

9 March 2023

At 5.00 pm

Central Sydney Planning Committee

Agenda

1. **Disclosures of Interest**
2. **Confirmation of Minutes**
3. **Matters Arising from the Minutes**
4. **Post Exhibition - Planning Proposal - 757-763 George Street, Haymarket - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**
5. **Approved Variations to Development Standards Reported to the Department of Planning and Environment**
6. **Summary of Applications to be Reported to the Central Sydney Planning Committee**

Disclaimer, Terms and Guidelines for Speakers at the Central Sydney Planning Committee

As part of our democratic process, the City invites members of the community to speak directly to committee members during Central Sydney Planning Committee meetings about items on the agenda.

Webcast

In accordance with the *City of Sydney Code of Meeting Practice*, Central Sydney Planning Committee meetings are recorded and webcast live on the City of Sydney website at www.cityofsydney.nsw.gov.au.

Members of the public attending a Central Sydney Planning Committee meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for up to 12 months.

Consent

By attending a Central Sydney Planning Committee meeting, members of the public consent to this use of their image, voice and personal information.

Disclaimer

Statements made by individuals at a Central Sydney Planning Committee meeting, and which may be contained in a live stream or recording of the meeting are those of the individuals making them, and not of the City. To be clear, unless set out in a resolution of council, the City does not endorse or support such statements.

The City does not accept any liability for statements made or actions taken by individuals during a Central Sydney Planning Committee meeting that may be contrary to law, including discriminatory, defamatory or offensive comments. Such statements or actions are not protected by privilege and may be the subject of legal proceedings and potential liability, for which the City takes no responsibility.

Guidelines

To enable the committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at the Central Sydney Planning Committee to:

1. Register to speak by calling Secretariat on 9265 9702 or emailing 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.

Central Sydney Planning Committee reports are available at www.cityofsydney.nsw.gov.au

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 and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

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

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

Item 2.

Confirmation of Minutes

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

Meeting of 16 February 2023

Item 3.

Matters arising from the Minutes

Matters arising from the minutes of the Central Sydney Planning Committee of 16 February 2023.

Item 4.

Post Exhibition - Planning Proposal - 757-763 George Street, Haymarket - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

File No: X038464

Summary

The Central Sydney Planning Framework was adopted by Council in December 2020. It ensures Central Sydney remains Australia's leading economic centre and an attractive location for workers, residents and visitors. The Framework identifies opportunities for additional building height and density in the right locations, where future development protects pedestrian amenity, contributes to the public domain and delivers design excellence and environmental sustainability initiatives.

The subject site, 757-763 George Street, is located in the Haymarket Ultimo tower cluster area at the southern end of Central Sydney. This planning proposal has been prepared following a request from the applicant to amend the planning controls for the site. The proposed changes to the controls are to facilitate redevelopment of the site for a new tower consistent with the requirements of the Framework. The proposed controls were approved by the Central Sydney Planning Committee and Council in May 2022 to be submitted for Gateway Determination and for public consultation.

This report details the outcomes of the public consultation of the planning proposal, draft development control plan (DCP) and voluntary planning agreement (VPA) for the site. The documents were exhibited from 29 September to 14 November 2022. 43 submissions were received including submissions from the proponent, adjoining landowners, parishioners of a nearby church, community members, and public authorities.

Matters raised in submissions included concerns that the increase in building height and density is excessive, with adverse impacts to the public domain and to nearby Christ Church St Laurance. Specific issues have been raised relating to loss of views, overshadowing and building separation with the adjoining residential apartment building at 743-755 George Street. The site is within a tower cluster area identified for change and growth. The proposed envelope responds to the character of the area and heritage items with generous setbacks that retain the prominence of heritage items in the street and provide appropriate solar access. A summary of submissions and the City's response is at Attachment A, and key issues are also discussed in this report.

A submission was received from the proponent requesting amendments to the design competition due to the extent of the proposal's uplift. The draft DCP has been updated to include these minor changes to the operation of the design competition for the subject site while remaining within the City's Competitive Design Policy, which is discussed in the report.

This report recommends Council and the Central Sydney Planning Committee approve the planning proposal, draft DCP and notes the City will enter into the planning agreement.

Recommendation

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of Planning Proposal - 757-763 George Street, Haymarket, the draft Sydney Development Control Plan 2012 - 757-763 George Street, Haymarket amendment, and draft Voluntary Planning Agreement, as shown in Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve Planning Proposal - 757-763 George Street, Haymarket, as shown at Attachment B to the subject report, and request the relevant local plan making authority make as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 6 March 2023 that Council approve the draft Sydney Development Control Plan 2012 - 757-763 George Street, Haymarket amendment, as amended following public exhibition and shown at Attachment C to the subject report, noting the approved Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan;
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal 757-763 George Street, Haymarket and draft Sydney Development Control Plan - 757-763 George Street, Haymarket amendment to correct any minor errors or omissions prior to finalisation; and
- (E) the Central Sydney Planning Committee note the draft Voluntary Planning Agreement, as shown at Attachment D to the subject report, will be executed under delegation of Council in accordance with the Environmental Planning and Assessment Act 1979.

Attachments

- Attachment A.** Summary of Submissions
- Attachment B.** Planning Proposal - 757-763 George Street, Haymarket
- Attachment C.** Draft Sydney Development Control Plan 2012 - 757-763 George Street, Haymarket Amendment (as Amended)
- Attachment D.** Voluntary Planning Agreement
- Attachment E.** Gateway Determination
- Attachment F.** Resolutions of Council and Central Sydney Planning Committee (May 2022)

Background

Strategic context of the planning proposal

1. To maintain and reinforce Central Sydney's status as a globally competitive city, it must continue to attract business investment and remain the preferred location for workers, residents and visitors. The planning vision to achieve this is detailed in the Central Sydney Planning Strategy (Strategy), which was adopted by Council in December 2020 as part of the Central Sydney Planning Framework. The Framework seeks to grow Central Sydney's competitive economic position and further strengthen its attractive qualities.
2. Increasing the capacity available for commercial growth in the mixed-use Central Sydney area is crucial for supporting a robust, resilient and competitive economy for metropolitan Sydney, New South Wales, and the nation. Capacity for business growth will support opportunities for investment and new development projects and new jobs.
3. The Framework encourages business and employment generating floor space by identifying opportunities for additional building height and density in the right locations. Development in these locations will contribute towards Central Sydney's attractiveness by delivering high quality urban design, improving pedestrian amenity, protecting public spaces and delivering improved public domain interface and environmental sustainability initiatives.
4. The southern part of Central Sydney, which comprises Haymarket and the surrounding area, continues to develop into an emerging precinct of knowledge intensive, creative, technology and start-up sectors with nearby research and academic institutions in the innovation corridor, further supported by industry and other sectors.
5. The planning proposal request for the subject site, 757-763 George Street was lodged in October 2020. The request seeks to insert new site-specific provisions in the Sydney Local Environmental Plan 2012 (LEP) in line with the Guideline for Site Specific Planning Proposals in Central Sydney (Guideline).
6. This planning proposal will facilitate the redevelopment of two lots in Haymarket including the adaptive reuse of local heritage item, former "Sutton Forest Meat Company" building. The subject site is located close to Railway Square and Central Station and in a tower cluster area where additional capacity may be unlocked for economic and employment growth.
7. At their August 2022 meetings, Council and the Central Sydney Planning Committee (CSPC) approved the planning proposal to seek Gateway Determination and be placed on public exhibition. Council approved the draft development control plan (DCP) and voluntary planning agreement (VPA) for concurrent exhibition.
8. The planning proposal was publicly exhibited in accordance with the Gateway Determination from 29 September to 14 November 2022. The draft DCP and VPA were exhibited with the planning proposal. The City notified adjoining landowners, residents and occupants within 75 metres of the subject of the public exhibition, which could be viewed on the City's website and the NSW Planning Portal.
9. The City received 43 submissions. A summary of submissions and the City's response is at Attachment A. Key issues raised in the submissions are also discussed later in this report.

The site

10. The legal description of the land affected by this planning proposal is Lot 11 DP 70261 and Lot 1 DP 1031645, known as 757-759 and 761-763 George Street, Haymarket respectively. The site is referred to in this report as "the site" or "757 George Street". An aerial image and diagram of the subject site and surrounds are shown in Figures 1 and 2 below.
11. The site is irregular in shape and has total area of 1,030 square metres. Street frontage is to George Street to the east and Valentine Street to the south. The site shares a boundary with an adjoining lot to the west that fronts Quay and Thomas Street, and an irregular boundary with a residential apartment building to the north.



Figure 1: Aerial image of subject site (in red) and immediate vicinity



Figure 2: Diagram of site location and surrounding area

Existing development on the site

12. Existing development on site consists of two low-scale retail and commercial buildings including the two-storey local heritage item, the former "Sutton Forest Meat Company" building, which fronts the intersection of George Street and Valentine Street.

Adjoining development

13. Development surrounding the subject site comprises a mixture of commercial, residential, student and visitor accommodation, as follows:
 - (a) to the east - An eight-storey building fronts the intersection of George Street and Rawson Place and comprises hostel and visitor accommodation, to the south retail buildings front the eastern side of George Street. Adjoining these buildings, to the east of the site is State heritage item, Christ Church St Laurence. The church is adjoined to the south by local heritage item, the former Lottery Office which currently comprises hostel and visitor accommodation. To the south-east are the Atlassian, Central Place Sydney and future over station development at Central.
 - (b) to the north - Capitol Terrace, a mixed-use building directly adjoins the site along its irregular northern boundary. The building comprises residential apartments on the upper floors and a retail arcade connecting George and Thomas Streets. To the north of Capitol Terrace, small and medium-sized commercial buildings front George Street and the intersection with Rawson Place.
 - (c) to the west - a medium-sized office building, 187 Thomas Street adjoins the site, which has recently been the subject of a separate planning proposal finalised in September 2021. Several buildings between 16- and 18-storeys in height front the western side of Quay Street, comprising residential, tourist and student accommodation uses.
 - (d) to the south - a number of heritage listed commercial terraces front George Street to the south of the site which comprise office, retail, food and drink and tourist accommodation. Commercial and retail buildings between two- and six-storeys front Valentine and Quay Streets to the south-west of the site.

Development intent for the site

14. The proposal is to facilitate the adaptive reuse of the site for a 31-storey tower up to RL 117.87 metres in height comprising 11,435 square metres of employment floor space for hotel with retail and active uses on the ground floor. For height comparison, the nearest towers approved for construction are the 39-storey (RL 197.9) Atlassian tower and the 37-storey (RL 174.30) Central Place Sydney (Dexus Frasers), At 187 Thomas Street, the immediately adjoining mid-sized office building development envelope height is 47-storeys (RL 226.80).
15. The vision for future development on the site includes adaptive reuse of the former Sutton Forest Meat Company heritage building for retail and hotel amenities and services that will connect to a new slender tower comprising hotel accommodation. The hotel tower will appear architecturally distinct from the heritage building, vertically separated by a cantilever.

16. The proposal will deliver active retail frontages to George and Valentine Streets in the heritage building and podium of the new tower opening onto an upgraded public domain. Vehicle and servicing access will be from Valentine Street accessed by a car lift.

Planning proposal - amendments to the Local Environmental Plan (LEP)

17. The planning proposal for the subject site, included at Attachment B, seeks to amend the LEP to insert new site-specific provisions for 757-763 George Street, Haymarket into Division 5 site-specific provisions. The objectives of the provisions are as follows:
 - (a) facilitate the redevelopment of the subject site including the adaptive reuse of the local heritage item, the former Sutton Forest Meat Company building;
 - (b) permit a new tower on site to a maximum building height of RL 117.87 metres;
 - (c) allowing maximum floor space ratio of 11.1:1, including design excellence, comprising:
 - (i) mapped floor space of 7.5:1;
 - (ii) accommodation floor space of 1.5:1;
 - (iii) site specific floor space of 1.09:1; and
 - (iv) bonus floor space up to 10 per cent if the proposal demonstrated design excellence, to a maximum floor space ratio of 11.1:1;
 - (d) up to 0.63:1 additional floor space located below ground linked to above ground uses for active, cultural or late-night uses (not subject to additional design excellence bonus); and
 - (e) provisions to ensure that development consent may only be granted if the proposal delivers employment generating uses.

Draft development control plan

18. A site-specific draft development control plan (draft DCP) is at Attachment C to this report and provides further guidance for development of the site consistent with the LEP amendments. The draft DCP provisions include:
 - (a) building envelope;
 - (b) heritage;
 - (c) tower location;
 - (d) setbacks;
 - (e) street frontages;
 - (f) vehicle access;

- (g) environmental amenity;
- (h) design excellence; and
- (i) environmentally sustainable development targets.

Voluntary planning agreement (VPA)

19. A VPA at Attachment D to this report was prepared and exhibited concurrently with the planning proposal and draft DCP. The public benefits secured through this VPA include a commitment to pay the 3 per cent development contribution at the first construction certificate stage rather than occupation certificate and a provision for public art to a value of 0.5 per cent of the total project cost, exclusive to any public art requirements under as required by a development consent. No submissions were made on the planning agreement.

Key implications

Public exhibition and public authority consultation

20. The planning proposal, draft DCP and planning agreement were exhibited from 29 September to 14 November 2022.
21. The City sent 879 letters to nearby landowners and occupants to notify them of the public exhibition and provided information on how to view the supporting documentation, which was featured on the City's Sydney Your Say website and the NSW Planning Portal.
22. A total of 43 submissions were received in response to the exhibition, four of which were in support of the proposal.
23. The City's response to the issues raised in submissions are discussed below and in the submissions table at Attachment A.

Public agency submissions

24. Public agency consultation was carried out in accordance with the Gateway Determination. Heritage NSW, Sydney Airport Corporation, Air Services Australia, Commonwealth Department of Infrastructure and Regional Development, Civil Aviation Safety Authority (CASA), Sydney Water, Ausgrid and Transport for NSW were all consulted.
25. In their submission, Transport for NSW raised no significant issue with the planning proposal. However, they noted that the subject site is in close proximity to the CBD Rail Link Corridor and request that prior to the lodgement of any future development application, the proponent engage with Transport for NSW. It was also requested the proponent consult with Transport for NSW regarding the preparation of a draft Construction and Traffic Management Plan to ensure cumulative construction related impacts are actively managed.

26. Sydney Water also provided comment on the planning proposal noting the future development application would require a referral to ascertain the necessary water and wastewater servicing requirements and whether any extensions or adjustments are needed.
27. Sydney Airport raised no objection to the proposal as the height of the planning envelope falls below the height of the prescribed airspace at this location at 150 metres above Australian Height Datum.
28. In their submission, Heritage NSW raised no objection and supported the objectives of the accompanying draft DCP to the subject planning proposal. They recommended a provision to ensure the podium is designed to have a respectful relationship with nearby State listed heritage items and to ensure an archaeological investigation is undertaken prior to excavation.

Landowner submission

29. The submission from Mecone, on behalf of Samprian, the owner of the subject site raised issues relating to the feasibility of the design competition process, as summarised below:
 - noting the procedural requirements in the Competitive Design Policy for Tower Cluster Areas are not commensurate to the potential development outcomes for the subject site, with the financial costs of the competition generally offset by the additional floor space that is made available;
 - due to the site area and constraints, the additional floor space facilitated through the subject planning proposal is significantly less than that delivered on other sites in Central Sydney and envisaged by the Framework; and
 - an alternative competitive design process was requested, where the number of competitors is reduced from six to four, jury members from six to four and the competitor fee is adjusted accordingly.
30. This planning proposal has been prepared in accordance with the Department's Local Environmental Plan Making Guideline in that the proposal aligns with the applicable strategies, including the Central Sydney Planning Strategy with acceptable impacts. The proposed planning envelope has been prepared in accordance with the requirements of the Guideline for Site Specific Planning Proposals in Central Sydney and responds to the constraints of the site, with setbacks that respond to onsite heritage and its sensitive setting. The envelope also achieves equivalent wind and daylight conditions to the base case.
31. These considerations shaped the planning envelope, establishing the maximum building height and gross floor area. This planning proposal will facilitate an increased maximum floor space ratio of 11.1:1, which includes site specific floor space of 1.09:1 and additional floor space up to 10 per cent subject to demonstrated design excellence plus up to an additional 0.63:1 for certain below ground uses. It is noted that calculation for the 10 per cent design excellence floor space includes site specific floor space and is therefore higher than what the site would otherwise yield.

32. The subject site is located in a tower cluster area and, along with other planning proposals seeking increases in height and floor space, has been recommended to comply with the tower cluster provisions of the City's Competitive Design Policy, which seeks to increase the quality of the public domain above and beyond standard requirements. Design competitions for tower cluster sites areas are to include a minimum of six competitors and a jury comprising six members, with three nominated by the City of Sydney and three nominated by the proponent. The minimum site area for tower cluster design competitions is 2,000 square metres.
33. As the site area is below 2,000 square metres, it is recommended the design excellence provisions that accompany this planning proposal be amended to a minimum of five competitors and a jury of six members, of which four are to be nominated by the City and two nominated by the proponent.
34. These minor changes to the operation of the design competition for the subject site reflect the scale of the project while remaining within the requirements for an architectural design competition as outlined in the City of Sydney's Competitive Design Policy. It is intended that this change to the competition structure is balanced by the amended jury composition, which is also consistent with the proponent's design excellence strategy that was lodged with the planning proposal request.

Issues raised in submissions

Support

35. During public exhibition, four submissions were received in support of the proposed indicative scheme, noting the potential for the proposal to help revitalise the surrounding area by delivering an improved interface with the public domain and utilising the opportunity to increase density in an area well serviced by public transport.

Impacts to Christ Church St Laurence

36. Twenty-eight submissions were received from individuals who identified as parishioners of the Christ Church St Laurence opposite the site, objecting to the planning proposal on the basis that it would negatively impact the heritage listed church. Key issues raised in submissions include that the scale of the proposed tower is disproportionate to that of the church and its spire and would result in significant overshadowing diminishing the visual impact of its stained-glass window. Individuals associated with the Church also objected to the proposal on the basis that it would impact upon the visual amenity of the area, with adverse wind tunnel effects and traffic impacts during its construction and operation phases.
37. This planning proposal is consistent with the Guideline in that impacts to public domain amenity were assessed, finding that the proposed building envelope would result in acceptable wind and daylight conditions based on the Strategy.
38. In particular, the proposed planning envelope was subject to wind tunnel testing of the public domain surrounding the subject site, including directly adjacent to the Church forecourt. Generally comfortable wind conditions were found to continue. The forecourt would experience a 'Standing' wind speed, which is considered acceptable for existing and future uses for the forecourt and adjoining public domain. The wind safety standard will continue to be achieved for these locations as more detailed assessments continue through the design and detailed development application processes.

39. A solar study detailed potential shadowing impacts to the Church, finding that the proposal would result in some additional shadowing as follows:
- (a) Summer: No additional shadowing
 - (b) Equinox: 1.5 hours between 1.30pm and 3.00pm
 - (c) Mid-winter: 1 hour between 2.45pm and 3.45pm
40. The Church façade will continue to receive direct solar access for two hours from about 11.30am to 1.30pm in mid-winter and two hours at the equinox between 11.30am and 1.15pm and between 3.00pm and 3.30pm. The overshadowing of the Church is detailed in Figure 3 below. Additional overshadowing of the Church building in mid-winter will be to spire and roof, as Capitol Terrace shades most of the Church façade. Given the context of the subject site and Church within the southern CBD and the existing overshadowing, this is considered acceptable.



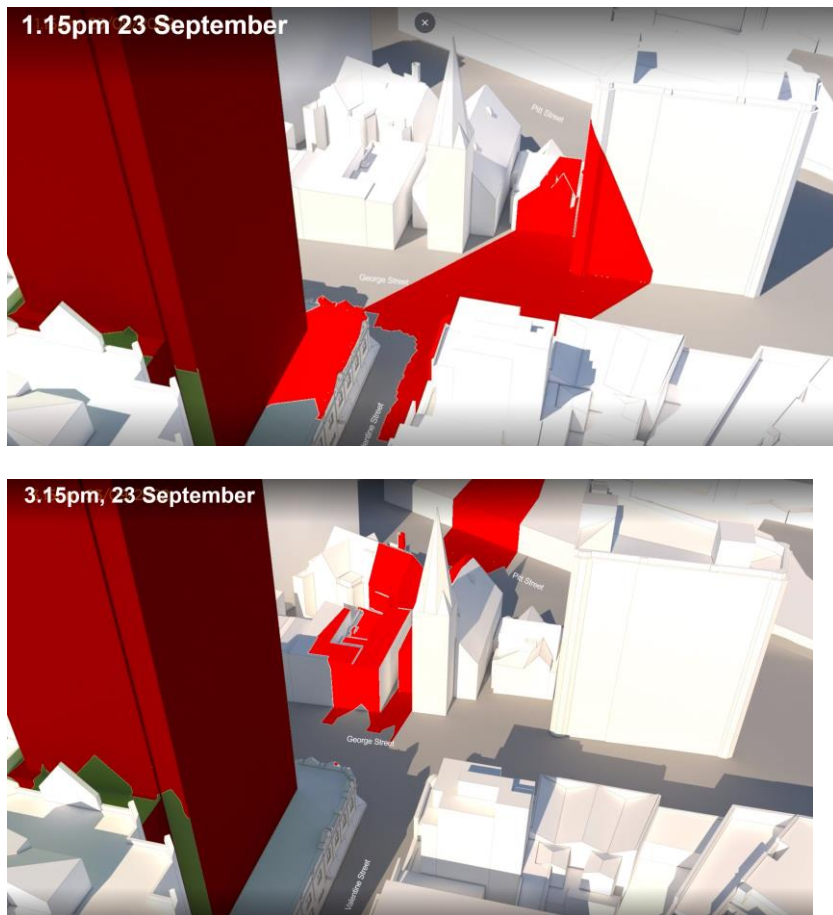


Figure 3: Shadow analysis of the planning envelope and the façade of Christ Church St Laurence in midwinter, above, and spring equinox, bottom, detailing the start and end times of any shadowing. Existing building shadows in grey, potential future shadow from 757 George Street in red and shadowing from the 187 Thomas Street planning envelope in blue.

41. The planning envelope has been designed to respond to the surrounding area and heritage buildings, in particular Christ Church St Laurence. The envelope includes tower setbacks and a two-storey street frontage consistent with DCP requirements for the Special Character Area. The new tower will also be positioned to preserve views along George Street, north towards Town Hall and south to Railway Square, of which Christ Church St Laurence views will be unaffected. An eight metre tower setback to Valentine Street will preserve views towards the Church and provide visual curtilage and open sky setting for the Church, as shown in Figure 4 below.



Figure 4: Proposed views along Valentine Street towards George Street and Christ Church St Laurence, detailing the tower setback above the Sutton Forest Meat heritage building maintaining sky views and visual curtilage for the Church

42. Most trips generated by the future hotel are anticipated to be by public transport with any increase in vehicle traffic unlikely to result in significant additional congestion or impact to existing on-street parking or use of the Church driveways. Prior to the construction of any future development on site, the proponent is required to demonstrate that construction will not impact upon new infrastructure and public domain upgrades in the area.
43. Consistent with the Guideline, the proposed planning envelope was prepared to ensure acceptable public domain amenity is maintained, however this is equally balanced with urban design considerations, particularly given the context of the subject site, and heritage impacts. The street wall height, established by the parapet of the heritage building on site, is consistent with the requirements for the Special Character Area. Combined with the position of the tower and generous street setbacks, the built form will ensure views towards significant buildings are protected and provide sufficient visual curtilage for the Church.
44. The heritage impact statement that accompanied the planning proposal found future development would have an acceptable impact from a heritage perspective as it seeks to adaptively reuse the former Sutton Forest Meat heritage building in a sensitive manner. Further, the heritage assessment found future development would not significantly impact upon the character of the surrounding area and is acceptable. The site-specific DCP that accompanies this planning proposal provides guidance for future development on site to ensure it complements the character of the Special Character Area and significant heritage items such as Christ Church St Laurence.

