

**Item 9.****Development Application - 174-176A, 178-186, and 178A George Street, and 33-35 Pitt Street, Sydney**

File No.: D/2019/1339

**Summary**

|                            |  |
|----------------------------|--|
| <b>Date of Submission:</b> | 22 November 2019   |
| <b>Applicant:</b>          | Lendlease Development Pty Ltd  |
| <b>Architect/Designer:</b> | Adjaye Associates and Daniel Boyd (Canopy and Plaza Building); Foster and Partners (Link Bridge)   |
| <b>Developer:</b>          | Lendlease Development Pty Ltd  |
| <b>Owner:</b>              | Lendlease Development Pty Ltd  |
| <b>Cost of Works:</b>      | \$18,246,725   |
| <b>Zoning:</b>             | B8 - Metropolitan Centre - proposal is permitted with consent.   |
| <b>Proposal Summary:</b>   | <p>The application seeks consent for the construction of a public plaza with public artwork in the form of a canopy, designed by Daniel Boyd in conjunction with Adjaye Associates architects.</p> <p>Consent is also sought for a plaza building, for use as a cafe at ground floor and multi-purpose community space on the first floor. A viewing terrace to the roof level is proposed, with access via a lift, to operate 24 hours a day, 7 days a week. The lift will also link the plaza and the adjoining lanes to the east. A link bridge, to provide pedestrian access from the plaza to the tower lobby of the new commercial building presently under construction, is also proposed.</p> <p>The subject site is located within the B8 Metropolitan Centre Zone as per the Sydney Local Environmental Plan 2012 (SLEP 2012) and all the works and uses are permitted with consent.</p> |

The 56 level commercial tower under construction was approved under development consent D/2017/1620 granted 9 August 2018 by the Central Sydney Planning Committee. This application also approved demolition of the existing Jacksons on George building, public domain works including new laneways, George Street plaza and laneway level plazas, and a new public end of trip facility. This consent has been modified three times (A through C). The George Street plaza, public artwork, link bridge and plaza building concepts were approved in principle, however the final designs were to be subject to a future detailed DA.

The subject application has been submitted to finalise details of the works as per the conditions of the approval for D/2017/1620. The plaza building, public artwork and plaza itself are agreed under the relevant planning agreement for the above consent.

The developer, Lendlease, has entered into a planning agreement with the City of Sydney as part of the redevelopment of the site. The planning agreement provides for the delivery of public benefits (referred to as 'Developer's Works' in the agreement) and will provide a George Street Public Plaza and community building on the plaza, a public cycle facility below the plaza, business innovation space in the podium of the commercial tower, public artwork as well as a network of laneways and public spaces.

The works to which this DA relates includes the key public benefits of George Street Public Plaza, plaza building and public art, all of which will be dedicated to the City.

The site is located within a city block commonly known as the APDG (Alfred, Pitt, Dalley and George Street) block. Site specific provisions apply to the block within the Sydney Local Environmental Plan (SLEP) 2012 and Sydney Development Control Plan (SDCP) 2012.

The application was notified and advertised for a period of 28 days. One (1) submission was received.

The application is considered to achieve the objectives for the APDG block controls and will contribute to the creation of through-site pedestrian networks within the city block with the provision of the new plaza and plaza building.

The proposal is reported to the Local Planning Panel for determination as it relates to a Voluntary Planning Agreement (VPA).

**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 (Infrastructure) 2007;
  - (iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
  - (iv) Sydney Local Environmental Plan 2012;
  - (v) Sydney Development Control Plan 2012;
  - (vi) Central Sydney Development Contributions Plan 2013.

- Attachments:**
- A. Recommended Conditions of Consent
  - B. Selected Drawings

## **Recommendation**

It is resolved that consent is granted to Development Application No. D/2019/1339 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 in the report;
- (B) The proposal is consistent with the relevant objectives and controls for the site including the Sydney Local Environmental Plan 2012, Sydney Development Control Plan 2012, and the relevant SEPPs;
- (C) The proposal, subject to conditions, will not adversely impact upon the amenity of neighbouring properties and is generally in the public interest as it will contribute to the creation of a new public domain area;
- (D) The proposal includes a public artwork in the form of a canopy over a new publicly accessible plaza that will create a community focused destination; and
- (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 staff on 9 January 2020. The site is currently under construction.
2. The site is located within the key precinct known as 'APDG Block' (area bound by Alfred Street, Pitt Street, Dalley Street and George Street) at the northern end of the Sydney CBD, close to Circular Quay.
3. The Lendlease Circular Quay (LLCQ) site falls within the APDG block and comprises several properties with a total area of 4,600sqm (refer Figure 3).
4. The subject site to which this DA relates sits within the LLCQ site, and comprises several properties including 174-176A, 178-186, and 178A George St, and 33-35 Pitt St Sydney, and will take up a development footprint of approximately 1,500sqm.
5. Surrounding development includes the development to the north at 1 Alfred Street that is subject to development works (known as Yuhu development). To the southwest, the site adjoins the EY Centre commercial tower at 200 George Street.
6. 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. The light rail is located to the west of the site on George Street.
7. The site is not within a Heritage Conservation Area and does not contain a locally listed or State listed heritage item.
8. However, a State Heritage Item exists along Pitt Street adjacent to the site, identified as 'Tank stream including tanks and tunnels'. The Tank Stream is not within the subject site, however, the proposal has been referred to the Heritage Council of NSW for comment. A response was received on 17 January 2020 that states that the Heritage Council did not foresee any state heritage issues.

