

# **Attachment A**

**Summary of Submissions and Responses**

## Introduction

This submissions table provides a summary of the 86 submissions received during the public exhibition period of 1 May to 10 July 2020. An additional public exhibition was undertaken between 27 August and 30 September 2020 for specific property owners to correct a mapping error identified in the Draft Central Sydney Development Contributions Plan 2020, and 2 further submissions were received which are also considered in this table.

Submissions came from a range of stakeholders including residents, community groups, industry peak bodies, planning consultants representing developers or land owners and state agencies. Over 85 per cent of submissions stated overall support for the draft planning statement and draft housing strategy. The community groups, industry, land owners, peak bodies and state agencies who made submissions are listed below.

Community Groups	
Sydney Harbour Association	Millers Point Community Resident Action Group
Residents	
Stamford Marque Strata Committee	The Astor
The Georgia Strata Committee	Highgate Owners Corporation
Owner's Corporation SP 51487	Observatory Tower Strata Committee
Individual residents (15)	
Industry and land owners	
Aplus Design Group	Gwynvill Group
The Star (with Ethos Urban)	Doma Trustee Pty Ltd (with Ethos Urban)
ISPT (with Ethos Urban)	Henroth Group
Romanous Development (with Urbis)	Catholic Archdiocese of Sydney (with Planning lab)
Local Government Super and Oxford Properties (with Ethos Urban)	Anglican Church Property Trust Diocese of Sydney (with Ethos Urban)
Architectus	Catholic Archdiocese of Sydney (with Urbis)
Investa Group	Sicard Pty Ltd (with Ethos Urban)
Dexus	Lendlease Real Estate Investments Ltd
Stockland	Barana Group (with Ethos Urban)
Salvation Army (with Ethos Urban)	Poly Real Estate Development (with Urbis)
Mills Oakley	Marshall Investments
The Great Synagogue (with Ethos Urban)	Far East Land Pty Ltd
Huaju Investments (with Planning Lab)	Markham Real Estate Partners
v5 Pitt Street Pty Ltd (with Mills Oakley)	Megaboom (with Ethos Urban)
Gold Pond Investments Pty Ltd (with Mecone)	Nedosu Pty Ltd (with Ethos Urban)
Stamford Property Services (with Norton Rose Fullbright)	127 York St Pty Ltd (with Ethos Urban)
Mackean Strategic Planning solutions	Cue Design Pty Ltd (with Ethos Urban)
Dukeville Pty Ltd and QVB 125 York St Pty Ltd (with Ethos Urban)	WTL Enterprises (with Ethos Urban)
Han's Holdings	Samprian Pty Ltd (with Mecone)
Coombes Property Group	Royal Automobile Club of Australia (with Urbis)
Oscar Hotels (with Ethos Urban)	Kingsmede (with Knight Frank)

Scentre Group	Mirvac
City West Housing (with Ethos Urban)	HK Realway (with Urbis)
FJMT	Scape Management (with Willowtree Planning)
University of Technology, Sydney (with Ethos Urban)	Charter Hall (with Ethos Urban)
Everest Property	Event Hospitality and Entertainment Ltd (with Urbis)
<b>Peak bodies</b>	
Property Council of Australia	Urban Taskforce
Sydney Business Chamber	Urban Development Institute of Australia
<b>State Agencies</b>	
Australian Museum	Heritage NSW
Sydney Living Museums	Sydney Airport
Botanic Gardens	Sydney Opera House
CASA	Sydney Water
Dept of Infrastructure, Transport, Regional Development and Communications	Transport for NSW

Submissions have been categorised into themes according to matters raised and the City’s response. The submissions table is ordered by the most common themes raised through submissions.

## Contents

Tower cluster areas - general.....	4
Inclusion on tower cluster areas.....	7
Development Contributions Plan.....	8
Accommodation floor space.....	24
Design Excellence .....	27
Design Competition process .....	29
Schedule 11.....	32
Sun Access Planes.....	33
Savings Provisions.....	35
Additions to heritage items.....	35
Special Character Areas .....	36
Key Public Views .....	38
Tall buildings.....	40
Street frontage height and setbacks.....	42
Guideline for planning proposals.....	43
Site Specific requests.....	44
Western Edge .....	45
Residential Amenity .....	45

## Central Sydney Planning Framework

Heritage Floor Space .....	46
Public domain .....	47
Short term accommodation .....	48
Environmentally Sustainable Development .....	49
Central Sydney Boundary .....	51
Affordable Housing .....	52
Capacity Studies .....	52
Wind .....	53
Zone Objectives .....	54
Future Population and Jobs growth.....	54
Draft LEP provisions and Terminology .....	55
Central Station .....	55
Circular Quay .....	57
Sydney Opera House.....	59
Pymont .....	59
Southern CBD.....	60
Creative spaces .....	60
Key moves .....	61
Infrastructure and Transport.....	61
Private Covenants.....	62

Matter raised	Response
<b>Tower cluster areas - general</b>	
<p><i>Submissions from residents and community groups</i></p> <p>1. Resident of The Chelsea in Sussex Street raise concerns with the proposed “tower cluster areas”, including, the impacts on heritage streetscapes, sight lines and sunlight to the street level.</p> <p>2 Residents of The Georgia in Kent Street - we wish to lodge our serious objection to the proposed ‘tower cluster areas’, in particular, overshadow of Kent Street apartments located north of Gas Lane.</p> <p>3. Millers Point Community Resident Action Group requests the City reconsider the idea of “tower cluster areas” with the intention of achieving a more seamless integration of buildings and public space in the whole city.</p> <p>4. Stamford Marque Strata Committee support employment growth, but are unsure how lifting height limits will do that except for construction, it is not ongoing employment growth.</p> <p>5. Large corporations are significantly shifting their thinking on property since COVID-19. Large companies, under increasing financial pressure, will take advantage of technology to reduce leases in CBD commercial buildings. Downward pressure on rental/lease returns to developers and owners will significantly impact commercial property developers and</p>	<p>1 and 2. The Central Sydney Planning Framework contains planning controls for the proposed tower cluster areas which provide reasonable flexibility for tall buildings. 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 and better able to respond to their context. The City supports SEPP65 and the Apartment Design Guide (ADG) provisions for sun access and other residential amenity issues. The City will continue to support the ADG and apply it. The City has amended the Kent St tower cluster area to exclude the northern area of the Tower Cluster Area around Gas Lane.</p> <p>3. The proposed tower cluster areas are focused in those areas of Central Sydney less constrained by sun access planes and airport controls. The location of tower clusters is primarily driven by locations that will not impact on public spaces.</p> <p>4. The Central Sydney Planning Framework introduces a new planning pathway for building heights and densities above the established maximum limits to create growth opportunities for employment floor space. The additional floor space will accommodate future employment growth.</p> <p>5. Central Sydney Planning Strategy is a 20 year plan to protect and deliver employment opportunities in the long term. Notwithstanding, the City has commissioned an economic analysis for Central Sydney. The City’s advice notes that despite the significant uncertainty brought to global capital markets as a result of the COVID-19 shutdowns, the prospects for</p>

