

ITEM 4. SECTION 96 MODIFICATION APPLICATION: 1 ALFRED STREET SYDNEY**FILE NO. D/2015/1049/B****DEVELOPMENT APPLICATION NO: D/2015/1049/B****SUMMARY****Date of Submission:** 31 October 2016**Applicant:** Wanda One Sydney Pty Ltd**Architect:** Crone Partners**Developer:** Wanda Group**Owner:** Wanda One Sydney Pty Ltd**Cost of Works:** \$554,000,000

Proposal Summary: This Section 96(2) application seeks consent to modify the approved Stage 1 State Significant Development (SSD) consent for two mixed use towers known as 'Tower A' and 'Tower B' at 1 Alfred Street, Sydney.

The proposed amendments accommodate the detailed design of the Stage 2 development applications for Tower A (D/2015/882/C) and Tower B (D/2016/1529). Amendments to specific conditions are also proposed. The scope of modifications include:

Tower A

- provision of an awning at Level 39
- 100mm extension to the underside (soffit) of the cantilevered tower

Tower B

- realignment of the tower a further 5.1m toward the northern boundary
- increased setback to the southern boundary
- reduction in massing to Pitt Street and reconfigured podium form
- increase to building envelope at shared basement levels B1, B2 and B3

**Proposal Summary:
(continued)**

Amended Conditions

- Condition 1, *Voluntary Planning Agreement* to reflect terms of VPA
- Condition 2, *Approved development* to update drawing numbers/revisions
- Condition 5, *Stage 2 to be contained within Approved Building Envelope* to enable flexibility in achieving Tower B stepped/pixelated design form
- Condition 9, *Communal Facilities and Common Open Space* to be deleted.

Modification of the approved building envelopes will ensure consistency between staged development applications for the site, as required under Section 83D(2) of the Environmental Planning and Assessment Act, 1979.

The Minister for Planning and Secretary, Department of Planning and the Environment delegated their respective consent authority and assessment functions to the City of Sydney Council (Council) for the site. As the cost of development is more than \$50 million, this Section 96 modification is therefore lodged for assessment and determination by the Central Sydney Planning Committee (CSPC). The application was notified for a period of 14 days between 25 November 2016 and 10 December 2016. As a result of this notification there were four submissions received. The submissions raised concern with the following:

- increase in building height of Tower A
- increase in gross floor area (GFA).

The proposed modification application does not seek to increase either the height of Tower A or site GFA. As modified, the proposed building envelopes are considered to be contextually appropriate, responding to the site and surrounding development. The revised massing and setbacks to Tower B will minimise amenity impacts upon the public domain, improving the relationship of buildings within the APDG block and opening view corridors to the north. In addition to facilitating the design development of Tower A and B, the modifications proposed to conditions 1, 2, 5 and 9 will provide further clarity within the operational consent.

Summary Recommendation:

The Section 96(2) modification application is recommended for approval, subject to the deletion of Part A Deferred Commencement Condition (1) and modification of Part B Conditions of Consent (2), (5) and (9) and the amendment of Condition (4).

Development Controls:

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012
- (iii) State Environmental Planning Policy (State and Regional Development) 2011
- (iv) State Environmental Planning Policy (Infrastructure) 2007
- (v) State Environmental Planning Policy No. 55 – Remediation of Land
- (vi) State Environmental Planning Policy No. 65 – Design Quality of Residential Development
- (vii) State Regional Environmental Plan (Sydney Harbour Catchment) 2005

Attachments:

- A - Selected Drawings
- B - Recommended Conditions
- C - Assessment Report and Conditions of Consent - D/2015/1049/A

RECOMMENDATION

It is resolved that consent be granted to Section 96 Modification Application No. D/2015/1049/B, subject to the amendment of conditions (with modifications shown in ***bold italics*** (additions) and ~~strike through~~ (deletions)), as detailed in Attachment B to the subject report.

BACKGROUND

The Site and Surrounding Development

1. The site is located on the northern edge of the Sydney CBD. It is bound by Alfred Street to the north, Pitt Street to the east, Rugby Place to the south and George Street to the west. The site forms the northern portion of the Alfred, Pitt, Dalley and George (APDG) block identified in Clause 6.25 of Sydney Local Environmental Plan 2012.
2. The site is an amalgamation of four separate allotments (described in **Table 1** below) now legally described as Lot 8 in DP 1224258.

Table 1: Site address and legal description

| Site/Building | Site Address | Former Legal Description | Site Area |
|---|---------------------|------------------------------------|---------------------|
| 'Goldfields House' | 1 Alfred Street | Lot 1 DP 217877 Lot 1 DP 220830 | 2,686m ² |
| 'Fairfax House' | 19 – 31 Pitt Street | Lot 1 DP 537286 | 916.5m ² |
| 'The Rugby Club' and Rugby Lane reserve | 31A Pitt Street | Lot 180 DP 606866 | 437.5m ² |

3. The site is irregular in shape, with a total site area of 4,041m². The site has a frontage of 58.825m to Alfred Street, 49.18m to Pitt Street, 14.475m to George Street and 25.83m frontage to Rugby Place. The site has a slight fall (approximately 3.6m from west to east).
4. The site contains three buildings: Goldfield House; Fairfax House; and The Rugby Club. Development consent D/2010/2029 and D/2016/1527 have granted approval to the demolition of these structures.
5. **Figures 1 to 4** illustrate the context of the site and the existing built form.

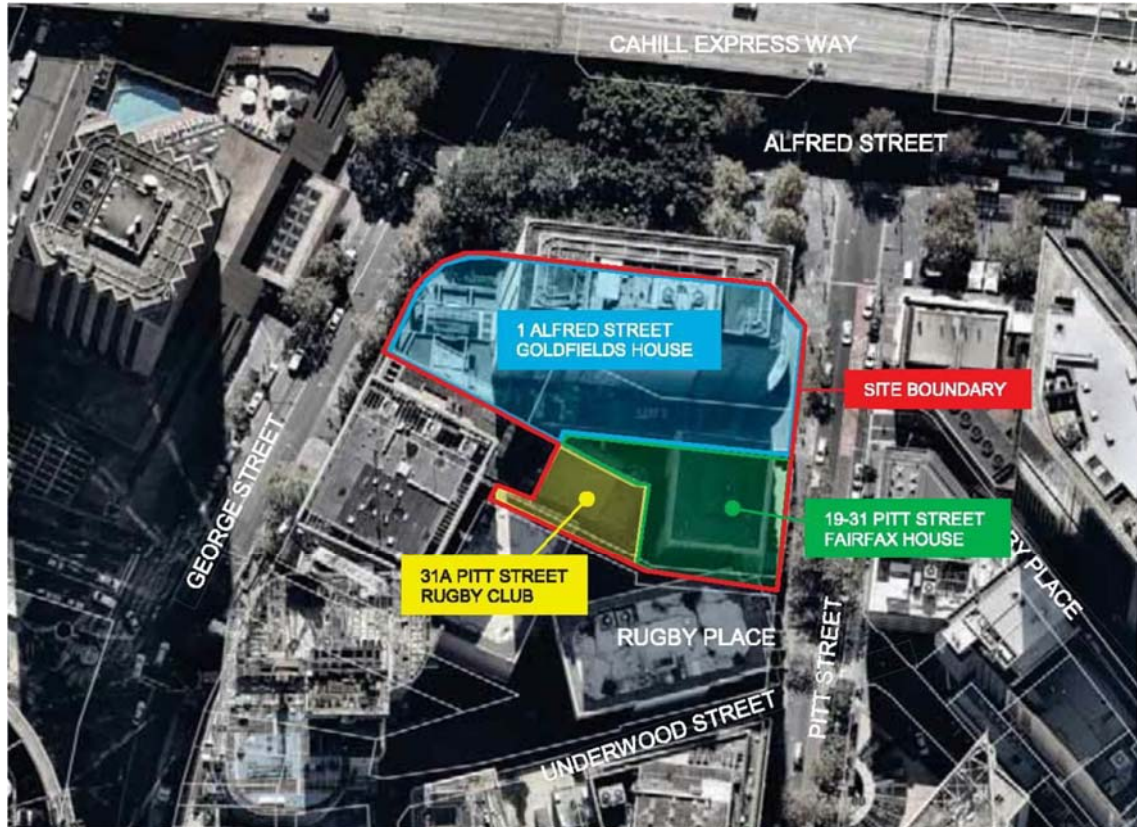


Figure 1: Aerial image of subject site and surrounding area (Source: Urbis)



Figure 2: 1 Alfred Street, Goldfields House – viewed from north (l) and west (r) (Source: Urbis)



Figure 3: 19 – 31 Pitt Street, Fairfax House – viewed from Pitt Street (l) and pedestrian access from Pitt Street (r) (Source: Urbis)



Figure 4: 31A Pitt Street, Rugby Club – viewed from Rugby Place (Source: Urbis)

Surrounding Development

North

6. Immediately north of the site is Herald Square and Alfred Street. Herald Square includes the Tank Stream Fountain, a local heritage item. Herald Square incorporates areas for outdoor dining and includes public seating. Further north of Alfred Street is the City Circle Railway line, the Cahill Express Way and Circular Quay.

