

ITEM 10. SECTION 96(2) APPLICATIONS: 48-50 MARTIN PLACE SYDNEY - COMMONWEALTH BANK BUILDING**FILE NO:** D/2011/733/A AND D/2011/733/B**DEVELOPMENT APPLICATION NO:** D/2011/733/A AND D/2011/733/B**SUMMARY****Date of Submission:** 1 August 2012 (Amendment A) and 10 September (Amendment B)**Applicant:** Macquarie Bank Limited**Owner:** Macquarie Bank Limited**Architect:** Johnson Pilton Walker**Developer:** Macquarie Bank Limited**Proposal Summary:** Two separate, but nevertheless inter-related Section 96(2) applications to modify the original development consent have been submitted. This report provides a joint assessment for ease of understanding the totality of the modifications proposed in both applications.

The modifications proposed as part of the first application (Amendment A) involve:

- A revised design of the rooftop addition incorporating relocated plant, a range of corporate meeting, event and training facilities, a mezzanine floor (Level 11) accommodating some of the plant and meeting rooms, and an enlarged opening to the atrium below; all housed within a glazed elongated dome roof structure. The addition will be fully clad in faceted 'ship lapped' high performance glazing.
- Enlargement of the atrium void to increase daylight penetration and incorporate an interconnecting stair.
- Other internal alterations within the building comprising new sub-basement plant, reconfiguration of garbage rooms, car parking and bicycle amenities, and enlargement of plant and amenities within the balance of the building.

**Proposal Summary:
(continued)**

The modifications proposed as part of the second application (Amendment B) involve provision of two new glass shuttle lifts between the ground floor Banking Chamber and Levels 10 and 11.

In both applications, there are no external changes (other than the rooftop alteration).

Both applications were notified, with one submission received. The submission did not object to the proposal but requested that conditions be imposed to protect nearby residents. Appropriate conditions are already in place as part of the original determination.

The applications are both supported, particularly noting that:

- the development is substantially the same as the original consent;
- the NSW Heritage Council supports the proposal subject to conditions;
- the proposal complies with the core planning controls of height and FSR; and
- on merit, the modified scheme results in a superior design outcome.

Summary Recommendation:

That approval be granted to the modification of D/2011/733 as proposed in D/2011/733/A and D/2011/733/B by modification to existing conditions 1, 3, 4, 5, 6, 7, 8 and 28, and the inclusion of additional conditions on the consent.

Attachments:

- A - Notice of Determination dated 18 August 2011
- B - Selected Drawings

RECOMMENDATION

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD, having regard to the following:
- (i) the subject application is a modification to a previously approved development. The proposed modifications do not change the previously approved driveway arrangements,
 - (ii) Transport for NSW, the Roads and Maritime Services and RailCorp were consulted and did not object to the proposed modifications; and
- (B) the Section 96 (2) modification application numbers D/2011/733/A and D/2011/733/B be approved subject to:
- (i) Modification of Conditions 1, 3, 4, 5, 7, 8 and 28 as follows (with changes shown in ***bold italics*** or a ~~strikethrough~~):

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2011/733 dated 18 May 2011 and the following:

Drawing Number	Revision	Title	Date
DA-A-0050	00 <i>01</i>	Location Plan	13.04.2011 <i>31.07.2012</i>
DA-A-0970	00 <i>01</i>	Sub Basement	13.04.2011 <i>31.07.2012</i>
DA-A-0980	00 <i>02</i>	Lower Basement	13.04.2011 <i>03.09.2012</i>
DA-A-0990	00 <i>02</i>	Upper Basement – Castlereagh St Level	13.04.2011 <i>03.09.2012</i>
DA-A-1000	00 <i>02</i>	Ground – Martin Place/Elizabeth St Level	13.04.2011 <i>03.09.2012</i>
DA-A-1005	00 <i>02</i>	Level 00 Mezzanine	13.04.2011 <i>03.09.2012</i>
DA-A-1010	00 <i>02</i>	Level 01	13.04.2011 <i>03.09.2012</i>
DA-A-1020	00 <i>02</i>	Level 02	13.04.2011 <i>03.09.2012</i>
DA-A-1030	00 <i>02</i>	Level 03	13.04.2011 <i>03.09.2012</i>
DA-A-1040	00 <i>02</i>	Level 04	13.04.2011 <i>03.09.2012</i>
DA-A-1050	00 <i>02</i>	Level 05	13.04.2011 <i>03.09.2012</i>

Drawing Number	Revision	Title	Date
DA-A-1060	00 02	Level 06	13.04.2011 03.09.2012
DA-A-1070	00 02	Level 07	13.04.2011 03.09.2012
DA-A-1080	00 02	Level 08	13.04.2011 03.09.2012
DA-A-1090	00 02	Level 09	13.04.2011 03.09.2012
DA-A-1100	00 02	Level 10	13.04.2011 03.09.2012
DA-A-1105	02	Level 10 Mezzanine	03.09.2012
DA-A-1110	00 02	Level 11	13.04.2011 03.09.2012
DA-A-1120	00 02	Level 12	13.04.2011 03.09.2012
DA-A-1200	00 01	Roof	13.04.2011 31.07.2012
DA-A-3020	00 01	West Elevation – Castlereagh Street	13.04.2011 31.07.2012
DA-A-3030	00 01	South Elevation – Martin Place	13.04.2011 31.07.2012
DA-A-3040	00 01	East Elevation – Elizabeth Street	13.04.2011 31.07.2012
DA-A-3100	00 02	North South Section (Typical) XDE	13.04.2011 03.09.2012
DA-A-3200	00 02	East West Section (Typical) X6N	13.04.2011 03.09.2012
DA-A-3300	00 01	East West Section (Grand Hall) X9N	13.04.2011 31.07.2012
DA-A-3400	01	East West Section X4S	31.07.2012
DA-A-4010	00 01	Typical Heritage Facade Section & Elevation	13.04.2011 31.07.2012
DA-A-4020	00	Typical Level 10 Facade Section & Elevation	13.04.2011
DA-A-4040	00 02	Banking Chamber Lobby Sections	13.04.2011 03.09.2012
DA-A-4050	02	Roof Detail Section 1	03.09.2012
DA-A-4055	01	Roof Detail Section 2	31.07.2012
DA-A-4060	01	Roof Detail Section 3	31.07.2012
DA-A-6000	00 01	Proposed Materials and Finishes	15.04.2011 31.07.2012

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(3) BUILDING HEIGHT

- (a) The height of the rooftop addition (including plant) must not **result in any part of the building projecting above the Martin Place Sun Access Plane and must not** exceed RL ~~75.59~~ **77.54** (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(4) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed ~~9.45:1~~ **9.53:1** calculated in accordance with the Sydney Local Environmental Plan 2005. For the purpose of the calculation of FSR, the Floor Space Area of the approved development is ~~25,684.65~~ **25,910.12**sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Floor Space Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2005 applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(5) AWARDED HERITAGE FLOOR SPACE

Prior to issue of any Construction Certificate for the approved works, the amount of Heritage Floor Space awarded under D/2000/801 is to be reduced to reflect the additional floor space permitted by this approval. For the purpose of the calculation, the approved additional floor space under this application equates to ~~890~~ **1,490**sqm, which results in a reduction of Heritage Floor Space awarded under D/2000/801 from 10,876sqm to ~~9,986~~ **9,760**sqm.

(6) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development, **particularly the roof top addition**, is retained **and befitting of the quality of the original building**:
 - (i) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - (ii) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;

- (iii) Evidence of the design architect's commission is to be provided to the Council prior to the release of the Construction Certificate.
 - (iv) ***Details of the roof structure and glazing system shall be submitted for the approval of the Director City Planning, Development and Transport prior to the issue of a Construction Certificate.***
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

(7) DESIGN DETAILS - APPROVED

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by JPW dated ~~15 April 2011~~ **31 July 2012**, titled 'Proposed Materials and Finishes', DA-A-6000, Revision ~~00~~ **01**.