<p>owners. It makes sense that future planning should proceed slowly and should allow for flexible planning responses into the future.</p> <p><i>Submissions from industry and peak bodies</i></p> <p><i>The City received 17 submissions that questioned the minimum 2,000 square metre site requirement for tower cluster areas.</i></p> <p>6. Why is 2,000 square metres the minimum site area for tall towers in the cluster areas? Most submissions requested the site size be reduced to 1,000 square metres.</p> <p>7. The 2,000 square metre minimum site area provision should be a guide to allow marginal variation based on site-specific circumstances and should be the subject of clause 4.6 variation.</p> <p><i>The City received 28 submissions that requested heritage items be included in the minimum 2,000 square metre site requirement for tower cluster areas.</i></p> <p>8. Remove the heritage exclusion from the proposed Tower Clusters LEP clause to enable redeveloped to incorporate heritage items.</p>	<p>development activity in the Central Sydney in the medium to longer-term remain positive.</p> <p>6. In order to achieve tall buildings in the tower cluster areas a minimum site area of 2,000 square metres is required to accommodate the minimum street wall heights and setbacks, minimum side and rear setbacks and appropriate building separations. A minimum site area ensures that wind comfort, wind safety and daylight levels in adjacent Public Places are acceptable. For sites smaller than 2,000 square metres, it is difficult to achieve a commercial floor plate once setbacks and efficiencies have been applied.</p> <p>7. The minimum site area ensures that wind comfort, wind safety and daylight levels in adjacent Public Places are acceptable. For sites smaller than 2,000, it is difficult to achieve a commercial floor plate once setbacks and efficiencies have been applied. The city does not support variation to the minimum site requirements.</p> <p>8. As Australia’s oldest city, Central Sydney has many layers of history and culture embodied in its buildings. The City has listed over 2,000 local heritage items, as well as buildings of state, national and world heritage significance. To ensure Central Sydney’s rich and diverse heritage is appropriately managed for the benefit of current and future generations, heritage sites have been excluded from the minimum site area in tower cluster areas. While there are past examples of heritage items being integrated into modern tower developments, the sensitive nature of heritage</p>
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<p>9. Can a site that only has a buildings heritage façade listed include the land in the 2,000 square metre site area calculation?</p> <p>10. The cluster areas are somewhat misleading as many obvious sites that are under the higher height limit would not qualify because they are separated from others by a street or lane and cannot achieve the minimum 2,000sqm site area, and/or are heritage listed. Therefore, when finalising the cluster areas, remove sites from mapping which clearly fail the tests to avoid misleading and creating unrealistic expectations.</p> <p>11. Some sites in Tower Cluster areas may be able to achieve more than 50% additional floor space. Submissions recommend the City remove the 50% bonus limit in the tower cluster pathway, and rather enable an uncapped floor space ratio subject to satisfying the range of other requirements in the planning framework.</p> <p>12. Council undertakes its own master planning for the cluster areas – which is highly recommended given the experience of the APDG block, the AMP precinct, Harold Park and some large precincts in Green Square including the Town Centre.</p> <p>13. Locality and Site Identification Map Foreshore Building Line Map draft LEP This map shows the tower cluster areas. For legibility, “Tower Cluster Areas” should be included in the title of the Map.</p>	<p>items and their context requires a strategic approach that is informed by a detailed analysis of heritage impacts. Incorporating a heritage item into the site area will incentivise developing over an item which likely to have heritage impact in many instances. Where a development proposal seeks to incorporate a heritage item and the land it occupies, a proposal should use a site specific planning proposal pathway so all heritage matters can be properly assessed and managed.</p> <p>9. For sites where only a façade is heritage listed, a proposal should use the existing site specific planning proposal pathway so all heritage matters can be properly assessed and managed.</p> <p>10. The City has mapped all land within the tower cluster area boundaries as the City cannot predict future land ownership patterns, amalgamations or what sites may develop in the future. Hence, the City does not want to preclude any sites from future investigations in the tower cluster areas.</p> <p>11. Where a site may potentially achieve more floor space than what is available in the Sydney LEP, the option to prepare a site specific planning proposal is still available under the EP&amp;A Act.</p> <p>12. Noted. The City has successfully master planned a number of sites. However, the size and complexity of the tower cluster areas and the resources required to undertake this task is not feasible at this time.</p> <p>13. Map titles are standardised as part the Standard instrument LEP and cannot be changed.</p>
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<p>14. The creation of four new tower cluster areas is supported, however consideration should be given to allow for transitions in maximum heights between these areas and the rest of the CBD. These precincts have the potential to significantly diminish the amenity and value of properties outside these precincts by overshadowing and the loss of views. Allowing a step down from the maximum heights in these clusters should help ensure these properties can still be economically redeveloped</p> <p><i>Submissions from State agencies</i></p> <p>15. Botanic Gardens notes the boundaries of the cluster areas are sufficient distances from the Garden that any overshadowing, even from the tallest buildings, would be unlikely.</p> <p>16. Heritage NSW considers that these proposed controls are appropriate and provide for heritage protection, while incentivising design excellence in the tower cluster areas.</p> <p>17. Sydney Airport notes and supports proposed requirement that buildings demonstrating design excellence in a tower cluster area must not exceed a height that intrudes into prescribed airspace.</p>	<p>14. Noted. Sites immediately adjacent to TCAs may be able to achieve a greater height than what is currently permissible under the Sydney LEP without significantly impacting amenity. However, these sites do have more constraints than those within tower clusters, thus site-specific analysis is required to determine any future planning controls.</p> <p>15. Noted.</p> <p>16. Noted.</p> <p>17. Noted.</p>
<p><b>Inclusion on tower cluster areas</b></p>	
<p><i>Submissions from industry</i></p> <p><i>Site specific requests for inclusion in tower cluster areas, include:</i></p> <ul style="list-style-type: none"> <li>• 338 Pitt Street, Sydney</li> <li>• 49-51 Market Street and 452-478 George Street, Sydney</li> <li>• 1, 10, 12 Shelley Street, Sydney</li> <li>• 59-69 Goulburn Street, Haymarket</li> </ul>	<p>This submissions table does not provide an analysis of the strategic or site-specific merits of site-specific submissions that request inclusion in tower cluster areas. Landowners may request the City prepare a site-specific planning proposal. The City welcomes initial discussions for specific sites, and will assess any request, lodged with the appropriate fee and justification reports, on its strategic and site-specific merits.</p> <p>The City notes that these site-specific requests may be positioned on land with more environmental constraints than the land within the tower cluster</p>

