

**Item 4.****Development Application: 698-704 George Street and 43-57 Goulburn Street Haymarket**

File No.: D/2017/1787

**Summary**

<b>Date of Submission:</b>	21 December 2017  Amended plans received 20 August 2018 and 5 December 2018
<b>Applicant:</b>	Northpoint Construction Group Pty Ltd
<b>Architect:</b>	Architectus
<b>Developer:</b>	Northpoint Construction Group Pty Ltd
<b>Owners:</b>	Goulburn Property Pty Ltd - 51-57 Goulburn Street (Golden Dragon Pub)  Haymarket House Pty Ltd - 698-704 George Street (Kiss's Building)  Peter and Helen Kafataris - 43-49 Goulburn Street (Scruffy Murphy's Pub)
<b>Cost of Works:</b>	\$139,969,399
<b>Zoning:</b>	B8 - Metropolitan Centre zone
<b>Proposal Summary:</b>	<p>This application seeks concept approval for a 40-storey tower and single level basement containing commercial, hotel and residential uses. The development will restore the heritage listed Kiss's building. The indicative plans include retail, 204 hotel rooms and 39 apartments. The application is Integrated Development requiring the approval from the NSW Office of Water under the Water Management Act 2000.</p> <p>The application was previously reported to the Central Sydney Planning Committee on 18 October and the officer's recommendation was to refuse the application for the following reasons:</p>

**Proposal Summary  
(continued):**

- Adversely overshadowing apartments at the neighbouring Inmark tower at 718 George Street.
- Isolating nos. 694-696 and 704-706A George Street resulting in an adverse urban design outcome.
- The application was unable to demonstrate sufficient area to accommodate the demand for servicing and loading.
- The development was unclear regarding the fate of the Scruffy Murphys pub, and the height of the podium fronting Goulburn Street was inconsistent.

The CSPC recommended that determination be deferred to enable the design proposal to be discussed with Council officers. The application has been amended following consultation with City staff and relevant external agencies and amended plans were submitted on 5 December 2018. It is considered that the amended plans have addressed the issues that were identified in the original assessment report.

In particular, the building envelope has been reduced to improve solar access to the Inmark apartments and the proposal now complies with Objectives 3B-2 and 4A-1 of the Apartment Design Guide. It is also noted that the amended plans address the recommendation of the Design Advisory Panel for a thinner tower to be provided. The applicant has confirmed that the Scruffy Murphys hotel is to be demolished and the podium fronting Goulburn Street raised.

The amended indicative plans demonstrate that an appropriate architectural response can be achieved for the building envelope in a future detailed design application without adversely impacting the streetscape or impacting on the development potential of the adjoining isolated sites at nos. 694-696 and 704A-706A George Street.

The amended plans show the redistribution of floor space to the northern elevation above level 22 due to an upper modified setback to Goulburn Street reducing from eight metres to six metres. Although this represents a non-compliance with the setback controls under Section 5.1.2 and 5.1.3 of the Sydney Development Control Plan 2012 in this case the high level departure from the control is acceptable as the development will not adversely impact the amenity of neighbouring properties, will not have an unacceptable urban design outcome and, subject to further investigation at the detailed design stage, will not result in adverse wind impacts to the public domain.

**Proposal Summary  
(continued):**

Further detail regarding on-site servicing can be provided with the detailed design application. Transport for NSW and Council's Transport Planner are satisfied that, through appropriate management measures, the development can operate without adverse impacts to traffic and parking in the surrounding area from a reduced number of loading bays. The location of the driveway and its relationship with the World Square intersection can be resolved at the detailed design stage.

The amended building envelope is consistent with the sun access plane for Belmore Park and proposes a floor space ratio of 11.7:1, which is less than the maximum 13.82:1 permissible for the development (the building envelope will not be able to accommodate either bonus floor space or height). No on-site resident car parking is proposed.

The approval of the NSW Office of Water and Sydney Trains has been granted subject to General Terms of Approval.

The amended application was renotified for 14 days between 6 December and 20 December 2018 in accordance with Schedule 1 of the Sydney Development Control Plan 2012. Three submissions were received raising concerns regarding:

- overshadowing;
- heritage;
- view loss;
- insufficient setbacks;
- insufficient building separation; and
- isolating neighbouring sites.

The concerns raised are addressed in the body of the report.

The amended application has addressed the previous reasons for refusal presented to the CSPC and is now recommended for approval subject to conditions.

**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. 65 - Design Quality of Residential Apartment Development
- (iii) State Environmental Planning Policy (Infrastructure) 2007
- (iv) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (v) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed SEPP)
- (vi) Sydney Local Environmental Plan 2012
- (vii) Apartment Design Guide 2015
- (viii) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended conditions
- B. Selected drawings
- C1.Planners Report – CSPC 18 October 2018
- C2. Selected Drawings – CSPC 18 October 2018
- C3. Solar Access Reports – CSPC 18 October 2018
- C4. View Impact Analysis – CSPC 18 October 2018
- C4. Submissions (Confidential) – CSPC 18 October 2018
- D. Submissions (Confidential)

## Recommendation

It is resolved that:

- (A) Consent be granted to Development Application No. D/2017/1787 subject to the conditions set out in Attachment A to the subject report.
- (B) The Design Excellence Strategy prepared by Architectus dated 10 January 2019 be endorsed.

## Reasons for Recommendation

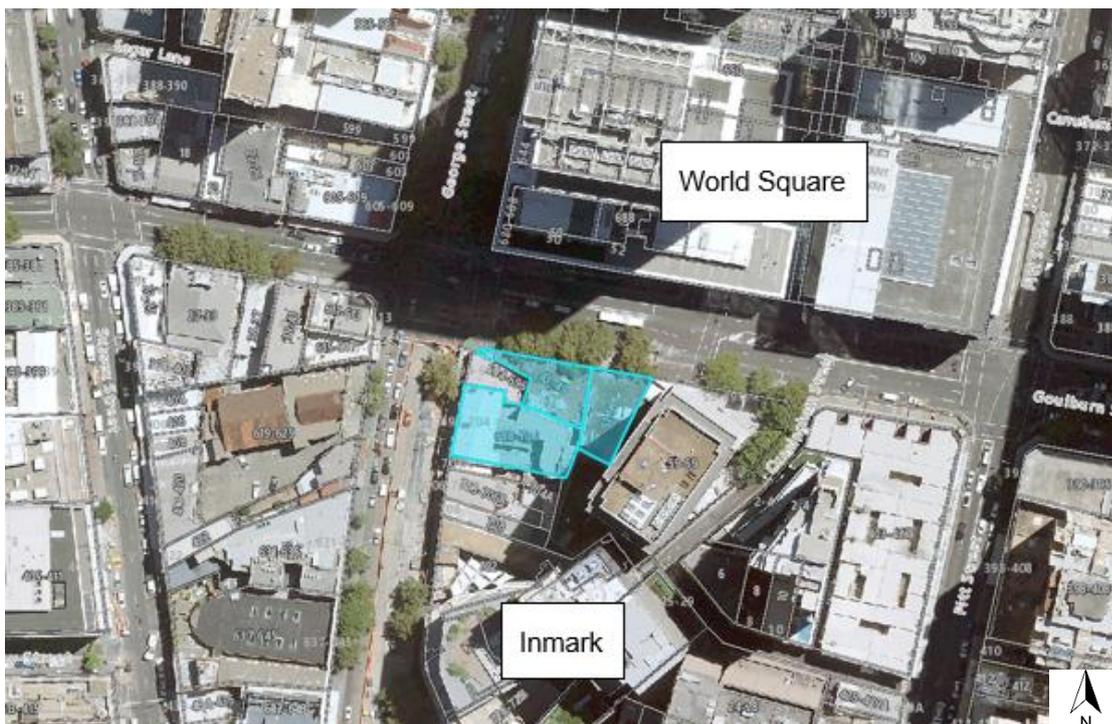
The application is recommended for approval for the following reasons:

- (A) The development complies with the maximum height and floor space ratio standards pursuant to Clauses 4.3 and 4.4 of the Sydney Local Environmental Plan 2012.
- (B) The building envelope, as amended, reasonably protects the amenity of neighbouring apartment buildings with regard to the relevant provisions of the Apartment Design Guide and the view sharing planning principle under *Tenacity Consulting v Warringah* [2004] NSWLEC 140.
- (C) The indicative floor plans demonstrate that the building envelope can provide adequate amenity for residential apartments in accordance with State Environmental Planning Policy No. 65 and the Apartment Design Guide.
- (D) The restoration of the Kiss's building, and the separation with the tower behind, will have a positive heritage impact and contribute to the Haymarket/Chinatown Special Character Area.
- (E) The amended building envelope creates a thin, modulated tower that responds to the character and amenity of the Kiss's building and surrounding area, with a podium height consistent with the predominant street wall height on Goulburn Street. Subject to compliance with the design excellence strategy and an undertaking a competitive design process, the development is able to achieve design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (F) Subject to conditions requiring additional information to accompany the detailed design application, the development can accommodate the proposed uses without adverse impacts to traffic and parking in the surrounding street network.
- (G) For the reasons above, the development is in the public interest.

