

YUHU SYDNEY ONE

TOWER B - MODIFICATION APPLICATION

17 JANUARY 2019
DRAFT
PREPARED FOR YUHU AWH GROUP

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Associate Director	Ashleigh Ryan
Senior Consultant	Genevieve Beard
Job Code	SA7570
Version	Final

TABLE OF CONTENTS

1.	Introduction	1
1.1.	Overview	1
1.2.	The Site	1
1.3.	Planning Framework	1
2.	Background	2
3.	Site Analysis	3
3.1.	Site Location	3
3.2.	Site Description	3
3.3.	Surrounding Development	4
4.	Proposed Modification	5
4.1.	Overview	5
4.2.	Basement & parking Provision	5
4.3.	Tower Floorplate	7
4.4.	Structural Strategy	7
4.5.	Servicing Strategy	8
4.6.	Ground Plane Activation	9
4.7.	Publicly Accessible Areas	9
4.8.	Façade	10
4.9.	Roof	11
4.10.	Sustainability	11
4.11.	BCA and Accessibility	12
4.12.	Detailed amendments to conditions of consent	12
5.	Section 4.15(2) Assessment	19
5.1.	Substantially the same development	19
5.2.	Concurrent approvals	19
5.3.	Notification and submissions	20
6.	Strategic Planning Context	21
7.	Section 4.15 Assessment	22
7.1.	Environmental Planning Instruments	22
7.2.	Voluntary Planning Agreement	24
7.3.	Natural and Built Environmental Impacts	24
7.4.	Social and economic Impacts	25
7.5.	Suitability of the site	25
7.6.	The public interest	25
8.	Conclusion	26
	Disclaimer	27

Appendix A Amended Architectural Plans

Appendix B Design Report

Appendix C Design Integrity Statement

Appendix D BCA Report

Appendix E Accessibility

Appendix F Fire engineering

Appendix G Acoustic Assessment

Appendix H Wind Assessment

Appendix I Transport Impact Assessment

Appendix J Waste Management Plan
Appendix K Plan of Management and Security Management Plan
Appendix L Amended Structural Assessment
Appendix M ESD Report
Appendix N Hotel Advice

FIGURES:
Figure 1 – Site Location3
Figure 2 – Basement Allocation6

TABLES:
Table 1 – Numeric Overview of Proposal5

1. INTRODUCTION

1.1. OVERVIEW

This Report has been prepared by Urbis on behalf of Yuhu – AWH Group, the current owners of the One Sydney project at 1 Alfred Street, Sydney to accompany an application under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify D/2016/1529.

Deferred Commencement Consent was granted for D/2016/1529 on 11 May 2017 for the following development:

“State Significant Development - Demolition of all existing structures on the site and construction of a hotel (Tower B), including ground floor retail, 182 hotel rooms, and common hotel facilities. Excavation and construction of a six-level basement for shared use by the hotel and the adjoining residential tower (Tower A). Public domain improvements and augmentation of physical infrastructure and utilities.”

The purpose of this modification application is to make changes to the approved architectural plans in response to a modified hotelier brief, revised building services, and revised building structural design. The modifications result in an improved public domain interface with more functional retail spaces on the ground floor, more efficient internal floor plates both within the basement and tower, and optimisation of the approved building envelope.

No changes are proposed within this application to the approved Tower A (residential) building, which is subject to a separate development consent (D/2015/882).

1.2. THE SITE

The site is bounded by Alfred Street to the north, Pitt Street to the east, Rugby Place to the south and George Street to the west and forms the northern portion of the Alfred, Pitt, Dalley and George (APDG) Precinct identified at Clause 6.25 of the *Sydney Local Environmental Plan 2012* (SLEP). The site is legally described as Lot 8 in Deposited Plan (DP) 1124258.

1.3. PLANNING FRAMEWORK

As the approved hotel (i.e. tourist related purpose) component of the development application (DA) exceeded \$100 million capital investment value (CIV) the development is defined as State Significant Development (SSD) under clause 13.2 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP SRD). As such, the Minister is the consent authority for development application(s) for the project pursuant to section 4.36 of the EP&A Act 1979.

Notwithstanding the above, a request was made to the Minister of Planning and the Secretary of the Department of Planning and Environment on 5 June 2015 pursuant to section 2.4 of the EP&A Act to provide for the delegation of:

- The consent authority function for SSD on the site to the Central Sydney Planning Committee (CSPC); and
- The development application (DA) functions for SSD applications on the site to the City of Sydney Council.

The instrument of delegation of the consent authority function for the SSD DA was issued by the Minister for Planning on 4 August 2015 and by the Secretary of the Department of Planning and Environment on 10 August 2015. As such, this section 4.55(2) modification application is lodged for assessment and determination by the City of Sydney and CSPC respectively.

2. BACKGROUND

Deferred Commencement Consent was granted for a Stage 1 SSD DA (referred to as D/2015/1049 by the City of Sydney or SSD 15_7101 by the Department of Planning and the Environment) on 10 December 2015 for:

“Stage 1 application for building envelopes and proposes uses for two mixed use buildings (Tower A and B) above six levels of basement car parking.”

Subsequent section 4.55 (formerly section 96) modification applications were approved to modify the approved building envelopes for both Towers A and B on the site.

A Competitive Design Alternatives Process was completed for Tower B in early 2016 in accordance with Condition 10 of D/2015/1049. The Selection Panel recommended that the scheme presented by Kengo Kuma and Associates and Crone can achieve design excellence and it is to be retained by the proponent.

Detailed development applications were subsequently approved for Tower A (D/2015/882, as amended) and Tower B (D/2016/1529, as amended) on the site. A separate DA (D/2010/2029), which was granted consent on 10 May 2012, remains active for the site and a separate DA for demolition works has also been approved for the demolition of Fairfax and Rugby Club buildings on the site (D/2016/1527).

Several section 4.55 (formerly section 96) modification applications have been approved to modify the approved development. At the time of lodgement, the most current approved applications, as amended, for the site are:

- **D/2010/2029/B** – Integrated development application for demolition of the existing building, excavation of eight basement levels and construction of two new mixed-use buildings of 15 and 55 storeys, to accommodate 196 apartments, 924sqm of retail/ commercial floor space, 279 car parking spaces and public domain improvement works.
- **D/2015/882/D** – 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. This DA amends the base consent D/2010/2029/B.
- **D/2015/1049/B** – State Significant Development – Stage 1 application for building envelopes and proposes uses for two mixed use buildings (Tower A and Tower B) above six levels of basement car park.
- **D/2016/1527** – State Significant Development – Demolition of all structures located on the site to existing ground slab level including Goldfields House, Fairfax House and The Rugby Club.
- **D/2016/1529/B** – State Significant Development – Demolition of all existing structures on the site and construction of a hotel (Tower B), including ground floor retail, 182 hotel rooms, and common hotel facilities. Excavation and construction of a six-level basement for shared use by the hotel and the adjoining residential tower (Tower A). Public domain improvements and augmentation of physical infrastructure and utilities.

3. SITE ANALYSIS

3.1. SITE LOCATION

The site is located on the northern edge of the Sydney CBD, within the City of Sydney Local Government Area (LGA). The site is bounded by Alfred Street to the north, Pitt Street to the east, Rugby Place to the south and George Street to the west.

The site is located between two key districts in Circular Quay to the north and the financial district to south of Bridge Street. The sites locational context is shown within the figure below.

Figure 1 – Site Location



Source: Nearmap

3.2. SITE DESCRIPTION

Following the determination of the Stage 1 SSD DA applying to the site, a plan of consolidation was lodged with the NSW LPI to consolidate the former four allotments of the site. Since the finalisation of this plan, the site is now legally described as Lot 8 in DP 1224258.

The site has the following characteristics:

- The site is irregular in shape and occupies an area of 4,040sqm.
- The site has an approximate 58.825m frontage to Alfred Street (arc), 49.18m frontage to Pitt Street, 14.475m frontage to George Street and 25.83m frontage to Rugby Place.
- The site is currently subject to a number of easements for:
 - Right of Carriageway;
 - Easement for Services; and

- Easement for Water Pipes.