East

7. Immediately east of the site is Pitt Street which acts as a primary arterial road having a north-south orientation. The heritage listed Tank Stream runs underground, parallel and adjacent to, the eastern boundary of the site. The location of the Tank Stream varies between 110mm and 175mm from the boundary and is located approximately 1m from the existing basement level wall.
8. Further east of the site (across Pitt Street) is the heritage listed Ship Inn building. The Ship Inn is physically connected to the high rise 'Gateway' building, being a 50 storey commercial office tower with a retail centre at the lower levels. Alfred Street also includes Customs House and the existing AMP Tower at 33 Alfred Street.

South

9. Immediately south of the site is Rugby Place which acts as an access way for the loading dock provided to the rear of 1 Alfred Street.
10. South of Rugby Place is 33-35 Pitt Street, known as The Atrium and 182 George Street, also known as the St George building. The Atrium is a 12 storey commercial office building. The St George building is a 16 storey commercial office building with retail tenancies at ground floor level.
11. Recent amendments to the Sydney Local Environmental Plan 2012 (made on 2 December 2016) facilitate the redevelopment of the 33-35 Pitt Street and 182 George Street as a new commercial tower to the height of 248m, a new plaza on George Street, community facilities, and public domain improvements. The site has recently been the subject of a competitive design alternatives process. However, a development application for construction of the building has not yet been lodged.
12. Further to the south is 200 George Street, which is a commercial office building with a height of 150m (37 storeys). The building includes retail areas facing onto both George Street and Underwood Street and basement car parking.

West

13. Immediately west of the site is George Street which acts as a primary arterial road and main thoroughfare connecting Circular Quay to the Central CBD. Further to the west is the Four Seasons Hotel and Quay West. Grosvenor Place is also located further east and is a 46 storey commercial office building.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION**Stage 1 Development Application – D/2015/1049 (SSD15_7101)**

14. On 10 December 2015, the Central Sydney Planning Committee (CSPC) as delegated consent authority, granted consent to a Stage 1 State Significant Development (SSD) application, incorporating:
- (a) in-principle approval for demolition of the three existing buildings on site;
 - (b) building envelopes and indicative future land uses for two towers referred to as Tower A and Tower B:
 - (i) Tower A comprising mixed use (residential and retail) building with a maximum height of 185m/RL 191; and
 - (ii) Tower B comprising a mixed use (hotel and retail) building with a maximum height of 110m/RL 112.5.
 - (c) six level basement car park across the site.
15. The consent was subsequently amended by a Section 96(2) modification application, granted consent by the CSPC on the 11 August 2016. The modification permitted an increase in the height of Tower A from 185m/RL 191 to 194m/RL 200.
16. **Figure 5** illustrates the approved building envelopes for Tower A and Tower B on the site.

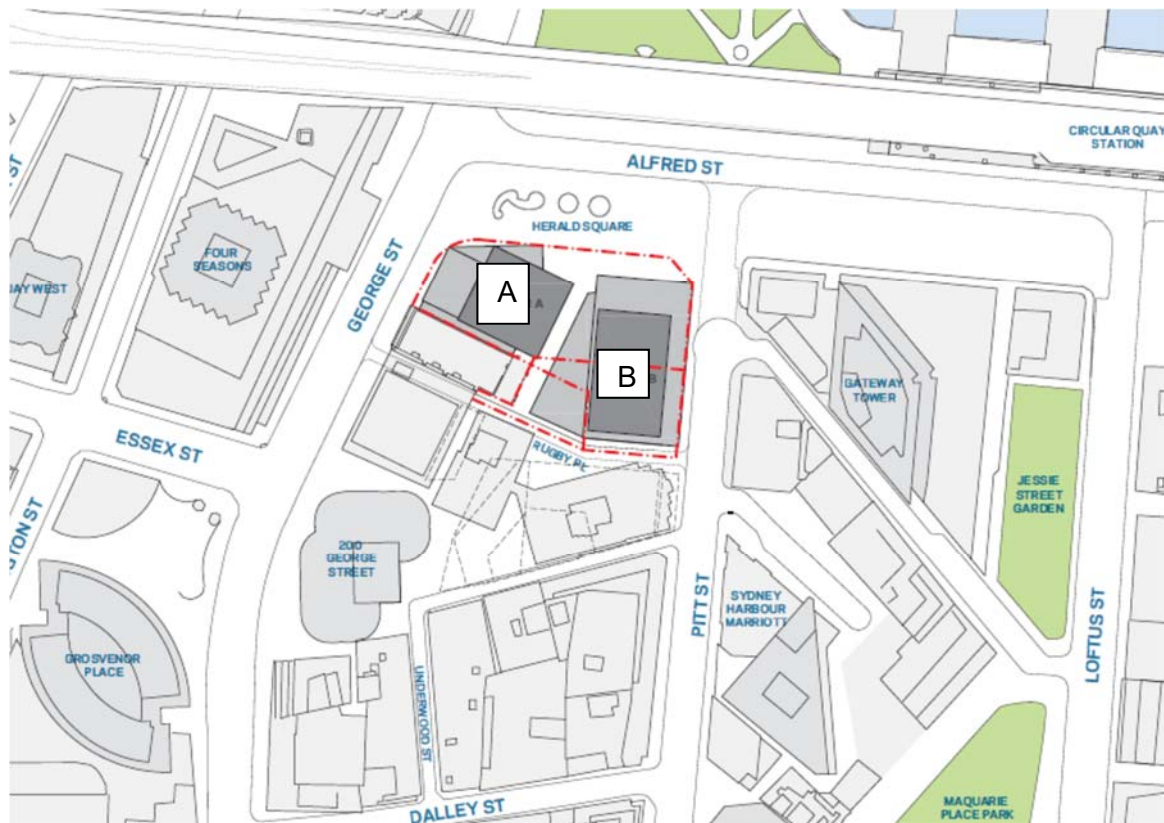


Figure 5: Approved envelopes of Tower A and Tower B within Wanda One Sydney site
(Source: Urbis)

D/2015/882

17. On the 10 December 2015, the CSPC granted a deferred commencement consent to a Stage 2 development application for the construction of a new mixed use building (Tower A) of 57 storeys, including residential apartments, retail space and landscaping improvements.
18. The application was subsequently amended by Section 96(2) modification D/2015/882/B. The modifications have no direct relevance to the subject Stage 1 Section 96 application.
19. On 31 October 2016, a Section 96(2) modification application (D/2015/882/C) was lodged to amend the Stage 2 building envelope and detailed design. The application seeks an increase to the maximum building height from 185m to 194m (consistent with the Stage 1 approval), reconfiguration of apartment layouts, dwelling mix and floor-to-floor heights, resolution of external facade elements and the provision of a new swimming pool and communal facilities. The application is being assessed concurrently. However, as the proposed amendments rely on modifications to the Stage 1 consent, the application cannot be determined until such time as the subject Section 96 application is determined by the CSPC.

D/2016/1529 (SSD16_8111)

20. On the 31 October 2016, a Stage 2 SSD application was lodged for a mixed use hotel (Tower B) with a maximum height of 110m, excavation and construction of a six level basement for use by the hotel and residential tower, vehicular access on Pitt Street, public domain improvements and augmentation of physical infrastructure and utilities. The application is being assessed concurrently. However, as the proposed Stage 2 design relies on modifications to the Stage 1 consent, the application cannot be determined until such time as the subject Section 96 application is determined by the CSPC.

D/2016/1527 (SSD16_8100)

21. On 17 March 2017, State Significant Development consent was granted to the demolition of all structures located on the site to existing ground slab level including Goldfields House, Fairfax House and The Rugby Club.

PROPOSAL

22. The subject Section 96(2) application seeks to amend the approved building envelope of Tower A and Tower B to accommodate the detailed design of Stage 2 development application D/2015/882/C and D/2016/1529 respectively. Amendments to conditions 1, 2, 5 and 9 are also proposed. The scope of modifications include:
 - (a) Tower A
 - (i) provision of an awning at Level 39;
 - (ii) an additional 100mm extension to the underside of the cantilevered tower element; and
 - (iii) increase to building envelope at shared basement levels B1, B2 and B3.

- (b) Tower B
 - (i) realignment of the tower a further 5.1m toward the northern boundary;
 - (ii) increased setback to the southern boundary;
 - (iii) reduction in podium massing at Pitt Street;
 - (iv) reconfiguration of podium form to reflect pixelated geometry of winning Stage 2 detailed design scheme; and
 - (v) increase to building envelope at shared basement levels B1, B2 and B3.
- (c) Modifications to conditions:
 - Part A:
 - (i) Condition 1, *Voluntary Planning Agreement*: amend subsections (b) and (c) to reflect the content of the Voluntary Planning Agreement (VPA). The condition is proposed to be relocated to Part B of the consent.
 - Part B:
 - (ii) Condition 2, *Approved Development*: update drawing numbers/revisions to reflect detailed design amendments
 - (iii) Condition 5, *Stage 2 to be contained within Approved Envelope*: flexibility for design development of pixelated Tower B facade
 - (iv) Condition 9, *Communal Facilities and Common Open Space*: delete condition.

