

Item 4.**Development Application: 14-18, 20-24 and 26-30 Lee Street and 1 Eddy Avenue, Haymarket - D/2021/251****File No.:** D/2021/251**Summary**

Date of Submission:	The application was lodged on 19 March 2021. Amended plans and additional information was received on 31 August 2021, 25 March 2022 and 1 August 2022.
Applicant:	Frasers Property Management Australia Pty Ltd
Architects:	Skidmore Owings and Merrill + Fender Katsalidis (SOM + FK) and Edition Office
Developer:	Dexus CPA Pty Ltd Henry Deane Building Nominees Pty Ltd Gateway Building Nominees Pty Ltd (Frasers Property)
Owner:	Transport for NSW Transport Asset Holding Entity of NSW
Planning Consultant:	Ethos Urban
Heritage Consultant:	GML Heritage Pty Ltd
DAP and DAP Subcommittee:	The application was presented to DAP on 20 May 2021 and 24 March 2022. The application was presented to the DAP Subcommittee on 7 April 2022 and 3 May 2022.
Cost of Works:	\$854,347,783
Zoning:	The site is located in the B8 Metropolitan Centre zone. The proposed commercial development is permissible with consent in the zone.

Proposal Summary:

Development consent is sought for the demolition of existing structures, excavation for three basement levels and construction of two commercial towers with heights of 35 and 37 storeys respectively at a maximum height of RL 174.30 at the south tower, podium at a height of RL 52.50, 154,993 square metres of commercial and retail GFA and new public realm.

The tower buildings will contain retail and commercial uses and connections between the northern and southern podiums up to Level 8.

The three levels of basement will accommodate bicycle parking, end of trip facilities, 125 car parking spaces, 48 service vehicles and loading dock parking spaces and distribution area within an Integrated Distribution Facility (IDF), vehicle access connections to the basements of developments in Block A and C and provision of emergency, maintenance and service vehicle parking and distribution area for the future Central Over Station Development (OSD). Access to the basement will be provided from Lee Street.

The new public realm is to integrate with the broader public domain improvements and physical connections of other developments in Block A, Block C and future Central OSD as well as contain a Pavilion building located at the northern end of the site between Block A.

Consent for an 8 storey 'Connector' building is sought under this application. As detailed in the 'Discussion' section of this report, the Connector building requires further design refinement. Accordingly, a deferred commencement consent is recommended to refine the architectural expression of the building.

The application is referred to the CSPC as the development has an estimated cost over \$50 million.

The site is subject to site-specific provisions under Sydney Local Environmental Plan 2012 and the Western Gateway Sub-Precinct Design Guide. The proposal generally complies with key development standards including the maximum height and gross floor area controls. The proposal will not cause additional overshadowing to Prince Alfred Park between 10am and 2pm.

A competitive design process was held for the development with the SOM + FK scheme selected as the winning scheme. Subject to conditions, the proposal would exhibit design excellence and maintain the design integrity of the design competition winning scheme and the recommendations of the competition jury.

A preliminary assessment of the application identified several issues in relation to the lack of detail of the Pavilion and Connector buildings, podium design, tower design, wind, landscaping, tree management, heritage interpretation, public art, and waste management. Clarification was also sought on the staging of the development.

The issues have been largely addressed through the resubmission of amended plans and additional information. Other issues are addressed through Conditions of Consent contained in Attachment A.

The application was initially placed on public exhibition between 22 March 2021 and 23 April 2021 in accordance with the City of Sydney Participation Plan 2020. Five (5) submissions were received raising concerns that the proposal was an overdevelopment of the site, bulk and scale, design excellence, height, and wind. These issues are addressed within this report.

The amended plans were re-notified and placed on public exhibition between 11 August 2022 and 25 August 2022. No submissions were received.

Subject to conditions, the amended proposal is generally consistent with the applicable planning provisions, including Sydney Local Environmental Plan 2012, Western Sydney Gateway Sub-Precinct Design Guide and Sydney Development Control Plan 2012. Proposed non-compliances have been assessed as having merit in the specific circumstances of the proposal and are addressed in this report.

As a result of the design modifications made to the scheme, the amended proposal has a high standard of architectural design, materials, and detailing. It presents an improved outcome, appropriately responds to site conditions and the locality, and will result in a form and scale that achieves the desired future character of the area.

Summary Recommendation: The development application is recommended for deferred commencement approval.

Development Controls: Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
City of Sydney Act 1988 and City of Sydney Regulation 2016
Heritage Act 1977

Sydney Water Act 1994 and Sydney Water Regulation 2017

Roads Act 1993 and Roads Regulation 2018

Airports Act 1996 (Cth) and Civil Aviation (Building Control) Regulation 1988

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Sydney Local Environmental Plan 2012

Western Sydney Gateway Sub-Precinct Design Guide 2021 and Western Gateway Sub-Precinct Publicly Accessible Space Strategy 2021

Sydney Development Control Plan 2012

City of Sydney Landscape Code - Volume 2

City of Sydney Public Art Policy 2011 and City of Sydney Public Art Strategy 2011

City of Sydney Interim Guidelines for Public Art in Private Developments 2006

City of Sydney Guidelines for Waste Management in New Developments 2018

Central Sydney Development Contributions Plan 2013

City of Sydney Community Participation Plan 2020

Attachments:

A. Recommended Conditions of Consent

B. Selected Architectural Drawings (Plans)

C. Selected Architectural Drawings (Elevations and Sections)

D. Selected Architectural Plans (Connector)

Recommendation

It is resolved that pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2021/251 subject to the conditions set out in **Attachment A** to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the site's planning controls for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012, the Western Gateway Sub-Precinct Design Guide, and the Sydney Development Control Plan 2012, particularly the site-specific provisions for the development site.
- (C) The articulation, materiality and architectural contribution of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (D) Subject to conditions, the proposed development is consistent with the design intent of the winning scheme of a competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (E) The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.
- (F) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.
- (G) The proposed mix of commercial land uses will support the vitality of the area and realise the strategic vision intended for the site within the Central State Significant Precinct. The development does not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain, and the broader locality, subject to the recommended conditions.
- (H) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.

Background

The Site and Surrounding Development

1. The site comprises of four (4) allotments:
 - (a) 14-18 Lee Street, Haymarket has a legal description of Lot 12 DP 1062447;
 - (b) 20-24 Lee Street, Haymarket has a legal description of Lot 14 DP 1062447;
 - (c) 26-30 Lee Street, Haymarket has a legal description of Lot 15 DP 1062447; and
 - (d) 1 Eddy Avenue, Haymarket has a legal description of Lots 201, 202, 203, 204 and 205 DP 1280430.
2. The development subject to this application is primarily located on 14-18, 20-24 and 26-30 Lee Street. Hereafter, it will be referred to as the subject site. The small portion of the balconies on the southern part of the development will encroach over 1 Eddy Avenue.
3. The subject site is an irregular allotment with an area of 9,632 square metres. It has a primary street frontage of 83 metres to Lee Street and a frontage of 113 metres along Central Station and the railway corridor.
4. The subject site is located between Lee Street to the west, Central Station and railway to the east, Henry Deane Plaza (8A Lee Street) and the former Railway Square YHA (8-10 and 12 Lee Street) to the north and the Lee Street Bus Layover to the south.
5. Aerial images of the site in its context are provided in Figures 1 to 3 below.

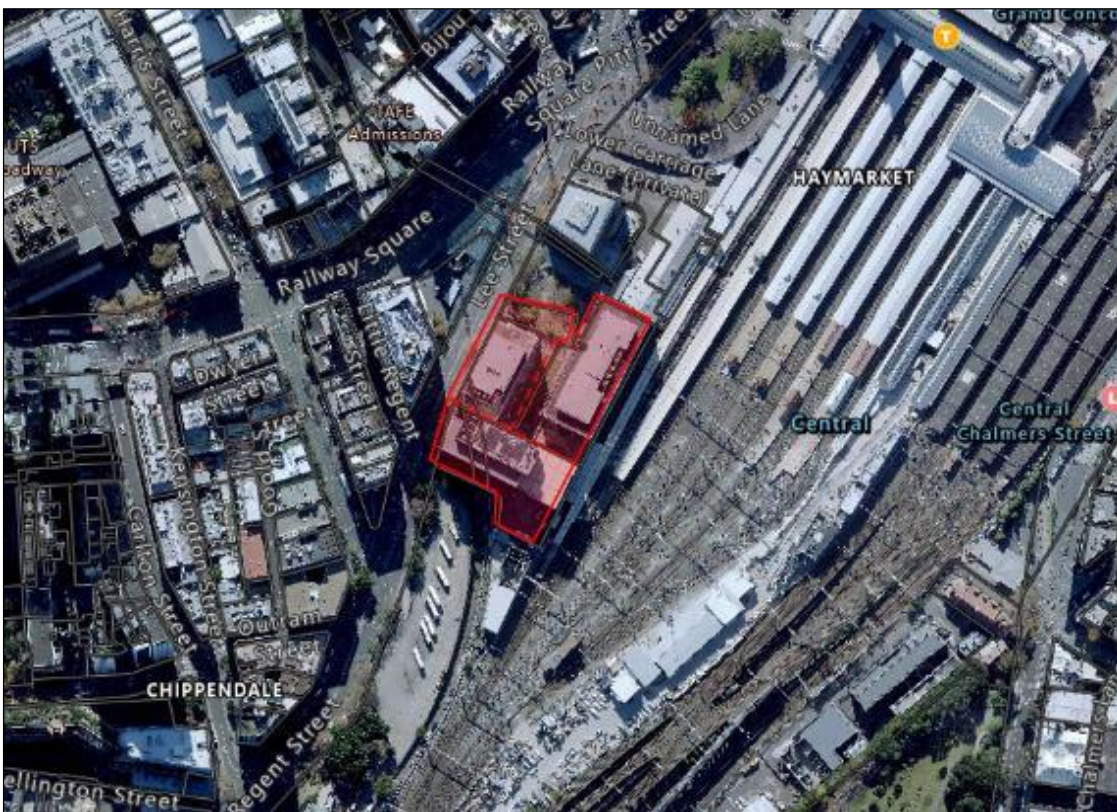


Figure 1: Aerial view of site and surrounds.



Figure 2: Oblique aerial of the subject site, looking north-west.



Figure 3: Oblique aerial of the subject site, looking south-east.

6. The site currently accommodates three x 8-9 storey office buildings with a retail podium fronting Henry Deane Plaza. The buildings front onto a publicly accessible open grassed plaza. Basement parking is accessed from Lee Street and contains 169 car spaces and 10 loading bays. The buildings are currently occupied by State and Federal Government agencies.
7. The land is owned by Transport for NSW (TfNSW) and the lots are subject to separate 99-year leases. The ownership of these leases is identified in Figure 4 below. It should be noted that the Priceline Pharmacy located within 20-24 Lee Street and below RL 19.8 is subject to a separate lease held by Toga, the lessees of Block C.

Address	Lot and DP	Lease Holder
14-18 Lee Street	Lot 12 DP 1062447	Dexus
20-24 Lee Street	Lot 14 DP 1062447	Subsidiary of Frasers Property
26-30 Lee Street	Lot 15 DP 1062447	Subsidiary of Frasers Property

Figure 4: List of lease holders

8. The subject site is identified as being part of a heritage item of local significance in Sydney LEP 2012, being part of the 'Central Railway Station group including buildings, station yard, viaducts and building interiors' (I824). The subject site is outside the curtilage of the 'Sydney Terminal and Central Railway Stations Group' (SHR01255) that is identified as a heritage item in the State Heritage Register.
9. The site is within close proximity to other heritage items, including the 'Former Parcels Post Office including retaining wall, early lamp post and building interior', which is identified as a local heritage item (I855) and the 'Railway Square Road Overbridge', which is a local (I180) and State (SHR01232) heritage item.
10. The subject site is identified as Block B within the Western Gateway Sub-Precinct, forming part of the Central State Significant Precinct. The Western Gateway Sub-Precinct will connect the future Tech Corridor between Eveleigh and Central to the Pyrmont and Bays State Significant Precincts.
11. Figures 5 to 10 below illustrate the existing development on the site.



Figure 5: Site viewed from Lee Street, looking south-east.



Figure 6: View and access into the site from Lee Street.



Figure 7: Site viewed from the internal open space plaza, looking north-east.



Figure 8: Site viewed from the internal open space plaza, looking south.



Figure 9: Site viewed from Henry Deane Plaza, looking south. The Priceline Pharmacy is subject to a separate lease by Toga.



Figure 10: Existing vehicular access to basement from Lee Street, looking east.

Locality

12. The surrounding area is characterised by a mixture of land uses, including commercial, retail, food and drink, infrastructure, tourist and visitor accommodation and educational establishments:
 - (a) Directly to the north of the site at 8A Lee Street is Henry Deane Plaza. It provides an entrance into the Devonshire Street pedestrian tunnel into Central Station to the east and the Goods Line to the west. It is bounded by several retail tenancies. On the other side of Henry Deane Plaza at 2 and 8-10 Lee Street is the Adina Hotel and the former Railway Square YHA building.
 - (b) Directly to the east of the site at 1 Eddy Avenue is Central Station and railway corridor. Further east is the suburb of Surry Hills, which is characterised by medium density commercial and residential developments.
 - (c) Directly to the south of the site, also at 1 Eddy Avenue, is the Lee Street Bus Layover. Further south are the suburbs of Chippendale and Redfern as well as Prince Alfred Park.
 - (d) Directly to the west of the site on the other side of Lee Street at 816 George Street is the Railway Square bus interchange and Mercure Hotel at 6-10 Little Regent Street. Further west is the Marcus Clarke Building, wider UTS and TAFE NSW Ultimo campuses.
13. The neighbouring sites located outside the Western Gateway Sub-Precinct are located within the Railway Square and Central Station locality.
14. Photographs of surrounding development is provided in Figures 11 to 18 below.

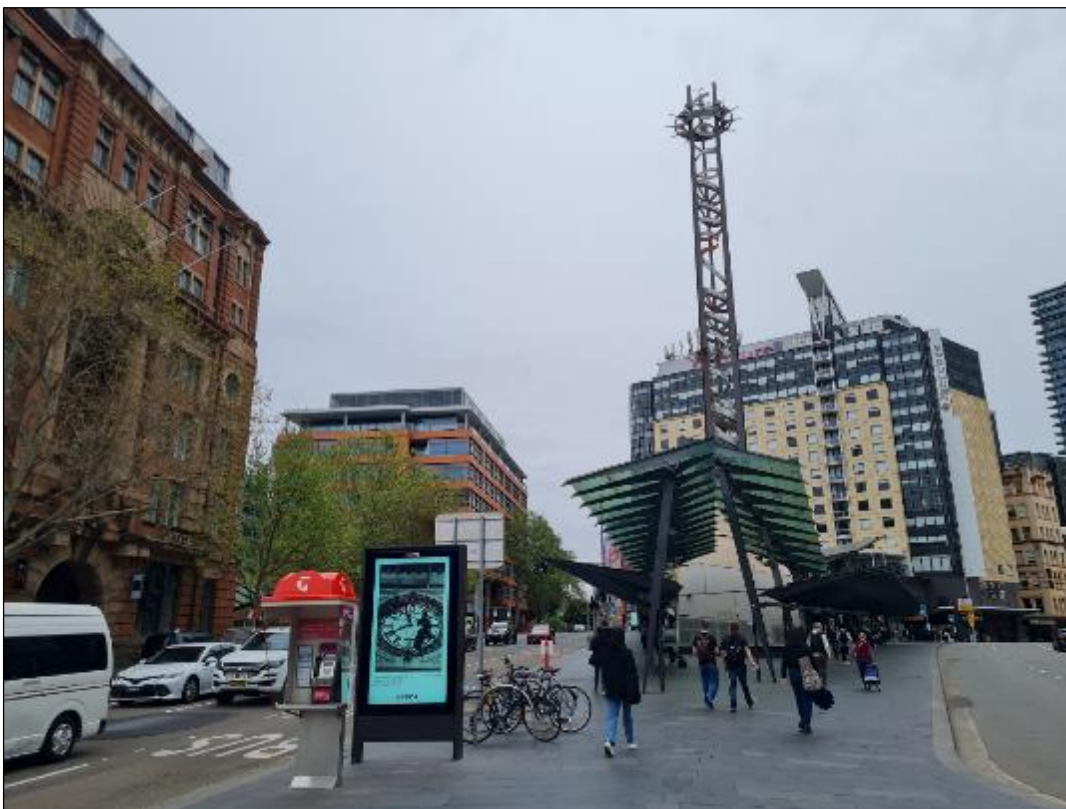


Figure 11: Lee Street context viewed from Railway Square, looking south.



Figure 12: Lee Street context, looking north.

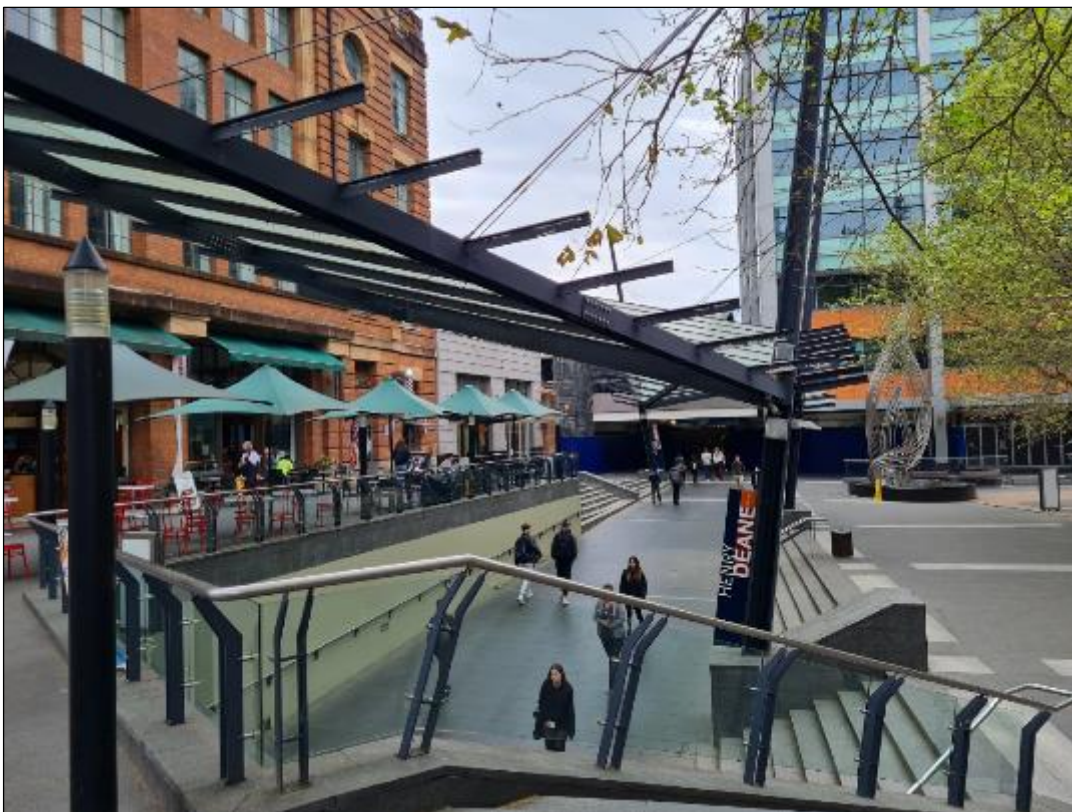


Figure 13: Henry Deane Plaza and Devonshire Tunnel viewed from Lee Street, looking east.



Figure 14: Railway Square and Marcus Clarke Building in the distance viewed from Lee Street, looking north-west.



Figure 15: Former Parcels Post building at 8A Lee Street.



Figure 16: Distance view of the site and surrounds viewed from the Central Station forecourt, looking south.



Figure 17: Context photograph of surrounding development viewed from the Central Station forecourt, looking south-west.



Figure 18: Context photograph of surrounding development viewed from Railway Square, looking north.

History Relevant to the Development Application

Central Precinct - State Significant Precinct

15. On July 2019, the Central Precinct was nominated a State Significant Precinct (SSP) by the Minister for Planning and Public Spaces to support the delivery of Tech Central and jobs for NSW.
16. The Central SSP is located at the southern end of Sydney CBD and covers an area of approximately 24 hectares, including the railway corridor and adjacent sites around Central Station. It is bounded by Pitt Street, Lee Street and Regent Street to the west, Cleveland Street to the south, Eddy Avenue, Hay Street and Goulburn Street to the north and Elizabeth and Chalmers Street to the east. Refer to Figure 19 below.
17. In March 2021, TfNSW prepared the Central Precinct Strategic Framework to guide future planning and development in the area.
18. The vision for the Central Precinct is to be a "vibrant and exciting place that unites a world-class transport interchange with innovative and diverse businesses and high-quality public spaces. It will embrace design, sustainability and connectivity, celebrate its unique built form and social cultural heritage and become a centre for jobs of the future and economic growth".
19. Since the SSP nomination, Transport for NSW (TfNSW) have led and commenced a rezoning proposal for the Central Precinct. The Western Gateway Sub-Precinct has already been rezoned.



Figure 19: Map of the Western Gateway Sub-Precinct within the broader Central Precinct SSP boundary.

Western Gateway Sub-Precinct

20. The Western Gateway Sub-Precinct (WGSP) is located on the western edge of the Central Precinct SSP and is the first sub-precinct to have progressed through the planning stage. It comprises of three separate development sites:

- (a) Block A - the 'Atlassian' development and includes the Inwards Parcels Shed/Railway Square YHA.
- (b) Block B - the 'Dexus/Frasers' development, also known as Central Place Sydney, which relates to the subject application.

- (c) Block C - the 'Toga Central', development and includes the former Parcels Post Office/Adina Apartment Hotel and Henry Deane Plaza.
21. TfNSW have prepared and completed the rezoning proposals for the three blocks. Planning within the WGSP is guided by the Western Gateway Sub-Precinct Design Guide and the Western Gateway Sub-Precinct Publicly Accessible Space Strategy. These Guidelines provide provisions regarding building envelopes, design excellence, open space, amenity, heritage, sustainability, and access.

Western Gateway Rezoning - Amendments to Sydney LEP 2012 (Blocks A and B)

22. In August 2020, the Sydney LEP 2012 was amended to include site specific provisions in Clause 6.53 for Block A and B in the WGSP. The effect of the amendment is as follows:
- (a) Apply the B8 Metropolitan Centre zone to the entire WGSP.
 - (b) Remove the WGSP area from the Special Character Areas Map.
 - (c) Identify the WGSP area on the Locality and Site Identification Map, Foreshore Building Line Map, including the labelling of Blocks A, B, and C within the sub-precinct.
 - (d) Introduce site-specific provisions for the sub-precinct that:
 - (i) Introduce building height and gross floor area controls (despite Clause 4.3 and 4.4 of Sydney LEP 2012), based on site boundaries, where development is for non-residential land uses only.
 - (ii) Establish maximum building heights of:
 - (i) Block A - RL 200.2 metres
 - (ii) Block B - RL 205.8 metres
 - (iii) Establish maximum gross floor areas of:
 - (i) Block A - 70,000 square metres
 - (ii) Block B - 155,000 square metres
 - (iv) Include a provision enabling the Western Gateway Design Guide and remove the need for a Development Control Plan under Clause 7.20 of Sydney LEP 2012
 - (v) Include overshadowing controls to apply to future development within the sub-precinct to protect solar access to Prince Alfred Park between 10pm and 2pm.

Western Gateway Rezoning - Amendments to Sydney LEP 2012 (Block C)

23. In October 2021, Clause 6.53 of Sydney LEP 2012 was amended to include provisions for Block C in the WGSP. The effect of the amendment is as follows:
- (a) Establish a maximum height of buildings of 211.9 metres
 - (b) Establish a maximum gross floor area of 43,000 square metres with a maximum of 41,000 square metres GFA in a new building

- (c) Introduce setback and building floorplate controls to define the permissible built form envelope.

Unsolicited Proposal Process

24. The proposal is being considered under the NSW Department of Premier and Cabinet's Unsolicited Proposal (USP) Process where an approach from the private sector seeks an exclusive commercial arrangement with government to deliver a service or infrastructure to meet a community need. This is a separate process from the statutory planning process and assessment of this development application.
25. There are three stages of the USP framework - Initial Submission (Stage 1), Detailed Proposal (Stage 2), and Final Binding Offer (Stage 3).
26. The subject application is at Stage 3 of the process where the proponent and the NSW Government seek to finalise all outstanding issues and enter into a binding agreement.
27. Specifically for the development, the proponent has agreed to deliver an agreed scope of public works at no cost to the State government. A key feature of the public works in an Integrated Distribution Facility (IDF) that provides vehicular, utilities and waste servicing capacity for future developments outside the proponent's site, including over the rail corridor. Other features include improvements to the public realm with new through-site links to facilitate public access to Central Station and from Lee Street and to the Over Station Development (OSD) proposed by TfNSW.

Development Applications

28. The following State Significant Development Applications (SSDA) are relevant to the current proposal:

Atlassian - Office and Hotel Development (Block A)

- **SSD 10405** - Development consent was granted on 15 October 2021 by the Director, Key Sites Assessment, as the delegate of the Minister of Planning and Public Spaces for the Atlassian Central Development at 8-10 Lee Street, Haymarket, comprising:
 - Demolition of existing structures
 - Partial deconstruction, reconstruction, retention, conservation, and adaptive reuse of the Inwards Parcels (IP) Shed
 - Construction of a 39-storey tower at RL 197.9 located approximately 2 storeys above the reconstructed IP Shed including office, retail and tourist and visitor accommodation land uses
 - 12 basement parking spaces for service vehicles, on-street pick up/drop off facility at Lee Street, bicycle parking and end of trip facilities
 - Provision of hard and soft landscaping, creation of lower and upper ground through-site links and publicly accessible rooftop tiered seating and green roof
 - Three illuminated signage zones
 - Subdivision and stratum subdivision of the site

Toga Central (Block C)

- **SSD 33258337** - State Significant Development Application was submitted to the Department of Planning and Environment in August 2022 for the Toga Central development at 2 Lee Street, Haymarket, comprising:
 - Site establishment and removal of 22 trees within Henry Deane Plaza and Lee Street
 - Site preparations works including basement dewatering and demolition of existing structures
 - Conservation works, alterations and adaptive reuse of the former Parcels Post Office Building for commercial lobby and hotel facilities, retail, and function room areas
 - Construction of a 45-storey hotel and commercial office tower above the Parcels Post Office Building with an RL of 202.28
 - Provision of vehicular access from Block B and 4 basement levels for car parking, car share, loading and servicing, bicycle parking and end of trip facilities
 - Revitalised public realm across the site that is coordinated with Block B including delivery of a new publicly accessible open space from street level, lower ground and at Henry Deane Plaza
 - At the time of writing this report, the assessment of the SSDA is ongoing.

Future indicative development of the site and other Blocks in WGSP

29. Having regard to the abovementioned approved and existing applications of neighbouring Blocks within the WGSP, the proposal has contemplated three development scenarios to reflect the predicted future sequence of development with the sub-precinct. These are:
 - (a) Day 1 - the development of the subject application, with interim arrangements for the lower and upper ground levels as well as an interim public realm design to integrate with the existing context of Block C.
 - (b) Day 2 - Amendments to the lower and upper ground levels as well as the public realm to integrate with the Toga Central development on Block C.
 - (c) Day 3 - Physical connections to the Central Precinct OSD.
30. The application does not seek consent for the Day 2 and 3 scenarios. However, they provide an indication of the broader redevelopment of the WGSP of the surrounding area over time, which has informed the assessment of the subject application.
31. This is detailed further in the 'Discussion' section of this report.

Competitive Design Process

32. In accordance with Section 3.5 of the City of Sydney Competitive Design Policy and Section 3.1.3 of the Western Gateway Sub-Precinct Design Guide, an Invited Architectural Design Competition was held between 24 March 2020 and 5 August 2020 for a future development on Block B of the WGSP. The process was held virtually due to the Covid-19 pandemic and was amended during the process in response to travel restrictions, remote working, and social distancing requirements.
33. The six (6) architectural practices that were invited to make submissions include:
 - (a) Bates Smart + Smart Design Studios + March
 - (b) Foster + Partners
 - (c) Francis-Jones Morehen Thorp (FJMT) + Candalepas + MSP + Tribe
 - (d) Skidmore Owings and Merrill + Fender Katsalidis (SOM+FK)
 - (e) UNStudio + Buchan
 - (f) Woods Bagot
34. Following from the final presentations, the Competition Jury shortlisted two teams to further refine their proposals as they were considered to best respond to the assessment criteria and Competition Brief and were most capable of exhibiting design excellence. The shortlisted teams were:
 - (a) FJMT + Candalepas + MSP + Tribe
 - (b) SOM + FK
35. The shortlisted competitors presented their amended schemes on 7 July 2020. The Jury considered the FJMT + Candalepas + MSP + Tribe scheme presented a strong architectural resolution while the SOM + FK scheme proposed a stronger urban strategy. A unique feature of the SOM + FK scheme was also the 'Attractor' building.
36. The Jury considered that the urban strategy of the SOM + FK scheme was most important, and the architectural resolution could be further developed.
37. Accordingly, the SOM + FK scheme was selected as the winner of the design competition.
38. A photomontage of the winning scheme is provided in Figure 20.



Figure 20: Photomontage of the SOM + FK design competition winning scheme.

39. The Jury was unanimous in its decision for the reasons outlined below. The Jury advised that these attributes were required to be retained in further design development of the scheme:
- (a) The primary urban proposition of opening up the ground plane to create a simple contiguous space with Railway Square, Broadway and the adjoining sites provides clarity and flexibility, that allows for retail activation to Henry Deane Plaza and the frontage to Lee Street.
 - (b) The placement and configuration of the towers to the south and east of the site that reduces the apparent bulk and scale around Henry Deane Plaza.
 - (c) The clarity and legibility of the progression from Henry Deane Plaza to the future concourse over the railway.
 - (d) The resolution of the termination of the 'Worker's Laneway' to Lee Street.
 - (e) The location of the 'Attractor' as an object within the broader ground plane that contributes to activation and mediates the scale of the towers.
 - (f) The potential of the 'Attractor' to have its own architectural identity.
 - (g) The introduction of a distinct podium element differentiated from the towers and responsive to the pedestrian scale of the Sub-Precinct.
 - (h) The proposed use of masonry materials for the podium.

