Compliance Assessment

This report provides a review of the proposal's compliance with *relevant* provisions of applicable guidelines and development control plans.

The following tables provide an assessment of the proposal against the following relevant instruments and plans:

- Apartment Design Guidelines (Relevant for Tower A only)
- Sydney Local Environmental Plan 2012
- Sydney Development Control Plan 2012
  - Section 3 – General Provisions
  - Section 4.2 – Development Types: Residential Flat, Commercial and Mixed Use Developments
  - Section 5.1 – Specific Areas: Central Sydney
  - Section 6.1.4 – The APDG site (bounded by Alfred, Pitt, Dalley and George Streets)

TABLE 1 – APARTMENT DESIGN GUIDE (RELEVANT FOR TOWER A ONLY)

	OBJECTIVE	DESIGN CRITERIA	CONSISTENT	COMMENT
Part 3 Siting the Development				
Site Analysis	**Objective 3A-1** Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context		YES	Site Analysis Plan Provided.
Orientation	**Objective 3B-1** Building types and layouts respond to the streetscape and site while optimising solar access within the development		YES	The proposed building envelopes are orientated to the street, seeking to maximise a northern orientation whilst respecting existing views from the south.
	Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid winter		YES	Refer to Shadow Diagrams.
Public Domain Interface	**Objective 3C-1** Transition between private and public domain is achieved without compromising safety and security		Stage 2	Active frontages will be provided at the ground level to ensure a safe public domain and protecting the residential amenity of Tower A.
	Objective 3C-2 Amenity of the public domain is retained and enhanced		Stage 2	Active frontages will be provided at the ground level of Tower A. No basement car parking will be visible from the street.
Communal and Public Open Space	**Objective 3D-1** An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3) 2. 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 9 am and 3 pm on 21 June (mid winter)	NO	Due to the built up location of the site and the extent of public domain to be provided as part of the development, the proposal will not achieve 25% communal open space. This is consistent with that originally proposed and approved for Tower A. Further, Tower A can accommodate generous communal facilities such as a Gym and Resident's Lounges to facilitate communal interaction.
	Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting		Stage 2	N/A

<table>
<tr><td></td><td colspan="2">Objective 3D-3 Communal open space is designed to maximise safety</td><td>Stage 2</td><td>N/A</td></tr>
<tr><td></td><td colspan="2">Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</td><td>YES</td><td>The proposed network of laneways across the site has been designed to connect with the existing and proposed street network surrounding the site.</td></tr>
<tr><td>Deep Soil Zones</td><td>Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</td><td>Deep soil zones are to meet the following minimum requirements:<table><tr><th>Site Area</th><th>Min. Dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>Less than 650m^2</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m^2 – 1500m^2</td><td>3m</td></tr><tr><td>Greater than 1500m^2</td><td>6m</td></tr><tr><td>Greater than 1500m^2 with significant tree cover</td><td>6m</td></tr></table></td><td>NO</td><td>This is acceptable as the proposal will provide ground level non-residential uses and new public lanes and through-site links across the site.</td></tr>
<tr><td>Visual Privacy</td><td>Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room</td><td>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:<table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table></td><td>NO</td><td>Proposed minimum building separation on the site varies between 6.92m and 16.845m. Whilst the recommended building separation distances within the ADG are not achieved within the site for habitable rooms, the proposed setback of the ‘pinch point’ exceeds the minimum requirements for non-habitable to non-habitable rooms, and as such this part of the elevation can be treated as a ‘blank wall’ or otherwise inactive façade on Tower B as part of the Stage 2 DA.</td></tr>
</table>

	Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space		Stage 2	N/A
Pedestrian Access and Entries	**Objective 3G-1** Building entries and pedestrian access connects to and addresses the public domain		Stage 2	Active frontages will be provided at the ground level of Tower A. The pedestrian entrances for each of the proposed uses across the site will be located on separate frontages to ensure that all public frontages achieve a high degree of activation. This will be further detailed in the Stage 2 Application(s).
	Objective 3G-2 Access, entries and pathways are accessible and easy to identify		Stage 2	N/A
	Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations		YES	Pedestrian links are proposed across the site.
Vehicle Access	**Objective 3H-1** Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes		YES	As outlined in the EIS, the vehicle entrance point has been selected at Pitt Street, generally in accordance with the location proposed and approved within D/2010/2029. Pitt Street is the only site frontage that is not pedestrianised or otherwise restricted because of width or light rail. The driveway is positioned at a low point on the site to minimise ramp lengths.
Bicycle and Car Parking	**Objective 3J-1** Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial	YES	The car parking illustrated on the reference scheme has been provided in accordance with the car parking rates prescribed by the City of Sydney within the SLEP 2012 and SDCP 2012. Detailed car parking will be assessed within the Stage 2 DA.

		Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.		
	Objective 3J-2 Parking and facilities are provided for other modes of transport		Stage 2	N/A
	Objective 3J-3 Car park design and access is safe and secure		Stage 2	N/A
	Objective 3J-4 Visual and environmental impacts of underground car parking are minimised		Stage 2	N/A
Part 4 – Designing the Building				
Solar and Daylight Access	**Objective 4A-1** To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area	YES	The Stage 2 Amending DA provides details of the compliance; however indicative plans of Tower A suggest that 94.6% of the apartments are capable of meeting the two hour requirement.
		3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	Stage 2	N/A
	Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months		Stage 2	N/A
Natural	**Objective 4B-1** All habitable rooms are naturally ventilated		Stage 2	N/A

Ventilation	**Objective 4B-2** The layout and design of single aspect apartments maximises natural ventilation		Stage 2	N/A
	Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	YES	The Stage 2 Amending DA provides details of the compliance; however indicative plans of Tower A suggest that 82.1% of apartments proposed are capable of natural ventilation.
		2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Stage 2	N/A
Ceiling Heights	**Objective 4C-1** Ceiling height achieves sufficient natural ventilation and daylight access	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Minimum ceiling height for apartment and mixed use buildings Habitable Rooms: 2.7m Non-Habitable: 2.4m For 2 Storey Apartments: 2.7m for main living area floor; 2.4m for second floor, where its area does not exceed 50% of the apartment area Attic Spaces: 1.8m at edge of room with a 30 degree minimum ceiling slope If located in mixed use areas: 3.3m for ground and first floor to promote future flexibility of use	Stage 2	As demonstrated in the illustrative concept scheme, the proposed building envelopes have been designed to accommodate the minimum required ceiling heights of the ADG including floor to ceiling heights exceeding 3.3m for lower ground and ground level.
Apartment	**Objective 4D-1** The layout of rooms within	1. Apartments are required to have the following	Stage 2	Stage 2 Amending DA provides details of the compliance;

<table>
<tr><td rowspan="4">Size and Layout</td><td rowspan="2">an apartment is functional, well organised and provides a high standard of amenity</td><td>minimum internal areas:<table><tr><th>Apartment Types</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m^3</td></tr><tr><td>1 bedroom</td><td>50m^3</td></tr><tr><td>2 bedroom</td><td>70m^3</td></tr><tr><td>3 bedroom</td><td>90m^3</td></tr></table>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each.
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each.</td><td></td><td>however indicative plans of Tower A suggest that all apartments will meet the minimum internal areas.</td></tr>
<tr><td>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</td><td>Stage 2</td><td>N/A</td></tr>
<tr><td>Objective 4D-2 Environmental performance of the apartment is maximised</td><td>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height
2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</td><td>Stage 2</td><td>N/A</td></tr>
<tr><td>Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</td><td>1. Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space)</td><td>Stage 2</td><td>N/A</td></tr>
</table>

<table>
<tr><td></td><td></td><td>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td><td></td><td></td></tr>
<tr><td></td><td></td><td>3. Living rooms or combined living/dining rooms have a minimum width of:
• 3.6m for studio and 1 bedroom apartments
• 4m for 2 and 3 bedroom apartments</td><td></td><td></td></tr>
<tr><td rowspan="4">Private Open Space and Balconies</td><td rowspan="2">Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</td><td>1. All apartments are required to have primary balconies as follows:
<table>
<tr><th>Dwelling type</th><th>Minimum Area</th><th>Minimum Depth</th></tr>
<tr><td>Studio</td><td>4m^3</td><td>-</td></tr>
<tr><td>1 bedroom</td><td>8m^3</td><td>2m</td></tr>
<tr><td>2 bedroom</td><td>10m^3</td><td>2m</td></tr>
<tr><td>3+ bedroom</td><td>12m^3</td><td>2.4m</td></tr>
</table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m</td><td>Stage 2</td><td>The proposed building envelopes have been designed to accommodate balconies and winter gardens to meet the minimum requirements, as illustrated in the indicative concept scheme. This will be detailed in the Stage 2 Amending DA.</td></tr>
<tr><td colspan="2">Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents</td><td>Stage 2</td><td>N/A</td></tr>
<tr><td colspan="2">Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</td><td>Stage 2</td><td>Whilst this will be demonstrated within the Stage 2 Amending DA for Tower A, the building envelope has incorporated the requirement for balconies, and as such the balconies have been integrated into the overall form of the building.</td></tr>
</table>