<ul style="list-style-type: none"> <li>• 691 George Street, Haymarket</li> <li>• 53-63 Martin Place</li> <li>• 1 Margaret Street, Sydney</li> </ul>	<p>areas, including wind and sun access. Therefore, detailed analysis of the development potential is required before progressing to a planning proposal or development application. The presence of sun access planes, heritage items and key public views may also constrain the development potential of these sites.</p> <p>It is noted that the 338 Pitt Street site has lodged a stage two development application with Council prior to the exhibition of the draft CSPF. The City will provide savings and transitional provisions for any development applications lodged and/or approved. While the site does conform to the site size requirements, the site was not included in a tower cluster area as it has sun access restrictions.</p>
<p><b>Development Contributions Plan</b></p>	
<p><i>The City received 32 submissions which referred to the draft Central Sydney Development Contributions Plan 2020.</i></p> <p><i>Submissions from residents / land owners</i></p> <p>1. The Draft Central Sydney Development Contributions Plan 2020 covers more areas (including parts of Surry Hills) than the proposed Central Sydney Planning controls.</p> <p>Three (3) submissions requested that the Central Sydney planning controls be extended to cover the same areas as the Draft Central Sydney Development Contributions Plan. Land subject to the proposed increase in development contributions should benefit from planning controls that would support and facilitate the future viability of sites in a manner that would enable them to fund the contributions being sought. The increased contribution levy should not be applied to land which has not been given the opportunity to be part of the future planning for Central Sydney.</p>	<p>1. The Draft Central Sydney Development Contributions Plan 2020 (“draft Contributions Plan”) is proposed to apply to the same land as the existing Central Sydney Development Contributions Plan 2013. No changes are proposed in terms of the land in Central Sydney to which the development contribution levy is proposed to apply.</p> <p>The land to which the Central Sydney planning controls are proposed to apply differs to that which the draft Contributions Plan is proposed to apply because these boundaries were historically developed at different times.</p> <p>Levies collected from new development within the draft Contributions Plan’s boundaries will fund local infrastructure within those boundaries, as per the Plan’s Schedule of Works.</p>

*Submissions from industry and peak bodies*

2. The Draft Central Sydney Development Contributions Plan 2020 is proposing a tripling of the contributions levy (to 3%) for developments with a cost of \$1 million or more. The full effect of the contribution increase is intensified in the current economic context. The timing of the proposed contributions increase is inappropriate. The proposed contribution increase is likely to reduce new property investment in Central Sydney in such uncertain times and work against stimulating a strong post Covid economic recovery.

In this difficult economic climate where there is much uncertainty, Council should not proceed with the proposed levy increase for development contributions. Development contributions should remain at 1% for works over \$200,000.

The Property Council of Australia recommends that Council not proceed with the proposal to increase the contribution above 1% at this time, but to revisit the issue in 18 months when there is likely to be greater certainty about the economic impact of the COVID-19 pandemic.

Many submissions noted that if Council does opt to proceed with the levy increase, it should delay its introduction or phase it in over time to provide certainty in development costs.

2. Development contributions in Central Sydney have remained at 1% of the development cost since 1997. Over this 23 year period, demands on local infrastructure have continued to increase alongside a growing population. The City has also helped fund regionally significant projects such as the light rail. The 1% levy is too low to support the infrastructure demands arising in Central Sydney, and over many years the City has been required to supplement infrastructure funding from other sources.

The City acknowledges the economic conditions currently being experienced across many sectors of the economy as a result of the Covid-19 pandemic. However, the funding and delivery of local infrastructure is a long term process, often spanning several years. While the current economic conditions pose immediate challenges, it is important to update development contributions policy to respond to the projected growth envisaged for Central Sydney through the new planning controls.

Local infrastructure funded by contributions is a vital component of the urban fabric needed to ensure Central Sydney remains competitive, attracts business and investment and supports its role in Sydney's success as a global city. The proposed increase in contributions is necessary to more fully reflect the rising costs of infrastructure provision. The provision of infrastructure not only has significant benefits for communities through facilities provided, it also has wider economic benefits. Research has found investment in infrastructure has a multiplier effect, boosting short term employment as well as a longer term productivity gain to the economy.

It is for these reasons the City intends to proceed with implementing the proposed contributions levy increase. Some minor adjustments are proposed to more accurately account for changes between development cost brackets, with the following rates now proposed:

- Less than \$250,000 = No levy.