9. Photos of the site and surrounds are provided below:

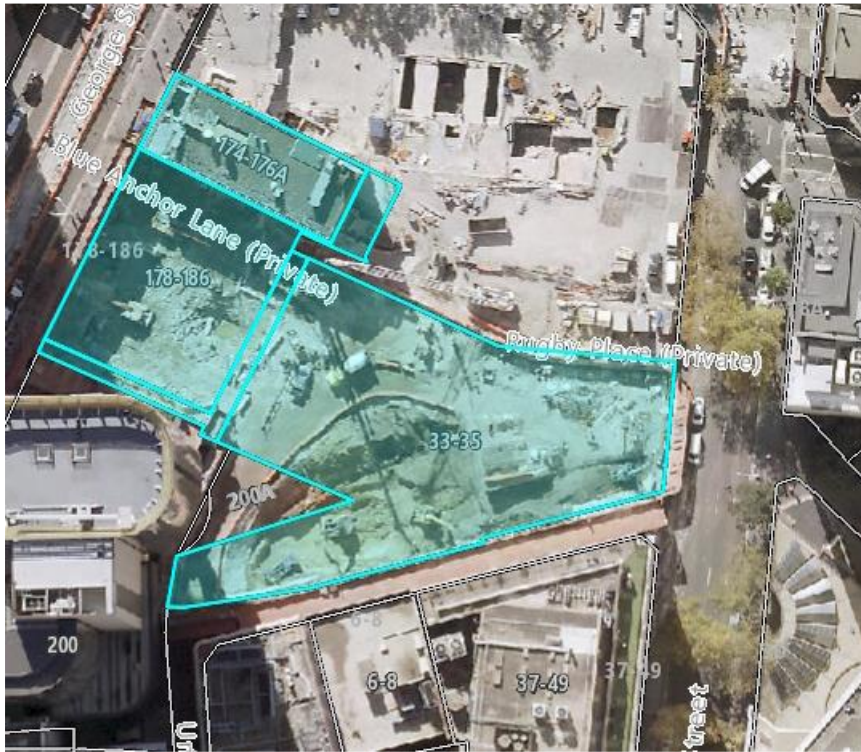


Figure 1: Aerial image of subject site and surrounding area

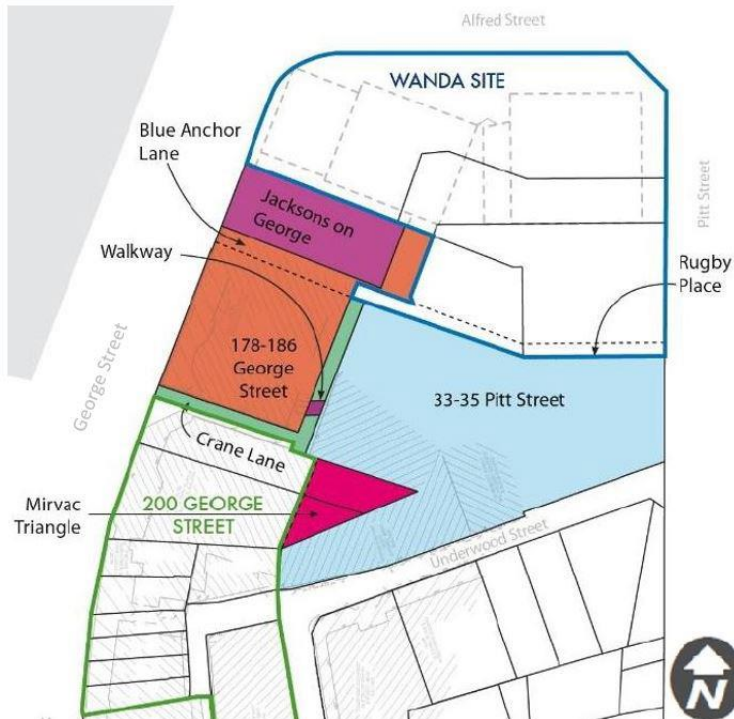


Figure 2: Plan of allotments within the northern part of APDG block





Figure 3: LLCQ site in the context of APDG block



Figure 4: Site viewed from George Street

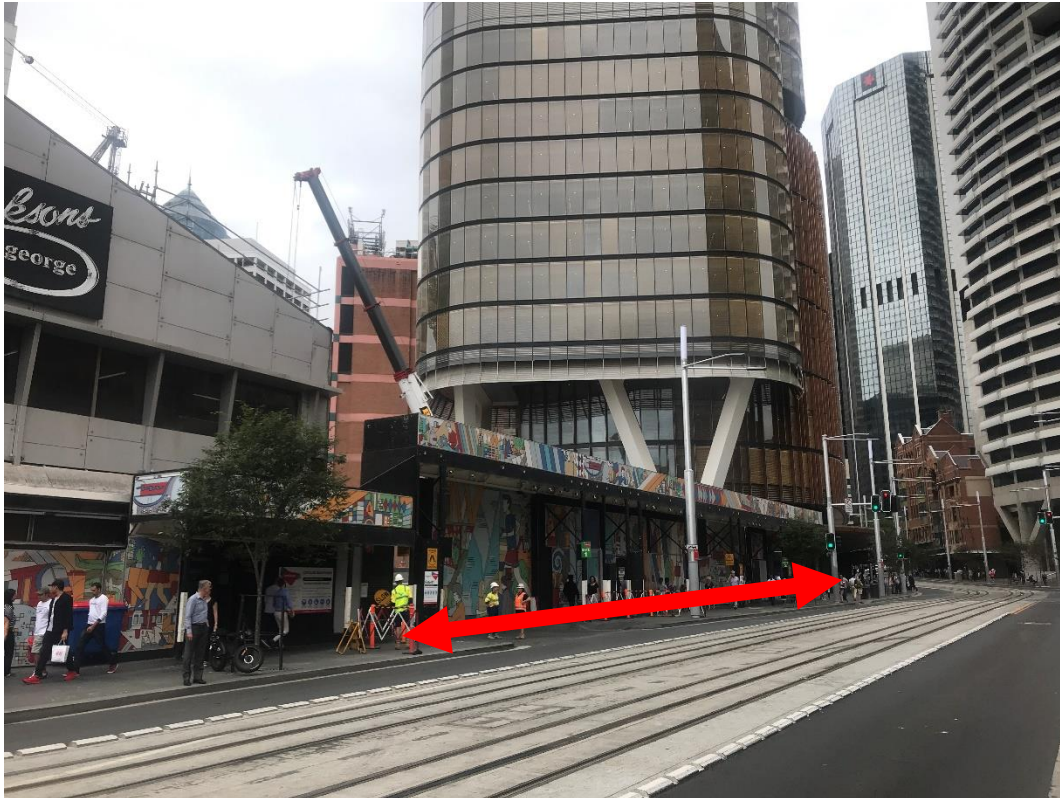


Figure 5: Site frontage viewed on George St, facing south



Figure 6: Site viewed facing east towards 200A George St ('Mirvac triangle')



## Proposal

10. Consent is sought for the following:

### ***George St Public Plaza***

11. Level finishes and landscaping to the George St Public Plaza, including a paving pattern as part of the public artwork. The substructure to the plaza is approved under D/2017/1620. The plaza sits above the approved public end of trip facility, also approved under D/2017/1620. The public end of trip facility is to be dedicated to Council.
12. The public plaza will be a result of the area of land in stratum to be dedicated to Council as operational land.

### ***Plaza Building***

13. Construction of a 3-storey public building (22m x 8m) fronting the George Street Public Plaza with a 24-hour lift lobby providing access to the lower ground floor laneway (Crane Lane). A stair provides access to the upper levels.
14. The building contains a cafe at upper ground level (George Street Plaza level) with its fitout subject to future approval. A small balcony to the east will overlook the laneways. Level 1 will contain a flexible community space or similar. Level 2 will contain a viewing terrace area.

The plaza building will be dedicated to the City of Sydney as per the terms of the VPA.

### ***Plaza Canopy Artwork***

15. Construction of a large elevated artwork connected with the plaza building and to be assembled over the George Street Public Plaza, designed by artist Daniel Boyd and inspired by the history of the site. The public artwork is a result of Lendlease's contribution of no less than 1% of the Capital Investment Value of the development towards the installation of a publicly owned artwork.

### ***Link Bridge***

16. Construction of the link bridge over Crane Lane and associated entry ramp from the Public Plaza to the main commercial tower lobby. The bridge is located to the south of the Plaza Building and has been designed by Foster and Partners, the architects for the new commercial tower. The bridge provides the main entry to the commercial tower from George Street. The link bridge will not be dedicated to Council.

