

## Matrix of Public Submissions and Proponent Response

The following table provides a response to all of the matters raised from members of the public during the public exhibition of D/2015/1049/ SSD 15\_7101. In summary, the following issues are addressed:

<p><b>1. Support the Application</b></p> <p><b>2. Built Form – Generally</b></p> <p>2.1 <i>The proposal does not provide an appropriate built form</i></p> <p>2.2 <i>The proposal is a ‘wall of buildings’ along Alfred Street</i></p> <p>2.3 <i>The proposed Tower B has a different architectural language to Tower A</i></p> <p>2.4 <i>The whole site should be redesigned</i></p> <p>2.5 <i>The proposal diminishes vistas and views down narrow Sydney streets</i></p> <p>2.6 <i>Alternative schemes to consider – prepared by Hassell</i></p> <p><b>3. Impact on Properties to the South - Generally</b></p> <p>3.1 <i>The proposal blocks sun, light, and views to the properties for the south</i></p> <p>3.2 <i>Adverse impact on views and failure to achieve reasonable view sharing</i></p> <p>3.3 <i>The impact of properties to the south will make them less financially viable</i></p> <p>3.4 <i>The proposal will result in shadows on George Street</i></p> <p>3.5 <i>Council’s plans are being easily abandoned</i></p> <p><b>4. Classification as a ‘State Significant Hotel’</b></p> <p><b>5. Opportunity for a Tall, Iconic Tower</b></p> <p>5.1 <i>The ‘Three Tall Towers’ objective to be pursued</i></p> <p>5.2 <i>The applicant should pursue a taller, thinner tower</i></p> <p><b>6. Public Domain Benefits</b></p> <p>6.1 <i>The public domain works are being deferred</i></p> <p>6.2 <i>The public domain proposed is encumbered</i></p> <p>6.3 <i>The Wanda proposal will ‘erode’ the public benefits of nearby proposals</i></p> <p><b>7. Other Public Benefits</b></p> <p><b>8. Non-compliance with Provisions of the Sydney LEP 2012</b></p> <p>8.1 <i>Non-compliance with building height control – Does not provide ‘satisfactory distribution of built form’</i></p> <p>8.2 <i>The proposal does not apply to the whole of Block 3</i></p> <p>8.3 <i>Non-compliance with maximum FSR control</i></p> <p>8.4 <i>Requirement for design excellence</i></p> <p>8.5 <i>Non-compliance with the 24% requirement of clause 6.25(3)</i></p>	<p><b>9. Non-compliance with Provisions of the Sydney DCP 2012</b></p> <p>9.1 <i>Objectives of the APDG controls not achieved</i></p> <p>9.2 <i>Application of APDG controls</i></p> <p>9.3 <i>Application of other Sydney DCP 2012 controls</i></p> <p><b>10. Proposed Shared Basement Access with LLCQ</b></p> <p><b>11. Complexity of the Development Approval Process</b></p> <p>11.1 <i>The proposal ‘opts in’ and ‘opts out’ of controls</i></p> <p>11.2 <i>The planning approval process does not adhere to or respect the strategic planning undertaken to date</i></p> <p>11.3 <i>Concern regarding the level of consultation undertaken with the City of Sydney</i></p> <p>11.4 <i>There should be a comprehensive plan for the whole block</i></p> <p>11.5 <i>Implications for the Tower B design competition</i></p> <p><b>12. Statutory Approval for Tower A Amendment DA</b></p> <p>12.1 <i>This application should not rely upon the provisions of other development consents</i></p> <p>12.2 <i>The ‘Amending DA’ is not a stage 2 DA</i></p> <p>12.3 <i>The application is inconsistent with the Stage 1 Development Consent for D/2007/1384</i></p> <p>12.4 <i>The application is inconsistent with the Stage 1 Development Consent for Fairfax House</i></p> <p>12.5 <i>The amending DA cannot be approved before the Stage 1 SSDA</i></p> <p><b>13. Adequacy of the Clause 4.6 Statement</b></p> <p>13.1 <i>The Clause 4.6 is not ‘particular to the circumstances of the proposed development on this particular site’</i></p> <p>13.2 <i>There are not sufficient planning grounds to support the Clause 4.6 statement and the controls are not unreasonable or unnecessary</i></p> <p><b>14. SEPP 65 Failings</b></p> <p><b>15. General Failure of Application Specialist Reports to Address the SEARs</b></p> <p><b>16. Failings of Acoustic Assessment Reports</b></p> <p><b>17. Flooding Impacts</b></p> <p>17.1 <i>The proposal inadequately addresses potential for flooding and overland flow</i></p> <p><b>18. Hazardous Materials</b></p>	<p><b>19. BCA Compliance of Amended Southern Façade Alignment</b></p> <p><b>20. Notification</b></p> <p><b>21. Cumulative Impact</b></p> <p>21.1 <i>Cumulative impact cannot be considered in two separate applications</i></p> <p>21.2 <i>Cumulative impact in bulk and scale with other proposals</i></p> <p>21.3 <i>Specialist reports to consider cumulative impact</i></p> <p><b>22. Impact on Property Values</b></p> <p><b>23. Rights of Way / Easements</b></p> <p>23.1 <i>Existing rights of way benefiting adjoining land are not respected</i></p> <p>23.2 <i>Rugby Place will become inaccessible during the construction of the Wanda proposal</i></p> <p>23.3 <i>Use of Blue Anchor Lane</i></p> <p>23.4 <i>Ongoing use of the lanes should be negotiated with surrounding land owners</i></p> <p><b>24. Construction Impacts</b></p> <p>24.1 <i>Inadequacies of the CMP</i></p> <p>24.2 <i>Cumulative construction impacts</i></p> <p>24.3 <i>Impacts of hoardings</i></p> <p>24.4 <i>Adverse impacts due to extension of basement excavation south</i></p> <p>24.5 <i>Construction hours</i></p> <p>24.6 <i>Cranes over Jacksons on George</i></p> <p>24.7 <i>Construction Traffic Management Plan required</i></p> <p>24.8 <i>Conditions survey required</i></p> <p>24.9 <i>Additional construction management plans are required to adequately address existing conditions and potential impacts</i></p> <p>24.10 <i>Falling debris from construction</i></p> <p>24.11 <i>Air quality during construction</i></p> <p>24.12 <i>Dust impacts</i></p> <p><b>25. Design Impacts to Specific Sites</b></p> <p>25.1 <i>Impacts to Mirvac and AMP 200 George Street</i></p> <p>25.2 <i>Impacts to Proposed George Street Plaza</i></p> <p>25.3 <i>Impacts to Grosvenor Place</i></p> <p>25.4 <i>Impacts to Jacksons on George</i></p> <p>25.5 <i>Impacts to other surrounding buildings (including Cove Apartments)</i></p>
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SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<b>1 Support the Application</b>	
<ul style="list-style-type: none"> <li>▪ The proposed amendments to the previously approved DA for the site will substantially decrease the density of construction in the area and increase accessibility to the site with connecting public corridors and laneways through the precinct.</li> <li>▪ The proposed replacement of two smaller residential towers with a single 5-star hotel tower will substantially increase the mixed use nature of the precinct.</li> <li>▪ Research has shown Sydney and Australia needs more top quality hotel accommodation. Wanda is the world’s largest commercial property development company and its recent acquisitions are a great ‘vote of confidence’ in the Sydney and NSW economy.</li> <li>▪ These developments will be a significant boost to the city’s economy creating a significant number of construction jobs followed by long-term commercial and retail employment opportunities.</li> </ul>	Noted. No comment required.
<b>2 Built Form – Generally</b>	
<p><u>2.1 The proposal does not provide an appropriate built form</u></p> <p>AMP and MGS would like to see Wanda and Council undertake a first principles assessment of the existing built form and the surrounding towers to establish a built form outcome that is equitable and respectful of the other significant investment that is occurring within the block.</p>	Please refer to Section 3.1 within the Response to Submissions Report which outlines how the proposal responds to the APDG Precinct principles and objectives. Section 5 within the Response to Submissions Report outlines the amended development proposed in response to the submissions received. Among other matters, the amended development includes improvements to view sharing within the precinct, acknowledging the various land uses across the block and significant view opportunities within the precinct.
<p><u>2.2 The proposal is a ‘wall of buildings’ along Alfred Street</u></p> <ul style="list-style-type: none"> <li>▪ The approved and proposed development is a ‘wall’ of buildings across the northern end of the site. These buildings are proposed to be far wider than the current Gold Fields House.</li> <li>▪ The proposed development is far too wide for this prime harbour front site. It will act as a huge visual ‘curtain’ and block most of the morning sun and view corridors of many existing city buildings and negatively impact on many rate paying residents and</li> </ul>	<ul style="list-style-type: none"> <li>▪ The existing Gold Fields House Tower is approximately 55m wide. The proposal (at Levels 5 – 25) is 41.115m and 23.6m wide at Alfred Street, with the two northern facades having oblique offset alignments separated by an average 10m break within the centre of the site (minimum 12m at ground level), such that the proposal will provide a varied and articulated presentation to Alfred Street, reducing the existing ‘wall’ along Alfred Street.</li> <li>▪ The proponent does however acknowledge that this is a prime harbour front site and as such it is important</li> </ul>

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<p>property owners. Its massive wide size is architecturally predatory in nature and blocks many of our amenities by this latest request to creep in floor size beyond the Alfred, Pitt, Dalley and George Streets Precinct (APDG Precinct) control guidelines.</p>	<p>that the proposed built form is of a slender design that does not dominate the skyline or fully obstruct access through the site from Circular Quay and Alfred Street.</p> <ul style="list-style-type: none"> <li>▪ The proposal is not ‘architecturally predatory in nature’, having been consciously designed specifically to ensure that the towers are of a slender, vertical proportion, with an appropriate building separation, increased public domain dedication through the site, and an oblique orientation of the buildings at the ground floor.</li> </ul>
<p><u>2.3 The proposed Tower B has a differing architectural language to Tower A</u></p> <p>It is proposed that Tower B has increased height and bulk with a new design resulting in differing architectural language with no unity of design with Tower A, which this most important site deserves.</p>	<p>The relationship between the two towers has been noted as important by the Design Integrity Panel, the Design Advisory Panel, and the Public Art Advisory Panel who have all reviewed the application in the context of ensuring that the design integrity of the Kerry Hill Architects winning scheme for Tower A is maintained, despite the changes proposed to Tower B. The Competitive Design Alternatives Brief for Tower B will require the Competitors to address the relationship between their proposed scheme for Tower B and the approved design of Tower A.</p> <p>The proponent commits to ensuring that in the two buildings have a positive architectural relationship and share a common architectural language, positively contributing to the architectural character of Circular Quay.</p>
<p><u>2.4 The whole site should be redesigned</u></p> <ul style="list-style-type: none"> <li>▪ The whole site should be redesigned rather than taking one element of the previous design, as the site ownership in this precinct has undergone various changes since the original DA was granted.</li> <li>▪ We suggest that it may be more appropriate that a single comprehensive Stage 1 DA or DCP should be considered and determined before any design development applications are lodged or assessed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ This application is a single Stage 1 SSD Development Application which provides a built form envelope for the entire Block 3 plus the two additional lots which may form Block 3 as per Clause 6.25(7) of the SLEP 2012. Whilst it is acknowledged that a secondary detailed Amending DA has been lodged currently with this Stage 1 application, this does not undermine the capacity for this Stage 1 application to consider the site as a whole.</li> <li>▪ Delaying the lodgement of an amended DA for Tower A would not serve any positive purpose, and would simply prolong the approval process. It is noted that the Amending DA for Tower A cannot be approved until this Stage 1 Application is assessed and determined.</li> </ul>
<p><u>2.5 The proposal diminishes vistas and views down narrow Sydney streets</u></p> <p>Given the narrow streets in Sydney, any new building should be respectful to its neighbours so that established vistas, view lines and light are not needlessly diminished, degraded or destroyed.</p>	<p>The proponent has modified the proposed design to respond to the comments made during the exhibition period and as a result of consideration by the Design Integrity Panel and Design Advisory Panel as engaged by the City of Sydney Council. These changes expand the view corridors within and across the APDG Precinct.</p>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
	<p>The amended application is accompanied by view analysis along both George and Pitt Streets, demonstrating that the proposal does not have a significant adverse impact on the existing or approved views and sightlines down these prominent streets to Circular Quay.</p>
<p><u>2.6 Alternative schemes to consider – prepared by Hassell</u></p> <p>It is submitted that the floor space allowed for the site can be achieved through design changes that result in a more appropriate distribution of built form, improve solar access to existing and proposed public domain, achieve view sharing to a greater extent, provide a more appropriate street interface and relate in a more acceptable way to surrounding development.</p>	<p>The proponent acknowledges and has given careful consideration to the alternative schemes for the site as suggested by Hassell, on behalf of the owners of 200 George Street, and the Lend Lease Circular Quay (LLCQ) Tower site.</p> <p>Fundamentally we note that whilst the overall floor space may be able to be accommodated within a variety of different floor plate layouts, the alternative schemes do not appropriately respond to the fundamental driving factors of a hotel development, notably compared to a commercial floor plate. This is outlined in detail in Section 4 of the Response to Submissions Report. Further it is highlighted that the alternative schemes prepared by Hassell result in a relocation of much of the floor space to the podium, which will create an adverse impact to the extent of public domain capable of being dedicated to the City of Sydney, and the perception of building scale at the ground plane. The alternative schemes prepared by Hassell unduly favour the interests of private commercial buildings over the public domain.</p>
<p><b>3 Impacts on Properties to the South – Generally</b></p>	
<p><u>3.1 The proposal blocks sun, light, and views for properties to the south</u></p> <p>It is understood that the tall (Stage 2) building was allowed to be taller because the second building in the application was relatively low at 15 storeys, so that there was still some chance the buildings behind could have some share of sun and views. Now the building is proposed to be nearly twice as tall, to 25 stories, so that the block and the buildings behind will be denied sun, light, views for another hundred years.</p>	<p>The proposal does result in a larger floor plate and taller building than those approved within D/2010/2029 and D/2010/1533. This is largely driven by the additional floor area available from the incorporation of the former Fairfax and Rugby Club sites, and the functional requirements of a hotel operation (compared to the previously approved residential uses). Notwithstanding the increased floor plate, the shadow diagrams provided within the revised architectural package demonstrate that the buildings immediately to the south of the site will still achieve solar access and sunlight appropriate for their commercial functions. It is further noted that the revised development outlined in Section 5 of the Response to Submissions Report has reduced the Tower B floor plate by 13.7%, significantly improving amenity of properties to the south.</p>
<p><u>3.2 Adverse impact on views and failure to achieve reasonable view sharing</u></p> <p>The Stage 1 SSDA proposes a Tower B that is double the height of the Tower B previously approved in the Stage 2 Consent (55m). This will necessarily increase the view impacts of</p>	<p>Please refer to Section 3.4 of the Response to Submissions Report which outlines the proponent’s approach to view sharing. Fundamentally, in view of the applicable planning controls we question the submitters assertion</p>

