

Item 7.**Development Application: 169-183 Liverpool Street, Sydney - D/2019/992****File No.:** D/2019/992**Summary****Date of Submission:** 6 September 2019, amended 19 June 2020**Applicant:** Sicard Pty Ltd**Architect/Designer:** Crone Architects**Developer:** Shimao Group Holdings Limited**Owner:** Sicard Pty Ltd**Cost of Works:** \$244,358,581**Zoning:** Zone B8 Metropolitan Centre**Proposal Summary:** Approval is sought for a concept building envelope up to a height of approximately 121 metres (RL 148.97 AHD) for a future mixed use development including:

- in-principle demolition of the existing commercial tower building, retention of the existing basement and refurbishment and renewal of the existing pocket park; and
- indicative construction of two new buildings, 35 and 37 storeys in height, separated by a through site link, with podium elements containing three basement levels, two retail levels and five commercial levels of commercial uses, and with residential amenities and apartments in the tower forms above.

The indicative reference design submitted with the application shows that 237 residential apartments could be accommodated in the towers.

The application is referred to the Central Sydney Planning Committee for determination as the proposal is “major development” for the purposes of the City of Sydney Act, 1988.

The proposed height of development complies with the Harmony Park sun access plane controls applicable to part of the site under the Draft Central Sydney Planning Strategy.

The remaining part of the site is subject to a maximum height control of 110 metres, with the envelope indicating an additional 10% height (11 metres) available for any subsequent detailed building design, resulting from a design competition process, and demonstrating design excellence.

A maximum Floor Space Ratio (FSR) of 13.69:1 is permitted under Clauses 4.4 and 6.4 of the Sydney LEP 2012, based upon the proportions of the proposed mix of indicative uses. The application is accompanied by an indicative reference design demonstrating the envelope can accommodate the maximum permitted Gross Floor Area (GFA).

A competitive design process is proposed prior to the lodgement of a detailed design development application. This will seek up to an additional 10% height, under Clause 6.21(7) of the Sydney LEP 2012.

The proposal was amended on 19 June 2020 to address concerns raised by the City's Design Advisory Panel and Council staff. These concerns related to visual impacts to the heritage significant ANZAC War Memorial and Hyde Park, building setbacks and separation, wind impacts, compliance with the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG), the design excellence and public art strategies, Ecologically Sustainable Development (ESD) targets, transport, traffic and servicing, the landscape concept design, and land contamination.

The original proposal was notified and advertised for a period between 10 September 2019 and 9 October 2019. As a result of the notification of the original proposal, there were a total of eleven submissions received, with one submission in support, and ten submissions which raised issues relating to construction impacts, building separation, bulk and scale, wind effects, traffic congestion, privacy, overshadowing, air quality, street interface, public open space, landscape design, economic and psychological impacts.

The amended proposal was not required to be notified or advertised under the City of Sydney Community Participation Plan, given the amendments do not result in significant additional environmental impacts.

As a result of the design modifications made to the concept design and subject to conditions, the amended proposal presents an improved outcome and comprises a satisfactory response to the site conditions and locality. It is generally acceptable with regard to the relevant planning controls, and results in a form and scale that achieves the desired future character of the area.

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) Environmental Planning and Assessment Regulation 2000
- (iii) City of Sydney Act 1988
- (iv) Roads Act 1993
- (v) State Environmental Planning Policy No.55—Remediation of Land (SEPP 55) and the Managing Land Contamination Planning Guidelines (SEPP 55 Guidelines)
- (vi) State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG)
- (vii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)
- (viii) State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- (ix) Sydney Harbour Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- (x) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
- (xi) Planning Proposal: Central Sydney 2020
- (xii) Draft Central Sydney Planning Strategy
- (xiii) Sydney Development Control Plan 2012 (Sydney DCP 2012)
- (xiv) Amendments to Sydney Development Control Plan 2012 – Central Sydney Planning Strategy Amendment
- (xv) Sydney Landscape Code Volume 2: All Development Except for Single Dwellings

- (xvi) City of Sydney Interim Floodplain Management Policy
- (xvii) City of Sydney Guidelines for Waste Management in New Developments (Waste Guidelines)
- (xviii) City of Sydney Public Art Policy
- (xix) City of Sydney Competitive Design Policy
- (xx) Central Sydney Development Contributions Plan 2013

Attachments:

- A. Recommended Conditions of Consent
- B. Building Envelope Drawings
- C. Indicative Reference Design Drawings
- D. Indicative Reference Landscape Drawings
- E. Existing Building Drawings
- F. Design Excellence Strategy

Recommendation

It is resolved that

- (A) consent be granted to Development Application No. D/2019/992 subject to the conditions set out in Attachment A to the subject report; and
- (B) the ' Amended Design Excellence Strategy' for 175 Liverpool Street, Sydney, version E, prepared by Ethos Urban Pty Ltd and dated 21 August 2020, , as shown in Attachment E to the subject report, be approved pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposal is consistent with the objectives of the B8 Metropolitan Centre zone.
- (D) The building envelope complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012, and provides capacity for an additional 10% height available under Clause 6.21(7) of the Sydney Local Environmental Plan 2012 for any subsequent detailed building design resulting from a design competition process, and demonstrating design excellence.
- (E) The indicative reference design accompanying the application demonstrates that the envelope can accommodate a building which complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (F) The proposed development will conserve the heritage significance of the ANZAC War Memorial and Hyde Park in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (G) The proposed building envelope complies with the Harmony Park sun access plane under the Draft Central Sydney Planning Strategy.
- (H) Subject to compliance with the design excellence strategy, the undertaking of a competitive design process and the recommended conditions of consent, the proposed development will provide a building envelope capable of accommodating a future building which can exhibit design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.

- (I) The indicative reference design accompanying the application demonstrates that the proposed development is generally consistent with the provisions of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG).
- (J) The proposed development has a height and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and broader locality.
- (K) Subject to the recommended conditions of consent, the proposed development will provide a building envelope capable of accommodating a future building which can achieve acceptable amenity for future residents for solar access, natural ventilation, private open space and privacy.
- (L) The proposed building envelope can accommodate the proposed uses and does not result in any significant adverse environmental or amenity impacts on surrounding properties, the public domain and the broader Sydney Central Business District, subject to conditions on a subsequent detailed design development application.
- (M) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to heritage conservation, setbacks, views, privacy, transport, servicing and parking.



Figure 2: Aerial photograph of the subject site in blue and surrounding area

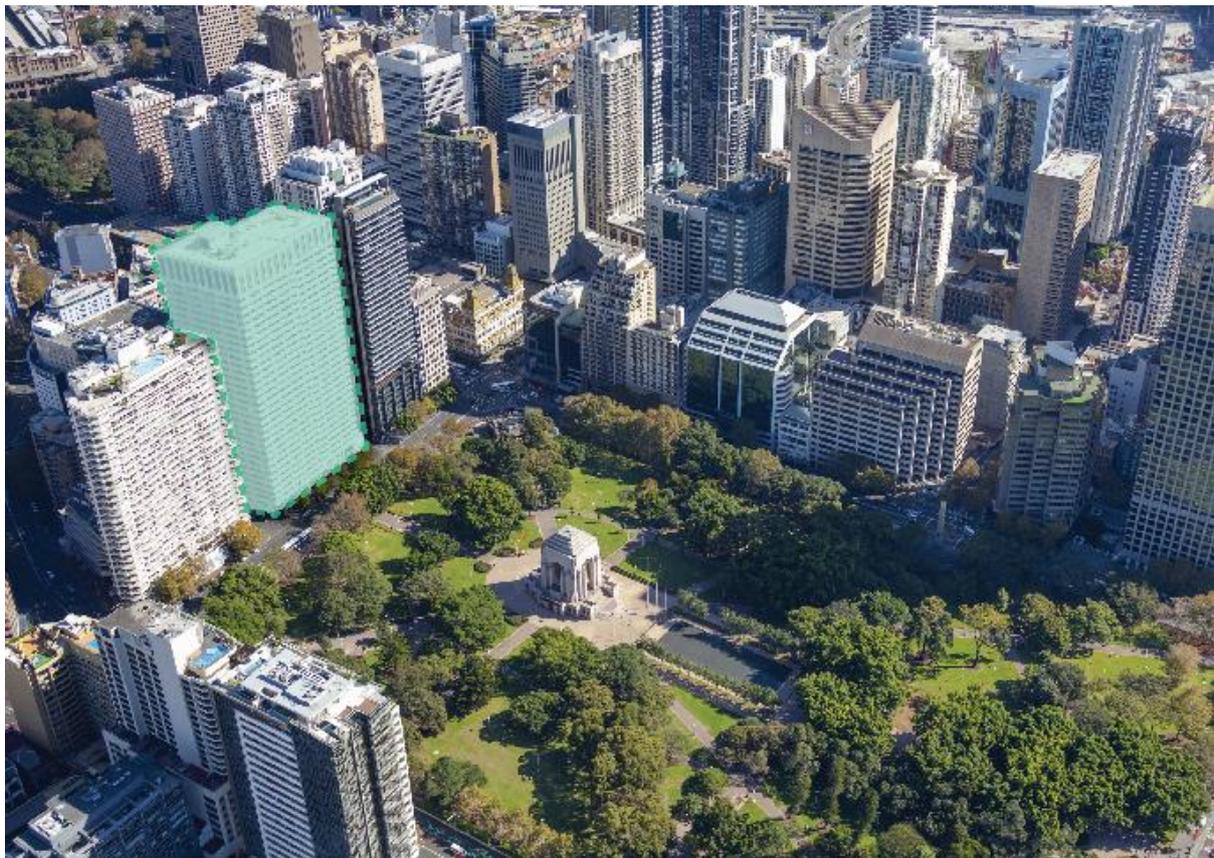


Figure 3: Oblique aerial photograph of the subject site in blue and surrounding area, looking southwest



Figure 4: Oblique aerial photograph of the subject site in blue and surrounding area, looking north-east

6. The site contains a 33-storey commercial office building, formerly known as the Remington Centre, designed by Hoffer Reid and Associates, and completed in 1981 by Stockland Constructions, with:
 - (a) a height of approximately 117 metres;
 - (b) ground level retail uses within a colonnade to Liverpool Street;
 - (c) lower ground loading and servicing facilities to Clarke Street;
 - (d) 4 basement levels containing a commercial car park with vehicle access from Nithsdale Street and approximately 200 car parking spaces;
 - (e) 30 commercial office levels; and
 - (f) 3 plant levels.
7. A publicly accessible 'pocket park', comprising landscaped areas, significant mature tree plantings and ventilation stacks serving the basement car park, is located on the southern portion of the site, bounded by Nithsdale Street, Nithsdale Lane, Alberta Street and Clarke Street.
8. Figures 5 to 18 show the existing development on the site.



Figure 5: Northern elevation of the site, viewed from Hyde Park



Figure 6: Site viewed from Hyde Park, looking south-west



Figure 7: Site viewed from Elizabeth St, looking south-east



Figure 8: Ground level colonnade, retail premises, pedestrian entrance and awning to Liverpool St



Figure 9: Ground level cafe and podium to Nithsdale St



Figures 10 and 11: Southern and western elevations viewed from Nithsdale St (left) and southern elevation viewed from further south along Nithsdale St (right)



Figures 12 and 13: Southern elevation viewed from Alberta St (left) and southern and eastern elevations viewed from Commonwealth St (right)



Figure 14: Loading dock and basement access to Clarke St



Figure 15: Deliveries and visitor parking access to Clarke St

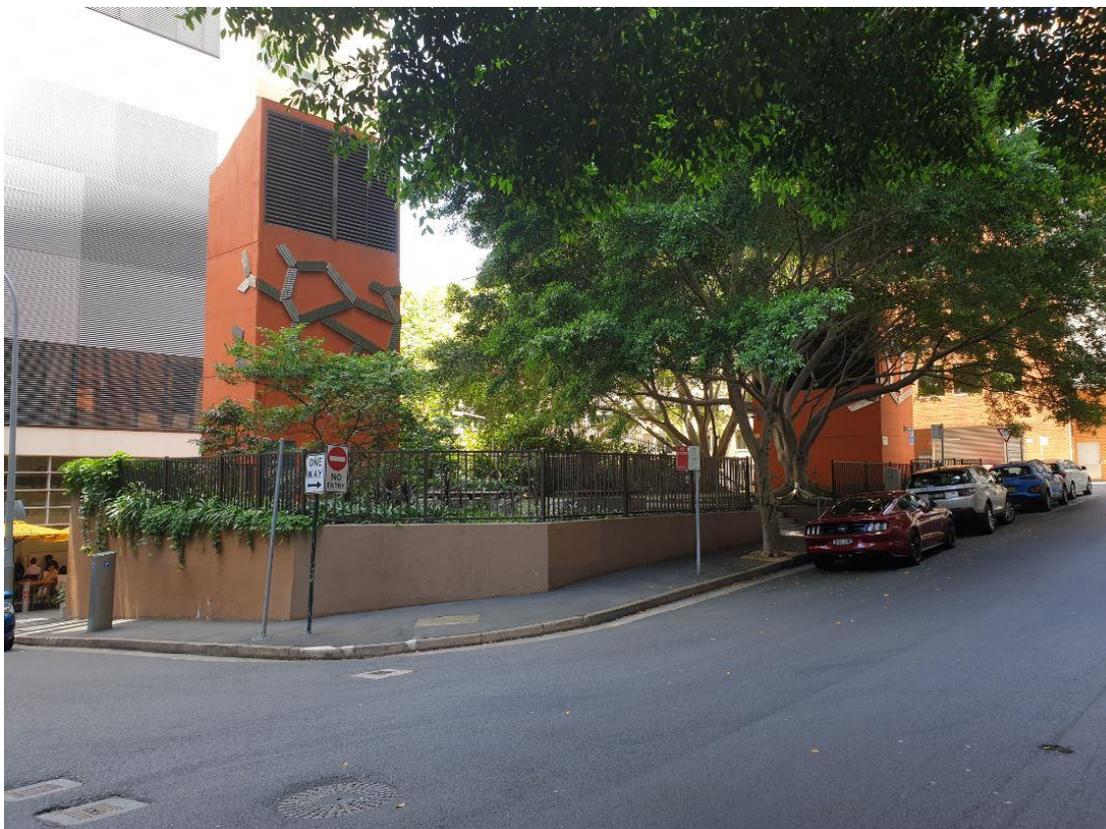


Figure 16: Pocket park, viewed from the intersection of Clarke St and Alberta St



Figure 17: Pocket park, viewed from Nithsdale St



Figure 18: Car park entrance and exit to Nithsdale St

The Locality

9. The surrounding area is characterised by a mixture of commercial, residential, retail, food and drink premises and tourist and visitor accommodation uses, with a wide range of built forms of varied architectural style and scale.
10. To the north is Hyde Park South and located within the park is the ANZAC War Memorial. Both sites are listed as items of heritage significance on the State Heritage Register (SHR Item Number 01871 and 01822 respectively) and in Schedule 5 of the Sydney LEP 2012 (Item Number I1654 and I1742 respectively).
11. To the north-west within Hyde Park South is Museum Railway Station, which is also listed as a heritage item on the State Heritage Register (SHR Item Number 01207) and in Schedule 5 of the Sydney LEP 2012 (Item Number I1743).
12. To the east at 185-211 Liverpool Street, Sydney, is a 30-storey mixed use residential apartment development known as the Connaught, which comprises one of Sydney's first high-rise strata buildings, completed in 1984 by Civil and Civic.
13. To the west at 157-167 Liverpool Street, Sydney, is a 34-storey mixed use residential apartment development known as the Hyde, designed by WOHA Architects and completed in 2010 by Grocon. Further to the west at 130 Elizabeth Street, Sydney, is a 38-storey mixed use residential apartment development known as One30 Hyde Park, designed by Bates Smart and completed in 2019 by Built Holdings.
14. To the south-east on the eastern side of Commonwealth Street at 13-15 Wentworth Avenue, Sydney, is a part 3 and part 4 storey commercial building. A part 3 and part 4 storey commercial building is located at 9-25 Commonwealth Street, Sydney, to the south. This property has development consent for a 33-storey mixed use development comprising retail, hotel accommodation and residential apartment uses, known as the Edition Residences, designed by FJMT.
15. Located to the south at 11 Alberta Street, Sydney, is a 22-storey mixed use residential apartment development known as Aspire Apartments, designed by Marchese Partners and completed in 2015 by Hindmarsh. To the south of the pocket park at 26 Nithsdale Street, Sydney, is a 3-storey commercial terrace.
16. To the south-west at 136-140 Elizabeth Street, Sydney, is an 11-storey commercial building, containing office premises and a place of public worship known as the Salvation Army Sydney Congress Hall. Further to the south-west at 148 Elizabeth Street, Sydney, is a 32-storey mixed use residential apartment development known as Hyde Park Towers, completed in 1995 by Walter Construction Group. This site contains a heritage item of local significance listed in Schedule 5 of the Sydney LEP 2012 known as the former "Mark Foys Parking Station" including facades, internal structure and building elements (Item Number I1744).
17. Figures 19 to 28 show the existing development in the vicinity.



Figure 19: Hyde Park and the ANZAC War Memorial



Figure 20: Museum Railway Station



Figures 21 and 22: The Connaught at 185-211 Liverpool St (left) and The Hyde and One30 Hyde Park at 157-167 Liverpool St and 130 Elizabeth St (right)



Figure 23: Commercial building at 13-15 Wentworth Ave



Figure 24: Commercial building at 9-25 Commonwealth St



Figure 25: Commercial terrace at 26 Nithsdale St



Figures 26 and 27: Commercial building at 136-140 Elizabeth St (left) and Hyde Park Towers at 148 Elizabeth St (right)



Figure 28: Aspire Apartments at 11 Alberta St

Proposal

18. The subject development application, as amended on 19 June 2020, seeks concept development consent pursuant to Section 4.22 of the Environmental Planning and Assessment Act, 1979 for the redevelopment of 169-183 Liverpool Street, Sydney.
19. Specifically, the application seeks conceptual, in-principle approval for the following:
 - (a) demolition of the existing building;
 - (b) retention of the existing basement, pocket park and ventilation stacks;
 - (c) a building envelope for a mixed use development with:
 - (i) 2 towers, with a maximum height of RL 148.97 (AHD) to tower A and RL 150.18 (AHD) to tower B respectively, approximately 121 metres from ground level;
 - (ii) a podium height of 55.7 (AHD), approximately 25 metres above the ground level to Liverpool Street;
 - (iii) vehicle access from Clarke Street and Nithsdale Street; and
 - (iv) capacity for 51,156 square metres of Gross Floor Area (GFA), including:
 - (i) 40,426 square metres of residential GFA;
 - (ii) 9,760 square metres of commercial GFA; and
 - (iii) 970 square metres of retail GFA.
20. The application is accompanied by indicative reference design drawings and documentation. This shows buildings in the proposed building envelope which, as amended, provide for the following indicative uses:
 - (a) basement levels 1 to 3 inclusive: loading dock (9 loading bays), plant, bicycle parking, storage, services and car parking (204 spaces);
 - (b) lower ground: through site link, retail premises and loading dock vehicle access;
 - (c) ground: through site link, retail premises, residential lobbies, commercial lobbies and
 - (d) levels 1 to 5: commercial;
 - (e) level 6: residential amenities; and
 - (f) levels 7 to 35: residential (237 apartments).
21. The reference design includes a range of indicative landscape and public domain treatments, including:
 - (a) provision of tree plantings, public plaza and central access stairs to the through site link

- (b) refurbishment and renewal of the pocket park fronting Clarke Street to provide community gardens;
 - (c) footpath widening, street tree plantings, green wall edge, and an open elevated terrace with amphitheatre seating, tree plantings, stair and public plaza area to the western side fronting Nithsdale Street; and
 - (d) additional street tree plantings to Clarke Street.
22. No physical demolition or other development works are proposed as part of the amended concept plan.
23. Selected photomontages of the indicative reference design, and axonometric, elevation, section and plan drawings of the proposed building envelope are provided in Figures 29 to 50 below.
24. These are included with the revised concept drawings, indicative reference design drawings, indicative reference landscape drawings and existing building drawings in Attachments B, C, D and E.



