

Compliance Assessment

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

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

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

SYDNEY LOCAL ENVIRONMENTAL PLAN 2012

Refer to Section 7.7 of the EIS for a detailed consideration of the relevant provisions of the Sydney Local Environmental Plan 2012.

SYDNEY DEVELOPMENT CONTROL PLAN 2012

Technically the Sydney Development Control Plan (SDCP) 2012 does not apply to the development application pursuant to Clause 11 of the *State Environmental Planning Policy (State and Regional Development) 2011*. Despite this, as the development relates to D/2015/882 which was approved as a local development application the following table provides an assessment of the proposed development, as modified, against the relevant provisions of the SDCP 2012.

TABLE 1 – KEY PROVISIONS OF SYDNEY DEVELOPMENT CONTROL PLAN 2012

SECTION	SUMMARY OF KEY APPLICABLE PROVISIONS	COMPLIANCE	COMMENT
Section 3 – General Provisions			
3.1 Public Domain Elements		YES	The approved streets, lanes and footpaths will be constructed in accordance with the Sydney Streets Design Code. The detail of the public domain works will be provided in the relevant Stage 2 DA. No modifications are sought that impact these approved public domain elements.
3.1.5 Public Art		YES	A Preliminary Public Art Plan was included in the original SSD DA. Condition 11 of the development consent requires a Public Art Strategy to be developed and lodged with the future relevant Stage 2 DA.
3.2 Defining the Public Domain	Overshadowing effects of new buildings on publicly accessible open space are to be minimised between the hours of 9am to 3pm on 21 June.	YES	Notably the proposed modification to the Tower A building envelope will not increase overshadowing to Macquarie Place between 10:00am and 2:00pm on 21 June.
	Buildings are not to impede views from the public domain to highly utilised public places, parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments including public statues, sculptures and art.	YES	As demonstrated in the Design Report in Volume 2, the proposal does not have an adverse visual impact from the surrounding public domain or from key public views.

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	Development is to improve public views to parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments by using buildings to frame views. Low level views of the sky along streets and from locations in parks are to be maintained.	YES	The proposed modification enhances the approved slender tower built form of Tower A, retains the approved Tower B envelope and a through-site link that enables views through the site to Circular Quay and other key public views.
	Active frontages are to be provided in the locations nominated on the Active frontages map.	YES	Active frontages are approved along George Street, Pitt Street, and Herald Square, in addition to the approved through-site link and laneways across the site. The proposed modifications do not seek to modify these active frontages.
	A wind effects report is to be submitted with a development application for buildings higher than 45m and for other buildings at the discretion of the consent authority	YES	A Desktop Wind Assessment is provided at Appendix F of the s.96(2) modification report.
	A Reflectivity Report that analyses potential solar glare from the proposed building design may be required for tall buildings.	Stage 2	N/A
3.3 Design Excellence and Competitive Design Processes		YES	The required Design Excellence and Competitive Design Process was conditioned (10) as part of the SSD DA consent. The proposed modification does not seek to alter this process or any associated condition.
3.6 Ecologically Sustainable Development		Stage 2	N/A
3.7 Water and Flood Management		Stage 2	N/A
3.9 Heritage		YES	The proposed modifications do not seek to impact the heritage conservation values located on or in proximity to the site.