(8) DESIGN DETAILS - REQUIRED

The following design details are to be submitted to Council for approval prior to the issue of the Stage 1 Construction Certificate:

- (a) Lower Basement Level
 - (i) Safe Deposit Vault Lobby:
 - a. ~~The design of the wall enclosing the former stair well and the making good of the floor pattern after removal of the stair, continuing the original finishes~~ ***infill of the existing opening to the stair, which is to incorporate high quality materials originally represented in the Lower Basement level and is to be of a symmetrical composition.***
- (b) Upper Basement (Castlereagh St) Level:
 - (i) New Entrance Vestibule: Proposed design of contemporary floor, wall and ceiling finishes.
 - (ii) ***Proposed changes to signage and the hydrant booster couplings, west elevation.***
- (c) Central Atrium, Levels 1-11:
 - (i) The proposed contemporary finishes.
 - (ii) ***The perimeter of the floor plates and stair structure and stair balustrades.***

- (iii) *The design details of any internal handrails that may be required under the BCA within the glazing of external openings due to the raised level of the floors. The material of any such handrails should complement those of the window assemblies.*
 - (iv) *The lighting system between the Banking Chamber laylight and the existing concrete slab to Level 1.*
 - (v) *The raised glass floor at Level 1.*
 - (vi) *The detail resolution of the penetrations for the lift shafts through each original floor structure, and at Level 10 to show the intended resolution with the original rooftop colonnade.*
- ~~(d) Plant Room, Level 11:~~
- ~~(i) Profile and metal type of the proposed roofing over the plant room, with consideration to folded seam copper to be consistent with the sections of original roofing.~~
 - ~~(ii) The metal type for the plant room louvres with consideration to a bronze colour, consistent with the proposed incised bronze interlayer of the facade beneath.~~
- (e) Levels 10-11**
- (i) *The design resolution of the structural system of the dome as well as the external glazing systems.*
 - (ii) *The design resolution of the new raised floor and roof deck, particularly at the interface with the existing building parapet.*
- (28) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF WHOLE OR PART OF BUILDING IS REQUIRED (CC REQUIRED)**
- ~~(a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the deemed-to-satisfy provisions of the Building Code of Australia (BCA) and the following:~~
- ~~(i) Structural provisions - Part B1;~~
 - ~~(ii) Fire resistance and stability - Part C1;~~
 - ~~(iii) Compartmentation and separation - Part C2;~~
 - ~~(iv) Protection of openings - Part C3;~~
 - ~~(v) Provision for escape (access and egress) - Part D1;~~
 - ~~(vi) Construction of exits - Part D2;~~

- ~~(vii) Access for people with disabilities – Part D3;~~
 - ~~(viii) Fire fighting equipment – Part E1;~~
 - ~~(ix) Smoke hazard management – Part E2;~~
 - ~~(x) Lift installation – Part E3;~~
 - ~~(xi) Emergency lighting, exit signs and warning systems – Part E4;~~
 - ~~(xii) Damp and weatherproofing – Part F1;~~
 - ~~(xiii) Sanitary and other facilities – Part F2;~~
 - ~~(vi) Light and ventilation – Part F4;~~
 - ~~(v) Energy Efficiency – Building fabric – Part J1;~~
 - ~~(vi) Energy Efficiency – Building sealing – Part J3~~
 - ~~(vii) Energy Efficiency – Air conditioning and ventilation – Part J5~~
 - ~~(viii) Energy Efficiency – Artificial lighting and power – Part J6~~
 - ~~(xix) Energy Efficiency – Access for maintenance – Part J8~~
- ~~(b) If compliance with the deemed-to-satisfy provisions of the BCA and the conditions listed above cannot be achieved, an alternate solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued the Certifying Authority must ensure that the building complies with the Building Code of Australia.~~

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulations 2000 the existing building must be upgraded in accordance with the recommendations of Report 2012/0308 R2.8 dated November 2012, issued by Steve Watson and Partners.

- (ii) Insertion of the following new conditions in Schedule 1A:

(8A) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The design resolution of the interconnecting stairs at the northern edge of the atrium should endeavour to minimise the extent of cantilever into the original portion of the atrium.

- (b) The design of the interconnecting stairs at the northern edge of the atrium should avoid demolition of the northern perimeter beam exploring alternate structural systems, such as suspended, or revised landing locations on the eastern and western edges of the atrium.

The modifications are to be submitted to and approved by Council prior to a Construction Certificate being issued.

(8B) CONSERVATION MANAGEMENT PLAN

One bound colour copy of the latest version of the Conservation Management Plan by Tanner Architects dated July 2012, is to be submitted to Council's heritage specialist for lodgement in Councils Archives prior to the issue of any construction certificate.

(8C) REFLECTIVITY

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the façade of the building does not exceed 20% prior to the issue of the Construction Certificate.

- (iii) Insertion of the following new conditions in a new Schedule 3:

SCHEDULE 3

Terms of Approval

Other Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by the Heritage Council of NSW are as follows:

1. All work shall comply with the information contained within:
 - a. Architectural drawing No's: DA-A-0001; DA-A-0050; DA-A-0970; DA-A-1200; DA-A-3020; DA-A-3030; DA-A-3040; DA-A-3300; DA-A-3400; DA-A-4010; DA-A-4055; DA-A-4060; DA-A-6000; DA-A-6970; DA-A-7005; DA-A-7105; DA-A-7110; DA-A-7970; DA-A-8120. All dated 31/07/2012 revision 01 and prepared by Johnson Pilton Walker Pty Ltd.
 - b. Architectural drawing Number's DA-A-980; DA-A-990; DA-A-1000; DA-A-1005; DA-A-1010; DA-A-1020; DA-A-1030; DA-A-1040; DA-A-1050; DA-A-1060; DA-A-1070; DA-A-1080; DA-A-1090; DA-A-1100; DA-A-1105; DA-A-1110; DA-A-1120; DA-A-3100; DA-A-3200; DA-A-4040; DA-A-4050; DA-A-6980; DA-A-6990; DA-A-7000; DA-A-7010; DA-A-7020; DA-A-7030; DA-A-7040; DA-A-7050; DA-A-7060; DA-A-7070; DA-A-7080; DA-A-7090; DA-A-7100; DA-A-7900; DA-A-7980; DA-A-7990; DA-A-8000; DA-A-8005; DA-A-8010; DA-A-8020; DA-A-8030; DA-A-8040; DA-A-8050; DA-A-8060; DA-A-8070; DA-A-8080; DA-A-8090; DA-A-8100; DA-A-8105; DA-A-8110. All dated 03/09/2012 revision 02 prepared by Johnson Pilton Walker Pty Ltd.

- c. Report titled 'Former Government Savings Bank of New South Wales, 48-50 Martin Place, Sydney – Proposed Building Refurbishment – Statement of Heritage Impact – Section 96(2) Modification – D/2011/733. Prepared by Tanner Architects dated August 2012 Issue D' and report titled 'Former Government Savings Bank of New South Wales 48-50 Martin Place, Sydney – Proposed Glass Shuttle Lifts – Statement of Heritage Impact – Section 96(2) Modification – D/2011/733 Section 60 Application'. Prepared by Tanner Architects dated September 2012, Issue A.
- d. Reports titled 'Statement of Environmental Effects – Section 96(2) Modification D/2011/733, 48-50 Martin Place. Prepared by JBA Panning Consultants Pty Ltd dated August 2012' and attachments, and Statement of Environmental Effects report titled '48-50 Martin Place – Glass Shuttle Lifts – Section 96(2) Modification D/2011/733' (and appendices). Prepared by JBA Planning dated September 2012.

EXCEPT AS AMENDED by the conditions of this approval:

2. Construction detailed drawings of the proposed atrium staircases are to be submitted with the section 60 application for assessment and approval.
3. Detailed structural and façade engineering construction drawings of the glazed roof are to be submitted with the section 60 application for assessment and approval.
4. Details of external signage proposed to be modified that are indicated on architectural drawing numbers DA-A-3020 and DA-A-3030 are to be submitted with the section 60 application for assessment and approval.
5. Details of the proposed 'hydrant/sprinkler booster couplings' indicated on architectural drawing number DA-A-3020 are to be submitted with the section 60 application for assessment and approval.
6. Construction detail drawings and finishes of the proposed glass shuttle lifts that demonstrate the architectural Design Statement claims are to be submitted with the section 60 application for assessment and approval.
7. Construction detail drawings and finishes of the reproduction ceiling panels flanking the glass shuttle lifts' void in the Banking Chamber are to be submitted with the section 60 application for assessment and approval.

Nominated Heritage Consultant:

8. The nominated heritage consultant shall provide advice on the detail design resolution of new elements and inspect the demolition and removal of material to ensure that no unapproved loss of significant fabric or elements occurs (to minimise impacts on significant fabric and to manage the implementation of the conditions of approval).
9. All work shall be carried out by suitably qualified tradesmen with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradesmen.

Archival Recording:

10. Submit with the section 60 application an archival record of the heritage fabric affected by the works in accordance with NSW Heritage Branch guidelines titled 'Photographic Recording of Heritage Items using Film or Digital Capture' for approval. A copy shall be submitted to the Council of the City of Sydney prior to the Construction Certificate being issued.

Heritage Interpretation Plan:

11. Submit with the section 60 application an Interpretation Plan in accordance with NSW Heritage Branch guidelines titled 'Interpreting Heritage Places and Items: guidelines' and policy titled 'Heritage Information Series: Heritage Interpretation Policy' for assessment and approval. The approved Interpretation Plan proposal is to be implemented and installed prior to the issue of an Occupation Certificate.

Site Protection & Works:

12. Significant built elements are to be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

Archaeology:

13. The Applicant must ensure that if intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified in accordance with Section 146 of the Heritage Act. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Compliance:

14. This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of the approval or within the period of consent specified in any relevant development consent granted under the Environmental Planning and Assessment Act, 1979, whichever occurs first.
15. An application under section 60 of the NSW Heritage Act must be submitted and approved by the NSW Heritage Council prior to work commencing.

