

Attachment A

Planning Proposal



Planning Proposal - 55 Pitt Street, Sydney

Amendments to the Sydney Local Environmental Plan 2012

April 2020

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Executive summary

The City of Sydney (the City) has prepared this Planning Proposal for 55 Pitt Street, which includes 37-49 Pitt Street, 49A-57 Pitt Street, 6-8 Underwood Street, 6 Dalley Street and 8-14 Dalley Street Sydney (the site), in response to a request from the owner, Mirvac, for the City to prepare a planning proposal for the site.

This Planning Proposal explains the intent and justification for the proposed amendments to the Sydney Local Environmental Plan 2012 (LEP) as it applies to the site. This Planning Proposal has been prepared by the City in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning, Industry and Environment's 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

The site is approximately 4,295 square metres in area and is bound by Pitt Street, Underwood Street and Dalley Street. A short laneway, Queens Court intersections the southern side of the site for a length of 25 metres. Existing development on site includes a number of medium sized contemporary commercial buildings with ground floor retail spaces and adjacent utility buildings. Surrounding development is predominantly commercial in nature, with a large hotel on the opposite side of Pitt Street.

The site is also located within the city block bound by Alfred, Pitt, Dalley and George Street, known as the APDG Block. The block is currently in transition with a number of large redevelopment projects under construction to the north of the subject site as a result of alternative controls included in the LEP.

Under the existing LEP controls, the site is zoned B8 Metropolitan Centre, has a maximum building height of 110 metres and maximum floor space ratio of 8:1, with additional floor space available for commercial floor space and developments that exhibit design excellence. The site's B8 Metropolitan Centre zoning permits office, retail, commercial and residential uses. The site is also subject to the APDG alternative controls in the LEP, which provide for a tower to 200 metres in height across the whole subject site.

The City has prepared this planning proposal following a detailed review of the proponent's planning proposal request and accompanying documentation. Clarification has been sought from the landowner and minor changes have been made to consultant reports to address issues relating to urban design, including clarification on overshadowing and wind conditions.

This planning proposal is to amend the APDG clause of the LEP to:

- allow for another development scenario by including development block 5 (55 Pitt Street) as an alternative option to the existing development block 1;
- set a maximum building height of 232 metres to up to 44% of block 5;
- set a maximum floor space ratio of 15.02:1, up to 16.52:1 including design excellence;
- permit for the purpose of calculating floor space ratio for block 5, the inclusion of the adjoining Telstra and Ausgrid utility buildings;
- restrict development within block 5 to non-residential uses only; and
- allow development consent to only be granted if a through-site link is provided.

This planning proposal provides for an increase to the maximum building height and floor space ratio which will allow for the future redevelopment of the site delivering the following key benefits:

- Retention of employment uses – the future commercial office tower will retain and expand employment floor space on the site and will increase Central Sydney's capacity for employment growth.
- Improved built form – the proposal will facilitate the delivery of a new 70,000 square metre commercial office tower. The proposed controls will provide for a high quality building that responds to surrounding development and ensures the continued operation of adjoining critical infrastructure utility buildings servicing the northern CBD.
- Public domain improvements – a new high quality upgrade to Queens Court as a through-site link and pedestrian colonnade connecting to the wider network of pedestrian laneways across the ADPG precinct will be secured as part of this planning proposal.
- Pedestrian amenity – the planning proposal sets controls for a building envelope that does not detrimentally impact pedestrian amenity in the public domain and delivers acceptable daylight and wind conditions.
- Ecologically sustainable development – the draft DCP and planning agreement associated with the planning proposal include ambitious ecologically sustainable development benchmarks to ensure an energy efficient built form is delivered.

The City has prepared a draft site-specific amendment to Sydney Development Control Plan 2012 (the draft DCP) to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP includes controls relating to the built form of the proposed development, public domain, active frontages, public art, design excellence and sustainability. The City intends to publicly exhibit the draft DCP with this planning proposal.

1. Site identification

1.1 Site identification

This planning proposal relates to five separate lots with different owners and road parcel Queens Court. These sites are referred to in this report as 'site' or '55 Pitt Street'. The lots are as follows:

Mirvac

- Lot 1 DP 513109, known as 49A-57 Pitt Street
- Lots 2-3 DP 1092, Lots 1-2 DP 1112308, Lot 6 DP 75338, Lot 7 DP 110046, Lot 4 DP 524306, known as 37-49 Pitt Street
- Lot 501 DP 714847, known as 6-8 Underwood Street

Telstra

- Lot 1 DP 787946, known as 6 Dalley Street

Ausgrid

- Lots A and B DP 104160, known as 8-14 Dalley Street

City of Sydney

- Queens Court

The lots are shown at Figure 1.

Figure 1: Land affected by this Planning Proposal



1.2 Site location

55 Pitt Street is located in Central Sydney in the City of Sydney local government area. The site is part of the street block bound by Alfred, Pitt, Dalley and George Streets, known as the APDG block in the Sydney Local Environmental Plan 2012 (LEP) and Sydney Development Control Plan 2012 (DCP).

The site has frontage to Underwood Street to the north and west, Pitt Street to the east, Dalley Street and Queens Court to the south. Circular Quay, which includes a train station and light rail and ferry connections, is located about 160m north of the site. The Grosvenor Street light rail stop is located on George Street, about 115m to the south-west of the site. Wynyard train station, light rail stop and Wynyard Park is located about 300m south-west of the site. 55 Pitt Street is located close to the intersection of Pitt Street and Bridge Street, connecting the site with Macquarie Place Park, 75m to the east.

A site location plan and aerial photo of the surrounding area are shown at Figures 2 and 3.

Figure 2: Site location

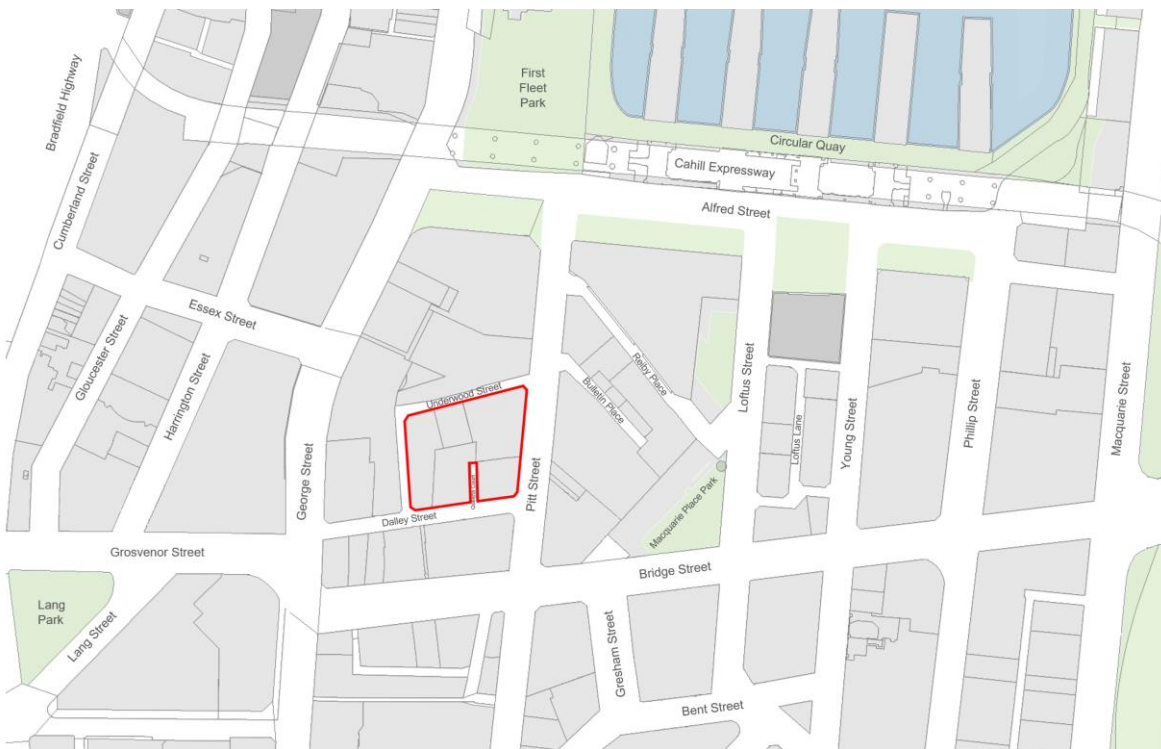
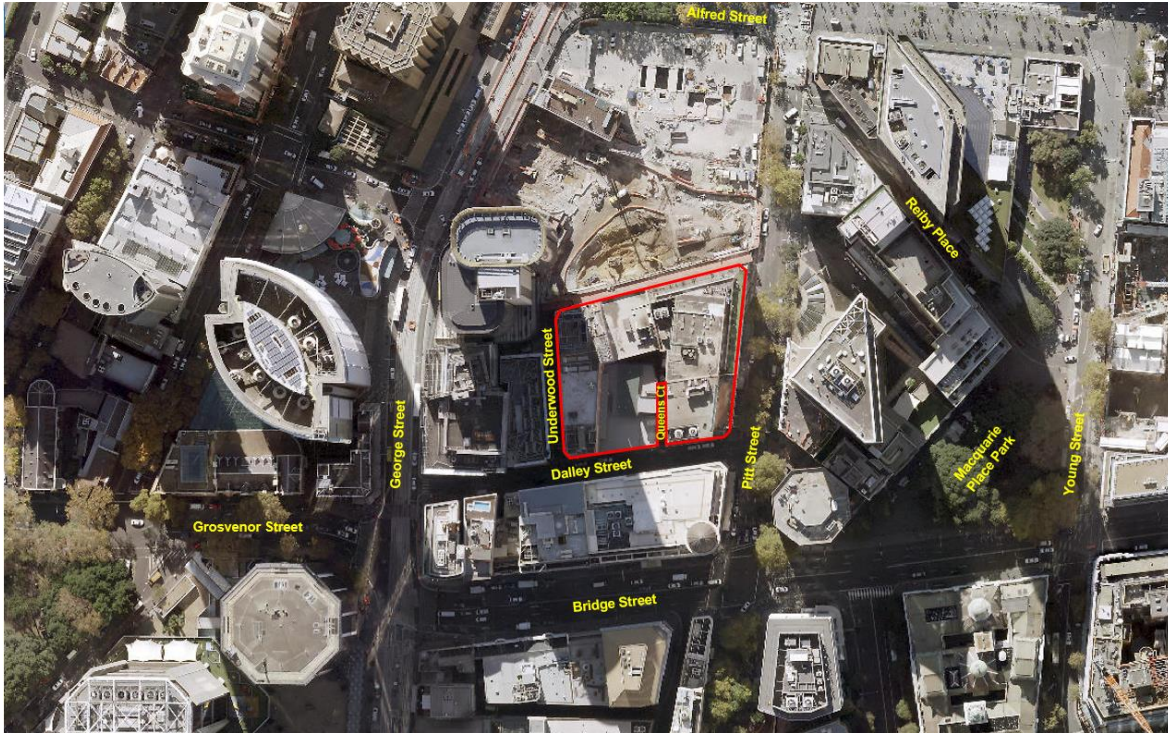


Figure 3: Aerial photo of the site



1.3 Site characteristics and context

The site is irregular in shape and has a total area of 4,295m², including the Ausgrid and Telstra lots. Its eastern boundary fronts Pitt Street and is about 62m long. The site's northern and western boundary fronts Underwood Street and is 74m and 57m long, respectively. The site's southern boundary to Dalley Street is 47m long and is interrupted by Queens Court, a short laneway that is 24m long.

Existing development consists of a nine storey mid-century commercial office building, which is located at the intersection of Pitt Street and Dalley Street. A ten storey contemporary commercial office building is adjacent, at the intersection of Pitt Street and Underwood Street. Adjoining this is a small ten storey masonry office building, facing north towards Underwood Street. A pedestrian colonnade extends the length of the northern section of Underwood Street.

A nine storey masonry telephone exchange building featuring a pedestrian colonnade fronts the western section of Underwood Street and the intersection with Dalley Street. This building is connected across Underwood Street to another telephone exchange building by a series of overhead bridges that feature public art. A seven storey substation fronts the middle-section of Dalley Street, adjacent to the intersection with Queens Court.

Surrounding development is predominantly commercial in nature.

- East – On the eastern side of Pitt Street adjacent to the intersection with Alfred Street is the Gateway commercial and retail development. Directly to the east of the site on the opposite side of Pitt Street is the Marriott Hotel, including retail uses in the heritage warehouse buildings. Adjoining is a 16 storey commercial building located at the intersection of Pitt Street and Bridge Street, adjacent to Macquarie Place Park.
- North – The northern side of Underwood Street currently features construction sites for several large projects, including a mixed-use hotel, residential and retail development that will front Alfred Street, and a new commercial office tower to a

maximum height of RL 265m on Pitt Street, ground floor retail fronting the future pedestrian laneway network and a new public square fronting George Street.

