

**Item 5.****Development Application: 2 Chifley Square, Sydney - D/2023/453**

File No.: D/2023/453

**Summary**

<b>Date of Submission:</b>	The application was lodged on 30 May 2023. Amended plans and documentation were received on 4 October 2023 and 6 October 2023.
<b>Applicant:</b>	Charter Hall Holdings Pty Limited
<b>Architect/Designer:</b>	Bates Smart
<b>Developer:</b>	Charter Hall Holdings Pty Limited
<b>Owner:</b>	The Trust Company (Australia) Limited
<b>Planning Consultant:</b>	Ethos Urban
<b>Heritage Consultant:</b>	Curio Projects
<b>Cost of Works:</b>	\$474,475,571
<b>Zoning:</b>	SP5 Metropolitan Centre. The proposed development is defined as a 'commercial premises', which is permissible with consent in the zone.
<b>Proposal Summary:</b>	<p>Development consent is sought for site establishment works, demolition and basement work, minor excavation, and construction of a new 41-storey commercial tower on the southern portion of the site. The proposal has a maximum height of 193.8 metres.</p> <p>The proposed tower building will contain retail uses within the lower levels of the podium and end of journey facilities. Commercial office uses will occupy the floors above.</p> <p>The application proposes a through-site link within the development, connecting Hunter and Bent Streets. A new laneway to the east of the site is also proposed.</p>

The application is referred to the Central Sydney Planning Committee (CSPC) as the development has an estimated cost of works over \$50 million.

The proposal is subject to site-specific planning provisions under Sydney LEP 2012 and Sydney DCP 2012. The proposal generally complies with key development standards including the maximum height and gross floor area controls. The proposal will not cause additional overshadowing to The Domain.

A competitive design process was held for the development with the Bates Smart scheme selected as the winner. Subject to conditions, the proposal will exhibit design excellence and will maintain the design integrity of the design competition winning scheme and the recommendations of the competition jury.

A preliminary assessment of the application including consideration by the City's Design Advisory Panel (DAP), identified concerns relating to the ground floor interface at both Hunter Street and Chifley Square as well as further design refinement required to the building entrance to improve its sense of arrival. Other concerns and additional information required during the assessment of the application related to contamination, tree transplanting, public art, public domain matters and sustainability.

The above matters have been largely addressed through the submission of amended plans and additional information, or through conditions of consent contained in Attachment A.

The application was initially placed on public exhibition for 28 days between 7 June 2023 and 5 July 2023 in accordance with the City of Sydney Community Engagement Strategy and Participation Plan 2023. Four (4) submissions were received raising concerns in relation to overshadowing of The Royal Botanical Gardens and The Domain, reflectivity, noise, vibration, and traffic impacts during construction, impacts to neighbouring commercial and residential buildings during construction, and minor built form projections outside the planning envelope.

The amended plans and additional information were re-notified for a period of fourteen (14) days between 18 October 2023 and 1 November 2023. One (1) submission was received from a previous submitter, reiterating concern for vibration, noise, and traffic impacts during construction.

Subject to conditions, the amended proposal is generally consistent with the application planning controls, including Sydney LEP 2012 and Sydney DCP 2012. Proposed non-compliances have been assessed as having merit in the specific circumstances of the proposal and are addressed in this report.

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

**Summary Recommendation:** The development application is recommended for 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 the City of Sydney Regulation 2016
- (iii) Sydney Water Act 1994 and Sydney Water Regulation 2016
- (iv) Roads Act 1993 and Roads Regulation 2018
- (v) Airports Act 1996 (Commonwealth) and Civil Aviation (Building Control) Regulation 1998
- (vi) State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP Resilience and Hazards)
- (vii) State Environmental Planning Policy (Industry and Employment 2021) (SEPP Industry and Employment 2021)
- (viii) State Environmental Planning Policy (Transport and Infrastructure 2021) (SEPP Transport and Infrastructure 2021)
- (ix) State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP Biodiversity and Conservation)
- (x) State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021 (SEPP Precincts Eastern Harbour City)

- (xi) Sydney Local Environmental Plan 2012 (SLEP 2012)
- (xii) Sydney Development Control Plan 2012 (SDCP 2012)
- (xiii) Sydney Landscape Code Volume 2: All Developments Except for Single Dwellings 2012
- (xiv) City of Sydney Interim Floodplain Management Policy 2023
- (xv) City of Sydney Guidelines for Waste Management in New Developments 2018
- (xvi) City of Sydney Public Art Policy 2011 and City of Sydney Public Art Strategy 2011
- (xvii) Central Sydney Development Contributions Plan 2020
- (xviii) City of Sydney Community Engagement Strategy and Participation Plan 2022

**Attachments:**

- A. Recommended Conditions of Consent
- B. Architectural Drawings

## Recommendation

It is resolved that consent be granted to Development Application Number D/2023/453 subject to the conditions set out in Attachment A to the subject report.

## Reasons for Recommendation

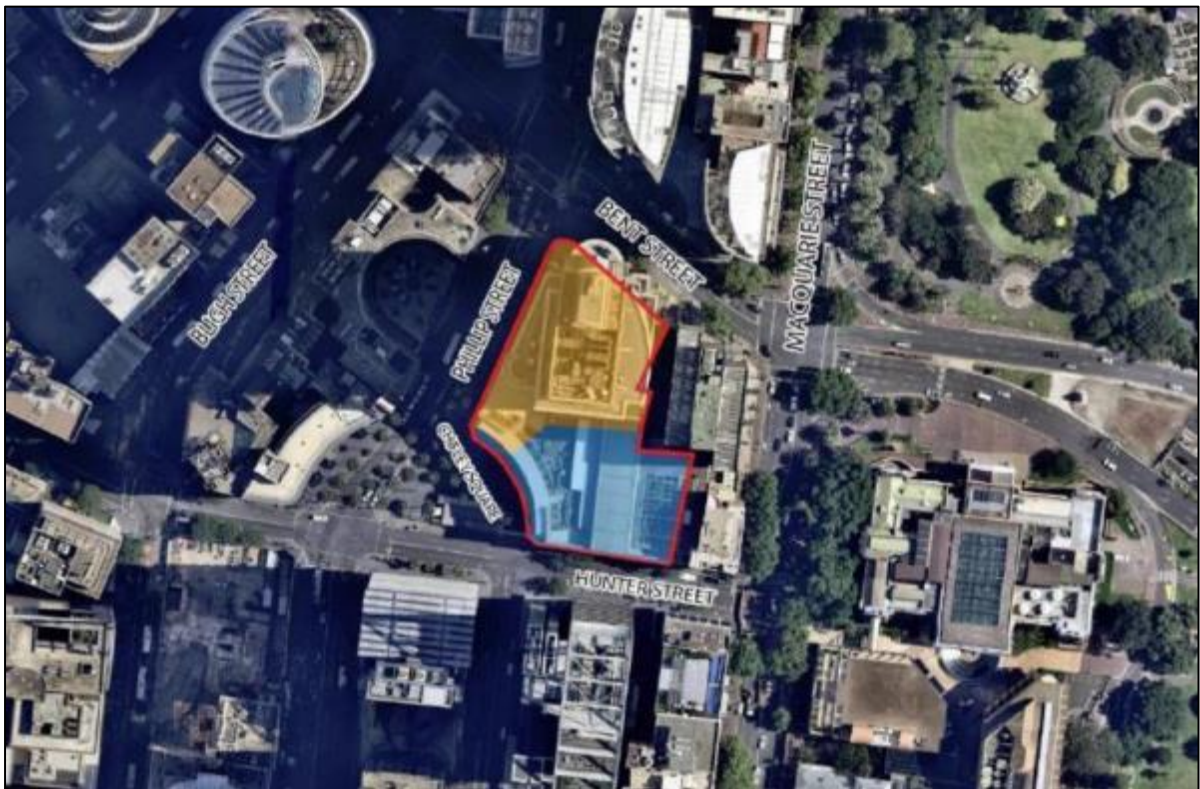
The application is recommended for approval for the following reasons:

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

## Background

### The Site and Surrounding Development

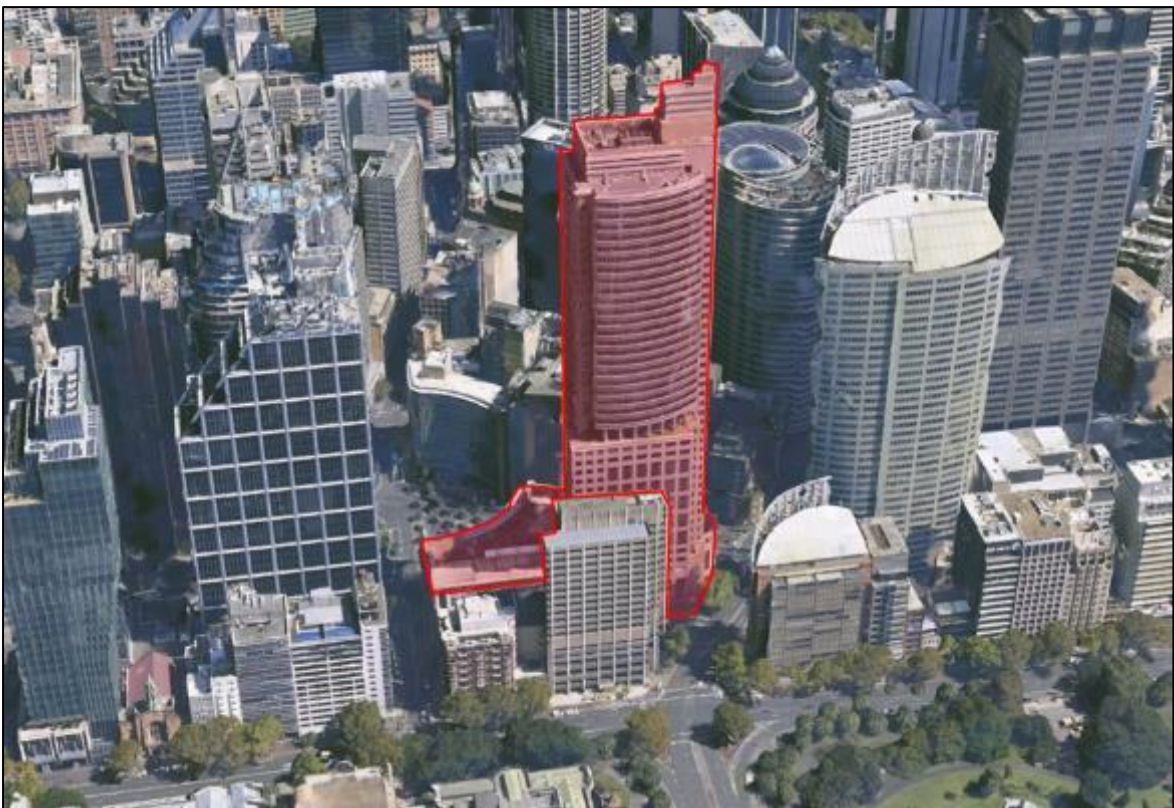
1. The site has a legal description of Lot 10 DP 777545, known as 2 Chifley Square, Sydney. It is a single lot and irregular in shape with area of approximately 6,438 square metres. It has a site frontage of 43 metres to Chifley Square, 52 metres to Bent Street, 79 metres to Phillip Street and 50 metres to Hunter Street.
2. The site is located between Chifley Square to the south-west, Bent Street to the north, Hunter Street to the south and Phillip Street to the west and Macquarie Street to the east.
3. Aerial images and photographs of the site are provided in Figures 1 to 3 below.



**Figure 1:** Extract of the SEE, illustrating an aerial view of site and surrounds with the site indicated in red outline, Chifley North (orange) and Chifley South (blue)



**Figure 2:** Oblique aerial of the subject site, looking east



**Figure 3:** Oblique aerial of the subject site, looking west

4. The site contains Chifley Tower, which is a 44-storey commercial building above a podium on the northern portion of the site. Hereafter, it will be referred to as Chifley North.
5. The existing building contains four levels of basement, accommodating approximately 361 car parking spaces and end of trip facilities. Access to the basement is provided at a single entry from Bent Street.
6. The existing land uses are predominately commercial in nature and include office premises, food and drink premises and retail premises. The site currently provides a retail strip within the building that is accessed from Hunter and Bent Streets, which is nominated as an existing through-site link under the 'through site links map' in Sydney DCP 2012.
7. The subject application relates to the southern portion of the site. Hereafter, it will be referred to as Chifley South.
8. The subject site is not identified as a heritage item. However, the site is located within close proximity to heritage items of local and state significance.
  - (a) Nearby local heritage items include Chifley Square (I1708), 'Terrace House "Horbury House" including interior' (I1877) and 'Commercial Chambers "Wyoming" including interiors' (I1878) at 171-173 and 175-181 Macquarie Street, Sydney and the 'Wentworth Hotel including interiors' (I1674) at 61-101 Phillip Street, Sydney.
  - (b) The site is within close proximity to the 'Former "Qantas House" including interiors' (SHR01512 and I1811) at 68-96 Hunter Street, Sydney, which is both a state and local heritage item.
9. Photographs of existing development on the site is provided in Figures 4 to 7 below.





**Figure 4:** Base of Chifley North tower and podium viewed from the corner of Bent and Phillip Streets, looking south-east



**Figure 5:** Chifley Square, Chifley South podium and Chifley North viewed from the corner of Hunter and Phillip Streets, looking north-east



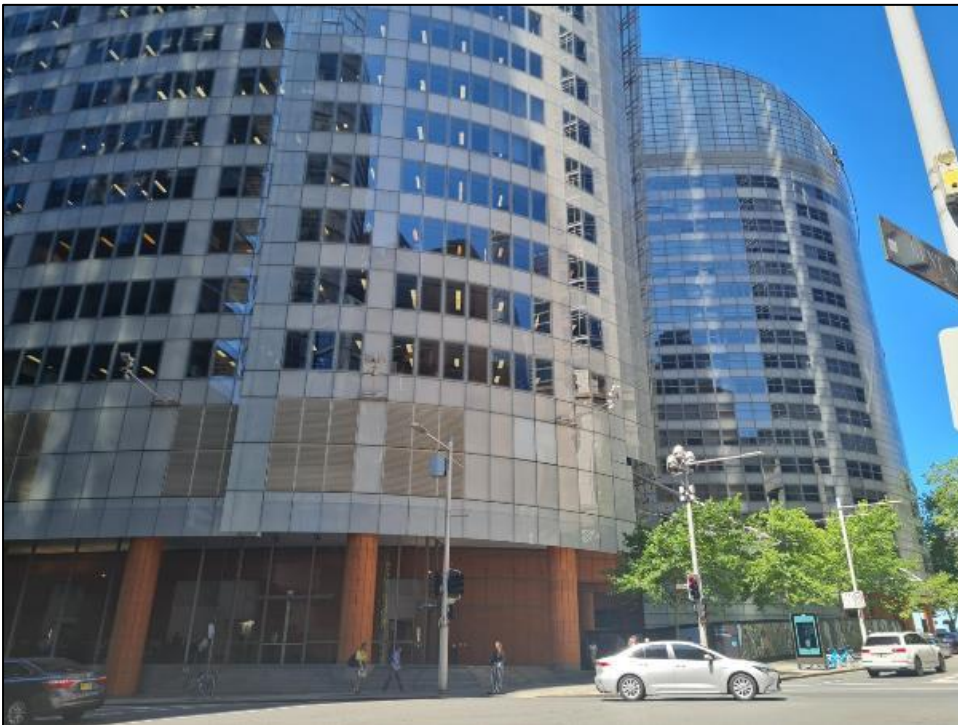
**Figure 6:** Chifley South podium viewed from Hunter Street, looking north



**Figure 7:** Vehicular access into the site viewed from Bent Street, looking south. No works are proposed at this location of the site.

## Locality

10. The surrounding area is characterised by a mixture of land uses, including commercial, retail, food and drink, infrastructure, residential, and tourist and visitor accommodation:
  - (a) To the north at 88 Phillip Street and 157-161 Macquarie Street is Aurora Place. It comprises of a 41-storey commercial tower and 18-storey residential tower supported by retail facilities around the Plaza and Phillip Lane.
  - (b) Directly to the east, there are three commercial buildings including 'Wyoming' at 175-181 Macquarie Street, 3-storey commercial terrace known as 'Horbury House' at 171-173 Macquarie Street and an 18-storey commercial building at 165-169 Macquarie Street, Sydney. Generally, the rear of these buildings adjoins the subject site.
  - (c) Directly to the south on the opposite side of Hunter Street is Deutsche Bank Place at 126-144 Phillip Street, Sydney. It comprises of a 31-storey commercial building with a public plaza on the ground floor with food and drink premises.
  - (d) Directly to the south-east is Chifley Square. It is a public plaza that is semi-circle in shape and is completed by Qantas House on the other side of Phillip Street.
  - (e) To the west of the site on the opposite side of Phillip Street is The Sofitel Wentworth Hotel at 61-101 Phillip Street, which is a 16-storey heritage building. Qantas House is located at 68-96 Phillip Street and is an 8-storey commercial building.
11. Photographs of surrounding development is provided in Figures 8 to 12 below.



**Figure 8:** Aurora Place directly to the north of the site, looking east from Bent Street



**Figure 9:** 'Wyoming', 'Horbury House' and commercial building directly to the east of the site, looking west from Macquarie Street



**Figure 10:** Deutsche Place directly to the south of the site, looking south-east from Hunter Street



**Figure 11:** Sofitel Wentworth Hotel directly to the west of the site, looking west from Phillip Street

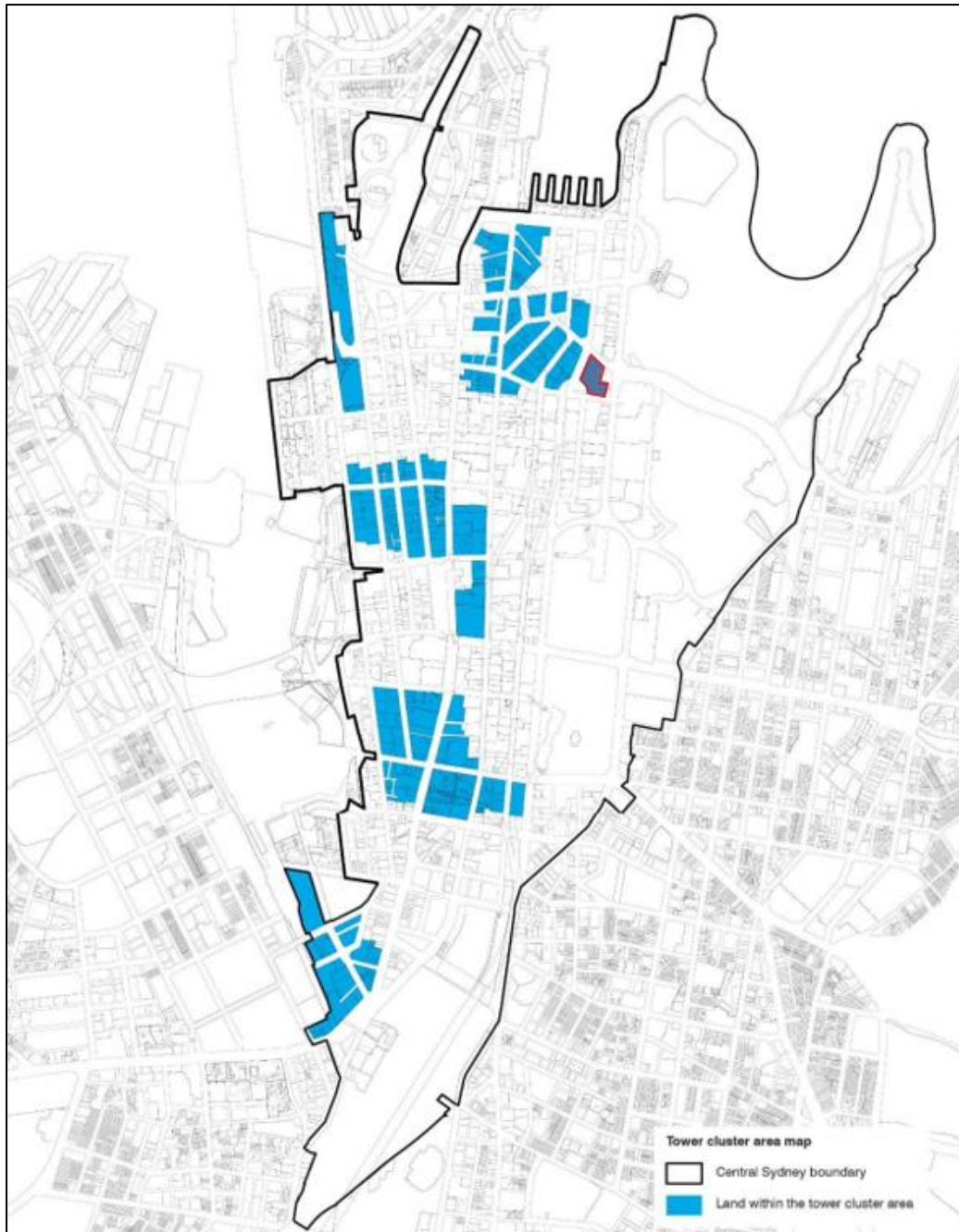


**Figure 12:** Qantas House to the south-west of the site, looking west from Hunter Street

## History Relevant to the Development Application

### Central Sydney Planning Strategy

12. The Central Sydney Planning Strategy is a 20-year growth strategy that revised previous land use and planning priorities in Central Sydney. The Strategy was endorsed by Council on 14 December 2020. Amendments to Sydney LEP 2012 and Sydney DCP 2012 were gazetted in December 2021.
13. The aim of the Strategy is to prioritise employment growth whilst balancing the need to protect and enhance public places in Central Sydney. The Strategy recognises Central Sydney's role in the continued growth and economic success of Greater Sydney and the national economy.
14. The 10 key moves identified in the Strategy will facilitate the projected growth in Central Sydney to 2036 and beyond, which include 100,000 jobs unlocked through an additional 2.9 million square metres of employment generating floor space. To achieve this, the Strategy includes opportunities for increased height and density in strategic locations, balanced with environmental sustainability and criteria for excellence in urban design.
15. New planning pathways for heights and densities above the established maximum limits in certain areas are identified in the strategy and nominated as 'new tower cluster' areas. These areas can accommodate uplift for employment floor space, promote the efficient use of land and encourage innovative design whilst not compromising on public amenity in terms of solar access to key public places.
16. The subject site is identified within one of the northern tower clusters as per Figure 13.



**Figure 13:** Extract of the Tower Cluster Area Map with the site indicated in red outline



**Planning Proposal (PP-2021-4750)**

17. Subsequent to the site being identified within a tower cluster area, a site-specific planning proposal was prepared by Council on behalf of the applicant. The planning proposal was lodged on 26 July 2021 and sought to insert new site-specific controls in Sydney LEP 2012 and Sydney DCP 2012 to enable redevelopment at 2 Chifley Square to deliver the following:
  - (a) a second commercial office tower on the southern portion of the site of variable height up to The Domain Sun Access Plane at a maximum height of approximately RL 213 metres, enabling the net addition of 43,608 square metres of above ground floor space (inclusive of design excellence bonus floor space) and up to 1,931 square metres of below ground floor space. The existing Chifley North tower was to be retained;
  - (b) a podium up to RL 61.1 metres in height to provide for a strongly defined podium, which relates to the existing podium in the north of the site and be sympathetic to the Chifley Square Special Character Area;
  - (c) a built form consistent with the future character of Central Sydney, including high quality design relationship with Chifley Square;
  - (d) improved pedestrian access and amenity through the maximisation of active frontages and pedestrian connection through the podium; and
  - (e) ecologically sustainable development benchmarks to ensure an energy efficient building is delivered.
  - (f) Removal of the onsite commercial car park
18. The planning proposal was approved by Council at the meeting on 15 August 2022 and was gazetted by the Department of Planning and Environment on 25 November 2022.
19. The gazettal resulted in the insertion of site-specific Clause 6.60C in Sydney LEP 2012, which prescribe:
  - (a) a maximum permissible FSR of 20.63:1, which is inclusive of the additional floor space afforded under Clauses 6.4 - Accommodation Floor Space, 6.6 - End of Journey Floor Space and 6.21D(3)(b) design excellence floor space of Sydney LEP 2012;
  - (b) a maximum above ground FSR of 20.33:1;
  - (c) a maximum below ground FSR of 0.3:1; and
  - (d) prohibition on development for the purposes of residential accommodation, serviced apartments, and commercially operated car parking.
20. The maximum permissible FSR applies to the entirety of the broader site, encompassing both Chifley North and Chifley South.
21. The gazettal of the planning proposal also resulted in the insertion of site-specific Section 6.3.24 in Sydney DCP 2012 and includes controls relating to the built form of the proposed development, active frontages, public domain, public art, design excellence and sustainability.

