

Stage 1 SSD Development Application - One Sydney

SSD 15_7101 - D/2015/1049
Response to Submissions and Council RFI

November 2015



万达集团
WANDA GROUP



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1 Introduction

The Environmental Impact Statement (EIS) and supporting documentation relating to the Stage 1 State Significant Development DA (Stage 1 SSD DA) for the redevelopment of Goldfields House, Fairfax House and the Rugby Club site in Sydney's Circular Quay precinct was on public exhibition from 20 August 2015 until 18 September 2015.

A total of 29 public submissions were received during the public exhibition period, with a further seven submissions being received from government departments and agencies. The government agencies included NSW Environment Protection Authority, Heritage Council of NSW, Ausgrid, NSW Office of Environment and Heritage, NSW Department of Primary Industries, Transport for NSW, and Sydney Water Corporation.

The City of Sydney, as the delegated authority for the Secretary of the Department of Planning and Environment for functions under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, Section 136 of the Act, and Parts 4, 6, and 15 of the *Environmental Planning and Assessment Regulation 2000* on 28 September 2015 requested a response to the submissions received regarding D/2015/1049 (also referred to as SSD 15_7101).

Further, the City of Sydney on 3 November 2015 requested a response to a number of design modifications and additional information to be submitted.

This report provides a response to the submissions and a response to the items requested in the City of Sydney letter dated 3 November 2015, and identifies where the proposed development has been amended in response to matters raised. In summary, the key themes identified in the submissions, and the City of Sydney letter, were:

- APDG Precinct Principles;
- Tower Separation;
- View Sharing;
- Overshadowing;
- Public Benefits;
- Existing Easements;
- Cumulative Impacts; and
- Planning Approval Process.

We note that some submissions related to the lack of detail provided as part of the Stage 1 SSD DA, with some requests more typical of the detail required at the Stage 2 development application (Stage 2 DA) stage. It is important to re-emphasise that the key objective in submitting the Stage 1 SSD DA was to provide clarity around the proposed development 'concept' only.

It is understood that the concurrent exhibition of D/2015/882, an 'Amending DA' for Tower A, has resulted in multiple submissions being duplicated for both applications. The detailed response to submissions included at **Appendix A** and **Appendix B** highlights where certain matters will be addressed within the assessment of D/2015/882 and/or the Stage 2 detailed development application for Tower B and the revised basement.

Where relevant, the matters above have been carefully considered and have resulted in the proponent revising the proposed development. A revised set of building envelope plans are therefore included at **Appendix C** for assessment under D/2015/1049. The proposed changes do not increase the impact of the proposal and comprise only minor amendments. As such, it is concluded that the revised plans do not need to be renotified.

2 Summary of Submissions Received

2.1 GOVERNMENT DEPARTMENT AND AGENCY SUBMISSIONS

During the public exhibition period for D/2015/1049, the City of Sydney received six government department agency submissions directly responding to the notification of the Stage 1 SSD Development Application, and one agency submission implicitly relating to the notification of the Stage 1 SSD Development Application.

Submissions were received from the following government departments and agencies:

- NSW Environmental Protection Authority
- Heritage Council of NSW
- Ausgrid
- NSW Office of Environment and Heritage
- NSW Department of Primary Industries
- Transport for NSW
- Sydney Water Corporation

A response to each of the government department and agency submissions is provided at **Appendix A**.

2.2 PUBLIC SUBMISSIONS

During the public exhibition period for D/2015/1049 the City of Sydney received 29 public submissions for the Stage 1 SSD Development Application. Of these 29 public submissions, 21 were from owners or on behalf of owners and/or residents of the Cove Apartments including a number of 'pro-forma letters'.

A response to each of the matters raised within the public submissions is provided at **Appendix B**.

The following table provides a reconciliation of the public submissions, and highlights for reference the sections of the table provided at **Appendix B** that address the specific concerns of each submission.

TABLE 1 – RECONCILIATION OF PUBLIC SUBMISSIONS

NO.	NAME	NATURE OF SUBMISSION	MATTERS REFERENCED
1	The Hon Patricia Forsythe	Support	Refer to Appendix B - 1
2-8	Jessica Pramana on behalf of the Cove Apartments	Submission	Refer to Appendix B – 2.2, 3.1, 3.2, 3.3, 3.5, 4, 5.1, 5.2, 8, 9, 12.3, 12.5, 25.2, 25.3, 25.5
9	Alex Greenwich on behalf of constituents in Sydney	Submission	Refer to Appendix B – 2.2, 3.1, 3.2, 3.3, 3.5, 5.1, 5.2, 25.2, 25.3, 25.5
10	JBA on behalf of AMP Capital Investors & Mirvac George Street (MGS)	Submission	Refer to Appendix B – 2.1, 2.4, 6.3, 8.1, 8.2, 9.4, 11.2, 11.3, 12.1, 13.1, 13.2, 25.1
11	Anthony Borg	Submission	Refer to Appendix B – 2.2, 3.3, 3.5, 5.1, 5.2, 8, 9, 22, 25.2, 25.3, 25.5
12	WL & GL Loh	Submission	Refer to Appendix B – 2.2, 3.1, 3.2, 3.3, 3.5, 4, 5.1, 5.2, 12.3,

NO.	NAME	NATURE OF SUBMISSION	MATTERS REFERENCED
			12.5, 25.2, 25.3, 25.5
13	Gregory Sewell	Objection	Refer to Appendix B – 2.2, 3.1, 3.4, 8.1, 9.3, 11.4, 20, 22, 25.2, 25.4, 25.5
14	Heinz & Dianne Piotrowski	Submission	Refer to Appendix B – 3.1, 3.2, 5.1, 5.2, 20, 25.5
15	Hong Li	Submission	Refer to Appendix B – 7, 8.1, 9.3, 25.5
16	James Douglas	Submission	Refer to Appendix B – 2.2, 3.1, 3.2, 3.3, 3.5, 4, 5.1, 5.2, 11.2, 12.3, 12.5, 25.2, 25.3, 25.5
17	Hawes & Swan Planning on behalf of Grosvenor Place	Submission	Refer to Appendix B – 2.2, 6.1, 8, 8.1, 9.1, 11.5, 12.5, 13.2, 21.2, 25.3
18	Jones Lang LaSalle (JLL)	Submission	Refer to Appendix B – 10, 14, 15, 16, 17, 18, 19, 21.3, 23.2, 23.3, 23.4, 24.1, 24.2, 24.3, 24.4, 24.5, 24.6, 24.7, 24.8, 24.9, 24.10, 24.11, 24.12, 25.2, 25.4, 25.5
19	Harry Seidler & Associates	Objection	Refer to Appendix B – 2.2, 2.3, 2.4, 3.1, 3.2, 5.2, 9.1, 11.4, 12.1, 25.3, 25.5
20	Patrick Gallagher (GHM)	Submission	Refer to Appendix B – 8.1, 16, 19, 23.2, 24.1, 24.3, 25.2, 25.4
21	Rita Borg	Objection	Refer to Appendix B – 2.2, 3.3, 3.5, 5.1, 5.2, 8, 9, 22, 25.2, 25.3, 25.5
22	Roger & Barbara Bagley	Submission	Refer to Appendix B – 2.2, 3.1, 3.2, 3.3, 3.5, 4, 5.1, 5.2, 12.3, 12.5, 22, 25.2, 25.3, 25.5
23	Robinson Urban Planning on behalf of DEXUS	Submission	Refer to Appendix B – 2.3, 7, 8.2, 8.3, 8.4, 11, 12.2, 25, 25.3, 25.4
24	Anonymous resident of the Cove Apartments	Objection	Refer to Appendix B – 2.2, 2.4, 2.5, 3.1, 3.2, 3.3, 3.5, 4, 5.1, 5.2, 7, 8, 9, 12.2, 12.3, 12.5, 22, 25.2, 25.3, 25.5
25	Wayne Davis	Submission	Refer to Appendix B – 2.2, 3.1, 3.2, 3.3, 3.5, 4, 5.1, 5.2, 12.3, 12.5, 25.2, 25.3, 25.5
26	Wayne Davis	Submission	Refer to Appendix B – 2.2, 2.4, 3.1, 3.2, 3.3, 3.5, 4, 5.1, 5.2, 7, 8, 9, 12.2, 12.3, 12.5, 25.2, 25.3, 25.5
27	Yolanda Lai	Submission	Refer to Appendix B – 2.2, 3.1, 3.2, 3.3, 3.5, 4, 5.1, 5.2, 12.3, 12.5, 25.2, 25.3, 25.5
28	BBC Consulting Planners on behalf of Lendlease	Objection	Refer to Appendix B – 2.3, 3.2, 6.2, 6.3, 7, 8.1, 8.2, 8.3, 8.4, 8.5, 9.1, 9.2, 9.3, 10, 11.1, 12.3, 12.4, 13.1, 13.2, 14, 15, 16, 17, 18, 19, 21.1, 21.3, 23.1, 23.2, 23.3, 23.4, 24.1, 24.2, 24.3, 24.4, 24.5, 24.6, 24.7, 24.8, 24.9, 24.10, 24.11, 24.12, 25.2, 25.4, 25.5
29	Brian Williams	Objection	Refer to Appendix B – 2.1, 2.2, 2.5, 3.1, 3.2, 3.5, 8, 9, 25.5

As demonstrated by this table and the responses within **Appendix B**, each of the matters raised within the public submissions has been considered in detail.

