

Attachment B

Planning Proposal: Central Sydney

PLANNING PROPOSAL: CENTRAL SYDNEY

December 2020

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INTRODUCTION

This Planning Proposal progresses key aims and objectives of the City of Sydney's *Draft Central Sydney Planning Strategy*. This is to be achieved by a range of amendments to *Sydney Local Environmental Plan 2012* (the LEP).

The proposed controls in this Planning Proposal constitute amendments to the LEP that implement the key moves and reflect a number of the priority actions identified in the *Draft Central Sydney Planning Strategy*.

This Planning Proposal will give effect to several planning priorities and actions of the City's draft Local Strategic Planning Statement. In particular, this Planning Proposal will implement provisions to grow a stronger, more competitive Central Sydney by increasing the capacity for economic and employment growth in Central Sydney. This will contribute to the Harbour CBD jobs target.

The Planning Proposal gives effect to several actions of the Eastern City District Plan to strengthen the international competitiveness of the Harbour CBD by focusing on investment, business opportunities and jobs in strategic centres and aligning forecast growth with infrastructure.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act), the *Standard Instrument – Principal Local Environmental Plan* (Standard Instrument) and guidelines published by the Department of Planning, Industry and Environment, including *A guide to preparing planning proposals* and *A guide to preparing local environmental plans*.

This Planning Proposal relates only to proposed amendments to the LEP.

Supporting planning provisions are contained in the *Draft Sydney Development Control Plan – Central Sydney 2012* (Draft DCP), and an amendment to the *Competitive Design Policy*, which have been prepared concurrently with this Planning Proposal. For a more complete understanding of the planning controls being proposed for Central Sydney, this Planning Proposal should be read in conjunction with the draft amendments to Draft DCP, the amendment to the *Competitive Design Policy*, the *Draft Central Sydney Development Contributions Plan 2020* and the *Draft Central Sydney Planning Strategy*, its technical appendices and other supporting documentation.

Background

The *Draft Central Sydney Planning Strategy* is a long term strategy for business and residential development in Central Sydney that maintains Sydney's global status. It revises previous planning controls and delivers on the City of Sydney's *Sustainable Sydney 2030* vision for a green, global and connected city, and the New South Wales Government's strategic plans for metropolitan Sydney – *Greater Sydney Region Plan: A metropolis of three cities* and the *Eastern City District Plan*.

A key component of the *Draft Central Sydney Planning Strategy* is the investigation and analysis of the statutory planning controls for the B8 Metropolitan zone (Central Sydney). This broad and flexible B8 zoning is open to a wide range of land uses - from cultural, conference and exhibition uses through to education, retail, commercial, manufacturing and warehousing, to residential, hotel and entertainment uses. The zone extends from the edge of Darling Harbour to Elizabeth Street, and from Circular Quay to Belmore Park in the south.

The *Draft Central Sydney Planning Strategy* provides continuity to urban planning strategies of the past and proposes a number of changes to manage and optimise today's environmental, social and economic challenges and opportunities. Planning for development in Central Sydney requires careful consideration to ensure Sydney's ongoing competitiveness, appeal and resilience.

Central Sydney helps generate \$130 billion (2017/18) of economic activity annually - over seven per cent of the total national economy. It has the highest concentration of ASX top 500 companies, mainstream artistic and cultural institutions and is the largest retail centre in Australia. Central Sydney is also home to 31,600 residents, 12,600 businesses and accommodates close to 340,000

workers and a large proportion of the City of Sydney's 660,000 domestic and international visitors every day.

Central Sydney plays a critical role in the continued growth and economic success of wider Sydney and the national economy. It is therefore important that key provisions in the LEP are revised and fine-tuned where appropriate, so that Central Sydney can continue to accommodate high-value office jobs that are important to the state and federal economies - while protecting and enhancing the advantages that make metropolitan Sydney a global city that attracts capital, visitors, ideas, residents and skilled labour.

Through 10 key moves, the *Draft Central Sydney Planning Strategy* identifies opportunities for development in Central Sydney to meet the demands of growing numbers of workers, residents and visitors and their changing needs.

It presents these opportunities in stages – short, medium-term and ongoing – and aligns these with planned developments in infrastructure and technology for an economically, environmentally and socially successful city.

The following key moves of the *Draft Central Sydney Planning Strategy* are actioned through this Planning Proposal in the following ways.

Key Move 1 - Prioritise employment growth and increase employment capacity by implementing genuine mixed-use controls and lifting height limits along the Western Edge.

The Planning Proposal provides for development controls to deliver new employment floor space to accommodate projected jobs growth, while stemming the loss of employment floor space by de-incentivising residential and serviced apartment development.

The Proposal provides an immediate increase in height controls on Central Sydney's western edge to capitalise on the changing form and character of the area and the additional rail infrastructure commitment by the NSW Government.

It provides for an immediate opportunity to increase capacity by introducing up to 50 per cent additional employment floor space in tower cluster areas through an enhanced design excellence competition. Employment Floor Space is taken to mean any uses other than residential accommodation, serviced apartments or ancillary car parking spaces.

New development controls will rebalance floor space incentives for residential and serviced apartment floor space in large developments. By removing the existing incentive for residential development, the proposal will rebalance floor space incentives towards employment uses. This will provide for a genuine mixed-use outcome across the whole of Central Sydney and will stem the loss of employment floor space and ensure that as the city grows, new employment floor space is provided to accommodate projected jobs growth.

This key move delivers the development of a mixed use centre and provides a sound foundation for the growth of employment floor space on an ongoing basis.

Key Move 2 - Ensure new developments respond to their context by clearly stating the minimum expectations for towers to manage their external impacts (outlook, wind, daylight) within their site boundaries.

The Planning Proposal contains controls which provide reasonable flexibility for tall buildings meaning they are better able to respond to their context. Site specific considerations, such as site area, adequate building separations and outlook, heritage curtilage, wind impacts, sunlight and air movement will determine how a new tower can appropriately be accommodated. The move is also supported by controls in the Draft DCP.

Key Move 4 – provide for employment growth in new tower clusters.

The Planning Proposal introduces a new planning pathway for heights and densities above the established maximum limits to create growth opportunities for employment floor space, promote the efficient use of land, and encourage innovative design.

These opportunities are focused in those areas of Central Sydney less constrained by sun access planes, and will be informed by first principle environmental controls.

Key Move 5 - Ensure infrastructure keeps pace with growth to sustain a resilient city with a strong community, economy and high standard of living.

The *Draft Central Sydney Planning Strategy* notes the greatest challenge for any global city is the supply, funding and delivery of infrastructure. Doing this well creates and sustains a resilient city with high standards of living. This is consistent with the Eastern City District Plan.

The *Draft Central Sydney Planning Strategy* seeks to balance growth with the provision of essential social and physical infrastructure. The timely delivery of infrastructure with growth will be addressed through the *Draft Central Sydney Contributions Plan*.

Previously a community infrastructure rate was proposed in the *Draft Guideline for Site Specific Planning Proposals in Central Sydney*, to align growth with the delivery of infrastructure. The Draft Guideline will be replaced by the Draft Contributions Plan.

Key Move 5 will be delivered through the *Draft Central Sydney Contributions Plan*, which should be read in conjunction with this Planning Proposal.

Key Move 6 - Move towards a more sustainable Central Sydney by investigating opportunities for planning controls to require minimum energy and water standards for all new developments and for growth opportunity sites to drive zero-net energy outcomes.

In support of the City's aim to become Australia's first zero-net energy city, the *Draft Central Sydney Planning Strategy* seeks to investigate opportunities for planning controls that will deliver minimum energy and water standards for all new developments, and require growth sites to drive zero net energy outcomes.

Recent Sydney Development Control Plan 2012 amendments have successfully included the energy efficiency provisions foreshadowed in the *Draft Central Sydney Planning Strategy*. As previously indicated in the City's *Draft Guideline for Site Specific Planning Proposals in Central Sydney*, where additional capacity is to be delivered, it is anticipated these sites will achieve above mandatory requirements as the City has committed to net zero growth by 2050.

This Planning Proposal includes provisions for development accessing additional development capacity to deliver higher than minimum ecologically sustainable development outcomes, delivering Key Move 6.

Key Move 7 - Protect, enhance and expand Central Sydney's heritage and public places.

Balancing growth with the need to protect and enhance public parks, spaces and public views will ensure Sydney remains a beautiful and vibrant city. These great public assets are critical to attract

visitors, high value jobs, tourists and people wanting to live in the city. Ensuring they receive adequate sunlight, they remain safe, and are well utilised, is essential.

As development occurs, the City will work with landowners to enhance and expand our network of public places and spaces. New roads, pedestrian links, revitalised laneways, events, green spaces, paved meeting places, outdoor dining opportunities and public art will be provided as the city grows.

The Planning controls deliver Key Move 7 through refinements and updates to the sun access controls, built form controls that protect the amenity of public spaces. The Planning Proposal is supported in this area by the proposed amendments to *Sydney Development Control Plan 2012*.

Key Move 9 – Reaffirm commitment to design excellence by continuing to work in partnership with community and industry to deliver collaborative, iterative and tailored solutions.

High quality building design assures Sydney’s status as one of the most beautiful cities in the world.

The *Draft Central Sydney Planning Strategy* promotes and encourages building design of excellent quality at every scale and level of detail, so people find buildings inspiring, satisfying and comfortable. The quality of a building – including its performance, proportions, finishes and placement in the skyline all combine to make a building remarkable.

Ensuring additional capacity sites demonstrate design excellence with particular attention to the skyline and the principles of ecologically sustainable development is a key element of this Planning Proposal, and ensures delivery of Key Move 9.

Key Move 3 - Consolidate and simplify planning controls by integrating disconnected precincts back into the city, unifying planning functions and streamlining administrative processes.

Key Move 8 - Move people more easily by prioritizing street for walking and cycling and expanding the pedestrian and open space network.

Key Move 10 - Monitor outcomes and respond to issues that arise to ensure the Strategy’s ongoing success.

Key Moves 3, 8 and 10 of the *Draft Central Sydney Planning Strategy* go beyond the LEP, and therefore cannot be acted upon through this planning proposal. These key moves require co-ordination and collaboration with the NSW Government. The City will continue to discuss with the Department of Planning, Industry and Environment opportunities to unify parts of the City into a single consent authority and planning framework as well as effective monitoring of the controls against delivery of the Key Moves.

Key Move 8 and the full range of transport and movement needs of Central Sydney will continue to be pro-actively discussed with the appropriate NSW Government Departments.

SITE IDENTIFICATION

Location

The Planning Proposal relates to the area of land identified as 'Central Sydney' on the LEP Locality and Site Identification Map. This land is shown in pink in Figure 1 below.

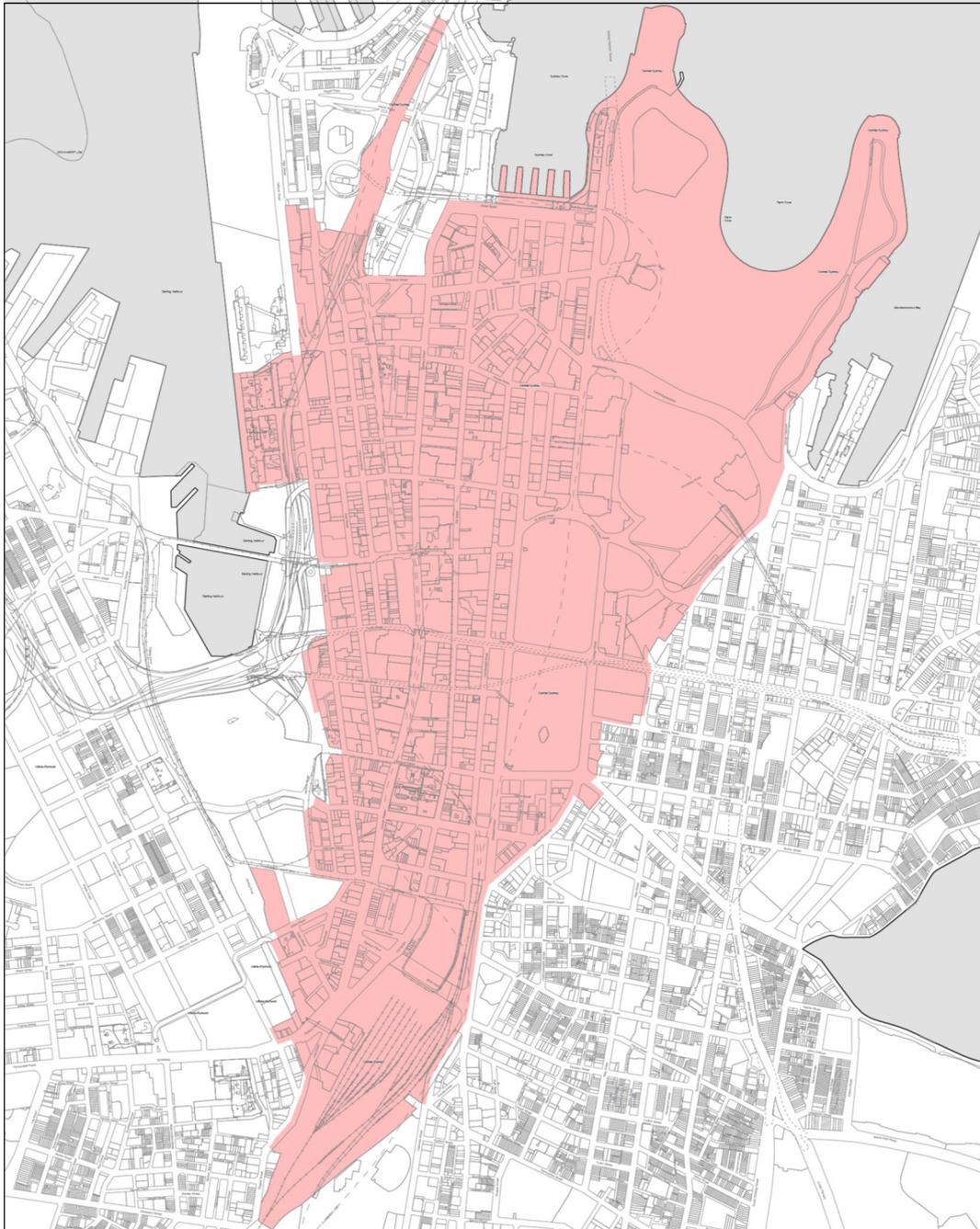


Figure 1 – Central Sydney Area

Existing Planning Controls

Table 1 and Figures 2 – 7 summarise the key planning controls in the LEP in Central Sydney that are relevant to this Planning Proposal.

