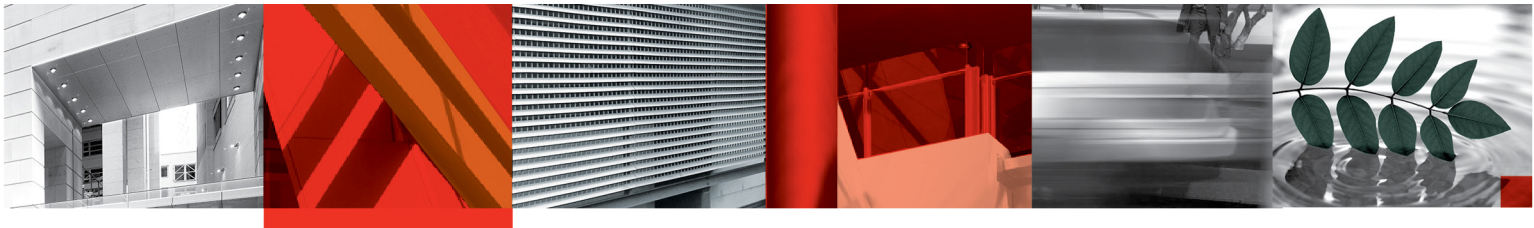


Response to Submissions

Part 3A Concept Plan Application - MP 10_0237



71-79 Macquarie Street, Sydney

Mixed Use Residential Building

Submitted to Department of Planning & Infrastructure
On Behalf of AMP Capital Investors and Mirvac

May 2012 ■ 10359

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Date 16/5/12

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Date 16/5/12

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1.0 Introduction

An Environmental Assessment Report (EAR) in relation to a Concept Plan for the development of 71-79 Macquarie Street, Sydney was publicly exhibited for a period of 42 days between 18 January 2012 and 29 February 2012.

In total five agency submissions were received in response to the public exhibition of the Concept Plan, in addition to eleven public submissions and a submission from the City of Sydney. The two major issues identified in the submissions were car parking and traffic and built form, in addition to a range of other minor issues.

The proponent (AMP Capital Investors and Mirvac) and its specialist consultant team have reviewed and considered the Department's comments and the public and agency submissions and, in accordance with clause 75H(6) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), responded to the issues raised. This Response to Submissions sets out the proponent's response to the issues raised and provides a revised Statement of Commitments for which approval is now sought. In preparing this response the proponent has met with a number of authorities which provided submissions to clarify key issues, including the NSW Heritage Office and Sydney Water.

It should be noted that the exhibition of the Concept Plan resulted in significant levels of support from several public authorities, including the City of Sydney and the Sydney Harbour Foreshore Authority.

Any outstanding issues requiring further analysis were investigated by the following consultants:

- GTA Consultants: traffic and access issues;
- Godden Mackay Logan: Sydney Opera House visual catchment and archaeological issues; and
- HASSELL: indicative basement design, historical height control issues and potential future interface with the neighbouring Quay Grand building.

This report should be read in conjunction with the Environmental Assessment Report (EAR) dated December 2011 and forms part of the Concept Plan.

2.0 Key Issues and Proponent's Response

The following section provides a detailed response to the key issues raised by the submissions. **Attachment A** provides a response to all the issues raised during the public exhibition period.

2.1 Car Parking and Traffic

In response to the major and minor issues raised in the submission relating to car parking and traffic, GTA Consultants prepared a Response to Traffic and Parking Related Submissions (refer **Attachment B**). This response provides a detailed response to each of the issues raised in the submissions, and a summary of the responses to the key issues is provided below.

Car Parking Rates

*Department of Planning and Infrastructure Issue:
Additional justification is to be submitted in support of the car parking rates proposed having regard to those included in the Sydney local Environmental Plan 2005 and having particular regard to the proximity of nearby transport facilities.*

In relation to the proposed car parking rates, GTA Consultants' response notes that this issue was discussed extensively in the Concept Plan Transport Assessment submitted with the Environmental Assessment Report. The key arguments in support of the proposed car parking rates are as follows:

- The development is aimed at the very high end of the market, and the owners and tenants of apartments in such buildings have an expectation that they will have access to car parking.
- While occupants of such buildings tend to require car parking, they also tend to make only low use of their vehicles as they have chosen to reside in a location highly convenient to their work and leisure activities.
- This low usage is reflected in the surveys of adjoining buildings (and surveys by the former RTA at other high density residential developments in metropolitan centres), with no high correlation between parking supply and traffic generation being indicated.
- Taking the above into account, the Sydney Local Environmental Plan 2005 (the LEP) objective to reduce traffic generation by reducing parking supply is not applicable. Rather, the traffic generation from residential development in locations such as Circular Quay will be inherently low irrespective of any moderate exceedances of LEP parking ratios.
- Finally, the parking ratios proposed are based on Mirvac's extensive experience of residential expectations for what will be an exceptional apartment development.