- West – A commercial office tower at 200 George Street is located on the western side of Underwood Street, including ground floor retail fronting the future pedestrian laneway network, a through-site link and an associated utility/infrastructure building that is connected to the telephone exchange building on the subject site through a series of overhead bridges above Underwood Street. A new commercial office tower to a maximum height of RL 115m is currently under construction at 210 George Street.
- South – The Australian Stock Exchange (ASX) building is located to the south of the subject site and is a mid-rise building of up to 13 storeys (RL 52m) with frontages to Dalley Street, Pitt Street and Bridge Street. Adjoining are other commercial buildings of a similar scale with primary frontages to Bridge Street.

There are no heritage items located within the subject site, nor is the site located in a heritage conservation area. However, the state listed Tank Stream runs under the adjacent Pitt Street alignment.

Figures 4 to 6 show existing development on the site. The surrounding area is shown in Figures 7 and 8.

Figure 4: Photo of the subject site looking towards the intersection of Pitt Street and Dalley Street



Figure 5: Looking south-west towards subject site at the intersection of Pitt Street and Underwood Street



Figure 6: Looking west along Underwood Street towards the pedestrian connection with George Street

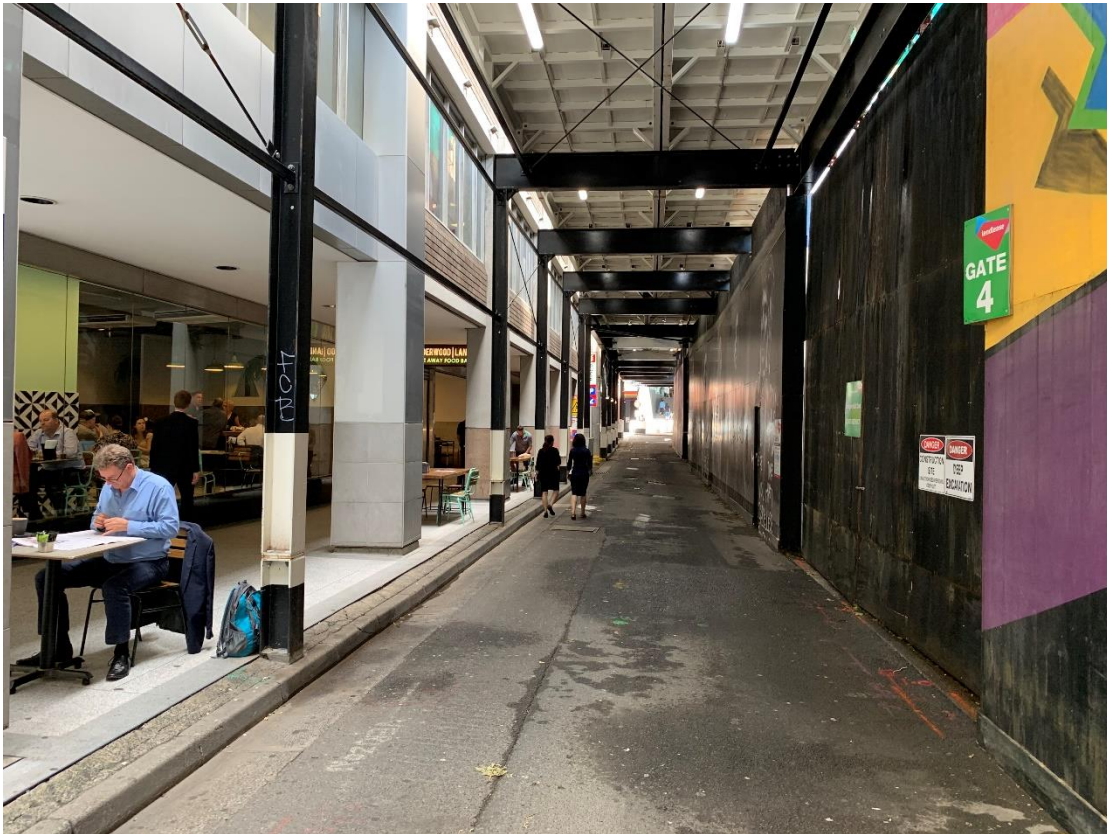


Figure 7: Looking south along Underwood Street towards the Telstra exchange building and colonnade



Figure 8: Looking south towards the subject site from Alfred Street



2. Existing planning controls

The LEP contains zoning and principal development standards for the site. These are discussed below.

2.1 Zoning

The site is zoned B8 Metropolitan Centre, as shown in Figure 9. The zone permits a broad range of uses, including commercial premises, community facilities, food and drink premises, as well as residential accommodation and tourist and visitor accommodation.

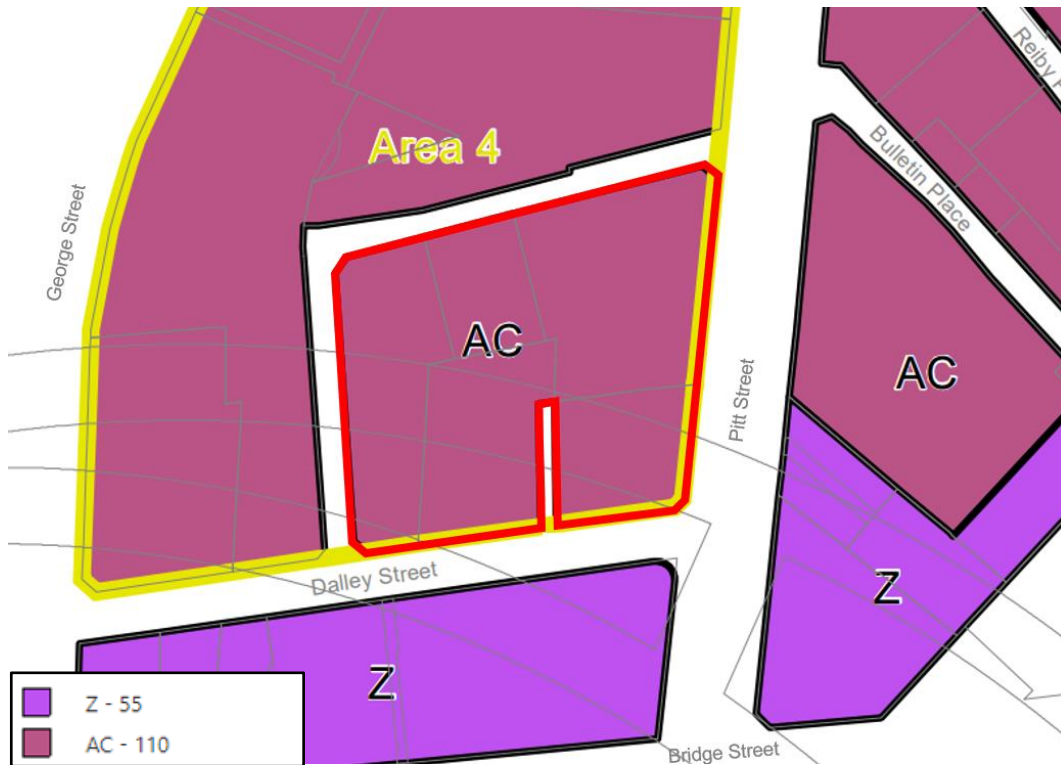
Figure 9: Extract from Sydney LEP 2012 Zoning Map



2.2 Building Height

The maximum permissible height for the site is 110m, as shown in Figure 10. The site is also be subject to the alternative controls for the APDG Block and sun access protection controls.

Figure 10: Extract from Sydney LEP 2012 Height of Building Map



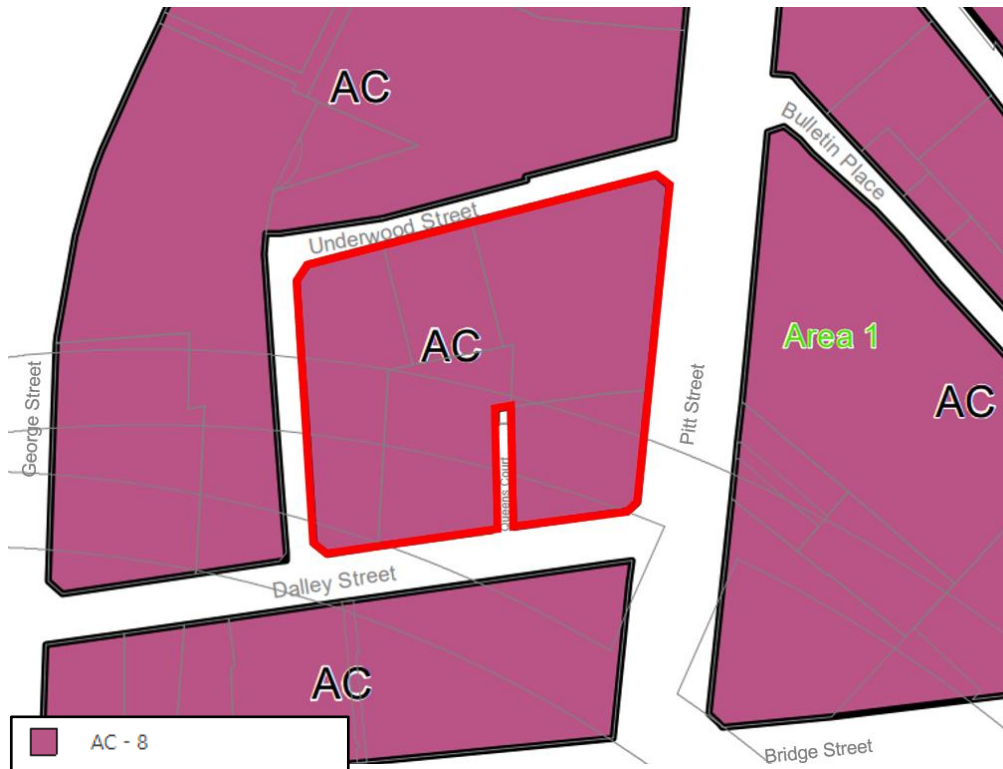
2.3 Floor Space Ratio

The maximum floor space ratio (FSR) for the site is 8:1, as shown in Figure 11. The accommodation floor space provisions under clause 6.4 of the LEP allows for additional FSR up to 4.5:1, subject to design excellence and purchase of heritage floor space. Up to 10% additional floor space may be granted under clause 6.21(7) of the LEP if a competitive design process has been undertaken and design excellence is demonstrated.

In total, an FSR of 13.75:1 is potentially achievable across the precinct for a commercial development.

The site is also located in the Circular Quay tower cluster area as identified in the Central Sydney Planning Proposal, and as such could, in the future, be eligible for a new design excellence bonus pathway for up to 50 per cent more floor space, subject to satisfying several criteria.

Figure 11 Extract from Sydney LEP 2012 Floor Space Ratio Map

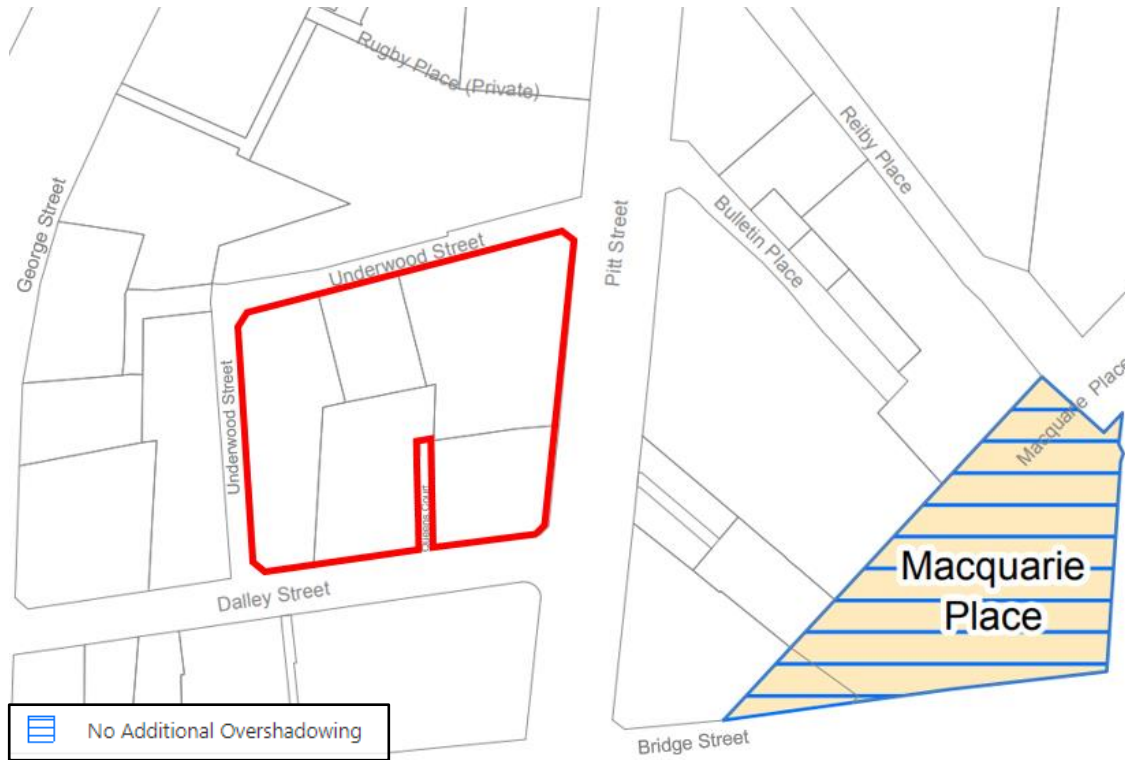


2.4 Sun Access Protection

The site is affected by controls to protect the sun access to Lang Park, Australia Square and Macquarie Place, as shown in Figure 12.

