

Item 11.**Development Application: 683-689 George Street, Haymarket - D/2024/1066****File Number: D/2024/1066****Summary**

Date of Submission:	The application was lodged on 22 November 2024. The application has been modified by way of amended drawings during assessment.
Applicant & Architect:	Wardle Studio
Owner:	Posei Pty Ltd.
Planning Consultant:	Ethos Urban
Heritage Consultant:	GBA Heritage
Design Advisory Panel:	The application was considered by the City's Design Advisory Panel on 13 February 2025. The application has been amended in response to comments received from the Panel.
Cost of Works:	\$86,058,500
Zoning:	The site is zoned SP5 - Metropolitan Centre under the Sydney Local Environmental Plan 2012. The proposed development comprises works that will facilitate future commercial, retail and community uses that are permissible with consent in the zone.
Proposal Summary:	Approval is sought for the retention of existing basement levels, alterations to the first 5 levels of the building and construction of 8 additional levels, resulting in a 13 storey mixed-use development. The proposal provides for indicative future land uses, including commercial offices, retail, medical and community uses within the building. The application is referred to the Central Sydney Planning Committee (CSPC) for determination as the estimated cost of works exceeds \$50 million.

A written request has been submitted to vary the height of buildings development standard pursuant to Clause 4.6 of the Sydney Local Environmental Plan 2012.

The proposal seeks to vary the height of buildings development standard by 10% (5 metres) due to the upper level of the building exceeding the 50 metre SLEP 2012 envelope.

The applicant's written request to vary the height of buildings development standard demonstrates that compliance with the standard is unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify contravening the standard.

The proposal is consistent with the objectives of the height of buildings development standard and the height non-compliance is therefore supported in this instance.

The Haymarket and Chinatown has a demand for community space given the need for revitalisation. The applicant and landowner has offered a Community space at Level 2 of the building, as a flexible community space to small and large groups on an ongoing basis and secured on title. This is consistent with feedback received during community consultation for the Haymarket and Chinatown Revitalisation Strategy.

The space is intended to cater for a range of community and not-for-profit groups, for meetings, conferences, presentations, exhibitions, musical concerts, performances, events, functions, sports and exercise.

The development proposal has been amended during assessment in response to issues raised in relation to site flooding. The floor level of an existing ground level arcade (a through-site link) is proposed to be raised to meet flood levels at Thomas Street.

In other areas of the site, including within existing retail tenancies with street frontages, the existing driveway and arcade facing George Street, automated flood gates are proposed to be utilised. Further changes are proposed to existing fire stairs, with additional stairs added to manage risk to life in the event of a flood.

Further amendments have been made during assessment, in relation to building presentation and sun shading, the provision of public art and the design of landscaped terraces. An acoustic report has been provided addressing noise from plant rooms and recommending hours of operation for outdoor terraces.

The application was notified for 46 days (extended over the Christmas period) between 3 December 2024 and 18 January 2025. A total of 720 properties were notified and two submissions were received.

Various amendments have been made to the development application during assessment, resulting in a development that will have reduced impacts for nearby buildings and public domain. As such, the amended application was not required to be re-notified.

The owners of the adjoining Bank of China Building state in their submission that they respectfully decline to negotiate an easement for the maintenance of the subject building over the property boundary. The remaining submission is supportive of the proposal.

The proposal was reviewed by the Design Advisory Panel (DAP) on 13 February 2025. The application has since successfully addressed the issues identified by Council and the DAP, as detailed in this report.

The proposal responds appropriately to surrounding development and provides a desirable built form within the Haymarket/Chinatown Locality. The development achieves a standard of architectural design that exhibits design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012 and will provide for future retail, commercial, medical and community uses that will contribute to the activation of the City.

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 and associated Regulation 2021;
- (ii) State Environmental Planning Policy (Transport and Infrastructure 2021 (SEPP Transport and Infrastructure 2021);
- (iii) State Environmental Planning Policy (Sustainable Buildings) 2022 (SEPP Sustainable Buildings 2022);
- (iv) Sydney Local Environmental Plan 2012 (SLEP 2012);
- (v) Sydney Development Control Plan 2012 (SDCP 2012);
- (vi) Sydney Landscape Code Volume 2: All Developments Except for Single Dwellings 2012;

- (vii) City of Sydney Interim Floodplain Management Policy 2023;
- (viii) City of Sydney Guidelines for Waste Management in New Developments;
- (ix) City of Sydney Public Art Policy 2011 and City of Sydney Public Art Strategy 2011; and
- (x) City of Sydney Community Engagement Strategy and Participation Plan 2024.

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request - Height of Buildings
- D. Plan of Management - Community Level
- E. Submissions

Recommendation

It is resolved that:

- (A) the variation requested to the height of buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) consent be granted to Development Application Number D/2024/1066 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
 - (i) the applicant's written requests relating to the maximum height of buildings development standard adequately addressed the matters required to be addressed under Clause 4.6 of the Sydney Local Environmental Plan 2012, that compliance with the respective development standards is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening the development standards; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the SP5 - Metropolitan Centre zone and the height of buildings development standard.
- (C) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, the State Environmental Planning Policy (Transport and Infrastructure 2021) and the State Environmental Planning Policy (Sustainable Buildings) 2022.
- (D) Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (E) The proposal exhibits design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (F) The proposed development has a bulk, form and massing that is suitable for the site and its context within the Haymarket/Chinatown Locality. The intended future uses of the site are consistent with the objectives of the SP5 - Metropolitan Centre zone.

- (G) The amended development application has addressed matters raised by Council staff. Subject to the recommended conditions of consent, the proposed development achieves good amenity for the existing and future occupants of the subject and adjoining sites.
- (H) For the reasons above the proposed development is in the public interest.

Background

The Site and Surrounding Development

1. The site is irregular in shape, with an area of approximately 1,027 square metres. The site has primary street frontages of 20 metres to George Street and 32 metres to Thomas Street, with a 12.3 metre splayed corner facing Hay Street.
2. Light rail lines extend along the George and Hay Street frontages of the site. These areas are largely pedestrianised. Vehicular access to the site is provided via an existing driveway on Thomas Street, which is a no-through road. A turning bay is provided for vehicles at the northern end of Thomas Street, adjacent to the site.
3. Council has completed extensive public domain works to improve the presentation and amenity of George, Hay and Thomas Streets. George Street has been pedestrianised with a number of benches providing public domain amenity.
4. The western footpath of Thomas Street has been embellished with suspended and static public art installations, including sculptures at the footpath level that also serve as seating benches. Street trees are provided at the George Street frontage only, including one at the eastern edge of the site.
5. The site contains a 6-storey mixed use commercial building known as the 'Citymark Building'. The building has retail and food and drink tenancies at the George and Thomas Street frontages. Additional tenancies have frontages to a through-site link between the George and Thomas Street frontages. The through-site link is not currently subject to an easement for access.
6. Above the ground level, the site contains commercial tenancies and offices. The upper levels contain a place of public worship (a church) in the location of a former restaurant known as Marigold, which closed in December 2021. Plant areas are located at the western edge of the building and at the roof level of the building.
7. Beneath the site is the George Street heavy rail corridor, a tunnel extending in an approximately north-south direction. Also, beneath the site is the Great Sydney Dyke, a geological feature that extends in an approximately east-west direction.
8. Surrounding land uses on George, Thomas and Hay Streets are primarily commercial in nature, consisting of retail shops, banks, supermarkets, food and drink premises, medical centres and educational establishments.
9. A large indoor marketplace known as Paddy's Markets is located to the west at the corner of Thomas and Hay Streets, above which is located a mixed commercial development known as Market City and a residential tower known as The Peak. The UTS Haymarket Campus is located to the south-west of the site.
10. The site is not a heritage item, nor is it located within a heritage conservation area. The site wraps around the Bank of China building, which is a local heritage item located at the northern site boundary on the corner of George and Hay Streets.
11. The site is identified as flood affected at the George, Hay and Thomas Street frontages.

12. Photographs of the site and its surroundings are provided below.



Figure 1: Aerial view of site and surrounds (site denoted by red line). The Bank of China Building (heritage item) is located at the northern boundary (yellow line). Paddy's Markets is located to the west of the site and light rail lines are located along George Street and Hay Street.



Figure 2: Site viewed from corner of George Street and Hay Street, generally looking south-west. The Bank of China Building is to the right of picture (heritage item).



Figure 3: Site viewed from George Street, looking west



Figure 4: Site viewed from Thomas Street, looking north-east



Figure 5: Site viewed from Hay Street (light rail and Paddy's Markets), generally looking east



Figure 6: Site viewed from Sussex Street, generally looking south. The neighbouring Bank of China Building is in the foreground.



Figure 7: Site viewed from Thomas Street, generally looking north



Figure 8: Internal through-site link, looking west from George Street towards Thomas Street



Figure 9: Internal through-site link, looking east from Thomas Street towards George Street

History Relevant to the Development Application

Development Applications

13. Council's electronic records contain a large number of historic development and complying development certificate applications relating to commercial uses of the site.

Compliance Action

14. The site is not subject to any compliance actions or investigations that are related to the subject application.

Amendments

15. The applicant provided a number of amendments during assessment, in response to issues raised by Council's officers and by external referral bodies. These amendments address the following issues:

Architectural drawings - Building presentation

- (a) architectural drawings have been amended in response to comments received from the City's Design Advisory Panel and Council's urban designer:
 - (i) to reduce visual impacts, particularly in relation to the heritage listed Bank of China Building, the interface between the existing and new building facades has been simplified at the George and Hay Street frontages (refer to the Discussion section below - response to Design Advisory Panel)
 - (ii) podium windows adjoining the Bank of China Building have been straightened vertically to simplify their geometries (where previously glazing was angled), and podium window mullions are now positioned behind terracotta frames
 - (iii) footpath awnings at the street frontages have been redesigned as solid for two thirds of their surface area and simplified. For the remaining third, fritted glass is proposed to reduce the visual impact of any debris and dirt across the upper surface of the awning, while still allowing daylight and a view of the sky
 - (iv) the presentation of the southern elevation of the building has been improved by the use of precast concrete with deep vertical grooves. Additional windows have been added overlooking the southern open terrace at Level 6 and wrapping around the building facade.

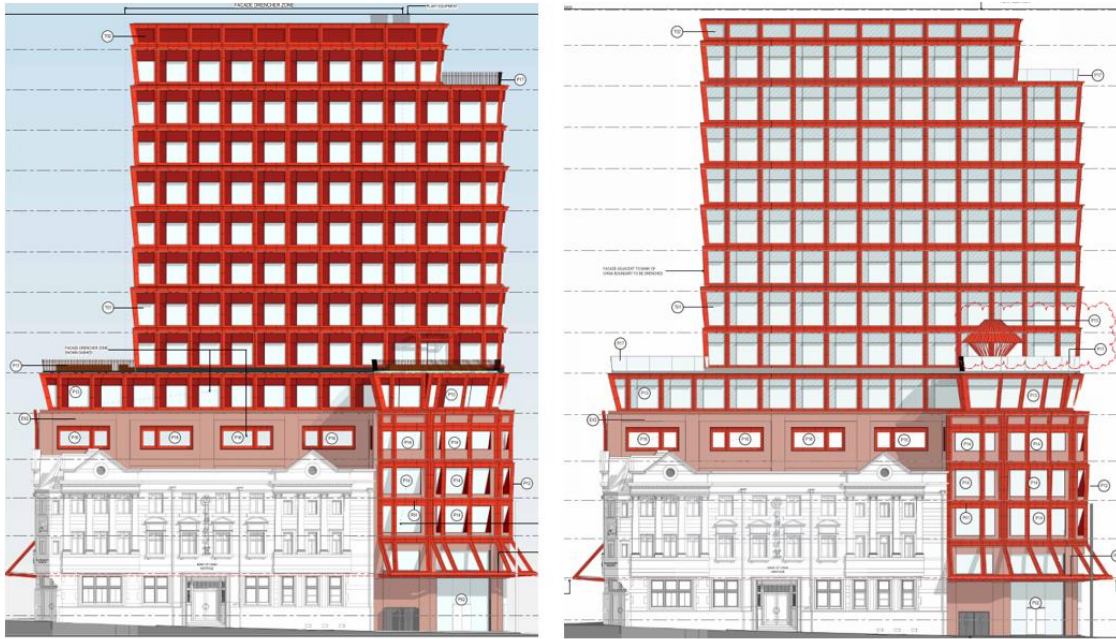


Figure 10: Original and amended architectural drawings (north elevation) showing an overall simplification of the building facades

Building setback - northern boundary

- (a) the new tower addition has been setback by 2 metres from the northern property boundary to allow for the maintenance of the facade to be undertaken from a building maintenance unit fully within the site boundary. This is in relation to there being no easement for maintenance access over the adjoining land (Bank of China Building).

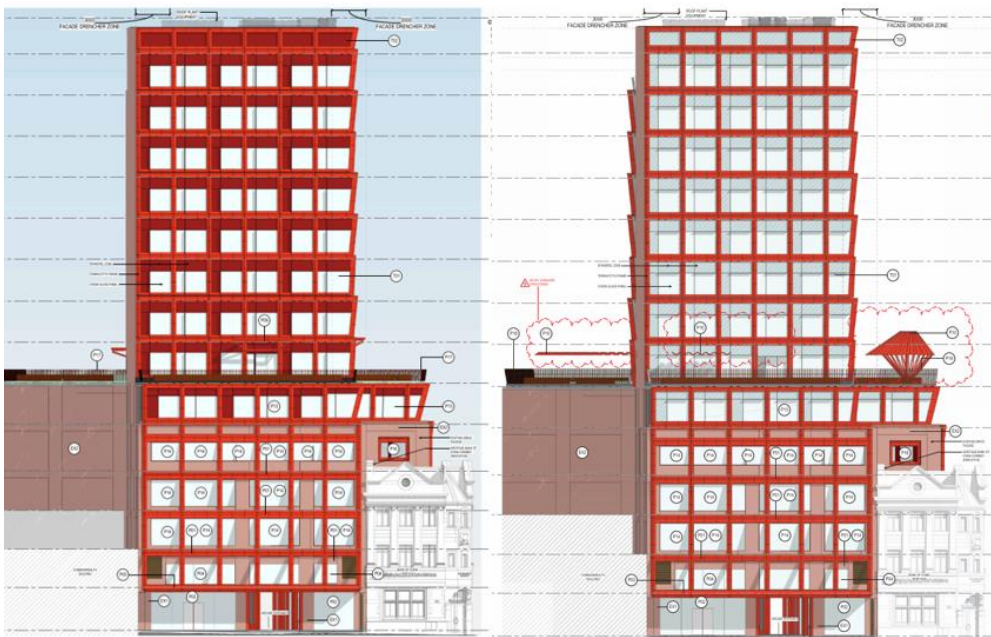


Figure 11: Original and amended east elevation plan showing a simplified building design. A 2 metre tower setback to the Bank of China Building has been provided (northern boundary)

External sun shading and glazing devices

- (a) an external terracotta cladding system and sunshade fins have been provided to mitigate solar impacts. The applicant states the building will be constructed using double glazed units with high performance low-E glass coatings that will further reduce heat gain.

Community Level - Level 2

- (a) The functional uses of the proposed Level 2 community level have been clarified by way of floor plans and a plan of management (POM - refer to Attachment D to this report).
- (b) The plan of management outlines process in relation to booking the space, that not-for-profit community groups will be offered discounted or free hire and that the POM will be reviewed on a bi-annual (2 year) basis.
- (c) Attached to the plan of management are indicative floor plan drawings, demonstrating that the Community Level may be used for a range of flexible uses. Architectural drawings for Level 2 have also been amended to show a galley kitchen, waste and storage areas (refer Figure 12 below).
- (d) Conditions are recommended in relation to securing the Community Level in perpetuity on title. Refer to the Discussion section below.

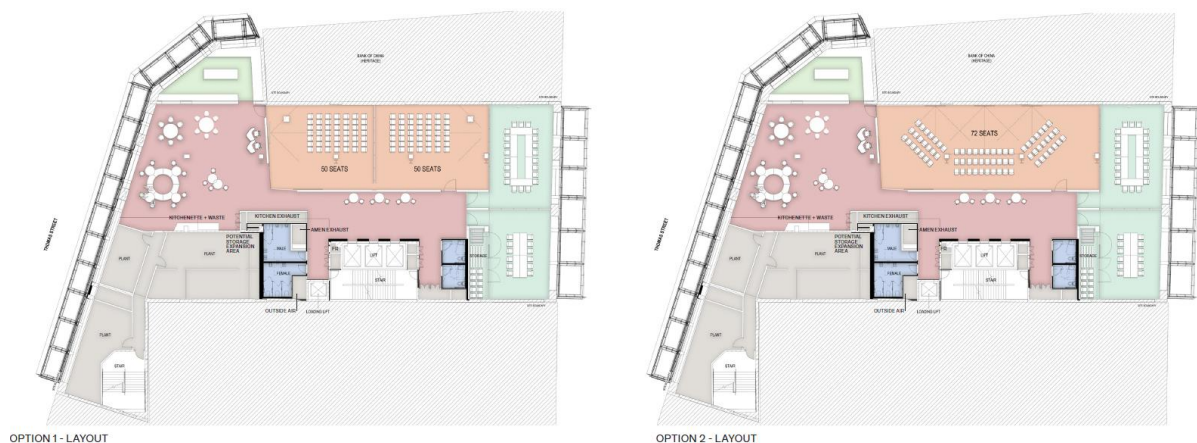


Figure 12: Indicative layout plans for Level 2 Community space

Response to site flooding

- (a) A number of measures are proposed in response to site flooding. These include raising the floor level of the through-site link connecting George and Thomas Streets, installing automated flood gates throughout the ground levels of the existing building component and reconfiguring fire stairs within the building (refer to the Discussion section below).
- (b) Council's public domain specialists have recommended conditions in relation to the site flooding response, which are included in Attachment A.

Updated stormwater details

- (a) The applicant has provided evidence that a damaged stormwater pipe connection to the City's infrastructure has been repaired. Updated stormwater management plans and stormwater modelling have been provided to the satisfaction of Council's public domain team.

Public Art

- (b) An updated Preliminary Public Art Plan has been provided to the satisfaction of Council's public art team. The plan demonstrates public art can be provided within the privately owned through-site link between George and Thomas Streets, as suspended artworks under the entrance awnings of George and Thomas Streets, and from the ceiling of the through-site link.

Outdoor terrace details

- (a) The applicant has provided further details in relation to the configuration of outdoor terraces and the mitigation of wind effects. Shade structures are proposed within all terraces and greater clarity has been provided in relation to plant schedules.

Amended acoustic report and kitchen services

- (a) An amended acoustic report has been provided, confirming the operation of intended building plant units (two cooling towers, heat pumps and air handling units) can achieve the established noise criteria.
- (b) The report recommends hours of operation for outdoor terraces of between 7:00am and 10:00pm and provides a recommended maximum number of patrons within outdoor terraces (north terrace 34 pax, east 60 pax and southern 42 pax).
- (c) Amended architectural drawings have been provided detailing the location of kitchen exhausts and the location of grease traps.

Proposed Development

- 16. The application seeks consent for the redevelopment of the Citymark Building, an existing six storey, granite-clad commercial building constructed circa 1990.
- 17. Extensive internal demolition works are proposed, as well as the demolition of the roof level and sixth floor of the existing building.
- 18. In addition to demolition works, the application seeks consent for the construction of 9 additional storeys, resulting in a 13-storey building. External terracotta framing is proposed to be installed to both the existing and new building elements. External landscaped terraces are proposed at Levels 6 and 13 of the development.
- 19. The development will result in a 13-storey mixed-use building with proposed uses (subject to future application) including commercial tenancies, commercial offices, retail, food and drink premises and medical uses. A bookable space is proposed at Level 2 of the building, catering for a range of community uses.

20. The application does not seek consent for any building signs or business identification signage.
21. The following works are proposed:

Basements

- (a) Internal demolition and reconfiguration, retaining an existing circular vehicle access ramp; and
- (b) Provision of plant areas, 12 x vehicle parking spaces, including 3 loading bay spaces, bicycle parking (97 spaces) and end of journey facilities and bathrooms.

Ground level

- (a) Refurbished arcade through-site link between George and Thomas Streets including circular architectural seat, internal terracotta cladding, increased floor level to address site flooding and associated automated flood gates;
- (b) Automated flood gates to retail tenancies facing Thomas Street that are to be retained and reconfigured fire stairs; and
- (c) replacement footpath weather awning.

Level 1

- (a) Arcade void and new fire stair egress from western basement to central fire stair.

Level 2

- (a) Internal works to create Community floor, subject to operational plan of management.

Level 3

- (a) Commercial level, subject to future Development or complying development certificate application.

Levels 4-5

- (a) Medical centre level, subject to future development or complying development certificate application.

Level 6

- (a) Food and drink premises, subject to future development or complying development certificate application; and
- (b) Three external landscaped terraces with pergolas for shade and wind mitigation.

Levels 7-13

- (a) Commercial office premises, subject to future development or complying development certificate application; and

- (b) External landscaped terrace at western end of Level 13 with pergolas for shade and wind mitigation.

Roof level

- (a) Plant areas, lift overruns and PV cells.

Building facades

- (a) Levels 1-4: partial removal and replacement of existing granite cladding and replacement of street awning;
- (b) Installation of external glazed and terracotta cladding elements to the retained lower levels and new upper levels;
- (c) New penetrations for windows of the existing northern facade, above the Bank of China Building;
- (d) Construction of nine additional storeys above four retained storeys (13 total);
- (e) Installation of external sun shading devices integrated with window spandrels.

22. Plan, elevation, section, detail, materials and photomontage drawing extracts of the proposed development are provided below.

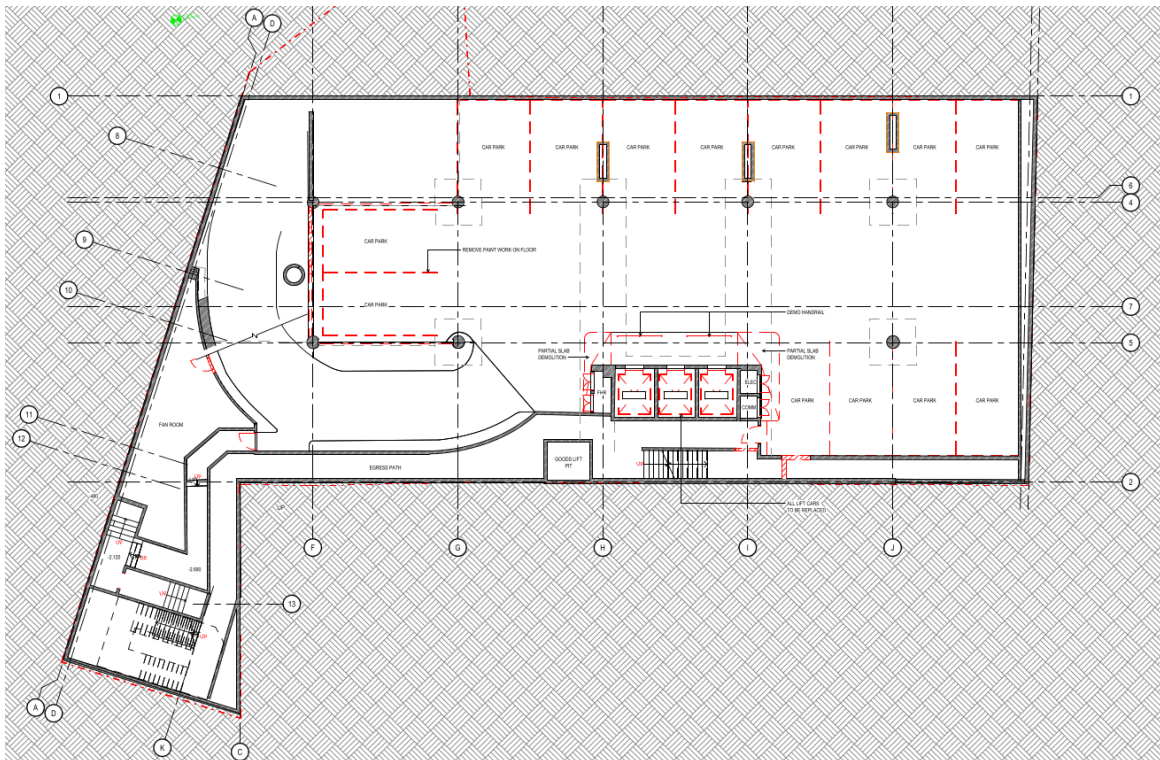


Figure 13: Demolition - typical basement level

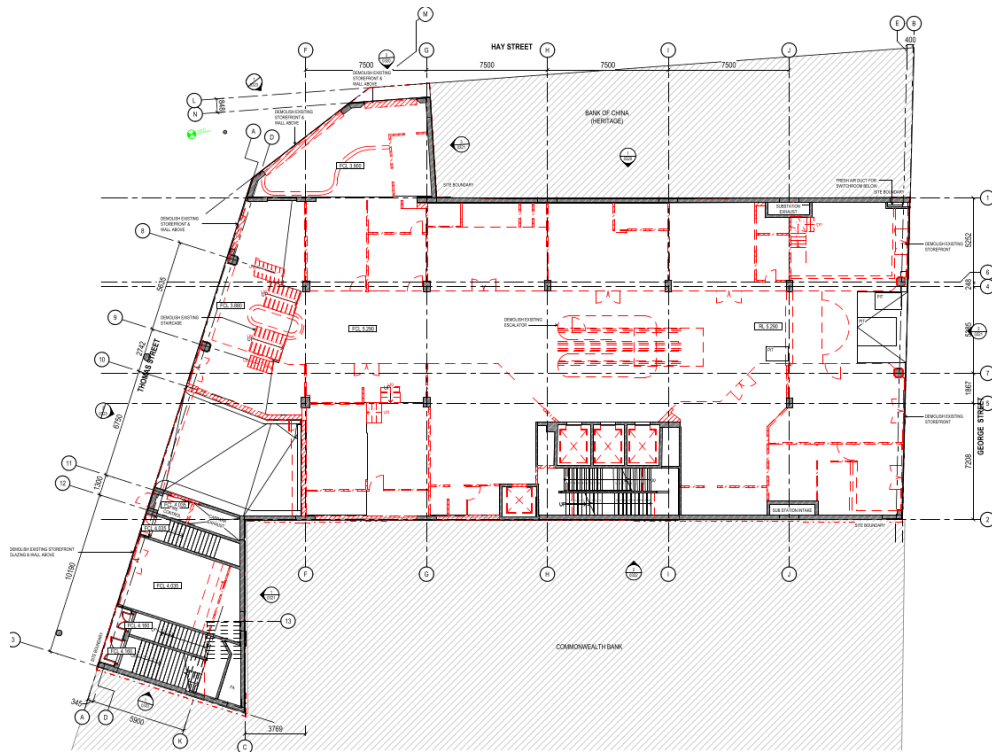


Figure 14: Demolition - Ground Level

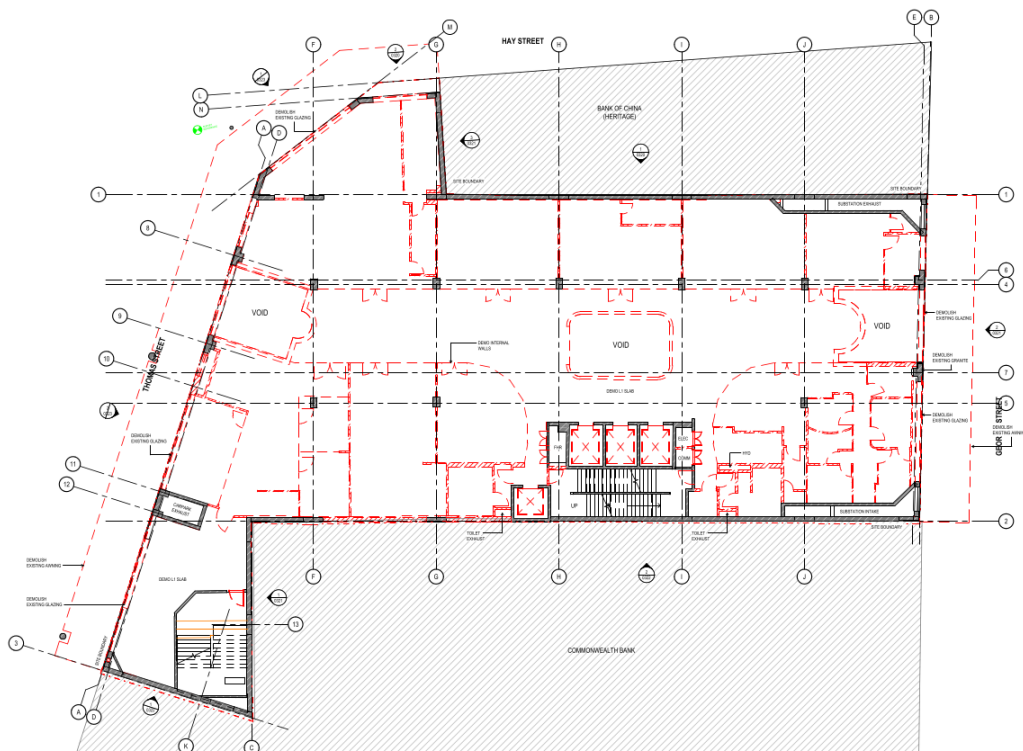
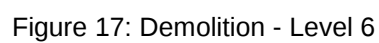
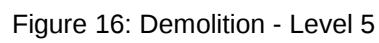


Figure 15: Demolition - Level 1



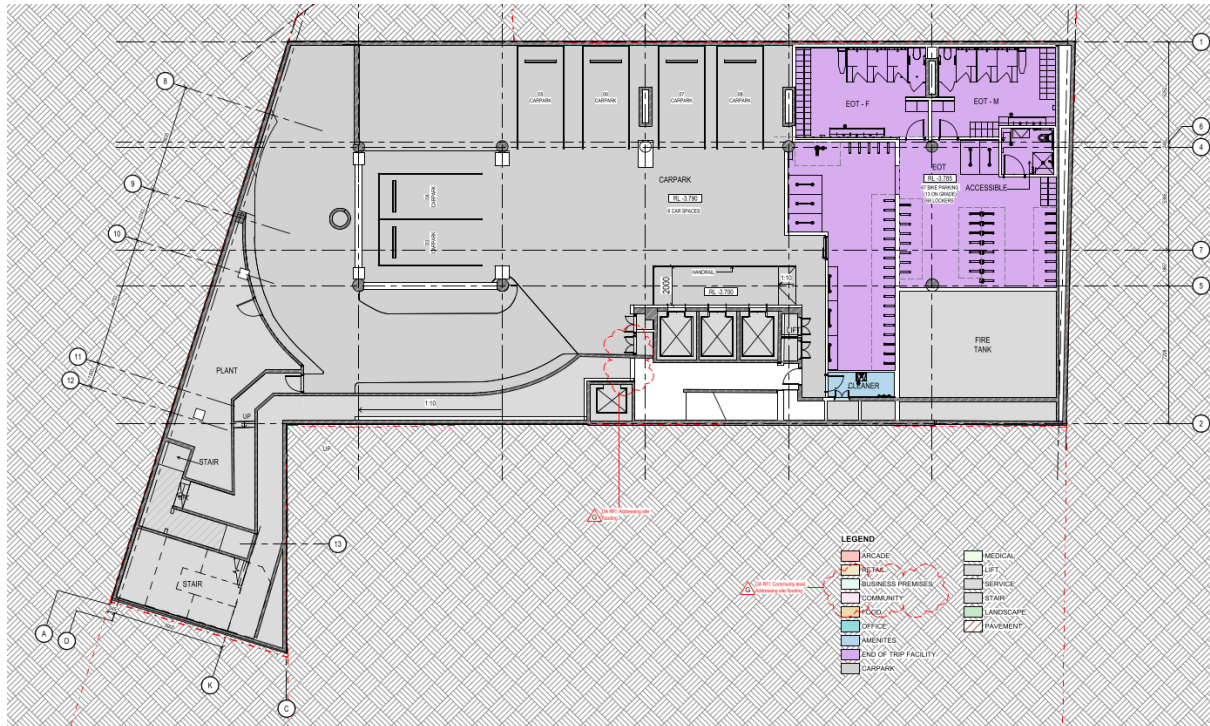


Figure 18: Basement level B3

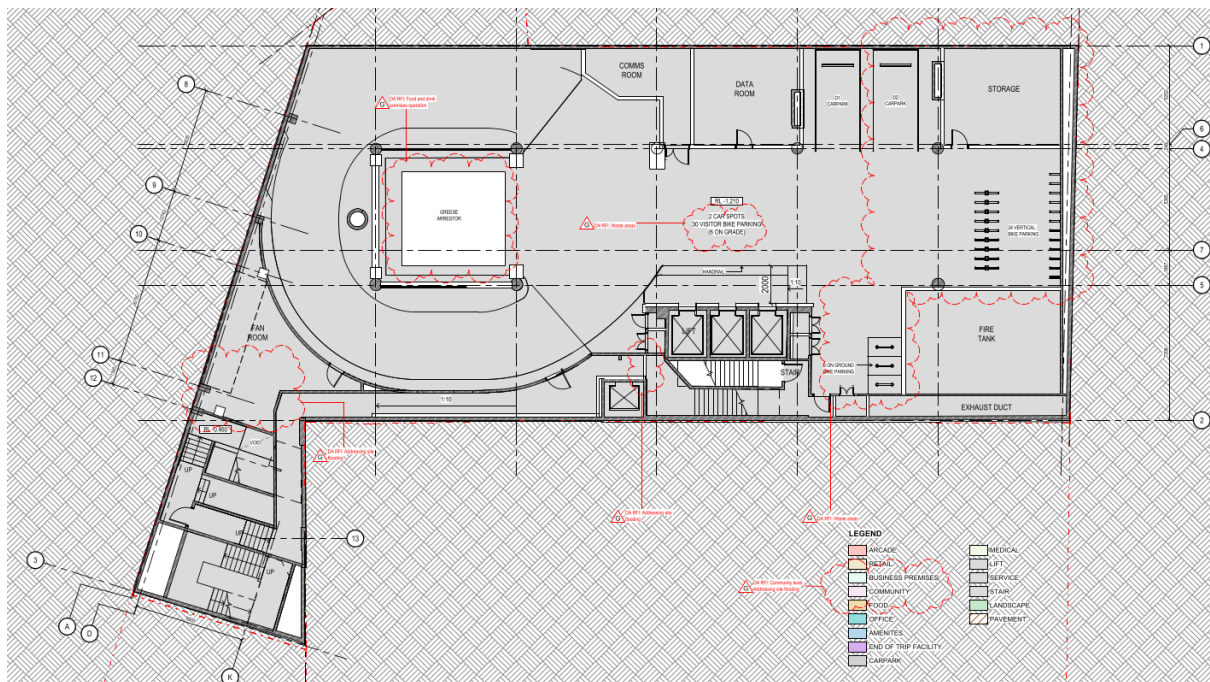
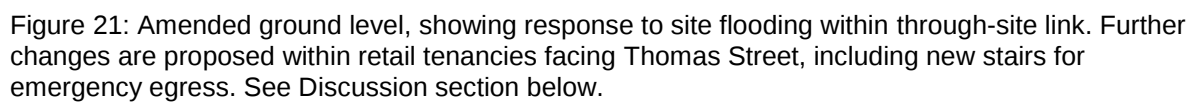
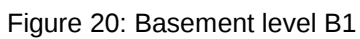


Figure 19: Basement level B2



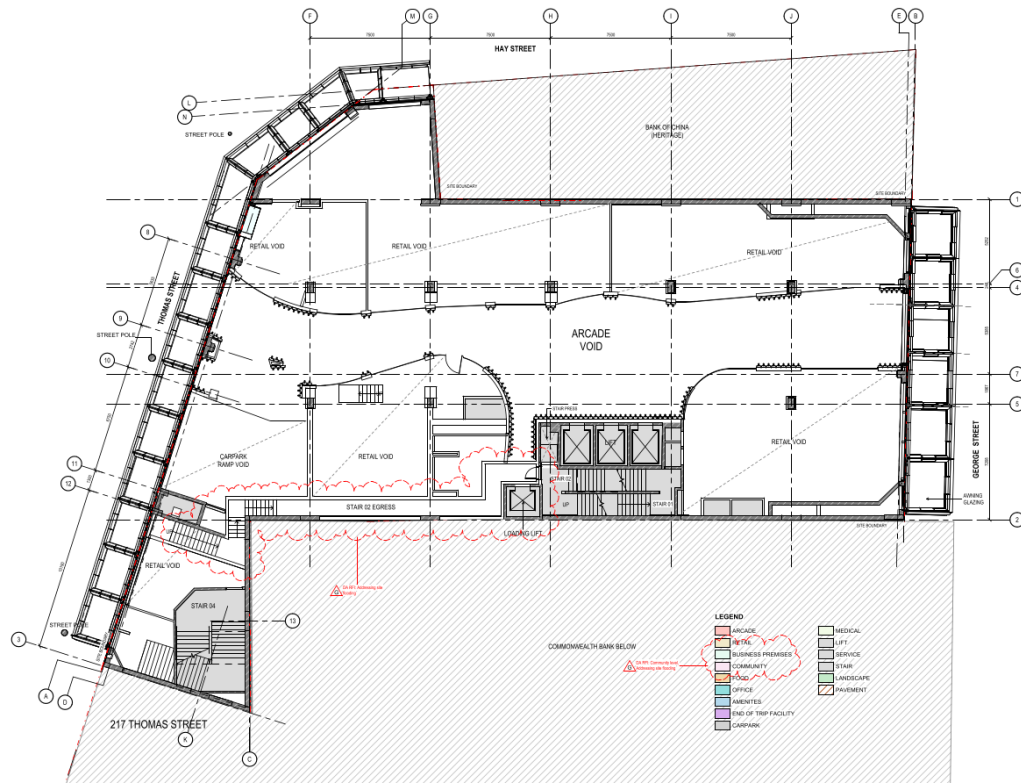


Figure 22: Level 1

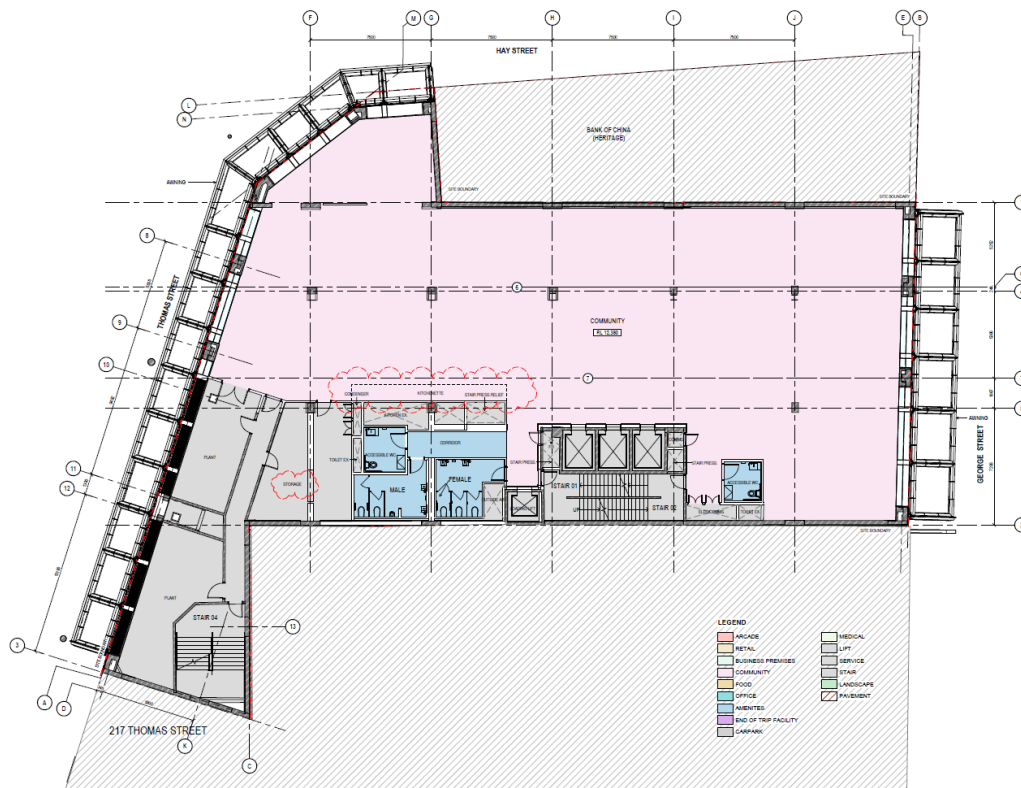


Figure 23: Level 2 - Community Level with kitchen, waste and storage areas

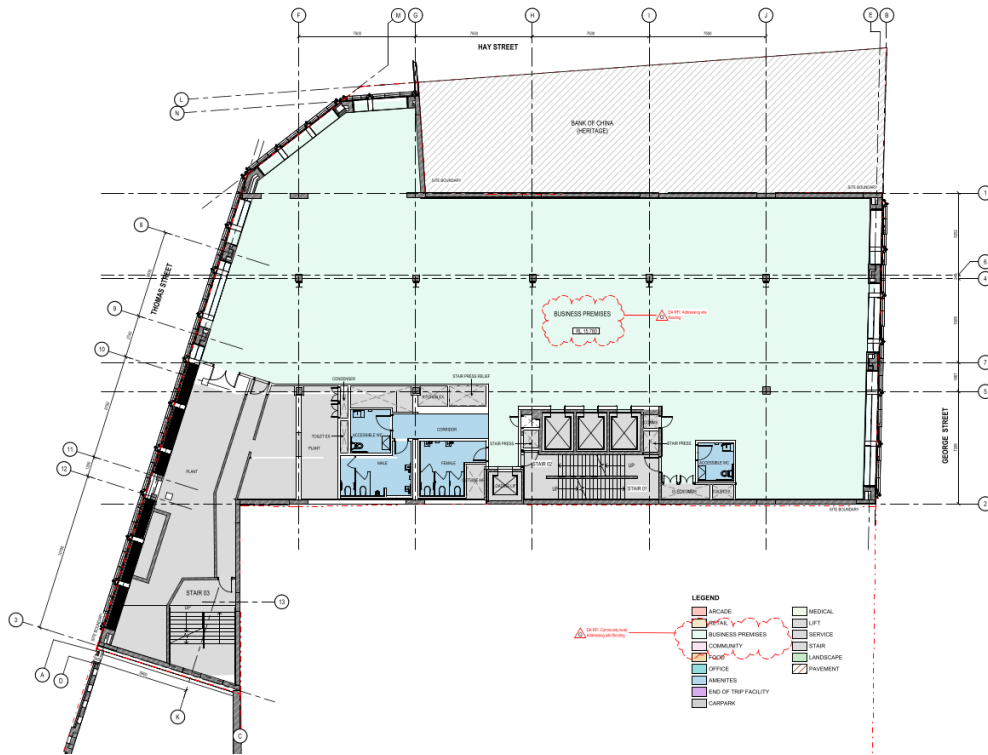


Figure 24: Level 3

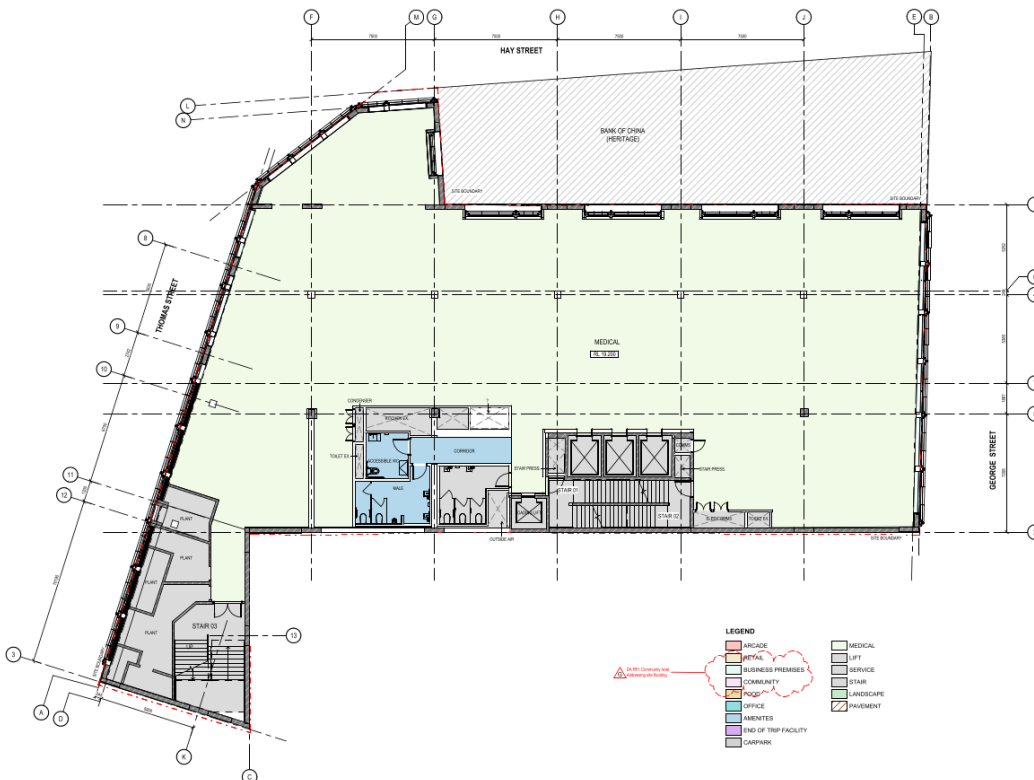


Figure 25: Level 4

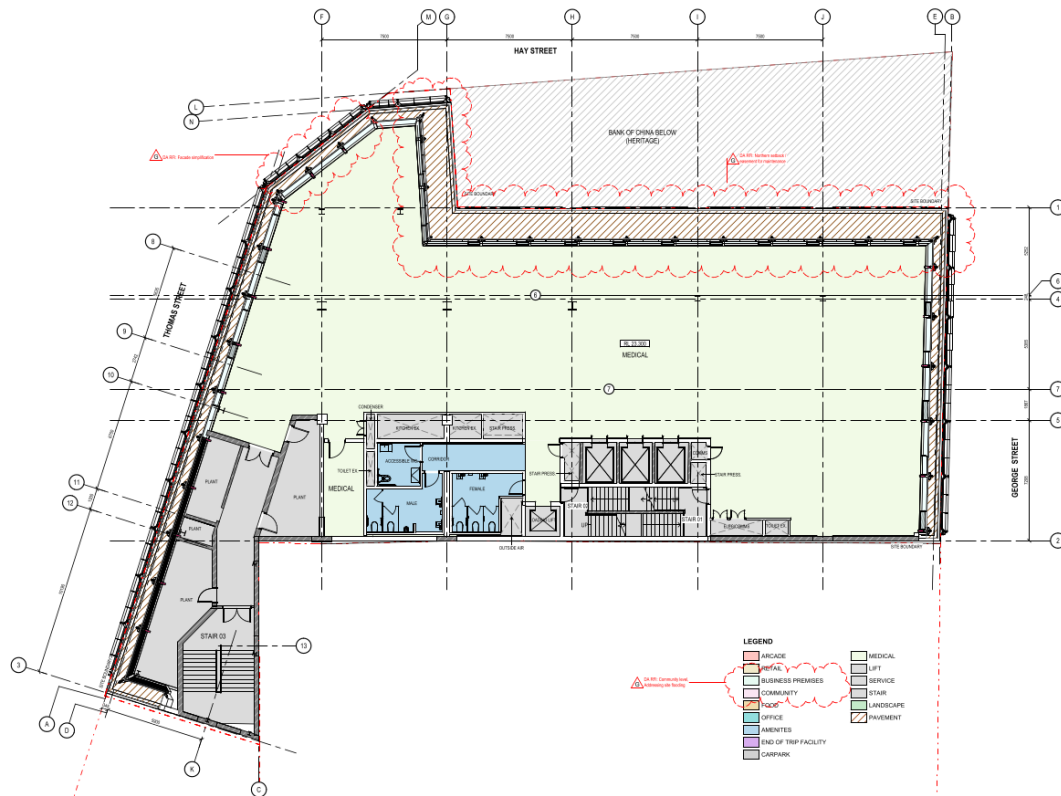


Figure 26: Level 5

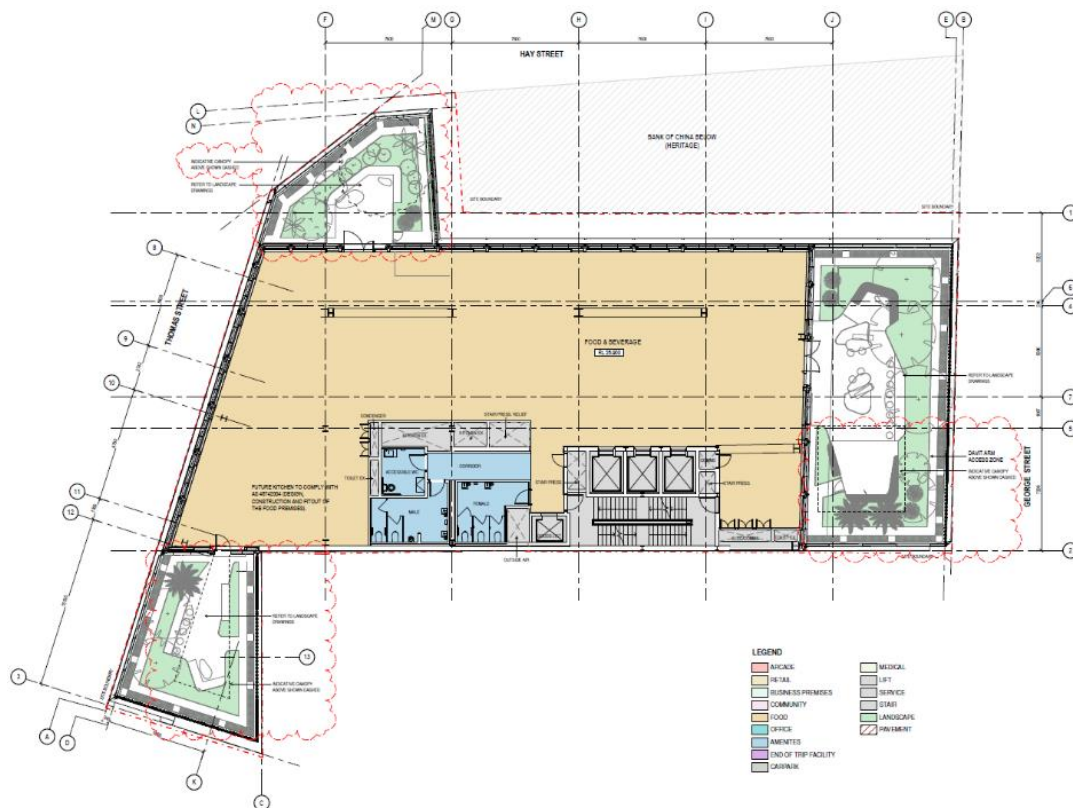


Figure 27: Level 6

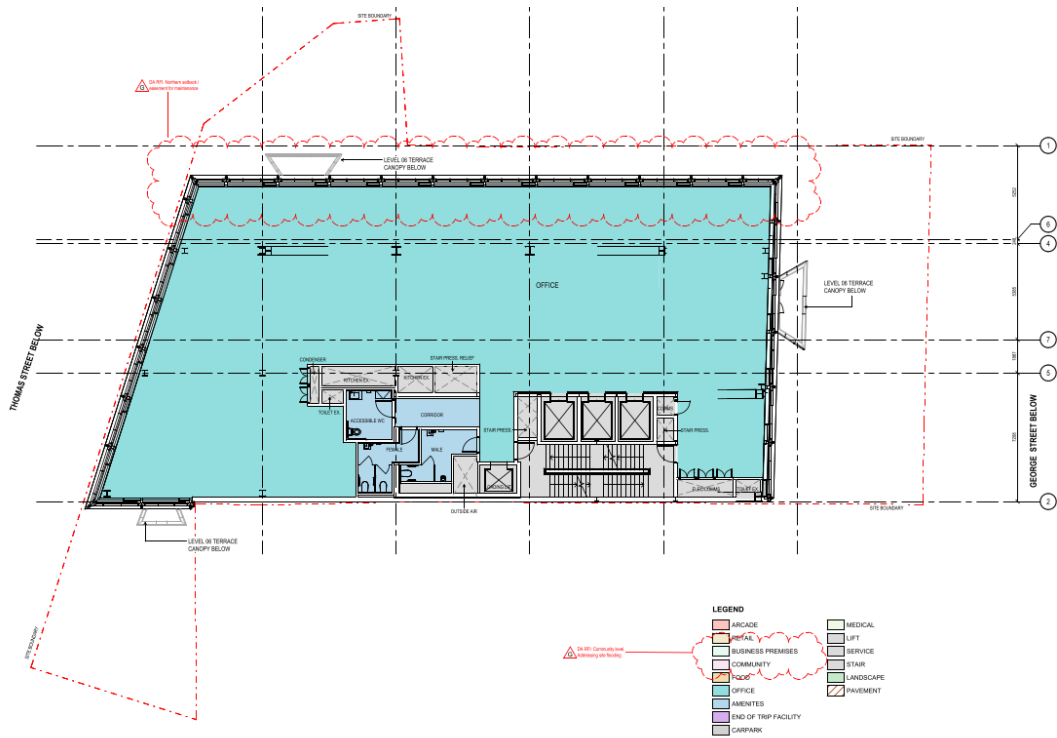


Figure 28: Level 7-12

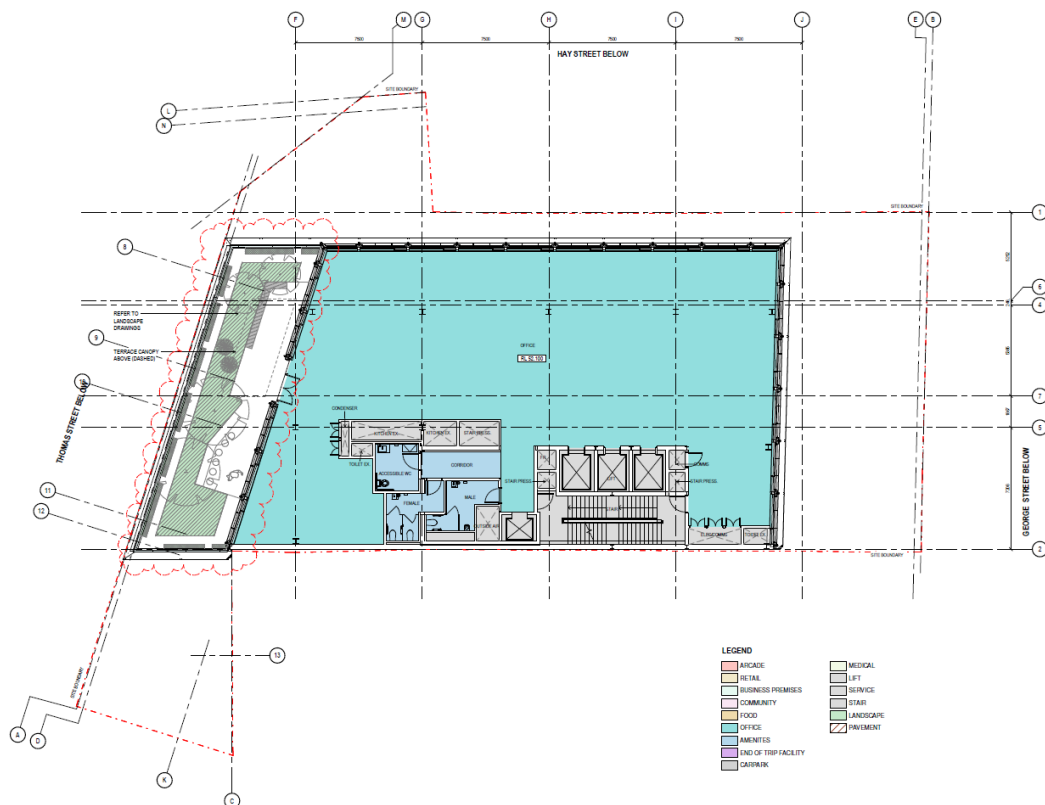
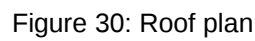
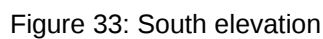
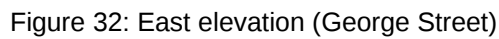
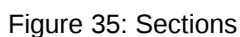
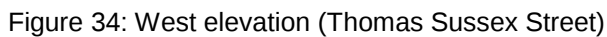


Figure 29: Level 13







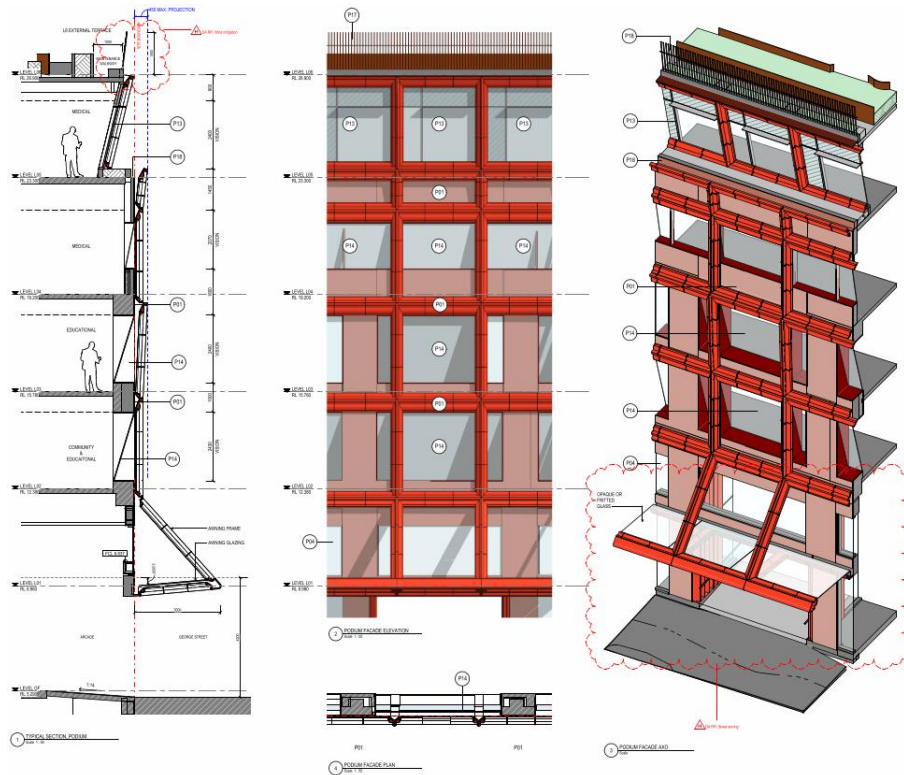


Figure 36: Podium details

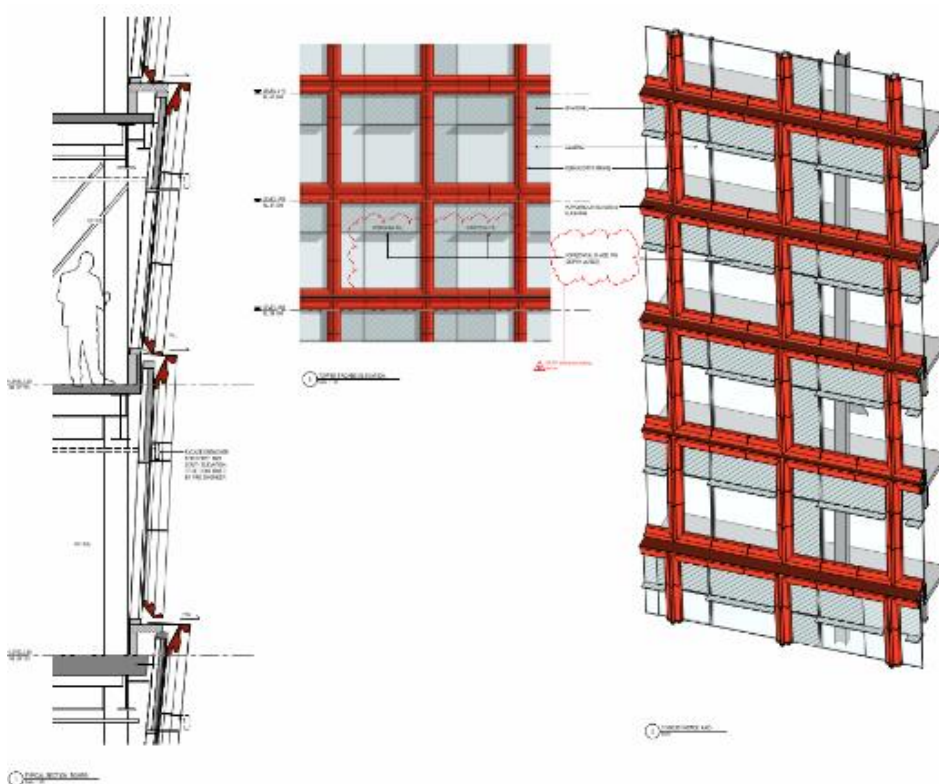


Figure 37: Tower facade details

MATERIAL SCHEDULE					
CODE	LOCATION	DESCRIPTION			
EX1	East / West Podium Facade	Existing granite cladding			
EX2	North / South Podium Facade	Spill to existing concrete and brick facade			
P01	New Granite Infill Cladding	New granite cladding to match the existing granite			
P02	Fixed Shopfronts	Retail shopfront glazing with low iron glass			
P03	Street Jaming	Opaque or tinted glass jaming with custom profiled terracotta frame			
P04	Fixed Shopfronts with Louvres	Retail shopfront glazing with low iron glass and incorporated louvres, powdercoat finish			
P05	Arcade Vial Tile	Solid terracotta cladding			
P06	GP After Hours Roller Shutter Gates	Metal roller shutter with powdercoat finish, with ventilation openings			
P07	Arcade Paving	Tiled paving			
P08	Arcade Fixing Cladding	Claym profiled terracotta cladding			
P09	Metall Fixing	Metall fixing with powdercoat finish			
P10	L06, L13 Canopy	Anodised aluminium canopy with powdercoated finish to steel fixing			
P12	Palapde Surrounding	Custom profiled terracotta vertical and horizontal fins			
P13	L06 Facades	Glazed curtain wall with three vision and spandrel glass and custom profiled terracotta fins. Powdercoat metal shade fin.			
P14	L2-L4 Shroud Windows	Powdercoated steel portal frame windows			
P15	L2-L4 Shroud Louvers	Steel portal shroud with aluminium louvers in protective coating and powdercoat finish			
P16	L04 North windows	Terracotta frame windows			
P17	L06 - L13 Terrace Balustrade	Glass balustrade			
P18	L06 Terrace Balustrade	Steel not balustrade with protective coating and powdercoat finish			
T01	L06-L13 Facade	Glazed curtain wall with three vision and spandrel glass. Custom profiled terracotta frames to external face. Powdercoat metal shade fin.			
T02	Roof Facade	Tinted glazing with solid back pan spandrel panels with terracotta frame			
T-03	South Facade	Stained precast panel with profiled vertical grooves			

Figure 38: Selected materials



Figure 39: Photomontage - George and Hay Streets, generally looking south-west from George Street



Figure 40: Photomontage - Thomas Street, generally looking north



Figure 41: Photomontage - Hay Street, generally looking east from light rail line (Paddy's Markets)

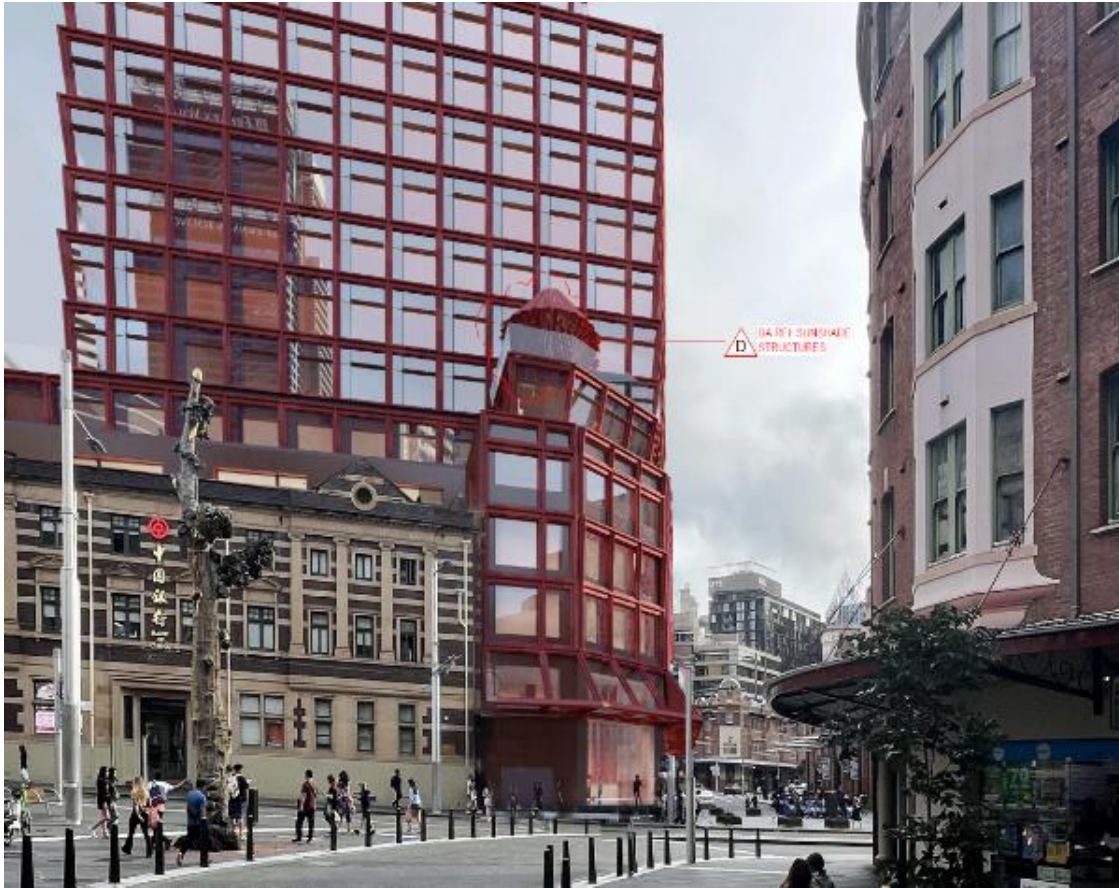


Figure 42: Photomontage - Sussex Street, generally looking south

Assessment

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

State Environmental Planning Policies

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

Remediation of Land

32. The aim of Chapter 4 of the SEPP (Resilience and Hazards) 2021 relating to the remediation of land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. The proposal retains existing basement levels in place with no excavation of site soil proposed. The existing building contains commercial uses and there is no proposal to use parts of the building for more sensitive land uses, such as residential uses.
34. As such, the CSPC as the consent authority can be satisfied that the site is suitable for existing and proposed uses.

State Environmental Planning Policy (Transport and Infrastructure) 2021

35. The application was referred to Transport for NSW under three clauses of the (Transport and Infrastructure) 2021 SEPP, being 2.101 (Development within or adjacent to interim rail corridor), clause 2.122 (Traffic generating development) and s38 (Amendment of development application). A letter of concurrence was received on 17 December 2024. Recommended conditions of consent are included in Attachment A.
36. The application was referred to Ausgrid under Subdivision 2 - Development likely to affect an electricity transmission or distribution network and s38 (Amendment of development application). A response was received raising no objections to the proposed development.

State Environmental Planning Policy (Sustainable Buildings) 2022

37. The proposal involves the adaptive reuse of an existing commercial building where the capital investment value is more than \$10 million. As such, the provisions of the Sustainable Buildings SEPP have been considered.
38. In response to section 3.2 of the Sustainable Buildings SEPP, the development has been designed to address the sustainability provisions of the SEPP. The proponent outlines these as including:
 - (a) the adaptive reuse of the majority of an existing building that will retain most of the structure including external walls and that the contractor will be required to meet Green Star diversion from landfill targets, with waste from demolition and construction minimised by the choice and reuse of building materials;
 - (b) the design reduces peak loads that are typically driven by cooling for commercial office buildings, including constructing a facade exceeding NCC 2022 minimum performance to reduce cooling loads, and by on-site PV generating electricity during peak days driven by cooling against solar radiation;
 - (c) a reduction in the reliance on artificial lighting and use of efficient LED artificial lighting, controlled by motion sensors in lighting zones smaller than 100sqm;
 - (d) mechanical heating and cooling through passive design, whereby the design of new facades allows for high visual light transmittance of glazing with high thermal performance. Heat loads are further controlled by integrating vertical insulated spandrel and limiting the window-to-wall ratio on the new facades that have good access to daylight;
 - (e) the performance of the facades improved by the 'tilted-out' (angled) design of some of the facades increasing the angle of incidence of direct sun and the effectiveness of solar control coatings on glass;
 - (f) the generation and storage of renewable energy, noting that while roof space available for solar PV energy generation is limited, an array of 18-22 kWp minimum has been allowed for in balance with roof use for efficient heat rejection;
 - (g) accessible outdoor spaces being provided including green infrastructure and shaded areas that prevent direct solar access;

- (h) sub-metering and monitoring of major energy uses and of individual users per level and tenancies to Green Star standards;
 - (i) minimisation of potable water consumption by way of dual plumbing for recycled water use, landscape irrigation and toilet flushing, rainwater harvesting with a 6 kl tank is proposed to supplement these uses. Fire protection system testing water will be captured for re-use and sub-metering will be installed for key levels and tenants, monitoring water use to Green Star Buildings requirements; and
 - (j) the proponent's commitment to minimising the use of on-site fossil fuels, which will be also a requirement for the targeted 5-Star rating under Green Star Buildings v1. HVAC services are designed to be all-electric based on efficient chillers and heat pumps.
39. The embodied emissions attributable to the development have been quantified in accordance with section 3.2 of the SEPP. Council's ESD specialist has advised that the application meets sustainability requirements and that the energy commitments for the development are proposed to be met through the Green Star pathway.
40. Council's ESD specialist has recommended conditions of consent that are included in Attachment A. These include:
- (a) that prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the approved Design for Environmental Performance report are incorporated into the relevant construction plans and accompanying documentation;
 - (b) any changes to the approved Design for Environmental Performance report being submitted for approval to Council's specialists;
 - (c) a commitment that the design of the building must achieve Green Star Buildings certification, with a minimum credit achievement result in Credit 22: Energy use;
 - (d) the design of the building and its services achieving a National Australian Built Environment Rating System (NABERS) Water rating of 3 Stars in operation;
 - (e) that prior to the issue of a Construction Certificate, the embodied emissions reporting being updated to reflect finalised material specifications and increased design detail.
41. The proposal is consistent with the aims of the SEPP Sustainable Buildings 2022 and complies with relevant standards for non-residential development.

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

42. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour.
43. 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

44. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided under the following headings.

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 uses of the site, including commercial offices, retail, community, business premises, and medical centre uses are permissible with consent within the zone and consistent with the zone objectives.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	A maximum height of 55 metres is proposed, exceeding the maximum height of buildings standard of 50 metres. A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.
4.4 Floor space ratio (FSR) 6.4 Accommodation floor space	Yes	As per Clause 4.4 of SLEP 2012, the site is subject to a maximum 'base' FSR standard of 7.5:1:1, or 7,702.5 square metres of gross floor area (GFA). The site is also eligible for an amount of additional 'Accommodation floor space' FSR, per Clause 6.4(g) of SLEP 2012. The site is located within 'Area 4' and proposes business premises, health services facilities, office premises and retail premises. It is therefore eligible for an amount of additional floor space (accommodation floor space), to a maximum of 1.5:1 (1,540sqm).

Provision	Compliance	Comment
		This would have the effect of increasing the permissible maximum FSR for the site from 7.5:1 to 9:1 (9,243sqm). An amended FSR of 7.8:1 (8,010 sqm of GFA) is proposed, reduced from 8.13:1 (8,346sqm), complying with the relevant FSR standards. It is noted the FSR for the proposal has been reduced during assessment by the setting back of the new tower by 2m from the northern site boundary (see amendments section above).
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the height of buildings development standard prescribed under Clause 4.3 of the SLEP 2012. A Clause 4.6 variation request has been submitted with the application. Refer to the further details in the Discussion section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The design as amended, proposes a calmer facade that will not have any significant impacts for the heritage listed Bank of China Building, located at the northern boundary of the site. Drawings have also been amended to set back the northern elevation of the new tower by 2 metres, reducing building scale and resulting in a building that will not comprise an intrusive element in the context of the heritage item adjoining. Refer to the further details in the 'Discussion' section below.
5.21 Flood planning	Yes	The site is identified as being subject to flooding. Architectural drawings have been amended during assessment in response to site flooding. See Discussion section below.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 1 Additional floor space in Central Sydney		
6.4 Accommodation floor space	Yes	The application complies with the relevant FSR standards for the site. See discussion above.
Division 3 Height of buildings and overshadowing		
6.16 Erection of tall buildings in Central Sydney	Yes	The proposal involves the construction of a building with a floor space ratio greater than the maximum floor space ratio shown on the Floor Space Ratio Map. As such, consideration is given to Clause 6.16 of SLEP 2012. As outlined within this report, the CSPC can be satisfied the building will not adversely impact on the wind conditions of public places and that the proposal will not impact upon key views from public places. The application, as modified, will not have any significant impacts in relation to the setting of an adjoining heritage item. The application has demonstrated that sun and daylight access will not be impeded to public places and that tenancies will be provided with a suitable outlook. The development provides a suitable height transition between new the site and nearby buildings within the Haymarket/Chinatown Locality special character area.
6.17 Sun access planes	Yes	The proposal does not breach the sun access plane for nearby Belmore Park between 10am and 2pm at the winter solstice.

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	The design provides high standard in relation to materials and detailing. The amended proposal responds suitably to the presence of a heritage item at its northern boundary and bulk, provides a massing and modulation that is a good fit with nearby buildings. The development provides a mix of commercial uses that will contribute to the vitality and character of the Haymarket Chinatown area. The adaptive re-use of an existing building and proposed design response satisfy the principles of ecologically sustainable development. The development provides end of journey facilities and service vehicle spaces, providing for pedestrian, cycle, vehicular and service access. The development achieves a successful interface at the ground level between the building and the public domain and demonstrates excellence and integration of landscape design on roof terraces.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.6 Office premises and business premises 7.7 Retail premises 7.9 Other land uses	Yes	Utilising the formulas provided by Clauses 7.6, 7.7 and 7.9 of SLEP 2012, a maximum of 46 car parking spaces are permitted for the overall development. The proposed development includes 12 car parking spaces including 3 loading bays and complies with the relevant development standards.

Provision	Compliance	Comment
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	The site is located in Central Sydney. Clause 7.13(1)(d) is activated noting the development involves the demolition of existing floor area and the subsequent creation of more than 100 square metres of gross floor area. A condition is recommended requiring the payment of a contribution towards affordable housing.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils however the application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.
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.
7.19 Demolition must not result in long term adverse visual impact	Yes	The application does not indicate there will be any delay between the demolition of the existing level 5 of the building and the construction of additional storeys.
7.20 Development requiring or authorising preparation of a development control plan	Not applicable	The site area does not exceed 1,500 square metres and the resulting development will not exceed a height of 55 metres above existing ground levels. As such, the development is not subject to the Clause.
7.26 Public art	Yes	An amended preliminary public art plan has been provided to the satisfaction of Council's public art team. The amended plan provides details in relation to suitable locations of public art and to the proposed estimated budget.

Provision	Compliance	Comment
7.33 Sustainability requirements for certain large commercial development	Yes	The development satisfies the requirements of the sustainability requirements for large commercial development. Refer to the SEPP (Sustainable Buildings) 2022 discussion section above.

Development Control Plans

Sydney Development Control Plan 2012

45. 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

46. The site is located within the Haymarket/Chinatown Special Character Area locality. The proposed development is in keeping with the current design principles of the locality, set out by Section 2.1.3 of the SDCP 2012 as set out below.
47. The development is also consistent with draft changes to the Locality Statement that were reported to a Council meeting on 11 December 2023. These changes are anticipated to be reported again to Council during June 2025, with public exhibition of the draft SDCP 2012 changes now completed.
48. When compared against the **existing** locality statement, the development is consistent with the unique character and the design principles of the locality in that it will:
- (a) retain and enhance the urban character and scale of the Haymarket locality by providing a building that:
 - (i) maintains commercial uses at the lower levels on the street frontage;
 - (ii) is built to the street alignment;
 - (iii) provides street frontage heights that are respectful of and that maintain the visual form of a neighbouring heritage item; and
 - (iv) provides suitable building setbacks above street frontage heights.
 - (b) maintains a high level of daylight access to the street by providing a suitable building height and bulk;
 - (c) maintains and reinforces the permeability of the area and the intricacy of the urban fabric by retaining existing significant lanes, the original street pattern, special corner treatment at Hay Street and maintains an existing mapped through site link;

- (d) conserves the presence of a historically significant corner building (the Bank of China Building) by setting back new structure and providing a suitable scale;
 - (e) maintains existing vistas to a former market building (Paddy's Market);
 - (f) conserves and improves existing significant public domain features, including the George, Hay and Thomas Street frontages that have undergone extensive streetscape improvements; and
 - (g) will provide public artworks in locations visible from open spaces including the public domain.
49. When compared against **draft** design principles for Haymarket/Chinatown Special Character Area, the development will:
- (a) encourage Asian cultural expression in the public domain through the provision of suitable lighting and public artworks; and
 - (b) support the vibrancy of the area through providing active ground floors and enabling events and late-night trading.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements 3.1.2.2 Through-site links	Yes	Works are proposed within an existing through-site link that is shown on the SDCP 2012 through-site links map. These works will address site flooding and provide wheelchair access between George and Thomas Streets. While the link contributes to the amenity of the locality, conditions are recommended in relation to providing adequate circulation space within the link. Refer to the Discussion section below.
3.1.5 Public art	Yes	A Preliminary Public Art Plan has been provided during assessment that is supported by the Council's public art team. The strategy identifies opportunities for public art within street awnings and within the double height spaces of the through-site link. The Plan identifies that public art budget will equate to 1% of the development cost which is commensurate with the ambition, scale and nature of the development.

Provision	Compliance	Comment
		A condition of consent is recommended requiring a detailed public art plan to be submitted to and approved by Council prior to issue of a construction certificate.
3.2. Defining the Public Domain 3.2.2 Addressing the street and public domain 3.2.3 Active frontages	Yes	The proposed development overlooks the public domain, providing passive surveillance and contributes to the activity, safety and amenity of the area in terms of scale, finishes and architectural character. Legible and accessible entries are to be retained and embellished, contributing to the quality and amenity of the public domain. The SDCP 2012 active frontages map requires a 'Category 1' active frontage to George Street and a 'Category 2' active frontage to Thomas Street (80% and 70% activation respectively). The proposed development retains all of the existing retail and arcade entries to George, Hay and Thomas Streets and contributes to the liveliness and vitality of the streetscapes. No additional services are proposed to street levels, other than fire boosters facing Hay Street.
3.2.4 Footpath awnings	Yes	Footpath awnings are provided at all street frontages to enhance pedestrian amenity and provide weather protection. The design of awnings responds to existing awnings located within the visual catchment of the site and has been amended in response to comments received from the City's Design Advisory Panel. Refer to the Discussion section below.
3.2.6 Wind effects	Yes	Reports lodged with the application confirm the proposed development will not result in any significant impacts for the public domain surrounding the

Provision	Compliance	Comment
		development, as compared to the existing condition of the site. A supplementary wind report provided during assessment confirms that specified sitting comfort criteria can be met on proposed Level 6 and 13 outdoor terraces and that the terraces will be safe and comfortable for future users. Shade structures have been added to terraces during assessment that also assist in meeting the required criteria.
3.2.7 Reflectivity 3.2.8 External lighting	Yes	A condition of consent is recommended requiring the preparation of a Reflectivity Report. The report may require design revisions to ensure the development will not exceed the reflectivity coefficient glazing of 20%, however it is noted the facade contains architectural elements and a relatively low quantum of exposed windows when compared to buildings within the locality.
3.3 Design Excellence and Competitive Design Processes	Not applicable	The development is not subject to a competitive design process as it does not result in a building with a height greater than 55 metres and does not have a capital value exceeding \$100,000,000.
3.5 Urban Ecology 3.5.3 Tree management	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology. Conditions are recommended requiring the protection of an existing immature street tree located at the George Street frontage. Proposed works will not involve any substantial pruning and there are no anticipated excavation works that would affect the existing street tree.
3.6 Ecologically Sustainable Development 3.6.3 Photovoltaic solar panels	Yes	The proposal can satisfy its environmental obligations under the SEPP (Sustainable Buildings) 2022. Refer to the discussion above.

Provision	Compliance	Comment
		The proposed location and placement of photovoltaic solar panels on the roof of the building is unlikely to be overshadowed by potential permissible building forms on adjacent properties, noting the site is a corner site with a northerly aspect.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. Refer to the details under Section 7.15 of the SLEP 2012 above and below in the Discussion section.
3.8 Subdivision, Strata Subdivision and Consolidation	Not applicable	The proposed development does not seek consent for the subdivision of the site.
3.9 Heritage	Yes	The simplification of the facade at the corner of Hay and Thomas Streets provides a calmer facade that will not have any significant impacts for the Bank of China Building when compared to the existing site condition. The setting back of the northern elevation of new building fabric by 2 metres provides for building proportions and alignment that will not compromise the setting and visual dominance of the Bank of China Building, which is a local heritage item.
3.11 Transport and Parking	Yes	The application provides suitable responses to transport and parking provisions. 97 bike parking spaces are provided within Basement Levels 2 and 3. Eight car parking spaces, an accessible space and three loading bays are proposed within basement level 1 (12 total spaces). A circular 'cork-screw' internal driveway connects the three basement levels, with internal turning spaces ensuring all vehicles can enter and exit the site in a forward direction.

Provision	Compliance	Comment
3.12 Accessible Design	Yes	An Access Report has been provided, demonstrating the proposal can comply with the accessibility requirements of the: - Federal Disability Discrimination Act 1992 (DDA); - National Construction Code; and - relevant Australian Standards. Appropriate accessible facilities are provided within the development.
3.13 Social and Environmental Responsibilities	Yes	Active retail uses are proposed to the George Street and Thomas Street boundaries, ensuring passive surveillance over the street. The development does not provide opportunities for anti-social behaviour noting the through-site link is permeable, visible and accessible. The development is generally designed in accordance with the 'Crime Prevention Through Environmental Design' (CPTED) principles.
3.14 Waste	Yes	Amended drawings show waste areas redesigned to provide room for bulky waste storage, with a single larger space improving efficiencies and reducing collection frequencies. A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	The site is located in a 'Late Night Management' area. Various commercial uses of the building will, depending on their nature, be defined as a categories A, B or C premises (high to low risk). In the circumstances of the application, it is not necessary to impose any conditions of consent relating to the hours of operation for the future uses, noting they will be subject to future, separate

Provision	Compliance	Comment
		development applications or complying development applications. Notwithstanding this, a condition is recommended, limiting the use of proposed outdoor terraces to between 7:00am and 10:00pm.
3.16 Signage and Advertising	Not applicable	No signage is proposed under the subject application. Conditions are recommended, requiring the preparation of a signage strategy and for separate applications once tenancies are further developed.

Section 4 – Development Types

4.2 Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	No changes are proposed to existing floor to floor heights for the lower levels of the building. Proposed new commercial storeys above level 5 will achieve the minimum floor to floor heights of 3.6 metres.
4.2.2 Building setbacks	Yes	The development maintains the existing condition where the building extends to all site boundaries. Setbacks above the street frontage height are assessed against the controls in Section 5 of the SDCP 2012 below.
4.2.3 Amenity		
4.2.3.1 Solar access 4.2.3.4 Design features to manage solar access	Yes	Fixed shading devices are provided to the external windows to protected from mid-summer sunlight. The development does not rely exclusively on high performance glazing as a mid-summer sun control device. Refer to the amendments section above.

Provision	Compliance	Comment
		Neighbouring sites do not contain any residential dwellings that require further assessment in relation to shadow impacts resulting from the proposed development.
4.2.3.5 Landscaping	Yes	Amended details have been provided in relation to landscaped planters located within level 6 and 13 terraces. Architectural and landscape drawings are coordinated in relation to proposed shade structures.
4.2.3.11 Acoustic privacy	Yes	A Noise Impact Assessment has been provided during assessment, which details that the use of terraces and building plant will not have any significant impacts for neighbouring buildings.
4.2.6 Waste and recycling Management	Yes	The application has been amended to satisfactorily address issues raised by Council's specialists. A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 5 – Specific Areas - Central Sydney

Provision	Compliance	Comment
5.1.1 Built form controls 5.1.1.2 Street frontage heights and street setbacks in Special Character Areas	Acceptable	Figure 5.9 of the SDCP 2012 specifies maximum street frontage heights of 20 metres to George Street and 15 metres to Thomas Street, where the development proposes heights of 22.5 metres to George Street and 48.4 metres to Thomas Street. The development also proposes a setback of 5 metres to the Thomas Street frontage (above the street frontage height) and does not comply with the SDCP 2012 setback of 8 metres.

Provision	Compliance	Comment
		Notwithstanding this, the proposal is acceptable with regard for the objectives of Section 5.1.1 of the SDCP 2012. Refer to the Discussion section below.
5.1.1.3 Side and rear setbacks and building form separations	Acceptable	The proposal does not comply with the provision at Section 5.1.1.3(7) of the SDCP 2012 requiring facades containing windows to be set back from side boundaries by a minimum of 2 metres to allow maintenance of the facade from a building maintenance unit fully within the site boundary, unless an easement exists for maintenance access over the adjoining land. The owners of the adjoining Bank of China Building have provided a submission, stating that an easement will not be granted. As such, proposed new windows in existing building fabric are not recommended to be approved. Refer to the Discussion section below.
5.1.1.4 Built form massing, tapering and maximum dimensions	Yes	The horizontal dimension of the new tower form will not exceed the 100 metre maximum required by SDCP 2012 (32 metres).
5.1.2 Development outlook and demonstrating amenity compliance	Yes	The provisions require that all developments should provide for adequate setbacks within their development sites so as to guarantee their own minimum outlook. The facade of the new tower has been setback by 2 metres from the northern boundary, enabling maintenance and an ongoing outlook for commercial office windows. New windows on the south-western corner of Levels 6-12 are set in from the southern boundary and will maintain high amenity should the neighbouring building be developed in the future.
5.1.3 Heritage items, warehouses and special character areas	Yes	The development has been amended during assessment to respond to the setting of the adjoining Bank of China building which is a local heritage item.

Provision	Compliance	Comment
		The northern facade is setback by 2 metres from the Bank of China Building, the development has been simplified and calmed at the corner of Hay and Thomas Streets. The development provides an improved relationship to the item, noting there has been a considerable reduction in the existing street wall height, improving the scale and bulk of the development. As there are no proposed works in the public domain, the proposal will not have any significant impacts in relation to public domain features. Conditions have been included in the recommended conditions of consent, requiring the preservation of kerbs and survey marks.
5.1.4 Building exteriors	Yes	The proposed development provides an acceptable street alignment and street frontage heights. Setbacks have been increased, and facade materials are suitable for the site and condition, with regard for an adjoining heritage item. The building avoids the use of extensive blank glass and removes an existing configuration whereby solid walls are presented to the streetscapes surrounding the site. The development proposes visually interesting treatments, including modelling of form, articulation, the use of high quality materials and finishes and/or public art.
5.1.9 Managing wind impacts	Yes	An environmental wind assessment lodged with the application concludes that the wind conditions along George and Hay Streets would be expected to be as per the existing wind conditions at the conclusion of construction works. The report states that the limited exposure to the prevailing wind direction means the development would be expected to cause little significant additional downwash wind flow into the surrounding streetscapes and that the building provides street canopies that

Provision	Compliance	Comment
		will mitigate wind effects along the street frontages. The amended proposal addresses wind effects on outdoor terraces, noting high external balustrades, landscaped planters and shade structures (pergolas and canopies) will provide protection. The application has been amended in response to issues raised by Council's landscape specialist and urban designer and has been found to be satisfactory

Discussion

Clause 4.6 Request to Vary Height of Buildings Development Standard

50. In accordance with the provisions of Clause 4.3 of the SLEP 2012, the site is subject to a maximum height of buildings control of 50 metres. The development proposes a maximum height above ground level of 55 metres and exceeds the standard by 5m (10% - Figure 43 below).

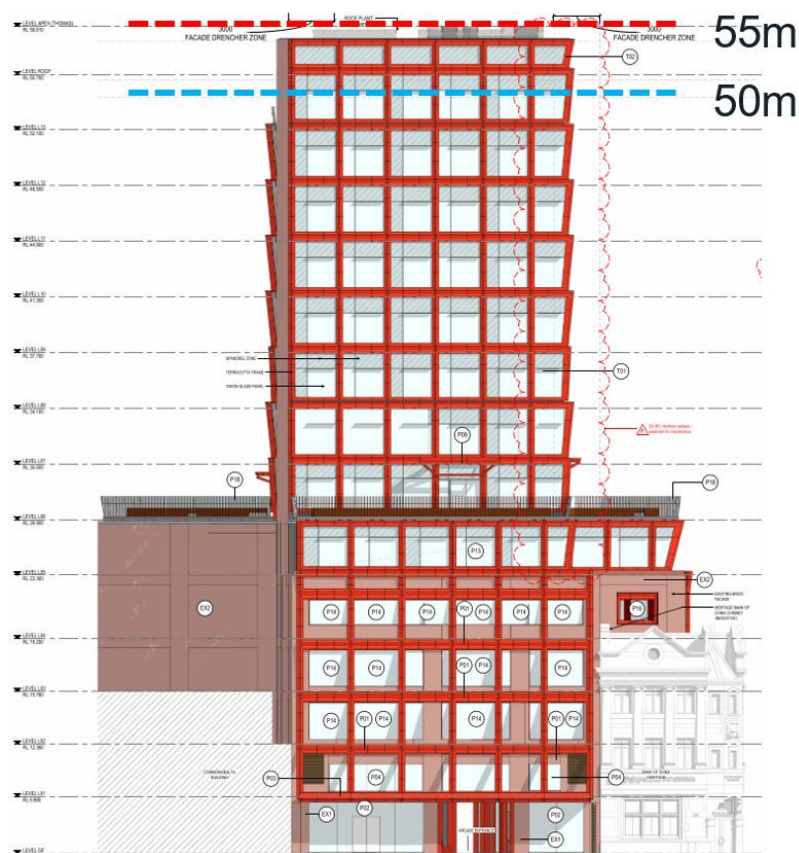


Figure 43: Proposed height of building (including roof plant)

51. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the SLEP 2012 seeking to justify the contravention of the development standard by demonstrating:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard.
52. The applicant seeks to justify the contravention of the development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The applicant refers to the first method of the five-part test established in *Wehbe v Pittwater Council* [2007] NSW LEC 827 to demonstrate that compliance with the standard is unreasonable or unnecessary. This method seeks to demonstrate that the objectives of the development standard are achieved notwithstanding the non-compliance with the standard.
 - (ii) A summary of the applicant's assessment against the objectives of the height of buildings development standard contained in Clause 4.3 of the SLEP 2012 is provided below:

Objective (a): to ensure the height of development is appropriate to the condition of the site and its context
 - (iii) The development responds to site constraints that require building massing to be located away from George Street. These include a TfNSW requirement that all new structural loads must be located outside the CBD Rail Link zone which runs along the east of the site, as well as the Great Sydney Dyke which is located along the northern edge of the site.
 - (iv) The proposed height of the development is consistent with its surrounding context. There are multiple developments in the surrounding area that have approved buildings with a height of 54-55 metres, exceeding the 50 metre height limit.
 - (v) Many surrounding buildings with a height in the range of 13-15 storeys exceed the 50 metre height limit. It is therefore clear that developments up to a height of 55 metres in the site's context are acceptable and appropriate, and that the proposed development is appropriate for its context.
 - (vi) An appropriate height is achieved by removing the upper level of the existing building and reducing the street frontage heights at the primary George Street frontage. Further, the development adopts an appropriate street frontage height and design along Thomas Street.

Objective (b): to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas

- (vii) A sympathetic response is provided to the adjoining Bank of China building by the reduction in the existing street wall height of the building along George Street, the development of an appropriate street wall height along Thomas Street and the lightening of the upper podium levels through the inclusion of articulated glazing and a new terracotta skin.
- (viii) Further to the reduction and adoption of appropriate street wall heights and the careful choice of materiality, the top podium level has been stepped back to provide relief and an appropriate height transition to the Bank of China building.
- (ix) The proposed development also breaks the tower's mass and bulk into distinct single-storey elements, including the stepped back upper podium level, enabling it to sympathise with rather than dominate the adjoining Bank of China heritage building, and any other lower scale buildings in its vicinity within the Haymarket/Chinatown special character area.
- (x) The incorporation of a ground floor awning also provides a consistent street datum at street level, that contributes to the transition in height and scale. These adopted design initiatives achieve an appropriate transition in height, particularly with the adjoining Bank of China building.

Objectives (c): to promote the sharing of views outside Central Sydney

- (xi) The site is located within Central Sydney. Therefore, the proposed height of 55 metres will not affect sharing of views outside Central Sydney.

Objective (d): to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas

- (xii) There are multiple buildings located between the site and the boundary of Central Sydney. Given the proposed height of the building is generally consistent with the surrounding heights of buildings, the proposal will contribute to an appropriate height transition from Central Sydney to adjoining areas.
- (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
- (i) ***Response to heritage item***

As above, the development provides a reduction in the existing street wall height of the building along George Street and an appropriate street wall height along Thomas Street. The materiality and design of the development, including the part that exceeds the height of buildings standard, provides an application that responds appropriately to the setting of the Bank of China Building.

(ii) ***Overshadowing***

Overshadowing diagrams are provided, comparing the impacts of a compliant scheme and the proposed scheme.

On the 21 June, the additional shadow cast that part of the building that exceeds the height standard by 5 metres either falls within existing shadows cast by surrounding development, onto George Street, or onto a portion of a commercial building to the south.

(iii) ***Response to site constraints***

The site is constrained by such circumstances as an irregular shape, subterranean tunnels and geological features, controls requiring the minimisation of the podium height and adjoining heritage item.

These factors when combined, envisage a building with greater bulk and scale that would achieve the maximum FSR and an increase to the building height remains the only alternative for increasing floor space in this key location within Haymarket Chinatown, that also provides community uses.

(iv) ***Provision of space for community uses***

The proposal includes providing a floor dedicated for community uses, including flexible community spaces capable of accommodating both small and large groups for meetings, conferences, presentations, exhibitions, musical concerts, performances, events, functions, sports and exercise.

The space provides for the enhancement of the built environment and is consistent with the Haymarket and Chinatown Revitalisation Strategy published in January 2024.

53. Development consent must not be granted unless the consent authority is satisfied that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.
54. The provisions of Clause 4.6(3)(a) of the SLEP 2012 specify that the consent authority must be satisfied the applicant has demonstrated compliance with the development standard is unreasonable or unnecessary in the circumstances of the application.
55. In this regard, the applicant's written statement addressing Clause 4.6 of the SLEP 2012 demonstrates that in relation to the objectives of Clause 4.3 of SLEP 2012 relating to the height of buildings:
- (a) Clause 4.3 objective (a): the height of the development is appropriate to the condition of the site and its context within the streetscape. The building design responds appropriately to the site conditions that constrain the construction of additional scale and bulk closer to the eastern property boundary. The development results in a building that is of a similar scale to existing buildings observed within close proximity to the subject site. Refer to the further discussion below.

- (b) Clause 4.3 objective (b): The part of the building that exceeds the height of buildings standard will not have any significant impacts for the adjoining Bank of China Building. The tower addition as a whole has been set back a further 2 metres from the northern boundary, thereby reducing its scale. Other changes have been made to the building facades, including to the upper level of the building above 50 metres. Refer to the response to DAP comments above.
 - (c) Clause 4.3 objective (c): the additional building height above 50 metres does not result in any significant impacts on existing views across the site; and
 - (d) Clause 4.3 objective (d): the site is located sufficiently far away from the Green square.
56. The provisions of Clause 4.6(3)(b) of the SLEP 2012 specify that the consent authority must be satisfied the applicant has demonstrated there are sufficient environmental planning grounds to justify the contravention of the development standard. The applicant's written statement addressing Clause 4.6 of the SLEP 2012 demonstrates that in relation to the proposed development:
- (a) the part of the building that exceeds the 50 metre height of buildings standard will not have any significant impacts for the adjoining buildings in relation to overshadowing
 - (b) the part of the building that exceeds the 50 metre height of buildings standard will not have any significant impacts for the adjoining buildings in relation to view loss
 - (c) the new tower addition including the part of the building that exceeds the 50 metre height of buildings standard has been set back and its facade simplified and refined, noting it will not have any significant impacts and will comprise a suitable background to an existing heritage building
 - (d) the building, including the upper level exceeding the height of buildings standard, provides a positive contribution to the environmental character and quality of the Haymarket/Chinatown locality.
57. For the reasons provided above, and in accordance with the provisions of Clause 4.6(3)(a) of the SLEP 2012, the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case.
58. Further, in accordance with the provisions of Clause 4.6(3)(b), the applicant has adequately addressed that there are sufficient environmental planning grounds to justify the contravention of the development standard.
59. As such, the requested variation to the height of building standard is supported.

Design Advisory Panel advice

60. The proposal was amended in response to comments and design input provided by the City's Design Advisory Panel (DAP).
61. The DAP recommended that the facade and awning design should be simplified and calmed, particularly around the interface with the adjoining Bank of China building. The DAP recommended a clearer differentiation between podium and tower, reduced angled facades in the podium and that the architectural grid overlay should be more referenced to the existing geometries of the building.

62. Further, the DAP recommended that street awnings should be made solid in some parts and that the awning at the corner of Hay and Thomas Streets should be simplified.

Response:

- (a) Amended drawings address the issues raised by DAP. The building presentation has been calmed at the corner of Hay and Thomas Streets by simplifying facade grid where it interacts with the Bank of China Building. The building edge has been straightened up to level 6 and facade grid lines have been centred on the arcade entries of George and Thomas Streets. Where windows in the podium were previously angled, they are now vertical, providing simplified geometries. Refer to Figure 44 below.
- (b) Footpath awnings at the street level have been redesigned. Where clear horizontal glazing was originally proposed above the footpath level, amended drawings now show opaque or fritted glass for the first two thirds of the awning adjacent to the building, with a gradient to clear glass closer to the kerb. The solid design will reduce the visual impact of any debris and dirt across the awning while providing daylight and a view to the sky. The applicant has also identified the spaces within the awnings as potential locations for public art, in line with an amended preliminary public art strategy.

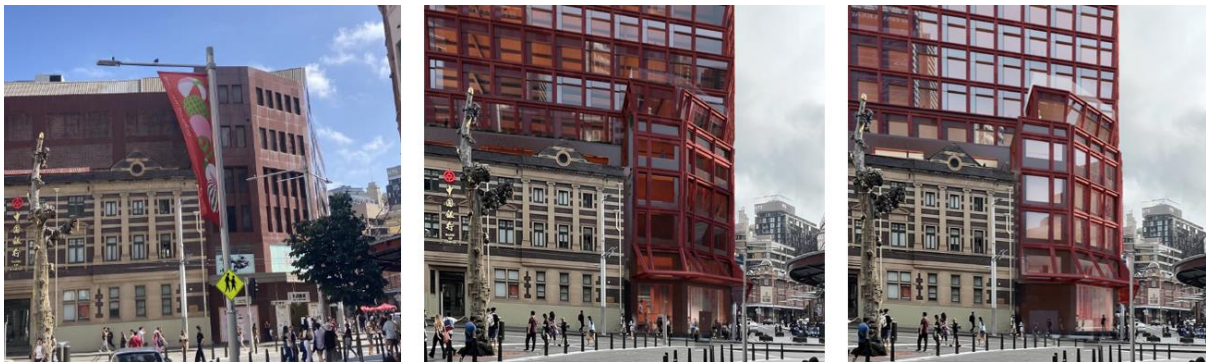


Figure 44: Facade design at the corner of Hay and Thomas Streets, including the existing condition (left), the development as lodged (middle) and as modified in response to DAP comments

63. The Design Advisory Panel recommended that the size and orientation of sun shading fins in the tower should be reviewed to ensure they are effective and that further consideration be given to the design landscape terraces to ensure that they are comfortable and usable.

Response:

- (a) The applicant has provided a design response showing improved efficiency in relation to the sun shading of building facades. Insulated vertical and horizontal spandrels have been provided for all windows that reduce the overall glazing extent. Fins are provided externally to the building to reduce solar impact and where this is unavoidable, late in the day, high performance glazing is provided to reduce heat loads within the building.

- (b) The design response is acceptable to Council's urban design specialists, who have recommended a condition of consent requiring vertical fins be added to each glazing bay at the vertical mullion line which match the horizontal sun shading fin depth and materiality. The fins will ensure additional sun shading of the external elements of the building, noting the north-westerly aspect of the site.

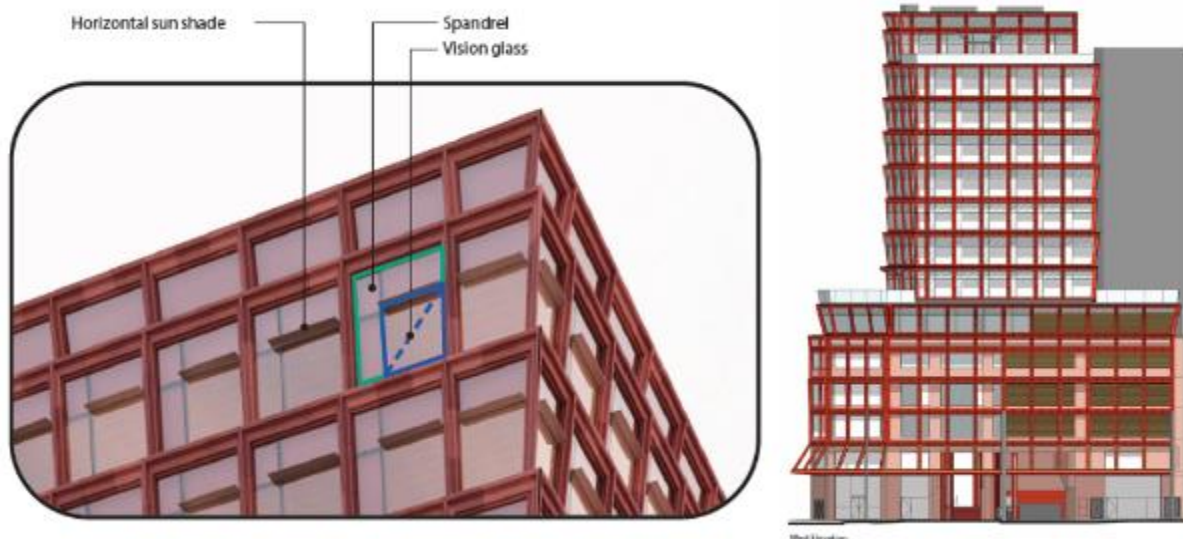


Figure 45: Solar impacts to facades reduced by spandrels, shade fins and high performance glazing

Street wall heights and setbacks

64. The development proposes to exceed the existing and draft SDCP 2012 controls in relation to street wall heights and setbacks above street wall heights (see Figure 46 below):
- (a) **current** SDCP 2012 controls require a setback of 8 metres above a street wall height of 20 metres to George Street and a setback of 8 metres above a street wall height of 15 metres to Thomas and Hay Streets
 - (b) **draft** SDCP 2012 controls require a setback of 8 metres above a street wall height of 35 metres to both George, Thomas and Hay Streets.
65. In relation to the George Street frontage, the proposal exceeds the **current** controls (and satisfies the **draft** controls) as it involves the demolition of existing structure and the rebuilding of new fabric, reducing the street frontage height from 27.5 metres to 22.5 metres and setting back the new tower by 8 metres from the George Street frontage.
66. In relation to the Thomas Street frontage, the development proposes to exceed the **current** and **draft** controls in relation to setback and street wall height by providing a 5.7 metre setback above a 48.5 metre street wall height. Further, the proposal exceeds the 15m street wall height for a small section of the site at the corner of Hay and Thomas Streets, which is included in the current and draft controls (Figure 46, blue arrow).

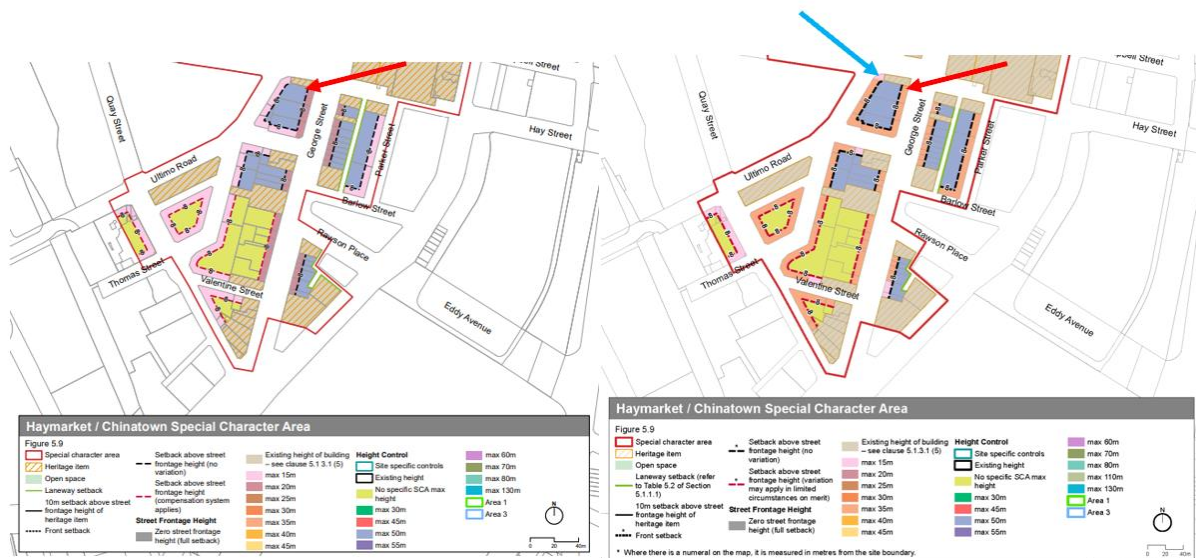


Figure 46: SDCP 2012 maps (existing and intended) for the Haymarket/Chinatown special character area. The proposal exceeds the intended controls for Thomas Street in relation to street frontage heights and street setbacks. The subject site (red arrows) is adjacent to Bank of China Building (hatched brown). Draft controls require a 15m setback to the corner of Hay and Thomas Streets (blue arrow).

67. The inconsistency with the controls can be supported in the circumstances of the subject development application for the following reasons:

- (a) The proposal responds to a number of considerable site constraints including a TfNSW requirement that all new structural loads must be located outside the CBD Rail Link zone which runs along the east of the site, as well as the Great Sydney Dyke which is located beneath and along the northern edge of the site. In response, the new building fabric has been designed to be internally cantilevered, transferring structural loads away from the George Street frontage and towards the western side of the site;

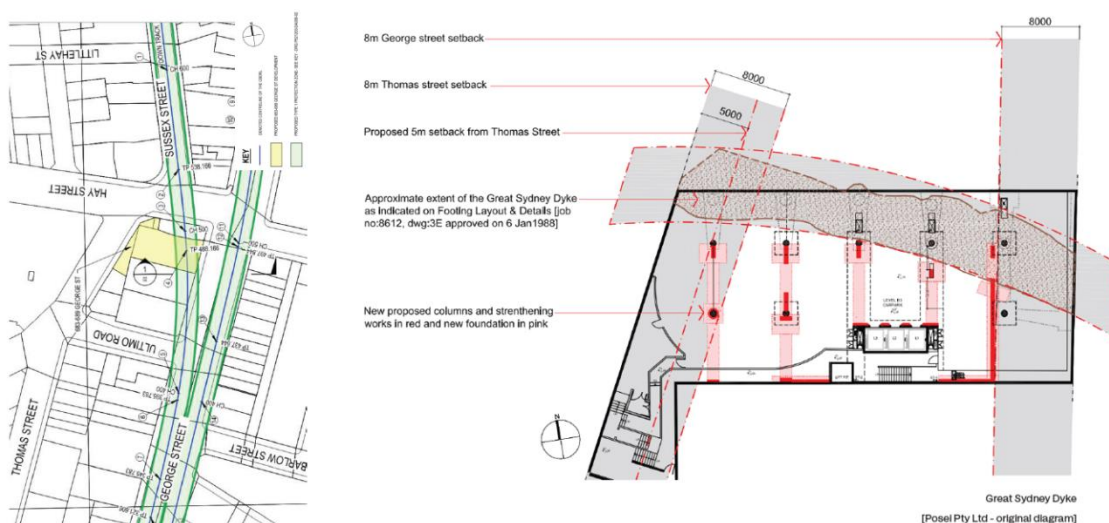


Figure 47: CBD Rail Link zone which runs along the east of the site, as well as the Great Sydney Dyke which is located beneath the site

- (b) The resulting building is consistent with its surrounding context, noting the height and typology of buildings located within the visual catchment of the site. The proposal to set back the upper level of the building (Level 13) by 5.7 metres from the Thomas Street frontage (as compared to the 8 metres specified by the SDCP 2012), can be supported noting the setback aligns with the curvature of the unusually shaped site boundary at the south-western corner. That is, where it adjoins the north-western corner of 691-693 George Street (the Commonwealth Bank site) - Refer to Figure 48 below
- (c) The setback provides sufficient relief for the building scale as viewed from Hay and Thomas Streets looking east and provides a building that will not have any significant impacts in relation to overshadowing. The development responds suitably by reducing the existing street frontage height to George Street and transferring building bulk away from the Bank of China Building towards the Thomas Street frontage
- (d) Despite exceeding the controls for Thomas and Hay Streets, the application is consistent with the objectives of section 5.1.1.2 of SDCP 2012 (Street frontage heights and street setbacks in Special Character Areas), in that:
 - (i) an appropriate transition is provided between the subject development and the adjoining heritage listed Bank of China Building and the development will not significantly affect any existing public views or vistas to heritage items and places of historic and aesthetic significance
 - (ii) as outlined above, the proposal enhances the distinctive attributes and qualities of streetscapes and public places within the Haymarket/Chinatown Locality Special Character Area
 - (iii) the north-westerly aspect of the building facing Thomas Street will ensure the development will not have any significant impacts for the level of sunlight and daylight access to streets, lanes, parks and other public domain spaces around the site.

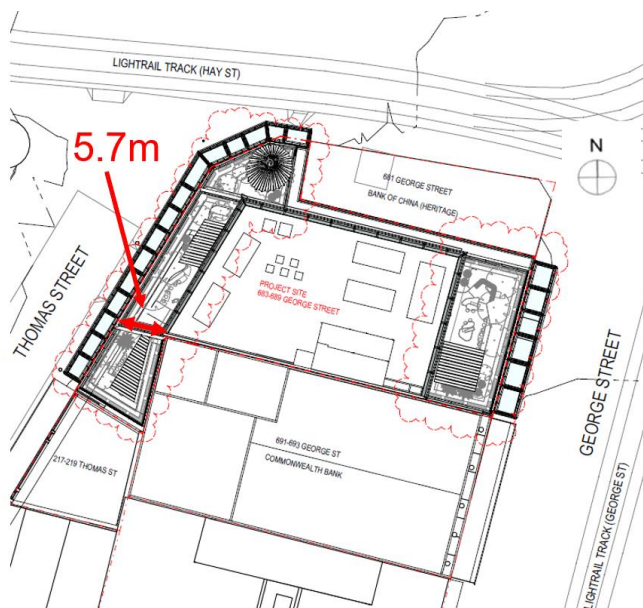


Figure 48: 5.7 metre setback aligns with north-western corner of Commonwealth Bank site, however, exceeds the 8 metre setback control from Thomas Street

Response to site flooding

68. The site is located within the Darling Harbour Catchment which flows into Sydney Harbour. The site is identified by the City's modelling as being flood prone land.
69. While the proposed development retains the ground and basement levels of the existing building, the proposed development involves new additions to a commercial building with an area greater than 100 square metres. In accordance with Section 3.2 of the City's Interim Floodplain Management Policy consideration must be given to mitigating site flooding conditions.
70. An amended flood impact and assessment report has been provided for assessment, which identifies flood levels around the site. All frontages of the site are affected during 100 Year Average Recurrence Interval flooding events with greater depths at the Thomas Street frontage (Figure 49 below).
71. The City's Interim Floodplain Management Policy provides for Flood Planning Levels (FPLs) that vary throughout the site and depending on various uses. For retail tenancies, a minimum of the 1% AEP flood level must be met, whereas the required levels for the Thomas Street driveway entry and through-site link are dictated by the probable maximum flood (PMF) flood levels for Thomas and George Streets, which are higher. This is because flood water may flow into basements from these areas.

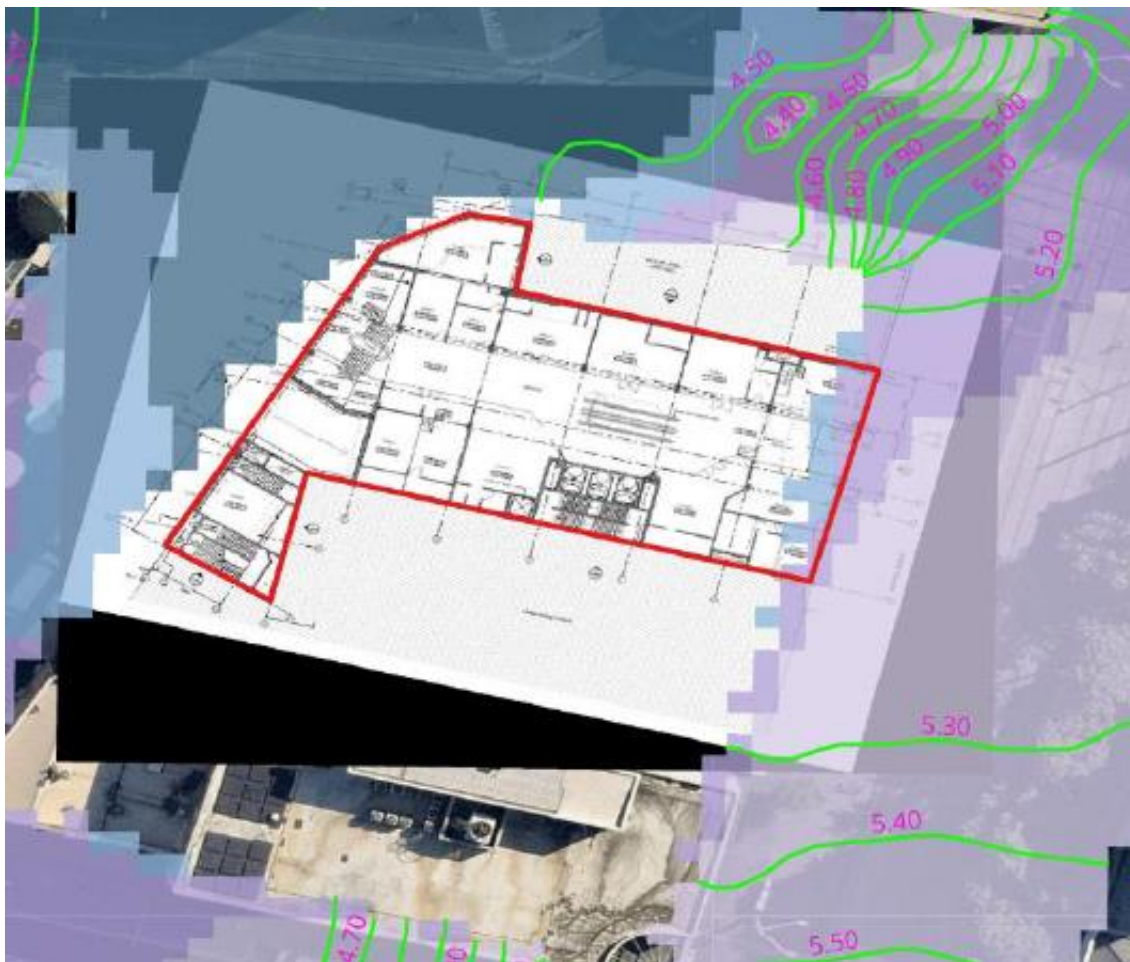


Figure 49: Existing peak flood depths arising from the 100 Year Average Recurrence Interval flooding event

72. An amended flood impact and assessment report has informed architectural drawings that have been updated for assessment. The amended drawings show the following changes (Figure 50 below):
- the floor level of the through-site link has been raised by approximately 150mm such that it meets the PMF level for Thomas Street (preventing flood waters entering basements)
 - an automated 'tilt-up' flood gate is to be provided within the through-site link, close to the entry of the site from George Street. The automated tilt-up flood gate will meet the PMF, preventing water flowing into the Arcade during a flood event
 - an automated 'top-down' flood gate is proposed at the driveway entry, preventing flood waters entering basements
 - automated, internally hinged flood gates and flood windows (able to withstand pressure from flooding) are proposed within retail tenancies facing Thomas Street. Within retail tenancies, new stairs are to be provided, providing emergency egress to higher ground within the building from retail tenancies during severe flood events
 - existing fire stairs are to be reconfigured at the western end of the site, enabling emergency egress from the basement into the ground level arcade during flood events.

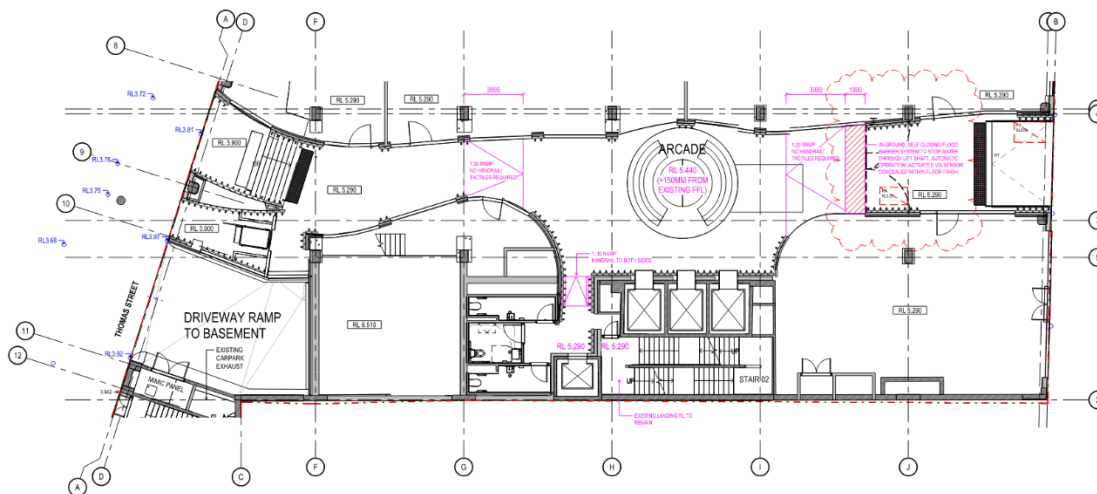


Figure 50: Extract from flood response drawings, showing increased floor levels for through-site link and an automated flood barrier close to the George Street entry (hatched red). Further changes are proposed within retail tenancies with a frontage to Thomas Street.

73. While flood gates are generally discouraged, Council staff have recommended consideration be given to granting development consent to the development for the following reasons:
- the development involves the adaptive re-use of an existing building that currently does not meet the minimum flood requirements. Noting the site constraints, consideration can be given to installing suitable flood mitigation measures that will upgrade the existing building to meet the flood levels specified by the flood report

- (b) an updated Flood Emergency Response Plan has been provided, detailing operational elements that will be implemented during the onset of a flood emergency. The plan details on-site refuge and evacuation procedures, flood preparedness and response actions; and
 - (c) the application of proposed active flood control devices is recommended to be covered by a condition of consent, requiring the Flood control devices to be designed and certified by an appropriately experienced engineer and that the flood control devices are to be backed up by an independent back-up power supply, to be used in the event of a power failure.
74. The proposed response to site flooding is consistent with the provisions of Clause 5.21 of SLEP 2012 relating to flood planning and, as such, the development is recommended for approval. The application can be supported on the basis that:
- (a) the development will be compatible with and will respond appropriately to the identified flood hazards of the land (where the existing building does not)
 - (b) proposed works will not significantly adversely affect flood behaviour in a way that would impact other development or properties, noting no changes are proposed at the ground plane other than installing flood mitigation devices within the confines of the site
 - (c) the development will provide for the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, noting the provision of an updated Flood Emergency Response Plan described above; and
 - (d) the development incorporates measures to mitigate the risk of life from flood, noting the existing building is to be upgraded to meet the recommended levels in accordance with the City's Interim Flood Policy.

Community Level 2

75. The Haymarket and Chinatown revitalisation strategy was published on 25 January 2024. An extensive community consultation process informed the strategy, with many key stakeholders providing feedback. Feedback provided is that there is a lack of community spaces and venues for hire in the Haymarket/Chinatown locality, perceived as necessary to support Haymarket's role as a hub for living, working, and gathering both during the day and night.
76. Stakeholders suggested the creation of a Community Centre to share Chinese and Asian-Australian tradition, history, and culture, including language classes, calligraphy, mahjong, crafts and programs to support community members.
77. The site owner has longstanding community links and states they have undertaken community engagement of their own in preparing the subject development application, including holding community meetings with stakeholders, organisations, business operators, property owners and residents.
78. The application includes a Community floor at Level 2 of the building, which is intended to address the perceived shortfall in available community spaces. The applicant states the Community Level is intended to be used as a flexible community space, capable of accommodating small and large groups for meetings, conferences, presentations, exhibitions, musical concerts, performances, events, functions, sports and exercise.

79. During assessment, the applicant has provided indicative floor plans, demonstrating the Community Level may be used for a range of flexible configurations (Figure 51). The floor plans show that kitchen facilities will be provided as well as areas for the storage of waste, sporting equipment and furniture.

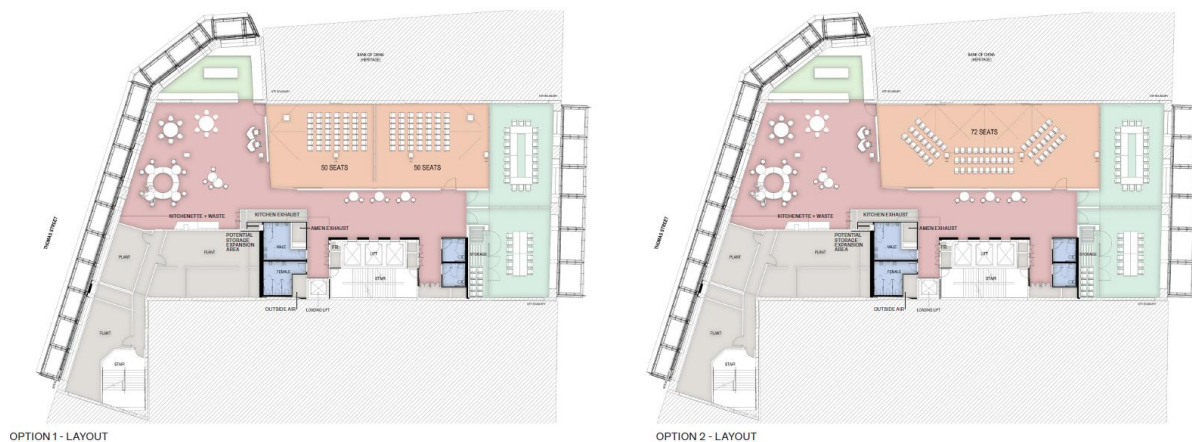


Figure 51: Indicative layout plans for Level 2 Community space

80. The indicative floor plans are attached to a comprehensive plan of management for the Community Level (refer to Attachment D to this report). The plan of management has been amended during assessment in response to feedback from Council's officers and includes details in relation to booking systems, reduced rental fees for community groups and general maintenance and management.
81. The POM is well structured and demonstrates a strong commitment to good management of the operation of the Community Level.
82. Notwithstanding this, it is prudent to require the ongoing use of the Community Level to be secured by a condition of consent, such that the use of the space cannot be changed in the future without further approval from Council. As such, a condition is recommended that prior to the issue of any Occupation Certificate, a documentary restrictive covenant must be registered on the Title of the development site.
83. The Restriction on the Use of Land will be to the effect that the use of Level 2 of the development is only approved for use as a Community Space (to be used for community events, functions, recreation and meetings) and that all other land uses are prohibited.
84. A further condition is recommended that the Community Space/Floor at Level 2 must always be operated in accordance with the approved Plan of Management, attached to this report at Attachment D.

Through-site link between George and Thomas Street

85. The SDCP 2012 'Through-Site Links' map shows an existing link between the George and Thomas Street footpaths. There is currently a set of stairs at the western end of the through-site link, which prevents accessible wheelchair access from Thomas Street. An existing escalator and level changes prevent a direct line of sight between the two ends of the link.

86. Works are proposed under the subject application and within the through-site link. These works include raising the level of the Arcade by approximately 150mm to address site flooding as well as the provision of a chair lift to provide accessible entry to the site from Thomas Street.
87. The existing link is proposed to be retained and embellished with a circular architectural seat structure close to the lift core. No detailed drawings have been provided with the application however the structure is identified in the ground level drawing (Figure 21 above) and the Preliminary Public Art Plan (Figure 52 below).
88. Council's staff raise concerns that whilst plans showing the architectural seat are indicative, the structure constricts the circulation space adjacent to the three lift doors to approximately 2.2 metres. This does not comply with a requirement at Section 3.1.2.2(5) of the SDCP 2012 that through-site links within commercial buildings must have a width of between 3 and 6 metres.
89. A condition is recommended that the seating structure must be redesigned, such that it retains a continuous effective width within the through-site link of 3m.



Figure 52: Architectural render of through site link between George and Thomas Street, including architectural seat

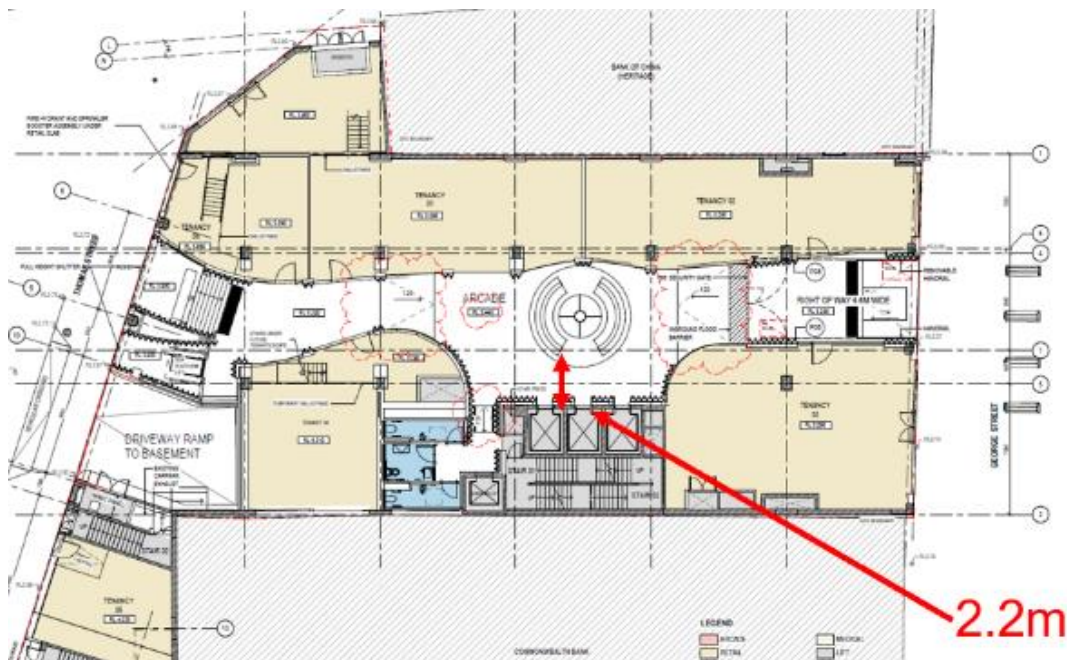


Figure 53: Separation distance between seat structure and lift entries

Windows on northern boundary - above and facing the Bank of China Building

90. The provisions of the SDCP 2012 require that facades containing windows must be set back from side site boundaries by a minimum of 2 metres to allow maintenance of the facade from a building maintenance unit fully within the site boundary unless an easement exists for maintenance access over the adjoining land or the facade is accessible from a public place.
91. The owners of the Bank of China Building have indicated they are not willing to negotiate an easement for maintenance access. In response, drawings have been amended to show the new tower addition being setback by 2 metres from the northern boundary.
92. The applicant has provided a response in relation to four new windows that are proposed facing the northern boundary. These windows comprise new openings to existing building fabric above and facing the Bank of China Building (Figure 54 below). The applicant states the windows will be operable, providing for ongoing maintenance and that the windows are intended to be drenched externally, above the Bank of China Building.
93. This element of the proposal is not supported by Council staff on the basis there is no agreement from the owner of the adjoining site for new building elements (including drenchers) to be constructed over their property.
94. As such, a condition is recommended that the four new openings for windows must be deleted from drawings, prior to the issue of any construction certificate.

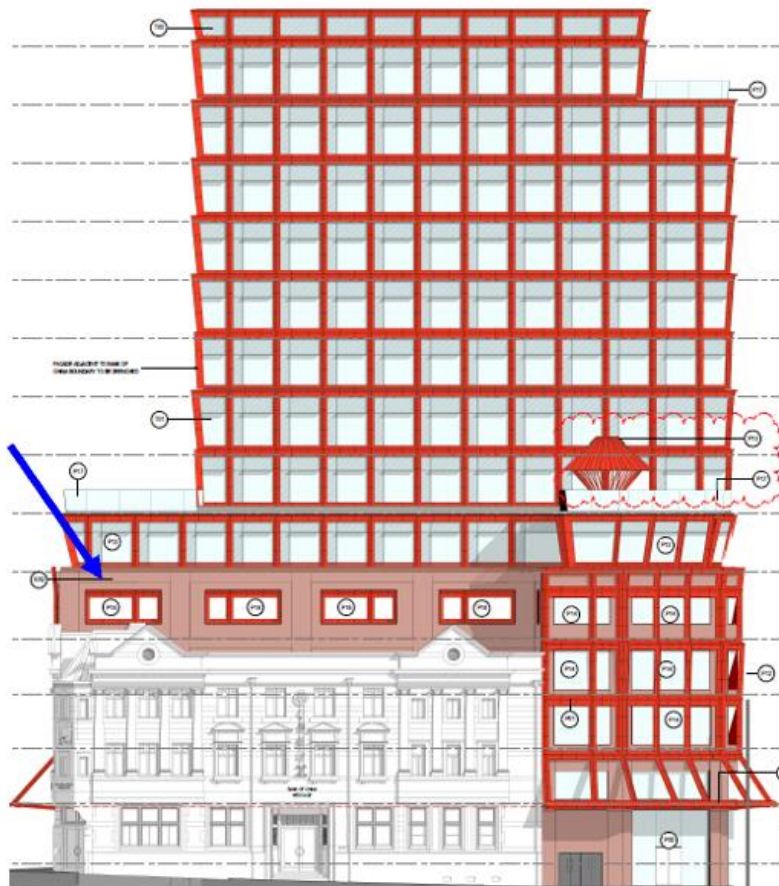


Figure 54: Proposed new openings for windows, northern elevation of existing building

Consultation

Internal Referrals

95. The application was discussed with or referred to the following Council teams:
- (a) Public domain
 - (b) Building Services
 - (c) Environmental Health
 - (d) Heritage and Urban Design
 - (e) Specialist surveyor
 - (f) Transport and Access
 - (g) Waste Management
96. Of note:
- (a) Council's Public Domain team have provided advice and conditions of consent relating to the provision of flood mitigation measures at the site boundaries.

- (b) Council's Urban Designer has provided conditions relating to the detailed design of the through-site link and in relation to the design of external building features including sun shading devices, security shutters, fire hydrant booster cabinets and retail tenancy glazing.
 - (c) Council's specialist surveyor has recommended conditions of consent relating to formalising an existing through-site link that is shown on Council's DCP 2012 map including an associated positive covenant.
97. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

External Referrals

Ausgrid

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

Transport for NSW

100. Pursuant to Section 2.101 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Development within or adjacent to interim rail corridor) the application was referred to Transport for NSW (TfNSW) for concurrence.
101. Concurrence was received on 18 December 2024. Conditions of consent were recommended which are included in Attachment A.

Advertising and Notification

102. In accordance with the City of Sydney Community Participation Plan 2024, the proposed development was notified for a period of 46 days (extended by Christmas) between 3 December 2024 and 18 January 2025. A total of 720 properties were notified. Two submissions were received, including a submission supporting the proposal.
103. Various amendments have been made to the development application during assessment, reducing its scale and resulting in development that will have reduced impacts for nearby buildings and the built environment. As such, the amended application was not required to be re-notified.
104. A submission received from the owner of the adjoining Bank of China Building is discussed above in this report.

Financial Contributions

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

105. The Central Sydney Development Contributions Plan 2020 applies to the site. The cost of the development is over \$250,000. The development is therefore subject to a s7.12 contribution under this Plan.
106. A condition relating to this contribution has been included in the recommended conditions. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

107. The site is located within the Central Sydney affordable housing contribution area. As the proposed development includes additional floor space, a contribution is required at a rate of \$11,646.80 per square metre for 14,111 square metres of total floor area totalling \$1,643,480 (at a rate of 1% of the total floor area of the development that is not intended to be used for residential purposes). A condition of consent is recommended requiring payment prior to the issue of a construction certificate.
108. The Act applies with respect to a development application for consent to carry out development within an area if a State environmental planning policy identifies that there is a need for affordable housing within the area and:
 - (a) the consent authority is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, or
 - (b) the consent authority is satisfied that the proposed development will create a need for affordable housing within the area, or
 - (c) the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site, or
 - (d) the regulations provide for this section to apply to the application.
109. Clause 222B of the Environmental Planning Assessment Regulation 2021 provides that section 7.32 of the Act applies to a development application to carry out development in the City of Sydney local government area.
110. An affordable housing condition may be reasonably imposed under Section 7.32(3) of the Act subject to consideration of the following:
 - (a) the condition complies with all relevant requirements made by a State environmental planning policy with respect to the imposition of conditions under this section, and
 - (b) the condition is authorised to be imposed by a local environmental plan, and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan, and
 - (c) the condition requires a reasonable dedication or contribution, having regard to the following -
 - (i) the extent of the need in the area for affordable housing,

- (ii) the scale of the proposed development,
- (iii) any other dedication or contribution required to be made by the applicant under this section or section 7.11.

111. Having regard to the provisions of Section 7.32 of the Act, the imposition of an affordable housing contribution is reasonable.

112. A condition of consent is recommended requiring the payment of an affordable housing contribution prior to the issue of a construction certificate.

Housing and Productivity Contribution

113. The development is subject to a Housing and Productivity Contribution (Base component) of \$142,620 under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023. This is calculated at a rate of \$30 per square metre of new GFA (4,754sqm)

114. The site is located with the Greater Sydney region, the development is a type of commercial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.

115. A condition relating to the Housing and Productivity Contribution has been included in the recommended conditions of consent.

Relevant Legislation

116. Environmental Planning and Assessment Act 1979.

Conclusion

117. The proposal seeks consent for the redevelopment of the site, including the retention of existing basement levels, alterations to the first 5 levels of the building, and for the construction of additional levels, resulting in a 13 storey mixed-use building.

118. A written statement provided by the applicant has sufficiently justified that there are sufficient environmental planning grounds to justify the contravention of the height of building development standard specified by clause 4.3 of the Sydney Local Environmental Plan 2012 and that strict compliance is unreasonable and unnecessary in the circumstances of the application.

119. The proposed development complies with remaining key development standards applicable to the site, including the design excellence provisions.

120. The application has undergone extensive consultation with Council staff and has been amended during the assessment to resolve a number of matters including flood levels, architectural expression, acoustic impacts and waste collection.

121. The proposal will provide for mixed commercial uses in an adaptively reused building, on a site that is highly accessible to existing and planned employment, services, public transport infrastructure and community facilities.

122. The proposal achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future users of the site.
123. Concurrence has been granted by Transport for NSW, subject to recommended conditions of consent. The application is recommended for approval, subject to recommended conditions of consent provided by Transport for NSW and Ausgrid.
124. As a result of public notification, two submissions were received. Issues raised in the submissions have been addressed as discussed within this report.
125. All matters raised by internal and external referrals have been adequately addressed, as discussed within this report.
126. The proposal is in the public interest and is recommended for approval by the Central Sydney Planning Committee.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Adrian McKeown, Senior Planner