**Voluntary Planning Agreement (VPA)**

22. A VPA was executed between Council and Charter Hall on 29 August 2022 in association with the planning proposal, which secured the following:
- (a) a monetary contribution of \$14,700,000 to community infrastructure in Central Sydney;
  - (b) a monetary contribution of \$900,000 for the public domain upgrade of Chifley Square
  - (c) developer's works involving the provision of a new driveway cross-over consolidation and easement with the adjoining property at 165-169 Macquarie Street in the form of a breakthrough panel within the existing basement;
  - (d) the provision of public art on the site to a value of \$2,800,000; and
  - (e) Sustainability commitments including:
    - (i) 6-star Green Star building;
    - (ii) WELL Core Platinum rating;
    - (iii) 5.5-star NABERS energy rating for office base buildings;
    - (iv) 4-star NABERS water rating;
    - (v) 5-star NABERS waste rating; and
    - (vi) Climate action carbon neutral building certification.

**Development Applications**

23. The following applications are relevant to the current proposal:
- (a) D/2022/567 – Development consent was granted on 21 November 2022 for the plant and services upgrade of the Chifley North Tower. The works comprised the creation of a new temporary plant room on the Level 4 podium roof and basement levels, and permanent upgrades to the existing base building cooling towers on Level 44, removal of 95 car parking spaces to accommodate the proposed plant rooms, installation of four generator flues with discharge to Phillip Street and reconfiguration of the diesel pump room and tanks in the basement.  
  
The primary purpose of these works was to enable the upgrade and maintenance of plant and cooling systems of the existing Chifley Tower so that it remains operational and can be capable of accommodating the proposed Chifley South tower (the subject of this application).
  - (b) D/ 2022/567/A – Section 4.55(1A) modification application was approved on 14 April 2023 for amendments to the approved location of the generator flues to an existing louvred outlet, deletion of works to the ceiling colonnade and soffit at Phillip Street and installation of discharge plenums. The application has no relevance to the subject application.

**Competitive Design Process**

24. In accordance with the City of Sydney Competitive Design Policy and Section 6.3.24.7 - Design Excellence Strategy of Sydney DCP 2012, an Invited Architectural Design Competition for Chifley South was held between 8 and 9 December 2022.
25. The six (6) architectural practices that were invited to make submissions were:
  - (a) Architectus and Kohn Pedersen Fox (KPF);
  - (b) Bates Smart;
  - (c) Francis-Jones Carpenter (FJC);
  - (d) Grimshaw;
  - (e) Koichi Takada; and
  - (f)** Tzannes.
26. On 22 December 2022, notification was provided to each competitor of the outcome of the design competition. The Bates Smart scheme was recommended by the Design Competition Jury as the winning scheme to develop the detailed proposal.
27. A photomontage of the winning scheme is provided in Figure 14 below.



**Figure 14:** Photomontage of the Bates Smart design competition winning scheme

28. The jury was unanimous in its decision for the reasons outlined below. The Jury advised that these attributes were required to be retained in further design development of the scheme:
- (a) The north-western corner of the new tower acts as the transition between the two towers through a modern interpretation of the existing facade fenestration, which includes provision for tenant wintergardens with operable facades for natural ventilation.
  - (b) A curved western facade that responds to the significance of Chifley Square and enhances the Chifley Square address, with the contemporary glazed facade reflecting the evolution of the Chifley precinct.
  - (c) The north and south masonry elevations that bookend the contemporary east and west glazed facades reinforce the character of Chifley North, so the towers appear as a pair.

- (d) The operability of the western podium facade provides activation of Chifley Square and improved access to natural light and ventilation for tenants.
  - (e) The Ground Level (Chifley Square) and Upper Ground Level (Hunter Street) spatial planning and resultant tenant arrival experience and amenity were a standout, with a central naturally lit garden and an improved Hunter Street entry providing a clear legibility for the entry point and through site link. The layering of the Ground Level lobby with the Upper Ground Level retail creates a balance of privacy and activation.
  - (f) A considered Ground Level arrival experience that balances the activation of Ground Level retail while creating an exclusive and private arrival point off Chifley Square and is overlaid with retail and tenant amenity on the Upper Ground Level above, connected through voids and stairs.
29. The Jury also identified elements of the design that required further resolution in the design development phase to ensure consistency with the competition brief and maintaining the intent of the original design. These elements are:

### **Podium**

30. The glass line at ground level is to be relocated to the boundary of Chifley Square and the colonnade removed to:
- (a) provide greater definition to, and activation of, Chifley Square;
  - (b) improve the lobby experience by providing more space internally for a clear relationship between public and semi-public space; and
  - (c) allow the retail activating Chifley Square to be protected from inclement weather to help facilitate seasonal activation of Chifley Square.
31. The design of the Ground Level podium should support a cohesive entry experience to the 'precinct' overall and provide a clearer address to the commercial lobby in recognition of the main entrance to the building being from Chifley Square.
32. The design of the 'verandah' should be revised to achieve the Brief's objective of a Chifley "precinct" through a stronger presence of masonry, as the current lightweight steel design lacks coherence with the existing Chifley podium and Qantas House. This includes the top of podium and the materiality of the 'arbour' which should also be reconsidered, to provide a purposeful termination of the podium and a stronger frame. It should provide a strong datum at the top of the podium as an urban gesture to the solidity and proportions of Qantas House and Chifley North.
33. Consideration should be given to the modulation along Hunter Street to explore opportunities to relate positively to the Wyoming heritage building.

**Tower**

34. Glazed tower facade (eastern and western facades):
- (a) The design of the sawtooth facade is to be reviewed to optimise the internal tenant experience, particularly with respect to views, and opportunities for a calmer facade. Further resolution of the serration of the glass, in particular the degree of serration or alternative expressions, is to be reviewed to further calm the facade. The degree of serration should also consider buildability, environmental and performance testing of the facade.
  - (b) The junctions between the glazed facade and the north/south elevations should be considered in relation to providing a sympathetic tower pairing with Chifley North.
35. North-east corner of the tower:
- (a) Resolution of the tower at the north-east corner is required, in order to: - optimise views to the north and north-east; and
  - (b) Resolve how the tower form at this location can better complement the existing Chifley North tower, particularly when viewed from the east and looking south down Macquarie Street.
36. Tower terrace / roof levels:
- (a) In line with feedback on the materiality of the 'verandah' in the podium (which lacked coherence with the existing Chifley podium and would benefit from greater masonry solidity), the use of steel structures on the roof terraces appears as an 'add on', rather than an integrated building element, and should be reconsidered to create a more legible relationship with the facade and to allow for a more refined 'finish' to the top of the tower in the skyline (with more height). This should be considered with the opportunity for more tower terrace levels, providing greater access for more people to outdoor areas and a greener expression of the top of the tower to represent it as a modern addition to the skyline.
  - (b) This will also go hand in hand with the review of rooftop plant which should also be undertaken.
  - (c) The revised solution must address wind mitigation.
37. East elevation – low rise recess / cut out:
- (a) Level 9 terrace: The expression of the recess at the south-east corner of the tower should be reviewed to improve its legibility from street level along Hunter Street and Macquarie Street.

**Interior and Planning**

38. Commercial Lobbies:
- (a) The commercial lobbies should be cohesive to provide an intuitive arrival and wayfinding experience.

- (b) The design and location of the internal open stair should be reviewed to be more connected to the central circulation zone and improve visual connectivity between Ground Level and Upper Ground Level.
  - (c) Universal access into the main commercial lobby is to be resolved. Addressing levels between the site and the adjoining public domain within Chifley Square will be considered in consultation with the City of Sydney as part of the Detailed DA stage.
39. Mid-rise tower floor plan:
- (a) The journey from lift to reception area, which is currently via the bathroom amenities, is to be improved so that privacy and premium experience on arrival is maintained.
40. Mid-level plant:
- (a) Verification that the mid-level plant is not required must be undertaken, and if the mid-level plant is required the resolution of the facade on this level will need further design consideration.
41. Level 2-4 internal cutline between Chifley North and Chifley South:
- (a) The floorplate / construction 'cutline' between the existing Chifley North podium and proposed Chifley South podium on Levels 2-4 requires further resolution as part of the Detailed Development Application to ensure it can meet the staging requirements for plant to service the existing building.
  - (b) The Bates Smart winning scheme included a minor exceedance of the DCP planning envelope along the step of the northern elevation, for a component of the high-rise portion of the tower only. It was noted by the Jury that this variation to the planning envelope creates a logical alignment with the existing tower in this location.

## Amendments

### *Design Advisory Panel - 15 June 2023*

42. The application was lodged on 30 May 2023.
43. During the preliminary assessment of the proposed development by Council Officers, the application was presented to the Design Advisory (DAP) on 15 June 2023.
44. The DAP raised the following issues:
- (a) Chifley Square Frontage
    - (i) The entry is inadequate for the building size and the expected foot fall. It is noted that a more generous entry was recommended by the jury. The Panel recommends that the entry doors be increased to at least two bays.
    - (ii) The circulation around Chifley Square has been negatively impacted by pushing the building line forward. The radius for the steps and public thoroughfare doesn't match the colonnade radius and has created a pinch point.

- (iii) It is recommended the proponent prepares an integrated design solution for the building and Chifley Square public realm that provides consistent geometries, removes pinch points, improves universal access, and provides a generous building entry.
- (b) Hunter Street Frontage
  - (i) Street activation on Hunter Street could be improved. The levels interface between the building and public domain could be further developed and may consider locating the retail higher than the street, as long as it is clearly visible from the street. It is noted that Hunter Street activation is a requirement of the design competition. The extent of the blank walls at street level are not supported.
- (c) Through-Site Link
  - (i) The through-site link has improved since design competition. It is recommended that the ramp be reviewed for Disability Discrimination Act compliance.
- (d) Lobby
  - (i) The lobby could be improved by fewer back-of-house facilities addressing it.
- (e) Sustainability
  - (i) Recommend the tower facades be reviewed against the design competition scheme and further assessed from a sustainability perspective.
- (f) Building Envelope
  - (i) The proposal should generally comply with the DCP envelope. The Panel does not support further non-compliance of the envelope controls beyond what was proposed in the design competition.
- (g) Façade
  - (i) The Panel supports the vertical activation, soffit and operable windows of the western podium facade as proposed in the design competition and recommends that the quality of that scheme be retained.
  - (ii) Overall, the competition proposal had a simpler expression of horizontal lines connecting the different facades. These lines are now removed on the east and west and appear staggered on the south. The competition proposal is considered to create a superior outcome.

### ***Additional Information***

45. Requests for design amendments and additional information was sought on three occasions:
- (a) A preliminary request for additional information was sent to the application on 19 July 2023 requesting for the following information:



- (i) clarification on the intended management of contamination from the underground storage tanks (USTs) that is peer reviewed and accompanied with a Section B Site Audit Statement or letter of interim advice by an NSW EPA Accredited Site Auditor;
  - (ii) provide a Tree Transplanting Methodology Statement and Feasibility Report that details the management and methods of transplanting the existing palm trees proposed to be removed and transplanted back into Chifley Square during construction works;
  - (iii) amendments to the submitted Preliminary Public Art Plan;
- (b) A request for information, as advised by Sydney Metro, was sent to the applicant on 7 August 2023; and
- (c) A detailed request for design modifications and additional information was sent to the applicant on 28 August 2023 requesting for the following:
- (i) reiteration of the DAP advice and recommendations of the Design Competition Jury (as outlined above), particularly regarding the Chifley Square interface, Hunter Street interface, building entry and arrival;
  - (ii) clarification of any exceedances to the maximum building envelope;
  - (iii) clarification of the total GFA of the site;
  - (iv) incorporate the recommended wind mitigation measures in the architectural plans and landscapes.
  - (v) coordination of the landscape plans with the architectural plans;
  - (vi) further information on the stormwater concept drainage design, stormwater quality assessment and public domain levels;
  - (vii) supplementary information to validate the sustainability commitments;
  - (viii) further details on the vertical sunshade fins on the western tower facade to confirm efficacy and environmental performance; and
  - (ix) update the architectural plans to reference the correct driveway height and location of breakthrough panels to the adjoining property at 167 Macquarie Street, Sydney as well as information on any easements.
46. On 25 September 2023, the applicant's design team presented their responses to the detailed request for design modifications in a meeting with Council. These include:
- (a) amendments to the Hunter Street interface, including removal of the 'Verandah' steps, reduction of blank wall, increased building entry width, removal of HV room and substation to maximise active frontage and inclusion of a new 'Chifley Laneway';
  - (b) development of public art zones on the Hunter Street podium elevation; and

- (c) amendments to the Chifley Square interface including an increase of façade bays to 6 bays, widened lobby entrance, redesign of the Chifley Square step interface to be within the site boundary, revised universal access from Phillip Street, provision of a seating zone along Chifley Square, relocation of substation and reconfiguration of back of house areas.
47. On 4 and 6 October 2023, amended plans and additional information was submitted to Council. The information was re-notified and distributed to Council officers for further assessment.

### **Proposed Development**

48. The amended application seeks consent for the following:

#### ***Site preparation, demolition and basement works:***

- (a) site establishment works within Chifley Square to create a works zone and construction vehicle logistics zone for the duration of construction;
- (b) minor excavation of 1.3 metres in depth and approximately 160 square metres in the south-west corner of Basement Level 4 in response amendments to the structural design of the basement as required by Sydney Metro;
- (c) demolition of the southern portion of the existing Chifley podium (fronting Hunter Street and Chifley Square);
- (d) internal demolition works within the existing Chifley North podium (fronting Phillip and Bent Streets);
- (e) retention and use of the existing four-level basement, including:
  - (i) minor internal demolition works on some levels;
  - (ii) removal of the commercially operated / paid public car park;
- (f) the reduction of 167 existing car parking spaces (resulting in a total remaining 194 tenant car parking spaces). No additional parking spaces are proposed;
- (g) revised car parking circulation;
- (h) revised loading dock arrangements, with the provision for 20 service vehicles, servicing both Chifley North and Chifley South;
- (i) introduction of additional service and plant facilities; and
- (j) retention of existing basement end-of-trip facilities and bicycle parking numbers.

#### ***Construction of commercial tower:***

- (k) construction and use of a 41-storey commercial building on Chifley South, comprising the following key features:
  - (i) a new seven storey podium on the southern portion (integrating with the existing podium below Chifley North);

- (ii) 62,067 square metres new commercial and retail floor space;
  - (iii) new laneway to the east;
  - (iv) new end of trip facilities (including showers and lockers) on Ground Level, Upper Ground Level and Level 1;
  - (v) podium and tower rooftop landscaped terraces;
  - (vi) a publicly accessible through-site link connecting Bent Street and Hunter Street;
  - (vii) internal alterations and additions to the existing Chifley North podium to integrate it with the new Chifley South podium (to create a single, integrated podium);
  - (viii) extension and augmentation of services and utilities to the building, as required;
  - (ix) reinstating the existing 'Chifley' building identification signage from the existing Chifley South podium onto the new Chifley South podium; and
- (l) staged construction of the development as set out below:
- (i) Stage - Demolition Works
  - (ii) Stage 2 - Structure
  - (iii) Stage 3 - Finishes and Fit out
  - (iv) Stage 4 - Facade
  - (v) Stage 5 - Landscaping, external works, and other works.
49. Selected photomontages, plans and elevations of the proposed development are provided in Figures 15 to 46 below.



