location and details of underground electrical reticulation, connections and conduits;

(15) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Concept details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the

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provision and maintenance of overland flow paths must be submitted to Council with the relevant Stage 2 development application.

- (b) The requirements of Sydney Water with regard to the onsite detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted to Council with the relevant Stage 2 development application.
- (f) A concept stormwater quality assessment must be undertaken and submitted to Council with the relevant Stage 2 development application.

The stormwater quality assessment must:

- (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
- (ii) use modelling from an industry-standard water quality model; and
- (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

(16) WIND ASSESSMENT

- (a) Prior to the lodgement of any 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 condition within the publicly accessible pedestrian space, the surrounding streets and neighbouring buildings, communal external areas within the subject development and private open space.
- (b) Any recommendations of the wind tunnel testing required by (a) above, shall be incorporated into the final detailed design lodged as a Stage 2 development application.

(17) ACID SULFATE SOILS MANAGEMENT PLAN

An Acid Sulfate Soils Management Plan is to be submitted with the relevant Stage 2 development application.

(18) CONTAMINATION – DETAILED ENVIRONMENTAL SITE ASSESSMENT

- (a) A Detailed Environmental Site Assessment must be submitted for approval with the relevant Stage 2 development application. The Detailed

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Environmental Site Assessment must be carried out in accordance with the NSW EPA Contaminated Site guidelines, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use.

Note: Where the Detailed Environmental Site Assessment states the site is suitable for the proposed use, it is to be peer reviewed by a NSW EPA accredited site auditor and a Site Audit Statement submitted to Council prior to granting any consent, certifying that the site is suitable for the proposed use.

- (b) Where the Detailed Environmental Site Assessment states that a Remediation Action Plan (RAP) is to be undertaken, the RAP is to be peer reviewed by a NSW EPA Accredited Site Auditor and include a statement certifying that the RAP is practical and the site will be suitable after remediation for the proposed use before scheduled conditions of consent can be activated.
- (c) The RAP and NSW EPA Accredited Site Auditors review and statement must be submitted to Council's Health and Building Unit for review and written approval before a schedule of conditions of consent can be activated.

(19) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building(s) proposed in any Stage 2 development application must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

(20) WASTE MANAGEMENT FACILITIES

The relevant future Stage 2 development application shall demonstrate compliance with Council's requirements for waste collection for residential development and Policy for Waste Minimisation in New Development 2005 (as may be amended). In particular, the following design requirements should be included in any Stage development application:

- (a) clearance height for access by collection vehicle must be no less than 3.8m at any point if vehicle is required to enter site to service bins;
- (b) waste vehicles must be capable of entering and exiting in a forward direction; and
- (c) the applicant must submit a swept path analysis as part of the detailed design stage showing all the roads can be serviced by a standard Council garbage vehicle. These plans must be submitted with the relevant Stage 2 development application.

(21) SITE LANDSCAPING

Detailed landscape plans are to be submitted with any future Stage 2 development application.

(22) ACOUSTIC REPORT

The relevant Stage 2 development application is to be accompanied by an acoustic report prepared by a suitably qualified acoustic consultant (see note)

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which demonstrates that the development will be capable of achieving adequate levels of acoustic amenity for future occupants.

Note: "Suitably qualified acoustic consultant" means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian

(23) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN

A site specific noise management plan must be prepared and submitted with the relevant Stage 2 development application.

The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria, then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (LA90, 15min) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery during construction works.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise

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impacts on the occupiers of neighbouring noise sensitive property to a minimum.

- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Note: Monitoring data must be conducted in full accordance with the NSW EPA Industrial Noise Policy to include 7 days non-weather affected data for a residential use and not more than the permitted number of excluded events

(24) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

The applicant is advised that approval of any future Stage 2 development application will require the submission and approval of a Construction Traffic Management Plan prior to the issue of a Construction Certificate. The Construction Traffic Management Plan is to detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control.

(25) TRANSPORT IMPACT ASSESSMENT

A detailed Transport Impact Study must be prepared in accordance with the provisions of Section 7.4 of the Sydney Development Control Plan 2012 and shall be submitted with any Stage 2 development application.