BACKGROUND

The Site and Surrounding Development

1. The subject site is on the corner of Castlereagh Street, Martin Place and Elizabeth Street, Sydney. The site is occupied by the State Heritage listed item known as the Commonwealth Bank Building (also known as 'The Government Savings Bank of New South Wales' or the CBA Building).
2. The building was designed by the architectural firm of H E Ross & Rowe and opened in 1928 for the Government Savings Bank of NSW. The Commonwealth Savings Bank, as they were then called, subsequently acquired and used the building as their corporate headquarters from 1932 until their relocation to Darling Walk earlier this year. Macquarie Bank has since acquired the property and intend to relocate its headquarters from the former Sydney GPO site to the premises from late 2014. The Commonwealth Bank will maintain a branch in the ground floor Banking Chamber.
3. The building displays monumental civic scale and symmetrical detailing. It is regarded as one of Australia's finest 20th Century bank buildings. It is acknowledged as an outstanding example of the Inter-War Beaux-Arts architectural style.
4. The building has had various configurations of structures on the rooftop over time.
5. A location plan and photos of the building and surrounds are provided below:



Figure 1 – Location Plan



Figure 2 – Looking generally north from Martin Place / Castlereagh Street intersection



Figure 3 – Looking generally north along Elizabeth Street



Figure 4 – Original configuration of structures on roof (c1928) – generally looking north-west



Figure 5 – Aerial view of 'penthouse' addition towards the end of World War II (generally looking east)



Figure 6 – View of 1980's rooftop additions (generally looking north)

History of Applications Relevant to this Site

6. On 18 August 2011 integrated DA consent (D/2011/733) was issued by the Central Sydney Planning Committee for refurbishment works, including the internal restoration and renovation works, and a rooftop addition. Of particular relevance, the consent included:
 - (a) removal of stairs (c1980s) connecting the Banking Chamber to the lower basement and infilling of the void within the Banking Chamber floor;
 - (b) removal of plant from each of the existing office levels between Levels 1 to 10 to realise the potential of the building for premium office space;
 - (c) removal of the central Level 1 plant room to reintroduce light to the Banking Chamber lay-light ceiling;
 - (d) returning the roof to practical accessible use and a new office level, with plant room above, added to the building in place of the structure built during the period 1984-1990; and
 - (e) re-opening of the northern lightwell to the office floors and reintroducing natural light to the Grand Hall.
7. A copy of the Notice of Determination may be found at Attachment A.

Other Relevant Applications

8. On 1 March 2001 (D/2000/801) Development Application approval was issued for conservation works and an award of Heritage Floor Space (HFS) of 10,876sqm. The awarded Heritage Floor Space (HFS) has not been registered to date.
9. On 18 November 2010 (D/2010/1477) Development Application approval was issued to restore the ground and lower ground banking chamber.
10. On 31 August 2011, a Section 96 consent (D/2000/801/A) was granted to modify the 2001 HFS approval. This consent reduced the quantum of awarded HFS to ensure consistency with the DA consent involving a rooftop addition (D/2011/733 approved on 18 August 2011).
11. On 1 August 2012, a further Section 96 application (D/2000/801/B) was submitted to further reduce the quantum of awarded HFS to ensure consistency with the proposed changes the subject of this report (D/2011/733/A and D/2011/733/B). This application is being assessed concurrently.

PROPOSAL

12. Two separate, but nevertheless inter-related Section 96(2) modification applications have been submitted. This report provides a joint assessment for ease of understanding the totality of the modifications proposed in both applications
13. The first application (Amendment A) involves:
 - (a) A revised design of the rooftop addition incorporating relocated plant, a range of corporate meeting, event and training facilities, a mezzanine floor (Level 11) accommodating some of the plant and meeting rooms, and an enlarged opening to the atrium below; all housed within a glazed elongated dome roof structure. The addition will be fully clad in faceted 'ship lapped' high performance glazing.
 - (b) Enlargement of the atrium void to increase daylight penetration and incorporate an interconnecting stair; and
 - (c) Other internal alterations within the building comprising new sub-basement plant, reconfiguration of garbage rooms, car parking and bicycle amenities, and enlargement of plant and amenities within the balance of the building.
14. The second application (Amendment B) involves the provision of two new glass shuttle lifts between the ground floor Banking Chamber and Levels 10 and 11. The new lifts will pass through Levels 1 to 9 but will not open at these levels.
15. There are no external changes (other than the rooftop alteration).
16. As a consequence, Conditions 1 (Approved Development), 3 (Building Height), 4 (Floor Space Ratio), 5 (Awarded Heritage Floor Space), 7 (Design Details - Approved), 8 (Design Details – Required) and 28 (BCA Compliance) are proposed to be modified.
17. Selected images and drawings are provided below and at **Attachment B**.



Figure 7 - Aerial view of proposed rooftop addition

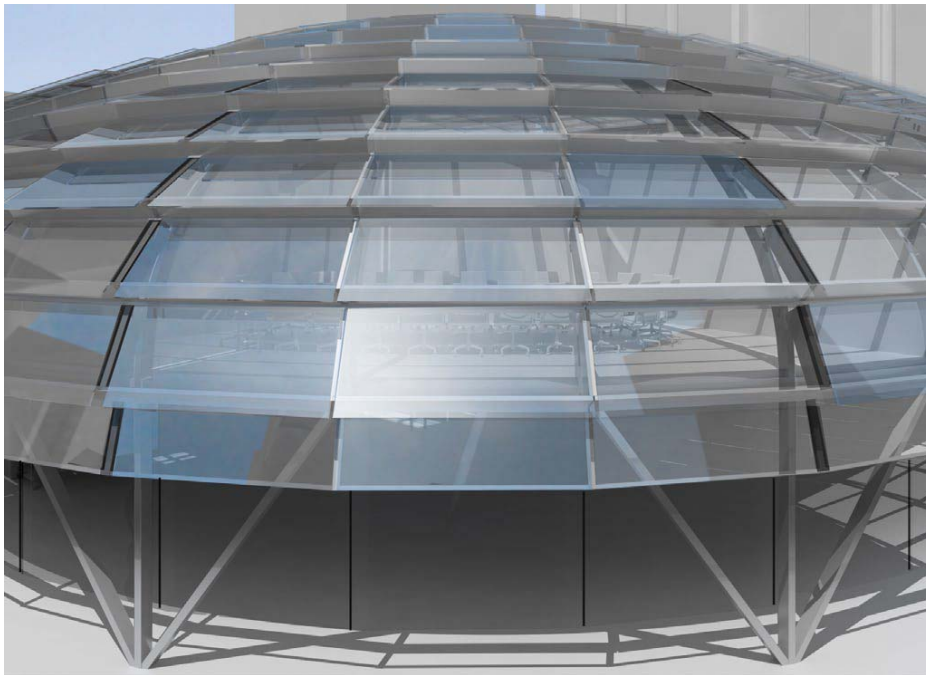


Figure 8 – Close up view of roof addition



Figure 9 – Rooftop view looking west adjacent to Martin Place

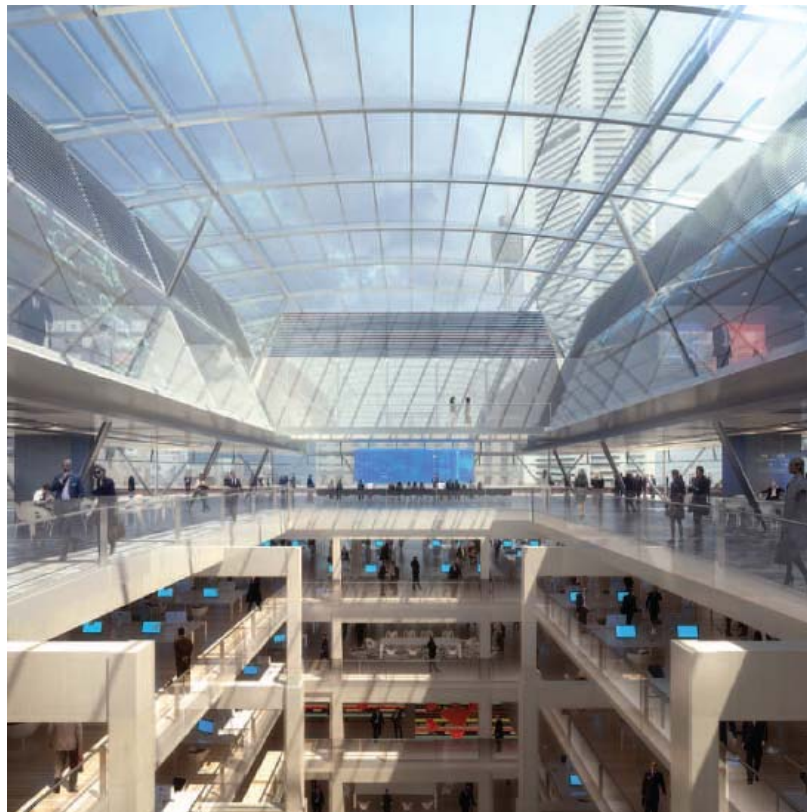


Figure 10 - Internal view of proposed atrium enlargement



Figure 11 – Internal Banking Chamber view of proposed new lifts

IMPLICATIONS OF THE PROPOSAL

City Of Sydney Act 1988

18. Section 51N requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a planning application that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney CBD. A full extract of this Section is provided below.

