

**ITEM 15. SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 – 505-523  
GEORGE STREET SYDNEY– PLANNING PROPOSAL – DRAFT  
DEVELOPMENT CONTROL PLAN – VOLUNTARY PLANNING  
AGREEMENT**

**FILE NO: S121075**

**SUMMARY**

JBA Urban Planning has submitted a planning justification report, on behalf of Coombes Property Group (the proponent and landowner) and Mirvac, requesting a change to the planning controls that apply to 505-523 George Street, Sydney in *Sydney Local Environmental Plan 2012* (SLEP2012) and *Sydney Development Control Plan 2012* (SDCP2012).

The purpose of the request is to enable the development of a residential tower building scheme which can achieve better amenity outcomes compared to development that may be permitted by the existing planning controls in SLEP2012. The existing controls potentially allow development of two 150m tall towers above a podium. The proposal seeks to change the height control to allow a single 260m tall slender residential tower above a mixed use podium.

The site is located at the southern end of Central Sydney, close to Town Hall, public transport, future light rail and key public spaces. The site, immediately south of the Lumiere Apartments and Frasers Suites serviced apartments on the corner of George, Bathurst and Kent streets, is occupied by Event Cinemas. The Cinemas operate as a single complex, but straddles two separate land titles, including the subject site and 525-529 George Street.

If realised, this redevelopment will significantly improve the urban context of George Street, and also contribute to its revitalisation and pedestrianisation. George Street is planned to undergo one of the biggest transformations ever seen in Sydney when the light rail line is introduced and the redevelopment of the site provides a chance to enhance this project. The City has already committed \$220 million for public domain upgrades to ensure that George Street is the premier street in the City.

The proposed changes to the City's planning controls will not increase the floor space ratio, but allow floor space to be redistributed to deliver a better planning result in the form of a single tower near the Kent Street frontage.

The proponent also offers to enter into a Voluntary Planning Agreement with the City. Voluntary Planning Agreements are enabled by the *Environmental Planning and Assessment Act 1979* and allow for the provision of public benefits to be used or applied towards a public purpose. The parties must enter into the agreement voluntarily and agreements are notified for public comment. Benefits offered by the proponent include the dedication to Council of two childcare centres and a corporate meeting room, as well as the provision of publicly accessible toilets on George Street.

This report recommends that the City submit a formal planning proposal to the Minister for Planning to start the process to amend SLEP2012. It is noted that a site-specific development control plan is recommended to be endorsed by Council and exhibited at the same time as the Planning Proposal, and that the Voluntary Planning Agreement is exhibited concurrently.

**RECOMMENDATION**

It is resolved that:

- (A) the Central Sydney Planning Committee approve the *Planning Proposal: 505-523 George Street, Sydney*, shown at Attachment A to the subject report, for submission to the Minister for Planning with a request for a Gateway determination;
- (B) the Central Sydney Planning Committee approve the *Planning Proposal: 505-523 George Street, Sydney* for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014, that Council approve the amendment to *Sydney Development Control Plan 2012 – 505-523 George Street, Sydney*, shown at Attachment B to the subject report, for public exhibition in parallel with the draft Planning Proposal and draft Voluntary Planning Agreement, and in accordance with the Gateway determination;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014, that Council delegate authority to the Chief Executive Officer to prepare a draft Voluntary Planning Agreement in accordance with the *Environmental Planning and Assessment Act 1979* with the following terms:
  - (i) the landowner will transfer free of cost to the Council, a stratum lot of at least 2,600 square metres of internal and external floor space for child care facilities on the highest level of the building podium. The space will front George Street and be sufficient to accommodate two child care facilities each having a minimum capacity of 65 children ages 0-6 years;
  - (ii) the landowner will transfer free of cost to the Council, a stratum lot of at least 250 square metres of internal space on the highest level of the building podium for Council administration meeting room facilities that are sufficient to accommodate 100 people, including a supporting storage room, 'ante space' and kitchenette;
  - (iii) the landowner will provide for publicly accessible toilets on George Street for no less than the building podium trading hours; and
  - (iv) the landowner will, in liaison with the City, commit to an environmental performance standard for the building tower above the minimum New South Wales BASIX requirements;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014, that the Voluntary Planning Agreement will be exhibited in conjunction with the Planning Proposal and the Development Control Plan amendment for the site;
- (F) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014, that Council delegate authority to the Chief Executive Officer to make any minor variations to the Voluntary Planning Agreement after its exhibition and to subsequently enter into the Agreement, on behalf of Council, with the Landowner;

- (G) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014, that Council seek authority from the Secretary of the Department of Planning and Environment to exercise the delegation of the Minister for Planning of all her functions under section 59 of the *Environmental Planning and Assessment Act 1979* to make the amending local environmental plan; and
- (H) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014, that Council delegate authority to the Chief Executive Officer to make any minor variations to the *Planning Proposal: 505-523 George Street, Sydney* and/or the *draft Sydney Development Control Plan 2012 – 505-523 George Street, Sydney* following receipt of the Gateway determination.

## ATTACHMENTS

- Attachment A:** Planning Proposal: 505-523 George Street, Sydney  
(Note – This attachment will be circulated separately from the Agenda Paper and to Central Sydney Planning Committee members and relevant senior staff only. A copy will be available for viewing on Council's website and at the One Stop Shop and Neighbourhood Service Centres).
- Attachment B:** Sydney Development Control Plan 2012 – 505-523 George Street, Sydney Amendment
- Attachment C:** Planning Agreement – Letter of Offer

**BACKGROUND**

1. In September 2014, JBA Urban Planning (JBA) submitted a planning justification report on behalf of Coombes Property Group (the proponent and landowner) and Mirvac to the City of Sydney requesting a change to the planning controls in Sydney Local Environmental Plan 2012 (SLEP2012) and Sydney Development Control Plan 2012 (SDCP2012) that apply to 505-523 George Street, Sydney (the site).
2. The purpose of the request is to enable the development of a residential building which can achieve a better built form and amenity compared to development permitted by existing planning controls. The existing controls potentially allow development of two 150m tall towers above a podium. JBA's request seeks to change the height control to enable a 260m tall single residential tower above a mixed-use podium.
3. An indicative building scheme submitted with the request responds to comments from City officers and the Design Advisory Panel. A single slender tower scheme is supported, because it will result in better amenity outcomes for surrounding buildings, improved streetscapes, appropriate building design/articulation, and a building podium incorporating community facilities that respond to the City's community facility and cultural needs.
4. Redevelopment will significantly improve the urban context of George Street, and also contribute to its revitalisation. George Street is planned to undergo one of the biggest transformations ever seen in Sydney when the light rail line is introduced and the redevelopment of the site provides an opportunity to enhance this project. The City has advocated for the pedestrianisation and light rail along this important thoroughfare and has committed \$220 million for public domain upgrades to ensure that George Street is the premier street for walking.
5. The proponent has also provided an offer to enter into a Voluntary Planning Agreement with the City. Benefits offered include the dedication to Council of community facilities within the building podium, including two child care centres, a corporate meeting room and a publicly accessible toilet facility that can be accessed from George Street. The Voluntary Planning Agreement offer also includes a commitment to, in working with the City, seek ways to exceed minimum BASIX targets.
6. The changes to the planning controls outlined in this report will not increase the floor space ratio, but allow floor space to be redistributed to deliver a better planning result in the form of a single, slim tower near the Kent Street frontage.

**Site Context and Description**

7. The site has an area of 4,308 square metres and is at 505-523 George Street in a block bordered by Bathurst Street to the north, George Street to the east, Liverpool Street to the south and Kent Street to the west.
8. The site is surrounded by a mix of development types consisting of commercial offices, shops, residential accommodation, serviced apartments and heritage buildings. Figure 1 below shows the location of surrounding developments, including existing high-rise residential towers within the vicinity of the site including Lumiere, Frasers Suites, Century Tower and Meriton Tower.

