

Item 4.**Development Application: 174-186 & 200A George Street and 33-35 Pitt Street, Sydney**

File No.: D/2017/1620

Summary

Date of Submission:	21 November 2017 Amended plans received 27 June 2018
Applicant:	Lendlease
Architect:	Fosters + Partners, Stewart Hollenstein
Developer:	Lendlease
Owner:	Lendlease (Circular Quay) Pty Ltd and City of Sydney
Cost of Works:	\$545,882,672
Zoning:	B8 Metropolitan Centre Zone, proposal permissible with consent
Proposal Summary:	<p>The application proposes construction of a 56 level commercial tower and podium building with 4 basement levels, demolition of Jacksons on George building and construction of a new 4 level commercial building, public domain works including new laneways, George Street and laneway level plazas, and a new public cycle facility.</p> <p>The proposal is an integrated application requiring approval from Water NSW under the Water Management Act 2000 and from the Heritage Council of NSW under the Heritage Act 1977.</p> <p>The subject site is located within the B8 Metropolitan Centre Zone. The proposed commercial premises and public domain works are permitted with consent in the zone.</p>

Proposal Summary:
(continued)

The site is located within a city block commonly known as the APDG block. Site specific provisions apply to the block within the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. The development proposes to utilise these provisions that allow for increased building height where activated recreation areas, lanes, and roads are provided. The proposal is consistent with the planning agreement registered on the site that requires the provision of specific public benefits including but not limited to the public plazas, a bicycle facility and business innovation floor space.

Competitive design processes were held for each building: a design competition for the commercial tower, and design alternatives on a competitive basis for the commercial building on the 'Jacksons on George' site. This application has been prepared as a development of both of the winning schemes. A quorum of the competition jury was reconvened to review the development of the commercial tower building with their recommendations included as part of design amendments.

A request has been submitted pursuant to Clause 4.6 of Sydney Local Environmental Plan (SLEP) 2012 to vary the applicable building height standard. An architectural roof feature is proposed above the tower building height limit. The roof feature complies with the criteria within Clause 5.6 of SLEP 2012 and the variation is supported in this instance.

The applicant has requested that the requirement in Clause 7.20 of the SLEP 2012 for a site specific development control plan be considered as being unreasonable or unnecessary in the circumstances. The request is supported in this instance as site specific controls in SLEP 2012 and SDCP 2012 apply to the APDG block.

The application was advertised and notified for a period of 28 days. Two submissions (from the same property) were received raising concerns with potential impacts on properties immediately to the north. Issues raised include visual impacts, acoustic impacts, loss of privacy, location of tree plantings, wind impacts and construction management issues. The impacts have been considered and are addressed via conditions or are considered to be reasonable in the circumstances. The amended plans were not required to be renotified as no new environmental impacts resulted from the amendments.

The application is considered to achieve the objectives for the APDG block controls and will contribute to the creation of the new laneway and through site link network within the city block with the provision of two new public plazas.

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

Development Controls:

- (i) State Environmental Planning Policy No. 55- Remediation of Land
- (ii) State Environmental Planning Policy No 64 - Advertising and Signage
- (iii) State Environmental Planning Policy (Infrastructure) 2007
- (iv) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation

Recommendation

It is resolved that:

- (A) the variation sought to the height of building standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance;
- (B) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in this instance; and
- (C) consent be granted to Development Application No. D/2017/1620, subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development the subject of the application is consistent with the objectives of the B8 Metropolitan Centre Zone for the reasons set out within the report.
- (B) The proposal is consistent with the objectives and controls for the site and the planning proposal which has the effect of a site specific DCP.
- (C) The proposal, subject to conditions, will not adversely impact upon the amenity of neighbouring properties.
- (D) The proposal, subject to conditions, will not impact upon the heritage item adjacent to the site.
- (E) The proposal is consistent with the terms of the planning agreement that is registered on the site.

Background

The Site and Surrounding Development

1. A site visit was carried out by Council staff on 7 February 2018.
2. The site is located within a city block commonly known as the APDG block being bound by Alfred Street to the north, Pitt Street to the east, Dalley Street to the south and George Street to the west.
3. The site is located at 174-176A, 178A, 178-186, 200A George Street and 33 - 35 Pitt Street. It has a combined frontage to George Street of 50.5m, a frontage to Pitt Street of 21.6m, a frontage to Underwood Street of 84.4m and a combined site area of 4,600sqm.
4. The site currently contains the Jacksons on George commercial building at 174-176A George Street; a commercial office building at 178 - 186 George Street, and a commercial office building at 33 - 35 Pitt Street. 200A George Street is a vacant piece of land known as the 'Mirvac Triangle', owned by the City. 178A George Street known as 'Crane Lane' is a pedestrian lane owned by the City. Blue Anchor lane, a private lane, runs through 178 - 186 George Street alongside Jacksons on George and connects to Rugby Place, a private lane that is located on 1 Alfred Street to the north of the subject site. The existing site configuration is shown in Figure 1 below.
5. Surrounding development includes the development to the north at 1 Alfred Street that is subject to demolition works. To the southwest the site adjoins the EY Centre commercial tower at 200 George Street. To the south across Underwood Street are two commercial office buildings that back on to Underwood Street. To the east across Pitt Street is the Marriott Hotel and businesses fronting Bulletin Place; and to the west across George Street is the Four Seasons Hotel.
6. The subject site has approval for demolition of existing structures at 178 - 186 George Street and 33 - 35 Pitt Street under D/2017/424. These works have commenced.
7. A concurrent development application (D/2017/1479) for "Bulk excavation, shoring works, construction of footings, lower basement slab and lift core slab and associated works" for the subject site is under assessment and will be considered at the Local Planning Panel at its meeting of 1 August 2018.
8. The heritage listed "Tank Stream including tanks and tunnels" is located in the vicinity of the site underneath and along Pitt Street to the east of the site.



Figure 1: Aerial image of subject site and surrounding area, site outlined yellow.

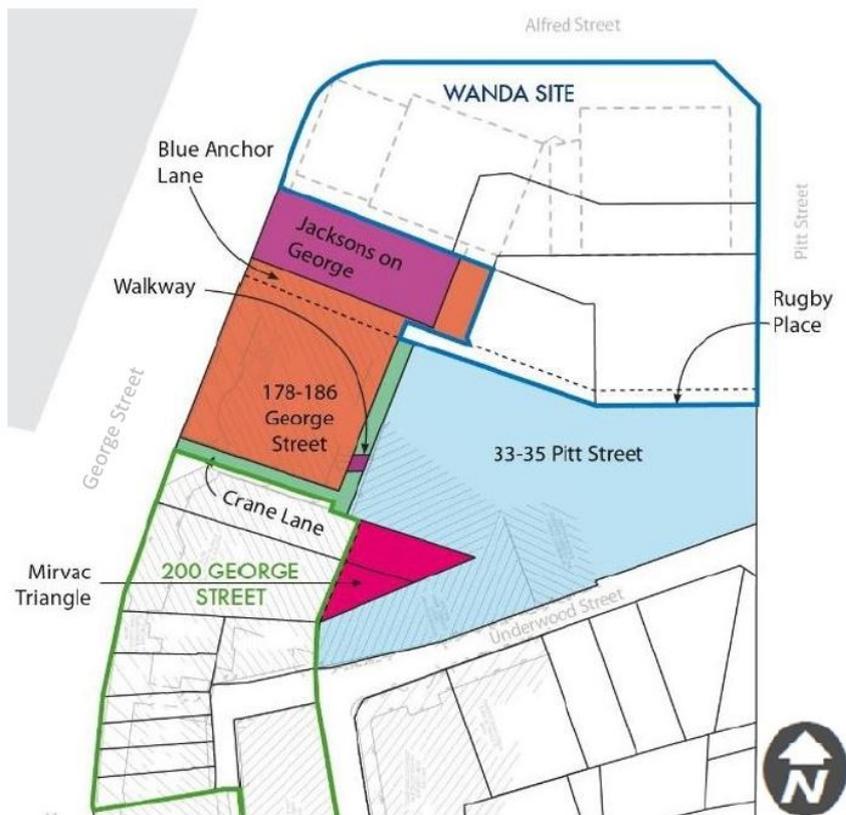


Figure 2: Plan of allotments within the northern part of the APDG block.



Figure 3: Site viewed from George Street looking east.



Figure 4: View of Crane Lane from George Street looking east.



Figure 5: Site viewed from George Street looking east.

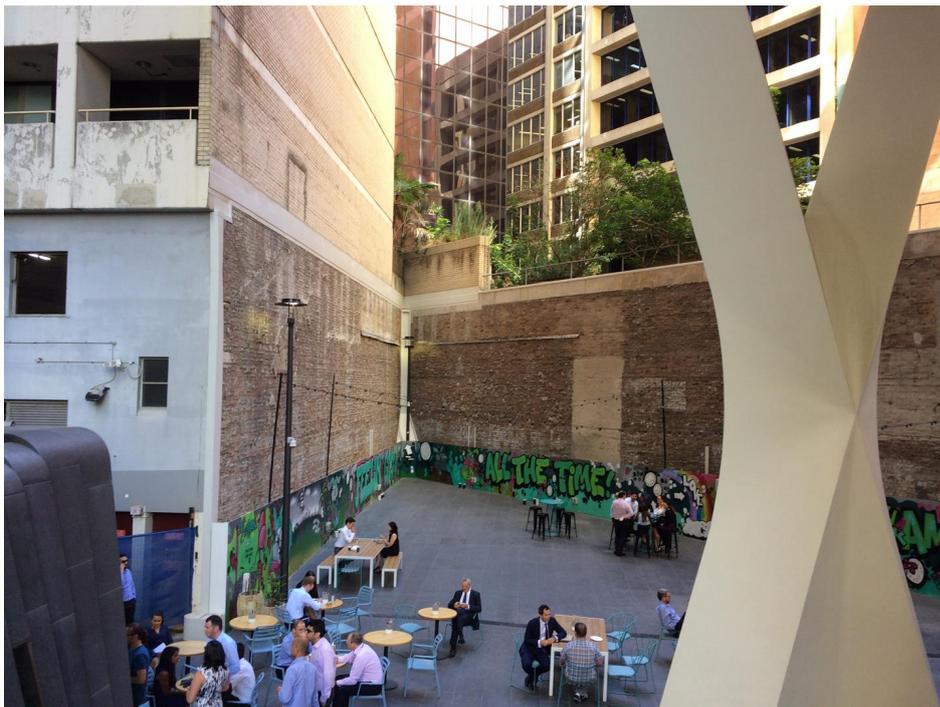


Figure 6: 'Mirvac Triangle' viewed from 200 George Street looking east.



Figure 7: Site viewed from Pitt Street at corner of Underwood Street.

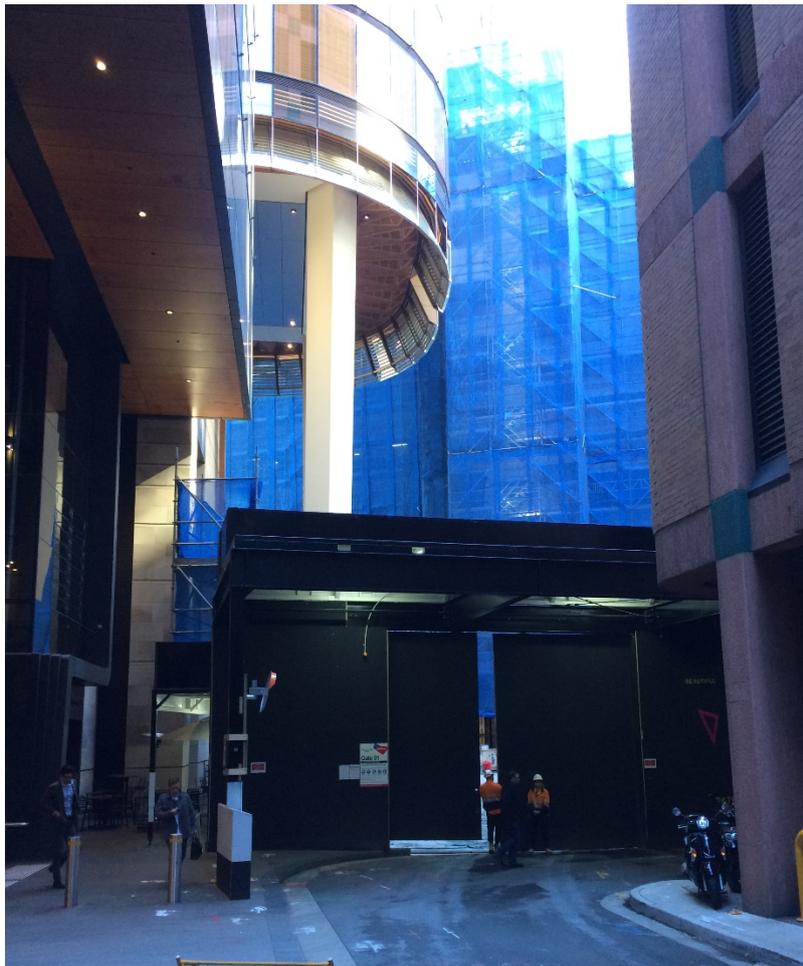


Figure 8: Site viewed from corner of Underwood Street looking north.



Figure 9: Site viewed from Pitt Street looking west along existing Rugby Place.

Proposal

9. The application seeks consent for the construction of a 56 level commercial tower and podium building with a 4 level basement (designed by Fosters + Partners), demolition of the "Jacksons on George" building and construction of a new 4 level commercial building (designed by Stewart Hollenstein), public domain works including new laneways, George Street and laneway level public plazas, and a new public cycle facility.
10. Following feedback from the design competition Jury (which was reconvened following lodgement of the DA), the Design Advisory Panel and Council officers, both buildings of the proposal were amended. The amended plans were submitted in June 2018.
11. The building envelope of the commercial tower was not altered. The key amendments to the commercial tower design as part of the amended plans are:
 - (a) Change in structural design from fully concrete to concrete core with structural steel frame. This results in a modified exterior expression to the building facade which more closely resembles the competition winning scheme;
 - (b) Plant floor relocated from Level 1 to Level 5;

- (c) Podium massing and materials amended (primarily involving the introduction of more masonry and solid elements);
 - (d) Amended articulation to southern facade;
 - (e) Solar shading revised;
 - (f) Revised glazing scheme; and
 - (g) Introduction of floor plate voids.
12. The key amendment to the Jacksons on George commercial building is the revised building facade system with the selection of a terracotta baguette material to the external veil/screen system.
13. Specifics of the proposal are as follows:
14. Commercial Tower (designed by Fosters + Partners):
- (a) Basement Levels
 - (i) Basement footprint generally extends from Pitt Street to George Street, under Crane Lane, the public bicycle facility, the future Community building, and the future public plazas;
 - (ii) Below ground connection to the commercial building on the former Jacksons on George site;
 - (iii) Parking for 88 cars, 11 motorcycles, 18 service vehicles, 2 courier motorcycle spaces (with the loading dock being accessible for the future spaces to be managed by the City ie. the public bicycle facility, the Community Building and the Business Innovation Spaces within the tower)
 - (iv) Storage rooms for tower and retails uses
 - (v) Garbage rooms
 - (vi) End of Trip facilities including storage for 458 bicycles, lockers, change rooms showers and workshop
 - (vii) Plant and service areas.
 - (b) Ground Floor (**Pitt and Underwood Street level**)
 - (i) Sixteen commercial laneway tenancies (12 under the tower and 4 under the George St public plaza fronting the laneway).
 - (ii) Business Innovation Space lobby entry from Underwood Street
 - (iii) Through site link from Underwood Street to new Rugby Place plaza
 - (iv) Vehicle entry from Underwood Street to basement levels
 - (v) Entry to tower lobby area above via Pitt Street stairs and elevator

- (c) Upper Ground Floor (**George Street level**)
 - (i) Tower lobby and bridge connection to George Street level plaza
 - (ii) Three outdoor terrace areas to the east, northwest and western sides of the building
 - (d) Levels 1 to 3
 - (i) Business innovation space floors (to be managed by the City)
 - (e) Level 4
 - (i) Office level
 - (f) Level 5 and mezzanine
 - (i) Plant room level
 - (g) Levels 6 to 23
 - (i) Office levels
 - (h) Level 24
 - (i) Plant room
 - (i) Levels 25 to 50
 - (i) Office levels
 - (j) Levels 51
 - (i) Office with outdoor green roof (not trafficable)
 - (k) Level 52 -53
 - (i) Office levels
 - (l) Levels 54 - 55
 - (i) Plant room within an architectural roof feature
15. Commercial Building on the former Jacksons on George site (designed by Stewart Hollenstein):
- (a) Four level commercial building with retail uses to Pitt Street level and George Street public plaza.
 - (b) Three levels (from George Street level and above) to contain food and drink premises accessed from George Street and the proposed George Street level public plaza with a roof top terrace area.
 - (c) Laneway level retail (3 tenancies) accessed from Crane Lane
 - (d) Below ground connection to the Fosters + Partners commercial tower basement.

16. Public Domain:
 - (a) George Street level public plaza space provided (finishes to form part of separate application).
 - (b) Pitt Street level public plaza to be known as 'Rugby Place'.
 - (c) Pitt Street level laneway network including north to south (Crane Lane) and east to west (Rugby Place) laneway connections and a north to south through site link through the tower building.
 - (d) 'Bike hub' (containing showers, change rooms, lockers, bicycle storage areas and a bike workshop area) located beneath the George Street public plaza but accessible at grade from the new laneway network. This facility is to be dedicated to Council.
17. Plans of the proposed development are provided in Attachment B. Selected drawings and plans of the development are shown below.



Figure 10: Northern skyline montage image.



Figure 11: Illustration of laneway perspective view looking south through Rugby Place.



Figure 12: Pitt Street perspective illustration looking west (left) and view from laneway (right).



Figure 13: Southern skyline montage image.



Figure 14: Illustration of commercial building on the former Jacksons on George site.