## Background

### The Site and Surrounding Development

1. A site visit was carried out on 30 April 2018.
2. The site is comprised of three lots being No. 698-704 George Street and Nos. 43-49 and 51-57 Goulburn Street, located adjacent to the southeast corner of the George Street and Goulburn Street intersection. The site has a combined area of 1,237.8sqm and slopes generally from Goulburn Street to the south. Note: the site does not include No. 694-696 George Street which completes the corner of the block.
3. A mixed use terrace and local heritage item known as the Kiss's Building occupies No. 698-704 George Street, while the Scruffy Murphy's and Golden Dragon public hotels and small retail tenancies occupy Nos. 43-49 and 51-57 Goulburn Street. The buildings range in height from two to four storeys.
4. The site is located to the south of the Sydney CBD, with World Square to the north and a collection of residential and commercial towers, historic pubs and low scale commercial buildings within the immediate surrounds. 59 Goulburn Street to the east contains a commercial tower and to the south is the Inmark apartment building at 718 George Street. The CBD and Southeast Light Rail line is currently under construction on George Street.



**Figure 1:** Aerial image of subject site and surrounding area

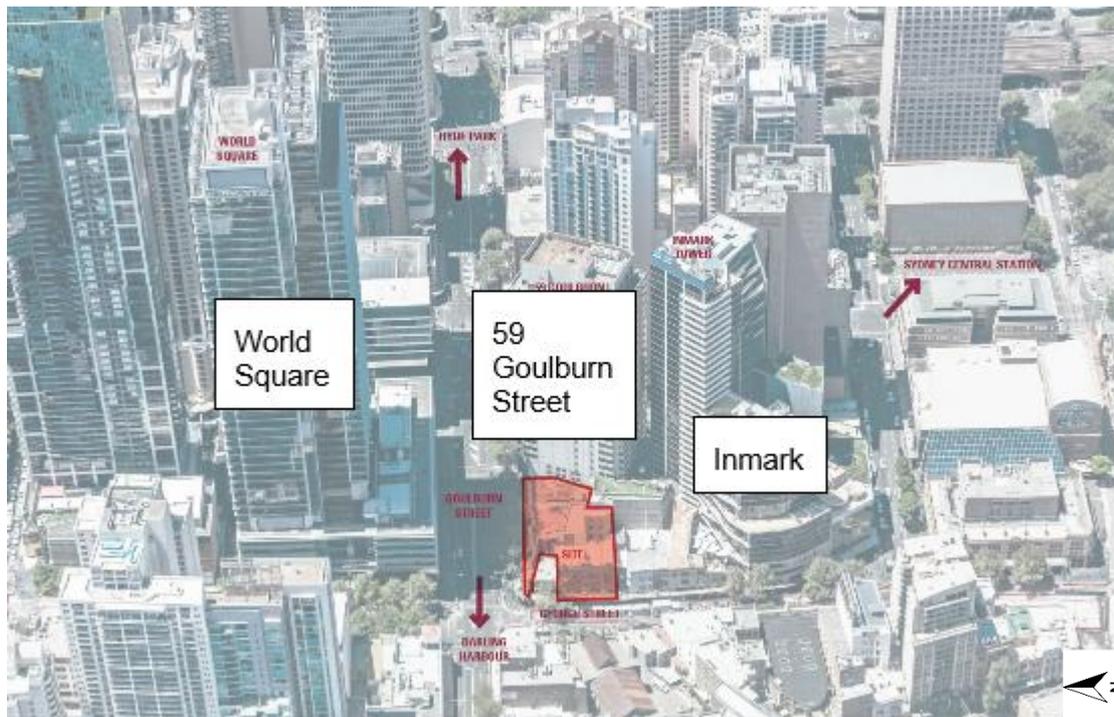


Figure 2: Aerial image of subject site and surrounding area provided by the applicant



Figure 3: The site viewed from the intersection of George and Goulburn Streets looking southeast. No. 694-696 George Street, outlined in red, does not form part of the site