Additional Traffic Surveys

*Department of Planning and Infrastructure Issue:
Additional traffic surveys are to be undertaken to address the concerns raised by submitters on the accuracy of the submitted Transport Assessment Report.*

In the public submission which included the Varga Traffic Planning report, concern was raised around potential discrepancies in the traffic surveys. These potential discrepancies were primarily a result of the Concept Plan Transport Assessment providing counts of vehicles entering the Quay Grand building on the basis that when the proposed development is completed, the vast majority of other traffic on the roadway adjacent to the existing Amatil building would no longer have access and be directed to load and unload elsewhere.

In any case (and to avoid semantic arguments), a further traffic survey was undertaken by GTA Consultants on Friday 30 March 2012. This survey tended to corroborate the Varga Traffic Planning Surveys for the morning peak and the Concept Plan Transport Assessment for the afternoon peak. This indicates that the site experiences some variation from day to day.

Overall, when the additional survey information was used to provide a revised estimates for the traffic flows into and out of the future building (including traffic to Quay Grand), it was found that the flows are relatively low at slightly more than one vehicle every two minutes in peak times.

The results of the new traffic survey (including comparisons with the original survey in the Environmental Assessment Report and the survey prepared by Varga Traffic Planning) area included in GTA Consultants' response at **Attachment B**.

2.2 Built Form

Historical Height Controls

Department of Planning and Infrastructure Issue:

Further analysis is to be provided on the planning approvals for East Circular Quay, in particular whether previous studies and approvals considered possible height controls for the future development of the subject site.

HASSELL have prepared a summary of the historical height controls and previous development schemes applying to East Circular Quay (refer **Attachment C**). This summary provides information relating to the following:

- pre-1990s built form;
- pre-1990s approved development that was never built;
- 1992 proposed building massing following Ideas Quest;
- 1993 agreed building massing (excluded the 71-79 Macquarie Street site);
- 1996 and 2005 Sydney Local Environmental Plans;
- 2008 City of Sydney 2030 Strategy; and
- 2010 SHFA draft Circular Quay master plan.

This summary highlights that the previous built form and approvals had provided for equal or greater heights in the precinct, or at a minimum flexibility for this site to cater for a stepping of heights towards the south.

Further to this, the report prepared for the Central Sydney Planning Committee (CSPC) in relation to the Development Application for the neighbouring Quay Grand building provides additional detail regarding the planning history of the site.

The report details that in June 1991, the CSPC adopted a draft Development Control Plan that contains specific Urban Design Guidelines for East Circular Quay. The proposed built form was lowest at the northern end of the locality, rising to RL71.7 at the southern end. This height is 6.7 metres above the height of the existing Amatil building¹.

¹ THE CSPC report notes that in 1989 an Urban Design Assessment was undertaken on behalf of Council and CSPC that recommended that the southern portion of East Circular Quay should include an element equivalent in height to the harbour Bridge Pylons (85 metres).

In relation to the Ideas Quest and the subsequent preparation of Planning and Design Principles (adopted by the CSPC on 13 August 1992), the report notes the following:

South of Moore Steps the maximum building height is indicated as RL 65m (being the height of the existing AMP/Amatil building).

This information in the historical CSPC again highlights that the previous built form envisaged for the site was equal to or higher than that proposed by the Concept Plan.

Proposed Height and Building Width

Department of Planning and Infrastructure Issue:

Additional justification is to be provided in relation to the retention of the height and increase in width of the building having regard to current controls applicable to the site, including additional discussion on the height and waiver provisions of the Sydney Local Environmental Plan 2005.

As identified in the EAR, the key intention of the built form is to provide a stepped transition in building scale between the Circular Quay buildings and the CBD. This is to be achieved by extending the built form to the west over the completed colonnade and integrating it with the massing and design of the adjacent Quay Grand building. Importantly, it should be noted that the completion of the colonnade is a well established and long term vision of both the City of Sydney and the Sydney Harbour Foreshore Authority in revitalising the East Circular Quay public domain. To that end, the proposed envelope seeks to achieve this key objective, particularly with the proposed built form and the through-site link. Critically, the City of Sydney and the Sydney Harbour Foreshore Authority both supported the proposal in their respective submissions.

Stepping the building creates consistency in public streetscape and provides a unified built edge to the public domain and harbour front. The proposed envelope also provides the opportunity to integrate a pedestrian link between Circular Quay and the Botanical Gardens via Macquarie Street.

Under Sydney LEP 2005 the height limit of the site is RL46.7, which is the height of Quay Grand building to the north. This equates to approximately 44 metres above the level of the East Circular Quay pedestrian areas. The proposed envelope maintains the height of the existing building, with a parapet height of RL65.37, and a height to the top of the plant room of RL67.23.

It should be noted that the height of the envelope extension to the west (resulting in an increase to the width of the building) does not exceed the height limit for the site as defined in the Sydney LEP 2005.

The objectives of the height controls within Sydney LEP 2005, and the Concept Plan's response to these objectives, is provided in **Table 1** overleaf.

