

**ITEM 8. DEVELOPMENT APPLICATION: 210-220 GEORGE STREET SYDNEY**

**FILE NO: D/2016/1675**

**DEVELOPMENT APPLICATION NO: D/2016/1675**

**SUMMARY**

**Date of Submission:** 30 November 2016

**Applicant:** Poly Wynyard 048 Service Pty Ltd and ATF Wynyard 048 Trust

**Architect:** Architectus

**Developer:** Poly Wynyard 048 Service Pty Ltd and ATF Wynyard 048 Trust

**Owner:** Poly Wynyard 048 Service Pty Ltd & ATF Wynyard 048 Trust

**Cost of Works:** \$78,500,000

**Proposal Summary:** The proposal is for a Stage 1 development application seeking consent for a 25-storey building envelope. The indicative land uses are for commercial, retail and entertainment, with loading access from Underwood Street and indicative basement car parking with access from Dalley Street. The application was notified and advertised for 41 days (extended for the Christmas period) from 9 December 2015 to 19 January 2017. Two submissions were received, which raised concerns regarding:

- building over easement
- overshadowing
- street frontage height
- setbacks
- view loss
- use as an entertainment facility
- structural impact on Ausgrid infrastructure
- heritage impact
- vehicular access points
- Floor Space Ratio
- design quality

**Proposal Summary:  
(continued)**

The building envelope has been designed to reach the maximum height control of 110m, while respecting the Australia Square overshadowing control.

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

**Summary Recommendation:**

The Stage 1 development application for the building envelope and indicative land uses are considered to be acceptable and as such the proposal is recommended for approval, subject to conditions.

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) City of Sydney Act, 1988
- (iii) State Environmental Planning Policy (Infrastructure) 2007
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012

**Attachments:**

- A - Conditions of Consent
- B - Selected Drawings
- C - Design Excellence Strategy

**RECOMMENDATION**

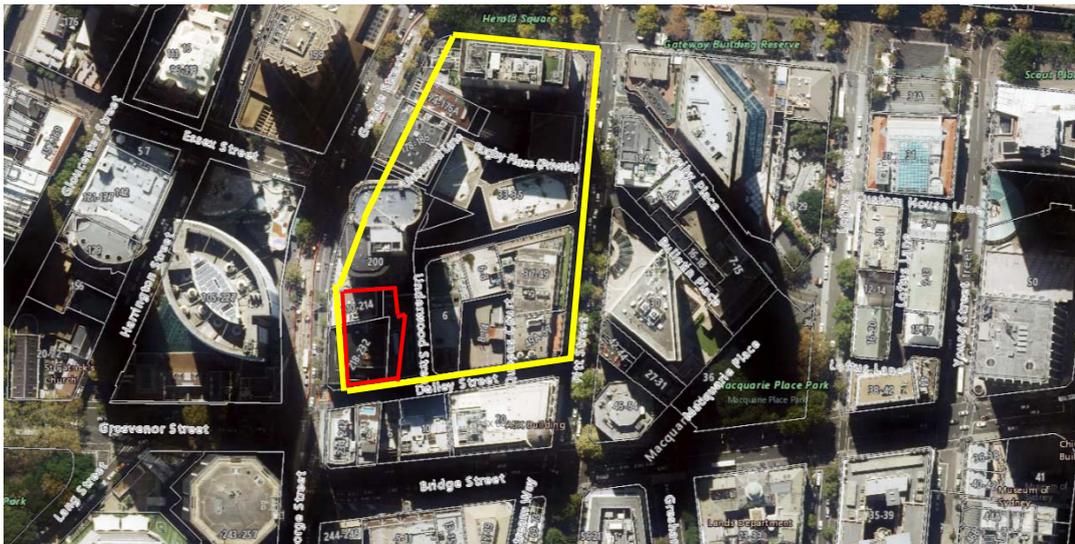
It is resolved that:

- (A) the Design Excellence Strategy for 210-222 George Street, Sydney, prepared by URBIS and dated April 2017 on behalf of Poly Australia, as shown in **Attachment C** to the subject report, be endorsed pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
- (B) consent be granted to Development Application No. D/2016/1675, subject to the conditions as detailed in **Attachment A** to the subject report

## BACKGROUND

### The Site and Surrounding Development

1. A site visit was carried out on 17 March 2017.
2. The site is known as 210-214 and 218-232 George Street, Sydney. The site has a total area of 1,434m<sup>2</sup> and is generally rectangular in shape; has a frontage of 50.62m to George Street to the west and 33.13m to Dalley Street to the south. A plan of the site (showing its context within the block bound by Alfred, Pitt, Dalley and George Streets known as the APDG block) is shown below in **Figure 1**:



**Figure 1: Subject site (red) within the APDG site (yellow).**

3. The site consists of two commercial office buildings. 210 George Street comprises an 18 storey building completed in 1990, with eight car parking spaces within the basement, which is accessed via 200 George Street from Underwood Street. 220 George Street is a 13 storey commercial building and was completed in 1972. It has a public car park within the basement with 150 car parking spaces accessed via a split driveway entrance from Dalley Street.
4. Both buildings have an active street frontage to George Street that include ground level setbacks and colonnade structures. Above the ground floor, each floor is built to the street boundary.
5. The surrounding area is commercial, with office, retail and hotel uses dominating the immediate surrounds. The site fronts George Street, which is currently under construction for the light rail. To the north of the site, is the newly constructed 200 George Street, which is a 37 storey commercial tower. To the east, is the former Telephone Exchange located at 4 Dalley Street, which has been repurposed for the plant and services for 200 George Street. Further to the east of this site, across Underwood Street, is a nine storey telephone exchange building.
6. To the west of the site, across George Street, is Grosvenor Place, a 44 storey commercial office tower. To the south, across Dalley Street is the rear of 2, 4 and 6 Bridge Street.
7. Photos of the site and surrounds are provided below:

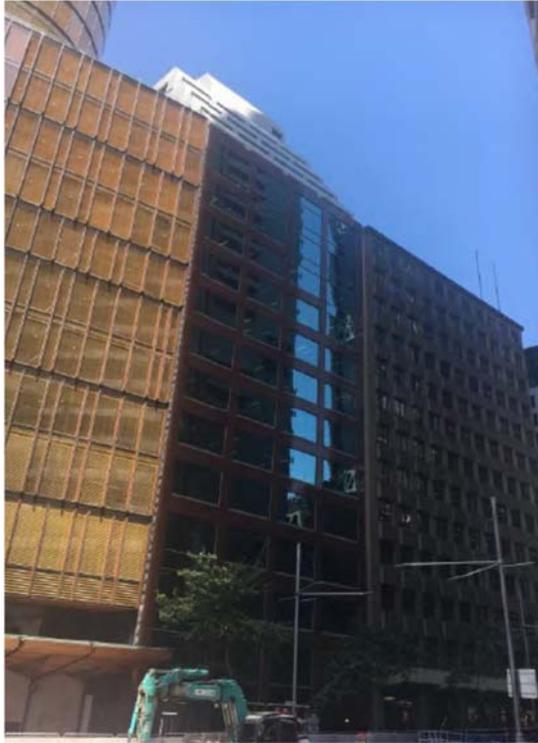


Figure 2: 210 George Street looking south east (source applicants SEE)



Figure 3: 220 George Street looking north east (source: applicants SEE)



Figure 4: Subject site looking west along Dalley Street

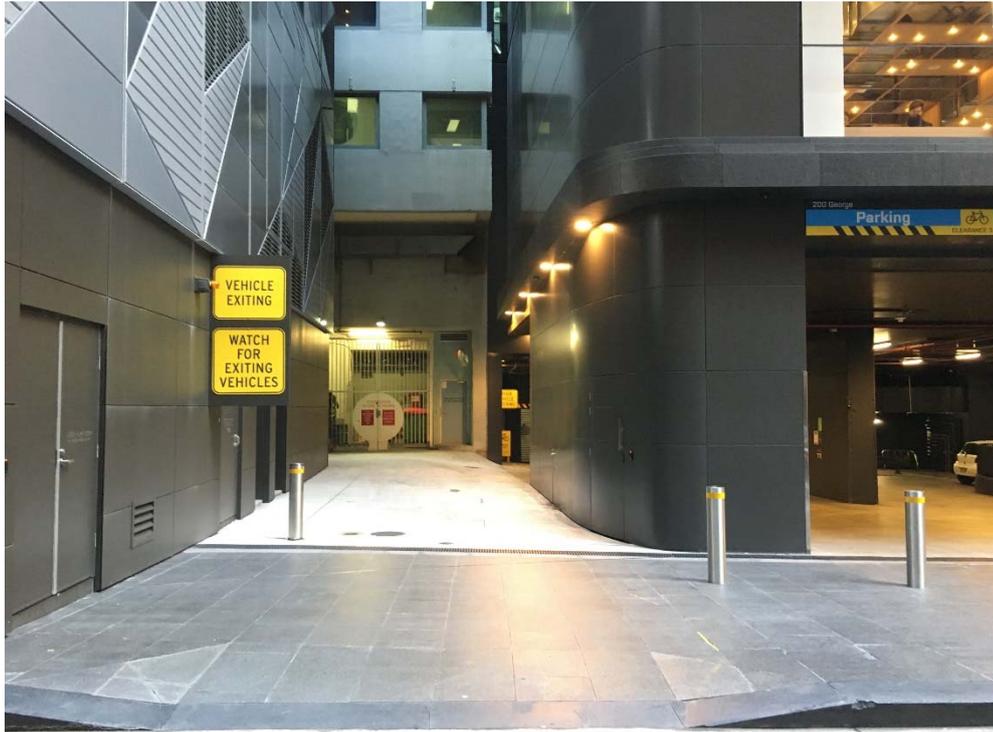


Figure 5: Service access from Underwood Street.



Figure 6: 220 George Street street frontage



Figure 7: 210 George Street street frontage

**PROPOSAL**

8. The subject application seeks consent for a Stage 1 building envelope and design parameters including the following:
  - (a) a 25 storey commercial tower building envelope (to a maximum height of 110m (RL 117.90));
  - (b) indicative future land uses of commercial, retail and entertainment facilities;
  - (c) lower ground tenancy and loading area;
  - (d) up to three levels of basement car parking, end of trip facilities, services and storage; and
  - (e) separate vehicular and loading access from Dalley Street and Underwood Street respectively.
9. The Applicant has stated that they will undertake a competitive design competition following the Stage 1 DA and prior to the submission of a Stage 2 DA. Under SLEP 2012, a bonus of up to 10% building height or FSR is achievable where design excellence is demonstrated through a competitive design process. The Applicant has submitted a Design Excellence Strategy with this DA.
10. Pending the successful satisfaction of these provisions, it is the Applicant's intention to utilise the bonus for additional FSR.
11. This DA does not seek consent for any physical works to be carried out.

**AMENDED PLANS**

12. The Applicant originally submitted plans which showed the eastern portion of the proposed northern facade of the building for the 'typical tower levels' intruding into the setback easement for light and air to 200 George Street on the eastern façade. In addition, the proposal did not comply with flood levels. The plans were amended accordingly.
13. Drawings of the proposed Stage 1 DA building envelope for which consent is sought are included at **Attachment B**. The proposed building envelope is illustrated at **Figure 8** below.