“51N Planning proposals having a significant impact on traffic and transport in the Sydney CBD

- (1) *The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.*
- (2) *The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.*
- (3) *The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject to conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.*

- (4) *The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee.*
19. Having liaised with the City's Access and Transport Unit, in this instance, the proposal is not considered to have a significant impact on traffic and transport in the CBD, and consultation with the CSTTC is not necessary. In particular, the following are noted:
- (a) The subject application is a modification to a previously approved development. The proposed modifications do not change the previously approved driveway arrangements.
 - (b) Transport for NSW, the Roads and Maritime Services and RailCorp were consulted and did not object to the proposed modifications.

Threshold Test

20. Section 96 of the Environmental Planning and Assessment Act 1979 states that a consent authority may modify a development consent if *"it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)"*.
21. In noting that the essence of the approved development, being internal refurbishment and a roof top addition, are maintained, the proposed modification is considered to be substantially the same development as that originally approved.

Merits Assessment

Rooftop Addition

22. The following images provide a visual comparison between what was approved and what is now proposed.



Figure 12 - Photomontage of approved rooftop addition from Elizabeth Street



Figure 13 - Photomontage of proposed rooftop amendment from Elizabeth Street

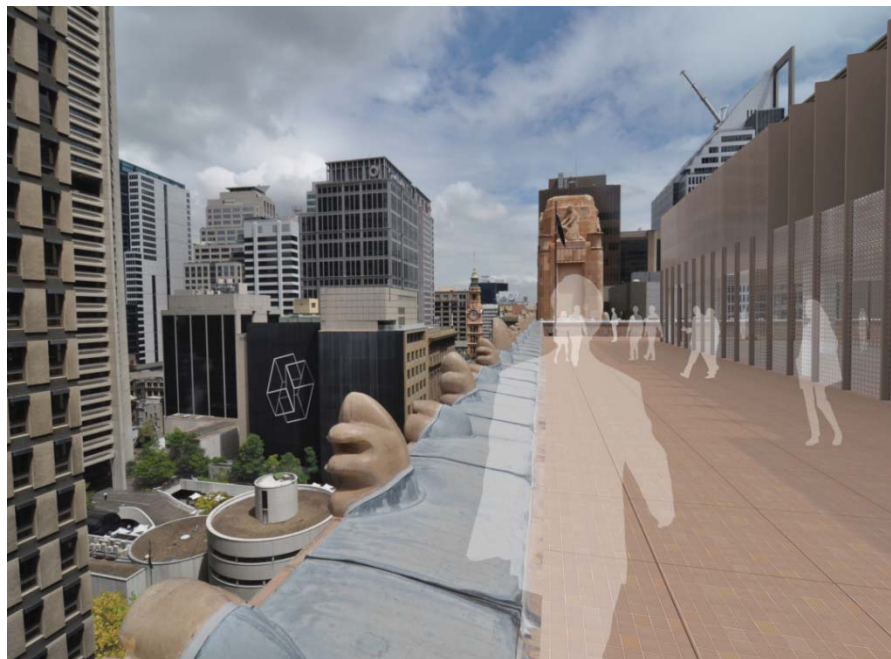


Figure 14 - Photomontage of approved addition at Martin Place (south) edge



Figure 15 - Photomontage of proposed amendment at Martin Place (south) edge

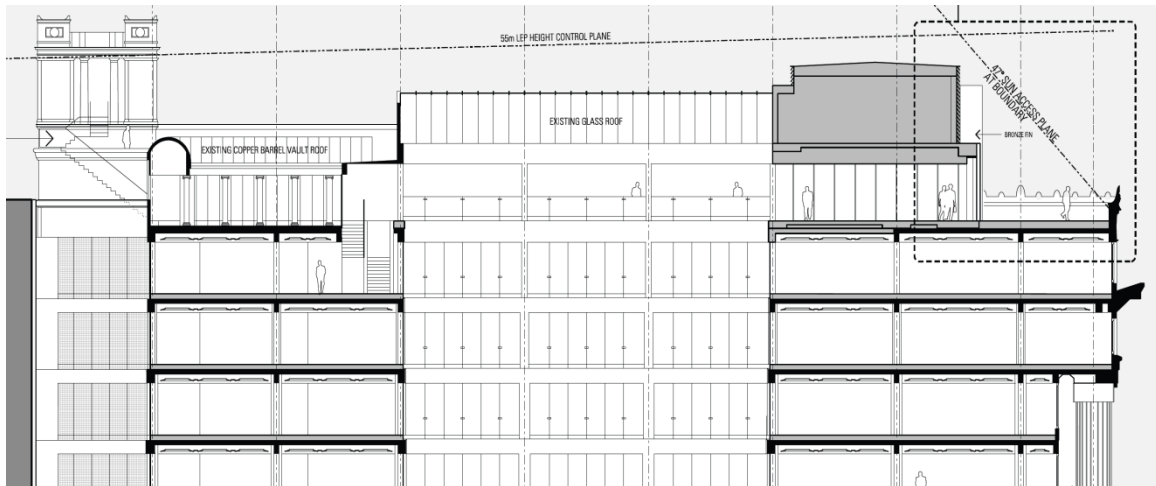


Figure 16 - North-south cross section of approved addition

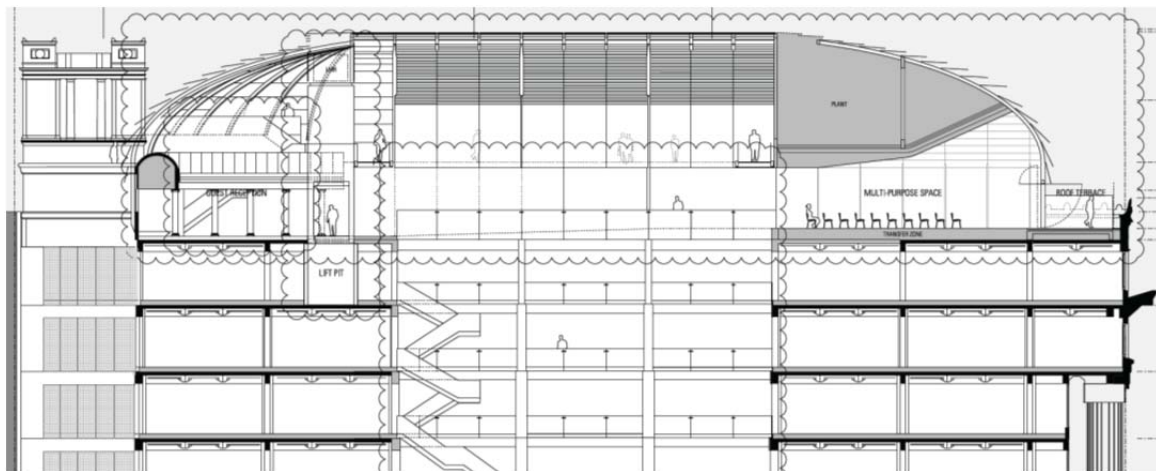


Figure 17 - North-south cross section of proposed amendment

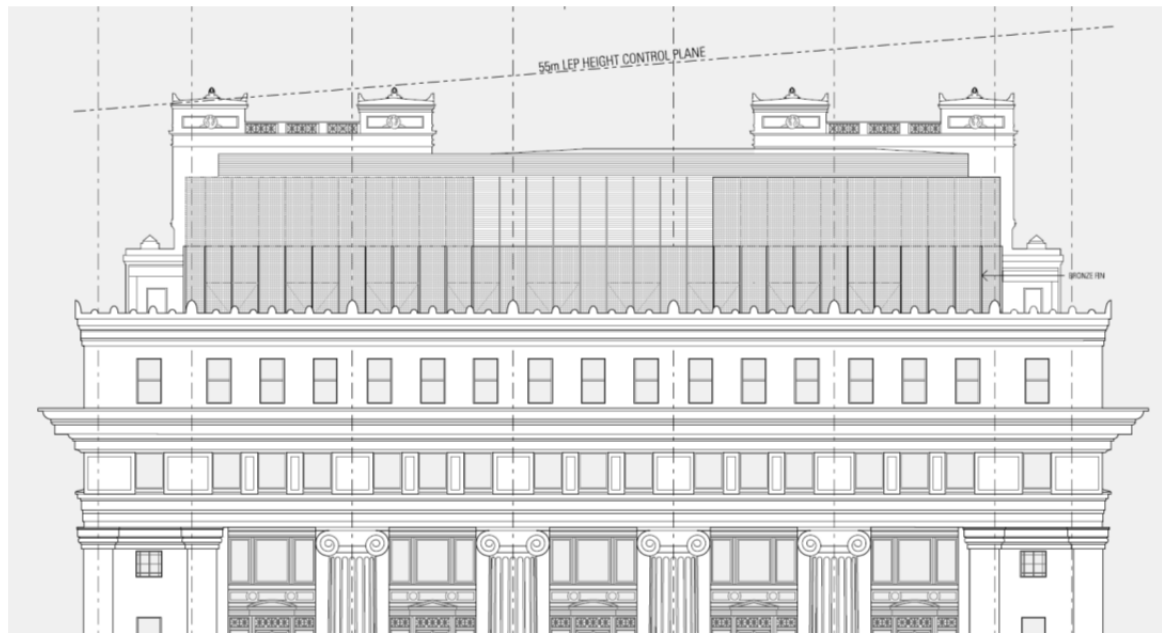


Figure 18 - Approved south elevation