Figure 29: Indicative reference design photomontage, looking south from Hyde Park



Figures 30 and 31: Indicative reference design photomontages, looking south-east from Liverpool Street (left) and north from Clarke Street (right)

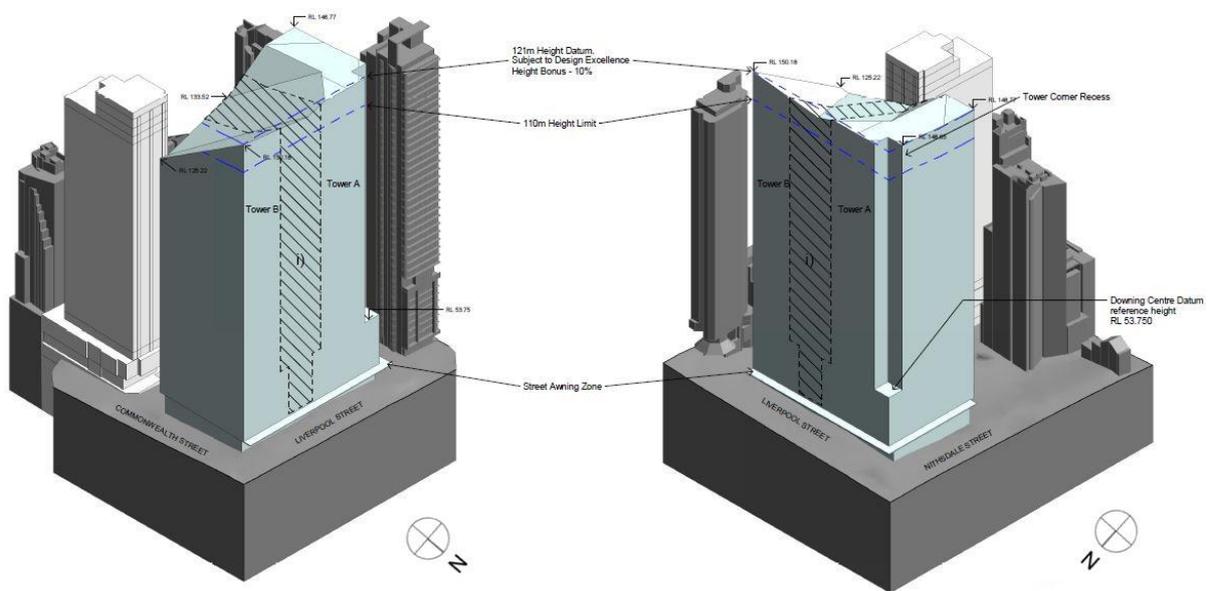


Figure 32: Envelope axonometric views, looking south-west (left) and south-east (right)

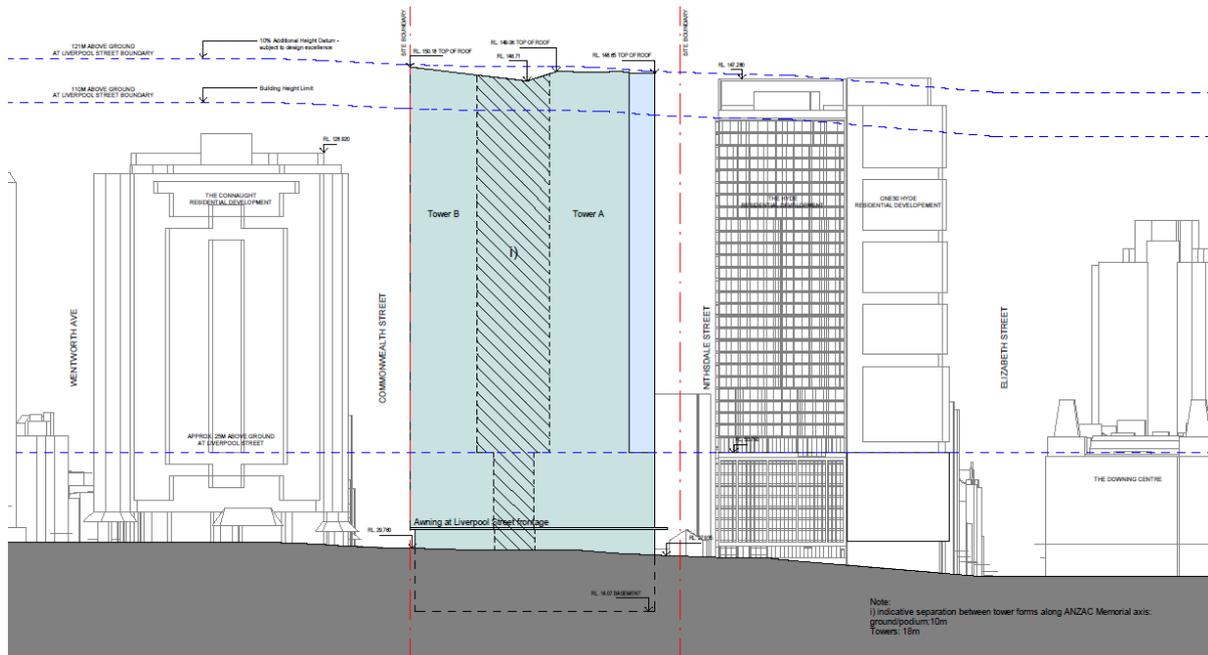


Figure 33: Envelope elevation to Liverpool Street

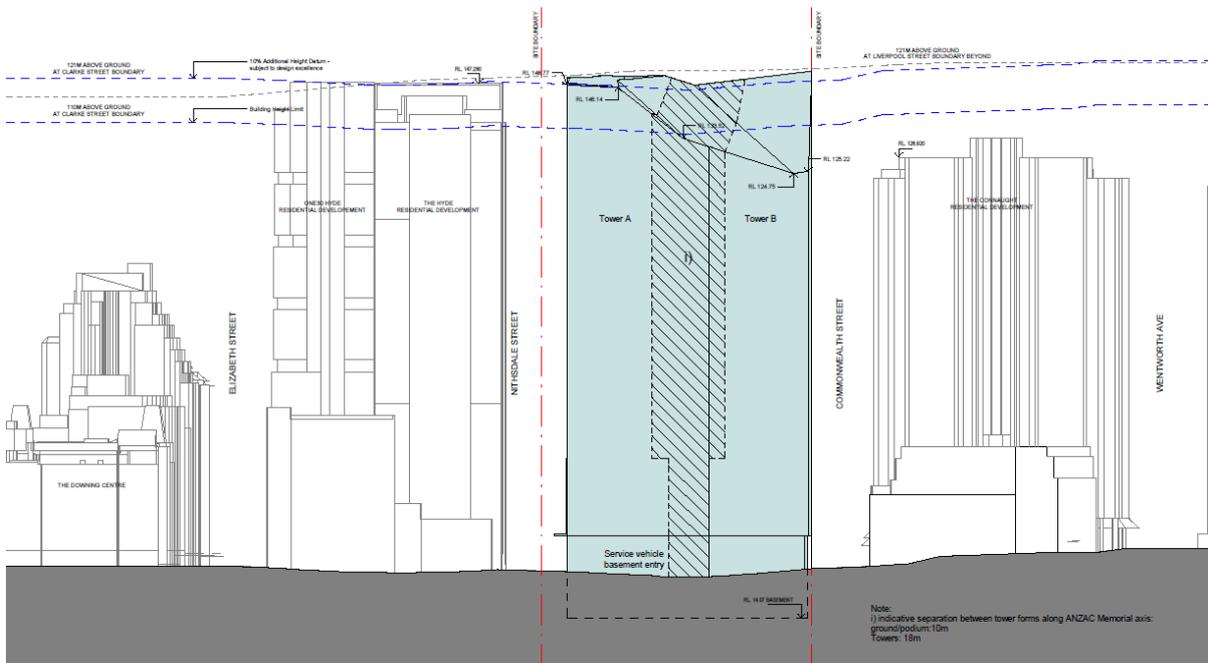


Figure 34: Envelope elevation to Clarke Street, showing sun access plane compliance

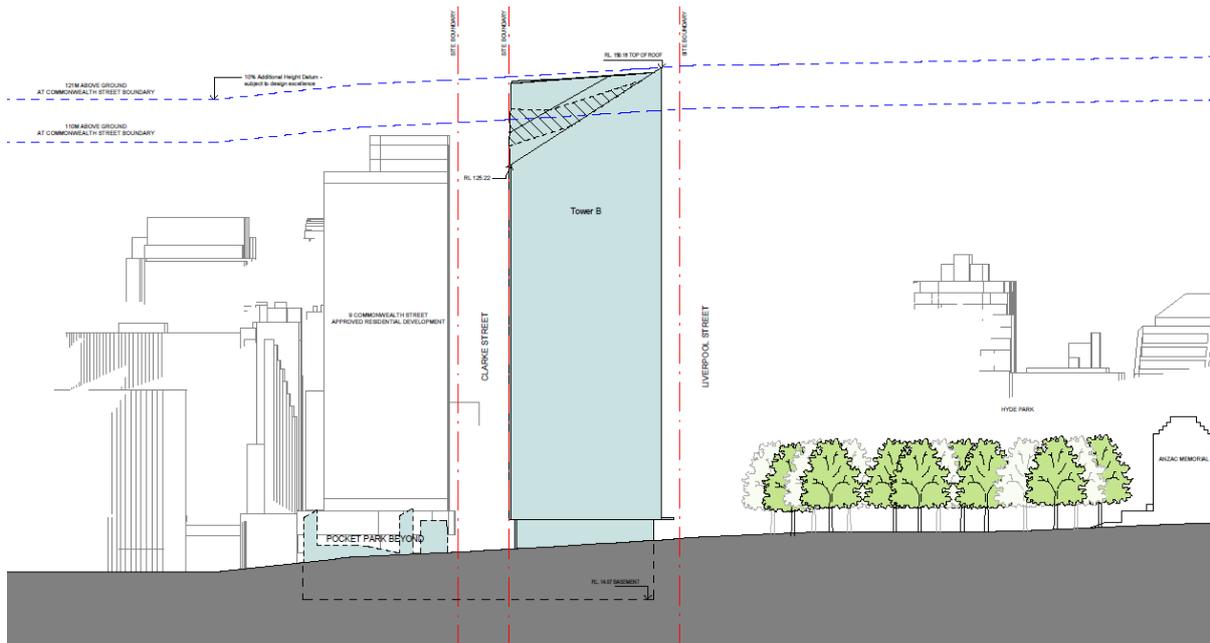


Figure 35: Envelope elevation to Clarke Street, showing sun access plane compliance