17. Plans of the proposed development are provided below.

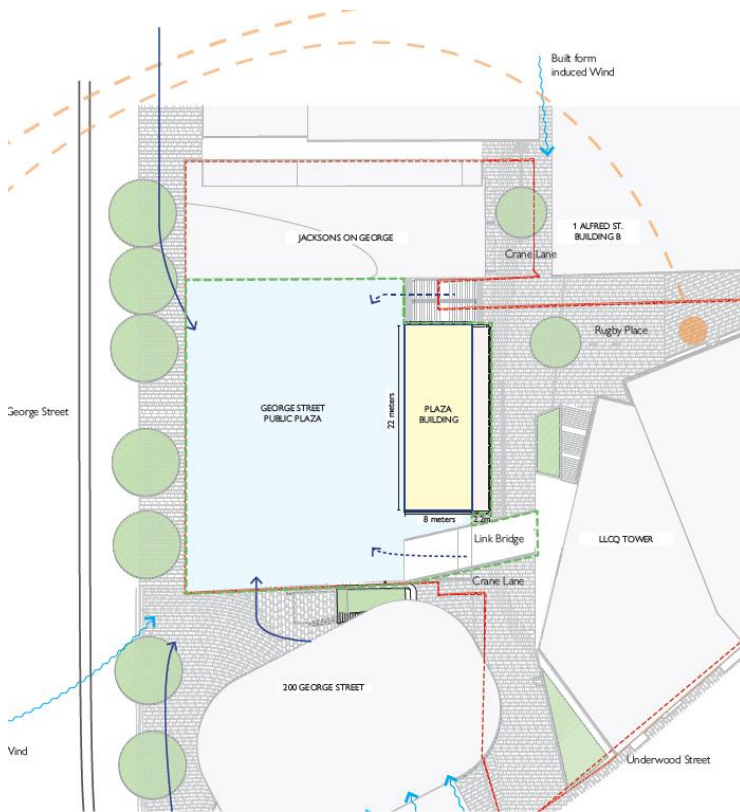


Figure 7: Proposed development



Figure 8: Photomontage of subject proposed plaza canopy and building

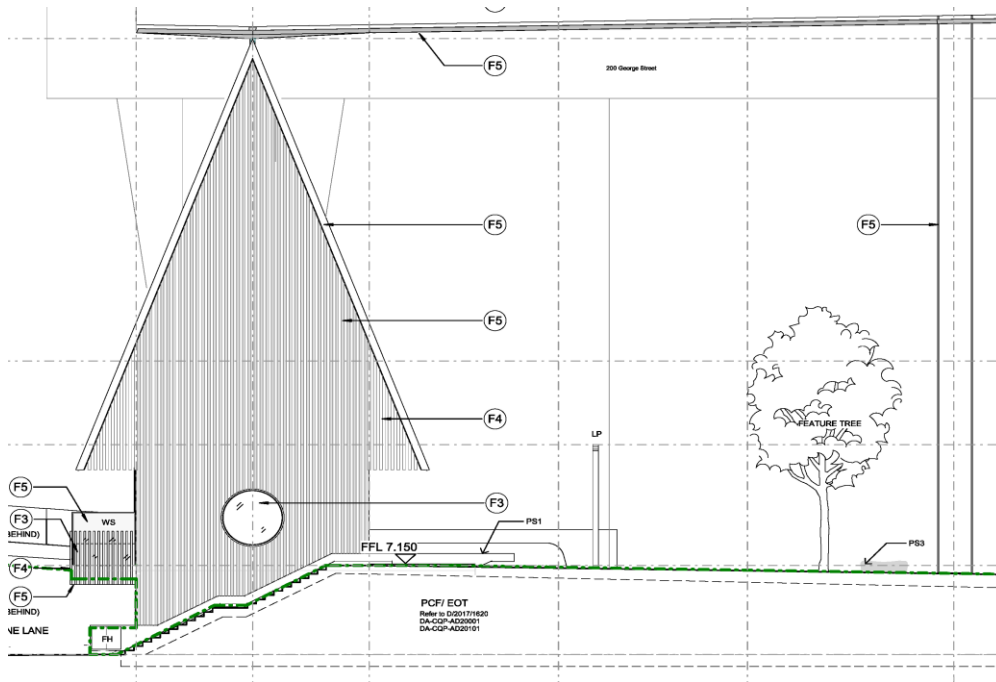


Figure 9: Proposed architectural drawing of plaza building

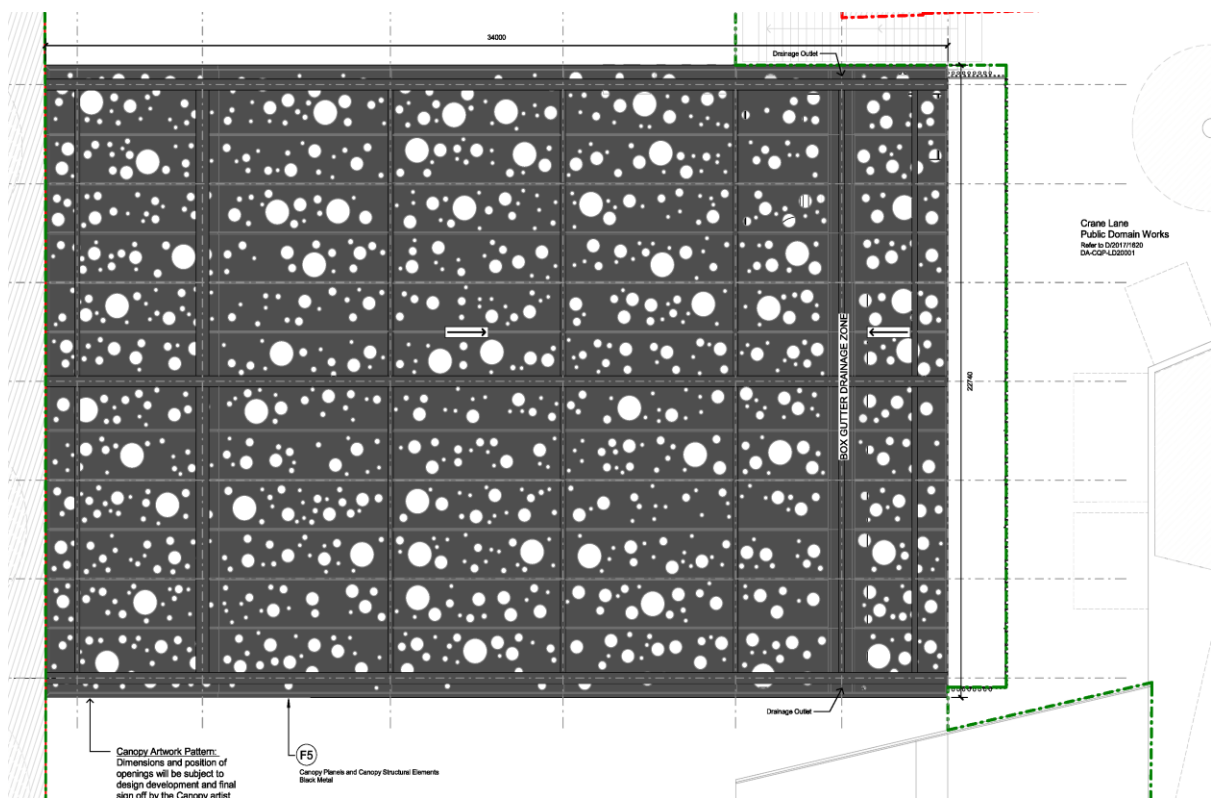


Figure 10: Proposed roof plan of public artwork canopy above plaza

## History Relevant to the Development Application

### 18. *Voluntary Planning Agreement (VPA)*

On 25 July 2016, a Planning Agreement 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 the Developer's works including:

- (a) George St Plaza;
- (b) George St Public Cycle Facility;
- (c) Plaza Building;
- (d) Laneway Level Public Plaza;
- (e) Laneways;
- (f) Public Artwork; and
- (g) Business Innovation Space Base Building Works, in the podium of the commercial tower.

19. Relevant DAs for the site are below.

### 20. *D/2017/424*

On 5 April 2017, development consent was issued for demolition of existing structures on the site, including basement levels, decommissioning and demolition of substation and site establishment works.

### 21. *D/2017/1479*

On 2 October 2018, development consent was issued for bulk excavation, shoring works, construction of footings, lower basement slab and lift core slab and associated site works.

### 22. *D/2017/1620 - Main Works DA*

On 2 October 2018, development consent was issued for demolition of Jacksons on George building, construction of new 56 level commercial tower and podium building with 4 basement levels comprising commercial premises, a new building on the Jacksons on George site for use as food and drink premises, a public end of trip facility and public domain improvements including new public plaza on George Street, new lanes and a new plaza at the lanes level. The finishes of the public plaza were to form part of a separate application. The link bridge was also not approved as part of this DA. This application has been modified three times (A, B and C).

### 23. *D/2018/278*

On 14 September 2018, consent was granted to construct a portion of a stairway between George Street Public Plaza to Rugby Place.

24. **D/2017/1620/A**

On 14 June 2019, approval was granted to modify Conditions 3 (Items Not Approved), 4 (Design Modifications), 8 (Floor Space Ratio), 75 (Bicycle Parking and End of Trip Facilities).

25. **D/2017/1620/B**

On 9 August 2019, approval was granted to modify Conditions 4 (Design Modifications), 6 (Top of Tower Signage), 93 (Public Domain Lighting) and 101 (Energy Efficiency).

26. **D/2017/1620/C**

On 2 October 2019, approval was granted to modify conditions 75 (Bicycle Parking and End of Trip Facilities) to enable staging of the condition.

27. **D/2017/1620/D**

This modification is under assessment. It was lodged 18 December 2019 for changes to the design of the stair, fire booster, and other minor changes.

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

28. 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**

29. 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.

30. The remediation of the site was reviewed as part of D/2017/1479, for the excavation works. The consultant engaged by the applicant concluded that the site was suitable for demolition. Remediation works were required to be completed as part of works in that application.

31. The subject proposal has been reviewed by the City's Health unit who noted that the substructure to the plaza has been approved (D/2017/1620) which required a Section A Site Audit Statement (SAS) to be submitted prior to Construction Certificate for the built form.

32. A Section A SAS has been submitted to Council on 5 December 2019 (ref JC-NSW25-C), and is staged into thirds, however, Section 3 remains outstanding.

33. To ensure the remaining section of the site is captured with a Section A SAS, prior to public domain works commencing, the City's Health unit recommend a condition to this effect which has been included on the Notice of Determination.

