

15 September 2022

At 5.00 pm

## **Central Sydney Planning Committee**

## Agenda

1. **Disclosures of Interest**
2. **Confirmation of Minutes**
3. **Matters Arising from the Minutes**
4. **Development Application: 372-382A Pitt Street, Sydney - D/2021/1504**
5. **Public Exhibition - Planning Proposal - Sydney Metro West Hunter Street Station Sites, Sydney - Sydney Local Environmental Plan 2012 Amendment**
6. **Public Exhibition - Planning Proposal - Heritage Floor Space Amendment - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**
7. **Approved Variations to Development Standards Reported to the Department of Planning and Environment**

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1. Register to speak by calling Secretariat on 9265 9702 or emailing [secretariat@cityofsydney.nsw.gov.au](mailto:secretariat@cityofsydney.nsw.gov.au) before 10.00am on the day of the meeting.
2. Check the recommendation in the committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each Central Sydney Planning Committee meeting, the Chair may reorder agenda items so that those items with speakers can be dealt with first.

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## Item 1.

### Disclosures of Interest

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Members of the Central Sydney Planning Committee are required to disclose pecuniary interests in any matter on the agenda for this meeting.

Member of the Central Sydney Planning Committee are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting.

This will include receipt of reportable political donations over the previous four years.

In both cases, the nature of the interest must be disclosed.

Written disclosures of interest received by the Chief Executive Officer in relation to items for consideration at this meeting will be laid on the table.

### Local Government and Planning Legislation Amendment (Political Donations) Act 2008

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 ("the Act") requires the disclosure of relevant political donations or gifts when planning or development applications are made to minimise any perception of undue influence. The amendments to the Act require disclosure to the Electoral Funding Authority of:

- a **reportable political donation** as defined in the Election Funding and Disclosures Act 1981 (a donation of \$1000 or more made to or for the benefit of the party, elected member, group or candidate or made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor), or
- a **gift** (as defined in the Election Funding and Disclosures Act 1981) to any local councillor or council employee (and includes a disposition of property or a gift of money or the provision of other valuable or service for no consideration or for inadequate consideration) when a relevant planning application is made to a council.

A donation of less than \$1000 can be a reportable political donation if the aggregated total of such donations was made by an entity or person to the same party, elected member, group or candidate or person.



## **Item 2.**

### **Confirmation of Minutes**

Minutes of the following meeting of the Central Sydney Planning Committee are submitted for confirmation:

Meeting of 18 August 2022

### **Item 3.**

#### **Matters arising from the Minutes**

Matters arising from the minutes of the Central Sydney Planning Committee of 18 August 2022.

**Item 4.****Development Application: 372-382A Pitt Street, Sydney - D/2021/1504****File No.: D/2021/1504****Summary**

<b>Date of Submission:</b>	23 December 2021, amended 5 July 2022
<b>Applicant:</b>	ICD Property and Belingbak
<b>Architect/Designer:</b>	Woods Bagot
<b>Developer:</b>	Belingbak Capital Partners Pty Ltd
<b>Owner:</b>	D F Hofbauer (372B Pitt St (Carruthers Place)) K S Chan and S K Fan (372-374 Pitt Street) Progress Enterprises (376 Pitt Street) Vinny Pty Ltd (378 Pitt Street) Kospetas Property Group No 1 Pty Ltd (380 Pitt Street) Universal Hospitality Group Pty Ltd (382 Pitt Street) Progress Enterprises Pty Ltd (382A Pitt Street)
<b>Planning Consultant:</b>	Urbis
<b>Heritage Consultant:</b>	Urbis
<b>DAP:</b>	24 March 2022
<b>Cost of Works:</b>	\$162,916,000
<b>Zoning:</b>	The site is within the B8 Metropolitan Centre zone. The proposed indicative uses as hotel, residential and commercial are permitted with consent in the zone.

**Proposal Summary:**

The application is a concept proposal for in-principle approval comprising:

- Partial demolition of the existing commercial terraces, and excavation of up to three basement levels for parking, loading, storage, plant and services.
- Indicative envelope of a 59-storey building with a mix of hotel, retail and residential land uses. The indicative future land uses consist of hotel and ancillary retail to the hotel use within the podium and tower, and residential land uses within the tower.

The indicative scheme submitted with the application shows that approximately 303 hotel rooms and 34 apartments could be accommodated in the proposed envelope.

The proposed envelope complies with maximum height determined by the Belmore Park Sun Access Plane pursuant to Clause 6.17 of Sydney LEP 2012.

A maximum Floor Space Ratio (FSR) of 13.98:1 is permitted under Clauses 4.4 and 6.4 of the Sydney LEP 2012, based on the proportions of the proposed mix of indicative uses. An additional 10% of FSR (1.39:1) is available for any subsequent detailed building design pursuant to Clause 6.21D of Sydney LEP 2012, resulting from a design competition process, and demonstrating design excellence. The indicative reference design demonstrates that the envelope is capable of accommodating the maximum permitted Gross Floor Area (GFA).

A competitive design process is proposed prior to the lodgement of a detailed design development application. This will seek up to an additional 10% FSR.

The proposal was amended on 5 July 2022 to address concerns raised by the City's Design Advisory Panel and Council staff. These concerns related to heritage impacts to adjacent local heritage items, meaningful retention of existing terraces, building separation and setbacks, wind impacts, infill of 372 Pitt Street, compliance with the State Environmental Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG), the design excellence and public art strategies, Ecologically Sustainable Development (ESD) targets, transport, traffic and servicing, and creation of an easement for fire egress for the benefit of the neighbouring The Chambers building to the north.

The original proposal was notified and advertised for a period between 4 January 2022 and 8 February 2022, there were a total of seven unique submissions received. The submissions raised issues relating to the in-principle demolition of the existing terraces, proposed building height, amenity impacts, traffic congestion, privacy, overshadowing and the street interface.

The amended proposal was renotified between 8 July 2022 and 6 August 2022. Two submissions were received, of which one submission was in support and the other partial support providing further comments on the retention and reinstatement of the existing terraces.

As a result of the design modifications made to the concept design and subject to conditions, the amended proposal presents an improved outcome and comprises a satisfactory response to the site conditions and locality. It is generally acceptable with regard to the relevant planning controls, and results in a form and scale that achieves the desired future character of the area.

This application has been referred to the Central Sydney Planning Committee for determination as the proposal is 'major development' for the purposes of the City of Sydney Act 1988.

**Summary Recommendation:** The development application is recommended for deferred commencement approval.

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) Environmental Planning and Assessment Regulation 2000
- (iii) City of Sydney Act 1988
- (iv) Roads Act 1993
- (v) State Environmental Planning Policy (Resilience and Hazards) 2021
- (vi) State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG)
- (vii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (viii) State Environmental Planning Policy (Transport and Infrastructure) 2021

- (ix) State Environmental Planning Policy (Biodiversity and Conservation) 2021
- (x) Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
- (xi) Sydney Development Control Plan 2012 (Sydney DCP 2012)
- (xii) City of Sydney Interim Floodplain Management Policy
- (xiii) City of Sydney Guidelines for Waste Management in New Developments (Waste Guidelines)
- (xiv) City of Sydney Public Art Policy
- (xv) City of Sydney Competitive Design Policy
- (xvi) City of Sydney Development Contributions Plan 2020

**Attachments:**

- A. Recommended Conditions of Consent
- B. Building Envelope Drawings
- C. Indicative Reference Design Drawings
- D. Design Excellence Strategy

## Recommendation

It is resolved that:

- (A) deferred commencement consent be granted to Development Application No. D/2021/1504 subject to the conditions set out in Attachment A to the subject report; and
- (B) the amended 'Design Excellence Strategy' for 372-382A Pitt Street, Sydney, prepared by Urbis and dated August 2022, as shown in Attachment D to the subject report, be approved pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy.

## Reasons for Recommendation

The application is recommended for deferred commencement approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposal is consistent with the objectives of the B8 Metropolitan Centre Zone.
- (D) The building envelope complies with the maximum height of buildings development standard in Clause 4.3 and 6.17 of the Sydney Local Environmental Plan 2012. The building envelope complies with the Belmore Park sun access plane.
- (E) The indicative reference design accompanying the application demonstrates that the envelope can accommodate a building which complies with the maximum floor space ratio development standard in Clause 4.4, including additional floor space pursuant to Clause 6.4 of the Sydney Local Environmental Plan 2012. The building envelope provides capacity for an additional 10% of floor space available under Clause 6.21D of the Sydney Local Environmental Plan 2012 for any subsequent detailed building design resulting from a design competition process and demonstrating design excellence.
- (F) The proposed development does not result in any adverse impacts on the adjacent local heritage items, including the Sydney Masonic Centre and Civic tower, Museum Towers, or Civic Hotel in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012. The proposal seeks meaningful retention of six out of the seven existing terraces (no heritage status), adaptive reuse and integration of the terraces into the development in keeping with Section 3.9 and 3.10 of the Sydney Development Control Plan 2012.

- (G) The indicative reference design accompanying the application demonstrates that the proposed development is generally consistent with the provisions of the State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG).
- (H) The proposed development has a height and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the height, separation, and setbacks of neighbouring developments, is appropriate in the streetscape context and broader locality.
- (I) The proposed development will provide a building envelope capable of accommodating a future building which can achieve acceptable amenity for future residents for solar access, natural ventilation, private open space and privacy.
- (J) The proposed building envelope can accommodate the proposed uses and does not result in any significant adverse environmental or amenity impacts on surrounding properties, the public domain and the broader Sydney Central Business District, subject to conditions on a subsequent future Stage 2 detailed design development application.
- (K) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City, the City's Design Advisory Panel, and the community, subject to recommended conditions included in Attachment A.



## Background

### The Site and Surrounding Development

1. The subject site comprises seven separate lots known as 372- 382A Pitt Street, Sydney. It has a legal description of Lot 3702 of DP 1124741 known as 372B Pitt Street (or Carruthers Place); Lot A and Lot B of DP 439550, known as 372-374 Pitt Street; Lot K of DP 107021 known as 376 Pitt Street; Lot J of DP 107021 known as 378 Pitt Street; Lot G of DP 107010 known as 380 Pitt Street; Lot E of DP 44348 known as 382 Pitt Street; and Lot 1 of DP 341987 known as 382A Pitt Street, Sydney.
2. The site is located in the Sydney Central Business District, directly to the east of World Square and west of the Sydney Masonic Centre. It is located on the eastern side of Pitt Street, near the intersection of Pitt Street and Goulburn Street. It is within a street block bounded by Castlereagh Street located to the east, Goulburn Street to the south and Liverpool Street to the north.
3. The site is irregular in shape with an area of 1,139.9sqm with a primary street frontage of 38.2m to Pitt Street and a depth ranging approximately 30-33m. There is a fall of approximately 2.1m from the rear to the front of the site.
4. The site is currently occupied by several 3-storey commercial terraces. The existing buildings are a rare surviving Federation era (Edwardian Free Classical) commercial terrace group within the Sydney CBD. The terraces at 372-374 Pitt Street were constructed in 1910 by architects Eaton and Bates (George Thomas Eaton and Albert Edmund Bates) and the remaining buildings at 376-382A Pitt Street were constructed c. 1910-1912. The existing buildings provide a consistent street frontage height of approximately 13.4m across six of the seven lots fronting Pitt Street.
5. Carruthers Place (372B Pitt Street) is a privately owned laneway which has a width of 2.425m to Pitt Street. Carruthers Place runs partially to the rear (at the north of the site) behind 372-374 Pitt Street. There are no rights of access easements burdening Carruthers Place.
6. There are a number of easements and rights of access affecting and benefitting the subject site. These include a right of footway and carriageway easement for support of bridge (now gone) and rights in respect to sewer pipes at 372-374 Pitt Street, and a shared vehicular right of way limited in height to 3.2m at 378 Pitt Street which provides restricted access from Goulburn Street.
7. In addition, the site is also subject to numerous easements and constraints below ground including existing easements for railway transit, and a Sydney Metro tunnel corridor. A Sydney Water wastewater trunk main pipe measuring 914mm x 1,371mm also dissects the site that runs diagonally from the eastern side (387-380 Pitt Street) to the north-west corner of the site (372B Pitt Street).
8. The site is located within the B8 Metropolitan Centre zone under the Sydney LEP 2012. It is located within the Central Sydney locality but not within a Special Character Area. Part of the site is located within a Tower Cluster area (372B, 372- 382 Pitt Street).

9. The existing buildings on site are not identified as heritage items, nor located within a heritage conservation area. The site is however adjacent to heritage items of local significance including, the 'Sydney Masonic Centre building podium' at 279-283 Castlereagh Street (I2283) immediately to the east, 'Former "American Tobacco Co" warehouse facade' at 267-277 Castlereagh Street (I1706) to the east, and the 'Civic Hotel including interior' at 386-388 Pitt Street (I1945) to the south.
10. The western side of Pitt Street is identified as being subject to flooding (low hazard). The subject site is however not identified as being subject to flooding.
11. The site is subject to Category D Public Transport accessibility level. It is highly accessible and located within walking distance to multiple public transport options including existing heavy rail train services (Museum, Town Hall and Central Stations), bus routes (along Liverpool, Castlereagh and Goulburn Streets), light rail (along George Street) and the future Sydney Metro (Pitt Street Metro Station).
12. The site is identified on the aerial photograph in Figures 1 and Figure 2. Figures 3 to 15 show the existing development on the site.



**Figure 1:** Aerial view of the site and surrounds



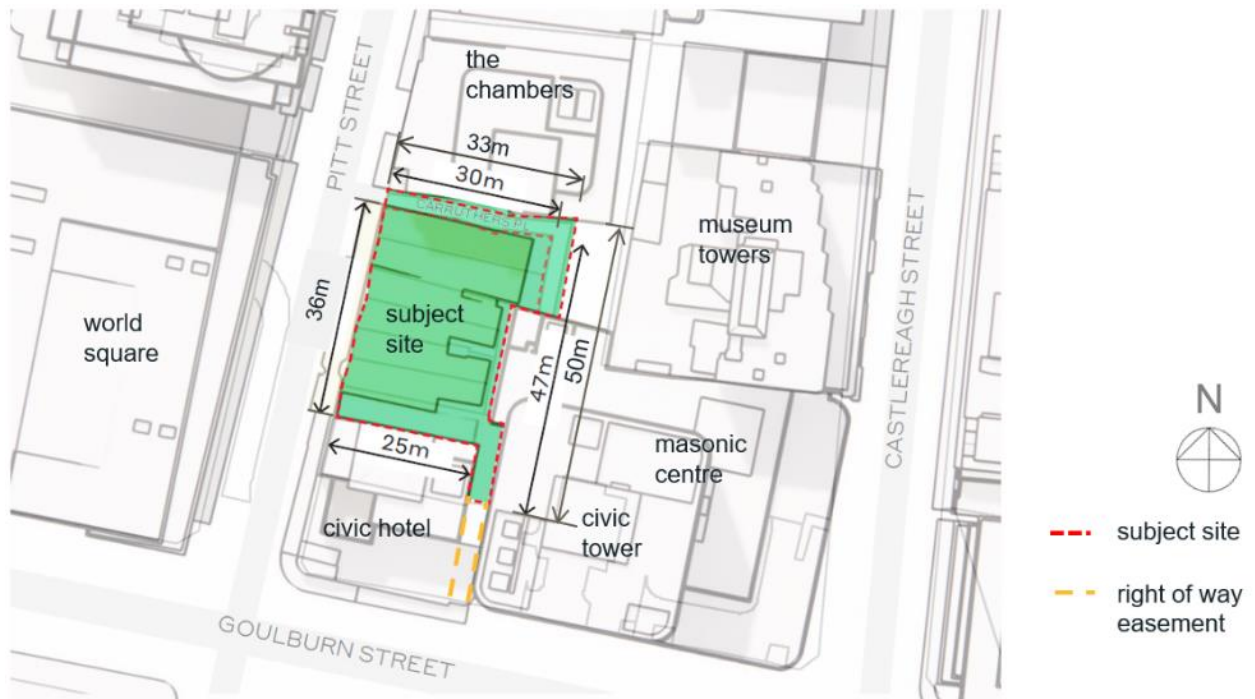


Figure 2: Locality map showing subject site and immediately surrounding developments

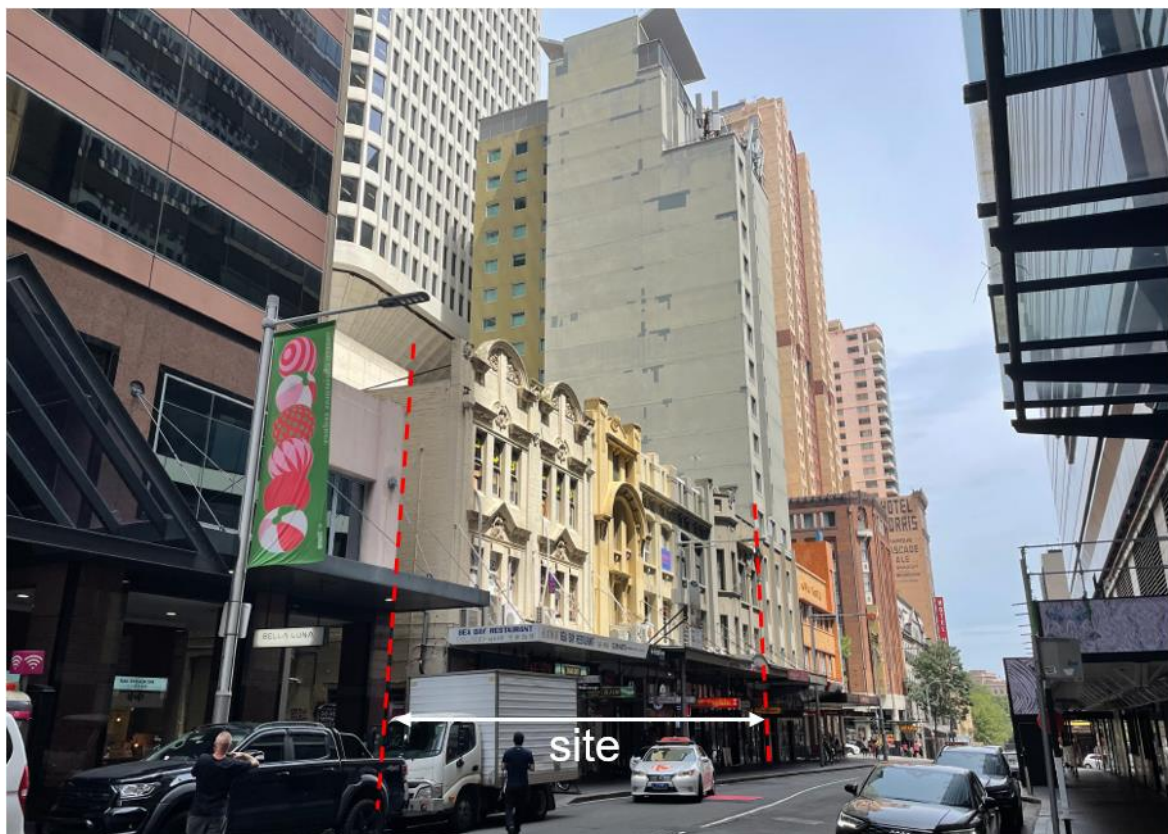


Figure 3: Site viewed from Pitt Street facing south towards Goulburn Street





**Figure 4:** Subject site viewed from Pitt Street facing south-east showing existing vehicular entry to Carruthers Place



**Figure 5:** Site viewed from Pitt Street facing north





Figure 6: Site viewed from Pitt Street footpath facing south towards Goulburn Street



Figure 7: Carruthers Place showing interface between The Chambers building at 362-370 Pitt Street (left) and 372-374 Pitt Street (right)



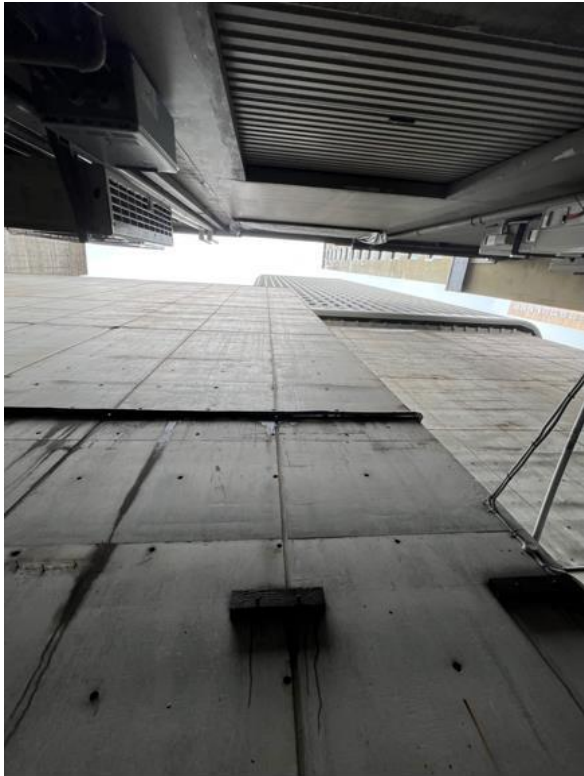


Figure 8: Carruthers Place rear facing east



Figures 9 and 10: Carruthers Place behind 372-374 Pitt Street including part of 362-370 Pitt Street





**Figures 11 and 12:** Site rear interface behind 382-382A Pitt Street, view to Masonic Centre and Civic tower (left) and Ibis hotel (right)



**Figures 13 and 14:** Site rear interface, viewed from behind 382-382A Pitt Street (left), and view of restricted vehicular right of way to Goulburn Street (right)



**Figure 15:** View of restricted vehicular right of way from Goulburn Street through Civic hotel facing north

### The Locality

13. The surrounding area is characterised by a mixture of commercial, residential retail, food and drink premises and tourist and visitor accommodation uses, with a wide range of built forms of varied architectural style and scale.
14. Immediately north of the site is a 17-storey commercial building known as 'The Chambers' at 362-370 Pitt Street. It contains 97 individual strata commercial office suites across 15 levels and two levels of strata retail spaces at the ground and upper ground levels. 362-370 Pitt Street is irregular in shape with an area of approximately 1,200sqm. It includes a left-over parcel of land between the rear of the subject site and Museum Towers. This parcel of land is currently used for car parking. There are no window boundary covenants or right of way easements burdening the subject site benefitting 362-370 Pitt Street.
15. Further to north are local heritage items known as the 'Former "Snow's Emporium" including interiors' at 127-131 Liverpool Street (I1853) and 350-360 Pitt Street (I1943).
16. Immediately south of the site is the 18-storey Ibis Sydney World Square hotel at 386 Pitt Street built in 2000. The northern elevation of the Ibis hotel presents a blank wall at nil setback to the site, north facing hotel room windows are setback 3m from the boundary. There are no window boundary covenants burdening the subject site benefitting 386 Pitt Street. Further south is the local heritage listed 3-storey Civic hotel at 388 Pitt Street, Sydney.



17. Immediately east of the site is a 35-storey mixed use building known as the Museum Towers at 267-277 Castlereagh Street, Sydney. The Museum Towers predominately comprises residential uses. The Museum Towers is identified as a local heritage item (I1706) known as the 'Former "American Tobacco Co" warehouse facade'.
18. Immediately south-east of the site is the local heritage listed Sydney Masonic Centre which comprises a 6-storey podium at 66 Goulburn Street and 24-storey Civic tower addition at 279-283 Castlereagh. The podium, built c.1979, is designed by Joseland and Gilling. The Civic tower was built in 2005, designed by PTW Architects to closely follow Joseland and Gilling's original intention for development of the site.
19. Further east of the site, across Castlereagh Street is the Downing Centre Courts and John Maddison tower. Downing Centre is located south-west of Museum Station and Hyde Park, north of Belmore Park and Central Station.
20. Immediately west of the site is the World Square complex, which is bound by George, Pitt and Goulburn and Liverpool Streets. There is a vehicular basement entry located on Pitt Street for the World Square complex in front of the site. To the south of World Square, across Goulburn Street is the local heritage listed 'CB Hotel including ground level shops, 1930 addition on Goulburn Street and interior' known as the Maloney's Hotel (I857).
21. A concept envelope for a new mixed-use tower to a height of 234m (RL 253.57) at 133-141 Liverpool Street was approved on 12 April 2020 (D/2018/1144) for indicative commercial and retail land uses in podium and residential accommodation in the tower. There are currently three applications at 133-141 Liverpool Street for the detailed design of the new tower.
22. Other residential developments within close proximity to the site include the 38-storey Miramar Apartments at 398 Pitt Street, 42-storey Aspect Tower at 2-4 Cunningham Street, and the 55-storey Hordern Towers at 393 Pitt Street.
23. Figures 16 to 24 shows the existing development in the vicinity.



**Figure 16:** Subject site viewed from Pitt Street facing east. Museum tower and Civic tower located to the rear of the site (east), Ibis hotel to the right (south) and The Chambers to the left (north).



**Figure 17:** The Chambers building (362-370 Pitt Street)





**Figure 18:** View to World Square complex and Hordern Towers (393 Pitt Street) opposite the site, facing north-west on Pitt Street



**Figure 19:** Site viewed from intersection of Pitt and Goulburn Streets showing surrounding local heritage items, Civic Hotel (11945) and Sydney Masonic Centre (12283) including Civic tower above





**Figure 20:** Goulburn Street restricted vehicular right of way marked with a red arrow



**Figure 21:** View to the site from intersection of Goulburn and Liverpool Streets showing surrounding local heritage items, Sydney Masonic Centre (I2283) and Museum Towers (I1706)

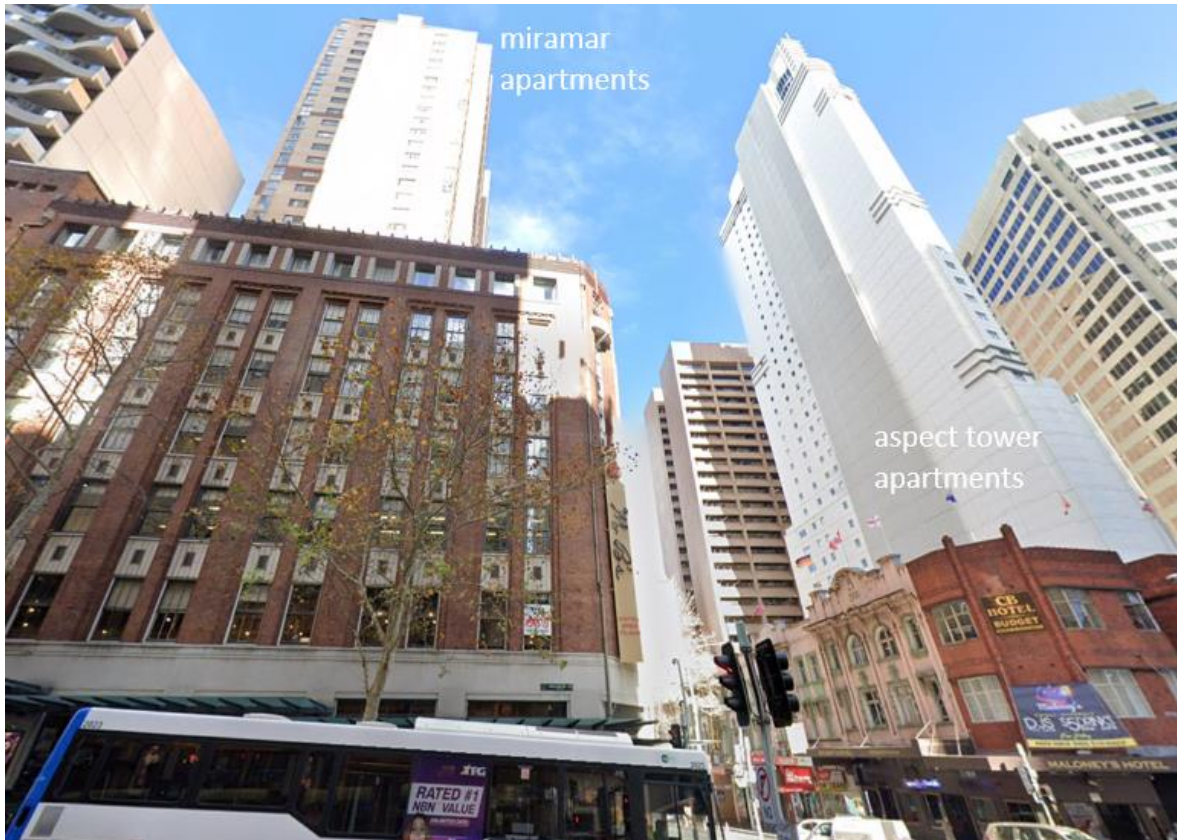


**Figure 22:** Museum Towers at 267-277 Castlereagh Street



**Figure 23:** Existing Commonwealth bank at 133-141 Liverpool Street, Sydney (proposed to be replaced with a new tower in accordance with concept approval D/2018/1144, and amendments subject to three applications currently being assessed)





**Figure 24:** View to the Miramar apartments at 398 Pitt Street and Aspect Tower apartments at 2-4 Cunningham Street, facing south on Goulburn Street

## History Relevant to the Development Application

### Development history of the subject site

24. The site has been the subject of numerous development applications, relevant consents are summarised below:
- (a) 372B Pitt Street (Carruthers Place)
    - Development consent D/2013/1049 was granted on 8 October 2013 for provision of 15 additional external seats to the rear of the courtyard of the existing café including installation of a new fence around the boundary of the external area.
  - (b) 372-374 Pitt Street
    - Development consent D/2021/1318 was granted on 1 February 2022 for the use and fit-out of level 2 as an unlicensed karaoke venue.
    - Development consent D/2014/794 was granted on 15 September 2014 for change of use of Level 1 and 2 for a hair and beauty salon on Level 1 including a Thai massage shop and an internet café on Level 2. Subsequent Section 4.55 applications A-I have been determined.

- Complying Development Certificate B/2012/18 was approved by the City as the Principal Certifying Authority on December 2012 for demolition of non structural mezzanine floor within existing shop on ground floor.
  - Development consent D/2000/71 was granted on 22 February 2000 for alterations to the shopfront install top hamper sign alter the under awning sign and use of the ground floor area as a hardware store.
- (c) 376 Pitt Street
- Development consent D/2020/672 was granted on 22 September 2020 for extension of trading hours for existing licensed restaurant.
  - Development consent D/2001/292 was granted on 31 May 2001 for alterations to the existing building including one under awning sign, altered shopfront, and internal alterations for use as a grocery store/ café.
- (d) 378 Pitt Street
- Development consent D/2009/269 was granted on 6 April 2009 for the use and fit out of the first floor as an eat-in and take-away restaurant including new partition walls, kitchen, mechanical ventilation system and two illuminated signs. Subsequent Section 4.55 applications A and B have been approved relating to the trading hours of the restaurant.
  - Development consent D/2003/1161 was granted on 6 November 2003 for alterations to the ground and mezzanine floor involving fit-out for use as a restaurant and to erect an under awning sign.
- (e) 380 Pitt Street
- Development consent D/2018/719 was granted on 30 July 2018 for the use of the first and second floor as a remedial massage shop.
- (f) 382 Pitt Street
- Development consent D/2004/1457 was granted on 24 November 2004 for the fit-out of levels 1 and 2 and use as offices.
  - Development consent D/2003/689 was granted on 36 November 2003 for the use ground floor tenancy as a retail liquor store and installation of one under awning sign to identify the liquor store. A subsequent S4.55 application D/2003/689/A was approved to amend trading hours.
  - Development consent D/2003/4 was granted on 5 February 2003 for alterations and additions to the building including new shopfront and stairs to rear laneway.
- (g) 382A Pitt Street
- Development consent D/2019/274 was granted on 5 June 2019 for change of use of 382A Pitt Street from sex on site premises (restricted premises) to sex services premises and associated alterations.



- Development consent D/2010/1895 was granted on 13 December 2010 for extension of hours of operation of the grocery store on ground floor.
- Development consent D/2008/1803 was granted on 3 December 2008 for the use and fit-out of Korean grocery shop.

### Pre-Development Application Advice

25. A pre-development application (Pre-DA) request for the subject proposal was received by Council officers on 20 September 2021, PDA/2021/268. A Pre-DA meeting was held between the applicant's consultant team and Council staff to discuss the proposed development on 19 October 2021.
26. It is noted that at the time of the Pre-DA, the subject site did not include Carruthers Lane (372B Pitt Street). The subject site area considered in the Pre-DA comprised six lots, 372-382A Pitt Street.
27. A vehicular access analysis was included in the Pre-DA package which explored four options to facilitate loading and servicing for the site (refer to Figure 25). These options included:
- (a) South Pitt Street Entry (new driveway at 380-382A Pitt Street)
  - (b) South Pitt Street and Laneway combination (new driveway at 380-382A Pitt Street and utilisation of the right of way accessible via Goulburn Street)
  - (c) North Pitt Street Entry (new driveway at 372-374 Pitt Street adjacent to Carruthers Place)
  - (d) Porte Cochere (creation of two driveway crossovers at 372 and 382A Pitt Street)
28. On 10 November 2021, the following advice was issued:
- (a) Built form and amenity
    - (i) Concerns were raised that the tower of this scale with proposed hotel and residential uses could not be successfully accommodated on the site unless significant compromises were made to the amenity of occupants of adjacent buildings and the proposed building itself, and without unacceptable impacts on the existing surrounding buildings curtilage.
    - (ii) Site configuration

The site (372-382A Pitt Street) may have an area of 1,024sqm, however this includes parts of the site that are not of a developable dimension. The developable site is more likely to be approximately 800-900sqm.
    - (iii) Location of the tower
      - (i) The nil northern and eastern boundary (rear) setbacks was not supported for hotel and apartment uses as it:
        - i. borrows amenity from adjoining sites.
        - ii. there is insufficient separation between habitable rooms and the rear boundary.

- iii. a lack of podium setback would increase downdraft wind impact to the common open space of the Museum apartments. A Wind Report confirming no adverse impacts would be required with a DA.
  - iv. Clause 5.1.1.3(7) of the DCP 2012 requires a minimum 2m setback zone for building maintenance units which must be included within the lot.
- (ii) The proposed tower footprint seeks a nil setback to the Carruthers Place boundary for a typical hotel floor plan, and 4m setback for a typical apartment floor plan. The indicative plans show a blank wall to the hotel rooms and balconies of apartments above. This arrangement was not considered acceptable as it borrows amenity from 362 Pitt Street and Carruthers Place.
- (iii) The proposal infills the 'gap' between towers when viewed from Pitt Street.
- (iv) The proposed 8m setback to Pitt Street is supported. Partial encroachment for the centre portion of the tower will be subject to future assessment.
- (iv) Heritage
- The existing buildings were built c.1910 and may have heritage significance. Early consideration is to be given to the significance of the terrace group, as well as on site servicing and any requirement for provision of a substation.
- (v) Loading and servicing
- Pitt Street is a pedestrian priority road as such, the introduction of new driveway crossings and vehicular entries on Pitt Street is not supported. Due to the site's location and constraints, minimal or 'zero' on-site car parking should be proposed. Shared use of Carruthers Place should be explored to provide adequate on-site servicing and waste collection. The concept of a porte cochere on Pitt Street and a new driveway crossing at 380-382A Pitt Street is also not supported given the proximity to the Pitt Street and Goulburn Street intersection and given it is opposite a basement driveway entry into World Square.

29. Pre-DA plans:

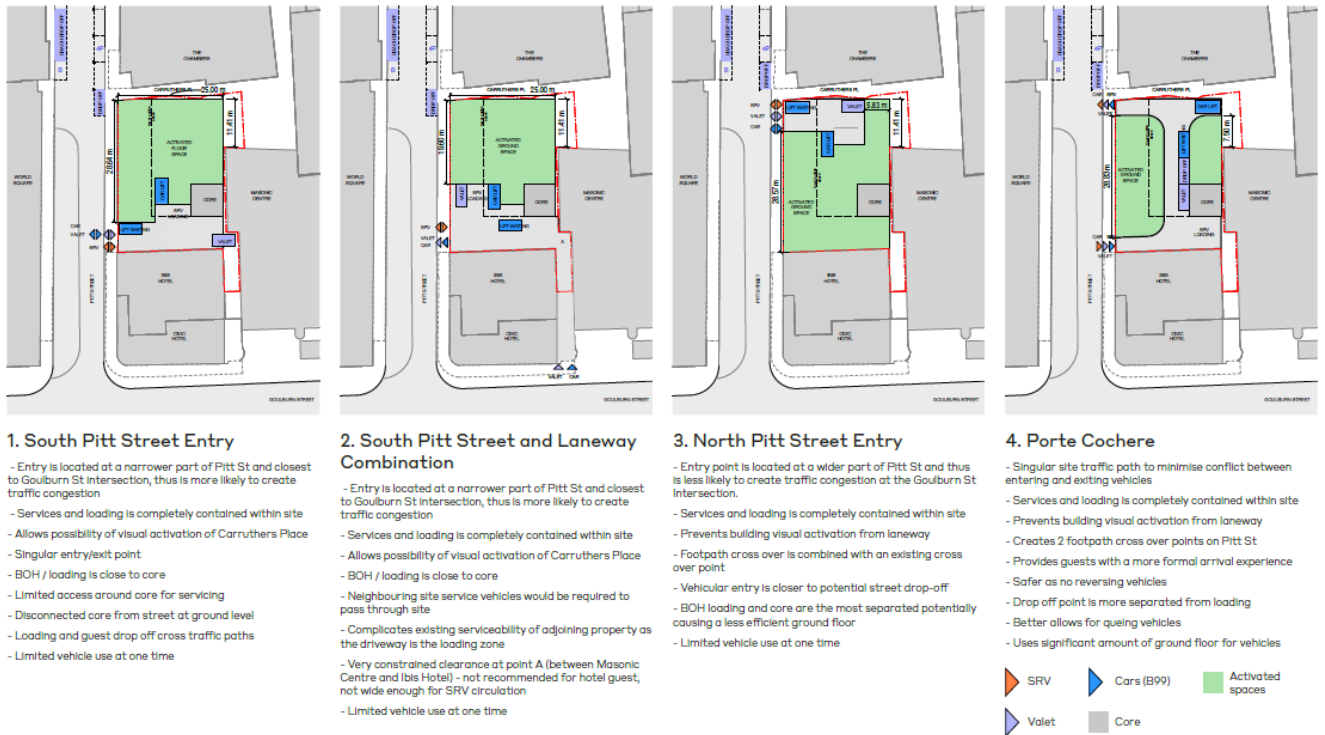
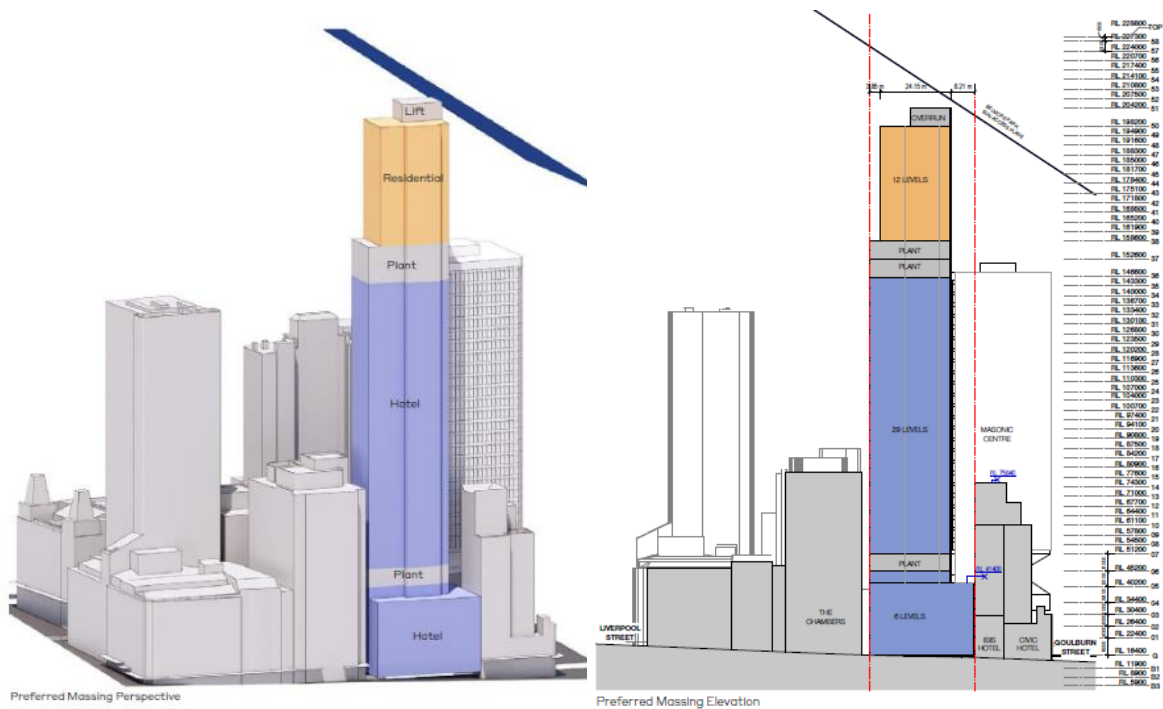


Figure 25: Pre-DA Vehicular Access Analysis



Figure 26: Pre-DA concept envelope



**Figure 27:** Pre-DA massing envelope - perspective (left), Pitt Street elevation (right)

30. A number of design iterations have been undertaken by the applicant to achieve an acceptable envelope. Refer to details under heading 'History of the Subject Development Application' below which shows revisions made to the proposal to address built form, amenity, location of the tower, heritage significance of the existing terrace group, loading and servicing. The aforementioned key issues that were raised at the time of the Pre-DA have since been addressed.

**Compliance Action**

31. The site is not subject to any current compliance action or investigations.

**History of the Subject Development Application**

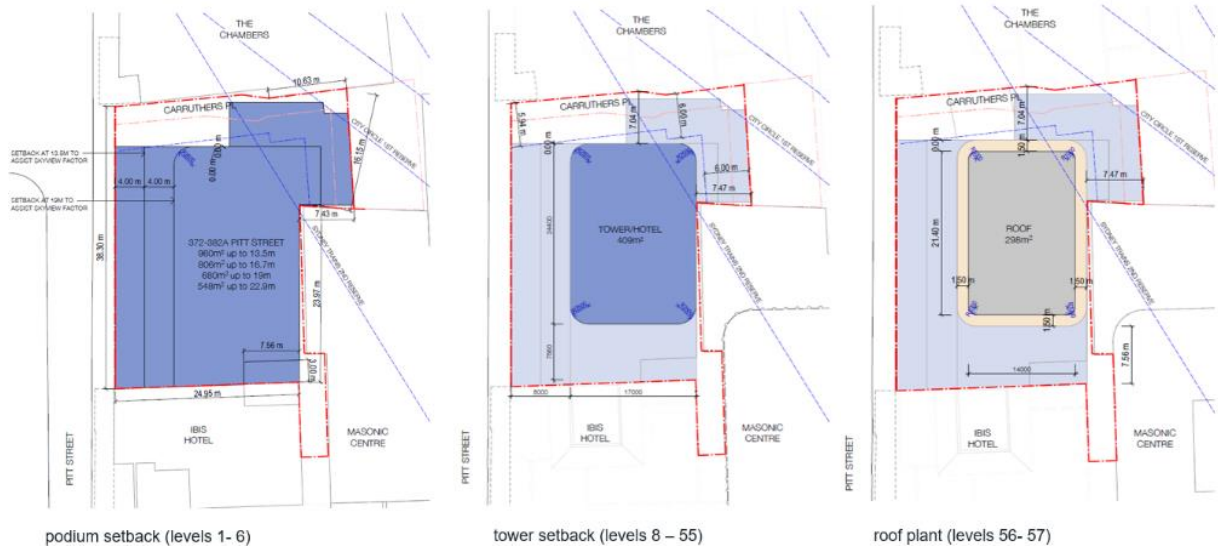
32. The subject application was received by the City on 23 December 2021. Selected plans of the original scheme are shown at Figures 28 to 31 below.
33. On 19 January 2022, a preliminary request for information was issued to the applicant for a revised base case and sky view factor (SVF) models to rectify discrepancies and exact measurements.
34. Working revisions of the base case and sky view factor models (un-finalised) was submitted by the applicant between 20 January 2022 and 16 February 2022.
35. A further preliminary request for information was made on 17 February 2022 for an updated Heritage Impact Statement (HIS) including a detailed building fabric investigation. An updated HIS was requested to provide additional information on the fabric and integrity of the existing terraces, investigation of the rear wings and assess the significance of Carruthers Place including areas behind the terraces.

36. On 1 March 2022, a site investigation was undertaken by Council officers including the City's Strategic Planning and Urban Design (SPUD) Heritage Planning Policy Specialists and Heritage and Urban Design units to investigate the integrity of remaining significant fabric at the site.
37. On 21 March 2022, the applicant submitted a revised HIS including detailed building fabric investigation in response to the request made on 17 February 2022.
38. The application was presented to the City's Design Advisory Panel (DAP) on 24 March 2022. The DAP commended the clarity and quality of the submitted documentation and proposed slender tower design. However, concerns were raised in relation to:
  - (a) the loss of the existing Edwardian Terraces and Sydney past building fabric;
  - (b) two step front setback profile to Pitt Street;
  - (c) insufficient rear setback; and
  - (d) insufficient separation to the Sydney Masonic Centre (Civic tower).
39. On 19 April 2022, a detailed request for additional information and amendments was made to the applicant to seek:
  - (a) an amended design to address concerns raised by the DAP and Council officers.
  - (b) additional information to address Sydney Metro's request for additional information dated 24 January 2022.
  - (c) coordination with Sydney Water to confirm the proposal will not adversely impact the wastewater trunk main.
  - (d) updated Architectural Plans including a revised reference scheme to address Council officers and DAP concerns. In addition to these amendments, it was requested that communal open space, a separate lobby for both residential and hotel accommodation, vehicular access, loading dock management plan, further consideration of car parking spaces, as well as waste arrangements be reflected on the reference scheme plans.
  - (e) submission of a Detailed Environmental Site Investigation (DESI) and Remediation Action Plan (RAP), as required, in light of the findings and recommendations of the submitted Preliminary Site Investigation (PSI) report. A DESI was requested as the PSI revealed the site is likely to be contaminated due to past commercial uses including manufacturing activities from at least 1950s.
  - (f) an updated Design Excellence Strategy to address Council's Design Excellence unit comments.
  - (g) updated sky view factor model and analysis given proposed variations to minimum side setbacks in accordance with Section 5 and Schedule 12 of Sydney DCP 2012.
  - (h) a revised Wind Assessment Report.
  - (i) a revised Preliminary Public Art Plan.
  - (j) updated CAD and physical models to reflect the revised scheme.

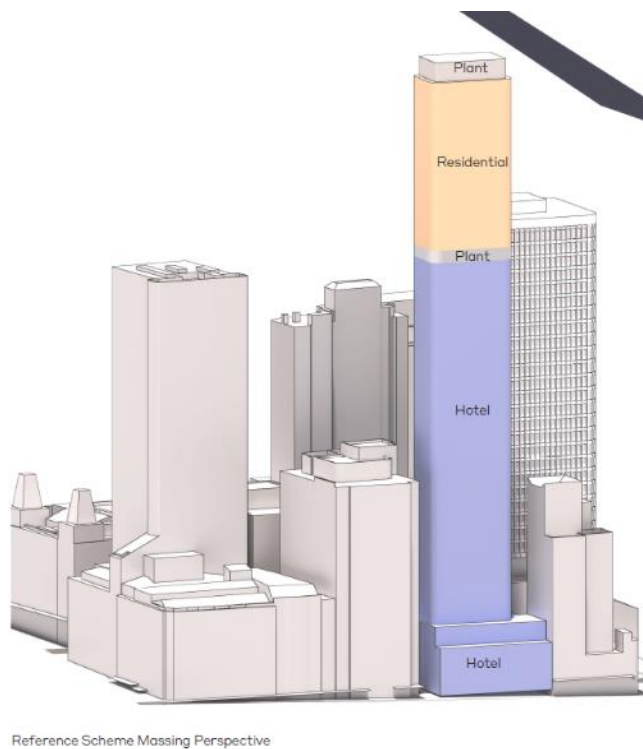
- (k) updated Ecologically Sustainable Development (ESD) report to provide specific details of the proposed intent to 'design in line with Australian Best Practice Environmental Initiatives, using externally recognised frameworks'.
40. On 4 May 2022, a meeting was held with the applicant's representatives to discuss concerns relating to the proposed podium, retention of the existing terrace group, proposed setbacks and tower separation from the Civic tower.
41. A draft revised envelope was received from the applicant on 10 May 2022 to address Council officers and DAP concerns.
42. Additional information was requested from the applicant on 18 May 2022 to assist with the review of the revised draft scheme. The requested additional information included:
- (a) an updated plan showing windows and ground floor openings of The Chambers building on the southern elevation;
  - (b) additional perspective views from the intersection of Goulburn and Pitt Street (facing north-east), and a view from Pitt Street north of Liverpool Street (facing south);
  - (c) calculation of building envelope efficiencies; and
  - (d) clarification on whether a SVF analysis has been undertaken for the latest envelope with respect to equivalent or improved wind and daylight levels.
43. The applicant responded to the above request on 27 May 2022 providing updated draft concept plans, the requested perspectives, building envelope efficiency calculations, and justification that the revised envelope would not be accompanied by an updated base case model and SVF analysis (refer to below Figures 32 to 34). Subject to further details and refinement, the draft revised envelope generally addressed Council officers and the DAP concerns. The draft proposal retained the facade terraces 374-382A Pitt Street and part of the structure behind, provided an increased setback to the Civic tower and revised the articulation of the podium to be more in keeping with the requirements under Section 5 of Sydney DCP 2012.
44. On 9 June 2022, a request for further amendments to the draft amended scheme was made to the applicant in relation to:
- (a) articulation of the upper podium;
  - (b) new infill in the footprint of the removed northern terrace (372 Pitt Street);
  - (c) path of egress for The Chambers building (362 Pitt Street) at ground plane;
  - (d) clarification of the amount of retained structure of the terraces (374-382A Pitt Street); and
  - (e) tapering and side setbacks of the tower to comply with Sections 5.1.1.3 and 5.1.1.4 of Sydney DCP 2012.

45. On 17 June 2022, further revised draft concept plans were submitted by the applicant to address the above concerns dated 9 June 2022. The draft revised plans included a new infill at 372 Pitt Street. It is intended that the infill cantilevers over the laneway as to provide sufficient loading and service vehicular access via Carruthers Place whilst allowing a 1m path of egress along the northern boundary for The Chambers building. Refer to Figures 35 and 37 below.
46. The applicant submitted a formal response to the Council's Request for Additional Information and Amendment letters (dated 19 April and 9 June 2022) through submission of the following information:
  - (a) On 5 July 2022, a Cover Letter including the below updated documents:
    - (i) Attachment A: Revised building envelope plans (refer to Figures 38 to 50 below)
    - (ii) Attachment B: Revised design report
    - (iii) Attachment C: Response to Sydney Metro
    - (iv) Attachment D: Sydney Metro Concurrence
    - (v) Attachment E: Response to Sydney Water
    - (vi) Attachment F: Revised Preliminary Stage 1 Site Investigation Report (PSI)
    - (vii) Attachment G: Revised Sustainability Report
    - (viii) Attachment H: Additional Pedestrian Wind Assessment
    - (ix) Attachment I: Facade Maintenance Letter
    - (x) Attachment J: Revised Preliminary Public Art Strategy
    - (xi) Attachment K: Revised Waste Management Plan
    - (xii) Attachment L: Revised Loading Dock Management Plan
    - (xiii) Attachment M: Revised Design Excellence Strategy
  - (b) An updated CAD model on 15 August 2022.
47. On 28 July 2021, an updated Cost Summary Report was requested to reflect the revised scheme.
48. On 1 August 2022 a further updated Revised Preliminary Public Art Strategy was requested following a meeting between UAP and the City's Public Art team to include additional details on the proposed public art opportunities.
49. A revised Cost Summary Report and Preliminary Public Art Strategy was received on 4 and 5 August 2022.
50. On 22 August 2022, a further updated Design Excellence Strategy was requested to remove discrepancies and address the City's Design Excellence team comments.

51. The applicant submitted an updated Design Excellence Strategy on 22 August 2022.
52. The below figures illustrate the design development of the concept envelope and iterations explored in response to the concerns and comments provided by the DAP and Council officers.
53. The amended application was re-referred to external stakeholders, including Ausgrid, Sydney Metro, Sydney Water, Sydney Airport Corporation, TransGrid and Transport for New South Wales for comment.



**Figure 28:** Proposed concept envelope (original scheme dated 23 December 2021)



**Figure 29:** Proposed building massing (dated 23 December 2021)





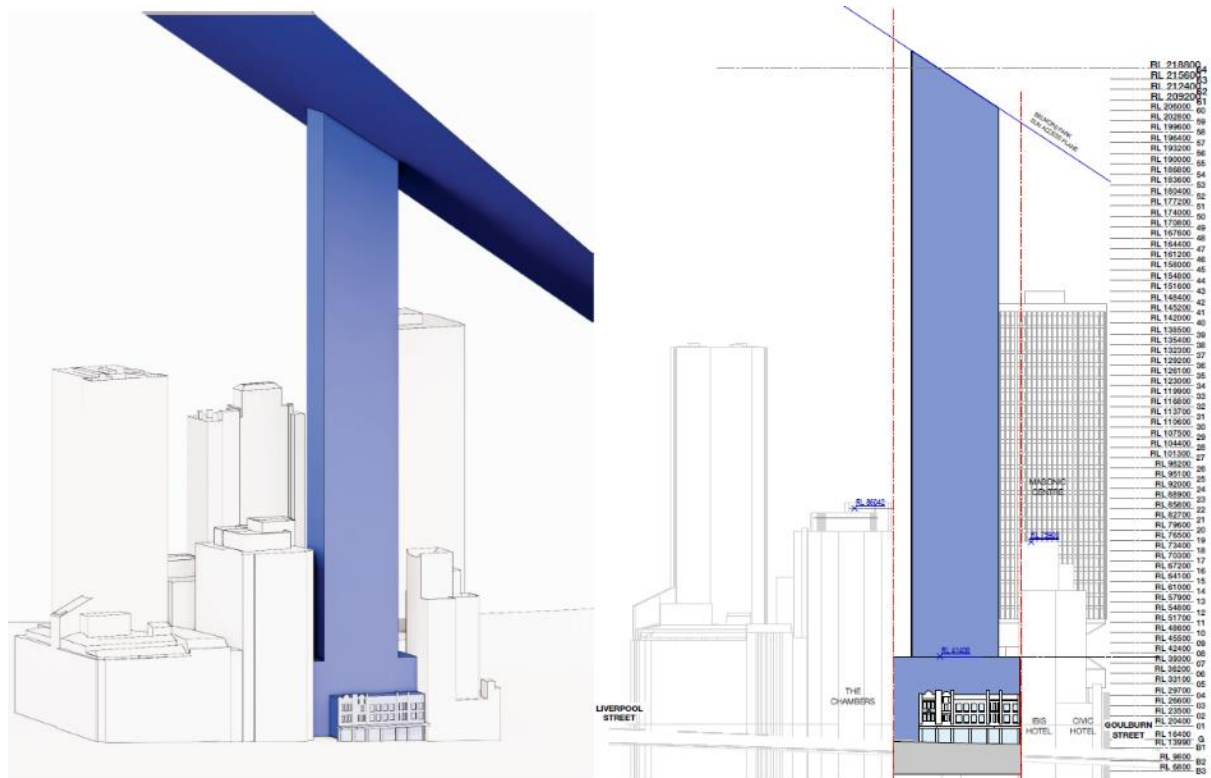
**Figure 30:** Indicative reference scheme perspective (Pitt Street elevation) (dated 23 December 2021)



**Figure 31:** Photomontage of indicative reference scheme, facing north-east on Goulburn and Pitt Streets (dated 23 December 2021)



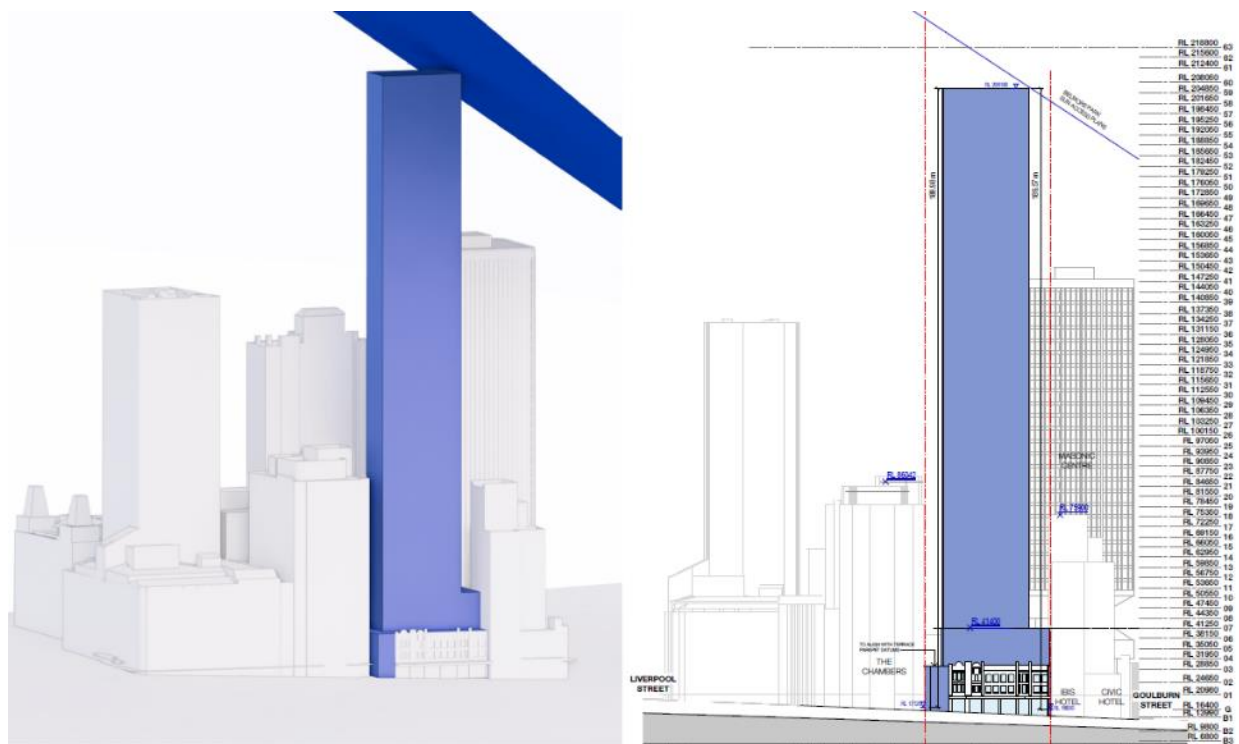
Figure 32: Draft revised concept plans (dated 10 and 27 May 2022)



Figures 33 and 34: Draft revised concept envelope massing (left) and Pitt Street Elevation (right) (dated 10 and 27 May 2022)



Figure 35: Draft revised concept plans (dated 17 June 2022)



Figures 36 and 37: Draft revised concept envelope massing (left) and Pitt Street Elevation (right) (dated 17 June 2022)

- 54. The assessment as follows is based on the amended drawings and documents, formally submitted to the City on 5 July 2022.
- 55. Figures 38 and 39 illustrate the amended design strategy for the proposed building envelope.





Figure 38: Revised podium massing (dated 5 July 2022)

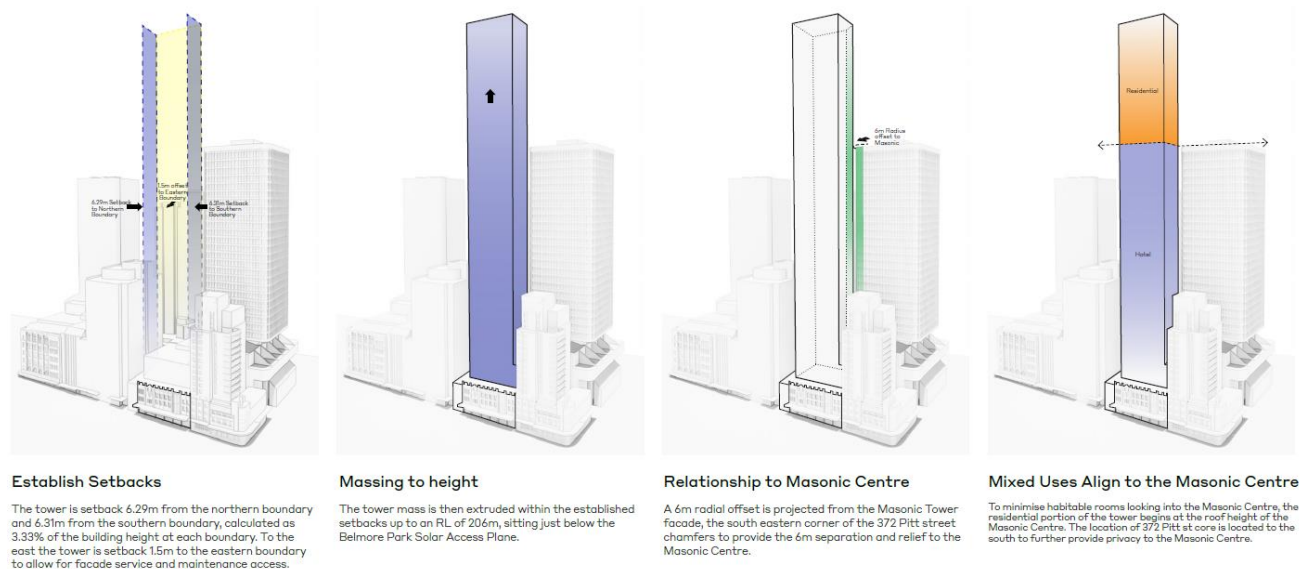


Figure 39: Revised tower massing (dated 5 July 2022)

## Proposed Development

56. The subject development application, as amended on 5 July 2022, seeks concept development consent pursuant to Section 4.22 of the Environmental Planning and Assessment Act 1979 for the redevelopment of 372-382A Pitt Street, Sydney.
57. Specifically, the application seeks conceptual, in-principle approval for the following:
  - (a) demolition of 372 Pitt Street and part of the existing buildings at 374-382 Pitt Street. The facades and part of the structure of terraces (minimum depth of 6m) at 374-382 Pitt Street are proposed to be retained.

- (b) removal and replacement of the existing awning at 372 Pitt Street and replacement of the existing awnings at 374-382A Pitt Street. (It is noted that proposed amendments to the existing awning is not shown on the concept plans or reference design plans).
  - (c) excavation up to RL6.8 to accommodate 3 basement levels for parking, loading, storage, plant and services.
  - (d) a building envelope for mixed use development with:
    - (i) two-part podium:
      - lower podium to align with the height of the existing terraces (approximately 13.4m, RL 28.85) including an infill at 372 Pitt Street;
      - upper podium up to a maximum height of 25m (RL 41.4), setback 8m from the street frontage aligned with the street setback of the tower;
    - (ii) tower, with a maximum height of 189.7m (RL 206.1);
    - (iii) vehicular access from Carruthers Place; and
    - (iv) capacity for 17,544sqm of Gross Floor Area (GFA), including:
      - (i) 5,361sqm of residential accommodation (30.5%)
      - (ii) 12,052sqm of hotel accommodation (68.7%)
      - (iii) 131sqm of retail (ancillary to the hotel use) (0.8%)
  - (e) Future stratum subdivision
58. The application is accompanied by indicative reference design drawings and documentation. This shows the proposed building envelope, as amended, is capable of providing the following indicative uses:
- (a) basement levels 1 to 3 inclusive: substation, plant, hotel waste storage, hotel and residential storage, bicycle parking, services and car parking (7 spaces per floor, total 21 spaces);
  - (b) ground: hotel, retail uses (ancillary to the hotel), residential lobby, amenities, loading and services;
  - (c) level 1: reception lounge, bar lounge, back of house and sanitary facilities;
  - (d) level 2: all day dining, restaurant/ bar, gym and spa, cinema, kitchen, and back of house;
  - (e) level 3: staff dining/ lounge, training, office and administration spaces, and services;
  - (f) levels 4 to 6: hotel accommodation (approximately 9 rooms per floor, total 24 rooms);
  - (g) levels 7 to 37: hotel accommodation (approximately 9 rooms per floor, total 279 rooms);
  - (h) level 38: mechanical plant;

- (i) levels 39 to 54: residential accommodation (approximately 2 units per floor, total 32 units);
  - (j) levels 55-56: penthouse residential accommodation (1 unit per floor, total 2 units);
  - (k) level 57-58: plant and services; and
  - (l) level 59: lift overrun.
59. No physical demolition or other development works are proposed as part of the amended concept plans.
60. Selected existing building elevation, concept elevations and plans of the proposed building envelope are provided in Figures 40 to 50 below. Selected renders and plans of the indicative reference design are provided in Figures 51 to 60 below. A full set is included in Attachments B and C.

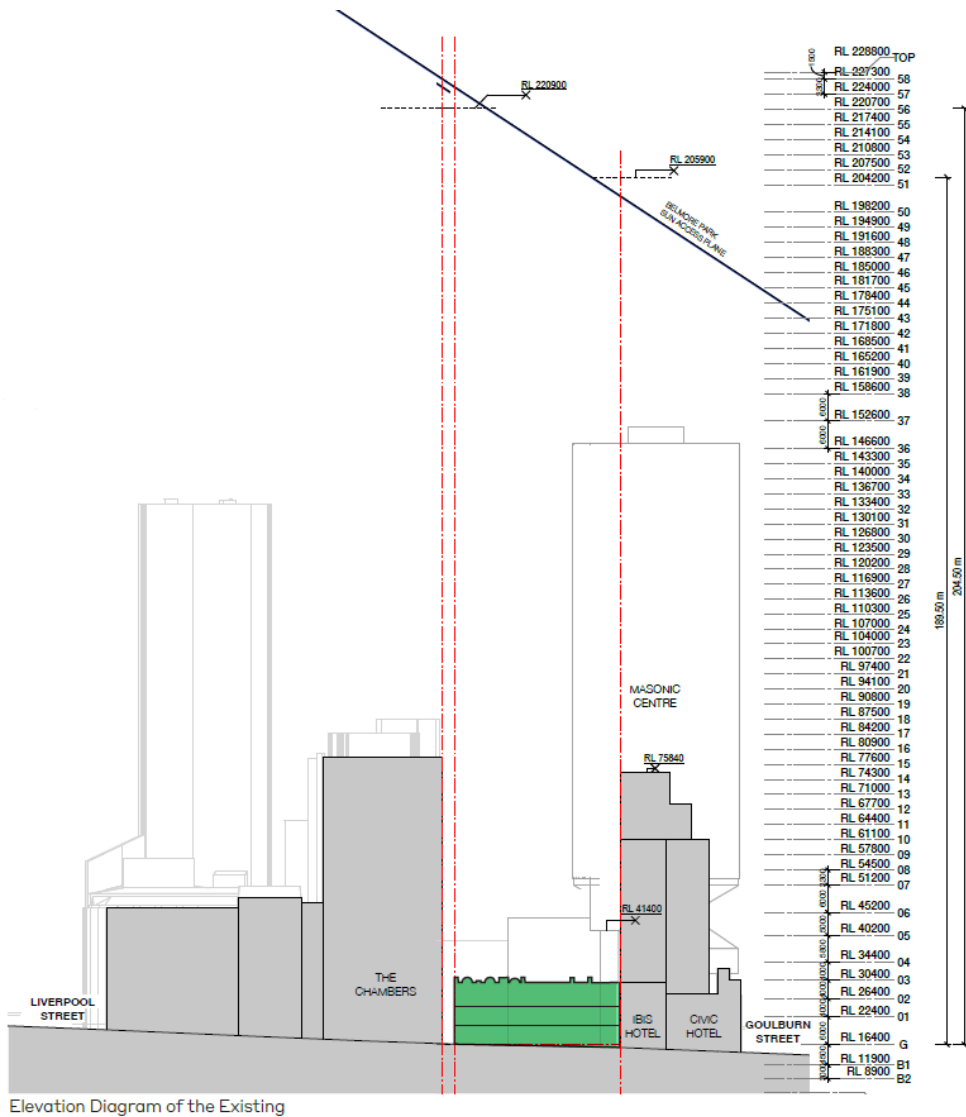


Figure 40: Existing Pitt Street elevation

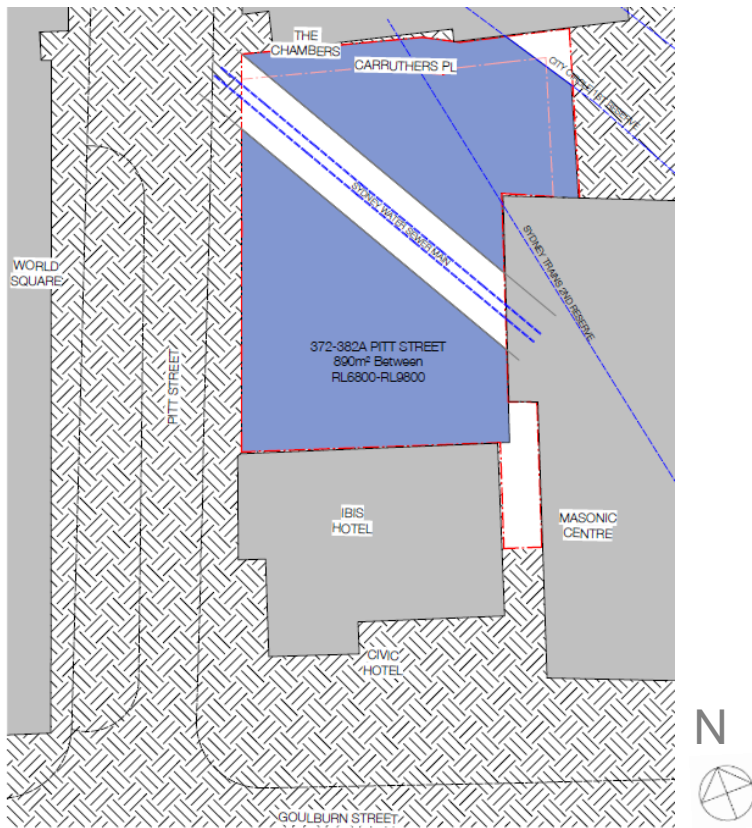


Figure 41: Proposed envelope plan - basement levels 2-3

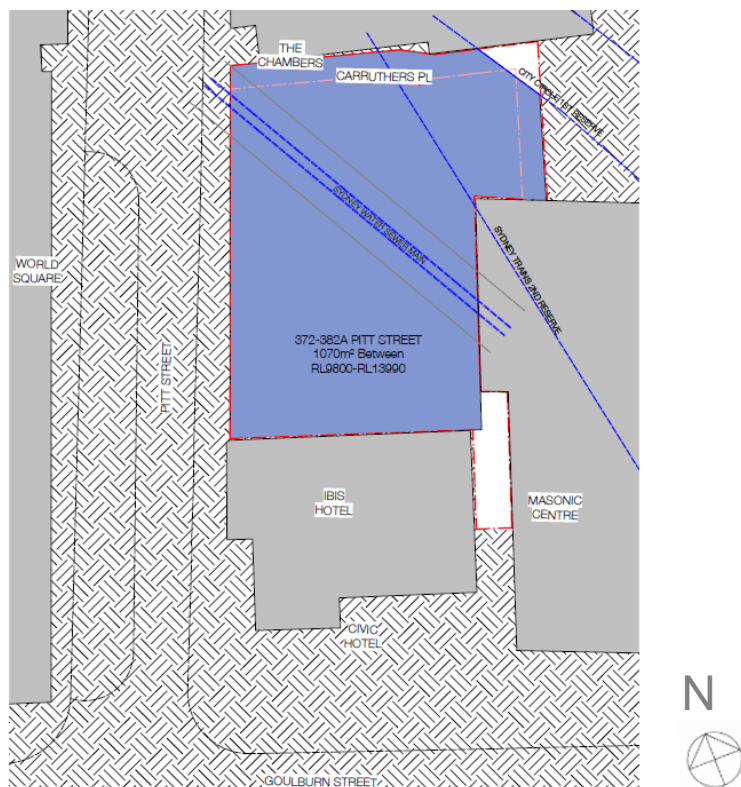


Figure 42: Proposed envelope plan - basement level 1

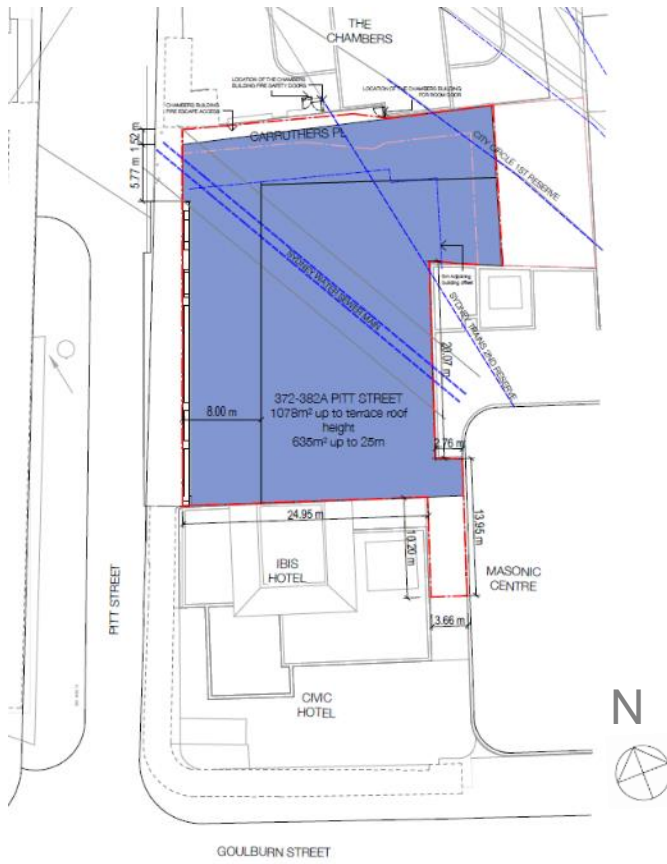


Figure 43: Proposed envelope plans - podium

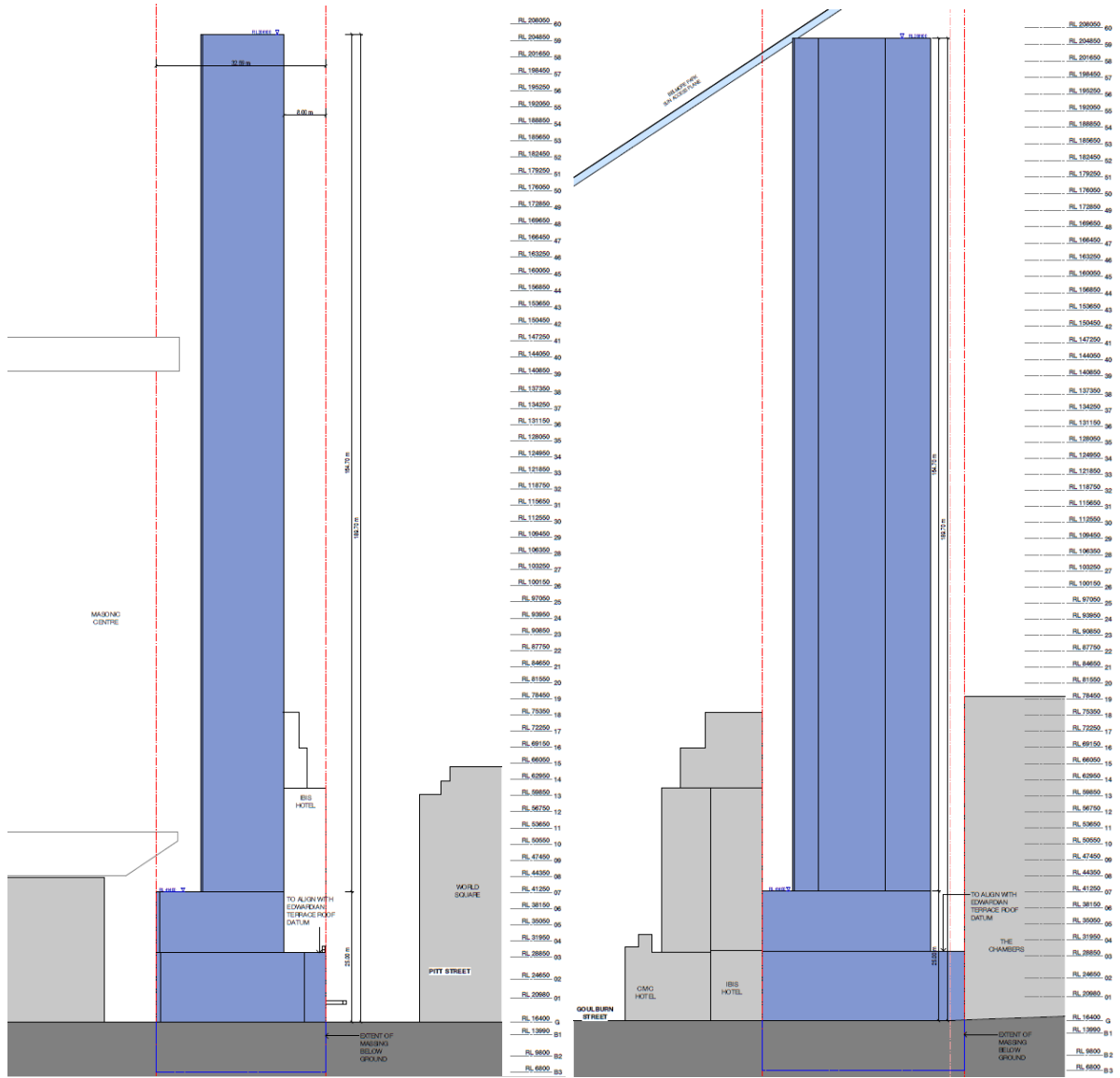


Figure 44: Proposed envelope plans - tower

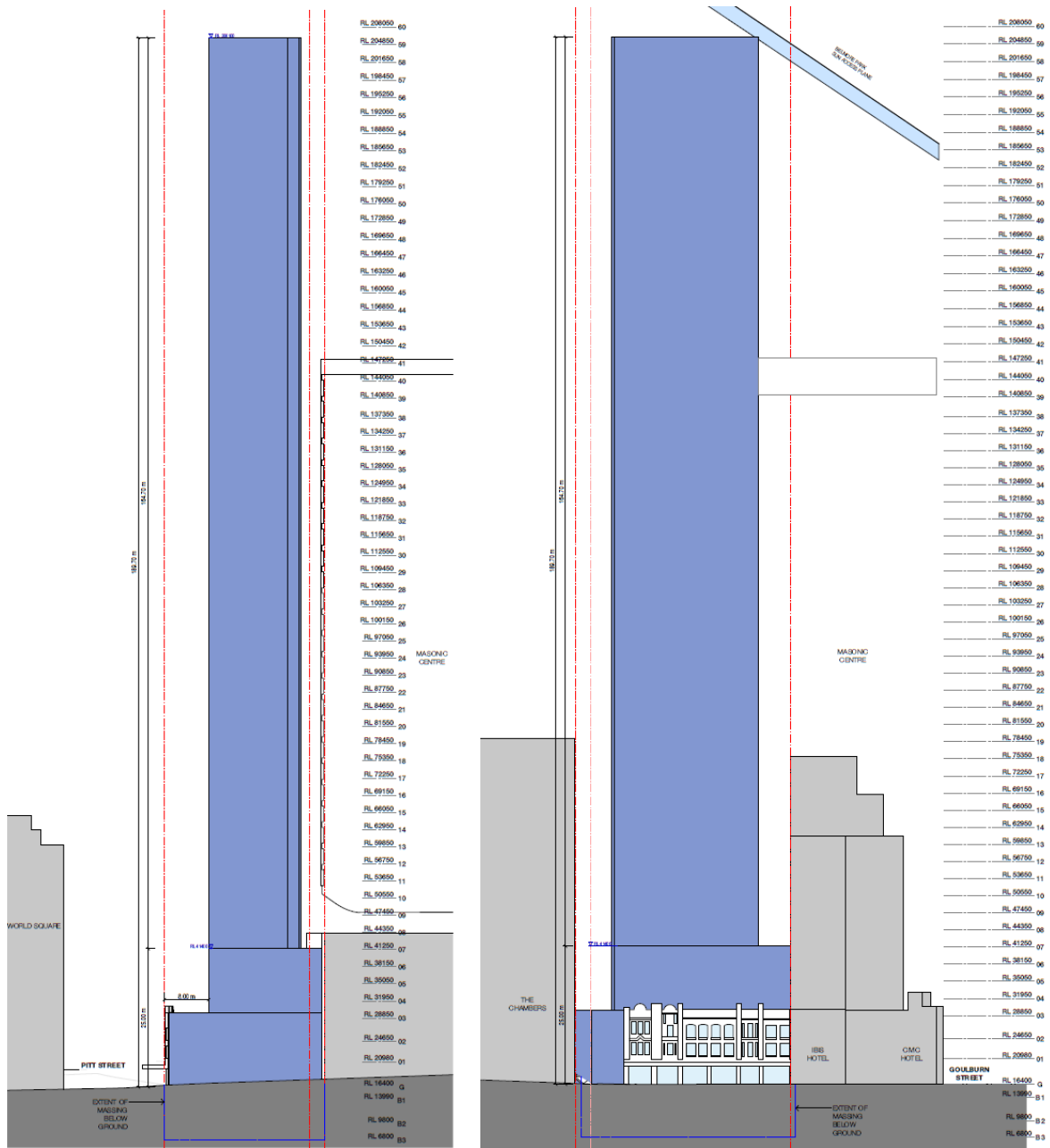




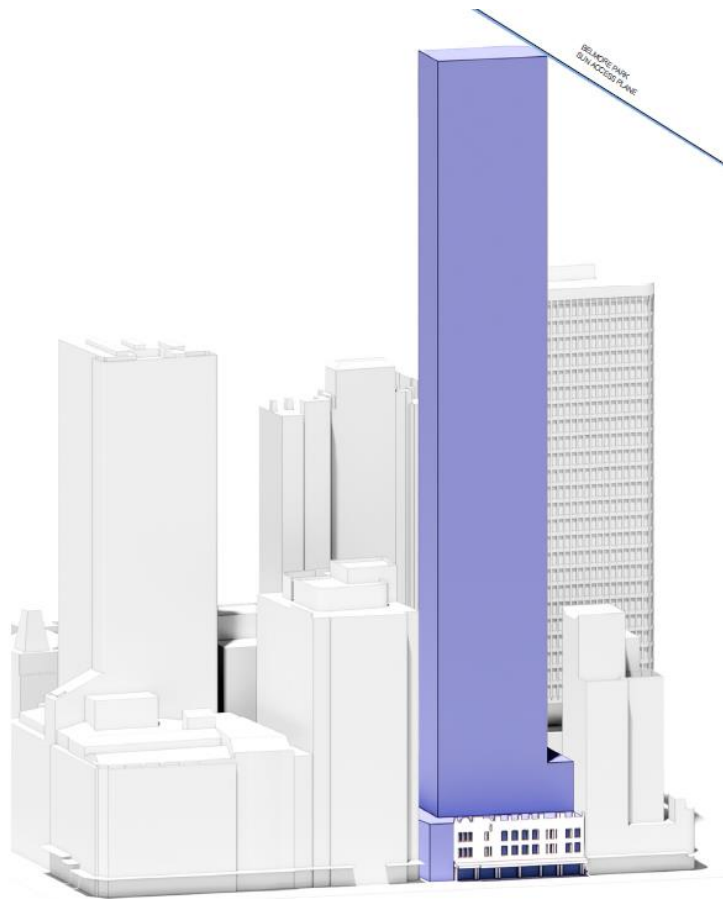
Figure 45: Proposed envelope plan - roof



Figures 46 and 47: Elevation of proposed envelope - North (left) and East (right)

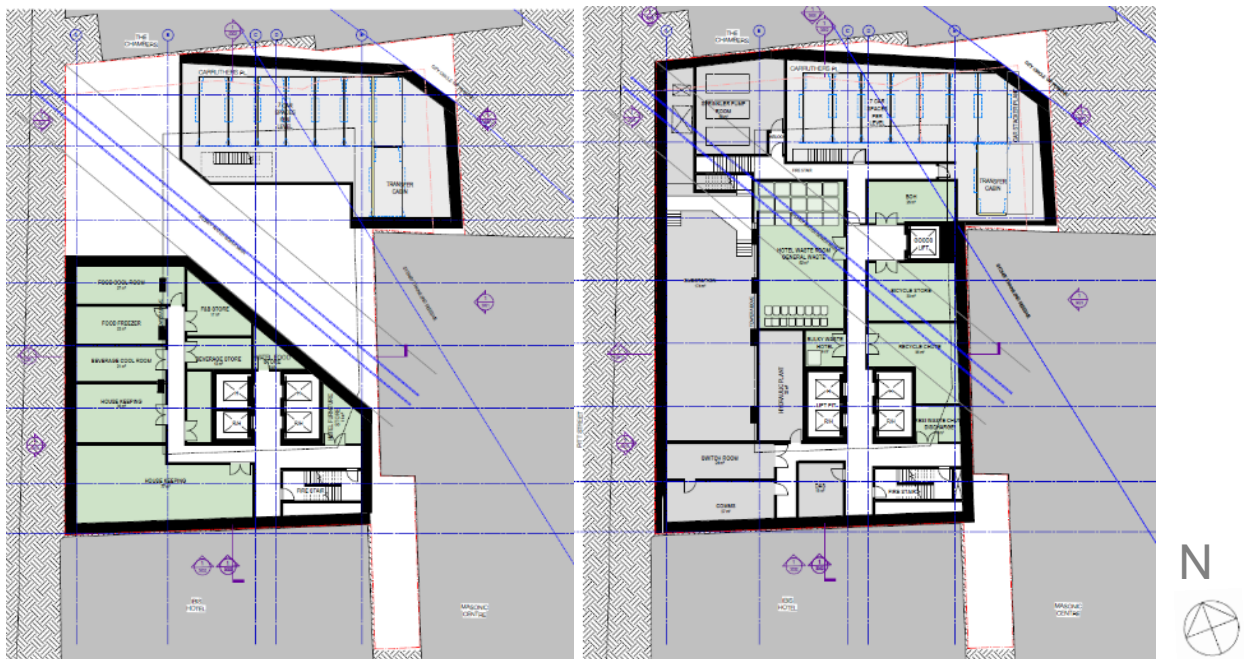


Figures 48 and 49: Elevation of proposed envelope - South (right) and West/ Pitt Street (left)



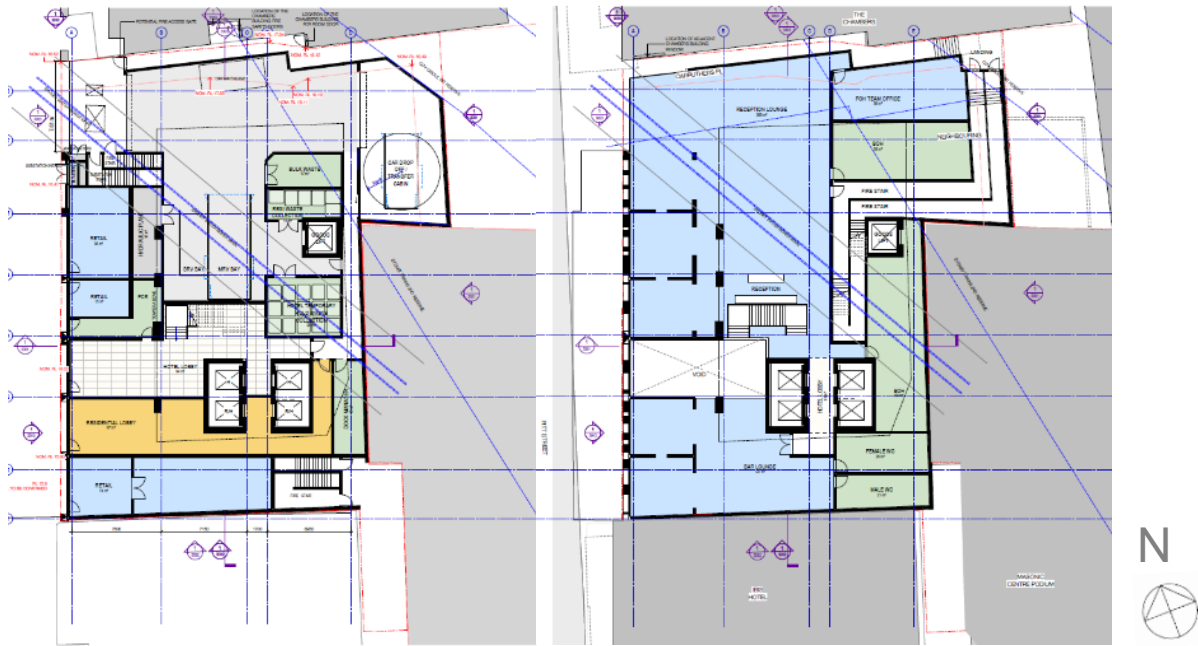
Proposed Massing Perspective

Figure 50: Perspective of proposed envelope

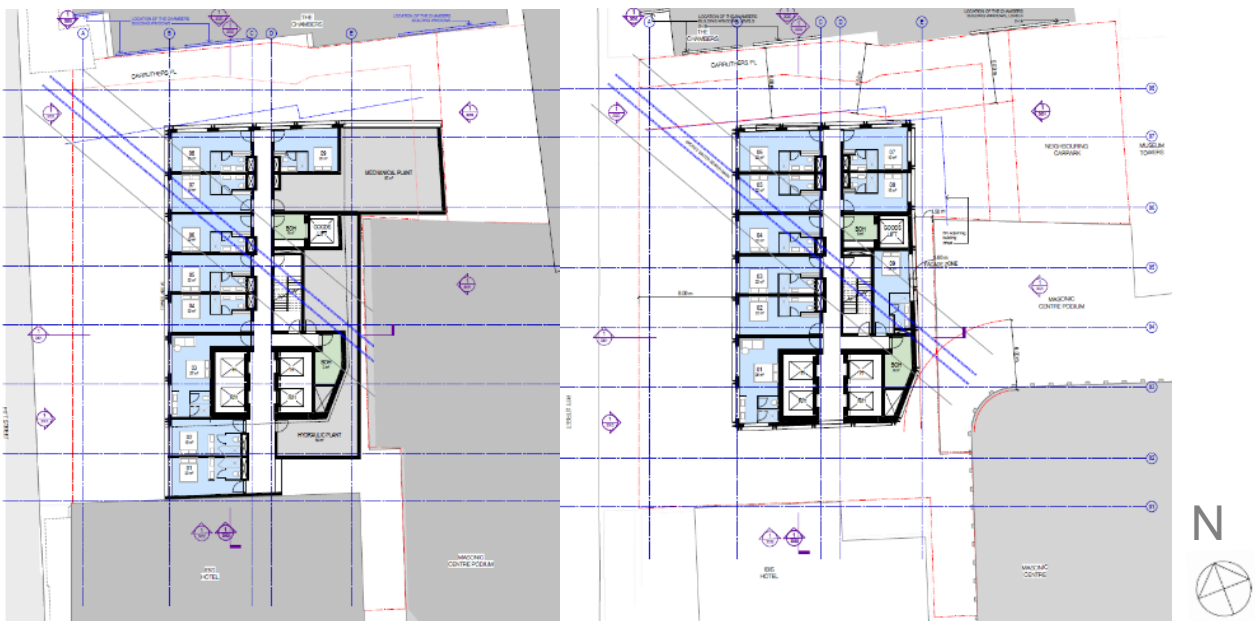


Figures 51 and 52: Indicative basement level 2 basement (left) and level 1 basement (right)

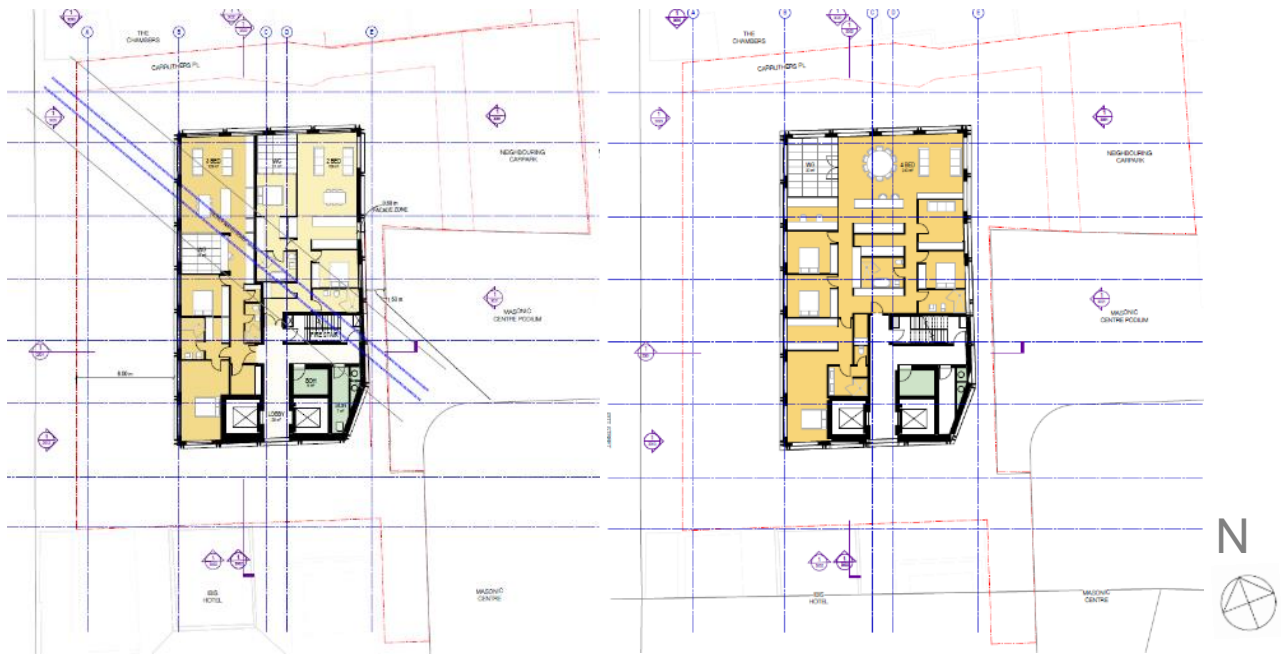




Figures 53 and 54: Indicative ground floor plan (left) and level 1 plan (right)



Figures 55 and 56: Indicative typical hotel level 4-6 floor plan (left) and levels 7 - 37 floor plan (right)



**Figures 57 and 58:** Indicative typical residential levels 39-54 floor plan (left) and penthouse levels 55-56 floor plan (right)



**Figure 59:** Indicative reference scheme perspective - Pitt Street elevation



**Figure 60:** Photomontage of indicative reference scheme, facing north-east on Goulburn and Pitt Streets

## Assessment

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

## City of Sydney Act 1988

62. Section 51N requires the Central Sydney Planning Committee to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a DA that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney CBD.
63. A full extract of this Section is below:

### **"51N Planning proposals having a significant impact on traffic and transport in the Sydney CBD"**

(1) The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.

