

Item 5.**Development Application: 201-217 Elizabeth Street, Sydney - D/2022/362**

File No.: D/2022/362

Summary

Date of Submission:	28 April 2022 Amended plans and additional information received on 30 May 2022, 27 June 2022, 3 August 2022, 11 October 2022, 26 October 2022, 31 October 2022 and 9 November 2022.
Applicant:	Charter Hall
Architect/Designer:	FJMT
Owner:	The Trust Company (Australia) Limited and Perpetual Trustee Company Limited
Planning Consultant:	Ethos Urban
Cost of Works:	\$96,944,153.00
Zoning:	The site is located in the B8 Metropolitan Centre zone. The proposed commercial development is permissible with consent in the zone.
Proposal Summary:	<p>The proposal seeks consent for alterations and additions to the existing building including:</p> <ul style="list-style-type: none">• demolition of existing low scale structures to the north of the existing tower, within the southern forecourt, internal areas within the tower and within the basement;• excavation beneath the basement level to accommodate additional foundations and structural loads;• construction of an 11-storey commercial building addition fronting Park Street;• redevelopment of the ground floor plane and southern forecourt;

- alterations to the existing lower levels and basement; and
- two top of building signage zones on the northern and eastern tower facades.

The application is being referred to the Central Sydney Planning Committee as the cost of development exceeds \$50 million.

The proposal complies with the height control, the Hyde Park Sun Access Plane and Floor Space controls and has had extensive consultation with the Design Advisory Panel. The proposal would not require a competitive design process due to height or value but is technically part of a much larger site which contains the existing tower. As the site is located in Central Sydney and has an area that exceeds 1,500sqm, provisions of Clause 6.21D(1) and Clause 7.20(2) of the Sydney LEP 2012 are applicable which require the preparation of a site-specific development control plan (DCP) and the undertaking of a competitive design process. As the scope of works are limited to alterations and additions to the site, the applicant has formally requested that the requirements of Clauses 6.21D and 7.20 be waived by the consent authority. Given the individual circumstances of the development, it is considered that these requirements would be unreasonable or unnecessary in this instance, and it is recommended that these requirements of Clauses 6.21D and 7.20 of the Sydney LEP 2012 be waived.

The application was publicly notified for 30 days between 9 May and 7 June 2022. Fourteen (14) submissions were received which raised concerns regarding bulk and scale, excessive floor space, overshadowing, view impacts, traffic and parking impacts, privacy issues, noise impacts, and inconsistency with Sustainable Sydney 2030-2050 Continuing the Vision. These concerns and further issues are addressed within the report.

During the assessment of the application, the scheme was amended, and additional information was submitted to address the concerns of Council officers. These concerns principally related to:

- pedestrian access and circulation
- ground level
- materiality and building exteriors
- awnings
- wind impacts

- solar access
- landscaping
- public domain details
- service vehicle spaces
- further information required for the Public Art Plan, Environmental Performance Report Template, Noise and Vibration Assessment, and Sydney Metro Concurrence requirements.

These issues were addressed by the applicant in amended plans and the submission of additional supporting documentation. Subject to the adoption of recommended conditions of consent, the proposal is now considered to achieve an acceptable degree of compliance with the relevant planning controls, and results in a development that is contextually appropriate.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iii) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (iv) State Environmental Planning Policy (Resilience and Hazards) 2021
- (v) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
- (vi) Sydney Development Control Plan 2012 (Sydney DCP 2012)
- (vii) Central Sydney Development Contributions Plan 2020
- (viii) City of Sydney Affordable Housing Program

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Architectural Drawings
- C. Selected Landscape Drawings

Recommendation

It is resolved that:

- (A) the requirement under Clause 6.21D of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable and unnecessary in the circumstances of the subject development application;
- (B) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable and unnecessary in the circumstances of the subject development application; and
- (C) consent be granted to Development Application No. D/2022/362 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 planning controls for the site 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 and the Sydney Development Control Plan 2012.
- (C) The articulation, materiality and sustainability measures of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (D) The proposed development has a height, scale and form suitable for the site, existing tower 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.
- (E) 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.
- (F) The proposed mix of commercial and retail land uses will support the vitality of the area and improve the activation of the site and through-site link.
- (G) 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 officers, the City's Design Advisory Panel, and the community, subject to recommended conditions included in Attachment A.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 1 DP 868008, known as 201-217 Elizabeth Street, Sydney. It is rectangular in shape with an area of approximately 3,901sqm. There is a gentle fall in level towards the north-west.
2. The site is bound by Park Street to the north, Elizabeth Street to the east, Castlereagh Street to the west, and a commercial development at 219-227 Elizabeth Street to the south. The site's frontage to Park Street is approximately 37m in length, and 87m to both Castlereagh Street and Elizabeth Street.
3. The site contains a 38-storey commercial tower, with basement parking, and ground and lower ground retail and commercial uses for the Australian Temperance and General Mutual Life Assurance Society (T & G) and was approved in April 1971 to a design by Alexander Kann Finch and Partners in consultation with Peddle Thorpe and Walker. It was two thirds of a whole block redevelopment from Park to Bathurst Street.
4. The ground floor comprises a single-storey double-height retail structure fronting Park Street, and a commercial lobby accessed from Elizabeth Street and Castlereagh Street. At lower ground level there is a retail plaza to the north of the site, with underground pedestrian connections to the adjacent site and Museum Station, and a sunken plaza to the south of the tower which formerly accommodated a childcare centre and an outdoor play area.
5. Primary pedestrian access is from the northern end of the site via entries on Elizabeth Street and Castlereagh Street. Secondary access is provided at the southern end of the commercial lobby, via Elizabeth Street. Access to the lower ground floor is via escalators on Park Street. Mid-block pedestrian access is available between Elizabeth Street and Castlereagh Street via stairs which also lead to lower ground level.
6. The basement parking is accessed from Castlereagh Street. Basement access is shared with the neighbouring site to the south at 219-227 Elizabeth Street, with the entry driveway located within the subject site and the exiting driveway located on the neighbouring site.
7. The car park entrance utilises an area of land owned by the City of Sydney and leased to the site owner. There is an existing right of way easement in place to allow vehicles on the site to exit via 219-227 Elizabeth Street and for vehicles accessing 219-227 Elizabeth Street to enter via the subject site. As a result of the easement, the existing vehicle ramps cannot be amended.
8. The site abuts the Cross City Tunnel (CCT) westbound tunnel and is affected by the following easements and covenants:
 - reciprocal right of carriageway providing shared basement access with 219-227 Elizabeth Street (as stated above);
 - right of footway within the site providing pedestrian access on Castlereagh Street;
 - lease from the Council of the City of Sydney for the stratum of land in the public road which contains the vehicular access ramp (as stated above); and

- lease to the Sydney County Council of substation and control points room.
9. The site is not a heritage item, nor is it located within a Heritage Conservation Area. It not identified as being subject to flooding.
10. The surrounding area is characterised by a mixture of land uses. An outline of the surrounding sites is provided:
- North - To the immediate north of the site are three commercial buildings, Nos. 50-52 Park Street, 189-197 Elizabeth Street (a locally listed heritage item known as the former "Australian Consolidated Press" façade (Item No. 'I1751')), and 60 Park Street, which all have a consistent street wall height of 13-storesys.
 - South - To the immediate south of the site is a 23-storey commercial development at 219-227 Elizabeth Street, which as discussed above, has a basement connection and shared driveway access with the subject site.
 - East - To the immediate east is Hyde Park South, located on the opposite side of Elizabeth Street. Hyde Park is identified a State Heritage Item (SHR No. '01871'), and is also listed within the National Heritage Listing as part of the Governor's Domain and Civic Precinct, Macquarie Street. Hyde Park South is listed as a local heritage item No. 'I1654'.
 - West - To the immediate west of the site are mixed-use commercial and residential developments:
 - the site at 27 Park Street comprises a 44-storey building known as the 'Park Regis' which includes a five-storey podium containing car parking and commercial uses, and a 38-storey tower containing residential apartments.
 - the site at 197 Castlereagh Street comprises a 39-storey building known as 'Victoria Towers' with a 10-storey commercial podium and 28-storey residential tower.
 - the Church of Scientology is located at 201 Castlereagh Street which is a 5-storey building that is identified as a local heritage item known as the former CENEF house (Item No. 'I1700').
 - St George's Church is located at 201A Castlereagh Street and is also identified as a local heritage item (Item No. 'I1701').
 - at 116 Bathurst Street is a 36-storey mixed-use development known as 'Castle Residences' which has recently been constructed and includes the adaptive re-use of the locally listed heritage item, Porter House (Item No. 'I1702'), with commercial uses with hotel and residential accommodation.
11. A site visit was carried out on 17 May 2022. Photos of the site and surrounds are provided below.

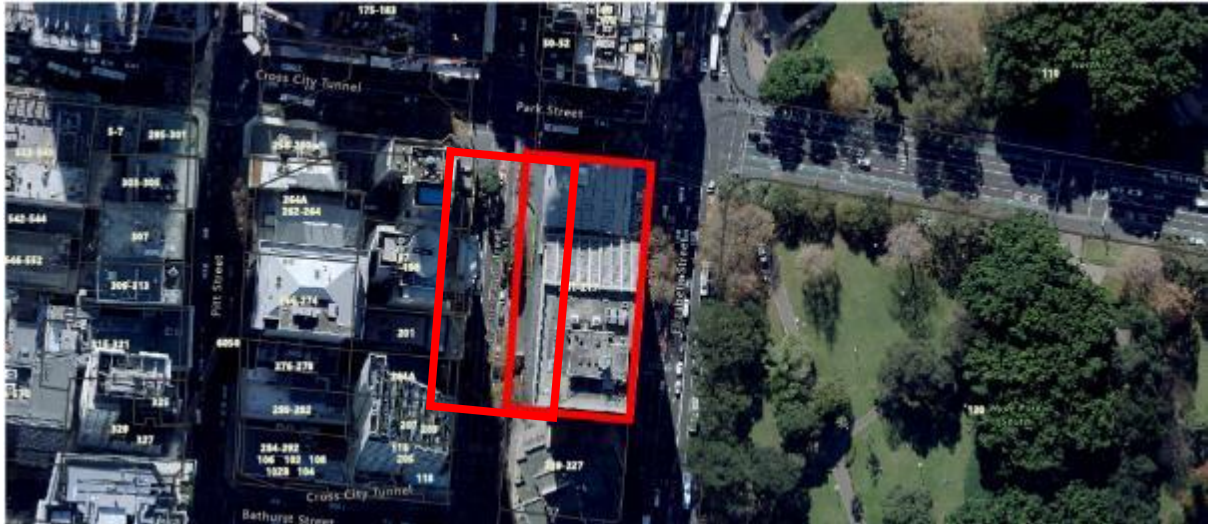


Figure 1: Aerial view, site outlined in red

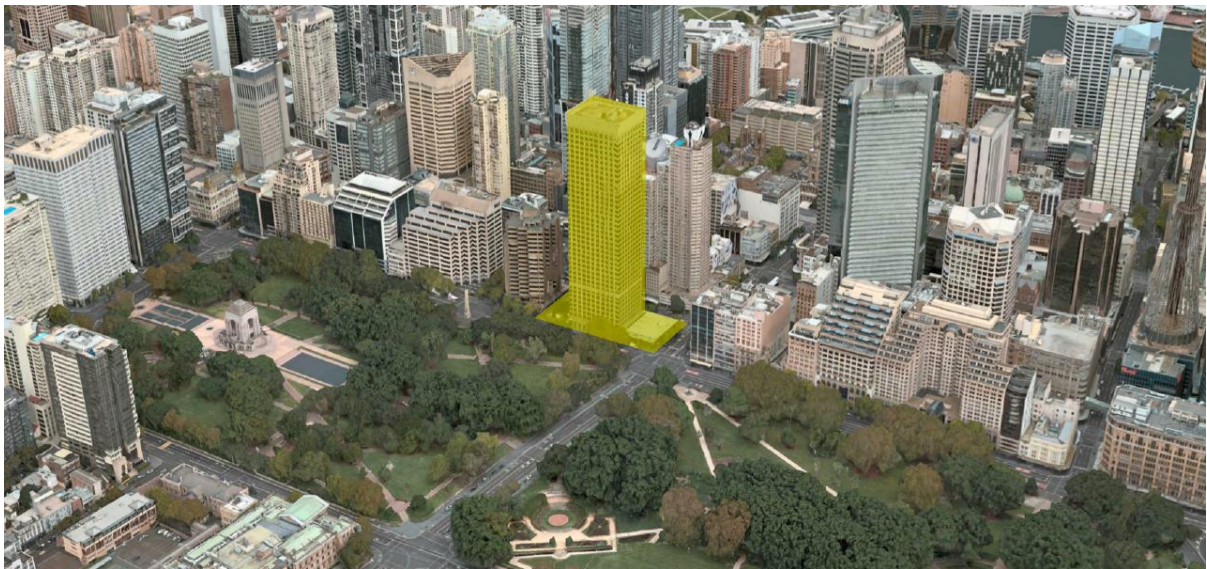


Figure 2: Perspective aerial photo, site highlighted in yellow



Figure 3: Existing tower, view from Park Street facing west



Figure 4: Existing site, view from corner of Park Street and Elizabeth Street facing south-west



Figure 5: Site's Park Street frontage, view facing south



Figure 6: Site's Castlereagh Street frontage, view facing east



Figure 7: Site's Elizabeth Street frontage, view facing north-west



Figure 8: Elizabeth Street frontage, view from Hyde Park. Adjoining building to south is the former Producers and Citizens Life, later Aetna Life building 1974, by Roy Grounds and Co and Cheeseman Doley Brabham and Neighbour joint architects..



Figure 9: Site's southern frontage. Adjoining building to south (219-227 Elizabeth St) shown.



Figure 10: Existing vehicular entry point within subject site off Castlereagh Street, view facing south



Figure 11: Existing vehicular exit point within adjoining site off Castlereagh St, view facing north

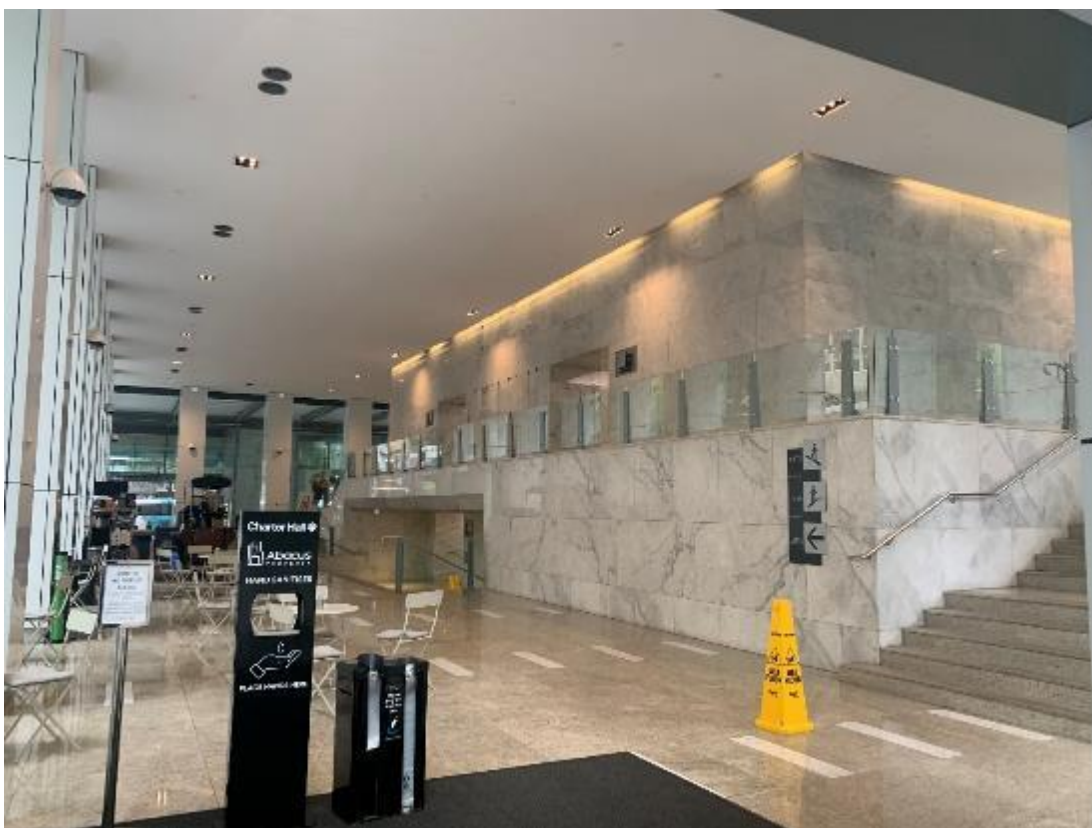


Figure 12: Existing commercial lobby



Figure 13: Existing retail plaza, view facing north-east

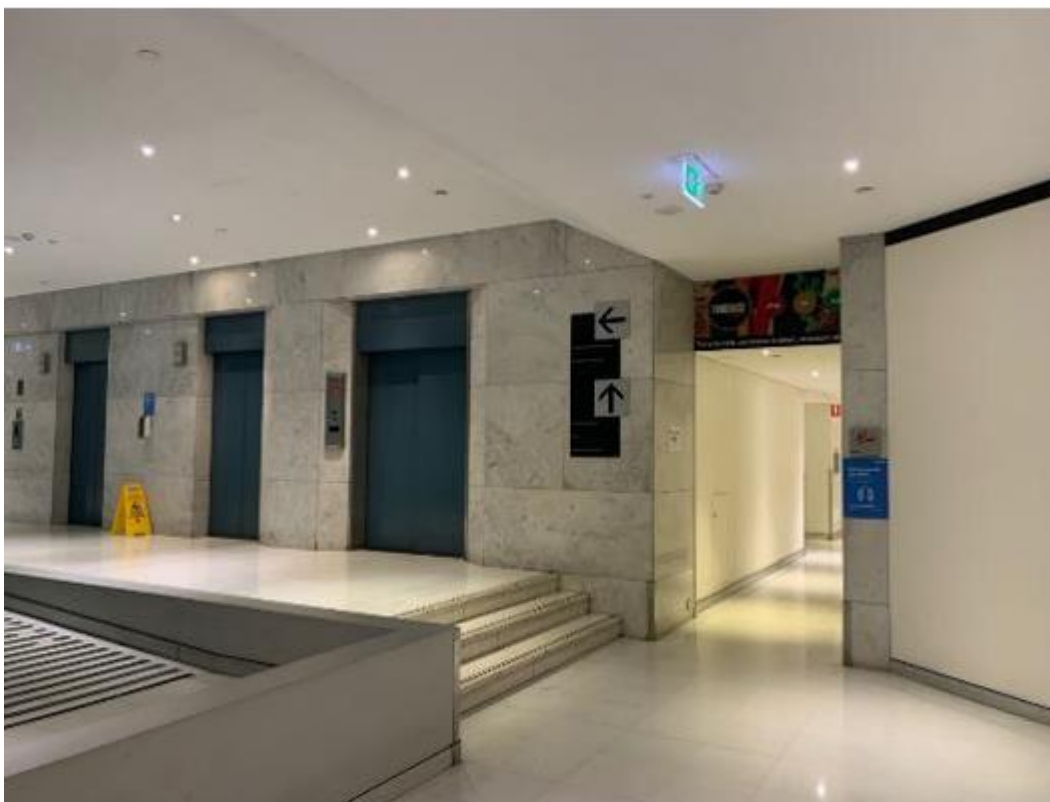


Figure 14: Entrance to existing through-site link on lower ground from subject site to adjoining site and Museum Station



Figure 15: Existing sunken plaza to the south of the site, view facing east



Figure 16: View of neighbouring properties along Castlereagh St, view facing north-west



Figure 17: View of neighbouring properties along Castlereagh St



Figure 18: View of neighbouring residential developments (197 Castlereagh Street (left) and 27 Park St (right))

History Relevant to the Development Application

Development Applications

12. The following applications are relevant to the current proposal:

- (a) **D/2017/349** – Development consent was granted on 15 February 2018 by the Central Sydney Planning Committee (under delegation from the NSW Minister for Planning) for a State Significant Development (SSD 8105), which included a building envelope and concept approval for the construction and use of a mixed-use building providing hotel, retail and residential uses, with basement parking. The envelope (50-storeys in total) comprised a 45m podium surrounding the tower (RL 69.89) with a podium terrace (RL 76.00), and a 37-storey tower above (RL 198.22).