34. Subject to compliance with the relevant remediation works conditions on all applicable DA's for the site, the proposal can be made suitable for the proposed use.



**State Environmental Planning Policy No 64—Advertising and Signage**

35. The application proposes a preliminary signage strategy. Internal signage is in the public lobby at each level and external signage is proposed to the glazing facade at Upper Ground Level. A permanent caption plate, describing the public artwork is proposed to be installed on the central column near the western edge of the plaza.
36. The application notes that the plaza and Plaza Building signage will be further developed as part of the overall LLCQ precinct signage strategy.
37. As the content of the strategy is limited in detail and does not provide information on size of signage or exact positioning and materiality, it is recommended that no approval is given to the signage in this application, and a condition requiring an overall Signage Strategy to be lodged as a future DA is recommended for inclusion.

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

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

## Clause 45

39. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP.
40. In accordance with the Clause, the application was referred to Ausgrid for a period of 21 days.
41. A response was received which was a copy of the response received for the basement works DA D/2017/424.
42. No additional conditions are required, as they were captured on this previous consent.

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

43. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
44. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
  - (a) protect and improve hydrological, ecological and geomorphologic processes;
  - (b) consider cumulative impacts of development within the catchment;
  - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
  - (d) protect and rehabilitate riparian corridors and remnant vegetation.
45. 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.
46. The development is consistent with the controls contained with the deemed SEPP.

**Sydney Local Environmental Plan 2012**

47. The site is located within the B8 Metropolitan Centre zone. The proposed use is defined as a public plaza, public artwork, cafe and community use or facility and is permissible.
48. The use at ground floor as a cafe is proposed, however, the fitout will be subject to a future DA if required.
49. The use at first floor is a flexible space for community use or similar and will be subject to a future DA if required. A flexible and multi-purpose space is envisaged, to accommodate 50 patrons.
50. 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  |
|---|------------|--|
| 4.3 Height of Buildings                 | Yes        | <p>A maximum height of 110m is permitted.</p> <p>The plaza building has a height of approximately 20m above the plaza level. The public art canopy is a further 2m in height above this, therefore the total height of the development at its maximum point is about 22m.</p> <p>The top of the building is set to RL 27.000, which exceeds the original datum (RL 24.000) described in the design brief. The height however remains under 110m which complies with the SLEP 2012.</p> |
| 4.4 Floor Space Ratio                   | Yes        | <p>A maximum FSR of 8:1 is permitted. As per Clause 6.25 (7A) of the SLEP, as the floor area of the plaza building is to be dedicated to Council, the gross floor area is excluded from the FSR calculations.</p> <p>Any proposed FSR is therefore negligible.</p>   |
| 5.9 Preservation of trees or vegetation | Yes        | <p>No street trees are impacted upon by the proposal. Relevant conditions of consent will be included to ensure the protection of the trees. A single feature tree is proposed within the public plaza, which has been endorsed by the City's public domain and design teams.</p>  |

| Development Control        | Compliance | Comment   |
|----------------------------|------------|---|
| 5.10 Heritage conservation | Yes        | <p>The site is not a State or Local Heritage Item or in a Heritage Conservation Area.</p> <p>However, there are a number of heritage items in the vicinity of the site. Suitable conditions were included on the consent for the excavation works (D/2017/424) and the proposal was referred to the NSW Heritage Council who made no comment.</p> |

| Part 6 Local Provisions - Height and Floor Space   | Compliance | Comment   |
|--|------------|---|
| <p>Division 3 Height of buildings and overshadowing</p> <p>6.19 Overshadowing of certain public places</p> | Yes        | <p>No additional overshadowing impacts to identified public places are to occur as a result of the proposal.</p> <p>See discussion under the heading Issues.</p>  |
| Division 4 6.21 Design excellence  | Yes        | <p>The proposed development satisfies the requirements of this provision.</p> <p>Two architectural design competitions have been held to develop the overall LLCQ site: a design competition for the commercial tower and design alternatives on a competitive basis for the commercial building on the Jacksons on George site.</p> <p>A design competition was not required for the plaza building and George St plaza, however the process for the design was managed by Lendlease through an EOI process.</p> <p>Proposals were sought from 4 architectural firms with the design scheme by Adjaye Associates and Daniel Boyd being selected.</p> |

| Part 6 Local Provisions - Height and Floor Space                  | Compliance | Comment  |
|---|------------|--|
|   |            | <p>The link bridge is designed by Foster and Partners, and has been redesigned from that submitted in the main works DA. The proposed materiality and slim-line structure ensures a sympathetic addition to the surrounding development. The revised design is detached from the distinctive design of the plaza building and is consistent with the commercial tower design and architectural features.</p> <p>A materials samples board was submitted with the DA showing physical samples of the granite paving, timber cladding, glazing, fenestration tubes, and metal cladding. The proposed materials are high quality and will ensure the proposal achieves design excellence. See further discussion under Issues of this report.</p> |
| <p>Division 5 Site Specific Provisions</p> <p>6.25 APDG Block</p> | Yes        | <p>This application is for Block 4. The use of the building is not residential or serviced apartments and overall the proposed development is consistent with the provisions of this Clause.</p>   |

| Part 7 Local Provisions - General                            | Compliance | Comment  |
|--|------------|--|
| <p>Division 1 Car parking ancillary to other development</p> | Yes        | <p>No additional car parking spaces are proposed or required by the SLEP 2012 for the subject development. Carparking spaces and vehicular access arrangements were approved under D/2017/1620 (refer Condition 73).</p> <p>The proposal is well-served by public transport and bicycle facilities are available, including hoops in the public domain on the George St footpath, and within the public cycle facility approved under D/2017/1620.</p> |

| Part 7 Local Provisions - General                                    | Compliance | Comment   |
|--|------------|---|
| 7.14 Acid Sulphate Soils   | Yes        | The site is identified as containing class 2 and class 5 Acid Sulphate Soils. A condition was included to address acid sulphate soils on site as part of the conditions for D/2017/1620. No further conditions are considered necessary as this DA does not seek to excavate further than that approved under D/2017/1620.    |
| 7.15 Flood planning  | Yes        | The site is identified by Council as being flood prone. Relevant flood management conditions were included in the conditions of D/2017/1620. As further excavation is not proposed as part of the subject DA, it is considered that flooding has been adequately addressed and no further conditions of consent are required. |
| 7.20 Development requiring preparation of a development control plan | Yes        | Under the main works DA for LLCQ, a waiver for the requirement for a DCP (as the site area is greater than 1,500sqm and the building is over 55m in height) was granted. In this regard this provision has been complied with.  |

### Sydney Development Control Plan 2012

51. 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 sits outside a special character area as per the SDCP 2012, however it 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.



| 3. General Provisions          | Compliance | Comment   |
|--------------------------------|------------|---|
| 3.1 Public Domain Elements     | Yes        | <p>The proposed development will make a positive contribution to the public domain and has been developed in consultation with the City of Sydney including the Public Domain team.</p> <p>The proposed George St Plaza and Plaza Building enhances the opportunity of open space, provides key access points and a place of respite in connection to its immediate urban context. Overall the proposal is consistent with the APDG specific controls, subject to compliance with the City's specifications and design code.</p> <p>The public art is required as part of the VPA for the site and has been prepared in consultation with the City's Public Art Advisory Panel. The paving design pattern is also designed by Daniel Boyd and will complement the canopy artwork.</p> <p>The plaza will benefit from year round use, and is large enough to support outdoor events, seating area, and dedicated water and electrical service points are concealed within the public domain, as well as public domain lighting.</p> <p>Outdoor seating has been proposed to complement pedestrian routes. Multiple clusters of seating are positioned parallel to George Street. Two seating features will be installed along the North and South perimeter of the plaza.</p> <p>Bins, bicycle hoops and lighting are to be provided. The proposal has been referred to the City's Public Domain team who support the works subject to conditions including new public domain plans and detailed lighting plans for further review prior to issue of CC.</p> |
| 3.2 Defining the Public Domain | Yes        | <p>The proposal optimises solar access to the new plaza areas and views to surrounding public spaces are not diminished.</p>  |