(2) The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.

(3) The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject to conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.

(4) The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee."

64. This application and associated traffic implications was reviewed and discussed with the City's Access and Transport Unit. The proposed development is a concept application for in-principle approval for a new building envelope and includes no physical works. The number of residential car parking spaces shown in the indicative scheme is subject to change following the design competition process and Stage 2 detailed design development application.
65. Pursuant to Section 51J, the CSTTC has delegated its functions to the Director City Planning, Development and Transport. The Director City Planning Development and Transport formed the view that the project will not have significant impact on traffic and transport in the CBD. In this instance, consultation with the CSTTC is not necessary. The CSTTC will be consulted as part of the Stage 2 detailed design development application.

#### **Sydney Water Act 1994**

66. Section 78 of the Sydney Water Act, 1994 sets out various requirements for the notification of development applications to the Sydney Water Corporation (SWC).
67. The application was referred to the SWC in accordance with the Act. The amended proposal was re-referred to the SWC on 7 July 2022.
68. A response was received from the SWC, raising no objections to the proposal. Recommended conditions were provided and are included in Attachment A to this report.

#### **Environmental Planning and Assessment Regulation 2021**

69. The subject development application was made prior to 1 March 2022.
70. Pursuant to Schedule 6, Part 1(3) of the Environmental Planning and Assessment Regulation 2021, the Environmental Planning and Assessment Regulation 2000 continues to apply to the proposal.



**Economic, Social and Environmental Impacts**

71. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 including consideration of the following matters:
- (a) Environmental Planning Instruments and Development Control Plans.

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

72. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
73. A Preliminary Site Investigation (PSI) for contamination was submitted with the application. The PSI identified there was potential for contaminants to be present as historical dry cleaners, motor garages and service stations had been served for a long period in vicinity of the site.
74. The PSI recommends that a Detailed Environmental Site Investigation be carried out due to the history of past uses at the site, to confirm that the site is suitable (or will be suitable after remediation) for the proposed uses.
75. Due to the proposal not being for physical works, and the likely access issues with undertaking intrusive sampling at the site, which contains several separate buildings and various existing tenants, it is considered that the above requirements can be deferred prior to the submission of the subsequent detailed design (Stage 2) development application.
76. The City's Health and Building Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use on the basis that the proposed development is for concept approval only.
77. Subject to a DESI (and if required, a Remediation Action Plan) incorporating the recommendations of the PSI being prepared and submitted to Council as part of any Stage 2 development consent, the proposal is consistent with the requirements of the Chapter 4 of SEPP (Resilience and Hazards) 2021.

**State Environmental Planning Policy No 65 - Design Quality of Residential Flat  
Development**

78. The aim of State Environmental Planning Policy (SEPP) 65 is to improve the design quality of residential apartment development in New South Wales. SEPP 65 applies to the proposal as any subsequent detailed development application will comprise a residential flat building of three or more floors and containing four or more apartments.
79. The proposed development is for a conceptual building envelope and indicative land uses only, and no physical building works are sought, or recommended for approval as part of this application.

80. Clause 70B of the EP&A Regulation 2020 (Section 33(2) of the EP&A Regulation 2021) provides that design verification required under Clause 50(1A) of the EP&A Regulation 2000 (Section 29 of the EP&A Regulation 2021) is not required for concept development applications unless the development application contains detailed proposals for a residential flat building. Detailed development works are not sought and thus no design verification statement was submitted with the application.
81. SEPP 65 requires the consent authority take into consideration a number of matters relating to design quality. This includes whether the proposed building envelope and indicative land uses have the ability to achieve the 9 design quality principles set out in Schedule 1 of SEPP 65.
82. In the event that the subject application is approved, the detailed design of the development will be the subject of both a competitive design process and further detailed design development application. A more detailed assessment of SEPP 65 will be undertaken in relation to any subsequent development application for the detailed design of the proposed development.
83. The proposed building envelope is acceptable when assessed against the principles of Schedule 1 of SEPP 65, as detailed below:
  - (a) Principle 1: Context and Neighbourhood Character
    - (i) The site is located at the southern part of the Sydney CBD, it is in proximity to existing public transport infrastructure, including multiple bus routes, heavy and metro rail stations. The proposal will contribute to the vitality of the immediate locality and broader City of Sydney Local Government Area (LGA).
    - (ii) The site is located in the B8 Metropolitan Centre zone and the proposal is generally in accordance with the objectives of the Sydney LEP 2012 and Sydney DCP 2012, subject to recommended conditions. The proposal is also consistent with the existing and desired future character of the locality which permits a tower of the proposed scale.
  - (b) Principle 2: Built Form and Scale
    - (i) The immediate location along Pitt Street, Goulburn Street, Castlereagh Street and Liverpool Street has a diverse range of built forms, scale, with a variety of different architectural building styles and land uses.
    - (ii) The form, scale, height and massing of the proposed building envelope is contextually appropriate to the site location. Consideration has been given to the surrounding built form, heritage significance of adjacent buildings, existing terraces and street wall presence of development along Pitt Street, as well as residential development located to the east (Museum tower).
    - (iii) The proposal has been amended to revise the building envelope to better respond to the immediate built form context and to the constraints of the site. The majority of the site is located within a tower cluster area, where the scale and form of future development anticipated in the area is consistent with the height and typology of the proposal.

- (iv) The proposed building envelope is in accordance with the provisions of the Sydney LEP 2012, including maximum height prescribed by the Belmore Park sun access plane. The proposed development retains the facade, part of the structure of the existing terraces (374-382A Pitt Street) and provides an appropriate street wall height. The proposal responds satisfactorily to the surrounding urban context while achieving a suitable form and scale, subject to recommended conditions.
  - (v) Opportunities exist for detailed design input to achieve an appropriate architectural response to the character of the site context, particularly in relation to the adjacent Sydney Masonic Centre, Museum Towers and nearby Civic hotel, which are local significant heritage items.
- (c) Principle 3: Density
- (i) The proposed density in the indicative reference design drawings demonstrates that the envelope accommodates a building which generally complies with the maximum Floor Space Ratio development standard pursuant to Clause 4.4 and accommodation floor space available under Clause 6.4 of Sydney LEP 2012.
  - (ii) The proposal is consistent with the desired future character envisaged in the locality of the Sydney CBD.
- (d) Principle 4: Sustainability
- (i) The proposal is accompanied by an indicative reference design showing compliance with the minimum solar access and natural cross ventilation requirements of SEPP 65 and the Apartment Design Guide (ADG).
  - (ii) The competitive design process phase for the detailed design of the development is required to achieve sustainable development targets and to optimise opportunities for ecologically sustainable development (ESD) and best practice environmental performance, including low running costs in relation to water and energy use.
  - (iii) Any subsequent detailed design development application must be accompanied by a BASIX Certificate and NABERS targets to demonstrate that the NSW Government's sustainability requirements are met.
- (e) Principle 5: Landscape
- (i) The site is located in a highly urbanised CBD environment where there is a lack of deep soil planting areas by virtue of site constraints, basements, and nil setbacks established by surrounding development. This generally precludes the provision of ground floor level communal open space and deep soil planting.
  - (ii) Opportunities for landscaping and open space will be considered during the Stage 2 detailed design development application. A condition is recommended to require investigation of landscape opportunities within the design competition process and in any future Stage 2 detailed design development application.

- (f) Principle 6: Amenity
    - (i) The submitted indicative scheme provides residential units above the height of the Civic tower. The proposed slim tower form is capable of achieving a high level of amenity. The indicative scheme provides compliant levels of solar access to indicative units, apartment sizes, and natural cross ventilation.
  - (g) Principle 7: Safety
    - (i) The indicative scheme demonstrates that separate and secure entrances are able to be provided to service residential and hotel land uses. The future design subject of the Stage 2 detailed design development application must achieve optimised safety and security outcomes, quality public and private open spaces and maximise opportunities for passive surveillance.
  - (h) Principle 8: Housing Diversity and Social Interaction
    - (i) The site benefits from its proximity to existing and future retail, commercial, recreational and entertainment facilities in the wider locality of the Sydney CBD. The site is suitable for the proposed indicative residential uses.
    - (ii) The indicative scheme demonstrates that the building envelope is capable of accommodating a sufficient mix of residential apartments to respond to the social context. A condition is recommended to limit the provision of residential accommodation to the upper third portion of the tower, above the top window head height of the Civic tower (RL 140.85).
  - (i) Principle 9: Aesthetics
    - (i) A competitive design process will need to occur prior to the lodgement of any future Stage 2 detailed design development application.
84. The development is acceptable when assessed against the SEPP including the above stated principles and the associated Apartment Design Guide (ADG). These controls are generally replicated within the apartment design controls under Sections 4 and 5 of SDCP 2012.
85. Clause 28 of SEPP 65 requires consideration of the ADG, which provides additional detail and guidance for applying design quality principles for residential apartment developments. It is noted that not all ADG design objectives are expected to be fully resolved at Concept DA stage. Compliance with the guidelines in the ADG, where relevant to the assessment of the subject Concept DA, is addressed in the table below.

2E Building Depth	Compliance	Comment
12-18m (glass to glass)	Yes	<p>The proposed building envelope has a maximum depth of approximately 16m (east-west dimension).</p> <p>The development has a maximum length of approximately 26m (north- south dimension).</p> <p>The proposal complies with the maximum building depth.</p>

2F Building Separation	Compliance	Comment
<p>Up to 4 storeys (approximately 12m):</p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms / balconies</li> <li>• 9m between habitable and non-habitable rooms</li> <li>• 6m between non-habitable rooms</li> </ul>	Not applicable	No indicative residential uses are proposed to the first 38 storeys of the development.
<p>5 to 8 storeys (approximately 25m):</p> <ul style="list-style-type: none"> <li>• 18m between habitable rooms / balconies</li> <li>• 12m between habitable and non-habitable rooms</li> <li>• 9m between non-habitable rooms</li> </ul>	Not applicable	No indicative residential uses are proposed to the first 38 storeys of the development.



2F Building Separation	Compliance	Comment
<p>9 storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• 24m between habitable rooms / balconies</li> <li>• 18m between habitable and non-habitable rooms</li> <li>• 12m between non-habitable rooms</li> </ul>	Yes	<p>Indicative residential uses shown in the reference scheme have been aligned to commence above the height of all adjacent buildings (Ibis hotel, Museum tower and The Chambers buildings) and above the top window head height of the Civic tower. The first indicative residential floor commences at level 39 (RL 140.85).</p> <p>The proposed envelope provides a minimum separation of 35.05m to the Museum towers, which exceeds the minimum 24m separation between habitable rooms and balconies, for development above 9 storeys.</p> <p>A minimum separation of 6m is provided to the Ibis hotel windows at podium levels 4 to 6.</p> <p>The indicative scheme aligns habitable areas with non-habitable rooms or blank walls. The location of the building core is provided to the south of the development to provide adequate separation and privacy to the Civic tower.</p> <p>Appropriate conditions are recommended to restrict any future residential development to the top of the tower where the first residential floor is to commence above RL140.85.</p>

3B Orientation	Compliance	Comment
<p>Overshadowing of neighbouring properties is minimised during midwinter</p>	<p>Able to comply</p>	<p>The solar impact analysis submitted with the amended application includes studies of the surrounding development, both existing and recently approved (133 Liverpool Street).</p> <p>The solar impact analysis includes sun eye view diagrams at a 1 hour and 15 minute interval, which compares overshadowing impacts from the existing development and that resulting from the proposed envelope to neighbouring residential developments (Museum towers, 91 Goulburn Street, The Miramar Apartments (398 Pitt Street) and Aspect Tower (2-4 Cunningham Street)).</p> <p>The overshadowing assessment shows that the neighbouring residential properties to the south are already overshadowed by existing tower developments to the north of the site, both existing and recently approved.</p> <p>The proposal results in increased overshadowing impacts to the Miramar Apartments during mid-winter.</p> <p>The Miramar Apartments does not currently achieve a compliant amount of solar access (70%). There will be an increased overshadowing impact to the northern face of the Miramar Apartments between 11am-1pm. The 15-minute interval sun eye view diagrams show that of the approximately 280 apartments, 43 apartments (15.4%) currently receive at least 2 hours of solar access to private open space and living rooms. The proposed development results in a reduction of 18 units (6.4%) achieving at least 2 hours of solar access to private open space and living rooms.</p>

3B Orientation	Compliance	Comment
		<p>The proposal will result in overshadowing impacts to the eastern face of the Aspect Tower between 9-10am. The 15-minute interval sun eye view diagrams shows that the affected south-eastern apartments of the Aspect tower currently do not receive 2 hours' sunlight between 9am -3pm given their orientation and existing overshadowing impacts from the World Square towers.</p> <p>The proposal does not reduce the solar access received by the neighbouring residential properties by more than 20% in accordance with Objective 3B-2.</p> <p>Having regard to the above, the site context within the CBD, and desired future character envisaged by the Sydney LEP 2012 controls, the proposed overshadowing impacts are considered acceptable.</p>

3D Communal and Public Open Space	Compliance	Comment
<p>Communal open space has a minimum area equal to 25% of the site.</p>	<p>Able to comply</p>	<p>The ADG requires 285sqm of communal open space to be provided on the site, based on the existing site area of 1,139.9sqm.</p> <p>The design guidance under Objective 3D-1 provides that, where developments are unable to achieve the design criteria, such as for sites in dense urban areas or in business zones, they should provide:</p> <ul style="list-style-type: none"> <li>• communal spaces such as a landscaped roof top terrace or a common room;</li> <li>• larger balconies or increased private open space for apartments; and</li> <li>• proximity to public open space and/or provide public open space contributions.</li> </ul>

3D Communal and Public Open Space	Compliance	Comment
		<p>The indicative reference design does not provide any communal open space which conforms to the requirements of the design criterion in Part 3D-1 of the ADG. The indicative communal open space includes:</p> <ul style="list-style-type: none"> <li>• approximately 219sqm of internal amenities including a cinema room, gym and spa (shared with hotel guests).</li> <li>• proximity to public open space within Hyde Park to the north-east, and Belmore Park to the south.</li> </ul> <p>It is also noted that the indicative scheme aligns the separation between hotel and residential uses with the roof height of the Civic tower over the Sydney Masonic Centre given the constraints of the site. There is therefore a smaller proportion of indicative residential accommodation (34 indicative units) to hotel accommodation.</p> <p>Although not strictly in accordance with the requirements of Part 3D-1 of the ADG, having regard to the above, it is considered that there is sufficient space in the envelope to provide communal open space alternatives, as envisaged by the ADG design guidelines.</p> <p>Appropriate conditions are recommended to ensure that any subsequent competitive design process and Stage 2 detailed design development application provides sufficient residential communal space.</p>
<p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).</p>	<p>Able to comply</p>	<p>Although the indicative reference scheme does not provide external communal open space which achieves a minimum of 50% direct sunlight, the proposed envelope does not preclude any future detailed application from complying with Part 3D-1 of the ADG.</p>

3D Communal and Public Open Space	Compliance	Comment
		The provision of sufficient residential communal space which achieves 50% of direct sunlight can be investigated and addressed in any subsequent future Stage 2 detailed design development application. Appropriate conditions are recommended to ensure that any subsequent competitive design process and Stage 2 detailed design development application provides communal open space in accordance with this provision.

3E Deep Soil Zones	Compliance	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 3m	No but acceptable	<p>The site is located in a highly urbanised environment within the Sydney CBD, where a lack of deep soil zones is characteristic of development in the locality.</p> <p>No deep soil zones are proposed, given that opportunities to provide them on the site are constrained by underground services, and the proposed building footprint occupies the entirety of the site area.</p> <p>No objection to the lack of deep soil zones is raised. Appropriate stormwater management and landscape opportunities can be investigated and addressed in any future Stage 2 detailed design development application.</p>

3F Visual Privacy	Compliance	Comment
Up to 4 storeys (over 12m): <ul style="list-style-type: none"> <li>• 6m between habitable rooms / balconies</li> <li>• 3m between non-habitable rooms</li> </ul>	Not applicable	No indicative residential uses are proposed to the first 38 storeys of the building envelope.



3F Visual Privacy	Compliance	Comment
<p>5 to 8 storeys (25m):</p> <ul style="list-style-type: none"> <li>• 9m between habitable rooms/ balconies</li> </ul> <p>4.5m between non-habitable rooms</p>	Not applicable	No indicative residential uses are proposed to the first 38 storeys of the building envelope.
<p>9 storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms / balconies</li> <li>• 6m between non-habitable rooms</li> </ul>	Yes	<p>The ADG requires separation distances to be shared equitably between neighbouring sites. Notwithstanding the location of residential uses within the indicative scheme shown above the height of the surrounding developments, the proposal provides compliant separation distances of:</p> <ul style="list-style-type: none"> <li>• 6.29m between the proposed tower and The Chambers (commercial building) to the north.</li> <li>• 6.31m between the tower and the Ibis hotel to the south.</li> <li>• 6m between the tower and the Civic tower above the Sydney Masonic Centre to the south-east.</li> <li>• 35.05m between the tower and Museum Apartments to the east.</li> </ul> <p>The proposal complies with the minimum separation requirements of Part 3F-1 of the ADG.</p> <p>A condition is recommended to limit any future residential accommodation to the top third portion of the tower, above the top window head height of the Civic tower (RL 140.85). This will ensure reasonable levels of visual privacy is maintained between the site and neighbouring developments.</p>

4A Solar and Daylight Access	Compliance	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Able to comply	<p>The sun eye view diagrams demonstrates that all of the apartments in the indicative reference scheme (34 units) will receive at least two hours of direct sunlight to living rooms and private open spaces in mid-winter between 9am to 3pm.</p> <p>Most of the apartments in the indicative scheme will receive more than 5 hours of direct sunlight during that period of time.</p>
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Able to comply	As discussed above, all apartments in the indicative scheme will achieve at least two hours of direct sunlight in mid-winter.

4B Natural Ventilation	Compliance	Comment
All habitable rooms are naturally ventilated.	Able to comply	<p>The indicative reference design submitted with the application demonstrates that the building envelope is capable of providing naturally ventilated habitable rooms.</p> <p>The application is accompanied by an acoustic and noise survey (Noise and Vibration Impact Assessment prepared by Stantec Australia) which identifies the following primary noise sources impacting upon the development at the site:</p> <ul style="list-style-type: none"> <li>• Pitt Street traffic noise</li> <li>• noise from existing surrounding rooftop plants</li> <li>• general operational noise from World Square precinct</li> <li>• traffic noise from Castlereagh Street</li> <li>• rail ground borne noise from underground rail</li> </ul>

4B Natural Ventilation	Compliance	Comment
		<p>The Noise and Vibration Impact Assessment provides preliminary recommendations, in-principle treatment and design requirements to achieve the statutory noise criteria. These preliminary recommendations are to be considered as part of any future Stage 2 detailed design development application.</p> <p>Appropriate conditions of consent are recommended to ensure that the future detailed design of the development is capable of providing natural ventilation while providing acceptable noise levels within the apartments.</p>
<p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Able to comply</p>	<p>The indicative reference design submitted with the application demonstrates that the building envelope is capable of providing cross through apartments which do not exceed 18m in depth.</p>

4C Ceiling Heights	Compliance	Comment
<p>Habitable rooms: 2.7m</p>	<p>Able to comply</p>	<p>The proposed envelope does not prevent compliant floor to ceiling heights being provided in the future Stage 2 detailed design development application.</p>
<p>Non-habitable rooms: 2.4m</p>	<p>Able to comply</p>	<p>The proposed building envelope assumes a minimum 3.2m floor to floor height for indicative residential levels.</p> <p>This is sufficient to provide a minimum floor to ceiling height of 2.7m.</p>

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> <li>• 1 bed: 50sqm</li> <li>• 2 bed: 70sqm</li> <li>• 3 bed: 90sqm</li> </ul>	<p>Able to comply</p>	<p>The submitted indicative scheme demonstrates that compliant apartment configurations and sizes can be achieved within the proposed envelope.</p>

4D Apartment Size and Layout	Compliance	Comment
<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>		

4E Private Open Space and Balconies	Compliance	Comment
<p>Two bed apartments are to have a minimum balcony area of 10m<sup>2</sup> with a minimum depth of 2m.</p> <p>Three bed apartments are to have a minimum balcony area of 12m<sup>2</sup> with a minimum depth of 2.4m.</p>	Able to comply	<p>The indicative reference scheme provides approximately 11sqm of private open space in the form of winter gardens for both 2 and 3 bed apartments, and 20sqm for 4 bed apartments at penthouse levels.</p> <p>There is sufficient area within the envelope to achieve compliant private open space and balconies.</p>

4F Common Circulation and Spaces	Compliance	Comment
<p>The maximum number of apartments off a circulation core on a single level is eight (8).</p>	Able to comply	<p>The proposed envelope provides a typical tower floor plate of 406sqm.</p> <p>The indicative reference design submitted with the application demonstrates that the building envelope can accommodate less than 8 apartments for each level (approximately 2 apartments per floor) and circulation core.</p>
<p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	Able to comply	<p>A total of 34 apartments are accommodated within the proposed envelope in the indicative reference scheme. Two lifts service the residential floors.</p>

4F Common Circulation and Spaces	Compliance	Comment
		The indicative reference design complies with the maximum number of apartments sharing a single lift.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Able to comply	The indicative reference design submitted with the application demonstrates that the building envelope can provide apartments with windows which do not open directly onto common circulation spaces.
Daylight and natural ventilation are provided to all common circulation spaces.	Able to comply	<p>The indicative reference design submitted with the application demonstrates the proposed building envelope can provide opportunities for common circulation spaces with natural ventilation and daylight.</p> <p>Details confirming compliance are required to be provided with any future Stage 2 detailed design development application.</p>

4G Storage	Compliance	Comment
<p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> <li>• Studio: 4 cubic metres</li> <li>• 1 bed: 6 cubic metres</li> <li>• 2 bed: 8 cubic metres</li> <li>• 3 bed: 10 cubic metres</li> </ul> <p>(Minimum 50% storage area located within apartment)</p>	Able to comply	<p>The indicative reference design submitted with the application demonstrates the proposed building envelope can provide opportunities for common circulation spaces with natural ventilation and daylight.</p> <p>Details confirming compliance are required to be provided with any future Stage 2 detailed design development application.</p>



4J Noise and Pollution	Compliance	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Able to comply	An assessment of noise impacts is required to be submitted with any future Stage 2 detailed design development application.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

86. Any subsequent detailed design development application will be required to satisfy BASIX requirements.
87. A condition is recommended to ensure that any Stage 2 detailed design development application will be accompanied by a valid BASIX Certificate, in accordance with the provisions of the BASIX SEPP and Environmental Planning and Assessment Regulation 2020.

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

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

#### **Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network**

##### **Clause 2.48 - Determination of development applications – other development**

89. The application is subject to Clause 2.48 of the SEPP as the concept development involves the penetration of ground within 2m of an underground electricity power line.
90. In accordance with the requirements of the Clause, the application was referred to Ausgrid for a period of 21 days. The amended concept envelope was re-referred to Ausgrid on 7 July 2022. Ausgrid raised no objection to the concept proposal, as amended, subject to recommended conditions included in Schedule 1B of Attachment A.

#### **Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors**

##### **Clause 2.98 – Excavation in, above, below or adjacent to rail corridors**

91. The application is adjacent to both the Sydney Train and Sydney Metro tunnels and is subject to Clause 2.98 of the SEPP.
92. In accordance with the requirements of the Clause, the application was referred to TfNSW and Sydney Metro for concurrence. The amended concept envelope was re-referred to TfNSW and Sydney Metro on 7 July 2022. TfNSW has delegated its rail authority functions in relation to the Sydney Metro - City and South-west and Sydney Metro North-west rail corridors to Sydney Metro. Sydney Metro granted concurrence to the proposed development, as amended, subject to recommended conditions included in Schedule 1B of Attachment A.

##### **Clause 2.101 – Development within or adjacent to interim rail corridor**

93. The application is adjacent to the future CBD Metro corridor as well as CBD Rail Link corridor and was subsequently referred to Transport for NSW (TfNSW) for comment.

94. In accordance with the requirements of the Clause, the application was referred to TfNSW for comment. The amended concept envelope was re-referred to TfNSW on 7 July 2022. TfNSW raised no objections to the proposal, as amended, subject to recommended conditions included in Schedule 1B of Attachment A.

### **Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations**

#### **Clause 2.122 – Traffic-generating development**

95. Although the proposed development seeks in-principle approval for a new building envelope (no physical works), the application is subject to Clause 2.122 of the SEPP as the proposal is a traffic generating development.
96. In accordance with the requirements of the Clause, the application was referred to TfNSW (Roads and Maritime Services (RMS)) for comment. The amended concept envelope was re-referred to TfNSW on 7 July 2022. TfNSW raised no objections to the proposal, as amended, subject to recommended conditions included in Schedule 1B of Attachment A.

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

97. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 10 of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
98. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

### **Local Environmental Plans**

#### **Sydney Local Environmental Plan 2012**

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

#### **Part 2 Permitted or prohibited development**

<b>Provision</b>	<b>Compliance</b>	<b>Comment</b>
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B8 Metropolitan Centre zone. The proposed indicative land uses are defined as hotel and residential accommodation, with ancillary retail uses to the hotel. The proposed uses are all permitted with consent and meets the objectives of the zone.

## Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>The site is in 'Area 3' pursuant to the Sydney LEP 2012, therefore no maximum height is shown for this land and instead, the maximum height is determined by the sun access planes that are taken to extend over the land by Clause 6.17.</p> <p>A maximum height of 189.7m (RL 206.1) is proposed.</p> <p>The proposed development complies with the maximum height of buildings development standard.</p>
<p>4.4 Floor space ratio</p> <p>Division 1 Additional floor space in Central Sydney</p> <p>6.4 Accommodation floor space</p>	Able to comply	<p>A base maximum FSR of 8:1 is permitted for the site pursuant to Clause 4.4 of the Sydney LEP 2012. The site is located within 'Area 2' and is permitted to utilise the provisions of Clause 6.4.</p> <p>Based on the indicative land uses sought at this concept stage for hotel, ancillary retail and residential uses, Clause 6.4 of Sydney LEP 2012 provides an opportunity for additional accommodation floor space up to 6:1 on a pro-rata basis for hotel and residential accommodation, and up to 4.5:1 for retail uses.</p> <p>Based on the proportion of indicative uses, this equates to an FSR of 13.98:1.</p> <p>A further 10% of FSR (1.39:1) is available if the future Stage 2 detailed design development application, resulting from a design competition process demonstrating design excellence.</p> <p>A total FSR of 15.38:1, GFA of 17,540.16sqm is permissible on the site based on the indicative scheme, subject to a competitive design process.</p>

Provision	Compliance	Comment
		<p>It is noted that the permissible FSR of the site is based on the proportion of uses. The breakdown of uses submitted in any subsequent Stage 2 detailed development application may differ from the proportion of indicative uses shown in the indicative scheme.</p> <p>The proposed development does not seek consent for any physical works, detailed design, or total quantum of floor space.</p> <p>The proposed building envelope is capable of accommodating a building which achieves compliance with the maximum FSR.</p> <p>A condition is recommended ensure any subsequent Stage 2 detailed design development application complies and requires the provision of precise calculations and details of the distribution of GFA and FSR with any such future application.</p>

#### Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes, subject to conditions	<p>The site is not a heritage item, nor is it located within a heritage conservation area.</p> <p>The site consists of a several 3-storey commercial terraces, constructed c. 1910-1912. The existing buildings are a rare surviving Federation era commercial terrace group, of which the most historically significant terraces are 372-374 Pitt Street, designed by architects Eaton and Bates.</p>

Provision	Compliance	Comment
		<p>A site inspection was undertaken by the City's Heritage and Urban Design and Heritage Planning Policy (Strategic Planning and Urban Design) units, to investigate the integrity of remaining significant fabric at the site. A Detailed Heritage Investigation Study was also requested from the applicant as outlined under the 'History of the Subject Development Application' heading above.</p> <p>Following an inspection of the site, and consideration of the Detailed Heritage Investigation, the following observations and conclusions were made:</p> <ul style="list-style-type: none"> <li>• The terraces have been altered at street level and retain no original significant fabric at ground level.</li> <li>• The buildings have some integrity as a homogenous group, which have historical links to and are aesthetically distinctive within the context.</li> <li>• The existing street awning(s) is original in-part, but soffit and fascia have been re-clad.</li> <li>• The facade above the awning of the terrace group is substantially intact and presents reasonable architectural integrity.</li> <li>• Terrace group retains their original built form, including their rear wings. However, the rear of 380-382A Pitt St has been modified with later additions over the rear wings. Balconies have been added to the wings of 376-378 Pitt Street.</li> <li>• The buildings have been substantially modified internally. All existing concrete or steel stairs from the street entries to upper levels are later modifications.</li> <li>• The internal masonry walls or party walls are original.</li> </ul>



Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>Prior construction of the Ibis Hotel has resulted in fragmentation of the original row through the removal of part of the group and the loss of physical and visual connection that the group had to the local heritage listed Civic Hotel (1945).</li> </ul> <p>Although the terrace group is not considered to demonstrate high integrity to meet the threshold for listing as local heritage items, the facade of the terrace group and Carruthers Place significantly contributes to the local character and to the setting of neighbouring heritage items.</p> <p>The site is also surrounded by a number of local heritage items to the east and south, including the Museum Towers at 267-277 Castlereagh Street (I1706) Sydney Masonic Centre at 66 Goulburn Street (I2283), and Civic hotel at 388 Pitt Street (I1945).</p> <p>Subject to conditions, the proposed development will not have detrimental impact on the heritage significance of the surrounding heritage items.</p> <p>Refer to the further discussion under Sections 3.9 and 3.10 of Sydney DCP 2012 and assessment provided below under the 'Discussion' heading, sub-heading 'Podium' below.</p>

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

Provision	Compliance	Comment
Division 1 Additional floor space in Central Sydney		
Subdivision 2 Types of additional floor space 6.4 Accommodation floor space	Able to comply	The site is identified as being located in 'Area 2', and as such, indicative land uses proposed is eligible for additional accommodation floor space calculated on a pro-rata basis.

Provision	Compliance	Comment
		<p>Based on the proportion of uses in the indicative scheme, the proposal is eligible for an additional floor space ratio of up to:</p> <ul style="list-style-type: none"> <li>• 4.5:1 for retail uses</li> <li>• 6:1 for hotel and residential accommodation</li> </ul> <p>The reference scheme provides an indicative area of:</p> <ul style="list-style-type: none"> <li>• approximately 131sqm for ancillary retail uses, which equates to an additional floor space ratio of 0.0336:1.</li> <li>• approximately 17,413sqm of hotel and residential accommodation, which equates to an additional floor space ratio of 5.95:1.</li> </ul> <p>The proposed development is eligible for an additional floor space ratio of 13.988:1 based on the proportion of indicative uses proposed.</p> <p>As outlined above, no FSR is recommended to be approved as part of this application.</p>
<p>Subdivision 3 Heritage floor space</p> <p>6.11 Utilisation of certain additional floor space requires allocation of heritage floor space</p>	<p>Able to comply</p>	<p>A condition is recommended to ensure that any FSR proposed in excess of 8:1 in any future Stage 2 detailed design development application, will be subject to a requirement to purchase HFS, in accordance with Clause 6.11 of Sydney LEP 2012.</p>
<p>Division 3 Height of buildings and overshadowing</p>		
<p>6.16 Erection of tall buildings in Central Sydney</p>	<p>Yes</p>	<p>The proposed building envelope exceeds 55m in height with a FSR greater than the maximum base FSR under Clause 4.4 of Sydney LEP 2012. The objectives and provisions of Clause 6.16 of Sydney LEP 2012 is therefore applicable to the proposed development.</p>

Provision	Compliance	Comment
		<p>The site exceeds the minimum area of 1,000sqm (without the reliance on areas of the site which are of an undevelopable dimension), to enable a concept building envelope over a height of 55m.</p> <p>Pursuant to Clause 6.16(3)(a), development consent must not be granted to development unless the consent authority is satisfied that the building will not adversely impact on wind conditions of public places, key views from public places, the curtilage of heritage items, setting and character of buildings or free movement of air to provide ventilation around tower forms.</p> <p>Clause 6.16(3)(b) requires the consent authority to be satisfied that the building will provide for high levels of sun and daylight access to public places and significant publicly accessible places, outlook for the proposed development, as well as appropriate height transitions between new buildings and heritage items and within special character areas.</p> <p>The proposal provides a compliant height pursuant to Clause 6.17 and does not result in any additional overshadowing impacts to public places in accordance with Clause 6.18 of Sydney LEP 2012.</p>
6.17 Sun access planes	Yes	<p>The maximum building height permitted on the site is restricted by the Belmore Park (1A) Sun Access Plane (SAP), resulting in a maximum building height of RL 202.4m at the southern site boundary and RL 228.6m at the northern site boundary.</p> <p>The proposed development seeks maximum height of RL 206.1m and does not exceed the Belmore Park SAP (tower setback 6.31m from the southern site boundary). The proposal complies with Clause 6.17 of Sydney LEP 2012.</p>

Provision	Compliance	Comment
6.18 Overshadowing of certain public places	Yes	The proposal complies with Clause 6.18 of Sydney LEP 2012 and does not result in any additional overshadowing to places shown on the Sun Access Protection Map.
Division 4 Design excellence		
6.21 Design excellence 6.21B Application of Division 6.21C Design excellence 6.21D Competitive design process	Able to comply	<p>The proposed development is for a concept building envelope to accommodate a future building which is capable of exhibiting design excellence in accordance with the objectives and matters for consideration under Clause 6.21, 6.21B, 6.21C and 6.21D of Sydney LEP 2012.</p> <p>As the site area is not greater than 2,000sqm, the proposed development is not eligible for a design excellence floor space bonus under Clause 6.21E in Tower cluster areas.</p> <p>A competitive design process is proposed, prior to the lodgement of any subsequent Stage 2 detailed design development application which will seek up to an additional 10% exceedance of the maximum floor space ratio control.</p> <p>Demonstration of design excellence is required before any award of any additional floor space.</p>

**Part 7 Local provisions – general**

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.1 Objectives and application of Division 7.3 Car parking spaces not to exceed maximum set out in this Division	Yes	The maximum number of car parking spaces permissible will be dependent on the number of apartments, hotel rooms and quantum of ancillary retail proposed in any future Stage 2 detailed design development application.

Provision	Compliance	Comment
<p>7.5 Residential flat buildings, dual occupancies and multi dwelling housing</p> <p>7.7 Retail premises</p> <p>7.9 Other land uses</p>		<p>The site is identified 'Category A' on the Land Use and Transport Integration map and 'Category D' on the Public Transport Accessibility Map.</p> <p>The maximum number of car parking spaces permitted is 29 spaces for residential accommodation and 56 spaces for hotel accommodation (total 85 spaces).</p> <p>The indicative reference design illustrates three basement levels with 21 parking spaces for residential accommodation only. No car parking is proposed for the hotel use. The indicative scheme complies with the maximum number of permitted car parking spaces.</p>
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	<p>The site is located on land with Class 5 Acid Sulfate Soils (ASS) and is not within 500mm of adjacent Class 1, 2, 3 or 4 ASS land.</p> <p>Notwithstanding, it will be determined at Stage 2 detailed design development application if the ASS provisions of the Sydney LEP 2012 are triggered by the proposed excavation works.</p>
7.15 Flood planning	Yes	<p>The site is not identified as flood prone land however, the western side of Pitt Street is identified as being subject to flooding (low hazard).</p> <p>A Preliminary Flood Impact Assessment, Services and Utilities Report accompanies the proposed development. These reports have been reviewed by Council's Public Domain Unit who advised that the proposal is acceptable with respect to flooding and stormwater considerations, subject to recommended conditions.</p>



Provision	Compliance	Comment
		These conditions require a Public Domain Survey and Concept Plan, Stormwater Management Report, Stormwater Quality Assessment, application for levels and gradients to be submitted with any Stage 2 detailed design development application.
7.16 Airspace operations	Yes	<p>The proposed development will penetrate the Obstacle Limitation Surface (OLS) as shown on the Obstacle Limitation Surface Map for Sydney Airport.</p> <p>The concurrence of Sydney Airport Corporation, as a proxy for the Civil Aviation Safety Authority, has been received subject to conditions of consent.</p>
7.19 Demolition must not result in long term adverse visual impact	Yes	No demolition is to be approved as part of the determination associated with the subject application.
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>The height of the proposed development triggers the requirement for a site-specific DCP.</p> <p>Section 4.23 of the Environmental Planning and Assessment Act allows a concept approval to be lodged in lieu of preparing a development control plan.</p> <p>The matters requiring consideration under Clause 7.20(4) are satisfied by the submitted documentation and recommended conditions.</p> <p>The proposal satisfactorily sets expectations for the form, massing, scale, environmental impacts, ESD outcomes, access outcomes and ground level outcomes of the development.</p>

## Development Control Plans

### Sydney Development Control Plan 2012

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

## Section 3 – General Provisions

Provision	Compliance	Comment
<p>3.1 Public Domain Elements</p> <p>3.1.5 Public art</p>	<p>Able to comply</p>	<p>A revised Preliminary Public Art Strategy accompanies the application. The revised strategy was reviewed by Council staff and satisfies requirements as per the City's Interim Guidelines for Public Art in Private Development, subject to conditions.</p> <p>The preliminary strategy confirms two potential public art opportunities, both of which are accessible and highly visible from the public domain:</p> <ul style="list-style-type: none"> <li>• An integrated facade artwork on the north-west corner of the building (Pitt Street and Carruthers Lane)</li> <li>• An integrated awning treatment along Pitt Street.</li> </ul> <p>Both opportunities provide a basis for meaningful collaboration between artist(s) and architect teams.</p> <p>It is noted that a third opportunity for an Artist in Residence and Exhibition Space, is also provided in addition to the requirements for public art (outside the public art budget required as part of this application).</p> <p>In accordance with Section 3.3.7 of Sydney DCP 2012, the Preliminary Public Art Strategy is to be appended to the competitive design brief to inform any future design competition.</p> <p>A detailed Public Art Strategy is required to be developed for the site in accordance with the preliminary strategy and Council's Public Art Policy and Section 3.1.5 of Sydney DCP 2012.</p> <p>Appropriate conditions are recommended ensuring that this strategy is required to be prepared and submitted as part of any future Stage 2 detailed design development application.</p>

Provision	Compliance	Comment
<p>3.2. Defining the Public Domain</p> <p>3.2.1 Improving the public domain</p> <p>3.2.2 Addressing the street and public domain</p>	Yes	<p>The proposal will make a positive contribution to Pitt Street and the public domain, given that it:</p> <ul style="list-style-type: none"> <li>• Contributes to the activity, safety, and amenity of Pitt Street as it provides an opportunity to enhance the active frontages of the existing terraces with ground level ancillary retail and hotel activity;</li> <li>• Provides an opportunity for the Stage 2 detailed design development application to provide multiple pedestrian points of entry into the development along Pitt Street;</li> <li>• Maintains adequate sun access to publicly accessible open space;</li> <li>• Will not result in adverse wind impacts within the public domain along Pitt Street;</li> <li>• Does not impede on any significant views from the public domain to any public places, park, heritage building or monuments;</li> <li>• Provides an opportunity for accessible and visible public art to be further explored in the Stage 2 detailed design development application; and</li> <li>• Will provide an acceptable integration with the public domain in the Stage 2 detailed design development application, subject to conditions recommended by the City's Public Domain Unit.</li> </ul>
3.2.3 Active frontages	Able to comply	The site is identified as having to provide an active frontage to Pitt Street.

Provision	Compliance	Comment
		<p>The proposal retains the facade of the existing terraces (Nos. 374-382A Pitt Street) which is capable of providing an active frontage to Pitt Street within refurbished shopfronts.</p> <p>The future Stage 2 detailed design development application is capable of providing pedestrian oriented and high design quality to contribute towards the vitality of Pitt Street to satisfy the requirements of Section 3.2.3 of Sydney DCP 2012.</p>
3.2.4 Footpath awning	Able to comply	<p>Awnings are required along Pitt Street as identified on the Footpath Awnings and Colonnade Map.</p> <p>The concept application seeks to replace the existing deteriorated awning with a new contemporary awning which may, if selected, provide an opportunity for the installation of public art.</p> <p>It is noted that the proposed concept plans do not show the existing awning nor a new awning zone. An appropriate condition is recommended and included in Attachment A to this report to ensure provision of an awning which complies with Section 3.2.4 of Sydney DCP 2012 is included in any Stage 2 detailed design development application.</p> <p>Refer to further details under heading 'Discussion' sub-heading 'Podium' below.</p>
3.2.6 Wind effects	Able to comply	<p>The application is accompanied by a Pedestrian Wind Assessment and Addendum Wind Assessment report prepared by RWDI Australia.</p> <p>The Wind Assessment and Addendum confirms that the:</p> <ul style="list-style-type: none"> <li>• wind conditions at ground floor entrances are predicted to be comfortable for their intended uses throughout the year; and</li> </ul>

Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>• wind speeds on and around the development are predicted to be within the acceptable threshold for pedestrian safety for the proposed configuration.</li> </ul> <p>The Addendum Wind Assessment report notes that there is likely negligible change between the predicted wind conditions between the original and revised concept envelope at ground levels. This is primarily due to the slender tower design and the substantial sheltering of the dense urban surrounds. The squared corners of the proposal is not likely to cause any substantial change in the local wind environment on the ground and lower-level terraces.</p> <p>An appropriate condition is recommended and included in Attachment A to require further wind testing to be submitted -- with any future Stage 2 detailed design development application. The accompanying wind assessment with any future Stage 2 development application is to assess the resulting wind impacts of the detailed design. The wind report should also include an assessment of wind activity at the top of the tower, should accessible areas be provided at the top of the tower in any future detailed design scheme.</p>
3.3 Design Excellence and Competitive Design Processes	Yes	<p>Any future Stage 2 detailed design development application associated with the proposed development will be the subject of a competitive design process.</p> <p>A Design Excellence Strategy was prepared by Urbis on behalf of Belingbak and ICD Property, a copy of which is included as Attachment D to this assessment report.</p> <p>The competitive design process will be undertaken in order to achieve an enhanced urban outcome with a building of a high design quality. The Design Excellence Strategy has been prepared in accordance with the objectives of Section 3.3 of Sydney DCP 2012.</p>

Provision	Compliance	Comment
		<p>The Design Excellence Strategy requires the selection of architects participating in the competitive design process to be undertaken in consultation with the City.</p> <p>The Design Excellence Strategy is satisfactory and is recommended for approval as part of this concept development application.</p> <p>Appropriate conditions relating to the competitive design process are recommended and included in Attachment A to this report.</p>
3.5 Urban Ecology	Yes	<p>There are no existing trees or street trees located within site vicinity. The proposal will not have an adverse impact on the local urban ecology as it does not involve the removal of any trees.</p> <p>An appropriate condition is recommended to require further consideration in any future competitive design process and Stage 2 detailed design development application to provide tree canopy cover, vegetation and soft landscaping to contribute towards the City's 'greening' targets.</p>
3.6 Ecologically Sustainable Development	Able to comply	<p>Conditions are recommended and included in Attachment A to ensure that the proposed ESD commitments in the Design Excellence Strategy will be carried through the competitive design process to the Stage 2 detailed design development application.</p> <p>The submitted ESD Report provides the following targets that have been included in the Design Excellence Strategy:</p> <ul style="list-style-type: none"> <li>• Demonstrate energy efficiency through a 4 Star NABERS Energy for Hotels with a Commitment Agreement certification.</li> <li>• Exceed NCC 2019 Section J energy benchmarks with a bespoke facade and services system design.</li> </ul>



Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>• Exceed BASIX Requirements for the Class 2 (residential) components of the Project by 5% for Energy.</li> <li>• Design in line with Australian Best Practice Environmental Initiatives, by achieving a certified 4 Star Green Star Buildings Rating.</li> <li>• Design to a 4 Star NABERS Water for Hotels Performance, to demonstrate WSUD principals are met.</li> </ul> <p>The proposed ESD targets have been reviewed by the City's Environmental Projects and Sustainability unit. The proposed targets are acceptable and comply with the requirements of Section 3.6 of Sydney DCP 2012. The above ESD targets have been included in the Design Excellence Strategy which will inform the future Architectural Design Competition brief.</p> <p>A further condition is recommended to require a valid BASIX Certificate to be submitted with any Stage 2 detailed design development application, in accordance with the provisions of the BASIX SEPP and Environmental Planning and Assessment Regulation 2020.</p>
3.7 Water and Flood Management	Able to comply	<p>A Preliminary Flood Impact Assessment, Services and Utilities Report accompanies the proposed development, which are acceptable. The site is not identified as flood prone land however, the western side of Pitt Street is identified as being subject to (low hazard) flooding.</p> <p>Refer to discussion above under Clause 7.15 of Sydney LEP 2012.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	<p>As outlined under the heading 'The Site and Surrounding Developments', there are a number of easements and rights of access affecting and benefiting the subject site.</p>

Provision	Compliance	Comment
		<p>The application, as amended, was referred to Council's Specialist Surveyor who advised the proposal was acceptable, subject to recommended conditions.</p> <p>It is noted that the submitted survey is not a detail survey. The survey is not based on a boundary survey but rather historic DPs and titles. The existing DPs are old, and the northern boundary of the site has been redefined by DP 809626 (Carruthers Place) which underlies the adjoining strata plan (SP 46628). It is therefore likely that there will be a degree of change between the submitted survey and actual boundary dimensions including site area when a consolidation plan is prepared and registered. It is also noted that the location of the sewer main is shown approximately on the survey.</p> <p>Notwithstanding, given the circumstances of this proposal for in-principle approval of the building envelope, the survey provided is considered sufficient for the purpose of assessment.</p> <p>Appropriate conditions are recommended having regard to the constraints of the site, nil setback of the proposed envelope from the site boundaries. This will ensure any detailed design can be based on accurate site information. A deferred commencement condition is recommended for a detail survey to be prepared by a registered surveyor.</p> <p>Additional appropriate conditions are recommended to require the following as part of any subsequent future Stage 2 detailed design development application:</p> <ul style="list-style-type: none"> <li>• a consolidation plan</li> <li>• accurate documentation of the location of the sewer main by way of non-destructive methods on the detail survey.</li> </ul>

Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>• provide an easement for fire egress for The Chambers building (362-370 Pitt Street), along the northern boundary of the subject site (Carruthers Place at 372B Pitt Street). The easement must be a minimum of 1m in width and extend from Pitt Street to encompass all fire doors located along the southern boundary of the adjoining development at 362-370 Pitt Street (SP 46628).</li> <li>• provide details on how the existing easements and rights of access which burden and benefit the subject land will be treated in any future Stage 2 detailed design development application. The Stage 2 detailed design development application is to show whether these easements and rights of access are to be maintained, varied, or extinguished and how the rights of other parties who benefit from the easements and rights of access will be protected.</li> </ul>
3.9 Heritage	Yes	<p>The existing terraces on the site are not identified as local heritage items nor within a heritage conservation area.</p> <p>The site is adjacent to numerous local heritage items including, Museum Towers at 267-277 Castlereagh Street to the east (I1706), Sydney Masonic Centre at 66 Goulburn Street (I2283) to the south-east, Civic Hotel at 388 Pitt Street (I1945) to the south.</p> <p>The location of the proposed tower has been revised to address the DAP and Council's comments to ensure the proposal does not result in reduced appreciation of the Civic tower located above the Sydney Masonic Centre. The revised proposed envelope provides a minimum separation of 6m (increased from 4.36m) from the outer face of the</p>

Provision	Compliance	Comment
		<p>Civic tower. Overall, the proposed building envelope, as amended, with the retention of 374-382A Pitt Street largely address its relationship with the neighbouring Sydney Masonic Centre including Civic Tower and Civic Hotel.</p> <p>Subject to conditions, the proposed concept envelope will have an acceptable impact on the adjacent heritage times.</p>
<p>3.9.13 Excavation in the vicinity of heritage items and in heritage conservation areas</p>	<p>Able to comply</p>	<p>The proposal is for in-principle approval for a new concept building envelope with excavation of approximately three storeys. No physical or demolition works are proposed as part of the amended concept plans.</p> <p>A preliminary Structural Assessment Report prepared by TTW and Geotechnical Engineering report (desktop investigation) prepared by PSM accompanies the application.</p> <p>The preliminary Structural Assessment was based on the original proposal which comprised the demolition of all terraces and associated structures.</p> <p>Refer to further details under the 'Discussion' heading, sub-heading 'Podium' below.</p>
<p>3.10 Significant Architectural Building Types</p>	<p>Able to comply</p>	<p>The site contains a row of Edwardian Free Classical commercial terraces c. 1910-1912.</p> <p>Refer to further discussion under the 'Discussion' heading, sub-heading 'Podium' below.</p>
<p>3.11 Transport and Parking 3.11.1 Managing transport demand 3.11.10 Vehicle access for developments greater than 1,000sqm GFA 3.11.11 Vehicle access and footpaths</p>	<p>Able to comply</p>	<p>The proposal seeks to provide vehicular access to the site via Carruthers Place along the Pitt Street frontage.</p> <p>The indicative reference scheme illustrates that the basement car parking levels is capable of accommodating 21 car parking spaces for residential uses, which complies with the maximum permissible parking rates under Part 7</p>

Provision	Compliance	Comment
		<p>Division 1 of the Sydney LEP 2012, as discussed above.</p> <p>It is noted that parking numbers or rates are not approved as part of a concept proposal and would form part of a future Stage 2 detailed design development application when the exact mix of land uses, and the number of residential apartments are known.</p> <p>A Traffic Impact Statement (TIS) and Loading Dock Management Plan (LDMP) prepared by PTC Consultants accompanies the application. The TIS and LDMP was reviewed by the City's Transport and Access Unit who advised the proposed envelope is capable of providing adequate vehicular access, loading and servicing arrangements to service a development of the proposed scale.</p> <p>The indicative scheme confirms that a Council Waste Collection Vehicle (9.24m length x 2.5m width) and Small Rigid Vehicle (SRV) (6.4m length x 2.3m width) can be accommodated within the indicative ground floor loading dock (clearance height of 4m).</p> <p>Although the indicative vehicular access, loading and servicing arrangements shown on the indicative reference scheme are generally acceptable and supported in-principle, the indicative width of 7.61m for the driveway crossover to Pitt Street is not supported.</p> <p>Appropriate conditions are recommended to require minimisation of the width of the driveway crossover to Pitt Street and prioritisation of pedestrian traffic through and around the site in any future Stage 2 detailed design development application. Conditions are also recommended and included in Attachment A of this report to ensure additional details of the design, swept path and the like are provided as part of the future Stage 2 detailed design development application.</p>

Provision	Compliance	Comment
3.11.3 Bike parking and associated facilities	Able to comply	Appropriate conditions are recommended and included in Attachment A to this report to ensure that adequate bicycle parking facilities are provided as part of any future Stage 2 detailed design development application.
3.11.4 Vehicle parking 3.11.5 Accessible parking 3.11.14 Parking area design	Able to comply	Appropriate conditions are recommended and included in Attachment A requiring that vehicle parking facilities proposed in any future Stage 2 detailed design development application achieves compliance with the requirements of Sections 3.11.4, 3.11.5 and 3.11.14 of Sydney DCP 2012.
3.12 Accessible Design	Able to comply	An appropriate condition is recommended and included in Attachment A to this report to require an Access Report to be submitted with any future Stage 2 detailed design development application to ensure that the future building on the site provides accessible design.
3.13 Social and Environmental Responsibilities	Able to comply	<p>The Stage 2 detailed development will need to satisfy the applicable principles in respect of passive surveillance and 'Crime Prevention Through Environmental Design' (CPTED) outcomes. A condition is recommended to require consideration of CPTED principles in the design of the new infill at 372 Pitt Street.</p> <p>Refer to details below under 'Discussion' heading, sub-heading 'Podium'.</p>
3.14 Waste	Able to comply	An Operational Waste Management Plan (WMP) and Revised WMP prepared by Elephants Foot Consulting Pty Ltd accompanies the subject application. The WMP and Revised WMP was reviewed by the City's Waste Management Unit. The indicative scheme demonstrates that waste collection is able to occur on-site within the proposed building envelope.



Provision	Compliance	Comment
		A condition is recommended and included in Attachment A to this report to require that a Waste Management Plan is submitted with any subsequent Stage 2 detailed design development application, in accordance with the controls in Section 3.14 of Sydney DCP 2012.
3.16 Signs and Advertisements	Able to comply	A condition is recommended and included in Attachment A to this report to require a Signage Strategy to be submitted with any subsequent Stage 2 detailed design development application, in accordance with the requirements of Section 3.16.1 of Sydney DCP 2012.

## Section 4 – Development Types

### 4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.2 Floor to ceiling heights and floor to floor heights	Able to comply	<p>The indicative reference scheme demonstrates that the proposed envelope can accommodate compliant floor to ceiling heights and floor to floor heights.</p> <p>The indicative reference scheme shows:</p> <ul style="list-style-type: none"> <li>• Minimum 4.5m floor to floor height for the first basement floor and ground floor.</li> <li>• Minimum 3.6m - 4.2m floor to floor height for the first commercial floor and 3.3m - 3.9m floor to ceiling height.</li> <li>• Minimum 3.1 floor to floor height for habitable rooms (residential and hotel accommodation).</li> <li>• Minimum 2.7 floor to ceiling height for habitable rooms (residential and hotel accommodation).</li> </ul>

Provision	Compliance	Comment
4.2.3 Amenity		
4.2.3.1 Solar access 4.2.3.7 Private open space and balconies 4.2.3.9 Ventilation 4.2.3.10 Outlook 4.2.3.11 Acoustic privacy	Able to comply	<p>The indicative reference scheme demonstrates that the building can be constructed within the proposed envelope with acceptable levels of residential amenity.</p> <p>Refer to discussion and assessment under heading SEPP 65 and the ADG above.</p>
4.2.3.3 Internal common areas	Able to comply	<p>The indicative reference scheme illustrates that the building is capable of achieving compliance with Section 4.2.3.3 of Sydney DCP 2012.</p>
4.2.3.5 Landscaping	Able to comply	<p>A condition is recommended and included in Attachment A of this report to ensure investigation of landscape opportunities within the design competition process and in any future Stage 2 detailed design development application. Any future Stage 2 detailed design development application must be accompanied by a Landscape Plan prepared by a suitably qualified landscape architect.</p>
4.2.3.12 Flexible housing and dwelling mix	Able to comply	<p>The indicative floor plans of the reference scheme provides a mix of 2 bed (47%), 3 bed (47%) and 4 bed (6%) units. The indicative reference design demonstrates the proposed envelope is able to accommodate a generally compliant dwelling mix, and that this layout would achieve the residential amenity guidelines of both the Sydney DCP 2012 and ADG.</p> <p>Compliance with dwelling mix provisions will be a matter for any future Stage 2 detailed design development application.</p>

Provision	Compliance	Comment
4.2.4 Fine grain, architectural diversity and articulation	Able to comply	<p>The existing facade of the existing terraces and part of the structure behind will be retained and incorporated into any future detailed design. This ensures the future building will present a diverse architectural character with an individual building identity.</p> <p>The form and scale of the podium and tower envelope above provide adequate capacity to ensure appropriate facade modulation and articulation to a future building proposed in any Stage 2 detailed design development application.</p> <p>Refer to further discussion under the 'Discussion' heading, sub-heading 'Podium' below.</p>
4.2.6 Waste and recycling Management	Able to comply	<p>The indicative reference scheme provides areas within the building envelope to accommodate waste storage and collection facilities.</p> <p>A condition is recommended to ensure adequately sized and sufficient facilities are provided in any subsequent future Stage 2 detailed design development application.</p>
4.2.7 Heating and cooling infrastructure	Able to comply	<p>The indicative reference scheme provides areas within the building envelope to accommodate plant and services, including consolidated heating and cooling infrastructure.</p>
4.2.8 Letterboxes	Able to comply	<p>The location of letterboxes can be addressed as part of any future Stage 2 detailed design development application.</p>

#### 4.4 Other Development Types and Uses

##### 4.4.8 Visitor accommodation

Provision	Compliance	Comment
4.4.8.1 General  4.4.8.3 Additional provisions for hotels, private hotels and motels	Able to comply	The indicative reference design provides a total of 303 hotel rooms. The proposed building envelope is capable of accommodating hotel accommodation in keeping with Section 4.4.8.3 of Sydney DCP 2012.  Compliance with these provisions will be a matter for any future Stage 2 detailed design development application.

#### Section 5 – Specific Areas - Central Sydney

Provision	Compliance	Comment
5.1.1 Built form controls  5.1.1.1 Street Frontage height and street setbacks	Partial compliance	The proposal retains the existing 3 storey commercial terraces which provide a street frontage height of approximately 13.4m for the lower podium. A height of 25m is proposed for the upper podium which aligns to the western face of the tower (setback 8m).  The proposal does not comply with the permitted street frontage heights in Table 5.1 for non-heritage items outside Special Character Areas (minimum 20-25m permitted).  The proposed street frontage height is however acceptable in this instance as it achieves the relevant objectives of Section 5.1.1 of Sydney DCP 2012, in that it: <ul style="list-style-type: none"> <li>• Achieves comfortable street environments for pedestrians, maintains views to the sky and creates a sense of openness to Pitt Street;</li> <li>• reinforces the character of Central Sydney through retaining the existing terraces, which ensures built form is compatible with surrounding heritage items and the desired streetscape character;</li> </ul>

Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>• recognises the variety and patterns of street wall heights throughout Central Sydney;</li> <li>• retains the existing terraces which have heritage significance; and</li> <li>• provides a compliant street setback of 8m above the podium height, which is consistent with the minimum street setback required under Table 5.2.</li> </ul>
<p>5.1.1.3 Side and Rear Tower Setbacks and Building Form Separations</p>	<p>Partial compliance</p>	<p>Section 5.1.1.3 of Sydney DCP 2012 requires the following minimum side and rear setbacks:</p> <ul style="list-style-type: none"> <li>• 4m up to 120m;</li> <li>• 3.33% of the total height of the building (between 120m up to 240m)</li> </ul> <p>Pursuant to Section 5.1.1.3(7), facades that contains windows must be setback from side and rear site boundaries by a minimum of 2m to allow maintenance of the facade by a building maintenance unit (BMU) fully within the site boundary.</p> <p>The proposal provides a minimum side and rear setback of:</p> <ul style="list-style-type: none"> <li>• 6.29m to the north (3.33% of the building height of 188.98m)</li> <li>• 6.31m to the south (3.33% of the building height of 189.57m)</li> <li>• 1.5m to the rear (east)</li> </ul> <p>The proposal provides compliant side setbacks in accordance with this provision but seeks a variation of 0.5m to the rear setback.</p>

Provision	Compliance	Comment
		<p>Section 5.1.1.3(6) allows variations to side and rear setbacks where:</p> <ul style="list-style-type: none"> <li>(a) equivalent or improved wind comfort, wind safety and daylight levels are achieved in adjacent Public Places, relative to the base case building massing as required under Schedule 12 (i.e. variation to the massing is governed by achieving equal or better performance); and</li> <li>(b) a high quality urban design outcome will be achieved, through the preparation of a detailed urban design and options analysis, which demonstrates how the proposed massing is compatible with the context.</li> </ul> <p>Refer to further discussion under the 'Discussion' heading, sub-heading 'Tower' below.</p>
5.1.1.4 Built form massing, tapering and maximum dimensions	No but acceptable	<p>Section 5.1.1.4 of Sydney DCP 2012 requires the maximum dimension and area of a building above the street frontage height (including all external elements) is not to exceed:</p> <ul style="list-style-type: none"> <li>• 50m for residential accommodation and a floor plate area of 1,000sqm; and</li> <li>• 100m and a floor plate area of 1,000sqm for other development.</li> </ul> <p>Section 5.1.1.4(3) requires the envelope of the tower to taper to occupy 90% of the floor plate above 120m up to 240m.</p> <p>Above the lower podium, the proposal provides a compliant upper podium (between a height of 13.4m up to 25m) and has a maximum floor plate of 635sqm. A compliant maximum horizontal dimension of approximately 40.8m in a north-east/south-west direction and 37.7m in a north-west/south-east direction is proposed.</p>



Provision	Compliance	Comment
		<p>Above the upper podium, the proposal provides a compliant maximum tower floor plate of 406sqm. A compliant maximum horizontal dimension of approximately 30.8m in a north-east/south-west direction, and 30.12m in a north-west/south-east direction is proposed.</p> <p>Provision (3) requires the total building envelope area to occupy 90% of the site area (less the required DCP setbacks) for the part of the site above 120m and 100% up to 120m.</p> <p>The proposed envelope does not comply with the tapering controls.</p> <p>Section 5.1.1.4(4) allows variations to provision (3) where the building massing provides equivalent or improved wind comfort, wind safety and daylight levels in adjacent Public Places relative to the base case building massing as required under Schedule 12, with complying side and rear setbacks, and maximum floor plate dimensions.</p> <p>Refer to further discussion under the 'Discussion' heading, sub-heading 'Tower' below.</p>
5.1.2 Development outlook and demonstrating amenity compliance	Partial compliance	<p>Section 5.1.2 requires all developments to provide for adequate setbacks within their development sites so as to guarantee their own minimum outlook, and not unreasonably borrow amenity from neighbouring sites including access to views and sunlight.</p> <p>Provision (1) requires a minimum outlook depth of:</p> <ul style="list-style-type: none"> <li>• 12m (to residential primary windows and balconies) at a height above 45m;</li> <li>• 6m (to all windows and balconies for other forms of accommodation) at a height between 25m up to 45m; and</li> </ul>

Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>• 9m (to all windows and balconies for other forms of accommodation) at a height above 45m.</li> </ul> <p>The indicative reference plans illustrate an outlook depth of:</p> <ul style="list-style-type: none"> <li>• 35.03m for primary residential windows to the Museum Towers which exceeds the above and ADG requirements.</li> <li>• 6.29m for hotel windows, primary residential windows and winter garden to The Chambers building to the north.</li> <li>• 6.31m for hotel windows, primary residential windows to the Ibis Hotel to the south.</li> </ul> <p>The proposal provides partial compliance with Section 5.1.2(1) for indicative hotel windows to a height of 45m and outlook for residential windows facing east.</p> <p>Refer to further discussion under the 'Discussion' heading, sub-heading 'Tower' below.</p>
<p>5.1.3 Heritage items, warehouses and special character areas</p> <p>5.1.3.2 Development adjacent to heritage items</p>	<p>Yes, subject to conditions</p>	<p>As discussed above, the site is adjacent to the Sydney Masonic Centre (I2283) to the south-east and Museum Towers (I1706) to the east. The Civic Hotel is also located within proximity to the site.</p> <p>Section 5.1.3.2(1) stipulates that new development adjacent to a heritage item should respect and reinforce the historic scale, form, modulation, proportions, street alignment, materials and finishes that contribute to the heritage significance of the adjacent heritage item.</p> <p>Provision (2) requires consideration to be given to the impact of adjacent development on the significance, setting, curtilage, values and ability to view and appreciate the heritage item from Public Places.</p>

Provision	Compliance	Comment
		<p>The proposed development, as amended, retains the existing commercial terraces which contribute towards the setting and local character of the neighbouring heritage items.</p> <p>The massing of the revised tower has been adjusted to increase separation to the Civic Tower. The proposed separation of 6m to the Civic Tower is considered acceptable as it maintains the ability to view and appreciate the heritage item from surrounding Public Places and allows the Civic Tower to be appreciated 'in the round'. The proposal generally achieves the objectives of Section 5.1.1.3 and Section 5.1.1 of Sydney DCP 2012 providing sufficient separation to ensure the development does not result in a contiguous 'wall of towers' where groups of tall buildings appear as one unbroken mass.</p> <p>Subject to conditions, the proposed development will not have detrimental impact on the heritage significance of the surrounding heritage items.</p>
5.1.4 Building exteriors	Able to comply	The proposal is for a concept building envelope. The architecture and materiality of the development will be determined as part of any future competitive design process and Stage 2 detailed design development application.
5.1.6 Heritage floor space	Able to comply	Accommodation floor space will be subject to the allocation of heritage floor space in any future Stage 2 detailed design development application.
5.1.7 Sun protection of public parks and places	Yes	<p>The height of the proposed building envelope complies with the maximum height of the Belmore Park SAP. The proposed envelope does not result in any additional overshadowing of certain public places.</p> <p>Refer to assessment under Clauses 6.17 and 6.18 of Sydney LEP 2012 above.</p>

Provision	Compliance	Comment
5.1.8 Views from public places	Yes	The proposed development does not encroach within any of the view nominated on the Public Views Protection Map or any significant public views (not mapped) identified in a Special Character Area locality statement.
5.1.9 Managing wind impacts	Able to comply	<p>The application is accompanied by a Pedestrian Wind Assessment and Addendum Wind Assessment report. These reports confirm that the proposed envelope is able to accommodate a future building which achieves comfortable wind conditions.</p> <p>Refer to assessment under Section 3.2.6 of Sydney DCP 2012 above.</p>

**Schedule 12 - Procedures for demonstrating compliance with variation provisions for street frontage height and setbacks, side and rear setbacks, building separations and tapering controls in Central Sydney**

Provision	Compliance	Comment
12.2 Procedure B: Equivalent or improved wind comfort and wind safety and daylight levels in adjacent Public Places	No	<p>A base case model was submitted with complying street frontage heights, setbacks, building separation and tapering controls, comprising a podium and tower component in terms of area and volumes.</p> <p>A Sky View Factor (SVF) analysis was submitted which reflects the original concept envelope. A review of the SVF analysis by the City's Strategic Planning and Urban Design (SPUD) unit found discrepancies in the base case model and SVF analysis.</p> <p>The proposed development has since been subject to a number of design iterations and amendments to address the DAP and Council's concerns in relation to retention of the existing terraces, podium, setbacks and tower separation to adjacent properties. Refer to discussed under the 'History of the Subject Development Application' heading above.</p>

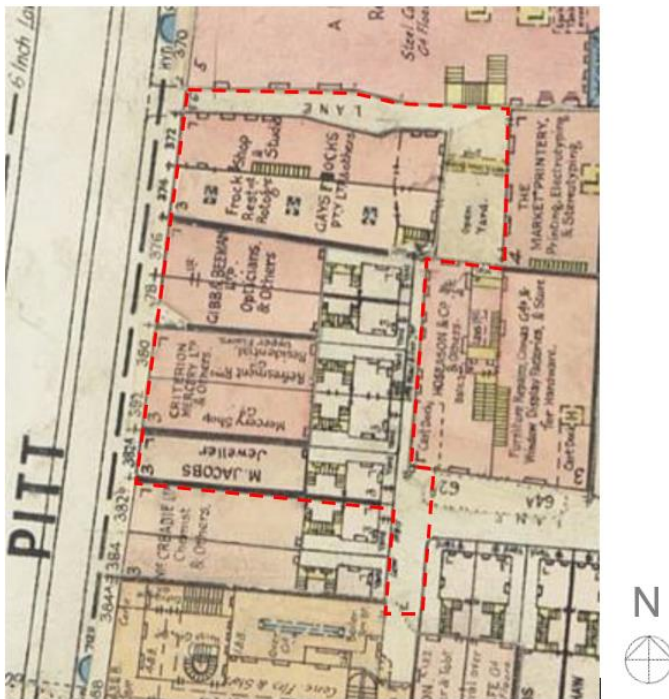
Provision	Compliance	Comment
		<p>The proposed building envelope, as amended, provides compliant side setbacks to the north and south (3.33% of the building height), as well as a compliant street setback of 8m above the street frontage height.</p> <p>As discussed above, the proposal seeks variation to Sections 5.1.1.1 (in terms of street frontage height), 5.1.1.3 (in terms of rear setback), and 5.1.1.4 (tapering of the tower) of Sydney DCP 2012 in relation to the tower.</p> <p>An updated SVF analysis does not accompany the revised proposed envelope.</p> <p>Refer to further discussion under the 'Discussion' heading, sub-heading 'Tower' below.</p>

## Discussion

### Podium

#### *Retention of Historical Building Fabric*

101. The site comprises a rare surviving Federation era (Edwardian Free Classical) group of terrace and Carruthers Place. To the west, the several three-storey masonry terraces present decorative facades and parapets above the awning to Pitt Street. To the east, the terraces back onto a rear portion of Carruthers Place which connects to a right of way access to Goulburn Street. The below Fire Underwriters plan 1917-1939 at Figure 61 assists in assessing the integrity of the existing commercial terraces.



**Figure 61:** 1917-1939 Fire Underwriters Plan showing the layout of the terrace group, subject site shown dashed in red (Source: City of Sydney Archives)

102. The terraces at 372-374 Pitt Street were constructed c.1910 by architects Eaton and Bates (George Thomas Eaton and Albert Edmund Bates) and the remaining buildings at 376-382A Pitt Street were constructed c.1910-1912. The ground floor facade of the buildings, soffit and fascia of the existing awning, and internal fabric retain little historic fabric and have been significantly modified. Above the awning, the first and second floor facades remain substantially intact, presenting original fenestration, mouldings, arches and brackets which allow the upper portion of the terraces to be read in its original form. The existing buildings have some integrity as a homogenous group, which have historic links to and are aesthetically distinctive within the context. The terraces, in their current form, does not demonstrate high integrity, and does not meet the criteria for listing as local heritage items.
103. Based on historical photographs, the existing footpath awnings are original in part, as it retains original suspension beams but has modified soffits and fascias that have been reclad and/ or concealed.
104. Photos of the site from 1989 to the present day are provided at Figures 62 and 64 below.



**Figure 62:** View of the site in 1989 from Pitt Street facing north-east prior to the construction of the Ibis Hotel at 386 Pitt Street (Source: City of Sydney Archives)



**Figure 63:** View of the site in 2000 from Pitt Street facing south-west. The terrace at 386 Pitt Street was replaced with the Ibis Hotel at 386 Pitt Street. (Source: City of Sydney Archives)



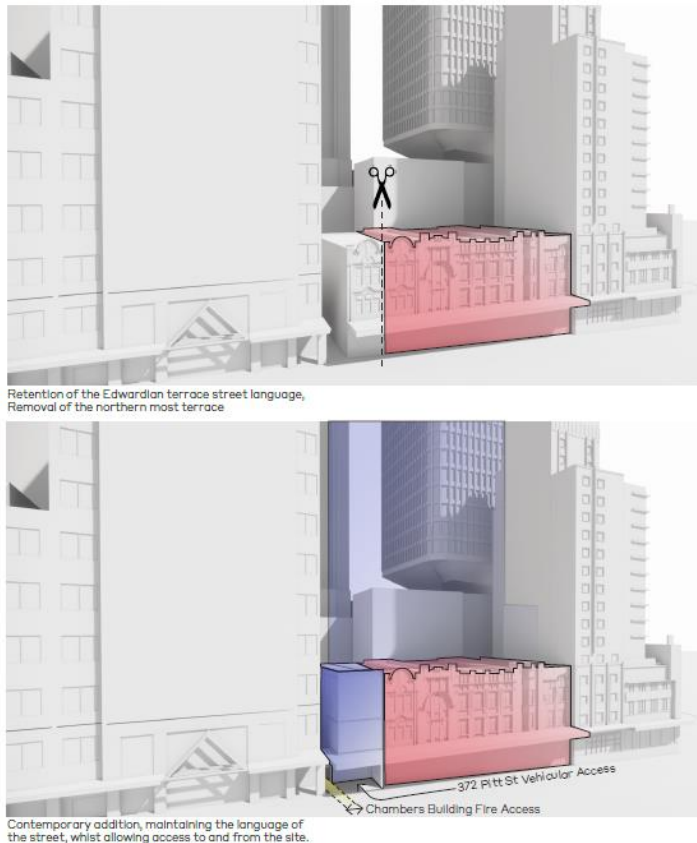


**Figure 64:** Present view of the subject site facing south-west

*In-principle demolition of 372 Pitt Street (northern-most terrace) to facilitate on-site vehicular servicing*

105. As discussed under the headings 'Pre-Development Application Advice' and 'History of the Subject Application' above, a number of options have been explored to facilitate vehicular access and on-site servicing requirements.
106. At the time of PDA/2021/268, Carruthers Place did not form part of the site and the vehicular servicing options explored included the introduction of a new driveway crossing at 380- 382A Pitt Street, new driveway crossing at 372-374 Pitt Street or porte cochere arrangement. The applicant was advised to undertake further investigation to comply with Section 3.11 of Sydney DCP 2012 and explore vehicular servicing via Carruthers Place. The Pre-DA advice was adopted and incorporated into the subject application with vehicular servicing from, and the inclusion of, Carruthers Place as part of the site.
107. A review of the site survey confirms the following with respect to 372 Pitt Street, the existing footpath awning and Carruthers Place:
  - (a) 372 Pitt Street has a width of approximately 5.06m (western boundary);
  - (b) The height of the existing footpath awning is approximately 3.89m above the pedestrian footpath;
  - (c) Carruthers Place has a width of approximately 2.425m to Pitt Street; and

- (d) There is a gradual slope in topography from the rear to the front of the site. The rear portion of Carruthers Place slopes towards Pitt Street. There is a level difference of approximately 1.97m at the rear of Carruthers Place above the existing level of the Pitt Street pedestrian footpath.
108. In accordance with Section 3.11.11(7) of Sydney DCP 2012, wherever practicable, vehicle access/egress is to be a single crossing with a maximum width of 3.6m over the footpath, and perpendicular to the kerb alignment. A minimum width of 4m is required at the site boundary for entry into any basement or ground floor loading/servicing area. Pursuant to Section 3.11.13(3) of Sydney DCP 2012, a minimum vertical clearance height of 4m clear of all ducts, pipes and other services (subject to the gradient of access and type of collection vehicle) is required to facilitate a Council garbage truck or small rigid delivery vehicle (SRV).
109. The subject application was presented to the DAP on 24 March 2022. Whilst Council officers and the DAP acknowledged that the existing buildings are not heritage listed, redesign of the proposal was recommended to enable adaptive reuse and integration of the group. This would add unique character and interest to the proposal and provide a significant contribution to the local character and the setting of neighbouring heritage items. The facades and meaningful part of the structure behind should be integrated with the base of the tower where ancillary uses are proposed. The DAP accepted that removal of 372 Pitt Street would be required to facilitate adequate on-site loading and servicing for the indicative uses within the proposed concept building envelope.
110. A further 1m easement along the northern boundary of the site is also required to maintain existing fire egress paths for 370 Pitt Street (The Chambers building).
111. Following the DAP and Council officers (Urban Design, Heritage, and Traffic Specialist) recommendations, the proposed development was revised to retain all but the most northern terrace. Figure 65 illustrates the revised design strategy for the retention of existing terraces at 374-382A Pitt Street, in-principle removal of 372 Pitt Street and a new infill.



**Figure 65:** Proposed podium design strategy, as amended

112. On balance, in-principle demolition of 372 Pitt Street can be supported, in light of the following:
- (a) The existing terraces are not identified as local heritage items nor within a heritage conservation area, and the existing terraces does not demonstrate high integrity to meet the criteria of a local heritage item.
  - (b) The proposal results in positive outcomes as it comprises retention and adaptive reuse of the group of terraces 374-382A Pitt Street, which is in keeping with Sections 3.9 and 3.10 of Sydney DCP 2012. The partial retention of the terraces adds unique character and interest in any future detailed design and significantly contributes to the setting of neighbouring heritage items.
  - (c) The proposed retention and adaptive reuse of the historic commercial terraces will complement the neighbouring Sydney Masonic Centre including Civic Tower and Civic Hotel.
  - (d) The provision of a compliant number of on-site service vehicle spaces is particularly important in the City centre where on-street parking and loading arrangements are increasingly been changed to prioritise and facilitate walking, cycling and use of public transport.