Impacts to adjoining apartments

45. One submission was received from a resident of the adjoining apartment building at 743-755 George Street, objecting to the proposed development as it will impede upon liveability for residents. The submission notes that the proposed building will feature minimal separation from the apartment building resulting in a loss of natural light, privacy and outlook.
46. The proposed planning envelope mirrors the minimum 1.6 metre setback of the adjoining residential apartment building to the north, Capitol Terrace. This results in separation between the two buildings of three metres at this location. The subject site holds court approved development consent for a 50 metre hotel with a nil setback at this location, as such this proposal is an improvement. Despite the increased building height of the proposed envelope, equivalent daylight levels to affected apartments on the southern elevation will be maintained as compared to the court approved envelope for the site. Furthermore, the bedrooms and primary living spaces are further setback, which will help ensure that acceptable residential amenity can be maintained. The draft DCP includes a provision encouraging the design of the future development to explore opportunities for greater building separation and maximised setbacks, as shown in Figure 5 below.

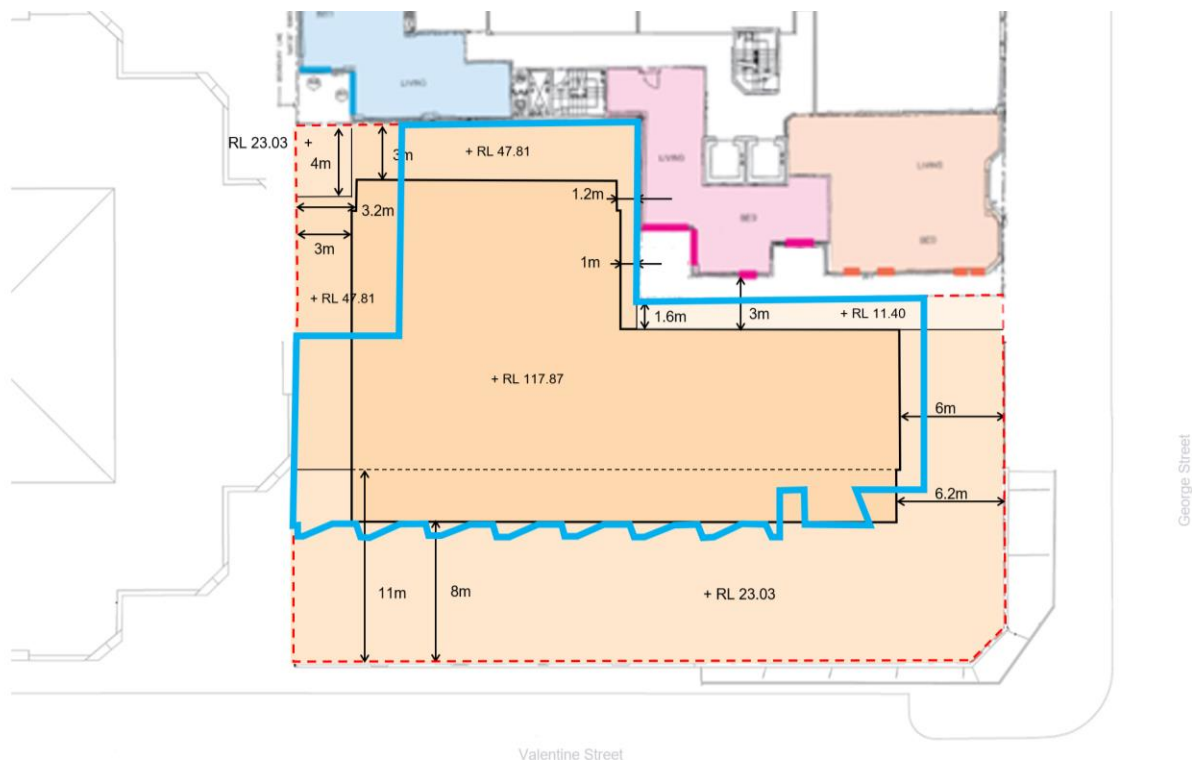


Figure 5: Plan detailing the planning envelope, shown in orange and black, setbacks and separation to affected Capitol Terrace apartments and windows, shown coloured, as compared to the court approved hotel on the subject site, shown in blue

47. The City has also undertaken view analysis from the affected apartments on the southern elevation, as shown in Figure 6 below. The study found that views towards Christ Church St Laurence will be obscured and views to the Central Station clock tower will be partially obscured by the proposed planning envelope. However, as the planning proposal will deliver an improved outcome and greater building separation to the court approval, this proposal is considered acceptable.

48. The proposed planning envelope details the maximum extent of future development, as such the built form must sit within the envelope, which may open up the affected views slightly. Notwithstanding this greater building separation between the north-east wall of the subject site and Capitol Terrace is likely to affect the viability of this proposal and would result in the delivery of the court approved building with less separation.

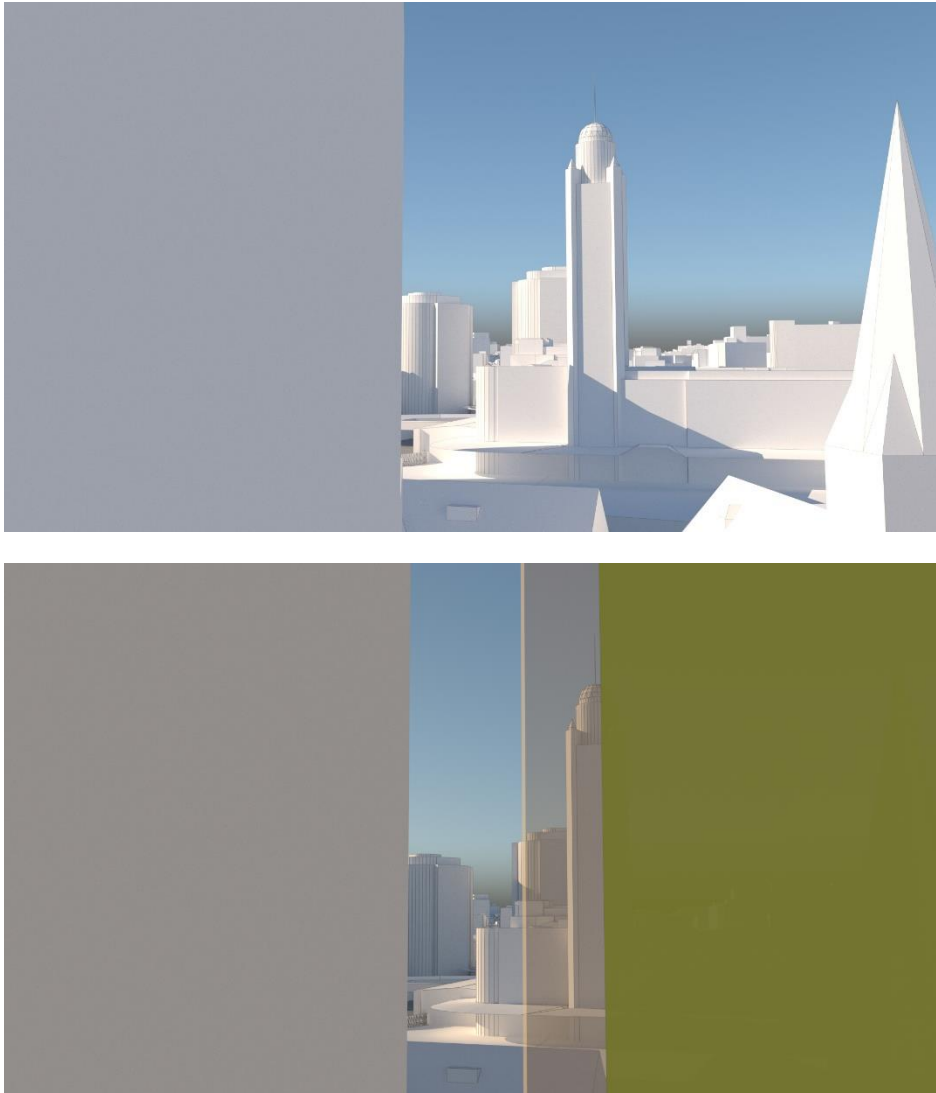


Figure 6: Views looking south-east from the affected apartments on the southern elevation of Capitol Square detailing the visual impacts of future development on the subject site. The top image shows existing views towards the Central Station clock tower and Christ Church St Laurence spire, with the proposed planning envelope shown in the bottom image in yellow and the court approved building envelope, which would otherwise obscure views to the clock tower shown opaque.

Impacts to public domain amenity

49. Thirty-five submissions objected to the proposal on the basis that it would result in adverse impacts upon public domain amenity. Submissions noted the potential for future development to result in additional overshadowing and increased wind conditions in the surrounding public domain, particularly along George Street.

50. The Central Sydney Planning Framework helps facilitate new growth in Central Sydney by unlocking opportunities for additional building height and density in suitable locations. Planning proposals must demonstrate that future development will not result in adverse wind and daylight impacts to the public domain surrounding the subject site.
51. The proposed planning envelope has been subject to wind tunnel testing where it was compared to a base case envelope consistent with the Framework, where it achieved generally equivalent wind comfort and safety conditions. The average wind comfort rating improves from the 'walking' to the 'standing' wind comfort standard. The envelope includes allowances for architectural articulation, which will deliver flexibility for a design response to any issues should they arise, this includes locations where the building mass and geometry can be altered to address adverse wind conditions. The site-specific DCP that accompanies this planning proposal includes further guidance to ensure conditions in the public domain remain comfortable.
52. The planning proposal was also subject to skyview factor testing of public domain daylight levels. The testing undertaken found that the proposed building envelope will deliver a generally consistent daylight conditions in the public domain, compared to the base case envelope. Adequate daylight to the public domain will be maintained and as such the planning envelope is considered acceptable. Furthermore, the subject site is affected by two sun access planes, including the future Third Square adjacent to Railway Square and Central Station. Future development on the subject site will not breach either sun access plane and as such will not overshadow Prince Alfred Park or the future Third Square at the protected times.

Excessive building height and density

53. Thirty-two submissions objected to the proposed additional building height, citing concerns that it would be out of character and inconsistent with the surrounding buildings. The proposal was considered to be overdevelopment resulting in increased congestion at the expense of local residents.
54. The site is in an area that is planned to change and grow. The Central Sydney Planning Framework guides the growth of Central Sydney to strengthen its attractive qualities, competitive advantages and critical contribution to the economy. The site is within an area identified for growth and change and the future context will consist of well-designed taller buildings.
55. This planning proposal is consistent with the Framework in that it is located in a tower cluster, comprises commercial uses, addresses urban design considerations and meets acceptable wind and daylight standards. The height of the tower is consistent with that envisaged by the Framework for this location.
56. The building envelope respects the surrounding context, with generous tower setbacks and the tower positioned to minimise its visual prominence and a street frontage height that matches that of the heritage building on site. This ensures future development will be comfortably accommodated in a sympathetic manner.
57. This planning proposal seeks to increase in building height consistent with the future character of the area, however the design of the envelope ensures it also responds to its current context. The proposal constitutes a modest density increase, from 9.9:1 to 11.1:1, an increase of 1.2:1. As such, the subject site is considered suitable of accommodating the proposed building envelope and additional height and density without a detrimental impact on the surrounding area.

Heritage impacts

58. Thirty submissions objected to the proposal on the basis that future development would adversely impact upon the consistent heritage character of Haymarket and to adjacent heritage buildings. Submissions remarked that the tower was insensitive to its context and is out of place in what was considered a largely heritage environment.
59. The planning proposal includes the retention and adaptive reuse of the former Sutton Forest Meat Building, a local heritage item. The subject site is in an area that is planned for future growth, however, the planning envelope has been prepared, with input from the City's Design Advisory Panel, to sympathetically respond to onsite and surrounding heritage, including setbacks to ensure the tower is not visually prominent. This includes a generous 10 metre setback to Valentine Street, distinguishing old and new built elements. The tower will also be setback six metres from the George Street frontage. These setbacks protect views along George Street and towards the Christ Church St Laurence along Valentine Street ensuring sky views will provide visual curtilage, as shown in Figure 4. The envelope facilitated by this planning proposal will deliver improved tower setbacks along George and Valentine Streets compared to the court approved building envelope as shown in Figure 5.
60. The building envelope is consistent with the Haymarket/Chinatown Special Character Area provisions as the street frontage established by the parapet of the former Sutton Forest Meat Building heritage item is maintained in the new built form and the tower is located at the rear of the site, with suitable setbacks to the street. The envelope also includes vertical separation between the former Sutton Forest Meat Building and the cantilevered tower to ensure the new addition is clearly read as a distinct and separate element to the heritage building. The site-specific DCP that accompanies this planning proposal includes provisions to guide the design of the future development to ensure significant heritage fabric is adequately conserved and will positively contribute and complement the civic and fine-grained character of the Special Character Area.

Traffic and parking impacts

61. Twenty-one submissions commented on the impact of future development on surrounding traffic and parking networks, concerned that the new tower would increase traffic congestion and exacerbate existing parking constraints. Increased vehicle movements and parking generated by the future hotel were considered to negatively impact upon the recent pedestrianisation works to George Street.
62. The subject site is close to several public transport connections at Central. As such, considering the future use of the proposal, it is anticipated that most trips generated by future development will be by public or active transport. The accompanying traffic impact assessment found that the modest increase in traffic generation resulting from the future development would not result in significant traffic congestion.
63. The indicative concept scheme includes minimal parking, with seven valet spaces and loading space and sufficient space onsite to ensure its safe and efficient operation without requiring any vehicles queuing on the street. The site-specific DCP includes provisions to protect pedestrian safety and ensure street operation is kept clear.

Strategic Alignment

Strategic Alignment - Central Sydney Planning Strategy

64. As the economic heart of Australia's most global city, Central Sydney plays a critical role in the continued growth and economic success of Greater Sydney, the state and national economy. The Central Sydney Planning Strategy sets a planning approach to grow employment and productivity, create high quality places and deliver on Sustainable Sydney 2030-2050 Continuing the Vision.
65. The Strategy includes opportunities for additional building height and density in the right locations, balanced with environmental sustainability initiatives and sets criteria for design excellence.
66. 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 site for a new hotel tower, deliver new employment floor space, increasing the employment capacity and growth in Central Sydney.
 2. Ensure development responds to context - a site-specific DCP accompanies this planning proposal and includes provisions to ensure future development will be sensitive to its heritage context, with a built form that does not result in adverse wind and daylight conditions in the surrounding public domain.
 4. Provide for employment growth in new tower clusters - this planning proposal is within the Haymarket Ultimo investigation area where additional building height may be accommodated.
 5. Ensure infrastructure keeps pace with growth - future development will be subject to a development contribution, delivering new infrastructure linked to growth.
 6. Move towards a more sustainable city - the draft DCP includes sustainability targets in accordance with the Strategy and Guidelines.
 7. Protect, enhance expand Central Sydney's heritage, public places and spaces - the proposed building envelope includes appropriate tower setbacks and provisions to ensure future development adequately response to nearby heritage.
 8. Move people more easily - the site is located close to existing public transport connections and planned future infrastructure including the Sydney Metro station at Central and upgrades to the pedestrian network.
 9. Commitment to design excellence - this proposal is consistent with the Strategy in that future development will be subject to a design competition that meets the City's Competitive Design Policy.
67. This planning proposal is consistent with the vision and key moves of the Strategy.

Strategic Alignment - Regional and Local Planning

68. The Greater Cities Commission's Greater Sydney Region Plan and Eastern City are used to shape strategic planning and infrastructure in metropolitan Sydney and align planning from the broadest regional area 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.
69. The Region Plan, District Plan and Local Strategic Planning Statement adopt planning priorities of similar themes, being productivity, liveability, infrastructure, sustainability and governance. How this proposal gives effect to these priorities is discussed in detail in the planning proposal and summarised below:
- (a) **Productivity** - the proposal will help deliver additional employment floor space for new retail and hotel uses on the subject site which is close to existing and planned new transport connections and to support the new, emerging and diverse industries in the City Fringe. 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 and 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
 - d. E13 - Supporting growth of targeted industry sectors
- (ii) Local Strategic Planning Statement priorities:
- a. P1 - Growing a stronger, more competitive Central Sydney
 - b. P2 - Developing innovative and diverse business clusters in City Fringe
- (b) **Liveability** - the adaptive reuse of the heritage building to comprise retail premises and active frontages will help deliver improved street life supporting future public domain strategies. In addition to meeting this objective of 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. L2 - Creating great spaces

- (c) **Infrastructure** - the future redevelopment will benefit from additional transport infrastructure planned for the area, as well as contributing towards new community infrastructure 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 supported 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** - the planning proposal will facilitate the redevelopment of the subject site with a new hotel building featuring 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

70. 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 plan is aligned with the following strategic directions and objectives:
- (a) Direction 2 - A leading environmental performer - this planning proposal will deliver future development that is more ecologically sustainable through ambitious sustainability benchmarks.
 - (b) Direction 3 - Public places for all - the mix of uses on the subject site will deliver greater activation and a livelier engaging city. Outdoor dining and other late night and cultural uses are permissible to help deliver on the City's vision for the area.
 - (c) Direction 4 - Design excellence and sustainable development - this proposal is consistent with the City's policy in that future development will be subject to a design competition and be required to achieve sustainability benchmarks.
 - (d) Direction 5 - A city for walking, cycling and public transport - future development includes ground floor retail and other active uses which will encourage greater public and active transport use, helping deliver a more people-oriented city.
 - (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 7 - Resilient and diverse communities - future development will contribute to the surrounding area through greater capacity for businesses, retail uses and greater activation for local residents and visitors.
- (g) Direction 8 - A thriving cultural and creative life - public art delivered through the future development on the site will provide new creative and cultural experiences and opportunities for engagement with the public.
- (h) Direction 9 - A transformed and innovative economy - the proposal will facilitate new employment opportunities and increasing the city's tourist capacity, helping Sydney attract global investors and visitors.

Relevant Legislation

- 71. Environmental Planning and Assessment Act 1979.
- 72. Environmental Planning and Assessment Regulation 2021.

Critical Dates / Time Frames

- 73. The Gateway Determination requires that the amendment to the Sydney LEP 2012 is completed by April 2023 .
- 74. The Gateway Determination authorises Council to exercise its delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan. If the planning proposal is approved by Council and CSPC, the City will commence this process. Once this process is complete and the plan is made, the amendment to the Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
- 75. If approved by Council, the revised DCP will come into effect on the same day as the amendment to the LEP.
- 76. The planning agreement is to be executed prior to the finalisation of the amendments to the LEP and DCP.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Daniel Thorpe, Specialist Planner

Attachment A

Summary of Submissions

Submitter	Submission	Response
Sydney Airport	Concurrence/consultation – No objection is raised. At the proposed height of 118m AHD, the proposed development would not breach Sydney Airport's Obstacle Limitation Surface (OLS).	Noted.
Transport for NSW	Raise no significant issues – The proposed development is located in close proximity to the CBD Rail Link Corridor. The future development application is to include a Construction and Traffic Management Plan to address cumulative construction impacts from future development and nearby projects sch as the Sydney Metro construction.	Noted. Any future development application and associated public domain works will be referred to Transport for NSW for comment.
Sydney Water	Water Servicing – We provide the following comments for your information to assist in planning the water servicing needs of the proposed development. Including: potable and waste water considerations, required extensions and Section 73 requirements.	Noted
Heritage NSW	Relationship to State item/archaeology – The subject site is not listed on the State Heritage Register, however it is in the vicinity of a State item and while it is noted no significant view corridors will be interrupted by future development, we recommend the draft DCP is updated to ensure the podium has a respectful relationship with Christ Church St Laurence. The Historical Archaeological Assessment states the site has archaeological potential and that prior to future excavation works, an investigation is recommended.	Noted. the draft DCP has been updated to include the recommended provisions.

Submitter	Submission	Response
<p>1 individual submission</p> <p>Adjoining Landowner</p>	<p>Proposed development will impede liveability –</p> <p>Once construction is completed, being only 1.6m away from the building itself is less than sufficient and to a tower over 117m will eliminate all the natural light that currently streams into my apartment. The apartment faces Valentine St and has direct view of the Central clock tower and to my understanding if this development is approved, myself and my neighbours within the building will be negatively affected</p> <hr/> <p>Impacts to current residents –</p> <p>I appreciate the incorporation of retail spaces and sustainability in the proposal, please consider the impacts to residents in the neighbourhood. With Central Station undergoing construction as well, however there aren't any close by residential buildings that will be impeded.</p> <p>The rejuvenation of the area and revenue contributed by the project is important, but this is our livelihood that will ultimately be compromised.</p> <hr/> <p>Residential amenity impacts –</p> <p>As we are directly adjacent to the subject site, I hope the council can appreciate that the towering effect of the proposal and close proximity will cause a lot of distress (whether that be mentally and emotionally due to the noise, privacy and lack of natural light).</p> <p>Without natural light streaming to our residences, claustrophobia and decreased quality of living will be faced.</p> <p>Many residents work from home and the need for a light filled and airy workplace is important to sustain good workflow and productivity. I hope you can understand the lifestyle changes that have occurred for the bulk of the workforce in the last two years and the importance of mental health and the correlation it has with natural sunlight with improved mood.</p>	<p>The proposed planning envelope mirrors the minimum 1.6m setback of the adjoining residential apartment building to the north, Capitol Terrace. This results in building separation of 3m at this location. The subject site holds court approved development consent for a 50m tower with a nil setback at this location. Despite the increased building height of the proposed envelope, equivalent daylight levels to affected apartments on the southern elevation will be maintained as compared to the court approved envelope. As such, no change to the proposed envelope is required in this instance. Further, the draft DCP includes a provision encouraging the design of the future development explore opportunities for greater building separation and maximised setbacks.</p> <p>It is acknowledged that the proposed planning envelope will obstruct the outlook from the affected windows on the southern elevation of Capitol Terrace, which currently have outlook across the adjoining site. However, this planning proposal will deliver greater building separation from the existing approval the site holds. A minimum separation of 3m will be provided from south-facing windows of non-primary living spaces, which will be greater for the bedroom and other primary living spaces, ensuring acceptable residential amenity can be maintained.</p> <p>The City has undertaken a view analysis from the affected apartments on the southern elevation. Views towards Christ Church St Laurence will be obscured and views to the Central Station clock tower will be partially obscured by the proposed planning envelope. However, as the planning proposal will deliver an improved outcome to the court approved envelope, this proposal is considered acceptable.</p> <p>Further the proposed planning envelope details the maximum extent of future development, as such the built form must sit within the envelope, which may open up the affected views slightly. Notwithstanding this greater building separation between the north-east wall of the subject site and Capitol Terrace is likely to affect the viability of this proposal and would result in the delivery of the court approved building with less separation.</p>
<p>4 individual submissions</p>	<p>Support –</p> <ul style="list-style-type: none"> • I support any change for increased density and taller urban form. • This is a fantastic proposal; the southern CBD has potential and we need to increase density to reach that potential. Tall buildings will maximise the area that is well serviced by public transport. • The southern part of George Street is in need of revitalisation and greater density given its location. Please protect the sun for the new Central square and public domain around the bottom of the Atlassian and related developments so that this part of Sydney is a place people want to come and spend time. 	<p>Noted.</p> <p>This planning proposal aligns with the Central Sydney planning framework – comprising the Central Sydney Planning Strategy, accompanying Guideline for Site Specific Planning Proposals in Central Sydney (Guideline) and associated LEP and DCP provisions. It unlocks additional employment floor space and building height for the site, providing new opportunities for economic growth in Central Sydney, balanced with improved public domain conditions, protected pedestrian amenity and environmental sustainability initiatives.</p>
<p>35 individual submissions</p>	<p>Adverse amenity impacts –</p> <ul style="list-style-type: none"> • This will have a significant detrimental effect on the area including diminished heritage value. It will also affect the light on street and on the eastern buildings to the site impeding on it functionality and usability especially in the colder winter months. • The city and inner-city area (e.g. Surry Hills) is already over developed and over populated, and at the expense of locals. Increasing building heights and density will not benefit the current residents of the city and will just increase profits of developers at the expense of everyday City of Sydney residents health and well-being. Respect the heritage of our city and stop over development. • Several submissions note the new development, as proposed, simply does not fit with the amenity of this area of Sydney's CBD. • This would cause overshadowing for most of the year. • Anything higher will diminish the context, overshadow and providing less sunlight. • This proposal this will significantly impact the overshadowing of the block. • Oppose the changes as they shade the newly built George Street pedestrian area. • Such a skyscraper would not only overshadow Christ Church but its immediate environs. • Tall buildings cast shadows, create wind tunnels and increase 	<p>The Guideline helps facilitate new growth in Central Sydney by unlocking opportunities for additional building height and density in suitable locations. In doing so, planning proposals must demonstrate that future development will not result in adverse wind and daylight impacts to the public domain surrounding the subject site.</p> <p>The proposed planning envelope has been subject to wind tunnel testing where it was compared to a base case envelope that is consistent with the Strategy. The planning envelope has demonstrated compliance with these requirements of the Central Sydney planning framework in that generally equivalent wind comfort and safety conditions will be maintained. The average wind comfort rating improves from 'walking' to 'standing' wind comfort standard. The George Street pedestrianisation plans were considered in the assessment of the proposal.</p> <p>The proposed planning envelope has been prepared to include sufficient allowances for architectural articulation. This will provide flexibility to allow for a design response to address particular issues as they arise. In the planning envelope, certain areas have been flagged as locations where the building mass and geometry can be altered to address and arrest adverse wind conditions. Furthermore, the site-specific DCP includes additional locations and mitigation measures to provide further guidance on addressing any potential adverse wind issues to ensure conditions in the public domain remain comfortable.</p>

feelings of disconnection with the natural environment. Just make what is there, "better". There is not always a need to make profit.