<table>
<tr><td></td><td colspan="2">Objective 4E-4 Private open space and balcony design maximises safety</td><td>Stage 2</td><td>N/A</td></tr>
<tr><td rowspan="3">Common Circulation and Spaces</td><td rowspan="2">Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments</td><td>1. The maximum number of apartments off a circulation core on a single level is eight</td><td rowspan="2">Stage 2</td><td rowspan="2">N/A</td></tr>
<tr><td>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</td></tr>
<tr><td colspan="2">Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents</td></tr>
<tr><td rowspan="3">Storage</td><td rowspan="2">Objective 4G-1 Adequate, well designed storage is provided in each apartment</td><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:
<table><tr><td>Dwelling Type</td><td>Storage size volume</td></tr><tr><td>Studio</td><td>4m^3</td></tr><tr><td>1 bedroom</td><td>6m^3</td></tr><tr><td>2 bedroom</td><td>8m^3</td></tr><tr><td>3+ bedroom</td><td>10m^3</td></tr></table>At least 50% of the required storage is to be located within the apartment</td><td rowspan="2">Stage 2</td><td rowspan="2">N/A</td></tr>
<tr><td colspan="2">Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments</td></tr>
<tr><td>Acoustic</td><td colspan="2">Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout</td><td>Stage 2</td><td>Whilst this will be detailed within the Stage 2 Amending DA, the indicative concept design used to inform the building</td></tr>
</table>

Privacy	**Objective 4H-2** Noise impacts are mitigated within apartments through layout and acoustic treatments		separation and access points has considered locating noise sources from habitable rooms. Notably, the first three levels of Tower A are to be retail and communal uses to protect the visual and acoustic amenity of residents.
Noise and Pollution	**Objective 4J-1** In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Stage 2	Whilst this will be detailed within the Stage 2 Amending DA, the indicative concept design used to inform the building separation and access points has considered locating noise sources from habitable rooms. Notably, the first three levels of Tower A are to be retail and communal uses to protect the visual and acoustic amenity of residents.
	Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission		
Apartment Mix	**Objective 4K-1** A range of apartment types and sizes is provided to cater for different household types now and into the future	YES	A range of apartment sizes is provided within Tower A as outlined within Section 7.8.7 of the EIS.
	Objective 4K-2 The apartment mix is distributed to suitable locations within the building	Stage 2	N/A
Facades	**Objective 4M-1** Building facades provide visual interest along the street while respecting the character of the local area	Stage 2	N/A
	Objective 4M-2 Building functions are expressed by the facade		
Roof Design	**Objective 4N-1** Roof treatments are integrated into the building design and positively respond to the street	Stage 2	N/A
	Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised		
	Objective 4N-3 Roof design incorporates sustainability features		

Landscape Design	**Objective 4O-1** Landscape design is viable and sustainable	Stage 2	N/A
	Objective 4O-1 Landscape design is viable and sustainable		
Planting on Structures	**Objective 4P-1** Appropriate soil profiles are provided	Stage 2	N/A
	Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance		
	Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces		
Universal Design	**Objective 4Q-1** Universal design features are included in apartment design to promote flexible housing for all community members	YES	Accessibility is addressed within the Access Report at Appendix U of the EIS.
	Objective 4Q-2 A variety of apartments with adaptable designs are provided		
	Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs		
Mixed Use	**Objective 4S-1** Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	YES	Tower A is proposed as a mixed use building with ground and first floor retail as the site is located within a centre, being Circular Quay.
	Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	Stage 2	N/A
Awnings and Signage	**Objective 4T-1** Awnings are well located and complement and integrate with the building design	Stage 2	N/A

