

Item 4.**Development Application: 15-17, 19-21 and 23 Hunter Street and 105 and 107 Pitt Street, Sydney - D/2023/1045****File No.:** D/2023/1045**Summary**

Date of Submission:	17 November 2023 Amended plans and supporting documentation submitted 24 May 2024, 3 June 2024, 6 June 2024, 29 July 2024, 30 July 2024, 1 August 2024 and 6 August 2024
Applicant:	The Trustee for FT SYDNEY UNIT TRUST
Architect/Designer:	Bates Smart
Developer:	Milligan Group
Owner:	FT Sydney Pty Limited The Owners - Strata Plan 60693 The Owners - Strata Plan 69888
Planning Consultant:	Ethos Urban
Heritage Consultant:	Urbis
Design Advisory Panel:	28 March 2024
Cost of Works:	\$370,280,362
Zoning:	The site is located in the SP5 Metropolitan Centre zone. The proposal seeks consent for site excavation and the construction of a new mixed-use commercial development. This is permissible with consent in the zone under the Sydney Local Environmental Plan 2012.

Proposal Summary:

The proposal seeks consent for site excavation, remediation and the construction of a 55-storey mixed-use commercial and retail development with associated basement parking and retail uses, a through site link, the restoration of the existing heritage item on site and commercial office uses.

The proposed development will comprise three structures being:

- Conserved four-storey heritage item known as Pangas House
- Three-storey retail building at the corner of Pitt and Hunter Street
- Commercial building comprising a 5-storey podium to height of RL 30.7m and 50-storey tower to a maximum height of RL 225m.

The application also proposes a new through-site link connecting the future Hunter Street Metro Station (located directly to the west of the site, fronting George Street) to Hunter Street and Pitt Street.

The application is referred to the Central Sydney Planning Committee (the Committee) as the proposal is "major development" for the purposes of the City of Sydney Act 1988.

The site is subject to site-specific controls in the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. The proposed development seeks to utilise these provisions that allow for increased floor space where a through-site link is provided, land uses other than residential accommodation or serviced apartments are proposed and there is an adequate provision of space for loading and unloading, waste collection, vehicle access, bicycle parking and end of journey facilities.

The development demonstrates design excellence in accordance with Division 4 Subdivision 2 of the Sydney Local Environmental Plan 2012.

A competitive design process was held for the development with a scheme prepared by Bates Smart selected as the winning scheme. This development application has been prepared, taking into account the recommendations made by the design competition jury and the City's Design Advisory Panel.

A preliminary assessment of the application identified clarifications and concerns relating to the following:

- Design Advisory Panel (DAP) advice on the proposal
- Consistency with the executed voluntary planning agreement
- Ground floor conditions
- Building expression and materials
- Flooding and the public domain
- Heritage works to Pangas House
- Street trees and landscaping
- Public art
- Noise and vibration impacts
- Land contamination and acid sulfate soils
- Waste management.

These issues have been largely addressed through the resubmission of amended plans and additional information. Where amended plans or additional information have not addressed issues, conditions are recommended to appropriately address these issues.

The application was publicly exhibited between 6 December 2023 and 24 January 2024. One submission was received and raised concerns regarding the cumulative construction impacts from the Hunter Street Metro site, the subject site and the future City North Public Domain plan on traffic, access and safety for guests and servicing to nearby hotels.

The issues raised above are addressed and discussed within the report.

Subject to conditions, the amended proposal is generally consistent with the applicable planning provisions, including those within the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. Proposed non-compliances have been assessed and are addressed in the report.

The application is considered to achieve the objectives in the site-specific provisions and will contribute an appropriate built form that is compatible with surrounding developments, additional commercial floor space within Central Sydney and the creating of a new publicly accessible through-site link within the city block.

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

The application constitutes Integrated development requiring approval from WaterNSW under Section 90(2) of the Water Management Act 2000. General terms of approval were issued by WaterNSW on 12 June 2024.

The site is also located directly above and adjacent to future Sydney Metro tunnels and adjacent to the future Hunter Street West metro station. As such, the application requires concurrence from Sydney Metro in accordance with Section 2.99(3) of the State Environmental Planning Policy (Transport and Infrastructure) 2021. At the time of writing of this report, Sydney Metro advised that further information would be required to ensure that the proposed development would not adversely impact on the structural integrity of the rail infrastructure. There are ongoing discussions between Sydney Metro and the applicant, and subject to further information being provided, Sydney Metro can support the application and provide concurrence.

It is therefore recommended that the Committee delegate determination to the Chief Executive Officer pending the receipt of concurrence from Sydney Metro.

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iii) Water Management Act 2000
- (iv) Sydney Water Act 1994 and Sydney Water Regulation 2017
- (v) Airports Act 1996 (Cth) and Civil Aviation (Building Control) Regulation 1988

- (vi) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (vii) State Environmental Planning Policy (Sustainable Buildings) 2022
- (viii) State Environmental Planning Policy (Resilience and Hazards) 2021
- (ix) State Environmental Planning Policy (Biodiversity and Conservation) 2021
- (x) Sydney Local Environmental Plan 2012
- (xi) Sydney Development Control Plan 2012
- (xii) City of Sydney Interim Floodplain Management Policy 2012
- (xiii) City of Sydney Guidelines for Waste Management in New Developments
- (xiv) City of Sydney Public Art Policy 2011
- (xv) City of Sydney Public Art Strategy 2011
- (xvi) City of Sydney Interim Guidelines for Public Art in Private Developments 2006
- (xvii) City of Sydney Community Engagement Strategy and Community Participation Plan 2023
- (xviii) Central Sydney Development Contributions Plan 2020
- (xix) City of Sydney Affordable Housing Program 2023

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Submissions

Recommendation

It is resolved that pursuant to Section 40 of the City of Sydney Act 1988, authority be delegated to the Chief Executive Office to determine Development Application D/2023/1045 subject to receipt of concurrence of Sydney Metro pursuant to Clause 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Reasons for Recommendation

The application is recommended for delegation to the CEO due to concurrence being outstanding. The application is supported, subject to conditions, for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012, 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 Section 6.21C of the Sydney Local Environmental Plan 2012.
- (D) 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, and is appropriate in the streetscape context and setting of Central Sydney.
- (F) The proposed mix of compatible land uses will support the vitality of the area and do not result in any significant adverse environmental or amenity impacts on the subject site or surrounding properties, the public domain or the broader Central Sydney locality, subject to conditions.
- (G) The proposal is consistent with the terms of the Planning Agreement that is registered on the site.
- (H) The public interest is served by the development, as amendments to the development application have addressed the matters raised by the City, 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 1 DP 630190, Lot A DP 109825, Lot B DP 109825, Lot 1 DP 59754, SP 69888 and SP 60693, known as 15-17 Hunter Street, 19-21 Hunter Street, 23-25 Hunter Street, 105 Pitt Street and 107 Pitt Street. The site is irregular in shape with an area of approximately 2,108sqm and is identified as being subject to flooding.
2. The site has primary street frontages to Hunter Street and Pitt Street and is located at the south-west corner of the Hunter and Pitt Street intersection.
3. The site contains five commercial buildings ranging in height between 4-15 storeys in height. 15-17 Hunter Street is a four-storey commercial building containing ground level retail and tourist and visitor accommodation on upper levels. The building is built in a Victorian Italianate style and is known as Pangas House. Pangas House is listed in the Sydney Local Environmental Plan 2012 as a local heritage item (item number I2297).
4. 19-21 Hunter Street is a four-storey commercial building containing ground level retail and commercial office uses above. 23-25 Hunter Street is a 15-storey commercial building containing ground floor retail and commercial office uses above. 105 Pitt Street and 107 Pitt Street contain two adjoining slender commercial office buildings, both seven storeys in height and both containing food and drink uses at the ground floor with commercial office uses above.
5. All buildings on site with the exception of Pangas House are approved for demolition.
6. Photos of the site are provided in Figures 1 to 4.

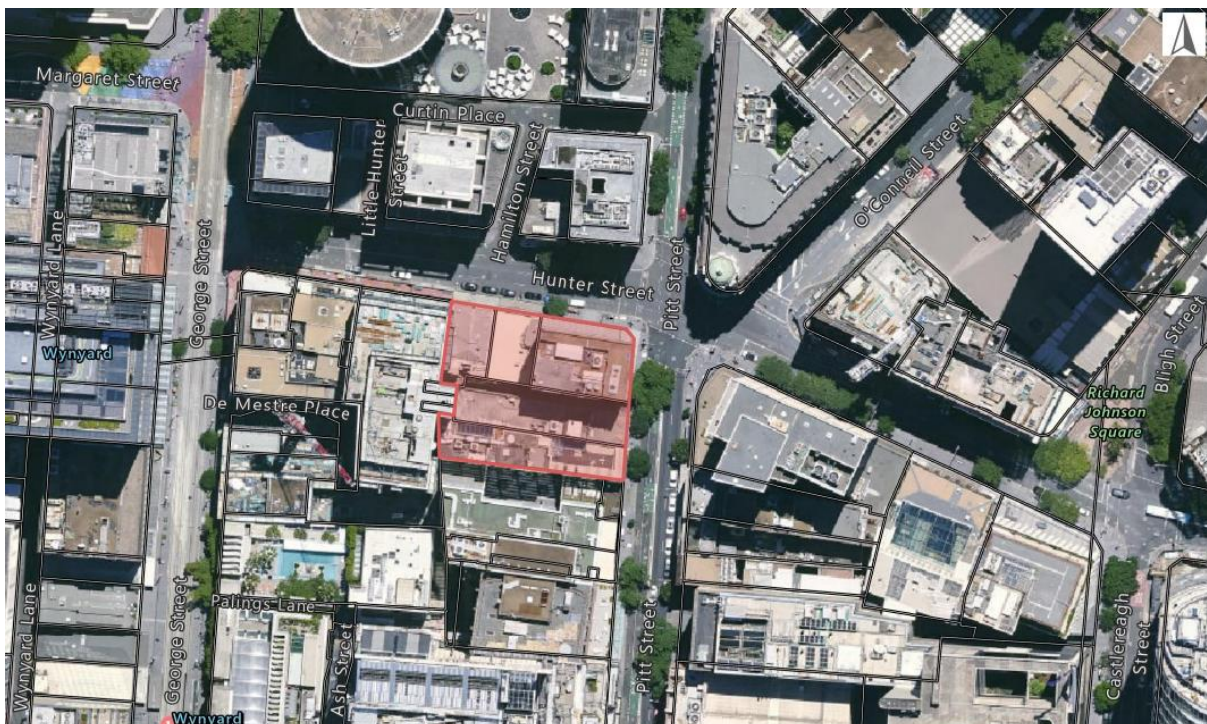


Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from the intersection of Pitt Street and Hunter Street



Figure 3: 15-17 Hunter Street, 19-21 Hunter Street and 23 Hunter Street (as viewed from Hunter Street facing south)



Figure 4: 23 Hunter Street, 105 Pitt Street and 107 Pitt Street (as viewed from the corner of Pitt and Hunter Streets facing west)

7. The surrounding area is characterised by a mixture of land uses, primarily being commercial office, retail, food and drink uses and tourist and visitor accommodation.
8. To the north of the site on the opposite side of Hunter Street is a 12-storey hotel building with ground floor retail and the Tank Stream Hotel on the upper levels. To the north-west on the corner of Pitt, Hunter and O'Connell Street is the heritage listed Former Wales House. The future Hunter Street East Over Station Development is located on the north-east of the site, comprising a 58-storey (approximately 258m) mixed use development for commercial and retail uses. Further north is the northern CBD, characterised by commercial offices, retail and hotels.
9. South of the site is characterised by commercial buildings of varying heights, age and styles. Directly to the south of the site is an approximately 20-storey building, which has ground floor retail and office space above. To the southwest is the Ivy Precinct and further to the south is Martin Place, which is locally heritage listed. To the southwest of the site is the Pitt Street Metro Station and over station development.
10. East of the site, across Pitt Street, is a commercial building of approximately 25 storeys. This building has ground floor retail currently occupied by Citibank.
11. Further east is the heritage listed former "Perpetual Trustee" commercial buildings. The Martin Place Metro Station and over station development is located to the east of the site, with two commercial buildings currently under construction.

12. To the west of the site is the new Hunter Street Metro Station (west) and over station development. The site is currently under construction. Further west is Wynyard Station and additional commercial buildings.
13. Photos of surrounding development are provided in Figures 5 to 7.



Figure 5: Existing development to the north of the site on Hunter Street



Figure 6: Existing development opposite the site at the intersection of Pitt and Hunter Street



Figure 7: Existing development to the east of the site on Pitt Street

History Relevant to the Development Application

Planning Proposal

14. On 16 June 2023, amendments to the Sydney Local Environmental Plan 2012 (SLEP) and Sydney Development Control Plan 2012 (SDCP) under Planning Proposal PP-2021-6334 were gazetted to include new site-specific provisions for the development site. The planning controls will facilitate the redevelopment of the subject site, consisting of the following key components:
 - (a) A maximum floor space ratio of no more than 22:1 above ground and 2:1 below ground
 - (b) A publicly accessible through-site pedestrian link connecting Pitt Street and Hunter Street
 - (c) Provision of business and retail premises with frontages to the through-site link
 - (d) Provision of no residential accommodation or serviced apartments on site
15. Accompanying the Planning Proposal was a draft site-specific Development Control Plan that provides further guidance for the development of the site consistent with the site-specific provisions of the SLEP. The Development Control Plan provisions include:
 - (a) Maximum building envelope including setback and street wall heights
 - (b) Through-site link that is open for natural daylight
 - (c) Active frontages at the ground level
 - (d) Parking and vehicular access
 - (e) Design excellence
 - (f) Environmentally sustainable development targets over and above the existing controls
 - (g) Public art
 - (h) Heritage conservation of Pangas House

Voluntary Planning Agreement

16. A voluntary planning agreement was prepared and exhibited concurrently with the planning proposal and draft Development Control Plan. The public benefits that will be delivered are:
 - (a) A monetary contribution to community infrastructure in Central Sydney
 - (b) Provision of a through-site link connecting Pitt Street to Hunter Street
 - (c) Provision of public art on the site
 - (d) Environmentally sustainable development targets including:
 - (i) 6 star Green Star Buildings certified rating

- (ii) Minimum 5.5 star NABERS energy rating
- (iii) Minimum 4 star NABERS water rating
- (iv) Minimum 5 star NABERS waste rating
- (v) Integration of a timber hybrid structure in the development (if applicable to the successful design excellence competition scheme)

Design Competition

17. In June 2023, the proponent invited six architectural firms to respond to a design brief as part of an Invited Architectural Design Excellence Competition. The purpose of this design competition was to select the scheme that exhibited the highest quality architectural, landscape and urban design solution for the site in response to the competition brief. On 17 August 2023, the Bates Smart scheme was recommended by the Design Competition Jury as the winning scheme to develop the detailed proposal.

Demolition Development Application

18. On 26 February 2024, consent was granted for the demolition of three existing buildings at 19-21 and 23 Hunter Street and 105 and 107 Pitt Street. This consent included site establishment works, the installation of site protection measures to 15-17 Hunter Street (that is to be retained) and site preparation works to facilitate the future redevelopment of the site.

Amendments

19. A request was sent to the applicant on behalf of Sydney Metro on 27 February 2024. This requested the submission of a number of geotechnical and structural design documents, methodology statements, engineering impact assessment and risk assessment reports to demonstrate that there will be no adverse impacts on the Sydney Metro West rail corridor.
20. A request for additional information and amendments was sent to the applicant on 11 March 2024 relating to the following matters:
- (a) Design Advisory Panel (DAP) advice on the proposal
 - (b) Consistency with the executed voluntary planning agreement
 - (c) Ground floor conditions
 - (d) Building expression and materials
 - (e) Flooding and the public domain
 - (f) Heritage works to Pangas House
 - (g) Street trees and landscaping
 - (h) Public art
 - (i) Noise and vibration impacts
 - (j) Land contamination and acid sulfate soils

- (k) Waste management
21. The applicant responded to the request on 24 May 2024. A number of design amendments were proposed directly in response to Council's feedback and agency comments, while other minor enhancements were proposed as a result of design development. In summary, the design amendments to the proposed development are as follows:
- (a) Consolidation of a retail tenancy along Pitt Street
 - (b) Retail entry along Pitt Street to be replacement with a new in-ground planer
 - (c) Inclusion of a threshold, step ramps and 1:20 walkways to building entries at Pangas House
 - (d) Amended connection with future Sydney metro site
 - (e) Amendments to Pangas House in response to heritage comments
 - (f) Adjustments of awning height fronting Hunter Street and Pitt Street
 - (g) Amendments to loading dock layout in Level B1
 - (h) Landscaping and access changes to plant level on Level 4
 - (i) Amendments to height of Village Deck from Level 16 and 17, to Level 15 and 16, and subsequent realignment of plant and commercial levels above
 - (j) Inclusion of wind barriers on the Sky Terrace
 - (k) Minor amendments to top levels on the rooftop of the tower (maintaining approved maximum SLEP height)
22. In addition to the above design amendments, the following additional information was submitted:
- (a) Amended ESD report
 - (b) Amended waste management plan
 - (c) Updated wind testing report addressing the ground floor conditions
 - (d) Arboricultural report
 - (e) Amended operational noise and vibration impact assessment
 - (f) Amended stormwater management plan
 - (g) Amended flood statement
 - (h) Amended civil stormwater drawings
 - (i) Heritage statement
 - (j) 3D seepage analysis

23. The applicant also submitted an acid sulfate soils management plan on 3 June 2024 and an amended preliminary public art plan on 6 June 2024.
24. On 16 July 2024, Council officers requested the applicant to amend the proposal to better address the site-specific provisions relating to additional floor space below ground. Design amendments were sought to increase the number of service vehicle spaces on site and ensure vehicle movements for service, waste and private vehicles were carefully considered and managed.
25. Further clarification was sought on proposed contamination and remediation, flood levels, an updated easement plan (to demonstrate compliance with the terms of the VPA) and design for environmental performance report demonstrating delivery of sustainability targets. Additionally, it was requested that service vehicle spaces be increased and parking arrangements be reconfigured on Basement Level 1.
26. Additional information to respond to Council's request as above was submitted for review on 24, 29, 30 and 31 July and 1 and 6 August 2024.

Proposed Development

27. The application seeks consent for the following:
 - (a) Excavation and other site preparation works
 - (b) Staged construction and use of a 55-storey building containing up to 50,531sqm of commercial and retail GFA, comprising a 5-storey podium and 50-storey commercial officer tower, with the following features:
 - (i) A ground level entry lobby along Pitt Street, on the eastern portion of the site
 - (ii) Two new podium buildings and the adaptive reuse of Pangas House, accommodating retail uses
 - (iii) 46 commercial office levels
 - (iv) Two sky terrace levels, with outdoor landscaped terraces accessible to tenants
 - (v) Six levels of basement, comprising retail uses, end of journey facilities and vehicle and bicycle parking
 - (vi) Six plant levels
 - (c) Landscaping and public domain improvements:
 - (i) Provision of landscaping throughout the through-site link
 - (ii) Podium, mid-rise and rooftop landscaped terraces
 - (d) A publicly accessible through-site link connecting the new Hunter Street Metro Station to Hunter Street and Pitt Street

- (e) Provision of public art in various locations throughout the publicly accessible areas of the site
28. Proposed photomontages, plans and elevations of the proposed development are provided below from Figures 8 to 56.