Clause 6.19 of the Sydney LEP 2012 states there shall be no additional overshadowing of public spaces in Central Sydney including Lang Park, Australia Square and Macquarie Place during specified times.

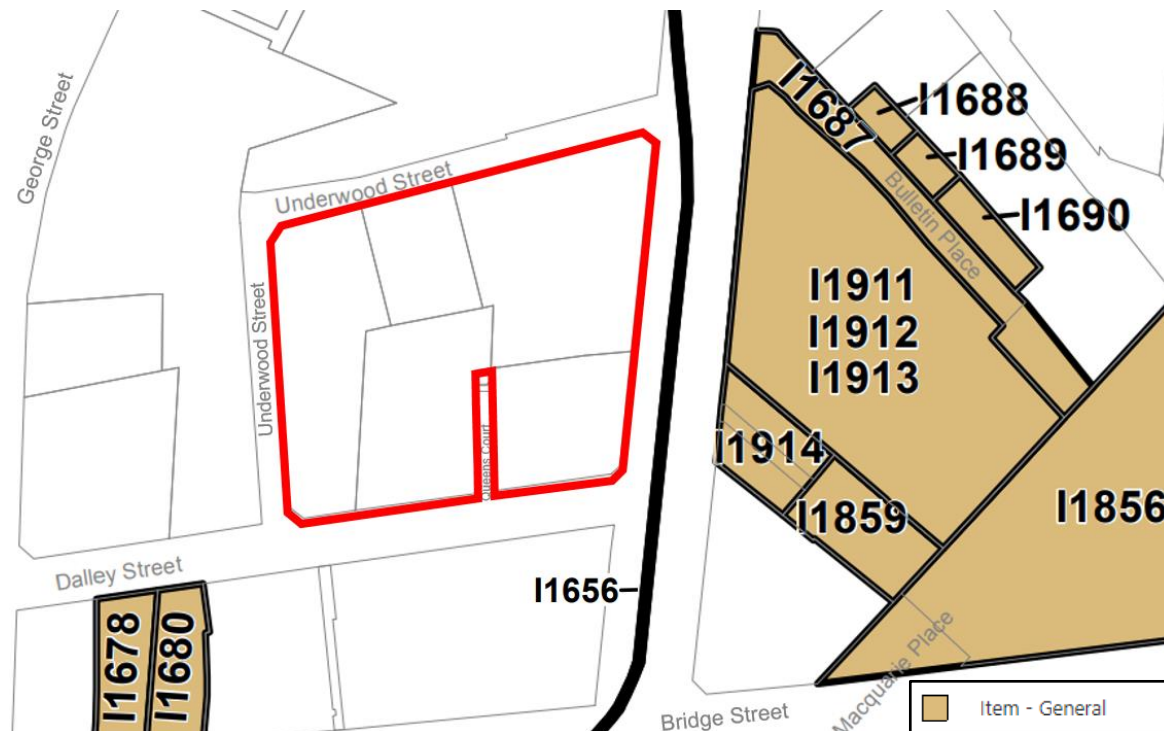
Figure 12: Extract from Sydney LEP 2012 Sun Access Protection Map



2.5 Heritage

The subject site does not contain heritage items, but is located in the vicinity of the Tank Stream, which runs under Pitt Street, as shown in Figure 13. The Tank Stream is a heritage item listed on the State Heritage Register.

Figure 13: Extract from Sydney LEP 2012 Heritage Map

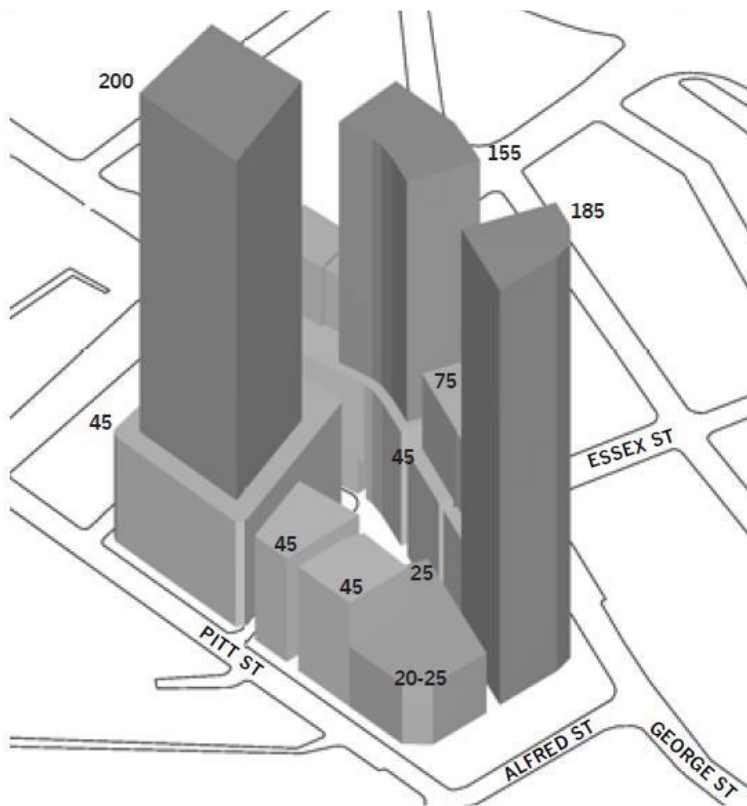


2.6 APDG controls

The APDG block is located south of the western edge of Circular Quay, bounded by George Street, Dalley Street, Pitt Street and Alfred Street. The precinct is currently undergoing a transition from mid-scale commercial buildings to a mixture of uses, with several large commercial, residential and hotel buildings under construction. The LEP features alternative controls for the block at clause 6.25. These controls allow additional height to facilitate public domain improvements and better built form outcomes.

The current APDG controls were borne out of a 2009 urban design study commissioned by the City of Sydney and undertaken by the NSW Government Architect Office. The study recommended selected locations for the new towers, a new public square and activated pedestrian laneway network across the APDG block. A single tower to maximum height of 200m was envisaged for the subject site, located in the centre of the block, covering Queens Court, shown in Figure 14. The alternative controls were included in LEP and DCP.

Figure 14: ADPG Tower Envelopes following NSW Government Architect Office Urban Design Study



Since 2009, the land ownership across the APDG Block has changed significantly, making it difficult to achieve the intended built form and public domain outcomes for 'block 1', as defined in the initial APDG controls, shown in Figure 15 in red. To realise the original vision of block 1, consolidation of a number of sites was required, and to date has not been achieved.

A planning proposal to amend the LEP was approved by the City in 2015 to facilitate the redevelopment of the adjacent site at 33 Pitt Street, to the north of the subject site. The amendments introduced a second option for the delivery of the APDG block. This planning proposal created a new development block, known as 'block 4' to the APDG controls, shown outlined in yellow in Figure 15. Development on block 4 included a new office tower to a height of 248m, relocated public plaza fronting George Street, new pedestrian laneways and refurbished Jacksons on George building.

Figure 15: Existing ADPG development blocks in clause 6.25 – Option A, left and Option B, right

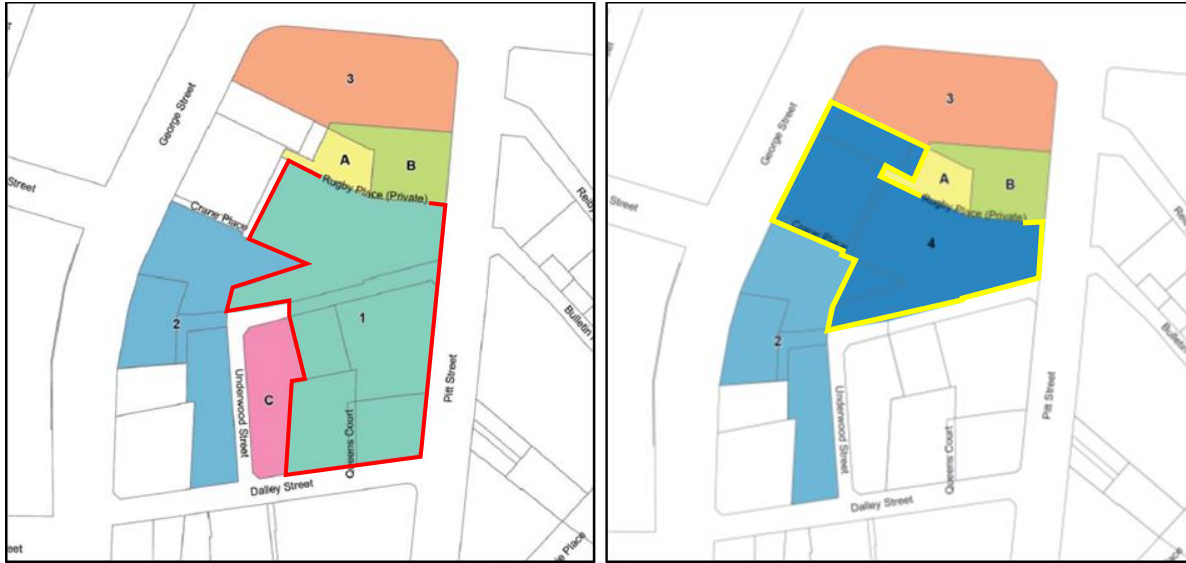


Figure 16: Proposed ADPG development blocks – new development block, 'block 5' for Option B



2.7 Previous planning proposals

Initial planning proposal

In February 2015, Mirvac submitted a request to prepare a planning proposal for site-specific amendments to the LEP controls for their sites at 6-8 Underwood Street, 37-49 Pitt Street and 49A-57 Pitt Street in Central Sydney to enable significant renewal as follows:

- new commercial office tower 141m in height including a 45m podium, with floor space to be harvested from the adjacent Telstra and Ausgrid utility buildings;
- new through-site link connecting Dalley Street and Underwood Street; and
- retail activation and facade treatments to the utility buildings on Underwood Street.

This planning proposal did not proceed due to a number of factors, in particular Mirvac and the City working together to reconsider the options and opportunities available for the site.

Second planning proposal

In June 2017, Mirvac submitted another planning proposal with a revised building height 15m higher than the initial request, including:

- new commercial office tower 155.5m in height with 45m podium, with floor space harvested from the adjoining Ausgrid site;
- enhanced pedestrian links connected to surrounding sites; and
- upgrade and treatment to the facade of the Ausgrid substation building.

This planning proposal was withdrawn in March 2019 due to issues and delays in obtaining formal owners consent from affected landowners.

Since the withdrawal of this planning proposal, the City has worked extensively with Mirvac and all landowners to explore potential built form outcomes consistent with the draft Central Sydney Planning Strategy.

2.8 Landowner request

In December 2019, Mirvac submitted a request to prepare a planning proposal for 55 Pitt Street, Sydney. The request included a Planning Justification Report, Urban Design Study, Design Excellence Strategy and Wind Impact Assessment. The City has prepared this planning proposal following consideration of the request.

Mirvac purchased the three lots that are the subject of this application (6-8 Underwood Street, 37-49 and 49A-57 Pitt Street) and has secured arrangements with Ausgrid and Telstra to transfer the floor space of adjoining sites (6 Dalley Street and 8-14 Dalley Street) and have therefore acquired development rights to the whole block, referred to in this planning proposal as 'block 5'.