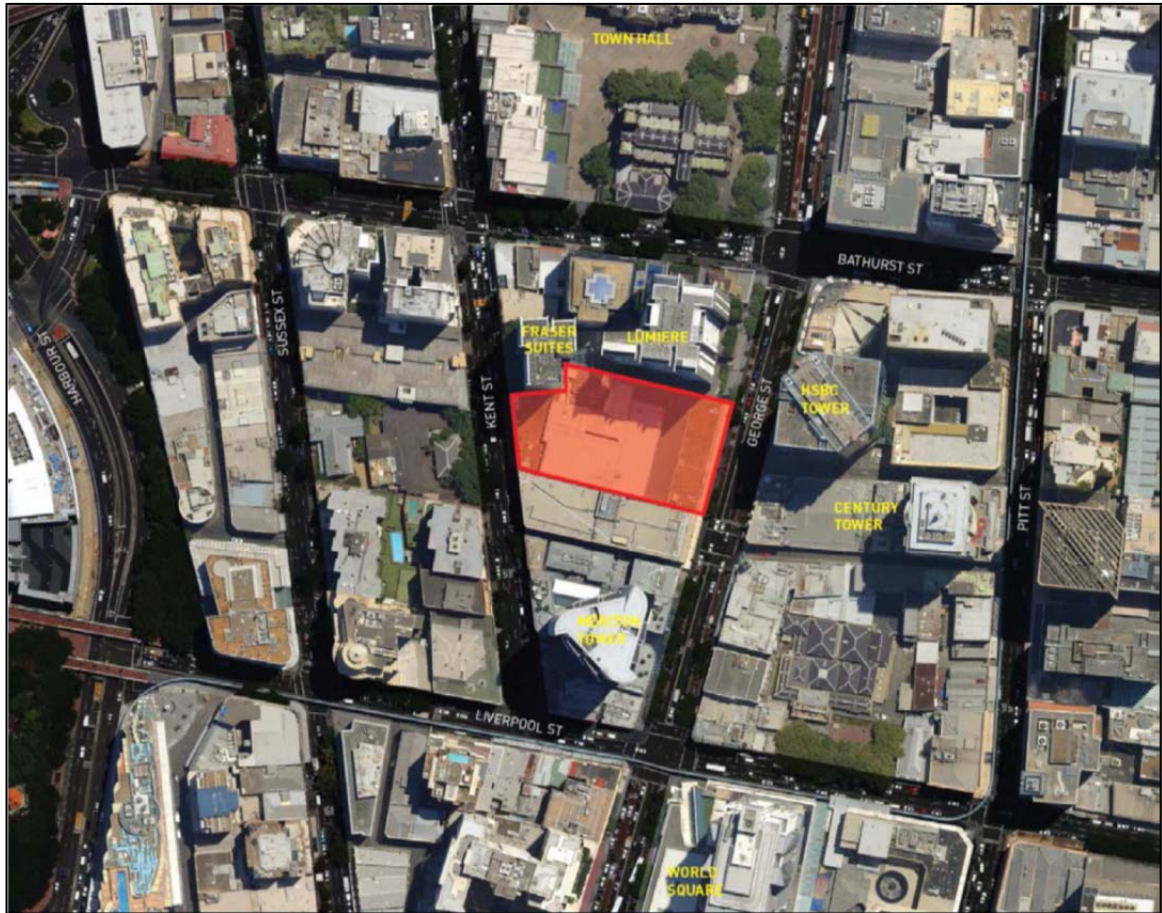


Figure 1 – The site and its context

9. The site is now primarily occupied by Event Cinemas, as well as smaller retail and food shops. The building has 11 cinema screens and about 3,629 seats. There are 16 cinema screens across the site and the adjoining site, 525-529 George Street.
10. The cinema is operated as a single complex, but straddles two separate land titles that are in separate ownership. 525-529 George Street is owned by Amalgamated Holdings Limited. This planning proposal relates only to 505-523 George Street, that is, the site outlined in red in Figure 1 above.
11. Primary pedestrian access to the site is provided via George Street and secondary access, including vehicular access, is provided via Kent Street to the west. Figures 2 and 3 below show George Street and Kent Street elevations.



Figure 2 – George Street Elevation

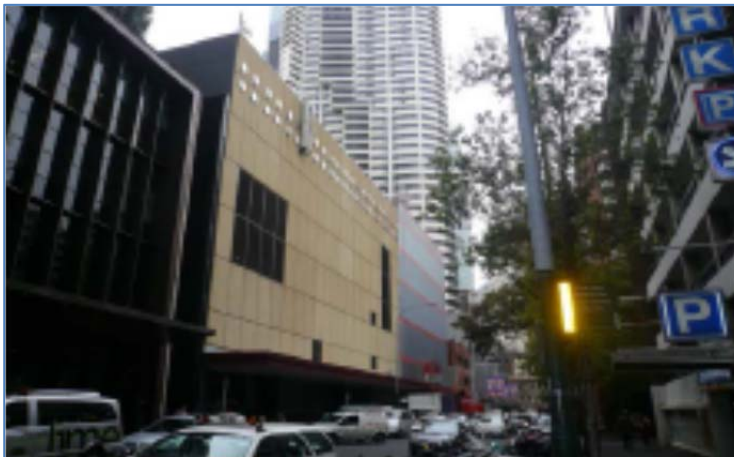


Figure 3 – Kent Street Elevation

### Key Planning Controls

12. The site is located on land zoned B8 Metropolitan Centre under SLEP2012. Commercial premises, entertainment facilities, child care centres and residential accommodation are permissible, with consent, in this zone.
13. The site's permissible height is 150m, and the permissible floor space ratio is 8:1. The site is located within Area 2 on the floor space ratio map within SLEP2012, and therefore is eligible for additional floor space of 4.5:1 for office, business or retail premises and 6:1 for residential accommodation, serviced apartments or hotel or motel accommodation. Further to this, the proposal is eligible for 10% bonus floor space or height if a competitive design process is undertaken and design excellence is demonstrated.
14. The site is not heritage listed. A number of heritage listed buildings are in its proximity, including the former 'Judges House' directly opposite at 531 Kent Street. Figure 4 below extracted from SLEP2012 shows nearby heritage items.

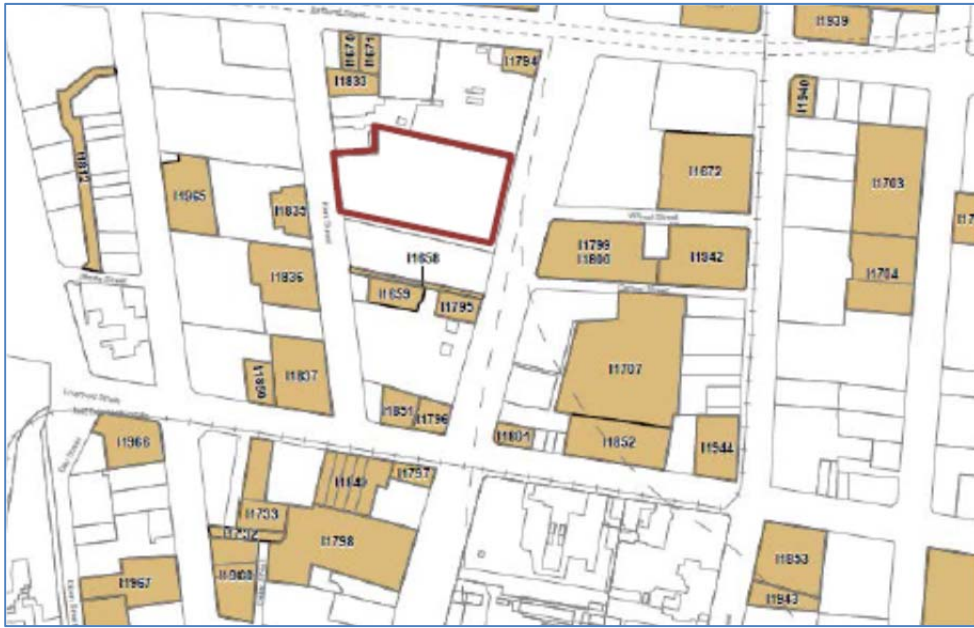


Figure 4 – Heritage map showing heritage items in vicinity of the site

- 15. Sites directly opposite on George Street are subject to a 235 metre building height control in SLEP2012. It is noted that a building height of 258.5 metres may be permissible on these sites if a 10% height bonus for design excellence is awarded. An extract from the height map in SLEP2012 is shown in Figure 5 below.

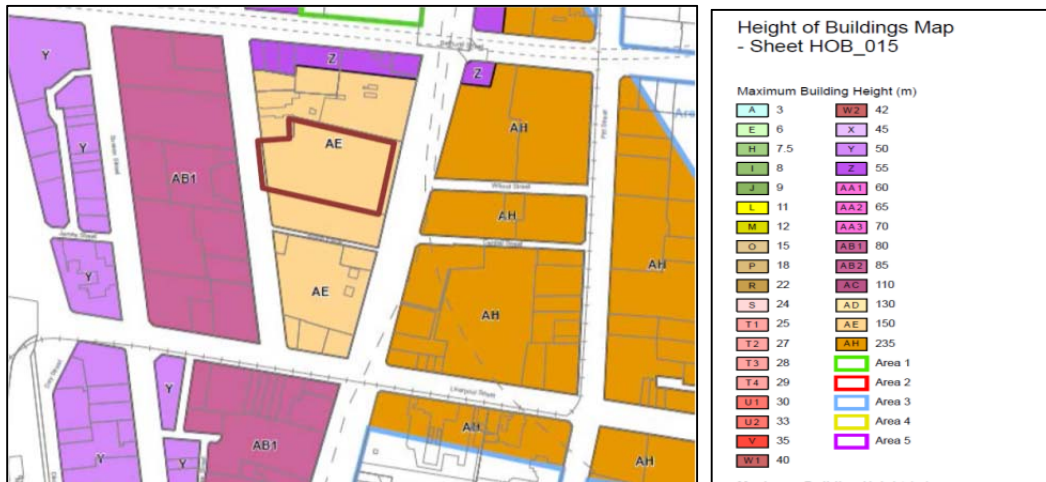


Figure 5 – Building Height controls within the vicinity of the site

**Site Options – Complying scheme compared to an alternative scheme**

- 16. The planning proposal primarily seeks to amend the maximum height control in SLEP2012 to enable a slim line residential tower and mixed-use podium scheme. Figure 6 below shows a rendering of an indicative building consistent with the scheme within the context of existing buildings nearby.