- Numerous strong concerns about the overshadowing of the proposed changes. The overshadowing will affect Christ Church St Laurence in Autumn, Winter and Spring.
- It is very disproportional to the surrounding buildings, with detrimental effects to the general amenity of the area including airflow and natural light.
- The Pedestrian Wind Environment Study of October 2020 did not indicate that this building was being assessed in context of other another change in 2020 for an adjacent building, namely 187 Thomas Street.
- The wind report is dated October 2020 it is before final approval of the widening of footpaths of George Street on both sides in this block – this is now sitting area not just a pedestrian trafficable area, hence the wind effects for sitting versus walking in this area may be less satisfactory than indicated in the report.
- It is ironic that the same Council is proposing changes to Planning Controls in this same block that, if implemented, will allow construction of a tower that will cause significant overshadowing and potential wind tunnel effects.
- The impact will be significant, with overshadowing during the coolest months of the year and the shortest daylight hours. Wind tunnel effects may also be severe. With work at the southern end of George Street nearing completion, it seems nonsensical for Council to propose a change in planning controls that will inevitably diminish the look and feel and enjoyment of this special part of George Street.
- This proposal is very unsympathetic to the site. With such a large building in an area which is increasingly favouring pedestrians – working against the good work Council has been doing to support pedestrians.
- The loss of direct sun and daylight would cause a considerable amount of overshadowing.

The planning proposal included skyview factor testing that measured the daylight levels in the public domain surrounding the site. The testing undertaken found that the proposed building envelope will deliver a minor improvement on daylight conditions in the public domain.

Adequate daylight access will be maintained to the public domain and as such the planning envelope is considered acceptable. Furthermore, the subject site is affected by two sun access planes, which protect solar access to Prince Alfred Park and the future Third Square adjacent to Railway Square and Central Station. Future development on the subject site will not breach either sun access plane and as such will not overshadow Prince Alfred Park or the future Third Square at the protected times.

32 individual submissions

Excessive height/density –

- The height of buildings in this proposed planning control change is appalling. The scale is utterly disproportionate and out of proportion with surrounding heritage.
- The altered planning control changes for this site are completely unacceptable and out of keeping with the surrounding buildings, double the height of the Christ Church St Laurence spire. The increased height is not about beauty or usability it's about money.
- The development is insensitive to the historical nature of the area and the visual catchment of the area.
- My concern relates to the height of the proposed development and the impact, causing overshadowing for most of the year.
- Object to the height of the proposed tower. It bears no relation to the existing modern buildings surrounding it. It will loom over the surrounding area.
- The height of this proposal is unsuitable for the area, it will cause overshadowing and inhibits its context.
- There is already a proposal for the building to have a new building built at 50 metres. Anything higher will diminish the heritage context of the beautiful church.
- I am comfortable with the existing approval for a building of around 50m, this is in keeping with the surrounding area, and the heights of other buildings.
- The increased height is too high and totally out of keeping with buildings on that side of the street.
- The proposed building for 757-763 George Street, would see an enormous building dwarf surrounding buildings.
- A building of 117m would be completely out of keeping and gradually but surely destroy the historical amenity of the area which is one of the oldest parts of Sydney.
- Oppose the changes as they are out of step with the existing building heights.
- A tower of 117 metres would not only overshadow its immediate environs, but also sit very inappropriately so close to the Central Station clock tower.
- Object to the increased height of any new development along George St, and especially at this site.
- Increasing building heights will not benefit the current residents

The site is within an area that is planned to change and grow. The Central Sydney planning framework has identified locations where additional building height and density may be accommodated to unlock new employment generating floor space. In accordance with the Guidelines, such proposals must demonstrate the building envelope will result in an equivalent or improved public domain wind and daylight conditions balanced with detailed urban design considerations.

This planning proposal is consistent with these requirements in that it comprises commercial uses in the form of hotel and retail space in a building envelope that addresses the relevant urban design considerations and has been subject to wind and daylight testing. Further, the proposal is consistent with the Strategy as it is located within an identified tower cluster where additional building height may be accommodated subject to the above requirements. The height of the tower is consistent with that envisaged by the framework for this location.

The proposed building envelope has been prepared to sympathetically relate to the surrounding context. This includes siting the tower away from street frontages to minimise its visual prominence and as such the proposal includes generous tower setbacks. These setbacks and the tower's setting maintain the important sight lines north and south along George Street and towards Christ Church St Laurence along Valentine Street. The street frontage height of the new building will match that of the heritage listed Sutton Forest Meat Building on site. These design choices ensure the additional building height of the future development can be comfortably accommodated within the site in a manner that is sympathetic to its setting.

Due to the design approach taken to ensure the building comfortably sits in its context, the envelope constitutes a modest density increase, with the above ground maximum floor space ratio for the site going from 9.9:1 to 11.1:1, an increase of 1.2:1. As such, the subject site is considered suitable of accommodating the proposed building envelope and additional height and envelope without a significant detrimental impact on the surrounding area.

of this city and will just increase profits of developers at the expense of everyday residents.

- A number of submissions note that the proposed changes permitting a height of 117m (up from the current limit of 50m) will be nearly twice the height of the church steeple and visually prominent. A new building of this height will also change the streetscape.
- The excessive height of this proposal will overshadow and dominate.
- Strongly object to the proposed changes they are excessively high and will destroy the historic character of the area.
- The building height increase in this proposal is very disproportional to the surrounding buildings. The existing approval strikes a good balance.
- The area needs to retain its ambience; does not need high-rise towers and should respect the cultural and human environment and retain as a people-friendly area.
- The building height is out of character with other buildings in the immediate vicinity on both sides of George Street.
- Such a height increase would be aesthetically inappropriate for this part of Central Sydney, clashing with the beautiful traditional buildings of the area.
- The Heritage Assessment states the proposal will have no additional impact on heritage items in the vicinity – this statement ignores overshadowing of a building twice as high.
- The proposed development would be too tall and bulky for the site and its surroundings. Taller buildings may be allowed elsewhere in the city but it would not be in keeping with nearby buildings and would be detrimental to the precinct and to the streetscape. The proposed development is not in keeping with the size, architecture and scale of its surrounding buildings.
- Notwithstanding the re-use of the existing building, the impact is overwhelming in scale and is incompatible with this area.

21 individual submissions

Parking and traffic –

- Traffic and parking constraints in the area will be exacerbated by this development and will negatively impact access in an increasingly pedestrianised area.
- It is essential that access to two driveways to the church and its rectory is not impeded.
- The proposal is unsuitable for the area, it aggravates poor parking and traffic issues.
- Numerous concerns about the adverse effects of this proposal on exacerbating existing traffic and parking issues.
- The proposed tower would create too much congestion at the expense of the locals.
- Oppose the changes, the inevitable pressure of additional visitor and resident parking is unreasonable.
- Oppose the change to planning controls, such a skyscraper would inevitably create further traffic and parking issues.
- Concerned about additional traffic and parking problems (already diabolical) in the context of an area which is becoming increasingly urbanised.
- With parking under the site to be severely restricted, a tower would require significant truck deliveries and vehicle drop-offs and pick-ups in a mostly pedestrianised area. Space in this block of George Street for public vehicles and delivery trucks to drop off and pick up is now severely and irretrievably curtailed.
- Construction of a tower will be a challenge and pose clear traffic restrictions in these two streets.
- Concerns with the extra traffic and parking problems this will present in an increasingly pedestrianised area.
- With such a large building in an area increasingly favouring pedestrians and reducing traffic access this proposal will cause problems with both traffic and parking – working against the good work Council has recently been doing to support pedestrians in this area.
- Traffic and parking likely be worsened in an increasingly pedestrianised area.
- The increase of cars makes parking very difficult which has issues in pedestrianised areas.

The subject site is well located, in close proximity to a number of modes of public transport, including bus connections at Railway Square, a light rail stop at Rawson Place and suburban and intercity rail connections at Central. As such, it is anticipated that the majority of journeys generated by future development on the subject site will be by public or active transport, consistent with the City's approach to minimise private vehicle usage.

The planning proposal was accompanied by a traffic impact assessment that found that while there would be an increase in traffic generation arising from future development that it was capable of being accommodated within the road network without any significant adverse impact on traffic congestion.

The indicative concept scheme for the future development envisages minimal onsite parking, with seven valet spaces and onsite loading, accessed from Valentine Street. The assessment accompanying the planning proposal states that the future design is capable of meeting the relevant standards for safe and efficient operation to ensure there would be no vehicle queuing on-street. The site-specific DCP includes provisions to reinforce this outcome to ensure pedestrian safety is protected and street operation is kept clear.

Heritage impacts –

- I believe that the altered planning control changes for this site are completely unacceptable and out of keeping with the surrounding buildings. The current approval is for a tower approximately the height of the spire of Christ Church St Laurence. The new proposal doubles that. This will have a significant detrimental effect on the area including the diminished heritage value of the area
- The development is insensitive to the historical nature of the area and the visual catchment of the area. The new development, as proposed, simply does not fit with the amenity of this historic area of Sydney's CBD.
- Strongly object to the proposed tower. It bears no relation to the existing buildings surrounding it.
- This will significantly overshadow the church. The current height is around 50m tall, and this is consistent and in keeping with the surrounding area.
- The building would be completely out of keeping and gradually but surely destroy the historical amenity of the area which is one of the oldest parts of Sydney.
- Object to the proposed change to the planning controls, it would be completely out of place in this largely heritage environment. It would compromise the character of the entire precinct. The tower would not only overshadow its immediate environs, but also sit inappropriately close to the Central Station clock tower.
- Strong objection to the proposed changes as will destroy the historic character of the area. We should be preserving the old buildings and their surrounds as is done in other great cities. Think of the Rocks area and how glad we are it got saved. This area should be saved as well.
- The site adjoins the block bound by George and Pitt Streets and Rawson Place. Most of the block is heritage listed including the State Heritage listed Christ Church St Laurence group. The SHR notes this block is almost unchanged since 1926 and that as well as the 1840s church it comprises one of the City's best Edwardian developments and is one of the two earliest city blocks intact. The church and spire are also clearly visible from Railway Square, and a dramatic and very close view of the church and spire is obtained from the elevated entrance to the country trains platforms at the Central Railway building. The significance of the views of the church and its spire are identified in the SHR and the DCP. The Sutton Forest Meat Company building is listed on the LEP. The recommended management in the Heritage Inventory Report states that there shall be no vertical additions to the building and any additions and alterations should not be visibly prominent. Part of the proposed tower will cantilever over the heritage building and is therefore a vertical addition. The proposal should be rejected because it is not in accordance with the planning objectives of the Haymarket Special Character Area. It should be rejected on heritage grounds because it does not reinforce, the historic scale, form, modulation and articulation of the Sutton Forest Meat Company Building and it does not protect important view corridors along George and Valentine Streets.
- Such an increase would be aesthetically inappropriate for this part of Central Sydney, clashing with the beautiful traditional buildings of the area, including Central Station and the Clock tower.
- This proposed development would not be in keeping with nearby buildings and would be detrimental to the precinct and to the streetscape. It is not in keeping with the size, architecture and scale of its surrounding buildings. It will have negative visual impact from surrounding areas. The changes and this development will not make a positive contribution to George Street. The proposed changes and development will impact adversely on the surrounding historic precinct. This historic precinct should be preserved intact without the inclusion of incompatible structural intrusions.

The planning proposal includes the retention and adaptive reuse of the former Sutton Forest Meat Building, which is listed as a local heritage item under Schedule 5 of the Sydney LEP 2012. The subject site is in an area that is planned for future growth, however, the planning envelope has been prepared to sympathetically respond to onsite and surrounding heritage.

The proposed building envelope includes sufficient setbacks to minimise the visual prominence of the tower. This includes a generous 10 metre setback to Valentine Street, which reduces to 8 metres on the upper levels and will help clearly distinguish between old and new elements. The tower will also be setback 6 metres from the George Street frontage. These setbacks will preserve the important sightlines north and south along George Street. Views along Valentine Street towards Christ Church St Laurence will also be protected and buffered by views of the sky acting as visual curtilage around the Church. The envelope facilitated by this planning proposal will deliver improved tower setbacks to George and Valentine Streets compared to the court approved building envelope.

The building envelope is also consistent with the requirements for the Haymarket/Chinatown Special Character Area in that it maintains the street frontage height established by the parapet of the former Sutton Forest Meat Building heritage item, with the tower located at the rear of the site, with good setbacks to the street.

The proposed envelope also includes generous vertical separation between the roof of the former Sutton Forest Meat Building and the cantilevered element of the tower to ensure the new addition is clearly read as a distinct element and separate from the heritage item. Further to the above the site-specific DCP that accompanies this planning proposal includes provisions to guide the design of the future development on site to ensure significant heritage fabric is adequately conserved and will complement the civic character of the Special Character Area with fine-grained articulation and positively contribute towards the streetscape and precinct.

Impacts to Christ Church St Laurence –

- The proposed scale is disproportionate and will destroy the heritage and historical significance of Christ Church Saint Lawrence Church. The beautiful, historical church building will be dwarfed into insignificance. The scale (height of buildings) of the proposal is completely out of proportion with this existing historical Sydney heritage site.
- Numerous submissions note the proposed tower will

This planning proposal is consistent with the Guidelines in that impacts to public domain amenity were assessed, finding that the proposed building envelope would not result in significant adverse impacts to wind and daylight conditions.

In particular, the proposed planning envelope was subject to wind tunnel testing. 18 locations in the public domain proximal to the subject site were tested, include two directly adjacent to the

overshadow the state listed Christ Church St Laurence, particularly during Autumn, Winter and Spring, diminishing the visual impact of the heritage stained-glass windows.

- Object to the proposed planning control changes. There is already an approval for a new building built at 50 metres on the site. Anything higher will diminish the heritage context of the beautiful church and overshadow this church - providing less sunlight and for the stained-glass windows.
- Numerous concerns about the adverse effects of this proposal, overshadowing the church, detrimental to the historic nature.
- The proposal for the site is not suitable for the area. This Church and rectory is very old, iconic, a great use to the public and would be adversely impacted by the proposed tower for the site. The proposed tower is too high, and would shadow the majestic nature of the Church.
- Christ Church St Laurence is one of Sydney's oldest Church buildings. Any height increase would overshadow the Church in Autumn, Winter and Spring & compromise the contextual beauty of the heritage Church.
- Christ Church St Laurence is on the NSW state heritage register. It is a significant building at the southern end of George Street. Since established in the mid-19th century the church has seen continual encroachment on its space by outside entities that impact the ability for people to attend church and on the church's ability to perform its mission. The church continues to be a very popular Anglo Catholic church with large number of people attending services during the week and on Sundays. The proposal, would see an enormous building dwarf surrounding buildings, in particular Christ Church St Laurence, directly across the street. The proposal would cast a significant shadow over the church, which is often blessed with beautiful natural lighting due to its orientation.
- The proposed planning changes will have adverse consequences for Christ Church St Laurence. This will overshadow the Church for three months of the year.
- I oppose the changes as they inhibit the context of the heritage listed Christ Church St Laurence.
- Concerned that the recently restored church would be overshadowed by such a tower, the City of Sydney should be protecting and celebrating the quality of these vestiges of the city's origin and character.
- Strong concerns about the overshadowing of the heritage church. The changes will be twice the height of the church steeple, with overshadowing affecting the church in Autumn, Winter and Spring.
- The excessive height will overshadow and dominate Christ Church St Laurence, which has been on George Street for nearly 150 years. There needs to be ongoing understanding of the fine contribution to our city by the Victorian architects.
- Particularly concerned about the impact on the Church, with its spire is a glorious part of Sydney's history. Having its bell tower dwarfed by this modern monstrosity opposite would be detrimental to the beauty and the historic nature.
- The SHR notes the Christ Church St Laurence group including the church, church hall and rectory is architecturally nationally significant. The George Street, Pitt Street and Rawson Place block has rich social significance including in 1966 the establishment of a cultural centre by the Foundation for Aboriginal Affairs. The centre fostered a generation of prominent indigenous activists. The church spire remains a physical landmark, the SHR notes the tower and spire can be seen uninterrupted as one proceeds south along George Street, and a view of the church and spire is obtained from the entrance to the Central Railway building. The significance of the views are identified in the SHR and the DCP. This proposal will diminish its physical presence making its scale subservient to that of the proposed tower. It will compromise views of the spire.
- The church is a jewel of Sydney heritage and should not be darkened in its aspect by a major change in scale of the surrounding built environment.
- Object to the prospect of the church being cast into darkness and having its features including stained glass windows overshadowed. Do not need more "darkness" nor another overbearing monolith to vanity and greed in this area.
- The impact on the church will be significant, which will suffer from overshadowing during the coolest months of the year and

Christ Church St Laurence forecourt and two locations on the footpath to the north and south of this forecourt respectively. The wind tunnel testing found the Church's forecourt will continue to experience generally comfortable wind conditions following future development, receiving a 'Standing' wind speed. These wind speeds are considered acceptable for existing and future uses for the Church forecourt and adjoining public domain. The wind safety standard will continue to be achieved for these locations. The wind standards are consistent with the requirements and guidance outlined in the Sydney DCP 2012 and will be subject to further testing at the DA stage.

A solar study accompanied the planning proposal detailing potential overshadow impacts of the proposed building envelope on Christ Church St Laurence. It is acknowledged that the proposal would result in additional shadowing of the Church. The additional impact from the subject planning envelope would be as follows:

- Summer: no additional shadowing
- Equinox: 1.5 hours between 1.30pm and 2.45pm
- Mid-winter: 45 minutes between 2.45pm and 3.30pm

The solar study indicates that the Church façade will continue to receive direct solar access until 1.30pm in winter and two hours at the equinox between 11.30am and 1.15pm and between 3.00pm and 3.30pm. Additional overshadowing of the Church building in mid-winter will be to spire and roof, as Capitol Terrace shades most of the Church façade. The residential accommodation associated with the Church at 505 Pitt Street, will not receive any direct overshadowing from the proposed envelope at mid-winter and will only experience shading after 3.30pm at equinox. Given the context of the subject site, planning envelope and the Church, this is considered acceptable.

It is noted that the above solar analysis is based on the planning envelope and the final design of the future development is likely to be somewhat varied in bulk, scale and design following the design competition and the detailed design phase. This may change the particular nature of any shadowing. It is noted that overshadowing caused by the proposed planning envelope is unlikely to occur during the key use times for the Church.

The proposed planning envelope has been designed to ensure it appropriately responds to the surrounding area and adjacent heritage listed buildings, in particular Christ Church St Laurence, which is located opposite the subject site on the eastern side of George Street fronting the intersection with Valentine Street. As such, the planning proposal includes generous tower setbacks and a consistent two storey street frontage consistent with the DCP requirements for the Special Character Area. The positioning of the tower will also preserve important sightlines along George Street, north beyond Chinatown towards Town Hall and south to Railway Square, of which views towards Christ Church St Laurence will be unaffected by the planning proposal. The proposal includes a minimum 8m tower setback to Valentine Street, which will ensure views towards Christ Church St Laurence are not adversely impacted or encroached by future development. The Valentine Street tower setback will provide a generous visual curtilage and setting for the Church, when viewed along Valentine Street. This includes when viewed from the intersection with Thomas Street, where the future tower will not adversely affect pedestrian views of the Church.

As noted above, most trips generated by future development on the subject site are anticipated to be by public or active transport due to the site's proximity to a number of key transport nodes. The planning proposal was accompanied by a traffic impact assessment that found any vehicle movements related to future development can be accommodated within the existing road network and it was anticipated to have little impact to on-street parking or the use of the driveways used by Christ Church St Laurence.

This planning proposal seeks to amend the planning controls to facilitate a future development scenario on the subject site and while the proponent have provided preliminary reports indicating the constructability of a future scheme, it is however not a central consideration in the assessment of this planning proposal. As noted by Transport for NSW in their submission regarding the planning proposal, the proponent is required to demonstrate that the construction of the future development on site will not impact upon any the delivery of new infrastructure and public domain upgrades in the vicinity.

The subject site is located in the Haymarket Ultimo tower cluster,

the shortest daylight hours. A new building of this height will dwarf an historic church.

- This tower will be over twice the height of the bell tower of the historic church opposite and would overshadow and overpower the church for a majority of the year. The proposal would be intrusive upon the heritage listed building, one of the city's gems, destroying the context from early Sydney in which it was built.
- Christ Church is a beautiful building and gives solace to the members of the public who have relied on it for over a century and represents a heritage site which must be protected.
- The proposed development would be too tall and for much of the year overshadow the Christ Church St Laurence, reducing the amount of natural light to the stained-glass windows, diminishing their visual impact and opportunities to be seen and appreciated.

Christ Church St Laurence submission

We have no objection to the use of the location as a hotel. Our feedback and concerns relate to the building height in context with the surrounding buildings and heritage structures, and the impact of the tower's constructability and operation on a limited site.

Heritage Impact Statement

- We note that the Heritage Impact Statement is 2 years old and was done without proper reference to Atlassian, Toga and Central Station developments.

- Heritage Impact Assessment states "The existing height limit of 50m and FSR of 7.5:1 already constitutes a high rise setting to the items, the proposal to increase the height and FSR will have no additional impact on heritage items in the vicinity." This is dismissive of the heritage church across the road and ignores overshadowing effects of a building twice as high.

Overshadowing

- There does not appear to be a shadowing report about this proposed tower on the website.

- A tower of this height would cause overshadowing of church and group - the Rectory, the CCSL Hall at 505 Pitt Street, the CCSL building at 812B and buildings north during afternoons in Autumn, Winter and Spring.