(26) CAR PARKING SPACES AND DIMENSIONS

- (a) The permissible number of car parking spaces is to be established as part of the relevant future 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-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities.

(27) SERVICE VEHICLES

As part of the relevant Stage 2 development application, adequate spaces must be provided to allow manoeuvring and turning of different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off- Street Parking Part 2: Commercial vehicle facilities.

The relevant Stage 2 development application must include a swept path assessment for the largest vehicle to access the proposed servicing area.

(28) LOADING WITHIN SITE

The relevant Stage 2 development application is to demonstrate that all loading and unloading operations associated with servicing the site can be carried out within the confines of the site at all times, and must not obstruct other properties / unit or the public way.

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(29) VEHICLES TO ENTER AND LEAVE SITE IN A FORWARD DIRECTION

The relevant Stage 2 development application is to demonstrate that development on the site has been configured to allow all vehicles to be driven onto and off the site in a forward direction.

(30) CAR SHARE SPACES

The relevant Stage 2 development application is to make provision for car share spaces in accordance with Sydney Development Control Plan 2012.

Note: It is recommended that the applicant discuss the proposed location of car share parking spaces with car share operators to ensure the commercial requirements of the operator can be accommodated.

(31) BICYCLE PARKING AND END OF TRIP FACILITIES

Details of the location, number and class of bicycle parking must be included in the relevant Stage 2 development application. Bicycle parking for residents and employees is to 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.

(32) CONSULTATION WITH THE CBD COORDINATION OFFICE, CBD AND SOUTH EAST LIGHT RAIL PROJECT TEAM AND THE CITY OF SYDNEY

The applicant is to consult with the CBD Coordination Office, CBD and South East Light Rail Project Team and the City of Sydney to ensure that the traffic / transport interface issues along Pitt Street are addressed prior to the lodgement of the relevant Stage 2 development application. The relevant Stage 2 development application will need to consider the CBD and South East Light Rail project, City Access Plan, Sydney City Centre Bus Plan, and other committed major redevelopments in the vicinity of the subject site.

(33) CONSULTATION WITH ADJOINING PROPERTY OWNERS – SHARED BASEMENT AND ACCESS

Prior to the lodgement of the relevant Stage 2 development application, the applicant is to investigate the potential to integrate the proposed basement and associated vehicle access from Pitt Street with adjoining properties. Investigations are to include consultation with adjoining property owners.

(34) CENTRAL SYDNEY TRAFFIC AND TRANSPORT COMMITTEE (CSTTC)

Any relevant Stage 2 development application relating to Tower B and/or the basement on the site is to include a brief assessment in line with the CSTTC assessment criteria, which includes the following:

- (a) impact on the road network;

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- (b) future economic welfare and development of Sydney and the State;
- (c) efficient functioning of businesses in the whole or any part of the Sydney CBD;
- (d) maintenance of access for freight within the whole or any part of the Sydney CBD;
- (e) efficiency and traffic safety of the public transport network in the Sydney CBD; and
- (f) needs of commuters, residents, pedestrians and visitors in the whole or any part of the Sydney CBD.

(35) TRANSPORT FOR NSW CONDITIONS

Construction Pedestrian and Traffic Management Plan

- (a) Prior to the commencement of any works on the Site, a Construction Pedestrian and Traffic Management Plan prepared by a suitably qualified person shall be submitted to the Principal Certifying Authority (PCA). The Plan must be prepared in consultation with the CBD Coordination Office within TfNSW. The Plan shall address, but not be limited to, the following matters:
 - (i) Details of construction activities and timing of these activities;
 - (ii) Ingress and egress of vehicles to the Site;
 - (iii) Construction programme
 - (iv) The staging of works and simultaneous construction with other projects including Sydney Light Rail project in the Circular Quay and Wynyard Precincts;
 - (v) Predicted construction traffic movements, types and routes;
 - (vi) Construction impacts on the road network, bus operation, bus stops and the safety of pedestrians/cyclists; and
 - (vii) Pedestrian and traffic management measures.

The applicant shall submit a copy of the final Plan to the CBD Coordination Office within TfNSW for endorsement, prior to the commencement of work.