SECTION	SUMMARY OF KEY APPLICABLE PROVISIONS	COMPLIANCE	COMMENT
3.11 Transport and Parking		Stage 2	See Section 8.5 of the s.96(2) modification report for discussion on the relevant matters for this Stage 1 SSD modification application.
3.12 Accessible Design		Stage 2	Accessible design will be detailed in the Stage 2 DA(s).
3.13 Crime Prevention through environmental design		Stage 2	N/A
3.14 Waste		Stage 2	A Waste Assessment Addendum has been provided in Appendix G of the s.96(2) modification report.
3.15 Late Night Trading Management		Stage 2	N/A
3.16 Signage and Advertising		Stage 2	N/A
3.17 Contamination		Stage 2	N/A – A Preliminary Site Investigation was prepared as part of the approved Stage 1 SSD Application.
SECTION 4.2 – DEVELOPMENT TYPES: RESIDENTIAL FLAT, COMMERCIAL AND MIXED USE DEVELOPMENTS			
4.2.1.2 Floor to ceiling heights and floor to floor heights		Stage 2	As demonstrated in the illustrative concept scheme, the proposed building envelopes have been designed to accommodate the minimum required ceiling heights of the ADG and SDCP 2012. This will be further detailed at the Stage 2 DA(s).
4.2.3.1 Solar Access	Development applications are to include diagrams in plan and elevation that show solar access to proposed apartments and the shadow impact on neighbouring development at hourly intervals between 9am, 12noon and 3pm on 22 March and 21 June.	Stage 2	N/A

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

4.2.3.12 Flexible housing and dwelling mix	Developments that propose more than 20 dwellings are to provide a mix of dwellings consistent with the following percentage mix: (a) Studio- 5-10% (b) 1 bedroom- 10-30% (c) 2 bedroom- 40-75% (d) 3+ bedroom,- 10-100%	NO	The proposal includes the following indicative dwelling mix: (a) Studio – 1.6% (b) 1 Bedroom – 13.7% (c) 2 Bedroom – 38.9% (d) 3+ Bedroom – 45.8% While the development as proposed to be amended provides less studio and 2 bedroom apartments than required by SDCP 2012, it is considered that the increase in the number of larger dwelling types is consistent with the premium location of the site. Notwithstanding, the proposed number of studio and 1 bedroom apartments are incorporated to provide variety within the development. This dwelling mix is consistent with that proposed in the concurrent approval (D/2015/882).
4.2.4 Fine grain, architectural diversity and articulation		Stage 2	N/A
4.2.5.1 Tall Buildings	The component of a residential building that is above 35m high must have a maximum floor plate size of 750sqm including balconies.	YES	The proposal has a maximum floor plate of 739sqm. The proposed modification does not seek to modify this floor plate.
	Tall buildings are to be generally separated from other tall buildings by a minimum of 60m. This spacing may be reduced where buildings are offset, preserve views or the urban structure and street hierarchy is reinforced by the location of tall buildings.	Superseded by Section 6.1 of the SDCP 2012	The proposed modification does not seek to alter the building separation of the approved building envelopes. The proposed 9m height increase to the Tower A building envelope will not reduce the building separation from the approved envelopes.
4.2.5.3 Development on busy roads and active frontages		Stage 2	N/A
4.2.6 Waste Minimisation		Stage 2	N/A

SECTION 5.1 – CENTRAL SYDNEY

5.1.1 Street frontage heights	The street frontage height of a new building must be between 20m and 45m above the site ground level with the specific height set with regard to:	The predominant street frontage height of adjacent buildings and buildings in the vicinity.	See Section 7.2 of the report	The proposal includes the following indicative street frontage heights of: - George Street – RL131.20; - Alfred Street – RL32.5 / RL200; and - Pitt Street – RL32.5 / RL112.5.
		The size of the site, for example small sites, less than 1,000sqm may attain a street frontage height of 45m regardless of the above criteria.		
5.1.2.1 Front setbacks	Buildings must be set back a minimum weighted average of 8m above the required street frontage height. This setback may be reduced in part by up to 2m provided that the weighted average setback from the street frontage alignment is 8m as shown in Figures 5.4 to 5.6. No part of the building is to be setback less than 6m.		Consistent with Approved Development	The proposed modifications do not seek to alter the approved setbacks.
5.1.2.2 Side and rear setbacks	Above a height of 45m, windows or balconies of commercial buildings are to be set back at least 3m from side and rear property boundary.		Consistent with Approved Development	The proposed modifications do not seek to alter the approved setbacks.
5.1.2.3 Setbacks for buildings adjoining or fronting lanes	Where new development fronts a lane or right of way, it is to be built to the street alignment up to the required street frontage height.		YES	The proposed modifications do not seek to alter the approved setbacks.
	Residential buildings, serviced apartments or hotels above the street frontage height are to have a minimum setback of 6m from the centre line of the lane or more if required.		Generally consistent	The proposed modifications do not seek to alter the approved setbacks.
5.1.2.4 Separation of buildings on	Minimum separation distances for buildings on the same site	9m up to a height of 45m for commercial to residential	NO	The proposed modifications do not seek to alter the approved building

