

Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, I the Deputy Director General, Development Assessment Systems Performance, determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the terms and modifications in Schedule 2, and the Statement of Commitments in Schedule 4 pursuant to section 75O of the *Environmental Planning and Assessment Act 1979*; and
- (b) pursuant to section 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the mixed use development as set out in Schedule 3.
- (c) pursuant to section 75P(1)(b) of the Act, that all development associated with the Concept Plan be subject to Part 4 (excluding exempt and complying development) or Part 5 of the Act, whichever is applicable.


Richard Pearson
Deputy Director General
Development Assessment Systems Performance

Sydney

17 October

2012

SCHEDULE 1

Application No.:	MP 10_0237
Proponent:	Mirvac Projects/AMP Capital Investors
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 1 DP 202431, the adjoining public road to the west and the basement beneath Macquarie Street to the east
Project:	71-79 Macquarie Street, Sydney (the southern end of East Circular Quay)
Concept Approval is granted for:	
<ul style="list-style-type: none">• the building envelope (above and below ground);• land uses being a mix of permanent residential, serviced apartment and retail land uses;• a pedestrian colonnade and through-site pedestrian link; and• pedestrian and vehicular access arrangements.	

NOTES RELATING TO THE DETERMINATION OF MP 10_0237

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

PART C — DEFINITIONS

Act	means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory Notes	means advisory information relation to the approved development.
BCA	means the Building Code of Australia.
Certifying Authority	has the same meaning as Part 4A of the Act.
Department	means the Department of Planning & Infrastructure or its successors.
Director General	means the Director General of the Department of Planning & Infrastructure or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by JBA Planning dated December 2011.
FSA	Floor Space Area as defined by Sydney Local Environment Plan 2005.
Minister	means the Minister for Planning & Infrastructure.
MP10_0237	means the Major Project described in the Proponent's Environmental Assessment as amended by the Response to Submissions.
PCA	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
RtS	means the Response to Submissions prepared by JBA Planning dated May 2012.
Proponent	means Mirvac Projects and AMP Capital Investors Limited or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).

SCHEDULE 2

PART A - TERMS OF APPROVAL

A1. DEVELOPMENT DESCRIPTION

Concept Plan approval is granted to the development as described below:

- a) a building envelope with a height of RL 65.37m to the parapet and RL 67.23m to the plant room roof the same as the existing building on the site;
- b) an extension to the building envelope to the west at a maximum height of RL 46.7m;
- c) below ground envelope for basement parking;
- d) use of the future building on the site for a mix of permanent residential, serviced apartment and retail purposes;
- e) a colonnade at ground level to align with the adjoining property (Quay Grand) to the north;
- f) a through site pedestrian link; and
- g) vehicle access arrangements and basement parking.

subject to compliance with the modifications of this approval.

A2. DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The approval shall be generally in accordance with:

- the Environmental Assessment, prepared by JBA Urban Planning dated December 2011;
- the Response to Submissions prepared by JBA Urban Planning dated May 2012;
- the Revised Statement of Commitments dated 17 September 2012;
- the Design Report dated 16 November 2011, prepared by Hassell; and
- the following drawings:

Architectural Drawings prepared by Hassell		
Drawing No.	Name of Plan	Date (Rev B)
A101	Proposed Site Plan	3 November 2011
A109	Proposed Massing Plan RL 12.135 – RL2.80	3 November 2011
A110	Proposed Massing Plan RL 2.80	3 November 2011
A111	Proposed Massing Plan RL 12	3 November 2011
A112	Proposed Massing Plan RL 13.31 – RL27.83	3 November 2011
A113	Proposed Massing Plan RL 27.83 – RL64.70	3 November 2011
A114	Proposed Massing Plan RL 46.70 – RL65.37	3 November 2011
A120	Proposed East Elevation	3 November 2011
A121	Proposed West Elevation	3 November 2011
A122	Proposed North and South Elevations	3 November 2011
A130	Proposed Section 01	3 November 2011
A131	Proposed Section 02	3 November 2011

except for as modified by the following pursuant to Section 75O(4) of the Act.

A3. LAPSING OF APPROVAL

Approval of the Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a development which concept approval has been given.

A4. INCONSISTENCY BETWEEN DOCUMENTATION

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings / documents including Revised Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

A5. VOLUNTARY PLANNING AGREEMENT (VPA)

Prior to the determination of any future application pursuant to this Concept Plan the proponent shall provide written evidence to the Director-General that it has entered into a Voluntary Planning Agreement with the City of Sydney and any other relevant parties for the provision of public domain works in accordance with the revised Statement of Commitments dated 17 September 2012.