Sydney Rail Light Project

- (a) The applicant shall design and construct the development 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.

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(36) SYDNEY TRAINS CONDITIONS

- (a) The owners of the site are required to consult with TfNSW and Sydney Trains prior to lodgement of relevant designs as part of any Design Competition under the relevant provisions of the Sydney Local Environmental Plan 2012 and lodgement of a Stage 2 development application(s) to ensure that the relevant designs have taken into consideration the relationship with the of the designs with the future CBD Rail Link (CBDRL).
- (b) Any Stage 2 development application(s) over the site must address the following matters:
 - (i) the design to satisfy conditions (c) to (f) below;
 - (ii) allowances for the future construction of railway tunnels in the vicinity of the approved development;
 - (iii) allowances in the design, construction and maintenance of the development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
 - (iv) consultation with TfNSW and Sydney Trains;
 - (v) provision to TfNSW and Sydney Trains of drawings, reports and other information relating to the design development;
 - (vi) such matters which TfNSW and Sydney Trains considered are appropriate; and such other matters as the owners and TfNSW and Sydney Trains may agree;
 - (vii) a detailed acoustic assessment report;
 - (viii) a detailed report on the potential impacts of electro-magnetic stray currents.
- (c) The design of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW / Sydney Trains.
- (d) Undertake detailed geotechnical analysis to the satisfaction of TfNSW / Sydney Trains to demonstrate likely movement of the ground due to the future CBDRL.
- (e) No modifications may be made to the approved design without the consent of TfNSW / Sydney Trains.
- (f) A regime is to be prepared for consultation with, and approved by TfNSW / Sydney Trains for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.

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(37) SYDNEY AIRPORT CONDITIONS

- (a) The building (Tower A) must not exceed a maximum height of 191 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lighting rods, any roof top garden planting, exhaust flues etc.
- (b) Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct buildings that exceed 51 metres AHD and penetrate prescribed airspace. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently may not be approved. Therefore it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
- (c) At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.
- (d) Any future addition to the buildings height that increases the penetration of the OLS (including the installation of additional antennas) will require a separate assessment.

(38) HERITAGE COUNCIL CONDITIONS

- (a) Details of the proposed methodology for demolition, excavation and construction phases of the project must be provided as part of the relevant Stage 2 development application. Careful consideration of subsidence, vibration and structural instability must be incorporated into the construction and design. The methodology must ensure that there will be no disturbance to the Tank Stream.
- (b) A detailed historical archaeological assessment and research design must be prepared and submitted as part of the relevant Stage 2 development application in areas. This assessment should exclude the footprint of Goldfields House. It should be prepared by a suitably qualified historical archaeologist with experience in state significant archaeological sites. The assessment must be prepared to inform the design proposed for the relevant Stage 2 development application. Avoidance of harm must be considered in this design where state significant relics may be impacted by the proposed buildings. Design options and mitigation measures should be identified in a heritage impact statement supporting the relevant Stage 2 development application. This HIS should also demonstrate impact mitigation where harm cannot be avoided.
- (c) There is potential for Aboriginal objects to be present within the footprint of the Rugby Club, Fairfax House site and immediate surrounds. On this basis a Full Aboriginal Cultural Heritage Assessment Report with Community consultation in line with current OEH Guidelines must be prepared and submitted as part of the relevant Stage 2 development application if the Aboriginal Due Diligence Assessment undertaken for the site confirms that there is potential for 'Aboriginal objects' on this site. Avoidance of harm must be considered in this design where Aboriginal objects may be impacted by the proposed buildings. Design options and mitigation measures should be identified in a heritage impact statement supporting the relevant Stage 2

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development application. This heritage impact statement should also demonstrate impact mitigation where harm cannot be avoided.

- (d) An interpretation strategy should be prepared and implemented as part of the relevant Stage 2 development application. The Interpretation Strategy must enhance public appreciation the early history of the precinct, its maritime uses, and of the Tank Stream.