- (i) The north lobby arrival experience providing visual connection to the context of key heritage buildings, and the adjacent public domain.
 - (j) The variety of interconnected floorplates within the podium components.
40. The Jury also identified elements of the design that required further resolution in the design development phase so as to ensure consistency with the competition Brief and maintaining the intent of the original design. These elements are:
- (a) Refinement of the public realm interface having regard to the wider Western Gateway Sub-Precinct Public Domain strategy and in consideration of adjacent property ownership and rights over the site.
 - (b) Further investigation of the core locations and tower floor plates to facilitate contemporary workplace requirements and efficient subdivision.
 - (c) Further investigation and resolution of the tower facades including:
 - (i) impact of a side core;
 - (ii) investigation of structure and whether an external mega-brace is required structurally, and if not, consider deleting it or if needed, locating on the inside face of the building;
 - (iii) the material and expression of the mega-brace, if retained, including the relationship to and impact on the reading of the podium; and
 - (iv) consideration of materials and a lighter colour palette for the towers relating to the skyline as distinct from the podium.
 - (d) Refinement of the podium to provide an authentic expression of the masonry palette, and a visual and physical connection to the ground while retaining appropriate permeability.
 - (e) Further significant resolution of the architectural expression of the 'Attractor'. Consideration should be given to adopting a calmer less dynamic form, albeit with its own expression. The plan at RL16 demonstrates a clear strategy, whereas the shifts of focus at the upper levels seems to confuse the form. The opportunity for independent architectural authorship of the 'Attractor' and/or indigenous artists' collaboration in the project design should be explored.
 - (f) Refinement of the retail strategy to satisfy the retail brief, including tenancy requirements of the market hall and ensuring appropriate weather protection.
 - (g) The capacity for the scheme to be implemented in two clear independent stages for the towers is to be developed, while retaining flexibility in relation to staging of the podium.

Amendments

Design Advisory Panel - May 2021

- 41. The subject application was submitted to Council on 19 March 2021.
- 42. Following a preliminary assessment of the proposed development by Council Officers, the application was presented to the Design Advisory Panel (DAP) on 20 May 2021.

43. DAP raised the following issues:

- (a) The development needs to be considered with the Attractor building, the Pavilion, and the design of the surrounding public domain. The Panel reiterated that the lack of coordination and visibility of the adjoining development places enormous constraints to achieving overall design excellence in the precinct.
- (b) The Panel recommended that the Integrated Distribution Management Plan include consolidated access and servicing needs for Central Station, the adjoining developments, the future over station developments and the discontinued use of Ambulance Avenue.
- (c) The current iteration of the tower form appears more monolithic, with less variation and articulation.
- (d) The proposed use of the glazing type is acceptable if the façade system provides satisfactory environmental performance.

Podium and ground plane

- (e) The ground plane and street interface on Lee Street is poorly designed. The narrow and single level access is not acceptable. There should be multiple accessible entries for the length of frontage and a development of this size. Gentle ramping should be incorporated into the stairs to improve access from north on Lee Street both into the development and Henry Deane Plaza.
- (f) Noting that it is subject to coordination with Toga and Atlassian sites, the meanness of the stairs to Henry Deane Plaza was raised as a serious concern.
- (g) The amenity of the public spaces, including Henry Deane Plaza, George Street, Lee Street, Railway Square, and the future Central Square is of utmost importance. The wind conditions should not be worse and should be improved given the number of people that will staying, working, visiting, and moving through these spaces. Further work is required to overcome the adverse conditions that the proposal is currently creating. The use of the Draft Design Guide as a minimum criterion is supported, the development should not be determined until the design guide is finalised.
- (h) The proposed sculptural use of sandstone is questionable and does not reflect a good understanding of the material qualities of the specified sandstone. The Panel is not convinced that the detailing, uniform colour, and finish presented is achievable with the specified sandstone. Alternative materials such as terracotta or corbelled brick could be investigated.
- (i) The Panel is also concerned about the feasibility of the proposed terrace and balcony planting. Further investigations into suitable planting species and maintenance regime are needed to achieve and sustain the amount of greening proposed. The impact of reflected heat from the glazing should also be considered.

Sustainability

- (j) The environmental performance of the building needs further interrogation and development. The Panel questioned the basis for the target '20% Solar Incident Reduction'. The Panel recommend that the design of the shading be informed by thorough modelling and analysis of solar radiation on all elevations to achieve the optimal thermal comfort, mitigate glare and reduce heat gain.
- (k) The awnings need to provide greater protection particularly on eastern and western elevations and should result in a more dynamic façade design.

Additional Information

- 44. A written request for design modifications and additional information was sent to the applicant on 17 June 2021, which included the following:
 - (a) Reiteration of the DAP advice outlined above, particularly regarding the podium and tower design
 - (b) Requirement to provide the detailed design of the Attractor and Pavilion buildings
 - (c) Clarification on the staging of the development with other developments in the WGSP
 - (d) A revised Wind Report that was supported by wind tunnel testing and wind mitigation measures
 - (e) Revised landscape design and updated package with further landscaping details
 - (f) Submission of an Arboricultural Impact Assessment
 - (g) Further consideration made to heritage interpretation
 - (h) Coordination of public art with the Atlassian and Toga developments
 - (i) Revised waste management plan
 - (j) Advice from external agencies
- 45. The applicant provided an initial response to Council's request for additional information on 31 August 2021, which included the following:
 - (a) A statement indicating that a subsequent submission to Council will be made with the detailed design of the Attractor and Pavilion buildings as well as design changes to the podium and tower in response to the feedback provided by Council and DAP.
 - (b) Landscape Plans and drawings
 - (c) Arboricultural Impact Assessment
 - (d) Preliminary Public Art locations
 - (e) Updated Waste Management Plan
 - (f) Updated Structural Report

- (g) IDF Operations and Management Plan
 - (h) Goods Line Heritage Structures Report and Archaeological Assessment
46. On 28 September 2021 and 1 March 2022, meetings were held with the applicant in which the design team presented updated information to Council officers on the detailed design of the Pavilion building as well as a response to DAP feedback on the podium and tower designs.
47. The design team included Edition Office who were engaged to progress the design of the Attractor building.

Design Advisory Panel - March 2022

48. The applicant's presentation from the 1 March 2022 meeting was presented to DAP on 24 March 2022. The following concerns were raised by DAP:
- (a) The current design does not achieve design excellence. The scheme originally won the design competition because it had the best urban strategy. However, further design development is required to finesse the scheme.
 - (b) The Panel noted concerns from the original design jury have still not been addressed and comments made by the Panel previously have not been satisfactorily resolved.
 - (c) The 'Attractor' building looks bigger and bulkier than the envelope shown in the competition phase.
 - (d) The Panel is not comfortable with vague technology uses being proposed in the 'Attractor' that could easily just become office space.
 - (e) There needs to be a public interface, connection, and activation at the base and ground floor of all buildings, particularly on Lee Street.
 - (f) The towers have improved. However, development of the design has made the towers look more uniform and less like three separate towers, and at odds with the precinct's urban grain.
 - (g) The masonry podium should read as a masonry base that takes its cue from its context. Contextually most of the masonry is red brick. The Panel is not sure why the white brick is proposed.
 - (h) The green verge balconies on the north do not give any weight to the podium.
 - (i) The public realm resolution is poor and is excessively privatised.
 - (j) The Panel suggested that a Subcommittee be formed and comprise of DAP members who were part of the competition jury.
 - (k) The sub-committee should convene to discuss a framework that identifies points of concern and contentions to discuss with the proponent for further development. The framework should be provided a week before meeting with the proponent.

DAP Subcommittee

49. Following from the DAP meeting on 24 March 2022, a DAP Subcommittee (Subcommittee) was established, comprising of four members of the DAP. Three of the four members were also part of the Design Competition Jury.
50. Amended plans and additional information in response to Council's Request for Information was submitted on 25 March 2022. The amended plans were provided to the Subcommittee who convened on 7 April 2022.
51. Overall, the Subcommittee raised concern that the proposal significantly deviated from the positive design features that contributed to the scheme being awarded the design competition. The Subcommittee noted that the winning design's key move was the L-shaped arrangement of the towers, extending Henry Deane Plaza and the provision of the 'Attractor' building (now identified as the 'Connector' building) which had a scale relationship to the former Parcel Post building. It also opened up the ground plane that interfaced with Lee Street at RL 16 and RL 21.
52. The Subcommittee also identified the following key points of concern regarding the development, which were subsequently provided to the applicant:

Improve activation of the upper and lower ground plane

- (a) The level of activation at the upper ground plan is unsatisfactory, noting only 3 retail spaces are provided. The lower ground marketplace and food court is not considered a civic space. The lower ground floor will be completely enclosed. Other than a relatively small oculus set deep within the central atrium space for the office tower, the lower ground floor will be completely enclosed, reliant on artificial lighting and with a relatively low floor to ceiling height.
- (b) The lower ground level retail space will not be readily visible and used by the public. On weekends, it is likely to not be an activated precinct. The proposal, in its current form, does not fulfil the vision of the WGSP as “a new and exciting destination at the southern end of Central Sydney” and provide “a series of rich and meaningful spaces that are activated, accessible, safe and which create opportunities for visitors and workers to converse, collaborate, transit and relax”.
- (c) The Subcommittee was concerned about the relationship of the upper ground level to Lee Street, noting that it is raised above the Lee Street level and separated by stairs, ramps, landscaping, and columns associated with the connector building.
- (d) To improve the retail aspect of the proposal, the extent of lobby space needs to be significantly rationalised and a greater amount (and variety) of retail spaces, including opening up the lower ground floor marketplace to the sky as much as possible.
- (e) The retail component should be an attraction in itself, using laneway style precincts such as Steam Mill Lane in Darling Quarter, Spice Alley in Central Park, Chippendale and Scotch Row in Barangaroo as good precedents. There is also the opportunity to connect this level to Lee Street north of the Connector. At the upper ground level, the raised levels (RL 20) need to be recessed further into the site away from Lee Street and greater amount of retail space should align Lee Street.

Scale and footprint of the Connector building

- (f) The panel noted that the Design Competition Jury supported the contextually scaled and expressive nature of the Connector in its relationship with the former Parcels Post Office. The Connector building has now become too dominant in size, is 2 storeys higher and occupies much more of the public open space. A lift core has been added, however, the structure supporting this, and the perimeter columns are not shown on the lower ground floor or 'marketplace'.
- (g) The objective stated in the Design Competition entry that "the Connector is seen as building in the round enabling the ground plane to continue under and through it" has been lost.
- (h) The height of the Connector building should be lowered so as to relate to the former Parcel Post building again.
- (i) The footprint should be reduced, deleting the core, and push the Connector further into the site, in a south-easterly direction, thereby extending and opening up Henry Deane Plaza.

Scale and architectural treatment of tower podium

- (j) The Design Guide requires built form on Block B to incorporate a podium that is set forward of the tower façade line and be designed to visually read in the streetscape as a building of two parts, including a podium structure with a tower above.
- (k) The podium in the Design Competition scheme correlated with the roof height of the Parcel Post building. The proposed podium height has increased in height by approximately 2 storeys and erodes the contextual relationship with the neighbouring heritage building that was commended in the Design Competition.
- (l) The Subcommittee is not satisfied with the proposed material changes of the podium from red brick to warm grey brick, which is not contextual with the prevailing red brick character of the area. The slender curved columns, and the introduction of an elevated ground level on recessed curved columns do not achieve the visual and physical connection to the ground recommended by the Jury and lacks a sense of solidity in the competition scheme.
- (m) The Subcommittee questions the expression of the cantilevered landscaped terraces in the podium as overly dominant horizontal elements reducing the connection of the podium to the ground plane.
- (n) The height of the podium should be lowered to relate to the datum of the Parcel Post building. The materials and expression should better reflect the surrounding context and visually bring the podium to the ground.

Design treatment for the 'Pavilion'

- (o) It is acknowledged that the Pavilion assists in creating a comfortable wind environment for the precinct. The Subcommittee raises concern that the Pavilion detracts from the continuity of the public realm. The simplicity associated with extending levels of the buildings as platforms to unify the varying levels and unify the public realm has been lost.

- (p) The Subcommittee recommends that the Pavilion needs to form a neutral link between the site and the Atlassian development, rather than be a statement building.

Tower facades

- (q) The Subcommittee noted the changes in the façade design to a passive approach with optimal shading and 'smart awnings' and the integration of facade components, solar shading, energy generation and ventilation. This approach should be further developed and rigorously tested to ensure it meets the stated environmental objectives.
53. On 3 May 2022, the applicant's design team presented their responses to the Subcommittee advice. The Subcommittee remained concerned that a number of issues raised in previous advice remain to be addressed.
54. The following key issues were identified for further design refinement and sent to the applicant on 27 May 2022 in order for the Subcommittee to recommend that design excellence has been achieved:

Public Realm

- (a) A greater physical and visual connection should be provided between the main plaza at RL 21 and the retail level below, including increasing the scale of the aperture at Lee Street, providing a generous oculus centrally, and identifying where other connections can be provided.
- (b) Clearly defined retail uses need to be provided adjacent to the lift lobbies and in the plaza level of the Connector to increase activation.
- (c) The interface between retail uses in the Connector and Lee Street need resolution to ensure a seamless relationship with the future pedestrianisation of Lee Street. There is also potential for the Connector to interact with the lower-level retail.

The 'Connector'

- (d) There appears to be a shift in the concept of this element in its relationship to the two other buildings, which is inconsistent with the competition scheme. This includes its previous potential to offer an innovative and distinctive use to complement the workplace and this shift is not supported.
- (e) Previously the ground plane around the Connector was more open with lighter upper-level bridge connections to the towers. By becoming more integrated (especially at the ground level) it has lost the potential for greater activation of the ground plane and connection to the surrounding public realm.
- (f) The current proposal for an expanded and independent core has generated an increased size of footprint and adjusted location. The size and location of the footprint needs to be consistent with the competition scheme.
- (g) The critical relationship previously proposed between the scale of the Connector and the former Post and Parcel building has been lost. The bulk and height of the Connector needs to be reduced in order to retain this relationship.

Podium Scale, Design and Materials

- (h) The scale and bulk of the podium elements has increased significantly from the competition scheme, and this has not only had a negative impact on the proportional relationship between the tower and podium but also the critical relationship with the former Parcels Post building.
- (i) The Subcommittee recommends the podium elements be reduced in height consistent with the previous competition scheme.
- (j) The Subcommittee maintains the strong view that the brick colour needs to be more consistent with the predominant red palette within this heritage precinct as this is critical to its coherency.
- (k) The relationship between the concrete columns and the body of the masonry podium visually separates the podium from the ground and is awkward in its relationship to the public realm. This needs further resolution.

Pavilion

- (l) The role of the pavilion as temporary mitigation of wind impacts is acknowledged however a more minimal approach is recommended.
 - (m) The Subcommittee is concerned that the current proposal for an independent element adds unnecessary complexity to the public realm experience and recommends a simple extension of a horizontal plane visually connecting to the Atlasian podium with a more recessive vertical plane.
55. On 1 August 2022, amended plans and additional information was submitted to Council. The information was re-notified and distributed to Council Officers for further assessment.

Proposed Development

56. The amended proposal seeks consent for the following:
- (a) Demolition of all existing structures and improvements on the site
 - (b) Construction and use of a mixed-use development comprising 154,993 square metres of commercial and retail GFA within two podium and tower buildings, comprising:
 - (i) A 35 storey 'north tower' comprising a podium and tower building
 - (ii) A 37 storey 'south tower' comprising a podium and tower building
 - (iii) Connections between the northern and southern podiums up to level 8
 - (iv) Retail land uses at the Basement 1, lower and upper ground levels of the buildings and an activated frontage and interface to Henry Deane Plaza.
 - (v) An 8 storey 'Connector' building in the public realm with indicative retail and office uses;

- (vi) A 'Pavilion' building located at the northern end of the site at the interface to Block A
- (c) Three levels of basement to accommodate:
 - (i) Retail, bicycle parking and end-of-trip facilities for office and retail occupants on Basement Level 1
 - (ii) 48 service vehicle and loading dock parking spaces and distribution area within an Integrated Distribution Facility (IDF) on Basement Level 2
 - (iii) 125 parking spaces on Basement Level 3
 - (iv) Provision for vehicle access connections via the proposed basement to the proposed Block A and existing Block C uses
 - (v) Provision for emergency, maintenance and service vehicle parking and distribution area for the future Central Over Station Development (OSD).
- (d) On-grade bicycle parking for visitors located in the public realm and adjacent to the end-of-trip facilities.
- (e) A new private access road at the southern end of the site providing access to the basement and IDF, as well as future provision for OSD access.
- (f) The provision of new public realm to integrate with broader public realm improvements (by others) and physical connections to the future Central OSD providing an east-west pedestrian connection to and from the Western Gateway Sub-Precinct.
- (g) The staged construction of the development as set out in the table below:

Stage	Works
	Stage 1 - Construction and use of the basement levels; access road; North Tower; South Tower including ground, Level 1, 2 and 3; the Pavilion building, Connector building, and public realm improvements
CC1	Temporary bridge over Goods Line and services relocation to substation access. Relinquishing of all Council easements
CC2	Demolition above ground
CC3	Below ground excavation and shoring
CC4	IDF and basement structure to ground
CC5	Structure and façade

Stage	Works
CC6	Building works, including services and finishes
CC7	External works and landscaping
Stage 2 - Construction and use of the South Tower and associated public realm improvements	
CC8	Structure and façade
CC9	Building works, including services and finishes
CC10	External works and landscaping

57. Selected photomontages, plans and elevations of the proposed development are provided in Figures 21 to 57 below.



Figure 21: Photomontage of the proposed development (tower, Connector and Pavilion) in the context with the Atlassian development viewed from Lee Street, looking south.



Figure 22: Photomontage of the proposed tower development looking down to the site and Lee Street.



Figure 23: Photomontage of the Pavilion, podium, and Connector buildings, looking south.



Figure 24: Photomontage of the Connector building viewed from Lee Street.



Figure 25: Photomontage of the envisioned fine grain, laneway retail activation at the ground floor.



Figure 26: Sectional photomontage of the Pavilion and lower and upper ground floors in the context of Henry Deane Plaza, the podium, tower base and Connector building.