Figure 8: Photomontage of Hunter Street frontage



Figure 9: Photomontage of Pitt Street frontage



Figure 10: Photomontage of Pitt Street frontage

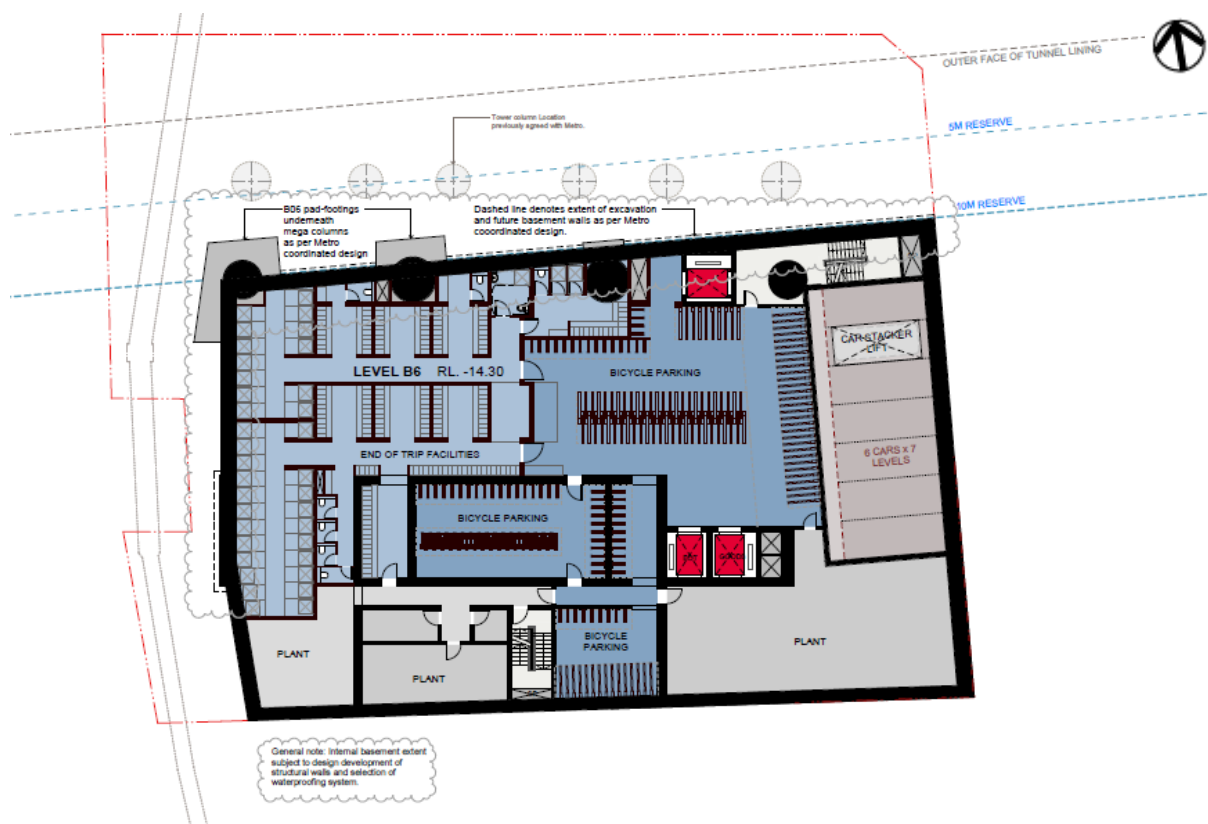


Figure 11: Proposed basement level 6

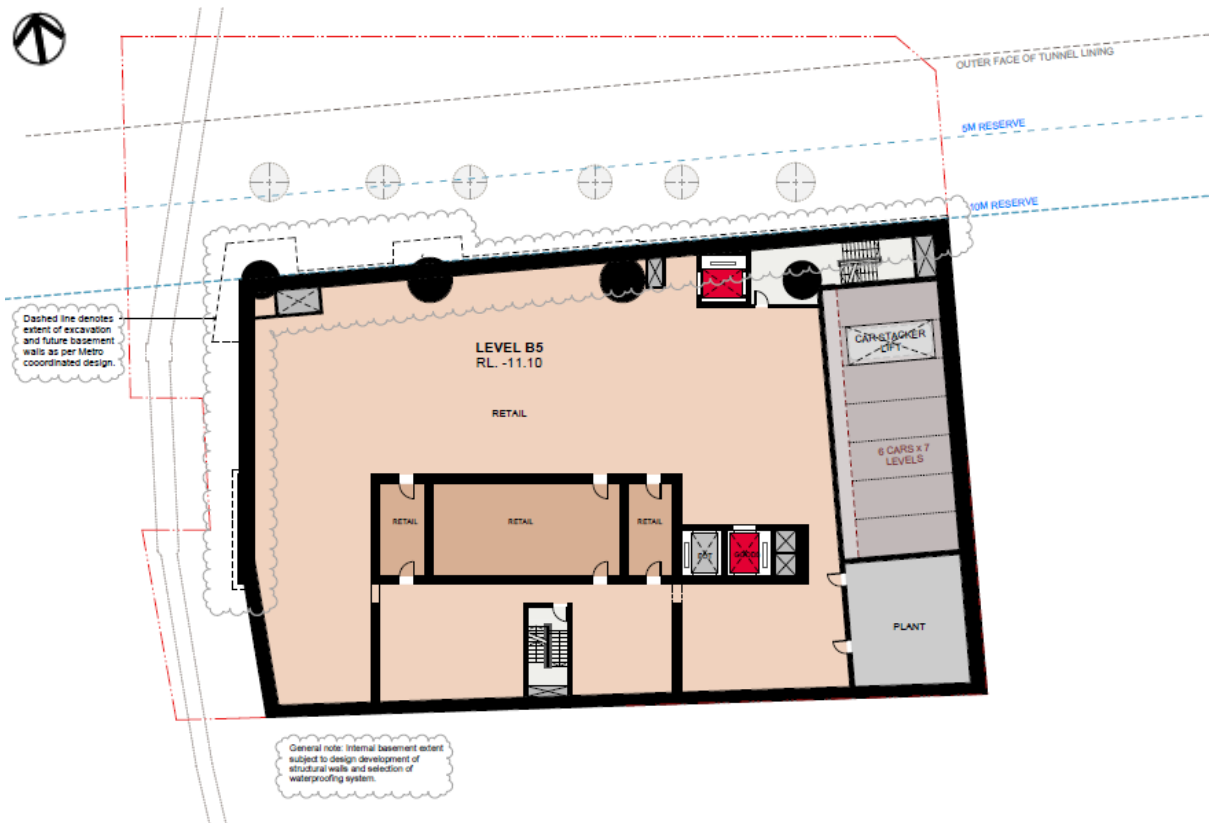


Figure 12: Proposed basement level 5

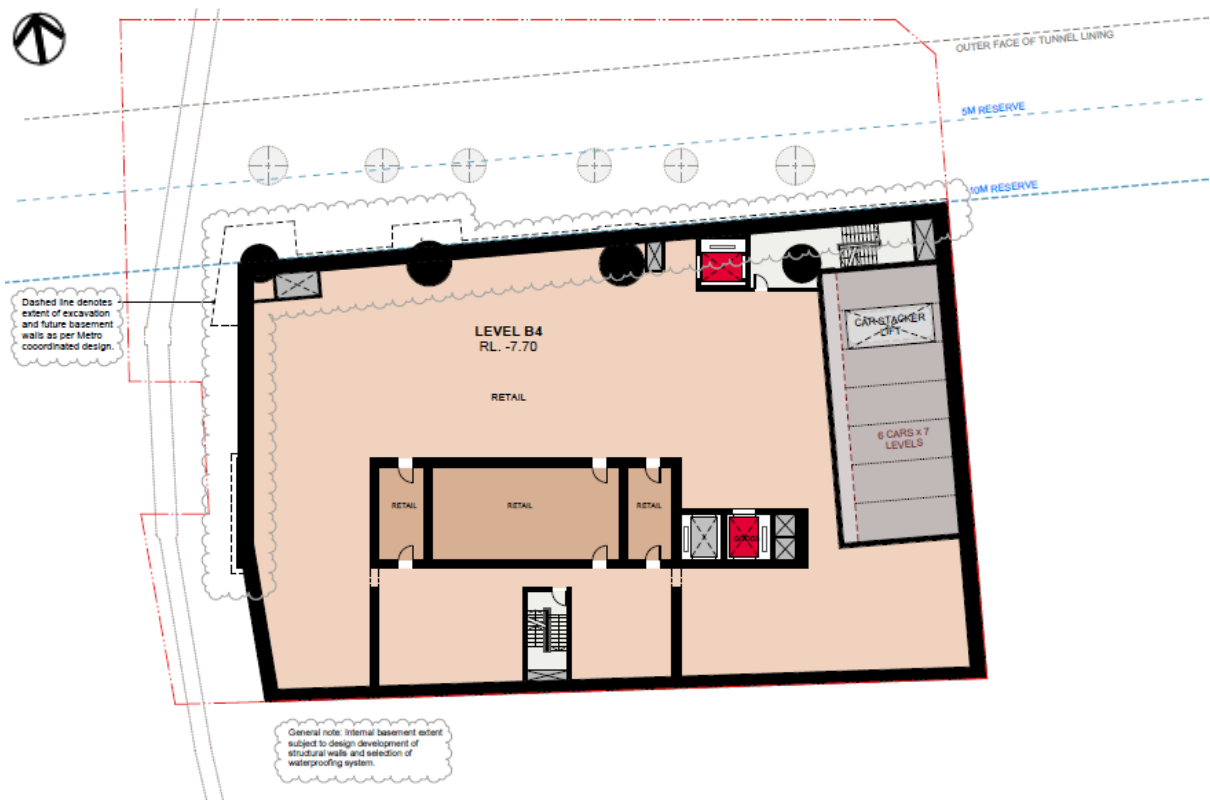


Figure 13: Proposed basement level 4

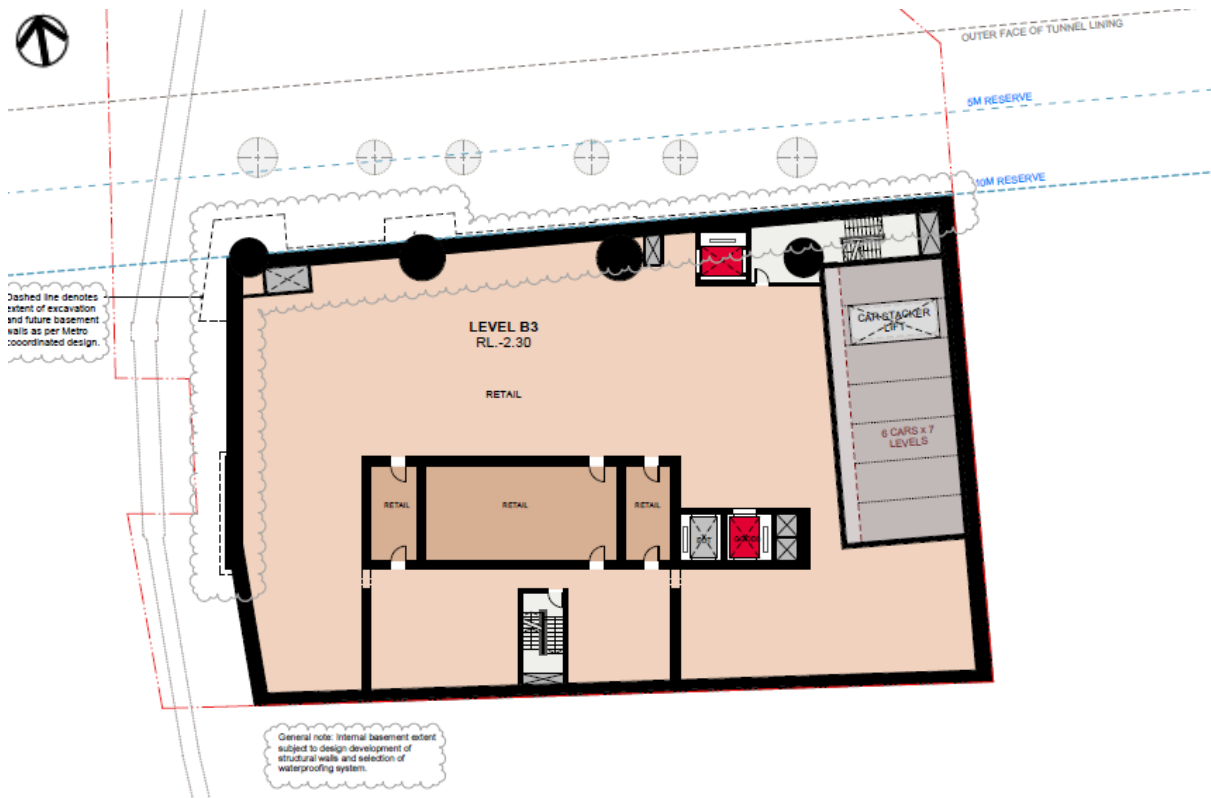


Figure 14: Proposed basement level 3

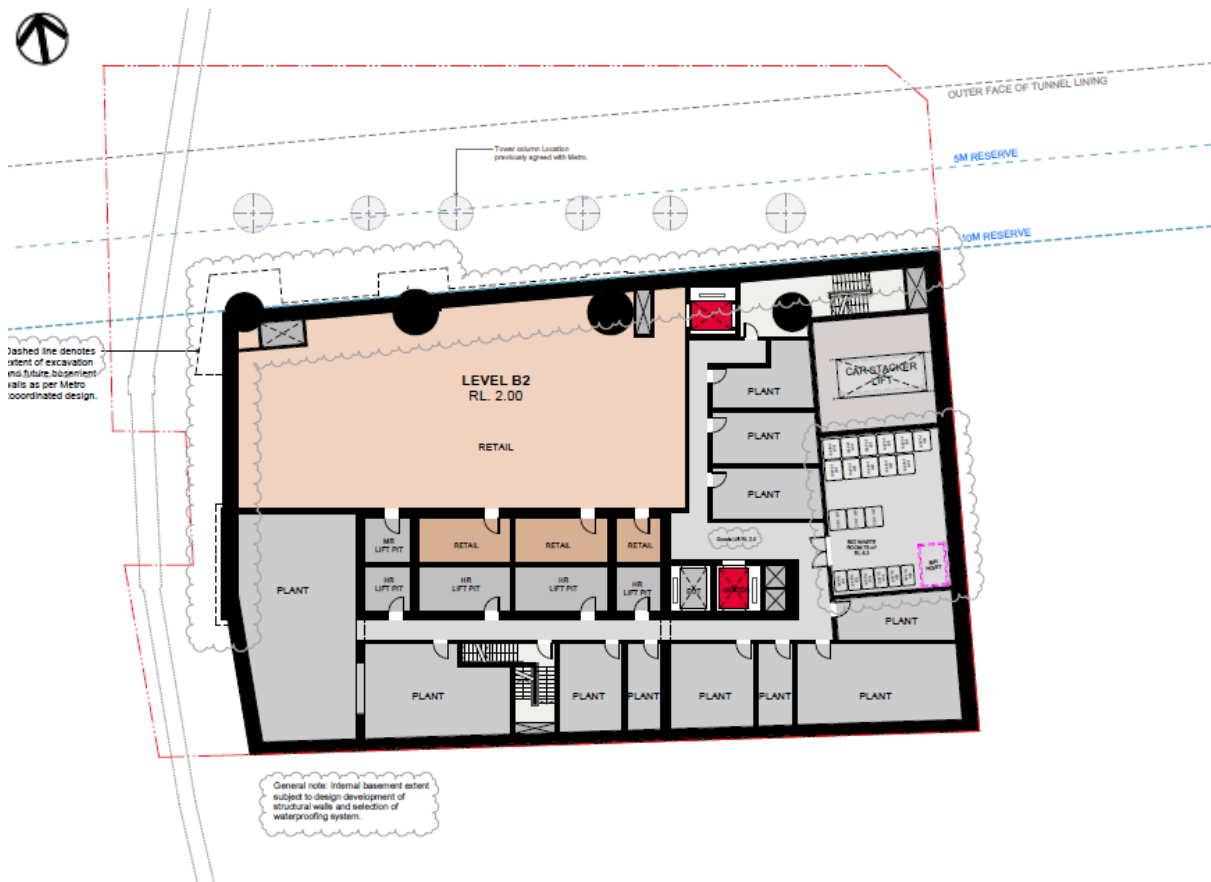


Figure 15: Proposed basement level 2



Figure 16: Proposed basement level 1

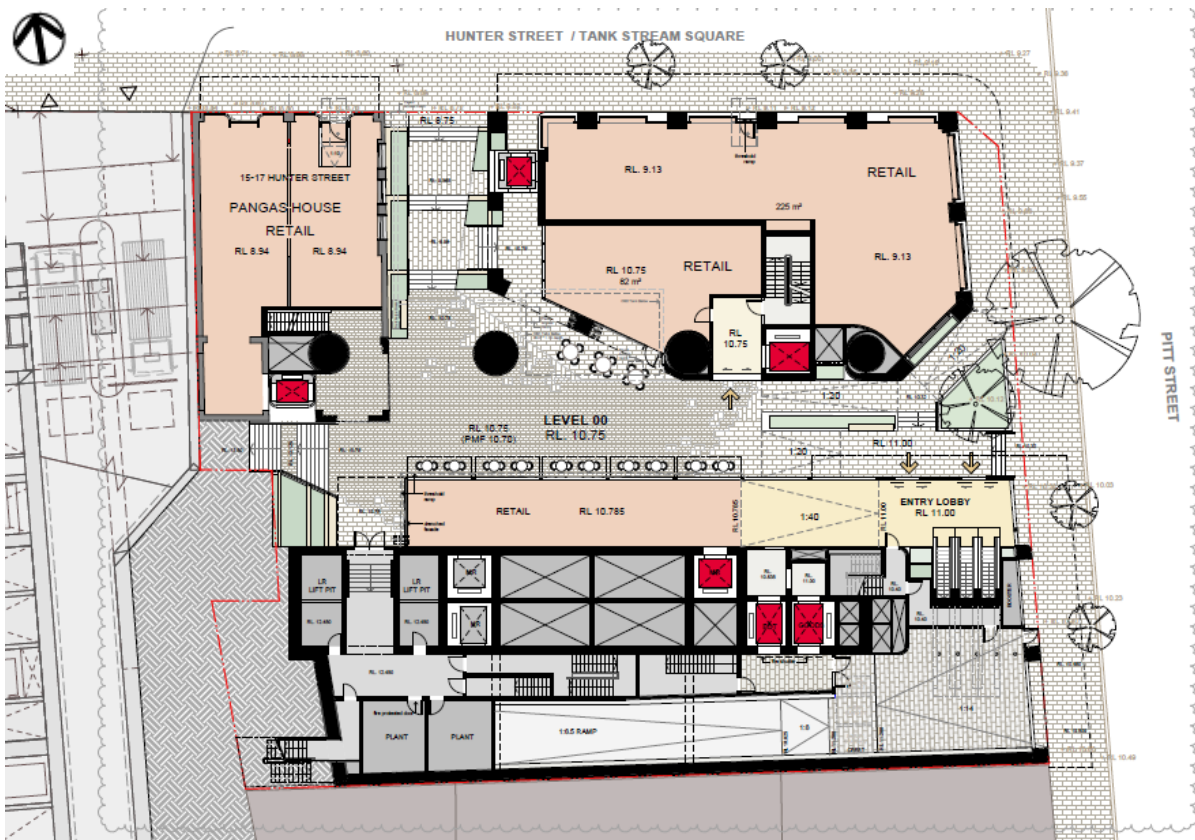


Figure 17: Proposed ground floor level

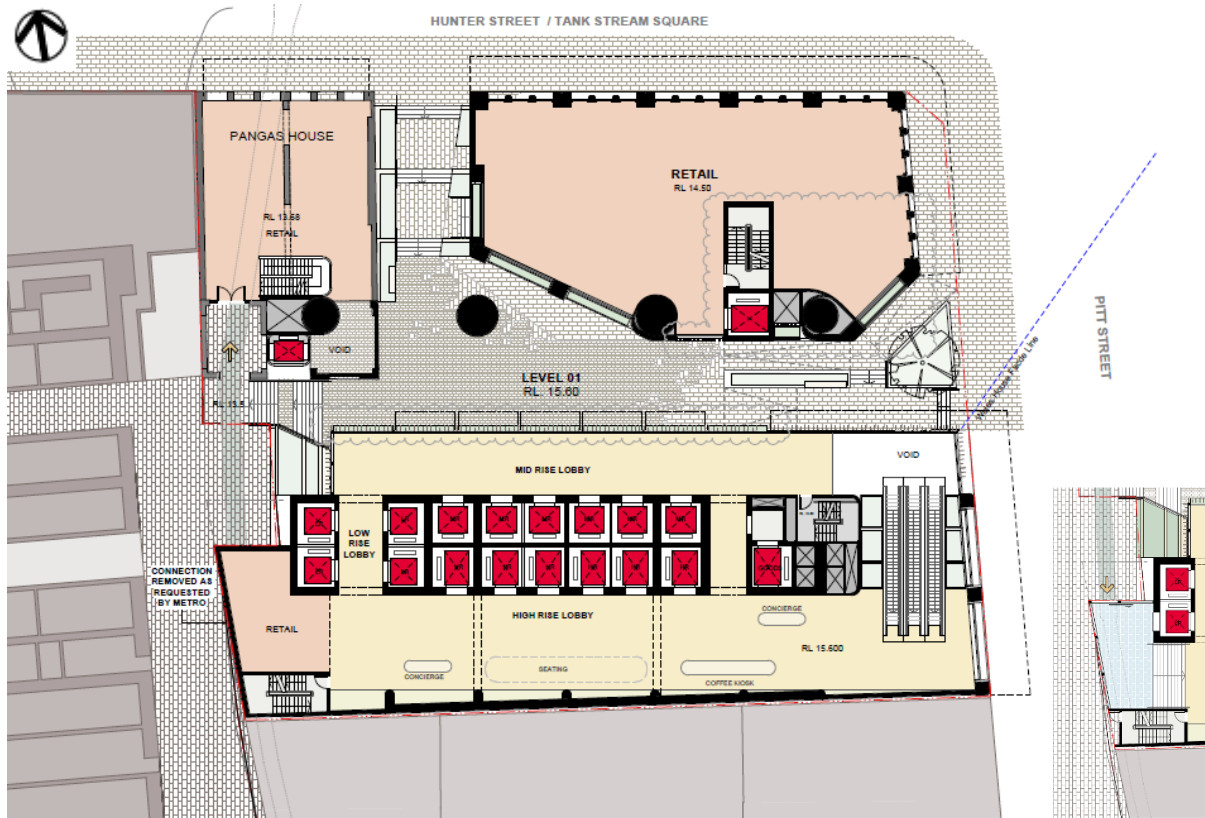


Figure 18: Proposed level 1 (Image insert: alternative building entry subject to design of Metro site)