PART B – MODIFICATIONS

B1. CARPARKING AND BASEMENT PARKING DESIGN

The number of on-site parking spaces and/or basement levels shall be reduced to reflect the lower parking rates in the City of Sydney Local Environmental Plan 2005 for permanent residential, serviced apartment and retail land uses.

B2. INTERNAL VEHICULAR ACCESS

The width of the internal vehicular access roadway shall be designed to comply with Australian Standard 2890.2 to accommodate a car and a truck to pass each other when travelling in opposite directions.

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1. DESIGN EXCELLENCE

The future development application including the colonnade extension, through site link and relationship to public domain improvements, shall be subject to a competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2005 and the City of Sydney Central Sydney Development Control Plan 1996 (and any replacement provisions).

The detailed design of the development must exhibit design excellence.

2. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT

The future development application shall include a detailed Construction and Environmental Management Plan in accordance with the management initiatives identified in the *Construction and Environmental Management Plan For Concept Plan Application* dated 2 November 2011 prepared by Mirvac submitted with the EA. The CEMP is to include consideration of the following:

- a. Demolition, Pedestrian and Traffic Management Plan including pedestrian accessibility, legibility, safety and prioritisation and vehicular access arrangements to the Quay Grand;
- b. Management of the Rail Corridor and Cahill Expressway infrastructure;
- c. Noise Management Plan;
- d. Timelines and timeframes for staging and completion of works;
- e. Waste Management Plan;
- f. Erosion and Sedimentation Control Plan; and
- g. Air Quality Management Plan.

3. DETAILED CONTAMINATION INVESTIGATION

The future development application shall include a detailed investigation to define the nature, extent and degree of contamination and assess the potential risk posed by contaminants to health and environment in order to demonstrate that the site is or can be made suitable for the proposed development and thus comply with State Environmental Planning Policy No.55 (Remediation of Land) and the City of Sydney Contaminated Land Development Control Plan 2004. If required, an accredited remediation site auditor shall be engaged and a remedial action plan shall be prepared and submitted.

4. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The future development application shall incorporate ESD principles including water sensitive urban design measures, energy efficiency, recycling and water disposal.

5. HERITAGE IMPACT STATEMENT

The future development application shall include a Heritage Impact Statement prepared by a suitably qualified heritage consultant to assess the impact of the proposal on heritage items within the vicinity of the site.

6. HISTORICAL ARCHAEOLOGICAL ASSESSMENT

The future development application shall include a Historical Archaeological Assessment prepared by a suitably qualified consultant to assess the impact of the proposal on

archaeological items including the underground tunnels beneath Macquarie Street in the vicinity of the site.

7. ABORIGINAL ARCHAEOLOGICAL AND CULTURAL HERITAGE ASSESSMENT

The future development application shall include an Aboriginal Archaeological and Cultural Heritage Assessment prepared by a suitably qualified consultant in consultation with the heritage office and the national parks and Wildlife Service, Office of Environment and heritage and with the Metropolitan Local Aboriginal Land Council. In the event significant deposits are located within the site, which may be negatively impacted by future works, adequate mitigation strategies, including the potential for in situ retention should be provided for comment with the relevant agencies.

8. GEOTECHNICAL INVESTIGATION

The future development application shall include a detailed Geotechnical Investigation prepared by a suitable qualified geotechnical engineer to manage the geotechnical risk during the excavation and construction stages of the development.

9. TRAFFIC ASSESSMENT

The future development application shall include a detailed Traffic and Parking Report, prepared by a suitably qualified consultant addressing the following aspects:

- a. a revised assessment of the traffic generation based on the mix of residential and retail land uses;
- b. details of maximum truck sizes that will service the site and the Quay Grand development;
- c. internal access arrangements designed in accordance with AS 2890-2002 to reflect the maximum truck sizes accessing the site;
- d. details of the preferred basement entry point;
- e. parking layout designed in accordance with AS2890-2004;
- f. a basement parking layout showing the quantum of car spaces in accordance with the parking rates under Sydney Local Environmental Plan 2005;
- g. requirements for delivery/service vehicles and garbage trucks complying with the City of Sydney Policy for Waste Minimisation in New Developments;
- h. details of the public road closure and the "breakthrough deed" associated with the Quay Grand basement; and
- i. motorcycle and bicycle parking.