Control	Relevant Provision	Comment
Zoning	<p>Primarily comprises of B8 Metropolitan Centre and RE1 Public Recreation Zones.</p> <p>Refer to Map Extract A from <i>Land Zoning Map</i></p>	<p>The B8 Zone permits a broad range of uses including commercial premises, community facilities, food and drink premises, residential accommodation, and tourist or visitor accommodation.</p> <p>The RE1 Zone enables land to be used for public open space or recreational purposes and provides a range of recreational settings and activities and compatible land uses.</p>
Building Height	<p>Refer to Map Extract B from <i>Height of Buildings Map</i></p>	<p>The maximum overall permissible building height within Central Sydney is 235 metres with the maximum building height for each site shown on the building height map. Some sites and precincts such as the APDG Precinct and the AMP Precinct in Circular Quay have site specific controls for building height.</p> <p>Building height is also controlled by sun access protection provisions as summarised elsewhere in this table.</p> <p>Pursuant to existing clause 6.21(7), the LEP allows for up to an additional 10% height (or floor area) if a competitive design process has been undertaken and design excellence is demonstrated.</p>
Floor Space Ratio (FSR)	<p>Refer to Map Extract C from <i>Floor Space Ratio Map</i></p>	<p>The Floor Space Ratio Map prescribes the maximum floor space ratios in Central Sydney. This is FSR 8:1 in Areas 1, 2, and 3, and 7.5:1 in Area 4.</p> <p>Subdivision 2 of the LEP allows for additional floor space in some circumstances. This includes <i>Accommodation floor space</i> (clause 6.4) which allows an additional amount of FSR within four identified 'Areas' based on land use and the purchase of heritage floor space.</p> <p>Additional floor space that may be available via accommodation floor space provisions is as follows:</p> <p>Area 1, hotel or motel accommodation, <u>community facilities or centre based child care facilities</u> – FSR 6:1,</p> <p>Area 1, office premises, business premises, retail premises, residential accommodation or serviced apartments – FSR 4.5:1</p> <p>Area 2, office premises, business premises or retail premises – FSR 4.5:1</p>

Control	Relevant Provision	Comment
		<p>Area 2, residential accommodation, serviced apartments or hotel or motel accommodation, <u>community facilities or centre based child care facilities</u> – FSR 6:1</p> <p>Area 3, office premises, business premises or retail premises – FSR 2:1</p> <p>Area 3, residential accommodation, serviced apartments or hotel or motel accommodation, <u>community facilities or centre based child care facilities</u> – FSR 3:1</p> <p>Area 4, residential accommodation, serviced apartments or hotel or motel accommodation, <u>community facilities or centre based child care facilities</u> – FSR 1.5:1</p> <p>Pursuant to existing clause 6.21(7), the LEP allows for up to an additional 10% of floor area (or height) if a competitive design process has been undertaken and design excellence is demonstrated.</p>
Sun Access Protection	Refer to Map Extract D from <i>Sun Access Protection Map</i>	<p>Two sun protection control mechanisms apply in Central Sydney to limit heights, as necessary to protect sunlight into important public parks and places - Sun Access Planes (SAP) and No Additional Overshadowing to Certain Public Places Controls (NAO).</p> <p>All places protected by SAPs and NAO controls establish dates and times for their protection. These are determined to provide solar access to each park or place when it is most valuable to the function and enjoyment of the space.</p>
Heritage and Special Character Areas	Refer to Map Extract E from <i>Heritage Map</i> and Map Extract F from <i>Special Character Areas Map, Retail Premises Map</i>	<p>There are over 270 heritage items listed in Schedule 4 of the LEP that are located within Central Sydney.</p> <p>Clause 5.10 includes a range of provisions for the conservation of environmental heritage.</p> <p>Other key heritage controls include:</p> <p>Objective 4.3(1)(b) to ensure appropriate height transitions between new buildings and heritage items, conservation areas and special character areas (as identified in the Special Character Areas Map); and</p> <p>Subdivision 3 - Heritage Floor Space. This includes provisions that provide an incentive for the conservation and on-going maintenance of heritage buildings within Central Sydney, as well as provisions for the utilisation of additional floor space as prescribed in Subdivision 2.</p>

Table 1: Key Central Sydney planning controls in Sydney Local Environmental Plan 2012

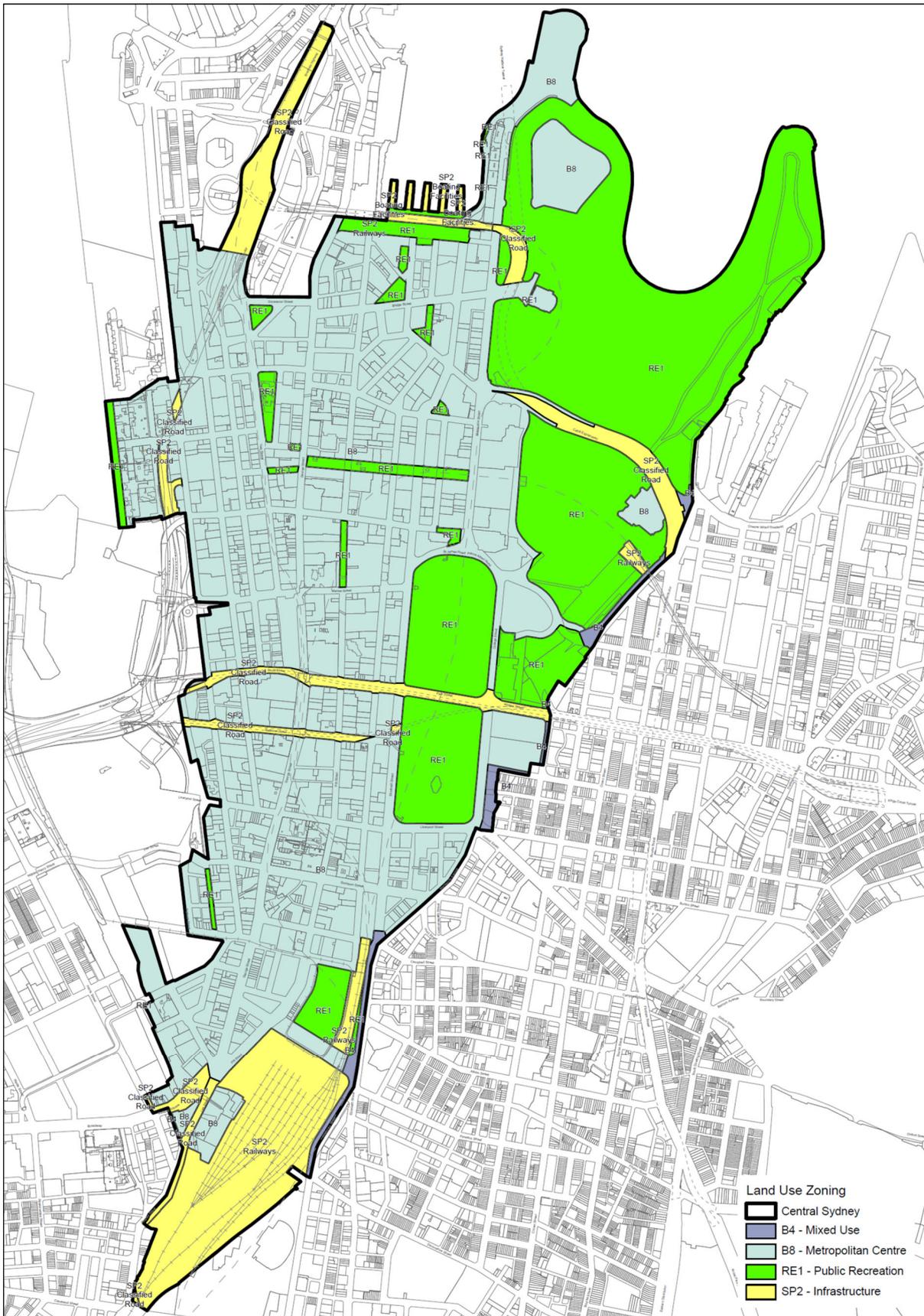


Figure 2: Sydney Local Environmental Plan Map Extract A – Zoning

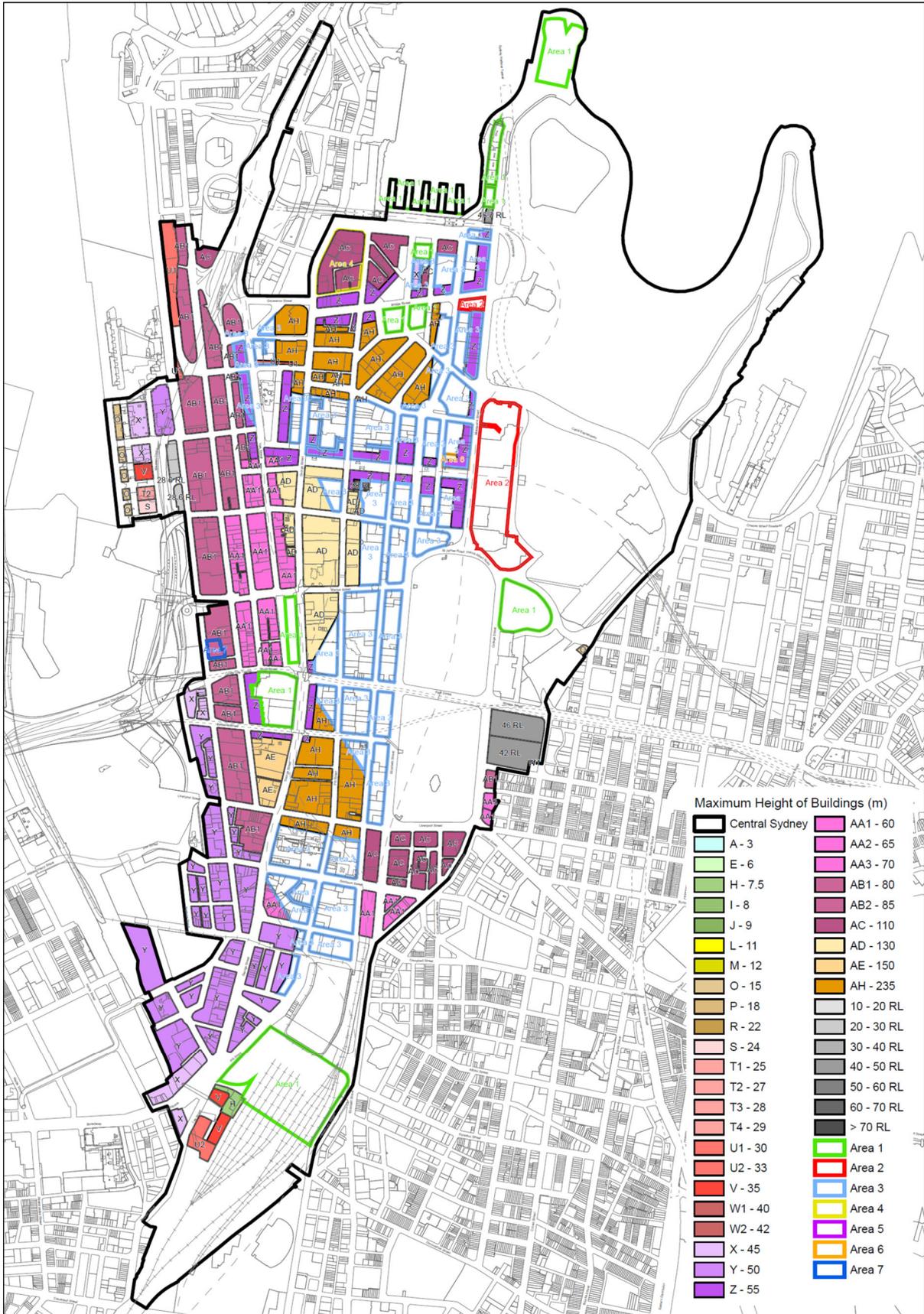


Figure 3: Sydney Local Environmental Plan Map Extract B – Maximum Height of Buildings