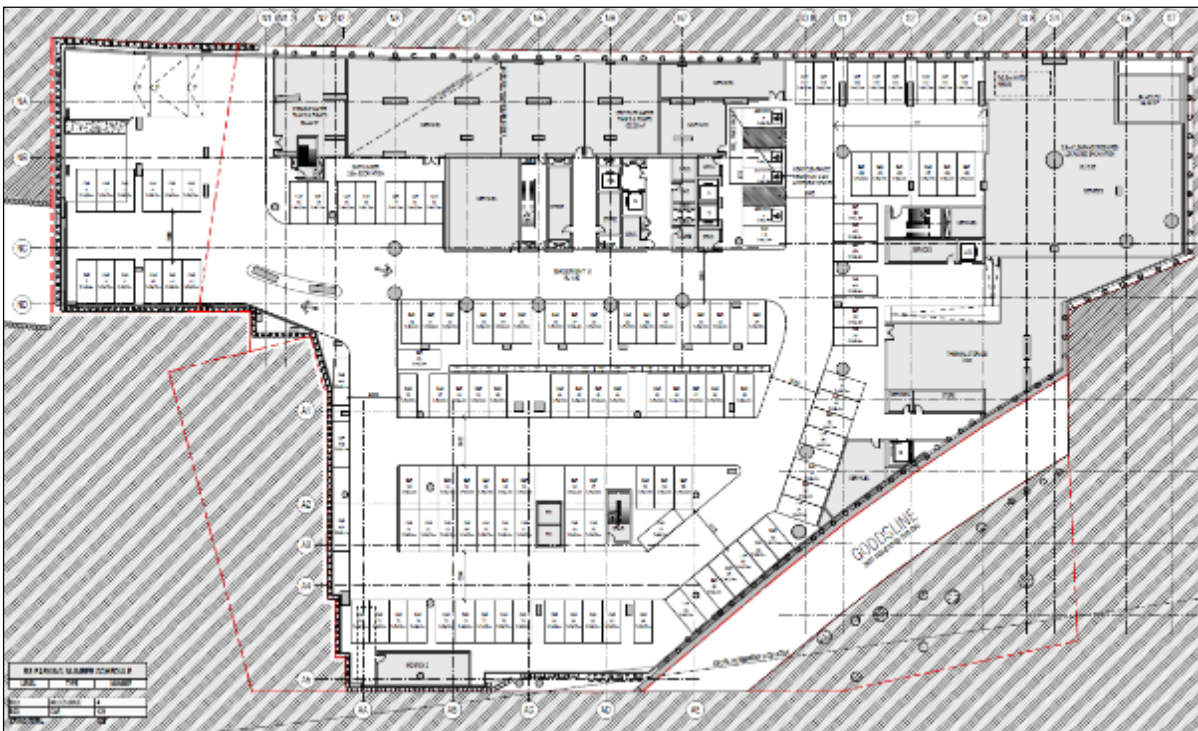


Figure 27: Proposed Basement Level 3 Plan

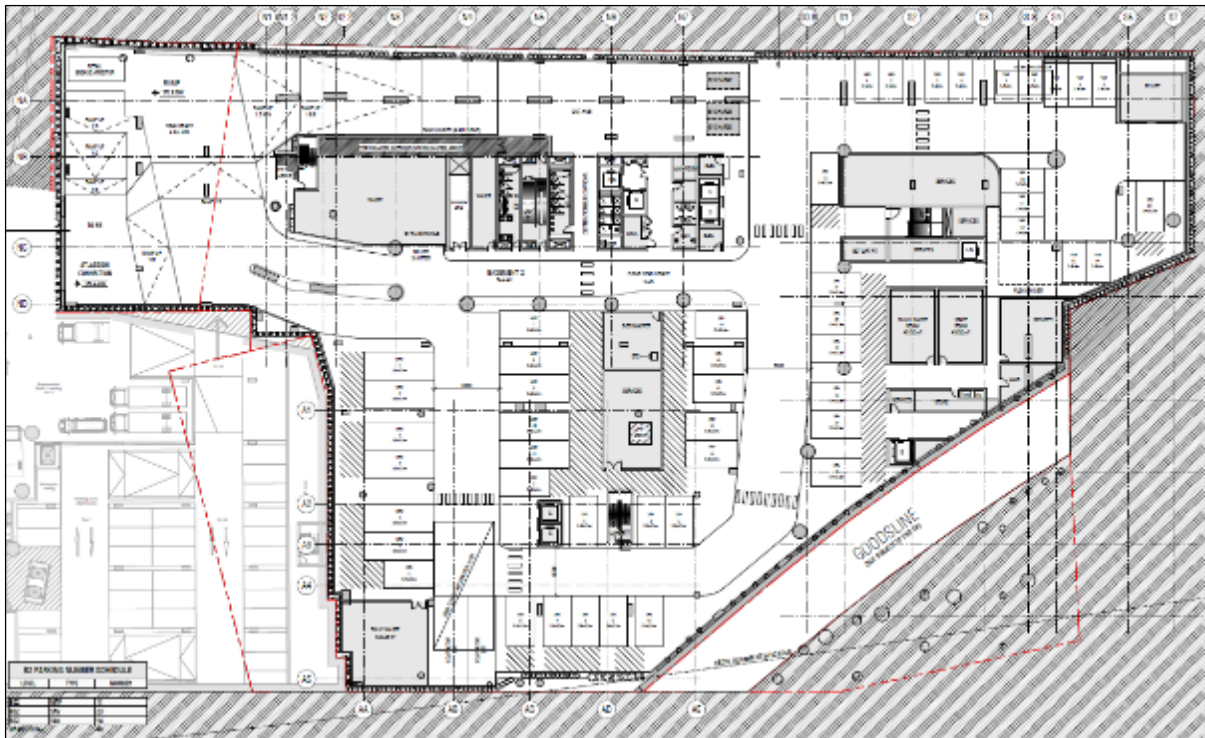


Figure 28: Proposed Basement Level 2 Plan

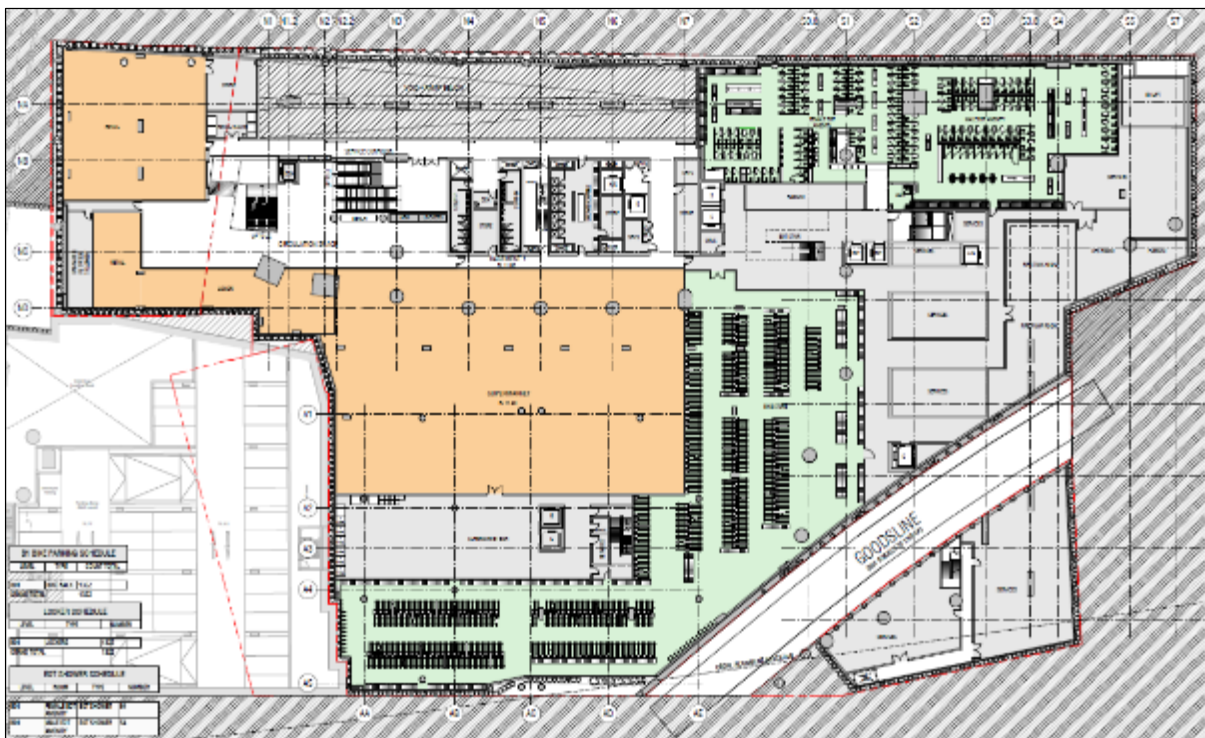


Figure 29: Proposed Basement Level 1 Plan

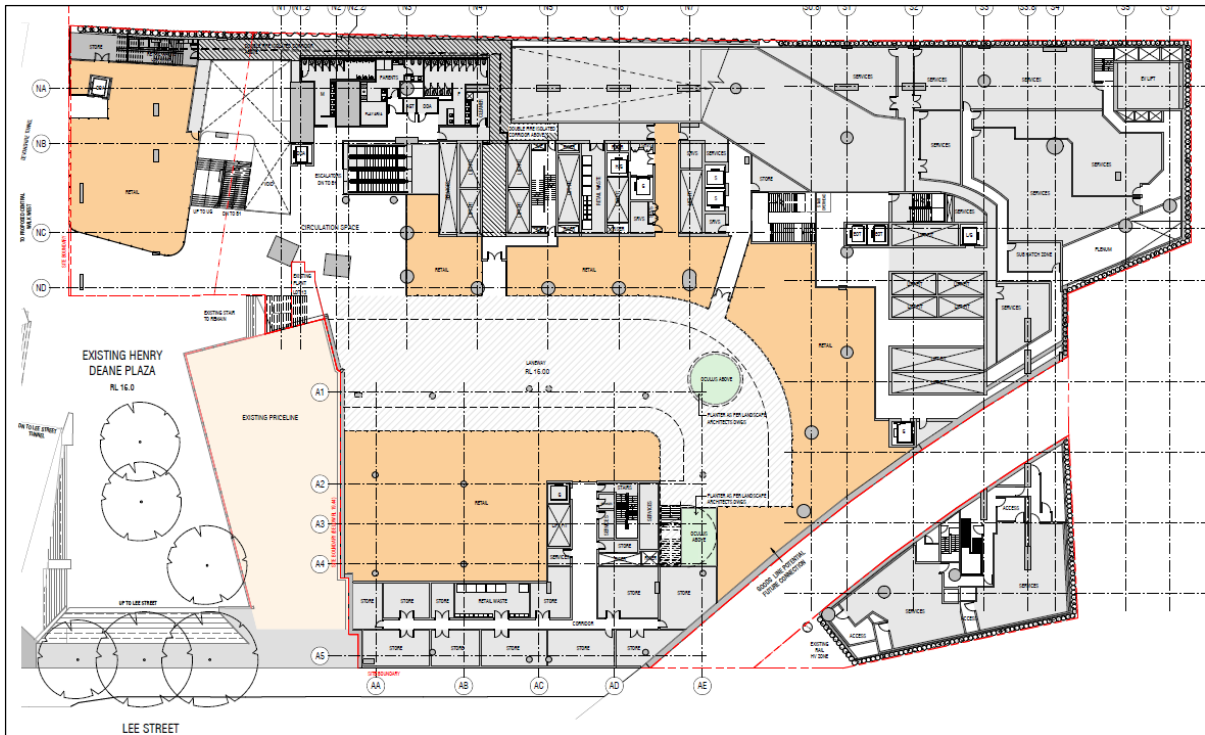


Figure 30: Proposed Lower Ground Floor Plan

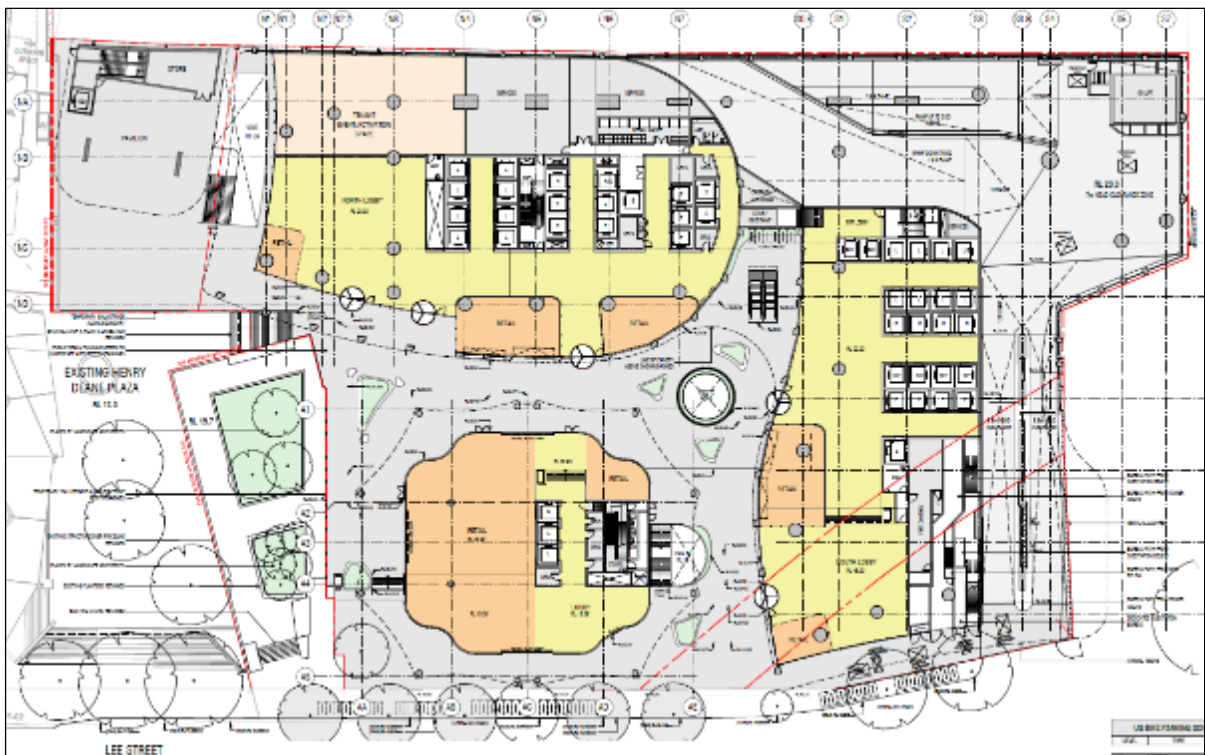


Figure 31: Proposed Upper Ground Floor Plan

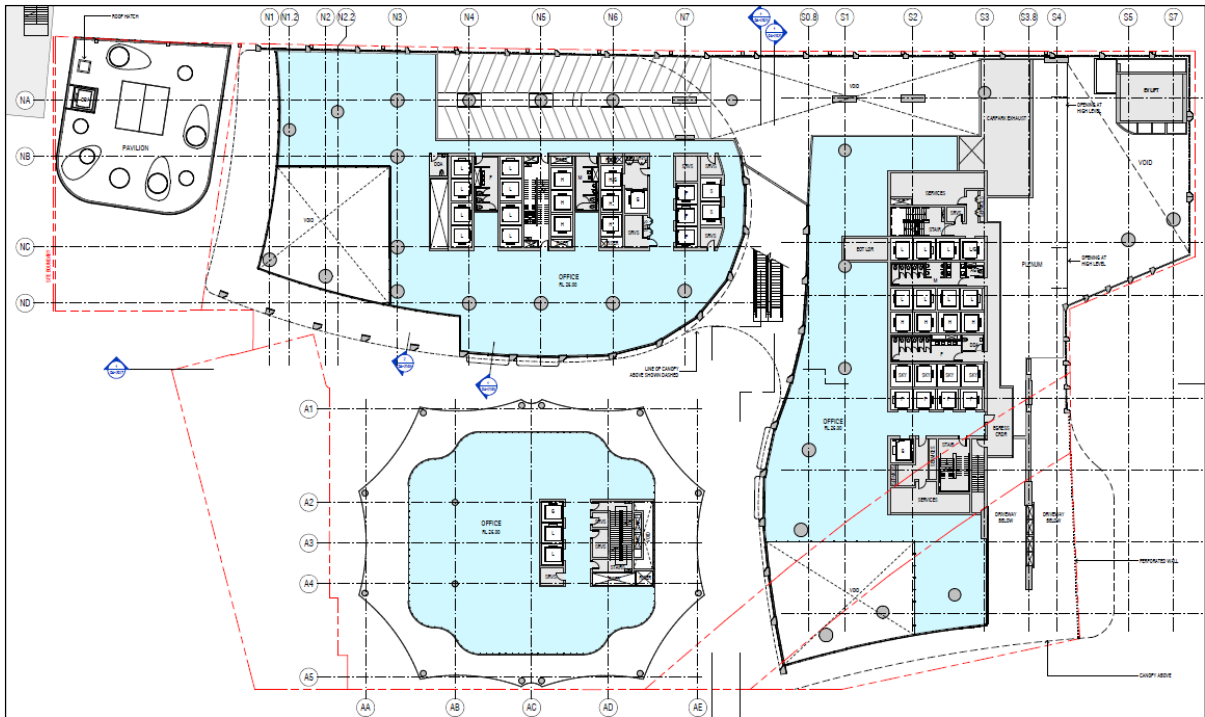


Figure 32: Proposed Level 1 Floor Plan

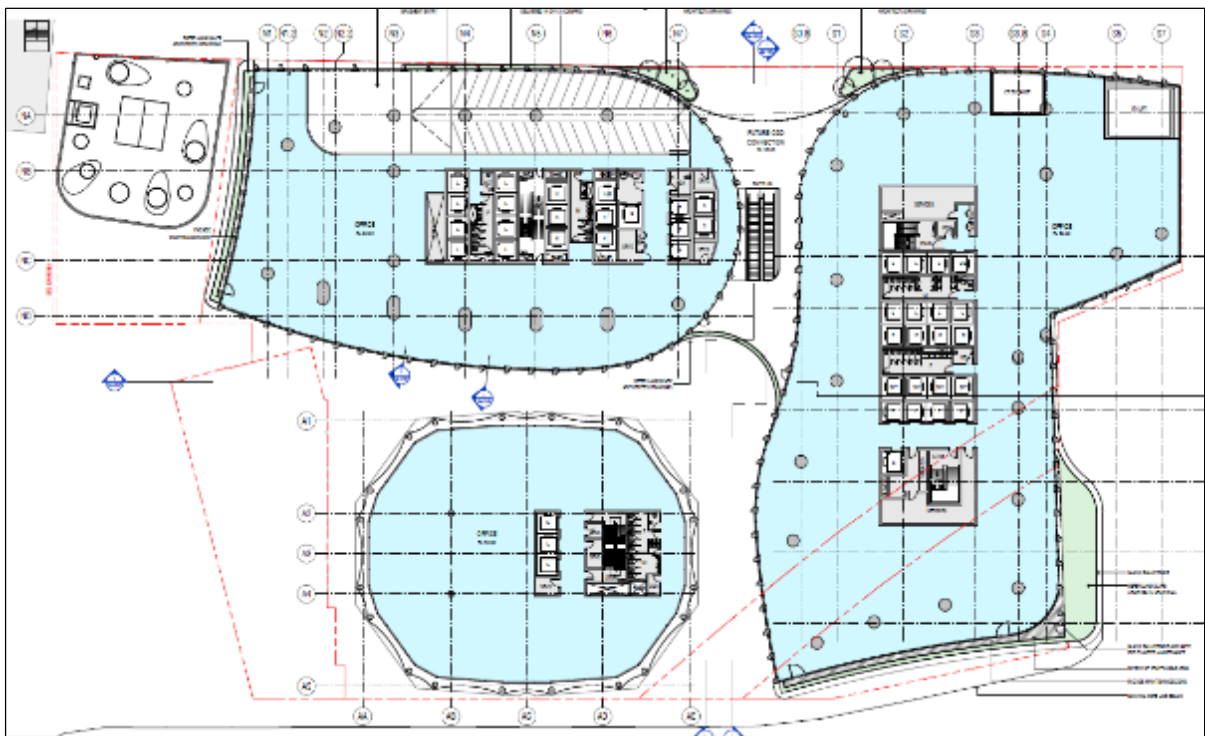


Figure 33: Proposed Level 2 Floor Plan

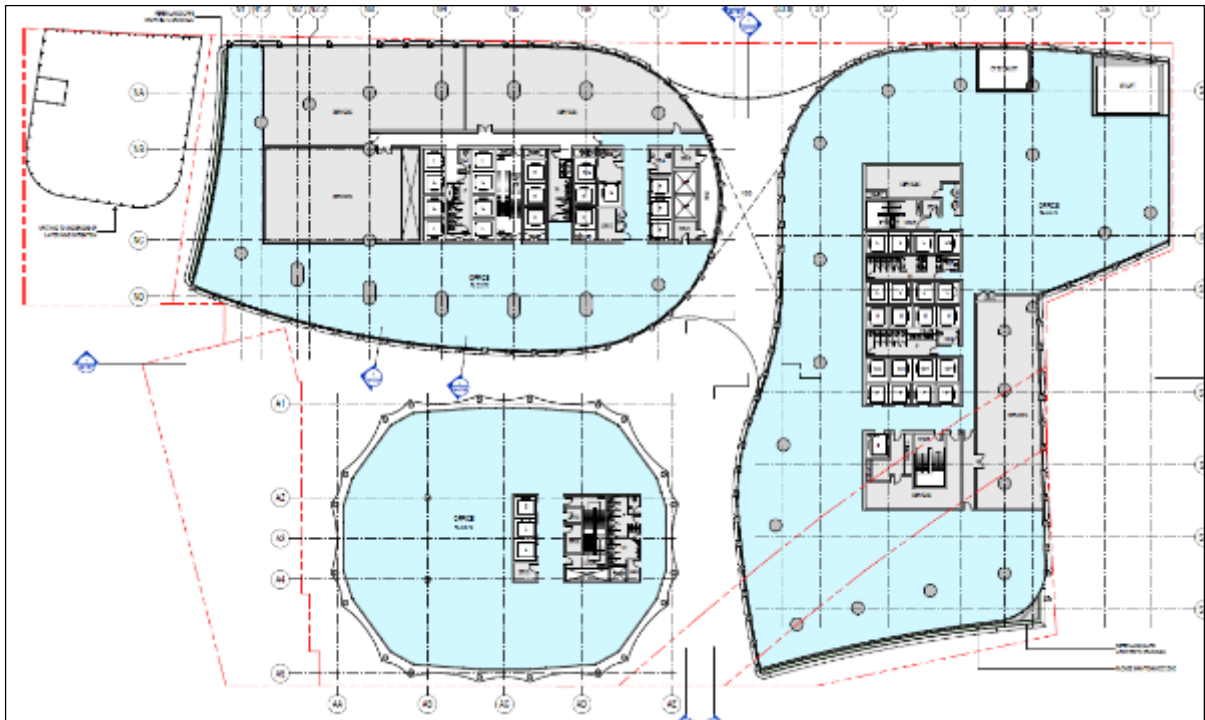


Figure 34: Proposed Level 3 Floor Plan

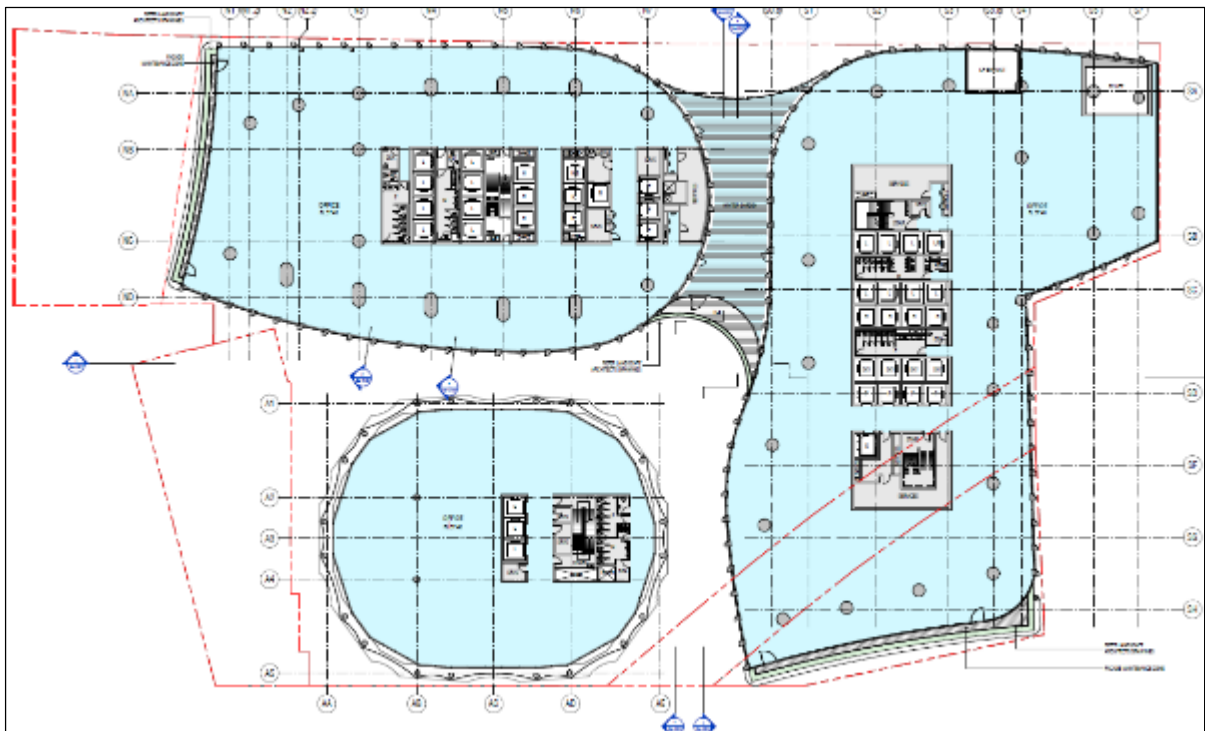


Figure 35: Typical Levels 4-7 Floor Plan



Figure 36: Level 8 Floor Plan

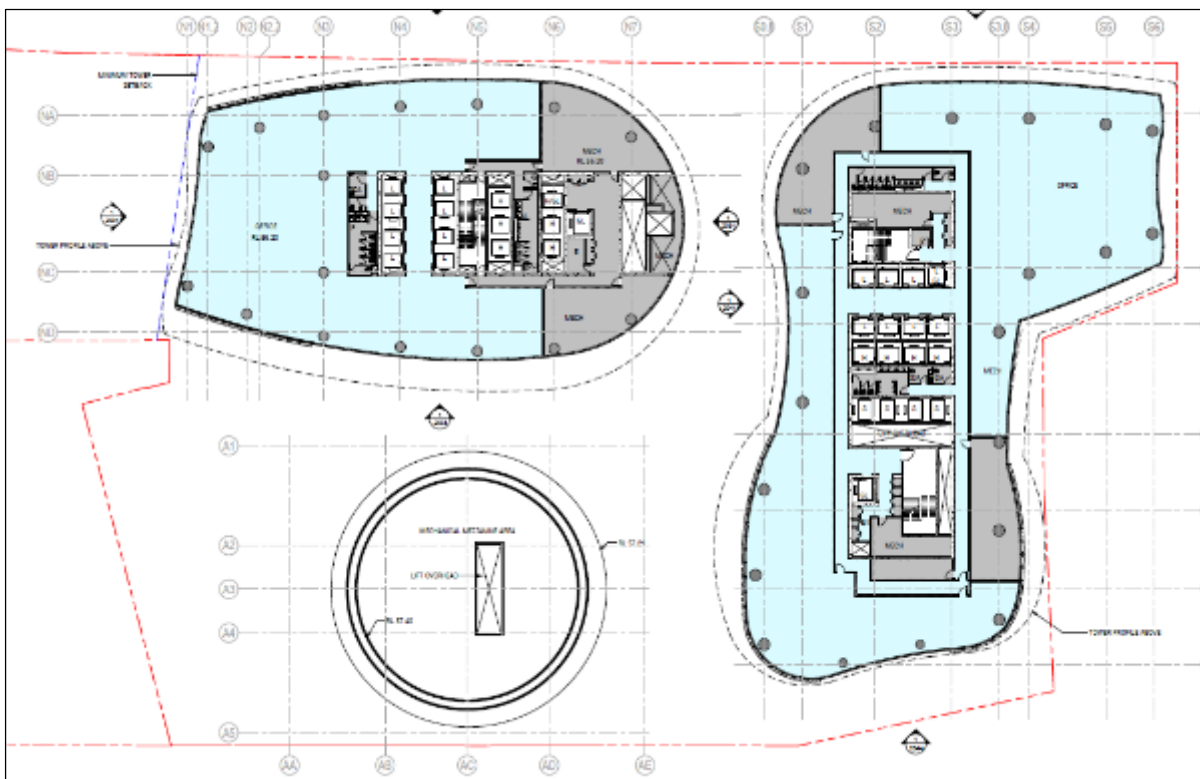


Figure 37: Level 9 Floor Plan

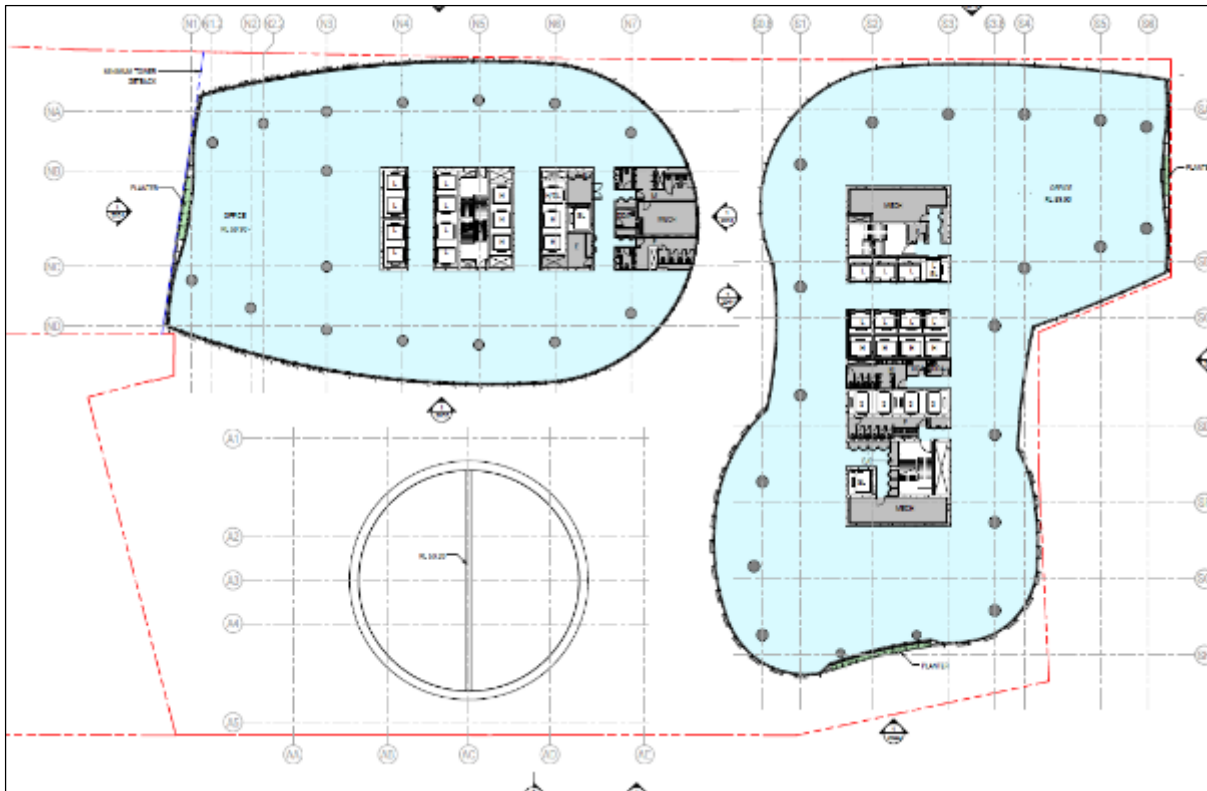


Figure 38: Typical Levels 10-15 and 18-22 Floor Plan

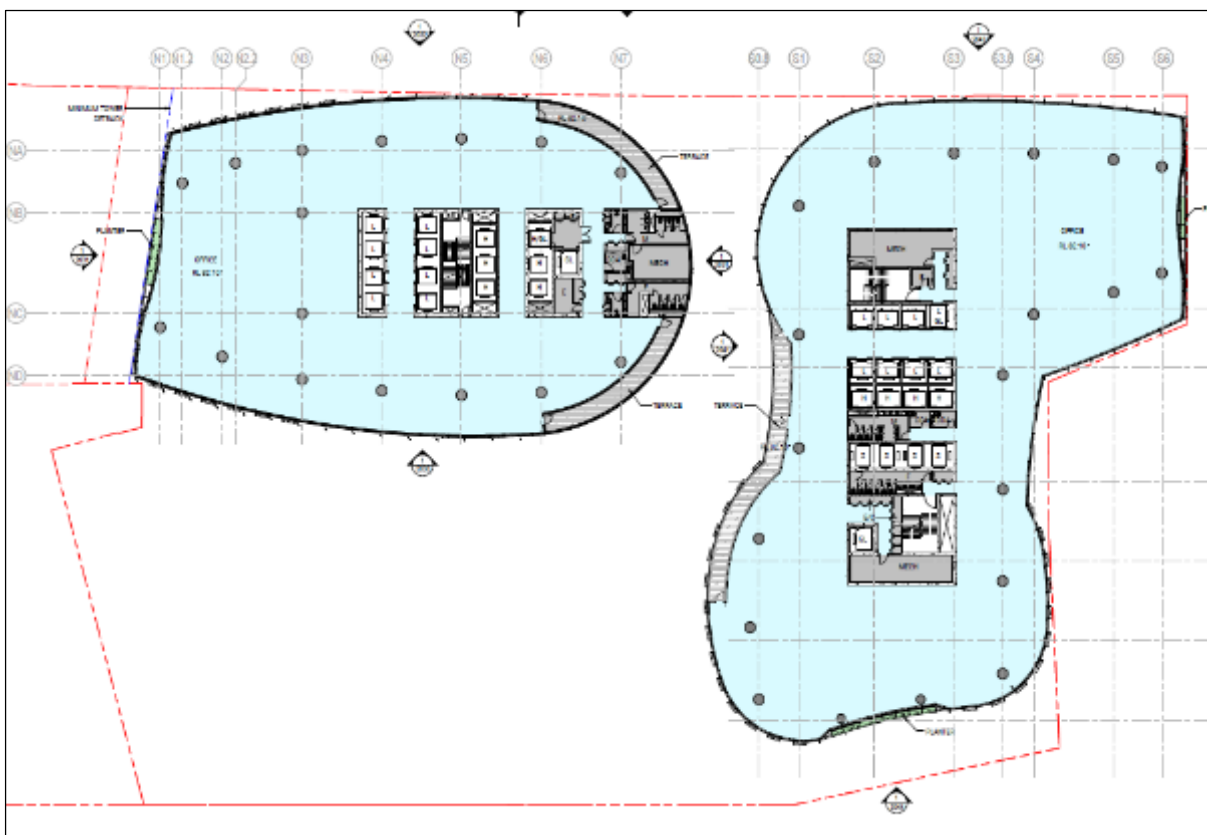


Figure 39: Level 16 and 32 Floor Plan

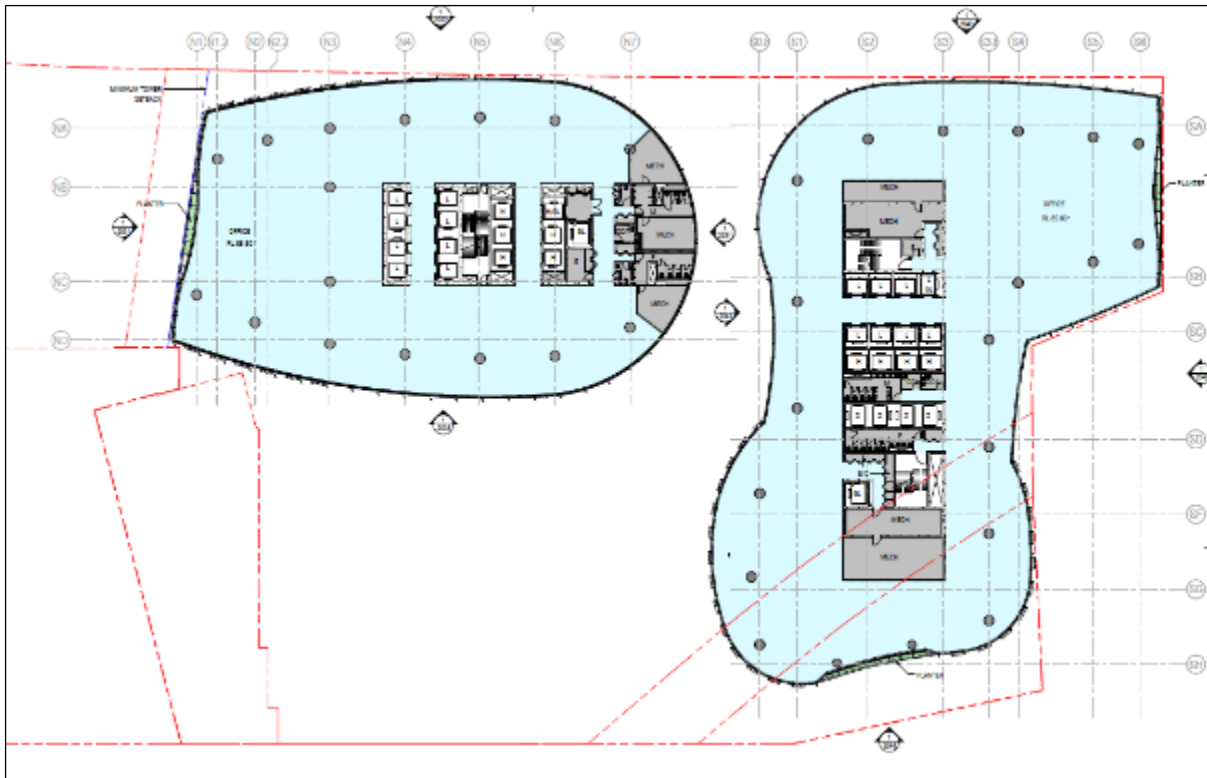


Figure 40: Level 17 and Typical Tower Floor Plan

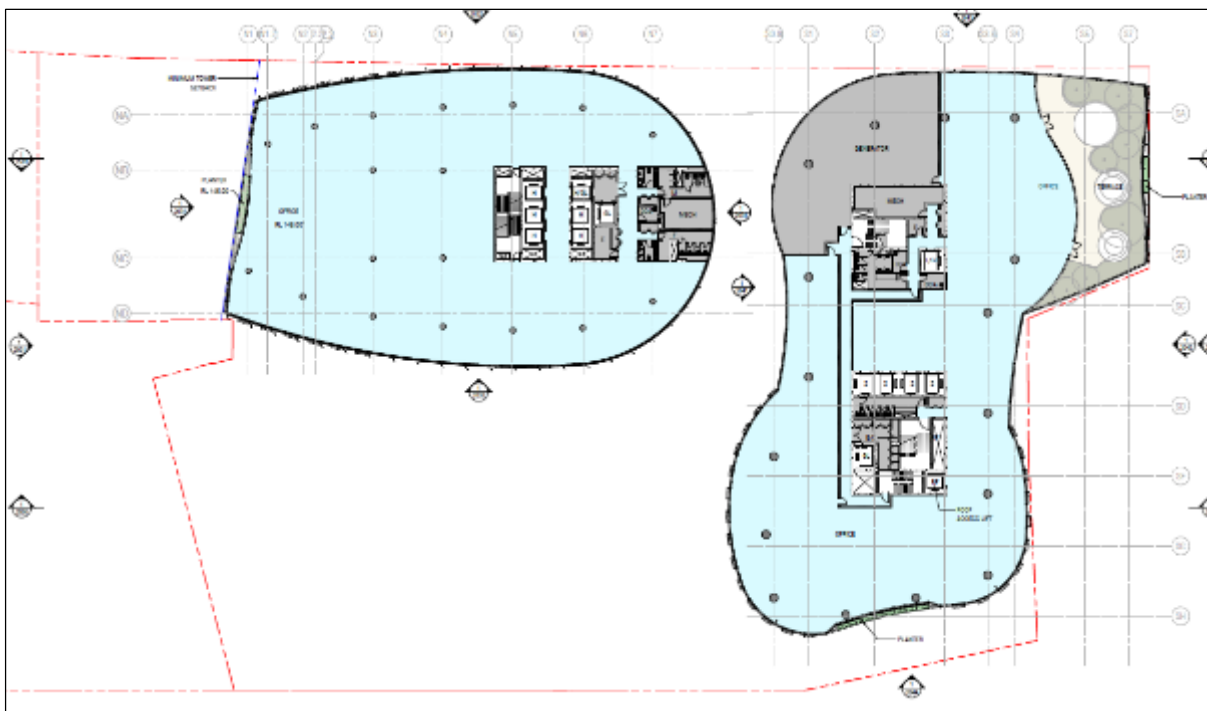


Figure 41: Level 33 Floor Plan and Typical Levels 28-33 High Rise Plan for North Tower