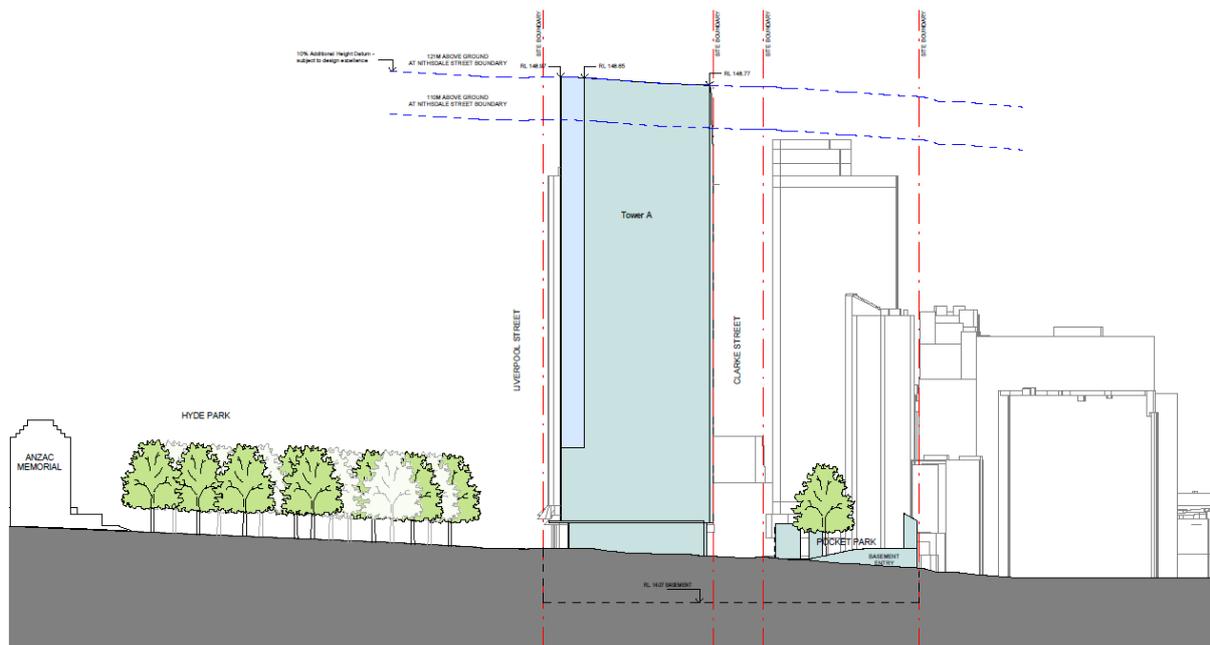


Figure 36: Envelope elevation to Nithsdale Street

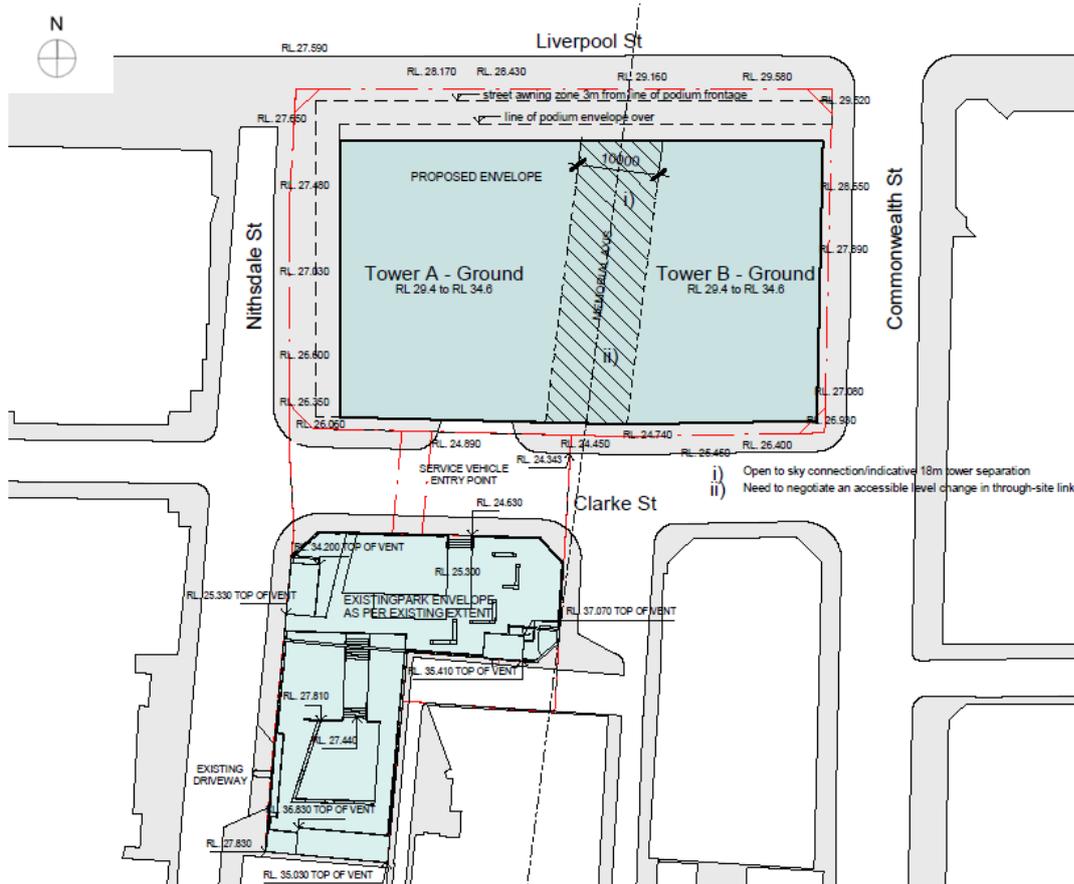


Figure 37: Envelope site plan

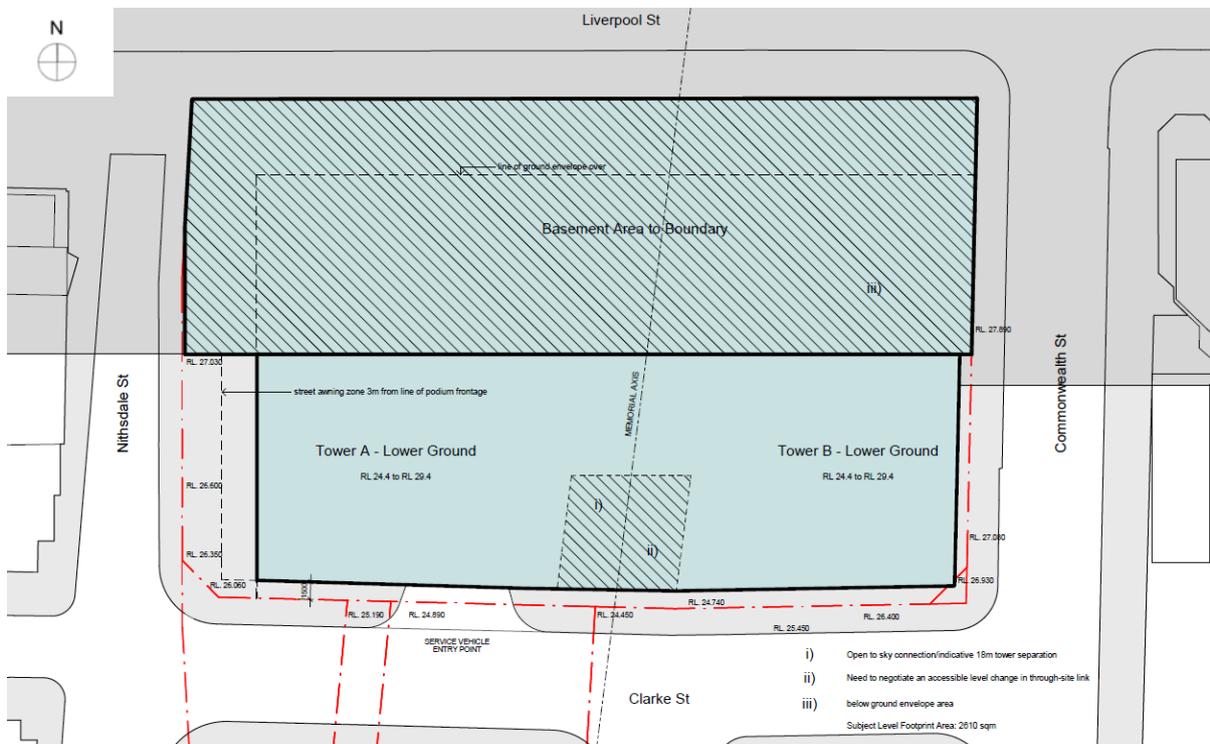


Figure 38: Envelope plan of lower ground floor level

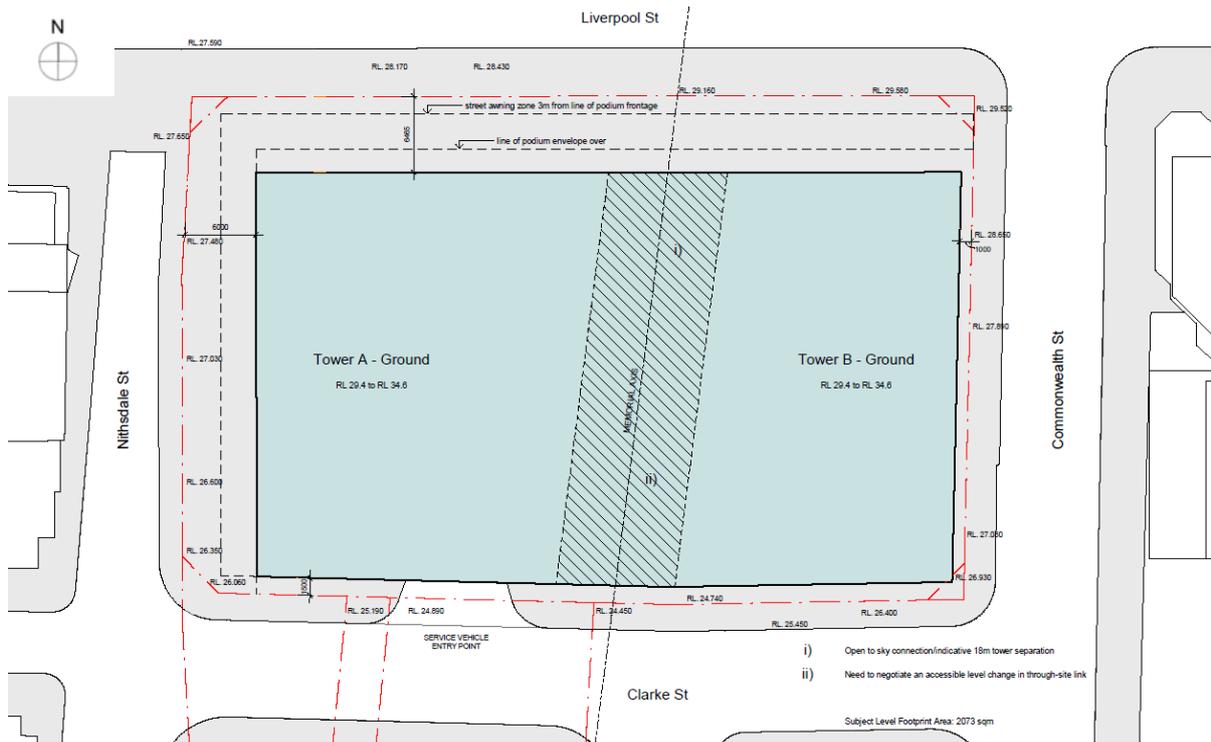


Figure 39: Envelope plan of ground floor level

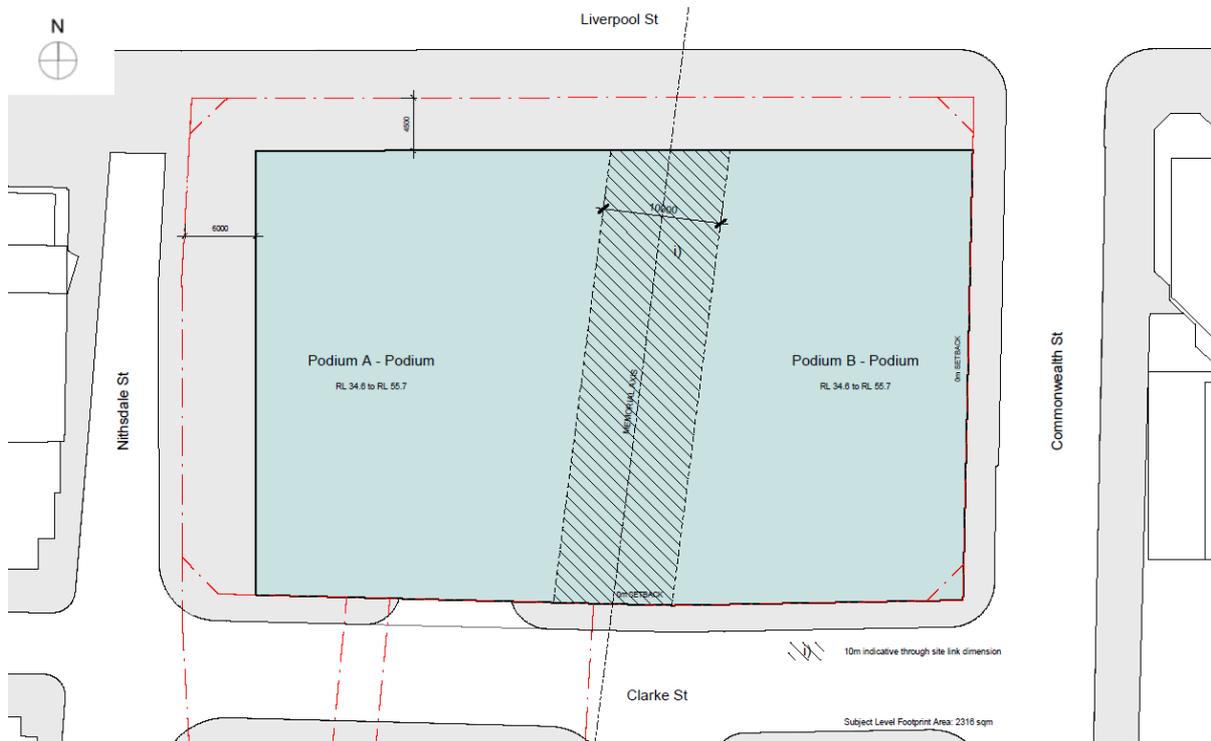


Figure 40: Typical envelope plan of level 1 to 6



Figure 41: Typical envelope plan of level 7 to 28



Figure 42: Envelope plan of level 29



Figure 43: Envelope plan of level 30



Figure 44: Envelope plan of level 31



Figure 45: Envelope plan of level 32



Figure 46: Envelope plan of level 33



Figure 47: Envelope plan of level 34

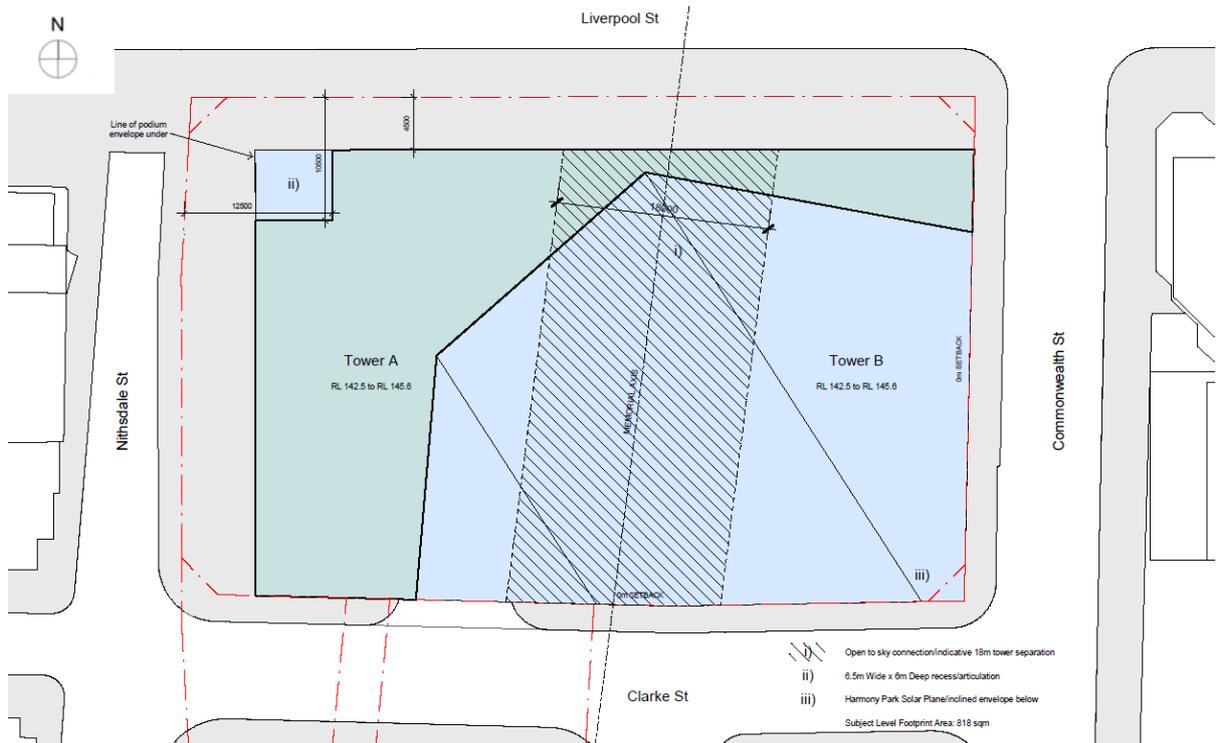


Figure 48: Envelope plan of level 35



Figure 49: Envelope plan of level 36

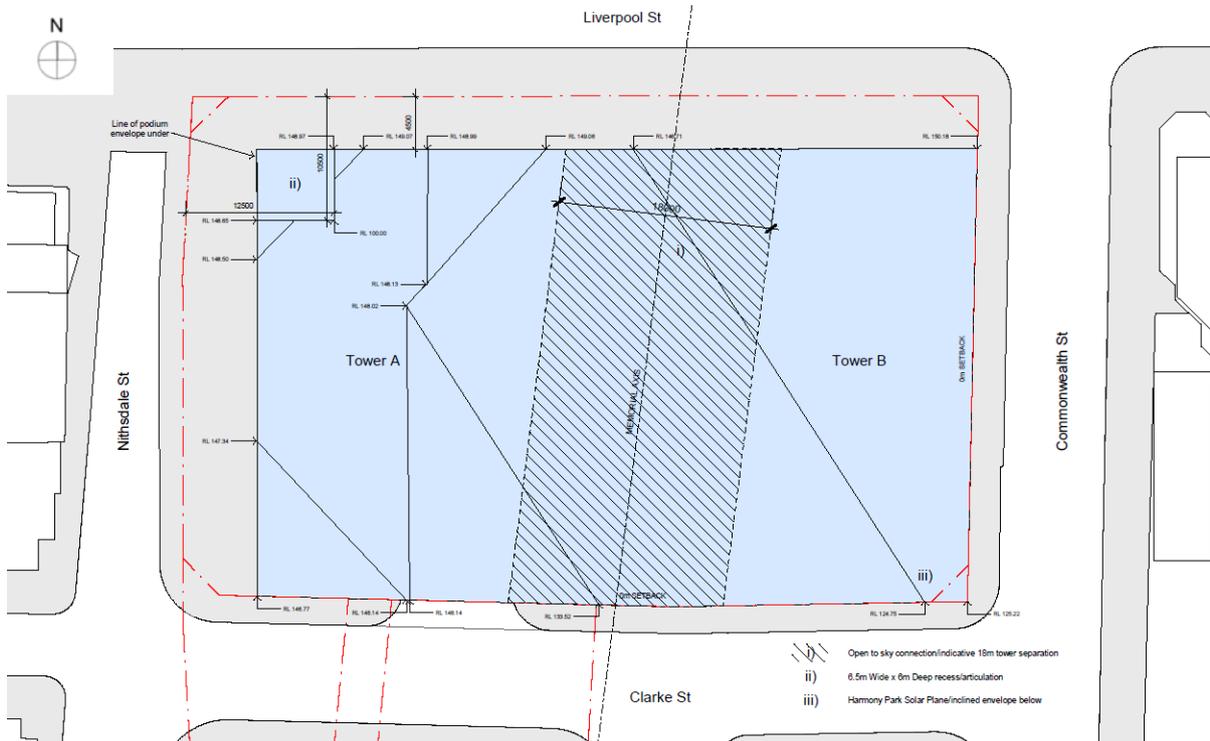


Figure 50: Envelope plan of roof level

25. It is noted that there is a minor encroachment of the building envelope into the south-eastern splay at the lower ground and ground level, which is part of the public way at the intersection of Clarke Street and Commonwealth Street.

26. A condition is recommended to delete this encroachment to the required height of RL 32.48 AHD.

History Relevant to the Development Application

Development history of the subject site

27. The site has been the subject of numerous development applications and consents, which are summarised below:
- (a) development consent D/1971/491 was granted on 17 July 1972 for a new commercial building;
 - (b) development consent D/1975/151 was granted on 17 June 1975 for a new commercial building;
 - (c) development consent D/1975/493 was granted on 23 February 1976 for use of the basement levels as a public parking station;
 - (d) development consent D/1982/157 was granted on 22 April 1982 for a rooftop radio mast;
 - (e) development consent D/1988/1315 was granted on 11 October 1988 for a rooftop radio tower;
 - (f) development consent D/1996/593 was granted on 20 September 1996 for 2 rooftop signs;
 - (g) development application D/1999/601 was refused on 24 November 1999 for a 15 metre high rooftop telecommunication tower;
 - (h) development consent D/2004/1454 was granted on 7 March 2005 for replacement of the existing roof-top signs on the south and north facades and removal of the existing roof-top sign on the west facade;
 - (i) development consent D/2008/991 was granted on 25 November 2008 for external changes including a new awning and altered front entrance, changes to the tower facade and construction of an external deck at the rear;
 - (j) development consent D/2009/712 was granted on 13 October 2009 for conversion of a loading dock into car spaces and conversion of car spaces into storage areas;
 - (k) development consent D/2009/1771 was granted on 17 August 2010 for alterations to the building, including conversion of plant rooms to office space, provision of plant rooms, painting and landscape works, and provision of a commercial car wash within the basement car park;
 - (l) development consent D/2010/1483 was granted on 4 November 2010 for installation of artwork on the building facade along Nithsdale Lane;
 - (m) development application D/2011/1432 was refused on 27 June 2012 for external plant room space at the southern rear facade of existing commercial building;

- (n) development application D/2012/711 was refused on 27 August 2012 for the replacement of existing windows with new ventilation louvres and new glazing to replace existing ventilation louvres;
- (o) development consent D/2012/1838 was granted on 17 January 2013 for the installation of new ventilation louvres to replace an existing window on the western facade of the building; and
- (p) development consent D/2016/1119 was granted on 9 September 2016 for the installation of a public artwork to the southern and eastern exterior wall.

Pre-development application advice

- 28. Pre-development application meetings were held between the applicant's consultant team and Council staff to discuss the proposed development on 13 December 2017, 13 February 2018, 17 April 2018, 8 October 2018 and 27 February 2019.
- 29. A pre-development application package for a twin tower design concept was submitted to the City on 26 March 2019 and presented to the City's Design Advisory Panel (DAP) meeting held on 11 April 2019.
- 30. The DAP raised the following matters for consideration:
 - (a) provision of a calm backdrop to Hyde Park and the ANZAC War Memorial;
 - (b) maximum height for the towers to be the same at the Liverpool Street frontage and respond to the Sun Access Plane for Harmony Park;
 - (c) inclusion of an accessible public connection through the site open to the sky;
 - (d) straighten the alignment of the Liverpool Street frontage;
 - (e) improvement of the existing pocket park;
 - (f) activation of ground floor street frontages and laneways;
 - (g) improved public domain outcomes with wind mitigation for the new square, adjoining streets and pocket park;
 - (h) emphasis given to privacy and separation of apartments, while maintaining a cohesive facade treatment;
 - (i) integrated sustainability outcomes including a reduction in the number of car park spaces and demolition/construction waste strategy; and
 - (j) where wind mitigation is required between towers this should not involve vertical barriers impacting access or views between the towers.
- 31. Pre-development application advice from Council staff provided to the applicant on 4 June 2019 included the following matters in addition to the DAP's advice above:
 - (a) issues of height, setbacks, building alignment, building separation, views, privacy, floor plate size, podium details, public connections, wind effects, increasing street setbacks, acoustics and solar access to Harmony Park to be carefully addressed in any concept proposal;

- (b) any future proposal should reduce car parking and improve the public domain and character of both Hyde Park and the area south of Liverpool Street;
 - (c) concerns with a "loose fit" envelope retaining existing building with residential uses presents difficulty satisfying the Apartment Design Guide and Council's design excellence controls;
 - (d) target environmentally sustainable design (ESD) commitments exceeding statutory minimums;
 - (e) concerns with separation and privacy between adjoining residential towers;
 - (f) use of the eastern tower as hotel accommodation, with the western tower used as commercial for at least the first 5 floors, with ancillary residential amenities and residential apartments above for the remainder of the tower;
 - (g) podium, street wall enclosure to Hyde Park and through-site link designed in accordance with the context of the Park's historic planning, mediating between the civic scale of Hyde Park and the intimate, fine grain character of Surry Hills; and
 - (h) the undertaking of a full architectural design competition given the sensitivity of the site.
32. A meeting between the applicant's consultant team and Council staff was held on 3 July 2019 to discuss the above advice in detail.

History of the subject development application

33. Following lodgement of the application, a request for an amended Quantity Surveyor's (QS) report was made to the applicant on 18 September 2019. An amended QS report was submitted to the City on 27 September 2019.
34. After finalisation of a preliminary assessment of the application, a request for an amended application and additional application fees based on the revised QS report was sent to the applicant on 22 January 2020. The request included the following matters:
- (a) consideration of the retention and adaptive reuse of the existing building;
 - (b) concerns with the distortion and extension (rather than termination), of the central Hyde Park avenue axis through the site;
 - (c) visual impacts to the heritage significant curtilage of Hyde Park and the ANZAC War Memorial;
 - (d) additional view analysis of the proposed development from Hyde Park;
 - (e) additional information including sun's eye view diagrams, acoustic report, and supplementary drawing information;
 - (f) concerns with the "loose fit" building envelope relating to outcome uncertainty;
 - (g) consideration of provision of increased setbacks from Liverpool Street and a podium form to the secondary streets to the rear and sides;

- (h) reduction in tower footprint depth and improvements to the interface with the surrounding public domain;
 - (i) additional natural cross-ventilation, solar access and wind impacts information;
 - (j) amendments to the Design Excellence Strategy, including commitment to a full architectural design competition;
 - (k) a revised Transport Impact Assessment, addressing concerns relating to parking space numbers, vehicle access, bike parking, mode share targets and loading and servicing;
 - (l) revised landscape details, including addressing the pocket park design and wind effects;
 - (m) additional land contamination information;
 - (n) a revised public art strategy; and
 - (o) an amended waste management plan.
35. The application was presented to the DAP at its meeting held on 20 February 2020. The DAP provided the following advice:
- (a) regarding the two indicative reference design schemes, being a single and a twin tower option, the preference was for the twin tower option;
 - (b) the single tower option would introduce an oppressive backdrop for the ANZAC Memorial and crowd the vista/view corridor looking south down Hyde Park's north-south axis;
 - (c) the twin tower option would provide some sky relief to the memorial backdrop and allow sunlight to penetrate the laneways south of the subject site, providing precinct-wide benefit;
 - (d) an at-grade, open-to-the-sky, mid-block connection linking Liverpool Street to the network of laneways south of the subject site was supported;
 - (e) a baffle solution to mitigate wind effects was not supported and further investigation was required;
 - (f) building separation requirements were required to be addressed through careful design;
 - (g) given the prominence and significance of the site as both a backdrop to the ANZAC Memorial and the southern termination of the Hyde Park/Macquarie Street Beaux Arts promenade, a full design excellence competition was recommended;
 - (h) any new development must be exceptional, in both design and quality of build;
 - (i) residential balconies should be concealed to facilitate the development of a sophisticated built form behind the memorial;

- (j) a study of Hyde Park and the laneway network south of the subject site should be incorporated to analyse and inform site interface with the public domain and further develop the concept proposal; and
 - (k) a greater setback provided to Liverpool Street.
36. A meeting was held between applicant, the applicant's consultant team and City staff on 10 March 2020, to discuss the above-mentioned letter and the DAP's advice.
37. A further meeting was held between the applicant's consultant team and City staff on 18 May 2020 to discuss design options.
38. Following this meeting, an amended application was submitted to the City on 19 June 2020, with additional information submitted as follows:
- (a) an acoustic report and noise survey on 23 July 2020;
 - (b) contamination reports on 27 July 2020 and 31 July 2020; and
 - (c) an amended design excellence strategy on 21 August 2020, 26 August 2020 and 8 September 2020.
39. The amended application was presented to the DAP at its meeting held on 30 July 2020. The DAP provided the following advice:
- (a) the proposal represents a considerable improvement to the existing condition;
 - (b) the site redevelopment presents an opportunity to improve the tower's relationship with Hyde Park and as a backdrop to the Anzac Memorial;
 - (c) the wind impact analysis is critical and requires interrogation and testing;
 - (d) vertical screens / 'local amelioration' for outdoor dining areas is not a satisfactory response;
 - (e) the public domain and surrounding streets should not be adversely affected by the proposal;
 - (f) massing should be informed by the wind modelling and analysis before the design competition;
 - (g) surrounding footpaths should have high levels of amenity for pedestrians and sufficient space for street tree canopies;
 - (h) the width of the carpark entry should be narrowed and minimised.
 - (i) the geometry of the envelope of the towers requires amendment as the western tower appears to be wider on the Liverpool Street frontage;
 - (j) the two towers should appear to be symmetrical and have the same proportion, particularly when viewed looking south of Central Avenue in Hyde Park and as a backdrop to Anzac Memorial;
 - (k) a study of the relationship between the proposal and the built form of the adjoining redevelopments should be provided;

- (l) a greater setback to the north west corner should be provided as a recessive element;
 - (m) a 2 level recessed setback should be provided to the Liverpool Street level frontage;
 - (n) analysis from different street and park views, including views from Park Street at the end Central Avenue and from other angles in Hyde Park should be provided; and
 - (o) the level change between streets should be addressed within the development to improve access and increase opportunities for ground floor activation.
40. The above recommendations are encapsulated in a number of conditions included in Attachment A to ensure that the competitive design brief and any future detailed design development application addresses all issues raised.

City of Sydney Act 1988

41. Section 51N of the City of Sydney Act, 1988, requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a development application that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney Central Business District.
42. 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."

43. The Director City Planning Development and Transport is the delegate of the Planning Committee and formed the view that the project may have significant impact on traffic in the Central Business District and required consultation with the CSTTC.
44. Transport for New South Wales, as the delegate of the CSTTC, was consulted.
45. Submissions received by the City from Transport for New South Wales are considered in the assessment of the application and the recommended conditions are included in Attachment A.

Economic, Social and Environmental Impacts

46. 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 Development Control Plans

State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)

47. 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.
48. A Preliminary Site Investigation report was submitted with the original application and a Detailed Site Investigation report was submitted with the amended application. Both reports were reviewed by City staff during the assessment of the proposal.
49. The City's Health and Building Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use in accordance with Clause 7 of SEPP 55 and the SEPP 55 Guidelines.

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65)

50. SEPP 65 applies to the proposal as any subsequent detailed development application will comprise a residential flat building of three or more floors and containing four or more apartments.
51. Clause 70B of the Environmental Planning and Assessment Regulation, 2000, provides that design verification required under Clause 50(1A) of the Regulation is not required for concept development applications unless the development application contains detailed proposals for a residential flat building.
52. Detailed development works are not sought and, as a result, no design verification statement was submitted with the application.
53. The proposed development is for conceptual building envelope and indicative land uses only, and no physical building works are sought, or recommended for approval, as part of this application.
54. In the event that the subject application is approved, the detailed design of the development will be the subject of both a competitive design process and further detailed design development application.
55. SEPP 65 provides that the consent authority take into consideration a number of matters relating to design quality.