All structures above the existing ground slab level have been demolished, with the site currently hoarded and an active construction site.

3.3. SURROUNDING DEVELOPMENT

The area that surrounds the site predominantly consists of a number of commercial office towers with retail at ground level, and hotels. The site is surrounded by the following development:

- North: Herald Square includes the Tank Stream Fountain, a local heritage item. Herald Square incorporates areas for outdoor dining and includes public seating arrangements. Further north of Alfred Street is the City Circle Railway line, the Cahill Express Way, and Circular Quay. The CBD and South East Light Rail is currently under construction within the Alfred Street road reserve immediately north of the site.
- East: Pitt Street is immediately east of the site, which acts as a main thoroughfare connecting Circular Quay to the Central railway station. 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 1 metre from the existing basement level wall.
- South: To the immediate south of the site is Rugby Place. South of Rugby Place is 33-35 Pitt Street, previously known as The Atrium and the St George building. This land is currently a construction site and is the subject of several applications including:
 - D/2017/424 – DA for demolition of the existing structures including basement levels on the site and site establishment works. This application was approved on 28 July 2017.
 - D/2017/424/A – A section 96 modification application for proposed modifications relating to noise and vibration during the demolition process was approved by Council on 20 October 2017.
 - D/2017/1479 – DA for bulk excavation, shoring works, construction of footings, lower basement slab and lift core slab and associated works. This application was approved on 3 October 2018.
 - D/2017/1620 – DA for demolition of Jackson's on George building, construction of a 55-level commercial tower and podium building with 4 basements levels. This application was approved on 3 October 2018.
 - D/2018/278 – DA for construction of the portion of stairs leading from the proposed George Street Public Plaza to Rugby Place. This application is over 1 Alfred Street and interconnects with the application above for the remainder of the stairs. This application was approved on 14 September 2018.
- It is anticipated that this site will be the subject of several more applications including for the following:
 - Construction of the community building adjacent the George Street Public Plaza;
 - Jacksons on George fit out and operation;
 - Retail operation, hours and fit out;
 - Retail signage; and
 - Fit out of commercial podium and tower.
- Further to the south is 200 George, a 37-storey commercial tower which includes retail areas facing onto both George Street and Underwood Street.
- To the immediate west of the site is George Street, which acts as a primary arterial road, which having north-south orientation acts as a main thoroughfare connecting Circular Quay to the Central CBD. The CBD and South East Light Rail is currently under construction within the George Street road reserves immediately west of the site. Further west fronting George Street is Jackson's on George, a two-storey licensed premises. Further to the west is the Four Seasons Hotel and Quay West. Grosvenor Place, a 46-storey commercial office building, is also located further west of the site.

4. PROPOSED MODIFICATION

4.1. OVERVIEW

The proposed design changes respond to a new design brief for the hotel (Tower B) that is reflective of the local and international market benchmark for a luxury hotel. The revised design takes advantage of a more efficient structural and service strategy, resulting in an increase in hotel rooms and a decrease in back of house support areas, plant room and structural transfer floors.

The approved gross floor area for the redundant hotel and basement uses is now redistributed through the building, with much of the floor space below ground being relocated above ground into the tower envelope.

In summary the proposed amendments to Tower B and shared basement approved under D/2016/1529 include:

Design Rationalisation:

- A more efficient structural strategy resulting in a reduction of structural transfer levels combined with a reduction in the floor to floor height of hotel room levels (no change to floor to ceiling height), enabling the inclusion of two additional floors used for hotel rooms (within approved building envelope);
- Rationalisation and subsequent reduction in back of house (BOH) areas;
- Reduced and reconfigured basement area;
- Reduction in tower footprint and an increase in separation distance to the south; and
- Consolidation/ rearrangement of services and mechanical plant including switching from water-cooled chillers to the more efficient air-cooled chillers.

Experiential Improvements:

- A revised ground floor layout with secondary access to the hotel lobby via Rugby Place and Crane Lane to the south of the site;
- An increase in ground floor retail frontage and tenancy depth facing Rugby Place to further contribute to the place making of the Alfred, Pitt, Dalley, George precinct retail activation;
- A shift in building core location and reduction in structural columns allowing for a more flexible floor plate in the main publicly accessible floors throughout the tower;
- Minor changes to the proposed Pitt Street awning to align with the revised structural columns; and
- Relocation of mechanical plant from level 25 to level 23 to allow larger level 25 roof top bar space and the reinstatement of double height presidential suite.

Façade Design Development:

- Modification to the depth of the pixelated façade;
- Removal of general operability of the façade at hotel room levels; and
- Increased roof landscaping.

Architectural Plans (**Appendix A**) and a Design Integrity Statement (**Appendix C**) have been prepared by Crone & Kengo Kuma and Associates Architects (Crone & KKAA).

4.2. BASEMENT & PARKING PROVISION

A shared basement services both the residential (Tower A) and hotel (Tower B) portions of the development. The basement levels have been adjusted in response to:

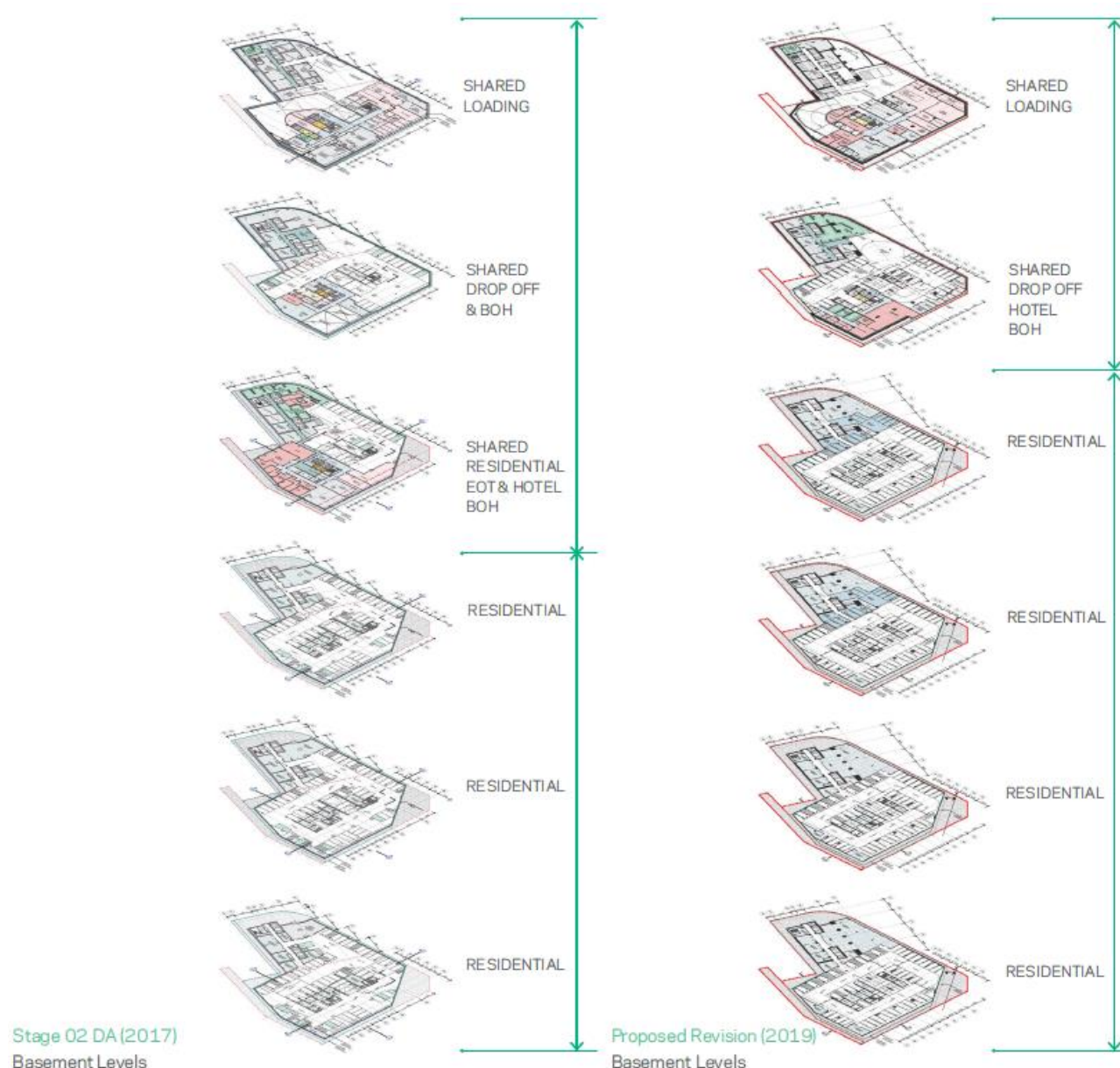
- Revised dwelling configuration within Tower A (subject to a separate application);
- A reduction in back of house (BOH) space requirements;