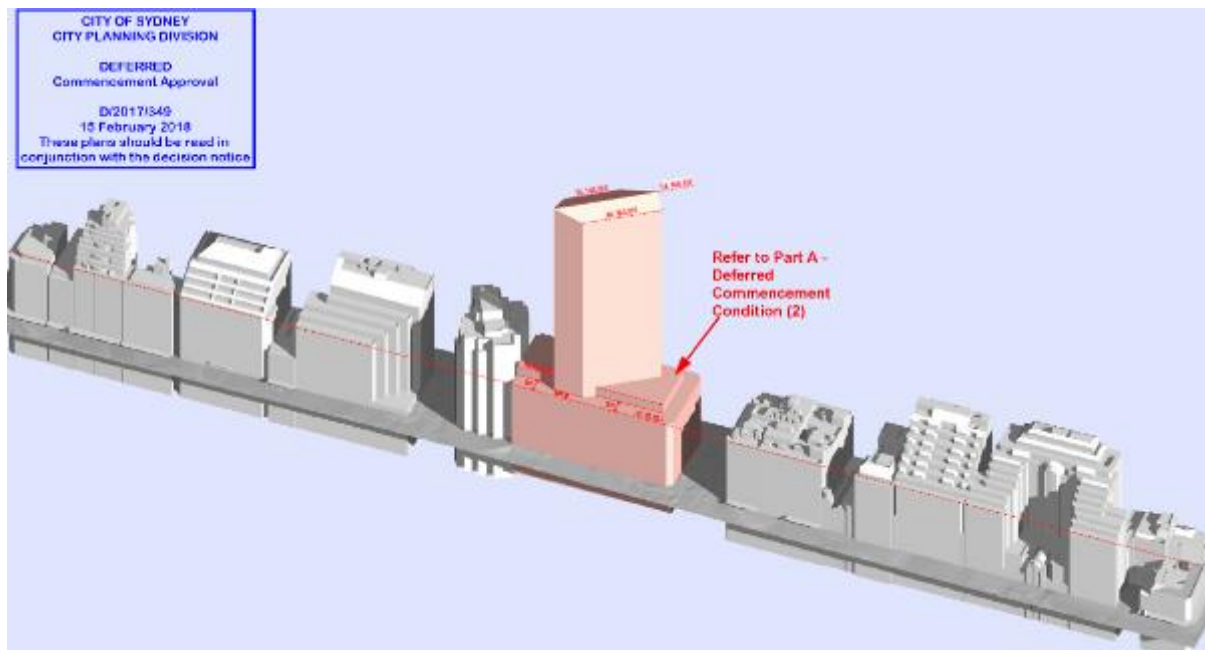


Figure 19: Approved SSD Concept envelope under D/2017/349

Following the Concept SSD approval, a competitive design process was undertaken whereby FJMT were appointed as the winning scheme.

An appropriate condition has been recommended in the recommended conditions to require the surrender of this consent, prior to commencement of any works or issue of a Construction Certificate in relation to the subject proposal.

- (b) **D/2021/150** – On 31 May 2021, a concept development application was withdrawn which sought consent for the significant alterations and additions to the existing building with retail and commercial uses. It included an envelope to the north of the tower which had a maximum height of 56m (RL 82.030), a building envelope to the south of the tower with a maximum height of 10m (RL 36.270), and a new building envelope surrounding the existing lower ground and ground levels.

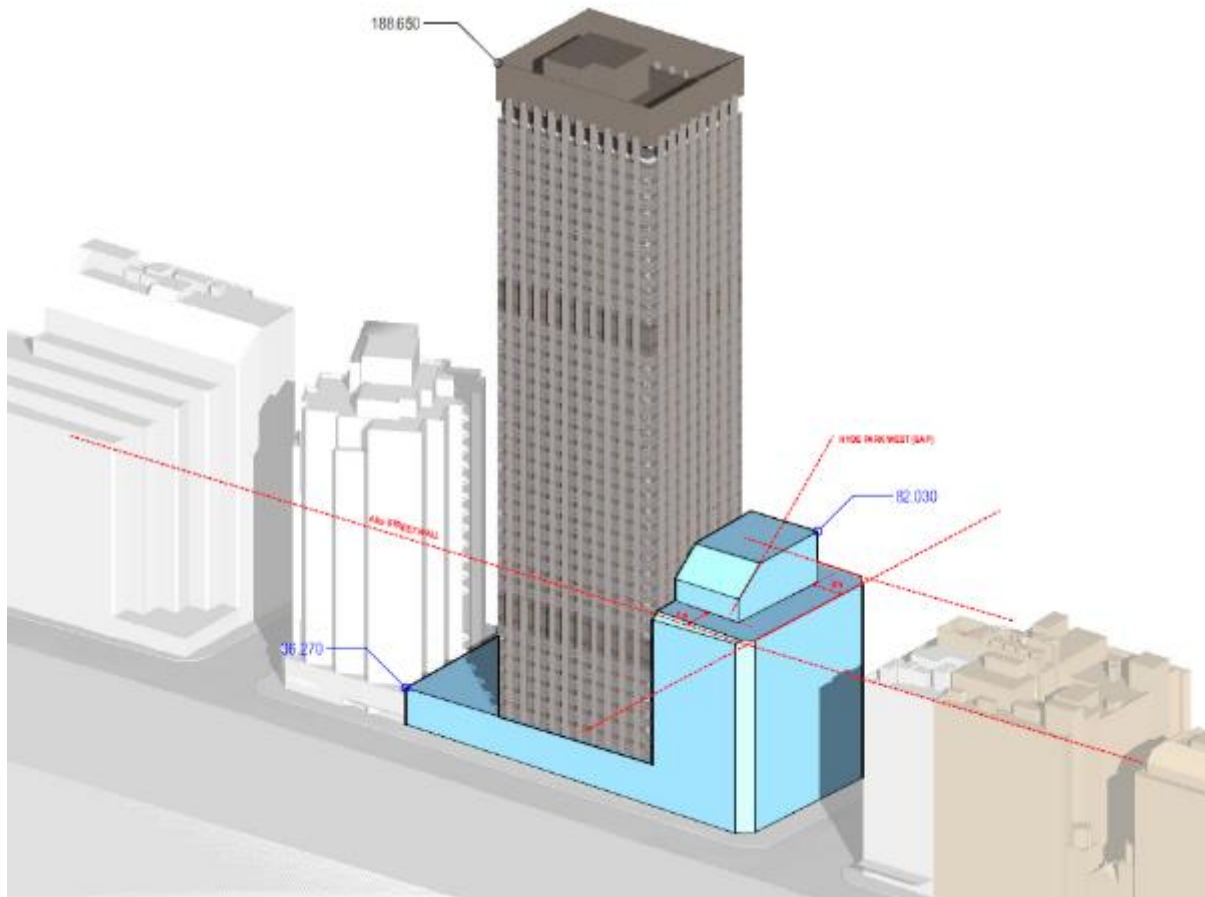


Figure 20: Withdrawn concept envelope under D/2021/150

The Applicant sought to rely on a design excellence bonus pro-rated up to 8.8 per cent, as the proposed building envelope covers, and the design competition would apply to, 88 per cent of the overall developable site area. City officers did not agree with this approach and recommended that an alternate floor space compliance scheme with an infill building no higher than the existing approval to the north (presented as Option 2 in a meeting on 22 April 2021) be the maximum envelope for the site.

In a letter dated 3 May 2021, the City provided some preliminary comments on the alternate scheme:

- Maximum height of the new addition is to be lower than the approved height under D/2017/349, to ensure no view loss or overshadowing occurs.
- To achieve a similar scale of significant public benefit as per D/2017/349, an environmental exemplar in high performance sustainability for the new podium building was recommended.
- The servicing provisions must be considered in the context of new technologies for commercial buildings – it must be fit for purpose and compliant with the rates within the Sydney DCP 2012.

- Dual access to accommodate the future Pitt Street Metro foot traffic should be adopted and Elizabeth Street must be activated by a ground floor lobby through to Castlereagh Street.
- Any cantilever of the new addition must be providing at least 2 storey clearance from the Castlereagh Street streetscape at ground level. The ground level facade must not extend beyond the Castlereagh Street face of the existing tower.



Figure 21: Alternate floor space compliance scheme (presented as Option 2)

- (c) **PDA/2021/216** – a pre-lodgement concept was submitted to the City in July 2021 which comprised a new commercial infill building to the north with extended office plates up to Level 12 connecting to the existing tower, changes to the ground plane, and alterations to the southern forecourt, lower levels and basement.

The pre-lodgement scheme was presented to the Design Advisory Panel (DAP) on 12 August 2021. The DAP advised the following:

- Supportive of proposed infill and environmental/sustainability ambitions, but requires further amendments.
- 45m street wall height queried.
- Detailed urban design study required.
- Overly complicated façade will likely result in maintenance issues.
- Details for through-site connection and levels required.
- Queried if level of green infrastructure is required for City's sustainability targets.
- Queried how much sunlight would reach the facades and if photovoltaic panels on eastern façade are efficient.

The scheme was amended with 3 options provided for the infill building. These options were presented to the DAP on 28 October 2021, whereby the following was advised:

- Overall, the simplification is welcomed but further design refinement needed as complexity and diversity of differing facade conditions remains unresolved.
- The corner expression is lacks coherence, and should present unity between the facades in terms of treatment and mass.
- The urban analysis provided for the 45m street height is satisfactory.
- The through-site link at the ground level is supported, and should read as an extension of the public realm.
- Queried if louvres are providing shading, testing is required.

A final amended package was provided on 3 December 2021 which included two schemes to address the DAP's comments. On 20 February 2022, the City advised in a letter to the Applicant that Option 2 is the preferred scheme that should be developed for a future development application. The following was also advised:

- A waiver of the design competition and two-stage process may be considered, subject to FSR compliance, the new building being an environmental exemplar and the cost of works being less than \$100 million CIV.
- The cornices are to be extended by 450mm or the glass line is to be pulled back behind the vertical structure.
- A form of continuous awning is required.



Figure 22: Final amended pre-lodgement proposal (Option 2)

Amendments

13. Following a preliminary assessment of the proposed development by City officers, a request for additional information and amendments was sent to the applicant on 1 July 2022. In summary, the following matters were raised:
- Pedestrian access and circulation - Access to the through-site link of 219-227 Elizabeth Street is via a set of uncovered stairs and a lift. Without careful signage, the lift will not be legible as being publicly accessed, particularly as it is separated from the footpath by the basement egress ramp and setback behind the adjoining retail. An awning is required for weather protection to the external lift doors and pedestrians entering and leaving the lift.
 - Ground floor plane - It was recommended that the ground plane is amended so that it maintains grading with the adjoining footpath along Elizabeth Street within the colonnade, that it lowers the ground level of the retail tenancies to be contiguous with the adjoining footpath be considered, and that it activates the lower forecourt and provide a program that utilises this space.
 - Materiality and building exteriors - Facade type details are to be provided for all parts of the facade, materials and finishes are to be shown on the drawings and elevations, and photos of samples are to be provided.
 - Awnings - Clarify the design of the awnings as there are inconsistencies with the drawings and the photomontages.
 - Wind impacts - No wind tunnel testing has been undertaken and the submitted Wind Report only addresses general wind effects and localised effects. The architectural design should be assessed to ensure that the building is capable of making the ground floor spaces and level 10 terrace safe and comfortable.
 - Landscaping issues - There is insufficient information to fully assess the feasibility and suitability of the design of landscape on structure and compliance with the planning controls and Landscape Code.
 - Public domain requirements - Public Domain Levels and Gradients, a Public Domain Concept Plan, and a Stormwater Quality Assessment is required to be submitted. Additionally, any tables and chairs located outside the site's boundary are to be deleted from the plans.
 - Service vehicle parking - Applying the DCP rate, the proposal will require 18 service vehicle spaces for the entire site. However, the proposed development only increased 3 spaces from the existing 9 spaces (12 in total), which results in a shortfall of 6 spaces. Council may consider for the DCP rate to be applied to the new component of the development only, requiring 5 new vehicle services spaces (14 in total).
 - Public art - A revised Public Art Plan is required, which is to delete the commercial lobby interior as an opportunity site, amend the proposed budget in line with the City's Public Art Policy, and revise the curatorial vision to better align with the development's sustainable intentions.
 - Noise and Vibration Impact Assessment - changes required to predicted construction noise exceedance levels.

- Environmental Performance Template - required to be filled in.
 - Sydney Metro requirements - a detailed Survey Plan, Impact Assessment on proposed effects on Sydney Metro infrastructure, and Electrolysis Report required.
14. Following the above correspondence from the City, revisions to the ground plane in the form of two options were submitted on 28 July 2022. Further additional information was submitted in response to the City's July correspondence on 3 August 2022. It is noted that this package included a revised ground floor plane (being Option 2) prior to City staff providing feedback. The amended proposal also included the following changes:
- Changes to the lobby entrance at the corner of Elizabeth and Park Streets, including the removal of the raised bench and partial enclosure of the colonnade.
 - Relocate the Castlereagh Street lobby entrance with a new terrace entrance running east-west behind the Park Street retail tenancies.
 - Park Street retail tenancies lowered to align with Park Street level.
 - Adjustments to the southern forecourt area including the alignment of the through-site link stairs and a new awning servicing the lift.
 - Increased width and reduced level change of the through site link above the southern forecourt along the southern edge of the tower.
 - Lower the southern lobby area and add an additional lift within the main tower building.
 - Reconfiguration to the parking layout on Basement 1 to remove an additional parking space and convert 2 tenant spaces to additional service vehicle parking.
 - Alterations to the layout of the end of trip facilities.
15. On 20 September 2022, following a review of this additional information, the City issued a further request requiring that the following information and design changes be submitted:
- Ground floor plane - Option 1 (of the two options submitted for consideration on 3 August 2022) is the preferred solution for the ground plane. This is subject to the Park Street frontage including lowered retail finish floor levels and the Castlereagh Street frontage maintaining the additional retail tenancy as well as a lobby entry (and avoiding a deep setback).
 - Landscaping - Request further landscaping information to demonstrate that the landscape design is feasible and integrates landscape design excellence, and also address any inconsistencies between the landscape plans, architectural plans, and landscape detail report.
 - Sydney Metro requirements - The Rail Impact Assessment and detailed Survey Plan requested by Sydney Metro previously requested remain outstanding. Sydney Metro advises that it is not in a position to make a decision on the granting of concurrence until this additional information is provided for their further review.

16. On 11 October 2022, the Applicant submitted amended plans, including the following changes:
 - Park Steet frontage - The internal finished floor levels of these retail tenancies have been lowered to be accessible through Park Street at grade, without the need for stairs for internal access. A second entry to the retail from Castlereagh Street has been provided.
 - Castlereagh Street frontage - The retail in the northern corner of the Castlereagh existing tower has been converted into a lobby cage which will allow for an additional entry through Castlereagh Street as well as providing street activation.
17. On 21 October 2022, the City requested for final amendments to the architectural and landscape plans to address the following:
 - Ground plane - There is a drafting error on the plan which removes the existing car exhaust and new pedestrian lift.
 - Materials - More detail on the materiality and finishes of the building.
 - Landscaping - Further information regarding wind impacts as well as landscaping detail at lower ground and the mezzanine level.
 - Solar access - further solar access diagrams were also required to assess any changes to the built form.
18. On 26 October 2022, the Applicant provided updated architectural plans and landscaping drawings, as well as a response to the wind information requested.
19. On 31 October 2022, to address some minor issues in the submitted Model, minor amendments to the plans (updating some RL discrepancies) were submitted.
20. On 9 November 2022, an updated Basement 01 level plan was submitted.

Proposed Development

21. The application, as modified, seeks consent for significant alterations and additions to the existing building, as follows:
 - (a) Demolition of existing low scale structures to the north of the existing tower, within the southern forecourt, and internal areas within the tower and within the basement to accommodate the proposed works.
 - (b) Minor excavation beneath the existing basement level to accommodate additional foundations and structural loads for the new building addition.
 - (c) Construction of an 11-storey podium addition fronting Park Street that is integrated with the existing tower, with a street wall height of 44m (RL 69.890), a setback of at least 8m above, and a maximum height of 49m for the podium (RL75.950). Retail uses are proposed at ground level, and commercial uses are proposed above with floor levels connecting to the existing tower to create extended office floor plates up to level 9, and a landscaped rooftop terrace.

- (d) Revision of the ground plane of the existing tower, with the consolidation of the lobby, new lobby entrances from all street frontages, and active retail uses along Castlereagh Street and Park Street.
- (e) Revision of the southern forecourt with resolution of levels and extension of the ground level public domain to accommodate activated retail along the southern edge of the tower, and rationalisation of stairs through the construction of a primary stairwell and lift access to the lower ground courtyard, creating a more direct and open through-site link than the existing underground through-site link.
- (f) Alterations to the existing tower lower levels and basement including new end of trip facilities, and removal of 40 car parking spaces and replacement with additional service vehicle spaces and plant areas.
- (g) Installation of new cooling towers and air source heat pumps on the existing tower servicing the new podium building.
- (h) Two top of building signage zones located on the northern and eastern façades of the existing tower.