**Figure 4:** The Kiss's Building at No. 698-704 George Street



**Figure 5:** The Golden Dragon and Scruffy Murphy's Hotels at Nos. 43-49 and 51-57 Goulburn Street

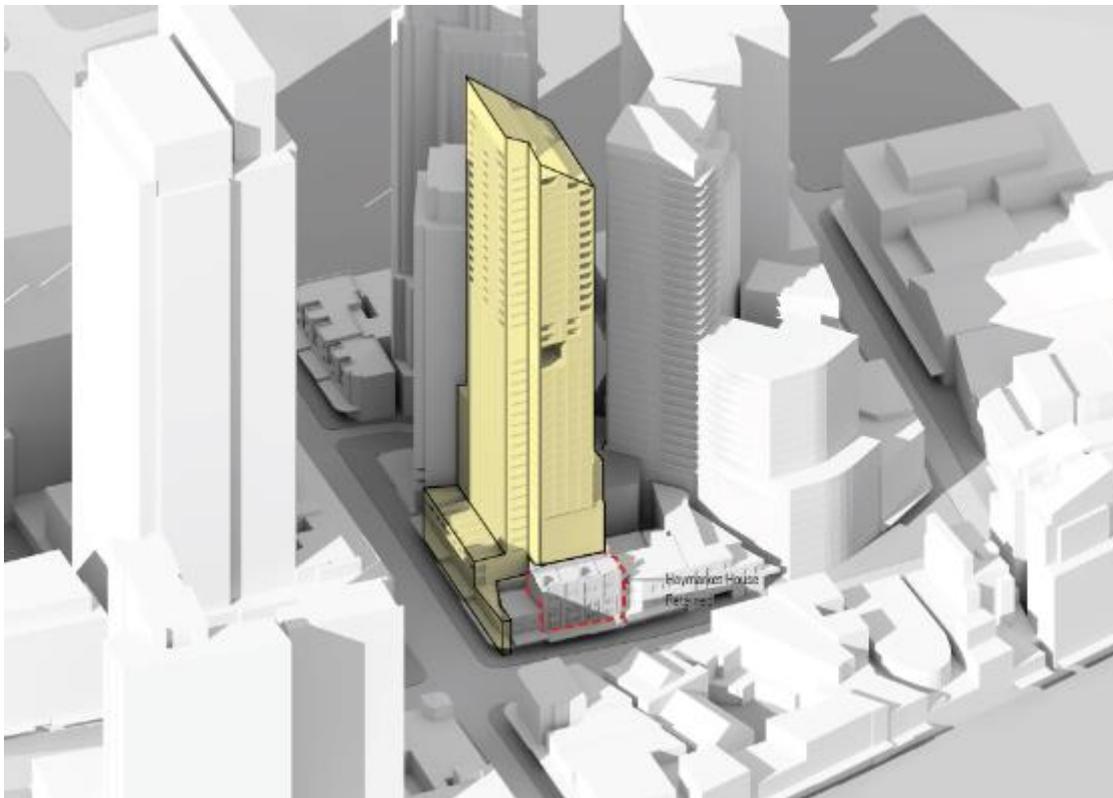


**Figure 6:** Properties located to the west of the site opposite on George Street

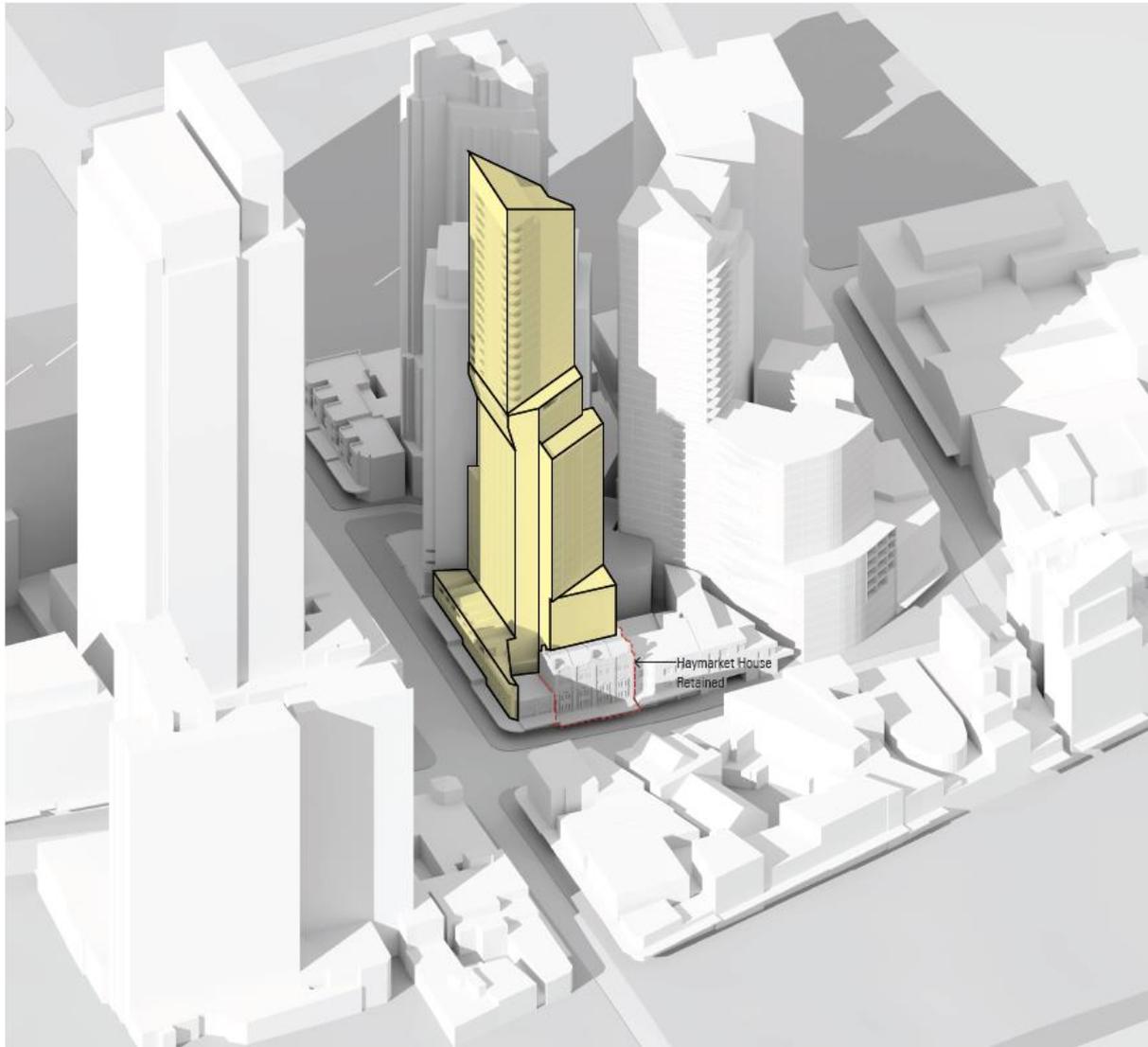
## Proposal

5. The application as amended seeks concept approval for a building envelope and design parameters including the following:
  - (a) The demolition of the Scruffy Murphy's pub at 43-49 and 51-57 Goulburn Street.
  - (b) Retention and restoration of the Kiss's heritage building at 698-704 George Street.
  - (c) Construction of a 40 storey tower with a podium ranging in height from 3 to 13 storeys and basement retail space.
  - (d) Retail, hotel and residential uses.
6. The maximum building height conforms to the Belmore Park sun access plane. The maximum theoretical permitted gross floor area of the development is 16,924sqm (excluding any future design excellence bonus).
7. In response to the reasons for refusal recommended to the CSPC on 18 October 2018 (see Attachment C1), amended plans and additional information were received on 5 December 2018 making the following modifications:
  - (a) The building envelope incorporates a series of chamfered setbacks on the western elevation to improve solar access to the adjoining Inmark tower.

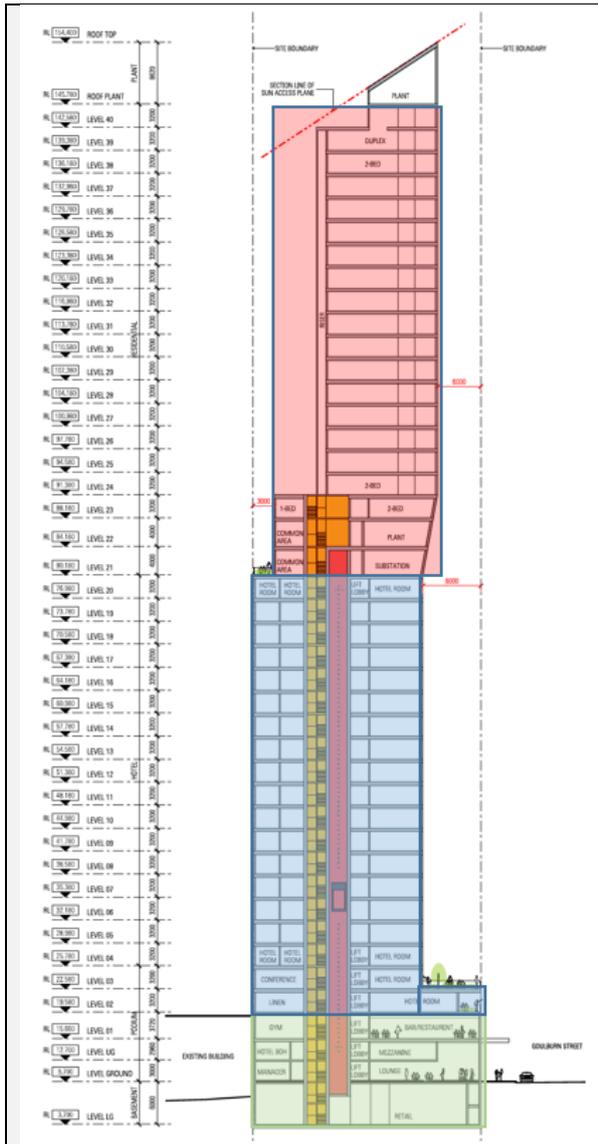
- (b) A gradual modulation to the façade (over three stories) reducing the Goulburn Street setback from 8 metres between the podium and level 21, to 6 metres from 24 and above.
  - (c) The height of the podium adjacent to no. 694-696 George Street has been raised from two storeys to three storeys, forming a consistent street wall height on Goulburn Street.
  - (d) Confirmation that the Scruffy Murphy's hotel will be demolished.
  - (e) Confirmation has been provided that the future hotel use will rely on existing street parking for taxi and coach drop-off and pick-up for guests.
8. The indicative plans accommodate an actual maximum gross floor area of 14,331.78sqm with:
- Retail tenancies at basement, ground and first floor.
  - Lobbies, services, loading and bike parking at ground floor and basement mezzanine with access from Goulburn Street.
  - 204 hotel rooms from levels 2 to 20.
  - 39 apartments (4 x studio, 5 x 1-bed, 17 x 2-bed and 13 x 3-bed) and communal facilities from levels 21 to 40.
9. Plans of the previous scheme presented to the CSPC and the amended scheme being the subject of this report are provided below.



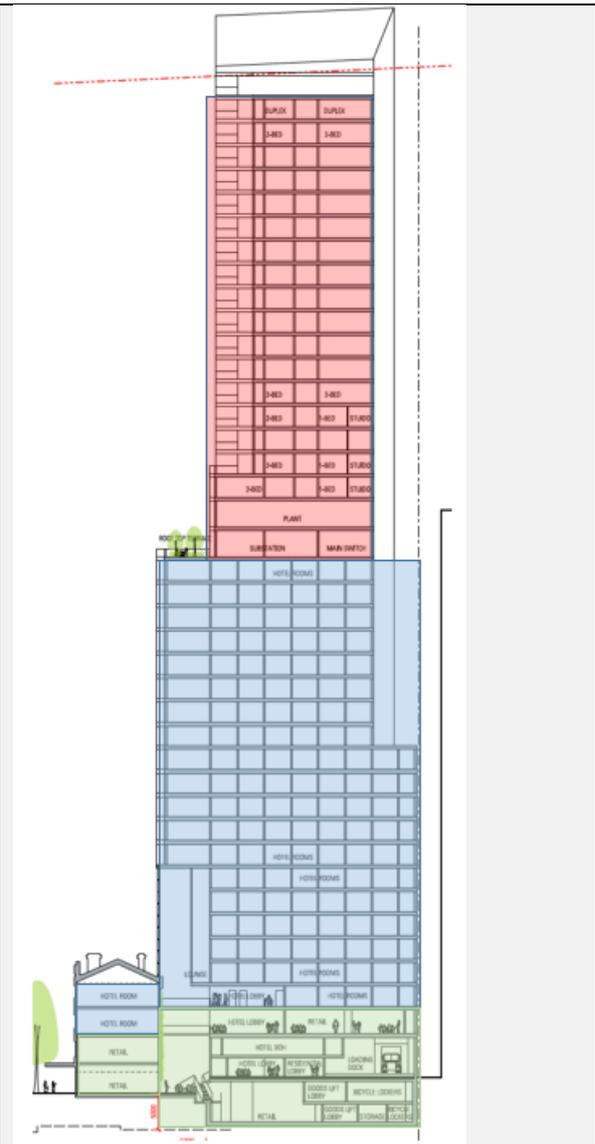
**Figure 7:** The previously proposed concept envelope



**Figure 8:** The amended concept envelope. Note the introduction of the splayed overhang on the north elevation fronting Goulburn Street starting at level 22



**Figure 9:** The amended indicative north-south section (residential in red, hotel in blue, retail in green)



**Figure 10:** The amended indicative east-west section (residential in red, hotel in blue, retail in green)

### History Relevant to the Development Application

10. On 8 December 2016, development consent D/2016/195 was granted by the Central Sydney Planning Committee for a concept approval for a mixed use building envelope containing retail, hotel and residential uses at 59-69 Goulburn Street, immediately adjoining the subject site to the east. The consent was subject to deferred commencement conditions requiring the following:
  - (a) The upper levels above RL 97.96 to be setback a minimum 8 metres from George Street to maintain views from No. 2 Cunningham Street.
  - (b) Setbacks to the podium to Cunningham Street.