- A reduction in substation requirements (from 2 to 1) in response to a more efficient servicing strategy;
- The relocation of the residential pool resulting in the slight reduction in the size of the loading dock; and
- A change in the number of parking spaces and the allocation of these spaces due to changes in the Tower A residential component of the broader project (subject to a separate application).

As illustrated in **Figure 2** below, the project retains six basement levels. Previously, basement levels 01 and 02 were shared between residential and hotel uses. Basement level 03 contained end of trip facilities (EOT), hotel BOH, and hotel parking. Basement levels 04 – 06 were used for private residential parking.

By reviewing the hotel BOH operations, basement level 03 was revised to be used exclusively for residential uses, simultaneously allowing for a more refined car park layout that is not constrained by turning circles and the tower structure layout. Basement levels 01 and 02 remain in principle similar to the previous DA application with minor alterations to accommodate the EOT and hotel BOH previously in basement level 03.

Figure 2 – Basement Allocation



Source: Crone & KKAA

A modification application has been lodged concurrently to modify Tower A which is predominantly residential. The proposed modification results in a decrease in studio, one bedroom and two bedroom apartments, an increase in three bedroom apartments, and an overall decrease in the total number of apartments from 190 to 165.

It can be seen from **Table 1** below that the proposed development is required to provide a maximum of 152 car parking spaces for the residential component and a maximum of 50 spaces for the hotel and retail components of the development. In response, the development proposes 152 car parking spaces for the residential component and 26 car parking spaces for the hotel and retail components. In addition, the development provides the required minimum of four car share space and 4 loading bays.

Table 1 – Revised parking breakdown

	Approved Development	Proposed Development	Approved Car Parking Spaces	Proposed Car Parking Spaces (change)
Residential Dwellings	190	165 (-25)	147	152 (+5)
Hotel Rooms	182	220 (+38)	42	26 (-16)
Retail Floor Space (Tower A + Tower B)	757m ²	605m ² (-152m ²)		
Loading Bays			6	4 (-2)
Total Car Parking Spaces			195 parking spaces approved	182 (-13) parking spaces proposed
Car Share			4	4

The modified residential tower and revised retail offering (increase in Tower B, reduction in Tower A) have also resulted in a slight amendment to the required provision of motorcycle parking, bicycle parking and end of trip facilities. The amended basement complies with these requirements of Councils DCP.

In relation to vehicular access the only modification proposed is the provision of a boom gate and intercom at the entry to restrict vehicular access. The development now provides 3.3m wide aisles on either side of a 600mm wide median with 300mm wide kerbs along the walls. The minimum requirement under AS2890.2 2002 is a minimum width of 3.5m for single lane aisles. However, the reduced width is considered appropriate as large vehicles, such as the MRV or WCV will be only occasional and outside of peak periods.

In addition to the internal reconfiguration, the overall basement footprint has been reduced by increasing the setback to the south by 1m and the setback to the east by 2.5m.

4.3. TOWER FLOORPLATE

The vertical transportation strategy has been optimised with the total number of guest lifts reduced from five to four (achievable through removing exclusive lift access to club guests only) and the replacement of two single fire egress stairs with a single scissor stair.

In addition, the core has been relocated and service plant areas consolidated leading to a more efficient typical tower floorplate. This typical tower floorplate has been reduced by 19m² and is setback an additional 850mm from the southern boundary.

As a result of the reconfigured floorplate, the typical hotel room increases in size from 36m² to 38m², the BOH area functions more efficiently, and an improved urban outcome is achieved through an increase in the building separation to the Circular Quay Tower to the south.

4.4. STRUCTURAL STRATEGY

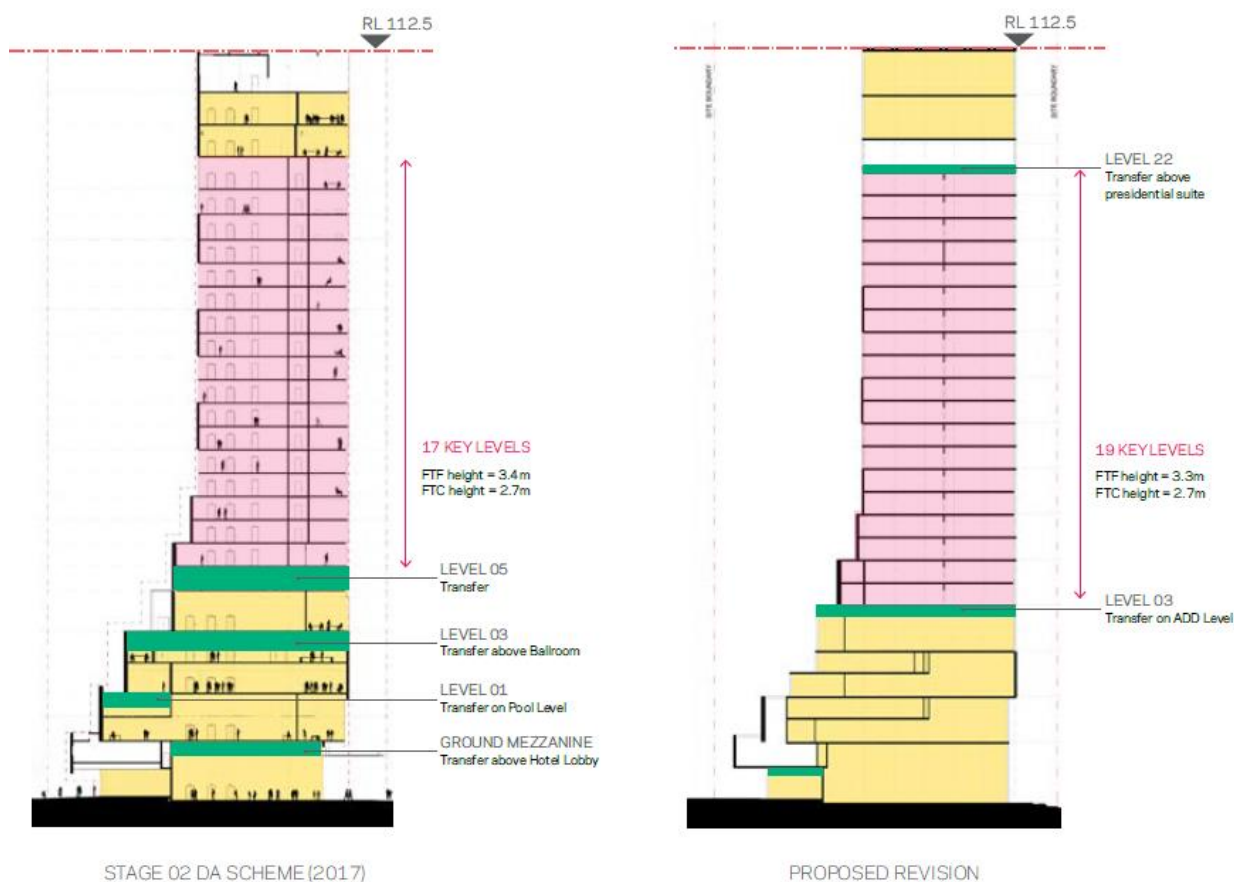
A review of the structural design including transfers and column location was undertaken to reduce the impact of the structural system on the spatial configuration of the tower. Key outcomes include:

- On the typical levels, removal of two columns to the north east; and

- The number of transfer levels has been reduced as highlighted at Figure 3, and the floor to floor heights on the typical levels has been optimised, allowing two additional hotel room levels.