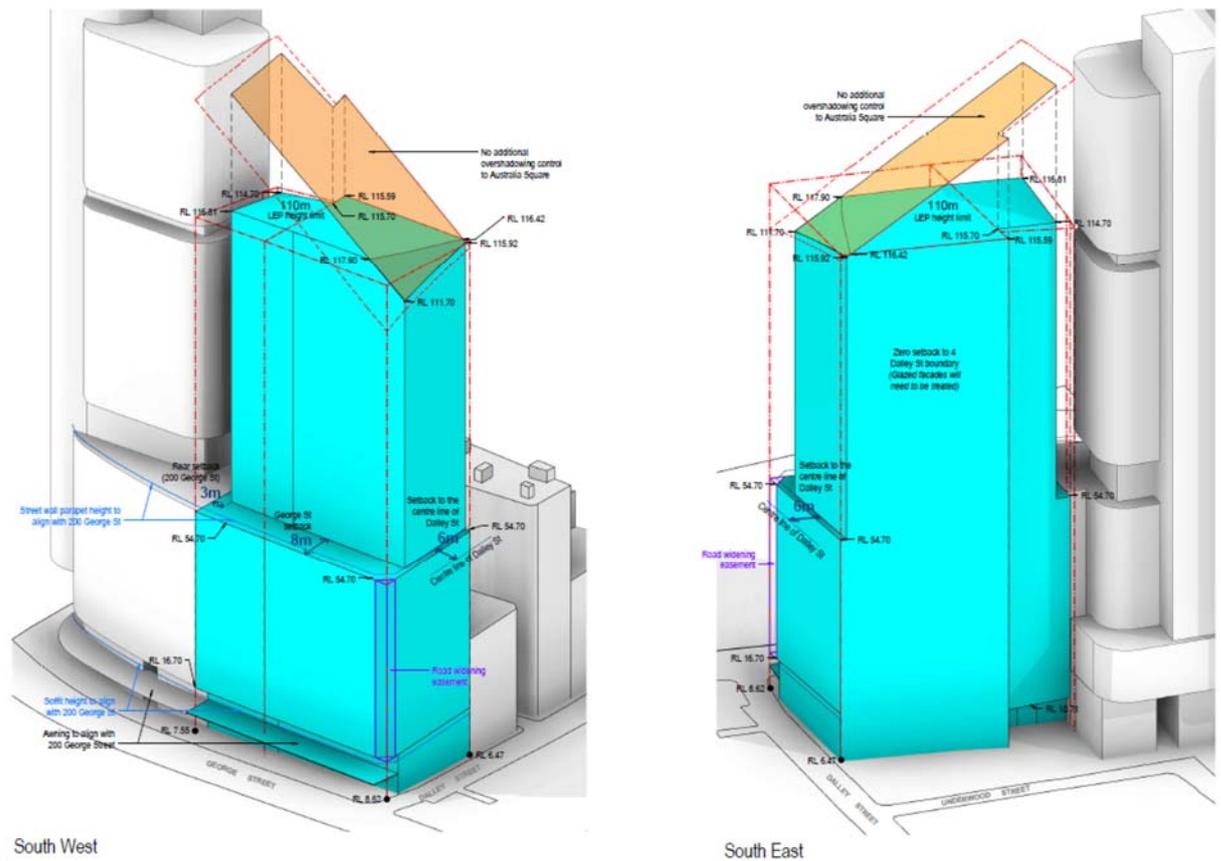


Figure 8: Proposed building massing envelope



Figure 9 and 10: Photomontages along George Street

**PRE-LODGEMENT**

14. Three meetings were held with Council officers prior to lodgement to discuss key planning and design considerations for the proposed development. Council officers raised a number of issues to consider, including:
  - (a) setbacks above podium;
  - (b) tower separation between 200 George Street and the site;
  - (c) wind effects;
  - (d) roof to be used for future tenants, rather than a roof feature;
  - (e) eastern façade to be addressed, due to 4 Dalley Street having reached its development potential; and
  - (f) site access.
15. The above identified issues are discussed in this report.
16. The Applicant also met with Sydney Metro / Transport for New South Wales (TfNSW) as the future Sydney Metro Chatswood Sydenham line will cross beneath the site. Sydney Metro requested various information to be included within the Stage 1 DA. This has been included and was referred to TfNSW for comment and is discussed further below.
17. The site also includes an Ausgrid substation, which will be required to be decommissioned as part of the construction of the development. The Applicant has been consulting with Ausgrid and the DA was referred to them for comment and is discussed further below.

**CITY OF SYDNEY ACT 1988**

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

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

- (1) *The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.*
- (2) *The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.*

- (3) *The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.*
- (4) *The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee."*
19. The delegation referred to under Clause 51(3) above, is with the Director City Planning, Development and Transport.
20. Having liaised with the City's Access Unit, in this instance, the proposal is not considered to have a significant impact on traffic and transport in the CBD, and consultation with the CSTTC is not necessary.

### **ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS**

21. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- (a) Environmental Planning Instruments and DCPs.

### **State Environmental Planning Policy No 55—Remediation of Land**

22. 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.
23. No physical works are proposed at this stage. Relevant contamination documentation will be required to be submitted with the Stage 2 DA to ensure that contamination issues can be addressed.

### **State Environmental Planning Policy (Infrastructure) 2007**

24. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.
25. In accordance with Schedule 3, the proposal is traffic generating development. The proposal was referred to the RMS for comment. RMS responded that TfNSW would provide the response, which are included as conditions of consent.

### **Clause 45**

26. The application is subject to Clause 45 (Subdivision 2 - Development likely to affect an electricity transmission or distribution network) of the SEPP as the development will remove the substation on the site.
27. In accordance with the Clause, the application was referred to Ausgrid for a period of 21 days and no objection was raised, subject to conditions regarding supply of electricity, protection of underground cables and substation requirements.