- The Proposal does not account for the CCSL building at 505 Pitt Street - its current use is a daily used church hall, with tenants on the upper levels, plus a residential apartment for a parish priest on the upper western level. This residential apartment and tenant will be severely affected by overshadowing of such a tower where no overshadowing currently occurs

Visual amenity of proposed building opposite the heritage Christ Church St Laurence

- While there appears to be an attempt to retain the visual lines to the spire of CCSL along Valentine Street by off-setting the building by 8 metres, the building height is out of character with other buildings in the immediate vicinity on both sides of George Street.

- The Planning Proposal says that the proposal provides 'sufficient' sky view to CCSL. We argue that sufficient is not enough, that is a worst case, as a Planning Proposal that seeks to break significant planning rules, it MUST have no impact on a state heritage item. The setbacks are noted but they do not overcome the combination of setback and height when it comes to impact.

- Views are considered to CCSL but not from it - as a church, leaving the building is important and the present George Street scale is reasonable. With a taller backdrop, this changes the immediate experience of the setting to the frontage and severely impacts the visual setting.

Wind Tunnel Effects

- The Pedestrian Wind Environment Study of October 2020 did not indicate that this building was being assessed in context of other another Proposed Planning Control change in 2020 for an adjacent building, 187 Thomas Street.

- As this report for 757-763 George Street is dated October 2020 it is before final approval of the widening of footpaths of George Street on both sides in this block - i.e. this is now a meeting/sitting area not just a pedestrian trafficable area, hence the wind effects for sitting versus walking in this area may be less

an area identified in the Central Sydney planning framework which has been endorsed by Council, where additional building height and density may be accommodated subject to public domain amenity balanced with urban design considerations. As noted above, the proposed planning envelope will protect acceptable pedestrian amenity conditions in the public domain surrounding the subject site, including acceptable wind and daylight conditions to the Christ Church St Laurence forecourt. The envelope has been designed to respond to the character of the surrounding area, with a street wall height that is consistent with the heritage buildings on site and adjacent. Generous street setbacks and the position of the tower away from the road will protect views towards significant buildings and deliver sufficient visual curtilage for the Church.

The planning proposal was accompanied by a heritage impact statement that found future development would have an acceptable impact from a heritage perspective. The future development concept retains the former Sutton Forest Meat heritage building and incorporates it into the future development in a sensitive manner. The placement of the tower, setbacks and vertical separation will ensure this heritage item remains visually distinct and is read in its original context. Further to this, the heritage assessment found future development would not significantly adversely impact upon the character of the surrounding area and was considered acceptable given its context. The site-specific DCP that accompanies this planning proposal provides guidance for future development on site to ensure it complements the character of the Special Character Area and significant heritage items such as Christ Church St Laurence as detailed above.

satisfactory than indicated in the report.

Operational Traffic and Delivery Impacts

- With parking under the site to be severely restricted, a tower would require significant truck deliveries and vehicle drop-offs and pick-ups in a mostly pedestrianised area. Space in this block of George Street for public vehicles and delivery trucks to drop off and pick up is now severely and irretrievably curtailed.

Constructability of Proposed Development

- With the narrowing of George Street for increased pedestrians and the setback of the proposed tower from both George and Valentine Streets, demolition of the existing buildings behind the façade and constructability of a narrow off-set tower will be a challenge and pose clear traffic restrictions in these two streets.

- It is important to note that immediately opposite this site are 2 driveways of private access to CCSL and its Rectory which are required to have access maintained.

We note that Council's work in creating an attractive pedestrianisation of this block is commendable and will enhance the experience of all those who live, work or otherwise visit this section of George Street.

It is ironic that the same Council is now proposing changes to Planning Controls in this same block that, if implemented, will allow construction of a tower that will cause significant overshadowing and potential wind tunnel effects. Not only will this greatly diminish pedestrians' experience of this block, but it will also detract from the visual amenity of the streetscape in this historic part of George Street.

Landowner submission

Design excellence process –

This submission seeks an amendment to the Planning Proposal documentation submitted. Specifically, to the Design Excellence Strategy and Site-Specific DCP in relation to the requirements for a future competitive design process. There are no changes sought to the proposed amendments to the SLEP 2012.

The Planning Proposal was submitted on 31 October 2020 and at that time sought the development standard amendments as detailed. Since lodgement, the Planning Proposal has been subject to extensive consultation with the City and subsequent design amendments resulting in substantial reductions in FSR of approximately 2.27:1.

The site is located within the Tower Cluster Area of the Central Sydney Planning Strategy, given its characteristics & constraints, the sites' achievable uplift in FSR is limited and is not representative of those outcomes envisaged under the Central Sydney planning framework for Tower Cluster sites.

When compared to other surrounding Planning Proposals within the Tower Cluster Area, the additional floor space being sought is significantly less. For example, the Planning Proposal for the adjoining site at 187 Thomas Street achieved an additional site-specific FSR of 8.89:1, resulting in a total available FSR of 20:1.

The Design Excellence Strategy originally lodged with the proposal was prepared in accordance with the City of Sydney Competitive Design Policy (the Policy), Draft Amendment to Competitive Design Policy (February 2020), the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan.

Since lodgement, amendments under Draft Amendment to Competitive Design Policy have been endorsed.

Clause 5.4 of the Policy, requires the following Competitive Design Process for sites located within Tower Cluster Areas:

- minimum of six (6) competitors to participate in the invited architectural design competition.
- The Proponent is to pay each competitor at least \$AUD150,000.
- The Jury is to comprise a minimum of six (6) members, including:
 - Three (3) members nominated by Consent Authority;
 - Three (3) members nominated by the Proponent; and
 - At least one (1) member who is a sustainability expert.

The Central Sydney planning framework first contemplated the need to amend the Competitive Design Policy to introduce new competitive design process requirements for sites within the Tower Cluster Area.

Item 56 of the report to Transport, Heritage and Planning Committee on 10 February 2020 provided the following in relation to the additional floor space achievable for Tower Cluster sites and changes to the competitive design process:

In accordance with the Local Environmental Plan Making Guideline issued by the Department of Planning and Environment in September 2021, planning proposals must demonstrate strategic and site-specific merit. This means the proposal is to demonstrate alignment with the applicable strategic planning framework and acceptable environmental, social and economic impacts.

The subject planning proposal was assessed based on its individual merits and attributes, particularly consistency with the requirements of the Central Sydney planning framework. This is also the case with the planning proposal for the adjoining site at 187 Thomas Street, Haymarket, which was approved by Council and the Central Sydney Planning Committee in June 2021 and published in September 2021.

The proposed planning envelope has been prepared in accordance with the Guidelines and appropriately responds to the constraints of the subject site. This envelope varies from the base case building envelope established by the Strategy and includes setbacks designed to respond to onsite heritage and its sensitive setting. The envelope also achieves equivalent wind and daylight conditions to the base case.

These considerations shaped the parameters of the proposed building envelope and established the maximum building height and gross floor area the site is able to accommodate. This planning proposal will facilitate maximum floor space ratio of 11.1:1 above ground, comprising: 7.5:1 - mapped floor space; 1.5:1 – accommodation floor space; 1.09:1 – site specific floor space; and additional floor space up to 10 per cent subject to demonstrated design excellence. In addition to the above, the planning proposal also provides below ground floor space for active, cultural or late-night uses. It is also noted that calculation for the 10 per cent design excellence floor space includes the 1.09:1 site specific floor space and is therefore higher than what the site would otherwise yield.

The subject site is located in the Haymarket Ultimo Tower Cluster and, along with other planning proposal seeking increases in height and floor space, has been recommended to comply with the tower cluster provisions of the City's Competitive Design Policy, which seeks to increase the quality of the public domain and make a high-quality contribution above and beyond standard requirements. Design competitions for sites in tower cluster areas should include a minimum of six competitor architectural firms and a jury of six members comprising three nominated by the City of Sydney and three nominated by the proponent. The minimum site area for tower cluster design competitions is 2,000m².

As the site area is below 2,000m², the design excellence provisions in the site-specific DCP that accompanies this planning proposal have been amended to a minimum of five

Sites that qualify for up to 50 per cent additional FSR in Tower Cluster Areas will be tall towers on large sites and will make a significant contribution to environmental impacts. Potentially will make a significant contributions to environmental performance, sustainable design, quality of the public domain and the Sydney skyline. A full design competition with an expanded number of competitors, including a mix of architects, will be required through the Policy to deliver design excellence.

Further to the above, the Central Sydney planning framework provided the following in relation to the Tower Cluster Area; additional floor space achievable; and an 'enhanced design excellence competition':

It provides for an immediate opportunity to increase capacity by introducing up to 50 per cent additional FSR in tower cluster areas through an enhanced design excellence competition.

As demonstrated above, the new 'enhanced' process of the Competitive Design Policy was adopted in relation to sites and developments that were eligible for significant increases in floor space, in some cases up to an additional 50% of floor space. The outcomes now proposed and anticipated for the site under the current Planning Proposal (~18% increase in floor space) are different to those envisaged for other Tower Cluster sites for which the new Competitive Design Policy procedures were introduced.

It is submitted that the requirements prescribed in the Competitive Design Policy for Tower Cluster Areas are not commensurate to the potential development outcomes for the site as currently proposed.

It is also noted the Competitive Design Policy provides:

For development subject to the provisions of clause 6.21E of Sydney Local Environmental Plan 2012 an architectural design competition, subject to an approved Design Excellence Strategy as part of an associated concept development application or site specific DCP must be conducted in accordance with this Policy.

Given the site is <2,000sqm, the future development would not be subject to the provisions of clause 6.21E of the SLEP. As such, clause 5.4 of the Competitive Design Policy is more applicable to developments subject to clause 6.21E of the SLEP 2012 or those which are capable of achieving a substantial increase in FSR.

As such, an alternative competitive design process to that currently required is proposed for future development of the site. It is proposed that a competitive design process in accordance with clauses 3.1-3.7 (Invited Architectural Design Competition) of the Competitive Design Policy is adopted for the future development. In relation to this process, it is proposed that the Architectural Design Competition be subject to the following:

- Four (4) competitors - comprising at least one (1) emerging architect; and
- Four (4) jury members - half nominated by the Proponent and half nominated by the consent authority.

It is acknowledged that both the Design Excellence Strategy and Site-Specific DCP would require amending to include these proposed changes.

An alternative approach to the competitive design process will not hinder the ability to achieve a successful design outcome and design excellence for the site. Such a process is more appropriate and commensurate to the envisaged future development.

It has been a long-standing notion that the financial costs associated with the competitive design process are offset by the additional floor space available through the process. However, applying the new Tower Cluster design competition requirements to the development currently reflected in the Planning Proposal is not considered to represent a fair and equitable approach to the competitive design process for developments within the City.

Requested Council consider the proposed competitive design process as detailed in this submission as an alternative process to the Tower Cluster requirements within the Competitive Design Policy.

competitors and a jury of six members with four nominated by the City and two nominated by the proponent. These minor changes to the operation of the design competition for the subject site will help reflect the scale of the project while remaining within the requirements for an architectural design competition as outlined in the Competitive Design Policy. It is also intended that this change to the competition structure is balanced by an amended jury composition that is consistent with the proponent's design excellence strategy that was lodged with the planning proposal request.

Attachment C

**Draft Sydney Development Control Plan 2012
757-763 George Street, Haymarket Amendment
(as Amended)**

Sydney Development Control Plan – 757-763 George Street, Haymarket



The purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend *Sydney Development Control Plan 2012*, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment provides objectives and provisions to inform future development at 757-763 George Street, Haymarket.

This plan is to be read in conjunction with draft Planning Proposal – 757-763 George Street, Haymarket

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – 757-763 George Street, Haymarket*.

Land covered by this plan

This land applies to the identified as 187 Thomas Street, Haymarket – which is Lot 100 DP 804958.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 in the manner set out in Schedule 1 below.

This DCP was amended in March 2023 following public exhibition, new text is shown in ***bold italics*** and deleted text is shown as **~~bold strikethrough~~**.

Schedule 1 – Amendment to Sydney Development Control Plan 2012

Figure 6.1 Specific sites map

Amend Figure 6.1: Specific sites map to include the 757-763 George Street, Haymarket sites.

Amendment to Section 6.3

6.3.# 757-763 George Street, Haymarket

The following objectives and provisions apply to 757-763 George Street, Haymarket as shown in Figure 6.1 Specific sites map where relevant site specific provisions of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) are implemented.

Clause 6.## of the Sydney LEP 2012 enables development to exceed the height and floor space ratio shown in the building height in metres and floor space ratio maps up to a prescribed amount providing the subject site is developed for commercial purposes.

If a development at 757-763 George Street, Haymarket, seeks to utilise additional height or floor space ratio permitted by clause 6.## of the LEP 2012, then the provisions in this section also apply to the assessment of the proposed development and override other provision in the DCP where there is an inconsistency.

Objectives

- (a) Provide detailed controls to satisfy the provisions of clause 6.## 757-763 George Street, Haymarket in Sydney LEP 2012.
- (b) Facilitate the development of the site consisting of new commercial uses to achieve a high quality built form that:
 - (i) is of appropriate bulk and scale for its location;
 - (ii) provides an appropriate height transition between adjacent taller buildings;
 - (iii) ensure sympathetic adaptive reuse of the former Sutton Forest Meat Building at 757-759 George Street, retaining significant heritage fabric;
 - (iv) delivers a podium height that aligns with the former Sutton Forest Meat Building;
 - (v) protects important view corridors along George Street and Valentine Street towards Christ Church St Laurence;
 - (vi) is comfortably contained within the defined the maximum building envelope, ensuring the local context is respected and acceptable levels of solar access, acoustic amenity, wind comfort and daylight are maintained; and
 - (vii) maximises active frontages to the public domain that can accommodate late night uses and outdoor dining.
- (c) Respond to the future pedestrianisation in the surrounding area, particularly Valentine and George Streets by minimising private vehicle use and potential conflicts with pedestrians.
- (d) Deliver sufficient architectural articulation to ensure development is capable of responding to amenity issues.
- (e) Meet high performance benchmarks for ecologically sustainable development.
- (f) Incorporate high-quality public art.
- (g) Responds positively to adjoining development.

Provisions

6.3.X.1 Building envelope

- (1) Building massing, height, footprint and setbacks are to be consistent with Figure 6.XX Indicative envelope massing and Figure 6.XX Indicative envelope elevations.

- (2) The maximum building height is to be RL 117.87m (105.87m above ground level) to the highest point on the building including any plant and rooftop architectural features.
- (3) The building is to be consistent with Figure 6.XX Indicative envelope elevations, specifically:
 - (a) the maximum street wall height to George Street shall mirror that of the former Sutton Forest Meat Building at RL 23.03m;
 - (b) the upper podium at the rear of the site is to have a maximum height of RL 47.81m; and
 - (c) the tower is to have a maximum height of RL 117.87m.
- (4) The tower is to have minimum setbacks consistent with Figure 6.XX Indicative envelope setbacks, specifically:
 - (a) 6m to George Street;
 - (b) 11m to Valentine Street and 8m for the cantilevering tower component above RL 30m;
 - (c) 3m to the western boundary; and
 - (d) northern boundary:
 - (i) 3m to the north western section;
 - (ii) 1m to the middle section;
 - (iii) 1.6 to the north eastern section.
- (5) The vertical separation between the top of parapet of the former Sutton Forest Meat building and the underside of the cantilevered tower element is to be a minimum of at least two storeys.
- (6) The envelope detailed in Figure 6.XX – Indicative envelope massing is the maximum permissible extent of the building form, the final building design must be appropriately massed wholly within this envelope.
- (7) To ensure design flexibility, the new commercial tower shall include an appropriate allowance for façade zone and a minimum amount of 12% architectural articulation.
- (8) Tower setbacks are to maintain important views to Christ Church St Laurence as viewed from Valentine Street.

6.3.X.2 Haymarket Special Character Area

- (1) The podium street frontage is to include fine-grained articulation that is sympathetic to the heritage building.
- (2) The development is to complement the civic character of the Haymarket Special Character Area by providing appropriate architectural expression with suitable building materials, colours and textiles.
- (3) The building is to be designed to positively contribute to vistas, preserve key views and enhance the skyline in the locality.

6.3.X.3 Heritage

- (1) Development is to conserve the heritage listed former Sutton Forest Meat building at 757-763 George Street.
- (2) All significant facades of the Sutton Forest Meat building are to be retained.
- (3) The minimum vertical separation between the top of the parapet of the former Sutton Forest Meat building and the cantilevered tower element is to be two storeys.
- (4) The development is to be designed in accordance with an endorsed Conservation Management Plan for the former Sutton Forest Meat building and is to respect and reinforce the historic scale, form, modulation, articulation, proportions, street alignment, materials and finishes that contribute to its heritage significance.
- (5) The development is to respond to and maintain the setting and view corridor along Valentine Street towards the Christ Church St Laurence heritage item at 814A George Street through appropriate setbacks.
- (6) ***Future development is to have a respectful relationship with nearby State listed heritage item (Christ Church St Laurence Anglican Church and Pipe Organ), through consideration of massing, scale, materiality and façade articulation***

- (7) ***Based on the archaeological potential on site, no ground breaking works should be undertaken until an excavation permit under Section 140 of the Heritage Act 1977 is granted by Heritage NSW.***

6.3.X.5 Public Domain

- (1) The building shall maximise active frontages by minimising building services, vehicle entries and lobbies.
- (2) All street frontages are to be activated by retail or business premises, with outdoor dining and late-night uses encouraged, as detailed on Figure 6.XX Indicative ground floor layout plan.
- (3) The building is to be planned and designed to accommodate future conversion of adjacent streets into shared or pedestrian-only zones and associated stormwater works.
- (4) Incorporate high quality public art in publicly accessible areas on site to contribute to the identity and amenity of the place.

6.3.X.6 Residential Amenity

- (1) The building is ensure amenity for occupants of the adjacent residential building is not detrimentally impacted by ensuring building separation and setbacks are maximised.
- (2) The design, construction and ongoing operation of any external terrace through a management plan is to minimise any adverse acoustic impacts to adjacent residents, as follows:
 - (a) the hours of operation are to be restricted to 7.00am to 8.00pm Monday to Friday;
 - (b) no playing of amplified speech or music will be undertaken on the external terrace; and
 - (c) acoustic absorption shall be applied to the underside of the building structure above the external terrace:
 - (i) Absorption will be included to approximately 50% of the soffit above; and
 - (ii) Include a material or construction with a minimum NRC of 0.6.

6.3.X.7 Parking and vehicular access

- (1) Parking on site is to be limited to a total of not more than 10 car parking spaces having regard to the site's high level of accessibility by public transport services and active transport modes.
- (2) A single vehicular crossover to the site from Valentine Street is to be provided as shown on Figure 6.XX Indicative ground floor layout plan, no access from George Street permitted.
- (3) All site servicing, loading and delivery facilities are to be accommodated wholly within the site and are not to impact the use of the footpath in any way.
- (4) All vehicles must enter and exit the site in a forward direction.
- (5) A transport management plan incorporating all operations and servicing shall be submitted with the future development application.

6.3.X.8 Wind

- (1) A quantitative wind effects report is to be submitted with a detailed development application for the subject site.
- (2) The quantitative wind effects report is to demonstrate that the proposed development will not:
 - (a) cause wind speeds that exceed 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; and
 - (b) worsen an existing wind condition that exceeds the Wind Safety Standard, the Wind Comfort Standard for Walking and the Wind Comfort Standard for Sitting in Parks by increasing the spatial extent, frequency or speed of the wind.
- (3) The quantitative wind effects report is to further demonstrate the proposed development incorporates measures to create a comfortable wind environment that is consistent with the Wind Comfort Standards for Sitting and Standing.

Wind Safety Standard is an annual maximum peak 0.5 second gust wind speed in one hour measured between 6am and 10pm Eastern Standard Time of 24 metres per second.

Wind Comfort Standard for Walking is an hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time (i.e. 5% of those hours) of 8 metres per second.

Wind Comfort Standard for Sitting in Parks is an hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time of 4 metres per second and applies to Public Places protected by Sun Access Planes and/or No Additional Overshadowing Controls.

Wind Comfort Standards for Sitting and Standing is hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time of; 4 metres per second for sitting; and 6 metres per second for standing.

- (4) The building shall be designed to mitigate wind impacts on George and Valentine Streets, including through the use of active systems, form, materials and where necessary, redistribution of building bulk as shown in Figure 6.XX Wind mitigation options.

6.3.X.9 Design Excellence Strategy

- (1) An invited architectural design competition is to be undertaken in accordance with clause 6.21 of the Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy.
- (2) The competition is to include:
 - (a) no less than ~~six~~ **five** competitors;
 - (b) the majority to be local or national Australian firms; and
 - (c) at least one competitor that is an emerging architect or in partnership with emerging architect;
 - (d) competitors with demonstrated experience on projects that have either received an environmental sustainability award or achieved high Green Star Design & As Built or NABERS Energy/Water ratings high level of skill in sustainable design; and
 - (e) competitors with gender representation ratio of 40% male, 40% female, 20% any gender in their design team.
- (3) The jury is to comprise a total of six (6) members. The proponent is to nominate ~~three~~ **two** (~~3~~ **2**) jurors and the City of Sydney is to nominate ~~three~~ **four** (~~3~~ **4**) jurors. At least one (1) juror is to have sustainability expertise.
- (4) Any additional floor space pursued for a building demonstrating design excellence under clause 6.21D(3)(b) must be accommodated within the building envelope shown within Figure 6.XX Indicative envelope massing.
- (5) No additional building height under clause 6.21D(3) (a) is to be awarded as a result of the competition.

6.3.X.10 Sustainability

- (1) The building is to be designed to meet 5 star NABERS Energy Hotel rating, evidenced by provision of NABERS Energy Commitment Agreement at detailed design stage.
- (2) The building is to be designed to meet a 5 star Green Star Design and As Built rating for the whole development.
- (3) The building is to include photovoltaic systems.
- (4) The building is to include a rainwater harvesting and storage strategy.