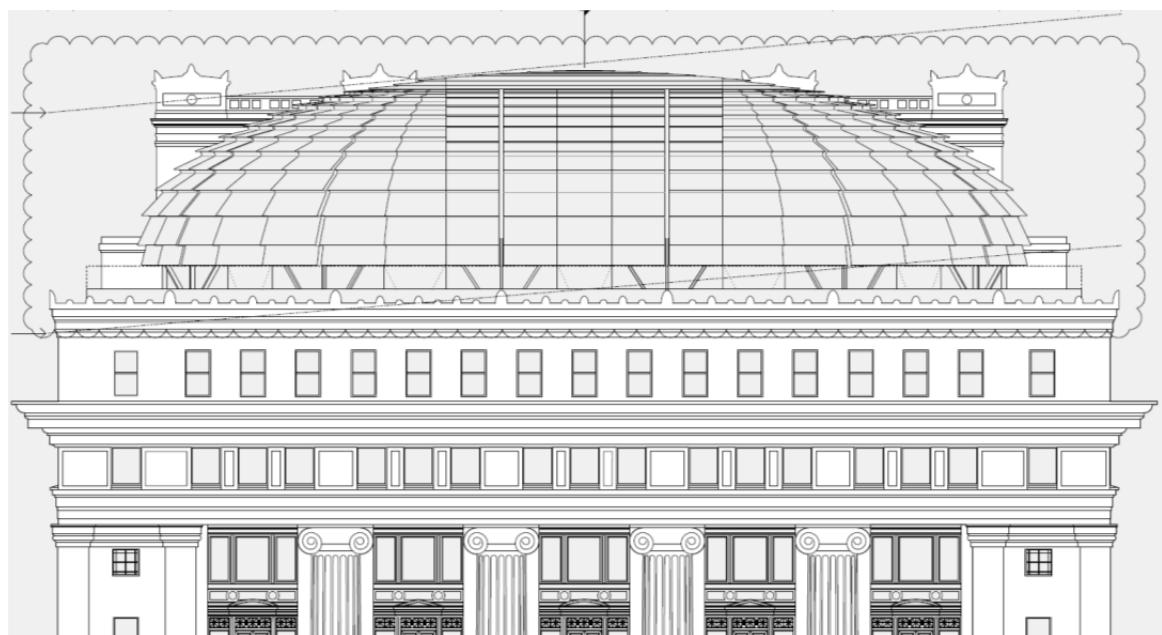


Figure 19 - Proposed south elevation

23. The proposed modification to the approved rooftop addition has merit and is supported. In particular, the following matters are noted:
- the building has had various rooftop configurations over time with the proposal having a positive impact when viewed from higher buildings surrounding the site and will read as a complete form which is formal, symmetrical and reflects that of the existing building;
 - the glazed dome form makes reference to the historic curved mansard roof and dome forms associated with Beaux Arts style architecture;

- (c) the design allows the original rooftop elements to be encapsulated within the space whilst avoiding visual conflict with the two significant tower elements (neither dominating or unreasonably obscuring these elements) – this will allow a greater appreciation of the original rooftop structures and re-establish the original design intent for the rooftop to be a meaningful and useful part of the building;

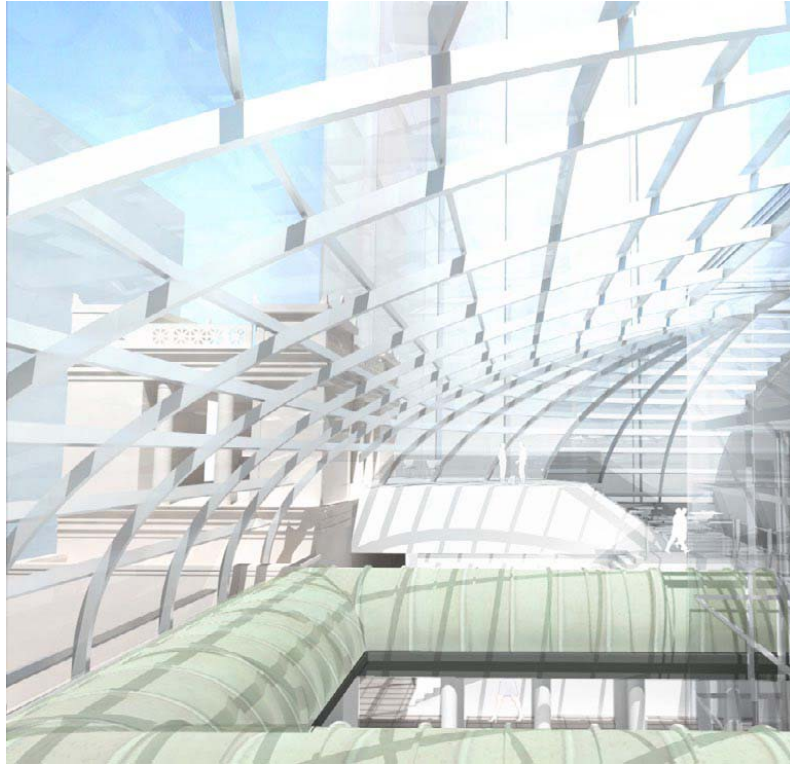


Figure 20 – Internal view across heritage significant barrel vault roof



Figure 21 – Internal view

- (d) while the approved development included exposed roof top plant (eg. cooling towers and standby generators), these have now been integrated into the new roof form;
- (e) the curved roof recedes away from the parapets as it increases in height, thus having less visual bulk, particularly when viewed from Martin Place.

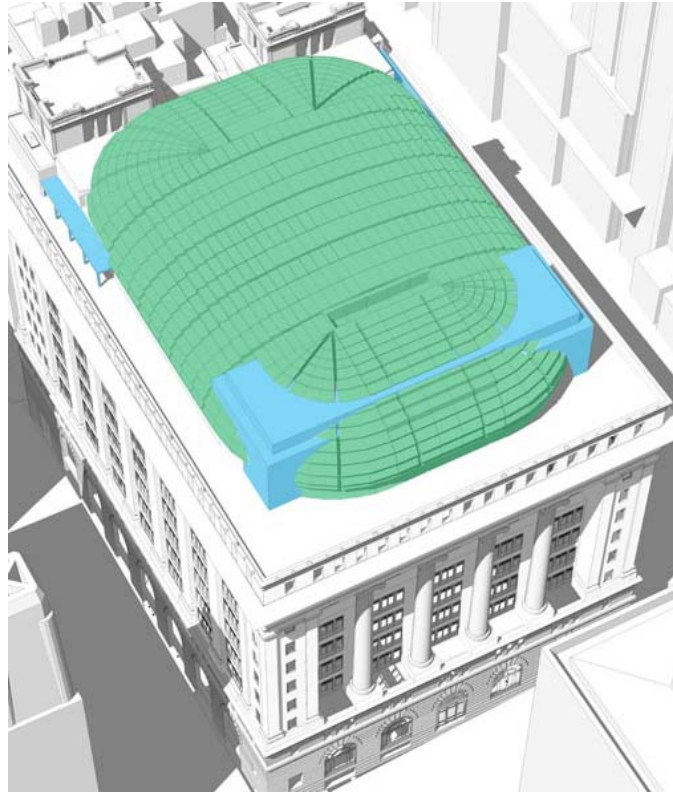


Figure 22 - Roof form comparison (approved roof form in blue; proposed amendment in green)

- (f) while the central part of the proposed roof is 1.95m higher than the approved roof, the amendment complies with the Local Environmental Plan (LEP) height control (ie. 55m height under the Martin Place Sun Access Plane);
- (g) while the proposed setbacks (ranging between 4.3m to 18m) do not comply with the Development Control Plan (DCP) required 'full' setback above a height of 45m (within the Martin Place Special Area), the proposal is considered acceptable having regard to the earlier comments and the following:
 - (i) the approved addition also had non-compliant setbacks;