(39) DEPARTMENT OF PRIMARY INDUSTRIES CONDITIONS

- (a) A comprehensive investigation of the hydrogeological setting is to be undertaken during the preparation of and prior to the submission of the relevant Stage 2 development application.
- (b) It is noted that the option of having an on-going take of groundwater for the life of the building is to be considered.
- (c) At the time of Stage 2 site investigations, the Applicant is to establish and continuously monitor piezometers established around the perimeter of the site in the uppermost aquifer present at the site, with a view to accurately ascertaining the current groundwater conditions and variation. The accuracy and extent of the understandings developed will help inform the licensing of any on-going groundwater take. The assessment needs to consider any interaction with the Tank Stream and its present ability to provide enhanced drainage or effects on groundwater flow.

(40) AUSGRID CONDITIONS

- (a) The developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/ or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (eg. whether a substation is required on site).
- (b) In general, works to be considered by Ausgrid include, but are not limited to, the following:
 - (i) changes in electrical load requirements;
 - (ii) changes to Ausgrids infrastructure (ie. asset relocations, decommissioning substations etc.);
 - (iii) works affecting Ausgrids easements, leases and/ or right of ways;
 - (iv) changing the gradients of any roads or paths;
 - (v) changing the level of roads or foot paths;
 - (vi) widening or narrowing of roads;
 - (vii) closing roads or laneways to vehicles;
 - (viii) in all cases Ausgrid is to have 24 hour access to all its assets.

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- (c) The developer is to ensure that the proposed works do not contravene Ausgrids technical standards and statutory requirements, in regards to the safe and reliable operation and maintenance of Ausgrid's network.

(41) SYDNEY WATER CONDITIONS

- (a) Water, Drainage, Stormwater and Groundwater
 - (i) As per the Secretary's Environmental Assessment Requirements, issued 30 June 2015, the applicant will be required to provide an Integrated Water Management plan, Groundwater Monitoring Plan, Stormwater Concept Plan and information on potential augmentation of Sydney Water infrastructure.
 - (ii) The Stage 2 development application should include an Integrated Water Management plan, Groundwater Monitoring Plan, Stormwater Concept Plan and information on potential augmentation of Sydney Water infrastructure. These documents should be referred to Sydney Water as part of the assessment of the Stage 2 Development Application.
- (b) Constructing a building adjacent to Sydney Water Stormwater assets
 - (i) Prior to the submission of a Stage 2 Development Application, suitable arrangements are to be made with Sydney Water for the accessibility and protection of the existing Sydney Water stormwater drain in Rugby Place / Crane Place.
 - (ii) Sydney Water advises that no building structure is to encroach laterally within 1m of the existing Sydney Water stormwater drain (unlimited depth and height) and this is to be clearly shown on future survey drawings. This is to comply with our Building Over/Adjacent to Sydney Water stormwater assets.
- (c) Discharge Stormwater Quality Targets
 - (i) Discharge stormwater quality targets should form part of the Stormwater Concept Plan for Stage 2 development application.
 - (ii) Detailed requirements will be provided at the Section 73 application phase.
- (d) Heritage
 - (i) The proposal is within close proximity of the Tank Stream, which is State Heritage listed on Sydney Water's Section 180 Register.
 - (ii) Sydney Water are satisfied that the proposal does not propose to develop within 3m of the Tank Stream, and that no connection is proposed to this asset.
 - (iii) Stage 2 of the development application should outline the methodology to ensure no adverse impacts to the Tank Stream during construction phase. The Stage 2 application should be referred to Sydney Water for subsequent review.

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- (e) Water and wastewater
 - (i) The proposed development can connect to the 250mm water main in Pitt Street and 450mm wastewater main in Alfred Street.
 - (ii) Amplification of assets may be required to service the proposed development. This will be assessed at the Section 73 application phase after the development consent is obtained.

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 Building Code of Australia and insurance requirements under the Home Building Act 1989

Clause 98A Erection of signs

Clause 98B Notification of Home Building Act 1989 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>

APPENDIX B RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on Council's website as follows.