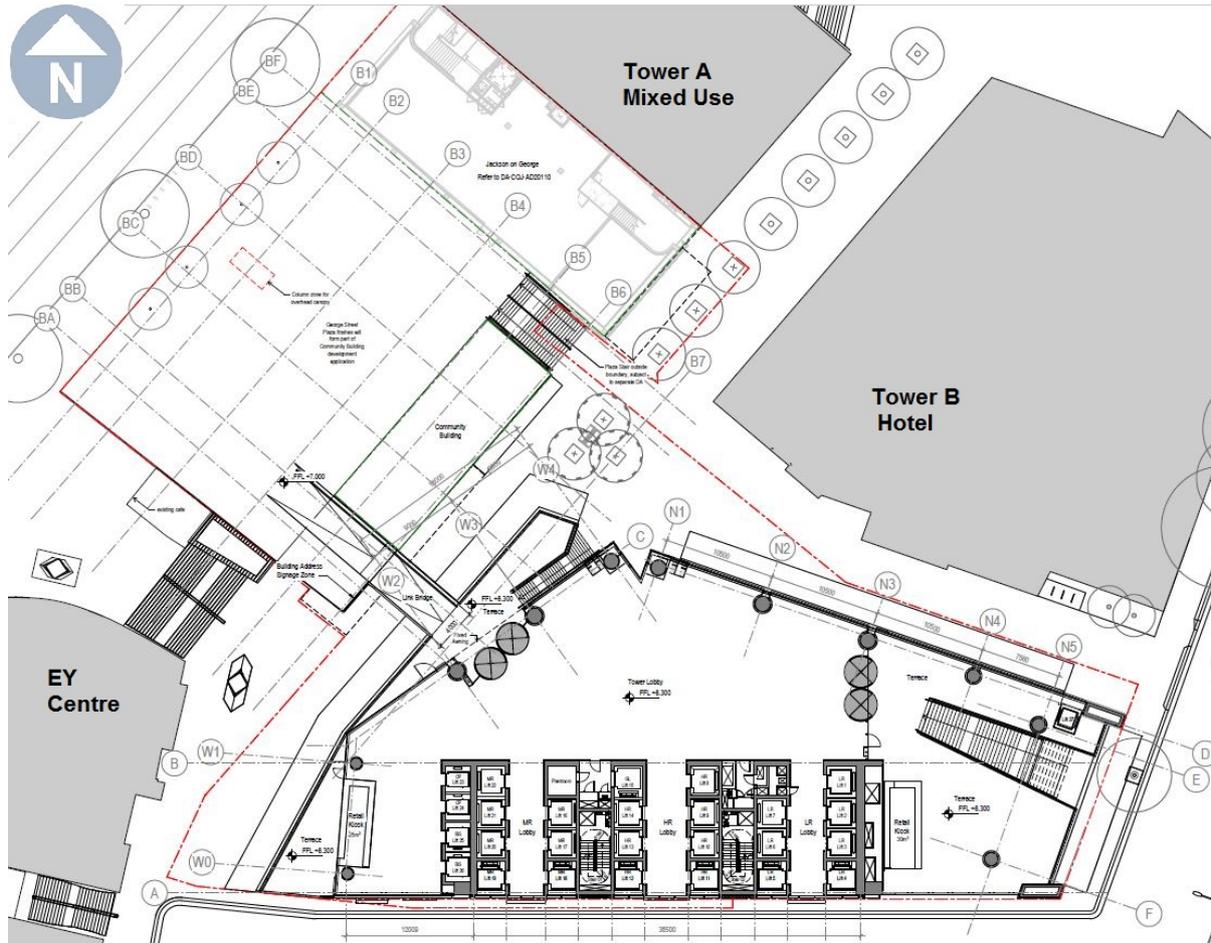


Figure 16: George Street level plan.

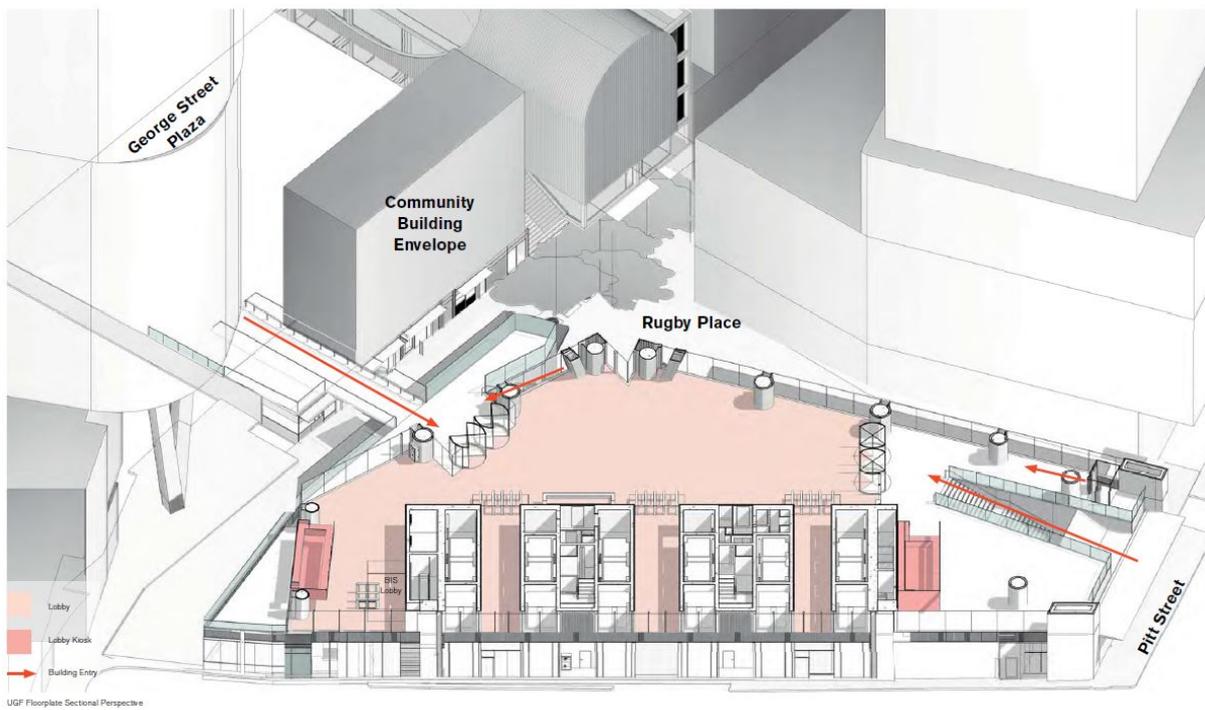


Figure 17: George Street level perspective view.



Figure 18: North (left) and northwest (right) elevations.

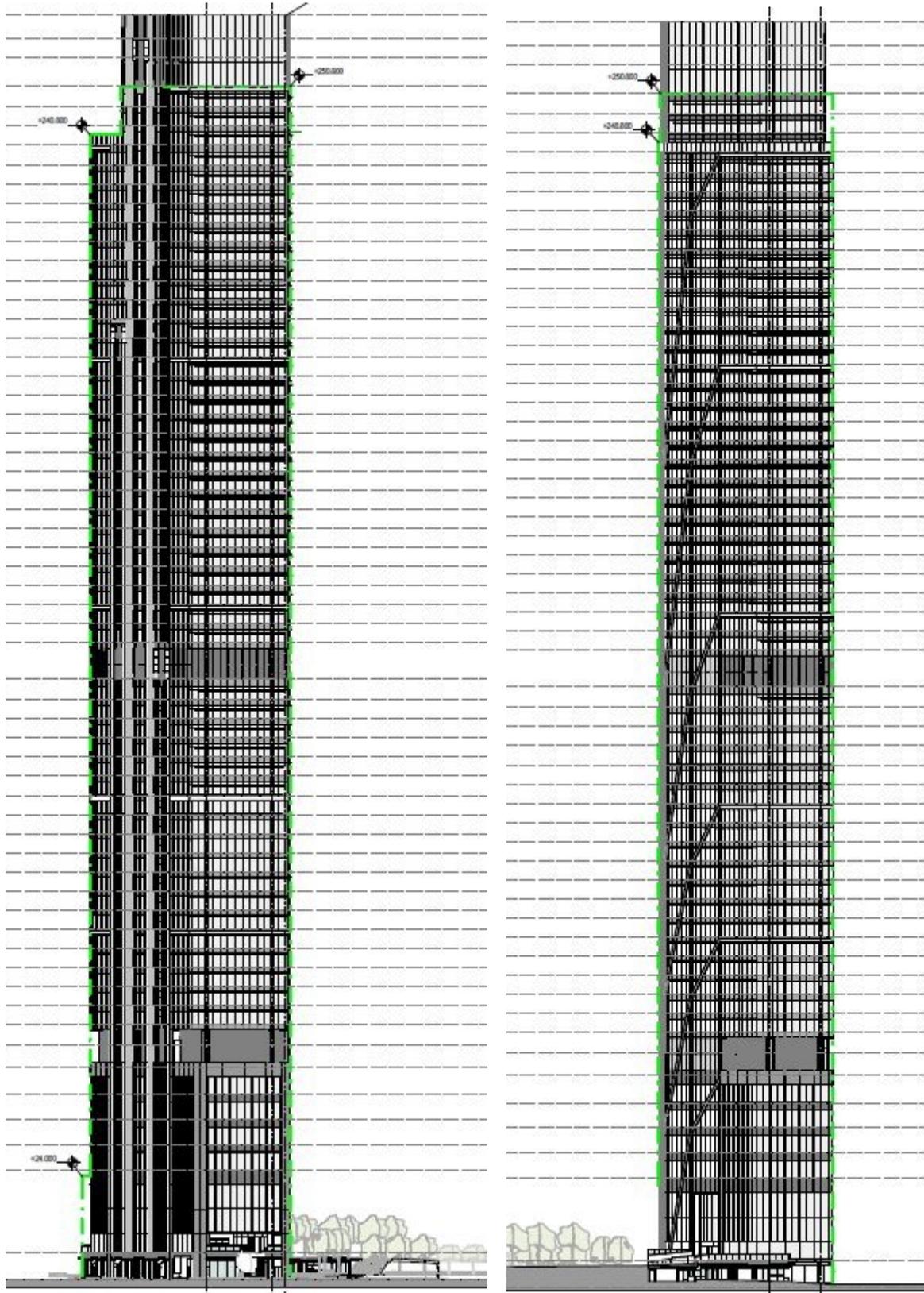


Figure 19: Pitt Street (East) (left) and west (right) elevations



Figure 20: Underwood Street (South) elevation.



Figure 21: Tower materials board.

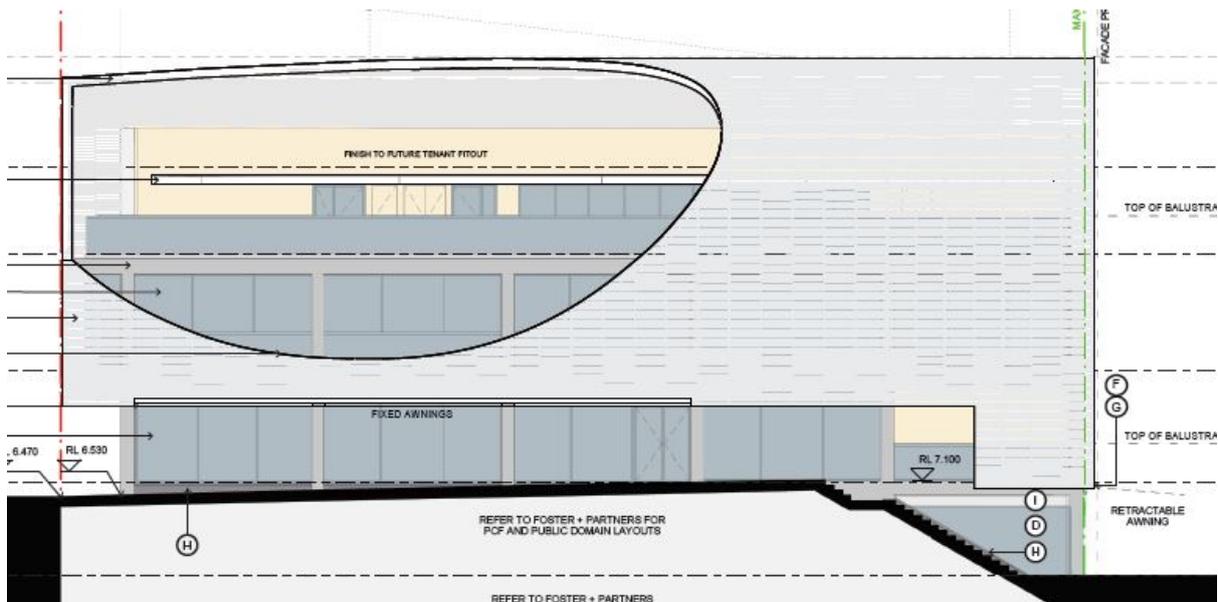


Figure 22: South elevation (from future public plaza), commercial building on former Jacksons on George site.



Figure 23: North elevation.

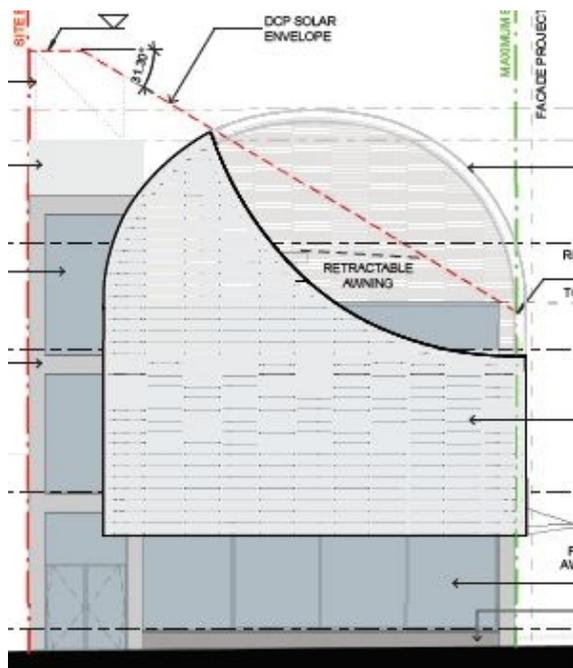


Figure 24: George Street/West elevation.

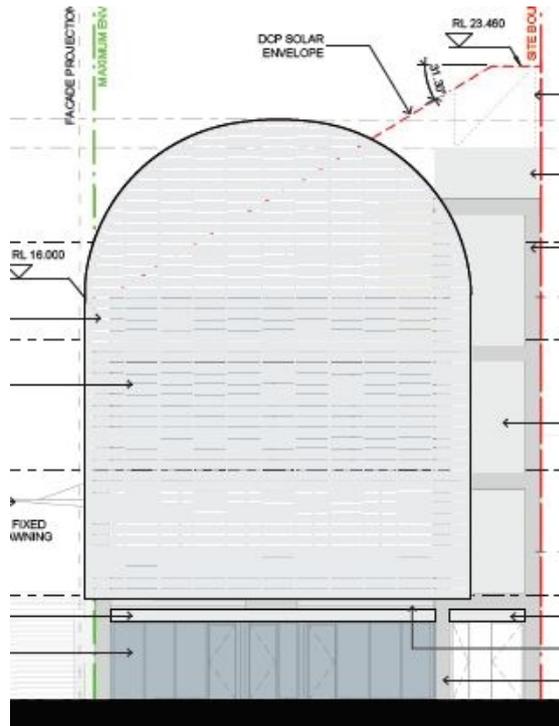


Figure 25: Crane Lane/East elevation.

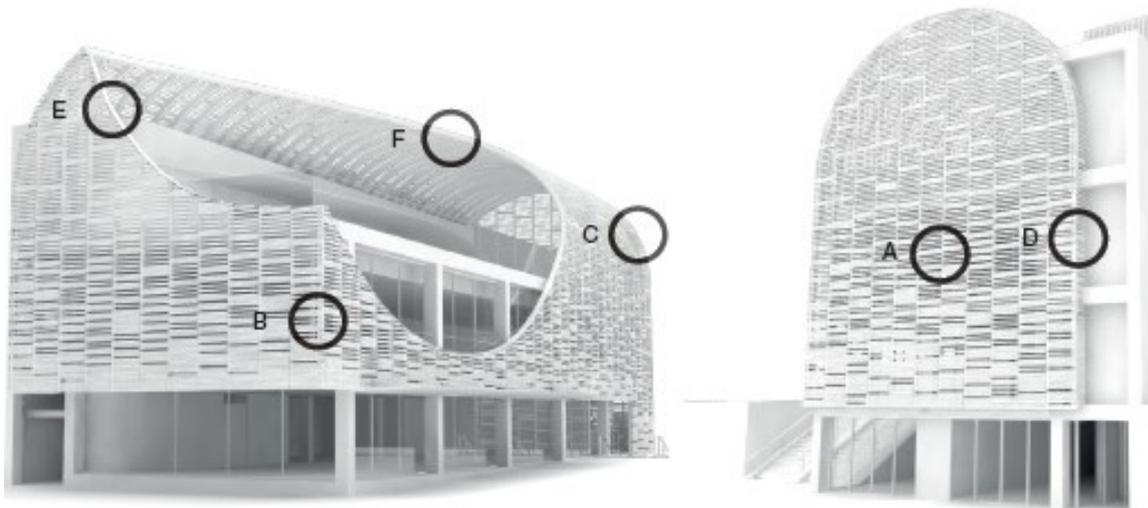


Figure 26: Commercial building veil system.