- (c) Restricting residential uses within the building such they were not adjacent to the southern boundary and below RL 74.4.
  - (d) Restricting infill at the rear of the building adjacent to the southern and western boundaries between RL 24.39 and RL 27.70.
11. The deferred commencement conditions have not been satisfied and as at 8 December 2017 the consent lapsed.

### **City of Sydney Act 1988**

12. 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."

13. The application was referred to the Monthly Transport and Land Use Coordination team who advised that as the application is seeking concept approval and no detailed designs and/or works are proposed, the Planning Committee will be required to consult the CSTTC prior to determination of any future detailed design application.

### **Economic/Social/Environmental Impacts**

14. 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**

15. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
16. A Preliminary Environmental Site Investigation (PESI) for contamination accompanies the application. Overall, the potential for contamination from previous site uses is considered to be low. As prescribed by Section 59 (2) of the Contaminated Lands Management Act, the site is not declared to be significantly contaminated.
17. Localised sources of contamination (such as old small underground oil tanks) may be present in areas of the site that could not be observed or accessed at the time of the site walkover (for example due to current floor materials). Any contamination from previous and current grease traps/sumps at the site (associated with former and current restaurants) and the old apparent pump and adjoining pit at no. 51-57 Goulburn Street is likely to be localised. Similarly, possible contamination from the application of pesticides beneath ground slabs and possible contamination from hazardous building materials is expected to be limited to near surface soils.
18. There would be an opportunity to remove near surface contaminated filling during excavation.
19. Intrusive investigations of soil and groundwater should be undertaken to determine the contamination status of the site from the above-mentioned potential sources prior to submitting a detailed design application. Restrictions to soil testing due to existing structures is not reasonable justification at the detailed design stage.
20. Council's Environmental Health officer is satisfied that the site could be made suitable for the development and satisfies the relevant provisions of SEPP No. 55.

**State Environmental Planning Policy (Infrastructure) 2009**

21. The development is located above the existing City Circle rail corridor and, as such, is subject to Clauses 86 and 87 of this SEPP. The site is also adjacent to the CBD and South East light rail line, currently under construction, and is therefore subject to Clause 85 of this SEPP.
22. With regard to Clauses 86 and 87, the application as amended was referred to Sydney Trains for concurrence. No response was received at the time of writing this report. No objections were raised to the previous design subject to the general terms of approval granted, and it is noted that the amendments did not regard any changes to basement excavation.
23. With regard to Clause 85, the application as amended was referred to Transport for NSW. No response was received at the time of writing this report, however it is noted that no objections were raised with regard to the impact of the proposal on the light rail line.
24. Further discussion is provided under the External Referrals heading.

**State Environmental Planning Policy No 65—Design Quality of Residential Flat Development**

25. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 9 design quality principles, being:

(a) **Principle 1:** Context and Neighbourhood Character

(b) **Principle 2:** Built Form and Scale

The application was previously recommended for refusal due to concerns that isolation of adjoining sites, particularly no. 694-696 George Street, would result in a poor urban design outcome. The indicative scheme illustrates that the use of high quality materials on the tower, adjoining site boundaries can achieve a good architectural and urban design outcome for this prominent site. The form of the building envelope does not preclude the redevelopment or incorporation of the adjoining sites.

The applicant has confirmed that the demolition of the Scruffy Murphy's pub does for part of the consent, and the podium height adjacent to no. 694-696 George Street has been raised so as to be of consistent height.

The development proposes the retention and restoration of the Kiss's building, a local heritage item, and is provided acceptable visual separation between the building and tower above.

(c) **Principle 3:** Density

The proposed building envelope is below the maximum permissible FSR. It is noted that the envelope has been tested and cannot accommodate the maximum 10% floor space ratio bonus permitted under Clause 6.21(7) of the Sydney Local Environmental Plan 2012 where the detailed design demonstrates design excellence.

(d) **Principle 4:** Sustainability

The development has been amended and the applicant has confirmed that the detailed design would exceed minimum targets for ecologically sustainable development, in particular:

BASIX Energy 30+

BASIX Water 45+

NABERS Hotel 4 Star

The detailed design application would be required to demonstrate how the proposal meets these requirements.

(e) **Principle 5: Landscape**

The site does not provide deep soil, consistent with the dense urban context of central Sydney. The proof of concept application identifies areas for landscaping on the podium and within the tower which will be subject to refinement prior to the submission of a detailed design application.

Street tree protection and public domain upgrades would form part of the detailed design application.

(f) **Principle 6: Amenity**

As discussed with regard to the provisions of the Apartment Design Guide, the proof of concept plans demonstrate that the building is able to provide satisfactory amenity for residents, in particular with regard to solar access, open space, sufficient floor area and outlook.

The revised building envelope reduces the extent of overshadowing caused to the adjoining Inmark apartments and satisfies Objective 3B-2 regarding overshadowing. Further discussion is provided under the Issues heading.

(g) **Principle 7: Safety**

Any future detailed design application will be required to address the provisions of CPTED.

(h) **Principle 8: Housing Diversity and Social Interaction**

The proof of concept scheme demonstrates that a variety of housing types, including apartment sizes and for persons with disability, can be accommodated within the building envelope.

(i) **Principle 9: Aesthetics**

It is proposed that a design competition and detailed design application will be undertaken in accordance with the proposed concept application.

Apartment Design Guide

2E Building Depth	Compliance	Comment
12-18m (glass to glass)	Yes	The proof of concept application demonstrates that the development is able to comply.

<b>2F Building Separation</b>	<b>Compliance</b>	<b>Comment</b>
<p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• 24m between habitable rooms / balconies</li> <li>• 18m between habitable and non-habitable rooms</li> <li>• 12m between non-habitable rooms</li> </ul>	Yes	The proof of concept application demonstrates that the development is able to provide compliant building separation to the commercial building to the east and the Inmark building to the south.

<b>3D Communal and Public Open Space</b>	<b>Compliance</b>	<b>Comment</b>
Communal open space has a minimum area equal to 25% of the site.	Yes	The indicative floor plans provide communal open spaces with a cumulative area equal to approximately 25% of the site area.
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes	These spaces would receive more than two hours solar access to more than 50% of the overall area.

<b>3E Deep Soil Zones</b>	<b>Compliance</b>	<b>Comment</b>
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Partial compliance	<p>The design guidance states that the provision of deep soil, in accordance with the design criteria, may not be suitable in the central business district.</p> <p>In this instance, stormwater management and planting on structures could be provided.</p>

Separation between windows and balconies is required to ensure visual privacy is achieved. Minimum separation distances from buildings to the side and rear boundaries are outlined below.

<b>3F Visual Privacy</b>	<b>Compliance</b>	<b>Comment</b>
<p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms / balconies</li> <li>• 6m between non-habitable rooms</li> </ul>	Yes	With the exception of windows to the south east corner of the tower, the indicative floor plans demonstrate that the building envelope can maintain visual privacy within the development and to neighbouring properties. The apartments can be designed to locate habitable rooms away from circulation spaces.
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Yes	

<b>4A Solar and Daylight Access</b>	<b>Compliance</b>	<b>Comment</b>
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	An amended proof of concept scheme has been submitted with the application which indicates that the proposed building envelope is capable of achieving compliance with the minimum requirements.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	

<b>4B Natural Ventilation</b>	<b>Compliance</b>	<b>Comment</b>
All habitable rooms are naturally ventilated.	Yes	An amended proof of concept scheme has been submitted with the application which indicates that the proposed building envelope is capable of achieving compliance with the minimum requirements.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	

Measured from finished floor level to finished ceiling level, minimum ceiling heights are as follows in the table below.

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7m	Yes	A proof of concept scheme has been submitted with the application which indicates that the proposed building envelope is capable of achieving compliance with the minimum requirements.
Non-habitable rooms: 2.4m	Yes	
Two-storey apartments: 2.7m for main living area floor, 2.4m for second floor, where it does not exceed 50% of the apartment area.	Yes	
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Yes	The indicative floor plans provide floor to floor heights at basement (50%), ground and first floor of 4.5 metres exceeding the design criteria and in compliance with Section 4.2.1.2 of the Sydney DCP 2012.