56. These include whether the proposed building envelopes and indicative land uses have the ability to achieve the 9 design quality principles set out in Schedule 1 of SEPP 65.
57. A more detailed assessment of SEPP 65 will be undertaken in relation to any subsequent development application for the detailed design of the proposed development.
58. The principles are summarised and addressed with regard to the concept building envelope as follows:
- (a) **Principle 1: Context and Neighbourhood Character**
- (i) The site is located at the south-eastern end of the Sydney Central Business District, adjacent to buildings of similar height and scale and in proximity to existing public transport infrastructure, including multiple bus routes, bicycle lanes and light, heavy and metro rail stations. The proposal will contribute to the vitality of the locality and the broader City of Sydney Local Government Area.
 - (ii) It is located in the B8 Metropolitan Centre zone and the proposal is generally in accordance with the objectives of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012, subject to the recommended conditions. The proposal is also consistent with the existing and desired future character of the locality.
- (b) **Principle 2: Built Form and Scale**
- (i) The immediate locality along Liverpool Street, Nithsdale Street, Commonwealth Street, Clarke Street and Alberta Street has a diverse range of built forms and scale, with a variety of different architectural building styles and land uses.
 - (ii) The proposed form, scale and massing form of the proposed building envelope is contextually appropriate to the site location, and consideration has been given to the surrounding built form, particularly the strong street wall presence of development on the southern side of Liverpool Street, and potential impacts to residential development located to the south .
 - (iii) The proposal has been amended to revise the building envelope to better respond to the immediate built form context, as well as to the site constraints. The form and scale of future development anticipated in the area is consistent with the height and typology of the proposal.
 - (iv) The proposed building envelope adheres to the provisions of the Sydney LEP 2012, including the maximum height prescribed by the Harmony Park sun access plane. The proposal responds satisfactorily to the surrounding urban context, while achieving a suitable form and scale, subject to the recommended conditions.
 - (v) Opportunities exist for development of the architecture to further respond to the site context, particularly in relation to its prominent location opposite Hyde Park and the ANZAC War Memorial, both of which are State significant heritage items.

- (vi) Further discussion and assessment of these matters is provided below under the Issues heading.
- (c) **Principle 3: Density**
- (i) The proposed density in the indicative reference design drawings demonstrates that the envelope accommodates buildings which comply with the maximum Floor Space Ratio development standard in Clause 4.4 and accommodation floor space available under Clause 6.4 of the Sydney LEP 2012.
 - (ii) It is consistent with the desired future character envisaged in the locality of the Sydney Central Business District and the broader City of Sydney Local Government Area.
- (d) **Principle 4: Sustainability**
- (i) The proposal is accompanied by an indicative reference design showing compliance with the minimum solar access and natural cross ventilation requirements of SEPP 65 and the Apartment Design Guide (ADG).
 - (ii) The competitive design process phase for the detailed design of the development is required to achieve sustainable development targets and to optimise opportunities for ecologically sustainable development (ESD) and best practice environmental performance, including low running costs in relation to water and energy use.
 - (iii) Any subsequent detailed design development application must also be accompanied by a BASIX Certificate to demonstrate that the NSW Government's sustainability requirements are met.
- (e) **Principle 5: Landscape**
- (i) It is noted that the Sydney Central Business District context, site constraints posed by the existing basement and setbacks established by surrounding development generally preclude the provision of ground floor level communal open space and deep soil planting.
 - (ii) A concept landscape design was submitted with the application, setting high level design principles that refer to the potential within the envelope for opportunities for landscaping and open space, particularly in relation to the indicative through site link and refurbishment and renewal of the pocket park on the southern portion.
 - (iii) The proposal seeks consent for a concept building envelope only, and it will be necessary for a more detailed analysis and assessment of any scheme against the landscape principles as part of any future detailed design development application.
 - (iv) It should also be noted that prior to any such development application, a competitive design process will be required. The provision and location of communal and private areas open space will form part of the overall architectural design.

- (v) Appropriate conditions are recommended requiring any future detailed design development application to provide areas of communal open space and to be accompanied by a detailed landscape plan and statement.
 - (vi) These include a requirement for consideration of the greening of the tower buildings and the redesign and refurbishment and renewal of the pocket park (including the existing ventilation stacks).
- (f) **Principle 6: Amenity**
- (i) The indicative reference design submitted demonstrates that a residential apartment building within the proposed tower form is capable of achieving an acceptable level of amenity.
 - (ii) The indicative scheme provides compliant levels of solar access, natural cross ventilation and apartment sizes.
- (g) **Principle 7: Safety**
- (i) This is a matter for a future detailed design development application. A condition is recommended for a Security Management Plan prepared in accordance with the 'Crime Prevention Through Environmental Design' (CPTED) principles.
- (h) **Principle 8: Housing Diversity and Social Interaction**
- (i) The site benefits from its proximity to existing and future retail premises and commercial, recreational and entertainment facilities in the wider locality of the Sydney Central Business District. The site is suitable for the proposed indicative residential uses.
 - (ii) The indicative reference design demonstrates that there will be a suitable mix of dwellings provided in the proposed building envelopes on the site and that a future building can be provided with adequate areas of communal open space. This will require demonstration in any future detailed design development application.
- (i) **Principle 9: Aesthetics**
- (i) This is a matter for a subsequent detailed design development application. A condition is recommended to ensure that the future building provides suitable architectural diversity, expression and character in order to achieve consistency with this design quality principle.
59. The proposed envelope is generally acceptable when assessed against the principles set out above and the provisions of SEPP 65 generally.

Apartment Design Guide (ADG)

60. Clause 28 of SEPP 65 requires consideration of the ADG, which provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to residential apartment developments. Compliance with the ADG, where relevant to the assessment, is addressed in the table below.

2E Building Depth	Compliance	Comment
12-18 metres (glass to glass)	Able to comply	<p>The proposed building envelope has a maximum east-west dimension of approximately 25 metres, and a maximum north-south dimension of approximately 39 metres.</p> <p>While this exceeds the maximum building depth requirement, it allows flexibility in designing future buildings to be accommodated within the envelope.</p> <p>Appropriate conditions are been recommended to ensure that compliance with the maximum building depth criterion is required in any future detailed design development application.</p>

2F Building Separation	Compliance	Comment
<p>Up to 4 storeys (approximately 12 metres):</p> <ul style="list-style-type: none"> • 12 metres between habitable rooms / balconies • 9 metres between habitable and non-habitable rooms • 6 metres between non-habitable rooms 	Not applicable	No indicative residential uses are proposed to the first 7 storeys of the building envelope.

2F Building Separation	Compliance	Comment
<p>5 to 8 storeys (approximately 25 metres):</p> <ul style="list-style-type: none"> • 18 metres between habitable rooms / balconies • 12 metres between habitable and non-habitable rooms • 9 metres between non-habitable rooms <p>9 storeys and above (over 25 metres):</p> <ul style="list-style-type: none"> • 24 metres between habitable rooms / balconies • 18 metres between habitable and non-habitable rooms • 12 metres between non-habitable rooms 	No	<p>The ADG requires the separation distances to be shared equitably between neighbouring sites.</p> <p>The proposed tower forms provide indicative residential uses which do not achieve the required building separation between each tower, the existing residential development to the east and west, or to the approved residential development to the south.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>

3B Orientation	Compliance	Comment
<p>Overshadowing of neighbouring properties is minimised during midwinter.</p>	Able to comply	<p>The solar impact analysis submitted with the amended application includes studies of the surrounding development, both existing and approved.</p> <p>This analysis includes shadow and sun eye view diagrams which model and compare overshadowing from the existing development and that resulting from the proposed envelope.</p> <p>The overshadowing assessment generally demonstrates that solar access is improved to the surrounding residential apartment development to the south-east, south and south-west, including to the approved tower development on the site at 9-25 Commonwealth Street, Sydney.</p>

3B Orientation	Compliance	Comment
		<p>Where there is a reduction in solar access resulting from the proposed envelope, detailed solar access schedules have been prepared which demonstrate that the impact is minor in scope and acceptable with regard to minimisation of overshadowing of neighbouring residential apartment development during mid-winter.</p> <p>Appropriate conditions are recommended to ensure that detailed sun access modelling is carried out in accordance with the requirements of SEPP 65 and the ADG for any future competitive design process entries and for the detailed design.</p>

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site area.	Able to comply	<p>The ADG requires 934 square metres of communal open space to be provided on site, based on the existing site area of 3,737 square metres.</p> <p>The design guidance under Objective 3D-1 provides that, where developments are unable to achieve the design criteria, such as for sites in business zones or in dense urban areas, they should provide:</p> <ul style="list-style-type: none"> • communal spaces such as a landscaped roof top terrace or a common room; • larger balconies or increased private open space for apartments; and • proximity to public open space and/or provide public open space contributions.

3D Communal and Public Open Space	Compliance	Comment
		<p>The indicative reference design provides 585 square metres of communal open space at level 6, which does not achieve the minimum requirement.</p> <p>The indicative communal open space is supplemented by:</p> <ul style="list-style-type: none"> • approximately 1,150 square metres of internal residential communal amenities at level 6; • approximately 885 square metres of open space within the pocket park on the southern portion of the site; and • direct proximity to public open space within Hyde Park to the north. <p>Although this does not conform to the requirements of the design criterion in Part 3D-1 of the ADG, there is sufficient space in the envelope to provide communal open space or alternatives, as envisaged by the ADG design guidelines.</p> <p>Appropriate conditions are recommended to ensure that any subsequent competitive design process and detailed design development application provides sufficient residential communal space.</p>
<p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm in midwinter.</p>	<p>Able to comply</p>	<p>The sun's eye view diagrams submitted with the amended application demonstrate that the communal open space at level 6 of the indicative reference design achieves in excess of 50% direct sunlight to its principal usable areas for more than 2 hours between 9am and 3pm at midwinter.</p>

3E Deep Soil Zones	Compliance	Comment
<p>Deep soil zones are to have a minimum area equivalent to 7% of the site area and have a minimum dimension of 6 metres</p>	<p>No but acceptable</p>	<p>The site is located in the highly urbanised environment of the Sydney Central Business District, where a lack of deep soil zones is characteristic of development in the locality.</p> <p>No deep soil zones are proposed, given that opportunities to provide them on the site are constrained, as the existing and proposed building footprint occupies the entirety of the site area.</p> <p>No objection to the lack of deep soil zones is raised and matters relating to stormwater management and landscape opportunities, particularly in relation to the pocket park on the southern portion of the site (which currently accommodates some significant trees), can be investigated and addressed in any future detailed design development application.</p>

3F Visual Privacy	Compliance	Comment
<p>Up to 4 storeys (12 metres):</p> <ul style="list-style-type: none"> • minimum 6 metres between habitable rooms / balconies • minimum 3 metres between non-habitable rooms 	<p>Not applicable</p>	<p>No indicative residential uses are proposed to the first 7 storeys of the building envelope.</p>

3F Visual Privacy	Compliance	Comment
<p>5 to 8 storeys (25 metres):</p> <ul style="list-style-type: none"> • minimum 9 metres between habitable rooms / balconies • minimum 4.5 metres between non-habitable rooms <p>9 storeys and above (over 25 metres):</p> <ul style="list-style-type: none"> • minimum 12 metres between habitable rooms / balconies • minimum 6 metres between non-habitable rooms 	No	<p>The ADG requires the separation distances to be shared equitably between neighbouring sites.</p> <p>The proposed tower forms provide indicative residential uses which do not achieve the required building separation between each tower, the existing residential development across roads to the east and west, or to the approved residential development to the south.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>

4A Solar and Daylight Access	Compliance	Comment
70% of apartments to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Able to comply	The sun's eye view diagrams submitted with the amended application demonstrate that 70% (166 of 237) of the apartments in the indicative reference design submitted with the application receive compliant solar access.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Able to comply	The sun's eye views submitted with the amended application demonstrate that all of the apartments in the indicative reference design receive at least 15 minutes direct sunlight between 9am and 3pm at the midwinter solstice.

4B Natural Ventilation	Compliance	Comment
All habitable rooms are naturally ventilated.	Able to comply	The indicative reference design submitted with the application demonstrates that the building envelope is capable of providing naturally ventilated habitable rooms.

4B Natural Ventilation	Compliance	Comment
		<p>The acoustic report and noise survey submitted with the amended application requires special consideration to address potential noise impacts on dwellings in the future development on the site.</p> <p>Appropriate conditions of consent are recommended to ensure that the future detailed design of the development of the site is capable of providing natural ventilation while providing acceptable noise levels within dwellings.</p>
<p>Minimum 60% of apartments in the first nine storeys of the building are naturally cross ventilated.</p>	<p>Able to comply</p>	<p>The indicative reference design submitted with the application locates all but one level of indicative residential uses above the first 9 storeys in height.</p> <p>It demonstrates that the building envelope is capable of achieving the minimum requirement for natural cross ventilation to apartments.</p>
<p>Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.</p>	<p>Able to comply</p>	<p>The indicative reference design submitted with the application demonstrates that the building envelope is capable of providing cross through apartments which do not exceed 18 metres in depth.</p>

4C Ceiling Heights	Compliance	Comment
<p>Habitable rooms: minimum 2.7 metres</p>	<p>Able to comply</p>	<p>The proposed building envelopes assume a minimum 3.1 metre floor to floor height for indicative residential levels.</p> <p>This is sufficient to provide a minimum floor to ceiling height of 2.7 metres.</p>

4C Ceiling Heights	Compliance	Comment
Non-habitable rooms: minimum 2.4 metres	Able to comply	<p>The proposed building envelopes assume a minimum 3.1 metre floor to floor height for indicative residential levels.</p> <p>This is sufficient to provide a minimum floor to ceiling height of 2.4 metres.</p>
If located in mixed use areas – minimum 3.3 metres for ground and first floor to promote future flexibility of use	Able to comply	<p>The proposed building envelopes assume a minimum 4.4 metre floor to floor height for the lower ground floor level, 5.2 metre floor to floor height for the ground floor level and 3.6 metre floor to floor height for level 1.</p> <p>These are sufficient to provide a minimum floor to ceiling height of 3.3 metres</p>

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum apartment sizes:</p> <ul style="list-style-type: none"> • Studio: 35 square metres • 1 bed: 50 square metres • 2 bed: 70 square metres • 3 bed: 90 square metres 	Able to comply	<p>The indicative reference design submitted with the application demonstrates that compliant apartment sizes can be achieved in the proposed building envelope.</p> <p>A condition is included in Attachment A requiring apartments in any future detailed design development application to satisfy these provisions.</p>

4E Private Open Space and Balconies	Compliance	Comment
<p>Studio apartments are to have a minimum balcony area of 4 square metres with a minimum depth of 1 metre.</p> <p>One bed apartments are to have a minimum balcony area of 8 square metres with a minimum depth of 2 metres.</p> <p>Two bed apartments are to have a minimum balcony area of 10 square metres with a minimum depth of 2 metres.</p> <p>Three bed apartments are to have a minimum balcony area of 12 square metres with a minimum depth of 2.4 metres.</p>	Able to comply	<p>The indicative reference design submitted with the application demonstrates that compliant private open space areas can be achieved in the proposed building envelope.</p> <p>A condition is included in Attachment A requiring apartments in any future detailed design development application to satisfy these provisions.</p>

4F Common Circulation and Spaces	Compliance	Comment
<p>The maximum number of apartments off a circulation core on a single level is 8.</p>	Able to comply	<p>The indicative reference design submitted with the application demonstrates that the building envelope can accommodate less than 8 apartments for each level and circulation core.</p>
<p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	Able to comply	<p>The indicative reference design submitted with the application exceeds the requisite maximum of 40 apartments sharing a single lift.</p> <p>Tower A contains 139 apartments and 2 lifts, with Tower B containing 98 apartments and two lifts.</p> <p>Despite the indicative non-compliance, the building envelope can accommodate a compliant number of lifts. Details confirming compliance are required to be provided with any future detailed design development application.</p>

4F Common Circulation and Spaces	Compliance	Comment
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.	Able to comply	The indicative reference design submitted with the application demonstrates that the building envelope can provide apartments with windows which do not open directly onto common circulation spaces.
Daylight and natural ventilation are provided to all common circulation spaces.	Able to comply	<p>The indicative reference design submitted with the application demonstrates the proposed building envelope can provide opportunities for common circulation spaces with natural ventilation and daylight.</p> <p>Details confirming compliance are required to be provided with any future detailed design development application.</p>

4G Storage	Compliance	Comment
<p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> • Studio: 4 cubic metres • 1 bed: 6 cubic metres • 2 bed: 8 cubic metres • 3 bed: 10 cubic metres <p>(Minimum 50% storage area located within apartment)</p>	Able to comply	<p>The indicative reference design submitted with the application demonstrates that adequate storage facilities are capable of being provided within the building envelope.</p> <p>Details confirming compliance are required to be provided with any future detailed design development application.</p>

4J Noise and Pollution	Compliance	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?		<p>The site is located in proximity to Liverpool Street, a busy street within the Sydney Central Business District, which carries a significant amount of vehicular traffic, including numerous bus routes.</p> <p>As such, an assessment of noise impacts is required to be submitted with any future detailed design development application.</p>

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

61. The relevant provisions of the Infrastructure SEPP have been considered in the assessment of the development application.

Clause 45

62. The application is subject to Clause 45 of the Infrastructure SEPP, given that it comprises development likely to affect an electricity transmission or distribution network.
63. In accordance with the requirements of the Clause, the application was referred to Ausgrid for a period of 21 days. No response was received by the City.

Clause 104

64. The application is subject to Clause 104 of the Infrastructure SEPP as the proposal is a traffic generating development.
65. In accordance with the Clause, the application was referred to the Roads and Maritime Services (RMS) for comment. The RMS raised no objection to the concept proposal, subject to the concurrence conditions included in Schedule 1B of Attachment A.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)

66. The site is located in the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the SREP 2005.
67. The Sydney Harbour Catchment Planning Principles for consideration include:
- (a) protect and improve hydrological, ecological and geomorphologic processes;
 - (b) consider cumulative impacts of development in 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.

68. The site is in 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 2005 are not applicable to the proposed development.
69. The development is consistent with the controls contained in the SREP 2005.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)

70. Any subsequent detailed design development application will be required to satisfy BASIX requirements.
71. A condition is recommended to ensure that it is accompanied by a valid BASIX Certificate, in accordance with the provisions of the BASIX SEPP and Environmental Planning and Assessment Regulation, 2000.

Sydney Local Environmental Plan 2012 (Sydney LEP 2012)

72. The site is located in the B8 Metropolitan Centre zone.
73. The proposed mix of uses (commercial premises, residential apartments and retail premises) are all permissible with consent in the zone.
74. The relevant matters to be considered under Sydney LEP 2012 for the proposed development are outlined below.

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	<p>Clause 4.3 of the Sydney LEP 2012 permits a maximum height of 110 metres.</p> <p>The proposed building envelope complies, with the envelope indicating an additional 10% height (11 metres) available for any subsequent detailed building design, resulting from a design competition process demonstrating design excellence.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>
4.4 Floor Space Ratio (FSR) 6.4 Accommodation floor space	Able to comply	Clause 4.4 of the Sydney LEP 2012 stipulates a base FSR of 8:1.

Development Control	Compliance	Comment
		<p>Based on the indicative land uses sought at this concept stage, Clause 6.4 of the Sydney LEP 2012 provides an opportunity for a further 5.69:1 FSR where accommodation floor space uses are provided. This equates to a maximum FSR of 13.69:1.</p> <p>The indicative reference design drawings demonstrate that the proposal can achieve compliance with the maximum FSR.</p> <p>It should be noted that no Gross Floor Area (GFA) or FSR is recommended to be approved as part of the subject application.</p> <p>A condition is recommended ensuring any subsequent detailed design development application complies and requires the provision of precise calculations and details of the distribution of GFA and FSR with any such future application.</p>
5.10 Heritage conservation	Yes, subject to conditions	<p>The site is located in the vicinity of a number of heritage items of State and local significance, including Hyde Park and the ANZAC War Memorial. The site is also located within the College Street/Hyde Park Special Character Area.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.4 Accommodation floor space	Able to comply	The site is identified as being located in 'Area 2', and as such, based on the indicative land uses proposed, is eligible for additional accommodation floor space of up to 5.69:1 of the site area.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
		This accommodation floor space is included in the collective permissible FSR, as discussed elsewhere within this report. However, no FSR is recommended to be approved as part of the application.
6.11 Allocation of heritage floor space (HFS)	Able to comply	A condition is recommended to ensure that any FSR proposed in excess of 8:1 in any future detailed design development applications shall be subject to a requirement to purchase HFS, in accordance with Clause 6.11 of the Sydney LEP 2012.
6.16 Erection of tall buildings in Central Sydney	Yes	<p>The proposed building envelope exceeds 55 metres in height, and as such, the objectives of Clause 6.16 are applicable.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading regarding the height of the proposed development.</p>
6.21 Design excellence	Able to comply	<p>The proposal is for concept building envelopes which are capable of accommodating future buildings which can exhibit design excellence in accordance with the objective and matters for consideration in Clause 6.21 of the Sydney LEP 2012.</p> <p>A competitive design process is proposed, prior to the lodgement of a subsequent detailed design development application which will seek up to an additional 10% exceedance of the maximum height of building control.</p> <p>Demonstration of design excellence is required before the award of any additional building height.</p>

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development	Able to comply	<p>The maximum number of car parking spaces permissible will be dependent on the number of apartments proposed in any future detailed design development application and the quantum of retail and commercial floor space provided.</p> <p>The indicative reference design illustrates three basement levels with 204 parking spaces, comprising:</p> <ul style="list-style-type: none"> • 164 residential car parking spaces; • 32 commercial car parking spaces; and • 8 retail car parking spaces. <p>While the number of indicative residential spaces is compliant with the maximum rate, the number of indicative commercial and retail spaces exceeds the maximum rate by 25 spaces.</p> <p>The Transport Impact Study (TIS) submitted with the application includes an aspiration for a vehicle mode share based on a 20 percent reduction in vehicle traffic associated with the proposal, which is supported by City staff.</p> <p>Appropriate conditions are recommended in Attachment A to:</p> <ul style="list-style-type: none"> • ensure compliance with the maximum parking rates; • require the submission of an updated TIS; and • require consideration of a vehicle mode share based on the stated 20 percent reduction in vehicle traffic in any future detailed design development application.