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<p>Tower B. In matters concerning impacts on views, the relevant authority is the assessment process described in the Planning Principle on view sharing published in <i>Tenacity Consulting v Warringah Shire Council [2004] NSWLEC 140</i>. In applying the Planning Principle in Tenacity, the following observations may be made:</p> <ul style="list-style-type: none"> <li>a. <i>The views that will be affected by the proposed changes to the design of Tower A and Tower B are iconic and panoramic views of Sydney Harbour which encompass the Opera House and the Harbour Bridge, amongst other things. The value to be attributed to those views necessarily aligns with their iconic and panoramic nature.</i></li> <li>b. <i>The affected views will be enjoyed from other buildings in the APDG block including the Mirvac Building and the proposed LLCQ building as well as from further afield. It is reasonable to expect that such views will be protected and a reasonable approach taken to view sharing.</i></li> <li>c. <i>The extent of the impact of the change to the design of Towers A and B on views will be severe given the iconic nature of the views that will be impacted.</i></li> </ul>	<p>that it is 'reasonable' that 'such views' will be protected, and further we submit that whilst the views impacted are iconic, a reasonable sharing of the views will be achieved within the precinct, despite the increase in height and floor plate of Tower B in place of the approved 55m Tower, Fairfax Tower, and Rugby Place site potential.</p>
<p><u>3.3 The impact of properties to the south will make them less financially viable</u></p> <p>Allowing yet more of the aspect to the north to be blocked by permitting Wanda to nearly double the height of the 'smaller' building will have a very negative impact on the developments to the south (being Mirvac 200 George Street and Lend Lease proposal). It will make them less financially viable and therefore less likely to be of the quality and significance to make a dramatic contribution to Sydney.</p>	<p>The financial feasibility of potential developments to the south of the site is not a relevant planning consideration. The impact the proposal will have on the potential views from properties to the site is addressed in detail within Section 3.4 of the Response to Submissions Report. This section highlights the extent of both the Mirvac 200 George Street and LLCQ Tower floor plate that will be impacted by reduced views.</p>
<p><u>3.4 The proposal will result in shadows on George Street</u></p> <p>The erection of two towers of 58 and 26 storeys at 1 Alfred Street will cast significant shadows across the vicinity of George Street.</p>	<p>As illustrated within the shadow diagrams attached to the revised proposal, the development will have a negligible increase in shadows on George Street compared to that approved.</p>
<p><u>3.5 Council's plans are being easily abandoned</u></p> <p>The developer appears to have given no consideration to the effect of its plans on the proposed developments, or the Council's objectives, to the south.</p>	<p>The proposal is a direct response to Council's objectives for the APDG Precinct, and more widely the objectives of Sydney 2030, Sydney City Centre Access Strategy, Draft Visitor Accommodation Action Plan 2014 and importantly A Plan for Growing Sydney 2031. The proposal is generally compliant with the built form controls of</p>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
	<p>the SLEP 2012 for the site, including the maximum height and FSR controls, with which the proposal is entirely compliant. Notwithstanding that as 'State Significant Development' the application is not required to be consistent with the DCP controls for the site; the proponent has sought to ensure that the primary DCP objectives for the precinct respected, without undermining the function or feasibility of the hotel development. This is further outlined in Section 3.1 of the Response to Submissions Report.</p>
<p><b>4 Classification as a 'State Significant Hotel'</b></p>	
<p>Since Wanda is clearly prepared to change the Stage 2 taller building, the hotel could be located in this building.</p>	<p>As State Significant Development the proposal is not required to be consistent with the DCP controls for the site, but must respect those of the SLEP 2012. The suggestion that the two proposed buildings are combined into one, very tall slender tower would significantly depart from the height standard of SLEP 2012 and as such has not been pursued.</p>
<p><b>5 Opportunity for a Tall, Iconic Tower</b></p>	
<p><u>5.1 The 'three tall towers' objective should be pursued</u> To help achieve the original Council planning objective of having 'three significant tall towers' on the site, to enliven the areas to the south, and to let sun and views in to those 'behind' Council should enforce the 'three tall towers' approach.</p>	<p>Please refer to Section 3.1 of the Response to Submissions which outlines how the proposal responds to the principles and objectives of the APDG Precinct, including the original concept of 'three tall towers'. While the proposal increases the height of approved Tower B, the increased height does not exceed 110 metres, and is therefore not a 'tall tower' in the context of the APDG precinct or Sydney CBD Skyline.</p>
<p><u>5.2 The applicant should pursue a taller, thinner tower</u></p> <ul style="list-style-type: none"> <li>▪ Residents seek a proposal for a taller, thinner tower that might achieve similar floor space at less cost to local amenity. This would also allow the proposed plaza to have enhanced sun and outlooks. Any extra height would have a minor impact. Any extra shadowing would move fast. Any impacts on views would affect relatively few, relatively little.</li> <li>▪ A tall building on the site is required, but it should not extend further west than the existing building. This results in overshadowing and significant loss of views from other buildings.</li> <li>▪ To facilitate a narrower building at the northern, harbour, primary view end of the APDG block, the following suggestion was made: <i>'A meeting was held at Cove Apartments on September 1 at the request of</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ The suggestion that the two proposed buildings be combined into one, very tall slender tower would involve radical departure from the standards of the SLEP 2012 and as such has not been pursued.</li> <li>▪ The proposal does not extend any further west than the previously approved development on the site. This setback and any impacts that this form produced was assessed and considered appropriate under D/2010/2029. Notably this assessment found that this form did not result in significant loss of views or sunlight from surrounding buildings.</li> <li>▪ A meeting was held between the proponent and various owners and residents of the Cove Apartment on 1 September 2015 regarding this application. This meeting formed part of the ongoing commitment of the proponent to engage in dialogue with surrounding land owners. The feedback from the owners and residents of the Cove Apartments was noted as part of this consultation, and concerns were heard and noted. However, while suggestions such as providing one tower beyond the SLEP 2012 height controls</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p><i>Wanda. Many owners and residents affected by the development attended. For many, the issue was the loss of views from their apartments. At this point it is necessary to explain that Cove residents and the Cove Body Corporate have presented letters and submissions to the three previous proposals for the Gold Fields House site. It is understood that all these submissions have been, and are still being, ignored. Also it needs to be pointed out that no Cove owners of the Body Corporate were informed about the last two DA applications despite our involvement and loss of amenity. At the meeting Cove owners made the suggestion that a good outcome for the site could be achieved by 'putting one of the proposed buildings on top of the other'. In other words, allowing the developer to build a taller, slimmer tower on this very significant site.'</i></p>	<p>may address the specific concerns of residents of the Cove Apartments, it would also create a range of other impacts, most notably upon properties to the south, whilst ignoring the applicable planning controls. The revised proposal represents a compromise between the interests of adjoining landowners to the south, and those to the west, within the context of the existing planning controls.</p>
<p><b>6 Public Domain Benefits</b></p>	
<p><u>6.1 The public domain works are being deferred</u></p> <ul style="list-style-type: none"> <li>▪ If Council approve the Stage 1 DA for Tower A, then the applicant could commence construction and occupation of that building. If this is the case, the majority of the public domain works would not be built as part of this stage.</li> <li>▪ We do not see how one of the key recommendations of the Council's Planning Report to the CSPC for "additional heights above those currently permitted by Sydney LEP 1995 could be accommodated on certain sites within this block, in exchange for quantifiable public domain improvements" can occur when the application defers the public domain works in this DA, particularly when the applicant is seeking a Clause 4.6 variation to vary a clause related to height.</li> </ul>	<ul style="list-style-type: none"> <li>▪ In response to this submission, the proposed staging plan included in Figure 27 of the original EIS is proposed to be amended to provide an enlarged public domain curtilage around Tower A. This revised curtilage is provided within the architectural plans included at <b>Appendix C</b> of this Response to Submissions Report.</li> <li>▪ Regardless, the VPA to this Stage 1SSD Development Application will commit the proponent to the provision of the public benefits of the application, such as public domain works, prior to the occupation of either building. As such whilst the delivery of the final public domain works will not be complete until the final construction of both buildings, the proponent must satisfy the provisions of the VPA prior to the occupation of either building.</li> <li>▪ Further, the revised staging plan confirms that the land to be dedicated for roads and footpaths around Tower A will be guaranteed within that application (D/2015/882), confirming that the additional height of Tower A is delivered concurrently with public domain works.</li> </ul>
<p><u>6.2 The public domain proposed is encumbered</u></p> <p>The proposed development seeks a 15% increase in the footprint of Tower A, a 96% increase in the height of Tower B and a 36% increase in the footprint of Tower B. In</p>	<p>The revised Public Benefit Offer confirms that the proposal will not only increase the total value of public art contributions for the development, but it will also increase the land either dedicated to Council or otherwise</p>