Figure 6.XX 757-763 George Street, Haymarket – Indicative envelope massing

Insert new figure: 757-763 George Street – Indicative envelope massing

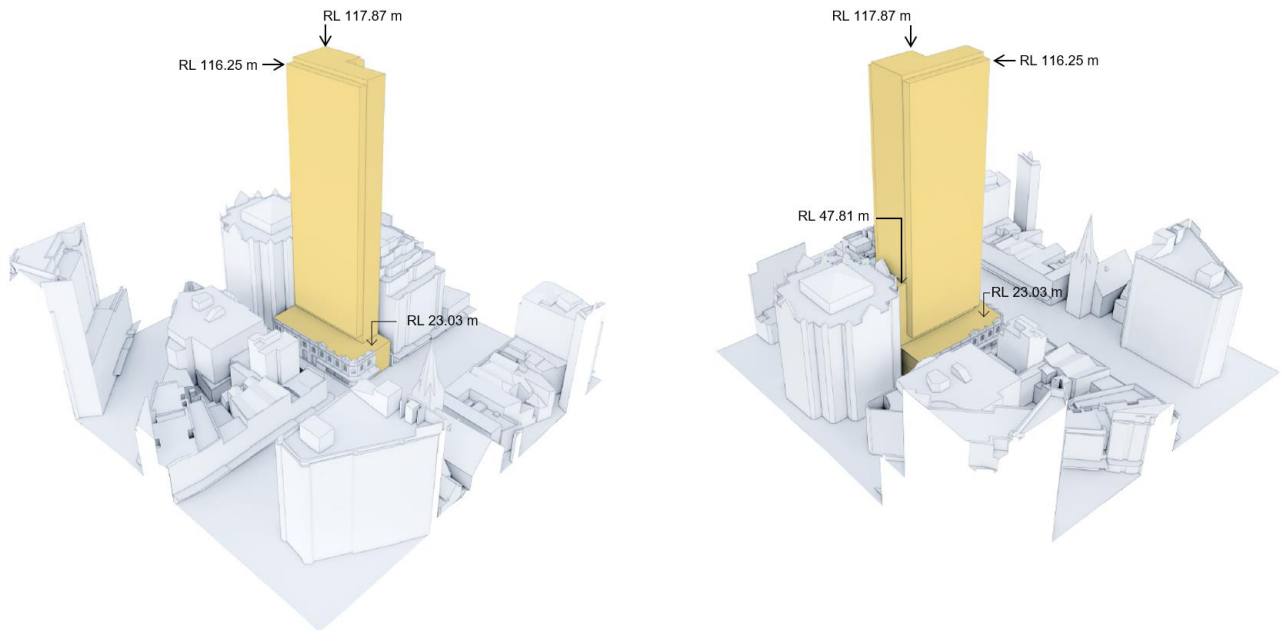


Figure 6.XX 757-763 George Street, Haymarket – Indicative envelope elevations

Insert new figure: 757-763 George Street – Indicative envelope elevations

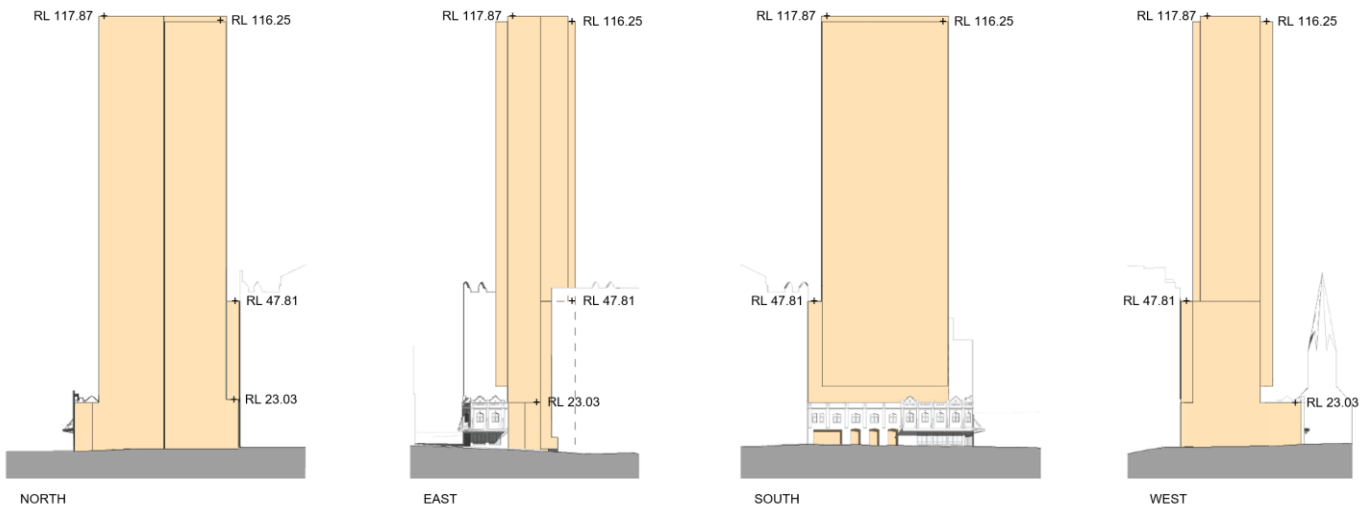


Figure 6.XX 757-763 George Street, Haymarket – Indicative envelope cross-sections

Insert new figure: 757-763 George Street – Indicative envelope cross-sections

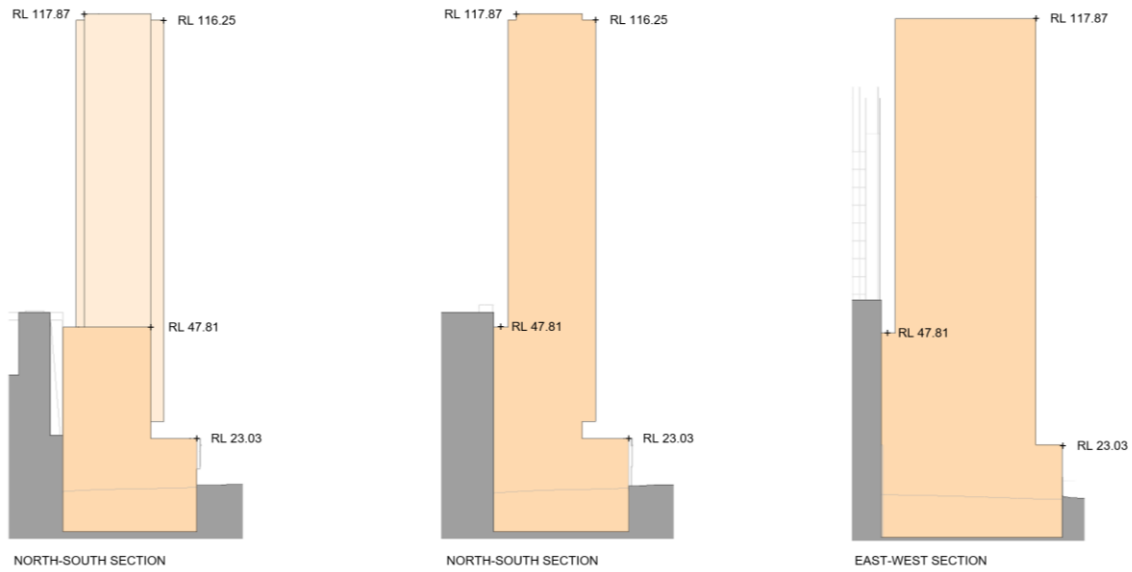


Figure 6.XX 757-763 George Street, Haymarket – Indicative envelope setbacks

Insert new figure: 757-763 George Street – Indicative envelope setbacks

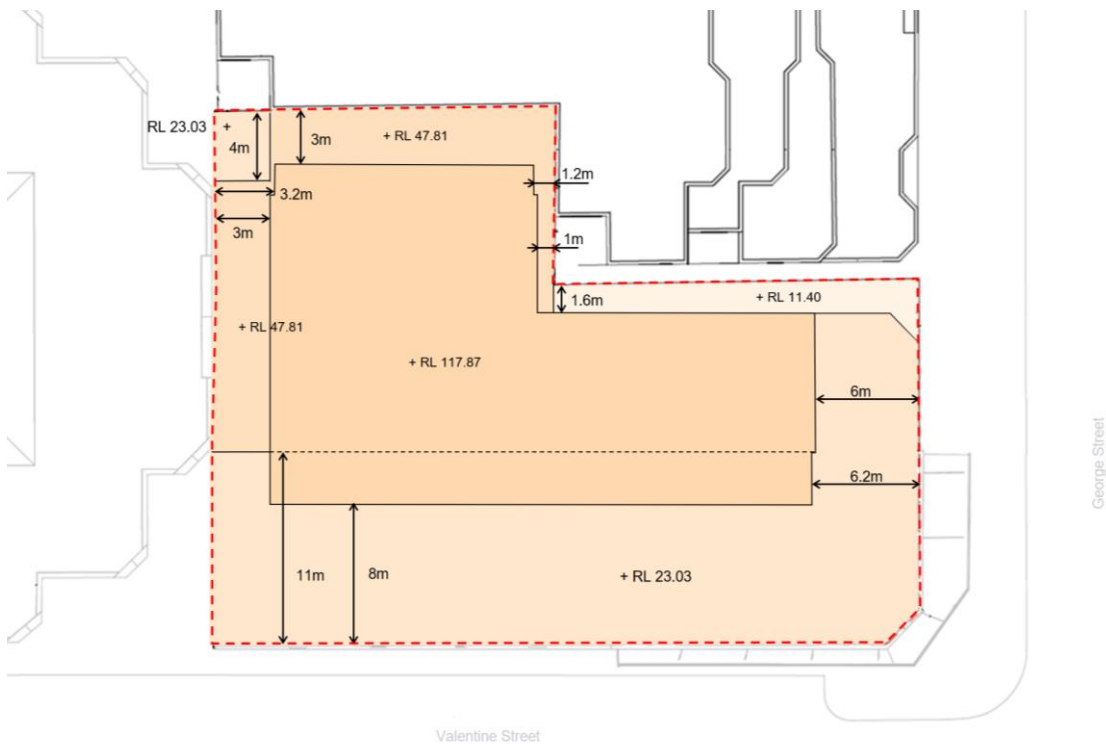


Figure 6.XX 757-763 George Street, Haymarket – Indicative ground floor layout

Insert new figure: 757-763 George Street – Indicative ground floor layout

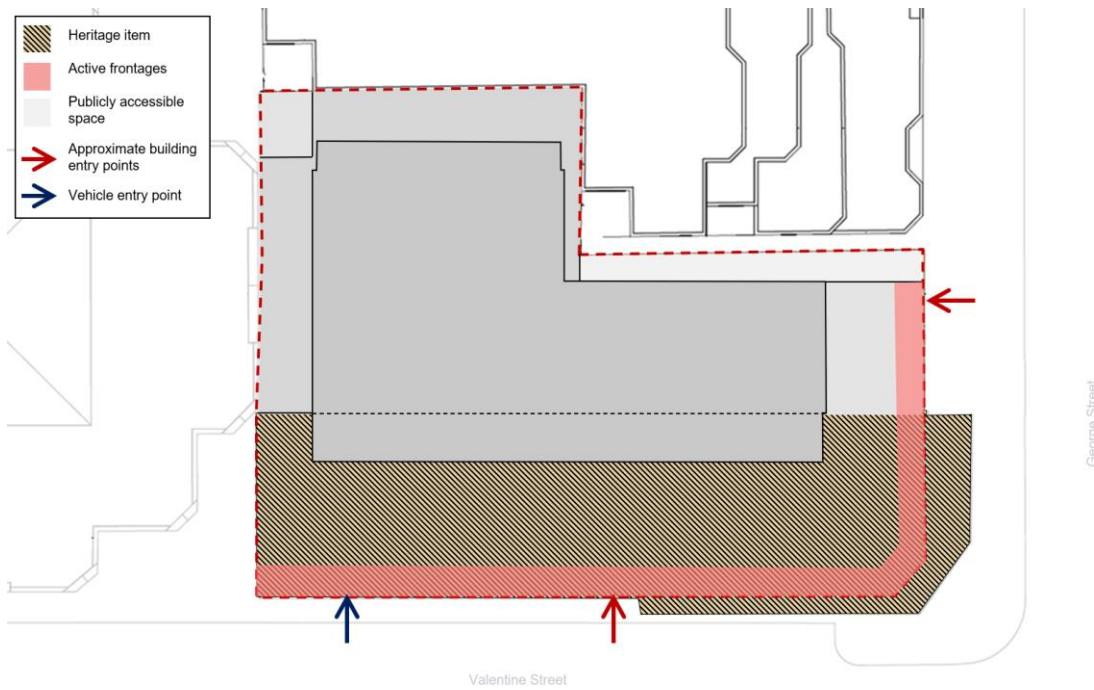
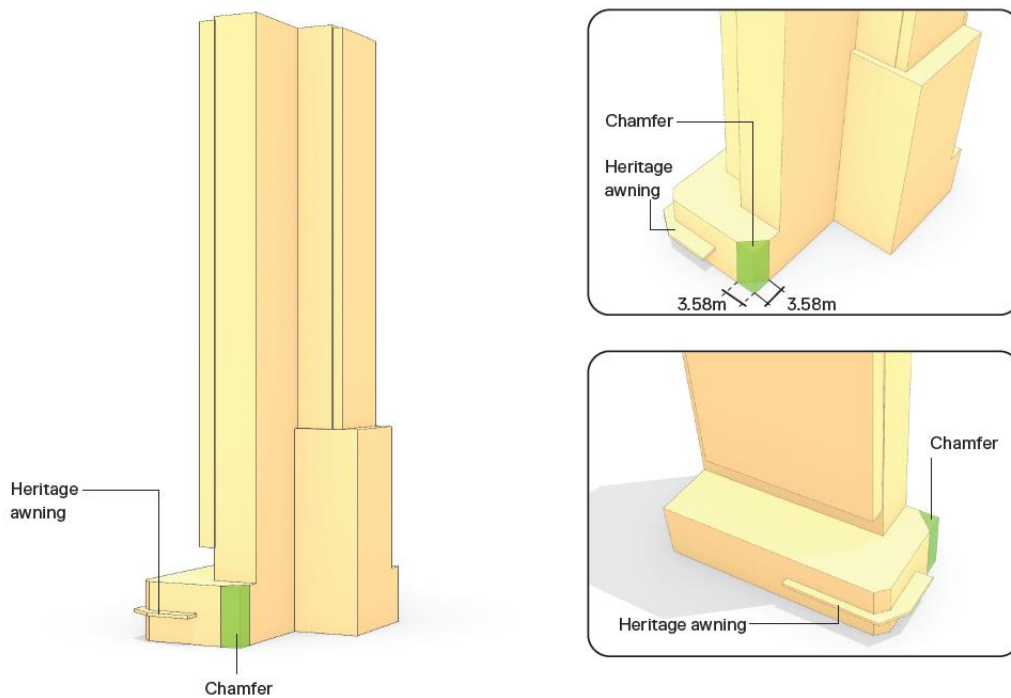


Figure 6.XX 757-763 George Street, Haymarket – Wind mitigation options

Insert new figure: 757-763 George Street – Wind mitigation options





Attachment D

Voluntary Planning Agreement

Planning Agreement

The Council of the City of Sydney (ABN 22 636 550 790)

and

Samprian Pty Ltd (ABN 98 168 737 488)

757-763 George Street, Haymarket

Reference: S153569

CONTENTS

CLAUSE	PAGE
1. INTERPRETATION	1
1.1 Definitions.....	1
1.2 Rules for interpreting this document.....	6
2. APPLICATION OF THE ACT AND THE REGULATION	7
2.1 Application of this document.....	7
2.2 Public Benefits to be made by Developer.....	7
2.3 Application of sections 7.11, 7.12 and 7.24 of the Act.....	8
2.4 City rights	8
2.5 Explanatory note.....	8
3. OPERATION OF THIS PLANNING AGREEMENT	8
3.1 Commencement.....	8
4. WARRANTIES	8
4.1 Mutual warranties	8
4.2 Developer warranties.....	9
5. Public Benefits	9
5.1 Developer to provide Public Benefits.....	9
6. Completion.....	10
6.1 Date of Completion.....	10
6.2 Developer completion notice.....	10
6.3 Inspection by the City.....	10
6.4 Non-completion of Public Benefits	11
7. Indemnity	12
8. DEFECTS LIABILITY	12
8.1 Security for Defects Liability Period	12
8.2 Defect in the Public Benefits	12
9. REGISTRATION AND CAVEAT	13
9.1 Registration of this document	13
9.2 Caveat.....	13
9.3 Release of this document	14
10. ENFORCEMENT	14
10.1 Developer to provide Guarantee.....	14
10.2 Adjustment of Guarantee Amount	14
10.3 Right of City to claim on Guarantee	15
10.4 Expenditure by the City.....	15
10.5 Top-up and return of Guarantee.....	16
10.6 Compulsory acquisition	16

11.	DISPUTE RESOLUTION	16
11.1	Application	16
11.2	Negotiation.....	16
11.3	Not use information.....	17
11.4	Condition precedent to litigation.....	17
11.5	Summary or urgent relief	17
12.	taxes and GST	18
12.1	Responsibility for Taxes	18
12.2	GST free supply	18
12.3	Supply subject to GST	18
13.	DEALINGS	19
13.1	Dealing by the City.....	19
13.2	Dealing by the Developer	19
14.	TERMINATION.....	20
15.	CONFIDENTIALITY AND DISCLOSURES	20
15.1	Use and disclosure of Confidential Information.....	20
15.2	Disclosures to personnel and advisers.....	21
15.3	Disclosures required by law	21
15.4	Receiving party's return or destruction of documents.....	22
15.5	Security and control	22
15.6	Media releases	22
16.	NOTICES.....	Error! Bookmark not defined.
17.	GENERAL	22
17.1	Governing law.....	23
17.2	Access to information	23
17.3	Liability for expenses	23
17.4	Relationship of parties	23
17.5	Giving effect to this document	24
17.6	Time for doing acts.....	24
17.7	Severance	24
17.8	Preservation of existing rights.....	24
17.9	No merger.....	24
17.10	Waiver of rights	24
17.11	Operation of this document	25
17.12	Operation of indemnities	25
17.13	Inconsistency with other documents	25
17.14	No fetter	25
17.15	Counterparts	25
1.	Public benefits - overview	28

2.	Payment of monetary contribution.....	29
2.1	Payment	29
2.2	Indexation.....	29
2.3	No trust	29
3.	Transfer land.....	30
4.	Developer’s Works	30
5.	Construction of Developer’s Works	Error! Bookmark not defined.
	Schedules	
1	Agreement Details.....	26
2	Requirements under the Act and Regulation (clause 2)	27
3	Public Benefits (clause 5)	28

THIS PLANNING AGREEMENT is made on 2022

BETWEEN:

- (1) **The Council of the City of Sydney** ABN 22 636 550 790 of Town Hall House, 456 Kent Street, SYDNEY NSW 2000 (the **City**); and
- (2) **SAMPRIAN PTY LTD** ABN 98 168 737 488 of C/- KPMG, Level 8, 91 Phillip Street, PARRAMATTA NSW 2150 (the **Developer**).

BACKGROUND

- (A) The Developer is the owner of the Land and (the proponent of the Planning Proposal) and intends to undertake the Development on the Land.
- (B) The Developer has offered to enter into this document with the City to provide the Public Benefits on the terms of this document.

THE PARTIES AGREE AS FOLLOWS:

1. **INTERPRETATION**

1.1 Definitions

The following definitions apply in this document.

Act means the *Environmental Planning and Assessment Act 1979 (NSW)*.

Adverse Affectation has the same meaning as in Part 3 of Schedule 3 of the *Conveyancing (Sale of Land) Regulation 2010 (NSW)*.

Attributed Value means the value the City and the Developer agree is to be attributed to each element of the Public Benefits as at the date of this document, as set out in clause 1 of Schedule 3 of this document.

Authorisation means:

- (a) an approval, authorisation, consent, declaration, exemption, permit, licence, notarisation or waiver, however it is described, and including any condition attached to it; and
- (b) in relation to anything that could be prohibited or restricted by law if a Government Agency acts in any way within a specified period, the expiry of that period without that action being taken,

including any renewal or amendment.

Business Day means a day (other than a Saturday, Sunday or public holiday) on which banks are open for general banking business in Sydney, Australia.

City Land means land that is owned or under the care, control or management of the City, and includes land that is intended to be transferred or dedicated to the City under this document. Land owned by the City includes land classified as operational or community land, including public reserves. Land under the City's care and control and management includes Crown land, roadways (including footpaths) and third-party owned land where the City has been granted tenure.

City's Personal Information means Personal Information to which the Developer, or any third party engaged by the Developer, has access directly or indirectly in connection with this document, including the Personal Information of any personnel, customer or supplier of the City (other than the Developer).

City's Policies means all policies and procedures relevant to the provision of the Public Benefits, as notified by the City in writing to the Developer.

City's Representative means the person named in Item 3 of Schedule 1 or his/her delegate.

Completion means the point at which the Public Benefit is complete except for minor defects:

- (a) the existence of which does not prevent the Public Benefit being reasonably capable of being used for its intended purpose;
- (b) which the Developer has grounds for not promptly rectifying; and
- (c) rectification of which will not affect the immediate and convenient use of the Public Benefit for its intended purpose.

Completion Notice means a notice issued by the Developer in accordance with clause 6.1.

Confidential Information means:

- (a) information of a party (**disclosing party**) that is:
 - (i) made available by or on behalf of the disclosing party to the other party (**receiving party**), or is otherwise obtained by or on behalf of the receiving party; and
 - (ii) by its nature confidential or the receiving party knows, or ought reasonably to know, is confidential.

Confidential Information may be made available or obtained directly or indirectly, and before, on or after the date of this document.

Confidential Information does not include information that:

- (a) is in or enters the public domain through no fault of the receiving party or any of its officers, employees or agents;
- (b) is or was made available to the receiving party by a person (other than the disclosing party) who is not or was not then under an obligation of confidence to the disclosing party in relation to that information; or
- (c) is or was developed by the receiving party independently of the disclosing party and any of its officers, employees or agents.

Construction Certificate has the same meaning as in the Act.

Contamination has the meaning given to that word in the *Contaminated Land Management Act 1997* (NSW).

Corporations Act means the *Corporations Act 2001* (Cth).

Dealing means selling, transferring, assigning, novating, mortgaging, charging, or encumbering and, where appearing, **Deal** has the same meaning.

Defect means any error, omission, defect, non-conformity, discrepancy, shrinkage, blemish in appearance or other fault in the Developer's Works and/or Public Art or any other matter which prevents the Developer's Works and/or Public Art from complying with the terms of this document.

Defects Liability Period means in relation to the Public Benefits the period of 12 months from the date on which the Developer's Works and/or Public Art reaches Completion.

Developer's Representative means the person named in Item 4 of Schedule 1 or his/her delegate.

Developer's Works means that part of the Public Benefit described as Developer's Works in clause 1 of Schedule 3, to be delivered by the Developer in accordance with this document.

Development means the development of the Land by the Developer described at Item 2 of Schedule 1.

Development Application means the development application identified in Item 5 of Schedule 1 and includes all plans, reports models, photomontages, material boards (as amended supplemented) submitted to the consent authority before the determination of that Development Application.

Development Consent means any consent granted to the Development Application for the Development and includes all modifications made under section 4.55 of the Act.

Dispute means any dispute or difference between the parties arising out of, relating to or in connection with this document, including any dispute or difference as to the formation, validity, existence or termination of this document.

Environmental Laws means all laws and legislation relating to environmental protection, building, planning, health, safety or work health and safety matters and includes the following:

- (a) the *Work Health and Safety Act 2011* (NSW);
- (b) the *Protection of the Environment Operations Act 1997* (NSW); and
- (c) the *Contaminated Land Management Act 1997* (NSW).

Government Agency means:

- (a) a government or government department or other body;
- (b) a governmental, semi-governmental or judicial person; or

- (c) a person (whether autonomous or not) who is charged with the administration of a law.

Gross Floor Area has the meaning given to that term in the *Sydney Local Environment Plan* in effect at the date of this document.

GST means the same as in the GST Act.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Guarantee means an irrevocable unconditional bank guarantee or documentary performance bond for the Guarantee Amount which must:

- (a) be denominated in Australian dollars;
- (b) be an unconditional undertaking;
- (c) be signed and issued by a bank licensed to carry on business in Australia, an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an insurer authorised by APRA to conduct new or renewal insurance business in Australia having at all times an investment grade security rating from an industry recognised rating agency of at least:
 - (i) BBB + (Standard & Poors and Fitch);
 - (ii) Baa 1 (Moody's); or
 - (iii) Bbb (Bests);
- (d) be issued on behalf of the Developer;
- (e) have no expiry or end date;
- (f) state the beneficiary as the City;
- (g) be irrevocable;
- (h) state the Guarantee Amount as the minimum amount required by this document to be lodged as security;
- (i) state the purpose of the security as required in accordance with this document; and
- (j) be on such other terms approved by the City.

Guarantee Amount(s) means a Guarantee or Guarantees for the total amount listed in Item 6 of Schedule 1 of this document.

Guarantee Amount(s) Due Date means the date or milestone by which the Developer must provide the Guarantee Amount to the City, set out at Item 7 of Schedule 1.

Index Number means the Consumer Price Index (Sydney all groups) published by the Australian Bureau of Statistics from time to time.