- 23. On 2 March 2017, further information was requested with regard to drawing details, shadow diagrams, wind assessment recommendations and extension of the basement levels. The additional information submitted to Council on 21 March 2017 adequately responds to these issues.
- 24. Plans of the proposed development are provided at Attachment A.

CITY OF SYDNEY ACT 1988

- 25. Section 51N requires the Central Sydney Planning to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines that a proposed development application will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney CBD.
- 26. The proposed modification does not have any altered impact on traffic or transport in the Sydney CBD beyond that assessed in the original Stage 1 Development Application. In the assessment of that application, it was determined that consultation with the CSTTC was not necessary at Stage 1.

THRESHOLD TEST

27. The development, as proposed to be modified, is considered to be substantially the same as that originally approved.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

28. Besides the matters discussed in this report, the assessment against the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, contained in the report to CSPC at its meeting on 10 December 2015 are still relevant.

ISSUES

Massing

Tower A

29. The application proposes to modify the building envelope by providing an awning structure at Level 39 (refer to Figure 6). The awning is intended to extend over the terrace entrances, providing protection to residents against falling debris and water as well as improving overlooking between Level 39 and upper level apartments. As per the submitted Wind Report, an awning/canopy structure will also improve local wind conditions on the terrace.
30. The proposed awning will be assessed as part of the concurrent Tower A Stage 2 modification (D/2015/882/C). Notwithstanding this assessment, no objection is raised to an extension of the envelope at Level 39 to accommodate the provision of a terrace awning.

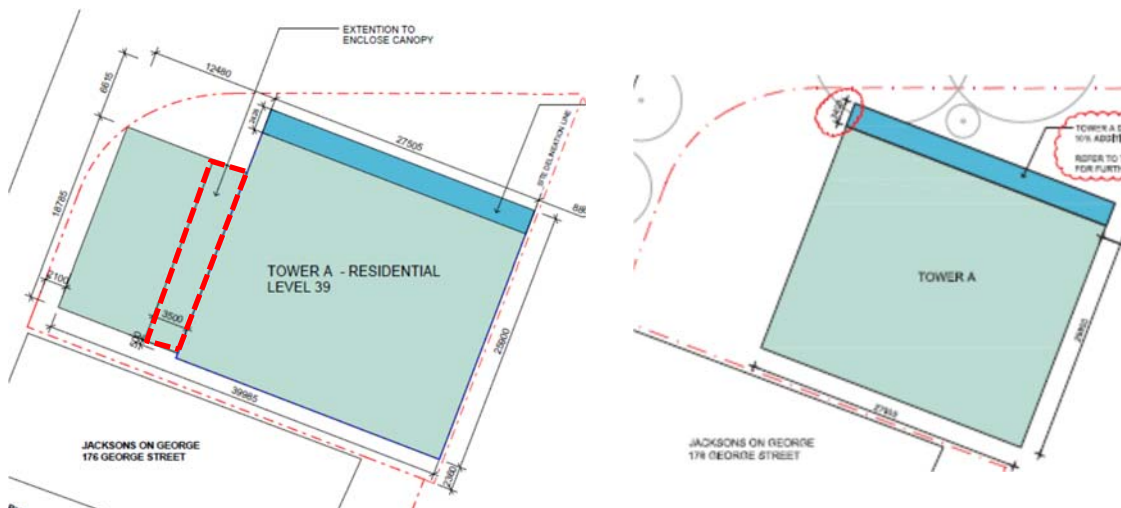


Figure 6: View of proposed awning extension (l) and approved building envelope (r) at L39



Figure 7: Proposed awning structure as envisaged by the Stage 2 detailed design

31. The applicant proposes to lower the underside of the cantilever tower element (above Level 6) by 100mm from RL 25.210 to RL 25.110. This modification has emerged through further design development and the necessity to maintain consistent facade detailing. Figure 8 below contrasts the current approved and proposed southern elevation.

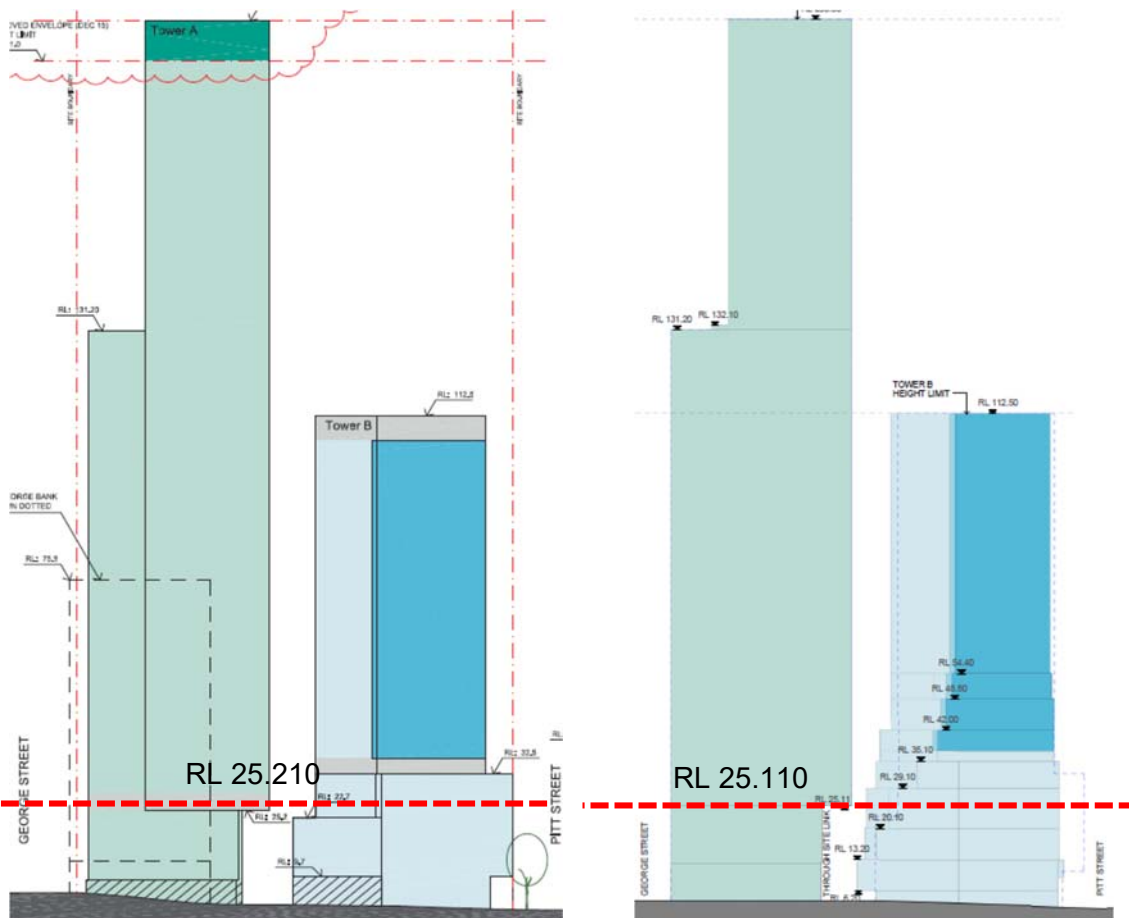


Figure 8: View of approved southern elevation (l) and proposed southern elevation

32. The proposed 100mm variance in the height of the tower soffit is imperceptible from all aspects of the building. The modification will have no impact upon the bulk or scale of the tower, and will maintain the aperture to the sky when viewed from within the through site link.

Tower B

33. The application proposes to reduce the massing of the podium to Pitt Street and realign the lower building form as illustrated in **Figure 9**.