**Clause 86**

28. The application is subject to Clause 86 (Subdivision 2 - Excavation in, above or adjacent to rail corridors) of the SEPP as the development is located directly above the Sydney Metro City and South West Corridor and therefore concurrence is required from Sydney Trains.
29. In accordance with the Clause, the application was referred to Sydney Trains for a period of 21 days. Sydney Trains responded through a collaborative letter with TfNSW, as the proposal primarily pertained to the Sydney Mero future rail corridor and light rail. The proposal is acceptable subject to conditions.

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

30. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
31. 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; and
  - (d) protect and rehabilitate riparian corridors and remnant vegetation.
32. 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 LEP 2012**

33. The site is located within the B8 – Metropolitan Centre zone. The proposed use is defined as commercial, entertainment and retail uses and is permissible.
34. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	<p>A maximum height of 110m is permitted.</p> <p>A height of 110m (RL117.90) is proposed.</p> <p>The site is also affected by Clause 6.19, which restricts development that may result in any part of a building from causing additional overshadowing at any time between 12pm and 2pm between 14 April and 31 August to Australia Square.</p> <p>The proposed development has been designed to respect these coordinates.</p> <p>A condition is recommended prohibiting any projections which would result in overshadowing.</p> <p>The proposal is also considered to satisfy clause 6.16, as the site is over 800m<sup>2</sup>. The application has been assessed against the objectives of the Clause and is able to comply.</p>
4.4 Floor Space Ratio (FSR)	Yes	<p>The site is identified as being within area A1, which permits 8:1 plus an additional 4.5:1 for retail and office premises under clause 6.4 and therefore a total FSR of 12.5:1 is permitted.</p> <p>A FSR of 12.5:1 is proposed. The applicant has indicated that they will be seeking an additional 10% FSR through the Design Excellence provisions. The development will also be seeking additional 'incentive' floor space for end of journey and entertainment floor space through clauses 6.6 and 6.7. The request for additional floor space will be assessed when applications are made. No additional floor space is to be approved as part of this application.</p> <p>The Applicant has illustrated in the indicative concept plans that the proposed building envelope has the capacity to comply with the relevant FSR for the site as well as bonus FSR.</p>

<b>Compliance Table</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
5.9 Preservation of trees or vegetation	Yes	There are five existing street trees on George Street. These have been approved for removal as part of the light rail works.
5.10 Heritage conservation	Yes	The subject site is located in the vicinity of a number of heritage listed items. However, the proposed envelope will not impact on these items.  The proposed scale of the envelope and its siting is not considered to detract from the significance of these items and is acceptable with regard to the provisions of Clause 5.10.
6.3 Additional floor space in Central Sydney	Able to comply	The proposed building envelope and indicative uses are eligible for an amount of additional floor space. See discussion elsewhere in this table.
6.4 Accommodation floor space	Able to comply	As the site is within Area 1 of Central Sydney, it is eligible for an additional amount of accommodation floor space of up to 4.5:1 for office, business or retail premises. This has been discussed above.
6.11 Allocation of heritage floor space (HFS)	Able to comply	The utilisation of any additional floor space and/or competition bonus floor space will be subject to a condition at Stage 2 requiring the transfer and allocation of HFS.

<b>Compliance Table</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
6.21 Design excellence	Able to comply	<p>Up to an additional 10% of FSR or height may be granted to a development that has been subject of a competitive design process and considered to exhibit design excellence.</p> <p>A Design Excellence Strategy has been submitted with the application and is endorsed by Council officers.</p> <p>Bonus floor space will be pursued through the competitive design process. The indicative floor plans demonstrate that the proposed building envelope is capable of accommodating up to 10% additional FSR. However, this is subject to assessment following completion of the competitive design process.</p> <p>It is also considered that the proposed development is able to facilitate a detailed design that is capable of achieving design excellence.</p>
<b>Part 7 Local provisions—general</b>		
Part 7 Division 1 Car parking ancillary to other development	Able to comply	<p>The proposal seeks up to three levels of basement car parking for the site.</p> <p>Car parking numbers for the commercial and retail uses can only be assessed and confirmed as part of a Stage 2 DA.</p> <p>Parking numbers are determined having regard commercial floor space, which is only conceptual at this stage.</p> <p>Car parking numbers and basement levels will not be approved as part of this Stage 1 application.</p>
7.14 Acid Sulphate Soils	Yes	The site is identified as containing class 5 Acid Sulphate Soil. The proposal is for Stage 1 and no works are proposed.

Compliance Table		
Development Control	Compliance	Comment
7.15 Flood planning	Yes	<p>The site is identified by Council as being flood prone.</p> <p>Council's Engineers requested that the plans be amended to comply with flood levels and a certificate be provided.</p> <p>Amended plans were submitted and are acceptable. Further work in regard to flooding will be required as part of any Stage 2 DA.</p>
7.16 Airspace operations	Yes	<p>The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.</p>
7.20 Development requiring preparation of a development control plan	Yes	<p>As the height of the proposed building envelope exceeds 55m, preparation of a specific DCP is required.</p> <p>However, in accordance with the provisions of Section 83C of the <i>Environmental Planning and Assessment Act 1979</i>, the lodgement of a Stage 1 DA may be considered by the consent authority as satisfying the obligation.</p>