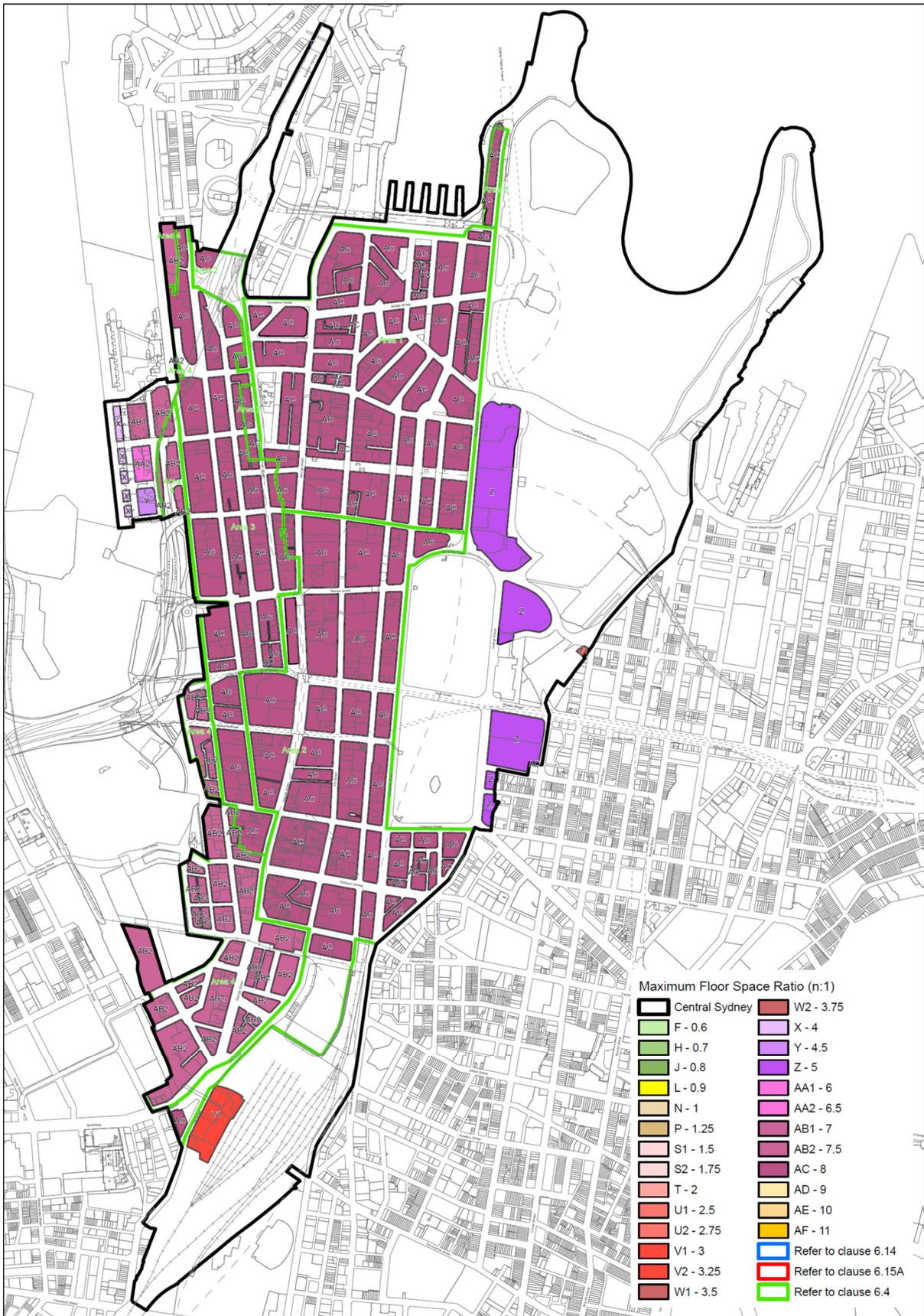


Figure 4: Sydney Local Environmental Plan Map Extract C – Floor Space Ratio

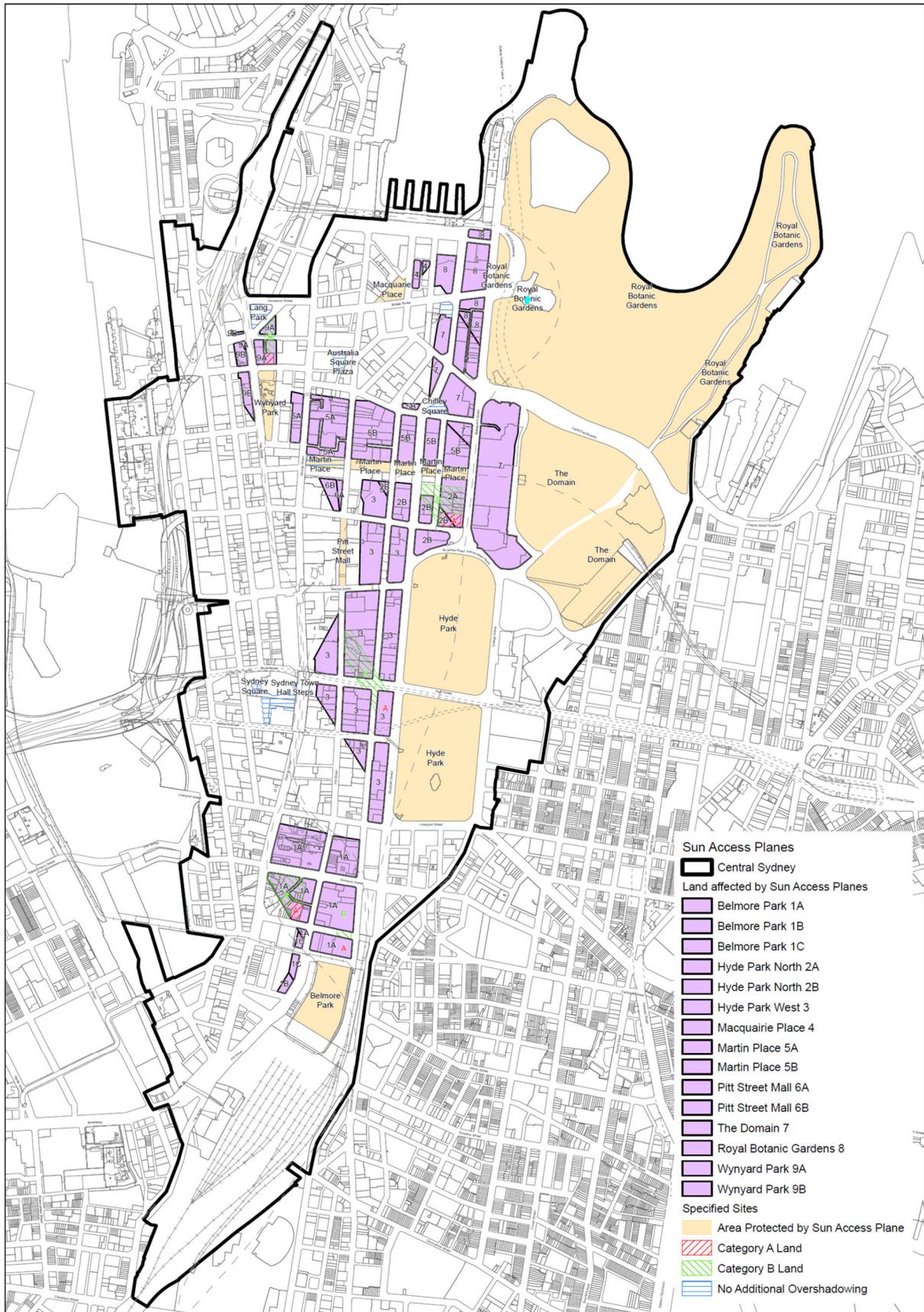


Figure 5: Sydney Local Environmental Plan Map Extract D – Sun Access Protection

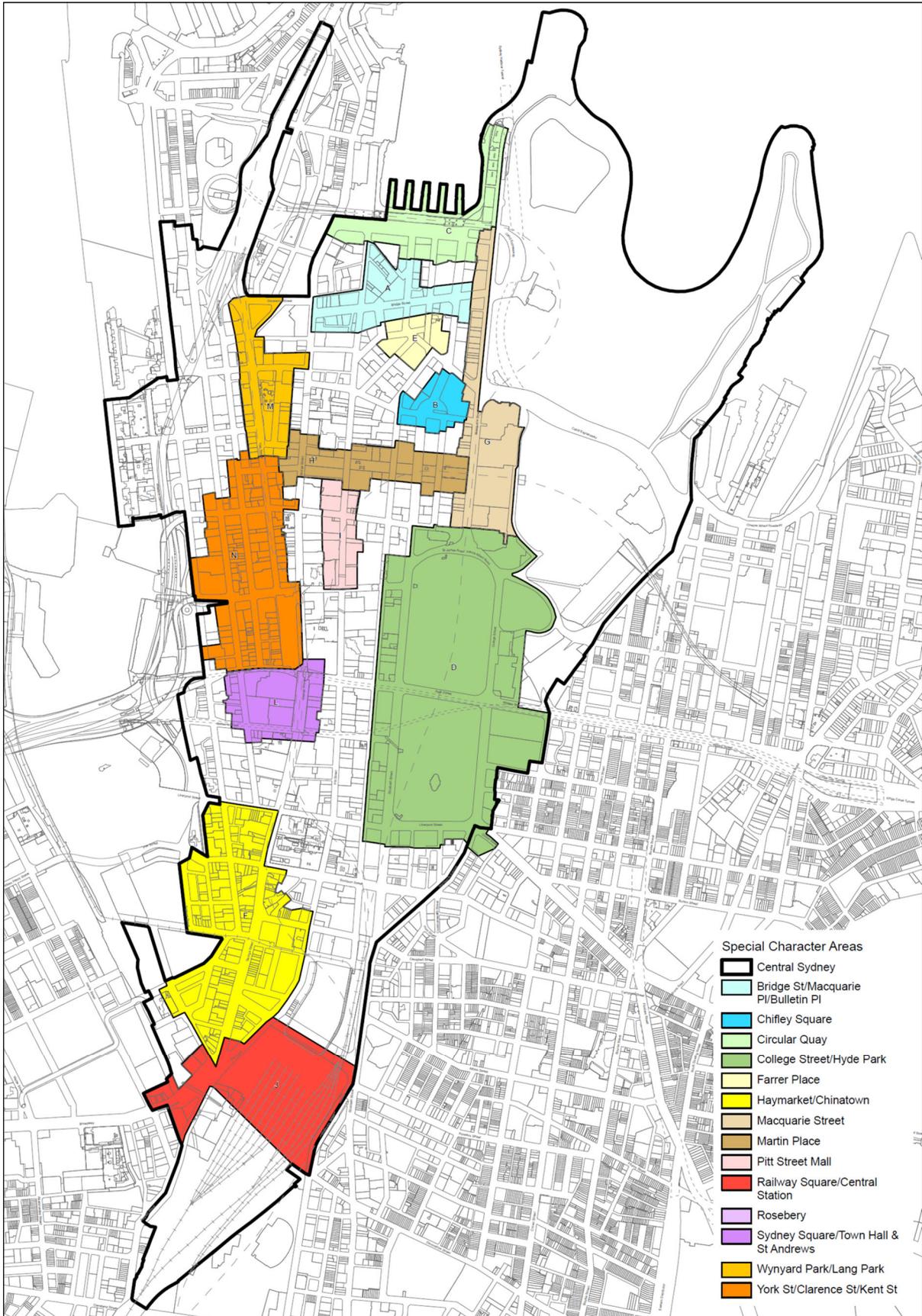


Figure 7: Sydney Local Environmental Plan Map Extract F – Special Character Areas

PLANNING PROPOSAL: CENTRAL SYDNEY

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Objectives

The objectives of this Planning Proposal are to:

- reinforce Central Sydney's important role in promoting the economic growth of Sydney, New South Wales and Australia.
- ensure that land use and development in Central Sydney supports Sydney's Global City functions.
- ensure the ongoing growth of employment floor space in Central Sydney to meet NSW government employment targets and anticipated demand.
- ensure a high level of public amenity, as is necessary to complement Central Sydney's Global City functions.
- Limit the replacement of employment land uses by residential accommodation and serviced apartments.
- ensure development in Central Sydney sets a new benchmark in regards to ecologically sustainable development.
- ensure development in Central Sydney continues its commitment to design excellence.

Intended Outcomes

The Planning Proposal will:

- enable the key moves and priority actions in the *Draft Central Sydney Planning Strategy*.
- incentivise the provision of employment floor space over floor space that is used for residential accommodation and serviced apartments.
- provide opportunities for employment growth within identified tower cluster areas, subject to achieving certain criteria
- remove the existing incentive for residential development in central Sydney
- reinforce Central Sydney's important economic role by way of stronger planning objectives focussing on employment and economic growth.
- protect the amenity of public places by ensuring good sunlight access and comfortable wind conditions.
- update sun access planes and no additional overshadowing controls.
- ensure that tall buildings are of an appropriate form for their site size and context.
- protect key public views from encroachment by new development.
- encourage building design of large-scale development that minimises the consumption of energy.

In addition to this Planning Proposal there is a framework of documents that will guide development in Central Sydney, and ensure infrastructure is commensurate with growth.

The *Draft Central Sydney Development Contributions Plan 2020* has been prepared and will be considered concurrently with the Central Sydney Planning Proposal. The *Draft Contributions Plan 2020* will see the delivery of vital infrastructure for a Global City.

PART 2 – EXPLANATION OF THE PROVISIONS

The following amendments to *Sydney Local Environmental Plan 2012* (the LEP) are sought to facilitate the Objectives and Intended Outcomes in Part 1 of this Planning Proposal.

The Objectives and Intended Outcomes align with the Key Moves and Priority Actions of the *Draft Central Sydney Planning Strategy*. These Key Moves and Priority Actions are required to ensure growth in employment floor space, and to ensure that growth is balanced with good amenity outcomes for Central Sydney's public spaces, parks and streets.

This Planning Proposal will deliver the following:

Zoning

- Strengthen and update zone objectives to reinforce the important role that employment floor space plays in a global city.
- Strengthen and update public recreation zone objectives to highlight the importance of sun access to these spaces in regards to their amenity and usability and the contribution sun lit public space plays in maintaining Sydney's attractiveness as a global city.

Density and Land uses

- Introduce new controls that promote the growth of employment floor space in certain areas.
- Ensure opportunities for growth deliver employment floor space.
- Describe a process for determining higher potential floor space ratios.
- Ensure the highest level of design is achieved through a competitive process.
- Provide an additional incentive for employment development within the Western Edge precinct where there are opportunities for additional capacity.
- Introduce controls that manage the growth of residential and serviced apartment floor space in certain areas.
- Provide an incentive for residential development to deliver higher BASIX targets.
- Introduce a control that promotes the provision of shared loading dock facilities in Central Sydney

Heights

- Revise and update Sun Access Plane controls to improve accuracy and levels of protection of important public parks and places.
- Introduce controls to protect sunlight to significant, new and planned public places that require protection as Central Sydney grows.
- Continue to protect important public places subject to No Additional Overshadowing controls in the LEP, except in cases where the controls provide negligible benefit.
- Remove 'Exceptions to sun access planes' provisions from the LEP.
- Strengthen controls to ensure that tall buildings are suited to their site size and context.
- Strengthen controls to ensure that tall buildings do not adversely impact the amenity of the City's streets, parks and public spaces.
- Link building heights to setbacks and outlook.
- Strengthen controls in the LEP to ensure that outlook is protected within the boundaries of a site, rather than private views.
- Limit the height of buildings to 55 metres on sites smaller than 1,000 square metres.
- Provide for an increase in height for some sites along the Western Edge from 80 metres to 110 metres.
- Identify and map significant views from public places and construct view planes to preserve and protect these views.
- Prepare an approach to allow additional height for employment related development within identified tower cluster areas.

Ecologically Sustainable Development

- Clarify the incentive for improved BASIX targets where additional floor space or height is awarded.
- Require all development within Tower Cluster Areas utilising the bonus floor space provisions to achieve best practice NABERS energy.

Savings and Transitional Provisions

- Introduce savings and transitional provisions for concept approvals and development applications lodged, but not determined.

Outline of proposed amendments to Sydney Local Environmental Plan 2012

In summary, the Planning Proposal will amend the LEP planning controls that fall within the following four categories:

A. ZONING

- Amendment to B8 Metropolitan Zone objectives
- Amendment to RE1 Public Recreation Zone objectives

B. DENSITY AND LAND USES

- Amendment to Clause 6.3 – Additional floor space in Central Sydney
- Amendment to Clause 6.4 - Accommodation floor space
- New subclause in Clause 6.21 - Design Excellence

C. HEIGHT

- Amendment to Clause 4.3(1)(c) - Height of buildings objective
- Amendment to Clause 6.17(1) – Sun access planes objectives
- Amendment to Clauses 6.17(5) to 6.17(19) – Sun access planes descriptions
- Remove Clause 6.18 – Exceptions to Sun Access Planes
- Amendment to Clause 6.19 – Overshadowing of certain public places
- Replacement of Clause 6.16 - Erection of tall buildings in Central Sydney
- New Clause titled 'Preservation of Key Public Views'.
- Height increase to 110m on certain sites within Central Sydney's western edge in 'Area 3'

D. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- New Clause 7.26 – Ecologically Sustainable Office Development

E. SAVINGS AND TRANSITIONAL PROVISIONS

- Amendment to Clause 1.8A - Savings provisions relating to development applications

Detailed explanation of proposed amendments to Sydney Local Environmental Plan 2012

A. ZONING

Central Sydney is predominantly governed by two land use zones: the B8 Metropolitan Centre Zone and the RE1 Public Recreation Zone. The objectives of the zones provide certainty to the community about the intent of the zone and the desired future role and form of the area.

It is proposed to strengthen and update the existing zone objectives in the LEP for these two zones to ensure that the objectives are aligned with the *Draft Central Sydney Planning Strategy*. The proposed changes are primarily aimed towards promoting employment uses in Central Sydney, and to reinforce the important role that high-amenity public space and public places play in a global city.

The proposed amendments aim to deliver the following priority actions in the *Draft Central Sydney Planning Strategy*:

- *Strengthen and update zone objectives in the LEP to reinforce the important role that employment floor space plays in a global city.*
- *Strengthen and update zone public recreation zone objectives in the LEP to highlight the importance of sun access to these spaces in regards to their amenity and usability and the contribution sun lit public space plays in maintaining Sydney's status as a global city.*

Proposed Amendments

A draft of the intended revisions to zone objectives (or words to the same effect) is shown below. Additions are shown in **bold italics** and deletions in ~~strike through~~. Existing objectives that are mandated by the Standard Instrument and other objectives not proposed to change are shown in red.

B8 Metropolitan Zone

- ~~To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.~~
- ~~To provide opportunities for an intensity of land uses commensurate with Sydney's global status.~~
- ~~To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.~~
- ~~To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.~~
- ~~To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.~~
- ***To promote uses with active street frontages within podiums that contribute to the vitality, life and existing character of the street.***
- ***To promote the efficient and orderly development of land in a compact urban centre.***
- ***To promote a diversity of commercial opportunities varying in size, type and function, including new cultural, social and community facilities.***
- ***To recognise and reinforce the important role that Central Sydney's public spaces, streets and their amenity play in a global city.***
- ***Promote the primary role of the zone as a centre for employment and permit residential and serviced apartment accommodation where they complement employment generating uses.***

RE1 – Public Recreation Zone

- ~~To enable land to be used for public open space or recreational purposes.~~
- ~~To provide a range of recreational settings and activities and compatible land uses.~~
- ~~To protect and enhance the natural environment for recreational purposes.~~
- ~~To provide links between open space areas.~~
- ~~To retain and promote access by members of the public to areas in the public domain including recreation facilities and waterways and other natural features.~~
- ***To protect sun access to publicly accessible land.***

B. DENSITY AND LAND USES

Central Sydney Local Environmental Plan 1996 first introduced the award of *accommodation floor space* in addition to a 'base' amount of allowable floor space to incentivise both employment generating and residential land uses. This system remains in the existing controls in the LEP - which includes a 'base' of FSR 8:1 in most of Central Sydney. At the time of its introduction, the incentive markedly improved the feasibility of residential development relative to commercial projects in Central Sydney. This supported the policy objective at the time to ensure Central Sydney would become a mixed use precinct.

While residential development was once only viable in particular circumstances and areas, such as the adaptive re-use of heritage warehouses, the conversion of commercial office buildings at the fringe of Central Sydney, and sites with perceived poor amenity south of Park Street, residential developments are now moving into the heart of Central Sydney to occupy traditionally prime commercial office sites. To address the replacement of commercial floor space by residential accommodation and serviced apartment floor space, Central Sydney controls require recalibration to ensure commercial development remains attractive and competitive, that commercial precincts remain predominately commercial in character, and that opportunities to meet state and local employment targets are retained.

It is proposed to remove the floor space incentive (accommodation floor space) for residential and serviced apartment development, while continuing to incentivise employment uses.

In December 2019, the NSW Government and the City agreed in-principle to a new design excellence bonus pathway for up to 50 per cent more floor space and additional height for development in four tower cluster areas where the development demonstrates design excellence and meets the intent of the draft Strategy.

The *Draft Central Sydney Planning Strategy* identifies areas suitable for taller towers under an environmental height terrain map generated by solar access protections to key public parks and spaces. The areas suitable for tower clusters are located near Barangaroo, Circular Quay, Central and Town Hall. These areas provide for additional employment floor space capacity above existing controls, while maintaining solar access to public parks and places.

This planning proposal delivers a pathway for additional employment capacity to be delivered in the tower cluster areas. The additional density is subject to delivery of design excellence and enables up to an additional 50 per cent floor space.

Proposed amendments to floor space ratio provisions will deliver the following density and land use objectives of the key moves and priority actions identified the *Draft Central Sydney Planning Strategy*:

- Provide an additional incentive to development within the Western Edge precinct where there are opportunities for additional capacity, by increasing eligibility for additional floor space by an amount equivalent to FSR 0.5:1
- Provide an incentive for residential accommodation development to deliver higher BASIX targets
- Introduce new land use controls in the LEP that will promote the growth of employment floor space in certain areas.
- Provide a clear framework for additional employment growth, subject to criteria.
- Ensure opportunities for growth deliver employment floor space.
- Describe a process for determining higher potential floor space ratios
- Ensure the highest level of design skill is leveraged through the competitive process for sites in Central Sydney.
- Provide an incentive for the provision of innovative open-access loading docks or shared servicing facilities

Proposed Amendments

Clause 6.3 – Additional floor space in Central Sydney

Objectives

The objective of the proposed amendments to this clause is

- a) To include an incentive for residential accommodation development to comply with higher BASIX targets in Central Sydney;

Approach

Include a new clause after the current provisions of clause 6.3 that links additional floor space to the delivery of a higher BASIX requirement. This additional floor space to be granted, exceeding the maximum floor space ratio on the Floor Space Ratio Map, for achieving a higher BASIX requirement.

The above could be expressed in the LEP by replacing existing clause 6.3 with the following (or with wording to the same effect):

6.3 Additional floor space in Central Sydney

(1) Despite Clause 4.4, the gross floor area of a building on land in Central Sydney may exceed the maximum permitted as a result of the floor space ratio shown for the land on the Floor Space Ratio Map by an amount no greater than the sum of any one or more of the following for which the building may be eligible:

- (a) any accommodation floor space,*
- (b) any amount determined by the consent authority under clause 6.21(7)(b),*
- (c) any car parking reduction floor space, end of journey floor space, entertainment and club floor space, lanes development floor space or opportunity site floor space.*

(2) Before granting development consent to a development that includes BASIX affected development for additional floor space referred to in (1), the consent authority must be satisfied that any part of the building that is BASIX affected is to be rated at 5 BASIX points above the State-mandated target for water and 10 BASIX points above the State-mandated target for energy.