Figure 6 – Indicative building scheme

17. The building height of the scheme is 260 metres, which exceeds the existing 150 metre maximum building height control in SLEP2012. Although the scheme is considered to have significant merit and the least effect on neighbouring development, it does not comply with the 150 metre height control.
18. The scheme is the result of testing several development options by the proponent. This considered the impacts of a range of building envelopes that comply with existing planning controls, and compared the impacts from a non-complying residential tower envelope of 260 metres in height. This analysis found a notable improvement to amenity and local urban context resulting from a taller slim-line tower.
19. The analysis found that, under the existing planning controls in SLEP2012 and SDCP2012, the most likely development outcome would be two medium sized towers - if the maximum permissible floor space area is to be achieved.
20. A complying development scenario is shown on the left hand side in Figure 7 below. The analysis found that a complying built form would generate a number of adverse amenity impacts to the future occupants of the buildings, as well as occupants of existing buildings neighbouring the site, particularly privacy loss and view impacts, overshadowing, poor solar access and tower crowding.



21. The alternative scheme effectively consolidates the two into a single tall slender tower of 260 metres in height, which is set back towards the Kent Street frontage. An increase in height on part of the site allows for the same floor space to be distributed over one single tower, rather than two separate towers. This is shown in Figure 8 below.

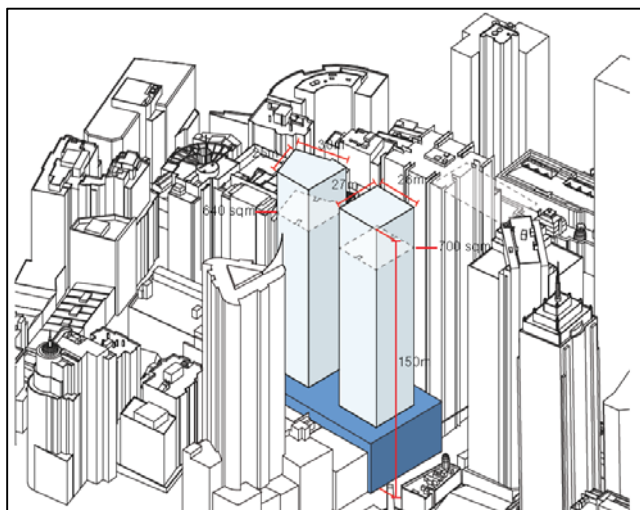


Figure 7 – Complying residential scheme (150 metres height & ‘twin’ tower)

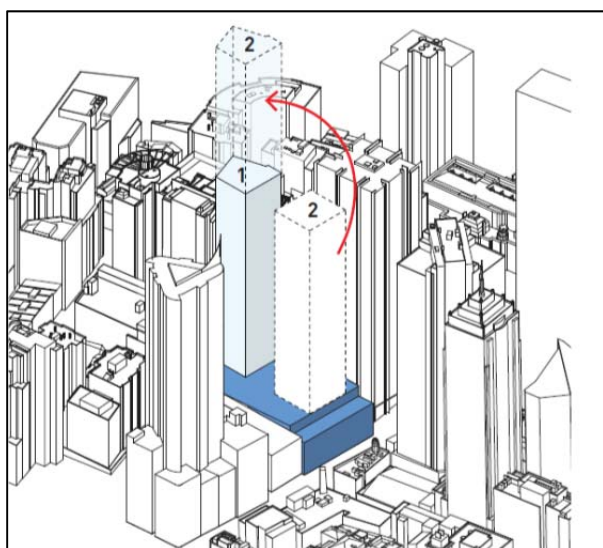


Figure 8 – alternative residential scheme (260 metres height)

22. A detailed analysis of the impacts of a tall single tower with podium is provided later in this report. In brief, the four diagrams in Figure 9 below show that a tall single tower could potentially alleviate many of the adverse impacts which may result from a complying residential scheme in the following ways:
- (a) increasing setbacks allows for better amenity and aspect to the site and neighbouring developments;

- (b) more opportunity to meet Residential Flat Design Code (RFDC) requirements by maximising distances to neighbouring buildings and maximising daylight exposure to the tower;
- (c) minimising the potential for tower crowding creates a better visual link to the sky for pedestrians and increases the potential for daylight to the street level; and
- (d) less overshadowing impacts by generating a thinner, faster moving shadow.

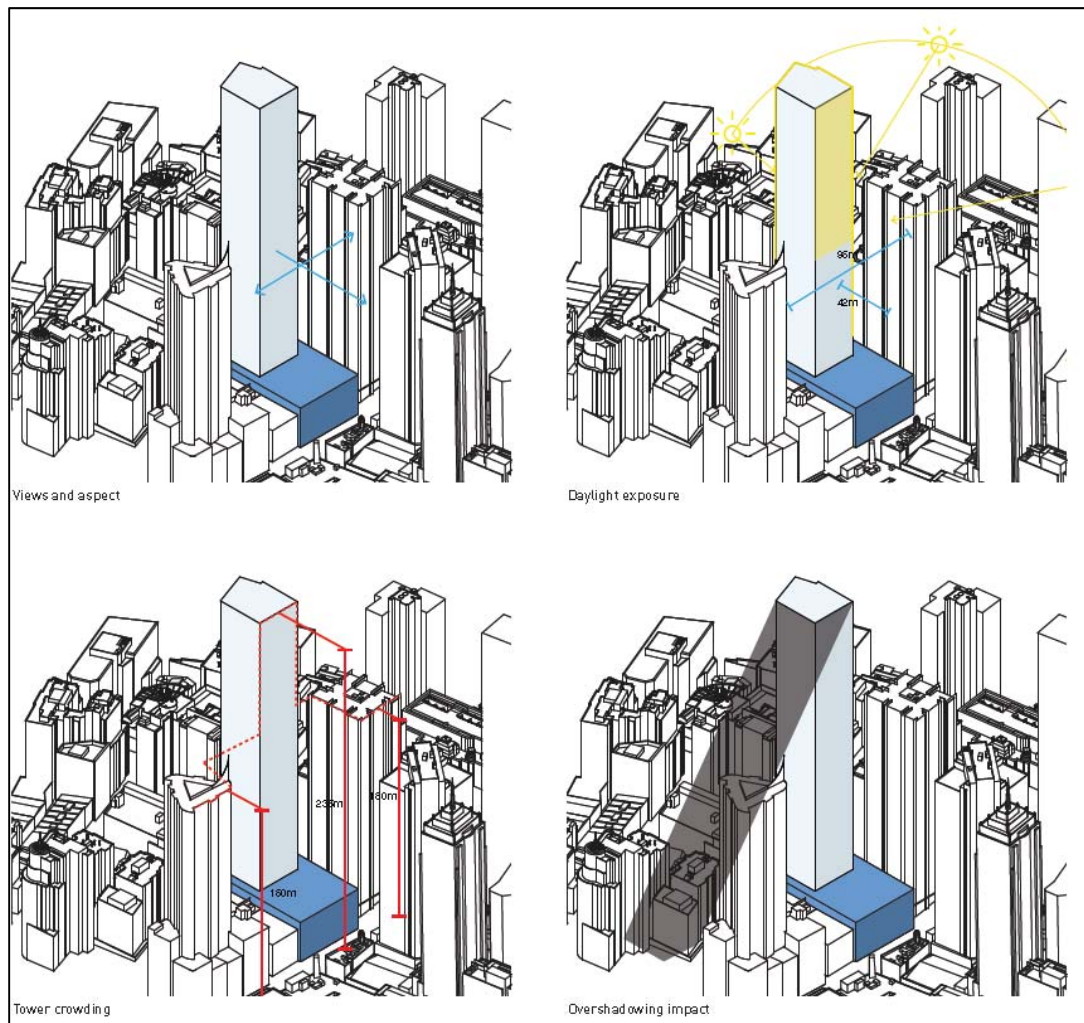


Figure 9 – benefits of a single, tall slender tower

23. A commercial scheme was also initially considered by the proponent, but abandoned due to market conditions. A review by Hill PDA, on behalf of the proponent, concluded that the Sydney CBD demand for commercial floor space is weak, particularly in the southern part of the CBD.

### Indicative Scheme

24. To demonstrate that the proposed building envelope can deliver a feasible mixed use retail/residential development, the proponent has prepared an indicative tower and podium scheme.

25. The indicative scheme proposes construction of a 78 storey mixed use tower comprising of 53,400 square metres of residential floor space, 10,900 square metres of retail floor space, as well as floor space allocated to community facilities, including care centres, meeting room and publicly accessible toilet facilities.
26. Figure 10 shows the indicative tower building situated within the maximum built form envelope that may be allowed by the new planning controls. The transparent volume outlined in a broken red line is the built form envelope. The solid volume is the indicative massing, which shows a potential arrangement of floor space within the built form envelope.
27. The solid building volume is indicative only and has been prepared for the sole purpose of demonstrating that the proposed building envelope can deliver a scheme which complies with the planning controls proposed in this report. This report does not seek approval for the indicative scheme.
28. The indicative building envelope assumes that a competitive design process will be undertaken and that the development will exhibit design excellence. Therefore the envelope has been designed assuming an award of 10% additional floor space that will be accommodated in the tower.
29. The environmental assessment in this report is based on the impacts of the larger volume massing envelope and not the indicative scheme.
30. If the planning control amendments outlined in this report are incorporated in the City's statutory planning controls, this will be followed by detailed design of the building by way of a competitive design process and development application. Changes to the indicative scheme will inevitably be required and desired.