In addition to the mandatory public exhibition period, the proponent has engaged with their surrounding neighbours and otherwise interested parties in an ongoing community consultation process. The informal feedback provided by the surrounding neighbours has helped to inform this Response to Submissions Report.

3 Key Issues and Proponent's Response

This section summarises and responds in detail to the primary grounds of objection and key issues raised within the submissions. The key issues identified in the submissions were:

- APDG Precinct Principles;
- Tower Separation;
- View Sharing;
- Overshadowing;
- Public Benefits;
- Existing Easements;
- Cumulative Impacts; and
- Planning Approval Process.

Whilst we support the proposal as originally lodged with the Department of Planning and Environment and the City of Sydney Council, we note that in response to the submissions received and Council's letter dated 3 November 2015 the scheme is proposed to be amended as detailed at Section 5. The following sections focus on providing a response to the matters raised in the context of the revised scheme detailed at Section 5.

3.1 APDG PRECINCT PRINCIPLES

Several public submissions suggested that the proposal does not respect or conform to the original principles and objectives which guide development within the Alfred, Pitt, Dalley and George Streets Precinct (APDG Precinct). One submission specifically requested that Council undertake a 'first principles' assessment of the existing built form and the surrounding towers (approved or under construction).

We acknowledge the history of the planning for the APDG Precinct, noting that the original development proposed at 1 Alfred Street was the trigger for reconsidering the uniform height control across the street block. In September 2008 the City of Sydney commissioned the NSW Government Architect's Office to prepare an Urban Design Study (UDS) for the APDG Block.

Whilst we note that the proposal does depart from the 'three' tower design (Tower being defined as any building over 75m in height within the original development control plan adopted by Council in November 2010), as suggested within the UDS for the APDG Block, this is considered appropriate as:

- Whilst Tower B is greater than 75m in height, at 110m it is not considered a 'tall tower' in the context of the CBD, the Sydney City Skyline, or in light of the Lend Lease Circular Quay (LLCQ) Tower Planning proposal, 200 George Street, and potential future Mirvac proposal at 51 Pitt Street, in the APDG Precinct.
- The three tower principle is a vision for the precinct that would not be achieved by the current planning controls. Currently there is no incentive for the owner of Fairfax House and the Rugby Club to propose a development less than 110m in height. The proposal consolidates four allotments to deliver two towers, resulting in less tower crowding than would otherwise be achieved by certain properties 'opting in' to the APDG alternative height controls, and others being subject to the underlying 110m height control.
- The three towers concept across the site did not accommodate potential additional GFA available for the delivery of a hotel on the site.

- Despite proposing two towers that exceed 75m in height, the proposal complies with all objectives for the APDG Precinct as outlined within Section 6.1.4 of the SDCP 2012 as follows:

(a) Provide detailed controls to satisfy the provisions of Part 6, Division 3 'Height of Buildings and Overshadowing', Clause 6.20 Alternative Building Heights in Sydney LEP 2012.

As outlined within the EIS and throughout this response to submissions report, the proposal satisfies the provisions of Part 6, Division 3 and Clause 6.20 of the SLEP 2012.

(b) Facilitate the redevelopment of the site to achieve a high quality urban form.

As outlined within the Design Integrity Panel comments, Tower A will retain design excellence as approved within D/2010/2029. Whilst Tower B is proposed as an envelope only, the proponent has committed to undertake a second Competitive Design Alternatives Process for that portion of the site to ensure that the future detailed design of the building also achieves design excellence.

Furthermore, the Design Integrity Panel and the Design Advisory Panel as engaged by the City of Sydney Council has confirmed that the relationship between the two proposed buildings on the site can achieve a high quality urban form (subject to amendments discussed in Section 5). As such the proposal can demonstrate that it will facilitate the redevelopment of the site to achieve a high quality urban form.

(c) Ensure that development on the APDG site results in major public benefits.

As demonstrated in Section 3.5 of this response to submissions report, the proposal will result in major public benefits including land dedication and encumbrance for the benefit of public access, public art contributions, and activation and redevelopment of the precinct.

(d) Ensure the publicly accessible open space near the centre of the site fronted with active uses and linked to surrounding streets with a network of lanes and through-site links.

The proposed through-site link and laneways across the site are lined with active uses and align with proposed laneways to the south of the site. Notably the proposal improves the alignment and continuation of the through-site link on the site compared to that originally approved.

(e) Maintain the legibility of the historical alignment of laneways and through-site links within the site.

As outlined above, the proposal will improve the legibility of the existing and historic laneways throughout the precinct.

(f) Enable additional building height at certain sites where the development of the site provides for publicly accessible open space, lanes and through-site links.

The proposal clearly provides for publicly accessible open space, lanes and through-site links.

(g) Encourage commercial uses at the southern end of the site.

This is not relevant for the subject site; however it is acknowledged that the proposed hotel will further diversify land uses within the APDG Precinct.

(h) Protect sunlight access to Australia Square.

As illustrated within the revised shadow diagrams at **Appendix E**, the proposal does not adversely impact sunlight access to Australia Square, which is the broader aim underlying this objective.

(i) Create opportunities for views to and from Circular Quay.

Whilst criticised within the submissions, the proposal does create opportunities for views to and from Circular Quay from public spaces around the site. The proposal opens up view opportunities from the centre of the APDG Precinct to Circular Quay compared to the existing built form of Goldfields House.

The applicant is committed to delivering a development that will positively contribute to the revitalisation of such an important precinct within Sydney's Circular Quay. Despite supporting the proposal as lodged, we note that the revised scheme outlined within Section 5 further improves views to and from Circular Quay.

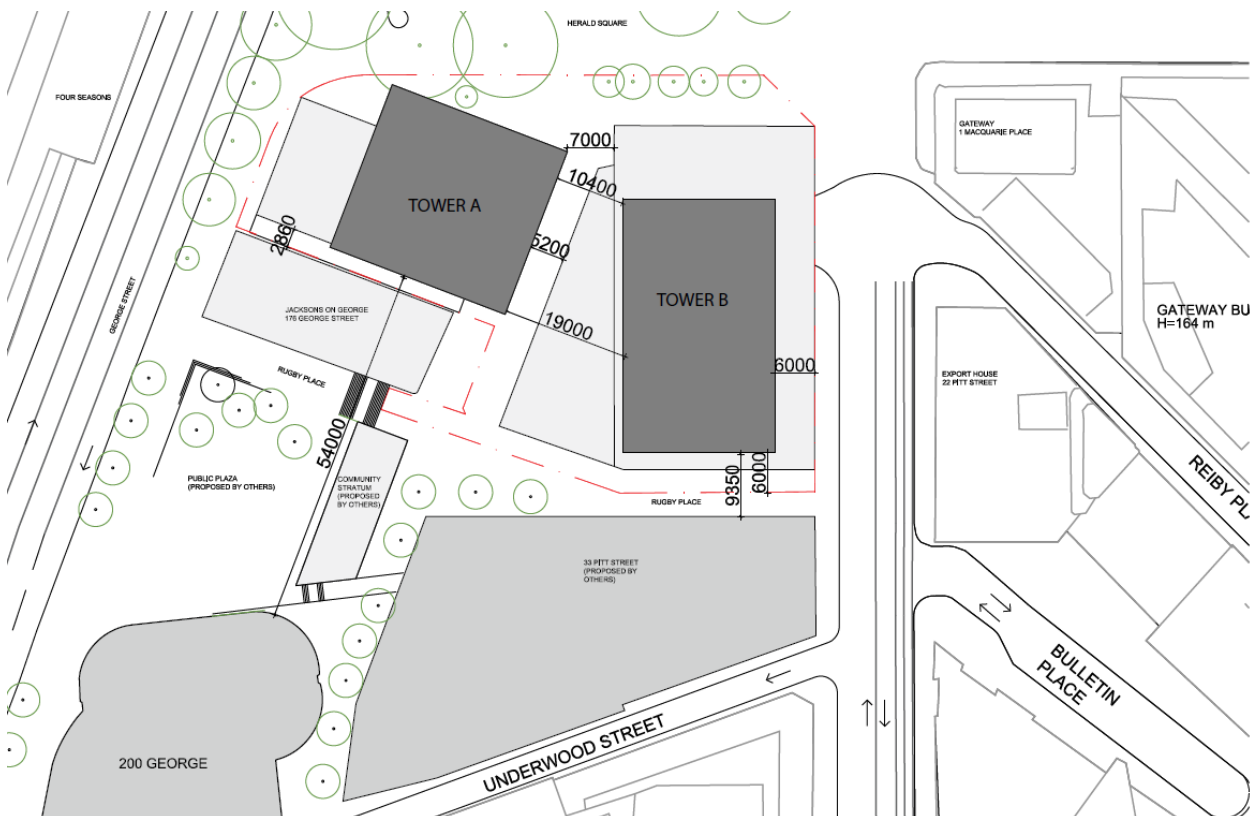
3.2 TOWER SEPARATION AND TOWER CROWDING

As a result of the submissions received, the proposal has been revised to increase the minimum tower separation between Tower A and Tower B from 6.92m to 10.4m. It is reiterated that this is the minimum building separation at the 'pinch point' between these buildings. The average tower separation will be 14.7m.