22. Plans and elevations of the proposed development are provided below.



Figure 22: Photomontage - view from corner of Elizabeth St and Park St, facing south-west



Figure 23: Photomontage - view from corner of Castlereagh St and Park St, facing south-east



Figure 24: Photomontage - view from Castlereagh St, facing north-east

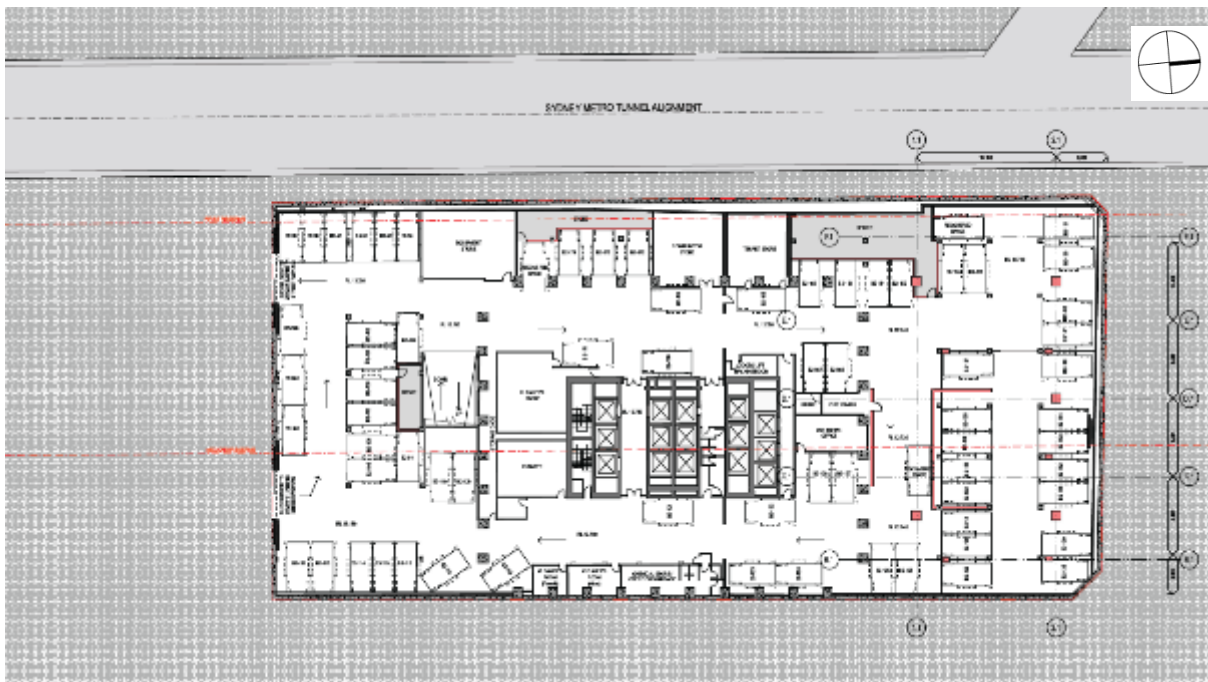


Figure 25: Proposed Basement Level 2

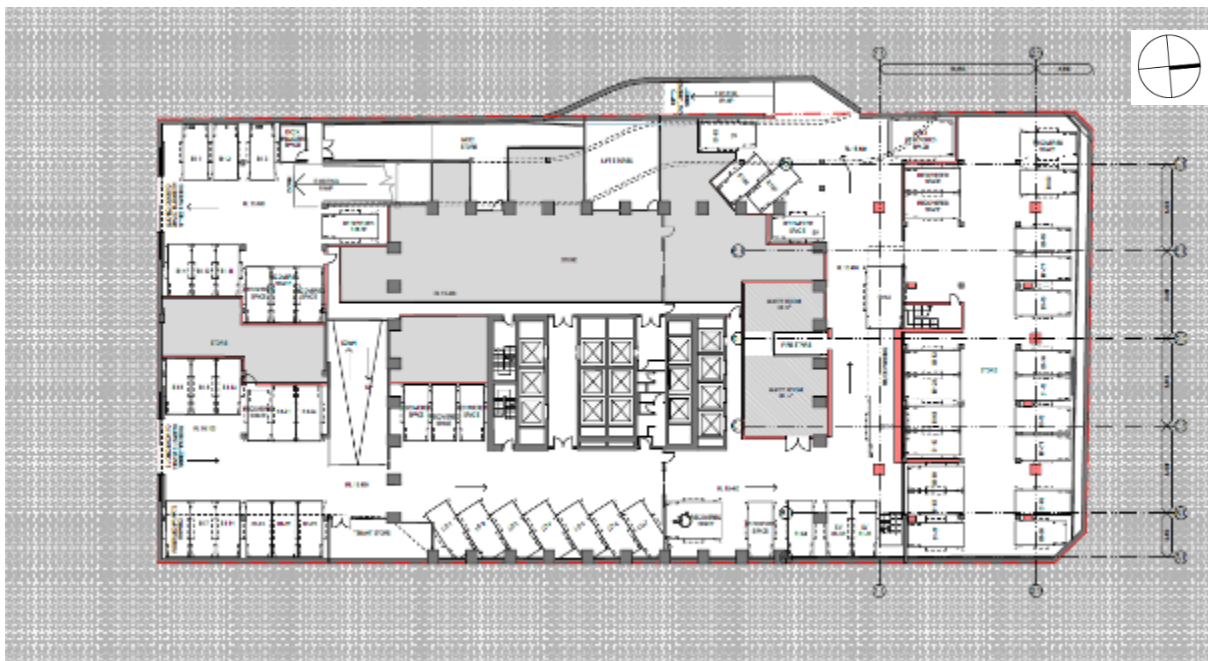


Figure 26: Proposed Basement Level 1

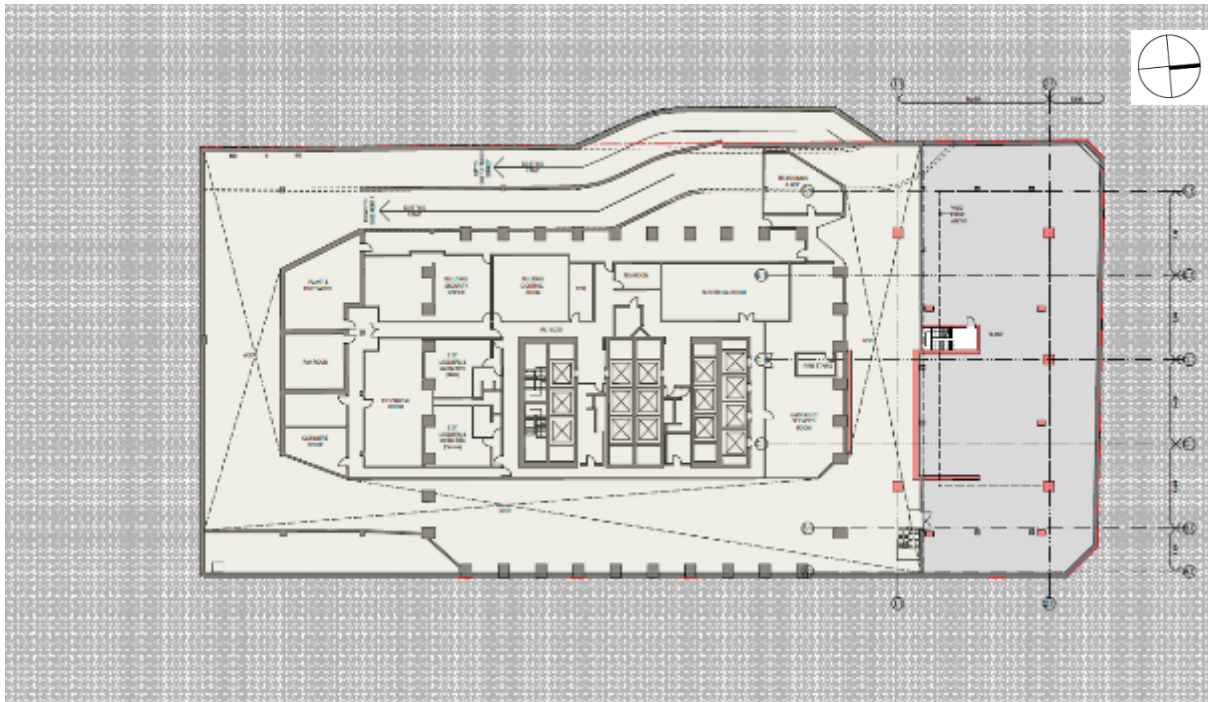


Figure 27: Proposed Mezzanine - Plant

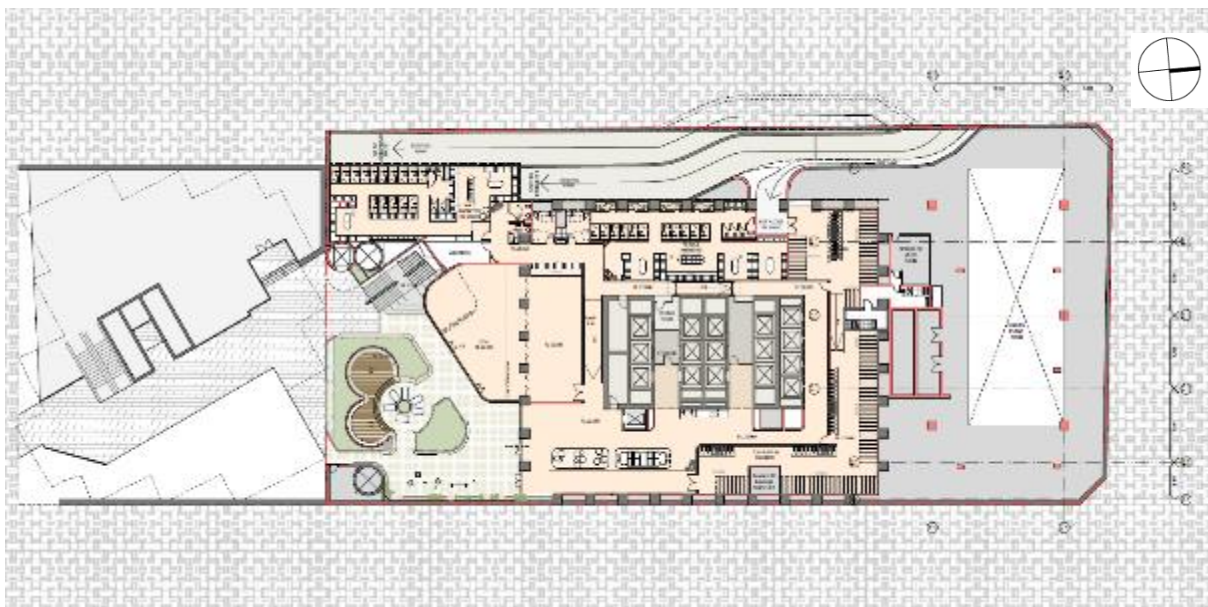


Figure 28: Proposed Lower Ground

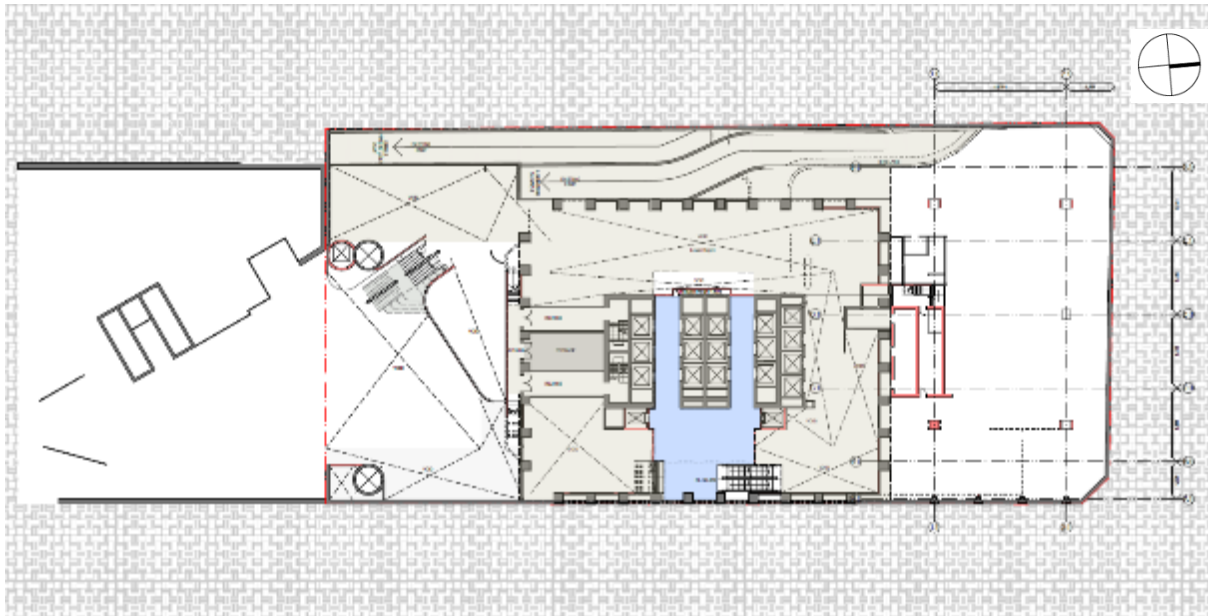


Figure 29: Proposed Lower Ground Mezzanine

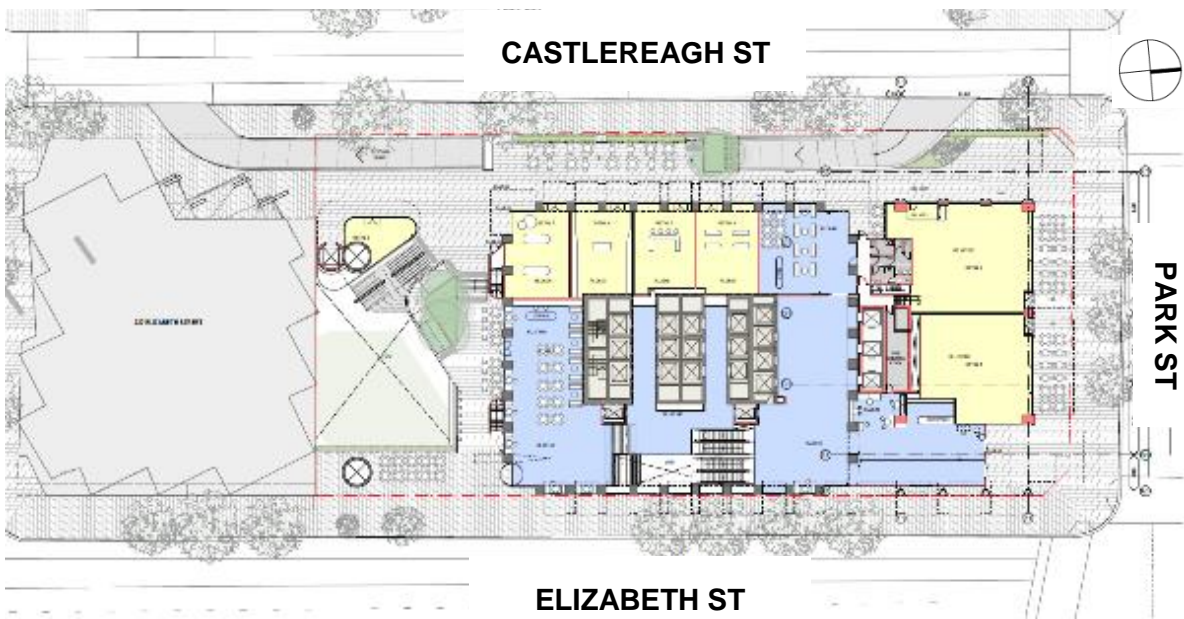


Figure 30: Proposed Ground Floor

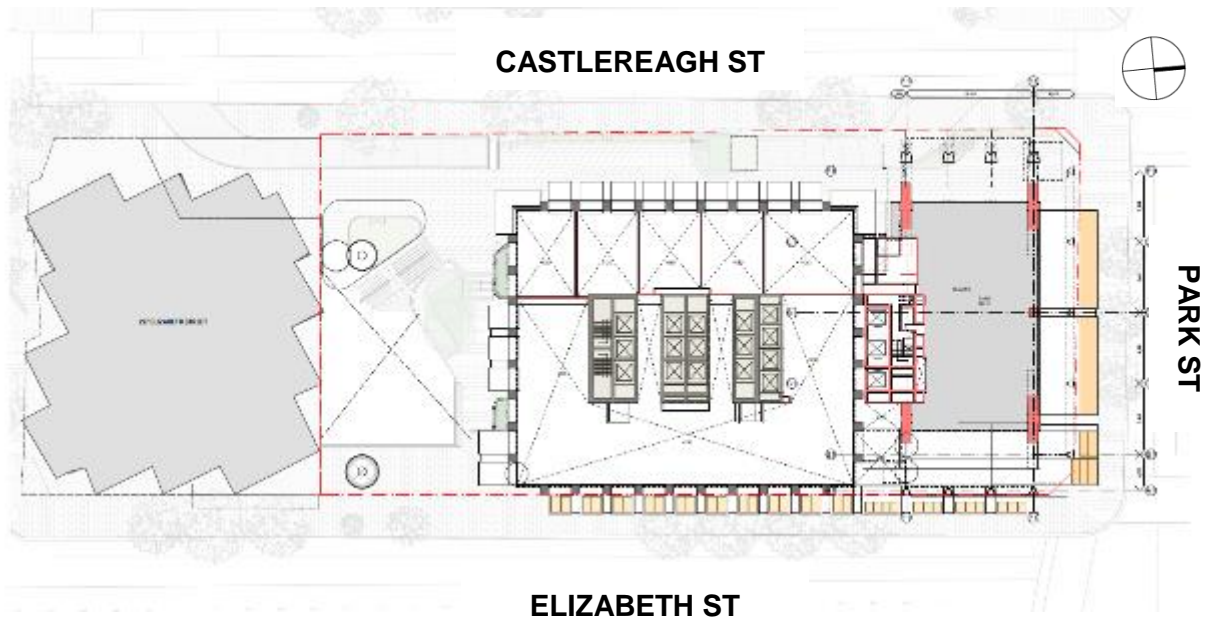


Figure 31: Proposed Ground Mezzanine

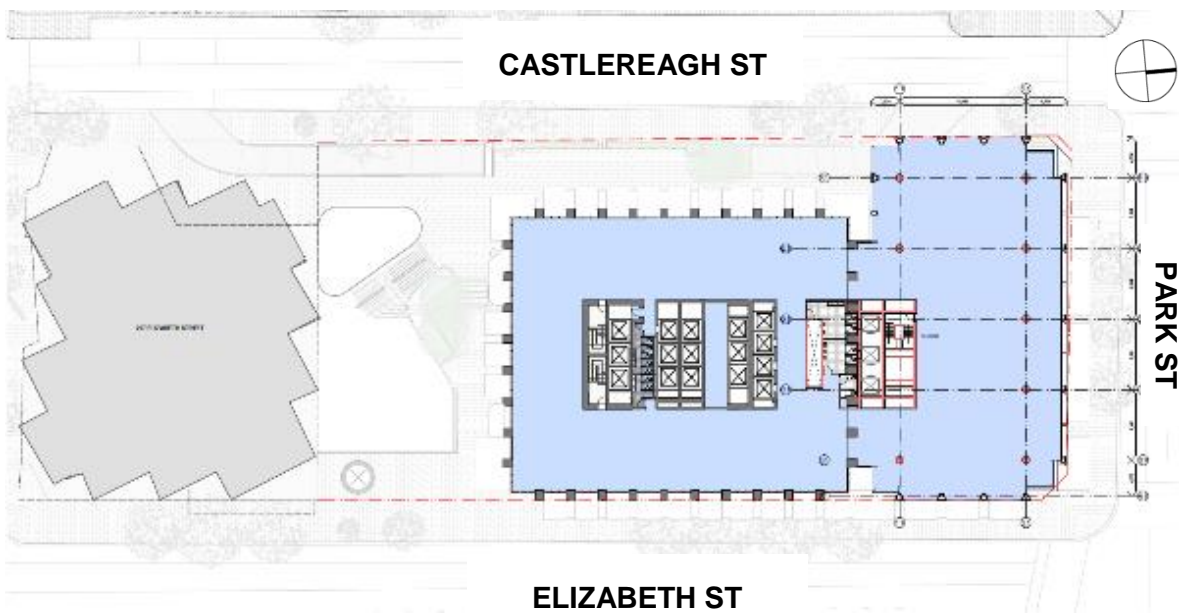


Figure 32: Proposed Levels 1-4

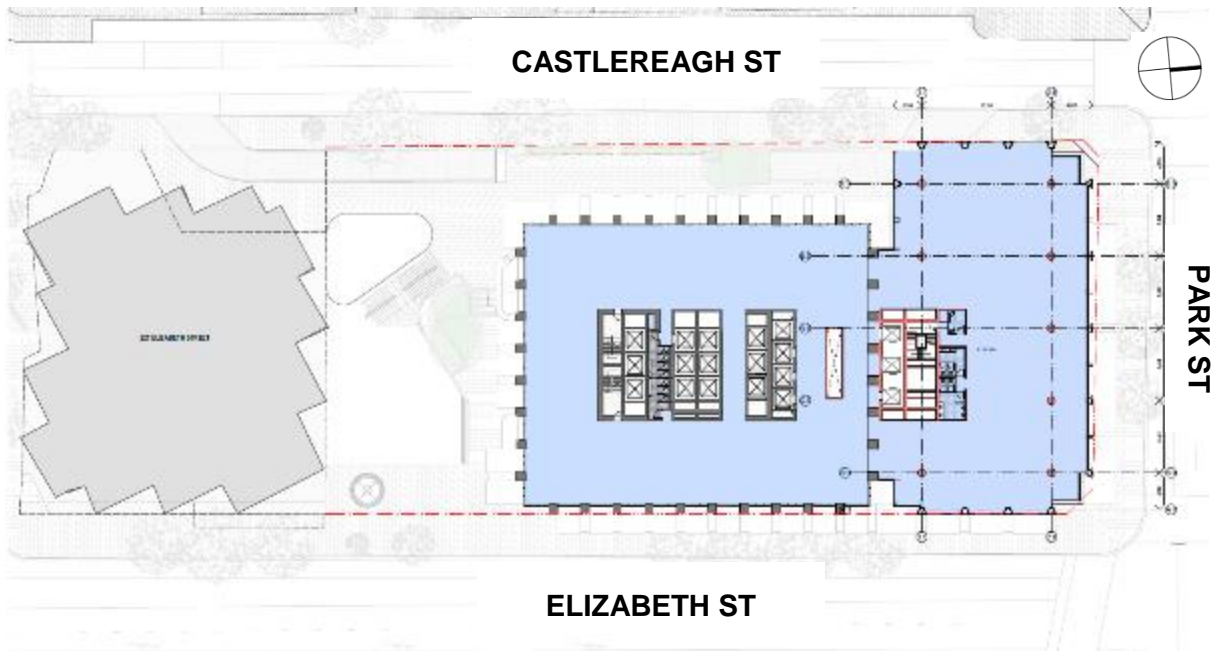


Figure 33: Proposed Levels 5, 6 - Transfer Level

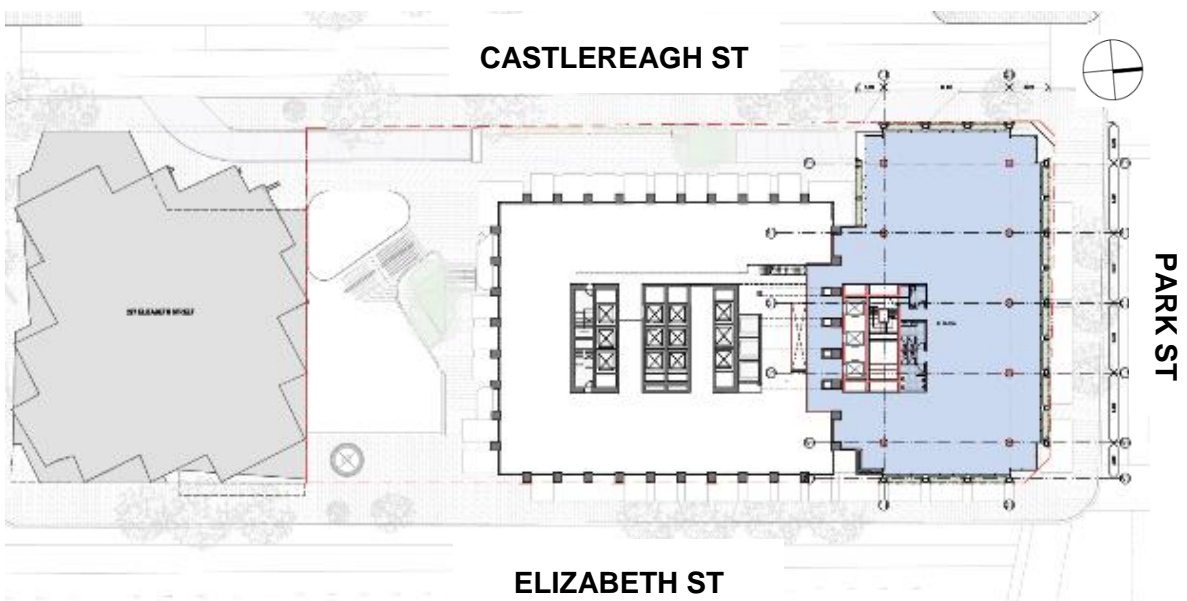


Figure 34: Proposed Level 7

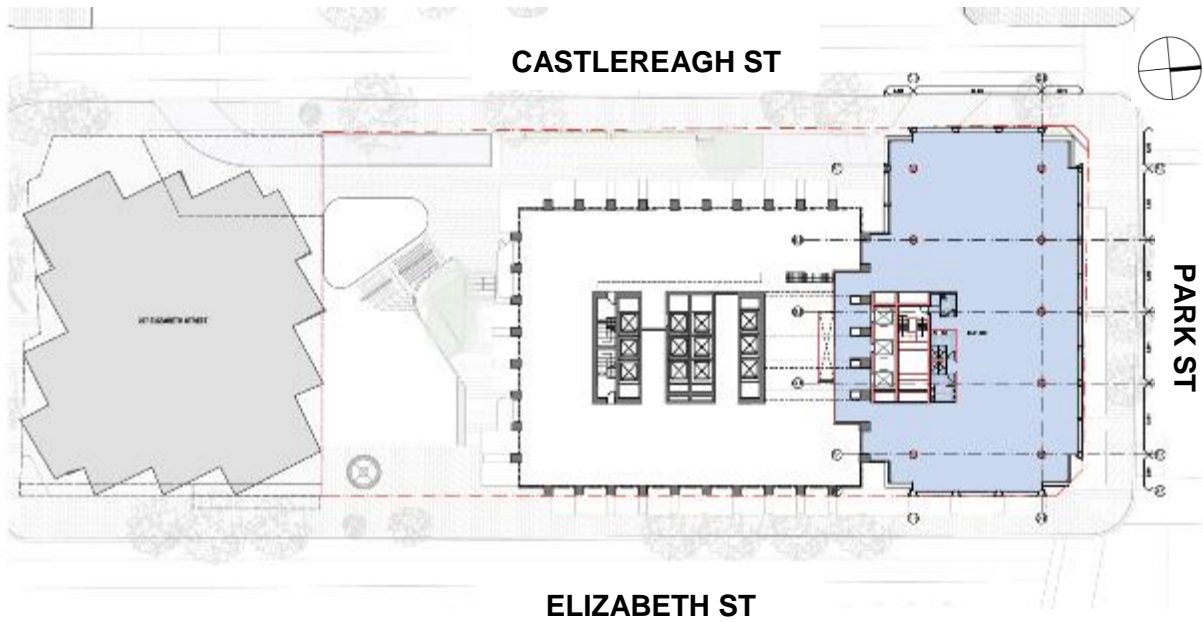


Figure 35: Proposed Level 8

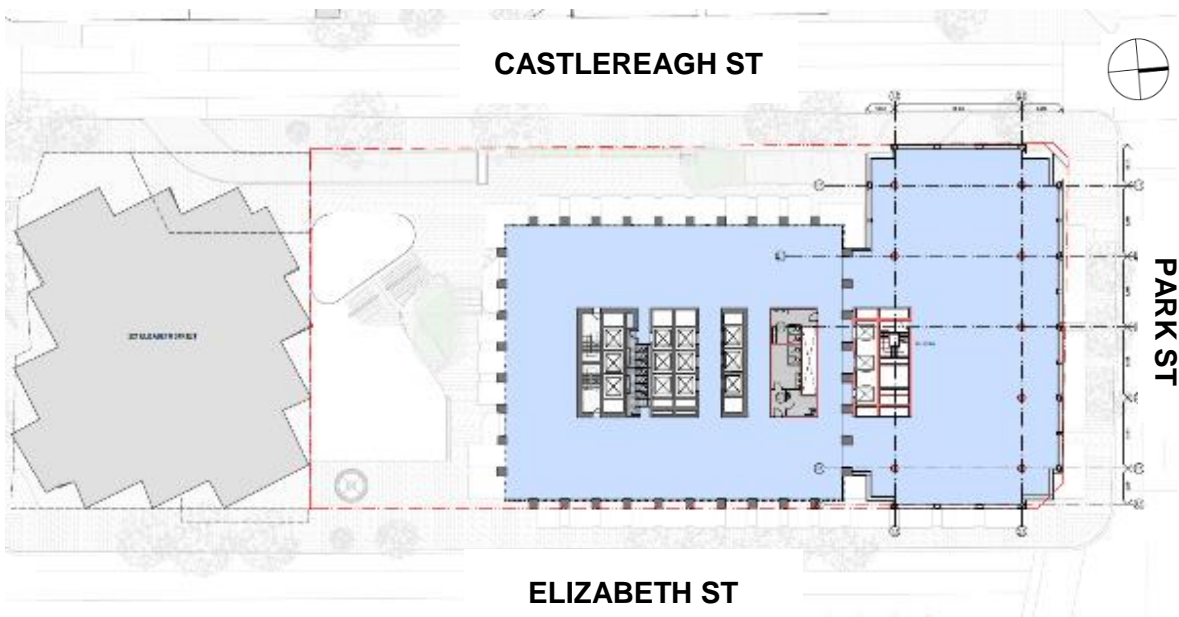


Figure 36: Proposed Level 9

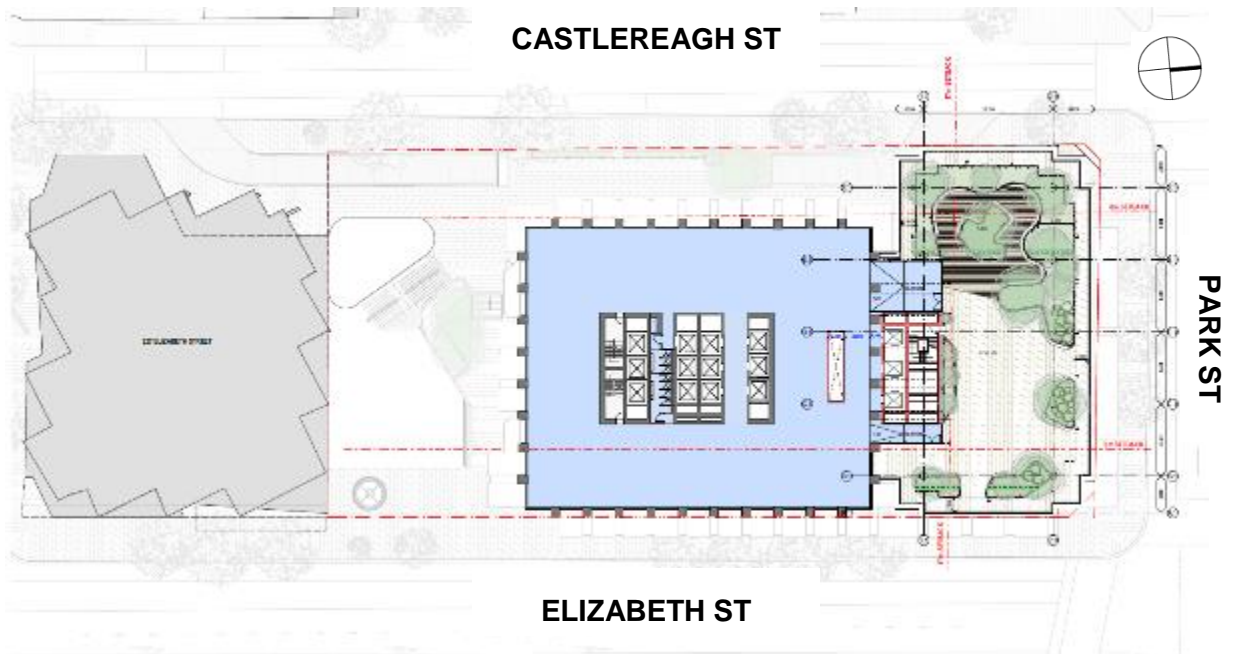


Figure 37: Proposed Level 10

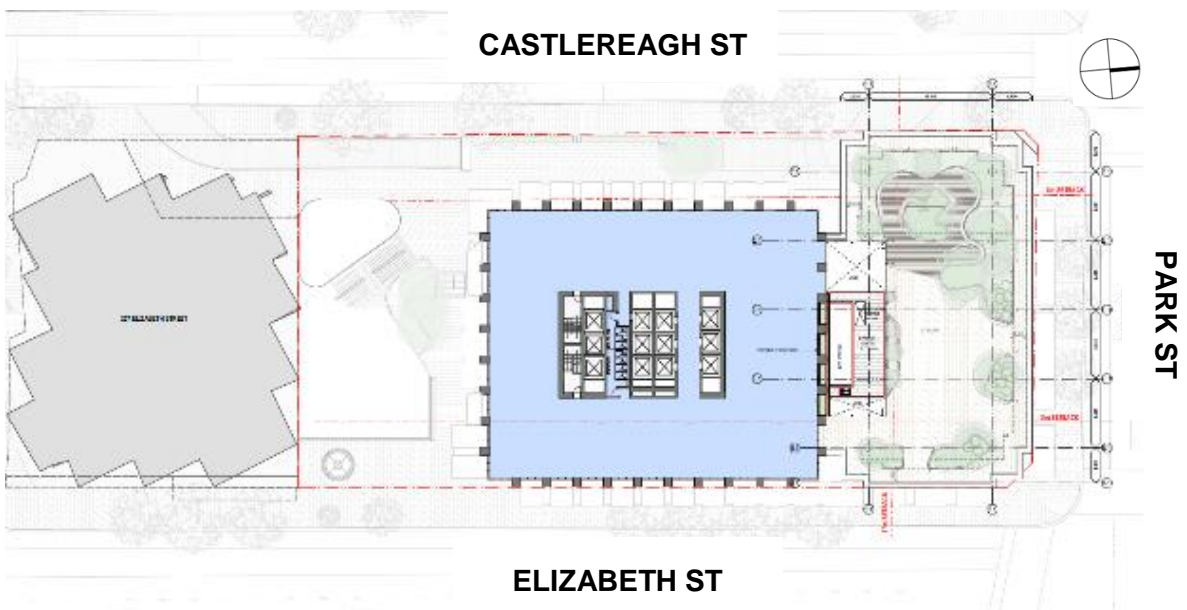


Figure 38: Proposed Level 11

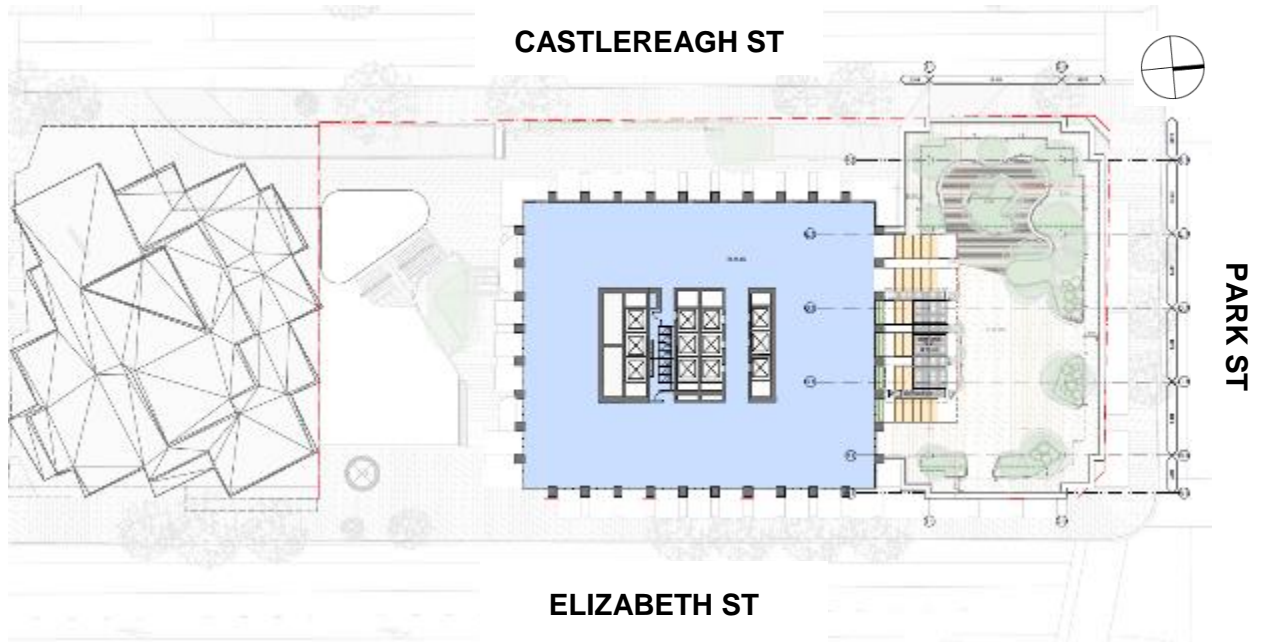


Figure 39: Proposed Level 12 - Roof Plan

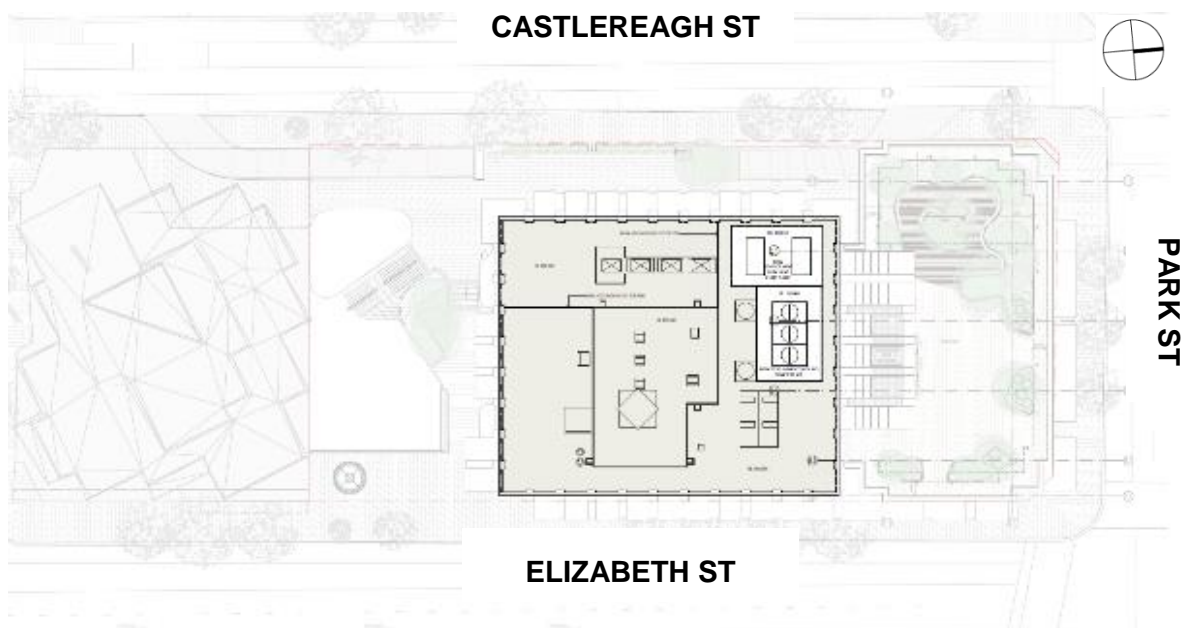


Figure 40: Proposed Level 40 - Roof Plan



Figure 41: East Elevation - Elizabeth Street

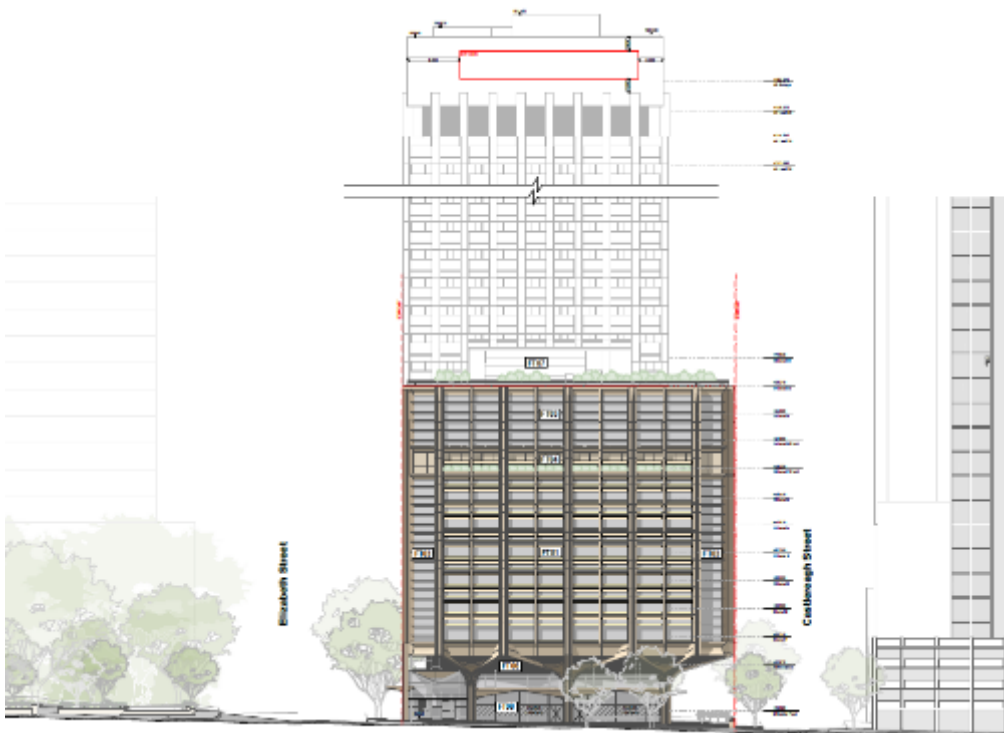


Figure 42: North Elevation - Park Street.

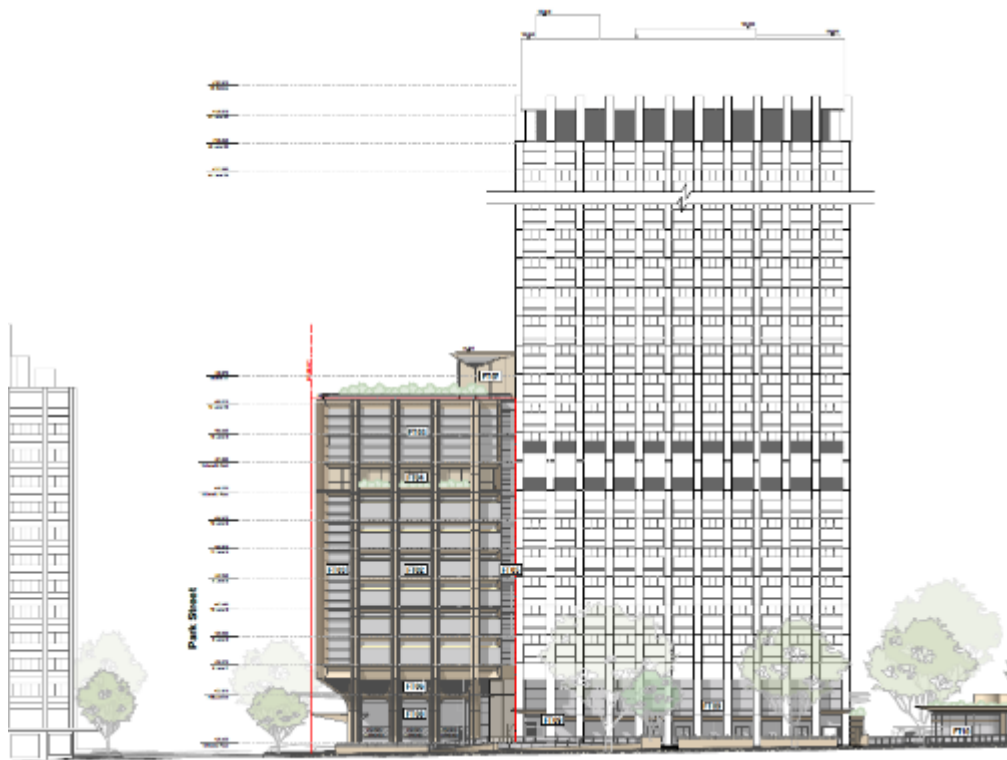


Figure 43: West Elevation - Castlereagh Street

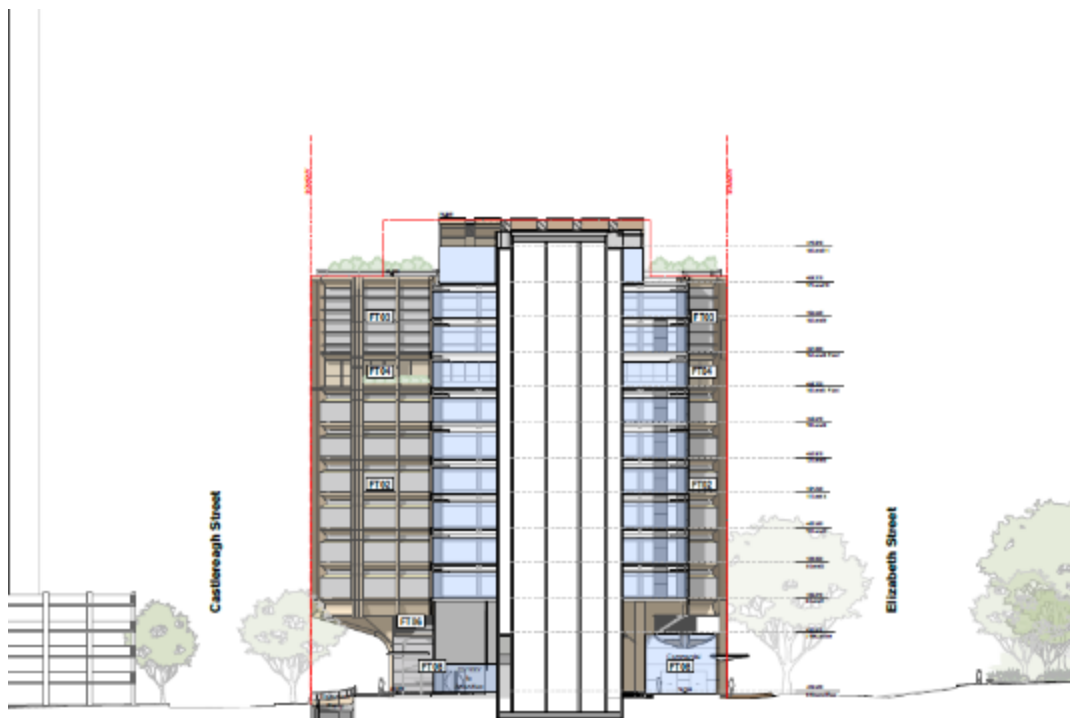


Figure 44: South Elevation

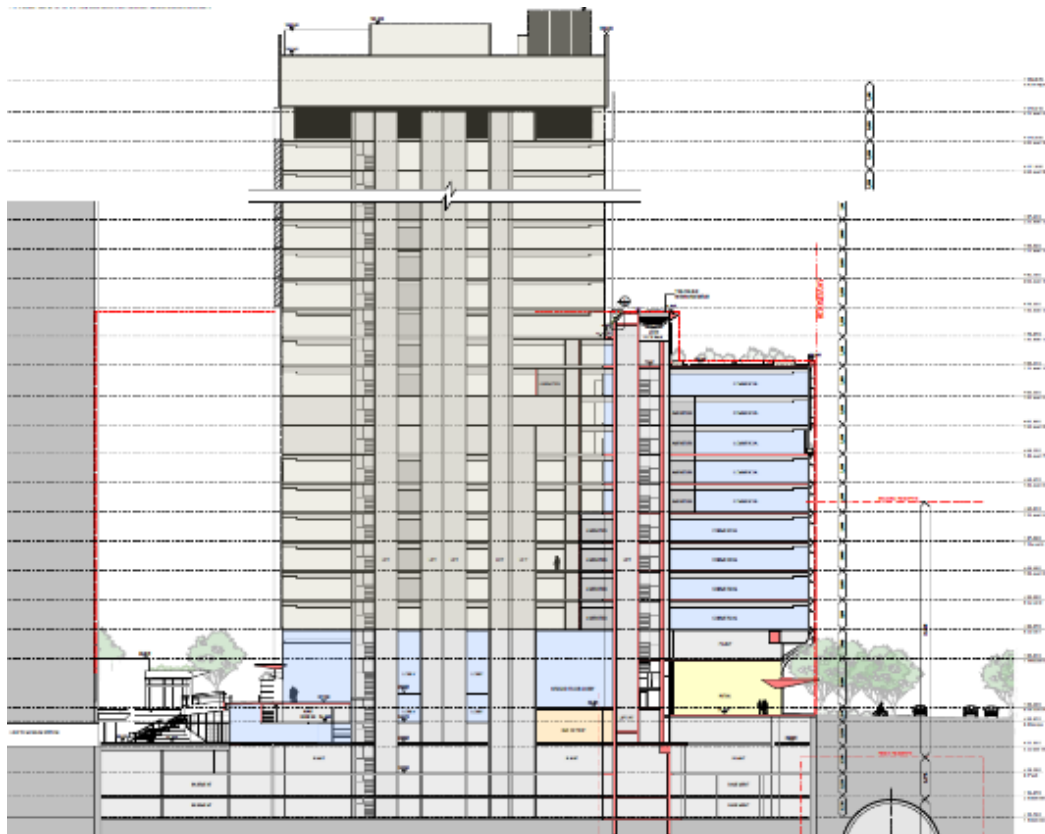


Figure 45: North-South Section. The dotted red outline shows the podium envelope approved under D/2017/349.

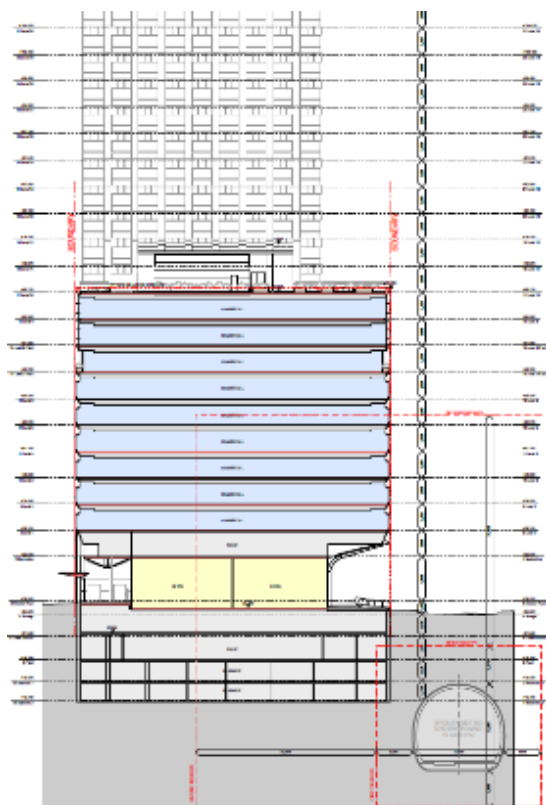


Figure 46: East-West Section

Assessment

23. 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

24. Section 51N of the City of Sydney Act 1988 requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a development application that will require, or 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.

25. A full extract of this Section is provided below.

"51N Planning proposals have 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."

26. The City's Manager Transport Planning has reviewed the application and considers that TfNSW have provided referral advice and recommended conditions and have undertaken internal consultation to address the requirements of the CSTTC.

State Environmental Planning Policies

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