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<p>exchange for this, the application purports to provide an additional 273 square metres of public domain. However this involves approximately 184sqm of land that is affected by rights of way for access and thus is already available for access. There is no suggestion in the applicant’s proposed changes to the VPA that these rights would be acquired or extinguished and granted in favour of Council.</p>	<p>encumbered for the purpose of public access. Specifically this application will:</p> <ul style="list-style-type: none"> <li>▪ Amend Schedule 1 of the existing Planning Agreement to reflect an increase in Dedicated Land - Land for Roads. The area of dedicated land for the purpose of roads is to be increased from 182sqm to 400sqm.</li> <li>▪ Amend Schedule 6 of the Planning Agreement to reflect an increased area of land for public access – Proposed Instrument Right of Footway and Recreation. The area of encumbered land for the purposes of Right of Footway and Recreation is to be increased from 585sqm to 719sqm.</li> </ul>
<p><u>6.3 The Wanda proposal will ‘erode’ the public benefits of nearby proposals – generally</u></p> <p>The Wanda proposal in fact results in an “erosion” of the public benefit within the APDG block created by the Mirvac (200 George) and LLCQ proposals. It is submitted that the Wanda proposed public benefit is questionable and that erosion of public benefit created by others should not be accepted.</p>	<p>The proposal will not result in an ‘erosion’ of the public benefits created by Mirvac (200 George) and the LLCQ proposals. The only adverse impacts of the proposal on these developments involves a negligible overshadowing impact of the public domain and view loss to the private commercial floor space of these projects . These issues are outlined in detail within the Response to Submissions Report. Fundamentally the proposal will result in a positive impact to the APDG Block by providing introducing hotel and retail uses that will contribute to the character and activation of the precinct.</p>
<p><b>7 Other Public Benefits</b></p>	
<ul style="list-style-type: none"> <li>▪ The consent authority should exercise caution to ensure that the development does not retain the considerable benefits of the current consent for D/2010/2029 whilst surrendering the burdens (including significant public domain improvements and design excellence).</li> <li>▪ My primary objection is to the increased height of the building. I do not see where there is any benefit to the City of Sydney to increase the height of the proposed development.</li> <li>▪ There is a lack of adequate public benefits from non-compliance with existing controls.</li> <li>▪ Additional height and floor space was granted to the developer on the basis of increased public benefit. What public benefit? A gap between the buildings?</li> </ul>	<ul style="list-style-type: none"> <li>▪ The proposal does not surrender the ‘burden’ of providing public benefits as a result of the development. As highlighted elsewhere the proposal will result in an increase in the land to be dedicated or encumbered for the benefit of public access across the site.</li> <li>▪ While the height of Tower B is increased, this is required to facilitate the inclusion of the floor space potential of the former Fairfax and Rugby Club sites, and to include a significant component of hotel and retail use, while expanding the area previously agreed to be dedicated to Council.</li> <li>▪ To clarify, the only non-compliance this application has with the relevant planning controls is a minor floor plate increase to Tower A. For this ‘non-compliance’ the application is supported by a Clause 4.6 Statement. It is emphasised that this Stage 1 Application increases the amount and quality of land to be dedicated or encumbered for public access compared to the development originally approved, and further, the value of public benefit works outlined within the VPA has increased since the original application. So when comparing the benefit the developer receives for a minor non-compliance with the floorplate size standard, the additional public benefit is considerable.</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<b>8 Non-Compliance with Provisions of the Sydney Local Environmental Plan 2012</b>	
<p><u>8.1 Non-compliance with building height and floor plate control – Does not provide ‘satisfactory distribution of built form’</u></p> <ul style="list-style-type: none"> <li>▪ It is submitted that the proposed development does not comply with the requirements of Clause 6.25 of the Sydney LEP 2012 and thus is not eligible for the additional height allowed by Clause 6.25 (185m over 24% of Block 3).</li> <li>▪ The development does not achieve a satisfactory distribution of built form and floor space development as required under Clause 6.25 for the following reasons: <ul style="list-style-type: none"> <li>a. The proposed built form and floor space bears no relationship to: <ul style="list-style-type: none"> <li>i. Any Stage 1 consent applying to the site;</li> <li>ii. The outcome of the UDS to guide the preparation of the APDG controls;</li> <li>iii. Any competitive design competition winning entry; and</li> <li>iv. The APDG controls for the site as reflected in the Sydney DCP 2012.</li> </ul> </li> <li>b. The proposed built form results in significant adverse impacts on the existing and proposed public domain from overshadowing of the proposed George Street plaza of the LLCQ proposal and laneways in the mornings between late September and late March.</li> <li>c. The development does not provide adequate tower separation with 7.19 metres separating Towers A and B (as per the indicative scheme) as perceived from the important Circular Quay view points, and 9.6 metres to the proposed LLCQ tower to the south over a larger floor plate;</li> <li>d. The development does not provide adequate boundary setbacks with the setback from the southern boundary on George Street being 1.91 metres; and</li> <li>e. The development does not allow reasonable view sharing for existing and potential towers on the APDG block.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ With regard to the four matters raised in subsection (a) of the submission, the proposal is for a new Stage 1 application, this will refine the UDS for the APDG controls to accommodate consolidation of the site to include the Rugby Club and Fairfax sites; Tower B will be subject to a new competitive design alternatives process, and due to the State Significance of the application it is not required to be compliant with the provisions of the SDCP 2012.</li> <li>▪ Further the application does comply with the requirements of Clause 6.25 of the SLEP 2012 for the following reasons: <p><i>6.25(1) The objective of this clause is to provide for additional building height on parts of certain sites (within the area bounded by Alfred Street, Pitt Street, Dalley Street and George Street (known as the “APDG block”) if the development of the site provides for publicly accessible open space, lanes and other links through the site.</i></p> <p><u>Response:</u> The development does provide for publicly accessible open space, lanes and other links through the site. There can be no doubt that this application provides these public benefits when the application improves and provides additional land for these purposes compared to a development previously approved on the site.</p> <p><i>6.25(2) This clause applies to land within Area 4 on the Height of Buildings Map.</i></p> <p><u>Response:</u> The site applies to land within Area 4 of the Height of Buildings Map. This cannot be disputed.</p> <p><i>6.25(3) Despite clause 4.3, development consent may be granted to the erection of a building with a maximum height of:</i></p> <ul style="list-style-type: none"> <li>(a) 200 metres on up to 33% of the area of block 1, or</li> <li>(b) 155 metres on up to 42% of the area of block 2, or</li> <li>(c) 185 metres on up to 24% of the area of block 3.</li> </ul> <p><u>Response:</u> Based on the definition of block 3 provided within clause 6.25(7), the application does comply with Clause 6.25(3) as Tower A, which is a maximum 185m in height is only 18.2% of the block 3 site area.</p> </li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<ul style="list-style-type: none"> <li>We note that the 185m building (Tower A) under Clause 6.25(3)(b) must not be granted consent unless the CSPC is satisfied that the development ‘provides a satisfactory distribution of building form’ in accordance with Clause 6.25(4)(c). In this regard, we consider that compliance with the APDG DCP would ‘provide a satisfactory building form’.</li> </ul>	<p>Despite this, and due to a structure of the applications, a Clause 4.6 Statement has been lodged based on a non-compliance with the above control where block 3 is defined purely under Clause 6.25(8). As demonstrated within that Clause 4.6 Statement, the benefits of the proposal demonstrate that compliance with the 24% floor plate control (by providing a 26.5% floor plate) is unreasonable and unnecessary.</p> <p><i>6.25(4) Development consent must not be granted under this clause unless the consent authority is satisfied that the development will:</i></p> <p><i>(a) include recreation areas and lanes and roads through the site, and</i></p> <p><i>(b) include business premises and retail premises that have frontages at ground level (finished) to those recreation areas, lanes and roads, and</i></p> <p><i>(c) provide a satisfactory distribution of built form and floor space development.</i></p> <p><u>Response:</u> As outlined above, the proposal does include recreation areas, lanes, and roads through the site. This cannot be disputed. The proposal also provides business and retail premises that have frontages at ground level to those recreation areas, lanes and roads, notably activating the proposed North-South through-site link, Rugby Place, and the expanded Herald Square. Finally the proposal must also demonstrate, to the satisfaction of the consent authority, that it provides a satisfactory distribution of built form and floor space development. Determining a satisfactory distribution of built form and floor space requires detailed consideration based on, in our opinion, a number of factors including, building separation, overshadowing, urban design, view corridors to and from the public domain and sensitive land uses, and amenity concerns such as acoustic and visual privacy. This is outlined in detail in the Response to Submissions Report. Fundamentally however, in response to the specific submission, we note that whilst compliance with the APDG DCP would ‘provide a satisfactory building form’; it is by no means the only way that this could be achieved. This is demonstrated even more clearly when considering that the LLCQ Tower is seeking to amend the controls, to achieve a different satisfactory building form. As such, whilst we acknowledge that the proposal may not be the only form which would satisfy this clause, significant testing has demonstrated that the proposed form is required to accommodate a feasible World Class Hotel on the site, complying with the maximum height and FSR controls, and resulting in an appropriate interface with surrounding buildings.</p> <p><i>6.25(5) Development consent must not be granted under this clause in relation to development on land in block 1, 2 or 3 unless the consent authority is satisfied that the development relates to the</i></p>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
	<p><i>whole of the block and, except as otherwise provided by this clause, no other land.</i></p> <p><u>Response:</u> Compliance with Clause 6.25(5) has been raised elsewhere and the proposal's compliance with application is outlined in Section 8.2 below. The intent of this subclause is clearly to consolidate the APDG into larger sites. While not required, the consolidation of the Rugby Club and Fairfax properties into the site is consistent with this objective, and resolves the uncertainty that otherwise applies to these smaller sites.</p> <ul style="list-style-type: none"> <li>Therefore as outlined above, and in the various supporting sections of the Response to Submissions Report, it is clear that the proposal complies with the requirements of Clause 6.25 of the SLEP 2012 and is therefore eligible for a single tower up to a height of 185m, despite any other development proposed on the site.</li> </ul>
<p><u>8.2 The proposal does not apply to the whole of Block 3</u></p> <ul style="list-style-type: none"> <li>Clause 6.25(5) provides that development consent must not be granted under this clause in relation to development on land in Blocks 1, 2 or 3 unless the consent authority is satisfied that the development relates to the whole of the block and, except as otherwise provided by this clause, no other land. The SSDA does not comply with Clause 6.25 of the Sydney LEP 2012 because it does not truly relate to the whole of Block 3 as it does not properly assess the impacts of Tower A. As the provisions of Clause 6.25 are not met, the maximum building height is 110 metres under Clause 4.3.</li> <li>The inclusion of the Rugby Club and the Fairfax sites with Block 3 is an option the applicant had the choice of taking up or not. The alternative of including these sites with Block 1 instead would enable the maximum floor space to have been achieved in a commercial tower on Block 1.</li> <li>The Amending DA seeks approval to excise Tower B, the basement car park and the public domain works from the existing development approval so they no longer form part of the development under consideration. As such, the development relates only to Tower A which is located on part Lot 1 DP217877 and part Lot 1 DP220830. The proposed development no longer relates to the whole of block. We are concerned that the Statement of Environmental Effects (SEE) does not adequately address how the proposed development satisfies Clause 6.25(5) of the Sydney LEP 2015. We encourage Council to consider whether the Amending DA relates to the whole of Block</li> </ul>	<ul style="list-style-type: none"> <li>This Stage 1 SSD Development Application does apply to the whole of block 3. This application does not apply to only part of 1 Alfred Street. This application specifically applies to four development lots, as outlined in Clause 6.25(7) and 6.25(8), including the entirety of 1 Alfred Street.</li> <li>As this application was lodged and exhibited concurrently with the Amending DA for Tower A, the comments raised suggesting that the application does not relate to the whole of block 3 may be referring to the Amending DA for Tower A (D/2015/882), which seeks to excise Tower B from the existing Stage 2 development consent. This Stage 1 DA relates to the whole of the land. It is anticipated that the construction and operation of a revised Tower A (D/2015/882) will be connected by the conditions of consent to the development of a future Tower B and revised basement.</li> <li>It is noted that Lot 180, DP606866 and Lot 1, DP537286 may have also been eligible within block 1, and the submission prepared by BBC asserts that despite Clause 6.25(7), the control for the maximum floor plate of the tower (24% of block 3) excludes the area given by the optional sites 'A' and 'B'. We do not agree that this is the intent of this clause as it would act as a dis-incentivise buildings of less than 110m on the optional sites (resulting in a 110m tall tower on potentially a consolidated Lot 180, DP606866 and Lot 1, DP537286 – resulting in significant view and amenity concerns for the property immediately to the south). Despite this disagreement, this application is already supported by a Clause 4.6 Statement regarding the proposed footprint of Tower A against a 24% control on just block 3, as defined by Clause 6.25(8).</li> <li>As outlined above, the Amending DA does relate to the whole of block 3, and now with the revision of the line delineating the two towers at ground level, will also include the delivery of the public domain works</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>3.</p>	<p>(specifically as they were approved) immediately around Tower A. This is also clear within this SSD Development Application which will order a Stage 1 concept for the whole of block 3 plus two optional sites, which subsequent detailed design Development Applications must remain consistent. As such we consider that this Stage 1 application assesses the impact of the whole development across block 3, and as the Amending DA must be determined subsequent to the assessment and determination of this Stage 1 SSD Development Application, the impacts of an enlarged Tower A would have already been considered in the context of the whole site.</p>
<p><u>8.3 Non-compliance with maximum floor space ratio (FSR) control</u></p> <p>Clubs, function centres and nightclubs are not eligible for accommodation floor space bonus.</p>	<p>As made clear on page 57 of the EIS lodged with this application, the proposed development did not suggest or rely upon an accommodation floor space bonus for the registered club, referring only to a base FSR of 8:1. Regardless, this element of the proposal has since been removed within the amended development outlined in Section 5 of the Response to Submissions. With regards to the function centre use, this use (a ballroom) is an ancillary part of the hotel development, and the FSR for this ballroom has been calculated within the overall floor space for the hotel. The proposed ballroom does not constitute a separate use to the proposed hotel, as and it will be managed as part of the hotel in the conventional manner of the ballrooms within most of the 5 star hotels existing in Sydney. In view of the above, we do not object to the removal of 'function centre' as an approved use if the consent is otherwise explicit that the ballroom element of the hotel is approved.</p>
<p><u>8.4 Requirement for design excellence</u></p> <ul style="list-style-type: none"> <li>▪ The application does not propose a competitive design process as required by the provisions of the Sydney LEP controls. The application proposes to adopt the previous competitive design process undertaken for the Stage 2 Consent for Tower A and commits to a separate competitive design process for Tower B. This cherry picking approach is not consistent with the provisions of the Sydney LEP 2012.</li> <li>▪ In this regard, the competitive design process that supported the approval of the Stage 2 DA cannot be relied upon because the development proposed is substantially different from the winning entry.</li> <li>▪ Although Kerry Hill Architects (KHA) previously won the design competition for an earlier design scheme, this does not overcome the current requirement for design excellence or the requirement for a new design competition in accordance with Clause 6.21(5) of the Sydney LEP 2012.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The proponent confirms that a second Competitive Design Alternatives Process will be required to determine the design for Tower B, as this element of the development is substantially different from the KHA winning scheme for 1 Alfred Street. Despite this, as part of the assessment of this development application, a Design Integrity Panel, convened by the City of Sydney has assessed the amendments to Tower A and determined that the design integrity of this building is maintained, despite the 'excise' of Tower B from the application. It is further acknowledged that the Competitive Design Alternatives Brief must outline to the future Competitors of this process that the design of Tower B must consider and provide a relationship with the approved Tower A design, to the satisfaction of the Selection Panel.</li> <li>▪ Despite a Competitive Design Alternatives Process being undertaken previously for the site and part of the winning scheme is to be maintained, this does not fetter the consent authority from requiring a second design competition for the aspects of the development not being pursued by the new land owner.</li> <li>▪ While the modifications proposed to Tower A are generally within the scope of a Section 96(2) Modification</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<ul style="list-style-type: none"> <li>▪ The SEE for the Amending DA states that the development is lodged as an amending development application as the proposed amendments do not result in substantially the same development as originally approved (as is required for a Section 96 modification application). If the development is not considered to be substantially the same as the originally approved development, it follows that a fresh competitive design process would be required to be undertaken (in accordance with Clause 6.21 of Sydney LEP 2012).</li> <li>▪ Given the extent of the changes for 1 Alfred Street, a Design Integrity Assessment (DIA) ought to be prepared to ensure that the proposal is equivalent to, or an improvement upon, the design excellence qualities of the KHA winning competition scheme (as required by City of Sydney Competitive Design Policy cl 5.1).</li> <li>▪ The SSD DA plans should be amended to remove the bonus 10% design excellence FSR.</li> </ul>	<p>Application, the excising of Tower B and the basement approved in D/2010/2029 arguably result in the modifications failing the ‘substantially the same development’ test of Section 96(2). However, as the modifications proposed to the design of Tower A itself are essentially a refinement of the proposed design it is not necessary to recommence the entire approval strategy. The approval of an ‘amending DA’ in such circumstances is an approval path that has been employed by the City of Sydney in similar circumstances, and is an appropriate mechanism in the current circumstances.</p> <ul style="list-style-type: none"> <li>▪ The suggestion that a DIA ought to be prepared is noted, and it is reiterated that this has occurred via the Design Integrity Panel process, convened by the City of Sydney, as part of the assessment of this development application.</li> <li>▪ As typical with other Stage 1 development applications, the building envelopes proposed identify the footprint that would be achieved should design excellence not be achieved or determined as part of the Competitive Design Alternative Processes for the site. Specifically the building envelopes show an area at the southern portion of Tower B at Levels 5-24 that would not be built should design excellence not be achieved (shown hatched on the building envelope plans). This is an appropriate approach as excluding a maximum 10% of floor space from the Stage 1 building envelopes would not consider the total amount of floor space that may be achievable within a subsequent development application for the site, and therefore the full extent of potential impacts resulting from the development would not have been considered and assessed by the consent authority.</li> </ul>
<p><u>8.5 Non-compliance with the 24% requirement of Clause 6.25(3)</u></p> <ul style="list-style-type: none"> <li>▪ The tower footprints are fixed for all development blocks (Block 1, Block 2 and Block 3) with or without the optional sites, in order to ensure the size of the towers are known with some certainty. If it was the intention of the instrument to allow the tower footprint to be flexible and increase with the size of a development site, it would have specifically included a provision for this to happen. It is not acceptable to argue for a variation to the standard because the development site includes optional sites.</li> </ul>	<ul style="list-style-type: none"> <li>▪ We do not agree that this is the intent of this clause as the suggestion by BBC would dis-incentivise anyone from building less than 110m on the optional sites (resulting in a 110m tall tower on potentially a consolidated Lot 180, DP606866 and Lot 1, DP537286 – resulting in significant view and amenity concerns for the property immediately to the south). Despite this disagreement, this application is already supported by a Clause 4.6 Statement regarding the proposed footprint of Tower A against a 24% control on just block 3, as defined by Clause 6.25(8).</li> <li>▪ The revised Clause 4.6 Statement does not rely on the options sites as justification for a variation to the standard, as other benefits are gained from non-compliance with this standard. Please refer to the revised Clause 4.6 Statement for further detail.</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<b>9 Non-Compliance with Provisions of the Sydney Development Control Plan 2012</b>	
<p><u>9.1 Objectives of the Alfred, Pitt, Dalley and George Streets Precinct (APDG Precinct) controls not achieved</u></p> <ul style="list-style-type: none"> <li>▪ We are concerned that the application may be interpreting the planning controls in a manner that is contrary to the Council's APDG objectives which is resulting in uncertainty for the neighbouring landowners who have an expectation that development would occur in an orderly manner. As such we encourage Council to consider the planning implications of the Stage 1 DA with reference to the built form location and uses that are under construction, approved or under ongoing assessment.</li> <li>▪ Contrary to the spirit and intention of the controls, the proposed development: <ul style="list-style-type: none"> <li>a. results in tower crowding particularly when viewed from Circular Quay and the harbour;</li> <li>b. provides a short, wide tower to Pitt and Alfred Streets;</li> <li>c. provides no significant additional public domain improvements for the additional height sought;</li> <li>d. does not allow sunlight into the middle of the APDG block;</li> <li>e. does not allow view sharing between towers;</li> <li>f. does not relate to adjacent buildings on Pitt Street (existing or proposed) in terms of setbacks and street frontage height; and</li> <li>g. incorporates colonnades which are discouraged.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Please refer to Section 3.1 of the Response to Submissions which details how the proposed development responds to the APDG Principles and objectives for development in the precinct.</li> <li>▪ The approved scheme for the site has fundamentally informed the evolution of Council's controls for the APDG precinct. The conversion of a proportion of the approved floor space into a world class hotel constitutes 'state significant development' that will address an identified shortfall of such facilities in the City of Sydney and the amalgamation of the Rugby Club and Fairfax properties into the site provides for a co-ordinated resolution of the uncertain provisions existing for these sites.</li> <li>▪ With regards to the specific issues identified within this submission, we provide the following response: <ul style="list-style-type: none"> <li>a) Tower crowding is considered in detail in Section 3.2 of the Response to Submissions Report.</li> <li>b) The revised building envelope proposed for Tower B results in a tower with a maximum width of 22.6m at Alfred Street and 37.8m at Pitt Street above Level 5. This floor plate of 855sqm is very slender compared to other towers within the Sydney CBD and complies with the general DCP controls for tower dimensions (Clause 5.1.5.2 SDCP 2012).</li> <li>c) 'Additional' height is not sought. The proposal complies with the maximum height controls for the site. Despite this, the proposal does provide increased public domain improvements compared to previously approved development on the site. This is detailed in Section 3.6 of the Response to Submissions Report.</li> <li>d) Overshadowing is addressed within Section 3.5 of the Response to Submissions Report.</li> <li>e) View sharing is addressed within Section 3.4 of the Response to Submissions Report.</li> <li>f) Setbacks and street frontage heights have been amended in response to the submissions received. The revised setbacks and street frontage heights are addressed within Section 6 of the Response to Submissions Report.</li> <li>g) The proposal does include colonnades within Tower B. However this was previously approved on the Pitt Street frontage and is required to ensure an appropriate ground floor entrance for a hotel</li> </ul> </li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