Part 7 Local Provisions - General	Compliance	Comment
7.14 Acid Sulfate Soils (ASS)	Able to comply	<p>The site is located on land identified as Class 5 ASS that is within 500 metres of land identified as Class 2 ASS.</p> <p>It will be determined at the detailed design development application stage if the ASS provisions of the Sydney LEP 2012 are triggered by any proposed excavation works.</p>
7.15 Flood planning	Yes	<p>The site is not identified as being on flood prone land. Preliminary stormwater and flooding information was provided in:</p> <ul style="list-style-type: none"> • a Preliminary Flooding, On-Site Detention and Erosion and Sediment Control report; and • a Utility Services report. <p>These reports have been reviewed by the City's Public Domain Unit who have advised that the proposal is acceptable with respect to flooding and stormwater considerations, subject to the submission of a concept public domain plan and stormwater quality design report with any future detailed design development application.</p>
7.16 Airspace operations	Not applicable	<p>The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.</p>
7.20 Development requiring preparation of a development control plan	Yes	<p>The site area is greater than 1,500 square metres, and the development will result in a building greater than 55 metres above the existing ground level, which triggers the requirement for the preparation of a site-specific development control plan.</p>

Part 7 Local Provisions - General	Compliance	Comment
		<p>Section 4.23 of the Environmental Planning and Assessment Act, 1979 allows a concept approval to be lodged in lieu of preparing a development control plan.</p> <p>The matters under Clause 7.20(4) of the Sydney LEP 2012 are satisfied by the documentation submitted with the application and the recommended conditions.</p> <p>The proposal satisfactorily sets expectations for the form, massing, scale, environmental impacts, ESD outcomes, access outcomes, interface with ground level and landscaping outcomes of the development.</p>

Sydney Development Control Plan 2012 (Sydney DCP 2012)

75. The relevant matters to be considered under the Sydney DCP 2012 for the proposed development are outlined below.

2. Locality Statements

2.1.2 College Street/Hyde Park Special Character Area

The subject site is located in the College Street/Hyde Park Special Character Area. The proposed development is in keeping with the unique character of the area and design principles in that:

- the proposed envelope maintains the scale of adjacent buildings along Liverpool Street and will further contribute to the existing street wall, which provides a sense of enclosure to Hyde Park;
- the proposed envelope does not impact view lines along key streets into the city;
- the proposal adopts setbacks that are generally consistent with neighbouring developments; and
- due to the location of the site to the south of Hyde Park, the proposed envelope will not impact on mid-winter lunchtime sun access to Hyde Park.

3. General Provisions	Compliance	Comment
<p>3.1 Public Domain Elements</p> <p>3.1.2.2 Through-site links</p>	<p>Able to comply</p>	<p>The site is not identified on the <i>Through-site links map</i> as being required to provide a through site link.</p> <p>The proposed development provides for an indicative through-site link situated on the Hyde Park / ANZAC War Memorial axis running through the centre of the site.</p> <p>The indicative through site link is generally designed in accordance with the relevant provisions in Section 3.1.2.2 of the Sydney DCP 2012</p> <p>An appropriate condition is recommended and included in Attachment A to ensure that its detailed design maintains compliance.</p>
<p>3.1.5 Public art</p>	<p>Able to comply</p>	<p>A preliminary Public Art Strategy was submitted with the application. The strategy was reviewed by Council staff and is acceptable with regard to the provisions of Section 3.1.5 of the Sydney DCP 2012.</p> <p>This strategy is recommended to form a part of the competitive process design brief to inform any future design competition.</p> <p>A detailed Public Art Strategy is required to be developed for the site in accordance the preliminary strategy and the City's Public Art Policy and Section 3.1.5 of the Sydney DCP 2012.</p> <p>Appropriate conditions are recommended ensuring that this strategy is required to be prepared and submitted as part of any future detailed design development application.</p>

3. General Provisions	Compliance	Comment
3.2 Defining the Public Domain	Yes	<p>The proposal maintains and improves the existing active frontages with additional lower ground and ground level retail activity and provides pedestrian awning zones to Liverpool Street and Nithsdale Street. The proposal will make a positive contribution to the public domain.</p> <p>The proposal was referred to the City's Public Domain Unit, who recommend appropriate conditions.</p> <p>Primarily, these conditions will require a concept public domain plan which addresses the development's public domain interface and scope of works, as part of any future detailed design development application.</p>
3.2.4 Footpath awning	Yes	<p>Section 3.2.4 of SDCP 2012 identifies the requirement for awnings on the Liverpool Street frontage.</p> <p>The concept envelope includes an identified awning zone, 3 metres in depth, along the entire length of the Liverpool Street frontage. This awning zone proposes to wrap the corner and to continue for the entire length of the Nithsdale Street frontage.</p>
3.2.6 Wind effects	Able to comply	<p>Environmental Wind Assessment reports were submitted with both the original and amended applications, to assess the impacts of the proposed envelope on the public domain/pedestrian environment. Consideration was also given to the indicative configuration of the proposed development.</p> <p>The amended assessment includes recommendations and necessary treatments that will need to be incorporated into the final design to mitigate wind conditions, including inseting of outdoor areas, provision of awnings, provision of louvres/screens to balconies and retention of vegetation within the public domain.</p>

3. General Provisions	Compliance	Comment
		An appropriate condition is recommended requiring further wind testing to be undertaken prior to the commencement of any competitive design process, in order to inform the competition brief for competitors, and prior to the final detailed design and incorporated into the scheme lodged with any future detail design development application.
3.3 Design Excellence and Competitive Design Processes	Yes	Any future detailed design development application associated with the proposed development will be the subject of a competitive design process. An appropriate condition to this effect is recommended and included in Attachment A.
3.5 Urban Ecology	Able to comply	<p>The proposed development does not involve the removal of any trees. It will not result in any significant adverse impacts upon the local urban ecology.</p> <p>Appropriate conditions are recommended to require adjacent street trees are retained and protected and that the design of future buildings take into account existing and future street tree canopies in any subsequent detailed design development application.</p>
3.6 Ecologically Sustainable Development (ESD)	Able to comply	<p>Conditions are recommended and included in Attachment A to ensure that the proposed ESD commitments will be carried through the competitive design process to the detailed design development application.</p> <p>Furthermore, a condition is recommended to require a valid BASIX Certificate to be submitted with any such application, in accordance with the provisions of the BASIX SEPP and Environmental Planning and Assessment Regulation, 2000.</p>

3. General Provisions	Compliance	Comment
3.7 Water and Flood Management	Able to comply	As discussed above in relation to Clause 7.15 of the Sydney LEP 2012, the site is not identified as being flood prone and the proposal is acceptable with respect to flooding and stormwater considerations, subject to the conditions in Attachment A.
3.9 Heritage	Yes, subject to conditions	<p>The proposal seeks in-principle consent for demolition of the existing building. This building was constructed circa 1981 and does not possess any heritage significance or contribution to the streetscape or immediate locality.</p> <p>As detailed elsewhere in this report however, the site is located within the vicinity of a number of significant heritage items.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>
<p>3.11 Transport and Parking</p> <p>3.11.1 Managing transport demand</p> <p>3.11.10 Vehicle access for developments greater than 1000sqm GFA</p> <p>3.11.11 Vehicle access and footpaths</p>	Able to comply	<p>The proposal seeks to maintain vehicular access to the site via its Clarke Street and Nithsdale Street frontages.</p> <p>This is supported by the City's Transport and Access Unit, subject to conditions requiring minimisation of the width of the driveway crossovers to Clarke Street and Nithsdale Street and prioritisation of pedestrian traffic through and around the site in any future detailed design development application.</p> <p>The indicative reference design illustrates that the basement car parking levels is proposed to accommodate 204 car parking spaces, which does not comply with the maximum permissible parking rates under Part 7, Division 1 of the Sydney LEP 2012, as discussed above.</p>

3. General Provisions	Compliance	Comment
		<p>It is noted that parking numbers or rates are not approved as part of a concept proposal, and would form part of a future detailed design when the exact land uses and residential apartment mix numbers are known.</p> <p>The Transport Impact Study (TIS) submitted with the amended application includes an aspiration for a vehicle mode share based on a 20 percent reduction in vehicle traffic associated with the proposal, which is supported by City staff.</p> <p>Appropriate conditions are recommended in Attachment A to ensure compliance with the maximum parking rates, require the submission of an updated TIS and to require consideration of a vehicle mode share based on the stated 20 percent reduction in vehicle traffic in any future detailed design development application</p>
3.11.2 Car share scheme parking spaces	Able to comply	<p>The indicative reference design submitted with the application demonstrates that a compliant number of car share parking spaces can be provided within the building envelope.</p> <p>An appropriate condition is recommended in Attachment A to ensure that these are provided in any future detailed design development application.</p>
3.11.3 Bike parking and associated facilities	Able to comply	<p>The indicative reference design submitted with the application demonstrates that over 400 bicycle parking spaces can be provided within the building envelope.</p> <p>Appropriate conditions of consent are recommended in Attachment A to ensure that compliant bicycle parking facilities are provided as part of any future detailed design development application.</p>

3. General Provisions	Compliance	Comment
3.11.4 Vehicle parking 3.11.5 Car parks under the public domain 3.11.9 Accessible parking 3.11.14 Parking area design	Able to comply	Appropriate conditions are recommended in Attachment A requiring that vehicle parking facilities proposed in any future detailed design development application achieve compliance with the requirements of these provisions of the Sydney DCP 2012.
3.11.6 Service vehicle parking 3.11.12 Tandem, stacked and mechanical parking areas 3.11.13 Design and location of waste collection points and loading areas	Able to comply	The indicative reference design submitted with the application demonstrates that a compliant number of service vehicle parking spaces can be accommodated within the building envelope, including 6 truck bays, 3 small rigid vehicle spaces and a turntable which can accommodate a Council waste collection vehicle. An appropriate condition is recommended in Attachment A to ensure that compliance is achieved in any future detailed design development application.
3.12 Accessible Design	Able to comply	An appropriate condition is recommended in Attachment A to require an Access Report to be submitted with any future detailed design development application to ensure that future buildings incorporate accessible design.
3.13 Social and Environmental Responsibilities	Able to comply	A condition is recommended in Attachment A to require a Security Management Plan, prepared in accordance with the 'Crime Prevention Through Environmental Design' principles, to be submitted with any future detailed design development application.
3.14 Waste	Able to comply	The indicative reference design provides floor plans to demonstrate that on-site waste collection is able to occur.

3. General Provisions	Compliance	Comment
		A condition is recommended in Attachment A to require that a Waste Management Plan is submitted with any subsequent detailed design development application, in accordance with the controls in Section 3.14 of the Sydney DCP 2012.
<p>3.16 Signage and Advertisements</p> <p>3.16.1 Signage strategy</p>	Able to comply	<p>A condition is recommended in Attachment A to require a signage strategy to be submitted with any subsequent detailed design application, in accordance with the requirements of Section 3.16.1 of the Sydney DCP 2012.</p> <p>This condition also serves to prohibit any high level, large or highly lit corporate signage to the northern facades of the development, in order to minimise impacts on the visual curtilage of Hyde Park and the ANZAC War Memorial.</p>
3.17 Contamination	Able to comply	<p>As discussed above with reference to SEPP 55, the original and amended applications were accompanied by Environmental Site Investigation reports.</p> <p>An appropriate condition is recommended in Attachment A to ensure that additional reports are prepared and submitted with any future detailed design development application.</p>

4. Development Types	Compliance	Comment
<p>4.2 Residential flat, commercial and mixed use developments</p> <p>4.2.1 Building height</p> <p>4.2.1.2 Floor to ceiling heights and floor to floor heights</p>	Able to comply	The indicative reference design drawings demonstrate that the proposed envelopes can accommodate compliant floor to ceiling heights of 2.7 metres and floor to floor heights of 3.1 metres.

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.3 Amenity	Able to comply	The indicative reference design drawings demonstrate that buildings can be constructed within the proposed envelope with acceptable levels of residential amenity.
4.2.3.12 Flexible housing and dwelling mix	Able to comply	Indicative floor plans were submitted with the application demonstrating that the envelope is able to accommodate a generally compliant dwelling mix, and that this layout would achieve the residential amenity guidelines of both the Sydney DCP 2012 and ADG. Compliance with the dwelling mix controls will be a matter for any future detailed design development application.
4.2.4 Fine grain, architectural diversity and articulation	Able to comply	The form and scale of the podium elements and tower envelopes above provide adequate capacity to ensure appropriate facade modulation and articulation to a future building proposed in any subsequent detailed design development application.
4.2.6 Waste and Recycling Management	Able to comply	The indicative reference design drawings provide areas within the building envelope to accommodate waste storage and collection facilities. A condition is recommended in Attachment A to ensure these are provided in any subsequent detailed design development application.
4.2.7 Heating and Cooling Infrastructure	Able to comply	The indicative reference design drawings provide areas within the building envelope to accommodate plant and services, including consolidated heating and cooling infrastructure.
4.2.8 Letterboxes	Able to comply	The location of letterboxes can be addressed as part of any future detailed design development application.

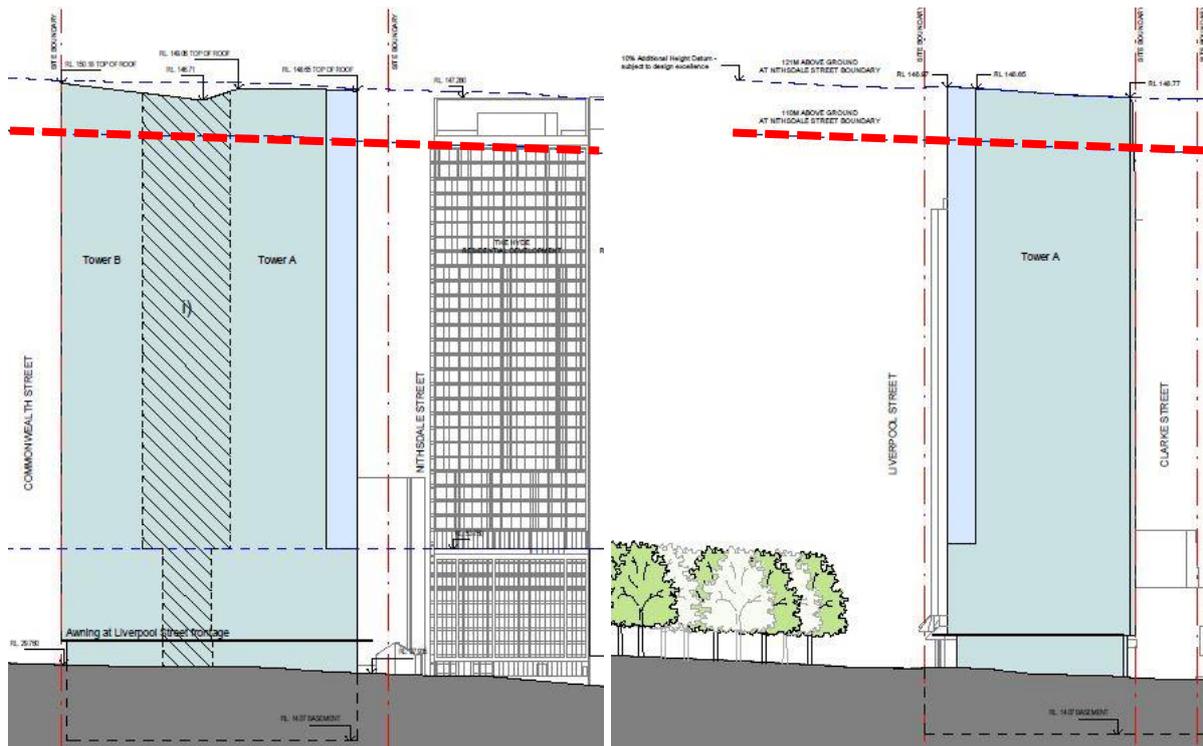
5. Specific Areas 5.1 Central Sydney	Compliance	Comment
5.1.1 Street frontage height	Yes	<p>New development is to incorporate a street frontage height or podium between 20 to 45 metres in height, dependant on the street context and/or characteristic built form.</p> <p>In this instance, the proposed envelope is setback as a whole from the street alignment and incorporates podium-like elements approximately 25 metres above the height of ground level to the Liverpool Street frontage. This references the height of the datum set by the heritage significant Downing Centre to the west on Elizabeth Street.</p>
5.1.2 Building setbacks 5.1.2.1 Front setbacks 5.1.2.2 Side and rear setbacks	No, but acceptable	<p>The proposed building envelope is setback as a whole from the street alignment and incorporates podium-like elements to the Liverpool frontage.</p> <p>The tower forms above have a nil setback above the street frontage height, with the exception of the north-western corner to Tower A, which is provided with a 6 metre setback, however the proposal overall does not achieve compliance with the provisions in Section 5.1.2.1 of the Sydney DCP 2012.</p> <p>The envelope is setback by 6 metres from the western boundary to Nithsdale Street, with the exception of the north-western corner to Tower A, which is provided with a 12.5 metre setback. Nil setbacks are proposed to the eastern side boundary to Commonwealth Street and to the southern rear boundary to Clarke Street. These setbacks do not achieve compliance with the provisions in Section 5.1.2.2 of the Sydney DCP 2012.</p> <p>Refer to the further discussion and assessment provided below under the Issues heading.</p>

5. Specific Areas 5.1 Central Sydney	Compliance	Comment
5.1.5 Building bulk	Yes	<p>Above a height of 45 metres, tower floor plates are restricted to a maximum of 1,000 square metres, with a maximum dimension of 40 metres.</p> <p>The proposal provides a maximum floor plate of approximately 860 square metres and a maximum dimension of approximately 39 metres.</p>
5.1.6 Building exteriors	Able to comply	The proposal is for a concept building envelope and the architecture and materiality of the development will be determined as part of any future competitive design process and detailed design development application
5.1.9 Award and allocation of heritage floor space	Able to comply	Accommodation floor space will be subject to the allocation of heritage floor space in any future detailed design development application

Issues

Building height

76. Clause 4.3 of the Sydney LEP 2012 stipulates a maximum building height of 110 metres for the site.
77. The proposed building envelope indicates that an additional 10% height (11 metres) is available for any subsequent detailed building design, resulting from a design competition process demonstrating design excellence, as depicted in Figures 51 and 52 below.



Figures 51 and 52: Extract of the northern (left) and western (right) building envelope elevations, illustrating the maximum 110 metre height of buildings development standard in red

78. As part of the assessment of the subject application, consideration has been given to whether the subject site is capable of accommodating additional height above the maximum 110 metre height of buildings development standard, notably to its contextual fit and the potential for amenity impacts to adjacent properties. Given the unique site context, it may be able to accommodate additional height due to the precedent established by the prominent development along Liverpool Street, notably at One30 Hyde Park (RL 147.40), The Hyde (RL 147.40 AHD), and The Connaught building (RL 126 AHD).
79. These tall buildings present a strong street wall height which defines the southern edge of Hyde Park. The site is also highly prominent and visible from many locations in the public domain (including from within Hyde Park), replicating the additional height of both buildings to the east and west could comprise an important visual contribution to the streetscape at this location. It is noted, however, that this is dependent on the architecture of any future detailed design.
80. It is premature however that any additional height be determined as part of any concept proposal. Where a built form is proposed to be above 110 metres in height, the most appropriate time for the award of additional height is following the completion of a design competition for the site, and as part of any future detailed design development application.
81. This may be considered under the provisions of Clause 6.21(7)(a) of the Sydney LEP 2012, which permits an additional 10% height for a winning architectural scheme being assessed by both the Competition Design Jury and by the consent authority as satisfying the design excellence provisions in Clause 6.21 of the Sydney LEP 2012.

82. As such, it is recommended that a condition be imposed to advise that the building envelope is only approved to a height of 110 metres and to note that opportunity exists to seek additional building height through the design excellence provisions of Clause 6.21(7) of the Sydney LEP 2012 and future detailed development application.

Heritage conservation

83. Hyde Park is Australia's oldest park, with the land for the park reserved by Governor Phillip in 1792, and then formally proclaimed by Governor Macquarie in 1810. Government Architect Francis Greenway envisaged it as the "grand quadrangle" of a neo-classical town plan.
84. After the construction of the city circle rail line through the park, a design competition to reconstruct the park was held in 1926, with the winning scheme by Norman Weekes (reproduced in Figure 53 below, with the realigned central access noted).

