

**Item 8.****Development Application: 343 George Street, Sydney - D/2025/342****File Number: D/2025/342****Summary**

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Date of Submission:</b>  | 28 April 2025<br><br>Amended plans submitted on 28 May and 6 June 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Applicant:</b>           | City of Sydney Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Architect/Designer:</b>  | JPW Architects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Developer:</b>           | City of Sydney Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Owner:</b>               | City of Sydney Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Planning Consultant:</b> | Ethos Urban                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Heritage Consultant:</b> | Design 5 Architects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>DAPRS:</b>               | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Cost of Works:</b>       | \$31,367,682.00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Zoning:</b>              | SP5 Metropolitan Centre                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Proposal Summary:</b>    | <p>The proposal is for alterations and additions to State Heritage building, including new addition at Level 11, new end of trip facilities, building upgrades and accessibility works. The proposal seeks to stage the construction into 2 stages:</p> <ul style="list-style-type: none"><li>• Stage 1 - All works including upgraded bathrooms to Level 4</li><li>• Stage 2 - Remaining works to Levels 4-11.</li></ul> <p>The application seeks to undertake a range of internal heritage conservation works and a staged award of Heritage Floor Space (HFS). The application seeks the award/carrying out of HFS works in 4 stages:</p> |

- Stage 1 – retrospective upfront award for completed works
- Stage 2 – Award for facade works to Barrack and George Streets
- Stage 3 – Award for proposed Stage 1 building renewal works (all works including upgraded bathrooms to Level 4)
- Stage 4 – Award for proposed Stage 2 building renewal works (all remaining works to Levels 4-11)

The proposal seeks to upgrade a number of mechanical systems including, air conditioning, central plant, ventilation systems, smoke hazard management and hot and chilled water plant.

A BCA upgrade strategy has been prepared and submitted with the application.

The end of trip facilities are to be located within the basement and will include 116 bicycle spaces, 128 lockers and 12 showers.

The application was notified for 28 days in accordance with the City of Sydney Community Participation Plan 2023. No submissions were received.

The proposal is Integrated Development under the Heritage Act 1977, requiring approval from Heritage NSW. Heritage NSW has issued General Terms of Approval subject to conditions.

The application has been referred to the Local Planning Panel in accordance with the Local Planning Panel Direction - Development Applications and Applications to Modify Development Consents dated 6 March 2024 as the development has a conflict of interest as Council is the owner and applicant.

The site is located within the Martin Place Special Character Area within Sydney DCP 2012. The site is subject to site specific street frontage height and above street frontage height setbacks provisions. The proposed development is reducing and simplifying the roof plant as well as providing a outdoor 'breakout space' for the building occupants, on level 11. The new roof structure and all maintenance and refurbishment works comply with the sun access plane and view plane provisions of the Sydney LEP 2012.

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

**Development Controls:**

- (i) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (ii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
- (iii) SEPP (Resilience and Hazards) 2021
- (iv) SEPP (Biodiversity and Conservation) 2021
- (v) SEPP (Planning Systems) 2021

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Heritage Floor Space Staging Plan
- D. Schedule of Conservation Works

**Recommendation**

It is resolved that consent be granted to Development Application Number D/2025/342 subject to the conditions set out in Attachment A to the subject report.

**Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) The proposed alterations and additions and conservation works are consistent with the objective of the SP5 Metropolitan Centre zone as it conserves the heritage significance of a key commercial building within the CBD.
- (B) Having considered the matters in Clause 6.21C of the Sydney LEP 2012, the building displays design excellence.
- (C) The proposal is consistent with the sun access plane requirements under Clause 6.17 of Sydney LEP 2012.
- (D) The proposal satisfies the design principles and built form provisions for the Martin Place Special Character Area.
- (E) The heritage conservation works are consistent with the requirements under Subdivision 3 of Sydney LEP 2012.
- (F) Subject to the imposition of conditions, the potential impacts of the proposed alterations and additional are appropriately managed and the significant heritage elements are maintained for future longevity.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 2 in DP 771947, known as 343 George Street, Sydney. It is irregular in shape with area of approximately 1,169sqm. It has a primary street frontage of 22m to George Street and a secondary street frontage of 54m to Barrack Street. The site is benefited from rear lane access from Barrack Lane that is a private laneway jointly owned by 343 and 341 George Street.
2. The site contains an 11 storey commercial building with a retail store on the ground floor and office tenancies on floors 1-10.
3. The surrounding area is characterised by a mixture of land uses, primarily being a mix of retail and commercial uses. The site is located at western end of Martin Place and is located approximately 200m from Wynard Light Rail stop
4. The site is a state and local heritage item listed as SHR00428 and I1779, described as 'CBC bank, former head office including interior'.
5. The site is located within the Martin Place Special Character Area locality and is not identified as being subject to flooding.
6. A site visit was carried out on 22 May 2025.
7. Photos of the site and surrounds are provided below.