**Figure 15:** Photomontage of proposed development viewed from the corner of Hunter and Phillip Streets



**Figure 16:** Photomontage of the proposed development viewed from The Royal Botanical Gardens



**Figure 17:** Photomontage of the proposed development, viewed from The Domain



**Figure 18:** Photomontage of the proposed podium viewed from Chifley Square



**Figure 19:** Photomontage of the double height arcade from the Urban Room in the upper ground floor



Figure 20: Proposed lower ground floor demolition plan



Figure 21: Proposed upper ground floor demolition plan

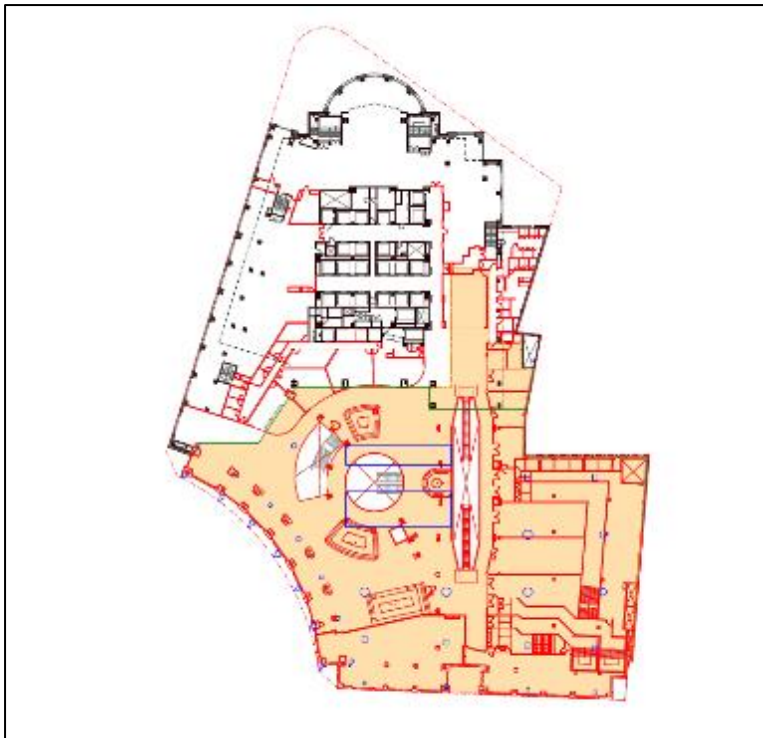


Figure 22: Proposed Level 1 demolition plan

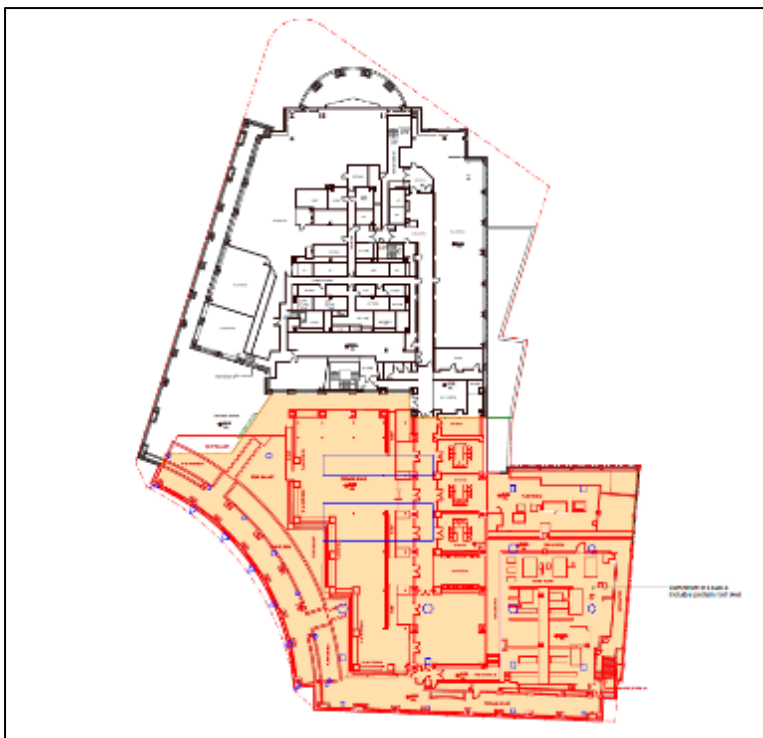


Figure 23: Proposed Level 4 demolition plan



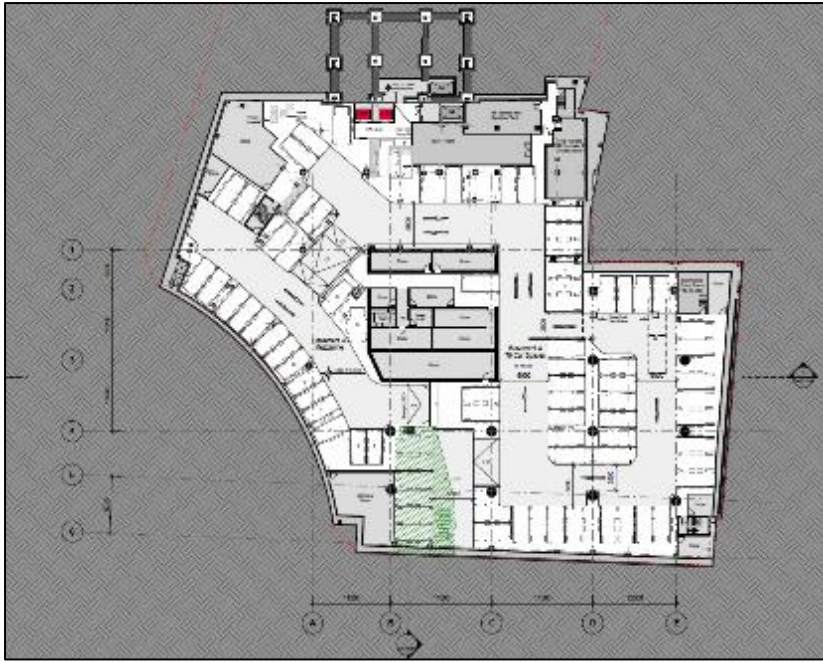


Figure 24: Proposed Basement Level 4 plan



Figure 25: Proposed Ground Floor plan



Figure 26: Proposed Upper Ground Floor plan

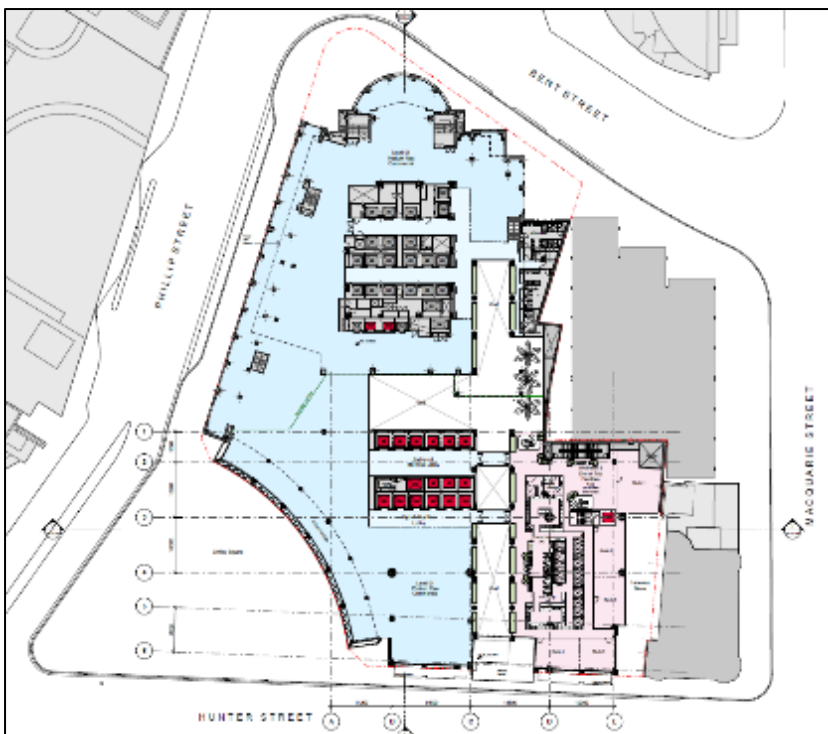


Figure 27: Proposed Level 1 podium plan

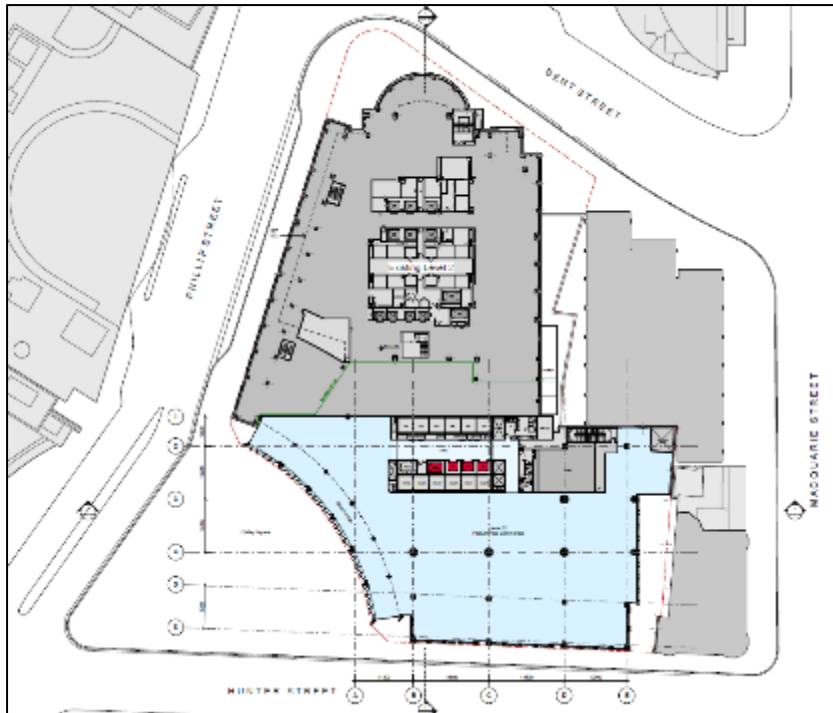


Figure 28: Proposed typical Level 2-4 podium plan