10. TRAVEL PLAN

The future development application shall include a Travel Plan incorporating measures to promote the use of public transport and sustainable travel alternatives and reduce the reliance on private cars by the future residents.

11. ACOUSTIC AND VIBRATION ASSESSMENT

The future development application shall include a detailed Acoustic and Vibration Impact Assessment prepared by a suitable qualified acoustic and vibration consultant which is to inform the detailed design by addressing criteria in the following guidelines and standards:

- a. State Environmental Planning Policy (Infrastructure) 2007;
- b. Development Near Rail Corridors and Busy Roads-Interim Guideline 2008; and
- c. Australian Standard AS2107:2000 Recommended Design Sound Levels and Reverberation Times for Building Interiors.

12. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The future development application shall incorporate the measures and design principles identified in the Concept Plan CPTED Assessment dated 9 November 2011 prepared by Hassell and submitted with the EA.

13. VISUAL IMPACT ASSESSMENT

The future development application shall include a detailed Visual Impact Assessment prepared by a suitable qualified consultant to assess the visual impact of the final design and, if required, identify mitigation measures and suitable materials and/or finishes to minimise adverse visual impacts on the public setting.

14. RAILCORP REQUIREMENTS

The future development application shall demonstrate that Railcorp requirements are satisfied by providing the following information:

- a. A survey by a registered surveyor locating the development in relation to the rail boundary easements and rail infrastructure. The survey is to confirm distances from the development to the rail corridor and infrastructure and identify any existing or proposed encroachments into Railcorp land or easements. The removal or retention of any existing encroachment must be done in consultation with Railcorp;
- b. A Services Search to establish the existing and location of any rail services in consultation with Railcorp;
- c. An Electrolysis Report to assess the electrolysis risk to the development from stray currents and where necessary provide mitigation strategies;
- d. A Geo-technical and Structural Report and Demolition Excavation and Construction Methodology based on borehole data/surveys in accordance with Railcorp's requirements;
- e. A detailed cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor;
- f. Design measures to prevent objects being thrown on the rail corridor from balconies;
- g. A report demonstrating compliance with the Redundancy requirements or the minimum collision loads specified in AS 5100;
- h. A Management Plan shall demonstrate how future maintenance of that part of the development facing the rail corridor is to be undertaken;
- i. Written evidence of consultation with Railcorp regarding their requirements is to be submitted with the future development application.

15. SYDNEY WATER

The future development application shall provide details regarding:

- a. The required extension of the wastewater system from the 300mm main in East Circular Quay at a point of at least 1m inside the allotment boundary;
- b. The Bennelong Point Oviform Stormwater Channel SWC 29; and
- c. The proposed lease arrangements for the basement and the stormwater channels along Macquarie Street footpath and the Macquarie Street road carriage way.

16. WIND EFFECTS

The future development application shall include a wind tunnel test prepared by a suitably qualified consultant to ensure there is no adverse wind impacts to all of the surrounding public domain including the through site link stairway. The final design shall incorporate strategies to ensure appropriate wind conditions for the private balconies.

17. BUILDING HEIGHT LIMIT

Any future approval must impose a condition requiring a restrictive covenant under Section 88E of the Conveyancing Act 1919, restricting the height of the future building to RL 65.37m to the parapet and RL 67.23m to the plant room prior to issue of a subdivision certificate. The restrictive covenant cannot be amended or revoked without the City of Sydney Council consent.

18. CLIMATE CHANGE AND SEA LEVEL RISE

The future development application shall incorporate suitable adaption measures in the detailed design of the building to protect the development from potential adverse impacts from sea level rise in accordance with the recommendations in the *Climate Change and Sea Level Rise Assessment* prepared by ARUP, dated 7 November 2011 submitted with the Environmental Assessment.

19. LAND USE MIX

The detailed design shall incorporate a suitable mix of serviced apartment and permanent residential accommodation to ensure there is no single dominant residential type.

20. LAND USE SEPARATION

The detailed building design shall show permanent residential apartments at the upper levels to ensure adequate separation from the public domain and retail activities at ground level. The serviced apartments shall be located at the lower levels above the ground level retail. The serviced apartments and permanent residential apartments are to be predominantly located on separate floors with separate pedestrian entries.

21. SECTION 61 CONTRIBUTIONS

The future development application shall provide details of Section 61 Contributions under the City of Sydney Act 1988.