| 3. General Provisions                                  | Compliance | Comment  |
|--|------------|--|
|  |            | <p>The proposal was sent to the City's Lighting Engineer who noted that the lightpost within the George St plaza was not supported. It is considered an external lighting DA should be submitted separate to the lighting proposed in this DA, to ensure a full assessment of the impacts can be undertaken once detailed design is underway.</p> <p>A condition is recommended to require an external lighting plan to be lodged as a separate DA.</p>  |
| 3.3 Design Excellence and Competitive Design Processes | Yes        | <p>As discussed elsewhere the design process for the George Street public plaza and associated canopy artworks and the plaza building has been supported by Council.</p> <p>The DA includes public art (an elevated canopy above the plaza), which is in response to the strategy submitted with the main DA (Condition 33 of D/2017/1620), and as per the relevant VPA. On 30 July 2019, the Public Art strategy for the site was approved. The public artwork in the proposal is consistent with the approved Public Art Strategy.</p>     |
| 3.5 Urban Ecology                                      | Yes        | <p>The proposal will not adversely impact on the local urban ecology. Street trees to the George Street frontage exist and will be protected by way of standard street tree conditions.</p> <p>As discussed with the City's design team during design development, a feature tree to the George Street Plaza has been provided to the southern edge of the plaza. The proposed species is a Waterhousea.</p> <p>The proposed species has been discussed with the City's Tree Management team who advised the species is not appropriate.</p> |

| 3. General Provisions                                 | Compliance | Comment   |
|---|------------|---|
|   |            | <p>The required feature tree species is a Chinese flame tree, also known as <i>Koelreuteria binpinnata</i>. A condition to require this species of tree and a landscaping plan is recommended for inclusion on the conditions of consent.</p>   |
| 3.6 Ecologically Sustainable Development              | Yes        | <p>The proposal was accompanied by a Sustainability Report. The report confirms the building targets a 5 star rating under the GBCA Green Star Design and As Built v1.1 rating tool for the Plaza Building.</p> <p>The proposal was discussed with the City's Sustainability team who supported the proposal for the GreenStar 5 rating system that the development proposes, however they also noted that the incorporation of renewable energy generation in the shade solution for the western façade should be required.</p> <p>It was also noted that the version 1.2 'As Built' rating should be used.</p> <p>It is considered the incorporation of PV would detrimentally impact the intent of the public artwork by Daniel Boyd, and overall the proposal adequately achieves the relevant objectives of the SDCP 2012 and broader Sydney 2030 sustainability goals by providing a 5 star rating. The applicant noted that the Greenstar 'As Built' rating is determined at the time the project was first registered, and as such, the plaza building will be assessed against the v 1 'As Built' rating. This has been reviewed by the City's sustainability officer and is acceptable.</p> |
| 3.7 Water and Flood Management                        | Yes        | <p>The proposal was reviewed by the City's Public Domain team as discussed elsewhere in this report.</p>  |
| 3.8 Subdivision, Strata Subdivision and Consolidation | Yes        | <p>No subdivision is proposed within this application.</p>  |

| 3. General Provisions      | Compliance | Comment   |
|----------------------------|------------|---|
| 3.9 Heritage               | Yes        | <p>The site is not in a Heritage Conservation Area and does not contain any heritage listed item.</p> <p>However, as the State and Local Heritage listed 'Tank Stream including tanks and tunnels' (Item I1656 as per SLEP 2012) is located in the vicinity of the site underneath and along Pitt St to the east of the site, it was referred to the NSW Heritage Council for 21 days who raised no concerns.</p> <p>It is noted that the precinct DA D/2017/1620 was lodged as an Integrated Development due to the extent of the works and the proximity of these works to the heritage item. No response was received in this DA either.</p> <p>The Office of Environment and Heritage provided General Terms of Approval for the bulk excavation DA (D/2017/1479). Subject to compliance with the conditions, the proposal should not result in any impacts on the heritage items near to the site.</p> |
| 3.11 Transport and Parking | Yes        | <p>No additional car parking is proposed. The site is well located to public transport including bus, ferry, train and Light Rail and has access to secure bicycle parking including the public end of trip facility approved under D/2017/1620.</p> <p>Servicing to the site was assessed under the precinct DA D/2017/1620, whereby the basement provides for 18 service vehicle spaces to service all components of the development, including the works within this DA.</p>   |

| 3. General Provisions                          | Compliance | Comment   |
|--|------------|---|
|  |            | <p>Bicycle parking is provided in the public end of trip facility, but also within the George St plaza and laneways, as required by the relevant condition within D/2017/1620. The bike parking condition requires 'up to 22 bicycle parking bays' within the laneways and public plaza area. However, further design development within the plaza building DA resulted in the omission of any bicycle parking in the plaza, which is considered acceptable. A total of 8 bike hoops are to be provided within the public footpath on George Street.</p> <p>The location and number of bicycle hoops is considered acceptable by the City's Public Domain, Design and Transport officers, however, as the hoops sit outside the subject site, the final location and dimensions of the bike hoops can be assessed during the assessment of the public domain works as detailed design progresses.</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        | <p>The applicant submitted a Crime Prevention Through Environmental Design Report that confirms the five CPTED principles have been applied where relevant, and that the prevention of anti-social and criminal activity has been addressed. The City's Safe City team have reviewed this document with no significant concerns raised.</p> <p>CCTV Cameras were recommended by the City's City Design and Safe City team. These are implemented through a condition of consent to submit a surveillance plan prior to issue of Construction Certificate.</p>   |




| 3. General Provisions              | Compliance | Comment  |
|------------------------------------|------------|--|
|                                    |            | Subject to conditions, the proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.  |
| 3.14 Waste                         | Yes        | <p>An Operational Waste Management Plan was submitted with the application.</p> <p>The City's Waste team reviewed the submitted waste management plans and required the applicant to amend the documents to be in line with the City's waste policies.</p> <p>A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development, which will include the provision of an updated detailed waste management plan to be submitted and approved prior to construction certificate being issued.</p>                                  |
| 3.15 Late Night Trading Management | Yes        | <p>The site is in a designated Late Night Management Area as per the SDCP 2012. The lift and lobby will be open 24 hours per day Mondays to Sundays inclusive for access to the lower laneway retail spaces and to the viewing platform. A condition relating to this has been applied to the Notice of Determination.</p> <p>The proposed uses as a multi-purpose community facility and café are permitted with consent. No details on the hours of operation or fitout works have been proposed within this application.</p> <p>The fit-out and specific uses of these two areas will be subject to a future development application.</p> |

| 3. General Provisions        | Compliance | Comment  |
|------------------------------|------------|--|
| 3.16 Signage and Advertising | No         | Some signage is proposed, however as discussed elsewhere in this report, the detail provided with the signage is insufficient for the purposes of assessment, and a condition is recommended for a signage strategy to be submitted prior to Construction Certificate. |

| 4. Development Types<br>4.2 Residential flat,<br>commercial and mixed use<br>developments | Compliance | Comment  |
|---|------------|--|
| 4.2.1 Building height<br>4.2.1.2 Floor to ceiling heights<br>and floor to floor heights   | Yes        | <p>Floor to ceiling heights of 3.6m (ground floor) and between 2.7m and 7.3m (upper floor) are proposed.</p> <p>The SDCP 2012 requires that floor to ceiling heights of ground floor commercial uses are 4.5m and 3.6m on commercial floors above.</p> <p>Whilst the proposal at ground floor level does not strictly comply with the numerical requirements of the SDCP 2012, given the design of the building incorporates full height glazing, which allows for adequate daylight access, the proposed floor to ceiling heights can be supported.</p> |
| 4.2.2 Building setbacks   | Yes        | The location of the plaza building was approved in the consent for D/2017/1620 and is considered to be appropriately setback from adjacent development.  |
| 4.2.3 Amenity   | Yes        | Solar access diagrams were provided which did not show that additional overshadowing would occur as a result of the development.   |