The proposal does not result in unreasonable 'tower crowding' for the following reasons:

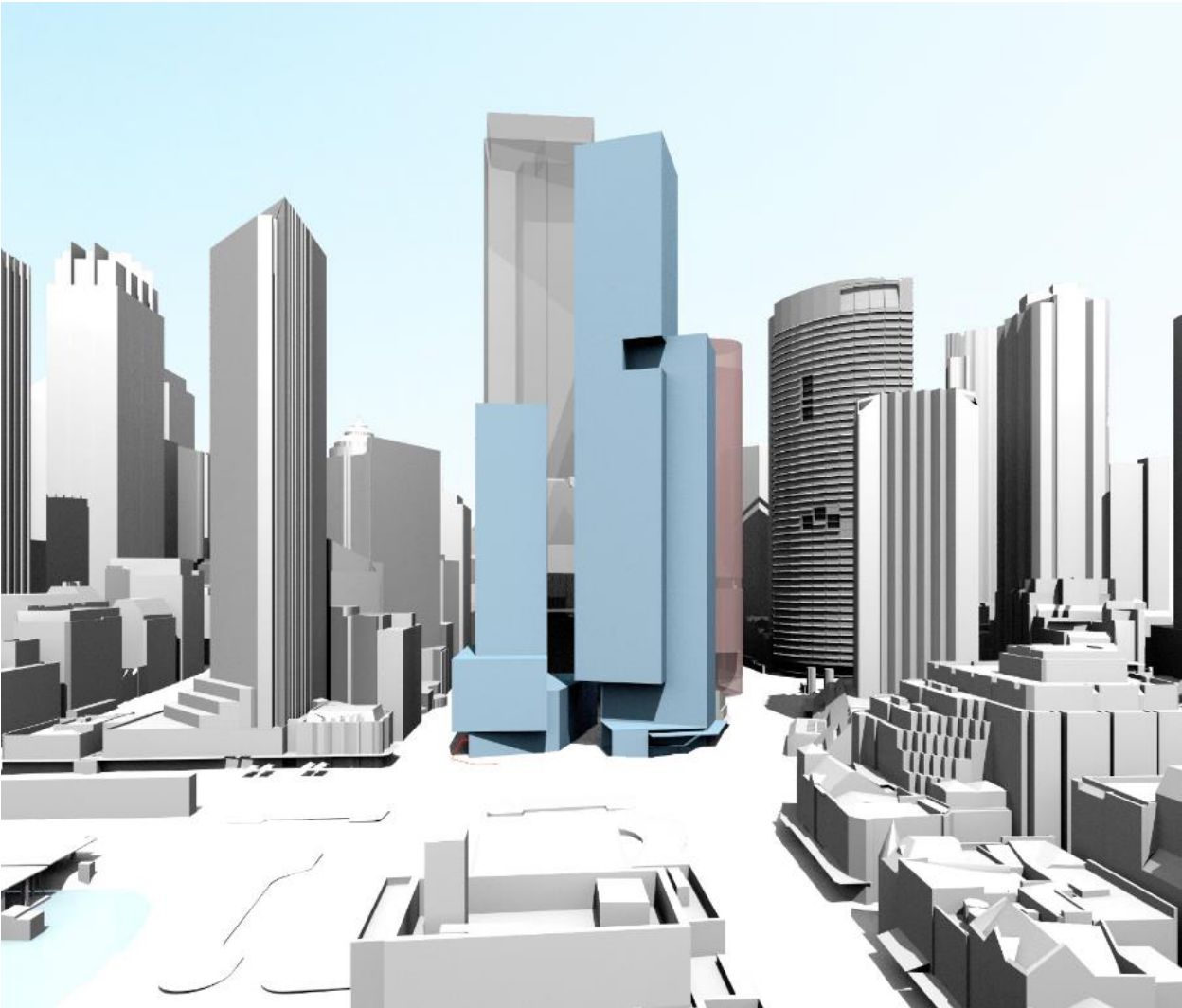
- Tower B is not considered a 'tall tower' within the context of the APDG Precinct, Circular Quay, or the Sydney CBD Skyline. Tower B forms part of the 110m prevailing building heights of the CBD and as such when viewed from Circular Quay Tower B will not be read as additional or significant massing on the skyline.
- Whilst the proposed tower separation does not meet the guidelines for building separation within the Apartment Design Guide, this is considered acceptable as the design of Tower B will facilitate non habitable rooms on the majority of the eastern façade. This will be further illustrated within the Stage 2 detailed DA for Tower B.
- The design of the eastern-most residential unit at Tower A has been orientated towards the north and south and as such will not rely upon windows or views to the east fronting Tower B.
- The proposal results in appropriate view sharing as outlined within Section 3.3.
- The proposal complies with the required setback to Rugby Place and as such the separation between Tower B and properties to the south will be determined by the future development application for that land. This tower separation, based on the current LLCQ Tower Planning Proposal is illustrated in the following figure.

FIGURE 1 – PROPOSED TOWER SEPARATION WITHIN THE APDG PRECINCT (SOURCE: CRONE PARTNERS)



As illustrated within the following image, the revised separation between Tower A and Tower B reduces any perception of ‘crowding’ as viewed from Circular Quay compared to that lodged. Tower B however forms part of the prevailing building height control of the CBD and as such, when viewed from Circular Quay it will be read as part of the overall height datum, rather than a projecting tower form.

FIGURE 2 – VIEW OF THE PROPOSAL FROM NORTH (SOURCE: CRONE PARTNERS)



Given the above, we consider that the proposal results in appropriate tower separation and does not result in ‘tower crowding’ as viewed from either Circular Quay or from within the APDG Precinct.

3.3 VIEW SHARING

A major theme of the public submissions was the impact the proposed development would have on view corridors from surrounding buildings to Circular Quay. As such this application is accompanied by further assessment of such view impacts (**Appendix D**).

As illustrated in these images, the revised proposal will improve view corridors to iconic elements, Sydney Harbour, and district views from the public domain and surrounding properties compared to that originally lodged and exhibited. The view corridors proposed through the site represent an appropriate degree of view sharing given the maintenance of view corridors from the Cove Apartments compared to that approved, the commercial use of properties to the south, the CBD context of the site, and compliance with the relevant maximum height controls for the site.

With regards to the remaining view impacts that the proposal will have on surrounding properties, we provide the following additional comments:

Impact on private commercial properties including 200 George Street, the LLCQ Tower site, Grosvenor Place and Australia Square

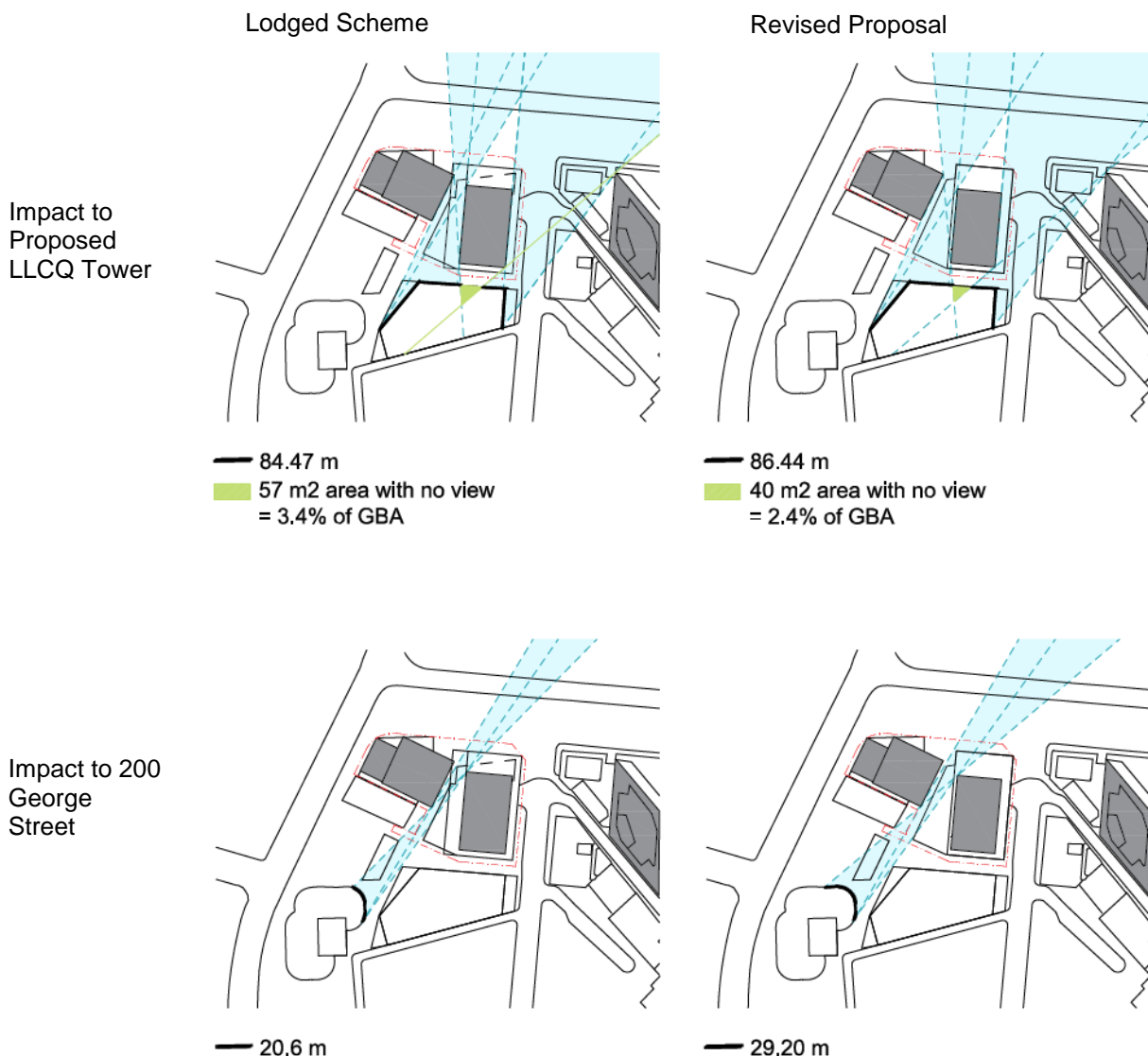
As stated by the City of Sydney within the LLCQ Tower Planning Proposal “*within the context of central Sydney, where high rise built form is commonplace, there would be a reasonable expectation that new development will be characterised by tower forms and that a partial loss of views from nearby development cannot be fully mitigated*”.