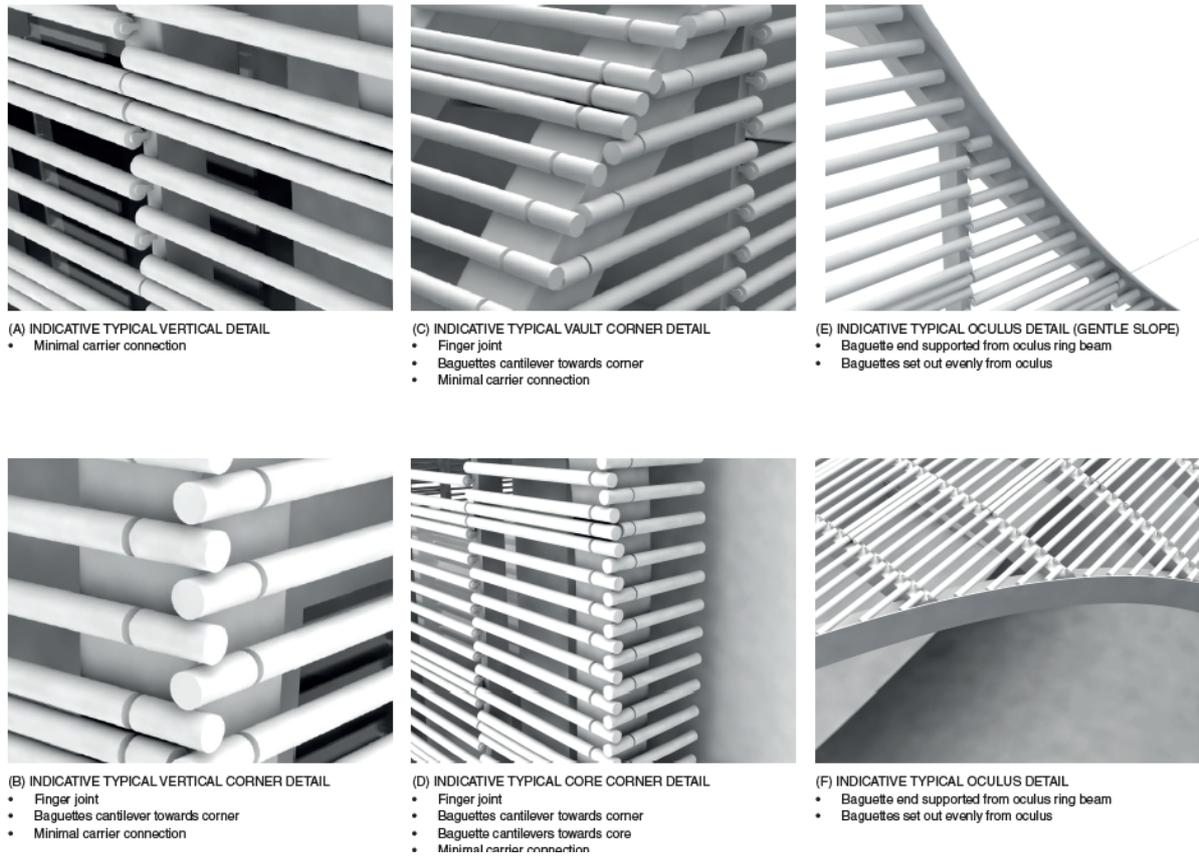


Figure 27: Typical detailing of the commercial building veil system.



Figure 28: Commercial building veil system material samples.

History Relevant to the Development Application

Subject Site

18. On 25 July 2016, a Planning Agreement (VPA) was executed between the Applicant (as Developer) and the City. The agreement provides for the transfer of land from the City to the Developer, the payment of a monetary contribution by the Developer, the transfer of land in stratum to the City, and the completion of Developer's works including:
 - (a) George Street Plaza;
 - (b) George Street Public Cycle Facility;
 - (c) Community Building;
 - (d) Lane Level Public Plaza;
 - (e) Laneways;
 - (f) Public Artwork; and
 - (g) Business Innovation Space Base Building Works.
19. On 2 December 2016, an amendment to Sydney LEP 2012 was gazetted (Amendment 30) relating to the APDG block. On the same day, an amendment to Sydney DCP 2012 came into effect. The LEP and DCP amendments allowed for additional building heights on the site the subject of this report if the development provides for publicly accessible open space, lanes and other links through the site.
20. On 12 December 2016, the Panel for the competitive design alternatives process for the former Jacksons on George site selected the Stewart Hollenstein scheme.
21. On 7 February 2017, the Jury for the design competition for the main commercial tower selected the Fosters + Partners scheme. It is noted that the architectural firms participating in the competition included both Australian and international firms. It is also noted that the competition Jury comprises the same members as the Selection Panel for the Jacksons on George site.
22. On 5 April 2017, development application D/2017/424 was approved for demolition of existing structures including basement levels on the site, decommissioning and demolition of substation and site establishment works. Demolition works on site have commenced.
23. On 1 August 2018, the Local Planning Panel will consider a report recommending approval of a separate development application (D/2017/1479) for "Bulk excavation, shoring works, construction of footings, lower basement slab and lift core slab and associated works". The application the subject of this report to the CSPC relies on these works.

24. On 21 March 2018, development application D/2018/278 was submitted for "Construction of part of stairs leading from proposed George Street public plaza to Rugby Place" at 1 Alfred Street, Sydney. This separate application has been lodged as a portion of the stairway between the two plaza areas is located on the adjoining allotment. These works would integrate with the public domain works the subject of this application. This application will be determined after the CSPC determination of the application the subject of this report.

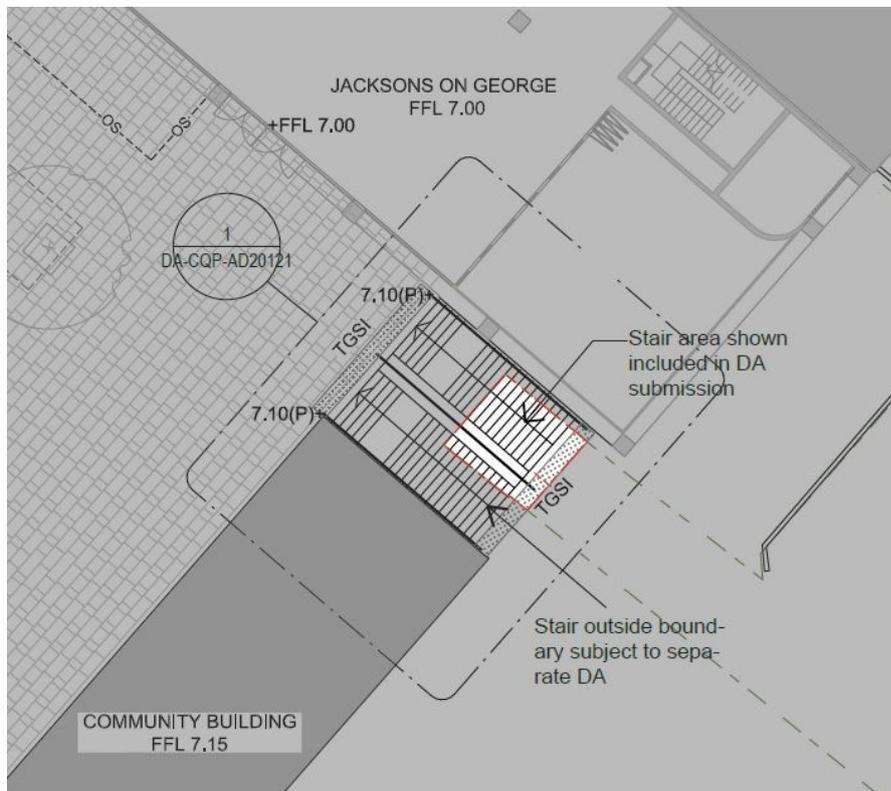


Figure 29: Extent of works proposed in D/2018/278.1 Alfred Street (commonly known as the 'Wanda' site)

25. Development adjacent to the subject site to the north at 1 Alfred Street, Sydney has been approved. This site comprises the former Goldfields House, Fairfax House and the Rugby Club sites.
26. On 10 December 2015, development application D/2015/1049 was granted by the CSPC for a deferred commencement approval for "Stage 1 application for building envelopes and proposes uses for two mixed use buildings (Tower A and Tower B) above six levels of basement car park"..
27. On 10 December 2015, development application D/2015/882 was granted by the CSPC for a deferred commencement approval for Stage 2 development application for the construction of a new mixed use building (Tower A) of 57 storeys, including residential apartments, retail space and landscaping improvements. This approval was activated on 26 February 2018. This consent has been modified four times.

28. On 11 May 2017, development application D/2016/1529 was granted by the CSPC for a deferred commencement approval for "Demolition of all existing structures on the site and construction of a hotel (Tower B), including ground floor retail, 182 hotel rooms, and common hotel facilities. Excavation and construction of a six level basement for shared use by the hotel and the adjoining residential tower (Tower A). Public domain improvements and augmentation of physical infrastructure and utilities". This approval was activated on 28 September 2017. This consent has been modified twice.
29. A site plan of these approved developments is shown below.

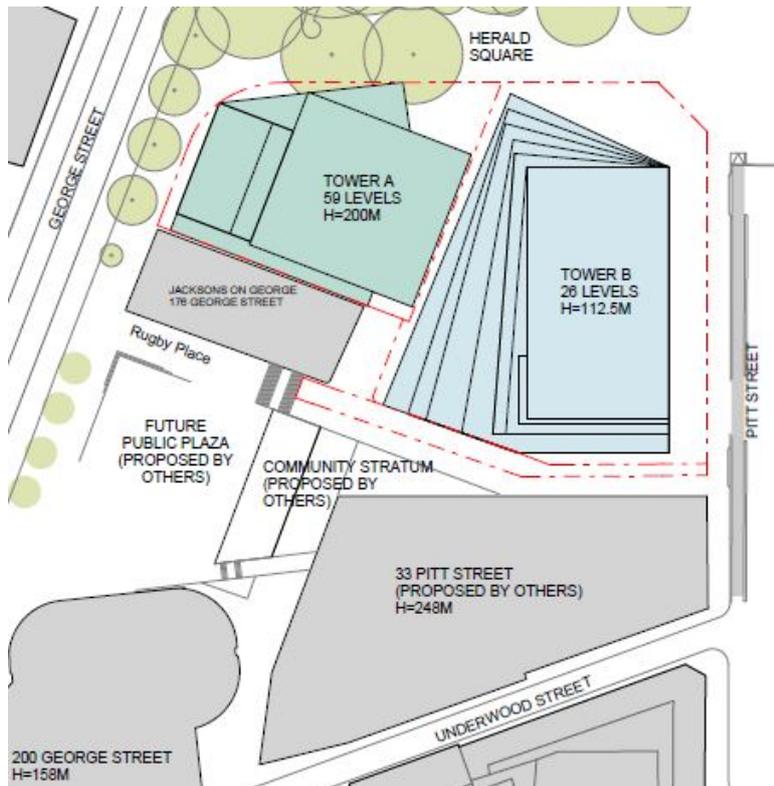


Figure 30: Site plan from D/2016/1529.



Figure 31: Montage image of 1 Alfred Street developments.

55 Pitt Street

30. To the south of the subject site is the remaining allotments within the APDG block including 37-57 Pitt Street, 6-8 Underwood Street and 8-14 Dalley Street, known commonly as 55 Pitt Street as shown in the figure below.



Figure 32: Remaining allotments within APDG block (blue).

31. As part of a planning proposal to amend Sydney LEP 2012 and Sydney DCP 2012 to allow for additional building height, an offer to enter into a planning agreement with the City by a Developer has been made which includes a monetary contribution to tech innovation spaces, creation of a through site link, potential blast wall and additional public art work to the Ausgrid building facade (8-14 Dalley St), public domain upgrades and sustainability commitments.
32. The planning proposal associated with the offer is yet to be considered by the CSPC.

City of Sydney Act 1988

33. 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."

34. The proposal was assessed and evaluated by the CSTTC and has been incorporated in the responses provided by Transport for NSW and the City's Transport Planning Unit. Where relevant, their requirements have been included in the recommended conditions.

Water Management Act 2000

35. The application has been identified as Integrated Development requiring an approval under the Water Management Act 2000.

36. The proposal was referred to Water NSW who have determined that the proposal will encounter groundwater during the works and will require an approval for dewatering. General Terms of Approval issued by Water NSW are included in the recommended condition in Attachment A.

Heritage Act 1977

37. On 14 May 2018, the applicant identified the application as Integrated Development requiring an approval under the Heritage Act 1977. The site is located adjacent to the state heritage listed 'Tank Stream including tanks and tunnels'.
38. The proposal was referred to the NSW Office of Environment and Heritage on 15 May 2018. On 14 June 2018, the assessing officer within the Office of Environment and Heritage was informed that two public submissions were received in response to the proposal with copies of the submissions forwarded. On 12 July 2018, the assessing officer advised that their response would soon be finalised but it has not been received by 1st August 2018.
39. As of the date of finalisation of this report, no decision had been received from the NSW Office of Environment and Heritage in regards to any General Terms of Approval (GTA) for the application. In accordance with Clause 70 of the Environmental Planning and Assessment Regulation 2000, the approval body is to notify of its decision within 21 days after receiving advice that no submissions were made. This application is therefore able to be determined and any GTAs would thereafter be required to be not inconsistent with the development consent.
40. It is noted that GTAs were received from the NSW Office of Environment and Heritage for the separate bulk excavation DA (D/2017/1479) for the site which is required prior to the construction works contained in this subject application.

Economic/Social/Environmental Impacts

41. The application has been assessed under Section 4.15 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

42. The aim of State Environmental Planning Policy No. 55-Remediation of Land (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. The consent authority is required to consider whether the land is contaminated, and if it is contaminated, be satisfied that the land would be suitable in its contaminated state (or would be suitable after remediation) for its intended purpose.
43. Contamination and remediation of the majority of the site is addressed as part of the works proposed in D/2017/1479 as part of the excavation works. Remediation works are required to be completed as part of works in that application.

44. The existing Jacksons on George building is to be demolished as part of this application and remediation works are also to be undertaken as required. The City's Health Unit have advised that subject to remediation works being undertaken, the site can be made suitable for the proposed use. Appropriate conditions are proposed in relation to remediation of this part of the site.

State Environmental Planning Policy No 64 — Advertising and Signage

45. The application proposes signage as part of a signage strategy for the tower building and commercial building components. A separate application would be submitted for a ground floor retail tenancy strategy. The proposed signage as part of the submitted strategy includes the following:
46. Tower building:
- (a) High level building identification signage - four potential signage zones to the top of the building as part of the architectural roof feature with a maximum of two zones to be selected (on different elevations and to include north elevation). Signage lettering to be a maximum height of 4000mm, within a signage zone area of 15m in height across the building width.
 - (b) Building ID signage - two signage zones on the George Street elevation above the lobby entry. Signage lettering to be a maximum height of 1000mm within a signage zone of 4000mm in height to potentially the building elevation width.
 - (c) Pitt Street entrance signage - three signage zones to the: internal entrance wall, external entrance wall, both on the northern corner, and across the curtain glass lobby level to the Pitt Street building elevation, with a maximum selection of two signs. Signage to be a maximum of 1000mm x 3900mm for entrance walls and 2000mm x 15.6m to the curtain wall.
 - (d) Link Bridge entrance signage - one signage zone located at the entry to the link bridge on the adjacent balustrade area. Signage to be a maximum height of 1000sqm with a maximum height of 600mm. A condition will exclude approval for this sign at this time.
47. Commercial building on the former Jacksons on George site:
- (a) Four potential signage zones (one to each elevation) with a maximum of two locations to be selected (to different elevations) and a maximum size of 1500mm x 3000mm.
48. Cycle facility:
- (a) Vertical blade sign sized maximum 1800mm x 350mm and decals applied to entry doors.
49. Clause 8 of State Environmental Planning Policy No 64 - Advertising and Signage (SEPP 64) states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

- 50. The signage strategy seeks to outline areas that would be appropriate for future signage locations. The signage strategy is generally consistent with the objectives of SEPP 64, whilst further details would be required to ensure high quality finished are provided for each sign as part of future detailed applications.
- 51. The assessment criteria in Schedule 1 is assessed as it relates to the strategy in the table below.

1. Character of the area	Comment
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Signage size generally consistent with character of the area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Signage size generally consistent with character of the area.

2. Special areas	Comment
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Signage size and locations does not detract from amenity. Details of signage to be approved in future applications.

3. Views and vistas	Comment
Does the proposal obscure or compromise important views?	Views not impacted by signage.
Does the proposal dominate the skyline and reduce the quality of vistas?	Vistas not impacted by signage.
Does the proposal respect the viewing rights of other advertisers?	Other advertising rights respected.

4. Streetscape, setting or landscape	Comment
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Proportion of advertising generally appropriate.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	To be the subject of future assessment.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Signage for new building to be rationalised, however not all building signage for commercial tower ground level included as part of strategy.
Does the proposal screen unsightliness?	Not applicable.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Signage does not protrude above building.
Does the proposal require ongoing vegetation management?	Vegetation maintenance not required.

5. Site and building	Comment
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	<p>Proposal compatible with scale of building and site. Content and materials of signage to be subject to future applications. Considering the complexity of detail for the commercial building veil system, more detail would be required to support these signage locations.</p> <p>Design amendments to the podium of the commercial tower building require reconsideration of building identification signage.</p>
Does the proposal respect important features of the site or building, or both?	<p>Considering the complexity of detail for the commercial building veil system, more detail would be required to support these signage locations.</p> <p>Design amendments to the podium of the commercial tower building require reconsideration of building identification signage.</p>

5. Site and building	Comment
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Considering the complexity of detail for the commercial building veil system, more detail would be required to support these signage locations.

6. Associated devices & logos with advertisements & advertising structures	Comment
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No safety devices identified.

7. Illumination	Comment
Would illumination result in unacceptable glare?	To be assessed in future detailed applications.
Would illumination affect safety for pedestrians, vehicles or aircraft?	To be assessed in future detailed applications.
Would illumination detract from the amenity of any residence or other form of accommodation?	To be assessed in future detailed applications.
Can the intensity of the illumination be adjusted, if necessary?	To be assessed in future detailed applications.
Is the illumination subject to a curfew?	To be assessed in future detailed applications.