Clause 6.3 – Additional floor space in Central Sydney

Objectives

The objective of the proposed amendments to this clause is:

- a) To provide opportunities for employment growth in identified tower cluster areas, subject to criteria;

Approach

Include a new sub-clause in the current provisions of clause 6.3 linking additional floor space to the opportunity for additional employment floor space under a specified design excellence process.

A new opportunity for additional floor space, above the maximum permitted on the Floor Space Ratio Map, is provided for employment floor space under a design excellence process. The clause will clarify that only one pathway for design excellence is applicable to a development.

The above could be expressed in the LEP by replacing existing clause 6.3 with the following (or with wording to the same effect):

6.3 Additional floor space in Central Sydney

Despite Clause 4.4, the gross floor area of a building on land in Central Sydney may exceed the maximum permitted as a result of the floor space ratio shown for the land on the Floor Space

Ratio Map by an amount no greater than the sum of any one or more of the following for which the building may be eligible:

(a) any accommodation floor space,

(b) any amount determined by the consent authority under clause 6.21(7)(b),

or clause 6.21 (7A)

(c) any car parking reduction floor space, end of journey floor space, entertainment and club floor space, lanes development floor space or opportunity site floor space.

Clause 6.4 - Accommodation floor space

Objectives

The objectives of the proposed amendments to this clause are:

- a) Encourage more enterprise and employment generating uses in Central Sydney by removing the residential accommodation and serviced apartments bonus.
- b) To provide an additional incentive to development within the western edge of Central Sydney where there are opportunities for additional capacity, by increasing eligibility for additional floor space by an amount equivalent to FSR 0.5:1; and
- c) To retain the existing heritage floor space system as it currently applies, meaning there will be no requirement for the allocation of heritage floor space to the proposed additional floor space under the proposed enhanced design excellence, up to an additional 50 per cent of mapped and accommodation floor space 6.21 (7A) .

Approach

To achieve the above objectives it is proposed to amend **accommodation floor space** by:

- a) Removing incentives for residential accommodation and serviced apartments uses in all areas. This encourages more employment floor space development.
- b) Increasing the eligible amount of additional floor space for office premises, business premises or retail premises from 2:1 to 2.5:1 for Area 3.
- c) Increase the eligible amount of additional floor space for hotel or motel accommodation, community facilities or centre-based child care facilities from 3:1 to 3.5:1 in Area 3.

e)d) Include additional employment generating uses to align with those of the proposed Tower Cluster Areas, for inclusion in the accommodation floor space provisions, while maintaining the additional accommodation floor space bonus for hotels, community facilities and centre based child care.

The above could be expressed in the LEP with the following (or with wording to the same effect):

6.4 Accommodation floor space

(1) A building that is in an Area, and is used for a purpose specified in relation to the Area in paragraph (a), (b), (c), (d), (e), (f) or (g), is eligible for an amount of additional floor space (accommodation floor space) equivalent to that which may be achieved by applying to the building the floor space ratio specified in the relevant paragraph—

(a) Area 1, hotel or motel accommodation, community facilities or centre-based child care facilities—6:1,

(b) Area 1, office premises, business premises, retail premises, educational establishment, entertainment facility, function centre, information and education facility, light industry or health services facility, ~~residential accommodation or serviced apartments~~—4.5:1,

(c) Area 2, ~~office premises, business premises, or retail premises,~~ educational establishment, entertainment facility, function centre, information and education facility, light industry or health services facility—4.5:1,

(d) Area 2, ~~residential accommodation, serviced apartments,~~ hotel or motel accommodation, community facilities or centre-based child care facilities—6:1,

(e) Area 3, ~~office premises, business premises, or retail premises,~~ educational establishment, entertainment facility, function centre, information and education facility, light industry or health services facility—~~2:1~~ 2.5:1,

(f) Area 3, ~~residential accommodation, serviced apartments,~~ hotel or motel accommodation, community facilities or centre-based child care facilities—3.5:1,

(g) Area 4, ~~residential accommodation, serviced apartments,~~ hotel or motel accommodation, community facilities or centre-based child care facilities, **office premises, business premises, or retail premises,** educational establishment, information and education facility, entertainment facility, function centre, light industry or health services facility—1.5:1.

(2) The amount of additional floor space that can be achieved under a paragraph is to be reduced proportionally if only part of a building is used for a purpose specified in that paragraph.

(3) More than one amount under subclause (1) may apply in respect of a building that is used for more than one purpose.

New subclause 6.21(7A) (Design Excellence – Tower Clusters)

Objectives

The objectives for the amendment are:

- a) for the ongoing provision of employment and other non-residential floor space to meet Central Sydney's employment needs, necessary to maintain Sydney's role in the global economy;
- b) to prevent employment growth in Central Sydney being impeded by a lack of new development for employment and other non-residential uses; and
- c) to ensure growth sites demonstrate design excellence with particular attention to the principles of ecologically sustainable development, environmental impacts, high quality public domain and city skyline.

Approach

A new design excellence bonus pathway is proposed which will provide for up to 50 per cent more floor space for development located in the four tower cluster areas, shown in Figure 8. Development will need to demonstrate design excellence through an architectural design competition, and deliver employment generating floor space.

The clause is available to all development within the tall tower cluster areas, including buildings above 55 metres in height, including change of use, alterations and additions in a tower cluster area.

Sites identified in the tower cluster areas may opt to enter a specified design excellence process. The process is outlined in the City of Sydney Competitive Design Policy. All development opting into the process must meet the following criteria:

- The site must have an area greater than 2,000sqm. The site area must not include heritage items, public places and open spaces.
- The proposed tower must be entirely for employment floor space.
- Completion of an architectural design competition.

This new provision would relate to other parts of the LEP in the following way:

- Any additional floor space under the specified design excellence process is not subject to Heritage Floor Space.
- A proposed tower may exceed the maximum height shown for the land on the Height of Buildings Map, but must not exceed any sun access controls and aircraft operations related controls.
- A building is eligible for either up to 10% additional floor space under 6.21(7) or up to 50% additional floor space under 6.21(7A) informed by the considerations at 6.21(4).
- This new provision will not be subject to variation under the LEP Clause 4.6 - Exceptions to development standards. Accordingly it will be listed in Clause 4.6(8).

The above objectives and approach may be expressed in the LEP by inserting a new subclause within clause 6.21 with wording which has the same effect of the following.

New subclause 6.21(7A)

(7A) A building demonstrating design excellence in a tower cluster area-

(a) must-

- a. be located in a tower cluster area on the Locality and Site Identification Map;***
- b. The unencumbered area of the subject site must be greater than 2,000 square metres, excluding areas of the site that are occupied by:***
 - i. heritage items;***
 - ii. public places (streets, lanes, parks, squares, areas above or below major infrastructure like railway bridges, viaducts); and***
 - iii. other open spaces, e.g. valued private open spaces, easements, common access, lane; and***
- c. contain or proposes only Commercial Premises, Centre-based child care facilities, Community facilities, Educational establishment, Entertainment facilities, Function centres, Health Services facility, Hotel or motel accommodation, Information and education facilities, Light industries and ancillary uses such as parking, utilities and storage.***
- d. be a winner of an architectural design competition.***

(b) is not eligible for additional floor space under 6.21(7)(b).

(c) A building demonstrating design excellence in a tower cluster area under (a) is eligible for an amount of additional floor space, to be determined by the consent authority, of up to 50% of—

- (i) the amount permitted as a result of the floor space ratio shown for the land on the Floor Space Ratio Map, and***
- (ii) any accommodation floor space for which the building is eligible under Division 1.***

(d) In determining the proportion of additional floor space to approve under (c) the consent authority must consider the matters listed at (4).

(e) A building demonstrating design excellence in a tower cluster area under (a) may have a building height that exceeds the maximum height shown for the land on the Height of Buildings Map, but must not exceed any sun access controls, public view protections or aircraft operations related controls.

(f) In this subclause—

Tower Cluster Area means an area identified as a Tower Cluster Area on the Locality and Site Identification Map.

Dictionary

City of Sydney Competitive Design Policy means the City of Sydney Competitive Design Policy adopted by the Council on ~~9 December 2013~~ Day Month 2020.

New subclause 6.XX Shared loading Dock facilities

The purpose of the proposed amendment is to provide an incentive for the provision of innovative open-access loading docks or shared servicing facilities.

With space on street for loading and servicing becoming increase

These facilities will be capable of accommodating demand from new developments while also servicing the surrounding area, including for example existing heritage sites and small sites which may not have on site parking servicing or loading facilities.

Objective:

This amendment is to provide an incentive for the provision of innovative open-access loading docks or shared servicing facilities.

Approach:

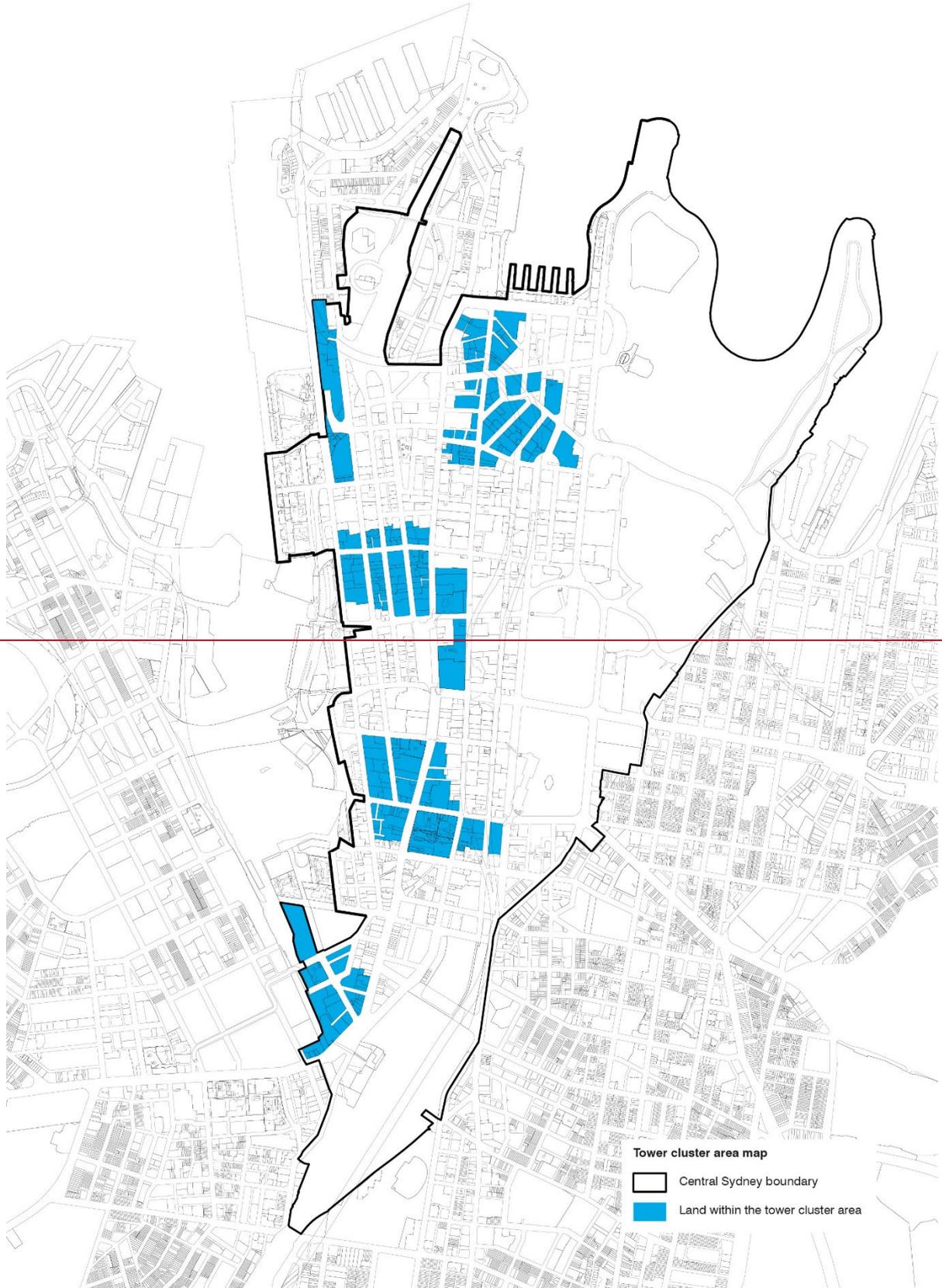
These facilities will be capable of accommodating demand from new developments while also servicing existing heritage sites and small sites which may not have on site parking servicing or loading facilities.

The amendment will provide for additional floor space associated with the provision of these facilities, as a bonus to encourage their provision.

plain English –

Development on land in Central Sydney that results in the use of any part of a basement of a building being used for an open access or shared loading dock facility to service beyond the development in the vicinity is eligible for an amount of additional floor space (shared loading dock facility space) equal to the area provided.

Dictionary – Shared loading dock facility space



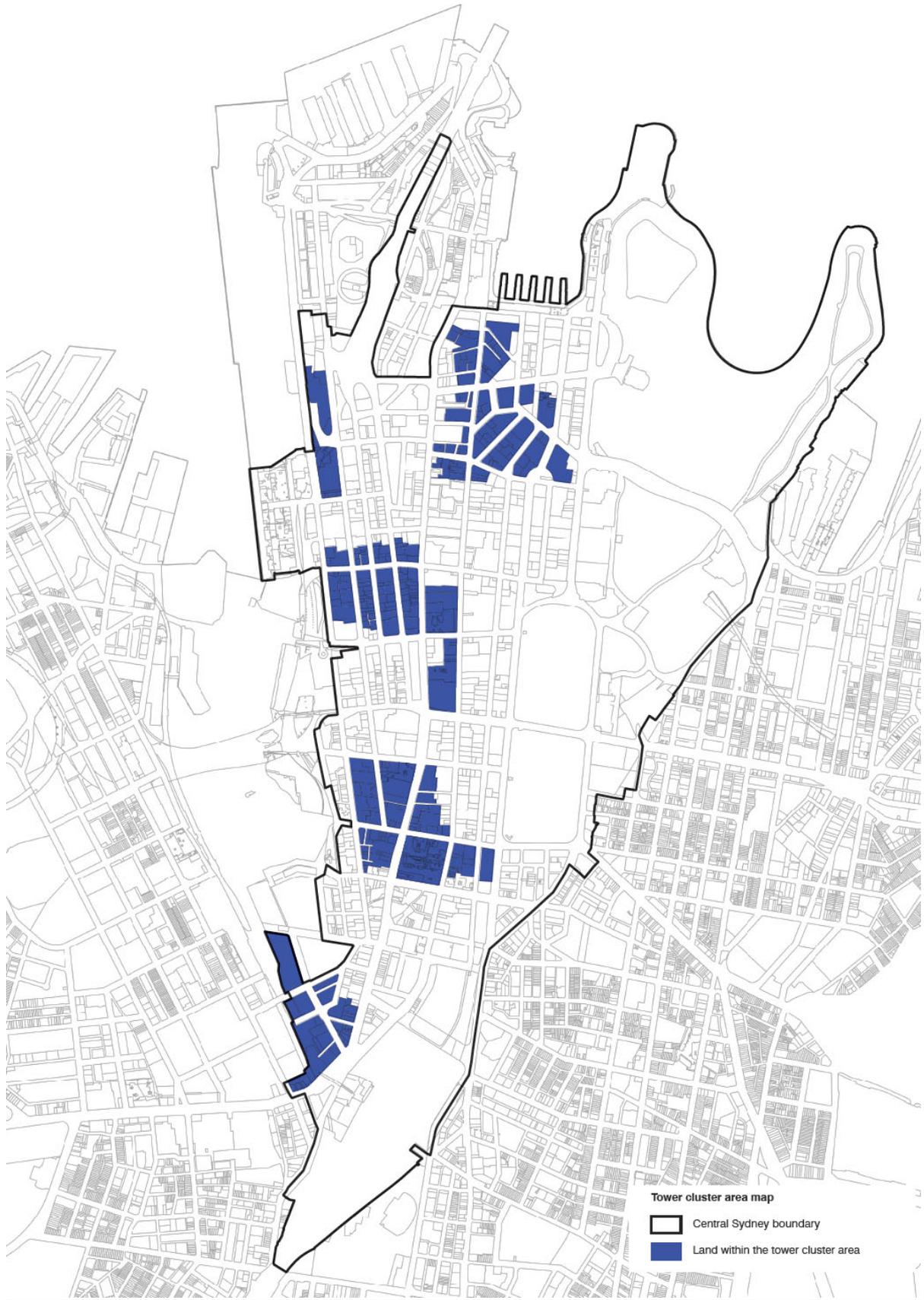


Figure 8: Tower cluster area map

C. BUILDING HEIGHT

A key approach for promoting the enjoyment of parks and other public spaces is to protect their access to direct sunlight, particularly during the middle of the day when it is most critical for public enjoyment and plant growth. This is best achieved through attention to building heights and the skyline.