	<p>(including space for car drop-off and guests with luggage). While discouraged for commercial and residential buildings, this is a functional requirement for a hotel accommodating functions that will assist in ensuring the Pitt Street footpath is not unreasonably impacted by guests to the development.</p>
<p><u>9.2 Application of APDG controls</u></p> <ul style="list-style-type: none"> <li>▪ It is noted that the applicant defers to the APDG controls in the Sydney DCP 2012, including Figure 6.16 of the Sydney DCP 2012 (the Kerry Hill scheme figure). The controls reflected in this diagram do not apply to this application because the development does not retain the design integrity of the KHA scheme winning entry.</li> <li>▪ The proposed development is not consistent with the winning entry or Figure 6.16 of the Sydney DCP 2012 and therefore the envelope controls contained in Figure 6.16 do not apply. It is not correct to assert that the DCP envelopes directly adopt the built form of the Stage 2 DA because this only applies to a development that is the same as the Kerry Hill scheme.</li> <li>▪ The application envisages non-compliance with key APDG controls in the Sydney LEP 2012 and Sydney DCP 2012 so as to achieve the maximum FSR permitted under the LEP for the particular land to which the application relates. This does not justify abandonment of the controls. The inclusion of the Rugby Club and Fairfax are only options and are not required by the controls. If the optional sites were not included in the development site, the allowable FSR could be achieved. Further, if the optional sites were included within Block 1, the size of the tower footprint on Block 1 would not increase and in all likelihood the maximum FSR for that combined site would be achieved.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Figure 6.16 of the SDCP 2012 does show the KHA winning design for 1 Alfred Street. The application however does not 'defer' to this control. Fundamentally the proposal includes a minor amendment to the KHA winning design for Tower A. These amendments have been considered by the Design Integrity Panel, are supported by KHA the winning architect, and are relevant to be read in the context of Figure 6.16. The design of Tower B however does not relate to this diagram as it does not form part of the KHA winning scheme, and this application does not suggest this is the case.</li> <li>▪ As outlined elsewhere, the non-compliance with all SLEP 2012 controls is disputed, however if it were accepted that Clause 6.25(3) only relates to block 3 as defined by Clause 6.25(8) only, then the only non-compliance this application has with the relevant SLEP 2012 controls is for a 26.5% floor plate (compared to 24%). This singular minor non-compliance cannot reasonably be described as 'abandonment of the controls'.</li> <li>▪ With regards to the DCP provisions, as outlined elsewhere, as 'state significant development', the application is not required to comply with the SDCP 2012 provisions. Despite this, the application has sought to address and comply with relevant building form controls such as setbacks, tower footprints, street wall heights, active frontages and access arrangements.</li> <li>▪ If the Rugby Club and Fairfax sites were not included within the site, which is correctly pointed out is 'optional', development could be proposed on these lots to a height of 110m, as has previously been approved on the Fairfax site. The incorporation of these properties into the proposed development resolves their development in a more co-ordinated manner than that which is inadvertently encouraged by the APDG controls.</li> </ul>
<p><u>9.3 Application of other Sydney Development Control Plan 2012 controls</u></p> <ul style="list-style-type: none"> <li>▪ The proposal does not comply with the maximum height in metres as shown on Figure 6.10 Alternative Heights in relation to the height of Tower B and the setback from</li> </ul>	<ul style="list-style-type: none"> <li>▪ As outlined elsewhere, as 'State Significant Development' this application is not required to comply with the SDCP 2012 controls. Despite this, the application has sought to conform where appropriate, and the following responses are provided to the specific matters raised by the submissions:</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>Circular Quay of Tower A. Building envelopes are not in accordance with Figure 6.10 Alternative Heights.</p> <ul style="list-style-type: none"> <li>▪ The proposal does not limit the number of buildings above 75 metres.</li> <li>▪ The proposal does not meet the minimum frontage height requirements for George or Pitt Streets.</li> <li>▪ The proposal does not meet the width of elevation above podium control.</li> <li>▪ The proposal is not built to the street and public domain edge, particularly on Pitt Street.</li> <li>▪ The minimum setback for a wall with openings of 3 metres is not met on the southern wall of Tower A whereas the setback provided is 2.86 metres (with balconies setback some 2.25 metres and some parts of the building setback some 1.91 metres).</li> </ul>	<ul style="list-style-type: none"> <li>• Tower B does not comply with the maximum height in metres provision within the SDCP 2012 as the proposal utilises the available floor space from all four allotments to result in two tower forms, which both comply with the maximum height requirements of the SLEP 2012.</li> <li>• The proposal does include two towers taller than 75m on the site. Whilst this is inconsistent with the provisions of the SDCP 2012, it is consistent with the built form previously approved on the site which included two towers taller than 75m.</li> <li>• The proposal does meet the minimum street frontage height requirements for George Street. The proposal complies with the required minimum street frontage height requirement for the majority of Pitt Street, however the southern portion of Pitt Street is discussed in Section 6 within the Response to Submissions Report. Fundamentally it is proposed that a 30m street frontage height is an appropriate scale for the street and is proposed in the public interest.</li> <li>• The proposal does not meet the width of elevation above podium control by proposing 37.8m compared to a SDCP 2012 requirement of 33m for Tower B. This depth has been significantly reduced from that originally proposed (42m). This is considered entirely reasonable as the proposal maintains compliance with the maximum frontage width control of 65m for commercial buildings and 40m for residential/serviced apartment buildings exceeding 45m in height.</li> <li>• The proposal is built to the public domain edge on Pitt Street at the podium level, which has been increased to 30m. There is a 5m wide setback from Pitt Street at ground level, however this is required for functional reasons to improve useability of the footpath immediately adjacent to a lobby of a World Class Hotel, as guests with luggage must be accounted for.</li> <li>• The setback of Tower A from the southern boundary is 2860mm. At the position of the main tower volume this setback is reduced to 2360mm. The setback of the glazing line from the boundary line is 3005mm. These dimensions are comparable to the 3m setback control and inconsequential to any impacts to the buildings to the south of the site.</li> </ul>
<b>10 Proposed Shared Basement Access with Lendlease Circular Quay (LLCQ)</b>	
<p>SSD 2015-7101 proposes a basement access/egress point on Pitt Street to be shared with the adjacent LLCQ site. Wanda should update and amend the traffic report so the shared access can be assessed.</p>	<p>The application and proponent recognise that shared access with the adjacent LLCQ site may have merit and may be a possibility in the future. This however does not form a part of the current application.</p>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p><b>11 Complexity of the Development Approval Process</b></p>	
<p><u>11.1 The proposal 'opts in' and 'opts out' of controls</u></p> <ul style="list-style-type: none"> <li>▪ The proposed development is contrary to the statutory controls in several critical aspects associated with an application that opts in and opts out of the controls for the same site to suit a particular development intent.</li> <li>▪ It selects part of a design competition winning development and dispenses with the remaining part of the winning entry. In doing so the applicant fails to adequately substantiate a case for ignoring the controls. The only justification given is that the controls need to be ignored in order to allow the maximum allowable FSR to be achieved on the application site.</li> <li>▪ It is submitted that this is insufficient justification for ignoring the existing controls in a manner that has adverse environmental impacts in terms of tower crowding, overshadowing of the emerging public domain and a disregard of view sharing principles. The applicant has not established that the controls are deficient.</li> <li>▪ It is further submitted that if the controls are deemed to be unworkable, a view that has not been established, the correct approach would be to undertake a comprehensive review of the controls including the preparation of a planning proposal and amendment to the DCP consistent with the approach consistently applied by Council in relation to other proponents.</li> </ul>	<ul style="list-style-type: none"> <li>▪ As highlighted elsewhere within this Response to Submissions Report, as the development is 'State Significant Development' under State Environmental Planning Policy (State and Regional Development) 2011 it is not bound by the provisions of the SDCP 2012. However, it only proposes very limited non-compliance with the otherwise applicable controls.</li> <li>▪ The proposal does not 'ignore the existing controls' as suggested by the submission. Rather it only departs from the controls (tower floor plate size and DCP height for Tower B) to the extent necessary to absorb the additional floor space capacity of the Fairfax and Rugby Club properties, and the functional requirements of a world class hotel.</li> <li>▪ Given the significant public benefits, economic and social benefits that this proposal will have for the City of Sydney the assessment of this application under the SLEP 2012 controls with a consideration of the SDCP 2012 control is appropriate.</li> <li>▪ Further, it is not suggested that the controls are 'unworkable' for a purely residential or commercial scheme. It is however suggested that the controls are 'unworkable' to accommodate a State Significant Development (as would be expected, hence why the SDCP 2012 does not strictly apply to this application). A Planning Proposal is therefore not required, or indeed appropriate, if it would allow for a built form commensurate with that proposed within this application that did not offer the benefits of a State Significant Development.</li> </ul>
<p><u>11.2 The planning approval process does not adhere to or respect the strategic planning undertaken to date</u></p> <ul style="list-style-type: none"> <li>▪ The approval process put forward is complex and does not adhere to or respect the level of strategic planning that has been undertaken by both the City of Sydney and landowners within the APDG block over recent years.</li> <li>▪ The APDG controls are the result of an extensive urban design and planning process undertaken by Council and the NSW Government Architect, the key purpose of which was to 'ensure that Council has a consistent set of planning controls that promote high quality built form and urban design outcomes for both the public and private domain on</li> </ul>	<ul style="list-style-type: none"> <li>▪ The proponent acknowledges and fully supports the strategic planning and urban design studies that have been undertaken on this site particularly since 2008. However, these urban design studies did not foresee a State Significant Hotel being proposed, which arguably demands a different architectural outcome for the site.</li> <li>▪ Furthermore, the controls do not adequately resolve all potential land consolidation arrangements for the Fairfax and Rugby Clubs sites. In their current form the controls favour both sites being independently developed to 110 metre in height, as has been previously approved on the Fairfax site. Such development</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>this important street block’.</p>	<p>would result in worse solar and visual impacts than are currently proposed.</p> <ul style="list-style-type: none"> <li>▪ Please refer to Section 3.1 of the Response to Submissions Report which addresses how the proposal responds to the principles and objectives of the APDG Precinct.</li> </ul>
<p><u>11.3 Concern regarding the level of consultation undertaken with the City of Sydney</u></p> <p>Given the degree of variation proposed to the APDG controls, we are concerned that the applicant has not undertaken a considered and consultative strategic planning exercise with Council similar to that undertaken by Mirvac at 55 Pitt Street and that currently being undertaken by Lend Lease for their site at 182 George Street and 33-35 Pitt Street.</p>	<p>The proponent has engaged within the City of Sydney since preparation of this application begun in early 2015. Whilst this may be less time than surrounding land owners, we note that development applications have been proposed on this site since 2007 and further delaying a redevelopment outcome on this site would not be of the benefit to the APDG Precinct, surrounding landowners or the public. Further, there is no statutory requirement for a particular period of pre-lodgement consultation to occur between the local Council and/or the consent authority and a proponent.</p>
<p><u>11.4 There should be a comprehensive plan for the whole block</u></p> <p>There are three large current and proposed developments by Mirvac, Wanda and Lend Lease with no master plan for the block. The development should be rejected until a comprehensive plan for this block is put forward as envisaged by the City of Sydney and its guidelines.</p>	<p>It is noted that Lend Lease and the City of Sydney have prepared a draft Planning Proposal and DCP Amendment to consider changes to the APDG Precinct based on a change in land ownership patterns. Whilst the proponent acknowledges this process is required for the significant ‘replanning’ proposed by Lend Lease, it is not required for the subject site, which is comparatively consistent with the outcomes envisaged by the original APDG controls. Furthermore, as a Stage Significant Development, the current application is not bound by the SDCP 2012 provisions.</p>
<p><u>11.5 Implications for the Tower B design competition</u></p> <p>Lodging a Stage 2 DA without a basement car park (to be outlined in a future DA) is not good planning, and limits the ability of the design competition with potentially an approved building above it.</p>	<p>It is not uncommon for the detailed design of the tower and basement components of a single large building to be separately resolved. The currently approved basement design provides significantly more car parking than is currently proposed and there is therefore no likelihood that a suitable car parking layout cannot be designed within the previously approved basement envelope.</p>
<p><b>12 Statutory Approval for Tower A Amending DA</b></p>	
<p><u>12.1 This application should not rely upon the provisions of other development consents</u></p> <p>We do not believe it is sufficient for the applicant to rely upon the provisions of other development consents of development applications.</p>	<p>While the modifications proposed to Tower A are generally within the scope of a Section 96(2) Modification Application, the excising of Tower B and the basement approved in D/2010/2029 arguably result in the modifications failing the ‘substantially the same development’ test of Section 96(2). However, as the modifications proposed to the design of Tower A itself are essentially a refinement of the proposed design it is</p>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
	<p>not necessary to recommence the entire approval strategy. The approval of an 'amending DA' in such circumstances is an approval path that has been employed by the City of Sydney in similar circumstances, and is an appropriate mechanism in the current circumstances.</p>
<p><u>12.2 The 'amending DA' is not a Stage 2 DA</u></p> <ul style="list-style-type: none"> <li>▪ The documents for SSD 7101 and D/2015/882 consistently refer to approved D/2010/2029 as a "Stage 2 DA" and they seek consent to make amendments to the supposed Stage 2 DA. This is incorrect as:               <ul style="list-style-type: none"> <li>a. Stage 1 DA D/2007/1384 had lapsed therefore there was not Stage 1 consent in place when D/2010/2029 was determined.</li> <li>b. The D/2010/2029 plans and reports prepared by the then applicant, Officer's Assessment Report to CSPC of 10 May 2012 and Notice of Determination make no reference to a Stage 2 DA.</li> <li>c. The then applicant requested and obtained a waiver to prepare a Development Plan on the basis that other studies and the site specific APDG DCP/LEP represented a development plan for the site.</li> </ul> </li> <li>▪ This is a legal/procedural matter, but the applicant and the consent authority must exercise care in the nomenclature used in SSD 7101 to ensure that the application and any future consent are constructed properly.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Development consent was granted to the Stage 1 DA D/2007/1384 on 13 March 2008 subject to a deferred commencement condition and was expressed to lapse 'two years from the date the consent is to operate from'. This consent was modified on 13 March 2009 (D/2007/1384/A) to (amongst other things) amend the lapsing date of the consent to 'five years from the date the consent is to operate from'. Irrespective of this modification, the Stage 1 consent did not operate until the deferred commencement conditions in Part A of the modified consent had been satisfied. These deferred commencement conditions were never satisfied and therefore the Stage 1 consent was never activated and at no time has it been in force.</li> <li>▪ The DA D/2010/2029 was determined by the granting of development consent on 10 May 2012 and the Stage 1 DA D/2007/1384 was not in force at that time (or any other time as noted above).</li> <li>▪ D/2010/2029 was not, as the submission correctly notes in the second point, a staged development application for the purposes of the EP&amp;A Act. This is acknowledged by the proponent and confirmed by the Approval (as modified) which states that the 'Approved development' is an 'Integrated development application for demolition of the existing building, excavation of 8 basement levels &amp; construction of 2 new mixed-use buildings of 15 and 55 storeys, to accommodate 197 196 apartments, 924m2 of retail/commercial floor space, 279 car parking spaces and public domain improvement works.' This can be contrasted with the Stage 1 consent which clearly identifies the approved development as a staged development application. This confusion with descriptions of D/2010/2029 is noted, and Section 3.9 of the Response to Submissions Report clarifies the proponent's position in this regard.</li> </ul>
<p><u>12.3 The application is inconsistent with the Stage 1 Development Consent for D/2007/1384</u></p> <ul style="list-style-type: none"> <li>▪ It is noted that the Statement of Environmental Effects (SEE) to the Amending DA states "the applicant has no objection to a condition of consent requiring the surrender of Stage 1 Development Consent D/2007/1384". As Wanda has indicated that it would be willing to surrender the Stage 1 Consent, it can be inferred that the Stage 1 Consent</li> </ul>	<ul style="list-style-type: none"> <li>▪ D/2010/2029 was not a staged development application for the purposes of the EP&amp;A Act. The reason for this is that pursuant to section 83B(2) of the EPA Act, a development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application. The applicant for D/2010/2029 never requested that the application be treated as a staged development application. This is confirmed by the Approval (as modified) which states that the 'Approved development' is an 'Integrated development application for demolition of the existing building, excavation of 8 basement levels &amp; construction of 2 new mixed-use buildings of 15 and 55 storeys, to accommodate 197</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>is currently active.</p> <ul style="list-style-type: none"> <li>As the Stage 1 Consent appears to be operational, by application of Section 83D(2) of the EP&amp;A Act, any subsequent development application in respect of the site must not be inconsistent with the Stage 1 Consent.</li> <li>The Stage 1 Consent did not rely on the APDG site specific controls in the Sydney LEP 2005 which were introduced after the Stage 1 Consent was granted. Additionally, the SEE for the Amending DA acknowledges that “The Stage 2 DA D2010/2029 was based upon the design competition winning scheme and the emerging APDG controls, rather than the approved Stage 1 Consent.” Accordingly, the Stage 2 Consent could not be considered to be consistent with the Stage 1 Consent.</li> <li>Further, the Stage 2 Consent could not be considered to be consistent with the development approved by the Stage 1 Consent because the built form outcome was completely different with different tower forms and a different arrangement of buildings and uses on the site.</li> </ul>	<p>196 apartments, 924m2 of retail/commercial floor space, 279 car parking spaces and public domain improvement works.’ This can be contrasted with the Stage 1 consent which clearly identifies the approved development as a staged development application. Any reference to D/2010/2029 being a Stage 2 DA is in error.</p> <ul style="list-style-type: none"> <li>Please also refer to Section 3.9 of the Response to Submissions Report which summarises the legality and nature of this Stage 1 SSD Development Application.</li> </ul>
<p><u>12.4 The application is inconsistent with the Stage 1 Development Consent for Fairfax House</u></p> <p>While the Stage 1 Consent and the staged consent to the Pitt Street Stage 1 DA continue to be in force in relation to the site, the SSDA cannot be approved where it is inconsistent with these consents (in breach of Section 83D(2) of the EP&amp;A Act). Approval of the SSDA would therefore be beyond power and would be susceptible to legal challenge on this basis.</p>	<ul style="list-style-type: none"> <li>As noted above, the Stage 1 DA D/2007/1384 is not currently and has never been in force, as the deferred commencement conditions were never satisfied.</li> <li>The Stage 1 Consent for 19-31 Pitt Street (D/2010/1533) was also granted subject to a deferred commencement condition which must have been satisfied within 12 months of the grant of development consent in order for the consent to operate or be in force. We are unaware if the deferred commencement conditions were satisfied or if the consent remains in force.</li> <li>With respect to Section 83D(2) of the EP&amp;A Act, this Stage 1 application is not a ‘further development application’ to either D/2010/1533 or D/2007/1384 within the meaning of this section. In any event, any procedural difficulty are overcome by section 83D(3) which clarifies that section 83D(2) does not prevent the determination of a staged development application which is inconsistent with an earlier staged consent, as any later staged consent will be treated as a modification of the earlier consent.</li> <li>It is noted that D/2010/2029 was approved with a ‘waiver’ of preparing a Development Control Plan as otherwise required under Clause 23(3) of the SLEP 2005. It is noted that this ‘waiver’ was granted by the City of Sydney on the basis that a detailed site analysis occurred within the Urban Design Study and the preparation of the APDG controls. Whilst this application does depart from those controls, this Stage 1</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
	<p>Concept Plan SSD Development Application takes the form and replaces such a requirement for a DCP and as such we assert that changes made to D/2010/2029, such as those proposed under D/2015/882, must be assessed and considered under this Stage 1 Concept Plan SSD Application, otherwise under the APDG controls of the SDCP 2012.</p> <ul style="list-style-type: none"> <li>▪ As such, there is no risk that approving this Stage 1 SSD Development Application is beyond the power of the Consent Authority.</li> <li>▪ Please refer to Section 3.9 of the Response to Submissions Report which summarises the legality and nature of this Stage 1 SSD Development Application.</li> </ul>
<p><u>12.5 The amending DA cannot be approved before the Stage 1 SSDA</u></p>	<p>As outlined within the EIS, the proponent understands that the Stage 1 SSD Development Application will be assessed and determined prior to the determination of the Amending DA.</p>
<p><b>13 Adequacy of the Clause 4.6 Statement</b></p>	
<p><u>13.1 The Clause 4.6 is not 'particular to the circumstances of the proposed development on this particular site'</u></p> <p>The environmental planning grounds relied upon to justify the proposed variation to the control must be 'particular to the circumstances of the proposed development on this particular site'. We question whether the applicant's Clause 4.6 Variation Request provides sufficient environmental planning grounds in this regard.</p>	<p>Given that the development control subject to the Clause 4.6 Variation is a site specific control, particular to one block within one precinct in the Sydney CBD, any variation to this control is inherently particular to the circumstances of the particular development on the particular site. Despite this, the proponent has prepared a revised Clause 4.6 Statement to specifically respond to the recent findings of the Land and Environment Court in <i>Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC 90</i>.</p>
<p><u>13.2 There are insufficient planning grounds to support the Clause 4.6 statement and the controls are not 'unreasonable or unnecessary'</u></p> <ul style="list-style-type: none"> <li>▪ The Clause 4.6 statement cannot be supported particularly as there will be an impact on bulk and scale from this non-compliance and the applicant has reduced the public domain works in this DA, which was one of the key recommendations of the NSW Government Architect in permitting additional height.</li> <li>▪ It has not been established that the non-compliance results in a better outcome form and from development (Clause 4.6(1)(b) of the Sydney LEP 2012). In particular, it has not been established that the development provides a satisfactory distribution of built form and floor space development as required by Clause 6.25(4)(c).</li> </ul>	<ul style="list-style-type: none"> <li>▪ Please refer to the revised Clause 4.6 Statement accompanying this Response to Submissions Report which addresses recent LEC case law surrounding the application of this Clause.</li> </ul> <p>In summary, the revised Clause 4.6 Statement highlights what 'impact' the increase in the Tower A floor plate will have on the precinct, it establishes that the development does provide a satisfactory distribution of floor space (also refer to Section 6 of the Response to Submissions Report), will facilitate a better planning outcome than that which has already been approved on the site in accordance with the standard, no material public benefit would be provided by maintaining the standard and provides sufficient environmental planning grounds to justify the minor non-compliance with the control (if considering the definition of block 3 under Clause 6.25(8) only). The statement thereby demonstrates that compliance with Clause 6.25(3) would be unreasonable and unnecessary in the circumstances.</p>