| 4. Development Types<br><br>4.2 Residential flat,<br>commercial and mixed use<br>developments | Compliance | Comment  |
|---|------------|--|
|   |            | <p>The proposal was accompanied by a Pedestrian Wind Environment Study, which confirms that treatments are required throughout the development to achieve the desired criteria for pedestrian comfort and safety. Further discussion under Issues.</p> <p>A Construction Noise and Vibration Management Plan was submitted with the application. In addition, noise from the operational usage of the proposed plaza building has been assessed with an Acoustic Report submitted. Noise impacts have been assessed by the City's Environmental Health team.</p> <p>As the fitout is subject to future DA and management, acoustic impacts can be monitored by the future conditions of consent.</p> |
| 4.2.6 Waste and Recycling Management  | Yes        | <p>An operational waste management plan has been submitted. The City's Waste officer raised concerns with the Waste Management Plan and requested information from the applicant.</p> <p>The plaza building will be serviced from the lower levels at Crane Lane. The waste room is in the basement Level 1 of the main LLCQ tower.</p> <p>Subject to recommended conditions of consent requiring the applicant to submit detailed waste management plans prior to construction certificate the proposal complies.</p>   |

| 5. Specific Areas   | Compliance | Comment   |
|---|------------|---|
| 5.1 Central Sydney  |            |   |
| 5.1.1 Street Frontage Heights   | Yes        | The proposal is consistent with the maximum street frontage height of 45m.  |
| 5.1.2 Building setbacks   | Yes        | The proposal is consistent with the building setback provisions for the APDG block.   |
| 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        | Relevant stone kerb conditions and other public domain feature conditions are applied to the conditions of consent as recommended by the City's public domain team. |

| 6. Specific Sites                | Compliance | Comment  |
|----------------------------------|------------|--|
| 6.1.4 The APDG site - objectives | Yes        | <p>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.</p>  <p>Figure 12: Extract of APDG site public domain principles plan - SDCP 2012</p> |

| 6. Specific Sites                            | Compliance        | Comment  |
|--|-------------------|--|
| 6.15 Local Infrastructure and Public Domain  | Yes               | The application proposes new public plaza and plaza building, with an active frontage, which is consistent with the site-specific DCP provisions, and the main works DA D/2017/1620.   |
| 6.1.5.7 Awnings                              | No but acceptable | A footpath awning is required to be provided to the George St frontage. This requirement is superseded by the site-specific development controls for the site including the provision of the George Street Public Plaza.   |
| 6.1.6.1 Building Heights                     | No but acceptable | <p>The site is required to have a maximum height (for the plaza building) of RL 24.000 or 20m and 45m for the plaza, as per Figure 6.10A Alternative heights (Option B).</p> <p>The height of the plaza building is set to RL 27.000, with the public artwork canopy a further 2m above this, bringing the total height of the structure on site to approximately 22m.</p> <p>However, it is considered the variation to height is supported given the design achieves the objectives of the provisions in general, its scale is considered appropriate for the surrounding context, including the commercial tower, and it does not result in significant impacts in terms of overshadowing of protected public spaces or visual impacts as a result of the exceedance.</p> |
| 6.1.6.2 Street frontage heights and setbacks | Yes               | The proposal generally requires with this requirement.   |
| 6.1.6.3 Building Design and bulk             | No but acceptable | The proposed plaza building is required to have a maximum height of RL 24. However, as addressed elsewhere in this report the proposal is generally consistent with this provision.  |



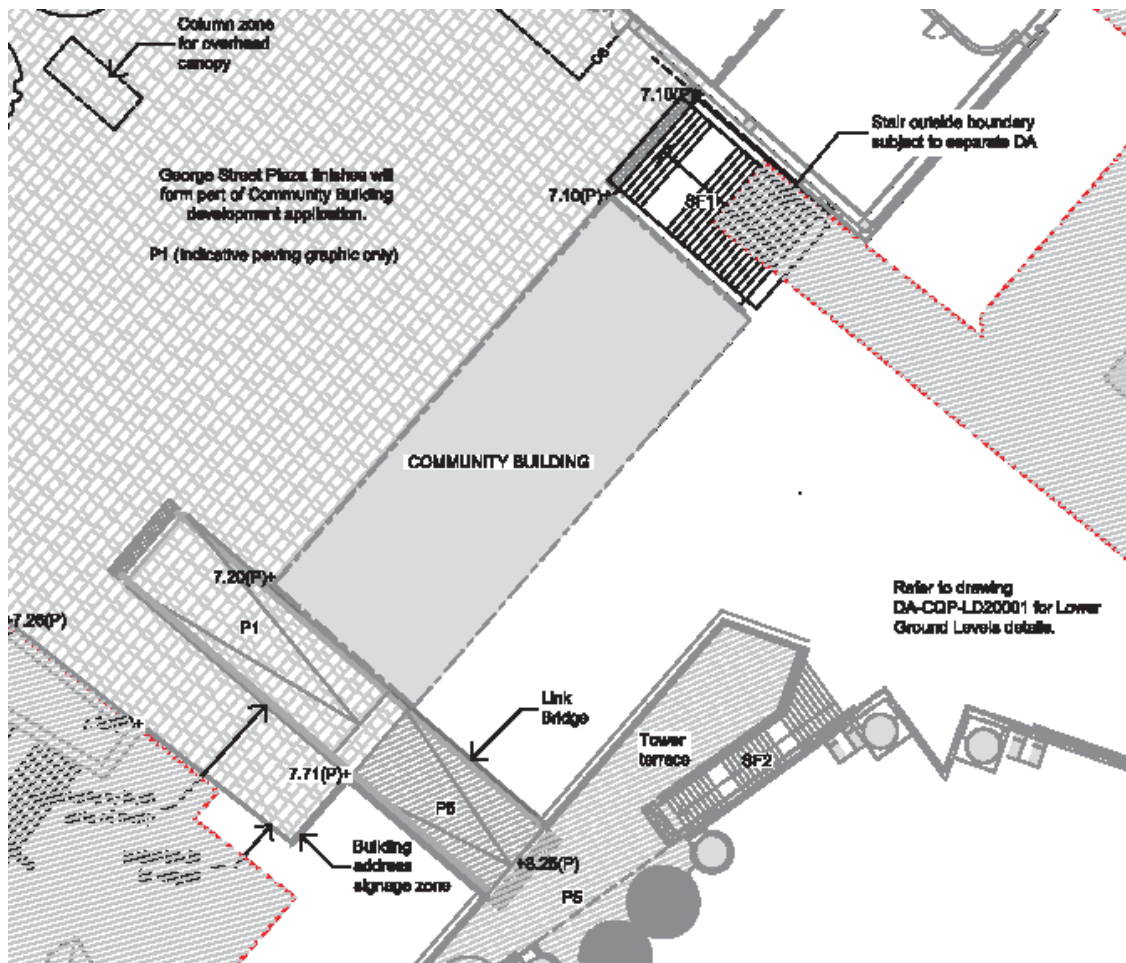
| 6. Specific Sites                 | Compliance | Comment   |
|-----------------------------------|------------|---|
| 6.17 Parking and Vehicular Access | Yes        | <p>No above ground parking or vehicular access is proposed to the site.</p> <p>Service vehicles access to the site is consistent with the DCP as it utilizes the basement access in the LLCQ tower.</p> |