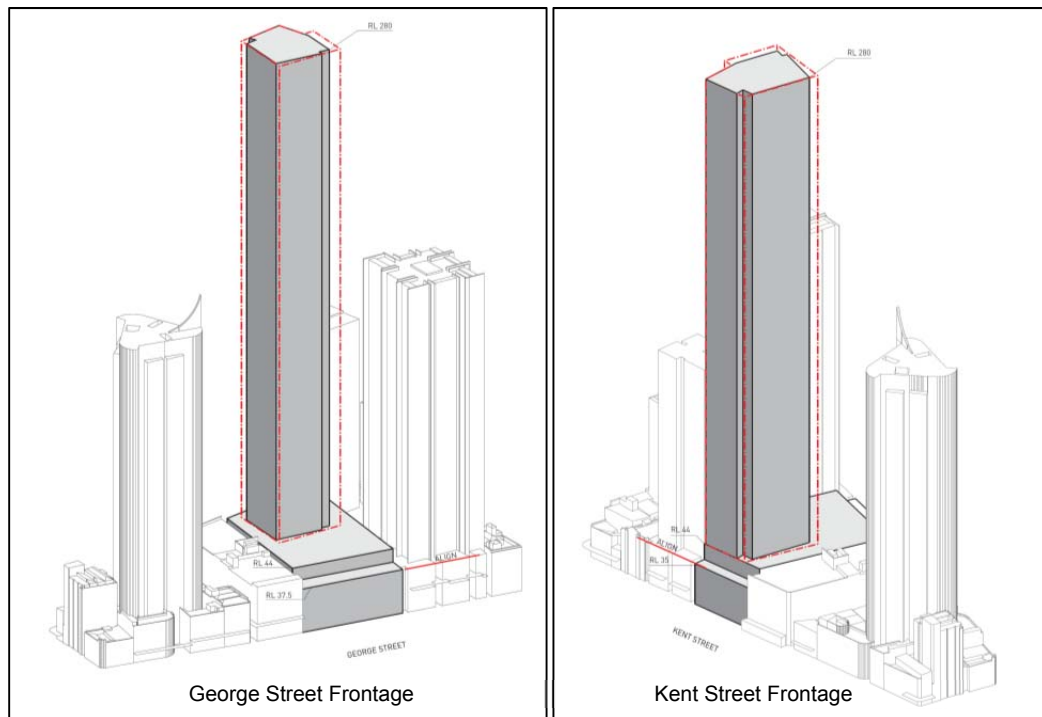


Figure 10 – Built Form Envelope (shown in red outline) and Indicative Massing (shown solid)

**Planning Proposal – Proposed Amendments to SLEP2012**

31. To enable the development of a residential tower described above it is proposed to amend SLEP2012 by way of a formal planning proposal process. The planning proposal is at **Attachment A** and proposes to insert a number of amending clauses that will apply exclusively to development on site. The key proposed amendment is to allow a maximum building height, above what may be currently permitted in SLEP2012, if certain public benefits are provided.
32. Specifically, the alternative controls may permit a building height of up to 260 metres, but only if the following community uses are provided as part of development on the site:
  - (a) child care centre(s);
  - (b) community meeting room(s); and
  - (c) toilets available for use by the general public.
33. If one or more child care centres are provided by development on the site, the gross floor area of the child care centre will have the effect of not being counted as floor space. That is, a building may exceed the floor space permissible under the provisions of SLEP2012 equal to the internal floor area of any child care centre. It is estimated that will equate to 1,600 square metres based on preliminary podium designs prepared by the proponent and their Voluntary Planning Agreement offer.
34. The site specific controls would form an ‘alternative’ planning regime. If the ‘alternative’ development controls are not taken up by a proponent, then a development proposal may still be submitted based on the existing controls in SLEP2012. For example, if the community uses listed above are not provided by a development, then the existing height control of 150 metres in SLEP2012 will apply. Also, if a child care centre is proposed under the existing controls, its floor space will be included in floor space calculations.
35. To ensure a mixed use podium comprising retail, commercial, entertainment, food and drink premises, etc, and to achieve an active ground plane, it is also proposed to limit residential uses to floor space above the top podium level.

**Proposed amendments to Sydney Development Control Plan 2012**

36. Site specific draft development control plan provisions have been prepared to provide further guidance to the proposed amendments to SLEP2012.
37. To give certainty as to the position and massing of a tower on the site, and ensure good amenity results, the draft DCP includes provisions relating to such matters as:
  - (a) building form and external appearance;
  - (b) tower location;
  - (c) bulk, massing and modulation of buildings;
  - (d) street frontage heights;

- (e) environmental impacts;
  - (f) requirements to minimise impacts on view corridors;
  - (g) vehicular access; and
  - (h) design excellence.
38. The key controls in the draft DCP are prescribed tower massing envelopes and podium design alternatives. The location of any residential tower on the site will need to comply with the envelope controls to achieve an acceptable relationship with other existing and proposed towers existing and proposed on neighbouring and/or nearby sites, and to ensure that the development potential of the adjoining site to the south at 525 George Street is not extinguished. The two podium design alternatives in the draft DCP show preferred configurations of floors and uses within the podium if a cinema use is retained, or for predominantly retail uses.
39. It is noted that the amendment to *Sydney Development Control Plan 2012 – 505-523 George Street*, shown at **Attachment B** to this report, is to be publicly exhibited in parallel with the Planning Proposal.

## KEY IMPLICATIONS

### Benefits of the alternative planning controls

40. The planning proposal and amendments to SLEP2012 provide a site specific framework which will provide a broad range of short and long term benefits to the City including: the provision of housing and employment floor space; the delivery of child care and other community facilities that respond to the City's needs; and a range of urban design benefits arising from a high quality building design appropriate to its context. These are discussed in detail in this section of the report.

### Planning Agreement

41. Section 93F(1)(a) of the *Environmental Planning and Assessment Act 1979* enables a proponent to provide a material public benefit through entering into an agreement with a planning authority. A Voluntary Planning Agreement is the legal mechanism for securing public benefits. Planning Agreements are voluntary and must be freely entered into by a planning authority and a proponent. They are also publicly exhibited and held on a publicly accessible register.
42. The City's position on Voluntary Planning Agreements is informed by the City's needs, as outlined in our strategic plans. Opportunities to enter into Voluntary Planning Agreements will continue to rise as the City changes and improves planning controls to meet its strategic aims.
43. The offer from the landowner, provided at **Attachment C**, outlines the public benefits that will be provided. The key commitments by the landowner are to:
- (a) transfer to the City a strata title of at least 2,600 square metres of internal and external floor space for child care facilities on the highest level of the building podium. The space will front George Street and be sufficient to accommodate two child care facilities, each having a capacity of 65 children; that is, 130 children capacity in aggregate. The City may operate the child care facilities, or engage a third party;

- (b) transfer to the City a strata title of at least 250 square metres of internal space on the highest level of the podium for meeting room facilities that are sufficient to accommodate 100 people, including a supporting storage room, 'ante space' and kitchenette, and access to an external terrace;
  - (c) provide for publicly accessible toilets on George Street to operate during podium trading hours; and
  - (d) in liaison with the City, commit to an environmental performance standard for the building tower above the minimum New South Wales BASIX requirements.
44. It is recommended a Voluntary Planning Agreement be prepared as the preferred mechanism to ensure that the public benefits mentioned above can be delivered by the planning controls applying to the site.
45. The detailed terms of the Voluntary Planning Agreement are yet to be finalised. A recommendation of this report requests that the Planning Agreement is publicly exhibited alongside the planning proposal and the draft amendment to SDCP2012.
46. It is noted that the above commitments are in addition to any required contribution required under Section 61 of the *City of Sydney Act 1988*.

#### **Key Public Benefit - Child Care Facilities**

47. The key public benefit arising from the new planning controls and the Voluntary Planning Agreement is the provision of on-site child care facilities within the building podium. Adequate supply of quality child care is a critical issue for the City. Resident and workforce population growth in the City of Sydney has resulted in increasing demand for child care places, and a growing gap between demand and supply.
48. According to the *City of Sydney Child Care Needs Analysis 2013*, the City saw an increase in the number of 0-5 year old resident children from 6,040 in 2006 to 7,348 in 2011. This population is forecast to grow to 12,946 by 2031. There has also been significant growth in the population of 0-2 year old resident children, of which there were 3,228 in 2011 – forecast to increase to 5,380 by 2031.
49. The 2013 analysis identifies a gap of 3,104 places within the Local Government Area and a range of strategies that could be used to meet this gap. These strategies include: direct provision; facilitating delivery of new centres by the private and not-for-profit sectors through strategic and statutory planning mechanisms; and advocacy with other levels of government.
50. 505-523 George Street falls within the "Chinatown & CBD South Village Group" in the analysis, which is identified in the study as the second highest locality of need in terms of child care places, with a gap of 400 places at the time of publication. The planning proposal provides an opportunity to significantly narrow the gap between the existing supply and the City's needs in the City Village Area.

51. The City has consulted with the proponent so that the future child care centre design integrates well with the building and responds to the City's needs and specifications. A preliminary draft design prepared by CO-AP Architects, on behalf of the proponent, provides approximately 1,600 square metres of internal space and 1,000 square metres of external space for two child care centres. The child care centres are in the design stage and detailed specifications will be finalised as part of Voluntary Planning Agreement discussions with the City.