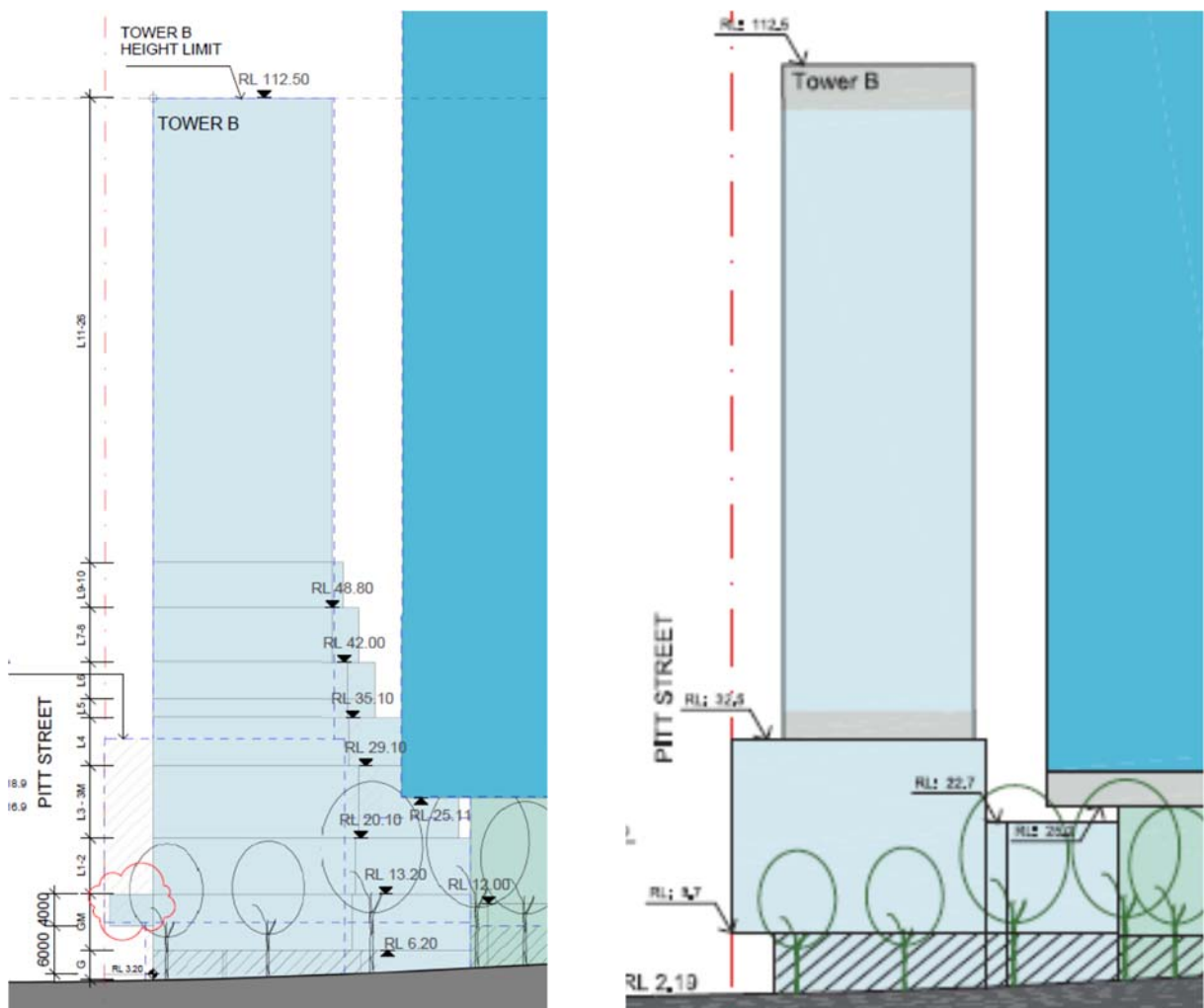


Figure 9: View proposed podium to Pitt Street (l) and approved podium to Pitt Street (r)

34. The modification responds to the winning Stage 2 detailed design prepared by Kengo Kuma and Associates (KKA) and Crone. The unique 'pixelation' and modulation of building elements was a fundamental aspect of the winning scheme and considered to provide for a more active and intricate ground plane. The modification will enable improvements to the built form and public domain by allowing a stepped geometric expression in the lower levels (Ground – Level 11) of the building envelope.
35. A photomontage of the pixelated Hotel Lobby is provided at **Figure 10** over page. The montage captures a northern view point.



Figure 10: Photomontage of pixelated facade as envisaged by the Stage 2 winning scheme

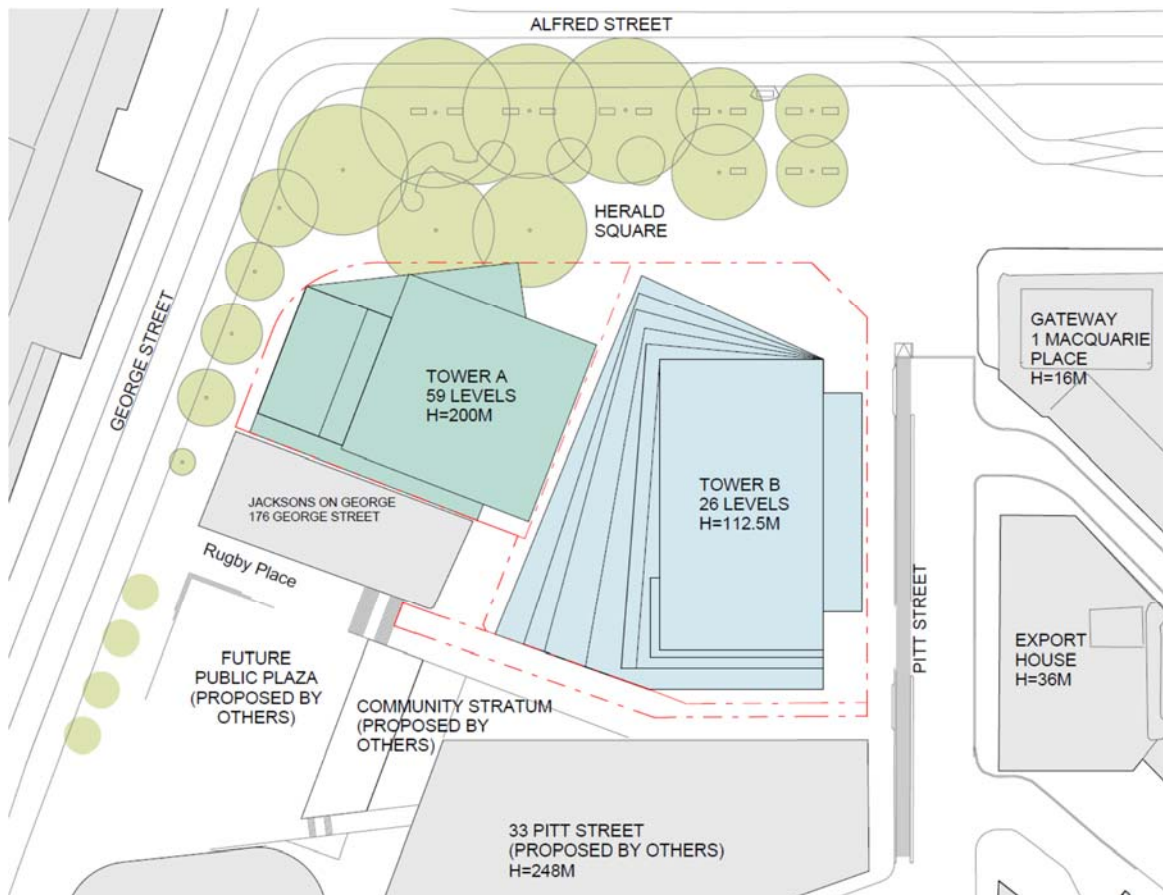


Figure 11: Stepped geometry of Tower B from Ground to Level 26 as viewed from above

36. In order to accommodate the Stage 2 detailed design, the application seeks to amend Condition (5) of the consent as follows (additions in ***bold italics***):

The detailed Stage 2 design for Tower A and Tower B, including services, must be contained within the building footprint and envelope approved as part of this consent and comply with relevant planning controls. ***Any projection beyond the building envelope must be fully justified through the competitive design and Stage 2 Development Application.***

37. An advisory note is recommended for inclusion within Condition (5) to ensure that no subsequent amendments are made to the Stage 1 building envelope beyond the scope of the subject modifications. The advisory note shall read:

NOTE: Any variation to the Stage 1 building envelope of Tower A or Tower B will require a subsequent Section 96 modification to the Stage 1 approval D/2015/1049/B.

38. Notwithstanding the above recommendation, no objection is raised to the proposed modification of Condition 5 as it will enable flexibility in achieving the KKA and Crone Stage 2 design. The massing will also ensure a satisfactory distribution of built form as required under Clause 6.25(4)(c) of the Sydney LEP 2012. A more thorough assessment of impacts arising from the pixelated facade and stepped podium form will be undertaken as part of the concurrent Stage 2 SSD application (D/2016/1529).
39. A 'hotel drop off canopy extent' is proposed along the Pitt Street frontage at 6m above ground level. The canopy projects from the primary building envelope at mezzanine, allowing for a functional porte cochere and an active frontage (encouraged by the Competitive Design Alternatives Process). A direct pedestrian footpath will be maintained along Pitt Street.
40. Although the canopy does not project over the pedestrian footpath, its envelope is acceptable having regard to the functional requirements of the site. Nevertheless, the specifications of the awning and its compliance with the relevant provisions of the Sydney DCP 2012 will be assessed and further considered as part of the detailed Stage 2 SSD application (D/2016/1529).