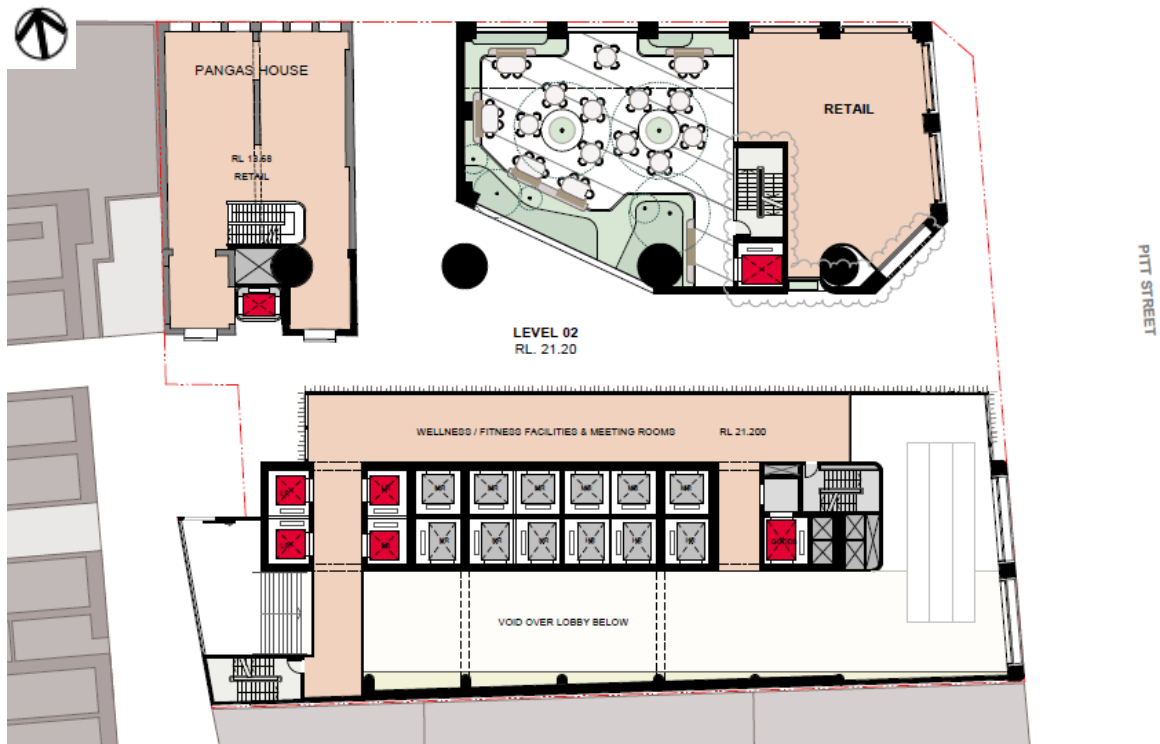


Figure 19: Proposed level 2

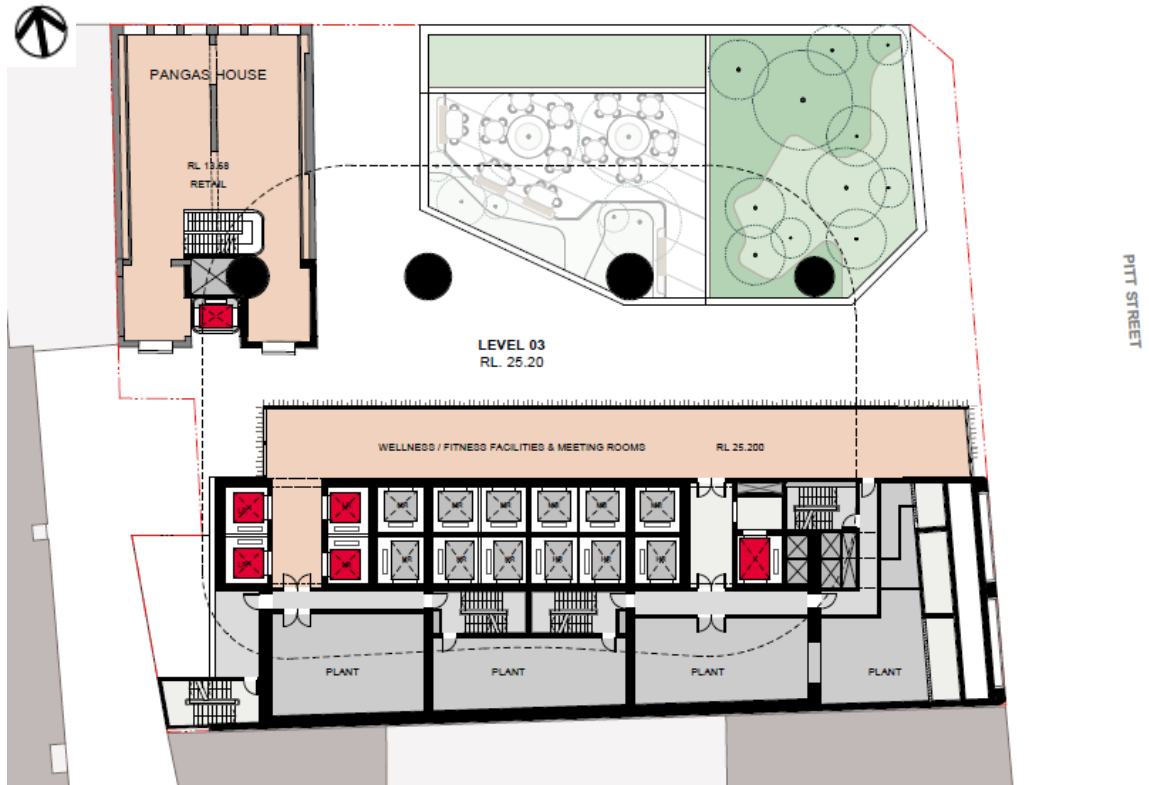


Figure 20: Proposed level 3

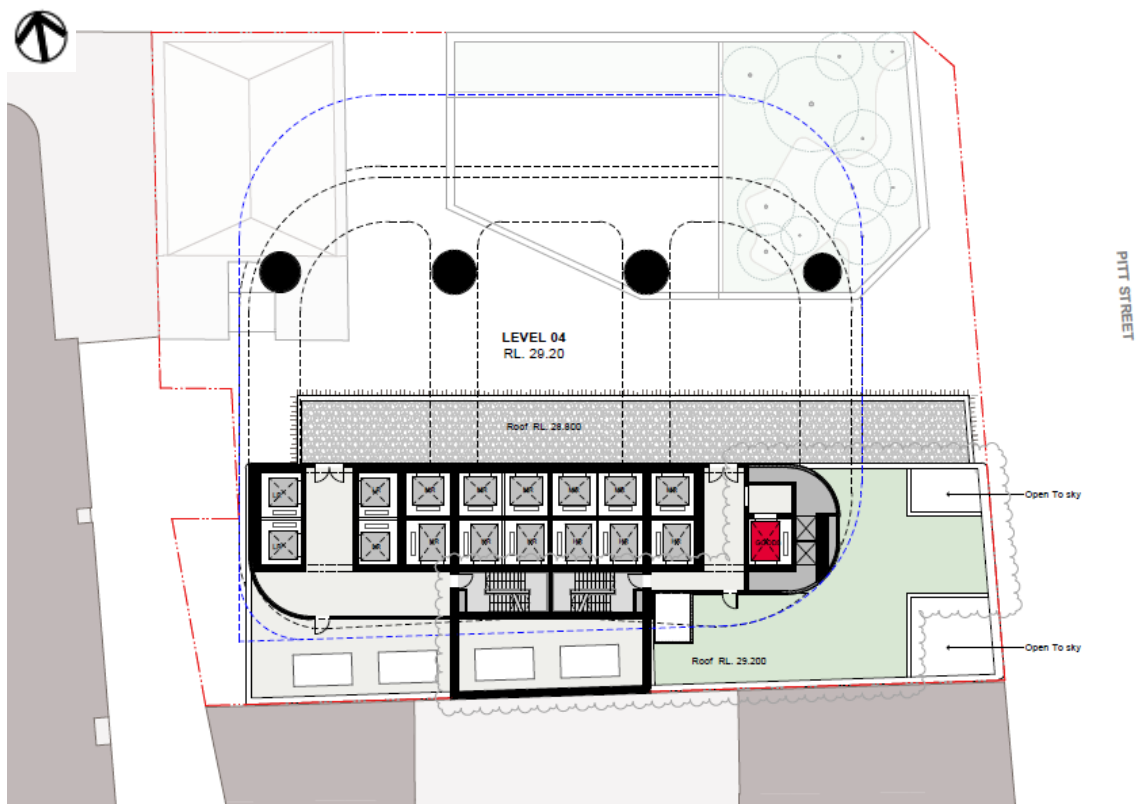


Figure 21: Proposed level 4

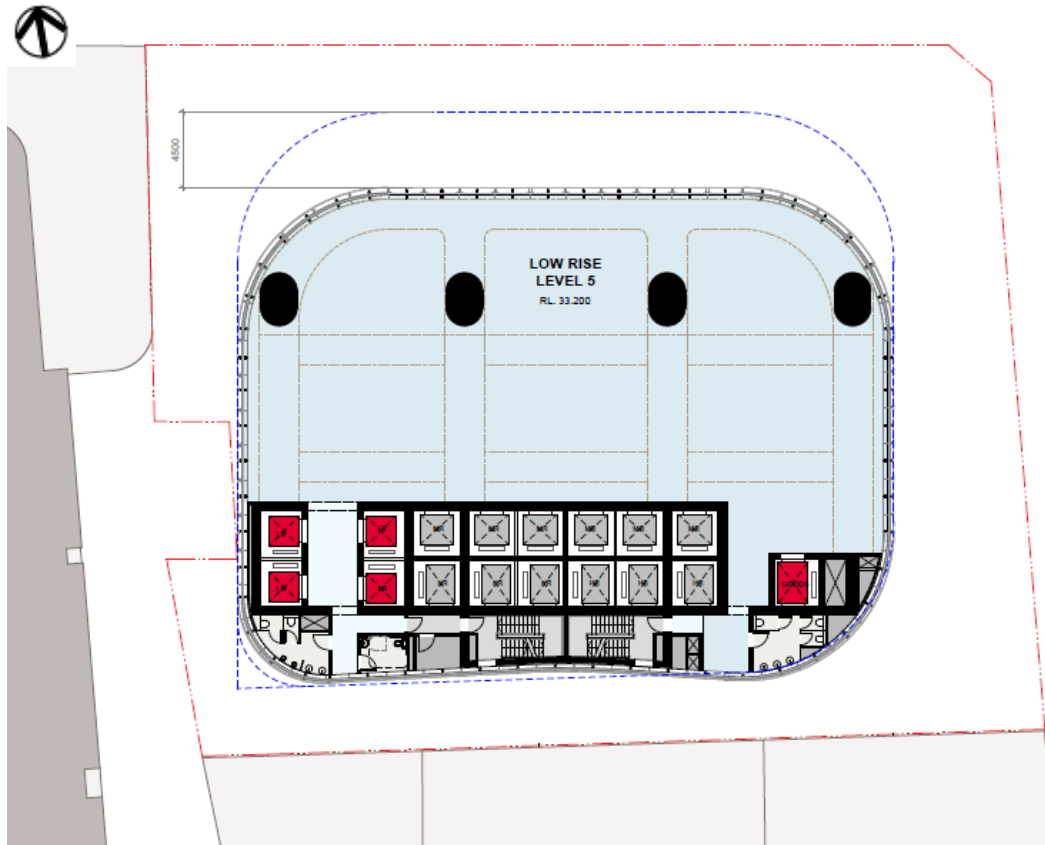


Figure 22: Proposed level 5

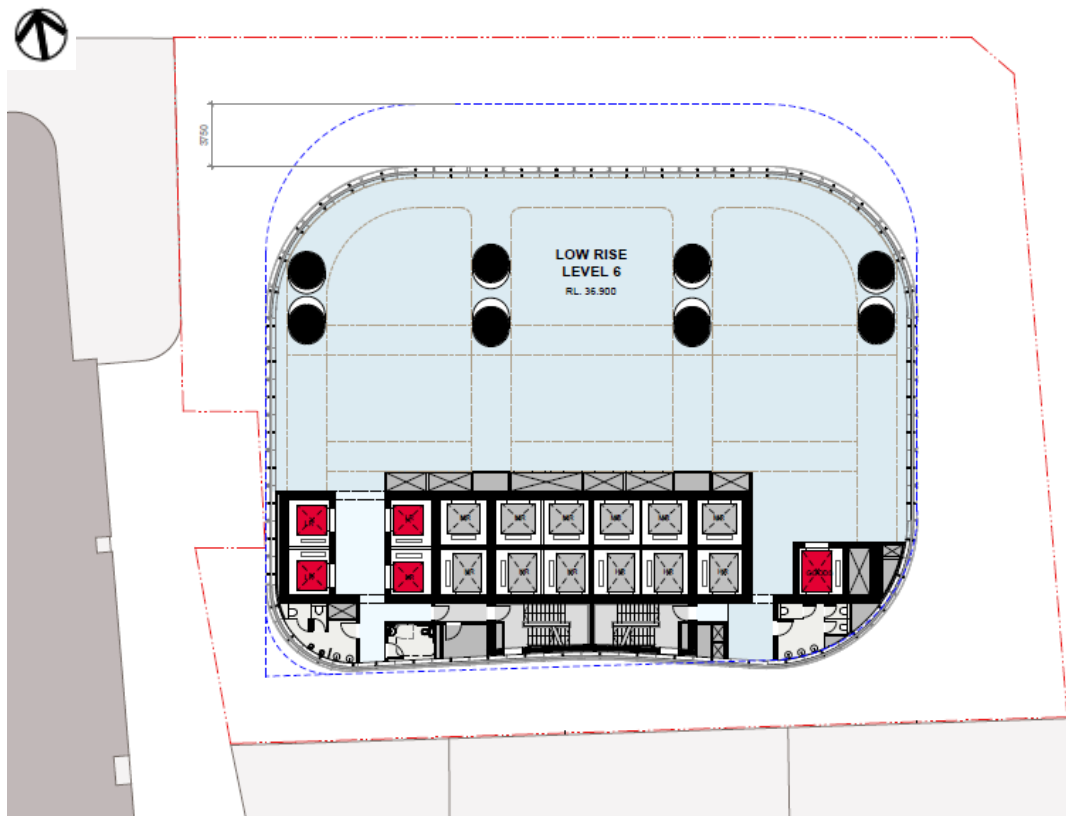


Figure 23: Proposed level 6

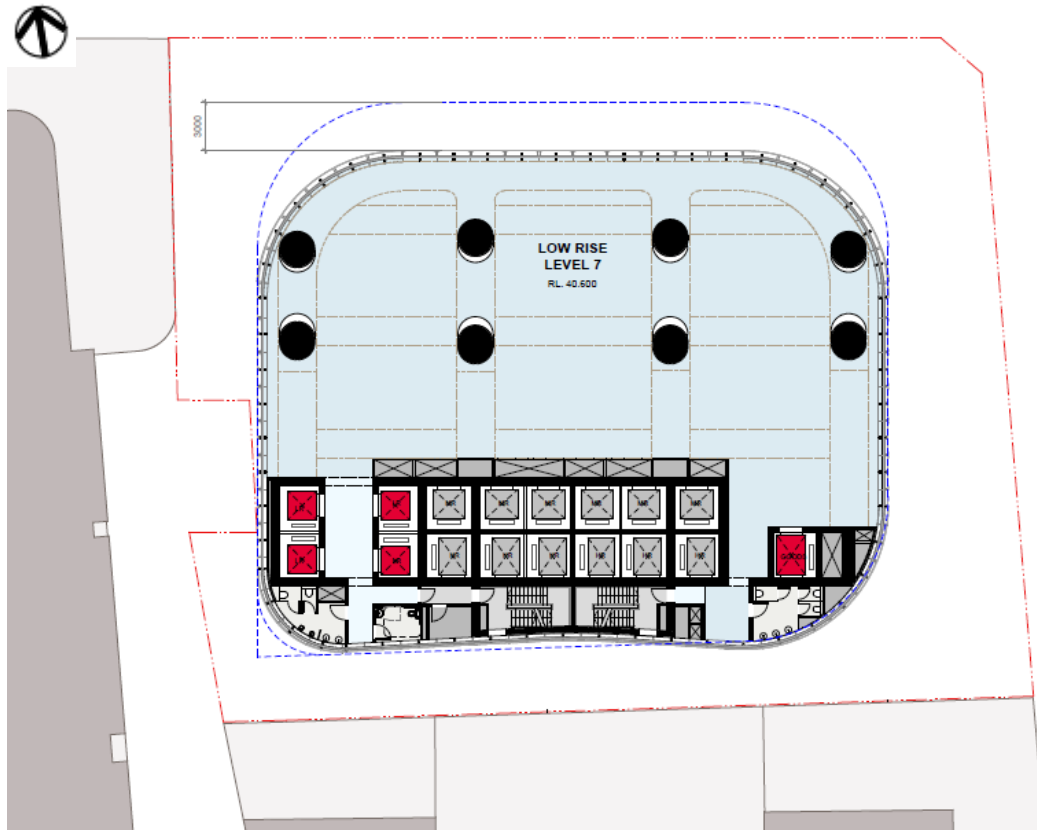


Figure 24: Proposed level 7

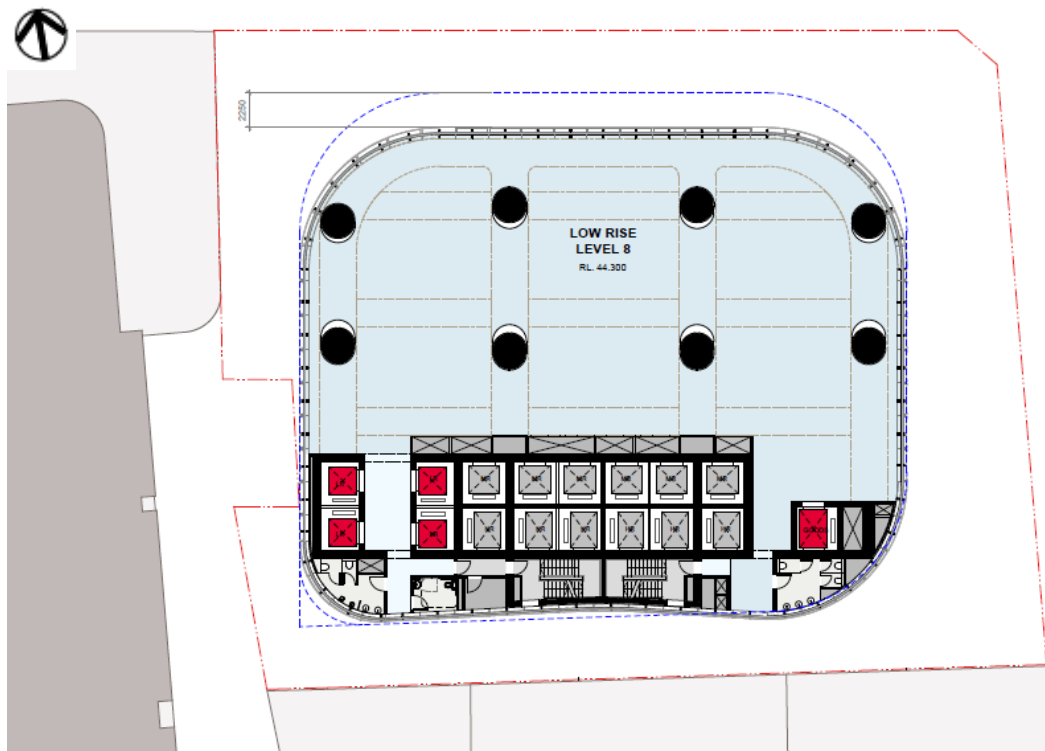


Figure 25: Proposed level 8

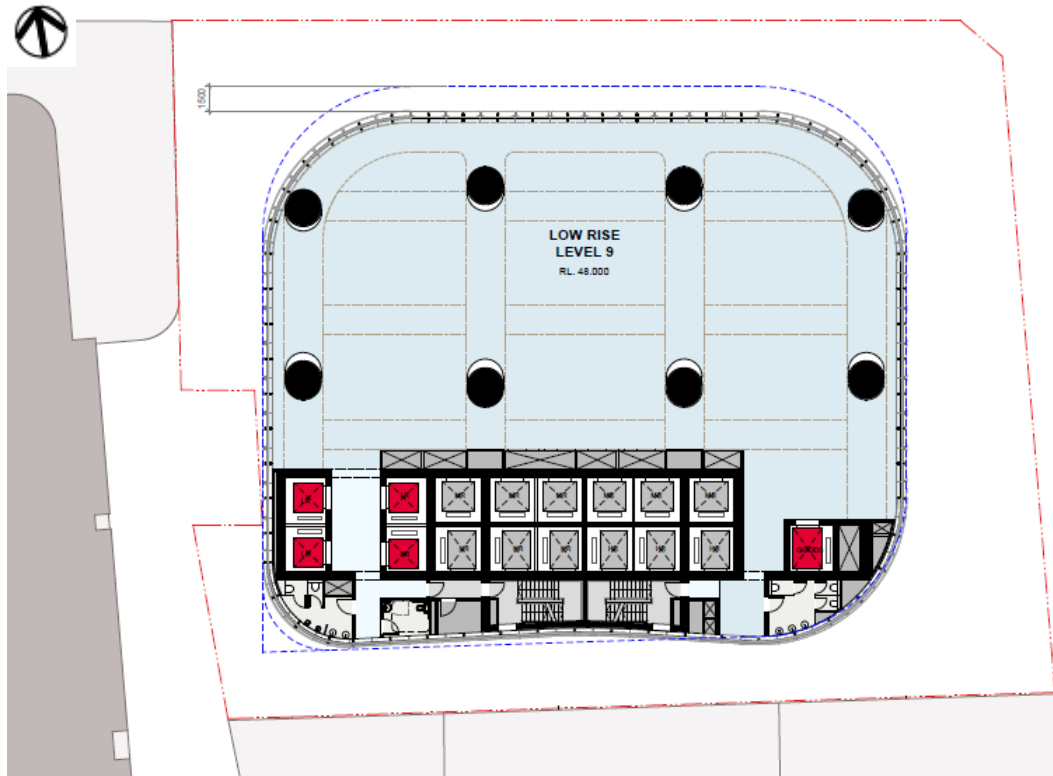


Figure 26: Proposed level 9

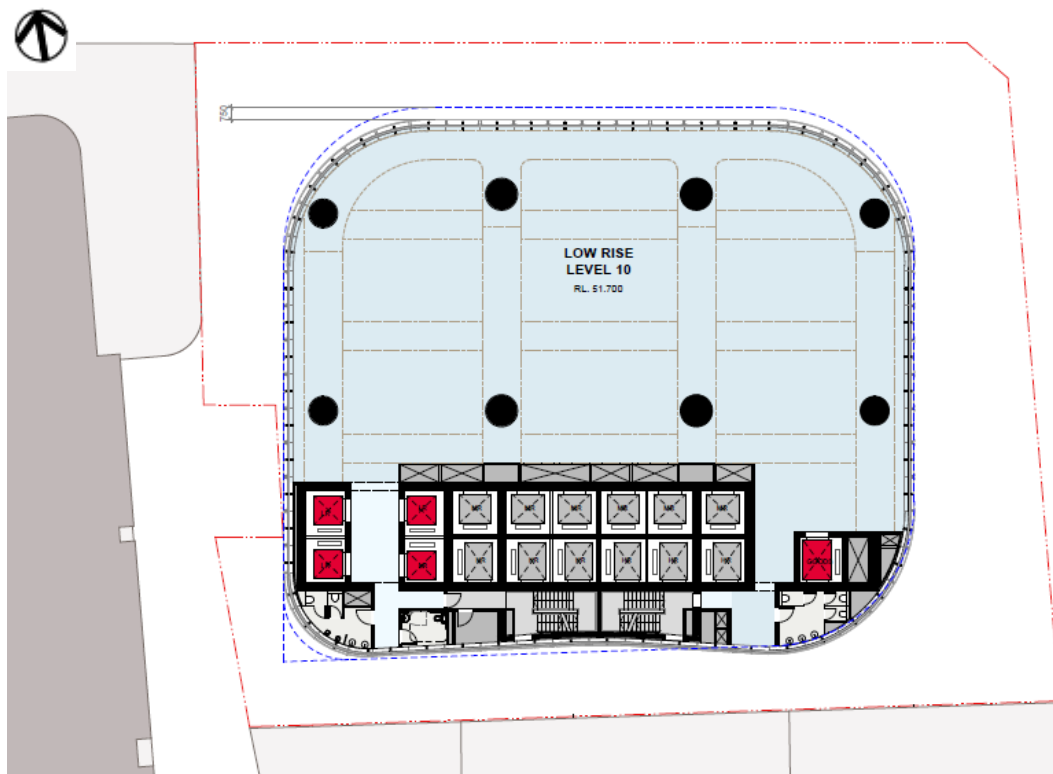


Figure 27: Proposed level 10

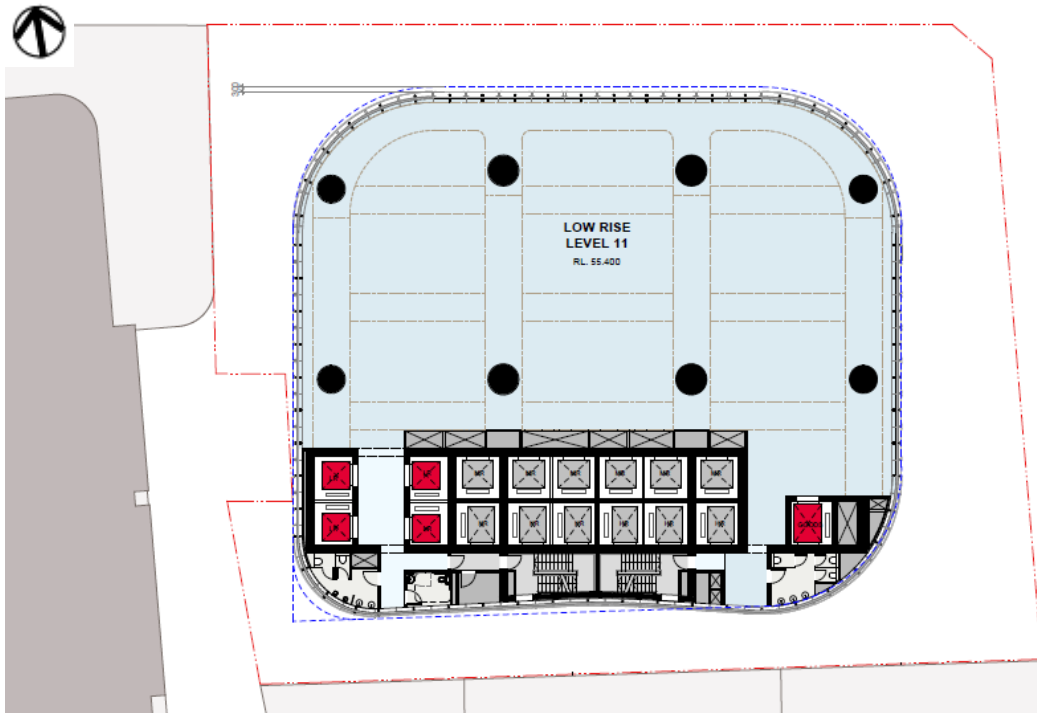


Figure 28: Proposed level 11

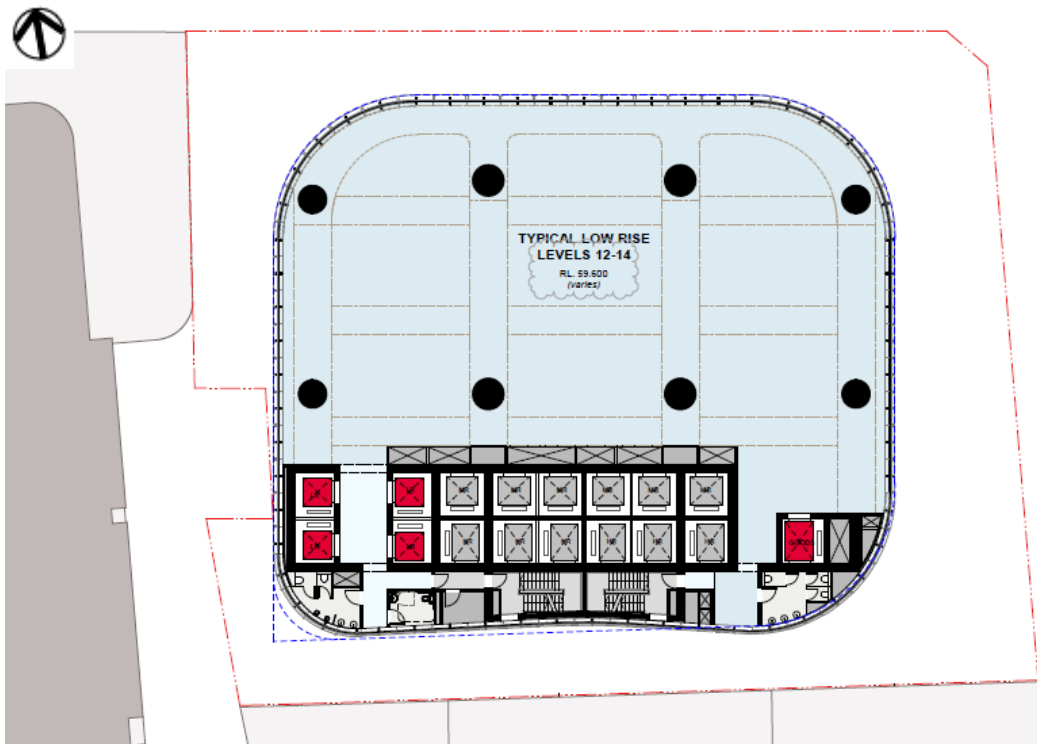


Figure 29: Proposed levels 12-14

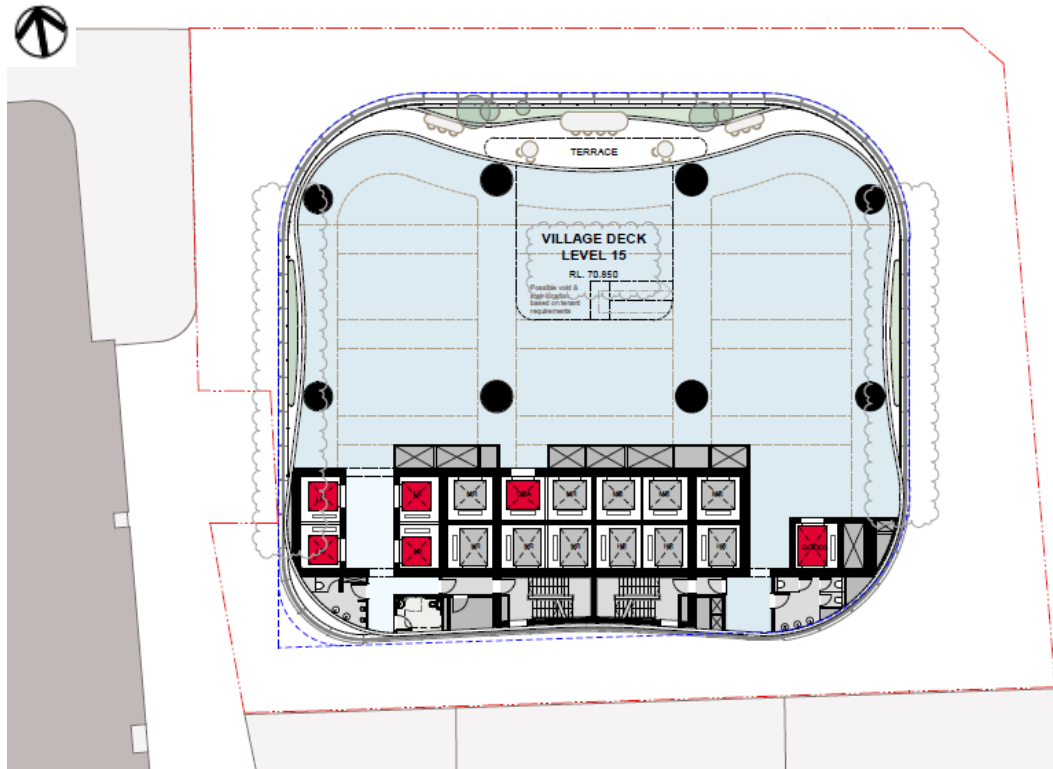


Figure 30: Proposed level 15

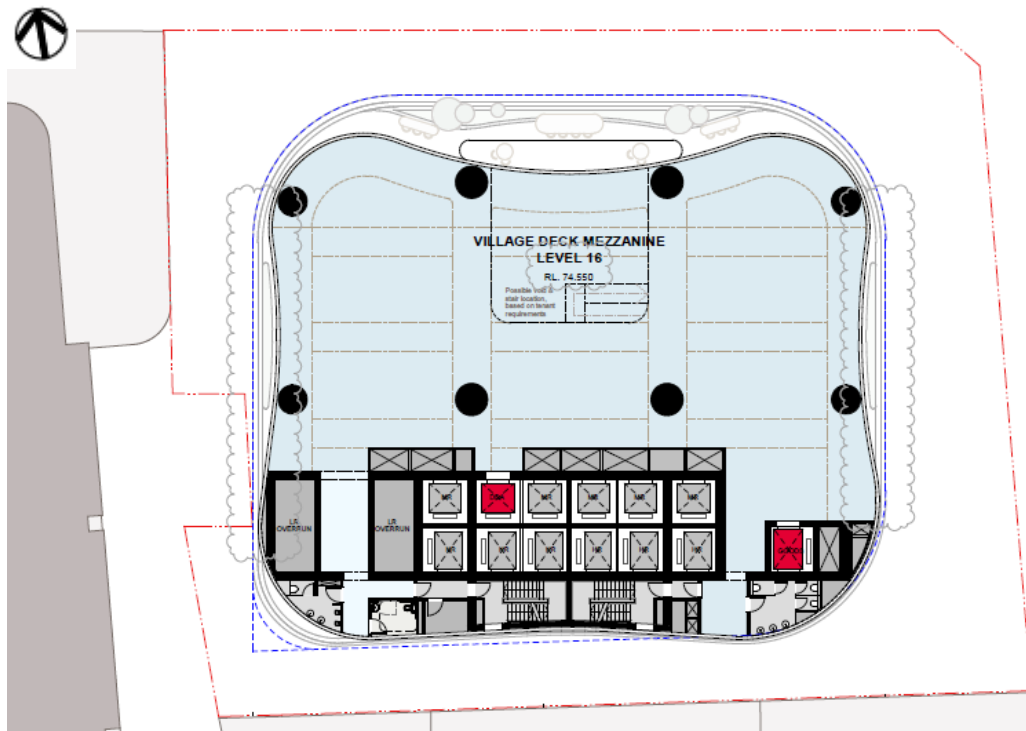


Figure 31: Proposed level 16

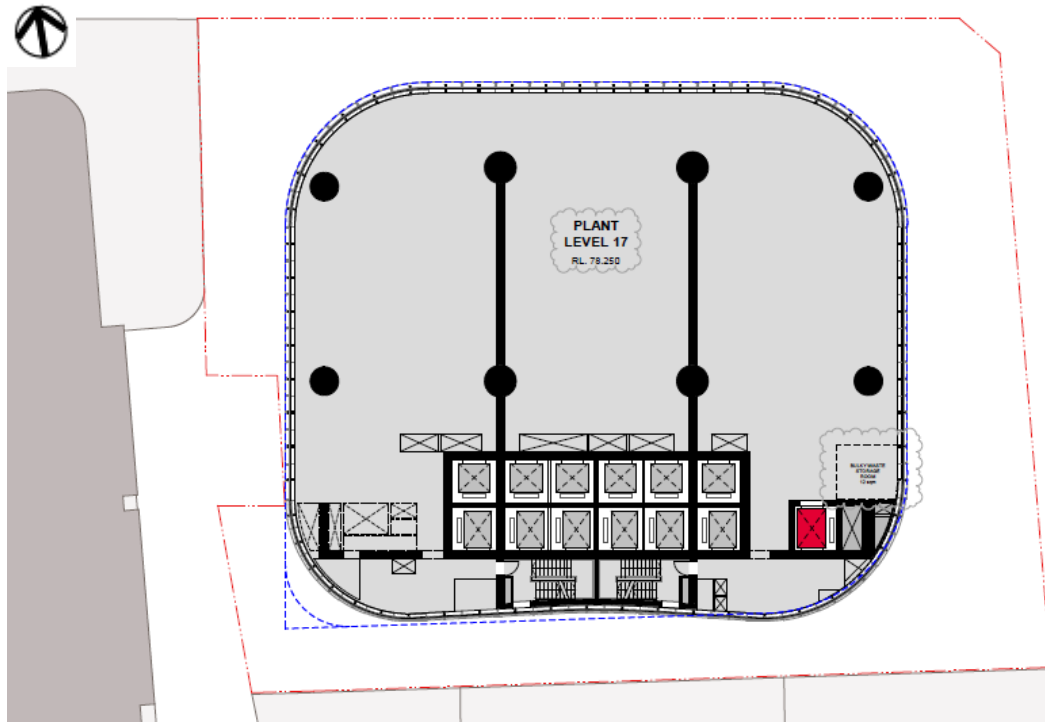


Figure 32: Proposed level 17

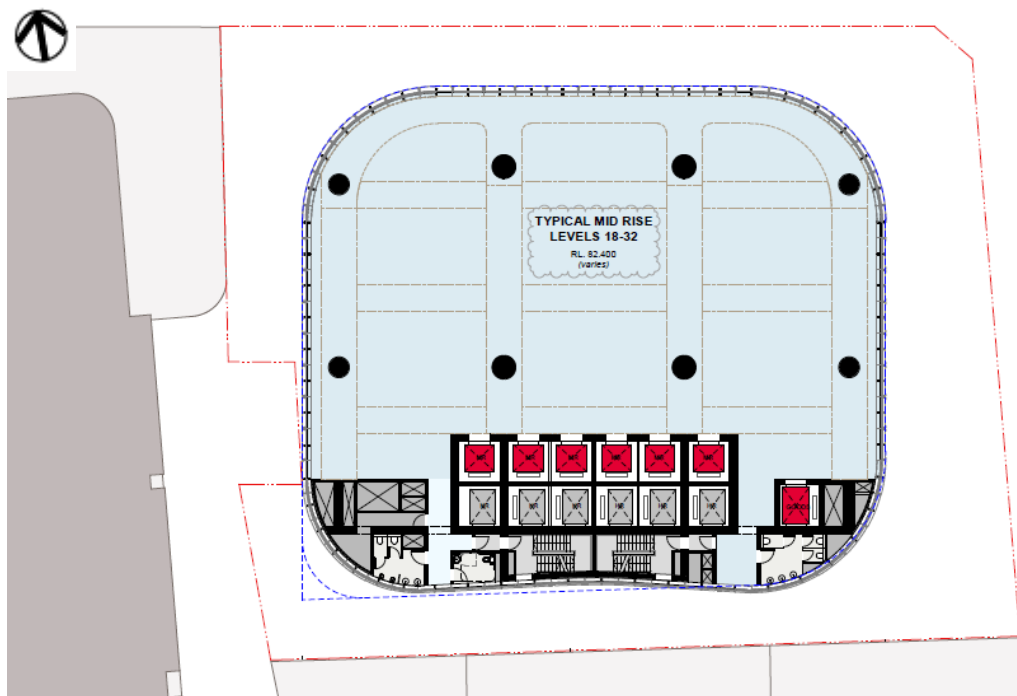


Figure 33: Proposed levels 18-32

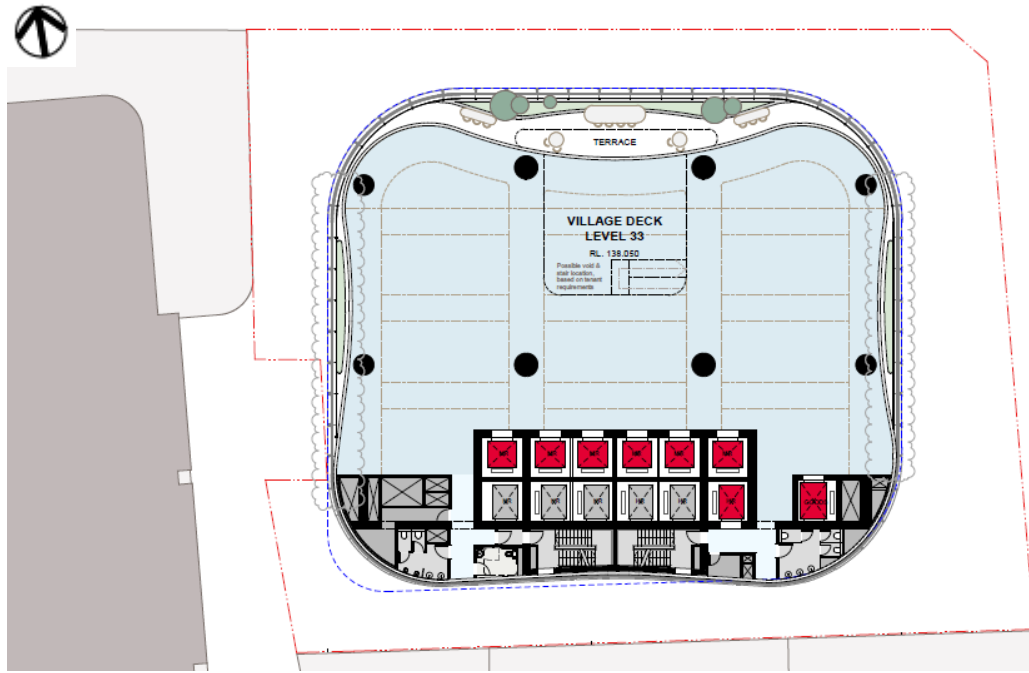


Figure 34: Proposed level 33

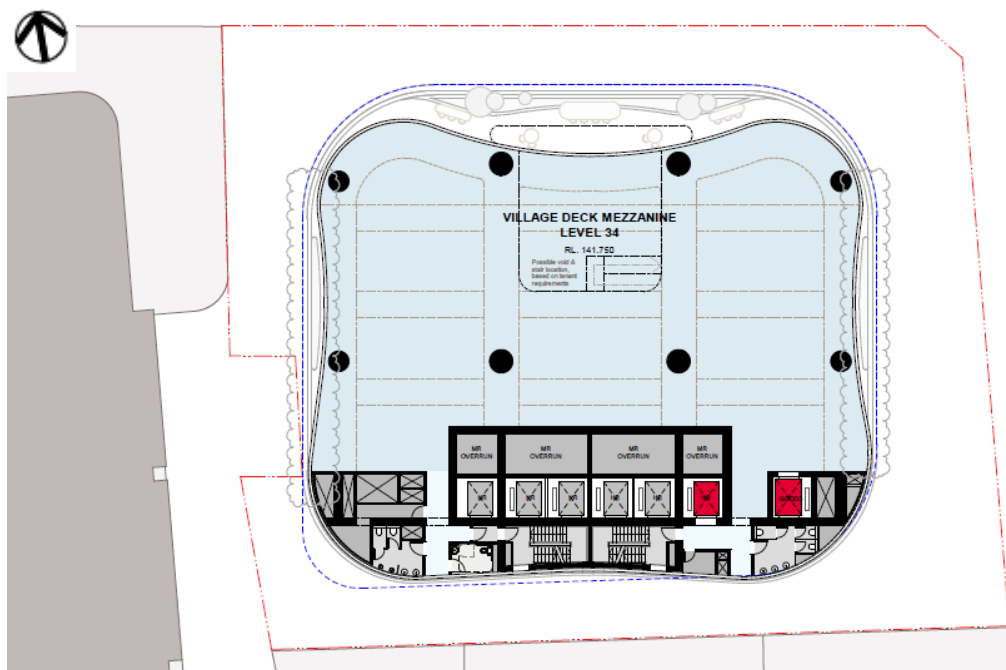


Figure 35: Proposed level 34

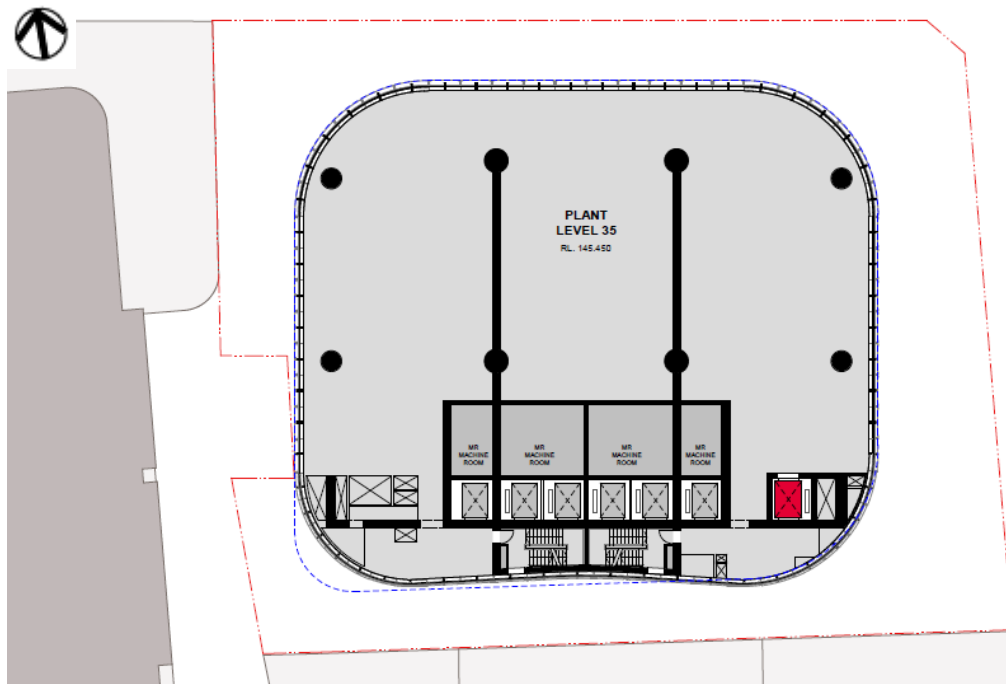


Figure 36: Proposed level 35

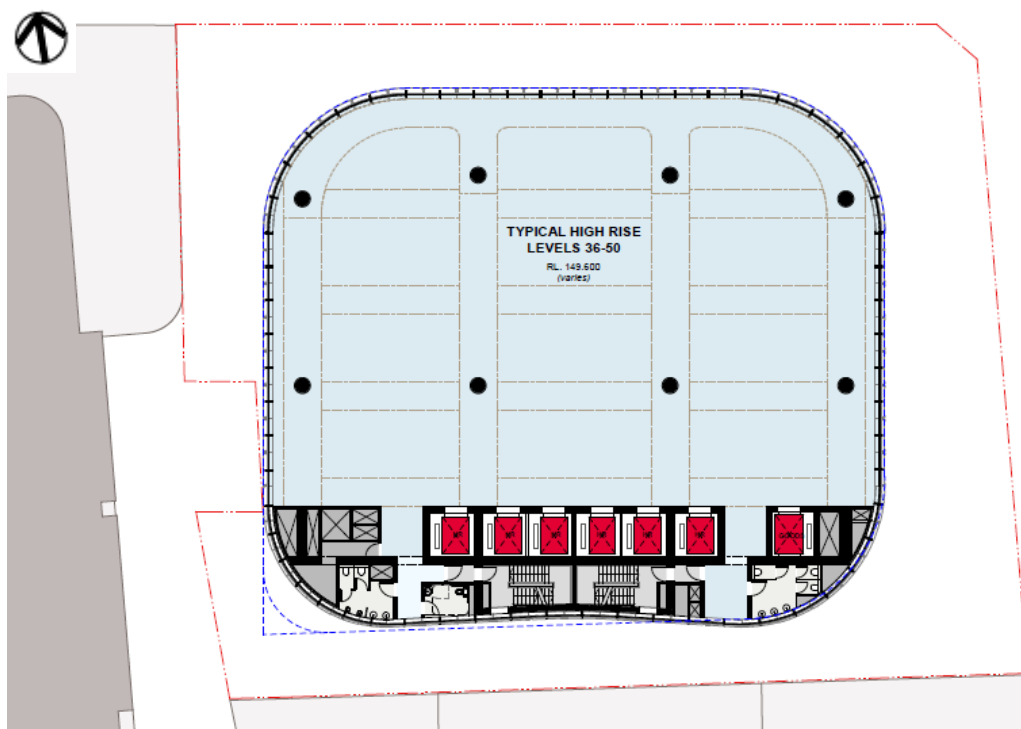


Figure 37: Proposed levels 36-50

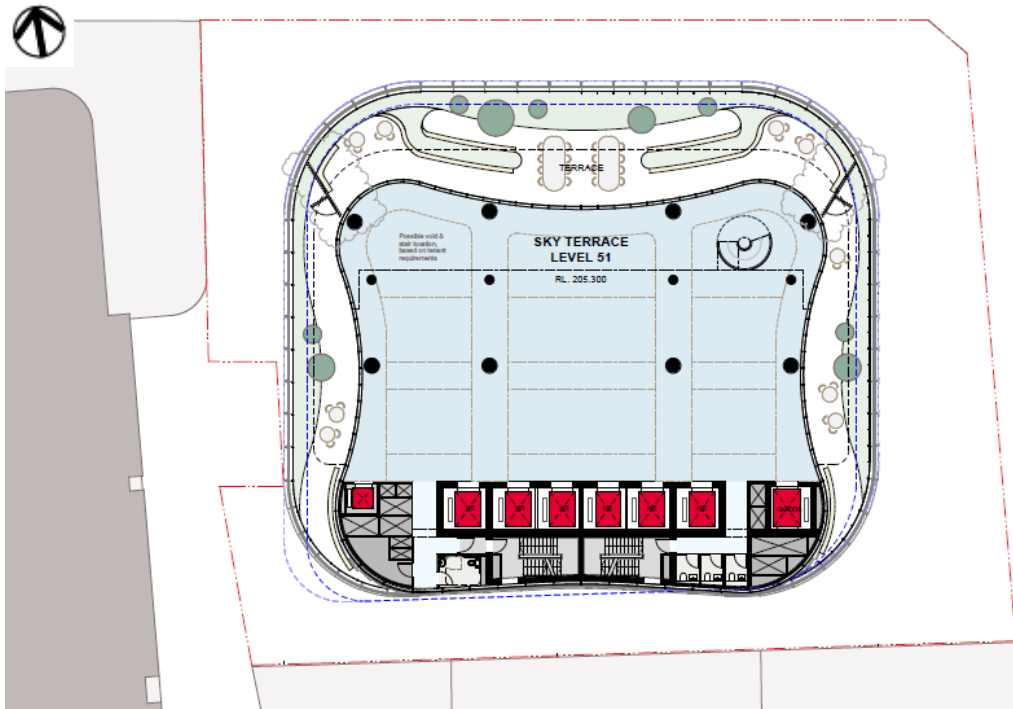


Figure 38: Proposed level 51

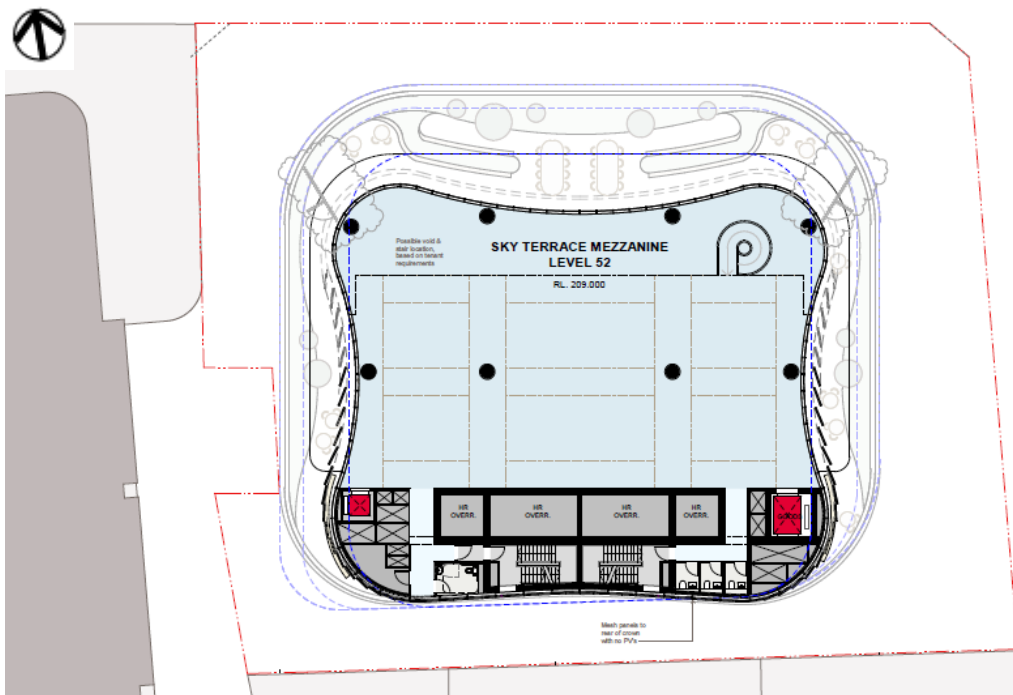


Figure 39: Proposed level 52

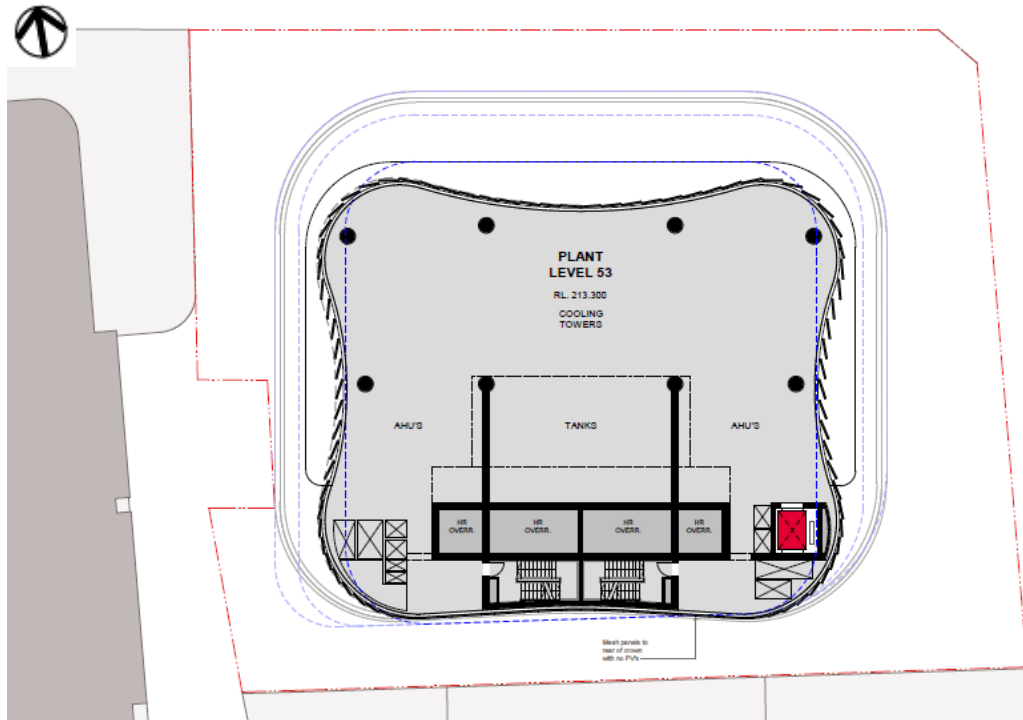


Figure 40: Proposed level 53

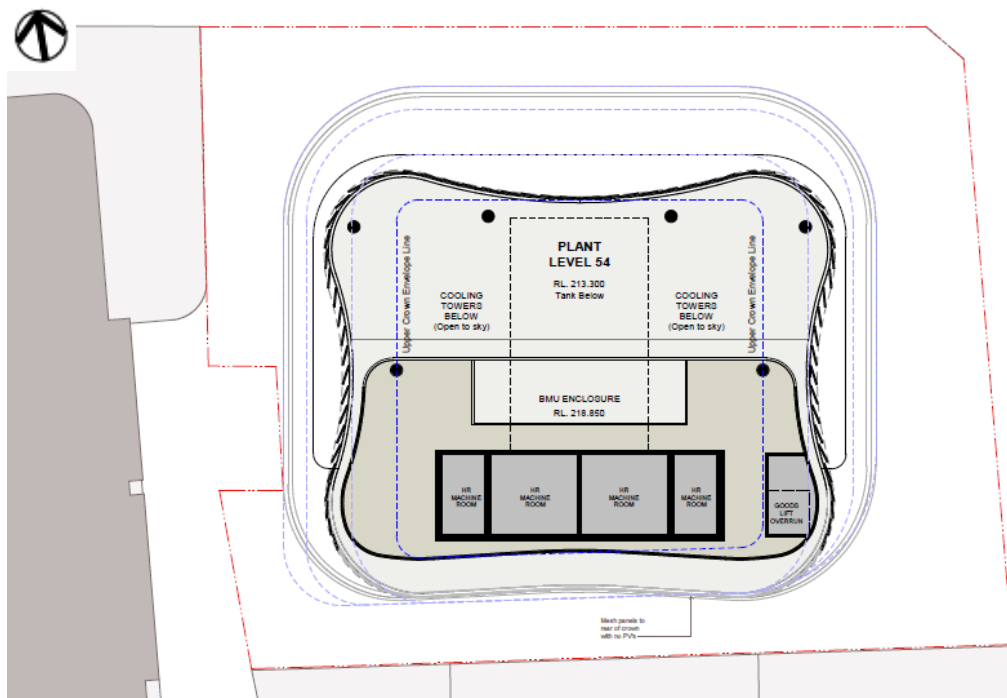


Figure 41: Proposed level 54

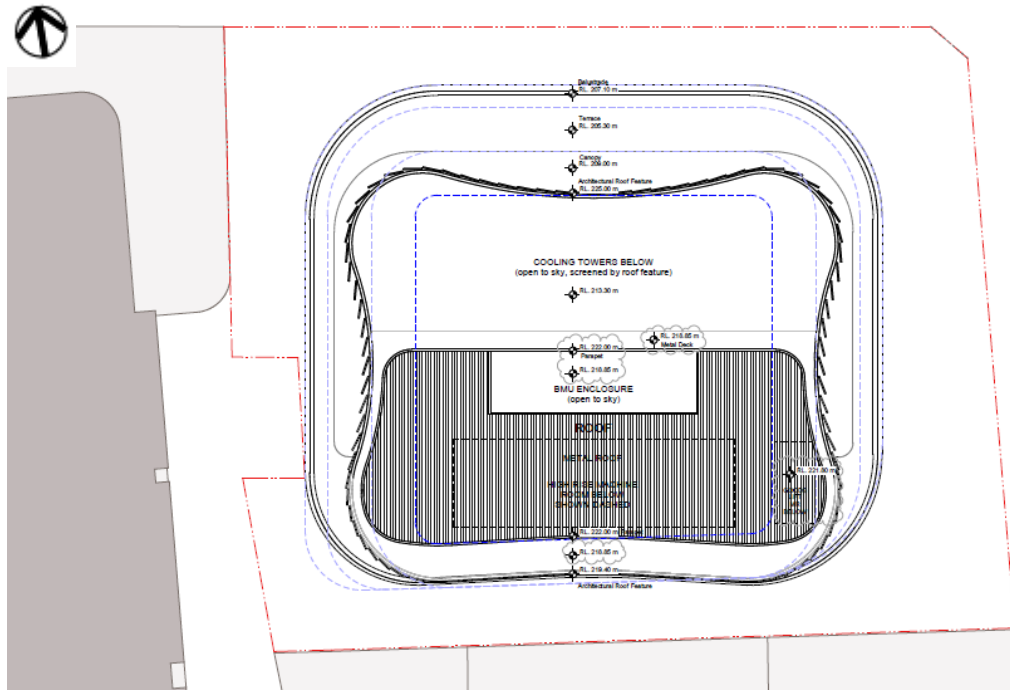


Figure 42: Proposed roof plan

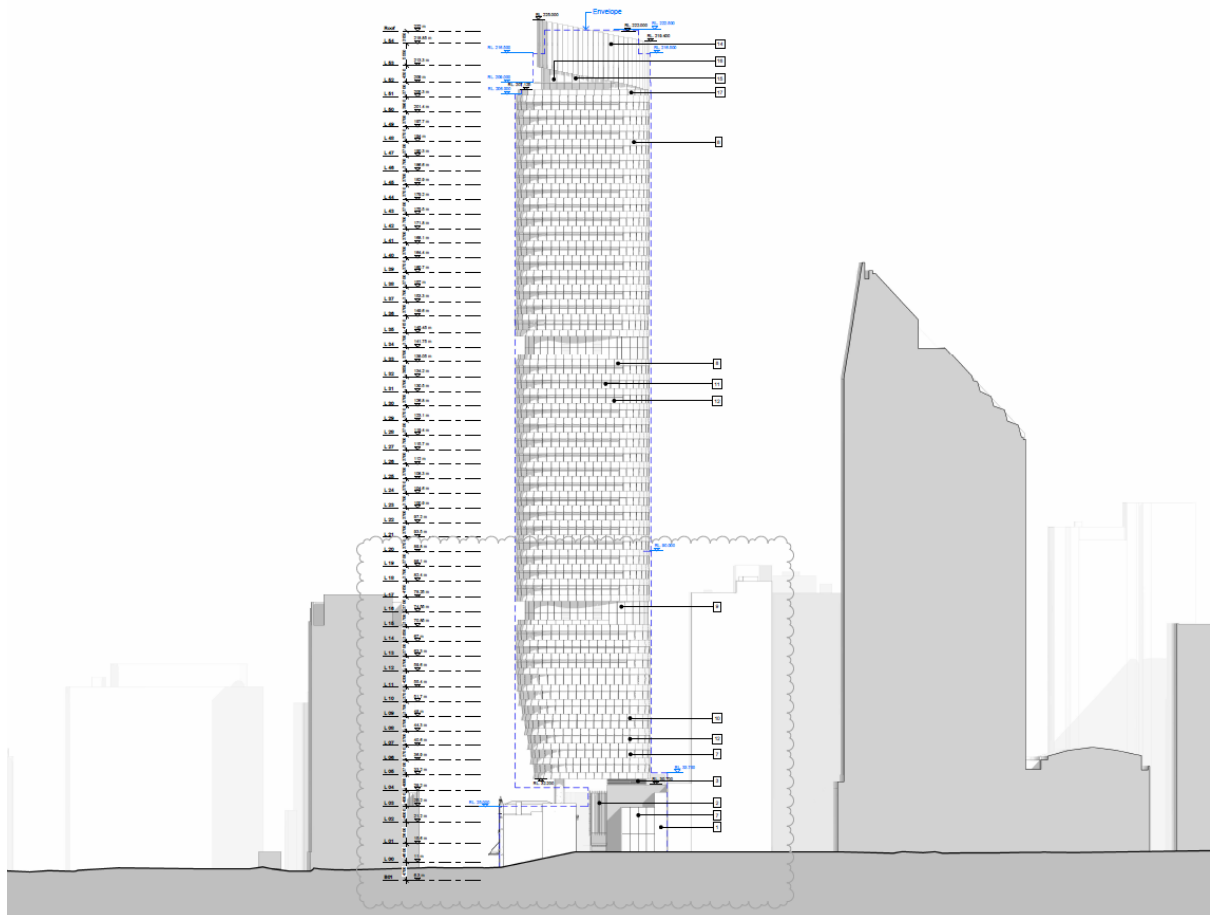


Figure 43: Proposed western elevation

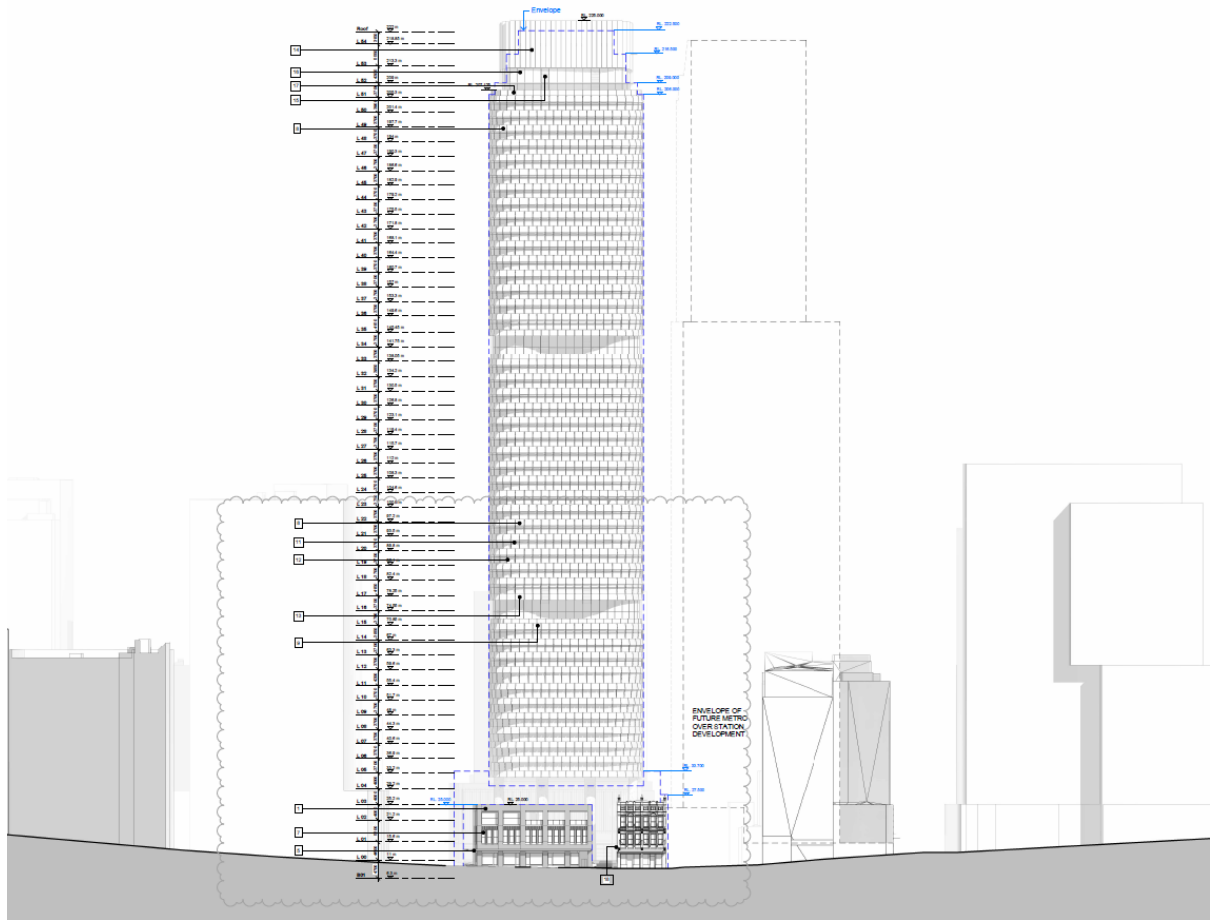


Figure 44: Proposed northern elevation - Hunter Street

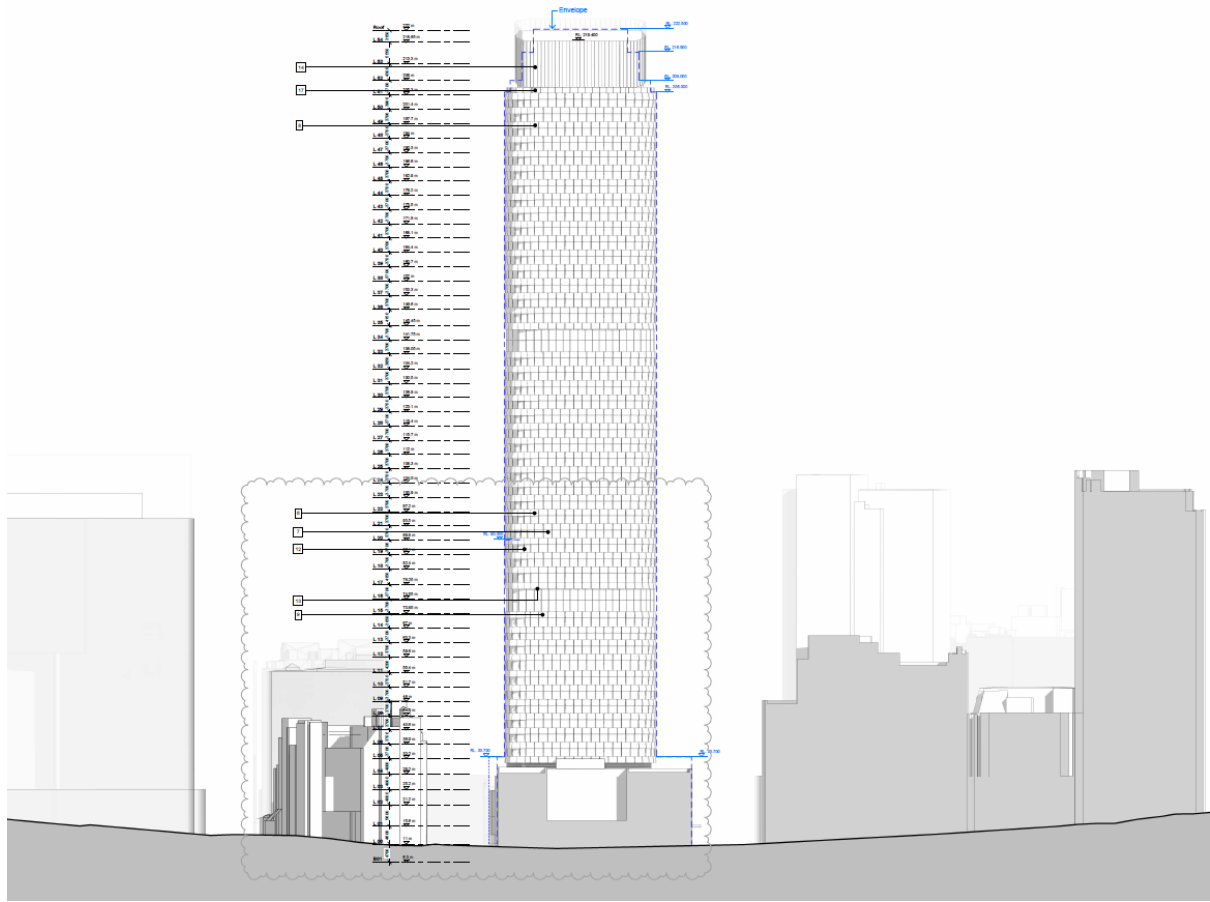


Figure 45: Proposed southern elevation

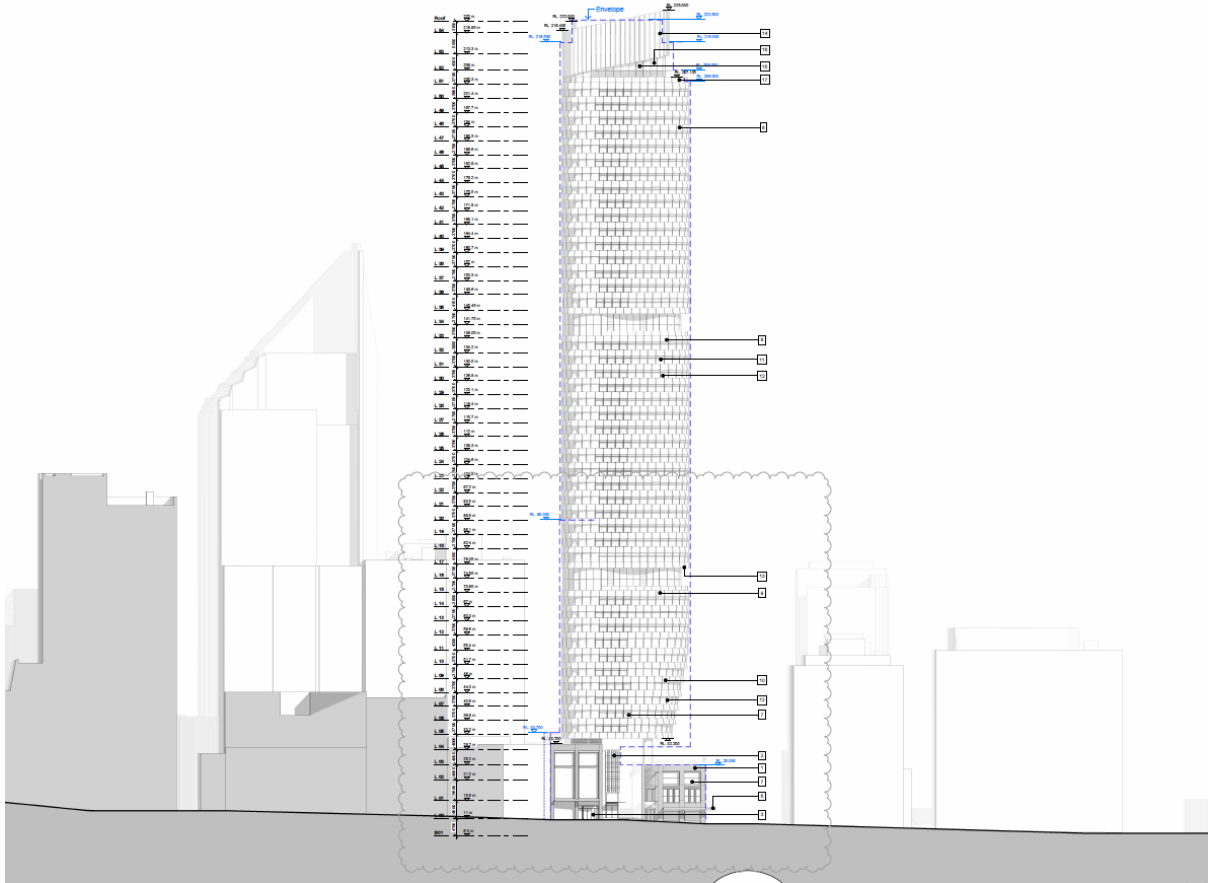


Figure 46: Proposed eastern elevation - Pitt Street

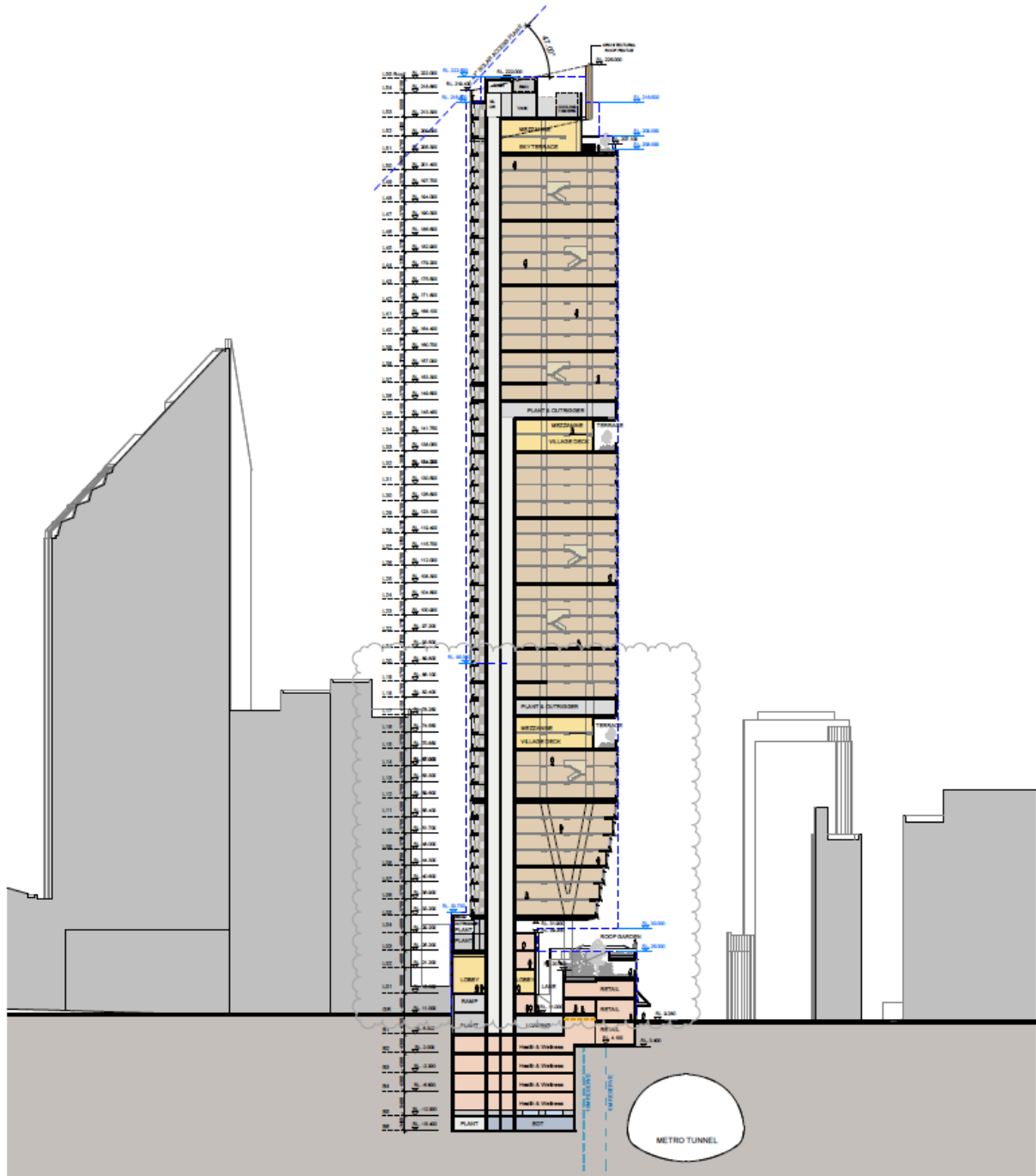


Figure 47: Proposed north-south section

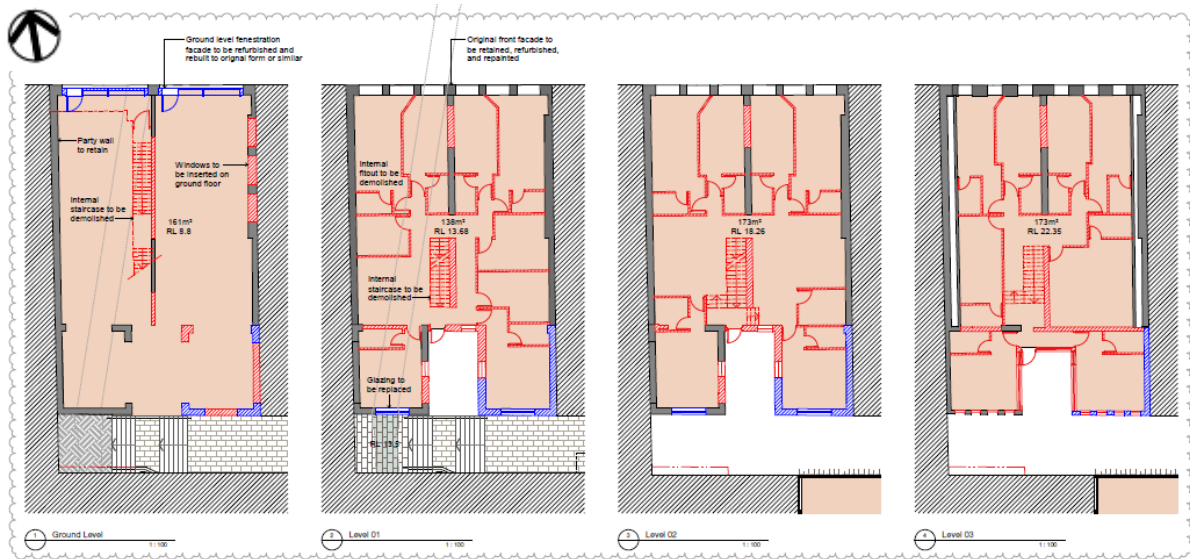


Figure 48: Proposed demolition plans - Pangas House

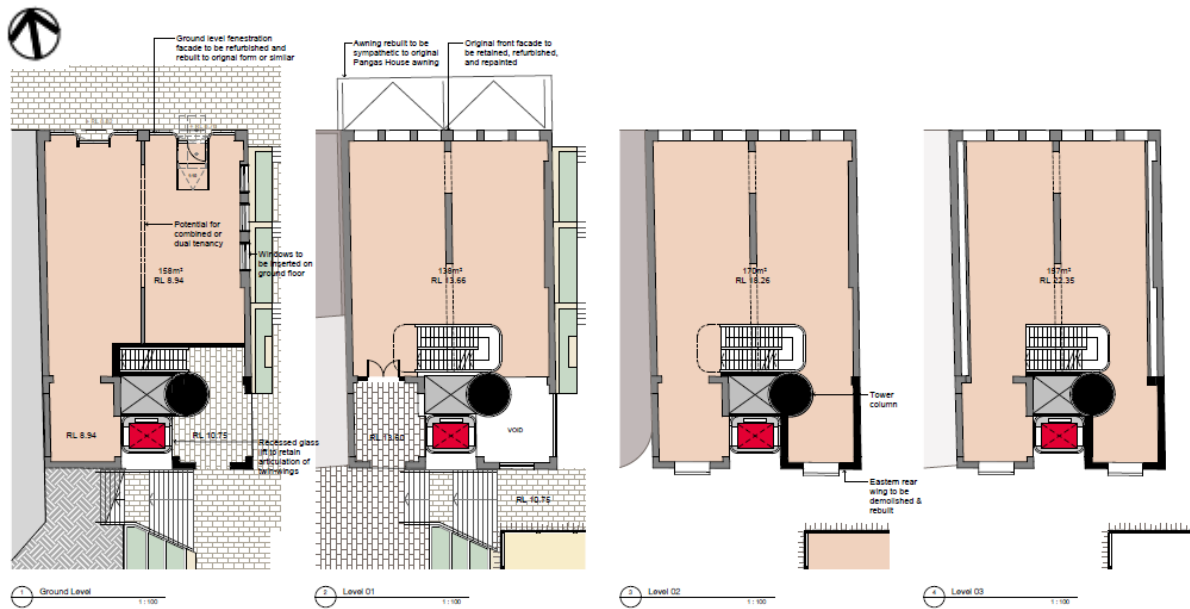


Figure 49: Proposed floorplans - Pangas House

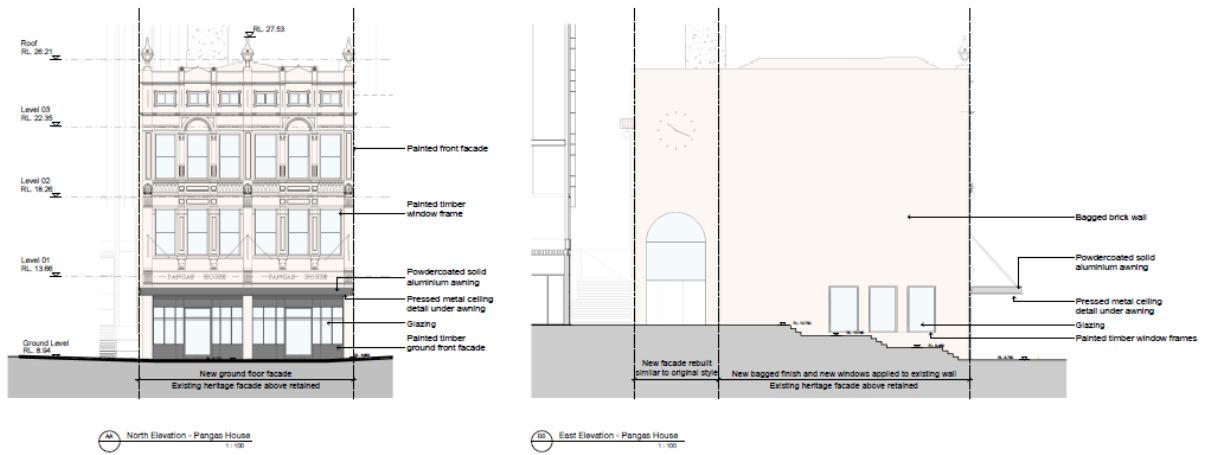


Figure 50: Proposed north and east elevations - Pangas House

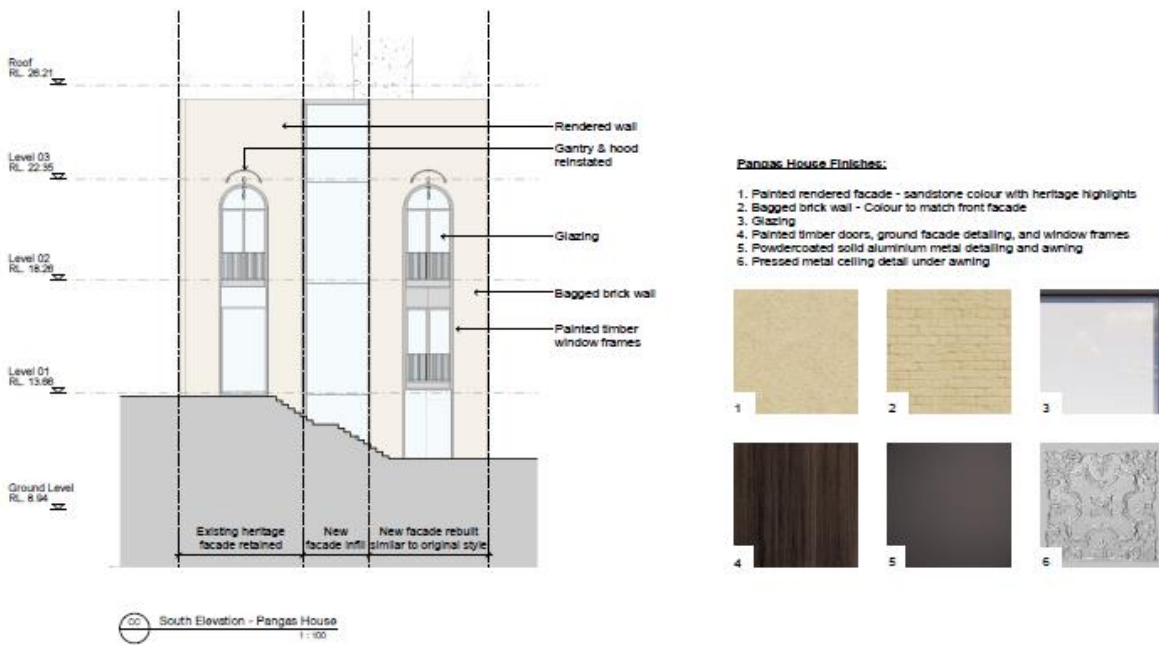


Figure 51: Proposed south elevation and materials - Pangas House



Figure 52: Proposed podium elevation - Pitt Street



Figure 53: Proposed podium elevation - Hunter Street



Figure 54: Proposed west-east through-site link elevation

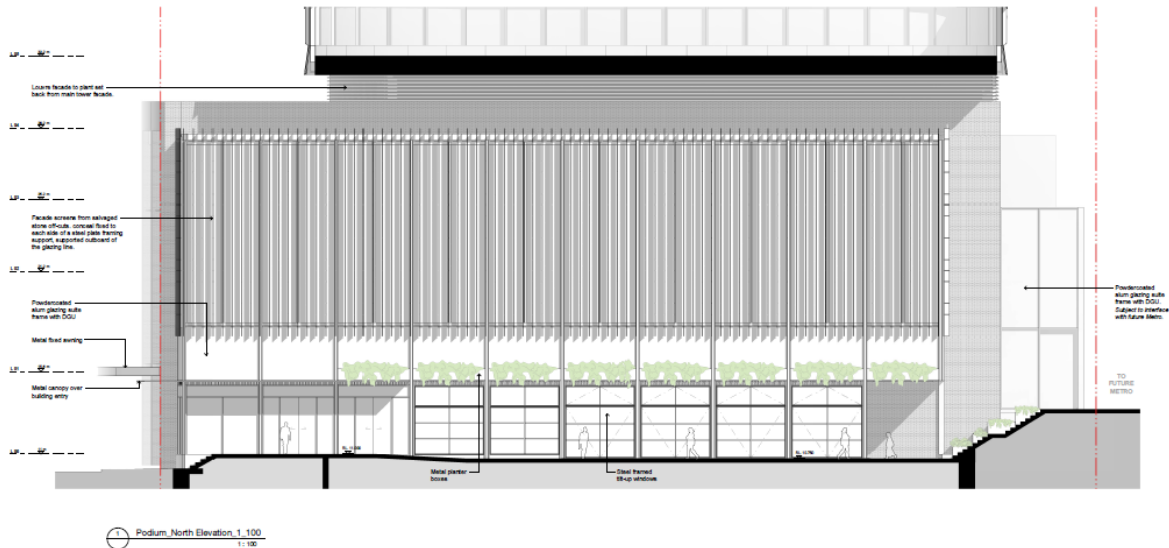


Figure 55: Proposed east-west through-site link elevation

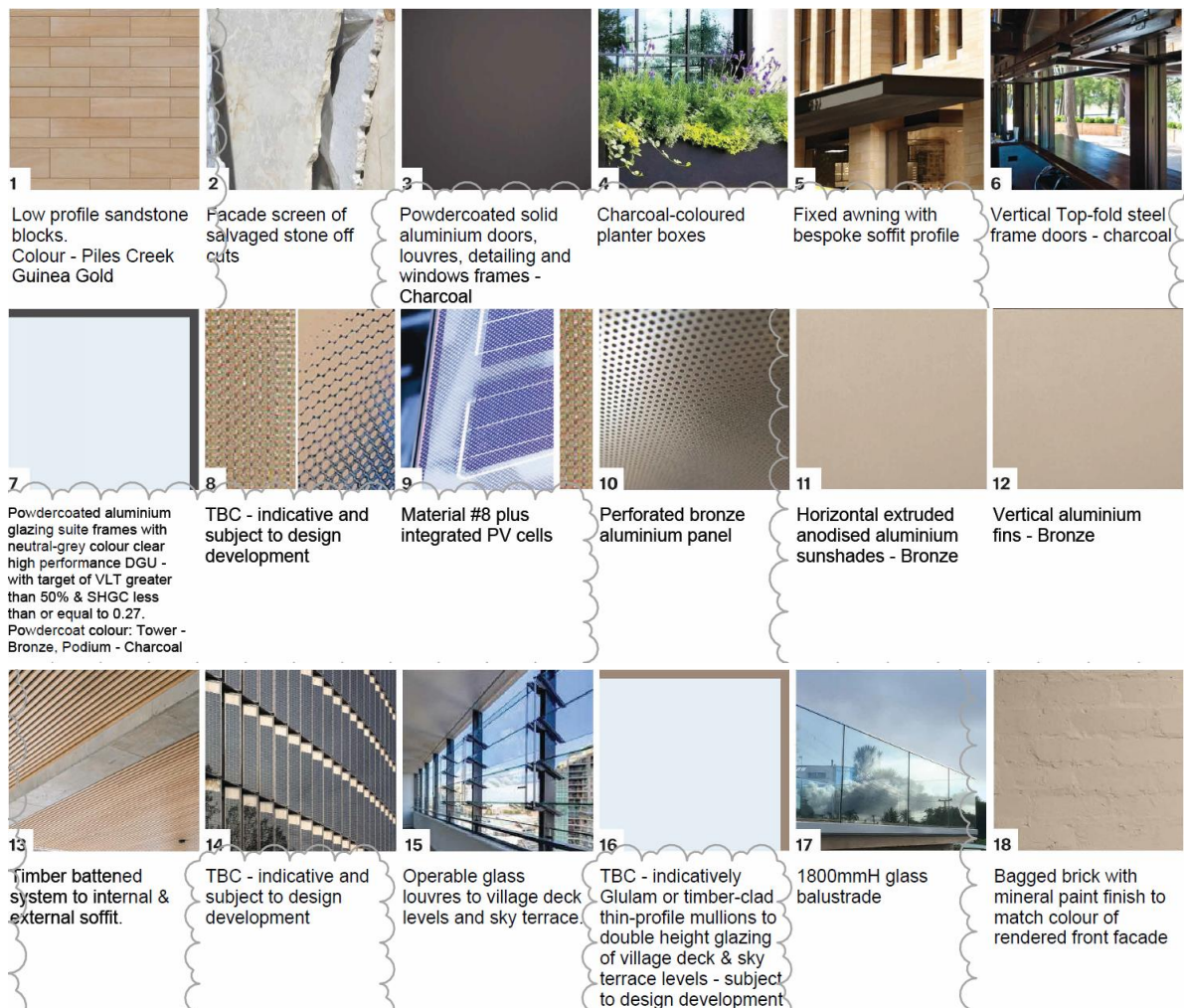


Figure 56: Proposed materials and colour finishes

Assessment

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

Water Management Act 2000

30. The application has been identified as Integrated Development requiring an approval under Water Management Act 2000.
31. The proposal was referred to WaterNSW who have determined that the proposal will encounter groundwater during the works and will require an approval for dewatering. General Terms of Approval issued by WaterNSW are included in the recommended conditions of consent in Attachment A.

Sydney Water Act 1994

32. Section 78 of the Sydney Water Act 1994 sets out various requirements for the determination of development application which would:
- (a) increase the demand for water supplied by the Corporation, or
 - (b) increase the amount of waste water that is to be removed by the Corporation, or
 - (c) damage or interfere with the Corporation's works, or
 - (d) adversely affect the Corporation's operations.
33. Subclauses (2) and (4) of Section 78 of the Sydney Water Act 1994 allow for a consent authority to approve an application at any time, subject to a condition requiring that a developer obtain a compliance certificate from the Sydney Water Corporation.
34. The application was referred to Sydney Water Corporation for comment. Advice received on 27 March 2024 noted the proximity of Sydney Water stormwater assets, particularly the tank stream and raised concern about the lack of detail provided in the application in regard to the protection of the heritage asset during excavation and construction.
35. Conditions are recommended requiring the relevant compliance certificates to be obtained from Sydney Water prior to the commencement of any works. Additionally, due to the proximity of the proposed works to the tank stream, the applicant is required to obtain a Section 140 Excavation permit from Heritage NSW and an Out of Scope Building Plan Approval from Sydney Water.

Heritage Act 1977

36. The subject site does not contain any buildings listed on the State Heritage Register under the Heritage Act 1977, however, the state heritage listed 'Tank Stream including tanks and tunnels' runs through the site approximately 5m below ground level along the western portion of the site. The proposed development, however, does not encroach within the curtilage of the item and as such, is not considered Integrated Development under the Heritage Act 1977.

37. The application was referred to Heritage NSW who provided comments on 21 December 2023 noting that the tank stream may be at risk from vibration impacts due to its proximity to areas of excavation within the bedrock. Comments from Heritage NSW also make note of the findings in the submitted historical archaeological impact assessment that:
- (a) There is low-nil potential for state significant relics to occur in association with the earliest colonial settlement of the site (Phase 1 – Early Settlement, 1788-1822) due to the high degree of subsequent disturbance.
 - (b) There is low-moderate potential for locally significant relics to occur throughout the site. These relics potentially include structural remains, deep features and occupational deposits relating to the occupation and development of the site throughout the 19th Century (Phase 2 – Early Land Grants, 1822-1867 and Phase 3 – Early Commercial Occupation, 1867-1910).
 - (c) These relics are most likely to occur within Empire Lane, where historical ground disturbance is lowest, and beneath the extant buildings at Nos. 15-21 Hunter Street, where historical ground disturbance is moderate.