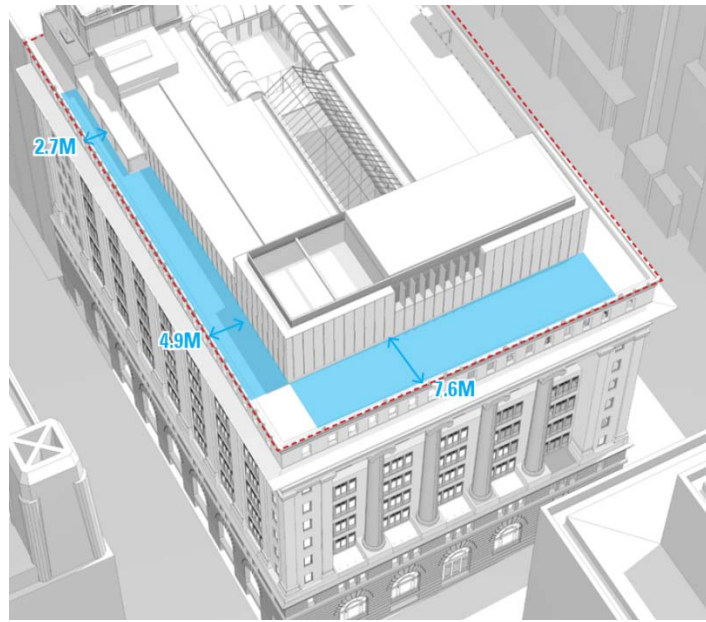


Figure 23 - Approved roof form with setbacks between 2.7m to 7.6m

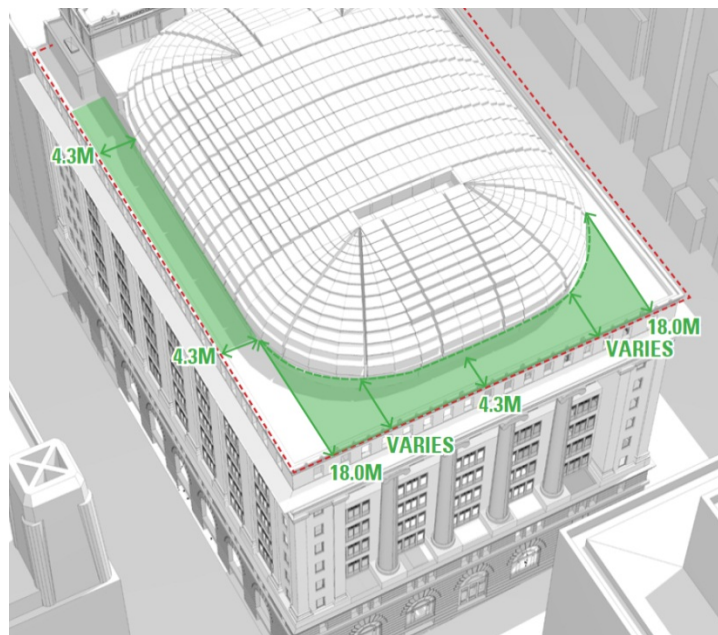


Figure 24 - Proposed roof form and setbacks



Figure 25 - Footprint comparison (approval in blue; proposal in green)

- (ii) the setbacks have been determined using the original building’s visual and dimensional order, including its central and cross axis, central atrium and column grid;

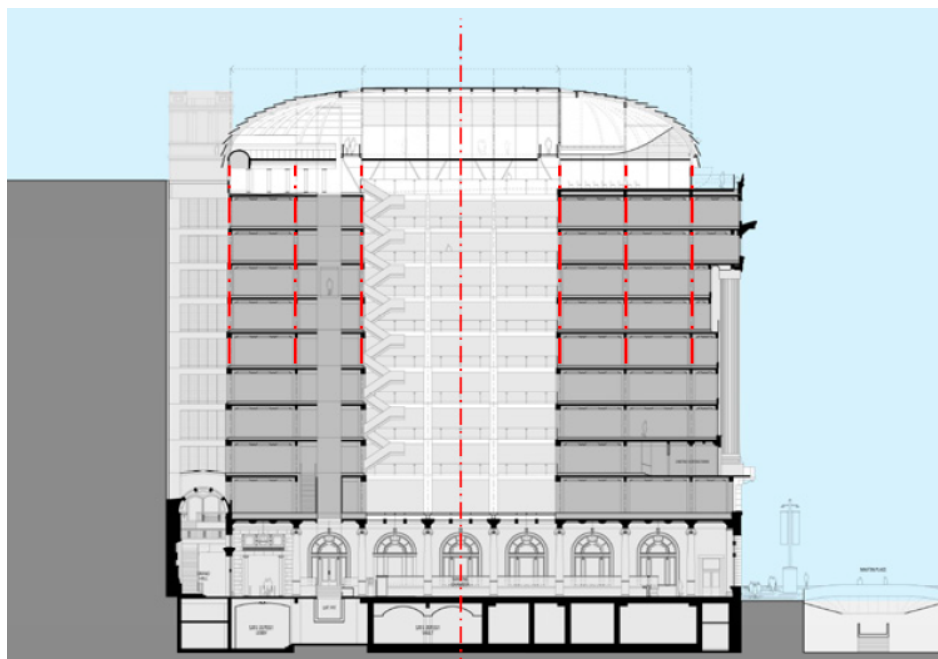


Figure 26 - Addition is centred on and symmetrical along the buildings dominant axis

- (h) both the City’s heritage staff and the NSW Heritage Council support the proposal subject to conditions - these conditions have been included in the Recommendation.
24. To ensure that the integrity of the design is maintained and is befitting of the original building, it is recommended that:

- (a) existing Condition 6 (Design Quality Excellence) be modified to require details of the roof structure and glazing system to be approved by Council prior to the issue of a Construction Certificate;
 - (b) Council's standard condition on 'reflectivity' be imposed to minimise glare nuisance to surrounding buildings; and
 - (c) a condition be added requiring detail to be provided as to how the new raised floor and roof deck will be resolved where it meets the existing building parapet.
25. It is also recommended that existing Condition 3 (Building Height) be modified to ensure that the revised addition complies with the LEP height control (being 55m under the Martin Place Sun Access Plane).

Atrium enlargement and interconnecting stairs

26. The following images provide a visual comparison between what was approved and what is now proposed.

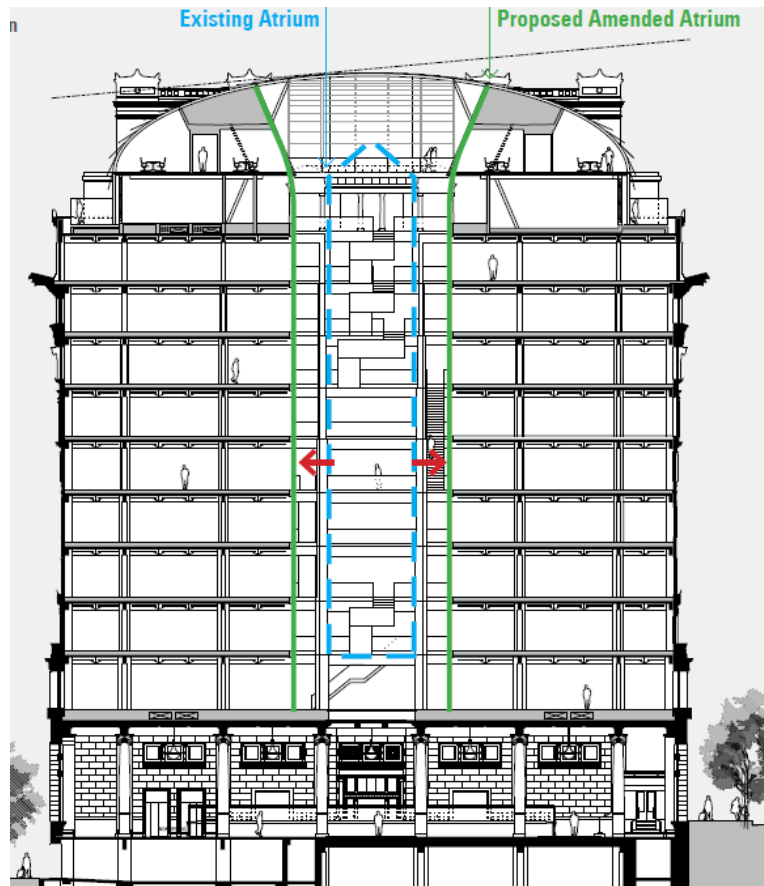


Figure 27 - East-west section (existing 6m wide atrium shown in blue; proposed 10.5m wide atrium shown in green)