The request seeks to amend the APDG alternative controls in the LEP to include site-specific controls for block 5. The request is to increase the maximum building height control to 232m from the current height of 110m and set a maximum floor space ratio of 16.52:1, including design excellence floor space for the purposes of a commercial and retail development.

The proposal will deliver approximately 70,000sqm of commercial office floor space in a new 50 storey tower with ground floor retail and active uses opening to new and upgraded public domain, pedestrian colonnade and through-site link. Vehicle access will be front Dalley Street to three levels of basement consisting of an off-street loading dock, end of trip facility and car parking.

The proposal seeks to transfer the unused floor space from the adjacent Telstra and Ausgrid sites, with improvements proposed to both utility buildings, in the form of façade and roof upgrades and new retail spaces in the Telstra building.

The City has prepared this planning proposal following detailed review and assessment of the proposed development concept. The City has worked with the proponent and their consultants to achieve acceptable wind conditions in the public domain adjacent to the subject site that is capable of being consistent with the objectives of the APDG controls, the draft Strategy and the draft Development Control Plan: Central Sydney.

An amendment to DCP, to be exhibited with this planning proposal, contains more detailed site-specific planning provisions.

The planning proposal and draft DCP address the issues arising from the assessment of the landowner's planning proposal request.

The planning proposal request has been considered and a planning proposal prepared noting the recent Council and Central Sydney Planning Committee decisions to exhibit the revised Central Sydney Planning Proposal. This site has been the subject of ongoing

discussions for some time and is ready to be progressed, without waiting for a change to the LEP prior to seeking a Concept Plan approval.

Figure 17: Photomontage of the future development concept



3. Objectives and intended outcomes

This planning proposal will enable the redevelopment of the commercial buildings on the 55 Pitt Street site to:

- provide an alternative development option in the LEP to deliver appropriate distribution of built form and floor space in context with the wider APDG block;
- identify 55 Pitt Street as a site where additional building height may be achieved if the development delivers certain public benefits, including street activation, public domain improvements, through-site link and upgrades to the retained buildings; and
- deliver additional employment generating floor space in Central Sydney.

The planning proposal is intended to recognise constraints to ‘unlock’ the development potential of the APDG block and achieve public domain improvements.

The draft DCP accompanying the planning proposal will facilitate the following:

- a commercial office tower with a maximum height of 232 metres including podium to provide definition to and activation of the public domain;
- delivery of public domain improvements in the form of a new pedestrian colonnade and north-south connection through the site linking to the network of laneways and through-site links;
- protection of public domain amenity by ensuring future development will not result in adverse wind and daylight impacts;
- significant upgrades to the adjacent Ausgrid and Telstra utility buildings to improve their aesthetics and deliver new retail activation opportunities; and
- ensure development meets 6 star Green Star rating, 5.5 star Base Building NABERS Energy rating and 4 star NABERS water score.

4. Explanation of provisions

4.1 Sydney Local Environmental Plan 2012

To achieve the intended outcomes this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 as follows:

- amend clause 6.25 APDG block to:
 - allow for another development scenario by including development block 5 (55 Pitt Street) as an alternative option to development block 1;
 - allow a maximum building height of 232 metres to no more than 44% of the area of block 5;
 - restrict development within block 5 to non-residential uses only; and
 - provide additional floor space ratio of 2.52:1, taking the maximum to 15.02:1, to which design excellence can be applied;
 - permit for the purpose of calculating the gross floor area of block 5, the inclusion of the adjoining Telstra and Ausgrid sites;
 - ensure that only additional floor space can be awarded where development demonstrates design excellence.

The above amendments are only available for the new block 5 and are not available for development on block 1. It is noted however, that as development is currently under construction on block 4, the original APDG controls for block 1 are unable to be realised.

Reconfigured APDG development blocks

The planning proposal creates a new block, block 5, as shown in Figure 19. Existing Blocks 1 to 4, shown in Figure 18 will be retained. The controls encourage amalgamation for appropriate built form by requiring all lots within a block to be developed. The current ownership pattern across the wider APDG block and the development of adjacent sites in block 4 has meant that the development block 1 envisioned in the initial APDG controls will not be achieved. The new block 5 is needed to enable the development of 55 Pitt Street to proceed. Block 5 will be described by the relevant lot and DP numbers as follows:

Mirvac

- Lot 1 DP 513109 (49A-57 Pitt Street)
- Lots 2-3 DP 1092, Lots 1-2 DP 1112308, Lot 6 DP 75338, Lot 7 DP 110046, Lot 4 DP 524306, (37-49 Pitt Street)
- Lot 501 DP 714847 (6-8 Underwood Street)

Telstra

- Lot DP 787946 (6 Dalley Street)

Ausgrid

- Lots A and B DP 104160 (8-14 Dalley Street)

Figure 18: Existing ADPG development blocks under clause 6.25 – Option A on the left is the original arrangement with the consolidated development of block 1 not possible as Option B on the right created block 4 which is currently under development



Figure 19: Proposed ADPG development blocks – new development block ‘block 5’ for Option B



Revised building height

The existing APDG controls permit a maximum building height of 200m for the subject site. The planning proposal establishes a maximum height of 232m over 44% of block 5, which includes the Telstra and Ausgrid sites.

Non-residential uses

To deliver future additional floor space for employment uses within the APDG block, only non-residential uses will be permitted on block 5 under clause 6.25 of the LEP.

A provision is proposed to ensure the alternative height and floor space controls may only be used on block 5 for commercial development and as such, residential or serviced apartment uses will be excluded. The existing zoning pursuant to clause 4.3 of the LEP 2012 is still applicable for the site with a mapped building height of 110 metres.

Floor space ratio

The site is eligible for floor space ratio of 12.5:1, comprising mapped FSR of 8:1 and accommodation floor space of 4.5:1. This planning proposal provides for additional site-specific floor space of 2.52:1, which will permit a maximum floor space ratio for the site of 15.02:1 and up to 16.52:1 should the building exhibit design excellence. Site-specific provisions ensure heritage floor space is applicable to any future development onsite in accordance with the existing provisions of clause 6.11 of the LEP. There is no change to the application of heritage floor space to accommodation floor space. Heritage floor space will not be applied to the site specific floor space of 2.52:1.

Gross floor area

For the purpose of calculating the gross floor area for future development on block 5, the calculation is to include both the Telstra and Ausgrid sites with the gross floor area transferred to the future tower on the adjoining Mirvac-owned development sites. The Telstra and Ausgrid sites are to be included in the site area despite clause 4.5(6) of the LEP. As the utility function is expected to remain there may not be significant works carried out as part of a future development application for the block and as such a new provision will be inserted advising that clause 4.5(6) is not applicable to the redevelopment of block 5.

A new provision will be inserted into clause 6.25(4) of the LEP, advising that consent can only be granted to future development on block 5 if improvement works are delivered to the Telstra and Ausgrid sites.

Works to the Ausgrid substation includes upgrades to the roof, all visible facades and new public art fronting the future through-site link. It is noted that a blast wall is likely to be required along the boundary of the through-site link and as such, the public art will be part of that wall, and not affixed to the Ausgrid building.

The proposed works to the Telstra exchange building includes new façade treatments, relocation of the existing driveway to allow for new retail spaces and upgrades to the colonnade, redesigned as part of the design excellence process.

An amount of floor space is to be retained for the future operation of the Telstra and Ausgrid utility buildings. It is proposed to insert a clause in the LEP requiring a minimum 100 square metres of gross floor area is to be retained on each of these sites.

The proposed development concept includes an end of journey facility within the basement and fine-grain ground floor retail premises fronting the future through-site link. The LEP states that the provision of end of trip facilities and fine-grain retail fronting laneways do not contribute towards the total FSR of a building. Clauses will be inserted to make clear that these provisions apply to the subject site. This will be matched with a restrictive covenant to be placed on title ensuring the use of these spaces remains.

Design excellence

Future development on site will be subject to an architectural design competition consistent with the requirements of clause 6.21 of the LEP, the draft Guideline for Site Specific Planning Proposals and the Central Sydney Planning Proposal.

Clause 6.21(7) of the LEP provides for up to 10% additional floor space should a competition take place and design excellence is exhibited. The additional floor space can be accommodated within the 232m building envelope that is the subject of this planning proposal and as such a new provision is included to ensure additional floor space is taken up rather than additional height.

Drafting instructions

To deliver the objectives and intended outcomes of this planning proposal, the APDG provisions under clause 6.25 of the LEP are to be amended. The existing provisions for the APDG block will be retained, with an additional alternative development option inserted.

Drafting instructions are shown at Table 1 below. Words proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics***.

Table 1: Drafting instructions for proposed amendments to APDG provisions in Sydney LEP 2012

6.25 APDG block

- (1) The objective of this clause is to provide for additional building height **and floor space** on parts of certain sites (within the area bounded by Alfred Street, Pitt Street, Dalley Street and George Street (known as the “APDG block”)) if the development of the site provides for publicly accessible open space, lanes and other links through the site.
- (2) This clause applies to land within Area 4 on the Height of Buildings Map.
- (3) Despite clause 4.3, development consent may be granted to the erection of a building with a maximum height of—
 - (a) 200 metres on up to 33% of the area of block 1, or
 - (b) 155 metres on up to 42% of the area of block 2, or
 - (c) 185 metres on up to 24% of the area of block 3, or
 - (d) 248 metres on up to 25% of the area of block 4 and 238 metres on up to 12% of the area of that block, **or**
 - (e) **232 metres on up to 44% of the area of block 5.**

(3A) Despite any other provision of this Plan, a building on block 5 may have a maximum floor space ratio of— e above maximum floor space ratio comprises of the following:

 - (a) **mapped floor space ratio under clause 4.4, and**
 - (b) **accommodation floor space under clause 6.4, and**
 - (c) **an additional site specific amount of floor space ratio of 2.52:1 and**
 - (d) **an amount of additional floor space, to be determined by the consent authority, of up to 10% if the building demonstrates design excellence within the meaning of that clause**
- (4) Development consent must not be granted under this clause unless the consent authority is satisfied that the development will—
 - (a) include recreation areas and lanes and roads through the site, and
 - (b) include business premises and retail premises that have frontages at ground level (finished) to those recreation areas, lanes and roads, and
 - (c) provide a satisfactory distribution of built form and floor space development **and**
 - (d) **for block 5, improvement works to the utility buildings located on the following land—**
 - (i) **Lot 1 DP 787946, and**
 - (ii) **Lots A and B DP 104160**
- (5) Development consent must not be granted under this clause in relation to development on land in block 1, 2, 3 ~~or~~, 4 **or** 5 unless the consent authority is satisfied that the development relates to the whole of the block and, except as otherwise provided by this clause, no other land.
- (6) Development on land in block 1 may also relate to the whole of any one or more of the following—
 - (a) Lot 1, DP 787946,
 - (b) Lot 180, DP 606866,
 - (c) Lot 1, DP 537286.
- (7) Development on land in block 3 may also relate to the whole of any one or more of the following—
 - (a) Lot 180, DP 606866,
 - (b) Lot 1, DP 537286.