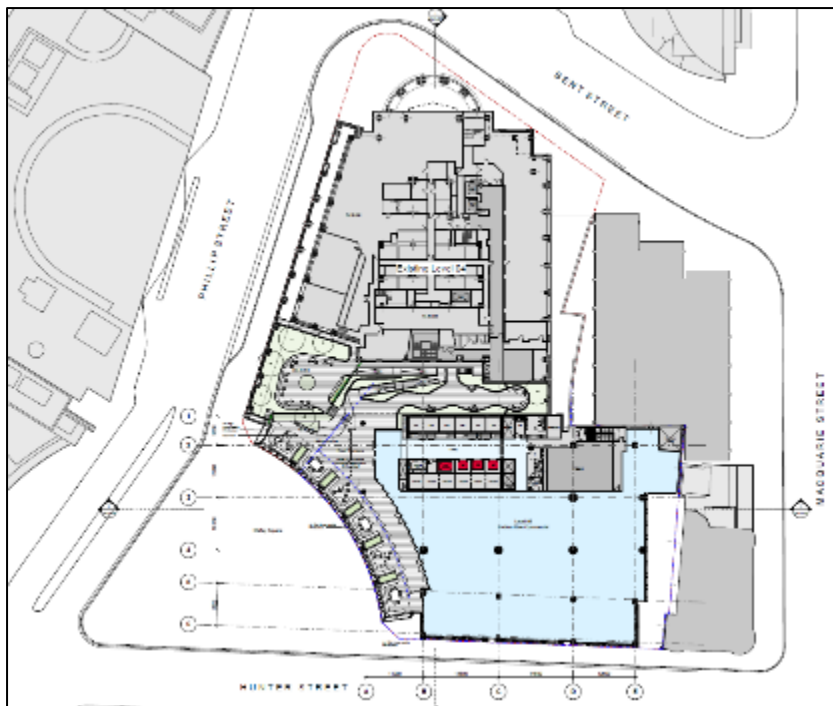


Figure 29: Proposed Level 5 podium terrace plan

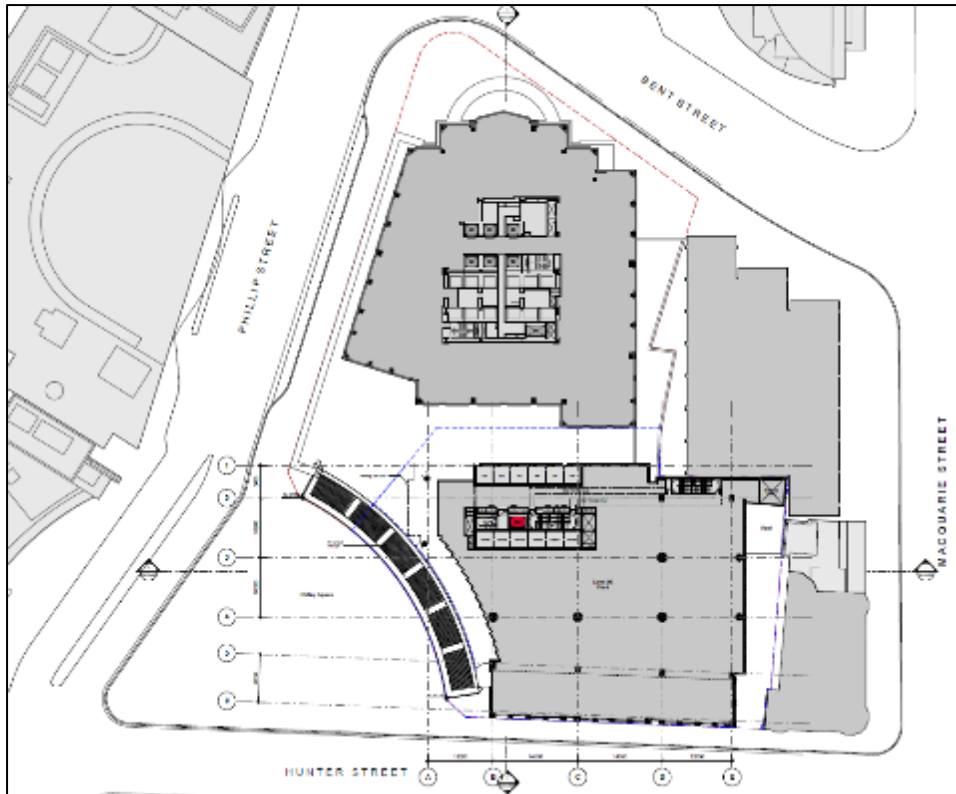


Figure 30: Proposed Level 6 plant plan

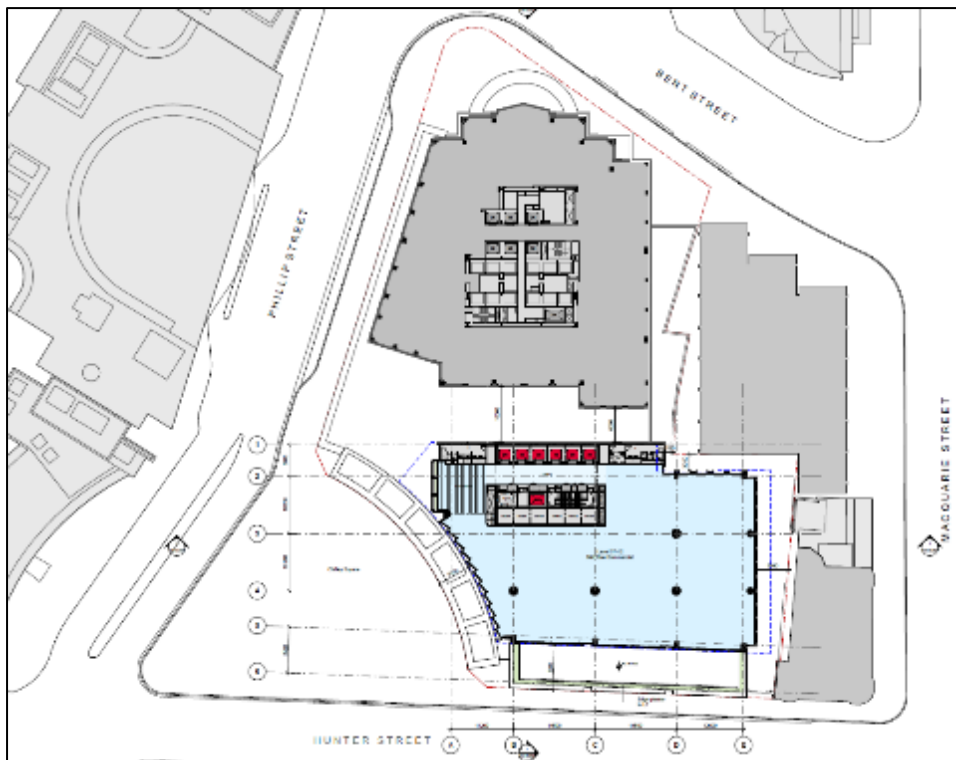


Figure 31: Proposed typical Level 7-12 midrise plan

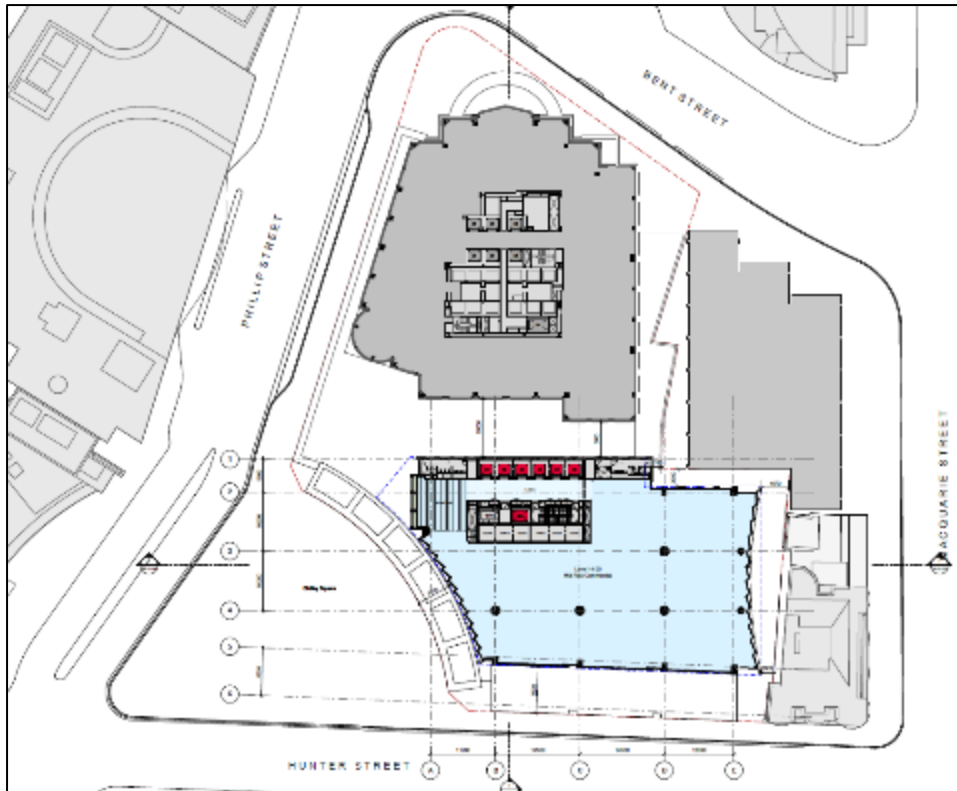


Figure 32: Proposed typical Level 13-21 midrise plan

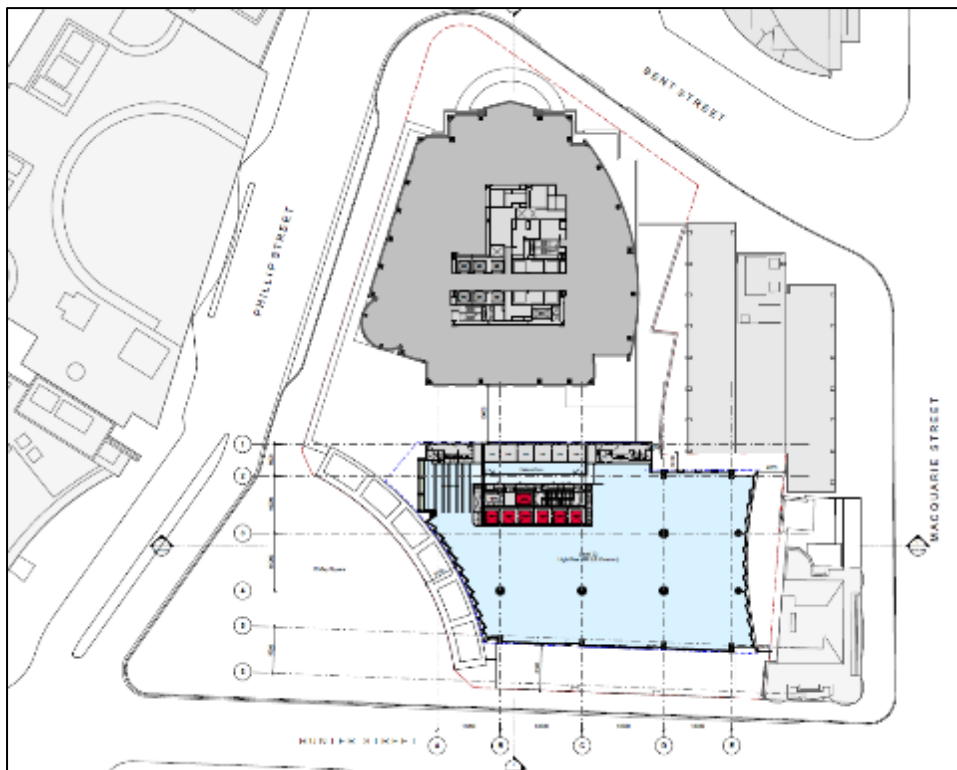


Figure 33: Proposed typical Level 22-34 high rise plan

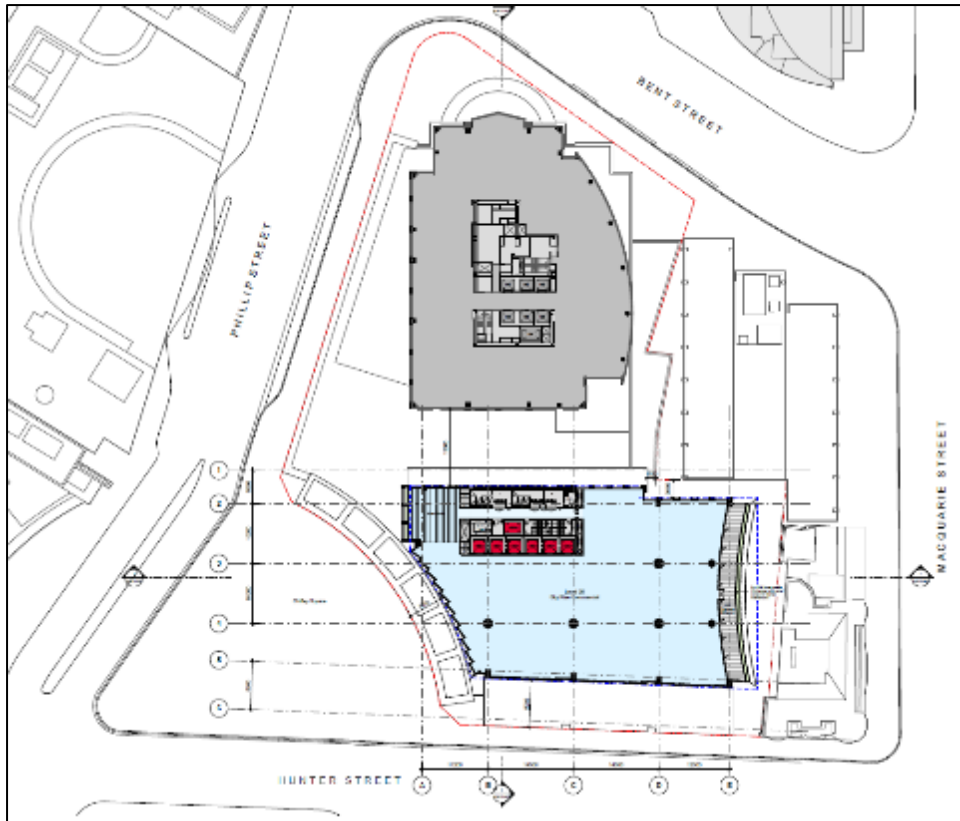


Figure 34: Proposed Level 35 sky rise plan

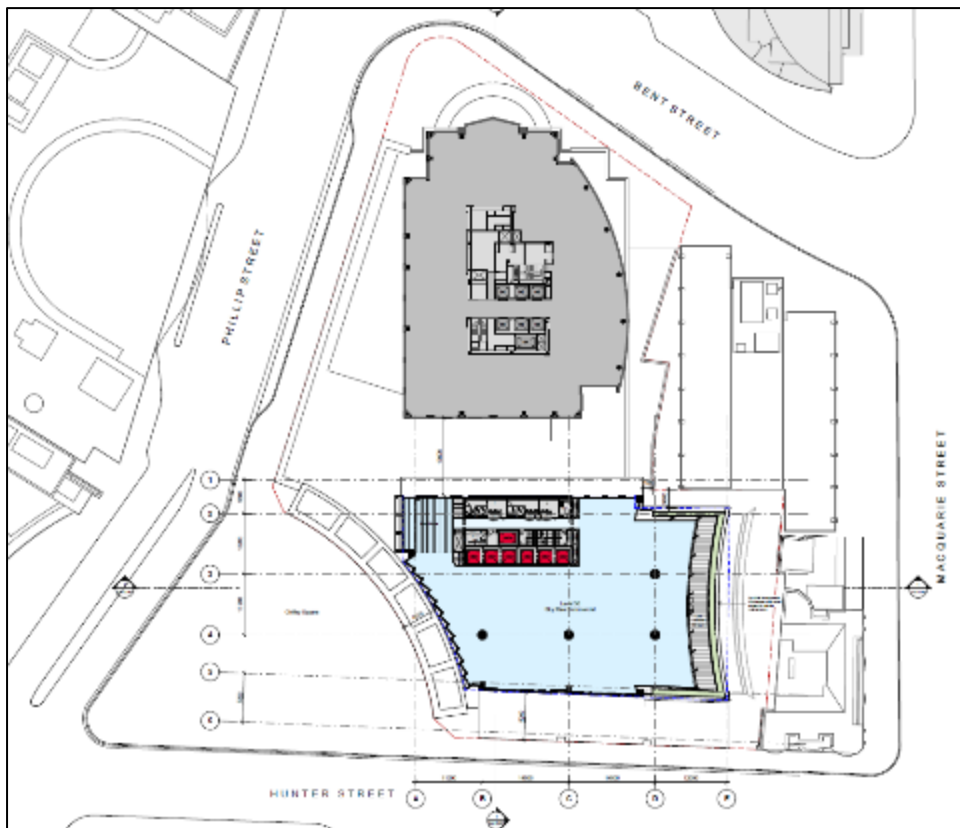


Figure 35: Proposed Level 36 sky rise plan

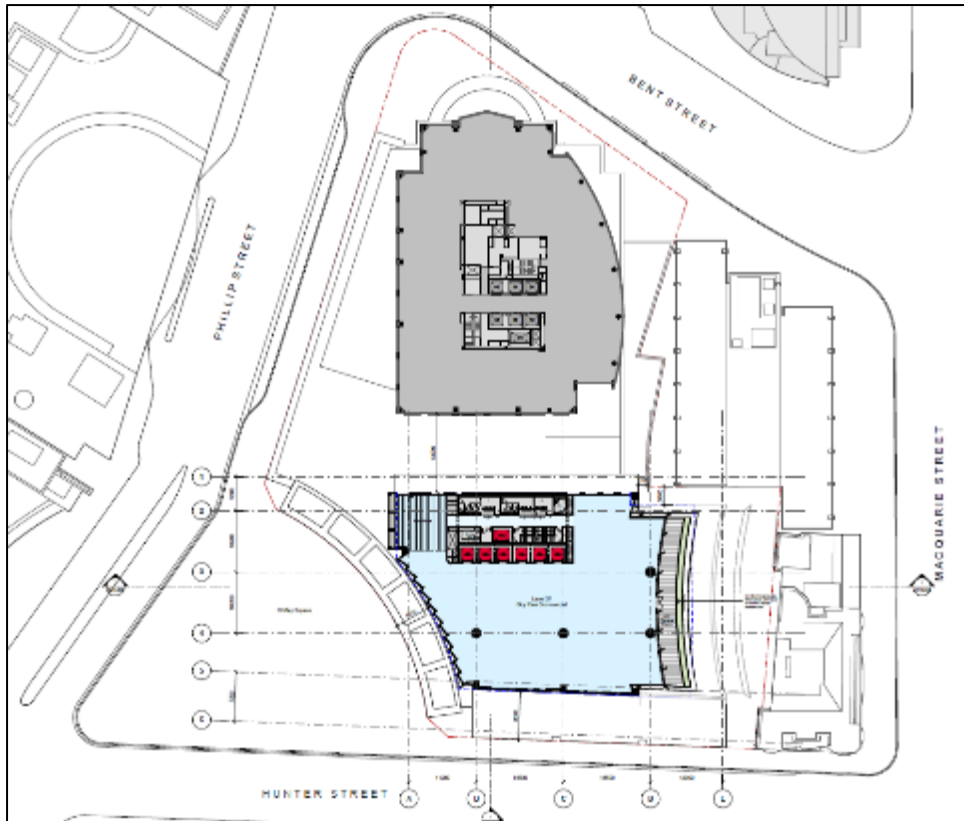


Figure 36: Proposed Level 37 sky rise plan

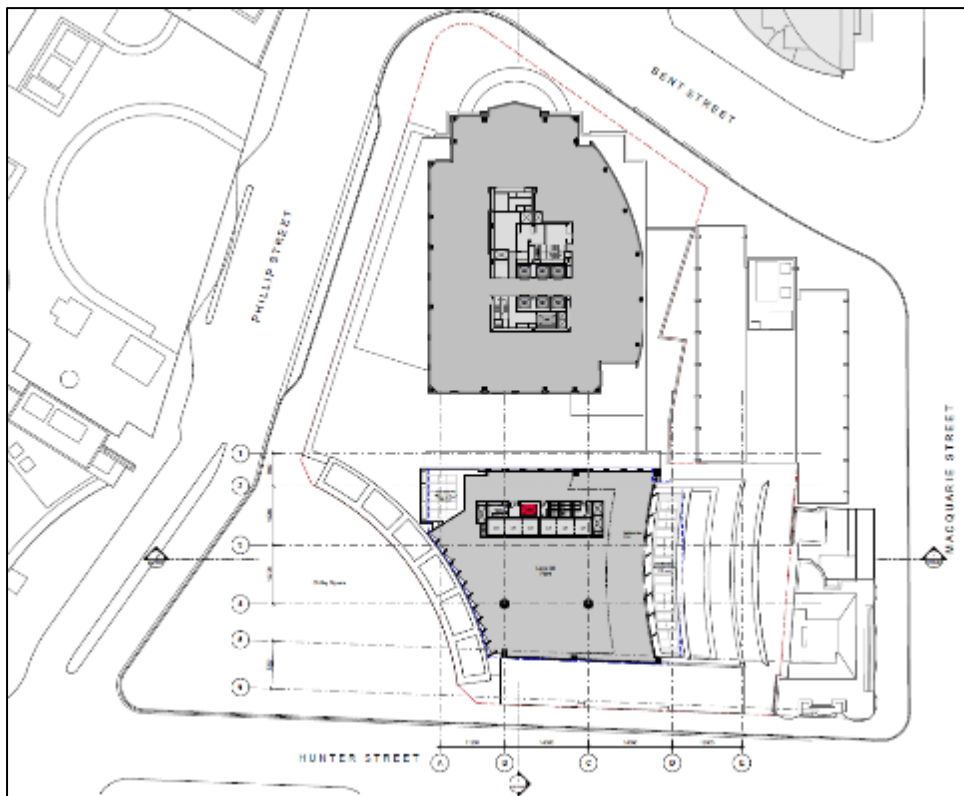


Figure 37: Proposed Level 38 plant plan

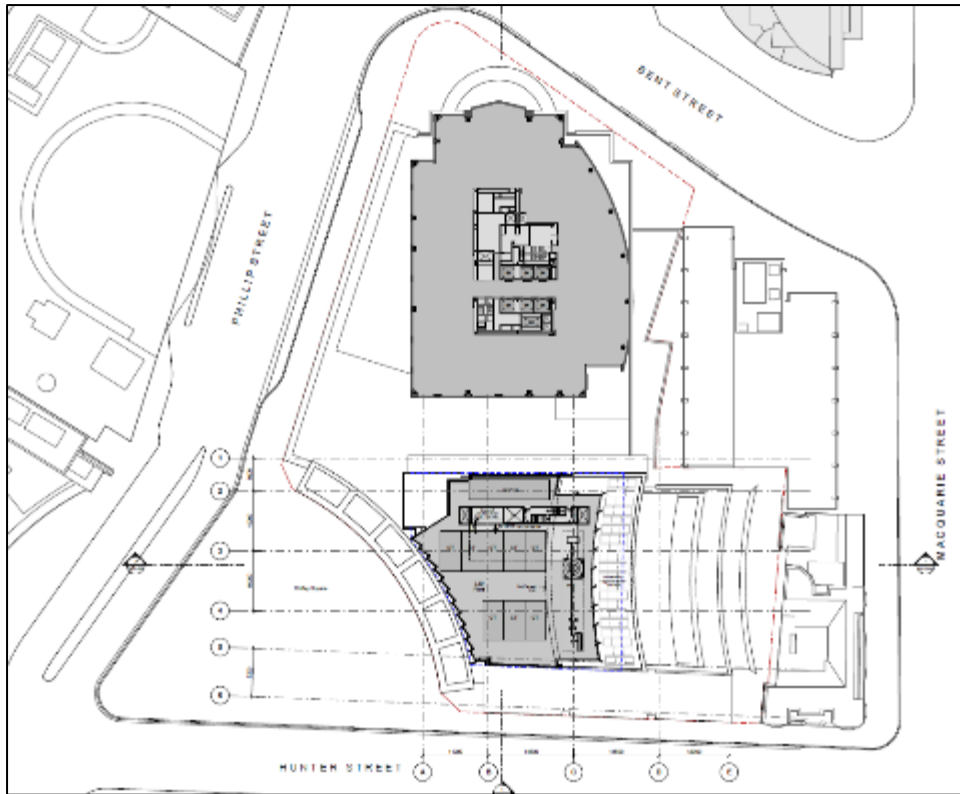


Figure 38: Proposed Level 39 plant plan

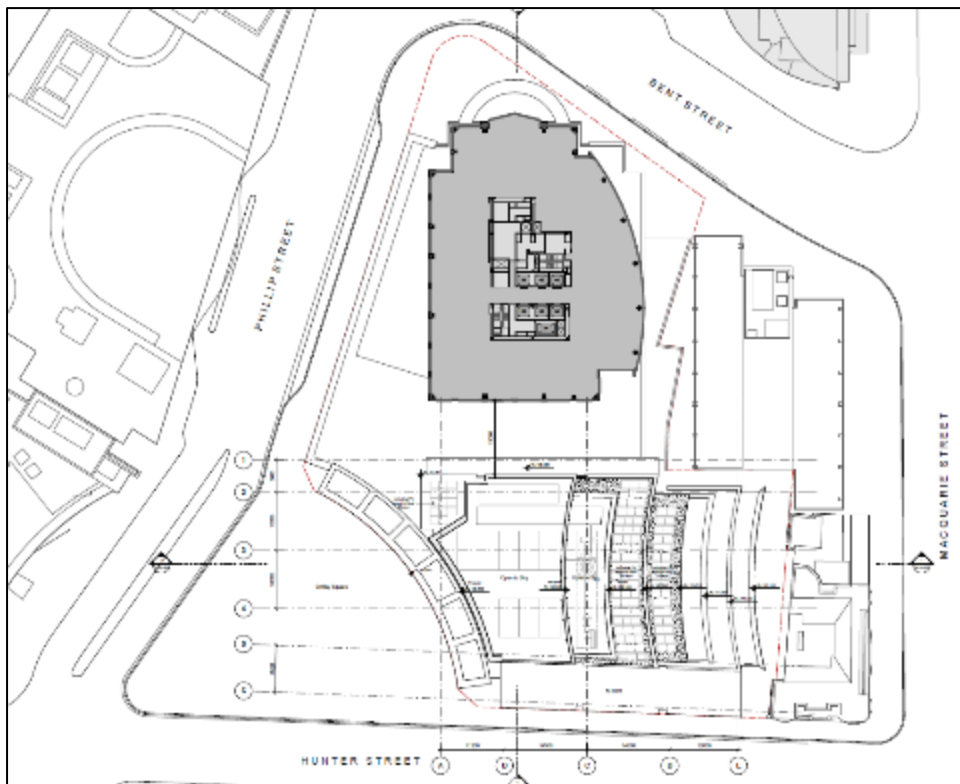


Figure 39: Proposed roof plan



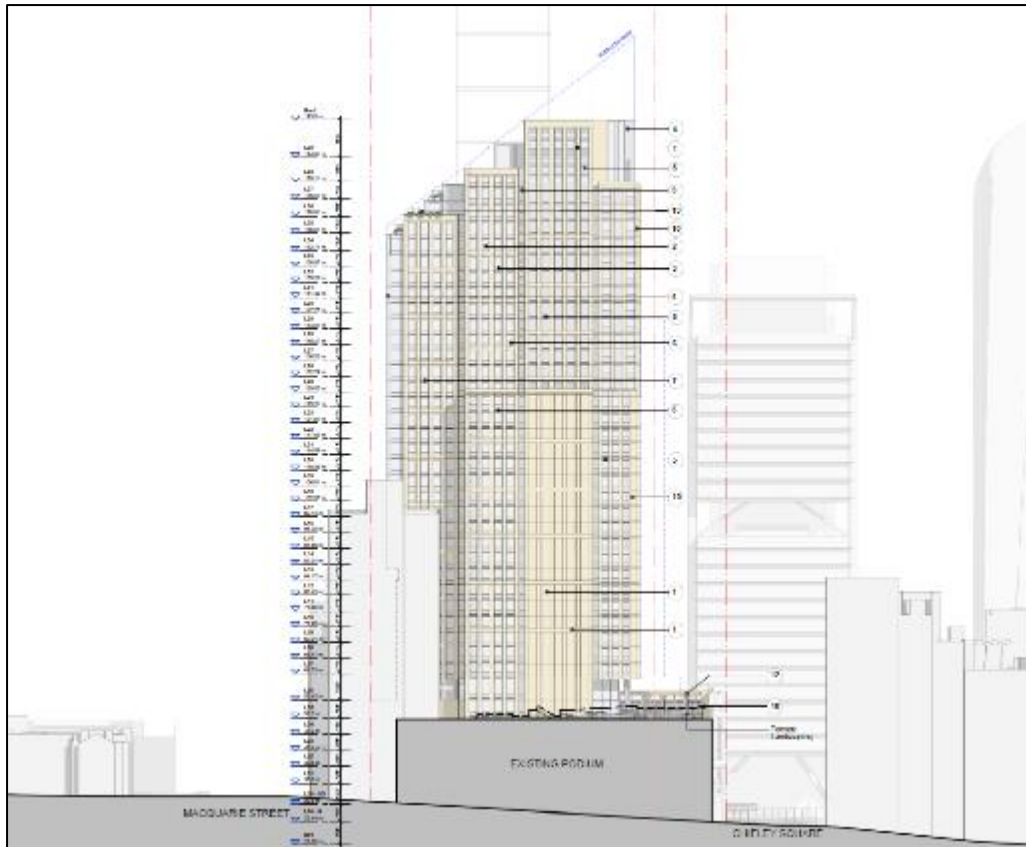


Figure 40: Proposed north elevation (existing Chifley Tower in front)