### Sydney DCP 2012

35. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

3. General Provisions		
Development Control	Compliance	Comment
3.1 Public Domain Elements	Yes	<p><i>Streets, lanes and footpaths</i> The proposed development is bound by George and Dalley Streets and indirectly Underwood Street to the east. The DCP requires an active street frontage to George Street, which is to be provided through retail tenancies, to be detailed in the Stage 2 DA.</p> <p><i>Public art</i> A Public Art Strategy is to be further developed for the site in accordance with the SDCP 2012 and the Public Art Policy. This will form part of the Stage 2 DA.</p>
3.2 Defining the Public Domain	Yes	<p><i>Improving the public domain</i> The proposal will address and activate the street frontages. An awning is required along George Street, which the applicant has noted will be provided to align with the awning of 200 George Street. The detailed design of this will be addressed as part of the Stage 2 DA.</p> <p>Council's Public Domain Unit have recommended suitable conditions, including Public Domain Plan to be submitted as part of the Stage 2 DA.</p> <p><i>Wind</i> As the proposed envelope is greater than 45m in height, the building must satisfy nominated wind standards to maintain comfortable conditions for pedestrians and encourage the growth of street trees.</p> <p>The Applicant has submitted a Pedestrian Wind Environment Statement. The report states that the existing site wind conditions exceed the desired criteria.</p> <p>The testing indicates that due to the tower massing the ground level areas will experience equivalent or better wind conditions.</p> <p>This will be further detailed in the Stage 2 DA, where detailed design will resolve potential wind effects.</p>

<b>3. General Provisions</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
3.3 Design Excellence and Competitive Design Processes	Yes	<p>The Stage 2 application will be subject to a competitive design process, and a condition of consent is recommended accordingly.</p> <p>The Applicant has prepared a Design Excellence Strategy which provides the framework for the competitive design process. The Strategy is recommended for approval as part of the Stage 1 consent. Refer to the Issues section.</p>
3.5 Urban Ecology	Yes	There are five street trees on George Street. These trees are approved to be removed as part of the Sydney light rail works (not part of this application).
3.6 Ecologically Sustainable Development	Able to comply	ESD targets and initiatives to be carried through to the competitive design process and future phases of the development have been set out in the submitted ESD report. Refer to the Issues section.
3.7 Water and Flood Management	Yes	<p>The site is identified as being on flood prone land.</p> <p>The Stage 1 concept design has been assessed and is acceptable from a flooding perspective, and will be subject to further assessment at Stage 2.</p>
3.9 Heritage	Yes	<p>The proposed building envelope will not detrimentally impact on nearby heritage items. The proposal generally complies with the relevant aims, objectives and controls of the DCP.</p> <p>General recommendations regarding the proposal, include the selection of quality materials and appropriate finishes and colours to avoid impacts on the heritage items in proximity, and generally attempting to minimize the bulk of the building with appropriate façade treatment. These can be addressed as part of the design competition.</p>

<b>3. General Provisions</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
3.11 Transport and Parking	Able to comply	<p>The Stage 1 DA proposes up to three levels of basement car parking. The access to the parking is from Dalley Street and the access to the servicing is from Underwood Street; these are considered to be the most appropriate locations.</p> <p>Parking numbers and basement levels will not be approved as part of the Stage 1 DA. Details regarding general parking provisions, including car and bicycle parking, end of trip facilities, loading and servicing will be assessed as part of the future Stage 2 DA. Suitable conditions are recommended.</p>
3.12 Accessible Design	Able to comply	Access and facilities for persons with disabilities in accordance with the DCP and the BCA must be incorporated in the Stage 2 development.
3.13 Social and Environmental Responsibilities	Able to comply	The Stage 2 development application should satisfy the applicable provisions in respect of passive surveillance and CPTED principles.
3.14 Waste	Able to comply	The Stage 2 development will need to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.

<b>4. Development Types</b>		
<b>4.2 Residential flat, commercial and mixed use developments</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
4.2.1.2 Floor to ceiling heights	Able to comply	<p>The indicative sections show the basement and ground floor having 4.5m floor to floor heights and the commercial floor above having 3.6m floor to floor heights.</p> <p>A suitable condition is recommended that this level is met in the detailed design of the Stage 2 DA.</p>



5 Specific Areas		
5.1 Central Sydney		
Development Control	Compliance	Comment
5.1.2 Building Setbacks (continued)	Yes	<p>No setback is proposed to the southern portion of the eastern façade, which adjoins 4 Dalley Street. As 4 Dalley Street is included within the site area of the developed 200 George Street, it is considered unlikely that this site will be further developed. The façade is to be treated as a party wall. The Applicant has acknowledged that there are opportunities for the eastern façade, which could be achieved through the design competition and Stage 2 DA, such as public art opportunities, façade fenestration or alternative façade materiality and variation.</p> <p>Notwithstanding the above, the northern portion of the eastern façade is to be setback from the eastern side boundary, as there is an easement for light and air benefitting 200 George Street (4 Dalley Street).</p> <p><i>Setbacks for buildings adjoining or fronting lanes</i></p> <p>Where development fronts a lane, it is to be built to the street alignment up to required street frontage height.</p> <p>Dalley Street is identified as a lane. While not required to be setback 6m from the centre of the lane (proposal is not for a hotel, residential or serviced apartments), the proposal will achieve this setback.</p>
5.1.4 Building bulk	Yes	Above a height of 45m, the maximum dimension of the tower footprint is 44.5m.
5.1.5 Building exteriors	Yes	The articulation and materials of the building will be detailed at the Stage DA and following the completion of the Architectural Design Competition.

<b>5 Specific Areas</b>		
<b>5.1 Central Sydney</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
5.1.8 Award and allocation of heritage floor space	Able to comply	<p>The Sydney LEP 2012 enables consent to be granted to a building in Central Sydney that exceeds the maximum FSR if an appropriate amount of HFS is allocated and transferred to the site.</p> <p>However, as the precise quantum of floor space is not approved as part of a Stage 1 DA, the calculation and allocation of HFS will occur at Stage 2.</p>

<b>6. Specific Sites</b>		
<b>6.1.4 The APDG Site</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
6.1.5.2 Streets, lanes and through-site links	Yes	<p>Opportunities can be provided for outdoor dining on George Street through the Stage 2 development.</p> <p>Dalley Street will maintain its character as a wide lane and function as a service street.</p> <p>An increased footpath is proposed at the corner of Dalley and George Streets. This steps to a zero street level setback to align with 4 Dalley Street.</p>
6.1.5.6 and 7 Active frontages and awnings	Yes	An active frontage and awning will be provided on George Street, which will be detailed within the Stage 2 DA.
6.1.7 Parking and Vehicular access	Yes	The proposed vehicular access points are consistent with the existing development and the APDG vehicular access plan.