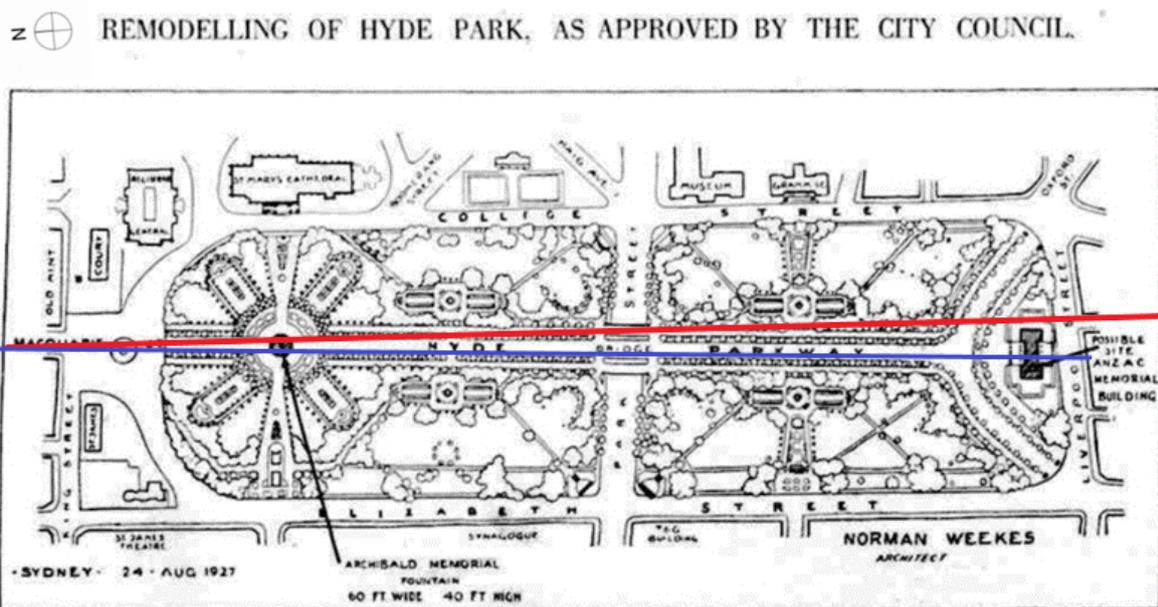


Figure 53: Extract of the Weekes scheme for Hyde Park, with the realigned central axis (blue) diverging from the original park axis (red).

85. Part of the vision for the park was to place major monuments at each end of the main vista, to align with Macquarie Street. This resulted in the ANZAC War Memorial designed by Bruce Dellit positioned at the southern end, and the Archibald Fountain positioned at the northern end.
86. The fig trees lining the central avenue have matured over the intervening years to reinforce the vista. The southern end of the central axis falls approximately on the middle of the subject site's frontage to Liverpool Street.
87. The ANZAC War Memorial, erected in 1934 following Dellit's design competition winning entry, with the associated Pool of Reflection, Hall of Memory and Hall of Silence, and the recently constructed southern water cascade feature, oculus and Hall of Service, form a dominant landmark within Hyde Park South.

88. The Hyde Park Plan of Management Plan and Masterplan identifies primary and secondary vistas of the park, with the view south towards the memorial identified as one of the primary vistas (as identified in Figure 54 below). The memorial setting of Hyde Park South and main axis is assessed as having a high level of significance, with the masterplan specifically identifying that the "city backdrop at the southern end of the park is jarring and intrusive" to the southern vistas.

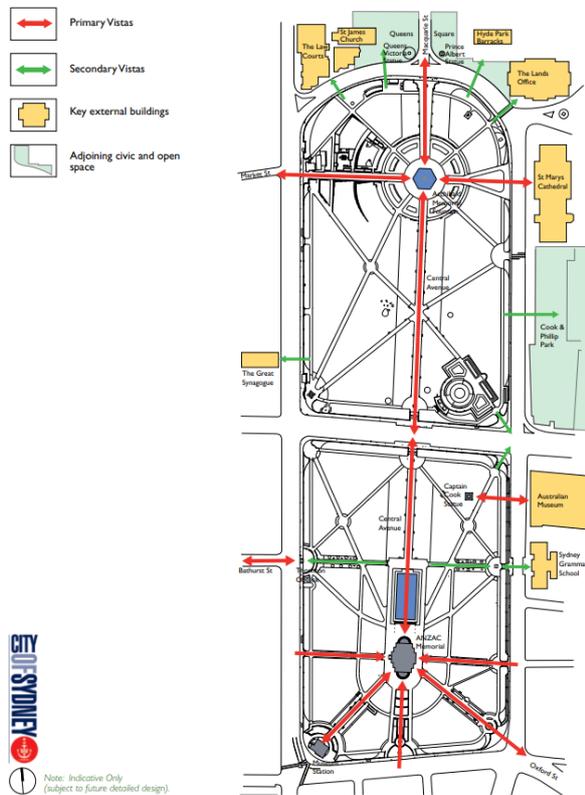


Figure 54: Extract from the Hyde Park Plan of Management and Masterplan (2006), identifying significant views and vistas

89. The Conservation Management Plan for the ANZAC War Memorial states that:

Development of tall building around Hyde Park especially to the south along Liverpool Street have begun to encroach on the setting of the park and the memorial building itself....Though high rise development within the city is expected, the over-arching effects of development along Liverpool Street does impact upon the quality of the setting of both the memorial and Hyde Park...it should be considered that tall development and advertising generally detracts from the desired planning objectives for Hyde Park and ANZAC Memorial.

The Sydney City Council [should] adopt policies to be incorporated in the DCP with regard the maintaining of setting and aspect of the ANZAC Memorial. Such policies should include suitable building heights and constraints on advertising that would negatively impact on the ANZAC Memorial.

90. The proposed development will form part of the backdrop to Hyde Park South and the ANZAC War Memorial and, as such, has the potential to affect the highly significant setting and vistas set out above.

91. It is critical that any future detailed design for the redevelopment of the site provide an appropriate and sensitive response to the contextual constraints posed by the location.
92. The proposed building envelope design response is illustrated in Figure 55 below.

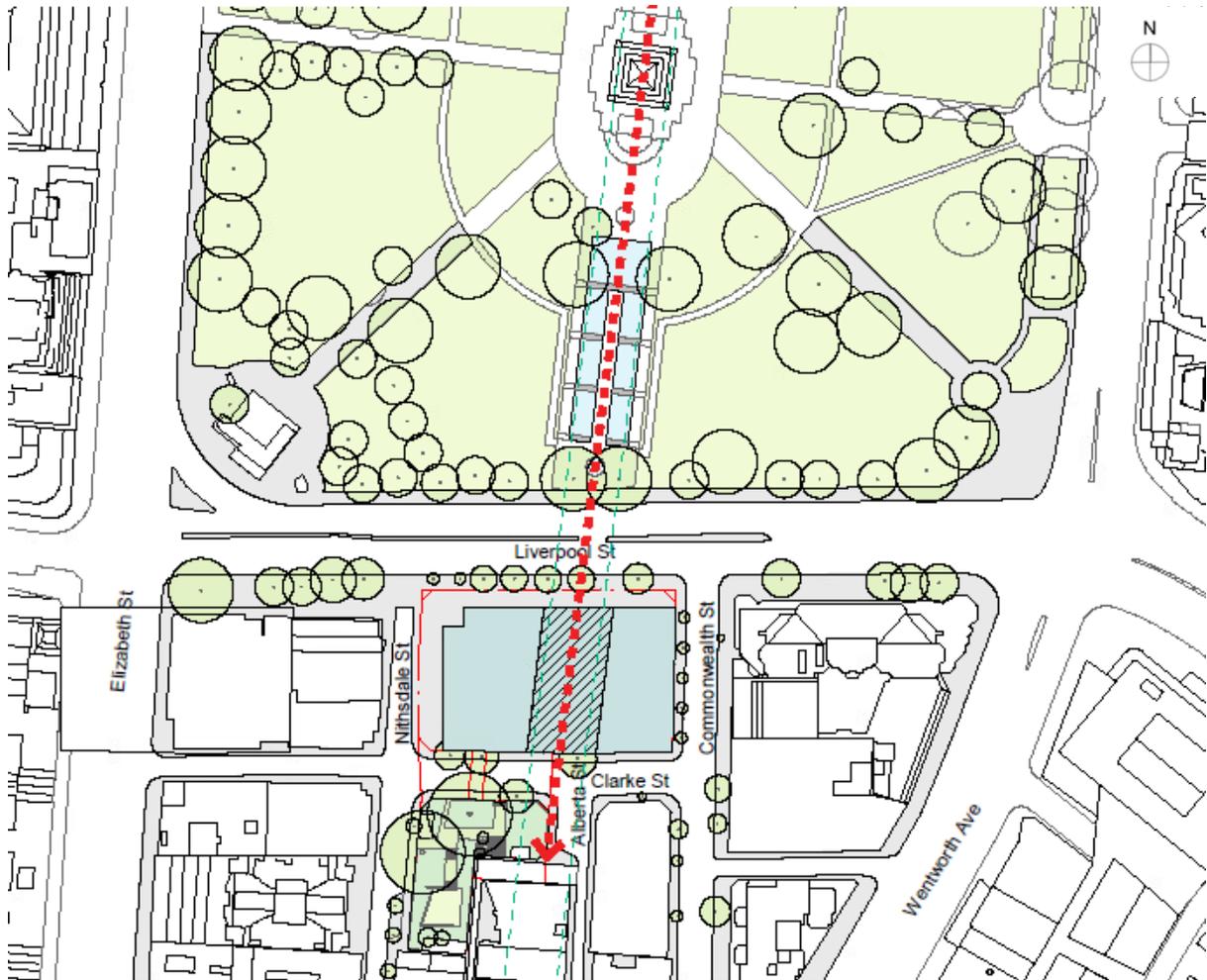


Figure 55: Extract from the 'Revisions to Stage 1 DA - Design Report ' (Crone Architects), illustrating the proposed design response to the ANZAC War Memorial axis

93. Consultation with the Trustees of the ANZAC Memorial Building, the New South Wales Office for Veterans Affairs and the Heritage Asset Advisory Unit within the New South Wales Public Works Advisory was undertaken during the assessment of the application.
94. Detailed advice was received from the Heritage Asset Advisory Unit within the New South Wales Public Works Advisory, as follows:
 - (a) the twin towers approach avoids a single, monolithic northern facade on Liverpool Street and is therefore a preferred approach;
 - (b) the twin towers scheme enables continuity of the central axis of Hyde Park and lower scale pedestrian pathway extension through the development;
 - (c) the height is acceptable and relatively consistent with the adjacent western buildings, but could be mitigated by stepping back the last level at the top;

- (d) the northern facade solution should provide a shaded / recessive backdrop to the plain red granite facades of the ANZAC War Memorial as viewed from the northern end of the Pool of Reflection, which would enable the memorial to visually stand 'clear' against a muted, textured background;
 - (e) articulation of the facades and fenestration in similar proportions to, and harmony with the adjacent buildings to the west would provide a continuity of relatively recessive but contemporary facade 'walls' to Hyde Park along Liverpool Street;
 - (f) the twin towers, with a central axis through the development, provides less bulk impacts to the main view line setting above the memorial and other parts of the park;
 - (g) when the podium doors of the memorial are open there would be a more continuous view line axis beyond the existing building facade and include an element of sky in the views through the openings;
 - (h) the mixed uses in the twin towers will emit potentially less night time lighting towards the memorial as a backdrop in the evenings due to narrower north facades;
 - (i) no high level, large or highly lit corporate signage should be on the northern facades of the complex, with placement at a lower podium level or below the street tree line more acceptable and respectful;
 - (j) no spires, towers or flag poles should be considered on the top of the concept building; and
 - (k) the use of stone in the new facades would not be recommended.
95. This advice, and that of the City's Design Advisory Panel provided on 30 July 2020 discussed elsewhere in this report, is adopted in the recommended conditions included in Attachment A.
96. Subject to these conditions which will inform any future competitive design process and subsequent detailed design development application, the proposed building envelope is acceptable with regard to heritage considerations.

Building setbacks

97. The desired built form for tower development within Central Sydney, as stipulated by Sections 5.1.1 and 5.1.2 of the Sydney DCP 2012, incorporates a podium element that is built to the street boundary and varies in height between 20 and 45 metres, dependent on the site context. Above a height of 45 metres, additional storeys are to be set back a weighted average of 8 metres, with a minimum setback of 6 metres.
98. Although the proposal seeks to modulate the building envelope to incorporate podium-like elements, the tower forms are not generally proposed to be further setback from the street frontages of the site.
99. Instead, the proposal incorporates the following setbacks:
- (a) at ground level:
 - (i) 6.465 metres from Liverpool Street;

- (ii) 6 metres from Nithsdale Street;
 - (iii) 1.5 metres from Clarke Street; and
 - (iv) 1 metre from Commonwealth Street.
- (b) at levels 1 to 6:
- (i) 4.5 metres from Liverpool Street (approximately matching the existing building setback);
 - (ii) 6 metres from Nithsdale Street;
 - (iii) nil setback to Clark Street; and
 - (iv) nil setback to Commonwealth Street.

100. These setbacks are proposed to continue to the tower forms above, with the exception of:

- (a) the north-western corner of Tower A, which provides a 10.5 metre setback from Liverpool Street and a 12.5 metre setback from Nithsdale Street; and
- (b) additional setbacks above level 29 required by the Harmony Park sun access plane.

101. The proposed building envelope setbacks above ground level and below the sun access plane are depicted in Figure 56 below:

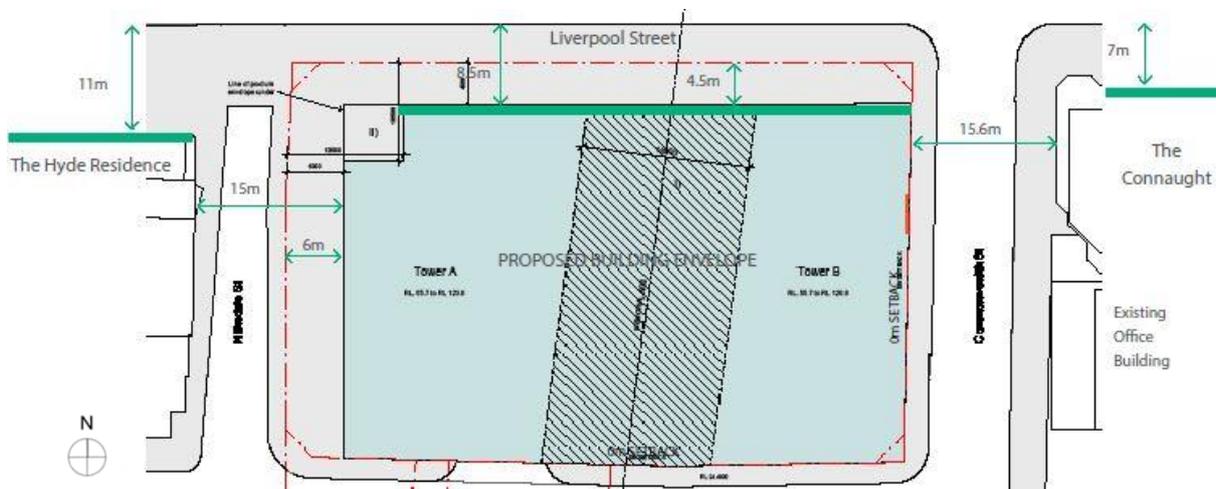


Figure 56: Extract from the 'Revisions to Stage 1 DA - Design Report ' (Crone Architects), identifying the proposed upper level building and street edge setbacks and separation

102. While the proposal represents a departure from the front, side and rear setback provisions in Section 5.1.2 of Sydney DCP 2012, it is considered that the variation can be supported in this particular instance as the proposal still achieves the relevant objectives of the provisions, in the following manner:
- (a) the proposed lack of setbacks above the street frontage height on this site is contextually appropriate due to the established development pattern of buildings along Liverpool Street (including the existing building on the subject site), as illustrated in Figure 57 and Figure 58 below;
 - (b) the neighbouring buildings to the east and west have been developed over a number of decades, and while all these sites have different street frontage widths and architectural styles, all have no podium and present a relatively consistent setback pattern to the street;
 - (c) the continuation of this development pattern will provide definition to the public domain and strengthen the sense of enclosure to Hyde Park, which are desired elements for the College Street / Hyde Park Special Character Area, as noted in Section 2.1.2 of the Sydney DCP 2012;
 - (d) the collective building envelope is setback from the northern boundary (Liverpool Street frontage) in response to the alignment of the adjacent buildings to the east and to the west;
 - (e) incorporating traditional podium elements will not necessarily benefit the future design of the building or result in any significant positive impacts to the streetscape or neighbouring properties, particularly to Liverpool Street;
 - (f) instead, the amended envelope has incorporated a chamfer to its north-western corner, which both improves the amenity to residents to the west and lessens the building bulk when viewed from the public domain, including Hyde Park;
 - (g) due to the site being located opposite Hyde Park, the variations to the setback controls will have negligible effects on daylight access to street level and views of the sky from a pedestrian level; and
 - (h) a wind assessment has been submitted with the subject application, which concludes that the unorthodox podium design elements and awning zones will have beneficial wind diversion effects, and that as a result of the proposed massing, the wind conditions around the subject site will remain similar to the existing conditions.

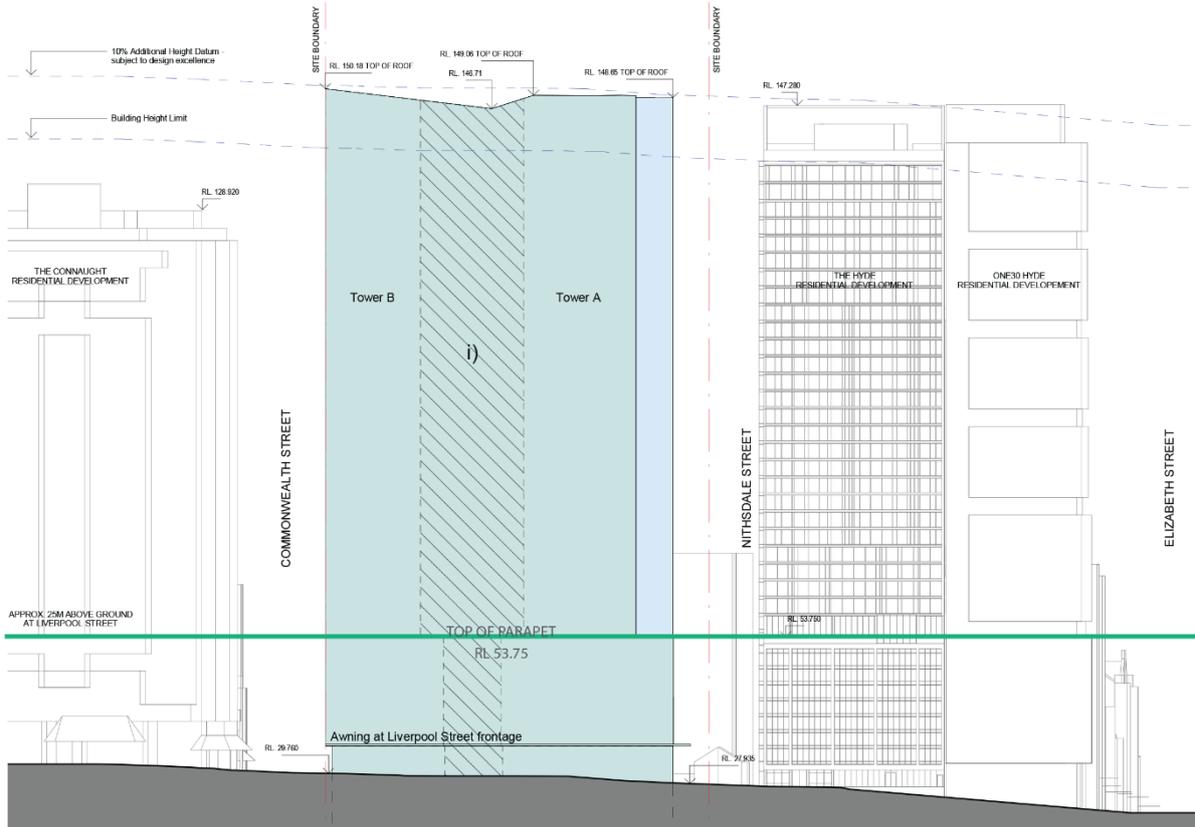


Figure 57: Extract from the 'Revisions to Stage 1 DA - Design Report ' (Crone Architects), identifying the 25 metre expressed street wall datum at approximately RL 53.75 AHD across the site

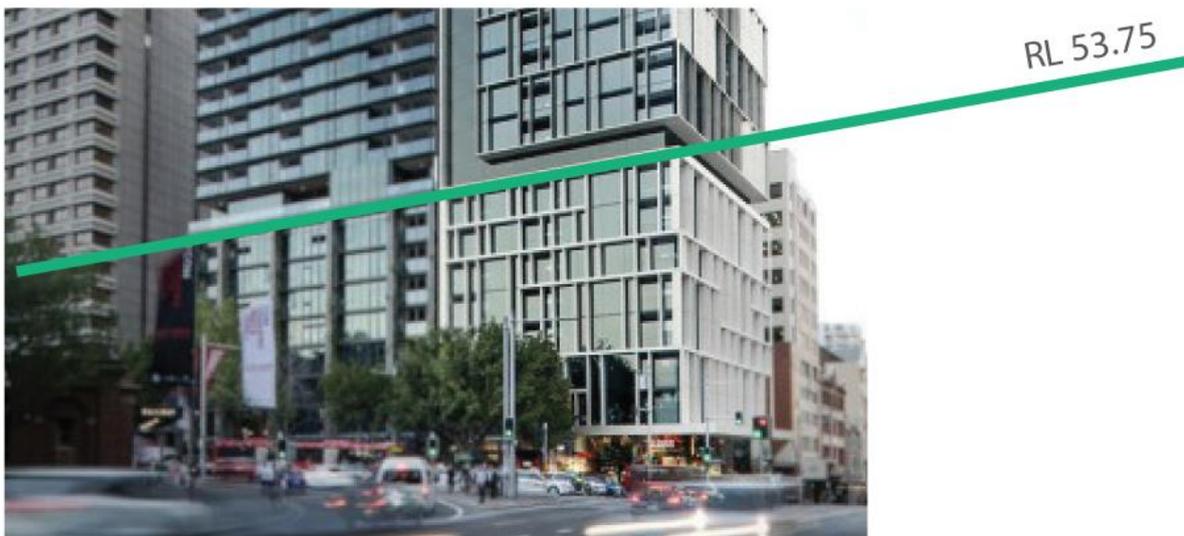


Figure 58: Extract from the 'Revisions to Stage 1 DA - Design Report ' (Crone Architects), identifying the 25 metre expressed street wall datum at approximately RL 53.75 AHD across the site

103. On balance, with consideration to the above factors that may be impacted when varying the street frontage height and setbacks of a building envelope, the proposed variation is supported in this instance. The proposed form is contextually appropriate, and the variation to the planning controls does not result in greater environmental or amenity impacts.