Insolvency Event means:

- (a) having a controller, receiver, manager, administrator, provisional liquidator, liquidator or analogous person appointed;
- (b) an application being made to a court for an order to appoint a controller, provisional liquidator, trustee for creditors or in bankruptcy or analogous person to the person or any of the person's property
- (c) the person being taken under section 459F(1) of the Corporations Act to have failed to comply with a statutory demand;
- (d) an application being made to a court for an order for its winding up;
- (e) an order being made, or the person passing a resolution, for its winding up;
- (f) the person:
 - (i) suspending payment of its debts, ceasing (or threatening to cease) to carry on all or a material part of its business, stating that it is unable to pay its debts or being or becoming otherwise insolvent; or
 - (ii) being unable to pay its debts or otherwise insolvent;
- (g) the person taking any step toward entering into a compromise or arrangement with, or assignment for the benefit of, any of its members or creditors;
- (h) a court or other authority enforcing any judgment or order against the person for the payment of money or the recovery of any property; or
- (i) any analogous event under the laws of any applicable jurisdiction,

unless this takes place as part of a solvent reconstruction, amalgamation, merger or consolidation that has been approved by the other party.

Instrument Change means an amendment to the Sydney LEP in accordance with the Planning Proposal.

Land means the land described in Item 1 of Schedule 1 of this document.

Laws means all applicable laws, regulations, industry codes and standards, including all Environmental Laws.

Monetary Contribution means that part of the Public Benefits described as “Monetary Contribution” in clause 1 of Schedule 3 to be paid by the Developer to the City in accordance with this document.

Occupation Certificate has the same meaning as in the Act.

Personal Information has the meaning set out in the *Privacy Act 1988* (Cth).

Personnel means the Developer’s officers, employees, agents, contractors or subcontractors.

Planning Proposal means the planning proposal for the Land at 757-763 George Street, Haymarket lodged by or on behalf of the Developer on or about 31 October 2020 with the City.

Privacy Laws means the *Privacy Act 1988* (Cth), the *Privacy and Personal Information Protection Act 1998* (NSW), the *Spam Act 2003* (Cth), the *Do Not Call Register Act 2006* (Cth) and any other applicable legislation, principles, industry codes and policies relating to the handling of Personal Information.

Public Art means that part of the Public Benefits described as the provision of “Public Art” in clause 1 of Schedule 3, to be delivered by the Developer in accordance with this document.

Public Benefits means the provision of benefits to the community by the Developer in the form and at the times specified in Schedule 3.

Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

Subdivision of Land has the same meaning as in the Act.

Tax means a tax, levy, duty, rate, charge, deduction or withholding, however it is described, that is imposed by law or by a Government Agency, together with any related interest, penalty, fine or other charge.

1.2 Rules for interpreting this document

Headings are for convenience only, and do not affect interpretation. The following rules also apply in interpreting this document, except where the context makes it clear that a rule is not intended to apply.

- (a) A reference to:
 - (i) a legislative provision or legislation (including subordinate legislation) is to that provision or legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
 - (ii) a document (including this document) or agreement, or a provision of a document (including this document) or agreement, is to that document, agreement or provision as amended, supplemented, replaced or novated;

- (iii) a party to this document or to any other document or agreement includes a permitted substitute or a permitted assign of that party;
 - (iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and
 - (v) anything (including a right, obligation or concept) includes each part of it.
- (b) A singular word includes the plural, and vice versa.
 - (c) A word which suggests one gender includes the other genders.
 - (d) If a word or phrase is defined, any other grammatical form of that word or phrase has a corresponding meaning.
 - (e) If an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.
 - (f) A reference to **including** means "including, without limitation".
 - (g) A reference to **dollars** or **\$** is to an amount in Australian currency.
 - (h) A reference to **this document** includes the agreement recorded by this document.
 - (i) Words defined in the GST Act have the same meaning in clauses about GST.
 - (j) This document is not to be interpreted against the interests of a party merely because that party proposed this document or some provision in it or because that party relies on a provision of this document to protect itself.

2. **APPLICATION OF THE ACT AND THE REGULATION**

2.1 Application of this document

This document is a planning agreement within the meaning of section 7.4 of the Act and applies to:

- (a) the Land; and
- (b) the Instrument Change.

2.2 Public Benefits to be made by Developer

Clause 5 and Schedule 3 set out the details of the:

- (a) Public Benefits to be delivered by the Developer;
- (b) time or times by which the Developer must deliver the Public Benefits; and
- (c) manner in which the Developer must deliver the Public Benefits.

2.3 Application of sections 7.11, 7.12 and 7.24 of the Act

- (a) The application of sections 7.11, 7.12 and 7.24 of the Act are excluded to the extent set out in Items 5 and 6 of Schedule 2 to this document.
- (b) For the avoidance of doubt, if the City imposes a condition of consent on a Development Consent for the Development under section 7.11 of the Act requiring payment of a contribution authorised by a contributions plan, no further contributions pursuant to section 7.11 or section 7.12 of the Act are payable in relation to the Development Consent as they will be paid in accordance with this planning agreement.

2.4 City rights

This document does not impose an obligation on the City to:

- (a) grant Development Consent for the Development; or
- (b) exercise any function under the Act in relation to a change to an environmental planning instrument, including the making or revocation of an environmental planning instrument.

2.5 Explanatory note

The explanatory note prepared in accordance with clause 25E of the Regulation must not be used to assist in construing this document.

3. **OPERATION OF THIS PLANNING AGREEMENT**

3.1 Commencement

This document will commence on the later of:

- (a) the date of execution of this document by all parties to this document; and
- (b) the date the Instrument Change comes into force.

4. **WARRANTIES**

4.1 Mutual warranties

Each party represents and warrants that:

- (a) (**power**) it has full legal capacity and power to enter into this document and to carry out the transactions that it contemplates;
- (b) (**corporate authority**) it has taken all corporate action that is necessary or desirable to authorise its entry into this document and to carry out the transactions contemplated;
- (c) (**Authorisations**) it holds each Authorisation that is necessary or desirable to:
 - (i) enable it to properly execute this document and to carry out the transactions that it contemplates;

- (ii) ensure that this document is legal, valid, binding and admissible in evidence; or
- (iii) enable it to properly carry on its business as it is now being conducted, and it is complying with any conditions to which any of these Authorisations is subject;
- (d) (**documents effective**) this document constitutes its legal, valid and binding obligations, enforceable against it in accordance with its terms (except to the extent limited by equitable principles and laws affecting creditors' rights generally), subject to any necessary stamping or registration;
- (e) (**solvency**) there are no reasonable grounds to suspect that it will not be able to pay its debts as and when they become due and payable; and
- (f) (**no controller**) no controller is currently appointed in relation to any of its property, or any property of any of its subsidiaries.

4.2 Developer warranties

- (a) The Developer warrants to the City that, at the date of this document:
 - (i) it is the registered proprietor of the Land;
 - (ii) it is legally entitled to obtain all consents and approvals that are required by this document and do all things necessary to give effect to this document;
 - (iii) all work performed by the Developer and the Personnel under this document will be performed with due care and skill and to a standard which is equal to or better than that which a well experienced person in the industry would expect to be provided by an organisation of the Developer's size and experience; and
 - (iv) it is not aware of any matter which may materially affect the Developer's ability to perform its obligations under this document.
- (b) The Developer warrants to the City that, prior to commencing delivery of the Public Benefits it will have obtained all Authorisations and insurances required under any Law to carry out its obligations under this document.

5. **PUBLIC BENEFITS**

5.1 Developer to provide Public Benefits

The Developer must, at its cost and risk, provide the Public Benefits to the City in accordance with this document.

6. **COMPLETION**

6.1 Date of Completion

The Developer must ensure that the Public Benefits are achieved on or before the date or milestone referred to in clause 1 of Schedule 3 of this document (**Completion**).

6.2 Developer completion notice – Public Benefits

When, in the reasonable opinion of the Developer, a Public Benefit has reached Completion, the Developer must notify the City's Representative in writing and must include in or attached to that notice:

- (a) In relation to the Public Art prior to the issue of the Occupation Certificate for the Development:
 - (i) a statement that the Public Art installation has been completed;
 - (ii) a copy of the draft Final Public Art Report (Final Report) in electronic format for the approval of the City;
 - (iii) copies of any warranties, guarantees, maintenance information or other material in the possession of the Developer reasonably required for the City to assume responsibility for the Public Art on City Land.
 - (iv) copies of any warranties, contractual arrangements, guarantees, insurance policies or other evidence that Public Art not installed on City Land will be adequately maintained during the Defects Liability Period (if applicable).
- (b) If the City has elected not to take ownership of the Public Art, the Developer must enter into an agreement with the City for the installation of the Public Art on the City Land in accordance with clause 5.1 (b) of Schedule 3.

(Completion Notice). For the avoidance of doubt, the Developer can issue separate Completion Notices at separate times for different elements of the Public Benefits, however the Developer must ensure that Completion is achieved for the Public Benefits before the due date specified in Item 1 of Schedule 3.

6.3 Inspection by the City

- (a) The City's Representative must inspect the Developer's Works and/or the Public Art within 5 Business Days of the date that the Completion Notice is received by the City. The City's Representative may refuse to complete the inspection until the Completion Notice has been issued with all required documentation attached in accordance with clause 6.2. Within 10 Business Days of the date of the inspection by the City's Representative, the City must by written notice to the Developer:
 - (i) state that the Final Public Art Plan has been approved and Completion has been achieved;

- (ii) state that the Final Public Art Plan has not been approved and Completion has not been achieved and, if so, identify the Defects, errors or omissions which, in the opinion of the City's Representative, prevent Completion; or
 - (iii) issue a notice under clause 6.4(a).
- (b) Nothing in this clause 6.3, or any notice issued under this clause 6.3, will:
- (i) reduce or waive in any manner the Developer's responsibility to:
 - (A) deliver the Developer's Works and/or the Public Art in accordance with this document; or
 - (B) the Developer's responsibility to correct Defects, errors or omissions, whether or not these are identified by the City; or
 - (ii) create any liability for the City in relation to any defective aspect of the Developer's Works and/or the Public Art.

6.4 Non-completion of Public Benefits

- (a) If the Developer makes a request by notice in writing not to complete the Public Benefits (or any part of the Public Benefits):
 - (i) the City may permit the Developer not to complete the Public Benefits (or any part of the Public Benefits) by issuing a notice in writing to the Developer stating that completion of the items identified in that notice is not required to fulfil the Developer's obligations under this document; and
 - (ii) the City may make a claim on the Guarantee in such amount as the City considers necessary to complete the portion of Public Benefit not being delivered by the Developer.
- (b) If the Developer fails to complete the whole of the Public Benefits in the form and to the standards required under the Development Consent or this document then the City may either:
 - (i) complete the Public Benefits itself; or
 - (ii) modify the Public Benefits to reasonably achieve the objectives identified in the Development Consent and this document; or
 - (iii) in relation to the Public Art, elect to install public art in another location in the City that achieves the primary purpose of public art as a public benefit,

and may recover all costs of and reasonably incidental to that work from the Developer. The City can claim on the Guarantee in order to exercise this right, in which case the provisions of clause 10 will apply. To the extent that the City's costs exceed the amount of the Guarantee, the City can recover this amount from the Developer as a debt due and owing to the City.

- (c) If the City exercises its rights under this clause 6.4 to complete the Public Benefits, the Developer grants the City a licence for the period necessary for the City to access the Land to carry out, or procure the carrying out, of the Public Benefits.

7. INDEMNITY

The Developer indemnifies the City against all damage, expense, loss or liability of any nature suffered or incurred by the City arising from any act or omission by the Developer (or any Personnel) in connection with the performance of the Developer's obligations under this document, except where the damage, expense, loss or liability suffered or incurred is caused by, or contributed to by, any wilful or negligent act or omission of the City (or any person engaged by the City).

8. DEFECTS LIABILITY

8.1 Security for Defects Liability Period

Until the expiry of the relevant Defects Liability Period, the City may retain from the Guarantee an amount equal to 10% of the Attributed Value of the Public Benefits as security for the Developer's performance of its obligations under this clause 8. The Developer must make any necessary arrangements to allow the provision of the Guarantee for the Defects Liability Period in accordance with this clause.

8.2 Defect in the Public Benefits

(a) If:

- (i) the Developer is in breach of clause 4.2 of this document; or
- (ii) the City notifies the Developer of a Defect in the Public Benefits within the Defects Liability Period,

then, following written notice from the City, the Developer must promptly correct or replace (at the Developer's expense) the defective elements of the Public Benefits.

(b) If the Developer is unable or unwilling to comply with clause 8.2(a), or fails to rectify the Defect within three months of receiving notice from the City under clause 8.2(a), the City may:

- (i) rectify the Defect itself;
- (ii) make a claim on the Guarantee in accordance with clause 10.3 of Schedule 3 for the reasonable costs of the City in rectifying the Defect; and
- (iii) to the extent the costs incurred to rectify the Defect exceeds the Guarantee, recover the reasonable costs from the Developer as a debt due and owing to the City.

(c) If the City requires access to the Land to rectify any Defect, the Developer grants the City and its contractors a licence for such period as is necessary

for the City and its contractors to access the Land to carry out, or procure the carrying out, of the rectification works.

9. REGISTRATION AND CAVEAT

9.1 Registration of this document

(a) The Developer:

- (i) consents to the registration of this document at the NSW Land Registry Services on the certificate of title to the Land;
- (ii) warrants that it has obtained all consents to the registration of this document on the certificate of title to the Land; and
- (iii) must within 10 Business Days of a written request from the City do all things necessary to allow the City to register this document on the certificate of title to the Land, including but not limited to:
 - (A) producing any documents or letters of consent required by the Registrar-General of the NSW Land Registry Services;
 - (B) providing the production slip number when the Developer produces the certificate of title to the Land at the NSW Land Registry Services; and
 - (C) providing the City with a cheque for registration fees payable in relation to registration of this document at NSW Land Registry Services.
- (iv) The Developer must act promptly in complying with and assisting to respond to any requisitions raised by the NSW Land Registry Services that relate to registration of this document.

9.2 Caveat

- (a) The City may, at any time after the date of this document, register a caveat over the Land preventing any dealing with the Land that is inconsistent with this document. Provided that the City complies with this clause 9.2, the Developer must not object to the registration of this caveat and may not attempt to have the caveat removed from the certificate of title to the Land.
- (b) In exercising its rights under this clause 9.2 the City must do all things reasonably required to:
 - (i) remove the caveat from the Land once this document has been registered on the certificate of title to the Land; and
 - (ii) consent to the registration of:
 - (A) this document; and
 - (B) any plan of consolidation, plan of subdivision or other dealing required by this document or the Development Consent.

9.3 Release of this document

If the City is satisfied that the Developer has provided all Public Benefits and otherwise complied with this document then the City must promptly do all things reasonably required to remove this document from the certificate of title to the Land.

10. **ENFORCEMENT**

10.1 Developer to provide Guarantee

The Developer must deliver the Guarantee for the Guarantee Amount to the City by the Guarantee Amount Due Date.

10.2 Adjustment of Guarantee Amount

- (a) Subject to clause 10.2(b), following each anniversary of the date of the Guarantee (the "Adjustment Date") and at any time prior to the expiry of the Defects Liability Period, the Guarantee Amounts are to be adjusted to a revised amount by applying the following formula:

$$\mathbf{RGA} = \mathbf{GA} \times (\mathbf{A/B})$$

where:

RGA is the revised guarantee amount applicable from the relevant Adjustment Date

GA is the Guarantee Amount that is current on the relevant Adjustment Date

A is the Index Number most recently published before the relevant Adjustment Date

B is the Index Number most recently published:

- (i) before the date of the Guarantee for the first Adjustment Date; and
- (ii) before the preceding Adjustment Date for every subsequent Adjustment Date

If after the formula is applied the revised Guarantee Amount will be less than the amount held at the preceding Adjustment Date, the Guarantee Amount will not be adjusted.

- (b) If the Guarantee Amount is adjusted under clause 10.2(a), the Developer is not required to provide the City with a replacement Guarantee for that revised Guarantee Amount until such time as the City notifies the Developer that the City is ready to exchange the then current Guarantee held by the City, following which the City and the Developer must promptly exchange the then current Guarantee held by the City with a replacement Guarantee for that revised Guarantee Amount from the Developer.

10.3 Right of City to claim on Guarantee

- (a) The Developer agrees that the City may make an appropriation from the Guarantee in such amount as the City, acting reasonably, thinks appropriate if:
 - (i) The Developer fails to comply with clause 2 of Schedule 3 (payment of Monetary Contribution);
 - (ii) the City allows the Developer not to complete the Public Benefits, or any part of it, in accordance with clause 6.4(a)(ii);
 - (iii) an Insolvency Event occurs in respect of the Developer;
 - (iv) the Developer fails to deliver the Public Benefits in accordance with clause 6.4(b);
 - (v) the Developer fails to rectify a Defect in accordance with clause 8.2 of this document;
 - (vi) the detailed designs for the Developer's Works/ and or the Public Art are not finalised between the parties within 12 months of the date of issue of a Construction Certificate that approves the construction of any structures above the ground floor of the Development;
 - (vii) the Developer's Works and/or the Public Art does not reach Completion within 36 months of the date of issue of the first Construction Certificate in respect of the Development (or such later time as agreed by the City in writing); or
 - (viii) the City incurs any other expense or liability in exercising its rights and powers under this document.
- (b) Any amount of the Guarantee appropriated by the City in accordance with clause 10.2 must be applied only towards:
 - (i) the costs and expenses incurred by the City rectifying any default by the Developer under this document; and
 - (ii) carrying out any works required to achieve the Public Benefits; or
 - (iii) in relation to the Public Art component of the Public Benefits, procuring and installing public art in another location in the City that achieves the primary purpose of public art as a public benefit.

10.4 Expenditure by the City

If the City claims on the Guarantee to Complete the Developer's Works and/or the Public Art, then the City:

- (a) is not required to expend more money than the Guarantee Amount and may elect not to carry out items of the Developer's Works and/or the Public Art to ensure that those works can be carried out for an amount equal to or less than the Guarantee Amount; or

- (b) may expend more than the Guarantee Amount. If the City expends more money than the Guarantee Amount then the amount in excess of the Guarantee Amount will be deemed to be a debt due and owing to the City by the Developer.
- (c) Where the Developer has failed to deliver the Public Art and the City elects not to complete the Public Art in accordance with the approved Public Art Plan, then the City may not expend more than the Guarantee Amount held for the Public Art in delivering public art.

10.5 Top-up and return of Guarantee

- (a) If the City calls upon the Guarantee in accordance with this clause 10 then the Developer must immediately provide to the City a replacement Guarantee to ensure that, at all times until the Guarantee is released in accordance with paragraph (b), the City is in possession of a Guarantee for a face value equivalent to the Guarantee Amount.
- (b) If:
 - (i) the monies secured by the Guarantee have not been expended;
 - (ii) the City has concurred with Completion in accordance with clause 6.3(a)(i) of this document, taking into account any approved non-completion of the Developer's Works and/or the Public Art approved by clause 6.4(a) of this document; and
 - (iii) the City has been provided with the security for the Defects Liability Period in accordance with clause 8.1,
 then the City will promptly return the Guarantee to the Developer following the issue of a notice pursuant to clause 6.3(a)(i) of this document.
- (c) If, following expiry of the Defects Liability Period, the City is satisfied that all defects have been rectified in accordance with clause 8 then the City must promptly return to the Developer the portion of the Guarantee retained by the City as security for the Defects Liability Period.

10.6 Compulsory acquisition

Not used

11. **DISPUTE RESOLUTION**

11.1 Application

Any Dispute must be determined in accordance with the procedure in this clause 11.

11.2 Negotiation

- (a) If any Dispute arises, a party to the Dispute (**Referring Party**) may by giving notice to the other party or parties to the Dispute (**Dispute Notice**)

refer the Dispute to the Developer's Representative and the City's Representative for resolution. The Dispute Notice must:

- (i) be in writing;
 - (ii) state that it is given pursuant to this clause 10; and
 - (iii) include or be accompanied by reasonable particulars of the Dispute including:
 - (A) a brief description of the circumstances in which the Dispute arose;
 - (B) references to any:
 - (aa) provisions of this document; and
 - (bb) acts or omissions of any person, relevant to the Dispute; and
 - (C) where applicable, the amount in dispute (whether monetary or any other commodity) and if not precisely known, the best estimate available.
- (b) Within 10 Business Days of the Referring Party issuing the Dispute Notice (**Resolution Period**), the Developer's Representative and the City's Representative must meet at least once to attempt to resolve the Dispute.
- (c) The Developer's Representative and the City's Representative may meet more than once to resolve a Dispute. The Developer's Representative and the City's Representative may meet in person, via telephone, videoconference, internet-based instant messaging or any other agreed means of instantaneous communication to effect the meeting.

11.3 Not use information

The purpose of any exchange of information or documents or the making of any offer of settlement under this clause 11 is to attempt to settle the Dispute. Neither party may use any information or documents obtained through any dispute resolution process undertaken under this clause 10 for any purpose other than in an attempt to settle the Dispute.

11.4 Condition precedent to litigation

Subject to clause 11.5, a party must not commence legal proceedings in respect of a Dispute unless:

- (a) a Dispute Notice has been given; and
- (b) the Resolution Period has expired.

11.5 Summary or urgent relief

Nothing in this clause 11 will prevent a party from instituting proceedings to seek urgent injunctive, interlocutory or declaratory relief in respect of a Dispute.

12. TAXES AND GST

12.1 Responsibility for Taxes

- (a) The Developer is responsible for any and all Taxes and other like liabilities which may arise under any Commonwealth, State or Territory legislation (as amended from time to time) as a result of or in connection with this document or the Public Benefits.
- (b) The Developer must indemnify the City in relation to any claims, liabilities and costs (including penalties and interest) arising as a result of any Tax or other like liability for which the Developer is responsible under clause 12.1(a).

12.2 GST free supply

To the extent that Divisions 81 and 82 of the GST Law apply to a supply made under this document:

- (a) no additional amount will be payable by a party on account of GST; and
- (b) no tax invoices will be exchanged between the parties.

12.3 Supply subject to GST

To the extent that clause 12.2 does not apply to a supply made under this document, this clause 12.3 will apply.

- (a) If one party (**Supplying Party**) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that is liable to provide the consideration (**Receiving Party**) must also pay an amount (**GST Amount**) equal to the GST payable in respect of that supply.
- (b) Subject to first receiving a tax invoice or adjustment note as appropriate, the receiving party must pay the GST amount when it is liable to provide the consideration.
- (c) If one party must indemnify or reimburse another party (**Payee**) for any loss or expense incurred by the Payee, the required payment does not include any amount which the Payee (or an entity that is in the same GST group as the Payee) is entitled to claim as an input tax credit, but will be increased under clause 12.3(a) if the payment is consideration for a taxable supply.
- (d) If an adjustment event arises in respect of a taxable supply made by a Supplying Party, the GST Amount payable by the Receiving Party under clause 12.3(a) will be recalculated to reflect the adjustment event and a payment will be made by the Receiving Party to the Supplying Party, or by the Supplying Party to the Receiving Party, as the case requires.
- (e) The Developer will assume the City is not entitled to any input tax credit when calculating any amounts payable under this clause 12.3.

- (f) In this document:
 - (i) consideration includes non-monetary consideration, in respect of which the parties must agree on a market value, acting reasonably; and
 - (ii) in addition to the meaning given in the GST Act, the term "GST" includes a notional liability for GST.

13. **DEALINGS**

13.1 Dealing by the City

- (a) The City may Deal with its interest in this document without the consent of the Developer if the Dealing is with a Government Agency. The City must give the Developer notice of the Dealing within five Business Days of the date of the Dealing.
- (b) The City may not otherwise Deal with its interest in this document without the consent of the Developer, such consent not to be unreasonably withheld or delayed.