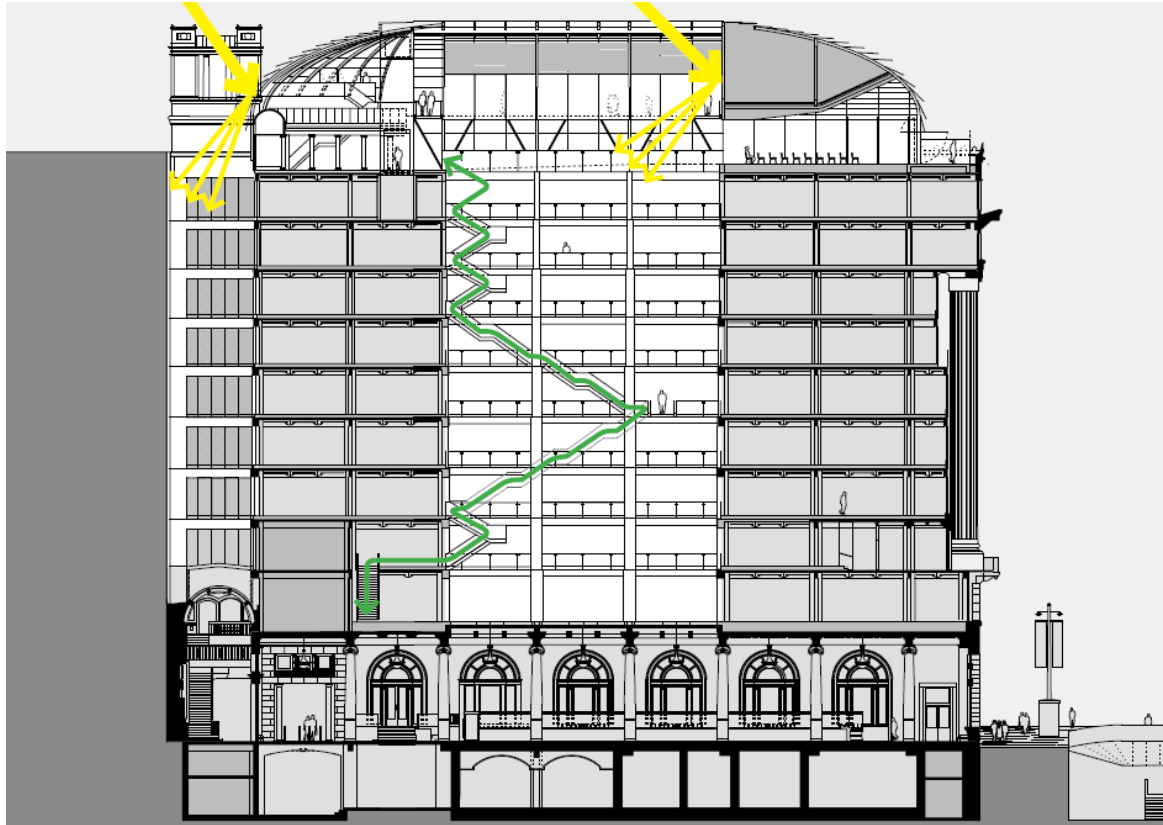


Figure 28 - Cross section showing interconnecting stairs

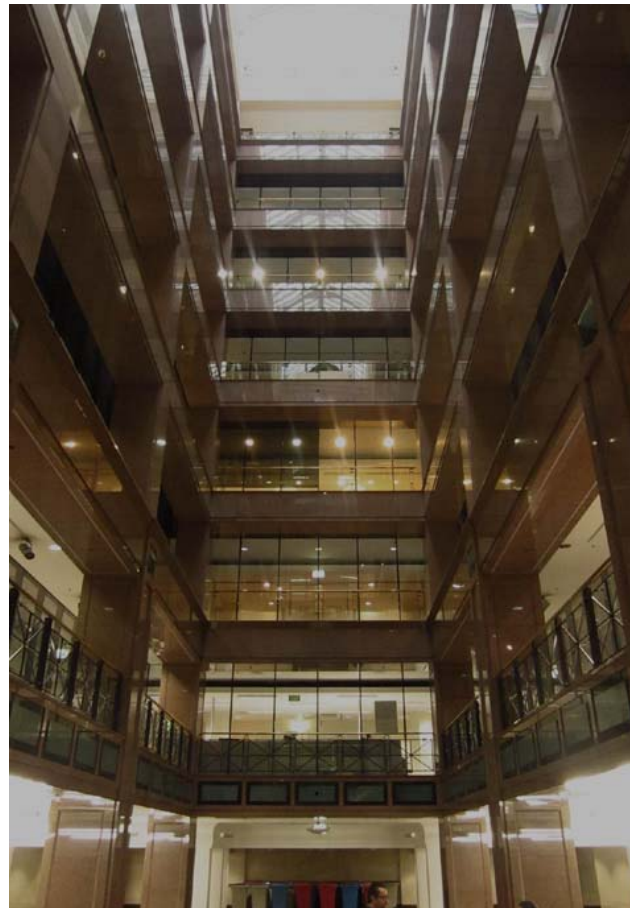


Figure 29 - Existing atrium



Figure 30 - Proposed enlarged atrium (note: existing columns and beams are retained)

27. The proposed atrium enlargement and provision of interconnecting stairs have merit and are supported. In particular, the following matters are noted:
- (a) the original function of the atrium was utilitarian in nature (for services, light and ventilation) and not designed as a space to be looked into and appreciated – the changes are not therefore being made to an ‘architectural’ space;
 - (b) the enlarged atrium will enhance the atrium proportions and allow daylight to penetrate deeper into the interior spaces, with the associated environmental benefits;
 - (c) the atrium will be used as a central air riser both for exhaust and partial conditioning, reducing the need for air conditioning;
 - (d) retention of the existing columns and beams in the line of the original light-well allows the original configuration to be readily understood and provides future flexibility to restore the atrium;
 - (e) both the City’s heritage staff and the NSW Heritage Council support the proposal subject to conditions - these conditions have been included in the Recommendation; and
 - (f) the interconnecting stairs will improve internal connectivity, though will need further refinement – a condition to this effect is recommended.

New glass lifts

28. The proposed glass lifts are located centrally at the northern end of the Banking Chamber. The location utilises the 1980s stairs (that have been approved to be removed) that connect the Banking Chamber to the basement.
29. To allow the lifts to pass through the Banking Chamber, pressed metal ceiling tiles, cornices and coffers will be dismantled, labelled and securely stored on site to allow future reinstatement if required.
30. Innovative, fire engineered, structural and electrical solutions are proposed to minimise the visual impact of the new lifts. It is understood that these solutions include:
 - (a) an open shaft above a 2400mm high circular frameless glazed screen (made possible through a fire engineered solution);
 - (b) a structural solution that allows for only two lift car guiderails per lift;
 - (c) alternate lift wiring route to minimise the visual impact;
 - (d) lift pit accessed from the lower basement; and
 - (e) glass screen and lift cars being low iron glass which is highly transparent and with low reflectivity.
31. The lifts provide direct visitor access to the new reception at Level 10, thereby enabling the approved reception desks within the Banking Chamber to be removed, de-cluttering the space.
32. The following images provide a visual comparison between what exists and what is proposed.

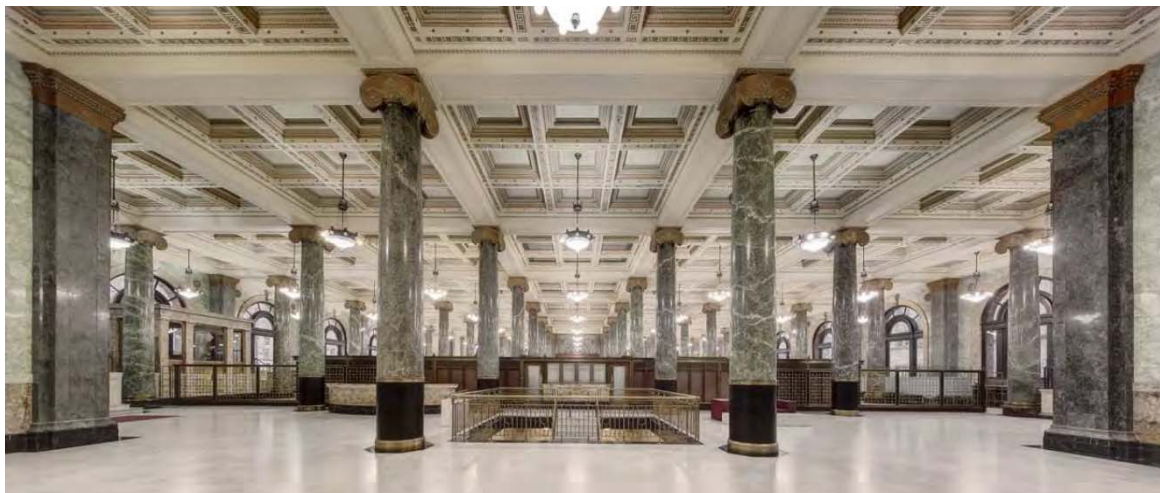


Figure 31 - Existing view within Banking Chamber (looking south)