The proposal will only result in the partial ‘loss’ of views, which is considered appropriate given the CBD context of the site, the relative proximity to iconic elements and the Sydney Harbour and the reasonableness that new development will be characterised by tower forms.

The submissions received on behalf of 200 George Street and the LLCQ Tower submits that appropriate view sharing has not been achieved within the precinct. The amount of ‘views’ lost by these two private commercial buildings is minor comparative to their overall floor plates, building height, and opportunities for further views towards the Harbour Bridge (in the case of 200 George Street). The submissions also refer to appropriate view sharing when compared to what they may have achieved based on the approved schemes within D/2015/2029 and D/2010/1533 (as distinct from views that currently exist).

The following image illustrates the extent of the typical floor plates of each of these buildings below RL112 that will still achieve views to Sydney Harbour, orientated towards iconic elements. As such, despite the nature of the views being ‘iconic’, appropriate view sharing is still achieved across the precinct particularly compared to the existing Goldfields House development.

FIGURE 3 – EXTENT OF VIEWS STILL ACHIEVED DESPITE PROPOSAL (SOURCE: CRONE PARTNERS)



Further, by accommodating available GFA in a consolidated Tower B it results in less view loss than if additional GFA were proposed in more sensitive locations such as further expansion of Tower A or at the podium.

As such the proposed reduction in views compared to that originally approved within D/2010/2029 and D/2010/1533 to private commercial properties is considered acceptable.

Impact to residential properties including Cove Apartments

As illustrated by the View Impact Analysis at **Appendix D**, the proposed amendments to Tower A will have a negligible impact on views to and from the Cove Apartments compared to that approved within D/2010/2029.

3.4 OVERSHADOWING

Several public submissions raised concern regarding potential overshadowing to properties to the south, the proposed Public Square and laneways resulting from the LLCQ Tower and 200 George Street developments, George Street, and the Grosvenor Place forecourt.

This report is therefore accompanied by revised shadow diagrams illustrating the impact the amended proposal will have on sunlight to those areas. The revised shadow diagrams illustrate that:

- The revised proposal will not result in any perceptible increase in overshadowing of the proposed public square and laneway south of the site, compared to that approved during the midday peak between 10:00am and 2:00pm, which was used as the justification for the relocation of the square within the LLCQ Tower Planning Proposal. As such the proposal does not diminish the amenity of this square during the midday period for which it was relocated.
- Figure 4 illustrates the comparison of overshadowing to the proposed Public Square and Laneway between 10:00am and 10:20am at 14 April and 21 June.
- With regard to potential overshadowing of the proposed laneway to the south of the site, CBD laneways are generally not expected to receive significant direct sunlight. Despite this, we note that the proposal results in a 16% increase in sunlight at 10:20am 14 April.
- The proposal will not result in an increase in overshadowing to George Street during the Winter Solstice, Summer Solstice, or Equinox compared to that approved.
- The proposal will not result in an increase in overshadowing to the Grosvenor Place forecourt during the Winter Solstice, Summer Solstice, or Equinox compared to that approved.

FIGURE 4 – SOLAR IMPACT ON PROPOSED PUBLIC SQUARE AND LANEWAY (SOURCE: CRONE PARTNERS)



Further, the solar access to commercial properties to the south is not a matter for consideration within the shadow diagrams. It is noted within a CBD context where there is a reasonable expectation that new development will be in the form of towers, which will reasonably reduce sunlight access to commercial properties.

As such the amended proposal will result in an appropriate built form and shadow impact to surrounding properties. Importantly, the proposal does not unreasonably block solar access to key public areas during lunch time peaks or to residential properties.

3.5 PUBLIC BENEFITS

Several submissions questioned the public benefit that would be delivered as a result of the proposed development. We therefore iterate the following significant public benefits that will be delivered as part of this development.

- **Hotel development** – The proposal will boost the local economy by attracting significant international and local investment, in addition to attracting visitors to the locality. Further the proposal will make a significant contribution to the visitor accommodation market, contributing to tourism demand within the Sydney CBD as highlighted by the Draft Visitor Accommodation Action Plan 2014. This is emphasised by the fact that the proposed development is designated by the NSW Government as ‘state significant development’.

- **Land dedication and encumbrance for public use** – 1,404sqm is proposed to be dedicated or otherwise encumbered for public use across the site. This is an increase by 352sqm compared to that offered within the D/2010/2029 development.
- **Activation of the precinct** – Whilst the increased land dedication is noted above, the proposal also provides a direct north-south connection through the site that would otherwise not be achieved if the Fairfax House and Rugby Club sites were not consolidated into the site.

This through-site link and Rugby Place will be lined with active uses which will enhance the useability and activation of these areas of land dedication.

- **Public Art** – The development is accompanied by a Public Art contribution to the value of \$3.5million, a \$2.0million increase compared to that originally approved within D/2010/2029.

The development will clearly contribute to the Sydney CBD and Circular Quay Precincts by delivering a world class hotel, a mix of uses, and activated laneways. The proposed increase in public art and the land dedication appropriately responds to the proposed increase in the size of the proposed development and compliance with the Sydney Local Environmental Plan 2012 controls.

3.6 EXISTING EASEMENTS

The BBC submission dated 18 September 2015 and the supporting survey report dated 31 August 2015 prepared by Rygate Surveyors (Rygate Report) assert that the development will frustrate existing easement rights enjoyed by Lend Lease over parts of the Fairfax House and Rugby Club sites. Lend Lease's purported easement rights are identified in the Rygate Report by colour. Adopting the colours used in the Rygate Report, Wanda's position in relation to the easements is as follows:

- areas coloured green, pink and brown (F785388, A809434, 434985): Tower B in Wanda's revised scheme does not encroach upon these areas either above or below ground;
- area coloured yellow (F785388): the area coloured yellow in the Rygate Report is not affected by any easement benefiting land owned by Lend Lease or any other third party. Development on this site does not contravene any third party property rights; and
- area coloured blue (F785388): a very small portion of the title of Lot 182 in DP 606865 (Lot 182) is notionally benefited by right of carriageway F785388 over the area coloured blue in the Rygate Report, however Wanda is of the view that the right of carriageway does not actually 'accommodate' the small part of lot 182 that is notionally benefited, that an essential criterion for an easement to exist is therefore not satisfied and accordingly that this dealing does not give rise to any enforceable easement rights in favour of Lot 182.

Wanda proposes to take steps to clarify the operation of the right of carriageway created by dealing F785388, including by application for independent determination if the release of the right of carriageway is not agreed by all interested parties.

It is also noted that easements and covenants are not a relevant matter for consideration under Section 79C of the EP&A Act 1979.

The two issues raised by BBC on behalf of Lend Lease do not prevent the CSPC from granting development consent unconditionally for reasons that have been articulated to Council and which are supported by recent authority in the New South Wales Land & Environment Court. [see Beech Jones AJ at [74]-[84] and [94]-[98] Botany Bay City Council v Minister for Planning & Infrastructure & Ors[2015] NSWLEC 12 and Sheahan J at [60] Telstra Corporation Ltd v Port Stephens Council [2015] NSWLEC 1053.]