the same site	are:	15m for commercial to residential above 45m		separations.
5.1.5.1 Commercial buildings – building bulk	Above a height of 45m high, the maximum horizontal dimension of any commercial building façade must not exceed 65m.		YES	The maximum length of Tower B above 45m high is 42m. The proposed modification does not alter Tower B.
5.1.5.2 Residential buildings and serviced apartments	For residential buildings and serviced apartments with a height above the 45m:	The size of the floor plate above the street frontage height must not exceed 1,000sqm GFA The maximum horizontal dimension of the building façade parallel to the street frontage is 40m	Generally Consistent	The maximum floor plate of Tower A is 739sqm. The proposed modifications do not seek to alter this floor plate. The maximum horizontal dimension of the building façade of Tower A is 27.505m.
5.1.6 Building exteriors			Stage 2	N/A
5.1.7 Temporary use and appearance of vacant sites and buildings			Stage 2	N/A
5.1.9.5 Calculating the heritage floor space to be allocated			Stage 2	N/A
5.1.10 Sun access planes			YES	Whilst the site is not identified as land that is affected by Sun Access Planes, the site is located in proximity to Macquarie Place. As illustrated on the Shadow Diagrams in Volume 2, the proposal does not result in any additional overshadowing to Macquarie Place during the specified times.

SECTION 6.1 – SITE SPECIFIC APDG PROVISIONS

6.1.5.1 General	Where required to be provided, new streets, lanes and through-site links are to be provided in the locations identified in Figure 6.8 Public domain and designed and constructed in accordance with Figure 6.9 Streets, lanes and	YES	The proposed modifications do not seek to alter the approved new streets, lanes and through site links in accordance with the structure of the APDG
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	through-site links		Precinct.
	Ensure the design of the laneway network and square integrates with the ground floor uses of adjoining buildings and provides opportunities for external leisure areas.	YES	The proposed modifications do not seek to alter the approved new streets, lanes and through site links in accordance with the structure of the APDG Precinct. The activation of the through-site link and the laneways will be required to be demonstrated in the relevant Stage 2 DA(s).
6.1.5.2 Streets, lanes and through-site links	Through-site links are to be provided in the locations identified on the Through-site links map and Figure 6.10 Public domain principles.	YES	The proposed modifications do not seek to alter the approved new streets, lanes, and through-site links in accordance with the structure of the APDG Precinct.
	Extend the existing north-south alignment of Underwood Street up to Alfred Street to enhance pedestrian movement on the site.	YES	The proposed modifications do not seek to alter the approved through-site link is that improves the north-south pedestrian movements through the precinct.
	Create opportunities for outdoor dining along Alfred and George Streets.	YES	The proposed modifications do not seek to alter the approved activation along Alfred and George Streets.
	Bridge the level change between George and Pitt Streets through terracing along Alfred Street whilst maintaining equal access.	YES	The proposed modifications do not seek to alter the intent of the approved development to bridge the level change. Further detail regarding the levelling between George and Pitt Streets will be detailed future relevant Stage 2 DA.
	Design Pitt Street to allow safe crossing points between Bulletin and Rugby Place and Bulletin Place and Underwood Street.	Stage 2	N/A
	Design laneway thresholds that indicate pedestrian crossing priority.	Stage 2	N/A
	Ensure lane alignments maintain clear sight-lines from each end.	YES	The proposed modifications do not seek to alter the approved lane alignments that maintain clear sightlines from each end.
	Where required to be provided, introduce a north-south land and through-site link in the location shown as 1A in Figure 6.10 Public domain principles. The link will connect Herald Square and Dalley Street and have the character of a	YES	The proposed modifications do not seek to alter the approved through site link.