Building separation

104. The relevant building separation provisions in Part 2F the ADG require a minimum building separation of between 9 to 18 metres for buildings up to 8 storeys in height, and between 12 to 24 metres for buildings over 9 storeys in height, shared equitably between and within sites.
105. The proposed envelope does not achieve compliant separation distances between the existing adjoining development to the east (the Connaught) and to the west (the Hyde), or to the approved development to the south (the Edition Residences), nor is compliant separation provided between the two proposed tower forms.
106. The indicative reference design proposes a range of measures in order to achieve the relevant aims of the ADG for building separation, which relate to:
- (a) ensuring that new development is scaled to support the desired future character with appropriate massing and spaces between buildings; and
 - (b) assisting in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.
107. These indicative measures (as depicted in Figures 59 and 60 below) include:
- (a) locating living spaces/balconies to the northern and southern tower elevations;
 - (b) providing no balconies to the eastern and western tower elevations as a response to minimising privacy impacts and potentially wind affected balconies in these locations;
 - (c) locating bedrooms on secondary eastern and western tower elevations, given they provide greater opportunities for privacy through the use of directed windows, screens, and high level glazing; and
 - (d) generous provision of vertical external shading, articulation, facade layering and thermal mass to the eastern and western tower elevations.



Figure 59: Extract from the 'Revisions to Stage 1 DA - Design Report' (Crone Architects), depicting the indicative design of a typical tower floor plan to address reduced building separation distances

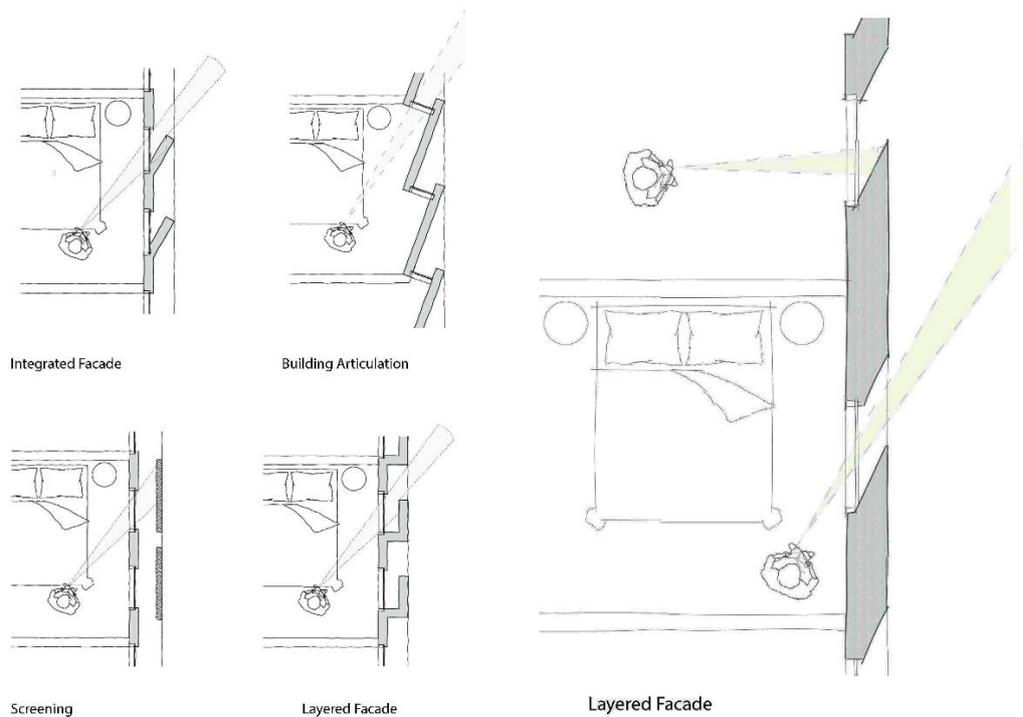


Figure 60: Extracts from the 'Revisions to Stage 1 DA - Design Report' (Crone Architects), illustrating indicative facade design for privacy

108. The amended application was also accompanied by a detailed window study of the neighbouring developments, including those in the west elevation of the Connaught and east elevation of the Hyde, as illustrated in Figure 61 and Figure 62 below.



The Connaught Apartments - West Elevation

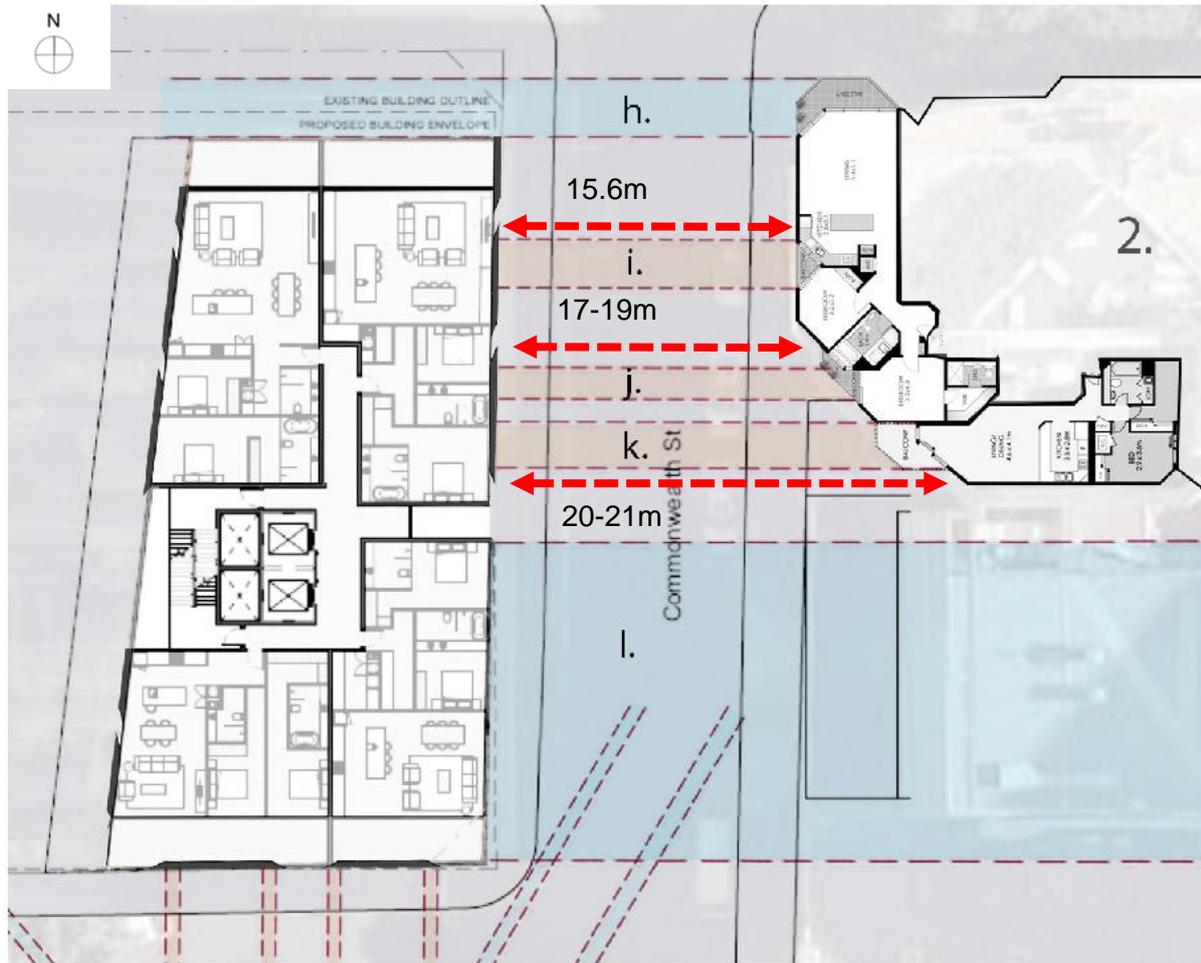


The Hyde Apartments - East Elevation

Figures 61 and 62: Extracts from the 'Revisions to Stage 1 DA - Design Report ' (Crone Architects), depicting the windows to the west elevation of the Connaught (left) and the windows to the east elevation of the Hyde (right) noted in red outline

109. The window study and indicative reference design demonstrates that a future building can be accommodated in the proposed building envelope in an acceptable manner, and provide acceptable separation distances, when considered in conjunction with the above design features, as follows:

- (a) to the Connaught's west elevation:
 - (i) 15.6 metres between a blank facade with angled windows and the existing central bedroom/kitchen glazing and triangulated juliette balcony (indicated as condition i in Figure 63);
 - (ii) 17-19 metres between a blank facade with angled windows and the existing bedroom/bathroom glazing and balcony (indicated as condition j in Figure 63); and
 - (iii) 20-21 metres to a blank facade and the existing living room glazing and balcony (indicated as condition k in Figure 63);



Proposed eastern tower envelope to neighbouring residential tower 'The Connaught at 187 Liverpool Street, Sydney.

Figure 63: Extract from the 'Revisions to Stage 1 DA - Design Report ' (Crone Architects), depicting non-compliant (red) and compliant (blue) building separation between Tower B and the Connaught

(b) to the Hyde's eastern elevation:

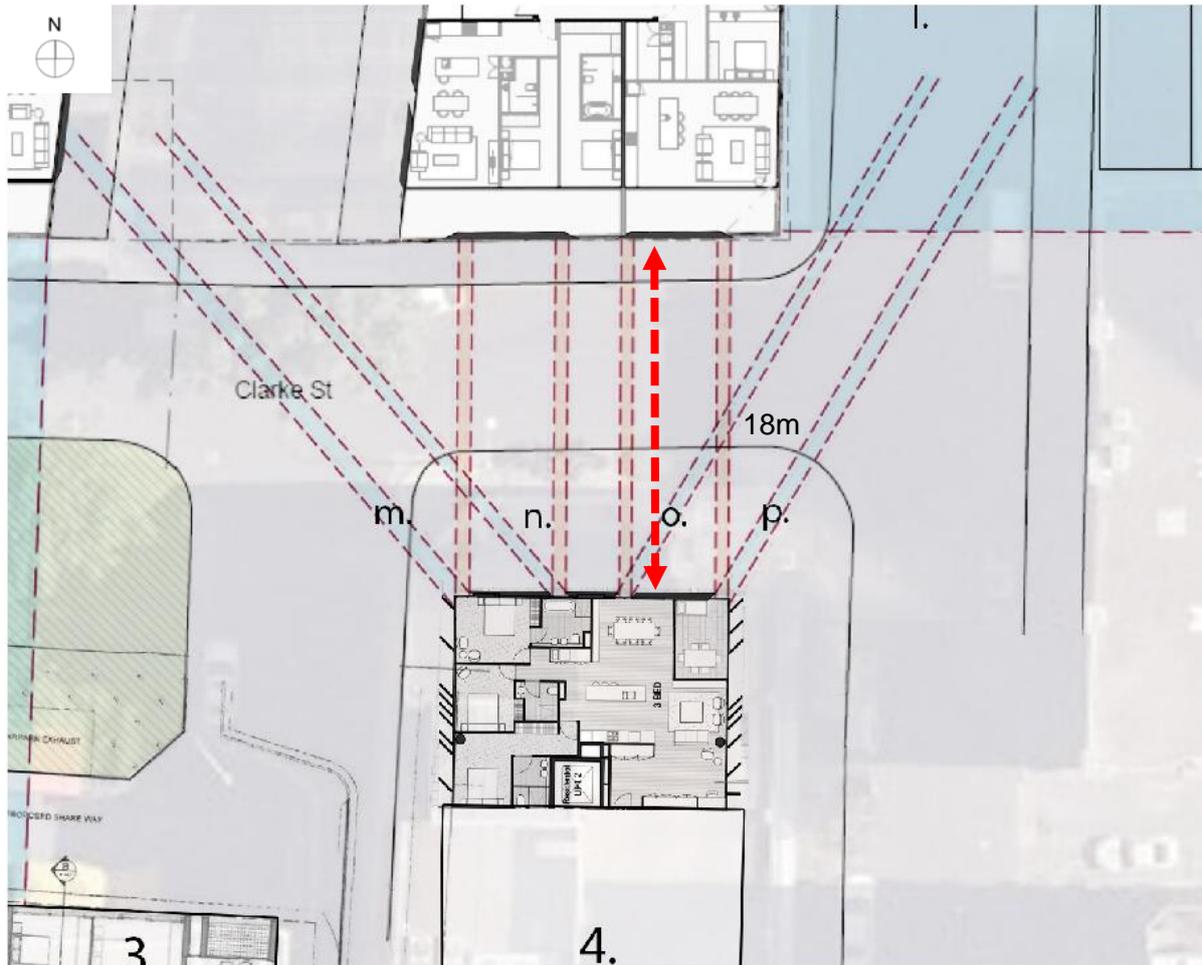
- (i) 15 metres between a blank facade and the existing angled living room slot window (indicated as condition b in Figure 64);
- (ii) 15.3 metres between a blank facade with slot windows and the existing angled bedroom slot window (indicated as condition c in Figure 64); and
- (iii) 16 metres between a blank facade and the existing bathroom window (indicated as condition d in Figure 64);



Proposed western tower envelope to neighbouring residential tower 'The Hyde' at 157-167 Liverpool Street, Sydney.

Figure 64: Extract from the 'Revisions to Stage 1 DA - Design Report ' (Crone Architects), depicting non-compliant (red) and compliant (blue) building separation between Tower A and the Hyde

- (c) to the Edition Residences' northern elevation:
 - (i) 18 metres from blank balcony facade treatments to slot and diagonally angled bedroom, bathroom living room and balcony windows (indicated as condition n in Figure 65); and



Proposed Eastern tower envelope to neighbouring residential tower 'Edition Residences' at 9-25 Commonwealth Street, Sydney.

Figure 65: Extract from the 'Revisions to Stage 1 DA - Design Report ' (Crone Architects), depicting non-compliant (red) and compliant (blue) building separation between Tower B and the Edition Residences

- (d) between towers:
 - (i) 18 metres between blank facades and directed windows (indicated as condition q in Figure 66).



Interface between two proposed tower forms on subject site at 175 Liverpool Street, Sydney.

Figure 66: Extract from the 'Revisions to Stage 1 DA - Design Report' (Crone Architects), depicting building separation between Tower A and Tower B

110. On balance, with consideration to the aims of the ADG, the proposed variation of the minimum separation distances is supported in this instance, subject to conditions directing the competitive design process and detailed design of the development to specifically address:
- (a) facade articulation to mitigate against potential privacy impacts; and
 - (b) the relevant ADG design criteria and guidance for privacy.
111. Subject to these conditions, the building separation proposed to the tower forms is acceptable, and the variation to the planning controls will not result in significant environmental or amenity impacts.

Design excellence

112. A competitive design process is required prior to lodgement of a future detailed development application for the proposed development. Three types of competitive design processes are open to the applicant, namely:
- (a) an 'open' architectural design competition;
 - (b) an 'invited' architectural design competition; or
 - (c) an 'invited' competitive design alternatives process.
113. The applicant has chosen to undertake an 'invited' architectural design competition as the competitive design process associated with the development, with five invited competitors.
114. A Design Excellence Strategy was prepared by Ethos Urban Pty. Ltd. on behalf of Sicard Pty Ltd, a copy of which is included as Attachment F.
115. The competitive process will be undertaken in order to achieve an enhanced urban outcome with a building of a high design quality. In particular, the Design Excellence Strategy was developed in accordance with the objectives set out in Section 3.3 of the Sydney DCP 2012 as follows:
- (a) ensure high quality and varied design through the use of competitive design processes for large and prominent developments;
 - (b) ensure development individually and collectively contributes to the architectural and overall urban design quality of the local government area; and
 - (c) encourage variety in architectural design and character across large developments to provide a fine grain which enriches and enlivens the City's public realm.
116. The Design Excellence Strategy requires the selection of architects participating in the competitive process to be undertaken in consultation with the City.
117. Each competitor will be a person, corporation or firm registered as an architect in accordance with the NSW Architects Act, 2003 or, in the case of interstate or overseas competitors, eligible for registration.
118. The Design Excellence Strategy is therefore satisfactory and is recommended for approval as part of this concept development application.

Draft Planning Controls**Planning Proposal: Central Sydney 2020**

119. The Planning Proposal: Central Sydney 2020 progresses key aims and objectives of the City of Sydney's Draft Central Sydney Planning Strategy. This will be achieved by a range of amendments to the Sydney LEP 2012.
120. These include amendments to sun protection ('sun access planes' and 'no additional overshadowing') controls, adding an additional objective to Clause 6.17(1) of the Sydney LEP 2012 as follows:

(c) to protect and improve sunlight to important public parks and places within and near Central Sydney throughout the year, and during periods in the day when they are most used.

121. Clauses 6.17(5) to 6.17(19) are also proposed to be amended to add new sun access planes, including one to protect Harmony Park at all times of the year between 10am and 2pm, as depicted in Figure 67 below.



Figure 67: Extract from Appendix M of the Draft Central Sydney Planning Strategy 2016-2036, showing the extent of the Harmony Park Sun Access Plane, with the site location noted in red

122. The Planning Proposal was recently exhibited between 1 May 2020 and 10 July 2020, and must be given weight in the assessment of the proposed development as there is now greater certainty and imminence in relation to its future gazettal.
123. The proposed building envelope, as amended, has been reviewed by the City's Model Unit, who have advised that it fully complies with the draft sun access plane.

Amendments to Sydney Development Control Plan 2012 – Central Sydney Planning Strategy Amendment

124. The Planning Proposal: Central Sydney 2020 also incorporates proposed amendments to the Sydney DCP 2012. The amendments relevant to the proposed development include:
- (a) changes to Special Character Area locality statements and controls including those relating to the College Street / Hyde Park Special Character Area; and
 - (b) the built form and related controls for Central Sydney, including those relating to:
 - (i) street frontage heights;
 - (ii) street, side and rear setbacks;
 - (iii) separation;
 - (iv) massing and tapering;
 - (v) outlook and amenity;
 - (vi) sun protection of public parks and places;
 - (vii) views from public places; and
 - (viii) managing wind impacts.
125. With regard to the draft locality statement and principles for the College Street / Hyde Park Special Character Area, the proposal is generally consistent with the amended provisions in that it:
- (a) will maintain the sense of enclosure provided by the buildings to the south of Hyde Park;
 - (b) provide the capacity for future buildings which are in approximate alignment with development on the adjoining sites to the east and west;
 - (c) have an expression of the street frontage height datum consistent with the existing adjoining development; and
 - (d) provide for an acceptable twin tower form with a through site link, which will enhance visual connectivity and pedestrian permeability from Hyde Park through to the secondary streets to the south of the site.
126. With regard to the amended built form and related controls for Central Sydney, the proposed building envelope:
- (a) retains a compliant street frontage height;
 - (b) does not comply with the amended front, side or rear setback provisions for the College Street / Hyde Park Special Character Area, but remains acceptable for the reasons outlined above under the Building Setbacks heading;
 - (c) complies with the relevant massing and tapering controls;

- (d) has the capacity to accommodate a future detailed design which provides acceptable outlook and residential amenity, as demonstrated in the indicative reference design;
- (e) complies with the Harmony Park sun access plane;
- (f) will respond appropriately to views south from Hyde Park to the ANZAC War Memorial, from other vantage points in the public domain and will open up new public views north towards the park, subject to the recommended conditions included in Attachment A; and
- (g) will appropriately manage wind effects impacts, subject to the recommended conditions included in Attachment A which require wind tunnel testing of the envelope and detailed design of the development.

Other Impacts of the Development

- 127. The proposal provides a building envelope capable of accommodating future buildings which can achieve compliance with the Building Code of Australia (BCA).
- 128. The proposal will have no unacceptable environmental, social or economic impacts on the locality, subject to imposition of the recommended conditions on any development consent granted by the Central Sydney Planning Committee.

Suitability of the Site for the Development

- 129. The proposal is in keeping with the desired future character for the site and locality.
- 130. The site is situated in the Sydney Central Business District, located amongst similar uses to that proposed and is suitable for the proposed development.