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> <li>• Studio: 35m<sup>2</sup></li> <li>• 1 bed: 50m<sup>2</sup></li> <li>• 2 bed: 70m<sup>2</sup></li> <li>• 3 bed: 90m<sup>2</sup></li> </ul> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	Yes	The amended proof of concept scheme indicates that the proposed building envelope is capable of achieving compliance with the minimum requirements. Sufficient floor area, floor to ceiling heights and apartment depth are achievable.
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	

4D Apartment Size and Layout	Compliance	Comment
8m maximum depth for open plan layouts.	Yes	
Minimum area for bedrooms (excluding wardrobes): <ul style="list-style-type: none"> <li>• master bedroom: 10m<sup>2</sup></li> <li>• all other bedrooms: 9m<sup>2</sup></li> </ul> Minimum dimension of any bedroom is 3m (excluding wardrobes).	Yes	
Living and living/dining rooms minimum widths: <ul style="list-style-type: none"> <li>• Studio and one-bedroom: 3.6m</li> <li>• Two-bedroom or more: 4m</li> </ul>	Yes	
4m minimum width for cross over and cross through apartments.	Yes	

4E Private Open Space and Balconies	Compliance	Comment
<p>Studio apartments are to have a minimum balcony area of 4m<sup>2</sup> with a minimum depth of 1m.</p> <p>One bed apartments are to have a minimum balcony area of 8m<sup>2</sup> with a minimum depth of 2m.</p> <p>Two bed apartments are to have a minimum balcony area of 10m<sup>2</sup> with a minimum depth of 2m.</p> <p>Three bed apartments are to have a minimum balcony area of 12m<sup>2</sup> with a minimum depth of 2.4m.</p>	Yes	<p>The amended proof of concept scheme indicates that the proposed building envelope is capable of achieving compliance with the minimum requirements.</p> <p>Wintergardens are proposed to apartments to address wind effects.</p>

<b>4F Common Circulation and Spaces</b>	<b>Compliance</b>	<b>Comment</b>
The maximum number of apartments off a circulation core on a single level is eight (8).	Yes	The indicative floor plans identify a maximum of six apartments off the core. The amended proof of concept scheme indicates that the proposed building envelope is capable of achieving compliance with the minimum requirements.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Yes	Two passenger lifts and a goods lift are proposed to service 39 apartments. The amended proof of concept scheme indicates that the proposed building envelope is capable of achieving compliance with the minimum requirements.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Yes	The amended proof of concept scheme indicates that the proposed building envelope is capable of achieving compliance with the minimum requirements. Sufficient floor area, floor to ceiling heights and apartment depth are achievable.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	While not shown on the amended proof concept scheme, the building envelope is able to ensure a compliant detailed design.

<b>4G Storage</b>	<b>Compliance</b>	<b>Comment</b>
<p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> <li>• Studio: 4m<sup>3</sup></li> <li>• 1 bed: 6m<sup>3</sup></li> <li>• 2 bed: 8m<sup>3</sup></li> <li>• 3 bed: 10m<sup>3</sup></li> </ul> <p>(Minimum 50% storage area located within unit)</p>	Yes	An amended proof of concept scheme has been submitted with the application which indicates that the proposed building envelope is capable of achieving compliance with the minimum requirements.

4J Noise and Pollution	Compliance	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Yes	An acoustic report and air quality report would be a requirement of any subsequent detailed design application.

26. The concept application as amended is considered generally acceptable when assessed against the above stated principles and the SEPP generally, which are replicated in large part within Council's planning controls.

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

27. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
28. 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.
29. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

#### **Sydney LEP 2012**

30. The site is located within the B8 - Metropolitan Centre zone. The proposed development is permissible with consent.
31. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

## Compliance Tables

Development Control	Compliance	Comment
4.4 Height of buildings	Yes	The development is permitted a maximum height under the Belmore Park sun access plane, with the exception of the southeast corner of the site which is permitted a maximum height of 60 metres. The envelope complies with the maximum height provisions.
6.17 Sun access planes	Yes	
4.4 Floor Space Ratio	Yes	<p>Based on the amended indicative plans, a maximum floor space ratio of 13.82:1 is permitted or a gross floor area of 16,924sqm. This includes the additional floor space permitted for providing residential, hotel and commercial floor space and is proportioned accordingly.</p> <p>The proof of concept plans demonstrate that the building envelope is able to accommodate 14,331.7sqm, equal to a floor space ratio of 11.7:1 or 85% of the maximum permitted (excluding the potential 10% design excellence bonus).</p> <p>Further discussion regarding bonus floor space under Clause 6.21 of the Sydney LEP 2012 is provided below.</p>
6.4 Accommodation Floor Space		

Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	<p>Number 698-704 George Street, known as the "Kiss's Building" is a local heritage item (item 836). A Heritage Impact Statement accompanies the application.</p> <p>The Kiss's building will be retained and restored as part of any detailed design application, with the tower providing good visual separation to retain the character of the building.</p> <p>The development has been amended to confirm the demolition of the Scruffy Murphy's hotel and a consistent street wall height on Goulburn Street to address the previously recommended reasons for refusal.</p> <p>Further discussion is provided with regard to Section 3.9 of the Sydney DCP 2012.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.11 Heritage floor space	Yes	<p>The development is located in Central Sydney, exceeds 55 metres in height and utilises additional floor space under Clause 6.4 of the Sydney LEP 2012.</p> <p>The subsequent detailed design application will be required to demonstrate compliance.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.21 Design excellence	Yes	<p>The development is located in Central Sydney and exceeds 55 metres in height. As such, a design competition is required to be held prior to the submission of a detailed design application.</p> <p>The application indicates that, following the undertaking of a design competition, the detailed design application would seek bonus floor space up to 10%, equal to 1,692sqm. The proof of concept scheme demonstrates that the building envelope is not able to accommodate the bonus floor space.</p> <p>Bonus height will not be supported to protect the Belmore Park sun access plane.</p> <p>The amended building envelope creates a thin, modulated tower that responds to the character and amenity of the Kiss's building and surrounding area, with a podium height consistent with the predominant street wall height on Goulburn Street. The building envelope as amended is able to comply with the design excellence provisions.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.14 Acid Sulphate Soils	Partial compliance	<p>Acid sulphate soils have not been considered as part of the Preliminary Environmental Site Investigation, but it is noted that the site is located in a Class 5 acid sulphate area and is 160 metres from a Class 2 acid sulphate soil area.</p> <p>As the site is within 500 metres of adjacent Class 2 land a condition of consent is required to confirm if excavation is likely to lower the water table below 1 metre AHD on the adjacent Class 2 site as part of any detailed design application.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.15 Flood planning	Yes	The proof of concept plans as amended demonstrate that compliance with flood planning levels can be achieved.
7.19 Demolition must not result in long term adverse visual impact	Yes	Clause 7.19 prohibits the demolition of a building unless a development consent is in place to comprehensively redevelop the site. Demolition of the existing structures will be the subject of a future application.
7.20 Development requiring preparation of a development control plan	Yes	<p>The development is located in Central Sydney and exceeds 55 metres in height. As such a site specific development control plan is required.</p> <p>Pursuant to Section 4.23 of the EP&amp;A Act, this concept application has been lodged in lieu of a site specific development control plan to satisfy the control. The building envelope and indicative design as amended addresses the relevant provisions of subpart (4). The revised design excellence strategy is discussed with regard to Section 3.3 of the Sydney Development Control Plan 2012.</p>
7.24 Development near Cross City Tunnel ventilation stack	Yes	<p>A part of the site, but excluding the tower, encroaches within the specified radius from the Cross City Tunnel ventilation stack.</p> <p>A condition of consent has been recommended requiring further information to be submitted with a detailed design application demonstrating that the proposed development will not adversely affect the dispersal of emissions from the Cross City Tunnel ventilation stack and that persons occupying the proposed development will not be unduly affected by those emissions.</p>

**Sydney DCP 2012**

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

**2.1.3 Haymarket/Chinatown Special Character Area**

The subject site is located in the Haymarket/Chinatown Special Character Area.

The proposed land uses, restoration of the Kiss's building, amended podium and tower form are compatible with the character of the Haymarket/Chinatown Special Character Area.