Table 1 – Objectives of the Sydney LEP 2005 height controls

Objective	Response
(a) to allow sunlight access to key areas of the public domain by ensuring that: <ul style="list-style-type: none"> <li data-bbox="225 360 651 443">(i) further overshadowing of certain parks and community places is avoided or limited during nominated times, and <li data-bbox="225 443 651 533">(ii) existing overshadowing of certain parks and community places is reduced in the long term, and 	As detailed in Section 5.4.5 of the EAR, there will be no additional overshadowing to the Royal Botanic Gardens, Circular Quay or other significant areas of public open space.
(b) to provide a transition of building heights between localities and street blocks, and	As identified above and in Section 5.4.1 of the EAR, the proposed built form provides a stepped transition in building scale between the Circular Quay buildings and the CBD. Also refer to Figure 1 below.
(c) to provide high quality urban form for all buildings, while maintaining satisfactory sky exposure and daylight: <ul style="list-style-type: none"> <li data-bbox="225 734 619 817">(i) to the public areas of Central Sydney, including the parks, places, streets and lanes, and <li data-bbox="225 817 619 936">(ii) to existing buildings and to the sides and rear of tower forms, and 	The proposed Concept Plan allows for the future design development of a high quality urban form (also subject to a future design competition that will deliver design excellence) and significant public domain improvements without unduly limiting sky exposure and daylight to public areas and existing buildings. To that end it maintains sky exposure and daylight. Specific potential impacts on the southern side of Quay Grand are discussed further below.
(d) to confine ground level wind speeds to velocities which ensure pedestrian comfort and amenity of the public domain, and	Detailed impact analysis of ground level wind conditions can only be undertaken on a detailed design. In any case, the retention of the existing height of the building will not have a negative impact on existing ground level wind conditions.
(e) to allow for and promote the ventilation of the City by the free movement of air around and between tower structures, and	The proposed retention of the existing tower envelope will not result in any deterioration in existing natural ventilation conditions.
(f) to provide sun access to significant sandstone buildings in Special Areas in order to improve the ground level environmental quality of public spaces, and	The proposed Concept Plan envelope will not have detrimental solar impacts on the ground plane of significant sandstone buildings within a Special Area.
(g) to ensure that tower development occurs on sites capable of providing appropriate urban form and amenity, and	The EAR and future detailed design confirms that the site can and will be capable of providing appropriate urban form and amenity and completes the vision for East Circular Quay.
(h) to nominate heights that will provide a transition in built form and land use intensity between the City Centre zone and adjoining lower scale localities within and adjacent to Central Sydney, and	The site and surrounding area are within the City Centre Zone. Notwithstanding this and as discussed above, the height of the proposed Concept Plan envelope provides an appropriate transition in built form.
(i) to provide for view sharing along the edges of Central Sydney, and	Section 5.4.4 of the EAR discusses the impacts of the proposed Concept Plan on existing view. In summary, these impacts are found to be non-existent, negligible or acceptable in the context of the site.
(j) to ensure an appropriate height transition between new buildings and heritage items or Special Areas.	As discussed above, the proposed envelope height provides an appropriate transition in built form.

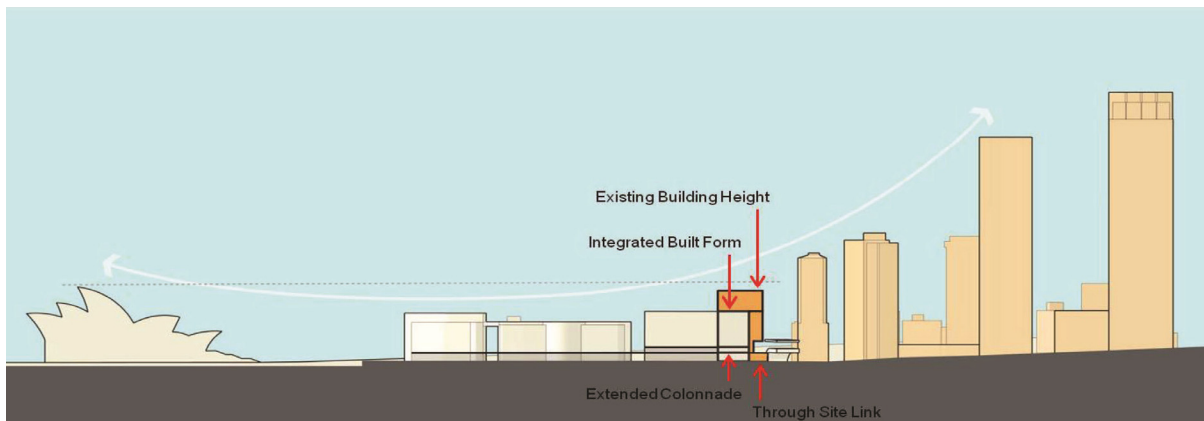


Figure 1 – Integration of proposed Concept Plan envelope

In terms of the 'waiver' provisions of Sydney LEP 2005, clause 10 is not ordinarily applicable to the site (as detailed in clause 50(6) of the LEP). However, as requested by the Department of Planning and Infrastructure, the following considers the proposed envelope height in the context of the provisions of clause 10.

If clause 10 were applicable, then the consent authority is to be satisfied of the following:

- all the objectives of the development standard will be fulfilled,
- the contravention will not:
 - create an undesirable precedent for other development, or
 - diminish the overall effect of the development standard for development in the vicinity of the site, and
- the particular physical attributes of:
 - the site, in terms of location, context, slope, site configuration and the like, and
 - the proposed development, in terms of urban form, bulk, height, floor space ratio, car parking, and the like,
 will render the strict application of the development standard unreasonable or unnecessary in the circumstances, and
- the proposed development will improve or contribute positively to the public domain and would achieve design excellence.