	Objective 4T-2 Signage responds to the context and desired streetscape character		
Energy Efficiency	**Objective 4U-1** Development incorporates passive environmental design	YES	The proposed building layout can achieve solar access to 94.6% of the apartments for two hours on 21 June.
	Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Stage 2	N/A
	Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	YES	The Stage 2 Amending DA provides details of the compliance; however indicative plans of Tower A suggest that 82.1% of apartments proposed are capable of natural ventilation
Water Management and Conservation	**Objective 4V-1** Potable water use is minimised	Stage 2	N/A
	Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters		
	Objective 4V-3 Flood management systems are integrated into site design		
Waste Management	**Objective 4W-1** Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Stage 2	N/A
	Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling		
Building Maintenance	**Objective 4X-1** Building design detail provides protection from weathering	Stage 2	N/A
	Objective 4X-2 Systems and access enable ease of maintenance		

	Objective 4X-3 Material selection reduces ongoing maintenance costs		

TABLE 2 – KEY PROVISIONS OF SYDNEY LOCAL ENVIRONMENTAL PLAN 2012

REFER TO SECTION 7.7 OF THE EIS

TABLE 3 – KEY PROVISIONS OF SYDNEY DEVELOPMENT CONTROL PLAN 2012

SECTION	SUMMARY OF KEY APPLICABLE PROVISIONS	COMPLIANCE	COMMENT
Section 3 – General Provisions			
3.1 Public Domain Elements		YES	The proposed new streets, lanes and footpaths will be constructed in accordance with the Sydney Streets Design Code. The detail of the public domain works will be provided in the Stage 2 DA.
3.1.5 Public Art		YES	A Preliminary Public Art Plan is included at Appendix M of the EIS.
3.2 Defining the Public Domain	Overshadowing effects of new buildings on publicly accessible open space are to be minimised between the hours of 9am to 3pm on 21 June.	YES	Notably the proposed building envelopes will not increase overshadowing to Macquarie Place between 10:00am and 2:00pm on 21 June.
	Buildings are not to impede views from the public domain to highly utilised public places, parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments including public statues, sculptures and art.	YES	As demonstrated in the Design Report at Appendix F of the EIS, the proposal does not have an adverse visual impact from the surrounding public domain or from key public views.
	Development is to improve public views to parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments by using buildings to frame views. Low level views of the sky along streets and from locations in parks are to be	YES	The proposed development includes slender towers and a through-site link that enables views through the site to Circular Quay, compared to

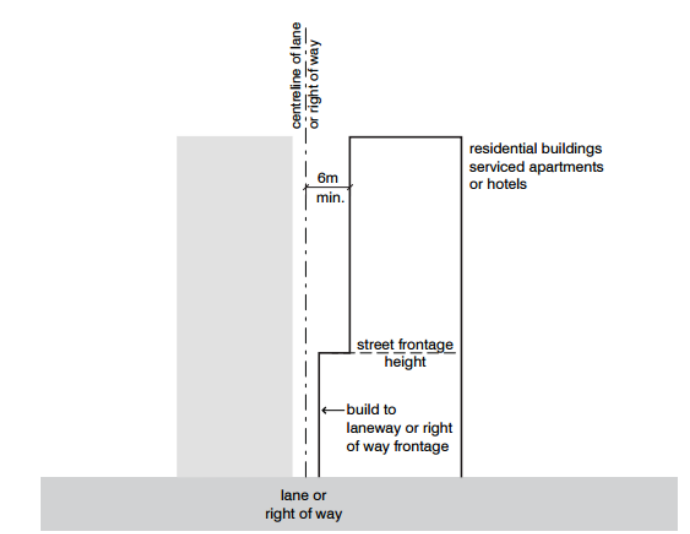
SECTION	SUMMARY OF KEY APPLICABLE PROVISIONS	COMPLIANCE	COMMENT
	maintained.		the existing development. As demonstrated in the Design Report at Appendix F of the EIS, the proposal does not have an unreasonable visual impact from surrounding public views.
	Active frontages are to be provided in the locations nominated on the Active frontages map.	YES	Active frontages are proposed along George Street, Pitt Street, and Herald Square, in addition to the proposed through-site link and laneways across the site.
	A wind effects report is to be submitted with a development application for buildings higher than 45m and for other buildings at the discretion of the consent authority	YES	A Desktop Wind Assessment is provided at Appendix P of the EIS.
	A Reflectivity Report that analyses potential solar glare from the proposed building design may be required for tall buildings.	Stage 2	N/A
3.3 Design Excellence and Competitive Design Processes		YES	A Design Excellence Strategy is provided at Appendix K of the EIS. Each of the buildings over 55m will be subject to separate design excellence processes in accordance with the City of Sydney Competitive Design Policy.
3.6 Ecologically Sustainable Development		Stage 2	N/A
3.7 Water and Flood Management		Stage 2	N/A
3.9 Heritage		YES	See Section 7.7.8 of the EIS.
3.11 Transport and Parking		Stage 2	See Sections 7.7.9 and 8.7 of the EIS for discussion on the relevant

