

STATUTORY COMPLIANCE ASSESSMENT

This section provides a detailed assessment of the proposed modifications against the relevant statutory requirements.

1. SYDNEY LOCAL ENVIRONMENTAL PLAN 2012

The *Sydney Local Environmental Plan 2012 (LEP 2012)* is the principle environmental planning instrument that applies to the Site. The aim of LEP 2012 is to reinforce the role of the City of Sydney as the primary centre for Metropolitan Sydney, support business, educational, cultural and tourism-related activities within the LGA, promote ecologically sustainable development and encourage economic growth.

An assessment of the development as proposed to be modified against the relevant provisions within the LEP 2012 is provided in the following subsections.

1.1. ZONING AND PERMISSIBILITY

No change is proposed to the approved land uses on the site.

1.2. KEY DEVELOPMENT STANDARDS

The proposed modifications have been assessed against the relevant development standards contained within the LEP 2012 in the **Table 1** below.

Table 1 – LEP 2012 Compliance Table

Clause	Control	Proposal
4.3 Height of Buildings	The maximum height of building control under this clause is 7.5m.	<p>Clause 6.53(6)(a) prescribes that despite Clause 4.3 a height limit of RL200.2m applies to the Site.</p> <p>No change is proposed to the approved height of RL197.9m which complies with the LEP height limit.</p>
4.4 Floor Space Ratio	The maximum FSR under this clause is 3:1.	<p>Clause 6.53(7)(a) prescribes that despite Clause 4.4 a maximum GFA of 77,000sqm applies to the Site.</p> <p>The proposed modifications result in an overall GFA of 75,658m² and therefore complies.</p>
5.10 Heritage Conservation	The consent authority may, before granting consent to any development on land on which a heritage item is located require a heritage	The proposed design modifications to the tower component of the approved development will not impact on the

Clause	Control	Proposal
	management document 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.	heritage assessment previously approved under SSD-10405.
6.19 Overshadowing of certain public places	Development consent must not be granted to development that results in any part of a building causing additional overshadowing, at any time between 14 April and 31 August in any year of 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.	<p>The proposed modifications will allow complete compliance with the Prince Alfred Park sun access plane.</p> <p>While the majority of the approved building form did sit below the sun access plane, there were minor intrusions in the form of glazed balustrades to the terraced areas at the Crown. The proposed modifications will remove these intrusions.</p>
6.21 Design excellence	<p>Deliver the highest standard of architectural, urban and landscape design. Development consent must not be granted to the following development to which this clause applies unless a competitive design process has been held in relation to the proposed development—</p> <p>(a) development in respect of a building that has, or will have, a height above ground level (existing) greater than—</p> <p>(i) 55 metres on land in Central Sydney, or (ii) 25 metres on any other land,</p> <p>(b) development having a capital investment value of more than \$100,000,000,</p>	The proposed modifications have been presented to and endorsed by the Design Integrity Panel.

Clause	Control	Proposal
	<p>(c) development in respect of which a development control plan is required to be prepared under clause 7.20,</p> <p>(d) development for which the applicant has chosen such a process</p>	
6.53 Western Gateway Sub-precinct	Sets out site-specific controls for the Western Gateway Sub-precinct.	A detailed assessment of this clause is provided in Section 1.3 below.
7.20 Development requiring or authorising the preparation of a DCP	A DCP is required for sites outside of Central Sydney if the site area is more than 5,000 sqm or if the development will result in a building with a height greater than 25m above existing ground level. However, this obligation can be satisfied by the approval of a staged development application for the site.	Clause 6.53(5)(b) states that Clause 7.20 does not apply to development within the Western Gateway Sub-precinct.
7.3 Car parking not to exceed maximum set out in this Division	The LEP sets a maximum provision of car parking based on site area. The site is located on Category D land.	No change is proposed to the approved car parking arrangement.
7.14 Acid Sulfate Soils	Ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	Not applicable to the proposed modifications.
7.15 Flood Planning	Minimise flood risk to life and property associated with the use of land and significant adverse impacts on flood behaviour and the environment.	Not applicable to the proposed modifications.
7.16 Airspace Operations	Provide for the effective and on-going operation of the Sydney (Kingsford-Smith) Airport by ensuring that such operation is not	No change is proposed to the overall building height of the approved development.