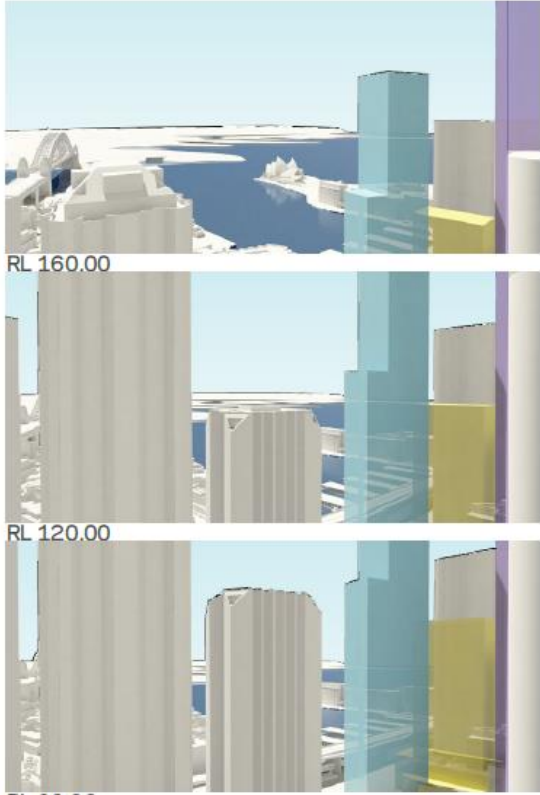
SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<ul style="list-style-type: none"> <li>▪ There are insufficient environmental planning grounds to justify the non-compliance in relation to the adverse environmental impacts associated with tower crowding, overshadowing of existing and proposed open spaces, boundary setbacks (1.91 metres) and the principle of reasonable sharing of views.</li> <li>▪ There is public benefit in complying with controls specifically designed for the APDG block. These controls were prepared following detailed analysis and consideration by Council. Whilst the early planning for the APDG controls envisaged alternative scenarios that are possible, such scenarios should not be pursued outside the context of a revision of the controls to be achieved through the preparation of a planning proposal and an amending DCP.</li> <li>▪ Wanda has not demonstrated that compliance with Clause 6.25(3) would be unreasonable and unnecessary in the circumstances. Allowing the variation of Clause 6.25(3) to permit the widening of Tower A would result in significant impacts to the proposed public domain in terms of sunlight access and view impacts to neighbouring land owners.</li> </ul>	
<b>14 SEPP 65 Failings</b>	
<p>The introduction of sensitive residential apartments to Tower A at lower levels adjacent to Jacksons on George directly contradicts key design principles of the recently gazetted NSW Government SEPP 65.</p>	<ul style="list-style-type: none"> <li>▪ Please refer to Section 25.4 which outlines the response to potential impacts on the proposal from Jacksons on George.</li> <li>▪ The response at Section 25.4 highlights there is only one unit at Level 3 which have potentially overlooking concerns. This does not contradict key principles of SEPP 65; however it is required to be addressed.</li> <li>▪ It is noted that in the instance of unit SA, the southern façade includes a winter garden, rather than a balcony, which provides a significant impediment to overlooking to the internal unit. Further, the main orientation of this unit is to the west.</li> <li>▪ It is noted that in the instance of unit 1B (at Level 3), frosted glass is proposed to be used on the balustrade of the southern balcony to ensure adequate screening of the southern bedroom. This screening is to one bedroom only to a dual frontage unit and therefore will not significantly impact the amenity or useability of this unit, particularly given the generous and northern aspect of the living areas.</li> <li>▪ As such it is considered that the single ‘affected’ unit achieves a very high level of amenity, and if</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
	<p>considered critical to the Council, minor design changes such as screening or blinds could be imposed within a detailed design application to address any perceived visual privacy concerns at the southern boundary of Level 3.</p>
<p><b>15 General Failure of Application Specialist Reports to Address the SEARs</b></p>	
<p>In relation to the Wanda assessment of Jacksons on George, the Wanda specialist reports generally do not:</p> <ol style="list-style-type: none"> <li>a. Provide adequate baseline data</li> <li>b. Consider cumulative impacts</li> <li>c. Provide contingency plans for managing significant risks</li> <li>d. Address amenity for future occupants</li> <li>e. Address amenity for Jacksons on George</li> </ol>	<p>The submitted specialist’s reports address the requirements of the SEARs as far as possible and appropriate for a Stage 1 Concept Plan application. Where further consideration of detailed construction matters is required, this is provided within the amending DA for Tower A. The EIS, in addition to this Response to Submissions Report, does address amenity for future occupants of Tower A, and amenity concerns regarding its proximity to Jacksons on George.</p>
<p><b>16 Failings of Acoustic Assessment Reports</b></p>	
<ul style="list-style-type: none"> <li>▪ The Acoustic Assessment Reports accompanying both D2015/882 and SSD 15_7101 fail in their external noise impact assessment, to either identify or assess Jacksons on George as a potential significant source of disruptive noise and vibration.</li> <li>▪ Neither of the Acoustic Logic reports acknowledges the specific existence of Jacksons on George as a significant source of potential external noise intrusion into the Wanda proposed development. JLL recommends several additional items that Acoustic Logic should address in a revised acoustic assessment report.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Please refer to the additional Acoustic Statement prepared by Acoustic Logic which accompanies this Response to Submissions Report. Fundamentally the report concludes that provided that noise emissions from the Jacksons on George site are compliant with relevant acoustic guidelines with respect to noise impacts on commercial development, then the proposed amendments to Tower A will be sufficient to protect the amenity of future occupants following the proposed change in use to residential/hotel.</li> <li>▪ Please refer to Section 25.4 of this Response to Submissions Table with regards to impacts Jacksons on George may have on the proposal with regards to the introduction of additional units within the lower levels of Tower A and the balconies on the southern façade alignment.</li> </ul>
<p><b>17 Flooding Impacts</b></p>	
<p><u>17.1 The proposal inadequately addresses the potential for flooding and overland flow</u></p> <ul style="list-style-type: none"> <li>▪ Land surrounding the Wanda site (and therefore including land surrounding Jacksons on George) is flood prone.</li> <li>▪ The Jacksons on George loading dock and east fire stair exit (Fig. 12 above) are currently at grade.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The proposal does not propose any change to the public domain levels and civil works relating to Tower A curtilage and through site link approved within D/2010/2029. As such, no changes are proposed to the existing stormwater, overland flow and run-off treatment in the through-site link or at the interface with Jacksons on George.</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<ul style="list-style-type: none"> <li>▪ The BMT WBM report appears to inadequately identify the potential for flooding and overland flow on land currently between Rugby Club and Jacksons on George, beneath 182 George and beneath 33-35 Pitt. The land between Rugby Club and Jacksons on George is to be the subject of proposed ground plane amendments (at boundary) under the Wanda proposal. A change from existing (Linker RL 3.07m) to final (Crone RL 3.7m) level is forecast at circa 630mm by Wanda.</li> <li>▪ There is potential for adverse upstream flood impacts to the Jacksons on George basement level arising from the Wanda proposal and from the apparent inadequacy of the BMT WBM base case.</li> <li>▪ It is recommended that a condition of development consent be imposed requiring Wanda to prepare a detailed flood study demonstrating that the proposed work will not result in any adverse increase in upstream flooding levels or flood risk to Jacksons on George or others upstream, prior to the issue of a construction certificate (CC).</li> <li>▪ New Wanda public realm stormwater works must have the capacity to receive upstream piped stormwater flows from LLCQ, Mirvac 200 George/37 Pitt, etc, as relevant.</li> <li>▪ Given recent flooding at Jacksons on George due to the failure of a Sydney Water Corporation main in George Street, JLL recommend that Wanda enter into a commercially binding agreement (with remedies) with the owners regarding impacts to existing services arising from the Wanda works. Further, it is recommended that there be no retaining wall demolition adjacent, nor ground anchors or rock anchors under Jacksons on George or its surrounds without demonstrating to the satisfaction of Jacksons that any such works will have no adverse impact upon existing services.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A further flooding impact study will be required to address the impact of the proposed changes to the eastern portion of the site within the Stage 2 detailed development application for Tower B and the revised basement.</li> <li>▪ All proposed floor and basement entry levels of each building will adhere to the NSW Government's Floodplain Development Manual.</li> <li>▪ Given the site's location and gradients the request of a detailed flood study prior to the issue of a Construction Certificate is anticipated by the proponent. However, this detail is not required to be provided at this Stage 1 Concept Plan stage.</li> </ul>
<b>18 Hazardous Materials</b>	
<ul style="list-style-type: none"> <li>▪ No site specific Hazardous Materials Assessment Report has been provided as part of either Valad DA 2010/2029 nor either of Wanda SSD 2015_7101 or Amending DA 2015_882.</li> <li>▪ Coffey have not enquired nor reviewed relevant asbestos records for existing Gold</li> </ul>	<ul style="list-style-type: none"> <li>▪ A Historical Asbestos Data Review has been prepared by Coffey and is included as part of this Response to Submissions Report.</li> <li>▪ This report includes a review of the asbestos records for Goldfields House and Fairfax House. Following requests, no previous asbestos or hazardous materials survey data was available for the Rugby Club</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>Fields House, Fairfax House nor Rugby Club as part of their Phase 1 Land Contamination Site Assessment.</p> <ul style="list-style-type: none"> <li>▪ Coffey have failed to adequately assess for the presence or otherwise of, or the nature of, other potential building related hazardous materials including:               <ul style="list-style-type: none"> <li>a. Synthetic Mineral Fibres (SMF)</li> <li>b. Lead Paint</li> <li>c. Ozone Depleting Substances</li> </ul> </li> <li>▪ Coffey has not assessed the location, nature and extent of hazardous substances per AS 2601.</li> <li>▪ The standard CSPC conditions dealing with asbestos as set out in D/2010/2029 (conditions 49, 50, 51, 53 and 54) are likely to be inadequate to protect occupants of Jacksons on George. JLL recommend a condition of development consent be imposed requiring Wanda to prepare a site specific detailed Hazardous Materials Identification and Management Plan in accordance with AS 2601 Demolition of structures.</li> </ul>	<p>(Registered Club) during the review period.</p> <ul style="list-style-type: none"> <li>▪ The report presents recommendations for further assessments to be performed as part of the planning for the demolition works. These recommendations are expected to form part of conditions of consent for any Stage 2/detailed development applications.</li> <li>▪ No changes are proposed to the previous assessment and mitigation measures for the demolition of Goldfields House than that approved within D/2010/2029.</li> </ul>
<b>19 BCA Compliance of Amended Southern Façade Alignment</b>	
<ul style="list-style-type: none"> <li>▪ The realignment of the southern façade to within 2.8m of the common boundary of Jacksons on George does not meet the compliant standards of the BCA and will require significant façade fire rating and drenching provisions.</li> <li>▪ In addition, we are concerned that BCA Part F Windows, in particular window setbacks, relating to the northern façade windows of Jacksons on George has not been appropriately assessed by Wanda at this stage.</li> <li>▪ No details regarding the nature of the Alternate Solutions proposed have been provided in the Wanda Environmental Impact Statement (EIS).</li> </ul>	<p>Please refer to the advice by City Plan Services attached to this response to submissions report which confirms that the southern window openings and demonstrates that the proposed building design complies with the performance requirements of the Building code of Australia.</p>
<ul style="list-style-type: none"> <li>▪ JLL recommends that the CSPC consider relocating Tower A further north away from Jacksons on George within the 1 Alfred Street site to achieve a deemed to satisfy side setback.</li> </ul>	<p>As each of the matters relating to the southern setback of Tower A has been addressed within this Response to Submissions Report, relocating Tower A further to the north is not being pursued.</p>
<b>20 Notification</b>	