### **Consideration of Environmental Impacts**

52. The planning proposal is informed by a number of detailed studies undertaken on behalf of the landowner. The studies are included as appendices to the planning proposal at **Attachment A** and will be publicly exhibited as supporting documentation. The studies are considered to provide a sound basis upon which to progress the planning proposal and draft DCP.
53. The key findings of these studies are described and evaluated below.

### **Overshadowing of nearby buildings**

54. The proponent has identified 14 residential buildings located to the south of the site and undertaken a shadow analysis assessing the impact of a massing tower envelope on these buildings. The analysis identifies the following eight buildings which are potentially overshadowed by a tower envelope during the Winter Solstice on June 21, and are shown in Figure 11 below:
- (a) 01: 537-551 George Street (Meriton Tower);
  - (b) 02: 569 George Street (Summit Apartments);
  - (c) 03: 361-363 Sussex Street (Regal Apartments);
  - (d) 04: 91-95 Liverpool Street (World Tower);
  - (e) 05: 391 Pitt Street (Above Rydges Hotel);
  - (f) 06: 710-720 George Street (Inmark Tower);
  - (g) 11: 533-539 Kent Street (Meriton House); and
  - (h) 13: 352 Sussex Street (Landmark Apartment).

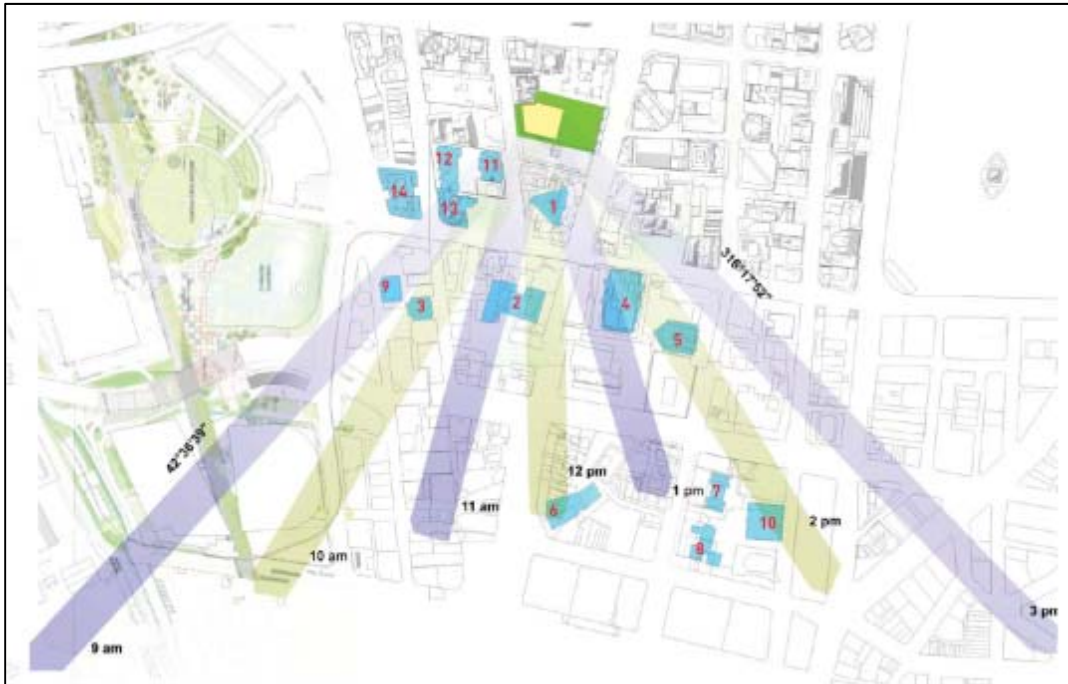


Figure 11 – Shadow projections of massing envelope

55. In summary, the key findings of the shadow analysis are:
- (a) the proposed envelope will partly overshadow existing residential buildings 1, 2, 3, 6, 11 and 13 between the hours of 10am and 12pm. The shadow is fast moving and allows the buildings to receive daylight exposure in the afternoon and keep its current minimum of two hours of direct sunlight;
  - (b) the envelope partly overshadows existing residential buildings 1, 4 and 5 between the hours of 1pm and 2pm. The shadow is fast moving and allows the buildings to continue daylight exposure in the morning and late afternoon and keep its current minimum of two hours of direct sunlight; and
  - (c) the potentially overshadowed buildings will retain two or more hours of solar access on June 21, in compliance with the solar access requirements of SDCP2012.

#### Overshadowing of the public domain

56. The majority of the streets are already in shadow on June 21 and, as such, the proposal does not have any significant impact on the public domain to the south.
57. The proposal does create some additional shadowing impacts on the ground plane during the equinox of 21 March to 23 September. However, the key area affected is the Chinese Gardens in Darling Harbour which is only affected for about 30 minutes between 9am and 10am. This is during a low-usage period of the day and the Gardens receive significant sunlight throughout the rest of the day.
58. Due to the setback of a single tower from the eastern boundary of the site, overshadowing and daylight access on George Street is improved when compared to a complying two tower scheme.



59. No public places subject to ‘no additional overshadowing’ provisions in SLEP2012 will be affected.

**Overshadowing of ‘The Haymarket’**

60. The Haymarket Precinct is to be developed in the location of the former Sydney Entertainment Centre. It will comprise a mixed use development around a network of streets, lanes and open space. A key recommendation of the Design Advisory Panel in December 2013 was to ensure there would be no midwinter overshadowing impacts to the new public square which is proposed to be located centrally within the Haymarket Development.
61. Figure 12 below shows the overshadowing of Haymarket Square between 9am and 10am on June 21. Haymarket Square is outlined in blue.
62. This square is in shadow at 9am on June 21. While the 9am shadow reaches the Haymarket Precinct, it has little impact on Haymarket Square, due to the overshadowing caused by its own or proposed buildings. Consequently, the development remains unaffected by the proposal, as the shadow cast by the proposed envelope falls within existing shadows and has moved away from the development by 10am. The Haymarket Precinct is unaffected by the proposal during the equinox.



Figure 12 –Winter Solstice (June 21) Shadow at the Haymarket (9am on left, 10am on right)

### Privacy and Building Separation

63. The permissible building envelope in the draft DCP controls provides a 9m setback to the primary northern boundary, which is a departure from the minimum 12m setback suggested in the RFDC. It is noted that the Lumiere development is setback only 6.8m from its southern boundary, thereby creating a combined separation distance of 15.8m.
64. While this is less than that recommended by the RFDC, the proposal is considered acceptable due to the fact that the two towers will be offset from one another, thereby avoiding direct overlooking. It would also be unreasonable to require any increase in this setback, given that the deficiency is caused by the non-compliant setback provided by Lumiere.
65. A 9 metre setback is provided to the southern boundary. While not complying with the minimum separation distance recommended by the RFDC, the proposal can achieve an acceptable level of privacy for the following reasons:
  - (a) the layout of a future tower can be designed such that the apartments are primarily orientated to the east, north and west to take advantage of the solar access, and apartments should not have a single aspect to the south;
  - (b) if 525 George Street were to be redeveloped, a tower component would most likely be positioned closer towards George Street where it would achieve better solar access and be better positioned within the context of the surrounding towers; and
  - (c) a setback of 1m is proposed to the common boundary with Frasers Suites. This is proposed as it is equal to the setback of the Frasers Suites Building. No privacy issues arise from the proposed setback, as the building has a blank façade to the side boundary.

### Skyline Analysis

66. A 260 metre tower would provide a graduation of height from World Tower up to the recently approved 'Greenland' tower at 115 Bathurst Street, and can make a positive contribution to the skyline by potentially acting as a future landmark. The proposed height of the tower would sit comfortably within the context of existing buildings within the southern portion of the CBD and does not penetrate any sun access planes.
67. Figure 13 shows the massing envelope within the context of existing surrounding buildings as viewed from the south. It is noted that the maximum tower height on the site is RL279.3 metres compared to RL260 metres for 115 Bathurst Street.