Figure 32 - Proposed glass shuttle lifts

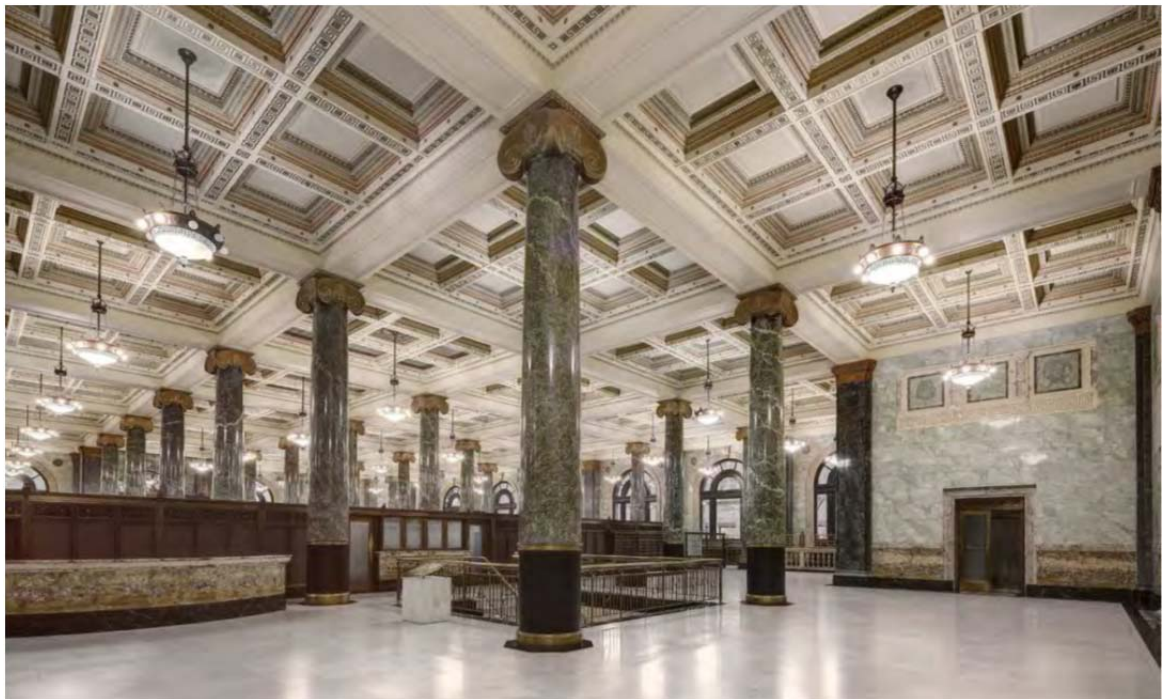


Figure 33 - Existing view within Banking Chamber (from Elizabeth St lift lobby)



Figure 34 - Proposed glass shuttle lifts

33. The proposed new lifts are supported. In particular, the following matters are noted:
- (a) the visual impact of the new lifts have been minimised;
 - (b) the location of the new lifts is such that the lift pits will replace the 1980s access stair, will not obscure the heritage significant roof elements, and will be encapsulated within the new roof structure;
 - (c) the axial location reinforces the symmetrical layout of the original floor plates and does not restrict or impact on the original floor circulation pattern;
 - (d) the use and logic of the original office lift lobbies are retained; and
 - (e) both the City's heritage staff and the NSW Heritage Council support the proposal subject to conditions - these conditions have been included in the Recommendation.

Other modifications

34. The proposal also seeks consent for the following:
- (a) provision of a new sub-basement fire pump room, hydraulic tanks and grease arrestor;
 - (b) reconfiguration of the garbage rooms, car parking and bicycle amenities on the upper and lower basement levels;
 - (c) replacement of the approved air conditioning system (chilled beam to a chilled ceiling system);
 - (d) enlargement of the plant and amenities on Levels 1, 2 and 9; and

- (e) enlargement of amenities on Levels 3 to 8.
35. The proposed changes are supported, particularly noting the following:
- (a) the modifications are a result of design development and further rationalisation of services;
 - (b) the chilled ceiling system provides an internal visual benefit, a more direct historic interpretation of the original coffered ceilings, and relies on less plant;
 - (c) while the approved development reduced the existing on-site car parking from 32 spaces to 15 spaces (plus 2 courier spaces), the modification further reduces this to 12 car spaces and 1 courier space;
 - (d) the number of bicycle racks are increased from 64 to 93 with associated end of trip facilities; and
 - (e) there are no external impacts.

Other consequential modifications

36. When compared with the existing approval, there is a net increase in floor space area of 225.6sqm. This results in a FSR of 9.53 (which remains below the LEP maximum of 12.5:1). It is noted that a separate Section 96 application is concurrently being considered to reduce the previous award of HFS by an equivalent amount. Accordingly, Conditions 4 (Floor Space Ratio) and 5 (Awarded Heritage Floor Space) will require modification.
37. Condition 28 (Building Code of Australia Compliance) currently requires the whole building to comply with the BCA. However, given the State and local heritage listing of the building, a full compliance upgrade would result in an unacceptable heritage impact. As a result, it is proposed that the current requirement for a full upgrade to be replaced with one allowing a fire engineered Alternative Solutions to achieve compliance with the performance requirements of the BCA. This is supported.

State Environmental Planning Policy (Infrastructure) 2007

38. The application was referred to Transport for NSW, RailCorp and the Roads and Maritime Services (RMS).
39. RMS responded and did not raise any objection.
40. Transport for NSW and RailCorp did not respond within the statutory period. The Central Sydney Planning Committee may now determine the application, particularly noting that the proposed modification is substantially the same as the original development consent.

Draft Sydney LEP 2011

41. The exhibition of the Draft Sydney Local Environmental Plan 2011 has now been completed. Council have adopted the Draft LEP and have referred the document to the Department of Planning for gazettal. The provisions of the Draft LEP have been taken into consideration in the assessment of the proposal.

42. The site is located within the Metropolitan Centre zone. The proposal is permissible.
43. The proposal complies with the draft floor space ratio of 12.5:1, the draft height control of 55m under the Martin Place Sun Access Plane, and the draft parking (maximum) rate of 47 spaces.
44. The site is a draft heritage item. The proposal will not adversely impact on the significance of the draft heritage item.

Section 79C Assessment

45. Besides the matters discussed elsewhere in this report, the previous assessment under Section 79C of the Environmental Planning and Assessment Act 1979 is still relevant.

POLICY IMPLICATIONS

46. Not applicable to this report.

FINANCIAL IMPLICATIONS/SECTION 61 CONTRIBUTIONS

47. The cost of the development is in excess of \$200,000 and is therefore subject to a development levy pursuant to the Central Sydney (Section 61) Contributions Plan 2002. An appropriate condition was included in the original determination.

PUBLIC CONSULTATION

Section 79C(1)(d)

EXTERNAL REFERRALS

48. Both applications were notified in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications DCP 2005. D/2011/733/A was on public exhibition between 3 September and 18 September 2012, and D/2011/733/B on exhibition between 25 September and 10 October 2012.
49. One submission was received. This submission did not object to the proposal as such, but requested that the *'correct steps are in place for residents when determining conditions for this exciting project.'*
50. In response, it is noted that there are number of legislative and Council policy frameworks which the applicant will be bound to in order to protect surrounding amenity during construction works, including Council's conditions of consent, EPA Noise Guidelines, Australian Standards and the like. These legislative responsibilities and conditions of consent are designed to effectively manage the necessary amenity considerations (as suggested by the submission).

Heritage Council

51. The Heritage Council were consulted on both applications and recommended approval subject to conditions. These conditions have been included in the Recommendation.

Transport for NSW, RailCorp and Roads and Maritime Services

52. As discussed earlier, the applications were referred to Transport for NSW, RailCorp and the Roads and Maritime Services in accordance with State Environmental Planning Policy (Infrastructure) 2007.

INTERNAL REFERRALS

53. As required by the LEP and as the proposed modifications would materially affect a heritage item, a heritage committee (comprising an independent heritage consultant and Council's heritage staff) was appointed to examine and advise on the merits of the applications. This review concluded that the proposal was acceptable subject to conditions.
54. The applications were also referred to Council's Senior Heritage Specialist and Building Services Unit. No objection was raised, subject to the imposition of appropriate conditions.
55. Where appropriate, these conditions have been included in the Recommendation.

RELEVANT LEGISLATION

56. The Environmental Planning and Assessment Act 1979 and Heritage Act 1977.

CRITICAL DATES / TIME FRAMES

57. Nil.

CONCLUSION

58. Both proposals are supported, particularly noting that:
- (a) the development is substantially the same as the original consent;
 - (b) the NSW Heritage Council supports the proposal subject to conditions;
 - (c) the proposal complies with the core planning controls of height and FSR; and
 - (d) on merit, the modified scheme results in a superior design outcome.
59. It is recommended that the Section 96 applications be approved. This will require modification of some existing conditions and the addition of some new conditions.

GRAHAM JAHN

Director City Planning, Development and Transport

(Michael Soo, Senior Area Planning Manager)