**ISSUES****Street Frontage**

36. The Applicant has stated that the redevelopment creates opportunities to increase the amenity of the ground plane and therefore improve the pedestrian environment. This would be achieved through measures such as increased activation of the street frontage, reducing the width of vehicular access and improving sightlines for pedestrians
37. While the activation of the George Street frontage is supported and will provide finer grain retail, the treatment of the podium at the corner of Dalley and George Streets is to be further addressed within the design competition and the Stage 2 DA. The building form should more closely align to the street edges and should provide a more continual simplified alignment to the street corner instead of the multi-faceted approach indicated in the plans below.
38. The indicative plans also indicate external escalators leading to a level 1 commercial lobby. The applicant has stated that having the lobby at this level provides a number of benefits, including the possibility of a large terrace area which could be landscaped; provides additional public open space; increases the amount of active frontages available; and would provide a distinct entrance to the development.
39. In its current form, the lobby at level 1 is not supportable. The lobby should either be at footpath level or, the escalators should be contained wholly within the glass line of the building. External escalators are not supported.
40. The carpark entrance from Dalley Street is excessively wide with the steps from the podium forming an awkward juxtaposition with the driveway. This arrangement creates legibility issues for pedestrians and will therefore require further resolution in the Stage 2 DA.
41. Notwithstanding this, it is noted that current title restrictions require the retention of vehicular access from Dalley Street; the Applicant has stated that the potential integration of basement and loading access via Underwood Street would allow for further improved treatment of Dalley Street. This is supported and vehicular access from Underwood Street is preferred. The Applicant is pursuing securing the necessary legal rights of access.

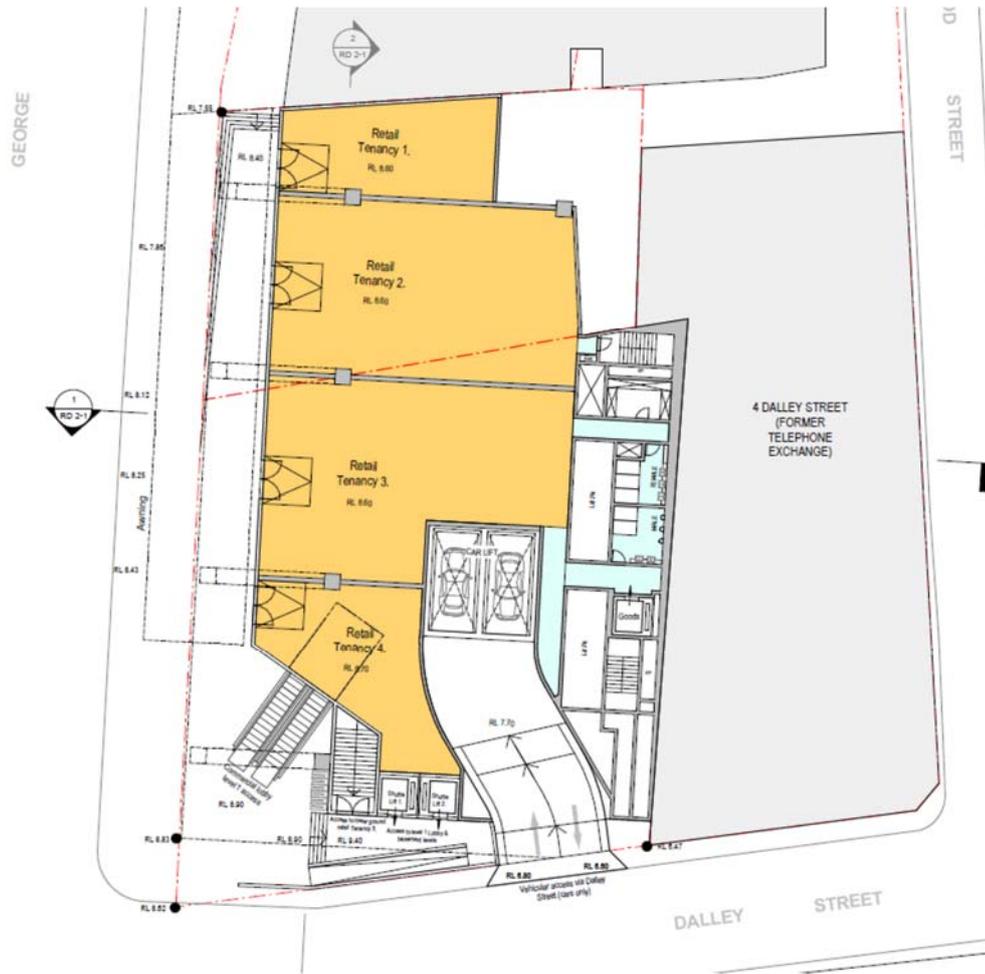


Figure 11: Upper Ground Floor Plan



**Figure 12: Level 1 commercial lobby**

## ESD

42. The Applicant submitted an ESD report that sets out minimum ESD targets and initiatives to be implemented in the development of the site.
43. The Applicant has made the following minimum ESD commitments:
  - (a) 5 star Green Star Design and As Built rating;
  - (b) 5 star base building NABERS Energy for Offices rating;
  - (c) Spatial allowance for connection to the future George Street Recycle Water Supply Scheme; and
  - (d) Signing Green Leases for new tenants, as per the Better Building Partnership's best practice for office commercial green leases

44. ESD targets and sustainability initiatives will be carried through the competitive design phase, design development, construction, and through to completion of the project to deliver an exemplar of environmentally sustainable development. An appropriate condition is recommended.