8. Safety	Comment
Would the proposal reduce the safety for any public road?	Safety of road maintained subject to details of signage.
Would the proposal reduce the safety for pedestrians or bicyclists?	Safety of cyclists and pedestrians maintained subject to details of signage.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Safety of pedestrians maintained subject to details of signage.

52. The top of building signage strategy is generally consistent with the provisions of SEPP 64 - subject to appropriate conditions and detailed approval of signage content.
53. The signage strategy for the commercial tower building identification signage requires reconsideration as part of amendments to the building podium level as described further in this report and would be subject to a separate application.
54. The signage strategy for the commercial building requires a greater level of detail to ensure that the signage is appropriately integrated into the terracotta 'baguette' veil system and would be subject to a separate application.

State Environmental Planning Policy (Infrastructure) 2007

55. The provisions of State Environmental Planning Policy (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 88

56. The application is subject to Clause 88 (Development within or adjacent to interim rail corridor) as a corridor passes through the north eastern corner of the site.
57. The application was referred to Sydney Trains and Transport for NSW in accordance with Clause 88. Concurrence and recommended conditions of consent have been received from the authorities.

Clause 104

58. The application is subject to Clause 104 (Traffic-generating development) of the SEPP as the proposal involves the approval of over 10,000sqm of floor area.
59. The application was referred to the Roads and Maritime Service in accordance with Clause 104. Recommended conditions of consent have been received.

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

60. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
61. 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.

62. 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 within the deemed SEPP.

Sydney Local Environmental Plan 2012

63. The site is located within the B8 Metropolitan Centre Zone. The proposed uses for the site include a range of commercial premises and public domain works which are permitted with consent in the zone.
64. The relevant matters to be considered under Sydney Local Environmental Plan (SLEP) 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	No	<p>A maximum height of 110m is permitted.</p> <p>Additional height is permitted pursuant to the site specific APDG controls under Clause 6.25, up to a height of 248m.</p> <p>A height of 248m is proposed for the commercial tower building with an additional 15m of height for architectural roof features.</p> <p>See discussion under heading Issues.</p>
<p>4.4 Floor Space Ratio</p> <p>6.3 Additional floor space in Central Sydney</p> <p>6.4 Accommodation floor space</p> <p>6.6 End of journey floor space</p> <p>6.8 End of journey floor space</p> <p>6.21 Design Excellence</p> <p>6.25 APDG Block</p>	Yes	<p>A maximum FSR of 14.35:1 is permitted for the proposal. This comprises a base FSR of 8:1 and additional floor area in accordance with:</p> <p>CI 6.4 for accommodation floor space - 4.5:1</p> <p>CI 6.6 End of journey floor space - equal to the floor space occupied by these facilities up to a maximum of 0.3:1 (in this instance, 1,314sqm)</p> <p>CI 6.8 & CI 6.25(7C) Lanes development floor space - equal to the floor space occupied by the lanes development use (in this instance, 1,286sqm)</p> <p>CI 6.21(7) Design excellence - (up to) 1.25:1</p>

Development Control	Compliance	Comment
		<p>It is noted that under CI 6.25(7A)(b), floor area dedicated to Council (such as the public cycle facility) and up to 3,900sqm of floor space leased to Council for at least 20 years to promote business innovation or economic development, is not included in the gross floor area calculation (in this instance, a total of 4,577sqm). It is also noted that the site area of the 'Mirvac triangle' is not included in the site area for the purposes of calculating the FSR - refer CI 6.25(7A)(a).</p> <p>The application identifies that GFA of 62,878sqm is proposed with a FSR of 14.35:1</p> <p>The calculated GFA of the proposal is 62,938sqm with a FSR of 14.36:1</p> <p>A small reduction of GFA is required as part of the recommended conditions to be incorporated with the design modifications to ensure compliance.</p>
4.6 Exceptions to development standards	Yes	<p>The proposal seeks to vary the development standard prescribed under Clause 6.25.</p> <p>See discussion under the heading Issues.</p>
5.6 Architectural roof features	Yes	<p>An architectural roof feature is located 15m above the maximum permitted height (pursuant to CI 6.25).</p> <p>See discussion under heading Issues.</p>
5.9 Preservation of trees or vegetation	Yes	<p>No street trees are impacted upon by the proposal. Street trees on Pitt Street have been removed as part of separate application and a replacement street tree is to be required as part of this application. have no impact on any trees.</p>

Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	The site is located within the vicinity of the Tank Stream, an item of state significance. See discussion under the heading Issues.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Division 1 Additional floor space in Central Sydney	Yes	See discussion regarding floor space.
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space	Yes	A condition is recommended requiring the allocation of HFS in accordance with the LEP and DCP.
Division 3 Height of buildings and overshadowing 6.19 Overshadowing of certain public places	Yes	No additional overshadowing will occur to identified public places in accordance with clause. See discussion under heading Issues.
Division 4 Design excellence 6.21 Design excellence	Yes	Competitive design processes have been held for the commercial tower building and the commercial building on the former Jacksons on George site. The application is eligible for consideration of additional floor space up to a maximum of 10% of relevant floor space. See discussion under heading Issues
6.25 APDG block	Yes	This application is for Block 4 under the provisions of the clause. The clause relates to additional permitted building heights, the provision of recreation areas, lanes and roads, business and retail premises fronting these areas, distribution of built form, and the calculation of floor space ratio. See discussion under heading Issues.

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development 7.6 Office premises and business premises 7.7 Retail premises	Yes	A maximum of 92 car parking spaces are permitted. 88 car parking spaces are proposed.
7.14 Acid Sulphate Soils	Yes	The site is identified as containing class 2 and class 5 Acid Sulphate Soil. A condition has been recommended to address acid sulphate soils on site with the preparation of an ASS management plan.
7.15 Flood planning	No	The site is identified by Council as being flood prone. See discussion under the Sydney Development Control Plan Part 3.7 discussion.
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. Correspondence has been received from Sydney Airport indicating that it does not object to the development.
7.20 Development requiring preparation of a development control plan	No	A DCP is required as the site area is greater than 1,500sqm and the building is greater than 55m in height. It has been requested that this requirement be considered unreasonable or unnecessary in the circumstances, given that Sydney DCP 2012 includes site specific provisions for the APDG block and the previously approved planning proposal contained an effective envelope similar to a site-specific DCP. See discussion under the heading Issues.

Sydney DCP 2012

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

2. Locality Statements

The subject site is not located within a special character area, but is located adjacent to the Circular Quay special character area. The proposal is considered to be in keeping with the unique character of the area and design principles in that it will enhance the public domain including the provision of significant public places and will include interpretation of historical development of the area including the progressive change to the geography of the area.

3. General Provisions	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>The proposed lanes and public plaza are generally consistent with the APDG specific controls and will be required to be constructed in accordance with the City's specifications and design code.</p> <p>Details of the trees to be located within plaza areas are to be updated as part of further detailed public domain approvals.</p> <p>A public art contribution is required as part of the VPA. This VPA public art obligation is in addition to that required by this DA. A public art strategy is being developed for the site in consultation with the Public Art Advisory Panel and as part of any approval would require a DA component and VPA component to be included in the strategy.</p>
3.2 Defining the Public Domain	Yes	<p>The proposal has been designed to optimise solar access to the new plaza areas.</p> <p>Protected public areas are not impacted by the proposal.</p> <p>The proposal provides active frontages to laneways and public plazas.</p> <p>Lighting is to be provided in accordance with the City's specifications.</p> <p>See discussion below regarding awnings and wind.</p>
3.3 Design Excellence and Competitive Design Processes	Yes	<p>Competitive design processes have been held for the development.</p> <p>See discussion under heading Issues.</p>

3. General Provisions	Compliance	Comment
3.5 Urban Ecology	Yes	Redevelopment will provide for new tree plantings.
3.6 Ecologically Sustainable Development	Yes	The building proposes a 6 star green building rating which forms part of the VPA.
3.7 Water and Flood Management	No	<p>A site specific flood study has been submitted to address flooding in the locality as the site is subject to flooding.</p> <p>This has been reviewed in coordination with studies for the adjoining development to the north at 1 Alfred Street.</p> <p>The proposed flooding solution includes the use of floodgates which under Council's interim flood management policy is a last resort measure.</p> <p>Council's Public Domain Unit have reviewed the proposal and advised that without further justification (to be approved by proposed condition) they do not support the use of flood barriers or flood gates to the Pitt Street and Underwood Street level frontages and to the retail premises and driveway entry.</p> <p>See discussion below under heading Issues.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	To form part of separate application.
3.9 Heritage	Yes	<p>The site is located adjacent to the heritage listed Tank Stream, an item of state significance.</p> <p>See discussion under the heading Issues.</p>

3. General Provisions	Compliance	Comment
3.11 Transport and Parking	Partial compliance	<p>85 car parking spaces provided (2 accessible spaces)</p> <p>3 car share spaces provided</p> <p>11 motorcycle parking spaces</p> <p>458 bicycle parking spaces for commercial components</p> <p>10 visitor bicycle parking spaces provided</p> <p>18 service vehicle parking spaces and 2 courier motorcycle spaces</p> <p>Non-compliance with visitor and service vehicle arrangements. See discussion under heading Issues.</p>
3.12 Accessible Design	Yes	The proposed development provides appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	<p>An operational management plan has been submitted with estimates of the proposed waste and recycling generation and facilities provided.</p> <p>An updated detailed waste management plan to be provided as part of recommended conditions of consent to ensure consistency with construction plans and future uses.</p>

3. General Provisions	Compliance	Comment
3.15 Late Night Trading Management	Yes	<p>The site is located partly in the 'late night management' area (former Jacksons on George site, the George Street plaza and future retail spaces immediately below) and partly in the 'City Living' area (future retail spaces under the commercial tower).</p> <p>The application seeks consent for the use of the commercial building on the former Jacksons on George site as a food and drink premises, and for the laneway level spaces under the commercial tower and under the George Street plaza to be used as retail or food and beverage premises. The fitout and operational details of the intended uses (such as the precise nature of the use, proposed operating hours and patron capacity both within the premises and outside of the premises, plans of management etc) have not been provided and are intended to be subject to separate detailed application(s).</p> <p>As there are no details provided, and in noting that a residential and hotel development has been approved immediately to the north, hours of 7.00am to 10.00pm Monday to Saturday, and 7.00am to 8.00pm Sunday or public holidays are recommended. These hours are consistent with the Complying Development Certificate provisions for a 'first use' under SEPP (Exempt and Complying Development Codes) 2008, and within the 'range' permitted within the DCP. They are approved on a "holding" basis until such time as further detailed applications are submitted for appropriate assessment of the use of these tenancies.</p> <p>Similarly the hours recommended for the retail level laneway tenancies are 7.00am to 10.00pm Monday to Saturday, and 7.00am to 8.00pm Sunday or public holidays.</p> <p>The proposed public cycle facility (to be managed by the City) is located within the 'late night management' area. Given the public and low impact nature of the use, it is recommended that the approved hours be 6am to 2am (consistent with the base indoor hours for a low impact premises).</p>

3. General Provisions	Compliance	Comment
3.16 Signage and Advertising	Partial compliance	<p>The application proposes the following signage as part of a signage strategy:</p> <ul style="list-style-type: none"> (a) Top of building; (b) Building identification signage; and (c) Shopfront signage. <p>See discussion above and further under heading Issues.</p>
3.16.1 Signage Strategy	Partial compliance	<p>A signage strategy has been submitted for the above signage.</p> <p>See discussion above and further under heading Issues.</p>

4. Development Types	Compliance	Comment
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	Floor to floor heights of 4.5m to laneway level, 17m to George Street level lobby, and greater than 3.6m to commercial floors.
4.2.3.1 Solar access	Yes	Solar access diagrams provided. Additional overshadowing from proposal does not unreasonably impact on neighbouring residential apartments.
4.2.3.6 5 Landscaping	Yes	Indicative landscaping details provided. Detailed plans to be required as part of recommended conditions
4.2.4 Fine grain, architectural diversity and articulation	Yes	<p>Building frontage of less than 40m to Pitt Street and George Street.</p> <p>Building form along Underwood Street broken up with articulated elements along the southern façade to present as three distinct building masses.</p>

4. Development Types	Compliance	Comment
4.2.6 Waste minimisation	Yes	<p>An operational management plan has been submitted with estimates of the proposed waste and recycling generation and facilities provided.</p> <p>An updated detailed waste management plan to be provided as part of recommended conditions of consent to ensure consistency with construction plans and future uses.</p>

5. Specific Areas	Compliance	Comment
5.1 Central Sydney		
5.1.1 Street frontage heights	Yes	The street frontage height of the podium / building portal element to Pitt Street complies with the maximum height of 45m.
5.1.2 Building setbacks	Yes	The building setback provisions for the APDG block within Section 6 are the applicable controls.
5.1.3 Street frontage heights and setbacks for special character areas	Yes	The site is not within a special character area.
5.1.4 Conservation of public domain features in special character areas	Yes	The site is not in a special character area, however existing kerb to Pitt Street and Underwood Street is recommended to be protected during construction.
5.1.5 Building bulk	Yes	The building bulk provisions for the APDG block within Section 6 are the applicable controls.

5. Specific Areas	Compliance	Comment
5.1.6 Building exteriors	Yes	<p>The predominant masonry character and articulation of Central Sydney is required to be reinforced, particularly at the lower levels of buildings. Masonry finishes, being natural sandstone to the ground floor (Pitt and Underwood St levels) and sandstone coloured large format GRC panels (to the eastern and western podium facade) are proposed.</p> <p>While there are minor projections for sun shading to the commercial tower and the 'veil' screen structure to the commercial building on the former Jacksons on George site, these are within the maximum projection of 450mm.</p>
5.1.9 Award and allocation of heritage floor space (HFS)	Yes	A condition is recommended requiring the allocation of HFS in accordance with the LEP and DCP.

6. Specific Sites	Compliance	Comment
6.1.4 The APDG site - objectives	Yes	The proposal is consistent with the objectives to facilitate development that results in major public benefits with publicly accessible open space with active uses and linked to surrounding streets with a network of lanes and through site links, with the protection of sunlight to protected public spaces.
6.1.5 Local Infrastructure and Public Domain	Partial compliance	<p>The application proposes new lanes and through-site links, two new public plazas, and future active frontages to these spaces, consistent with the site specific DCP provisions.</p> <p>The details of tree plantings in the plazas is to be confirmed in terms of the suitability of location with respect other design modifications and species.</p> <p>Retractable awnings are proposed to the future laneway level retail spaces at the base of the George Street plaza and the Jacksons on George building. This is consistent with the DCP which requires retractable awnings to the laneways network and the public plazas.</p>

6. Specific Sites	Compliance	Comment
		<p>Fixed awnings are proposed to the laneway level base of the commercial tower and to the southern frontage of the Jacksons on George commercial building. It is recommended that these not be approved.</p> <p>See discussion under heading Issues.</p>
6.1.6 Built Form and Design	Yes	<p>The building height, street frontage height and setbacks, and building bulk are consistent with the site specific APDG controls. An architectural design competition has been held for the commercial tower and design alternatives on a competitive basis has been conducted for the commercial building on the former Jacksons on George site consistent with the APDG controls, including the approved design excellence controls for this site.</p>
6.1.7 Parking and Vehicular Access	Yes	<p>The location of the vehicle and service entry points, and the location of the access to the public bicycle facility are consistent with the DCP.</p> <p>No above ground parking is proposed.</p>

Issues

APDG Controls

66. The application seeks to utilise the provisions in Clause 6.25 of SLEP 2012 for the 'APDG block'. The controls provide that on block 4, being the land the subject of this application, a building may be erected with a height of up to 248 metres on up to 25% of the block 4 area and up to 238 metres for up to 12% of the block area.
67. In order for the increased height provisions under Clause 6.25 to apply, the consent authority must be satisfied that the development application:
- (a) includes recreation areas and lanes and roads through the site;
 - (b) includes business premises and retail premises that have frontages at ground level to those recreation areas, lanes and roads;
 - (c) provides a satisfactory distribution of built form and floor space development; and
 - (d) the development relates to the whole block (and except as otherwise provided) no other land.

68. A building on block 4, must also not be used for the purpose of residential accommodation or serviced apartments.
69. The application has provided recreation areas with the provision of both a George Street plaza area and a Rugby Place plaza, laneways and a through site link in accordance with the public domain plan as detailed in Part 6.1.5 of SDCP 2012.



Figure 33: Extract of APDG site public domain principles plan - SDCP 2012.

70. The proposal includes premises with frontages at ground level to the recreation areas, lanes and roads. The ground level uses are predominantly independent to the commercial tower and are designed to activate the plazas and laneways. The fitout of the premises would be the subject of separate applications.
71. The development provides a satisfactory distribution of form and floor space within the block. The proposed building form aligns with the relevant height and FSR controls and is distributed in accordance with relevant site specific controls contained in SLEP 2012 and SDCP 2012. The proposed building to a height of 248 metres occupies 25% of the block area and to a height of 238 metres occupies 12% of the block area.
72. The development relates to the whole of block 4 as defined in Clause 6.25 and no development is proposed for the purpose of residential accommodation or serviced apartments.
73. The proposal is therefore able to be considered for approval under the provisions of Clause 6.25 of SLEP 2012.

Building Height - Architectural Roof Feature - Exceptions to Development Standards

74. The proposed maximum height of the commercial tower building is 248 metres (on an area of 25% of the block) with an architectural roof feature 15 metres above, with a resulting total height of 263 metres.

- 75. The application has included a request to vary the height of buildings development standard pursuant to Clause 4.6 of SLEP 2012.

Architectural Roof Feature

- 76. Clause 5.6 of SLEP 2012 allows architectural roof features to exceed height limits provided the feature does not cause an adverse visual impact and is integrated with the building design.