### Overshadowing

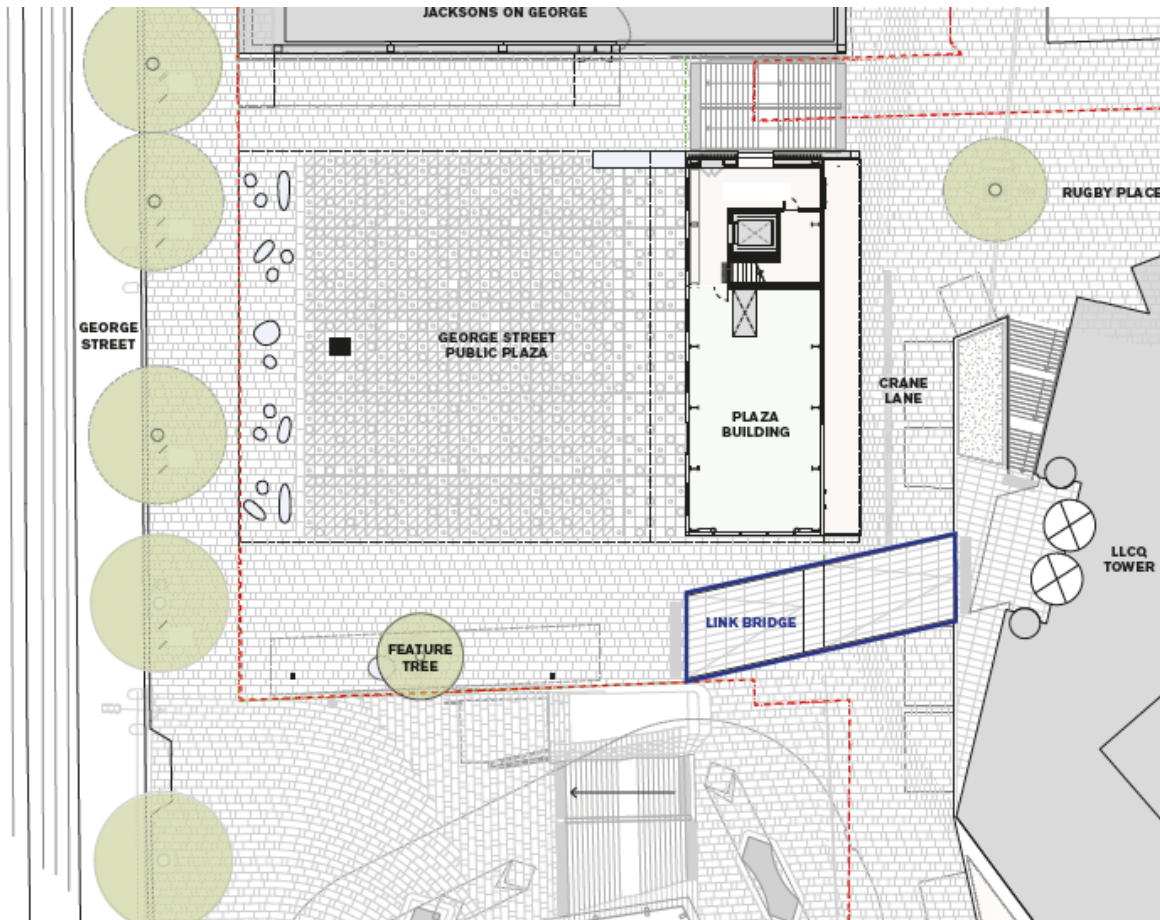
52. The proposal is required to comply with Clause 6.17 of the SLEP 2012, Sun Access Planes. In addition, no additional shadow is to be cast by a proposal at any time between 14 April and 31 August to the protected public places of Australia Square Plaza and Lang Park between 12.00m to 2.00pm and to Macquarie Place between 10.00am and 2.00pm as per Clause 6.19 of the SLEP 2012.
53. This provision relates to ensuring that buildings maximise sunlight access to the public places set out in the clause, in particular, Australia Square Plaza and Lang Park, and Macquarie Place.
54. There is no additional overshadowing between 14 April and 31 August between 12.00-14.00 to Australia Square Plaza and Lang Park, and Macquarie Place between 10.00 and 14.00.
55. The proposal was accompanied by shadow analysis documents that demonstrate minimal shadowing impacts to laneways and that the plaza is mostly covered by shadows formed by the adjacent towers of the site. On 21 June, the shadows cast by the proposed DA mainly affects the southern edge of the plaza.
56. There would be some additional overshadowing of the new north south laneway between 1.00pm and 2.00pm in mid-winter, as a result of the roof form and artwork canopy. The impact is considered minor in the context of the site and the application is considered acceptable in terms of overshadowing impacts.

### Link Bridge

57. The application proposes a link bridge to be constructed to the south of the new plaza building. The link bridge concept was introduced to the main works DA (D/2017/1620), however, was subject to a future DA as the proposed design and location was not acceptable.
58. During the assessment of D/2017/1620, it was noted that the link bridge connecting the commercial tower to the Plaza commences its ramping within the future public plaza proper, forward of the plaza building footprint, which was not supported (see Figure 9 below).



**Figure 13:** Extract from approved plan (D/2017/1620) showing indicative view of plaza building and link bridge. The location was not approved.



**Figure 14:** Revised location of link bridge, to align with plaza building line



**Figure 15:** Photomontage of proposed link bridge

59. The applicant has relocated the link bridge location so that it is in line with the previous comments during D/2017/1620. At the time this aspect of the development was not approved so that it could be assessed concurrently with the plaza building DA. The original design of the link bridge was 4m in width, with a gradient of 1:24.

60. The link bridge will enable access to the main entry to the commercial tower from George Street. The bridge can be approached from both the north and south along George Street and is proposed to be a maximum of 5m wide with a gradient ramp of 1:14 from the plaza to the upper ground terrace.
61. The bridge will be constructed of stainless steel, black granite paving and 1.1m high metal balustrade with cantilevered 250mm glass panels - the balustrading therefore has a proposed total height of 1.35m.
62. The revised location and general design of the link bridge is supported. The link bridge will enable access between the George Street Plaza and the adjacent development to the south and is a sympathetic addition that will integrate into the George Street Plaza successfully.

### **Design Excellence**

63. Whilst the main works DA and Jacksons on George redevelopment were subject to two architectural design competitions, the subject plaza building and canopy artworks, and public plaza, were not required to formally undertake a design competition.
64. The design process was managed by Lendlease with proposals sought from four architecture firms. The design scheme the subject of this report, by Adjaye Associates and Daniel Boyd, was selected.
65. The proposed plaza building design exceeds the building envelope in the design brief (RL 24.000) as it has a top of the building of RL 27.000, plus the height of the public artwork canopy being approximately 2m. The exceedance is acceptable and it is considered the scale of the building is appropriate for the surrounding context.
66. The public artwork is a 34m x 22.7m steel framed structure elevated above the new public plaza. The primary support trusses and secondary structures suspend the canopy from above. It consists of a grid of metal panels, assembled together to form a monolithic artwork.
67. The subject application demonstrates an innovative design response to the site and will be visually interesting when viewed from different vantage points within the surrounding context. The proposal ensures that the site is connected and achieves urban design, architecture and contemporary public art outcomes in line with the objectives for the area and Clause 6.21 of the SLEP 2012.

### **Materials**

68. The proposal incorporates timber cladding, metal cladding and glazing, with samples provided which demonstrate a high quality finish.
69. The proposed paving will be required to be slip-resistant as per Australian Standards by way of standard Public Domain conditions of consent.
70. Internal materials will incorporate natural colours with established materials, including black painted steelwork and timber cladding. The floor finishes are formed using polished concrete and granite.



West Elevation

**Figure 16:** Illustration of west elevation - F1 is timber cladding in brown

## Wind

71. The submitted Pedestrian Wind Environment Study report requires the following treatments to adequately address wind impacts:
- 6-8m densely foliating trees with a 4m diameter canopy along Crane Lane;
  - Densely foliating large sized tree at Rugby Place;
  - Densely foliating medium sized tree to the west of the George St plaza;
  - An impermeable screen along the northern aspect of the balcony area that is at least 2m high;
  - Standard height impermeable balustrade on the eastern and south aspects of the balcony; and
  - Wind treatments as per main works DA (D/2017/1620).
72. Awnings were required in the assessment of D/2017/1620 and were applied to the development, consistent with the previous wind report for the main works DA. Trees are proposed to Crane Lane, Rugby Place, and the George St Plaza, and have been required as part of the conditions of consent for D/2017/1620 (Condition 26) and within this DA.

73. A 2m high screen for wind protection is proposed to the balcony for the northern end of the plaza building.
74. It is considered that the proposal incorporates the recommended treatments to appropriately address wind impacts.

#### **Visitor Bike Parking**

75. The consent for the site D/2017/1620 required visitor bike parking to be provided to the site, split over the George Street Plaza, Crane Lane, Rugby Place and near Pitt Street.
76. Bicycle rails are provided in the footpath area adjacent to the George Street Plaza.
77. Following discussions with the Public Domain and Transport teams and the applicant, the proposed bike rails are suitable and can be supported subject to a standard condition of consent for the bike rails to comply with relevant Australian Standards.

#### **Planning Agreement**

78. 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 the works the subject of this DA.
79. The proposal is considered to be consistent with the terms of the VPA.

#### **Outdoor Dining and Use of the Plaza**

80. Temporary and permanent seating is proposed to the plaza, which will activate the plaza in accordance with the APDG principles and overall vision for the site as per D/2017/1620.
81. Outdoor dining areas are proposed to other areas of the site, including the base of the commercial tower and Jacksons on George building. The seating to the Jacksons on George building would be within the George Street plaza.
82. To ensure the outdoor seating is cohesively approved, a condition for outdoor dining to be subject to further assessment under the public domain plans is recommended.