Redevelopment of sites also needs to ensure adequate light and air to public places, minimise impacts on private outlook, and not unreasonably prevent neighbouring sites from future redevelopment. Appropriate heights and setbacks of buildings achieve good levels of public domain amenity in terms of light and shadow. The larger the site, the easier it is to accommodate adequate setbacks and outlook. Provision of adequate outlook provides for appropriate internal amenity.

In response to the recommendations of the *Central Sydney Height of Buildings Study*, a number of changes are proposed to *Division 3 Height of buildings and overshadowing* of the LEP. This will ensure their accuracy, continued efficacy, and ensure alignment with objectives in the LEP relating to sun access.

Proposed amendments to provisions that manage the height of buildings in the LEP will deliver the following actions in the *Draft Central Sydney Planning Strategy*:

- Revise and update Sun Access Plane controls to improve accuracy and levels of protection of important public parks and places.
- Introduce controls in the LEP that will protect significant, new and planned public places that require protection as Central Sydney grows.
- Continue to protect important public places subject to No Additional Overshadowing controls in the LEP, except in cases where the controls provide negligible benefit.
- Remove 'Exceptions to sun access planes' provisions from the LEP.
- Strengthen controls in the LEP to ensure that tall buildings are suited to their site size and context.
- Strengthen controls in the LEP ensure that tall buildings do not adversely impact the amenity of the City's streets, parks and public spaces.
- Link building heights to setbacks and outlook.
- Strengthen controls in the LEP to ensure that outlook is protected within the boundaries of a site, rather than private views.
- Limit the height of buildings to 55 metres on sites smaller than 1,000 square metres.
- Provide for an increase in height for some sites along the Western Edge from 80 metres to 110 metres.
- Identify and map significant views from public places and construct view planes to preserve and protect these views.
- Prepare an approach to allow additional height for employment related development within identified tower cluster areas.

Amendment to Height of Buildings Objectives

In Central Sydney's dynamic and dense development environment, certainty for the protection of internal amenity such as sunlight and views cannot be guaranteed. The maintenance of private views should not unduly restrict the economic performance and economic growth of Central Sydney, where proposed development has demonstrated compliance with the LEP, in relation to height and FSR, and development control plan provisions. This is especially the case for proposed employment related developments that impact on existing residential and serviced apartment developments.

Clause 4.3(1) – Height of buildings

Approach

Clause 4.3(1)(c) in the LEP is an objective “to promote the sharing of views” that applies across the City of Sydney local government area. It is proposed to modify this objective to clarify that view sharing and protection of private views will only be promoted outside of Central Sydney where this can be reasonably achieved.

Suggested wording to address the objectives and to detail the intent of the clause. (subject to legal drafting)

Amended Clause 4.3(1)(c)

(c) To promote the sharing of views (outside of Central Sydney).

Amendments to Sun Protection (‘Sun Access Planes’ and ‘No Additional Overshadowing’) Controls

Maintaining sunlight to important public parks and places is a critical principle that underpins the current controls that moderate building height in Central Sydney. Two sun protection control mechanisms have been developed for Central Sydney to limit heights as is necessary in order to protect sunlight into important public parks and places. They are Sun Access Planes (SAP) and No Additional Overshadowing to Certain Public Places Controls (NAO).

As Central Sydney continues to grow, there is increasing pressure on height limits from new development. In response to this, the intent and efficacy of the existing Sun Protection Controls in maintaining or improving sunlight to protected parks and places have been reviewed as part of the *Central Sydney Height of Buildings Study*. This study is Appendix C to The *Draft Central Sydney Planning Strategy* at Attachment 1 to this Planning Proposal. Further detailed analysis is also included in Appendix M of the *Draft Central Sydney Planning Strategy – Solar Access: Detailed Provisions*.

The study shows that direct sunlight in all the protected parks and places is important to ensure that they continue to be well used by workers, residents and visitors. Analysis indicates that people’s use and enjoyment of parks and places has a direct relationship with the extent of direct sunlight. People typically seek out the sun throughout most of the year, only seeking shade in public places over a short period within summer. It is therefore necessary to retain and strengthen the Sun Protection Control framework to ensure continued enjoyment of important parks and public places in Central Sydney.

The *Commonwealth Airports Act 1996* details prescribed airspace declared by the Australian Government as an area “...in the interests of the safety, efficiency or regularity of existing or future air transport operations into or out of an airport for the airspace to be protected.”

Both the Obstacle limitation surface (OLS) and the procedures for air navigation services – aircraft operations (PAN-OPS) surfaces are monitored and enforced by the Commonwealth Department of Infrastructure, Transport and Regional Development. Referencing their requirements generally will ensure the information remains accurate and under the direct control of the relevant Government Agency.

It is also important to ensure that where existing buildings currently penetrate the sun access plane, the controls enable these buildings to be suitably maintained and refurbished. The prohibitionsun access plane control should not limit the ability for necessary maintenance or refurbishment being carried out, and the controls will need to enable this approach. However it should be clear that additions would not be permitted.

Objectives

The objectives of the proposed amendments to the LEP are to ensure that:

- all parks potentially overshadowed by tall buildings in Central Sydney are protected by sun access planes and no additional overshadowing controls during critical time periods throughout the year, including parks that may lie outside the Central Sydney boundary;
- sunlight to significant new and planned future important public parks and places are protected by sun access planes or no additional overshadowing controls;
- sun access planes are constructed as a consolidated set of connected planes so that there are no gaps or overlaps between separate planes protecting the same space;
- sun access planes fully protect sun access throughout the year and during designated times by adding 'tails' to their southern edge;
- ambiguity is removed when multiple sun access planes protect the same place.
- no additional overshadowing controls is removed if it protects a place where sunlight access is already significantly compromised.

Approach

The proposed changes are summarised below. Reference should be made to the *Central Sydney Height of Buildings Study* and *Solar Access: Detailed Provisions* attached to the *Draft Central Sydney Planning Strategy* (as referenced above) for a detailed rationale and the technical analysis that has informed the amended controls.

Clause 6.17(1) (Objectives for Sun Access Planes)

Add the following objectives to this clause:

(c) to protect and improve sunlight to important public parks and places within and near Central Sydney throughout the year, and during periods in the day when they are most used.

Clause 6.17 (2) below, should be updated to reflect provide the ability to grant development consent for maintenance and refurbishment in buildings that currently penetrate the sun access plane, but not permit additions above the Sun Access Plane.

6.17 (2) The consent authority must not grant development consent to development on land if the development will result in any building on the land projecting higher than any part of a sun access plane taken to extend over the land, under this clause.

Clause 6.17(5) to 6.17(19) (Refinement of Sun Access Planes)

Sun Access Planes are to be refined in accordance with Diagrams in Appendix M of the *Draft Central Sydney Planning Strategy* at Attachment 1 to this Planning Proposal. The diagrams relevant to each protected Park or Place are referenced in Table 2 below. The descriptions are to accurately reflect the technical details and coordinates of the diagrams for each Sun Access Plane.

In summary, this requires that Clauses 6.17(5) to 6.17(19) in the LEP are replaced to achieve the protection for parks and places as described in the columns of Table 2 below.

	Park or Place	Intended period of protection	Intended times of protection	Appendix M Reference
1	The Royal Botanic Gardens	all year	9am-2pm	M_01

	Park or Place	Intended period of protection	Intended times of protection	Appendix M Reference
2	The Domain	all year	9am-2pm	M_02
4	Wynyard Park	all year	12 noon-2pm	M_03
5	Lang Park	all year	12 noon-2pm	M_04
6	Hyde Park	all year	10am-2pm	M_05 and M_06
7	Belmore Park	all year	10am-2pm	M_07
8	Prince Alfred Park	all year	10am-2pm	M_08 and M_09
9	Harmony Park	all year	10am-2pm	M_10
10	Macquarie Place	outside the winter months	10am-12pm	M_12
11	Martin Place	outside the winter months	12 noon-2pm	M_13

Table 2 – Summary of Sun Access Planes provisions in Central Sydney

Clause 6.18 – Exceptions to Sun Access Planes

As a result of the new sun access plane provisions proposed above, Clause 6.18(1)(a) is now redundant and is to be removed.

Clauses 6.18(1)(b) and 6.18(1)(c) are also to be removed because they do not meet the new proposed objective for Sun Access Planes (i.e. *to protect and improve sunlight to important public parks and places within and near Central Sydney throughout the year, and during periods in the day when they are most used*). The removal of clauses 6.18(1)(b) and 6.18(1)(c) leads to the definitions in clauses 6.18(2) now being redundant. The clause will be repealed.

The City's analysis has found that development of 'Category A' sites will not align with new proposed B8 Metropolitan Zone objectives for Central Sydney. In some circumstances application of Clause 6.18 as it relates to 'Category A' land may result in a reduction of commercial floor space. This is contrary to the proposed zone objective of recognizing important role that public spaces and their amenity play in a Global city.

The City's analysis has also found that there are several more 'Category B' sites than are currently identified in the LEP and that inaccuracies exist in the current mapping of these sites. The outcome of this is that development may result in additional overshadowing.

Where a development already exceeds a Sun Access Plane and wishes to redevelop in any configuration other than complying with the Sun Access Plane, it will be facilitated through a site specific planning proposal with the aim of seeking an improvement to existing conditions.

Clause 6.19 – Overshadowing of certain public places

- Amend 'No Additional Overshadowing' controls by: removing listed places that are protected by existing or proposed sun access planes; removing a listed place that is substantially overshadowed by existing development and provides negligible public benefit (i.e. Chifley Square); adding a new place to be protected at all times (i.e. Future Town Hall Square); and revising the time periods that 'No Additional Overshadowing' controls apply.
- No Additional Overshadowing controls are to be refined in accordance with Diagrams in Appendix M of the *Draft Central Sydney Planning Strategy* at Attachment 1 to this Planning Proposal. The diagrams relevant to each protected Park or Place are specified in the last column of Table 3 below.

This requires that clause 6.19 *Overshadowing of certain public places* is replaced by a clause that includes provisions comprising of the following:

(1) Objectives:

(a) *to protect and maintain sunlight to valued public places that are used as areas for passive recreation by Central Sydney's workforce and visitors, and the wider community.*

(b) *To protect significant, new and planned public places that require protection as Central Sydney grows.*

(2) Provisions which protect parks and places as described in Table 3 below during the specified dates and times:

	Park or Place	Intended period of protection	Intended times of protection	Appendix M Reference
1	Macquarie Place	14 April – 31 August	10-2pm	M_27
2	Martin Place (block containing the GPO)	14 April – 31 August	12-2pm	M_28
3	Pitt Street Mall	14 April – 31 August	10-2pm	M_29
4	Australia Square Plaza	14 April – 31 August	12-2pm	M_30
5	First Government House Place	14 April – 31 August	10-2pm	M_31
6	Sydney Town Hall Steps	14 April – 31 August	10.30-4pm	M_32
7	Sydney Square	14 April – 31 August	11-4pm	M_33
8	Future Town Hall Square	all year	12 noon to sunset	M_34

Table 3 – Protected Parks and Places

- (3) The Sun Access Protection Map is amended to reflect the protection of parks and places, during the dates and times described in Table 3. Refer to the Map Book at Attachment 2 of this Planning Proposal for this map.
- (4) For the purposes of this clause the Future Town Hall Square is to be treated as if it is a Public Place.

Amendment to tall buildings controls

Replacement of Clause 6.16 - Erection of tall buildings in Central Sydney

The City has prepared a discussion paper that provides the evidence base for the proposed amendments to Clause 6.16. Detailing the strategic and planning context, background to relevant controls, analysis of contemporary examples and a description of reoccurring issues and proposed amendments, the paper is at Appendix N.

Objectives

The objectives of this new clause are to ensure that tall buildings:

- (a) provide for good amenity to Public Places;
- (b) maximise active frontages;
- (c) require appropriate setbacks that allow light and air to permeate Public Places;
- (d) Require tall buildings to be appropriately separated from surrounding tall buildings;
- (e) provide for adequate outlook from the building;
- (f) Require tall buildings or buildings with an FSR greater than 8:1 to have an appropriate arrangement of height and floor space that responds to their site, surrounding development, heritage items in Special Character Areas and conservation areas and nearby Public Places;
- (g) are consistent in character with other tall buildings in Central Sydney that have towers set back on all sides (i.e. 'towers in the round'); and
- (h) regards to outlook and the efficient use of developable land within Central Sydney
- (i) provide for a satisfactory distribution of built form and high quality urban form.

Proposed Changes

Existing clause 6.16 in the LEP generally limits the height of buildings to 55 metres on sites that have an area of less than 800 square metres. Currently, exceptions to the 55 metre height limit may be allowed if the following (mostly discretionary) performance criteria are met by a building:

- (a) the building will have a freestanding tower each face of which will be able to be seen from a public place, and
- (b) the development will provide adequate amenity and privacy for occupants of the building and will not significantly adversely affect the amenity and privacy of occupants of neighbouring buildings, and
- (c) the ground floor of all sides of the building facing the street will be used for the purposes of business premises or retail premises.

The criteria above are mostly immaterial because remaining underdeveloped sites with an area under 1000 square metres in Central Sydney are unable to sustain a tall building unless significant compromises are made to the amenity of nearby public spaces, new building occupants, and to adjacent buildings.

Tall buildings on small sites with zero or minimal setbacks facing all streets in Central Sydney also potentially contribute to a 'secondary street wall' comprising of a continuous wall of towers.

A site area of 1,000 square metres has been demonstrated to be the minimum area that allows site dimensions to comfortably support appropriate setbacks above a street wall – as is necessary for a tall building to provide outlook; public place light and amenity; separation of bulk from neighbouring buildings; a high quality urban form and a high level of amenity to public spaces.

To strengthen clause 6.16 it is proposed to revise it as follows:

- To reflect the objectives (a) to (h) listed above.
- Proposals for all tall buildings will need to demonstrate that they can meet a set of prescribed performance criteria.
- The primary emphasis of the performance criteria is on providing for good amenity to public places and publicly accessible land, and, the provision of adequate outlook.
- Building height is to be limited to 55 metres on sites with an area of 1,000 square metres or less, or that cannot meet the performance criteria.
- The control will apply to all sites above 55m or with an FSR greater than the maximum floor space ratio shown on the Floor Space Map (i.e. 8:1).

Clause 6.16 will not be subject to variation under the LEP Clause 4.6 - Exceptions to development standards. Accordingly it will be listed in Clause 4.6(8).

Suggested wording to address the objectives and to detail the intent of the clause (subject to legal drafting).

6.16 Erection of tall buildings in Central Sydney

(1) The objectives of this clause are to ensure:

- (a) the satisfactory distribution of built form and development of floor space for tall buildings in Central Sydney;*
- (b) tall building setbacks will provide an appropriate level of amenity for Public Places and important publicly accessible places;*
- (c) tall buildings will maximise active public place frontages;*
- (d) tall buildings will provide adequate outlook for occupants of new buildings.*

(2) This clause applies to development involving the erection of a building on land in Central Sydney:

- (a) with a height greater than 55 metres above ground level (existing); or*
- (b) with a floor space ratio greater than the maximum floor space ratio shown on the Floor Space Map (i.e. 8:1).*

(3) Development consent must not be granted to a building subject to this clause unless the consent authority is satisfied that:

- (a) the building will not adversely impact on:*
 - (i) the wind conditions of Public Places and important publicly accessible places;*
 - (ii) key views from Public Places;*
 - (iii) the curtilage of heritage items;*
 - (iv) the setting and character of buildings and heritage items in conservation areas and Special Character Areas; and*
 - (v) the free movement of air that provides ventilation around tower forms.*
- (b) the building provides for high levels of:*
 - (i) sun and daylight access to Public Places and important publicly accessible places;*
 - (ii) outlook for the proposed development; and*

(iii) appropriate height transitions between new development and buildings and heritage items in conservation areas and Special Character Areas; and

(c) any building with a height greater than 55 metres and is on land having a site area of more than 1,000 square metres.

Amend Building Height Control on sites within Central Sydney's western edge

In order to effect the objectives and intended outcomes of this Planning Proposal, it is proposed to amend the LEP by increasing the existing maximum height limit of 80m to 110m on those sites along the Western Edge shown in Diagram 1 below.





Diagram 1 – Proposed 110 metre building height control on Central Sydney’s western edge

Providing an immediate increase in height controls on Central Sydney’s western edge will capitalise on the changing form and character of the area and the additional rail infrastructure committed to by the State government.

The additional height combined with existing density maximums will increase the feasibility of projects in this location and ensure that tall building outcomes achieved on appropriate sites provide for slim towers with satisfactory outlook, and sunlight and air for streets. Slimmer taller towers will also aid in the ability to preserve important heritage buildings in what is one of the most important collection of heritage buildings and warehouses in Central Sydney.

In response to landowner submissions the northerly most part of the western edge has been removed from the proposed height increase.