38. Overall, Heritage NSW did not raise an objection to the proposed development and recommended conditions relating to the management and protection of existing and potential archaeological relics that may be affected by the development. Recommended conditions from Heritage NSW are included in Attachment A.

State Environmental Planning Policies

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

Remediation of Land

32. 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.
33. Site investigations have identified that no contaminants were present within the boreholes within the soil however, groundwater samples indicated the presence of total recoverable hydrocarbon (TRH) fractions F2 and F3 (at BH1M, BH2M and BH3M) and F4 (at BH3M).
34. A search of Council records also indicates that an above ground oil storage tank was present within the basement of the site and concluded that further investigation is required to determine if the oil storage tank has generated any contamination at the site as no indication of contamination was found in the initial investigation.
35. The Detailed Site Investigation (DESI) concludes that the site can be made suitable for the proposed use if the recommendations within section 9 of the report are carried out, which includes further monitoring of groundwater for acetone, BTEX and Total Recoverable Hydrocarbons with a possible offsite source of groundwater contamination being identified 260 meters from the site at 2 Chifley Square.

36. The recommendations in the report include but are not limited to the following:
- (a) Further monitoring and assessment of local groundwater quality with the methodology captured in a construction environmental management plan and dewatering management plan
 - (b) Soil and groundwater assessments to analyse perfluoro- and polyfluoroalkyl (PFAS) substances to close off data gaps associated with PFAS contamination
 - (c) Appropriate management of hazardous materials during demolition works (approved under separate consent)
 - (d) Asbestos clearance inspections
 - (e) Off-site disposal of all excavated materials including any virgin excavated natural material, and managed in accordance with an approved waste management plan which references the POEO (Waste) Regulations 2014, including additional soil sampling
 - (f) Based on the results of the soil sampling and classification, the transportation of waste to NSW EPA-licensed waste facilities
 - (g) Management and inspection of the removal of all hardstand surfaces and fill soils by a suitably qualified environmental consultant
37. The Council's Health Unit has reviewed the information provided and raised concern regarding the lack of clarity about potential contamination from the previous oil storage tank. The applicant noted however, due to the site still being occupied and the lack of evidence in borehole investigation, no further investigation can be undertaken until the site is demolished and excavation commences.
38. Council's Environmental Health Unit 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, including any unexpected contaminants found during excavation.

State Environmental Planning Policy (Transport and Infrastructure) 2021

39. 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

40. 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.
41. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors**Clause 2.99 – Excavation in, above, below or adjacent to rail corridors**

42. The application is adjacent to the Sydney Metro West rail corridor and was subsequently referred to Sydney Metro as delegate for Transport for NSW (TfNSW) to ensure the structural integrity of rail assets is maintained during construction and occupation.
43. The application was referred under this clause to Sydney Metro on 18 December 2023. Following their preliminary review of the application, additional information was requested by Sydney Metro on 9 February 2024.
44. At the time of writing of this report, ongoing consultation is continuing between the applicant and Sydney Metro in relation to the proposed construction methodology and proposed new structures to ensure an acceptable impact on the existing and future metro rail tunnels. City staff have spoken to Sydney Metro and are confident that, subject to the consideration of additional information provided to Sydney Metro and separate legal agreements between Sydney Metro and the applicant, the development can be undertaken without adverse impact to the rail tunnels.
45. As concurrence has not been provided by Sydney Metro at the time of writing this report, it is recommended that the Committee support the proposed recommendation and delegate determination to the City's CEO pending receipt of concurrence from Sydney Metro.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations**Clause 2.122 - Traffic-generating development**

46. The application is subject to Clause 2.122 of the SEPP as the proposed development is a commercial premises with a gross floor area of over 10,000sqm.
47. The application was referred to TfNSW who raised no objection to the proposal subject to conditions requiring the preparation of a Construction Pedestrian and Traffic Management Plan.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

48. 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.
49. 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. The development is consistent with the controls contained within the SEPP.

State Environmental Planning Policy (Housing) 2021

50. Section 7.32 of the EP&A Act and states that where the consent authority is satisfied that the development meets certain criteria, and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
51. The application of Section 7.32(1) of the EP&A Act is relevant to the subject development as:
 - (a) The SEPP Housing identifies that there is the need for affordable housing in all areas of the State; and
 - (b) The proposed development is allowed only because of the initial zoning of the site, permitting commercial land uses within the SP5 Metropolitan Centre zone.
52. In consideration of Section 15 of the Housing SEPP, the application of the City of Sydney Affordable Housing Program allows the payment of a monetary contribution towards the delivery of affordable housing in lieu of floor space. The Program outlines the distribution and management of monetary contributions for the purpose of the delivery of affordable housing in accordance with the criteria above.
53. The imposition of a condition requiring the payment of an affordable housing monetary contribution is consistent with the requirements of Section 7.32(3) of the EP&A Act for reasons as follows:
 - (a) The condition requiring the payment of a monetary contribution is consistent with the relevant requirements of the Housing SEPP;
 - (b) Section 7.13 of the SLEP 2012 authorises the imposition of a condition requiring a contribution to affordable housing by way of floor space dedication or a monetary contribution in lieu of floor space; and
 - (c) The contribution has been imposed in accordance with the City of Sydney Affordable Housing Program which has determined the value of a monetary contribution in consideration of the extent of the need in the area for affordable housing, the scale of the proposed development and other dedications or contributions to be made for affordable housing or under Section 7.11 of the EP&A Act.
54. This matter is discussed in further detail under the heading Financial Contributions below.

State Environmental Planning Policy (Sustainable Buildings) 2022

55. The Sustainable Buildings SEPP is not applicable as the subject application benefits from the savings provisions under clause 4.2(1)(a) of the SEPP. This is because the subject application was lodged prior to the commencement of the SEPP on 1 October 2023.
56. Notwithstanding, the proposed development satisfies the relevant ESD requirements as discussed against Section 3.6 and the site-specific provisions in Section 6 of the SDCP below.

Local Environmental Plans

Sydney Local Environmental Plan 2012

57. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 (SLEP) 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.</p> <p>The proposed development is defined as a mixed use development comprising commercial office and retail uses and is permissible with consent in the zone.</p> <p>The proposal generally meets the objectives of the zone.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings 6.17 Sun access planes	Yes	<p>A maximum building height of 235 metres is permitted and is applicable to the northern portion of the site. The southern portion of the site is also designated on the height of buildings map as 'Area 3' and the maximum height for building on this part of the land is determined by the Martin Place sun access plane defined in clause 6.17 of the SLEP.</p> <p>The sun access plane sets out the coordinates and horizontal bearings to ensure that sunlight access is maximised to Martin Place.</p> <p>The proposed development complies with the height of buildings development standard and the sun access plane to Martin Place.</p>
4.4 Floor space ratio 6.3 Additional floor space in Central Sydney 6.4 Accommodation floor space	Yes	<p>A maximum floor space ratio of 8:1 is permitted under clause 4.4 of the SLEP.</p> <p>In accordance with site-specific clause 6.60G of the SLEP, the site is also</p>

Provision	Compliance	Comment
<p>6.6 End of journey floor space</p> <p>6.60G 15–23 Hunter Street and 103–107 Pitt Street, Sydney</p>		<p>subject to the following additional floor space:</p> <ul style="list-style-type: none"> • 7.5:1 additional floor space for the subject site • 4.5:1 accommodation floor space bonus for office and retail uses • 0.3:1 end of journey floor space • Additional 10% the sum of maximum permissible floor space if the building demonstrates design excellence • Maximum 2:1 below ground floor space <p>It is noted that clause 6.60G(9) of the SLEP excludes any additional floor space that may be applicable to the site under clauses 6.21D(3) or 6.21E relating to competitive design processes or tower cluster areas.</p> <p>Overall, the site is subject to a maximum floor space ratio of 24:1.</p> <p>A maximum floor space ratio of 23.88:1 or 50,338 square metres is proposed.</p> <p>The proposed development complies with the maximum floor space ratio development standard and is discussed further under the site-specific provisions.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
<p>5.10 Heritage conservation</p>	<p>Yes</p>	<p>15-17 Hunter Street (Pangas House) is listed as a local heritage item under Schedule 5 of the Sydney LEP 2012. Furthermore, the State heritage Tank Stream runs beneath the site along the western boundary. There are also a number of heritage items of both local and State significance located in the vicinity of the site.</p>

Provision	Compliance	Comment
		<p>The application was accompanied by a heritage impact statement and historical archaeological assessment report which conclude that the proposal is acceptable from a heritage perspective.</p> <p>The proposal seeks to restore and preserve the heritage significance of Pangas House. The extent of intervention and the reconstruction of the shopfronts in a contemporary interpretation is acceptable. Further, the proposed location of tower columns have been optimised to have the least heritage impact on Pangas House and overall, the proposed restoration, interpretation and retail use are considered sympathetic.</p> <p>The proposed siting of the new corner podium building is of a height that does not dominate the setting of the heritage item and provides a through-site link break between the buildings to allow greater views to the heritage façade. Overall, the proposed development comprises an envelope, building articulation, fenestration and materiality that is appropriate in its setting. The proposed development is considered to have an acceptable impact on heritage items contained within the site and in the locality.</p> <p>The site also sits above the state-listed Tank Stream. Documentation submitted with the application concludes that the proposed development will not impact the structural integrity of the item. Conditions are recommended to ensure excavation and construction is appropriately managed to maintain the integrity of the Tank Stream.</p>
5.21 Flood planning	Yes	<p>The site is identified as being subject to flooding.</p> <p>The application proposes development at or below the flood planning level. A flood report accompanies the application demonstrating that the development is able to comply with the City's Interim</p>

Provision	Compliance	Comment
		Floodplain Management Policy and satisfies the provisions of the standard.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 1 Additional floor space in Central Sydney		