Clause	Control	Proposal
	compromised by proposed development that penetrates the Limitation or Operations Surface for that airport.	
7.26 Public Art	<p>Consent must not be granted for public art unless the consent authority is satisfied that the development:</p> <p>(a) will not involve the display of an advertisement, and</p> <p>(b) will not increase the gross floor area of any building, and</p> <p>(c) will not have a significant adverse impact on any heritage conservation area, heritage item or other object or place of heritage significance, and</p> <p>(d) will not have a significant adverse impact on the amenity of the public domain, including by overshadowing, wind or noise impacts, and</p>	The proposed modifications do not impact upon the approved Public Art Strategy.

1.3. WESTERN GATEWAY SUB-PRECINCT

Clause 6.53 is a site-specific provision within Division 5 of LEP 2012 which relates to all land within the Western Gateway Sub-precinct. The Site is identified on the 'LEP 2012 Key Sites Map as 'Block A'.

The proposed modifications have been assessed against each of the key provisions of Clause 6.53 in **Table 2** below.

Table 2 – Assessment against relevant provisions of Clause 6.53 of the Sydney LEP 2012

Clause	Provision	Proposal
6.53(3)	<i>Development consent must not be granted to development that results in any part of a building in the Western Gateway Sub-precinct causing additional overshadowing (within the meaning of clause 6.19(2)), at</i>	<p>The proposed modifications will allow complete compliance with the Prince Alfred Park sun access plane.</p> <p>While the majority of the approved building form did sit below the sun access plane,</p>

Clause	Provision	Proposal
	<i>any time of year, of Prince Alfred Park between 10.00–14.00.</i>	there were minor intrusions in the form of glazed balustrades to the terraced areas at the Crown. The proposed modifications will remove these intrusions.
6.53(4)	<i>Development consent must not be granted to development in the Western Gateway Sub-precinct unless the consent authority has taken into consideration any guidelines made by the Planning Secretary relating to the design and amenity of the Western Gateway Sub-precinct.</i>	The proposed modifications have been assessed against the relevant provisions of the Western Gateway Sub-precinct Design Guide in Section 1.4 below. The assessment demonstrates that the proposal is generally consistent with the objectives of all relevant provisions of the Design Guide.
6.53(5)	<i>The following do not apply in relation to a building in the Western Gateway Sub-precinct— clause 6.3 and Subdivision 2 of Division 1, (b) clause 7.20.</i>	The proposal does not seek to rely on any additional floor space under Subdivision 2 of Division 1 or Clause 6.3. It is noted that Clause 6.53(5)(b) removes the requirement for a site specific DCP to be prepared for the Site.
6.53(6)(a)	<i>Despite clause 4.3, development consent may be granted to development that results in either or both of the following— the height of a building in Block A exceeding the maximum height shown for Block A on the Height of Buildings Map, but only if the height of the building will not exceed RL 200.2 metres,</i>	The Atlassian Central development is located on Block A and does not exceed RL200.2 metres.
6.53(7)(a)	<i>(7) Despite clause 4.4, development consent may be granted to development that results in either or both of the following— the floor space ratio for a building in Block A exceeding the maximum floor space ratio shown for Block A on the Floor Space Ratio Map, but only if the gross floor area of all</i>	The proposed development is located on Block A and has an overall GFA of 75,658m ² . This does not exceed 77,000 m ² as allowable under this clause.

Clause	Provision	Proposal
	<i>buildings in Block A will not exceed 77,000 square metres,</i>	
6.53(8)	<i>Development consent must not be granted under subclause (6) or (7) unless the consent authority is satisfied that the resulting building will not be used for the purposes of residential accommodation.</i>	The Atlassian Central development comprises <i>tourist and visitor accommodation, retail premises and commercial premises</i> all which are permissible with development consent within the B8 Metropolitan Centre zoning. Further, the proposal does not include ' <i>residential accommodation</i> '.
6.53(9)	<i>Clause 6.21(5)–(7) do not apply to development in Block A or Block B.</i>	The proposal does not rely on any additional floorspace under Clause 6.21(7).

1.4. WESTERN GATEWAY SUB-PRECINCT DESIGN GUIDE

In accordance with Clause 6.53(4) of LEP 2012, a design guideline has been prepared for the Western Gateway Sub-precinct. The *Draft Western Gateway Sub-precinct Design Guide* (the **Design Guide**) has been prepared by TfNSW in consultation with DPIE, City of Sydney Council and the key stakeholders for Blocks A and B.