13.2 Dealing by the Developer

- (a) Prior to registration of this document in accordance with clause 9, the Developer must not Deal with this document or the Land without:
 - (i) the prior written consent of the City; and
 - (ii) the City, the Developer and the third party the subject of the Dealing entering into a deed of consent to the Dealing on terms acceptable to the City.
- (b) On and from registration of this document in accordance with clause 9:
 - (i) the Developer may Deal with this document without the consent of the City only as a result of the sale of the whole of the Land (without subdivision) to a purchaser of the Land;
 - (ii) the Developer may register a plan of strata subdivision, and the City consents to this document remaining registered only on the certificate of title to the common property of the strata plan upon registration of the strata plan; and
 - (iii) the Developer must not otherwise Deal with this document to a third party that is not a purchaser of the whole or any part of the Land without:
 - (A) the prior written consent of the City; and
 - (B) the City, the Developer and the third party the subject of the Dealing entering into a deed of consent to the Dealing on terms acceptable to the City.

- (c) The Developer must pay the City's costs and expenses relating to any consent or documentation required due to the operation of this clause 13.2.

14. **TERMINATION**

- (a) The City may terminate this document by notice in writing to the Developer if the amended Sydney LEP is:
 - (i) subsequently amended by an environmental planning instrument made after the planning Proposal in a way that prevents the Development from proceeding; or
 - (ii) declared to be invalid by a court of competent jurisdiction.
- (b) If the City terminates this document under clause 14(a) then:
 - (i) the rights of each party that arose before the termination or which may arise at any future time for any breach or non-observance of obligations occurring prior to the termination are not affected;
 - (ii) the Developer must take all steps reasonably necessary to minimise any loss that the City may suffer as a result of the termination of this document;
 - (iii) the City will return the Guarantee to the Developer after first deducting any amounts owing to the City or costs incurred by the City by operation of this document. If in exercising its rights under this document the City expends more money than the Guarantee Amount then the amount in excess of the Guarantee Amount will be deemed to be a debt due and owing to the City by the Developer; and
 - (iv) the City will, at the Developer's cost, do all things reasonably required to remove this document from the certificate of title to the Land.

15. **CONFIDENTIALITY AND DISCLOSURES**

15.1 Use and disclosure of Confidential Information

A party (**receiving party**) which acquires Confidential Information of another party (**disclosing party**) must not:

- (a) use any of the Confidential Information except to the extent necessary to exercise its rights and perform its obligations under this document; or
- (b) disclose any of the Confidential Information except in accordance with clauses 15.2 or 15.3.

15.2 Disclosures to personnel and advisers

- (a) The receiving party may disclose Confidential Information to an officer, employee, agent, contractor, or legal, financial or other professional adviser if:
 - (i) the disclosure is necessary to enable the receiving party to perform its obligations or to exercise its rights under this document; and
 - (ii) prior to disclosure, the receiving party informs the person of the receiving party's obligations in relation to the Confidential Information under this document and obtains an undertaking from the person to comply with those obligations.
- (b) The receiving party:
 - (i) must ensure that any person to whom Confidential Information is disclosed under clause 15.2(a) keeps the Confidential Information confidential and does not use it for any purpose other than as permitted under clause 15.2(a); and
 - (ii) is liable for the actions of any officer, employee, agent, contractor or legal, financial or other professional adviser that causes a breach of the obligations set out in clause 15.2(b)(i).

15.3 Disclosures required by law

- (a) Subject to clause 15.3(b), the receiving party may disclose Confidential Information that the receiving party is required to disclose:
 - (i) by law or by order of any court or tribunal of competent jurisdiction; or
 - (ii) by any Government Agency, stock exchange or other regulatory body.
- (b) If the receiving party is required to make a disclosure under clause 15.3(a), the receiving party must:
 - (i) to the extent possible, notify the disclosing party immediately it anticipates that it may be required to disclose any of the Confidential Information;
 - (ii) consult with and follow any reasonable directions from the disclosing party to minimise disclosure; and
 - (iii) if disclosure cannot be avoided:
 - (A) only disclose Confidential Information to the extent necessary to comply; and
 - (B) use reasonable efforts to ensure that any Confidential Information disclosed is kept confidential.

15.4 Receiving party's return or destruction of documents

On termination of this document the receiving party must immediately:

- (a) deliver to the disclosing party all documents and other materials containing, recording or referring to Confidential Information; and
- (b) erase or destroy in another way all electronic and other intangible records containing, recording or referring to Confidential Information,

which are in the possession, power or control of the receiving party or of any person to whom the receiving party has given access.

15.5 Security and control

The receiving party must:

- (a) keep effective control of the Confidential Information; and
- (b) ensure that the Confidential Information is kept secure from theft, loss, damage or unauthorised access or alteration.

15.6 Media releases

The Developer must not issue any information, publication, document or article for publication in any media concerning this document or the Public Benefits without the City's prior written consent.

15.7 Privacy

- (a) Without limiting its obligations at law with respect to privacy and the protection of Personal Information, the Developer:
 - (i) must not, directly or indirectly collect, use or disclose any Personal Information under or in connection with this document except to the extent necessary to perform its obligations under this document; and
 - (ii) must in the delivery of the Public Benefits and the performance of all its other obligations under this document comply with the Privacy Laws and must not do any act or engage in any practice that would breach the Privacy Laws or which if done or engaged in by the City would be a breach of any Privacy Laws.

16. **NOTICES**

- (a) A notice, consent or other communication under this document is only effective if it is in writing, signed and either left at the addressee's address or sent to the addressee by mail or email. If it is sent by mail, it is taken to have been received 5 Business Days after it is posted. If it is sent by email, it is taken to have been received the same day the email was sent, provided that the sender has not received a delivery failure notice (or similar), unless the time of receipt is after 5:00pm in which case it is taken to be received on the next Business Day.

- (b) A person's address and email address are those set out in Schedule 1 for the City's Representative and the Developer's Representative, or as the person notifies the sender in writing from time to time.

17. GENERAL

17.1 Governing law

- (a) This document is governed by the laws of New South Wales.
- (b) Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in New South Wales, and any court that may hear appeals from any of those courts, for any proceedings in connection with this document, and waives any right it might have to claim that those courts are an inconvenient forum.

17.2 Access to information

In accordance with section 121 of the *Government Information (Public Access) Act 2009 (NSW)*, the Developer agrees to allow the City immediate access to the following information contained in records held by the Developer:

- (a) information that relates directly to the delivery of the Public Benefits by the Developer;
- (b) information collected by the Developer from members of the public to whom the Developer provides, or offers to provide, services on behalf of the City; and
- (c) information received by the Developer from the City to enable the Developer to deliver the Public Benefits.

17.3 Liability for expenses

- (a) The Developer must pay its own and the City's expenses incurred in negotiating, executing, registering, releasing, administering and enforcing this document.
- (b) The Developer must pay for all reasonable costs and expenses associated with the preparation and giving of public notice of this document and the explanatory note prepared in accordance with the Regulations and for any consent the City is required to provide under this document.

17.4 Relationship of parties

- (a) Nothing in this document creates a joint venture, partnership, or the relationship of principal and agent, or employee and employer between the parties; and
- (b) No party has the authority to bind any other party by any representation, declaration or admission, or to make any contract or commitment on behalf of any other party or to pledge any other party's credit.

17.5 Giving effect to this document

Each party must do anything (including execute any document), and must ensure that its employees and agents do anything (including execute any document), that the other party may reasonably require to give full effect to this document.

17.6 Time for doing acts

(a) If:

- (i) the time for doing any act or thing required to be done; or
- (ii) a notice period specified in this document,

expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.

(b) If any act or thing required to be done is done after 5pm on the specified day, it is taken to have been done on the following Business Day.

17.7 Severance

If any clause or part of any clause is in any way unenforceable, invalid or illegal, it is to be read down so as to be enforceable, valid and legal. If this is not possible, the clause (or where possible, the offending part) is to be severed from this document without affecting the enforceability, validity or legality of the remaining clauses (or parts of those clauses) which will continue in full force and effect.

17.8 Preservation of existing rights

The expiration or termination of this document does not affect any right that has accrued to a party before the expiration or termination date.

17.9 No merger

Any right or obligation of any party that is expressed to operate or have effect on or after the completion, expiration or termination of this document for any reason, will not merge on the occurrence of that event but will remain in full force and effect.

17.10 Waiver of rights

A right may only be waived in writing, signed by the party giving the waiver, and:

- (a) no other conduct of a party (including a failure to exercise, or delay in exercising, the right) operates as a waiver of the right or otherwise prevents the exercise of the right;
- (b) a waiver of a right on one or more occasions does not operate as a waiver of that right if it arises again; and
- (c) the exercise of a right does not prevent any further exercise of that right or of any other right.

17.11 Operation of this document

- (a) This document contains the entire agreement between the parties about its subject matter. Any previous understanding, agreement, representation or warranty relating to that subject matter is replaced by this document and has no further effect.
- (b) Any right that a person may have under this document is in addition to, and does not replace or limit, any other right that the person may have.
- (c) Any provision of this document which is unenforceable or partly unenforceable is, where possible, to be severed to the extent necessary to make this document enforceable, unless this would materially change the intended effect of this document.

17.12 Operation of indemnities

- (a) Each indemnity in this document survives the expiry or termination of this document.
- (b) A party may recover a payment under an indemnity in this document before it makes the payment in respect of which the indemnity is given.

17.13 Inconsistency with other documents

Unless the contrary intention is expressed, if there is an inconsistency between any of one or more of:

- (a) this document;
- (b) any Schedule to this document; and
- (c) the provisions of any other document of the Developer,

the order of precedence between them will be the order listed above, this document having the highest level of precedence.

17.14 No fetter

Nothing in this document in any way restricts or otherwise affects the City's unfettered discretion to exercise its statutory powers as a public authority.

17.15 Counterparts

This document may be executed in counterparts.

SCHEDULE 1

Agreement Details

ITEM	TERM	DESCRIPTION
1.	Land	Lot 11 in DP 70261, known as 757-759 George Street, Haymarket; and Lot 1 in DP 1031645 and known as 761-763 George Street, Haymarket.
2.	Development	<p>Development of a proposed new tower on the Land up to maximum height of RL 117.87m as contemplated in the Planning Proposal encompassing the setbacks on the Land adjacent to the public domain.</p> <p>The total Gross Floor Area of the Development on the Land is 11,435 square metres plus any below ground floor space.</p>
3.	City's Representative	<p>Name: Director, Planning, Development and Transport</p> <p>Address: Level 1, 456 Kent Street, Sydney NSW 2000</p> <p>Email: planningsystemsadmin@cityofsydney.nsw.gov.au</p>
4.	Developer's Representative	<p>Name: Mitchell Favaloro</p> <p>Address: PO Box 382, Leichhardt NSW 2040</p> <p>Email: mitchell.favaloro@ceerose.com.au</p>
5.	Development Application	Any development application submitted to the City in connection with the Development.
6.	Guarantee Amount	An amount equal to the Attributed Value of the Public Art in Schedule 3
7.	Guarantee Amount Due Date	Prior to the first Construction Certificate for the Development

SCHEDULE 2

Requirements under the Act and Regulation (clause 2)

The below table summarises how this document complies with the Act and Regulation.

ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS DOCUMENT
1.	<p>Planning instrument and/or development application (section 7.4(1) of the Act)</p> <p>The Developer has:</p> <p>(a) sought a change to an environmental planning instrument;</p> <p>(b) made, or proposes to make, a Development Application; or</p> <p>(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.</p>	<p>(a) Yes</p> <p>(b) Yes</p> <p>(c) No</p>
2.	<p>Description of land to which this document applies (section 7.4(3)(a) of the Act)</p>	Item 1 of Schedule 1.
3.	<p>Description of change to the environmental planning instrument to which this document applies and/or the development to which this document applies (section 7.4(3)(b) of the Act)</p>	The environmental planning instrument as described in clause 2.1.
4.	<p>The nature and extent of the provision to be made by the developer under this document, the time or times by which the provision is to be made and the manner in which the provision is to be made (section 7.4(3)(c) of the Act)</p>	Schedule 3.
5.	<p>Whether this document excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development (section 7.4(3)(d) of the Act)</p>	<p>Section 7.11 excluded</p> <p>Section 7.12 not excluded</p> <p>Section 7.24 excluded</p>
6.	<p>Applicability of section 7.11 of the Act (section 7.4(3)(e) of the Act)</p>	The application of section 7.11 of the Act is excluded in respect of the Development and contributions (if any) under section 7.11 will not be required to be paid.

ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS DOCUMENT
7.	Consideration of benefits under this document if section 7.11 applies (section 7.4(3)(e) of the Act)	Not applicable because this document excludes section 7.11 of the Act.
8.	Mechanism for Dispute Resolution (section 7.4(3)(f) of the Act)	Clause 11
9.	Enforcement of this document (section 7.4(3)(g) of the Act)	Clause 10
10.	No obligation to grant consent or exercise functions (section 7.4(9) of the Act)	Clause 2.4
11.	Registration of this document (section 7.6 of the Act)	Clause 9
12.	Whether certain requirements of this document must be complied with before a construction certificate is issued (clause 25E(2)(g) of the Regulation)	Payment of the Monetary Contribution; and Provision of the Bank Guarantee
13.	Whether certain requirements of this document must be complied with before a subdivision certificate is issued (clause 25E(2)(g) of the Regulation)	Nil
14.	Whether certain requirements of this document must be complied with before an occupation certificate is issued (clause 25E(2)(g) of the Regulation)	Installation of the Public Art
15.	Whether the explanatory note that accompanied exhibition of this document may be used to assist in construing this document (clause 25E(7) of the Regulation)	Clause 2.5

SCHEDULE 3

Public Benefits (clause 5)

1. PUBLIC BENEFITS - OVERVIEW

The Developer must provide the Public Benefits in accordance with Schedule 3 and this document. The Attributed Value, timing of delivery and additional specifications relating to the Public Benefits is set out in the table below

	Public Benefit	Attributed Value	Due date	Additional specifications

1.	Monetary Contribution	3% of the cost of the Development	On or before the date of issue of the Construction Certificate for the Development	Inclusive of all infrastructure contributions applicable under s7.12 of the Act
2.	Public Art	0.5% of the total cost of the Development (to a minimum value of \$400,000.00)	Prior to the issue of the first Occupation Certificate for the Development.	The provision of on-site public art in accordance with the City's Public Art Policy. The provision of the Public Art is exclusive of any public art requirements under a development consent

2. PAYMENT OF MONETARY CONTRIBUTION

2.1 Payment

The Developer must pay the Monetary Contribution to the City on or before the date of issue of the Construction Certificate for the Development in cash or by unendorsed bank cheque.

2.2 Indexation

If the Monetary Contribution is not paid to the City on the date of this document then at the date of payment the Monetary Contribution must be indexed as follows:

Monetary Contribution (to be provided) =

Monetary Contribution (as per item 1 of clause 1 above) x
(A/B)

where:

A is the Index Number most recently published before the date the Monetary Contribution is to be paid

B is the Index Number most recently published before the date this agreement commenced in accordance with clause 3.1 of this document.

If after the formula is applied the Monetary Contribution will be less than the amount stated in item 1 of clause 1 above, the Monetary Contribution will not be adjusted.

2.3 No trust

Nothing in this document creates any form of trust arrangement or fiduciary duty between the City and the Developer. Following receipt of the Monetary Contribution, the City is not required to separately account for the Monetary Contribution, report to the Developer regarding expenditure of the Monetary

Contribution or comply with any request by the Developer to trace the Monetary Contribution.

3. **TRANSFER LAND**

Not used

4. **DEVELOPER'S WORKS**

Not used

5. **PUBLIC ART**

5.1 Preliminary Public Art Plan

- (a) Following the Design Excellence Competition and prior to the submission of a Development Application for the Development, the Developer must develop and submit a Preliminary Public Art Plan (Preliminary Plan) to the City for approval. The Preliminary Plan must:
 - (i) be based on the approved Public Art Strategy;
 - (ii) be in accordance with the City's Guidelines for Public Art in Private Development;
 - (iii) include a clear outline for the procurement of artists to deliver the Public Art; and
 - (iv) identify the intended location and ownership of the Public Art.
- (b) If the Developer intends that the Public Art will be located on City Land, the City may:
 - (i) elect to accept ownership of the Public Art;
 - (ii) elect not to accept ownership of the Public Art and instead require the Developer to enter into an agreement for the Public Art installation, which may be either:
 - (A) a licence agreement for the Public Art which is installed on land classified as operational or community (including public reserves and Crown land); or
 - (B) a consent granted under the Roads Act 1993 for the Public Art which is installed on a roadway or footpath.
- (c) The parties agree that further design refinement to the Preliminary Plan may be necessary, having regard to:
 - (i) the extent to which the Preliminary Plan has been approved by the City;
 - (ii) conditions affecting the Preliminary Plan that were not reasonably capable of identification prior to the date of this document;

- (iii) any conditions of any Development Consent granted that relates to the Development; and
- (iv) the reasonable requirements of the City, including in regard to the Standards.

5.2 Detailed Public Art Plan

- (a) Prior to the issue of the first Construction Certificate for above ground works of the Development, the Developer must submit to the City's Representative for approval:
 - (i) a Detailed Public Art Plan (Detailed Plan) based on the approved Preliminary Plan, and in accordance with the City's Guidelines for Public Art in Private Development; and
 - (ii) a detailed budget included in the Detailed Plan setting out the estimated cost of the Public Art.
- (b) Within 20 Business Days after the City's Representative has received the Detailed Plan including the detailed costs estimate, the City will inform the Developer in writing as to whether the Detailed Plan and costs estimate are approved. If the Detailed Plan or costs estimate are not approved, the City will inform the Developer in writing of what further information or modifications are required and the Developer will have a further 15 Business Days to re-submit the required information, following which the process outlined in this paragraph (b) will apply again.
- (c) Regarding the costs estimate, the Developer agrees that the City acting reasonably may:
 - (i) require substantiation for the costs of items where the amount estimated is considered by the City to be excessive;
 - (ii) require an adjustment to the costs estimate to reflect a variation to the design required under this clause 5.2 of Schedule 3.
- (d) If the Developer:
 - (i) fails to prepare the Detailed Plan or detailed costs estimate; or
 - (ii) does not provide further information or modify the Detailed Plan or detailed costs estimate,

in accordance with this clause 5.2 of Schedule 3, then the City may exercise its rights under clause 10 of this document in order to carry out the Public Art itself at the cost of the Developer.
- (e) The Developer agrees that the scope of the Public Art may be adjusted following completion of the process set out in this clause 5.2 of Schedule 3.

5.3 Preparation of and changes to the Detailed Plan

If the Public Art is to be installed on City Land:

- (a) Following approval of the Detailed Plan by the City in accordance with clause 5.2 of Schedule 3, the Developer must promptly:
 - (i) prepare construction design drawings that comply with the Detailed Plan; and
 - (ii) provide the City with a copy of the construction design drawings.
- (b) The City, acting reasonably, may by written notice to the Developer at any time, approve, vary or direct the Developer to vary the construction design drawings so that the Developer's Works reflect:
 - (i) the Standards;
 - (ii) a departure or discrepancy from the Plans approved under this clause 5 of Schedule 3; or
 - (iii) any other standard or specification for materials or methodology for carrying out works that is adopted by the City from time to time, provided that any direction given under this clause 5.3(b)(iii) of Schedule 3 does not significantly increase:
 - (A) the cost of that element of the Public Art; or
 - (B) the complexity of implementation of the Public Art that may lead to a significant delay in the completion of the Public Art.
- (c) Within 20 Business Days of receiving a notice from the City under clause 5.3(b) of Schedule 3, the Developer must:
 - (i) to the extent practicable, use reasonable endeavours to comply with the notice given by the City; or
 - (ii) if the Developer determines that the notice given by the City is unreasonable or impracticable, notify a dispute in accordance with clause 11 of this document.

If the Developer does not provide any response during the 20 Business Days after receiving a notice from the City under clause 5.3(b) of Schedule 3, it is deemed that the Developer accepts the notice given by the City and will take all steps required to comply with the notice.

- (d) The City does not assume or owe any duty of care to the Developer in reviewing any design drawings submitted to it under this clause 5 of Schedule 3 or for any errors, omissions or non-compliance with this document.
- (e) No participation by the City in the development of, the review of, or comments on any design drawings submitted by the Developer will lessen or otherwise affect the Developer's obligations under this document or constitute an acknowledgement by the City that the Developer has complied with its obligations under this document.

For the avoidance of doubt this clause 5.3 only applies to Public Art which the City has elected to accept ownership of, or which is to be installed on City Land subject to an agreement between the City and the Developer.

This clause is not required if the Public Art is to be installed on private land.

6. **CONSTRUCTION AND INSTALLATION OF PUBLIC ART**

6.1 Insurance

- (a) From commencement of the construction and installation of the Public Art until expiration of the Defects Liability Period, the Developer must effect and maintain (or cause to be effected and maintained under one or more policies of insurance and without requiring any risk to be double insured) the following insurances held with an insurer licensed by the Australian Prudential Regulation Authority or holding an investment grade rating from Standard & Poors, Moody's or Fitch:
 - (i) worker's compensation insurance or registrations as required by Laws;
 - (ii) public liability insurance written on an occurrence basis with a limit of indemnity of not less than \$20,000,000 covering all aspects of the Developer's Works;
 - (iii) construction works insurance in relation to the Developer's Works; and
 - (iv) motor vehicle third party cover with a limit of indemnity of not less than \$20 million for each and every occurrence.
- (b) The Developer must submit a copy of all certificates of insurance to the City:
 - (i) prior to commencing construction and installation of the Public Art; and
 - (ii) promptly following a written request by the City, provided that such a request is not made more than twice in any 12 month period.

6.2 Approvals and consents

The Developer must, at its cost, obtain all relevant approvals and consents for the construction and installation of the Public Art, whether from the City or from any other relevant Government Agency, including any necessary road opening permits. Before commencing the construction and/or installation of the Public Art, the Developer must give to the City copies of all approvals and consents for the construction and/or installation of the Public Art, other than the Development Consent.

6.3 Construction/Installation of the Public Art

Prior to the issue of the Occupation Certificate for the Development the Developer must, at its cost:

- (a) carry out and complete the construction and installation of the Public Art in accordance with all approvals and consents relating to the Public Art, including any approval given by the City under this document;
- (b) ensure that the Public Art is constructed and installed in a good and workmanlike manner, in accordance with the Plans approved under this document, so that the Public Art is structurally sound, fit for purpose and suitable for its intended use;
- (c) ensure that the construction and installation of the Public Art is Complete by the due date specified in clause 1 of Schedule 3, and promptly after becoming aware advise the City's Representative of any significant delays in completing the construction and installation of the Public Art or delays that may impact the delivery of the Public Benefits by the due date specified in Item 1 of Schedule 3; and
- (d) comply with all reasonable directions of the City in respect of the construction and installation of the Public Art.

6.4 Inspections by the City

The City, as a party to this document and not in its role as a Government Agency, may:

- (a) inspect the Public Art during the course of construction and installation at reasonable times and on reasonable notice; and
- (b) notify the Developer's Representative of any material or significant defect, error or omission relating to the construction or installation of the Public Art identified during or as the result of an inspection.

Any failure by the City to identify a Defect, error or omission will not be construed as amounting to an acceptance by the City of the Defect, error or omission.

7. **STANDARDS**

The following list of Standards are included for information purposes only, and as a guide to the relevant standards for the general nature of the work identified as Developer's Works and Public Art in this document. The City makes no representation or warranty as to the currency of the standards identified, or their application on the final design of the Developer's Works and Public Art. The Developer must make its own enquiries regarding whether any standard has been replaced or supplemented. In the event that an Australian Standard prescribed a different level of material, finish, work or workmanship than those contained in a City standard, then the higher of the two standards will apply. If there is a conflict between City standards then the Developer must request the City nominate the correct and applicable City standard. The City's decision as to the applicable standard is final.