As a result of a rationalisation of column locations, at the ground level the entrance from Pitt Street and canopy has been marginally revised to avoid intrusive column locations.

Figure 3 – Rationalisation of structure



Source: Crone & KKAA

4.5. SERVICING STRATEGY

Mechanical System

The mechanical system proposed in the previous design consisted of three water-cooled chillers and three open-circuit evaporative cooling towers.

An air-cooled chiller system has been identified as the preferred solution compared to a water-based system (cooling towers and chillers) as it relieves plant room at the top two levels of the tower. The proposed air-cooled chillers will be located on the Ground Mezzanine level, with a discharge point achieved in a vertical direction 15.8m above street level. This location and vertical discharge provides negligible impacts on the public domain.

The air intake and discharge for the mechanical systems on the upper plant level will be ducted and vertically discharged to the rooftop south of the Building Maintenance Unit (BMU). The exhaust systems terminating at roof level achieve a minimum of six metres separation from air intakes, the site boundary and operable windows. No horizontal discharge is proposed.

With this proposed service strategy, the high-level plant room was able to be relocated two levels below which reduces the service path from the basement. The air handling units for each large common area within the hotel is also able to be relocated closer to the area it is servicing within the podium.

Façade Maintenance

The hotel tower façade will continue to be serviced by a BMU integrated into the tower form, and concealed within the roof top under an operable roof. In the operation mode, the roof is opened and the BMU will move to a raised position to service all vertical façade surfaces down to ground floor, as well as the external terraces in the podium.

The BMU arm is telescopic to enable full reach to the north and the lower south-western corner of the building facade. As the BMU occupies the top floor bar level, it is positioned at the south of the floor plate (from previous central position) to maximise the available floorplate and improve the outlook from the bar.

Overall the proposed mechanical servicing strategy maintains the quality of the spaces within the building and improves the planning and spatial experience of the top levels of the building.

4.6. GROUND PLANE ACTIVATION

Following detailed design, the substation requirements for the project have been reduced allowing for the removal and redirection of fire stairs. The outcome is an improvement in retail activation with both the extent and depth of retail tenancies increased, particularly at the southern site boundary.

Through design development the ground floor retail has increased to maximise activation to each frontage, in particular to the Herald Square and to the Rugby Place.

An additional entrance to the hotel lobby from Crane Lane and Rugby Plaza has been established through a retail tenancy (operating as an ancillary food and beverage offering). This entrance will assist managing public visitors accessing the ballroom and bar, being located adjacent to the appropriate lifts will relieve the main lobby, that will primarily serve the hotel guests.

This connection will also create a through link access between the Pitt Street Hotel Lobby and secondary hotel entrance off Rugby Plaza (through the south-western retail tenancy).

4.7. PUBLICLY ACCESSIBLE AREAS

Ballroom

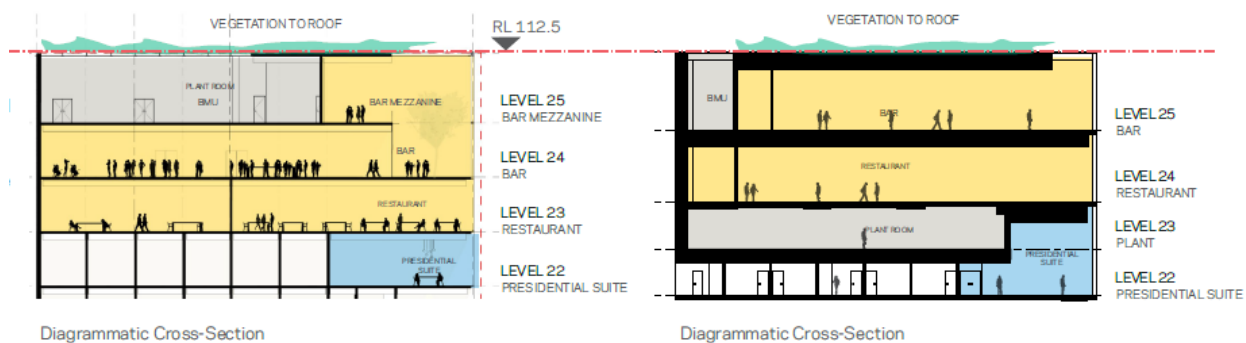
The previous scheme included a ballroom and a dedicated business centre made up of four small meeting rooms on the ballroom mezzanine level. The new design has been reconfigured to create a multifunctional ballroom space which can be adapted for different uses via a flexible partition wall system. This system avoids permanent partitions which have previously compromised the access to daylight across the floor plate.

Bar and Restaurant

The high levels of the hotel have been reconfigured to enable optimised public access to the commanding views over Sydney's most beautiful natural and architectural icons. In the approved scheme, the majority of Level 25 accommodated plant equipment which the design review identified as a missed opportunity.

Relocating roof plant to Level 23 as shown in **Figure 4** provides an opportunity to create an unobstructed restaurant and bar area on the top two levels of the building. The rooftop bar will retain the operable roof to the north, which allows guests to experience the outdoors and Sydney climate within a protected environment.

Figure 4 – Reconfiguration of upper levels



Source: Crone & KKAA

An additional benefit of the rearrangement of the upper levels is the reinstatement of the double height space to the presidential suite on Level 22, initially proposed within in the competition scheme as illustrated in **Figure 5**.

Figure 5 – Artist render of presidential suite



Proposed Revision (2018)

Source: Crone & KKAA

4.8. FAÇADE

A key component of the architectural design of the building is the architectural language created through the the 'pixel' facade and a shifting and twisting building form. No significant change is proposed to either critical element, and no change is proposed to the twisting building form.

Since the design competition in 2016, the design of the building has evolved to address the competition jury feedback which emphasised the importance of ensuring the tower did not read as a commercial tower. The 'pixel' façade intentionally avoids a sheer glazed curtain wall and is created through a combination of co-

planar and indentations. The composition of the facade in form and materiality have been utilised to reflect the hotel program and further bridge the urban and human scale.

For the previous Detailed SSD DA, the indentation of 'pixels' at the upper levels of the tower were added to further define the sweeping transition between the podium and the tower. Through design development however there has been a holistic review of the pixelated facade, as described by the project Architects to enhance the visual legibility of a gradual blend and transition between the podium form and the tower.

A typical pixel on the tower varies by 300mm in depth in comparison to the flush façade at the top of the tower. The proposed design introduces a 150mm pixel depth to more gradually and delicately transition from the podium up the tower. As described by the project Architects the varied depth enables the form to read as a more gradual sweep.

4.9. ROOF

The height and location of the One Sydney Hotel has necessitated a carefully designed roofscape that is looked upon by the surrounding towers. The approved roofscape had been designed to conceal building services, intakes and exhausts, and the BMU.

Within the proposed design, service zones have been further consolidated, to allow for a more generous amount of 'landscaped pixels'. The operable roof area has been reduced to ensure the operability and acoustic requirements are met, whilst still maintaining the outdoor experience at the northern end of the bar. The roof design has also been adjusted to accommodate skylights to the bar level below which further contributes to the amenity of this space.

Overall the rooftop composition is a further refinement of the approved scheme.