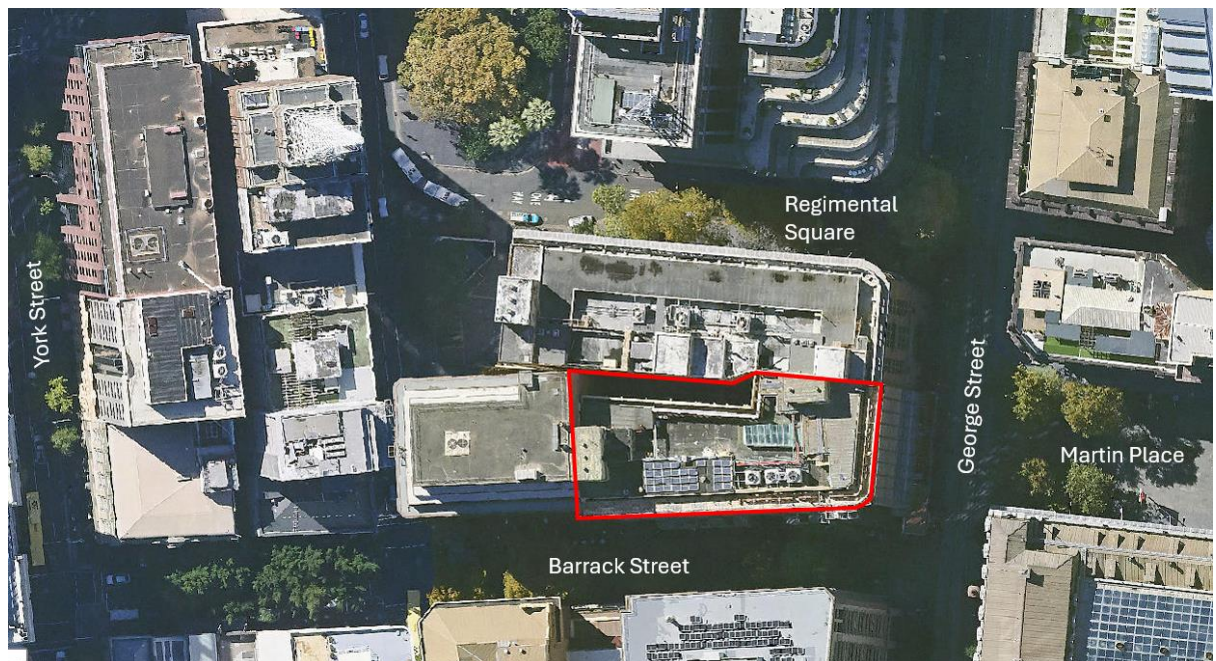


Figure 1: Aerial view of site and surrounds



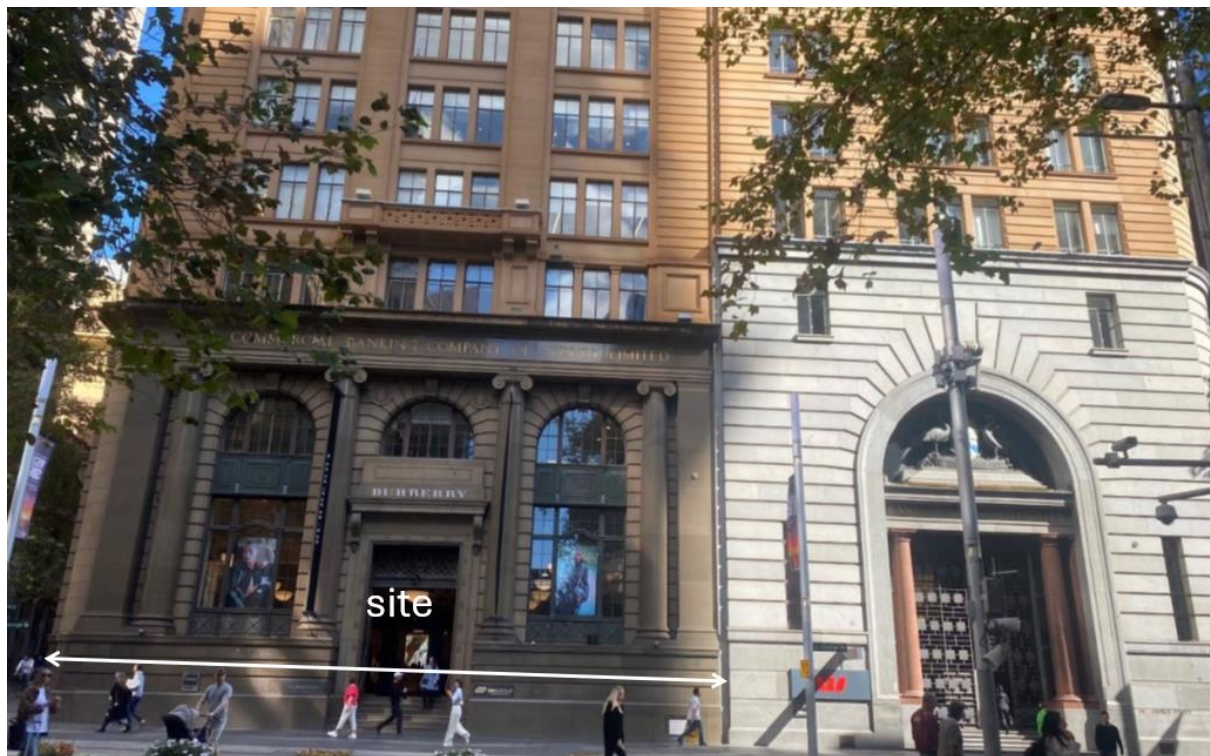


Figure 2: Site viewed from George Street



Figure 3: Site viewed from George Street, facing Barrack Street





Figure 4: Barrack Street entry

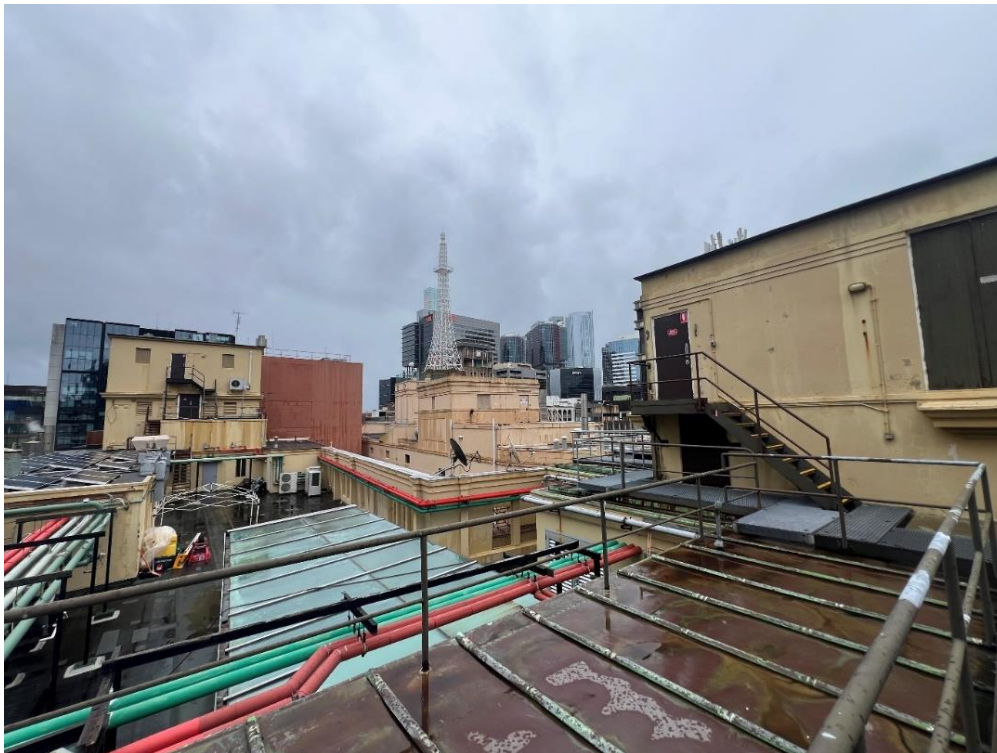


Figure 5: Level 11, existing roof plant looking west

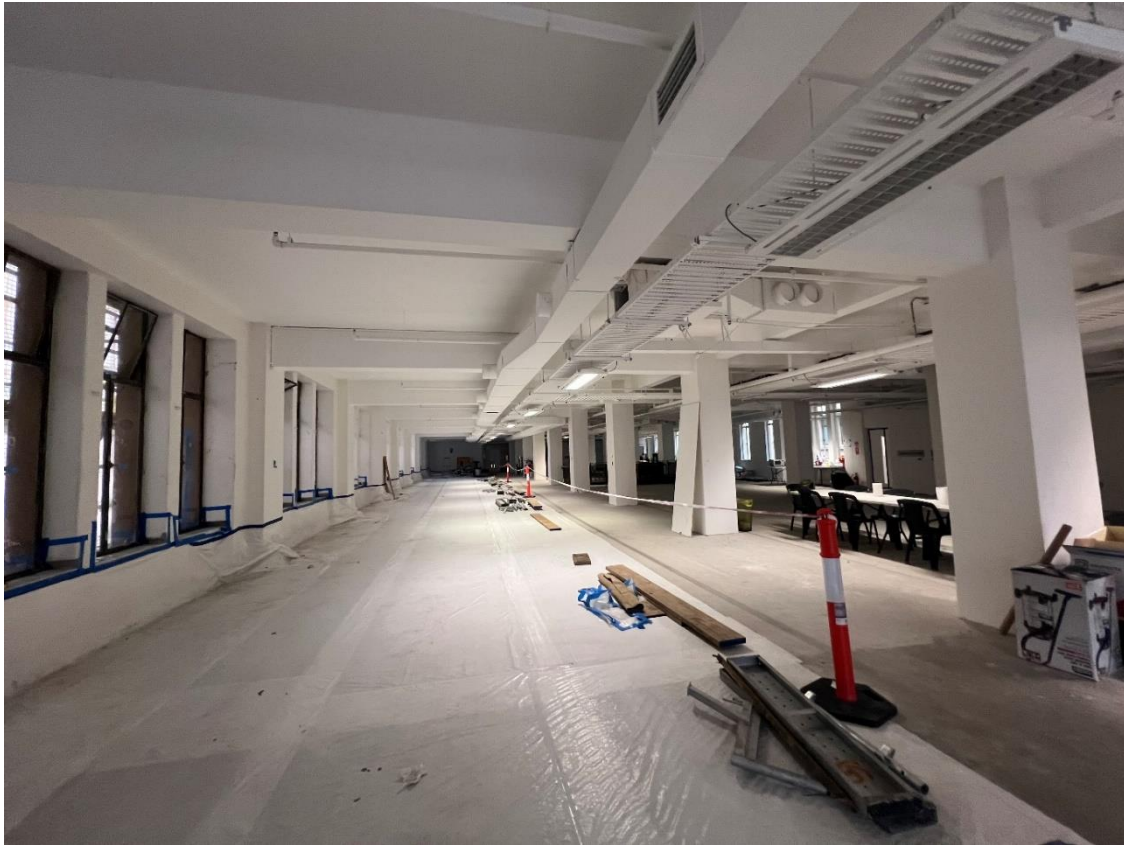


Figure 6: Level 7, typical office level floor layout

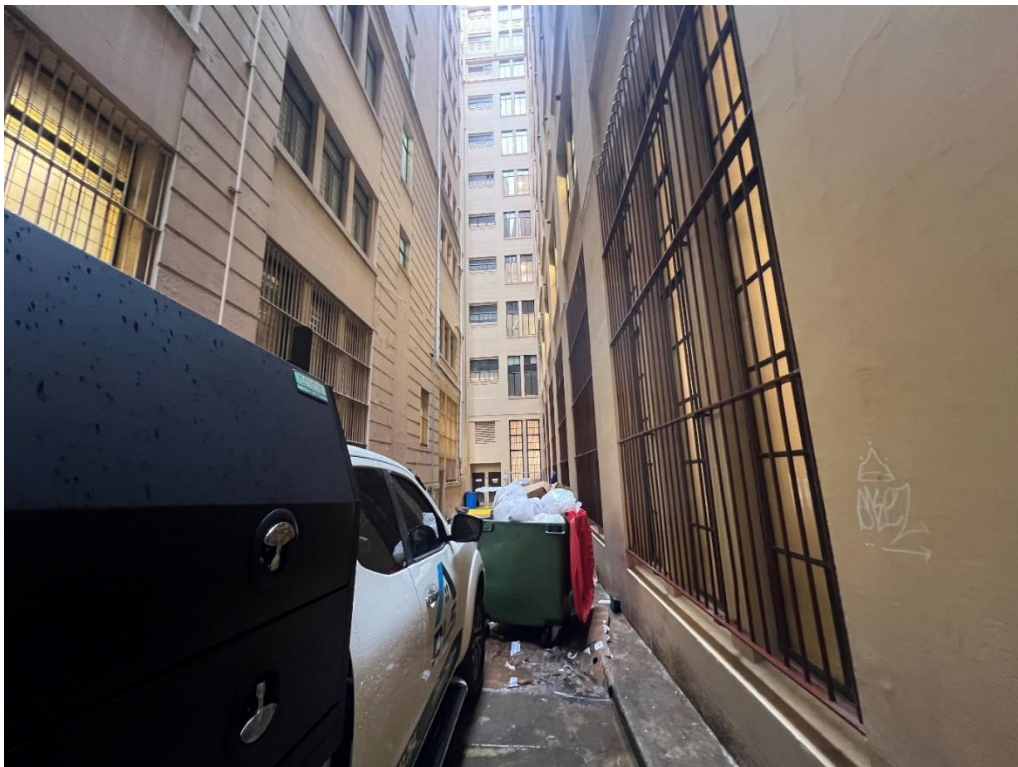


Figure 7: Barrack Laneway, facing east





Figure 8: ground floor lift and stairway lobby accessed from the Barrack Street entrance

## History Relevant to the Development Application

### Development Applications

8. The following applications are relevant to the current proposal:
- **D/2019/405** – Development consent was granted on 11 October 2019 for alterations and additions to the facade and rooftop of a commercial office building including repairs to the sandstone facade, installing clear window films, repair steel and bronze windows, replace copper weathering and flashings, and install additional external lighting on the eastern and southern facades. The application was Integrated Development requiring the approval of the Heritage Council of NSW under the Heritage Act 1977 NSW.
  - **HCS/2022/29** – Heritage Exemption Works were granted on 3 May 2022 for alteration and additions to facade and rooftop of a commercial office building including repairs to the sandstone facade and other works.
  - **PDA/2023/68 and PDA/2024/25** – Pre-lodgement advice was provided on 28 March 2023 and 6 June 2024 for alterations and additions and base building renewal of L6-10. The works discussed during the pre-lodgement process form the basis of the current application.

## Amendments

9. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 19 June 2025. The letter requested further clarification on the retained and new building fabric, a City of Sydney Design for Environmental Performance Report and an amended BCA/NCC report.
10. A further request for additional information was sent to the applicant on 3 July 2025. This request required the applicant to:
  - provide a GFA audit to be prepared and submitted by a registered surveyor.
  - Amend the staged conservation works to combine Stage 3 and 4 into one stage.
  - Provide additional plans which confirm the exact area of heritage building to be able to calculate the award of heritage floor space.
11. The applicant responded to the request on 4 July 2025, and submitted the following information
  - A RFI response letter prepared by Ethos Urban.
  - Amended architectural drawings which clearly articulate what elements are being retained and what is demolished and proposed.
  - A City of Sydney Design for Environmental Performance Report in accordance with Council's online template.
  - An updated BCA/NCC report which address Section 62 (2) of the BCA.
12. On 4 August 2025, an updated site survey and GFA plans were provided to Council.

## Proposed Development

13. The application seeks consent for the following:

### Basement B2:

- Relocation of services, including a new fire pump room, pump room lobby, and concrete water tank.
- Storage of heritage fabric and retail back of house.

### Basement B1:

- Modification of basement 2, western strong room for using end-of-trip bike lockers. The original safes inside the strong room will be retained.
- Demolition of the existing lightweight partitions east of the existing strong room and construction of end-of-trip facilities. The end-of-trip facilities will include male and female bathrooms, showers, and an accessible WC.

- Demolition of the existing pump room equipment in the northwest corner. Construction of a new lift connecting with the ground floor.
- The original 'East Safety Deposit Vault' is to be retained as a separate lettable space.

Ground floor:

- Demolition of the glass partitions in the George Street lift lobby and replacement with new partial height lobby screens. Other minor George Street lift lobby changes include signage and a directory board. Two existing counters within this space, identified as having exceptional significance, will be relocated.
- George & Barrack Street entry lobby enhancements, including new lift cars and interiors, to create a high-quality arrival experience for tenants and their visitors.
- Demolition of existing entry stairs to Barrack Street Lobby and construction of new DDA stepped ramps.
- The existing sprinkler valves will be decommissioned, and new fire services booster cupboards with stone-clad doors will be constructed into the Barrack Street façade.
- Demolition of existing stair and fire control room at the northwest corner off Barrack Lane.