Table 3 – Western Gateway Sub-precinct Design Guide Assessment

Provision	Comment
3.1 Place and destination	
3.1.2 Building massing and envelope Objectives <i>Development is to provide adequate separation and setbacks between buildings to enable connection to the future over station development and to provide appropriate amenity within the development sites and the adjacent public domain.</i> <i>Development is to maximise the quality of pedestrian connections between Blocks A and B, having regard to the purpose, function and amenity of the connection and its role in the</i>	<p>All proposed modifications are contained within a compliant building envelope as demonstrated on the Architectural Plans provided at Appendix D.</p> <p>The siting of the development remains the same as originally approved and the tower form remains substantially the same as approved, with only minor modifications proposed at Crown levels.</p> <p>It is therefore considered that the building massing and envelope is entirely suitable for the site, as originally assessed under SSD-10405.</p>

Provision	Comment
<p><i>context of the Western Gateway sub-precinct as a public space or pedestrian movement corridor.</i></p> <p><i>Development is to provide a street wall podium height along the Lee Street frontage that responds to the scale of nearby existing buildings including the Mercure Hotel and Marcus Clarke Building.</i></p> <p><i>Development is to provide an appropriate clearance and curtilage to existing heritage items, in particular the Former Inwards Parcel Shed and Former Parcels Post Office Building.</i></p> <p><i>Building massing and envelopes should ensure that views to the Central Station Clock Tower against the sky are retained when viewed by pedestrians and vehicles as they enter Railway Square from Broadway (see Figure 6: Heritage Sightlines, Views and Vistas).</i></p> <p><i>Development is to support the provision of a wind environment for surrounding public domain that is appropriate for the intended purpose.</i></p>	
<p>3.1.3 Design excellence</p> <p>Objectives</p> <p><i>Development for new buildings within the sub-precinct must demonstrate design excellence.</i></p>	<p>Condition A9 of the development consent requires that the established Design Integrity Panel (DIP) shall be retained throughout the detailed design and construction phases of the development and are required to review the design prior to the lodgement of any planning modification which modifies the design.</p> <p>The proposed modifications have been presented to and endorsed by the Design Excellence Panel on 21st June 2022.</p>
<p>3.1.6 Solar access</p> <p>Objectives</p> <p><i>To maintain a high level of daylight access to Henry Deane Plaza and other affected public domain areas during the period of the day when</i></p>	<p>The proposed modifications to the Crown levels, particularly moving the façade-facing terraces inward will have a positive impact as it allows the built form to comply with the sun access plane for Prince Alfred Park.</p>

Provision	Comment
<i>they are most used by the workforce, visitors and the wider community.</i>	While the majority of the approved building form did sit below the sun access plane, there were minor intrusions in the form of glazed balustrades to the terraced areas at the Crown. The proposed modifications will remove these intrusions and will result in the same high level of amenity for workers and visitors to those levels.
3.1.7 Views and vistas Objectives <i>Development should preserve key views to the Central Railway Station Clock tower and enable future views from the future east-west over station pedestrian connection to the Marcus Clarke Tower.</i>	The tower building envelope will remain substantially the same as originally approved, therefore the proposed modifications will have no additional impact upon key views and vistas.
3.2 People and community	
3.2.1 Heritage Objectives <i>Development should appropriately respond to items of heritage significance within the sub-precinct and ensure items of heritage significance are maintained and celebrated wherever possible.</i> <i>Development should retain and re-use any assessed heritage significant features, specific spaces and fabric of significance.</i> <i>Development should enable the sensitive adaptive re-use of any assessed heritage significant features, specific spaces and fabric of significance.</i>	<p>The minor and indiscernible nature of the proposed modifications, particularly in relation to visual impact and built form, will continue to respond appropriately to the Inwards Parcel Shed and Central Station Precinct.</p> <p>The heritage comprehensive heritage assessment carried out for SSD-10405 remains applicable to the development as proposed to be modified.</p>
3.4 Sustainability	
3.4.1 Sustainability and environmental performance	The proposed modifications have been reviewed by LCI and Stantec.

Provision	Comment
<p>Objectives</p> <p><i>Development should seek to achieve Actions 68,69 and 72 of the Eastern City District Plan</i></p> <p><i>Promote initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050, especially through the establishment of low-carbon precincts.</i></p> <p><i>Facilitate precinct-based initiatives that increase renewable energy generation, and which maximise energy and water efficiency</i></p> <p><i>Ensure the preparation and implementation of Environmental Sustainability Strategies that incorporate low-carbon, high efficiency targets aimed at reducing emissions, optimising the use of water, reducing waste and optimising carparking provision to maximise sustainability and minimise environmental impacts.</i></p> <p><i>Ensure development incorporates best practice sustainability and environmental performance measures and initiatives for individual development sites and the whole precinct that:</i></p> <ul style="list-style-type: none"> <i>a. minimise greenhouse gas emissions</i> <i>b. Demonstrate innovation in reducing greenhouse gas emissions through energy efficiency, renewable energy and other measures.</i> <i>c. reduce the urban heat island effect</i> <i>d. achieve high levels of waste separation and diversion from landfill</i> <i>e. minimise consumption</i> 	<p>The accompanying ESD and Services Statement (Appendix H) confirms that the proposed modifications do not have any material impact on the incoming utility services and the ESD performance of the development as approved.</p>

2. SYDNEY DEVELOPMENT CONTROL PLAN 2012

The *Sydney Development Control Plan 2012* (**Sydney DCP**) provides detailed design controls for specific development types within the City of Sydney LGA.