- (e) The site is considerably constrained in relation to vehicular servicing and access, given its:
  - (i) location on, and available frontage to Pitt Street being a pedestrianised, north-bound one way local road in the Sydney CBD which carries approximately 4,000 vehicles and large pedestrian volumes per day;
  - (ii) location opposite the busy driveway entry into World Square on the western side of Pitt Street;
  - (iii) location in proximity to the signalised intersection of Pitt and Goulburn Street;
  - (iv) the location of the Sydney Metro and Sydney Trains tunnel reserves below and adjacent to the site;
  - (v) the location of Sydney Water sewer which bisects the site;
  - (vi) existing commercial terraces which present reasonable architectural integrity and intactness; and
  - (vii) proximity to adjacent local heritage items.
- (f) There is very little tolerance given the slope of the site, existing ground floor to ceiling height and width of 372 Pitt Street in combination with Carruthers Place to facilitate adequate on-site loading and servicing. If structurally possible, this will likely result in a facadism approach for 372 Pitt Street which will be an inferior outcome.
- (g) Retaining just the facade of 372 Pitt Street will likely not allow the facade to 'come to ground' at the north-western corner creating an awkward cantilevered junction.
- (h) The proponent has demonstrated through a number of design iterations (option analysis) that the proposed vehicular access via Carruthers Place and 372 Pitt Street achieves the best possible outcome to accommodate adequate on-site vehicular servicing for the proposed indicative land uses. The indicative reference design confirms that a SRV and Council garbage truck can be accommodated at this location within the proposed envelope. Any future Stage 2 detailed design development application is capable of achieving compliance with Section 3.11 of Sydney DCP 2012 within the proposed building envelope.

113. The resolution of how this pair of terraces will be separated (to demolish 372 Pitt Street whilst retaining 374 Pitt Street) will be a matter for any future subsequent Stage 2 detailed design development application.

#### *Future excavation*

114. The proposed concept plans show a nil setback to all site boundaries for basement levels.

115. The development site is identified as an area of archaeological potential under the Central Sydney Archaeological Zoning Plan 1992. The proposal is not accompanied by an archaeological assessment.

116. The accompanying revised HIS prepared by Urbis states that an archaeological assessment is beyond the scope of the subject proposal. The submitted preliminary Geotechnical Report prepared by PSM, based on a desktop study, predicts there may be 1-2 deep spoil or refill underground given the previous construction activities in and around the site.
117. The preliminary Structural Report prepared by TTW suggests the structural design may include a mix of shoring piles and retaining walls for the 3 basement levels. The structural report notes that underpinning of the existing foundations should be considered in the design to preserve existing building conditions and structural integrity, subject to final geotechnical investigations.
118. Conditions are recommended to:
- (a) require a structural strategy to be prepared by a practising structural engineer experienced in dealing with heritage buildings/ retaining historic fabric, must be prepared prior to the commencement of any competitive design process. The report is to investigate and make recommendations on how retained building elements can be retained, supported and not undermined having regard to the underground site constraints. The report is to inform the future design development and included as an appendix to the competitive design brief.
  - (b) ensure excavation of the basement level does not undermine the footings of the retained facade/ walls. Subject to the advice of the geotechnical engineer and structural engineer, the retention structure should offset from existing wall footing to reduce the risk of structural damage to the retained walls.
  - (c) require a detailed Geotechnical Report based on field investigations and borehole sampling to accompany any Stage 2 detailed design development application. The detailed Geotechnical Report must investigate the footings of existing buildings on the site, with regard to building elements to be retained in the proposal and provide recommendations on their retention design.
  - (d) require an Archaeological Assessment prepared by a suitably qualified archaeologist to be undertaken prior to the lodgement of any Stage 2 detailed design development application. The Archaeological Assessment is to make recommendations on mitigation measures and requirement on archaeological research designs.

*Retention of the facade and internal building fabric*

119. The proposal, as amended, seeks to retain the existing facades of Nos. 374-382A Pitt Street and a minimum depth of 6m (approximately one bay) of the internal party walls.
120. It is noted that the retention of the existing party walls is not shown on the proposed concept plans or differentiated between new or existing walls within the indicative reference scheme.
121. At this Stage 1 concept phase, the proposed amount of retention is generally supported and acceptable as it:
- (a) removes existing intrusive and unsympathetic fabric within the existing terraces;

- (b) seeks to retain existing elements of high contributory value within one bay, ensuring meaningful incorporation of part of the existing buildings into the podium;
  - (c) allows interpretation of the existing group in the architectural design of the new podium;
  - (d) enables adaptive reuse and refurbishment of the buildings; and
  - (e) ensures there will be structural support to retain the facade, subject to further detailed investigation.
122. Conditions are recommended to require an internal detailed fabric investigation of the existing terraces to be undertaken prior to the commencement of any competitive design process.
123. The detailed fabric investigation and structural strategy must be made available to future competitors, through inclusion in any subsequent design competition brief. This will ensure that the amount of retained fabric can be maximised whilst providing a degree of design flexibility for the competitive design process and subsequent Stage 2 development application.

#### *Ground floor shopfronts and awnings*

124. As outlined above, the existing ground floor shopfronts have been significantly modified with broad shopfronts and glass windows.
125. The existing awnings have also been significantly modified with re-cladded soffits and fascias. The existing awnings will likely be required to be removed and replaced as part of the construction of the future development.
126. Having regard to existing condition of the ground floor shopfronts, awning and heritage status of the buildings, it is considered unreasonable to require the shopfronts and awning to be reinstated to reflect their original presentation. It is however recommended that documentary evidence and/or historic photographs of the original street presentation are utilised to inform the design and interpretation of the shopfronts and awnings.
127. The detailed design of the shopfronts and awnings must exhibit design excellence and provide a high quality and cohesive outcome that has regard to the retained facade and building elements. It is recommended that where possible, the ground level space of the retained buildings should be used as individual shops.
128. The awning must be designed in accordance with Section 3.2.4 of Sydney DCP 2012.
129. The design resolution of the ground floor shopfronts and awning is a matter for the design competitive process and future subsequent Stage 2 detailed design development application.
130. Accordingly, appropriate conditions are recommended to this effect and included in Attachment A.

*Infill at 372 Pitt Street*

131. Careful consideration must be given to the infill of 372 Pitt Street to:
- (a) exhibit design excellence in accordance with Clause 6.21, 6.21B, 6.21C and 6.21D of Sydney LEP 2012. The new infill shall provide architectural interest, unique character, and identity to the future re-development.
  - (b) provide an appropriate response to the adjacent buildings to comply with Clause 5.10 of Sydney LEP 2012, as well as Sections 3.9 and 3.10 of Sydney DCP 2012;
  - (c) achieve adequate on-site vehicular servicing and access in accordance with Section 3.11.13(3) of Sydney DCP 2012. As outlined above, a maximum driveway crossover width of 3.6m over the footpath should be provided with a minimum vertical clearance height of 4m.
  - (d) provide a safe environment and minimise opportunities for criminal and anti-social behaviour in keeping with Section 3.13 of Sydney DCP 2012; and
  - (e) designed to 'come to ground', positively contribute to the Pitt Street streetscape by presenting a richness of detail and appropriate design response to adjacent heritage items to meet Sections 3.2, 5.1.3 and 5.1.4 of Sydney DCP 2012.
132. Again, the detailed design resolution is a matter for the competitive design process and subsequent Stage 2 detailed design development application.

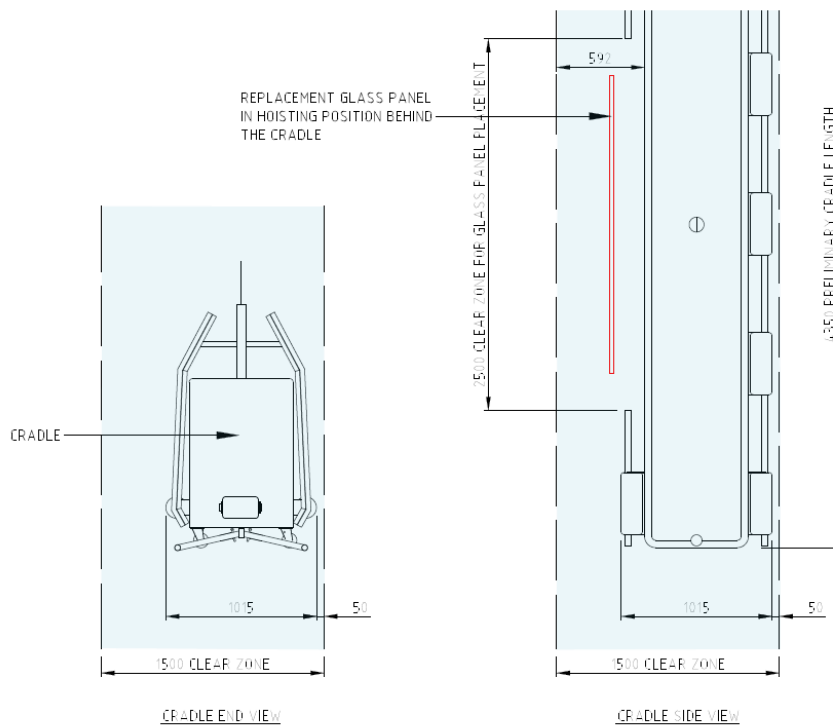
**Tower Envelope**

133. The proposal seeks a departure from the minimum built form controls in terms of rear setback (Section 5.1.1.3), tapering (Section 5.1.1.4) and outlook depth (Section 5.1.2 of Sydney DCP 2012).

*Rear Setback*

134. The proposed tower envelope provides a non-compliant rear setback of 1.5m to the eastern boundary of the site. This seeks a minor departure of 0.5m from the minimum required setback pursuant to Section 5.1.1.3(7) of Sydney DCP 2012.
135. A facade maintenance letter prepared by Altitude Facade Access Consulting accompanies this application. The letter confirms that the proposed setback of 1.5m is able to accommodate a BMU measuring 1,015mm (W) by 4,350mm (L), as shown in Figure 66.





**Figure 66:** Building Maintenance Unit sections, 1.5m rear setback maintenance zone shown hatched in blue

136. Despite the numerical non-compliance, the proposed rear setback is acceptable in this instance as the proposal achieves the following objectives of Section 5.1.1.3, 5.1.1.3(6) and Schedule 12 of Sydney DCP 2012:
- The proposed envelope avoids the appearance of a contiguous 'wall of towers' and achieves sufficient separation between surrounding buildings.
  - The revised building envelope demonstrates acceptable resulting wind safety wind comfort and daylight levels on the amenity of the public domain can be achieved through submission of a wind assessment report and detailed shadow analysis diagrams.
  - The proposed envelope, as amended, has been subject to detailed urban design options analysis which demonstrates that the proposed massing is compatible with the context.
  - A high-quality urban design outcome can be achieved within the proposed building envelope which incorporates the existing terraces which presents reasonable architectural integrity and intactness.
  - The variation of 0.5m is negligible and will not be perceivable given the small tower floor plate (26m x 15.6m).
137. As confirmed by the facade maintenance letter, the proposed rear setback allows for maintenance of the facade from a BMU fully within the boundary of the site in accordance with Section 5.1.1.3(7).

*Tapering*

138. Section 5.1.1.4 of Sydney DCP 2012 requires the proposed tower to be tapered to 90% of the total tower floor plate above 120m above ground. Based on a tower floor plate of 406sqm, this equates to a maximum floor plate of 365.4sqm of the proposed envelope. This provides an overall reduction of approximately 893.2sqm (across approximately 22 floors).
139. The non-compliance is considered acceptable in the specific circumstances of the proposal and site as:
- (a) The tower floor plate has an area of 406sqm (measuring 26m x 15.6m). It presents a slender tower form and will not appear as overly massive in any direction.
  - (b) The proposal provides complaint side setbacks in accordance with Section 5.1.1.3.
  - (c) The proposed tower envelope is also the slimmest at its peak and will not result in an overall bulky skyline form.
  - (d) The tower does not appear as having an overwhelming scale in relation to surrounding developments.
  - (e) The proposed development is compatible with the context of the locality in terms of its height, massing, street wall height, street and side setbacks and form; and
  - (f) The impacts on the amenity of the public domain associated with the proposed building envelope, as amended, demonstrates acceptable resulting wind and shadow impacts.
140. The proposal achieves the objectives of Section 5.1.1.4.
141. Appropriate conditions of consent are recommended to ensure the future design and treatment of the facade, subject of the competitive design process and Stage 2 detailed design development application, will not encroach the proposed envelope.

*Development outlook*

142. As previously discussed in this report, the proposed development provides a partial compliance with Section 5.1.2(1). The proposal however seeks variation for indicative hotel windows over a height of 45m and outlook for residential windows which face north and south.
143. A minimum outlook depth of 12m (to residential primary windows and balconies) and 9m (to all windows and balconies for other forms of accommodation) is required above 45m.

144. As shown in Figures 67 and 68, the indicative reference plans provide an outlook depth of:

- (a) 6.29m for hotel windows, primary residential windows and winter garden to The Chambers building to the north.
- (b) 6.31m for hotel windows, primary residential windows to the Ibis Hotel to the south.

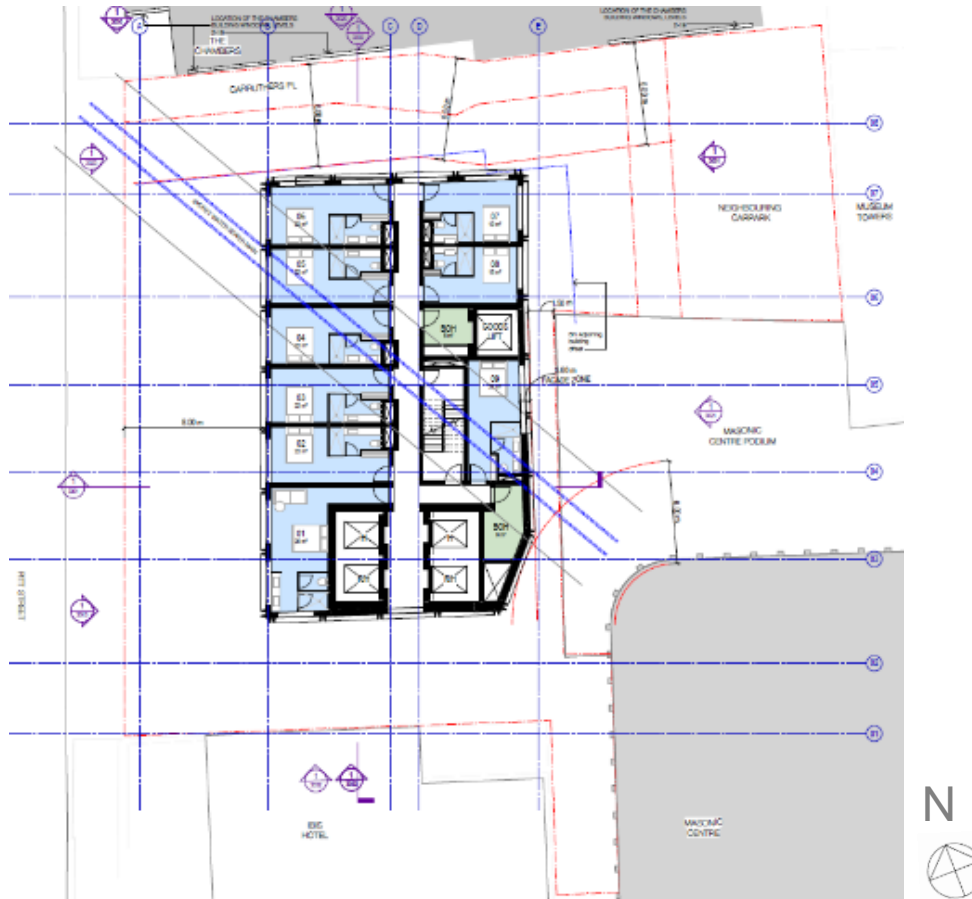


Figure 67: Indicative typical hotel levels 7-37 floor plan



**Figure 68:** Indicative typical residential levels 39-54 floor plan

145. At present, the proposed indicative scheme complies with Provision 2F of the ADG, by virtue of the location of the indicative residential units within the tower (located above the height of all surrounding developments including the Civic tower).
146. Of the immediately adjacent properties within the street block, 362-370 Pitt Street is the most likely to be redeveloped given the other sites are either:
- (a) too small (Ibis hotel, 263-265 Pitt Street); or
  - (b) encumbered by a heritage listing (Museum Towers, Sydney Masonic Centre including Civic Tower, Civic hotel, and Former Snow Emporium).
147. A building envelope of 234m (RL 253.57) at 133-141 Liverpool Street has already been approved for indicative future land uses, with commercial and retail uses in podium and residential accommodation in the tower.
148. A review of the site survey demonstrates that the existing building at 362-370 Pitt Street (The Chambers) has not been constructed to its maximum potential. The existing building has 17-storeys with a maximum height of RL 80.4 and developable area of approximately 1,200sqm.

149. 362-370 Pitt Street is located within the tower cluster area, however, does not meet the minimum site area to qualify for a 'mega tower' pursuant to Clause 6.21E of Sydney LEP 2012 (minimum unencumbered area of 2,000sqm). Notwithstanding, under the applicable height controls, including Clause 6.16 of Sydney LEP 2012, it has the potential to be redeveloped to a greater height than the subject proposed envelope due to the angle of the Belmore Park SAP.
150. Adopting a compliant side setback under Section 5.1.1.3 of Sydney DCP 2012 of approximately 6.8m (3.33% of a building height of approximately 205m) would achieve a minimum separation of approximately 13.1m between the subject development and potential development at 362-370 Pitt Street.
151. In this instance, the development outlook non-compliance of approximately 3m for indicative hotel accommodation and 9m for residential accommodation is assessed as satisfactory as:
- (a) Adequate development outlook amenity is achieved to the west and east with sufficient setbacks of 35.05m to the Museum towers and 8m to Pitt Street.
  - (b) The winter garden and primary living room windows of the indicative residential units can be repositioned to obtain primary views to the east and west where sufficient development outlook in accordance with Section 5.1.2 can be achieved.
  - (c) Any future residential accommodation within the tower is capable of being designed to ensure only secondary windows face north or south.
  - (d) The northern and southern interface of indicative rooms located in the tower above 45m between the residential units can be appropriately addressed within the competitive design process and Stage 2 detailed design development application through visual privacy screens, louvres, articulation of the tower within the envelope, or the like.
  - (e) The site benefits from the fact that the development directly to the east and south-east are heritage items of a lower scale (being Museum Towers and Sydney Masonic Centre including Civic Tower with a maximum height RL 144.97). As a result of land use and heritage listing of these buildings, there is limited redevelopment potential for these sites. Consequently, privacy and overlooking is not considered to be determinative factor as the proposal will be separated by over 30m from the residential apartments (Museum Towers) and is capable of being designed to provide 6m between non-habitable rooms and the Civic Tower.
152. The proposed development therefore generally achieves the objectives of Section 5.1.2 and does not unreasonably borrow amenity from neighbouring sites.
153. Appropriate conditions are recommended and included in Attachment A of this report to:
- (a) limit the provision of residential accommodation to the upper third portion of the tower, above the top window head height of the Civic tower (RL 140.85); and
  - (b) ensure the detailed design of the residential component of the development is designed to comply with the relevant provisions of the SEPP 65, ADG and Sydney DCP 2012.

*Base Case Modelling/ Sky View Factor Analysis*

154. In light of the above, the absence of a base case model/ SVF analysis is assessed as acceptable in this instance as:
- (a) The proposal is accompanied by a Wind Assessment and Addendum report that confirms comfortable and safe wind conditions at ground floor entrances can be achieved throughout the year. The future detailed design is capable of complying with Sections 3.2.6 and 5.1.9 of Sydney DCP 2012.
  - (b) The proposed development is accompanied by shadow analysis diagrams which demonstrates the proposed building envelope achieves acceptable daylight levels on the amenity of the public domain.
  - (c) The proposed envelope, as amended, has been subject to detailed urban design options analysis which demonstrates that the proposed massing is compatible with the context and enables a high-quality urban design outcome to be achieved.
  - (d) The proposal demonstrates compliance with the objectives of Section 5.1.1.1 (street frontage height), Section 5.1.1.3 (rear setback), 5.1.1.4 (tapering of the tower) and Section 5.1.2 (outlook depth) of Sydney DCP 2012.

**Other impacts of the development**

155. The proposal provides a building envelope capable of accommodating a future building which can achieve compliance with the Building Code of Australia (BCA).
156. The proposal will have no unacceptable environmental, social or economic impacts on the locality, subject to imposition of the recommended conditions.

**Consultation****Internal Referrals**

157. The application was discussed with the following referral officers and bodies for review:
- (a) Design Advisory Panel (DAP);
  - (b) Design Excellence Unit;
  - (c) Building Approvals Unit;
  - (d) City Model Unit;
  - (e) Cleansing and Waste Services Unit;
  - (f) Environmental Projects Unit;
  - (g) Health and Building Unit;
  - (h) Strategic Planning and Urban Design Unit;
  - (i) Heritage Planning Policy Specialist;

- (j) Heritage and Urban Design Unit;
- (k) Public Art Unit;
- (l) Public Domain Unit;
- (m) Specialist Surveyor; and
- (n) Transport and Access Unit.

158. The revised concept proposal addresses the issues raised initially and is acceptable, subject to the recommended conditions of consent included in Attachment A of this report.

### **External Referrals**

159. The application was referred to the following external referral bodies for review:

- (a) Transport for New South Wales (TfNSW);
- (b) Roads and Maritime Services (RMS);
- (c) Sydney Airport;
- (d) Sydney Metro;
- (e) Sydney Water;
- (f) Ausgrid; and
- (g) TransGrid.

### **Ausgrid**

160. Pursuant to Clause 2.48 of the SEPP (Transport and Infrastructure) 2021, the application as amended was referred to Ausgrid for comment.

161. A response was received raising no objections to the revised proposal, subject to recommended conditions included in Schedule 1B of Attachment A.

### **Sydney Airport**

162. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.

163. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify that the site is subject to a prohibition of the construction of buildings more than 156m AHD above existing ground level.

164. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).



165. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 2 May 2022 (to a maximum height of RL 217.5m AHD), subject to conditions. The proposal, as amended, is in keeping with this approval as it provides a maximum height of RL 206.1m AHD. Appropriate conditions are included in Schedule 1B of Attachment A.

### **Sydney Metro**

166. Pursuant to Clause 2.98 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Sydney Metro for concurrence. The revised proposal was re-referred to Sydney Metro on 7 July 2022.
167. Concurrence was received from Sydney Metro on 22 April 2022, subject to conditions. On 11 July 2022, Sydney Metro advised that the conditions dated 22 April 2022 remains applicable. These conditions are included in Schedule 1B of Attachment A.

### **Transport for NSW**

168. In accordance with Clause 2.101 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for concurrence. The revised proposal was re-referred to TfNSW on 7 July 2022.
169. Concurrence was received from TfNSW on 19 January 2022, subject to conditions. On 29 July 2022, TfNSW advised the conditions dated 19 January 2022 remains applicable. These conditions are included in Schedule 1B of Attachment A.

### **TransGrid**

170. In accordance with Clause Clause 2.48 of the SEPP (Transport and Infrastructure) 2021, the application as amended was referred to TransGrid for comment. The revised proposal was re-referred to TransGrid on 7 July 2022.
171. A response was received from TransGrid raising no objections, the proposal does not result in any impacts to TransGrid.

### **Advertising and Notification**

172. In accordance with the City of Sydney Community Participation Plan 2020, the proposed development was notified for a period of 28 days between 4 January 2022 and 8 February 2022. A total of 2,566 properties were notified and seven unique submissions were received, of which one was from the National Trust of Australia. These submissions raised a range of concerns.
173. The submissions raised the following issues:
- (a) Issue: Heritage Impacts:
    - (i) Loss of fabric and lack of effort to preserve the Edwardian terrace group which enhances this section of Pitt Street. The terraces provide fine-grain character to this section of the CBD.
    - (ii) Proposed building is too tall and results in adverse impacts to surrounding heritage items

- (iii) The proposal should at least preserve the facades of the existing terraces. The buildings are certainly not unattractive or beyond preserving in a way that continues to enhance the streetscape and provides a record of our history that can be appreciated.
- (iv) The proposal should respect the heritage of the site, which means preserving sufficient character of the existing buildings.
- (v) The demolition of the terraces is not justified on heritage grounds, the row of buildings can and do contribute to the streetscape in this location. While 'facadism' is not endorsed, there are examples across the City where original structures have been retained and modern development incorporated in a meaningful way.
- (vi) The streetscape in the vicinity of the subject site would benefit from the renewal of these buildings far more than it can by their demolition.

**Response:** The revised proposal has addressed the above concerns. The existing facades and a bay behind the facades will be retained for terraces 374-382A Pitt Street. Refer to assessment under heading 'Discussion' sub-heading 'Podium' above.

- (b) Issue: Traffic Impacts, loading/ unloading for the hotel use:
  - (i) Increased traffic volumes resulting from the development on Pitt Street.
  - (ii) The podium does not have a podium for the vehicles to drive in, meaning vehicles will need to stop by the curb side to pick-up or set down hotel guests thus reducing Pitt Street intermittently to only a single lane.

**Response:** The proposal is for a concept building envelope only. Detailed design of proposed vehicular entry/ access, the number of service vehicle spaces, on-site waste arrangements and number of car parking spaces are matters to be determined in a future Stage 2 detailed design development application.

- (c) Issue: Removed vehicular access for The Chambers building via Carruthers Place

**Response:** Carruthers Place is a privately owned laneway. There are no easements registered on Carruthers Place. In addition, a search of Council's records show there are no consents for vehicular parking at this location.

- (d) Issue: Shadow and daylight impacts to Museum Towers and Hordern towers

**Response:** The proposed concept envelope demonstrates an acceptable level of amenity is maintained to the surrounding residential developments including the Museum and Hordern Towers. Refer to assessment under SEPP 65, ADG and Section 4 of Sydney DCP 2012 above.

- (e) Issue: Visual impact given the height of the tower. The width to height ratio is disproportional due to limited space, it is impossible to come up with an elegant architectural design unless it's a watch tower or smokestack. This can only be corrected by significantly decreasing the height of the proposed building.

**Response:** The assessment provided in this report concludes that the proposed height, bulk and scale is acceptable. The proposed envelope complies with the maximum height determined by the Belmore Park SAP. The proposal is generally compliant with the built form controls under Section 5 of Sydney DCP 2012, with the exception of the rear setback (Section 5.1.1.3), tapering (Section 5.1.1.4) and outlook depth (Section 5.1.2 of Sydney DCP 2012). Variations to built form provisions have been assessed as acceptable in the 'Discussion' heading, sub-heading 'Tower' above. The proposed development is compatible with the context of the locality in terms of its height, massing, street wall height, street and side setbacks and form.

- (f) Issue: Loss of amenity, views to the sky, and visual impacts to the Museum Towers:
- (i) Two units of the Museum towers faces west with views over the low-rise buildings on the site. The amenity of those 62 units, of which 52 are residential, would be adversely affected by the proposed development. The principle affection would be the curtailing/ loss of views which each enjoys across the development site, in addition, to views across the north-western corner of the low-rise podium of the Masonic Centre at 66 Goulburn Street. These views will be replaced by what seems likely to be a largely blank wall some 23m away.
  - (ii) The Museum towers is separated from the site by Lot 35 SP46628 that forms part of the Chambers Building site. This small parcel of land is currently used for car parking and, due to its location and dimensions, it is improbable that it will ever be built upon.
  - (iii) Due to the height of the proposed building, there will be severe losses of views to the sky from the balconies of units leading to a loss of daylight in the units. There will be losses in value of the affected units.
  - (iv) The applicant has claimed a 10% FSR bonus for design excellence, which appears to be premature.

**Response:** The assessment provided in this report concludes that the proposed envelope will not result in adverse environmental impacts to the Museum Towers.

The proposed building separation between existing adjoining development exceeds the minimum 24m separation requirement between habitable rooms and balconies to the Museum Towers in accordance with Provision 2F of the ADG. The proposal generally provides a compliant envelope which is generally consistent with the relevant provisions under the Sydney LEP 2012 and Sydney DCP 2012, as discussed above. Part of the site is identified within a tower cluster area. Although the proposal does not qualify to utilise the bonus under Clause 6.21E, the site has been identified for future growth and uplift under the Sydney LEP 2012. The proposed development, as amended, provides a satisfactory response to the site conditions and locality. It is generally acceptable with regard to the relevant planning controls assessed in this report, and results in a form and scale that achieves the desired future character envisaged in this locality of the Sydney CBD.

The indicative reference plans demonstrate that an appropriately designed building can be provided within the proposed envelope which minimises adverse privacy and outlook impacts to the adjoining developments, including the Museum Towers. An acceptable level of solar and daylight access will be maintained neighbouring developments. Refer to assessment under SEPP 65, ADG and Section 4 of Sydney DCP 2012 above.

The proposed building envelope is capable of accommodating a future building which can exhibit design excellence in accordance with the objectives and matters for consideration within Clause 6.21 and 6.21C of Sydney LEP 2012. Prior to the lodgement of any subsequent Stage 2 detailed design development application, a competitive design process will be undertaken to seek up to an addition 10% exceedance of the maximum FSR. Demonstration of design excellence is required before any award of any bonus floor space. It is noted that no FSR is recommended to be approved as part of this application.

Appropriate recommended conditions requiring any future Stage 2 detailed design development application to achieve the relevant objectives and consideration of the relevant provisions of the abovementioned planning instruments and policies are included in Attachment A.

174. The amended proposal was re-notified for a period of 28 days between 8 July 2022 and 6 August 2022. The same properties were notified including previous submitters. Two submissions were received, of which one was from the National Trust of Australia. One submission generally supports the revised scheme whilst the other provides partial support.

175. The submissions provided the following further comments and concerns regarding the retention of existing terraces:

- (a) At least where new shops are to be located, the original shopfronts could be easily reinstated, and this would be a welcome addition to the streetscape below the awning line.

**Response:** Refer to further discussion under the 'Discussion' heading, sub-headings 'Podium' and 'Ground floor shopfronts and awning' above.

- (b) 372-374 Pitt Street makes a very important and strong statement in the streetscape, especially when viewed looking up and down Pitt Street. The loss of 372 Pitt Street will be a serious consequential loss in the strength of the group in the streetscape, similar to the weakening of the strength of the group and its contribution to the streetscape by the loss of the southern end to enable the Ibis Hotel to be built. For these reasons, I am not convinced that enough has been done in the revised scheme to demonstrate that 372 Pitt Street cannot be retained.

**Response:** Refer to further discussion under the 'Discussion' heading, sub-headings 'Podium' and 'In-principle demolition of 372 Pitt Street to facilitate on-site vehicular servicing' above.

**Public Interest**

176. The proposal will have no significant detrimental effect on the public interest, subject to the recommended conditions of consent included in Attachment A to the subject report.

**Financial Contributions****Contribution under Section 7.12 of the EP&A Act 1979**

177. The application is not subject to any levies under Section 7.12 of the EP&A Act 1979, as it is for a concept building envelope and includes a theoretical concept development cost.
178. Appropriate contributions will be levied as part of any development consent granted to a subsequent Stage 2 detailed design development application.

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

179. The site is located within the Central Sydney affordable housing contribution area.
180. The proposed development is for a concept building envelope, does not result in the creation of any GFA and an affordable housing contribution is not required in relation to the proposed development. Appropriate contributions will be levied as part of any development consent granted to a subsequent Stage 2 detailed design development application.

**Relevant Legislation**

181. Environmental Planning and Assessment Act, 1979.
182. City of Sydney Act, 1988.
183. Roads Act, 1993.
184. Airports Act, 1996.
185. Sydney Water Act, 1994.

## Conclusion

186. The proposed concept development is appropriate in its setting and is generally compliant with the relevant planning controls in the Sydney LEP 2012, the Sydney DCP 2012, SEPP 65 and the ADG. Proposed variations to controls in the Sydney DCP 2012 and ADG have been assessed as acceptable and identified in the report.
187. The proposal has been amended to address the DAP and Council officer's concerns. Previous issues relating to the retention of the existing terraces, infill of the footprint at 372 Pitt Street, articulation of the podium and tower, visual impacts and separation to the Sydney Masonic Centre and Civic tower, building setbacks and separation, wind impacts, compliance with the SEPP 65 and ADG, the design excellence and public art strategies, ESD targets, transport, traffic and servicing have been addressed in the amended proposal. The amended proposal is satisfactory, subject to the conditions recommended and included in Attachment A.
188. The indicative reference design submitted with the application adequately demonstrates that an acceptable level of amenity could be achieved for hotel and residential accommodation within the proposed tower form.
189. The retention of six of the seven historic commercial terraces at 374-382A Pitt Street contributes to the local character and to the setting of neighbouring heritage items. The proposed development provides acceptable impacts on the heritage significance of the Museum Towers, Civic Hotel, Sydney Masonic Centre and Civic Tower, subject to conditions.
190. Where the assessment of the subject proposal has identified potential issues for a future detailed design development application, these matters are identified in the recommended conditions of consent as requiring further consideration. A deferred commencement condition is recommended to require the submission of a detail survey to ensure any detailed design is based on accurate survey information. Appropriate conditions are also recommended to require a further investigation and assessment including a detail survey, fabric investigation of the existing buildings, and structural report to be carried out prior to the commencement of any competitive design process.
191. The proposal will provide for new hotel and residential accommodation, ancillary commercial and retail uses in the Sydney CBD, on a site which is highly accessible to existing and planned employment, services, and public transport infrastructure.
192. Subject to the recommendations of this report, and the imposition of the conditions included in Attachment A, the proposal can accommodate a future detailed design that responds appropriately to the site constraints and contributes to the existing and desired future character of the locality.

## **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Jessica Joseph, Specialist Planner

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## **PART A - DEFERRED COMMENCEMENT CONDITIONS**

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

### **(1) DETAIL SURVEY**

A detail survey is to be prepared by a Registered Surveyor in PDF and DWG CAD format and submitted to Council. The detail survey must be based upon a boundary survey showing redefined boundaries that the registered surveyor believes would be accepted by NSW Land Registry Services. The plan must include a note confirming that a boundary survey has been made by the registered surveyor.

The detail survey must be submitted to and approved by Council's Area Planning Manager.

**Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.**

**The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.**

**Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is in Operation).**

## PART B – CONDITIONS OF CONSENT

### SCHEDULE 1A

#### (1) CONCEPT DEVELOPMENT APPLICATION

Pursuant to Division 4.4 of the *Environmental Planning and Assessment Act, 1979*, and Clause 100 of the *Environmental Planning and Assessment Regulation, 2000*, this Notice of Determination relates to a concept development application, and a subsequent development application (detailed design) are required for any work on the site.

#### (2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2021/1504 dated 23 December 2021 and the following drawings prepared by Woods Bagot:

Drawing Number	Drawing Name	Date
1219, Revision A	Proposed Envelope Plans- Proposed Basement 01, Basement 02-03	20 July 2022
PP1220, Revision E	Proposed Envelope Plans – Podium, Tower and Roof	4 July 2022
PP3010, Revision C	Proposed Envelope Elevation - North	20 July 2022
PP3011, Revision C	Proposed Envelope Elevation – East	20 July 2022
PP3012, Revision C	Proposed Envelope Elevation – South	20 July 2022
PP3013, Revision C	Proposed Envelope Elevation – West	20 July 2022

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

### **(3) MATTERS NOT APPROVED IN CONCEPT PROPOSAL DEVELOPMENT CONSENT**

The following matters are **not** approved and do not form part of this concept development consent:

- (a) Any works, including demolition, excavation and/or construction.
- (b) The total quantum of floor space.
- (c) The quantum, ratio and distribution of retail, hotel, and residential floor space.
- (d) The indicative floor layouts.
- (e) The number, position and configuration of residential apartments, hotel, and retail tenancies.
- (f) The floor levels of each storey.
- (g) The number and configuration of car parking spaces, levels, bicycle spaces, service vehicle and truck loading spaces / zones.
- (h) The siting and location of a substation.
- (i) Any 10% design excellence uplift in floor space ratio.

### **(4) BUILDING HEIGHT**

The height of the approved envelope must not exceed the sun access plane for Belmore Park established by Clause 6.17 of the Sydney Local Environmental Plan 2012.

### **(5) FLOOR SPACE RATIO**

- (a) The Floor Space Ratio for all detailed development applications on the site must not exceed the maximum permissible calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21D of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process.
- (c) The site area when calculating the additional floor space is limited to that area of the site identified in Figure 1 of the 'Concept Development Application Design Excellence Strategy' for 372-382A Pitt Street, Sydney, prepared by Urbis and dated August 2022 on behalf of Belingbak and ICD Property (Council reference: TRIM 2022/449319).

- (d) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design (Stage 2) development application.
- (e) Any floor space ratio in excess of 8:1 will be subject to a requirement to purchase heritage floor space (HFS) in accordance with the requirements of Clause 6.11 of the Sydney Local Environmental Plan 2012.

**(6) COMPLIANCE WITH CONCEPT ENVELOPE HEIGHTS AND SETBACKS**

Any subsequent detailed design application must comply with the building heights and setbacks established by this consent.

**(7) DETAILED DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE**

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate detailed design development application for the buildings on the site, including articulation, balconies, terraces, services, privacy treatments and other projections will be entirely contained within the approved building footprint and envelope, and comply with the relevant planning controls.

**(8) COMPETITIVE DESIGN PROCESS**

A competitive design process in accordance with the provisions of the Sydney Local Environmental Plan 2012 must be:

- (a) Conducted in accordance with the 'Design Excellence Strategy' for 372-382A Pitt Street, Sydney, prepared by Urbis and dated August 2022 on behalf of Belingbak and ICD Property (Council reference: TRIM 2022/449319).
- (b) Conducted prior to the lodgement of any subsequent detailed (Stage 2) development application for the site.

The detailed design of the building/s must exhibit design excellence, in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012.

**(9) FURTHER INVESTIGATIONS AND ASSESSMENTS MUST BE PREPARED PRIOR TO DESIGN COMPETITION:**

- (a) Detail Survey

The approved detail survey prepared by a Registered Surveyor (to satisfy deferred commencement condition Part A (1)) must be included as an appendix to the competitive design brief.

- (i) A digital copy of the detail survey, in DWG CAD format, or other format as preferred by the architects, must be provided for use in the design competition; and

- (ii) The architects must import, or reference in, the boundaries from the above CAD file for use in their design.

(b) Survey - Fabric Investigation of the Existing Buildings

Measured plans, cross-sections and front elevations, as well as a detailed fabric investigation of the front façades, awnings and front bays of commercial terraces, including both structural and architectural elements. The surveyed drawings and fabric investigation must be included as an appendix to the competitive design brief. The fabric investigation and surveyed drawings should be used to inform the future design development and develop the schedule of heritage conservation work.

(c) Structural Strategy

A structural report prepared by a practicing structural engineer experienced in dealing with heritage buildings/retaining historic fabric must be prepared prior to the commencement of any competitive design process. The report is to investigate and make recommendations on how retained building elements can be retained, supported and not undermined by the proposed development having regard to the underground site constraints. The structural report is to inform the future design development and must be included as an appendix to the competitive design brief.

## **(10) GEOTECHNICAL REPORT**

A geotechnical report prepared by a suitably qualified geotechnical engineer must be submitted as part of any subsequent detailed (Stage 2) development application. The geotechnical report must be based on field investigations and borehole sampling. The report must investigate the footings of existing buildings on the site, in particular the building elements to be retained in the proposal and provide recommendations on their retention design.

## **(11) DETAILED DESIGN OF BUILDING**

The competitive design process brief and subsequent detailed design development application must incorporate the following requirements:

- (a) The existing front facades of Nos. 374-382A Pitt Street, including wall footings and joinery and whole masonry walls, must be retained.
- (b) Excavation of the basement level must not undermine the footings of the retained facade/ walls. Subject to the advice of the geotechnical engineer and structural engineer, the retention structure should offset from existing wall footing to reduce the risk of structural damage to the retained walls.
- (c) At least one bay deep of party walls (including a whole engaged pier of each party wall) are to be retained.

- (d) New floor levels behind the retained facade are to align and have regard to the existing floor levels. The floor levels and the retained facade are to be meaningfully related.
- (e) Documentary evidence or historic photographs are to be utilised to inform the design reconstruction/ interpretation of the original shopfront presentation and awnings. Where possible, the ground level space of the retained buildings should be used as individual shops.
- (f) Any infill at 372 Pitt Street should exhibit design excellence and:
  - (i) provide an appropriate response to the adjacent buildings, properly interpret the existing facades and Carruthers Lane in accordance with Clause 5.10 of Sydney LEP 2012 and Sections 3.9 and 3.10 of Sydney DCP 2012;
  - (ii) provide a safe environment and minimise opportunities for criminal and anti-social behaviour in keeping with Section 3.13 of Sydney DCP 2012; and
  - (iii) designed to 'come to ground', positively contribute to the Pitt Street streetscape by presenting a richness of detail and appropriate design response to adjacent heritage items to meet Sections 3.2, 5.1.3 and 5.1.4 of Sydney DCP 2012.
- (g) Any residential accommodation must be limited to the upper third portion of the tower, with the first residential floor being no lower than RL 140.85 (being the top window head height of the Civic tower).
- (h) Investigate landscape opportunities to provide tree canopy cover, vegetation and soft landscaping to contribute towards the City's 'greening' targets.
- (i) Provide a minimal vehicle crossing width to Pitt Street in accordance with Section 3.11 of Sydney DCP 2012, so as to provide prioritisation of pedestrian traffic.
- (j) Accommodate an easement along the northern boundary of Carruthers Place for fire egress from The Chambers (362-370 Pitt Street). The easement must provide a minimum width of 1m which extends from Pitt Street to encompass all fire doors along the southern elevation of the adjoining development to the north (SP 46628).
- (k) The design architect must liaise with a Water Servicing Coordinator and an accredited sewer designer, to ensure that Sydney Water's requirements for any upgrading of the sewer main, building setbacks from the main, and access requirements to the main, are incorporated in the design, to avoid future design changes and modifications to the approval.

- (l) Plant and lift overruns must be incorporated into the roof form of buildings and either provided within architectural roof features, as defined in the Dictionary of the Sydney Local Environmental Plan 2012 or located and provided with parapet screening so that they are not visible from the public domain or adjoining tower developments.

## **(12) AWNING**

Documentary evidence or historic photographs are to be utilised to inform the design reconstruction/ interpretation of the original awnings. The detailed (Stage 2) design of the awning is to extend to the full frontage of the site along Pitt Street and comply with the requirements under Section 3.2.4 of Sydney DCP 2012.

## **(13) STAGE 2 DEVELOPMENT APPLICATION TO COMPLY WITH RELEVANT PLANNING CONTROLS**

- (a) The Stage 2 development must be designed to comply with “State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development” (as amended), the Apartment Design Guide (ADG), and the provisions of Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012).

In particular, attention is drawn to the following:

- (i) The building separation distances specified within the ADG relating to visual privacy.
- (ii) The minimum floor to floor and floor to ceiling heights within the ADG and Sydney DCP 2012.
- (iii) Apartment sizes and room dimensions, and private open space sizes and dimensions within the ADG and Sydney DCP 2012.
- (iv) The apartment and room depths specified within the ADG to ensure adequate natural ventilation, natural cross ventilation, solar and daylight access.
- (v) The ADG specification for at least 70% of apartments within a development to receive a minimum of 2 hours of direct solar access between 9am and 3pm on 21 June.
- (vi) The ADG specification for at least 60% of apartments within a development to be naturally cross ventilated.
- (vii) The requirements of the ADG and Sydney DCP 2012 regarding the on-site provision of an area/s of communal open space.
- (viii) The ADG specifications relating to residential storage size volumes and characteristics.

- (ix) Provisions relating to on-site vehicle servicing requirements and bicycle parking contained within Sydney LEP 2012 and Sydney DCP 2012.
- (x) The dwelling mix requirements of Section 4.2.3.12 of Sydney DCP 2012.
- (xi) The adaptable dwelling mix requirements of Section 3.12.2 of the Sydney DCP 2012.

These requirements must be included in the competition brief for the competitive design process.

- (b) A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the detailed design Development Application.

#### **(14) DETAILED ENVIRONMENTAL SITE INVESTIGATION REQUIRED**

Demolition and development works are not to be undertaken on the site until such time as a subsequent detailed (Stage 2) development application has been submitted to and approved by the City.

- (a) As part of any subsequent detailed (Stage 2) development application; a Detailed Environmental Site Investigation (DESI) is to be carried out by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997 and SEPP 55 Remediation of Land” must be submitted confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.
- (b) Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated Land Management Act 1997 and submitted with the subsequent detailed (Stage 2) development application.

Note: Where the DESI concludes that the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA Accredited Site Auditor and a Section A Site Audit Statement submitted to the City Area Planning Manager certifying that the site is suitable for the proposed use

The DESI and RAP must be peer reviewed by a NSW EPA Accredited Site Auditor and include a section B Site Audit Statement or a letter of Interim advice from the Site Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use.



## **(15) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**

As part of any subsequent detailed (Stage 2) development application, a detailed Structural Report and certification prepared by a practicing structural engineer experienced in dealing with heritage buildings must be submitted for the detailed design. The report must explain how the retained building elements are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

## **(16) RESIDENTIAL ACOUSTIC AMENITY**

A Noise Impact Assessment must be undertaken by a suitably qualified acoustic consultant\* and submitted with any subsequent detailed (Stage 2) development application for detailed design and construction of the development. The Assessment must demonstrate that the development will be capable of achieving adequate levels of acoustic amenity for future occupants. The Assessment must consider the following and demonstrate that the design will comply with the relevant requirements under the following:

- (a) New South Wales Environment Protection Authority Noise Policy for Industry.
- (b) State Environment Planning Policy (Transport and Infrastructure) 2021 and the NSW Government Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guideline'.
- (c) Parts 4B, 4H and 4J of the Apartment Design Guide.
- (d) Section 4.2.3.11 of the Sydney Development Control Plan 2012.

\*Note: "Suitably qualified acoustic consultant" means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

## **(17) ARCHAEOLOGICAL ASSESSMENT**

An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted as part of any subsequent detailed (Stage 2) development application. The report is to make recommendations on mitigation measures and requirement on archaeological research designs.

## **(18) SCHEDULE OF CONSERVATION/ RECONSTRUCTION WORKS**

A schedule of conservation/ reconstruction works is to be prepared by a suitably qualified heritage consultant and submitted as part of any subsequent detailed (Stage 2) development application. The schedule is to detail the conservation/ reconstruction works to retained building elements.

## **(19) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

- (a) Details are to be provided with the subsequent detailed (Stage 2) development application for the detailed design of the building to confirm that the building will deliver the sustainability targets set out in the Ecologically Sustainable Development Report prepared by E-LAB Consulting (P00105, Revision 4) dated 16 May 2022 (Council Reference TRIM2022/371816). The ESD targets are to be carried through the competition phase, design development, construction, and through to completion of the project.
- (b) This includes certification that the design:
  - (i) Achieves a 4 Star NABERS Energy for Hotels
  - (ii) Achieves a 4 Star NABERS Water for Hotels
  - (iii) Exceeds NCC 2019 Section J Energy Benchmarks with a bespoke facade and services system design
  - (iv) Exceeds BASIX Requirements for Residential components of the development (including a BASIX Energy target of 30%)
  - (v) Achieves a 4 Star Green Star Buildings rating
- (c) The ESD targets must be included in the competitive design process brief and carried through the competition phase, design development, construction, and through to completion of the project.

## **(20) PUBLIC ART**

- (a) The revised '372-382A Pitt Street Preliminary Public Art Plan', dated 1 August 2022 and prepared by UAP (Council reference TRIM 2022/413174) must be included as an appendix to the competitive design process brief as per Section 3.3.7 of Sydney DCP 2012.
- (b) An updated version of the approved Preliminary Public Art Plan must be submitted following the competitive design process once the built form and public art opportunities are confirmed.
- (c) A Detailed Public Art Plan, based upon the preliminary plan referred to in (a and b) above, must be prepared and submitted with any subsequent detailed design development application.
- (d) All public artwork must be in accordance with the relevant objectives and provisions of the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at: <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>. Please contact the Public Art Team at: [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

#### **(21) WIND ASSESSMENT**

- (a) Prior to the lodgement of any subsequent detailed (Stage 2) development application, the detailed design must be subject to wind tunnel testing to ascertain the impacts of the development on the wind environment and conditions within the publicly accessible pedestrian space, the surrounding streets, neighbouring buildings, and communal external areas within the subject development.
- (b) Any recommendations of this wind tunnel testing and wind assessment report required by (a) above must be incorporated into and submitted with the detailed design development application.

#### **(22) ENCROACHMENTS – NEIGHBOURING PROPERTIES**

No portion of the proposed detailed design development shall encroach onto the adjoining properties.

#### **(23) ENCROACHMENTS – PUBLIC WAY**

No portion of the proposed detailed design development, structure, gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

#### **(24) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

An access report must be prepared by a qualified access consultant and submitted with any subsequent detailed (Stage 2) development application to demonstrate that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

#### **(25) PARKING DESIGN**

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted in any subsequent detailed (Stage 2) development application.

## **(26) SECURITY GATES**

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary. Details of any security gates are to be submitted in any subsequent detailed (Stage 2) development application.

## **(27) ON SITE LOADING AREAS AND OPERATION**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

## **(28) VEHICLES ACCESS**

The design of vehicular access in any subsequent detailed (Stage 2) development application must ensure that all vehicles enter and depart the site in a forward direction. Vehicle access for both service vehicle and car parking will be provided on Pitt Street / Carruthers Place. The vehicle access is to be designed in a way that it maximises pedestrian safety and amenity on footpath. Note that, Council does not support audible/flashing lights on driveways.

## **(29) SWEPT PATH ANALYSIS**

Any subsequent detailed (Stage 2) development application must be accompanied by a swept path analysis to show how the largest vehicle can enter and exit the subject site. These will be used to determine the largest vehicle permitted to service the site and the width of the driveway crossing.

## **(30) SERVICE VEHICLE PARKING AND ACCESS**

Any subsequent detailed (Stage 2) development application must include a minimum of two (1 SRV and 1MRV with capabilities to accommodate 9.25m Council Garbage Collection vehicle) within the site. The waste collection area is to meet the requirements of Sydney DCP 2012, Section 3.11.13. All part of the service vehicle access area including driveway access in Carruthers Place must have minimum of 4.0m vertical clearance.

## **(31) BICYCLE PARKING AND END OF TRIP FACILITIES**

Any subsequent detailed (Stage 2) development application must include a Bicycle Parking Plan and End of Trip Facilities design in accordance with the DCP12 Section 3.11.3. The layout, design and security of bicycle facilities must comply with the minimum requirements of *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities* and 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation' document.

[Note: Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.]

**(32) TRAFFIC MANAGEMENT PLAN ON DRIVEWAY / SINGLE LANE RAMP**

The detailed design should include a system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). Any system using traffic light signals must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway. The details must be analysed and submitted as part of any subsequent detailed (Stage 2) development application.

**(33) TRAFFIC IMPACT ASSESSMENT**

A Traffic and Transport impact assessment must be submitted as part any subsequent detailed (Stage 2) development application. It must include, but is not limited to, the details of vehicle queue analysis, resident tenant move in move out, details of delivery (both short time like parcel /letter delivery and longer time like furniture delivery), loading and servicing of the hotels, other services like hotel guest drop off / pick up, bus/coach parking, tour group operation and management etc.

**(34) PUBLIC DOMAIN SURVEY**

A detailed current Public Domain Survey is to be submitted with any subsequent (Stage 2) development application.

**(35) LEVELS AND GRADIENTS**

An application for Levels and Gradients, including supporting information, must be lodged with the detailed (Stage 2) development application for all frontages to the site. The Levels and Gradients approval must be issued prior to the determination of the Stage 2 development application.

The submission is to include cross sections through driveways and building entrances from inside the building to the centreline of the road carriageway. Existing and proposed boundary levels, top of kerb levels and invert of gutter levels are to be clearly shown. Longitudinal sections showing existing and proposed boundary levels, top of kerb levels and invert of gutter levels on the same longitudinal section are also required for each frontage.

The submission is to demonstrate that public domain levels and are in accordance with the City's Public Domain Manual or will be reconstructed, and that proposed floor levels, particularly at building entrances and driveways have taken into consideration finished public domain levels. Any level changes required to satisfy DDA and flood planning requirements are to be resolved within the property boundary.

### **(36) PUBLIC DOMAIN CONCEPT PLAN**

A Public Domain Concept Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with the detailed (Stage 2) development application for the site. The plan must show all existing and proposed public domain elements within the surrounding site frontages.

### **(37) ON-SITE DETENTION**

Sydney Water advice as to any requirements for on-site detention must be submitted with the detailed (Stage 2) development application.

### **(38) STORMWATER AND DRAINAGE**

A Stormwater Management Report must be lodged with the detailed (Stage 2) development application. The report is to include:

- (a) calculations and design for the stormwater overland flow path
- (b) the proposed method of collection and disposal of stormwater
- (c) any Sydney Water requirements for on-site detention
- (d) solutions for potential groundwater
- (e) confirmation of compliance with the Section 3.7 of Sydney DCP 2012 and the City's Interim Floodplain Management Policy.

### **(39) STORMWATER QUALITY ASSESSMENT**

A Stormwater Quality Assessment must be lodged with the detailed (Stage 2) development application. The report must:

- (a) be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design
- (b) use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent)
- (c) demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the required post-development pollutant loads
- (d) include certification from a suitably qualified practicing professional that the requirements of this condition have been met.

- (e) The City has adopted MUSIC-link for assessing Water Sensitive Urban Design (WSUD) compliance for developments. A certificate and/or report from MUSIC-link, which confirms compliance, and the electronic copy of the MUSIC Model must be submitted for review and approval with the stormwater quality assessment report.

#### **(40) FLOOD PLANNING LEVELS**

The detailed (Stage 2) development application must demonstrate compliance with flood planning levels in the design of buildings and structures on the site. Floor level entries, including any openings to basement, lift wells and lobbies, must comply with the City's Interim Floodplain Management Policy.

#### **(41) EXISTING AND PROPOSED EASEMENTS**

Any subsequent detailed (Stage 2) development application is to provide details how the various existing easements and rights of access (which burden and benefit the subject land) are to be treated in the new development. The application should show whether these easements and rights of access are to be maintained, varied or extinguished, and how the rights of other parties who benefit from the easements and rights of access (if any) will be protected.

#### **(42) LOCATION OF SEWER MAIN**

Prior to the lodgement of any subsequent detailed (Stage 2) development application, the sewer main traversing the site must be accurately located by non-destructive methods, including pot-holing or location by a pipe & cable locating company. The position of the sewer main so determined must be surveyed by a registered surveyor and shown in relation to the boundaries on the detail survey. The detail survey must be submitted with any subsequent detailed (Stage 2) development application.

#### **(43) CONSOLIDATION PLAN**

A consolidation plan prepared by a registered surveyor must accompany any detailed (Stage 2) development application.

Prior to the commencement of survey work for the consolidation plan, road alignment survey information must be obtained from Council's survey department, and used to define the alignment of Pitt Street, to ensure compliance with NSW Land Registry Services requirements.

#### **(44) CREATION OF A NEW EASEMENT - CARRUTHERS PLACE**

As part of any subsequent detailed (Stage 2) development application an easement for fire egress along the northern boundary of the site must be provided for The Chambers building (362-370 Pitt Street, Sydney), pursuant to Section 88B of the *Conveyancing Act, 1919*. The easement must have a minimum width of one metre and extend from Pitt Street to encompass all fire doors along the southern elevation of the adjoining development to the north (SP 46628).

**(45) LAND SUBDIVISION – SEPARATE DA REQUIRED**

A separate application must be made online through the Planning Portal, at [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au) to obtain development consent and the approval of the plan of subdivision and issue of a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

**(46) SIGNAGE STRATEGY**

A detailed signage strategy developed in accordance with Section 3.16.1 of the Sydney DCP 2012 must be submitted with any detailed (Stage 2) development application. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

**(47) WASTE MANAGEMENT PLAN AND WASTE FACILITIES**

Any subsequent detailed (Stage 2) design development application must include:

- (a) A Waste and Recycling Management Plan prepared in accordance with Section 3.14 of the Sydney Development Control Plan 2012; and
- (b) Details of the location, construction and servicing of the waste collection facilities for the different components of the development of the proposed building.
- (c) The design of waste facilities prepared in accordance with Section 4.2.6 of the Sydney Development Control Plan 2012 and Council's Guidelines for Waste Management in New Developments.



## **SCHEDULE 1B**

### **CONCURRENCE CONDITIONS**

#### **(48) AUSGRID - UNDERGROUND CABLES**

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outline the minimum requirements for working around Ausgrid's underground cables.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

#### **(49) SYDNEY METRO**

Compliance with the Sydney Metro Underground Corridor Protection Guidelines will need to be demonstrated for the Stage 2 detailed DA which are available on [www.sydneymetro.info](http://www.sydneymetro.info) (with consideration of the 1st and 2nd reserves as defined in the Guideline. The applicant is required to provide the following for the Stage 2 detailed DA but not limited to:

- (a) Foundation layout and associated loads
- (b) Drawings (section and plan) showing the development site and metro running tunnels including 1st and 2nd reserves
- (c) Shoring design including anchors if proposed
- (d) Any engineering impact assessment
- (e) Electrolysis assessment
- (f) Acoustic assessment

#### **(50) SYDNEY WATER - CONSULTATION**

- (a) Consultation is required with Sydney Water to ensure that technical and statutory requirements in regards to the safe and reliable operation and maintenance of Sydney Water's assets are maintained.
- (b) Details of the consultation undertaken are to be provided with any subsequent detailed (Stage 2) development application.

## **(51) SYDNEY WATER - WATER SERVICING**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

## **(52) SYDNEY WATER – BUILDING PLAN APPROVAL**

The approved plans must be submitted to the Sydney Water **Tap in™** online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The **Tap in™** service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's **Tap in™** online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>.

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

### **(53) SYDNEY WATER – OUT OF SCOPE BUILDING PLAN APPROVAL**

Sydney Water will need to undertake a detailed review of building plans:

- (a) That affect or are likely to affect any of the following:
  - Wastewater pipes larger than 300mm in size
  - Pressure wastewater pipes
  - Drinking water or recycled water pipes
  - Our property boundary
  - An easement in our favour
  - Stormwater infrastructure within 10m of the property boundary.
  
- (b) Where the building plan includes:
  - Construction of a retaining wall over, or within the zone of influence of our assets
  - Excavation of a basement or building over, or adjacent to, one of our assets
  - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

### **(54) SYDNEY WATER – TREE PLANTING**

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

## **(55) SYDNEY WATER – TRADE WASTEWATER REQUIREMENTS**

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au)

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

## **(56) SYDNEY WATER – BACKFLOW PREVENTION REQUIREMENTS**

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

- (a) Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
- (b) Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website: <https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>.

## **(57) SYDNEY WATER – WATER EFFICIENCY RECOMMENDATIONS**

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>.
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>.
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

## **(58) SYDNEY WATER – CONTINGENCY PLAN RECOMMENDATIONS**

Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au).

## (59) TRANSPORT FOR NEW SOUTH WALES / ROADS MARITIME SERVICES

- (a) The Applicant should consult with Transport for NSW (TfNSW) prior to the preparation of any Stage 2 development application and if required by TfNSW, undertake assessments to demonstrate that the proposed development will not have an adverse impact on the future rail corridors, pursuant to Clause 2.101 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
- (b) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
- (c) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- (d) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- (e) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding state classified road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

## (60) SYDNEY AIRPORT CORPORATION

- (a) The building **must not exceed** a maximum height of **217.5 metres AHD, including all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- (b) Separate approval **must be sought** under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed control activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
- (c) The proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing [ifp@airservicesaustralia.com](mailto:ifp@airservicesaustralia.com) and quoting YSSY-CA-574.
- (d) On completion of construction of the building, the Proponent **must provide** SACL with the surveyed height of the building.
- (e) A separate assessment and approval under the Regulations **will be required** for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

**Breaches of approval conditions are subject to significant penalties**  
under Section 185 and 187 of the Act.

## **SCHEDULE 2**

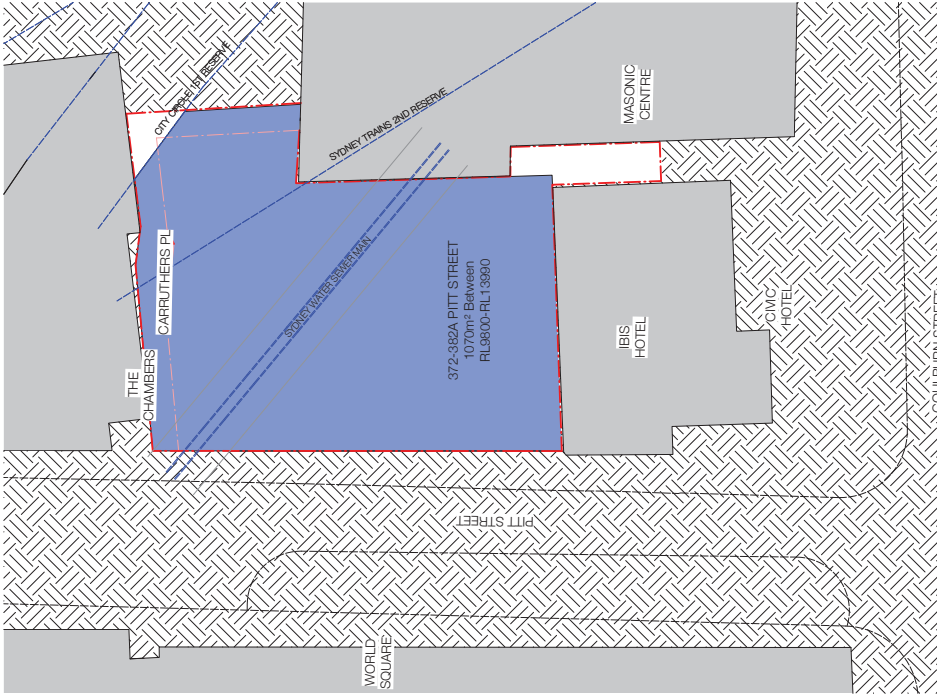
### **PRESCRIBED CONDITIONS**

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply to the development.

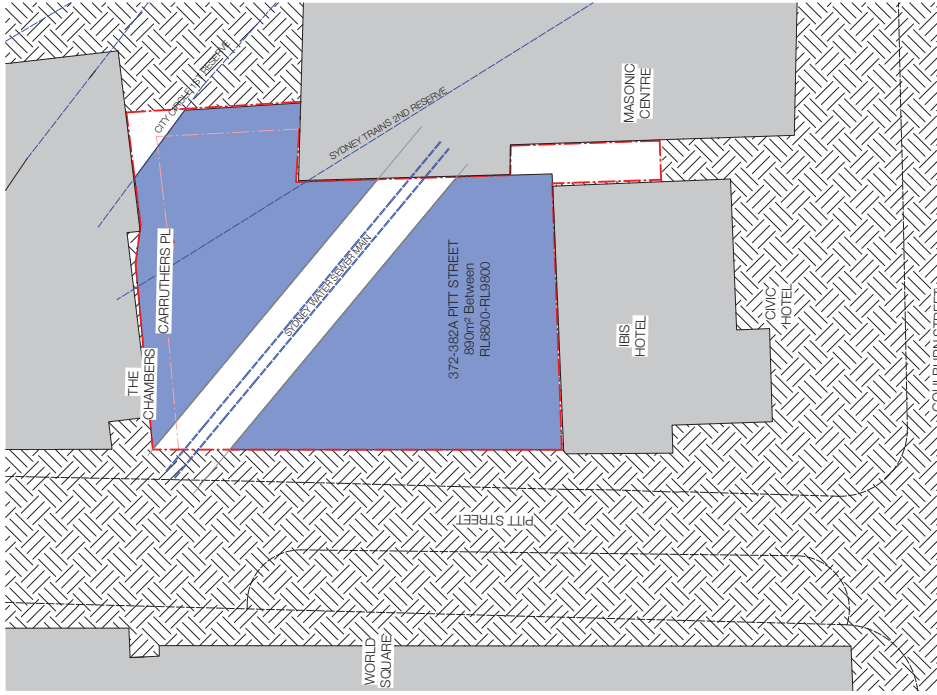


# **Attachment B**

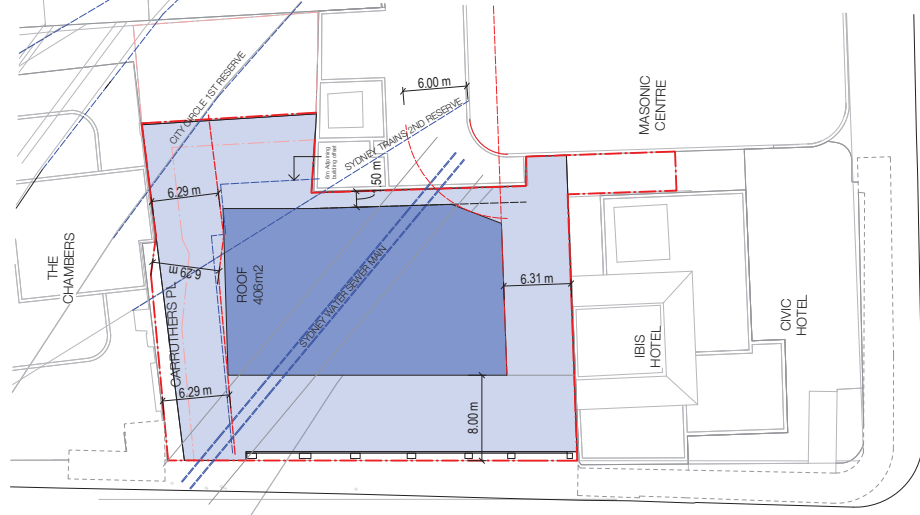
## **Building Envelope Drawings**



2. Proposed Envelope Plans - Basement 01

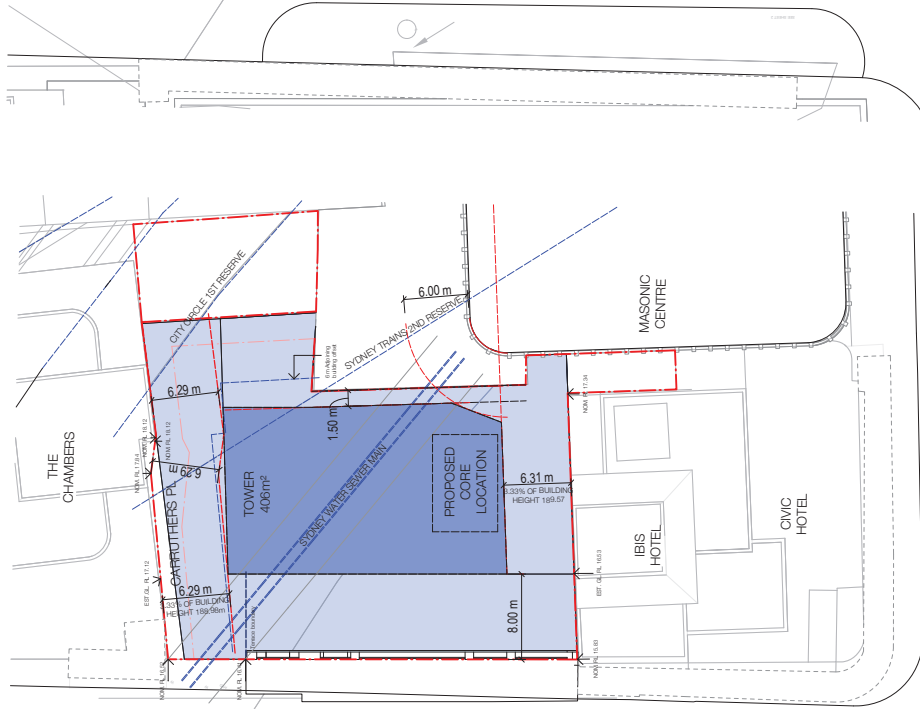


1. Proposed Envelope Plans - Basement 02-03



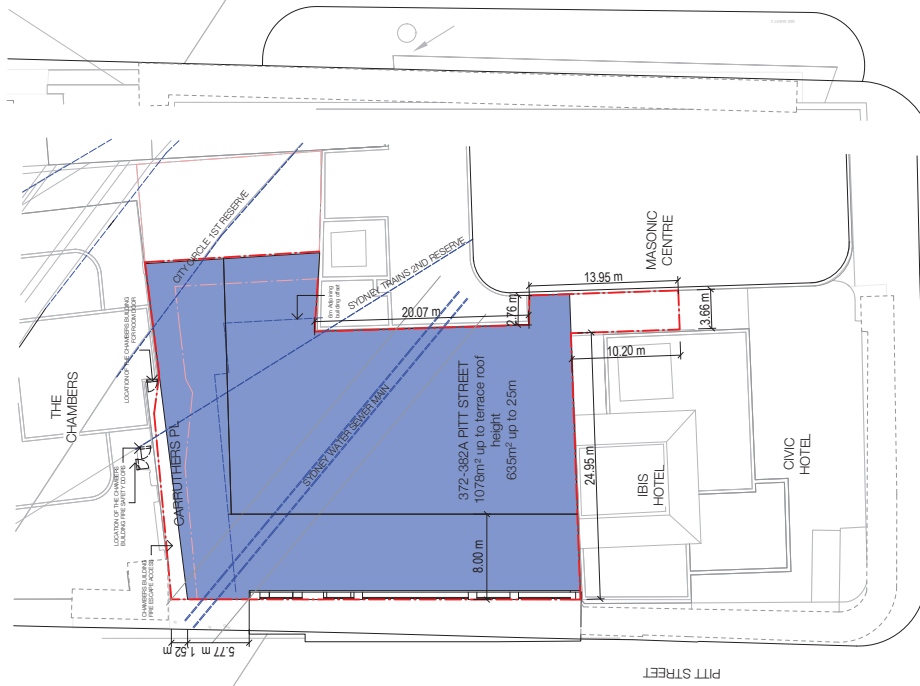
GOULBURN STREET

3 Proposed Envelope - Roof



GOULBURN STREET

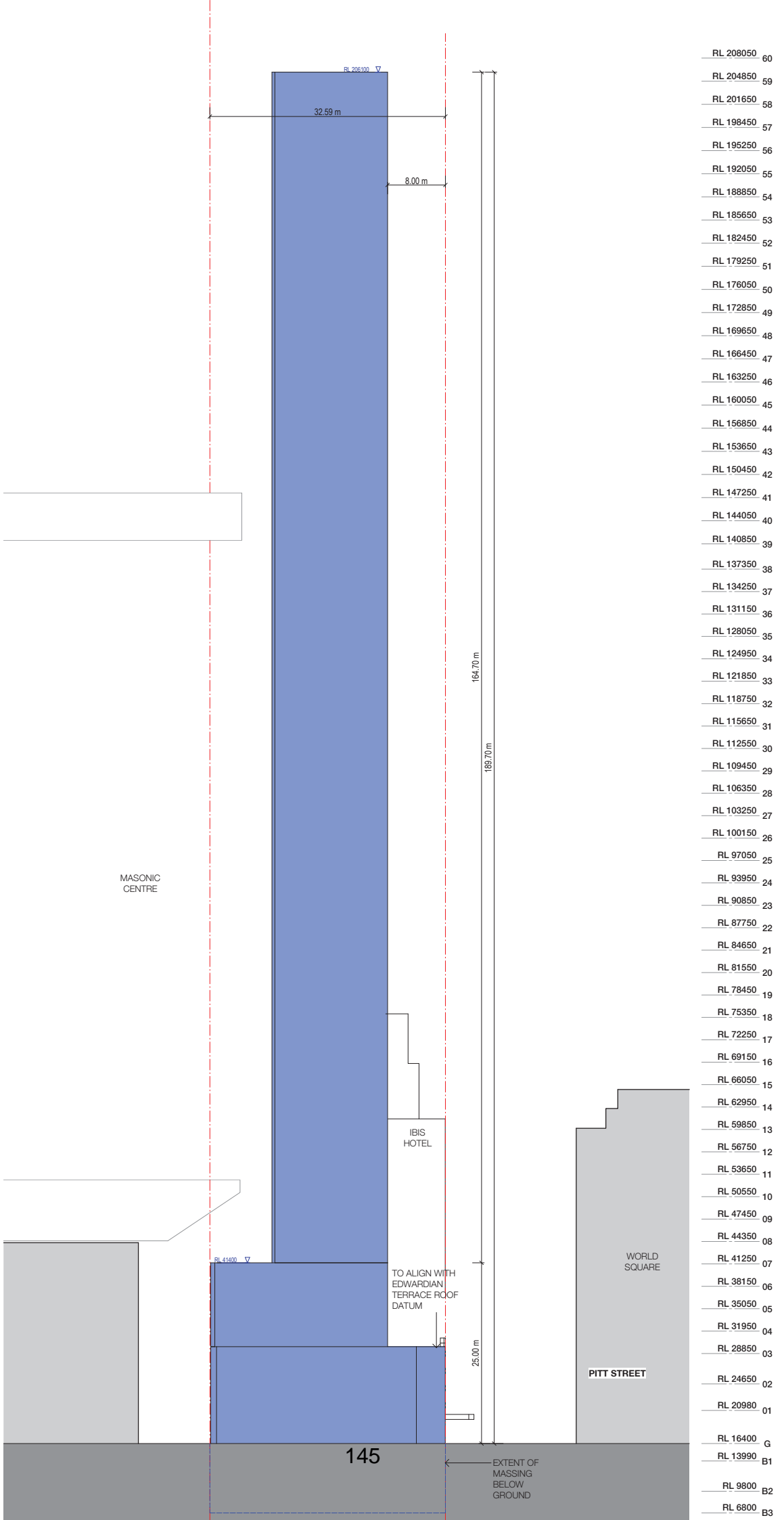
4 Proposed Envelope - Tower



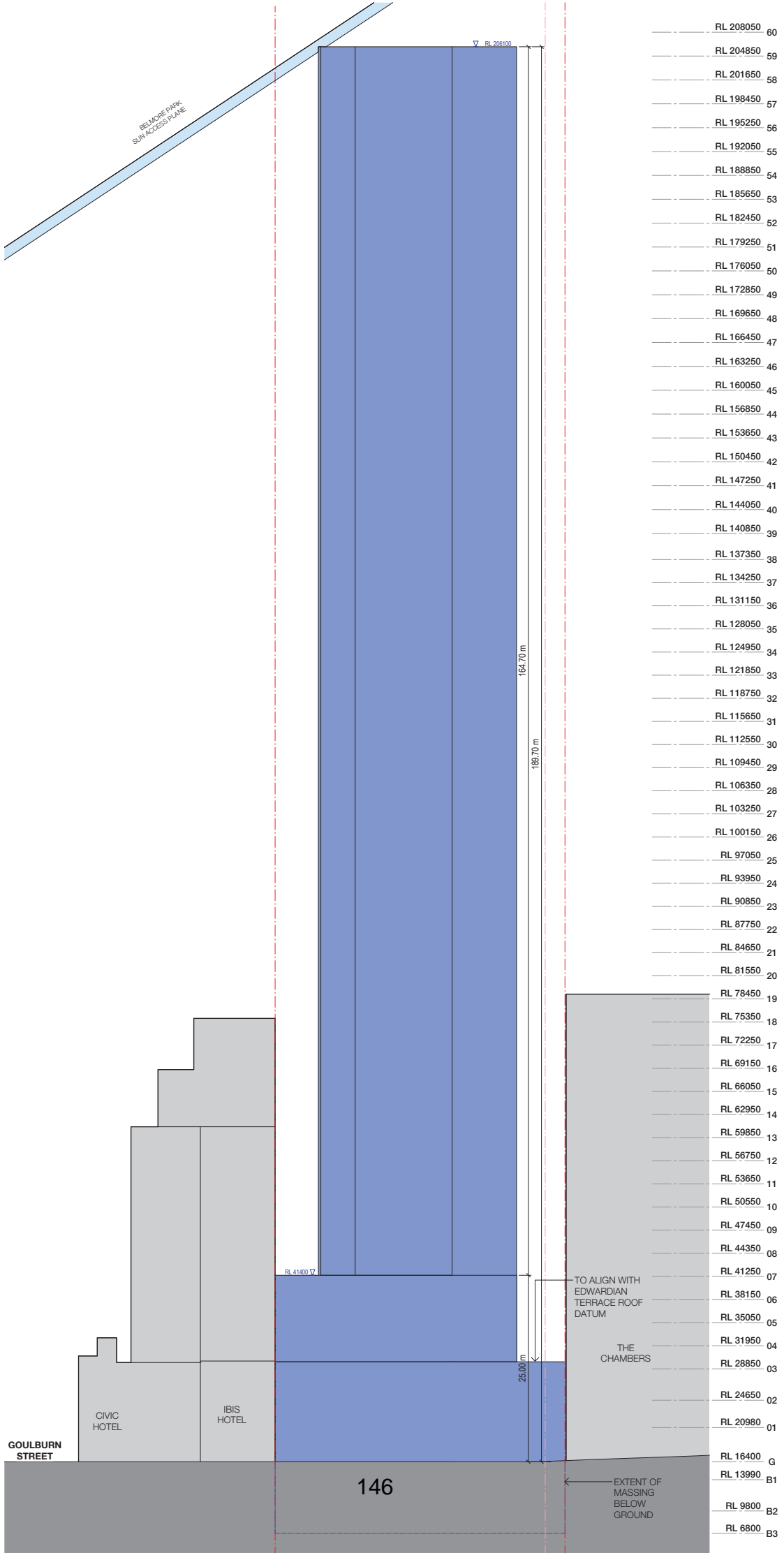
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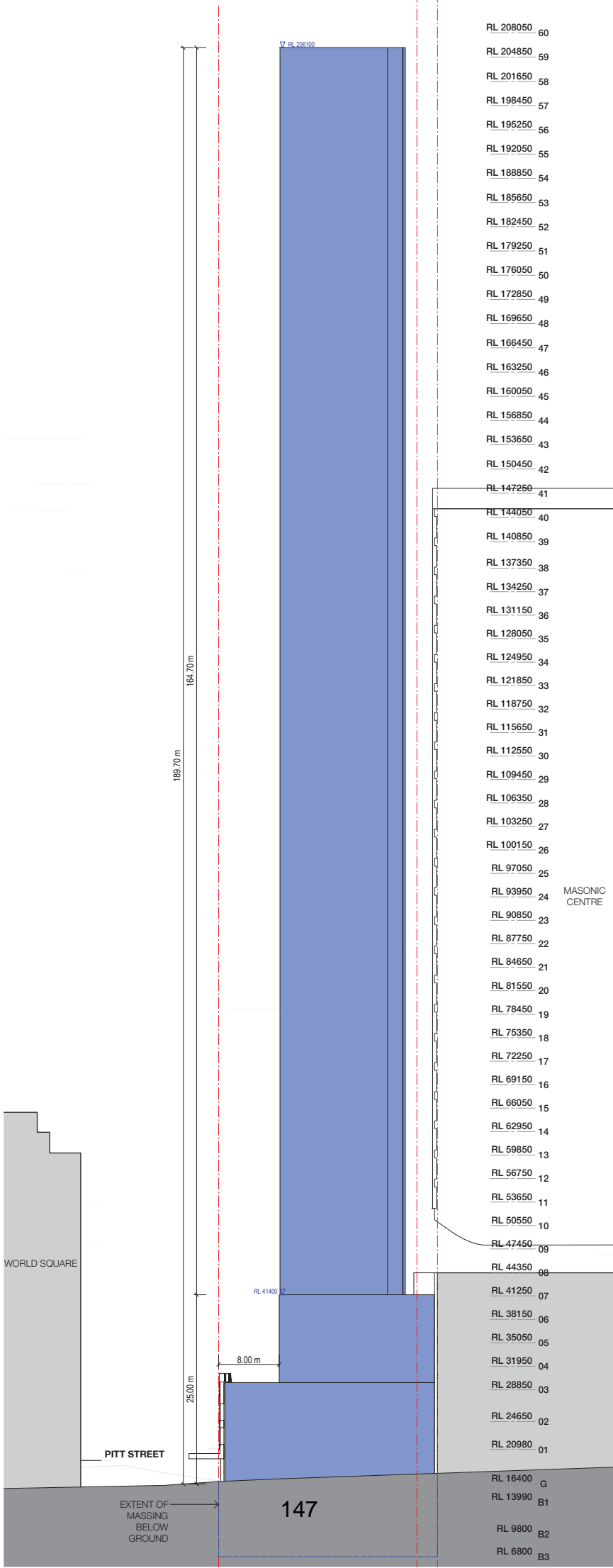
1 Proposed Envelope - Podium

NOTE: INDICATIVE CORE SHOWN IS THE MINIMUM REQUIREMENT FOR VT ONLY AND EXCLUDES OTHER CORE REQUIREMENTS, SUCH AS STAIR AND SERVICE RISERS



RL 208050	60
RL 204850	59
RL 201650	58
RL 198450	57
RL 195250	56
RL 192050	55
RL 188850	54
RL 185650	53
RL 182450	52
RL 179250	51
RL 176050	50
RL 172850	49
RL 169650	48
RL 166450	47
RL 163250	46
RL 160050	45
RL 156850	44
RL 153650	43
RL 150450	42
RL 147250	41
RL 144050	40
RL 140850	39
RL 137350	38
RL 134250	37
RL 131150	36
RL 128050	35
RL 124950	34
RL 121850	33
RL 118750	32
RL 115650	31
RL 112550	30
RL 109450	29
RL 106350	28
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RL 81550	20
RL 78450	19
RL 75350	18
RL 72250	17
RL 69150	16
RL 66050	15
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RL 44350	08
RL 41250	07
RL 38150	06
RL 35050	05
RL 31950	04
RL 28850	03
RL 24650	02
RL 20980	01
RL 16400	G
RL 13990	B1
RL 9800	B2
RL 6800	B3





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- RL 201650 58
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- RL 28850 03
- RL 24650 02
- RL 20980 01
- RL 16400 G
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MASONIC CENTRE

147

EXTENT OF MASSING BELOW GROUND

PITT STREET

WORLD SQUARE

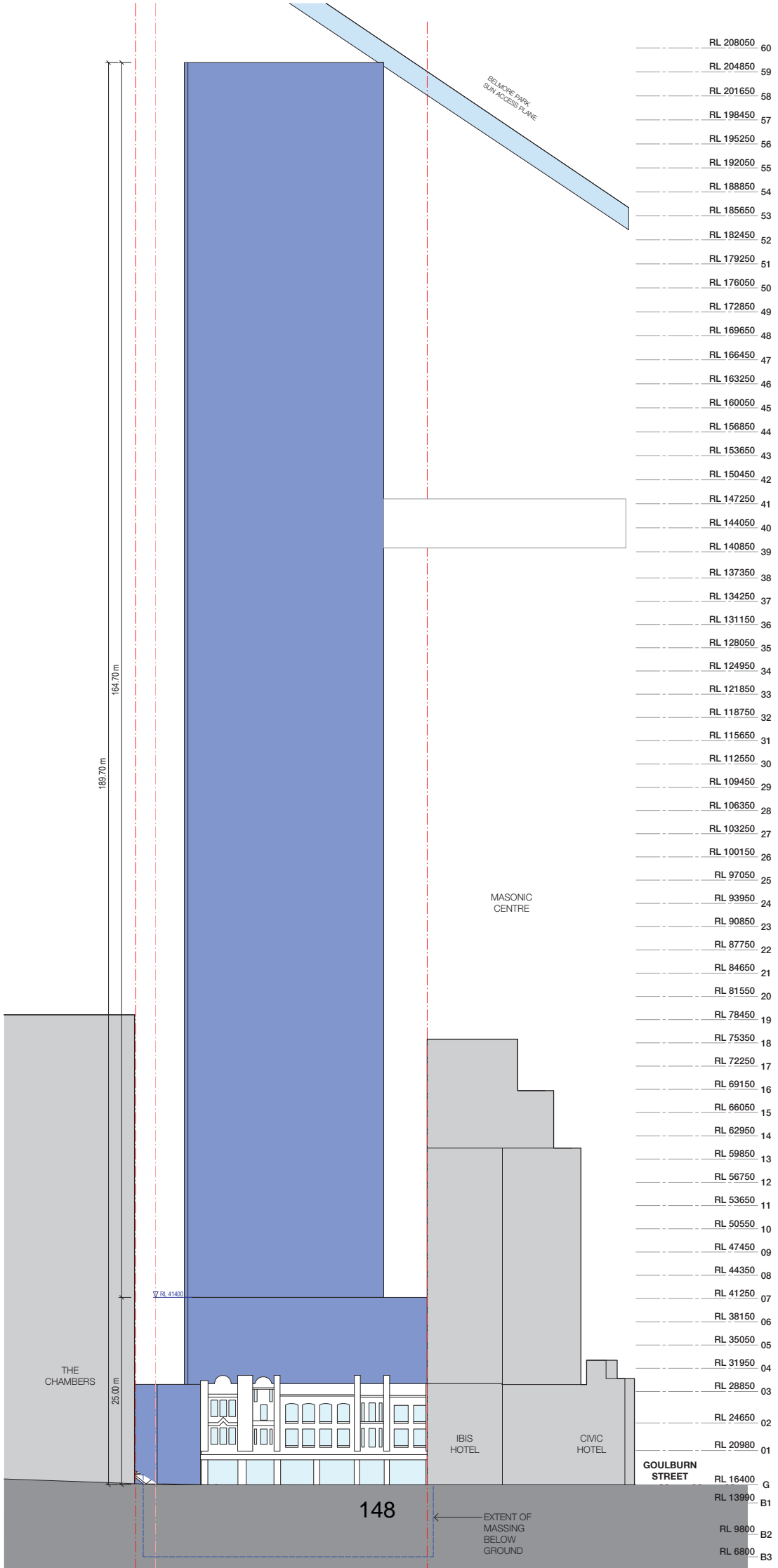
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188.70 m