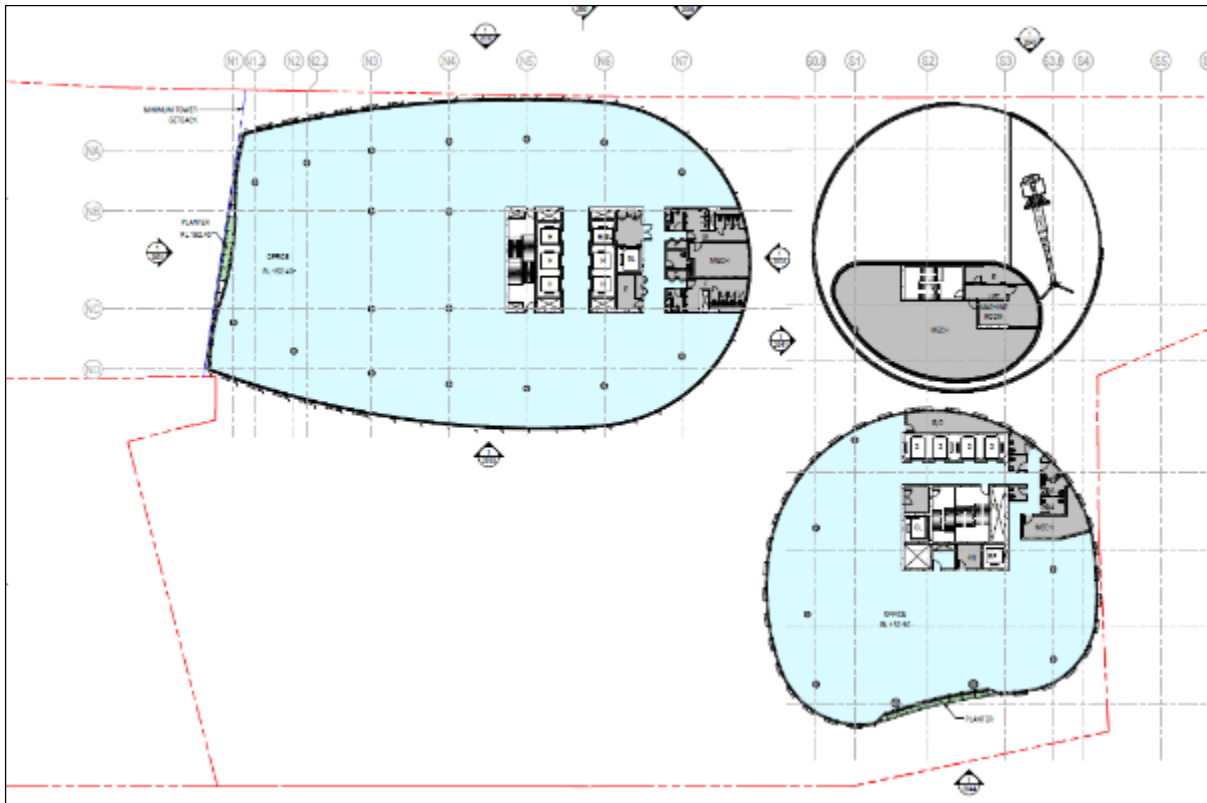


Figure 42: Level 35 Floor Plan and Typical Levels 34-37 High Rise Plan for South Tower

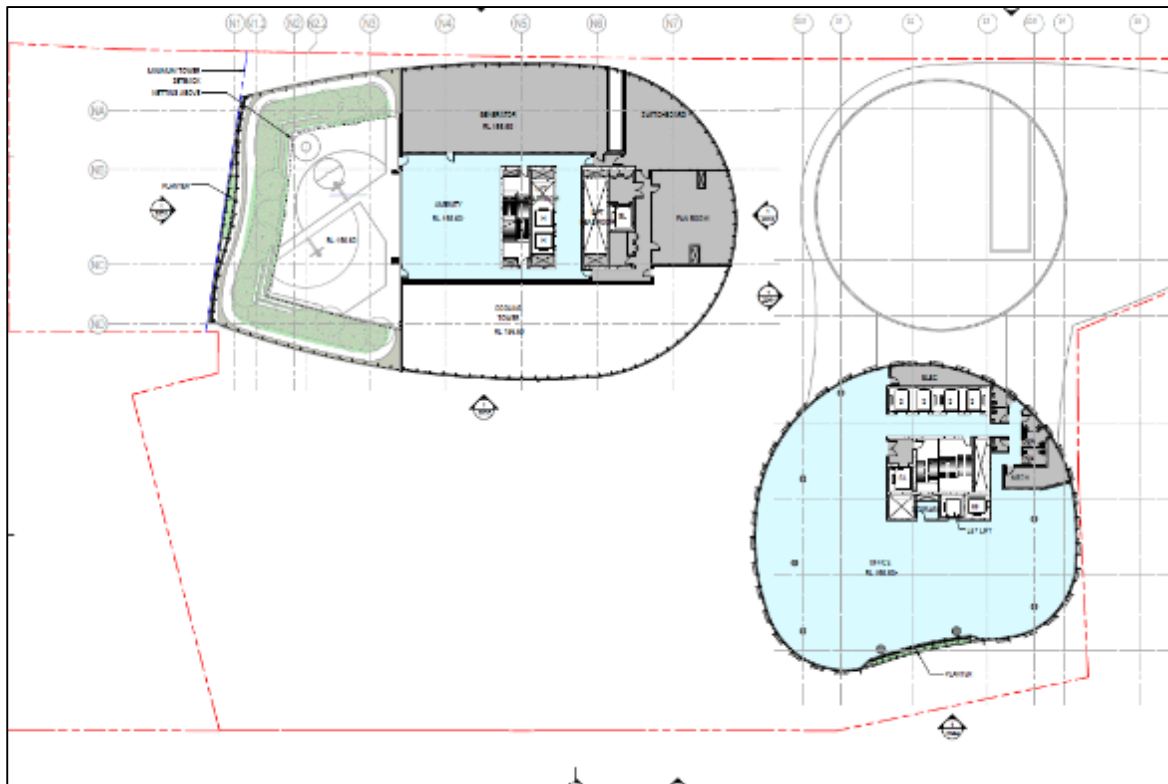


Figure 43: Level 36 Floor Plan - Typical Levels 34-37 High Rise Plan for South Tower and Roof Plan of North Tower

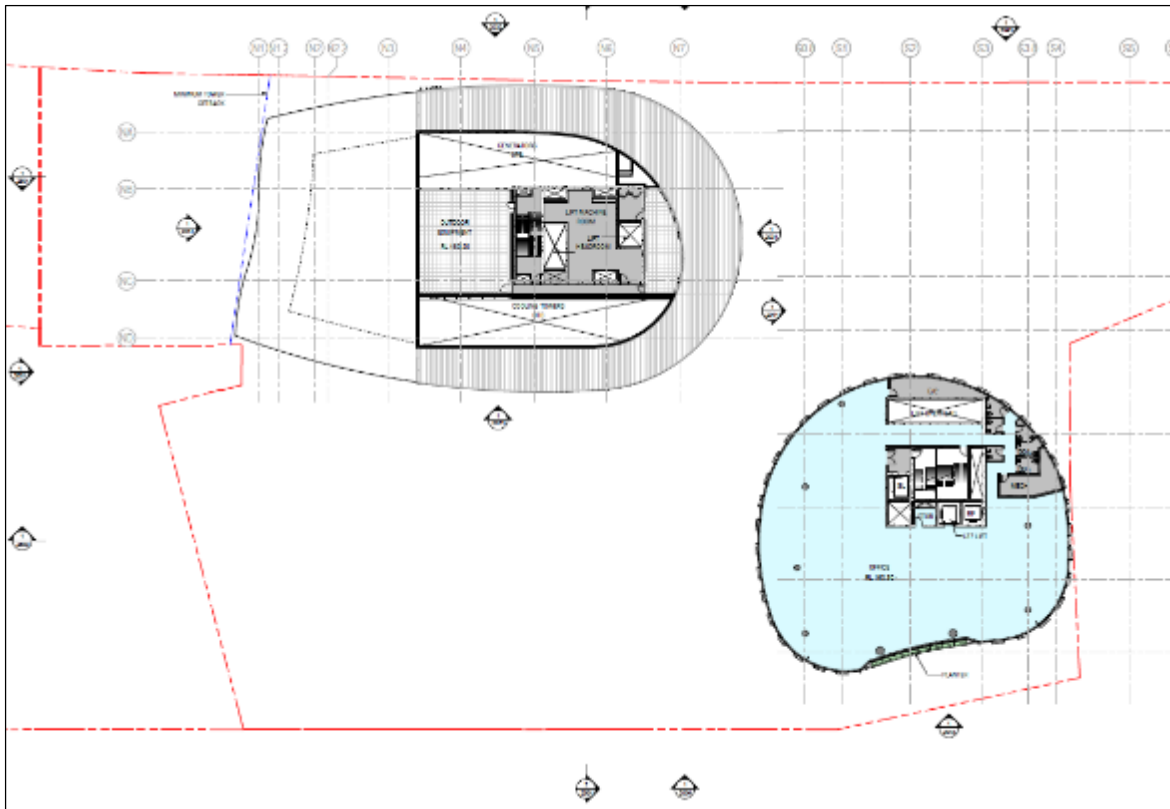


Figure 44: Level 37 Floor Plan

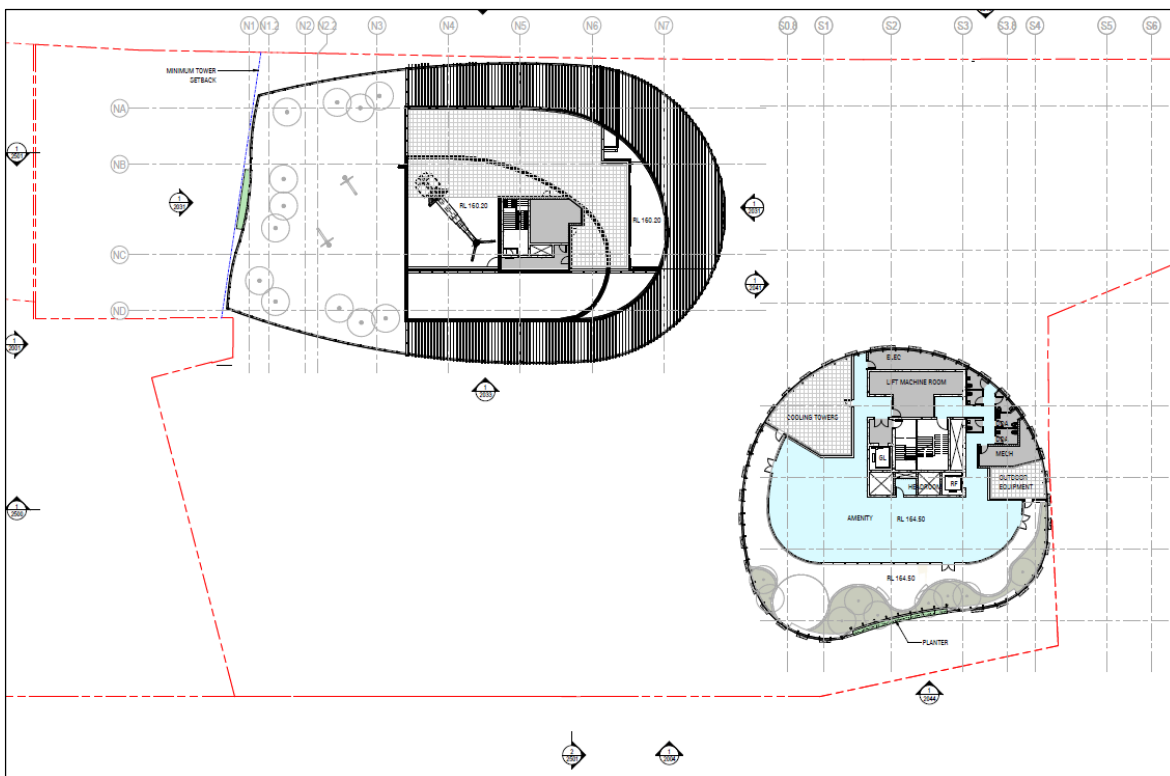


Figure 45: South Tower Roof Plan

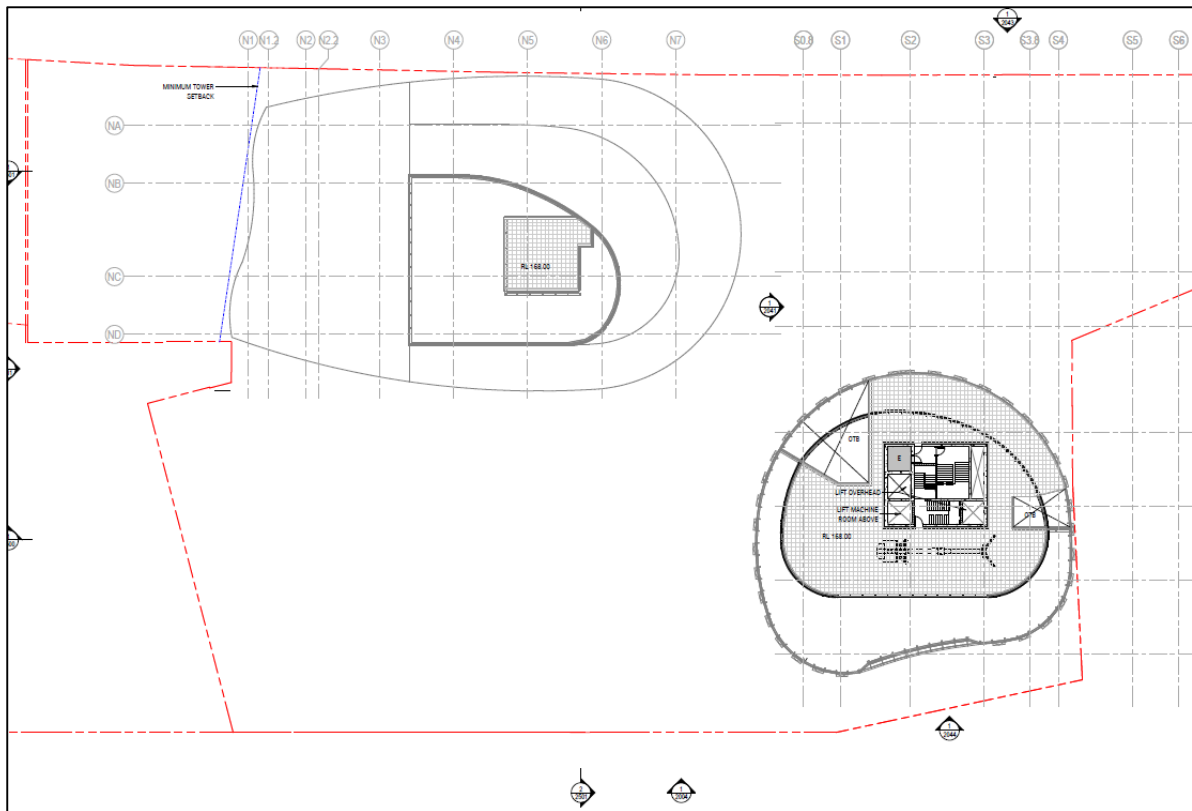


Figure 46: South Penthouse Lift Machine Room Plan

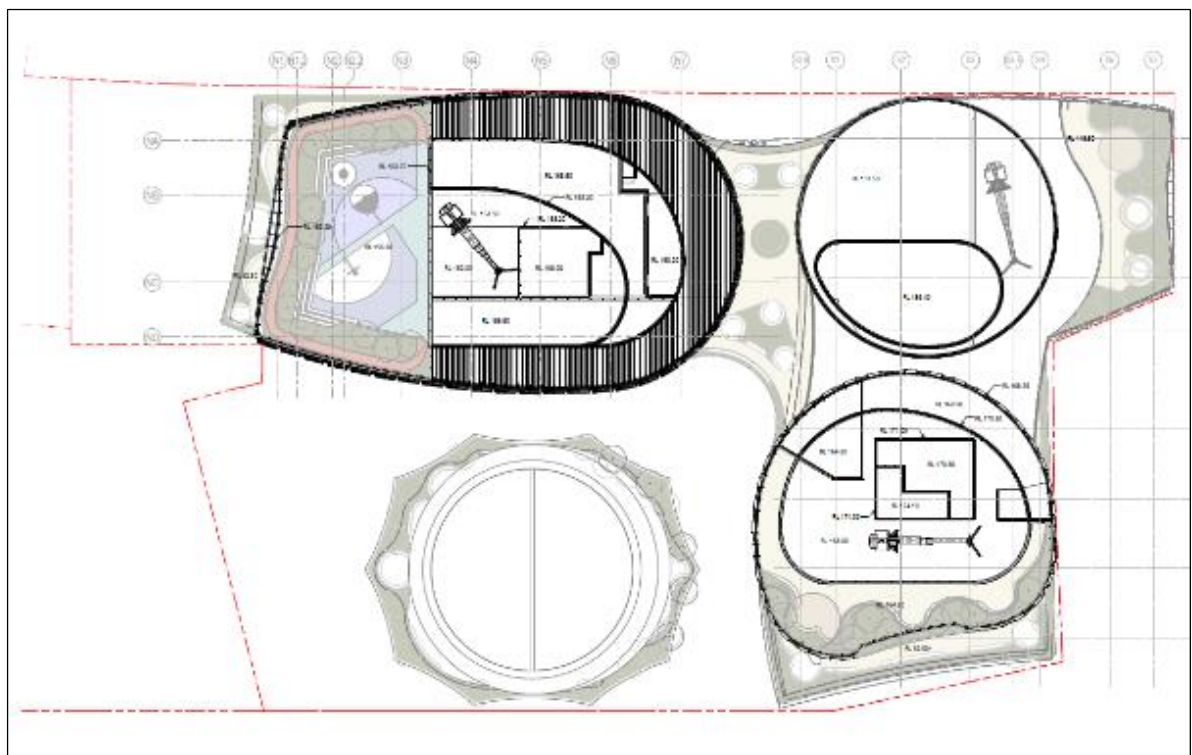


Figure 47: Overall Roof Plan



Figure 48: North Elevation

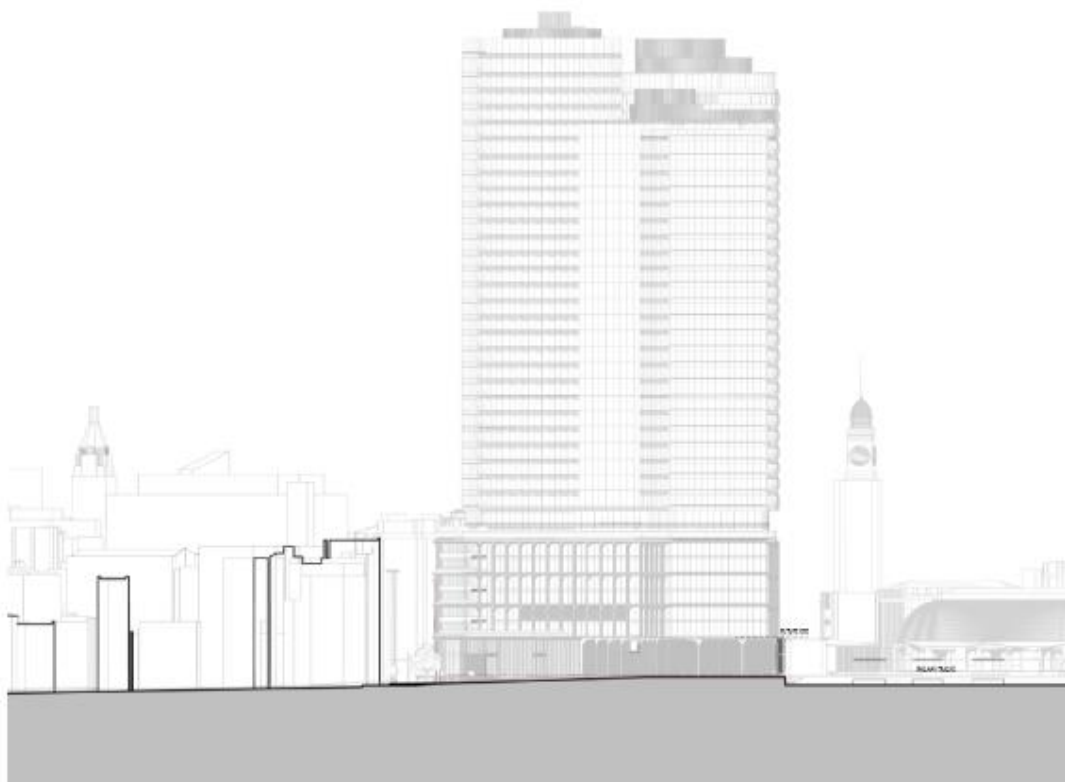


Figure 49: South Elevation

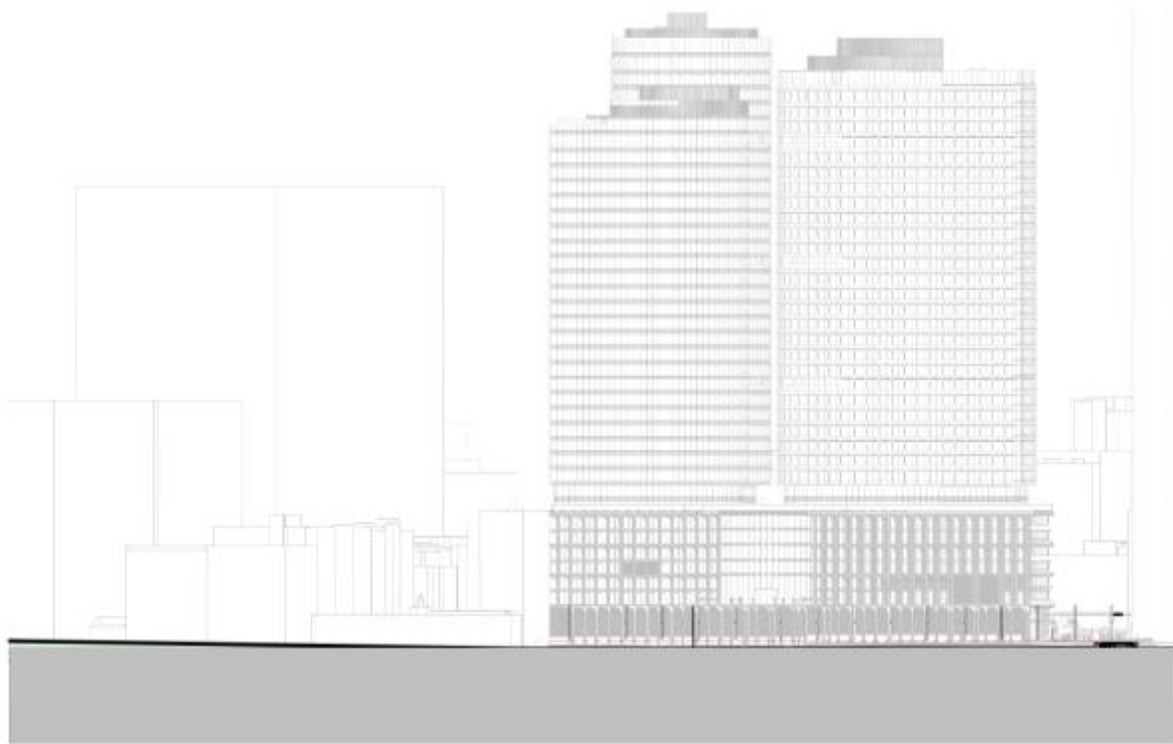


Figure 50: East Elevation

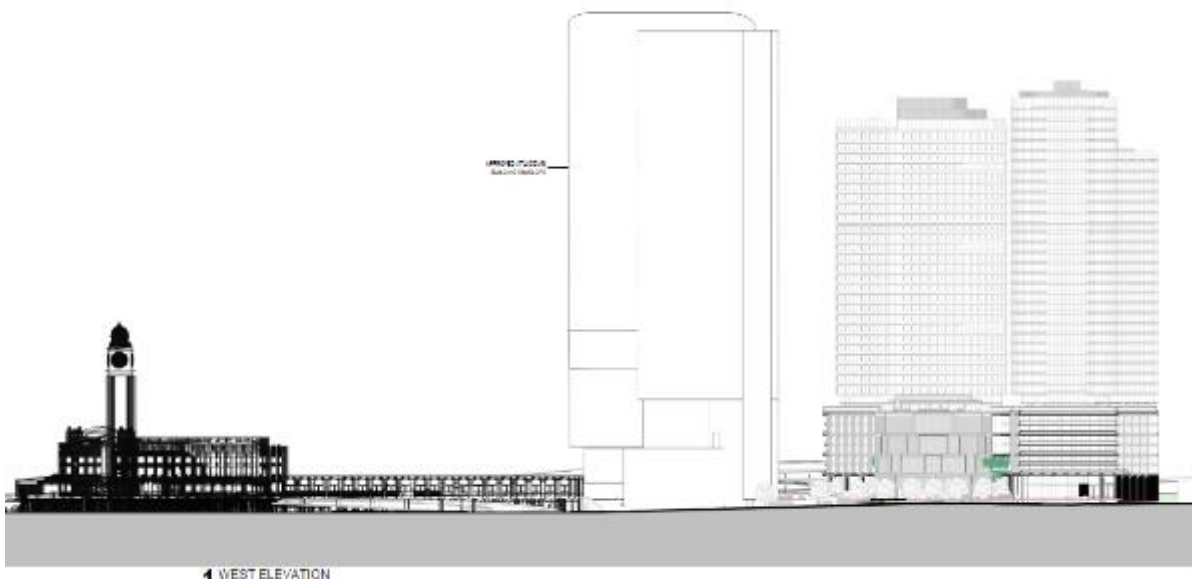


Figure 51: West Elevation

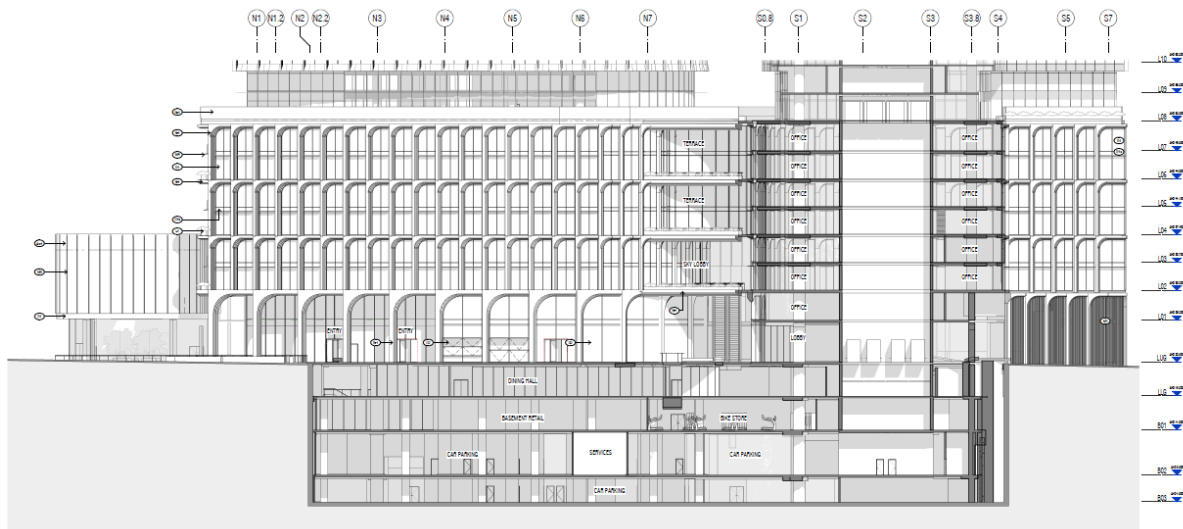


Figure 52: Podium Elevation and Basement Section - West (North Tower)