Internal Referrals

- 131. The application was referred to, or discussed with the following referral officers and bodies for review:
 - (a) Central Sydney Traffic and Transport Committee;
 - (b) Design Advisory Panel;
 - (c) Design Excellence Unit;
 - (d) Building Approvals Unit;
 - (e) City Model Unit;
 - (f) Cleansing and Waste Services Unit;
 - (g) Environmental Projects Unit;
 - (h) Health and Building Unit;
 - (i) Heritage Specialist;
 - (j) Landscape Assessment Officer;
 - (k) Public Art Unit;

- (l) Public Domain Unit;
- (m) Urban Design and Heritage Manager;
- (n) Urban Design Specialist;
- (o) Safe City Unit;
- (p) Specialist Surveyor;
- (q) Transport and Access Unit; and
- (r) Tree Management Officer.

132. The revised concept proposal addresses the issues raised initially and is acceptable, subject to the recommended conditions of consent included in Attachment A.

External Referrals

133. The application was referred to the following external referral bodies for review:

- (a) Ausgrid;
- (b) a qualified consultant Quantity Surveyor;
- (c) Heritage Asset Advisory - Public Works Advisory;
- (d) New South Wales Office for Veterans Affairs;
- (e) Roads and Maritime Services (RMS);
- (f) Sydney Metro;
- (g) Sydney Trains;
- (h) Sydney Water;
- (i) the Trustees of the ANZAC War Memorial; and
- (j) Transport for New South Wales (TfNSW).

134. Comments from all the relevant external referral requirements are addressed or included in the recommended conditions in Attachment A where relevant.

Notification, Advertising and Delegation

135. In accordance with the Community Participation Plan 2019 the proposed development is required to be notified and advertised. As such the application was notified and advertised between 10 September 2019 and 9 October 2019.

136. A total of 2,216 properties were notified and eleven submissions were received by the City.

137. One submission was in support of the indicative proposal for twin towers on the site, stating that it would reduce building mass and provide visual relief through the site. The other ten submissions raised a range of concerns.

138. The amended application submitted to Council on 19 June 2020 was not required to be notified or advertised under the City of Sydney Community Participation Plan, given the amendments do not result in significant additional environmental impacts.
139. The concerns raised in the submissions objecting to the proposal are summarised and addressed under each heading below.
- (a) 'Loose fit' envelope
- (i) The loose fit envelope has the potential to result in different massing scenarios presented in the reference design, and limited clarity is provided to ensure the best outcome for nearby approved or constructed developments.

Response - The originally proposed 'loose fit' building envelope was substantially reduced in the amended application submitted to the City on 19 June 2020, and provides more certainty in relation to the form, massing and scale of any future detailed design for the development.

- (b) Construction impacts:
- (i) Damage to the Connaught building.
- (ii) Impaired access to the Connaught building for a prolonged period.
- (iii) Construction noise, air and dust pollution for an extended period of time.
- (iv) Safety issues including asbestos and general debris removal, construction timing of any work being done.
- (v) Significant external and internal works were carried out on the subject site and nearby sites over the past few years, resulting in significant noise and dust impacts and extensive disruption to vehicle access to the surrounding street network.
- (vi) Constant and effective monitoring of any development work, in addition to regular and timely updates to nearby residents should be undertaken.

Response - The subject application is for a concept building envelope only. No demolition is proposed or recommended for approval as part of the subject application.

Appropriate conditions are included in Attachment A to require the developer to prepare more detailed information in relation to demolition and construction management as part of any future detailed design development application.

It should also be noted that any development consent granted for the detailed design of the development would include further detailed requirements for demolition, construction, noise, vibration, dust and traffic management, including the preparation of dilapidation reports for nearby developments.

- (c) Building separation:
- (i) The building envelope should provide a minimum 24 metre building separation to the east and west, particularly given that Nithsdale Street is already significantly less than an acceptable modern street width.
 - (ii) A single tower development would provide a compliant 24 metre separation to the Connaught and Hyde buildings

Response - As discussed elsewhere in this report, the proposed building separation between the building envelope and the existing and approved adjoining developments does not comply with the ADG but is considered acceptable.

The indicative reference design drawings demonstrate that an appropriately designed building can be provided within the proposed envelope, which minimises adverse privacy and outlook impacts to the adjoining residential developments, as well as between each tower, thereby addressing the relevant objectives and design guidance of the ADG.

The volume of the tower forms has been separated in order to provide a context specific approach without significantly compromising existing views or privacy amenity and to respond appropriately to the significant heritage setting of Hyde Park and the ANZAC War Memorial to the north.

The recommended conditions included in Attachment A will serve to ensure that these design principles are carried through any future competitive design process and the detailed design of the development.

- (d) Bulk and scale:
- (i) Building envelopes should help to define the three-dimensional form of buildings in the wider neighbourhood, including varied building depths that achieve good residential amenity for residents and neighbours.
 - (ii) Achieving the maximum FSR or maximum height allowable should not seek to compromise the shape of the development, existing landscape features, neighbouring properties or heritage considerations.
 - (iii) The proposed building envelopes and orientation, should seek to promote amenity for neighbouring properties in the area, including the enjoyment of significant views.
 - (iv) Design competition submissions should include the appropriate analysis of the proposed development's bulk and scale on neighbouring properties, including view impact analyses and detailed design of facade treatments.

Response - Noted. The assessment provided in this report concludes that the bulk and scale of the proposed building envelopes is generally acceptable with regard to the above considerations, subject to the recommended conditions in Attachment A, which require minor amendments to the width and setbacks of the envelopes and a wide range of design considerations for any future competitive design process.

These also include a requirement for visual analysis of the relationship between the detailed design of the development and the built form of the surrounding development to the east, west and south of the site.

(e) Wind impacts:

- (i) The wind report submitted with the application does not address wind corridor and canyoning effects created by the height of development and insufficient building separation to the Hyde building, which represents a non-compliance with the Environmental Planning and Assessment Act, 1979.
- (ii) The proposal for a twin tower development would exacerbate existing wind tunnel and canyoning effects in Nithsdale and Commonwealth Streets.

Response - Both the original and amended applications have been accompanied by detail reports assessing wind effects relating to the proposed concept building envelope. The recommendations of these reports have been incorporated into the design of the amended building envelope, including the provision of indicative podium elements and awning zones.

As discussed elsewhere in this report, and as recommended by the City's Design Advisory Panel and Urban Design Specialist, appropriate conditions are included in Attachment A to require further detailed wind testing of the envelope prior any future competitive process and prior to lodgement of any future detailed design development application.

(f) Traffic impacts:

- (i) The creation of an underground parking facility will aggravate the severe of existing traffic congestion within the locality.
- (ii) The existing basement carpark entry to Nithsdale Street should be relocated within the base of the proposed tower off Clarke Street.

Response - The proposal is for a concept building envelope only and parking facilities and servicing will be considered in detail under the competitive design process and any future detailed design development application.

Both the original and amended applications submitted to the City have been accompanied by detailed transport impact assessment reports and indicative reference designs which demonstrate that the future detailed design of the development will remove the existing commercial car park use and provide less car parking spaces within the site, thereby reducing traffic generation within the locality.

It is also noted that the site is located in proximity to the Museum train station and bus routes along Liverpool Street and Oxford Street. The City is also working with relevant State agencies to ensure that future transport needs of the Sydney Central Business District are met.

Further, as discussed elsewhere in this report, Transport for New South Wales and the City's Transport and Access Unit have reviewed the proposal, including the proposed vehicle access and egress points to Clarke Street and Nithsdale Street, and consider it to be acceptable in terms of traffic impacts, subject to the recommended conditions included in Attachment A.

- (g) Visual privacy:
- (i) Loss of visual privacy to the apartments to the western elevation of the Connaught building.
 - (ii) The indicative design shows open balconies facing Nithsdale Street, directly overlooking the eastern elevation of the Hyde building.
 - (iii) Provision of privacy screening to the windows within the eastern elevation of the Hyde building would be difficult and defeat their design purpose in terms of view and light, intended to overcome the darkening effect of the narrowness of Nithsdale Street.
 - (iv) Significant glazing to the western side of the proposed development would significantly reduce the privacy and amenity enjoyed by the residents of the Hyde building.
 - (v) The developer should be required to resolve privacy issues by reducing glazing or balconies on the western side of the development, or alternatively attaching fittings to this glazing or balcony to prevent direct sightlines into the adjoining apartments.
 - (vi) Typical residential apartment layouts within the proposed envelope are required to demonstrate satisfaction of appropriate building separation to the approved north-facing habitable rooms of the future development at 9-25 Commonwealth Street, that will enable satisfactory visual privacy.

Response - The floor plans submitted with the application are indicative only and are not recommended to be approved as part of the subject application. The internal planning of windows, balconies and communal facilities will form part of the brief for any future competitive design process.

The final architectural design of the building, including internal and external apartment configuration and privacy treatments, will be the subject of a future detailed design development application.

Furthermore, detailed window and view studies have been submitted with the amended application to illustrate how building separation impacts on adjoining residential developments, including those reference above, have been mitigated in the indicative reference design.

These include angled slot windows, deep facade layering and articulation, and other screening measures.

Finally, the proposed building envelope has also been amended to include a recess from Level 7 to Level 28 on the north western boundary to improve views to the north and north-east for the residents of the Hyde building.

- (h) Acoustic privacy:
- (i) The indicative drawings show open balconies facing Nithsdale Street, which will result in acoustic privacy impacts, exacerbated by the proposed uses including hotel and serviced apartments, which would be utilised for noisy guest parties.
 - (ii) The acoustic report submitted with the application does not examine the canyoning problem, or comparatively address insufficient building separation between the development and the Hyde building, which represents a non-compliance with the Environmental Planning and Assessment Act, 1979 and will result in a successful third party appeal.
 - (iii) The lack of separation between the twin tower proposal and the Connaught and proposed open balconies will result in significant acoustic privacy impacts, particularly at night.
 - (iv) The proposed ground floor outdoor dining areas will result in acoustic privacy impacts to adjoining residential apartments.
 - (v) Typical residential apartment layouts within the proposed envelope are required, to demonstrate satisfaction of appropriate building separation to the approved north-facing habitable rooms of the future development at 9-25 Commonwealth Street, that will enable satisfactory acoustic privacy.

Response - As discussed above, the public domain and floor plans submitted with the application are indicative only and are not recommended to be approved as part of the subject application.

Furthermore, the application seeks consent for a concept building envelope only and the indicative design of the proposal does not include any tourist and visitor accommodation uses, nor will any such uses be approved. Appropriate noise controls will be required for any future commercial and retail uses proposed in the detailed design of the development.

Both the original and amended applications have been accompanied by detailed acoustic assessment reports and noise surveys prepared by an appropriately qualified acoustic consultant, which include identification of key acoustic design considerations, relevant State noise policies and guidelines, and recommendations relating to the acoustic assessment methodology for the future detailed design of the development.

The amended proposal and additional acoustic documentation has been reviewed by the City's Health and Building Unit, who have raised no objections to the proposal on acoustic privacy grounds, subject to the conditions included in Attachment A.

Finally, the amended indicative reference design includes design features which would serve to assist to mitigate acoustic privacy impacts to adjoining residential buildings, including slot windows, angled balconies, deep facade layering and articulation, and other screening measures.

(i) Overshadowing impacts:

- (i) The building at 21 Alberta Street, Sydney, is a predominantly residential building and has not identified as a residential building in the design report or included as part of the overshadowing and solar access analysis.

Response - The building at 21 Alberta Street is a 10 storey mixed use building containing nine apartments, one commercial office tenancy and a ground floor retail tenancy.

The shadow and sun eye view diagrams submitted with the amended application demonstrate that this building is completely overshadowed at the mid-winter solstice by the existing surrounding development, including the Aspire Apartments building to the north, which is 22 storeys in height.

- (ii) Overshadowing should be minimised to the south or downhill. Where a proposal will reduce solar access of neighbours, building separation and increased upper level setbacks beyond the minimum requirements of the planning framework and concept envelope.
- (iii) The communal open space approved on level 28 of the future development at 9-25 Commonwealth Street should maintain a minimum of 2 hours between 9am and 3pm on 21 June.
- (iv) Design Competition submissions should include a detailed winter solstice overshadowing assessment of solar access to living rooms, balconies and private spaces of all neighbouring properties, demonstrating the detailed design will not reduce solar access of approved or constructed neighbouring developments by more than 20% where it is currently received.

Response - As discussed elsewhere in this report, the amended application has been accompanied by a solar impact analysis of the surrounding development, both existing and approved. This analysis includes shadow and sun eye view diagrams which model and compare overshadowing from the existing development and that resulting from the proposed envelope, and has been carried out in accordance with the relevant requirements of SEPP 65 and the ADG.

The assessment generally demonstrates that solar access is improved to the surrounding development to the south-east, south and south-west, including to the approved development on the site at 9-25 Commonwealth Street, Sydney.

Where there is a reduction in solar access resulting from the proposed envelope, detailed solar access schedules have been prepared which demonstrate that the impact is minor in scope and acceptable with regard to Objective 3B-2 of the ADG relating to minimisation of overshadowing of neighbouring residential apartment development during mid-winter.

Furthermore, appropriate conditions are included in Attachment A to ensure that detailed sun access modelling is carried out in accordance with the requirements of SEPP 65 and the ADG for any future competitive design process entries and for the detailed design of the development.

(j) Air quality impacts:

- (i) The existing basement ventilation stack to Nithsdale Street should be removed and relocated to the tower to improve air quality for the surrounding residents.

Response - The existing ventilation stacks serving the basement parking facility within the site fall within the scope of the concept redevelopment, which includes the indicative redesign of the pocket park within the southern portion of the site.

An appropriate condition is included in Attachment A which requires consideration of the redesign and refurbishment and renewal of the pocket park (including the existing ventilation stacks) in any future competitive design process and detailed design of the development.

(k) Street interface design:

- (i) The design of the ground floor frontage to Clark Street and Commonwealth Street should provide for appropriate activation to assist in driving a secondary pedestrian connection between Liverpool Street, the proposed pocket park and approved activation on the site at 9-25 Commonwealth Street.
- (ii) Outdoor dining areas within Liverpool Street, Nithsdale Street and any through site link will be adversely affected by road noise and pollution, overshadowing and wind impacts.
- (iii) Vehicular access on Clarke Street should be aligned to the activation of the Clarke Street streetscape, including appropriate treatments and management options considerate of the amenity of hotel visitors and residents of 9-25 Commonwealth Street mixed use development.
- (iv) Design competition submissions should include streetscape elevations of all frontages, inclusive of the neighbouring contexts including 9-25 Commonwealth Street.

Response - As discussed elsewhere in this report, consideration of the interface between the proposed development has been a concern shared by City staff and the Design Advisory Panel. Various conditions have been recommended and included in Attachment A to guide the development of appropriate activation and interface with the public domain through any future competitive design process and detailed design development application.

These include narrowing and minimising the width of the Clarke Street vehicle access point, provision of wind mitigation measures, sufficient space for existing and future street tree canopies and ensuring the detailed design improves access and activation within and around the site.

(l) Public open space and landscape design:

- (i) The open space to the south above the carpark requires careful consideration and development of a holistic and integrated landscape proposal serving residents of the new tower and surrounding local residents, workers and visitors.

- (ii) While the site and adjoining areas benefit from the open space and amenity of Hyde Park, the landscaped area to the south of the tower should provide a secondary public open space and landscape amenity for the dense urban pocket bounded by Elizabeth Street, Goulburn Street, Liverpool Street and Wentworth Avenue, which is undergoing substantial redevelopment with the construction of a number of new residential towers.
- (iii) As the landscape area does not adjoin the proposed tower, it seems odd that it is designated for residents use only with a gated entry. It should be designed as an integrated and public open space.
- (iv) The existing basement carpark entry should be relocated to allow the landscape spaces to be aligned with the levels of Nithsdale Street in a coherent and legible configuration.
- (v) The ventilation stack to Nithsdale Street should be removed and relocated to the tower to increase the amount of landscaped space provided and to create a better interface with the adjacent terrace house.
- (vi) The removal of the ventilation stack could also allow public open space to be eventually extended south to the through-site link adjoining the Australian Federal Police building that runs between Nithsdale Street and the Nithsdale Lane/Plaza to create a new open space for the surrounding area.

Response - The pocket park located above the existing basement south of Clarke Street is currently a publicly accessible, privately owned space.

As discussed elsewhere in this report, the public domain and landscape reference drawings are indicative only and are not recommended to be approved as part of the subject application.

The City's Landscape Assessment Officer has reviewed both the original and amended proposals and has raised no objection to the development, subject to the recommended conditions included in Attachment A.

These conditions include a requirement for consideration of the greening of the tower buildings and the redesign and refurbishment and renewal of the pocket park (including the existing ventilation stacks) in any future competitive design process and detailed design for its use by the general public, given its physical and visual disconnection to the remainder of the site to the north.

- (m) Economic impacts:
 - (i) Loss of property value

Response - Matters relating to loss of property value are not considerations that can be given any weight in an assessment of an application made under the Environmental Planning and Assessment Act, 1979.

Furthermore, the original and amended applications have been accompanied by detailed economic impact assessment reports, which find that the proposal will:

- not significantly affect the Sydney Central Business District's supply of commercial office floor space;

- provide additional activation and amenity to the precinct through the provision of a new mixed use development containing commercial, retail and residential uses; and
 - maintain employment opportunities within the locality.
- (n) Psychological impacts:
- (i) The twin tower proposal could be compared to the New York City tragedy, which would be a reminder of a horrible event and result in negative appeal for the building.
 - (ii) The reminder of 11 September 2001 resulting from a twin tower development in the Sydney Central Business District may have broader psychological impact on potential sales and on Sydneysiders in general.

Response - As discussed elsewhere in this report, the proposed development has been assessed with regard to the suitability of the site and the public interest.

It is considered that the proposal will provide an acceptable degree of public benefit and, subject to a future competitive design process, is capable of providing a high-quality architectural design which will permit an appropriate redevelopment.

Extensive design consultation has been undertaken in relation to the proposal, including with the Trustees of the ANZAC War Memorial, the Public Works Advisory and the City's Design Advisory Panel, all of whom have determined that a two tower option has the potential to provide a calm and dignified backdrop to the memorial, subject to the conditions included in Attachment A.

- (o) Design competition submission requirements:
- (i) A statement of compliance to the relevant planning framework including SEPP 65, ADG, Sydney LEP 2012, Sydney DCP 2012 and any endorsed Design Excellence Strategy should be provided with any future detailed design development application.

Response - Appropriate conditions requiring any future detailed design to achieve the relevant objectives and consideration of the relevant provisions of the abovementioned planning instruments and policies are included in Attachment A.

Sydney Airport Referral Act 1996

140. Section 182 of the Commonwealth Airports Act, 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a 'controlled activity'.
141. Clause 6(1) of the Civil Aviation (Building Control) Regulations 1988 identify that 'prescribed airspace' includes 'the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services - Aircraft Operations (PANS-OPS) surface for the airport'.

142. The Outer Horizontal Surface of the OLS above the subject site is at a height of 156 metres above the Australian Height Datum (AHD) and the prescribed airspace above the site commences at RL156 AHD.
143. At a maximum proposed height of RL 150.18 AHD, the building envelope does not penetrate the OLS and does not constitute a 'controlled activity'.

Public Interest

144. The proposal will have no significant detrimental effect on the public interest, subject to the recommended conditions of consent included in Attachment A to the subject report.

Financial Implications

Section 61 Contributions

145. The development is exempt from the provisions of Central Sydney (Section 61) Contributions Plan 2003 as the proposal is for a concept building envelope. Section 61 contributions are applicable to any future detailed design development application.

Relevant Legislation

146. Environmental Planning and Assessment Act, 1979.
147. City of Sydney Act, 1988.
148. Roads Act, 1993.

Conclusion

149. The proposed concept development is appropriate in its setting and is generally compliant with the relevant planning controls in the Sydney LEP 2012, the Sydney DCP 2012, SEPP 65 and the ADG. Proposed variations to controls in the Sydney DCP 2012 and ADG are satisfactory and identified in the report.
150. The proposal was amended to address Council's concerns relating to visual impacts to the heritage significant ANZAC War Memorial and Hyde Park, building setbacks and separation, wind impacts, compliance with the SEPP 65 and the ADG, the design excellence and public art strategies, ESD targets, transport, traffic and servicing, the landscape concept design, and land contamination. The amended proposal is satisfactory, subject to the conditions recommended in Attachment A.
151. The proposed building envelope is compliant with the applicable height controls. The envelope does not pose any significant or unreasonable impacts upon the existing or likely future development surrounding the site.
152. The indicative reference design submitted with the application adequately demonstrates that an acceptable level of amenity could be achieved for dwellings within the proposed tower forms.

153. The potential impacts on the heritage significance of the ANZAC Memorial and Hyde Park located to the north of the site are generally acceptable, subject to conditions.
154. Where the assessment of the subject proposal has identified potential issues for a future detailed design development application, these matters are identified in the recommended conditions of consent as requiring further consideration.
155. The proposal will provide for new residential, retail and commercial uses in the Sydney Central Business District, on a site which is highly accessible to existing and planned employment, services, public transport infrastructure and community facilities.
156. Subject to the recommendation of this report, and the imposition of the conditions included in Attachment A, the proposal can accommodate a future detailed design that responds appropriately to the site constraints and contributes to the existing and desired future character of the locality

GRAHAM JAHN, AM

Director City Planning, Development and Transport

David Reynolds, Senior Planner