Protection of Public Views

The streets, parks and squares of Central Sydney provide multi-various views to pedestrians of the surrounding city, providing orientation and relief from the predominate sense of enclosure of buildings. A few of these views have a higher significance due to their association with significant public places and buildings.

Some significant views have been purposely composed; for example, the clock tower of Central Station was placed in the alignment of several streets. Others are important historically; such as the view from the signal station on Observatory Hill to the South Head Light house. And others are important because of their association with special places over a long period of time; for example the view of the sky at the ends of Martin Place including the silhouette of the GPO tower. These significant views from Public Places are worthy of preservation.

Provision should be made to ensure that where there is an existing building penetrating the view plane, development consent can be issued/granted for maintenance and refurbishment works, however additions will be prohibited.

Proposed new provisions that protect key public views will deliver the following priority action in the *Draft Central Sydney Planning Strategy*:

- Identify and map significant views from public places and construct view planes to preserve and protect these views.

New Clause - Protection of public views

Objectives

The objectives of this new clause are to ensure:

- (a) preservation of significant views from public places;
- (b) development does not encroach above *public view protection planes*; and
- (c) views from Observatory Hill to Sydney Harbour are protected.

Proposed Changes

It is proposed to include new controls in the LEP to preserve and protect the following important views from obstruction by tall buildings in Central Sydney.

1. From Broadway towards George Street and the Central Station clock tower;
2. From Martin Place to the western sky;
3. From Martin Place to the eastern sky; and
4. From Observatory Hill to Sydney Harbour; Vaucluse lighthouse; and Pennant Hills.

To ensure that the views listed above are protected, it is proposed to amend Division 3 in the LEP by inserting new provisions as follows:

6.XX Public View Protection Planes

Development consent must not be granted if the development will result in any building projecting higher than any part of a public view protection plane.

Where an existing building penetrates the view plane development consent can be granted for maintenance and refurbishment works.

*In this clause a **public view protection plane** is a triangular plane that is taken to extend over land to the horizon from a view point (A), through 2 control points (B and C), with each point described by:*

a. Central Station Clock Tower Public View Protection Plane

Point	X	Y	Z (RL)
A (View Point)	333731.1	6249246.8	17.5
B	334066.7	6249477.8	38.1
C	334105.7	6249407.2	38.1

b. Martin Place View of Western Sky Public View Protection Plane

Point	X	Y	Z (RL)
A (View Point)	334625.4 <u>334625.25</u>	6251054.8 <u>6251053.14</u>	34.5
B	333493.0 <u>333970.38</u>	6251114.7 <u>6251089.77</u>	107.0 <u>109.79</u>
C	333497.1 <u>333965.18</u>	6251192.4 <u>6251134.67</u>	107.1 <u>109.79</u>
<u>D</u>	<u>332515.91</u>	<u>6251171.12</u>	<u>277</u>
<u>E</u>	<u>332499.18</u>	<u>6251315.76</u>	<u>277</u>

c. Martin Place View of Sydney GPO Clock Tower

Point	X	Y	Z (RL)
A (View Point)	334356.2 <u>334346.35</u>	6251076.2 <u>6251077.94</u>	19.3 <u>19.50</u>
B	333482.7 <u>334142.51</u>	6250938.0 <u>6251032.77</u>	208.7 <u>69.71</u>
C	333502.9 <u>334147.55</u>	6251227.4 <u>6251113.73</u>	208.7 <u>69.71</u>
<u>D</u>	<u>333479.49</u>	<u>6250885.87</u>	<u>233.01</u>
<u>E</u>	<u>333501.00</u>	<u>6251230.12</u>	<u>233.01</u>

d. Martin Place View of Sydney Hospital Silhouette

Point	X	Y	Z (RL)
A (View Point)	334509.5	6251063.4	28.2
B	334850.1	6251093.0	78.5
C	334841.3	6250972.9	78.5

e. Sydney Observatory View to Macquarie Lighthouse at Vaucluse:

Point	X	Y	Z (RL)
A (View Point)	333961.3	6251970.0	46.7
B	341515.3	6253167.8	61.0
C	341293.7	6252361.7	86.0

f. Observatory Hill Rotunda View to Thompsons Corner and Observatory Park, Pennant Hills:

Point	X	Y	Z (RL)
A (View Point)	333951.1	6252019.0	41.6
B	319345.2	6264067.3	175.0
C	320664.0	6264975.2	189.0

6.XX Protection of Public Views from Observatory Hill Park

The objectives of this clause are to ensure the preservation of significant views from public places.

- (1) This clause applies to development that will increase the height of a building.*
- (2) Consent must not be granted to development if it encroaches on any existing view from Defined View Points described in sub clause 3 to Sydney Harbour described in sub clause 4.*
- (3) For the purposes of this clause Defined View Points are points A,B and C with co-ordinates:*

Point	X	Y	Z (RL)
A (View Point)	333951.1	6252019.0	41.6
B (View Point)	333887.4	6251884.4	39.8
C (View Point)	333902.0	6252030.0	40.7

- (4) For the purposes of this clause **Sydney Harbour** is all waters bounded by mean high water mark and lying within a geographic area defined by four bounding points with the coordinates:*

Point	X	Y
A	333260.4	6253145.6
B	334554.6	6253023.7

C	334432.9	6251729.4
D	333138.7	6251851.1

Note: For clarification the coordinates and planes will be shown diagrammatically in SDCP2012. These diagrams are included in Section 4 of the *Draft Central Sydney Planning Strategy* at Attachment 1 of this Planning Proposal.

D. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Total energy use across buildings in Central Sydney is already decreasing, despite rapid economic growth. This is due to residents and businesses cutting back on energy use as prices rise, alongside an increased awareness of the benefits of energy efficiency. However, the full potential for Central Sydney's buildings is not being realised and requires a range of actions. The benefits of energy efficiency include reducing emissions, saving precious resources and the creation of jobs.

These proposed changes seek to establish base line provisions for Central Sydney in relation to ensuring everyday ecologically sustainable office development. These provisions should be the accepted minimum for office developments in Central Sydney, where office developments that seek additional floor space under Clause 6.21(7) should demonstrate a higher level of Ecologically Sustainable Development performance than those mandated by this provision.

Recent Development Control Plan amendments have successfully included provisions foreshadowed in the *Draft Central Sydney Planning Strategy*. As previously indicated in the City's *Draft Guideline for Site Specific Planning proposals*, where additional capacity is to be delivered it is anticipated these sites will deliver above mandatory requirements as the City has committed to net zero growth by 2050. As the City currently develops its pathway to net zero, where developments are utilizing additional opportunities for capacity, best endeavors to improve environmental performance are sought. This aligns with Key Move 6 of *Draft Central Sydney Planning Strategy*, and the following actions:

- Move towards a more sustainable city with planning controls that require best practice energy for growth sites to drive net zero energy outcomes.
- Include new provisions in regards to ecological sustainable development.
- Require all development within Tower Cluster Areas utilising the bonus floor space provisions to achieve best practice NABERS energy.

Clause 7.26 – Ecologically Sustainable Office Development

Objectives

The objectives of the proposed amendments are:

- (a) To improve the energy efficiency of buildings by reducing energy intensity per square metre.
- (b) To move towards a net-zero carbon precinct.
- (c) To reduce ongoing infrastructure costs.

Approach

Include a new Clause at 7.26.

The above could be expressed in the LEP by the following (or with wording to the same effect):

7.26 Ecological Sustainable Office Development

(1) *The design of buildings and building services for new developments in tower cluster areas within Central Sydney must take appropriate measures to ensure the development is capable of achieving best practice NABERS Energy with a Commitment Agreement.*

In this clause—

NABERS Energy rating (also known as the National Australian Built Environment Rating System Energy rating) means a star rating for the environmental performance of a building, given in accordance with the national rating system that determines building performance for the purpose of the Building Energy Efficiency Disclosure Act 2010 of the Commonwealth.

E. E. SAVINGS AND TRANSITIONAL PROVISIONS

Introduce savings and transitional provisions for concept approvals and development applications lodged, but not determined. This will provide clarity and certainty for those sites either with applications lodged or recently approved.

- Amendment to Clause 1.8A - Savings provisions relating to development applications

PART 3 – JUSTIFICATION

This section of the Planning Proposal provides the rationale for the amendment to the LEP and responds to questions set out in the document entitled *A guide to preparing planning proposals*, published by the Department of Planning and Environment in October 2016.

SECTION A – NEED FOR THE PLANNING PROPOSAL

Q1. Is the Planning Proposal a result of any strategic study or report?

Yes. This Planning Proposal responds to the Key Moves and Priority Actions recommended in the Draft *Central Sydney Planning Strategy*, which provides a strategic analysis of the planning controls that apply in Central Sydney. The *Draft Central Sydney Planning Strategy* forms Attachment 1 of this Planning Proposal. This also includes the Strategy's technical appendices.

A brief summary of the *Draft Central Sydney Planning Strategy*, and the technical studies that have informed it, is provided below.

Draft Central Sydney Planning Strategy

This is a 20-year review for business and residential development in Central Sydney. It revises previous planning controls and delivers on the City of Sydney's *Sustainable Sydney 2030* vision for a green, global and connected city.

The *Draft Central Sydney Planning Strategy* aims to facilitate the projected growth in Central Sydney to 2036 and beyond with 10 key moves.

- 1) Prioritise employment growth and increase capacity
- 2) Ensure new developments respond to their context
- 3) Consolidate and simplify planning controls
- 4) Provide pathways for new growth
- 5) Ensure infrastructure keeps pace with growth
- 6) Move towards a more sustainable Central Sydney
- 7) Protect, enhance and expand Central Sydney's heritage, public places and spaces
- 8) Ensure people can move around more easily

- 9) Promote design excellence
- 10) Monitor outcomes and respond to identified issues

These moves will be implemented in stages, with review and monitoring processes for each stage. Through the 10 key moves, the *Draft Central Sydney Planning Strategy* aims to balance opportunities for development in Central Sydney to meet the demands of growing numbers of workers, residents and visitors and their changing needs.

The *Draft Central Sydney Planning Strategy* provides opportunities for additional height and density in the right locations balanced with environmental sustainability and public open space initiatives, and it sets criteria for excellence in urban design. It also includes requirements for affordable housing, community facilities, open space and the essential services that help communities thrive, now to be delivered through other mechanisms outside the LEP.

Appendix A – Capacity Study

The study is an analysis of how much employment floor space can be developed within Central Sydney, where it can be developed and on what types of sites. The findings highlight some of the constraints for Central Sydney in the short to long term in regards to delivering additional employment floor space and introduce how a different approach may assist in unlocking some of the City's latent or constrained capacity.

Appendix B – Built Form Capacity Study

This study sets out potential additional height and floor space. Heights are limited by sun and international air safety obligations and maximum floor space is aligned with height and other built form controls.

Following the joint announcement this planning proposal includes the opportunity for additional height and floor space to be delivered through a design excellence bonus. While the mechanism differs to that originally anticipated under the *Draft Central Sydney Planning Strategy*, the outcome is consistent.

Appendix C – Height Study

This study reviews height of buildings applying to the city for efficacy against objectives of the existing controls. That is, intended city form and realised city form. It identifies places where additional height could be released, and reviews how that would affect the city form, measured against existing and historical city form objectives.

Appendix D – Street Frontage Height and Setback Study

The purpose of this study is to review the existing street frontage height and setback controls applying to the city for efficacy, giving consideration to existing conditions in the city.

Appendix E – Special Character Areas

This study reviews requirements in planning controls that apply to these areas. Desired future and existing character, heritage importance and recent development were considered on the evaluation of the applicability of the controls.

Appendix F – Sun Protected Public Spaces

A technical analysis of existing and potential sun protected places in and near Central Sydney. Prepared to inform proposed sun access plane and no additional overshadowing controls.

Appendix G – Street Sections

An urban design analysis of street sections within Central Sydney, focusing on street wall heights, heritage items and special character areas.

Appendix H – Open Space

This study summarises key information in the City's public domain study that relates specifically to Central Sydney.

Appendix I – Wind Study (CPP)

An analysis of wind conditions in Central Sydney with recommendations for mitigation strategies.

Appendix J – Tall Buildings (ARUP)

An international analysis of tall buildings and the cost, physical, environmental and ecological implications of increasing height.

Appendix K – Transport and Land Use Capacity (SGS)

This study has reviewed the projections made in the 1971 Strategic Plan and produced a new set of long term projections to help inform the *Central City Planning Strategy*.

Appendix L – Views Study

This study provides a review of the effect that future development will have on the overall form of the city as viewed from selected vantage points.

Appendix M – Solar Access: Detailed Provisions

This includes the detailed technical analysis informing proposed amendments to sun access plane, and no additional overshadowing controls.

Appendix N – Erection of Tall Buildings in Central Sydney

This study provides the strategic and planning context, background to relevant controls, analysis of contemporary examples and a description of reoccurring issues to support the proposed amendments.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This Planning Proposal is the preferred means of achieving the objectives and intended outcomes described in Part 1. Alternatives have been investigated, including the *Draft Guideline to Preparing Site Specific Planning Proposals* to deliver employment space growth.

In parallel with the Planning Proposal, the City has prepared an amendment to *Competitive Design Policy*. The Policy is consistent with the *Draft Central Sydney Planning Strategy* and outlines a process for sites within Central Sydney's tower cluster areas to achieve additional height and floor space balanced with the environmental outcomes sought by the *Draft Central Sydney Planning Strategy*. The City is also preparing a *Draft Contributions Plan* to support the sustainable growth of the city.

The Planning Proposal, Policy and *Draft Contributions Plan* work hand in hand to promote and coordinate the orderly and economic use and development of land in Central Sydney balanced with those attributes that make Sydney one of the world's most attractive cities.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Greater Sydney Region Plan: A metropolis of three cities

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 with a 40 year vision 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. The Region Plan identifies key challenges facing Sydney including a population increase of 3.3 million by 2056, 817,000 new jobs by 2036 and a requirement for 725,000 new homes over the next 20 years.

In responding to these and other challenges, the plan sets out four goals and ten directions:

- Infrastructure and collaboration – securing ‘a city supported by infrastructure’ and ‘a collaborative city’
- Liveability – achieving ‘a city for people’, ‘housing the city’ and ‘a city of green places’
- Productivity – creating ‘a well-connected city’ and ‘jobs and skills for the city’
- Sustainability – delivering ‘a city in its landscape’, ‘an efficient city’ and ‘a resilient city’

To achieve these goals and directions, the plan proposes 40 objectives, with 15 associated actions. Objectives of particular relevance to this planning proposal include:

Objective 1: Infrastructure supports the three cities;
Objective 4: Infrastructure use is optimised;
Objective 14: Integrated land use and transport creates walkable and 30-minute cities;
Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive;
Objective 18: Harbour CBD is stronger and more competitive;
Objective 22. Investment and business activity in centre;
Objective 24. Economic sectors are targeted for success;
Objective 31. Public open space is accessible, protected and enhanced;
Objective 33. A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change.

Eastern City District Plan

The NSW Government has prepared plans for each of the five districts that comprise the Greater Sydney area. The City of Sydney is in the Eastern City District. The District Plans set out how the Greater Sydney Region Plan will apply to local areas. They will influence the delivery of housing supply, inform and influence planning for business and jobs growth, particularly in strategic centres and inform the decision making for infrastructure planning.

The Eastern City District Plan, released in March 2018, identifies 22 planning priorities and associated actions that are important to achieving a livable, productive and sustainable future for the district, including the alignment of infrastructure with growth.

This planning proposal is consistent with the following planning priorities of the Eastern City District Plan:

Planning Priority E7. Growing a stronger and more competitive Harbour CBD

Action 24. Strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:

- a. further growing an internationally competitive commercial sector to support an innovation economy
- b. providing residential development without compromising commercial development
- c. providing a wide range of cultural, entertainment, arts and leisure activities

Action 25. Review as required, planning controls to facilitate economic activity to deliver on the job targets.

- Proposed changes to accommodation floor space will prioritise opportunities for the development of new employment floor space. This will enhance Sydney's global competitiveness.
- Proposed changes to zoning objectives will reinforce the important role of employment floor space and public recreational space in global Sydney.
- Re-balancing of land use mix controls will minimise the impact of residential floor space replacing floor space that is currently used for employment uses. This will provide an appropriate balance between residential and non-residential uses in Central Sydney.
- Proposed changes will increase building heights on Central Sydney's western edge. This has the potential to create an additional 40,000 square metres of office space. This equates to space for at least an additional 2,000 jobs.
- The proposed changes to accommodation floor space controls will provide more incentive for employment floor space, expanding the footprint of Central Sydney's commercial core (the City Core).