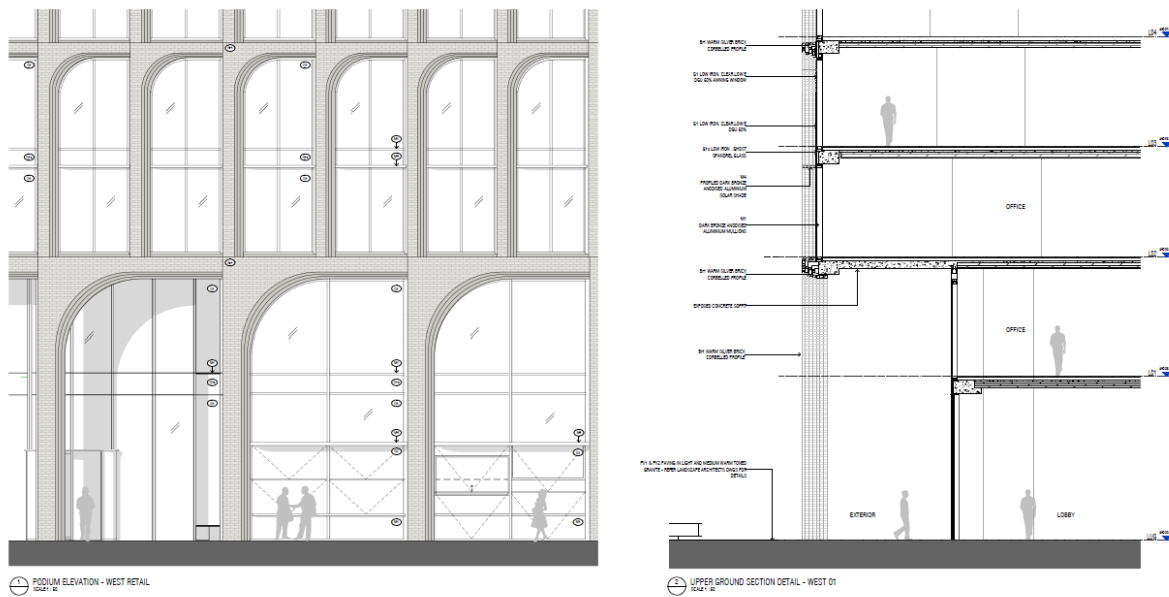


Figure 53: Podium Elevation (left) and Podium Upper Ground Section Detail

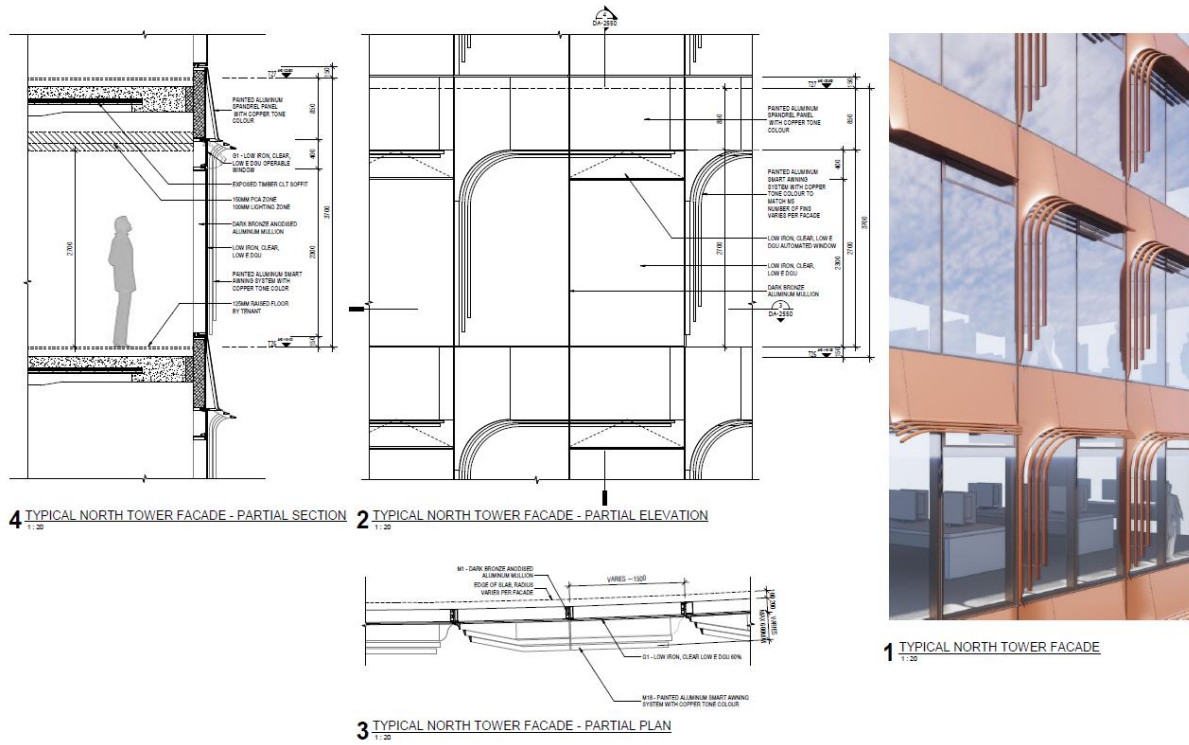


Figure 54: Typical North Tower Façade System

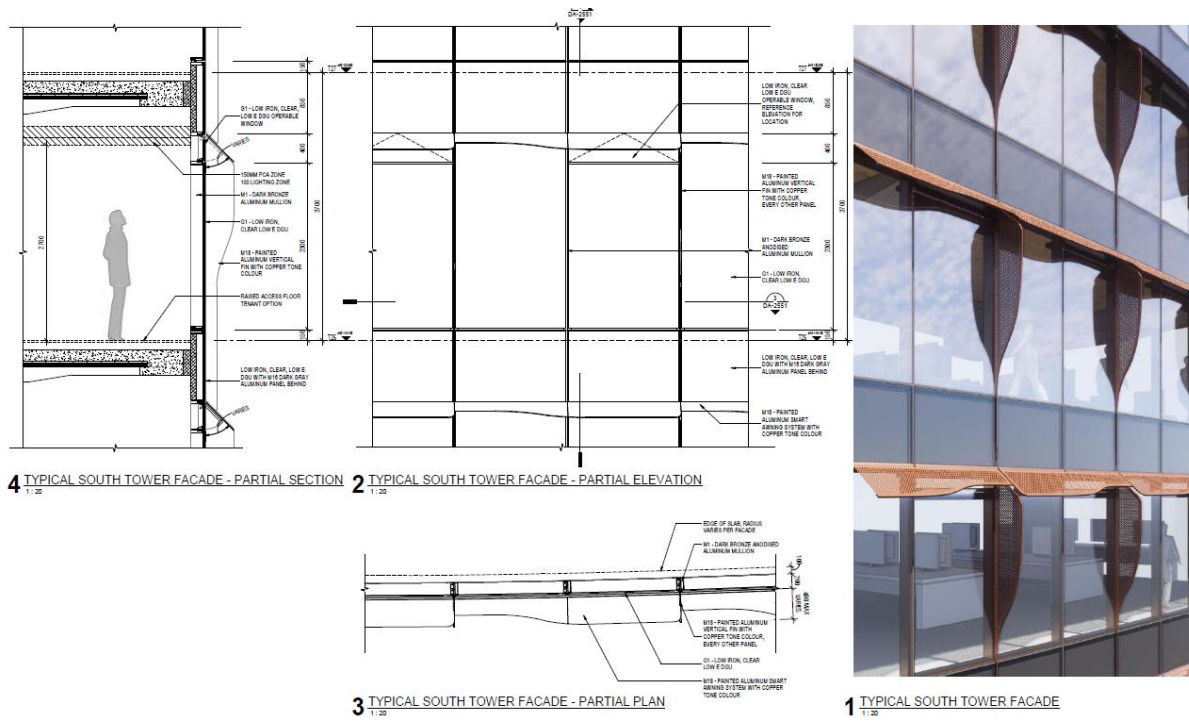


Figure 55: Typical South Tower Façade System

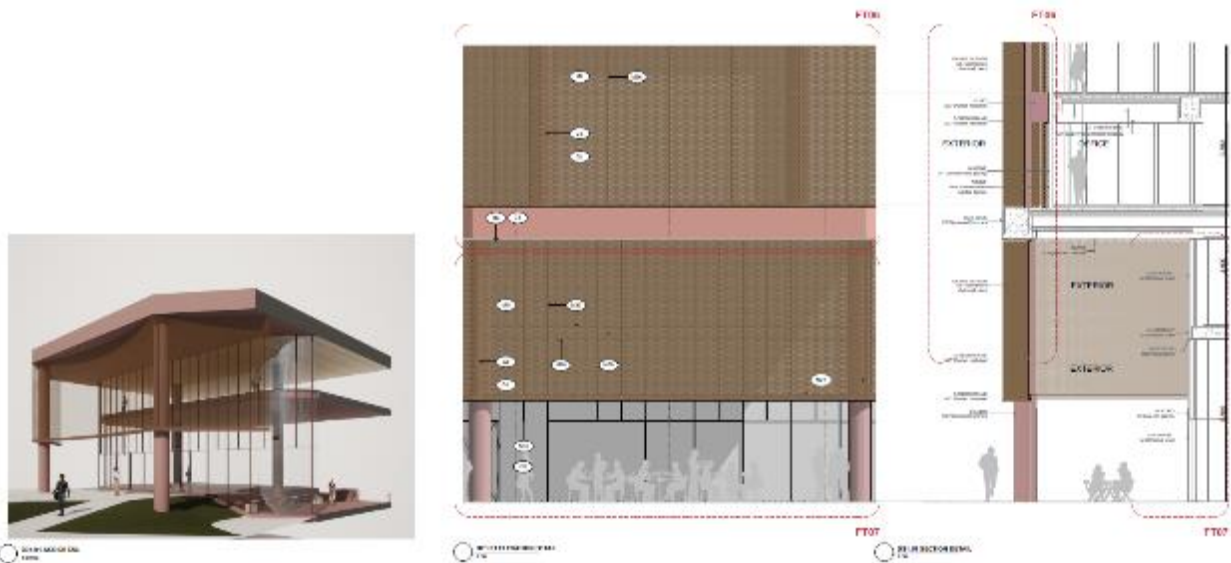


Figure 56: The Connector ground level façade details

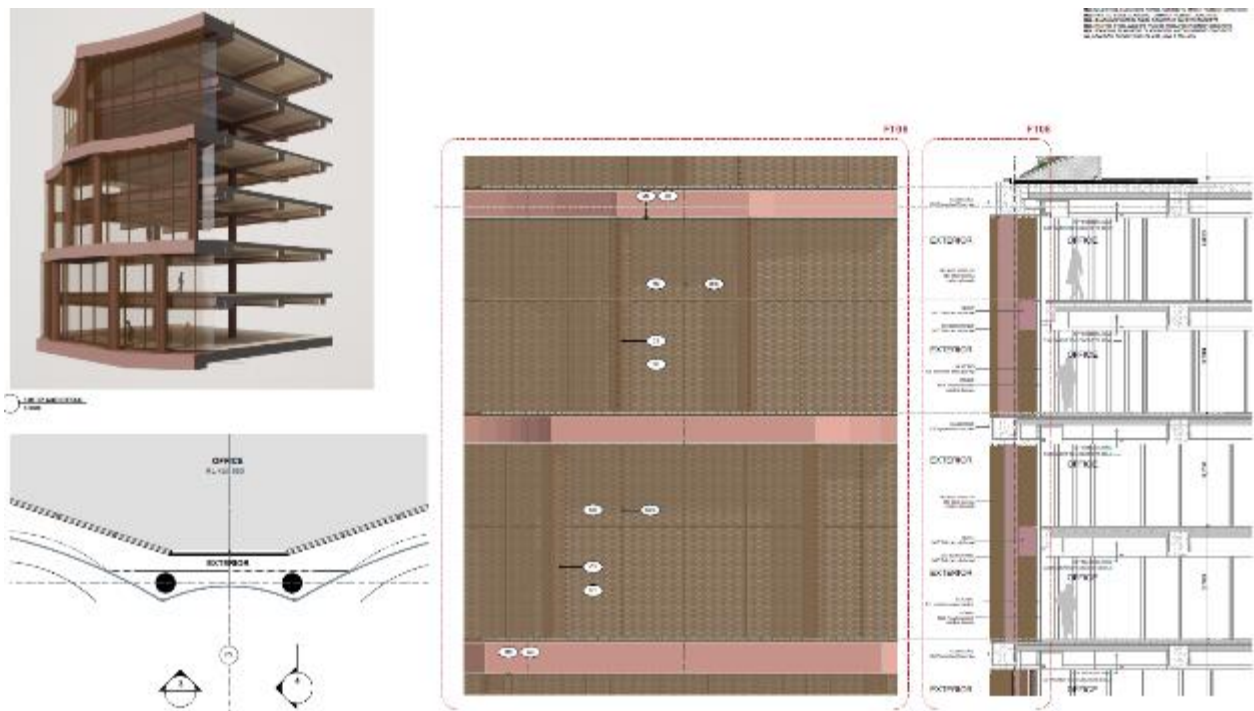


Figure 57: The Connector upper-level façade details

Assessment

58. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

City of Sydney Act 1988

59. Section 51N requires the Central Sydney Planning Committee (the Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a development 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 Central Business District
60. 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 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."

61. The CSTTC was consulted on 19 April 2021 where the transport and access arrangement of the proposed development was discussed.
62. Transport for New South Wales (TfNSW), as the delegate of the CSTTC, was also consulted as part of the assessment of the application.
63. Submissions received from TfNSW have been considered in the assessment of the application and their recommended conditions are included in Attachment A.

Sydney Water Act 1994

64. Section 78 of the Sydney Water Act 1994 sets out various requirements for the determination of development applications which would:
- (a) increase the demand for water supplied by the Corporation; or
 - (b) increase the amount of wastewater that is to be removed by the Corporation; or

- (c) damage or interfere with the Corporation's works; or
 - (d) adversely affect the Corporation's operation.
65. Subclauses (2) and (4) of Section 78 of the Sydney Water Act 1994 allow for a consent authority to approve an application at any time, subject to a condition requiring that a developer obtain a compliance certificate from the Sydney Water Corporation.
66. Several conditions have been recommended in Attachment A requiring various Sydney Water approvals and certification, including a condition requiring that the developer obtain a Section 73 Compliance Certificate from the Sydney Water Corporation.

Roads Act 1993

67. The site has a frontage to Lee Street, which is identified as a classified road.
68. Section 138 of the Roads Act 1993 states a consent may not be given with respect to a classified road except with the concurrence of TfNSW.
69. The concurrence from TfNSW was received on 20 September 2022 with respect to the proposed development.

Heritage Act 1977

70. The subject site does not contain any items listed on the State Heritage Register under the Heritage Act 1977. However, the site is located within close proximity to the State heritage listed 'Sydney Terminal and Central Railway Stations Group' (SHR01255) and the 'Railway Square Road Overbridge' (SHR01232).
71. The application was referred to Heritage NSW (HNSW) who provided comments on 7 May 2021. HNSW recognised that the rezoning of the WGSP allows for a significant increase in scale, bulk and height of Block A and B and changes to the City of Sydney Central Station Special Character Area, which will have a major impact on the predominant scale and legibility of the heritage precinct. Accordingly, HNSW considers securing heritage outcomes through considered design, materiality, heritage interpretation and storytelling must be achieved and realised.
72. Generally, HNSW comments recommend a coordinated and holistic heritage interpretation approach and design across all developments in the Western Gateway Precinct. See further details in the 'Discussion' section below.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

73. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
74. The site has been subject to a targeted Detailed Site Investigation, which did not identify contaminants of potential concern (COPC) and represent a potentially unacceptable risk to human or ecological health.

75. To support the redevelopment of the site, supplementary data was required to be obtained to address a range of identified data gaps associated with the characterisation of soil and groundwater at the site.
76. A Data Gap Investigation Report, prepared by JBS&G, was submitted with the application. The Report concludes that the site is considered suitable for the proposed land use without remediation and management for site suitability, subject to decommissioning of the known underground storage tanks (USTs) as part of development works to enable proposed excavation works, which can be managed in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 (UPSS Regulation, EPA 2019).
77. Additionally, the Report recommends that an Unexpected Find Protocol (UFP) be developed for the site to guide appropriate actions during redevelopment activities in the event unexpected contamination is identified.
78. The Council's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure compliance with the measures outlined, and for Council to be notified should there be any changes to the strategy for remediation.
79. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

80. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 2.48 Determination of development applications – other development

81. The application is subject to Clause 2.48 of the SEPP as the development involves the penetration of ground within 2m of an underground electricity power line.
82. As such, the application was referred to Ausgrid for a period of 21 days and generally raises no objection to the proposal. Ausgrid have recommended conditions which are included in Attachment A.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

Clause 2.97 – Development adjacent to rail corridors

Clause 2.98 – Excavation in, above, below or adjacent to rail corridors

83. The application involves works and excavation adjacent a rail corridor and was subsequently referred to TfNSW and Sydney Trains for concurrence.
84. TfNSW provided concurrence on 30 September 2021, subject to Council imposing their recommended conditions of consent. TfNSW conditions are contained in Attachment A.

85. Sydney Trains provided concurrence on 8 November 2021, subject to Council imposing their recommended conditions of consent. Sydney Trains conditions are provided in Attachment A.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations

Clause 2.119 – Development with frontage to classified road

86. The application is subject to Clause 2.119 of the SEPP as the site has frontage to Lee Street which is a classified road.
87. The proposal was referred to TfNSW who provided their concurrence, also in accordance with Section 138 of the Roads Act 1993, and is provided in Attachment A.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

88. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
89. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

90. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B8 Metropolitan Centre zone. The proposed development is defined as commercial premises and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	Refer to Clause 6.53 below.
4.4 Floor space ratio	Yes	Refer to Clause 6.53 below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is a local heritage item under Sydney LEP 2012 being the 'Central Railway Station group, including buildings, station yard, viaducts and building interiors' (I824). The site is within proximity to other local heritage listed 'Former Parcels Post Office including retaining wall, early lamp post and building interior' (I855).</p> <p>Additionally, the site is within close proximity of State listed heritage items being 'Sydney Terminal and Central Railway Stations Group' (SHR01255) and 'Railway Square Road overbridge', which is a local (I180) and State (SHR01232) heritage item</p> <p>The application was referred to Council's Heritage Specialist and Heritage NSW (HNSW). The buildings to be demolished do not have any heritage significance. Subject to conditions, the proposed development will not have detrimental impact on the significance of the heritage item.</p> <p>See further details in the 'Discussion' section below.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.17 Sun Access Protection	Yes	Refer to Clause 6.53 below.

Provision	Compliance	Comment
6.21 Design excellence	Yes	<p>Subject to conditions, the proposed development will be of a high standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area.</p> <p>The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore achieves design excellence.</p> <p>See further details in the 'Discussion' section below.</p>
Division 5 Site specific provisions		
6.53 - Western Gateway Sub-Precinct	Yes	The site is identified as Block B within the Western Gateway Sub-Precinct and is subject to the site-specific controls in this Clause.
6.53(3) - Development consent must not be granted to development that results in any part of the building in the Western Gateway Sub-Precinct causing additional overshadowing (within the meaning of Clause 6.19(2)), at any time of the year, of Prince Alfred Park between 10.00 to 14.00.	Yes	<p>The proposed development is wholly contained within the maximum planning envelope, which incorporates the sun access plane to protect solar access to Prince Alfred Park at all times of the year between 10.00 to 14.00.</p> <p>Additionally, the application was submitted with shadow diagrams that confirm the proposed development will not cause additional overshadowing of Prince Alfred Park.</p>
6.53(4) - The consent authority must consider any guidelines made by the Planning Secretary relating to the design and amenity of the Western Gateway Sub-Precinct.	Yes	Refer to the assessment of the Western Gateway Sub-Precinct Design Guide below.

Provision	Compliance	Comment
6.53(5) - Clause 6.3 and Subdivision 2 of Division 1 and Clause 7.20 do not apply	Yes	<p>The proposal does not propose to rely on any additional floorspace under Clause 6.3 of the LEP.</p> <p>The proposal is not required to prepare a DCP in accordance with Clause 7.20 of the LEP given that the Western Gateway Sub-Precinct Design Guide functions as a site-specific DCP.</p>
6.53(6)(b) - Despite Clause 4.3, the maximum height of a building in Block B must not exceed RL 205.8 metres.	Yes	The proposed development has a maximum height of RL 174.30 and complies with the development standard.
6.53(7)(b) - Despite Clause 4.4, the maximum floor space ratio for a building in Block B must not exceed 155,000 square metres.	Yes	The proposed development presents a total gross floor area of 154,993sqm and complies with the development standard.
6.53(8) - Development must not be granted under subclause (6) or (7) unless the consent authority is satisfied that the resulting building will not be used for the purposes of residential accommodation.	Yes	The proposed development is a sole commercial building and does not contain any residential accommodation. Therefore, subclauses (6) and (7) apply to the proposed development.
6.53(9) - Clause 6.21(D)(1)-(3) does not apply to development in Block B	Yes	Despite this clause, the subject application is a result of a competitive design process carried out for the site.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.6 Office premises and business premises	Yes	The site is located on land in Category D.
7.7 Retail premises		The proposed development includes 125 car parking spaces, which is below the maximum car parking rate of 180 spaces for commercial development and the existing 169 car parking spaces on the site.
Division 3 Affordable housing		
7.13 Contribution for the purpose of affordable housing	Not applicable	The Western Gateway Sub-Precinct is not included in land within Central Sydney, and as such, is not subject to an affordable housing levy contribution.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with Class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.
7.15 Flood planning	Yes	A Civil and Stormwater Management Report, prepared by Arup, was submitted with the application. The Report identifies the site is not flood affected but nominates flood planning level requirements for the development. Council's Public Domain Unit and has reviewed the Report and considers the recommendations are acceptable.
7.16 Airspace operations	Yes	The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.

Provision	Compliance	Comment
		The concurrence of Sydney Airport Corporation, as a proxy for the Civil Aviation Safety Authority, has been received subject to conditions of consent.
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>Clause 6.53(5)(b) exempts this development from requiring a site-specific development control plan.</p> <p>The development is subject to the Western Gateway Sub-Precinct Design Guide, as discussed below.</p>

Western Gateway Sub-Precinct Design Guide

91. An assessment against the relevant provisions of the Western Gateway Sub-Precinct Design Guide (Design Guide) is provided in the tables below to satisfy Section 6.53(4) of the Sydney LEP 2012. The Design Guide was finalised in September 2021.
92. Section 1.6 of the Design Guide states it replaces the provisions of Sydney DCP 2012 to the extent that it relates to the same subject matter as a provision of Sydney DCP 2012 applying to the WGSP. As such, some provisions of Sydney DCP 2012 remain applicable for the subject site. An assessment of the Sydney DCP 2012 is detailed later in this report.

Section 2.1 - Desired Future Character

93. The development is consistent with the desired future character statement and accompanying principles under Section 2.1 in that:
 - (a) The substantial commercial offering provides a density and critical mass of employment floor space that will catalyse employment and business by providing services and places for workers, visitors, and transport customers.
 - (b) The proposal is of a CBD-scale built form that is characterised by architecturally designed buildings that exhibit design excellence, leadership in sustainable initiatives and responds sympathetically to the visual, spatial, and physical characteristics of the area.
 - (c) The proposal provides unrestricted access and site connections for people of all abilities from Lee Street into the site and to future development above the rail yards.
 - (d) The proposal enables the safe, effective, and efficient movement of pedestrians between Central Station, the precinct, and surrounding areas.

Part 3.1 Place and destination

Provision	Compliance	Comment
3.1.1 Open space and public domain	Yes	<p>The Design Guide requires development within the WGSP to provide publicly accessible managed space in accordance with Figure 2: Publicly Accessible Managed Space and Pedestrian Connections, which depict public realm areas and pedestrian links.</p> <p>For the case of Block B, publicly accessible managed space is nominated on the northern end of the site, adjoining Henry Deane Plaza and the future OSD connection and is generally located on neighbouring Blocks.</p> <p>The proposed development provides at-grade access from Lee Street. The public realm is designed in accordance with the guidelines set out in the Western Gateway Sub-Precinct Publicly Accessible Space Strategy and integrates with the lower level (RL16), upper level (RL 21) and future OSD level (RL 30) nominated in the Strategy to connect with other developments, the public realm, and pedestrian links in the wider WGSP and future OSD. The proposal would provide a comfortable environment, particularly for wind and solar access, as detailed elsewhere in this report.</p>
3.1.2 Building massing and envelope	Yes	<p>The Design Guide sets out the following massing and envelope provisions for Block B:</p> <ul style="list-style-type: none"> • Have a maximum 80% envelope efficiency • Minimum building separation of 30m between Blocks A and B • Provide a minimum 6 metre tower setback above the podium street wall height along the Lee Street frontage • Incorporate a podium that is set forward of the tower façade line or have a tower element above the

Provision	Compliance	Comment
		<p>podium that has the same façade alignment as the podium if the building design responds to its surrounding context, has no detrimental impacts to the publicly accessible managed space and public domain and the façade incorporates articulation that effectively reduces visual bulk and mass of the building</p> <ul style="list-style-type: none"> • Maximum podium height of RL 63.8 • Maximum tower height plane between RL 205.8 and RL 147.7, established by the Sun Access Plane to protect solar access to Prince Alfred Park. <p>As indicated in Figures 58 and 59, the proposed development is contained wholly within the planning envelope established by the provisions above and the maximum height, GFA and solar protection development standards prescribed in Sydney LEP 2012.</p> <p>Additionally, the proposed development provides a building separation of 30 metres from the Atlassian development. The proposal also does not exceed the 80% envelope efficiency. Specifically, the podium presents an envelope efficiency of 66.1% and 50.56% for the tower.</p>

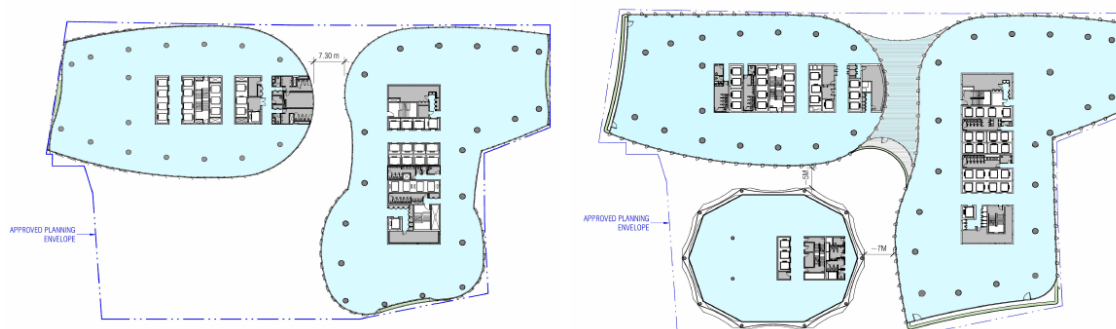
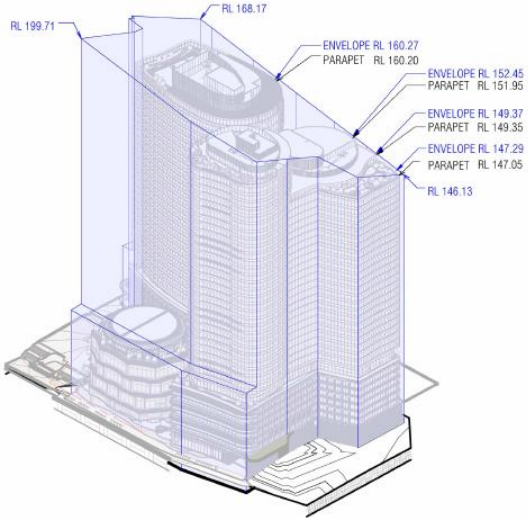
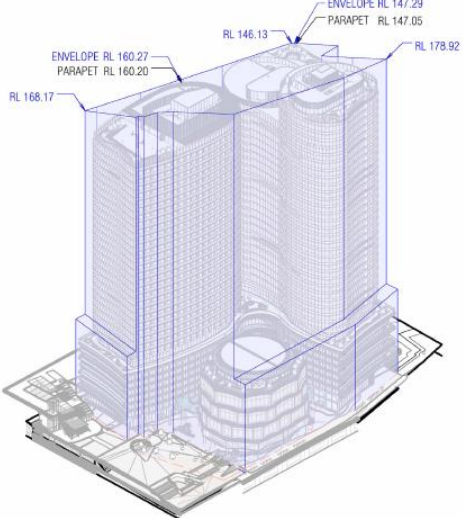


Figure 58: Typical Tower (left) and typical podium (right) compliance plans

Provision	Compliance	Comment
<div style="display: flex; justify-content: space-around;">   </div> <p data-bbox="204 860 1334 920">Figure 59: Axonometric drawings of the proposal within the planning envelope, viewed from the south-west (left) and north-west (right).</p>		
<p data-bbox="204 1003 517 1066">3.1.2 Building Massing and Envelope - Pavilion</p>	<p data-bbox="576 1003 730 1066">Partial compliance</p>	<p data-bbox="839 1003 1378 1133">Subclauses (4) to (7) of this Section sets out the provisions for a roofed terrace Pavilion above the east-west pedestrian connection between Block A and B.</p> <p data-bbox="839 1167 1386 1637">Generally, the proposal satisfies the requirements of the Design Guide. The proposed Pavilion is set at RL21 and is enclosed along the eastern edge. It has been designed to be a flexible and multi-purpose space for a wide range of programming and activation. Simultaneously, the Pavilion allows people to sit comfortably within the space throughout all times of the year, receives natural light and is constructed of a glazed screen supported by a tapered structural mullion to provide wind mitigation benefits.</p> <p data-bbox="839 1671 1390 1839">The Day 2 and 3 scenario plans submitted with the application confirm the Pavilion is able to be modified and removed once the future OSD is operational.</p> <p data-bbox="839 1872 1382 2033">A planted garden is proposed on the roof of the Pavilion. It is indicated to be relocated when the future OSD is developed. The landscape information submitted with the application is lacking</p>

Provision	Compliance	Comment
		<p>and as such, a condition is included in Attachment A for additional details to be provided to the satisfaction of Council for the landscape design of the planted roof.</p> <p>However, the Pavilion presents a height of approximately RL37.4 and exceeds the maximum requirement of RL30. The non-compliance is acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The Design Guide anticipates a 'roof terraced pavilion'. A pavilion with a compliant height would generally result in a single storey structure and unusable roof. • The Pavilion provides a generous floor to floor height and increases its openness to the public domain from Henry Deane Plaza. • The non-compliance arises from the glazed screening that provides necessary wind protection. The glazed greening is also appropriate in maintaining transparency and visual connections between Block A and B, as required in other Sections of the Design Guidelines. • The Pavilion is temporary until such time the future OSD is constructed.
3.1.3 Design Excellence	Yes	<p>The proposal has been subject to a design competition in accordance with this Section and the City of Sydney Competitive Design Policy.</p> <p>No additional floor space or building height is sought for the proposed development under Clause 6.21(7) of Sydney LEP 2012.</p>
3.1.4 Active frontages	Yes	<p>The proposed development maximises ground floor activation along Lee Street, pedestrian through-site links, lanes, and public spaces in locating retail and commercial lobbies along these frontages. Building entrances are designed at the same level as the</p>

Provision	Compliance	Comment
		adjoining public domain. The ground levels have been designed to incorporate large doors and windows into the building lobby spaces to promote visual interest and interaction. The indicative retail uses on the upper ground floor confirms the proposal can provide outdoor dining to activate the development throughout all times of the day.
3.1.5 Wind	Yes	The proposed development does not result in uncomfortable or unsafe wind conditions within the public domain, publicly accessible managed space, and surrounding development. Refer to 'Discussion' section in this report.
3.1.6 Solar access	Yes	Given the orientation of the site to the south of Henry Deane Plaza, the proposal would maintain a high level of daylight access to the Plaza and other publicly accessible areas during lunch time, when these are most used by the workforce, visitors, and the wider community.
3.1.7 Views and vistas	Yes	The development is contained within the approved planning envelope under Section 3.1.2 and will preserve key views to the Central Station clocktower, will enable future views from the OSD pedestrian connection to the tower of the Marcus Clarke building.

Part 3.2 People and community

Provision	Compliance	Comment
3.2.1 Heritage	Yes	The proposed development responds to the visual, physical, and spatial character of the place including items of heritage significance within the WGSP and the broader Central Precinct, subject to conditions. Refer to 'Discussion' section of this report.