<p>Subdivision 3 Heritage floor space</p> <p>6.11 Utilisation of certain additional floor space requires the allocation of heritage floor space</p>	Yes	<p>The proposal includes 9,486 square metres of accommodation floor space and is subject to the requirements of this provision with an additional 10% bonus as the application exhibits design excellence. The total accommodation floor space and bonus 10% of all additional floor space applicable to the site is 13,702 square metres.</p> <p>Whilst the site-specific provisions note that bonus floor space granted under clause 6.21D(3)(b) is not applicable to the site, the Planning Proposal resulted in the site-specific provisions nominating the design excellence bonus for floor space only. As such, it is considered appropriate to apply the heritage floor space provisions on the additional 10% floor space granted for achieving design excellence.</p> <p>Clause 6.11(1)(a) of the SLEP requires that heritage floor space (HFS) is allocated to the site equal to 50% of the accommodation floor space and design excellence bonus.</p> <p>Clause 6.11(2)(a) allows this amount to be reduced by up to 50%, or 1,000sqm, whichever is the 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.</p> <p>The proposal is the winning scheme of an 'invited' architectural design competition conducted in line with the City's Competitive Design Policy and is eligible for a 1,000sqm HFS reduction.</p>

Provision	Compliance	Comment
		As such, a total of 5,851 square metres of HFS is required to be allocated to the site. A condition is recommended in to require this HFS to be purchased and allocated to the development.
Division 3 Height of buildings and overshadowing		
6.16 Erection of tall buildings in Central Sydney	Yes	<p>The proposed development is consistent with the objectives of this clause in the following manner:</p> <ul style="list-style-type: none"> • It provides for an acceptable level of amenity for the occupants of the tower and neighbouring buildings • It does not result in any significantly adverse impacts to the amenity of public places in proximity to the site, as demonstrated in the wind assessment report and the shadow diagrams submitted with the application. • It is compatible with its context in terms of setbacks, height and built form. • The design provides for an acceptable level of sunlight to the northern, eastern and western facade of the tower. • The design provides for an acceptable level of ventilation within and around the development.
6.18 Overshadowing of certain public places	Yes	<p>Shadow testing has been undertaken and accompanies the application.</p> <p>The proposed development will not result in any additional overshadowing to Martin Place, between Pitt Street and George Street between the prescribed times of Midday to 2pm from 14 April to 31 August.</p>
6.19 View planes	Yes	The proposal will not protrude above any view planes identified in schedule 6B

Provision	Compliance	Comment
		View Planes. The site is located in a CBD location amongst other tall and prominent high-rise buildings.
Division 4 Design excellence		
6.21C Design excellence	Yes	<p>The proposal exhibits design excellence as required by clause 6.21C(2). The proposed development is the winner of an 'invited' architectural design competition and has retained the key elements of the winning scheme.</p> <p>The amended scheme adequately addresses recommendations made by the competition jury for improvements. These recommendations are addressed in detail below under the Discussion heading.</p> <p>The built form is compatible with the character of the locality and providing an appropriate relationship with the retained heritage building on the site and with the adjacent development.</p> <p>The proposal achieves the principles of ecologically sustainable development (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, a new through-site link and the provision of an active frontage.</p> <p>Overall, the proposal satisfies the considerations in Clause 6.21C(2) of the SLEP and the development is considered to exhibit design excellence.</p>

Provision	Compliance	Comment
Division 5 Site specific provisions		
6.60G 15-23 Hunter Street and 103-107 Pitt Street, Sydney	Yes	<p>The proposed development is subject to site-specific provisions in accordance with clause 6.60G of the SLEP.</p> <p>This clause related to additional permitted floor space ratio controls, the provision of a through-site link, land uses, the demonstration of design excellence and the adequate provision of vehicle access, loading areas, bicycle parking and end of journey facilities.</p> <p>The proposed development is generally consistent with the requirements of this clause, in particular, the development provides adequate vehicle access and space for loading and unloading of goods, waste management, bicycle parking and end of journey facilities.</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>A maximum of 42 car parking spaces are permitted.</p> <p>The proposed development includes 41 car parking spaces and complies with the relevant development standards.</p>
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	<p>The site is located in Central Sydney and is subject to the requirements of clause 7.13.</p> <p>Refer to the discussion below under the 'Financial Contributions' heading.</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 was accompanied by an Acid Sulfate Soils Management Plan which concludes that</p>

Provision	Compliance	Comment
		the proposal is acceptable from a geotechnical perspective and satisfies the requirements of this provision.
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>
7.20 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 of the redevelopment site.</p> <p>Further, as a result of the Planning proposal as discussed under the heading History Relevant to the Development Applicant above, additional site-specific provisions were incorporated into Section 6 of the Sydney Development Control Plan 2012 (SDCP).</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 the SDCP, satisfactorily address the matters for consideration in clause 7.20(4).</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>The preliminary public art plan submitted with the application has been reviewed by the City's Public Art Unit.</p> <p>It is considered acceptable, subject to a condition, which requires final details to be provided prior to the issue of a construction certificate.</p> <p>The preliminary plan provides sufficient details, however, to satisfy the tests in</p>

Provision	Compliance	Comment
		<p>Clause 7.26(2) as follows, in relation to the proposed artworks throughout the development:</p> <ul style="list-style-type: none"> • They will not involve the display of any advertisements; • They will not increase the GFA of the buildings within the development; • They will not have any impacts to any nearby heritage items; and • They will not have any significantly adverse impacts on the amenity of the public domain, including by overshadowing, wind or noise impacts.