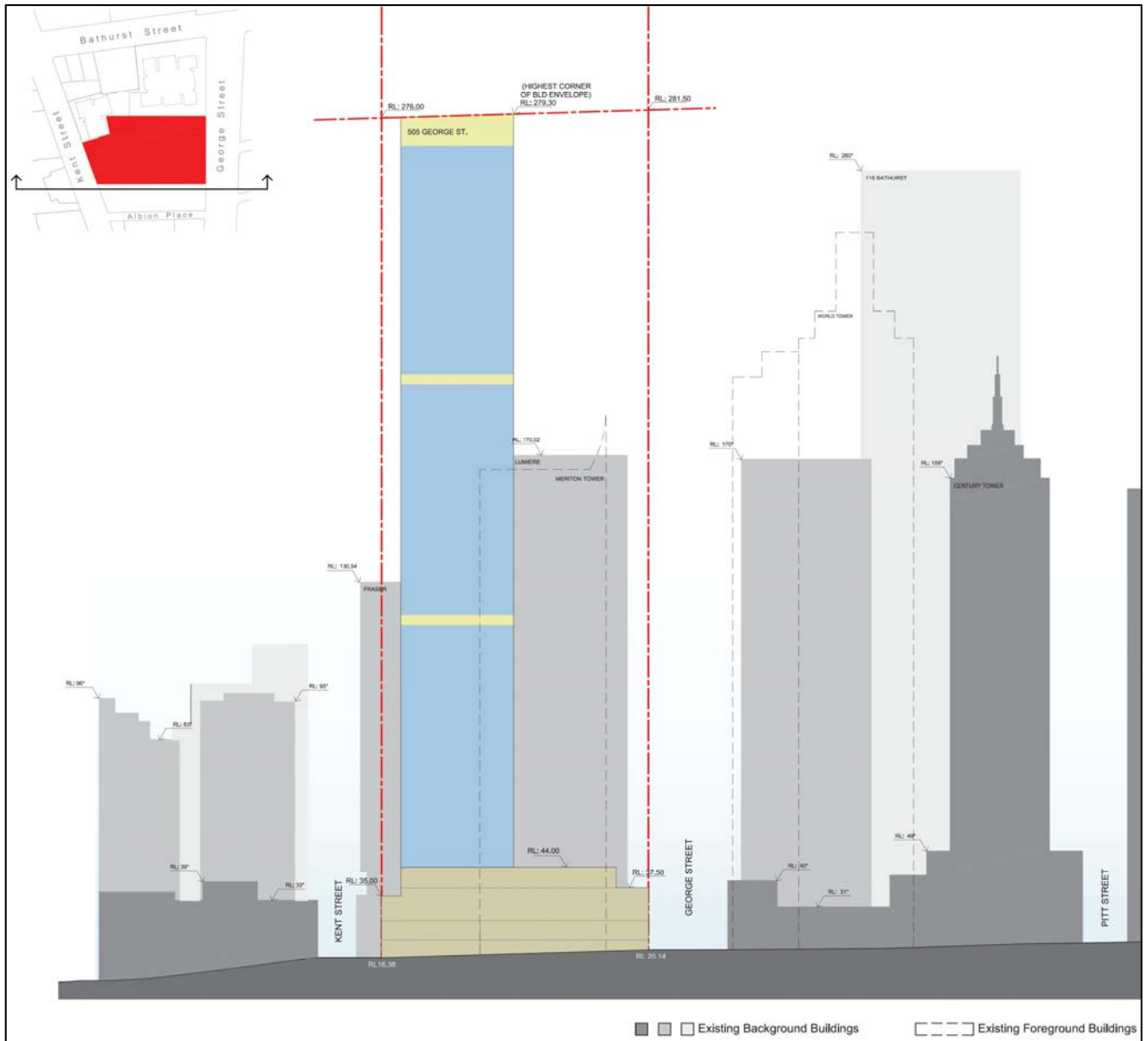


Figure 13 – South Elevation showing height of nearby buildings

**View Corridors**

68. The proponent has undertaken a detailed view corridor analysis from various vantage points in and about the Sydney CBD. The images in this analysis show that the proposal will be seen from some key vantage points. Although the tower development will have some impacts, the building will generally sit comfortably within the skyline of the southern CBD and will be read in the context of the existing towers, including World Square, and the soon to be built residential tower at 115 Bathurst Street. The impact on the corridor along George Street is discussed below in the ‘Heritage’ section of this report. The detailed corridor analysis is included in Appendix A to the Planning Proposal at **Attachment A**.

**View Impacts to nearby residential buildings**

69. The three diagrams in Figures 14-16 below are extracted from a view impact study prepared by the proponent showing the view impacts to three nearby residential towers 100 metres above ground. The diagrams compare the view impacts for the following two development scenarios: a potential complying envelope, that is, a twin tower arrangement; and the impacts from a massing envelope and indicative tower permitted by the new planning controls.