4.10. SUSTAINABILITY

The project commitment to achieve 5 Star Green Star remains consistent with the previous approval. Through the recent design development, the following initiatives are being investigated for inclusion within the building design and operation as part of the 5 Star Green Star Design & As Built v1.1 strategy:

- Energy Category:
 - High performance façade with improved glazing thermal performance reduces façade heat gains/loss;
 - High efficiency CHW & HHW based air-conditioning;
 - Mixed mode air-conditioning for suitable areas; and
 - Possibility of co-generation system for electrical energy generation and heating for DHW and swimming pool.
- Transport Category:
 - Provision of staff & visitor bicycle parking spaces and staff cyclist end-of-trip amenities;
 - Green Travel Plan for staff to encourage uptake of green transport options; and
 - Excellent local public transport links.
- Water Category:
 - Significant improvement in overall selection of high efficiency (low water flow rate) taps/showers/toilets; and
 - Recycling of fire system test water.
- Materials Category:
 - Life Cycle Analysis to be undertaken to show the embodied and operational energy savings of the development;
 - Sustainably sourced construction products including steel, timber, PVC and the like; and

- Proposed high levels (>90%) of construction waste recycling.
- Land Use & Ecology Category:
 - Construction on previously developed land;
 - Remediation of site if in-ground contamination is present; and
 - Landscaping, green roof and external extensive green wall to improve local amenity and urban heat island effect.

4.11. BCA AND ACCESSIBILITY

Revised BCA Report (**Appendix D**), Accessibility Report (**Appendix E**) and Fire Engineering Statement (**Appendix F**) have been prepared to address the modified design. The reports conclude that areas of non-compliance can be addressed through minor design modifications or performance-based solutions. The required design modifications are to be developed at construction certificate stage, as the changes will not impact the overall design.

In summary, the revised design is capable of complying with the BCA and relevant Australian Standards.

4.12. DETAILED AMENDMENTS TO CONDITIONS OF CONSENT

This section 4.55(2) modification specifically seeks amendment to the following conditions of consent of D/2016/1529.

Table 2 – Proposed modifications to conditions of consent

Condition No.	Proposed Amendment	Comment																								
Schedule 1A		Refer detailed description in Section 4 of this report.																								
(1) APPROVED DEVELOPMENT	<p>(a) <i>Development must be in accordance with Development Application No. D/2016/1529 dated 7 December 2018 and the following drawings prepared by Kengo Kuma and Associates and Crone:</i></p> <table> <tr> <th>Drawing Number</th><th>Drawing Name</th><th>Date</th></tr> <tr> <td>0101 Rev: B E</td><td>Site Plan</td><td>10/03/2017 18/01/2019</td></tr> <tr> <td>0201 Rev: B</td><td>Demolition Plan</td><td>10/03/2017</td></tr> <tr> <td>1000 Rev: B G</td><td>Basement 6 - Residential</td><td>10/03/2017 18/01/2019</td></tr> <tr> <td>1001 Rev: B F</td><td>Basement 5 - Residential</td><td>10/03/2017 18/01/2019</td></tr> <tr> <td>1002 Rev: B G</td><td>Basement 4 - Residential</td><td>10/03/2017 18/01/2019</td></tr> <tr> <td>1003 Rev: B G</td><td>Basement 3 - Hotel BOH Residential</td><td>10/03/2017 18/01/2019</td></tr> <tr> <td>1004 Rev: B H</td><td>Basement 2 - Hotel BOH and Residential drop off</td><td>10/03/2017 18/01/2019</td></tr> </table>	Drawing Number	Drawing Name	Date	0101 Rev: B E	Site Plan	10/03/2017 18/01/2019	0201 Rev: B	Demolition Plan	10/03/2017	1000 Rev: B G	Basement 6 - Residential	10/03/2017 18/01/2019	1001 Rev: B F	Basement 5 - Residential	10/03/2017 18/01/2019	1002 Rev: B G	Basement 4 - Residential	10/03/2017 18/01/2019	1003 Rev: B G	Basement 3 - Hotel BOH Residential	10/03/2017 18/01/2019	1004 Rev: B H	Basement 2 - Hotel BOH and Residential drop off	10/03/2017 18/01/2019	
Drawing Number	Drawing Name	Date																								
0101 Rev: B E	Site Plan	10/03/2017 18/01/2019																								
0201 Rev: B	Demolition Plan	10/03/2017																								
1000 Rev: B G	Basement 6 - Residential	10/03/2017 18/01/2019																								
1001 Rev: B F	Basement 5 - Residential	10/03/2017 18/01/2019																								
1002 Rev: B G	Basement 4 - Residential	10/03/2017 18/01/2019																								
1003 Rev: B G	Basement 3 - Hotel BOH Residential	10/03/2017 18/01/2019																								
1004 Rev: B H	Basement 2 - Hotel BOH and Residential drop off	10/03/2017 18/01/2019																								

Condition No.	Proposed Amendment			Comment
	1005 Rev: B H	Basement 1 - Loading and BOH	10/03/2017 18/01/2019	
	1006 Rev: B	Lower Ground - Tower A	10/03/2017	
	1007 Rev: G J	Ground - Lobby Hotel and Retail	16/06/2017 (sic) 18/01/2019	
	1008 Rev: B H	Ground Mezzanine - MEP Plant	10/03/2017 18/01/2019	
	1009 Rev: B H	Level 01 - Pool and Spa	10/03/2017 18/01/2019	
	1010 Rev: B H	Level 02 01 - Executive Office Mezzanine Plant	10/03/2017	
	1011 Rev: B H	Level 03 2 - Grand Ballroom	10/03/2017 18/01/2019	
	1012 Rev: B G	Level 03 2 - Mezz. Meeting Room Plant	10/03/2017 18/01/2019	
	1013 Rev: B H	Level 04 3 - All Day Dining	10/03/2017 15/12/2017	
	1014 Rev: B H	Level 05 4 - Office and Plant Hotel Standard	10/03/2017 18/01/2019	
	1015 Rev: B G	Level 06 5 - Hotel Standard	10/03/2017 18/01/2019	
	1016 Rev: B H	Level 07 6 - Hotel Standard	10/03/2017 18/01/2019	
	1017 Rev: B G	Level 08 7 - Hotel Standard	10/03/2017 18/01/2019	
	1018 Rev: B H	Level 09 8 - Hotel Standard	10/03/2017 18/01/2019	
	1019 Rev: B G	Level 10 09 - Hotel Standard	10/03/2017 18/01/2019	
	1020 Rev: B G	Level 11 10 - Hotel Standard	10/03/2017 18/01/2019	
	1021 Rev: B G	Level 12 11 - Hotel Standard	10/03/2017 18/01/2019	
	1022 Rev: B G	Level 13 12 - Hotel Standard	10/03/2017 18/01/2019	
	1023 Rev: B G	Level 14 13 - Hotel Standard	10/03/2017 18/01/2019	

Condition No.	Proposed Amendment			Comment
	1024 Rev: B G	Level 15 14 - Hotel Suite Standard	10/03/2017 18/01/2019	
	1025 Rev: B G	Level 16 15 - Hotel Suite Standard	10/03/2017 18/01/2019	
	1026 Rev: B G	Level 17 16 - Hotel Suite Standard	10/03/2017 18/01/2019	
	1027 Rev: B G	Level 18 17 - Hotel Suite Standard	10/03/2017 18/01/2019	
	1028 Rev: B G	Level 19 18 - Hotel Suites Standard	10/03/2017 18/01/2019	
	1029 Rev: B G	Level 20 19 - Hotel Premier Suites Standard	10/03/2017 18/01/2019	
	1030 Rev: B G	Level 24 20 - Hotel Premier Suites	10/03/2017 18/01/2019	
	1031 Rev: B G	Level 22 21 - Hotel Presidential Suites	10/03/2017 18/01/2019	
	1032 Rev: B G	Level 23 - Club Restaurant Level 22 - Hotel Presidential Suite	10/03/2017 18/01/2019	
	1033 Rev: B G	Level 24 - Club Bar Level 23 - Plant	10/03/2017 18/01/2019	
	1034 Rev: B H	Level 25 - Club Rooftop Level 24 - Restaurant	10/03/2017 18/01/2019	
	1035 Rev: B G	Level Roof Level 25 - Bar	10/03/2017 18/01/2019	
	1036 Rev: G	Level Roof	18/01/2019	
	2000 Rev: B G	East Elevation	10/03/2017 18/01/2019	
	2001 Rev: B G	North Elevation	10/03/2017 18/01/2019	
	2002 Rev: B G	West Elevation	10/03/2017 18/01/2019	
	2003 Rev: B G	South Elevation	10/03/2017 18/01/2019	
	2004 Rev: B F	East Street Elevation	10/03/2017 18/01/2019	
	2005 Rev: B F	North Street Elevation	10/03/2017 18/01/2019	