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>The City of Sydney has failed to act in good faith by properly notifying residents. It is unfortunate that the Council relied on the 75m rule to choose not to notify surrounding residents of such a significant development affecting their daily lives.</p>	<p>Notification is the responsibility of the City of Sydney. However, we note that the objector has clearly been made aware of the application, as evidenced by their submission. We note however that the proponent has undertaken a significant and detailed stakeholder consultation strategy beyond statutory requirements as detailed within the Response to Submissions Report.</p>
<p><b>21 Cumulative Impact</b></p>	
<p><u>21.1 Cumulative impact cannot be considered in two separate applications</u></p> <p>Although the previously approved version of Tower A has been assessed, the cumulative effects of the widened Tower A and the newly proposed Tower B have not been considered or assessed in any consolidated application. Splitting the towers between two development applications prevents the overall assessment contemplated by the APDG controls over Block 3. Without a cumulative assessment of the impacts to other properties, the objectives of the APDG block controls cannot be shown to be met.</p>	<p>This is a singular Stage 1 Concept Plan application (SSD Development Application) for the site. As such, cumulative effects of changes to the previously approved Tower A and the new Tower B in place of two approved medium and high rise towers has and will be undertaken as part of this application.</p> <p>The Response to Submissions Report specifically addresses the objectives of the APDG block within Section 3.1.</p>
<p><u>21.2 Cumulative impact in bulk and scale with other proposals</u></p> <ul style="list-style-type: none"> <li>▪ The owners of Grosvenor Place are concerned with the increase in bulk and scale across a number of sites including the subject site, and 182 George Street and 33-35 Pitt Street. We note that in the SEARs, “consideration of potential cumulative impacts due to other development in the vicinity” needs to be addressed by the EIS.</li> <li>▪ This DA proposes additional bulk and scale by virtue of its increased floor plate than that envisaged by the site specific controls of the APDG block. A submission notes that the cumulative impact on Grosvenor Place is significant. Grosvenor Place will have a wall of buildings with no view corridors through the precinct. It is stated that envelope of Building A should comply with Council’s own site specific controls and the Building B envelope should ensure that a view corridor is maintained similar to the approved DA.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The existing form at Gold Fields House does present as a ‘wall’ to Alfred Street, and as shown within the View Impact Analysis the proposal is only marginally wider than the existing form to the west, which was approved within D/2010/2029.</li> <li>▪ As illustrated in the following image, Tower B does not result in any significant change to the visual impact of surrounding development when viewed from Grosvenor Place. Specifically, Tower B will be viewed within the context of the Gateway Building and will have a minor impact on the perception of a view corridor towards the east. Notably Tower B does not impact on the view corridor to the Sydney Opera House or Sydney Harbour Bridge when viewed from Grosvenor Place.</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
	<p>Figure – Proposed view from Grosvenor Place</p> 
<p><b>21.3 Specialist reports to consider cumulative impact</b></p> <p>The specialist reports are to be amended and exhibited to address the potential cumulative impacts, specifically regarding parking, traffic and transport including construction traffic, flooding, noise, utilities, infrastructure, fire, BCA, compliance, SEPP 65, hazmat impacts, of surrounding development applications including:</p> <ul style="list-style-type: none"> <li>a. New CBD Light Rail</li> </ul>	<p>This application has been prepared with full consideration of the cumulative impact of the development and the surrounding sites and developments. An assessment of cumulative impact does not require a specific assessment on particular building improvements such as that described in the JLL Submission prepared on behalf of Jacksons on George. Fundamentally we note that the proposal has addressed the potential construction impacts of the CSELR, which will be further expanded in detail prior to the issue of a construction certificate for the site and will consider the AMP Quay Quarter project once approved. Further, the application</p>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<ul style="list-style-type: none"> <li>b. Lend Lease’s proposal for adjacent sites at 174-182 George and 33-35 Pitt Streets</li> <li>c. Mirvac’s proposed redevelopment of 37 Pitt Street</li> <li>d. Marriott Hotel’s proposed redevelopment works under D 2015-229 and D 2015-313</li> <li>e. Gateway Plaza redevelopment works under D/2014/1695</li> <li>f. Potentially AMP’s Quay Quarter</li> </ul>	<p>considers the impact the proposal will have on the Lend Lease and Mirvac land holdings, noting that no relevant development application has been lodged for either 33-35 Pitt Street or 37 Pitt Street sites. Further, the proposal will not adversely impact the podium works at the Marriott Hotel or Gateway Plaza.</p>
<p><b>22 Impact on Property Values</b></p>	
<p>The impacts of the development will have a substantially detrimental effect on the values and rental income of properties in the Cove Apartments.</p>	<p>This is not a planning consideration.</p>
<p><b>23 Rights of Way / Easements</b></p>	
<p><u>23.1 Existing rights of way benefiting adjoining land are not respected</u></p> <ul style="list-style-type: none"> <li>▪ The EIS prepared for the SSDA states that the site is subject to a number of easements. Appendix D to the EIS identifies the rights of way and easements which currently affect the site. However, the EIS does not include any plans which identify or otherwise seek to explain how the proposed development will frustrate the property rights those easements provide to adjacent land owners who have the legal entitlement to those property rights. Lend Lease currently own adjoining property that benefit from easements across the Wanda site.</li> <li>▪ A reasonable consent authority in the position of Council would not grant consent to the SSDA for the reasons set out above in this submission, including: <ul style="list-style-type: none"> <li>a. The proposed Wanda Tower B may affect Lend Lease’s ability to develop in accordance with the either Lend Lease Planning Proposal or other legitimate alternate redevelopment scheme and may prevent retail tenancies in Rugby Place to operate; and</li> <li>b. The proposed Wanda Tower B also contravenes the express property rights enjoyed by Lend Lease and may therefore be subject to an injunction to prevent such contravention.</li> </ul> </li> <li>▪ To grant consent to the SSDA would prejudice other property owners who seek to</li> </ul>	<ul style="list-style-type: none"> <li>▪ Please refer to Section 3.6 of the Response to Submissions.</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>develop land on the APDG block in a well-considered and coordinated manner consistent with applicable planning controls and laws.</p>	
<p><u>23.2 Rugby Place will become inaccessible during the construction of the Wanda proposal</u></p> <ul style="list-style-type: none"> <li>▪ Based on the basement plans provided in the Crone design report, the Right of Way benefiting Jacksons on George to service its existing loading dock could be lost for the period of construction of the Wanda basement, and possibly during and upon completion of the hotel podium. Without this access, Jacksons on George will be unable to operate.</li> <li>▪ Wanda should prepare a detailed Rugby Place Access Plan (RPAP) encompassing both during construction (including establishment, demolition, excavation and building) and post construction operational methodologies and periods/ time frames relating to the proposed development, and consult and agree the detailed RPAP with all relevant adjacent landowners who may have rights under the relevant easements.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There is no right of way affecting any land owned by Wanda in favour of the Jacksons on George site.</li> <li>▪ Wanda proposes to prepare a detailed Rugby Place Access Plan which will be addressed within the Stage 2 detailed development application conditions of consent.</li> </ul>
<p><u>23.3 Use of Blue Anchor Lane</u></p> <p>Wanda must not use Blue Anchor Lane for the purpose of their redevelopment construction activities (including establishment, demolition, excavation and building).</p>	<p>The proponent confirms that it has no intention of utilising Crane Lane or any other minor lane not currently within the site area for any construction activities. Separate approval would be required for any such access.</p>
<p><u>23.4 Ongoing use of the lanes should be negotiated with surrounding land owners</u></p> <ul style="list-style-type: none"> <li>▪ A condition of development consent should be imposed upon Wanda requiring that prior to the issue of a construction certificate, Wanda enter into binding agreements with parties who are both landowners and legal beneficiaries of rights over both Blue both Anchor Lane and Rugby Place to ensure that the RPAP and Hoarding Plans are implemented during the redevelopment works and that binding agreed remedies are in place should Wanda fail to comply.</li> <li>▪ A condition of development consent should be imposed upon Wanda that prior to issue of a construction certificate, Wanda forfeit all registered access rights to Rugby Place.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Wanda proposes to prepare a detailed Rugby Place Access Plan which will be addressed within the Stage 2 detailed development application conditions of consent.</li> <li>▪ It is not proposed that Wanda will forfeit registered rights to access Rugby Place, which is partially owned by Wanda regardless. This land does however form part of the scope for the VPA and as such will be addressed within that document.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Wanda should provide more details regarding the ongoing access to Jacksons on</li> </ul>	<ul style="list-style-type: none"> <li>▪ Such detail is not required to be addressed within a Stage 1 Concept Plan application. This matter however</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>George which avoid, minimise, and if necessary, offset any predicted impacts, including detailed contingency plans. Wanda should also consider impacts to emergency services access and response times. Wanda should consider the safety and security risks associated with ongoing access to Jacksons on George throughout the Wanda works.</p>	<p>can be adequately addressed within conditions of consent for a Stage 2 development application, such as Condition 115(h) of D/2010/2029.</p>
<p><b>24 Construction Impacts</b></p>	
<p><u>24.1 Inadequacies of the Construction Management Plan (CMP)</u></p> <ul style="list-style-type: none"> <li>▪ The CMP provides no details as to how Rugby Place is to be managed during construction.</li> <li>▪ The Acoustic Logic report fails to address construction related noise and vibration impacts upon Jacksons on George. The CMP acoustic content is also inadequate.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Wanda proposes to prepare a detailed Rugby Place Access Plan which will be addressed within the Stage 2 detailed development application conditions of consent.</li> <li>▪ It is noted that a detailed Construction Management Plan will be required as part of Stage 2/detailed development applications. It is further highlighted however that no change is proposed to the construction management methods that apply to Tower A which were approved within D/2010/2029.</li> </ul>
<p><u>24.2 Cumulative construction impacts</u></p> <p>The Wanda proposal does not assess cumulative construction impacts (such as the Light Rail).</p>	<p>Please refer to Section 5.9 of the EIS. It is considered that this is an appropriate level of detail to provide within a Stage 1 Concept Plan application. This matter will be further resolved within conditions of consent for a Stage 2 development application and will be specifically addressed within a Construction Pedestrian and Traffic Management Plan prepared in consultation with the CBD Co-ordination Office following determination of Stage 2/ detailed development applications for the site.</p>
<p><u>24.3 Impacts of hoardings</u></p> <ul style="list-style-type: none"> <li>▪ Prior to development consent Wanda (Built.) prepare a Hoarding Plan showing how hoardings are proposed to be aligned, erected, dismantled and managed adjacent and over Rugby Place including a program for all hoarding installation and removal works.</li> <li>▪ The George Street Hoarding configuration indicated on the proponents Hoarding Plan (prepared by Built.) is likely to overshadow the licenced outdoor dining area of Jacksons on George, in particular during cooler months. It will also likely overshadow the Jacksons front bar dining area (in part). Overshadowing of the Jacksons on George outdoor licenced dining area and the mixed modal front bar dining area will have an</li> </ul>	<ul style="list-style-type: none"> <li>▪ A hoarding plan is not required to be addressed within a Stage 1 Concept Plan application. This matter will be adequately addressed within conditions of consent for a Stage 2 development application, such as Condition 76 of D/2010/2029. It is noted that the Construction Management Plan provided with this application related to the scope of works only at 1 Alfred Street. We anticipate that such a hoarding plan will be required to be prepared as part of the future detailed design application for Tower B.</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>adverse impact on their commercial viability. JLL recommend conditions of consent to protect the amenity of the outdoor dining of Jacksons on George during construction of the Wanda development.</p>	
<p><u>24.4 Adverse impacts due to the extension of basement excavation to the south</u></p> <ul style="list-style-type: none"> <li>▪ Both the lateral extent of basement excavation and the proximity of basement excavation directly against Jacksons on George has adversely increased beyond the approved Valad D2010-2029 basement scheme under the Wanda proposal.</li> <li>▪ Despite the inadequacies of the Built CMP that accompanies the application (which provides scant detail as to how the development is to be delivered), JLL has identified some potential adverse construction phase impacts upon Jacksons on George arising from the Wanda basement proposal.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Further detail regarding the construction of the basement would be provided in the detailed development application for the basement, however we note that to address these concerns the southern boundary of the proposed basement adjacent to Jacksons on George has been amended to be a minimum 1.2m from the boundary.</li> </ul>
<p><u>24.5 Construction hours</u></p> <p>It is recommended that prior to the issue of a construction certificate, Wanda negotiate with Jacksons on George and accept via a binding written enforceable agreement, the introduction and ongoing implementation of suitable Respite Periods during the daily works cycle of building/basement demolition and excavation works over the 24/7 operations period of Jacksons on George. Such Respite Periods must include as a minimum morning, lunch time and evening dining periods and peak patronage periods over the 24 hour, 7 day weekly Jacksons on George operational cycle.</p>	<p>The construction hours of the proposal are not required to be addressed within a Stage 1 Concept Plan application. This issue will be addressed within conditions of consent for a further detailed development application, such as Condition 98 of D/2010/2029. The proponent does not object to the concept of respite periods, subject to negotiation following determination of any development application.</p>
<p><u>24.6 Cranes over Jacksons on George</u></p> <ul style="list-style-type: none"> <li>▪ The Tower Cranes 1 and 2 as indicated on the Wanda (Built.) CMP accompanying SSD 2015_7101 and the Amending DA 2015_882 have the potential to both swing above and drop materials onto Jacksons on George and must be prevented at all times from swinging and lifting loads above the Jacksons on George premises.</li> <li>▪ Wanda should provide more details regarding the nature, size, radii, position, erection, dismantling and operation of construction cranes in accordance with the SEARs for both Tower A and the Hotel.</li> <li>▪ JLL recommend that a condition of development consent be imposed upon Wanda</li> </ul>	<p>Please see response prepared by Built which accompanies this Response to Submissions Report. This response clearly demonstrates that construction of the proposal can occur without adverse impacts or safety concerns to Jacksons on George.</p>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>requiring that the Tower A cranes as indicated above be prevented at all times from swinging and lifting loads above the Jacksons on George premises and immediate surrounds and that any operation or swinging of the tower cranes over land owned by others at any time during the Wanda redevelopment works must only be undertaken with the written approval of the adjacent landowner.</p>	
<p><u>24.7 Construction Traffic Management Plan (CTMP) required</u></p> <p>It is recommended that a condition of development consent be imposed requiring Wanda to prepare a detailed Construction Traffic Management Plan (CTMP) in conjunction with above for the approval of Jacksons on George prior to any site works. The CTMP would describe works, vehicular types and numbers, restrictions, monitoring, management and emergency practices and procedures to be implemented during the works to manage vehicular access/egress and minimise/eliminate adverse impacts upon the amenity and operations of Jacksons on George. The CTMP must address cumulative impacts per the SEARs.</p>	<p>Construction Traffic Management Plans are not required to be addressed within a Stage 1 Concept Plan application. This matter however can be adequately addressed within conditions of consent for a detailed development application, such as Condition 115 of D/2010/2029.</p> <p>Despite that above, we advise the City of Sydney that the proponent has begun dialogue with the CBD Co-ordination Office with regards to the likely impacts on pedestrians and traffic during the construction of the project and nearby developments such as the CSELR and the AMP Loftus and Young and Bridge Street Precincts. As such we anticipate conditions of consent within any relevant detailed development application for the site to include this requirement.</p>
<p><u>24.8 Conditions survey required</u></p> <p>JLL recommend that a condition of development consent be imposed requiring Wanda undertake a Conditions Survey prior to the issue of a Construction Certificate.</p>	<p>Dilapidation surveys etc are not required to be addressed within a Stage 1 Concept Plan application. This matter however can be adequately addressed within conditions of consent for a detailed development application, such as Condition 47 of D/2010/2029. We note that such condition surveys and monitoring is typical for such developments including excavation in proximity to structures/ assets.</p>
<p><u>24.9 Additional construction management plans are required to adequately address existing conditions and potential impacts</u></p> <ul style="list-style-type: none"> <li>▪ The Wanda application (and Coffey reporting generally) provides inadequate baseline data to assess the Coffey identified issues associated with Excavation Conditions, Groundwater, Induced Ground Movements, Underpinning, Retaining Walls and Rock Excavation Support generally upon Jacksons on George.</li> <li>▪ The Coffey report does not assess cumulative impacts.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The construction management matters raised by JLL are not required to be addressed within a Stage 1 Concept Plan application. Further, this issue can be adequately addressed within conditions of consent for a detailed development application, such as Conditions 40, 44, 45, 47 etc of D/2010/2029.</li> <li>▪ With regards to criticisms on the adequacy Coffey report, we note that the report prepared for this application was based upon geotechnical data for sites in close proximity to the site, and is meant to provide an assessment of likely geotechnical issues for the proposed development and as such there are no cumulative impacts to consider at this stage. A ground movement assessment may be required to be performed at locations including Jackson on George, the Tank Stream and the proposed CBD Metro tunnels, however this will be in the detailed design phase post Stage 2 development application determination for bulk excavation.</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p><u>24.10 Falling debris from construction</u></p> <ul style="list-style-type: none"> <li>▪ JLL recommend conditions of development consent to be imposed on Wanda regarding potential falling debris from the Jacksons on George site as a result of vibration from Wanda construction.</li> <li>▪ JLL recommend that a condition of development consent be imposed upon Wanda requiring that no Temporary Construction Related Systems, Plant and Equipment TCRPSE (and TCRPSE debris) be permitted at any time to be installed, operated, swung, jumped, dismantled or operated above the Jacksons on George premises, and that the TCRPSE be designed and enclosed such that the potential to drop debris onto Jacksons on George is eliminated.</li> </ul>	<p>Please see response prepared by Built which accompanies this Response to Submissions Report. This response clearly demonstrates that construction of the proposal can occur without adverse impacts or safety concerns to Jacksons on George.</p>
<p><u>24.11 Air Quality during construction</u></p>	<p>Construction air quality is a detailed construction matter that is not required to be addressed within a Stage 1 Concept Plan application. Further, this issue can be adequately addressed within conditions of consent for a Stage 2 development application, such as Condition 40 of D/2010/2029.</p> <p>Despite the comments provided by JLL, we note that Council cannot impose a condition of consent requiring approval from Jacksons on George prior to any works. The developer however will endeavour to communicate and negotiate with all adjoining landowners during the construction of the project to mitigate construction impacts.</p>
<p><u>24.12 Dust impacts</u></p>	<p>Dust suppression is a detailed construction matter that is not required to be addressed within a Stage 1 Concept Plan application. Further, this issue can be adequately addressed within conditions of consent for a detailed development application, such as Condition 40 of D/2010/2029.</p>
<p><b>25 Design Impacts to Specific Sites</b></p>	
<p><u>25.1 Impacts to Mirvac and AMP sites at 200 George Street</u></p>	
<ul style="list-style-type: none"> <li>▪ The view impact analysis provided with the Stage 1 DA does not provide a comprehensive assessment of the potential view and visual impacts of the Stage 1 DA envelope to the 200 George Street tower.</li> <li>▪ In this regard, Francis-Jones Morehen Thorpe Architects (FJMT) has undertaken a view analysis from the 200 George Street tower modelling three scenarios</li> </ul>	<ul style="list-style-type: none"> <li>▪ Whilst we disagree that the proposal did not provide a 'comprehensive assessment of the potential view and visual impacts' to the 200 George Street development, we note the FJMT additional modelling provided.</li> <li>▪ It is noted that the proposed building envelope of Tower B will obstruct some commercial building view corridors from 200 George Street to the Sydney Opera House between Levels 15 and 29. The proposed changes to the scheme however reduce this impact by minimising the Tower B footprint by 13.7% and</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>incorporating the Lend Lease Planning Proposal.</p> <ul style="list-style-type: none"> <li>The view impact analysis demonstrates that the Stage 1 DA will block iconic views from the 200 George Street tower to Circular Quay, the Opera House and the Harbour between Levels 15 to 29 that are otherwise created or maintained by a Tower B building envelope that complies with the APDG controls.</li> </ul>	<p>removing the proposed 900mm eastern projection of Tower A resulting in a widening of the view corridor between Tower A and Tower B. Whilst some views will still be obscured, this is considered acceptable because:</p> <ul style="list-style-type: none"> <li>As stated within the Council officer’s report for D/2010/2029, “<i>there is no guarantee that views or outlooks from existing development will be maintained</i>”. This is reinforced by the planning controls, which make no provision for the protection of private views;</li> <li>The existing development already obstructs these views and the submission is therefore calling up ‘potential’ view corridors, as there is no certainty that a development approval will be enacted;</li> <li>The impact to 200 George is isolated to a small portion of the building, as illustrated in Section 3.3 and the additional view impact analysis provided with the Response to Submissions Report;</li> <li>Development on the Rugby Club site that is compliant with the SLEP 2012 controls would significantly impact the view corridor; and</li> <li>There is no reasonable expectation that views are to be retained for commercial properties, noting that views from residential development only are to be considered for view and outlook retention.</li> </ul>
<ul style="list-style-type: none"> <li>By virtue of its bulk and scale, a 110 metre tower with a minimum building separation to Tower A of 6.92m will block the easterly views from 200 George Street and reduce sunlight access to the precinct. This appears contrary to the APDG objectives and we question how it could be considered to satisfy the requirement of Clause 6.25(4)(c) to ‘provide a satisfactory distribution of built form’.</li> </ul>	<ul style="list-style-type: none"> <li>As outlined in Section 2.1 of this Response to Public Submissions Table, the proposal has been amended to increase the easterly views possible from 200 George Street through an increased view corridor between Tower A and Tower B.</li> <li>As illustrated within the shadow diagrams which accompany this application, the proposal will have very limited impact on the solar access to the APDG Precinct, particularly compared to that approved. Whilst it is not possible for this application with the increased available FSR to result in no additional overshadowing to the northern portion of the APDG Precinct, the orientation of the buildings and the slender tower footprints result in a very limited impact, particularly to the proposed new public plaza on George Street.</li> <li>Section 2.1 of this Response to Public Submissions Table and Section 3 of the Response to Submissions Report details clearly how the proposed development, as revised, results in a satisfactory distribution of built form.</li> </ul>
<ul style="list-style-type: none"> <li>We suggest that the Tower B envelope is reviewed and the building height reduced to deliver an appropriate outcome for the application, their neighbours and the future public domain.</li> </ul>	<ul style="list-style-type: none"> <li>Whilst we are of the opinion that the proposal as originally lodged resulted in an appropriate outcome for the precinct, the proponent has taken the opportunity to make modifications to the Tower B envelope in response to the submissions received and comments provided from Council. These changes are outlined</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
	<p>within Section 5 of the Response to Submissions Report.</p> <ul style="list-style-type: none"> <li>▪ Whilst the modifications have been made to the proposed Tower B, this has not resulted in a reduced building height. This was driven by many factors, but predominantly by the reality that a shorter building, purely to improve views for a few commercial landowners, could not achieve either an appropriate urban design outcome for the site resulting in an unreasonably wide and deep floor plate and bulky tower form, and would not deliver an efficient or functional hotel development. Therefore reducing the building height for Tower B has not been pursued by the proponent.</li> </ul>
<p><u>25.2 Impacts to the proposed George Street Plaza</u></p>	
<ul style="list-style-type: none"> <li>▪ The proposed plaza on the site of the St George building will be very negatively impacted if the proposed development is permitted to be extended right to the north western boundary. Outlooks from the plaza towards the bridge and harbour will be seriously reduced.</li> <li>▪ The plaza will get sun later in the day, possibly missing lunch time. The very things Council were aiming for will be seriously reduced, such as the objectives of increasing sun and light to the lanes south of Gold Fields House to enhance amenity for office workers, visitors and residents.</li> <li>▪ A reduction in the height of the Hotel would lead to improved solar access to the plaza between late Spring through to early Autumn and we recommend the City investigate this option further with the proponent.</li> <li>▪ The indicative studies demonstrate that during the morning periods between the months of late September through March (approximately 6 months) the proposed Tower A amendment (the Amending DA) will create additional overshadowing to the LLCQ Planning Proposal George Street publicly accessible plaza space.</li> <li>▪ During the same period (late September through late March), the proposed amended Tower B Hotel (SSDA at RL 112.5) creates significant additional morning overshadowing beyond the approved schemes of the Stage 2 Consent and Pitt Street Stage 1 Consent. In many cases, 100% of the direct morning period solar access that would currently reach both the LLCQ Planning Proposal George Street public plaza</li> </ul>	<ul style="list-style-type: none"> <li>▪ It is emphasised that the proposal does not make any changes to the approved western frontage of Tower A. As such, the proposal will not impact on the outlook from the proposed George Street plaza towards the Sydney Harbour Bridge or the Opera House.</li> <li>▪ As illustrated by the shadow diagrams, the proposal does not impact the solar access to the proposed George Street plaza at any time of the year after 12:00pm (compared to development previously approved on the site).</li> <li>▪ The submission asserts that “in many cases 100% of the direct morning period solar access” to the George Street plaza and laneways is lost. This assertion is misleading with regards to the impacts the proposal will have on the amenity of these spaces for the key lunch time periods and vast majority of the year. The revised scheme has made improvements to the solar access of these future public spaces, resulting at minimum 16% less overshadowing to the north-south laneway at 14 April.</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>and laneways is lost under the Wanda Hotel proposal.</p>	
<ul style="list-style-type: none"> <li>▪ We recommend that the additional floor space encompassed by the proposed eastern extension of Tower A be relocated to the northern façade line of Tower A such that there is no additional overshadowing of the LLCQ plaza.</li> <li>▪ JLL has no objection to Wanda recovering any lost floor space on the northern façade of Tower A by extending that northern façade line further north.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The gross floor area reduction as a result of revising the eastern façade of Tower A has not been fully sought elsewhere within this application. The proponent acknowledges that this additional FSR that may be approved on the site under SLEP 2012 may be sought in future development applications for the site.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The proposal will detrimentally affect the public amenity of the plaza on the site of the St George building proposed by Lend Lease by creating strong wind currents.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A desktop wind assessment has been undertaken for the site as part of the original application, and a revised report to reflect the changes to the Tower B geometry is attached to the Response to Submissions Report. This test demonstrates that at Jacksons on George, at the northern most edge of the proposed pedestrian plaza, the scheme will achieve an appropriate pedestrian standing comfort level. The most impacted area with regards to wind conditions is at the North West corner of the site, which will still achieve an 'abled body' distress rating.</li> </ul>
<p><u>25.3 Impacts to Grosvenor Place</u></p>	
<ul style="list-style-type: none"> <li>▪ The bulk and scale of both Tower A and Tower B when viewed from Grosvenor Place in our view is increased and not acceptable. The approved Stage 2 DA allowed for view corridors between buildings that assisted in reducing the bulk and scale of the development. The proposed Stage 1 DA closes these view corridors which results in a wall of buildings when viewed from Grosvenor Place.</li> <li>▪ It is our opinion that the Tower B envelopes should be amended to open up the view corridor which was respected in the approved development. This will reduce the perceived bulk and scale of both buildings when viewed from Grosvenor Place and could be a condition of consent that the design competition looks at.</li> <li>▪ The increase in floor plate will have an impact on Grosvenor Place from various vantage points within Grosvenor Place. This additional floor plate is above the standard and should not be supported, in particular the area balconies to the north.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The existing form at Goldfields House presents as a 'wall' to Alfred Street, and as shown within the View Impact Analysis the proposal is only marginally wider than the existing form to the west, which was approved within D/2010/2029. However, the proposed form is articulated into two separate, obliquely aligned forms that significantly breaks down the 'wall' effect.</li> <li>▪ With regards to the increase in the floor plate of Tower A, in particular the balconies to the north do not have any perceptible change or impact to views toward Circular Quay from Grosvenor Place. This is illustrated within the View Impact Analysis accompanying this application.</li> </ul>
<p><u>25.4 Impacts to Jacksons on George</u></p>	
<p><i>Acoustic Impacts from Jacksons on George</i></p>	