27. 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.

28. The Council's Health Unit has reviewed the proposal and has no concerns regarding contaminated land as only minor and localised excavation works (no greater than 2.5m) beneath the existing basement level are proposed to accommodate additional columns and structural loads of the new building addition.

State Environmental Planning Policy (Transport and Infrastructure) 2021

29. 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

30. The application is subject to Clause 2.48 of the SEPP.
31. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised.

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

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

32. The application is adjacent to the Sydney Metro Southwest rail corridor and was subsequently referred to Sydney Metro under the provisions of Clause 2.98 of the SEPP on 9 May 2022.
33. In correspondence, dated 20 October 2022, Sydney Metro have granted their concurrence. The concurrence conditions have been included in the draft conditions.

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

Clause 2.121 – Excavation in or immediately adjacent to corridors

34. The application is subject to Clause 2.121 of the SEPP as the site located immediately adjacent to the Cross City Tunnel and involves minor excavation for structural foundations below the existing basement level. The application was referred to Transport for NSW (TfNSW) for comment on 9 May 2022.
35. In correspondence, dated 23 June 2022, TfNSW have recommended conditions, and these have been included in the recommended conditions at Attachment A.

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

36. 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.

37. 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.

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage

38. The aim of the SEPP is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
39. The proposal includes two top of building signage zones located on the northern (Park Street) and eastern (Elizabeth Street) façades of the existing tower. Both signage zones measure 23.4m wide and 3.6m high and are proposed to accommodate future building identification signs.
40. The Applicant has indicated that whilst it is not intended for the future building identification signage to utilise the full extent of the signage zones, the zones have been designed to accommodate flexible design and shaping requirements.
41. It is noted that no detail regarding the content or the design of the signs have been provided. The Applicant has indicated that a separate future application seeking approval for the detailed sign content is to be lodged following the approval of the signage zone.