Basement A and B

41. The application proposes to incorporate the existing basement retaining walls within the Stage 1 envelope at new basement levels B1 – B3. It is envisaged that the expanded basement envelopes will limit the need for localised excavation, fill, soil and risk to the Tank Stream when construction of the basement levels commence. Further consideration of the Construction Management associated with the expanded basement envelopes will form part of the Stage 2 assessment.
42. As the basement is within proximity to the Tank Stream Way, the modification application was referred to the Office of Environment and Heritage (OEH). However, as the proposal relates to the Stage 1 concept only, the OEH have deferred assessment of Archaeological Assessment and Research Design to the concurrent Stage 2 SSD application (D/2016/1529).

Revised Tower Setbacks

Tower B

43. The application proposes to shift the upper building envelope a further 5.1m toward the northern boundary (above Level 4). Repositioning the tower will increase the maximum upper level setback from the southern boundary to approximately 9m. This setback will provide greater separation from the future Lendlease Circular Quay (LLCQ) tower located immediately south of the site at 180 George Street, Sydney.
44. In modifying the envelope and pixelating the facade, the building separation of Tower A and Tower B will be reduced at the lower levels between Ground and Level 9. However, the buildings will benefit in some improvements in separation at Level 3.
45. The revised setbacks will accommodate the Stage 2 design, which was considered by the Competitive Design Panel to provide the most balanced response to surrounding towers in improving view corridors to the north and reducing the perception of 'tower crowding' from properties to the south.
46. The proposal includes the following setbacks:
 - (a) 6m ground level setback to Pitt Street;
 - (b) 6m upper level setback to Pitt Street;
 - (c) an average 10m ground level setback to Herald Square;
 - (d) approximately 13m upper level setback to Herald Square;
 - (e) 3.6m ground level setback to southern boundary; and
 - (f) 9m upper tower setback to southern boundary.
47. Building separation between Tower A and B has been revised to between:
 - (a) 5.3m and 17.1m at the podium/lower levels;
 - (b) 8.8m and 19.2m at the tower;
 - (c) 6.8m ground level separation between Tower B and LLCQ; and
 - (d) 12.2m tower separation between Tower B and LLCQ.
48. **Figure 12** and **13** provide an illustration of these setbacks and building separations.

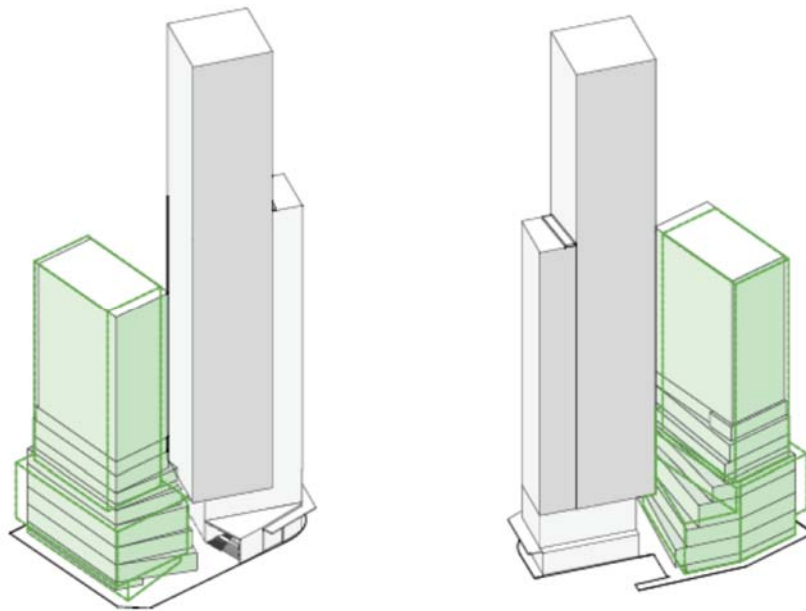


Figure 12: Envelope changes from a NE view (L) and SW view (R) – the green shape indicates the previously approved building form

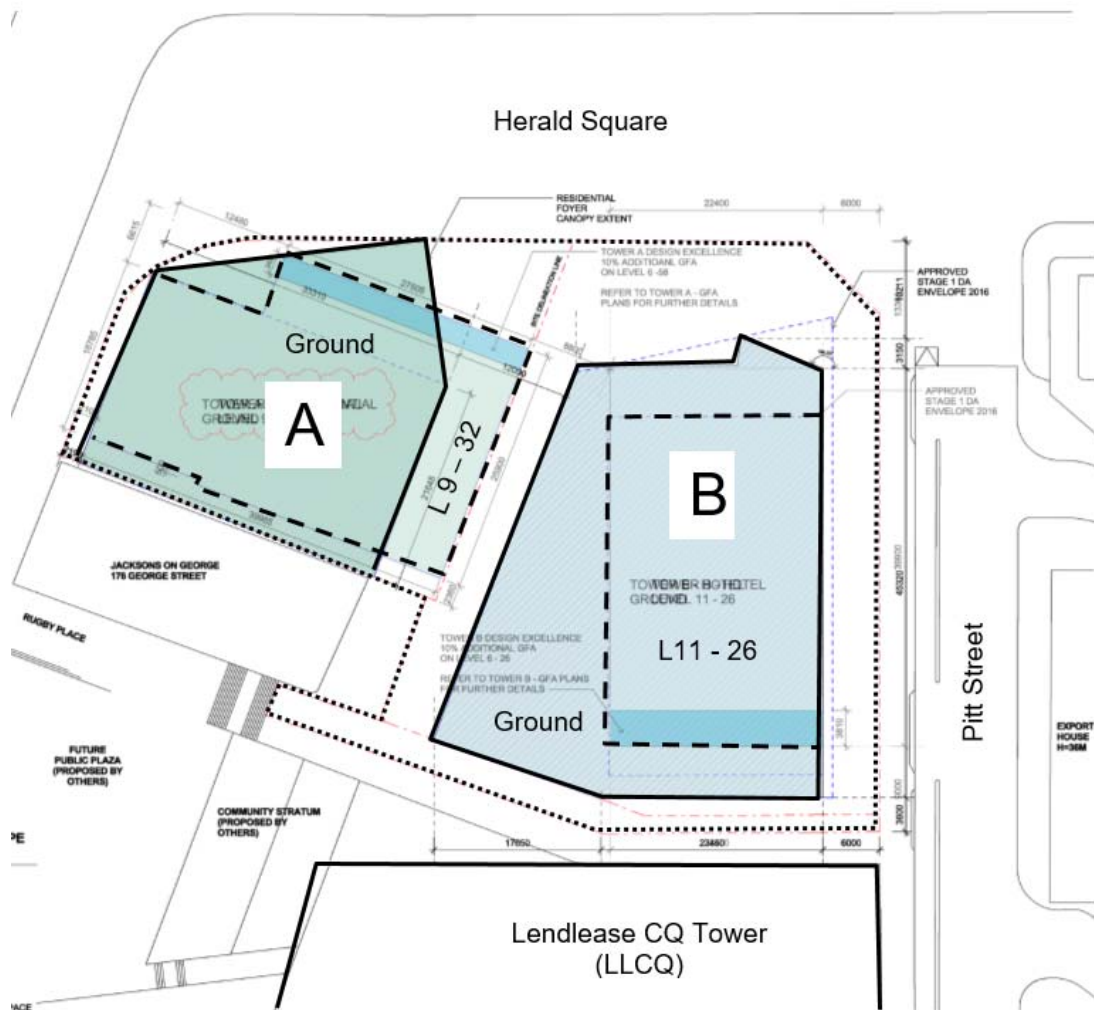


Figure 13: An overlay of Ground and upper tower setbacks on Tower A and B in relation to adjacent development and site boundaries

49. The proposed setbacks do not comply with the minimum separation required by the Apartment Design Guide for residential-to-residential uses and residential-to-commercial uses. Although the amended proposal reduces the separation between Tower A and Tower B from a minimum 10.4m to a minimum 8.8m (above Level 5), the modifications generally maintain or improve the setbacks from development to the south and the east. The minor loss of separation between Tower A and Tower B does not result in any additional amenity impacts such as overlooking, as the western elevation to Tower B is primarily solid with some secondary window insertions adjacent the lift lobby corridor. Hotel rooms are also located at the most northern and southern corners of the floor plate, with views oriented away from the residential apartments in Tower A.