SECTION	SUMMARY OF KEY APPLICABLE PROVISIONS	COMPLIANCE	COMMENT
			matters for this Stage 1 SSD Application.
3.12 Accessible Design		Stage 2	Whilst this will be outlined in detail in the Stage 2 DA(s), all relevant accessibility matters are addressed within the Access Report at Appendix U of the EIS.
3.13 Crime Prevention through environmental design		Stage 2	N/A
3.14 Waste		Stage 2	See Section 8.16 of the EIS for discussion on the relevant matters for Stage 1.
3.15 Late Night Trading Management		Stage 2	N/A
3.16 Signage and Advertising		Stage 2	N/A
3.17 Contamination		Stage 2	Noted. A Preliminary Site Investigation has been prepared as part of the Stage 1 SSD Application. A copy of this assessment is included at Appendix Q of the EIS.
SECTION 4.2 – DEVELOPMENT TYPES: RESIDENTIAL FLAT, COMMERCIAL AND MIXED USE DEVELOPMENTS			
4.2.1.2 Floor to ceiling heights and floor to floor heights		Stage 2	As demonstrated in the illustrative concept scheme, the proposed building envelopes have been designed to accommodate the minimum required ceiling heights of the ADG and SDCP 2012. This will be further detailed at the Stage 2 DA(s).
4.2.3.1 Solar Access	Development applications are to include diagrams in plan and elevation that show solar access to proposed apartments and the shadow impact on neighbouring development at hourly intervals between 9am, 12noon and 3pm	Stage 2	N/A

	on 22 March and 21 June.		
	Proposed apartments in a development and neighbouring developments must achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and a minimum of 50% of the required minimum area of private open space area	Stage 2	The Stage 2 Amending DA provides details of the compliance; however indicative plans of Tower A suggest that 94.6% of the apartments are capable of meeting the two hour requirement.
	New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June.	YES	As demonstrated in the Shadow Diagrams at Appendix F of the EIS, the proposal does not impact the solar access any residential buildings surrounding the site.
4.2.3.3 Internal common areas		Stage 2	N/A
4.2.3.4 Design features to manage solar access		Stage 2	N/A
4.2.3.5 Landscaping		Stage 2	N/A
4.2.3.7 Private open space and balconies		Stage 2	N/A
4.2.3.8 Common Open space		Stage 2	N/A
4.2.3.9 Ventilation		Stage 2	N/A
4.2.3.10 Outlook		Stage 2	N/A
4.2.3.11 Acoustic Privacy		Stage 2	N/A

4.2.3.12 Flexible housing and dwelling mix	Developments that propose more than 20 dwellings are to provide a mix of dwellings consistent with the following percentage mix: (a) Studio- 5-10% (b) 1 bedroom- 10-30% (c) 2 bedroom- 40-75% (d) 3+ bedroom,- 10-100%	NO	The proposal includes the following unit mix: (a) Studio – 2.2% (b) 1 Bedroom – 7.1% (c) 2 Bedroom – 47.3% (d) 3+ Bedroom – 43.5% While the development as proposed to be amended provides less studio and 1 bedroom apartments than required by SDCP 2012, the larger apartment types proposed are consistent with the premium location of the site. Notwithstanding, a small number of studio and 1 bedroom apartments are included to provide some variety within the development.
4.2.4 Fine grain, architectural diversity and articulation		Stage 2	N/A
4.2.5.1 Tall Buildings	The component of a residential building that is above 35m high must have a maximum floor plate size of 750sqm including balconies**.**	YES	The proposal has a maximum floor plate of 739sqm.
	Tall buildings are to be generally separated from other tall buildings by a minimum of 60m. This spacing may be reduced where buildings are offset, preserve views or the urban structure and street hierarchy is reinforced by the location of tall buildings.	Superseded by Section 6.1 of the SDCP 2012	The proposed buildings are located less than 60m from each other and surrounding development including 200 George Street. Notably the proposed building separation between Tower A and 200 George Street is 56.3m. This separation distance is commensurate with the scale required by the SDCP 2012 control and is consistent with the form anticipated by the APDG Precinct Site Specific Controls. Further, the proposed towers are located to reinforce the surrounding street network, hierarchy of streets, and are orientated to preserve existing views where possible.
4.2.5.3 Development on busy roads and active frontages		Stage 2	N/A