Provision	Compliance	Comment
3.2.2 Public art	Yes	<p>A Preliminary Public Art Plan, prepared by Barbara Flynn, and a Public Art Location Plan was submitted with the application and was reviewed by Council's Public Art Unit.</p> <p>Generally, the Plan has mapped various locations for public work opportunities within the site. However, additional information in relation to the budget, Connecting with Country Framework, and coordination with other developments in the WGSP is required.</p> <p>Accordingly, a condition of consent that addresses the above is included in Attachment A for a detailed Public Art Plan be submitted and approved to the satisfaction of Council.</p>

Part 3.3 Mobility

Provision	Compliance	Comment
3.3.1 Pedestrian and cycle network	Yes	<p>The proposed development provides cohesive, legible, and accessible pedestrian and cycle links that integrate with the pedestrian connections contained in Figure 2: Publicly Accessible Managed Space and Pedestrian Connections.</p> <p>Specifically, the proposal maintains the desired pedestrian link and corridor between Block A and B. Direct access from Lee Street is provided into the site. Internal and external pedestrian links are also provided on the lower and upper ground floors that connect with other pedestrian connections in the WGSP and links to and from the broader Central area.</p> <p>End of trip facilities are provided on Basement Level 1 and is accessed by a separate lobby on the upper ground floor of the South Tower.</p>
3.3.2 Building entrances	Yes	The proposed development provides building entrances on the upper ground

Provision	Compliance	Comment
		floor that are direct, legible and can be accessed from Lee Street and Henry Deane Plaza.
3.3.3 Vehicular access and parking	Yes	<p>The proposed development provides access and service entry points in accordance with Figure 10: Vehicular Access and Parking.</p> <p>Specifically, the development provides vehicular access at the south of the site from Lee Street into an integrated basement, shared by all Blocks within the WGSP.</p> <p>A detailed discussion on vehicular access and parking is provided in the DCP assessment below.</p>

Part 3.4 Sustainability

Provision	Compliance	Comment
3.4.1 Sustainability and environmental performance	Yes	<p>A Sustainability Report, prepared by Integral Group, was submitted with the application. The Report provides pathways that confirm that development can achieve the ESD standards required under the Design Guide, including achieving a 5.5-star NABERS Energy Rating with a Commitment Agreement, 4-star NABERS Water rating, silver core and shell WELL rating (or equivalent industry standard) and target a 6-star Design and As-Built rating.</p> <p>The Report indicates the development will operate on 100% renewable energy procurement and nature-based carbon offsets for residual operating emissions.</p> <p>The tower employs external smart awnings for solar shading to minimise undesirable solar gain and improve the passive sustainability of the building.</p> <p>The development applies principles of biophilia and incorporates green walls and roofs.</p>

Provision	Compliance	Comment
		Notwithstanding the above, conditions of consent are contained in Attachment A to ensure the development delivers on the above ESD standards.
3.4.2 Water management	Yes	<p>Integral Group's Sustainability Report outlines water efficiency for the development will be delivered through efficient fittings, fixtures and appliances, rainwater and stormwater harvesting for re-use, and capacity to connect water recycling via the George Street Recycled Water network, when available.</p> <p>The Report also outlines stormwater management will be addressed through a combination of green infrastructure and conventional civil engineering systems. Council's Public Domain Unit has reviewed the submitted Stormwater and Civil Engineering Report and raises no issues with the stormwater recommendations in the Report.</p>
3.4.3 Waste management	Able to comply	<p>A Waste Management Plan (WMP), prepared by Arup, was submitted with the applicant, and was reviewed by Council's Waste Management Unit.</p> <p>Whilst the Plan is generally prepared in accordance with Council's Guidelines for Waste Management in New Developments 2012, a revised WMP is required to be submitted to the satisfaction of Council that contains swept paths demonstrating that a 9.4 metre and 10 metre length MRV can service the proposed 31 square metre RORO waste collection arrangement. A condition to this effect is included in Attachment A.</p>

Development Control Plans

Sydney Development Control Plan 2012

94. Section 1.6 of the Design Guide states it replaces the provisions of Sydney DCP 2012 to the extent that it relates to the same subject matter as a provision of Sydney DCP 2012 applying to the WGSP. Also, the Design Guide outlines that certain provisions of Sydney DCP 2012 apply to development in the WGSP.
95. An assessment of these provisions is provided in the following sections.

Section 3 – General Provisions

Provision	Compliance	Comment
3.2.6 Reflectivity	Yes	A condition of consent is included in Attachment A to ensure that reflectivity from the building façade in the proposed development does not exceed 20%.
3.2.8 External Lighting	Yes	No external lighting is detailed as part of this application. Notwithstanding this, a condition is recommended in Attachment A to require a separate application to be made for any proposal for external illumination of the building or site landscaping.
3.5 Urban Ecology	Partial Compliance	The proposed development requires a detailed landscape plan to be provided. Also, the proposed development will have an impact on a street tree located on Lee Street. See further details in the 'Discussion' section below.
3.6 Ecologically Sustainable Development	Yes	Having regard to the Sustainability assessment in the WGSP Design Guide, the proposal satisfies the environmental requirements under the DCP.
3.7.5 Water re-use, recycling and harvesting	Yes	As detailed in the WGSP assessment above, water efficiency measures will be implemented in the proposed development.
3.9 Heritage 3.9.1 Heritage Impact Statements	Yes	A Heritage Impact Statement (HIS, prepared by GML Heritage, was submitted with the application, as required under this Section of the DCP.

Provision	Compliance	Comment
		<p>The HIS was reviewed by Council's Heritage Specialist and HNSW.</p> <p>Refer to the 'Discussion' section of this report.</p>
<p>3.11 Transport and Parking</p> <p>3.11.1 Managing Transport Demand</p>	Yes	<p>The proposed development is a non-residential development exceeding 1,000 square metres of GFA. Accordingly, a Transport Impact Study, Green Travel Plan and Transport Access Guide is required to be provided under this Section.</p> <p>A Traffic Impact Report, prepared by Arup was submitted with the application and was reviewed by Council's Access and Transport Unit and TfNSW.</p> <p>Conditions are recommended in Attachment A to ensure a Green Travel Plan and Transport Access Guide is developed for the site.</p>
<p>3.11.2 Car Share Scheme Parking Spaces</p>	No, but acceptable	<p>The development is required to provide 6 car share spaces. However, no car share parking spaces are provided.</p> <p>The application was reviewed by Council's Access and Transport Unit. The provision of no car share parking spaces is acceptable given additional car trips from this site should be discouraged, noting the proximity of other car share spaces in the immediate locality.</p>
<p>3.11.3 Bike Parking and Associated Facilities</p>	Yes	<p>1322 bicycle parking spaces and end of trip facilities are provided in consolidated areas on Basement Level 1. 96 visitor bicycle parking spaces are provided on the public domain on Lee Street. Overall, ample bicycle parking is provided for the development and is supported by Council's Access and Transport Unit.</p> <p>However, and in consultation with Council's Public Domain Unit, concern is raised for the significant number of visitor bicycle parking spaces on Lee</p>

Provision	Compliance	Comment
		Street and the obstructions and clutter on the public domain. As such, a condition of consent is included in Attachment A to reduce the visitor parking spaces on the Lee Street public domain to 48 and relocate the remainder in other areas within the development.
3.11.6 Service Vehicle Parking	Yes, subject to conditions	<p>48 loading and services spaces are provided for the development and satisfies the DCP requirements for service vehicle parking. The development will have capacity for a spare service vehicle for this site alone.</p> <p>The development includes the Integrated Distribution Facility that will also support the loading and servicing of Blocks A, C and the OSD. An IDF Management Plan, prepared by Arup, was submitted with the application. The Plan recommends some strategies, including integrated delivery among retail uses, to make a case to satisfy the demand.</p> <p>Council's Access and Transport Unit has calculated the service efficiency using recently developed TfNSW freight tools and found an approximate efficiency of 74%. This is slightly below than the expected efficiency of 80%.</p> <p>It is noted that the total demand for the loading and servicing cannot be estimated at DA stage. It is also noted that the service spaces and loading dock within Blocks A and C and Block have not considered the IDF Management Plan. Therefore, the efficiency would be greater than that reported in the calculations. A condition is recommended in Attachment A for a Loading and Service Management Plan for the sub-precinct to be prepared and submitted to the satisfaction of Council.</p>
3.11.7 Motorcycle Parking	No, but acceptable	The DCP permits 16 motorcycle parking spaces for the development. 2 spaces are provided within the basement.

Provision	Compliance	Comment
		<p>The application was reviewed by Council's Access and Transport Unit who advised the basement cannot accommodate 16 spaces. However, given that motorcycles are considered as a private means of transport, the shortfall is acceptable and would discourage private transport modes. Notwithstanding this, a condition is recommended in Attachment A for the development to provide a maximum of 6 motorcycle parking spaces.</p>
3.11.9 Accessible Parking	Yes	4 accessible car parking spaces are provided within the basement level of the proposed development.
<p>3.11.10 Vehicle Access for Development Greater than 1,000sqm GFA</p> <p>3.11.11 Vehicle access and footpaths</p>	Yes, subject to conditions	<p>Vehicle access is provided at a single point from Lee Street, which is a classified road. Access will be reconfigured in a left in and left out arrangement to avoid queuing, delays and ensure the safety of road users and pedestrians.</p> <p>The arrangement was reviewed by Council's Access and Transport Unit and TfNSW, who raise no issues.</p> <p>The shared basement arrangement of Blocks within the WGSP must efficiently handle traffic for the 3 developments. Arup's Traffic Report assesses the likelihood of queuing but incorrectly assumes the number of parking spaces in other developments, notably the car parking spaces for the Toga Central development (Block C). The Report outlines there are 86 car parking spaces and 2 service vehicle spaces within Block C. However, the submitted SSD outlines Block C proposes 106 car parking spaces, 4 car share spaces, 9 motorcycle spaces, which would generate more traffic than that assumed in the submitted Traffic Report. As such, it is likely that the queuing assessment submitted for the proposed development was underestimated.</p>

Provision	Compliance	Comment
		<p>In light of the above, a condition is recommended in Attachment A for an Integrated Loading and Service Management Plan be prepared and submitted to the satisfaction of Council that includes, but not limited to, strategies for internal vehicle queue management to ensure the proposed development does not adversely impact on the local road network and access to neighbouring basements.</p> <p>Additionally, this Section requires parking and driveway crossovers to be designed with minimal impact on existing street trees. Refer to the 'Discussion' section of this report.</p>
3.11.13 Design and location of waste collection points and loading areas	Yes	<p>Generally, the proposed waste storage and collection points for the development are appropriately located within the basement levels with suitable access.</p> <p>However, Council's Waste Management Unit require confirmation that the proposed 31sqm RORO waste collection arrangement can be serviced by a 9.4 and 10 metre length MRV.</p> <p>A condition of consent is included in Attachment A requiring an updated Waste Management Plan to be provided with swept paths that demonstrate the RORO can be appropriately serviced.</p>
3.11.14 Parking Area Design	Yes	<p>Conditions are included in Attachment A to require all loading to be carried out on site, parking design in accordance with Australian Standard AS 2890.1, and a parking, loading, and servicing management plan to be developed.</p>
3.12 Accessible Design	Yes	<p>A condition is recommended in Attachment A to ensure the proposal provides appropriate access and facilities for persons with disabilities in accordance with the Sydney DCP 2012 and the Building Code of Australia.</p>

Provision	Compliance	Comment
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.15 Late Night Trading Management	Able to comply	<p>The proposed development includes the provision of several retail premises.</p> <p>A condition of consent is included in Attachment A for a separate application to be made for the fit out and use of the retail tenancies to enable a detailed assessment to be carried out under the provisions of this Section.</p>
3.16 Signage and Advertising	Able to comply	<p>The submitted architectural plans illustrate potential signage zones for top of building signage on the north-east and north-west elevations of the North Tower as well as the north and south elevations of the South Tower. However, no details were provided on the dimensions and scale of the signage.</p> <p>Having regard to the scale of the development, the future retail and commercial uses and wayfinding for the WGSP and broader area, a coordinated and site-specific signage strategy is critical to ensure signs are provided in appropriate locations and are of an appropriate scale that complements the architectural design of the building.</p> <p>Accordingly, a condition of consent is included in Attachment A for a separate application to be made for a signage strategy and detailed signage for the site.</p>

Discussion

Design Excellence and Integrity of the Design Competition Winning Scheme

96. As discussed under the heading 'History Relevant to the Development Application', the proposal has been subject to an international invited architectural design competition.
97. The SOM + FK proposal was selected as the design competition winning scheme as it presented the strongest urban strategy.

- 98. The Competition Jury identified a number of matters to be refined during the design development phase to ensure the design adequately responds to the Competition Brief and exhibits design excellence.
- 99. The recommendations of the Jury were reinforced by the DAP-Subcommittee during the assessment of the application. The DAP-Subcommittee, who consisted of some of the Competition Jury members, narrowed the issues that were required to be addressed in order for the development to maintain the integrity of the competition winning scheme and overall, exhibit design excellence.
- 100. These matters are discussed in detail in the table below:

Recommendation	Response
<i>Public Realm</i>	
<p>The Subcommittee acknowledges the constraints imposed by the datum of RL 21 as the entry level to adjoining projects. Given this, it is recommended that greater physical and visual connection is provided between the main plaza at RL 21 and the retail level below, including increasing the scale of the aperture at Lee Street, providing a generous oculus centrally, and identifying where other connections can be provided.</p>	<p>The levels of the public realm across the WGSP are determined by the framework and guidelines indicated in the WGSP Publicly Accessible Space Strategy, prepared by TfNSW. Extracts of the Upper and Lower-Level Framework are provided in Figures 60 and 61 below.</p>

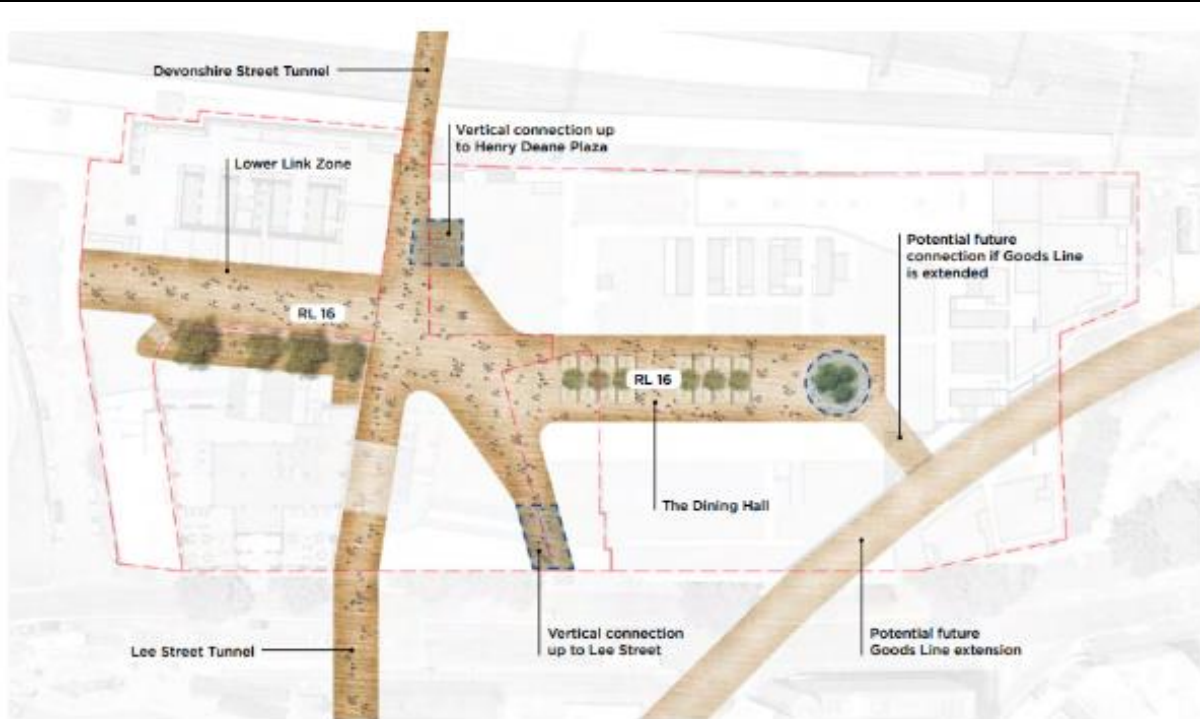


Figure 60: Lower-Level Framework (WGSP Publicly Accessible Space Strategy).

Recommendation	Response
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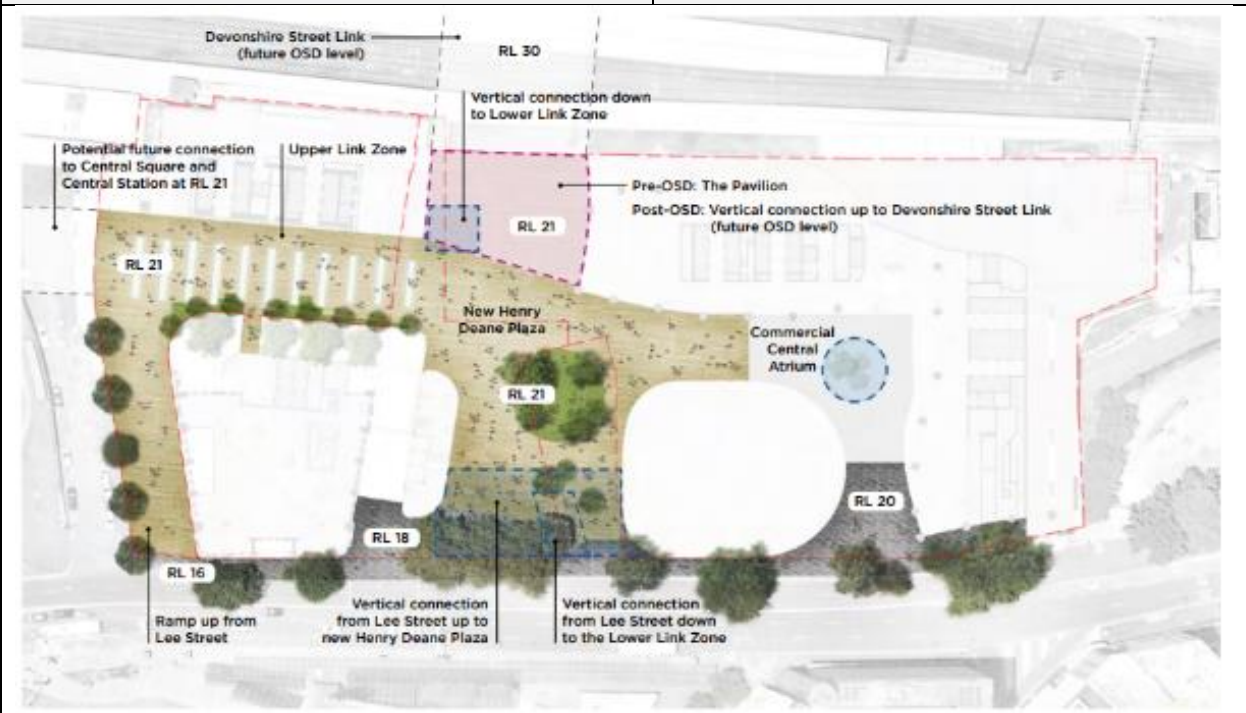


Figure 61: Upper-Level Framework (WGSP Publicly Accessible Space Strategy).

	<p>The specified aperture and central oculus are elements generally located on and are being delivered by the Toga Central development and will not be delivered as part of the proposal.</p> <p>Notwithstanding this, the proposed development has a significant role in delivering connections on the lower and upper ground floors from Lee Street and greater precinct connections from the south. Accordingly, the interface of the development from Lee Street and coordination with the Toga Central development with Henry Deane Plaza from the upper ground floor and retail on the lower ground floor is critical.</p> <p>The application was submitted with architectural plans illustrating the Day 2 development scenario when Toga Central develops. The drawings confirm the proposed development is capable of integrating with the Toga Central development and will provide meaningful physical and visual connections between Lee Street and the main plaza level at RL</p>
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Recommendation	Response
	<p>21, as indicated in Figure 62 below. An extract of the current Toga Central ground floor plan in Figure 63 illustrates a larger aperture from Lee Street and central oculus is provided. Ongoing collaboration between Dexu Frasers and Toga Central are being had to ensure the final resolution of the public domain is well integrated.</p>

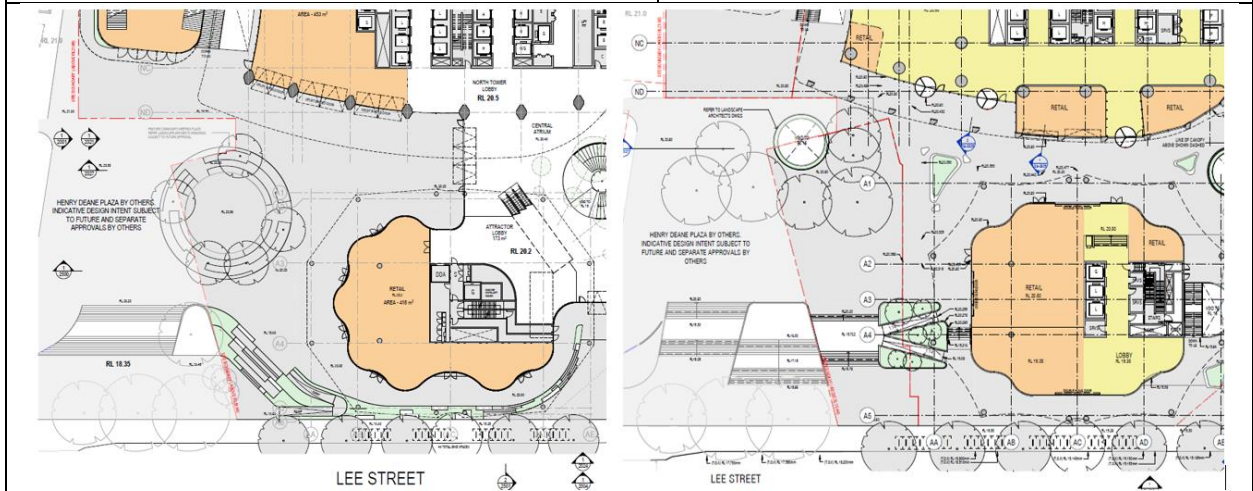


Figure 62: Comparison of the previously submitted (left) and proposed (right) Day 2 Upper Ground Floor Plan, demonstrating integration with the Toga Central development.

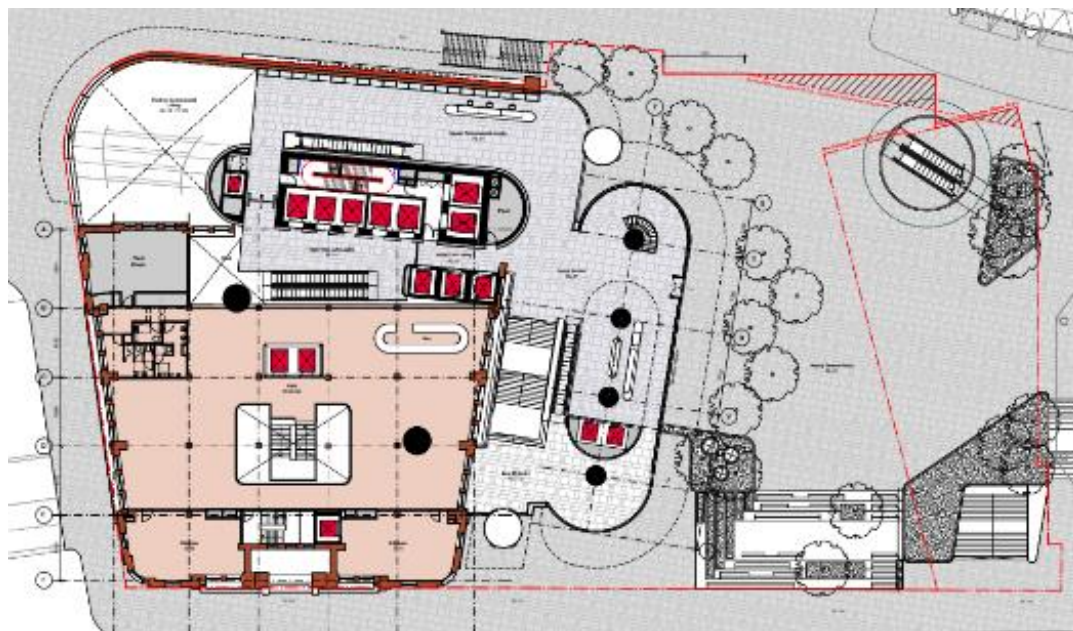


Figure 63: Extract of the Toga Central Ground Level Floor Plan (as submitted in the EIS), illustrating the design of Henry Deane Plaza, aperture, and central oculus.

Recommendation	Response
	<p>A comparison between the previously submitted Upper Ground Floor Plan (presented to the Subcommittee), and the amended plan is provided in Figure 64 below. The proposed development has improved the relationship of the upper ground level to Lee Street by removing stairs, ramps and landscaping that hindered permeability from the street. Unhindered and direct access is provided to the site from Lee Street.</p>

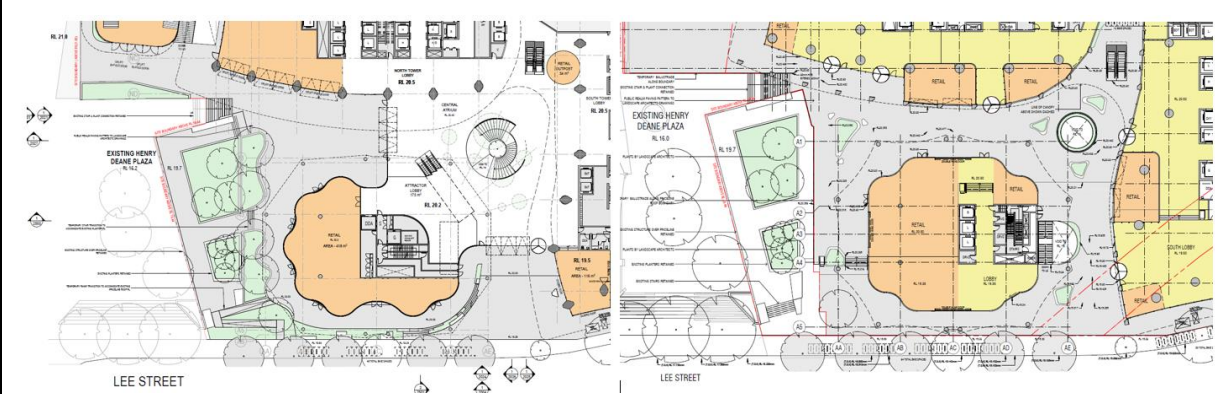


Figure 64: Comparison of the previously submitted (left) and proposed (right) Day 1 Upper Ground Floor Plan, demonstrating improved relationship to Lee Street.

<p>Clearly defined retail uses need to be provided adjacent to the lift lobbies and in the plaza level of the 'Connector' to increase activation.</p>	<p>The proposal has been amended to remove the enclosed atrium and reinstate a public domain that is open to sky to create a 'laneway' environment. Retail uses have been included within the lobby areas of the towers and the Connector that are also open to the laneway to enhance activation on the plaza level. Refer to Figure 65 below.</p> <p>The laneway environment is also reproduced on the lower ground floor as per Figure 66. Access has been relocated from the oculus on the south-western corner towards Lee Street for more direct access from the street and has the potential to connect to the Goods Line.</p>
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Recommendation

Response

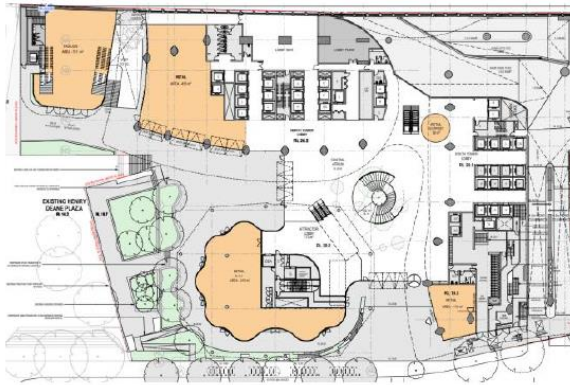


Figure 65: Comparison of the previously submitted (left) and the proposed (right) Upper Ground Floor Plan.

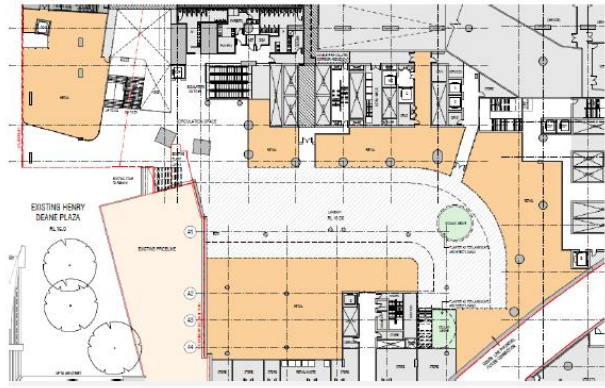


Figure 66: Comparison of the previously submitted (left) and the proposed (right) Lower Ground Floor Plan.

The Connector

The interface between retail uses in the Connector and Lee Street need resolution to ensure a seamless relationship with the future pedestrianisation of Lee Street. There is also potential for the ‘Connector’ to interact with the lower-level retail.

As detailed in the ‘Public Realm’ discussion above, the amended proposal has improved the relationship of the upper ground level to Lee Street by removing stairs, ramps and landscaping that hindered permeability from the street. Level changes are managed within the Connector building and enables an improved and seamless relationship between retail uses and lobby areas within the Connector to open up from with Lee Street and public domain. Access to the lower-ground floor is provided by new stairs on the southern end of the Connector building that also fronts Lee Street.