#### **Access**

83. Access for disabled persons can be provided to the plaza, café and community building, as discussed above.

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

84. The proposed development is capable of complying with the BCA.
85. 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**

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



## Internal Referrals

87. The conditions of other sections of Council have been included in the proposed conditions including a requirement for a Construction Traffic Management Plan as requested by Traffic Operations team.
88. The application was also discussed with the Environmental Health; City Design; Public Domain; Safe City; Surveyors; Transport and Access teams, who advised that the proposal is acceptable subject to the recommended conditions.
89. The City's Waste Management Team raised concerns with the submitted WMP. It is considered that waste management can be addressed by standard conditions of consent.
90. The application was discussed with the City's Professional Services (design team) who have been involved in the design development of the plaza building and George Street plaza. They raised the following issues:
  - (a) *Details to be provided for appropriate roof safety access system for maintenance of the artwork canopy.*
  - (b) *The public entry doors require weather protection (ground floor) and lift entry doors on the roof terrace.*
  - (c) *Concealed drainpipes, box gutter, drainage for the roof terrace details required - consideration should also be provided to the drip-line of the building façade.*
  - (d) *Façade design (east) - Proposal needs to be coordinated with the façade design of the Lower Ground Floor.*
  - (e) *Indicative signage is not supported.*
  - (f) *Beams and column supporting the canopy are bulky. Overshadowing of the artwork perforations by the canopy beams should be alleviated.*
  - (g) *CCTV security diagrams should be developed through consultation with the City.*
91. Of the above issues, conditions are included regarding CCTV, signage, stormwater drainage details, weather protection, and roof safety access system maintenance details.
92. With regards to the façade design of the east, a condition to require further plans to be submitted prior to issue of Construction Certificate is recommended as it is agreed further design details are required to be assessed.
93. The canopy structure for the public artwork has been developed specifically and pre-fabricated panels are proposed to be installed at the site. The panels will be fixed to support steelwork and adjacent panels above. Given the canopy artwork is 22.7m x 34m in size, the size of the beams are considered acceptable.

94. The proposal was discussed with the City Design team who noted the following. Planner responses below:
- (a) *The proposed pedestrian light poles along the southern edge of the square are not supported. Additional lighting should be provided from the canopy column or from the plaza building itself to achieve the required luminance levels.*
    - (i) *Planner Response - Any lighting of the future plaza will not form part of the DA consent. A condition to require this prior to CC (as part of the Public Domain Plan) is recommended.*
  - (b) *Consideration should be given to the outdoor licencing requirements that may be associated with the Jacksons on George (JOG) site, and related treatment and detailing of the JOG outdoor seating area. Outdoor dining could be indicatively shown on the public domain plan to illustrate the intended approach. Barriers etc, should be avoided and all outdoor dining elements removable as per City of Sydney policy.*
    - (i) *Planner Response - Outdoor dining to JOG was not approved under the D/2017/1620 consent (see Condition 3(e)) which required a separate development application to be submitted. To give Council an opportunity to review the location in the context of the wider plaza area, outdoor dining can be required to be finalised and approved prior to its use for external seating.*
  - (c) *Consideration should be given by the design team of how the City's living colour temporary greening program could be implemented in the space. A bespoke planter design may be appropriate in this location.*
    - (i) *Planner Response - It is considered this detail is outside of the DA assessment process, but can be further explored once the plaza is handed to the City of Sydney's management.*

### External Referrals

95. The proposal was referred to Transport for NSW (TfNSW) due to the proximity of the site to the CBD and South East light rail corridor. TfNSW responded on 20 December 2019 with the following comments:
- (a) ***Sydney Metro City and Southwest - Construction is underway and will be occurring.***
    - (i) Response - Noted, it is not considered the proposal would impact the Sydney Metro City and Southwest development.
  - (b) ***Protection of Sydney Light Rail Corridor - It is advised that the application is conditioned to protect SLR assets and operation in accordance with recommended condition.***
    - (i) Response - The above is included in the recommended conditions of consent.



- (c) ***It is unclear if vehicles are prohibited from accessing the public plaza area from George Street including freight and servicing vehicles.***
- (i) Response - Vehicular access is via the remainder of the LLCQ development under construction. All vehicles will enter the basement via a single-entry point off Underwood Street. The Plaza Building will be serviced from the basement at lower laneway level. Deliveries and servicing requirements are to enter the LLCQ site via Underwood Street entry and will service the relevant bins from the designated loading bays within the loading dock in the lower level.
- (d) ***Construction vehicle access arrangements need to be coordinated through TfNSW and the SLR operator in addition to the standard Council construction related processes. The proposed access arrangements should not impact the regular service operation of the SLR. The works need to be in compliance with the Work Health and Safety Act 2011 (NSW) And the Work Health and Safety Regulation 2011 (NSW) legislative requirements and guidelines for developments near the SLR corridor. Conditions are recommended as follows:***
- (i) ***Prepare CPTMP in consultation with Sydney Coordination Office within TfNSW and the SLR operator;***
- (ii) ***Sign an Other Contractor Deed Poll form.***
- (i) Response - The above is included in the conditions of consent.
96. The proposal was referred to Ausgrid to check if a substation is needed and to Sydney Water to check the impacts on demand, assets or operation or damage. A response from Sydney Water was received on 3 March 2020, stating that a Section 73 application was required, and a list of requirements for water servicing and wastewater servicing was provided. A condition for the applicant to submit a Section 73 approval is recommended for inclusion in the Notice of Determination.
97. Ausgrid raised the same issues as their referral on the basement works development consent D/2017/424. Standard conditions of consent will be applied.
98. The proposal was referred to NSW Heritage Council for comment, given the proximity to the State Heritage Item 'Tank Stream including tanks and tunnels'. The NSW Heritage Council responded on 17 January 2020 noting they did not foresee any state heritage issues and therefore did not make comment.
99. The proposal was referred to Transport for NSW due to the proximity of the site to George St light rail corridor. No response was received.
100. The proposal was referred to the NSW Police, Jemena Gas, and Sydney Trains. No response was received in the allocated timeframe of 21 days, nor at the time of writing of this report therefore it is considered no objections from these agencies are raised.

**Notification, Advertising and Delegation (Submission(s) Received)**

101. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 28 days between 3 December 2019 and 14 January 2020. As a result of this notification a total of 75 properties were notified and there was 1 submission(s) received.

- (a) ***Council must ensure the proposal delivers a community building that is distinctive and contrasting against the surrounding architecture. The public art should integrate seamlessly within the plaza and surrounding built form. The proposal must consider the relationship and interface between the proposed public benefit works, and surrounding public linkages and existing commercial addresses such as 200 George Street.***

**Response** - The proposal is considered to adhere to the above. It is consistent with the relevant objectives for the site and the SDCP 2012 and SLEP 2012.

**Public Interest**

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

**S61 Contribution**

103. The cost of the development is in excess of \$200,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2013. A condition relating to this levy has been included in the recommended conditions of consent. The levy is to be paid prior to the issue of a Construction Certificate.

**Relevant Legislation**

104. Environmental Planning and Assessment Act 1979.

**Conclusion**

105. The subject application is considered to result in a positive contribution to the public domain and achieves the objectives of the wider LLCQ Precinct and APDG site specific requirements including a through-site link network with the new George Street public plaza.
106. The proposal is consistent with the main works development approval (D/2017/1620) which granted consent for the George Street plaza, link bridge, and plaza building in principle.
107. The proposal includes a public art work in the form of a canopy and a new public domain plaza which will provide for a well-connected and community focused destination and hub.

108. The plaza building will provide for community needs, including a small multi-purpose community space and a food and drink premises at ground floor. A viewing platform and 24 hour lift access is proposed to enhance connectivity through the site.
109. The proposed link bridge will also provide for connectivity between the public plaza and the commercial tower to be built under D/2017/1620 and its design is consistent with the architectural integrity of the commercial tower.
110. In this regard, the application is recommended for approval subject to conditions.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Amy-Grace Douglas, Specialist Planner