3.7 CUMULATIVE IMPACTS

Several submissions questioned whether the two applications will be assessed in terms of the cumulative impact of several other major developments being proposed within the precinct.

The Stage 1 SSD Development Application outlines the proposed building envelopes across the whole site, encompassing the proposed revised building envelope for Tower A. As such this application considered the cumulative impact of both buildings proposed.

With regards to potential cumulative impact on the APDG Precinct and surrounding properties, the EIS and as amended by this report, considered the impact the proposal will have on existing and approved development. Importantly cumulative impact is not a relevant matter for consideration under Section 79C of the EP&A Act. Despite this, we note that within the Secretary's Environmental Assessment Requirements (SEARs) the application was required to consider potential cumulative impact due to other development in the vicinity.

Cumulative impacts on the precinct have been addressed within the strategic planning for the APDG Precinct to date. As such, this application is required to consider potential cumulative impacts only in so far as the proposed departures from the APDG controls. This primarily relates to street wall heights, the maximum height for Building B, and the separation between the two towers. The EIS and this report have clearly considered these impacts and any potential cumulative impacts they may have on existing and approved development.

With regards to potential cumulative impact on potentially considered changes to the planning controls, this application cannot consider the impacts these changes may have following the determination of this application, and the onus will be on those land owners to consider the impact their proposals will have on surrounding development.

Further, the JLL Submission prepared on behalf of Lend Lease and Jacksons on George repeatedly mentioned that the proposal did not include 'adequate baseline data' as required by the SEARs, however specific baseline data has not been questioned or provided from the submissions. As such we consider that the EIS has been based on adequate baseline data as demonstrated throughout the proposal and the consultant reports and has appropriately responding to the SEARs.

3.8 CONSTRUCTION IMPACTS

This application is a Stage 1 SSD Development Application seeking development consent for a concept proposal only. Whilst we acknowledge the concurrent lodgement and exhibition of the Amending DA for Tower A, this response to submissions report does not provide a response regarding detailed construction, as requested by JLL within their submission.

Whilst this detail is important to be provided either within a Stage 2 or detailed design development application, or within the conditions of such applications to be prepared prior to the construction certificate for a bulk excavation, this is unrelated to this application.

3.9 PLANNING APPROVAL PROCESS

Several submissions raised queries or concern regarding the planning approval process that applies to this application. The following planning approval process applies to this application.

- Due to the designation of the application as State Significant Development pursuant to Clause 13(2), Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011* this application is a SSD Development Application which has been lodged as a Stage 1 Application under Clause 83B of the EP&A Act 1979.
- This application is being assessed and determined by the City of Sydney Council as per the delegations received from the Secretary, Department of Planning and Environment and Minister for Planning.
- The proponent acknowledges that whilst any consent granted on the determination of a staged development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the earlier development consent: section 83D(2) of the EP&A Act 1979. Development consent was granted to one staged development application in relation to (a portion of) the site, being D/2007/1384 in relation to 1 Alfred Street and a separate development application (not being a staged development application) D/2010/1533 in

relation to 19-31 Pitt Street (Fairfax House). The development consent for staged development application D/2007/1384 was subject to a deferred commencement condition which was never satisfied. The effect of this is that it was never activated or in force in relation to the site.

- With regards to the relevant planning controls, the SDCP 2012 does not apply to the development application pursuant to Clause 11 of the *State Environmental Planning Policy (State and Regional Development) 2011*. As such the only applicable environmental planning instrument that applies to the site (other than State policies) is the Sydney Local Environmental Plan 2012.
- Despite a minor non-compliance with the floor plate control, noting a Clause 4.6 Statement supporting the variation has been lodged, the proposal complies with all of the relevant provisions of Clause 6.25 which allows for one building on the site to achieve a maximum height of 185 metres. Achieving this maximum height does not restrict development on the remainder of the site, so long as the consent authority is satisfied that the development will:
 - (a) *include recreation areas and lanes and roads through the site, and*
 - (b) *include business premises and retail premises that have frontages at ground level (finished) to those recreation areas, lanes and roads, and*
 - (c) *provide a satisfactory distribution of built form and floor space development.*
- It has been clearly demonstrated within this response to submissions report, including the attachments, that this application achieves all of the requirements above.
- All remaining development on the site (i.e. Tower B) is compliant with the 110m maximum height control for the site as per Clause 4.3 of SLEP 2012.
- With regard to the relationship between this application and D/2015/882, we note that D/2015/882 cannot be approved before this application as it relies on certain matters contained in this application. Further, the proponent acknowledges that conditions contained within any consent for D/2015/882 may require consistency or connection to subsequent development applications. It is accepted practice for development to be divided into separate development applications.
- With regards to the lodgement of a development application seeking to amend D/2010/2029 we note that an amending development application subjects that development application to a revised assessment. Given the long history the City of Sydney Council has with development on this site and D/2010/2029, and that the CSPC has previously determined that the application resulted in appropriate impacts, the assessment of D/2015/882 will understandably focus on the proposed amendments to the approved development.
- Once this development application (D/2015/1049) is determined it is proposed that D/2015/882 will form a subsequent development application pursuant to Clause 83B(3)(a) of the EP&A Act 1979 and as such any consent granted must be consistent with any consent granted to the current application (D/2015/1049).
- The detailed design of Tower B, the public domain within the revised curtilage of Tower B illustrated in the architectural plans at **Appendix C**, and the consolidated basement will be subject to a separate competitive design excellence process and Stage 2 detailed development application.

The points above provide an overview of the development approval strategy that applies to this application, the concurrent development application D/2015/882 and the relevant development controls for the site.

4 Review of Suggested Amendments

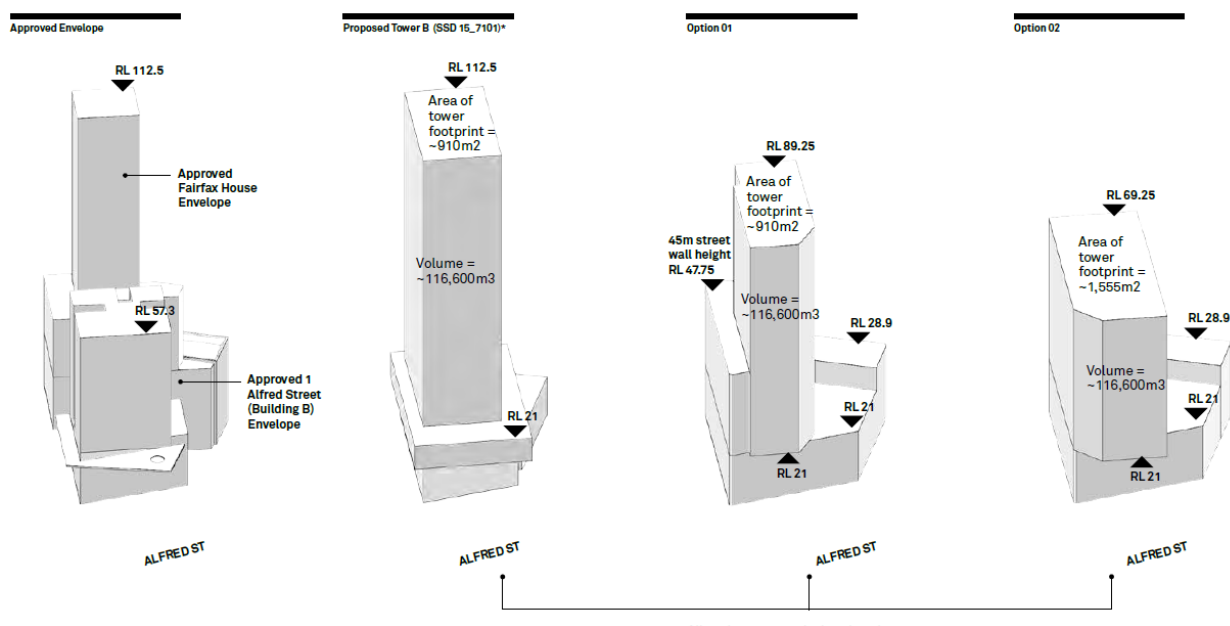
In preparation of this response to submissions report, and consideration of any potential changes to the proposed development, the proponent has considered the design proposals and suggested amendments put forward within the submissions.

This section provides a response to the various suggested amendments proposed and identifies where this has been incorporated within the revised amended development, or provides an explanation for why this has not been pursued.

4.1 LEND LEASE / HASSELL SUGGESTED AMENDMENTS

The submission prepared by BBC on behalf of Lend Lease was accompanied by a detailed report prepared by Hassell which made six suggestions for alternative approaches to the Tower B envelope which resulted in two massing options for the site, as shown below.

FIGURE 5 – LEND LEASE SUGGESTED AMENDMENTS FOR THE SITE (SOURCE: HASSELL)



Upon review of the two alternative envelopes proposed by Hassell, we note that the envelopes prioritise ‘view sharing’ benefitting private commercial properties above:

- the functional requirements of a hotel (basing their justification on the proposed floor plates on achieving the same volume);
- the public domain and urban design principles; and
- ‘view sharing’ and outlook from residential properties.