42. As such, the signage zones are only acceptable subject to recommended conditions of consent which require that a detailed signage strategy for the collective development be prepared, and that a subsequent development application be submitted for the detailed design, which is to be consistent with the relevant provisions in the Sydney DCP 2012 and does not comprise the full extent of the signage zones sought.
43. The proposed signage has been considered against the objective of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 5 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes, subject to conditions	There is insufficient information provided to determine if the detailed design of the signage is consistent with the character of the area. Conditions of consent are recommended to ensure that any future application for the detailed design ensures this.
2. Special areas	Yes, subject to conditions	The locations of the proposed signage zones are integrated into the architectural form of the existing tower. Conditions of consent are recommended to ensure that the detailed design of the proposed signage does not detract from

Provision	Compliance	Comment
		the amenity or visual quality of the College Street/Hyde Park Special Character Area.
3. Views and vistas	Yes, subject to conditions	The proposed signage zones are contained entirely within the existing tower form. Subject to conditions, the detailed design of the signage should not obscure or compromise any important views, dominate the skyline, or have any impact on the viewing rights of other advertisers.
4. Streetscape, setting or landscape	Yes, subject to conditions	There is insufficient information provided to determine if the proposed signs are of an appropriate scale, proportion and form, and provide for a positive contribution to the streetscape and setting of the area. Conditions of consent are recommended to ensure that any future application for the detailed design ensures this, including that the future signage does not utilise the full extent of the signage zones.
5. Site and building	Yes, subject to conditions	The proposed signage zones are located at the top of the existing tower and are integrated with the building façade. Conditions of consent are recommended to ensure that any future application for the detailed design is appropriate in scale, proportion and form.
6. Associated devices and logos	Yes, subject to conditions	Any future application for the detailed design of the signage is to include any associated devices as integral parts of the signage and the structure on which it is to be displayed.
7. Illumination	Yes, subject to conditions	Any future application for the detailed design of the signage is to include conditions of consent to ensure that the illumination does not result in unacceptable glare, affect safety or detract from the amenity of any residential accommodation, and also that the illumination is to be powered by a renewable energy source(s).