1. Environmental Impact Statement

<http://development.cityofsydney.nsw.gov.au/DAsOnExhibition/details.asp?tpk=1212745>

2. Submissions

<http://development.cityofsydney.nsw.gov.au/DAsOnExhibition/details.asp?tpk=1212745>

3. Applicant's Response to Submissions

<http://development.cityofsydney.nsw.gov.au/DAsOnExhibition/details.asp?tpk=1212745>

APPENDIX C ENVIRONMENTAL PLANNING INSTRUMENTS

To satisfy the requirements of section 79C(a)(i) of the EP&A Act, an assessment of the relevant environmental planning instruments (EPIs) that relate to the development application has been carried out. The following EPIs apply to the site:

- *State Environmental Planning Policy (State & Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 55 - Remediation of Land;*
- *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development;*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and*
- *Sydney Local Environmental Plan 2012.*

Note: Clauses within the above EPIs that are not relevant to the application or have been considered within this report have been omitted from the below assessment.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011

Relevant Sections	Compliance	Comments
<p>3 Aims of Policy</p> <p>The aims of this Policy are as follows:</p> <p>(a) to identify development that is State significant development,</p>	Yes	The proposed development is identified as SSD.
<p>8 Declaration of State significant development: section 89C</p> <p>1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	Yes	The proposed development is permissible with consent under SLEP 2012. The site is specified in Schedule 1.
<p>Schedule 1 State significant development - general</p> <p>(Clause 8 (1))</p> <p>13 Cultural, recreation and tourist facilities</p> <p>2) Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that:</p> <p>(a) has a capital investment value of more than \$100 million</p>	Yes	The proposal is development for tourist related purposes and has a CIV of more than \$100 million.

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State Environmental Planning Policy (Infrastructure) 2007

The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP. In accordance with the Clause, the application was referred to Ausgrid for comment. Ausgrid raised no objection, subject to conditions.

The application is subject to Clause 88 as the development is above an interim rail corridor. The application was referred to Sydney Trains who raised no objection to the proposal, subject to conditions.

State Environmental Planning Policy No. 55 - Remediation of Land

The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

A Preliminary Site Investigation was submitted with the development Applicant. Council's Health Unit is satisfied that the site can be made suitable for the proposed use. Further contamination investigations will be required as part of subsequent Stage 2 development applications.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development & accompanying Apartment Design Guide

SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 9 design quality principles. Tower A proposes residential uses. The table below provides an assessment of the proposal against the design quality principles of SEPP 65.

Design Quality Principles	Compliance	Comments
Principle 1: Context and neighbourhood character	Yes	The proposed scale and massing of the building envelopes are contextually appropriate to this northern CBD location and the ongoing changes to the wider APDG block. The development has been designed having regard to the opportunities and constraints of the site.
Principle 2: Built form and scale	Yes	The proposed building envelope is considered satisfactory with regard to building separation, visual impact, view sharing and overshadowing. Consideration has been given to the surrounding built form, particularly the existing podium street wall heights along Pitt Street.
Principle 3: Density	Yes	The proposal complies with the FSR controls under SLEP 2012 and as such, results in a density of development as envisaged by the planning controls. The proposed density is considered to be appropriate given the CBD context of the site, particularly given its proximity to established infrastructure, public transport, community and recreational facilities.