- Reconfigure this space to include a new end-of-trip lobby, new lifts and a fire control room.
- Minor alterations to the original stair at the northwest corner.

Typical office levels 1-10:

- Strip out of later internal partitions on each floor (except for significant joinery and walls on level 2, level 5 and level 7, which is already stripped).
- Significant interior offices on Levels 2 and 5 are to be retained.
- Base building services for commercial office tenancies on each floor.
- Lift lobby upgrades, including new lifts and car interiors, doors, DLS controls, lanterns, and car interiors. New and restored terrazzo flooring will be used to lift the lobby outside George Street and Barrack Street lifts on each level.
- Demolition of existing amenities west of George Street lifts and construction of new amenities, including male, female and DDA-accessible toilets.
- New glazed fire door to Barrack Street fire stair. There is no change to the fire stairs at Barrack Street, graded as having exceptional significance.



- Level 10: new fire curtain around stair void.
- Replacement of lift cars,

Level 11:

- Demolition of the showers accessed from the Barrack Street lifts and replacement with new amenities and DDA toilet.
- Demolition of existing building plant equipment, mainly located along the south and east edges of the building. Replacement building services will be installed along the north side of the roof, close to the Barrack Lane external wall.
- Retention of outer stone parapet walls on all sides (exceptional significance). Demolition of the internal parapet wall, “mansard wall”, on the east and south sides with interpretive paving inlays showing the location of the wall.
- Construction of a new part shared and part private outdoor terrace with flexible internal spaces for breakout and amenity. The shared space will be covered by a new singular roof form that wraps the south and east sides but retains generous setbacks from the facades.
- The level 11 floor space is designated as “flexible or multipurpose office use” for BCA classification purposes.

Award of Heritage Floor Space (HFS)

- The application seeks a staged award of 4,676sqm of heritage floor space under Subdivision 3 of Sydney LEP 2012. This includes both proposed works under the subject application and works already completed.
- A updated Conservation Management Plan (CMP) has been prepared and submitted with the application to support this.
- The award/works are proposed to be undertaken in 4 stages:
  - Stage 1: retrospective upfront award for completed works
  - Stage 2: award for facade works to Barrack and George Street
  - Stage 3: All works including upgraded bathrooms to Level 4
  - Stage 4: Remaining works to Levels 1-4

## Assessment

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

**Heritage Act 1977**

15. The subject site is listed as an item known as CBC Bank (former) on the State Heritage Register under the Heritage Act 1977 SHR00428.
16. The site has had two previous Heritage Conservation Plans approved in 2002 and 2018.
17. A new Heritage Conservation Plan, dated April 2025, was submitted with the application.
18. As Integrated Development requiring approval under the Heritage Act 1977, a copy of the application was referred to the Heritage Council on 10 June 2025 in accordance with Clause 66 of the Environmental Planning and Assessment Regulation 2000. In correspondence dated 18 June 2025, the NSW Heritage Council was advised that the exhibition period had been completed, and no submissions were received.
19. On 9 July 2025, a site meeting was held between Heritage NSW, Heritage NSW Approvals Committee, Council and the Applicant.
20. On 17 July 2025, the Heritage Council of NSW issued the General Terms of Approval subject to recommended conditions which are to included in any approval.
21. General Terms of Approval were granted on the basis that the following works were not approved and design amendments are required:
  - The proposed works to the original money lift room at Lower Ground / Basement B1 is not approved.
  - The removal and storage of the original marble counter located at the George Street lobby is not approved.
  - The removal and storage of the marble writing desks are not approved.
  - The removal of the original bronze doors within the internal bronze screen at the Barrack Street entrance and modification with glazed sliding doors in the current form is not approved.
  - Modification of the original inner bronze screen at the Barrack Street entrance in the current form is not approved.
  - Removal and/or modification of the original pavement lights in association with the proposed fire hydrant on the Barrack Street elevation in the current form is not approved.