- (7A) For the purposes of calculating a floor space ratio in respect of any building on block 4—
- (a) the site area is taken to be the whole of block 4 (other than Lots 2 and 3, DP 1213767), and
 - (b) the gross floor area of all buildings on that site area is to be taken into account in that calculation other than—
 - (i) any floor area dedicated to the Council, and
 - (ii) up to 3,900 square metres of floor area leased to the Council for a period of not less than 20 years for the purposes of office premises that are to be used to promote business innovation or economic development.
- Note. Similar adjustments will also apply to calculations for additional floor space under Division 1 including in respect of the utilisation of heritage floor space.
- (7B) Despite any other provision of this Plan, a building erected on block 4 **and 5** must not be used for the purpose of residential accommodation or serviced apartments.
- (7C) Lanes development floor space may be utilised by a new building on block 4 **and 5** as if that building were an existing building and for that purpose land (whether or not a public road) may be identified on the Lanes Map as a lane to which clause 6.8 applies.
- (8) For the purposes of calculating a gross floor area in respect to any building on block 5—**
- (a) despite clause 4.5(6), the site area for the calculation of gross floor area includes the following land—**
 - (i) Lot 501, DP 714847, and**
 - (ii) Lots 2 and 3, DP 1092, and**
 - (iii) Lots 1 and 2, DP 1112308, and**
 - (iv) Lot 7, DP110046, and**
 - (v) Lot 6, DP 75338, and**
 - (vi) Lot 4, DP 524306, and**
 - (vii) Lot 1, DP 513109, and**
 - (viii) Lots A and B, DP 104160, and**
 - (ix) Lot 1, DP 787946.**
 - (b) this clause does not limit the operation of clauses 6.6 and 6.11 to development to which this clause applies, and**
 - (c) clause 6.21(7)(a) does not apply to the development on the subject land to which this clause applies. and**
 - (d) a minimum amount of floor space of 100 square metres is to be retained for operational purposes on the following land—**
 - (i) Lot 1 DP 787946, and**
 - (ii) Lots A and B DP 104160**
- (89) In this clause—**
- block 1 means—
- (a) Lot 7, DP 629694, and
 - (b) Lot 501, DP 714847, and
 - (c) Lots 2 and 3, DP 1092, and
 - (d) Lots 1 and 2, DP 1112308, and

- (e) Lots A and B, DP 104160, and
- (f) Lot 7, DP110046, and
- (g) Lot 6, DP 75338, and
- (h) Lot 4, DP 524306, and
- (i) Lot 1, DP 513109, and
- (j) the whole of the road known as “Queens Court”.

block 2 means—

- (a) Lot 4, DP 57434, and
- (b) Lot 1, DP 69466, and
- (c) Lot 1, DP 110607, and
- (d) Lot 1, DP 188061, and
- (e) Lots A–D, DP 435746, and
- (f) Lot 20, DP 1063401, and
- (g) Lot 1, DP 913005, and
- (h) Lot 1, DP 107759.

block 3 means Lot 1, DP 220830 and Lot 1, DP 217877.

block 4 means—

- (a) Lot 7, DP 629694, and
- (b) Lots 181 and 182, DP 606865, and
- (c) Lots 1 and 2, DP 880891, and
- (d) Lots 2 and 3, DP 1213767.

block 5 means:

- (a) Lot 501, DP 714847, and**
- (b) Lots 2 and 3, DP 1092, and**
- (c) Lots 1 and 2, DP 1112308, and**
- (d) Lot 7, DP110046, and**
- (e) Lot 6, DP 75338, and**
- (f) Lot 4, DP 524306, and**
- (g) Lot 1, DP 513109, and**
- (h) Lots A and B, DP 104160, and**
- (i) Lot 1, DP 787946.**

4.2 Sydney DCP 2012 amendments

To ensure future development is consistent with the objectives of the APDG controls in the LEP, this planning proposal is accompanied by site-specific provisions for the DCP to ensure a high quality built form and public domain outcome is achieved.

The DCP provisions describe and outline the desired future development and include the following key design considerations:

- streets, lanes and through-site links;
- active frontages;
- building height;
- street frontage heights and setbacks;
- building design and bulk;
- parking and vehicular access;
- public art;
- environmentally sustainable development targets; and
- design excellence strategy for block 5.

5. Justification

This section is structured as follows:

- 5.1 – Description of the proposed development concept
- 5.2 – Proposed changes to, benefits of and managing impacts of increasing building height and floor space ratio controls
- 5.3 – Draft development control plan
- 5.4 – Need for the planning proposal
- 5.5 – Relationship to strategic planning framework
- 5.6 – Environmental, social and economic impact
- 5.7 – State and Commonwealth interests

5.1 Description of the proposed development concept

The City's vision for the development of the site is based on an assessment of the landowner's concept, which the City has amended to address issues and achieve improved outcomes.

The proposed development concept includes redevelopment of the site to accommodate a new commercial office tower with retail and active uses fronting new pedestrian links and significant upgrades and improvements to the adjacent utility buildings. Key elements of the proposed development concept is discussed in greater detail below.

Building height

This planning proposal introduces a new alternative building height of 232m for the subject site by amending the APDG provisions in the LEP. There is no change to the mapped maximum building height for the site at 110m.

This will facilitate the delivery of a new premium-grade commercial office tower fronting Pitt Street which is capable of accommodating 50 storeys of new office floor space, above a 45m podium.

To achieve the proposed development concept, this planning proposal seeks to amend clause 6.25 of the LEP, describing 55 Pitt Street as 'block 5' and allowing a maximum building height of 232m to no more than 44% of the block, restricted to non-residential uses only.

New active uses and ground floor retail will front an upgraded public domain including a new north-south through-site link and pedestrian colonnade along Underwood Street. The existing Queens Court laneway will be widened and extended north to Underwood Street, to create a through-site link that is suitable for outdoor dining and connects to the wider pedestrian laneway network.

The proposal delivers on the objective of the APDG block by achieving additional building height in a high quality built form where development provides publicly accessible open space, activated pedestrian laneways and other links through the site.

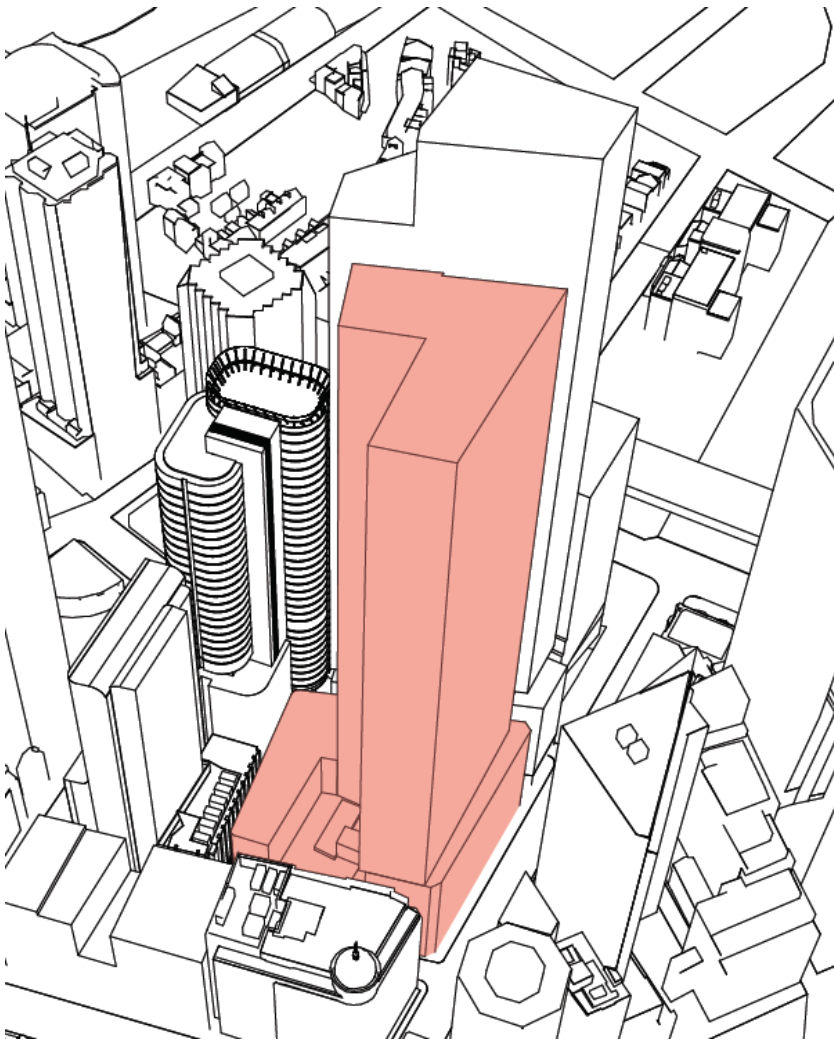
Additionally, the planning proposal also delivers on a key move of the draft Central Sydney Planning Strategy by unlocking additional employment floor space within a designated tower cluster area where opportunities for additional building height and density may be unlocked where balanced with environmental sustainability and public domain amenity.

The proposed new 232m commercial office tower is consistent with its surrounding context, which includes several towers that are currently under construction, in particular the new commercial tower 263m in height directly to the north of the subject site at 33-35 Pitt Street.

The draft Strategy seeks to ensure new buildings with additional building height and density will not result in adverse daylight and wind impacts in the public domain through the use of 8 metre tower setbacks above podium height. The proposed concept includes 3 and 4 metre setback to Underwood Street and a 4 metre setback to Pitt Street that increases to 6 metres at the north east boundary.

As these setbacks vary from those set by the draft Strategy, this planning proposal is accompanied by a sky view factor and wind impact assessment detailing the impacts of the variations to the Strategy and are discussed below.

Figure 18: Planning proposal envelope



Floor space ratio

This planning proposal provides for an additional amount of site specific floor space of 2.52:1 enabling an alternative floor space ratio for the site of 15.02:1, to be included in the APDG controls in the LEP. Future development is also eligible for 10% bonus floor space provision if a competitive design process is undertaken and design excellence is demonstrated, resulting in a maximum floor space ratio of 16.52:1.

The APDG provisions under clause 6.25 of the LEP will be updated to detail the total floor space ratio available for a new commercial development on 'block 5'. No change to the mapped maximum FSR of 8:1 or to the accommodation floor space provisions is proposed.

The indicative concept provides for 70,950m² of new employment generating floor space in a new commercial tower, which will include active uses and ground floor retail opening onto an improved public domain and office uses in the podium and tower above.

An amount of floor space will be transferred from the adjacent Telstra and Ausgrid utility sites and transferred to the subject site to provide for the future development concept. Landowners have stressed the importance of both utility sites in the delivery of essential infrastructure to Central Sydney. The future development application will propose works to the utility buildings in the form of roof and facade upgrades, new retail spaces, however there will be no impact to operations.

Future redevelopment of these utility buildings is not anticipated in the foreseeable future. The amendments to the APDG provisions in the LEP have included the utility sites into block 5, limiting any future development potential. Notwithstanding this, arrangements between Mirvac and the utility landowners include an amount of residual floor space to be retained for future office and operational purposes.

It is noted that a site-specific provision is to be included for these utility buildings in the LEP stipulating that a maximum amount of 100 square metres is to be retained on each of these sites for future operational purposes.

[Pedestrian connections](#)

The current APDG controls in the LEP states that development consent may only be granted if future development delivers recreation areas and lanes through the site. A recreation area is currently under construction on the adjacent block 4 as a new plaza fronting George Street. Block 5 is to provide a new colonnade and through-site link to connect with the wider pedestrian laneway network.

This amendment is to ensure the subject site can be developed given recreational areas and road through the APDG block have been provided by other development blocks.

Site-specific provisions for the APDG block in the draft DCP support this planning proposal by providing additional controls on the pedestrian colonnade and through-site link. The proposal will deliver a high quality public domain with a glazed awning above Queens Court to provide amenity for pedestrians and outdoor dining in the through-site link. The through-site link, glazed awning and associated public art will be included in the Design Excellence Strategy for inclusion in the design competition for refinement and to ensure a high quality outcome.

[Ecologically sustainable development](#)

The future development concept is to achieve ambitious ecologically sustainable development ratings, including a 5.5 star NABERS energy rating, 4 star NABERS water rating and 6 star Green Star office rating. These ratings have been agreed to by the landowner and is consistent with the City's sustainability targets.

The Ecologically Sustainable Development Strategy accompanying the planning proposal posits the targets will be achieved through the provision of photovoltaic panels and efficient energy and water systems.

The design excellence provisions in the draft DCP will include the above sustainability targets to ensure future development on site delivers significantly improved environmental performance and sustainability outcomes.

5.2 – Proposed changes to, benefits of and managing impacts of increasing building height and floor space ratio controls

The planning proposal is to provide alternative maximum building height and floor space ratio controls to facilitate commercial and retail development in an acceptable built form.

Commercial use

This planning proposal will facilitate the redevelopment of the subject site for a new 50+ storey tower featuring commercial office and ground floor retail uses. The proposal will deliver approximately 70,000m² of new commercial office floor space, increasing Central Sydney's employment generating floor space capacity.

The proposed concept includes significant public domain upgrades, with new a new retail activated through-site link and pedestrian colonnade, which will accommodate outdoor dining. This ground floor retail will generate increased activity in and around the subject site, improving the amenity and quality of the public domain.

Additional floor space and building height facilitated through this planning proposal is only available to commercial uses. This will be achieved by inserting a restriction on residential and serviced apartment land uses on block 5 into the APDG controls. Additional building height and floor space will only be available on the subject site.

This outcome is consistent with the objectives of the City of Sydney's draft Local Strategic Planning Statement and draft Central Sydney Planning Strategy in that it delivers new growth and additional employment capacity in a prime location that will take advantage of existing and planned infrastructure.

Height and FSR changes

The planning proposal will introduce additional alternative building height and floor space provisions for the subject site into the controls for the APDG block.

The alternative building height and floor space controls are specific to the building envelope outlined in this planning proposal put forward by the landowner. To be eligible for the increased alternative controls, future development on the site is to deliver substantial public benefits, including public domain upgrades and a new through-site link.

New site-specific provisions to be included in clause 6.25 of the LEP, will provide for maximum building height up to 232 metres for 44% of the area of block 5, which is consistent with the proposed building envelope.