3. General Provisions	Compliance	Comment
3.1 Public Domain Elements	Yes	The concept application is consistent with relevant controls. In particular, a public art strategy has been submitted to the satisfaction of Council officers, with the exception of the potential location of the northern elevation of the Kiss's building as this elevation could be obscured by future development at No. 694-696 George Street. A condition of consent is recommended deleting this location from any future detailed public art plan.
3.2 Defining the Public Domain	Yes	<p>The concept application demonstrates that a detailed design can contribute positively to the public domain:</p> <ul style="list-style-type: none"> <li>• The development does not penetrate the Belmore Park sun access.</li> <li>• The active frontage to George Street would be maintained.</li> <li>• The hotel and residential lobbies can adequately address the public domain.</li> <li>• Footpath awnings can be provided.</li> <li>• A wind report accompanies the application providing measures to minimise wind impacts on the public domain.</li> </ul>

3. General Provisions	Compliance	Comment
3.3 Design Excellence and Competitive Design Processes	Yes	A revised Design Excellence Strategy was received during the assessment of the application and is acceptable.
3.5 Urban Ecology	Yes	Landscape plans and an arborist report are required to be submitted with any subsequent detailed design application. Conditions of consent are recommended accordingly.
3.6 Ecologically Sustainable Development	Yes	Conditions of consent are recommended requiring the residential component to achieve BASIX Energy 30+ and BASIX Water 45+, the hotel component to enter into a NABERS Hotel Energy Commitment Agreement targeting 4 star or better and the retail component meeting the requirements of Section J of the NCC.
3.7 Water and Flood Management	Yes	<p>A flood report has been submitted during the assessment of the application and demonstrates that the development can comply with the City's flood planning levels.</p> <p>Stormwater management is required to be considered at detailed design stage.</p>

3. General Provisions	Compliance	Comment
3.9 Heritage	Yes	<p>Number. 698-704 George Street, known as the "Kiss's Building" is a local heritage item (item 836). A Heritage Impact Statement accompanies the application.</p> <p>The development proposes repair and restoration of the heritage item as part of the detailed design application. The upper floors would be converted to hotel rooms and the building upgraded to meet the provisions of the National Construction Code. A Conservation Management Plan is required to be submitted with the detailed design application.</p> <p>Amended plans have been provided improving the visual separation between the heritage item and the cantilever of the tower above. Sufficient setback is provided between the rear of the heritage item and the tower, creating an internal courtyard.</p> <p>The height of the podium adjacent to No. 694-696 George Street has been raised to form a consistent street wall on Goulburn Street.</p>
3.11 Transport and Parking	Partial compliance	Discussion is provided under the Issues heading.
3.12 Accessible Design	Yes	Conditions of consent are recommended requiring the detailed design application to provide appropriate access and facilities for persons with disabilities in accordance with the National Construction Code.
3.14 Waste	Partial compliance	The concept application indicates that the development can accommodate two service vehicle spaces, whereas a minimum of eight service spaces are required. As previously discussed, a condition of consent is recommended requiring the provision of a loading dock management plan with the detailed design application.

4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.3 Amenity	Yes	<p>The envelope and accompanying proof of concept plans demonstrate that the development can provide good amenity for the residential component of the development.</p> <p>The amended building envelope has reduced the extent of overshadowing caused to the adjoining Inmark building, satisfying Objective 3B-2 of the Apartment Design Guide. Further discussion is provided under the Issues heading.</p>

4.4.8 Visitor accommodation	Compliance	Comment
4.4.8.1 General	Yes	The envelope and accompanying proof of concept plans demonstrate that the development can comply with the relevant provisions for hotels.
4.4.8.3 Additional provisions for hotels	Yes	

5. Specific Areas	Compliance	Comment
5.1.2 Building setbacks	Partial compliance	The proposed building envelope has been amended to provide a minimum 10

5. Specific Areas	Compliance	Comment
5.1.3 Street frontage heights and setbacks for Special Character Areas	Partial compliance	<p>metre setback to George Street consistent with the provisions for the Haymarket/Chinatown Special Character Area.</p> <p>An eight metre setback has been provided to Goulburn Street between the podium and level 22, where the tower then cantilevers progressively out reducing the setback to six metres up to 40 storeys. The reduced setback will not adversely impact the amenity of neighbouring properties and is acceptable. Discussion regarding the impact on views is provided under the Issues heading.</p> <p>A wind report will be required to demonstrate that the variation to the setback control will not adversely impact the public domain.</p> <p>The application has been amended to provide a consistent three storey street wall on Goulburn Street, addressing one of the reasons for refusal previously recommended.</p> <p>The envelope provides:</p> <ul style="list-style-type: none"> <li>• a nil setback up to 45 metres to the eastern and southern (side) boundaries</li> <li>• a 6 metre setback above 45 metres to the eastern boundary</li> <li>• a 3 metre setback above 45 metres to the southern boundary</li> </ul> <p>The development has been amended such that, subject to the orientation of hotel and habitable room windows and balconies to the north and west to be determined at the detailed design stage, the development would comply with the setback controls.</p>

5. Specific Areas	Compliance	Comment
5.1.5.2 Residential buildings and serviced apartments	Yes	<p>The size of the hotel and residential floor plates above 45 metres is less than 25% of the site area and 1,000sqm gross floor area respectively.</p> <p>The maximum horizontal dimension of the tower is less than 40 metres.</p>
5.1.9 Award and allocation of heritage floor space	Yes	Any future detailed design application will be subject to the provisions of the control.

## Issues

### Overshadowing

33. Objectives 3B-2 and 4A-1 of the ADG require proposed developments to maintain solar access to 70% of apartments (living rooms and balconies) within adjoining apartment buildings between 9am and 3pm during midwinter. A maximum 15% of apartments are permitted to receive little or no solar access (that is, less than 15 minutes) to habitable rooms.
34. The proposed building envelope has been amended so that 70% of apartments (160) within the adjoining Inmark residential apartment building receive at least 2 hours solar access to living rooms and balconies, a reduction from 183. The number of apartments receiving no direct solar access will increase from 15 (6.9%) to 28 (12.8%), compliant with the design criteria. The development will not adversely impact solar access to other nearby apartment buildings as discussed in the previous assessment report at Attachment C1.
35. The fact that the proposed development will overshadow an additional 13 apartments which currently receive more than 2 hours solar access to living rooms and balconies is not a direct product of the proposed building envelope but rather results largely from the design and orientation of the existing Inmark building, which relies on amenity borrowed over the subject development site. These apartments are located deep within the block and within the lower half of the tower. While the impact to the amenity of these apartments is acknowledged, it is unreasonable to protect their solar access and thereby sterilise this prominent inner city site from redevelopment. The amended design, which is compliant with the maximum height, FSR and relevant objectives of the ADG, is therefore a fair and reasonable redevelopment of the site and is supported in its amended form.

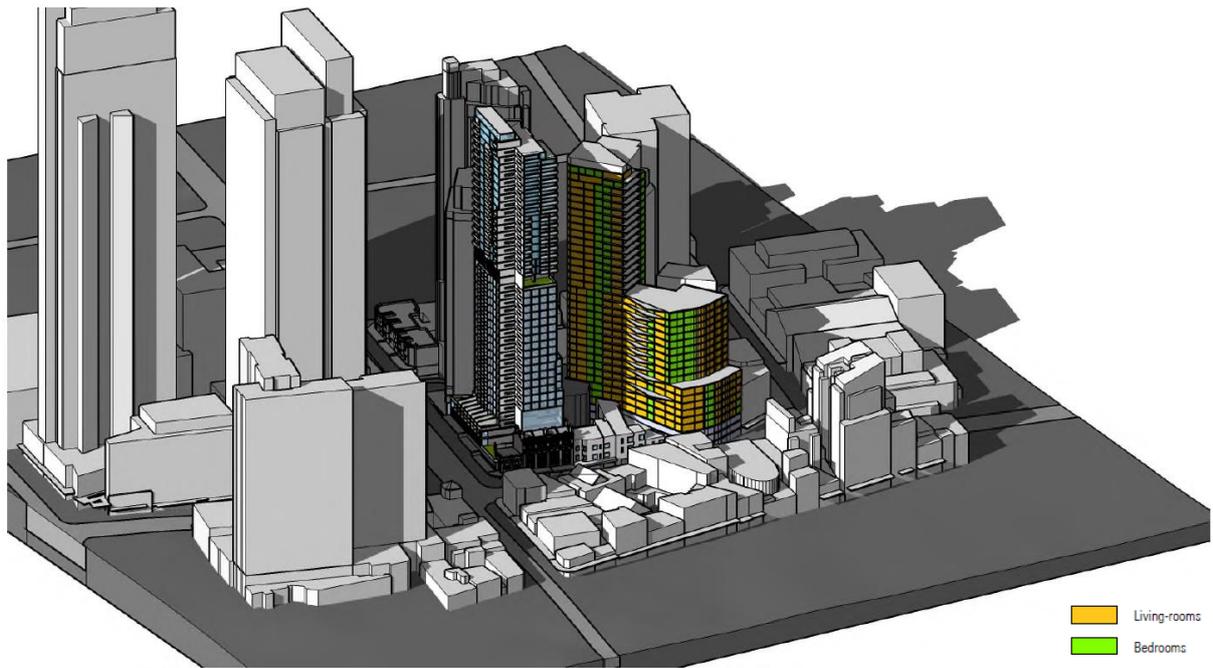


Figure 11: The original, indicative building envelope with shadows cast at 1pm midwinter.