<p>3. Increased contributions should only apply to tower cluster developments where favourable heights and FSR bonuses are achieved. Increasing contributions for smaller developments will be damaging to their viability.</p>	<ul style="list-style-type: none"> <li>• \$250,000 or more, but less than \$500,000 = 1% levy (consistent with current rate)</li> <li>• \$500,000 or more, but less than \$1,000,000 = 2% levy</li> <li>• \$1,000,000 or more = 3% levy</li> </ul> <p>It is proposed to commence the draft Contributions Plan and implement the contribution increase at the same time that the LEP is made, or shortly thereafter. Clause 25K of the EP&amp;A Regulation requires amendment to enable the draft Contributions Plan to impose a levy of up to 3%. It is proposed that Council request the Minister for Planning and Public Places to amend Clause 25K of the EP&amp;A Regulation.</p> <p>3. The proposed sliding scale levy, where contributions increase according to the development cost, requires a greater contribution from those developments which are likely to place greater demands on infrastructure.</p> <p>Large scale projects which have a development cost of over \$999,999 (including tower cluster developments) will attract a contribution at 3% of the development cost. This is consistent with the maximum contribution levy charged in other major city centres in NSW such as Parramatta, Chatswood and Newcastle.</p> <p>For smaller scale projects, no levy increase is proposed for developments with a cost below \$500,000. Developments with a value of between \$200,000 and \$250,000 will attract some relief as the levy will apply to developments with a cost of \$250,000 or over, noting the current levy applies when the development cost is \$200,000.</p> <p>A levy of up to 3% levy is consistent with the NSW Government's proposed guidance on implementing higher percentage rates for section 7.12 contributions, which was exhibited from April to June 2020.</p>
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<p>4. The proposed contributions increase should not be considered in isolation. The proposed contributions increase is not supported given the cumulative impact of all the contributions and levies applying in Central Sydney.</p> <p>The cumulative impacts of all contributions, levies and charges in Central Sydney on development feasibility should be taken into account. This includes the forthcoming affordable housing levy, the heritage floor space scheme, public art levy, ESD compliance. There are also the costs associated with design competitions. The City should undertake further analysis that takes into consideration the layering of these contributions and how that impacts on feasibility.</p> <p>These contributions, levies and charges, when combined with the proposed development contributions levy, represent a significant increase in the taxation burden faced when investing in Central Sydney. If the amount of contributions/levies required becomes overwhelming then this can drive up development costs and discourage the rejuvenation of the city that is envisioned in the Central Sydney Planning Strategy.</p>	<p>4. The City's investment in public infrastructure, which is only part funded by contributions, supports the attractiveness for Central Sydney for business and investment. A 3% levy is consistent with other major centres and the NSW Government's proposed guidance on implementing higher percentage rates for section 7.12 contributions for centres, which was exhibited from April to June 2020.</p> <p>The City has analysed the effect of the proposed contributions increase on development. The analysis factored in other contributions obligations such as the forthcoming affordable housing contributions and the heritage floor space scheme.</p> <p>The analysis indicates that for proposed tower cluster developments, the proposed contributions increase to 3% do not impact on feasibility, given the significant development uplift achievable with the new design excellence pathway delivering up to 50% bonus floor space.</p> <p>For other new development and redevelopments the proposed contributions increase has a relatively minor impact on the overall cost of development. The proposed new contributions could increase statutory fees from 2% - 3% to 3.5% - 4.5% (as a percentage of total development costs).</p> <p>For alterations and additions (including office and retail fitout works), the wide variation in development types and costs means that there is also a wide variation in the contributions. Overall, when analysed in terms of how much additional contribution would be payable, the proposed contribution levy increases are relatively minor, ranging from \$2 - \$48 per square metre per annum when considered in the context of a 5 year lease.</p> <p>More generally, regarding contributions and charges levied in Central Sydney, it is noted:</p>
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	<ul style="list-style-type: none"><li>• The market has had around two years advance notice of the affordable housing program levy which will soon come into effect. When it does come into effect, it will only apply to new floorspace (above that which already exists) and at a half rate until 2022.</li><li>• The heritage floor space scheme has been in operation for over 40 years, having successfully conserved over 80 buildings in Central Sydney. It is a known development cost associated with utilising accommodation floor space, above the mapped floor space control.</li><li>• The City requests the preparation of a public art strategy for site specific development control plans and Stage 1 development applications to guide the delivery of public art in new development, but the City does not impose a 1% public art levy or set a monetary value in relation to this.</li><li>• The competitive design process is integral to achieving design excellence as currently required by the LEP. In recognition of the additional cost of a design competition process, a successful competition that achieves design excellence can be awarded up to 10% additional building height or floor space.</li><li>• The City has existing planning controls relating to environmentally sustainable design, some of which align with requirements in the National Construction Code. While the City also encourages development to incorporate design features to achieve excellent environmental performance, these are not mandatory. They are often used by proponents to demonstrate design excellence, for which bonus height or floor space may be awarded. Many developers understand that making buildings more environmentally sustainable makes developments more attractive to investors and tenants through reducing long term running costs, making buildings more comfortable and increasing their resilience.</li></ul>
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<p>5. The cumulative contributions required in Central Sydney are much greater than other centres such as Melbourne City, Parramatta and North Sydney which do not have such a layered contributions framework.</p> <p>The Property Council of Australia argues that when compared with competitive markets for employment floor space, the cumulative contributions within Central Sydney exceed North Sydney by a factor of 939% and Melbourne by a factor of 1289%.</p> <p>Council is requested to consider the ramifications of imposing exorbitant levies and charges that will deter investment in Central Sydney, having observed capital and tenants shifting towards Melbourne given difficulties with local planning processes and contribution costs.</p> <p>While there are 6 other councils in NSW that have been approved to levy higher s7.12 levies above the 1% rate, most of these Councils do not have the significant framework of other levies and charges that the City of Sydney has.</p> <p>6. Many development sites were acquired with the existing contributions regime in mind. A transition is recommended for existing development sites and a sliding scale especially for larger projects (i.e lower percentage for larger projects, base 1% for smaller projects).</p>	<ul style="list-style-type: none"> <li>• Some of the costs cited in submissions are “business as usual” costs which are already factored into development costings and are not new or additional. Some of these costs, such as those relating to public art and environmentally sustainable design, typically add value to developments and make them more attractive to investors.</li> </ul> <p>5. Comparing the contributions and levy costs in Melbourne City, Parramatta and North Sydney to those in Central Sydney without comparing market value is only part of the story. There is a strong depth of market demand in Central Sydney which drives high rental potential and asset performance. This is evident in recent gross rent figures for these locations – Central Sydney \$1300/sqm, North Sydney \$950/sqm, Parramatta \$700/sqm, Melbourne \$500/sqm). While the cumulative costs of contributions and levies in Central Sydney may exceed those in other metropolitan areas, asset value and performance also exceeds other areas.</p> <p>6. The proposed contribution levy of up to 3% is consistent with the maximum contribution levy in other major city centres in NSW such as Parramatta, Chatswood and Newcastle. It is also consistent with the NSW Government's proposed guidance on implementing higher percentage rate levies for s7.12 contributions plans, which was exhibited from April to June 2020.</p>