The Concept Plan is consistent with each of these provisions, as follows:

- the objectives of the height development standard are addressed in **Table 1**;
- due to the unique context of the site and its environs (particularly to the north) it will not create an undesirable precedent or diminish the overall effect of the development standard;
- the EAR demonstrates at length how the particular attributes of the site and the proposed development are unreasonable and unnecessary in the circumstances; and
- again as outlined in the EAR, the proposed development will make a very significant contribution to the public domain and the future design competition procedures will result in a detailed design that will achieve design excellence through a formal process.

Further to the above, if clause 10 was applicable then the potential increase to the height of a building would be limited to 10 percent of the maximum building height or the height of one floor of a building, whichever is the greater. A consent authority would also be required to have regard to whether clause 10 has been previously applied to the site. It should be noted that clause 10 has not previously been applied to the site.

Finally, if clause 10 was applicable, it requires that an amount of heritage floor space equal to the additional floor space amount provided under clause 10 be allocated to the site.

In this context and with regard to the legislative and approval framework applicable to the Concept Plan, the proposed height and form is able to be considered on its merits. It is important to note that the City of Sydney has not objected to this matter.

Impacts on Quay Grand

Department of Planning and Infrastructure Issue:

Additional details demonstrating that the concept designs for the development have adequately considered the adjoining Quay Grand, in terms of:

- *retention of the amenity of the south facing obscure glazed windows in the upper floors;*
- *the lower levels of the proposed building having regard to the existing Quay Grand built form; and*
- *the views currently enjoyed from communal facilities on the lower levels.*

Direct sunlight does not currently fall on the southern facade of the Quay Grand building (including its windows) due to its orientation. The obscure glass windows on the southern facade do, however, provide some indirect ambient daylight to the kitchens of the relevant apartments. Due to the obscure glass in these windows, they do not provide any views.

As described in the Environmental Assessment Report (Section 5.4.1), amenity to these windows will be addressed as part of the detailed design and will ensure an appropriate level of amenity is provided in terms of the relationship between the two buildings. In relation to this issue, the Statement of Commitments includes the following:

The detailed design of the project will incorporate appropriate consideration at the north western corner to ensure that amenity of the neighbouring Quay Grand apartments and communal recreational facilities is reasonably preserved.

It should be noted that the Concept Plan seeks consent for a maximum built envelope, with the detailed design of the building and its exact interface with Quay Grand to be subject to a design competition and a detailed Development Application.

Indicative plans have been prepared by HASSELL that show a potential design solution that would mitigate impacts on views, privacy, and access to daylight. An extract of these plans are provided in **Figure 2** below, however it should again be noted that these are indicative and may not reflect the design solution proposed as part of the future Development Application (see Statement of Commitment at Section 3.10).

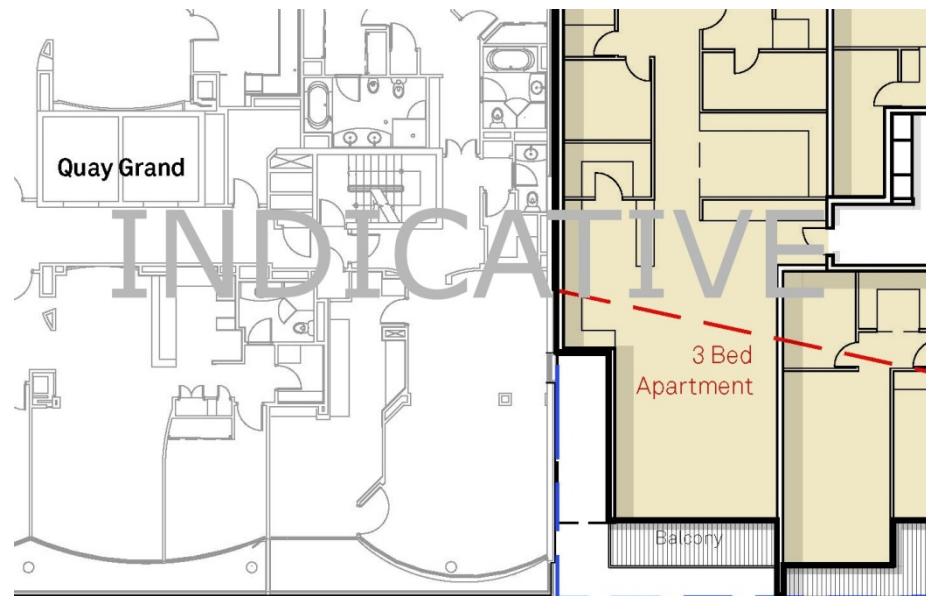


Figure 2 – Indicative design solution to maintain daylight access to southern Quay Grand windows

The Quay Grand communal recreational facilities are located at the southern end of the existing colonnade. (It should be noted that these areas form part of the shared pool and gym facilities of Quay Grand and are not habitable areas of residential apartments.) The primary views from these facilities are to the north west, towards the Harbour. These north western views will not be affected by the proposed development.