Development Control Plans

Sydney Development Control Plan 2012

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

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed public domain works make a positive contribution to the public domain and improve pedestrian safety to an around the site.
3.1.5 Public Art	Yes	<p>Public art is also proposed to be incorporated in the detailed design of the building.</p> <p>The public art strategy indicates a series of potential locations and artwork forms to be located throughout the site including under publicly accessible soffits and integrated into the podium facade.</p> <p>A condition of consent is recommended requiring the submission of a detailed public art plan prepared in accordance with the City of Sydney Guidelines for</p>

Provision	Compliance	Comment
		Public Art in Private Development and the Public Art Policy for approval prior to the commencement of works.
<p>3.2. Defining the Public Domain</p> <p>3.2.1 Improving the public domain</p> <p>3.2.2 Addressing the street and public domain</p>	Yes	<p>The proposal satisfactorily addresses the public domain, given that it:</p> <ul style="list-style-type: none"> • Minimises the additional overshadowing effects of the new building on protected public places; • Will not result in adverse wind impacts within the public domain or within the proposed through-site link; • Does not impede on any significant views from the public domain to any public places, parks, heritage buildings or monuments; • Incorporates high quality materials and finishes and public art in publicly accessible locations; • Provides multiple pedestrian points of entry into the development along Pitt Street and Hunter Street; and • Subject to conditions recommended by the City's Public Domain Unit, the proposed development will integrate with the public domain whilst achieving an acceptable flooding outcome.
3.2.3 Active frontages	Yes	<p>The site is identified as having to provide active frontages to Pitt Street and Hunter Street.</p> <p>The design intent of the proposed shopfronts maximises entries, shopfront display windows, minimises blank portions of the ground level façade and provides a high standard of finish and architectural details.</p> <p>The proposed development prioritises retail uses on the ground floor by reducing the area of the entry lobby and</p>

Provision	Compliance	Comment
		<p>relocating the majority of the commercial office lobby functions to Level 1.</p> <p>The proposal also provides consistent weather protection along Pitt Street and Hunter Street with the addition of street awnings.</p>
3.2.4 Footpath awnings	Yes	<p>Awnings are required along Pitt Street as identified on the Footpath awnings and colonnades map.</p> <p>The proposal includes a continuous street awning along the built forms along Pitt Street and Hunter Street, with the exception of the entries to the through-site link, a design intent to separate the three built forms contained within the building separated by a laneway-type through site link.</p> <p>The height and form of the new awnings are generally acceptable and are consistent with the requirements of this provision however, the proposed depth of the awning along Hunter Street and the southern portion of Pitt Street do not provide a great enough setback from the kerb to accommodate street trees.</p> <p>A design modification condition is recommended to increase the setback of the awnings from the face of the kerb to 1.5m in accordance with SDCP controls.</p>
3.2.6 Wind effects	Yes	<p>The application was accompanied by a wind report confirming that the proposed development will not have an adverse impact on public safety and comfort at ground level in regard to wind.</p> <p>Accompanying documentation within the application confirms comfort criteria conditions within all the laneway connections achieves the sitting comfort criterion or better, with some minor, localised areas achieving the standing comfort criterion. There were no safety issues apparent, with all areas modelled passing the safety criterion.</p> <p>The proposal satisfies the requirements of this provision.</p>
3.2.7 Reflectivity	Yes	<p>A condition of consent is recommended to ensure that light reflectivity from the</p>

Provision	Compliance	Comment
		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 proposed development beyond generalised references in the application documentation.</p> <p>A condition is recommended to require the lodgement of a separate application for external illumination of the building and/or site landscaping.</p>
<p>3.3 Design Excellence and competitive design processes</p> <p>3.3.1 Competitive design process</p>	Yes	<p>As noted above under the History Relevant to the Development Application heading, the proposed development has been subject to an 'invited' architectural design competition and is consistent with the winning scheme by Bates Smart.</p> <p>The competition was carried out prior to the lodgement of the subject application, in accordance with the City of Sydney Competitive Design Policy and a Design Excellence Strategy.</p>
3.5 Urban Ecology	Yes	<p>The proposed development will have an impact on the existing street trees. Where trees are proposed for removal, replacement trees are proposed and supported. Where trees are proposed to be pruned to facilitate hoardings and scaffolding, conditions are recommended to protect the street trees, including the submission of a pruning specification plan.</p>
3.6 Ecologically Sustainable Development	Yes	<p>In accordance with the Planning Agreement registered on the site and associated with the proposal, the development must achieve a:</p> <ul style="list-style-type: none"> • 6 star Green Star Buildings certified rating • Minimum 5.5 star NABERS energy rating

Provision	Compliance	Comment
		<ul style="list-style-type: none"> • Minimum 4 star NABERS water rating • Minimum 5 star NABERS waste rating <p>Appropriate conditions are recommended requiring the development to meet the energy commitments as above.</p>
3.7 Water and Flood Management	Yes	<p>The site is identified as being on flood prone land.</p> <p>A flood assessment report was submitted with the amended application and was reviewed by Council's Public Domain Unit. The report advises the proposed development was assessed against the flood model obtained from the City and floor levels have been set in accordance with the City's Interim Flood Management Policy and are consistent with the requirements of this provision.</p>
3.9 Heritage 3.9.1 Heritage impact statements	Yes	<p>A Heritage Impact Statement has been prepared and submitted with the application considering the potential impacts of the proposed development on surrounding heritage fabric.</p>
3.9.3 Archaeological assessments	Yes	<p>An archaeological assessment has been submitted and concludes that there is low-nil potential for state significant relics to occur on site however, there is a low-moderate potential for locally significant relics to occur on site.</p> <p>The archaeological assessment also notes that the proposal does not include any works which will cause direct impact within the Tank Stream exclusion zone.</p> <p>In order to ensure any relics discovered during excavation and the protection of the Tank Stream is managed correctly, the recommendations of the archaeological assessment are to be observed and approval under Section 140 of the Heritage Act 1977 (excavation permit) is to be obtained. Similar advice was received by Heritage</p>

Provision	Compliance	Comment
		NSW, discussed above under the heading 'Heritage Act 1977' and Sydney Water as discussed under the heading 'Sydney Water Act 1994'.
3.9.5 Heritage items	Yes	<p>The application proposes the retention and restoration of Pangas House, a locally listed heritage item located within the site.</p> <p>As discussed above in the heritage section of the SLEP discussion, the proposed development will not have an adverse impact on the heritage significance of Pangas House and the proposed new buildings and through-site link are designed to respond sympathetically to the heritage item on site and surrounding heritage items.</p>
3.9.13 Excavation in the vicinity of heritage items and in heritage conservation area	Yes	<p>The proposed development is within the vicinity of heritage items and in the SLEP including Pangas House and the Tank Stream. The proposal involves the excavation of the site to provide six levels of basement parking and service space. A Geotechnical Report submitted with the application concludes that the proposed development is suitable from a geotechnical perspective. The submission archaeological assessment report also provides recommendations to manage the impacts of excavation on heritage items and relics discovered during excavation.</p> <p>Subject to conditions, the impact of excavation on surrounding heritage items is acceptable.</p>
3.11 Transport and Parking 3.11.1 Managing transport demand	Yes	The proposal comprises a mixed-use development including 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 SDCP.

Provision	Compliance	Comment
		<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 SDCP, except as discussed in the table sections below.</p> <p>Conditions are recommended in to ensure the development of a Green Travel Plan and Transport Access Guide for the development.</p>
3.11.2 Car share scheme parking spaces	No, but acceptable	<p>The DCP requires 1 car share space.</p> <p>The subject application does not propose the allocation of any car share spaces.</p> <p>Given the location of the site in close proximity to several modes of public transport, including future metro stations, the relatively low number of private parking spaces provided on site (car stacker), the design of the loading spaces comprising the entire lower ground floor and the constraints of the site, the provision of a single car share space is not considered necessary.</p>
3.11.3 Bike parking and associated facilities	No	<p>The DCP requires a minimum of 316 bicycle spaces for staff and 174 visitor spaces.</p> <p>The application proposes 316 bicycle storage spaces on basement level 6 providing a dedicated lift for access from ground floor.</p> <p>The application also proposes a total of 374 storage lockers and 38 showers/change cubicles, consistent with the requirements of the DCP.</p> <p>The application does not, however, propose any visitor bicycle spaces.</p> <p>See under the 'Discussion' heading below.</p>

Provision	Compliance	Comment
3.11.6 Service vehicle parking	No, but acceptable	<p>The provision at Section 3.11.6(1) of the Sydney DCP 2012 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 Sydney DCP 2012 requires the provision of at least 26 service vehicle spaces.</p> <p>Transport for NSW freight forecasting alternatively requires a total of 14 service spaces (8 B99, 4SRV, 2MRV).</p> <p>The amended application proposes the provision of a total of 14 service vehicle spaces comprising 11 courier spaces and three SRV spaces.</p> <p>Two of the proposed courier spaces are proposed as tandem parking spaces. While the DCP suggests using tandem car parking arrangements for staff parking only, the use of two spaces for service and maintenance parking is acceptable, subject to the preparation and implementation of a detailed loading and servicing management plan.</p> <p>The proposed loading spaces were reviewed by Council's City Access and Transport Unit, who found the proposed arrangement acceptable, subject to conditions.</p>
3.11.10 Vehicle access for developments greater than 1000sqm GFA	Yes	The application satisfies the requirements of this provision.
3.11.11 Vehicle access and footpaths	Yes	<p>Conditions are recommended in requiring the preparation of a detailed loading dock and car parking management plan that will outline time limits to the use of the driveway by service vehicles to times of low pedestrian activity and arrangements for access for service vehicles and private cars.</p> <p>Additional conditions require vehicles entering or leaving the site to do so in a forward direction and the preparation of car parking, loading and servicing</p>

Provision	Compliance	Comment
		management plan and transport access guides.
3.11.12 Tandem, stacked and mechanical parking areas	Yes	<p>The application proposes a car stacker system for private vehicle parking.</p> <p>The amended basement design allows for car waiting bays to use the stacker system and, subject to the preparation of a comprehensive loading dock and car parking management plan, the application satisfied the requirements of this provision.</p> <p>Further, as noted above, the use of two service parking spaces in a tandem arrangement is acceptable subject to the implementation of a management plan.</p>
3.11.13 Design and location of waste collection points and loading areas	Yes	<p>Proposed waste storage and collection points are appropriately located close to the loading area on basement level 1.</p> <p>Suitable access is provided for collection vehicles and the proposal is suitable, subject to compliance with an approved Operational Waste Management Plan.</p>
3.11.14 Parking area design	Yes	<p>Conditions are recommended in to require all loading to be carried out on site, parking design in accordance with Australian Standard AS 2890.1, and a parking, loading and servicing management plan to be developed.</p>
3.12 Accessible Design	Yes	<p>The proposal has been designed to provide accessible entry into the retail premises at the ground floor, along the through-site link, to the new connection to the Metro Station, and throughout the commercial lobby and tower areas.</p> <p>The proposed development meets the requirements of this provision.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>
3.14 Waste	Yes	<p>A condition has been recommended to ensure the proposed development complies with the relevant provisions of</p>

Provision	Compliance	Comment
		the City of Sydney Guidelines for Waste Management in New Development.
3.16 Signage and Advertising	Yes	A condition is recommended that requires the submission of a separate development application for a signage strategy and any subsequent installation of business identification and building identification signs (in accordance with that signage strategy).
3.17 Contamination	Yes	<p>A Detailed Site investigation has been prepared and submitted with the application that concludes that the site may comprise contaminants in groundwater.</p> <p>Council's Environmental Health Unit have reviewed the submitted documentation. It has been noted that the recommendations in the investigation reports are suitable and conditions are recommended for imposition requiring compliance with these recommendations and to manage any additional unexpected finds during excavation.</p>

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 proposal includes floor to floor heights of at least 4.6m at the ground floor, 4.7m on the first basement floor and a minimum of 3.7m on commercial floors above.
4.2.2 Building setbacks	Yes	Building envelope controls, including setbacks, are provided in the site-specific provisions as discussed in Section 6 below.
4.2.3 Amenity		

Provision	Compliance	Comment
4.2.3.1 Solar access	Yes	The proposal is not considered to cause an unacceptable overshadowing impact on surrounding developments or the public domain.
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 plans which incorporates a range and variety of retail tenancies.</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	<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> <p>Conditions are also recommended ensuring the development complies with an approved demolition, excavation and operational waste management plan.</p>

Section 5 – Specific Areas

Provision	Compliance	Comment
5.1 Central Sydney		
5.1.1 Built form controls 5.1.1.1 Street frontage heights and street setbacks	Yes	The proposed development incorporates a podium height of 45m and is consistent with the requirements of this provision.

Provision	Compliance	Comment
		The building setback provisions for the site are contained within Section 6 of the SDCP and are discussed in the table below.
5.1.1.3 Side and rear setbacks and building form separations	Yes	Building form controls related to setbacks are contained within the site-specific controls for the site in Section 6.3.26 of the SDCP and are discussed further in the table below.
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 6.3.26 of the SDCP 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 design 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>
<p>5.1.3 Heritage items, warehouses and special character areas</p> <p>5.1.3.1 Additions to heritage items</p>	Yes	<p>The site-specific provisions applicable to the site are the result of a detailed planning proposal in which the impact of a cantilevering tower above the heritage listed Pangas House were comprehensively considered. The extent of the tower footprint within the airspace over the item and clearance between the roof of the heritage item and soffit of the tower were considered acceptable from a heritage perspective. The proposed development is consistent with the envelope surrounding the heritage item.</p> <p>The appointment of a heritage committee is not deemed necessary as the extent of works to the heritage item located on site is not a major change to the envelope or internal planning.</p>

Provision	Compliance	Comment
5.1.4 Building exteriors	Yes	<p>The proposal will contribute positively to the streetscape with high quality architecture, meeting the objectives in Section 5.1.4 of the SDCP.</p> <p>The materiality and design of the development are distinctive and have been based on the winning scheme of a competitive design process, including jury recommendations.</p> <p>The design, materials and detailing are considered to be of a high standard and suitable for the site.</p>
5.1.6 Heritage floor space	Yes	As discussed above in Section 6.11 of the SLEP table above, a condition is recommended requiring the allocation of heritage floor space.
5.1.7 Sun protection of public parks and places 5.1.7.1 Sun Access Planes	Yes	As discussed above in the SLEP discussion, the proposed development is compliant with the Martin Place sun access plane.
5.1.7.2 No Additional Overshadowing	Yes	The proposed development will not cause any additional overshadowing to Pitt Street Mall between 10am and 2pm from 14 April to 31 August.
5.1.8 Views from public places		The proposal will not affect views to any significant spaces from the public domain and is consistent with the requirements of this provision.
5.1.9 Managing wind impacts	Yes	<p>The application was accompanied by a wind report confirming that the proposed development will not have an adverse impact on public safety and comfort at the ground level in regard to wind.</p> <p>Accompanying documentation with the application confirms comfort criteria of sitting, standing and walking can be achieved in publicly accessible areas of the site including the through-site link.</p>

Section 6 – Specific Sites

Provision	Compliance	Comment
6.3.26 15-23 Hunter Street and 103-107 Pitt Street, Sydney		
6.3.26.1 Maximum building envelope	No, but acceptable	The proposed development is generally consistent with the prescribed building envelope. Small exceedances from the envelope, however, are proposed at levels 51 and above resulting from the design of the sky terrace, building crown and sun shading devices. See under the 'Discussion' heading below.
6.3.26.2 Ground floor	Yes	The proposed development maximises active frontages with retail and business premises fronting Pitt Street, Hunter Street and the through site link. A small tower lobby area is located close to the southern corner of the site fronting Pitt Street while the majority of lobby functions is located on Level 1, allowing further maximising of active frontages to the through-site link.
6.3.26.3 Through-site link	Yes	The application includes a through-site link with access from Pitt and Hunter Streets that is generally in alignment with the requirements of the SDCP, including through-site link widths and vertical clearance to the tower soffit. A condition is recommended requiring the submission of a heritage interpretation plan in which the historical alignment of the previous laneway Empire Lane is to be interpreted within the through-site link.
6.3.26.4 Parking and vehicular access	Yes	Vehicle access to the site is located at the south-eastern corner of the site and is generally consistent with the requirements of this provision.
6.3.26.5 Design Excellence Strategy	Yes	As discussed above under the heading 'History Relevant to the Development Application', the proposal is a result of a competitive design process in which an 'invited' architectural design competition occurred. In accordance with the DCP, the additional floorspace pursued for

Provision	Compliance	Comment
		demonstrating design excellence is provided within the building envelope.
6.3.26.6 Sustainability	Yes	The application was accompanied by an ESD and Design for Environmental Performance report confirming the proposed development can achieve the sustainability targets as prescribed in the executed Planning Agreement and the SDCP.
6.3.26.7 Public Art	Yes	The application has submitted a comprehensive Public Art Strategy that demonstrates the site is capable of delivering high quality public art in publicly accessible spaces.
6.3.26.8 Heritage	Yes	The proposed development respects and enhances the heritage significance of Pangas House. The application proposes retail uses for the building, consistent with the requirements of this provision, and locates new services and additions at the rear of the building to ensure the significant façade and internal planning is retained as much as possible.

Discussion

Invited Architectural Design Competition Jury Recommendations

59. As discussed above under the heading 'History Relevant to the Development Application' section, the proposed has been subject to an invited architectural design competition. The Bates Smart scheme was selected as the winning scheme given the proposal achieved the key requirements of the Competition Brief, while balancing an innovative and architecturally interesting outcome.
60. The sun shading was commended as a visually interesting facade outcome that also achieves the relevant ESD requirements in the Brief. The proposal includes clear ESD innovations, including well integrated PV cells in the facade, an appropriate window to wall ratio, and a conscious approach to water use. The solidity in the podium was successful in aligning with the SDCP requirements and the building form was deemed appropriate for the location and future context surrounding the site.
61. The jury identified a number of matters to be refined during the design development phase of the project. This was to ensure the design adequately responded to the Competition Brief and exhibits design excellence while maintaining the original design intent. These are discussed in further detail below.

Jury Recommendation	Response
Podium	
<p>The entry sequence into the building should be improved to ensure a more direct and intuitive pedestrian path of travel into the building, the lobby and the tower above.</p>	<p>The amended scheme provides an escalator at the ground floor that has been rotated 90 degrees for a more intuitive access.</p>
<p>The scalloped corners to the southeast and southwest of the corner building of the podium buildings are overly generous and were not seen to positively contribute to the civic nature of the space. The existing masonry character of the podium is supported; however, the materiality of the podium should be reconsidered. The proposed brick is not considered appropriate to this prominent corner in Central Sydney. A more noble or sophisticated masonry material such as sandstone should be explored, as per Section 5.1.4 of the Sydney DCP. Exploration of the use of the sandstone excavated from the site is encouraged.</p>	<p>The corners have been chamfered instead of scalloped while the generosity of the space is preserved. Further, a sandstone materiality has been adopted.</p>
<p>Equal and intuitive access into the through site link should be achieved.</p>	<p>A new DDA lift has been added to ensure equitable access from Hunter Street to the through-site link is provided in addition to ramp access to the through-site link from Pitt Street.</p>
<p>The tower soffit should better contribute to the laneway experience. The treatment of the soffit could for example reflect the tower structure. Further exploration of materiality and expression is recommended.</p>	<p>The tower structure is expressed in the soffit, and the coffered zones are proposed as locations for public art.</p>
<p>The colour palette between the podium and tower is to be further coordinated.</p>	<p>The colour palette has been refined and presents as a cohesive suite of colour finishes and materials throughout the entire development.</p>

Jury Recommendation	Response
Tower	
Explore how views to the south-east down Pitt Street can be maximised in the floor plate.	The application provides Hyde Park views from bathrooms and at the rear of the core. Views to the south have been maximised to the extent in which podium and ground plane permeability and function are not negatively impacted.
Further consider the implication of the future Hunter Street West Metro site on the western facade of the tower and adjust the facade design and sun shading strategy accordingly.	<p>A number of factors have been assessed to ensure an appropriate design and solar impact response of the western facade towards future developments in the immediate context, including:</p> <ul style="list-style-type: none"> • 40% of the tower facade belongs to the curved corners. • The Metro building overshadows the rear half of the western facade, but the northern half still benefits from shading, in particular during early afternoon, a crucial time in the day. • The future metro OSD, whilst likely, is not guaranteed. The application has proposed to design for a worst case outcome, and thereby maintain design integrity of a symmetric expression of the east and west facades.
Crown (rooftop)	
The functionality and useability of the crown should be further explored, to ensure balance between user accessibility and amenity, and the efficiency and effectiveness of PV cells.	<p>The crown is intended to be a leased floor and the specific use of this space is dependent on the tenant.</p> <p>If the crown was accessible to all, demand would significantly increase and expand the core with additional lifts, having a negative impact on the ground plane.</p> <p>The crown has been designed to mitigate wind impacts whilst providing outdoor seating and landscaping. Additionally, proposed PV cells are located to the outside of the shiplapped panels to avoid self-shadowing and are spread around east to west faces of the building to allow solar</p>

Jury Recommendation	Response
	access at broader times and assist with grid demand at different times of day.
Public Art	
The screen element on the south-eastern wall of the through site link has the potential to incorporate a major artwork, in conjunction with an appropriate artist. The artwork in this location should be fully integrated with the buildings architecture and assist in defining the public nature of the laneway and act as a screen to the circulation space within the building behind.	The tower soffit is the primary focus of the public art strategy, and the primary purpose of the architectural screen is to be further developed, with recycled materials to be considered. However, the screen is also identified as an opportunity as an additional opportunity for public art, as detailed in the submitted Public Art Strategy.
Ecologically Sustainable Development	
The building is to achieve the net-zero requirements as per section 6.3.26.6(1)(d) of the Sydney DCP. This should include consideration of a pathway for Greenstar certification and assessment of organic waste recycling.	The application demonstrates the development is capable of achieving the sustainability requirements of the SDCP.
Further investigation on the feasibility of the mixed mode “wintergardens” on the commercial levels of the tower is required to ensure that they can be appropriately climate controlled.	Mixed mode is available to all typical levels. Windows can remain shut if tenants elect not to add an enclosure to create a mixed-mode room due to tenant specific fit-out needs.
Investigate the effectiveness and viability of integrating photovoltaic cells in the building design, such as on the crown and in the facade.	As discussed above, PV cells have been integrated into 2/3 of the crown panels to reduce self-shading.