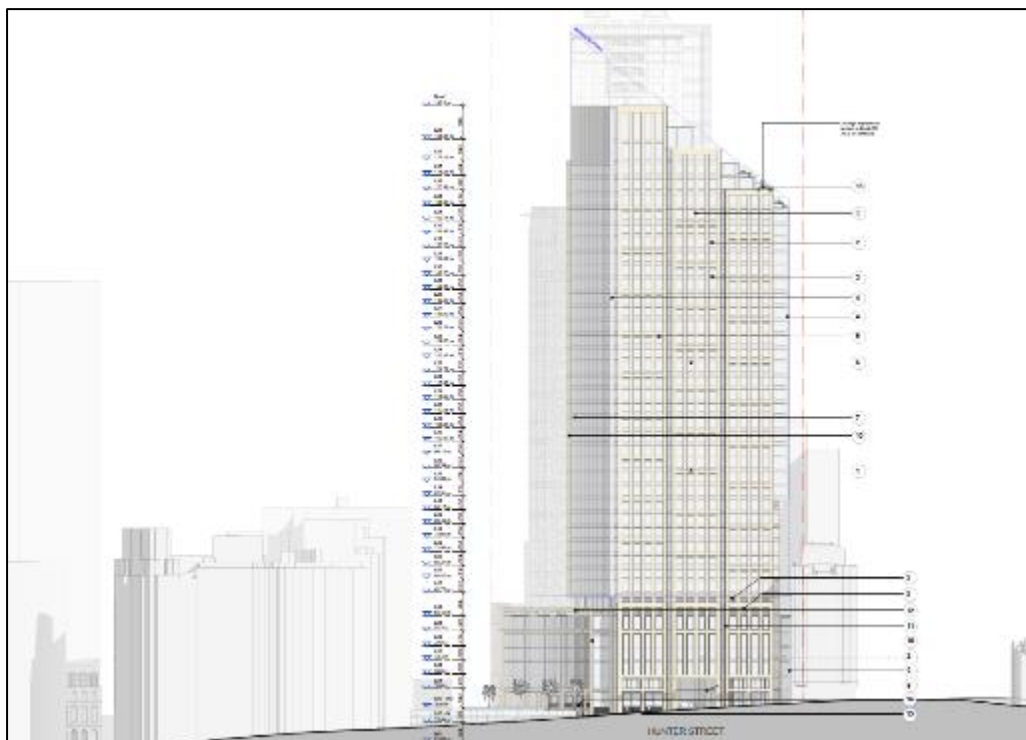


Figure 41: Proposed south elevation

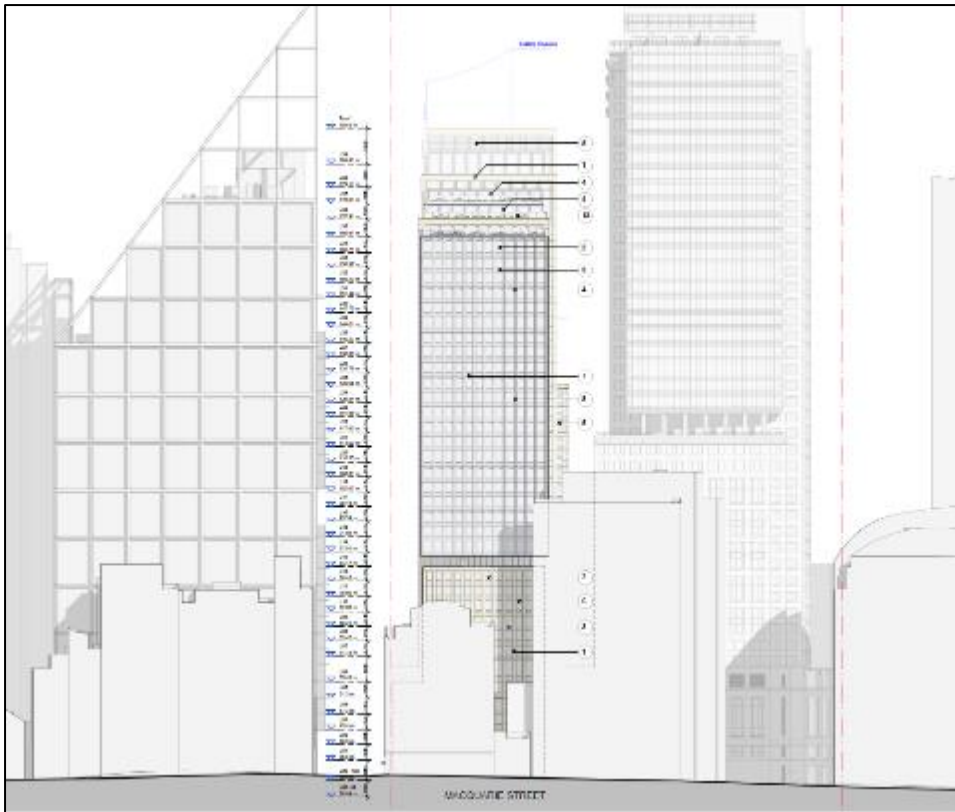


Figure 42: Proposed east elevation

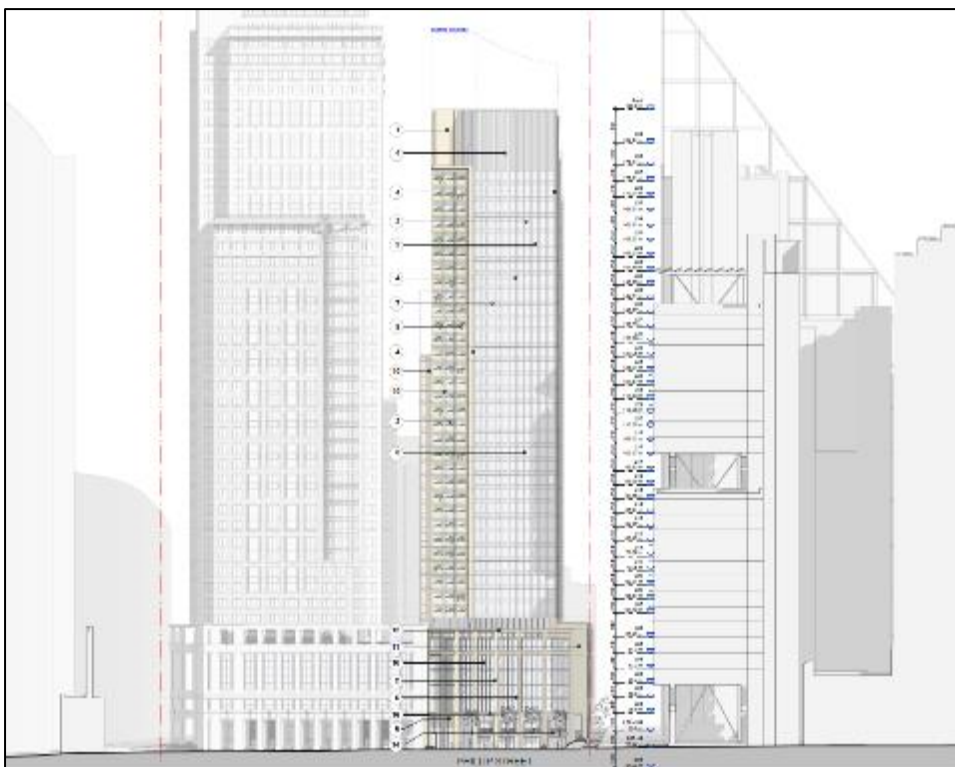


Figure 43: Proposed west elevation

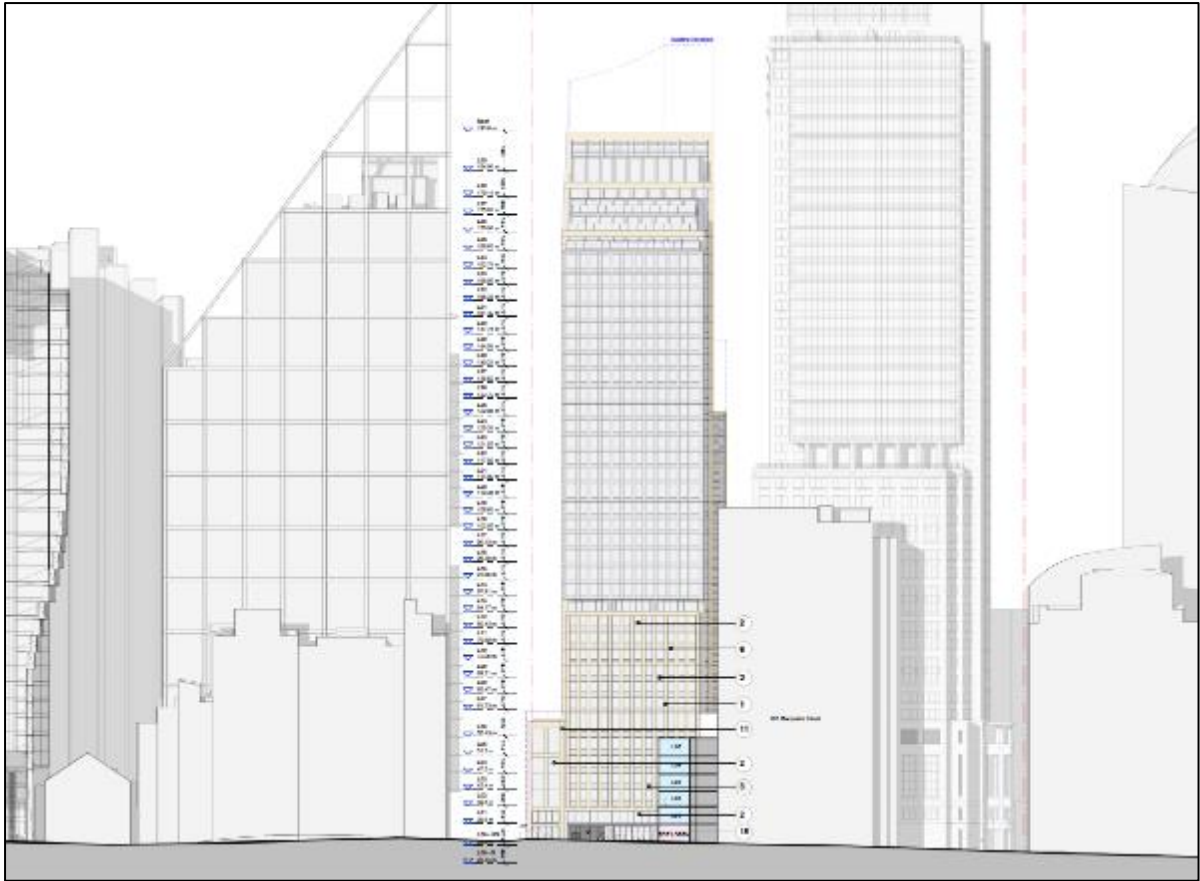


Figure 44: Proposed laneway elevation

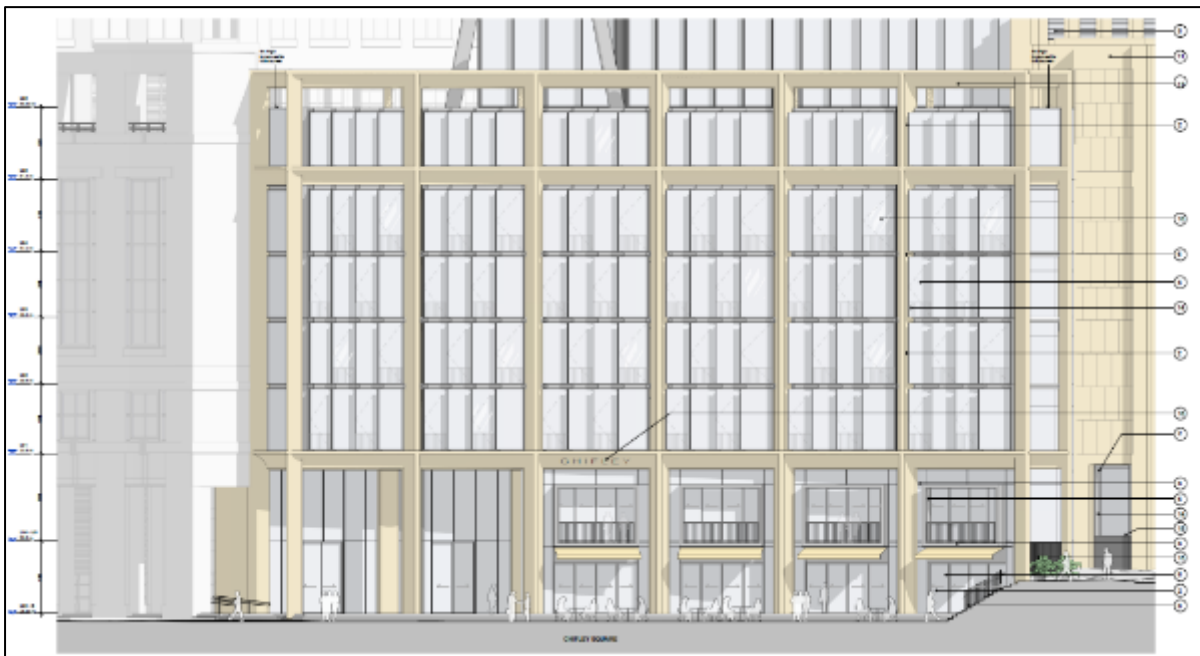


Figure 45: Proposed west podium elevation



Figure 46: Proposed south podium elevation

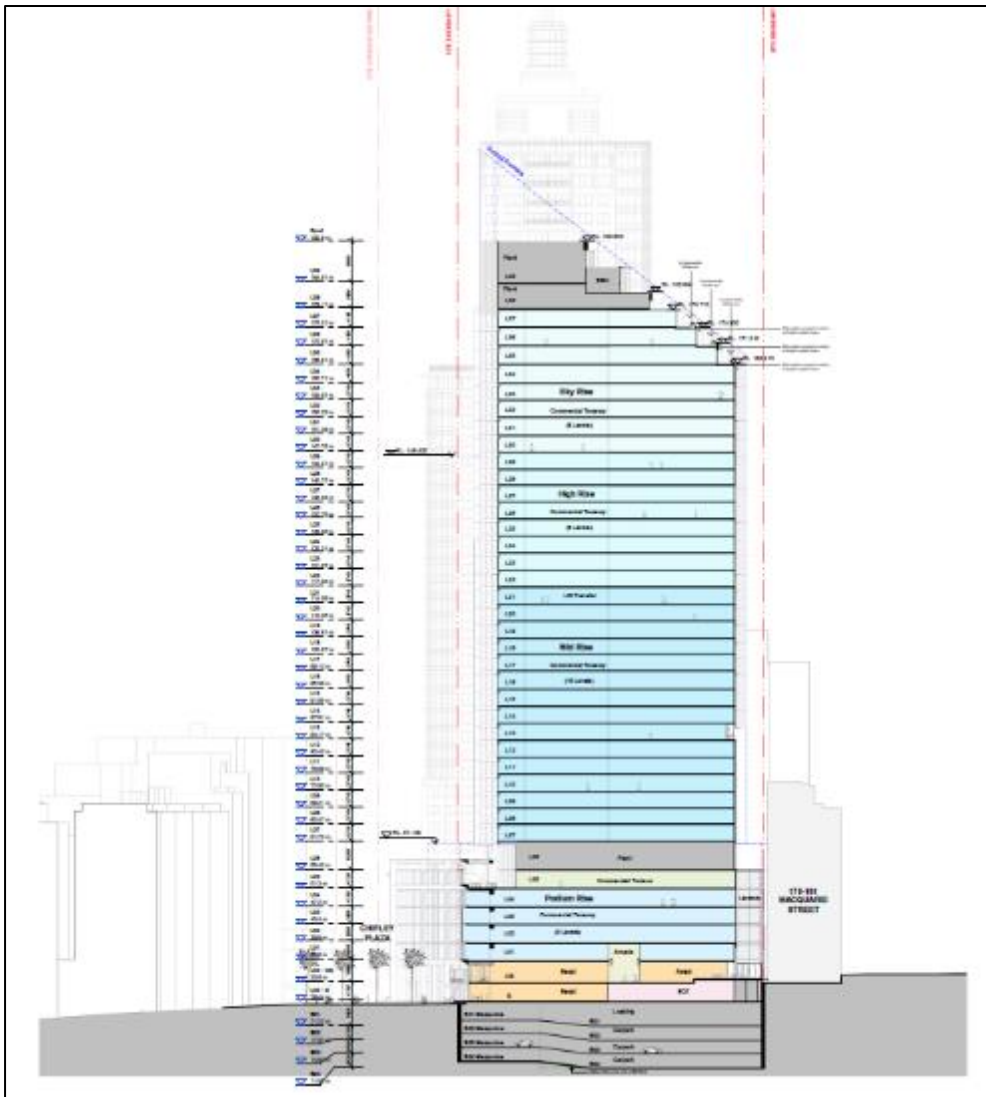


Figure 47: Proposed east-west section

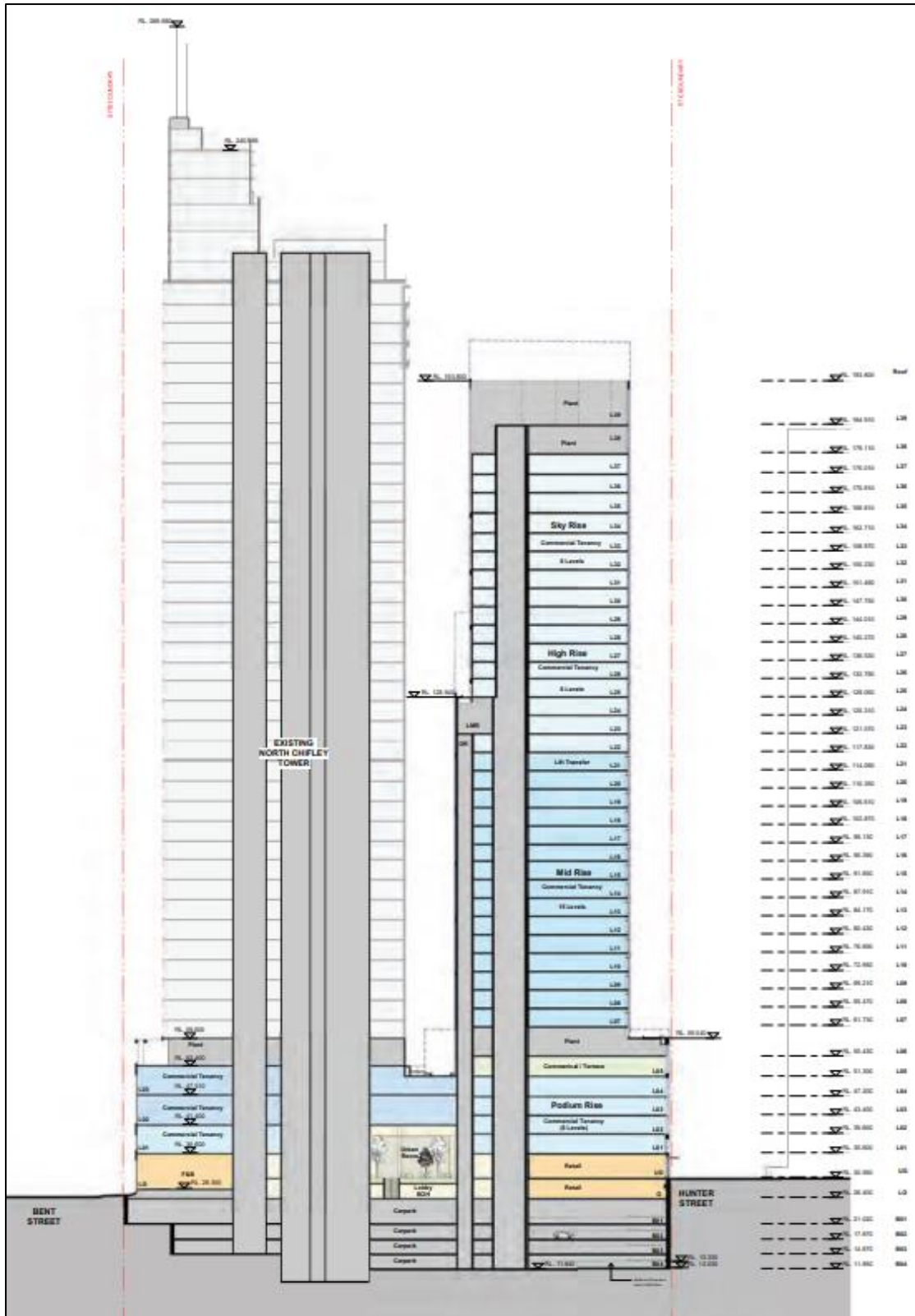


Figure 48: Proposed north-south section

## Assessment

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

## State Environmental Planning Policies

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

50. 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.
51. A Detailed Site Investigation Report, prepared by Douglas and Partners, was submitted with the application. The Report identifies a number of sources of potential contamination including fill under the concrete slab within Level P4 of the basement car park, three underground storage tanks (USTs) in the north-eastern corner of Level P4 of the basement car park and possible off-site dry cleaners and sources of Poly-Fluorinated Alkyl Substances (PFAS).
52. Overall, the Report concludes the site can be made suitable for the proposed development, subject to the following options:
  - (a) Option 1 – undertake 6 monthly groundwater monitoring events in accordance with an Environmental Management Plan (EMP) if the existing USTs and associated infrastructure at the site are to remain in situ and the land use will remain unchanged from the existing use; or
  - (b) Option 2 – remove and validate the USTs and associated infrastructure in accordance with a Remediation Action Plan (RAP) if these are to be removed as part of the proposed development.
53. Option 2 was pursued by the applicant. Therefore, a Remediation Action Plan (RAP) accompanied by a letter of interim advice, was submitted with the development application.
54. The RAP proposes to decommission, remove, and dispose the USTs, associated infrastructure, and potentially impacted surrounding fill material (if required) offsite to a suitably licenced facility. The interim advice confirms the above approach is appropriate.
55. The Council's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation.
56. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

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

57. The aim of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage 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.
58. The proposal involves the removal and reinstatement of the existing metal pin lettering 'Chifley' building identification sign on the new western elevation of the podium. It has dimensions of 0.9 metres (height) and 4.5 metres (width).
59. The proposed signage has been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 1 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The reinstatement of the existing sign on the proposed new podium will maintain the character and style of the metal pin lettering building identification signs located at the building entries on Bent and Hunter Streets.
2. Special areas	Yes	The proposed signage does not detract from the amenity or visual quality of the locality or the Chifley Square locality.
3. Views and vistas	Yes	The proposed signage does not obscure or compromise any important views. It does not dominate the skyline and has no impact on the viewing rights of other advertisers.
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale, proportion and form and provides a positive contribution to the streetscape and setting of the area.
5. Site and building	Yes	The scale, proportion, and positioning of the proposed signage on the new podium is acceptable, and the materiality is compatible with the finishes and colours of the building.
6. Associated devices and logos	Yes	Not applicable.

Provision	Compliance	Comment
7. Illumination	Yes	Not applicable.
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

60. The proposed signage is consistent with the objectives of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

#### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

61. 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**

62. The application is subject to Clause 2.48 of the SEPP as the development involves the penetration of ground within 2m of an underground electricity power line.
63. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised, subject to conditions. The recommended conditions from Ausgrid are included in the Recommended Conditions of Consent.

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

##### **Clause 2.99 – Excavation in, above, below or adjacent to rail corridors**

64. The application is adjacent to the CBD Rail Corridor Protection Zone and was subsequently referred to Transport for NSW (TfNSW) for concurrence. TfNSW have provided concurrence to the proposed development, without any conditions.

##### **Clause 2.101 – Development within or adjacent to interim rail corridor**

65. The application is within the Sydney Metro West Interim Rail Corridor and was subsequently referred to Sydney Metro for concurrence. Sydney Metro have recommended conditions which are included in the Recommended Conditions of Consent.

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

##### **Clause 2.122 – Traffic-generating development**

66. The application is subject to Clause 2.122 of the SEPP as the proposed development is a commercial premises with more than 10,000 square metres in gross floor area, which is identified as a traffic-generating development in Schedule 3.



67. The application was referred to Transport for NSW (TfNSW) for comment. TfNSW have recommended conditions which are included in the Recommended Conditions of Consent.

### **Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017**

68. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.
69. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
70. The proposed development involves the removal and transplantation of sixteen (16) palm trees located in Chifley Square during the construction of the proposed development to enable the Square to be used as a construction zone. The trees will be replanted once construction is complete.
71. A Tree Transplanting Methodology and Feasibility Report was submitted as additional information and was referred to Council's Tree Management Officer. Whilst the transplanting of the palm trees is not preferred, the species are a type that can be successfully transplanted, and their temporary removal is required to facilitate the provision of a construction zone.
72. Subject to conditions of consent, the removal and transplanting of the palms would not impact on the heritage significance of the site. Specifically, the conditions ensure the successful transplanting and maintenance during off-site storage of Council's assets. A tree bond is recommended as a condition of consent to ensure the palms are returned in their current health and condition.

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

73. 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.
74. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

### **Local Environmental Plans**

#### **Sydney Local Environmental Plan 2012**

75. 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	<p>The site is located in the SP5 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.</p> <p>The proposal also involves the use of Chifley Square as a works zone. Chifley Square is a road reserve and is zoned RE1 Public Recreation. 'Road' is a permitted land use in the zone. The proposed works are ancillary to the use as a road and is permissible with consent in the zone. The works would also require separate approvals under The Roads Act 1993. Conditions of consent are recommended in Attachment A to obtain the relevant approvals under the Act.</p>

**Part 4 Principal development standards**

Provision	Compliance	Comment
4.3 Height of buildings 6.17 Sun Access Planes	Yes	<p>The maximum building height permitted on the site is restricted by The Domain and Martin Place sun access plane.</p> <p>The height of the proposed development is contained within the maximum height of the planning envelope, which incorporates the sun access plane to protect solar access to The Domain at all times of the year between 9.00am to 2.00pm and Martin Place between 1 September to 31 May between midday and 2pm.</p> <p>Shadow diagrams submitted with the application demonstrate that the proposed development will not cause additional overshadowing to The Domain and Martin Place during the times detailed above.</p> <p>It should be noted that the shadow diagrams illustrate the proposed development will cause some minor additional overshadowing to the western edge of the Domain from 2pm during the</p>

Provision	Compliance	Comment
		winter solstice. However, the part of the development that is casting the additional shadow is contained wholly within the gazetted planning proposal envelope and complies with the site-specific provisions. The proposal does not result in any overshadowing of The Domain during the prescribed times (i.e. before 2pm).
4.4 Floor space ratio	Yes	Refer to discussion under the site-specific provisions of Clause 6.60C below.

#### Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The subject site is not identified as a heritage item. However, the site is located within close proximity to heritage items of local and state significance.</p> <p>The proposed development was referred to Heritage NSW due to the site's proximity to state heritage items. No response was received within the nominated timeframe, and as such, it is assumed no issues are raised regarding the proposal.</p> <p>The application was referred to Council's Heritage Specialist who generally supports the proposal as it would not have a direct physical impact on neighbouring heritage items. However, it is considered that the building's integration with Chifley Square can be improved by removing the verandah and glazing enclosure of the colonnade, emphasise the masonry material of the podium and removing the proposed awnings on Chifley Square.</p> <p>Whilst the recommendations of Council's Heritage Specialist are acknowledged with regards to the addition of the verandah and robustness of the podium, the development, as proposed, is considered to largely provide a complementing and appropriate relationship with Chifley Square.</p>

Provision	Compliance	Comment
		<p>The verandah is a key feature of the competition winning scheme. As outlined elsewhere in this report, this element has been refined and has significantly improved from the lightweight and steel structure in the competition winning scheme and adopts the recommendations of the Competition Jury. Additionally, the podium incorporates beige profiled concrete and stone cladding that harmonises with the existing Chifley building and maintains the semi-circular geometry of Chifley Square.</p> <p>The comments in relation to the awnings on Chifley Square is reasonable. A condition of consent is recommended in Attachment A, which mandates these awnings are not approved so as to maintain the character and materiality of buildings that encircle Chifley Square.</p>
5.21 Flood Planning	N/A	The site is not identified to be subject to flooding.

#### Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 1 Additional floor space in Central Sydney		
Subdivision 2 Types of additional floor space	Yes	Refer to discussion under the site-specific provisions of Clause 6.60C below.
6.6 End of journey floor space	Yes	The site-specific controls prescribed in Clause 6.60C have incorporated the applicable FSR uplift into the maximum permissible FSR. This includes an amount of end of journey floor space of no more than 0.3:1 (1,931.4sqm) for being a building in Central Sydney that is used only for the purposes of a commercial and has showers, change rooms, lockers and bicycle storage areas located together in one area of the building.

Provision	Compliance	Comment
		Refer to discussion under the site-specific provisions of Clause 6.60C below.
Subdivision 3 Heritage floor space  6.11 Utilisation of certain additional floor space requires allocation of heritage floor space	Yes	The site is located in Area 1 on land in Central Sydney. Given that the proposal seeks to utilise accommodation floor space and design excellence floor space and the development has a height that will exceed 55 metres, an amount of heritage floor space (HFS) is required to be allocated to the site.  Refer to 'Discussion' section below.
6.16 Erection of tall buildings in Central Sydney	Yes	The proposed development has a height greater than 55 metres and an FSR above the maximum on the FSR map. As such, the provisions of this Clause are applicable.  The maximum building envelope arising from the planning proposal was established with consideration to heights, setbacks, relationship with the surrounding context including heritage buildings as well as minimising wind and overshadowing impacts.  The proposed tower is largely contained within the planning envelope that employs appropriate setbacks and floor to ceiling heights that will provide acceptable amenity for future occupants and neighbouring buildings. The tower will not adversely affect the amenity of public spaces in terms of solar access and wind and does not impact on key views from public places.  Additionally, the development is compatible with the locality. The proposal respects the quality and significance of nearby heritage buildings. The development complements the Chifley Square special character area.
Division 3 Height of buildings and overshadowing		
6.17 Sun access planes	Yes	As discussed above, the proposed development is contained within the

Provision	Compliance	Comment
		maximum height of the site-specific envelope control, which incorporates compliance with the sun access plane in order to protect solar access to the Domain at all times of the year between 9.00am to 2.00pm and Martin Place between 1 September to 31 May between midday and 2pm.
6.18 Overshadowing of certain public places	N/A	The proposal is not located within proximity of the public places identified in this Clause.
6.19 View Planes	Yes	The proposal development is not located within close proximity to the Central Station Clock Tower, Martin Place view of western sky, GPO clock tower, Sydney Hospital as well as the Sydney Observatory view to Macquarie Lighthouse at Vauclose so as to obstruct significant views from public places and public views required to be protected under this Clause.
Division 4 Design excellence		
6.21 Design excellence	Yes	<p>The proposal exhibits design excellence as required by Clause 6.21C(2) and has retained the key elements of the winning scheme.</p> <p>The amended scheme adequately addresses recommendations for improvement made by the competition jury and the DAP. These recommendations are addressed in detail below under the Discussion heading.</p> <p>The proposal responds appropriately to the planning proposal building envelope and the planning controls where required. The built form is compatible with the character of the locality and provides an appropriate relationship with Chifley North and adjacent development.</p> <p>The proposal achieves the principles of ecologically sustainable development</p>

Provision	Compliance	Comment
		<p>(ESD) and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants.</p> <p>The proposal presents a high standard of architectural design, and the overall materiality, articulation and architectural expression of the development is in keeping with the relevant planning controls and reflecting the desired future character of the area.</p> <p>The proposal will have a positive contribution to the public domain through the provision of street awnings, retention and protection of street trees and provision of an active frontage.</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>
6.21D Competitive design process	Yes	<p>The proposed development is a product of a competitive design process, as required by this Clause.</p> <p>The site-specific controls prescribed in Clause 6.60C have incorporated the applicable FSR uplift into the maximum permissible FSR. This includes an amount of additional floor space of up to 10% under subclause (3)(b) for a building demonstrating design excellence.</p> <p>Refer to discussion under the site-specific provisions of Clause 6.60C below.</p>
6.21E Tower cluster areas	Yes	<p>The site is located in a tower cluster area and is eligible for additional floor space under this clause for demonstrating design excellence as the winner of an architectural design</p>

Provision	Compliance	Comment
		<p>competition carried out in accordance with the City of Sydney.</p> <p>As discussed in the 'History' section of this report, the planning proposal process enshrined site-specific controls in Sydney LEP 2012 to accommodate uplift on the site. This is supported by the maximum building envelope set out in Sydney DCP that is established by the sun access planes and built form considerations. This maximum planning envelope has contemplated the additional accommodation floor space under this Clause.</p> <p>The proposal does not exceed the sun access plane controls, as per clause 6.17, and the proposal is for the purposes of a commercial premises. Accordingly, the proposal satisfies the provisions of this Clause.</p>
Division 5 Site specific provisions		
6.60C 2 Chifley Square, Sydney	Yes	<p>The proposed development is located on 2 Chifley Square, Sydney and is subject to the site-specific provisions under this clause.</p> <p>The proposal satisfies the objectives and provisions of this clause, in that the proposed development does not involve the provision of residential accommodation, serviced apartments, or new commercially operated car park.</p> <p>The proposal complements Chifley North and buildings in the locality and the existing commercially operated car park will be removed as part of the subject application.</p>
6.60C Maximum floor space ratio 6.4 Accommodation floor space	Yes	The site-specific control prescribes a maximum floor space of 20.63:1 or 132,815.94 square metres across the entire site for both Chifley North and South. This FSR is inclusive of



Provision	Compliance	Comment
6.6 End of journey floor space 6.21D(3)(b) Competitive Design Process (design excellence)		<p>additional floor space for which the building is eligible under, including:</p> <ul style="list-style-type: none"> <li>Accommodation floor space of 4.5:1 (28,971 square metres) for the purposes of office and retail premises in Area 1;</li> <li>End of journey floor space of 0.3:1 (1,931.4 square metres); and</li> <li>Up to Additional 10% of the sum of the maximum permissible floor space if the building demonstrates design excellence.</li> </ul> <p>The LEP also mandates that the part of the building at or above existing ground level will be no more than 20.33:1 or 130,884.54 square metres.</p> <p>The proposed development provides 0.12: 1 or 796 square metres of floor space below ground as well as 20.29:1 or 130,610 square metres of floor space above ground.</p> <p>Collectively, the proposal provides an FSR of 20.41:1 or 131,406 square metres and complies with the development standard.</p>

#### Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.6 Office premises and business premises	Yes	<p>No additional car parking is proposed.</p> <p>The site currently contains approximately 361 car parking spaces, 100 of which are associated with the existing commercially operated car park.</p> <p>The proposed development removes the existing commercial car park and provides 194 car parking spaces for tenants.</p>

Provision	Compliance	Comment
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	<p>The site is located in Central Sydney and involves the demolition of existing floor area and the subsequent creation of more than 100 square metres of gross floor area.</p> <p>As such, the proposed development is subject to an affordable housing levy contribution of 1% of the total floor area that is not intended to be used for residential purposes.</p> <p>A condition of consent is recommended to this effect.</p>
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	<p>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.</p>
7.16 Airspace operations	Yes	<p>The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.</p> <p>The concurrence of Sydney Airport Corporation, as a proxy for the Civil Aviation Safety Authority, has been received subject to conditions of consent.</p>
7.19 Demolition must not result in long term adverse visual impact	Yes	<p>The proposed development involves the increase of GFA of an existing building, and as such, the provisions of this Clause are applicable.</p> <p>The site is subject to site-specific controls in Sydney DCP 2012 and will be comprehensively redeveloped under the subject application. Therefore, the proposed development will not cause adverse visual impacts to the</p>

Provision	Compliance	Comment
		streetscape and Chifley Square Special Character Area that would arise from the partial demolition of existing structures.
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>The site is subject to site-specific controls for the built form and character for the redevelopment of the precinct.</p> <p>As a result of the planning proposal for the site, additional site-specific provisions were incorporated into the existing DCP controls under Section 6.3.24.</p> <p>The site-specific controls for the site, in addition to the general considerations for development in Central Sydney as per Section 5.1 of Sydney DCP 2012, satisfactorily address the matters for consideration in Clause 7.20(4).</p>
7.25A Sustainable development in Central Sydney tower cluster	Yes	<p>The site is located in Central Sydney and within a tower cluster area.</p> <p>The site is subject to certain energy performance targets in the DCP site-specific provisions and is required to be deliver best practice sustainability commitments as part of the VPA for the site. These sustainability commitments for the proposed development include:</p> <ul style="list-style-type: none"> <li>• 6-star Green Star building.</li> <li>• WELL Core Platinum rating.</li> <li>• 5.5-star NABERS energy rating for office base buildings.</li> <li>• 4-star NABERS water rating.</li> <li>• 5-star NABERS waste rating.</li> <li>• Climate action carbon neutral building certification.</li> </ul>

Provision	Compliance	Comment
		<p>The application was reviewed by Council's Environmental Advisor. Conditions of consent are recommended in Attachment A to ensure the sustainability commitments for the proposed development are achieved.</p>
7.26 Public art	Yes	<p>The proposal includes public art, which will be integrated with the detailed design of the development.</p> <p>A preliminary public art plan, prepared by UAP, was submitted with the application, and was reviewed by Council's Public Art Unit and Public Art Advisory Panel.</p> <p>The nominated public art zones along the Hunter Street frontage satisfies the provisions of this Clause, in that the public art will not involve the display of an advertisement, itself will not increase the GFA of the building, will not adversely impact on the nearby heritage buildings or the amenity of the public domain.</p> <p>A separate public art contribution is documented as part of the VPA for the site. This VPA public art is in addition to that required by the DA.</p> <p>Conditions of consent are recommended in Attachment A, which requires final details to be provided prior to the issue of Construction Certificate.</p>

## Development Control Plans

### Sydney Development Control Plan 2012

76. 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

77. The site is located within the Chifley Square locality. The proposed development is in keeping with the unique character and the design principles of the locality in that the proposal continues the semi-circular geometry of Chifley Square in the design of the new podium, which provide a complementing relationship with surrounding heritage and existing buildings. The proposal retains views from public spaces through to Chifley Square and Richard Johnson Square. The proposal enhances the quality of Hunter Street through the provision of a new laneway and active frontage.

## Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposal will make a positive contribution to the public domain by providing active frontages to both Hunter Street and Chifley Square. This is accentuated with the retention of the through-site link connecting Hunter and Bent Streets through the reconstruction of the podium as well as with the provision of a new pedestrian laneway from Hunter Street. These elements provide enhanced pedestrian permeability in this part of Central Sydney.
3.1.2.2 Through-site links	Yes	The site has an existing through-site link that is nominated on the DCP Through-site links map. The site also has a site area greater than 5,000 square metres.  The through-site link will be retained and enhanced as part of the subject application.
3.1.5 Public Art	Yes	The proposed development includes the provision of public art. Refer to Clause 7.26 discussion above.
3.1.6 Sites greater than 5,000sqm	Yes	The proposed development will provide a fine grain and highly connected urban place. As amended, the layout of the building provides legible and publicly accessible entries for pedestrians. The new pedestrian laneway as well as the retention and upgrade of the existing through-site link provides permeability through the site.
3.2. Defining the Public Domain	Yes	The proposed development satisfactorily addresses the public domain as it:

Provision	Compliance	Comment
<p>3.2.1 Improving the public domain</p> <p>3.2.2 Addressing the street and public domain</p>		<ul style="list-style-type: none"> <li>• Minimises the overshadowing effects of the new building on protected public places;</li> <li>• Will not result in adverse wind impacts within the public domain or within the publicly accessible lobby area;</li> <li>• Does not impede on any significant views from the public domain to any public places, park, heritage buildings or monuments;</li> <li>• Incorporates high quality materials and finishes and public art in publicly accessible locations;</li> <li>• Provides multiple pedestrian points of entry into the development along Chifley Square, Hunter Street, Phillip Street and Bent Street; and</li> <li>• Subject to conditions recommended by the City's Public Domain Unit, the proposed development will integrate with the public domain.</li> </ul>
<p>3.2.3 Active Frontages</p>	<p>Yes</p>	<p>The site is to provide active frontages to Hunter and Bent Streets as well as Chifley Square.</p> <p>No changes are proposed to the Bent Street frontage.</p> <p>The configuration and design intent of the Hunter Street ground plane adequately addresses the sloping topography of the street. A new pedestrian laneway and retail uses are proposed to the eastern portion of Hunter Street that are accessible from the street and provide visual interest into the site. The western portion of the Hunter Street elevation has reduced the extent of blank walls as much as possible, balancing the slope of the site and requirement to provide fire boosters on the Hunter Street frontage.</p>

Provision	Compliance	Comment
		Notwithstanding, large display windows and a high standard of finish and architectural detailing is provided.
3.2.4 Footpath Awnings	Yes	<p>The site is not required to provide an awning over the footpath as per the DCP Footpath awning and colonnade map. However, an awning is provided on the Hunter Street frontage.</p> <p>The awning is a recommended wind mitigation measure to minimise adverse wind impacts on the public domain. The proposed awning provides a height, depth and form that is generally acceptable and consistent with the requirements of this provision. It will provide the necessary weather protection that will maintain visibility on the footpath. Conditions of consent are recommended to ensure the awning does not impact on existing street trees.</p>
3.2.6 Wind Effects	Yes	Refer to Section 6.3.25.5 discussion below.
3.2.7 Reflectivity	Yes	A condition is recommended in Attachment A to ensure that light reflectivity from the building facades in the proposed development does not exceed 20%.
3.2.8 External Lighting	Yes	<p>No external lighting is detailed as part of the subject application.</p> <p>A condition is recommended in Attachment A to require the lodgement of a separation application for external lighting of the building and/or site landscaping.</p>
3.3 Design Excellence and Competitive Design Processes	Yes	As detailed in the History section of this report, the proposed development has been subject to an Invited Architectural Design Competition and is consistent with the winning scheme by Bates Smart.

Provision	Compliance	Comment
		The design competition was carried out prior to the lodgement of the application in accordance with the City of Sydney Competitive Design Policy and the Design Excellence Strategy.
<p>3.3.3 Award for Design Excellence</p> <p>3.3.5 Awarding Additional Floor Space</p>	Yes	<p>In accordance with Clause 6.21D of the Sydney LEP 2012, the proposal seeks an additional 10% floor space on the basis that design excellence has been achieved through a competitive design process.</p> <p>The proposed developmental is the winner of an architectural design competition. The design has addressed the recommendations made by the Competition Jury and is considered to be a building demonstrating design excellence.</p> <p>As such, an award of an additional 10% floor space is recommended.</p> <p>The additional floor space is pro-rated by the area covered by the competitive design process, as a proportion of the total developable site area.</p> <p>The competitive design process applies to the southern portion of the larger site and therefore the 10% floor space is calculated across the entire site and is included in the overall maximum FSR of the site.</p>
<p>3.5 Urban Ecology</p> <p>3.5.3 Tree Management</p>	Yes	As discussed in the SEPP (Biodiversity and Conversation) 2021 discussion above, the proposal involves the transplanting of sixteen (16) palm trees on Chifley Square. Subject to conditions, the proposal would not impact on Council trees.
<p>3.6 Ecologically Sustainable Development</p>	Yes	As discussed in Clause 7.25A above, certain sustainability commitments that are registered on the VPA associated with the site must be achieved.



Provision	Compliance	Comment
		Appropriate conditions are recommended in Attachment A requiring the development to meet the required commitments.
3.9 Heritage	Yes	<p>A Heritage Impact Statement, prepared by Curio Projects, was submitted with the application as required under this Section of the DCP.</p> <p>Although the site does not contain any heritage items, it is located within close proximity of several heritage items of local and state significance.</p> <p>The proposed development is not considered to have an adverse visual impact on surrounding heritage items and is generally in keeping with the historic built character of the locality.</p>
3.11 Transport and Parking	Yes	<p>The proposal is a non-residential development exceeding 1,000 square metres of GFA. As such, it generates a requirement for a Transport Impact Study, Green Travel Plan and Transport Access Guide under the relevant provisions of Section 3.11.1 of the Sydney DCP 2012.</p> <p>A Transport Impact Assessment report has been submitted with the application in accordance with these requirements, which has been reviewed by Transport for New South Wales and the City's Access and Transport Unit.</p> <p>The latter has advised that it is acceptable with regard to the controls in Section 3.11.1 of the Sydney DCP 2012.</p> <p>Conditions are recommended in Attachment A to ensure the development of a Green Travel Plan and Transport Access Guide for the development.</p>
3.11.3 Bike parking and associated facilities	No, but acceptable	The DCP requires 579 bike parking spaces for the entire site.

Provision	Compliance	Comment
		<p>The proposed development provides a total of 541 bike parking spaces, 1023 lockers and 89 showers. Of the 541 spaces, 213 are existing. Bike parking and end of trip facilities are located on the lower ground, upper ground, and Level 1 of the podium. It has its own separate entry from the new laneway on Hunter Street.</p> <p>The application was referred to the City's Transport Planner and has assessed the shortfall of 38 spaces in the required bike parking spaces acceptable for the case of the development. It is recommended that the applicant to monitor the demand and usage of the bicycle spaces and require additional spaces in the future. Conditions of consent are recommended to this effect.</p>
3.11.6 Service Vehicle Parking	Yes	<p>The provision at Section 3.11.6(1) of the DCP requires service vehicle parking to be provided in accordance with the requirements set out in Schedule 7.</p> <p>Schedule 7.8.1(1) of the DCP requires 10 service vehicle spaces to be provided for the development.</p> <p>The proposed development provides 19 service spaces within Basement Levels 1 and 2 for a mix of Medium Rigid Vehicles (MRV) and Small Rigid Vehicles (SRV). The application was reviewed by the City's Transport Planner who considers the service parking spaces acceptable.</p>
3.11.7 Motorbike Parking	Yes	<p>17 motorcycle spaces are provided across Basement Levels 3 and 4. A condition of consent is recommended requiring that the proposal complies with the maximum 16 spaces required under Schedule 7 of the DCP.</p>
3.11.9 Accessible Parking	Yes	<p>A condition of consent recommended requiring 4 accessible parking spaces to be provided for the development.</p>

Provision	Compliance	Comment
3.11.10 Vehicle access for developments greater than 1000sqm GFA	Yes	The proposed development maintains the existing vehicle access to the site from Bent Street and will not compromise the safety of the street and of those using the access.
3.12 Accessible Design	Yes	A condition is recommended to ensure the provision of appropriate access and facilities for persons with disabilities in accordance with the DCP and the NCC.
3.14 Waste	Yes	<p>An Operational Waste Management Plan, prepared by Foresight Environmental, was submitted with the application and was reviewed by Council's Waste Officer.</p> <p>Waste rooms and servicing are located on Basement Level 01. Council's Waste officer considers the waste management for the development has been properly considered and based on the existing strategy already in place for Chifley North. The waste storage areas are significant and sufficient space has been provided for various waste streams.</p> <p>A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
3.15 Late Night Trading Management	Yes	<p>The proposed development includes retail premises that indicatively propose to contain and food and drink premises. However, consent is not sought for the use, operation, and fit out of these premises under the subject application.</p> <p>A condition is recommended requiring separate applications to be submitted for the use, operation and fit out of these premises.</p>

Provision	Compliance	Comment
3.16 Signage and Advertising	Yes	<p>The proposed development includes the reinstatement of the existing 'Chifley' building identification sign on the western podium. As discussed in the SEPP (Industry and Employment) 2021 discussion above, the proposed signage satisfies the provisions of the SEPP and DCP.</p> <p>Notwithstanding, a condition of consent is recommended requiring a separate application to be submitted to Council for a signage strategy for the site that contemplates any new retail business identification signage, wayfinding and any new building identification signs.</p>
3.17 Contamination	Yes	As outlined in the SEPP (Resilience and Hazards) 2021, the proposal would not result in adverse risk to human and environmental health subject to conditions in Attachment A.

## Section 4 – Development Types

### 4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed development achieves minimum floor to floor heights of 5.38 on the first basement level, 7 metres on the ground floor and 3.76 metres on commercial floors. Overall, the proposal achieves the required minimum floor to floor heights.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	The proposal will not cause unacceptable overshadowing impact on surrounding developments, public spaces, or the public domain.

Provision	Compliance	Comment
4.2.3.5 Landscaping	Yes	Indicative landscape details have been provided and are considered acceptable. The proposed landscaping throughout the site is supported and conditions are recommended requiring detailed landscape plans to be submitted for further consideration.
4.2.4 Fine grain, architectural diversity and articulation	Yes	<p>The objectives and provisions of achieving a fine grain outcome and architectural diversity have been achieved through the design of the ground plane, which incorporates a range and variety of retail tenancies, provision of a new laneway as well as retention and upgrade of the existing through-site link.</p> <p>The activation of the ground level will ensure that a fine grain is achieved, while built form, landscaping, and opportunities for leisure across the site will ensure an inviting, scaled and highly articulated proposal is achieved.</p>
4.2.6 Waste and recycling Management	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

### Section 5 – Specific Areas

Provision	Compliance	Comment
5.1 Central Sydney		
5.1.1 Built form controls	Yes	The building setback provisions for the site are contained within Section 6.3.24 of the DCP and are discussed in the table below.
5.1.1.1 Street frontage heights and street setbacks		
5.1.1.3 Side and rear setbacks and building form separations	Yes	Building form controls including side and rear setbacks are contained within the site-specific controls for the site in Section 6.3.24 of the DCP and are discussed further in the table below.

Provision	Compliance	Comment
5.1.1.4 Built form massing, tapering and maximum dimensions	Yes	<p>The proposed development meets the objectives of this provision.</p> <p>Specific building form and tower controls are contained within the site-specific controls for the site in Section 6.3.24 of the DCP and are discussed further in the table below.</p>
5.1.2 Development outlook and demonstrating amenity compliance	Yes	<p>The proposed tower development is designed to reduce the impact of additional overshadowing on surrounding public domain areas.</p> <p>Further the proposed tower does not rely on neighbouring properties for access to views and light and is consistent with the requirements of this provision.</p>
5.1.4 Building Exteriors	Yes	<p>The proposal has been appropriately designed to consider the street alignment, setback, and facade proportions of neighbouring buildings. The building exterior integrates with the masonry character of the area with modern materials, which allows the building to achieve a horizontal and vertical balance.</p>

### Section 6 – Specific Sites

Provision	Compliance	Comment
<p>6.3.24 2 Chifley Square, Sydney</p> <p>6.3.24.1 Maximum building envelope</p>	Partial compliance	<p>The maximum planning envelope for the site requires the street frontage height facing Chifley Square and Hunter Street to not exceed RL 61.1 metres and for the setbacks of the tower development above street frontage height to be consistent with Figure 6.207 Envelope - tower setbacks.</p> <p>The proposed development does propose minor exceedances to the DCP setbacks/planning envelope. Refer to 'Discussion' below.</p>

Provision	Compliance	Comment
6.2.24.2 Materiality	Yes	<p>The objective and provision of this Section is to ensure development provides a high-quality cohesive ensemble and respond to the architecture and materials of the existing Chifley Tower.</p> <p>The proposed development achieves a high-quality cohesive ensemble and appropriately responds to the architecture and materials of Chifley North in the following ways:</p> <ul style="list-style-type: none"> <li>• Chifley Verandah: The Chifley Verandah is designed to complete Chifley Square, consistent with the former Qantas House. The verandah is an integrated profiled concrete frame which provides a contextual relationship to the Chifley precinct and an operable glazed facade consisting of a series of ship-lapped planes of glass that simultaneously complements the glazed facade of Qantas House and the chevron geometry of the tower's East and West facades.</li> <li>• Hunter Street Podium: The Hunter Street edge aligns with Chifley North and is defined by a robust primary stone frame with infill metal bay windows that relates in a contemporary manner to the existing Chifley podium design along Philip Street, while the vertical proportions reference the stepped masonry volumes of the tower above.</li> <li>• Tower Masonry Facades: The predominant North and South tower facades are expressed in a stepped terracotta masonry ladder frame, providing a meaningful relationship to the masonry language of Chifley North, unifying the precinct. The north and south facades read as 60% solidity and 40% glass.</li> </ul>

Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>• Tower Glazed Facades: In contrast to the masonry North and South, the East and West concave facades are expressed as glazed facades and reinforces the Chifley Northeastern glass 'sail' in contemporary manner, creating a precinct approach. Vertical and horizontal sunshades provide solar protection and solidity. The east and west facades read as 48% solidity and 52% glass.</li> <li>• Mixed Mode space: In the north-west corner of the tower, the glazing is setback behind a masonry frame defined by expressed horizontals located at floor level and four detached columns that together read as a vertical loggia. The loggia provides effective sun shading to the mixed mode space which has operable windows located behind the profiled concrete columns and integrated planters in between that provide occupants with access to natural ventilation and nature on every floor.</li> </ul>
6.2.24.3 Defining Chifley Square	Yes	<p>Development must create a new unified architectural design of the building frontage to Chifley Square with a consistent height datum. The design of this frontage must complement and join with the architectural expression of the existing Phillip Street wall frontage and Qantas House facade.</p> <p>The proposed development adopts similar materiality and complementary architectural expression that positively contributes to a unified architectural design of the buildings fronting Chifley Square. Specifically, the proposed podium height is commensurate with the existing podium datum. The new podium has been designed with a curved facade that seamlessly aligns with the curvature of the heritage listed Qantas House on the opposite side of Phillip Street, to complete the semi-circular urban form of</p>



Provision	Compliance	Comment
		Chifley Square. Collectively, the two buildings symmetrically reinforce the crescent geometry, which defines Chifley Square.
6.3.24.4 Ground Level Frontage	Yes	<p>The DCP requires development to maximise activation of Chifley Square and Hunter Street ground level frontages with retail or food and drink premises. Entry to the basement car park must also be maintained at the existing location on Bent Street.</p> <p>The proposed development provides several active frontages to the building, with the Chifley Square and Hunter Street ground level frontages activated with indicative retail restaurant/café offerings. The through site link and new laneway would also be supported by various fine grain retail spaces to encourage activation.</p> <p>Entry to the basement car park is maintained to its existing location from Bent Street.</p>
6.3.24.5 Wind	Yes	<p>The proposed development must demonstrate that it will not cause wind speeds that exceed the wind safety criteria or worsen an existing wind condition that exceeds the wind safety standard.</p> <p>A Detailed Wind Environment Wind Tunnel Study, prepared by Windtech Consultants, was accompanied with the application. The results of the wind tunnel study conclude that the wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. However, some areas are identified to experience strong winds, which will exceed the relevant criteria for comfort and safety. The following wind mitigation measures are recommended to these areas:</p>

Provision	Compliance	Comment
		<p><b><i>Lower Ground level trafficable areas:</i></b></p> <ul style="list-style-type: none"> <li>• 2-metre-wide impermeable awning along the southern facade along Hunter Street between the Chifley Square stairs and the entrance to the retail arcade.</li> </ul> <p><b><i>Upper Ground level Verandah Café</i></b></p> <ul style="list-style-type: none"> <li>• Fully enclose the western aspect of the elevated seating area through the use of impermeable screening or other enclosure method.</li> </ul> <p><b><i>Level 5 Podium rooftop</i></b></p> <ul style="list-style-type: none"> <li>• 2-metre-high impermeable screen along the western aspect of the meeting areas/alcoves.</li> <li>• Retention of the proposed 5-metre-high impermeable wall along the western and southern aspect of the podium rooftop</li> <li>• 5-8 metre high and wide densely foliating evergreen trees located in the designated planter areas.</li> <li>• 3-5 metre high and wide densely foliating evergreen trees located in the designated planter areas.</li> <li>• 1.2-3m high densely foliating evergreen shrubs or hedge planting located in the planter areas.</li> </ul> <p><b><i>Level 34, 35 and 36 Tower Rooftop Terraces</i></b></p> <ul style="list-style-type: none"> <li>• 2m high impermeable screens around the perimeter of the terraces.</li> </ul> <p>The recommended measures have generally been incorporated in the development. It should be noted that a supplementary wind addendum letter was submitted with the additional information in support of the new Hunter</p>

Provision	Compliance	Comment
		<p>Street laneway. The letter outlines that the laneway would not be subject to adverse wind conditions as it is shielded by the proposed and existing development. Notably, the Level 1 overhang would assist in reducing downwash into the laneway.</p> <p>Overall, the necessary wind mitigation measures are provided in the proposed development and would ensure comfortable wind conditions for pedestrians and occupants.</p>
6.3.24.6 Parking and Vehicular Access	Yes	<p>Vehicular access to the site from the existing location on Bent Street remains unchanged.</p> <p>All commercial car parking spaces will be removed.</p> <p>In accordance with the Voluntary Planning Agreement, the basement design is capable of accommodating break through panels and necessary easements for 167 Macquarie Street.</p>
6.3.24.7 Design Excellence Strategy	Yes	<p>The proposed development is a result of an Invited Design Competition that was carried out in accordance with the requirements of this Section and the City of Sydney Competitive Design Policy.</p> <p>The additional floor space awarded for the building demonstrating design excellence was contemplated within the maximum building envelope shown in Figure 6.206 Envelope - tower setbacks.</p>
6.3.24.8 Pedestrian Connection Through the Podium	Yes	<p>An existing north-south through site link between Hunter Street and Bent Street is proposed to be retained and enhanced in the subject application. It will create an open and accessible connection across the site, connecting with the surrounding pedestrian network. The link will be activated by fine grain retail offerings in the form of café and restaurant tenancies.</p>

Provision	Compliance	Comment
6.3.24.9 Sustainability	Yes	<p>Floth has completed the City of Sydney Design for Environmental Performance Statement. The statement identifies how the site demonstrates compliance with the relevant ESD targets, including the site-specific ESD controls applicable to the site under this Section. The proposal must also achieve the sustainability commitments set out in the VPA. The statement confirms that the proposal is:</p> <ul style="list-style-type: none"> <li>• Compliant with the requirement of a zero-energy operation through the operation of 100% Green Power central plant.</li> <li>• Compliant with Australian best practice performance benchmarks for ecologically sustainable development through the targeted achievement of 6 Star Green Star Buildings v1, 5.5 NABERS Energy rating, 4.5 NABERS water rating, 5 Star NABERS waste rating and Climate Active Carbon Neutral certification.</li> <li>• Compliant with minimising carbon emissions through low carbon design techniques and targeting carbon neutral operations and achieves the target of Green Star Buildings Energy Use with Credit Achievement target of 20% of greenhouse gas reductions in comparison to a reference building.</li> <li>• Compliant with renewable energy procurement, through the proposal's procurement of 100% Green Power PPA.</li> <li>• Compliant with the electrification, and solar panel requirements as the proposal integrates rooftop photo-voltaic panels and proposes electrification of all plants powered equipment within 12 months of the final South Tower occupancy certificate.</li> </ul>

Provision	Compliance	Comment
		The application was referred to the City's Environmental Advisor who confirms the proposed development generally provides sustainability initiatives in line with the DCP. Conditions of consent are recommended requiring the development to achieve these commitments.
6.3.24.10 Public Art	Yes	<p>Development must incorporate high quality public art in publicly accessible locations to contribute to the identity and amenity of the place.</p> <p>As discussed in Clause 7.26 above, public art zones are nominated along the Hunter Street frontage that will be further developed.</p> <p>A separate public art contribution is documented as part of the VPA for the site. This VPA public art is in addition to that required by the DA.</p> <p>Conditions of consent are recommended in Attachment A, which requires final details to be provided prior to the issue of Construction Certificate.</p>

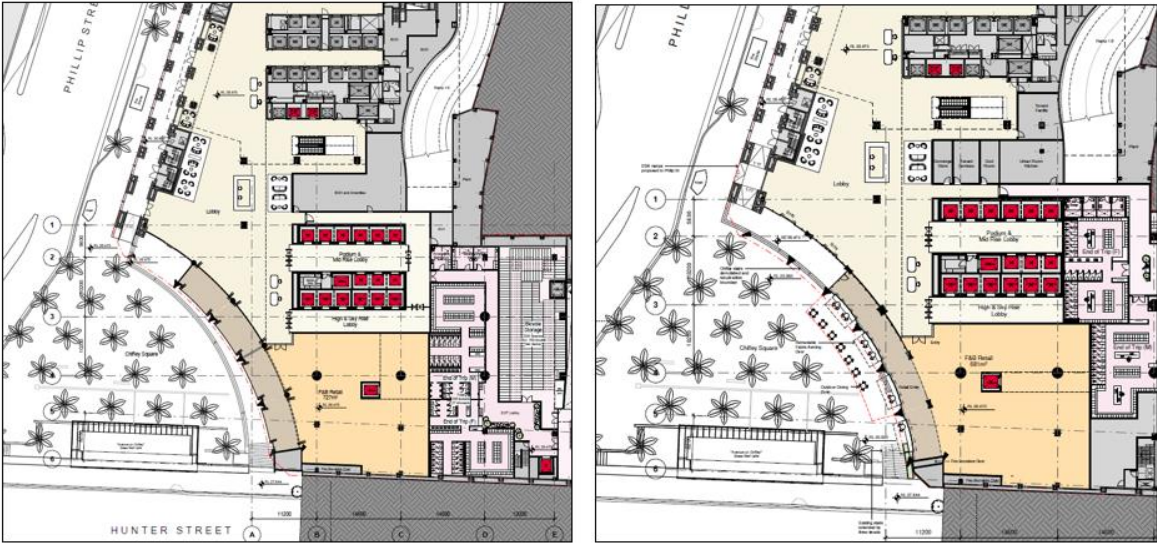
## Discussion


### Design Excellence and Integrity of the Design Competition Winning Scheme

78. As discussed under the heading 'History relevant to the Development Application', the proposed development was subject to an invited architectural design competition.
79. The Bates Smart scheme was selected as the design competition winner as the proposal balanced the objective for a sympathetic response to Chifley North with a modern interpretation of the existing building. The scheme was considered to achieve the important objectives of optimising activation to contribute to a vibrant public domain, including a welcoming through-site link, which has the potential to energise the precinct.
80. The Competition Jury identified a number of matters to be refined during the design development phase to ensure the design adequately response to the Competition Brief and exhibits design excellence.
81. The recommendations of the Jury were reinforced by the DAP during the assessment of the application. The DAP also consisted some of the Competition Jury members.