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<p>Principle 4: Sustainability</p>	<p>Yes</p>	<p>The application is for a Stage 1 concept proposal only. As such a more rigorous assessment of the amenity for future residents will occur as part of the relevant Stage 2 detailed design development application.</p> <p>Notwithstanding, indicative floor plans have been submitted with the proposal that demonstrate that the floor plates have been designed to maximise cross ventilation and solar access penetration into future residential apartments. The energy efficiency and sustainability of the design will form part of the future detailed design development application.</p> <p>Appropriate conditions are recommended that require any relevant Stage 2 development application to comply with SEPP 65 and BASIX.</p>
<p>Principle 5: Landscape</p>	<p>Yes</p>	<p>The proposal seeks consent for an indicative building envelope only, and it will be necessary for a more detailed analysis and assessment of any scheme against the landscape principles as part of a future Stage 2 development application.</p> <p>It is noted however, that the CBD context precludes the provision of ground floor level communal open space and/ or deep soil planting on the subject site.</p>
<p>Principle 6: Amenity</p>	<p>Yes</p>	<p>The application is for a Stage 1 concept proposal only. As such a more rigorous assessment of the amenity for future residents will occur as part of the relevant Stage 2 detailed design development application.</p> <p>Notwithstanding, indicative floor plans have been submitted with the proposal that demonstrate that the floor plates and envelope sought are generally capable of accommodating a SEPP 65 compliant design.</p> <p>Appropriate conditions are recommended that require any relevant Stage 2 development application to comply with SEPP 65.</p>
<p>Principle 7: Safety</p>	<p>Yes</p>	<p>The proposal is for a conceptual building envelope only, with the detailed design subject to assessment as part of a Stage 2 development application.</p> <p>It is considered that the building is able to be designed to ensure compliance the safety and security principle of the RFDC and the principles of Crime Prevention Through Environmental Design.</p>
<p>Principle 8: Housing diversity and social interaction</p>	<p>Yes</p>	<p>The application is for a Stage 1 concept proposal only. As such a more rigorous assessment of the amenity for future residents will occur as part of the relevant Stage 2 detailed design development application.</p> <p>Notwithstanding, indicative floor plans show that the proposal provides a mix of apartment sizes ranging from studio to three + bedrooms to cater for a range of residents with varied incomes and needs.</p>
<p>Principle 9: Architectural expression</p>	<p>Yes</p>	<p>The proposal is for a conceptual building envelope only, with the detailed design and aesthetics of the building subject to a competitive design process and detailed Stage 2 development application.</p>

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:

- (a) protect and improve hydrological, ecological and geomorphologic processes;
- (b) consider cumulative impacts of development within the catchment;
- (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off;
- (d) protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

Sydney Local Environmental Plan 2012

Relevant Sections	Compliance	Comment
4.3 Height of Buildings	Acceptable	See discussion under Section 5.1 .
4.4 Floor Space Ratio	Yes	See discussion under Section 5.1 .
4.6 Exceptions to development standards	Acceptable	See discussion under Section 5.1 .
5.9 Preservation of trees or vegetation	Yes	Inspection of the site has identified 13 street trees adjacent to the site may be affected by the proposal. All trees were noted in good to fair health and condition. Construction of the proposal, including access driveways may require the removal and pruning of some street trees. A full assessment of the impact of construction on street trees will be undertaken as part of the assessment of Stage 2 development application(s).
5.10 Heritage conservation	Yes	The State heritage listed Tank Stream runs underground, parallel and adjacent to, the eastern boundary of the site. The location of the Tank Stream varies between 110mm and 175mm from the boundary and is located approximately 1m from the existing basement level wall. No objection is raised from the Heritage Council, subject to the imposition of recommended conditions.
Part 6 Local provisions - height and floor space		
Division 1 Additional floor space in Central Sydney	Yes	See discussion under Section 5.1 .
Division 3 Height of buildings and overshadowing	Yes	See discussion under Section 5.2 .
Division 4 Design excellence	Yes	Tower A was previously the subject of a design competition, and the current development

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		<p>application (D/2015/882) has been the subject of a Design Integrity Review by the original 2009 Design Competition Jury Members. The Jury concluded that the development application for Tower A meets design excellence with regard to materials, design and form, and is capable of achieving design excellence with regard to its relationship with Building B.</p> <p>A condition has been recommended requiring a competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 to be carried out for Tower B.</p>
Division 5 Site specific provisions 6.25 APDG block	Acceptable	See discussion under Section 5.1 .
Part 7 Local provisions—general		
Division 1 Car parking ancillary to other development	Able to comply	Car parking numbers can only be assessed as part of a Stage 2 development application. Parking numbers are determined having regard to the land use mix proposed which is only indicative at this stage.
7.14 Acid sulphate soils	Able to comply	The site is identified as containing class 2 and class 5 acid sulphate soil. Any potential impact from acid sulphate soil is likely to be manageable with the implementation of an acid sulphate soil management plan. Details will need to be submitted with the future Stage 2 development application to demonstrate compliance.
7.15 Flood planning	Able to comply	A Preliminary Integrated Water Management Plan has been submitted. An Integrated Water Management Plan will be provided as part of the Stage 2 development application.
7.16 Airspace operations	Yes	The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport. Approval has been granted from the Federal Department of Infrastructure and Regional Development. Appropriate conditions have been recommended.