Planning Priority E11. Growing investment, business opportunities and jobs in strategic centres

Action 38. Provide access to jobs, goods and services in centres

- The focus of the proposed controls is to promote employment land uses in Central Sydney in order to maintain and enhance Central Sydney's substantial contribution to economic growth within the Global Economic Corridor.
- Proposed changes to accommodation floor space controls and land-use mix controls will increase opportunities for employment floor space in Central Sydney.
- The proposed controls are strongly aligned to State Government objectives to redevelop planned centres within the Global Economic Corridor, including those in close proximity to Central Sydney such as Central to Eveleigh and the Bays Precinct.
- Proposed land use mix controls will ensure that office developments continue to be concentrated in Central Sydney. This will stimulate investment and business activity, increase productivity and address land use conflicts arising from residential intrusions into Central Sydney's commercial core.
- Refining sun access controls to protect public parks and places will ensure that Central Sydney continues to be an attractive place to live, work and play; and continue to grow.

Planning Priority E13. Supporting growth of targeted industry sectors

- The Planning Proposal retains permissibility of all uses within the existing zones.
- Proposed changes to accommodation floor space clauses will provide opportunities for a more diverse mix of employment land uses.
- The Planning Proposal will strengthen the incentive for office premises, business premises, retail premises and hotel accommodation with residential and serviced apartment floor space no longer included as additional floor space in the calculation of accommodation floor space.

Planning Priority E1. Planning for a city supported by infrastructure

Action 3. Align forecast growth with infrastructure and Action 4. Sequence infrastructure provision using a place-based approach

In the 6 years from 2020-2025 (inclusive) Central Sydney is forecast to grow by almost 5,550 dwellings, over 11,800 residents and almost 29,000 workers.

This growing population will require additional or improved infrastructure to maintain Central Sydney's global attractiveness, efficiency and appeal to continue attracting jobs, visitors and investment.

The Planning Proposal is accompanied by the *Draft Central Sydney Development Contributions Plan 2020* to help fund the delivery of new public infrastructure, including open space, public domain improvements, community facilities and roads, traffic and transport facilities. These works are programmed for delivery in Appendix B to the Plan.

Local Strategic Planning Statement

This Local Strategic Planning Statement (the Planning Statement) reinforces the links between the NSW Government's strategic plans and the City's community strategic plan, Sustainable Sydney 2030, and the planning controls that guide development in our city.

The Planning Statement sets out:

- the 20-year vision for land use planning in the city;
- the basis or context for planning;
- the planning priorities and actions needed to achieve the vision; and
- the governance and monitoring of the priorities and actions.

The Planning Statement will guide future changes to the planning controls in the City's local environmental plan and development control plans (DCP). The Planning Statement may also inform other planning tools, such as contribution plans to ensure that local infrastructure is provided as the community's needs change.

This planning proposal is consistent with the following planning priorities and actions of the Planning Statement:

Priority P1: Growing a stronger, more competitive Central Sydney

Action P1.1: Prioritise and increase capacity for economic and employment growth in Central Sydney to contribute towards achieving the jobs target for the Harbour CBD.

Action P1.2: Provide an appropriate mix of land uses that support Central Sydney's role as the metropolitan centre and its visitor and night-time economies, including a range of retail, recreational, community, cultural and entertainment activities and hotel accommodation in the right locations.

Action P1.5: Finalise and implement the Draft Central Sydney Planning Strategy framework, including:

- a) prioritising and increasing capacity for employment and economic growth in Central Sydney through genuine mixed-use controls and refined height limits in key areas***
- b) protecting sunlight to important public spaces and parks***
- c) ensuring that development responds to context and enhances amenity for building occupants and people in the public domain (including outlook, daylight and wind) through setbacks and design excellence requirements***
- d) requiring best practice energy and water standards that contribute to net-zero energy outcomes***
- e) enhancing and protecting Central Sydney's diverse heritage characteristics***
- f) improving connectivity and enhancing and expanding Central Sydney's public places and spaces and pedestrian and open space network.***

This Planning Proposal gives full effect to Planning Statement actions P1.1, P1.2 and P1.5 as it:

- delivers increased capacity for economic and employment growth in Central Sydney to achieve jobs targets.
- provides for a mix of uses that support Central Sydney's role as Global City, Metropolitan centre, and visitor and night time economy destination.
- implements the *Draft Central Sydney Planning Strategy*.

Q4. Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

Sustainable Sydney 2030

The *Draft Central Sydney Planning Strategy* and the Planning Proposal directly respond to community consultation conducted in the preparation of the Sustainable Sydney 2030 program where the community asked the City to ensure that the City of Sydney remained a globally competitive and innovative city - where change and growth in the city centre was planned and that growth was balanced with those attributes that make Sydney one of the world's most livable cities.

Sustainable Sydney 2030 is the vision for sustainable development of the Local Government Area to 2030 and beyond. It includes 10 strategic directions to guide the future of the City of Sydney. Sustainable Sydney 2030 outlines the City's vision for a 'green', 'global' and 'connected' City of Sydney and sets targets, objectives and actions to achieve that vision.

Central Sydney is part of that green, global and connected city - a centre that is beautiful and interesting, supports a strong and growing economy, a sustainable environment and a diverse community. Sustainable Sydney 2030 recognises that the City must continue to create and maintain Central Sydney's prominent profile as a great place to live, work, study and visit.

The *Draft Central Sydney Planning Strategy* provides a planning framework that recognises the role of Central Sydney in the economic, cultural and social identity of the nation. This Planning Proposal is part of that framework and seeks to deliver on the Strategy's aims (below), consistent with the broad vision of Sustainable Sydney 2030, green, global and connected:

Green

- Promote sustainable buildings with great design and architecture;
- Create opportunities for beautiful parks and places;
- Enable the protection and adaption of our heritage;

Global

- Ensure a resilient and diverse economy;
- Promote efficient and effective transportation;
- Make efficient use of land;

Connected

- Support great streets;
- Result in a city for people; and
- Ensure strong community and service infrastructure is provided as growth occurs.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The consistency of the Planning Proposal with applicable State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (deemed SEPPs) is outlined in Table 5 below.

State Environmental Planning Policy (SEPP)	Comment
SEPP No 1—Development Standards	Consistent – The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 19—Bushland in Urban Areas	Not applicable.
SEPP No 21—Caravan Parks	Not applicable.
SEPP No 33—Hazardous and Offensive Development	Not applicable.
SEPP No 36—Manufactured Home Estates	Not applicable.
SEPP No 47—Moore Park Showground	Not applicable.

State Environmental Planning Policy (SEPP)	Comment
SEPP No 50—Canal Estate Development	Not applicable.
SEPP No 55—Remediation of Land	Consistent – The Planning Proposal does not propose to rezone land in Central Sydney. The Planning Proposal will not contradict or hinder the application of this SEPP.
SEPP No 64—Advertising and Signage	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Flat Development	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 70—Affordable Housing (Revised Schemes)	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Aboriginal Land) 2019	Not applicable
SEPP (Affordable Rental Housing) 2009	Consistent – The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The Planning Proposal provides an incentive for increased BASIX targets, consistent with the BASIX SEPP. Compliance with the BASIX SEPP will need to be demonstrated at the development application stage.
SEPP (Coastal Management) 2018	Not applicable
SEPP (Concurrences) 2018	Consistent – The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	Consistent – The Planning proposal will not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Gosford City Centre) 2018	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Infrastructure) 2007	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Koala Habitat Protection) 2019	Not applicable.

State Environmental Planning Policy (SEPP)	Comment
SEPP (Kosciuszko National Park— Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Primary Production and Rural Development) 2019	Not applicable.
SEPP (State and Regional Development) 2011	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (State Significant Precincts) 2005	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Three Ports) 2013	Not applicable.
SEPP (Urban Renewal) 2010	Not applicable.
SEPP (Vegetation in Non-Rural Areas) 2017	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
Regional Environmental Plan (REP)	Comment
Sydney REP No 9—Extractive Industry (No 2—1995)	Not applicable.
Sydney REP No 16 – Walsh Bay	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
Sydney REP No 20—Hawkesbury- Nepean River (No 2—1997)	Not applicable.

State Environmental Planning Policy (SEPP)	Comment
Sydney REP No 24—Homebush Bay Area	Not applicable.
Sydney REP No 26 – City West	Not applicable
Sydney REP No 30—St Marys	Not applicable.
Sydney REP No 33—Cooks Cove	Not applicable.
Sydney REP (Sydney Harbour Catchment) 2005	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.

Table 5 - Consistency with State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (deemed SEPPs)

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The Planning Proposal has been assessed against each Section 9.1 Direction. The consistency of the Planning Proposal with these directions is shown in Table 6 below.

No.	Title	Comment	Consistency
1. Employment and Resources			
1.1	Business and Industrial Zones	<p>The objectives of section 9.1 direction 1.1 are to encourage employment growth, protect employment land, and support the viability of strategic centres.</p> <p>The Planning Proposal is consistent with this direction because it aligns with the following relevant requirements of provision 1.1(4) of the direction as follows:</p> <p>It will give effect to the objectives of this direction;</p> <p>It will retain the areas and locations of existing business zones;</p> <p>It will not reduce the total potential floor space area for employment uses and related public services in business zones.</p>	Yes
1.2	Rural Zones	Not applicable	N/A
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable	N/A
1.4	Oyster Aquaculture	Not applicable	N/A

No.	Title	Comment	Consistency
1.5	Rural Lands	Not applicable	N/A
2. Environment and Heritage			
2.1	Environment Protection Zones	Not applicable	N/A
2.2	Coastal Protection	Not applicable	N/A
2.3	Heritage Conservation	<p>The objective this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>This Planning Proposal does not contain any provisions that specifically or directly facilitate heritage conservation as required by provision 2.3(4) of this direction.</p> <p>Notwithstanding, the environmental or indigenous heritage significance of Central Sydney is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to Central Sydney.</p> <p>The Planning Proposal does not contain provisions that contradict or would hinder application of this direction.</p>	Yes
2.4	Recreation Vehicle Areas	The Planning Proposal does not specifically provide for recreation vehicle areas.	Consistent
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	N/A
3. Housing Infrastructure and Urban Development			
3.1	Residential Zones	<p>This direction applies because the Planning Proposal will affect land within a zone in which significant residential development is permitted.</p> <p>The Planning Proposal does not contain provisions that contradict or would hinder the application of this direction, noting its application to the B8 Metropolitan Zone.</p> <p>However, removing residential uses from the accommodation floor space incentive provision and the proposed design excellence in a tower cluster area provision may increase the potential</p>	Minor inconsistency is justified based on alignment with strategic objectives for Region Plan and Central Sydney.

No.	Title	Comment	Consistency
		<p>for non-residential development on certain sites in Central Sydney.</p> <p>This is justified because the Planning Proposal is in accordance with relevant directions and actions of the Greater Sydney Region Plan and Eastern City District Plan addressed in detail elsewhere in this Planning Proposal.</p> <p>For metropolitan Sydney to retain its global city status, and Central Sydney its primacy as Australia's largest commercial office market, the <i>Draft Central Sydney Planning Strategy</i> asserts that it is critical that employment space losses are stabilised and employment growth is achieved in the medium to long term.</p>	
3.2	Caravan Parks and Manufactured Home Estates	This Planning Proposal does not identify zones for caravan parks and manufactured home estates.	Consistent
3.3	Home Occupations	The Planning Proposal does not contain provisions that contradict or would hinder application of this direction.	Consistent
3.4	Integrating Land Use and Transport	<p>The objectives of s9.1 direction 3.4 are to improve accessibility, increase transport options, reduce travel demand and dependence on cars, support public transport, and provide for efficient movement of freight.</p> <p>The Planning Proposal does not contain provisions that contradict or would hinder application of this direction.</p>	Consistent
3.5	Development Near Regulated Airports and Defence Airfields	<p>This direction applies to this Planning Proposal because the Planning Proposal <i>“will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.”</i></p> <p>The Planning Proposal seeks to increase the permissible building height from 80 to 110 metres on certain sites within the western precinct of Central Sydney, as identified on the Height of Building Map in the Map Book at Attachment 2 of this Planning Proposal.</p> <p>The land subject to this Planning Proposal is also affected by the Obstacle Limitation Surface (OLS). However, no proposed increase in height in the Planning Proposal (or any other proposed control) will allow development to exceed the OLS airspace level of 156 metres.</p>	Consistent

No.	Title	Comment	Consistency
		<p>The following requirements of this direction are relevant to this Planning Proposal:</p> <p><i>In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:</i></p> <p><i>(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,</i></p> <p><i>(b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,</i></p> <p><i>(c) for land affected by the OLS:</i></p> <p><i>(i) prepare appropriate development standards, such as height, and</i></p> <p><i>(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome</i></p> <p>The Planning Proposal is consistent with the above requirements as all of these have either been undertaken when preparing the Central Sydney Strategic Review; or are consistent with this Planning Proposal.</p> <p>In any case, the proposed controls are likely to be of minor significance. This is because current height controls in the LEP, and existing tower development in Central Sydney already significantly encroach the OLS. Therefore, the OLS is already largely encroached in this area and the draft LEP height control amendments is unlikely to impact to the OLS.</p> <p>Where a development application may affect the on-going operation of the Sydney (Kingsford-Smith) Airport, clause 7.16 of the Sydney LEP 2012 requires the consent authority to refer the application to the relevant Commonwealth agencies.</p> <p>This Planning Proposal should also be referred to the relevant agencies.</p> <p>Furthermore, the Planning Proposal is justified by the <i>Draft Central Sydney Planning Strategy</i> prepared in support of the Planning Proposal which gives consideration to the objective of the direction (pp. 139-140).</p>	

No.	Title	Comment	Consistency
3.6	Shooting Ranges	Not applicable	N/A
3.7	Reduction in non-hosted short term rental accommodation period.	Not applicable	N/A
4. Hazard and Risk			
4.1	Acid Sulfate Soils	<p>The Planning Proposal does not contain provisions that contradict or would hinder application of this direction.</p> <p>The objective of s9.1 direction 4.1 is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. While the provisions in this Planning Proposal may result in some intensification of land uses in Central Sydney, this intensification is in part in response to broader metropolitan planning objectives as detailed elsewhere in this Planning Proposal.</p> <p>Specific responses to the presence of acid sulfate soils can be addressed site by site through the development application process.</p>	Consistent
4.2	Mine Subsidence and Unstable Land	Not applicable	N/A
4.3	Flood Prone Land	<p>This Planning Proposal will significantly increase development potential (in terms of floor space) currently achievable under the LEP in the tower cluster areas and the Western Edge. The intensification of development in Central Sydney is an intended outcome on this proposal.</p> <p>In August 2016, Council adopted a floodplain risk management plan, risk management study and flood study for the entire local government area. These documents are a comprehensive suite of flood management measures for Central Sydney flood catchments. The documents have been prepared in line with the NSW Government's Floodprone Land Policy and Floodplain Development Manual (2005).</p> <p>It is noted that Clause 7.15 of the LEP already includes provisions to minimise flood hazards. As part of the Local Strategic Planning Statement,</p>	Consistent

No.	Title	Comment	Consistency
		<p>Council is investigating establishing a set of LEP flood maps.</p> <p>This Planning Proposal makes no amendments to the flood planning clause in the LEP. Future development applications will continue to be required to address flooding risks.</p>	
4.4	Planning for Bushfire Protection	Not applicable	N/A
5. Regional Planning			
5.1	Implementation of Regional Strategies	Not applicable	N/A
5.2	Sydney Drinking Water Catchments	Not applicable	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	N/A
5.9	North West Rail Link Corridor Strategy	Not applicable	N/A
5.10	Implementation of Regional Plans	The Planning Proposal is consistent with the Region Plan, as discussed in detail under question 3 (above) of the Planning Proposal.	Consistent
5.11	Development of Aboriginal Land Council land	Not applicable	N/A
6. Local Plan Making			
6.1	Approval and Referral Requirements	<p>Consistent</p> <p>The Planning Proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.</p>	Yes
6.2	Reserving Land for Public Purposes	Not applicable	N/A
6.3	Site Specific Provisions	Not applicable	N/A

No.	Title	Comment	Consistency
7. Metropolitan Planning			
7.1	Implementation of <i>A Plan for Growing Sydney</i>	As discussed in detail under question 3 (above), the Planning Proposal is consistent with the relevant aims, objectives and provisions of the Region Plan.	Yes
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable	Yes
7.4	Implementation of North West Priority Growth Area – Land Use and Infrastructure Implementation Plan	Not applicable	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land use and Infrastructure Implementation Plan	Not applicable	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	N/A
7.7	Implementation of Glenfield to Macarthur Urban renewal Corridor	Not applicable	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	Not applicable.	N/A
7.10	Implementation of Planning Principles	Not applicable.	N/A

No.	Title	Comment	Consistency
	for the Cooks Cove Precinct		

Table 6 - Consistency with applicable Ministerial Directions under Section 9.1

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. 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 relates to an existing business precinct in a substantially built up area. As such, the Planning Proposal is unlikely to adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

It is unlikely that the proposed amendments to the LEP will result in development creating any environmental effects that cannot be controlled. It is envisaged that proposed controls will in fact provide a positive contribution to the environmental conditions in Central Sydney. In particular, proposed amendments to Clause 6.16 of the LEP will ensure that wind impacts, sunlight and the amenity of public places are given priority consideration in the assessment of proposals for tall buildings.