Of the six alternative approaches suggested (named as per the BBC submission), the proponent provides the following response:

1. **Alfred Street Edge** – Tower B will not be relocated further to the north as it would result in a significant overhang of the podium at Alfred Street or alternatively reduced public domain dedication, reduced views to the proposed residential units approved at Tower A (a more sensitive land use) and a reduced view corridor to 200 George Street. This would also increase overshadowing to the proposed through-site link and public domain.
2. **Pitt Street Edge** – The revised proposal does include a 6m setback to Pitt Street and an increased street wall height (30m) compared to that proposed. A 45m street wall height is not proposed as it

will reduce sunlight and access to sky from Pitt Street, is not practical in terms of the functional layout of a hotel floor plate (compared to commercial development which has different drivers) and will result in a compromised public domain.

3. **Western Alignment** – The Western Alignment is not pursued as it cannot accommodate the required hotel floor plate.
4. **Tower Separation** – The 900mm extension to the eastern façade of Tower A is not being pursued within the revised proposal. This GFA however is not being relocated to the northern façade of the building, and will be reallocated within the footprint of Tower A. The proposal is compliant with the SDCP 2012 setback control to Rugby Place and as such there is no requirement of the proposal to be further setback from the southern boundary. As a result of the concessions made by the proponent, the revised development achieves a minimum tower separation of 10.4m between Tower A and Tower B.
5. **Solar Access** – As demonstrated within the shadow diagrams accompanying this application, the proposal has a negligible impact on solar access to the proposed LLCQ George Street Plaza and as such there is no justification for reducing the building height of Tower B.
6. **View Sharing** – Improved view sharing is achieved across the APDG block as a result of the proposed amendments to the development. This is outlined within the revised View Impact Analysis (**Appendix D**) and Section 3.3 of this response to submissions report.

4.2 COVE APARTMENTS SUGGESTED AMENDMENT

Within the submissions received on behalf of owners or residents of the Cove Apartments, a theme emerged that they would like to see a taller, slender building on the site, further setback from George Street in place of the proposed two towers. It was suggested that the proposal could include both Tower A and Tower B stacked onto of one another.

This suggested amendment to the proposal would involve a radical departure from the standards of the SLEP 2012 and would likely require a Planning Proposal to amend the provisions of the SLEP 2012. This would result in significant delays to the determination of an application on the site and as such would not be pursued by the proponent. Such a proposal would also create a range of other impacts, most notably upon properties to the south.

Further, such as suggestion would require a world class hotel to be constructed within the same building as residential apartments. The functional requirements of the hotel may adversely impact the ongoing enjoyment of the residents of the building, and would result in unreasonable redundancies of services (such as lift cores and lobby areas) which could render the development unfeasible.

As such 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. Furthermore, the proposed amendments do not result in material additional impacts upon the Cove Apartments compared to the approved scheme.

5 Proposed Amended Development

5.1 OVERVIEW

In response to the matters raised in the submissions, the City of Sydney's ongoing assessment of the application, and the on-going design process, the proponent has taken this opportunity to make some amendments to the building envelopes originally proposed and exhibited. The proposed amendments reduce the impact of the proposal on adjoining properties, whilst ensuring the objectives of the project are maintained.

The key amendments to the proposed development are summarised as:

- Removal of 'registered club' within Tower B;
- Removal of the proposed 900mm extension to the east of the Tower A footprint;
- Reduction of Tower B footprint (Levels 5-24) by 13.7% by rationalising services cores and reductions in the typical room sizes;
- Increase the tower separation between Tower A and Tower B to a min. 10.4m (+3.48m compared to lodged and +4.76m compared to approved);
- Increased ground separation at podium level from 11m (lodged) to 12m to open up the through-site link between Tower A and Tower B;
- Increase the height of the Pitt Street podium from 18.5m to 30m;
- Minor amendments to the proposed basement envelope;
- Revision to the proposed geometry of the through-site link reflecting revised floor to ceiling heights;
- Maintain the Pitt Street upper level Tower B setback at 6m;
- Maintain the southern setback at 6m; and
- Other minor amendments to the internal layout of Tower A to reflect detailed design matters subsequently addressed within D/2015/882.

Drawings of the revised building envelopes and indicative scheme are provided at **Appendix C**. Whilst the proposed amendments reduce the impacts of the proposal, supplementary view impact analysis and Shadow Diagrams are provided at **Appendix D** and **Appendix E** respectively to demonstrate to the Council the revised impacts of the proposed built form.

The amended proposed development and revised key numeric parameters are summarised within the following table.

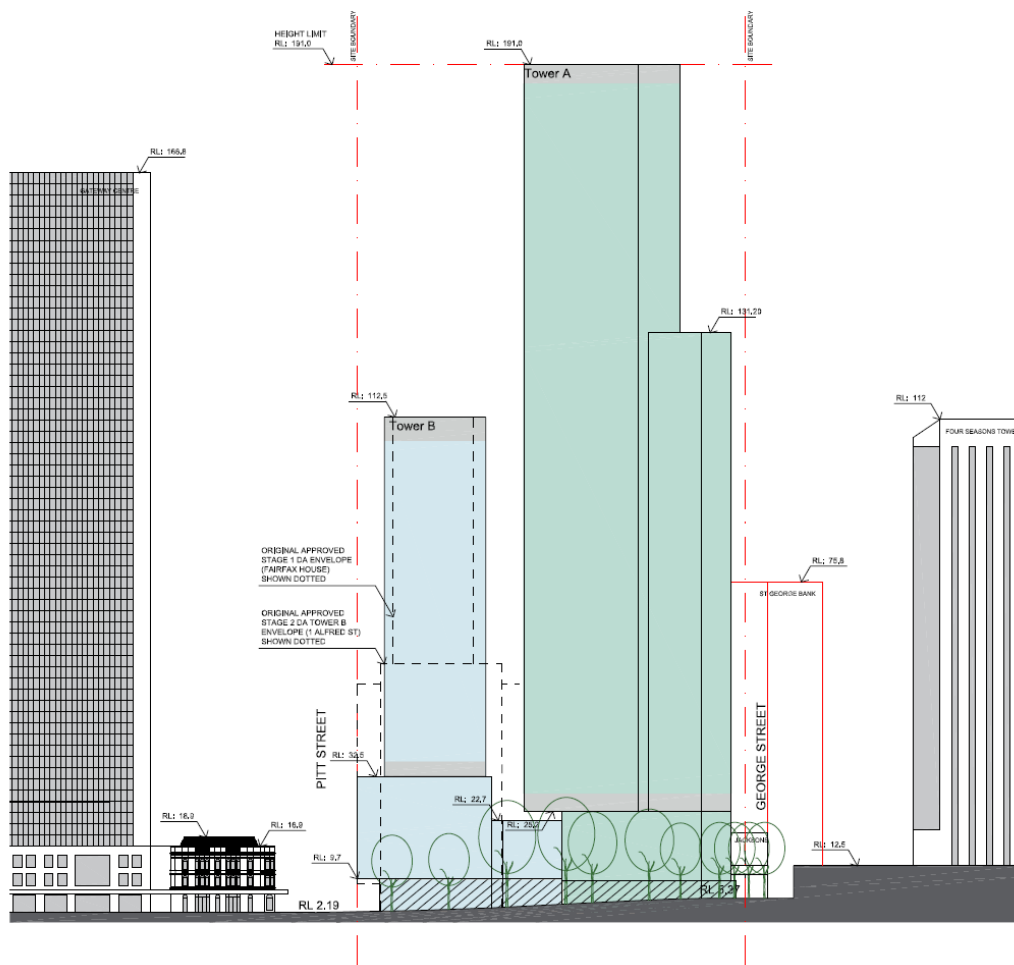
TABLE 2 – OVERVIEW OF PROPOSAL

PARAMETER	PROPOSED
Land Uses	<p><i>Retail premises</i></p> <p><i>Commercial premises</i></p> <p><i>Tourist and visitor accommodation</i></p> <p><i>Residential flat building</i></p> <p><i>Function Centre</i></p>
Building Height	

PARAMETER	PROPOSED				
▪ Tower A	185 metres / RL 191				
▪ Tower B	110 metres / RL 112.5				
Gross Floor Area	56,847sqm				
▪ Tower A	<i>Residential:34,556sqm</i>		<i>Retail:882sqm</i>		
▪ Tower B	<i>Hotel:20,934sqm</i>		<i>Retail:475sqm</i>		
Proposed Floor Space Ratio	14.07:1				
Max. Floor Space Ratio Control	14.36:1 (based on current land use mix)				
Tower A - Indicative Number of Apartments	Studio	1 Bedroom	2 Bedroom	3+ Bedroom	Total
	4 / 2.2%	13 / 7.1%	87 / 47.3%	80 / 43.5%	184 / 100%
Tower B – Indicative Number of Hotel Keys	179 Hotel Keys <i>Hotel Patron Capacity: approx. 205 persons</i> <i>Potential Ballroom Capacity: 620 persons</i>				
Car Parking	Six Basement Levels incorporating the SLEP 2012 car parking rates as at the time of DA lodgement.				