Sydney Development Control Plan 2012

Relevant Sections	Compliance	Comment
6. Specific Sites		
6.1.4 The APDG site		
General	Yes	The DCP states that if the proposal for 1 Alfred Street retains the design integrity and is generally in accordance with the winning entry of the architectural competition held in November 2009,

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		<p>known as the Kerry Hills Architects Scheme, then the building envelope controls shown in Figure 6.16 1 Alfred Street Site Development Control Envelope (Kerry Hill Architects Scheme), override similar provisions where there is inconsistency.</p> <p>The proposed envelope for Tower A is consistent with and retains the design integrity of the winning Kerry Hill scheme.</p>
Objectives	Yes	<p>The proposal meets the objectives of the APDG controls. The proposal complies with height of buildings and overshadowing controls outlined in SLEP 2012, will facilitate the redevelopment of three sites within the APDG block and will result in substantial public benefit through the provisions of through-site links, laneways and other contributions identified in the revised public benefit offer. The proposed built form will allow for appropriate view sharing and will not cause unacceptable overshadowing on public spaces.</p>
6.1.5 Local Infrastructure and Public Domain		
6.1.5.1 General	Yes	<p>A 12m wide through-site link is proposed between Towers A and B, exceeding the 4.5-6m requirement outlined in the DCP. The height of the through-site link is generally in accordance with the required RLs and meets the objectives of providing an 'open to the sky' link.</p> <p>Tower B is setback 3.6m from the southern boundary to allow for a 6m laneway in the vicinity of Rugby Place. The remaining 3m will be required to be provided on the adjoining site to the south.</p>
6.1.5.2 Streets, lanes and through-site links	Yes	<p>The proposed north-south through-site link and east-west laneway meet the design requirements of the controls in that they maintain clear site-lines and can accommodate outdoor dining where appropriate.</p>
6.1.5.4 Active Frontages	Able to comply	<p>Active frontages are required along the George Street, Alfred Street, Pitt Street and Rugby Place frontages. Indicative floor plans indicate that ground floor retail and hotel uses will be provided for Towers A and B. Further assessment will be required at Stage 2.</p>
6.1.5.5 Footpath Awnings	Able to comply	<p>Active frontages are required along the George Street, Alfred Street and Pitt Street frontages. Indicative floor plans indicate that these frontages are able to provide awnings/weather protection. Further assessment will be required at Stage 2.</p>
6.1.6 Built Form and Design		
6.1.6.1 Building Height	Acceptable	<p>Tower B does not comply with the alternative heights map, which limits buildings to 25m, 45m and 55m.</p> <p>Proposed building separation does not comply with the 28m control above street wall height. As</p>

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		<p>outlined in Section 5.1 of this report. The proposed building separation is considered to be satisfactory with regard to built form and potential impacts on existing and proposed surrounding buildings and public spaces.</p>
<p>6.1.6.2 Street Frontage Height and setbacks</p>	<p>Acceptable</p>	<p>Tower A complies with the maximum street frontage heights to George Street and Alfred Streets and maximum width of elevation above street frontage height. Tower A seeks to depart from the minimum 3m setback from the southern boundary, proposing a setback of 2.86m. This 140mm non-compliance is considered acceptable for the purpose of establishing a building envelope. Further assessment will be required at Stage 2.</p> <p>Tower B proposes an alternate built form to the APDG controls. The building seeks to 'opt out' of the site specific controls, primarily because the site specific controls cannot accommodate the permissible FSR for the site under the SLEP 2012.</p> <p>The height of Tower B is consistent with the current Stage 1 approval for the Fairfax House site and complies with the SLEP 2012 height in metres control.</p> <p>Despite non-compliance with the alternative heights map, Tower B presents an appropriate built form as follows:</p> <ul style="list-style-type: none"> • Tower B proposes a maximum elevation with above street wall height of 37.8m, which complies with the 38.5m requirement (35% of height of Tower B). • Tower B provides a 6m setback above street wall height to Pitt Street, which is consistent with the predominate existing setback provided along the street. • Tower B is setback 5m from Pitt Street to allow for the hotel lobby area and potential patron drop off area. This area will be publicly accessible. <p>As discussed within Section 5.1 and 5.2 of this report, the proposal presents an acceptable built form taking into account the sites context and impacts on existing and proposed surrounding buildings and public spaces.</p>
<p>6.1.6.3 Building design and bulk</p>	<p>Acceptable</p>	<p>Tower A has been designed in accordance with the alternative heights map and is considered to present a slender form. Tower B does not comply with the alternative heights map, which limits buildings to 25m, 45m and 55m.</p> <p>As discussed within Section 5.1 and 5.2 of this report, the proposal complies with the height in metres control outlined within SLEP 2012 and presents an acceptable built form taking into account the sites context and impacts on existing and proposed surrounding buildings and public</p>