Condition No.	Proposed Amendment			Comment
	2006 Rev: B F	West Street Elevation	10/03/2017 18/01/2019	
	2007 Rev: B F	South Street Elevation	10/03/2017 18/01/2019	
	2008 Rev: B E	Façade Details	10/03/2017 18/01/2019	
	2009 Rev: B E	Façade Details	10/03/2017 18/01/2019	
	2010 Rev: A	Façade Details	10/03/2017	
	2011 Rev: A E	Canopy Details	10/03/2017 18/01/2019	
	2012 Rev: A	Retail Facade Details	10/03/2017	
	3000 Rev: B G	Section A - A	10/03/2017 18/01/2019	
	3001 Rev: B F	Section B - B	10/03/2017 18/01/2019	
	9910 Rev: B	Materials Board	10/03/2017	
	9911 Rev: B D	Materials Board	10/03/2017 18/01/2019	
(19) FIT-OUT OF HOTEL FOOD AND DRINK PREMISES - SEPARATE DA REQUIRED	<p><i>A separate development application for the fit-out of the food and drink premises within the hotel must be submitted to and approved by Council prior to that fit-out commencing, except where the fit-out is exempt or complying development under an environmental planning instrument or development control plan. This condition applies to the following areas:</i></p> <p><i>(a) Ground level hotel lobby lounge/bar;</i></p> <p><i>(b) Level 1 fitness café;</i></p> <p><i>(c) Level 3 Grand Ballroom, ballroom kitchen; and function;</i></p> <p><i>(d) Level 4 dining areas and kitchens;</i></p> <p><i>(e) Level 23 dining areas and kitchens;</i></p> <p><i>(f) Level 24 bar and karaoke; and</i></p> <p><i>(g) Level 25 club rooftop bar.</i></p>			Karaoke rooms are no longer proposed within the upper level bar.
(22) HOURS OF OPERATION	(22) HOURS OF OPERATION – LEVEL 4 3 RESTAURANTS			All day dining is proposed to be located at Level 3.

Condition No.	Proposed Amendment	Comment			
(23) HOURS OF OPERATION	(23) HOURS OF OPERATION – LEVEL 23 24 RESTAURANT AND PRIVATE DINING ROOMS	Restaurant is proposed to be located at Level 24.			
(24) HOURS OF OPERATION	(24) HOURS OF OPERATION – LEVEL 24 CLUB BAR, KARAOKE, AND LEVEL 25 CLUB ROOFTOP BAR	Karaoke rooms no longer proposed, and club bar located at Level 25			
(26) MAXIMUM CAPACITY OF PATRONS	<p>(26) MAXIMUM CAPACITY OF PATRONS</p> <p>(a) The maximum number of patrons (including patrons and performers) permitted in the following areas of the premises at any one time is:</p> <p>(i) Ground level hotel lobby lounge/bar: 68</p> <p>(ii) Level 3 grand Ballroom and pre-function: 244 564</p> <p>(iii) Level 43 dining areas: 84 600</p> <p>(iv) Level 23 VIP banquet: 34</p> <p>(v) Level 23 restaurant: 81</p> <p>(vi) Level 24 hotel bar, karaoke, and terrace Speciality restaurant: 157 364</p> <p>(vii) Level 25 club bar and terrace: 35 420</p>	To be revised to reflect the amended architectural plans as per Appendix K			
(27) OPERATIONAL AND SECURITY MANAGEMENT PLAN	The use must always be operated/managed in accordance with the Operational and Security Management Plan entitled 'Wanda Project Sydney Circular Quay', dated 28 October 2016 29 January 2019 (Council ref: 2016/574214).	Minor housekeeping amendments to the approved Operational and Security Management Plan to reflect the revised floor plans are included at Appendix K.			
(30)-(33)	Conditions relating to karaoke rooms to be deleted.	Karaoke rooms no longer proposed within bar			
(53) ALLOCATION OF PARKING	The number of car parking spaces to be provided for the development shall comply with the table below.				Revised to reflect the amended architectural plans.
	Car Parking Type	Attributed to Tower 'A' Residential	Attributed to Tower 'B' Hotel	Number	
	Residential	448 127	0	448 127	

Condition No.	Proposed Amendment				Comment
	Accessible residential spaces [C]	29 25	0	29 25	
	Retail parking	0	1	1	
	Serviced apartment/ hotel parking	0	39 22	39 23	
	Accessible serviced apartment/ hotel parking [C]	0	2 3	2 3	
	Subtotal	147 152	42 26	189 178	
	Motorcycle parking [A]	12 16	4	16 20	
	Service vehicle spaces/ hotel pick-up/ put down on Level B2	0	2	2	
	Hotel/ serviced apartment Medium Rigid Vehicle loading dock(s)	0	2 1	2 1	
	Residential Medium Rigid Vehicle loading dock(s)	2	0	2	
	Waste vehicle space [B] – min 9.25m length	1	0	1	
	Car Share	3	1	4	
(61) BICYCLE PARKING AND END OF TRIP FACILITIES	The minimum number of bicycle parking spaces and end of trip facilities to be provided for the development must comply with the table below.				
	Bicycle Parking Type	Attributed to Tower 'A'	Attributed to Tower 'B'	Number	

Condition No.	Proposed Amendment				Comment
	Residential (Class 2 bicycle facilities)	490 -165	0	490 -165	
	Residential visitor (Class 3 bicycle rails)	49 -17	0	49 -17	
	Non-residential (staff) (Class 2 bicycle facilities)	2 -3	52 50	54 53	
	Non-residential visitor (Class 3 bicycle rails)	6	5	11	
	Non-residential visitor (Class 2 or 3 bicycle rails)	0	40 7	40 7	
	End of Trip Facility Type	Attributed to Tower 'A'	Attributed to Tower 'B'	Number	
	Showers with change area	1	7 5	8 6	
	Personal lockers	2	52 50	54 52	

5. SECTION 4.15(2) ASSESSMENT

5.1. SUBSTANTIALLY THE SAME DEVELOPMENT

This application is made pursuant to Section 4.15(2) of the EP&A Act. The NSW Land and Environment Court has established several precedents as to what may be considered as being “substantially the same development”, and what should be factored into the consideration of this threshold test.

The consideration of this test should not only include the physical characteristics of the approved and modified schemes, but also the nature and magnitude of the impacts of the developments. In these respects, the modified scheme should be “essentially or materially” the same as that originally approved.

The proposed modifications to the approved built form are minor and are predominantly internal. The proposed modifications to the external facades are tweaks to the original design and do not represent significant or transformational changes to the architectural integrity of the building.

This is confirmed by the design integrity statement prepared by Crone & KKAA at **Appendix C** which concludes:

“In summary the current design is conceptually and qualitatively consistent with that of the original competition design, maintains its distinctive aesthetic qualities, enhances ground level activation and improves hotel operations.”

The proposed modifications do not alter the approved land uses on site or the overall intensity of development and the modified scheme is substantially the same as that originally approved.

5.2. CONCURRENT APPROVALS

The SSDA was not classified as Integrated Development pursuant to Section 4.41 of the EP&A Act. Despite this exemption from the integrated development approvals, in addition to the EP&A Act, the following acts were considered relevant to the development and warranted concurrence:

- *Airports Act 1996 (Commonwealth)*
 - Referral to Sydney Airport Corporation Limited (SACL)
- *Heritage Act 1977*
 - Referral to NSW Heritage Council
- *Water Management Act 2000*
 - Referral to Sydney Water Corporation

5.2.1. Airports Act 1996 (Commonwealth)

The construction of the approved development on site would result in a penetration of Sydney Airport’s Limitation or Operations Surface. The changes proposed as part of this section 4.55(2) modification application do not however impact the Sydney Airport’s Limitation or Operations Surface that was previously considered as part of D/2016/1529.