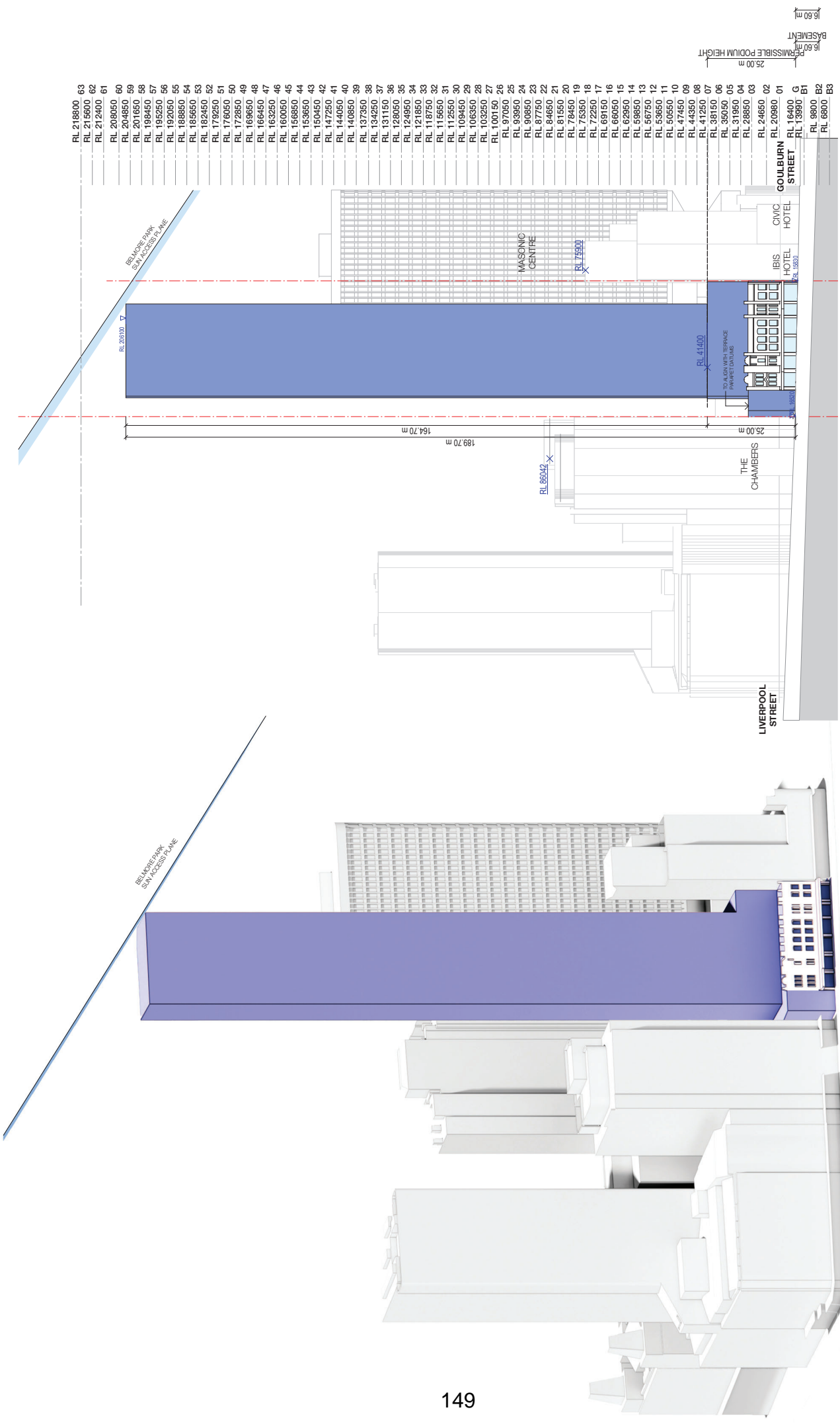
25.00 m

8.00 m

RL 41400

V RL 206100



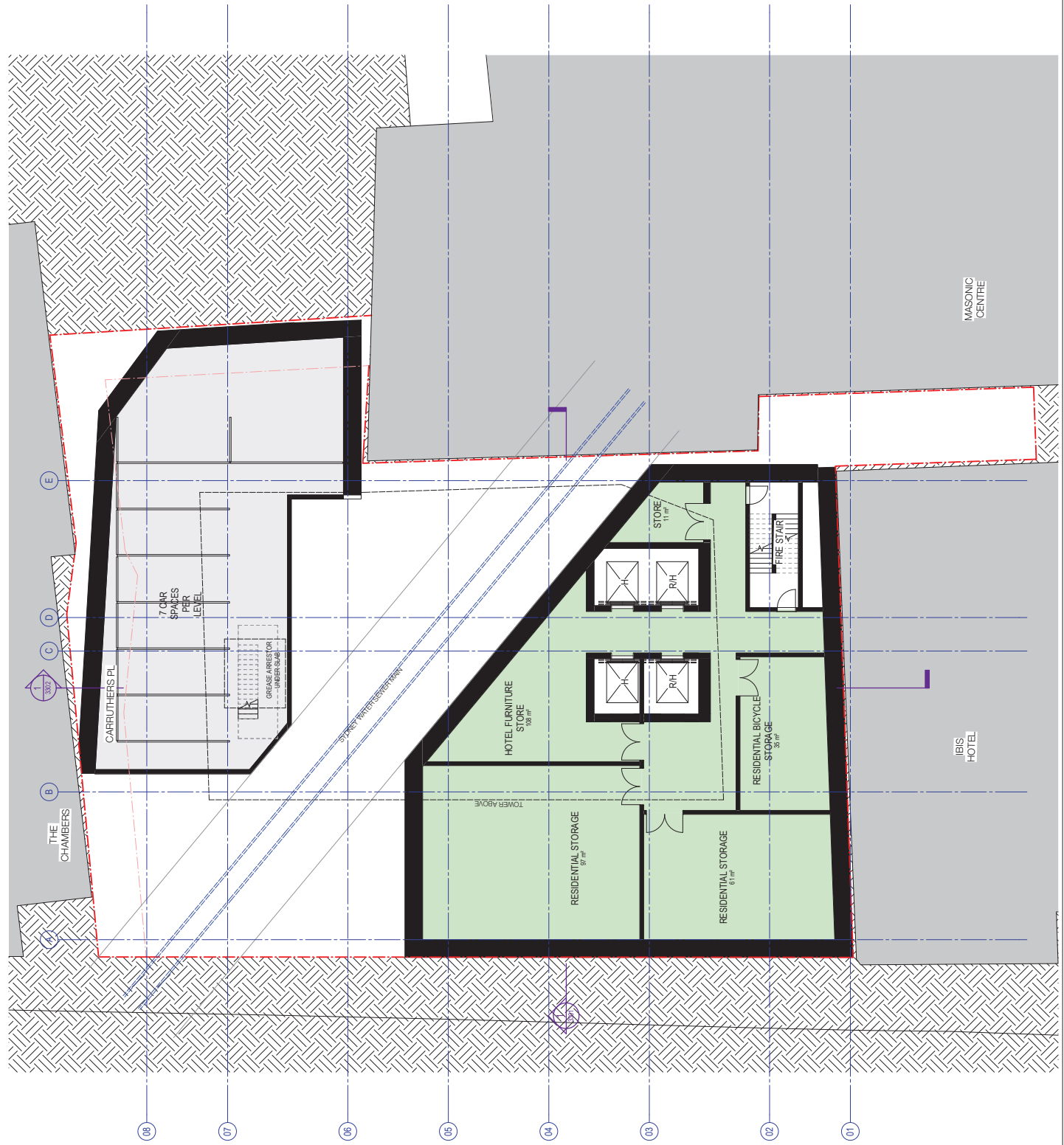


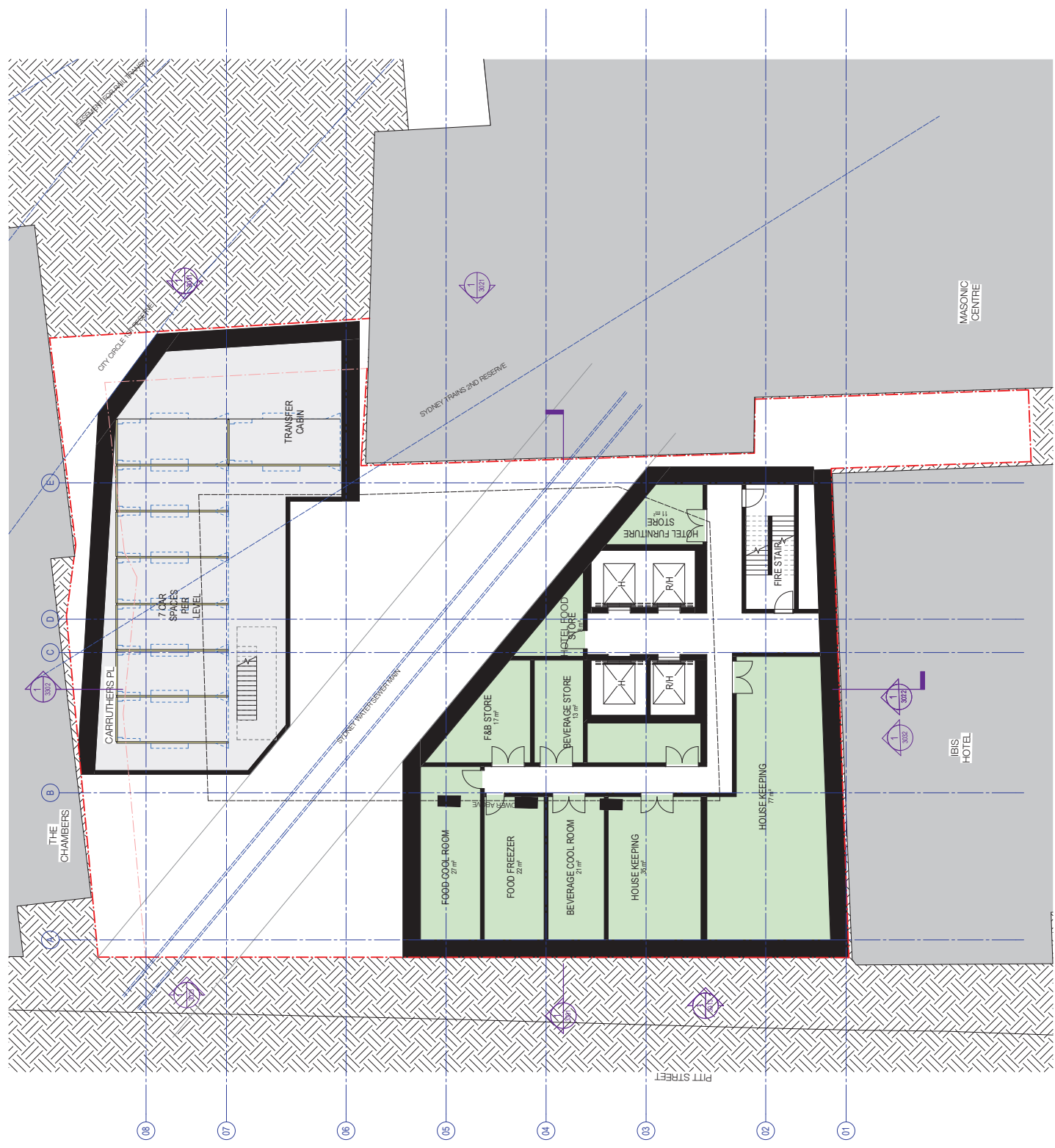
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RL 33200	05
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RL 6800	B3



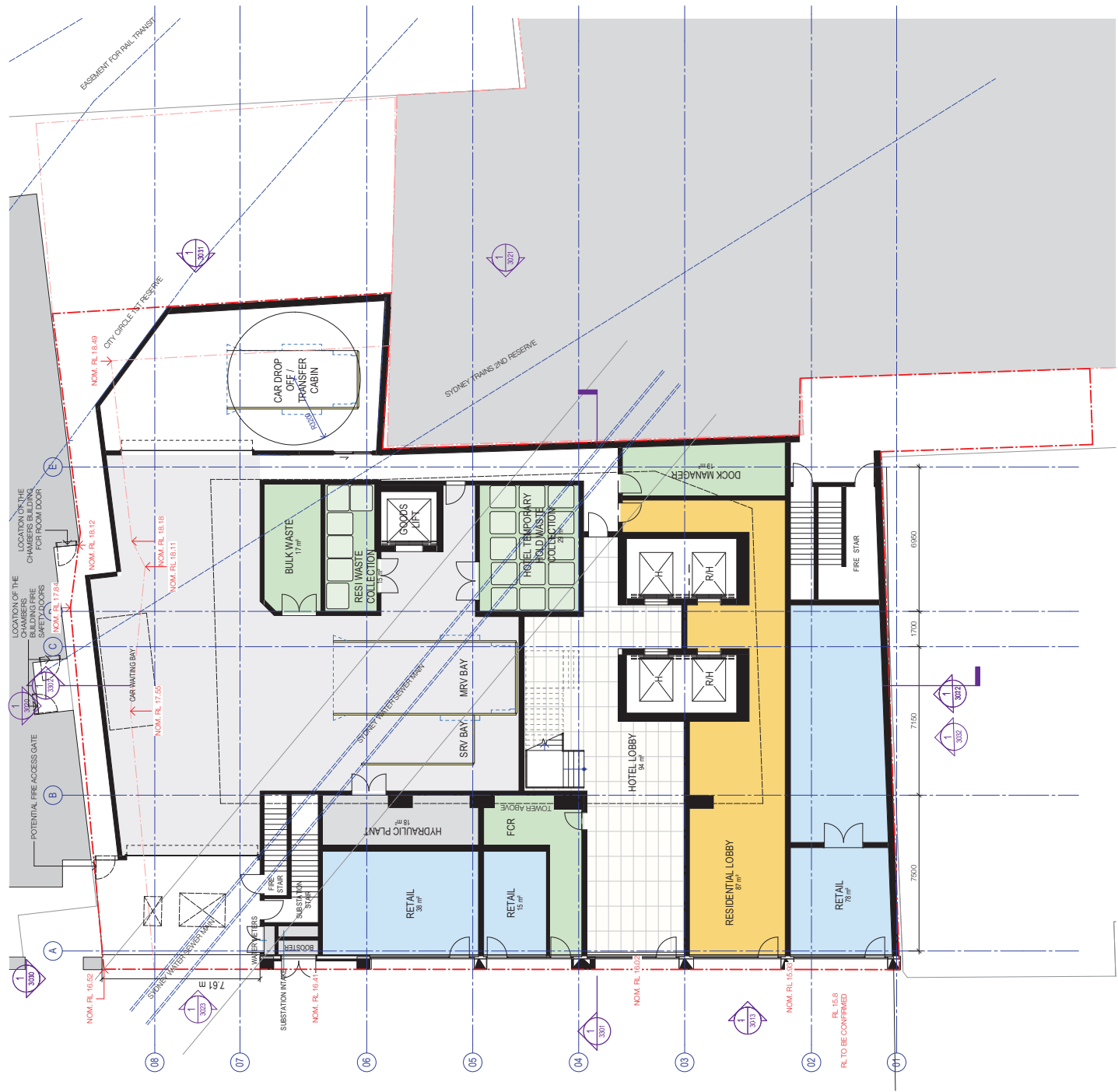
# **Attachment C**

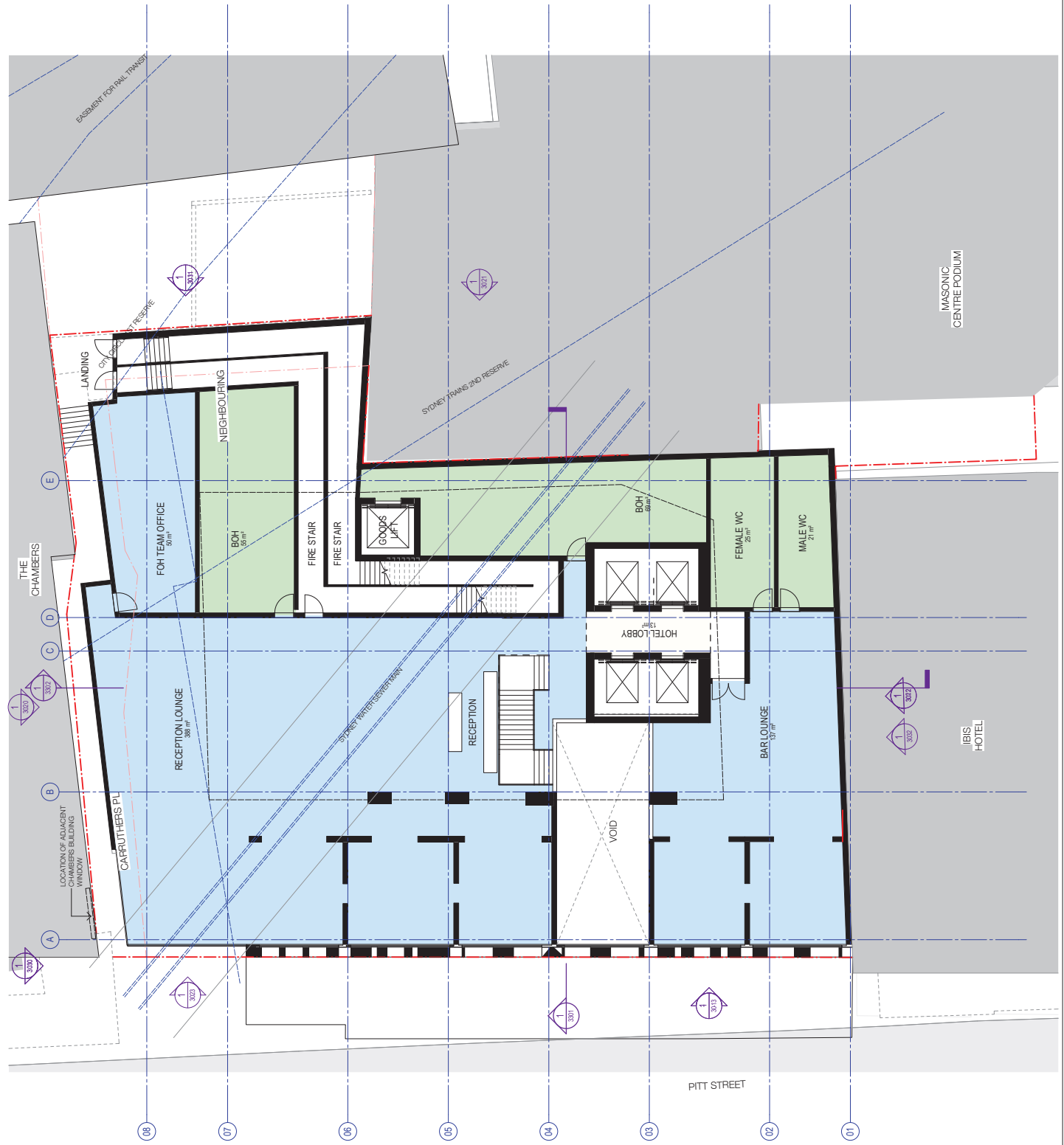
**Indicative Reference Design Drawings**









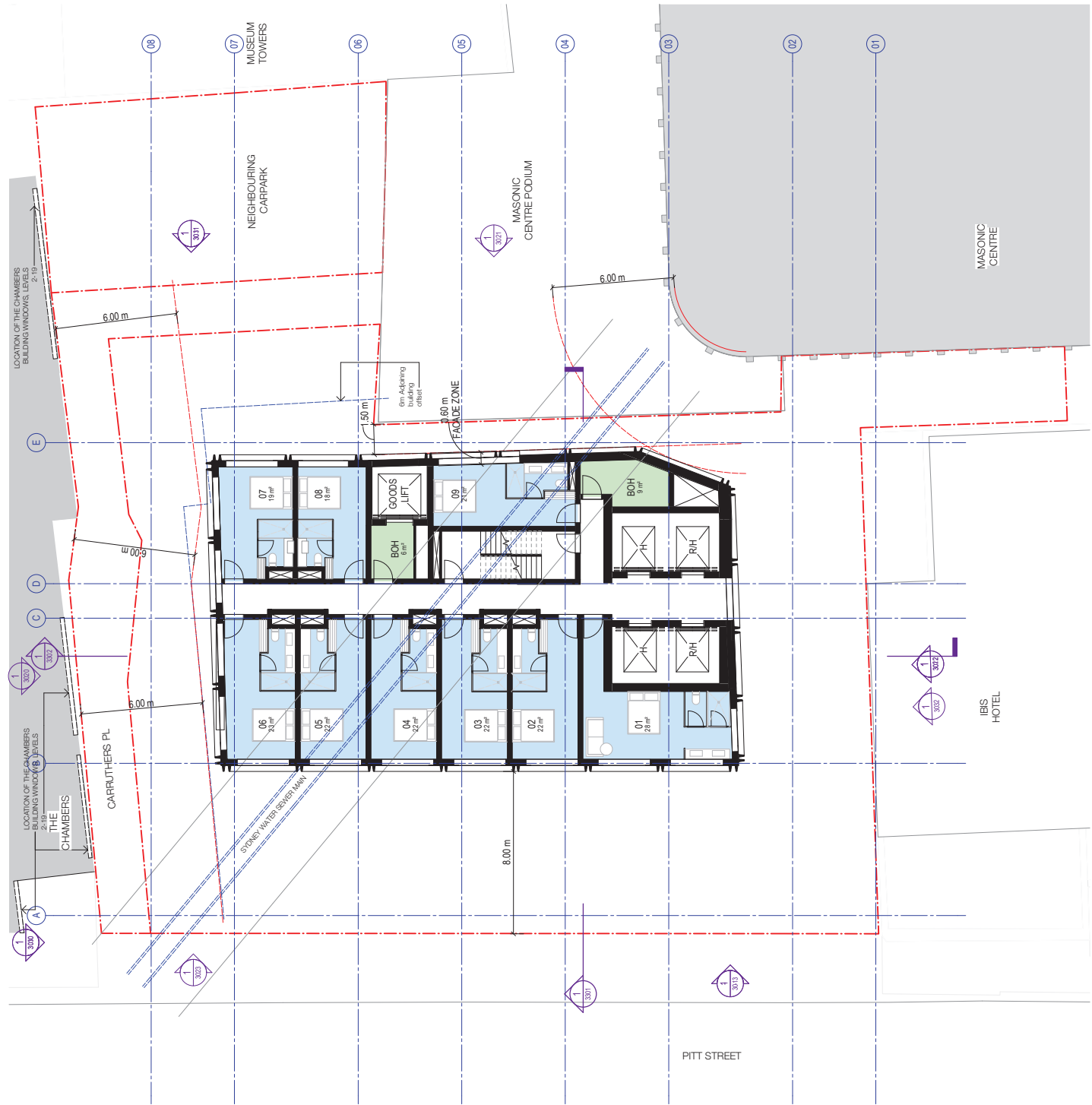


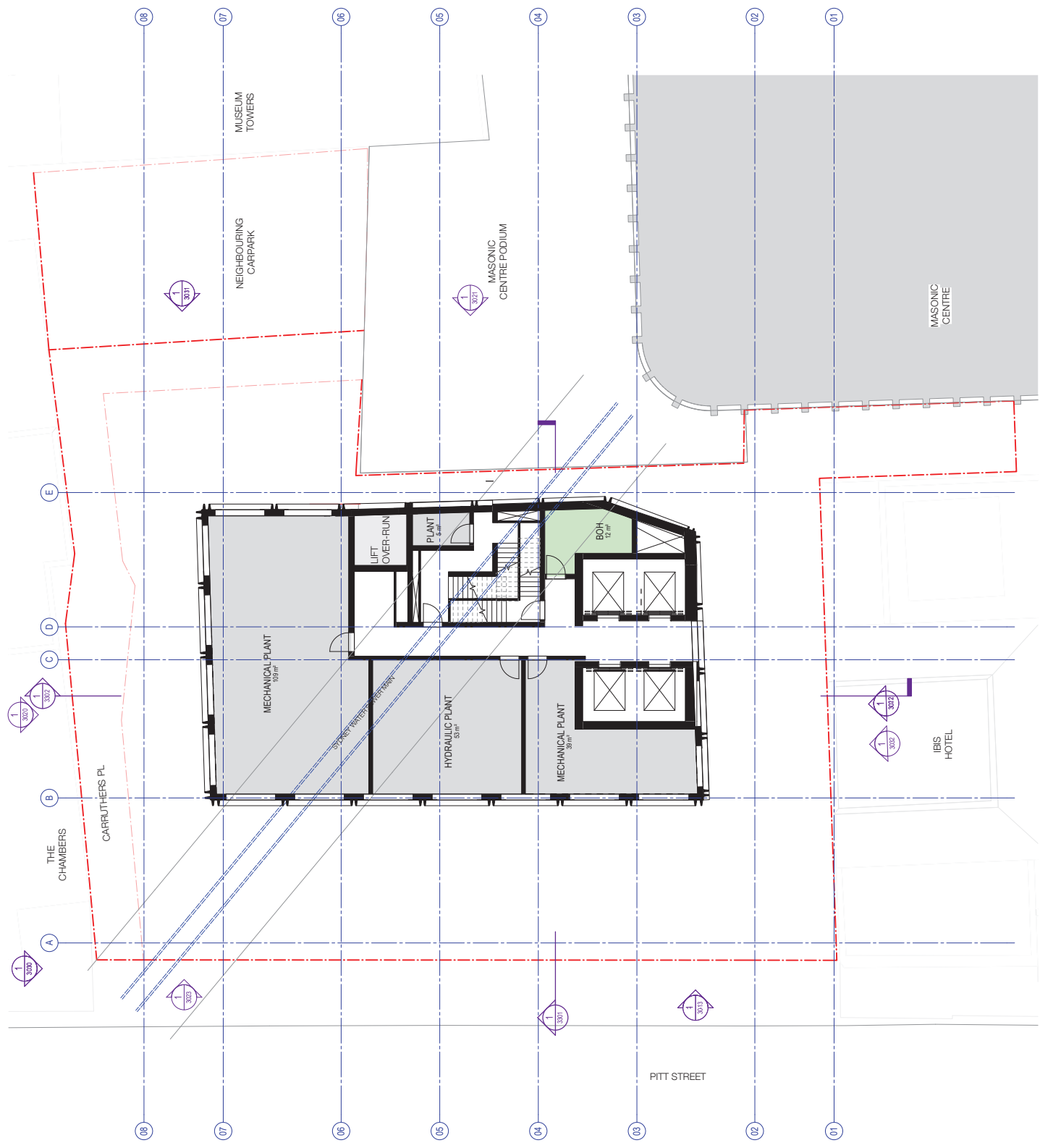


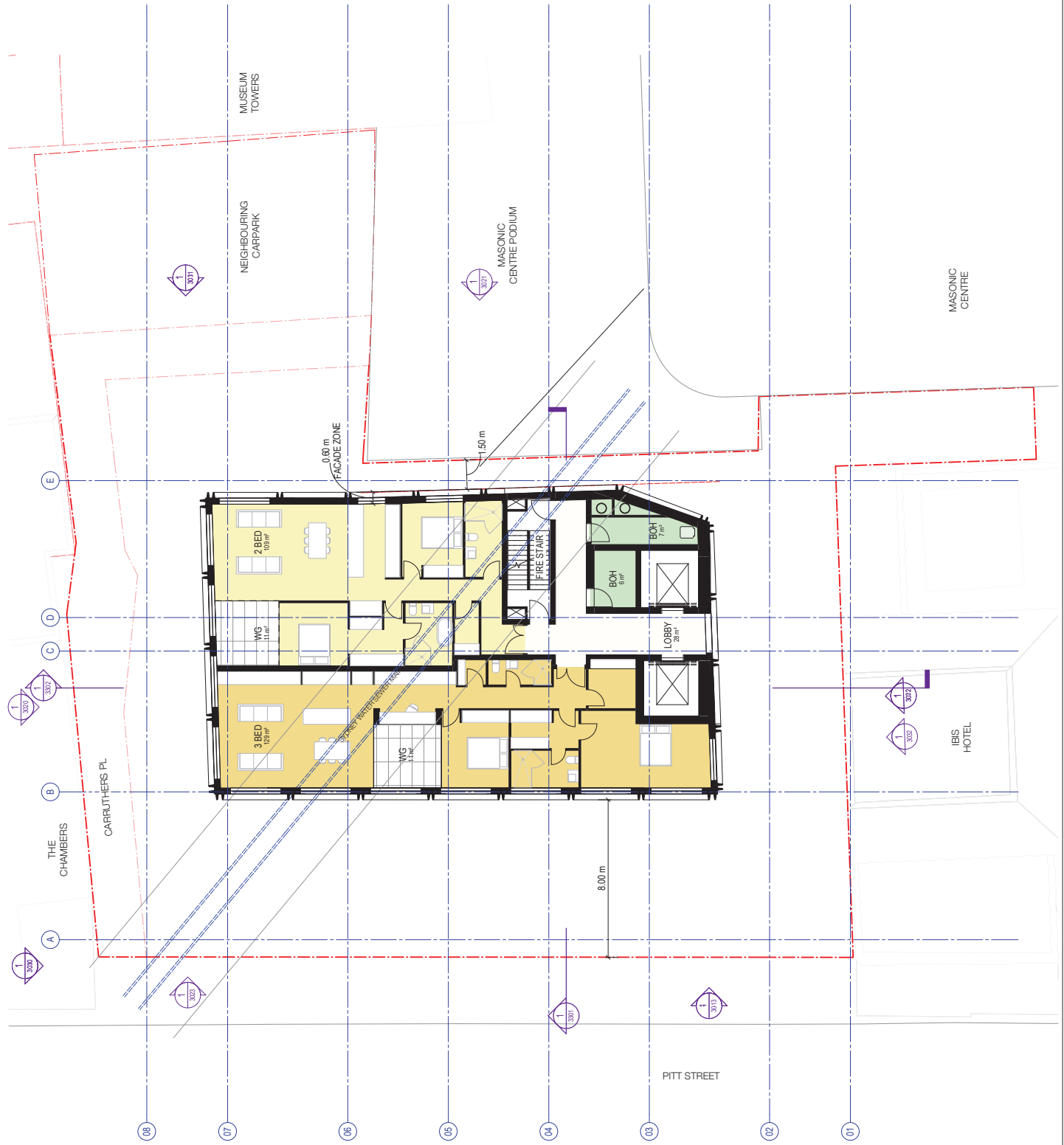


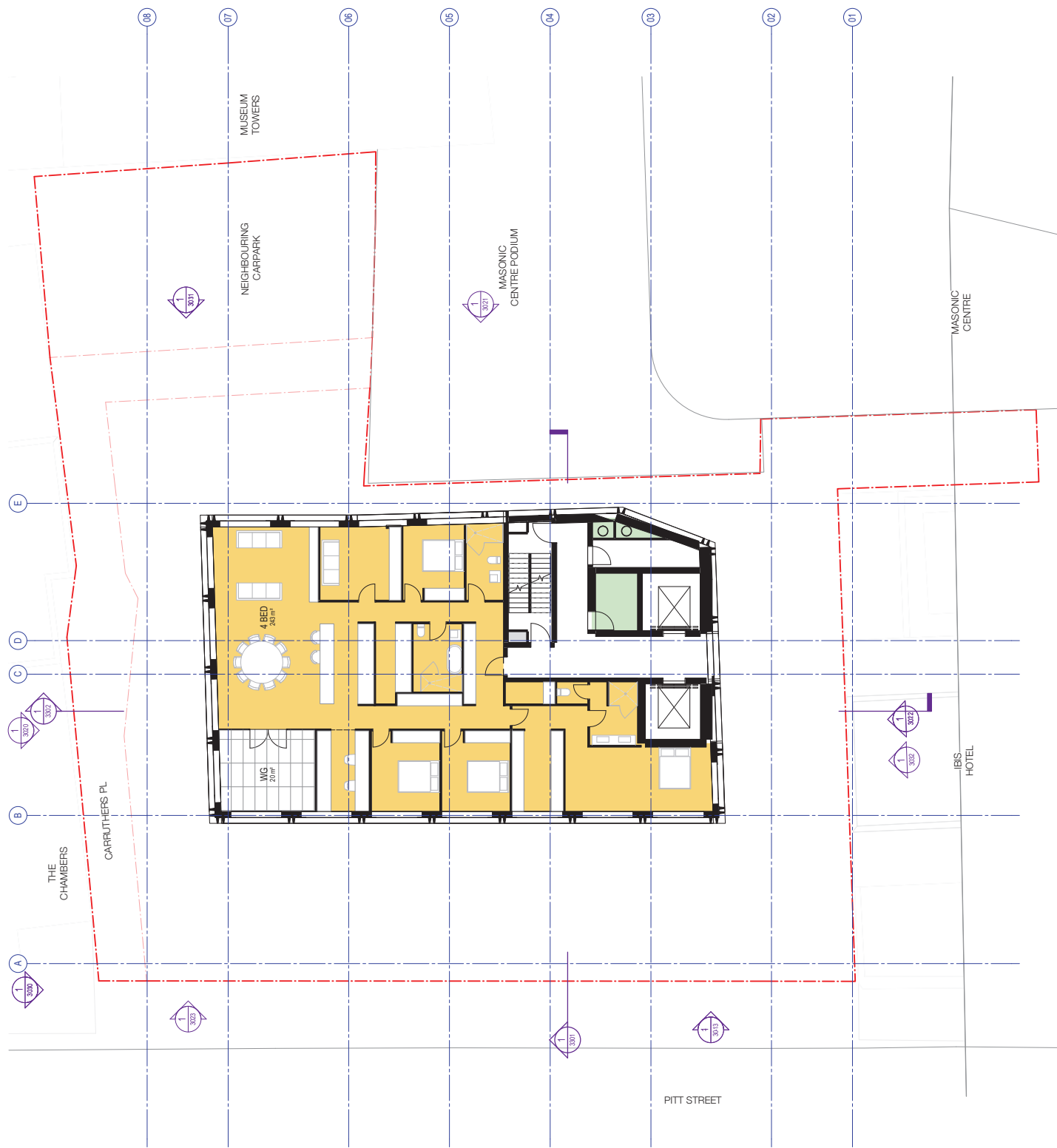


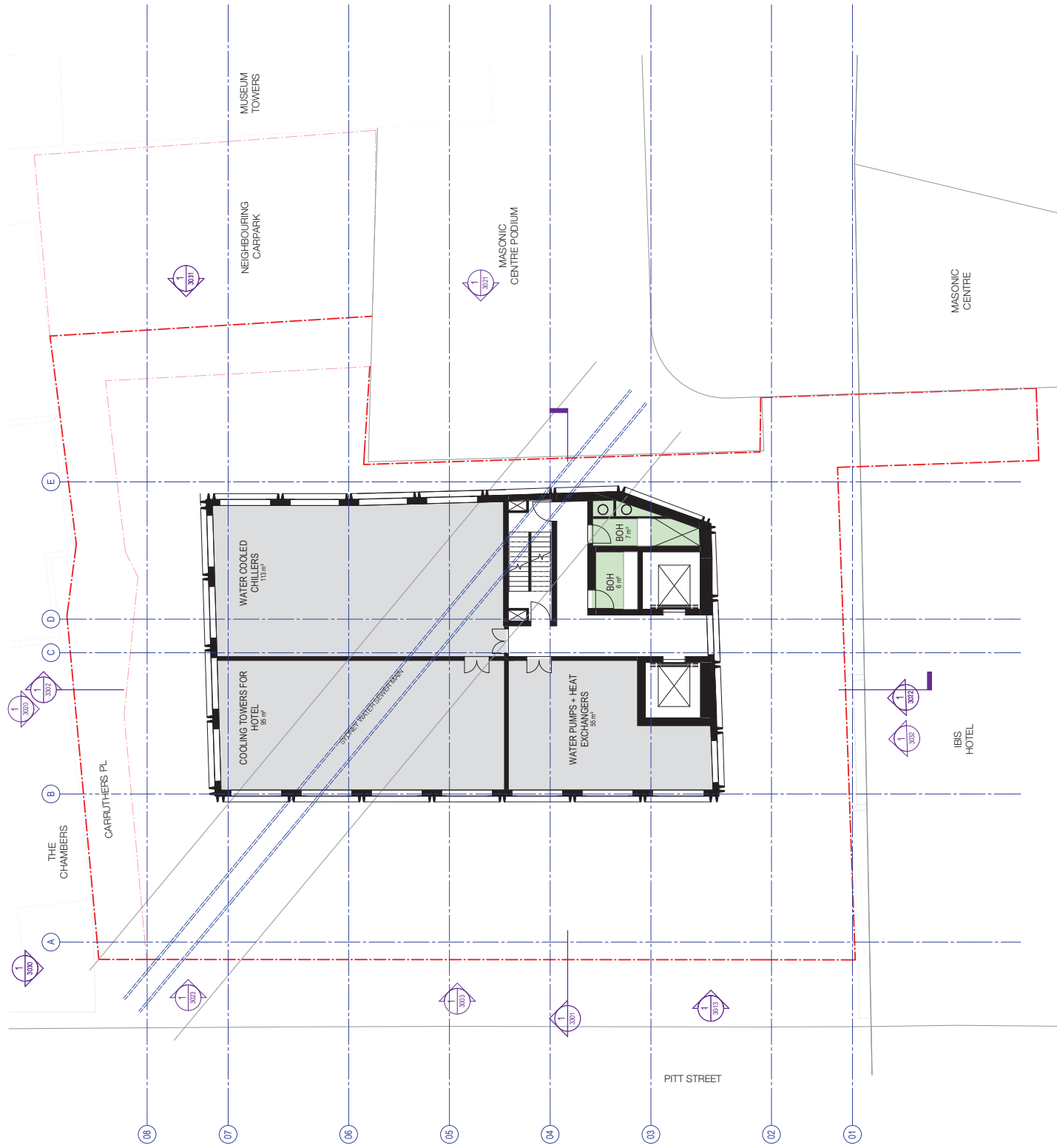










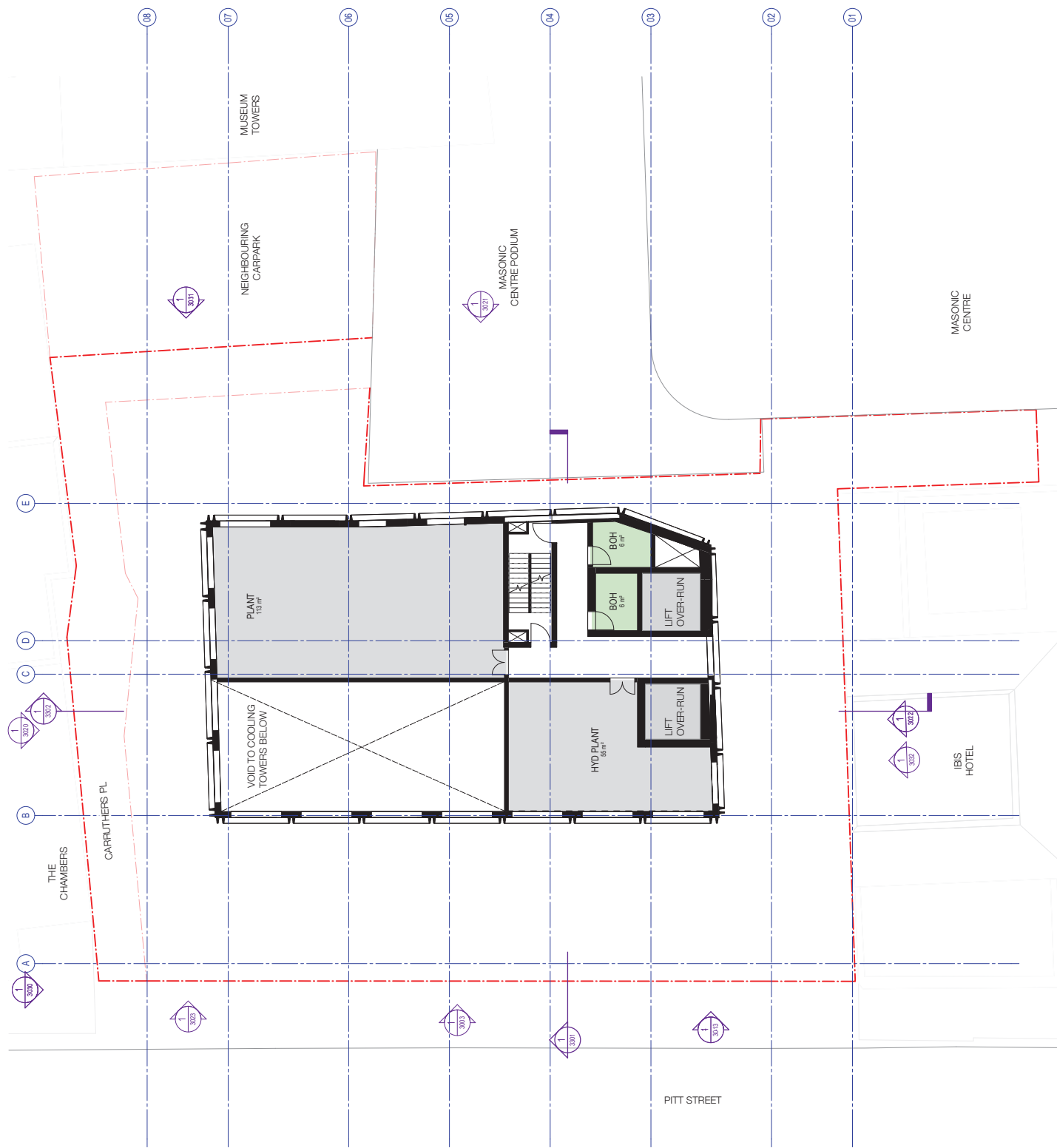


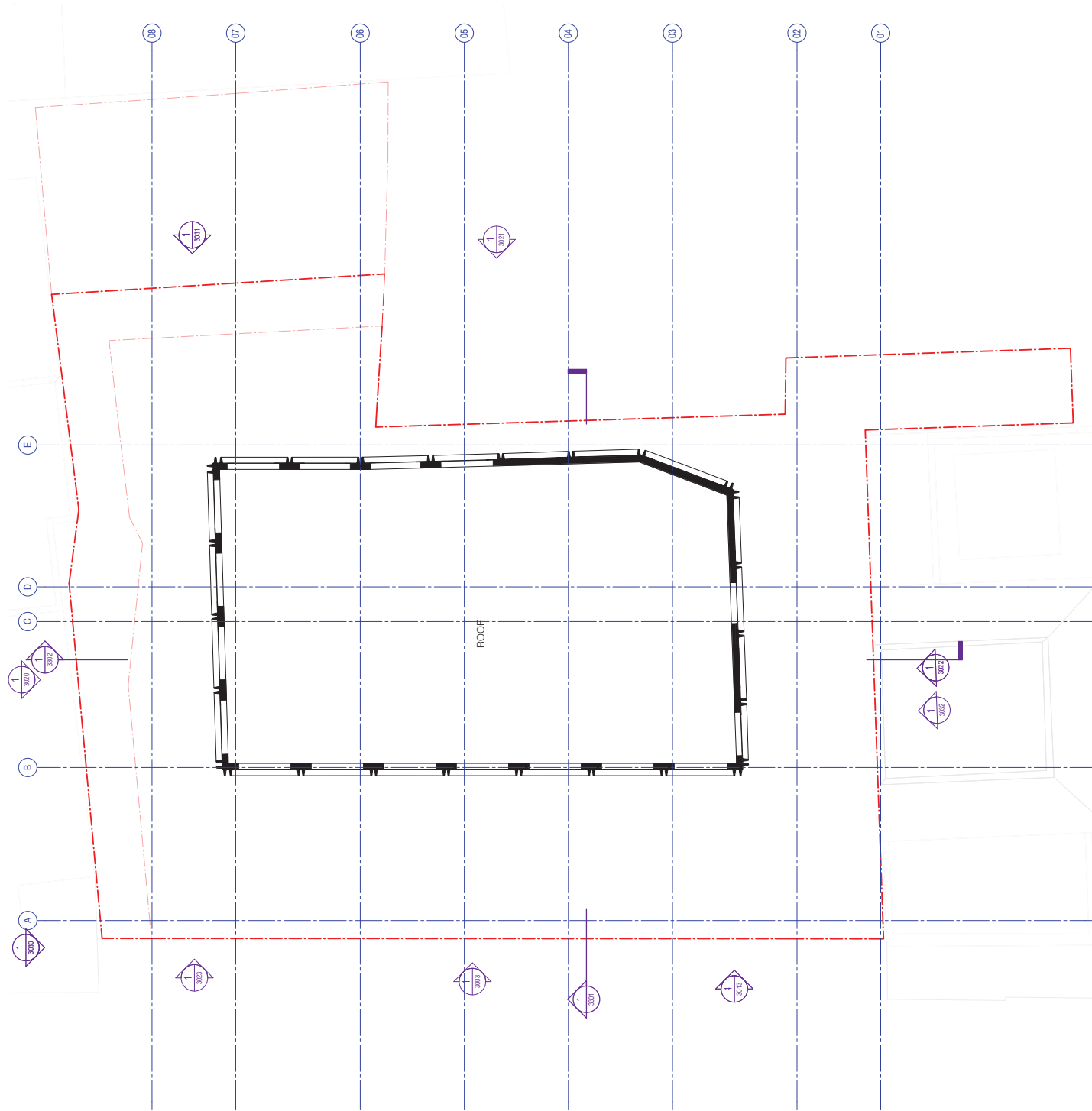
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**Plant Level - Level 57**

Project  
**372 PITT ST, SYDNEY**

Client  
**BELINGBAK & ICD**







Project number  
**121609**  
 Sheet number  
**PP2259**

Scale  
**1:100**  
 Revision  
**A**

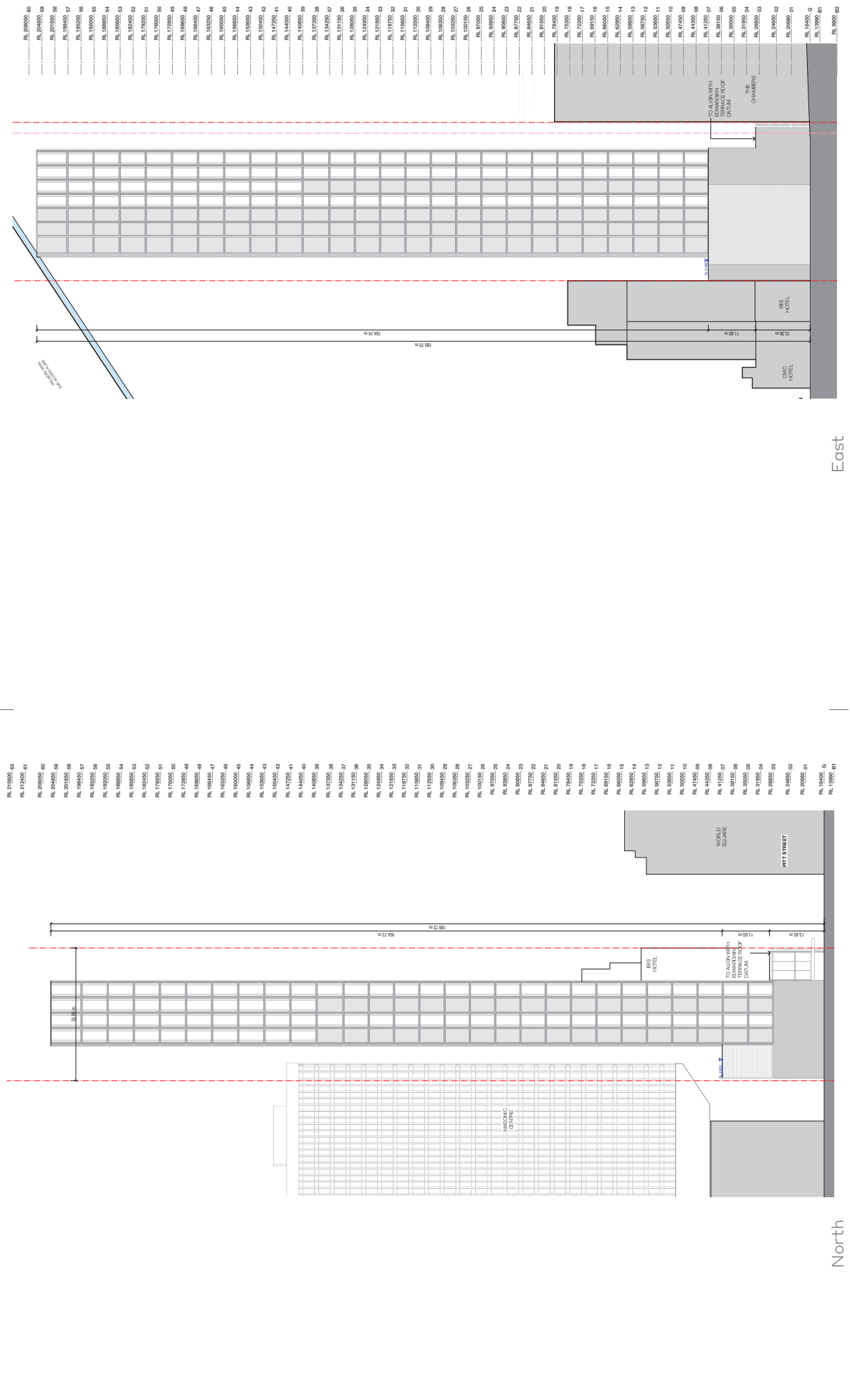
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**Roof Plan**

Client  
**BELINGBAK & ICD**  
 Project  
**372 PITT ST, SYDNEY**

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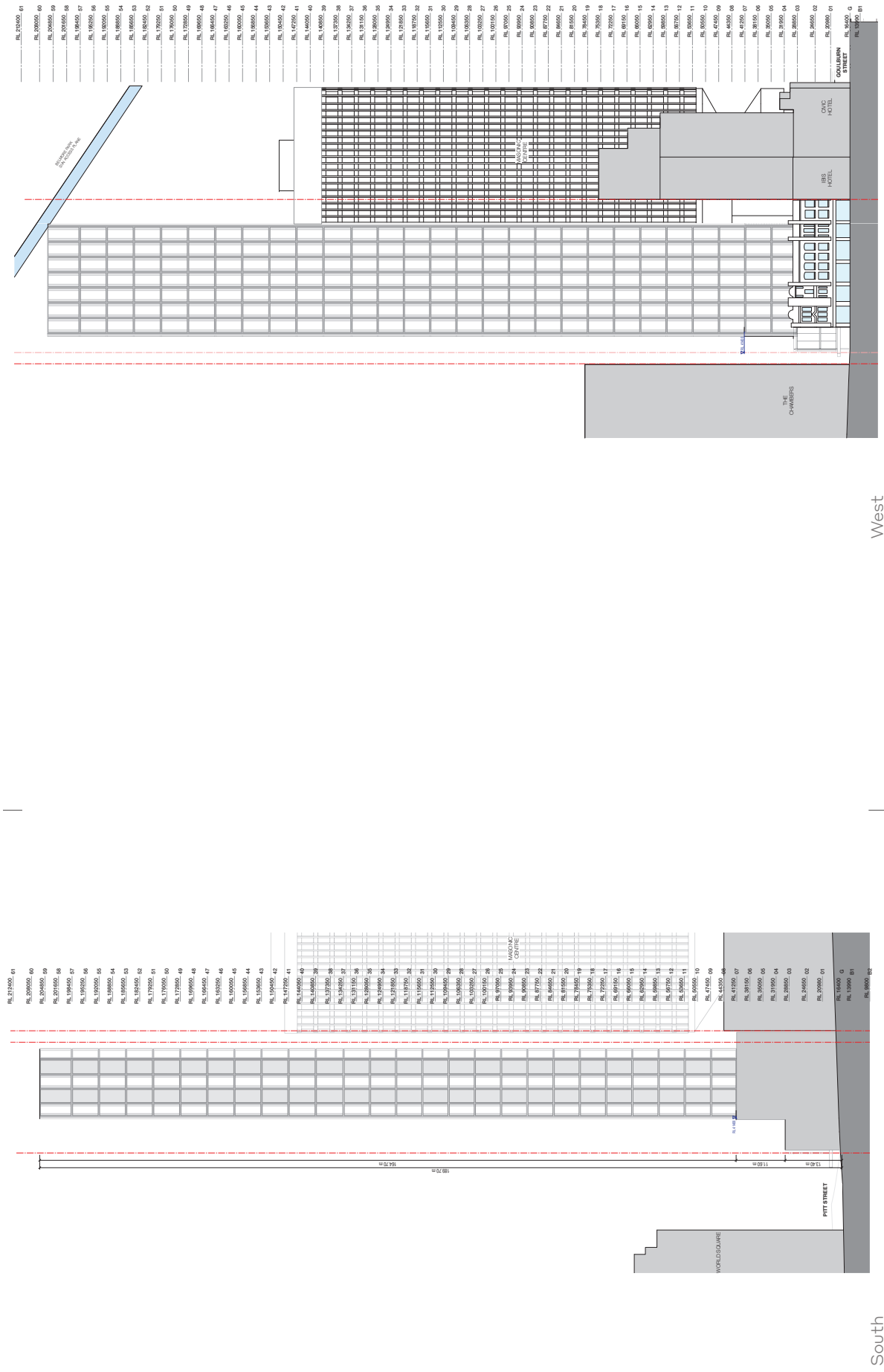

# 05.2 Reference Design - Elevations North & East

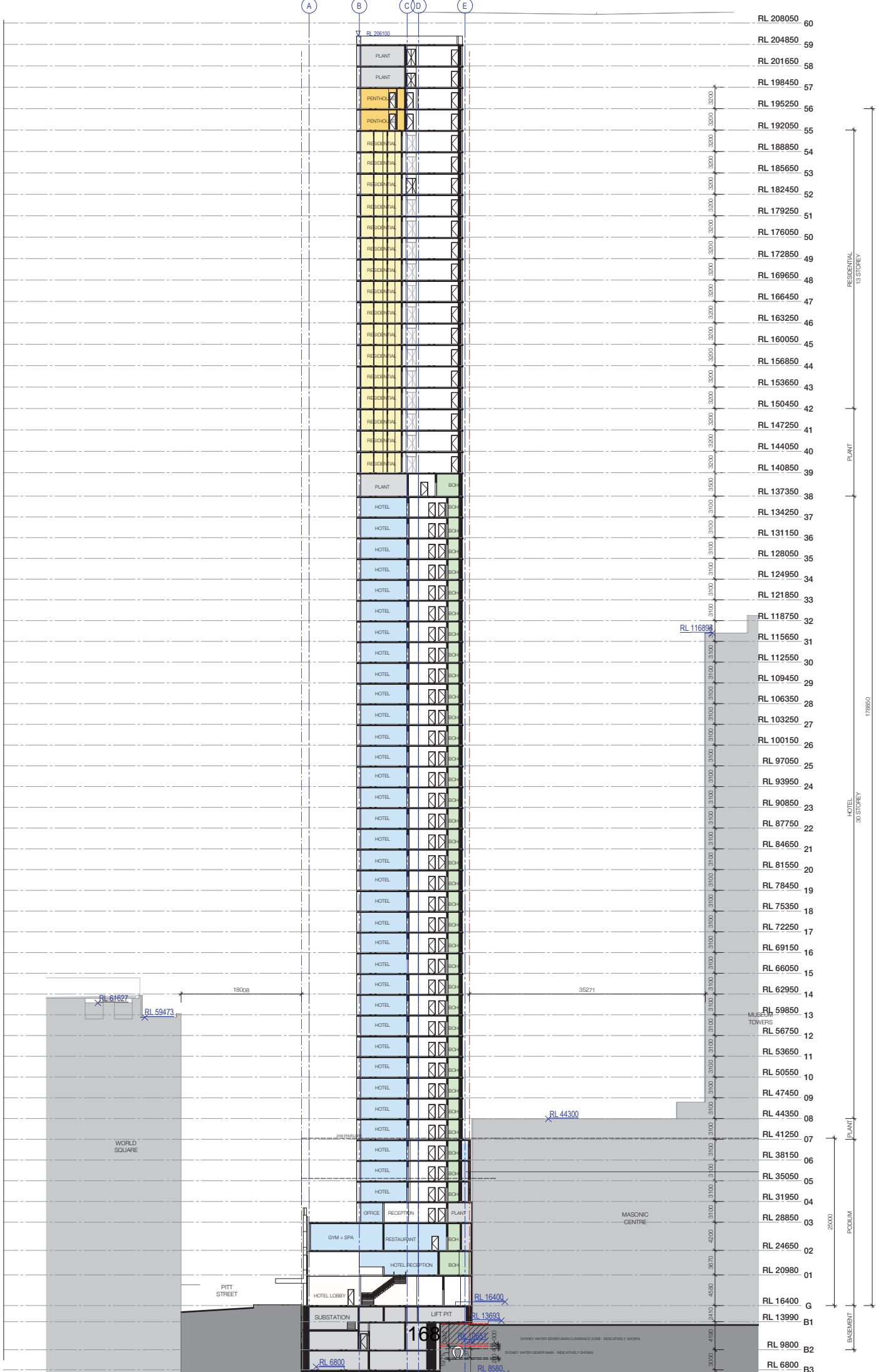


East

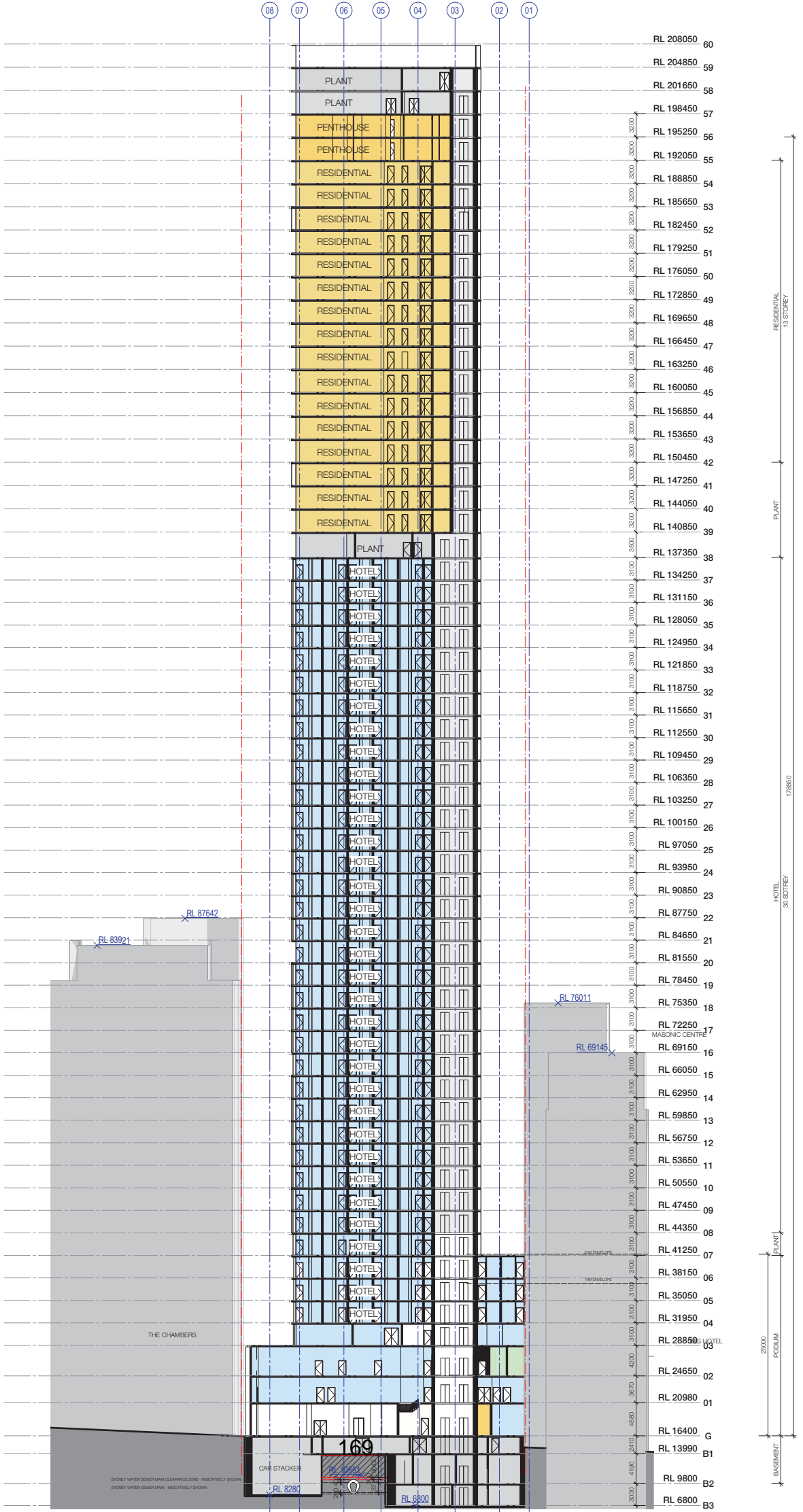
North

# 05.2 Reference Design - Elevations South & West





RESIDENTIAL 13 STOREY  
HOTEL 36 STOREY  
PODIUM  
BASEMENT



STEELY WATER COVER MARK, CLEARANCE LINE, INDICATED BY DASH  
STEELY WATER COVER MARK, INDICATED BY DASH

# **Attachment D**

## **Design Excellence Strategy**

The logo for URBIS, featuring the word "URBIS" in a bold, sans-serif font. The letters are contained within a square frame that is open on the right side. A thick black horizontal line extends from the right side of the square frame across the top of the page. A thick black vertical line extends from the top of the page down to the top of the square frame.

**URBIS**

# **DESIGN EXCELLENCE STRATEGY**

372-382A Pitt Street, Sydney

Prepared for  
**BELINGBAK + ICD PROPERTY**  
August 2022

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director	Ashleigh Ryan
Senior Consultant	Toni Walter
Consultant	Kate Riley
Project Code	P0035477
Report Number	Design Excellence Strategy (dated 24 August 2022) FINAL

**Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.**

**We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.**

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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# 1. INTRODUCTION

This Design Excellence Strategy (**Strategy**) has been prepared by Urbis on behalf of 372 Pitt Street Developer Pty Ltd (**the Proponent**) to guide the redevelopment of 372-382A Pitt Street, Sydney (**the site**). This Strategy supports a Concept Development Application (**DA**) for a mixed-use tower and a subsequent competitive design process.

The Proponent is committed to achieving design excellence as part of the redevelopment the site, and to deliver the highest standard of architectural, urban and landscape design for the City.

This Design Excellence Strategy has been prepared in accordance with the *City of Sydney Competitive Design Policy 2020*(**the Competitive Design Policy**), the *Sydney Local Environmental Plan 2012* (**the Sydney LEP 2012**) and the Sydney Development Control Plan (**the Sydney DCP 2012**).

In accordance with Section 1.2 of the *Competitive Design Policy* and Section 3.3.2 of the Sydney DCP 2012, this Strategy defines the following:

- (a) *The location and extent of each competitive design process;*
- (b) *The type of competitive design process(es) to be undertaken: an open or invited architectural design competition or the preparation of design alternatives on a competitive basis;*
- (c) *The number of designers involved in the process(es);*
- (d) *How fine grain and contextually varied architectural design is to be achieved across large sites;*
- (e) *Whether the competitive design process is pursuing additional floor space or height;*
- (f) *Options for distributing any additional floor space or height which may be granted by the consent authority for demonstrating design excellence through a competitive design process; and*
- (g) *The target benchmarks for ecologically sustainable development.*

The Proponent will undertake an invited Architectural Design Competition (**Competition**) with a minimum of five (5) Competitors.

## 2. SITE LOCATION

### 2.1. LOCATION AND EXTENT OF COMPETITIVE DESIGN PROCESS

The site is located at 372 – 382A Pitt Street and is located on the south eastern side of Pitt Street between Liverpool and Goulburn Streets. The site is made up of a series of rectangular lots forming a combined boundary which is irregular in shape. The site has a frontage of approximately 36 metres to Pitt Street and a total site area of 1,139.9sqm. The legal description of the site is set out within **Table 1** below.

Table 1 – Land Subject to the Competition

<b>Property Address</b>	<b>Title Description</b>
Carruthers Place (372B Pitt Street)	Lot 3702 DP 1124741
372-374 Pitt Street	Lot A DP 439550 and Lot B DP 439550
376 Pitt Street	Lot K DP 107021
378 Pitt Street	Lot J DP 107021
380 Pitt Street	Lot G DP 107010
382 Pitt Street	Lot E DP 442348
382A Pitt Street	Lot 1 DP 341987

Property Address	Title Description
Total Site Area	1,139.9 sqm

The site will be subject to the future amalgamation of a series of allotments with the following legal descriptions applying to the site. The Competition will apply to the entire area outlined in red in **Figure 1** below, however for clarity we note for Competitors that built form must only be proposed within the area hatched in green in **Figure 1**.

Figure 1 – Site Location and Extent of Competition Boundary



Source: Woods Bagot (2022)

### 3. PROPOSED IMPLEMENTATION

#### 3.1. TYPE OF COMPETITIVE DESIGN PROCESS

- An invited Architectural Design Competition for the site will be undertaken that will inform the Detailed DA.

#### 3.2. COMPETITORS

- The Proponent will invite a minimum of five (5) Competitors to participate in the Competition.
- The selection of the Competitors invited to participate in the Competition will be undertaken in consultation with the City of Sydney and will:
  - Include a range of emerging, emerged, and established architectural practices to participate in the Competition.
  - A minimum of 50% of Competitors to be Australian based architects. For the purposes of being considered an ‘Australian based architect’, where a Competitor is a consortium, partnership or other joint authorship, the Australian local firm must be the principle/lead design architect.

- Require that each Competitor will be a person, corporation or firm registered as an architect in accordance with the *NSW Architects Act 2003* or, in the case of interstate or overseas Competitors, eligible for registration with their equivalent association.
- Require each Competitor to have demonstrated capabilities in design excellence by being the recipient of an Australian Institute of Architects (AIA) award or commendation, or in the case of overseas Competitors, the same with their equivalent professional association.
- Competitors must demonstrate a high level of skill and experience in sustainable design.
- Target for all Competitors to establish a design team that is gender diverse with a participation target of 40 percent women, 40 percent men and 20 percent any gender in their design team and leadership.

## 4. COMPETITIVE DESIGN PROCESS BRIEF

In preparing the Architectural Design Competition Brief (**the Competition Brief**), the Proponent will ensure that:

- All details about the conduct of the Competition are contained within the Competition Brief only.
- The Competition Brief and appended documents are reviewed and endorsed in writing by the City of Sydney prior to commencement of the Competition and its distribution to participating Competitors.
- The Competition Brief is in accordance with the City of Sydney’s Model Competition Brief and the Competitive Design Policy.

## 5. JURY

The Jury is to comprise a total six (6) members:

- Three (3) members nominated by the Proponent.
- Three (3) members nominated by the City of Sydney (who have no pecuniary interests in the proposed development or involvement in approval processes).

(a) Jury members are to:

- (i) Represent the public interest.
- (ii) Be appropriate to the type of development proposed.
- (iii) Include a majority of registered architects with urban design experience.
- (iv) Include at least one member who is a representative of the consent authority’s Design Advisory Panel.
- (v) Include at least one member who is an appropriately qualified heritage consultant.
- (vi) Include only persons who have expertise and experience in the design and construction professions and industry.

(c) The chairperson of the Jury will have expertise in architecture and urban design and be a recognised advocate of design excellence.

(b) The City of Sydney will nominate an observer(s) to verify that the Competition has been followed appropriately and fairly.

(c) The Jury decision will be via a majority vote. The decision of the Jury will not fetter the discretion of the Consent Authority in its determination of any subsequent detailed development application associated with the site that is the subject of this Competition.

## 6. DESIGN INTEGRITY

The architect of the winning scheme, as selected by the Jury, will be appointed by the Proponent as the Design Architect. Where the winning architect is a consortium, partnership, or other joint authorship, each must retain representation and a leadership role in all processes following.

To ensure design continuity and design excellence of the winning scheme is maintained throughout the development process, as a minimum the Design Architect is to:

- Prepare the Detailed DA for the preferred design.
- Prepare the design drawings for a construction certificate for the preferred design.
- Attend all meetings that pertain to design issues with the community, authorities and other stakeholders, as required.
- Provide any documentation required by the Consent Authority verifying that the design intent has been achieved at completion.
- Prepare the design drawings for contract documentation.
- Maintain continuity during the construction phases through to completion of the project.

The Design Architect may work in association with other architectural practices but is to retain leadership role over design decisions.

## 7. ALLOCATION OF ADDITIONAL FLOOR SPACE

In accordance with clause 6.21D(3)(b)(i) of the Sydney LEP 2012, the development will seek up to 10% additional floor space as a result of undertaking a Competition, in accordance with the Competitive Design Policy and as supported by this Design Excellence Strategy.

The distribution of the additional floor space will be explored through the Competition and must be consistent with the provisions contained within the approved Concept DA, and the relevant provisions under the Sydney LEP 2012 and Sydney DCP 2012.

Any additional floor space pursued under clause 6.21D(3)(b)(i) of the Sydney LEP 2012 must not result in a breach of the maximum height of building control.

Nothing in this document is to be taken as an approval or endorsement of the potential additional floor space available under clause 6.21D(3)(b)(i) of the Sydney LEP 2012.

## 8. ESD TARGETS

The Competition Brief is to include the ecologically sustainable development (**ESD**) targets and design measures for the proposed development as follows:

- 4 Star NABERS Energy for Hotels.
- Exceed NCC 2019 Section J Energy Benchmarks with a bespoke façade and services system design.
- Exceed BASIX Requirements for the Class 2 (Residential) components of the Project (including a BASIX Energy target of 30%).
- Design in line with Australian Best Practice Environmental Initiatives by achieving a certified 4 Star Green Star Buildings rating.
- 4 Star NABERS Water for Hotels.

ESD targets and sustainability initiatives will be carried through the design competition, design development and construction stages to completion of the project to deliver the ESD targets and design inclusions described above.



Document is Restricted

## Item 5.

### Public Exhibition - Planning Proposal - Sydney Metro West Hunter Street Station Sites, Sydney - Sydney Local Environmental Plan 2012 Amendment

File No: X089148

#### Summary

Central Sydney's competitive advantage will be sustained through the growth of attractive and high-quality floor space for business and enterprise located close to world-class transport infrastructure. This new space will help to attract new investment, innovate business, attract highly-skilled workers and strengthen Central Sydney's economic resilience in a mixed-use city centre, particularly following the Covid-19 pandemic,

The Central Sydney Planning Strategy (Strategy) was adopted by Council and the Central Sydney Planning Committee in December 2020 and was prepared to ensure Central Sydney continues to be Australia's leading economic centre, as well as a preferred location for new investment, workers, residents and visitors. The Strategy supports opportunities for additional building height and density in the right locations, where new development is balanced with the protection of public domain amenity, contributes to environmental sustainability, design excellence and towards new infrastructure.

The City Core precinct of Central Sydney, generally between Circular Quay, Wynyard and Martin Place railway stations, is the largest workplace sub-market in Australia. The precinct contains the largest number of premium office buildings favoured by financial, legal, property and technology sectors, and commands some of the highest rents in Central Sydney. As the most prestigious office sub-market in Sydney, the quality of tenant and workspace amenity, as well as public domain amenity, is critical to maintaining this market position and competitive advantage.

A planning proposal has been prepared for two sites fronting Hunter Street, which will accommodate the future Sydney Metro West Hunter Street station. This planning proposal has been prepared following a request from the proponent, Sydney Metro, to amend the planning controls for the two sites to facilitate redevelopment for new integrated office towers consistent with the Central Sydney Planning Strategy.

This planning proposal seeks to amend the planning controls for the two sites to facilitate future over station development that will deliver additional business and employment generating floor space in Central Sydney. The planning proposal consists of new site specific provisions to amend the Sydney Local Environmental Plan 2012 along with accompanying Design Guidelines.

This planning proposal facilitates the delivery of over station development on the two Sydney Metro sites, comprising:

- two new office towers consisting of over 150,000 square metres of new business and employment generating floor space;
- maximum building height of RL 269.1 metres for the eastern tower and RL 220 metres for the western tower, both of which are within the relevant sun access planes;

- maximum floor space ratio of 22.8:1 for the eastern tower and 18.8:1 for the western tower, comprising new office space and retail uses directly connected to the future Sydney Metro station;
- improved public domain conditions through the delivery of greater retail activation and an expanded Richard Johnson Square;
- delivery of new through-site links connecting the future Sydney Metro station to adjoining sites and future pedestrianised laneway network; and
- ecological sustainable development benchmarks to ensure an energy efficient building is delivered.

The proponent, Sydney Metro, has submitted a public benefit offer to enter into a planning agreement, which provides certainty through a commitment to pay the 3 per cent developer contribution prior to the first construction certificate stage, as well as commitments towards the delivery of environmental sustainability initiatives, which will exceed current development control plan requirements.

This report recommends approval of the planning proposal for submission to the Department of Planning and Environment seeking a Gateway Determination, followed by public exhibition. It also recommends that the accompanying draft Design Guidelines are endorsed and approved for public exhibition, and a draft planning agreement be prepared based on the public benefit letter of offer. It is proposed that all documents are exhibited concurrently.



## Recommendation

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal - Sydney Metro West Hunter Street Station sites, Sydney as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Homes with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal - Sydney Metro West Hunter Street Station sites, Sydney as shown at Attachment A to the subject report, 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 Transport, Heritage, Environment and Planning Committee on 12 September 2022 that Council seek authority from the Minister for Planning and Homes to exercise delegation of all the functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect Planning Proposal - Sydney metro West Hunter Street Station sites, Sydney;
- (D) the Central Sydney Planning Committee approve and endorse the draft Design Guidelines - Sydney Metro West Hunter Street Station sites, Sydney, shown at Attachment B to the subject report, in their capacity as the relevant planning authority;
- (E) the Central Sydney Planning Committee approve the draft Design Guidelines - Sydney Metro West Hunter Street Station sites, Sydney, shown at Attachment B to the subject report, for public exhibition for a period of 28 days;
- (F) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - Sydney Metro West Hunter Street Station sites, Sydney and draft Design Guidelines - Sydney Metro West Hunter Street station sites, Sydney to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and
- (G) authority be delegated to the Chief Executive Officer to prepare a draft planning agreement in accordance with the letter of offer dated 12 July 2022 at Attachment C to the subject report and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited concurrently with the Planning Proposal.

**Attachments**

- Attachment A.** Planning Proposal - Sydney Metro West Hunter Street Station Sites, Sydney and appendices
- Attachment B.** Draft Design Guidelines - Sydney Metro West Hunter Street Station Sites, Sydney and appendices
- Attachment C.** Planning Agreement - Public Benefit Offer - dated 12 July 2022

## Background

1. To maintain and capitalise on Central Sydney's status as Australia's global city, it must continue to attract investment and remain an attractive location for workers, visitors and residents. The planning vision to grow Central Sydney's economic position and further strengthen its attractive qualities is set out in the Central Sydney Planning Strategy (the Strategy), adopted by Council and the Central Sydney Planning Committee in December 2020.
2. The Strategy's objectives are intended to be delivered in part through site-specific planning proposals, which allow for proponents to collaborate with the City in the preparation of new development propositions that meet the City's guidelines and realise the Strategy.
3. Ensuring the delivery of new incoming employment floor space in Central Sydney is essential for supporting a robust, resilient and competitive economy. Increased capacity for business and employment growth will encourage opportunities for new investment and development projects with a global focus. This is particularly important in the current climate, planning for development and growth throughout and beyond the Covid-19 pandemic.
4. The Strategy incentivises floor space for business, economic activity and employment by providing opportunities for additional building height and density in the right locations. It requires new development to deliver high quality public domain outcomes, including protecting pedestrian amenity in public spaces and achieve environmental sustainability initiatives.
5. The purpose of this planning proposal is to facilitate over station development to be located above and integrated with the future Sydney Metro West Hunter Street Station. The Sydney Metro West project is a new planned 24 kilometre metro line that will connect Central Sydney with Parramatta. The project will double the rail capacity along the corridor to Parramatta, with a target travel time of twenty minutes. Confirmed stations include Westmead, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock, The Bays and Pyrmont, terminating at Hunter Street in Central Sydney.
6. This planning proposal request for the two sites that will integrate with the Metro station was lodged by the proponent, Sydney Metro through the NSW Planning Portal in May 2022 following pre-lodgement meetings. The request seeks to insert new site-specific provisions in the Sydney Local Environmental Plan 2012 (LEP) in line with the Strategy and the Guideline for Site Specific Planning Proposals in Central Sydney (Guideline).
7. The site specific provisions will facilitate the delivery of over station development at the Sydney Metro West Hunter Street station sites, as follows:
  - (a) delivering over 150,000 square metres of new employment generating floor space in two new office towers linked to the Hunter Street station;
  - (b) the eastern tower will have a maximum building height of RL 269.1 metres and the maximum building height for the western tower will be RL 220 metres;
  - (c) the maximum floor space ratio above ground for the eastern site will be 22.8:1 and 18.8:1 for the western site;

- (d) new pedestrian connections across each of the sites and an expanded Richard Johnson Square; and
  - (e) ecological sustainable development benchmarks to ensure an energy efficient building will be delivered.
8. Accompanying the planning proposal request from the proponent is a range of studies to support the proposed changes to the planning controls. These detailed studies are attached as appendices to the planning proposal at Attachment A to this report.

### Site details

9. This planning proposal relates to two sites in Central Sydney that front Hunter Street. The sites will be referred to in this report as the 'eastern site' and 'western site'. An aerial image and diagram of the two subject sites and surrounding area are shown at Figures 1 and 2 below. The two sites comprise the following addresses:
- (a) eastern site - 28 O'Connell Street; 48 Hunter Street; 33 Bligh Street; and 37 Bligh Street, Sydney; and
  - (b) western site - 296 George Street; 300 George Street; 312 George Street; 314-318 George Street; De Mestre Place; 5 Hunter Street; and 7-13 Hunter Street, Sydney.
10. The eastern site has a total area of 3,694sqm, with frontages to O'Connell Street to the north-west, Hunter Street to the south-west, Bligh Street and Richard Johnson Square to the south-east, and common boundaries to commercial buildings at the north-east. A large portion of the eastern site is currently occupied by the Sydney Metro City and Southwest construction site, with three medium sized commercial buildings located at the southern end of the site with frontages to Hunter Street.
11. The western site has a total area of 3,736sqm and fronts George Street to the west and Hunter Street to the north, and shares common boundaries with commercial buildings to the east and south. The western site comprises a number of multistorey commercial and office buildings which include several retail arcades that provide pedestrian connections from George Street and Wynyard Station to Hunter Street and on to Pitt Street. De Mestre Place, a short laneway that provides servicing connections to a number of buildings is also contained within the site.
12. Both sites are adjacent to a number of heritage items, including the former Bank of NSW and former NSW Club buildings to the north of the eastern site and the former Wales House which fronts the intersection of Hunter Street with Pitt and O'Connell Streets. The western site includes two State heritage items, namely the former Skinner Family Hotel at the intersection of George and Hunter Streets and the Tank Stream which lies adjacent to the site's eastern boundary.

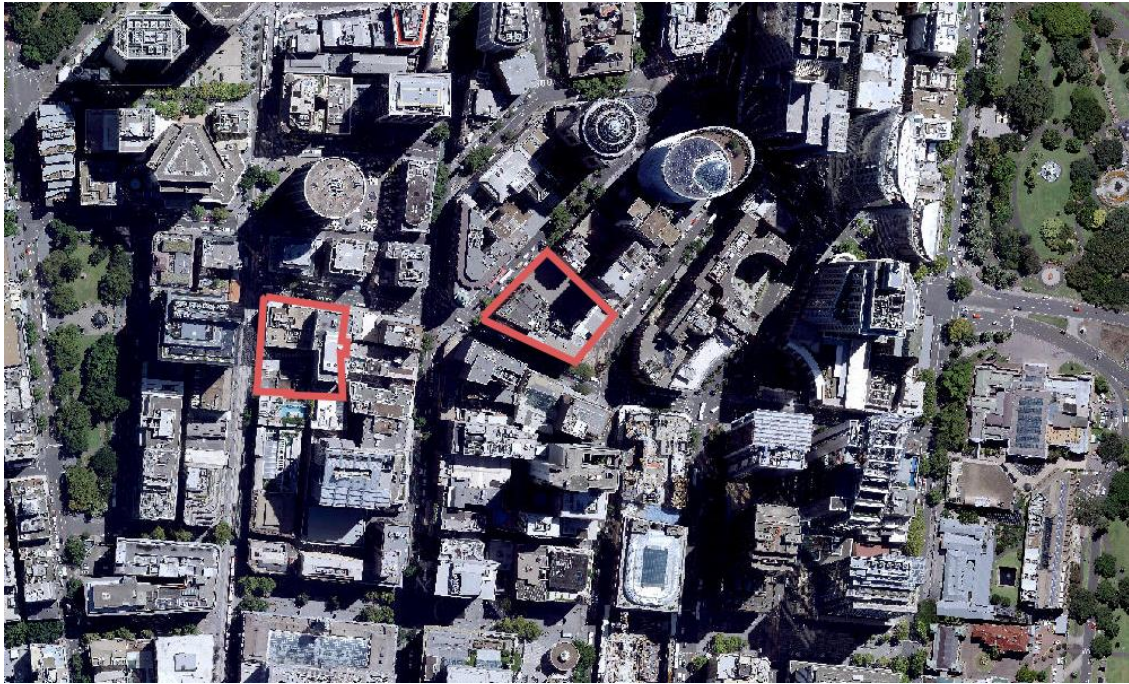


Figure 1: Aerial image of the two subject sites (in red) and immediate vicinity



Figure 2: Diagram of location of the two sites and surrounding area

## Adjoining development

13. Existing development surrounding both subject sites is primarily commercial in nature, comprising a mixture of office, business and retail uses, as follows:
  - (a) eastern site - immediately adjoining the site to the north-west of the eastern site is the 11 storey former Bank of NSW building fronting O'Connell Street and fronting Bligh Street are the 30 storey Mulpha House and the former NSW Club. The subject site opens onto Richard Johnson Square, the public open space adjacent to the intersection with Hunter, Bligh and Castlereagh Streets. To the southern side of Hunter Street is Perpetual Trustee building, an 8 storey heritage listed building.
  - (b) western site - to the northern side of Hunter Street is the 25 storey Adina Hotel, a 20 storey office building and the heritage listed NSW Sports Club. A mixture of medium scale office buildings with ground floor retail adjoins the site to its east. To the south is the Ash Street and Angel Place precinct comprising a mixture of retail and entertainment venues. The entrance to Wynyard Station sits to the west of the site on the opposite side of George Street, above which is a 27 storey office building known as Brookfield Place.

## Indicative scheme

14. An indicative reference scheme has been prepared by the proponent, shown in Figure 3 and 4. The scheme envisages two new towers as over station development on each of the Sydney Metro West Hunter Street Station sites, as follows:
  - (a) eastern site:

a new commercial tower up to a maximum height of sun access plane (RL 269.1 metres) comprising approximately 84,000 square metres of floor space for office, retail and other business uses. The tower will sit above a podium which will include new pedestrian connections between the station entry and an expanded Richard Johnson Square.
  - (b) western site:

a new commercial tower with a maximum height up to the no additional overshadowing and sun access plane controls (RL 220 metres) comprising up to approximately 70,000 square metres of business uses, in particular office space, retail and other active uses. The concept design includes the adaptive reuse of State heritage item former Skinner Family Hotel building and extensive pedestrian connections to adjacent sites and future laneway network.

## Design Advisory Panel - pre lodgement design review

15. The proposal was referred to the City's Design Advisory Panel (DAP) in October 2021 as part of extensive pre-lodgement discussions. The City's DAP made a number of comments and recommendations, including the proposal's response to adjacent heritage, noting the retention of the heritage building on the corner of George and Hunter Street and the expansion of Richard Johnson Square.



16. The City's DAP also raised concern regarding built form impacts on the public domain, noting the amenity must remain high and suitable for people to sit and dwell. The scheme detailed in this planning proposal has been prepared with consideration of this feedback, and includes provisions to ensure public domain amenity is protected.



**Figure 3:** Proponent's reference scheme of the two over station development towers, in red



**Figure 4:** The podium and tower of the proponent's reference scheme of the eastern site and larger Richard Johnson Square

**Planning Proposal - amendments to the Sydney LEP 2012**

17. This planning proposal, included at Attachment A, seeks to amend the LEP to insert new site-specific provisions to facilitate development over two Sydney Metro West Hunter Street station sites. The objectives of the provisions are to:
- (a) facilitate redevelopment for new towers on the two subject sites, including the adaptive reuse of heritage item, the former Skinner Family Hotel building;
  - (b) permit two new towers in the form of over station development, to a maximum height and floor space ratio of:
    - (i) eastern site:
      - a. maximum building height of RL 269.1 metres; and
      - b. maximum floor space ratio of 22.8:1, above ground;
    - (ii) western site:
      - a. maximum building height RL 220 metres; and
      - b. maximum floor space ratio of 18.8:1, above ground;
  - (c) ensure that development consent may only be granted if the following criteria is met:
    - (i) proposal delivers employment generating uses;
    - (ii) delivery of new through-site connections and an increased Richard Johnson Square;
    - (iii) provision of end of journey facilities;
    - (iv) consideration of the endorsed Design Guidelines; and
    - (v) the development demonstrates design excellence;
  - (d) provision of a maximum of 70 car parking spaces across the two sites;
  - (e) allocation of heritage floor space of 2.25:1, equal to 50 per cent of the difference between the floor space ratios of 8:1 and 12.5:1; and
  - (f) switch off requirements for a competitive design competition. Future development will be subject to a specialised approach to design excellence through a competitive selection (tender) process.
18. In addition to the site-specific provisions for the two subject sites, the planning proposal will insert a provision to ensure future development applications do not further vary the development controls that apply to the site, under clause 4.6. The asterisk that applies to the former Skinner Family Hotel's listing under Schedule 5 of the LEP is to be removed as it is no longer eligible to the heritage floor space scheme.
19. It is recommended that Council and the Central Sydney Planning Committee approve the planning proposal, shown at Attachment A to this report, and request a Gateway Determination to enable public exhibition with the draft Design Guidelines and draft planning agreement.