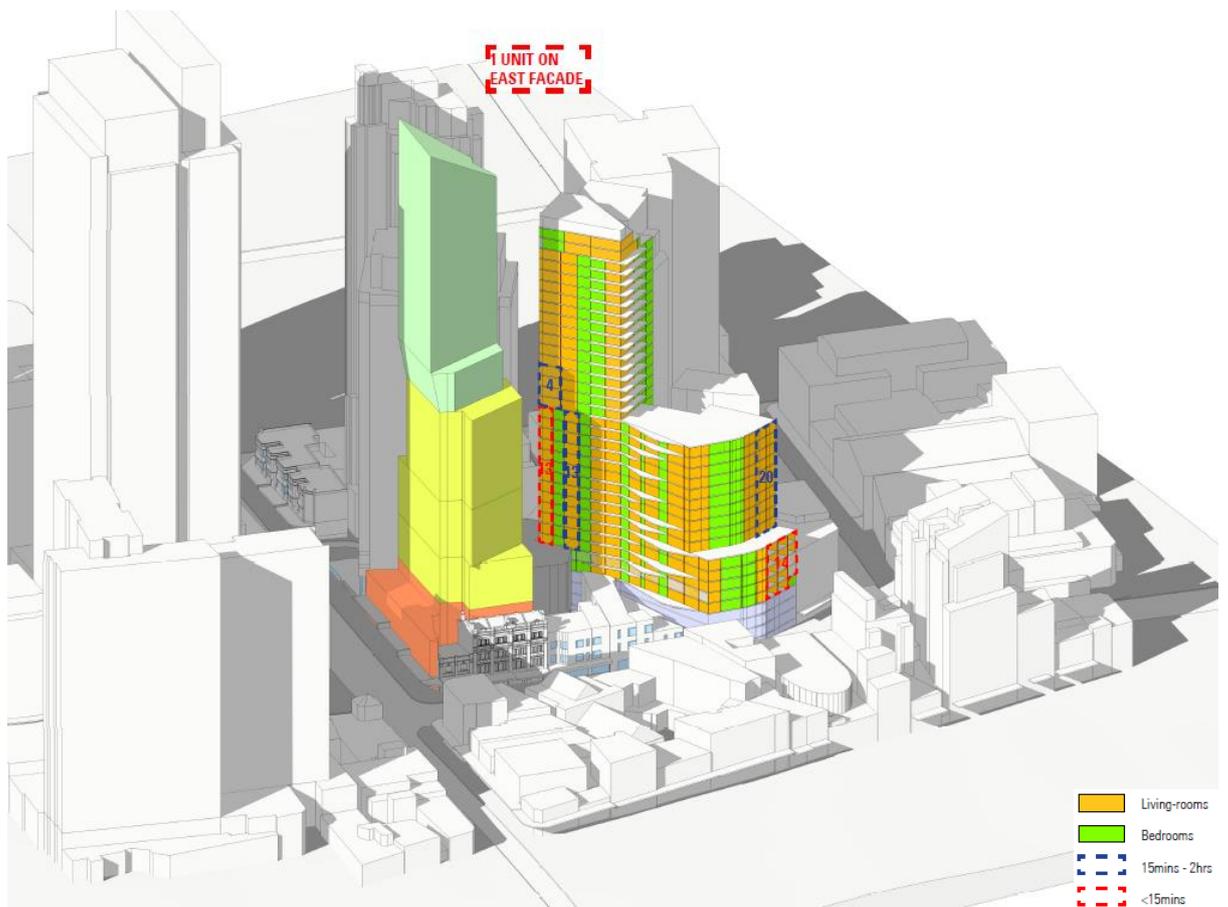


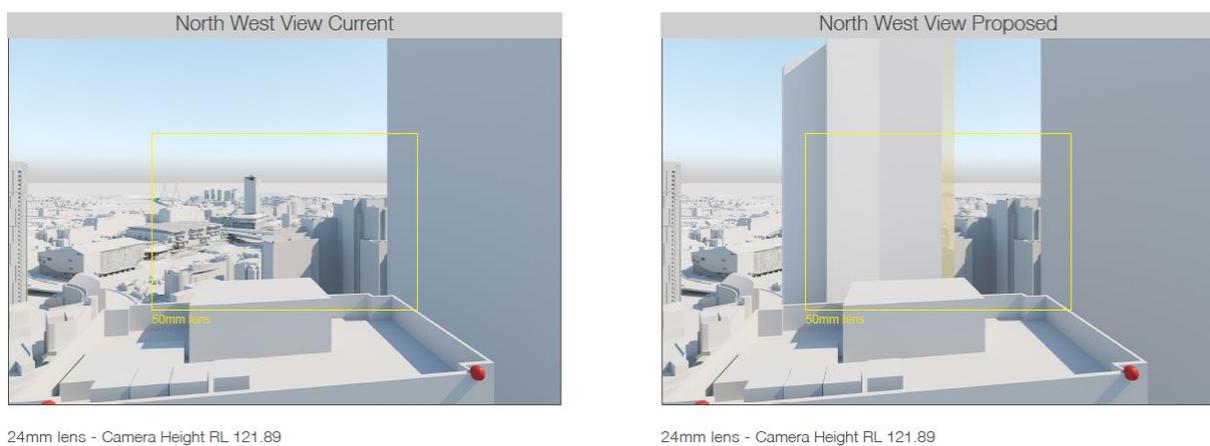
Figure 12: The amended building envelope with shadows cast at 1pm midwinter.

**View loss**

36. The applicant had previously undertaken a view impact analysis from the Inmark apartments, which is discussed in detail in the previous assessment report at Attachment C4. It was found that the impact of the previously proposed building envelope on views and outlook was acceptable. The amended plans have reduced the bulk of the building envelope towards the northwest, thereby improving outlook and views from the affected apartments and the amendments are supported.
37. The previously proposed building envelope would not have exceeded the parameters of the building envelope approved at No. 59 Goulburn Street under D/2016/195 and as such impacts on views from No. 2 Cunningham Street would have been the same as that approved under that application (notwithstanding that consent has lapsed).
38. The amended building envelope proposes to reduce the setback to Goulburn Street above level 22 from eight metres to six metres. The applicant was requested to provide an additional view loss assessment as a result of the proposed modification to determine whether the proposed envelope would adversely impact views from no. 2 Cunningham Street. As such, this assessment considers the view loss which would result from the additional bulk fronting Goulburn Street.
39. Relevant planning provisions do not provide a mechanism in which to assess the impact of views. As such, the principles of view sharing have been established by the Land and Environment Court in *Tenacity Consulting v Warringah* [2004] NSWLEC 140. The Court established a four part test to determine what is and is not reasonable in the sharing of views. It is noted that the sharing of views invariably results in a partial loss of views for those that currently enjoy them.
40. The applicant's view impact analysis undertook westerly/north-westerly view assessments from two apartments within the apartment building at 2 Cunningham Street. The apartments are located at the northwest and southwest corners of the building, at levels 35 and within the top floor. Importantly, the view assessment was based on computer models and stamped approved floor plans of the building. The applicant states that the analysis has been undertaken in accordance with the Land and Environment Court's relevant practice directions.
41. The first step of the four part test in *Tenacity* is the assessment of the views to be affected. Water views are more valued than land views, and iconic views are more valued than those without. The second step is to consider from where the views are enjoyed. The third step is to assess the extent of the impact. Finally, the fourth step is to assess the reasonableness of the proposal that is causing the impact.
42. The views are enjoyed from living rooms, bedrooms and in some cases balconies. With regard to the second test, the views are enjoyed from important rooms within the apartment and therefore provide a high level of amenity.
43. The extent of the impact is assessed on a qualitative, rather than quantitative, scale. As shown in the figures below, the non-compliant setback to Goulburn Street would have a marginal impact on views to the west, with district views and, for the penthouse and other northwest apartments, views to Blackwattle Bay and the ANZAC bridge retained. The impact of the non-compliance is therefore considered negligible to minor.