As described in the Environmental Assessment Report (at Section 5.4.4), views are difficult to quantitatively assess against numerical development controls, and therefore in *Tenacity Consulting v Warringah*, Senior Commissioner Roseth introduced a four step approach regarding the assessment of view impacts which has been adopted as a planning principle by the Land and Environment Court. It should be noted that the planning principle was prepared in relation to views from permanent dwellings, rather than from communal recreational facilities.

The first step involves an assessment of the views potentially affected. Water views are valued more highly than land views, and iconic views are valued more highly than views without icons. Furthermore, whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The potentially affected view is of the East Circular Quay roadway, the Cahill Expressway and tall buildings such as the lower levels of the Quay Apartments (refer **Figure 3** and also indicative design and view analysis at **Attachment D**), and as such is not highly valued. This is in contrast to the views available to the north west, which include the main span of the Harbour Bridge, The Rocks and Overseas Passenger Terminal and Sydney Cove, and as such is highly valued.

The second step outlined in the planning principle is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. It should be noted that the existing views to the south that may be affected are obtained obliquely and not directly out of the main frontage of the building. It should be noted that people using the pool or spa can easily and comfortably move to an area where the highly valued views towards the Harbour can be enjoyed.

The third step is to assess the extent of the impact. This is to be done for the whole of the property and not just for the view that is affected. The impact may be assessed quantitatively, but it is usually more useful to assess the view loss qualitatively. In relation to the loss of views from the affected communal facilities, the view loss is acceptable for two reasons:

- the only views affected are from the south facing windows, with views from the main (western) facade not impacted; and
- the amount of view actually obscured from these windows is very small in the context of the overall views available from the communal facilities.

Furthermore, it must be noted that all patrons of these communal facilities would obtain their primary views from the balcony and living areas of their apartments. All such apartments have highly valued views available, either to the west over Sydney Cove towards the Harbour Bridge or to the east over the Royal Botanic Gardens, Government House and the main expanse of Harbour.

The fourth and final step outlined in the planning principle is to assess the reasonableness of the proposal that is causing the impact. The vision to completed the colonnade along East Circular Quay is well established and supported by key stakeholders including the City of Sydney and the Sydney Harbour Foreshore Authority, and the concept proposal does not seek to re-imagine this vision.

In summary (and again with reference to **Figure 3**), the degree of view obstruction is considered acceptable from the following reasons:

- only a very small proportion of the views are affected (refer to view analysis at **Attachment D**, noting that in terms of the indicative design views A and C will be impacted to complete the colonnade and views B and D will not be affected);
- only views to the underside of the Cahill Expressway, access way to the Quay Grand apartments, loading zone and lower levels of the Quay Apartments and CBD are affected, with no impacts on views to the Harbour Bridge and other icons;
- the views are obtained through the location of the future colonnade that has been long established; and
- the public domain benefits associated with the completion of the colonnade outweigh the impacts to the secondary views towards the south west from the communal recreational facilities of Quay Grand.

Furthermore, it is envisaged that as part of the proposed design competition process, the design and built form in this area will take into account the context of the Quay Grand facilities so as to lessen any impacts. This is reinforced by a revised Statement of Commitment (refer Section 3.10 and **Attachment G**).

It should again be noted that the Concept Plan seeks consent for a maximum built envelope, with the detailed design of the building and its exact interface with Quay Grand to be subject to a design competition and a detailed Development Application.

The indicative design and view analysis at **Attachment D** has been prepared by Mirvac and HASSELL to show a potential design solution that would mitigate impacts on views from the communal recreation areas. It should again be noted that these are indicative and may not reflect the design solution proposed as part of the future Development Application.