## Draft Design Guidelines

20. The LEP provisions proposed as part of this planning proposal are accompanied and supported by additional detailed provisions provided in the draft Design Guidelines (Guidelines), located at Attachment B to this report.
21. The Guidelines provide further guidance for the envisaged development on the two subject sites and include the following provisions:
  - (a) building envelopes, with setbacks that respect the local context, deliver acceptable public domain wind conditions and daylight amenity and an appropriate relationship to neighbouring heritage items;
  - (b) provision of high-quality through-site links and pedestrian connections between the Metro station, adjacent streets and future connections to adjoining sites;
  - (c) delivery of improved public domain conditions, including expansion of Richard Johnson Square and extensive activation through fine-grain retail;
  - (d) ensure future development will respond to future public domain upgrades to accommodate and protect increased pedestrian numbers;
  - (e) deliver heritage interpretation and public art that is appropriate and responsive to its setting;
  - (f) encourage greater use of active and public transport through equitable pedestrian access, bicycle parking and end of journey facilities;
  - (g) ensure sufficient servicing and loading space is provided to meet the needs of future development, prior to the allocation of private parking;
  - (h) include best practise provisions for water and flood management and waste;
  - (i) achieve a high standard of ecological sustainable development; and
  - (j) a design excellence strategy.
22. The Design Guidelines will be publicly exhibited with the planning proposal and will be referred to in the proposed site-specific LEP provisions and be a matter for consideration in future development.

## Planning agreement

23. Section 7.4(1) of the Environmental Planning and Assessment Act 1979 (Act) enables a proponent to provide a material public benefit by entering into an agreement with a public authority. A planning agreement is the legal instrument for securing public benefits. Planning agreements are voluntary and must be freely entered into by the public authority and a proponent. They are also exhibited publicly and held on a publicly accessible register.
24. The City's position on planning agreements is informed by the City's needs and is outlined in our strategic plans. Opportunities to enter into planning agreements arise as the City changes and improves planning controls to help meet its strategic aims.

25. The offer from the proponent, Sydney Metro, is at Attachment C to this report and outlines the public benefits as part of this proposal. The offer includes a commitment to pay the 3 per cent development contribution under the Central Sydney Contributions Plan 2020 prior to the first construction certificate stage rather than the occupation certificate stage, as envisaged by the NSW Government's changes to contributions legislation. In addition, the Offer contains environmental sustainability commitments including 6 star Green Star building rating and 6 star NABERS energy for office rating, which exceed the best practice energy performance requirements in the LEP.
26. It is recommended that a draft planning agreement is prepared to secure the public benefits outlined in the letter of offer, to be delivered through the redevelopment of the two subject sites. This report also recommends that the planning agreement be publicly exhibited together with the planning proposal and draft Design Guidelines.

## Key Implications

### Benefits of the planning proposal and draft Design Guidelines

27. The planning proposal and accompanying draft Design Guidelines facilitate the redevelopment of the two subject sites. The key benefits are:
  - (a) an opportunity to unlock additional business and employment generating floor space in Central Sydney in the form of high quality office space, retail and other commercial uses;
  - (b) delivery of high-quality retail activated through-site links connecting the Metro station to the surrounding street network, improved public spaces and a future pedestrian laneway network;
  - (c) built form that responds to nearby heritage items and includes the retention and adaptive reuse of State heritage item, the former Skinner Family Hotel building; and
  - (d) additional environmentally sustainable development targets.

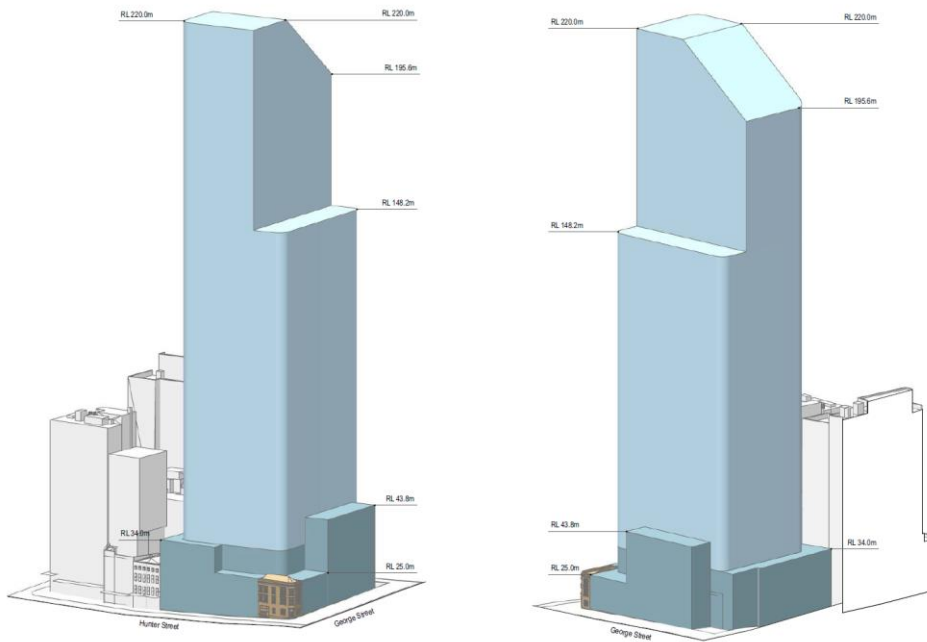
### Consideration of environmental impacts

28. This planning proposal is informed by detailed studies prepared on behalf of the proponent, and assessment of the potential impacts by the City, including referrals to internal specialist teams and the City's Design Advisory Panel. The studies are included as appendices to the planning proposal at Attachment A and will be exhibited as supporting documentation. The key relevant findings are discussed below.

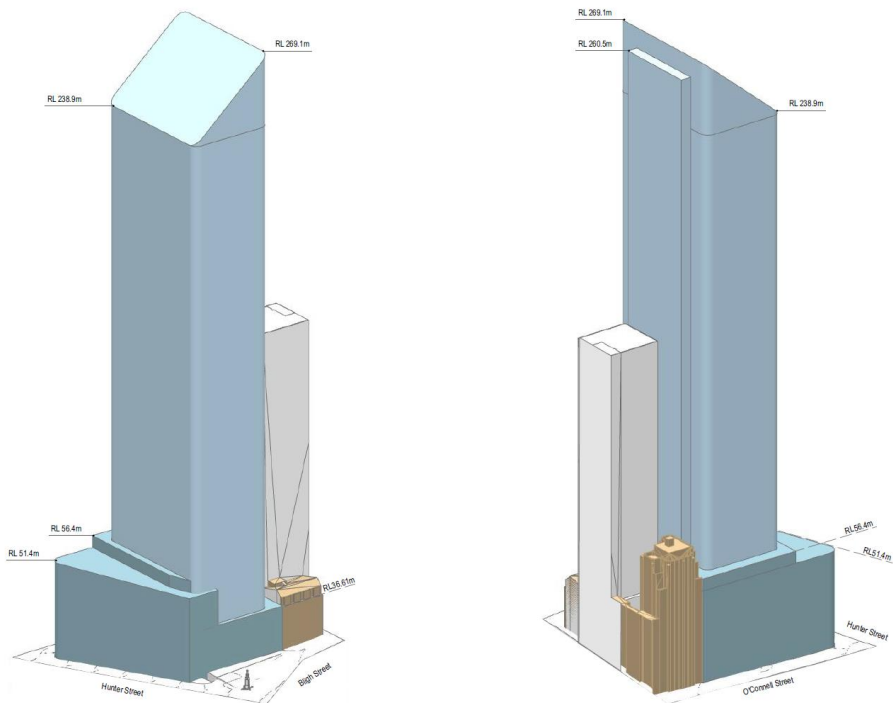
### Building envelope - height, setbacks and floor space ratio

29. The Central Sydney planning framework, provides opportunities to modify the building height and floor space ratio controls where the planning envelope provides a positive urban design outcome and will not result in adverse impacts to environmental amenity in the public domain, particularly in relation to wind conditions, daylight levels and urban design relationships.
30. The built form, massing and layout of both podiums on the eastern and western site have been designed with consideration of the surrounding streetscape, adjacent heritage items and the podium's requirements to integrate with the Sydney Metro station below and the tower above.

31. Figures 5 and 6 detail the proposed planning envelopes for each site. The envelope massing is the maximum extent of the built form, future development must be massed within this envelope.



**Figure 5:** Western site – envelope massing (left – view from north west, right – view from south west)



**Figure 6:** Eastern site – envelope massing (left - view from south east, right - view from north east)

## Eastern site

32. On the eastern site, the podium includes a generous ground floor setback to Richard Johnson Square of 2.7 metres at the north and 6.8 metres fronting Hunter Street. This ground floor setback is to be read as an extension of the adjoining Richard Johnson Square and extends the building alignment established by the heritage listed NSW Club south to Hunter Street.
33. Similarly the lower podium street wall in this location responds to the adjoining heritage building. The taller street wall height on the O'Connell and Hunter Streets responds to its context, aligning with adjacent heritage items, particularly Wales House. The tower setback to Hunter Street increases from 5.1 metres to 20.4 metres, opening up views along Hunter Street towards Australia Square.
34. The indicative design concept for the eastern site includes a through-site link with an at grade connection from Richard Johnson Square to O'Connell Street and the Sydney Metro station. The tower on the eastern site rises above the podium to a maximum height of RL 269.1 metres to ensure the sun access planes are not encroached.

## Western site

35. The planning envelope for the western site includes the retention and adaptive reuse of the former Skinner Family Hotel building and incorporation into the over station development. The directly adjacent podium responds to this heritage item, with a 12.5m street wall height and generous tower setback, providing an appropriate visual setting.
36. The podium on the western site includes several through-site links and public accessible pedestrian connections to adjoining sites with the intention of creating a larger laneway network across the precinct between George, Pitt and Hunter Streets and Angel Place. The indicative design concept envisages several through-site links activated by small scale retail and providing connection to the Sydney Metro station.
37. Above the podium on the western site, will be the tower of the over station development to a maximum height of RL 220 metres and RL 148 metres fronting George Street to comply with the relevant sun access planes.

**Public domain amenity**

38. The Guideline for site specific planning proposals in Central Sydney describes the planning pathway to access additional height and density through site specific planning proposals in Central Sydney. It outlines the steps for the preparation and consideration of planning proposal requests. The Guideline describes how to establish a base case envelope, which then sets the performance benchmark for testing the impact of a planning envelope with varied building heights and setbacks. Any proposed planning envelope must achieve equivalent or improved public domain wind and daylight conditions compared to the base case envelope.

## Daylight / Skyview testing

39. The Urban Design and Indicative Built Form Report prepared by FJMT included sky view testing, prepared in accordance with the City's requirements. The proposed planning envelopes have demonstrated an equivalent or improved daylight conditions in the surrounding public domain and publicly accessible space, which includes the expanded Richard Johnson Square for the eastern site.

40. The sky view analysis demonstrates that the proposed planning envelopes for both sites will deliver a minor improvement from the base case envelopes, maintaining acceptable daylight access to the public domain. The planning proposal is consistent with the equivalence testing requirements for tower cluster sites, ensuring the future development will maintain acceptable amenity for pedestrians.

#### Wind assessment

41. A pedestrian wind assessment accompanied the planning proposal, testing comfort and safety levels as a result of the future over station development. Over 40 locations were tested for both the base case and proposed envelopes, testing public spaces within, between and around each of the sites. Existing wind conditions were found generally to be calm, suitable for sitting and well within the wind safety criteria.
42. The proposed over station development tower envelopes were also tested, with results indicating generally calm wind conditions, demonstrating compliance with the Strategy. The results found that while there may be some localised increase in wind speeds, conditions are unlikely to become uncomfortable or unsafe as a result of future development on the subject sites.
43. Additional publicly accessible locations were also tested as a part of the wind tunnel testing to ensure they would not be subject to adverse impacts as a result of the proposal. Additional locations tested included the open space between the Australia Square tower and Plaza building which is currently used for outdoor dining. The testing found that this location would not experience a significant or adverse increase in wind speeds, which would remain generally calm and acceptable for its current use.
44. The Design Guidelines accompanying this planning proposal and the site-specific LEP provisions provide additional guidance on future wind tunnel testing to ensure public domain conditions are not adversely impact as a result of the future over station development towers. This additional testing would occur at the detailed design phase and accompany a future development application.

#### Heritage

45. The planning proposal was accompanied by a heritage impact statement that concludes the two planning envelopes sought through this planning proposal will have an acceptable impact from a heritage perspective.
46. The Design Guidelines also includes provisions to ensure the future over station development podium and towers will sympathetically relate to adjacent heritage, through the use of appropriate street wall heights, setbacks, materials and separation.

#### Eastern site

47. The eastern site is adjacent to a number of heritage items, including Richard Johnson Square directly fronting the site to Bligh Street. The former NSW Club and Bank of NSW buildings adjoin the site along its northern boundary, fronting Bligh and O'Connell Streets respectively. State heritage item, Wales House is located opposite the site fronting the intersection of Pitt, Hunter and O'Connell Streets.
48. The podium responds to the adjoining heritage items by extending their alignment and height datum in the corresponding podium street wall. This will deliver a consistent streetscape and visual setting for the heritage items that will not adversely impact upon their significance.

49. Furthermore, the increased ground plane setback of the podium to Richard Johnson Square will maximise the feeling of openness to the heritage listed public space, contributing towards the public domain and important vistas.

#### Western site

50. The western site comprises the former Skinner Family Hotel, a State heritage item at the intersection of George and Hunter Streets. The State heritage listed Tank Stream, runs adjacent to the site's eastern boundary. The former Pangas House at 15-17 Hunter Street, recently identified by the City as worthy of heritage listing, directly adjoins the site.
51. The podium of the western site has been designed to respond to the former Skinner Family Hotel through a matching street wall height and generous setback providing a suitable visual setting that does not overwhelm and detract from the heritage item.
52. The Design Guidelines include provisions to safeguard the Tank Stream, ensure the significance of the former Skinner Family Hotel is maintained and ensure the over station development sympathetically relates to adjacent heritage through appropriate street wall heights, setbacks, materials and separation.

#### Public domain

53. Future development on the subject sites will deliver new through-site connections, and an expansion to Richard Johnson Square. Similarly, upgrades to surrounding pedestrian infrastructure will be secured through development contributions.
54. New connections and public space improvements will help manage the increase in pedestrians anticipated from the Hunter Street Sydney Metro station and over station development.
55. The Design Guidelines ensure development on the subject sites positively addresses the public domain. The provisions maximise active frontages and through-site links and set appropriate level changes and interfaces with adjoining sites, laneways and Richard Johnson Square.

#### Design excellence

56. Under the LEP, consent must not be granted unless 'design excellence' has been demonstrated and a competitive design process for buildings over 55 metres in Central Sydney. This process may however be waived where deemed "unreasonable or unnecessary". It is noted that, the Sydney Metro City and Southwest project, which delivered rail infrastructure and over station development, adopted a specialised approach to design excellence, with a similar approach proposed for the subject sites.
57. For the Sydney Metro West project, a 'line-wide' Design Excellence Strategy is proposed to provide consistency across the design processes for each over station development, including the Hunter Street Station.
58. In this instance, it is intended that design excellence will be achieved through a competitive selection (tender) and design review process. As such, the proposed site-specific provisions reflect that clause 6.21D and 6.21E of the LEP does not apply for future development.

59. The Design Guidelines include provisions relating to design excellence for the over station development, which is to include a series of design advisory and review processes and draws on the Sydney Metro West Design Excellence Strategy, endorsed by the Government Architect of New South Wales using an iterative process with experienced architectural practitioners having demonstrated design excellence ability and holistic design review process. The delivery strategy draws together design and construction of fully integrated and interconnected over station developments and station components to ensure excellent and coordinated design outcomes.

## Strategic Alignment

### Strategic Alignment - Central Sydney Planning Strategy

60. As the economic heart of Australia's global city, Central Sydney plays a critical role in the economic success of Greater Sydney, the state and the national economies. The Central Sydney Planning Strategy sets a planning approach to grow employment and productivity, create high quality places and deliver on the City's Sustainable Sydney programs.
61. The Strategy includes opportunities for additional height and density in the right locations, balanced with environmental sustainability initiatives, and sets criteria for design excellence.
62. This planning proposal is aligned with the following relevant key moves of the Central Sydney Planning Strategy:
  1. Prioritise employment growth and increase floor space capacity - this planning proposal will facilitate the redevelopment of the two subject sites as over station development in the form of new office towers, delivering new employment floor space, increasing the employment capacity and delivering growth in Central Sydney.
  2. Ensure development responds to context - this planning proposal is accompanied by draft Design Guidelines which include provisions to ensure the over station development is responsive to its context, including an articulated podium, generous tower setback, reducing adverse wind and daylight impacts.
  4. Provide employment growth in new tower clusters - the two subject sites are largely located within identified tower clusters where additional building may be accommodated.
  5. Ensure infrastructure keeps pace with growth - future development will subject to a development contribution, delivering new infrastructure linked to growth.
  6. Move towards a more sustainable city - the draft Design Guidelines include provisions to ensure future over station development meets ambitious sustainability targets consistent with the Strategy.
  7. Protect, enhance and expand heritage and public places - the indicative design concept includes the retention and adaptation of the heritage building on site, while the eastern site includes an increased ground floor setback expanding the public domain.

8. Move people more easily - the two subject sites will be directly connected to the Sydney Metro projects, currently under construction and planned, which will deliver underground pedestrian connections from Martin Place to Barangaroo.

### Strategic Alignment - Regional and Local Planning

63. The Greater Sydney Region Plan and Eastern City District Plan prepared by the Greater Sydney Commission shape strategic planning and infrastructure across metropolitan Sydney and align planning at the broad regional scale, down to the local area. The City's Local Strategic Planning Statement sets the overall land use planning strategy for the city which is required to align with the Region and District Plans. The City's planning controls are then required to give effect to the strategic plans.
64. The Region and District Plans and the Local Strategic Planning Statement adopt planning priorities of similar themes, being productivity, liveability, infrastructure, sustainability and governance. How this planning proposal gives effect to these priorities is discussed in detail in the planning proposal and is summarised below:
  - (a) **Productivity** - this planning proposal will deliver new additional employment generating floor space linked to future transport infrastructure in Central Sydney. In addition to meeting the Productivity objective of the Greater Sydney Region Plan, the planning proposal gives effect to the following strategic planning priorities:
    - (i) Eastern City District Plan priorities:
      - a. E7 - Growing a stronger more competitive Harbour CBD
      - b. E10 - Delivering integrated land use and transport planning for a 30 minute city
      - c. E11 - Growing investment, business opportunities and jobs in strategic centres
    - (ii) Local Strategic Planning Statement priorities:
      - a. P1 - Growing a stronger, more competitive Central Sydney
  - (b) **Liveability** - this planning proposal will help deliver improve street life through fine-grained retail premises in new pedestrian connections and retail activated street frontages, which will contribute life to the public domain and a larger and upgraded Richard Johnson Square. In addition to meeting this objective for the Greater Sydney Region Plan, the proposal gives effect to the following liveability strategic planning priorities:
    - (i) Eastern City District Plan priorities:
      - a. E6 - Creating and renewing great places and local centres, and respecting the District's heritage
    - (ii) Local Strategic Planning Statement priorities:
      - a. Creating great places



- (c) **Infrastructure** - the proposed over station development on the two subject sites will benefit from the proposed and planned additional transport capacity in Central Sydney. In addition to meeting the infrastructure objective of the Greater Sydney Region Plan, the planning proposal gives effect to the following priorities:
- (i) Eastern City District Plan priorities:
    - a. E1 - Planning for a city support by infrastructure
  - (ii) Local Strategic Planning Statement priorities:
    - a. I1 - Movement for walkable neighbourhoods and a connected city
    - b. I2 - Align development with growth and supporting infrastructure
- (d) **Sustainability** - this planning proposal will facilitate the redevelopment of the two subject sites with new office towers with improved sustainability outcomes. In addition to meeting this objective of the Greater Sydney Region Plan, the proposal gives effect to the following sustainability strategic planning priorities:
- (i) Eastern City District Plan priorities:
    - a. E19 - Reducing carbon emissions and managing energy, water and waste efficiently
  - (ii) Local Strategic Planning Statement priorities:
    - a. S2 - Creating better buildings and places to reduce emissions and water and use water more efficiently.

### **Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision**

65. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This planning proposal is aligned with the following strategic directions and objectives:
- (a) Direction 2 - A leading environmental performer - this planning proposal will deliver new ecological sustainable development with ambitious minimum sustainability targets that align with the City's new zero energy targets.
  - (b) Direction 3 - Public places for all - the subject site will capitalise on its proximity to existing and planned transport infrastructure, including its direction connection to the future Hunter Street station. The proposed indicative scheme for the future development includes a mix of uses to activate the podium, pedestrian connections and street frontages.
  - (c) Direction 4 - Design excellence and sustainable development - this planning proposal will support new development that is more ecologically sustainable than the current building stock through aspirational sustainability benchmarks.
  - (d) Direction 5 - A city for walking, cycling and public transport - the indicative scheme includes substantial retail activated pedestrian connections through the subject sites and new end of journey facilities to encourage greater use of active transport modes.

- (e) Direction 6 - An equitable and inclusive city - future development will contribute to the surrounding area through increased opportunity for businesses as well as improvements to the public domain for local residents and visitors.
- (f) Direction 8 - A thriving cultural and creative life - new public art facilitated by the future over station development will provide new creative and cultural experiences and opportunities for engagement with the public.
- (g) Direction 9 - A transformed and innovative economy - this proposal will facilitate two new towers as part of the over station development, delivering new employment opportunities, helping Sydney attract global investment.

### **Relevant Legislation**

- 66. Environmental Planning and Assessment Act 1979.
- 67. Environmental Planning and Assessment Regulation 2000.

### **Critical Dates / Time Frames**

- 68. Should Council and the Central Sydney Planning Committee endorse the attached planning proposal for public exhibition, it will be forwarded to the Department of Planning and Environment in accordance with section 3.34 of the Act for Gateway Determination to proceed with consultation or resubmit the planning proposal.
- 69. Following the Gateway Determination, the typical timeframe is 21 days for public authority consultation and 28 days for public exhibition. The Gateway Determination will also provide the date for the completing the LEP amendment.
- 70. Section 7.5(1) of the Act requires a draft planning agreement to be public exhibited for at least 28 days where possible, the agreement be exhibited with any other publicly notifiable matters. As such, this report recommends that the City prepare a planning agreement to be exhibited with the planning proposal and the draft DCP.
- 71. Following public authority consultation and public exhibition, the outcomes will be reported back to Council and the Central Sydney Planning Committee.

### **Public Consultation**

- 72. The public exhibition process for this planning proposal will be determined by the Department of Planning and Environment. It is proposed that the public exhibition of the planning proposal, draft Design Guidelines and notification of the planning agreement will run concurrently. The consultation will be in accordance with the requirements of:
  - (a) The Gateway Determination issued by the Department of Planning and Environment under section 3.34 of the Act;
  - (b) the Environmental Planning and Assessment Regulation 2000;
  - (c) in relation to the Planning Agreement, section 7.5(2) of the Act; and

- (d) the City of Sydney Community Engagement Strategy and Community Participation Plan 2022.
- 73. It is likely that the public exhibition for the planning proposal would be for a minimum period of 28 days, with notification in accordance with the Gateway Determination and the City's Community Participation Plan.
- 74. The planning proposal, draft Design Guidelines and draft planning agreement will be publicly exhibited on the City of Sydney website and in accordance with the Environmental Planning and Assessment Regulation 2000.

**GRAHAM JAHN AM**

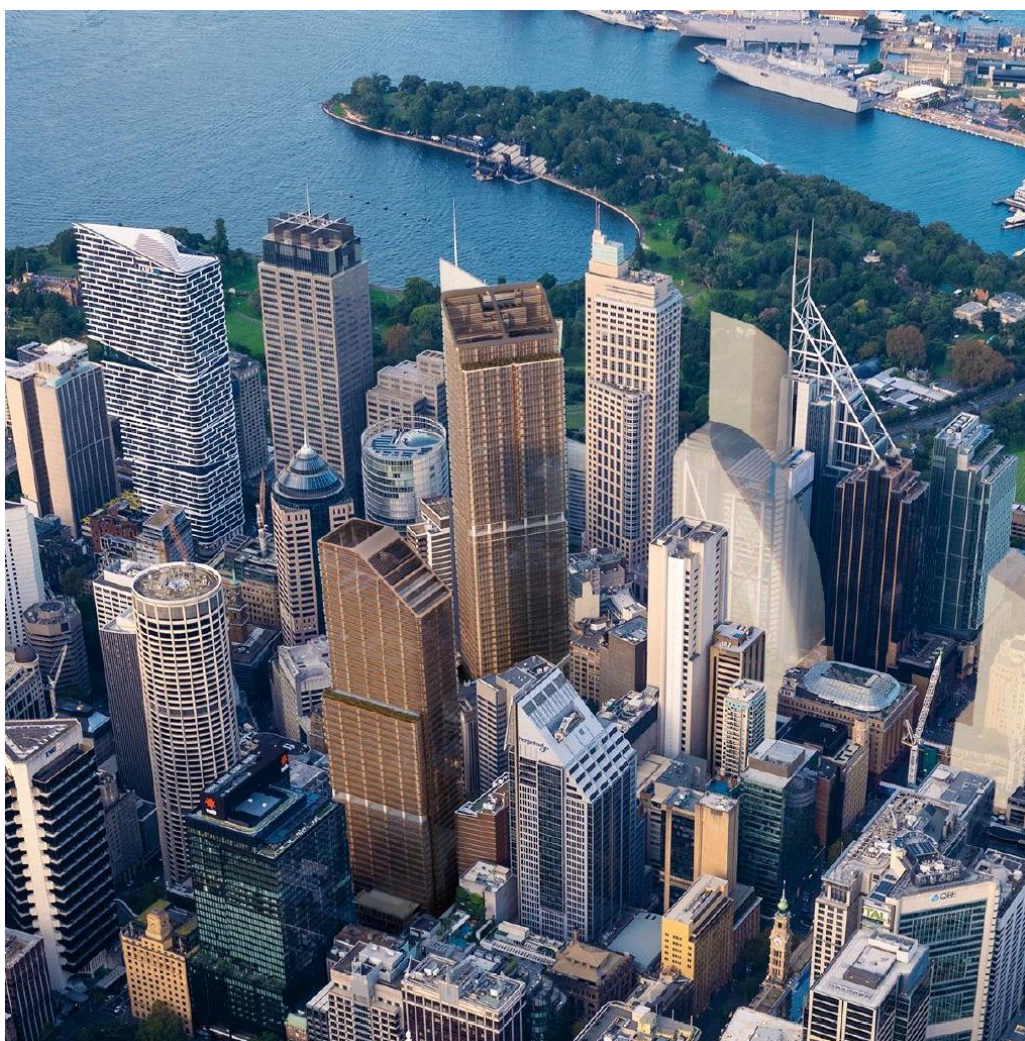
Director City Planning, Development and Transport

Daniel Thorpe, Specialist Planner

# **Attachment A**

**Planning Proposal – Sydney Metro West Hunter  
Street Station Sites**

# Planning proposal – Sydney Metro West, Hunter Street sites



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# Executive Summary

This planning proposal has been prepared by the City of Sydney (the City) in response to a request from the proponent, Sydney Metro, to prepare a planning proposal to vary the development controls for the two sites that will contain the future Hunter Street Sydney Metro station.

This planning proposal details the intent and justifies the proposed amendments to the Sydney Local Environmental Plan 2012 (LEP) for the subject sites. This planning proposal has been prepared in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and the “Local Environment Plan Making Guideline” published by the Department of Planning and Environment (the Department) in December 2021.

Endorsed in 2016 and adopted by Council in 2020, the Central Sydney Planning Strategy (Strategy) sets the City’s planning vision to ensure Central Sydney continues to be Australia’s leading economic centre and location for workers, residents and visitors. It supports opportunities for additional height and density, where development protects pedestrian amenity, contributes to the public domain and delivers environmental sustainability initiatives.

This planning proposal will facilitate development that is consistent with the City’s vision for Central Sydney, in that it will deliver additional employment generating floor space in two new towers, while protecting existing heritage items, pedestrian amenity, and ensuring design excellence and public domain improvements are delivered.

**This planning proposal will facilitate the delivery of two new office towers over the future Sydney Metro West Hunter Street station with expanded public space and new business and employment space to support a robust and resilient economy in Central Sydney.**

This planning proposal relates to two separate sites, both of which front Hunter Street in Central Sydney. The eastern site sits between O’Connell and Bligh Street and fronts Richard Johnson Square, and the western site fronts George Street opposite the entrance to Wynyard Station. Existing development surrounding each site is characterised as the commercial core of Central Sydney, consisting of medium to large scale commercial and office buildings. Both sites are adjacent to heritage items including the former NSW Club State heritage item on Bligh Street and the former Pangas House on Hunter Street, recently identified as being of local heritage significance. The western site also comprises State heritage items the former Skinner Family Hotel, which fronts the intersection of Hunter and George Streets and the Tank Stream which runs along the site’s eastern boundary.

Existing LEP development controls for the two sites include building height of 235 metres for the eastern site and the northern section of the western site. Both sites are also subject to various no additional overshadowing and sun access planes. A mapped floor space ratio of 8:1 is applicable to both sites, as well as accommodation and additional floor space subject to other requirements including design excellence. The two sites are zoned B8 Metropolitan Centre, which provides for a broad range of uses, including office, retail and food and drink premises.

The City has prepared this planning proposal following a detailed review of the proponent’s planning proposal request and accompanying documentation.

## Planning proposal – Sydney Metro West, Hunter Street sites

A new site-specific clause for the two Sydney Metro West Hunter Street sites is proposed to be inserted into Part 6, Division 5 of the LEP as part of this planning proposal, which will include the following:

- maximum building height of RL 269.1 metres for the eastern site and RL 220 metres for the western site;
- maximum above ground floor space ratio of 22.8:1 for the eastern site and 18.8:1 for the western site;
- provisions to ensure the application of heritage floor space;
- maximum of 70 car parking spaces across the two sites;
- ensure development can only be granted for non-residential development only; and
- allow development consent to be granted subject to consideration of the Design Guidelines.

The planning proposal is accompanied by draft Design Guidelines to help deliver the objectives and intended outcomes of this planning proposal. The controls in the draft Design Guidelines help describe an acceptable building form for the future over station development towers to help manage impacts on public domain amenity and to adjoining development. The draft Design Guidelines will be publicly exhibited with the planning proposal.

Future development facilitated by this planning proposal will deliver the following key benefits to the surrounding area and the wider Central Sydney:

- business and employment floor space – the two future over station development buildings will deliver new floor space for office, retail and commercial uses, which will increase Central Sydney's capacity for economic growth;
- improve built form – this planning proposal will facilitate the delivery of two new office towers as over station development directly connected to the future Sydney Metro station. The proposed controls provide for high-quality buildings that are responsive to their context;
- pedestrian amenity – the planning proposal details acceptable building envelopes that will not adversely impact upon pedestrian amenity, maintaining suitable daylight and wind conditions;
- increased public domain – the planning proposal includes generous ground plane setbacks to Richard Johnson Square which will expand the public accessible space in this dense part of Central Sydney, as well as new through-site connections; and
- ecological sustainable development – the draft Design Guidelines associated with the planning proposal include ambitious ecological sustainable development benchmarks to ensure energy efficient built forms are delivered



# 1. Site identification

## 1.1 Site identification

This planning proposal relates to two sites in Central Sydney. The sites, referred to as the ‘western site’ and ‘eastern site’ consist of the following land titles:

Table 1: Legal description of Sydney Metro West Hunter Street (western site)

Address	Lot and DP
296 George Street, Sydney	Lot 1, DP438188
300 George Street, Sydney	CP and Lots 1-43, SP 596
312 George Street, Sydney	Lot 1, DP211120
314-318 George Street, Sydney	Lot 13, DP622968
5010 De Mestre Place, Sydney (Over Pass)	Lot 1, DP1003818
De Mestre Place, Sydney	N/A
5 Hunter Street, Sydney (Leda House & Hunter Arcade)	CP and Lots 1-63, SP71068
5 Hunter Street, Sydney (Leda House & Hunter Arcade)	CP and Lots 1-14, SP65054
9 Hunter Street, Sydney	Lot 2, DP850895
7-13 Hunter Street, Sydney (Hunter Connection)	CP and Lots 1-53, SP50276
7-13 Hunter Street, Sydney (Hunter Connection)	Lots 57 and 58, SP61007
7-13 Hunter Street, Sydney (Hunter Connection)	Lots 54,55,56, SP60441
7-13 Hunter Street, Sydney (Hunter Connection)	Lots 59,60,61, SP62889
7-13 Hunter Street, Sydney (Hunter Connection)	Lots 62,63,64,65, SP69300
7-13 Hunter Street, Sydney (Hunter Connection)	Lots 66,67, SP77409
7-13 Hunter Street, Sydney (Hunter Connection)	Lot 2, SP50276

Table 2: Legal description of Sydney Metro West Hunter Street (eastern site)

Address	Lot and DP
28 O’Connell Street, Sydney	Lot 1, DP217112

## Planning proposal – Sydney Metro West, Hunter Street sites

Address	Lot and DP
28 O'Connell Street, Sydney	Lot 1, DP536538
28 O'Connell Street, Sydney	Lot 1, DP1107981
48 Hunter Street, Sydney	Lot 1, DP59871
48 Hunter Street, Sydney	Lot 2, DP217112
33 Bligh Street, Sydney	Lot 1, DP626651
37 Bligh Street, Sydney	CP and Lots 1-14, 21-31, 33-36, 40, SP58859
37 Bligh Street, Sydney	CP and Lots 41-49, SP61852
37 Bligh Street, Sydney	CP and Lots 50-57, SP61922
37 Bligh Street, Sydney	CP and Lots 58-65, SP61923
37 Bligh Street, Sydney	CP and Lots 66-67, SP63146
37 Bligh Street, Sydney	CP and Lots 67-70, SP63147
37 Bligh Street, Sydney	CP and Lot 72, SP74004
37 Bligh Street, Sydney	CP and Lots 75-82, SP87437
37 Bligh Street, Sydney	CP and Lots 73-74, SP87628

Figure 1. Land affected by this Planning Proposal

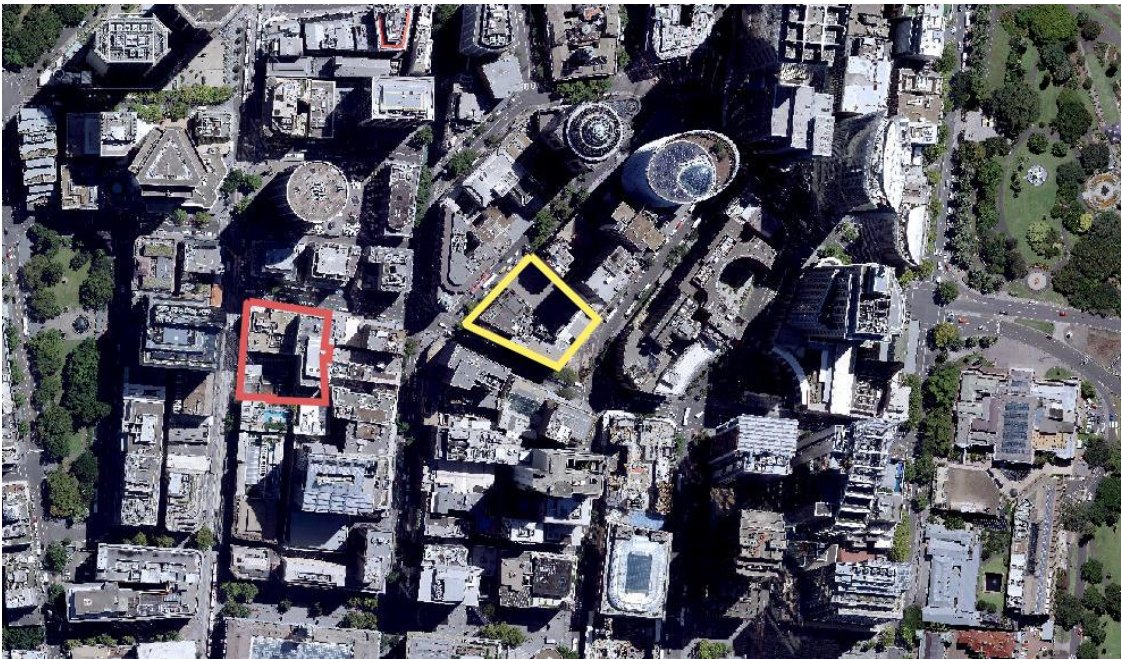


## 1.2 Site location

The sites are located in the commercial core, the northern portion of Central Sydney, in the City of Sydney local government area. The western site fronts George Street to the west and Hunter Street to the north, and shares common boundaries with commercial buildings to the east and south. The eastern site fronts O'Connell Street to the north-west, Hunter Street to the south-west, Bligh Street and Richard Johnson Square to the south-east, and shares common boundaries with commercial buildings to the north-east.

The subject sites are within walking distance of Wynyard Railway Station and its associated connections to metropolitan, intercity, light rail and ferry services. They are 150-200m north of Martin Place and 450-500m south of Circular Quay.

Figure 2. Aerial photo of the site



## 1.3 Site characteristics and context

### The western site

The western site has a total area of 3,736m<sup>2</sup>. The existing buildings on site include:

- 5 Hunter Street, an 11-storey commercial office building known as Leda House
- 9 Hunter Street, a 20-storey commercial office building
- 7-13 Hunter Street, also known as Hunter Connection, a largely underground retail precinct with pedestrian connections to George, Pitt & Hunter Streets and Wynyard Station
- 314-318 George Street, a 6-storey commercial office building
- 312 George Street, a 3-storey commercial and retail building
- De Mestre Place, a laneway providing servicing access to commercial and retail tenancies in Hunter Connection and George Street-facing business
- A pedestrian overpass above De Mestre Place linking Hunter Connection to George Street
- 296 George Street, a 3-storey State Heritage-listed building known as the former 'Skinners Family Hotel', which is located on the south-eastern corner of George and Hunter Streets.

The State heritage-listed Tank Stream tunnel is located below the eastern boundary of the Western site. On the northern side of Hunter Street is the NSW Sports Club which is a local heritage item. To the east of the western site is a mix of commercial office buildings with ground floor retail. A private laneway known as Empire Lane is located to the east of the eastern boundary providing



## Planning proposal – Sydney Metro West, Hunter Street sites

servicing access from Pitt Street. To the south of the Western site is the Ash Street and Angel Place precinct with a combination of retail and entertainment businesses. And on the western side of George Street is the 27-storey commercial office building known as Brookfield Place, built on top of the George Street entrance to Wynyard Railway Station, as well as the local heritage item at 285-287 George Street.

Figure 3. The western site, shown in red, viewed from intersection of George and Hunter Streets



Figure 4. De Mestre Place showing the pedestrian overpass and entrances to Hunter Connection





Planning proposal – Sydney Metro West, Hunter Street sites

Figure 5. Western site, shown in red, viewed from Hunter Street looking south-west



Figure 6. Looking east along Hunter Street, the western site marked in red, the eastern site in yellow

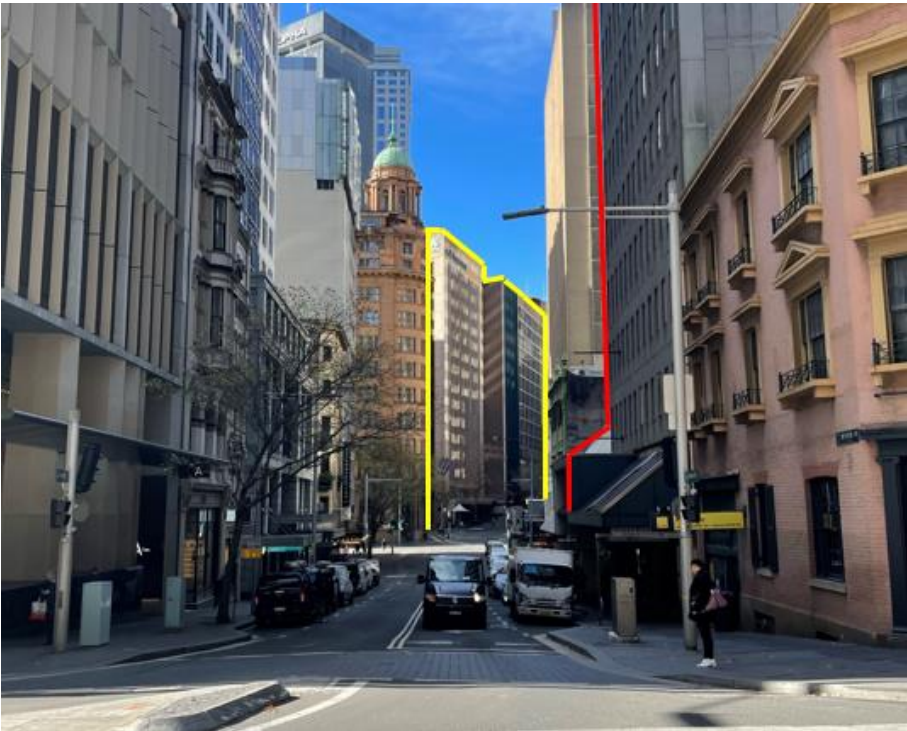


Figure 7. Looking north along George Street



### The eastern site

The eastern site has a total area of 3,694m<sup>2</sup>. Part of the site is currently occupied by the Sydney Metro City & Southwest construction site. The remaining buildings include:

- 28 O'Connell Street, a 19-storey commercial office building
- 48 Hunter Street, a 13-storey commercial office building
- 37 Bligh Street, a 14-storey commercial office building with ground floor retail.

To the immediate north-west of the eastern site are the former Manufacturers House at 12-14 O'Connell Street, former Bank of NSW at 16 O'Connell Street, and former NSW Club building at 31 Bligh Street, all local heritage-listed items, and the NSW Club also state listed. To the south-east is the local heritage-listed Richard Johnson Square, and the State Heritage-listed former City Mutual Life Assurance building, an 11-storey commercial building on the north-east corner of Bligh and Hunter Streets. On the southern side of Hunter Street is the State Heritage-listed former Perpetual Trustee building, an 8-storey commercial office building. To the north-west of the Eastern site is the State Heritage-listed former Wales House, now occupied by the Radisson Blu Plaza Hotel.

Figures 8 to 11 detail the existing development on site and its surrounding area.



Planning proposal – Sydney Metro West, Hunter Street sites

Figure 8. Eastern site, in yellow, viewed from the intersection of Pitt, Hunter & O'Connell Streets



Figure 9. Eastern site, shown in yellow, viewed from Bligh Street looking south-west





Planning proposal – Sydney Metro West, Hunter Street sites

Figure 10. Eastern site, shown in yellow, viewed from O'Connell Street, looking south



Figure 11. Eastern site, shown in yellow, from the intersection of Hunter, Bligh, and Castlereagh Streets, including Richard Johnson Square



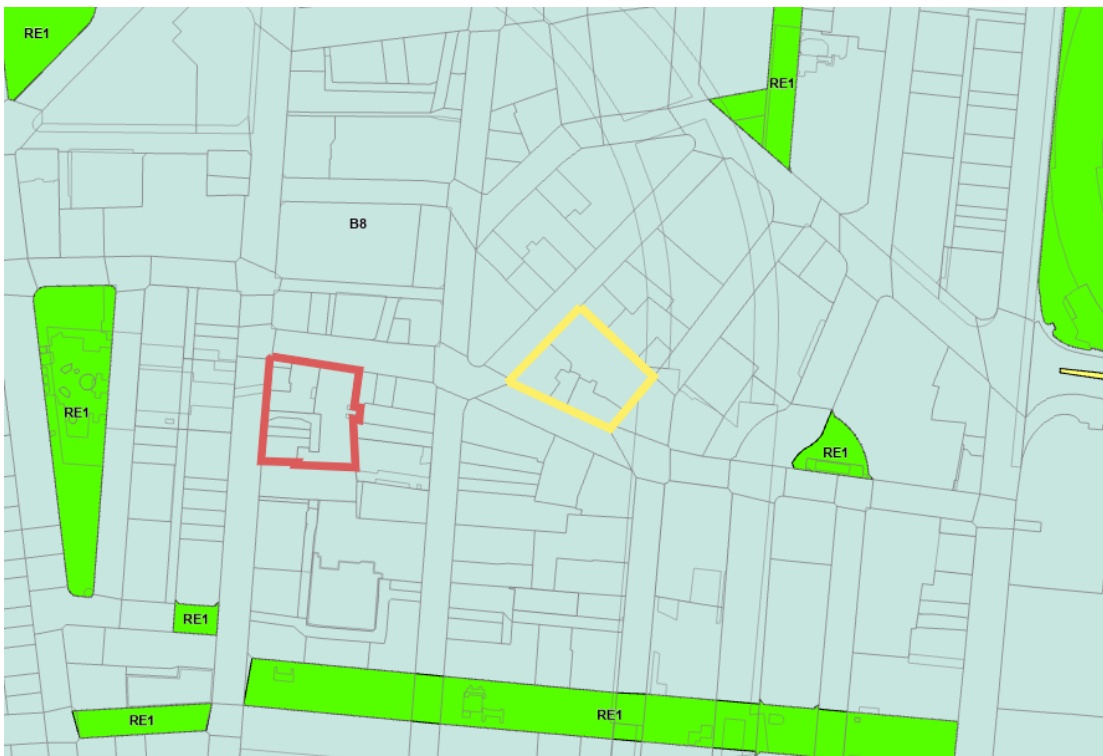


# 2. Planning background

## 2.1 Zoning

The subject sites are zoned B8 Metropolitan Centre, as shown in Figure 12. A wide range of uses are permitted within this zone, including business premises, food and drink premises, as well as residential accommodation, hotel and tourist and visitor accommodation.

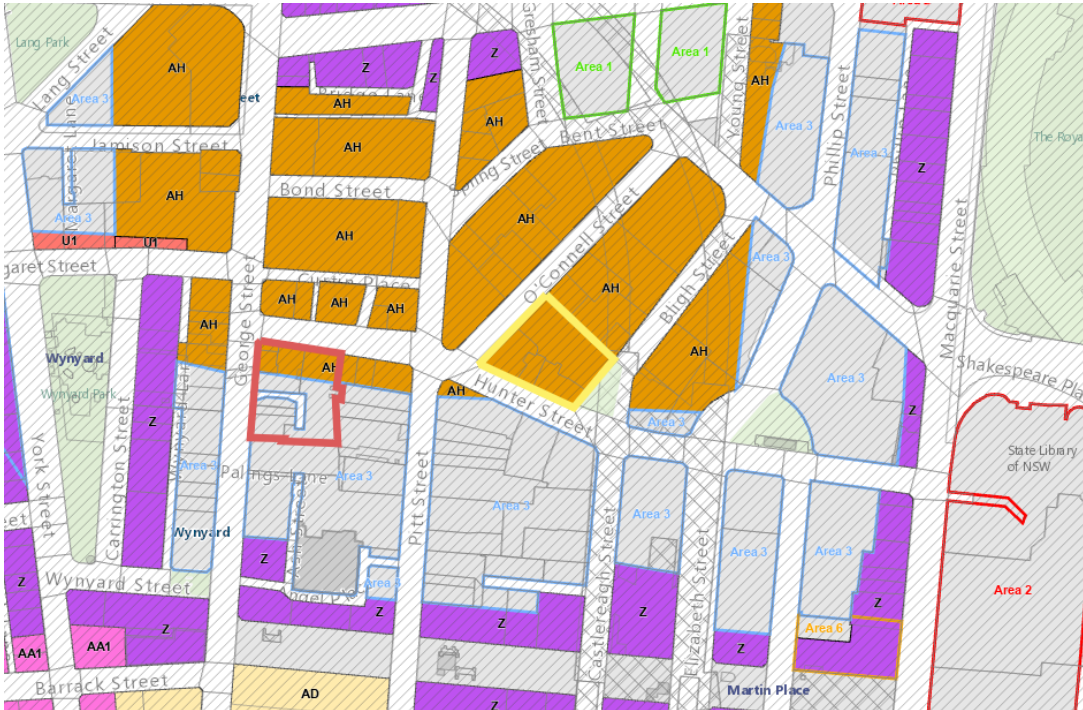
Figure 12. Extract from Zoning map in the Sydney Local Environmental Plan 2012



## 2.2 Building height

The sites are subject to differing height controls. The maximum height for the Eastern site is 235m (identified as AH in Figure 13), and is also subject to the Sun Access Plane controls for the Domain, Hyde Park and Martin Place. It is located entirely within the Circular Quay tower cluster. The maximum height for the Western site is also 235m along its northern boundary, however the building height control decreases according to the contours of the Martin Place and Hyde Park Sun Access Planes (as indicated by Area 3 in Figure 13). It is partially located within the Circular Quay tower cluster.

Figure 13. Extract from Height of Building map in the Sydney Local Environmental Plan 2012



## 2.3 Floor space ratio

The maximum floor space ratio for both sites is 8:1, as represented by 'AC' in Figure 14.

They are eligible for accommodation floor space of 4.5:1 for business, retail and office premises, and up to 6:1 for hotel and motel, community and child care facility uses.

Up to 10 per cent additional floor space may be granted subject to a competitive design process and the demonstration of design excellence.

The Eastern site is in a tower cluster area, where development that meets certain criteria may be eligible for additional floor space up to 50 per cent of the mapped FSR and accommodation floor space. The Western site is partially located in a tower cluster area and, subject to meeting the necessary criteria, may be eligible for the same 50 per cent bonus on the proportion of the site within the tower cluster area.

Figure 14. Extract from Floor space ratio map in the Sydney Local Environmental Plan 2012



## 2.4 Heritage

296 George Street, which is part of the Western site, is a State Heritage-listed item and is marked as Item I1766 on Figure 15. The Tank Stream (I1656), a State Heritage-listed item, runs alongside the eastern boundary of the Western site.

The two sites are located adjacent to a number of heritage items. The NSW Sports Club (I1808) and 285-287 George Street (I1765) are located to the north and west of the Western site respectively and are both local Heritage items.

The Eastern site is located adjacent to the State Heritage-listed former Perpetual Trustee (I1810), Wales House (I1915), NSW Club (I1676) and City Mutual Life Assurance buildings (I1675), and the local Heritage-listed Richard Johnson Square (I1673), Manufacturers House (I1902), and Bank of NSW (I1903) buildings.

Figure 15. Extract from Heritage map in the Sydney Local Environmental Plan 2012



## 2.5 Approved development consent

33 Bligh Street, which comprises a large portion of the eastern site is currently occupied by the construction site for the Sydney Metro City & Southwest construction site. The previous office building on site having been demolished in 2015.

The site holds development consent for a 26 storey office tower above a multi floor substation contained within the podium. The approved building design includes minimal setback to the northern boundary as a response to the blank wall of Mulpha House at 25 Bligh Street, similar to the location of the core in the indicative reference design.

## 2.6 Sydney Metro West

The Sydney Metro West project is a new planned 24 kilometre metro line connecting Central Sydney to Parramatta and on to Westmead. The project will double rail capacity along the corridor to Parramatta, with a target travel time of twenty minutes.

Confirmed stations include Westmead, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock, The Bays and Pyrmont with a terminating station at Hunter Street in Central Sydney.

## Planning proposal – Sydney Metro West, Hunter Street sites

This planning proposal seeks to facilitate over station development to be located above and integrated with the future Sydney Metro West Hunter Street Station.

The Sydney Metro West project is being assessed as a Critical State Significant Infrastructure application that has been split into three stages for the civil construction works, excavation; tunnelling fit out and stations, and the rail infrastructure and Hunter Street station.

The future over station development would comprise two separate commercial office buildings positioned above the entrances to the station. This planning proposal request for the two sites that will contain the Metro station seeks to insert new site-specific provisions in the Sydney Local Environmental Plan 2012 (LEP) in line with the Strategy and accompanying Guideline.

## 2.7 Proponent request

### Pre-lodgement

This planning proposal was subject to extensive pre-lodgement discussions between the proponent and the City, and was referred to the City's Design Advisory Panel (DAP) in October 2021. The City's DAP made a number of comments for the proposal, supporting the proposal's response to adjacent heritage, retention of the former Skinner Family Hotel heritage building, and expansion of Richard Johnson Square. Concern was raised regarding the potential of the future built form to impact on the public domain, recommending amenity in terms of wind and daylight conditions must remain high and suitable for people to sit and dwell.

Future development detailed by this planning proposal has been prepared with consideration of this feedback, and includes provisions to ensure public domain amenity is protected.

### Lodgement

The proponent, Sydney Metro, submitted the planning proposal request through the NSW Planning Portal, and following preliminary checks by the City, the planning proposal was formally accepted for assessment in May 2022. The subject planning proposal is the result of a planning proposal request lodged with the City of Sydney Council (as the relevant planning authority) to initiate the assessment process under Section 3.33 and 3.34 of the Act and seek a gateway determination from the Department.

The planning proposal request was accompanied by a number of specialist reports, including a planning justification report, heritage impact statement, pedestrian wind assessment, economic impact assessment and urban design and indicative built form report which included the testing of daylight level in the public domain.

This planning proposal has been prepared by the City following detailed consideration and assessment of the proponent's submitted request. To facilitate redevelopment of the two subject sites for over station development, the planning proposal request seeks to insert new site-specific controls into the LEP, increasing the maximum development controls. The proposal seeks to increase maximum building height to RL 269.1 metres for the eastern site and RL 220 metres for the western site, and increase the maximum floor space ratio to 22.8:1, above ground for the eastern site and 18.8:1, above ground for the western site.

The proponent's vision is for two new office towers on the eastern and western sites as over station development integrated with the future Sydney Metro West Hunter Street station. The eastern site includes a ground floor setback to align with the street frontage of the adjoining heritage item extending the adjacent Richard Johnson Square. The western site comprises the adaptive reuse of the former Skinner Family Hotel, a State heritage item, into the building's podium. The amendments to the planning controls are required to help accommodate additional employment generating floor space in Central Sydney to help deliver economic growth, in line with the City's vision and strategies for the area.



## Planning proposal – Sydney Metro West, Hunter Street sites

Both of the proposed planning envelopes have been subject to public domain wind and daylight testing and urban design considerations to ensure future development is consistent with the local character of the surrounding area.

### 2.8 Assessment

Following an initial assessment of the planning proposal request, which included referrals to specialist internal units within the City, a formal response was sent to the proponent in July 2022, outlining matters where additional information was required.

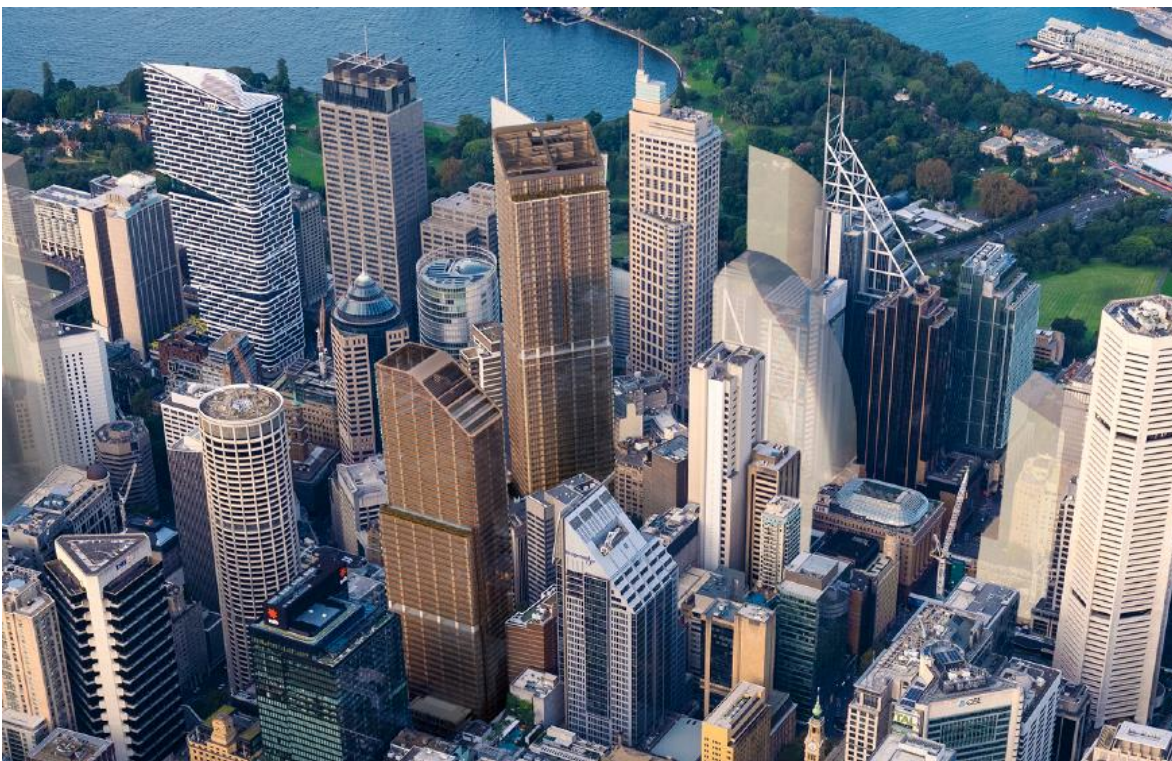
The key issues identified included: architectural articulation; tower setbacks and street wall heights. The submitted wind and daylight testing required revision to ensure accuracy. Issues were identified from a transport perspective required greater clarification required regarding vehicle trip generation, pedestrian modelling and background traffic growth.

Due to the transformational nature of the Sydney Metro project, the City recommended private vehicle parking be revised to minimise potential conflicts with pedestrians and ensure loading and service vehicles are given higher priority.

#### Sydney Metro response

In their letter dated 28 July 2022, Sydney Metro provided further clarified the approvals process, as well as additional justification and diagrams to support the design approach. Updated wind and daylight reports detailed revised testing confirming acceptable impacts from future development. This is discussed under Heading 5.5 Environmental, social and economic impact.

Figure 16. Photomontage of the future development scheme



## 2.9 Planning pathway

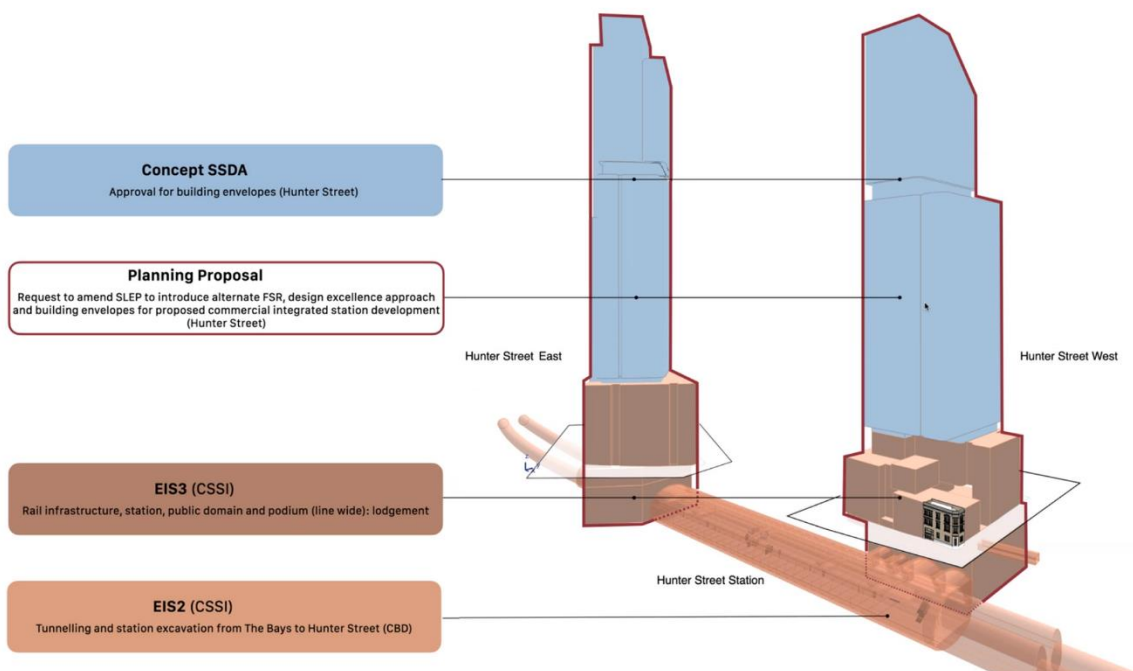
### Critical State Significant Infrastructure

The Sydney Metro West project is subject to a staged Critical State Significant Infrastructure (CSSI) application under section 5.2 of the Environmental Planning and Assessment Act 1979 (the Act). The three separate stages of the Sydney Metro West project are as follows:

- Stage one – Westmead to The Bays and Sydney CBD – concept approval for the Sydney Metro West project, including station excavation and tunnelling between Westmead and the Bays;
- Stage two – The Bays to Sydney CBD – major civil construction work, including station excavation and tunnelling between The Bays and Sydney CBD; and
- Stage three – Rail infrastructure, stations, precincts and operations between Westmead and Sydney CBD – tunnel fit-out, construction of stations, precincts and ancillary facilities, as well as operation and maintenance of the Sydney Metro West line. The Pymont and Hunter Street stations are included in this approval, which is referred to as CSSI in this report.

The scope of this planning proposal is limited to the over station development, which will sit above the two station entries to the future Hunter Street station as detailed in **Error! Reference source not found.7**.

Figure 17. The environmental assessment process of the integrated Hunter Street station



The location of the cavern and other station infrastructure therefore will influence the design of the over station development on each site. The station design is subject to further refinement through the CSSI application, accordingly, the approval structure and planning controls for the over station development needs to respond to these constraints and integrate with the station.

### State Significant Development

As the primary use of the over station development facilitated by this planning proposal will be commercial premises, and is likely to have a capital investment value of more than \$30 million, the future development will be classified as State Significant Development (SSD).

## **Planning proposal – Sydney Metro West, Hunter Street sites**

Furthermore, the over station development which is the subject of this planning proposal is not declared as state significant infrastructure or CSSI, rather it will be subject to Part 4 of the Act and separate development consent will be required for the towers.

This planning proposal will establish the built form parameters for the over station development in new site-specific planning controls and Design Guidelines which will inform the future state significant development application SSDA.

The site-specific amendments to the LEP resulting from this planning proposal and the accompanying draft Design Guidelines will inform a future staged state significant development application process. The final detailed design of the scheme will be the subject of a future concept SSD application, design excellence process and a detailed SSD application.



# 3. Objectives and intended outcomes

This planning proposal will facilitate new over station development linked to the two future Hunter Street Sydney Metro station sites, including the adaptive reuse of the former Skinner Family Hotel building heritage item and the expansion of Richard Johnson Square, to deliver:

- two new commercial officer towers, accommodated within the relevant sun access plane and no additional overshadowing protected areas;
- built form consistent with the future character of the surrounding area, that respects adjacent heritage and with acceptable environmental outcomes, and
- improved pedestrian connections and amenity through improved street activation and through-site links; and
- respect and protect on site and adjacent heritage items.

To achieve this, the LEP is to be amended by:

- increasing the maximum building height:
  - eastern site to RL 269.1 metres; and
  - western site to RL 220 metres;
- increasing the maximum floor space ratio:
  - eastern site to 22.8:1 above ground level;
  - western site to 18.8:1, above ground level; and
  - ensure other types of additional floor space, including end of journey and shared loading dock facility floor space are not applicable other than the maximum floor space ratio;
- ensure development consent can only be granted unless the consent authority is satisfied the building:
  - does not exceed the maximum building height controls;
  - includes end of journey facilities;
  - will not be used for residential accommodation and serviced apartments; and
  - has taken into consideration the Design Guidelines;
- include provisions to ensure the application of heritage floor space;
- restrict car parking to a maximum of 70 spaces;
- remove the asterisk from beside the former Skinner Family Hotel heritage listing under Schedule 5 as it is no longer eligible to enter the heritage floor space scheme; and
- switch off competitive design competition requirements as future development will be subject to a specialised approach to design excellence with a competitive selection process; and
- insert a provision so that future development applications do not further vary the development controls applicable to the subject sites.

## Planning proposal – Sydney Metro West, Hunter Street sites

The planning proposal will be accompanied by draft Design Guidelines, which will facilitate the following:

- building envelopes with setbacks that respect the local context, deliver acceptable public domain wind conditions and daylight amenity;
- provision of high-quality through-site links and pedestrian connections between the Metro station, adjacent streets and future connections to adjoining sites;
- delivery of improved public domain conditions, including; an expanded Richard Johnson Square and extensive activation through fine-grain retail and CPTED considerations;
- deliver heritage interpretation and public art that is appropriate and responsive to its setting;
- encourage greater use of active and public transport through equitable pedestrian access, bicycle parking, end of journey facilities;
- ensure sufficient servicing and loading space is provided to meet the needs of future development, prior to the allocation of private parking;
- include best practise provisions for water and flood management and waste;
- achieve a high standard of ecological sustainable development, including 6 star GreenStar rating, 6 star NABERS Energy and 4.5 star NABERS Water for offices; and
- a design excellence strategy.

# 4. Explanation of provisions

## 4.1 Sydney Local Environmental Plan 2012

To achieve the intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental 2012 by inserting a new site-specific clause for the two subject sites under Division 5 Site Specific Provisions, as follows:

- eastern site:
  - maximum building height of RL 269.1 metres
  - maximum floor space ratio of 22.8:1, above ground
- western site:
  - maximum building height of RL 220 metres
  - maximum floor space ratio of 18.8:1, above ground
- ensure the application of heritage floor space of 2.25:1,
- ensure future development includes end of journey facilities and is not used for residential accommodation or services apartment uses;
- provide up to 70 car parking spaces;
- ensure future development applications include consideration of the endorsed Design Guidelines, which includes specialised approach to design excellence;
- provisions to ensure future development does not further vary the applicable development controls; and
- remove the asterisk applicable to the former Skinners Family Hotel heritage item as it is no longer eligible to enter the heritage floor space scheme.

The proposed site-specific provisions will ensure the future over station development meets the strategies for Central Sydney, which provides for opportunities for additional building height and density in the right locations supported by environmental sustainability, improved public space, transport and access.

An example of how this provision may be drafted, subject to agreement with Parliamentary Counsel is included in Appendix 1.

### **Building Height**

The maximum building height development control of 235 metres applies to the eastern site and along the Hunter Street frontage of the western site. Both sites are subject to sun access plane controls for The Domain, Hyde Park and Martin Place, which is above the maximum height control on the eastern site, however the building height control decreases in line with the Martin Place sun access plane.

This planning proposal seeks to insert new site specific provisions into the LEP to permit a maximum building height of RL 269.1 metres for the eastern site and RL 220 metres for the western site.

This planning proposal seeks to increase the maximum building height on the two subject sites to facilitate two new towers, which are capable of being accommodated within the relevant sun access planes and no additional overshadowing public spaces.

### **Floor space ratio**

This planning proposal will deliver new employment generating floor space, to a maximum floor space ratio of 22.8:1 for the eastern site and 18.8:1 for the western site, above ground.

The floor space ratio is expressed as above ground level as any gross floor area associated with the future Hunter Street station, classified as new passenger rail infrastructure will be subject to the

## Planning proposal – Sydney Metro West, Hunter Street sites

CSSI application. As such, the site-specific provisions will detail the maximum floor space ratio above ground for the over station development.

The two towers on the subject sites have been subject to a reference design and testing to ensure they can comfortably be accommodated within the planning envelope and are inclusive of architectural articulation and standard efficiencies for building core and plant levels.

The floor space ratio for the eastern and western sites will be expressed in the LEP as a maximum, however the various types of additional floor space remain applicable in the background, addressed through specific provisions for heritage floor space and end of journey facilities to mimic their application in similar scale developments.

The additional site specific floor space delivered as part of this planning proposal is 10:1 for the eastern site and 6:1 for the western site. A detailed breakdown of the various forms of floor space is outlined in Table 3.

**Table 3: Application of the various floor space provisions applicable for Sydney Metro, Hunter Street Station sites**

LEP clause.	Applicable floor space	Floor space ratio – eastern site	Floor space ratio – western site
cl. 4.4	Mapped floor space ratio	8:1	8:1
cl. 6.4	Accommodation floor space	4.5:1	4.5:1
cl. 6.6	End of journey floor space	0.3:1	0.3:1
TBA	Site-specific floor space	10:1	6:1
		22.8:1	18.8:1

### Heritage floor space

Clause 6.11 of the LEP details the application of heritage floor space for development in Central Sydney that utilises any amount of additional floor space. This planning proposal seeks to insert a new site-specific provision for the over station development to ensure that an amount of heritage floor space of 2.25:1, equal to 50 percent of the accommodation floor space will be required to be purchased as part of any future development application.

### End of journey facilities

The future over station development will include end of journey facilities, providing bicycle storage, lockers, changerooms, and showers centralised in a single area of each building. Clause 6.6 of the LEP provides additional floor space for end of journey facilities, however as this planning proposal proposed to embed all floor space into a total amount, a specific provision is proposed to ensure each building includes an end of journey facility.

### Car parking

It is proposed that the site-specific provisions for the over station development include a restriction on the maximum number of car parking spaces permitted on the land. It is proposed that this will be less than half of the spaces currently permitted by the Sydney LEP 2012 at 148, and less than the total number of spaces that previously existed on the subject sites, at 86.

The proposal is consistent with the City's Guideline for Site Specific Planning Proposals in Central Sydney which recommends car parking to be limited to the total number of existing spaces, or the maximum permitted under the LEP, whichever is less.

## **Planning proposal – Sydney Metro West, Hunter Street sites**

Notwithstanding the above, to help deliver on the City's objective to reduce reliance on private vehicles, particularly in areas of high public transport accessibility and to ensure pedestrian safety and the success of existing and planned public domain upgrades, the draft Design Guidelines will include guidance to ensure sufficient space for service vehicle and loading facilities are prioritised over any private vehicle parking for the future over station development, with parking on the western site discouraged.

### **Non-residential uses**

This planning proposal will facilitate new employment generating floor space in Central Sydney, consistent with the aims of the City's Local Strategic Planning Statement and the Central Sydney Planning Strategy.

The additional building height and floor space delivered through this planning proposal will be restricted to employment generating floor space only, with draft provisions to ensure residential and serviced apartment uses are excluded from the uplift as specified in the new site-specific provisions.

This planning proposal does not propose to change the current zoning for the subject site, which is B8 Metropolitan Centre and permits a wide range of uses including retail, commercial and residential uses. Any future redevelopment of the site for residential or serviced apartment uses is limited to the existing building height and floor space ratio controls under clauses 4.3 and 4.4 of the LEP respectively.

### **De Mestre Place**

The western site encompasses De Mestre Place, which is classified as a public place by the Local Government Act and clause 4.5 of the LEP and as such excluded from calculation of the site area.

De Mestre Place will be incorporated into the future Hunter Street station. A site-specific provision is proposed to ensure it is included in the calculation of the site area for the purposes of calculating floor space ratio.

### **Rail infrastructure / station ancillary land uses**

While future development will be integrated with the future Hunter Street station, this planning proposal relates to the over station development only.

As such, provisions are proposed clarifying that the total gross floor area for any land use, including rail infrastructure, is measured from ground level. Any gross floor area below ground for rail infrastructure and ancillary uses will be excluded from the calculation of the maximum FSR in the site-specific provisions as it does not contribute towards the bulk and scale of the over station development.

### **Clause 4.6 – Exceptions to development standards**

The planning proposal also proposes to insert a provision in Clause 4.6 Exceptions to development standards, so that the future development applications lodged under these proposed site-specific provisions do not further vary the development controls for the two subject sites.

### **Drafting instructions**

To deliver the objectives and intended outcomes of this planning proposal, a new site-specific clause for the two subject sites will be inserted in Division 5 Site Specific Provision of the LEP.

An example of this provision may be drafted to agreement with Parliamentary Counsel is included in Appendix 1 of this planning proposal report.

## 4.2 Design Guidelines

The future over station development will be classified as State Significant Development and as such, the provisions of the Sydney DCP 2012 would not apply to any development application. To ensure the future over station development aligns with the intended outcomes and objectives of this planning proposal, the site-specific LEP provisions require consideration of Design Guidelines prepared by the City.

The Design Guidelines describe and outline the desired future development to ensure a high quality building form is delivered fronting an upgraded public domain that aligns with the City's future strategies for the area. The Guidelines include the following provisions:

- public domain and publicly accessible spaces;
- tower massing, setbacks and envelopes;
- wind impact mitigation;
- heritage interpretation;
- public art;
- end of journey, cycle and pedestrian network;
- vehicle access;
- water and floor management;
- waste management;
- environmentally sustainable design; and
- design excellence

### Design excellence

This planning proposal seeks to embed an alternative to the City of Sydney's Competitive Design Process, which is required for projects of this scale. As such, the Design Guidelines include provisions relating to design excellence for the Hunter Street sites in addition to drawing on the Sydney Metro West Design Excellence Strategy to ensure a consistent approach to design excellence across the Sydney Metro West line.

Sydney Metro's process provides for an iterative approach to address the particular challenges that would arise from the integrated and interconnected station and over station developments. The alternative strategy has been developed based on the process established for the Sydney Metro City and Southwest project, and includes a design review and development process and is subject to independent review.

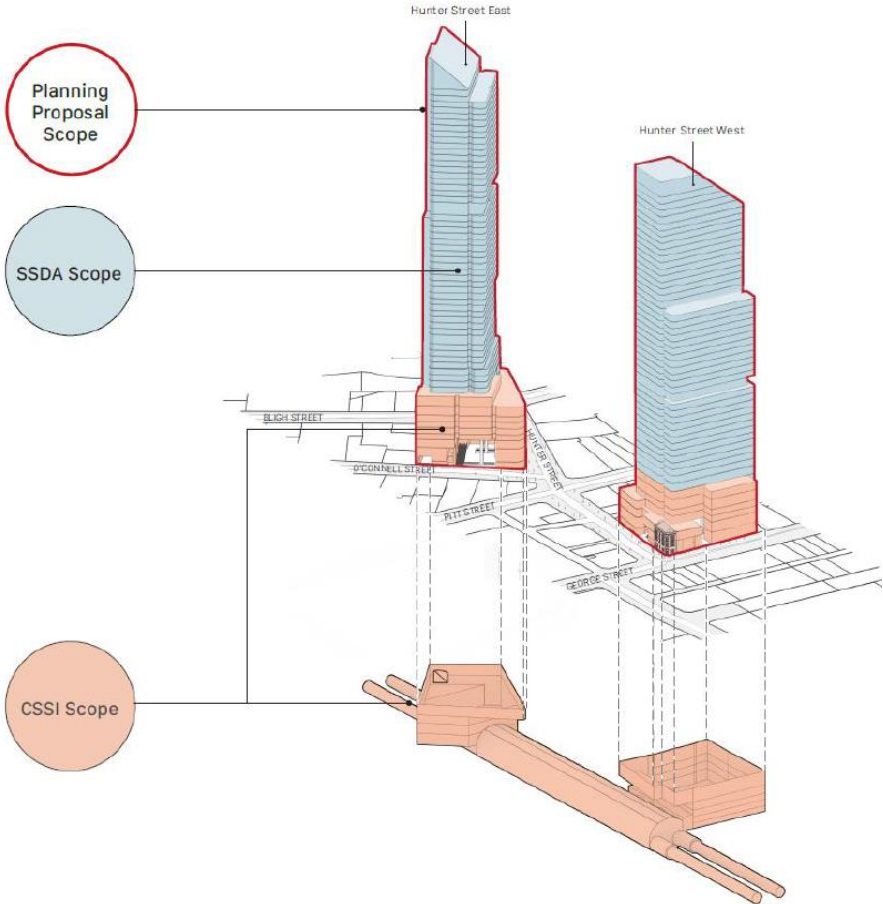
## 4.3 Relationship with State Significant Infrastructure

It is intended that the above site-specific amendments and accompanying Design Guidelines will inform a future staged state significant development application process for the two over station development towers.

Notwithstanding this, it is necessary for station elements to be located within the podium, such as circulation space, plant equipment and services, therefore the CSSI application will also relate to the podium to ensure the over station development integrates and responds to the station constraints and metro operations are not compromised. Accordingly, the planning controls for the over station development responds to these constraints and integrate with the station.

Planning proposal – Sydney Metro West, Hunter Street sites

Figure 18. Scope of this planning proposal and planning pathway of Hunter Street station works



# 5. Justification

## 5.1 Proposed changes to development standards

The planning proposal seeks to amend the building height and floor space ratio development controls to facilitate the redevelopment of the two subject sites for over station development linked to the future Hunter Street Sydney Metro station with a built form that has acceptable impacts on the surrounding precinct.

### **Built form**

The built form, massing and layout of both podiums on the eastern and western site has been designed with consideration of the surrounding streetscape, adjacent heritage items and the podium's requirements to integrate with the Sydney Metro station below and the over station development, above.

The proposed indicative scheme for the western site includes the retention of the former Skinner Family Hotel building and its adaptive reuse and incorporation into the over station development project. The adjacent podium responds to this heritage item, with a 12.5m street wall height and generous tower setback, providing an appropriate visual setting.

The podium on the western site includes several through-site links and public accessible pedestrian connections to adjoining sites with the intention of creating a larger laneway network across the precinct between George, Pitt, Hunter Streets and Angel Place. The indicative design concept envisages several through-site links activated by small scale retail and providing connection to the Sydney Metro station.

Above the podium on the western site, will be the tower of the over station development to a maximum height of RL 220 metres and RL 148 metres fronting George Street to comply with the relevant sun access planes.

On the eastern site, the podium includes a ground floor setback to Richard Johnson Square of between 2.7 metres at the north and 6.8 metres fronting Hunter Street. This ground floor setback extends the alignment of the heritage listed NSW Club at 31 Bligh Street south to Hunter Street expanding the public space and Richard Johnson Square. Similarly the lower podium street wall height in this location is responsive to the adjoining heritage building. While the taller street wall height on the O'Connell and Hunter Streets responds to its context, aligning with adjacent heritage items, particularly Wales House.

The indicative design concept for the eastern site includes a through-site link with an at grade connection from Richard Johnson Square to O'Connell Street and the Sydney Metro station beneath. The tower on the eastern site rises above the podium to a maximum height of RL 269.1 metres to ensure the sun access planes are not encroached. The tower setback to Hunter Street increases from 5.1 metres to 20.4 metres, opening up important views along Hunter Street and towards Australia Square.

The planning proposal was accompanied by an assessment of the daylight and wind impacts resulting from the proposed planning envelope to the surrounding public domain, in accordance the requirements of the Strategy and Guideline. The assessment found that the two planning envelopes will result in an improved wind and daylight condition in the public domain compared to the base case envelope. The detailed development application for the over station development will be subject to further public domain wind testing and as such, relevant provisions have been included in the Design Guidelines.



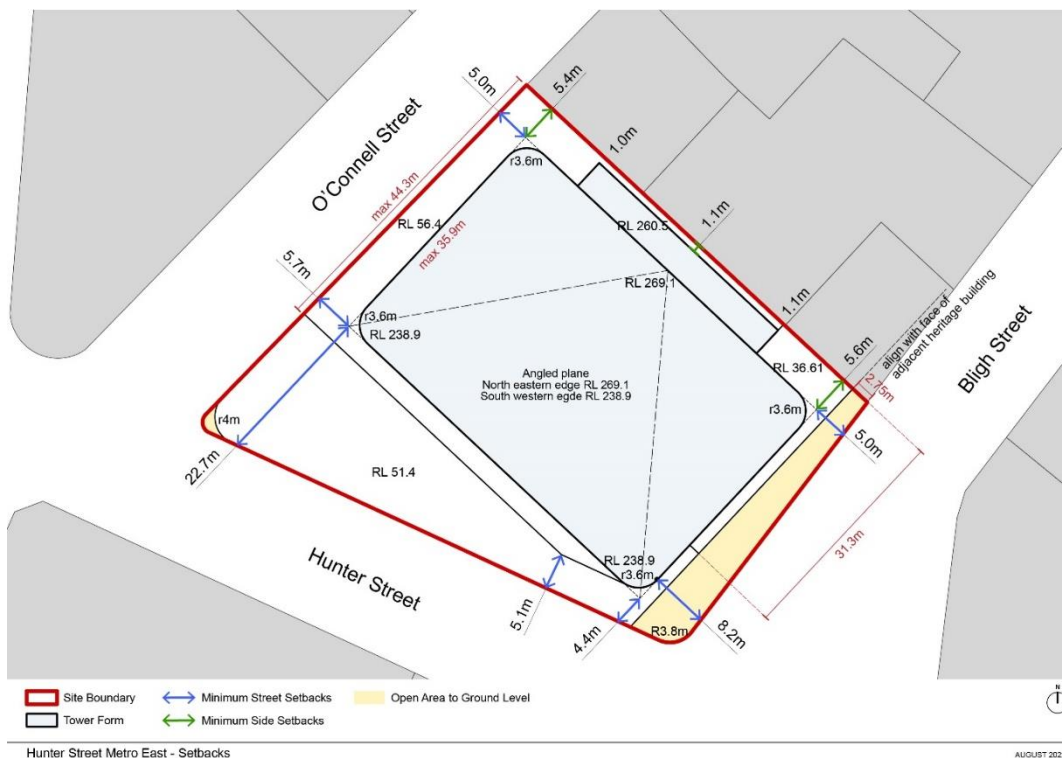
## Planning proposal – Sydney Metro West, Hunter Street sites

This planning proposal is accompanied by Design Guidelines which include detailed site-specific provisions to describe the desired future development to ensure the over station developments deliver a high quality built form and improved interface with the public domain.

Figure 19. Setbacks of the proposed building envelope – western site



Figure 20. Setbacks of the proposed building envelope – eastern site



## Planning proposal – Sydney Metro West, Hunter Street sites

### Building height

The planning proposal seeks to insert new site-specific provisions into the LEP to increase the maximum building height for the two subject sites. The proposed planning envelope on the eastern site will have a maximum building height of RL 269.1 metres and the western site will have a maximum building height of RL 220 metres. No change is however proposed to the existing mapped building height development control for either site.

This planning proposal will deliver on a key move of the Central Sydney Planning Strategy in that it will facilitate new employment generating floor space in the form of two new office towers as over station development integrated with the future Sydney Metro West Hunter Street station.

The site-specific provisions will ensure additional building height is restricted to employment generating uses only and will include a provision restricting development consent for the proposed scheme to non-residential and non-serviced apartment uses only.

### Floor space ratio

This planning proposal will also deliver revised maximum floor space ratio development controls for the two subject sites. The eastern site will have a maximum floor space ratio of 22.8:1, above ground and 18.8:1, above ground for the western site.

The floor space ratio quantum for the proposed planning envelopes for both sites has been prepared in accordance with the Guideline for Site Specific Planning Proposals in Central Sydney. The Guideline outlines steps for establishing the floor space ratio for building envelope, with exclusions for building core, façade zones and architectural articulation.

The amount of floor space proposed through this planning proposal includes the recommended quantum of articulation, to ensure both over station development towers include flexibility to respond to particular issues without resulting in additional building height or bulk.

The floor space ratio facilitated by this planning proposal will be expressed in the site-specific provisions as a maximum for each site. The maximum floor space ratio however comprises the mapped floor space ratio of 8:1, accommodation floor space of 4.5:1 and site-specific floor space of 10:1 for the eastern site and 6:1 for the western site.

The planning proposal request was accompanied by an Urban Design and Indicative Built Form Report prepared by FJMT that detailed the proposed planning envelope and indicative scheme for each of the subject sites. Demonstrating they are capable of accommodating the future over station development without significant detrimental impact to the streetscape and public domain amenity.

### Traffic and transport

The planning proposal request included a maximum of 70 private vehicle car parking spaces, expressed as a maximum across the two over station development sites. This figure is consistent with the City's Guideline which recommends for car parking to be no more than the existing provision, or the maximum in the LEP, whichever is the lesser.

The Design Guidelines that accompany this planning proposal include provisions to ensure sufficient parking space is provided for loading and service vehicles on both sites and to discourage the provision of private vehicle parking, particularly on the western site. Helping the City achieve its goal of reducing the reliance on private vehicles, congestion in Central Sydney and to encourage greater pedestrianisation.

### Heritage

The western site contains the former Skinner Family Hotel, a State heritage item that fronts the intersection of George and Hunter Streets. The Tank Stream, also a State heritage item, runs proximate to the site's eastern boundary. Other heritage items are adjacent to the western site along the opposite side of George Street and on Hunter Street. The former Pangas House, at 15-17 Hunter Street has recently been identified by the City as a potential heritage item directly adjoins the site.

## Planning proposal – Sydney Metro West, Hunter Street sites

The eastern site also lies adjacent to a number of heritage items, including Richard Johnson Square directly adjoining the site's Bligh Street frontage and the NSW Club and Bank of NSW buildings which adjoin the site along its northern boundary, fronting Bligh and O'Connell Streets respectively. State heritage item, Wales House is located opposite the site fronting the intersection of Pitt, Hunter and O'Connell Streets.

The planning proposal was accompanied by a heritage impact statement that concludes the two planning envelopes sought through this planning proposal will have an acceptable impact from a heritage perspective.

The proposed planning envelopes have been developed to ensure adverse impacts to any adjacent heritage item is minimised. The podium of the western site has been designed to respond to the former Skinner Family Hotel through a matching street wall height and setback providing a suitable visual setting that does not overwhelm and detract from the heritage item.

The Design Guidelines that accompany this planning proposal includes provisions to ensure the heritage significance of the former Skinner Family Hotel is suitably maintained, with no new openings or fixtures in locations of high significance and requiring the preparation of a conservation management plan prior to a development application. Further, provisions have been included to ensure suitable steps to safeguard the Tank Stream are taken.