The future development concept provides for the distribution of an additional 2.52:1 FSR providing the alternative maximum FSR for the site of 15.02:1 without any significant adverse amenity impacts. Furthermore, the proposed building envelope is also capable of accommodating additional design excellence floor space, up to FSR of 16.52:1 following an architectural competitive design competition.

An Urban Design Study accompanies this planning proposal detailing how the desired density is consistent with the surrounding area and will result in much needed commercial floor space to ensure Central Sydney remains competitive without significant impacts.

Built form

The tower envelope as permitted under the original APDG controls is not currently achievable due to the ongoing provision of critical infrastructure requiring that both utility buildings be retained in situ.

The proposed alternative scheme has been developed to respond to the conditions on site while delivering acceptable daylight and wind conditions within the adjacent public domain.

In particular, the future development concept includes a podium up to 45m in height that is consistent with the surrounding established street wall height and that of the adjacent heritage buildings on the eastern side of Pitt Street.

The proposed envelope allows for a future commercial office building up to 232 metres in height. The proposed built form is consistent with the surrounding existing and future development, particularly within the APDG block, which is to include several new towers of a similar height and scale.

Furthermore, the planning proposal is accompanied by wind and daylight assessments that demonstrate the proposed building envelope would deliver public domain daylight and wind public conditions that are generally equivalent to that of a building envelope that is consistent with the Planning Proposal: Central Sydney and supported by the draft Central Sydney Planning Strategy.

This planning proposal is accompanied by site-specific provisions for the DCP which will describe and outline the desired future development on site to ensure a high quality built form and public outcome is delivered.

Heritage

The subject site is not identified as a heritage item, nor is it located in a heritage conservation area or special character area. The proposed redevelopment of the site facilitated by this planning proposal does not include the demolition of any heritage item.

A few heritage items are located adjacent to the site, including former Gerling House warehouse building on the eastern side of Pitt Street and the Tank Stream, a State heritage item, lies beneath ground level within the Pitt Street road envelope.

The planning proposal is accompanied by a Heritage Impact Statement that highlighted potential impacts to Aboriginal and historical archaeology and to the Tank Stream that may arise as a result of the proposed development. Several mitigation measures have been recommended including a buffer zone to the Tank Street. These measures are considered standard requirements for a development of this nature in this location and therefore do not pose any significant obstacles or issues for the site's redevelopment.

The form of the future development concept is consistent with that of the wider APDG block, consisting of contemporary towers with associated podiums. The podium height of 45m is generally consistent with the predominant street wall height and the height of the adjacent heritage warehouses fronting the eastern side of Pitt Street, ensuring future development does not disrupt the visual setting of these heritage items.

Design excellence

Future development on site will be subject to an architectural design competition consistent with the requirements of clause 6.21 of the LEP, as anticipated by the draft Guideline for Site Specific Planning Proposals and the Central Sydney Planning Proposal.

The planning proposal request was accompanied by a Design Excellence Strategy that provides for an invited architectural design competition consisting of a minimum of five architectural firms and a competition jury will comprise of representatives from the City and the Design Advisory Panel. The accompanying draft DCP includes design excellence provisions for an architectural design competition.

Traffic and transport

The future development concept includes three basement levels to consist of parking for up to 84 vehicles, a loading dock, bicycle parking and associated end of journey facility. The basement will be accessed through a new driveway to Dalley Street between Pitt and the future through-site link.

The planning proposal is accompanied by an assessment of the traffic and transport aspects of the future development. The future concept is anticipated to result in similar levels of traffic generation to existing medium scale development that is presently on site, between 10 to 15 vehicles per hour. Such levels of traffic generation will not result in significant impact to the surrounding road network. The car parking provisions for the indicative scheme, is less than the existing 110 spaces currently provided.

The proponent approached neighbouring landowners to achieve a shared basement with a singular driveway access, however due to utility infrastructure it is not considered feasible to consolidate basements and basement parking access in this instance.

The location of the driveway on Dalley Street provides for a two-way ramp to the basement, with appropriate pedestrian sight-lines and passing opportunities for turning vehicles, while retain sufficient ground floor retail activation. A further detailed traffic, access and parking assessment will occur as part of any future detailed application for the redevelopment of the site.

Due to the operational requirements of Ausgrid, there will be very limited vehicle access required to the through-site link for maintenance vehicles only. The requirements and extent of access will be further explored as part of a detailed development application and discussions with the City.

Pedestrian activity and comfort

The planning proposal is accompanied by a Pedestrian Activity and Comfort Assessment undertaken by Arup that assessed the footpaths surrounding the site with regards to Transport for London's Pedestrian Comfort Levels (PCL).

The assessment noted that all assessed footpaths are currently operating within recommended limits and would be considered generally acceptable following the delivery of future redevelopment of the subject site. Pitt Street was found to experience the majority of the impact, with a 'C' rating in contrast to the current 'A' rating.

The proposal includes upgrades to the surrounding pedestrian network, including a new through-site link running north-south connecting to the APDG pedestrian laneways, pedestrian colonnade to Underwood Street – connecting to existing links to George Street and footpath widening to Dalley Street.

The upgrades to the pedestrian network will ensure the proposal is well placed to take advantage of existing and future transport infrastructure, including the recently opened Sydney Light Rail and the future Sydney Metro.

Ausgrid have advised that a blast wall may be required to be installed on the Queens Court wall of the substation. Should the blast wall be deemed necessary, it will address Ausgrid's concerns relating to pedestrian safety adjacent to an operating substation and will be built and maintained by Mirvac at no cost to the City.

To deliver a high quality environment suitable for outdoor dining and provide additional protection to pedestrians, the Queens Court through-site link will include a glazed awning, fixed to the blast wall bracing. The glazed awning, blast wall and bracing will be concealed by public art to improve its appearance and delivering unique character and visual amenity. More detail on the through-site link, blast wall and associated public art will be determined during the design competition and in the detailed development application.

Geotechnical assessment

The planning proposal includes excavation for three basement levels to consist of parking, site servicing and end of journey facilities. The planning proposal is accompanied by a Geotechnical Desk Study undertaken by Coffey. The subject site consists of a mixture of subsurface conditions including fill, marine deposits and sandstone, however the study found that excavation is possible without significant adverse impacts.

Excavation and construction activities associated with future development has the potential to impact the Tank Stream, a State heritage item that lies below Pitt Street adjacent to subject site. Implementation of suitable retention systems and excavation methods as well as a buffer zone around the Tank Stream will minimise impacts from potential ground movements and vibrations and constriction. Furthermore, there have been preliminary discussions between Sydney Water and the landowner on excavation impacts to the Tank Stream.

5.3 – Draft development control plan

As a consequence of the proposed changes to the APDG controls in the LEP, it is also proposed to amend the DCP to alter the site-specific DCP controls for the ADPG block. The draft DCP amendments will be publicly exhibited with the planning proposal.

The draft amendments retain the existing provisions relating to the development of blocks 1 and 4 and introduces a parallel set of provisions for block 5 to enable to delivery of future development on the site consistent with this planning proposal. The draft DCP address the following key design considerations:

- streets, lanes and through-site links;
- active frontages;
- awnings;
- building height;
- street frontage heights and setbacks;
- building design and bulk;
- parking and vehicular access;
- public art; and
- design excellence provisions.

5.4 – Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

This planning proposal is a result of a request from the landowner to change the alternative planning controls that relate to the subject site. It will facilitate the strategic development outcomes envisaged by previous amendments to the APDG precinct.

The landowner has undertaken a number of studies in support of the request, including an Urban Design Study prepared by FJMT which establishes how the City's vision for the APDG block can be achieved in an alternative manner by unlocking unrealised floor space from the adjoining utility sites with minimal environmental impacts and the provision of a pedestrian colonnade and through-site link that will connect to the wider active laneway network.

The supporting documents are attached as the following appendices to this planning proposal:

- Appendix A: Urban Design Study – FJMT
- Appendix B: Survey Plan – Denny Linker & Co
- Appendix C: Design Excellence Strategy – Ethos Urban
- Appendix D: Proposed Sydney DCP 2012 Amendments – Ethos Urban
- Appendix E: Preliminary Contamination Review – Coffey
- Appendix F: Heritage Assessment and Impact Statement – GML Heritage
- Appendix G: Traffic and Transport Assessment – Colston Budd, Rogers & Kafes
- Appendix H: Wind Impact Assessment – CPP
- Appendix I: Geotechnical Desk Study – Coffey

- Appendix J: Preliminary Flood and WSUD Study – TTW
- Appendix K: Ecological Sustainable Development Strategy – Cundall
- Appendix L: Pedestrian Activity and Comfort Assessment – Arup

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

A planning proposal to amend the APDG controls in the LEP is the only means of providing an alternative development scenario for the subject site. The proposed amended controls would 'unlock' unrealised development capacity and allow for additional building height in exchange for public domain outcomes.

This can be achieved in a timelier manner by considering these site specific changes, concurrently with the City's proposed changes to the LEP through the Central Sydney Planning Proposal. Noting discussions for the site have been ongoing for sometime.

5.5 – Relationship to strategic planning framework

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

A Metropolis of Three Cities – The Greater Sydney Region Plan

A Metropolis of Three Cities - The Greater Sydney Region Plan is the NSW Government's overarching strategic plan for growth and change in Sydney. The 20 year plan provides a 40 year vision that seeks to transform Greater Sydney into a metropolis of three cities being the Western Parkland City; the Central River City; and the Eastern Harbour City.

It identifies key challenges facing Greater Sydney, including a projected population increase of 1.7 million and the associated requirements to deliver 725,000 new homes and create 1 million new jobs in NSW by 2036.

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

- **Infrastructure** – Future development on site will support the delivery of recent investment into transport infrastructure and will benefit from the additional capacity available as these additional modes come into service.
- **Liveability** – The proposed development concept includes retail activation to the future pedestrian laneway network prioritising opportunities for people to walk and improving the permeability of Central Sydney.
- **Productivity** – The proposal will deliver additional commercial office space close to existing and future transport infrastructure contributing to Central Sydney's economy.
- **Sustainability** – Delivery of a new building with improved sustainability outcomes than the current building stock is a key priority of this planning proposal.

Eastern City District Plan

The Eastern City District Plan sets out the NSW Government's vision, priorities and actions for the Eastern District including the City of Sydney. It establishes a 20 year vision for the Eastern District to be a global sustainability leader, managing growth while maintaining and enhancing liveability, productivity and attractiveness for residents and visitors. Planning priorities and associated actions for productivity, liveability and sustainability seek to deliver on this vision.

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

- **Planning Priority E1 – Planning for a city supported by infrastructure** – To refresh and renew the offering of commercial office space in this area of Central Sydney, this planning proposal seeks to expand and enhance commercial uses on the site by facilitating the delivery of new premium office space on a site located close to existing and planned new transport infrastructure to maximise efficient use of existing and future new capacity.
- **Planning Priority E7 – Growing a stronger and more competitive Harbour CBD** – Central Sydney lies at the core of the Harbour CBD and the Eastern Economic Corridor. This planning proposal will help facilitate new premium quality commercial floor space within Central Sydney to maximise on the competitive advantage that the site's location provides.
- **Planning Priority E10 – Delivering integrated land use and transport planning for a 30 minute city** – The future development concept satisfies the 30 minute city objective as it will include access to employment opportunities close to existing and future public transport connections across many parts of Greater Sydney within 30 minute travel time.
- **Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres** – This planning proposal will facilitate a new commercial and retail development on the subject site delivering additional premium office floor space to Central Sydney, which will add to the viability of the Harbour CBD economy.
- **Planning Priority E13 – Supporting growth of targeted industry sectors** – This planning proposal will deliver additional retail and commercial floor space which is available for investment from targeted industry sectors including the retail, visitor economy and knowledge-intensive businesses.
- **Planning Priority E19 – Reducing carbon emissions and managing energy water and waste efficiently** – The proposed development concept will deliver a new commercial and retail building with significantly improved sustainability outcomes. Future development on site is to achieve key ecological sustainable development targets such as minimum 5.5 star NABERS Energy rating, 4 star NABERS Water rating and Green Star rating of 6 stars.

Is the planning proposal consistent with a council's local strategy of other local strategic plan?