In accordance with Clause 11 of the SDR SEPP, the provisions of Sydney DCP do not apply to State significant development. Notwithstanding, the Sydney DCP has been considered in the design of the Atlassian Central development. A summary of the key Sydney DCP provisions relevant to the proposed modifications are discussed in the table below.

Table 4 – Consistency with Key Sydney DCP Provisions

Provision	Response
Section 2 – Locality Statements	
2.1.11 Railway Square/Central Station Special Character Area.	<p>The proposed development is consistent with the objectives of the Railway Square/Central Station Special Character Area as it has been specifically designed to protect views from key vantage points to the Central Station Clocktower, minimise impacts on the heritage significance of the Parcels Shed and maintain solar access to Prince Alfred Park.</p> <p>The proposed modifications do not create any inconsistencies with the Railway Square/Central Station Special Character Area.</p>
Section 3 – General Provisions	
3.2.7 Reflectivity	The façade as proposed to be modified complies with the reflectivity requirements as originally assessed under SD-10405.
3.3 Design Excellence and Competitive Design process	<p>Condition A9 of the development consent requires that the established Design Integrity Panel (DIP) shall be retained throughout the detailed design and construction phases of the development and are required to review the design prior to the lodgement of any planning modification which modifies the design.</p> <p>The proposed modifications have been presented to and endorsed by the Design Excellence Panel on 21st June 2022.</p>
3.6 Ecologically Sustainable Development	<p>The proposed modifications have been reviewed by LCI and Stantec.</p> <p>The accompanying ESD and Services Statement (Appendix H) confirms that the proposed modifications do not have any material impact on the incoming utility services and the ESD performance of the development as approved.</p>

Provision	Response
3.9.1 Heritage Impact Statements	<p>The minor and indiscernible nature of the proposed modifications, particularly in relation to visual impact and built form, will continue to respond appropriately to the Inwards Parcel Shed and Central Station Precinct.</p> <p>The heritage comprehensive heritage assessment carried out for SSD-10405 remains applicable to the development as proposed to be modified. As such, a Heritage Impact Considered is not required for the proposed modifications.</p>
3.16 Signs and Advertisements	<p>Top of building signage zones are proposed on the north, east and western elevation as part of the modification application; however signage detail will be subject to a future application.</p>
Section 4 – Development Types	
4.2 Residential Flat, Non-Residential and Mixed Use Developments	
4.2.1 Building Height	<p>Clause 6.53(6)(a) of the Sydney LEP prescribes the height limit for the site as RL200.2m. The proposed development has a maximum height of RL197.9m which complies with the SLEP and is unchanged from that approved under SSD-10405.</p> <p>The DCP requires commercial developments to have a minimum floor to floor height of 4.5m on the ground floor, 3.6m on the first commercial floor and any commercial floor above.</p> <p>The proposed modifications to the floor to floor heights within the tower still achieve 3.66m floor to floor heights for typical levels and between 4.17m and 4.47m floor to floor at the top of each habitat within the tower form, thereby complying with the DCP requirements.</p>
4.2.3 Amenity	<p>The proposed development as modified will maintain adequate degree of amenity to surrounding properties and the public domain in regard to solar access and reflectivity.</p> <p>No significant views are impacted by the proposed development.</p>
4.2.4 Fine grain, architectural diversity and articulation	<p>The proposed modifications achieve the same high level of architectural articulation and expressions as originally approved.</p>
4.4.8 Visitor accommodation	<p>The existing YHA Railway Square, the long-term lease holder on the site, will be relocated into the lower levels of the tower component of the proposed development. This collaboration between the YHA and</p>



Provision	Response
	<p>Atlassian will provide affordable tourist and visitor accommodation in this central location, and is a key aspect of the proposed development.</p> <p>The proposed tourist and visitor accommodation will be managed in a consistent manner to the existing YHA premises.</p> <p>The proposed modifications do not alter the maximum number of beds within the YHA premises.</p>