The podium of the eastern site has been designed to be responsive to the adjoining heritage items on Bligh and O'Connell Streets, extending their alignment and height datum in the corresponding street wall height. This will deliver a consistent streetscape and visual setting for the heritage items that will not adversely impact upon their significance. Furthermore, the increased ground floor setback of the podium to Richard Johnson Square will maximise the feeling of openness to the heritage listed public space, contributing towards the public domain and important vistas.

The Design Guidelines also include provisions to ensure the future over station development podium and towers will sympathetically relate to adjacent heritage, through the use of appropriate street wall heights, setbacks, materials and separation.

### **Design excellence**

The Sydney LEP 2012 states a consent authority must not grant consent to a development unless it exhibits 'design excellence' and details the considerations for what constitutes design excellence, including requiring buildings in Central Sydney over 55 metres being subject to a 'competitive design process'. However, the consent authority may waive this requirement where such a process would be "unreasonable or unnecessary".

For several of the over station development approvals for the Sydney Metro City & Southwest project, the consent authority was satisfied that a 'competitive design process' in accordance with the City of Sydney's Competitive Design Policy was unreasonable and unnecessary given the integrated nature of the development with critical state infrastructure and proposed alternative Sydney Metro specialised approach to design excellence.

However, for the Sydney Metro West project, a 'line-wide' Design Excellence Strategy is proposed to provide consistency across the design processes for each over station development project, including the Hunter Street Station.

As such, due to the interrelated nature of the passenger rail infrastructure and over station development, design excellence will be achieved through a competitive tendering process that includes a series of design advisory and review processes. The Design Guidelines include provisions relating to design excellence for the Hunter Street sites in addition to drawing on the Sydney Metro West Design Excellence Strategy, which is to be endorsed by the Government Architect of New South Wales.

As future development will be the subject of a competitive selection (tender) process and a specialised approach to design excellence, it is proposed that clause 6.21D and 6.21E of the LEP will not apply in this instance.

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Sydney Metro adopts an iterative design review process encouraging partnering of accredited and experienced Technically Assured Organisation (TAO) architectural practices required for railway infrastructure with other architectural practices that hold demonstrated design excellence ability and a holistic design review process. The delivery strategy draws together design and construction of fully integrated and interconnected over station developments and station components to ensure excellent and coordinated design outcomes.

### Public domain

The planning proposal does not include any specific upgrades to the public domain surrounding the subject site, other than upgrades to pedestrian infrastructure secured through development contributions and the expansion of Richard Johnson Square and new through-site links.

Due to the interconnected relationship of the two over station development towers with the future Hunter Street Sydney Metro station, the City anticipates a significant increase in pedestrian volumes as a result of this project and other transport projects in Central Sydney, leading to an increase in pedestrian density on the surrounding footpath space.

As such, the Design Guidelines includes provisions to ensure further development on the subject sites will positively address the public domain and will not impact, but complement the future changes. Including provisions maximising active frontages to the public domain and through-site links, as well as level changes and interfaces with adjoining sites, laneways and Richard Johnson Square.

## 5.2 Design Guidelines

As the two subject sites are located within a tower cluster area in Central Sydney, the relevant provisions of Section 5 and Schedule 12 were taken in consideration in the preparation of this planning proposal. Particularly in establishing the proposed planning envelope, which has been subject to extensive pedestrian wind and daylight equivalence testing for the variation to building setbacks.

As the over station development is likely to be classified as State Significant Development, the provisions of the Sydney DCP 2012 would not apply to the future development application. As such, the site-specific LEP provisions will reference and be accompanied by Design Guidelines prepared by the City.

The Design Guidelines will replace the site-specific DCP provisions in this instance and will inform the future built form, including street frontage heights, setbacks, massing, interface with heritage items, building exteriors, and measures to ameliorate wind impact. The Design Guidelines will be publicly exhibited concurrently with this planning proposal.

Following public exhibition, the Design Guidelines will be reported to Council and CSPC for approval to be made and to draft the LEP provisions. The site-specific Design Guidelines are to be endorsed by the Planning Secretary prior to being enforced.

## 5.3 Need for the planning proposal

### Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The planning proposal has been prepared in response to and is consistent with the Central Sydney Planning Strategy. The Strategy details the objectives and a framework to ensure growth is employment focused and occurs where it respects special places and spaces, and is highly sustainable, resilient and responsive to climate change.

This planning proposal is a result of a request from Sydney Metro to change the planning controls that relate to the subject sites.

A number of studies have been commissioned to support the request, including an Urban Design and Indicative Build Form Report prepared by FJMT, which details how the proposal can deliver on

## Planning proposal – Sydney Metro West, Hunter Street sites

the City's vision for an economically competitive Central Sydney that is capable of accommodating growth through additional building height and density in selected locations that do not result in unacceptable impacts on public domain amenity. These studies inform the planning proposal.

The supporting documents lodged with the request are attached in the following appendices to this planning proposal:

- Planning proposal request – Sydney Metro Hunter Street Station (Sydney CBD)
  - Appendix A: OSD Hunter Street Design Guidelines
  - Appendix B: Envelope and Reference Design Drawings
  - Appendix C: Urban Design and Indicative Built Form Report
  - Appendix D: Hunter Street Planning Proposal Map
  - Appendix E: Transport and Accessibility Impact Assessment
  - Appendix F: Heritage Impact Assessment
  - Appendix G: Preliminary Flooding Report
  - Appendix H: Pedestrian Wind Impact Assessment
  - Appendix I: Ecological Sustainable Development Report
  - Appendix J: Geotechnical and Contamination Assessment
  - Appendix K: Visual Impact Assessment
  - Appendix L: Utilities and Infrastructure Servicing Assessment
  - Appendix M: Rail Impact Assessment
  - Appendix N: Aeronautical Impact Assessment
  - Appendix O: Economic Impact Assessment
  - Appendix P: Waste Management Strategy

### **Is the planning proposal the best means of achieving or intended outcomes, or is there a better way?**

This planning proposal seeks to insert new site-specific provisions into the Sydney LEP to facilitate future over station development on the subject sites. The current development standards do not permit the proposed concept design.

The proposed indicative development has been tested to ensure the future built form is consistent with the requirements of the Strategy and associated Guideline and does not result in adverse impacts to the surrounding public domain.

## 5.4 Relationship to strategic planning framework

### **Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and the exhibited draft strategies)**

#### *A Metropolis of Three Cities – The Greater Sydney Region Plan*

A Metropolis of Three Cities – The Greater Sydney Region Plan is the NSW Government's overarching strategic plan for growth and change in Sydney. It provides a vision to transform Greater Sydney into a metropolis of three cities, being the Western Parkland City; the Central River City; and the Eastern Harbour City.

The Plan outlines how Greater Sydney will manage and deliver growth and guide infrastructure delivery. The Plan is implemented at a local level by District Plans. This planning proposal is consistent with several relevant directions and objectives of the Plan, as follows:

- **Infrastructure** – the future over station development aligns with investment in new transport infrastructure and will benefit from the additional passenger capacity into Central Sydney.
- **Liveability** – Design Guideline provisions will ensure future development includes generous retail activation and public domain expansion delivering new opportunities for greater public life in Central Sydney.
- **Productivity** – the over station development facilitated through this planning proposal will deliver additional employment generating floor space associated with new transport infrastructure contributing to Central Sydney's economy.

## Planning proposal – Sydney Metro West, Hunter Street sites

- **Sustainability** – the proposed planning controls will deliver improved sustainability outcomes than the current building stock on the subject sites.

### *Eastern City District Plan*

The Eastern City District Plan sets out the vision, priorities and actions for the Eastern District of the Greater Sydney area, which includes the City of Sydney.

It establishes a 20 year vision to be a global sustainability leader, managing growth while maintaining and enhancing liveability, productivity and attractiveness. Planning priorities and associated actions for productivity, liveability and sustainability seek to deliver on this vision.

This planning proposal is consistent with the following priorities from the Plan:

- **Planning Priority E1 – Planning for a city supported by infrastructure** – This planning proposal seeks to increase the potential for employment generating uses on the subject sites through two new office towers linked to the delivery of new transport infrastructure to maximise the efficient use of the existing and future new capacity.
- **Planning Priority E6 – Creating and renewing great places and local centres, respecting the District's heritage** – The future indicative concept design for the over station development appropriate responds to the adjoining public domain, including the heritage listed Richard Johnson Square, as well as adjoining heritage items and the former Skinner Family Hotel which will be adaptively reused and incorporated into the western site.
- **Planning Priority E7 – Growing a stronger and more competitive Harbour CBD** – Central Sydney is at the core of the Harbour CBD. This Planning Proposal will facilitate new office space to maximise its competitive advantage particularly the site's close location to transport connections.
- **Planning Priority E10 – Delivering integrated land use and transport planning for a 30 minute city** – The proposed over station development is linked to the future Hunter Street Metro station and will directly connect to nearby transport infrastructure, helping provide good employment floor space in a location that will satisfy the 30 minute city, including direct train connections to many parts of Greater Sydney within 30 minute travel time.
- **Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres** – Future development on the subject sites will deliver additional employment floor space, which will add to the viability of the Harbour CBD as the primary employment hub for the State.
- **Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently** – The proposed development scheme will deliver new commercial buildings with high sustainability outcomes, consistent with the City's Strategy for Central Sydney.

### **Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC. or another endorsed local strategy or strategic plans?**

#### *Sustainable Sydney 2030-2050 Continuing the Vision*

Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This planning proposal is aligned with the following relevant strategic directions and objectives:

- **Direction 2 – A leading environmental performer** – this planning proposal will deliver new ecological sustainable development with ambitious minimum sustainability targets that align with the City's new zero energy targets.
- **Direction 3 – Public places for all** – the two subject sites will capitalise on their proximity to existing and planned transport infrastructure, including its direction connection to the future Hunter Street station. The proposed indicative scheme for the future development includes a mix of uses to activate the podium, pedestrian connections and street frontages.



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- **Direction 4 – Design excellence and sustainable development** – this planning proposal will support new development that is more ecologically sustainable than the current building stock through aspirational sustainability benchmarks.
- **Direction 5 – A city for walking, cycling and public transport** – the indicative scheme includes substantial retail activated pedestrian connections through the subject sites and new end of journey facilities to encourage greater use of active transport modes.
- **Direction 6 – An equitable and inclusive city** – future development will contribute to the surrounding area through increased opportunity for businesses as well as improvements to the public domain for local residents and visitors.
- **Direction 8 – A thriving cultural and creative life** – new public art facilitated by the future over station development will provide new creative and cultural experiences and opportunities for engagement with the public.
- **Direction 9 – A transformed and innovative economy** – this proposal will facilitate two new towers as part of the over station development, delivering new employment opportunities, helping Sydney attract global investment.

### *City Plan 2036: Local Strategic Planning Statement*

City of Sydney's endorsed local strategic planning statement, City Plan 2036 sets the land use planning context, vision and planning priorities to positively guide development. The planning statement outlines how the City will plan for and manage change, while delivering on the City's vision for a green, global and connected city. This planning proposal gives effect to the following priorities of the Statement:

#### Infrastructure

- **I1. Movement for walkable neighbourhoods and a connected city** – The provisions and Design Guidelines include requirements for generous new pedestrian connections through both sites to encourage a permeable pedestrian network through the large street block.
- **I2. Align development and growth with supporting infrastructure** – The subject site is well located to take advantage of nearby existing and future transport infrastructure, including the light rail on George Street, the new Sydney Metro CBD and Southwest project and the future Sydney Metro West project, all of which will increase the public transport capacity considerably.

#### Liveability

- **L2. Creating great places** – The Design Guidelines that accompany this planning proposal include provisions to ensure all street frontages are activated with fine-grain retail premises and public domain improvements adding to the success of future public domain strategies endorsed by the City.

#### Productivity

- **P1. Growing a stronger, more competitive Central Sydney** – This planning proposal supports growth in Central Sydney by facilitating future development that will provide for additional economic and employment growth with large office floor plates to attract globally competitive businesses.

#### Sustainability

- **S2. Creating better buildings and places to reduce emissions and water and use water efficiently** – The over station developed facilitated by this planning proposal must achieve ambitious sustainability benchmarks including new buildings which will meet the City's net zero requirements.

### *Central Sydney Planning Strategy*

The Central Sydney Planning Strategy is a 20-year growth strategy that revised previous planning controls in Central Sydney and delivers on the City's Sustainable Sydney 2030 program. Central

## Planning proposal – Sydney Metro West, Hunter Street sites

Sydney plays a critical role in the economic success, growth and recovery of Greater Sydney and the national economy as the economic heart of Australia's global city.

The Strategy provides for new opportunities for additional building height and density in the right locations where balanced with environmental sustainability, urban design and public amenity considerations. This planning proposal is aligned with the following key moves of the Strategy:

- **1. Prioritise employment growth and increase capacity** – This planning proposal will facilitate the delivery of additional employment generating floor space in the form of two new office towers, delivered as part of an integrated station development with the future Hunter Street Sydney Metro station, increasing employment capacity and growth in Central Sydney.
- **2. Ensure development responds to context** – This planning proposal is accompanied by Design Guidelines which includes provisions to ensure the over station development responds to its context with a building form that includes an articulated podium and generous tower setbacks to ensure development is sensitive to its heritage context and does not result in adverse wind and daylight impacts.
- **4. Provide employment growth in new tower clusters** – The subject sites are predominantly located within identified tower clusters where additional building height may be accommodated.
- **5. Ensure infrastructure keeps pace with growth** – Development facilitated by this planning proposal is subject to development contribution delivering new infrastructure linked to growth.
- **6. Move towards a more sustainable city** – The future over station development is to achieve ambitious sustainability targets consistent with the Strategy.
- **7. Protect, enhance and expand heritage and public places** – The indicative design concept for the western site includes the retention and adaptive reuse of the heritage building. The eastern site includes an increased ground floor setback to Richard Johnson Square improving the quality of this heritage listed public space.
- **8. Move people more easily** – The subject site is located to capitalise on existing and future public transport connection including the Sydney Metro projects, currently under construction and planned, which will deliver underground pedestrian connections from Martin Place to Barangaroo.

### **Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

#### *The Future Transport 2056 Strategy*

The Future Transport 2056 Strategy is a 40-year plan to support transport infrastructure delivery in Greater Sydney and regional NSW, coordinated with land use strategies including the Regional Plan and District Plans.

Transport 2056 recognises the importance of transport to support productive economies, liveable communities, and more sustainable transport solutions. This planning proposal is consistent with the following guiding principles of Transport 2056:

- **Customer focused** – The Design Guidelines which accompany the planning proposal include provisions to ensure clear legible pedestrian connections are provided through the site.
- **Successful places** – The indicative design concept includes retail activated publicly accessible open space and a larger public plaza at Richard Johnson Square, helping deliver successful places.
- **A strong economy** – The future over station development will deliver additional employment generating floor space which will contribute to growth in Central Sydney's economy.
- **Safety and performance** – The Design Guidelines include provisions to ensure publicly accessible space and the adjoining public domain is subject to CPTED design considerations.
- **Accessible services** – The public domain surrounding the subject sites includes substantial level changes, the proposed through-site links will provide accessible connections through the site and to future and adjoining transport infrastructure
- **Sustainability** – The Design Guidelines that accompany this planning proposal include ambitious sustainability targets for the future over station development.



## Planning proposal – Sydney Metro West, Hunter Street sites

### Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?

This planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as summarised in Table 4 and detailed in the following section. In this table, consistent means that the planning proposal does not contradict or hinder the application of the relevant state environmental planning policy.

Table 4: Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	This planning proposal is consistent
SEPP (Building Sustainability Index: BASIX) 2004	This planning proposal is consistent
SEPP (Exempt and Complying Development Codes) 2008	This planning proposal is consistent
SEPP (Housing) 2021	This planning proposal is consistent
SEPP (Industry and Employment) 2021	This planning proposal is consistent
SEPP (Planning Systems) 2021	This planning proposal is consistent
SEPP (Precincts–Central River City) 2021	Not applicable to this proposal
SEPP (Precincts–Eastern Harbour City) 2021	This planning proposal is consistent
SEPP (Precincts–Regional) 2021	Not applicable to this proposal
SEPP (Precincts–Western Parkland City) 2021	This planning proposal is consistent
SEPP (Primary Production) 2021	Not applicable to this proposal
SEPP (Resilience and Hazards) 2021	This planning proposal is consistent
SEPP (Resources and Energy) 2021	This planning proposal is consistent
SEPP No 65 - Design Quality of Residential Flat Development	Not applicable to this proposal
SEPP (Transport and Infrastructure) 2021	This planning proposal is consistent

### *Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021*

Under State Environmental Planning Policy (Biodiversity and Conservation) 2021 the subject sites are located within the Sydney Harbour Catchment Boundary but not within the Foreshore and Waterways Area Boundary.

## Planning proposal – Sydney Metro West, Hunter Street sites

The planning proposal does not contradict or hinder the application of the planning principles for the SEPP. An assessment of the visual impacts associated with the proposed planning controls accompanies this planning proposal and is considered acceptable.

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

State Environmental Planning Policy (Transport and Infrastructure) 2021 includes aims the provide for consultation with relevant public authorities regarding certain development during the assessment process or prior to the development occurring. The SEPP identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure.

The future over station development will be considered a 'traffic generating development' for the purposes of the SEPP as over 10,000m<sup>2</sup> of commercial floor space is proposed. As such, any future development application will be required to be referred to Transport for NSW for concurrence prior to determination.

The eastern site is located within the Metro (Zone B – Tunnel) zone as identified by the SEPP for the Sydney Metro City and Southwest project. As such the future SSSA for over station development on the eastern site that is prepared for and on behalf of Sydney Metro, will be subject to concurrence from the Sydney Metro Authority.

Additionally, recent amendments to the SEPP have included an update to the concurrence provisions to protect the proposed rail corridor for the Sydney Metro West project. Any proposal to develop within the 'Interim Sydney Metro West Corridor' is required to receive concurrence from Sydney Metro before a development application can be approved. As such, any future SSSA not prepared and submitted on behalf of Sydney Metro will require concurrence from the Sydney Metro Authority for development on the subject sites.

### **Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?**

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in Table 5.

**Table 5: Consistency with Ministerial Directions**

Ministerial Direction	Comment
<b>Focus area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	This planning proposal is consistent
1.2 Development of Aboriginal Land Council land	Not applicable to this proposal
1.3 Approval and Referral Requirements	This planning proposal is consistent
1.4 Site Specific Provisions	This planning proposal is consistent – see discussion below
<b>Focus area 1: Planning Systems – Place-based</b>	
1.6 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable

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Ministerial Direction	Comment
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.11 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.12 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.13 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.14 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.15 Implementation of Greater Macarthur 2040	Not applicable
1.16 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.17 North West Rail Link Corridor Strategy	Not applicable
<b>Focus area 2: Design and Place</b>	No directions in place
<b>Focus area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	This planning proposal is consistent
3.2 Heritage Conservation	This planning proposal is consistent – see discussion below
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
<b>Focus area 4: Resilience and Hazards</b>	
4.1 Flooding	This planning proposal is consistent – see discussion below
4.2 Coastal Management	This planning proposal is consistent

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Ministerial Direction	Comment
4.3 Planning for Bushfire Protection	This planning proposal is consistent
4.4 Remediation of Contaminated Land	This planning proposal is consistent – see discussion below
4.5 Acid Sulfate Soils	This planning proposal is consistent
4.6 Mine Subsidence and Unstable Land	Not applicable
<b>Focus area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	This planning proposal is consistent
5.2 Reserving Land for Public Purposes	This planning proposal is consistent
5.3 Development Near Regulated Airports and Defence Airfields	This planning proposal is consistent – see discussion below
5.4 Shooting Ranges	Not applicable
<b>Focus area 6: Housing</b>	
6.1 Residential Zones	Not applicable
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
<b>Focus area 7: Industry and Employment</b>	
7.1 Business and Industrial Zones	This planning proposal is consistent
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
<b>Focus area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
<b>Focus area 9: Primary Production</b>	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

## **Planning proposal – Sydney Metro West, Hunter Street sites**

### **1.4 Site Specific Provisions**

The objective of this Ministerial Direction is to discourage unnecessarily restrictive site specific planning controls.

The planning proposal is not consistent with this Direction, however it is justified as the applicant submitted a request to prepare a planning proposal to facilitate the delivery of the over station development on the two subject sites as new office towers.

The proposed building envelope detailed in this planning proposal, the amendments to the LEP and provisions in the Design Guidelines, have been developed by the City in consultation with the proponent on their design vision for the sites and surrounding precinct.

Notwithstanding the above, the proposed LEP site specific provisions do not restrict future development from being undertaken on the subject site, as the site's existing controls in the LEP will remain applicable.

### **3.2 Heritage conservation**

The objective of Direction 3.2 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The western site of this planning proposal encompasses State heritage items - the former Skinner Family Hotel and the Tank Stream which runs adjacent to its eastern boundary. The eastern site adjoins a number of local heritage items, including a frontage to Richard Johnson Square which lies adjacent to the intersection of Bligh and Hunter Streets.

A Heritage Impact Statement accompanied the planning proposal, which determined the proposed planning controls was capable of resulting in an acceptable impact to these heritage items. The report found that by including the former Skinner Family Hotel within the site boundary, the future redevelopment will be subject to design guidance which will guide the adaptive reuse of the item and integration within the broader proposal. These guidelines also include further measures to positively relate to and mitigate against adverse impacts to adjoining heritage.

### **4.1 Flooding**

This Ministerial direction seeks to ensure development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and the LEP provisions that apply to flood prone land.

The subject planning proposal was accompanied by a Preliminary Flood Impact Assessment which included a high level review of the flooding risks and constraints of the site, and confirmed that future development is capable of achieving the relevant criteria of the City's Interim Floodplain Management Policy.

The scope of the CSSI approval includes the future Hunter Street Sydney Metro station, tunnels, associated infrastructure, ground floor entries and provisions for the over station development. As such, flood and stormwater management and mitigation measures are managed under the CSSI process. Further, the objectives and guidance in the Design Guidelines that accompany this planning proposal align with the Sydney Metro West System Requirement Specification for flooding and stormwater, which have more stringent requirements than the Sydney DCP.

### **4.4 Remediation of Contaminated Land**

This Ministerial Direction promotes remediation of contamination land for the purpose of reducing the risk of harm to human health. When rezoning land, or through development applications and other approvals, it is to be considered to ensure remediation work meets certain standards.

The planning proposal does not include rezoning, or expanding the permitted uses on the subject sites, which historically have primarily been used for commercial purposes.

As any excavation on the sites is subject to a separate approval through the CSSI planning pathway, potential contamination issues that may be identified will be resolved with the excavation

## Planning proposal – Sydney Metro West, Hunter Street sites

and construction of the future Hunter Street Sydney Metro station works. As such, any potential contamination issues are unlikely to significantly impact the future redevelopment of the site and the over station development buildings.

### 4.5 Acid Sulfate Soils

This Ministerial Direction seeks to avoid adverse environmental impacts from the use of land that contains acid sulfate soils. As this planning proposal results in intensification of land uses, it must suitably address the requirements of this Direction.

The subject sites are located on land classified Class 5 Acid Sulfate Soils in the Acid Sulfate Soils Map in the LEP, however they are within 500 metres of a Class 2 site, on Bridge Street.

As this planning proposal relates to over station development above the future Hunter Street Sydney Metro station sites, it does not apply to any underground and excavation works. Any acid sulfate soil management is addressed through the CSSI application for the excavation and construction of the station and as such will include liaising with relevant agencies to identify and address acid sulfate soils.

### 5.3 Development Near Regulated Airports and Defence Airfields

This Ministerial Direction seeks to ensure the safe and effective operation of regulated airports and defence airfields is not compromised by development that might constitute an obstruction and potential hazard to aircraft flying in the vicinity.

The subjects sites are located in Central Sydney within the B8 Metropolitan Centre zone. This zoning is not proposed to be changed and future development is required to be consistent with the objectives of the zone. The proposed future development on the sites is considered compatible with the adjoining and surrounding land.

The proposed concept includes two new towers as over station development above the two future Hunter Street Sydney Metro station sites to RL 269.1 and RL 220 metres, respectively. These towers encroach into the Obstacle Limitation Surface (OLS), and as such, Direction 5.3 applies. Clause 4 of the Ministerial Directions states that in preparation of the planning proposal, the relevant planning authority is to consult with the operator of the airport to prepare appropriate height controls and ensure development is not incompatible with the airport's operation.

This planning proposal is therefore not consistent with Ministerial Direction 5.3, however this will be addressed through consultation with the relevant agencies as part of the exhibition process.

The planning proposal process for this project includes consultation with the relevant public authorities following the issue of a gateway determination. In this instance, consultation with the Sydney Airport Corporation, Airservices Australia and the Civil Aviation Safety Authority will be undertaken.

Following consultation with these agencies, the planning proposal may be amended where necessary and reported back to Council and the Central Sydney Planning Committee for final approval prior to drafting of the relevant amendments to the LEP.

## 5.5 Environmental, social and economic impact

### **Is there any likelihood that critical habitat or threatened specials, populations or ecological communities, or their habitats will be adversely affected because of the proposal?**

The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities of their habitats.

The subject site is located in Central Sydney, which does not contain any critical habitats or threatened species, populations or ecological communities.

### **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

## Planning proposal – Sydney Metro West, Hunter Street sites

The changes to the maximum building height and floor space ratio development controls will facilitate the delivery of the future over station developments on the subject sites.

The subject planning proposal is the result of a planning proposal request lodged with the City by the proponent, Sydney Metro. Who engaged the City of Sydney Council (as the relevant planning authority) to initiate the assessment process under Section 3.33 and 3.34 of the Act and seek a gateway determination from the Department.

In accordance with the above request, the two proposed planning envelopes have been developed in collaboration with the proponent with potential environmental impacts resulting from the proposal having been identified and amended during the assessment phase.

As a result, amendments have been made to this planning proposal from what was lodged by the proponent. The amendments include changes to the objectives and intended outcomes and draft LEP provisions in the planning proposal and additional detailed provisions in the Design Guidelines to shape the finer details of the proposal to ensure less adverse impacts arise from future development on the two subject sites.

Notwithstanding the above, the proposed amendments are unlikely to result in any significant adverse amenity impacts that cannot be controlled. Existing policies, regulations and standards are in place to ensure environmental impacts may be mitigated during the construction phase and operation of the buildings.

The key environmental considerations arising from the planning proposal, including public domain amenity, transport and pedestrian conditions and urban design issues, the amendment and mitigation strategies proposed by the City, are discussed below.

### **Urban design / building envelope and tower setbacks**

The Central Sydney Planning Strategy and Schedule 12 of the DCP sets the base case envelope for new towers in Central Sydney, providing guidance on street wall heights and tower setbacks. The proposed planning envelope for a tower may vary from the base case envelope subject to public domain amenity testing on daylight / sky view and wind assessment testing and urban design considerations.

The planning envelope was assessed compared to a base case envelope, prepared in accordance with the Strategy and Schedule 12 of the DCP and demonstrated the planning envelope will result in a generally improved wind and daylight condition as compared to the base case envelope.

#### *Architectural articulation*

Further to the above, the Strategy and accompanying Guideline also provides guidance in the calculation of gross floor area, includes exclusion for plant levels, building core and architectural articulation proportionate to the height of the tower. The lodged planning envelopes at approximately RL 269.1 and RL 220 metres in height, the eastern and western towers included architectural articulation of 15 and 12 per cent, respectively.

The City recommended the quantum of architectural articulation be revised, particularly for the western tower, noting the dense character of the surrounding area. Accordingly, Sydney Metro have adjusted the quantum of articulation, adopting the whole of building articulation strategy defined by the Strategy. The revised quantum of architectural articulation has been adjusted to 16.5 per cent for the eastern tower and 12.5 per cent for the western tower, helping provide sufficient flexibility to enable a high-quality design response.

#### *Podium – eastern site*

The proposed planning envelope for the eastern site includes minimum tower setbacks of 5.3 metres to the boundary with O'Connell Street, a setback that is generally mirrored with the Bligh Street boundary. However, most of this eastern tower setback comprises the expanded Richard Johnson Square, with a reduced setback between the top of the street wall and the tower. As such, the City recommended the eastern tower setback be increased to ensure consistency with the O'Connell Street frontage



## Planning proposal – Sydney Metro West, Hunter Street sites

In their letter dated 28 July 2022, Sydney Metro provided additional justification and diagrams to support the design approach. Sydney Metro advised that the current tower envelope has been sited to deliver improved views to open sky and key landmarks, and an increased tower setback would not significantly open up views towards these landmarks. It was also noted that the tower at this location includes an appropriate separation to adjacent buildings.

Sydney Metro also noted that the planning envelope defined by this planning proposal establishes the maximum parameters from which a future development application would need to comply, and as such is considered acceptable as it delivers greater public domain space in Central Sydney.

### *Podium – western site*

The podium street-wall fronting Hunter Street for the western site steps up from RL 25m to RL 34m adjacent to the eastern boundary of the site, with little justification for this step in the podium height provided in the accompanying Urban Design and Indicative Built Form Report prepared by FJMT.

The City recommended a consistent street wall height be provided along Hunter Street at RL 25 metres, to provide a podium that aligns with both the former Skinner Family Hotel and the former Pangas House that directly adjoins the subject site to the east. In their letter dated 28 July 2022, Sydney Metro provided additional justification, advising this was recommended by their internal Design Advisory Panel as an intentional design response to create variation in the street wall height that is characteristic to Hunter Street and its heritage context, and to accommodate essential infrastructure that will support the delivery of the CSSI and future operation of the station.

### **Daylight access / sky view testing**

This planning proposal seeks to unlock additional building height and floor space for new employment generating floor space and as such, the requirements of the Strategy are applicable and the proposed planning envelope is subject to public domain amenity testing, measuring the extent of sky visible from various points, expressed numerically as sky view factor.

The Urban Design and Indicative Built Form Report prepared by FJMT included this sky view testing, prepared in accordance with the City's requirements. A base case envelope, with setbacks in accordance with the controls was tested and compared to the proposed planning envelopes sought through this planning proposal. Planning proposals may vary the envelope subject to equivalent or improved daylight conditions in the surrounding public domain.

Following an assessment by the City, an error in the sky view factor testing was identified, resulting from a mathematical issue used in the analysis. Revised testing was undertaken and demonstrated that the proposal achieves compliance with the requirements of the Strategy, with an amended envelope for the eastern site, including an increased ground floor radius to mirror that of adjacent State heritage item Wales House.

As such, the sky view analysis demonstrates that the proposed planning envelopes for both sites will deliver a minor improvement from the base case envelope, maintaining acceptable daylight access to the public domain. As such, the planning proposal is consistent with the equivalence testing requirements for tower cluster sites, ensuring the future development will maintain an acceptable amenity outcome for pedestrians and the public domain.

### **Wind assessment**

In accordance with the requirements of the Strategy, the planning proposal request was accompanied by a pedestrian wind assessment, which tested pedestrian wind comfort and safety levels as a result of the future over station development on both sites through wind tunnel testing. Pursuant to the requirements, the wind tunnel tested two envelopes for each site, a base case envelope with setbacks consistent with the Strategy, compared to the proposed planning envelope in order to identify whether the proposal will have an equivalent or improved outcome. The assessment tested over 40 locations within, between and around the eastern and western sites.

The wind assessment found the existing wind conditions located around the eastern and western sites are generally calm, suitable for sitting and well within the safety criteria. All tested locations in

## Planning proposal – Sydney Metro West, Hunter Street sites

the public domain were found to be suitable for the existing and intended activities. The base case envelopes were tested, with the results indicating the wind environment for all locations would remain comfortable and within the safety standard.

The proposed planning envelopes for both over station development towers were also subject to wind tunnel testing for the same locations. The results indicate generally consistent wind conditions with the base case envelopes, demonstrating that the proposed planning envelopes are consistent with the requirements of the Strategy. The results found that while there may be some variation in the results, with the wind speed increasing in some locations, the wind conditions is not likely to become uncomfortable or unsafe as a result of future development on the subject sites.

Additional publicly accessible locations were also tested as a part of the wind tunnel testing to ensure no adverse impacts would occur as a result of the proposal. This included the open space between the Australia Square tower and Plaza building which is currently used for outdoor dining. The additional testing found that this location would not experience a significant or adverse increase in wind speeds, which would remain acceptable for its existing use.

The Design Guidelines accompanying this planning proposal and the site-specific LEP provisions provide additional guidance on future wind tunnel testing to ensure public domain conditions are not adversely impact as a result of the future over station development towers. This additional testing would occur at the detailed design phase and accompany a future development application.

### View analysis

The planning proposal request was accompanied by a visual impact assessment which provided an indicative view analysis of both of the proposed planning envelopes and future over station developments. The analysis explored views from and along George Street and looking east along Hunter Street and west from O'Connell Street for the western site. Views for the eastern site explored looking north along Castlereagh Street and east along Hunter Street towards the subject site. The view analysis also explored the impact of the two over station development towers on the cityscape.

The assessment found that the visual impacts of the proposed building envelopes on both sites were generally compatible with the existing urban character of the surrounding area and the desired future character as outlined by the City. Most locations had capacity to absorb physical change, and the proposed planning envelopes do not result in a high or significant visual impact on the public domain.

Notwithstanding the above, the view from looking east along Hunter Street from the intersection with George Street would experience a medium to high level of visual impact as a result of both over station development towers. This impact is generally attributed to both towers being visible when viewed from this location. It is noted that important views or vistas are not obstructed from this location and views to heritage items and facades remain.

The Strategy includes controls to protect views from public places that include important buildings. It is noted that there proposed planning envelopes are not located within any identified protected public view corridor, however the southern setback from the eastern tower from the Hunter Street boundary will open up important views towards Australia Square, highlighting this heritage listed building.

### Overshadowing

The Sydney LEP 2012 includes provisions preventing new buildings from creating additional overshadowing to protect certain public places. Particularly Martin Place, which would otherwise be impacted by additional building height on the subject sites. As such, this planning proposal does not seek to change the Martin Place sun access plane, or the no additional overshadowing provisions of the LEP.

The proposed maximum building height sought by this planning proposal complies with the applicable sun access planes. The proposed planning envelopes have been designed to comply

## Planning proposal – Sydney Metro West, Hunter Street sites

with the overshadowing provisions of the LEP and such include a tapered form on the upper levels to ensure compliance.

Some protected public spaces do however receive additional overshadowing. Notwithstanding this, the proposed is considered acceptable as a small portion of The Domain experiences additional overshadowing at the winter solstice and the shadow impact is not within the time period protected by the controls. Similarly Wynyard Park does experience additional overshadowing in the morning at mid-summer, however this is outside of the protected areas of sunlight for this open space and will not adversely impact upon amenity of the park. Furthermore, Chifley Square will experience additional overshadowing, however this area of the public domain is no longer protected from overshadowing in the planning controls.

### Traffic and transport

#### *Parking provision*

In their planning proposal request, Sydney Metro proposed a maximum of 70 car parking spaces across the two subject sites, allocated to each building. It is however anticipated that fewer parking spaces may be delivered per the requirements of future development as part of detailed design.

The number of parking spaces facilitated through this planning proposal is less than half permitted under the Sydney LEP 2012 at 148 and less than the total number of spaces that previously existed on the subject sites, at 86. The proposal is therefore consistent with the City's Guideline for Site Specific Planning Proposals in Central Sydney which recommends for car parking to be limited to the total number of existing spaces, or the maximum permitted under the LEP, whichever is less.

To help ensure the success of the City's vision and planned public domain upgrades for the surrounding precinct, the City recommended the provision of parking be minimised significantly, with no to very limited private vehicle parking to be delivered on the western site.

To provide the future occupants with the flexibility to deliver over station development that meets their requirements, the new LEP provisions will limit car parking to a maximum of 70 spaces, across both sites. This figure is less than the current LEP provision, what is currently available on the two sites, and what has recently been approved for similar towers nearby. Notwithstanding this however, the Design Guidelines that accompany this planning proposal will include provisions recommending provision of private parking is minimised to prevent potential clashes between pedestrians and vehicles.

#### *Servicing*

The proposed indicative concept includes off street service and loading facilities to meet the needs of the Hunter Street Metro station and the over station development. The City supports the location of the driveways and vehicle access points to each building and recommends adequate space for loading and waste collection vehicles is provided before the allocation of car parking.

In response to the City's feedback, Sydney Metro advised that servicing on both sites would be subject to a loading dock management plan, management system and on-site dock manager. This is to ensure vehicle movements can be allocated outside of peak pedestrian periods. The Design Guidelines will include guidance to ensure sufficient space for service vehicle and loading facilities is prioritised over any private vehicle parking for the future over station development and both buildings will be subject to a loading dock management plan, booking system and manager.

#### *Modelling*

The planning proposal was accompanied by a Transport and Accessibility Impact Assessment that calculated vehicle and pedestrian trips generated by future development on the subject sites.

The City requested the methodology behind the assumptions used in the traffic generation and pedestrian trip calculations is clarified. With the assessment testing the maximum number of car parking on both sites, which would overestimate the number of vehicle trips, emphasising the importance of space for vehicles. The City also recommended the pedestrian trip calculation adopt the TfNSW Walking Space Guide to assess the service level of footpaths.

## Planning proposal – Sydney Metro West, Hunter Street sites

The walking assessment should use the methodology set out in TfNSW's Walking Space Guide (2020). Fruin is suitable for use within confined stations and interchanges but is not a suitable method for assessing pedestrian flows on streets. TfNSW's Walking Space Guide should be used instead as it accounts for interactions between people walking and vehicles and includes consideration of buffers and active frontages.

In their letter dated July 2022, Sydney Metro advised the assumption used in the vehicle trip calculation was corrected as per the City's request and adopted zero background traffic growth which will accompany the Hunter Street station CSSI application.

Sydney Metro asserts the Fruin method of pedestrian level of service is the most appropriate methodology for consideration in this instance, as it helps capture the impact from pedestrian trips emanating from the Metro station, not just the over station development.

The City is engaged in discussions with Sydney Metro and Transport for NSW to coordinate future upgrades to the pedestrian network surrounding the two subject sites and the wider precinct. To ensure the success of these upgrades, the Design Guidelines that accompany this planning proposal includes provisions to protect pedestrian safety and amenity.

### *End of journey facilities*

The indicative design concept and the proposed LEP provisions provide for cycle and end of journey infrastructure on both over station development sites. Following an assessment by the City a number of constraints were identified in the indicative locations for the vertical transport to the end of journey facilities. While the City notes that these are indicative plans and both sites will be subject to further design evolution, the Design Guidelines have been updated to include provisions to ensure the end of journey facilities will not result in excessive delay or queuing which would disrupt pedestrian movement from the Metro station.

### **Public domain**

The construction and operation of the future Hunter Street Metro station, including surrounding public domain, is subject to approval through the CSSI process. The City have engaged in discussions with Sydney Metro regarding public domain upgrades related to the delivery of the station and to ensure alignment with the City's future strategies for the area.

### *Through site links*

An objective of this planning proposal is to facilitate and deliver improved pedestrian connections in the area, the indicative design concept includes through-site links on both sites connecting the street and adjoining sites to the Metro station entries.

The podium on the western site includes a number of potential through-site links and publicly accessible connections to adjoining sites, with the intention of facilitating a pedestrian laneway network across the precinct. In particular, a potential through-site link connection to Empire Lane, which is envisaged to be reinstated as a pedestrian laneway in the planning proposal for the adjoining site at 15-17 Hunter Street, Sydney.

While the subject planning proposal has identified this connection in their indicative scheme, there is a considerable level change between the two sites and heritage constraints. The Design Guidelines include provisions recommending the location and width of this through-site link and connection to Empire Lane, to ensure it is clear, legible and accessible to pedestrians.

### *Active frontages*

Sydney Metro's indicative concept design includes generous opportunities for ground floor active retail spaces on all street frontages. The Design Guidelines include provisions recommending active frontages be prioritised and maximised on all street frontages and through-site links.

### *Richard Johnson Square*

The podium of the proposed planning envelope for the eastern site includes a ground level setback to Bligh Street frontage. The intention of this setback is to be read as a larger Richard Johnson Square, delivering additional public space in Central Sydney. Due to constraints with below ground

## Planning proposal – Sydney Metro West, Hunter Street sites

built form elements and station infrastructure it is unlikely the additional section of Richard Johnson Square will be dedicated as new public space, however will remain publicly accessible.

The Design Guidelines that accompany this planning proposal includes provisions to ensure the design of Richard Johnson Square is considered and cohesive and provides a seamless connection between the public domain, the public accessible portion and into the pedestrian through-site link in the podium. It is recommended this is achieved in collaboration with the City through the use of consistent materials, levels and landscaping. Additionally, a provision is included to ensure bollards are not placed in the public domain or publicly accessible extension of the square to ensure a seamless experience is delivered.

### *Walking experience*

It is anticipated that walking will remain the primary mode of access and egress to both over station development towers. Despite their location, directly connected and close to existing and future transport infrastructure, the additional pedestrian impact solely arising from the future development delivered as part of this planning proposal is not expected to be significant. The proposed increase in pedestrian density on the site would therefore result in a low impact on the surrounding pedestrian density.

### **Flooding**

The planning envelope and podium for the over station development on the two subject sites and the future Hunter Street Sydney Metro station and infrastructure is anticipated to have limited localised impacts on existing flooding behaviour. With George and Pitt Streets acting as floodways in flooding events, Hunter Street also becomes a floodway in a flooding event.

The Preliminary Flooding Impact Assessment that accompanied the planning proposal found future development is unlikely to increase the likelihood of flooding on other properties or infrastructure and recommended flood mitigation measures. The future Hunter Street Sydney Metro station CSSI approval also includes associated infrastructure and ground floor entries to the station and over station development. As such, flood and stormwater management and mitigation measures are managed under the CSSI process.

The Design Guidelines that accompany this planning proposal includes flooding and stormwater provisions to provide guidance on the City's requirements for new development and align with the Sydney Metro West System Requirement Specification for the station.

### **Has the planning proposal adequately addressed any social and economic effects?**

This planning proposal facilitates the delivery of new over station development above the future Sydney Metro West Hunter Street station, which are located in a tower cluster where additional building height may be accommodated subject to meeting key public domain amenity and urban design considerations. Future development will have positive social and economic impact, including:

- providing up to 150,000m<sup>2</sup> of new employment generating floor space to strengthen and contribute to Central Sydney's role as a globally competitive city;
- creating an estimated 1,040 construction jobs and over 15,000 operational jobs;
- the new building will achieve a high level of environmental performance; and
- providing for improved activation and accessibility within and across the site and to the adjoining public domain, delivering improved connections, amenity and safety for the public.

## 5.6 State and Commonwealth interests

### **Is there adequate public infrastructure for the planning proposal?**

As the subject sites are located in Central Sydney, they are well served by the full range of public utilities, including electricity, telecommunications, water, sewer and stormwater. It is expected that

## **Planning proposal – Sydney Metro West, Hunter Street sites**

these services are upgraded where required by the developer of the over station development and will be outlined in the detailed development application.

The proposal will facilitate contributions towards local infrastructure and public domain improvements in the precinct surrounded the site. It is anticipated these upgrades will be timed to support the new future transport infrastructure and complement existing infrastructure.

The detailed development application will be subject to statutory development contributions, which will contribute to the provision of other community facilities, helping meet the increased demand generated by the development.

### **What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

The gateway determination will advise the public authorities to be consulted as part of this planning proposal process. Issues raised will be incorporated into this planning proposal following the consultation in the public exhibition period.

Clause 7.16 of the LEP requires concurrent approval from Sydney Airport for all proposed works that will penetrate the Obstacle Limitation Surface (OLS), which is 156 metres at this location. The future development scheme would require approval under the Airports Act 1996 before the detailed development application can be approved. It is proposed that the relevant public agencies are consulted on the proposed height at the public exhibition stage of this planning proposal process.

## 6. Mapping

No change will be made to any maps contained within the LEP is proposed as part of the planning proposal.

This planning proposal seeks to insert new site-specific provisions under Division 5 of the LEP, detailing the proposed changes to the building height and floor space ratio development standards discussed earlier in this document.

The proposed future development scheme as discussed in this planning proposal will be detailed in the draft DCP and will be accompanied by updated maps and figures to adequately describe the City's intended vision for the sites.



# 7. Community consultation

This planning proposal shall be exhibited in accordance with the requirements of the gateway determination once issued by the Department of Planning and Environment.

It is anticipated that public exhibition will be for a period of at least 28 days, which is consistent with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline prepared by the Department dated December 2021.

The surrounding community, including adjacent landowners, occupiers and community interest groups shall be notified of the public exhibition by mail, email, social media and through public exhibition on the City of Sydney website, in accordance with the City's Community Participation Plan.

Consultation with the necessary NSW agencies, authorities and other relevant organisations will be undertaken as required by the conditions contained within the gateway determination.

# 8. Project timeline

This planning proposal is categorised as a Complex planning proposal as per the Local Environmental Plan Making Guidelines dated December 2021, the anticipated timeframe for the completion of the planning proposal is as follows:

Stage	Timeframe
Commencement / gateway determination	<b>October 2022</b>
Government agency consultation	<b>December 2022 – February 2023</b>
Public exhibition	<b>December 2022 – February 2023</b>
Review of issues raised in submissions	<b>February – April 2023</b>
Post-exhibition reporting	<b>June / July 2023</b>
LEP drafting	<b>August 2022</b>
LEP made	<b>September 2023</b>
LEP notification	<b>September 2023</b>

# Appendix 1

The final version of the provisions to be inserted into Part 6, Division 5 of the LEP is subject to drafting and agreement by the Parliamentary Counsel's Office, but may be written as shown in Table 6 below.

Table 6: Drafting instructions for the Sydney Metro West, Hunter Street sites in LEP

**6.## Sydney Metro, Hunter Street Station sites**

- (1) The objective of this clause is to provide additional floor space and building height to encourage an acceptable over station development built form comprising commercial uses on the Sydney Metro, Hunter Street Station sites.
- (2) This clause applies to the Sydney Metro, Hunter Street Station sites being:
  - (a) Sydney Metro, Hunter Street Station eastern site comprising:
    - (i) Lot 1 in DP217112,
    - (ii) Lot 2 in DP217112,
    - (iii) Lot 1 in DP536538,
    - (iv) Lot 1 in DP110798,
    - (v) Lot 1 in DP59871,
    - (vi) Lot 1 in DP626651, and
    - (vii) CP and Lots 1-74 in SP58859
  - (b) Sydney Metro, Hunter Street Station western site comprising:
    - (i) Lot 13 in DP622968,
    - (ii) Lot 1 in DP211120,
    - (iii) Lot 1 in DP438188,
    - (iv) Lot 1 in DP1003818,
    - (v) Lot 2 in DP850895,
    - (vi) CP and Lots 1-43 in SP596,
    - (vii) CP and Lots 1-63 in SP71068,
    - (viii) CP and Lots 1-14 in SP65054,
    - (ix) CP and Lots 1-53 in SP50276,
    - (x) Lots 57 and 58 in SP61007,
    - (xi) Lots 54, 55 and 56 in SP60441,
    - (xii) Lots 59, 60 and 61 in SP62889,
    - (xiii) Lots 62, 63, 64 and 65 in SP69300,
    - (xiv) Lots 66 and 67 in SP77409,
    - (xv) Lot 2 in SP50276, and
    - (xvi) De Mestre Place, Sydney.
- (3) In determining the site area for the purposes of applying a floor space ratio to development on land to which this clause applies,
  - (a) despite clause 4.5(4) and clause 4.5(7) the land described in subclause 6.XX(2)(b) is taken to include the area of De Mestre Place, and
  - (b) for the purposes of calculating a floor space ratio in respect of any building on the land to which this clause applies, despite any other provisions of this Plan, any gross floor area required for the purposes of passenger rail infrastructure and ancillary land uses (such as but not limited to retail premises and end of journey facilities) proposed in a basement level is excluded from the total floor space ratio proposed on the site.
- (4) Despite any other provision of this Plan, a building on land to which this clause applies may have a maximum floor space ratio, above ground (existing) of–
  - (a) 22.8:1, on land referred to in subclause 6.XX(1)(a), and
  - (b) 18.8:1, on land referred to in subclause 6.XX(1)(b).
- (5) A building on land to which this clause applies is not entitled to any other additional floor space permitted by this Plan except as provided by this clause.
- (6) Development consent must not be granted for development under subclause (3) unless the consent authority is satisfied that–
  - (a) a building on land referred to in subclause 6.XX(1)(a) has a maximum building height no greater than RL 269.1,
  - (b) a building on land referred to in subclause 6.XX(1)(b) has a maximum building height no greater than RL 220.0,
  - (c) the building includes end of journey facilities,
  - (d) the building will not be used for the purposes of residential accommodation or serviced apartments,
  - (e) will not exceed a maximum of 70 car parking spaces, and

## Planning proposal – Sydney Metro West, Hunter Street sites

- (g) has considered Hunter Street Station Over Station Development Design Guidelines endorsed by the Planning Secretary.
- (7) Clause 6.21D and 6.21E do not apply to development at the Hunter Street Station site.
- (8) If subclause (4) applies, an amount 2.25:1 of heritage floor space is allocated to the development.
- (9) In this clause–
- end of journey facilities** means all of the following facilities together in one area of the building–
- (a) showers,
  - (b) change rooms,
  - (c) lockers,
  - (d) bicycle storage areas.
- heritage floor space** has the same meaning as in clause 6.10.

### Part 4 Principal development standards

#### 4.6 Exceptions to development standards

- (8) this clause does not allow development consent to be granted for development that would contravene any of the following:
- a. **6.## Sydney Metro, Hunter Street Station sites**

#### Schedule 5 – Environmental heritage

Locality	Item name	Address	Property description	Significance	Item no
Sydney	Former Skinners Family Hotel including interiors	296 George Street	Lot 1, DP 438188	State	I1766*



# **Attachment B**

**Draft Design Guidelines – Sydney Metro West  
Hunter Street Station Sites**



**Hunter Street Station**  
Over Station Development  
Draft Design Guidelines  
September 2022

## Introduction

This document is intended to guide the design of the Sydney Metro West Hunter Street Station Over Station Development (OSD) and provides a resource to assist the evaluation of design quality and excellence.

The Hunter Street Over Station Design Guideline (Guideline) outlines the desired design and place outcomes for the Hunter Street Station towers development and includes objectives and design guidance for built form, publicly accessible spaces, amenity, movement, connectivity and interfaces between the station and OSD. It will help to achieve the design quality outcomes for the Hunter Street Station Over Station Development (over station development).

### Relationship to other documents (and instruments)

This Design Guideline is to be read in conjunction with the provisions and requirements:

- the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012)
- other relevant Environmental Planning Instruments

The Guideline sets out specific guidance to inform future integrated over station development related to the Sydney Metro West Hunter Street Station.

Separate approval pathways for the station and over station development have required the preparation of separate design guidelines for each component.

While this Guideline is not a relevant matter for consideration for the Sydney Metro Hunter Street Station Infrastructure application, it addresses how over station development should be integrated with the station design. The over station development is to be designed to integrate with the Hunter Street Sydney Metro Station so as not to compromise the operation or functionality of the Metro. Where this guideline provides guidance on the Infrastructure application, it is intended to reflect a relevant best practice approach.

This Guideline should be read in conjunction with the Sydney Metro West Station and Precinct Design Guidelines.

In the case of any inconsistency between the Sydney Metro West Station and Precinct Design Guidelines (line-wide) and the specific Guideline that relates to the over station development subject of this report, this Guideline prevails.

### Purpose

The purpose of this Guideline is to provide detailed provisions for the integrated over station development related to the Sydney Metro West Hunter Street station. The Guideline supplements the provisions of the Sydney LEP 2012 by providing detailed provisions to guide development on the site.

### How to use this Design Guideline

This Guideline provides a hierarchy of objectives and design guidance (guidance) to guide the future over station development linked to the Sydney Metro West Hunter Street station, as follows:

**Objectives:** describe the outcome sought for the key matter

**Guidance:** provides guidance on how objectives on key matters can be achieved through appropriate design responses.

Development must meet the objectives. The guidance provides clear measurable benchmarks for how the objectives can be practically achieved. If it is not possible to satisfy the guidance, applications must demonstrate what other design responses are used to achieve the objectives i.e. the guidance does not represent the only way the objectives can be achieved. Where alternate solutions to the guidance is proposed it must be demonstrated how the alternative solution achieves the objectives.

The figures and diagrams included in this Guideline that describe the building envelope are indicative, intended to detail a particular design outcome that this Guideline is attempting to achieve. Appendix C – Proposed Planning Envelope Drawings are accurate scale drawings that describe the maximum default complying envelope for the over station development.

# Land Application

This Guideline applies to the land identified in Figure 1: Land Application and Hunter Street station sites. The over station development is located in the northern part of Central Sydney and comprises two sites referred to as the eastern site and the western site.

The eastern site is located on the corner of O’Connell Street, Hunter Street and Bligh Street, shown in yellow. The western site, is located on the corner of George and Hunter Street, and includes De Mestre Place, shown in red.



**Figure 1:** Land Application and Hunter Street station sites

The Sydney Metro West Hunter Street station and associated over station development related to the following addresses:

Eastern site

28 O’Connell Street, 48 Hunter Street, and 37 Bligh Street, Sydney.

Western site

296 George Street, 300 George Street, 312 George Street, 314-318 George Street, 5010 De Mestre Place (Over Pass), 5 Hunter Street, 7-13 Hunter Street, 9 Hunter Street and De Mestre Place, Sydney.

# Design Guideline

## Public domain and publicly accessible spaces

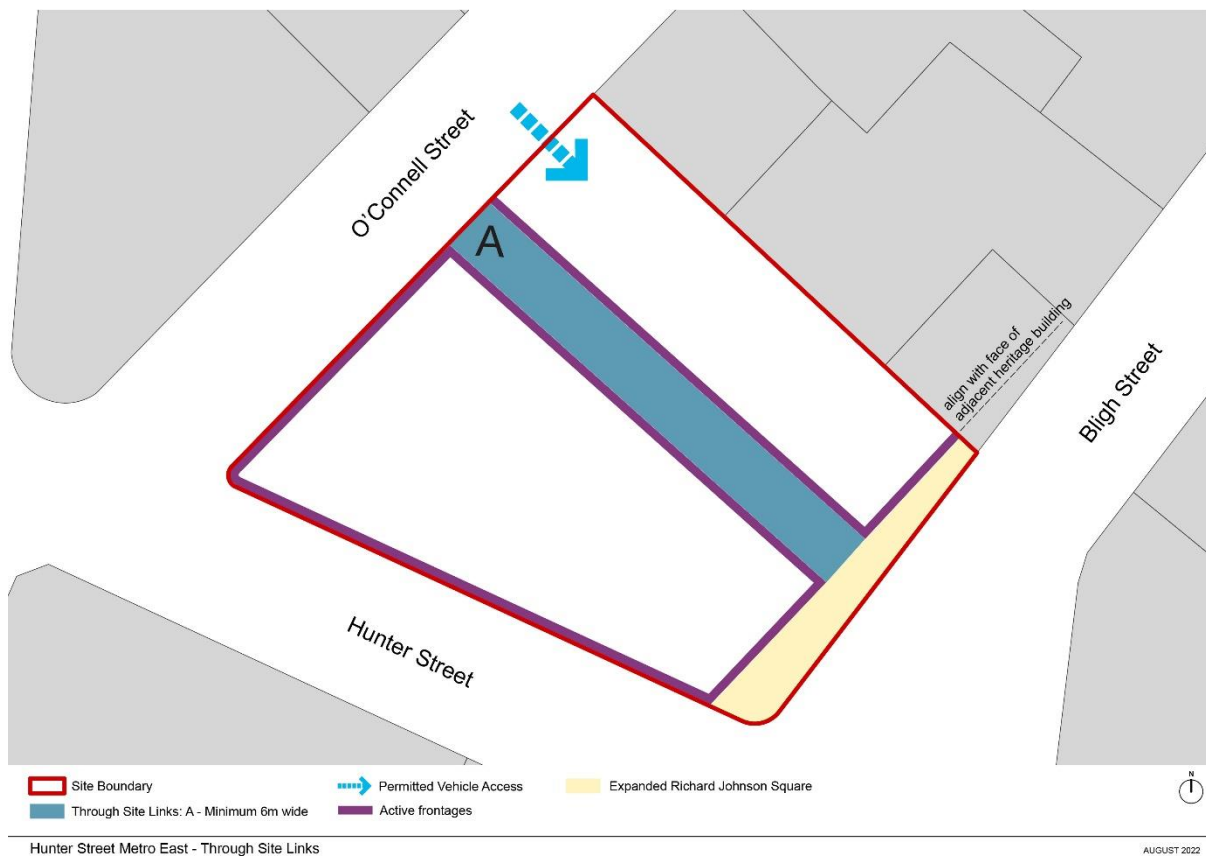
### Objectives

1. Recognise the important role that Central Sydney's public spaces, streets and their amenity play in a global city.
2. Incorporate high quality public spaces within and around the over station development sites.
3. Ensure new development promotes and maintains diverse and active street frontages that contribute to the vibrancy, diversity and function of the streetscape.
4. Improve permeability, pedestrian movement and connectivity with the provision of generous retail activated through site links.
5. Ensure new publicly accessible spaces provide for equitable, safe and accessible pedestrian movements.
6. Expand the public open space of Richard Johnson Square to align with the building alignment at 31 Bligh Street and improve the urban quality and active use of the space.
7. Supports any future pedestrianisation of the west end of Hunter Street by not providing parking for private vehicles on the western site that may cause potential conflicts with pedestrians.
8. Ensure footpath awnings are located to enhance pedestrian amenity and provide weather protection.
9. Provide a safe environment and minimise opportunities for criminal and anti-social behaviour.
10. Ensure development increases urban vegetation in Central Sydney.

### Guidance

1. The building fronting Richard Johnson Square shall match the alignment of the former NSW Club building at 31 Bligh Street and expand the public open space of Richard Johnson Square, which shall be open to the sky.
2. Best endeavours to ensure publicly accessible space is not divided with bollards, instead may be placed at building or station entries.
3. All street frontages and through-site links be activated through fine grained retail spaces in separate tenancies, as indicated on Figure 2: Eastern site layout - through site-links, retail activation and access and Figure 3: Western site layout - through site-links, retail activation and access.
4. Active street frontages shall be maximised by minimising building services, vehicle entries and commercial lobbies, and the main part of the commercial lobbies are to be located at a building floor level above ground floor level.
5. Ground floor level awnings are to be provided as shown in Figure 2: Eastern site layout - through site-links, retail activation and access and Figure 3: Western site layout - through site-links, retail activation and access.
6. Awnings are to be located between the ground and first floors to maximise weather protection. The height of an awning may vary between 3.2m and 4.2m above the footpath. The height of the awning must ensure continuity in appearance with adjacent awnings and to relate to any distinctive features of the building.
7. Through-site links shall be designed to:

- a. Provide a publicly accessible, equitable and safe path for pedestrians at all times.
  - b. Have a minimum clear height of 6 metres.
  - c. Include clear sight lines from end to end.
  - d. Integrate with the surrounding existing and future pedestrian network.
  - e. Provide intuitive wayfinding across city blocks.
  - f. Resolve the level changes to adjoining land using best endeavours to work with neighbouring landowners.
8. Publicly accessible spaces within the site are to demonstrate Crime Prevention Through Environmental Design (CPTED) principles, with surveillance from streets.
  9. Provision of green roofs, terraces and walls are encouraged.
  10. The City's arborists and Greening Sydney Strategy is to be considered with regard to tree species selection to maximise canopy and respond to changing climate.



**Figure 2:** Eastern site layout - through site-links, retail activation and access



**Figure 3:** Western site layout - through site-links, retail activation and access

## **Tower Massing, Setbacks and Envelopes**

### **Objectives**

1. The over station development is to be designed to integrate with the Hunter Street Sydney Metro Station so as not to compromise the operation or functionality of the Metro.
2. Towers are to be appropriately located to ensure good separation between tall buildings, across streets, maintain views to key heritage items, to the sky and create a sense of openness in the street.
3. Towers are to be designed to achieve comfortable street environments with high levels of daylight, appropriate scale and comfortable wind conditions.
4. Towers are to be designed to ensure the satisfactory distribution of built form and floor space
5. Variation to the maximum envelope described in this guide must demonstrate equal or better daylight and wind conditions in surrounding public places.

### **General Guidance**

1. Variation to setbacks may be permitted where:
  - a. a high quality urban design outcome will be achieved, through the preparation of a detailed urban design and options analysis, which demonstrates how the proposed massing is compatible with the context, and
  - b. equivalent or improved wind comfort, wind safety and daylight levels are achieved in adjacent Public Places (i.e. variation to massing is governed by achieving equal or better performance to the massing described in this Guideline), as detailed in Appendix A.
  - c. should the podium exceed the envelope defined in:
    - i. Figure 4: Western site – envelope setbacks, and
    - ii. Figure 6: Eastern site – envelope setbacksto accommodate station infrastructure or otherwise, the floor space ratio of the tower shall be adjusted accordingly and equivalent or improved wind comfort, wind safety and daylight levels are to be achieved in adjacent Public Places, as detailed in Appendix A
2. The final building design must be appropriately massed within the planning envelope, which is detailed to scale in Appendix C – Proposed Planning Envelope Drawings
3. The scale, massing and articulation of tower forms is to respond appropriately to the streetscape context, in particular heritage items.
4. Tower buildings are to enhance views to the sky and access to natural daylight from the surrounding public domain.
5. Side and rear boundaries are to include a minimum setback of 2 metres (clear to the top of the building), unless the façade does not feature windows or materials that require regular maintenance, or an easement exists for maintenance access over the adjoining land or the façade is accessible from a public place.
6. Any blank walls visible from the public domain are to be minimised, or screened with landscape or sculptural elements and encouraged to incorporate public art.

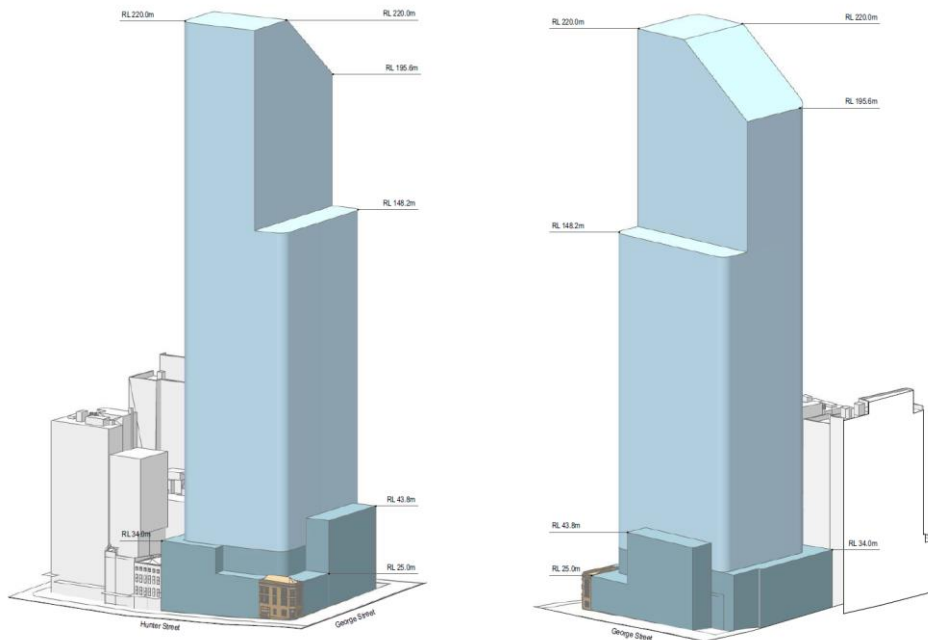
### **Guidance - Western Site**

1. Building massing, height, footprint and setbacks are to be consistent with Figure 4: Western site – indicative envelope setbacks. This envelope massing is the maximum permissible extent of the building form, the final building design must be appropriately massed wholly within this envelope.





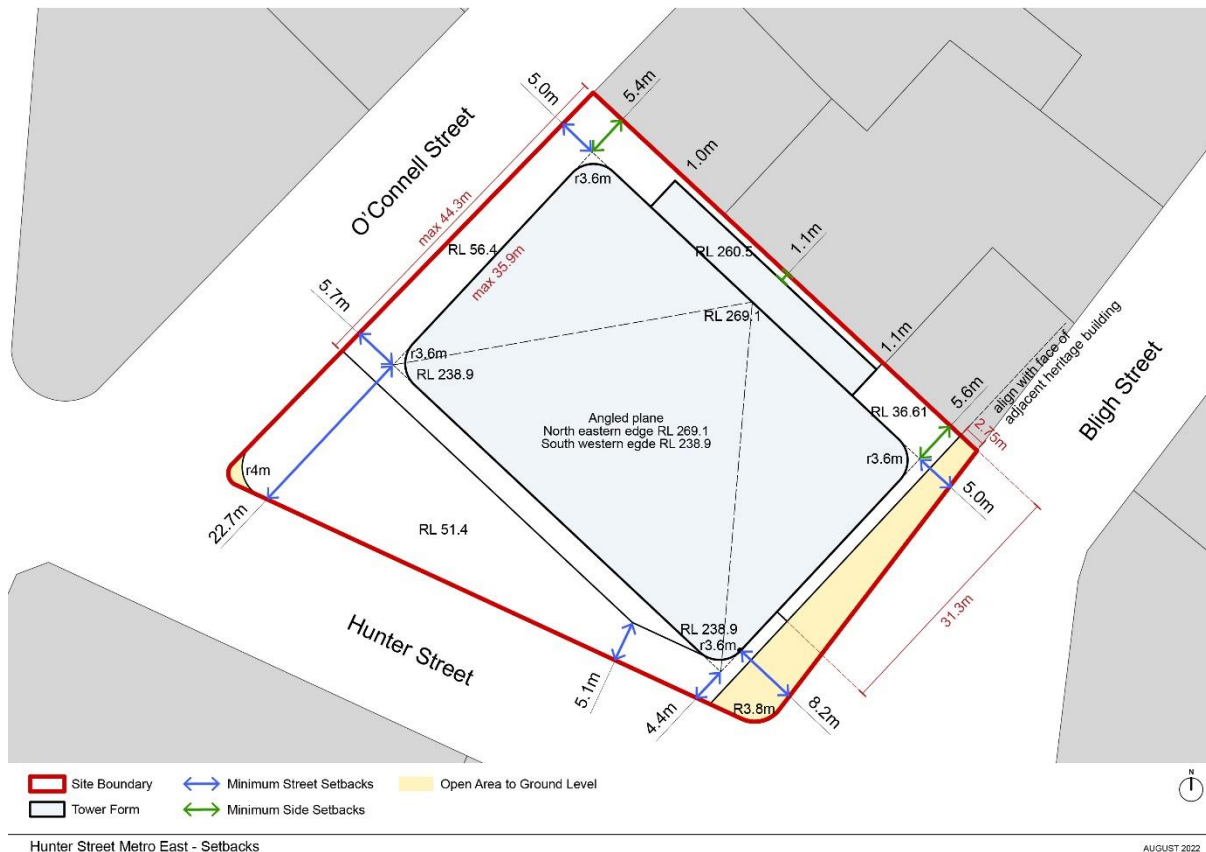
**Figure 4:** Western site – envelope setbacks



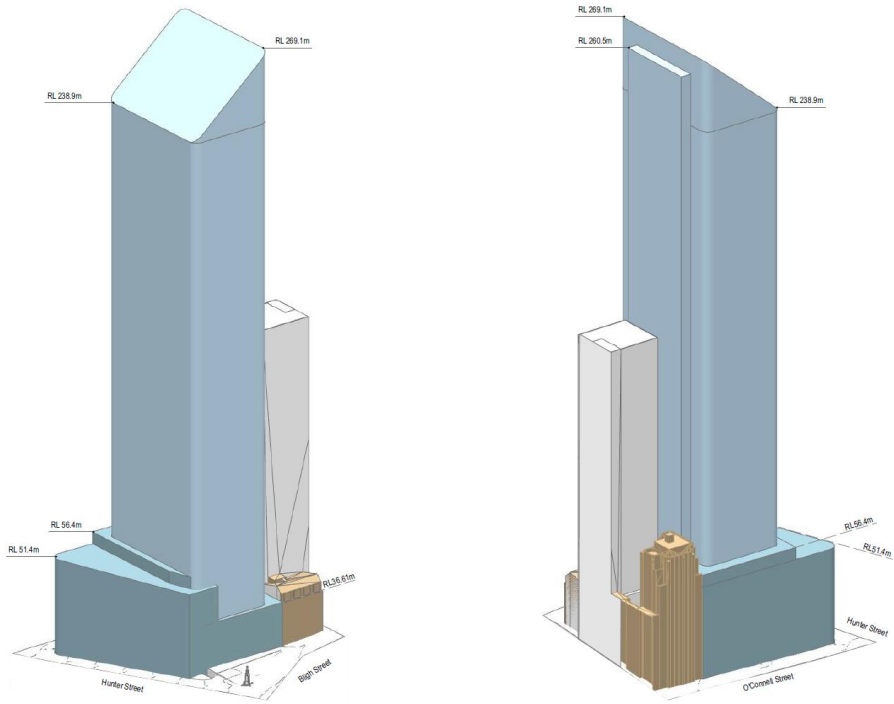
**Figure 5:** Western site – envelope massing (left – view from north west, right – view from south west)

## Eastern Site

1. Building massing, height, footprint and setbacks are to be consistent with Figure 6: Eastern site – envelope setbacks. This envelope massing is the maximum permissible extent of the building form, the final building design must be appropriately massed wholly within this envelope.
2. The tower setback on Hunter Street for the Hunter Street East development is to improve East – West visual connection with the sky and maintain the visibility of Australia Square (heritage item) as a tower in the round.



**Figure 6:** Eastern site – envelope setbacks



**Figure 7:** Eastern site – envelope massing

## Wind

### Objectives

1. Over station development is to deliver safe and comfortable wind conditions in surrounding public places.
2. The design of the over station development is to mitigate adverse wind conditions.

### Guidance

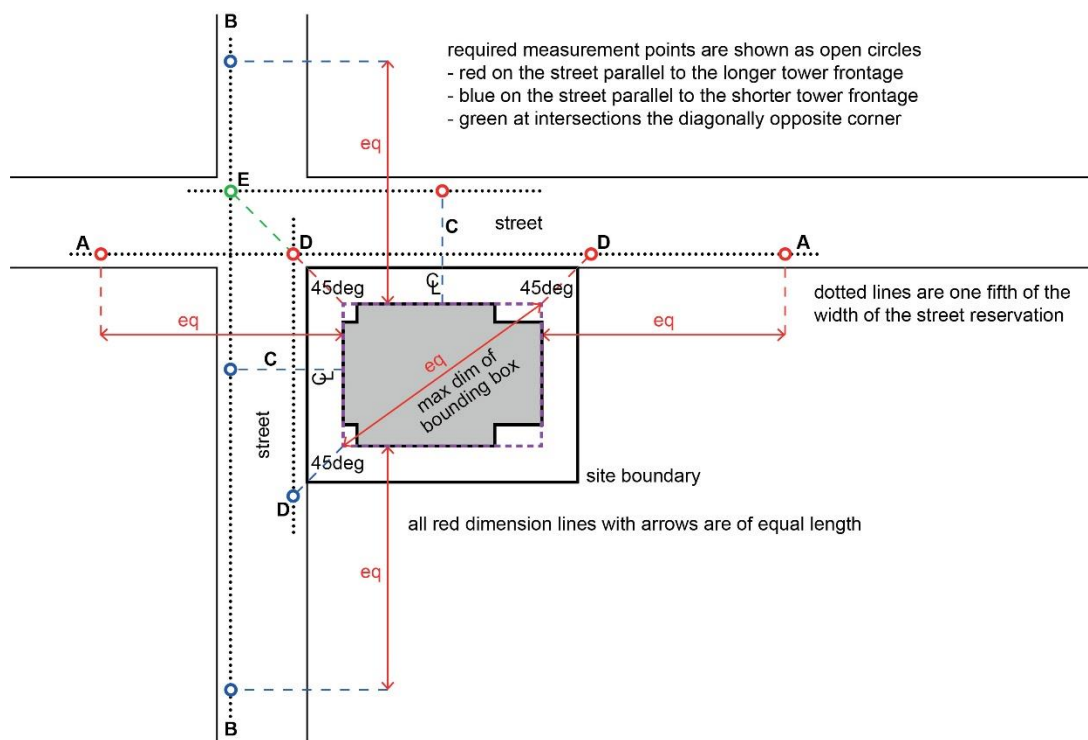
1. Development must create a comfortable wind environment that is consistent with the existing use or future intended use of the public domain, or wind comfort standards for sitting and standing.
2. Development must not:
  - cause a wind speed that exceeds the Wind Safety Standard, the Wind Comfort Standard for Walking and the Wind Comfort Standard for Sitting in Parks except where the existing wind speeds exceed the standard.
  - worsen, by increasing spatial extent and/or frequency and/or speed, an existing wind speed that exceeds the Wind Safety Standard, the Wind Comfort Standard for Walking and the Wind Comfort Standard for Sitting in Parks
3. The development application shall include a quantitative wind effects report must not exceed, or worsen an existing exceedance, of the relevant wind standards for the use of the adjacent public place as shown in Table 1: Relevant wind safety standards and criteria for adjacent public place uses.
4. A quantitative wind effects report must contain wind speed data:
  - a. for the existing built form, proposed built form, and any other options tested;
  - b. as tested at the least favourable locations. This may be subject to a peer review to confirm the least favourable locations have been selected;
  - c. as tested in areas such as bus stops, outdoor dining areas, major pedestrian crossings, building entries and other areas used by large numbers of people; and
  - d. subject to the geometry and orientation of the site, from wind testing points in accordance with Figure 8: Location of wind testing points.
5. The quantitative wind effects report is to present all wind testing data in a comprehensive table, containing:
  - a. existing, proposed and other building envelope wind conditions;
  - b. the wind comfort and wind safety conditions for each wind testing location; and
  - c. the wind speed that is exceeded for 5 per cent of relevant hours and the peak annual gust speed respectively; and
  - d. drawings of the options tested to scale with dimensions.
6. The quantitative wind effects report must include and test a development option that demonstrates compliance with the wind standards. Any wind mitigation measures cannot include tree plantings, vertical screens or other structures in public places. Consent will not be granted in circumstances where the wind report does not show compliance or notes potential compliance based on untested mitigation measures.

<b>Adjacent public place use</b>	<b>Standard</b>	<b>Criteria</b>
Any public place	Wind Safety Standard	Annual maximum peak 0.5 second gust wind speed in one hour measured between 6am and 10pm of <b>24 m/s</b>

Walking (e.g. footpath)	Wind Comfort Standard for Walking	Hourly mean wind speed, or gust equivalent mean wind speed (whichever is greater) for no more than 292 hours per annum measured between 6am and 10pm of no more than <b>8 m/s</b>
Standing (e.g. bus stops, retail, active frontages)	Wind Comfort Standards for Standing	Hourly mean wind speed, or gust equivalent mean wind speed (whichever is greater) for no more than 292 hours per annum measured between 6am and 10pm of no more than <b>6 m/s</b>
Sitting (e.g. outdoor dining, parks) note: Applies for development subject to a Sun Access Plane or No Additional Overshadowing controls	Wind Comfort Standards for Sitting	Hourly mean wind speed, or gust equivalent mean wind speed (whichever is greater) for no more than 292 hours per annum measured between 6am and 10pm of no more than <b>4 m/s</b>

**Note:** 292 hours is 5 per cent of all hours between 6am and 10pm each day over a year.

**Table 1:** Relevant wind safety standards and criteria for adjacent public place uses



**Figure 8:** Location of wind testing points

**Key:**

- A – Parallel to the longest faces of the tower component of the development
  - locate wind testing points on the near side of the street (along line marked as A)
  - set wind testing points at a distance from the tower equal to the longest diagonal dimension of the tower, or half its height, whichever is greater in both directions along the street.
- B – Parallel to the shorter faces of the tower component of the development

- locate wind testing points on the far side of the street (along line marked as B)
  - set wind testing points at a distance from the tower equal to the longest diagonal dimension of the tower, or half its height, whichever is greater in both directions along the street.
- C – At the centre line of each face of the tower component of the development locate wind testing points on the far side of the street at the extension of the tower centreline (along line marked as C)
- D – Locate wind testing points at 45 degrees from each corner of the tower component of the development on the near side of each surrounding street (at areas marked as D)
- E – If the testing locations above span across any street intersections locate a wind testing point on the far corner of the intersection that is diagonally opposite the corner closest to the subject site (marked as E)

**Terminology:**

- Near side of the street means points located one fifth of the overall width of the street reservation from the same side of the street.
- Far side of the street means points located one fifth of the overall width of the street reservation from the opposite side of the street.

## Heritage Objectives

1. The tower and podium are to be designed to respond to and protect the heritage significance of surrounding heritage items.
2. Podium alignments and datums are to match adjacent heritage items, where possible or when not achievable visual impacts of blank walls to be mitigated.
3. The tower and podium design are to maintain visual connections for adjacent heritage items and protect important heritage vistas.
4. Provide for the conservation and sympathetic adaptive reuse of the former Skinner Family Hotel building.

## Guidance

1. Tower forms are to enhance views from public places to significant heritage items.
2. The scale, massing and articulation of the tower and podium should respond to the context of the surrounding streetscape, particularly adjacent heritage items.
3. The facades of tower elements with a close relationship to nearby heritage items must be responsive in terms of facade depth, modulation, proportion and articulation, to reinforce the character of the heritage building and the continuity of the streetscape.
4. Podiums are to be predominantly masonry in character.
5. The development application is to be informed by consultation with Sydney Water and Heritage NSW to minimise any impacts on the Tank Stream.
6. A work method statement shall be prepared, which outlines the careful management of any works directly affecting or in the vicinity of the Tank Stream, this must include a heritage induction for all contractors and trades working on construction for the duration of the project.
7. A conservation management plan for the former Skinner Family Hotel shall be prepared by a suitable qualified heritage practitioner prior to the lodgement of a development application to inform any works to the State heritage item.
8. No new openings are to be made in the south and east walls of the former Skinner Family Hotel unless they will result in no reduction to heritage significance.
9. Any new insertions to service the former Skinner Family Hotel (such as lifts, fire egress, building services and plant equipment) shall be informed by the conservation management plan. Such insertions and additions must be detailed by an appropriately qualified heritage architect and located in areas of minimal significance to as to result in minimal heritage impact.
10. Development will provide a heritage interpretation overlay that will enhance the interpretation of the heritage of the site, including pre-colonial, colonial and post-colonial history.
11. Interpretative overlays within the over station development are to be provided in conjunction and integrated with other public domain overlays such as Public Art, landscape, wayfinding, and placemaking.

## **Public Art Objectives**

1. Ensure public art is integrated and cohesive with the design of the station, over station development and public domain, and recognise former uses, heritage character and first nations knowledge.
2. Deliver sustainable and essential infrastructure in creative and innovative ways through the use of public art.

## **Guidance**

1. Public Art is to be provided in accordance with the City of Sydney Guidelines for Public Art in Private Development and the Public Art Policy.
2. Any development application for new development on the site is to be accompanied by a Public Art Strategy consistent with the City of Sydney's Public Art Strategy, Public Art Policy, Guidelines for Public Art in Private Developments and Guidelines for Acquisitions and Deaccessions.
3. Incorporate high quality public art in publicly accessible locations, such as the through-site links and building lobbies to contribute to the identity and amenity of the over station development.
4. Where appropriate, public art should reference the history of the site, recognise former uses, heritage character and detail first nations knowledge.
5. Integrate public art into ecological sustainable and essential infrastructure.
3. Interpretative overlays within the over station development are to be provided in conjunction and integrated with public art and public domain overlays such as placemaking, wayfinding and landscaped elements.
4. Development is to include an overarching conceptual approach / curatorial rationale for the selection, commissioning and delivery of public art as part of future development applications in a way that ensures the strategic intent, vision, artistic integrity and quality of all public artworks is maintained throughout the process.



## **End of Journey, Cycle and Pedestrian Network**

### **Objectives**

1. Publicly accessible spaces are to prioritise pedestrians.
2. Prioritise pedestrian and bicycle movements in accordance with the station modal access hierarchy established by Transport for NSW.
3. To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.
4. Support the efficient distribution of additional patronage of Sydney Metro by creating opportunities for the dispersment of pedestrian traffic around the site.
5. Improve pedestrian movement and connectivity in the area with the provision of high quality, retail activated and safe through site links.

### **Guidance**

1. The entries to the over station development are to provide direct, sheltered (from rain and sun) and equitable access for pedestrians.
2. End of trip facilities and bicycle parking that is weather protected, secure and of an appropriate scale is to be provided for employees and visitors of the over station development.
3. End of trip facilities are to have separate street access that will not obstruct the safe passage of pedestrian from the station and over station development.
4. The entrance to the end of trip facilities on each site are not to be located on George Street or adjacent to the Metro station entry.
5. Bike parking for visitors is to be provided in an accessible location near a major public entrance to the development and is to be signposted.
6. Pedestrian modelling of surrounding footpaths is to use the NSW Walking Space Guide.

## Vehicle Access

### Objectives

1. Prioritise pedestrian movements to and around the sites.
2. Minimise conflict with pedestrians by consolidating site access for vehicles servicing the station and over station development.
3. Provide vehicle servicing areas to meet the needs of the over station development and station.
4. Encourage public transport use, walking or cycling in preference to private vehicles.
5. Provide limited, co-ordinated and managed vehicle access that contributes to the activation of the public domain and ensures pedestrian priority.
6. Deliver limited private vehicle parking on the eastern site.

### Guidance

1. Due to the sites' location with high accessibility by public transport services and strong connections to the walking and cycling network, on site car parking provision for the western site should consider any future pedestrianisation of the west end of Hunter Street by not providing parking for private vehicles on the western site that may cause potential conflicts with pedestrians.
2. Sufficient space is to be provided for on-site servicing, loading and waste collection before space is allocated for private vehicle car parking, specifically:
  - a. 20 servicing and loading spaces for the Eastern site, and
  - b. 18 servicing and loading spaces for the Western site.
3. Future development application shall be accompanied with a loading dock management plan detailing how a loading dock management system and manager will be employed in future development to ensure service vehicle movements will be allocated outside of peak pedestrian periods. This is to include consideration of off-site freight consolidation and supply chain management.
4. The vehicle access point to each site is to be located in accordance with Figure 2: Eastern site layout - through site-links, retail activation and access and Figure 3: Western site layout - through site-links, retail activation and access. Vehicle access points shall be located away from intersections and key public spaces and utilise the natural topography to minimise the impact on the public domain and station.
5. Vehicular access is to be designed and managed to give priority pedestrian movement and to protect pedestrian safety.
6. Vehicle access and egress is to be designed as a single lane crossing the footpath with a maximum width of 3.6 metres and designed to ensure any queuing is contained internally within the site so vehicles do not queue across footpaths.
7. A minimum of 1 car share scheme space per 25 on-site car parking spaces is to be made available.
8. Car share parking spaces are to be provided in addition to the maximum number of car parking spaces permitted in the development.

## Water and Flood Management

### Objectives

1. Minimise risk to life from flooding due to development
2. Minimise risk of flood damage to property and infrastructure
3. Encourage the creation of active frontages to buildings that are resilient to flood impacts and maximise streetscape amenity.
4. Reduce extent of damage and support resilience and recovery from flooding events
5. Ensure development minimises the impact of stormwater and flooding on existing or planned development and the public domain both during and after a flood event.
6. Ensure stormwater is managed to minimise flooding.
7. Ensure an integrated approach to water management across the City by using water sensitive urban design principles.
8. Encourage sustainable water management practices that protects flora and fauna.
9. Ensure stormwater is managed to reduce the effects of pollution on waterways.
10. Ensure development on flood prone land does not adversely impact upon the aesthetic, recreational and ecological values of waterways.
11. Ensure water captured on-site is fit for purpose.

### Provisions

#### Flood planning levels

1. Development must provide floor levels at entries that comply with the minimum flood planning levels specified in Table 2.

Development Description		Flood planning level
Commercial Premises	Business premises	Minimum 1% AEP flood level Flood compatible materials below 1% AEP or below 1% AEP plus 0.5 m, where 1% AEP flood depth is greater than 0.25m
	Office Premises or places where valuables are stored	Minimum 1% AEP flood level Flood compatible materials below 1% AEP plus 0.5 m, where 1% AEP flood depth is greater than 0.25m
	Retail Premises	Minimum 1% AEP flood level Flood compatible materials below 1% AEP plus 0.5 m, where 1% AEP flood depth is greater than 0.25m Notwithstanding the above, without increasing risk to life, a reasonable balance between flood protection and urban design outcomes for the street must be demonstrated.
Critical Facilities	Critical Facility Floor Levels	1% AEP flood level + 0.5m or the PMF, whichever is higher
	Access to and from critical facility within development site	1% AEP flood level
Basement Areas	Basement Area car park – more than two car spaces	1% AEP flood level + 0.5m or the PMF (whichever is higher)
	Non-car park uses in basement areas	1% AEP flood level + 0.5m or the PMF (whichever is higher)

**Table 2:** Relevant flood planning levels by development type

**Note:** Where more than one flood planning level applies, the higher requirement prevails.

**Note:** For below ground development, including basements and car parks, the flood planning level control means the minimum level at each access point and any openings where flooding ingress could occur.