These elements were not approved to ensure that the proposal will not have a detrimental impact to the significant aesthetic, rarity, and Historic values of CBC Bank (former), and as insufficient details that clearly demonstrate a meaningful treatment of significant elements and heritage values of the site have not been provided.
22. Based on the above, a condition of consent is recommended requiring amended plans to address the above, to be submitted to Council and subsequently the NSW Heritage Council for approval prior to the issue of the Stage 1 construction certificate. This will also require the CMP to be updated accordingly.

## **State Environmental Planning Policies**

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

23. 23. 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.
24. The proposal does not involve any excavation or works that will impact the ground soils. Further, the use of the site as a mixed-use commercial building is being retained.
25. Therefore, no remediation works are required.

### **State Environmental Planning Policy (Sustainable Buildings) 2022**

26. The aims of this Policy are as follows—
- (a) to encourage the design and delivery of sustainable buildings,
  - (b) to ensure consistent assessment of the sustainability of buildings,
  - (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
  - (d) to monitor the embodied emissions of materials used in construction of buildings,
  - (e) to minimise the consumption of energy,
  - (f) to reduce greenhouse gas emissions,
  - (g) to minimise the consumption of mains-supplied potable water,
  - (h) to ensure good thermal performance of buildings.

### **Chapter 3 Standards for non-residential development**

27. Chapter 3 of the SEPP applies to development, other than development for the purposes of residential accommodation, that involves:-
- (a) The erection of a new building, or
  - (b) Alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10million or more.

### **Section 3.2 Development Consent for non-residential development**

28. Section 3.2 Development consent for non-residential development provides that:
- (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—
    - (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,



- (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,
  - (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,
  - (d) the generation and storage of renewable energy,
  - (e) the metering and monitoring of energy consumption,
  - (f) the minimisation of the consumption of potable water.
- (2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.
29. With regards to the above matters the applicant has submitted a City of Sydney Design for Environmental Performance report template to address the above. The template identifies design and technology responses for environmental performance that the applicant proposes to be incorporated in the development. This includes:
- High efficiency LED lighting, smart lighting control integrated into the building management system and presence detectors for most areas to ensure lighting is only active when an area is occupied.
  - A Building Management Control System (BMCS) is proposed for detailed energy monitoring as per the NABERS requirement.
  - Given that the building has a heritage façade internal comfort is achieved via highly efficient mechanical systems low-load chiller, chilled beams, Variable Air Volume (VAV) diffusers and economy cycles in the HVAC system
  - The existing 40% glazing ratio allows for significant natural daylight penetration. LED is proposed through the building to achieve energy efficiency.
  - Section J compliance is achieved via alternative compliance for existing buildings using the National Construction Code (NCC)
30. With regards to section (2) above the applicant has adequately quantified the embodied emissions attributable to the development. Section 35B of the Environmental Planning and Assessment Regulation determines the form in which embodied emissions are to be quantified. The embodied emissions attributable to the development have been appropriately quantified using the NABERS embodied energy form published on the NSW Planning Portal and certified by an appropriately qualified person as required by the regulations.

### **Section 3.3 Other Considerations for Large Commercial Development**

31. Section 3.3 Other considerations for large commercial development applies to development defined as prescribed office premises, prescribed service apartments and prescribed hotel or motel accommodation.
32. Section 3.3 provides that:
- (1) In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises

the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.

(2) Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.

(3) For the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard.

33. The above, to the extent it relates to energy use, does not apply to large commercial development, except serviced apartments, on land to which the following local environmental plans apply—

(a) Sydney Local Environmental Plan 2012,

34. The proposed development is subject to the above LEP and is for a prescribed office premises. The proposal satisfies the standards for water use being subject of a 3 star NABERS water rating. Refer to energy use provisions in the LEP compliance table below.
35. Conditions of consent are recommended to ensure that the development achieves the required energy and water use standards.

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

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

#### **Clause 2.97 – Development adjacent to rail corridors**

37. The application is adjacent to the Sydney Light Rail corridor and was subsequently referred to Transport for NSW (TfNSW) for comment.
38. TfNSW have recommended conditions which are included in the recommendation.

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

39. 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.
40. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

## Local Environmental Plans

### Sydney Local Environmental Plan 2012

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

#### Part 2 Permitted or prohibited development

| Provision                              | Compliance | Comment                                                                                                                                                                                                                                                                      |
|----------------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.3 Zone objectives and Land Use Table | Yes        | The site is located in the SP5 Metropolitan Centre zone. The proposed development is defined as alterations and additions to an existing mixed use commercial premises and is permissible with consent in the zone. The proposal generally meets the objectives of the zone. |

#### Part 4 Principal development standards

| Provision               | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.3 Height of buildings | Yes        | <p>A maximum building height of 55m is permitted and the site is in Area 3. Clause 6.17 Martin Place Sun Access Plane (SAP) and 6.19 Martin Place View Protection Plane, is applicable.</p> <p>The current height of the building is 56.6m which exceeds the maximum height control.</p> <p>A height of 56.6m is maintained as it is to the existing parapet on the western portion of the roof.</p> <p>Notwithstanding this, the new roof structure (over the level 11 'breakout communal area') is 51m in height.</p> <p>The proposed development complies with the maximum height of buildings development standard.</p> <p>See discussion section below.</p> |
| 4.4 Floor space ratio   | Yes        | <p>A maximum floor space ratio of 8:1 or 9,352sqm is permitted. The site is identified as being in Area 1 under Clause 6.4 and can utilise additional accommodation floor space for certain uses. In Area 1, office and retail premises are eligible for an additional 4.5:1 FSR, this is pro-rated on the distribution of uses.</p>                                                                                                                                                                                                                                                                                                                             |



| Provision | Compliance | Comment                                                                                                                                                                                                                                                                                                                                    |
|-----------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |            | <p>The proposal also seeks end of journey floor space under Cl. 6.6.</p> <p>Based on the proposed distribution of land uses, the FSR available to the site is 12.5:1</p> <p>A floor space ratio of 10.47:1 or 12,163sqm is proposed.</p> <p>The proposed development complies with the maximum floor space ratio development standard.</p> |

### Part 5 Miscellaneous provisions

| Provision                  | Compliance | Comment                                                |
|----------------------------|------------|--------------------------------------------------------|
| 5.10 Heritage conservation | Yes        | See further details in the 'Discussion' section below. |

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

| Provision                                                                                                        | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Division 1 Additional floor space in Central Sydney                                                              |            |                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Subdivision 2 Types of additional floor space<br>6.4 Accommodation floor space<br>6.6 End of journey floor space | Yes        | <p>The proposed development is eligible for an additional floor space ratio of 4.49:1, as 1637sqm of retail floor space is provided on site and; 10,531sqm of office floor space.</p> <p>The proposed development is also eligible for an additional floor space ratio of 0.22:1 as 261sqm of End of Journey (EOJ) facilities are provided on basement level 1</p> <p>As outlined in Cl. 4.4, the site complies with the permissible FSR.</p> |
| Subdivision 3 Heritage floor space<br>6.10 Heritage Floor Space                                                  | Yes        | See further details in the 'Discussion' section below.                                                                                                                                                                                                                                                                                                                                                                                        |
| Division 3 Height of buildings and overshadowing                                                                 |            |                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6.17 Sun access planes                                                                                           | Yes        | The site is located within the Martin Place Sun Access Plane (SAP).                                                                                                                                                                                                                                                                                                                                                                           |

| Provision                    | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              |            | <p>The site is currently non-compliant as the existing lift overrun is within the SAP.</p> <p>As demonstrated in the SAP assessment, the alterations and additions on level 11 are within the SAP and therefore, as the proposal is not increasing the non-compliance and the works are within the SAP, the proposal meets Clause 6.17.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 6.19 View Planes             | Yes        | The proposal does not impact on the views from Martin Place, clear to the horizon as required under Figure 5.47 - public views protection Map 1 of Sydney DCP 2012.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Division 4 Design excellence |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 6.21 Design excellence       | Yes        | <p>The proposed restoration works will contribute to the ongoing conservation of significant heritage fabric and will facilitate the buildings continued use.</p> <p>The design and materials proposed are of a high standard and sympathetic to the existing heritage building. The works will enhance the external appearance of the building and improve the quality and amenity in the way in which the building addresses the public domain.</p> <p>The proposed works will upgrade the building in regard to the BCA and improve the overall accessibility of the site by reconfiguring the building's foyer level.</p> <p>The bulk of the plant and services will be located away from George Street and Barrick Street which will minimise the bulk and scale of the intrusive elements and therefore, improve the overall visual impact of level 11.</p> <p>It is considered the proposed development satisfies the design excellence requirements of this provision.</p> |

**Part 7 Local provisions – general**

| Provision                                                                 | Compliance | Comment                                                                                                                                                                                           |
|---------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Division 1 Car parking ancillary to other development                     |            |                                                                                                                                                                                                   |
| 7.6 Office premises and business premises<br>7.7 Retail premises          | Yes        | The existing development does not provide any car parking, and the proposed development does not include any new car parking spaces.                                                              |
| Division 4 Miscellaneous                                                  |            |                                                                                                                                                                                                   |
| 7.13 Contributions for the purpose of affordable housing                  | N/A        | The proposal does not create more than 100sqm and is not for the change of use to residential or visitor accommodation. Therefore, the development is not subject to a Section 7.13 Contribution. |
| 7.14 Acid Sulfate Soils                                                   | Yes        | The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.                           |
| 7.15 Flood planning                                                       | Yes        | The site is not identified as being subject to flooding.                                                                                                                                          |
| 7.16 Airspace operations                                                  | Yes        | The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.                                                   |
| 7.27 Active Street Frontages                                              | Yes        | The active frontage to George Street is maintained and not affected by the proposed works.                                                                                                        |
| 7.33 Sustainability requirements for certain large commercial development | Yes        | The development satisfies the requirements of the sustainability requirements for large commercial development.<br><br>Refer to DCP Section below.                                                |



## Development Control Plans

### Sydney Development Control Plan 2012

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

### Section 2 – Locality Statements

43. The site is located within the Martin Place Special Character Area locality. The proposed development is in keeping with the unique character and the design principles of the Martin Place Special Character Area locality.
44. The proposed development conserves the heritage significance of the building and therefore, maintains the existing character of the building and special character area.
45. The proposed upgrade works at ground floor level will improve accessibility of the building which is a positive outcome for the precinct and supports streetscape activation objectives.
46. Important vistas and sunlight to Martin Place will not be impacted by the proposed works as demonstrated by the architectural drawings. Substantial conservation works are proposed as part of the development and the project, in general, will assist with ongoing maintenance and preservation of the heritage item.

### Section 3 – General Provisions

| Provision                                | Compliance | Comment                                                                                                                                                                                                                     |
|------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 Public Domain Elements               | Yes        | The proposal does not change the sites grain, or appearance to the public domain and is therefore consistent with the active frontages map.<br><br>The pedestrian link along Barrick Street is maintained.                  |
| 3.2. Defining the Public Domain          | Yes        | The proposed works do not create any additional overshadowing onto Martin Place and does not impede any views from the public domain.                                                                                       |
| 3.5 Urban Ecology                        | Yes        | The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.                                                                                          |
| 3.6 Ecologically Sustainable Development | Yes        | The application was accompanied by a Energy Assessment report, Sustainability Report and City of Sydney Design for Environmental Performance Report.<br><br>The proposed development has responded to and in many instances |

| Provision                      | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                |            | <p>exceeded the requirements of the Sustainable Building SEPP.</p> <p>A 5.5 star NABERS agreement is required. The proposed development targets a NABERS Energy rating for Offices of 5.0 Stars.</p> <p>In accordance with Section 3.6.1 (7)(a), a refurbishment of or addition to a heritage item, a reduction in the performance standards may be considered if it is clearly demonstrated that compliance with the standards cannot be reasonably achieved without unacceptable impact on the heritage item and that energy efficiency and use of renewables is optimised.</p> <p>Given the heritage constraints and the elimination of base building operational fossil fuels, the proposed energy target is accepted for the development.</p> <p>The application was referred to Councils Environmental Sustainability Advisor and no issues were raised.</p> <p>Conditions of consent have been imposed requiring the applicant to enter into an agreement to meet the energy and water targets.</p> |
| 3.7 Water and Flood Management | Yes        | The site is not identified as being on flood prone land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3.9 Heritage                   | Yes        | See further details in the 'Discussion' section below.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 3.11 Transport and Parking     | Yes        | <p>116 bicycle parking spaces are proposed in Basement Level 1.</p> <p>116 bicycle racks, 128 lockers and 12 showers are proposed which is consistent with the DCP requirements.</p> <p>Loading and Servicing will be undertaken via the shared private access laneway that would remain as existing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Provision                                      | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                |            | <p>The Traffic Impact Assessment by TTPP concludes that the upgrade works are not expected to result in any increase in loading, servicing and vehicle trip generation compared to existing conditions as the proposal results in a reduction in gross floor area.</p> <p>No motorbike parking spaces are required on the site. There is no existing motor bike parking on site and there are no car parking spaces provided.</p> <p>No car parking spaces are required on the site. There is no existing car parking on site and there are no car parking spaces provided.</p> |
| 3.12 Accessible Design                         | Yes        | <p>The proposed works seek to upgrade the building to comply with the NCC and BCA.</p> <p>A disability Access Compliance Statement and BCA Assessment Report was submitted with the application.</p> <p>The BCA Report which confirms that the proposal complies or is capable of complying with the BCA subject to performance solutions at Construction Certificate stage.</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 Waste Management Plan has been submitted with the application which outlines how waste will be managed for building works and the operational waste.</p> <p>A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>                                                                                                                                                                                                                              |

## Section 5 – Specific Areas

| Provision                                                    | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.1 Central Sydney<br>Martin Place Special Character Area    | Yes        | <p>The site is located within the Martin Place Special Character Area and is a heritage item. These provisions of the DCP identify that the street frontage height from the site is the existing height of the existing heritage item on site.</p> <p>The proposal does not change the street wall height or primary building nil setback to the street.</p> <p>The existing mansard walls are setback from the boundary by 2.2M to the east (George Street frontage) and 1.7M to the south (Barrack Street frontage).</p> <p>The proposed level 11 facade will be setback from the boundary by 4.5M to the east (George Street frontage) and 4.3M to the south (Barrack Street frontage).</p> <p>The overall height of the building does not change as the two lift overrun structures, located at the front and rear of the building are not changing. The proposed renewal of the level 11 and roof structure has been formed to match the profile and silhouette of the existing mansard when viewed from key locations in Martin Place.</p> <p>The building remains consistent with the street, height and pattern of the special character area and therefore comply with the built form controls under Section 5.1.1</p> |
| 5.1.1.3 Side and rear setbacks and building form separations | Yes        | <p>The building has an existing height of 56.7m which exceeds the 55m height limit. As per Clause 5.1.3.1(5) the height of the building is unchanged</p> <p>The nil setback to the rear and north side boundaries are maintained. As noted above, greater setbacks of 4.5m and 4.3m respectively, are provided from the east (George St) and south (Barrick Street) boundaries and therefore comply with this control.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Provision                                                                        | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.1.3 Heritage items, warehouses and special character areas                     | Yes        | <p>The proposal seeks to conserve the heritage item and its significant features whilst delivering relevant and reasonable NCC/BCA upgrades. The works ensure the Commercial Palazzo style of the building is maintained.</p> <p>A CMP and interpretation strategy accompanies the application to support the proposed demolition, and construction works as well as ensure the future conservation of the site.</p> |
| 5.1.3.1 Additions to heritage items                                              | Yes        | <p>In Special Character Areas for any site shown on Figures 5.4-5.16 with the note “Existing height of building - see clause 5.1.3.1(5)”, any vertical addition to that heritage item must not be visible from adjacent Public Place.</p> <p>See discussion section below.</p>                                                                                                                                       |
| 5.1.6 Heritage Floor Space                                                       | Yes        | See discussion section below.                                                                                                                                                                                                                                                                                                                                                                                        |
| 5.1.7 Sun protection of public parks and places<br><br>5.1.7.1 Sun Access Planes | Yes        | <p>Shadow diagrams were provided with the application which show that there is no additional overshadowing to Martin place as a result of the proposal.</p> <p>As outlined above in this report, the proposal is compliant with the Martin Place SAP as the proposal does not increase the existing non-compliance of the lift overrun into the SAP.</p>                                                             |
| 5.1.8 Views from public places                                                   | Yes        | <p>The proposal does not impact on the views from Martin Place, clear to the horizon as required under Figure 5.47 - public views protection Map 1 of Sydney DCP 2012.</p>                                                                                                                                                                                                                                           |

## Discussion

### Heritage

47. As detailed in this report, the proposal seeks to carry out a range of works to facilitate a building upgrade in order to meet the NCC and BCA requirements, as well as ensuring the conservation and longevity of the building.



48. The proposed works have been assessed against the relevant provisions of Clause 5.10 of the SLEP 2012 and Section 3.9 and 5.1.3.1 of the SDCP 2012 to ensure the new works were conserving the building but accommodating necessary upgrades to allow it to meet current building standards. The following assessment has been made on the scope of works proposed:

- (a) Proposed works to basement level 2 include removing existing partitions, relocation of stored heritage marble and movable items within the basement, addition of a new concrete water tank and a new fire pump room and using part of the level as a tenancy BOH.

The strong room vault is of high significance and retained. As well as the existing partitions are the later fabric and no structural elements at this level are to be demolished or modified which is supported.

The SHR listing Site Specific Exemptions allows for internal alterations to this floor and therefore the scope of works is acceptable.

- (b) Basement B1 works include converting the western strong room and its eastern adjacent space to a end-of-trip facility, remove the pump room and add a lift. This portion of the site has little heritage significance and is therefore supported.

Three new openings will be made to the western strong room walls and an existing doorway on the eastern wall of the lift lobby is widened. Part of the grilles in the strong room, which is of exceptional significance, is removed, however, the original safes within the vault are retained. Further, the new wall openings and widened opening will remove some original/significant fabric however, the overall form of the strong room is maintained and acceptable.

A condition of consent is recommended that the removed grilles should be salvaged and properly stored on-site.

As noted in HNSW GTA's the works to the money lift room are not supported and require further design refinement.

- (c) Ground Floor works mainly involve the western lift lobby area where a new doorway is created from the rear lane and a DDA compliant entry is made to the existing western entry facing Barrack St. In addition, a window sill wall on the southern elevation is modified to add new hydraulic booster valves.

Two marble counters at the eastern lift lobby area are proposed to be removed for storage. However, this work is not approved under HNSW GTA's and further design amendments are required.

The work to update the Barrack Street entry will result in removal or alterations to fabric of exceptional significance, including the stone steps and lobby inner door joinery. Despite this adverse impact, the extent of update is considered necessary to provide the building a viable compliant access to its upper level offices, which is crucial for the functionality and reuse of the heritage building. Design details of this entry are in keeping with the characteristics of the building. Further to this, the structural report confirms that the existing beams under the entry steps and entry foyer slab are not affected by the new ramp.

The removal of the original bronze doors within the internal bronze screen at the Barrack Street entrance and modification with glazed sliding doors in the current form is not approved by HNSW and require design modifications.

- (d) The proposed works to the office levels (Levels 1-10) are to later fitout and service areas, which are identified to have little significance.

The office spaces at Level 2 and Level 5 are ranked as of high significance and remain unchanged as part of this proposal. The SHR listing provides site-specific exemptions allowing alterations to those floors except the executive offices at L2 and Winter boardroom at L5 which are not proposed to be altered in any way in this application. Therefore, the internal works to the office levels are supported.

- (e) The rooftop (Level 11) works include demolition of the inner parapets on the southern and eastern sides and the structures behind. The parapet on the northern side and the rooftop service use of the middle section of the roof are retained.

The inner parapets were designed to conceal rooftop services and are of rendered masonry and ranked as of being moderate significance. A new rooftop terrace and roof structure are proposed. In order to minimise its impact on the existing structure, the loads and structural arrangement of the new rooftop structure aligns with the existing structure as much as possible to avoid the need of new strengthening elements. As highlighted in the view assessment which accompanies the application, the new roof structure has been design to minimise its visible appearance from surrounding streets and Martin Place.

During the pre-DA discussion, it was advised that parts of the southern and eastern parapets could be retained and incorporated into the new terrace and enclosed office space. This has been incorporated into the design and a small portion of wall nib is retained at the northeast corner. The demolished parapets are interpreted through permanent paving inlay, as shown on the proposed L11 plan. This resolution to the secondary parapets is considered acceptable.

The rooftop plants currently at multiple locations will be relocated to the northern area which rationalise this level and is supported as it will have neutral heritage impact.

Further discussion on the works to the rooftop are outlined below under 'Additions to heritage items'.

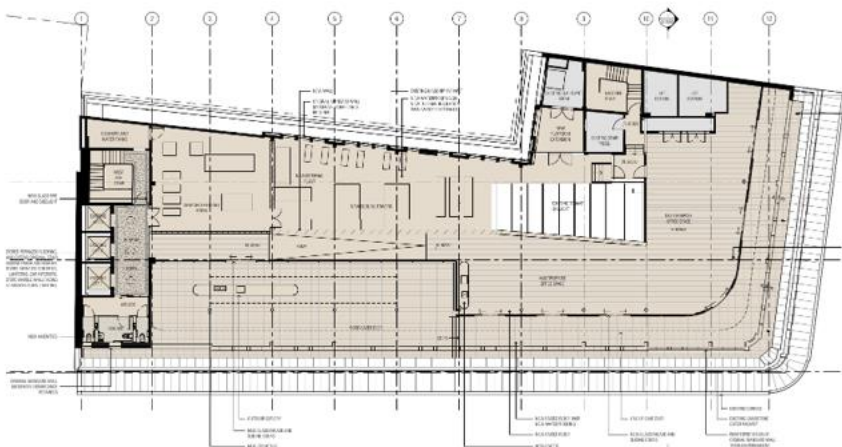
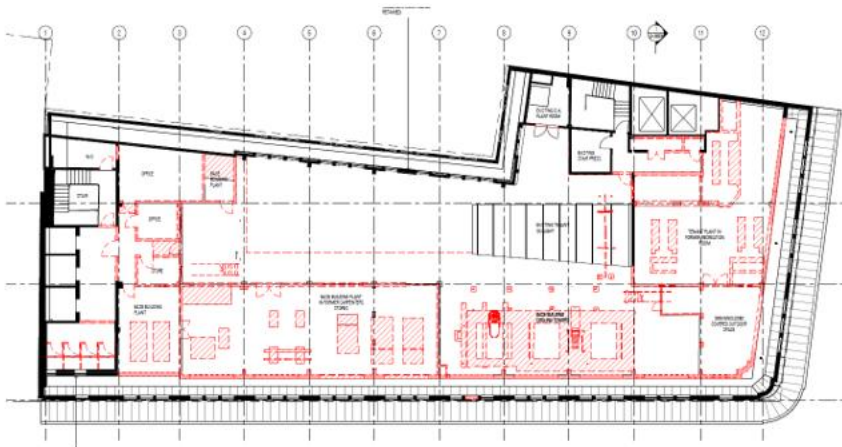
- (f) The site has not been previously awarded with heritage floor space and granting an award now will benefit the conservation of the heritage listed building. Therefore, the proposed award is supported. Heritage conditions associated with HFS are recommended.
- (g) An updated Conservation Management Plan has been prepared by Design 5, who also prepared the previous CMPs (2002 and 2018) for the site. Overall, the updated CMP is well developed and satisfies the requirements as a guidance document for the management of the heritage site.

Overall, the new conservation works mainly occur at the interior, including the reconstruction of terrazzo floor finishes at the lift lobbies at each level and install new fire-rated glass doors between the western stairs and lift lobby to replace existing solid non-transparent partitions. These proposed works are supported.

49. Based on the above, the proposal satisfies the requirements and objectives of Clause 5.10 of SLEP 2012 and Section 3.9 of SDCP 2012.
50. It is proposed to include several detailed heritage conditions to ensure the works conserve the heritage fabric and these include:
- (a) **Heritage Interpretation Plan** – which details how information on the history and significance of the building and the courtyard will be provided for the public and make recommendations regarding public accessibility, signage and lighting.
  - (b) **Conservation of pavement lights** – requires a conservation plan to be submitted to ensure they are appropriately conserved.
  - (c) **Heritage Conservation Works and Use of Heritage Consultant** – ensures a schedule of the conservation works is prepared and undertaken by a qualified heritage expert and to allow inspection and approval by Council throughout the entirety of the works.

### Additions to heritage items

51. Section 5.1.3.1 of Sydney DCP 2012 identifies the subject site as a heritage item in the Martin Place Special Character Area and notes from this site that any vertical addition to that heritage item must not be visible from adjacent public place.
52. The proposed 'addition' is the demolition and rationalisation of roof top plant to accommodate a rooftop, outdoor area for staff associated with the office levels.



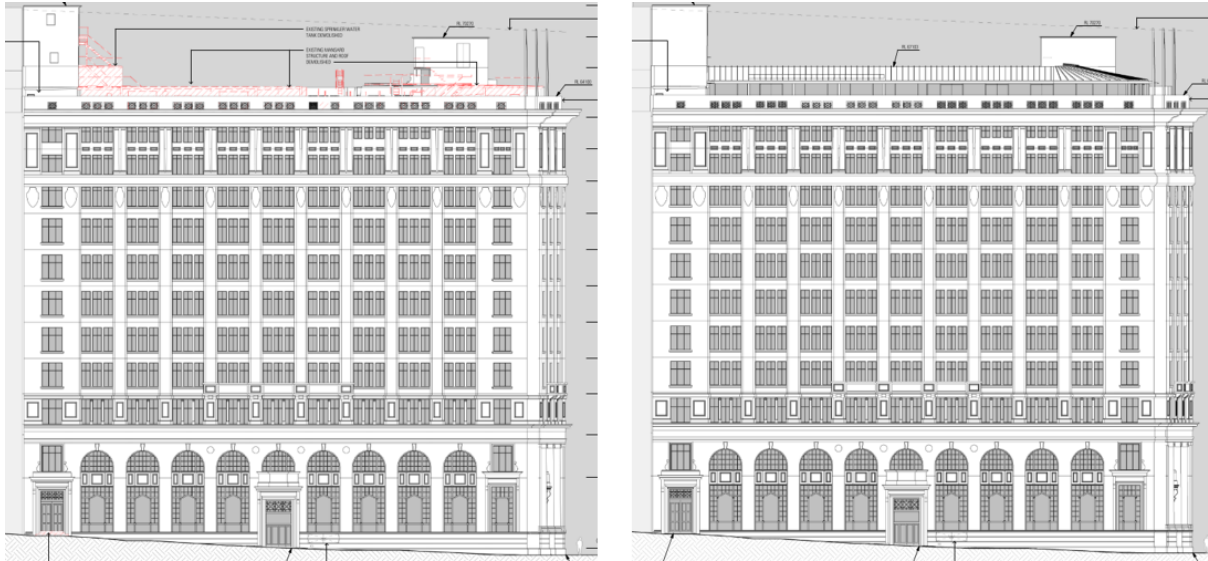


Figure 9: comparison of existing level 11 and demolition plan and proposed level 11

Figure 10: comparison of existing and proposed south elevation

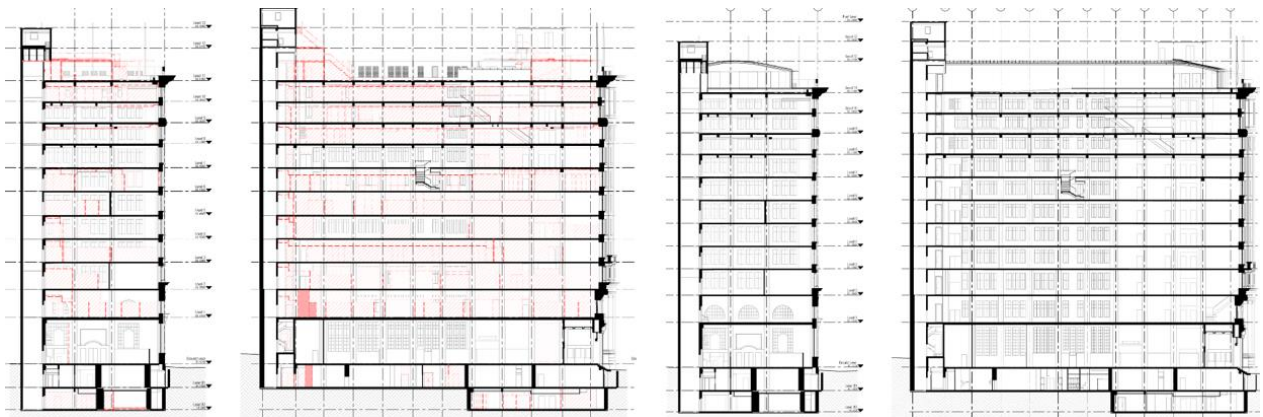


Figure 11: comparison of existing section and new section

53. As shown above, the addition of the roof structure over the new staff outdoor space sits slightly where the existing services were. However, it has been setback further than the existing structures and its curved profile design matches the existing mansard structure which results in the same outlook to the street and specifically Martin Place as currently viewed.
54. The form, scale and arrangement of the new structure is consistent and in harmony with the original building form. Whilst it can be viewed from the street, the overall roof form is a singular unifying element that repeats the fundamental form of the original building and the outline of the prominent cornice.



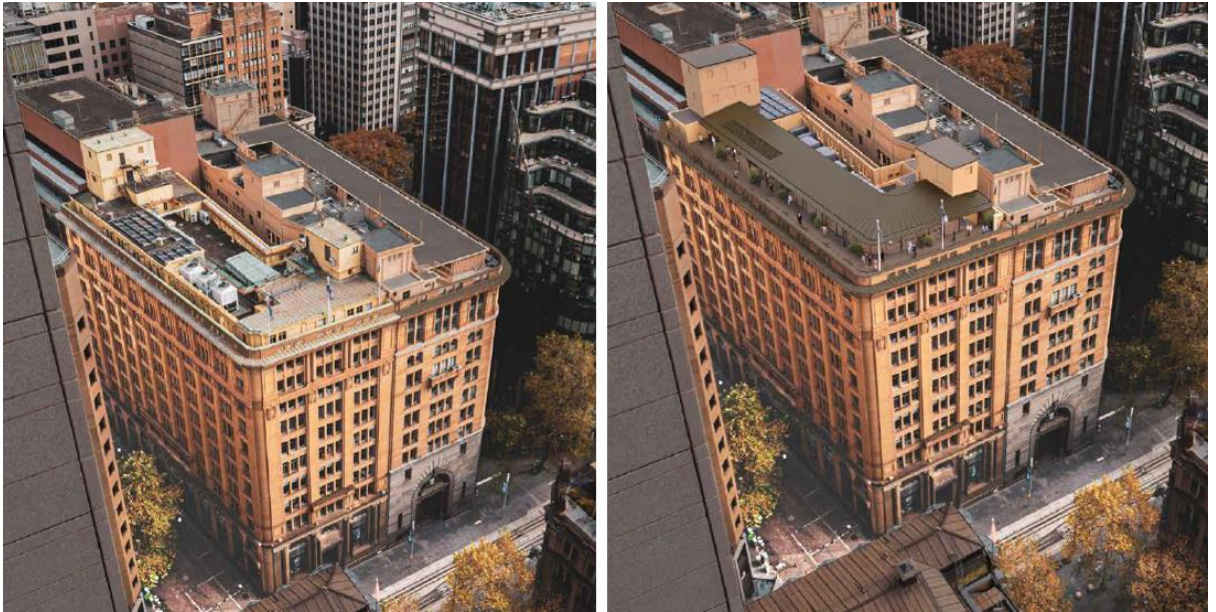


Figure 12: artist impression of birds eye view, comparison of existing and proposed roof form



Figure 13: Martin Place street view comparison of existing and proposed roof form

55. As shown in figures 2 and 13 above, the visual impact of the new roof structure is negligible when viewed from Martin Place and therefore, meets the objectives and controls of Section 5.1.3.1 of Sydney DCP 2012.

#### **Award of Heritage Floor Space**

56. The planning controls provide an incentive for the conservation of heritage buildings through the award of HFS.



57. The subject building meets the eligibility criteria outlined in Clause 6.10 of SLEP 2012 as:
- (a) the building is a nominated heritage item under Schedule 5 of SLEP 2012.
  - (b) the building is located within the SP5- Metropolitan Centre zone.
  - (c) The site has not been awarded HFS and therefore, under the LEP provisions, the site is eligible for an award of HFS subject to satisfactorily completing the conservation works detailed in this consent.
  - (d) The proposed heritage conservation works and building upgrades have been assessed as satisfactory by the City's Heritage Specialist and will positively contribute to the longevity of the building. Subject to the satisfactory completion of these conservation works, the site can be considered eligible for the award of HFS.
  - (e) The application has been accompanied by a new Conservation Management Plan, which has been reviewed and is supported by the City's Heritage Specialist. This document will guide the approved future conservation works.
  - (f) A new covenant will be required to be registered on the title of the land to obtain the award of HFS and the existing covenant will be required to be concurrently released.
  - (g) The proposed development will have a floor space ratio of 10.47:1 or 12.163sqm.

58. The maximum amount of HFS that may be awarded to a site is calculated in accordance with the formula contained in Section 5.1.6.3 of the SDCP 2012, as follows:

|                |                                                                                            |
|----------------|--------------------------------------------------------------------------------------------|
| The formula is | $HFSH = 0.5AS \times FSRH$                                                                 |
| Where          | HFSH is the maximum amount of Heritage Floor Space which may be awarded in sqm;            |
|                | AS is the site area in sqm occupied by the heritage building;<br>and                       |
|                | FSRH is the maximum FSR for the site of the heritage building as shown on the LEP FSR Map. |

59. In this instance, the calculation for the subject application would be:

$$HFSH = 0.5AS \times FSRM$$

$$= (0.5 \times 1,168.9\text{sqm}) \times 8$$

$$= 4,675.6\text{sqm}.$$

60. The proposal meets the eligibility requirements of 6.10 of SLEP 2012 and the award of heritage floor space is supported.
61. A condition of consent is recommended requiring the owner to enter into a deed with Council and register any required covenants on the title of land on the completion of each stage of the conservation works

**Additional conservation work completed**

Once the conservation works the subject of this DA are completed, the building will have been substantially maintained and repaired since the Conservation Management Plan (CMP) was originally prepared in June 2018. Previous works under this CMP have contributed to the maintenance, upkeep and preservation of heritage at 343 George Street and are supported to be included in the award of heritage floor space.

The following works have been previously approved and or completed:

- Facade upgrades pursuant to D/2019/405 for alterations and additions to the facade and rooftop of the building including repairs to the sandstone facade, installing clear window films, repair steel and bronze windows, replace copper weathering and flashings, and install additional external lighting on the eastern and southern facades. The Barrack Lane façade repair works were completed in 2023, and the remaining works are currently being undertaken and are likely to be completed by late 2026.
  - Alterations to office premises on Levels 6 and 7, pursuant to D/2022/482. These works involved the removal of existing office furniture for re-use at other office premises and return to cold shell of Level 7 for future fitout works.
  - Level 7 removal of detracting lightweight ceiling and bulkheads at windows. These works were complying development and completed in 2023.
  - Recent repairs to heritage significant executive rooms on Level 2. These works were complying development and were completed in 2023.
  - Fitout to office suites on Level 1. Whilst not to significant rooms these works removed unsympathetic dropped ceilings and improved finishes and quality of the spaces.
  - Partial renewal of chiller and lift works.
62. These works supplement the proposed scope of works which include the removal of non-original, unsympathetic fabric throughout the building, services upgrades and restoration of significant spaces and fabric.
63. This application seeks a staged HFS award application including partial upfront allocation to expedite the award for completed conservation works. This is a necessary and practical approach to releasing HFS funds to facilitate the ongoing conservation and maintenance of the building and is supported.
64. Based on the above, a condition of consent has been recommended which outlines the works associated with each stage of HFS to be awarded.

**Proposed Amendments to Sydney LEP 2012 and Sydney DCP 2012**

65. On 23 June 2025, Council exhibited proposed amendments to the Sydney LEP 2012 and Sydney DCP 2012 that include changes to the HFS policy. Generally, the purpose of the amendments is to provide greater flexibility to allow essential minor works and additions.

66. The proposed amendment to Clause 6.10(2)(d) in Sydney LEP 2012 will allow for an additional 5% gross floor area, or maximum 300sqm, whichever is the lesser, above the existing gross floor area of all buildings on the site on which the heritage building is located. The amendment also proposes to clarify how the base building GFA should be calculated, with this depending on the timing of the heritage listing.
67. Section 5.1.6.1 of the Sydney DCP is proposed to be amended to include a numerical limit to what can be considered a "minor increase". The limit is drafted as 300 square metres or 5% of the eligible existing floorspace, whichever is lesser, consistent with the LEP amendment detailed above.
68. As noted within this report, the proposal has an overall GFA reduction of 82sqm. Notwithstanding this, the CMP further notes that the building has non-original voids and stairs located between level 6 & 7, and levels 8, 9 and 10. This DA does not propose to infill the non-original voids, however, the potential for these voids to be infilled in the future may contribute to the conservation of the original office floor layout and should not be prevented from occurring by any agreement to limit development. The area of these voids if infilled is 43sqm, being 0.4% of the proposed GFA and therefore, meets the provisions of the Draft LEP amendments.
69. Further to this, the exhibited documentation identifies that the proposed LEP amendment could be applied to a building that already has an award of HFS registered, subject to approval of the works by Council.
70. As the draft amendments have been exhibited, these controls carry weight in the assessment of this application. As the internal voids and stairs are non-original fabric, any future works to infill these voids could be acceptable on heritage grounds and therefore, the site could be eligible for the draft LEP and DCP amendments. On this basis, any existing HFS Deed and covenants on title relating to GFA restrictions would need to be amended and the 43sqm of additional floor area is acceptable.

## Consultation

### Internal Referrals

71. The application was discussed with Council's;
  - (a) Building Services Unit;
  - (b) Environmental Health Unit;
  - (c) Heritage and Urban Design Unit;
  - (d) Public Domain Unit;
  - (e) Surveyors;
  - (f) Transport and Access Unit;
  - (g) Waste Management Unit.
  - (h) Environmental Projects Team

72. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

### **External Referrals**

#### **NSW Heritage Council**

73. The application was referred to HNSW for concurrence which was granted subject to conditions.
74. Some elements of the proposal were not approved. See Heritage Act assessment section for further details.

#### **Transport for NSW**

75. The application was referred to TfNSW for comments and recommendations conditions were provided
76. See SEPP (Transport and Infrastructure) assessment section for further details.

### **Internal Referrals**

77. The application was discussed with Council's Urban Design, Waste Services, Transport, Health and Building Services, environmental projects team, Surveying team and Heritage team, who advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

### **Advertising and Notification**

78. In accordance with the City of Sydney Community Participation Plan 2022, the proposed development was notified for a period of 28 days between 30 April 2025 and 29 May 2025. A total of 307 properties were notified and 0 submissions were received.

### **Financial Contributions**

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

79. The Central Sydney Development Contributions Plan 2020 does not apply to the site, in accordance with Section 2.2 of the plan, as it is development that is undertaken by or on behalf of the City of Sydney.

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

80. The site is located within the Central Sydney affordable housing contribution area. As the development is not creating more than 100sqm of gross floor area and is not for change of use to residential or visitor/tourist accommodation, the development is excluded and is not subject to a Section 7.13 contribution

## Housing and Productivity Contribution

81. The development is not subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 as no new floor space is being created.

## Relevant Legislation

82. Environmental Planning and Assessment Act 1979.
83. Heritage Act 1977.

## Conclusion

84. Having regard to all of the above matters, the proposed development will not result in any adverse impacts on both the natural and built environment and the locality, is suitable for the site, and is in the public interest, subject to appropriate conditions of consent being imposed.
85. The proposed development generally satisfies the relevant provisions of the applicable State Environmental Planning Instruments including the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 and is acceptable.
86. The application was notified for 28 days in accordance with the City of Sydney Community Participation Plan 2023. No submissions were received.
87. The proposal meets the eligibility criteria for the award of Heritage Floor Space.
88. The proposed alterations and additions are compliant with the built form controls and design principles of the Martin Place Character Area.
89. The proposed development does not negatively impact the heritage significance of the Martin Place Special Character Area.
90. The application is recommended for approval, subject to the conditions of consent outlined in Attachment A.

## ANDREW THOMAS

Executive Manager Planning and Development

Kaitlin McCaffery, Specialist Planner