4.2.6 Waste Minimisation			Stage 2	N/A
SECTION 5.1 – CENTRAL SYDNEY				
5.1.1 Street frontage heights	The street frontage height of a new building must be between 20m and 45m above the site ground level with the specific height set with regard to:	The predominant street frontage height of adjacent buildings and buildings in the vicinity The size of the site, for example small sites, less than 1,000sqm may attain a street frontage height of 45m regardless of the above criteria.	See Section 8.4.3 of the EIS	The proposal includes the following street frontage heights: ▪ The proposed street frontage height to Pitt Street is 22.2m. ▪ The proposed street frontage height to George Street is 124.29m.
5.1.2.1 Front setbacks	Buildings must be set back a minimum weighted average of 8m above the required street frontage height. This setback may be reduced in part by up to 2m provided that the weighted average setback from the street frontage alignment is 8m as shown in Figures 5.4 to 5.6. No part of the building is to be setback less than 6m.		See Section 8.4.3 of the EIS	No part of the building above the street frontage is setback less than 6m from Pitt Street. A 6m setback to Pitt Street is considered acceptable as it will have a negligible impact on the amenity of Pitt Street compared to a fully compliant scheme. Specifically this setback: ▪ As the building envelope controls for the APDG Precinct do not accommodate the floor space available to incentivise tourist accommodation, a balance of setbacks must be achieved on the site. The proposed building envelopes maintain a building separation of a minimum 6.5m between Tower A and Tower B, and achieve a 6m setback to Pitt Street. This balance has been raised with Council officers as an appropriate response to the site constraints. ▪ The proposed 6m setback has an imperceptible variation to the amenity of Pitt Street compared to an 8m upper level setback.

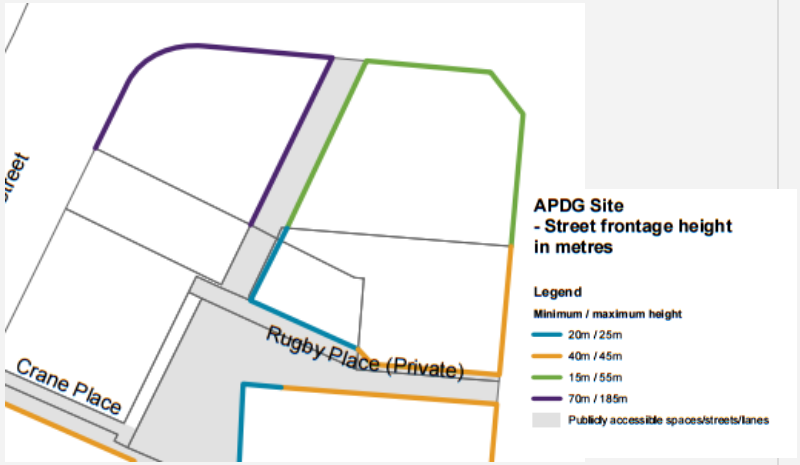
5.1.2.2 Side and rear setbacks	Above a height of 45m, windows or balconies of commercial buildings are to be set back at least 3m from side and rear property boundary.	See Section 8.4.3 of the EIS	The proposal includes the following setbacks to side and rear boundaries: • Tower A has a 2.86 metre setback to the southern boundary. This is a relatively insignificant non-compliance. • Tower A and Tower B will have a minimum 6.92m building separation. • Tower B will have a 3m setback from the edge of the Rugby Place road alignment. As the building envelopes will not achieve the SDCP 2012 setbacks from side or rear property boundaries, privacy will be addressed in the detailed design of the buildings in the Stage 2 DA, notably the design of windows, balconies and screening devices.
5.1.2.3 Setbacks for buildings adjoining or fronting lanes	Where new development fronts a lane or right of way, it is to be built to the street alignment up to the required street frontage height. 	YES	Tower B will be built up to the alignment of Rugby Place up to a RL21, the relevant street frontage height.