Relevant Australian Standards – Verge Works, Through site links

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers

- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures
- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting
- AS 1743 Road signs
- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 3500 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1428 Design for Access and Mobility
- AS 4454 Composts, soil conditioners and mulches

Relevant Australian Standards – Roads (including pedestrian areas)

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers
- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures
- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting
- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 1428 Design for Access and Mobility
- AS 3500 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1742 Manual of uniform traffic control devices
- AS 1743 Road Signs

City Standards (All Works)

- City of Sydney Contaminated Lands DCP 2004
- Sydney Street Code 2013
- Sydney Lights Code 2013

- City of Sydney Access Policy
- Sydney Street Technical Specification and Drawings
- City of Sydney Street Tree Master Plan 2011
- Interim Guidelines for Public Art in Private Developments
- Public Art Policy
- City Art Public Art Strategy

EXECUTED as a deed.

Signed, sealed and delivered for
**THE COUNCIL OF THE CITY OF
SYDNEY** (ABN 22 636 550 790) by
its duly authorised officer, in the
presence of:

Signature of officer

Signature of witness

Name of officer
Authorised delegate pursuant to
section 377 of the Local Government
Act 1993

Name

Position of officer

456 Kent Street, Sydney NSW 2000
Address of witness

EXECUTED by **SAMPRIAN PTY LTD**
(ABN 98 168 737 488) in accordance
with s127(1) of the Corporations Act
2001 (Cth):

Signature of Witness:

Signature of sole director/secretary

Name:

Name:

Attachment E

Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP-2020-1110): for additional building height to RL 117.87m and FSR of up to 12:1 above ground and 2:1 below ground at 757-763 George Street, Haymarket to facilitate redevelopment for commercial use including a hotel, retail and adaptive reuse of the Former Sutton Forest Meat building heritage item.

I, the Director at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Sydney Local Environmental Plan 2012* to amend Part 6 Division 5 - Site specific provisions to insert an additional clause to establish site specific planning controls for 757-63 George Street, Haymarket should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 2 months following the date of the gateway determination.

2. The draft site specific DCP should be exhibited concurrently with the planning proposal
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Transport for NSW
 - Heritage NSW
 - Relevant utility providers, including Ausgrid and Sydney Water
 - Civil Aviation Safety Authority
 - Sydney Airport Corporation
 - Department of Infrastructure, Transport, Regional Development and Communication.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed within nine (9) months of Gateway determination

Dated 25th day of July 2022.



Louise McMahon
Director
Agile Planning and Programs
Department of Planning and Environment

Delegate of the Minister for Planning and Homes

Graham Jahn
Director City Planning
City of Sydney
GPO Box 1591
Sydney 2001

Our ref: IRF22/2468

Dear Graham,

Planning proposal (PP-2020-1110) to amend Sydney Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on May 2022 in respect of the planning proposal for additional building height to RL 117.87m and FSR of up to 12:1 above ground and 2:1 below ground at 757-763 George Street, Haymarket to facilitate redevelopment for commercial use including a hotel, retail and adaptive reuse of the Former Sutton Forest Meat building heritage item.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act 1.5 Site Specific Provisions and 4.5 Acid Sulfate Soils is justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act Section 3.5 Development near Regulated Airfields and Defence Airfields. Council should ensure this occurs prior to public exhibition.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 31 March 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

Should you have any enquiries about this matter, I have arranged for Kelly McKellar to assist you. Ms McKellar can be contacted on 8229 2868.

Yours sincerely

A handwritten signature in black ink, appearing to read "Louise McMahon". The signature is written in a cursive, flowing style.

Louise McMahon
Director
Agile Planning and Programs

Encl: Gateway determination

Attachment F

**Resolutions of Council and Central
Sydney Planning Committee (May 2022)**

Resolution of Council

16 May 2022

Item 9.3

Public Exhibition - Planning Proposal - 757-763 George Street, Haymarket - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal - 757-763 George Street, Haymarket 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) Council approve Planning Proposal - 757-763 George Street, Haymarket, 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) Council seek authority from the Minister for Planning and Homes to exercise the 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 - 757-763 George Street, Haymarket;
- (D) Council approve Draft Sydney Development Control Plan 2012 - 757-763 George Street, Haymarket Amendment as shown at Attachment B to the subject report, for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – 757-763 George Street, Haymarket and Draft Sydney Development Control Plan 2012 – 757-763 George Street, Haymarket Amendment to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and
- (F) authority be delegated to the Chief Executive Officer to prepare a draft planning agreement in accordance with the letter of offer dated 2 May 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.

The motion was carried on the following show of hands –

Ayes (8) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Kok, Scott, Scully and Weldon

Noes (2) Councillors Ellsmore and Jarrett*.

*Note – Councillor Jarrett abstained from voting on this matter. Pursuant to the provisions of clause 9.4 of the Code of Meeting Practice, Councillor Jarrett is taken to have voted against the motion.

Motion carried.

X038464

Resolution of Central Sydney Planning Committee

12 May 2022

Item 7

Public Exhibition - Planning Proposal - 757-763 George Street, Haymarket - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

Moved by the Chair (the Lord Mayor), seconded by Ms Galvin -

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal - 757-763 George Street, Haymarket 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 - 757-763 George Street, Haymarket, 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 9 May 2022 that Council seek authority from the Minister for Planning and Homes to exercise the 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 - 757-763 George Street, Haymarket;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 9 May 2022 that Council approve Draft Sydney Development Control Plan 2012 - 757-763 George Street, Haymarket Amendment as shown at Attachment B to the subject report, for public authority consultation and public exhibition concurrent with the Planning Proposal;

- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – 757-763 George Street, Haymarket and Draft Sydney Development Control Plan 2012 – 757-763 George Street, Haymarket Amendment to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and
- (F) authority be delegated to the Chief Executive Officer to prepare a draft planning agreement in accordance with the letter of offer dated 2 May 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.

Carried unanimously.

X038464

Item 5.

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 approved under Clause 4.6 of the Sydney Local Environmental Plan 2012 in the second quarter of 2022/23.

Recommendation

It is resolved that the subject report be received and noted.

Attachments

Attachment A. Variations Approved by Council and Reported to the Department of Planning and Environment for the Period 1 October 2022 to 31 December 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 all variations approved.
3. The City also maintains a publicly available register of all variations to the 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. A report is also provided to the Central Sydney Planning Committee on a quarterly basis.
5. Twenty applications were approved where there has been a variation to development standards during the period 1 October 2022 to 31 December 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 by Council and
Reported to the Department of Planning
and Environment for the Period 1 October
2022 to 31 December 2022**

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Authority	Date Determined
D/2022/259	6	Martin Road	CENTENNIAL PARK	R2 Low Density Residential	Height	12.7%	1: Residential - Alterations & additions	Existing building exceeds height control. Development is no higher than the existing highest point of the building. The proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	Delegated	14/10/2022
D/2022/333	41	Moore Park Road	CENTENNIAL PARK	R1 General Residential	Height	5%	1: Residential - Alterations & additions	The proposal will not have unreasonable impact on the amenity of the adjoining properties or the street scape.	Delegated	19/10/2022
D/2022/606	17	Charles Street	REDFERN	R1 General Residential	FSR	131%	1: Residential - Alterations & additions	Existing building exceeds FSR control. Additional FSR is minor. New FSR does not contribute to excessive bulk and scale or amenity impacts to neighbours.	Delegated	5/10/2022
D/2022/611	11	Walker Street	REDFERN	R1 General Residential	FSR	19.96%	1: Residential - Alterations & additions	The proposal is considered to be consistent with the surrounding context, the built form is in keeping with existing and emerging development and density in the area. The new development is at the rear of the site and is not readily visible from Walker Street.	Delegated	28/10/2022
D/2022/688	47	Darghan Street	GLEBE	R1 General Residential	Height	6.6%	1: Residential - Alterations & additions	Minor non compliance. There are no significant environmental impacts associated with the variation of the standard.	Delegated	24/10/2022
D/2022/724	48	Wentworth Park Road	GLEBE	R1 General Residential	FSR	135.22%	1: Residential - Alterations & additions	Consolidating 2 apartments into 1. No FSR increase. No significant adverse impacts. Development consistent with neighbouring sites. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	12/12/2022
D/2022/733	5	Walker Street	REDFERN	R1 General Residential	FSR	6.6%	1: Residential - Alterations & additions	Minor non compliance. There are no significant environmental impacts associated with the variation of the standard.	Delegated	14/11/2022
D/2022/759	32	Rainford Street	SURRY HILLS	R1 General Residential	Height	1.2%	1: Residential - Alterations & additions	Minor non compliance. There are no significant environmental impacts associated with the variation of the standard.	Delegated	6/12/2022
D/2022/285	163	Bridge Road	GLEBE	R1 General Residential	Height, Communal open space	37.7%, 19.4%	6: Residential - Other	Additional built form over height control is visually recessive and below the ridge height. Existing site constraints reduce area available for communal open space.	LPP	14/12/2022

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Authority	Date Determined
D/2022/1014	79	Pitt Street	SYDNEY	B8 Metropolitan Centre	FSR	4.6%	8: Commercial / retail / office	Minor non compliance. There are no significant environmental impacts associated with the variation of the standard.	Delegated	1/12/2022
D/2022/220	13	Smail Street	ULTIMO	B4 Mixed Use	FSR	1.6%	8: Commercial / retail / office	The existing building is over the FSR control. The proposed development reduces the existing FSR.	Delegated	19/10/2022
D/2022/339	5	Potter Street	WATERLOO	B4 Mixed Use	FSR	3.78%	8: Commercial / retail / office	Existing building exceeds FSR control. Additional FSR is minor and internal to building. New FSR does not contribute to bulk and scale or amenity impacts to neighbours.	Delegated	5/10/2022
D/2022/377	53	Renwick Street	REDFERN	B4 Mixed Use	FSR	85%	8: Commercial / retail / office	New GFA within the existing building envelopes is fully offset by the removal of a skybridge and associated GFA. Thus, no net increase in GFA or additional bulk, scale, or amenity impacts to neighbours.	Delegated	20/10/2022
D/2022/448	672	King Street	ERSKINEVILLE	B2 Local Centre	FSR	35%	8: Commercial / retail / office	Does not add to the height, bulk or scale of the building	Delegated	13/12/2022
D/2022/505	151	Wyndham Street	ALEXANDRIA	B7 Business Park	FSR	16%	8: Commercial / retail / office	Does not add to the height, bulk or scale of the building and will not have unreasonable impact on the amenity of the adjoining properties or the streetscape.	Delegated	18/10/2022
D/2022/632	328	Elizabeth Street	SURRY HILLS	B4 Mixed Use	FSR	3.2%	8: Commercial / retail / office	Does not add to the height, bulk or scale of the building and will not have unreasonable impact on the amenity of the adjoining properties or the streetscape.	Delegated	4/10/2022
D/2021/927	92	Brougham Street	POTTS POINT	R1 General Residential	FSR, Height	14%, 25%	8: Commercial / retail / office	The proposal will have acceptable impacts on the significance of the heritage item and heritage conservation area, and will not result in any significant streetscape, bulk and scale or amenity impacts to the subject or adjoining properties.	LPP	14/12/2022

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Authority	Date Determined
D/2021/535	39	Botany Road	WATERLOO	SP2 Infrastructure	FSR	3.2%	9: Mixed	Minor non compliance. The variation is supported as the enclosed balconies are required to provide for appropriate amenity for the boarding rooms fronting Botany Road and will provide an acceptable built form as well as facade articulation.	Delegated	23/12/2022
D/2021/894	320	Botany Road	ALEXANDRIA	SLEP GS TC - SAGE 2 2013	FSR, Height	1.7%, 14%	9: Mixed	Height and FSR comply with the objectives. Bulk and scale impacts are acceptable and no impacts to the amenity of surrounding properties.	CSPC	17/11/2022
D/2022/801	86	George Street	REDFERN	B4 Mixed Use	FSR	18%	9: Mixed	The variation will not result in adverse impacts to adjoining properties and streetscape.	Delegated	9/11/2022

Item 6.**Summary of Applications to be Reported to the Central Sydney Planning Committee**

File No: S042755-02

Summary

The purpose of this report is to inform members of the Central Sydney Planning Committee of development applications being assessed that are to be determined by the Central Sydney Planning Committee. The list of current applications containing the target meeting date is provided in Attachment A.

Recommendation

It is resolved that the subject report be received and noted:

Attachments

Attachment A. Applications to be Reported to the Central Sydney Planning Committee

Attachment B. Statistical Information about Applications to be Reported to the Central Sydney Planning Committee

Background

1. There are currently 12 development applications and 4 modification applications (as at 14 January 2023) to be considered by the Central Sydney Planning Committee (CSPC). These applications are listed in Attachment A.
2. The total stated value of all development applications currently under assessment is \$3.19 Billion.
3. The value of applications to be considered by the Central Sydney Planning Committee is \$2.16 Billion with an average of 207 days from time of lodgement.
4. For comparison, there are 428 development applications outstanding to be determined under delegation or to be referred to the Local Planning Panel with a total value of \$1.03 Billion with an average of 103 days from time of lodgement. A further 264 development related applications are also underassessment including applications to modify or review a determination, subdivision certificates, heritage works and footway applications.
5. Trend graphs in Attachment B show numbers and value of applications as well as the average of development applications to be considered by the Central Sydney Planning Committee at the end of each quarter. The graphs represent the period from third quarter 2021/22 to the second quarter of 2022/23

GRAHAM JAHN AM

Director City Planning, Development and Transport

James Farrar, Information and Systems Officer

Attachment A

**Applications to be Reported to the Central
Sydney Planning Committee**

Applications to be considered by the Central Sydney Planning Committee

DA Number	Address	Lodged	Proposal	Cost \$m	Target meeting date
D/2019/758/A	525-529 George Street SYDNEY	31/05/2022	Section 4.55(2) modification of development consent to modify previously approved concept building envelope for a mixed-use development. Proposed changes to podium include increase in height to RL45.00 and minor adjustments to upper level setbacks. Proposed changes to tower include readjustment of envelope 550mm to the south, 300mm to the north and incorporation of a roof feature with lift overrun. Development application D/2022/481 for the detailed design of the 44-storey mixed use development is being assessed concurrently.	\$0	11/05/2023
D/2022/481	525-529 George Street SYDNEY	31/05/2022	Demolition of existing structures on the site, excavation and construction of a mixed use development comprising a 44 storey tower with podium. Proposal includes seven levels of basement, a cinema complex, retail tenancies, 292 hotel rooms, 115 apartments and vehicular access from Kent Street.	\$224	11/05/2023
D/2021/1484	330 Botany Road ALEXANDRIA	20/12/2021	Amended concept development application for a mixed use development including concept envelopes up to approximately 40m in height, with vehicular access from the yet to be constructed Green Square to Ashmore Connector Road and indicative uses comprising basement car-parking, ground level retail and commercial tenancies, affordable housing (264 apartments) and public benefits including dedication of land for footpath widening to each of its three street frontages.	\$119	11/05/2023

DA Number	Address	Lodged	Proposal	Cost \$m	Target meeting date
D/2022/178	458-466 George Street SYDNEY	17/03/2022	Concept development application for demolition of 458-466 and 468-472 George Street and a concept envelope for a mixed use development up to a height of approximately 33 storeys, indicative retail, hotel, and commercial office uses, vehicular access from Market Street and 4 basement levels. The application is Integrated Development requiring the approval of Heritage NSW under the Heritage Act 1977.	\$291	11/05/2023
D/2022/417	355 Sussex Street SYDNEY	11/05/2022	Demolition of the existing buildings and structures, retention of the existing facade of 357 Sussex Street, excavation of an additional basement level (including partial mezzanine) to enable construction of a new building with a maximum height of approximately 18-storeys with food and drink premises at ground floor and vehicular and loading access from Sussex Street and hotel above. Proposed trading hours for the restaurant and bar is between 6.30am – 11.00pm (Mondays to Sundays inclusive).	\$58	11/05/2023
D/2018/1144/A	133-141 Liverpool Street SYDNEY	26/05/2022	S4.55 (2) Modification consent to modify previously approved concept building envelope for a mixed-use development. Development application D/2022/495 for the detailed design of the 55-storey mixed use development is being assessed concurrently.	\$0	11/05/2023

DA Number	Address	Lodged	Proposal	Cost \$m	Target meeting date
D/2022/495	133-141 Liverpool Street SYDNEY	30/05/2022	Detailed design application for demolition of structures on the site, excavation and construction of a mixed use development comprising a 55 storey tower with podium. Proposal includes 8 basement levels, commercial and retail use at the podium (ground to 4th level), apartments in the tower above podium and vehicular access from Castlereagh Street. Proposal to include lot consolidation and stratum subdivision. The application is being assessed concurrently with concept modification D/2018/1144/A. The application is Integrated Development requiring the approval of Water NSW under the Water Management Act 2000.	\$169	11/05/2023
D/2022/139	164-172 William Street WOOLLOOMOOLOO	28/02/2022	Concept development application for a mixed use development including a concept envelope up to a height of approximately 35m, indicative residential and retail land uses, vehicular and loading access from Forbes Street, 4 indicative basement levels for parking, services and storage as well as provision of a publicly accessible through-site link off Dowling Street that connects to Judge Lane and Forbes Street. The proposal constitutes Integrated Development under the Water Management Act 2000.	\$161	22/06/2023
D/2022/152	262-266 Castlereagh Street SYDNEY	03/03/2022	Construction of mixed use development including site amalgamation and the construction of a 19-storey building with 5 basement levels, 3 retail tenancies at lower and upper ground floor levels, and residential levels above comprising 53 apartments. The application is Integrated Development, pursuant to the Water Management Act 2000.	\$100	22/06/2023

DA Number	Address	Lodged	Proposal	Cost \$m	Target meeting date
D/2022/960	45-53 Macleay Street POTTS POINT	15/09/2022	Concept building envelope with a maximum height of 35 metres, including the indicative demolition of the existing building and construction of a mixed use development, with 9 storeys, 2 basement parking levels, ground floor retail premises and 28 residential apartments above, and vehicle access from McDonald Street.	\$56	22/06/2023
D/2022/614	169-183 Liverpool Street SYDNEY	27/06/2022	Detailed design development application for the demolition of existing tower and pocket park, retention of existing basement perimeter walls and excavation of further basement levels, construction of 2 towers on site comprising 5 basement levels, 7 levels of retail and commercial uses, and 30 levels of residential in tower A and 28 levels of residential in tower B, provision of a newly publicly accessible pocket park, and through site link from Liverpool St to pocket park.	\$380	17/08/2023
D/2019/992/A	169-183 Liverpool Street SYDNEY	28/07/2022	S4.55 (2) Modification of consent to amend the approved concept envelope to reflect the proposed detailed design, as well as other condition changes.	\$0	17/08/2023
D/2023/10	311-315 Sussex Street SYDNEY	17/01/2023	Demolition of existing structures, excavation for three basement levels and construction of a 17-storey hotel development comprising of 106 rooms and ancillary uses including food and drink premises, function centre and recreational areas.	\$54	14/09/2023

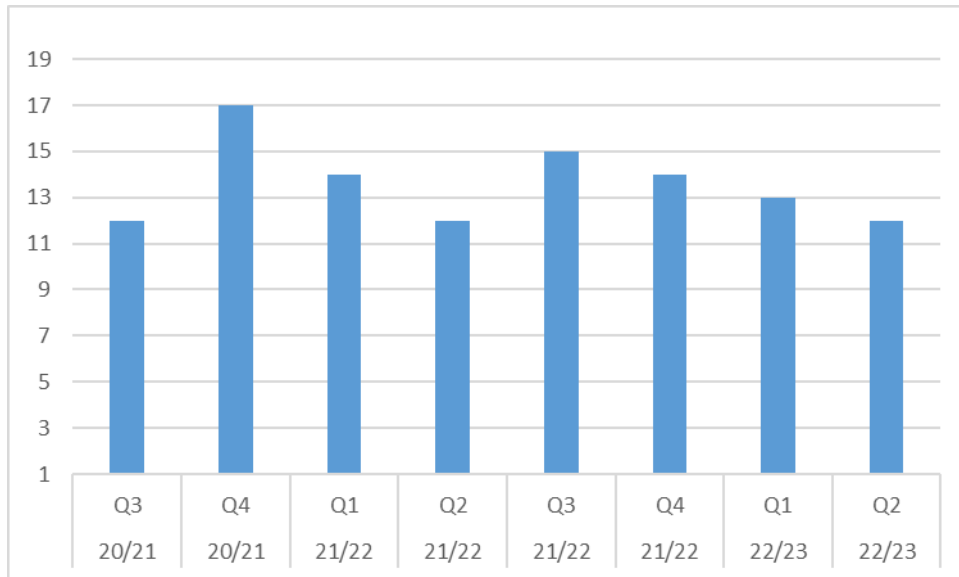
DA Number	Address	Lodged	Proposal	Cost \$m	Target meeting date
D/2023/97	14-26 Wattle Street PYRMONT	16/02/2023	Detailed design proposal for the demolition of existing structures, remediation, removal of trees, excavation and construction of a mixed use development comprising residential, commercial, retail, childcare and indoor recreation centre across five (5) buildings, basement car parking, landscaping, public domain and civil works, and subdivision. The proposal is Integrated Development under the Water Management Act 2000, requiring approval from the Department of Planning & Environment - Water. The application is being assessed concurrently with concept modification D/2019/649/B.	\$331	2024
D/2019/649/B	14-26 Wattle Street , PYRMONT		S4.56 modification of Land and Environment Court concept approval to amend the building envelope to be consistent with the detailed design development application D/2023/97.	\$0	2024
D/2023/113	4-6 Bligh Street SYDNEY	23/02/2023	Construction of mixed use development for 59 storey hotel and commercial development. This application is State Significant Development delegated to the City for assessment.	\$334	2024

List as at 28 February 2023.

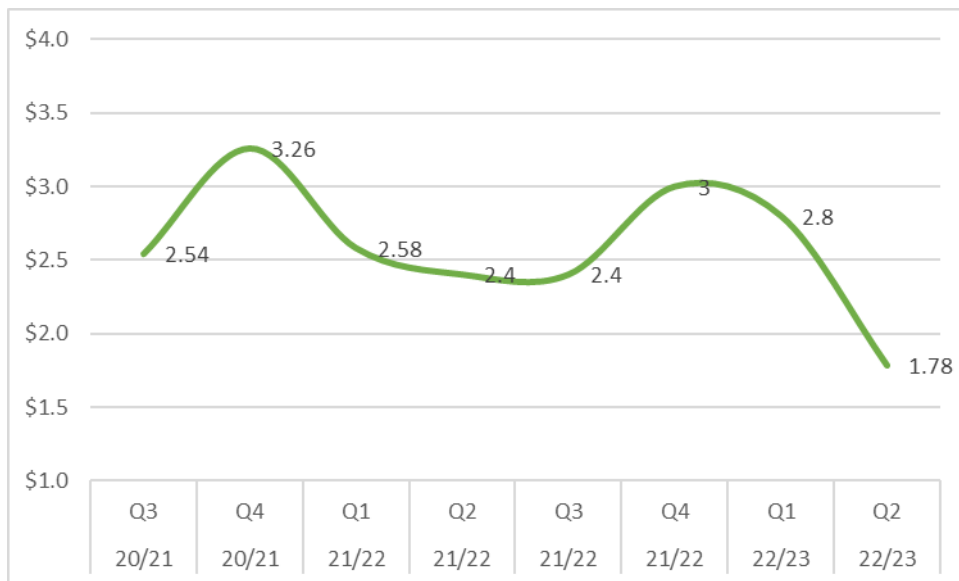
Attachment B

**Statistical Information about Applications
to be Reported to the Central Sydney
Planning Committee**

Number of applications to be reported to the CSPC



Value of DAs under assessment to be reported to the CSPC (\$ billion)



Average age of DAs under assessment to be reported to the CSPC (total days)