Provision	Compliance	Comment
8. Safety	Yes, subject to conditions	The proposed signage zones are located at the top of the existing tower and are integrated with the building façade. These locations are not expected to reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

44. Subject to conditions including the requirement for a detailed signage strategy and subsequent development application, the proposed signage zones will be consistent with the objectives of the SEPP as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

Local Environmental Plans

Sydney Local Environmental Plan 2012

45. 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	The site is identified as being within Area 3 of the LEP height map. No maximum height limit is applied to Area 3. The maximum height for building on this land is determined by the sun access plane prescribed under Clause 6.17.
4.4 Floor space ratio 6.4 Accommodation floor space 6.5 Car parking reduction floor space 6.6 End of journey floor space	Yes	A maximum FSR of 12.8:1 (49,932.8sqm) is permitted for the site, which comprises the base FSR under the LEP (8:1) and the following additional floor space, which the applicant is seeking:

Provision	Compliance	Comment
		<ul style="list-style-type: none"> Accommodation floor space (office/retail) up to 4.5:1 Car parking reduction floor space in the basement levels 1 and 2 for plant / servicing areas End of journey floor space of 0.3:1 at lower ground level <p>The existing building on site has a total GFA of 43,497sqm (or FSR of 11.15:1). The proposal results in an additional 6,319sqm of GFA</p> <p>Based on the above, a FSR of 12.77:1 (49,816sqm) is proposed. The proposal complies.</p> <p>In relation to the car parking reduction floor space to ensure that there is no conversion back into carparking spaces in the future and the end of journey floor space is retained for that use only, restrictive covenant conditions are recommended to be satisfied prior to issue of any Occupation Certificate.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is in proximity to several heritage items:</p> <ul style="list-style-type: none"> Hyde Park South located directly east of the site, which is a State Heritage Item and is also included as part of the Governor's Domain and Civic Precinct, Macquarie Street, National Heritage Listing. Local heritage items along Castlereagh Street located to the south-west of the site, including the former CENEF House, St George's Church, and Porter House. <p>The proposed development will not have a detrimental impact on the heritage significance of these items</p>

Provision	Compliance	Comment
		The proposed additions impact on the setting and views from Hyde Park is considered to be minimal, and the new addition will have no obvious or perceivable impact on vistas along Park Street between Town Hall and Hyde Park due to the tower and podium at 27 Park Street. It is noted that the view from Hyde Park to the site is not identified to have heritage significance, as delineated in the Hyde Park Master Plan.
5.21 Flooding	Yes	The City's flood mapping indicates the site is not flood affected.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 1 Additional floor space in Central Sydney		
6.11 Allocation of Heritage Floor Space	Yes	<p>Pursuant to Clause 6.11(3), the heritage floor space required to be allocated to the site is to be no more than the difference between:</p> <ul style="list-style-type: none"> the amount that would be required to be allocated to the site if the building (as altered or added to) were to be constructed as a new building (50 per cent of 17,554.5sqm (8,777.25sqm)), and the amount that would be required to be allocated to the site if the building (without the alteration or addition) were to be constructed as the new building (50 per cent of 12,289sqm (6,144.5sqm)). <p>In accordance with the control, 2,632.75sqm of heritage floor space is to be allocated to the site. A condition of consent is recommended to reflect this.</p>

Provision	Compliance	Comment
		It is noted that the renewed through-site link does not meet the requirements for HFS reduction under Clause 6.11(2)(b) as the through-site link is not at street level for the full pedestrian route.
Division 3 Height of buildings and overshadowing		
6.17 Sun access planes	Yes	<p>The maximum building height permitted on the site is restricted by the Hyde Park West sun access plane.</p> <p>Council's 3D CAD and physical modeller has confirmed that the proposal is within the Hyde Park West sun access plane.</p> <p>The proposed addition does result in minor additional shadowing to Hyde Park between 1pm and 2pm midwinter within the permitted curtilage. Refer to the Discussion section for consideration.</p> <p>It is noted that the existing tower projects above the sun access plane. With regard to the works on the existing tower:</p> <ul style="list-style-type: none"> • The proposed signage zones located on the northern and eastern facades of the existing tower are subject to a future and separate development application, and is not development that will result in any building on the site projecting higher than any part of the sun access plane. • The new cooling towers and air source heat pumps on the existing tower servicing the redevelopment of the site are permitted in accordance with Clause 6.17(3), which states development may be granted for the purpose of maintaining or refurbishing an existing building that projects higher than part of the relevant sun access plane if the maintenance or refurbishment does not result in

Provision	Compliance	Comment
		<p>the building projecting further above the sun access plane.</p> <p>The proposed development complies with the sun access plane development standard.</p>
Division 4 Design excellence		
6.21C Design excellence	Yes	<p>The proposed alterations and additions are considered to meet the provisions of design excellence under Clause 6.21C.</p> <p>The proposed development adequately addresses the comments made by the DAP during the extensive pre-lodgement consultation process (as outlined in the Discussion section below).</p> <p>The proposed built form is compatible with the character of the locality and provides an appropriate relationship with the existing tower on site as well as with adjacent development.</p> <p>The proposal achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area.</p> <p>The proposal will have a positive contribution to the public domain through a revitalised through-site link that is focused on Castlereagh Street at ground level and has an improved connection down to the lower ground, as well as the provision of street awnings, retention and protection of street trees, and more active street frontages with new retail and lobby entries.</p> <p>Overall, the proposal satisfies the considerations in Clause 6.21C(2) of the Sydney LEP 2012 and the development is considered to exhibit design excellence.</p>

Provision	Compliance	Comment
6.21D Competitive Design Process	Yes	<p>As a result of the proposal triggering the requirement for the preparation of a site-specific development control plan under Clause 7.20 by virtue of the lot size being greater than 1,500sqm, any development on this site triggers the requirements to undertake a competitive design process.</p> <p>As the proposal is for alterations and additions to the existing building, the applicant has requested that the requirement to undertake a competitive design process pursuant to Clause 6.21D be considered to be unreasonable or unnecessary.</p> <p>Refer to the Discussion section for further consideration.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
<p>7.6 Office premises and business premises</p> <p>7.7 Retail premises</p>	No	<p>The development includes removal of 40 car parking spaces from the existing 174 spaces, resulting in 134 car parking spaces proposed.</p> <p>A maximum of 78 car parking spaces are permitted for the total building. Despite the non-compliance, the proposed amount of car parking spaces is considered acceptable with Clause 7.1(3) specifying that nothing in this Division requires a reduction in the number of car parking spaces in an existing building. Also, the proposal is consistent with the objectives of the control given it reduces the existing amount of parking available within the site and thereby the amount of vehicular traffic generated.</p>

Provision	Compliance	Comment
		The requirement for a Green Travel Plan is recommended as a condition of consent to encourage more sustainable transport.
Division 3 Affordable housing		
7.13(1)(d) Contribution for purpose of affordable housing	Yes	A contribution for the purpose of affordable housing applies to the development, as the proposal involves the creation of more than 100sqm of GFA. A condition of consent is recommended to reflect this.
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, as only minor and localised excavation works (no greater than 2.5m) beneath the existing basement level are proposed to accommodate additional columns and structural loads of the new building addition.
7.16 Airspace operations	Yes	<p>The proposed development to the existing tower (new cooling towers and air source heat pumps) will theoretically penetrate the Obstacle Limitation surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.</p> <p>A referral from Sydney Airport confirms that there are no objections to the proposed development, subject to the inclusion of recommended conditions.</p>
7.19 Demolition must not result in long term visual impact	Yes	Once the existing structures are demolished the site will be redeveloped under any consent granted to the subject DA. It is considered that appropriate measures have been incorporated as

Provision	Compliance	Comment
		conditions of consent to ensure that visual impacts resulting from the demolition of the building are minimised.
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>Clause 7.20 requires a development on land with a site area greater than 1,500sqm located in Central Sydney to be the subject of a site specific development control plan (or Stage 1 DA).</p> <p>As the proposal is for alterations and additions to the existing building, the applicant has submitted a written request seeking the consent authority waive the requirements of Clause 7.20. Refer to the Discussion section below for consideration.</p>

Development Control Plans

Sydney Development Control Plan 2012

46. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

47. The site is located within the College Street/Hyde Park Special Character Area (SCA). The proposed development is in keeping with the unique character and the design principles of the SCA. Specifically, subject to recommended conditions of consent, the proposal:
- (a) Is consistent with the west and south edges consisting of commercial development of larger scale with stronger street alignment, creating a greater sense of enclosure to Hyde Park.
 - (b) Maintains and strengthens the sense of enclosure provided by buildings to the west and south of Hyde Park, with the new addition proposed to be built to the street alignment and having street frontage heights consistent with existing buildings on Elizabeth Street and the north side of Park Street, as well as adequate setbacks above.
 - (c) Enhances and reinforces the precinct's role as a major gateway to the City from the east by ensuring that the proposed development does not adversely affect the views when approaching the city.
 - (d) Protects solar access to Hyde Park with a built form that complies with the sun access plane.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements		
3.1.2.2 Through-site links	Yes	<p>The proposal seeks to replace the existing through-site link, which currently runs from Park Street through lower ground level and beneath 227 Elizabeth Street, with a new through-site link arrangement from the north-west corner of the site running south along Castlereagh Street at ground level and descending through the southern forecourt and beneath 227 Elizabeth Street through to Museum Station.</p> <p>The proposed new through-site link will create a more direct and activated route and will encourage pedestrian permeability through the site.</p>
3.1.5 Public Art	Yes	<p>A revised Preliminary Public Art Plan was submitted during the assessment of the application, and is considered acceptable by the City's Public Art Team. The plan includes opportunities for artwork in the form of a suspended or freestanding sculpture, surface and facade treatments, and column treat. The plan also provides discussion on the reasoning behind decommissioning the existing sculpture on site.</p> <p>Conditions of consent are recommended to ensure that the public artwork is in accordance with this plan, and for the final details of the artwork including the decommissioning of the existing sculpture on site is submitted to Council.</p>
3.2. Defining the Public Domain		
<p>3.2.1 Improving the public domain</p> <p>3.2.1.1 Sunlight to publicly accessible spaces</p> <p>3.2.1.2 Public views</p>	Yes	<p>The proposed podium addition has been designed to comply with the Hyde Park West sun access plane and seeks to ensure an acceptable level of protection of high quality public open space at Hyde Park from overshadowing. Refer to the Discussion section for detail.</p> <p>The proposed development's impact on the setting and views from Hyde Park is considered to be marginal with a built</p>

Provision	Compliance	Comment
		form addition that is consistent with the street-wall height along Elizabeth Street.
3.2.3 Active frontages	Yes	The proposal provides for active retail uses along its Park Street, Castlereagh Street and southern boundaries. Access to the commercial lobby is provided from all street frontages.
3.2.4 Footpath awnings	Yes	The continuous awning control applies to the Park Street and Elizabeth Street frontages of the site. The proposal provides for a continuous awning along both these street frontages, which are designed generally in accordance with the provisions of this section. Awnings are also provided along the retail frontages to Castlereagh Street and the southern boundary.
3.2.6 Wind effects	Yes	<p>A Pedestrian Wind Environment Assessment prepared by Windtech was submitted with the application, which concludes that any potential wind effects can be ameliorated with the consideration of the recommended treatment strategies into the design of the development. During the assessment of the application, clarification was sought on the recommendations of the wind assessment, noting that if outdoor seating is proposed on the rooftop terrace, then further wind mitigation strategies may need to be considered.</p> <p>The applicant clarified the intended use of the terrace is to support office tenant operations and provide a breakout space for office workers, and not outdoor seating/dining. As such, those further recommendations within the wind report are not required. Those required by the study for the intended use are included on the plans.</p> <p>A condition is recommended to ensure that the wind amelioration measures recommended in the report are adopted, subject to strictly no allowance for measures on the podium rooftop that may result in an increased height to the roof top of the podium, any protrusion into the</p>

Provision	Compliance	Comment
		sun access plane, and any potential additional shadow impacts.
3.2.7 Reflectivity	Yes	<p>An External Reflected Glare Report prepared by Inhabit was submitted with the application, which concludes that there will be no adverse reflected glare to the adjacent transport routes and nearby buildings.</p> <p>Whilst it was identified that there would be reflected glare exceeding the road veiling luminance criterion along Elizabeth Street travelling north, the report found this reflected glare to be acceptable and included mitigation strategies to reduce the potential glazing reflectivity. A condition of consent is recommended for the proposal to comply with the report and adopt the mitigation strategies.</p>
3.5 Urban Ecology	Yes	<p>The proposed development involves the removal of two trees in the existing central sunken courtyard within the site, to facilitate the reconfiguration of this lower ground level area. All existing street trees are to be retained and protected through the development. Conditions are recommended to ensure this.</p> <p>The proposal will not have an adverse impact on the local urban ecology.</p>
3.6 Ecologically Sustainable Development	Yes	<p>The City of Sydney Design for Environmental Performance (DEP) Template was submitted with the application, which details the sustainability vision, ESD targets and strategies for the proposal. In summary, the proposal will:</p> <ul style="list-style-type: none"> • Achieve Step 1 (45kWn/m2GFA/year max) of the City's Planning for net zero energy buildings 2021 strategy, which constitutes an energy consumption reduction of 25 per cent compared to a building complying with CC 2019, DCP 2012 and NABERS Energy 5.5 Stars plus 10 per cent. This will be provided from renewable energy generated on

Provision	Compliance	Comment
		<p>site using façade-attached photovoltaics.</p> <ul style="list-style-type: none"> • Apply the sustainability initiatives in the Green Star rating tool as guidelines to the new development, even though the proposed addition is not eligible to achieve a Green Star rating given its sharing of infrastructure with the existing tower. • By retaining the existing tower, encourage recycling of an existing asset instead of a complete demolition and redevelopment which would have increased sustainability impacts. • Remove 40 existing car parking spaces and provide for extensive end of trip facilities, representing improvements towards promoting sustainable travel. • Propose the following ESD targets through a broad range of ESD strategies across management, indoor environmental quality, energy, transport, water, materials, land use and ecology, emissions and innovation: <ul style="list-style-type: none"> • Equivalent to 6 Green Star Design and As Building v1.3 rating • Equivalent to 5.5 Star NABERS Energy Base Building rating • Equivalent to 4 Star NABERS Water Whole Building rating • 5 Star NABERS Waste Base Building rating. <p>The proposal is considered to be an environmental exemplar, achieving over and above the expected ESD requirements.</p>

Provision	Compliance	Comment
3.7 Water and Flood Management	Yes	<p>The site is not flood affected.</p> <p>A Concept Stormwater Management Plan has been provided, which indicates that a detailed stormwater analysis and liaison with Sydney Water will undertaken as part of the design development and construction stage. It also advises that minimal stormwater changes are expected, with the existing discharge points to be retained.</p>
3.9 Heritage	Yes	<p>As advised earlier in this report, the proposed development is not considered to have an adverse impact on surrounding heritage sites.</p>
3.11 Transport and Parking	Partial compliance	<p>A Traffic and Transport Assessment prepared by PTC was submitted with the application, which concludes that the proposed development will have a minimal or lesser impact on the surrounding road network when compared to the existing situation.</p> <p>The development comprises a total of 134 car parking spaces across the 2 levels of existing basement, which does not comply with the maximum car parking permitted, however the proposal seeks to remove a total of 40 car parking spaces from the existing 174 spaces which is an improved outcome.</p> <p>The proposal also increases the total number of services vehicle spaces to 14, which complies with the requirements for the new component of the development.</p> <p>226 bicycle parking spaces and end of trip facilities are proposed at lower ground floor level, which complies with the requirements for the new component of the development.</p> <p>There are no changes proposed to the existing vehicular access arrangements for the site and vehicles will continue to enter and exit the site via the existing driveways on Castlereagh Street. There are also no changes proposed to the existing waste collection and service vehicle access arrangements.</p>

Provision	Compliance	Comment
		comprise the full extent of the signage zones sought.

Section 5 – Specific Areas

Section 5.1 – Central Sydney

Provision	Compliance	Comment
5.1.1 Built form controls 5.1.1.2 Street frontage heights and street setbacks in Special Character Areas	Yes	The College Street / Hyde Park Special Character Area specifies a 45m street frontage height, 55m maximum building height, and 8m setback from the street frontage height. The proposed development complies with a street frontage height of approximately 44m, and 8m minimum setbacks to Castlereagh Street, Park Street and Elizabeth Street for the component of the building above the street frontage height (which has a maximum height of 49m).
5.1.1.3 Side and rear setbacks and building form separations	Yes	A setback of 0m to the side and rear above the street frontage height and also for building form separations on the same site is required for the proposed development. The proposal complies with 0m podium setbacks from all street frontages, as well as the existing tower connect.
5.1.2 Development outlook and demonstrating amenity compliance	Yes	The proposed development maintains appropriate levels solar access to residential developments adjacent to the site. The proposal does result in additional shadowing to 197 Castlereagh Street at 9am midwinter, however this shadow is relatively minor. The proposed addition is at a height that is consistent with the podium height previously approved for this site under D/2017/349, as such there no additional or greater overshadowing impacts result from the proposed development than that previously assessed as acceptable.
5.1.3 Heritage items, warehouses and special character areas	Yes	The podium addition is proposed to have a street wall height that is consistent with Elizabeth Street as well as the adjacent

Provision	Compliance	Comment
<p>5.1.3.2 Development adjacent to heritage items</p> <p>5.1.3.4 Conservation of public domain features in Special Character Areas</p>		<p>buildings to the north on Park Street, which includes a locally heritage listed item at 189-197 Elizabeth Street. The proposed addition also respects the heritage items located to the south-west of the site along Castlereagh Street.</p> <p>The proposal's impact on the setting and views from Hyde Park is considered to be acceptable, noting the view from Hyde Park to the site is not identified to have heritage significance, as shown in the Hyde Park Master Plan.</p>
5.1.4 Building exteriors	Yes	<p>The Elizabeth Street podium addition massing aligns with the existing tower datums, and the colonnade forms come vertically down to relate to the verticality of the existing tower. The Castlereagh Street massing aligns with the street wall, and enclosed corners are provided at the street intersections.</p> <p>The proposal provides for a predominantly masonry character and articulation particularly below the maximum street frontage height. The proposal materials are predominantly light in colour to reflect better quality light into the street and respond to the characteristic light colours of Central Sydney.</p>
5.1.6 Heritage floor space	Yes	Discussed above under Clause 6.11 of the Sydney LEP 2012. Appropriate conditions of consent are imposed to ensure the correct allocation is apportioned to the development.
5.1.7 Sun protection of public parks and places	Yes	Refer to the discussion and assessment provided in relation to the Hyde Park sun access plane and Clause 6.17 of the Sydney LEP 2012 in the table section above.
5.1.9 Managing wind impacts	Partial compliance	A Pedestrian Wind Environment Assessment prepared by Windtech submitted with the application concludes that any potential wind effects can be ameliorated with the consideration of the recommended treatment strategies into the design of the development.