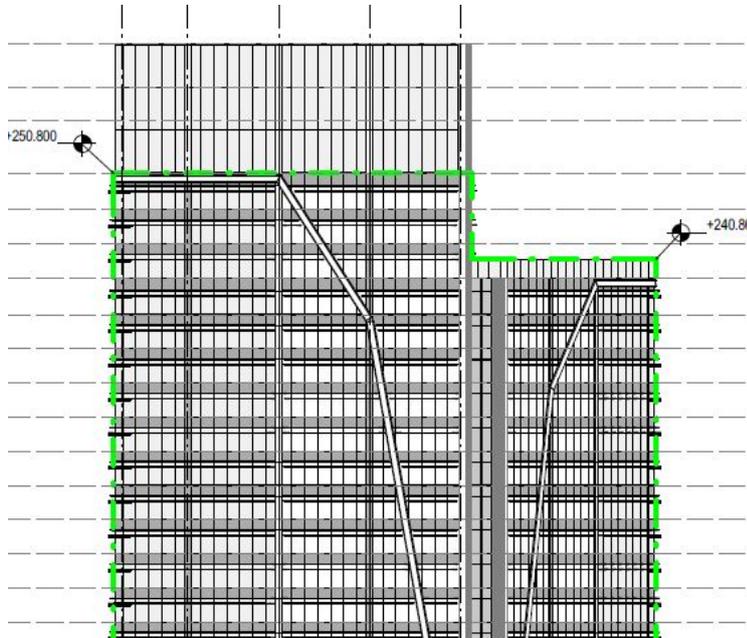


Figure 34: Architectural roof feature located above building floors, north elevation.



Figure 35: Illustration of architectural roof feature, north elevation.



Figure 36: Section plan with architectural roof feature above building floors (left) and business identification signage zone proposed to north elevation (right).

77. Clause 5.6(3) requires the consent authority to be satisfied that the architectural roof feature:
- (a) is a decorative element on the uppermost portion of the building;
 - (b) is not an advertising structure;
 - (c) does not include floor space area and is not reasonably capable of modification to include floor space area;
 - (d) will cause minimal overshadowing; and
 - (e) that any building identification signage or servicing is fully integrated into the design of the roof feature.
78. The proposed roof feature is located on the uppermost portion of the building. It is not an advertising structure per se, but building identification zones are proposed in accordance with SDCP 2012 controls that is integrated with the design of the roof feature. The space within the roof feature does not include floor area and contains required building plant and lift machine rooms that is integrated into the design. Shadow diagrams have been provided by the applicant demonstrating that additional overshadowing cast by the roof feature is minimal, including no additional overshadowing to protected public places.
79. The proposed roof feature is considered to reasonably comply with the provisions and be able to be considered an architectural roof feature in accordance with Clause 5.6 of SLEP 2012.

Clause 4.6 Request to Vary Development Standard

80. The variation to the maximum permitted height is 15 metres, which represents a variation of 6% to the height standard.
81. Clause 4.6(2) provides that in certain circumstances, consent "...may be granted for development even though the development would contravene a development standard imposed" by the LEP.

82. Clause 4.6(3) prescribes that:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (i) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (ii) that there are sufficient environmental planning grounds to justify contravening the development standard.*

83. The applicant has submitted a written request to address the requirements of Clause 4.6(3) which is included as Attachment C to this report. In summary, the request provides the following to address the requirements of Clause 4.6(3):

84. Compliance with the standard is unreasonable or unnecessary in the circumstances as:

- (a) The proposal is consistent with the objectives of the specific architectural roof features controls.
- (b) The roof feature has been designed as an integrated building element as part of the overall building design.
- (c) The extent of non-compliance is minor.
- (d) There are no significant adverse environmental planning impacts associated with the non-compliance.

85. Clause 4.6(4) prescribes that:

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

86. The application is considered to address the requirements in Clause 4.6(3). The architectural roof feature meets the requirements of Clause 5.6(3) of SLEP 2012, and pursuant to Clause 5.6(2), the roof feature may exceed the nominated height limit. The additional height was considered as part of the architectural design competition and is an integrated element of the building. The additional height does not result in any adverse environmental impacts in the locality.

87. The objectives of Clause 6.25 APDG block are:

(1) The objective of this clause is to provide for additional building height on parts of certain sites (within the area bounded by Alfred Street, Pitt Street, Dalley Street and George Street (known as the "APDG block")) if the development of the site provides for publicly accessible open space, lanes and other links through the site.

88. The objectives of the height of buildings standard are:

- (a) to ensure the height of development is appropriate to the condition of the site and its context,*
- (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,*
- (c) to promote the sharing of views,*
- (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,*
- (e) in respect of Green Square:*
 - (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and*
 - (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.*

89. The objectives of the B8 Metropolitan Centre Zone are:

- (a) To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.*
- (b) To provide opportunities for an intensity of land uses commensurate with Sydney's global status.*
- (c) To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.*
- (d) To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.*
- (e) To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.*

90. The proposal is consistent with the objectives of the APDG controls, height standards and the objectives of the zone. The proposed commercial tower is appropriate to the context of the site, and its design has been considered as part of a design competition and design excellence review as part of the assessment of this application.

91. It is therefore recommended that the Clause 4.6 variation to the height standard for the roof feature application be supported in this instance.

Site Specific Development Control Plan

92. Clause 7.20 of SLEP 2012 requires the preparation of a development control plan (DCP) for particular specified development. The clause applies to development for the purposes of a new building on land in Central Sydney where the site area is greater than 1,500 square metres or if the development results in a building with a height greater than 55 metres.
93. The site area for the development is 4,600 square metres and includes the construction of a building with a height greater than 55 metres and so the preparation of a site specific DCP would ordinarily be required for the development.
94. Clause 7.20(3) provides that a DCP is not required if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances. It is considered that in the circumstances, a DCP is not required in this instance. The subject site has been the subject of a detailed planning proposal that has amended both the SLEP 2012 and SDCP 2012 with controls and site specific provisions for the APDG block. Further, design competitions have been run for the site and the subject application has been prepared as part of the development of the winning scheme. The items specified in Clause 7.20(4) have been considered in terms of the redevelopment of the site in the planning proposals, design competitions and the assessment of this application. It is therefore considered unnecessary in the circumstances to require the preparation of a site-specific DCP given the detailed controls approved in the planning proposal for this development.
95. It is therefore recommended that the requirement in Clause 7.20 for a site specific DCP is unreasonable or unnecessary in this instance.

Laneways**Active Uses**

96. The proposal is required to provide active frontages to the public plaza areas and laneways under the provisions of the site specific APDG controls. The application includes retail premises with frontages to each of Pitt Street, Rugby Place, Crane Lane and Underwood Street. These premises have been designed to meet the lanes development floor space definitions contained in Clause 6.8 of SLEP 2012:
 - (a) Having a gross floor area of less than 100 square metres;
 - (b) Not having direct access to any other premises in the building;
 - (c) Adjoining and having direct access to a lane; and
 - (d) Having a floor level no more than 5 metres above the ground level of the lane.
97. In accordance with the provisions of the VPA registered on the site, covenants are required to be registered on the land to be to require these premises to continue to meet this definition. The proposal is considered to appropriately activate the laneways in accordance with the relevant controls.

98. It is noted that the proposed 38sqm tenancy CQT 03 (corner of Pitt and Underwood St) is not considered to be a 'lanes development'. Whilst a door to the lane (Underwood St) is proposed, a door is also proposed to Pitt St - refer figure 37 below. Due to the configuration of the tenancy and the street hierarchy, direct access to Pitt St will likely prevail. This tenancy has therefore not been included in the lanes development floor space calculation.

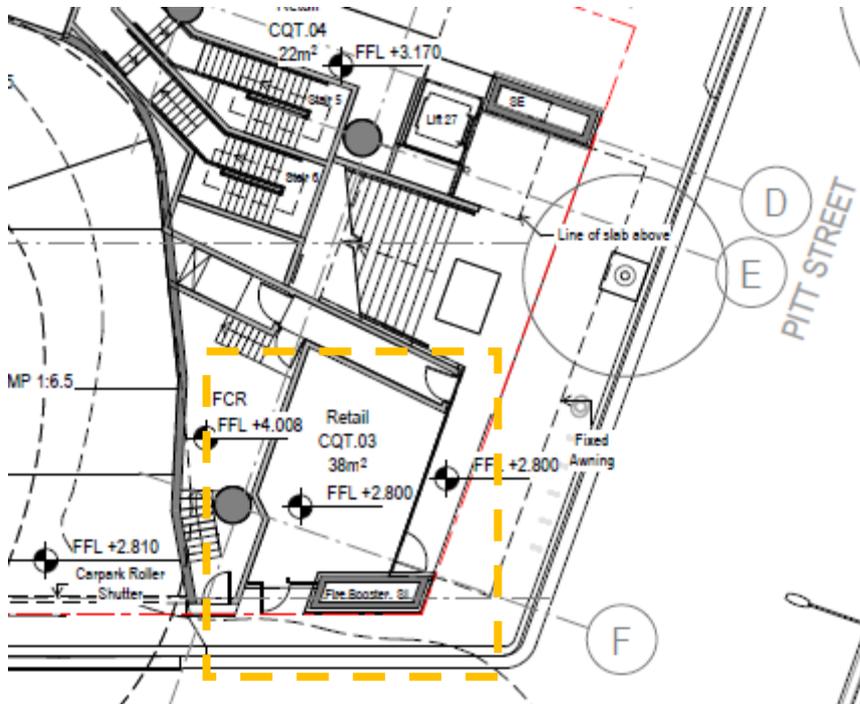


Figure 37: Retail to corner of Pitt Street and Underwood Street.

Masonry character

99. As part of the submitted amended design, the building base materials have been amended to provide a more masonry character within the building podium including sandstone elements on the Pitt Street level. A comparison between the illustration images is shown below.



Figure 38: Illustration images of laneway looking south through Rugby Plaza of original application (left) and amended design (right)



Figure 39: Illustration of Rugby Place looking east.

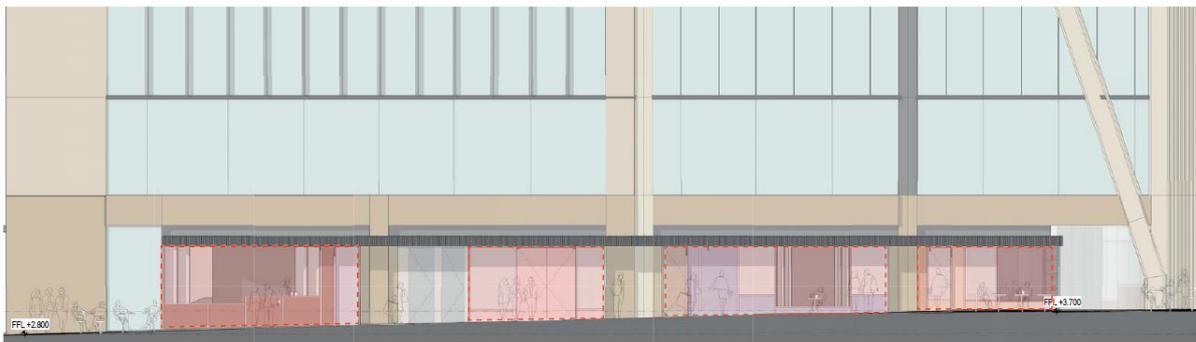


Figure 40: Plan of Ruby Place, north elevation.

100. The overall building base solidity has been improved in the amended design, however the solidity of the laneway level shopfronts could be further improved to reinforce the masonry character of the precinct at the laneway level. A condition to this effect is recommended.

Awnings and Wind

101. The submitted Pedestrian Wind Environment Study report requires:

- (a) approximately 3m wide solid awnings along the north and north-western aspects of the tower;

- (b) at least 1.5m wide retractable awnings along the south-western aspect of the future Community building;
 - (c) both sets of awnings to be approximately 2.5 to 3.5m above the ground floor of the laneway network.
102. Retractable awnings are proposed to the future laneway level retail spaces at the base of the George Street plaza and the Jacksons on George building. This is consistent with the DCP which requires retractable awnings to the laneways network and the public plazas.
103. Fixed awnings are proposed to the laneway level base of the commercial tower, consistent with the wind report.
104. A fixed awning above the George Street public plaza is also proposed to the southern frontage of the Jacksons on George commercial building. This awning is not required by the wind report.
105. While the fixed awnings are contrary to the DCP that specifies retractable awnings, and are partly in response to the wind report, they are nevertheless supported in principle subject to a condition requiring design refinement to ensure that the interface between the respective buildings and human scaled set of spaces at the ground are well resolved. This design refinement is also recommended for the retractable awnings.

Outdoor dining areas

106. Outdoor dining areas at the base of the commercial tower, future Community building and the Jacksons on George building are proposed on the laneway or the George Street plaza.
107. As the awnings details are to be modified, and as the operational and fitout details of the premises will be subject to future approvals, it would also be pre-emptive to approve outdoor dining locations as proposed within the laneway. A condition is recommended indicating that no approval is granted for outdoor dining on the laneways and George Street plaza.

Business Innovation Space entry

108. The business innovation space (to be managed by the City) is publicly accessed either by the shared George Street level tower lobby (during regular operating hours), or via a lobby entry accessed from Underwood Street (after hours access). These two public access points are dis-connected from the active laneway networks of Crane Lane and Rugby Place. In order to provide direct after hours pedestrian connectivity to this space, an entry off Crane Lane is to be provided - refer to the figure41 below. A condition to this effect is recommended. It is noted that the current access from Crane Lane to the building is a shared service route.

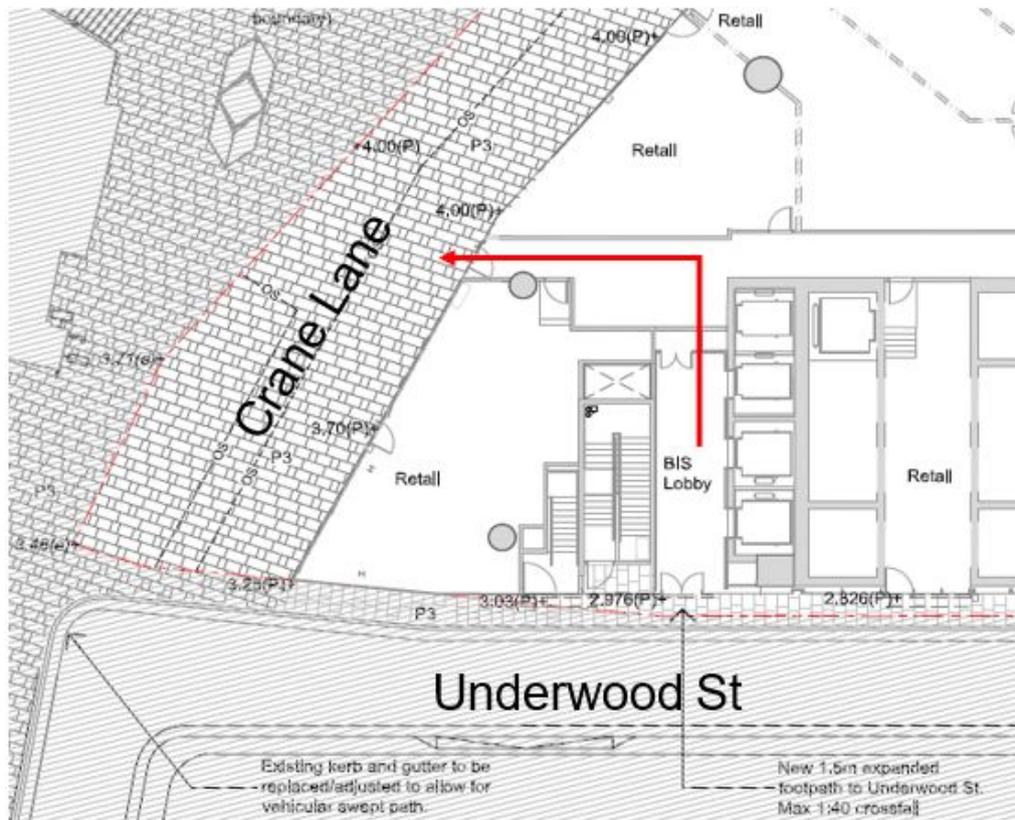


Figure 41: Business Innovation Space lobby to Underwood Street.

George Street Link Bridge

109. A future Community Building is proposed on the eastern edge of the future George Street public plaza. Associated with this building is anticipated to be a major public art work. The building and public art work are required both by the planning controls and the VPA with the developer. The design of both the building, the public art, and paving of the George Street Plaza are currently being refined and will be the subject of a separate DA.
110. The current DA proposes a link bridge connecting the commercial tower to the Plaza, and thus George Street. Perhaps due to the gradient, the link bridge commences its ramping within the future public plaza proper, forward of the Community Building footprint which is not supported. Coordination with the future Community Building DA and link bridge may require further recessing into the foyer of the revolving entry doors to gain adequate clearance. Associated with the bridge is a sign to be erected on the balustrade. The sign is also not supported. Both the bridge and associated signage are recommended to be not approved under this DA.

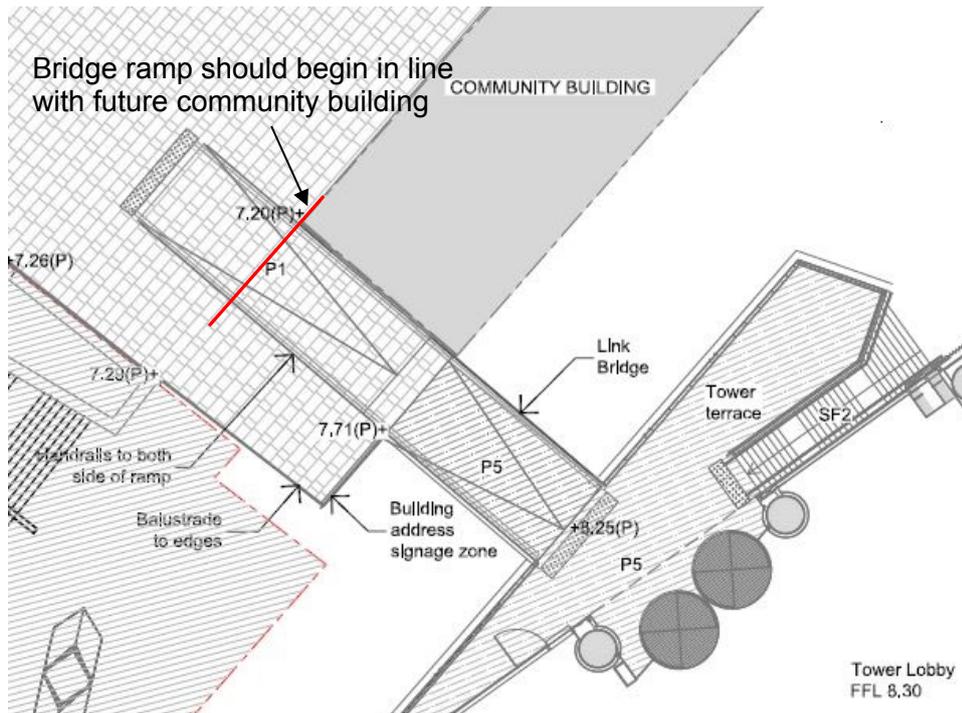


Figure 42: Plan of link bridge.