The proposed building envelopes are illustrated in Figure 6 below.

FIGURE 6 – AMENDED PROPOSED BUILDING ELEVATION (SOURCE: CRONE PARTNERS)



5.2 LAND USES

As a result of ongoing commercial arrangements, the proponent has determined that this application will no longer require a 'registered club' within Tower B. This has a minor implication for the maximum Floor Space Ratio (FSR) permitted on the site and internal layout of the indicative scheme, however does not have a significant impact on the proposed building envelopes.

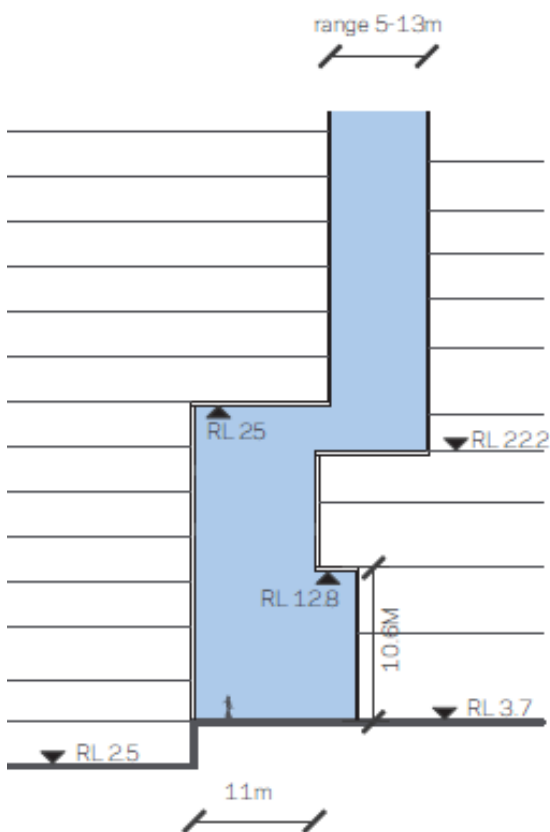
The function centre use is ancillary and incidental to the use of the development as a hotel, and so whilst specific recognition is sought within the approval for a function centre use as defined under the SLEP 2012, the dominant use of the building is as a hotel. For clarity, no objection would be raised to the removal of specific reference to the function centre within the description of the proposed development.

5.3 BUILDING ENVELOPES

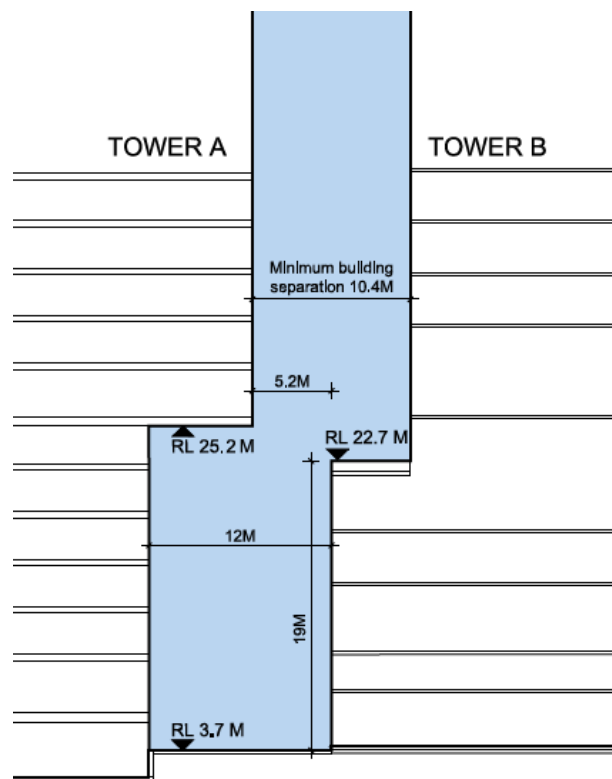
It is the proponent's intention to utilise bonus Floor Space Ratio (FSR) available under SLEP 2012 through two competitive design excellence processes (one completed). As such the building envelopes, and the indicative architectural plans, reflect the scale of development incorporating this additional floor space. The building envelopes however show a breakdown of where the potential additional floor space is located for Council consideration.

The revised proposal includes a minimum 10.4m building separation between the two towers on the site (excluding any façade fenestration such as louvres), which expands to 19m towards Rugby Place. The relationship between the two towers at the podium level has also been revised to reflect the comments received from the City of Sydney Council, the Design Advisory Panel and the Design Integrity Panel. The revised relationship between the two towers at the podium level is illustrated below.

FIGURE 7 – COMPARISON OF PROPOSED RELATIONSHIP BETWEEN TOWER A AND TOWER B AS LODGED AND AMENDED (SOURCE: CRONE PARTNERS)



PICTURE 1 – THROUGH-SITE LINK AS LODGED



PICTURE 2 – REVISED THROUGH-SITE LINK PROPOSED

5.4 PUBLIC BENEFIT OFFER

A revised Public Benefit Offer has been submitted to the City of Sydney Council for the following:

- An increase in funds allocated for Public Art Works from \$1.5 million to \$3.5 million
- Amend Schedule 1 of the PA to reflect the new land owner, application details, revised estimated cost of developer's works, and increase in Dedicated Land - Land for Roads (Rugby Place). The area of dedicated land for the purpose of roads is to be increased from 182sqm to 400sqm.
- Amend Schedule 3 of the PA to reflect the revised estimated costs of developer's works as a result of the change in site area and encumbered land area.
- Amend Schedule 6 of the PA 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.
- Amend Schedule 7 of the PA with regards to the proposed instrument right of carriageway for the Fairfax House (19-31 Pitt Street, Sydney) and Rugby Club (31A Pitt Street, Sydney) sites.
- Amend Schedule 8 of the PA to reflect the amended site area to include 19-31 Pitt Street and 31A Pitt Street Sydney, and the proposed amendments to the land for roads, through-site link, land for public footway and recreation and carriageway land.

It is considered the increased costs of works, Public Art and also the increased public domain area represent a significant increase when compared to the total cost identified in the current PA. These costs are approximately \$5 million.

The area of land to be dedicated to Council or otherwise encumbered for the purpose of public access has increased from 1,052m² to 1,404m².

5.5 DESIGN EXCELLENCE STRATEGY

Given the revision to the curtilage around Tower A and Tower B in response to the submissions and Council's comments, Figure 1 within the lodged Design Excellence Strategy will be required to be amended to revise the site area for Tower B.

6 Planning Assessment

6.1 OVERVIEW

The proposed amended development has reduced the perceived impacts resulting from the proposal on the public domain and surrounding properties. As such the proposed amended development improves the proposal's consistency and compliance with the relevant strategic plans and statutory planning controls.

The proposal results in a satisfactory distribution of built form and floor space development as it balances the interests of surrounding property owners, the public, in addition to the functional requirements of a hotel. As outlined within this response to submissions report, the revised proposal results in an appropriate built form and distribution of floor space as it relates to, among other matters:

- The interface and presentation to Pitt Street;
- The presentation to Alfred Street and Circular Quay;
- The relationship between Tower A and Tower B and the geometry of the proposed through-site link;
- Tower separation between the proposal and surrounding development;
- View sharing and view corridors;
- Solar access and amenity of existing and proposed public domain;
- Urban design principles as considered by the Design Advisory Panel convened by the City of Sydney Council; and
- Design excellence as considered by the Design Integrity Panel convened by the City of Sydney Council and Kerry Hill Architects.

6.2 KEY MATTERS FOR CONSIDERATION

The proposed amendments do not significantly impact the S79C(1) assessment of the proposal. Where amended the proposal will result in increased public benefits and reduced impacts on surrounding properties and the public domain. As such, and as summarised within the table below, the revised proposal appropriately addresses with the relevant matters of consideration as outlined within Section 79C(1) of the EP&A Act 1979.

TABLE 3 – ASSESSMENT OF THE REVISED SCHEME AGAINST THE RELEVANT MATTERS FOR CONSIDERATION UNDER SECTION 79C OF THE EP&A ACT 1979

MATTERS FOR CONSIDERATION	RESPONSE
State environmental planning instruments	The revisions to the proposed development do not impact the consistency of the proposed development with any State environmental planning instrument as outlined within the EIS prepared by Urbis and lodged with the original application.
Sydney LEP 2012	The revisions to the proposal have a minor impact on the proposal's consistency with the relevant SLEP 2012 controls. The revised proposed development is consistent with the provisions of the SLEP 2012 as: <ul style="list-style-type: none"> ▪ The proposal is permissible with development consent. ▪ This application is for a Stage 1 SSD Development Application seeking consent for a staged development application pursuant to Section 83B of the EP&A Act 1979 and as such the proposal is consistent with Clause 7.20 of the SLEP 2012.