Sustainable Sydney 2030

Sustainable Sydney 2030 is the vision for sustainable development of the City of Sydney to 2030 and beyond. It includes 10 strategic directions to guide the future of the City of Sydney. The plan outlines the City's vision for a 'green', 'global' and 'connected' city and sets targets, objectives and actions to achieve this vision. This planning proposal is aligned with the following relevant strategic directions and objectives:

- **Direction 1 – A globally competitive and innovative city** – The proposal will support a future high quality urban design outcome that will provide new employment opportunities. Investment into the site will help contribute to make Sydney attractive to global investors.
- **Direction 2 – A leading environmental performer** – This planning proposal will deliver ecological sustainable development on the site, through minimum 5.5 NABERS Energy ratings, 4 NABERS Water rating and Green Star Office rating of 6 stars.
- **Direction 3 – Integrated transport for a connected City** – Future development on the subject site is well located to capitalise on its proximity to existing and future transport infrastructure including nearby Circular Quay train station, light rail and bus stops and future Metro stations in Central Sydney.
- **Direction 4 – A city for walking and cycling** – The planning proposal supports the creation of a network of new retail activated laneways and a new through-site link that supports a more people oriented city.

- [Direction 5 – A lively and engaging city centre](#) – The mix of uses on the subject site will deliver improved levels of activation to this part of the City. Future ‘fine grain’ retail premises will be encouraged to contribute to a livelier, engaging city.
- [Direction 6 – Vibrant local communities and economies](#) – Future development facilitated by this planning proposal will enhance the CBD and nearby harbour area through increased business opportunities for workers and new retail activation for local residents and tourists.
- [Direction 7 – A cultural and creative city](#) – Public art is offered as part of the voluntary planning agreement associated with this planning proposal, providing new creative and cultural experiences within future development.
- [Direction 9 – Sustainable development, renewal and design](#) – This planning proposal will support future development that is more ecologically sustainable development on the site through ambitious sustainability benchmarks.

Local Strategic Planning Statement

City of Sydney’s recently endorsed Local Strategic Planning Statement sets out the land use planning context, 20-year vision and planning priorities to positively guide change towards the City’s vision for a green, global and connected city. The planning statement explains how the planning system will manage that change to achieve the desired outcomes and guides future changes to controls, including those sought by proponents through planning proposals. This planning proposal gives effect to the following planning priorities of the Statement:

Infrastructure

- [1. Movement for walkable neighbourhoods and a connected city](#) – Future development concept for the subject site will significantly contribute to the emerging pedestrian network in the APDG block through the delivery of a new through-site link and new pedestrian colonnade along Underwood Street.
- [2. Align development and growth with supporting infrastructure](#) – The subject site is well located to take advantage of existing and future planned transport infrastructure including the recently opened light rail and Sydney Metro that is currently under construction, which will both increase the public transport capacity within Central Sydney considerably.
- [3. Supporting community wellbeing with social infrastructure](#) – The proposed development concept includes delivery of new pedestrian links connecting to the surrounding network of pedestrian laneways improving the accessibility, capacity and function of the City’s community infrastructure.

Liveability

- [5. Creating great places](#) – The planning proposal will improve walkability within the APDG block connecting pedestrians, tourists and workers with retail activation, public transport and employment through the new pedestrian connections to the City’s emerging network of retail-activated laneways suitable for outdoor dining.

Productivity

- [7. Growing a stronger, more competitive Central Sydney](#) – This planning proposal supports growth in Central Sydney by facilitating a development alternative for the APDG block for additional commercial office floor space which will increase the capacity for economic and employment growth.

Sustainability

- [11. Creating better buildings and places to reduce emissions and water and use water efficiently](#) – Future development facilitated through this planning proposal will be

required to meet ambitious sustainability benchmarks, ensuring new buildings will be more ecologically sustainable than the existing building stock.

Draft Central Sydney Planning Strategy

The Central Sydney Planning Strategy is a 20-year growth strategy that revises previously planning controls and delivers on the City's Sustainable Sydney 2030 program. As the economic heart of Australia's most global city, Central Sydney plays a critical role in the continued growth and economic success of wider Sydney and the national economy.

The Strategy includes opportunities for additional height and density in the right locations, balanced with environmental sustainability initiatives, and sets criteria for excellence in urban design. This planning proposal is aligned with the following relevant key moves of the Strategy:

- **1. Prioritise employment growth and increase capacity** – This planning proposal will facilitate the delivery of additional commercial office floor space, helping contribute to increase employment capacity and growth within Central Sydney.
- **2. Ensure development responds to context** – This planning proposal is accompanied by a site-specific DCP which will include provisions to ensure future development on site responds to its context with sufficient building setbacks and does not result in adverse wind and daylight impacts in the public domain.
- **4. Provide employment growth in new tower clusters** – The subject site is located in one of the identified new tower clusters in Central Sydney where additional building height may be accommodated where improved public spaces are delivered in association with growth.
- **5. Ensure infrastructure keeps pace with growth** – This planning proposal facilitates a significant contribution towards community infrastructure in Central Sydney and towards the provision of affordable housing.
- **6. Move towards a more sustainable city** – Future development is to achieve the ambitious sustainability targets as set out in this planning proposal, consistent with the draft Strategy.
- **8. Move people more easily** – 55 Pitt Street is well located to capitalise on the recent NSW Government investment in public transport and as such the upgrades to the pedestrian network as a result of this planning proposal will make it easier for people to walk and cycle in this part of Central Sydney.
- **9. Reaffirm commitment to design excellence** – Future development on site will be subject to a full competitive design competition with the draft DCP to include design excellence provisions to ensure a high quality built form.

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

This planning proposal consistency with applicable SEPPs and deemed SEPPs (formerly known as Regional Environmental Plans (REPs)) is shown in Table 2. In this table, 'consistent' means that the planning proposal does not contradict or hinder the application of the relevant SEPP or REP.

Table 2 – Consistency with SEPPs and REPs

SEPPs with which this planning proposal is consistent	SEPP 1 – Development Standards; SEPP 19—Bushland in Urban Areas; SEPP 21—Caravan Parks; SEPP 30—Intensive Agriculture; SEPP 33—Hazardous and Offensive Development; SEPP 50—Canal Estate Development; SEPP 55—Remediation of Land; SEPP 62—Sustainable Aquaculture; SEPP 70—Affordable Housing (Revised Schemes); SEPP (Affordable Rental Housing) 2009;
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	SEPP (Educational Establishments and Child Care Facilities) 2017; SEPP (Exempt and Complying Development Codes) 2008; SEPP (Infrastructure) 2007; SEPP (Mining, Petroleum Production and Extractive Industries) 2007; SEPP (Miscellaneous Consent Provisions) 2007; SEPP (State and Regional Development) 2011; SEPP (State Significant Precincts) 2005; SEPP (Vegetation in Non-Rural Areas) 2017; SEPP (Coastal Management) 2018
SEPPs that are not applicable to this planning proposal	SEPP 36—Manufactured Home Estates; SEPP 44—Koala Habitat Protection; SEPP 47—Moore Park Showground; SEPP 52—Farm Dams and Other Works in Land and Water Management Plan Areas; SEPP 64—Advertising and Signage; SEPP 65—Design Quality of Residential Flat Development; SEPP (Building Sustainability Index: BASIX) 2004; SEPP (Housing for Seniors or People with a Disability) 2004; SEPP (Integration and Repeals) 2016; SEPP (Kosciuszko National Park— Alpine Resorts) 2007; SEPP (Kurnell Peninsula) 1989; SEPP (Penrith Lakes Scheme) 1989; SEPP (Rural Lands) 2008; SEPP (Sydney Drinking Water Catchment) 2011; SEPP (Sydney Region Growth Centres) 2006; SEPP (Three Ports) 2013; SEPP (Urban Renewal) 2010; SEPP (Western Sydney Employment Area) 2009; SEPP (Western Sydney Parklands) 2009
REPs with which this planning proposal is consistent	Sydney REP (Sydney Harbour Catchment) 2005
REPs that are not applicable to this planning proposal	Sydney REP 8—(Central Coast Plateau Areas); Sydney REP 9—Extractive Industry (No 2—1995); Sydney REP 16—Walsh Bay; Sydney REP 20—Hawkesbury- Nepean River (No 2—1997); Sydney REP 24—Homebush Bay Area; Sydney REP 26—City West; Sydney REP 30—St Marys; Sydney REP 33—Cooks Cove; Greater Metropolitan REP No 2— Georges River Catchment; Darling Harbour Development Plan No. 1; Sydney Cove Redevelopment Authority Scheme.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land promotes remediation of contaminated land for the purpose of reducing the risk of harm to human health. When rezoning land and as part of development applications, it is required to be considered and to ensure remediation work meets certain standards.

The planning proposal is accompanied by a preliminary contamination assessment, which concludes some potentially contaminating activities have occurred on the site, including fill of unknown origin, impacts from storage tanks and historical spills.

Further investigation of these potential contamination is recommended to be undertaken. Notwithstanding, the potential contamination issues identified are unlikely to significantly impact future redevelopment of the site. The site's suitability will be demonstrated as part of a future detailed development application for the site.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 aims to facilitate the effective delivery of infrastructure across the State and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure.

The subject site intersects the Sydney Metro corridor which passes directly beneath at a depth of 24 metres. This proximity requires future development application to consider potential impacts of the proposal on the corridor and will require concurrence from Transport for NSW.

Additionally, as any future development on the site will be considered a 'traffic generating development' for the purposes of the SEPP as over 10,000sq.m of commercial floor space is proposed, Transport for NSW require concurrence on this matter as well.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Under Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, 55 Pitt Street is located within the Sydney Harbour Catchment Boundary but not within the Foreshores and Waterways Area Boundary.

The planning proposal does not contradict or hinder the application of the planning principles for Sydney Harbour Catchment, as set out in Clause 13 of the REP.

Is the planning proposal consistent with applicable Ministerial Directions?

The planning proposal's is consistent with the applicable ministerial directions as shown in table 3.

Table 3 – Consistency with Ministerial Directions

Ministerial Directions with which this planning proposal is consistent	1.1 Business and Industrial Zones; 2.3 Heritage Conservation; 3.2 Caravan Parks and Manufactured Home Estates; 3.3 Home occupations; 3.4 Integrating Land use and Transport; 3.5 Development Near Licensed Aerodromes; 4.1 Acid Sulfate Soils; 4.3 Flood Prone Land; 5.10 Implementation of Regional Plans; 6.1 Approval and Referral Requirements; 6.2 Reserving Land for Public Purposes; 6.3 Site Specific Provisions; 7.1 Implementation of A Plan for Growing Sydney
Ministerial Directions that are not applicable to this planning proposal	1.2 Rural Zones; 1.3 Mining, Petroleum Production and Extractive Industries; 1.4 Oyster Aquaculture; 1.5 Rural Lands; 2.1 Environmental Protection Zones; 2.2 Coastal Protection; 2.4 Recreation Vehicle Areas; 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs; 3.1 Residential Zones; 4.2 Mine subsidence and Unstable land; 4.4 Planning for Bushfire Protection; 5.2 Sydney Drinking Water Catchments; 5.3 Farmland of State and Regional Significance on the NSW Far North Coast; 5.4 Commercial and Retail Development along the Pacific Highway, North Coast; 5.8 Second Sydney Airport, Badgerys Creek; 5.9 North West Rail Link Corridor Strategy; 7.2 Implementation of Greater Macarthur Land Release Investigation; 7.3 Parramatta Road Corridor Urban Transformation Strategy; 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan; 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan; 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure

5.6 – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats. The subject site is located in Central Sydney, which does not contain any known critical habitats or threatened species, populations or ecological communities.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The changes to the maximum building height and floor space ratio will provide for the redevelopment of the subject site.

It is unlikely that the proposed amendments to the APDG controls in the LEP will result in adverse environmental impacts that cannot be controlled. Existing policies, regulations and standards are already in place to ensure environmental impacts are mitigated during the construction phase and eventual use of the development.

The proposed scheme has been developed in collaboration with the proponent, with any environmental effects resulting from the proposal having been identified and resolved during assessment.

The key environmental considerations arising from the planning proposal, particularly in relation to urban amenity, are discussed in detail below.