Similarly, the proposed revisions to sun access controls will serve to ensure good sunlight access to existing and proposed public parks and places in perpetuity. Other than making these places desirable places for recreational activities, this will ensure the healthy growth of trees, grass and other vegetation.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The implementation of the proposed controls in the Planning Proposal will have a significant positive and direct impact on the Central Sydney's economic growth. These are addressed in detail separately below.

Economic Growth

A key premise of the *Draft Central Sydney Planning Strategy*, is to facilitate sustainable growth of Central Sydney and ensure its competitive position is nurtured and strengthened.

In this regards, the proposed controls will deliver the *Draft Central Sydney Planning Strategy*. Most notably the proposed controls will promote employment generating development in Central Sydney, and reinforce metropolitan Sydney's productivity. By positioning Sydney for employment growth, Central Sydney's economy can remain competitive, high yielding, high value and innovative.

The proposed controls are intended to ensure a balance between employment generating uses, residential uses and important supporting infrastructure. Development of additional buildings and floor space needs to be met with commensurate provision of supporting infrastructure, including transport, social and cultural facilities as well as affordable housing options for key workers. This collectively ensures the amenity and attractiveness of Central Sydney as a place to work and live.

While residential investment contributes to attracting industry and individuals to Sydney as a liveable and people-friendly city, the proposed controls prioritise space to be occupied by a variety of commercial, retail and hospitality businesses. This encourages employment activity, continuing to build Sydney's business precinct as an attractive global economic hub.

This is important due to varying property market conditions where redevelopment of land for residential purposes is the prevailing condition. In taking a medium to long term view it is important to recognize that while development cycles ebb and flow there is a need to ensure land availability for employment uses, unhindered by residential development.

Since the Global Financial Crises the market has strongly favoured residential over office development. Office uses cannot compete with residential except in the commercial core of Central Sydney. This has led to conditions where office buildings are being converted to residential developments. If conditions continue, over time this will result in a decline in total office space in

Central Sydney and reduced diversity of office types, reducing productivity and competitiveness of Central Sydney and metropolitan Sydney. While the market may have cooled, the demand for residential with a high level of access remains strong.

Whether the current economic cycle favours residential or commercial investment, the best use of space in the city is that which supports economic growth is to facilitate its productive capacity.

The more vibrant urban mix is the direct outcome of 1996 Central Sydney LEP control initiatives (reconfirmed in 2005 and 2012) which incentivised hotel, serviced apartments and residential over commercial office and retail floor space. The Accommodation Floor Space (AFS) incentive was in recognition of the poor feasibility of residential and hotel uses versus commercial in the past. This feasibility has since reversed for most sites.

With this policy setting and high residential floor space yields the higher prices paid by residential developers is driving office withdrawals on well-located sites that might otherwise provide useful economic floor space.

Residential viability has moved beyond the early phase of heritage buildings, fringe commercial towers, lower value sites south of Park Street to the heart of Central Sydney. The urban results can be positive; however the loss of larger sites of 2000 square metres land area or more to strata subdivision is at the expense of future renewal for economic uses and employment growth within the boundaries of Central Sydney.

Given the success of the policy settings to date, the risk is arising that in the medium term the global city centre will have few suitable un-subdivided sites for new workplace renewal to meet future employment needs. This could cap employment growth in the future, and restrict the international competitiveness of Sydney.

Only premium office floor space can compete against residential as the highest and best use where Accommodation Floor Space (AFS) and higher height controls apply. In these instances, office developments require iconic harbour views or frontage to Martin Place (parks and gardens are not enough) and must deliver active, spatial and environmentally sustainable large floor plate workspace. In recent years the market values residential development 2-3 times more than other competing uses depending on site circumstances. In the B8 metropolitan zone that permits residential uses productive floor space for the nation's highest value jobs competes with residential for development opportunities.

New office space under construction or about to construct is premium grade space with water views (or on Martin Place). Very little lower grade or affordable office space is being retained unless it is in areas of reduced height and where AFS residential incentives do not apply (Clarence and Kent Street warehouse district).

Regardless of the current market cycle, the planning framework assigns dwelling and jobs targets to the Sydney LGA. The District Plan requires the City to plan for and deliver at least 165,100 new jobs by 2036 in the Harbour CBD, with a higher aspirational target of 266,100 by 2036.

Without intervention to re-incentivise employment floor space, there will be significant constraints of the number of jobs that Central Sydney can accommodate. The Draft Strategy indicates that space for some 40,000 to 85,000 jobs may not be provided under the business-as-usual scenario.

The original intent of the draft Strategy is to rebalance the planning controls with a long-term focus on economic and employment growth. This key move remains unchanged. The Central Sydney market will continue to switch between more favourable commercial and residential markets; however, it is important that planning controls are in place that facilitate a more balanced approach to employment floor space.

SECTION D - STATE AND COMMONWEALTH INTERESTS

Q10. Is there adequate public infrastructure for the Planning Proposal?

The full range of utility services including electricity, telecommunications, water and sewer are all currently available across Central Sydney. It is expected that these services will be upgraded where required as individual development occurs.

The *Draft Central Sydney Planning Strategy* at Attachment 1 outlines the key infrastructure issues that affect Central Sydney. Its main focus is on transportation infrastructure, giving consideration to current growth, and changes and the need for better linkages between Central Sydney's open spaces. It also discusses social infrastructure, including the need for affordable housing, and the needs for energy infrastructure.

To better inform how and when essential infrastructure is to be delivered in Central Sydney, it is intended an infrastructure plan will be prepared that goes beyond the infrastructure needs identified in the *Draft Central Sydney Planning Strategy*, to address issues further including waste, telecommunications, fibre-optics, gas, sewerage, stormwater and water, education, health and State public transport. The infrastructure plan will be used as a framework document to inform discussions with state agencies and developers on the provision of infrastructure in Central Sydney.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway determination will advise the full list of public authorities that will need to be consulted with as part of the Planning Proposal process. It is requested that public authority consultation be undertaken concurrently with community consultation.

Public authority consultation will be as directed by the Gateway determination. It is proposed that the following authorities be consulted in relation to the Planning Proposal as part of public authority consultation:

- Transport for NSW
- Place Management, Government Property NSW (formerly Sydney Harbour Foreshore Authority)
- Sydney Airport Corporation Limited
- Civil Aviation Safety Authority
- Commonwealth Department of Infrastructure, Transport, Cities and Regional Development
- Sydney Water
- Heritage NSW
- Infrastructure NSW

PART 4 – MAPPING

The Map Book, shown at Attachment 2 includes maps for the purpose of public consultation. In summary the proposed changes are as follows:

1. Amend Height of Buildings Map to:
 - (a) Identify land that is affected by sun access planes; and
 - (b) Identify sites on Central Sydney's western edge where the maximum building height is increased to 110 metres

NOTE: The City's intent is to reduce confusion as the Height of Buildings Map shows some lots with a height in metres, others are covered by Area 3 where the building height is determined by the sun access planes and others in Areas 1 and 2 where the building height is the height of the building. Regardless of the various height provisions on the map, sun access planes apply to all lots in Central Sydney. This also clarifies that sun access planes do not apply outside of Central Sydney.

2. Amend the Sun Access Protection Map to:
 - (a) Identify land that is subject to no additional overshadowing controls; and
 - (b) Identify land that is affected by sun access planes.
 - (c) Removal of 'Category A' and 'Category B' Land.
3. Amend the Locality and Site Identification Map to include the Observatory Hill within the boundaries of 'Central Sydney'.
4. Minor Amendments to the boundaries of certain Special Character Areas on the Special Character Area Map to better reflect their Special Character.
5. Amend the Locality and Site Identification Map to include the tower cluster areas for the purposes of the new design excellence pathway.

PART 5 – COMMUNITY CONSULTATION

Public Exhibition

Public consultation will take place in accordance with the Gateway determination made by the Minister for Planning and Public Spaces, in accordance with Sections 3.34 of the Act.

A comprehensive package of documents will be made available for the public exhibition and public agency consultation. This package includes:

- Draft Planning Proposal: Central Sydney
- Draft Sydney Development Control Plan amendments
- Draft Competitive Design Policy
- Draft Central Sydney Development Contributions Plan 2020
- Draft Central Sydney Planning Strategy 2016 - 2036

The statutory public exhibition and agency consultation requirements of public notices in the paper and the provision of documents on the City's website, with hard copies available at the City Offices will be exceeded. The City will engage through a range of media to seek comment and feedback from stakeholders including landowners, industry groups and the community on the package of documents.

Distribution of material and raising the awareness of industry, the community as well as public agency stakeholders will be a proactive engagement by the City. Initial and early engagement with some key Stakeholders has commenced, and will be expanded as part of the engagement process.

It is requested that the Planning Proposal be publicly exhibited for a minimum period of 28 days to coincide with the exhibition of an accompanying draft DCP and related documents.

PART 6 – PROJECT TIMELINE

The estimated timeframe for the completion of the Planning Proposal is as follows:

Action	Anticipated Date
Commencement / Gateway Determination	Expedited gateway March 2020
Government agency consultation Public Exhibition	March – April 2020 (28 Days)
Consideration of Submissions	April - June 2020
Post exhibition consideration of proposal	December <u>July</u> 2020
Draft and finalise LEP	August <u>February</u> 202 <u>10</u>
LEP made	September <u>March</u> 202 <u>10</u>
Plan forwarded to Department of Planning, Industry and Environment for notification	September <u>March</u> 202 <u>10</u>

ATTACHMENT 1 - THE CENTRAL SYDNEY PLANNING STRATEGY

(REFER TO ATTACHMENT C OF REPORT)

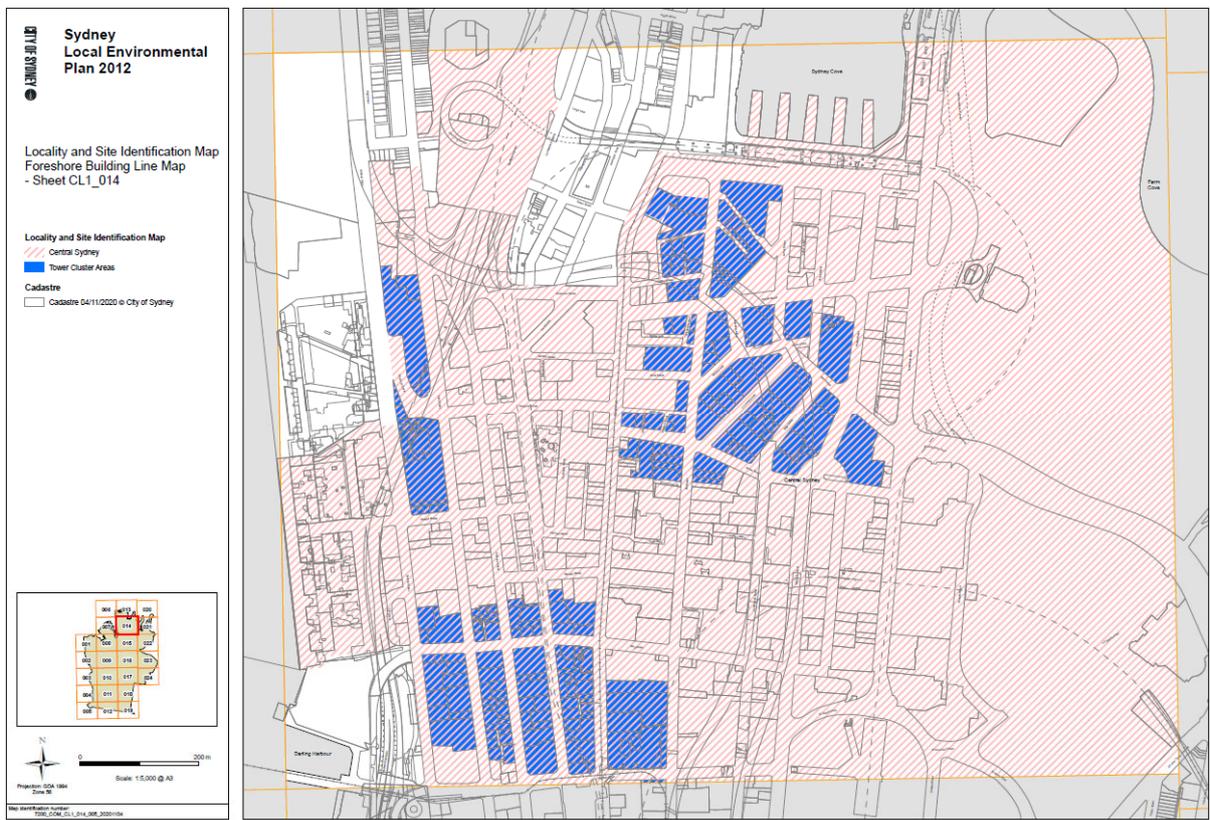
ATTACHMENT 2 - MAP BOOK

(Attachment 2 only contains amended LEP maps post-exhibition. All other maps have not been changed and can be viewed on the City's website at Item 3 to the Monday 10 February 2020 Transport, Heritage and Planning Committee meeting)

Exhibited Locality and Site Identification Map – Sheet CL1_014:



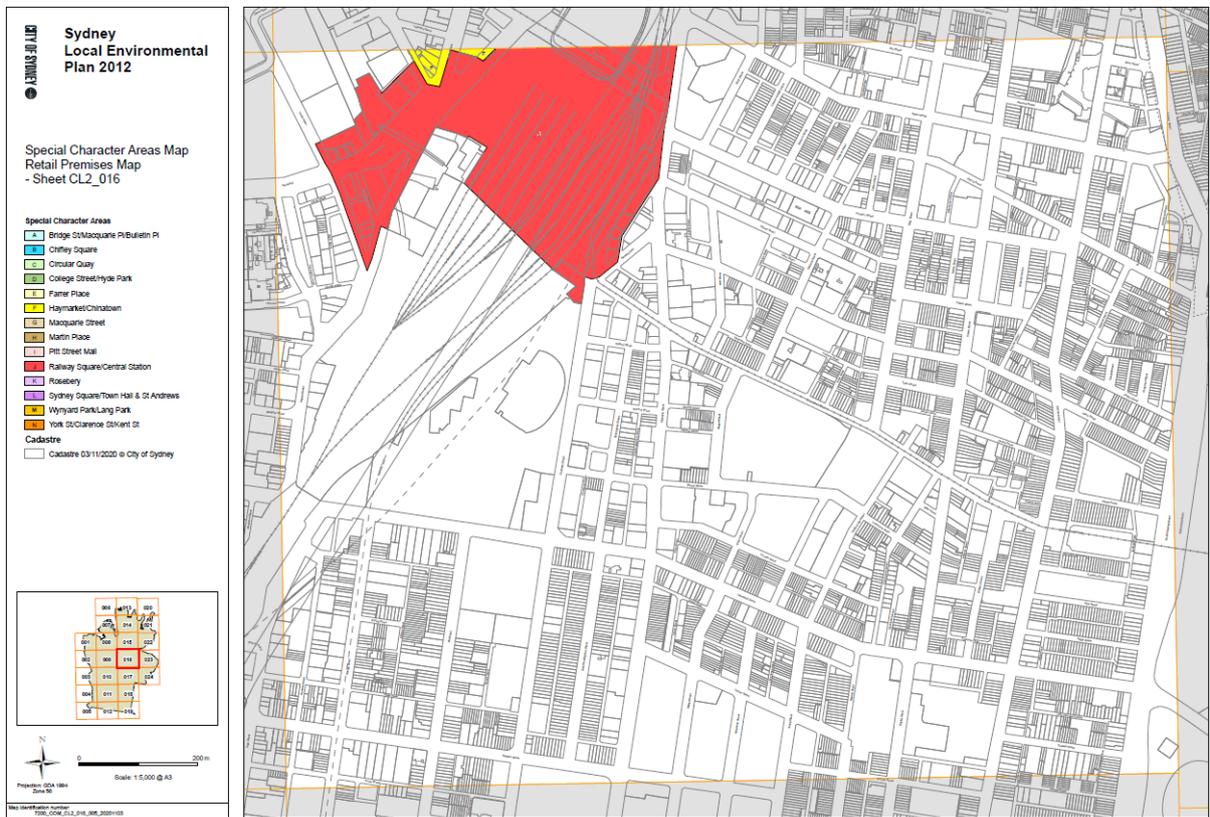
Amendments made post-exhibition:



Exhibited Special Character Areas Map – Sheet CL2_016:



Amendments made post-exhibition:



Exhibited Height of Buildings Map – Sheet HOB_014:



Amendments made post-exhibition:



Exhibited Sun Access Protection Map – Sheet SAP_014:



Amendments made post-exhibition:



Exhibited Sun Access Protection Map – Sheet SAP_015:



Amendments made post-exhibition:

