

Appendix C

Statement of compliance

Tables of Compliance

Table 1 – Sydney Local Environmental Plan 2005

Section	Requirement	Proposal	Compliance
Part 1 Preliminary			
10. Waiver of certain development standards	(1) Consent may be granted to development of land in Central Sydney, or of land in Ultimo-Pyrmont that is not in a master plan area, even though the proposed development contravenes a maximum height or maximum floor space ratio for a building, or a maximum vehicle parking requirement, imposed by a development standard, but only if the consent authority is satisfied that: (a) all the objectives of the development standard will be fulfilled, and (b) the contravention will not: (i) create an undesirable precedent for other development, or (ii) diminish the overall effect of the development standard for development in the vicinity of the site, and (c) the particular physical attributes of: (i) the site, in terms of location, context, slope, site configuration and the like, and (ii) the proposed development, in terms of urban form, bulk, height, floor space ratio, carparking, and the like, will render the strict application of the development standard unreasonable or unnecessary in the circumstances, and (d) the proposed development will improve or contribute positively to the public domain and would achieve design excellence.	The proposal will vary the Floor Space Ratio Development Standard applying the principles of clause 10 (see Section 8.2.4).	Noted
	(2) A consent may be granted pursuant to this clause only if the building concerned: (a) does not contravene the maximum building height set for the building by Chapter 2 or 3 by more than 10% of that maximum building height or the height of one floor of the building, whichever is the greater, and	As above. The maximum variation sought is 10% in accordance with this requirement.	N/A

Section	Requirement	Proposal	Compliance
	(b) does not contravene the maximum floor space ratio for the building set for the building by Chapter 2 or 3 by more than 10% of that maximum floor space ratio or the proportion of the floor space ratio of the building attributable to one floor in the building, whichever is the greater, and (c) does not contravene a maximum amount of vehicle parking set for the building by Chapter 2 or 3 by more than 10% of that maximum amount.		
	(3) In determining the above, the consent authority shall have regard to whether this clause has been previously applied to the site of the proposed development.	As above.	N/A
	(4) If the site of the proposed development is in Central Sydney, consent may be granted for an additional amount of floor space area pursuant to this clause only if the consent authority is satisfied that an amount of heritage floor space equal to the additional amount has been or will be allocated to the site.	As above.	N/A
	(5) This clause is subject to clauses 48 (4), 49 (2), 50 (4) and (6) and 52.	As above.	N/A
Part 2 Aims, strategies and principles of this plan 11. Aims of this plan	The aims of this plan are: (a) to protect and enhance the diversity and special qualities of the City of Sydney, and its surrounding areas, and	The proposed development is consistent with the aims of LEP 2005 in that the proposal will enable the sensitive development of the site whilst enabling the provision of world class office space.	Y
	(b) to establish the City of Sydney as the best place to live in, work in and visit, and	The proposal will provide excellent commercial accommodation. The building will assist in making Sydney the best place to live, work and visit, by: - providing necessary electrical infrastructure to support the eastern part of the Sydney CBD; - providing a building with a high level of environmental performance; - providing a building which displays a high level of design excellence; and - attracting and retaining quality tenants as befits the geographic heart of a global financial centre by providing a superior working environment.	Y

Section	Requirement	Proposal	Compliance
	(c) to foster environmental, economic, social and physical well-being so that the City of Sydney continues to develop as an integrated, balanced, sustainable and prosperous living city of world standing, and	The development integrates necessary electrical infrastructure with a high quality commercial building that provides a pleasant place to work, thus contributing to the ongoing success of Central Sydney.	Y
	(d) to encourage orderly, sustainable and high quality development of land and other resources within the City of Sydney, and	The development will improve the quality of the built environment while aiming to decrease Sydney's ecological footprint, by including a vertical expansion on an existing site in close proximity to public transport. The proposal will enhance the sustainability and environmental performance by seeking to achieve a 5 star NABERS Energy and 5 star NABER Water ratings and will provide additional jobs in a location for optimum close public transport use, thereby minimising any undue burden on the City's resources.	Y
	(e) to conserve the environmental heritage of the City of Sydney.	The proposed development will offer a built form that respects and relates to the surrounding heritage items. Refer to the Heritage Impact Statement at Appendix P .	Y
12. Strategies for achieving aims of this plan	The relevant strategies for achieving the aims of this plan are: (a) development of the City of Sydney as a vibrant, culturally diverse, multi-use city centre, and (c) provision of appropriate development potential, and (e) enhancement of Central Sydney as Australia's pre-eminent retail centre, and (f) protection and enhancement of the amenity of residents, workers and visitors, and (g) protection and enhancement of the quality and amenity of the public domain—the parks, places, streets and lanes, and (h) protection of the intricate urban fabric, and (i) protection of Special Areas in Central Sydney, and (j) conservation of heritage items and areas, and (k) achievement of a high quality of urban form and design in buildings and in the relationship of buildings to neighbouring development and the public domain, and (l) development of the City of Sydney with regard to the principles of ecologically sustainable development, and (m) protection and enhancement of the natural environment,	The proposed development is consistent with the relevant strategies in Clause 12 as follows: ▪ it will contribute to Sydney as a vibrant, multi-use centre; ▪ it will improve the amenity of the public domain and pedestrian environment with improvements to Bligh Street and O'Connell Street through the provision of a through site link; ▪ it respects the intricate urban fabric with significant ground plane and pedestrian improvements as well as a superior design that achieves design excellence; ▪ it does not adversely affect any special areas, heritage items, parks or the Harbour; ▪ it achieves a high quality urban form which respects the surrounding heritage items and public domain; ▪ it includes an ESD strategy to seek a 5 star NABERS and 5 star green star rating; ▪ the full range of public transport in the form of train, bus and ferry services are available within walking distance of the site; and ▪ access for people with disabilities have been accommodated in the detailed design.	Y

Section	Requirement	Proposal	Compliance
	including the City of Sydney's parks and Sydney Harbour, and (n) maximisation of use of public transport, walking and cycling for trips to, from and within the City of Sydney, and (o) provision of a high quality pedestrian environment, which is accessible to all its residents, workers and visitors, and (q) protection and enhancement of views and vistas to the harbour, parkland and buildings and places of historic and aesthetic significance, and (r) facilitation of the provision of access for people with disabilities.		
13. Principles to be followed in implementing strategies	The principles to be followed in implementing the strategies of this plan for achieving its aims are as follows: (a) recognition of the responsibilities of this generation to future generations in relation to environmental quality and resource usage by respecting the limits of natural and physical resources, (b) acknowledgment of the diversity of Sydney's cultural heritage from pre-European occupation to the current time, (c) involvement of the community in the planning process by ensuring openness, accountability and transparency in the decision-making process, (d) consistent application of the provisions of this plan so that the aims and strategies of this plan can be achieved and implemented in practice, and provide certainty for applicants for development consents, investors, residents and the public, e) consistent and proper regard for the aims and strategies of this plan, in particular, when development applications are being determined.	The proposed development is consistent with the principles in Clause 13 as follows: ▪ it responds appropriately to the environmental context of the site; ▪ it gives due recognition to Sydney's cultural heritage and responds sensitively to the surrounding heritage buildings; ▪ the advertising and public exhibition of the Project Application will provide for openness, accountability and transparency in the process; and ▪ proper regard is given to the aims and strategies of the plan as shown in this table of compliance and the discussion of issues in the SEE.	Y
Part 3 Consent for development			
15. Effect of covenants and like instruments	(1) A consent may be granted subject to conditions that require the creation of a restrictive or positive covenant on any land.	Noted	Noted

Section	Requirement	Proposal	Compliance
17. Consent for demolition	(1) Consent must not be granted to development proposing the demolition of a building unless: (a) the application also proposes the comprehensive redevelopment of the site after the demolition has been carried out, or (b) a consent is in force for the comprehensive redevelopment of the site, or (c) a consent is at the same time granted to the comprehensive development of the site proposed by another development application.	Approval for demolition was granted under MP10_0071.	N/A
18. Subdivision	(1) Subdivision of land, including subdivision under the <u>Strata Schemes (Freehold Development) Act 1973</u> or the <u>Strata Schemes (Leasehold Development) Act 1986</u>, may be carried out only with development consent. (2) Development consent may be granted to a subdivision only if the consent authority is satisfied that the subdivision will result in lots that: (a) if the subdivision is for the purpose of the erection of a building, are capable of accommodating a building that: (i) complies with all relevant requirements made by this plan, including those relating to maximum building height and floor space ratio, urban design, design excellence and heritage conservation, and (ii) is not an overdevelopment of the lot, and (iii) facilitates orderly and high quality development of the resultant lots, and (b) provide an appropriate curtilage for any heritage item on the land that does not adversely affect the heritage significance of the item, and (c) are compatible with the existing subdivision pattern of the locality. (3) A lot, or part of a lot, identified in a plan of subdivision for which consent is granted as being for use for carparking in relation to a specified residential unit must be used only by a resident or other	The proposed development seeks approval for stratum subdivision of the land to facilitate the operation and management between the substation and the commercial tower component.	Y

Section	Requirement	Proposal	Compliance
	occupant of the building that contains the residential unit. (4) Before granting consent for stratum subdivision of a building, the consent authority must consider whether the related building management statement or strata management statement adequately addresses the ongoing maintenance, upgrading, redevelopment and structural adequacy of the part of the building within each proposed stratum lot. (5) Before granting the subdivision certificate for strata subdivision of a new or refurbished building, the consent authority must be satisfied that any occupation certificate needed before the building is occupied has been issued.		
Part 4 Notification and advertising 19. Notification of development to owners of adjoining land 20. Advertising of notice of development affecting other land	N/A	Notification and advertising of the Project Application is expected to be carried out by the Department of Planning in accordance with its exhibition policy.	N/A
Part 5 Urban form, design excellence and environmental design			
Division 1 Urban form 22. Objectives for development plans	The objectives for development plans are as follows: (a) to promote design excellence in terms of urban form, massing, bulk and architectural treatment, (b) to provide an analysis of site constraints and opportunities that can form the basis for determining the most appropriate floor space ratio and height, within the limits set by this plan, and the most appropriate development, for certain sites, (c) to promote design concepts for certain sites that ensure separation between tower forms, (d) to provide for a high quality amenity to the streets of Sydney and to uses located to the side and rear of certain mid-block sites.	Whilst a development plan has not been prepared for the site, the proposed design, which is the outcome of a competitive design competition, will: ■ achieve design excellence in terms of urban form, massing, bulk and architectural treatment; ■ provide an appropriate floor space ratio and height; ■ provide for a high quality amenity to the streets of Sydney and to uses located to the side and rear of certain mid-block sites.	N/A

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23. Development plans	(1) This clause applies to the following relevant development: (a) any development comprising the erection of a building exceeding 55 metres in height, (b) any development of land exceeding 1,500 square metres in area. (3) Except as provided by subclauses (4) and (5) and clause 25(6), consent must not be granted for development to which this clause applies unless a development plan is in force for the land and the consent authority has taken the development plan into consideration. (4) The consent authority may waive compliance with the requirements of subclause (3): (a) for any alterations or additions to an existing building that, in the opinion of the consent authority, do not significantly increase the existing floor space ratio or height of the building, do not have a substantial impact on adjoining buildings and are not visible from the street, and (b) for any replacement use resulting from a change of use, any use the hours of operation of which are extended or any temporary use of an existing building, and (c) for the strata subdivision of an existing building, and (d) for any other development that, in the opinion of the consent authority, is of a similar nature to development referred to in paragraph (a), (b) or (c), and (e) for any other development for which the consent authority considers it would be unreasonable or unnecessary to require compliance with those requirements. (5) A development plan is not required so as to allow the granting of consent subject to a condition referred to in section 80(5) of the Act (a consent for staged development) if the DA addressed the matters that would have been required to be in a development plan and to be taken into account.	The proposed development will exceed 55 metres in height. However, as the proposed development is the outcome of a competitive design competition and now a detailed design process, the need for a development plan has been waived in this instance.	N/A
Division 2 Design excellence 26. Design excellence	(1) Consent must not be granted to a new building or to external alterations to an existing building unless the consent authority has considered whether the proposed development exhibits design	The Design Excellence of the proposal is addressed in Chapter 8 of the EAR.	Y

Section	Requirement	Proposal	Compliance
	excellence.		
	(2) In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters: (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain, (c) whether the new development detrimentally impacts on view corridors identified in the relevant development control plan.	The Design Excellence of the proposal is addressed in Chapter 8 of the EAR.	Y
	(3) Any requirement for a development plan for the site is not displaced if the design of the new or altered building is the result of a competitive process.	N/A	N/A
	(4) Where a development plan is in force for the site, the consent authority must consider whether the design of the new or altered building is the result of a competitive process, undertaken in accordance with an adopted design brief and guidelines, that facilitates achievement of design excellence.	N/A	N/A
	(5) Where there is not a development plan in force for the site, the consent authority may have regard to whether the design of the new or altered building is the result of a design competition that: (a) is consistent with any relevant development control plan, and (b) satisfies the requirements for design competitions in any relevant development control plan.	An assessment of the proposal's consistency with the DCP is addressed below. The Design Excellence of the proposal is addressed in Chapter 8 of the EAR.	N/A
Division 3 Environmental design 27. Ecologically sustainable development	Before granting consent for development related to a building, the consent authority must have regard to the principles of ecologically sustainable development based on a "whole of building" approach by considering: (a) greenhouse gas reduction, and (b) embodied energy in materials and building processes, and (c) building design and orientation, and	A. Ecologically Sustainable Development Report is provided at Appendix L and discussed in the EAR. The principles of ESD are demonstrated to have been met.	Y

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	(d) passive solar design and daylighting, and (e) natural ventilation, and (f) energy efficiency and energy conservation, and (g) water conservation and grey water reuse, and (h) waste minimisation and recycling, and (i) reduction of car dependence, and (j) potential for adaptive reuse.		
Chapter 2 Central Sydney Part 1 Objectives of this Chapter 31. The objectives of this Chapter	The relevant objectives of this Chapter are:	The proposal will provide A-Grade commercial office space and therefore assist in reinforcing the commercial role of the Central Sydney.	Y
	(a) the reinforcement of the major functions of Central Sydney, especially its commercial role and maritime trading role, and		
	(b) the reinforcement of the status of Central Sydney as the primary centre in the Sydney Metropolitan region, and	The development will provide A-Grade commercial floor space as well as providing electricity infrastructure to service Central Sydney.	
	(c) the provision of sufficient development potential within Central Sydney, and	The proposal specifically seek to realise the development potential of the site in a manner that respects the existing heritage context of the site and the amenity of the surrounding areas of public domain.	
	d) the managed growth of a permanent residential population in Central Sydney and the provision of a full range of residential accommodation, and	The objective is not directly applicable as no residential accommodation is proposed however, the proposal will provide electricity infrastructure to support residential uses in Central Sydney.	
	(e) the provision of tourist and visitor accommodation in Central Sydney, and	The objective is not directly applicable as no tourist or visitor accommodation is proposed however, the proposal will provide electricity infrastructure to support tourism uses in Central Sydney.	
	(f) the enhancement of Central Sydney as Australia's pre-eminent retail centre, and	The objective is not directly applicable as no retail is proposed however, the proposal will provide electricity infrastructure to support retail uses in Central Sydney.	
	(g) the protection of Special Areas within Central Sydney.	The proposal will not reduce the amenity or significance of these areas.	
Part 2 Zoning Division 1 General 32. Land use zones	The site is in the City Centre zone.	Noted.	Noted.

Section	Requirement	Proposal	Compliance
Division 2 City Centre zone 36. Objectives of the City Centre zone	The objectives of the City Centre zone are:	The proposal seeks to offer a significantly improved grade of commercial office building, including ESD (energy performance) and urban design that will contribute to the City of Sydney as a principal centre for business.	Y
	(a) to encourage Central Sydney's role and growth as one of the Asia-Pacific region's principal centres for finance, commerce, retailing, tourism, cultural activities, entertainment and government, and		
	(b) to permit a diversity of uses which reinforce the multi-use character of Central Sydney, and	The proposal will provide commercial uses integrated with regional substation infrastructure, thereby reinforcing and supporting the diverse character of Central Sydney.	
	(c) to facilitate the development of buildings and works that are of a scale and character consistent with achieving the other objectives of this zone, and	The scale and character of the proposed development is such that all the objectives of the City Centre zone can be achieved.	
	(d) to provide for increased residential development with appropriate amenity and to ensure the maintenance of a range of housing choices, and	The proposal does not incorporate a residential component.	
	(e) to enhance the amenity of parks and community places by protecting sun access, and	The development will enhance the amenity of Richard Johnson Square.	
	(f) to ensure wind levels are consistent with pedestrian comfort and the amenity of the public domain, and	Wind tunnel modelling has been undertaken for the development (see Appendix U) which demonstrates that the development will provide a high level of pedestrian comfort.	
	(g) to ensure satisfactory sky exposure, levels of daylight and ventilation to the public areas of Sydney, including the parks, places, streets and lanes, and	The proposal will ensure that the public domain will continue to have satisfactory exposure to the sky, sunlight and natural ventilation.	
	(h) to recognise and enhance the character of Special Areas, and	N/A	
	(i) to facilitate the conservation of items and areas of heritage significance, and	The proposal will facilitate the conservation of the adjoining heritage items and will specifically improve the visual curtilage of the NSW Club.	
	(j) to protect the fine-grained urban fabric of Central Sydney, especially the existing network of streets and lanes, and to provide for high quality development that contributes to the existing urban form, and	The proposal represents a high quality development that will enhance the urban form of Central Sydney.	

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	(k) to extend retail uses on frontages to retail streets, and	A cafe will be provided on Bligh Street providing activation to Richard Johnson Square.	
	(l) to provide active frontages to streets.	The proposal provides active frontages to both street frontages.	
37. Development within the City Centre zone	Any development may be carried out with development consent.	The proposed project is for a public utility and commercial premises uses, which are permissible with development consent in the City Centre zone.	Y
Part 3 Height of buildings 47. Objectives for control of the height of buildings	The objectives for control of the height of buildings in Central Sydney are: (a) to allow sunlight access to key areas of the public domain by ensuring that: (i) further overshadowing of certain parks and community places is avoided or limited during nominated times, and (ii) existing overshadowing of certain parks and community places is reduced in the long term, and (b) to provide a transition of building heights between localities and street blocks, and (c) to provide high quality urban form for all buildings, while maintaining satisfactory sky exposure and daylight: (i) to the public areas of Central Sydney, including the parks, places, streets and lanes, and (ii) to existing buildings and to the sides and rear of tower forms, and (d) to confine ground level wind speeds to velocities which ensure pedestrian comfort and amenity of the public domain, and (e) to allow for and promote the ventilation of the City by the free movement of air around and between tower structures, and (f) to provide sun access to significant sandstone buildings in Special Areas in order to improve the ground level environmental quality of public spaces, and (g) to ensure that tower development occurs on sites capable of providing appropriate urban form and amenity, and (h) to nominate heights that will provide a transition in built form and land use intensity between the City Centre zone and	The proposed building height is consistent with the objectives in Clause 47 and complies with the maximum height limit applying to the site.	Y

Section	Requirement	Proposal	Compliance																
	adjoining lower scale localities within and adjacent to Central Sydney, and (i) to provide for view sharing along the edges of Central Sydney, and (j) to ensure an appropriate height transition between new buildings and heritage items or Special Areas.																		
48. Sun access planes	(1) Subject to subclauses (2), (3) and (4), development that results in any part of a building projecting above a sun access plane for a park or community place identified in the sun access planes table in Schedule 2 is prohibited if the building is situated on land shown on the relevant map in Schedule 2 as affected by the sun access plane.	There are no sun access planes that apply to the site.	N/A																
49. No additional overshadowing in certain locations	(1) Subject to subclasses (2), (3) and (4), development is prohibited if it results in a building that causes overshadowing, in addition to that existing at 27 December 1996, between the nominated times in any of the following locations between 14 April and 31 August in any year: <table><tr><td>Location</td><td>Nominated times</td></tr><tr><td>Australia Square</td><td>12 noon to 2 pm</td></tr><tr><td>Chifley Square</td><td>12 noon to 2 pm</td></tr><tr><td>First Government House Place</td><td>12 noon to 2 pm</td></tr><tr><td>Lang Park</td><td>12 noon to 2 pm</td></tr><tr><td>Macquarie Place (beyond the shadow that would be cast by a wall with a 35 metre street frontage height on the eastern alignment of Loftus Street)</td><td>10 am to 2 pm</td></tr><tr><td>Martin Place (between Pitt and George Streets)</td><td>12 noon to 2 pm</td></tr><tr><td>Pitt Street Mall (beyond the shadow that would be cast by a wall with a 20 metre street frontage height on the eastern and western alignments of the</td><td>10 am to 2 pm</td></tr></table>	Location	Nominated times	Australia Square	12 noon to 2 pm	Chifley Square	12 noon to 2 pm	First Government House Place	12 noon to 2 pm	Lang Park	12 noon to 2 pm	Macquarie Place (beyond the shadow that would be cast by a wall with a 35 metre street frontage height on the eastern alignment of Loftus Street)	10 am to 2 pm	Martin Place (between Pitt and George Streets)	12 noon to 2 pm	Pitt Street Mall (beyond the shadow that would be cast by a wall with a 20 metre street frontage height on the eastern and western alignments of the	10 am to 2 pm	The proposal does not cause any additional overshadowing of Martin Place between Pitt and George Streets or any other of the locations specified at Clause 49.	Y
Location	Nominated times																		
Australia Square	12 noon to 2 pm																		
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	Mall) Prince Alfred Park 12 noon to 2 pm Sydney Town Hall steps 10.30 am to 4 pm Sydney Square 11 am to 4 pm		
50. Height of buildings	(1) The height of a building on any land is not to exceed the height shown for the land indicated on the Central Sydney Height Map.	A maximum building height of 235 m applies to the site. The proposed development will have a maximum building height of 161.73 m which is well below the maximum permitted on the site.	Y
	(2) Despite subclause (1), consent must not be granted to a building on any land if the height of the building exceeds 55 metres unless: (a) the site area of the development is 800 square metres or more, or (b) the consent authority is satisfied that the proposed development achieves: (i) appropriate height to plan width proportions that are compatible with the massing, street frontage and tower forms within the locality, and (ii) a separation of any towers to achieve the "tower in the round" built form characteristic, and (iii) adequate amenity and privacy for occupants, and (iv) active street frontages, and (v) sufficient space for vehicle circulation and access ramps.	The site area is over 800m ² and therefore meets the requirements of this clause.	Y
	(3) The achievement of the maximum height shown on the Central Sydney Height Map is subject to compliance with the floor space ratio, development plan, design excellence, heritage, ecologically sustainable development and other provisions of this plan.	The proposed development does not seek to achieve the maximum height shown. Nonetheless the proposal meets the relevant requirements of this clause as outlined at Section 8.2 of the EAR.	N/A
	(4) The height of a building resulting from the replacement or alteration of a building on land identified by the notation "Existing Height" on the Central Sydney Height Map is not to exceed the existing height of the building that is replaced or altered. Clause 10 (Waiver of certain development standards) does not apply to a requirement made by this subclause.	N/A	N/A
51 Architectural roof features	A person may, with development consent, carry out development in	N/A	N/A

Section	Requirement	Proposal	Compliance
	contravention of clauses 48 and 50 that results in an architectural roof feature, but only if the consent authority is satisfied that the architectural roof feature: (a) satisfies the objectives of the height controls, and (b) comprises a decorative element on the uppermost portion of a building, and (c) does not include floor space area and is not reasonably capable of modification to include floor space area, and (d) does not provide access for recreational purposes, and (e) is not a structure for signage or advertising, and (f) does not contain equipment or structures for servicing the building, such as plant, lift motor rooms, fire stairs and the like, and (g) is an integral part of the design of the building in its context, and (h) will have minimal overshadowing impact.		
Part 4 Floor space ratios 53. Objectives for floor space ratio controls	The objectives for the control of floor space ratios in Central Sydney are: (a) to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of Central Sydney, and (b) to ensure that proposals for new buildings are assessed with due regard to the development plan, design excellence, urban design and built form provisions of this plan, and (c) to provide a framework for the award and allocation of heritage floor space, and (d) to provide sufficient floor space for high quality development for the foreseeable future, and (e) to encourage the provision of residential and visitor accommodation, and (f) to encourage the provision of certain uses and facilities that provide a public benefit, and (g) to regulate the density of development and generation of vehicular and pedestrian traffic.	The Project Application is consistent with the objectives of the FSR control as: ■ the scale of development is appropriate for the locality; ■ the building will achieve design excellence; ■ traffic generation is reasonable; ■ maximising the quantum of commercial floorspace within this central CBD location in close proximity to public transport.	Y
54. Maximum floor space	(1) The floor space ratio of a building on any land is not to exceed	Clause 54 of the LEP allows a maximum FSR of 12.5:1 on the site.	Y subject to

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ratios—generally	the floor space ratio shown for the land on the Central Sydney Floor Space Ratio Map.	This comprises a base 8:1 allowed in subclause (1) and the Central Sydney FSR Map, and an additional 4.5:1 allowed in subclause (2). A 10 % variation to the clause is permitted pursuant to Clause 10.	Clause 10
	(2) Despite subclause (1), consent may be granted to development that will result in a building on a site within the City Centre zone that has a floor space ratio (additional to the ratio provided for by subclause (1)) up to the following maximum: (a) in Area A1 shown on the Central Sydney Floor Space Ratio Map: (i) for commercial uses—4.5:1,	The proposed development seeks approval for an FSR of 13.75:1. Further discussion regarding the proposed variation to the FSR control is located at Section 8.2.4 of the EAR.	
	The achievement of a maximum floor space ratio set by subclause (1) and (2) is subject to compliance with: (a) the height, development plan, design excellence, heritage, ecologically sustainable development and other provisions of this plan, and (b) if applicable, the allocation of heritage floor space to the site in accordance with clause 62.	As demonstrated in this table and the EAR, the proposal complies with the height, design excellence, heritage and ESD provisions of the plan. The allocation of heritage floorspace will be a condition of consent.	Y
63. Significant public benefit	(1) Consent may be granted to development that creates floor space that will be used to provide a significant public benefit, without the allocation of heritage floor space that would be required to be allocated to the site in the absence of this clause.	The proposal does not seek to create floor space to be used to provide a significant public benefit, therefore this clause is not applicable.	N/A

Section	Requirement	Proposal	Compliance
Part 5 Car parking 64. Objectives for car parking controls	The objectives of the car parking controls of this Part are: (a) to acknowledge that public transport is the most important and efficient means of moving people to and within Central Sydney, and (b) to encourage commuting by public transport to Central Sydney in order to reduce the number of motor vehicles travelling through and to Central Sydney, and to improve overall environmental quality and pedestrian amenity, and (c) to improve the attractiveness and competitiveness of Central Sydney for retail and commercial activities by providing a reasonable level of tenant and short-stay public car parking whilst discouraging commuter car parking, and (d) to encourage residential development in Central Sydney, and (e) to minimise adverse urban design impacts, in particular by discouraging the provision of above ground parking, and (f) to minimise adverse traffic impacts, in particular conflicts between pedestrian and vehicular traffic, and (g) to discourage the provision of public car parking, and (h) to ensure that tenant car parks are not occupied by persons other than occupiers of the building or land on which the car park is situated.	The Project Application is consistent with the objectives of the car parking controls in the following respects: ■ The site is located within walking distance of a full range of public transport, including the rail, bus, and taxi networks of the City of Sydney. ■ The project proposes a maximum of 40 car spaces to service a maximum of 20,050 m² of commercial and retail floor space (FSA) on the site. This represents a relatively low rate of car parking, and is a rate that encourages use of public transport by occupants of the building. ■ No above ground parking is proposed. ■ Traffic impacts are minimal. ■ No public car parking is proposed. ■ Car parking spaces are to be occupied by occupants of the proposed building.	Y
65. Tenant car parking provisions	(1) Car parking provided in connection with a building must not result in any maximum set out in the following Table being exceeded, except in a case to which subclause (2) applies and results in a greater number: $\text{Maximum number} = \frac{\text{Total other FSA}}{\text{Total FSA within development}} \times \frac{\text{Site area}}{50}$ (3) Clause 10 applies to a requirement made by subclause (2), but subject to subclauses (4)–(8). Before granting a consent pursuant to clause 10, the consent authority must be satisfied that different uses of parking spaces in the building will, as nearly as practicable, conform to the proportions specified in the Table to the subclause (1).	The project proposes a maximum of 40 car spaces in accordance with the maximum rate under the LEP. A full assessment of the proposed parking and traffic impacts is located at Appendix N.	Y

Section	Requirement	Proposal	Compliance
	(4) The consent authority may grant a consent that allows car parking spaces for a use in excess of the number allowed under subclause (2) only if: (a) on-site tenant car parking, for the same use, is lawfully occurring for a number of car parking spaces in excess of that allowed by subclause (2), and (b) the proposed car parking in excess of that allowed by subclause (2) is to be used only for tenant car parking and parking of vehicles providing services to the occupants of the building, and not for public car parking, and (c) the consent authority is satisfied that the proposed car parking in excess of that allowed by subclause (2) will not cause adverse urban design and traffic impacts. (5) The number of car parking spaces calculated in accordance with subclause (2) is to be: (a) exclusive of parking for service and delivery vehicles, and motorcycle and bicycle parking, and (b) inclusive of car parking for people with mobility impairment, provided in accordance with the relevant Australian Standard, and visitor car parking. (6) Consent for car parking spaces for a cinema, theatre or recital hall is to be granted by the consent authority only after it has considered the location and availability of existing public car parking and public transport in the vicinity of the proposed cinema, theatre or recital hall. Any car parking allowed specifically for the purpose of a cinema, theatre or recital hall may, with consent, also be used for short-stay parking for other purposes, but only during the hours of 9.30 am to 6 pm. (7) Car parking spaces provided for use in connection with the use of function areas in hotels are to be available only to patrons to park in while using the function facilities and must not be used for public car parking. (8) Consent must not be granted for development that includes tenant car parking, unless conditions of the consent provide that the tenant car parking must not be used or occupied by any person, other than a person who resides or works in or visits a tenant of the building on a temporary basis, in the building or on the land in or on which the car park is located. (9) A maximum number of car spaces set by this clause is to be		

Section	Requirement	Proposal	Compliance
	rounded up to the nearest whole number if it is not a whole number.		
74. Development within the vicinity of a heritage item	The consent authority, when considering an application for development within the vicinity of a heritage item, must take into account the impact of the proposed development on the heritage significance of the heritage item.	The proposed development will not materially affect the heritage significance of any surrounding heritage items, as detailed in the Heritage Impact Statement at Appendix P .	Y
75. Development of Potential Archaeological Sites	The consent authority may grant a consent required by this Part for the carrying out of development on a potential archaeological site only if it has considered an archaeological assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site.	An archaeological Assessment was undertaken by Casey and Lowe (see Appendix Q). The assessment found that the site has been substantially modified by excavation of the basement for the existing building and the project is unlikely to impact on items of archaeological significance.	Y

Table 2 – Central Sydney Development Control Plan 1996

Section	Requirement	Proposal	Compliance
2.0 Building form and character	2.1 Building to the street alignment (c) New buildings should have street frontages built predominantly to the street alignment.	The proposed building podium incorporates a street setback to align with the heritage listed former NSW Club on Bligh Street. By setting back the building alignment, the proposed development will enhance views to the NSW Club looking north along Bligh Street, which are currently obstructed by the existing Kindersley House building which aligns with the site boundary. Consistent with the adjacent buildings front O'Connell Street the proposed development is built to the street alignment on O'Connell Street.	Y
	2.2 Street frontage heights (d) The street frontage height of a new building is to be between 20 metres and 45 metres above street ground level accept in Special Areas where specific street frontage heights are nominated. Within this range, the street frontage height should have regard to: (i) the street frontage heights of adjacent buildings, (ii) the predominant street frontage height in the vicinity of the proposed building, (iii) the location of the site in the street block, i.e., corner sites can generally include special design emphasis, such as increased street frontage height of one or two storeys compared with adjacent sites, (iv) site size. i.e. small sites (less than 1,000 square metres) may attain a street frontage height of 45 metres regardless of the above criteria.	The proposed development will have a street frontage height of 52.6m on the O'Connell Street frontage and 45.7 m at the Bligh Street frontage. The street frontage heights will therefore vary the street frontage height control in DCP 1996 which sets a range to be between 20 m and 45 m above street ground level. However, consistent with the DCP and the outcomes of the Design Competition for the site, the design of the podium has regard to and will generally match the parapet height the street frontage heights of 4 of the 5 adjacent buildings, 37 Bligh Street to the east, 48 Hunter Street, 28-24 O'Connell Street, and 16 O'Connell Street. The proposed podium height will also achieve a comfortable street environment for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation. In light of the above, the proposed street frontage heights are considered appropriate and a better outcome than compliance with the numeric controls.	N
	2.3 Front setbacks (e) Above the street frontage height, buildings are to be set back a weighted average of 8 metres. This setback may be reduced in part by up to 2 metres (to achieve architectural variety) provided the weighed average setback from the street frontage setback is 8 metres. No part of the building is to be setback less than 6 metres. (f) Smaller setbacks may be acceptable: (i) on corner site up to 1,000 square metres fronting streets or lanes at least 6 metres wide;	The development does not comply with the front setback to Bligh Street or O'Connell Street. A justification for the is provided at Section 8.2.3 of the EAR. The proposed variation to the front setback control is considered appropriate as it will provide a building with a high-level of architectural modulation and visual interest, whilst still deliver commercially attractive floorplates and achieve the objectives of the DCP setback control, specifically those related to amenity.	N

Section	Requirement	Proposal	Compliance
	(ii) on corner sites where increased set backs are provided to other streets i.e. major pedestrian streets or north south streets; (ii on street blocks less than 30 metres deep; (iv) to accommodate architectural projections.		
	2.3 Side setbacks Above a height of 45m, windows or balconies of commercial buildings are to be set back at least 3 metres from side boundaries.	The development includes a zero tower setback from the eastern side boundary. A justification for the zero setback can be found in Section 8.2.3 of the EAR. The proposed variation to the eastern side setback control is considered appropriate as: - The proposed setback will not have any significant additional adverse daylight access or view impacts as compared to that of a development which complies with the 3 m side setback control. - The affected Mulpha Building will still have excellent daylight access from its other frontages and will retain its primary views to the north and east. - The Mulpha Building is built to on the site boundary and does not provide a side setback to the subject site. - The DCP notes that separation between commercial buildings is less important, and that walls without windows do not need to be set back. - The proposed setback will also not have any adverse impacts in terms of ventilation, privacy or wind effects. The side setback on the western boundary varies between 2 m – 9 m and therefore partially complies with the side setback control in the DCP. However, as there are no towers located on the sites adjoining this boundary, and limited to no potential for towers to built on these small sites in the future, there will be no adverse daylight access, view, ventilation, privacy or wind effects as a result of the variation.	N
	2.4 Street frontage heights and setbacks for special areas Above the maximum street wall height the building setback from Martin Place is to be a weighted average of 25m for a portion of the site's Martin Place frontage. For the remaining portion of the frontage the setback from Martin Place extends into the site all the way to the Rowe Street boundary (this can alternatively be read as providing an approximate setback from Pitt Street of 35m)	N/A	N/A

Section	Requirement	Proposal	Compliance
	The street wall height nominated for the site is a minimum of 35m and a maximum of 45m.		
	2.5 Street frontage activities Buildings with frontages to major pedestrian streets (i.e. George Street) and to other streets and lanes are to contribute to the liveliness and vitality of those streets and lanes.	The Project Application proposes to activate both building frontages with clearly delineated and accessible commercial lobbies, a café, and a through site link.	Y
	2.6 Building bulk Above a height of 120m, the size of the floorplate of commercial buildings is not to exceed 1,400sq.m FSA or 25% of the site area, whichever is the greater.	The proposed floor plates do not exceed 1,400 m ² .	Y
	2.7 Building exteriors - Adjoining buildings (particularly heritage buildings) are to be considered in the design of the new buildings in terms of: (i) building to the street alignment, (ii) street frontage heights, (iii) setbacks above street frontage heights, (iv) facade proportions including horizontal or vertical emphasis, - the provision of enclosed corners at street intersections. - The siting and configuration of buildings should take into account the impact on surrounding development and public spaces in terms of amenity, shadowing, visual privacy and view sharing for residential buildings.	The proposed building has been designed with due consideration given to the streetscapes, setbacks and proportions of surrounding buildings, and impacts on surrounding development as described in the relevant sections of the EAR.	Y
	2.8 Views - No development is to encroach on significant views or silhouettes. - Taking into account other provisions of the DCP, the siting and design of new buildings that open up significant views from the public domain will be encouraged (particularly views to Sydney Harbour). - Special care is required in the design of buildings that terminate vistas or encroach on significant silhouettes.	The proposed development will not encroach on any of the significant views identified in the DCP, and will not encroach significantly into any view of a significant silhouette from a public place.	Y
	2.9 Extensions to heritage items	N/A	N/A

Section	Requirement	Proposal	Compliance
	2.10 Temporary use and appearance of vacant sites and buildings.	N/A	N/A
	2.11 Opportunity sites	N/A. Site is not identified in the DCP as an opportunity site.	N/A
	2.12 Design Guidelines for significant sites	N/A	N/A
	2.13 Access to mixed use developments	N/A. The Project Application is not for mixed commercial and residential development.	N/A
3.0 Pedestrian amenity	3.1 Lanes 3.1.1 Existing publicly and privately owned lanes in Central Sydney are to be retained. 3.1.2 In locations shown, new lanes with a minimum width of 6 metres are to be provided in future developments. 3.1.3 Where developments have frontages to a lane that is also a pedestrian route, the environment of the lane is to be improved by providing an active frontage or design details that create visual interest 3.1.4 Lanes are not to be covered, but awnings may be permitted on buildings facing lanes up to a maximum of 30% of each frontage. 3.1.5 Any change to a heritage lane or any building fronting such a lane requires a Heritage Impact Statement or a Conservation Plan (see <i>Central Sydney LEP 1992 - Conservation of Heritage Items</i>).	N/A	N/A
	3.2 Midblock connections 3.2.1 Existing midblock connections in Central Sydney are to be retained. 3.2.2 Midblock connections are to be provided by future developments in nominated locations. 3.2.3 Midblock connections are to: (i) have active uses, (ii) be obvious and direct through-ways for pedestrians, (iii) provide public access from at least 6am to 10pm daily, (iv) have a minimum width of 4.5 metres and where possible a width of at least 6 metres that is clear of all obstructions, (v) where practicable, have access to natural light for part of their length and at openings at each end,	The proposal will provide a new clearly legible and accessible midblock connection. The connection will: ▪ have active uses; ▪ be obvious and have direct through-ways for pedestrians; ▪ provide public access during business hours; ▪ provide access to natural light for part of their length and at openings at each end; ▪ not be enclosed at either end; ▪ have signage at the street entries indicating public accessibility and the street to which the midblock connection links.	Y

Section	Requirement	Proposal	Compliance
	(vi) where air conditioned, have clear glazed entry doors comprising at least 50% of the entrance, (vii) have signage at the street entries indicating public accessibility and the street to which the midblock connection links.	It is noted that the connections will have a minimum width of 4 m, 0.5 m less than the DCP standard, however this is a result of the spatial requirements of the substation which constrains the width of the ground level connection.	
	3.3 Vehicle access and footpath crossings Location of Vehicle Access ▪ New vehicle access points are restricted in retail streets and are not favoured in pedestrian priority places. Where practicable, vehicle access is to be from lanes and minor streets rather than major pedestrian streets. (George Street is identified in the DCP for restricted vehicle access.) ▪ Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building. ▪ Wherever practicable, vehicle access is to be a single crossing perpendicular to the kerb alignment.	Vehicle access for the site is proposed to be provided off O'Connell Street as the Bligh Street frontage faces Richard Johnson Square. The loading dock is located within the basement to facilitate delivery vehicles. It also provides a covered facility for council garbage trucks for the removal of both recycled and wet waste from the building. O'Connell Street is not identified in the DCP for restricted vehicle access.	Y
	Design of Vehicle Access Porte cocheres	N/A. No porte cochere is proposed.	N/A
	3.4 Pedestrian overpasses and underpasses	N/A. The Project Application does not propose any overpass or underpass.	N/A
	3.5 Awnings and colonnades 3.5.1 Awnings are to be provided to the full extent of the street frontages of buildings in the locations nominated, except in cases where: (i) there is no existing continuity of awnings on buildings within the same block on the same side of the street, (ii) there would be a major adverse impact on a heritage streetscape.	An awning is proposed over the cafe area on Bligh Street to mitigate potential wind impacts. Awnings have not been considered for the other frontages of the site as there is no existing continuity of awnings in the immediate locality, and their introduction would have a significant impact on the heritage streetscape.	Y
	3.6 Artworks ▪ High quality artworks in new development are to be provided in publicly accessible locations such as near main entrances, lobbies and street frontages.	Urban Artworks would be commissioned to design the podium facades of the building, which will integrate public art into the building and screen the substation.	Y
	3.7 Paving for footpaths and public spaces ▪ Footpath paving is to be provided in accordance with Council's specifications and Footpath Paving Design Policy. The site is identified for	The requirements for paving and footpaths may form a Condition of Consent.	Y

Section	Requirement	Proposal	Compliance
	the provision of Type 2 flagstone paving.		
	3.8 Easy access - All buildings are to be designed in accordance with Council's Access Policy. - The main entry is to be level with the street footpath where practicable, and should be located in a continuous level path of travel to the lift core.	An Access Report has been prepared by Morris Goding Accessibility Consulting (see Appendix O), the Report demonstrates that the commercial component and publicly accessible areas of the of proposed development will comply with the relevant Australian Standards for Access.	Y
4.0 Environmental management	4.1 Sunlight to public spaces 4.1.1 Shadowing effects of new buildings on publicly accessible space are to be considered for the hours of 12 noon to 2 pm between 14 April and 21 June. 4.1.2 Depending on the nature and use of a particular space, periods outside 12 noon to 2 pm may also be required to be considered under Section 90 of the <i>Environmental Planning and Assessment Act 1979</i>. This consideration may result in the need for modification of shadow impact outside the 12 noon to 2 pm period.	Shadow diagrams are included at Appendix R . See the EAR for assessment of solar access and overshadowing.	Y
	4.2 Wind standards 4.2.1 To ensure public safety and comfort (see Figure 4.2) the following maximum wind criteria are to be met by new buildings: 10 metres/second in retail streets (see Figure 2.27), 13 metres/second along major pedestrian streets, parks and public places (see Figure 2.27), 16 metres/second in all other streets. 4.2.2 Building design should minimise adverse wind effects on recreation facilities on open terraces within developments. 4.2.3 A Wind Effects Report is to be submitted with the DA for all buildings taller than 45 metres above street level.	A Wind Assessment is included at Appendix T and Wind Tunnel Study at Appendix U . See also Chapter 11 of the EAR for assessment of the wind impacts of the proposed development.	Y
	4.3 Energy efficiency of buildings - An Energy Efficiency Report is required to accompany the DA for any new building with a construction cost of \$1 million or more. - Building designers should have regard to the Building Energy Manual (NSW Public Works 1993) and the Environment Design Guide (RAIA) when designing buildings.	An ESD Report prepared by ARUP is provided at Appendix L to meet the requirements of this clause.	Y

Section	Requirement	Proposal	Compliance
	4.4 Noise reduction 4.4.1 All residential buildings and serviced apartments are to be constructed so that the repeatable maximum L _{Aeq} (1 hour) level does not exceed the maximum noise levels specified in Clauses 6.1.14, 6.1.15 and 6.1.16 4.4.2 The consent authority may require a Noise Impact Assessment Report to accompany a DA. 4.4.3 Spruiking and the playing of amplified music or messages within shop premises so that it can be heard in a public place is not permitted.	An Acoustic Report prepared by ARUP is provided at Appendix M to meet the requirements of this clause.	Y
	4.5 Reflectivity (g) New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers. (h) Visible light reflectivity from building materials used on facades of new buildings should not exceed 20%	A Solar Light Reflectivity Analysis is provided at Appendix S and concludes that the reflectivity from the proposal is acceptable.	Y
	4.6 Urban run-off 4.6.1 A water and sediment control statement for the construction phase is to be included with a BA. The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's <i>Erosion and Sediment Control Manual</i> .	A Construction Management Plan would be prepared and specific construction details will be finalised after a contractor is engaged and prior to a CC for the relevant stage of works. The plan would address water and sediment discharged from the site during construction.	Y
	4.7 External lighting of buildings Any external lighting of buildings is to be considered with regard to: (i) the integration of external light fixtures with the architecture of the building (e.g., highlighting external features of the building), (ii) the contribution of the visual effects of external lighting to the character of the building, surrounds and skyline, (iii) the energy efficiency of the external lighting system, (iv) the amenity of residents in the locality, (v) the impact on the night sky, having particular regard to observed effects from Sydney Observatory.	External lighting of the proposed development will be addressed in further detailed application.	Noted
5.0 On-site parking	5.1 Design and location of on-site parking Traffic and parking report Where any proposed development includes on-site parking, a Traffic and	The access, traffic and parking implications of the proposed development are discussed in the EAR, and an Assessment of Traffic and Parking Impacts is included in Appendix N of the EAR.	Y

Section	Requirement	Proposal	Compliance
	Parking Report is required.		
	Above ground parking 5.1.3 Above ground parking is only permissible for residential buildings and serviced apartments, which may have a maximum of three levels of above ground parking.	No above ground parking is proposed.	N/A
	On-site parking and heritage items 5.1.9 On site parking that affects a heritage item is to be examined in the context of a Conservation Plan for the relevant heritage item.	The proposed on site parking does not affect the adjoining heritage items.	Y
	Other design and location provisions 5.1.10 The design of driveways (subject to Section 3.3 Vehicle Access and Footpath Crossings) and parking areas, and the location of driveways are to generally be in accordance with the requirements set out in the <i>Guide to Traffic Generating Developments</i> (NSW Roads and Traffic Authority and Australian Standard 2890.1). 5.1.11 Tandem or stack parking (maximum two spaces) is permitted in residential buildings and serviced apartments where parking spaces are attached to the same strata title comprising a single dwelling unit, subject to the maximum parking limit applying.	The Assessment of Traffic and Parking Impacts included in Appendix N concludes that the proposed development will comply with the relevant standards.	Y
	5.2 Short stay public car parking	N/A. No public car parking is proposed.	N/A
	5.3 Parking for people with mobility impairment Car parking for people with mobility impairment is to be provided in accordance with AS2890.1. This requirement requires a minimum of 1-2% of parking spaces to be provided and appropriately designated for use by people with mobility impairments.	Two of the tenant car parking spaces are accessible, which exceeds the required rate of parking for people with mobility impairment (as outlined in DCP 1996 and AS2890.1).	Y
	5.4 Delivery and service vehicles 5.4.1 The following requirements apply to new development for the provision of parking spaces for delivery and service vehicles: (i) Commercial premises 1 space/3,300 sqm FSA or part (ii) Retail 1 space/350 sqm FSA or part 5.4.2 The requirements for commercial premises apply to the first 50,000 square metres FSA of any development. Between 50,000 and 100,000 square metres FSA the requirements for the balance above 50,000 square metres FSA may be reduced by 50%. For areas exceeding	The proposed service vehicle arrangements are discussed in the Assessment of Traffic and Parking Impacts at Appendix N . The proposed arrangements are considered appropriate in the context of the site's location and restricted basement area as a result of the substation.	Y

Section	Requirement	Proposal	Compliance
	100,000 square metres FSA, the requirements may be reduced by 75%. 5.4.3 Where a mixed use development is proposed, the total number of service vehicle spaces is to be calculated on a pro rata basis of spaces required for the relative proportions of different uses within the building. As indicated above, this total requirement may be reduced for mixed use developments with large FSAs as indicated above for commercial premises. 5.4.4 Provision is to be made for courier parking spaces (including bicycle parking facilities) near vehicle entry points and near lifts. 5.4.5 Well positioned signs to parking facilities are to be provided for all couriers, including bicycle couriers. 5.4.6 Loading areas are to be screened from the street.		
	5.5 Bicycle parking 5.5.1 Facilities for cyclists are to be provided in all buildings that provide onsite car parking. Facilities include parking for bicycles and at least one readily accessible shower change room. 5.5.2 Bicycle parking space should equal at least one car parking space for every 100 car parking spaces or part thereof.	The proposed development will incorporate parking for bicycles (visitor spaces and secure bike storage spaces) in accordance with Green Star requirements. These provisions will exceed the relevant requirements of DCP 1996.	Y
	5.6 Motorcycle parking Motorcycle parking is to be provided in all buildings that provide on site car parking, and is to be equal to at least one car parking space for every 100 car parking spaces or part thereof.	The proposed development will provide tenant and service vehicle motorcycle parking spaces in accordance with the DCP requirement.	Y
6.0 Residential Buildings	Residential Buildings (including Serviced apartments) and Tourist and Visitor Accommodation	N/A. No residential or tourist uses are proposed.	N/A
7.0 Heritage Floor Space	Award and allocation of heritage floor space	Heritage floor space will be allocated in accordance with the provisions of the LEP and DCP.	Y
8.0 Signs	Signs	A further application will be submitted to Council for building signage.	N/A
9.0 Certain uses	Special controls for certain uses	N/A. The Project Application does not include these certain uses.	N/A
10.0 Development Standards	Development Standards	N/A. These particular development standards do not apply to the current Project Application.	N/A
11.0 Advertising	Advertising and notification of DAs	The Project Application will be advertised and notified by the Department of	Y

Section	Requirement	Proposal	Compliance
of DAs		Planning in accordance with their notification policy.	
12.0 Design excellence and competitive process	Competitive design process	The project was subject to a competitive design process.	Y
13.0 Exempt and complying development	Exempt and complying development	N/A. The Project Application is not exempt or complying.	N/A

Table 3 - Draft Sydney Local Environmental Plan 2011

Section	Requirement	Proposal	Compliance
Part 1 Preliminary			
1.2 Aims of Plan	(1) This Plan aims to make local environmental planning provisions for land in the City of Sydney in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	Noted.	Noted
	(2) The particular aims of this Plan are as follows: (a) to reinforce the role of the City of Sydney as a primary centre for Metropolitan Sydney and a preferred location for business, educational, cultural and tourist activities both within New South Wales and Australia and internationally,	The development integrates necessary electrical infrastructure with a high quality commercial building that provides a pleasant place to work, thus contributing to the ongoing success of Central Sydney.	Y
	(b) to promote ecologically sustainable development,	The proposal will enhance the sustainability and environmental performance by seeking to achieve a 5 star NABERS Energy and 5 star NABER Water ratings. The development will provide additional jobs in an optimum location close to public transport use, thereby minimising any undue burden on the City's resources.	Y
	(c) to encourage the economic growth of the City of Sydney by: (i) providing for development at densities that permit employment to increase, and (ii) retaining and enhancing land used for employment purposes that are significant for the Sydney region,	The proposed development will provide a significant increase in employment density.	Y
	(d) to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing,	The objective is not directly applicable as no residential accommodation is proposed however, the proposal will provide electricity infrastructure to support residential uses in Central Sydney.	N/A
	(e) to enable a range of services and infrastructure that meets the needs of residents, workers and visitors,	The proposed development will provide regional infrastructure in the form of the CityEast Zone substation.	Y
	(f) to ensure that the pattern of land use and density reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport,	The proposed density is appropriate for the surrounding transport network.	Y
	(g) to enhance the amenity and quality of life of local communities,	The proposed development will provide important regional infrastructure to enhance the amenity and quality of life of the local community.	Y

Section	Requirement	Proposal	Compliance
	(h) to support a range of existing and future mixed-use centres and to ensure that those centres remain viable,	The proposed development will support the existing centre by providing important infrastructure and high quality commercial floorspace.	Y
	(i) to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities,	The proposed development is the outcome of a competitive design competition and will deliver a high quality urban form.	Y
	(j) to conserve the environmental heritage of the City of Sydney,	The proposed development will offer a built form that respects and relates to the surrounding heritage items.	Y
	(k) to protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas.	The development will not impact on the enjoyment of the natural environment of the City of Sydney.	Y
1.6 Consent authority	The consent authority for the purposes of this Plan is (subject to the Act) the Council. Note. The <i>City of Sydney Act 1988</i> constitutes the Central Sydney Planning Committee which has and may exercise the functions of the Council under Parts 4, 5, 6 and 8 of the Act in relation to the carrying out of major development, to the exclusion of the Council.	The proposed project is one to which Part 3A of the EP&A Act applies. Therefore the Minister is the consent authority for the project.	N/A
Part 2 Permitted or prohibited development			
2.2 Zoning of land to which Plan applies	For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.	The site's draft zoning is B8 Metropolitan Centre.	-
2.6 Subdivision—consent requirements	(1) Land to which this Plan applies may be subdivided, but only with consent.	The proposed development seeks approval for stratum subdivision of the land to facilitate the operation and management between the substation and the commercial tower component.	Y
	(2) However, consent is not required for a subdivision for the purpose only of any one or more of the following: (a) widening a public road, (b) a minor realignment of boundaries that does not create: (i) additional lots or the opportunity for additional dwellings, or (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned, Note. A Lot Size Map has not been adopted.	Noted.	N/A

Section	Requirement	Proposal	Compliance
	(c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings, (d) rectifying an encroachment on a lot, (e) creating a public reserve, (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets. Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.		
2.6AA Demolition requires consent	The demolition of a building or work may be carried out only with consent. Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> , as exempt development, the Act enables it to be carried out without consent.	Demolition for the existing building was granted under MP10_0071.	N/A
Zone B8 Metropolitan Centre			
1 Objectives of zone	• To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy. • To provide opportunities for an intensity of land uses that are commensurate with its global status. • To permit a diversity of compatible land uses characteristic with its global status and that serve the workforce, visitors and wider community.	The proposed substation will provide the essential electrical infrastructure to support the south eastern part of the Sydney CBD. The commercial tower will comprise A-Grade commercial office space and will serve Sydney's workforce and contribute to its global status.	Y
2 Permitted without consent	Horticulture	Noted.	N/A
3 Permitted with consent	Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Tourist and visitor accommodation; Any other development not specified in item 2 or 4.	Public Utilities and Office Premises are permissible with development consent in the zone.	Y

Section	Requirement	Proposal	Compliance
4 Prohibited	Nil	N/A	N/A
Part 4 Principal development standards			
4.3 Height of buildings	(1) The objectives of this clause are as follows: (a) to ensure the height of development is appropriate to the condition of the site and its context, (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas, (c) to promote the sharing of views, (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas, (e) in respect of Green Square: (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.	Noted.	Noted
	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	The proposed development has a maximum height of 161.73 m and therefore complies with the maximum height control of 235 m.	Y
4.4 Floor space ratio	(1) The objectives of this clause are as follows: (a) to provide sufficient floor space to meet the anticipated development needs for the foreseeable future, (b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic, (c) to provide a degree of equity in the development potential of sites of different sizes in the same land use zone, (d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.	Noted.	Noted

Section	Requirement	Proposal	Compliance
	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	The proposed development seeks approval for an FSR of 13.75:1. Further discussion regarding the proposed variation to the FSR control is located in the EAR.	Y/N
Part 5 Miscellaneous provisions			
5.10 Heritage conservation Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.	(1) Objectives The objectives of this clause are: (a) to conserve the environmental heritage of the City of Sydney, and (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and (c) to conserve archaeological sites, and (d) to conserve places of Aboriginal heritage significance.	The proposed building has been designed to conserve the heritage significance of the adjoining heritage items. A Heritage Impact Statement has been prepared by NBRS and is located at Appendix P .	Y
	(2) Requirement for consent Development consent is required for any of the following: (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior, (c) altering a heritage item that is a building by making structural changes to its interior, (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance, (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area, (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.	The site is not listed as a heritage item or located within a heritage conservation zone.	N/A

Section	Requirement	Proposal	Compliance
	(4) Effect on heritage significance The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	The proposed building will conserve the heritage significance of the adjoining heritage items. A Heritage Impact Statement has been prepared by NBRS and is located at Appendix P .	Y
	(5) Heritage impact assessment The consent authority may, before granting consent to any development on land: (a) on which a heritage item is situated, or (b) within a heritage conservation area, or (c) within the vicinity of land referred to in paragraph (a) or (b), require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	A Heritage Impact Statement has been prepared by NBRS and is located at Appendix P .	Y
	(6) Heritage conservation management plans The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	N/A	N/A
	(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies): (a) notify the Heritage Council of its intention to grant consent, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	An Archaeological Assessment has been prepared by Casey and Lowe and is located at Appendix Q .	Y

Section	Requirement	Proposal	Compliance
	(8) Places of Aboriginal heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance: (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	An Archaeological Assessment has been prepared by Casey and Lowe and is located at Appendix Q .	Y
	(9) Demolition of item of State significance The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies): (a) notify the Heritage Council about the application, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	N/A	N/A
	(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that: (a) the conservation of the heritage item is facilitated by the granting of consent, and (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and (d) the proposed development would not adversely affect the	N/A	N/A

Section	Requirement	Proposal	Compliance
	heritage significance of the heritage item, including its setting, and (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.		
Part 6 Local provisions—height and floor space			
Division 1 Additional floor space in Central Sydney			
6.1 Objective of Division	The objectives of this Division are as follows: (a) to provide for additional floor space to be granted as an incentive for certain development in Central Sydney, (b) to establish a framework for the transfer of development potential from the site of a heritage building to another site in Central Sydney.	Noted	Noted
6.3 Additional floor space in Central Sydney	The floor space of buildings on a site in Central Sydney may exceed the maximum amount permitted by clause 4.4 by an amount equal to the sum of any the following amounts of additional floor space for which the buildings may be eligible: (a) accommodation floor space, (b) car parking reduction floor space, (c) end of journey floor space, (d) entertainment and club floor space, (e) lanes development floor space, (f) opportunity site floor space.	Noted	Noted
6.4 Accommodation floor space	(1) A building is eligible for an amount of additional floor space (accommodation floor space) specified in paragraphs (a)–(g), if the building is in an Area, and is used for a purpose, specified in relation to that amount of additional floor space as follows: (a) Area 1, hotel or motel accommodation—600% of the gross floor area of the building used for those purposes, (b) Area 1, office premises, business premises, retail premises, residential accommodation or serviced apartments—450% of the	The site is located in Area 2 and is for an office premises and therefore is eligible for an additional floor space (12.5:1). The proposed development seeks approval for an FSR of 13.75:1. Further discussion regarding the proposed variation to the FSR control is located in the EAR.	Y

Section	Requirement	Proposal	Compliance
	gross floor area of the building used for those purposes, (c) Area 2, office premises, business premises or retail premises—450% of the gross floor area of the building used for those purposes, (d) Area 2, residential accommodation, serviced apartments or hotel or motel accommodation—600% of the gross floor area of the building used for those purposes, (e) Area 3, office premises, business premises or retail premises—200% of the gross floor area of the building used for those purposes, (f) Area 3, residential accommodation, serviced apartments or hotel or motel accommodation—300% of the gross floor area of the building used for those purposes, (g) Area 4, residential accommodation, serviced apartments or hotel or motel accommodation—150% of the gross floor area of the building used for those purposes.		
	(2) In a mixed use development more than one accommodation floor space amount may apply in respect of the building.	N/A	N/A
6.7 End of journey floor space	(1) A building on a site in Central Sydney that is used only for the purposes of office premises, business premises or retail premises is eligible for an amount of additional floor space (end of journey floor space) as follows: (a) if the use of any part of the building is changed to showers, change rooms, lockers or bicycle storage areas (except where the use is changed from one of those uses)—an amount equal to the area of any such changed use, (b) if any area of the building that is excluded from the gross floor area of the building, or any new addition to the building, is used for a use referred to in paragraph (a)—an amount equal to that part of the excluded area or new addition that is used for that purpose.	236 m ² of GFA has been allocated to end of journey floor space. By excluding this area from the calculation of GFA, the development would have an FSR of 13.63:1.	Y
	(2) The amount of end of journey floor space can be no more than an amount equal to 5% of the site area.	Noted.	Noted
	(3) The consent authority must not grant development consent to development for the purposes of a building that utilises end of	The proposed facilities are located on level 13 of the building and are clearly for the exclusive use of the occupants of the building.	Y

Section	Requirement	Proposal	Compliance
	journey floor space unless it is satisfied that: (a) showers, change rooms, lockers and bicycle storage areas are each provided in the building for the use of occupants of the building, and (b) the facilities to which that floor space relates will be provided for the exclusive use of occupants of the building.		
Division 3 Height of buildings and overshadowing			
6.15 Tall buildings in Central Sydney	(1) The objectives of this clause are to ensure that tower development on land in Central Sydney: (a) provides amenity for the occupants of the tower and neighbouring buildings, and (b) does not adversely affect the amenity of public places, and (c) is compatible with its context, and (d) provides for sunlight to reach the sides and rear of the tower, and (e) promotes the ventilation of Central Sydney by allowing the free movement of air around towers.	Noted.	Noted
	(2) This clause applies to development on land in Central Sydney shown on the Height of Buildings Map as permitting buildings with a height greater than 55 metres.	The proposed development has a height greater than 55 m.	Noted
	(3) The consent authority must not grant consent to development on land to which this clause applies that will result in a building with a height greater than 55 metres above ground level (existing): (a) unless the building is on a site with a site area of at least 800 square metres, or (b) the consent authority is satisfied as to each of the following: (i) the development will result in a building with a free standing tower each face of which will be able to be seen from a public place, (ii) the development will provide adequate amenity and privacy for occupants of the building and will not significantly adversely affect the amenity and privacy of occupants of neighbouring buildings, (iii) if the development involves the erection of a new building,	The building is on a site with a site area of over 800 m² . The proposed development will exceed 55 m in height. However, as the proposed development is the outcome of a competitive design competition and now a detailed design process, the need for a development plan has been waived in this instance.	N/A

Section	Requirement	Proposal	Compliance
	all street frontages of the building will be active.		
6.18 Overshadowing of certain public places	(1) The consent authority must not grant consent to development that results in any part of a building causing additional overshadowing between 14 April and 31 August in any year of any of the following locations (as shown edged heavy blue on the Sun Access Protection Map) during the times specified below: (a) Australia Square Plaza—between 12.00–14.00, (b) Chifley Square—between 12.00–14.00, (c) First Government House Place—between 12.00–14.00, (d) Lang Park—between 12.00–14.00, (e) Macquarie Place (beyond the shadow that would be cast by a wall with a 35 metre street frontage height on the eastern alignment of Loftus Street)—between 10.00–14.00, (f) Martin Place (between Pitt Street and George Street)—between 12.00–14.00, (g) Pitt Street Mall (beyond the shadow that would be cast by a wall with a 20 metre street frontage height on the eastern and western alignments of the Mall)—between 10.00–14.00, (h) Prince Alfred Park (beyond the shadow that would be cast by a wall with a 20 metre frontage height on the boundary between the park and the railway land)—between 12.00–14.00, (i) Sydney Town Hall steps—between 10.30–16.00, (j) Sydney Square—between 11.00–16.00.	The proposed development will not overshadow any of the specified locations.	Y
	(2) A development causes additional overshadowing if the total overshadowing of the relevant location during the specified times is greater after the development is carried out than the overshadowing of that location during the specified times caused by buildings existing as at 1 January 2010.	Noted.	N/A
Division 4 Design excellence			
6.21 Design excellence	(1) The objective of this clause is to deliver the highest standard of architectural and urban design.	Noted.	Noted

Section	Requirement	Proposal	Compliance
	(2) This clause applies to development involving the construction of a new building or external alterations to an existing building.	Noted.	Noted.
	(3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.	The proposed building design was the winner of a design competition. The design excellence of the building is discussed in Chapter 8 of the EAR.	Y
	(4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters: (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain, (c) whether the proposed development detrimentally impacts on view corridors, (d) how the proposed development addresses the following matters: (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access and circulation requirements, (x) impact on, and any proposed improvements to, the public	The design excellence of the building is discussed in Chapter 8 of the EAR.	Y

Section	Requirement	Proposal	Compliance
	domain, (xi) impact on any special character area.		
	(5) Consent must not be granted to the following development to which this Plan applies unless a competitive design process has been held in relation to the proposed development: (a) development in respect of a building that has, or will have, a height above ground level (existing) greater than: (i) 55 metres on land in Central Sydney, or (ii) 25 metres on any other land, (b) development having a capital value of more than \$50,000,000, (c) development in respect of which a development control plan is required to be prepared under clause 7.22, (d) development for which the applicant has chosen such a process.	A competitive design process was held in relation to the proposed development. The proposed scheme was the preferred scheme from that competition.	Y
	(6) A competitive design process is not required if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances or that the development: (a) involves only alterations or additions to an existing building, and (b) does not significantly increase the height or gross floor area of the building, and (c) does not have significant adverse impacts on adjoining buildings, and (d) does not significantly alter any aspect of the building when viewed from public places.	N/A	N/A
	(7) If the design of a new building, or alteration to an existing building, on a site, is the result of a competitive design process, the consent authority may grant consent to the erection of the new building or alteration to the existing building that: (a) has a maximum amount of floor space that exceeds by 10% the amount permitted by clause 4.4 plus the sum of any accommodation floor space or community floor space to which the building may be eligible under this Part, or (b) has a maximum building height that exceeds by 10% the maximum height shown for the land on the Height of Buildings Map.	The proposed development is the result of a competitive design process and therefore the consent authority may grant consent to the proposed FSR of 13.75:1 which exceeds the maximum floor space ratio (12.5:1) by 10%.	Y
	(8) Nothing in this clause permits a consent authority to grant consent to the following development:	Noted	N/A

Section	Requirement	Proposal	Compliance
	(a) development on land that would result in any building on the land projecting higher than any sun access plane that is taken to extend over that land by operation of Division 3, or (b) development that results in any building causing additional overshadowing of a kind specified in Division 3, or (c) development that results in any building on land, identified on the Height of Buildings Map as having an existing building height as at 1 January 2010, exceeding the height shown for the land on that map.		
	(9) In this clause: competitive design process means an architectural design competition, or the preparation of design alternatives on a competitive basis, carried out in accordance with the <i>City of Sydney Competitive Design Policy</i>.	Noted.	N/A
Part 7 Local provisions—general			
Division 1 Car parking ancillary to other development			
7.1 Objectives and application of Division	(1) The objectives of this Division are: (a) to identify the maximum number of car parking spaces that may be provided to service particular uses of land, and (b) to minimise the amount of vehicular traffic generated by a proposed development.	Noted.	Noted
	(2) This Division applies if car parking spaces are proposed to be provided in connection with a proposed land use but not if the proposed land use is a car park.	Noted	Noted
7.3 Car parking spaces not to exceed maximum set out in this Division	(1) Development consent must not be granted to development proposing car parking spaces in connection with a proposed use of land if the total number of car parking spaces (including existing car parking spaces) provided in relation to the land would be greater than the maximum set out in this Division.		
	(2) If the total number of car parking spaces under this Division is not a whole number, the total is to be rounded down to the next whole number.	Noted.	Noted
7.6 Office premises and business premises	(1) The maximum number of car parking spaces for the parts of the following buildings that are used for the purposes of office premises or business premises is as follows: (a) a building with a floor space ratio of no more than 3.5:1 on land	See subclause (2)	Noted

Section	Requirement	Proposal	Compliance
	in category D—1 space for each 175 square metres of gross floor area used for those purposes, (b) a building with a floor space ratio of no more than 2.5:1 on land in category E—1 space for each 125 square metres of gross floor area used for those purposes, (c) a building with a floor space ratio of no more than 1.5:1 on land in category F—1 space for each 75 square metres of gross floor area used for those purposes, (d) a building with a floor space ratio of more than 3.5:1 on land in category D—see subclause (2), (e) a building with a floor space ratio of more than 2.5:1 on land in category E—see subclause (2), (f) a building with a floor space ratio of more than 1.5:1 on land in category F—see subclause (2).		
	(2) For the purposes of subclause (1) (d)–(f) the maximum number of car parking spaces is to be calculated using the following formula: $M = (G \times A) \div (50 \times T)$ where: M is the maximum number of parking spaces, and G is the gross floor area of all office premises and business premises in square metres, and A is the site area in square metres, and T is the total gross floor area of all buildings on the site in square metres.	The project proposes a maximum of 40 car spaces in accordance with the maximum rate under the draft LEP.	Y
7.7 Retail premises	(1) The maximum number of car parking spaces for the parts of the following buildings that are used for retail premises (but only if the building has no more than 2,000 square metres of gross floor area used for retail premises) is as follows: (a) a building with a floor space ratio of no more than 3.5:1 on land in category D—1 space for each 175 square metres of gross floor area used for that purpose, (b) a building on land in category E—1 space for each 60 square metres of gross floor area used for that purpose, (c) a building on land in category F—1 space for each 50 square metres of gross floor area used for that purpose, (d) a building with a floor space ratio of more than 3.5:1 on land in category D—see subclause (2).	No car spaces are proposed for the retail premises.	Y

Section	Requirement	Proposal	Compliance
	(2) For the purposes of subclause (1) (d), the maximum number of car parking spaces is to be calculated using the following formula: $M = (G \times A) \div (50 \times T)$ where: M is the maximum number of parking spaces, and G is the gross floor area of all retail premises in square metres, and A is the site area in square metres, and T is the total gross floor area of all buildings on the site in square metres.	N/A	N/A
Division 4 Miscellaneous			
7.18 Airspace operations	(1) The objectives of this clause are as follows: (a) to provide for the effective and on-going operation of the Sydney Airport by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface for that airport, (b) to protect the community from undue risk from such operation.	Noted.	Noted
	(2) If a development application is received and the consent authority is satisfied that the proposed development may penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.	It is understood that the Department of Planning and Infrastructure will consult with Sydney Airport regarding the matter.	Y
	(3) The consent authority may grant development consent for the development, if the relevant Commonwealth body advises that: (a) the development will penetrate the Obstacle Limitation Surface but it has no objection to its construction, or (b) the development will not penetrate the Obstacle Limitation Surface.	Noted	N/A
	(4) The consent authority must not grant development consent for the development, if the relevant Commonwealth body advises that the development will penetrate the Obstacle Limitation Surface and should not be constructed.	Noted	N/A

Section	Requirement	Proposal	Compliance
	(5) In this clause: relevant Commonwealth body means the body that is responsible for development decisions relating to the Sydney Airport under Commonwealth legislation.	Noted	N/A
7.22 Development requiring preparation of a development control plan	(1) This clause applies to the following development: (a) development for the purposes of a new building, (b) development that increases the gross floor area of an existing building, (c) development involving alterations to more than 75% of the facade of an existing building that fronts a street.	Noted.	Noted
	(2) For the purposes of section 74D of the Act, a development control plan is required to be prepared in respect of development to which this clause applies if the development: (a) is on land in Central Sydney and the site area for the development is more than 1,500 square metres, or (b) is on land in Central Sydney and will result in a building with a height greater than 55 metres above ground level (existing), or (c) is not on land in Central Sydney or in Zone IN1 General Industrial and the site area for the development is more than 5,000 square metres, or (d) is not on land in Central Sydney and will result in a building with a height greater than 25 metres.	The proposed development will exceed 55 m in height. As the proposed development is the outcome of a competitive design competition and a detailed design process, a development plan has not been prepared..	N/A
	(3) A development control plan is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances or that the development: (a) involves only alterations or additions to an existing building, and (b) does not significantly increase the height or gross floor area of the building, and (c) does not have significant adverse impacts on adjoining buildings, and	The preparation of a DCP would be unreasonable and unnecessary given the circumstances because the Project Application has been made under an approved Concept Plan and the site has been subject to a CoS design competition and will achieve the objectives for DCPs (see Chapter 3 and Chapter 8).	Noted

Section	Requirement	Proposal	Compliance
	(d) does not significantly alter any aspect of the building when viewed from public places.		
	(4) The development control plan must address the following: (a) requirements as to the form and external appearance of proposed development so as to improve the quality and amenity of the public domain, (b) requirements to minimise the detrimental impact of proposed development on view corridors, (c) how proposed development addresses the following matters: (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage and archaeological issues and streetscape constraints, (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and pedestrian permeability, (x) the impact on, and any proposed improvements to, the public domain, (xi) any impact on any special character area.	N/A	N/A

Table 4 - Draft Sydney Development Control Plan 2010

Section	Requirement	Proposal	Compliance
2. General Provisions			
2.1 The public domain	Objectives (a) Ensure that development contributes to the activity, safety, amenity and quality of streets and the public domain.	The integration of a commercial tower with the substation will ensure the development contributes to the activity, safety, amenity and quality of the streets and public domain.	Y
	(b) Present appropriate frontages to adjacent streets and public domain.	The development will address both frontages and the public domain.	Y
	(c) Provide legible and accessible entries from the street and the public domain.	The proposed atrium / through site link area will enhance the legibility of the entrance to the commercial tower. The development will meet the relevant standards for access.	Y
	(d) Reinforce street edge conditions that are significant contributing characteristics of a heritage conservation area.	The proposed street edge conditions will enhance the surrounding heritage items	Y
	(e) Reinforce Central Sydney's strong definition of streets and the public domain aligned with property boundaries.	The proposed development will reinforce the street and public domain boundaries being aligned with the property boundary.	Y
	(f) Ensure that areas outside of Central Sydney new development relate to neighbouring buildings that define the street and public domain.	N/A	N/A
	Provisions (1) Buildings are to be designed to address the street.	The building address both the Bligh Street and O'Connell Street frontages.	Y
	(2) Building design must maximise opportunities to provide entries, visible internal uses at ground level, public art and high quality finishes to enhance the interface with the street or public domain.	The proposed design provides entries off both frontages and integrates visible internal uses at ground level. A high quality finish will be provided to enhance the interface with the street.	Y
	(3) The extent of blank walls (without windows or entries) at ground level is to be minimised.	Blank walls have been minimised.	Y
	(4) Where development exposes the blank side of an adjoining building or incorporates a party wall that will be visible from the public domain, a visually interesting treatment of high quality design is to be applied to that wall.	The development will expose part of the heritage listed former NSW House to restore the context for which it was originally viewed in, and therefore does not need any further treatment.	Y
	(5) Ground floor tenancies and building entry lobbies are to, where practicable: (a) have entries at the same level as the adjacent footpath or public domain;	The ground floor cafe and building lobby will have entries at the same level as the adjacent footpath.	Y

Section	Requirement	Proposal	Compliance
	(b) on sites with a cross fall of less than 1 in 10, have finished floor levels no greater than 500mm above or below the adjacent footpath or public domain and be accessible from the entry; (c) on sites with a cross fall of greater than 1 in 10, have finished floor levels no greater than 1.2m above the adjacent footpath or public domain and be accessible from the entry; (d) provide opportunities for direct surveillance of the adjacent street or public domain at maximum intervals of 6m; and (e) ground floor residential uses may be elevated up to 1.2m above ground level for privacy.		
	(6) Car parking areas at ground level are to be sleeved by other uses with a minimum depth of 6m that front and activate the street.	N/A	N/A
	(7) Basement parking areas and structures: (a) in Central Sydney, are not to protrude above the adjacent street or public domain level; (b) in other areas, are not to protrude more than 1.2m above the adjacent street or public domain level. Where they are visible, basement structures and vent grills are to be integrated into the building and landscape design. Ventilation grills must block views into basement areas and, in appropriate locations, be screened by landscaping in garden beds with a minimum depth of 1m.	The basement structures will not protrude above street level.	Y
	(8) Residential developments: (a) should have a street address and provide a direct line of sight from a street to the principal building entry. Where a development comprises a number of buildings with a variety of orientations, a major part of the overall development is to face the street; (b) should have a layout of dwellings, communal space and other high use spaces that provides opportunities for direct surveillance of the adjacent street or public domain at maximum intervals of 6m; and (c) are to provide individual entries directly from the street to any ground floor dwellings next to the street.	N/A	N/A

Section	Requirement	Proposal	Compliance
	(9) Lanes should be fronted by entries to dwellings, retail and/or commercial uses where practicable.	N/A	N/A
	(10) Breaks between buildings are to be aligned with openings between buildings, nearby streets, lanes and pedestrian connections to maximise view corridors.	N/A	N/A
	(11) In village centres, new buildings are to have street frontages built to the street alignment (i.e. the property boundary) except where: (a) the site is adjacent to a freestanding or set back heritage building. In this case, the new building should have setbacks required to maintain the heritage curtilage or setting of the item as identified in the Statement of Significance; (b) the development contributes an appropriate active public space at the street frontage; (c) the development involves only the refurbishment of an existing building; or (d) the site is an Opportunity Site (as identified in Sydney Local Environmental Plan 2011).	N/A	N/A
	(12) Outside of village centres, on large sites, the consent authority may allow open space at the street frontage if: (a) the public can access and use the open space; (b) the open space is fronted by active uses at ground level; (c) the design, landscaping and furnishing satisfies the consent authority; and (d) the space does not reduce the activity on adjoining streets or public domain areas.	N/A	N/A
2.1.2 Active frontages	Provisions (1) Active frontages are to be provided in the locations nominated on the Active Frontages Map.	By integrating the commercial component with the substation, the development will be able to provide active frontages to both Bligh Street and O'Connell Street through building lobbies and a café.	Y
	(2) Active frontages are to contribute to the liveliness and vitality of streets by: (a) maximising entries or display windows to shops and/or food and drink premises or other uses, customer service areas and activities which provide pedestrian interest and interaction. Generally active frontages on the ground floor of	The design, which needs to take into consideration the operational needs of the regional substation minimises the area required for plant etc on the street frontages. The site is not located in the retail core.	Y

Section	Requirement	Proposal	Compliance
	a property boundary are to be provided as described in Table 2.1 Ground floor active frontages; (b) minimising the frontage for fire escapes, service doors, plant and equipment hatches; (c) allowing for visual interest such as display cases on the external face of fire escapes, service doors and equipment hatches in appropriate circumstances in accordance with Section 2.20 Signage and Advertising; (d) in Central Sydney, providing three floors of retailing (basement, ground and first floor) in the blocks bounded by George, Market, King and Castlereagh Streets as shown in Figure 2.1 Central Sydney retail core map. (e) providing a high standard of finish for shopfronts.		
	(3) Generally, a minimum of 70% of the ground floor enclosure is to be transparent glazing with a predominantly unobstructed view from the adjacent footpath to a depth of 6m within the building, where appropriate.	As noted above the ground level design must provide for the operational needs of the regional substation, however, the areas of transparent glazing have been maximised where possible.	N
	(4) Generally, foyer spaces are not to occupy more than 20% of a street frontage of a building in Central Sydney and no more than 8m of a street frontage elsewhere, where appropriate.	The foyer spaces occupy approximately 30% of each street frontage. This is necessary to maximise activation of the frontage which could not otherwise be achieved in the parts of the frontage occupied by the substation.	N
	(5) Ground floor uses are to be at the same level as the footpath. Split level arcades or open retail forecourts at a different level to the footpath are inappropriate because they separate the activities within them from the street.	The lobbies are located at the same level as the footpath.	Y
	(6) Driveways and service entries are not permitted on active frontages, unless there is no alternative.	Both Bligh Street and O'Connell Street are nominated to have active frontages. The driveway is proposed off O'Connell Street as vehicular access cannot occur through Richard Johnson Square.	Y
	(7) Enclosed glazed shopfronts are preferred to open shopfronts, except for food and beverage premises which are encouraged to provide opening facades.	N/A	N/A
	(8) Security grilles are to be fitted only internally within the shopfront set back from the line of enclosure. Such grilles are to be fully retractable and at least 50% transparent in their closed state.	No grilles are proposed.	Y

Section	Requirement	Proposal	Compliance
	(9) Dining tables and chairs may be permitted on suitably designed spaces at awning level.	Indicative dining tables and chairs are shown as part of the café use on Bligh Street, however this use will be subject of a future DA to Council.	Y
	(10) Active frontages supporting after dark trading are encouraged to be open to activate the edge of the public domain.	Noted.	N/A
	(11) Arcades should have a clear width of 3-6m and a minimum clear height of 1.5 times the width or 6m, whichever is greater.	N/A	N/A
2.1.3 Footpath awnings	Provisions (1) An awning over the footpath is to be provided in the locations nominated on the Footpath Awning and Colonnades Map.	The site is not located on a site nominated on the Footpath Awning and Colonnades Map.	N/A
2.1.4 Colonnades	Provision (1) Colonnades are generally not permitted as they obscure views of retail frontages and separate street frontage activity from the street.	No colonnades are proposed.	Y
	(2) The consent authority may allow colonnades where they provide a continuous colonnade for an entire street block frontage.	No colonnades are proposed.	Y
	(3) The consent authority may allow existing colonnades to be used for active uses.	No colonnades are proposed.	Y
2.1.5 Wind effects	Objective (a) Ensure that new developments satisfy nominated wind standards so as to maintain comfortable conditions for pedestrians, maintain the structural integrity of buildings and not inhibit the growth of street trees.	The development will maintain comfortable conditions for pedestrians, maintain the structural integrity of buildings and not inhibit the growth of street trees. Wind tunnel modelling has been undertaken for the development (see Appendix U) which demonstrates that the development will provide a high level of pedestrian comfort.	Y
	Provisions (1) A wind effects report prepared by a suitably qualified engineer is to be submitted with a development application for a building higher than 45m, and for other buildings at the discretion of Council. The report is to: (a) be based on wind tunnel testing, compare and analyse	Wind tunnel modelling has been undertaken for the development (see Appendix U) which demonstrates that the development will provide a high level of pedestrian comfort.	Y

Section	Requirement	Proposal	Compliance
	the current wind conditions and the new likely wind conditions created by the proposed new building; (b) report the likely impacts of wind on the pedestrian environment at the footpath level within the site and the public domain; (c) provide design solutions; (d) show how the proposal minimises the impact of wind on the public and private domain; and (e) demonstrate that the proposed building and solutions are consistent with the provisions of this DCP.		
	(2) Wind effects caused by development are not to exceed: (a) 10 metres/second in streets with an active frontage (refer to the Active Frontages Map); and (b) 16 metres/second in all other streets.	Wind tunnel modelling has been undertaken for the development (see Appendix U) which demonstrates that the development will provide a high level of pedestrian comfort.	Y
	(3) New developments are to incorporate design features that will ameliorate existing adverse wind conditions so that the criteria above are achieved.	The proposed design incorporates design features that will ameliorate existing adverse wind conditions so that the above criteria are achieved.	Y
	(4) Building design is to minimise adverse wind effects on recreation facilities and open spaces within developments.	The proposed building has been designed to minimise adverse wind effects on Richard Johnson Square.	Y
	(5) To ensure useability and comfort, minimise the impact of wind on balconies by utilising partially recessed sun screens, pergolas and shutters. On tall buildings, balconies should be recessed where possible. Where high winds prevent other solutions, development is to provide operable screens and balconies are to be recessed where possible.	N/A	N/A
2.1.6 Reflectivity	Provisions (1) A Reflectivity Report that analyses potential solar glare from the proposed building design may be required for tall buildings. (2) Generally, light reflectivity from building materials used on facades is not to exceed 20%. (3) For buildings in the vicinity of arterial roads/major roads and Sydney Airport, proof of light reflectivity is required and is to demonstrate that light reflectivity does not exceed 20%.	A Reflectivity Report is located at Appendix S. The light reflectivity from building materials used on facades will not exceed 20%.	Y
2.1.7.1 Sunlight to publicly	Provisions	Shadow diagrams are located at Appendix R .	Y

Section	Requirement	Proposal	Compliance
accessible spaces	(1) Shadow diagrams are to be provided with the development application that indicate the existing condition and proposed shadows at hourly intervals or as required by the consent authority.		
	(2) Overshadowing effects of new buildings on publicly accessible open space are to be minimised between the hours of 12 noon to 2pm between 14 April and 21 June.	Noted	Y
	(3) Depending on the nature and use of a particular space, periods outside 12 noon to 2pm may also be required to be considered.	Noted	Y
2.1.7.2 Public Views	(1) Views from the public domain are to be protected in the design of buildings by addressing highly utilised public places, parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments including the location of statues, and public sculptures.	The proposed development will not affect any significant views from the public domain.	Y
	(2) Development should improve public views to parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments by providing special design treatment where buildings terminate vistas. Low level views of the sky along streets and from locations in parks are to be considered.	Noted.	Noted
2.1.7.3 Public art	(1) When a site specific DCP is required (refer to clause 7.22 of Sydney LEP 2011), a detailed public art plan is to be submitted as part of the site specific DCP.	N/A	N/A
	(2) Public Art is to be provided in accordance with the Public Art in Private Developments Guidelines and the Public Art Policy.	Noted.	Noted
Section 3 –Development Types			
3.2 Residential flat, commercial and mixed use Developments	Provisions (1) Development is not to exceed the maximum number of storeys for the land as shown in the Building Height in Storeys Map.	No maximum number of storeys is nominated for the site.	N/A
3.2.1 Height in storeys and street frontage height	(2) Street frontage height in storeys is the vertical height of that part of the building closest to the street boundary. The street frontage height of a building is not to exceed the maximum height shown for the land on the Street frontage height of buildings map. Refer to Provision 3.2.2 Setbacks	No maximum street frontage height is shown for the site.	N/A

Section	Requirement	Proposal	Compliance
	to determine the street frontage height setback. (3) Where the Street frontage height of buildings map does not indicate the maximum height, the maximum street frontage height is to generally be consistent with the street frontage heights of adjacent buildings, or the predominant street frontage height in the vicinity of the proposed building. Anomalous tall neighbouring buildings that are out of character with the area are not to be used to determine the street frontage height.	The proposed street frontage is generally consistent with the street frontage height of the adjacent buildings.	Y
3.2.2.1 Setbacks	Provisions (1) Setbacks and building alignments are to be consistent with those shown in the Building Setback and Alignment Map. Where no setback or alignment is shown on the map, the setback and alignment is to be consistent with adjoining buildings. When setback or alignment varies, either the adjacent or average rear setback or alignment is to be adopted. Acceptable encroachments into front setback to a maximum of 1 m include underground parking structures to a maximum height of 1.2m above ground, balconies, and bay windows.	No setback or alignment is shown for the site. The proposed alignment has been determined using the adjoining buildings and the principle of the design competition and DGRs.	Y
	(2) The rear setback and alignment is to be consistent with adjoining buildings. When setback or alignment varies, either the adjacent or average rear setback or alignment is to be adopted.	The rear setback and alignment is consistent with the adjoining buildings	Y
	(3) In areas where corner buildings are typically built to the street boundary on one or more frontages, new development on a corner may also build to the street boundary.	N/A	N/A
	(4) Where the site boundary includes a splay at the corner, the building is to be built to the boundary of the splay at ground level.	N/A	N/A
3.2.2.2 Setback above the street frontage height	(1) Setbacks above the street frontage height are to be included where: (a) adjacent buildings include upper level setbacks; (b) the new development is adjacent to a heritage item.	A setback has been provided around the adjoining heritage listed former NSW House. A justification for the setbacks can be found in the EAR.	Y/N
	(2) Where a setback above the street frontage height is required in accordance with (1)(a) and (b) above, it is to be:	The development does not comply with the front setback to Bligh Street or	N

Section	Requirement	Proposal	Compliance
	(a) a minimum of 4m for residential above non-residential; or (b) a minimum of 3m for residential above residential.	O'Connell Street. A justification for the setbacks can be found in the EAR.	
	(3) Where the setback area incorporates screening or the like, the design of the screens or other structures is to be secondary to the street wall of the building (for example secondary structures or screens should be visually recessed or setback at least 300mm from the street wall).	No screening is proposed within the setback.	N/A
3.2.3 Length of buildings along the street frontage	Provisions (1) The maximum frontage length of a building facing a street greater than 18m or greater is 65m. Where development is in excess of 65m in length 2 or more buildings should face the street or public domain.	N/A	N/A
	(2) The maximum frontage length of a building facing the public domain or streets less than 18m wide is to be 35m.	The maximum frontage is 26 m and therefore complies.	Y
	(3) Except for active frontages, a minimum 8m separation is to be provided between the end of a building fronting a primary street and the front of a building on a secondary street. This separation is to be maintained from the street level to the full height of the building. Two buildings may be joined by fully glazed access walkways that provide very high levels of transparency.	N/A	N/A
	(4) Breaks between buildings are to be aligned with streets and lanes in the surrounding area, where possible.	N/A	N/A
3.2.4 Tall buildings	Provisions (1) The component of a residential building that is above 35m is to have a maximum floor plate size of 700sqm (including balconies).	N/A	N/A
	(2) Outside Central Sydney and the Green Square Town Centre, tall buildings are to generally be separated from other tall buildings by a minimum of 60m to ensure widely spaced towers. This spacing may be reduced where towers are offset and the urban structure/street hierarchy is reinforced by tall buildings.	N/A	N/A
	(3) Tall buildings are to generally be vertically proportioned in height, form and architectural articulation.	The proposed building will be vertically proportioned in height, form and architectural articulation.	Y

Section	Requirement	Proposal	Compliance
3.2.6 Floor to ceiling heights for commercial and retail buildings	Objectives (a) Promote the penetration of daylight into commercial and retail buildings and contribute to flexibility of use of buildings.	Noted	Noted
	(b) Enable flexibility of the use of the ground and first floor of residential buildings facing high vehicle traffic streets for ground and first floor.	The development does not face a high vehicle traffic street.	N/A
	Provisions (1) Commercial and retail buildings are to have a minimum floor to ceiling height of: (a) 3.6m on the first basement floor to enable conversion to retail uses for all development in Central Sydney; (b) 3.6m on the ground floor; and (c) 3.3m on the first commercial floor and any commercial floor above.	The development complies with all the minimum floor heights: The first basement level has a height of 3.8 m. The ground level has a minimum height of 6.35 m. The commercial floors have a minimum height of 3.8 m.	Y
	(2) The minimum floor to ceiling height (clear of obstruction) of each parking level above ground is to be 3.6m to facilitate the conversion of above ground car parking to other uses.	No parking is proposed above ground.	N/A
	(3) The design of ground and first floor units in mixed-use developments is to be flexible with multiple configurations possible and floor to ceiling heights of at least 3.6m that enable both residential and business uses.	N/A	N/A
	(4) Residential buildings facing high traffic streets (40,000+ vehicles per day) are to have a 3.6m min floor to ceiling height on the ground floor and a height of 3.3m on the first floor to enable conversion to commercial/retail use.	N/A	N/A

Section	Requirement	Proposal	Compliance
3.2.7 Building massing and façade articulation	Provisions (1) Each street façade is to be articulated into smaller elements at a scale or grain that reflects: (a) the use of the building and various components of the building; (b) the location of the building, or that part of the building relative to pedestrian or outdoor recreation activity; and (c) clearly defined building entries and the ground floor / lower floors, top floor and roof.	Each facade has been articulated into smaller elements at a scale that reflects: - the use of the building and various components of the building; - the location of the building, or that part of the building relative to pedestrian or outdoor recreation activity; and - clearly defined building entries and the ground floor / lower floors, top floor and roof.	Y
	(2) Within a comprehensive street block development, buildings are to have a variety of facades, articulation, massing and character so that a street block presents as a group of buildings rather than a singular design.	The development is not a comprehensive street block development.	N/A
	(3) Car parking areas at ground level are to be sleeved by other uses with minimum depth of 6m that front and activate the street.	No ground level parking is proposed.	N/A
3.2.10 Waste minimisation 3.2.10.3 Additional provisions for non-residential development	(1) Kitchens, office tearooms and the like are to be designed with sufficient space for the interim storage of recyclable, organic and regular waste, in separate receptacles.	Noted.	Noted
	(2) Storage facilities for separated waste (paper, containers and organic waste) are to be included in all commercial developments and indicated on the plans.	Separate waste storage facilities have been included in the development.	Y
	(3) Where communal composting areas are proposed they should preferably be managed by a gardener or caretaker and located: (a) in an accessible and visible area to increase awareness so that it is well maintained; (b) having regard to the location of dwellings on site and on adjacent properties and the potential for the area to generate odours; and (c) so that potential run-off is away from site drainage points.	N/A	N/A
	(4) The waste storage facilities are to be easily accessible to building occupants and removal vehicles and of sufficient size and capacity to service the building.	The waste storage facilities are located in a centralised location in the basement.	Y

Section	Requirement	Proposal	Compliance
	(5) The storage facilities are to be screened from view from any public place or adjoining property.	The storage facilities are located within the basement.	Y
	(6) All businesses are encouraged to include in their waste contracts provisions that allow for the collection and recycling of high grade and low grade office paper, batteries, equipment containing printed circuit boards, computers, televisions, fluorescent tubes, smoke detectors and other recyclable resources.	Noted	Noted
	(7) In addition to the standard provision for wastes and recyclables, premises are to allocate sufficient space for the separate storage of: (a) recyclable electronic goods; (b) reusable items such as crates, pallets, kegs and the like so that storage in a public place is avoided; and (c) liquid wastes (oils etc). These storage areas must be bunded, and drained to a grease trap, in accordance with the requirements of Sydney Water.	Noted	Noted
	(8) A waste service compartment (waste and recycling area) is to be provided on each floor of the building and have sufficient capacity to store at least 1 day's volume of waste and recycling likely to be generated on that floor.	Noted.	Noted
	(9) Provision is to be made for the separation of cardboard for recycling on each floor and in the centralised waste storage area. Storage of paper and cardboard is to be in a dry, vermin-proof area.	Noted.	Noted
	(10) If more than 10m2 of uncompacted waste and recycling is likely to be generated per day: the central waste and recycling room is to be separate from the goods receiving dock; and waste is to be collected in a compaction unit.	Noted.	Noted
Section 4 - Specific Areas			
4.1 Central Sydney	Objectives	Noted.	Y
	(a) Achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees. (b) Enable flexibility in building design, whilst reinforcing the fundamental characteristics of Central Sydney.	Noted	Y

Section	Requirement	Proposal	Compliance
4.1.1 Street frontage heights	Provisions (1) The street frontage height of a new building is to be between 20m and 45m above street ground level, except in certain Special Character Areas where specific street frontage heights are nominated (refer to Section 4.1.3). Within this range, the street frontage height of a proposed building is to have regard to: (a) the street frontage heights of adjacent buildings; (b) the predominant street frontage height in the vicinity of the proposed building; (c) the location of the site in the street block, i.e. corner sites can generally include special design emphasis, such as increased street frontage height of one or two storeys compared with adjacent sites; and (d) site size i.e. small sites, less than 1,000sqm may attain a street frontage height of 45m regardless of the above criteria.	The proposed development will have a street frontage height of 52.6m on the O'Connell Street frontage and 45.7 m at the Bligh Street frontage. The street frontage heights will therefore vary the street frontage height control in the draft DCP which sets a range between 20 m and 45 m above street ground level. However, consistent with the DCP and the outcomes of the Design Competition for the site, the design of the podium has regard to and will generally match the parapet height the street frontage heights of 4 of the 5 adjacent buildings, 37 Bligh Street to the east, 48 Hunter Street, 28-24 O'Connell Street, and 16 O'Connell Street. The proposed podium height will also achieve a comfortable street environment for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation. In light of the above, the proposed street frontage heights are considered appropriate and a better outcome than compliance with the numeric controls.	N
4.1.2.1 Front setbacks	(1) Above the street frontage height, buildings are to be set back a minimum weighted average of 8m, and no part of the building is to be setback less than 6m. This setback may be reduced in part by up to 2m provided that the weighted average setback from the street frontage alignment is 8m (refer to figures 4.4-4.6).	The development does not comply with the front setback to Bligh Street or O'Connell Street. A justification for the is provided at Section 8.2.3 of the EAR. The proposed variation to the front setback control is considered appropriate as it will provide a building with a high-level of architectural modulation and visual interest, whilst still deliver commercially attractive floorplates and achieve the objectives of the DCP setback control, specifically those related to amenity.	N
	(2) Any new building or additions above a heritage item are to have a setback at least 10m above the street frontage height (See Figure 4.7). A conservation management plan may require a greater setback.	The development is not located above a heritage item.	N/A
4.1.2.2 Side and rear setbacks	(1) Above a height of 45m, windows or balconies of commercial buildings are to be set back at least 3m from side boundaries.	The development includes a zero setback from the eastern side boundary. A justification for the zero setback can be found in the EAR.	N

Section	Requirement	Proposal	Compliance
	(2) Separation between principal windows or balconies of residential buildings or serviced apartments and windows/balconies of commercial buildings is to be at least 9m. This separation is to be achieved by a setback from side boundaries of at least: (a) 6m for residential buildings or serviced apartments; and (b) 3m for the commercial building. (3) In new commercial buildings, windows at the same level as the principal living room windows or balconies of adjacent residential buildings or above a height of 45m are to be set back from side and rear boundaries at least 3m. Walls without windows do not need to be set back. (4) Up to a height of 45m, the minimum setback from the boundary for principal windows or balconies for residential buildings or serviced apartments is to be 6m. Above a height of 45m, a minimum setback of 12m is desirable for residential buildings or serviced apartments to help ensure visual privacy is achieved between dwellings. (5) Above the floor level of the lowest dwelling, principal windows or balconies of new residential buildings and serviced apartments are to be set back at least 6m from side and rear boundaries. (6) Setbacks of principal windows or balconies of mixed use buildings are to be the distances specified for particular uses in provisions (3), (4) and (5) above. (7) If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means, for example, the construction of screens. (8) The above setback provisions are to be applied to proposed buildings with development consent as if they were built. (9) Side and rear setbacks to dwelling units and other development can be reduced by architectural features (such as bay windows, or splayed windows which achieve oblique outlooks) provided that: (a) a minimum separation between the main walls of 6m is	The proposed variation to the eastern side setback control is considered appropriate as: ■ The proposed setback will not have any significant additional adverse daylight access or view impacts as compared to that of a development which complies with the 3m side setback control. ■ The affected Mulpha Building will still have excellent daylight access from its other frontages and will retain its primary views to the north and east. ■ The Mulpha Building is built to the site boundary and does not provide a side setback to the subject site. ■ The DCP notes that separation between commercial buildings is less important, and that walls without windows do not need to be set back. ■ The proposed setback will also not have any adverse impacts in terms of ventilation, privacy or wind effects. The side setback on the western boundary varies between 2m - 9m and therefore partially complies with the side setback control in the DCP. However, as there are no towers located on the sites adjoining this boundary, and limited to no potential for towers to be built on these small sites in the future, there will be no adverse daylight access, view, ventilation, privacy or wind effects as a result of the variation.	

Section	Requirement	Proposal	Compliance
	maintained; (b) separation is between sections of building walls that include only service room windows; and (c) views are available obliquely to site boundaries.		
4.1.4.1 Building Bulk - Commercial buildings	Provisions (1) Above 120m high, the size of the floorplate of commercial offices is not to exceed 1,400sqm GFA, or 25% of the site area, whichever is greater.	The proposed floor plates do not exceed 1,400 m ² .	Y
	(2) Above 45m high, the maximum horizontal dimension of any commercial building façade is not to exceed 65m.	The horizontal dimension of the building facades do not exceed 65m.	Y
4.1.5 Building exteriors	Provisions (1) Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of: (a) building to the street alignment; (b) street frontage heights; (c) setbacks above street frontage heights; and (d) facade proportions including horizontal or vertical emphasis and the provision of enclosed corners at street intersections.	The proposed building has been designed with due consideration given to the streetscapes, setbacks and proportions of surrounding buildings, and impacts on surrounding development as described in the relevant sections of the EAR.	Y
	(2) Building exteriors are to be designed with regard to the following criteria: (a) the predominant masonry character and articulation of Central Sydney is to be reinforced, particularly at lower levels of buildings; (b) materials used (including glass) are to be predominantly light in colour to gain better quality reflected light into the streets and to reflect the characteristic light colours of Central Sydney; and (c) extensive expanses of blank glass or solid wall are to be avoided.	The proposed podium façade retains and reinforces the predominant masonry character and articulation of Central Sydney. The design, which incorporates public art into the building's facade, will provide a visually interesting and contemporary façade that respects the existing heritage character of the adjoining buildings.	Y
	(3) Where development exposes the blank side of an adjoining building, a visually interesting treatment is to be applied to that wall.	The development has been designed to expose the side of the heritage listed former NSW house in order to restore the original context of which it was viewed.	Y
	(4) Minor projections from building walls up to a maximum of	Part of the façade does project into the public space on O'Connell Street. This	Y

Section	Requirement	Proposal	Compliance
	450mm (excluding awnings) that extend into the public space are permitted provided that there is a public benefit and that the projections do not detract from significant views and vistas. Examples of such projections are expressed cornice lines that assist in enhancing the streetscape and other projections such as entry canopies and bay windows that give visual interest.	projection is only minor and will not detract from significant views and vistas. The projection is necessary to provide the internal area within the site to meet the spatial requirements of the substation, and as noted above will allow for a visually interesting and contemporary façade.	
	(5) Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings.	N/A	N/A
	(6) The siting and configuration of buildings should take into account the impact on surrounding development and public spaces in terms of amenity, shadowing, visual privacy and view sharing for residential buildings.	The proposed building has been sited to take into account the impact on the surrounding public spaces. The EAR demonstrates that the building will be acceptable in terms of amenity, shadowing, visual privacy, and view sharing for residential buildings.	Y
	(7) The tops of buildings are to be designed so that they: (a) integrate with the design of the building and conceal plant and equipment; (b) where stepped, provide a minimum step height of two storeys; and (c) promote a visually distinctive and interesting Central Sydney skyline.	The design of the top of the building will integrate and incorporate the plant.	Y