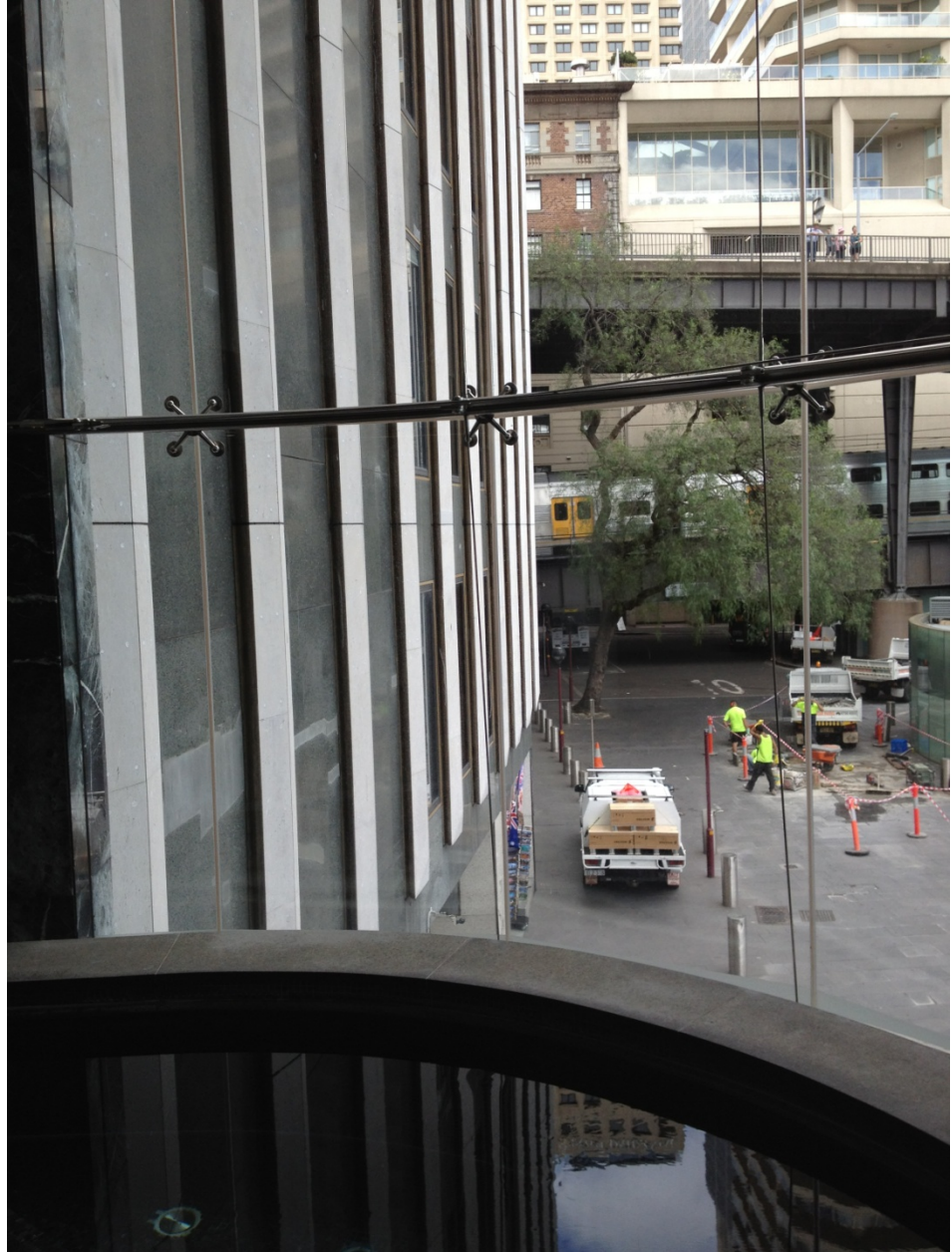


Figure 3 – View to the south from the Quay Grand communal recreation facilities

Proposed Through-Site Link

Department of Planning and Infrastructure Issue:

Further analysis is to be provided which demonstrates the benefits of the proposed through-site link.

Significantly, the City of Sydney stated the following in its submission:

...the proposed through-site link is supported as it will create a view corridor and physical connection between these two prominent areas, and provides an active termination point to the future extension of the colonnade.

Furthermore, Council also included the link within the proposed public domain plan included within its submission. This support from Council demonstrates that they accept the importance of the through-site link to the overall vision of the project. As detailed in the EAR, the crucial components of the proposed concept are the completion of the East Circular Quay colonnade, the integration of a new pedestrian link from Circular Quay to the Royal Botanic Gardens, and the removal of vehicular access to the Quay Grand across the public domain. All these elements will contribute to the revitalisation of this neglected corner of one of the State's premier public domain areas.

The actual design of the public domain will require significant input from the various stakeholders, including the City of Sydney, SHFA and the proponent. It is envisaged that this will be resolved as part of the detailed design of the development at the future Development Application stage. Accordingly, this Concept Application does not seek to resolve the design of this area but merely provides a defined area within which the through-site link will be provided. The Design Report (refer **Appendix P** of the Environmental Assessment Report) provides some detail around the existing framework of public domain elements in the vicinity of the site, however it must be stressed again that the actual design will be prepared prior to the submission of the future application for development and in agreement with the City of Sydney. In this regard, both the extensive ongoing consultation with and the submission in support of the Concept Plan from the Council demonstrate the quality working relationship that will deliver an outstanding public domain outcome.

2.3 Other Issues

Car Park Access

HASSELL and GTA Consultants undertook extensive design analysis in relation to potential access arrangements to the basement car park. This analysis indicates that it is possible for a driveway to be provided that allows two cars to pass without interference or delay. It should be noted that the detailed design of this driveway cannot be resolved until the detailed design of the overall building is undertaken.

The indicative basement and building entry designs have taken into consideration a number of criteria including the space identified for the through-site link and the activated retail/restaurant frontages. The indicative designs show that it is not possible to make the curved section of the driveway wide enough to allow a truck to pass another vehicle without significantly impacting on the space available for the through-site link and/or activated retail/restaurant frontages of East Circular Quay.

Accordingly, a conceptual control system has been developed by GTA Consultants. The system would detect vehicles longer than 5.5 metres and hold vehicles as appropriate to avoid conflicts.

The maximum delay to a vehicle would be approximately 35 seconds, with an average delay of approximately 18 seconds. It is important to note that this delay would only occur if a truck was in conflict with another vehicle, and would not occur if two cars were using the driveway.

Further details (include explanatory diagrams) are provided in GTA Consultants' Response to Traffic and Parking Related Submissions (refer **Attachment B**).