	narrow through-site pedestrian link to the north and shared use lane to the south.		
	Rugby Place identified as 1B on Figure 6.10 Public domain principles is to be a narrow lane for its entire length and is to widen towards the approach to the Rugby Place to create a seating area and encouraging outdoor dining.	YES	The proposed modifications do not seek to alter the approved realignment of Rugby Place.
	Through-site links are to be built to the level indicated on Figure 6.7 Public domain.	YES	The proposed modifications do not seek to alter the approved RL for the Public Domain.
6.1.5.4 Active Frontages	Active frontages are to be provided in the locations nominated on the Active frontages map.	Stage 2	N/A
6.1.5.5 Footpath Awnings	Awnings are to be provided in the locations nominated on the Footpath awnings and colonnades map.	Stage 2	N/A
6.1.6.1 Building Height	Development must not exceed the maximum height in metres for the land as shown in Figure 6.11 Alternative heights and publicly accessible space.	NO	Refer to Section 7.12 of the s.96(2) modification report.
	New towers above 75m are to have a minimum separation of 28m above the street frontage height as shown in Figure 6.14 Building frontage height.	NO	Refer to Section 7.12 of the s.96(2) modification report.
6.1.6.2 Street Frontage Height and Setbacks	The street frontage height of a building is not to exceed the maximum height shown for the land on Figure 6.13 Building frontage height.	NO	The George Street, street frontage height is compliant. The proposed modification includes a street frontage height increase to the Alfred Street frontage and publicly accessible space to the east of the tower. The proposed street frontages exceed the allowable building height of 185m by 9m. Refer to Section 7.2 of the s.96(2) modification report.
	The maximum width of an elevation above the street frontage height of buildings is to be 35% of the total height of the building, excluding curved facades.	See Section 7.2 of the s.96(2) modification report	In accordance with Section 6.1.6.2 of the SDCP 2012, with a total height of 194 metres, the maximum elevation width above street frontage height is 67.9 metres. The proposed elevation width of Tower A is 27.505 metres, and Tower B is 37.8 metres.

	Buildings are to be built to the street and public domain alignments. Insets are considered appropriate only where they provide a publicly accessible area as shown in Figure 6.10 Public domain principles.	YES	The proposed modifications do not seek to alter the approved buildings' street and public domain alignments.
	Provide setbacks above the street-wall in accordance with Figure 6.14 Setbacks above the street frontage height.	In accordance with approved development	The proposed modification does not seek to alter the setbacks above the street wall from the approved development.
6.1.6.3 Building Design and Bulk	Building envelopes are to be in accordance with Figure 6.10 Alternative heights and publicly accessible space.	NO	Refer to Section 7.12 of the s.96(2) modification report.
	Introduce a slender tower in the north-west corner of the site known as 1 Alfred Street, which fronts Circular Quay in accordance with Figure 6.11 Alternative heights and publicly accessible space.	YES	Despite a marginal increase to the height of Tower A, the proposed form remains slender by proposing a consistent floor plate to what is approved. Further, the proposed building envelope is consistent with the design form and proportions originally proposed within the KHA competition scheme.
	Design the lower levels of the tower fronting Alfred Street to address the pedestrian environment at George Street and Herald Square.	Stage 2	N/A
6.1.7 Parking and Vehicular Access	Vehicle and service entry points are to be consistent with Figure 6.16 Vehicular access.	YES	The proposed modifications do not seek to change the vehicle and service entry points approved.
	Provide shared basement access between developments to minimise vehicular movements on lanes.	YES	The proposed modifications do not seek to change the approved basement access or vehicular movements.
	Loadings docks are not permitted on George, Pitt or Alfred Streets or on the new public square frontage.	YES	The proposed modifications do not seek to change the basement. Loading docks will continue to be located within the basement car park.
	Above ground parking is not permitted.	YES	The proposed modifications do not seek to change the location of parking. No above ground parking is proposed.