		spaces.
6.1.7 Parking and Vehicular Access		
6.1.7 Parking and Vehicle Access	Able to comply	Indicative vehicle access has been identified in accordance with the location specific on the vehicular access map. A condition has been recommended requiring consultation with adjoining property owners to determine whether shared basement access can be accommodated. Further assessment will be required at Stage 2.

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Instrument of Delegation

I, the Minister for Planning, under section 23 of the *Environmental Planning and Assessment Act 1979* (the Act):

1. Revoke the delegation of my functions made under instrument of delegation dated 8 July 2015.
2. Delegate the functions identified in Schedule 1 to the Council of the City of Sydney in relation to any proposal for State significant development of a class described in clause 13 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* on land identified in Schedule 2.

Dated: 4th August 2015



The Hon Rob Stokes MP
Minister for Planning

Schedule 1

Delegation to Council of the City of Sydney

Item	Function
<i>Environmental Planning and Assessment Act 1979</i>	
1.	My functions under section 89D of the Act.
2.	Determining development applications for State significant development under section 89E of the Act.
3.	Determining applications to extend the lapsing period of development consents under section 95A of the Act.
4.	Determining modification applications under section 96 and 96AA of the Act.
5.	My functions as a certifying authority under Part 4A of the Act.
6.	My functions under Division 2A of Part 6 of the Act.
<i>Environmental Planning and Assessment Regulation 2000</i>	
7.	My functions as either a planning authority, consent authority or certifying authority under the following Parts of the <i>Environmental Planning and Assessment Regulation 2000</i> : <ol style="list-style-type: none">a. Part 4,b. Part 6,c. Part 8,d. Part 9, ande. Part 15.

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Schedule 2

Land to which delegation applies

Lot	Deposited Plan	Folio Identifier
1	217877	1/217877
1	537286	1/537286
180	606866	180/606866
1	220830	1/220830

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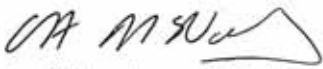
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Instrument of Delegation

I, the Secretary of the Department of Planning and Environment, under section 23 of the *Environmental Planning and Assessment Act 1979* (the Act):

1. Revoke the delegation of my functions made under instrument of delegation dated 10 July 2015.
2. Delegate the functions identified in Schedule 1 to the Council of the City of Sydney in relation to any proposal for State significant development of a class described in clause 13 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* on land identified in Schedule 2.

Dated: 10.8.15

Carolyn McNally 
Secretary, Department of Planning and Environment

Schedule 1

Delegation to Council of the City of Sydney

Item	Function
<i>Environmental Planning and Assessment Act 1979</i>	
1.	My functions under Part 4 of the Act.
2.	My function under section 136 of the Act.
<i>Environmental Planning and Assessment Regulation 2000</i>	
3.	My functions under the following Parts of the <i>Environmental Planning and Assessment Regulation 2000</i> : a. Part 4, b. Part 6, and c. Part 15.

Schedule 2

Land to which delegation applies

Lot	Deposited Plan	Folio Identifier
1	217877	1/217877
1	537286	1/537286
180	606866	180/606866
1	220830	1/220830