	Residential buildings, serviced apartments or hotels above the street frontage height are to have a minimum setback of 6m from the centre line of the lane or more if required.		Generally consistent	The proposed upper level setback of Tower B to Rugby Place has been designed in accordance with Figure 5.10 of the SDCP 2012. The building does protrude marginally into the 6m setback (proposing 5.6m) at the pinch point of the lane. This is a minor numeric non-compliance.
5.1.2.4 Separation of buildings on the same site	Minimum separation distances for buildings on the same site are:	9m up to a height of 45m for commercial to residential 15m for commercial to residential above 45m	NO	The building separation between Tower A and Tower B varies between 6.92m and 16.845m. Despite not complying with the relevant requirements for building separation within a site, the design of the interface between these buildings undertaken in Stage 2 will ensure that balconies and windows are designed to ensure appropriate privacy for the residents of Tower A.
5.1.5.1 Commercial buildings – building bulk	Above a height of 45m high, the maximum horizontal dimension of any commercial building façade must not exceed 65m.		YES	The maximum length of Tower B above 45m high is 42m.
5.1.5.2 Residential buildings and serviced apartments	For residential buildings and serviced apartments with a height above the 45m:	The size of the floor plate above the street frontage height must not exceed 1,000sqm GFA The maximum horizontal dimension of the building façade parallel to the street frontage is 40m	Generally Consistent	The maximum floor plate of Tower A is 739sqm. The maximum horizontal dimension of the building façade of Tower A is 40.62m, however this is not parallel to Herald Square and as such the impact of this width will not be perceptible.
5.1.6 Building exteriors			Stage 2	N/A
5.1.7 Temporary use and appearance of vacant sites and buildings			Stage 2	N/A

5.1.9.5 Calculating the heritage floor space to be allocated	Stage 2	N/A
5.1.10 Sun access planes	YES	Whilst the site is not identified as land that is affected by Sun Access Planes, the site is located in proximity to Macquarie Place. As illustrated on the Shadow Diagrams at Appendix F, the proposal does not result in any additional overshadowing to Macquarie Place during the specified times.

SECTION 6.1 – SITE SPECIFIC APDG PROVISIONS			
6.1.5.1 General	Where required to be provided, new streets, lanes and through-site links are to be provided in the locations identified in Figure 6.8 Public domain and designed and constructed in accordance with Figure 6.9 Streets, lanes and through-site links	YES	The proposal includes new streets, lanes, and through-site links in accordance with the structure of the APDG Precinct.
	Ensure the design of the laneway network and square integrates with the ground floor uses of adjoining buildings and provides opportunities for external leisure areas.	YES	The reference design of the proposed buildings illustrates that the building envelopes can support ground floor retail and active uses adjacent to the proposed laneway network. The activation of the through-site link and the laneways will be required to be demonstrated in the Stage 2 DA(s).
6.1.5.2 Streets, lanes and through-site links	Through-site links are to be provided in the locations identified on the Through-site links map and Figure 6.10 Public domain principles.	YES	The proposal includes new streets, lanes, and through-site links in accordance with the structure of the APDG Precinct.
	Extend the existing north-south alignment of Underwood Street up to Alfred Street to enhance pedestrian movement on the site.	YES	A through-site link is proposed through the site to improve north-south pedestrian movements through the precinct.
	Create opportunities for outdoor dining along Alfred and George Streets.	YES	The proposal enhances the area and activation of Herald Square. As demonstrated in the illustrated concept design, the proposed building envelopes can accommodate outdoor dining along Herald Square.
	Bridge the level change between George and Pitt Streets through terracing along Alfred Street whilst maintaining equal access.	YES	This change in level is demonstrated within the ground floor plan of Tower A. This will be detailed in the Stage 2 Amending DA for Tower A.
	Design Pitt Street to allow safe crossing points between Bulletin and Rugby Place and Bulletin Place and Underwood Street.	Stage 2	N/A
	Design laneway thresholds that indicate pedestrian crossing priority.	Stage 2	N/A
	Ensure lane alignments maintain clear sight-lines from each end.	YES	The changes to the VPA approved within D/2010/2029 proposed result in a through-site link with clearer sight lines than that previously approved.