Sydney Opera House Buffer Zone

In response to concern raised by the Heritage Council, Godden Mackay Logan prepared a Review of Potential Impacts on the Sydney Opera House Buffer Zone (refer **Attachment E**).

The Review provides the following definitive conclusion:

The proposed development would retain all public views and vistas to and from the Sydney Opera House, consistent with the requirements for development within the buffer zone, as set out in Section 58B of the SREP. It would not reduce the visual prominence, or have any adverse impacts on the significance or setting of the Sydney Opera House. It would protect the World Heritage values of the item.

Archaeology

In response to comments made by Sydney Water in relation to the Bennelong Drain, Godden Mackay Logan prepared a Response to Submissions (refer **Attachment F**). The response notes that the Drain is listed on the Section 170 Register of the *Heritage Act 1977* and is of high historical and technical significance, being one of the original sewers built in Sydney c1857.

Godden Mackay Logan have detailed assessment and management strategies that would be applicable to future detailed design on the site. Furthermore, the proponent has been liaising with Sydney Water to develop a Statement of Commitment in relation to the Drain. The proponent also commits to continuing discussions with Sydney Water, including during the detailed design of the building.

In response to comments made by the Heritage Council, Godden Mackay Logan undertook an additional site visit on 4 April 2012 to look for evidence of arches and gallery from the warehouse phase of the site (from c1860s). Based on results of the site visit, it appears the arches of the sandstone gallery have been removed. Further, analysis of historical plans relating to the site reveal a demolition plan. It is likely that the sandstone arches were removed during demolition of the warehouses and construction of the present Amatil Building in the 1960s.

The extent of remains of any sandstone walls may be established during demolition of the present building. Archaeological test excavation and recording of any historic features remaining will be required during demolition to assess the likelihood of any elements surviving. Given that these elements (if surviving) are likely to date from the c1860s (i.e. post-colonial period) warehouses that occupied the site and would have limited research potential, it is considered unlikely that they would be of such significance to warrant in situ retention.

An appropriate Statement of Commitment included in relation to future heritage investigations (refer Section 3.4).

3.0 Final Statement of Commitments

In accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*, the following are the commitments made by AMP Capital Investors and Mirvac to manage and minimise potential impacts arising from the proposal. These commitments have been refined after extensive input from the consultant team to address relevant matters raised during the exhibition of the Concept Plan. These final commitments replace the draft commitments included with the EAR. A summary of the amendments to the commitments is provided at **Attachment G** of this Response to Submissions.

It should be noted that this application relates to a Concept Plan, with further and more detailed commitments to be made in relation to the future application for development.

3.1 Public Domain

During the detailed design of the project and prior to the submission of the future application for development, the proponent will work with key public authority stakeholders to agree on appropriate design principles of the public domain and through-site link. The design process will be undertaken with the involvement of the proponent and its design team, the City of Sydney and the Sydney Harbour Foreshore Authority. The design principles will seek to achieve and demonstrate design excellence.

3.2 Design Principles

The following design principles will be applied to the detailed design of the project.

Urban Design Principles

- Complete the vision of the East Circular Quay precinct;
- Remove vehicle traffic from the East Circular Quay promenade;
- Revitalise and activate the unsightly south-east corner of Circular Quay and create a new and usable public domain;
- Complete the colonnade and activate the ground plane;
- Provide a continuous pedestrian experience along the Circular Quay promenade;
- Maintain critical view lines across public spaces and from relevant neighbouring residential properties; and
- Create enhanced connectivity by a through site pedestrian link to the Royal Botanic Gardens and Macquarie Street.

Architectural Design Principles

- Integrate the built form with the massing and design of the adjacent East Circular Quay buildings;
- Strengthen the transition in building scale between Circular Quay and the CBD;
- Extend built form to the west over a portion of the Council roadway, and integrate with the existing colonnade;
- Unify the harbour-front built edge created by the surrounding buildings to complete the East Circular Quay vision;
- Maintain the existing building height with no additional overshadowing to adjacent Royal Botanic Gardens;

- Provide a mix of residential and serviced apartment uses that are consistent with East Circular Quay providing 24 hour activation; and
- Achieve design excellence and enhanced environmental performance.

Public Domain Principles

- The proposed integrated development provides the opportunity to complete the East Circular Quay vision and create a new and revitalised harbour-front public domain;
- Completion of the colonnade and harbour front promenade by providing a continuous pedestrian experience and weather protection along East Circular Quay ensuring the quality and proportions of the colonnade are continued;
- The removal of vehicular traffic from the pedestrian promenade and clear separation of vehicles and pedestrian circulation will allow for the creation of a larger and more usable harbour-front public space;
- Activation of the ground plane with high quality retail edges will define the public domain with opportunities for both cultural and restaurant uses with outdoor alfresco dining;
- A seamless continuation of the promenade and ground surface materials throughout the new larger public space will create consistency through the Circular Quay promenade; and
- The Cahill Expressway undercroft will be flanked with an active retail edge and canopy protection to continue the pedestrian experience and conceal the Cahill Expressway undercroft and vehicle loading areas beyond.