62. Overall, it is considered that the detailed design responds to the key recommendations made by the selection panel and retains to the design integrity and key aspects of the winning scheme.

Design Advisory Panel

63. The proposal was considered by the City's Design Advisory Panel (DAP) on 28 March 2024.
64. The table below provides a response to the comments made by DAP regarding the proposal.

DAP Recommendation	Response
The applicant should clarify the proposed facade materiality as the documentation notes both sandstone tiles and low-profile sandstone blocks.	Clarification has been provided. The proposal seeks consent for the use of low-profile sandstone blocks.
Concern was raised about low ceiling heights and lack of natural light to retail spaces located in the basement levels, for worker's health and for commercial viability.	Noted. The floor to ceiling heights of basement retail is BCA compliant and while amenity concerns are acknowledged, retail uses are not required to provide increased floor to ceiling heights or access to natural light and ventilation.
Concern was raised about the location of bicycle parking at the lowest basement level.	The proposal includes a dedicated lift from the ground floor to the basement bicycle storage and end of journey facilities and is considered acceptable in this case.
The mid-century modern elements of the existing site should be documented.	Noted. The demolition of the existing buildings on site, except Pangas House, was approved under separate consent D/2023/442. Conditions of consent included the requirement for photographic recording of all buildings approved for demolition.
Further testing and development of proposed PV elements is to be undertaken to ensure the vertical PV strips are achievable on the crown.	The technical detail provided regarding the location and operation of the proposed vertical PV panels is considered acceptable. Conditions are recommended requiring the achievement of the NABERS commitments noted in the executed Planning Agreement.
The extent of exposed glazing on the northern facade of the occupiable space on the crown requires review.	The extent of glazing at the top levels of the tower is considered acceptable. Conditions are recommended requiring glazing samples and specifications to be submitted prior to the issue of a Construction Certificate.
<p>Wintergardens should be further developed to ensure they are achievable especially in regard to acoustic issues.</p> <p>It is recommended that the mixed mode space be shallower for efficient ventilation.</p>	The detail provided regarding the location of mixed mode spaces is considered acceptable.

Maximum Building Envelope

- 65. The overall form and massing of the proposal has been guided by, and is largely consistent with, the site-specific SLEP and SDCP provisions that apply to the site. The result is a building abiding by the established DCP envelope with a form and scale that has, through the Planning Proposal process, been the subject of urban design and architectural testing to ensure a highly contextual outcome for the site, with a strong interface with surrounding current and emerging developments, and consistency with the broader locality.
- 66. Section 6.3.26.1 of the site-specific DCP establishes the envelope applicable to the site (refer to Figure 57).

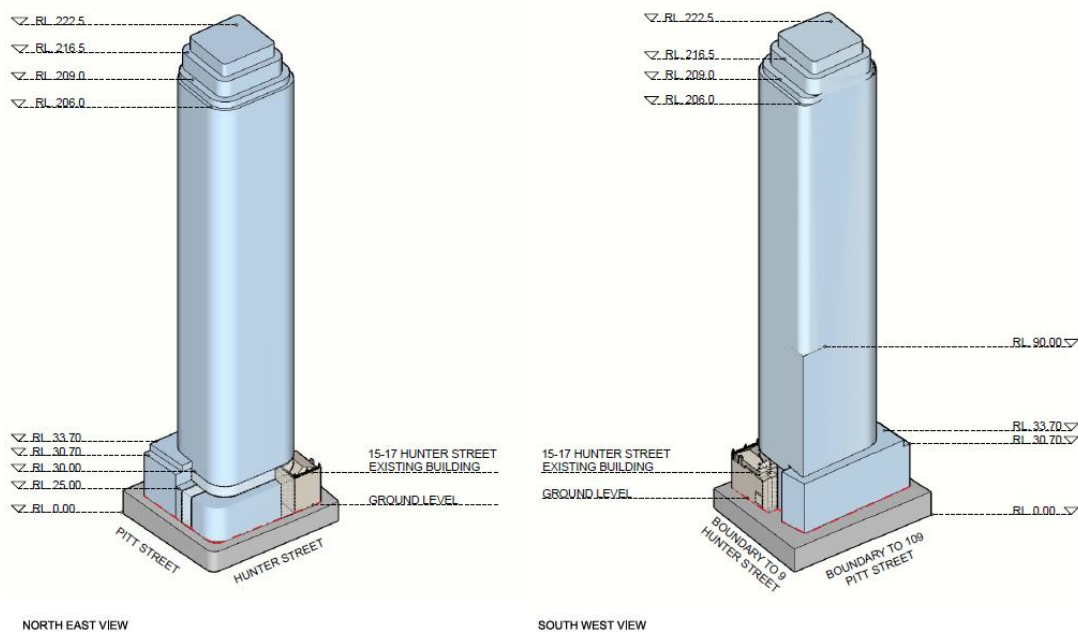


Figure 57: Diagrams of recommended building envelope

- 67. The proposed development is largely within this envelope, except for two proposed areas of the tower at the south-eastern edge of the tower form and the crown as shown in Figure 58 below.

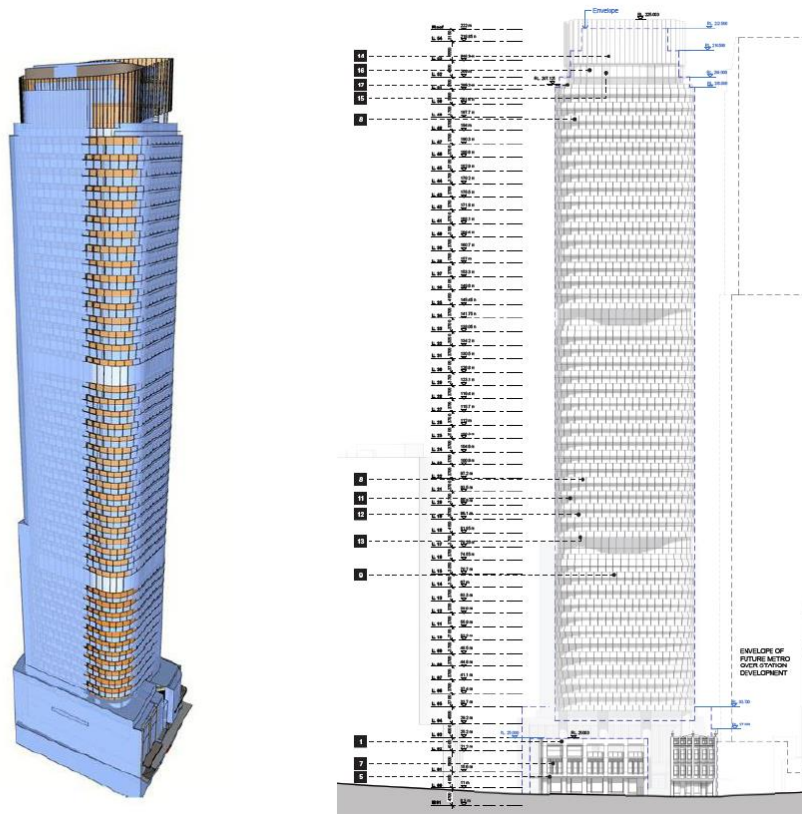


Figure 58: Proposed tower, with approved envelope shown in blue

68. It is noted that the podium is entirely consistent with the envelope, with additional chamfering of the tower proposed to allow for added light into the through site link. A significant portion of envelope area is unfilled in the lower levels of the tower envelope, articulating this portion of the tower. Figure 59 demonstrates this additional area of envelope provided.

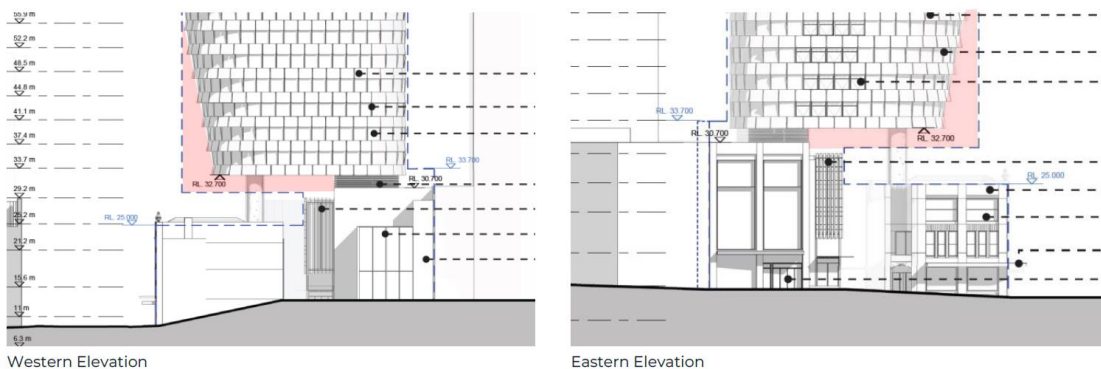


Figure 59: Chamfered tower above the podium compared to approved envelope

The Crown

69. Under section 6.3.26 of the SDCP, a height of RL 222.5m AHD is referenced for the envelope. The proposed development is generally consistent with this height, except for the architectural roof feature of the Crown, which is to be provided above the top-level plant.

70. The architectural roof feature will extend to a height of RL 225m AHD. The tallest part of this roof feature is localised to the northern part of the site, with the Crown remaining below the Martin Place Sun Access Plane. The top of the building is expressed as an articulated screen with solar panels, housing an open top plant room as illustrated at Figure 60. The overall Crown is presented as a single, integrated architectural roof feature, providing a cap to the building and a distinctive addition to the skyline.

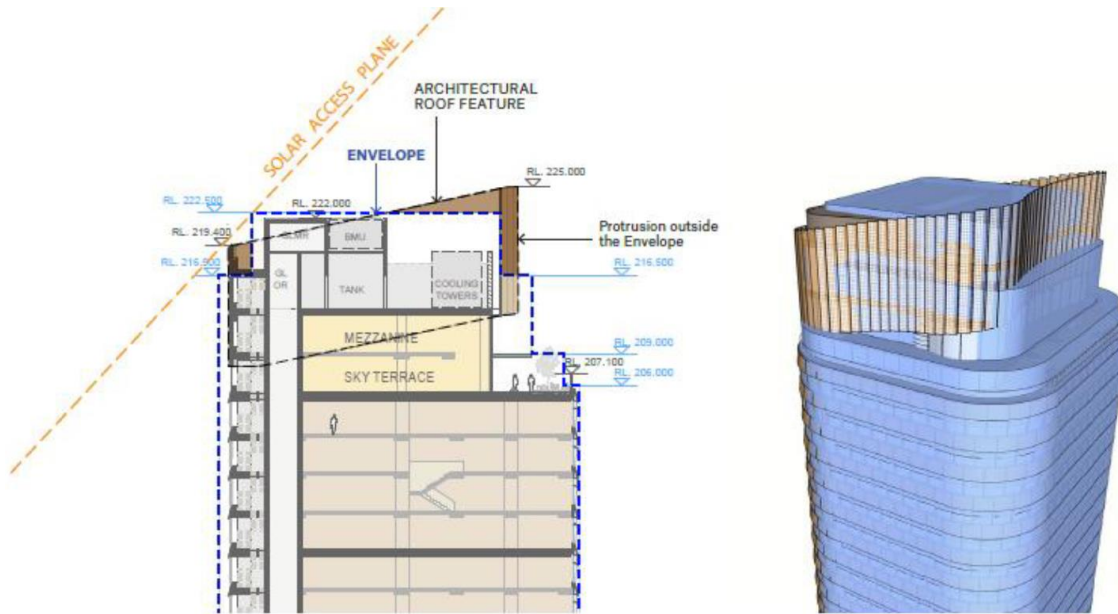


Figure 60: Nature and extent of DCP envelope variation

71. The extent of variation at this upper level is considered negligible and is supported. The crown has been designed in a way to provide a bold topper to the building, appropriately concealing building services while also ensuring solar generation through the provision of PV cells. It is a decorative element at the top of the tower that contains no floor space or signage.
72. Further, the crown will not result in significant overshadowing and will maintain compliance with the Martin Place Sun Access Plane and given the exceedance of the envelope is only minor, further analysis on wind impacts or daylight access in addition to what has already been undertaken during the Planning Proposal process is not deemed necessary.

South-eastern Sun Shading Devices

73. Design development following the design competition has resulted in the rationalisation of the core and the reshaping of the southern façade to create a more consistent expression, straightening and aligning the two southern corners. As a result, the sun shading on the south-eastern corner slightly encroaches beyond the envelope on the south-eastern corner. This encroachment is limited to approximately 700mm in depth as shown at Figure 61. The change also has the benefit of opening views to the south-eastern corner of the site and south down Pitt Street, as requested by the Jury through the design competition.

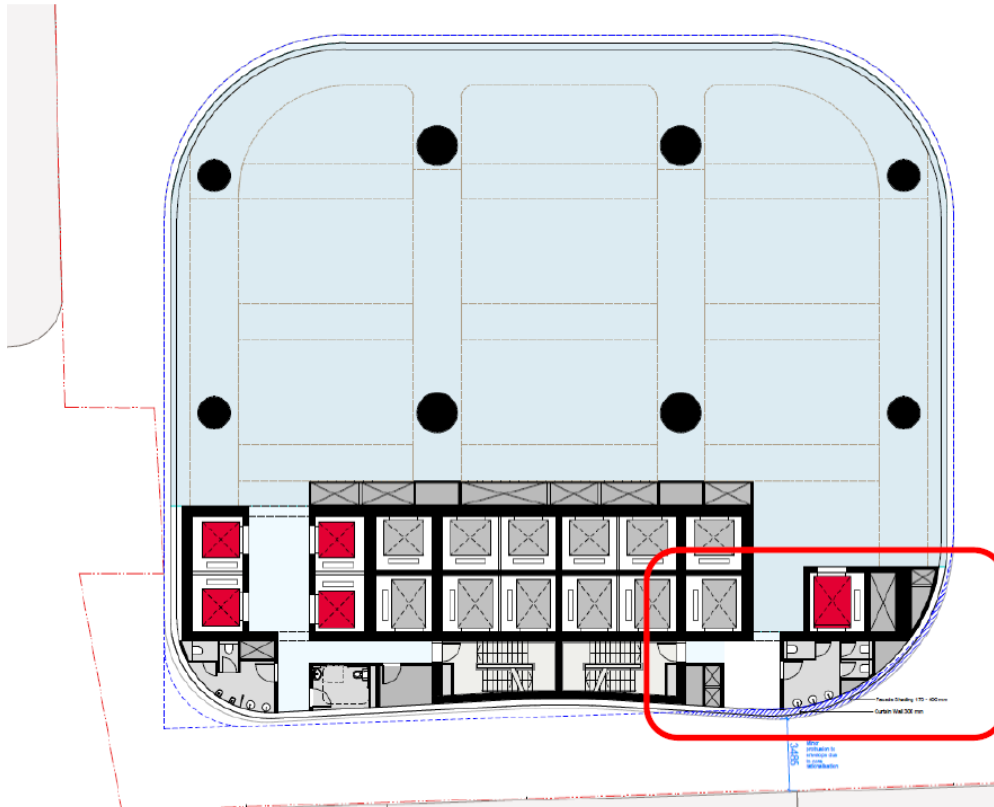


Figure 61: Envelope plan demonstrating sun shading beyond the envelope

74. This minor departure from the DCP envelope is considered acceptable for the following reasons:
- (a) The proposed building form and envelope achieves the objectives of section 6.3.26.1 in that:
 - (i) A large tower setback from Pitt Street is still provided, as the majority of the encroachment is on the southern boundary of the site. The minor encroachment does not create any additional bulk and scale over Pitt Street, given that it does not contain any GFA.
 - (ii) Significant setbacks are maintained on all boundaries to allow for maintenance of the building within the site.
 - (iii) The encroachment does not result in any impacts to solar access, wind comfort and daylight, including daylight to the through site link, given it is very minor in nature.
 - (b) The variation is very minor in nature and is not readily perceptible compared to the DCP envelope and does not result in any additional impacts to surrounding properties.
 - (c) The site-specific articulation requirement of the SDCP is achieved.
 - (d) There will be no significant perceivable change arising from the envelope encroachments when viewed at pedestrian level.

- (e) High levels of daylight and views to the sky are achieved.

Bicycle Parking

- 75. The DCP requires a minimum of 316 bicycle spaces for staff and 174 visitor spaces.
- 76. The application proposes 316 bicycle storage spaces on basement level 6 providing a dedicated lift for access from ground floor. The application, however, does not propose any visitor bicycle spaces.
- 77. The submitted Transport Impact Assessment justifies the provision of no visitor bicycle spaces for reasons as follows:
 - (a) The subject site is to be located directly between both entrances to the new Hunter Street metro station which will provide excellent connectivity to the Sydney Rail network and provide a highly convenient and accessible means of travelling to and from the site.
 - (b) Based on available journey to work data from 2016 - 2021, it is noted that between 2% - 4% of employees within the Sydney CBD travel to work via use of a bike. On the basis that the proposed development may accommodate in the order of 3,000 employees, it is therefore considered that this may equate to in the order of 60 – 120 employees cycling to the site with this being more than adequately catered for within the sites 316 space bike parking provision. The additional capacity within the onsite bike parking provisions can therefore be used to cater towards visitor demands should it be needed.
 - (c) The City of Sydney Cycling Strategy has a target of 10% of city-based trips to be via bike by 2030. Based on application of this to the proposed development, it estimated that this may equate to 300 bike trips to/from the site which will be adequately accommodated within the provided bike parking provisions.
- 78. The submission was reviewed by Council's Transport and Access Unit who were not satisfied with the justification. The advice received by the Transport and Access Unit is acknowledged however, the applicant's justification to provide fewer bicycle parking spaces is generally accepted.
- 79. To improve the availability and accessibility to visitor bicycle spaces, it is recommended that a condition be imposed to increase the number of visitor bicycle parking spaces by an additional 20 spaces. These spaces are required to be located in an easily accessible area within the site, preferably on the ground floor, and designed in accordance with the requirements of the SDCP.

Consultation

Internal Referrals

- 80. The application was discussed with Council's
 - (a) Design Advisory Panel
 - (b) City Access and Transport Unit
 - (c) Cleansing and Waste Unit

- (d) Environmental Project Team
 - (e) Health and Building Unit
 - (f) Heritage and Urban Design
 - (g) Landscape Assessment Officer
 - (h) Model Team
 - (i) Planning Agreements
 - (j) Public Art Unit and Public Art Advisory Panel
 - (k) Public Domain Unit
 - (l) Specialist Surveyor and
 - (m) Urban Forest Team.
81. These panels, units and officers generally advised that the proposal is acceptable, subject to condition.
82. Where appropriate, these conditions have been recommended. Comments provided by the DAP have been addressed elsewhere in this report.
83. Where concerns were raised with the proposed development, these matters are addressed in the table sections provided throughout the body of this assessment report.

External Referrals

Ausgrid

84. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
85. A response was received raising no objections to the proposed development, subject to conditions.

NSW Heritage Council

86. Due to the proximity of the site to the Tank Stream, the application was referred to Heritage NSW for comment.
87. Comments were issued by Heritage NSW and conditions were recommended to ensure the protection of the Tank Stream during excavation and construction.

Sydney Airport

88. 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'.

89. 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 RL156m AHD. At a maximum proposed height of RL 225m AHD, the building will penetrate the OLS by 69 metres and any construction of a building to this height constitutes a 'controlled activity'.
90. Section 183 of the Airports Act, 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted.
91. Clause 14 of the Civil Aviation (Building Control) Regulations 1988 provides that a proposal to carry out a controlled activity must be approved unless carrying out the controlled activity interferes with the safety, efficiency or regularity of existing or future air transport operations into or out of the airport concerned. Clause 14(1)(b) provides that an approval may be granted subject to conditions.
92. Under the Regulations, the Secretary of the Department is empowered to make decisions in relation to the approval of controlled activities and impose conditions on the approval. The Director, Demand Management and Protection of Airspace, Aviation and Airports, as the delegate of the Secretary for the purposes of the Regulations, provided approval for the controlled activity on 18 March 2024.

Transport for NSW

93. Pursuant to Section 2.122 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
94. Comments were received on 21 December 2023. Conditions of consent were recommended which are included in the Notice of Determination.

Water NSW

95. Pursuant to Section 92 of the Water Management Act 2000, the application was referred to Water NSW for concurrence.
96. General Terms of Approval were issued by Water NSW on 12 June 2024 and have been included in the schedules within the recommended conditions of consent.

Sydney Metro

97. As discussed above under the 'State Environmental Planning Policy (Transport and Infrastructure) 2021' section, the application requires concurrence from Sydney Metro due to the nature of the proposed works and the proximity to future metro tunnels. At the time of writing this report, concurrence has not yet been received and it is recommended that the determination be delegated to the Chief Executive Officer, pending the receipt of concurrence from Sydney Metro. There are ongoing discussions between Sydney Metro and the applicant, and City staff have been advised that subject to the further information being provided, Sydney Metro will be in a position to support the application and provide concurrence.

Advertising and Notification

98. In accordance with the City of Sydney engagement strategy and community participation plan 2022, the proposed development was exhibited for a period of 50 days between 6 December 2023 and 24 January 2024. A total of 788 owners and occupiers were notified and one submission was received.

99. The submission raised concern with construction traffic impacts affecting surrounding land uses, particularly hotels relying on Hunter Street for guest pick-up and drop-off. The submission also noted how traffic impacts are compounded with the ongoing construction of the Hunter Street Metro West site adjacent to the subject site.
100. The submission is noted. Conditions of consent are recommended requiring the preparation of a comprehensive Construction Pedestrian and Traffic Management Plan (CPTMP), prepared in consultation with Sydney Metro, TfNSW and Council to ensure the construction impacts from the subject site are considered in tandem with the construction operations of surrounding development sites. The CPTMP must consider impacts to surrounding land uses and impacts on pedestrian, cyclist and vehicle movements in surrounding streets and include mitigation measures to manage those adverse impacts.
101. Additionally, conditions are recommended to restrict construction hours to maintain acceptable acoustic levels during construction.

Financial Contributions

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

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

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

104. As discussed in the section above titled 'State Environmental Planning Policy (Housing) 2021', the application meets the requirements of Section 7.32(1) and (3) allowing the imposition of a condition requiring the delivery of affordable housing by way of land dedication or monetary contribution.
105. The site is located within the Central Sydney affordable housing contribution area. As the proposed development includes additional floor space, a contribution of 1% of the total floor area (69,039sqm) is required for the non-residential component floor space at a rate of \$11,176.22 per square metre totalling \$7,715,840.30 in lieu of the dedication of any floor space for the purposes of affordable housing. A condition of consent is recommended requiring payment prior to the issue of a construction certificate.

Housing and Productivity Contribution

106. This development application is not subject to a Housing and Productivity Contribution under the provisions of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 as it was lodged before the Housing and Productivity Contribution came into effect on 1 October 2023.

Relevant Legislation

107. Environmental Planning and Assessment Act 1979.
108. Sydney Water Act 1994.
109. Airports Act 1996 (Cth).
110. Water Management Act 2000.
111. Heritage Act 1977.

Conclusion

112. The application for the construction of a 55 level commercial tower and podium building with a 6-level basement, 3-level pavilion building, restoration of Pangas House and new through-site link has been assessed in accordance with the relevant planning controls.
113. Site-specific controls apply to the site under the SLEP and SDCP. The application is considered to achieve the objectives in the site-specific provisions and will contribute an appropriate built form that is compatible with surrounding developments, additional commercial floor space within Central Sydney and the creating of a new through-site link within the city block.
114. The proposal provides activated public spaces and is capable of meeting sustainability targets as required by the controls and utilises the floor space controls for the design of the new commercial tower building.
115. As a result of the design modifications made to the scheme, the amended proposal is of a high standard of architectural design, materials and detailing. It presents an improved outcome, comprises an appropriate response to the site conditions and locality and will result in a form and scale that achieves the desired future character of the area.
116. The proposed development does not pose any significant or unreasonable impacts upon the existing or likely future development surrounding the site. The proposal will improve the interface between the private and public domain and exhibits design excellence in accordance with Part 6 Division 4 of the SLEP.
117. 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.
118. Subject to the recommendations 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.

119. The site is also located directly above and adjacent to future Sydney Metro tunnels and adjacent to the future Hunter Street West metro station. As such, the application requires concurrence from Sydney Metro in accordance with Section 2.99(3) of the State Environmental Planning Policy (Transport and Infrastructure) 2021. At the time of writing the report, Sydney Metro requires further information to be satisfied that the proposed development will not adversely impact on the structural integrity of the rail infrastructure. There are ongoing discussions between Sydney Metro and the applicant, and City staff have been advised that subject to the further information being provided, Sydney Metro will be in a position to support the application and provide concurrence.
120. It is therefore recommended that the Committee delegate determination to the Chief Executive Officer pending the receipt of concurrence from Sydney Metro.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Marie Burge, Senior Planner