MATTERS FOR CONSIDERATION	RESPONSE
	<ul style="list-style-type: none"> ▪ The proposal will be subject to two competitive design alternative processes. ▪ The development is compliant with the maximum building height controls across the site. ▪ The proposal results in a reduction in the Tower A floor plate. Whilst the proposed floor plate marginally exceeds the development standard provided within Clause 6.25(3) of the SLEP 2012 a revised Clause 4.6 Statement is included at Appendix F. ▪ The revised proposal results in a satisfactory distribution of built form and floor space that reduces the perceived impacts of the development as originally lodged. ▪ The revised proposal maintains compliance with the maximum FSR control for the site. ▪ The revised proposal maintains compliance with the Sun Access Planes. ▪ The revised proposal does not amend the relationship between adjacent heritage items, or the relevant airport referral. ▪ The revised proposal will maintain compliance with the relevant car parking rates for the site.
Any draft environmental planning instruments	The revisions to the proposed development do not impact the consistency of the proposed development with any draft environmental planning instruments as outlined within the EIS prepared by Urbis and lodged with the original application. It is noted that the LLCQ Tower Planning Proposal is yet to commence public exhibition and therefore is not a relevant matter for consideration in assessment of this application. It is understood this Planning Proposal is to be amended and will be the subject of a further Gateway Determination. The substance of these amendments is not known.
Sydney DCP 2012	<p>Whilst it is acknowledged that the Sydney DCP 2012 does not apply to this application pursuant to Clause 11 of the State Environmental Planning Policy (State and Regional Development) 2011 it is noted that the proposed amendments increase the consistency of the application with the relevant provisions of the SDCP 2012, including:</p> <ul style="list-style-type: none"> ▪ Maximum tower floor plate dimensions; ▪ Desired street wall height; ▪ Building separation; ▪ Characteristics of through-site links; and ▪ Communal open space.
Any planning agreement	The proposal will result in an amended VPA to be agreed and executed with the City of Sydney Council.
The regulations	The revisions to the proposed development are made in accordance with the requirements of the EP&A Regulation 2000, where relevant.
Any coastal zone management plan	N/A
Likely impacts of the proposal	As outlined throughout this response to submissions report, the proposed amendments to development reduce its likely impacts including any perceived:

MATTERS FOR CONSIDERATION	RESPONSE
	<ul style="list-style-type: none"> ▪ View impacts; ▪ Overshadowing; ▪ Visual and acoustic privacy concerns; and <p>The revised proposed however does improve the positive impacts the proposal will have on the public domain.</p>
Suitability of the site for the development	The revisions to the proposed development do not impact the suitability of the site for the proposed development as outlined within the EIS prepared by Urbis and lodged with the original application.
Any submission made	This report outlines how the submissions received for the application have been addressed and have informed the revised proposed development.
The public interest	The revised proposal is in the public interest as outlined within the EIS prepared by Urbis and lodged with the original application in addition to the improved amenity of the public domain surrounding the site and increased building separation proposed within the amended design.

As outlined above, the proposed revisions to the development do not significantly impact the assessment of the proposal against the relevant considerations of Section 79C(1) of the EP&A Act 1979.

6.3 REVISED ENVIRONMENTAL RISK

The SEARs required an environmental risk analysis to be prepared to identify potential environmental impacts associated with the proposal. The following table provides a revised environmental risk analysis on the amended development proposed within this application.

TABLE 4 – REVISED ENVIRONMENTAL RISK ASSESSMENT

ASPECT	POTENTIAL IMPACT	LIKELIHOOD	CONSEQUENCE	RISK LEVEL
Design Excellence, Built Form and Urban Design	Inadequate building setbacks resulting in loss of pedestrian access / amenity.	D	1	Low
	The development does not achieve design excellence.	D	2	Low
	Imposition on the streetscape.	D	2	Low
Visual and View Impacts	Adverse impact on public view corridors	D	1	Low
	Adverse impact to views from Cove Apartments	D	4 2	Low
	Adverse impact to views from 200 George Street	B	4 2	High
	Adverse impact to views from Australia Square	C	4 2	Medium
	Adverse impact to views from Grosvenor Place	D	4 2	Low
	Adverse impact to views from Lend Lease	B	4 2	High

ASPECT	POTENTIAL IMPACT	LIKELIHOOD	CONSEQUENCE	RISK LEVEL
	Proposal			
Prescribed Airspace for Sydney Airport	Adverse Impact on airspace operations.	D	2	Low
Amenity	Adverse solar access and ventilation of the residential apartments in Tower A.	E	1	Very Low
	Adverse impact on visual and acoustic privacy of residential apartments in Tower A.	C D	2	Medium Low
	Adverse impacts on residential amenity of surrounding properties.	E	1	Very Low
	Overshadowing of surrounding public spaces.	E	1	Very Low
	Adverse impact on reflectivity of the proposed buildings on public domain.	D	1	Low
	Adverse impact on the pedestrian wind environment of surrounding streets.	B C	2	High Medium
	Adverse impact on the safety and security of residents and visitors of the development.	D	3	Low
Ecologically Sustainable Development	Irreversible increase in energy usage.	D	1	Low
Public Domain and Public Access	Reduced access to public domain spaces, streets and lanes.	E	1	Very Low
	Inactive frontages of the public domain.	D	3	Low
	Unsafe and inaccessible public domain.	E	2	Very Low
Transport and Accessibility Impacts	Congestion and adverse impact on key intersections as a result of increased traffic generation on the site.	D	2	Low
	Additional demand for on street car parking spaces.	C	2	Medium
	Reduced access via public transport services.	D	2	Low
	Adverse impact on pedestrian access across the site.	D	1	Low
	Adverse impact on emergency and service vehicles in proximity to the site.	D	2	Low

ASPECT	POTENTIAL IMPACT	LIKELIHOOD	CONSEQUENCE	RISK LEVEL
Heritage	Damage to Tank Stream as a result of construction	C	1	Medium
	Impact on any archaeological relics beneath the Fairfax House and Rugby Club sites	C	1	Medium
	Damage to Aboriginal sites or artefacts	C	1	Medium
Infrastructure Provision	Adverse impact on surrounding transport infrastructure during the construction stage of the development.	D	3	Low
Interim Rail Corridor	Adverse impact on the practicality, structural integrity, safety and cost of carrying out rail expansion projects on the site.	D	3	Low
Water, Drainage, Stormwater and Groundwater	Adverse impact on the water quality of the Tank Stream.	D	3	Low
	Adverse impact on surface and ground water quality.	D	3	Low
	Adverse impact on groundwater dependent ecosystems.	D	3	Low
Staging	Adverse impact on the construction of the CSELR project.	C	4	Low

The mitigation measures as outlined within Section 11.3 of the EIS lodged with the original application demonstrate that the proposal will not result in any significant impacts on the surrounding environment with the exception of potential view impacts to private commercial properties. This impact is acceptable for the justification provided within the EIS and Section 3.3 of this response to submissions report.

7 Conclusion

The proponent has considered the matters outlined within the public and government authority submissions, and Council comments to date in detail, and has gone to lengths to consider how best to balance the comments raised. This report and notably **0** and **Appendix B** provides a detailed response to those matters raised.

The proponent has made some refinements to the proposed building envelopes to reduce impacts to adjacent properties and improve the relationship between the site and the public domain. In summary the key amendments to the proposal include:

- Removal of 'registered club' within Tower B;
- Removal of the proposed 900mm extension to the east of the Tower A footprint;
- Reduction of Tower B footprint (Levels 5-24) by 13.7% by rationalising services cores and reductions in the typical room sizes;
- Increase the tower separation between Tower A and Tower B to a min. 10.4m (+3.48m compared to lodged and +4.76m compared to approved);
- Increased ground separation at podium level from 11m (lodged) to 12m to open up the through-site link between Tower A and Tower B;
- Increase the height of the Pitt Street podium from 18.5m to 30m;
- Minor amendments to the proposed basement envelope;
- Revision to the proposed geometry of the through-site link reflecting revised floor to ceiling heights;
- Maintain the Pitt Street upper level Tower B setback at 6m;
- Maintain the southern setback at 6m; and
- Other minor amendments to the internal layout of Tower A to reflect detailed design matters subsequently addressed within D/2015/882.

These amendments appropriately respond to all relevant issues raised in the submissions. We reaffirm that this project represents a significant opportunity for the City of Sydney to deliver a high quality, world class, and state significant hotel within the most prominent and iconic precincts of Sydney.

We trust that the information contained in this report will assist the City of Sydney in finalising its assessment of the application.

Disclaimer

This report is dated November 2015 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Wanda One Sydney Pty Ltd (**Instructing Party**) for the purpose of Response to Submissions (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A

Detailed Response to Government Agency Submissions

Appendix B

Detailed Response to Public Submissions

Appendix C

Amended Building Envelope Plans and Indicative Architectural Plans

Appendix D

Supplementary View Impact Analysis

Appendix E

Supplementary Shadow Diagrams

Appendix F

Revised Clause 4.6 Statement

Appendix G

Additional Acoustic Advice

Appendix H

Revised Desktop Wind Assessment

Appendix I

Responses to Construction Impacts

Appendix J

Response to Odour Concerns

Appendix K

BCA Compliance Letter

Appendix L

Historical Asbestos Data Review

Sydney

Tower 2, Level 23, Darling Park
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