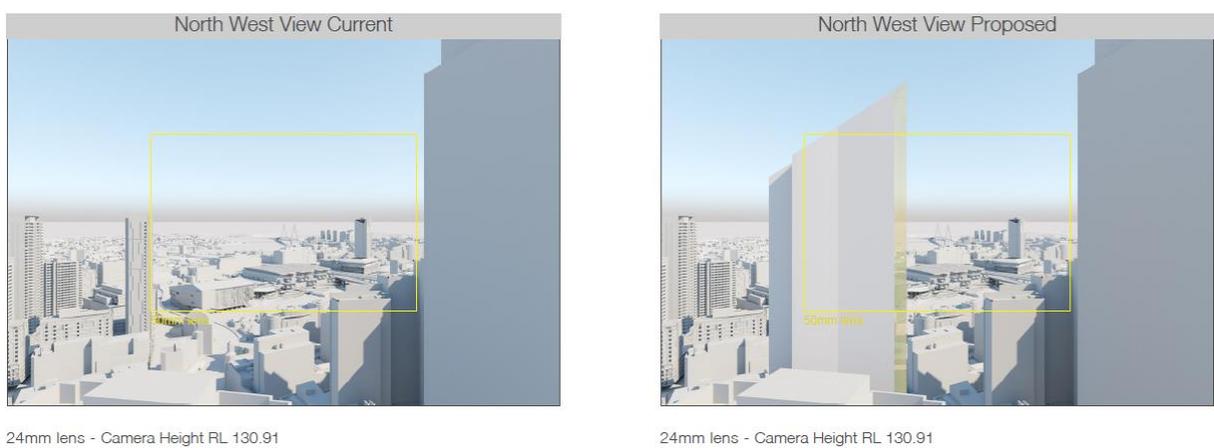
**Figure 13:** The view from the living room of unit 35b



**Figure 14:** Simulation of existing and proposed views from unit 35b. The extent of the non-compliant setback to Goulburn Street is shown in yellow.



**Figure 15:** The view from the penthouse apartment on the northwest corner



**Figure 16:** Simulation of existing and proposed views from the top floor. The extent of the non-compliant setback to Goulburn Street is shown in yellow.

44. The view impact analysis provided with the amended plans is acceptable and demonstrates that the development would have an acceptable impact with regard to views as established in Tenacity.

#### **Relationship to adjoining sites**

45. Issues were previously raised regarding the relationship between the proposed tower and adjoining small sites at nos. 694-696 and 704A-706A George Street. These sites will remain isolated and difficult to redevelop in accordance with the controls and thereby desired future character for the area. Particularly, the previous indicative plans provided windows on the boundary with no. 694-696 George Street creating an awkward relationship is that site was to be redeveloped.
46. The amended indicative plans demonstrate that the internal layout can achieve good amenity for residents without requiring windows fronting the neighbour's boundaries. This demonstrates that the envelope can accommodate an architectural response to minimise blank walls and provide visual interest to the public domain. Furthermore, public art may be incorporated into these areas. A condition of consent is recommended requiring blank walls to be minimised.
47. Furthermore, the Design Advisory Panel had previously recommended a thinner tower envelope to encourage facade modulation which has been achieved in the amended design. Although not a regular orthogonal form, the amended building envelope provides greater building separation and a thinner tower form.
48. The applicant has provided evidence of approaches made to no. 694-696 George Street to incorporate the site within the development or alternatively provide access to servicing and loading without a positive response. While it is desirable for these sites to be incorporated into the development (which they may do at a later date), it is not so significant as a standalone issue to warrant refusal of the application. Officers are therefore confident that the amended building envelope achieves design excellence and is supported.

#### **Traffic and servicing**

49. The previously submitted indicative plans provided insufficient on-site parking and servicing to accommodate anticipated demand in accordance with Section 3.11 of the Sydney DCP 2012. Concern was raised that the intensity of development envisioned could not be adequately serviced and therefore would have unacceptable traffic and parking impacts in the surrounding area.
50. However, officers are now satisfied that further information can be provided in association with the detailed design application to address the requirements of Section 3.11 as per below:
  - (a) Bike parking

The indicative plans would require 95 bike spaces for staff, residents and visitors. 118 spaces are provided within the basement mezzanine floor with associated facilities.
  - (b) Servicing and loading

The indicative floor space would require eight loading bays. Two are provided indicatively.

Transport for NSW and Council's Transport Planner raise no objection to the reduction in loading areas provided indicatively and have recommended a loading dock management plan be submitted with the detailed design application to manage demand for servicing the various uses on site. A condition of consent is recommended accordingly.

(c) Pick up and set down

Two car spaces are required on site for pick up and drop off. The development has been amended to delete on site car parking due to the constraints of the site and surrounding road network.

In addition to frequent and multimodal active and public transport options, the site is suitably located adjacent to two taxi ranks for pick up and drop off.

(d) Coach parking

Schedule 7.8.3 requires the provision of two coach parking spaces on site.

Schedule 7.8.2 states that coach parking for hotels is only to be provided on-site subject to urban design, heritage and streetscape considerations. The indicative scheme does not provide on-site coach parking. Where on-site parking is not provided, off-site coach parking spaces are to be considered. A condition of consent is recommended requiring a coach management plan to be submitted with the detailed design application identifying suitable locations for coach parking and management of visitors accordingly.

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

51. The proposed development is capable of complying with the NCC.
52. 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**

53. The proposal is of a nature in keeping with the overall function of the site.

### **Internal Referrals**

#### **Heritage and Urban Design**

54. The concerns raised regarding the previous building envelope and that formed part of the reasons for refusal have been addressed as discussed in the body of the report.

#### **Design excellence**

55. The design excellence strategy dated 10 January 2019 has been reviewed and is consistent with the requirements of Section 3.3 of the Sydney Development Control Plan 2012.

## Transport

56. The City's Transport Planner has recommended conditions regarding driveway and loading dock design and location, bike parking and traffic management during construction, which (where relevant to a concept approval) are included in the recommended conditions of consent.
57. The conditions of other sections of Council have been included in the proposed conditions.

## External Referrals

### Notification, Advertising and Delegation

58. The application constitutes integrated development and as such the application was notified and advertised for 30 days between 12 January 2018 and 10 February 2018 in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this notification, 36 submissions (one submission represented 29 owners/occupiers and 24 form letters) were received raising the following concerns. The matters raised during that period of public exhibition are discussed in the previous report at Attachment C1.
59. The recently submitted amended plans were exhibited for a period of 14 days in accordance with Schedule 1 of the Sydney DCP 2012 from 6 December 2018 to 20 December 2018. During this period three submissions were received, raising the following concerns:
  - (a) The Scruffy Murphy's hotel is of heritage significance and should be retained.  
**Response** - The hotel is not identified as being of heritage significance and its demolition is not opposed.
  - (b) The non-compliant setback to Goulburn Street from level 22 and above should be modelled to ensure it does not reduce solar access and views from the adjoining commercial building at no. 59 Goulburn Street.  
**Response** - No. 59 George Street is a commercial building and is not protected from overshadowing or view loss in accordance with Council's planning controls. It is noted that the previous concept approval has lapsed.
  - (c) Insufficient building separation provided from the eastern boundary adjoining no. 59 Goulburn Street.  
**Response** - The development complies with the minimum setbacks required under Sections 5.1.2 and 5.1.3 of the Sydney DCP 2012. Matters regarding privacy and overlooking will be refined at the detailed design stage.
  - (d) The development will isolate no. 704A George Street (a commercial terrace adjoining the site to the south) having an adverse urban design impact.  
**Response** - The development retains the existing Kiss's building fronting George Street, adjacent to no. 704A George Street, respecting the existing street frontage height. The tower is adequately setback in accordance with Section 5.1.3 of the Sydney DCP 2012. The proposal does not preclude development on neighbouring sites.

The development therefore provides an acceptable urban design outcome with regard to its relationship with the building at no. 704A George Street.

- (e) The development will adversely overshadow no. 704A George Street.

**Response** - No. 704A George Street is a commercial building and is not protected from overshadowing in accordance with Council's planning controls. It is noted that the site is significantly overshadowed already.

### Public Interest

60. The proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

### S61 Contribution

61. The development exceeds \$200,000 and as such will be subject to a development contribution at the detailed design stage.

### Relevant Legislation

62. The Environmental Planning and Assessment Act 1979.

### Conclusion

63. This application seeks concept approval for a 40-storey tower and single level basement containing commercial, hotel and residential uses and restoration of the heritage listed Kiss's building. The indicative plans include retail, 204 hotel rooms and 39 apartments. The application is Integrated Development requiring the approval from the NSW Office of Water under the Water Management Act 2000.
64. The application as amended on 5 December 2018 addresses the reasons for refusal that were identified in the planning officers report that was presented to the CSPC on 18 October, see Attachment A.
65. The development complies with the maximum height and floor space ratio development standards of the Sydney Local Environmental Plan 2012 and, subject to a design competition and subsequent detailed design application, is able to achieve design excellence.
66. The indicative layout demonstrates the envelope can accommodate residential apartments that achieve the objectives of the Apartment Design Guide.
67. Non-compliance with the minimum setback control fronting Goulburn Street and from level 22 above has an acceptable urban design outcome and will not adversely impact the amenity of neighbouring properties and the public domain.
68. For the reasons provided above the development is in the public interest and is supported.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

David Zabell, Senior Planner