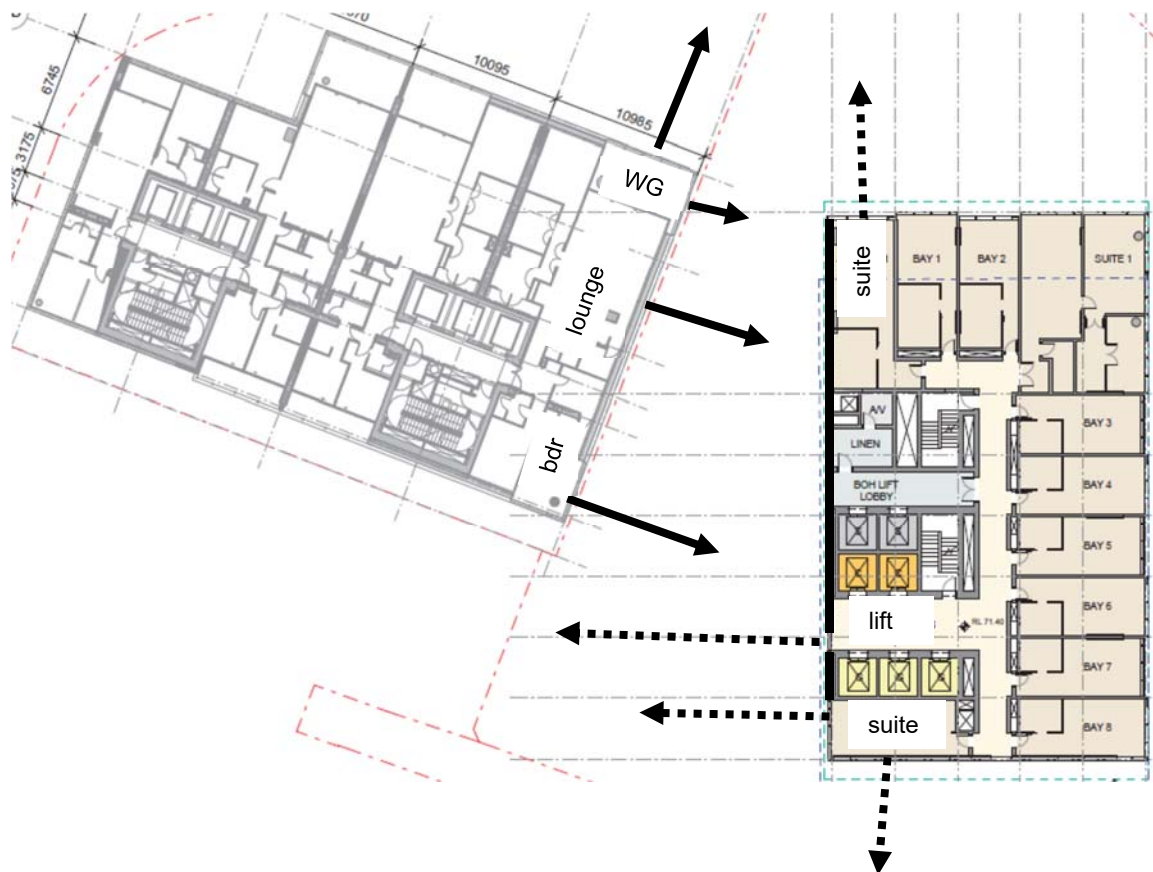


Figure 14: Views at interface of eastern elevation (Tower A) and western elevation (Tower B) at RL 85.0

50. On balance, the revised envelope provides for improved amenity to the LLCQ tower, Pitt Street and the network of laneways and public domain within the Precinct. Despite the minor non-compliance proposed, the setback appropriately balance and respond to surrounding development. Moreover, the shift in tower mass further north results in improvements to the previously approved eastern, western and southern setbacks.
51. Notwithstanding support for the proposed setbacks, an assessment has been undertaken to determine the extent of overshadowing and visual impacts caused by the modified Tower B building envelope:

Overshadowing

- (a) The shadow diagrams illustrate that the existing conditions are generally maintained, with some minor overshadowing to Rugby Place, the new public plaza on George Street and the rooftops of commercial properties to the south of the site. Marginal impacts to the Suncorp Building are also predicted.
 - (b) The modified building envelope does not impact the solar access to the Cove Apartments, being the nearest residential building southwest of the site.
52. On balance, the extent of additional overshadowing caused by shifting the tower further north and pixelating the Tower B facade is relatively minor. In some locations during winter solstice, the overshadowing is reduced at the ground plane, improving solar access to the street and pedestrians. Where additional overshadowing is expected, the shadow is long and slim, moving quickly across the site. This includes Rugby Place and the new George Street plaza which are mostly affected at the equinox.

Visual and view impacts

- (a) The modified building envelope will cause minor impacts to the view corridors of commercial development south of the site. Namely, '200 George Street' and the future LLCQ tower. It is noted that in some instances, views are slightly improved by the realigned envelope, including those from the Marriot Hotel. Views from Grosvenor Tower and the Cove Apartments remain unaffected by the modification.
- (b) **Figure 15 – 23** below illustrate the view impacts from '200 George Street' and the LLCQ, providing a comparative analysis of the current approved envelope and subject proposal:

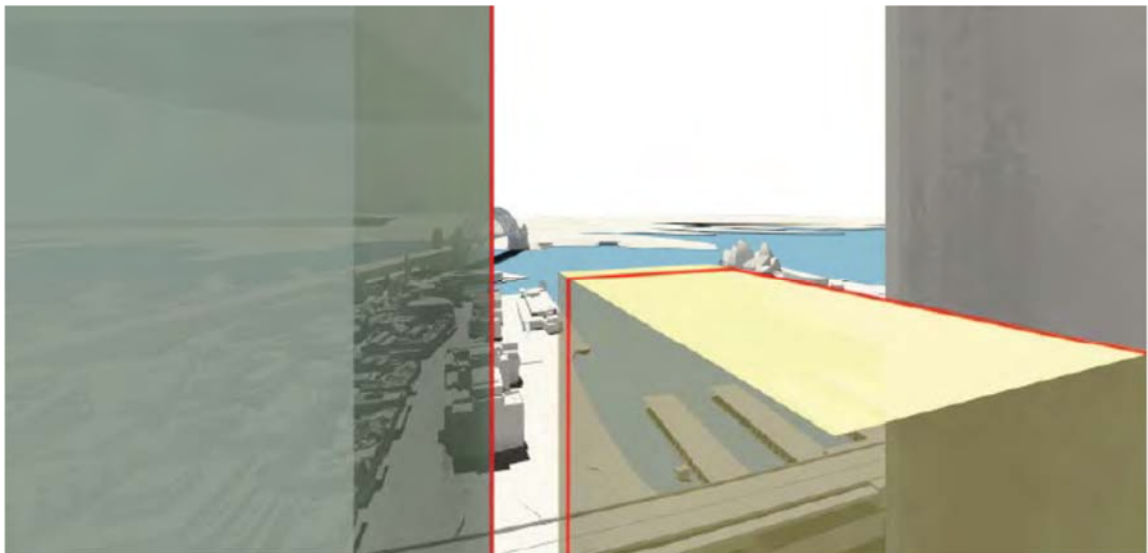


Figure 15: View from LLCQ at RL 120 (north-west)

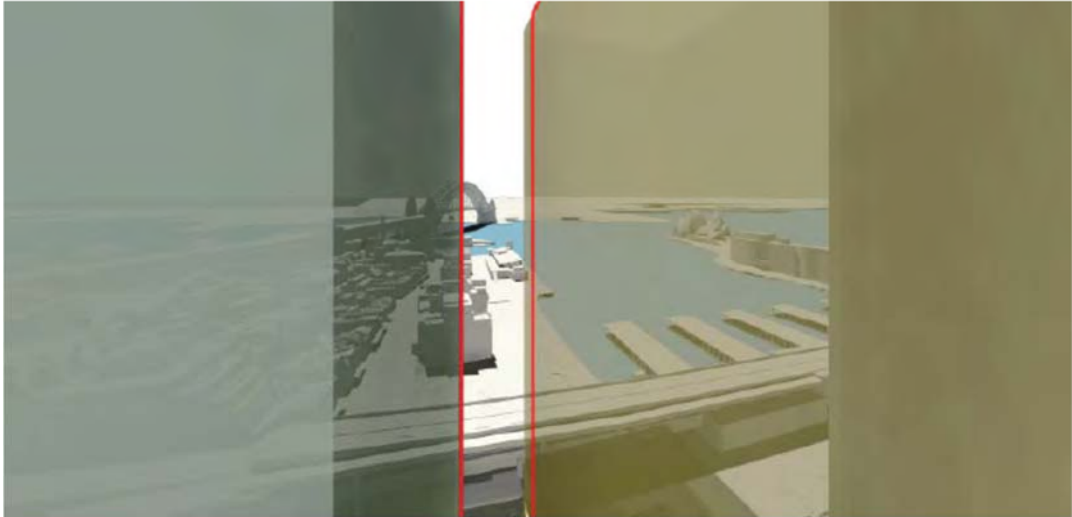


Figure 16: View from LLCQ at RL 90 (north-west)