### **Design Excellence**

45. As discussed previously, the proposed building envelope exceeds 55 metres in height and therefore must be subject to a competitive design process prior to the lodgement of any Stage 2 DA for that development lot.
46. A Design Excellence Strategy was submitted with the application, As amended, the strategy addresses the requirements of the Competitive Design Policy and the Sydney DCP 2012.
47. The Design Excellence Strategy requires the selection of architects participating in each competitive process to be undertaken in consultation with the City. Each competitor will be a person, corporation or firm registered as an architect in accordance with the NSW Architects Act 2003 or, in the case of interstate or overseas competitors, eligible for registration.
48. The Design Excellence Strategy is considered satisfactory and is recommended for approval as part of this Stage 1 DA.

### **Access**

49. It is recommended that disabled access be provided in accordance with the provisions of the Sydney DCP 2012. Appropriate conditions will be applied to the relevant Stage 2 DA.

### **Other Impacts of the Development**

50. The proposed development is capable of complying with the BCA.
51. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

### **Suitability of the site for the Development**

52. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial surrounding and amongst similar uses to that proposed.

### **INTERNAL REFERRALS**

53. The application was discussed with the Heritage and Urban Design Specialists; Building Services Unit; Environmental Health; Licenced Premises; Public Domain; Safe City; Surveyors; Transport and Access; Social Planning; Tree Management; Waste Management; who advised that the proposal is acceptable subject to the recommended conditions.
54. Where conditions were recommended that relate to physical work, such as construction management conditions, these have not been included and will only be matters for consideration at Stage 2.

**EXTERNAL REFERRALS**

55. The application was referred to TfNSW, Roads and Maritime, Ausgrid, Transgrid, Office of Water and Sydney Light Rail.
56. TfNSW advised that the Applicant should consult with Sydney Light Rail in relation to the Stage 2 application for construction access arrangements and impact on rail infrastructure.
57. Ausgrid consents to the proposed development subject to conditions regarding electricity connection and protection of infrastructure.
58. Transgrid has also recommended that consultation be undertaken prior to the lodgement of the Stage 2 DA.

**Notification, Advertising and Delegation (Submissions Received)**

59. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 41 days (extended for the Christmas period) between 9 December 2016 and 19 January 2017. As a result of this notification there were two submissions received. Issues raised are addressed below.

(a) **Easement**

The location of the proposed envelope is inconsistent with the easement in place benefiting 200 George Street for light and air.

**Response** – This was an error on the plans and has been amended accordingly, so as not to infringe on the easement.

(b) **Setbacks**

The proposed tower envelope does not support an appropriate built form outcome and does not have appropriate regard to surrounding development within the Alfred, Pitt, Dalley, and George (APDG) Street block. Specific reference is made to the proposed setbacks.

**Northern Setback**

While compliant with the DCP, the proposal does not suitably address Clause 6.15 of *Sydney Local Environmental Plan 2012*, as it does not consider the special site and contextual considerations that warrant a greater setback to 200 George Street, which was the subject of a competitive design process, which delivered a very unique and iconic building form outcome. View lines and the light and air provided to 200 George Street should also be protected.

**Response** – The proposed building is in accordance with the setback controls and will provide a 7m setback to the 200 George Street façade. The development will be subject to its own competitive design process, where the design will be considered in detail.

### Southern Setback

Concern is raised from a built form and pedestrian amenity (wind, reduced daylight, overlooking and sense of enclosure) perspective with respect to the southern setback (1m) to Dalley Street.

The corner of George and Dalley Street is considered to be an important gateway for the northern/Circular Quay end of the Sydney CBD. Special attention to the urban design outcome of this corner should therefore be had in terms of testing variations to setbacks.

**Response** – Particular regard will be given through the competitive design process to ensure that an appropriate outcome is achieved along Dalley Street and importantly at the corner with George Street.

Clause 5.1.2.1(2) of the Sydney DCP 2012 states that *'the weighted average setback may be reduced on secondary or minor pedestrian streets, provided that an average weighted setback of at least 8m is maintained on north-south streets and major pedestrian streets.'*

The applicant is proposing to provide an 8m setback on George Street (the north-south street), this is also to be reinforced within the competitive design process. The 1m setback is considered appropriate, subject to further wind testing, which will be required as part of the Stage 2 DA through the competitive design process.

### Western Setback

No flexibility should be allowed for the western setback to be reduced to 6m.

200 George Street has at its southern end of the tower setback at least 8m and is curvilinear in form. There is the potential for a poor urban design transition to be achieved if the development of 210-220 George Street comes proud of 8m at its northern end. It is recommended that Council as part of any consent granted impose a condition restricting the reduction of setbacks to George Street at the northern end of the site.

**Response** – An 8m setback is to be maintained and it is not recommended to be reduced. Notwithstanding this, the proposal will be subject to a design competition to ensure design excellence.

### (c) **Height**

The ability to achieve a building height of 110m is questioned as the indicative design scheme does not reflect a realistic commercially viable design outcome on the site.

**Response** – The proposal has been designed to the controls and is seeking the maximum allowable height on the site. This will be further developed through the competitive design process.

(d) **Design Quality**

It must be ensured that a high-quality design outcome is achieved. We note that the quality of design and development outcomes being delivered within the APDG block are of a high quality and of international standing. The site's location on George Street, being one of Sydney's more important and historic connections, requires a high level of expectation in terms of design outcomes.

**Response** – If consent is granted for the Stage 1, any Stage 2 will be required to go through a competitive design process to ensure design excellence.