Recommendation	Response
<p>There appears to be a shift in the concept of this element in its relationship to the two other buildings, which is inconsistent with the competition scheme. This includes its previous potential to offer an innovative, distinctive, and outward looking uses to complement the workplace. The shift away from this is not supported.</p>	<p>Refer to 'Further Discussion' below.</p>
<p>Previously, the ground plane around the Connector was much more open with narrower and lighter upper-level bridge connections to the towers. By becoming more integrated, especially at the ground level, it has lost the potential for greater activation of the ground plane and connection to the surrounding public realm and lost its distinctiveness. Consideration should be given minimizing any bridge link to the surrounding commercial building.</p>	<p>As detailed in the 'Public Realm' discussion above, the proposed development has been amended to remove the enclosed atrium to create a 'laneway' environment. Upper-level connections and bridge links between the Connector and the North and South Towers have been deleted and results in the ground plane being open to the sky and the Connector an independent, standalone building in the round.</p>
<p>The presented proposal for an expanded and additional core has generated an increased size of footprint and adjusted location. The size and location of the footprint needs to be at least consistent with the competition scheme.</p>	<p>Due to design development, an inclusion of a core within the Connector building is necessary in order for the building to function as a separate and standalone building and offer flexibility in use overtime. The scale of the Connector in the amended proposal has been reduced and the core has been rationalised.</p>
<p>The critical relationship previously proposed between the scale of the 'Connector' and the former Parcel Post Office building has been lost. The bulk and height of the 'Connector' needs to be reduced in order to retain this relationship. As noted above, the area should be closer to original size to allow greater public space and should be no higher than the competition Relative Level (RL). The footprint of the building has undesirably crept north.</p>	<p>The bulk and height of the Connector building has been reduced from 10 to 8 storeys to better relate to the height datum established by the former Parcels Post Office building.</p>
<p>Further discussion</p> <p>Whilst the concerns raised by the Subcommittee in relation to the bulk, scale and integration with Lee Street and the public domain have been generally addressed by the amended proposal and align with the positive characteristics of the competition winning scheme, it is considered that the architectural expression and use of the Connector building requires further refinement.</p> <p>In the Design Competition, the Connector was designed as a timber structure. It accommodated a market hall incubator, conference centre and campus workspace, which</p>	

Recommendation	Response
	<p>partly connected to the podium of the commercial towers. It contained three above-ground levels that were oriented towards a key view from the plaza and twisted to maximise these views. The Jury also commended the location of the Connector as an object within the broader ground plane that contributed to activation and mediates the scale of the towers with the potential to have its own architectural identity.</p> <p>As proposed, the Connector building is a separate, 8-storey building within the public realm and contains a rooftop pavilion. It is to be constructed of a layering of bronze chainmesh net material that serves as a veil over the building's structural frame of stepped columns and expressed floor plates. The submitted plans indicate the Connector will contain retail uses and lobby areas on the ground floor, office spaces on upper floors and food and drink retail at the roof top level.</p> <p>Ongoing discussions with the design team, Council Officers and the Subcommittee have identified the following outstanding concerns in relation the Connector building:</p> <p>Program</p> <p>Concern is raised that the program of the Connector has morphed into a small office building amongst larger commercial towers and has significantly deviated from the innovative and collaborative spaces presented in the design competition.</p> <p>Architectural Expression</p> <p>At a meeting on 21 September 2022, Council Officers and members of the Subcommittee identified the following key matters that would be subject to further design investigations and refinement to improve the architectural expression of the building and to validate the use of the proposed chainmail mesh material and its relationship with other architectural elements:</p> <ul style="list-style-type: none"> • Retention of the offset geometry of the structure • Extension of the draped mesh façade over the full extent of the façade to cover the slab edges with scalloped geometry option • Horizontal and vertical fine edge detailing to the mesh • Recessing of the columns behind the façade • Vertical extension of the parapet at the upper terrace level and lowering of the roof canopy to reduce visibility from ground level • Exploration of a limited number of recessed and glazed apertures in smaller or medium bays related to the urban context • Exploration of the roof terrace element to be complementary rather than contrasting geometry. <p>Overall, the Connector has a significant role as an architectural and programmatic marker within the WGSP and the larger Tech Central. As such, it is considered necessary that a deferred commencement consent be recommended to refine the architectural expression of</p>

Recommendation	Response
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the Connector building that addresses the recommendations of the Subcommittee in order to achieve design excellence.

To address Council Officer's concerns for the use, a condition of consent is recommended in Attachment A for a separate application to be submitted to Council for the use and operation of the building. Refer to further discussion below.



Figure 68: Photomontage of the design competition winning scheme, illustrating the scale of the Connector with the podium, former Parcels Post Office building and public realm.



Figure 69: Photomontage of the proposed development, illustrating the scale of the Connector with the podium, former Parcels Post Office building and public realm.

Recommendation	Response
<p>Podium Scale, Design and Materials</p>	
<p>The scale and bulk of the podium elements has increased significantly from the competition scheme, and this has not only had a negative impact on the proportional relationship between the tower and podium but also the critical relationship with the former Parcel Post Office building. The Subcommittee recommends the podium elements be reduced in height, consistent with the previous competition scheme.</p>	<p>The amended proposal demonstrates a reduction in the podium and Connector building from 10 to 8 storeys, which is generally consistent with the competition winning scheme.</p>
<div style="display: flex; justify-content: space-around;">  </div> <p>Figure 70: Comparison of the podium and shift in scale of previously submitted render presented to the Subcommittee (left) and amended (right).</p>	
<p>The Subcommittee maintains the strong view that the brick colour needs to be more consistent with the predominant red palette within this heritage precinct as this is critical to its coherency.</p>	<p>As outlined in the 'Discussion' section of this report, Council's Heritage Specialist echoes the comments made by the Subcommittee with regards to the employing a red palette to the podium.</p> <p>The applicant has provided justification to the proposed and alternative use of warm silver brick material of the podium in that it serves as being a calm and complementary palette to the Connector. The Connector has a warm reddish tonality that is a contemporary reference and connection to the red brick heritage of the surrounding masonry buildings. It is considered that introducing a red brick to the podium as a backdrop to the Connector has potential to be a competing element and will diminish this sense of the building</p>

Recommendation	Response
	<p>in the round, at odds with the competition winning scheme.</p> <p>The comments from the Subcommittee and Council's Heritage Specialist are acknowledged. However, the reasoning provided by the applicant has merit. The indicative red palette, in addition to the copper tone of the towers, the use of a red colour palette to the podium would saturate the development. The warm silver brick would provide a necessary contrast to the predominate red colour palette of the larger development. The use of the red colour palette for the Connector is contextually appropriate in accentuating the red masonry character of the area and the red colour palette of key neighbouring heritage buildings. This is illustrated in Figure 71 below.</p>




Figure 71: Oblique photomontage of the development and the relationship of the red colour palette of the tower and Connector building with other red masonry buildings in the locality.

Recommendation	Response
<p>The relationship between the concrete columns and the body of the masonry podium visually separates the podium from the ground and needs further resolution.</p>	<p>The proposal has been amended to delete the large concrete columns and have introduced the use of expressed double height half arched brick pilasters as an expression of the arched brick modules of the podium brought down to ground level. The cantilevered element has been removed and the pilasters are part of body of the masonry podium and connect the podium to the ground. The application was reviewed by Council's Heritage Specialist who considers the modification an approved outcome.</p> <p>A comparison between the previously submitted scheme and the proposed is provided in Figures 72 and 73 below.</p>



Figure 72: Previously submitted photomontage of building entrance and the use of concrete columns, as presented to the Subcommittee.

Recommendation	Response
 <p data-bbox="204 949 1225 981">Figure 73: Proposed photomontage of building entrance and the use of brick pilasters.</p>	

Pavilion	
<p>The role of the pavilion as temporary mitigation of wind impacts is acknowledged. However, a lighter more minimal approach is recommended. Council staff and the Subcommittee is concerned that the current proposal for an independent element adds unnecessary complexity to the public realm experience and recommends a simple extension of a horizontal plane visually connecting to the Atlassian podium with a more recessive vertical plane.</p>	<p>The design of the Pavilion has been simplified to incorporate a strong horizontal plane that better correlates and visually connects with the development, Atlassian podium, the public realm. The replacement of the vertical landscaping with clear glazed screens provides a level of transparency and lightness that removes the complexity of the structure and improves its visual relationship with the public realm.</p>

 <p data-bbox="204 1951 1394 1982">Figure 74: Photomontage comparison of the previously submitted (left) and proposed (right) Pavilion</p>	
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101. The development involves the erection of a new building. As such, the provisions of Division 4 – Design Excellence of Sydney LEP 2012 are applicable.
102. Specifically, Clause 6.21C – Design Excellence of Sydney LEP 2012 stipulates development consent must not be granted to development to which this Division applies unless the consent authority is of the opinion that the proposed development exhibits design excellence.
103. Having regard to the above discussion and the relevant history section of this report, the proposed development has undergone significant design changes in response to the issues raised by DAP and the DAP Subcommittee in order for the development to exhibit design excellence and maintain the integrity of the design competition winning scheme.
104. Overall, the proposed development generally satisfies the provisions of Clause 6.21C and therefore, exhibits design excellence for the following reasons:
 - (a) The proposal, as amended, has retained the important features of the design competition winning scheme whilst responding appropriately to the relevant planning controls. Specifically, the urban strategy that was identified by Competition Jury as one of the key reasons for being declared the winner, has been designed in accordance with TfNSW's WGSP Publicly Accessible Space Strategy. The lower ground and upper ground levels of the development are consistent with the nominated levels of the Strategy that would enable integration with other developments in the WGSP and greater Central Precinct.
 - (b) The amended proposal has significantly improved its relationship to Lee Street and provides an unobstructed and seamless interface with the public domain.
 - (c) The proposal has maintained the placement and configuration of the towers to the south and east of the site that reduces the bulk and scale from Henry Deane Plaza. The architectural expression of the tower has evolved to utilise copper metal materials and functions as a high-performance envelope, which incorporates smart awnings for passive sun shading. The form and external appearance of the tower does not adversely impact on the amenity of the public domain in relation to solar access and wind.
 - (d) The placement of the towers and Pavilion building maintains the important views to Central Station clocktower and future views from the OSD pedestrian connection to the tower of Marcus Clarke building.
 - (e) The proposed development has been appropriately designed with the surrounding heritage context in terms of materiality and scale. Notably, the height and scale of the podium and Connector buildings has been reduced to 8 storeys to better relate to the scale of the former Parcels Post Office building.
 - (f) The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regards to the amenity of the surrounding area and future occupants.
 - (g) Subject to conditions and as discussed later in this report, the proposal will demonstrate excellence and integration of landscape design.

105. The form and scale of the Connector building has been amended to improve its relationship with the former Parcels Post Office building and its integration with the public realm and Lee Street. The amendments are aligned with the features of the competition winning scheme.
106. Whilst the issues raised by the DAP Subcommittee in terms of the building interface and scale have been addressed and the Connector building demonstrates design excellence, the architectural expression of the building requires further refinement.
107. As detailed in the 'Further Discussion' section above in relation to the Connector building, Council Officers and the DAP Subcommittee have recommended specific design refinements to the external appearance of the building as follows:
- (a) Retention of the offset geometry of the structure
 - (b) Extension of the draped mesh façade over the full extent of the façade to cover the slab edges with scalloped geometry option
 - (c) Horizontal and vertical fine edge detailing to the mesh
 - (d) Recessing of the columns behind the façade
 - (e) Vertical extension of the parapet at the upper terrace level and lowering of the roof canopy to reduce visibility from ground level
 - (f) Exploration of a limited number of recessed and glazed apertures in smaller or medium bays related to the urban context
 - (g) Exploration of the roof terrace element to be complementary rather than contrasting geometry.
108. In light of the above, a deferred commencement consent is recommended for these design modifications to be made to the external appearance of the Connector building, which will be reviewed and approved by the City prior to the consent being operative. The design modifications are minor in the context of the whole development. Overall, the proposal has generally addressed the recommendations of the DAP and Subcommittee and maintains the design integrity of the competition winning scheme. The proposed development satisfies the matters required to be considered under Clause 6.21C of Sydney LEP 2012 and accordingly, exhibits design excellence.

Heritage

109. The buildings to be demolished do not have any heritage significance. However, the larger site is a local heritage item under Sydney LEP 2012 being the 'Central Railway Station group, including buildings, station yard, viaducts and building interiors' (I824). The site is within proximity to other local heritage listed 'Former Parcels Post Office including retaining wall, early lamp post and building interior' (I855).
110. Additionally, the site within close proximity of State listed heritage items being 'Sydney Terminal and Central Railway Stations Group' (SHR01255) and 'Railway Square Road overbridge', which is a local (I180) and State (SHR01232) heritage item.

111. Accordingly, the provisions of Clause 5.10 - Heritage Conservation of Sydney LEP 2012 and Section 3.2.1 - Heritage of the Western Gateway Sub-Precinct Design Guide are applicable.
112. The application was referred to Council's Heritage Specialist and Heritage NSW (HNSW), who raised the following issues:

Podium and Relationship with the Parcels Post Office Building

- (a) The adjacent former Parcels Post Office Building (FPPOB) is a landmark building within the SHR curtilage with distinctive tripartite divisions of the façades. Further refinement of the podium form is required to better contextualise the podium as part of the broader precinct and reflect and respect the proportions of the tripartite modulation of the FPPOB, notably its grounded base.
- (b) The podium appears larger than the FPPOB, which reduces the prominence of the landmark building. The visual bulk of the podium should be reduced to provide a more respectful response.
- (c) The podium facade adopts a design language of corbelled pilasters and half arches that differs from the grounded load bearing masonry facades of the FPPOB and other heritage listed buildings in the immediate precinct, such as the Marcus Clarke Building.
- (d) The laneway network is too porous and excessive to provide the pedestrian scale. The amount of glazing in the podium should be reduced in favour of more solidity.
- (e) The silver tone brick of the podium and off form concrete pilasters do not provide adequate warmth to integrate with the historic buildings of the precinct. The colour of the brick selected should be of a warmer tone so that the building is more visually integrated into the historic Central Railway precinct.

Heritage Interpretation

- (f) A coordinated and consistent heritage interpretation approach and design across the sub-precinct should be realised.
- (g) The submitted Heritage Interpretation Strategy, prepared by FRD, has not been further developed beyond the conceptual document previously submitted. It remains unclear as to how the Strategy will be used ensure interpretation informs the design development, or how it relates to other development proposals within the precinct. The interpretation should be incorporated into the architectural design, rather than applied after the design is finalised.
- (h) It is also encouraged that the Strategy give more weight to the theme of technological hub and transportation, and the existing interpretative strategy showing the location of old railing on the ground through different paving materials and landscaping treatments should be reintroduced in some extent on the flooring treatment and landscaping of the new proposal. The reintegration of Darling Harbour Dive (former Goods Line) should be included in the Interpretation Plan.

- (i) Further consideration should be made to the Mortuary Railway Station by activating this significant item and including it as part of the heritage interpretation strategy and public art.

Archaeological Assessment and Aboriginal Cultural Heritage

- (j) Recent archaeological investigations undertaken for adjacent developments have identified Aboriginal objects within intact sand deposits. Moreover, archaeological excavations undertaken in 2020 as part of upgrade works for Central Station have confirmed the presence of subsurface Aboriginal objects in the broader area.
- (k) There is archaeological potential for this development that has not been adequately assessed. It is recommended a site-specific historical archaeological assessment be prepared and referred to Council and HNSW. The assessment should address management of earlier structural elements directly associated with the neighbouring SHR listed Central Railway Station as well as address the Aboriginal cultural heritage values and management for this development.

The former Goods Line/Railway Square Road Overbridge

- (l) The alignment, historic connections and fabric of the former Goods Line and Railway Square Road Overbridge should be comprehensively safeguarded by the proposed works.
- (m) The Goods Line Heritage Structures Impact Report, prepared by Arup, states that the Goods Line will remain unexcavated as it passes through the subject site, and that the existing tracks will be left in place undisturbed and protected during demolition and construction. The Report further states that the height and width dimensions required to preserve the tunnel as a rail corridor will be preserved, and as a minimum, match the clearances in the tunnel under Lee Street. The Report outlines the Goods Line overbridge and brick wall structures are not on the subject site and no works are planned to directly impact or modify these structures.
- (n) The Arup Report sets out the following mitigation measures to protect the Goods Line rail infrastructure. These should be provided to Council and HNSW:
 - (i) An additional detailed investigation is required to complete the design and impact assessment of the Lee Street Overbridge.
 - (ii) A dilapidation survey of affected assets to understand current conditions.
 - (iii) Detailed design of the shoring systems will use site specific investigation data and be undertaken using appropriate software to determine lateral and vertical ground movements to inform impact assessment and limit deflections to acceptable levels.
 - (iv) Groundwork specifications prepared in cognisance of the sensitivity of nearby assets.
 - (v) Regular visual inspection of Goods Line assets for signs of distress, excessive ground movement, vibration, or construction fluid ingress during works.

- (vi) Submission of final design and CEMP Contractor Method Statement for the works, including excavation techniques, sequencing of works to control movements, and instrumentation and monitoring.
- (o) The former Goods Line should be considered as part of the broader public domain and opportunities to interpret this element. It should be included in the heritage interpretation strategy and public art plan.

Designing with Country Framework

- (p) Designing with Country is a critical part of the interpretation of the place and should be an integral part of the overall design and coordinated with other developments within the WGSP.
113. The issues raised by Council's Heritage Specialist and HNSW are reasonable. Accordingly, to ensure that the proposed development appropriately responds to the visual, physical, and spatial character of the WGSP, conserves the heritage significance of heritage items, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance, the following conditions of consent are contained in Attachment A to address heritage concerns:
- (a) A Heritage Interpretation Plan be prepared in consultation with HNSW and to the satisfaction of Council that provides weighting to the theme of technological hub and transportation, and the existing interpretative strategy showing the location of old raiiling on the ground through different paving materials and landscaping treatments. The reintegration of Darling Harbour Dive (former Goods Line) and the Mortuary Railway Station should be considered in the Interpretation Plan.
 - (b) Undertake a site-specific historical archaeological assessment, in consultation HNSW and to the satisfaction of Council that addresses management of earlier structural elements directly associated with the neighbouring SHR listed Central Railway Station as well as address the Aboriginal cultural heritage values and management,
 - (c) Carry out the recommendations of The Goods Line Heritage Structures Impact Report, prepared by Arup, to protect the Goods Line rail infrastructure and provide these to Council and HNSW.
 - (d) Prepare a Designing with Country Framework with consideration made to the GANSW's Connecting with Country Framework November 2020.

Wind

114. Section 3.1.5 of the WGSP Design Guide requires development in the sub-precinct to ensure cumulative impacts of development on the wind environment does not result in uncomfortable or unsafe wind conditions within the public domain, publicly accessible managed space and surrounding the development, taking into consideration the intended use of the space.
115. A Pedestrian Wind Assessment Report, prepared by RWDI, was submitted with the application. The Report carries out a boundary-layer wind tunnel testing with historical meteorological wind records for the area to assess the effect of the proposed development on local wind conditions in pedestrian areas within and around the site.

116. The wind tunnel testing was carried out having regard to four configurations. A summary of the results for each configuration is detailed below:
- (a) Configuration 1 - Existing site and existing surrounding buildings
 - (i) Most areas are suitable for sitting and standing throughout the year
 - (ii) No instances of safety exceedances
 - (b) Configuration 2 - Proposed development Stage 1 (podium, north tower, Connector) and Atlassian
 - (i) The inclusion of the proposed development and Atlassian results in redirection of prevailing winds
 - (ii) Most locations around the site are generally suitable for passive pedestrian (sitting and standing). An isolated instance of uncomfortable conditions is indicated on the roadway on Lee Street
 - (iii) Wind conditions on the north and west outdoor areas of the podium of the proposed development would benefit from additional wind mitigation measures to improve usability of the space for sitting activities, which will be resolved during the detailed design stage
 - (iv) Safety exceedances are indicated at an isolated location on Lee Street and northern portion of Central Station. However, these are temporary and are resolved with the final massing of the WGSP.
 - (c) Configuration 3 - Proposed development Stage 2 (podium, north tower, Connector, south tower) and Atlassian
 - (i) The additional massing of the South tower was found to generally improve ground level wind comfort conditions
 - (ii) Localised areas of increased wind speeds on Lee Street are expected to be resolved by the Connector building
 - (iii) Wind conditions for comfort and safety of the outdoor areas of the podium of the proposed development would be influenced by funnelling effect between the two tower forms. Mitigation measures are required
 - (d) Configuration 4 - Proposed development Stage 2, Atlassian and Toga Central reference design
 - (i) The inclusion of the Toga Central tower was found to generally increase wind activity at ground level near the tower, but resulted in no comfort exceedances and still suitable for passive activities
 - (ii) Wind conditions on the podium of the proposed development were generally not impacted by the Toga Central Development
 - (iii) Locations at the south-western corner of the Toga Central development exceed safety threshold.
 - (e) The result of the testing is provided in Figures 75 to 78 below.

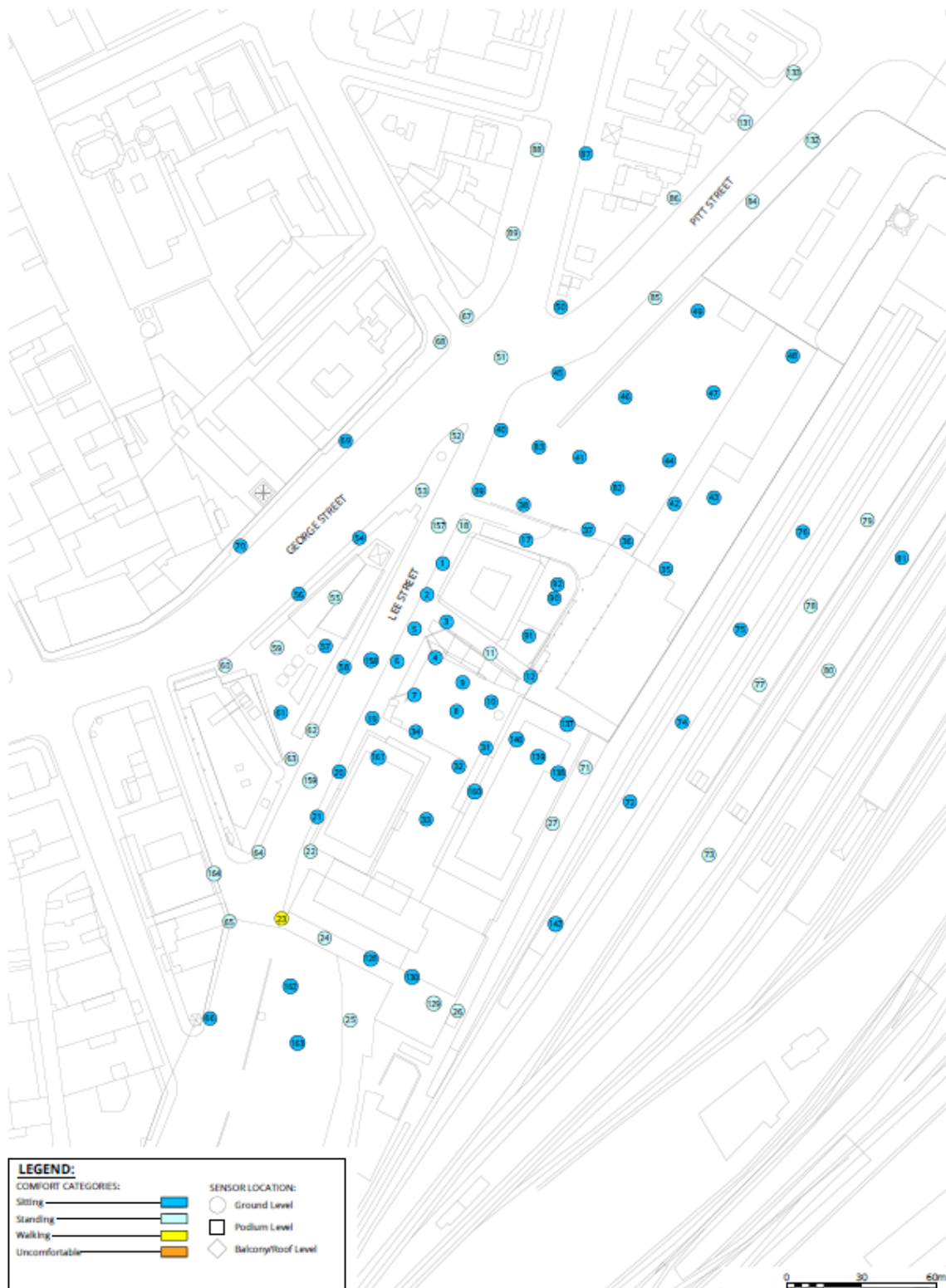


Figure 75: Configuration 1 results

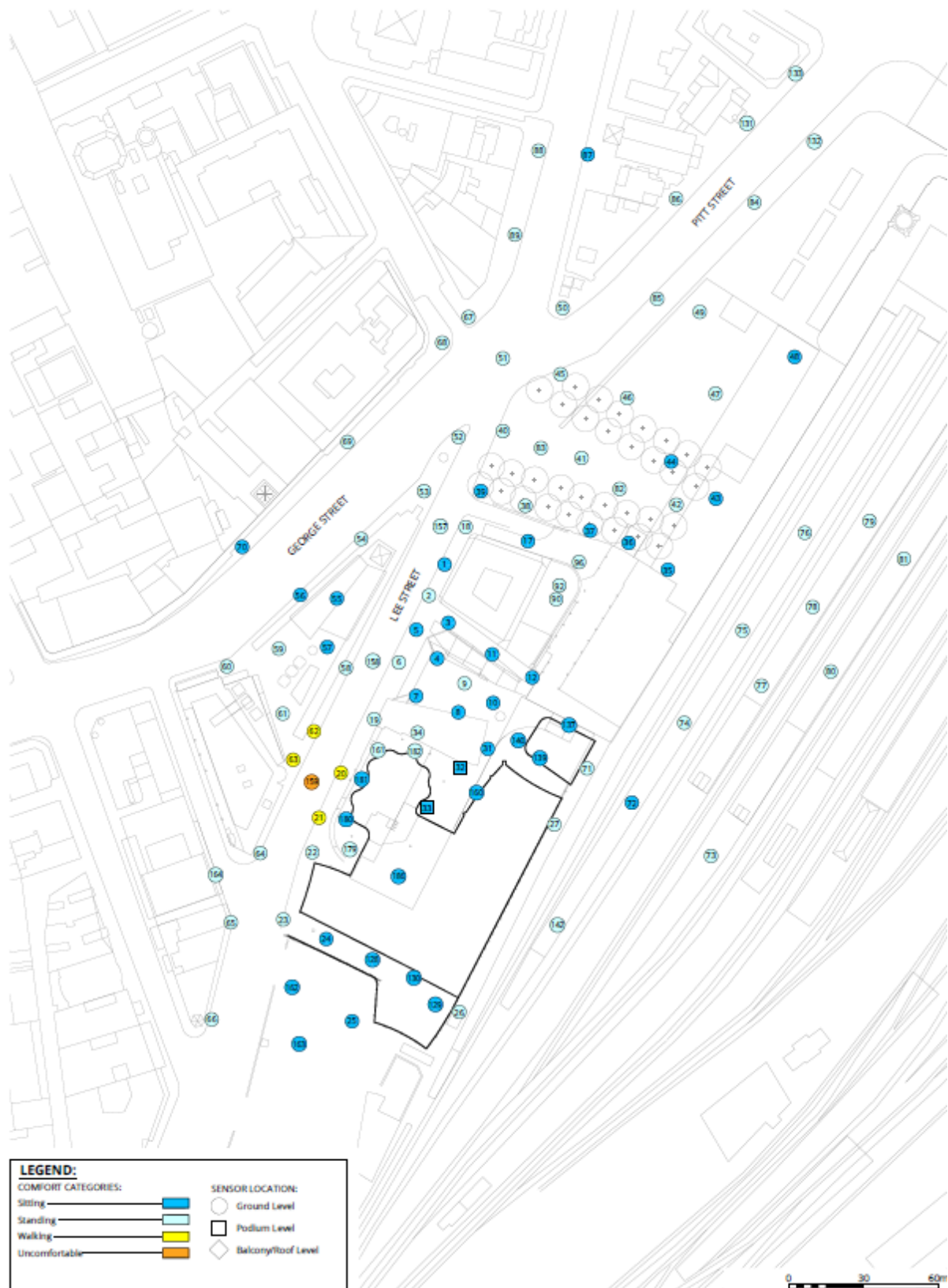


Figure 76: Configuration 2 results

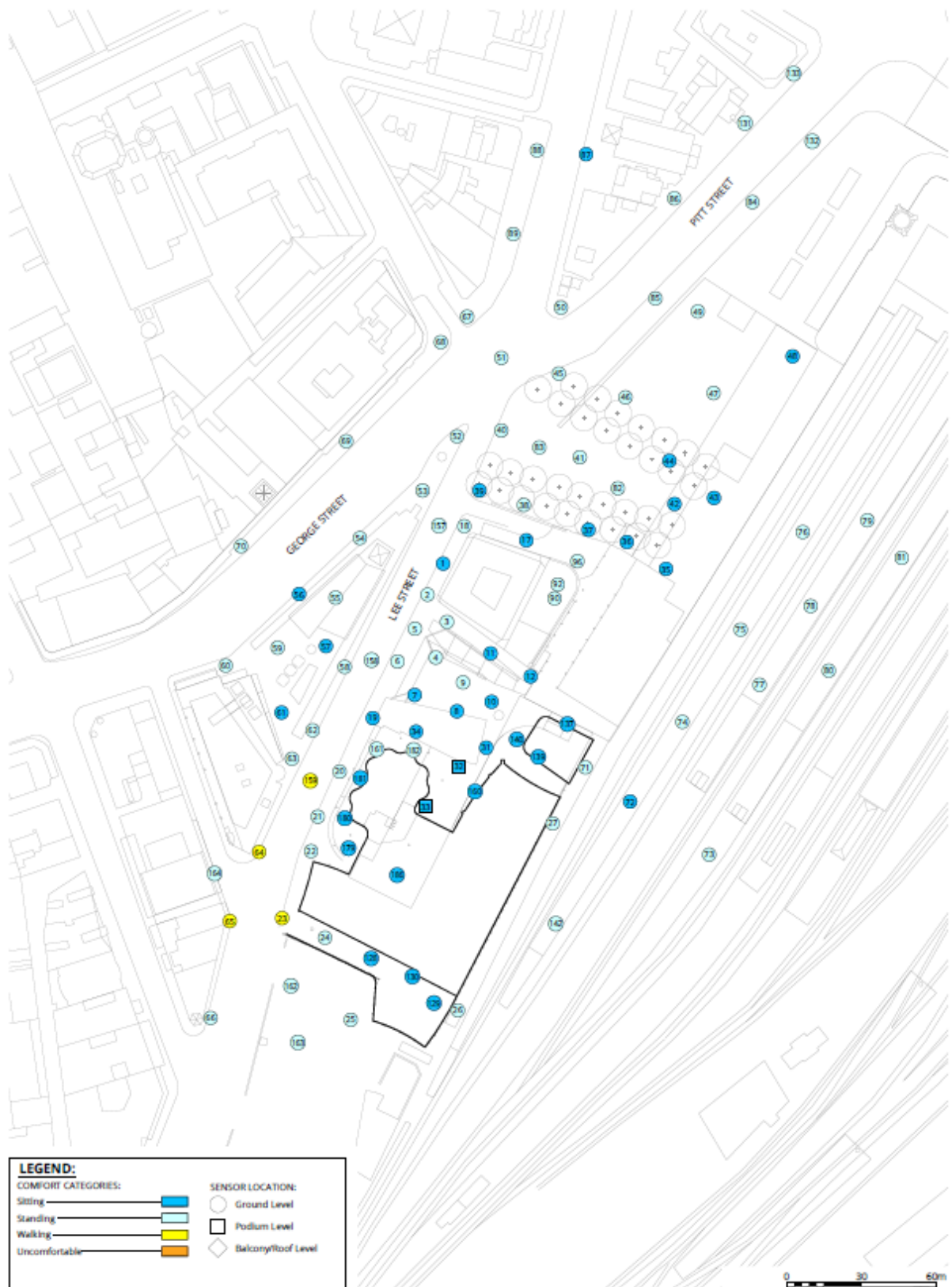


Figure 77: Configuration 3 results



Figure 78: Configuration 4 results

Public Domain and Publicly Accessible Managed Space

117. Figure 8: Wind Criteria Map generally requires the public domain and Publicly Accessible Managed Spaces in the WGSP to achieve a wind comfort standard criteria of 8 m/s for walking.
118. The above results of the wind tunnel testing found future wind comfort levels within and around the site, including Henry Deane Plaza, are suitable for sitting, standing, and walking, which satisfies the criteria in the Design Guide.
119. Additionally, the Design Guide stipulates a maximum Wind Safety Standard of 24 m/s. The Report does find exceedances of the 24 m/s safety criteria in the Configuration 3 and 4. The locations of the exceedances are indicated below:

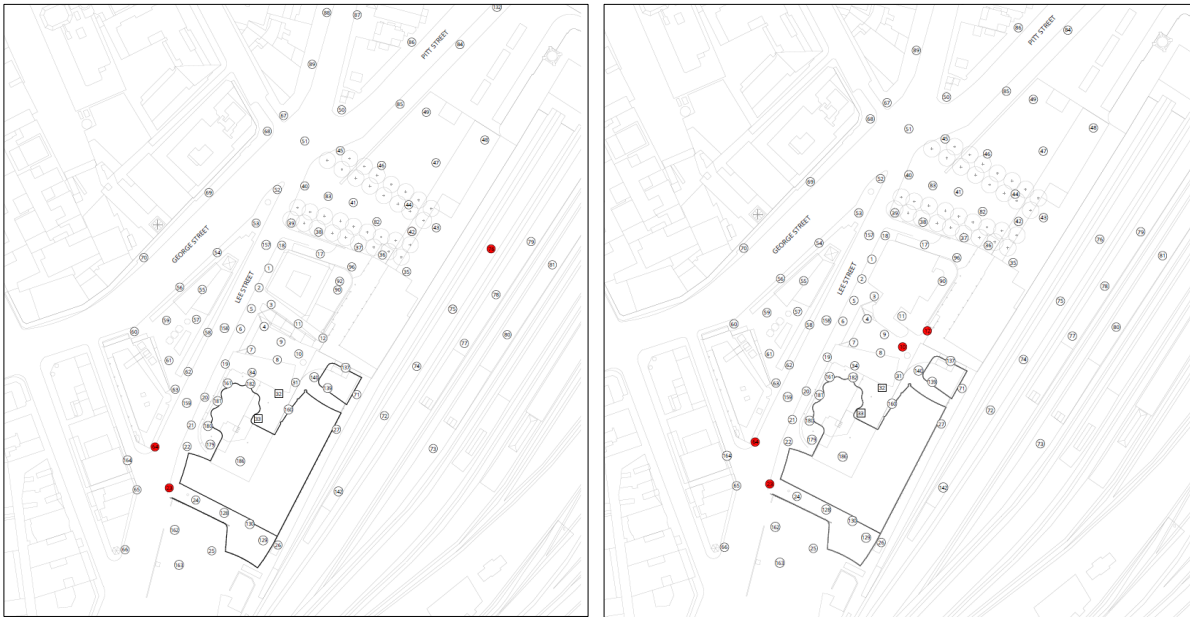


Figure 79: Locations exceeding the 24 m/s Wind Safety Standard in Configuration 3 (left) and Configuration 4 (right).