Provision	Compliance	Comment
		It is noted that a quantitative wind effect report has not been requested for the proposed development. This requirement is at the City's discretion and is typically required to assess the impact of very tall buildings on wind conditions in the public domain / at street level. As the proposed addition is below 55m in height, and the findings of the wind assessment submitted demonstrate that the conditions at street level are suitable, it is considered acceptable for the quantitative wind effect report to not be submitted in this instance.

Discussion

Waiver of requirement to prepare a Development Control Plan and requirement for a competitive design process

48. As the site is located in Central Sydney and has a total area that (including the existing tower) exceeds 1,500sqm, the provisions of Clause 6.21D(1) and Clause 7.20(2) of the Sydney LEP 2012 are applicable. These clauses require the preparation of a site specific development control plan (DCP) and the undertaking of a competitive design process.
49. Under the provisions of Clause 6.21D(2) and Clause 7.20(3) of the Sydney LEP 2012, the consent authority may waive the requirement to prepare a development control plan and undertake a design competition if the consent authority is satisfied that such a plan and competition would be unreasonable or unnecessary in the circumstances..
50. The applicant has formally requested that the requirements of Clauses 6.21D and 7.20 be waived by the consent authority on the basis that such a process is unreasonable and unnecessary in the circumstance of this development application.
51. Council considers that in this instance, the request to waive the requirement for the preparation of a development control plan and a competitive design process on the basis that such a process is unreasonable and unnecessary, is accepted as:
 - (a) The subject application is limited to a new podium addition, improvements to the site's street frontages and through-site link, and plant required to service the new addition. There is little utility in requiring a concept application for the site, given that the basement, vehicular entry, tower, and connection levels to the station already exist and are locked in. Further, the Central Sydney controls for a podium infill to the northern portion of the site are relatively prescriptive, in terms of heights and setbacks.
 - (b) The subject application has been designed by FJMT who were involved with extensive pre-lodgement consultation with the Design Advisory Panel (DAP).

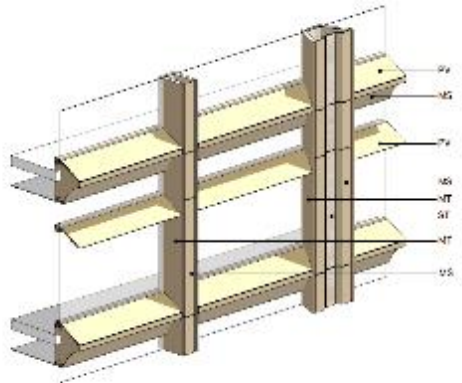
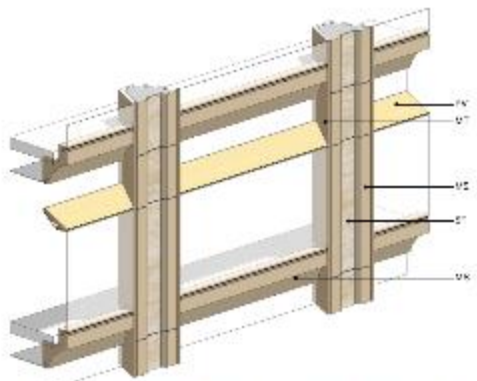
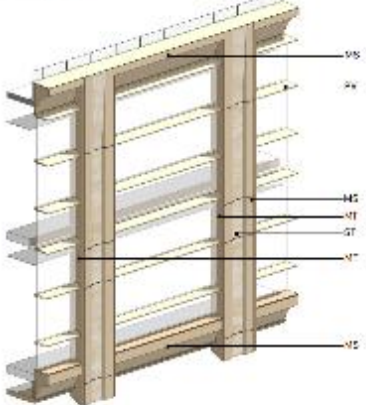

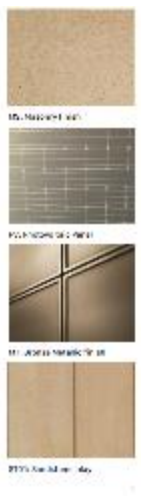

- (c) On 12 August 2021, the DAP supported the vertical infill of the site and the scheme's environmental/sustainability ambitions. However further design resolution was required including more justification around the proposed 45m street wall height and façade treatments.
- (d) On 28 October 2021, the DAP welcomed the overall simplification of the proposal and were satisfied with the urban design analysis undertaken for the 45m street wall height. The issues raised by the DAP regarding the façade, the corner treatment and the louvres were incorporated into further design development by the applicant prior to the lodgement of the development application (as detailed in the section below).
- (e) The range of sustainability initiatives proposed demonstrate that the new building will be an environmental exemplar and the cost of works is less than \$100 million CIV, as requested during the pre-lodgement process.
- (f) The proposed development has satisfactorily addressed considerations for design excellence under 6.21C(2) of the Sydney LEP 2012 as the site will maintain commercial and retail uses, the addition will have an appropriate relationship with the existing tower in terms of form, materiality and articulation as well as its connection to the existing floor plates, the proposal does not have any adverse impacts on surrounding heritage items, does not detract from the streetscape and is consistent with the objectives and provisions for retail podiums in Central Sydney. In particular, the new podium building will be built to the street alignment and predominant street wall height of 45m that exists and is envisaged along Elizabeth Street and Castlereagh Street.
- (g) The proposed podium is located well below the maximum building height control, and the siting, massing and setbacks of the addition is contained within Sydney DCP 2012 controls as well as the extent of bulk of the previous approved concept envelope (under D/2017/349) with the approved podium extending around the full extent of the site.
- (h) Whilst the proposal does result in an increase in height to the northern portion of the site and more floor space, it is compliant with the relevant Sydney LEP 2012 and DCP controls and is not considered to be such a significant increase to warrant a site specific DCP or design competition.
- (i) The proposal is consistent with the character statement and principles of the College Street/Hyde Park Special Character Area through a design which maintains and strengthens the sense of enclosure on the western edge of Hyde Park, and enhances and reinforces the precinct's role as a major gateway to the City from the east by ensuring that the proposed development does not adversely affect the views when approaching the central Sydney.
- (j) The proposed additions are not considered to result in significant impacts to adjoining properties. As discussed in this report, the addition will maintain acceptable levels of amenity for the adjacent residential developments, and are not considered to be a significant adverse impact or grounds to warrant a site specific DCP or design competition.

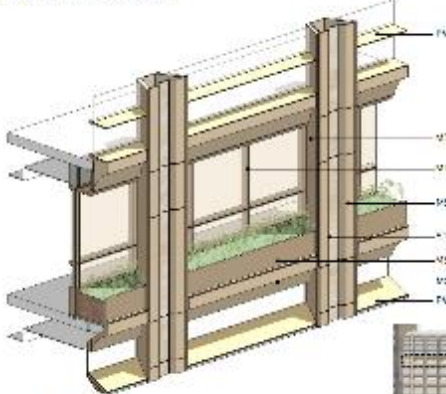



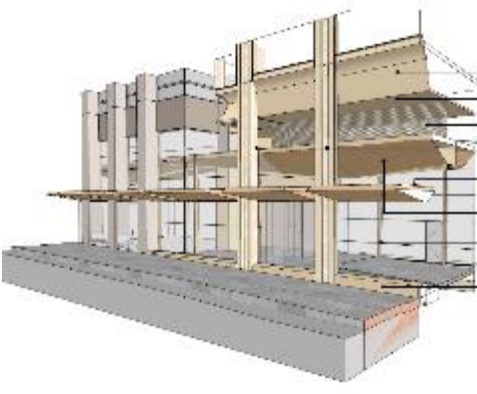
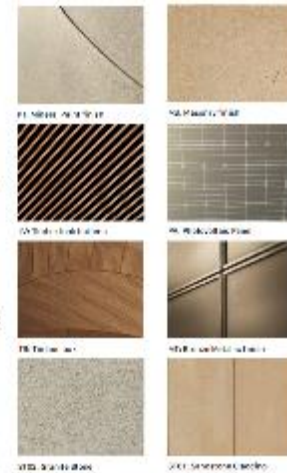
- (k) Whilst the addition will be visible from public places, the extent of the addition is considered appropriate for the site and surrounds. The new podium strengthens the sense of enclosure to Hyde Park with a stronger street alignment, which is consistent with the desired character of the locality. Further, the site's interface with the public domain at ground level is significantly improved through the proposal's activated frontages, reinvigorated through-site link and ground plane permeability.
 - (l) The new podium building occupies an area of approximately 1,100sqm within the subject area of 3901sqm. In this circumstance, the requirement to prepare a site specific DCP and undertaking a competitive design process is considered unreasonable and unnecessary given the new podium building and additional floor space is contained predominantly to the northern portion of the site, does not exceed the 55m height control for new buildings and exhibits design excellence as discussed above.
52. Based on the above and the individual circumstances of the proposed development, it is considered that the requirement for the applicant to prepare a site-specific development control plan or undertake a competitive design process would be unreasonable and unnecessary. On this basis, it is recommended that these requirements of Clauses 6.21D and 7.20 of the Sydney LEP 2012 be waived (and not be eligible for up to 10 per cent additional height or floor space relating to the addition).

Design Advisory Panel

53. As part of the pre-lodgement discussions with City staff, the proposal was considered by the Design Advisory Panel (DAP) at its meetings on 12 August 2021 and 28 October 2021.
54. Based on this extensive pre-lodgement consultation with the DAP, it was not considered necessary to duplicate presentation of the proposal to the DAP during the assessment process of the development application. This is on the basis that the design of the development has appropriately addressed the matters raised by the DAP during pre-lodgement discussions (as is discussed in the table below).
55. The recommendations of the DAP from the most recent DAP meeting and the design response of the lodged scheme are detailed in the following table.

DAP Advice	Design Response
<p>The simplification (of the facade) is welcomed but further design refinement is needed as complexity and diversity of differing facade conditions remains unresolved.</p>	<p>The facade systems have been further resolved through design development (as shown below). The Elizabeth Street podium addition massing aligns with the existing tower datums, and the colonnade forms come vertically down to relate to the verticality of the existing tower. The Castlereagh Street massing aligns with the street wall, and enclosed corners are provided at the street intersections.</p> <p>The materiality palette is consistent across the proposed addition, with masonry finish GRC in textured sandstone colour in the columns rising up with sandstone inlay in between, the use of sandstone cladding at ground level, PV louvres and aluminium in bronze finish throughout, and timber soffits to the awnings.</p>

DAP Advice	Design Response
	<p>Commercial Facades: FT01</p>  <p><small>FT01 High level of detail on facade and window panels. High level of detail on window frames. Location of panels and window frames.</small></p> <p><small>Source: Architectural Design Studio, Sydney University</small></p> <p>Commercial Facades: FT02</p>  <p><small>FT02 Medium level of detail on facade and window panels. High level of detail on window frames. Location of panels and window frames.</small></p> <p><small>Source: Architectural Design Studio, Sydney University</small></p> <p>Commercial Facades: FT03</p>  <p><small>FT03 High level of detail on facade and window panels. High level of detail on window frames. Location of panels and window frames.</small></p> <p><small>Source: Architectural Design Studio, Sydney University</small></p>   

DAP Advice	Design Response
	<p>Commercial Facades: FT04</p>  <p>Commercial Facades: FT04 - Section 1 <small>© 2022 Skidmore, OWINGS & Merrill LLP. All rights reserved.</small></p>  <p>Ground Floor Facades North</p>  <p>Ground Floor Facades North - Section 1 <small>© 2022 Skidmore, OWINGS & Merrill LLP. All rights reserved.</small></p>  <p>Ground Floor Facades East</p>  <p>Ground Floor Facades East - Section 1 <small>© 2022 Skidmore, OWINGS & Merrill LLP. All rights reserved.</small></p>  <p>All facades are to be accessed and maintained via rope access from Davit arms.</p>

DAP Advice	Design Response
The corner expression is weak and lacks coherence, and should present unity between the facades in terms of treatment and mass.	The proposed podium addition will redefine the prominent Park and Elizabeth Street corner, by being built to the street wall height and having a zero setback to the Park Street, Elizabeth Street and Castlereagh Street frontages. This will provide a stronger street alignment, and create a greater sense of enclosure to Hyde Park.
The urban analysis provided for the 45m street height is satisfactory.	The 44m street wall height complies with the DCP control for the site, which envisages a consistent 45m street wall height for sites along Elizabeth Street.
The through-site link at the ground level is supported, and should read as an extension of the public realm.	The proposal includes the relocation of the existing through-site link to Castlereagh Street, improvement to the connection from the public domain down to the lower ground level to the main passage beneath 227 Elizabeth Street, and creation of new retail tenancies at ground level.
Queried if louvres are providing shading, testing is required.	An Ecological Sustainable Design Report prepared by Floth was submitted with the application, which includes advice and modelling on how the photovoltaic panels on the façades provide solar shading.

Overshadowing on Hyde Park

56. The shadow diagrams indicate that the proposal will cast shadows on the north-western edge of Hyde Park South between 1pm and 2pm. Refer to the shadow diagrams provided at Attachment B and shown below as permitted by the SAP.

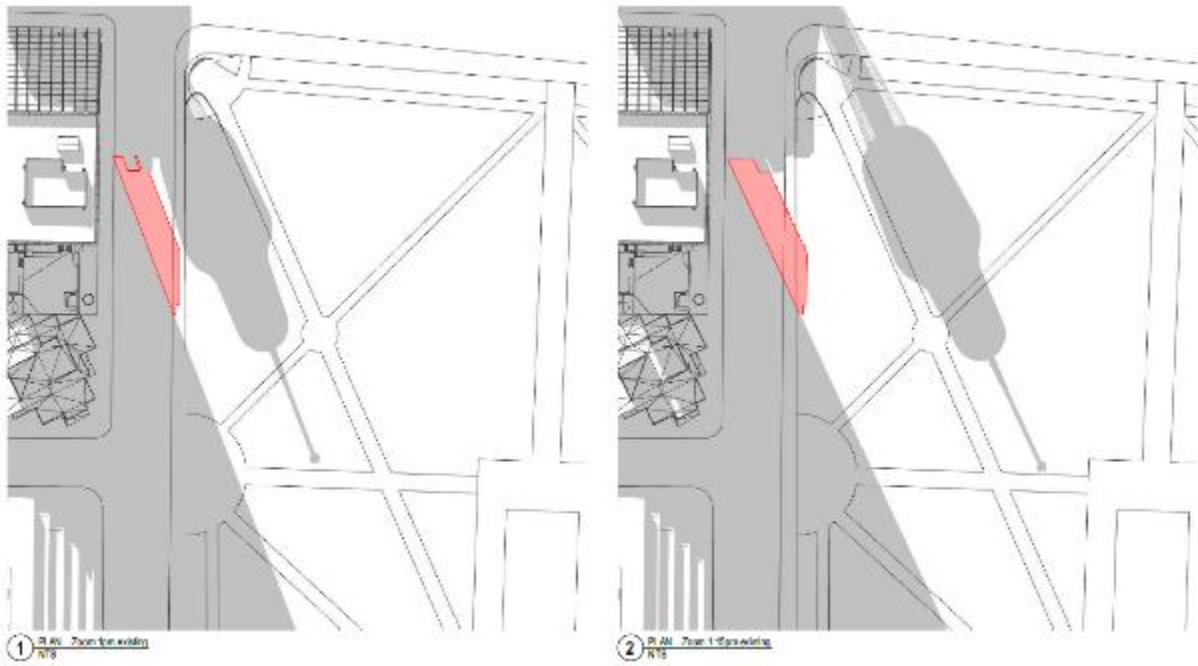


Figure 47: Overshadowing Diagrams at 1pm (left) and 1.15pm (right) midwinter

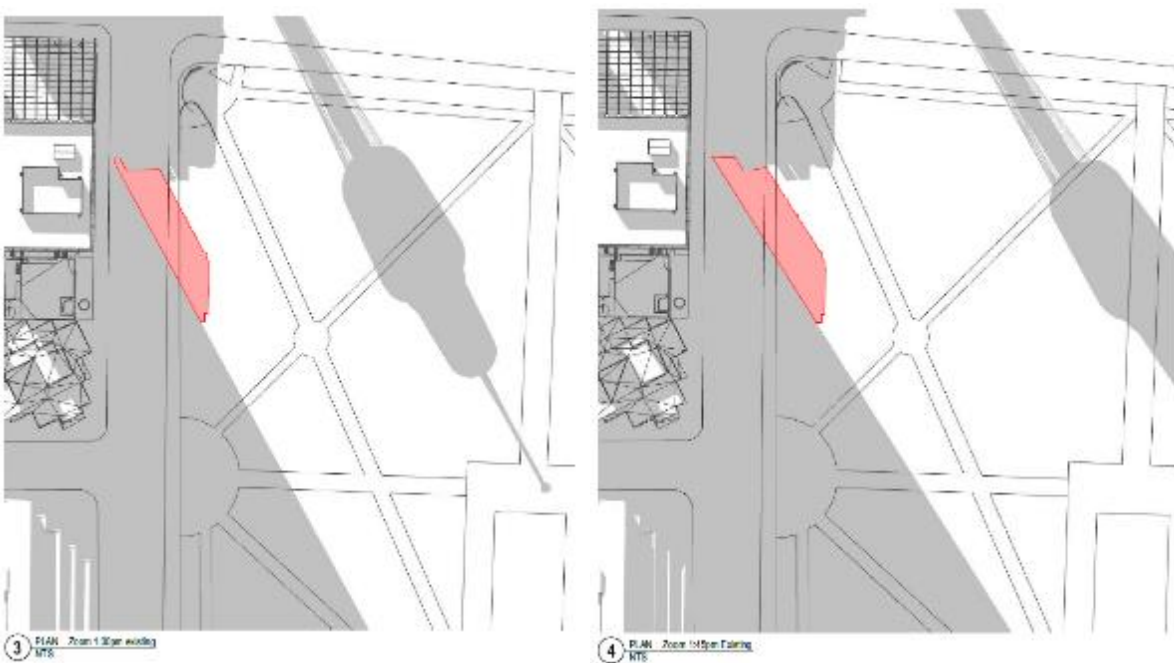


Figure 47: Overshadowing Diagrams at 1.30pm (left) and 1.45pm (right) midwinter.