(e) **Views**

The proposal will unacceptably reduce iconic views from 259 George Street to the Opera House and Sydney Harbour, which will impact on the amenity of office workers

Response – 259 George Street currently provides partial glimpses from the upper levels to the Opera House and Sydney Harbour. The views that the building previously had were blocked by the 200 George Street development. The proposed development complies with the relevant controls for the site, with the exception of the street frontage height by 1.6m to George Street. The setback to the north is compliant, which is where the slight impact on the view results. Notwithstanding this, the buildings are commercial and it is expected that tall buildings are built in the CBD.

It should also be noted that the future development of the APDG site, such as the LendLease Circular Quay Tower, is likely to impact on existing views towards the north east.

(f) **Solar Access**

The proposal will result in an unacceptable overshadow of 259 George Street, including the outdoor play space for a child care centre on level 5 as well as the ground floor food court plaza in the morning. Increasing the overshadowing that is exacerbated by the building envelope encroachments is inappropriate and will reduce the current level of amenity enjoyed by occupants and visitors to 259 George Street in the morning at times of the year when it is appropriate and desirable to have access to sunlight.

**Response** – Shadow diagrams were provided with the application. The shadows of the existing buildings surrounding 259 George Street already overshadow the ground floor food court plaza and childcare centre at 9am and therefore there is no change from the proposed development in mid-winter.

The proposal will partially over shadow the food court plaza at the equinox at 9am, but as this shadow has moved by 10am, the impact is considered acceptable.

The proposal will have no impact on the solar access of 259 George Street at the summer solstice.

Due to the location and orientation of the site, shadow cast from 10am from the proposal could not overshadow 259 George Street. The applicant has provided further shadow diagrams to assist in this assessment to ensure that there is no additional overshadowing, other than very minor on little useable space.

(g) **Heritage**

The site is located opposite heritage listed buildings in Dalley Street (4 and 6 Bridge Street). The proposal has a poor interface with Dalley Street, including inappropriate setbacks.

**Response** – The proposed setback is compliant with the controls. Through the design competition, the proposal will be required to address its relationship with the buildings across Dalley Street.

It is noted in the Heritage Impact Assessment (HIA) submitted by the Applicant, and reviewed by Council's Heritage officer, that there will be negligible impact on the rear of these buildings. Notwithstanding the above, a further detailed HIA will be submitted with the Stage 2 DA.

(h) **Infrastructure**

The proposal does not give adequate consideration to the proposed Ausgrid tunnel that traverses the site and future railway lines.

**Response** – The proposal was referred to both Ausgrid and Sydney Trains, who have provided comment on the proposal and make no objection.

(i) The proposal has little regard to statutory controls relevant to the site and inadequate justification to vary such controls.

**Response** – The proposal generally complies with the relevant controls and the detailed SEE submitted with the application was considered appropriate to undertake an assessment of the proposed Stage 1 development.

(j) **Entertainment facility**

The proposal includes entertainment floor space; however, the application does not address impacts of such a facility (noise, anti-social behaviour, late night trading management). The potential impacts should be considered at this stage.

**Response** – The proposed entertainment facility is a concept and only indicates that an entertainment facility can be accommodated. Its impacts are not required to be addressed at this Stage 1 application. When actual details are provided at the Stage 2 DA, this is when impacts and further details of management will be required.

(k) **Street frontage**

The Sydney DCP 2012 requires a 45m street frontage height and the proposed departure by 1.6m impacts on view loss of 259 George Street and reduces the width of Dalley Street. This will result in a sense of enclosure, increase wind speeds, incompatible with heritage items, reduce natural light to the public domain and reduce opportunities for street planting.

**Response** – The street frontage height has been designed to reflect the street frontage height of 200 George Street and is considered appropriate in this context.

(l) **Vehicular Access**

The proposal includes two vehicular access points, with the Dalley Street access point reducing the ability to activate the street.

**Response** – The Applicant has advised that they would also prefer the one access point from Underwood Street; however, this is subject to securing legal access. The Applicant has advised that are undertaking ongoing consultation with the adjoining landowner to ensure this outcome.

(m) **Floor Space Ratio**

The proposal is seeking a FSR of 12.5:1 on the basis of providing accommodation space, end of trip facilities and entertainment space. Given the constraints of the site and the impacts of the development, the additional floor space is not appropriate, particularly when noting the FSR is limited to 8:1.

**Response** – the submission has misinterpreted the controls, and allocation of FSR has been discussed elsewhere in this report.

(n) **Flooding**

The site is impacted by flooding. As a specific flooding report was not submitted with the application, Council cannot be satisfied that the development meets the requirements with the Sydney LEP 2012.

**Response** – Council officers requested further information from the Applicant regarding flooding and Flood Planning Levels. This has been submitted and demonstrates that the proposal can meet flood requirements as part of any future detailed design of the building.

## **PUBLIC INTEREST**

60. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

## **FINANCIAL IMPLICATIONS**

### **S61 CONTRIBUTION**

61. A Section 61 Contribution will form part of the Stage 2 Development Application.

**RELEVANT LEGISLATION**

62. The Environmental Planning and Assessment Act 1979, the City of Sydney Act 1988.

**CONCLUSION**

63. The proposal seeks consent for a Stage 1 concept plan for a 25 storey building envelope with basement levels on the site at 210-220 George Street, Sydney.
64. The proposal generally complies with the Sydney LEP 2012 and the Sydney DCP 2012.
65. Considering the site's prominent location on George Street and within the APDG block, the restrictions imposed respecting the Australia Square overshadowing controls, in addition to the applicable planning controls; the proposed envelope and indicative land uses are acceptable and are an appropriate response to the site location and constraints.
66. Accordingly, Development Application No. D/2016/1675 for a Stage 1 development is recommended for approval, subject to recommended conditions, including a competitive design process for the future Stage 2 to ensure design excellence.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

(Bridget McNamara, Senior Planner)