### Design to reduce risk and hazard

#### *Electrical and mechanical services*

1. Electricity supply and metering equipment is to be located above the designated flood planning level.
2. Electrical supply must be able to be fully isolated at the main switchboard.
3. All wiring, switches and connections are to be located above the flood planning level unless they are designed for continuous underwater immersion.
4. Building sections below the flood planning level are to be provided with separate light and power circuits.
5. Earth leakage circuit-breakers (core balance relays) or residual current devices are to be installed.
6. Only submersible type splices are to be used on circuits below the flood planning level.
7. All electricity conduits are to be designed to be self-draining.
8. The circuitry in the building shall be designed to ensure that there is no risk to life in flood events up to and including the PMF.

#### *Heating and air conditioning systems*

1. Heating and air conditioning systems are to be installed in areas and spaces above the flood planning level.
2. Heating systems using gas or oil as a fuel are to have a manually operated valve located in the fuel supply line to enable fuel cut-off.
3. The heating equipment and related fuel storage tanks are to be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line.
4. Fuel tanks are to be vented above the flood planning level.
5. All ductwork below the flood planning level is to be provided with openings for drainage and cleaning and include a closure assembly operated from above the flood planning level when ductwork passes through a water-tight wall or floor.

#### *Active or moving flood control devices or systems, including flood doors and barriers*

1. Flood control devices or systems are not permissible except where:
  - a. all other passive structural flood mitigation options, including design, have been explored and documented and council is satisfied that none of the options can be implemented;
  - b. where other options cannot be implemented and it is required to satisfy a mandatory planning and/or construction code requirement, so the development may proceed; and
  - c. the area requiring the protection of a devices or system is to be minimised through design, for example, changes to internal layout, reduced parking or floor levels.
2. Flood controls devices or systems will not be approved for the primary purpose of protecting parking areas.
3. Flood control devices or systems must be designed to withstand flood-related forces including hydrostatic load and dynamic load and impacts in a probable maximum flood event.

4. Flood control devices or systems must be certified by an appropriately experienced engineer registered on the National Engineers Register (NER).
5. Flood control devices or systems are required to be integrated into relevant openings of a building to descend from above or ascend from below to exclude floodwater.
6. Automatic closure of flood control devices or systems is required, together with an anti-opening mechanism to prevent them from being opened in a flood event.
7. Appropriate safety measures are required to support the operation of the flood control devices or systems, including, but not limited to:
  - a. an independent back-up power supply, to be used in the event of a power failure;
  - b. audible and visual alarm systems to warn of the operation of the flood doors and barriers. The alarm system must be linked to the building management system which indicates the status of the failsafe operation and back-up supply power;
  - c. flood sensors linked to the alarm system to provide information on the status of the operation of the flood control devices or systems; and
  - d. passenger lift programming is to ensure that the lift is deactivated when flood doors and barriers are activated.
8. A Plan of Management is required to accompany an application that includes flood control devices or systems. The plan must be assessed and approved concurrently with the application.
9. The Plan of Management is to:
  - a. provide comprehensive details about the flood control devices or systems, including, but not limited to, all safety measures as required by this DCP;
  - b. the site and locality details in relation to the risk of flooding, including appropriate maps;
  - c. location and operation of flood sensors
  - d. emergency plan for egress in the event of a flood event which includes:
    - i. a map directing users of the building to a suitable location;
    - ii. describe the alarm systems, details and location of flood sensors; and
    - iii. operation of lifts if they are located in a flood affected area of the building;
  - e. a plan for the how the flood control device or system is to be appropriately maintained and managed over the life of the development;
10. If approved a condition of consent will require compliance with the approved Plan of Management.

#### Drainage and stormwater management

1. Drainage systems are to be designed so: (a) stormwater flows up to the 5% annual exceedance probability event are conveyed by a minor drainage system; and (b) stormwater flows above the 5% annual exceedance probability event are conveyed by a major drainage system.
2. Development must demonstrate how the major drainage system addresses any site-specific conditions and connects to the downstream drainage system.
3. Development must demonstrate upstream and downstream natural flow paths are maintained to existing conditions.
4. Major drainage systems are to be designed so that ensures that public safety is not compromised.
5. Minor drainage flows from the development site are to be designed to comply with the Sydney Streets Technical Specification.

6. Where the proposed development is located on a floodplain, high level overflows are permitted for roof drainage systems where the overflow is set above the 1% annual exceedance probability level.
7. Discharge to the kerb and gutter is to be in accordance with the Sydney Streets Technical Specification.
8. Connection to existing stormwater infrastructure is not to reduce the capacity of that infrastructure by more than 10%, otherwise an on-site stormwater detention or retention system is to be provided.
9. The post development run-off from impermeable surfaces (such as roofs, driveways and paved areas) is to be managed by stormwater source measures which:
  - a. contain frequent low-magnitude flows;
  - b. maintain the natural balance between run-off and infiltration;
  - c. remove some pollutants prior to discharge into receiving waters;
  - d. prevent nuisance flows from affecting adjacent properties; and
  - e. enable appropriate use of rainwater and stormwater.
10. Post-development stormwater volumes during an average rainfall year are to be:
  - a. 70% of the volume if no measures were applied to reduce stormwater volume; or
  - b. the equivalent volume generated if the site were 50% previous, whichever results in the greater volume of detention required.
11. Stormwater detention devices are to be designed to ensure that the overflow and flow path have sufficient capacity during all design rainfall events, discharge to the public stormwater system without affecting adjoining properties, and are free of obstructions, such as fences.
12. Where infiltration and bio-retention devices are proposed, they are to be designed to capture and provide temporary storage for stormwater.
13. Car parking areas and access aisles are to be designed, surfaced and graded to reduce run-off, allow stormwater to be controlled within the site, and provide for natural infiltration of stormwater runoff through landscaping.

#### Stormwater quality

1. A stormwater quality assessment must be undertaken to demonstrate the development will achieve pollutant load standards indicated below:
  - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
  - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
  - c. reduce the baseline annual pollutant load for total phosphorous by 65%; and
  - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

#### Water re-use, recycling and harvesting

1. Development proposals that seek to re-use water runoff from paved surfaces for irrigation and wash down purposes are to incorporate measures into the design of the development that will treat the water to ensure that it is fit for this purpose
2. Where there is a commitment to provide a recycled water network, it is recommended the over station development is constructed to be capable of providing a dual reticulation water system for water services and be capable of fully connecting to a non-potable recycled water network and configured to supply all toilets, washing machine taps, car wash bays, cooling towers and irrigation usage.

## Waste Management

### Objectives

1. Reduce the amount of construction and demolition waste going to landfill and maximise reuse of materials for construction.
2. Ensure sufficient space is provided for the separation, management and storage of waste to maximise resource recovery.
3. To minimise the amount of waste generated in the operation of a development from going to landfill and maximise resource recovery.
4. Ensure waste from within developments can be collected and disposed in a manner that is healthy, safe, efficient, minimises disruption to amenity, and is conducive to the overall minimisation of waste generated.
5. To meet and exceed NSW Government and City of Sydney resource recovery and waste avoidance targets.
6. To meet and exceed the City of Sydney's *Guidelines for Waste Management in New Developments*.
7. To enable the safe and efficient collection and transport of waste and recycling from the precinct.
8. To embed and deliver circularity in the use of resources and materials.
9. To support building longevity beyond their original intended use.

### Guidance

1. All developments must comply with the City of Sydney's *Guidelines for Waste Management in New Developments*.
2. Development is to provide adequate space within buildings for onsite waste infrastructure, source separated streams, including general waste, recycling, organics, bulky and problem waste and accessibility for the safe and efficient transfer and collection of waste.
3. A Waste and Recycling Management Plan is to be submitted with any Development Application and will be used to assess and monitor the management of waste and recycling during construction and operational phases of the proposed development. This plan is to be prepared in accordance with the City of Sydney's *Guidelines for Waste Management in New Developments*.
4. The Waste and Recycling Management Plan must include the following with regard to the management of demolition and construction waste:
  - Details regarding how waste is to be minimised during the demolition and construction phase.
  - Estimations of quantities and types of materials to be re-used or left over for removal from the site.
  - Details regarding the types of waste and likely quantities of waste to be produced.
  - A site plan showing storage areas away from public access for reusable materials and recyclables during demolition and construction and the vehicle access to these areas.
  - Targets for recycling and reuse.
  - Nomination of the role responsible for ensuring targets are met and the person responsible for retaining waste dockets from facilities appropriately licensed to receive the development's construction and demolition waste.
  - Confirmation that all waste going to landfill is not recyclable or hazardous.
  - Measures to reuse or recycle at least 90% of construction and demolition waste.
5. The ongoing/occupation Waste and Recycling Management Plan is to address and include:

- (a) Estimates of waste and recycling that will be generated and the number of bins and collection frequency to manage the waste generated;
  - (b) Plans and drawings of the proposed development that show:
    - i. The location and space allocated to the waste and recycling management systems;
    - ii. The nominated waste collection point/s for the site; and
    - iii. The path of access for users and collection vehicles.
  - (c) Details of the ongoing management of the store and collection of waste and recycling, including responsibility for cleaning, transfer of bins between storage areas and collection points, maintenance of signage, and security of storage areas; and where appropriate to the nature of the development, a summary document for tenants and residents to inform them of waste and recycling management arrangements.
  - (d) Development is to include a separate space in a room or screened area for the storage and management of bulky waste (this can include furniture, mattresses and stripout waste) and problem waste (this can include lightbulbs and electronic waste) for recycling collection.
6. Development is to provide a loading area, vehicle access and parking adequately sized to meet servicing needs of all buildings/developments served by the loading facilities.
  7. Development is to identify and consider building and or precinct-scale solutions to maximise resource recovery including onsite separation of food waste.

#### Waste Collection and loading

1. Waste collection and loading is wholly accommodated onsite.
2. Any waste collection and loading point is designed to:
  - a. Allow waste collection and loading operations to occur on a level surface away from vehicle ramps;
  - b. Provide sufficient side and vertical clearance to allow the lifting arc for automated bin lifters to remain clear of any walls or ceilings and all ducts, pipes and other services
3. Vehicle access for waste collection and loading provides for:
  - a. at a minimum, a 9.25m Council garbage truck and a small rigid delivery vehicle
  - b. minimum vertical clearance of 4.0 metres clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle
  - c. collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes
  - d. maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end
  - e. a minimum driveway width of 3.6m
  - f. a minimum turning circle radius of 10.5m
4. Where vehicle access is via a ramp, design requirements for the gradient, surface treatment and curved sections are critical and must be analysed at an early stage in the design process.

#### Circular economy and materials

1. Development seeks to maximise re-used material or material from a renewable source in construction.



2. Development is capable of delivering a low-emissions approach to the construction of the precinct and its embodied carbon impacts.
3. Buildings are designed to be capable of accommodating alternative future uses beyond conventional office-based workplaces.
4. The development must provide space for circular economy infrastructure.

## Environmentally Sustainable Design (ESD)

### Objectives

1. Minimise energy and water use and waste generation
2. Maximise on-site renewable energy generation, water re-use and waste recycling.
3. Contribute towards the establishment of an integrated transport hub that contributes towards improved connectivity.
4. Reinforce Sydney's global standing through significant improvements to public transport accessibility.
5. Ensure development is consistent with best practice performance benchmarks for ecologically sustainable development, minimises embodied and operational carbon emissions, delivering net zero energy operation.

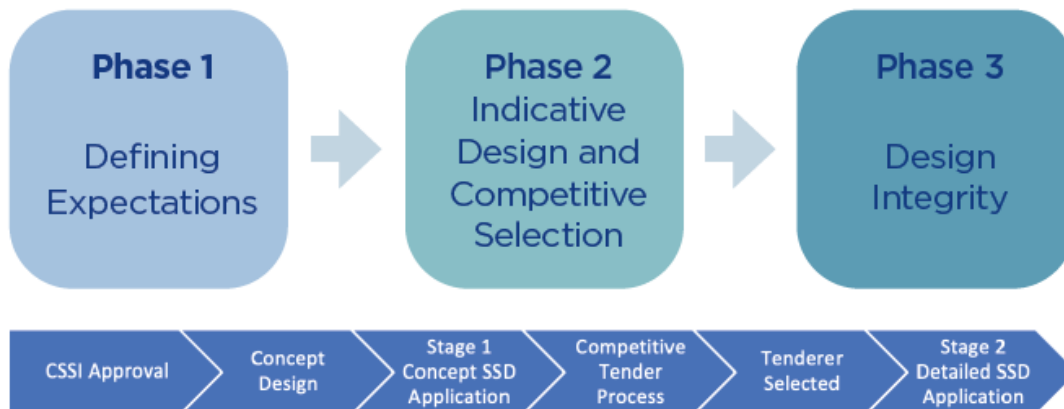
### Guidance

1. Development is to achieve the following minimum ratings:
  - 6 star Green Star Buildings rating – Climate Positive Pathway
  - 6 star NABERS Energy for Offices – without GreenPower
  - 4.5 star NABERS Water for Offices
2. All development is to be designed to maximise passive design approaches including provision of balanced window to wall ratios and high levels of external sun shading.
3. Developments must provide a sustainability strategy that considers the Planning for net zero energy buildings and its guidance on embedding energy efficiency measures and supplying on-/ off-site renewable energy to set a path to net zero.
4. Commercial development is to deliver a 40% reduction in annual water consumption.
5. The consent authority must be satisfied that office development is capable of achieving net zero energy for the base building prior to commencing use through achievement of:
  - a. 6.5 Star NABERS Energy Commitment Agreement + 25%; or
  - b. certified Green Star Buildings rating with a "credit achievement" in Credit 22: Energy Use; or
  - c. a maximum of 45 kWh/yr/m<sup>2</sup> of GFA and
  - d. renewable energy procurement for a period of at least 5 years equivalent to "net zero energy":For clarity, development must be demonstrated to be capable of achieving (d) and either (a), (b) or (c).
6. In this sub-section:
  - a. net zero energy means the development consumes no more energy than is provided by a combination of:
    - i. renewable energy generated on-site, and/or
    - ii. renewable energy sourced/procured from off-site sources. In this definition, energy includes gas, electricity and thermal energy, and excludes diesel used for emergency back-up generation. Other emissions, such as those from refrigerants, are not included.
  - b. renewable energy means energy that comes from natural resources such as sunlight, wind and rain that are renewable (naturally replenished).
7. The development is to be designed to include the following environmental performance and features:
  - a. GreenStar Building – achieves 6 star;

- b. only electrically powered plant and equipment be used for all parts of the existing and proposed development including replacement of all existing plant and equipment except for back-up generators;
  - c. all plant and equipment to use only natural refrigerants where possible or refrigerants with global warming potential (GWP) of not more than 10 for central chilled water generating plant, or not more than 700 for unitary equipment;
  - d. electricity sub-metering metering is to be provided for light, air conditioning and power within each floor and/or tenancy;
  - e. integrated façade photo-voltaic panels where feasible;
  - f. operational and embodied carbon emissions – provide an operational and embodied carbon emissions integrated design options report that demonstrates how operational and embodied carbon emissions have been minimised over the lifecycle of development through options analysis, including but not limited to, structural optimisation to reduce material volumes relative to a tower with an 8m structural grid, optimisation of use of low embodied carbon materials and optimisation of external shading and window to wall ratios (benchmarked against a 50% ratio with high levels of shading, high R value and low embodied carbon wall construction);
  - g. include space allocation and infrastructure to enable daily management of all on-site organic waste including separation, storage and either onsite composting or collection and transfer to organic waste processing facility.
8. Design and performance and features in (1) and (3) are to be referenced in City of Sydney *Design for Environmental Performance Template* submitted with the detailed development application.
9. Minimal private vehicle car parking on the eastern site and zero car parking spaces on the western site is strongly encouraged.

## Design Excellence

This site-specific over station development design guideline complements the Sydney Metro West Design Excellence Strategy (the Strategy), which includes Hunter Street Station. Integrated station development and station designs are very complex and must be tightly integrated below, above and at ground level. Designs also need to respond to site constraints including location, topography and configuration. The over station development above the station will be integrated with critical state significant station infrastructure below. This design guideline outlines the process future OSD must follow to demonstrate that design excellence has been achieved for the development.



**Figure 9:** Design Excellence Strategy for Integrated Station Developments

The Sydney Metro West Design Excellence Strategy follows a three-phase process and is comprised of the following elements:

- **Sydney Metro Design Advisory Panel (DAP):** The DAP guides the preparation of precinct masterplans, concept designs for the station infrastructure and integrated property developments and reference designs for CSSI, planning proposals and concept SSD applications for integrated station development.
- **Design Review Panel (DRP):** The DRP provides independent, design review advice of stations and interchange areas, ancillary facilities and integrated station development throughout procurement and delivery stages of stations and development. The DRP will be reconvened after the competitive selection process has been completed. The DRP will provide on- going design review advice of the station design and over station development in the Design Integrity phase.
- **Design Excellence Evaluation Panel (DEEP):** The DRP will delegate the responsibility of design review/evaluation during tender and procurement to the DEEP. The DEEP will be established to provide an independent evaluation of the Hunter Street integrated station development proposals to support design excellence. The DEEP provides advice to tenderers on the capability of achieving design excellence and informing the decision making process.

## Objectives

1. The over station development is undertaken in accordance with the Sydney Metro West Design Excellence Strategy.
2. Establish a competitive selection process that ensures:

- a. the development will exhibit design excellence;
  - b. the Sydney Metro design excellence approach delivers high quality architectural, urban and landscape design outcomes and a structured process ; and
  - c. procedural fairness for competitive tenderers.
3. Provide consistency of design excellence approach across the Sydney Metro West line, notwithstanding the specific local government area that each station may be located within.

## **Process**

1. Sydney Metro establishes a Design Advisory Panel (DAP) to embed design excellence and introduce rigour in design development across the Sydney Metro West Hunter Street sites.
2. The DRP must be established prior to the commencement of the competitive selection process. The role of the Sydney Metro West DRP is to provide independent design review advice of stations and interchange areas, ancillary facilities and integrated station development throughout procurement and delivery stages of stations and development. The constitution of the DRP, including panel, size and membership, and terms of reference is to be determined in consultation with Government Architect NSW. The DRP is to include a member nominated by the City of Sydney.
3. The DEEP must be consulted in the preparation of the competitive tenders for the Hunter Street integrated station development. DEEP members will comprise design experts who are recognised as advocates for design excellence and may be drawn from members of the DRP. The DEEP will be chaired by GANSW or their nominee and will include a member nominated by the City of Sydney.
4. In considering the tender submissions for the Hunter Street integrated station development the DEEP must evaluate whether each competitive tender submission demonstrate the capability to achieve design excellence in accordance with the relevant matters for consideration in clause 6.21C of the Sydney Local Environmental Plan 2012.
5. The advice and/or recommendations of the DEEP on the final competitive tender submissions must be documented in a Design Excellence Report. The report will provide a summary of each tender's design including an overview of the assessment and design merits. Should the potential to achieve design excellence not have been demonstrated through one or more competitive tender submissions, the DEEP must identify the areas in which the proposal is deficient and why these matters cannot foreseeably be resolved.
6. Prior to the lodgement of any detailed design of OSD for the land, the applicant must prepare a Design Integrity Report that is by the DRP, that demonstrates how the advice of the DRP and the DEEP has been incorporated into the proposed development and that design excellence can be achieved on the site.
7. No additional floor space or building height under Clause 6.21D(3) or Clause 6.21E of the Sydney Local Environmental Plan 2012 is to be awarded as a result of this competitive selection process.
8. In addition to and separate from the City of Sydney nominated member of the DRP, the City of Sydney may nominate an observer(s) to the Design Review Panel.
9. Tender submissions are to support diversity of design teams and city making opportunities by including design teams with:

- a. demonstrated capability in design excellence by being the recipient of an Australian Institute of Architects (AIA) award or commendation, or in the case of overseas design teams, the same with their equivalent profession.
  - b. a breadth of local, international, small scale, medium scale and emerging architectural firms.
10. Sydney Metro will encourage partnering of non-TAO firms with TAO firms to enable participation of a wide range of design firms with diverse design approaches, representing design excellence in fields outside of rail development.
  11. Each Hunter Street Metro site (east and west) must be designed by a different architectural firm.
  12. Successful tenderers are to retain their design team through to delivery.

## Appendix A

### Schedule 12 of the Sydney Development Control Plan 2012

Variations to setbacks detailed in Figure 4: Western site – envelope setbacks, Figure 5: Western site - envelope elevations, Figure 7: Eastern site – indicative envelope setbacks and Figure 8: Eastern site – envelope setbacks may be permitted where:

- a. a high quality urban design outcome will be achieved, through the preparation of a detailed urban design and options analysis, which demonstrates how the proposed massing is compatible with the context, and
- b. equivalent or improved wind comfort, wind safety and daylight levels are achieved in adjacent Public Places (i.e. variation to massing is governed by achieving equal or better performance to the massing described in this Guideline), as detailed in Procedure B.

#### Procedure B:

#### Equivalent or improved wind comfort and wind safety and daylight levels in adjacent Public Places

Procedure B is used for demonstrating compliance in regards to varying Minimum Street Setbacks, Side and Rear Setbacks, Street Wall Height, Building Form Separations and Tapering provisions.

While usually a base case model is prepared which meets all the requirements set out for Procedure B, in this context the base case is determined to be the envelopes provided for in these Guidelines. It should be noted that these envelopes have been tested in their preparation to be equivalent to the base case model that was tested to establish the minimum performance benchmarks for daylight levels (or sky view factor) and wind comfort and safety in public places adjacent to the site. The alternative building envelopes are tested for equivalence against these performance benchmarks.

The base case model (envelopes contained in these Guidelines) and any proposed alternative building envelopes are tested, with the results of this performance benchmark equivalence testing used to demonstrate that the proposed alternative envelopes perform better than the base case in relation to daylight levels (or sky view factor) and wind performance. This informs the suitability of proposed variations to the setbacks, street wall height, building form separation and tapering controls in relation to measurable daylight (or sky view factor) and wind performance.

Any proposed building envelope needs to demonstrate that a high quality urban design outcome will be achieved through the preparation of a detailed urban design and options analysis that demonstrates how the proposed massing is compatible with the context, and is in accordance with all the relevant controls.

#### 1. Model Testing

The wind and daylight testing of the base case model and alternative building envelopes are to include measurements in public places for a distance of at least 50m and no more than 100m from the site boundary. The tests must exclude any elements within a Public Place (e.g. trees and awnings) and must satisfy the following requirements for wind and daylight (or sky view factor):

- a. Wind: wind speeds are defined by Section 5.1.9 Managing Wind Impacts, Sydney DCP 2012 for comfort and safety.

Wind speeds must be measured within the existing city form and be distributed evenly across the surrounding public places and include testing locations in areas where wind speeds are likely to change as determined by a wind report.

- b. Daylight Factor: the average annual daylight level (which may be approximated by the average Sky View Factor) and should be measured on a 1m grid.
  - i. Daylight Factor is the percentage of available daylight, on a daily basis, throughout the year.

Daylight Factor is weighted by the daily availability of light (assuming an open environment), to account for variations in amount of light throughout the year, rather than an average annual quantum of daylight.

To calculate the Daylight Factor: simulate the available direct and diffuse illuminance that reaches the ground level of the adjacent public places each day for a typical year for the base case and alternative building envelopes and express them as daily percentages of the maximum available daylight in an equivalent open environment for each day. The daily percentage factors are then averaged to give a single Daylight Factor value for each option. These Factors can then be compared.

The daylight calculations are to include consideration including the directionality of sunlight, diffuse daylight access, seasonal weather variation, and typical luminance variation of the sky.

- ii. Sky View Factor (SVF) is the extent of sky observed above a point as a proportion of the total possible sky hemisphere above the point. SVF is calculated as the proportion of sky visible when viewed from the ground (as an abstract horizontal surface) up. SVF is a dimensionless value that ranges from 0 to 1. A SVF of 1 denotes that the sky is completely visible to the horizon in all directions; for example, in a flat terrain. When a location has topography or buildings blocking view to any part of the sky, it will cause the SVF to decrease proportionally.

Because SVF measures the whole sky hemisphere and only a small fraction of the sky will be subject to change as part of a development the SVF must be resolved at a high resolution to detect the change. This is an inherent feature of the SVF measure. This means that the sky must be subdivided into more than 5000 equal areas for final SVF calculations but also that the difference in SVF may appear small particularly when averaged over a large area.





**Figure 12.1.10** Sky View Factor means the extent of sky observed above a point as a proportion of the total possible sky hemisphere above the point

## 2. Equivalence reporting

All data that is relied on for equivalence testing must form part of the report including individual data points as tables and model geometries for the base case and alternative building envelopes. These must be described with sufficient dimensions to allow for the equivalent model to be created by a third party for checking.

- a. For wind: the 5% exceedance comfort wind speed values in metres per second must be averaged and compared. The comfort categories are not relevant in demonstrating equivalence.

Note that the proposed alternative building envelopes must both demonstrate equivalence and also not cause wind speeds that exceed comfort or safety standards or cause worsening of existing exceedances.

Note: if the equivalence testing shows new or worsened exceedances of the comfort or safety standards, additional wind tunnel testing will be required to show how these exceedances can be mitigated. This testing may include modelling of awnings consistent with DCP requirements.

- b. For daylight (or SVF): the factors are averaged and the single resultant values compared.

In this document “equivalent” wind speed and daylight/SVF is to be understood as very slightly “better than” at a high level of accuracy. For example a SVF of 0.10001 is equivalent to a SVF of 0.10000 by being very slightly better than it.

Authors of equivalence reports must note that while daylight and wind equivalence is essential, any proposal must still be supported by a detailed urban design and options analysis to demonstrate that a high quality urban design outcome will be achieved, and the proposed massing is compatible with the context.

## Appendix B

### Definitions

*Annual Exceedance Probability (AEP)* means the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. 1% AEP flood is approximately equal to 1 in 100-year Average Recurrent Interval (ARI) flood event (or simply 100-year flood). It has 1% chance to occur in a given year.

*Basement Areas* means the space of a building which is partially or entirely below the adjacent finished ground level and enclosed from four sides. Basement Areas are areas where the means of drainage of accumulated water from the lowest point in the basement to the street drainage system is not possible.

*Critical Facilities* means hospitals and ancillary services, communication centres, emergency services organisation, major transport facilities, sewerage system plant, electricity generating works, any installations containing critical infrastructure control equipment, and any operational centres for use in a flood.

*Design Flood (or designated flood or flood standard)* means a flood of specified magnitude that is adopted for land use planning or any other flood risk mitigation purposes. Selections should be based on an understanding of flood behaviour and the associated flood risk, and take account of social, economic and environmental considerations. There may be several design floods for an individual area depending on the requirement.

*Enclosed Car Park* means a ground level hard stand area located off-street that is constrained or fenced along some or all of its perimeter and may or not be open to the sky and is designed for the temporary storage of motor vehicles.

*Flood* means a relatively high stream flow that overtops the natural or artificial banks in any part of a stream, channel, river, estuary, lake or dam, and/or Local Overland Flooding associated with major drainage as defined by the NSW Floodplain Development Manual (FDM) before entering a watercourse, and/or coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunami.

*Floodplain* means the area of land which is subject to inundation by floods up to and including the probable maximum flood (PMF) event.

*Flood prone land* means land that is subject to mainstream or local overland flow flood risk.

*Flood Planning Area (FPA)* means the area of land below the flood planning level (FPL) and thus subject to flood related development controls.

*Flood planning level (FPL)* means the combinations of flood levels and freeboards selected for floodplain risk management purposes, as determined in flood studies and floodplain risk management studies and plans.

*Floodplain Risk Management Plan (FRMP)* means a plan prepared for one or more floodplains in accordance with the requirements of the FDM or its predecessor.

*Freeboard* means a factor of safety expressed as the height above the design flood level. Freeboard provides a factor of safety to compensate for uncertainties in the estimation of flood levels across the floodplain, such as wave action; localised hydraulic behaviour and impacts that are specific event related, such as levee and embankment settlement;

cumulative impacts of fill in floodplains and other effects such as changes in rainfall patterns as a result of climate change.

*Local Overland Flooding* or *Local Overland Flow Path* occurs where the maximum cross-sectional depth of minor flooding in the local overland and adjacent to the site is less than 0.3 metres for the 1% AEP.

*Mainstream Flooding* means inundation of normally dry land occurring when water overflows the natural or artificial banks of a drainage channel, piped trunk drainage system, stream, river, estuary, lake or dam. Mainstream flooding occurs where the Local Overland Flow Path criteria cannot be satisfied.

*Open Car Park* means a ground level hard stand area located off-street that has an unconstrained or unfenced perimeter and is designed for the temporary storage of motor vehicles.

*Probable Maximum Flood (PMF)* means the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

## **Appendix C**

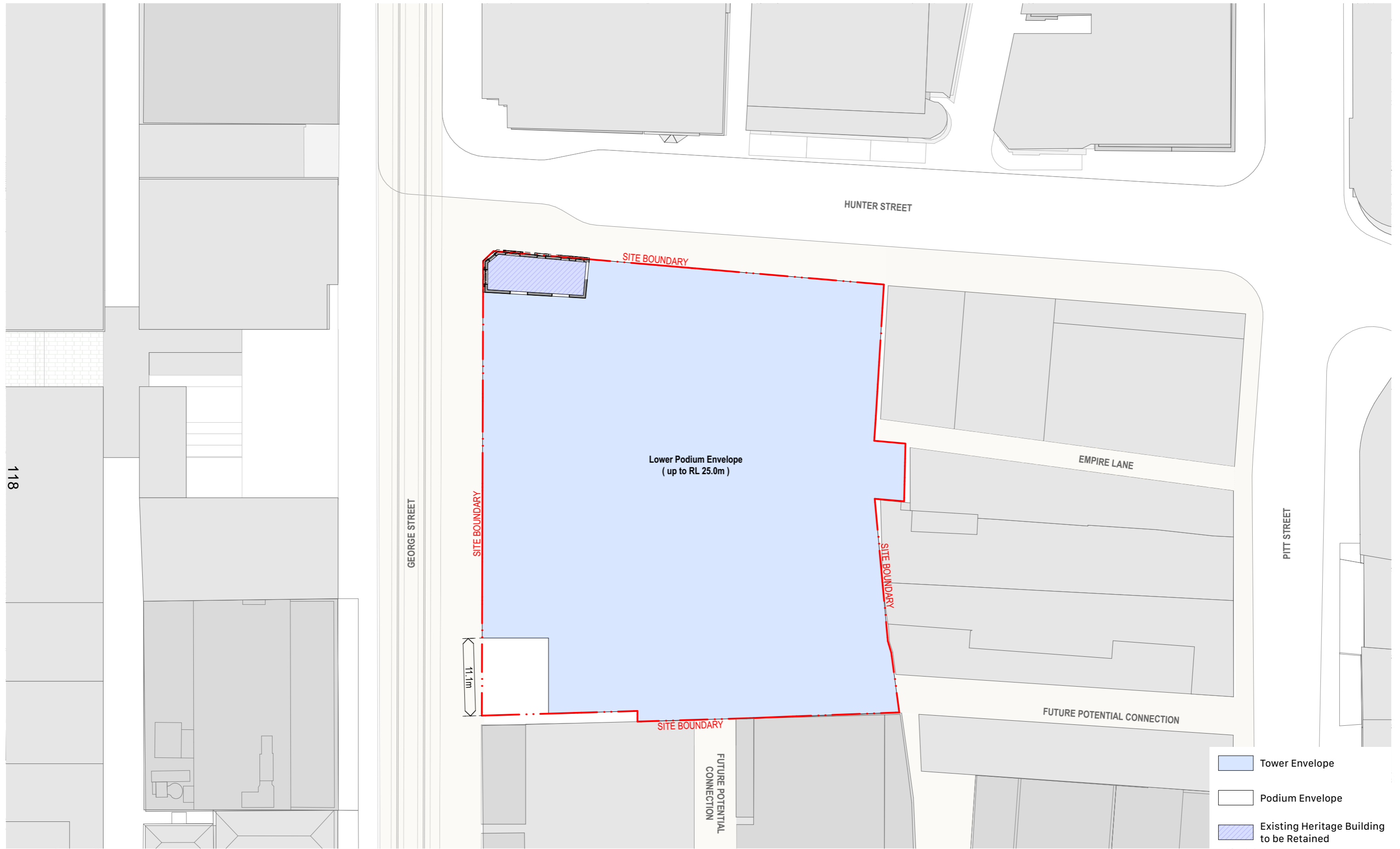
### **Proposed Planning Envelope Drawings – Hunter Street Over Station Development**

# **Attachment B1**

**Proposed Planning Envelope Drawings**

# **Draft Design Guidelines - Hunter Street Over Station Development**

<p><b>Appendix C - Proposed Planning Envelope Drawings</b></p>
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CBDN SYDNEY NSW 2000

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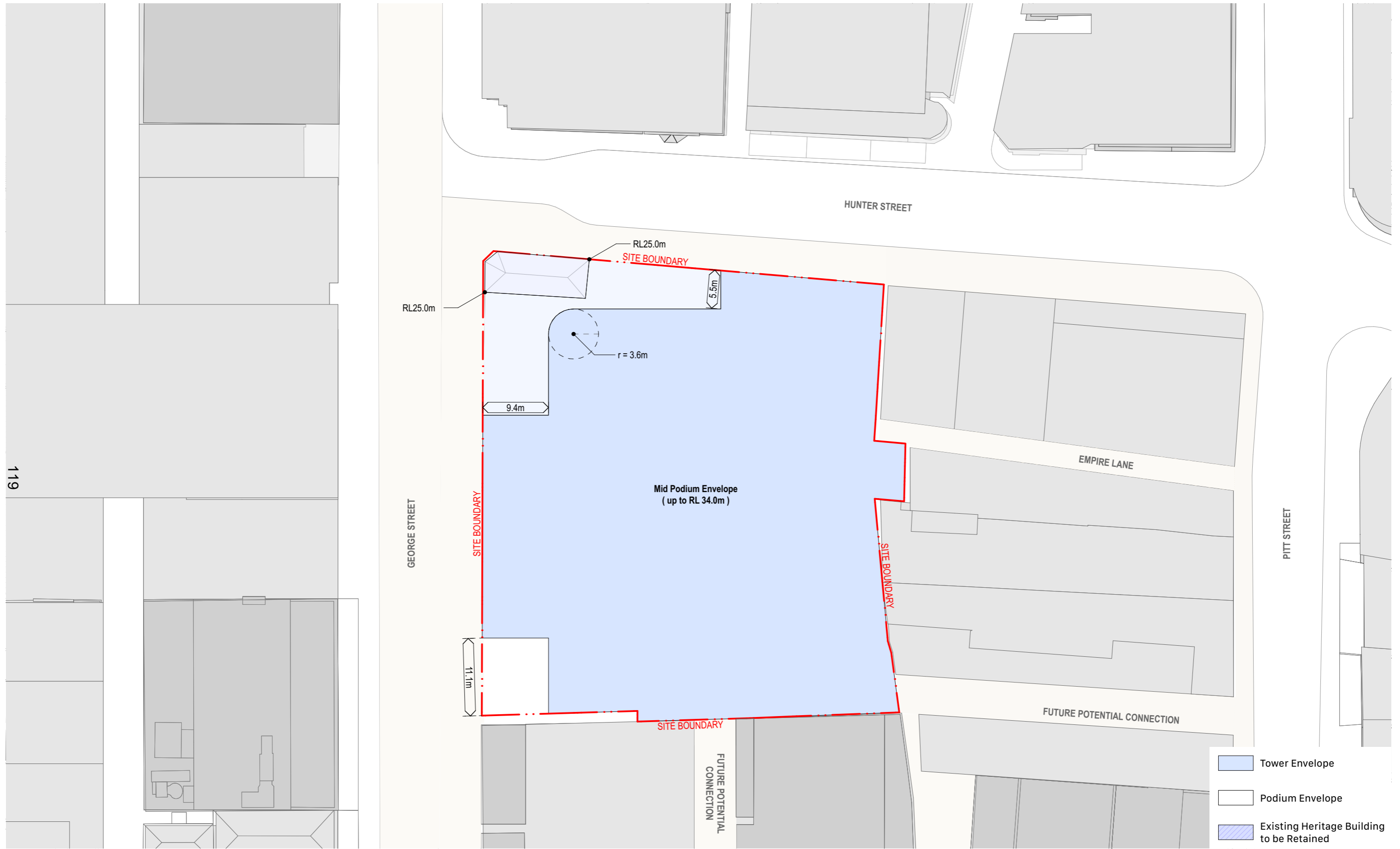
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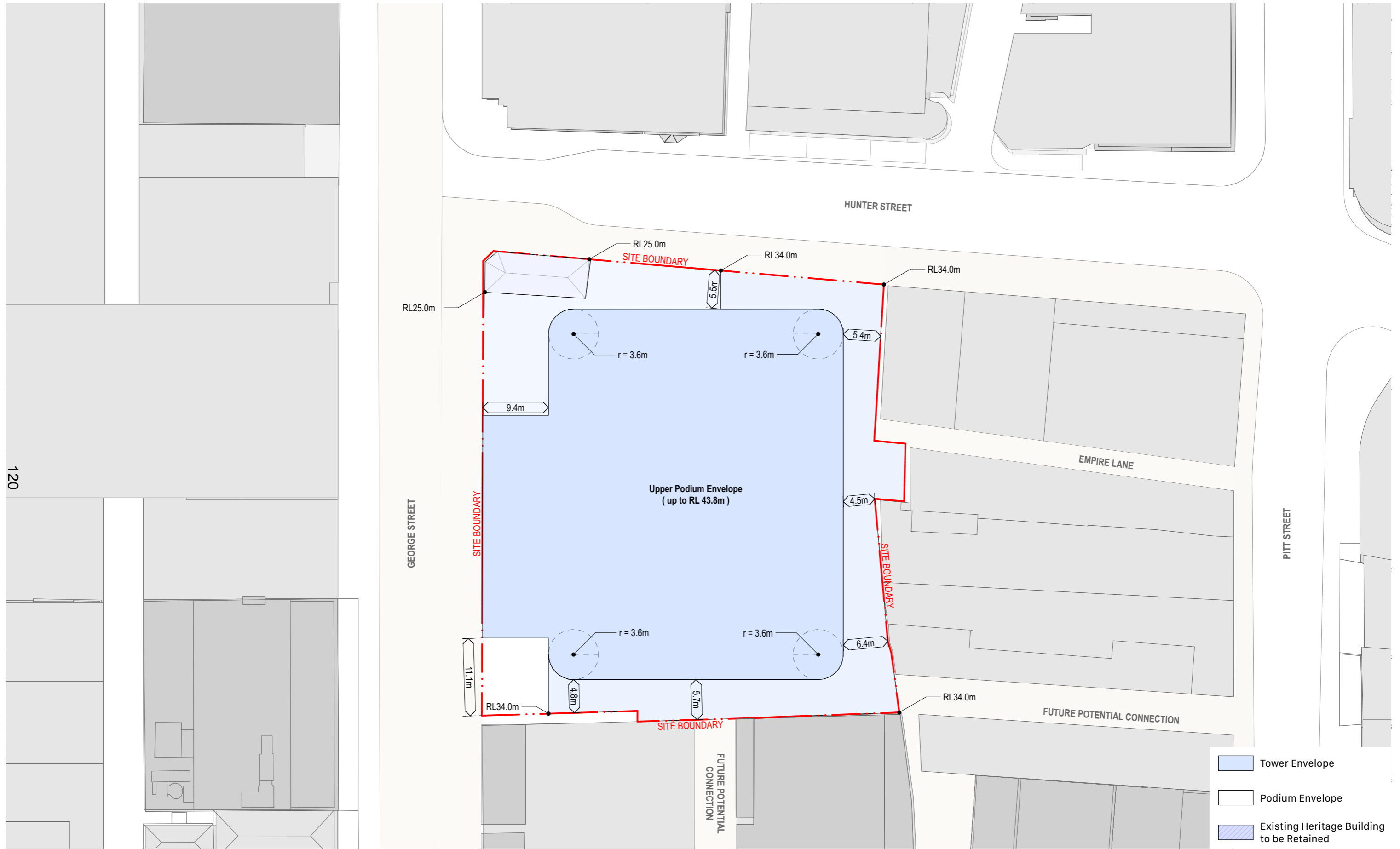
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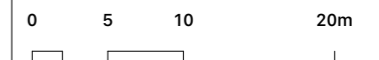
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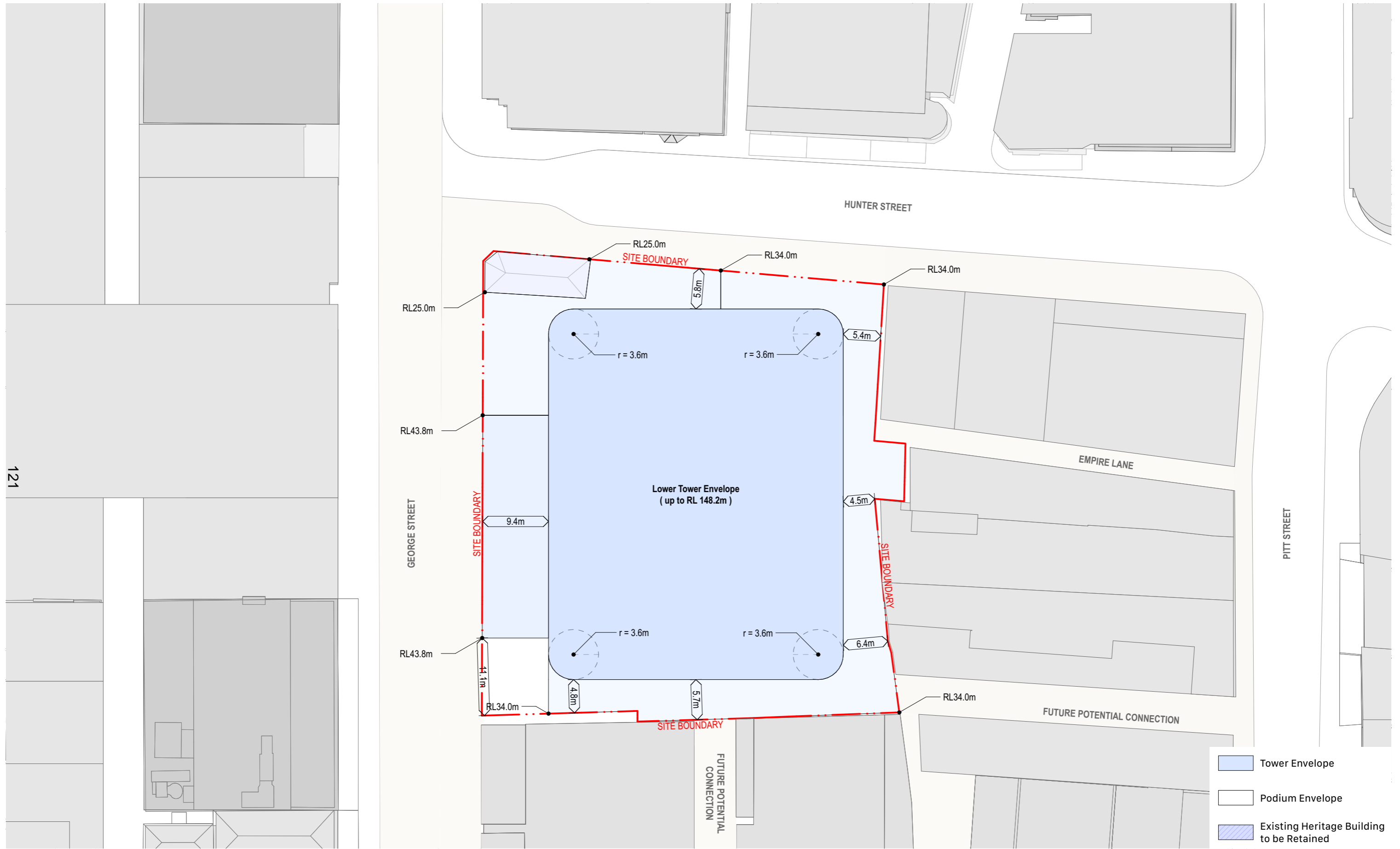
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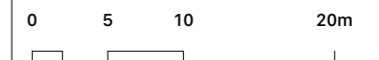
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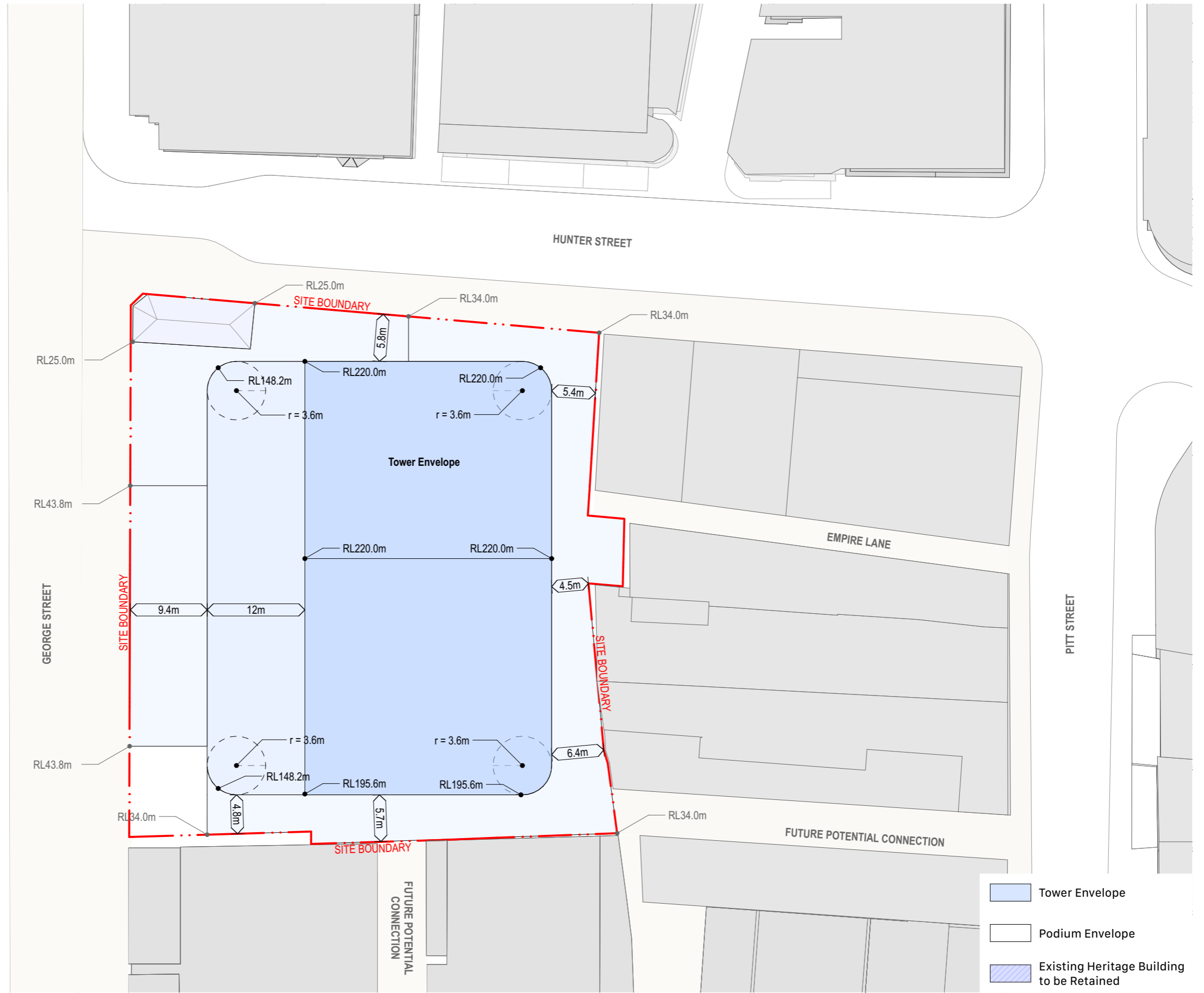
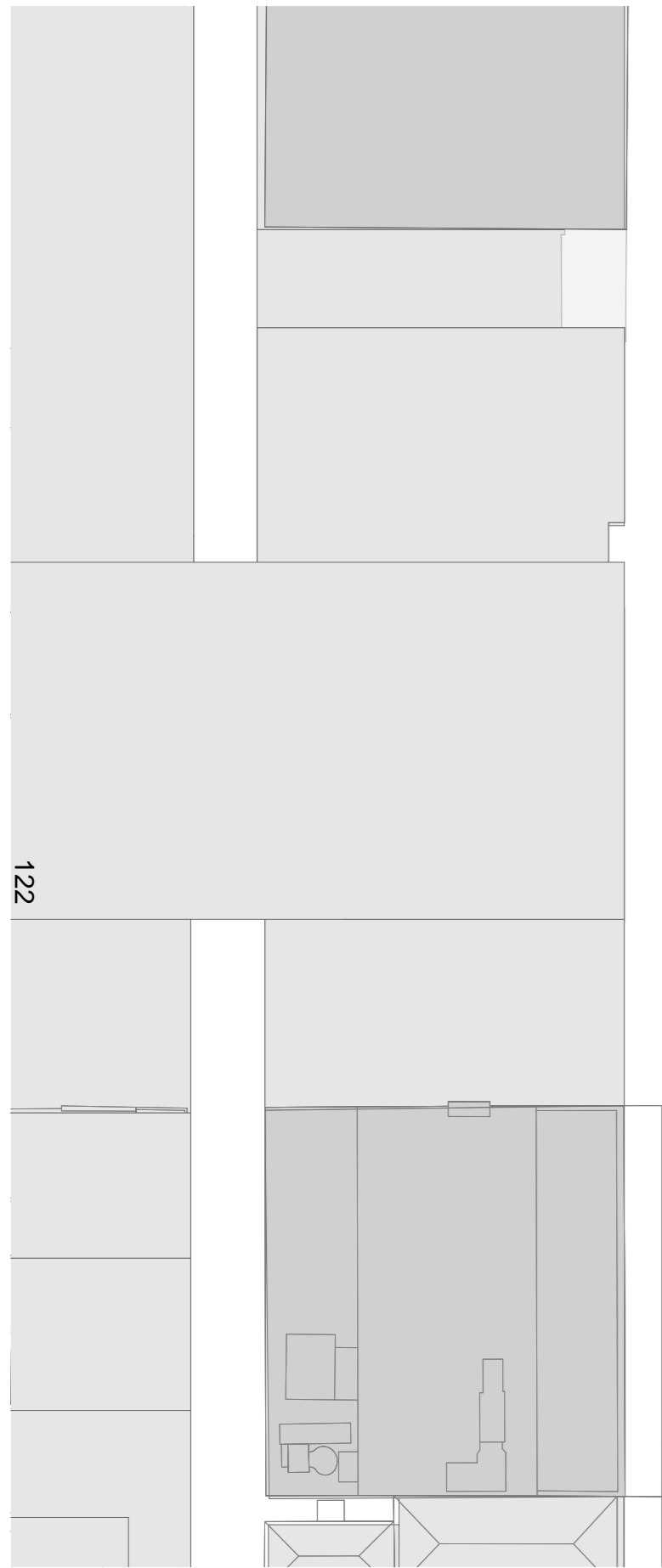
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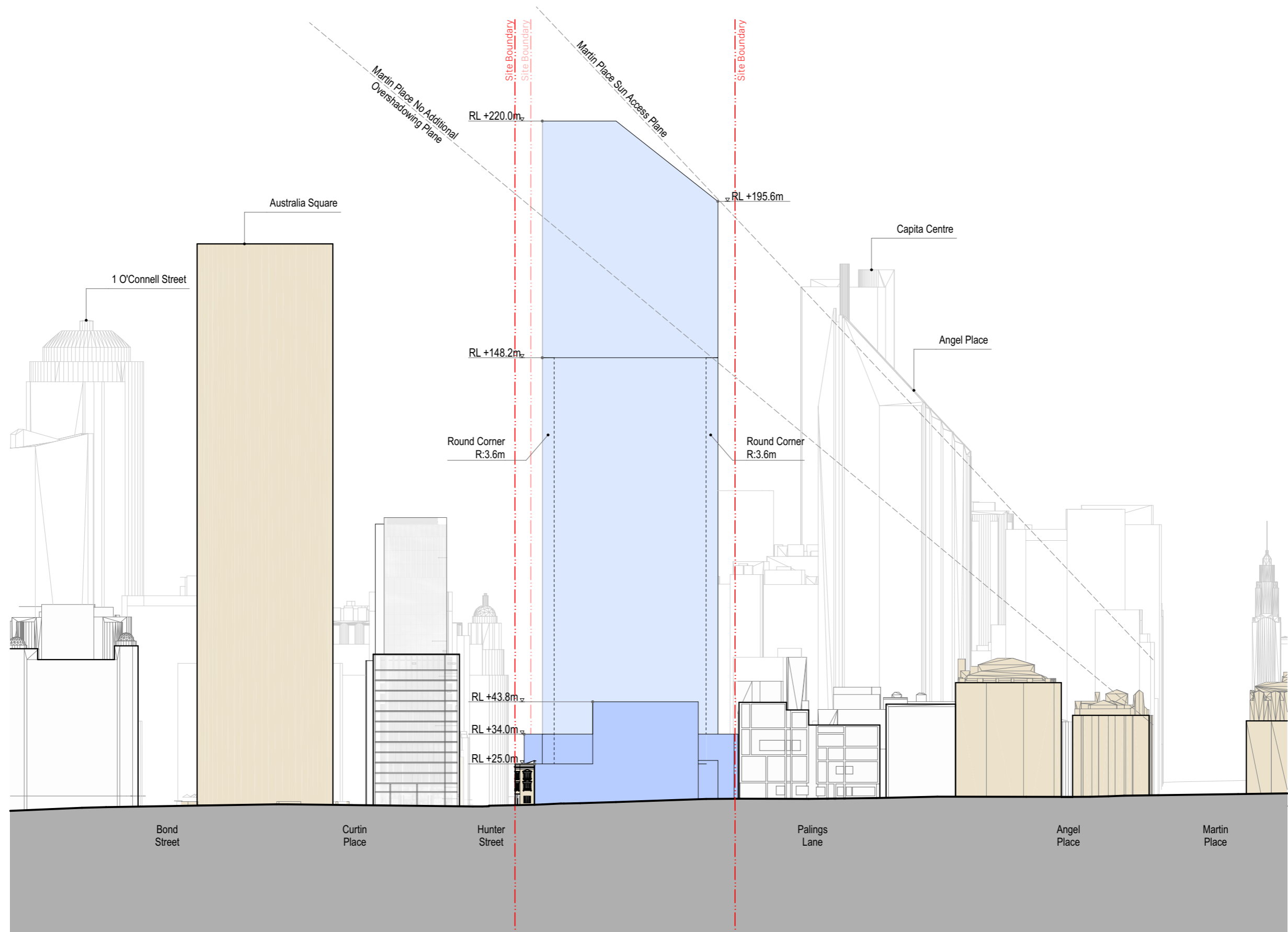
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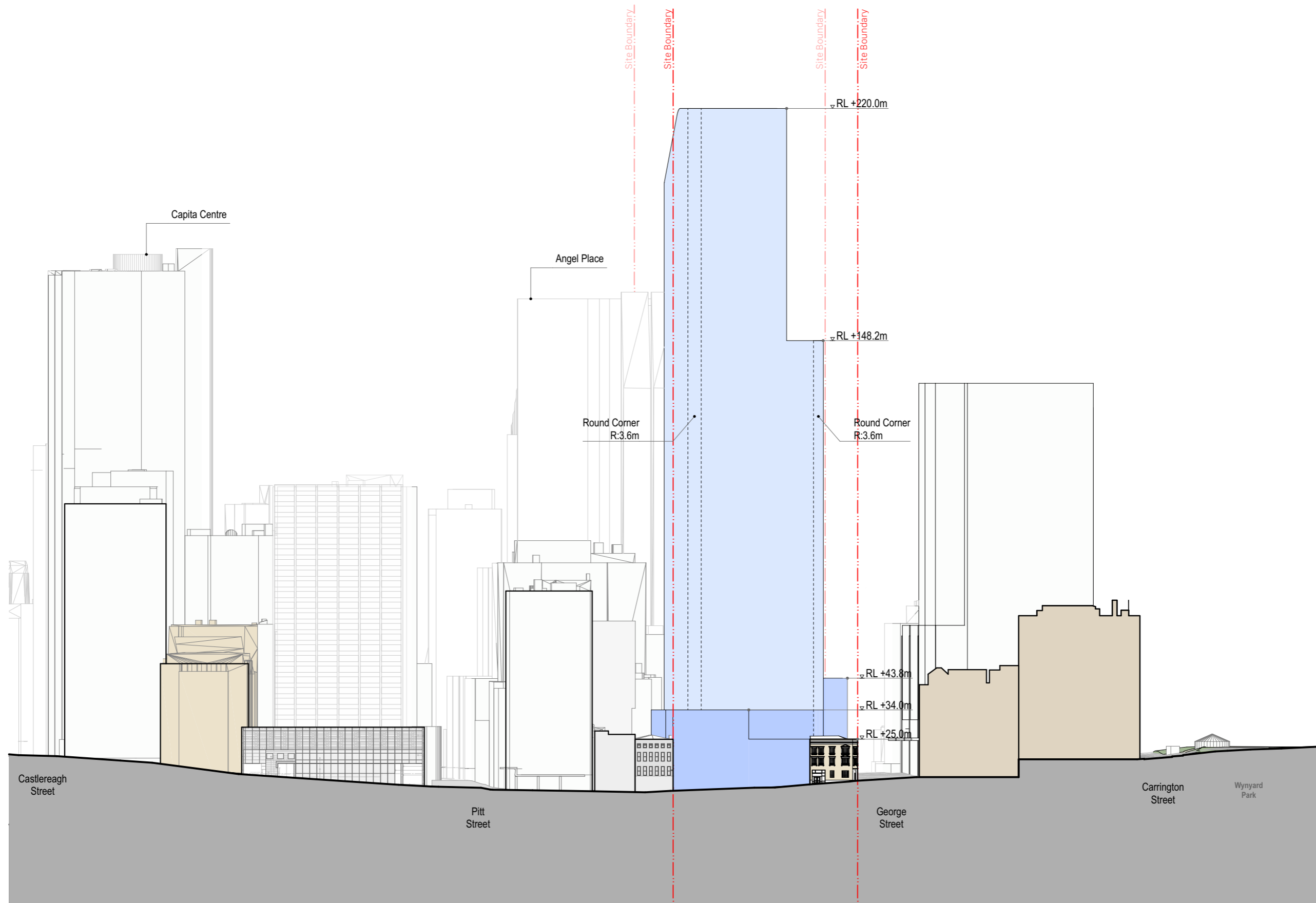




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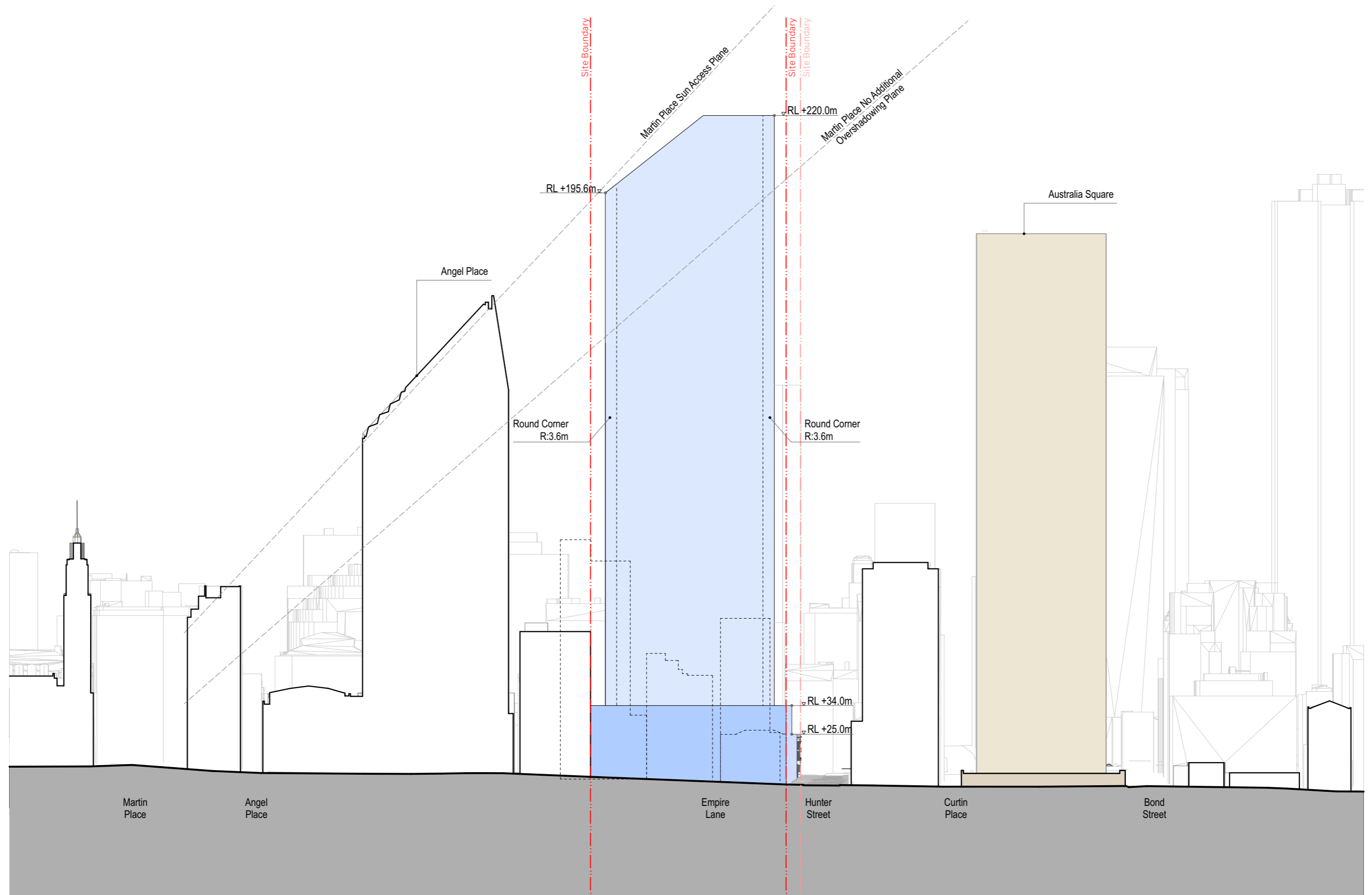
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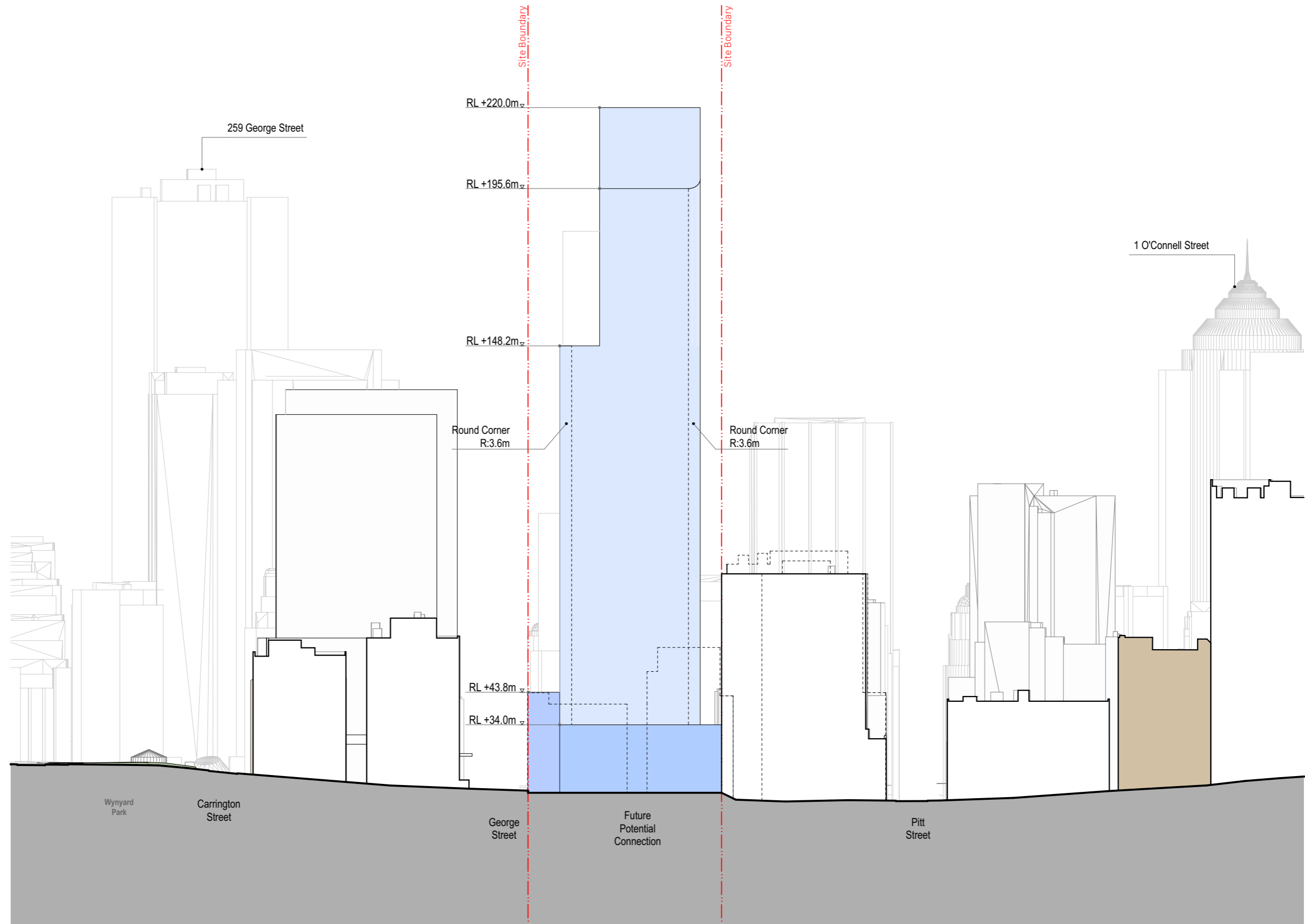
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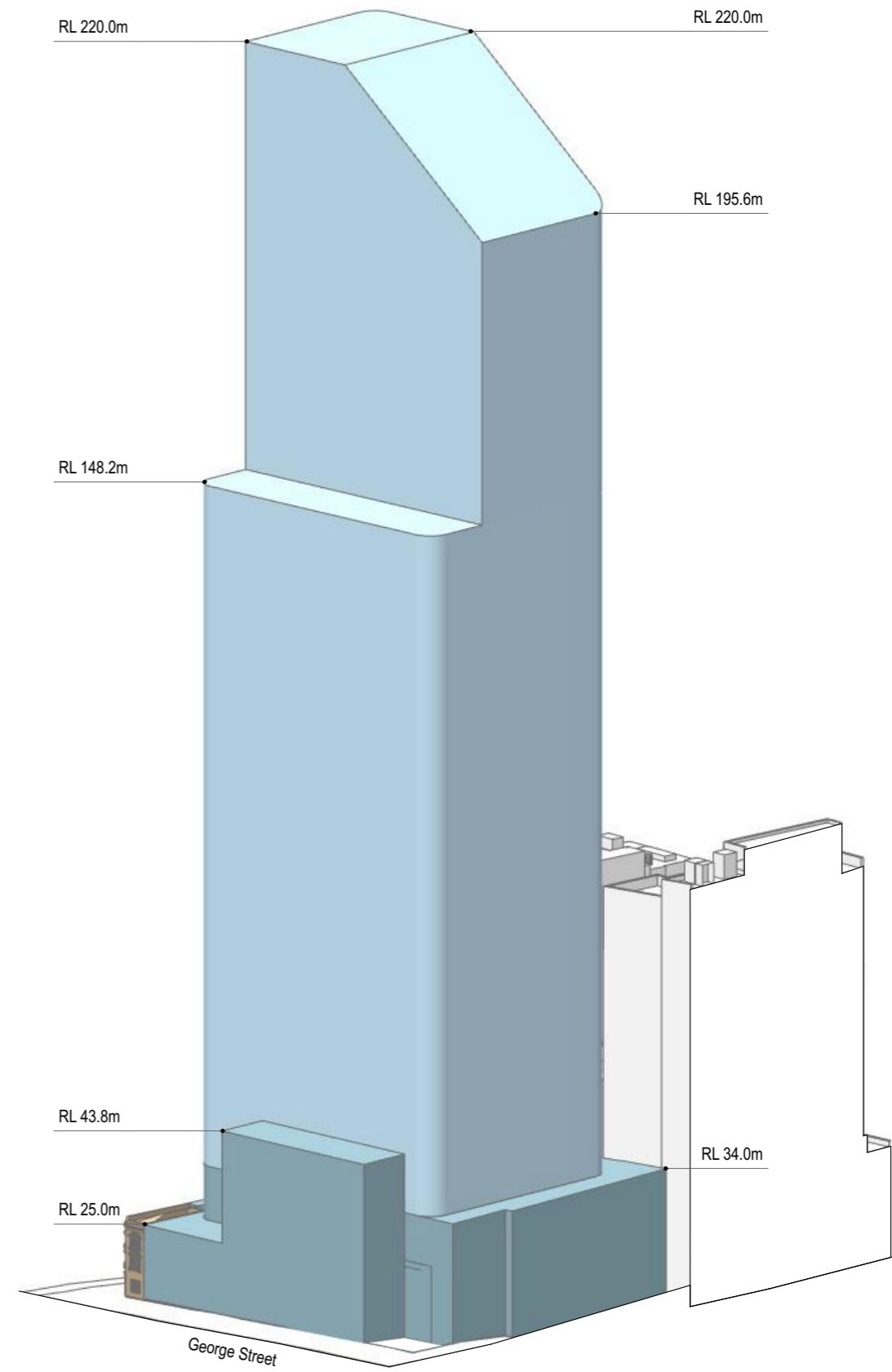
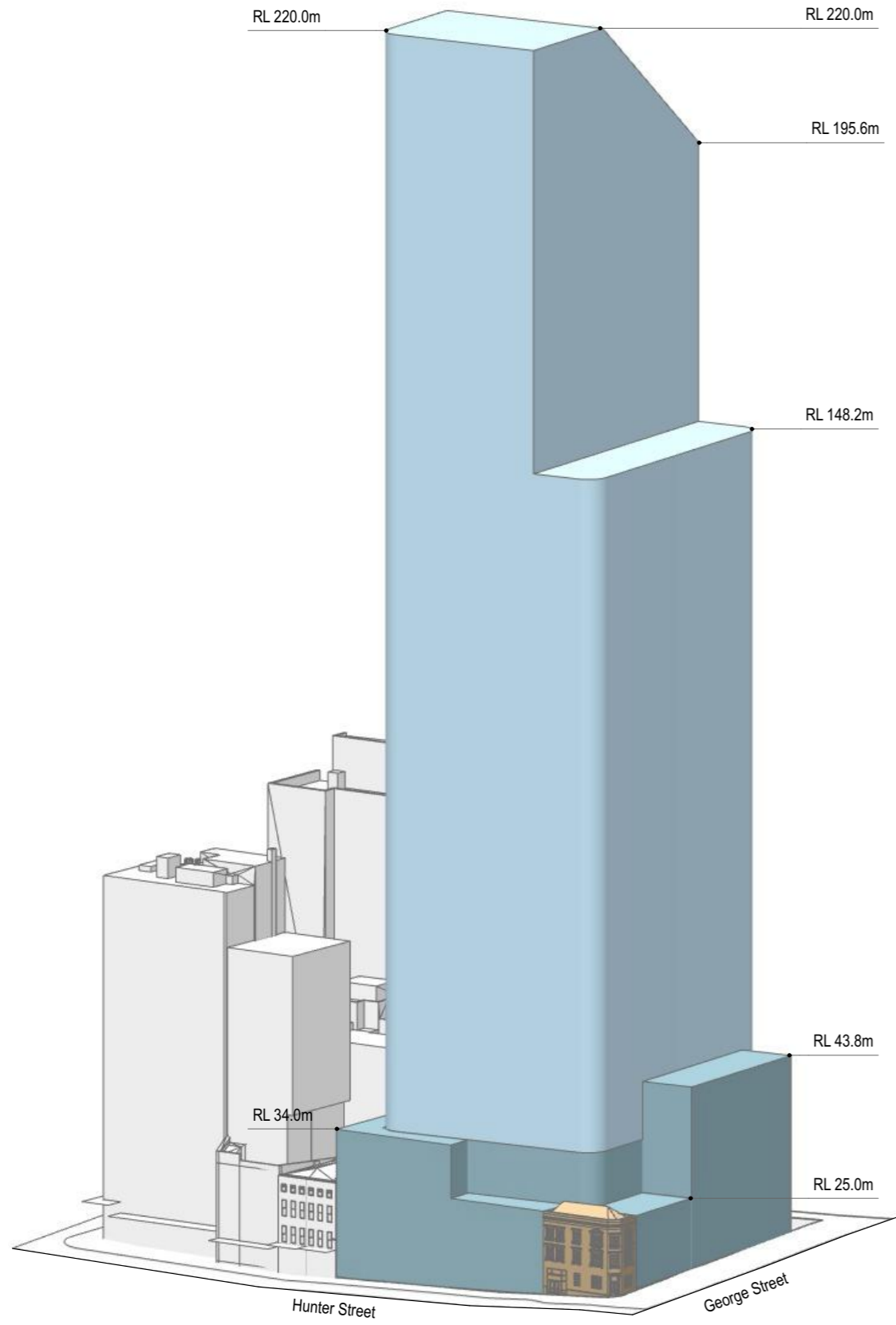


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Hunter Street - West  
CBD SYDNEY NSW 2000

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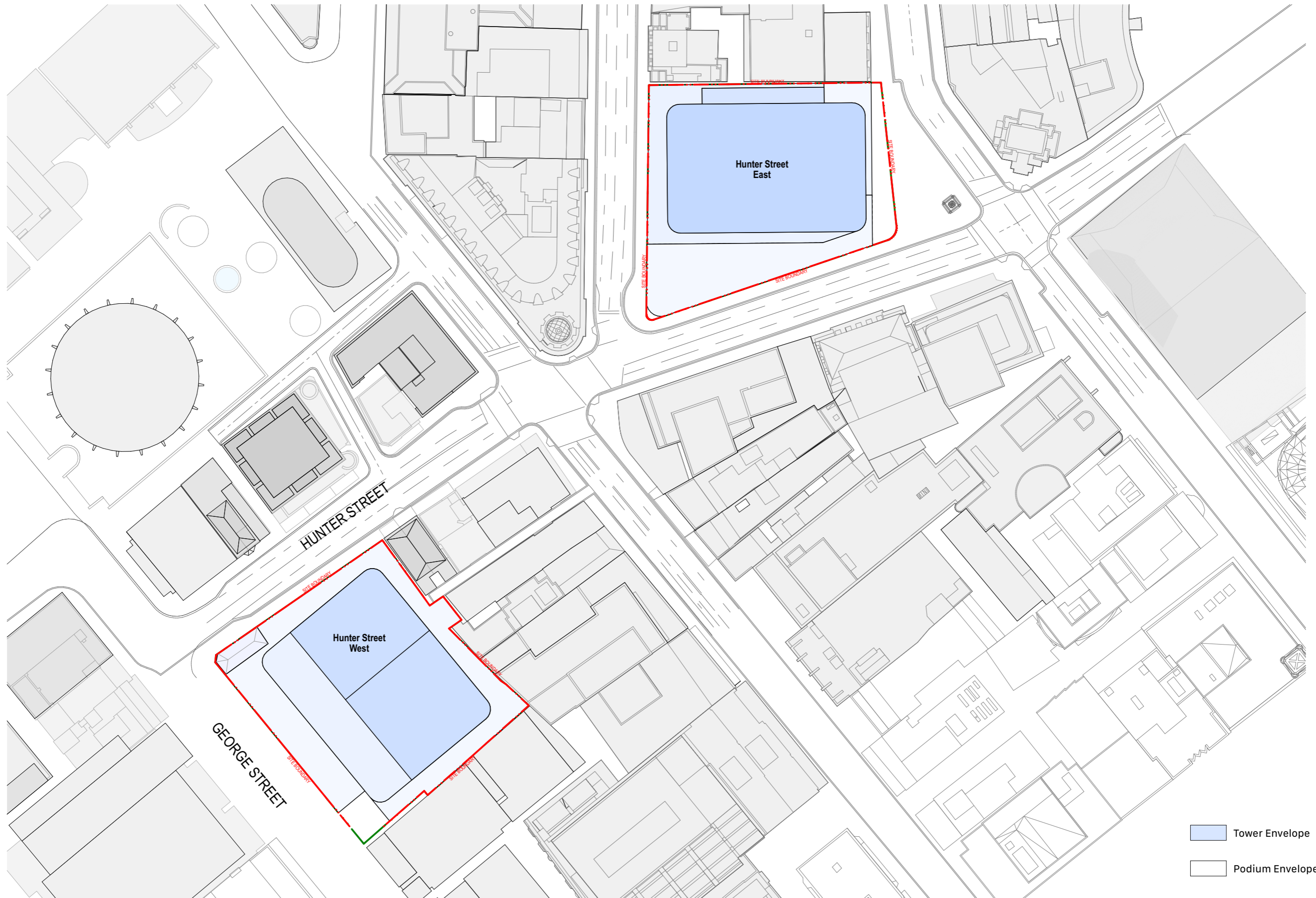
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 CBDN SYDNEY NSW 2000

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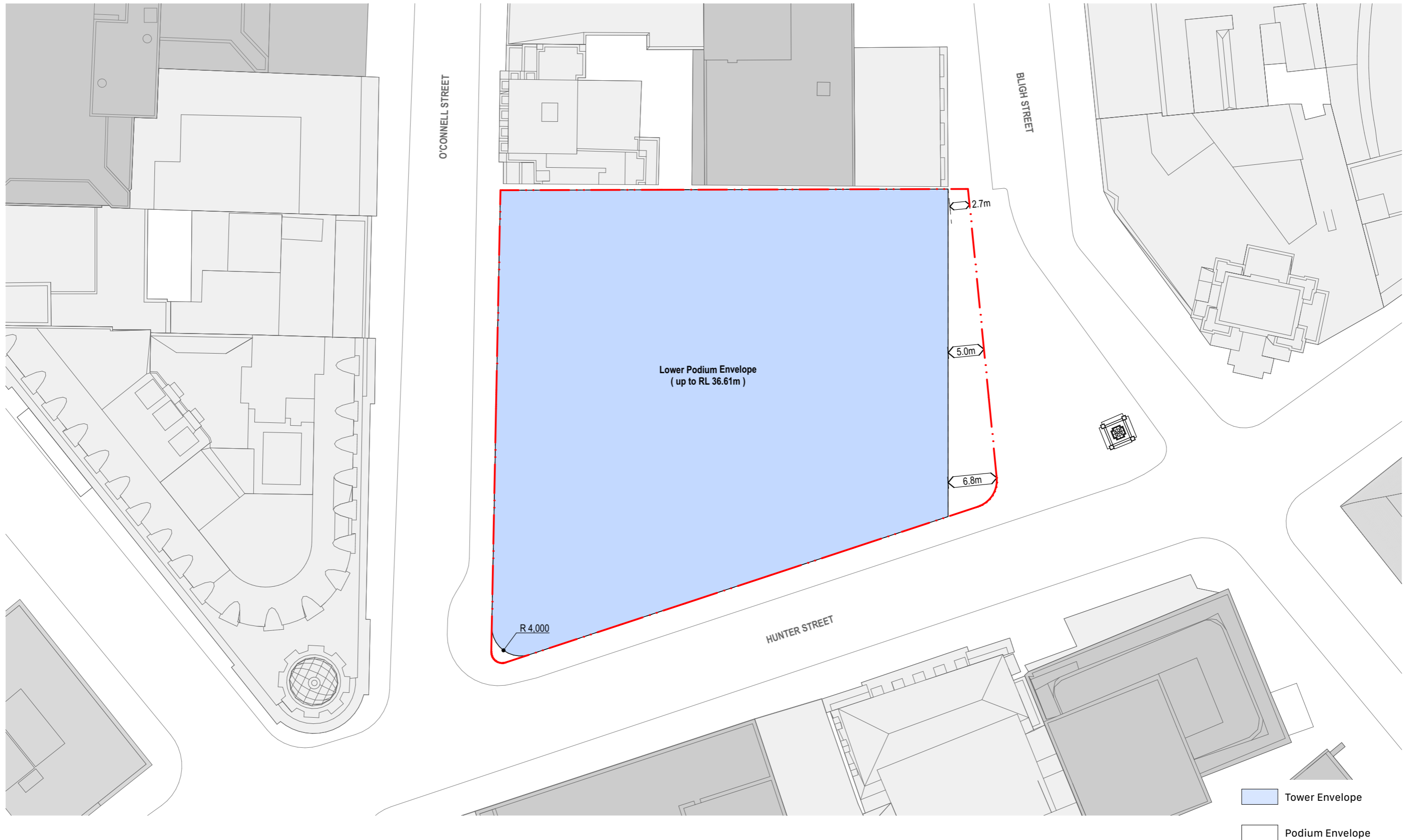
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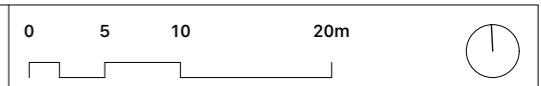
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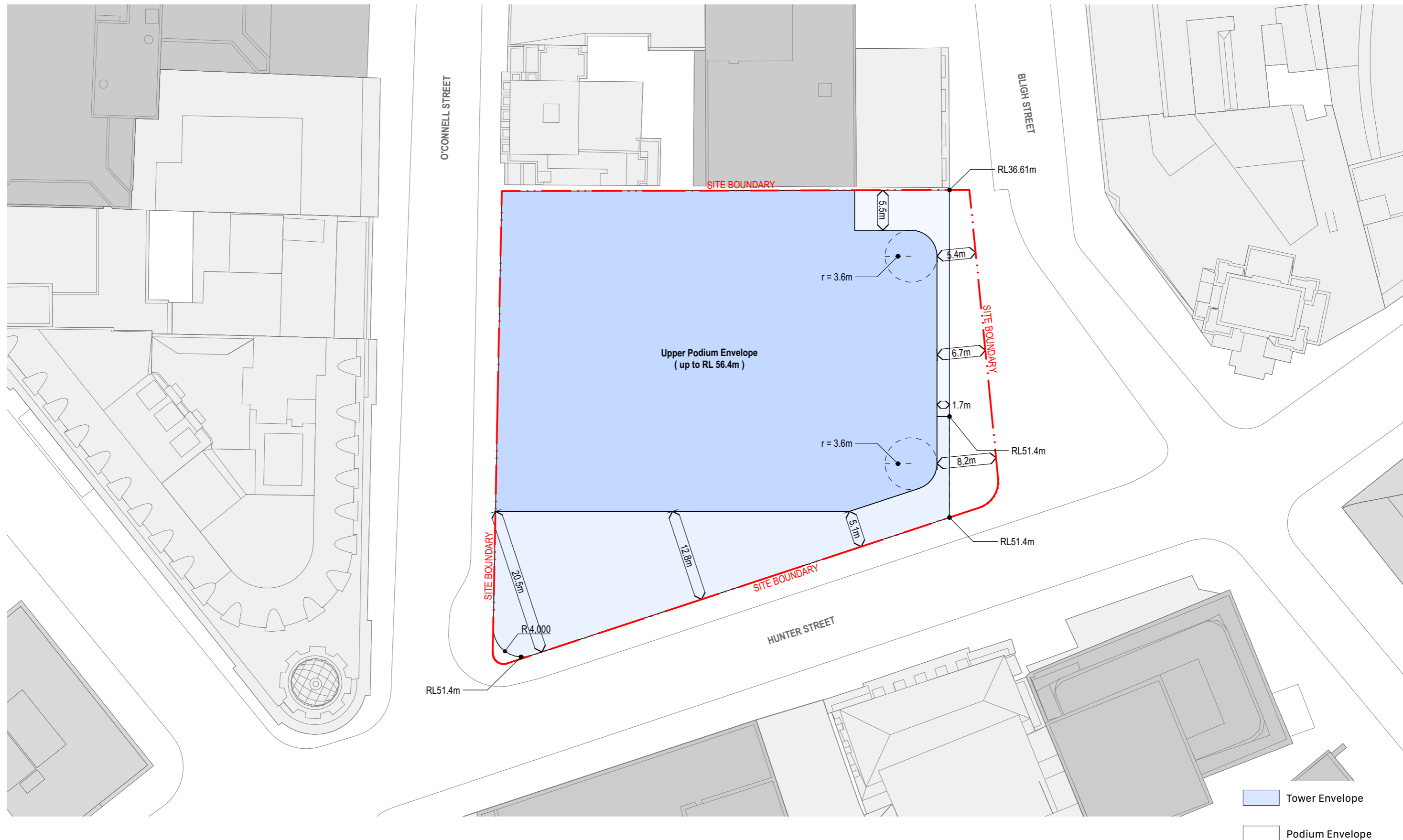