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<p>7. Two submissions noted that it is unclear whether the proposed increase in development contributions would eliminate any requirement for additional contributions secured through a voluntary planning agreement. There was concern raised about the capacity to absorb the additional costs associated with a VPA in addition to other contributions and levies.</p> <p>One submission recommended that the City reinstate and update the Guideline for Site Specific Planning Proposals and make clear the contributions regime to be applied.</p> <p>8. Under the draft Contributions Plan, Council has identified “places of public worship provided by or on behalf of a charity or not for profit</p>	<p>The proposed sliding scale levy applies a higher rate for developments with a higher cost value. These developments are generally likely to place greater demand on infrastructure.</p> <p>Regarding smaller projects, no levy increase is proposed for developments with a cost below \$500,000.</p> <p>The draft Contributions Plan contains transitional provisions which have the effect of saving the 1% contributions rate for any development applications or modification applications which were made when the existing Central Sydney Development Contributions Plan 2013 was in effect, but determined at a time when the higher rates in the new Central Sydney Development Contributions Plan 2020 have commenced.</p> <p>7. Voluntary Planning Agreements (VPAs) exist under the Environmental Planning and Assessment Act 1979. They will remain as a mechanism that can be used to deliver public benefits voluntarily offered by a proponent.</p> <p>The implementation of the contribution increase of up to 3% considers the increased demand of infrastructure resulting from changes to the planning controls. This will assist with the delivery of infrastructure when there are increases in density.</p> <p>The Guideline for Site Specific Planning Proposals details the planning pathway to access additional height and density through site specific planning proposals in Central Sydney. It also provides guidance on the infrastructure required to support an increasingly dense Central Sydney with a growing worker, resident, visitor and student population. Infrastructure rates have been removed from the Guideline.</p> <p>8. Noted</p>
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<p>organisation” as being excluded from the levy. The Anglican Church Property Trust supports this exclusion and supports the draft Contributions Plan which sets a framework for funding important infrastructure which will support Sydney as it grows.</p> <p>9. The Salvation Army supports the exemption of “places of public worship provided by a charity organisation” from the payment of development contributions. However, other types of development undertaken by charity organisations and provide a substantial community benefit are not exempt. This would impact on the sustainability, type and quantum of services provided. Charitable organisations rely on the assistance of governments and community in order to provide services which have public benefits.</p> <p>The Salvation Army has requested an exemption from the levy for developments undertaken by charitable organisations. They note that there are 3 properties in Surry Hills owned by the Salvation Army to which the Draft Central Sydney Development Contributions Plan 2020 will apply. They argue the City of Sydney Development Contributions Plan 2015 previously applied to these sites and under that Plan there is an exclusion from contributions for places of public worship by or on behalf of a charity or not-for-profit organisation.</p> <p>10. The proposed contributions levy is far too low for a global city – 5% of the construction cost should be the minimum for creating public benefits beyond the site. Such contributions should be phased in over 2 years to give the industry certainty. While this would contribute to the overall expense of development projects in Central Sydney, it would have the effect of appropriately decentralising some development to cheaper urban centres in the metro area.</p>	<p>9. The support for the exclusion of “places of public worship provided by a charity” from the need to pay a contribution is noted.</p> <p>In the draft Contributions Plan, the City has rationalised the list of development types that may be excluded from the need to pay a contribution. This is due to the importance of funding the local infrastructure needed to support our communities, and also to more closely align the exclusions with those in the City of Sydney Development Contributions Plan 2015 which applies elsewhere in the local government area. The City does not intend to extend exclusions from contributions to other types of development undertaken by charitable organisations, unless the development is of a type otherwise listed for exclusion eg. affordable or social housing.</p> <p>While it is acknowledged that many charities offer services which provide important public services, it remains that new development generates demands on local infrastructure. It is appropriate that new development contribute its fair share towards the cost of new and improved infrastructure from which it will benefit.</p> <p>10. Central Sydney plays a pivotal role in Sydney’s success as a global city and high quality local infrastructure is required to support this status. Development contributions are an important funding mechanism which assist the City to deliver the infrastructure a world class city needs to support growth, attract business and investment and enhance public amenity.</p> <p>The proposal to commence the draft Contributions Plan and implement the contributions increase at the same time the LEP is made, or shortly thereafter, will allow infrastructure to align with growth. This will benefit</p>
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<p>11. The payment of development contributions at the construction certificate stage is too early in the financial cycle of a building. Occupation certificate is a more appropriate stage for payment of contributions. Non-residential buildings may apply to defer 50% of the contribution until Occupation Certificate stage – residential development should be treated the same in this regard. The complexities of refunds would disappear if payment timing changes to Occupation Certificate stage.</p> <p>12. A set fixed rate to fund essential infrastructure is supported in principle, and is considered more equitable than relying on capturing funding and works on a site by site bases (eg. site specific planning proposals).</p>	<p>communities through the provision of infrastructure identified in the draft Contribution Plan's Schedule of Works.</p> <p>11. The City does not support the deferral of payment of contributions to the Occupation Certificate stage. The City works hard to enable the timely delivery of infrastructure alongside new development and this relies in part on the timely payment of contributions. Deferring payment until the occupation certificate stage interrupts the funding process and makes it inevitable that infrastructure will follow far behind development.</p> <p>While the draft Contributions Plan allows for the deferral of 50% of the payment to the occupation certificate stage, this is limited to non-residential developments with a cost of \$50 million or more. This approach is consistent with the existing contributions plan for Central Sydney. The City does not propose to extend this deferral option to other development types. Deferred payments must be secured by an unconditional Performance Bond (such as a Bank Guarantee or Insurance Bond). The draft Contributions Plan has updated the types of financial security Council will accept in relation to deferred contributions, complementing the traditional bank guarantee mechanism with other types of Performance Bonds.</p> <p>The draft Contributions Plan contains refund provisions for paid development contributions which clearly set out the circumstances in which refunds may be acceptable. The impacts on the timely delivery of infrastructure that would result from the deferral of payment to occupation certificate stage would far outweigh any benefits which would arise in relation to processing refunds.</p> <p>12. Noted.</p>
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13. In the City's Visitor Accommodation Action Plan, one of the actions identified to encourage the supply of 3 star hotels was to reduce development costs, including through reducing development contributions. It is understood this action has never been implemented.