5.2.2. Heritage Act 1977 (NSW)

The SSD DA does not constitute Integrated Development pursuant to section 4.41 of the EP&A Act 1979 however approval under the *Heritage Act 1977* would otherwise be required for a development application lodged on the site pursuant to section 4.47 of the EP&A Act 1979.

The state 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 1 metre from the existing basement level wall, however the site is affected by the 3m exclusion zone of the Tank Stream. The proposed modifications involve reducing the extent of the basement in the south-eastern corner of the development proposed to reduce any impact on subterranean elements of the Tank Stream.

As such, we do not anticipate any required changes to the conditions of consent imposed by the Heritage Council as a result of this section 4.55(2) modification application.

5.2.3. Water Management Act 2000 (NSW)

The SSD DA does not constitute Integrated Development pursuant to section 4.41 of the EP&A Act 1979. Consultation with the NSW Office of Water was nonetheless undertaken during the preparation of D/2016/1529, as approval under the *Water Management Act 2000* would otherwise be required for a DA lodged on the site pursuant to section 4.47 of the EP&A Act 1979.

The proposed modifications do not alter the impact on the NSW Aquifer Inference Policy compared to the approved development.

5.3. NOTIFICATION AND SUBMISSIONS

We acknowledge that notification of the proposed amendment is required. The City of Sydney will need to undertake this in accordance with Schedule 1 of the Sydney Development Control Plan 2012. Once notified, any submissions received in respect of the notification will need to be considered in the assessment of the proposal by the City of Sydney.

6. STRATEGIC PLANNING CONTEXT

The following table provides an overview of the consistency of the proposed modifications with the relevant strategic plans. As outlined below, the approved development as proposed to be amended remains consistent with the strategic planning objectives for the site and locality.

Table 3 – Consideration of the proposed modification against relevant strategic plans

Strategy	Comment
NSW 2021 – A Plan to Make NSW Number One	The proposed modifications to the approved development do not impact the consistency the proposal has the NSW 2021 State Plan.
Greater Sydney Region Plan – A Metropolis of Three Cities	The proposed modifications to the approved development do not impact the consistency the proposal has with the various objectives and directions of the Greater Sydney Region Plan – A Metropolis of Three Cities
NSW Long Term Master Transport Plan	The proposed modifications to the approved development do no impact the proposal's consistency with the NSW Long Term Master Transport Plan.
Sydney's Cycling Future	The proposed modifications to the approved development do no impact the proposal's consistency with Sydney's Cycling Future, notably as the proposed changes to the eastern façade of Tower B maintains the possibility of the City of Sydney's proposed cycle lane on Pitt Street.
Sydney's Walking Future	The proposed modifications to the approved development do not impact the proposal's consistency with Sydney's Walking Future, notably as the proposal still retains significant new through-site links and improved pedestrian permeability through the site. The proposed awning design on Pitt Street will provide improved pedestrian amenity compared to the approved design.
Sydney 2030 Strategy	The proposal maintains its consistency with the Sydney 2030 Strategy despite the proposed modifications to the approved development.
Sydney City Centre Access Strategy	The proposed modifications to the approved development do not impact the proposal's consistency with the SCCAS, notably the proposal will not adversely impact the approved CSELR at George Street or Pitt Street cycleway.
Draft Visitor Accommodation Action Plan 2014	Despite the proposed modifications to the approved development, the proposal retains a world-class hotel on the site and maintains consistency with the Draft Visitor Accommodation Action Plan 2014.
Draft Central Sydney Planning Strategy	<p>The draft structure plans highlights the sites location on the perimeter a high density zone, the new Circular Quay square, the increased pedestrian priority along Pitt Street, and George Street, as well as a public domain spine extending along George Street.</p> <p>The site is identified by the Strategy as a known 'commercial to residential' conversion since 2012; as such the proposed controls are relatively consistent with existing controls and approved uses. The proposed development as amended will assist in promoting design excellence, establishing an integrated public domain for existing and proposed public spaces in proximity to the site and establishing the site as a place for people.</p>

7. SECTION 4.15 ASSESSMENT

7.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications do not alter the compliance of the approved development against the relevant environmental planning instruments relevant to the site as outlined in the following sections.

7.1.1. State Environmental Planning Policies

The proposal remains consistent with the relevant State Environmental Planning Policies (SEPPs) that apply to the site as follows:

- The proposal remains classified as SSD under *State Environmental Planning Policy (State and Regional Development) 2011*.
- The proposed modifications do not impact any contamination remediation works required on site under *State Environmental Planning Policy No.55 Remediation of Land*.
- The proposed modifications do not impact any aspects of the approved development requiring concurrence to Railcorp under *State Environmental Planning Policy (Infrastructure) 2007*.
- The proposed modifications do not alter any signage zones or approved signage under *State Environmental Planning Policy No 64 – Advertising and Signage*.
- The proposed modifications do not alter the consistency of the approved development with the planning principles contained within *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

7.1.2. Local Environmental Plan 2012

The proposal remains consistent with the key provisions within the *Sydney Local Environmental Plan 2012* (SLEP 2012) as follows:

- The proposed development remains permissible development with consent and the hotel and retail uses approved on site area consistent with the B8 Metropolitan Centre zone objectives.
- The proposed modifications do not impact the approved maximum height of Tower B, which is compliant with the maximum height of buildings standard of 110m.
- The internal changes to the approved Tower B building do affect the gross floor area (GFA) of the approved development. As illustrated within the Architectural Plans at **Appendix A**, the proposed GFA for the site remains within the maximum permissible Floor Space Ratio (FSR) and GFA for the site as per Condition 11 (19,394sqm for Tower B).
- As the proposed changes to the building are largely internal or unlikely to be perceived by the public domain other than an increase in building separation, the proposed changes will not result in any adverse impacts on heritage items in proximity of the site. The increased setback of the basement from the south-eastern boundary will result in an increased separation from the Tank Stream as described within the structural advice at **Appendix L**.
- The proposed changes will not impact the compliance of the approved development with clause 6.16 Tall Buildings in Central Sydney of SLEP 2012.
- The proposed changes do not result in any additional overshadowing from the building.
- The proposal maintains design excellence as confirmed through the design integrity statement prepared by Kengo Kuma and Associates and Crone attached at **Appendix C**.
- The proposal remains consistent with the building envelope and conditions contained within the Stage 1 SSD DA for the site (D/2015/1049).
- The proposal complies with the maximum number of car parking spaces permissible within clause 7.1-7.9 of SLEP 2012. The proposed modification to Tower A (subject to a separate modification application) results in a decrease in studio, one bedroom and two bedroom apartments, an increase in three bedroom apartments, and an overall decrease in the total number of apartments from 190 to 165.

It can be seen from **Table 4** – Revised parking breakdown below that the proposed development is required to provide a maximum of 152 car parking spaces for the residential component and a maximum of 50 spaces for the hotel and retail components of the development. In response, the development proposes 152 car parking spaces for the residential component and 26 car parking spaces for the hotel and retail components.

Overall there is a reduction in parking provision from 195 to 183 vehicular parking spaces. In addition, the development provides the required minimum of four car share spaces.

Table 4 – Revised parking breakdown

	Approved Number (dwellings/ rooms)	Proposed Number (dwellings/ rooms) (change)	Max Parking Rate (LEP/DCP)	Approved - D/2016/1529/B	Proposed Max/ Min Yield	Proposed Yield (change)
Residential						
Studio	3	0 (-3)	0.1 spaces per dwelling		0	
One bedroom	26	7 (-19)	0.3 spaces per dwelling		3	
Two bedroom	74	32 (-42)	0.7 spaces per dwelling		23	
Three bedroom	87	126 (+39)	1 space per dwelling		126	
Residential Totals	190	165 (-25)		147	152 (max)	152 (+5)
Hotel & Retail						
Hotel up to 100 rooms	100	100	1 space per 4 rooms	41	25	25
Hotel above 100 rooms	82	120 (-38)	1 space per 5 rooms		24	
Retail Tower A + Tower B	421m ²	586m ² (+165)	$M=(G \times A) \div (50 \times T)$		1	
Hotel & Retail Totals				42	50 (max)	26 (-16)
Loading				6		4 (-2)
Overall Total				195 parking spaces approved	206	182 (-13) parking spaces proposed

			Min 1 per 50 residential car spaces + Min 1 per 30 hotel/ retail car spaces	4	4 (min)	4
Car Share						

- Notwithstanding the proposed changes to retail tenancies and services at the ground plane, the proposal maintains consistency with the flood mitigation measures outlined within the original approval. The proposed changes do not require any additional mitigation strategies in accordance with clause 7.15 of the SLEP 2012.
- Clause 6.25 of SLEP2012 relates specifically to the APDG and provides for additional building height on parts of certain sites (within the area bounded by Alfred Street, Pitt Street, Dalley Street and George Street, if the development of the site provides for publicly accessible open space, lanes and other links through the site. The proposal remains consistent with the objectives and controls of this clause with retail spaces fronting public through site links.