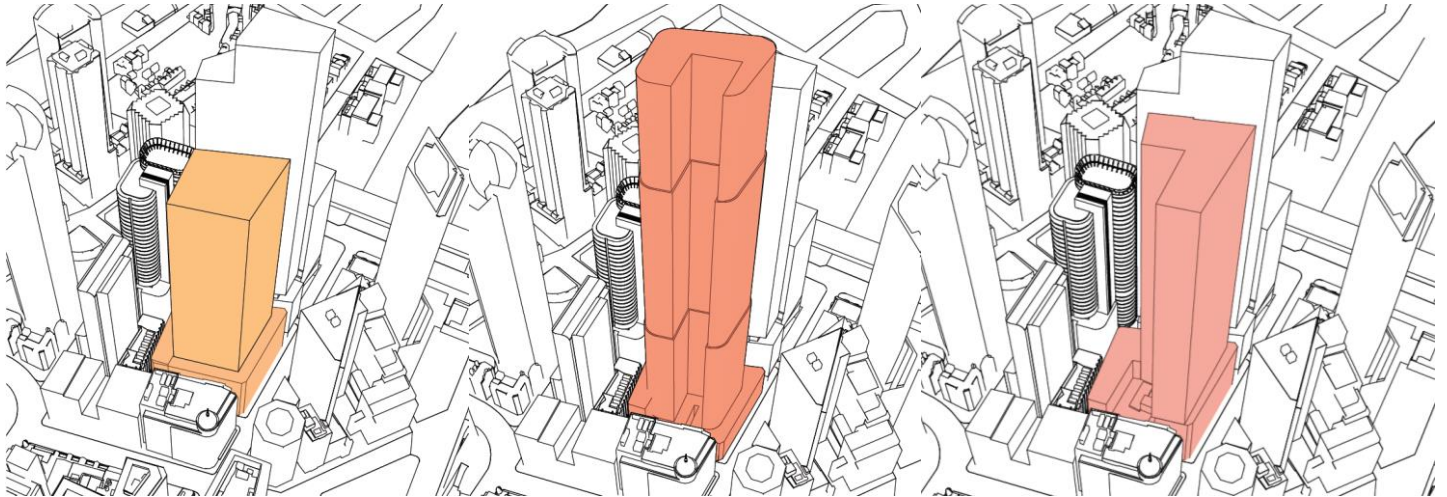
Tower Separation and Setbacks

The building envelope facilitated by this planning proposal varies to the envelopes available under the APDG alternative controls in the LEP 2012 and the draft Central Sydney Planning Strategy.

The APDG provides for a building envelope across the entire block, up to 200m in height and minimum 8m tower setbacks. The envelope available under the draft Strategy includes maximum building height of up to 305m in this location, with minimum tower setbacks of 8m to all street frontages.

The proposed building envelope sought under this planning proposal is 232m in height with tower setbacks of 3 and 4 metres to Underwood Street, between 4 and 6 metres on Pitt Street and 1 metre to Queens Court. Figure 19 includes the proposed building envelope and the maximum envelopes available under the current APDG controls and the draft Strategy.

Figure 19: APDG envelope (left), draft Central Sydney Planning Strategy envelope (centre) and proposed envelope under this planning proposal (right)



The minimum separation between the proposed building envelope and the adjacent tower on the north side of Underwood Street is 8.1m. This separation is consistent with the minimum building separations of other buildings and built form character in Central Sydney. Furthermore, the closest sections of both buildings will contain lift cores and as such will not result in loss of significant views.

Despite the variation with the tower setbacks, the proposed building envelope is consistent with the objectives of the APDG controls in that the planning proposal will deliver improved pedestrian connections through the site. Furthermore, the proposal will deliver additional employment generating floor space without significantly impacting pedestrian amenity in the public domain in line with the Strategy.

[Solar access and overshadowing](#)

Clause 6.19 of the LEP 2012 prevents new buildings from causing additional overshadowing to certain public places. The public places within proximity of the subject site that could potentially impacted include Australia Square Plaza, Lang Park and Macquarie Place.

A shadow analysis has been prepared by FJMT and is included in the Urban Design Study that accompanies the planning proposal. The results illustrate that the proposed envelope will not result in any additional overshadowing to the nearby identified public places within the specified times.

The proposed building envelope does result in additional overshadowing, however the proposal will have minimal additional impact on the public domain, given the extent of overshadowing from existing and approved buildings within the APDG block and where the shadow is cast (i.e. on roof tops).

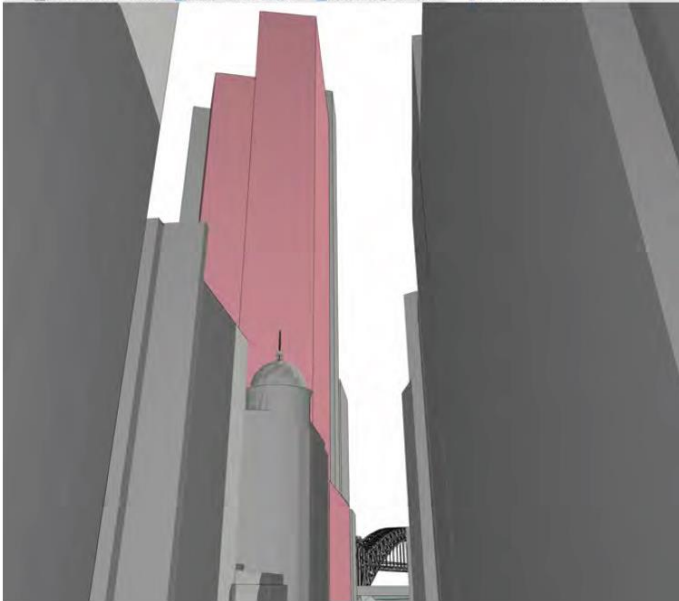
[View analysis](#)

The Urban Design Study that accompanied the planning proposal includes preliminary view study undertaken by FJMT exploring the impact of the future development concept from key viewpoints in the public domain.

The study found that the proposed envelope's alignment forward of the adjacent tower to the north does not detract from significant views along Pitt Street, nor will it impact sky views. The proposed podium is consistent with that of adjacent buildings, nearby heritage items and other tower podiums and as such maintains the alignment and form of the street wall.

The variation to the tower's setback will not have an adverse impact on the view corridor looking north along Pitt Street towards Circular Quay and the Harbour Bridge as shown in figure 20.

Figure 20: View of proposed envelope looking north along Pitt Street



Daylight access / Sky view factor

The draft Central Sydney Planning Strategy seeks to unlock additional employment floor space in Central Sydney through opportunities for additional height and density in locations that would not result in adverse impacts to public domain amenity including daylight access.

The draft Strategy provides for 'base case' building envelopes to the aviation PANS OPS level with 8 metre setbacks to all boundaries and a curved and tapered form. Planning proposals that vary from this envelope are to demonstrate equivalent or improved daylight access to the public domain.

To address this, the planning proposal is accompanied by a Daylight Analysis undertaken by FJMT. The analysis measured the daylight levels within the public domain up to 200m from the site, represented numerically as a sky view factor.

The proposed building envelope which includes a building envelope 232m in height with setbacks of 3 and 4 metres to Underwood Street, between 4 and 6 metres on Pitt Street and 1 metre to Queens Court was compared to the base case envelope.

The results found that the proposed building envelope results in a minor improvement from the base case envelope. The overall difference of 0.001031% in the sky view factor within proximity of the site. The analysis found that the proposed building envelope facilitated by this planning proposal will maintain an acceptable level of daylight access to the public domain.

Wind assessment

A Wind Impact Assessment undertaken by CPP accompanied this planning proposal to assess pedestrian wind comfort at ground level as a result of future development on site. The assessment included a wind tunnel study of the subject site and surrounds to a radius of 570 metres at a 1:400 scale.

The assessment included wind equivalence testing of three scenarios - existing built form conditions; proposed building envelope; and a base case envelope that is consistent with the draft Strategy, which encompasses the whole block, with 8 metre setbacks to all street

frontages and height of 305 metres. Locations close to the subject site were tested to determine the impacts of future development on wind conditions.

The wind assessment found that wind comfort was generally equivalent across the two envelopes that were tested. The proposed building envelope generally displayed equivalent wind results with the draft Strategy envelope. While testing identified some differences in wind speeds, it concluded that they were typically small in nature and that there would be little perceivable difference. Locations on Pitt Street were found to be suitable for pedestrian walking activities, conditions in Dalley Street, Underwood Street remained calm and suitable for pedestrian standing.

Wind conditions in Queens Court were found to increase by up to 1.5m/s due to the massing of the building envelope. While this is a minor increase in wind speed, to ensure a suitable environment for outdoor dining is maintained and deliver additional pedestrian amenity, a glazed awning is to be fixed above the through-site link. The glazed awning will be attached to the overhead bracing for the blast wall and integrated with public art to ensure a high quality new public benefit is delivered.

One location on Pitt Street, close to the intersection with Bridge Street to the south-east of the site, was found to experience exceedances of the wind safety standard of 25m/s. It is worth noting, that this particular location experiences a similar exceedance of the safety standard under the existing conditions and an envelope that is compliant with the draft Strategy. Such results indicate that the wind conditions in this location is generally a result of the general massing in the northern CBD rather than this specific tower envelope form.

Flooding

The subject site and adjacent public domain may be potentially flood affected in larger rain events due to its location in the natural floor basin of the Tank Stream. The planning proposal is accompanied by a Preliminary Flood Study that found the 20-year flood level at RL 4.15m and 100-year floor level at RL 4.30m on Dalley Street adjacent to the future basement carpark entrance.

The Preliminary Flood Study included the following flood mitigation design principles to protect future development from flooding:

- the basement carpark ramp rises to a crest of RL 4.15m, the 20 year flood level with a flood gate to RL 5.20m, the probable maximum floor level;
- ground level of the future through-site link rises to RL 4.30m to prevent a 100 year level flood event passing through to Underwood Street and protecting active frontages; and
- future development on site is to be planned and designed to incorporate future conversion of Dalley and Underwood Street into flush shared/pedestrian zones and associated stormwater works.

The use of flood gates to achieve flood protection is not consistent with the City's Interim Flood Policy, however there is similar precedence for comparable circumstances on other new developments elsewhere in the APDG precinct. Further refinement and detailed analysis of flooding impacts will occur as part of a design competition and future detailed application for the redevelopment of the site.

The draft DCP that accompanies this planning proposal sets the flood planning level includes site-specific flood risk management provisions to minimise basement car park flood risk.

Has the planning proposal adequately addressed any social and economic effects?

This planning proposal provides an opportunity for the redevelopment of a site within the APDG block. Redevelopment will allow for positive social and economic effects including:

- Providing 70,000m² of commercial and retail floor space to contribute to and strengthen Sydney's role as a globally competitive City;

- Creating an estimated 4,000 additional jobs;
- Increase accessibility and activation of a through-site link; and
- Improving safety and amenity of the surrounding public domain.

5.7 – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

As the subject site is in Central Sydney, it is already well serviced by the full range of public utilities including electricity, telecommunications, water, sewer and stormwater. It is expected that these services would be upgraded where required by the developer.

The proposal will provide new and upgraded pedestrian infrastructure across the site, helping future development capitalise on its location being well placed to take advantage of existing transport infrastructure and recent investment in the new Sydney Light Rail and the planned Sydney Metro which will significantly increase transport capacity in Central Sydney.

The detailed development application will be subject to the statutory development contributions, which will contribute to the provision of other community facilities, the demand for which will be generated by the development.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The gateway determination will advise the public authorities to be consulted as part of this planning proposal process. Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period.

As future development on the site requires excavation and is located directly above the Sydney Metro corridor, the detailed development application requires concurrent approval from Sydney Metro before approval from the City.

Clause 7.16 of the LEP requires concurrent approval from Sydney Airport for all works proposed to penetrate the Operations Limitation Surface (OLS) height, which is 156m in Central Sydney.

At 232m in height, the future development concept would require approval under the Airports Act 1996 before the detailed development application can be approved by the City.

6. Mapping

This planning proposal does not include any amendments to maps.

No change will be made to any maps contained in the LEP as part of this planning proposal, instead additional building height and floor space ratio is proposed to be included through a new subclause under clause 6.25 as discussed earlier in this planning proposal document.

The figures in the APDG provisions in section 6.1.4 – 6.1.7 of the DCP will be updated to reflect the proposed future development concept as discussed in this planning proposal. The planning proposal will also update the Active frontages map in DCP to include active ground floor uses on the future through-site link.

The updated figures and map are detailed in the draft DCP, included as an appendix to this planning proposal.

7. Community consultation

This planning proposal is to be exhibited in accordance with the gateway determination once issued by the Department of Planning, Industry and Environment.

It is anticipated the gateway determination will require public exhibition for a period of not less than 28 days in accordance with the Environmental Planning and Assessment Act and section 4.5 of A Guide to preparing Local Environmental Plans.

Notification of the public exhibition will be via:

- The City of Sydney website; and
- Sydney Morning Herald

Exhibition material will be made available on the City of Sydney website and, if possible, at Town Hall House at 456 Kent Street, Sydney.

Consultation with relevant NSW agencies, authorities and other relevant organisations will be undertaken in accordance with the gateway determination.

8. Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Stage	Timeframe
Commencement / Gateway Determination	June 2020
Government agency consultation	July 2020
Public exhibition	July 2020
Consideration of submissions	August 2020
Post exhibition consideration of proposal	October 2020
Draft and finalise LEP	November 2020
LEP made	December 2020
Plan forwarded to Department of Planning, Industry and Environment for notification	December 2020