Council's proposal to increase contributions for all forms and types of development is at odds with the Action Plan, with the additional levy becoming a further barrier to 3 star hotel developments. Council should support the supply of this important type of visitor accommodation through maintaining the existing 1% levy for this form of development which has more sensitivity in terms of project viability than other types of development.

An increase in development contributions is proposed but there are no notable additional incentives for hotel developments in the strategy. The proposed contributions increase, combined with other contributions/levies, impose further financial hurdles for hotel developments which are already challenging business models in themselves, rendering them unviable.

13. The City's Visitor Accommodation Action Plan, dated June 2015, included an action to investigate encouraging 3 star hotels in certain parts of Central Sydney by providing an exemption from development contributions. The development contributions plan for Central Sydney has not been updated since its adoption in 2013 and therefore this action was not implemented. The exemption in the City of Sydney Development Contributions Plan 2015 ('the 2015 Contributions Plan') was time limited to June 2021 to coincide with forecast hotel development cycles.

In the preparation of the draft Contributions Plan, the City has rationalised the list of development types that may be excluded from the need to pay a development contribution. This is due to the critical importance of funding the local infrastructure needed to support our communities, and also to more closely align the exclusions with those in the 2015 Contributions Plan. The City does not intend to include 3 star hotels on the list of development excluded from the need to pay a contribution, nor maintain the existing 1% levy specifically for hotel developments.

The analysis has taken into account other contributions obligations within Central Sydney, such as the heritage floor space scheme and the forthcoming affordable housing levy.

The City continues to encourage hotel development in Central Sydney, retaining and increasing (in some instances) the Accommodation FSR for hotel uses. Hotels are rarely the highest and best use of a site where other uses are permitted (e.g. residential, commercial) but can be a viable option where other uses suffer site constraints. More recently, hotels are progressed as a mixed-use development combined with retail, commercial and other uses. The impact of the proposed contributions on hotel development would therefore be similar to the impact on commercial development.

<p>14. The proposed increase in development contributions should be less to encourage developers to initiate new development during the recovery period to help create jobs.</p>	<p>14. Development contributions have long been, and remain, an important funding mechanism to support the delivery of new and improved public infrastructure. The proposed increase in contributions is necessary to more fully reflect the rising costs of infrastructure provision.</p> <p>In March 2020, an Extraordinary Council Meeting was held where the Lord Mayor proposed measures to support businesses impacted by the Covid-19 pandemic. This included revising the proposed contributions levy increase from 3%, to a sliding scale with a levy of between 1 and 3% depending on development cost. This approach requires a higher contribution for developments with a higher cost value, which are generally more likely to place greater demand on infrastructure.</p> <p>The proposal to implement the contribution levy increase at the time the LEP is made will benefit communities through the provision of infrastructure identified in the draft Contribution Plan’s Schedule of Works. Research has found investment in infrastructure has a multiplier effect in the form of a boost to short term employment as well as a longer term productivity gain to the economy.</p>
<p>15. An investment decision to upgrade office space in a heritage listed building will be severely challenged due to the proposed increase in contributions, along with other contributions and levies. It is possible that this investment decision would be unviable, and office space would remain unchanged over time reducing the quality and competitiveness of the office environment in Central Sydney.</p>	<p>15. The analysis of the proposed levy increase on office fit outs indicates that there is a wide variation in office fitout types undertaken (eg. basic to high quality, as well as office size) which in turn means there is a wide variation in the contributions expense. Overall, when analysed in terms of how much additional contribution would be payable per annum per square metre, the proposed contribution levy increases are relatively minor.</p> <p>The analysis also found that upgrades to office buildings assist in unlocking revenue generation potential. An office may be upgraded for BCA compliance, to accommodate a new tenant or to unlock opportunity for new uses. While the upgrade work requires expense, it generally enables the proponent to secure a financial outcome (eg. avoidance of vacancy, securing higher rent or stronger lease arrangements etc.).</p>

16. The Property Council of Australia, along with four submissions made on behalf of industry, noted that at other levels of government, many barriers to investment are being removed given the economic impacts of the COVID-19 pandemic, with a focus on facilitating development which delivers jobs growth. This includes a recent Ministerial Direction to defer payment of contributions from construction certificate to occupation certificate stage. There is also a comprehensive review of the infrastructure contributions system being conducted by the NSW Productivity Commissioner. The City should reconsider the new contributions plan and seek to facilitate outcomes which maximise investment.

16. The City is working actively on many levels to assist businesses to recover from the economic impacts of the Covid-19 pandemic.