## SUMMARY OF MATTERS RAISED

- Jacksons on George currently has an open terrace at its upper most level adjacent to George Street. The proposed southern façade extension and introduction of residential balcony uses to the southern façade of Tower A under D/2015/882 between levels 7 and 38 is not supported because residential balconies directly adjacent an operating hotel venue with a 24 hour, 7 day licence and open terrace entertaining areas will likely lead to conflict with the future strata owners of 1 Alfred Street Tower A apartments, because of noise complaints. The Wanda application provides inadequate baseline data to assess the risks associated with potential noise and vibration from the Jacksons on George open roof terrace. The Wanda application does not adequately address how these risks will be avoided, minimised, offset, nor detailed contingency planning.
- As such, the proposed southern balconies between levels 7 and 38 under Amending DA 2015\_882 proposal are deleted and the southern façade treatments previously approved under D/2010/2029 be reinstated.
- The southern residential façade line of Tower A should be upgraded to ensure that its ‘as constructed’ acoustic performance and rating are of such a performance standard that it ensures future residential apartment owners are adequately acoustically protected from the Jacksons on George premises and its acoustic emissions such that their “quiet enjoyment” will be retained at all times over the 24/7 operating cycle of Jacksons on George (including the roof terrace).
- The proposed balconies are likely to be problematic in both the short and longer term because noise emitted from existing plant and equipment arrangements at Jacksons on George is more likely to reach and impact upon sensitive residential apartment receptors via balconies above. The Wanda application provides inadequate baseline data to assess the risks associated with potential noise and vibration from Jacksons on George plant and equipment and does not assess cumulative impacts. The Wanda application does not adequately address how these risks will be avoided, minimised, offset, nor detailed contingency planning.
- Jacksons on George is the beneficiary of a 24 hour, 7 day licence and benefits from 24 hour loading dock access from Rugby Place/Blue Anchor Lane. The loading and

## PROPONENT RESPONSE

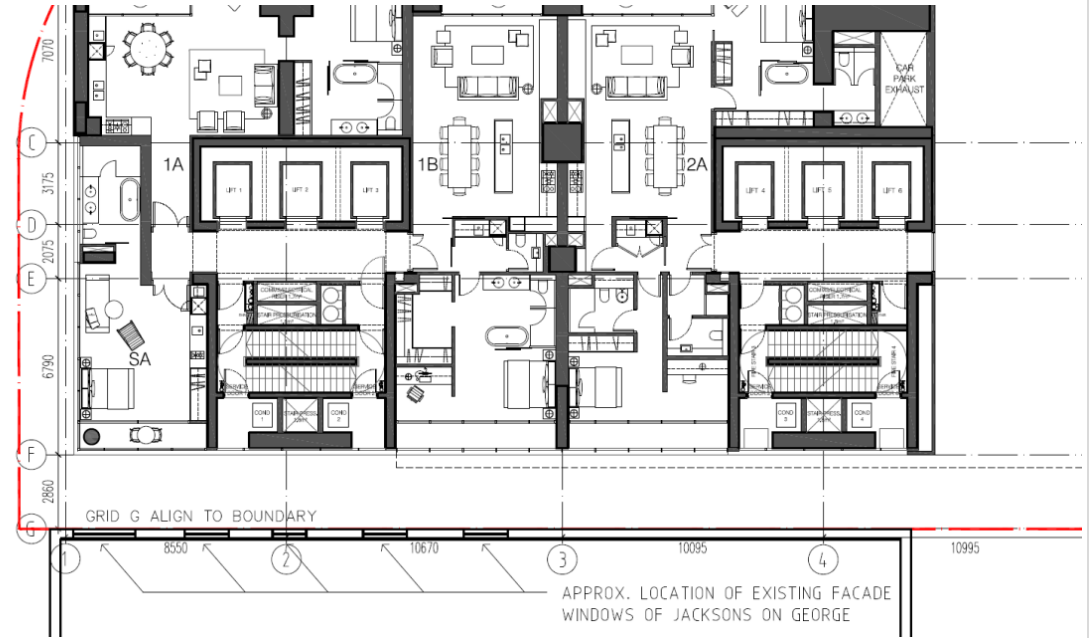
- As acknowledged in their submission, Jacksons on George must comply with the City of Sydney acoustic guidelines. Considering the current use of the site is for commercial purposes, given the acoustic requirements for impact on commercial properties, there should be no significant impact on the development, even taking into account the proposed change to residential and hotel uses.
- Further, the proposed bedrooms in the development are already proposed to have 10.38mm laminated glass, given the CBD location of the site, and as such Jacksons on George would have to produce unreasonably and extraordinarily loud volumes for this glazing to be insufficient.
- Finally, the introduction of small, secondary balconies on the southern site boundary should not impact the quiet enjoyment of the residential units internally. The introduction of balconies to this façade would provide a buffer for these residential units, compared to that approved. Notably all bedrooms adjacent to the southern boundary at Levels 3 – 5 are now further from Jacksons on George Noise sources, as a result of the inclusion of balconies, than they were at Level 4 and Level 5 of the approved scheme.
- Please refer to the additional Acoustic Statement prepared by Acoustic Logic which accompanies this Response to Submissions Report.