Figure 43: Signage on balustrade adjacent to bridge (viewed from the George St plaza).

111. Given that the detailed design of the link bridge needs to be closely coordinated with the future Community building, it should be included in the future community building DA.

Tower Lobby Terraces and Stairs to Rugby Place

112. Two outdoor terraces are proposed at the western end of the tower. Due to the wind environment, and in order to improve the connectivity to the laneway network for occupants of the tower, it is recommended that:

- (a) the southern terrace be converted to a non-trafficable soft landscape space;
- (b) the stairs connecting the George Street level lobby with the laneway be tapered and the mid-rise widened in the proposed location;
- (c) the balance of the northern terrace be converted to a non-trafficable soft landscape space.

113. Conditions to this effect are recommended.

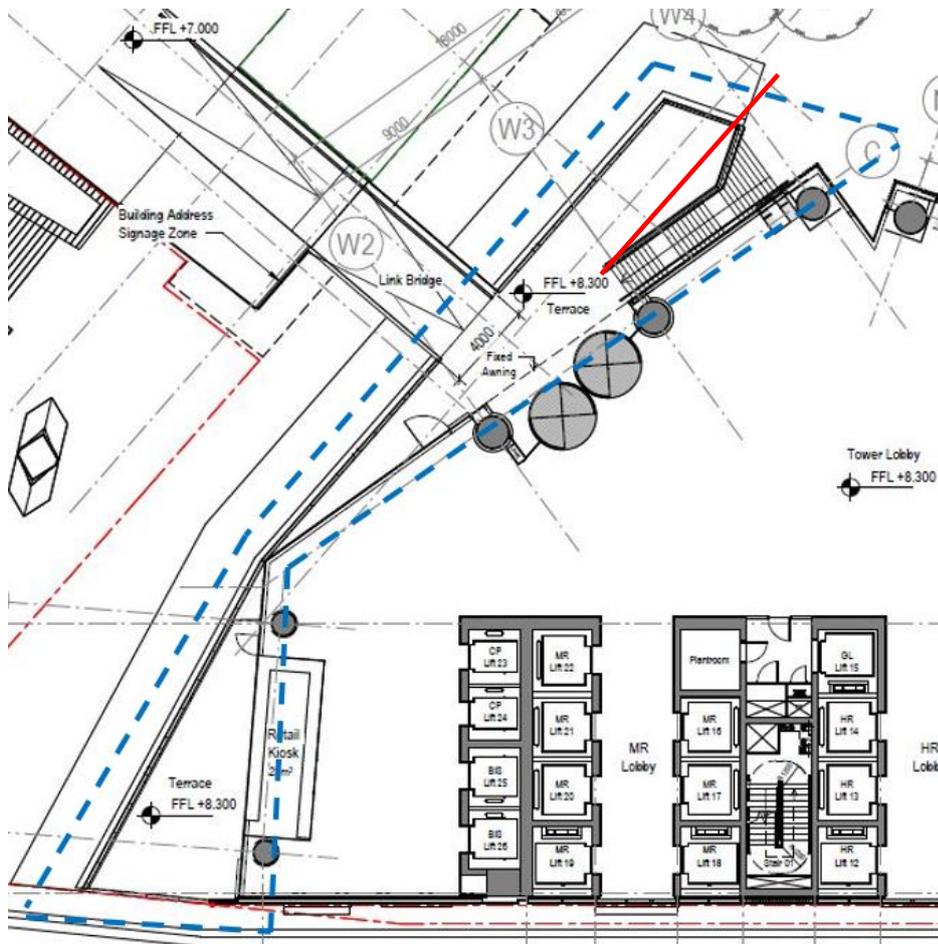


Figure 44: George Street lobby level with terraces outlined and indicative stair adjustment.

Design Excellence

114. The application seeks to utilise additional floor space for the development pursuant to Clause 6.21(7)(b) of SLEP 2012, being a building that demonstrates design excellence. Competitive design processes have been undertaken for the development in accordance with the design excellence strategy for Development Block 4 as specified in the APDG site specific Clause 6.1.6.4 of SDCP 2012. A design competition was held for the commercial tower building and public domain and a design alternatives on a competitive basis was held for the commercial building on the former Jacksons on George site. This application has been prepared as a development of both of the winning schemes.

115. A separate competitive process was held for the design of the community building which will be the subject of a future DA.
116. The subject application was considered by the Design Advisory Panel (DAP) on 15 March 2018. The panel recommended that a quorum of the competition jury be reconvened to review the design of the tower in terms of its context and the way the building meets the ground.
117. A quorum of the jury was reconvened on two occasions (4 April and 29 May) to discuss design development of the tower and commercial buildings. The jury concluded that amendments made to the design as part of the jury process were positive and that subject to resolution of issues relating to materials, ground level awnings, and stairways the proposal is capable of achieving design excellence.
118. Items resolved positively:
 - (a) The relocation of plant to the interstitial space above the podium and innovation floors;
 - (b) A clearer expression of structure and more resolved relation between structure and building form;
 - (c) A clearer reading of the form through changing materials and detail expression; and
 - (d) A more clearly defined base relating its scale to the surrounding context.
119. Items still requiring development:
 - (a) Greater solidity at the retail (laneway) level;
 - (b) Greater differentiation between the base and the awning (if awnings are agreed);
 - (c) Laneway level corner of 'tree-like' structure to be rethought to better express the sight lines to the stairs to the George Street and through site link;
 - (d) Pitt Street entry: improvement to pedestrian entry experience and legibility via stairs and lift;
 - (e) Portal expression: Portal elements help to scale the base and sense of mass to be reinforced in materials, finish and detailing; and
 - (f) George Street entry: ensure co-ordination and legibility from George Street and plaza in relation to link bridge and community building.
120. The updated design developed in response to these comments was considered by DAP on 7 June 2018. The panel made similar recommendations to the jury in terms of the tower and further resolving issues in relation to materials of the podium, articulation of the southern facade, and the width and form of external stairways.
121. Items still requiring development:
 - (a) Stairs from laneway to George Street entry lobby to be widened and tapered towards the top

- (b) Building base to be further refined with consideration of continuing the expression of the primary structure through the retail base to ground;
 - (c) Sandstone-coloured GRC for street wall height of podium not supported (solid sandstone at retail base is acceptable);
 - (d) Corner of tower to Crane Lane and Underwood Street to be articulated similarly to building corner at Rugby Place, particularly where it meets the ground (if possible);
 - (e) Southern facade requires more depth in its articulation;
 - (f) Solar shading to be reviewed and confirmed if required to southern facade for the western summer sun.
122. The panel supported the amended 'baguette' material to the facade veil design for the commercial Jacksons on George building, noting that wet weather performance should be considered.
123. The panel noted that they previously did not support retractable arched awnings to the commercial Jacksons on George building roof top area.
124. Amended plans were received by Council on 27 June 2018 in response to these jury and panel comments. A comparison of images of the proposal as lodged and as amended are shown below.



Figure 45: Montage images of development as lodged (left) and as amended (right).



Figure 46: Illustrations of development as lodged (left) and as amended (right) as viewed from laneway.



Figure 47: Illustration images of development as lodged (left) and as amended (right) as viewed from Pitt Street.

125. The proposal resubmission is considered to substantially address the issues raised by both the reconvened jury and the DAP. Some elements of the design require further resolution to ensure design excellence is achieved including:

- (a) the design of the George Street level pedestrian bridge (as discussed above);
- (b) the building street wall portal colour and materials, articulation to the south west corner, and the size and spacing of the blade elements within the building portal;

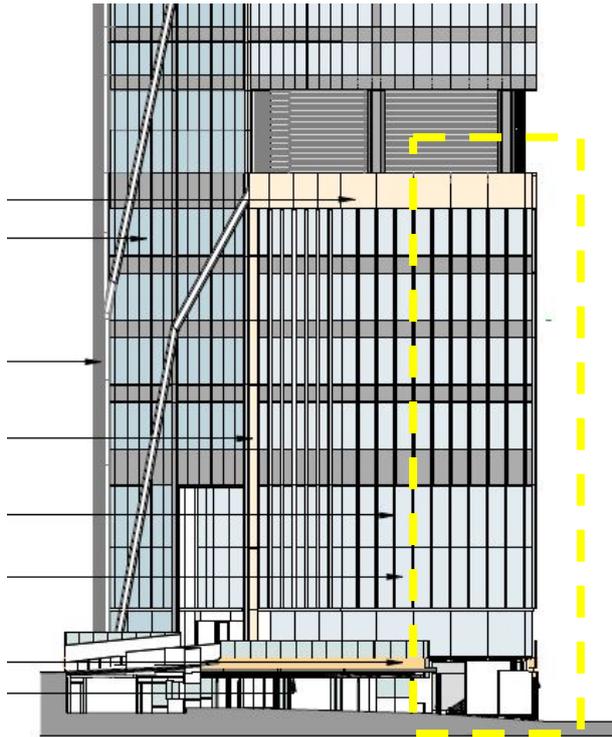
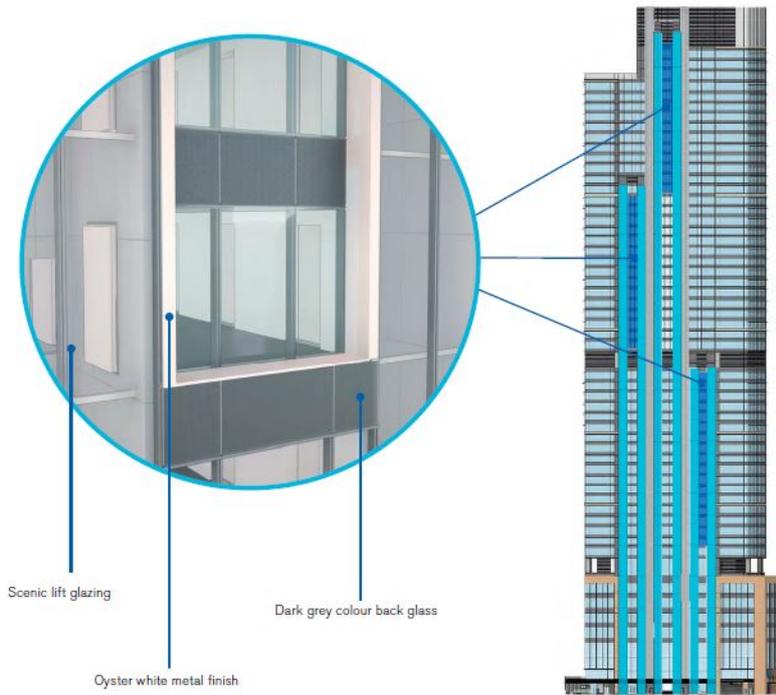


Figure 48: Extract of western elevation, south western corner dashed yellow.

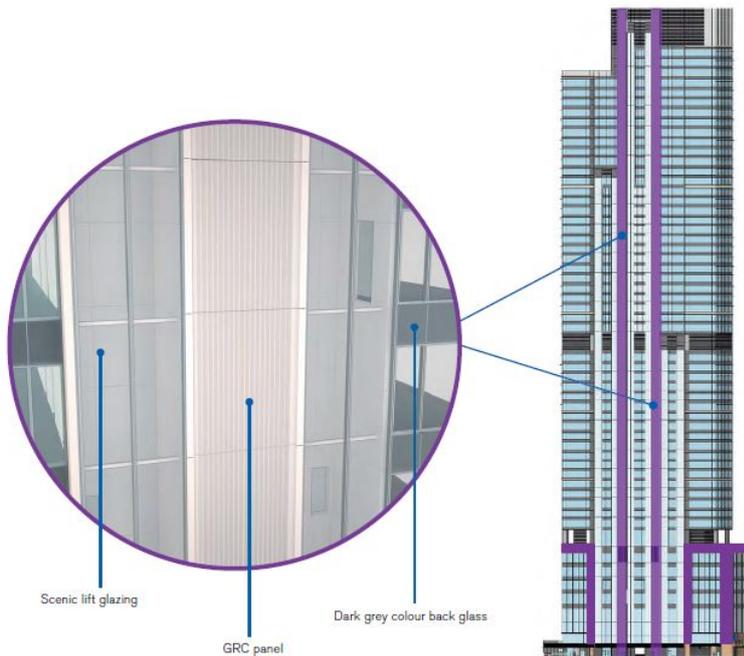
Recommended conditions are included for further refined details of the portal facade expression in terms of materials, depths, and dimensions; and for articulation and emphasis of the south western corner in building materials and expression.

- (c) the solidity of the building at the Pitt Street laneway level (as discussed above);
- (d) awning design at the laneway level (as discussed above); and
- (e) details of building articulation elements, in particular to the southern façade, noting the amended design submitted by the applicant included revisions to the southern facade articulation as follows:
 - (i) introduction of recessed lift lobbies that highlight the differences between low, mid, and high rise cores;
 - (ii) change in materials of fire stairs from off-form concrete to large format GRC panels.



Recessed Lift Lobbies

Figure 49: Recessed lift lobbies detail.

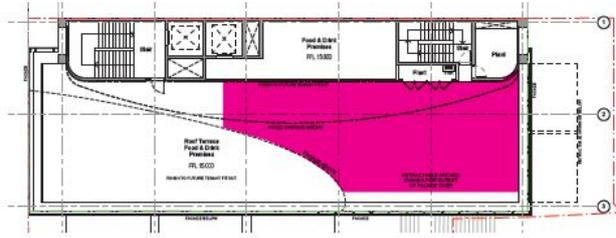


Egress Stair - GRC Panel

Figure 50: Fire stair façade detail.

Subject to demonstrating integration with the podium materials (to be amended), and demonstrating articulation through the combination of materials and recesses the southern facade is considered to be resolved satisfactorily.

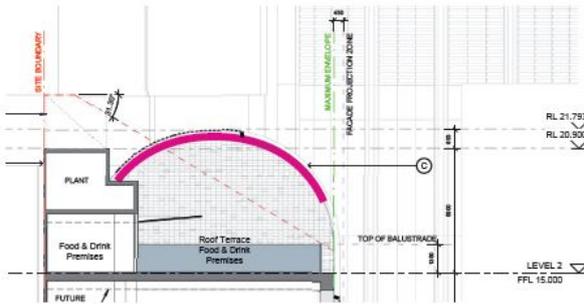
126. It is noted that the arched retractable awnings to the roof top level of the commercial Jacksons on George building have been amended to be a lower fixed and retractable awning design beneath the SDCP 2012 solar envelope as shown in the figure below.



DA Scheme: L2 Plan



Amended DA Scheme: L2 Plan



DA Scheme: Section BB



Amended DA Scheme: Section BB

Figure 51: Comparison of rooftop level awnings designs.

127. This amended awning design will be less intrusive from public areas and maintain transparency of the 'veil' screen system to the building and is considered to be an acceptable amendment.

128. Subject to the resolution of these issues through conditions of consent, both proposed buildings are considered to demonstrate design excellence and the proposal is eligible for additional floor space up to 10% for the base FSR and accommodation floor space as detailed in the FSR calculation above in accordance with clause 6.21(7) of the LEP.

Flooding

129. The site is located within the City Area Catchment and is subject to flooding as shown in the applicant's submitted flood study.

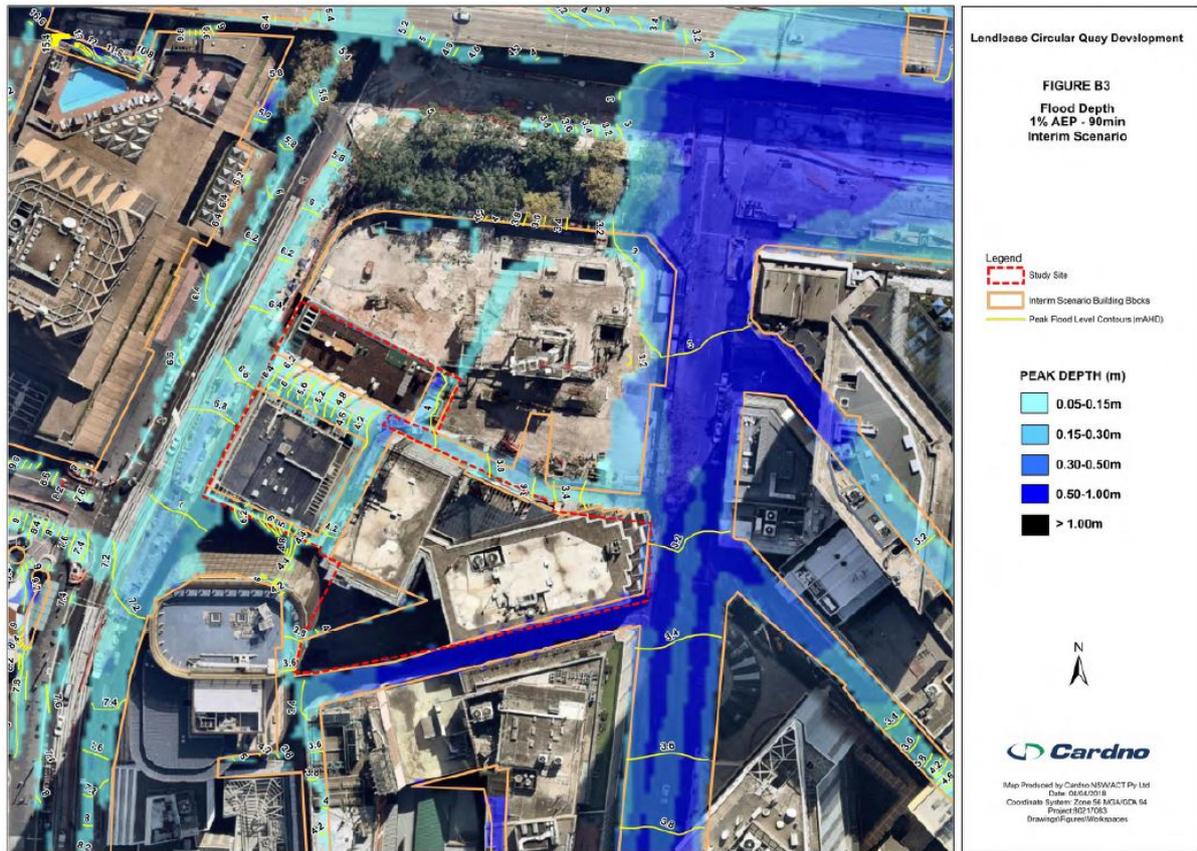


Figure 52: Existing peak flood depths from the 1 in 100 year AEP event.

130. The proposed development, in coordination with other approved and future development within the APDG Block, will result in changes to flooding behaviour in the local catchment with the inclusion of the George Street Plaza, Rugby Place Plaza and modified laneway network and through site links.
131. Flood modelling has been undertaken by the applicant in coordination with the site to the north, 1 Alfred Street. The results of the flood modelling by the applicant show that the finished floor levels to the Pitt Street level meet Council's flood planning levels with the exception of retail, lobby, and vehicular basement entry areas along Underwood Street and retail areas to Pitt Street.
132. The proposed flooding solution includes the use of floodgates to the retail entry points, lobby entries, some service entries and vehicular basement entry. Flood gates are a considered a last resort measure with reference to Council's interim flood management policy.

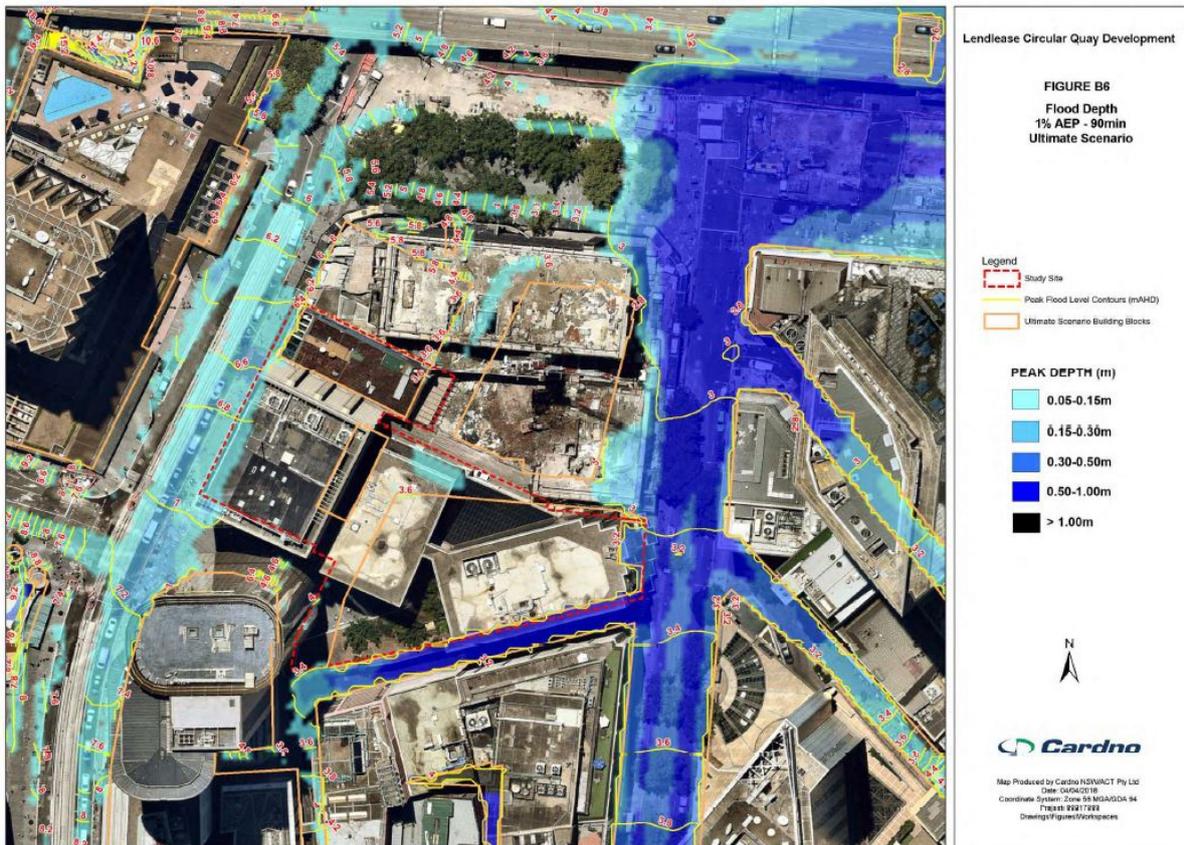


Figure 53: Modelled flood depth for final design for the 1 in 100 year AEP event.

133. Council's Public Domain Unit have reviewed the proposal and advise that they do not support the use of floodgates to the Pitt Street and Underwood Street level frontages to the retail premises and driveway entry as sufficient information has not been included in the submitted studies to demonstrate that all alternative design solutions have been explored and are not feasible in the circumstances. Concerns are also raised in terms of the predicted frequency that the floodgates would be activated to the 2 year flood level event.
134. However, the use of flood gates is considered to be acceptable in this instance noting that the issue of flooding and flood barriers was considered as part of the planning proposal that introduced the site specific APDG planning controls that require active uses in the laneways and the competition brief. The use of floodgates in this instance will enable the active uses to the laneway level, rather than requiring a raised level that would difficult to include accessible entries to these premises. The modelled flooding occurs in Underwood Street to the corner of Pitt Street and is not within the new laneway network. The flooding extent within this area is largely maintaining the existing situation and not impacting adversely on adjoining properties.
135. Measures are included in the recommended conditions to mitigate against potential flooding impacts, including ongoing maintenance of floodgates, emergency response plans and covenants regarding flood protection measures to be maintained for the building. The issues raised are not considered to warrant refusal of the application in its current form.

Overshadowing

136. Overshadowing of both the commercial tower building and the commercial building have been considered against the relevant controls and were considered in developing the earlier planning proposal.

Tower Building

137. In accordance with LEP Clause 6.19, no additional shadowing is to be cast by a proposal at any time between 14 April and 31 August to Australia Square Plaza and Lang Park between 12.00pm to 2.00pm and to Macquarie Place between 10.00am to 2.00pm.
138. The applicant has submitted shadow studies that demonstrate that no additional shadowing is cast to these protected areas within the specified times and that shadows cast by the tower building to these areas are within existing shadowing conditions.

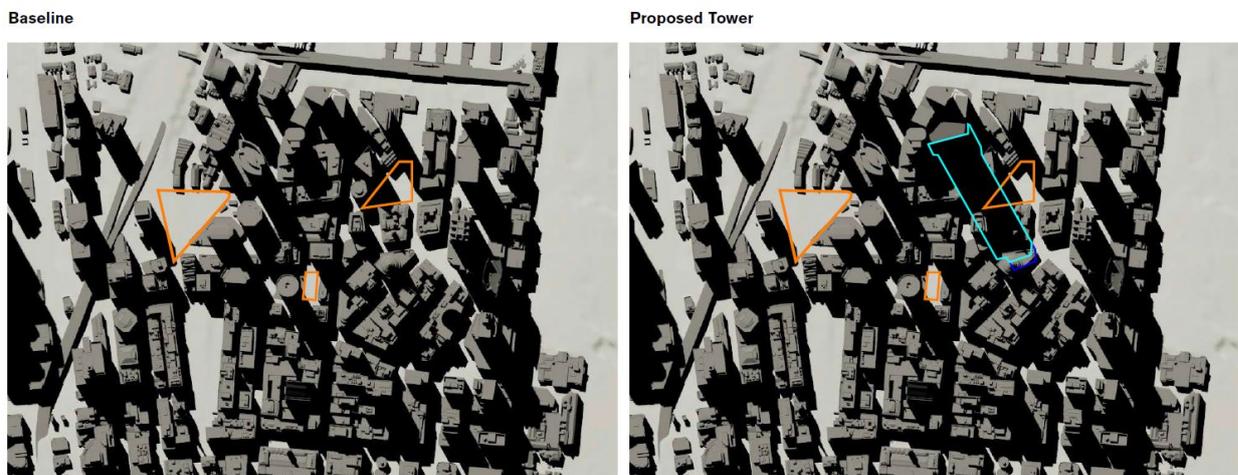


Figure 54: Example of shadow diagram analysis, 31 August 13:20.

139. Minor additional overshadowing to surrounding streets does result from the building form. This additional overshadowing is considered to be acceptable.

Commercial Building on the former Jacksons on George site

140. Section 6.1.6.3 of SDCP 2012 specifies a building height envelope for the commercial building, specifying a maximum RL 16 at the southern boundary, increasing in height to the north in accordance with the 21 June 12pm sun angle.
141. Whilst the proposed building in parts sits above this sun angle, the proposed building form results in a reduced solar impact to the public plaza as compared to the specified building envelope throughout the day on 21 June. It is also noted that the eastern part of the proposed building that protrudes above the DCP envelope sits immediately to the south of the much taller 'Wanda' residential tower and largely contains a 'light-weight' veil facade.
142. On 14 April the building form also results in reduced solar impacts. On 31 August there are minor increases at 1.00pm and 2.00pm to the Pitt Street laneway level. Overall the increased solar access, particularly to the George Street public plaza is considered to be a positive outcome and the proposed building form is supported.

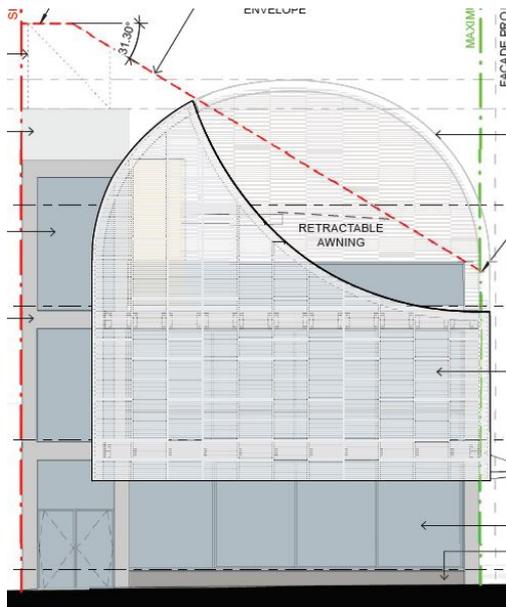


Figure 55: Commercial building western elevation with DCP sun angle shown in red.

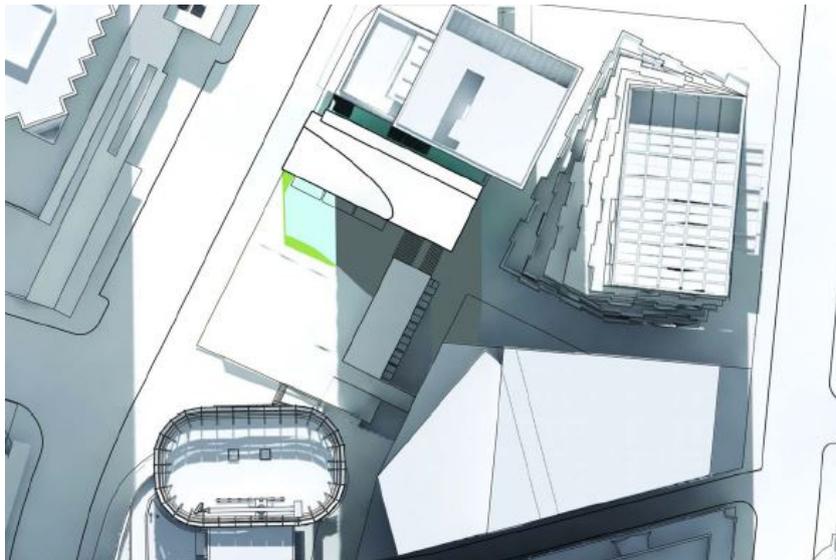


Figure 56: June 21 shadows 12.00pm.

Signage

143. A signage strategy has been submitted that proposes signage zones as follows:

144. Tower building:

- (a) High level building identification signage - four potential signage zones to the top of the building as part of the architectural roof feature with a maximum of two zones to be selected (on different elevations and to include north elevation). Signage lettering to be a maximum height of 4000mm, within a 'signage zone' area 15m in height across the building width.

- (b) Building ID signage - two signage zones on the George Street elevation above the lobby entry. Signage lettering to be a maximum height of 1000mm within a signage zone of 4000mm in height to potentially span the width of the building zone.
- (c) Pitt Street entrance building ID signage - three signage zones to the: internal northern entrance wall, external northern entrance wall, and across the curtain glass lobby level to the Pitt Street building elevation, with a maximum selection of two signs. Signage to be 1000mm x 3900mm each for the northern entrance walls and 2000mm x 15.6m to the Pitt Street elevation.
- (d) Link Bridge entrance signage - one signage zone facing George Street located at the entry to the link bridge on the adjacent balustrade area. Signage to be a maximum of 1000sqm with a maximum height of 600mm.

145. Commercial building on the former Jacksons on George site:

- (a) Four potential signage zones (one to each elevation) with a maximum of two to be selected (to different elevations) and a maximum size of 1500mm x 3000mm.

146. Cycle facility:

- (a) Vertical blade sign sized maximum 1800mm x 350mm and decals applied to entry doors.

147. Other:

- (a) Facility wayfinding signage, vertical signage sized 900mm x 350mm.

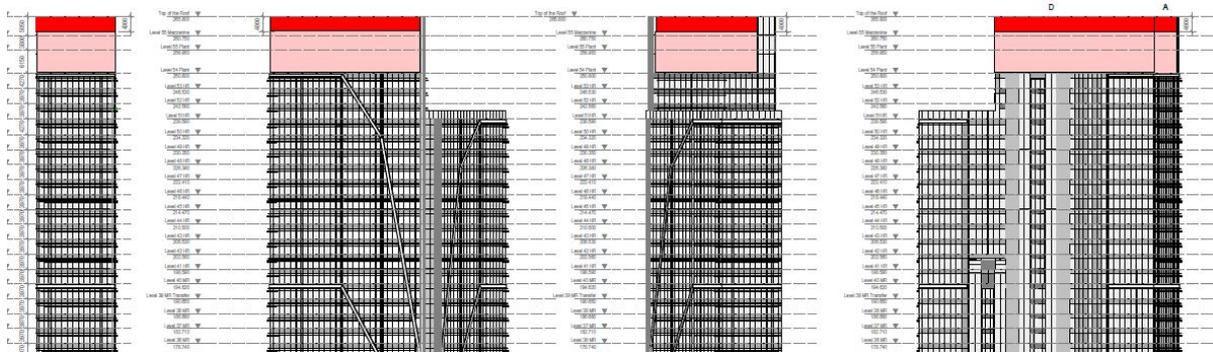


Figure 57: Commercial tower signage locations east (1), north (2), west (3) and south (4) elevations.



Figure 58: Tower - George Street entry building ID and link bridge signage zones.



Figure 59: Tower - Pitt Street building ID signage zone.

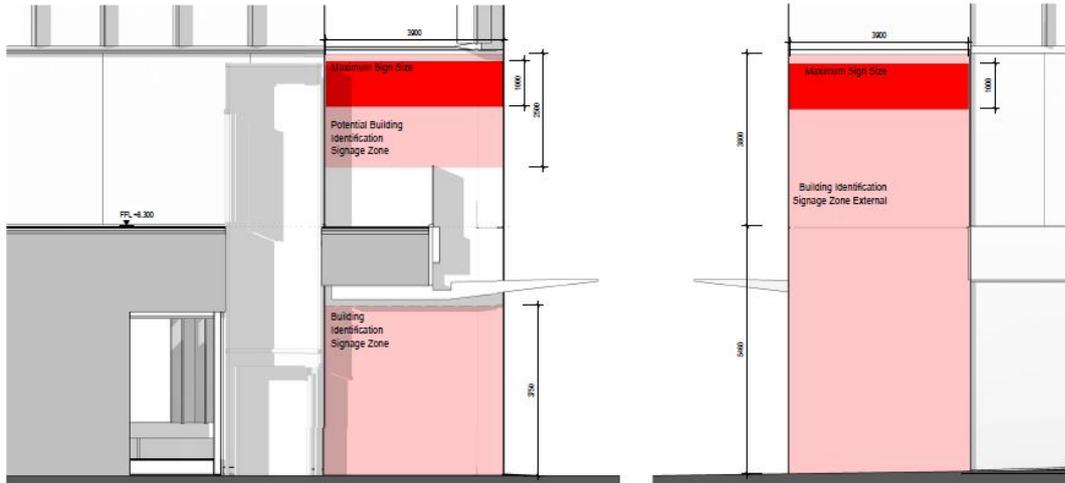


Figure 60: Tower - Pitt Street building ID signage to either side of the building entry wall.