In March 2020, as part of the City's Covid-19 response package for businesses, the proposed levy increase was revised from 3% for all development to a sliding scale with levies of between 1 and 3% depending on development cost.

Despite the recent Ministerial Direction, the City does not support the deferral of development contributions to the occupation certificate stage as it interrupts the infrastructure funding process and makes it inevitable that infrastructure will lag behind development. Deferring funding to occupation certificate stage will exacerbate the existing infrastructure lag problem at a time when councils are making significant efforts to use public works to stimulate economic activity and bolster the long term attractiveness of the city for investment.

A levy of up to 3% is consistent with other major centres and the NSW Government's proposed guidance on implementing higher percentage rates for section 7.12 contributions for centres, which was exhibited from April to June 2020.

In August the City made representations to the NSW Productivity Commission on the Issues Paper titled "Review of Infrastructure Contributions in NSW". The NSW Productivity Commissioner will make recommendations regarding reforms, but it will then be for the NSW Government to consider these recommendations and decide the way forward. Given the uncertainty around the length of time this may take, it would be inappropriate to delay the commencement of the draft Contributions Plan on this basis.

The proposal to implement the sliding scale contribution levy at the time the LEP is made will benefit communities through the provision of infrastructure identified in the draft Contribution Plan's Schedule of

<p>17. There is concern that the increased levy will be applied to major refurbishment works which involve no increase in floor area or demand for infrastructure. Many of these proposals would relate to B grade office buildings, and a 3% levy would discourage upgrade and refurbishment proposals which would be of benefit to many small and medium business which occupy tenancies in these buildings.</p> <p>The Property Council of Australia recommends that Council consider a revised sliding scale to ensure there is no unreasonable penalty for those doing smaller scale works that don't increase GFA. All minor projects which do not result in additional floorspace should be levied at no more that the current 1% contribution.</p> <p>Some respondents argued that development contributions should not be payable for building upgrades or refurbishment works, and that an exemption should be added to the Draft Plan to this effect.</p> <p>18. There is concern about the application of the increased contributions to projects for minor building alterations. The proposed contributions will apply to works that do not involve any additional floor space or demand for services, including relatively minor building works such as refurbishments and building upgrades that do not place any additional demand on Council infrastructure or facilities. A minimum threshold</p>	<p>Works. Research has found investment in infrastructure has a multiplier effect in the form of a boost to short term employment as well as a longer term productivity gain to the economy.</p> <p>17. The current Central Sydney Development Contributions Plan 2013 applies to refurbishment works, including for offices, where there is no increase in floor area. The draft Contributions Plan is also proposed to apply in such circumstances. The City does not intend to exclude building upgrades or refurbishment works from the need to pay a contribution, or to fix the levy rate at 1% for developments not involving gross floor area (GFA) increases.</p> <p>The proposed sliding scale levy, where contributions increase according to the development cost, seeks to limit cost increases for smaller scale developments. No levy increase is proposed for development with a cost below \$500,000.</p> <p>The analysis has tested the tolerance of office fitout developments to the proposed levy increase, including for large scale refurbishments. Overall, when analysed in terms of how much additional contribution would be payable per annum per square metre, the proposed contribution levy increases are relatively minor. The analysis also found that upgrades to office buildings assist in unlocking revenue generation potential. While the upgrade work requires expense, it generally enables the proponent to secure a financial outcome (eg. avoidance of vacancy, securing higher rent or stronger lease arrangements etc.).</p> <p>18. The current Central Sydney Development Contributions Plan 2013 levies contributions for developments (including building alterations) where the development cost is \$200,000 or more. The Draft Contributions Plan is proposed to apply to developments (including building alterations) of \$250,000 or more. With amendments to the proposed contributions levy</p>
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<p>should be determined to avoid penalising those undertaking small scale works which do not involve increases to GFA.</p> <p>Some respondents argued development contributions should not be payable for building upgrades or refurbishment works, and that an exemption should be added to the draft Contributions Plan to this effect.</p> <p>19. The Property Council of Australia note that Department of Planning Industry and Environment (DPIE) recently released an Issues Paper which considered potential criteria for considering increasing Section 7.12 levies above the 1% maximum. They provided in-principle support for the criteria but suggest that any proposal to increase the levy above 1% should be deferred until the State’s economy returns to normal conditions.</p> <p>20. The Property Council of Australia argues that many of the works listed in the draft Contribution Plan’s Schedule of Works are to support future growth of the City’s residential population. The removal of the incentive for residential floor space means that it is highly unlikely that this growth will eventuate. Council should revise its Schedule of Works to only relate to types of development which will occur under the new planning controls (employment land uses). It should also not use contributions paid by new commercial development to subsidise the provision of facilities and services for the existing residential population of Central Sydney.</p>	<p>made as part of the City’s Covid-19 relief package in March 2020, the levy increases are lower for works under \$1M.</p> <p>The analysis has tested the tolerance of alterations and additions (including fitouts) to the increased contribution rates. Overall, when analysed in terms of how much additional contribution would be payable per annum per square metre, the proposed contribution levy increases are relatively minor.</p> <p>The analysis also found that upgrades to office buildings assist in unlocking revenue generation potential. While the upgrade work requires expense, it generally enables the proponent to secure a financial outcome (eg. avoidance of vacancy, securing higher rent or stronger lease arrangements etc.).</p> <p>19. With regard to DPIE’s recent Issues Paper which proposes principles and criteria for the assessment of requests to increase the maximum percentage levy for s7.12 contributions, the City supports this policy intention aimed at increasing transparency in the process. While the preparation of the draft Contributions Plan preceded DPIE’s Issues Paper, the City considers that it would be capable of fulfilling the proposed principles and criteria.</p> <p>20. The Draft Plan’s Schedule of Works describes over \$600 million worth of infrastructure works for Central Sydney which have either been delivered and the costs recouped, or are anticipated to be delivered and funded through the levy. Levy income will not cover the full costs of delivering this infrastructure.</p> <p>Most local infrastructure, such as roads, cycleways, public toilets and public domain improvements, is used by residents, visitors and workers, rather than exclusively one population type. Under the draft Contributions Plan all types of development where the cost of works is \$250,000 or above will be required to pay a contribution, regardless of</p>