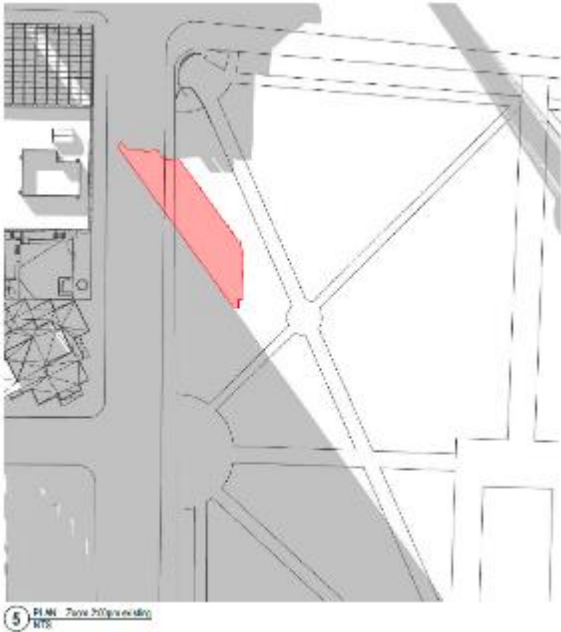


Figure 48: Overshadowing Diagram at 2pm midwinter.

This overshadowing impact is considered to be acceptable in this instance as:

- (a) The extent of shadow impacts is compliant with the applicable planning controls. The maximum height for the site is determined by the sun access plane provisions under the Sydney LEP 2012. The proposed addition fully complies with the Hyde Park West SAP (sun access plane) applicable to the site. The proposal complies with the 45m maximum street frontage height control of the Sydney DCP 2012. Based on the above, the overall height of the podium addition and associated shadows are considered to be satisfactory, given that they relate to a compliant built form.
- (b) Most of the projected shadows between 1pm and 2pm will fall upon dense canopy trees that border the western edge of Hyde Park. It is considered that the proposal would not result in significant additional impacts on the usability of Hyde Park during lunch hours at midwinter.
- (c) The proposed new shadows associated with the proposed podium addition have a lesser impact over the Park than the extent of shadows cast by the envelope that has been approved under Development Application D/2017/349. It should be noted that a recommended draft condition would be that development consent D/2017/349 is to be surrendered prior to Construction Certificate stage of subject application.

View Impacts

58. As a result of the notification of the application, several of the submissions raised concerns regarding potential loss of views and outlook as a result of the proposal. These residents were from Victoria Towers at 197 Castlereagh Street.
59. A View Loss Assessment prepared by Ethos Urban was submitted with the application which assesses the loss of views from residential developments located to the west of the site, which includes 197 Castlereagh Street as well as 27 Park Street (their locations in relation to the proposed development are shown below).



Figure 49: Site plan showing sites assessed against view loss.

60. The View Loss Assessment details how FJMT prepared a private view study based on 3D modelling of existing buildings and the proposed addition, with views constructed based on a 18mm focal length.
61. It is noted that site visits were not able to be undertaken given the difficulties in obtaining access with the ongoing Covid pandemic during the preparation of the application as well as the assessment period of the subject application.
62. The private view study, as shown below, includes views taken from Level 10 of each building to represent the impact at the lower levels of the building, from Level 15 to represent views slightly above the street wall height proposed, and from Level 20 to represent views experienced on majority of levels which are located entirely above the new addition.

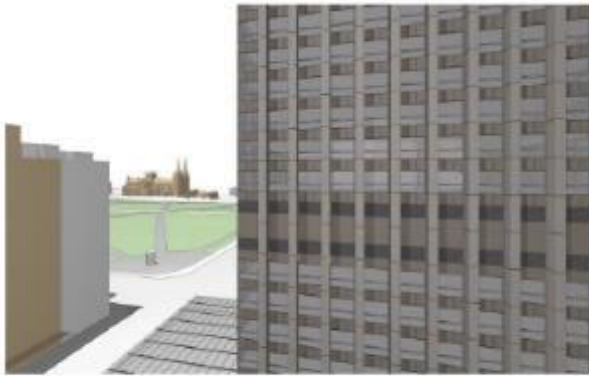


Figure 8 Existing NE view – Level 10 (197 Castlereagh St)



Figure 9 Proposed NE view – Level 10 (197 Castlereagh St)

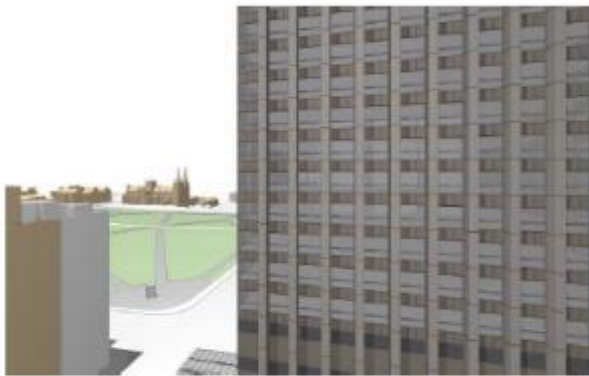


Figure 10 Existing NE view – Level 15 (197 Castlereagh St)



Figure 11 Proposed NE view – Level 15 (197 Castlereagh St)

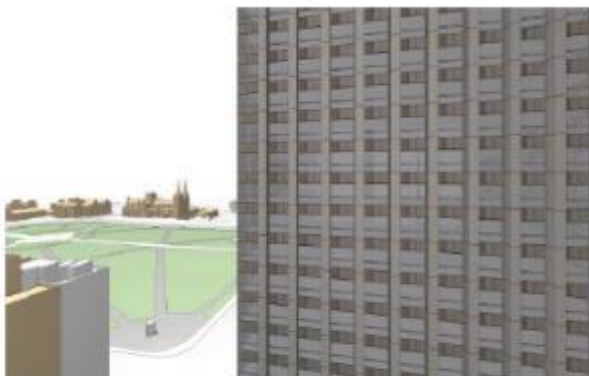


Figure 12 Existing NE view – Level 20 (197 Castlereagh St)



Figure 13 Proposed NE view – Level 20 (197 Castlereagh St)

Figure 50: View studies for 197 Castlereagh Street

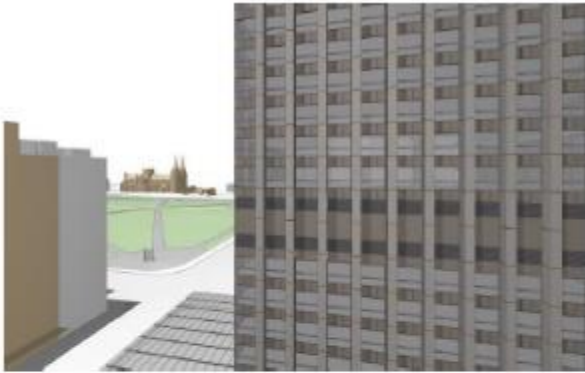


Figure 8 Existing NE view – Level 10 (197 Castlereagh St)



Figure 9 Proposed NE view – Level 10 (197 Castlereagh St)



Figure 10 Existing NE view – Level 15 (197 Castlereagh St)



Figure 11 Proposed NE view – Level 15 (197 Castlereagh St)

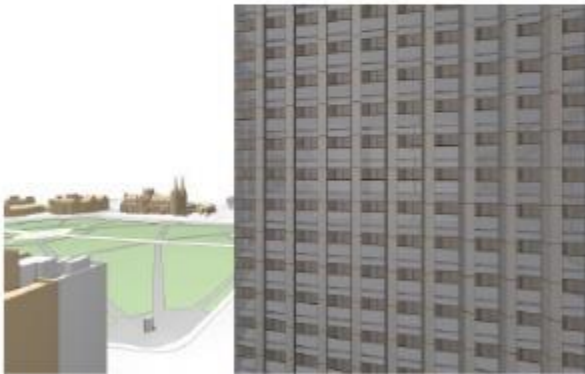


Figure 12 Existing NE view – Level 20 (197 Castlereagh St)

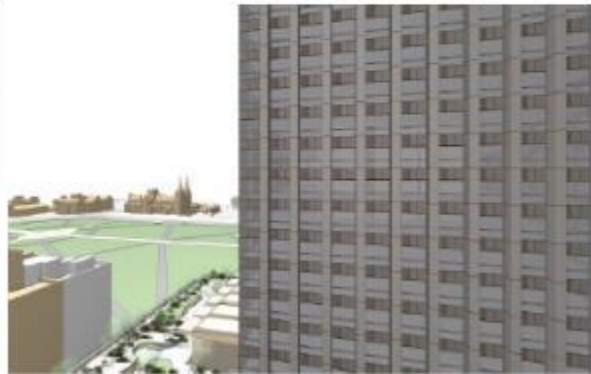


Figure 13 Proposed NE view – Level 20 (197 Castlereagh St)

Figure 51: View studies for 27 Park Street

63. While the relevant planning controls do not specify the requirement for the preservation of private views, an assessment is made below against the planning principles established in the Land Environment Court decision of Tenacity Consulting v Warringah Council [2004] NSWLEC 140, to assess the impact of the proposed development on existing views.

- (a) **Assessment of views to be affected:** The views to be affected comprise of views in a north-eastern and eastern direction of Hyde Park, St Mary's Cathedral, William Street, and distant views of Sydney Harbour and Woolloomooloo. These views are considered to be partial views, and not uninterrupted or panoramic views.
- (b) **Location of where the view is available from:** The views are obtained from the living areas and the balconies that face east of the apartments at 197 Castlereagh Street and 27 Park Street.
- (c) **Extent of impact in relation to views available:** The Level 10 views representing the north-eastern apartments at the lower levels of 197 Castlereagh Street and 27 Park Street demonstrate the most impacted, with the removal of their foreground views over the subject site towards Hyde Park and the Cathedral. The Level 15 views show lesser impact, with a portion of the Hyde Park view removed. The Level 20 views demonstrate a minor/negligible impact, being located entirely above the new podium level with views largely being uninterrupted.
- (d) **Reasonableness:** Council finds that the view impact associated with the proposed addition are reasonable for the following reasons:
- (i) The potential view loss which will result in severe impact is limited to the lower levels of the residential developments across the subject site. As the proposed podium fully complies with the built form controls prescribed in the Sydney LEP 2012 and Sydney DCP 2012 for the site including the sun access plane, street frontage height and setback controls, the impacts on partial views as a result of the development are generally considered to be reasonable.
 - (ii) It is noted that the existing views obtained from the residential properties occur as a result of borrowing amenity from an undeveloped portion of the site (which is envisaged to comprise podium built form under the relevant planning controls).
 - (iii) The Sydney LEP 2012 Height of Buildings development standard includes an objective which excludes Central Sydney in the promotion of sharing views. This stems from the recommendations within the Central Sydney Planning Strategy which outlines that the maintenance of private views should not unduly restrict the economic performance and economic growth of Central Sydney, where proposed development has demonstrated compliance with the Sydney LEP 2012, in relation to height and FSR, and Sydney DCP 2021 provisions. The sun access planes control also does not include objectives to views or view sharing
- Section 5.1.2(6) of the Sydney DCP 2012 stipulates that when considering the likely impacts of a development on surrounding developments any adverse impacts on existing private views, visual privacy, solar and daylight access are considered reasonable where compliance with Section 5.1.1 (including street frontage heights and setbacks) has been achieved.
- (v) Despite the loss of views, the outlook of the lower level apartments of the residential buildings is maintained given the significant separation distances provided.

Construction Stages

64. The applicant is proposing to stage construction works into the following stages and Construction Certificates:
 - (a) CC1 - Demolition and Excavation Works
 - (b) CC2 - Structure
 - (c) CC3 - Finishes and Fitout
 - (d) CC4 - Façade
 - (e) CC5 - Landscaping, External Works and all other works
65. It is considered acceptable for construction stages to be established so that certain works can continue on site without being held up by administrative requirements of the consents.
66. However Council does not support the proposed staging as indicated above, and considers that the staging would more appropriately be structured as follows:
 - (a) CC1 - Demolition and Excavation Works
 - (b) CC2 - Structure and Landscaping Works
 - (c) CC3 - Façade works
 - (d) CC4 - Services, Finishes and Fitout
 - (e) CC5 - Other External Works
67. The above staging is considered more appropriate as landscaping should be addressed together with the Structure CC given landscape is entirely on slab and design development and coordination needs to make allowance for hydraulic design, structure loads and cast in drainage, and the Façade CC should follow the Structure CC as these construction components are closely related.
68. The above staging is recommended as a condition of consent.

Consultation

Internal Referrals

69. The application was referred to, or discussed with the City's:
- (a) Central Sydney Traffic and Transport Committee (CSTTC) subcommittee;
 - (b) Heritage and Urban Design team;
 - (c) Model team;
 - (d) Public Domain team;
 - (e) Environmental Health team;
 - (f) Public Art team;
 - (g) Landscaping officer;
 - (h) Tree Management officer;
 - (i) Transport and Access Unit;
 - (j) Waste Management Unit;
 - (k) Environmental Sustainability officer; and
 - (l) Safe City Unit.
70. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

71. The application was referred to the following external organisations:
- (a) Ausgrid,
 - (b) TfNSW,
 - (c) Sydney Metro, and
 - (d) Sydney Airport.
72. Responses were received, raising no objections to the proposal, subject to conditions.
73. The referral comments and conditions received from the external referral organisations are addressed elsewhere in this report or are included in Attachment A where relevant.

Advertising and Notification

74. In accordance with the City of Sydney Community Participation Plan 2020, the proposed development was notified and advertised for a period of 28 days between 9 May 2022 and 7 June 2022. A total of 1289 properties were notified and 14 submissions were received.
75. The submissions raised the following issues:
- (a) **Issue:** Misalignment with Three Linked City Squares in Sustainable Sydney 2050 – at ground level, northern side of development interferes with the concept space and greenery integral to the ambience of the city squares. Design would not improve or enhance Sydney’s City Eastern Entrance proposed in Sustainable Sydney 2050.
- Response:** The site is not included as part of the Three Linked City Squares identified in Sustainable Sydney 2050. The proposed development is considered to enhance pedestrian amenity through and around the site, and provides for improved activation. The proposed development also includes exemplary sustainability initiatives that align with the Sustainable Sydney 2030-2050 plan.
- (b) **Issue:** Development that overshadows does not comply with objectives and controls in Cl. 6.17 of the Sydney LEP 2012 – to ensure that buildings maximise sunlight access to public spaces.
- Response:** As considered in the Discussion section above, the proposed development is within the sun access plane that applies to the site and the additional overshadowing proposed is considered acceptable.
- (c) **Issue:** Create unreasonable additional FSR to the existing building and surroundings.
- Response:** The proposed development has an FSR that complies with the development standard.
- (d) **Issue:** Interrupt views from Victoria Towers to Hyde Park, Sydney Harbour and St Mary’s Cathedral. Inconsistent with view sharing.
- Response:** Refer to detailed view and outlook assessment in the Discussion section above..
- (e) **Issue:** Increase in traffic, with reduction of car parking spaces and proposed cycle way.
- Response:** The proposal includes the reduction of 40 car parking spaces and encourages more sustainable modes of transport with extensive end of trip facilities.
- (f) **Issue:** Increase in noise – wind tunnelling, and wind noise not adequately discussed in proposal. Noise impacts associated with restaurants, bars and other entertainment
- Response:** Conditions of consent are recommended to ensure that acceptable noise and wind levels are maintained.

- (g) **Issue:** Northern podium would create privacy issues for residences on Castlereagh and Park Streets.
- Response:** The proposal provides for more than the minimum separation to the adjacent residential development which complies with the ADG. The roof top terrace is to be used by office tenants only as a breakout space. A condition is recommended to restrict the use of this space, as well as that no amplified music is permitted at any time.
- (h) **Issue:** Loss of sunlight and amenity for Victoria Towers.
- Response:** As considered above, sufficient solar access is maintained to the adjacent residential developments.
- (i) **Issue:** Design excellence dispensation – no competitive design process with site under 1500sqm.
- Response:** As considered in the Discussion section above, a waiver of the design excellence competition requirement is supported in this instance.
- (j) **Issue:** Consultation with residents – no contact from the Proponent, dismissal of residents' concerns at Feb 19 CSPC meeting for Dexu Stage 1 SSD.
- Response:** The proposed development was notified to all surrounding properties and on exhibition for a 28 day period. Consultation requirements as part of the previous SSD application are not relevant to the subject development application. All submitters will be notified of the meeting and invited to attend should they wish to address the panel.
- (k) **Issue:** Impacts on surrounding street trees and plantations.
- Response:** Conditions of consent are recommended to ensure that the construction of the proposed development has no adverse impacts on surrounding street trees.
- (l) **Issue:** 45m Elizabeth St wall height is overbearing.
- Response:** The Sydney DCP 2012 specifies a 45m street wall height requirement for the site.
- (m) **Issue:** Impacts on value of properties at Victoria Towers.
- Response:** This is not a matter for planning consideration under the Environmental Planning and Assessment Act 1979.
- (n) **Issue:** No exhibition notice shown on building.
- Response:** The site notice was displayed on the site's entrances to the commercial lobby during the exhibition period.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

76. The cost of the development is in excess of \$250,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2020.
77. 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.

Contribution under Section 7.13 of the Sydney Environmental Plan 2012

78. The site is located within Central Sydney affordable housing contribution area. As the proposed development includes additional floor space, a contribution is required at a rate of \$11,599.74 per square metre of total non-residential for area (10,728.2sqm) totalling \$622,221.65.
79. 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

80. Environmental Planning and Assessment Act 1979.
81. City of Sydney Act 1988.
82. Roads Act 1993.
83. Airports Act 1996.

Conclusion

84. The application is for alterations and additions to the existing building including a new 11-storey building addition fronting Park Street that is integrated with the existing tower, as well as the re-invigoration of the ground plane and existing southern forecourt, and works to the basement and lower-ground levels. These works have been assessed in accordance with the relevant planning controls.
85. The proposed development complies with key development standards applicable to the site, including the design excellence provisions, maximum height of buildings, gross floor area, and solar protection to Hyde Park West in accordance with the provisions of the Sydney LEP 2012.
86. The application has undergone extensive pre-lodgement consultation with the City's planning staff and the Design Advisory Panel. The application has been amended prior to the lodgement of the application during the assessment to resolve a number of matters including pedestrian access and circulation, materiality and building exteriors, wind and shadow impacts, landscaping, servicing and public domain details.

87. The proposal achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future users of the site.
88. The proposal will provide for improved ground level activation and access to the site's through-site link, with new retail and commercial office land uses on a site which is highly accessible to existing and planned employment, services, public transport infrastructure and community facilities. The proposal is an appropriate addition to the existing tower form on site.
89. Given the individual circumstances of the development, it is considered that the requirements of Clauses 6.21D and 7.20 which require the preparation of a site specific development control plan (DCP) and the undertaking of a competitive design process would be unreasonable or unnecessary, and it is recommended that these requirements be waived.
90. The proposal is in the public interest and is recommended for approval by the CSPC.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Mia Music, Senior Planner