Through-Site Link Principles

- The through-site link will create an important pedestrian link connecting Circular Quay to Macquarie Street and the Royal Botanic Gardens;
- The link (depending on its location) has the potential to become an actively used public and event space and a destination in its own right, with opportunities for cafes, public seating and performance spaces along the stair route with informal platforms and elevated spaces to dwell adding further vibrancy to the public domain;
- Explore providing a line of sight between Circular Quay and the Royal Botanic Gardens, seeking to make the link easy to identify and negotiate;
- The visual connection will link different quadrants of the city and activate movement and permeability between them;
- The through-site link will act as an appropriate end point for the colonnade and create a feature point to terminate views;
- Possibility for integration of the through-site link with public artworks and temporary installations; and
- Creation of a safe and secure public space by ensuring there are no unsafe corners, appropriate lighting is provided at night, and ownership and management of the different spaces are clearly defined.

3.3 Future Access Provision

The proponent commits to investigating (in consultation with relevant authorities, including the City of Sydney) a long term strategy for revisions to the location and configuration of the vehicle access to the basement and the internal layout of the car park to ensure an appropriate design outcome for the site and immediate surrounds in the event that the Cahill Expressway viaduct is removed.

3.4 Detailed Investigations

During the detailed design of the project and prior to the submission of a future application for development, the proponent will undertake detailed investigations in relation to the following:

- heritage;
- wind;
- reflectivity;
- noise and vibration;
- transport, traffic and access;
- tree planting on Macquarie Street;
- contamination;
- geotechnics;
- electrolysis;
- location and maintenance of relevant RailCorp assets and services;
- infrastructure; and
- water quality management.

3.5 Bennelong Drain

During the detailed design of the project and prior to the submission of the future Development Application, the proponent commits to working with Sydney Water to investigate potential solutions to ensure Sydney Water access to the Sydney Water's state heritage listed Bennelong Point Oviform Stormwater Channel SWC 29 is not limited.

The proponent commits to engaging appropriate consultants to undertake relevant investigations to confirm the location and condition of the Stormwater Channel SWC 29. The proponent will assess all feasible opportunities to ensure that the structure of the future building will not compromise the condition of the channel or accessibility to the channel.

The proponent commits to ensuring the scope of building structures is confined to underneath the stormwater channel, more than 1 metre horizontally away from the outside edge of the stormwater channel, but not above the stormwater channel, unless the building structure is outside a zone of vertical clearance not less than 2.7m (via the cantilevering of the structure above) to ensure Sydney Water retain unobstructed access for maintenance and/or future capital works.

3.6 Soil and Water

During the detailed design of the project and prior to the submission of a future application for development, the proponent will prepare a stormwater management plan which considers the drainage and stormwater management issues, including on-site detention of stormwater, water sensitive urban design and drainage infrastructure, particularly in relation to the rail corridor and Cahill Expressway.

3.7 Derailment Protection

During the detailed design of the project and prior to the submission of a future application for development, the proponent will prepare a derailment protection risk assessment in accordance with AS5100 for new structures located within 25 metres of the rail corridor. The assessment will address the additional built form proposed as part of the Concept Plan.

3.8 Integrated Water Management

During the detailed design of the project and prior to the submission of a future application for development, the proponent will prepare an integrated water management plan to address water supply, proposed end uses of potable and non-potable water, demonstration of water sensitive urban design and any water conservation measures.

3.9 Ecologically Sustainable Development

The detailed design of the project will include investigation of the application of suitable ESD rating tools and targets to ensure the future building on the site is innovative, appropriate and feasible in terms of energy use.

3.10 Quay Grand Amenity

The detailed design of the project will incorporate appropriate consideration at the north western corner to ensure that amenity of the neighbouring Quay Grand apartments and communal recreation area is reasonably preserved.

3.11 Climate Change and Sea Level Rise

During the detailed design of the project and prior to the submission of the future application for development, the proponent will consider the following recommendations in relation to climate change and sea level rise.

- Make a specific allowance for sea level rise during the engineering design for the development, particularly in the design of the basement and buried services.
- Locate critical infrastructure (e.g. power generators, data storage) at elevated locations above the 100 year ARI tide-surge level with sea level rise allowance.
- Provide for safe exit routes above storm flood height levels.
- Incorporate appropriate surface drainage along the public domain promenade to allow overtopped wave discharge and run-up during storms to be readily removed.
- For structures susceptible to flood inundation or wave splash, select materials with high durability properties to minimise long-term degradation.
- Consider the incorporation of permanent or removable flood barriers at critical points around the site (e.g. entrance to basement).

3.12 Planning Agreements

During the detailed design of the project and prior to the submission of a future application for development, the proponent will undertake ongoing consultation with the City of Sydney and other relevant stakeholders with regard to the types of agreements and/or contributions to be entered into, and the future application for development will include details of the amounts and commitments where agreed upon.

4.0 Conclusion

In terms of the issues raised during the public exhibition process, this Report in conjunction with the Environmental Assessment Report has demonstrated that the Concept Plan will have minimal adverse environmental effects.

In light of the benefits of the proposed development and the absence of any adverse environmental impacts, we have no hesitation in recommending this Concept Plan be approved.