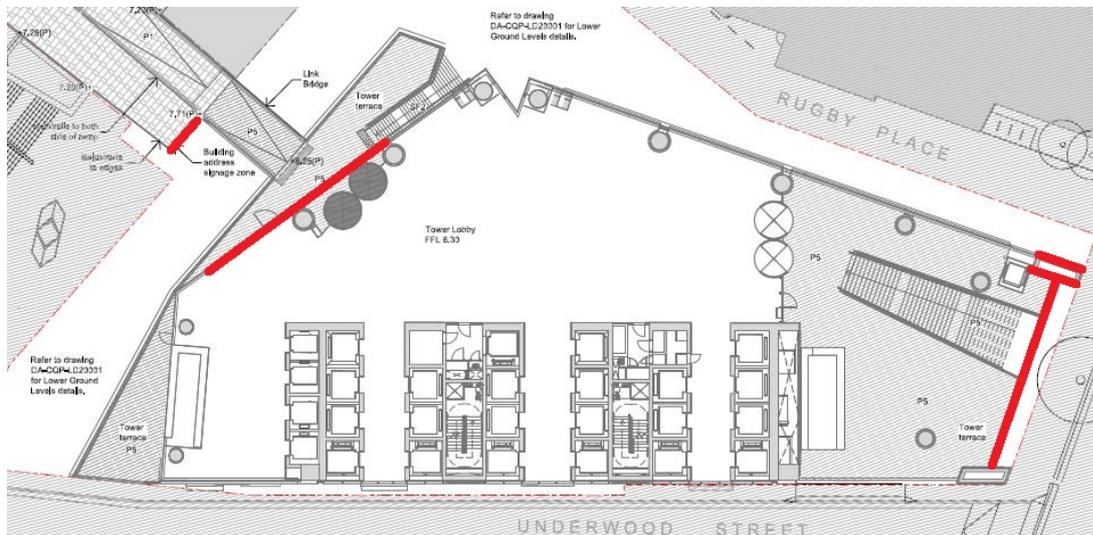


Figure 61: Building ID signage locations shown in red.

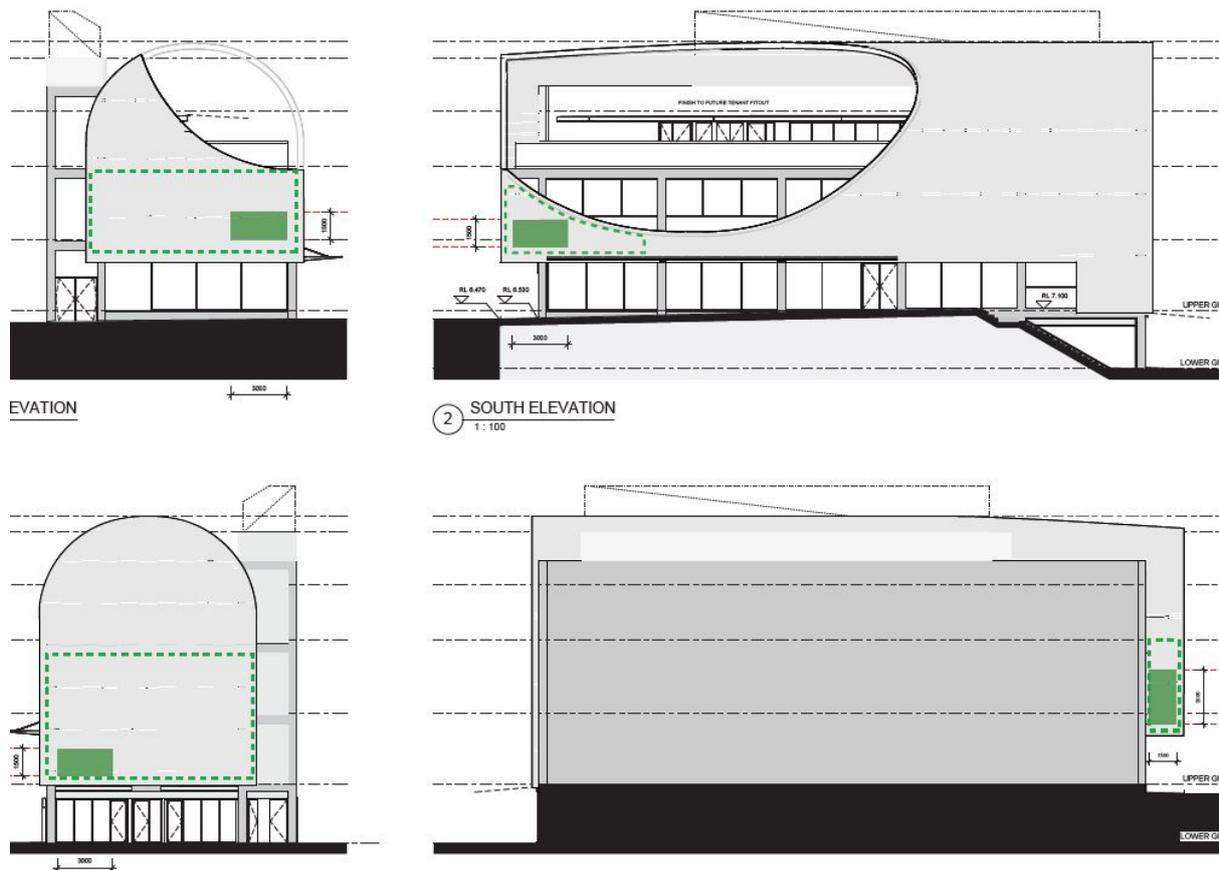


Figure 62: Commercial building signage zones on the former Jacksons on George building.

148. The tower building high level building identification strategy is considered to be acceptable as the top of building elements are resolved.
149. Given that several aspects of the building 'podium' and laneway presentation are required to be resolved, the strategies for building ID signage to George Street and Pitt Street, cycle facility and wayfinding signage is not recommended to be approved as part of this application.
150. The commercial building strategy requires more detail to ensure signage is appropriately integrated with the baguette 'veil' screen system if it is to be applied to the building façade and is not recommended to be approved as part of this application.

Heritage

151. The heritage listed 'Tank Stream including tanks and tunnels' (Tank Stream) is located in the vicinity of the site along and underneath Pitt Street. The former Tank Stream is listed as an item of State significance. Whilst being located outside the subject site, the proposed works have the potential to impact upon the structural integrity of the former Tank Stream.
152. A conservation report has been prepared that assesses the potential impacts of excavation on the former Tank Stream and establishes a set of engineering criteria to ensure its protection.

153. Council's Heritage Specialist has reviewed the proposal and has advised that updated geotechnical investigations are required to be undertaken (and informing updates to the construction management plan) to ensure that the proposal does not impact upon the integrity of the Tank Stream.
154. Appropriate measures are also to be implemented with regards to unexpected archaeological finds during the works.
155. As discussed above, the proposal was referred to the Office of Environment and Heritage as integrated development and a decision regarding General Terms of Approval had not been received at the time of writing this report. Nevertheless, the mandated period for the Office of Environment and Heritage has passed, nothing has been received at the time of report finalisation, and the CSPC may determine the application.
156. It is noted that amended General Terms of Approval in relation to the Tank Stream and environs were received from the NSW Office of Environment and Heritage for the separate bulk excavation DA (D/2017/1479) which are able to be satisfied through a delegated determination by the Sydney Local Planning Panel on 1 August 2018.

Visitor Bike Parking and Service Vehicle Spaces

157. The proposal provides 10 visitor bicycle parking spaces within the George Street public plaza forecourt area rather than 165 spaces as required by SDCP 2012. The applicant suggests this provision is adequate for the development given the projected modes of visitor trips to the site being mainly pedestrians as the site is within proximity to major transportation links; the cycle hub facility that is to be dedicated to Council would also provide 250 visitor bicycle parking spaces for the surrounding area; and the end of trip facilities are provided for occupants of the development itself with 438 bicycle parking spaces. A reduction in the required amount of visitor bicycle spaces is, considering the location and availability of other parking options such as the public cycle hub, supported at a minimum of 50 external visitor spaces rather than 10 spaces with the location of the racks (split between the George Street Plaza, Crane Lane Rugby Place and near Pitt Street) to be addressed in future public domain plans to be approved as a recommended condition of consent.
158. The proposal provides for 18 service vehicle spaces within the basement, including two motorcycle courier spaces, rather than the 24 spaces required by the SDCP 2012. These spaces would service all components of the development i.e., the commercial tower (including the Business Innovation Space to be leased to the City), the laneway retail tenancies, the public bicycle facility (to be dedicated to the City), the commercial building on the Jacksons on George site (via a below ground connection) and the future Community building (to be dedicated to the City). The applicant has suggested that this would be adequate for the development as a full time dock master would be onsite to manage the usage of the spaces, including the booking of deliveries, particularly for after hour deliveries outside the hours of 6am to 6pm. This arrangement is considered to be acceptable to Council's Transport Unit (and is a recommended condition of Transport for NSW) subject to the submission of a detailed loading dock management plan as part of the recommended conditions of consent.

Planning Agreements

159. A Planning Agreement (VPA) has been executed between the Applicant (as Developer) and the City. The agreement provides for the transfer of land from the City to the Developer, the payment of a monetary contribution by the Developer, the transfer of land in stratum to the City, and the completion of Developer's works including but not limited to:
- (a) George Street Plaza;
 - (b) George Street Public Cycle Facility;
 - (c) Community Building;
 - (d) Lane Level Public Plaza;
 - (e) Laneways;
 - (f) Public Artwork; and
 - (g) Business Innovation Space Base Building Works.
160. The subject application proposes works that are consistent with delivering parts of the listed developer's works as detailed in the VPA. It is noted that the Community Building, plaza finish, the public artwork and other excluded items from this DA will be the subject of a separate future DA.
161. Terms of the VPA that are relevant for consideration in the assessment of this application include:
- (a) That competitive design processes are required to be held for the commercial tower and commercial building in accordance with SDCP 2012.
 - (b) That Section 61 Contributions apply to the development and are not offset.
 - (c) A monetary guarantee is to be paid in respect of the public benefit works.
 - (d) That an easement for 'public access' is to be registered on the site for any approved through site link.
 - (e) That covenants are to be registered on the site in respect of the lanes development to ensure that premises remain in accordance with the SLEP 2012 definition.
 - (f) That a covenant is to be registered on the site specifying that the commercial tower cannot be used for residential or serviced apartments.
162. The proposal and recommended conditions are consistent with these terms.

Staged Construction

163. The application proposes staging the construction through various construction certificates. This is supported. Where necessary, the recommended conditions reflect the proposed staging.

Other Impacts of the Development

164. The proposed development is capable of complying with the BCA.
165. The application has included a visual impact and view impact analysis of the proposal. The impacts of the proposal are considered to be acceptable.
166. Wind impacts of the proposal on the public domain have been considered as part of a wind analysis including wind tunnel testing.
167. Flooding impacts of the proposal on the local catchment have been addressed with the submission of a site specific flood study. Council's Public Domain Unit have raised concerns with the conclusions and completeness of this report as discussed elsewhere.
168. Noise impacts of the proposal have been addressed in the submission of an acoustic report. Subject to conditions and attenuation measures, the impacts are considered to be acceptable.
169. Reflectivity impacts of the proposal have been considered. It is recommended that glazing on the building have a reflectance of visible light of less than 20%.
170. 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

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

Internal Referrals

172. Where relevant, the conditions of other sections of Council have been included in the proposed conditions.
173. The application was discussed with the Environmental Health Unit; Transport and Access; Tree Management; Waste Management; City's Heritage Specialist; City Design; City Infrastructure; and Public Art Unit, who advised that the proposal is acceptable subject to conditions.
174. Council's Public Domain Unit have advised that they do not support the proposal's use of floodgates to the Pitt Street level as discussed in the SDCP 2012 assessment above although the flooding conditions and the desired urban design outcomes were the subject of consideration at the planning proposal stage. Conditions are included to address the conclusions of the submitted flood report.

External Referrals

175. The proposal was referred to relevant external authorities, including Water NSW, Office of Environment and Heritage, Sydney Water, Ausgrid, Sydney Trains, Sydney Airport, TfNSW (including Sydney Light Rail) and Roads and Maritime Services.

176. The amended plans were circulated to the concurrence and integrated authorities for any additional comment.

Notification and Advertising

177. The application constitutes integrated development and as such the application was notified and advertised between 28 November and 4 January 2018 in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. The amended plans received on 27 June 2018 were not required to be renotified as the amendments did not result in significant additional environmental impacts. As a result of this notification two submissions were received, both on behalf of the same property. Issues identified in submissions are addressed as follows:

Visual Impact

- (a) A concern was expressed that the proposal would result in a loss of visual amenity to an adjoining development, in terms of the additional building envelope of the Jacksons on George commercial building and its proposed finishes compared to the existing building.

Response - The residential floors of the neighbouring building are setback more than 2.8m from the shared boundary with the subject site. The proposed commercial building sits below the maximum height envelope specified in Section 6 of SDCP 2012, but above parts of the mid-winter 12.00pm sun access line. The parts of the structure above the 12.00pm sun access line would obscure minor views to the new public plaza from the adjoining site. The visual bulk of the proposed commercial building is considered to be acceptable. The proposed materials have been considered as part of the competitive design process and the Design Advisory Panel and are considered to be acceptable.

Roof Top Plant

- (b) A concern was expressed that the location of the new plant atop the Jacksons on George commercial building could result in acoustic, odour and smoke impacts to an adjoining development.

Response - The proposal has been reviewed by Council's health officers who have recommended conditions in respect of mechanical plant to be located on the roof top plant zone. Subject to compliance with these requirements it is considered that adequate amenity would be provided.

Acoustic Impact

- (c) A concern was expressed that the proposal would result in acoustic impacts to adjoining development including the Jacksons on George commercial building open rooftop area and rooftop plant.

Response - The submitted acoustic assessment report has included an assessment of noise generated by patrons on the rooftop area. This report has been reviewed by Council's Health Unit and subject to compliance with recommendations of the report and conditions of consent, the impacts are considered to be acceptable. Further, the consent for the formerly named 'WANDA' Tower A at 1 Alfred Street requires acoustic measures to south facing apartments including enclosed wintergardens to studio apartments on Levels 3 to 6, and revised treatments to south facing balconies and windows from Level 2 based on the City's standard noise condition for entertainment noise.

Privacy Impact

- (d) A concern was expressed that the proposed perforated materials of the Jacksons on George commercial building would result in privacy impacts to adjoining buildings, particularly from rooftop patrons.

Response - The proposed rooftop terrace area of the commercial building is in part open to the sky and oriented to the south, east and west; with the 'veil' screen system also above. Along the northern side on the rooftop level are solid building elements that will screen the views from patrons to the north and the future apartments that would be located on the adjoining site.

Location of Tree Plantings

- (e) A concern has been expressed that the location of plantings within the Rugby Place plaza could have impacts on a retaining wall on the adjacent property.

Response - Whilst the details of the retaining wall are not identified, the tree plantings are excluded from this approval and would be subject to further approvals as part of public domain plans that would include details of the tree root ball areas which would ensure sufficient space is provided to not impact on adjoining structures including any retaining walls.

Wind Impacts

- (f) A concern has been expressed that the proposal would result in adverse wind impacts to adjoining properties.

Response - Wind impacts of the proposal have been addressed in accordance with the relevant controls. No specific information has been provided to indicate what potential impacts may result to adjoining properties other than addressed within the submitted wind study.

Construction management

- (g) A concern has been expressed that construction of the proposal will result in congestion and disruption to the nearby road network.

Response - The construction of the proposal would result in additional traffic movements to and from the site by construction vehicles. The proposal has been reviewed by Council's Traffic Unit and Transport for NSW and appropriate conditions of consent have been included as part of the recommended conditions to minimise the impacts.

Accuracy of drawings

- (h) A concern has been expressed that adjoining developments are not properly depicted on survey plans.

Response - The exact nature of an error on the submitted plans has not been identified. The proposed works relate only to the subject site and the general details of the adjoining site have been taken into consideration in the assessment of this application. Works along the adjoining boundary in the public domain will require coordination during construction to ensure smooth transition. It is understood that ongoing discussions are taking place between the two owners to facilitate this.

Airport Act 1996

178. Section 182 of the Airports Act 1996 (Commonwealth) specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
179. Section 183 of the Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
180. The Sydney Airport has provided approval for the controlled activity on behalf of CASA being an activity that breaches the Obstacle Limitation Surface.

Public Interest

181. It is considered that the proposal will have a positive effect on the public interest, subject to appropriate conditions being proposed.

Section 61 Contribution

182. The cost of the development is in excess of \$200,000 and is therefore subject to a development levy pursuant to the Central Sydney (Section 61) Contributions Plan 2013. An appropriate condition has been included in the recommended conditions of consent.

Relevant Legislation

183. The Environmental Planning and Assessment Act 1979, Water Management Act 2000, Heritage Act 1977.

Conclusion

184. The application for the construction of a 65 level commercial tower and podium building with a 4 level basement, demolition of Jacksons on George Building and construction of a new 4 level commercial building, public domain works including new laneways, George Street and laneway level public plazas, and a new public cycle facility has been assessed in accordance with the relevant planning controls.
185. Site specific controls apply to the APDG block under SLEP 2012 and SDCP 2012. The proposal provides activated public recreation areas (public plazas) and laneways as required by the controls and utilises the additional height controls for the design of the commercial tower building.
186. The applicant's request to vary the height of buildings standard pursuant to Clause 4.6 of SLEP 2012 has been considered and is supported in this instance. An architectural rooftop feature is located above the permitted height control.
187. The requirement for a site specific DCP is considered to unreasonable or unnecessary in the circumstances. Site specific controls apply to the APDG block within SLEP 2012 and SDCP 2012. The request is supported.
188. The design of the commercial tower has been guided by the winning entry of a design competition, comments from the Design Advisory Panel, and a quorum of the reconvened jury. Subject to refining the details of the podium base of the building and details of the building articulation elements, the proposal is considered to exhibit design excellence. The proposal will contribute to the redevelopment of the APDG block that will provide an activated laneway and through site link network with a new public George Street plaza.
189. The application is recommended for approval subject to conditions.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Shannon Rickersey, Senior Planner