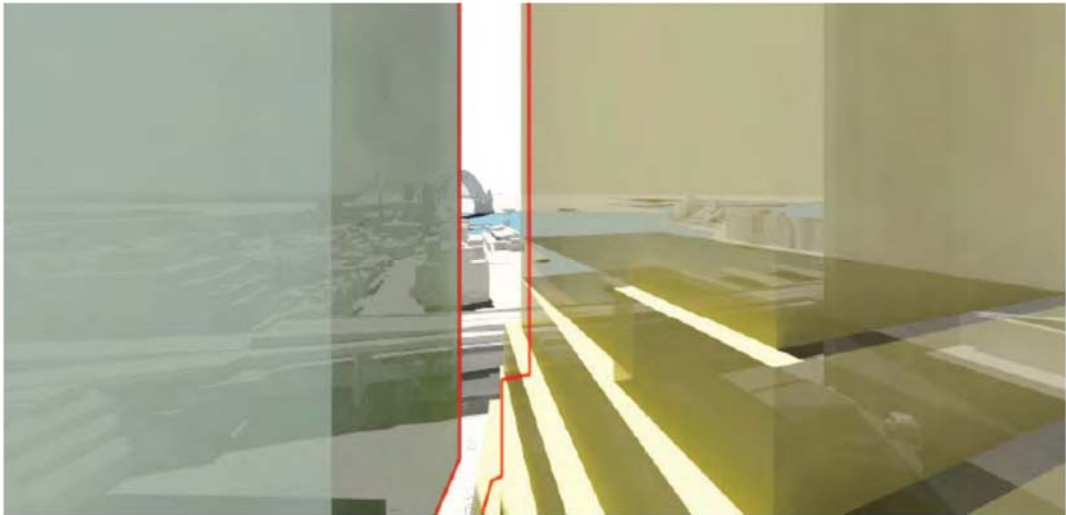


Figure 17: View from LLCQ at RL 60 (north-west)

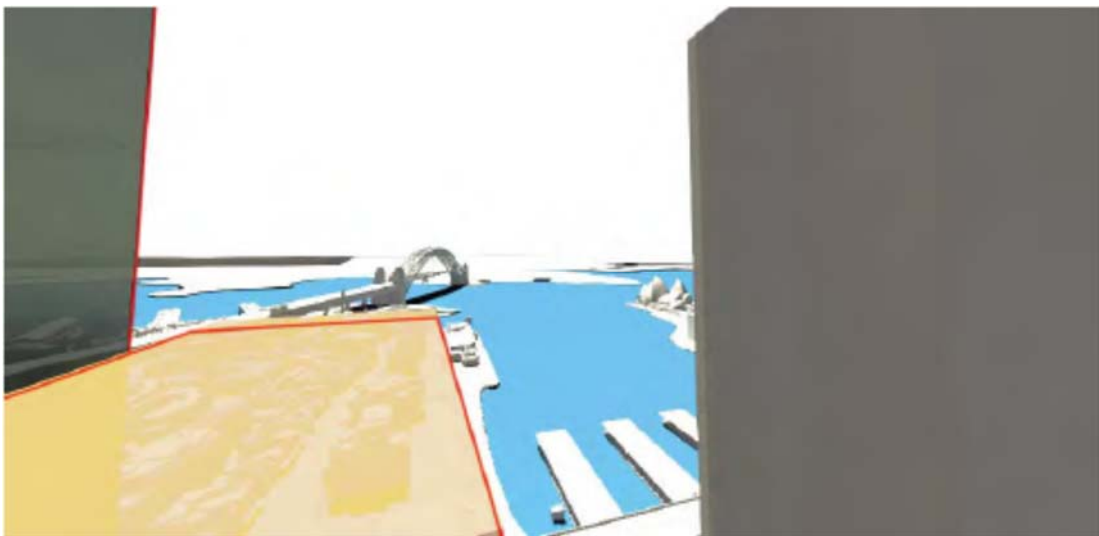


Figure 18: View from LLCQ at RL 120 (north-east)

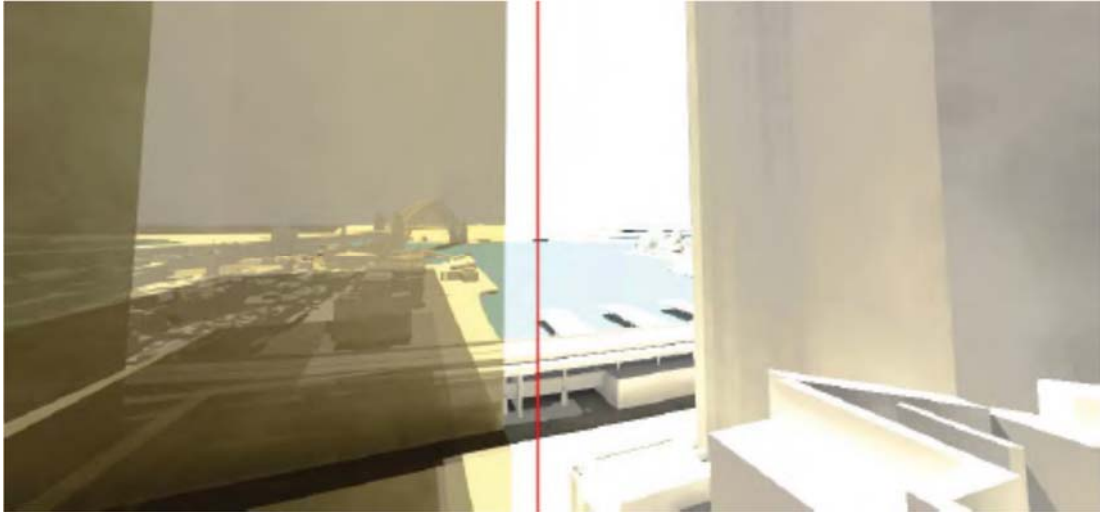


Figure 19: View from LLCQ at RL 60 (north-east)

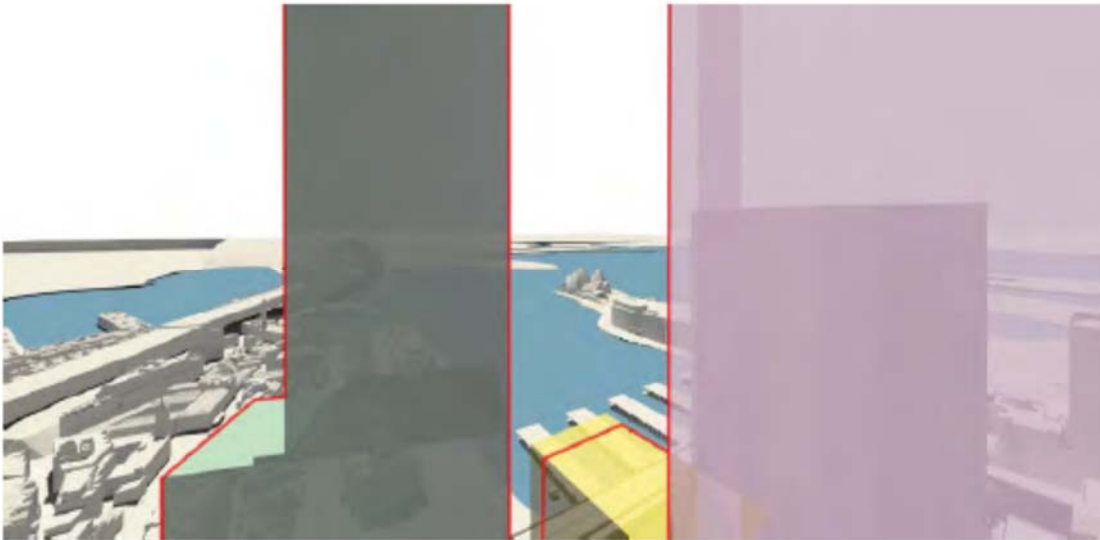


Figure 20: View from 200 George Street at RL 160 (north-west)

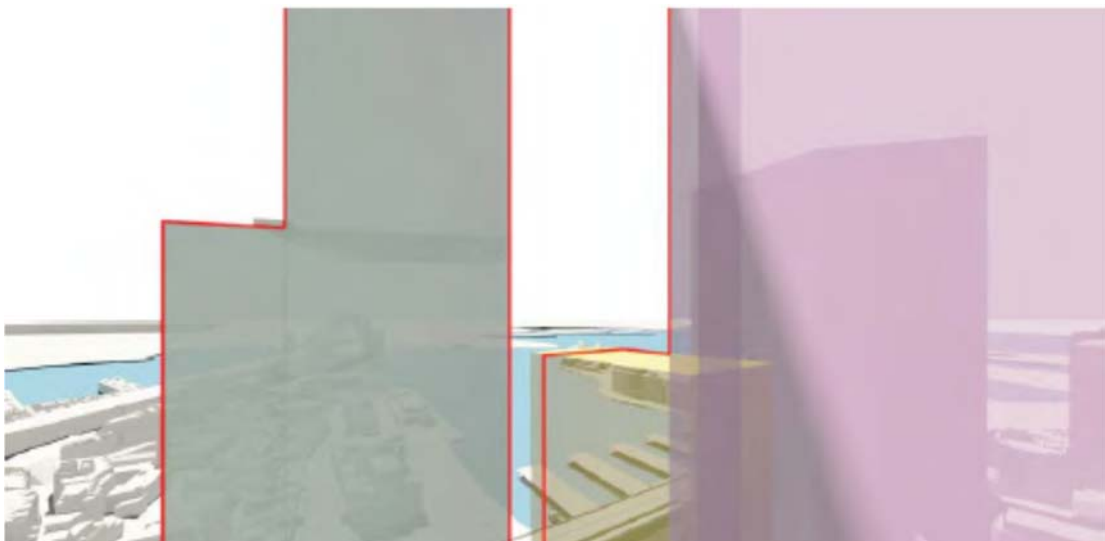


Figure 21: View from 200 George Street at RL 120 (north-west)