	Where required to be provided, introduce a north-south land and through-site link in the location shown as 1A in Figure 6.10 Public domain principles. The link will connect Herald Square and Dalley Street and have the character of a narrow through-sire pedestrian link to the north and shared use lane to the south.	YES	This through-site link has been proposed through the site.
	Rugby Place identified as 1B on Figure 6.10 Public domain principles is to be a narrow lane for its entire length and is to widen towards the approach to the Rugby Place to create a seating area and encouraging outdoor dining.	YES	The realignment of Rugby Place is proposed throughout the site.
	Through-site links are to be built to the level indicated on Figure 6.7 Public domain.	YES	This Stage 1 SSD Application does not propose to change the RL for the Public Domain illustrated on Figure 6.7.
6.1.5.4 Active Frontages	Active frontages are to be provided in the locations nominated on the Active frontages map.	Stage 2	N/A
6.1.5.5 Footpath Awnings	Awnings are to be provided in the locations nominated on the Footpath awnings and colonnades map.	Stage 2	N/A
6.1.6.1 Building Height	Development must not exceed the maximum height in metres for the land as shown in Figure 6.11 Alternative heights and publicly accessible space.	NO	Refer to Section 8.4 of the EIS.
	New towers above 75m are to have a minimum separation of 28m above the street frontage height as shown in Figure 6.14 Building frontage height.	NO	Refer to Section 8.4 of the EIS.

6.1.6.2 Street Frontage Height and Setbacks	The street frontage height of a building is not to exceed the maximum height shown for the land on Figure 6.13 Building frontage height. 	YES	The proposed street frontage height of buildings does not exceed the maximum heights shown at Figure 6.13 of the SDCP 2012.
	The maximum width of an elevation above the street frontage height of buildings is to be 35% of the total height of the building, excluding curved facades.	See Section 8.4 of EIS	In accordance with Section 6.1.6.2 of the SDCP 2012, with a total height of 185 metres, the maximum elevation width above street frontage height is 64.75 metres. The proposed elevation width is 23.2 metres. In accordance with Section 6.1.6.2 of the SDCP 2012, the maximum width of the elevation of Tower B is to be 38.5m. The proposed maximum width of Tower A is 41.1m. This is a minor numerical non-compliance to the control.
	Buildings are to be built to the street and public domain alignments. Insets are considered appropriate only where they provide a publicly accessible area as shown in Figure 6.10 Public domain principles.	YES	Tower A is proposed to be built to the street alignment of George Street; however Tower B includes a 5m ground level setback to Pitt Street. This inset facilitates a hotel lobby area which is required for patron drop-off. This area will be publicly accessible and will improve ground level sightlines to Circular Quay.

	Provide setbacks above the street-wall in accordance with Figure 6.14 Setbacks above the street frontage height.	See Section 8.4.3 of the EIS	The proposal complies with the required setback above the street frontage height at George Street, however provides a 6m upper level setback height along Pitt Street. It is considered that a 6m upper level setback along this street will have a positive impact on sunlight and perception of scale along this pedestrian street compared to a zero metre setback suggested in Figure 6.14.
6.1.6.3 Building Design and Bulk	Building envelopes are to be in accordance with Figure 6.10 Alternative heights and publicly accessible space.	NO	Refer to Section 8.4 of the EIS.
	Introduce a slender tower in the north-west corner of the site known as 1 Alfred Street, which fronts Circular Quay in accordance with Figure 6.11 Alternative heights and publicly accessible space.	YES	Despite a marginal increase to the building envelope of Tower A, the proposed form remains slender by proposing a floor plate that is less than 750sqm. Further, the proposed building envelope is consistent with the design forms and proportions originally proposed within the KHA competition scheme.
	Design the lower levels of the tower fronting Alfred Street to address the pedestrian environment at George Street and Herald Square.	Stage 2	N/A
6.1.7 Parking and Vehicular Access	Vehicle and service entry points are to be consistent with Figure 6.16 Vehicular access.	Generally Consistent	Refer to Section 8.7 of EIS.
	Provide shared basement access between developments to minimise vehicular movements on lanes.	YES	The proposal includes one access point for the three former development sites, and two proposed buildings.
	Loadings docks are not permitted on George, Pitt or Alfred Streets or on the new public square frontage.	YES	Loading docks are proposed within the basement car park.
	Above ground parking is not permitted.	YES	No above ground parking is proposed.