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>unloading of goods and services generates noise and vibration. The introduction of balconies is likely to be problematic because noise emitted from the existing loading dock arrangements are more likely to reach and impact upon sensitive residential receptors via balconies above.</p>	
<p><i>Falling Debris to Jacksons on George</i></p> <ul style="list-style-type: none"> <li>▪ Concern regarding falling debris from the southern balconies of Tower A to the Jacksons on George roof terrace. Falling debris from Levels 7-38 onto the Jacksons on George premises roof and terrace has the potential to cause death or permanent disability to patrons/staff at Jacksons on George. Greater wind flow (as outlined in the CPP report) is expected to further exacerbate the potential for debris to fall from balconies onto Jacksons on George.</li> <li>▪ As such the southern balconies should be deleted and the southern façade window treatments be required to prevent the risk of falling debris from the residential apartments down onto Jacksons on George.</li> <li>▪ The Wanda application does not address safety and security issues arising from wind in accordance with the SEARs.</li> </ul>	<ul style="list-style-type: none"> <li>▪ KHA notes that architectural strategies will be implemented to minimize the risk of falling debris from the proposed southern balconies. The following architectural strategies to prevent falling debris from balconies will be pursued within the final detailed design: <ul style="list-style-type: none"> <li>• No or narrow ledge at top of balustrade, preventing objects being placed on it;</li> <li>• Upstanding skirting detail to the balcony edges, to prevent objects and debris on floor level to roll or fall down.</li> </ul> </li> <li>▪ It is also noted that these balconies are of a secondary nature, the main balcony (winter garden) being located on the northern side of the relevant apartments.</li> </ul>
<p><i>Falling debris from BMU</i></p> <ul style="list-style-type: none"> <li>▪ Wanda considers the safety and security risks associated with the BMU in accordance with the SEARs. That a condition of development consent be imposed upon Wanda requiring that the Tower A BMU as indicated on the Kerry Hill Roof Plan be prevented at all times from swinging and lifting loads above the Jacksons on George premises to prevent any risk of falling debris.</li> <li>▪ That the BMU be designed and enclosed such that the potential to drop debris onto Jacksons on George is eliminated.</li> </ul>	<ul style="list-style-type: none"> <li>▪ This level of detail is not required to be addressed within such as Stage 1 concept application. Despite this we note the adjoining land owners concerns regarding the movement of the building envelope to within 3m of the site boundary. As such, in response to the concerns raised the proponent has sought advice from ARUP regarding this matter. Please refer to the ARUP response attached to the Response to Submissions Report.</li> </ul>
<p><i>Proposed southern extension</i></p> <ul style="list-style-type: none"> <li>▪ The proposed southern façade extension of Tower A is not supported as it will result in a further non-compliant side setback between Jacksons on George and Tower A. This change will only exacerbate the acoustic and falling object risks identified above. The</li> </ul>	<ul style="list-style-type: none"> <li>▪ The approved development as part of D/2010/2029 included a setback of 2.86m from the building façade to the southern boundary. It is now proposed that the 2.86m setback is retained below Level 5 (inclusive) and is only reduced for the main structure of the tower to 2.36m at the tower form (notably higher than the</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>CSPC is requested to consider relocating Tower A further north away from Jacksons on George within the 1 Alfred Street site.</p>	<p>Jacksons on George structure). The proposed glazing line of Tower A is 3m from the southern boundary, and that the south facing rooms at Levels 3-5 are further setback from the boundary to include small balconies.</p> <ul style="list-style-type: none"> <li>▪ The concerns regarding the movement of the proposed Tower A to marginally within a 3m setback from the southern boundary is addressed throughout this Response to Submissions Report. Notably the proponent has addressed concerns regarding falling objects, BCA compliance, acoustic impacts, light nuisance, and odour. This response demonstrates that each of these concerns can be appropriately mitigated to ensure that proposed residential apartments in Tower A are appropriately protected from potential amenity nuisances from the adjoining development.</li> </ul>
<p><i>Odour from Jacksons on George</i></p> <ul style="list-style-type: none"> <li>▪ Jacksons on George currently exhausts various mechanical systems via roof mounted exhaust points above the roof level. The proposed introduction of high end residential balcony uses to the southern façade of Tower A is likely to be problematic in both the short and longer terms because odours from the existing exhaust arrangements will be more likely to reach residential apartment receptors via balconies above.</li> <li>▪ The southern residential façade line of Tower A should be upgraded to ensure that it provides an air seal sufficient to ensure that future residential apartment owners do not become receptors of odours from operating roof and other plant rooms at Jacksons on George.</li> </ul>	<ul style="list-style-type: none"> <li>▪ This Response to Submissions Report is accompanied by a letter prepared by SLR Consulting Australia with regards to potential odour impacts Jacksons on George may cause future residents of Tower A. This letter confirms that within a CBD context, the relative risk of offensive odours from Jacksons on George is likely to be low. Notwithstanding this, SLR confirm that the 600mm extension to the south (for the tower portion) and the introduction of additional residential units at Levels 3 – 5 can be mitigated to prevent any odours from entering the apartment when doors and windows are closed.</li> </ul>
<p><i>Introduction of residential apartments in lower floors of Tower A</i></p> <ul style="list-style-type: none"> <li>▪ Between Level 3 and 5 (inclusive) now introduce apartments instead of 'insensitive uses' such as residents lounge areas, fewer apartments with second and third bedrooms, and plant rooms.</li> <li>▪ This results in an intensification of noise and vibration sensitive land uses directly adjacent and now in closer proximity to Jacksons on George.</li> <li>▪ Wanda is to address visual and acoustic privacy risks to the proposed lower level apartments to Tower A from Jacksons on George.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The approved plans included residential units at Level 4 and above of Tower A. The proposed development now includes residential units at Level 3 (equivalent of Level 2 under the former scheme) and above at Tower A. As such, this comment only relates to six additional units at Level 3 and Level 4 in the modified proposal.</li> <li>▪ The six additional units at Levels 3-4 all include balconies or winter gardens at the southern façade which will aide in reducing visual and acoustic impacts from Jacksons on George. The sketch below provided by KHA considers the location of the existing windows at Jacksons on George at Level 3:</li> </ul>

SUMMARY OF MATTERS RAISED

PROPONENT RESPONSE



- The image above illustrates that due to the position of the existing Jacksons on George windows there is no concern for unit type 2A at these levels. Unit type SA has a winter garden proposed at the southern boundary and as such is further setback from any potential noise and light sources. Further, this unit has a dual orientation, primarily to the west and as such passive mitigation measures (i.e. blinds or screens) can be implemented to ensure amenity of this unit from operations at Jacksons on George. Unit types 1B and 2A however will have one window adjacent to the southern façade; and as such mitigation measures will be required for this one unit. This is addressed within Section 14 in this Response to Submissions Table.

*Light nuisance*

- Jacksons on George has a number of existing, approved, and operable windows along its northern façade. The proposal has the potential to create a nuisance lighting issue to residential apartment owners and occupants arising from the extended operating hours and internal feature lighting within Jacksons on George.

- The windows of Jacksons on George have a negligible impact on the proposed Tower A. The position of the windows, as documented on the Council approved plans for Jacksons on George, only affects apartment types SA and 1B on Level 3 (as described above). The proposed southern winter garden to unit SA forms a buffer against the foremost light nuisance and is inconsequential when considering the dual aspect

**SUMMARY OF MATTERS RAISED**

- JLL recommends that a condition of development consent be imposed upon Wanda requiring the Kerry Hill southern façade design be amended at the lower levels to provide for permanent façade nuisance light screening in the cases where intensification of high end apartment occupants below and above circa level 7 (under the Wanda proposal) have the potential to be impacted by nuisance lighting from within the upper level of Jacksons on George during extended operating hours (including late night/predawn early morning).

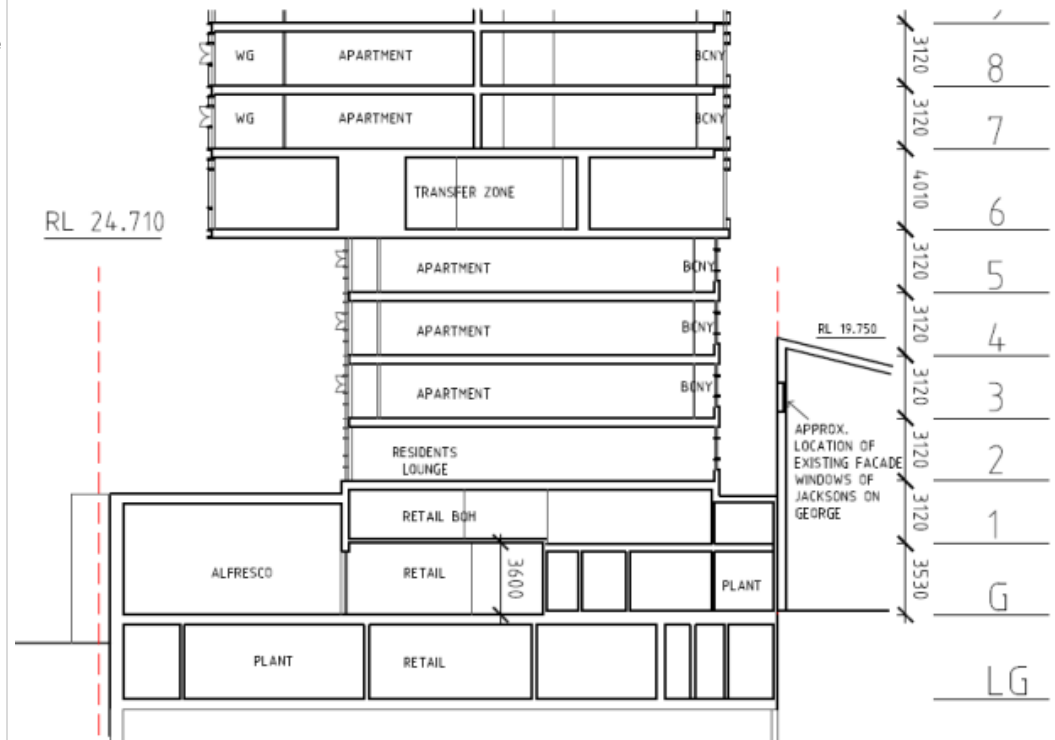
*Visual Privacy*

- Jacksons on George has a number of existing, approved, and operable windows along its northern façade. The intensification of sensitive residential apartment land use directly adjacent Jacksons on George below level 7 coupled with the realignment of the Tower A southern façade line closer to Jacksons on George under the Wanda proposal, both have the potential to create cross viewing and privacy issues to residential apartment owners and occupants, arising from the 24/7 operation of Jacksons on George.
- JLL recommends that a condition of development consent be imposed upon Wanda requiring the Kerry Hill southern façade design be amended at the lower levels to provide for permanent façade nuisance light/privacy/cross viewing prevention screening in the cases where apartments below and above circa level 7 (under the Wanda proposal) have the potential to cross view into the operating Jacksons on George premises. JLL consider that relying on internal apartment residential blinds and curtains is inadequate to address this issue.

**PROPONENT RESPONSE**

frontages of this studio unit. With regards to unit 1B the proposed balcony and balustrade (opaque glazing) will form a barrier against light intrusion to this unit and the remaining light nuisance can be dealt with through interior fit-out of this one apartment, should it be required.

- The windows of Jacksons on George are positioned along the circulation core and the southern façade of apartment types SA and 1B at Level 3 only, as illustrated in the following section.



SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
	<ul style="list-style-type: none"> <li>With regards to unit type SA on Level 3, it is noted that the main orientation of this unit is to the west and has a winder garden proposed along the southern façade. The winder garden provides a substantial buffer between the unit and any potential privacy concerns, and the dual orientation ensures that appropriate light and ventilation can be achieved within the unit should a resident choose to obscure (such as with block out blinds) the southern façade. With regards to unit type 1B the main living area and primary balcony are located on the northern façade and as such the amenity and useability of this unit is very high. Any potential visual privacy concerns are therefore isolated to one bedroom within the development. This one bedroom can be protected by the proposed use of opaque glazing of the balcony balustrade, the resultant setback of the bedroom window, and importantly any internal fit-out works including screening and shades. As such it is considered that visual privacy between the northern windows on Jacksons on George and the Level 3 units has been considered during the design, and appropriately mitigated.</li> </ul>
<ul style="list-style-type: none"> <li>Wanda to confirm the setback proposed from Tower A from Jacksons on George boundary (appears to be 1.9m).</li> </ul>	<ul style="list-style-type: none"> <li>The setback of Tower A from Jacksons on George boundary is 2860mm. At the position of the main tower volume this setback is reduced to 2360mm. The setback of the glazing line from the Boundary Line is 3005mm.</li> </ul>
<p><i>Wind Impacts</i></p> <ul style="list-style-type: none"> <li>Greater wind flow along George Street is expected to have adverse environmental impacts on the outdoor George Street dining areas and the mixed mode front bar dining areas of Jacksons on George.</li> <li>Wanda should consider the safety and security risks associated with impacts to the outdoor George Street dining areas and the mixed mode front bar dining areas of Jacksons on George arising from wind in accordance with the SEARs.</li> <li>Wanda is to provide more details regarding the risks to the outdoor George Street dining areas and the mixed mode front bar dining areas of Jacksons on George arising from Wanda's works by considering avoiding, minimising, and if necessary, offsetting the predicted impacts.</li> <li>JLL recommend that Wanda demonstrate to the satisfaction of Jacksons on George that adverse impacts to the outdoor area of Jacksons on George will not occur as part of the Wanda works, and that Wanda warrant any consequential loss to Jacksons on</li> </ul>	<ul style="list-style-type: none"> <li>This Stage 1 SSD Development Application was accompanied by a Desktop Wind Assessment (which has also been updated to reflect the proposed changes to Tower B) which confirms that generally the wind conditions in the immediate vicinity of the site are expected to be slightly windier than those existing, but still classified as acceptable for pedestrian standing or walking and marginally pass the distress criterion.</li> <li>With regards to George Street, it is noted that a wind-tunnel test would be required to quantify whether any exceedance exists with the final development geometry. This study would accompany the Stage 2 DA for Tower B only once the final geometry of the building is known. Given the desktop study confirms that the solution for the corner of George Street may be as minor as extending or reshaping the awning to the north and west of the development, this level of detail is considered appropriate for this Stage 1 application.</li> <li>The proponent is not required to demonstrate any amenity impacts to the satisfaction of Jacksons on George and any impact arising from wind conditions will not be measurable or attributable to the proposed development.</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p>George arising from wind impacts from the Wanda works will be paid for by Wanda.</p>	
<p><u>25.5 Impacts to other surrounding buildings (including the Cove Apartments)</u></p>	
<p><i>View and sunlight loss</i></p> <ul style="list-style-type: none"> <li>▪ Allowing the new development to reach right up to the north west boundary (approximately 15m wider than Gold Fields House) will result in significant loss of views and morning sunlight from Grosvenor Place and the Cove Apartments.</li> <li>▪ For example, approximately 80 apartments in Cove on the north east corner of the building will lose about of a third of their view corridor towards the Opera House.</li> <li>▪ The construction of this tower along the edge of its George Street boundary will result in my apartment and many others on the north east corner of Cove Apartments losing a substantial part of the existing view of Circular Quay and the Opera House and loss of sunlight.</li> <li>▪ The proposal creates a wall of buildings across the northern harbour end which will block sun, light, and views by varying degrees for all north facing apartments at 129 Harrington Street and nearby buildings.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The proposal does not propose any changes to the western boundary of the site compared to the currently approved development.</li> <li>▪ The View Impact Analysis clearly demonstrates that the proposed amendment to Tower A (specifically the proposed 2m increase to the northern boundary) will have a negligible impact on views and light from Grosvenor Place and Cove Apartments. Notably the proposed change to Tower A and the new proposed Tower B do not impact any iconic views from a central point of the Grosvenor Place floor plate, as identified within the original application. Similarly views to iconic elements from the Cove Apartments will not be perceivably impacted by the proposed change to Tower A and new Tower B as illustrated in the View Impact Analysis.</li> <li>▪ Due to the distance and site's location to the north east of the Cove Apartments, the proposal will not impact sunlight to the Cove Apartments at any time of the year, as demonstrated in the shadow diagrams which accompany this Response to Submissions Report, and as such any concern regarding sunlight to the Cove Apartments is unfounded.</li> </ul>
<p><i>The proposal disregards its neighbours</i></p> <p>Tower A proposed creates a high needle, it projects too far west and it totally disregards its neighbours, including Grosvenor Place and Cove apartments, both award winning buildings.</p>	<ul style="list-style-type: none"> <li>▪ The proposed amendments to the Tower A footprint are very minor in the context of the approved scheme and development within the precinct. Notably, the proposal does not project any further to the west (largely a zero setback to George Street as suggested by SDCP 2012) than the approved development. This application also provides View Impact Analysis specifically to Grosvenor Place and the Cove Apartments which demonstrate that there will be a negligible impact on these properties as a result of the proposal, compared to that approved on the site.</li> </ul>
<p><i>View loss diagrams inaccurate</i></p> <p>The submitted view loss diagrams were inaccurate and should be reviewed.</p>	<ul style="list-style-type: none"> <li>▪ Crone confirms the accuracy of the view impact analysis and highlights the methodology chosen within the submitted View Impact Analysis. Given the revisions proposed to the development and specifically for Tower B, a revised View Impact Analysis is provided. Given the View Impact Analysis demonstrates that the proposal will have a commensurate or lesser impact on surrounding proposals re exhibition/notification</li> </ul>

SUMMARY OF MATTERS RAISED	PROPONENT RESPONSE
<p><i>Fails to considered surrounding proposals</i></p> <ul style="list-style-type: none"> <li>▪ SSD 2015-7101 fails to assess existing improvements at 174 George Street and adjacent 33-35 Pitt.</li> <li>▪ JLL considers existing premises at 33-35 Pitt could be significantly impacted by the proposal and should be assessed along with Jacksons on George and recommends SD 2015-7101 be amended and re-exhibited accordingly.</li> </ul>	<p>of this analysis is not required.</p> <ul style="list-style-type: none"> <li>▪ Impacts upon the existing improvements at 174 George Street and 33-35 Pitt Street are specifically considered in Section 4.4 of the EIS. The submission does not outline the specific concerns that JLL have regarding the impacts to 33-35 Pitt Street, and notes that it is likely to revolve around building separation and views, which is addressed in detail within the EIS and the Response to Submissions Report.</li> <li>▪ In response to the submissions the proposal has been reduced in scale to reduce perceived impacts on the surrounding properties. As these changes result in a commensurate or lesser impact to surrounding properties, the amendments to the proposal will not be re-exhibited.</li> </ul>