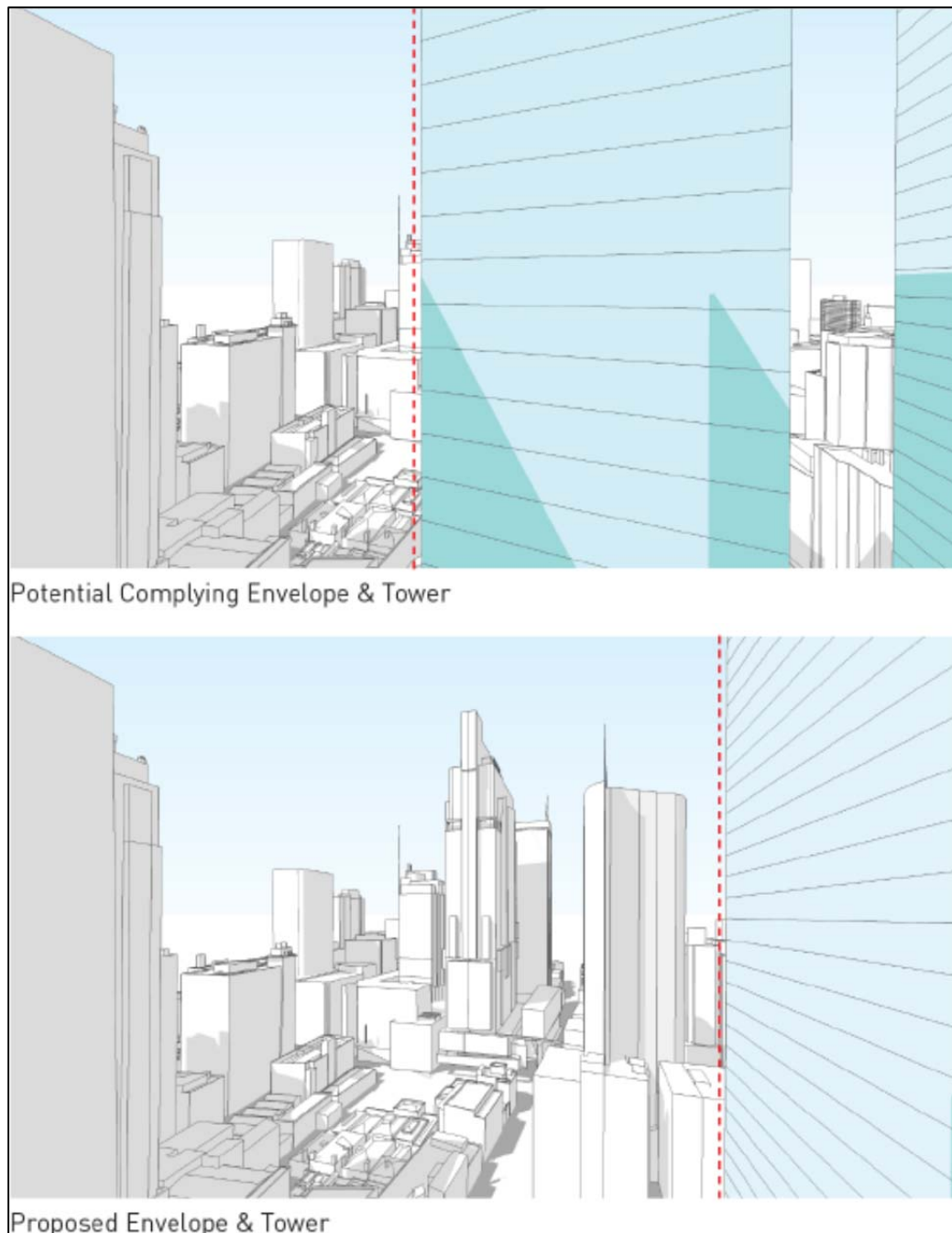


Figure 14 – View from Lumiere looking south

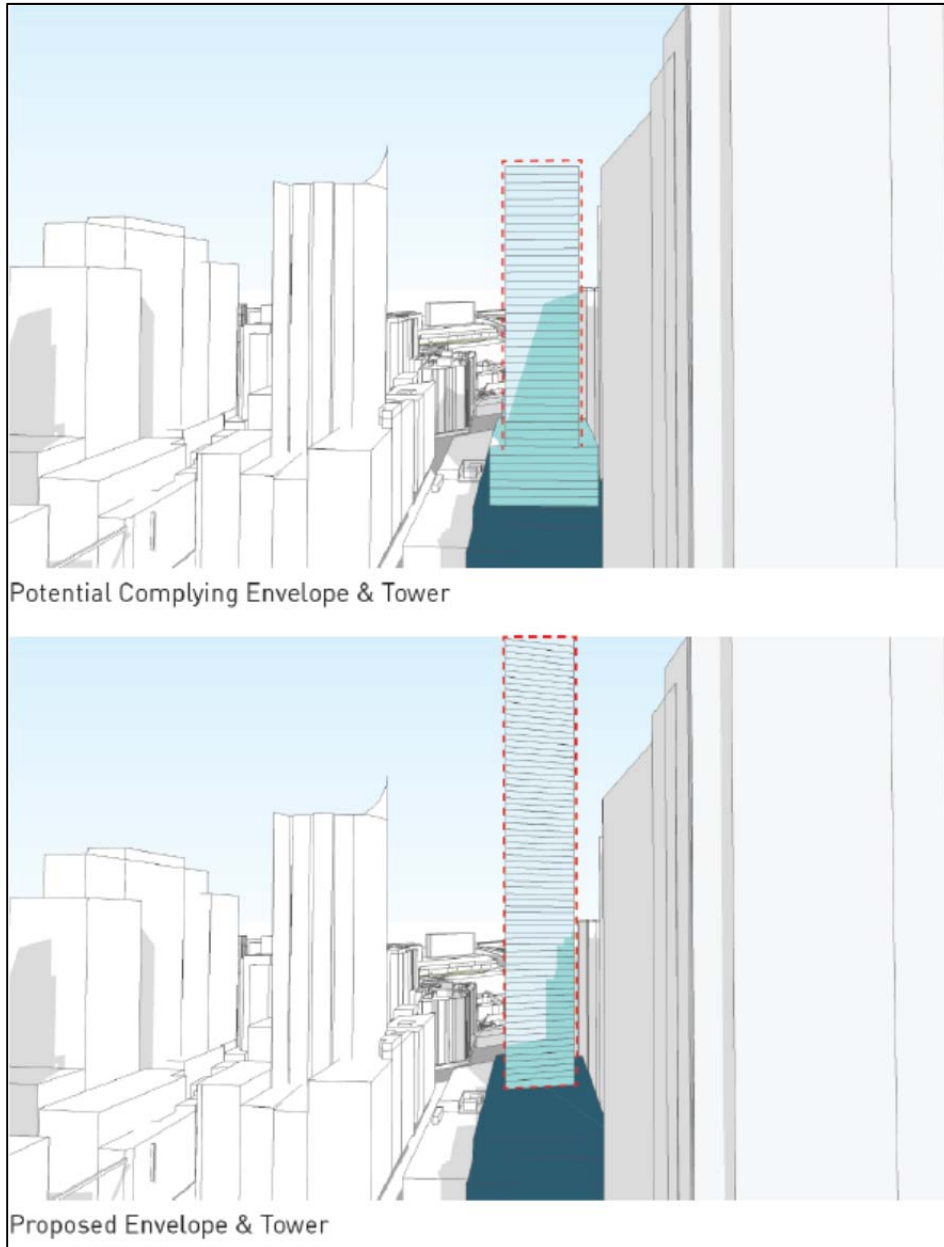


Figure 15 – View from Century Tower looking west

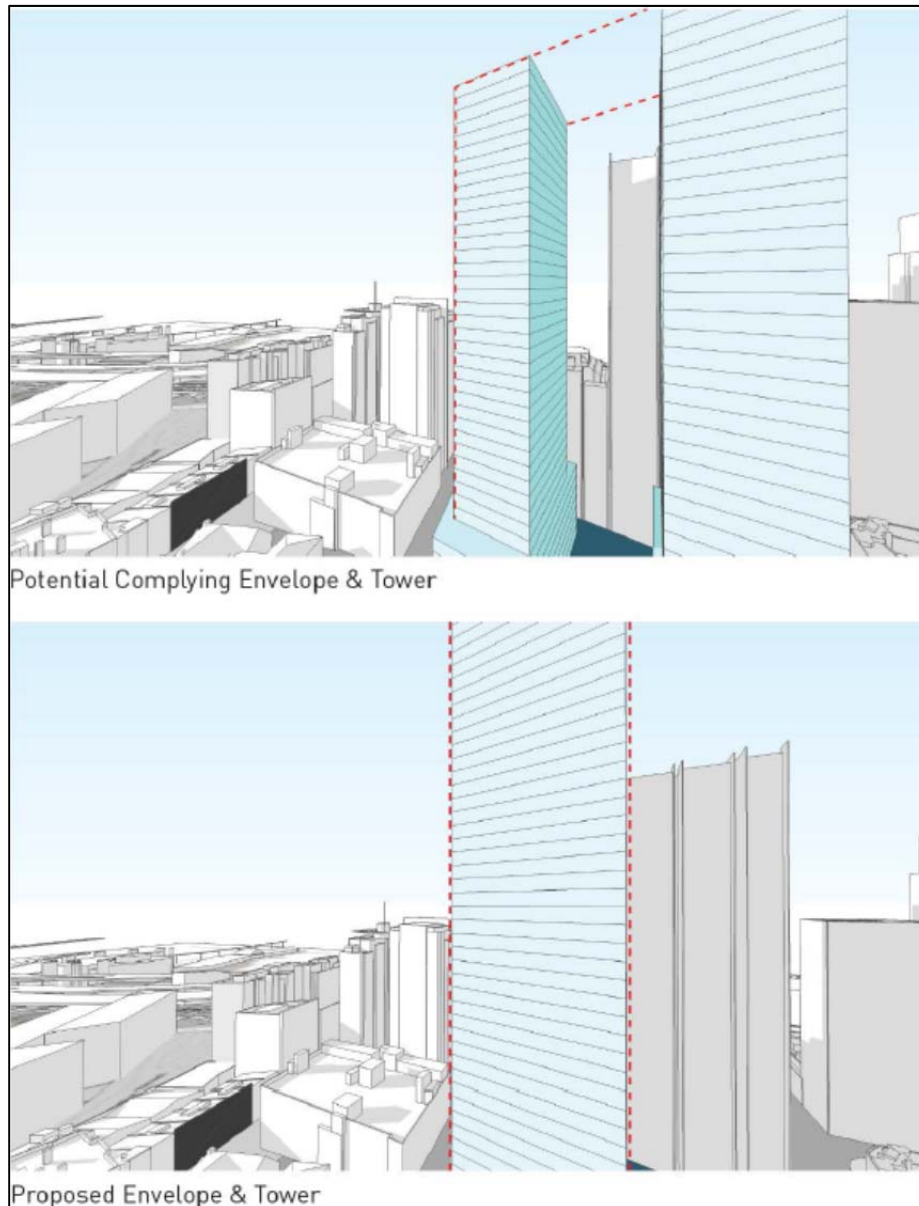


Figure 16 - View from Meriton Tower looking north

70. The additional proposed height will not result in any additional view loss compared to a complying 150 metre twin tower scheme, nor does it obscure any important views. The view analysis shows that the positioning and width of the tower is more important.
71. Compared to an envelope that may be achieved under the existing height control, the proposed scheme results in a significantly better outcome in terms of view impacts for the south facing residents of Lumiere, and a minor improvement for the occupants of Century Tower.

### Wind Assessment

72. The proponent has commissioned an independent review of the proposed building envelope to assess the potential wind impacts of the development. The review by Cermak Peterka Petersen (CPP) assessed that the wind conditions at pedestrian level would be similar to those experienced in this part of the city, with slightly windier conditions expected along sections of Kent Street for certain wind directions, but calmer for others.
73. The CPP review finds that pedestrian environment is expected to be suitable for pedestrian standing or walking from a comfort perspective. The conclusions of the CPP review will be further considered through detailed environmental wind tunnel testing as part of the preparation of a development application. Ideally, there will be no increase in wind impacts felt by pedestrians at the ground plane of George and Kent Streets.

### Sustainability

74. Crone Partners was engaged by the proponent to prepare a sustainability strategy report. The report outlines a commitment to a range of sustainability initiatives throughout the development process to reduce the overall environmental impact, while also providing a high level of internal environmental quality.
75. The City has advised the proponent that the residential component of a building on the site should aim to exceed minimum BASIX water and energy targets in the order of 50%. The proponent considers that exceeding the minimum BASIX requirements is difficult to achieve as building height is increased, and that for a “super high” residential tower minimum BASIX compliance is an appropriate benchmark to try and improve on.
76. The Voluntary Planning Agreement letter of offer from the proponent includes a commitment to achieve an environmental performance standard for the tower that exceeds the minimum BASIX requirements. There is also commitment from the proponent to provide the City with a detailed report setting out:
  - (a) analysis of international best practice for building of similar scale, use, constraints and nature;
  - (b) the environmental opportunities explored for this development; and
  - (c) the environmental initiatives proposed to be incorporated into the development.
77. This will provide valuable information to the City as a case study for sustainability in the super tall residential buildings. Currently, the City is developing sustainability strategies which will have specific actions to ensure that overall greenhouse gas reduction targets are achieved. The Multi-Dwelling Unit strategy will include actions to drive energy efficiency. In this context, the City of Sydney is investigating what may be feasible and cost effective BASIX energy targets for new-build multi-dwelling units, both today and in 2030, including high, mid and low-rise building forms.

78. As the design development process progresses for the tower building, including an architectural design competition and subsequent development application, the proponent will be strongly encouraged to further explore ways that development can contribute to the City's environmental performance goals and targets.

### Heritage

79. The existing building at 505-523 George Street is not listed as a heritage item. However, a number of heritage items listed under the SLEP2012 are located in proximity to the site, as well as the Town Hall Special Character Area. Urbis has reviewed the impact of the proposal on the surrounding heritage items on behalf of the proponent.
80. Urbis consider that the additional height will have no further impact on the heritage items which are already located within an area of multistorey development. The precinct is diverse and retention of a consistent streetscape podium further mitigates impacts and presents a more relatable scale for the heritage items.
81. The proposal is also considered by Urbis to likely improve the immediate contribution of the site to the George and Kent Street streetscapes and has no significant impact on identified significant views or vistas to heritage items or special character areas in the vicinity.
82. Urbis's conclusions regarding overall heritage impacts are generally considered to be sound. However, the potential impacts of a tall tower on the view corridors looking south down George Street and York Street will need to be appropriately addressed by a future development proposal.
83. Looking down George Street, a tall tower on this site is likely to affect views to the Town Hall clock tower and the multi dome roof-scape of the Queen Victoria Building from various points and detract from the vista which terminates at Town Hall. A tower that complies with existing controls is likely to have a lesser impact. Figures 17 and 18 below show the massing envelope viewed looking south towards Town Hall from the corner of Bathurst and George Streets and looking south down York Street.