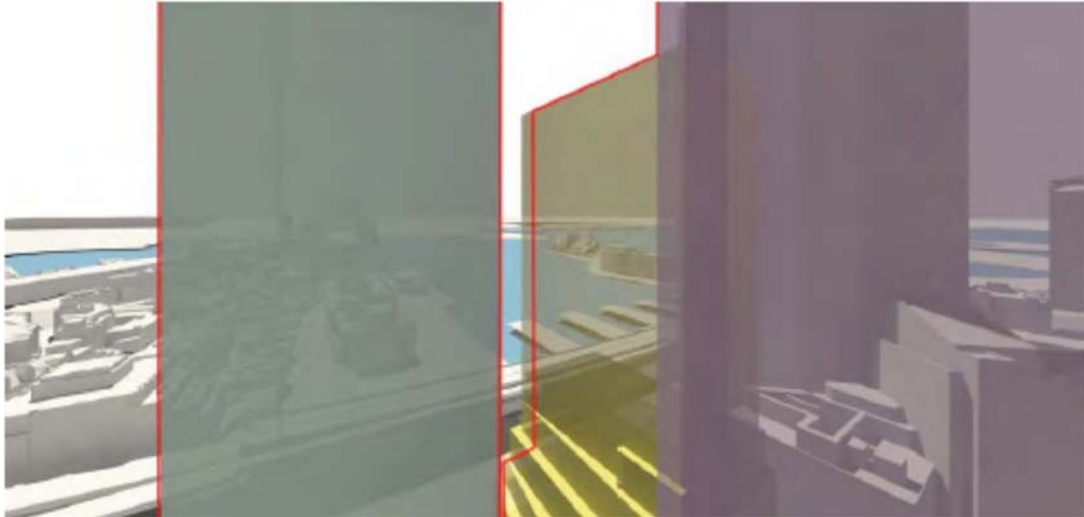


Figure 22: View from 200 George Street at RL 90 (north-west)

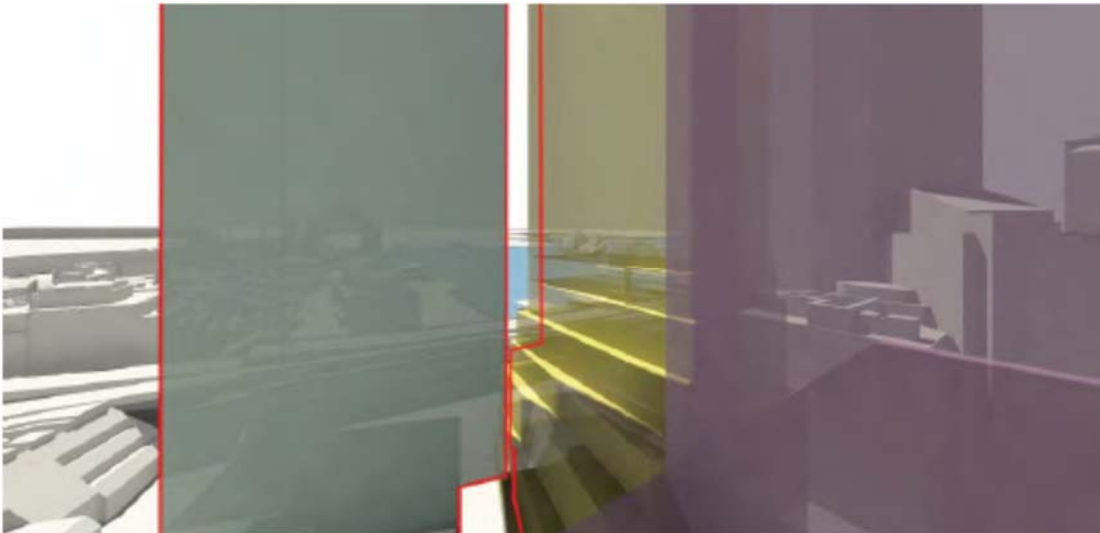


Figure 23: View from 200 George Street at RL 60 (north-west)

- (c) The extent of view loss from LLCQ and 200 George Street is imperceptible. The revised building envelope does not eliminate any iconic views or significant vistas and in some locations, improves upon views for sites south and west of the development. In this regard, no issue is raised to the modified tower envelope.

VPA

53. A Voluntary Planning Agreement (VPA) was entered into by the applicant and Council as a requirement of the Stage 1 SSD consent (D/2015/1049). The draft VPA was exhibited in December 2016 and a final version issued to the developer in March 2017. The VPA was executed on 3 April 2017.
54. The application seeks to amend Condition (1) (b) and (1) (c) of the consent to reflect the terms of the VPA as follows:

- (a) ***The payment of the monetary contribution must be provided to Council in accordance with VPA;***
 - (b) ***The guarantee must be provided to Council in accordance with the VPA at the time of execution; and***
55. It is also proposed to relocate the entire condition from Part A – Deferred Commencement Conditions to Schedule 1A Part B – Conditions of Consent (Once Consent is Operational).
56. The proposed modifications do not contradict the terms of the VPA in so far that the public benefits provided in the agreement do not include a monetary contribution. Furthermore, the bank guarantee to secure public art and the public domain works is required 'prior to the date of the first CC' (Construction Certificate).
57. As the VPA has been executed and registered on the land title, it is recommended that Condition 1 is deleted in its entirety from Part A of the consent. Amendments to Condition (4) within Part B of the consent are also recommended to ensure the development is carried out in accordance with the terms of the VPA (as executed).

Communal Facilities and Common Open Space

58. The application seeks to delete Condition (9) of the consent which requires the 'provision for communal facilities/common open space that is accessible to the residents of Tower A'.
59. The concurrent Section 96(2) application for Tower A (D/2015/882/C) proposes the inclusion of communal facilities at Level 2, incorporating a swimming pool, group fitness room and gym. Although this aspect of the development will be assessed separately, the proposal to delete Condition (9) is acceptable having regard to the opportunities for passive and active on-site recreation envisaged for Tower A.

Other Impacts of the Development

60. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

61. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

INTERNAL REFERRALS

62. The conditions of other sections of Council have been included in the proposed conditions.

EXTERNAL REFERRALS

63. The application was re-referred to the following public authorities:
- (a) Foreshore and Waterways Development Advisory Committee;

- (b) Office of Environment and Heritage;
- (c) Roads and Maritime Services;
- (d) Sydney Airports;
- (e) Sydney Trains;
- (f) Sydney Water; and
- (g) Transport for NSW.

64. No objection was raised to the proposed modifications.

Notification, Advertising and Delegation

65. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified. As such, the application was notified for a period of 14 days between 25 November 2016 and 10 December 2016. As a result of this notification there were four submissions received. The subject of these submissions are detailed below:

- (a) the extra height will cause overshadowing of surrounding development and provides no additional public benefit.

Response – The subject application does not propose any modifications to the height of Tower A or B. Accordingly, there are no additional overshadowing impacts caused by an increase in the building envelopes.

- (b) the 10% design excellence GFA sought by the applicant adds an extra 2428m extension to the whole length of the northern facade and overall footprint. No consideration is given to reduce the equivalent GFA gain from other parts of the building to balance this gain for the best interest of neighbouring property owners.

Response – There is no additional GFA sought as part of the subject Stage 1 modification application.

PUBLIC INTEREST

66. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

FINANCIAL IMPLICATIONS

S61 CONTRIBUTION

67. A section 61 contribution pursuant to the Central Sydney Development Contribution Plan 2012 is a condition of the Stage 2 development application D/2015/882 and recommended for imposition within development consent D/2016/1529.

RELEVANT LEGISLATION

68. The Environmental Planning and Assessment Act 1979, Airports (Protection of Airspace) Act 1966, City of Sydney Act 1988.

CONCLUSION

69. The subject Section 96(2) modification application seeks consent to modify the approved State Significant Development (SSD) Stage 1 building envelopes for Tower A and Tower B. The proposed modifications support the concurrent Stage 2 application for Tower B (D/2016/1529) and accommodate minor design refinements to the approved Stage 2 consent for Tower A (D/2015/882/C). Housekeeping amendments are sought to Conditions (1), (2), (5) and (9).
70. As modified, the proposed building envelopes are considered to be contextually appropriate, responding to the site and surrounding development. The revised massing and setbacks to Tower B will minimise amenity impacts upon the public domain, improving the relationship of buildings within the APDG block and opening view corridors to the north. In addition to facilitating the design development of Tower A and B, the housekeeping amendments proposed to Conditions (1), (2), (4), (5) and (9) will provide further clarity within the operational consent.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Michaela Briggs, Specialist Planner)