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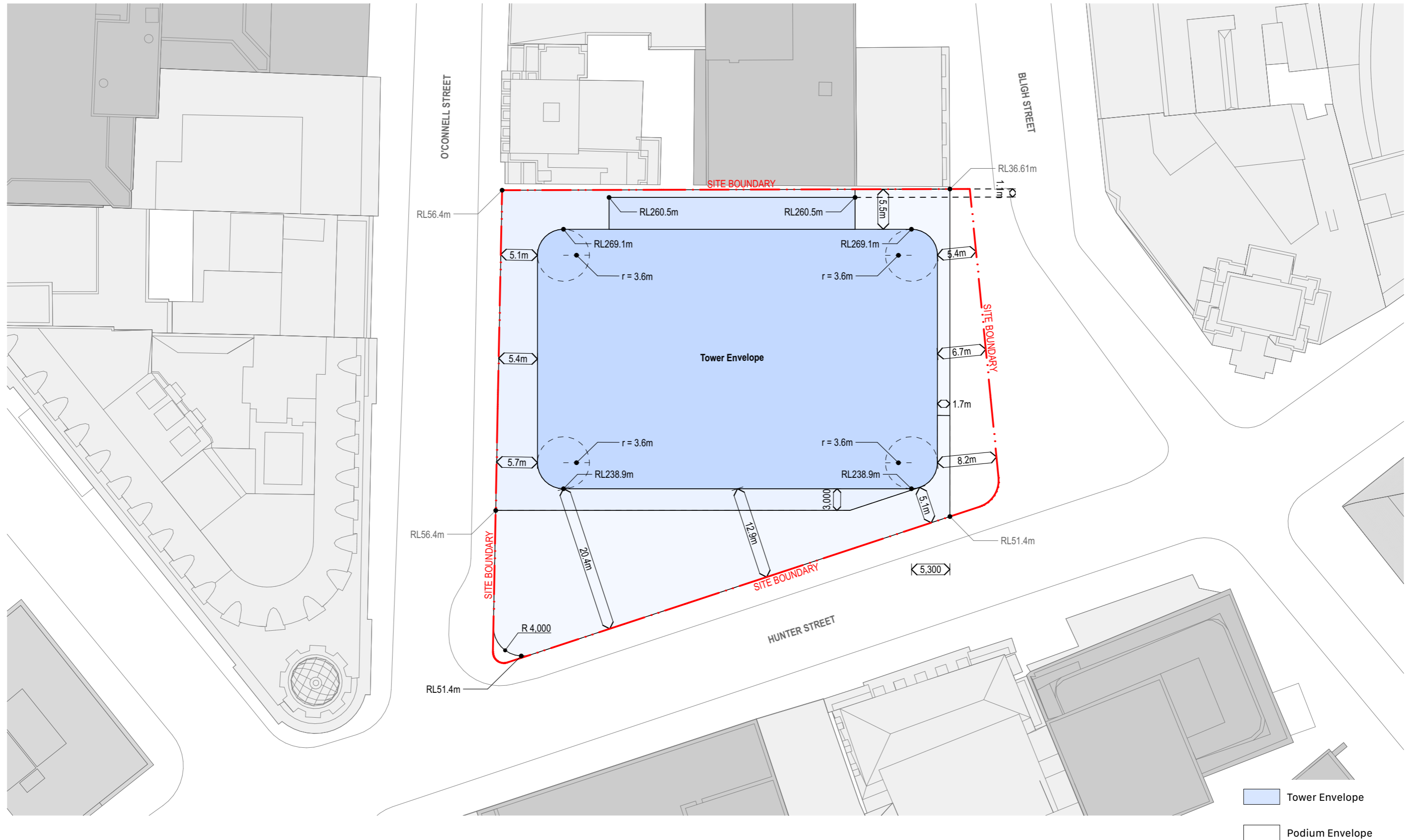
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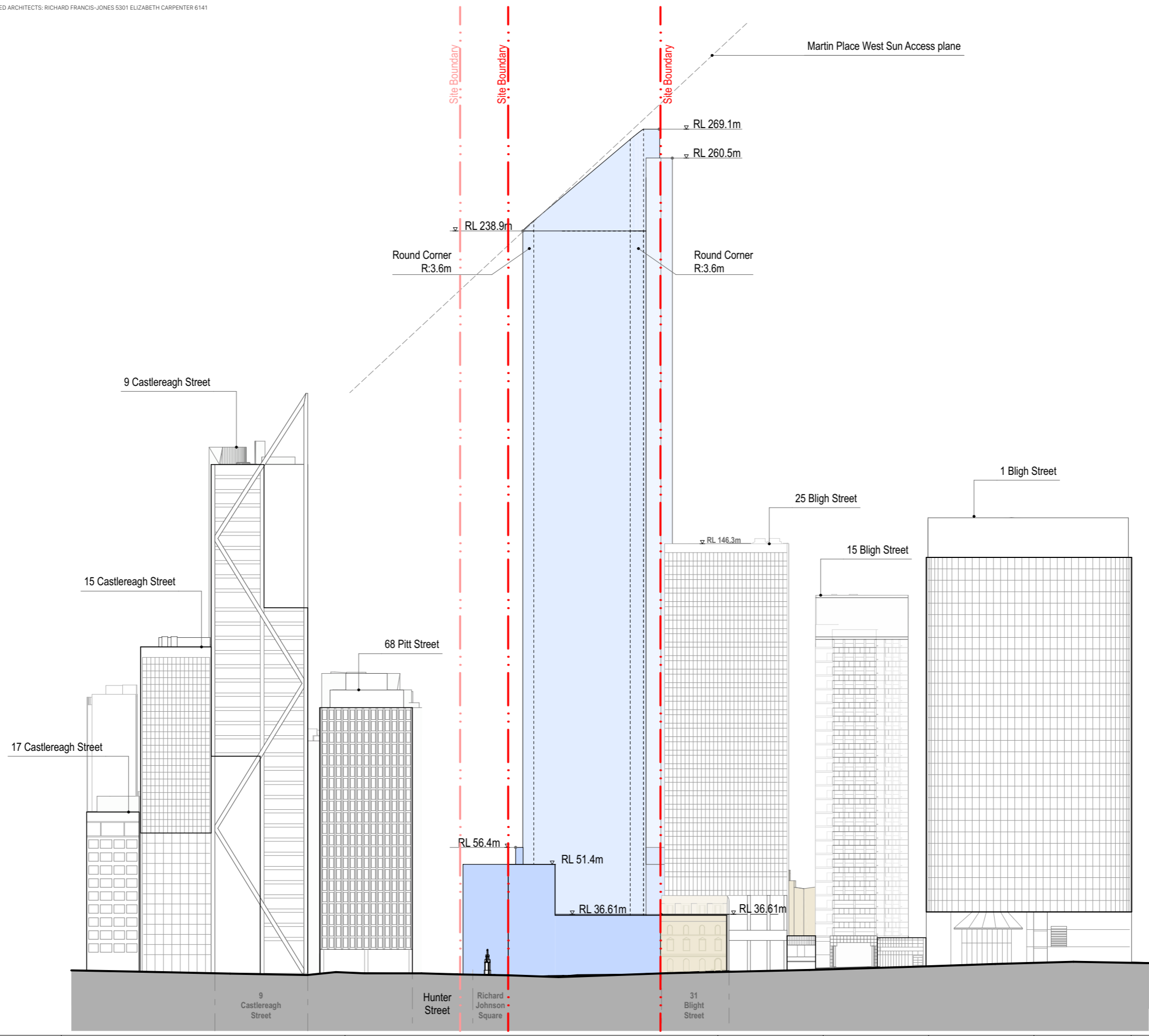


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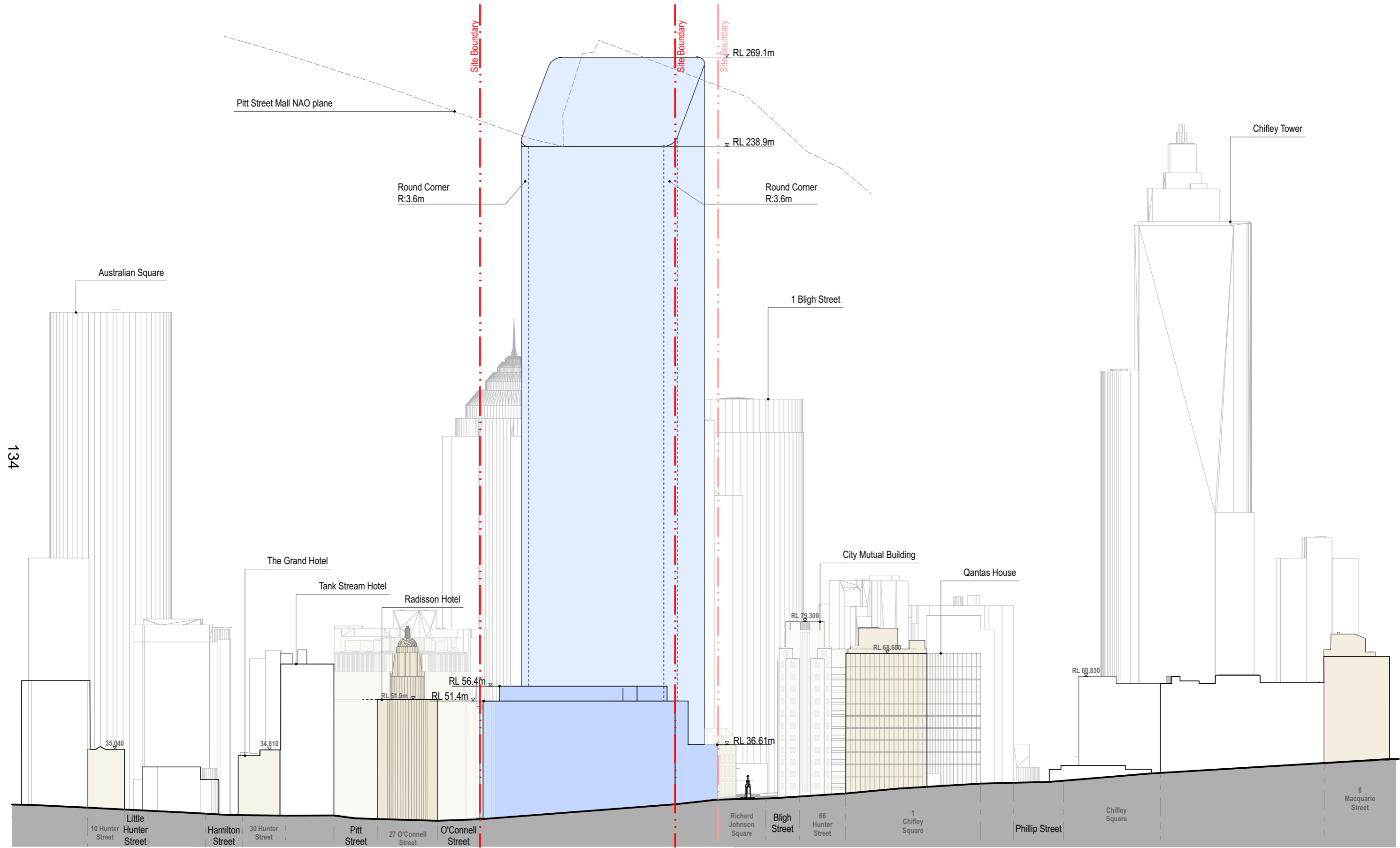


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Hunter Street Station - East  
CBD Sydney NSW 2000

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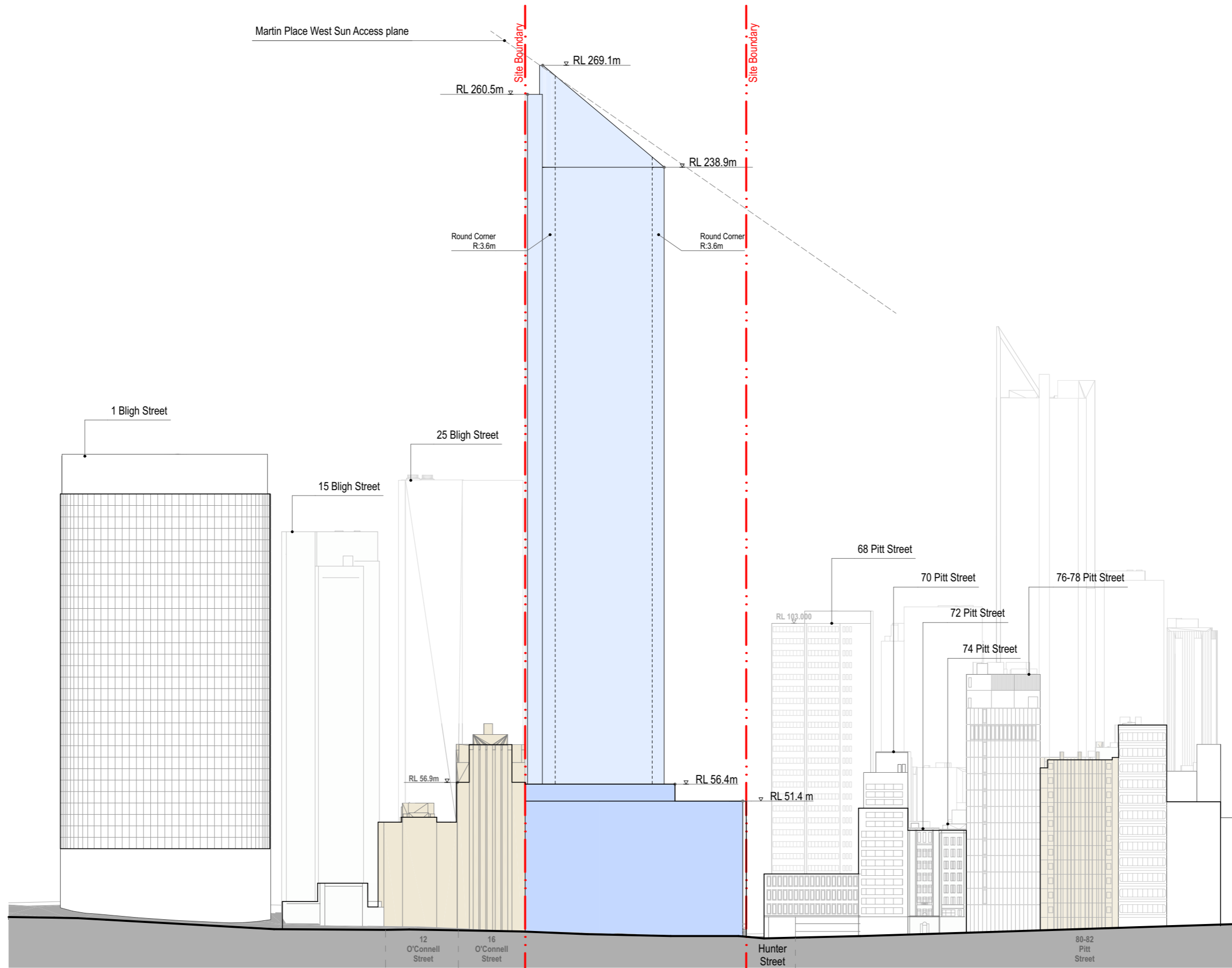
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CBD Sydney NSW 2000

East Envelope - West Elevation  
Envelope Set

Scale  
1:1200 @ A3

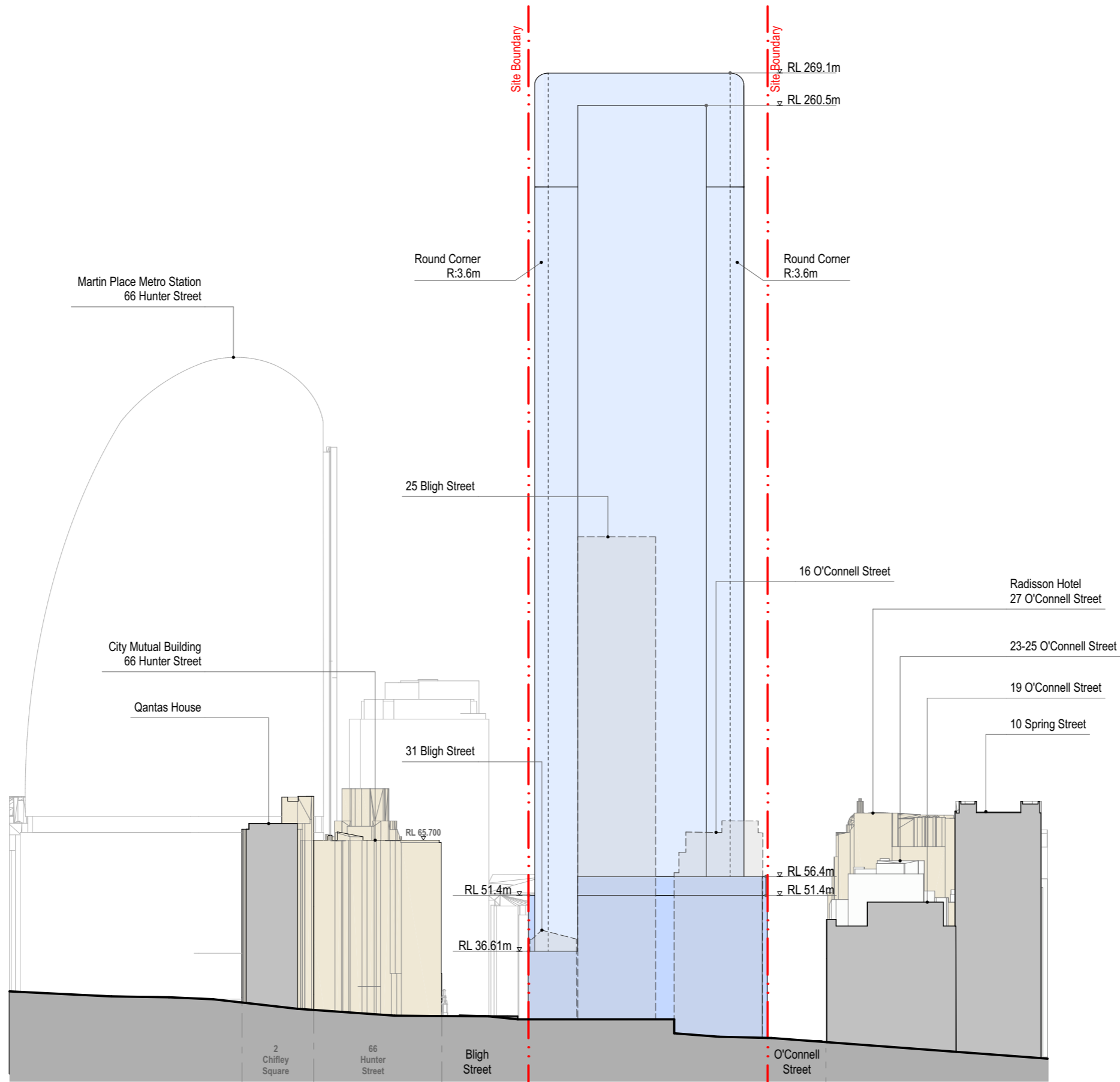
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Rev  
02







Hunter Street Station - East  
CBDN SYDNEY NSW 2000

East Envelope - North Elevation  
Envelope Set

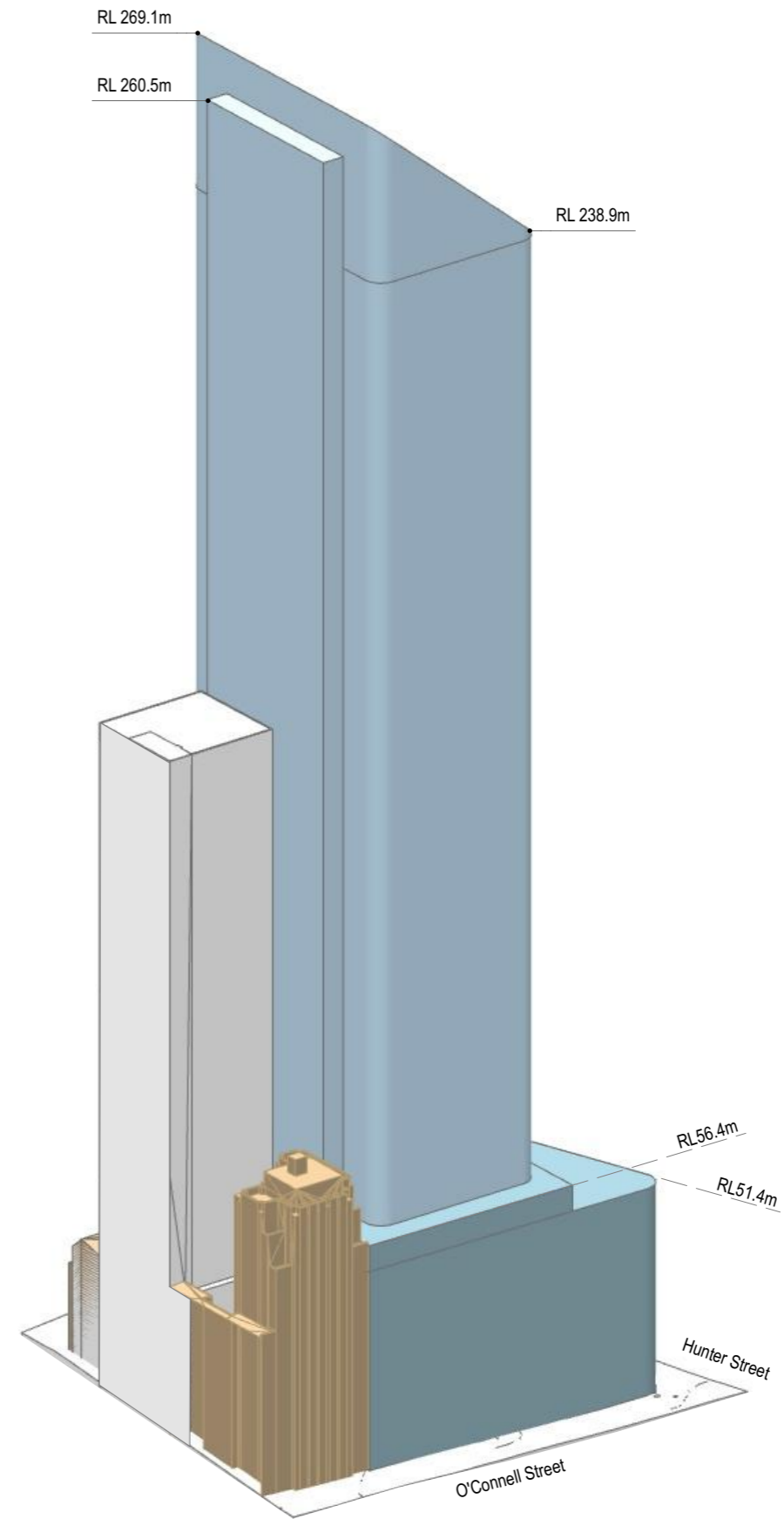
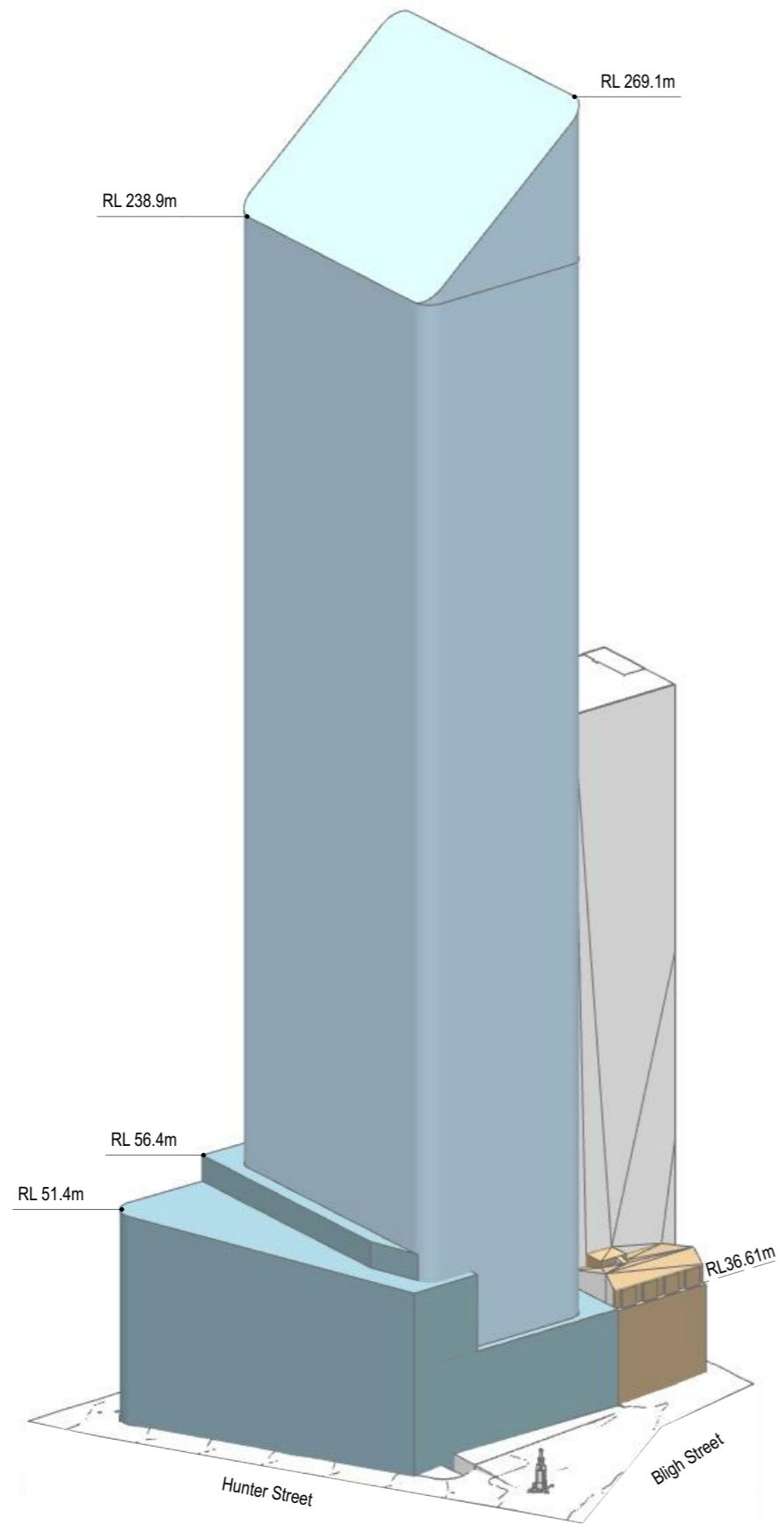
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PP\_E\_2614

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02





<p><b>Hunter Street Station - East</b> CBDN SYDNEY NSW 2000</p>	<p><b>East Envelope - Axonometric View</b> Envelope Set</p>		<p><b>Scale</b> N/A @ A3</p>	<p><b>Code</b> MOSD</p>	<p><b>Sheet</b> PP_E_2621</p>	<p><b>Rev</b> 02</p>	
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## **Attachment C**

**Planning Agreement - Public Benefit Offer -  
dated 12 July 2022**

12 July 2022

Ms Monica Barone  
Chief Executive Officer  
City of Sydney  
GPO Box 1591  
Sydney NSW 2001

Dear Ms Barone,

### **Sydney Metro Hunter Street (Sydney CBD) – Request for Planning Proposal Public Benefit Offer**

Sydney Metro West, including Hunter Street Station, is a once in a century infrastructure investment that will transform Sydney for generations to come, doubling rail capacity and reducing travel times between the Sydney and Parramatta CBDs, and linking new communities to high frequency rail services. The new station will be in the heart of Sydney's central business district and become a transport hub with connections to light rail, train services at Wynyard the Sydney Metro City & Southwest station at Martin Place. Proposed underground walkways will allow for easy transit all the way from Martin Place to Barangaroo.

To realise its vision for Hunter Street Station, Sydney Metro is lodging a Planning Proposal request to support a proposed amendment to the *Sydney Local Environmental Plan 2012* (SLEP 2012) which would facilitate future over station development (OSD) integrated with the new Hunter Street Station in the Sydney CBD.

This Public Benefit Offer relates to the following properties:

- 28 O'Connell Street, 48 Hunter Street, and 37 Bligh Street, Sydney (eastern site); and
- 296 George Street, 300 George Street, 312 George Street, 314-318 George Street, 5010 De Mestre Place (Over Pass), 5 Hunter Street, 7-13 Hunter Street, 9 Hunter Street and De Mestre Place, Sydney (western site).

This Planning Proposal request seeks to enhance the capacity of the two Hunter Street sites to deliver high quality employment generating floor space, on sites that are to be serviced by high frequency public transport, in line with the City's Global status. The future OSD would comprise two commercial buildings (up to approximately 150,000 sqm of commercial floor space in total) on prominent corner sites in the northern CBD including new development that engages with the precinct, raises the urban quality and enhances the overall experience of the city.

The proposal has a number of public benefits which includes:

- Increased employment density integrated with the delivery of significant new public transport infrastructure servicing the surrounding precinct, contributing towards the establishment of an integrated transport hub within the northern end of the Sydney CBD which strengthens Sydney's rail network and improves connectivity.

- The delivery of high quality employment generating floorspace that aligns with the objectives for development within the tower cluster areas identified within the Central Sydney Planning Framework.
- The delivery of public art under the Critical State Significant Infrastructure application for the Hunter Street Station and the proposed future OSD.
- Improvements to the public domain to deliver:
  - quality pedestrian connections linking key CBD blocks to improve pedestrian connectivity and delivering a cohesive ground plane, unlocking the strategic vision for laneways as outlined in the Sydney Development Control Plan 2012 (DCP).
  - enhanced below ground linkages to Wynyard Station and Martin Place Station to enhance the accessibility of the transport infrastructure and overall connectivity of the city.
  - enhanced interface with Richard Johnson Square including an extension to the public domain at the eastern entry to the site, adjacent to Richard Johnson Square.

Sydney Metro is open to exploring other opportunities whereby Sydney Metro may undertake works to Richard Johnson Square on behalf of the City of Sydney as works in kind, subject to agreement with the City of Sydney for the offset of Sydney Metro's reasonable costs in undertaking these works from the total Section 7.12 contribution payable under Section 1 of this offer.

In addition to the broader public benefits resulting from the project, this Public Benefit Offer prepared by Sydney Metro outlines the proposal to enter into a Voluntary Planning Agreement (VPA) with the City of Sydney for the following items. It is noted that the VPA will apply to both Hunter Street Station sites, however, it will need to be structured such that commitments are satisfied across each site separately.

### **1. Monetary Contributions:**

As per the *Environmental Planning and Assessment (Levies – City of Sydney) Direction* dated 24 November 2021, the City of Sydney must not impose as a condition of development consent a levy under section 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that exceeds 3.0% (for development with a cost of works greater than \$1 million) if the development application is made on or after 1 July 2022.

The proposed offer commits to the payment of a monetary contribution towards the cost of local infrastructure equivalent to 3.0% of the cost of the proposed over station development per site which will be the subject of future State Significant Development Applications (SSDAs), calculated in accordance with the Central Sydney Development Contributions Plan 2020 (the Contribution Plan). The payment of this contribution per site is proposed to be on or before the date of issue of the first Construction Certificate relating to the new development on that site (excluding demolition, excavation and early works). No further contributions pursuant to section 7.11 or section 7.12 of the EP&A Act or under the *City of Sydney Act 1988* will be payable.

### **2. Sustainability Commitments:**

In accordance with the Planning Proposal Request, Sydney Metro is committed to delivering the over station development on each site that will be designed to achieve the following sustainability commitments:

- a. 6-star Green Star Buildings

- b. 6-star NABERS Energy for Offices rating (Base building) (Commitment agreement) (without Green Power)
- c. 4.5-star NABERS Water for Offices rating

These commitments exceed the best practice energy performance nominated in clause 7.25A Sustainable development in Central Sydney tower cluster areas of the *Sydney Local Environmental Plan 2012 (Amendment No. 64)*.

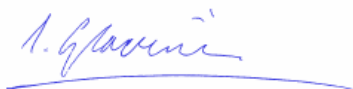
Certification of the target ratings will occur in accordance with standard commercial practice, having regard to reaching minimum levels of occupancy.

It is intended that should the Planning Proposal request proceed, this offer will be consolidated and crystallised into a Voluntary Planning Agreement for each site with the City of Sydney. The agreements will comply with the requirements of the EP&A Act and *Environmental Planning and Assessment Regulation 2021* and contain mechanisms for completion of any works. The Planning Agreements may be registered by the Registrar General.

Sydney Metro will be a significant capital investment into Central Sydney. Sydney Metro is committed to delivering an exceptional outcome for the city with improved public domain, high quality architectural outcomes, environmental sustainability, public art and the celebration of heritage.

We are excited about the potential for the Hunter Street Station transform this part of the Sydney CBD in line with its global status and welcome a further discussion with Council in relation to this matter as the Planning Proposal progresses.

Yours sincerely,



**Ivan Glavinic**  
Deputy Executive Director, Place Making and Property  
Operations, Customer and Place making  
Sydney Metro  
Dated: 12 July 2022

## Item 6.

### **Public Exhibition - Planning Proposal - Heritage Floor Space Amendment - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

**File No: X091559**

#### **Summary**

The Heritage Floor Space Scheme was established by the City of Sydney and provides an incentive for the conservation and ongoing maintenance of heritage buildings in Central Sydney.

Sydney Local Environmental Plan 2012 (SLEP 2012) sets the legal framework for the scheme where owners of heritage buildings in Central Sydney may be awarded heritage floor space after completing conservation works to the building. The heritage floor space can then be sold to developers who, as a condition of using bonus or accommodation floor space, are required to allocate heritage floor space to their development.

Amendments have been made to the scheme since it commenced in the 1970s, including changes from 2014 responding to demand for the purchase of heritage floor space being greater than the supply of heritage floor space.

In the post exhibition report to Council and the Central Sydney Planning Committee in December 2020 on the Central Sydney Planning Framework, the City committed to reviewing the formula to calculate heritage floor space for non-rateable buildings based on submissions. The review offers a chance to further incentivise the conservation of non-rateable buildings and increase the supply of heritage floor space.

When the heritage listing of buildings began and the transferrable heritage floor space scheme was first introduced, the scheme was designed to compensate commercial property owners of heritage protected buildings in Central Sydney, who would otherwise be able to redevelop their sites over time for capital gain. These owners also pay high rates based on the otherwise development potential of their land. This commercial situation was seen as different to churches, synagogues and the like that were not intended to redevelop, and not charged rates. To recognise these differences, two formulas were created to determine the heritage floor space available for the owners of these two different types of buildings.

Over time, the heritage floor space scheme has evolved gradually away from a commercial compensation scheme (when the idea that heritage listing was new) to more a heritage conservation scheme, to provide a financial incentive for conserving heritage buildings, and noting that the costs of conservation works are increasing.

Following a review of the formulas, this report proposes an amendment to the Sydney Development Control Plan 2012 (the DCP), so that all eligible heritage listing buildings use the same formula and introducing a cap on the maximum heritage floor space that can be awarded. This will address the sites with large grounds and courtyards which are included in the heritage listing, but do not have the same conservation costs as buildings.

The outcome will continue to support the conservation of these important buildings and benefit supply levels of heritage floor space.

As supply of heritage floor space is increasing, with more awards of heritage floor space being approved or in the early planning stages, as well as the intended changes included as part of this report, an amendment to SLEP 2012 to further extend the operation of the Alternative Heritage Floor Space Scheme is also proposed.

The Alternative Heritage Floor Space Scheme commenced on 15 July 2016 to address the increased demand and temporary shortage of available heritage floor space in the market. This scheme enables developers to defer the purchase of heritage floor space until a later stage in the development process, enabling them to proceed with approved development. Developers enter into a planning agreement with the City for the allocation of heritage floor space to be deferred or, in the event that Heritage Floor space cannot be obtained at all, replaced with the equivalent monetary amount payable to the City to be used for heritage conservation as defined by the terms of the Scheme that has a clear public benefit.

The scheme has been extended to 1 January 2023 as the heritage floor space market continued to experience an imbalance between supply and demand. Although the market is improving, with more awards being approved and registered, or in the planning pipeline, it is not certain that the new levels of supply will be available in a timely manner prior to the current expiry of the Alternate Heritage Floor Space Scheme.

The Planning Proposal at Attachment A seeks to extend the existing alternative arrangements for the allocation of heritage floor space for a further period of three years, allowing development to proceed in the event that the expected improvement in the supply of heritage floor space does not match demand within that time. This includes time for the preparation of conservation management plans, and assessment of applications for new awards of heritage floor space. The extension will provide certainty for continued development in Central Sydney and support those projects that can proceed as part of the economic recovery from the pandemic.

This report recommends approval of the Planning Proposal for Gateway Determination from the Minister for Planning and Homes and public exhibition, and that the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 12 September 2022 that Council approves the draft DCP for public exhibition.



## Recommendation

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal - Heritage Floor Space Amendment, shown at Attachment A to the subject report, for submission to the Minister for Planning and Public Spaces with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Heritage Floor Space Amendment 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 Transport, Heritage, Environment and Planning Committee on 12 September 2022 that Council seek confirmation from the Minister for Planning and Public Spaces that it has the authority to exercise the plan-making functions of the Minister under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 12 September 2022 that Council approve the Draft Sydney Development Control Plan 2012 – Heritage Floor Space Amendment, shown at Attachment C to the subject report for public authority consultation and public exhibition;
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Heritage Floor Space Amendment and Draft Sydney Development Control Plan 2012 following receipt of the Gateway Determination; and
- (F) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 12 September 2022 that Council approve the draft amendments to the Alternative Heritage Floor Space Allocation Scheme, shown at Attachment B to the subject report, for public exhibition to be undertaken concurrently with the Planning Proposal - Heritage Floor Space amendment.

## Attachments

- Attachment A.** Planning Proposal - Heritage Floor Space Amendment
- Attachment B.** Alternative Heritage Floor Space Allocation Scheme - as Amended
- Attachment C.** Draft Sydney Development Control Plan 2012 - Heritage Floor Space Amendment

## Background

1. The Heritage Floor Space Scheme has existed in Central Sydney for more than 40 years and has supported the on-going conservation of more than 85 heritage buildings. The current scheme is established under clauses 6.10 and 6.11 of Sydney Local Environmental Plan 2012 (Sydney LEP 2012). Clause 6.10 offers an incentive for owners of heritage buildings to conserve and maintain their property by enabling them to receive an award of heritage floor space after conservation works on the building are undertaken and relevant covenants are imposed. Clause 6.11 stipulates that a developer may only utilise certain types of additional floor space if it allocates an amount of heritage floor space to its development site.
2. Together these provisions establish a framework for the heritage floor space market in which vendors and purchasers negotiate directly with one another, while the City maintains the heritage floor space register to track awards, transactions and allocations.

## Non-rateable buildings formula

3. In the post exhibition report to Council and the Central Sydney Planning Committee in December 2020 on the Central Sydney Planning Framework, the City committed to exploring the issue of the formula used for calculating heritage floor space for non-rateable buildings. Subsequently, representations were also received from key parties that had made submissions.
4. The Transferable Heritage Floor Space Scheme was initially established in the 1970s as a compensatory mechanism in response to concerns raised by the property industry about the introduction of heritage listing of buildings in Central Sydney. The property industry was concerned that heritage listings resulted in a loss of development potential and earnings potential for property owners in Central Sydney, who would normally be able to demolish and/or redevelop their sites over time for capital gain. The rates payable on land unable to otherwise redevelop was also recognised as a financial cost.
5. Initially, if a building was heritage listed and could not be developed to the maximum floor space ratio permitted for a site, then the 'lost' floor space potential (the difference between the floor space of the listed buildings and the mapped floor space ratio for the site) became transferable. This 'transfer' became 'saleable' floor space that could be sold to owners of non-heritage listed sites to utilise available floor space bonuses.
6. Local, state and federal government owned buildings and non-rateable buildings were not eligible to be awarded heritage floor space prior to 11 May 1989.
7. Two different formulas were established which considered the financial circumstances of commercial property owners forgoing development potential, as opposed to places of public worship (non-rateable) which were not expected to redevelop in the same way. The non-rateable formula also considered that many of the buildings it applies to tend to have different built forms, such as mezzanine levels, not recognised under the rateable building's formula. The formula for rateable buildings has been 50 per cent of the building footprint multiplied by the mapped maximum FSR applicable to the site.

8. The two formulas for calculating the maximum amount of heritage floor space that may be awarded to a heritage building are shown in Tables 1 and 2 below:

Formula 1 applies to	rateable buildings in private ownership and Government buildings.
The formula is	$HFSH = 0.5AS \times FSRH$
Where	HFSH is the maximum amount of Heritage Floor Space which may be awarded in sqm;
	AS is the site area in sqm occupied by the heritage building, and
	FSRH is the maximum FSR for the site of the heritage building as shown on the LEP FSR Map

Table 1: Heritage floor space award formula for rateable buildings

Formula 2 applies to	non-rateable buildings in private ownership
The formula is	$HFSH = 0.5 \times GFAH$
Where	HFSH is the maximum amount of Heritage Floor Space which may be award in sqm; and
	GFAH is the gross floor area in sqm of the heritage buildings

Table 2: Heritage floor space award formula for non-rateable buildings

9. The proposal is to amend the DCP by applying the rateable formula to all eligible heritage buildings for the purpose of calculating heritage floor space. This recognises that the scheme has broadly shifted from a compensation scheme to a conservation scheme and that the ongoing management of heritage buildings has similar costs. It also recognises that the costs of conservation have increased over time.
10. Consideration was given to keeping the two separate formulas but changing the factor for multiplying the gross floor area of non-rateable buildings. However, it was considered that all buildings should be treated in a similar way, as the goal is now similar. In addition, the proposed amendments introduce a cap of 30,000 square metres for an award of heritage floor space per site, to respond to sites which have very large grounds included in the heritage listing, as these do not have the same conservation costs as maintaining buildings.

It is noted that the scheme in its current form is not intended to cover the forward cost of conservation but provides a financial incentive for the conservation of buildings. In turn, the Heritage Floor Space Scheme means that restored buildings using the scheme are capped of their development potential and no longer have the right to further increase floor space on the site.

11. Other minor amendments are proposed to the DCP to clarify the operation of the heritage floor space scheme, including clarifying that retrospective awards of heritage floor space can be considered if the building has already been conserved.

### **Alternative Heritage Floor Space Scheme**

12. From 2014 on, a significant level of development activity in Central Sydney absorbed a large amount of the available heritage floor space in a relatively short period of time. Much of the remaining heritage floor space is being held as a long-term asset or by developers for future projects and is not genuinely available for purchase. The City has responded to this situation with amendments which have extended the scope of the scheme to encourage the conservation of government buildings and allowed buildings to apply for a new award of heritage floor space 25 years after the original award was registered. Through extending the scope and application of the scheme, additional supply of heritage floor space is being created.
13. The alternative arrangements are contained in the Alternative Heritage Floor Space Allocation Scheme, adopted by Council March 2016, and allow developers to enter into a planning agreement with the City to defer the timing of the allocation of heritage floor space while they continue to make genuine efforts to purchase it on the market. If despite those genuine efforts the developer is not able to purchase heritage floor space, then an equivalent monetary amount is payable to the City.
14. To allow time for that additional supply of heritage floor space to be delivered to market, at its meeting in March 2016, Council approved an amendment to the Sydney LEP 2012 to provide an alternative to the allocation of heritage floor space. Further extensions were also approved in 2018 and 2020. This is because it can take some time for a building owner to identify, plan and complete the conservation works necessary for a heritage floor space award.
15. The Alternative Heritage Floor Space Allocation Scheme restricts how the City can spend any money received through the alternative arrangements to the following:
  - (a) the preparation of conservation management plans for heritage buildings in Central Sydney;
  - (b) heritage conservation works undertaken by the City in Central Sydney including, but not limited to:
    - (i) maintenance of heritage buildings in accordance with a conservation management plan; and
    - (ii) works to conserve the heritage significance of heritage items that are not buildings e.g., open space and elements of the public domain; and
    - (iii) the improvement of the operation of the Heritage Floor Space Scheme including any associated studies.

16. Since the alternative arrangements came into force, a total of twenty-five developments have approached the City to enter into a planning agreement to defer their requirement to allocate heritage floor space. Of these, twenty-one have entered into a planning agreement with the City, and three planning agreements are under consideration. The total heritage floor space sought through the alternative arrangements is 63,210.6 square metres, although to date, six developments, with a total of 13,163.3 square metres still have the option to purchase heritage floor space through the market. Eighteen developments were unable to purchase prior to the finalisation of its development and have made a monetary contribution to the City.
17. To date, \$75.2 million has been received in the Heritage Conservation Fund through the Alternative Heritage Floor Space Scheme. The capital works program within the City’s Long Term Financial Plan (LTFP) incorporates eligible projects on heritage assets, including parks, civic spaces and public art, that will utilise the balance of the Heritage Conservation Fund over the life of the LTFP. Current projects for renewal works at the Archibald Fountain, public art restoration and lighting upgrades in Hyde Park have commenced, drawing upon the Heritage Conservation Fund. These projects expended \$1.2 million of funding from the Heritage Conservation Fund in 2021/22 financial, with a further budget of \$3.5 million in 2022/23 as works progress.
18. The number of planning agreements executed under the alternative scheme peaked in 2018, with six executed, as shown in Figure 1 below.

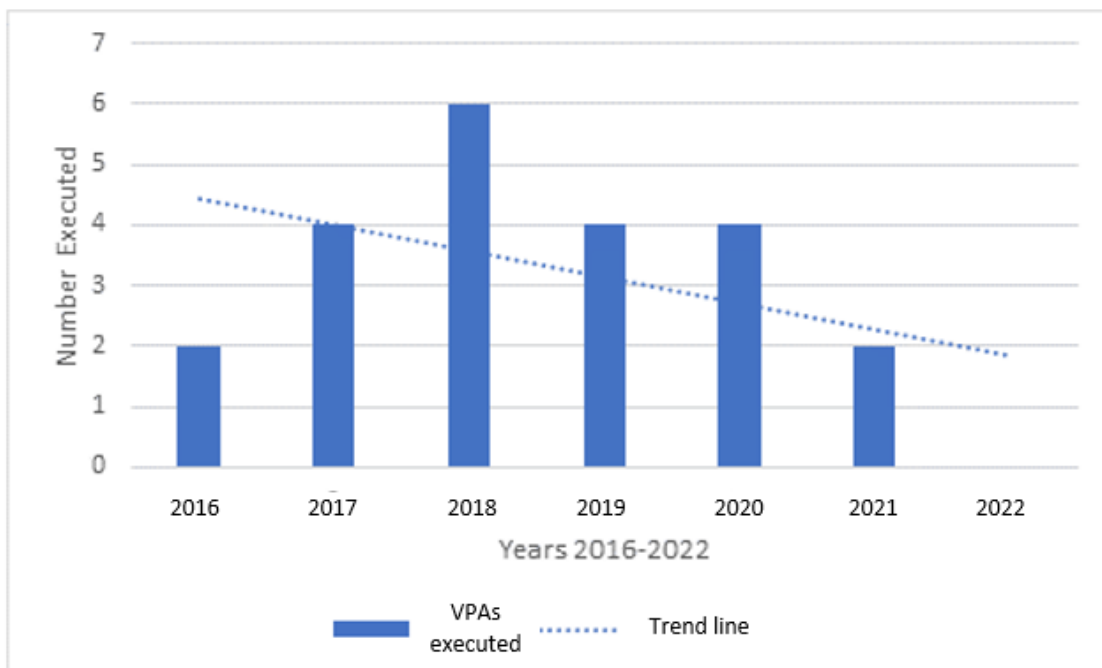


Figure 1: Number of planning agreements for the alternative heritage floor space allocation scheme

19. Heritage floor space has increased in value on the market since the introduction of the alternative arrangements, rising from an average transfer price of \$643 per square metres in June 2016 to \$2,171.61 at June 2022. This reflects the continuing effect of Sydney’s commercial development boom coupled with the lag time taken to bring supply of heritage floor space to the market.

20. Awards sought for City-owned heritage buildings have progressed since the previous amendment was made, with four awards of heritage floor space approved since December 2019 totalling 34,476.93 square metres. To date 19,531 square metres of heritage floor space have been sold, with the remaining 14,945 square metres in the process of being sold, which represents a significant increase in supply of heritage floor space to the market. Awards for additional City buildings are expected to be lodged soon or are currently being prepared for lodgement.
21. Since the previous amendment, there have been two further awards approved totalling 4,495 square metres, with two further registrations of earlier awards of heritage floor space under discussion. A further two new applications for heritage floor space awards are expected to be lodged shortly, based on discussions.
22. In July 2020, the City wrote to all owners of buildings which have had heritage floor space awards registered over 25 years ago, to advise them of the option of considering a new heritage floor space award. These buildings would already have conservation management plans prepared and covenants placed on title, and therefore seeking new awards for these properties would be an easier process than for those seeking heritage floor space awards for the first time, and therefore more likely to occur. Initial discussions have taken place with several owners who are considering applying for a new award of heritage floor space.
23. Enquiries for several State government-owned buildings are also ongoing, with a number of buildings currently being investigated, with significant awards of heritage floor space potentially available in the future.
24. In 2021 the City heritage listed eight central Sydney buildings from the modern movement architectural period. These buildings provide another opportunity for the award and sale of heritage floor space.
25. Allowing non-rateable buildings to adopt the rateable formula for calculating heritage floor space is also expected to encourage awards for eligible non-rateable buildings and increase supply.
26. It is anticipated that the recent increased activity in heritage floor space award applications and expected future award applications will continue due to the current high price. However due to the uncertainty in the economy and heritage floor space market due to circumstances such as the Covid-19 pandemic, there is a need to keep the alternative scheme active for some additional time in case the market does not respond quickly enough to demand for development in Central Sydney. This will ensure those projects that are able to progress will not be hindered by a shortage of heritage floor space in the current market.
27. This report seeks to extend the alternative heritage floor space allocation arrangements for a period of a further three years to 1 January 2026. This extension will allow applications for awards of heritage floor space by private heritage owners, State government and other public authorities including the City, and non-rateable buildings following the change to the formula, to be finalised and bring new heritage floor space to the market.

28. The Sydney LEP 2012 refers to the consent authority having adopted and published a policy that makes alternative heritage arrangements to the allocation of heritage floor space. In accordance with this requirement, Council's position has been adopted and published through the Alternative Heritage Floor Space Allocation Scheme. To ensure the scheme aligns with the Sydney LEP 2012 change, it is proposed that the end date referred to in that scheme is also updated to 1 January 2026.
29. The date change to the Alternative Heritage Floor Space Scheme is provided in Attachment B. No other changes to the Scheme are recommended at this time.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

30. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This proposal is aligned with the following strategic directions and objectives:
  - (a) Direction 4 - Design excellence and sustainable development - by supporting the operation of the heritage floor space scheme to conserve important heritage buildings, contribution to celebrate the character of Central Sydney.

## Financial Implications

31. If developers who make use of the Alternative Heritage Floor Space Allocation Scheme are unable to purchase heritage floor space within the required timeframe, then a monetary contribution is paid to the City. Council's Alternative Heritage Floor Space Allocation Scheme identifies how the money can be spent. City officers will identify projects that deliver a public heritage benefit that can be suitable for funding in line with the options endorsed by Council as funds become available.

## Relevant Legislation

32. Environmental Planning and Assessment Act 1979.
33. Environmental Planning and Assessment Regulation 2000.

## Critical Dates / Time Frames

34. The existing Alternative Heritage Floor Space Scheme arrangements are presently scheduled to expire on 1 January 2023 and need to be renewed prior to that time. The Planning Proposal includes a draft timetable to meet this deadline.

## Options

35. There is the option of not changing the non-rateable formulae and maintain the status quo and not extending the arrangements for the Alternative Heritage Floor Space Allocation Scheme. However, there is a strong case for having a single formulae approach by not relying on the distinction between whether the owner has commercial intent or not, but rather that conservation is incentivised. There is also the option of not extending the alternative scheme, but at this time it would have the potential to impede the undertaking of development in Central Sydney and affect construction activity. This approach is not supported at this time.

## Public Consultation

36. Public exhibition and public authority consultation for the Planning Proposal will be undertaken in accordance with any Gateway Determination issued by the Greater Sydney Commissions. Due to the minor nature of the proposal it is proposed that public exhibition should be for a minimum of 14 days. The DCP amendments will be exhibited for a minimum of 28 days. Public exhibition will be notified:
- (a) on the City of Sydney website
  - (b) through letters to owners of heritage floor space and owners of heritage buildings in Central Sydney
  - (c) key state agencies, industry bodies and relevant community groups.

## GRAHAM JAHN AM

Director City Planning, Development and Transport

Michelle Cramsie, Specialist Planner



# **Attachment A**

**Planning Proposal  
Heritage Floor Space Amendment**

# Planning Proposal: Heritage Floor Space amendment



# Contents

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2. Explanation of the Provisions	5
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# Introduction

This Planning Proposal explains the intent of, and justification for, the proposed amendment to the Sydney Local Environmental Plan 2012 (Sydney LEP).

The proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning Guidelines, including the Local Environmental Plan Making Guideline.

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## Background

Heritage Floor Space (HFS) planning controls in the Sydney LEP are the legal framework for a scheme under which owners of heritage listed buildings in Central Sydney may apply to be awarded HFS after completing conservation works to the building.

Heritage Floor Space may be purchased by developers who, as a condition of using bonus or accommodation floor space, are required to allocate HFS to their development.

In July 2016, the planning controls were amended in response to the shortage of available HFS in the market and to increase long-term supply including:

- Temporary alternative arrangements to allow development applications made before 1 January 2019 to defer HFS allocation requirements by entering into a planning agreement with Council
- Enabling heritage buildings granted an award of HFS more than 25 years ago to be eligible for a new award of HFS
- Extending the scope of the scheme to allow more government-owned properties to be eligible for the award of HFS.

The alternative arrangement is a temporary scheme to address the ongoing but temporary shortage of available HFS in the market and allow additional time for an increase in long-term supply.

The alternative arrangement allows developers to enter into a planning agreement with Council to defer the allocation of HFS until after works have commenced while the developer makes ongoing attempts to purchase the HFS, allowing development to proceed. If after making ongoing and genuine attempts to purchase HFS the developer is still unable to do so, a monetary contribution can be made payable to Council which is to be used for heritage conservation works. This is set out in the Alternative Heritage Floor Space Allocation Scheme, adopted by Council in March 2016.

The supply of HFS is improving, following the recent approvals of approximately 34,000 square metres of HFS for four City-owned buildings. Further HFS award applications are forthcoming for City-owned buildings, potential HFS award applications for NSW Government-owned properties, and applications being prepared by private landowners for new awards of HFS 25 years after the first awards were registered.

This planning proposal proposes to extend the alternative heritage floor space allocation arrangements for a period of a further three years to 1 January 2026. This extension will allow applications for awards of HFS by private heritage building owners, NSW Government and other public authorities, including Council, to be finalised and bring new heritage floor space to the market.

# 1. Objectives or Intended Outcomes

The objective of the planning proposal is to amend the Sydney Local Environmental Plan 2012 to extend the temporary period for alternative arrangements in relation to the allocation of HFS by 2 years.

## 2. Explanation of the Provisions

The proposal seeks to amend Clause 6.11A(4) of the Sydney LEP from:

- This clause applies only in relation to an application for development consent that is made before 1 January 2023; to
- This clause applies only in relation to an application for development consent that is made before 1 January 2026.

# 3. Justification

This section of the planning proposal provides the rationale for the amendments and responds to questions set out in the document entitled 'Local Environmental Plan Making Guideline', published by the Department of Planning and Environment in December 2021.

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## Section A: Need for the planning proposal

### **Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

The planning proposal is the result of monitoring of the supply and demand of HFS through Council's register. The supply of HFS is improving as more applications are being prepared and lodged, however extending the period for the temporary arrangement will allow for the additional supply of HFS to be delivered to the market.

The alternative arrangement is in place to overcome an identified temporary shortage of Heritage Floor Space in the market, while not hindering the delivery of development projects.

### **Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The planning proposal is the best, most efficient and most time effective approach to delivering the desired outcome. Without an extension of time, proponents may not be able to use the alternative arrangement and development in Central Sydney may be delayed.

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## Section B: Relationship to the strategic planning framework

### **Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The Greater Sydney Region Plan is the NSW Government's strategic document that outlines a vision for Greater Sydney over the next 40 years. The Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery and is to be implemented at a local level by District Plans.

It identifies key challenges facing Greater Sydney, which is forecast to grow from 4.7 million people to 8 million people by 2056. Greater Sydney must provide for an additional 817,000 jobs by 2036 and will need to provide 725,000 more homes over the next 20 years.

The planning proposal is consistent with the following relevant objectives and planning priorities of the Greater Sydney Region Plan:

- Objective 13: Environmental heritage is identified conserved and enhanced
- Objective 18: Harbour CBD is stronger and more competitive
- Objective 22: Investment and business activities in centres

The Eastern City District Plan sets the local planning context for the City of Sydney local government area. It provides a 20-year plan to manage growth and achieve the 40-year vision of the Greater Sydney Region Plan.

The planning proposal is consistent with the following relevant planning priorities and actions of the Eastern City District Plan:

- Planning Priority E6: Creating and renewing great places and local centres, and respecting the District’s heritage
- Planning Priority E7: Growing a stronger and more competitive Harbour CBD
- Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres

This planning proposal supports the above key objectives and priorities as it will enable conservation of heritage buildings and remove a potential barrier to efficient delivery of new development.

**Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?**

City Plan 2036 is the City of Sydney’s local strategic planning statement and sets out the 20-year land-use planning vision balancing the need for housing and jobs while protecting and enhancing local character, heritage, and public places and spaces. City Plan 2036 contains 13 priorities and a series of actions to achieve the vision and guide changes to the City’s planning controls.

The planning proposal is consistent with City Plan 2036, particularly:

- Priority P1 - Growing a stronger, more competitive Central Sydney - the proposal will remove any barriers to timely development in the City.

Sustainable Sydney 2030-2050 Continuing the Vision is the blueprint for sustainable development of the city of Sydney to 2050 and beyond. It includes 10 strategic directions to guide the future of the City of Sydney. Sustainable Sydney 2030-2050 Continuing the Vision outlines the City’s vision for a ‘green’, ‘global’ and ‘connected’ City of Sydney and sets targets, objectives and actions to achieve that vision.

As such, the planning proposal is consistent with Sustainable Sydney 2030-2050 Continuing the Vision, particularly:

- Direction 4 – Design excellence and sustainable development – by supporting the operation of the heritage floor space scheme to conserve important heritage buildings, contribution to celebrate the character of Central Sydney

**Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

There are no other applicable state or regional strategies.

**Is the planning proposal consistent with applicable SEPPs?**

This planning proposal is consistent and does not contradict or hinder the application of the following SEPPs:

- SEPP (Biodiversity and Conservation) 2021, SEPP (Exempt and Complying Development Codes) 2008, SEPP (Housing) 2021, SEPP (Planning Systems) 2021, SEPP (Precincts – Eastern Harbour City) 2021, SEPP (Resilience and Hazards) 2021, SEPP (Resources and Energy) 2021, SEPP (Transport and Infrastructure) 2021.

The following SEPPs are not applicable to this planning proposal:

- SEPP (Building Sustainability Index: BASIX) 2004, SEPP (Industry and Employment) 2021, SEPP 65-Design Quality of Residential Apartment Development, SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021.

**Is the planning proposal consistent with applicable Ministerial Directions?**

This planning proposal is consistent with and does not contradict or hinder application of the Ministerial Directions:



- 1.1 Implementation of Regional Plans; 1.3 Approval and Referral Requirements; 3.2 Heritage Conservation; 4.1 Flooding; 5.1 Integrating Land Use and Transport; 5.2 Reserving Land for Public Purposes; 5.3 Development Near Regulated Airports and Defence Airfields; 6.1 Residential Zones; 6.2 Caravan Parks and Manufactured Home Estates; and 7.1 Business and Industrial Zones.

The following Ministerial Directions are not applicable to this planning proposal:

- 1.2 Development of Aboriginal Land Council land; 1.4 Site-specific provisions; 1.5 Parramatta Road Corridor Urban Transformation Strategy; 1.6 Implementation of North West Priority Grown Area Land Use and Infrastructure Implementation Plan; 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan; 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan; 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor; 1.10 Implementation of the Western Sydney Aerotropolis Plan; 1.11 Implementation of Bayside West Precincts 2036 Plan; 1.12 Implementation of Planning Principles for the Cooks Cove Precinct; 1.13 Implementation of St Leonards and Crows Nest 2036 Plan; 1.14 Implementation of Greater Macarthur 2040; 1.15 Implementation of the Pyrmont Peninsula Place Strategy; 1.16 North West Rail Link Corridor Strategy; 1.17 Implementation of the Bays West Place Strategy; 3.1 Conservation Zones; 3.3 Sydney Drinking Water Catchments; 3.4 Application of C2 and C3 Zones and Environmental Outlays in Far North Coast LEPs; 3.5 Recreation Vehicle Areas; 3.6 Strategic Conservation Planning; 4.2 Coastal Management; 4.3 Planning for Bushfire Protection; 4.4 Remediation of Contaminated Land; 4.5 Acid Sulfate Soils; 4.6 Mine Subsidence and Unstable Land; 5.4 Shooting Ranges; 7.2 Reduction in non-hosted short-term rental accommodation period; 7.3 Commercial and Retail Development along the Pacific Highway, North Coast; 8.1 Mining, Petroleum Production and Extractive Industries; 9.1 Rural Zones, 9.2 Rural Lands, 9.3 Oyster Aquaculture; 9.4 Farmland of State and Regional Significance on the NSW Far North Coast.

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## Section C: Environmental, social and economic impact

**Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

No. The Planning Proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitat.

**Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

No. The Planning Proposal relates to the extension of time for an existing alternative arrangement and does not relate to physical works.

**Has the planning proposal adequately addressed any social and economic effects?**

Yes. While any change to the Heritage Floor Space planning controls will have an effect on the Heritage Floor Space market, the proposed change is likely to have a minor impact only. More significantly, it will remove a potential barrier to timely property development in Central Sydney by assisting to ease a temporary shortage of available stock in the Heritage Floor Space market.

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## Section D: Infrastructure (Local, State and Commonwealth)

**Is there adequate public infrastructure for the planning proposal?**

Yes. The proposed amendment does not increase the need for infrastructure.

## Section E: State and Commonwealth interests

### **What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Appropriate consultation will be conducted when the Gateway determination is issued. Formal consultation has not yet been undertaken.

# 4. Mapping

This Planning Proposal does not amend any maps.

# 5. Community consultation

This Planning Proposal is to be exhibited in accordance with the Gateway determination once it is issued by the Department of Planning and Environment. It is anticipated the Gateway determination will require a public exhibition for a period of not less than 14 days in accordance with Schedule 1 Item 4 of the Environmental Planning and Assessment Act 1979, Local Environmental Plan Making Guideline, and the City of Sydney's Community Participation Plan.

Notification of the public exhibition will be via:

- the City of Sydney website;
- directly inviting comments from owners of Heritage Floor Space and owners of heritage buildings in Central Sydney, and
- key state agencies (Heritage NSW, Property NSW) industry bodies (including Property Council Australia NSW) and relevant community groups.

# 6. Project Timeline

The anticipated timeline for the completion of the Planning Proposal is as follows:

Action	Anticipated Date
Commencement / Gateway determination	September 2022
Pre-exhibition government agency consultation	September 2022
Public exhibition	September-October 2022
Consideration of submissions	October 2022
Post-exhibition consideration of proposal	November 2022
Draft and finalise LEP	December 2022
LEP made (if delegated)	December 2022
Plan forwarded to DPE for notification	December 2022



# **Attachment B**

**Alternative Heritage Floor Space Allocation  
Scheme – as Amended**

# Alternative Heritage Floor Space Allocation Scheme





# Contents

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# Alternative Heritage Floor Space Allocation Scheme

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## Purpose

*Sydney Local Environmental Plan (SLEP) 2012* provides the legal framework for a scheme under which an owner of a heritage building in Central Sydney may be awarded Heritage Floor Space after completing conservation works on the building. That owner may sell that Heritage Floor Space to a developer who, as a condition of development consent for an application seeking additional floor space, is required to allocate Heritage Floor Space to its development site.

Owing to a shortage of available Heritage Floor Space on the market, developers are currently having difficulty sourcing the Heritage Floor Space required to satisfy conditions of development consents. This threatens to delay some major projects.

The Council, at a meeting on 14 September 2015, and the Central Sydney Planning Committee (CSPC), at a meeting on 10 September 2015, resolved to prepare a Planning Policy that will allow Council to enter into agreements which may lead to the allocation of Heritage Floor Space being deferred until after construction commences or, in the event that Heritage Floor Space cannot be obtained, replaced with an alternative arrangement that satisfies an Alternative Heritage Floor Space Allocation Scheme. The Council and CSPC resolutions established the key elements of the Scheme and delegated to the Chief Executive Officer the development of the details of the Scheme.

This document sets out the details of the Alternative Heritage Floor Space Allocation Scheme. It will ensure that there is a consistent approach and established procedures for allowing an alternative to Heritage Floor Space allocation under SLEP 2012.

## Scope

This scheme provides for the use of planning agreements and bank guarantees as an alternative to the allocation of Heritage Floor Space under clause 6.11 of Sydney Local Environmental Plan 2012.

The management of bank guarantees, and other performance bonds is set out in separate documents entitled Performance Bonds Policy and Performance Bonds Procedures. It should be noted that this scheme only allows a bank guarantee and no other form of performance bond to be provided as security of the developer's obligations under the planning agreement.

**This scheme will apply to development applications lodged before 1 January ~~2023~~ 2026 and has no effect after that date.**

## Definitions

Term	Meaning
Allocation	An entry in the Heritage Floor Space register to indicate that an amount of Heritage Floor Space has been allocated for use at a particular development site.
Bank Guarantee	A documentary performance bond comprising an unconditional undertaking from a bank to make a payment upon presentation of a demand.
Heritage Conservation Fund	A fund established and maintained by the City that is comprised of payments made under this scheme to be used in accordance with this document.
Heritage Floor Space (HFS)	Transferable floor space awarded to heritage-listed buildings and recorded in the Heritage Floor Space register.
Heritage Floor Space Register	The register maintained by the Council for the purpose of clause 6.10 of Sydney Local Environmental Plan 2012.
Heritage Floor Space Update	A quarterly report on awards, sales and transfer of Heritage Floor Space which is prepared by the City of Sydney and published on its website.
Planning Agreement	The meaning set out in section 93F of the Environmental Planning and Assessment Act 1979.

## Scheme statement

This scheme establishes the circumstances under which the Council will accept an alternative arrangement to the allocation of Heritage Floor Space under clause 6.11 of Sydney Local Environmental Plan 2012.

**The primary aim of this scheme is to enable projects in Central Sydney to proceed during the current lag in heritage floor space becoming available for purchase in the market. The strong preference remains for developers to obtain heritage floor space upfront, though if unsuccessful due to current market shortages, this scheme provides an alternative. Additional time and cost associated with the planning agreement are likely to be experienced by the developer if they opt to enter into this scheme. Please contact City staff to discuss the timeframes and costs involved.**

The principles of this scheme are:

1. the developer is to demonstrate to the satisfaction of Council that it has made genuine and ongoing efforts to obtain Heritage Floor Space and has been unable to do so;
2. the developer agrees to obtain the Heritage Floor Space by a specified date following the commencement of construction or, alternatively, pay a monetary amount equal to the market value of the Heritage Floor Space plus an uplift amount towards a heritage conservation fund to be established by Council;
3. the developer is to provide a bank guarantee to Council for an amount equal to the amount of Heritage Floor Space required multiplied by the currently applicable unit rate.
4. the amount of the payment required if the Heritage Floor Space has not been allocated by the specified date will be set at a level intended to discourage the use of this option and the payment is only to be made if ongoing attempts to purchase Heritage Floor Space have not been successful; and
5. any funds obtained under the scheme will be directed towards heritage conservation works.

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## The offer must be submitted to the City at the same time as the application to which it relates

If a developer opts to enter into a planning agreement in respect of HFS allocation, the offer to enter into a planning agreement must be in the form set out in Attachment A and attached to that offer must be the following documentation to the satisfaction of Council:

1. written evidence that the developer has submitted offers to purchase HFS to at least three separate owners of HFS within the previous three months;
2. written evidence that the amount of each offer was not less than the average sales price of HFS reported in the most recently published Heritage Floor Space Update; and
3. written evidence that the developer has not been able to purchase the amount of HFS required under the conditions of the applicable development consent.

## Terms of planning agreement in relation to Heritage Floor Space allocation

If Council accepts a developer's offer to enter into a planning agreement in relation to Heritage Floor Space allocation, the planning agreement will include the terms included in the offer accepted by Council, together with the following terms:

1. a requirement for the developer to continue to make all reasonable endeavours to procure the HFS until the specified date by which final HFS offers are to be made;
  2. if the developer has not allocated the total amount of HFS required under the conditions of its consent by the date specified in the planning agreement, a right for Council to make a calculation to determine the amount payable to the Heritage Conservation Fund and make a claim on the bank guarantee amount in part or in full by reference to the amount of HFS that has been purchased by the developer; and
  3. an obligation for the developer to register any subsequent allocation of HFS (including disclosing the price paid for the HFS) within 30 days of purchase of that HFS.
- 

## Determining the amount of any monetary payment

If the developer has allocated the total amount of HFS required under the conditions of its consent by the date specified in the planning agreement, the Council will return the bank guarantee and no monetary payment will be required.

If at the date specified in the planning agreement the developer has allocated only part or not allocated any of the amount of Heritage Floor Space required under the conditions of their consent, the Council will calculate the amount owing by the developer to the Heritage Conservation Fund using the following formula:

$$X = W(Y - Z)$$

Where

X= the monetary amount required (in \$);

W = the unit rate of Heritage Floor Space specified in the planning agreement.

Y = the total amount of Heritage Floor Space (in square metres) required to be allocated under the conditions of consent for the development;

Z = the amount of Heritage Floor Space (in square metres) allocated to the development at the date specified in the planning agreement;

If at the date specified in the planning agreement the developer has allocated some but not all of the Heritage Floor Space required to be allocated to their development, the Council will claim a portion of the amount specified in the Bank Guarantee equivalent to the amount owing by the developer to the Heritage Conservation Fund.

## Use of Heritage Conservation Fund

The City will apply any moneys obtained under this scheme to:

- the preparation of conservation management plans for heritage buildings in Central Sydney;
- heritage conservation works undertaken by the Council in Central Sydney including, but not limited to:
  - maintenance of heritage buildings in accordance with a conservation management plan; and
  - works to conserve the heritage significance of heritage items that are not buildings eg open space and elements of the public domain; and
- the improvement of the operation of the Heritage Floor Space scheme including any associated studies.

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## References

### Laws and standards

- Environmental Planning and Assessment Act 1979
- Sydney Local Environmental Plan 2012
- (Draft) Planning Agreements Policy
- Performance Bonds Policy
- Performance Bonds Procedure

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## Approval

The Council first approved this scheme on 21 March 2016, amended on 7 August 2017, and further amended on 10 December 2018, and December 2020.

## Schedule – form of planning agreement offer

Information	Details
<b>Landowner</b>	Name ABN Address Contact Person Telephone Email
<b>Developer (if different from landowner)</b>	Name ABN Address Contact Person Telephone Email
<b>Property address</b>	
<b>Title particulars</b>	
<b>Development Consent number and HFS condition number</b>	
<b>Details (including registration number) of any existing VPA affecting the Property</b>	
<b>Amount of HFS required (V)</b>	[insert] square metres
<b>Unit rate of HFS for the purpose of this agreement (W)</b>	\$ [insert agreed amount] per sq.m
<b>Amount of bank guarantee</b>	[\$[to be calculated by inserting the amount reached by multiplying the amount of HFS remaining to be allocated to the development at the date of lodgement of the application which facilitates participation in the scheme (V) by the unit rate of HFS for the purpose of the agreement (W)]]
<b>Date by which final HFS offers will be made</b>	[To allow for registration of any allocation, this is to be 1 month before the date from which the City can claim on the bank guarantee]

Information	Details
<b>Date from which City can claim on bank guarantee if the total amount of HFS required under the consent has not been allocated</b>	The earlier of: <ul style="list-style-type: none"><li data-bbox="655 297 1417 398">• [insert fixed date (being the anticipated date of the first occupation certificate for the development at the time the planning agreement is entered into)]; and</li><li data-bbox="655 416 1417 481">• the date of the first occupation certificate actually obtained for the development.</li></ul>





# **Attachment C**

**Draft Sydney Development  
Control Plan 2012  
Heritage Floor Space Amendment**

# Sydney Development Control Plan 2012 – Heritage Floor Space amendment



## The purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend the Sydney Development Control Plan 2012, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment seeks to:

- change the formula for calculating the Heritage Floor Space obtainable by non-rateable buildings
  - cap the maximum heritage floor space available for an award at 30,000 square metres
  - allow an additional 5 percent of gross floor area, or up to 200sqm, whichever is the lesser value, above the total gross floor area of the building
  - clarify that retrospective awards of heritage floor space can be considered where heritage buildings have been conserved
  - other minor changes to clarify the operation of the heritage floor space scheme.
- 

## Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – Heritage Floor Space amendment*

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## Land covered by this plan

This plan applies to Central Sydney.

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## Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 in the manner set out below.

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## Amendment to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 as shown below with existing text ~~striketrough~~ and new text underlined:

### 5.1.6 Heritage Floor Space

#### Value statement

The Sydney LEP 2012 includes an incentive to conserve and maintain whole buildings in Central Sydney which are heritage items within Schedule 5 Environmental heritage of Sydney LEP 2012. The award and allocation procedures include:

- the ability for the owner of a heritage building, subject to meeting certain criteria, to be

awarded development potential known as Heritage Floor Space after completing conservation works to that building;

- a requirement that a building in Central Sydney may only exceed the floor space ratio shown on the floor space ratio map in Sydney LEP 2012 if an amount of Heritage Floor Space has been allocated or transferred to the development from the register of available Heritage Floor Space; and
- a register held by Council that details awards and allocations of Heritage Floor Space.

Heritage Floor Space (HFS) is created when it is awarded to the owner of a heritage item for undertaking conservation works. It may be used by the owner of the heritage item or on-sold. Allocation of HFS to a development site extinguishes that HFS, removing it from the stock of HFS available for use and sale.

The City regularly publishes a summary of HFS awards and allocations, known as the Heritage Floor Space Update, so that applicants can identify the owners of HFS to negotiate the purchase of HFS. The update can be viewed on the City's website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

The award of HFS is restricted to buildings that are listed in their entirety as heritage items in Schedule 5 of the Sydney LEP 2012. It does not apply to heritage items that are only listed as parts of buildings such as 'facade' or 'building element'.

### **Objective**

- (a) Provide the formulae and other procedures for the efficient, transparent and equitable operation of the Heritage Floor Space scheme established in the LEP.

### **Definitions**

Award means the entry of an amount of Heritage Floor Space on Council's Heritage Floor Space Register in accordance with a resolution by the consent authority and the completion of relevant requirements.

Allocate means the transfer of an amount of Heritage Floor Space from Council's Heritage Floor Space Register for use within a development site.

Heritage building means a heritage item that is a whole building and shown marked with an asterisk in Schedule 5 Environmental Heritage of the Sydney LEP 2012. A heritage building is not a building that has only a part of its fabric listed in Schedule 5 such as the listing of only a 'facade' or 'building element'.

Heritage floor Space (HFS) means transferable floor space awarded to heritage listed buildings under the *Sydney LEP 2012*.

Owner means a person awarded Heritage Floor Space or another person who has acquired the Heritage Floor Space.

### **Provisions**

#### **5.1.6.1. Eligibility of heritage buildings to be awarded heritage floor space**

- (1) To be eligible for an award of HFS, a heritage building is to be:
  - (a) located in the Central Sydney area;

- (b) subject to conservation works in accordance with an approved Conservation Management Plan; and
- (c) not subject to works that would increase the external envelope and floor space of the building, other than a minor increase to facilitate the adaptive re-use of the heritage building.

**5.1.6.2 Pre-requisites for the award of Heritage Floor Space**

- (1) Prior to registration of the HFS, the applicant must complete the conservation works in accordance with the Conservation Management Plan and enter into legal agreements and grant covenants on the land which:
  - (a) limit any future redevelopment of the site to the total gross floor area, and height of the conserved heritage building; and
  - (b) ensure the ongoing conservation of the building by regular maintenance, including the provision of adequate insurance and a maintenance fund.
- (2) A Conservation Management Plan for the heritage item is to be approved by the consent authority and is to generally include:
  - (a) works to conserve the existing significant fabric of the building;
  - (b) removal of elements that detract from the significance of the building;
  - (c) the schedule of maintenance works;
  - (d) reinstatement of original fabric based on documentary evidence where appropriate; and
  - (e) other works compatible with significance of the building.

**5.1.6.3 Calculating the heritage floor space to be awarded**

- (1) The maximum amount of HFS, measured in sqm that may be awarded to a heritage building is to be calculated using either the Formula below 1 or Formula 2.

<b>Formula 1 applies to</b>	<b>Rateable buildings in private ownership and Government buildings</b>
The formula is	$HFSH = 0.5AS \times FSRH$
Where	HFSH is the maximum amount of Heritage Floor Space which may be awarded in sqm;
	AS is the site area in sqm occupied by the heritage building; and
	FSRH is the maximum FSR for the site of the heritage building as shown on the LEP FSR Map.

<b>Formula 2 applies to</b>	<b>to non-rateable buildings in private ownership</b>
The formula is	$HFSH = 0.5 \times GFAH$
Where	HFSH is the maximum amount of Heritage Floor Space which may be awarded in sqm; and
	GFAH is the gross floor area in sqm of the heritage buildings.

- (2) Despite clause (1) above, the maximum Heritage Floor Space that can be awarded in relation to a heritage building is 30,000 square metres.
- (3) The consent authority may reduce the maximum amount of HFS which may be awarded by an amount equivalent to:
- (a) any existing additions or alterations to the heritage building which the consent authority does not consider feasible to be demolished or altered even though those alterations and additions are:
    - (i) of little or no significance to the heritage significance of the building; or
    - (ii) intrusive to the building;
  - (b) any proposed addition which increases the gross floor area of the existing heritage building; and
  - (c) any areas where elements of heritage significance are proposed to be demolished, in order to facilitate the adaptive re-use of the heritage building.

#### 5.1.6.4 Staged Awards

- (1) The consent authority may approve a staged award of HFS to facilitate the carrying out of the full extent of work necessary for the conservation of the heritage building.

#### 5.1.6.5 Retrospective Awards

- (1) Retrospective awards of heritage floor space can be considered by the consent authority where it is demonstrated that the heritage building has been conserved in accordance with an endorsed CMP.

THE REMAINDER OF THE EXISTING DCP APPLIES UNCHANGED





## **Item 7.**

### **Approved Variations to Development Standards Reported to the Department of Planning and Environment**

**File No:** S040864

#### **Summary**

This report is to inform the Central Sydney Planning Committee of development applications determined where there has been a variation in standards under Clause 4.6 of the Sydney Local Environmental Plan 2012 in the fourth quarter of 2021/22.

#### **Recommendation**

It is resolved that the subject report be received and noted.

#### **Attachments**

**Attachment A.** Variations Approved and Reported to the Department of Planning and Environment for the Period 1 April 2022 to 30 June 2022.

## Background

1. On 24 June 2004 the Central Sydney Planning Committee (CSPC) delegated authority to the City of Sydney for the determination of development applications involving a variation to a development standard and costing less than \$50 million.
2. In accordance with planning circular PS 08-014 the City of Sydney is required to submit to the Department a quarterly report of variations approved. A copy of this submission has been provided to the Central Sydney Planning Committee on a quarterly basis since October 2008.
3. The City also maintains a publicly available register of all variations to development in accordance with above circular.
4. Planning Circular PS 20-002 requires that a quarterly report of variations approved under delegation from Council is also to be provided to a meeting of Council.
5. Twenty-five applications were approved where there has been a variation to development standards during the period 1 April 2022 to 30 June 2022. Details of applications are provided in Attachment A.

## Relevant Legislation

6. Environmental Planning and Assessment Act 1979
7. City of Sydney Act 1988

## **GRAHAM JAHN AM**

Director City Planning, Development and Transport

James Farrar, Information and Systems Officer

# **Attachment A**

**Variations Approved and Reported to the  
Department of Planning and Environment  
for the Period 1 April 2022 to 30 June 2022**

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Date Determined
D/2021/895	43	Cowper Wharf Roadway	WOOLLOOMOOLOO	B4 Mixed Use	Height	12.5%	14: Other	Complies with the objectives of building height and zoning. Works did not change the existing building height. Does not result in additional environmental impacts and is minor.	27/05/2022
D/2021/1207	174	Glebe Point Road	GLEBE	R1 General Residential	Height	8.7%	1: Residential - Alterations & additions	Complies with the objectives of building height and zoning. Does not result in additional environmental impacts.	1/04/2022
D/2021/1253	13	Ithaca Road	ELIZABETH BAY	R1 General Residential	Height	10%	1: Residential - Alterations & additions	Non-compliant floor to ceiling heights in part due to existing non-compliant floor levels proposed to be retained. Installation of acoustic flooring will improve amenity of apartments which already provide a high level of amenity, notwithstanding numerical non-compliance. Does not result in additional environmental impacts and is minor.	29/06/2022
D/2021/1444	43	Pitt Street	REDFERN	R1 General Residential	FSR	2.9%	1: Residential - Alterations & additions	Complies with the objectives of building height and zoning. Does not result in additional environmental impacts and is minor.	5/05/2022
D/2021/1449	112	Womerah Avenue	DARLINGHURST	R1 General Residential	Height	4.83%	1: Residential - Alterations & additions	Complies with the objectives of building height and zoning. The proposal does not have unreasonable impact on the amenity of the adjoining properties or the street scape.	6/05/2022
D/2022/183	1	Ulster Street	PADDINGTON	R1 General Residential	Height	7.2%	1: Residential - Alterations & additions	Complies with the objectives of building height and zoning. Considered to be appropriate in the context of the site and surrounding conservation area and will not result in any unreasonable effects on the amenity of the neighbouring properties or the locality.	12/04/2022
D/2022/185	394	Riley Street	SURRY HILLS	R1 General Residential	Height	5.89%	1: Residential - Alterations & additions	Complies with the objectives of building height and zoning. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	27/06/2022

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Date Determined
D/2022/294	59	Regent Street	PADDINGTON	R1 General Residential	FSR, Height	10%, 6.6%	1: Residential - Alterations & additions	Complies with the objectives of building height and zoning. The proposal is appropriate in the context of the site and surrounding conservation area and will not result in any unreasonable effects on the amenity of the neighbouring properties or the locality.	8/06/2022
D/2022/50	124	Hereford Street	FOREST LODGE	R1 General Residential	Height	5.44%	1: Residential - Alterations & additions	Complies with the objectives of building height and zoning. Breach is limited to the roof portion of the rear roof extension, and does not result in any amenity impacts.	4/04/2022
D/2022/95	13	Moore Park Road	CENTENNIAL PARK	R1 General Residential	Height, FSR	3.7%, 1.5%	1: Residential - Alterations & additions	Complies with the objectives of building height and zoning. Does not result in additional environmental impacts and is minor.	5/05/2022
D/2021/1450	227	Abercrombie Street	DARLINGTON	B4 Mixed Use	Height	23%	2: Residential - Single new dwelling	Complies with the objectives of building height and zoning. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	13/05/2022
D/2021/1400	11	Hansard Street	ZETLAND	R1 General Residential	FSR	3.10%	3: Residential - New second occupancy	Complies with the objectives of building height and zoning. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	5/05/2022
D/2020/1071	56	Oxford Street	DARLINGHURST	B2 Local Centre	Height	66.4%	8: Commercial / retail / office	Complies with the objectives of building height and zoning. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	18/05/2022
D/2020/1072	110	Oxford Street	DARLINGHURST	B2 Local Centre	Height	46%	8: Commercial / retail / office	Complies with the height and zoning objectives. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	18/05/2022
D/2021/1097	4	Kelly Street	ULTIMO	B4 Mixed Use	FSR, Height	27.8%, 13.6%	8: Commercial / retail / office	Complies with the FSR, height and zoning objectives. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	19/04/2022

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Date Determined
D/2021/1192	50	McCauley Street	ALEXANDRIA	B7 Business Park	FSR	59.3%	8: Commercial / retail / office	Complies with the FSR and zoning objectives. Pre-existing variation reduced by the proposed development.	9/06/2022
D/2021/1346	255	Oxford Street	PADDINGTON	B4 Mixed Use	FSR	8.10%	8: Commercial / retail / office	Complies with the FSR and zoning objectives. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	8/04/2022
D/2022/283	383	Bourke Street	DARLINGHURST	B2 Local Centre	Height	1.64%	8: Commercial / retail / office	Complies with the height and zoning objectives. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	26/05/2022
D/2021/1498	375	Glebe Point Road	GLEBE	B2 Local Centre	FSR, Height	24.7%, 15.4%	9: Mixed	Complies with the FSR, height and zoning objectives. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	8/06/2022
D/2021/690	189	Kent Street	SYDNEY	B8 Metropolitan Centre	Height, FSR	37.5%, 10.3%	9: Mixed	Complies with the height, FSR and zoning objectives. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	15/06/2022
D/2021/696	189	Kent Street	SYDNEY	B8 Metropolitan Centre	Height	37.50%	9: Mixed	Complies with the objectives of building height and zoning. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	7/04/2022
D/2021/977	23	Bourke Road	ALEXANDRIA	B6 Enterprise Corridor	Height	38.70%	9: Mixed	Complies with the objectives of building height and zoning. Architectural roof feature, rooftop plant equipment and solar panels which results in minimal environmental impacts.	7/04/2022
D/2022/201	46	Leinster Street	PADDINGTON	R1 General Residential	Height, FSR	8.9%, 7.7%	1: Residential - Alterations & additions	Complies with the objectives of building height and zoning. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	9/05/2022

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Date Determined
D/2021/1104	111	Marriott Street	REDFERN	R1 General Residential	FSR, Height	17.1%, 1.6%	1: Residential - Alterations & additions	Complies with the objectives of building height and zoning. The proposal will not result in additional environmental impacts and improves internal amenity.	1/06/2022
D/2022/321	385	Riley Street	SURRY HILLS	R1 General Residential	Height	11.70%	3: Residential - New second occupancy	Complies with the objectives of building height and zoning. The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape.	14/06/2022