Figure 17 – view of massing envelope looking south from corner of Bathurst and George Street





Figure 18 – view of massing envelope looking south down York Street

84. To alleviate concerns regarding the visual impact on heritage buildings and Town Hall Square, provisions have been included in the draft DCP which will require that the north facing façade of a residential tower is treated appropriately, and development is to address impacts through suitable materials and building articulation. Ideally, the design language of the tower should be androgynous like its neighbour, the Lumière building, and it should be of appropriate civic nature within its context.

### Traffic and Transport

85. GTA Consultants has reviewed the traffic and parking impacts of the indicative scheme on behalf of the proponent to determine the likely impacts of a future residential/mixed use scheme on the site. The analysis assumes compliance with the parking rates specified in SLEP2012 based on the land use mix of the indicative scheme. The key conclusions of the GTA report, and the City's review of traffic and transport issues are:
- (a) the proposed retail and child care use is not expected to generate any significant volume of development traffic, given its location being in the Sydney CBD and its close proximity to good public transport services and other amenities;
  - (b) if traffic resulting from the cinema use were to be removed, this is likely to offset any additional traffic arising from the retail use; and
  - (c) surrounding intersections would continue to operate satisfactorily, with the exception of the Bathurst Street/Kent Street intersection which will reduce from an 'E' to an 'F' level of service. Accordingly, maintenance will be required.

86. The Planning Proposal does not propose amendments to the parking rates in SLEP2012. Consideration of appropriate parking rates will happen at the development application stage. The rates should be in line with Council requirements and should take into consideration the proximity of the site to public transport and existing car parking within the site.
87. Subject to further analysis to be conducted before a development application is submitted, the traffic impacts arising from the proposed redevelopment are acceptable and any impacts can be appropriately managed.

### **Environmental Assessment Conclusions**

88. In summary, the key benefits of a single tower development enabled by the planning proposal and draft DCP controls are:
  - (a) minimised view impacts to adjoining and nearby residential developments by way of creating a slim line tower;
  - (b) minimised overshadowing impacts by creating a long slender tower which will create a fast moving shadow, as opposed to two shorter, but wider, towers;
  - (c) creation of a high level of amenity for future occupants of the building in terms of solar access and privacy;
  - (d) a high level of privacy, due to tower separation;
  - (e) improved appearance of the site within the existing streetscape and tower forms, due to less crowding of towers and articulated urban form;
  - (f) a superior urban context on George Street due to the proposed tower setback;
  - (g) improved activation and safety at street level, particularly along Kent Street;
  - (h) better amenity in terms of privacy and solar access and increased likelihood of compliance with the rules of thumb contained in the RFDC;
  - (i) greater building separation is achieved along George Street and a more varied and less cluttered tower form within the broader city scape; and
  - (j) improved activation and safety at street level.

### **Strategic Alignment - Sustainable Sydney 2030 Vision**

89. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The planning proposal is aligned with the following SS2030 strategic directions and objectives:
  - (a) *Direction 1 - A Globally Competitive and Innovative City* - The proposal provides an innovative urban design solution that will provide new housing and employment opportunities. The investment into the site will help contribute to make Sydney attractive to global investors.

- (b) *Direction 2 - Provides a road map for the City to become A Leading Environmental Performer* - As described in the ESD strategy for the site, it is proposed that development on the site will include sustainable environmental features. The proponent will also be encouraged to further explore ways to exceed minimum BASIX requirements.
- (c) *Direction 3 - Integrated Transport for a Connected City* - The proposal will take advantage of the close proximity of two train stations and a significant number of high frequency bus routes. It will also support the new light rail link to be built out the front of the development in George Street. The proposal is also likely to have a reduced trip generation rate compared to a standard residential development, due to its central location and access to public transport.
- (d) *Direction 4 - A City for Walking and Cycling* - The development will provide cycle storage/ parking for residents and visitors, thus encouraging cycling within the City. The development, being in such close proximity to employment, services, shops and recreation facilities, is also likely to encourage a greater level of pedestrian activity as opposed to a normal residential development which would have a greater reliance on a private motor vehicle.
- (e) *Direction 5 - A Lively and Engaging City Centre* - The mix of uses on the site will continue to activate this section of George Street. New retail space and the residential lobby on Kent Street will also provide greater activation to that streetscape.
- (f) *Direction 6 - Vibrant Local Communities and Economies* - The proposal will expand the range of community facilities available in the area through the provision of child care facilities, public toilets and community meeting space.
- (g) *Direction 7 - A Cultural and Creative City* - The proposal will maintain a mix of uses on the site and is expected to enhance this section of George Street. Public art will also be provided within the development, thus supporting the local art community and providing new creative and cultural experiences within the development.
- (h) *Direction 8 - Housing for a Diverse Population* - The proposal will increase living opportunities in the Sydney CBD. A range of unit sizes and types will be provided, including adaptable apartments.
- (i) *Direction 9 - Sustainable Development, Renewal and Design* - The proposal will include a range of sustainable building features. The proposal is also consistent with the principle of Transit Orientated Development in that the new housing and employment are provided in a highly accessible location, thus reducing reliance on the private motor vehicle.
- (j) *Direction 10 - Implementation through Effective Governance and Partnerships* - The applicant has demonstrated a strong commitment to working with Council through the design development stage. It is expected that this consultation will continue throughout the Gateway process.

**BUDGET IMPLICATIONS**

90. In accordance with Council's Fees and Charges Schedule, a fee has been paid for an 'LEP Amendment: Major Application' for the consideration of the planning proposal and draft amendment to SDCP2012.

**RELEVANT LEGISLATION**

91. *Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and City of Sydney Act 1988.*

**CRITICAL DATES / TIME FRAMES****Planning Proposal Process**

92. Should Council and the Central Sydney Planning Committee endorse the attached planning proposal for exhibition and consultation, it would be forwarded to the Minister for Planning in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*. The Minister would then provide a Gateway determination, to either proceed, with or without variation, to consultation, or to resubmit the planning proposal.
93. The typical timeframes, once a Gateway determination has been made, are 21 days for public authority consultation and 28 days public exhibition. The Gateway would also determine the timeframe for the completion of the Local Environmental Plan amendment.
94. In relation to any future Voluntary Planning Agreement, Section 93F(1)(a) of the *Environmental Planning and Assessment Act 1979* enables a proponent to provide a material public benefit by entering into an agreement with the City. Section 93G(1) requires that a draft Voluntary Planning Agreement be publicly exhibited for at least 28 days and 93G(2) requires that, where possible, the Agreement be exhibited concurrent with any other publicly notifiable matters relating to the Agreement.
95. As the City and the proponent are not yet in a position to finalise the terms of a Voluntary Planning Agreement – required to legally capture the public benefit of the proposal – the recommendation requests that, upon receipt of a Gateway Determination from the Minister, the City prepare a Voluntary Planning Agreement ready for public exhibition alongside the draft Planning Proposal and draft Sydney Development Control Plan 2012 amendment.
96. Following public authority consultation and public exhibition, the outcomes will be reported to Council and the Central Sydney Planning Committee.

**Delegation of Minister's Plan Making Functions**

97. In October 2012, the Minister for Planning delegated plan-making functions to councils to improve the local plan-making process. In December 2012, Council resolved to accept the delegation.

98. Council needs to receive an authorisation on a case-by-case basis to exercise the delegation. The authorisation is given through the Gateway Process and may be for spot rezonings consistent with surrounding zones and matters of local significance. Exercising the delegation means a faster plan-making process with less involvement of the Department of Planning and Environment.
99. The report recommends Council seek authority to exercise the delegation of the Minister for Planning of all her functions under section 59 of the *Environmental Planning and Assessment Act 1979* to make the local environmental plan.

#### **PUBLIC CONSULTATION**

100. The public exhibition process for the planning proposal will be determined by the Minister for Planning. The public exhibition of the planning proposal and public exhibition of the amendment to SDCP2012 will happen at the same time. The consultation would take place in accordance with the requirements of:
  - (a) the Gateway determination made by the Minister for Planning under s.56 of the *Environmental Planning and Assessment Act 1979*;
  - (b) the *Environmental Planning and Assessment Regulation 2000*; and
  - (c) in relation to the planning agreement, section 93G(2) of the *Environmental Planning and Assessment Act 1979*.
101. This would most likely mean the public exhibition would be a minimum of 28 days, with notification:
  - (a) on the City of Sydney website;
  - (b) in newspapers that circulate widely in the City of Sydney Local Government Area; and
  - (c) in writing to the owners, adjoining and nearby landowners, relevant community groups and stakeholders, and the community in the immediate vicinity of the site.
102. Section 93G(1) of the *Environmental Planning and Assessment Act 1979* requires that a draft Voluntary Planning Agreement be publicly exhibited for at least 28 days and section 93G(2) requires that, where possible, the agreement be exhibited concurrent with any other publicly notifiable matters relating to the agreement.

#### **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

(Nicholas Knezevic, Specialist Planner)