120. Locations 23 and 64 relate to the basement carpark entry from Lee Street (23) and the footpath on the corner of Lee Street and Little Regent Street (64) and demonstrate exceedances in both Configurations when the proposed development is constructed.
121. Having regard to Configuration 4 as the final case scenario, consideration is made to cumulative wind environment on the broader area and the degree of the exceedance at Locations 23 and 64 as well as the two locations around the Toga Central development (Locations 10 and 12).
122. The exceedances in these locations range from 24.3 m/s at a minimum and 25 m/s at Location 12 at the corner of the Toga Central development and link to future Central Square. The exceedance by 1 m/s relates to the reference design of Toga Central and could be addressed as part of the future detailed design and landscaping of that space.

123. Overall and in consideration of the four configuration scenarios detailed above and the cumulative impacts of developments on the wind environment in the WGSP, the proposed development does not result in uncomfortable or unsafe wind conditions within the public domain, publicly accessible managed spaces, and surrounding development. Exceedances to the wind safety criteria are minor and maintain a wind comfort rating suitable for sitting and walking, which is consistent with the requirements of the Design Guide.

Public Domain within the Development

124. The Design Guide requires new developments to be designed to mitigate adverse wind effects and be designed to satisfy the relevant safety criteria for the intended uses of the public domain.
125. The Report finds that areas within the public domain of the proposed development, notably in the upper ground floor laneway network, have wind comfort ratings suitable for sitting. This verifies that the areas intended for future retail land uses, notably food and drink premises, within the proposed laneway is suitable for outdoor dining and satisfies the requirements of the Design Guide.

Outdoor Areas within the Development

126. Whilst the wind tunnel testing in the Report confirms the proposed development can provide a safe and comfortable wind environment at pedestrian level, the Report has identified that open spaces on the podium terraces and tower rooftops are affected by wind and are only suitable for standing and walking. Critically, the Report identifies areas of the Level 8 podium terraces are uncomfortable and exceed the 24 m/s wind safety criteria, as indicated in Figure 80 below.
127. The Report outlines these wind impacts can be managed with the use of suitable landscaping, localised screening, partitioning the space into smaller zones using porous baffle screens or operation management of the space.
128. However, the architectural and landscape plans submitted with the application provide no detail on wind mitigation measures or sufficient landscape details that address the wind mitigations measures outlined in the Wind Report.
129. The application was reviewed by Council's Landscape Officer who raised significant concern for the reliance on landscaping on the podium, tower, and rooftop levels to mitigate winds. As detailed elsewhere in this report, the landscape details are incomplete where planters and tree planter details and plant schedule are lacking. The landscape design does not provide sufficient details of the tree planters on slab to confirm if there is adequate soil depth and volumes for the trees to survive and provide effective wind mitigation.
130. Accordingly, conditions of consent are recommended in Attachment A for revised plans, landscape details and Wind Impact Addendum to be submitted that incorporates any changes proposed to improve the wind environment for the development to ensure open spaces on the podium and tower rooftop are fit for purpose.

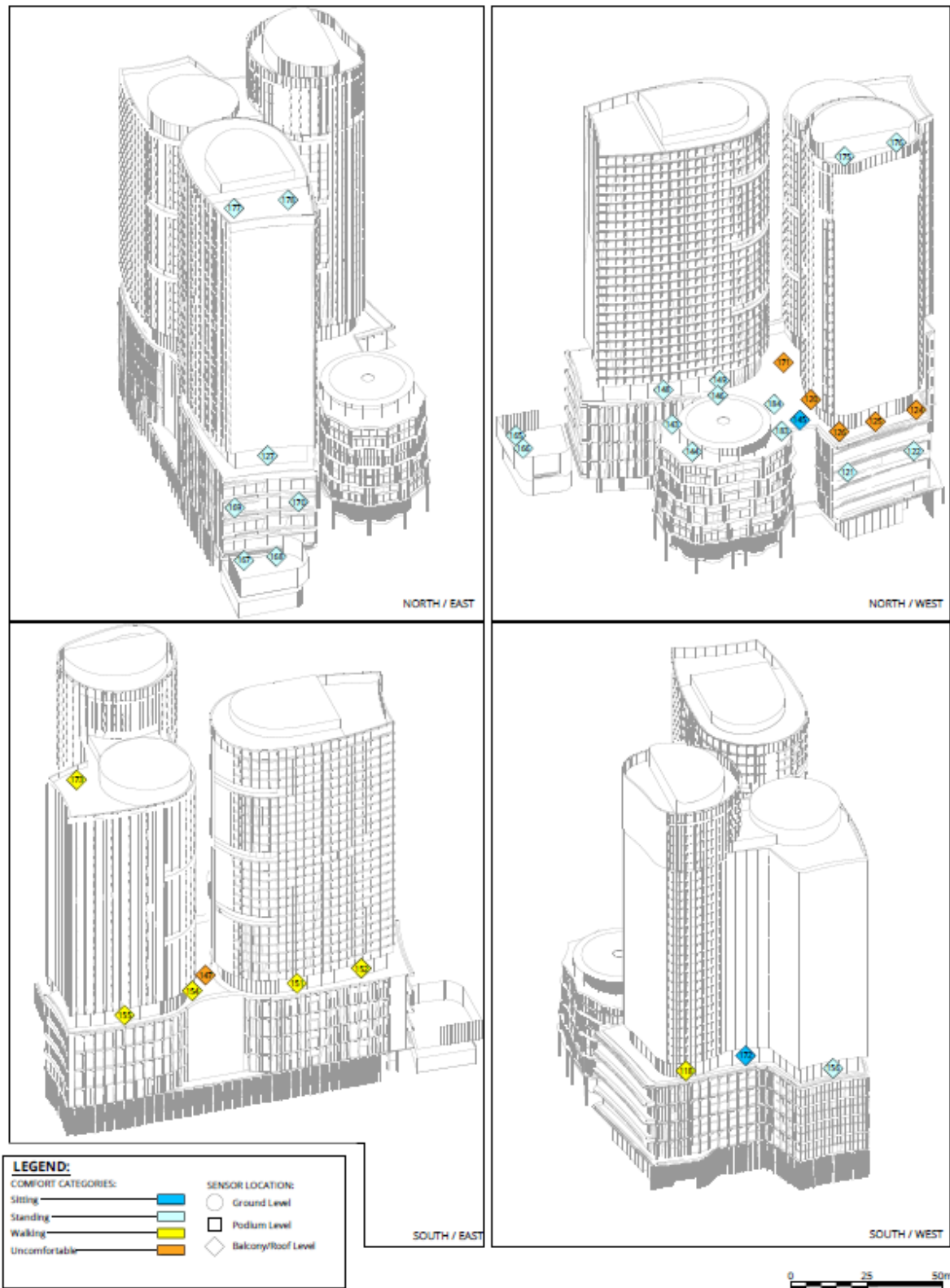


Figure 80: Wind comfort conditions of the elevated levels of the proposed development in Configuration 4.

Landscaping

131. Section 3.5 - Urban Ecology of Sydney DCP 2012 requires development to be consistent with the City of Sydney Landscape Code - Volume 2 (Landscape Code). The Landscape Code applies to all new developments and provides practical advice and guidelines to create high quality landscaped spaces within private developments.
132. Landscape Plans, prepared by Arcadia was submitted with the application and reviewed by Council's Landscape Officer and Tree Management Unit. The following concerns were raised:

Tree Canopy Cover

- (a) The subject site is located in Central Sydney and the proposal must contribute greening to achieve a 40% green cover, including 25% canopy cover by 2050.
- (b) The proposal demonstrates extensive paving at upper ground level with palms and minimal new trees. Towers, podium, and upper levels propose trees in shallow profile planters with insufficient soil depth and soil volume to support the healthy growth of trees.
- (c) The Day 2 and 3 scenarios demonstrate a reduced quantum of canopy cover.
- (d) Eight existing semi-mature to mature *Livistona Australis* Palms are proposed to be transplanted to facilitate the development. However, the landscape plans do not show the proposed locations with tree numbers, and how these palms are integrated into the design.
- (e) There are trees in shallow profile planters on the towers, podium and upper levels with insufficient soil depth and soil volume to support the healthy growth of trees.

Landscape Design and Coordination

- (f) The landscape plans are incomplete and do not include any tower plans and landscape details for the various planters and tree planters across the development. There is no plant schedule and no information for how landscaping will be accessed and maintained.
- (g) The landscape plans focus on the plaza masterplan and Day 1 to 3 scenarios. However, the design is incomplete, and the design intent statements do not translate to coordinated design resolution.
- (h) The Architectural Design Statement, prepared by FK + SOM, describes integrated biophilic approach to engage with nature inside and outside of the buildings and is illustrated with renders of the development that show trees and substantial greening to the building façade, particularly the podium. However, the architectural sections demonstrate that this is highly unrealistic and suggests tree planting in shallow-profile planters and wind buffeted external planters, which are positioned beyond the balustrade.
- (i) Overall, further coordination is required between the architectural plans and landscape to ensure that the actual greening proposed across the development is realistic, feasible and clearly demonstrated.

- (j) The landscape report acknowledges that the landscape design to the podium tower requires careful consideration. This has not yet occurred in plan and there is no landscape maintenance statement that describes how all external facade planting will be safely and easily accessed for regular maintenance.

133. In consideration of the issues raised above the following comments are made:

- (a) The concern for tree canopy cover is acknowledged. However, given the proposed development forms part of a larger redevelopment, landscaping cannot be considered in isolation and must be considered with other sites in the WGSP and the larger Central precinct.
- (b) The TfNSW Central Strategic Framework earmarks the WGSP to comprise of high-density development to deliver a critical mass of employment floor space and establish a visual marker for the Central Precinct through the creation of city scale buildings. Henry Deane Plaza is reimagined as a high-quality urban environment and a convergent point for pedestrians with landscaping to provide shade, reduce urban heat and soften the urban environment. Further, significant public open spaces are planned for the future Central Square and on the OSD,
- (c) Having regard to the above, the WGSP is intended to be dense with Henry Deane Plaza imagined to provide public open space for the sub-precinct, which is the most viable location for tree canopy coverage and tree planting. This is being delivered as part of the Toga Central development.
- (d) The provision of deep soil area for tree planting is compromised on the site in consideration of the basement levels and IDF that serves the entire sub-precinct and OSD.
- (e) Notwithstanding the above, the landscape design can be improved through more plantings on the upper levels of the development. A condition of consent is recommended for revised landscaping plans to be submitted that incorporates increased trees and greening to improve canopy coverage and the local environment and reduce the impacts of the urban heat island effect.
- (f) Additionally, the success of landscape on slab, particularly on the podium and tower roofs, requires good design, coordinated services, soil depth and soil volume, drainage, watering systems and ongoing maintenance. Accordingly, conditions of consent are recommended for detailed landscape plans to be submitted that are designed in accordance with the requirements of the Landscape Code, particularly:
 - (i) Details of earthworks and soil depths including mounding and retaining walls and planter boxes. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers
 - (ii) Location, numbers, type, and supply of plant species, with reference to the relevant Australian Standard
 - (iii) Tree selection that includes a diverse range of species which must be consistent with the expected mature heights and growth within the Sydney area
 - (iv) New trees to be planted in natural ground with adequate soil volumes to allow maturity to be achieved

- (v) Details of planting procedure and maintenance
- (vi) Details of drainage, waterproofing and watering systems

Tree Management

Tree Removal

134. Section 3.5.3 - Tree Management of Sydney DCP 2012 sets out objectives and provisions for development that may have an impact on the health or structural stability of a tree.
135. The submitted architectural plans and Arboricultural Impact Assessment (AIA) Report, prepared by Lee Hancock, was reviewed by Council's Tree Management Unit. The removal of one London Plane street tree (identified as Tree 5) is proposed due to its proximity to the driveway at the southern end of Lee Street.



Figure 81: Extract from the AIA Report illustrating Tree 5 (background) and Tree 6 (foreground).

136. The following matters were raised by Council's Tree Management Unit:
- (a) The AIA Report incorrectly rated this tree as having low retention value despite giving the tree a high amenity rating and remaining life expectancy of greater than 40 years. This should indicate that the tree should have been given a high retention value based on the retention value methodology in the Report.
 - (b) The tree has been noted in good health and considered to have high landscape significance and high retention value. This tree is an important community asset which contributes greatly to the streetscape.
 - (c) The tree also forms part of a continuous avenue of planting along Lee Street, which continues through to George Street. Other street trees in Lee Street have been rated as having High Landscape Significance and High Retention Value. It should be noted that another London Plane street tree (identified as Tree 6) is located next to Tree 5 and has been rated as having a High Retention Value as the other street trees on Lee Street.
 - (d) Having regard to the objectives of Section 3.5.3 and Section 3.11.11 - Vehicle Access and Footpaths of Sydney DCP 2012, the proposed parking and driveway crossovers are not designed to minimise impacts on existing street trees and does not protect trees within the development.
 - (e) Accordingly, the removal of this street tree is not supported, and the driveway should be redesigned to retain the tree.
137. Whilst the concerns of Council's Tree Management Unit are acknowledged, the removal of the Tree 5 is reasonable on balance for the circumstance of the site and moreover, the WGSB for the following reasons:
- (a) Given that the subject site will provide access to the IDF, basements, loading and servicing areas of the developments in Blocks A and C as well as the future OSD, the removal of Tree 5 would enable the existing driveway to be extended to be able to accommodate the necessary service vehicles and increased traffic movement for the subject site and adjoining developments. An extended driveway width would also increase traffic safety and allow for sufficient distances for vehicles to safely manoeuvre in and out of the site.
 - (b) An extended driveway width at this location at the southern portion of the site on Lee Street is the only vehicular access provided for the shared basement. This is the most optimal outcome for the entire sub-precinct in limiting any further vehicle access points to be provided elsewhere.
 - (c) The applicant has submitted a Tree Replacement Strategy, as illustrated in Figure 82, which demonstrates that 4 new London Plane street trees are proposed to be planted along Lee Street in areas where there are street tree gaps to compensate for the tree removal. This is considered appropriate to enhance the avenue of London Plane street trees on Lee Street. Conditions of consent are included in Attachment A to ensure tree planting is carried out in accordance with Council's policies and the Australian Standards.
 - (d) Further, 10 new Cabbage Tree Palms are proposed to be planted within the public domain of the subject site to increase tree planting at grade level.

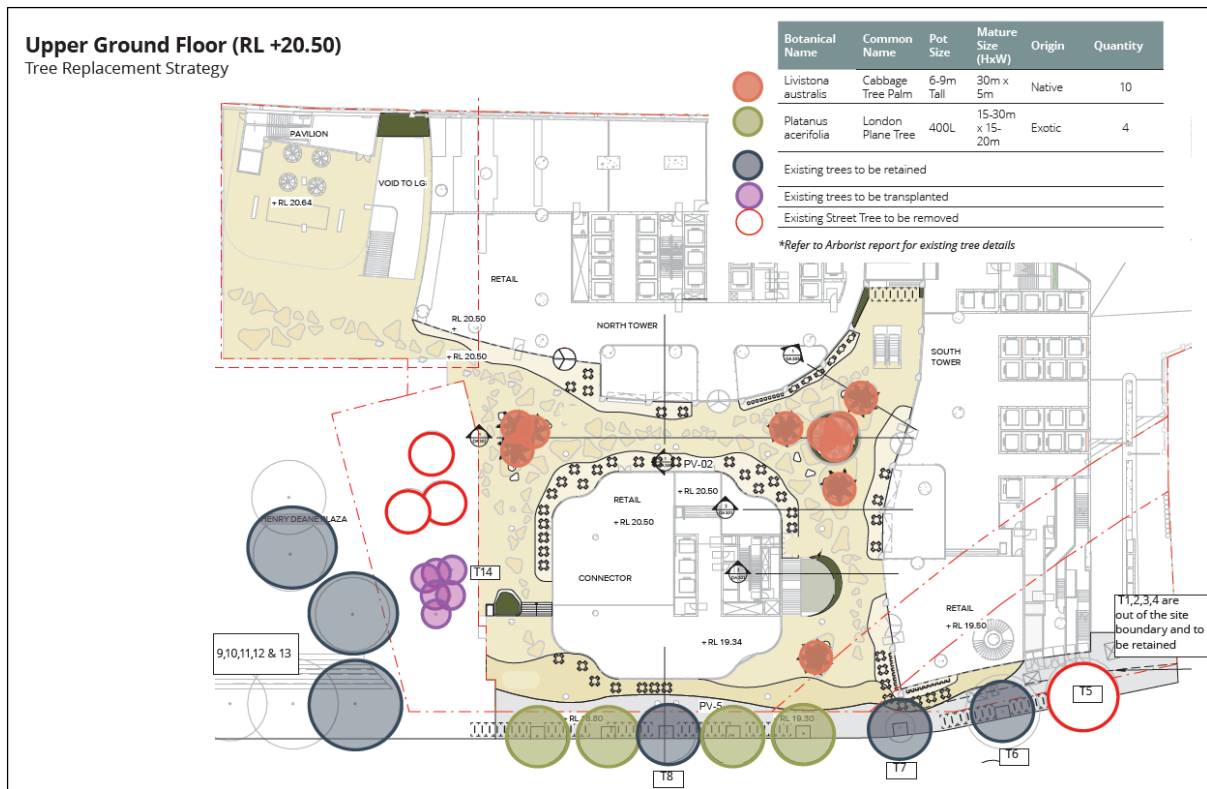


Figure 82: Tree replacement strategy

138. In addition to the above, a total of three (3) trees within the site are proposed for removal. These trees have been rated as having low retention values and are not considered worthy of any design changes to allow for retention. These trees are numbered 15, 16 and 17 in the AIA Report.

139. Council's Tree Management Unit raises no objection to remove these trees, subject to replacement planting being undertaken at the completion of the construction works. Conditions are recommended in Attachment A to this effect.

Street Tree Retention

140. The remaining nine (9) street trees outside the site are proposed for retention and protection. These trees are numbered 6, 7, 8 and 9 in the AIA Report.

141. The trees have all been noted in good health and condition and provide a positive contribution to the amenity and canopy cover of the area.

142. To ensure these trees are not adversely impacted by the proposed development, tree protection measures must be installed and maintained in accordance with the Australian Standards AS4970 'Protection of tree on development sites' for the duration of the works.

143. Accordingly, tree protection conditions are included in Attachment A.

Tree Transplanting

144. The AIA Report recommends transplanting of eight (8) palms located within the site. These palms are numbered Tree 14 in the Report.

145. The amended Landscape Plans shows several locations with palms plantings. However, its locations are unclear and the Report makes no specific comments or labels.
146. Irrespective of the above, Council's Tree Management Unit supports the transplanting of these palms. A condition of consent is recommended for the detailed landscape plan to specify the locations of the transplanted palms in the final landscape design.

Development Scenarios

147. The application includes indicative future scenarios that contemplate the likely delivery of the WGSP, including the redevelopment of Block C, public realm improvements and the Central Station OSD.
148. The development scenarios are set out as follows:
- (a) Day 1 - the development of the subject application as a whole, with interim arrangements for the lower and upper ground levels as well as an interim public realm design to integrate with the existing context of Block C.
 - (b) Day 2 - Amendments to the lower and upper ground levels as well as the public realm to integrate with the Toga Central development on Block C.
 - (c) Day 3 - Physical connections to the Central Precinct OSD
149. The subject application seeks consent for the redevelopment of Block B only in the Day 1 scenario. However, the indicative plans of the future scenarios are helpful in establishing a point of reference and consider future amendments to the development with the context of neighbouring Blocks and the evolving nature of the precinct.
150. The Day 2 and 3 scenarios do not form part of the subject application. For the avoidance of doubt, a condition is recommended in Attachment A, clarifying that no consent is granted for Day 2 and 3 works.
151. The proponent is involved with ongoing discussions with neighbouring sites to ensure respective developments are well coordinated. For the case of the development, discussions of coordinating the interface of the site with Henry Deane Plaza continue to evolve. Any future works to recognise the integration would be subject to future development applications.

Consultation

Internal Referrals

152. The application was referred to, or discussed with the following panels, Council units and officers:
- (a) Design Advisory Panel (DAP)
 - (b) DAP Subcommittee
 - (c) Traffic and Transport Committee
 - (d) Heritage and Urban Design Unit

- (e) Landscape Assessment Officer
- (f) Tree Management Unit
- (g) City Access and Transport Unit
- (h) Environmental Health Unit
- (i) Public Domain Unit
- (j) Surveyors
- (k) Waste Management Unit
- (l) Model Team
- (m) Environmental Projects
- (n) Public Art and Public Art Advisory Panel

153. The above advised that the proposal is generally acceptable, subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.
154. Where concerns were raised with the proposed development, these matters are either addressed in the table sections or outlined under the Discussion heading above.

External Referrals

Ausgrid

155. Pursuant to Section 2.47 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
156. A response was received raising no objections to the proposed development.

NSW Heritage Council

157. The application was referred to NSW Heritage Council as the proposal is within close proximity to heritage items listed under the Heritage Act 1977.
158. The comments received from Heritage NSW are discussed above and their recommendations are included as conditions of consent in Attachment A.

Sydney Airport

159. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
160. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).

161. The application was referred to CASA who recommended that the building be obstacle lit by low intensity steady red lighting during the hours of darkness at the highest point of the building. Obstacle lights are to be arranged as per section 9.31 of the Part 139 (Aerodromes) Manual of Standards (MOS). Characteristics for low intensity lights are stated in subsection 9.32 of MOS. The proponent must ensure that the obstacle lighting is monitored and alert SACL reporting staff of any outage.
162. Further, the application was referred to Sydney Airport who requested for a procedure to be confirmed for the monitoring of the obstacle lights. Sydney Airport proposed the following procedure:
- (a) The obstacle lighting will incorporate an alarm system that will provide remote monitoring to notify the person responsible for their maintenance.
 - (b) The designated person will be available 24 hours per day, 7 days per week.
 - (c) Action will be taken to repair the obstacle lighting within 12 hours of the light not operating.
 - (d) The contact details of the person responsible for the monitoring of the obstacle lighting will be sent to Sydney Airport and will be kept up to date.
 - (e) In the event of the obstacle lighting being inoperable, the person responsible for the maintenance of the obstacle lighting will immediately contact the Sydney Airport Airfield Operations Supervisor on 0419 278 208 or 9667 9824.
 - (f) Once the obstacle lighting is again working, the person responsible for the maintenance of the obstacle lighting will notify the Sydney Airport Airfield Operations Supervisor.
163. On 8 June 2021, The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, sought confirmation from the owner of the proposed development that the abovementioned conditions and procedures will be complied.
164. On 16 June 2021, the applicant, on behalf of the owner of the proposed development, provided confirmation that the CASA conditions and Sydney Airport procedures will be complied with.
165. CASA and Sydney Airport requirements are included as conditions of consent in Attachment A.

Transport for NSW

166. Pursuant to Section 2.97 and 2.98 of the SEPP (Transport and infrastructure) 2021 and Section 138 of the Roads Act 1994, the application was referred to Transport for NSW (TfNSW) for concurrence.
167. Concurrence was received on 30 September 2021 and 20 September 2022. Conditions of consent were recommended which are included in Attachment A.

Sydney Trains

168. Pursuant to Section 2.97 and 2.98 of the SEPP (Transport and infrastructure) 2021, the application was referred to Sydney Trains for concurrence.

169. Concurrence was received on 8 November 2021. Conditions of consent were recommended which are included in Attachment A.

Sydney Water

170. Pursuant to Section 78 of the Sydney Water Act 1994, the application was referred to Sydney Water.
171. On 30 March 2021, Sydney Water provided conditions, which are included in Attachment A.

Advertising and Notification

172. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 28 days between 22 March 2021 and 23 April 2022. A total of 220 properties were notified and five (5) submissions were received, including:

- (a) Two public objections.
- (b) One submission from the NSW Department of Communities and Justice, advising that it intends to submit a response to the application. However, no subsequent response was received.
- (c) Two submissions providing comments from Atlassian (Block A) and Toga Central (Block B).

173. The submissions raised the following issues:

- (a) Issue: The proposal is an overdevelopment of the site, has excessive bulk, scale and height that will impact on the liveability of the area.

Response: The proposed development is contained wholly within the maximum planning envelope permitted for the site and is compliant with the maximum GFA and height development standards. Moreover, the proposal directly responds to the strategic vision anticipated for the Western Gateway Sub-Precinct and the broader Central State Significant Precinct.

- (b) Issue: Overshadowing and loss of amenity of neighbouring residential accommodation.

Response: The shadow diagrams submitted with the application confirm that the proposed development will not overshadow surrounding residential development. The extent of shadows cast by the development at the worst-case scenario or during the winter solstice, is generally on the railway corridor.

- (c) Issue: The proposal must ensure that the wind conditions in the sub-precinct are not worsened.

Response: As outlined in the 'Discussion' section above, the proposal does not adversely affect the wind conditions of the WGSP.

174. The amended plans were re-notified and placed on public exhibition between 11 August 2022 and 25 August 2022. No submissions were received.

Financial Contributions

Levy under Section 61 of the City of Sydney Act 1988

175. The cost of the development is in excess of \$200,000. As the application was made before 26 November 2021, the development is subject to a levy under the Central Sydney Development Contributions Plan 2013.
176. A condition relating to this levy has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Relevant Legislation

177. Environmental Planning and Assessment Act 1979
178. Roads Act 1993
179. Sydney Water Act 1994
180. Heritage Act 1977
181. Airports Act 1996

Conclusion

182. The application, for the demolition of existing structures, excavation for three (3) basement levels and construction of two commercial towers with heights of 35 and 37 storeys above a podium, construction of a Pavilion building and new public realm, has been assessed in accordance with the relevant planning controls.
183. The proposed development complies with key development standards applicable to the site, including the maximum height of buildings, gross floor area and solar protection to Prince Alfred Park in accordance with the site-specific provisions prescribed in Clause 6.53 of Sydney LEP 2012.
184. The proposal is generally consistent with other applicable planning provisions including the Western Gateway Sub-Precinct Design Guide and Sydney DCP 2012. Non-compliances have been assessed as having merit for the case of the development and are addressed in the report. Conditions of consent are recommended to address non-compliances where appropriate.
185. The proposal will provide a new commercial development within an area that is highly accessible to existing and planned employment, services, public transport infrastructure and community facilities. It offers significant office and retail land uses within the Central State Significant Precinct to support the strategic vision and vitality of the area.

186. Subject to the recommendation of this report, and the imposition of the conditions in Attachment A, the proposal responds appropriately to the site constraints and contributes positively to the existing and desired future character of the locality.
187. The proposed detailed design of the development is therefore in the public interest and is recommended for a deferred commencement approval by the CSPC, subject to design modifications to be made to the architectural expression of the Connector building.

ANDREW THOMAS

Acting Director City Planning, Development and Transport

Reinah Urqueza, Senior Planner