7.1.3. Sydney Development Control Plan 2012

Whilst it is acknowledged that the Sydney Development Control Plan (SDCP) 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 regardless the proposal is generally consistent with the relevant provisions of the SDCP 2012 as outlined within the approved DA. The proposed changes to the built form do not impact the consistency of the development with the SDCP 2012.

7.2. VOLUNTARY PLANNING AGREEMENT

The proposed modifications do not impact any terms of the executed Voluntary Planning Agreement relating to the site and the approved development.

7.3. NATURAL AND BUILT ENVIRONMENTAL IMPACTS

Given the minor extent of the changes, the proposed modifications are not anticipated to result in any additional impacts to the natural and built environment compared to the approved development. The following sections provide an assessment of the proposal against any natural and built environmental impacts.

7.3.1. Acoustic Amenity

JHA have undertaken an acoustic assessment (**Appendix G**) of the modified proposal to ensure compliance with relevant Australian Standards and City of Sydney Council – Entertainment Noise Criteria.

Noise emissions from the proposed rooftop bar and restaurant have been assessed at the nearest noise sensitive receivers (Tower A). Overall the proposal complies although there is a slight exceedance at the nearest residential receiver between 10pm-12am at Octave Band Centre Frequency 8k Hz.

In relation to mechanical services, noise limits from the proposed plant and their locations are able to be practically achieved, however typical noise controls will need to be considered and implemented throughout the detailed design stage.

Internal noise levels were modelled for external noise intrusion from the surrounding roads, rail and entertainment venues. Based on this analysis recommended glazing systems have been identified and will be incorporated into the proposal.

7.3.2. Wind

An assessment of the impacts of the proposed modifications on the pedestrian level wind environment has been undertaken by CPP (**Appendix H**).

The wind conditions on the ground plane are not significantly altered by the proposed design of the towers when compared with the currently approved design. The north-south dimension of the tower sections (Level 06 and above) are reduced by approximately 1m, and some minor adjustments to the building form are

indicated on lower levels. Considering the size and general massing of the building, these modifications to the tower form are not significant and will not quantifiably affect pedestrian wind conditions.

It is expected that the inclusion of the proposed Circular Quay Tower to the south of the site together with the open plaza at 182 George Street will provide a slight improvement of the wind conditions in the space between the two towers. It is reiterated that this exposed section of the city is already windy and changing the building massing on the city fringe will redistribute the flows down the various north-south streets.

Level 25 on Tower B now includes an operable roof over the northern portion, while the previously assessed model had permanently open terraces on Levels 24 and 25. With the roof open, conditions on the terrace are expected to be similar to those reported previously, in which this area was assessed as suitable for Pedestrian Sitting. No wind effects are anticipated with the roof closed.

7.3.3. Traffic and Parking

The modified Tower A (subject to a separate application) results in a reduction in the number of residential apartments. The modified Tower B and basement includes reduction in residential parking spaces and an increase in hotel rooms. The resulting anticipated net increase in traffic generation equates to one vehicle trip per every 12 minutes, on average, during the morning and evening peak. The increases in traffic volumes at the intersections in the vicinity of the site are expected to be marginal, and within typical fluctuations in background traffic volumes.

The proposed car parking changes meet the requirements of Council's LEP and DCP while traffic increases due to the changes to the development are minimal.

7.3.4. Security

The SSD DA was accompanied by an Operational and Security Management Plan. Notwithstanding the proposed changes to the architectural design of the building the key principles guiding the Operational and Security Management Plan are retained. Minor modifications to the management plan to reflect the revised design is included within the updated report at **Appendix K**.

7.4. SOCIAL AND ECONOMIC IMPACTS

The minor extent of the changes is not anticipated to result in any additional social or economic impacts compared to the approved development. The provision of additional ground level retail floor space is anticipated to result in marginal improvements to the activation of Herald Square and additional passive surveillance of Rugby Place.

7.5. SUITABILITY OF THE SITE

The suitability of the site for the development was determined through the Stage 1 SSD DA for the site, and the subsequent detailed development applications, including D/2016/1529. The proposed amendments do not fundamentally alter the nature of Tower B such that it would become unsuitable for the site.

7.6. THE PUBLIC INTEREST

The modifications proposed to the approved development are considered to be in the public interest as:

- They maintain and enhance the design excellence of the approved tower;
- The proposed modifications do not result in any significant impacts to nearby buildings or the public domain in terms of overshadowing, view loss, or traffic impacts; and
- The reduced floor plate of the tower results in an improved urban design outcome with increased separation distance from the adjoining Circular Quay Tower development to the south.

8. CONCLUSION

The proposed modifications to the Tower B and basement design are a result of a revised brief and further design development working towards the construction of the project. In summary the proposed modifications are considered appropriate as:

- The proposed modifications have a negligible impact on the level of compliance the approved development has with the relevant environmental planning instruments and planning controls.
- Through rationalising the structural and services strategies the proposal increases the amount of separation between Tower B and surrounding buildings to the south by approximately 850mm.
- The proposed changes to the architectural design of the building including the amended façade retains design excellence of the building as determined within the Competitive Design Alternatives Process and the winning scheme by Kengo Kuma and Associated and Crone.
- The proposed changes result in additional ground floor retail as part of the development, notably providing additional activation to Herald Square and Rugby Place.
- The proposal will make a positive contribution to Circular Quay and the Sydney CBD that provides connectivity with surrounding developments to enhance the public domain.
- The development resulting from the proposed modifications are “substantially the same” as the approved development.

As demonstrated within this report and the attached documentation, the modified scheme is considered to be acceptable under the relevant considerations of section 4.15 of the EP&A Act, and as such it is recommended that approval be granted to the proposal as modified.

DISCLAIMER

This report is dated 16 January 2019 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 Yuhu AWh Group (**Instructing Party**) for the purpose of 4.55(2) Modification Application (**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 AMENDED ARCHITECTURAL PLANS

APPENDIX B DESIGN REPORT

APPENDIX C

DESIGN INTEGRITY STATEMENT

APPENDIX D BCA REPORT

APPENDIX E ACCESSIBILITY

APPENDIX F FIRE ENGINEERING

APPENDIX G ACOUSTIC ASSESSMENT

APPENDIX H WIND ASSESSMENT

APPENDIX I TRANSPORT IMPACT ASSESSMENT

APPENDIX J WASTE MANAGEMENT PLAN

APPENDIX K PLAN OF MANAGEMENT AND SECURITY MANAGEMENT PLAN

APPENDIX L AMENDED STRUCTURAL ASSESSMENT

APPENDIX M ESD REPORT

APPENDIX N HOTEL ADVICE



BRISBANE

Level 7, 123 Albert Street
Brisbane QLD 4000
Australia
T +61 7 3007 3800

MELBOURNE

Level 12, 120 Collins Street
Melbourne VIC 3000
Australia
T +61 3 8663 4888

PERTH

Level 14, The Quadrant
1 William Street
Perth WA 6000
Australia
T +61 8 9346 0500

SYDNEY

Level 23, Darling Park Tower 2
201 Sussex Street
Sydney NSW 2000
Australia
T +61 2 8233 9900