82. The table below provides a response to the Jury and DAP recommendations for further design refinement.

Jury Recommendation	Response
Podium	
<p>Further resolution of the podium design is required to achieve the objective of a Chifley “precinct”, as follows:</p> <p>The glass line at ground level is to be relocated to the boundary of Chifley Square and the colonnade removed to provide greater definition to, and activation of, Chifley Square; improve the lobby experience by providing more space internally for a clear relationship between public and semi-public space; and allow the retail activating Chifley Square to be protected from inclement weather to help facilitate seasonal activation of Chifley Square.</p>	<p>Whilst the recommendations of the Competition Jury were to bring the glass line to the boundary of Chifley Square, this gesture negatively impacted on the permeability, circulation, and interface of the podium with Chifley Square. As a result, the radius of the Chifley Square steps and public thoroughfare did not match the colonnade radius and consequently created pinch points and altered the dynamic of the public domain.</p> <p>This issue was raised by DAP who recommended a design solution for the building and Chifley Square public realm should provide consistent geometries, remove pinch points, improve universal access, and provide a generous building entry. The recommendations by Council Officers sought amendments to the Chifley Square interface to be contained within the confines of the site and assume the current condition of Chifley Square.</p> <p>In response, the following design amendments were made to the proposal:</p> <ul style="list-style-type: none"> <li>• The step threshold at the Chifley Square interface is contained within the site and maintains the existing conditions and removed pinch points.</li> <li>• The number of facade bays is increased from 5 to 6 days to accommodate a widened building entry from Chifley Square.</li> <li>• Universal access is provided via a new series of 1:17 ramps from the Phillip Street colonnade.</li> </ul>

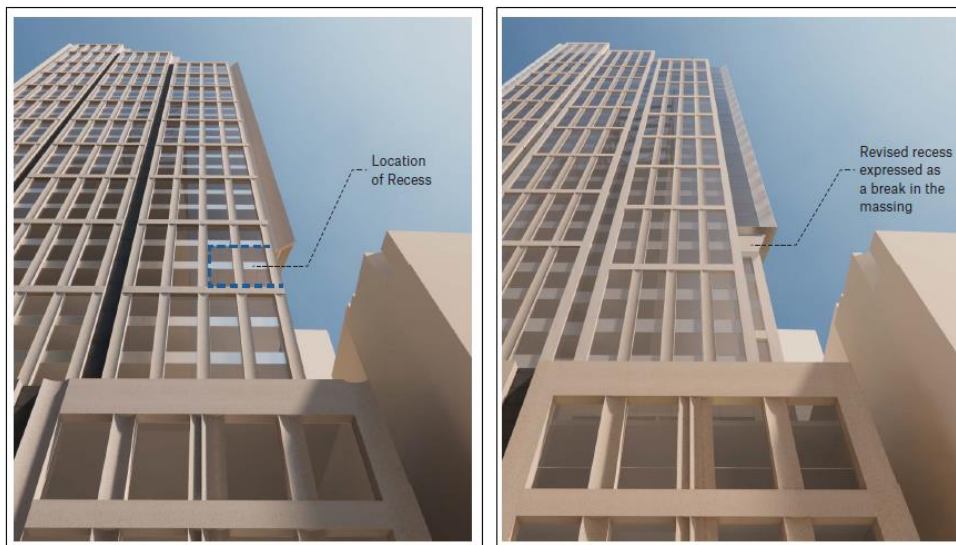
Jury Recommendation	Response
	<ul style="list-style-type: none"> <li>An integrated outdoor seating zone through plinth seating is provided within the site boundary to further improve retail activation on Chifley Square. The integrated seating addresses the level change of the site at this location.</li> </ul> <p>Extracts of the initially submitted scheme and the amended proposal are provided below.</p>
 <p><b>Figure 49:</b> Extract of the initially submitted (left) and amended proposal (right) of the Chifley Square interface</p>	
<p>The design of the Ground Level podium should support a cohesive entry experience to the ‘precinct’ overall and provide a clearer address to the commercial lobby in recognition of the main entrance to the building being from Chifley Square.</p>	<p>As discussed above, the building entry from Chifley Square has increased to provide a clearer and more generous entry into the commercial lobby. The spiral staircase at this building entry that was indicated in the competition winning scheme has also been removed to improve the generosity of the lobby.</p>
<p>The design of the ‘verandah’ should be revised to achieve the Brief’s objective of a Chifley “precinct” through a stronger presence of masonry, as the current lightweight steel design lacks coherence with the existing Chifley podium and Qantas House. This includes the top of podium and the materiality of the ‘arbour’ which should</p>	<p>The verandah has been revised by removing the lightweight steel design, which is replaced with beige profiled concrete and stone cladding to match the tone of the existing Chifley North podium stone cladding. The changes provide a</p>

Jury Recommendation	Response
<p>also be reconsidered, to provide a purposeful termination of the podium and a stronger frame. It should provide a strong datum at the top of the podium as an urban gesture to the solidity and proportions of Qantas House and Chifley North.</p>	<p>stronger presence of masonry as recommended by the Competition Jury.</p> <p>The materiality of the arbour has been amended to also incorporate the same masonry material as the podium, providing a horizontal frame to the podium. This results in a purposeful termination of the podium and reinforces the strong datum, solidity, and proportions of Qantas House.</p> <p>Extracts of the competition winning scheme and the amended proposal are provided below to demonstrate the positive changes made to the verandah.</p>
<div style="display: flex; justify-content: space-around;">  </div> <p><b>Figure 50:</b> Extract of the design competition scheme (left) and amended proposal (right) podium design</p>	
<p>Hunter Street: Consideration should be given to the modulation along Hunter Street to explore opportunities to relate positively to the Wyoming heritage building.</p>	<p>The new laneway on Hunter Street provides an appropriate curtilage and separation to the Wyoming heritage building. This enables the new Chifley podium on Hunter Street to have a consistent datum that continues into Chifley Square, which is significant in reinforcing the height datum encircling Chifley Square with Qantas House.</p>

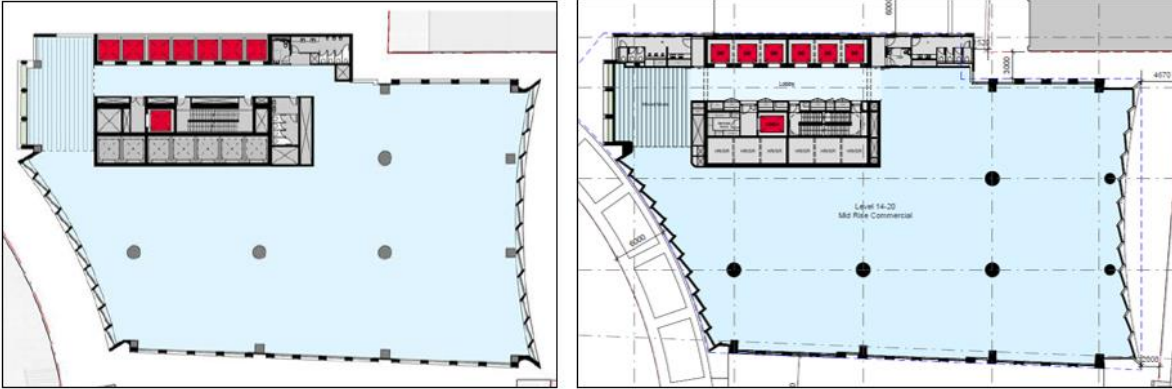


Jury Recommendation	Response
Tower	
<p>Glazed tower facade (eastern and western facades):</p> <ul style="list-style-type: none"> <li>The design of the sawtooth facade is to be reviewed to optimise the internal tenant experience, particularly with respect to views, and opportunities for a calmer facade. Further resolution of the serration of the glass, in particular the degree of serration or alternative expressions, is to be reviewed to further calm the facade. The degree of serration should also consider buildability, environmental and performance testing of the facade.</li> <li>The junctions between the glazed facade and the north/south elevations should be considered in relation to providing a sympathetic tower pairing with Chifley North.</li> </ul>	<p>Fin angles in the eastern and western facades have been optimised to prioritise north-eastern harbour views.</p> <p>Notably, eastern corners of the tower have been amended to optimise views with 3 metre wide 'picture windows' to increase views to the north and north-east.</p> <p>The use of ceiling fold and full height glass to these elevations further maximises view to the harbour and The Domain.</p> <p>The degree of the serration of the facade has consideration to the buildability, environmental and performance commitments required by the site-specific DCP and VPA requirements.</p> <p>The glazed ends of the tower are suspended from the primary stone forms, which reinforces the glazed relationship with Chifley North in the tower portion of the building.</p>
<p>North-east corner of the tower:</p> <p>Resolution of the tower at the north-east corner is required, in order to:</p> <ul style="list-style-type: none"> <li>Optimise views to the north and north-east; and</li> <li>Resolve how the tower form at this location can better complement the existing Chifley North tower, particularly when viewed from the east and looking south down Macquarie Street.</li> </ul>	
<p>Tower terrace/roof levels:</p> <p>In line with feedback on the materiality of the 'verandah' in the podium (which lacked coherence with the existing Chifley podium and would benefit from greater masonry solidity), the use of steel structures on the roof terraces appears as an 'add on', rather than an integrated building element, and should be reconsidered to create a more legible relationship with the facade and to</p>	<p>Similarly, to the podium, the crown of the tower has been amended to incorporate a greater use of masonry to create a 'stone top'. This provides increased solidity in the skyline and a refined connection between the glass and stone facade material palette to reinforce the relationship with Chifley North. This creates a more legible relationship and reverberates the design gesture of the podium.</p>

Jury Recommendation	Response
<p>allow for a more refined 'finish' to the top of the tower in the skyline (with more height). This should be considered with the opportunity for more tower terrace levels, providing greater access for more people to outdoor areas and a greener expression of the top of the tower to represent it as a modern addition to the skyline.</p> <p>This will also go hand in hand with the review of rooftop plant which should also be undertaken.</p> <p>The revised solution must address wind mitigation.</p>	<p>The amendments to the crown make consideration to wind mitigation that is addressed elsewhere in this report.</p>
<p>East elevation - low rise recess/cut out:</p> <p>Level 9 terrace: The expression of the recess at the south-east corner of the tower should be reviewed to improve its legibility from street level along Hunter Street and Macquarie Street.</p>	<p>The recess at Level 9 has been relocated to Level 12 to be more visible from Hunter Street and Macquarie Street.</p> <p>The recess is expressed as a negative in the building massing and greatly improves its legibility when viewed from Hunter Street. It also provides an appropriate break in the massing in the southern elevation.</p> <p>Comparisons of the competition scheme and the amended proposal is provided below.</p>



**Figure 51:** Design competition recess (left) and amended proposal (right)

Jury Recommendation	Response
Interiors and Planning	
<p>Commercial lobbies:</p> <p>The commercial lobbies should be cohesive to provide an intuitive arrival and wayfinding experience.</p> <p>The design and location of the internal open stair should be reviewed to be more connected to the central circulation zone and improve visual connectivity between Ground Level and Upper Ground Level.</p> <p>Universal access into the main commercial lobby is to be resolved. Addressing levels between the site and the adjoining public domain within Chifley Square will be considered in consultation with the City of Sydney as part of the Detailed DA stage.</p>	<p>As discussed above, the commercial lobby fronting Chifley Square has been amended to be increased, remove the internal spiral stairs, and address universal access from Chifley Square and Phillip Street to provide more generosity and sight lines into the site and upper levels.</p>
<p>Mid-rise tower floor plan:</p> <p>The journey from lift to reception area, which is currently via the bathroom amenities, is to be improved so that privacy and premium experience on arrival is maintained.</p>	<p>The mid-rise floor plan has been amended so that access to amenities is not directly from the reception and lobby area. The amenities are provided from a separate door that would equally enable privacy and a sense of arrival to the commercial floors.</p> <p>A comparison between the competition winning scheme and the amended proposal is provided below.</p>
<div style="display: flex; justify-content: space-around;">  </div> <p><b>Figure 52:</b> Design competition (left) and proposed (right) mid-rise floor plan, illustrating the amendments to the amenity layout</p>	

Jury Recommendation	Response
<p>Mid-level plant:</p> <p>Verification that the mid-level plant is not required must be undertaken, and if the mid-level plant is required the resolution of the façade on this level will need further design consideration</p>	<p>The proposed development provides plant on the basement, Level 6 and Levels 37 and 38. Mid-level plant is not proposed.</p> <p>An Infrastructure Services Report, prepared by Floth, was submitted with the application. The report outlines that the site is well serviced by existing infrastructure and that major upgrades to electrical infrastructure are not required. The existing water and sewer likely to be adequate for the development.</p>
<p>Level 2-4 internal cutline between Chifley North and Chifley South:</p> <p>The floorplate/construction ‘cutline’ between the existing Chifley North podium and proposed Chifley South podium on Levels 2-4 requires further resolution as part of the Detailed Development Application to ensure it can meet the staging requirements for plant to service the existing building.</p>	<p>The cutline between the existing Chifley North podium and proposed Chifley South podium on Levels 2- 4 have been further refined and detailed in the demolition plans submitted with the application.</p> <p>Additionally, the enabling works to allow for the staged construction of the site and operation of Chifley North has been considered and approved under D/2022/567, as discussed in the History section of this report.</p>
General	
<p>The jury notes that the winning scheme includes a very minor exceedance of the DCP planning envelope along the step of the northern elevation, for a component of the high-rise portion of the tower only. It was noted by the jury that this variation to the planning envelope creates a logical alignment with the existing tower in this location.</p>	<p>As discussed later in this report, the proposed development proposes a further variation outside of the DCP planning envelope.</p> <p>Overall, the variations proposed are minor and maintain the design integrity of the competition winning scheme and is acceptable.</p>

### ***Hunter Street Frontage***

83. In addition to the Competition Jury recommendations above, the DAP and Council Officers raised a particular concern with the proposed presentation of the Hunter Street frontage and considered that there was a need to improve street activation. It was considered that the level interface between the building and public domain could be further developed to locate retail higher than the street. The extent of blank walls at street level was not supported.

84. In response, the design modifications to the Hunter Street include:
- (a) The introduction of a new pedestrian laneway in the location that was originally proposed as the end of trip facility entry (in the eastern portion of the Hunter Street frontage). This laneway provides landscaping, public art, and outdoor dining opportunities to maximise activation along Hunter Street.
  - (b) In providing the new laneway, the initially proposed HV control room/plant has been relocated and this now allows for unimpeded retail areas to be provided directly from Hunter Street.
  - (c) The initially proposed substation has been relocated to the lower ground floor to further maximise activation along Hunter Street.
  - (d) The blank walls on the western portion of the Hunter Street frontage have been reduced as much as possible (by 200mm) to increase the visibility from the street, whilst accommodating the required fire boosters. The initially proposed verandah stairs have been deleted to create a clearly defined edge where the Chifley South podium intersects with Hunter Street.
  - (e) The depth of the Hunter Street arcade/through site link entry has also been increased from 3.5 metres to 5.4 metres to enhance the prominence of the arcade and sense of arrival from Hunter Street into the through-site link and indicative retail offerings.
85. The proposed design amendments have adequately addressed the concerns of DAP and Council Officers. The amendments demonstrate positive improvements to the Hunter Street frontage.
86. Comparisons of the originally submitted scheme and the proposed amendments are provided below.



**Figure 53:** Originally submitted (left) and proposed (right) Hunter Street east laneway



**Figure 54:** Originally submitted (left) and proposed (right) Hunter Street west frontage



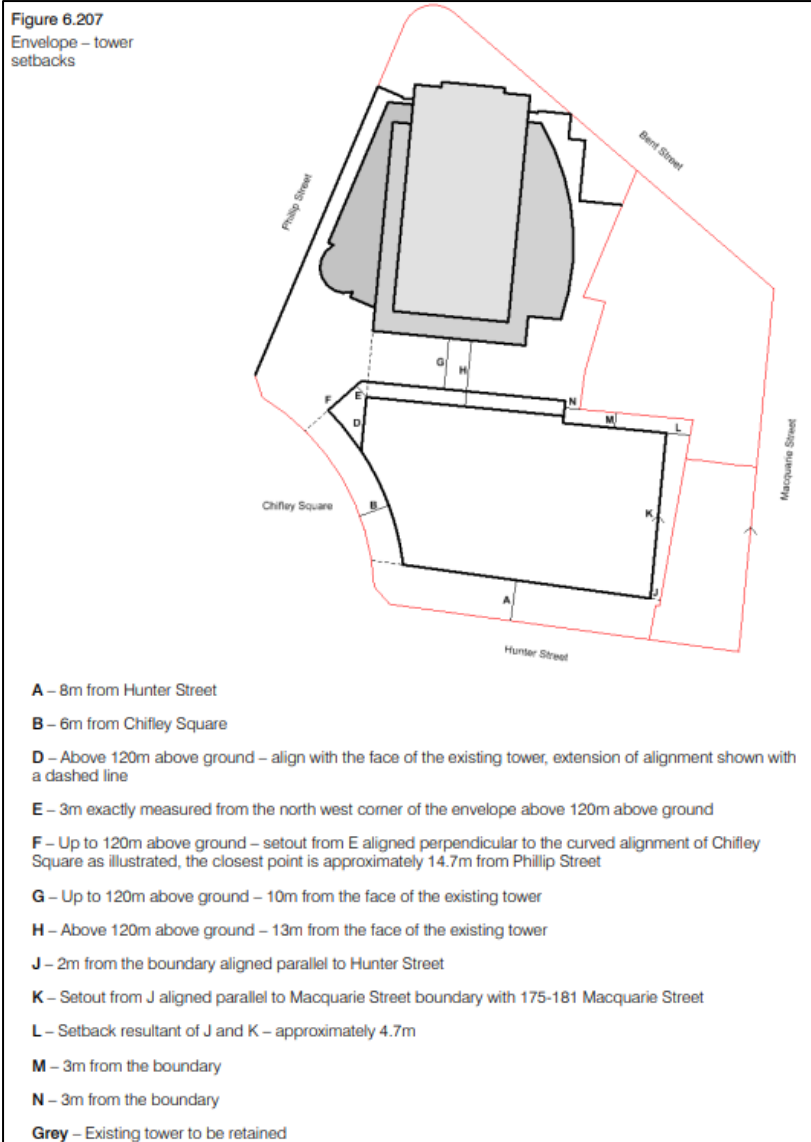
**Figure 55:** Originally submitted (left) and proposed (right) Hunter Street arcade entry

87. Clause 6.21C – Design Excellence of Sydney LEP 2012 stipulates development consent must not be granted to development to which this Division applies unless the consent authority is of the opinion that the proposed development exhibits design excellence.
88. Having regard to the above discussion and the relevant history section of this report, the proposed development has undergone significant design changes in response to the issues raised by the Competition Jury, DAP and Council Officers in order for the development to exhibit design excellence and maintain the integrity of the design competition winning scheme.
89. Overall, the proposed development generally satisfies the provisions of Clause 6.21C and therefore, exhibits design excellence for the following reasons:
  - (a) The proposal, as amended, has retained the important features of the design competition winning scheme whilst responding appropriately to the relevant planning controls. Specifically, the proposed has enhanced its relationship to Chifley North and surrounding buildings whilst maintaining a modern interpretation of the existing building.
  - (b) The proposal optimises activation to Chifley Square and Hunter Street through the increased visibility to the through-site link and addition of a new laneway.

- (c) The amended proposal has significantly improved its relationship to Chifley Square and Hunter Street and provides a cohesive interface with the public domain.
  - (d) The proposal has maintained the configuration of the tower, which complements Chifley North. The form and external appearance of the tower does not adversely impact on the amenity of the public domain in relation to solar access and wind.
  - (e) The proposed development has been appropriately designed with the surrounding heritage context in terms of materiality and scale. Notably, the height, scale and materiality of the podium appropriately responds to the distinct characteristics of Chifley Square to achieve a cohesive urban ensemble with Qantas House.
  - (f) The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regards to the amenity of the surrounding area and future occupants.
90. Overall, the proposal has generally addressed the recommendations of the Competition Jury, the DAP and Council Officers and maintains the design integrity of the competition winning scheme. The proposed development satisfies the matters required to be considered under Clause 6.21C of Sydney LEP 2012 and accordingly, exhibits design excellence.

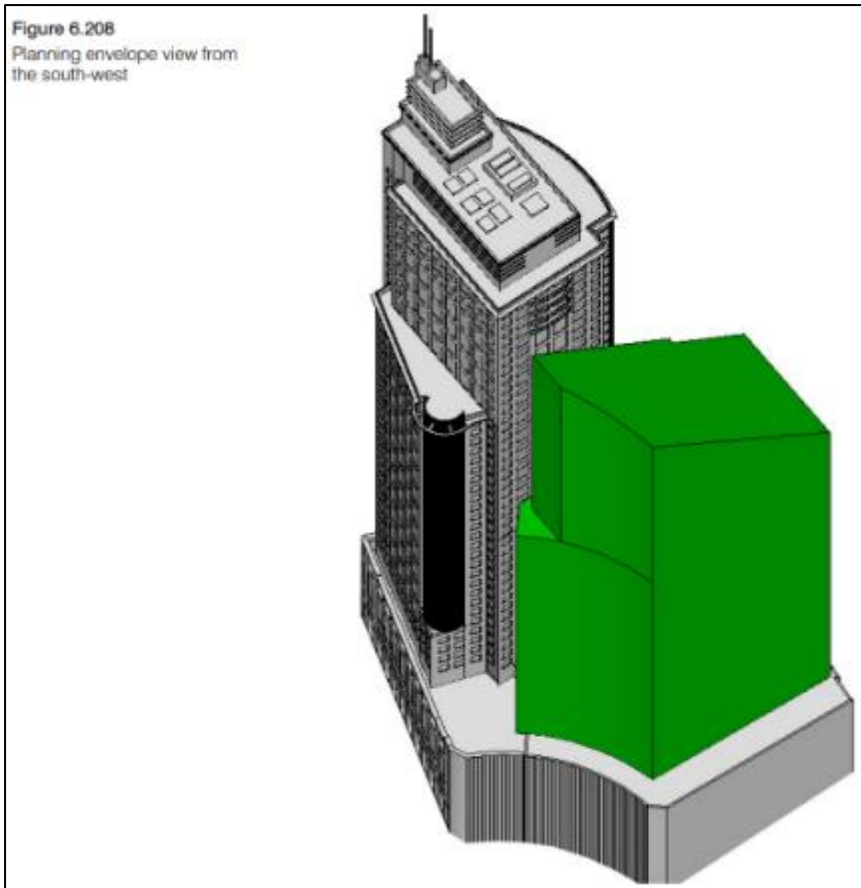
#### **Maximum Planning Envelope**

91. Section 6.2.34.1 Maximum Building Envelope of Sydney DCP 2012 sets out the building form controls for the site.
92. The envelope detailed in 'Figure 6.207 Envelope - tower setbacks' and 'Figure 6.208 - Planning envelope view from the south-west' establish the site-specific planning envelope, which has regard to the maximum height and FSR controls of Sydney LEP 2012 as well as the building setbacks prescribed in Sydney DCP 2012. The planning envelope was established to respect the local context and achieves acceptable levels of solar access, wind comfort and daylight to the public domain. These figures are provided below.



**Figure 56:** 'Figure 6.07 Envelope - tower setbacks' in Sydney DCP 2012





**Figure 57:** 'Figure 6.208 Planning envelope view from the south-west' Sydney DCP 2012

93. Generally, the proposed development is contained within this site specific planning envelope, with the exception of two minor exceedances as follows:

North elevation

- (a) A minor encroachment from the DCP planning envelope is proposed in the north elevation. This variation was indicated in the competition winning scheme and was acknowledged and supported by the Competition Jury in their comments. The extent of the variation in the submitted application is located in the area nominated as the 3-metre setback zone to the Chifley North tower (notated as setback 'N' in the DCP planning envelope above). The proposed encroachment is 1.4 metres and occurs between Levels 7-37. This constitutes an area of approximately 7.57 square metres between Levels 7 and 24 as well as 3.14 square metres between Levels 25 and 37.
- (b) The envelope departure in this location is premised from the tower's form, being the distribution of the form into three distinct symmetrical elements running vertically along the façade. This allows the form to be proportionally split into even segments. The extent of the variations is indicated in Figure 58 and 59 below:

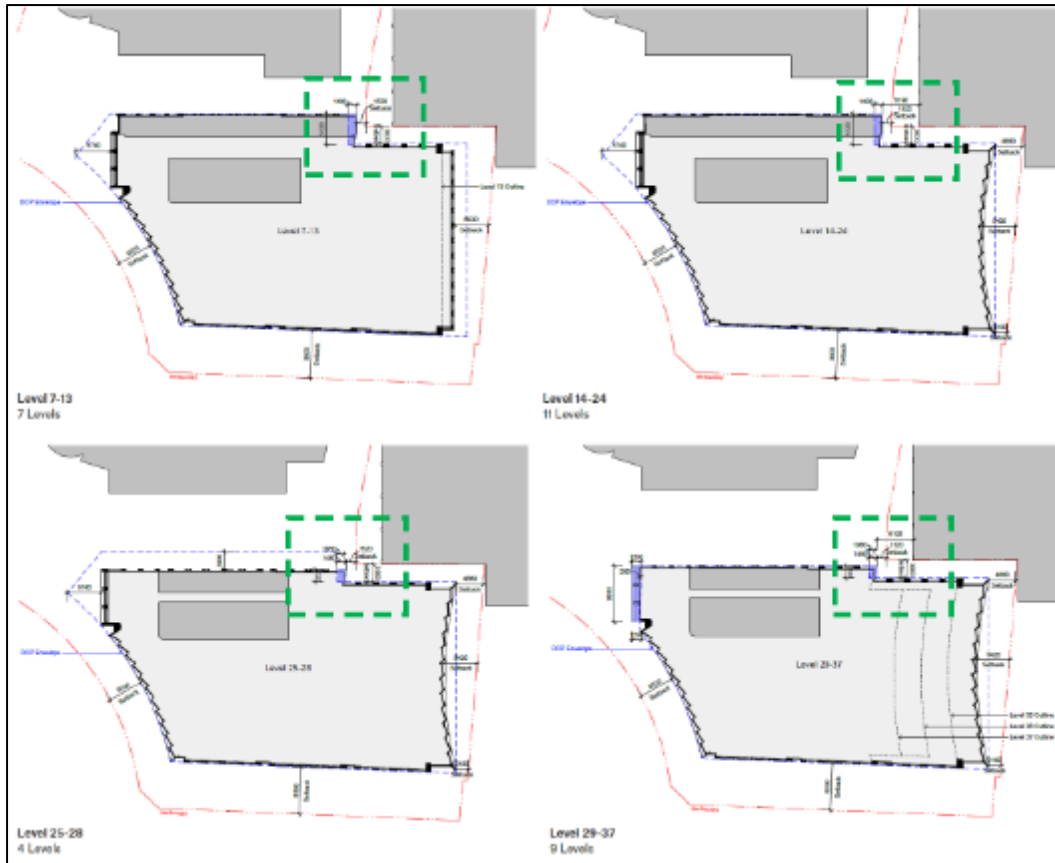


Figure 58: Extent of the envelope variation to the northern elevation in plan

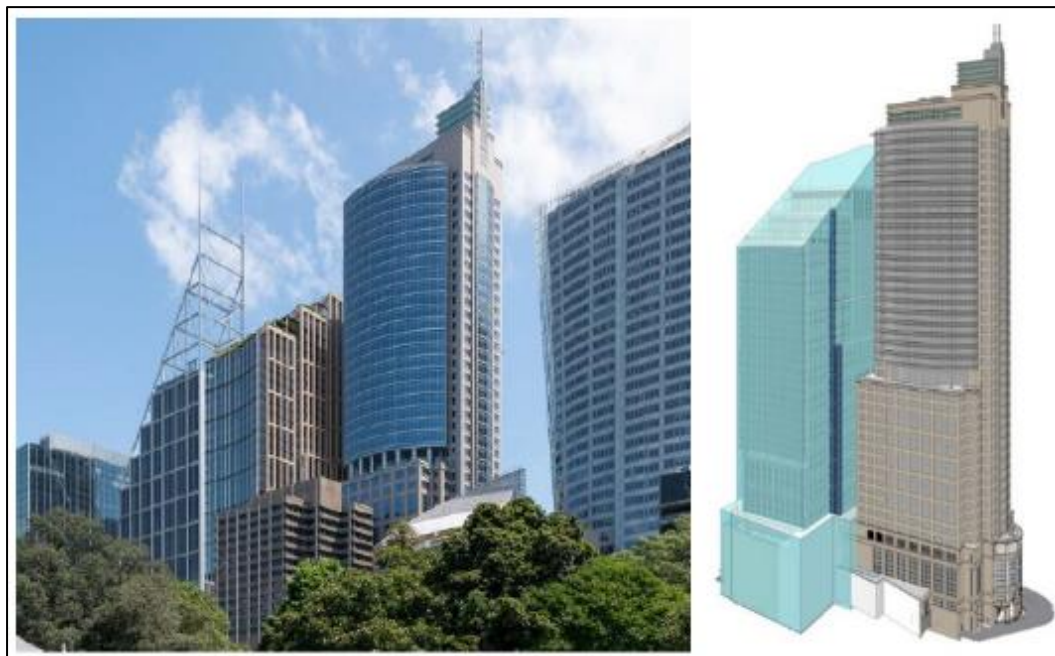


Figure 59: Photomontage and 3-D illustration of the envelope variation along the northern elevation

West elevation

- (c) A minor variation to the DCP planning envelope is proposed on Levels 29 to 37 on the mixed-mode area on the western elevation. The exceedance is approximately 1.5 metres.
- (d) The variation is a result of the full facade at the north-west corner being extended in the westerly direction by 1.5 metres compared to the competition winning scheme. The variation occurs because the high-rise portion of the DCP envelope steps back at RL 120, creating a shoulder whilst the firm of the proposed tower maintains a singular expression. The extent of the variations are indicated in Figure 60 and 61 below:

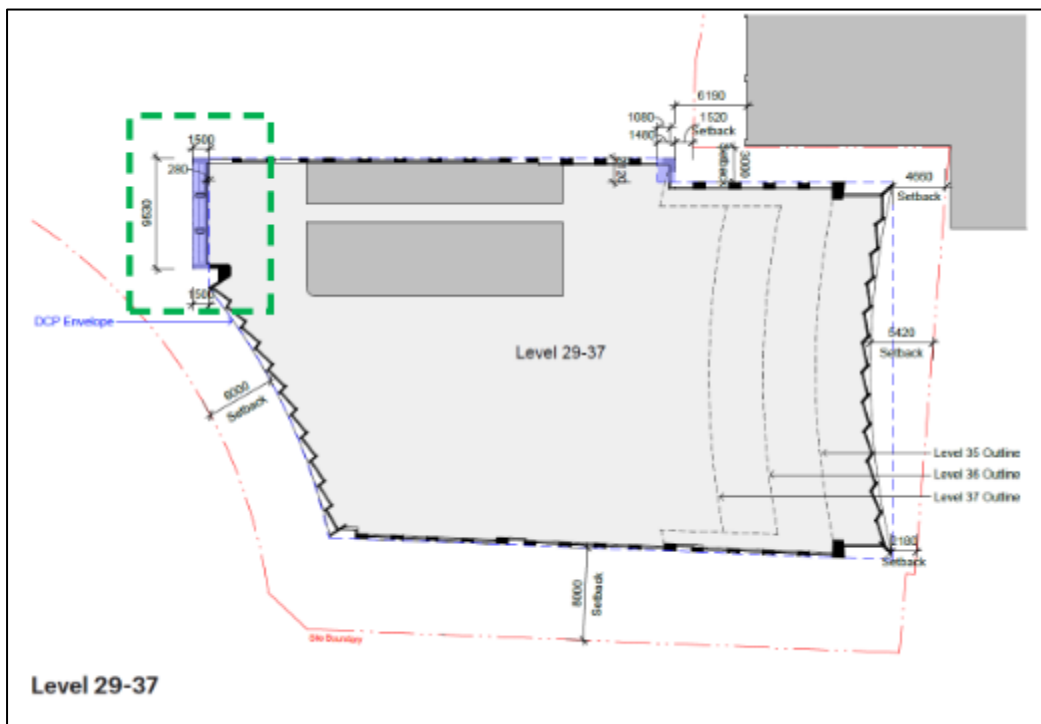
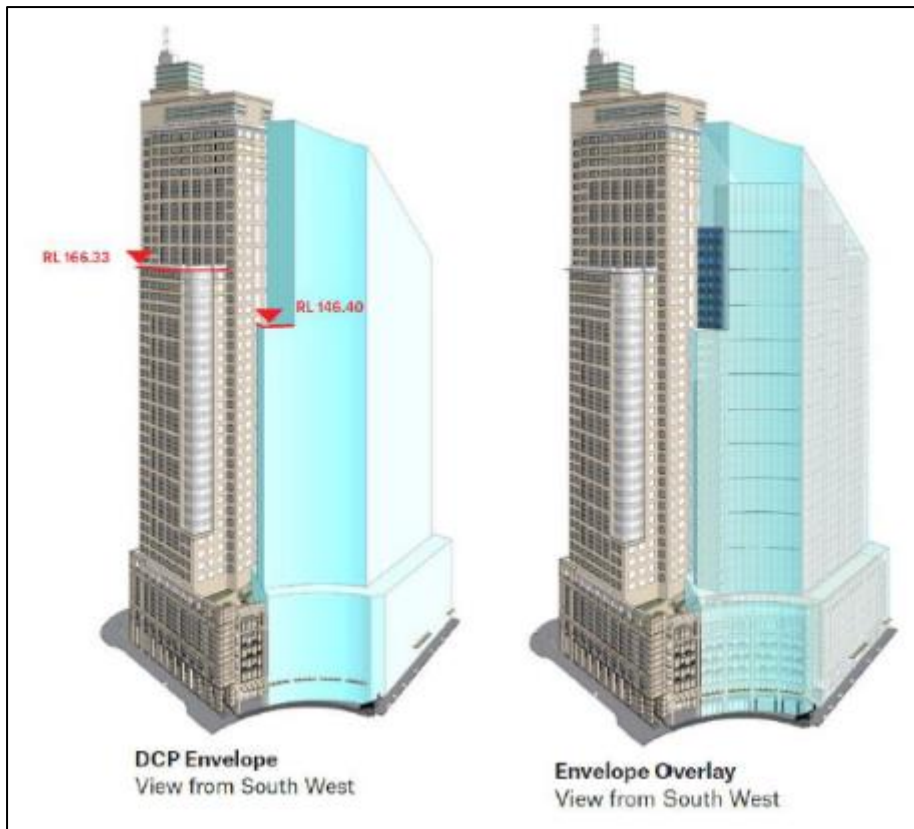


Figure 60: Extent of the envelope variation to the western elevation in plan



**Figure 61:** Perspectives illustrating the extent of the envelope variation to the western elevation

94. The proposed minor variations to the DCP planning envelope are acceptable on merit for the following reasons:
- (a) Notwithstanding the minor variations outlined above, the proposed development is contained within the DCP envelope and generally satisfies the objectives and provisions of Section 6.3.24.1 in that:
    - (i) The proposed development provides a strongly defined podium that reinforces the historic semi-circular urban form of Chifley Square with Qantas House. The street frontage height facing Chifley Square and Hunter Street does not exceed RL 61.1 metres.
    - (ii) The proposal provides the required 8-metre setback from Hunter Street and is unaffected by the two minor variations.
    - (iii) The proposed tower setbacks to its Chifley Square frontage complies with the required 6 metre setback and allows for the envisioned stepping setbacks to define Chifley Square and stepped massing of the existing tower to be achieved.
    - (iv) Sufficient setbacks from side boundaries are also provided and would allow for maintenance to occur within the site.
    - (v) The proposal presents a formally composed presentation when viewed from Macquarie Street.

- (b) The variations to the envelope would not be visually perceptible and would not result in unacceptable adverse impacts to surrounding properties and public domain with regards to overshadowing and wind.
- (c) The north-west facade would read as a single form and remain proportionate to the dimensions of the site and would not be visually discernible from Chifley Square and Phillip Street.
- (d) Sufficient building separation is maintained to the existing Chifley tower. The minor encroachment in the north elevation would not give rise to intertenancy privacy impacts.
- (e) The proposed development achieves the minimum 10.5% articulation areas for sun shading and external walls.
- (f) The proposed development complies with the maximum height of buildings and FSR controls stipulated under Sydney LEP 2012.

### **Allocation of Heritage Floor Space (HFS)**

- 95. The site is located in Area 1 on land in Central Sydney. Given that the proposal seeks to utilise accommodation floor space with a height that will exceed 55 metres, an amount of HFS is required to be allocated to the site in accordance with Clause 6.11 of Sydney LEP 2012.
- 96. Pursuant to Clause 6.11(1)(a) and (d), the amount of heritage floor space to be allocated is equal to 50% of the accommodation floor space to be utilised and the design excellence additional floor space respectively.
- 97. Further, subclause (2)(a) allows the amount of HFS to be reduced by up to 50% or 1,000 square metres, whichever is lesser, if the proposed development is the winner of an architectural design competition carried out in accordance with the City of Sydney Competitive Design Policy.
- 98. Subclause (2)(b) allows the amount of HFS to be reduced by up to 50% or 250 square metres, whichever is lesser, if the development includes any covered or partially covered pedestrian route through the site at street level and provides a vital and publicly accessible link between two streets.
- 99. Subclause (3) outlines that in the case that the development is an alteration or addition to an existing building, the amount of HFS required to be allocated under subclause (1) is to be no more than the difference between:
  - (a) The amount of heritage floor space 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, and
  - (b) The amount of heritage floor space that would be required to be allocated to the site if the building (without the alteration or addition) were to be constructed as a new building.

100. For the case of the development, the HFS required to be allocated to the site is as follows:
- (a) The proposal utilises the full extent of the 4.5:1 (28,971sqm) accommodation floor space. As such, an amount of 14,486 square metres of HFS is required to be allocated to the site being 50% of the additional accommodation floor space utilised.
  - (b) The proposal is granted additional floor space under Clause 6.21D(3)(b) of 10% for undertaking a competitive design process. Therefore, an amount of 6,569 square metres is required to be allocated being 50% of the design excellence additional floor space (2.041:1 or 13,141 square metres).
  - (c) A reduction of 1,000 square metres can be made, which is the lesser amount, as the development is the winner of an architectural design competition policy carried out in accordance with the City of Sydney Competitive Design Policy.
  - (d) A reduction of 250 square metres can be made, which is the lesser amount, as the development provides a vital through-site link at street level connecting Hunter and Bent Streets.
101. Having regard to the above, the total HFS to be allocated to the site is 19,805 square metres.
102. In consideration of the 19,805 square metres HFS calculated under subclause (1) above, an amount of HFS can be deducted from this figure that is equal to the amount of Chifley North, if it was to be constructed as a new building as per subclause (3).
103. In this regard, the proposal utilises the full extent of the 4.5:1 (28,971sqm) accommodation floor space. As such, an amount of 14,486 square metres of HFS is required to be allocated to the site being 50% of the additional accommodation floor space utilised.
104. A reduction of 250 square metres can be made, which is the lesser amount, as the development provides a vital through-site link at street level connecting Hunter and Bent Streets.
105. Therefore, the total HFS to be allocated to Chifley North, if it was constructed as a new building is 14,236 square metres.
106. Overall, the difference between the above equates to 5,569 square metres (19,805 - 14,236 square metres). A condition of consent is recommended in Attachment A to require this HFS to be purchased and allocated to the development.

#### **Use of Chifley Square as a Construction Zone**

107. A Construction Management Plan, prepared by Essence Project Management, was submitted with the application, and sets out the proposed construction methodology and management systems to construct the proposal.

108. The proposal involves the use of Chifley Square as a construction zone. This will involve the establishment of hoarding and fencing, and the creation of a loading and logistics zone within Chifley Square, where vehicles will enter southbound from Phillip Street, and exit eastbound along Hunter Street. Tree protection and temporary removal of trees within the Square will be required to facilitate this method of construction. Following from construction, Chifley Square will be restored, and all trees reinstated.
109. As discussed elsewhere in this report, the transplanting of trees in Chifley Square is supported by Council's Tree Management Officer, subject to conditions of consent in Attachment A.
110. The application was also referred to Council's Traffic Operations Unit and Construction Liaison Officer who generally supports the use of Chifley Square as a construction zone. Conditions of consent are recommended to ensure the construction zone and associated procedures are in accordance with the relevant approvals.

## **Consultation**

### **Internal Referrals**

111. The application was discussed with the following Council Officers and Panels:
  - (a) Design Advisory Panel (DAP)
  - (b) Building Services Unit
  - (c) Environmental Health Unit
  - (d) Heritage and Urban Design Unit
  - (e) Public Domain Unit
  - (f) Transport and Access Unit
  - (g) Tree Management Unit
  - (h) Waste Management Unit
  - (i) City Design Unit
  - (j) Public Art Unit and Public Art Advisory Panel
  - (k) Landscape Assessment Officer
  - (l) Environmental Projects Officer
  - (m) Specialist Surveyor
  - (n) Construction Liaison Officer
112. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

## External Referrals

### Ausgrid

113. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
114. No objections are raised regarding to the proposed development including the amended proposal, subject to conditions of consent which are contained in Attachment A.

### NSW Heritage Council

115. The application was referred to NSW Heritage Council for comment due to the proximity of the site to a state heritage item.
116. No response was received within the nominated timeframe, and as such, it is assumed that no issues are raised regarding the proposal.

### Sydney Airport

117. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
118. Clause 6(1) of the Civil Aviation (Building Control) Regulations 1988 identify that 'prescribed airspace' includes 'the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services - Aircraft Operations (PANS-OPS) surface for the airport'.
119. The Outer Horizontal Surface of the OLS above the subject site is at a height of 156 metres above the Australian Height Datum (AHD) and the prescribed airspace above the site commences at RL156 AHD. At a maximum proposed height of RL 221.8 AHD, the building will penetrate the OLS by 65.8 metres and any construction of a building to this height constitutes a 'controlled activity'.
120. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
121. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 28 June 2023.

### Transport for NSW

122. Pursuant to Section 2.122 - Traffic-generating development of the SEPP (Transport and Infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
123. Comments on the amended proposal was received on 31 October 2023. Conditions of consent were recommended which are included in the Recommended Conditions of Consent.

### Sydney Trains

124. Pursuant to Section 2.99 - Excavation in, above, below or adjacent to rail corridors of the SEPP (Transport and Infrastructure) 2021, the application was referred to Sydney Trains for concurrence.



125. Concurrence was received on 22 June 2023 without any conditions. Confirmation that concurrence was maintained in light of the amended proposal was received on 2 November 2023.

### Sydney Metro

126. Pursuant to Section 2.101 - Development within or adjacent to interim rail corridor of the SEPP (Transport and Infrastructure) 2021, the application was referred to Sydney Metro for concurrence.
127. Concurrence was received on 21 November 2023. Conditions of consent were recommended which are included in the Recommended Conditions of Consent.

### Advertising and Notification

128. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 28 days between 7 June 2023 and 5 July 2023. A total of 455 properties were notified, and four (4) submissions were received.
129. The submissions raised the following issues:

- (a) **Issue:** The proposed development overshadows The Domain from 1pm to 2pm and Qantas House between 9am and 10am during the summer solstice.

**Response:** As outlined in the LEP discussion above, the proposed development is located wholly within the maximum height of the planning envelope, which anticipates the sun access plane to The Domain and Martin Place. The proposal does not result in additional overshadowing to these public spaces during the prescribed times. However, the proposed development will cast shadows on the western edge of The Domain from 2pm during the winter solstice. This is still in compliance with the prescribed time of up to 2pm during all parts of the year. The proposed development will overshadow Qantas House between 9am and 10am during the summer solstice. The extent of overshadowing for one hour is not unacceptable as the neighbouring commercial building would achieve solar access for the remainder of the day and throughout all times of the year.

- (b) **Issue:** Materials on the façade may impact on thermal glare and reflectivity onto surrounding public open spaces.

**Response:** A condition of consent is recommended requiring the reflectivity of building materials to not exceed 20% as per Section 3.2.7 of Sydney DCP 2012.

- (c) **Issue:** The proposed development would result in construction noise and vibration impacts that would impact neighbouring properties, including residential developments particularly with the use of Chifley Square as a construction zone. The applicant should consult with neighbouring properties.

**Response:** A condition of consent is recommended requiring a site-specific Demolition, Excavation Construction Noise and Vibration Management Plan to be submitted to the satisfaction of Council to regulate potential noise and vibration impacts prior to the works commencing. Conditions are also recommended for the use of high noise emission appliances to limit times of use and provide respite for surrounding receivers as well as the works to comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 as well as the Australian Standard 2436-2010 – Guide to Noise Control on Construction, Maintenance and Demolition Sites.

- (d) **Issue:** Given the increase of density on the site, the proposed removal of car parking would impact on the surrounding traffic network.

**Response:** The Council's planning controls supports the removal of private and commercial car parking in Central Sydney to encourage the sustainable use of active and public transport. Specifically for the site, the site-specific controls require the removal of the existing commercially operated car park. The site is close to key transport modes including Wynyard, Martin Place and Circular Quay train stations as well as buses, light rail, and ferries.

- (e) **Issue:** The proposed development would result in traffic impacts particularly during demolition and would impact on traffic and pedestrian movements to and from neighbouring properties.

**Response:** The proposed development is classified as traffic-generating development under SEPP (Transport and Infrastructure) 2021, and as such, requires a referral to TfNSW. The application was referred to Council's Transport Planner and TfNSW. Conditions of consent are recommended and are contained in Attachment A, requiring detailed Construction Pedestrian and Traffic Management Plan to be prepared in consultation with Council and TfNSW to ensure the proposed development would not impact on the general traffic and public transport operations within Central Sydney as well as the safety of pedestrians and cyclists.

- (f) **Issue:** The proposed development presents minor built form projects outside the planning envelope.

**Response:** As outlined in the Discussion section of this report, the proposed variations to the DCP planning envelope are assessed to be minor and does not result in unacceptable amenity impacts to neighbouring properties and the public domain.

130. The amended proposal was re-notified for a period of 14 days between 18 October 2023 and 1 November 2023. The same properties were notified including previous submitters. One (1) submission was received during the re-notification period from a previous submitter, reiterating concern for the noise, vibration and traffic issues resulting from construction and the need to ensure appropriate measures are in place to reduce impacts to neighbouring properties.

## Financial Contributions

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

### Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

131. The site is located within the Central Sydney affordable housing contribution area. As the proposed development involves the creation of more than 100 square metres of gross floor area, a contribution is required at a rate of 1% of the total floor area that is not intended to be used for residential purposes.
132. A condition relating to this levy has been included in the recommended conditions of consent. The condition requires the contribution to be paid prior to the issue of Construction Certificate.

## Relevant Legislation

133. Environmental Planning and Assessment Act 1979.
134. City of Sydney Act 1988.
135. Roads Act 1993.
136. Heritage Act 1977.
137. Sydney Water Act 1994.
138. Airports Act 1996 (Cth).

## Conclusion

139. The application for the construction of a 41-storey commercial tower and podium building has been assessed in accordance with the relevant planning controls.
140. The proposed development complies with key development standards applicable to the site, including the maximum height of buildings, gross floor area and solar protection to The Domain and Martin Place in accordance with the site-specific provisions prescribed in Clause 6.60C of Sydney LEP 2012.
141. The proposal is generally consistent with other applicable planning provisions including the Sydney DCP 2012. Non-compliances have been assessed as having merit for the case of the development and are addressed in the report.
142. The proposal will provide new commercial office and retail land uses on a site, which is highly accessible to existing and planned employment, services, public transport infrastructure and community facilities.

143. Subject to the recommendation of this report, and the imposition of the conditions in Attachment A, the proposal responds appropriately to the site constraints and contributes positively to the existing and desired future character of Central Sydney.
144. The proposed detailed design of the development is therefore in the public interest and is recommended for approval by the CSPC.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Reinah Urqueza, Senior Planner