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<p>21. No transitional or savings provisions are proposed in terms of concept DAs and development contributions. Certain concept DAs currently under assessment with Council which are subject to existing planning controls and were lodged prior to the exhibition of the Central Sydney Planning framework should be subject to savings provisions so that they are subject to existing contributions rates. The draft Contributions Plan should be amended accordingly to include savings provisions which reflect this.</p> <p><i>Submissions from State agencies</i></p> <p><i>Australian Museum</i></p> <p>22. The Australian Museum notes that the proposed development contributions plan seeks to substantially raise the contribution rates for development within the City. When collectively considered with other contributions applicable in Central Sydney (eg. heritage floor space and affordable housing levies), the contributions add significant cost to development and impacts on viability of investments.</p> <p>The Draft Contributions Plan proposes to alter the list of development types excluded from payment of contributions. This includes the removal of the current exemptions for developments which propose the adaptive reuse of heritage items, and for not-for-profit development which provides a distinct community benefit. These changes may see the Australian Museum having to pay substantial contributions on development that provides significant benefits to</p>	<p>the land use. It would be inappropriate to revise the Schedule of Works to only provide infrastructure that serves commercial development and worker populations. Rather, as is currently proposed through the Schedule of Works, local infrastructure should be provided for the benefit of all types of development and their populations.</p> <p>21. When a development is subject to both a Stage 1 (concept) DA and a Stage 2 DA, the contributions liability falls to the Stage 2 DA as it is at this point that a more reliable estimated development cost can be provided for the purposes of calculating contributions. Given this, which ever contribution plan is in existence at the time a Stage 2 DA is lodged is the one which determines the levy rates payable. It would be unreasonable to “save” the applicability of a previous contributions plan (and previous rates) for a concept DA, as such DAs are not in themselves subject to contributions.</p> <p>22. The analysis indicates that the impact of the proposed contribution increase is relatively minor. New development or upgrade works unlock revenue generation potential. While the upgrade work requires expense, it generally enables the proponent to secure a financial outcome.</p> <p>In the Draft Contributions Plan, the City has rationalised the list of development types that may be excluded from the need to pay a contribution. This is due to the critical importance of funding the local infrastructure needed to support our communities, and also to more closely align the exclusions with those in the City of Sydney Development Contributions Plan 2015 which applies elsewhere in the local government area. No changes are proposed to the Draft Contribution Plan’s list of development types excluded from the need to pay a contribution.</p>
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<p>Sydney and may impact on future investment decisions and impact on the Museum’s heritage maintenance program. Exemptions from the payment of contributions should be maintained for development which proposed the adaptive reuse of heritage items and for not-for-profit development which provides a distinct community benefit.</p> <p><i>Sydney Opera House</i></p> <p>23. The Draft Contributions Plan is intended to apply to the Opera House site. A recent State significant development (SSD) consent for the Opera House provided an exemption to developer contributions on the basis of the works being an adaptive reuse of a heritage item, having a material public benefit and not increasing demand on council services and facilities.</p> <p>It is requested that the Opera House be either:          (1) removed from the land to which the Draft Plan relates; or          (2) added to the list of development types which are granted exemptions, either for all works on the site or works which the Opera House can demonstrate would not increase demand on council services or facilities.</p> <p><i>Transport for NSW</i></p> <p>24. The Draft Contributions Plan proposes an increase in development contributions which have the potential to impact upon TfNSW renewal projects. These levies do not consider the significant investment in public domain, community facilities etc which may already be part of larger projects.</p>	<p>While it is acknowledged that not-for-profit developments may provide community benefits, it remains that new development generates demands on local infrastructure. It is appropriate that new development contribute its fair share towards the cost of new and improved infrastructure from which it will benefit.</p> <p>23. In the draft Contributions Plan, the City has rationalised the list of development types that may be excluded from the need to pay a contribution. This is due to the importance of funding the local infrastructure needed to support our communities, and also to more closely align exclusions with those in the City of Sydney Development Contributions Plan 2015 which applies elsewhere in the local government area.</p> <p>The draft Contributions Plan is proposed to apply to the same land as the current Central Sydney Development Contributions Plan 2013 with no boundary adjustments.</p> <p>It is not proposed to remove the Sydney Opera House from the land to which the draft Contributions Plan will apply, or to exclude it from the need to pay contributions where they would be applicable.</p> <p>24. In the draft Contributions Plan, the City has rationalised the list of development types that may be excluded from the need to pay a contribution. This is due to the critical importance of funding the local infrastructure needed to support our communities, and also to more closely align exclusions with those in the City of Sydney Development Contributions Plan 2015 which applies elsewhere in the local government area.</p>
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<p>In the case of Circular Quay Renewal, this could deliver significant public domain benefits to the area in addition to transport and visitor benefits. This would contribute to the local infrastructure needs and the overall objectives of the Central Sydney Planning Strategy. TfNSW requests that the Circular Quay Renewal area be excluded from the application of the Draft Contributions Plan.</p> <p>TfNSW intends for the Central Precinct which will undergo renewal to have its own precinct specific contributions plan, with an infrastructure needs assessment to be undertaken to development an infrastructure schedule and a contributions framework. This will take into consideration both local and state infrastructure needs. Significant public works will be delivered, which will positively contribute to local infrastructure needs and the overall objectives of the Central Sydney Planning Strategy. TfNSW requests that the Central Precinct be excluded from the Draft Contributions Plan, so that there is no “double dipping” of payable contributions.</p> <p>TfNSW has no comment on the updated map for the Draft Contributions Plan, which corrects a mapping error so as to include 10A Lincoln Crescent, Woolloomooloo into the area to which the plan will apply.</p>	<p>The draft Contributions Plan is proposed to apply to the same land as the current Central Sydney Development Contributions Plan 2013 with no boundary adjustments.</p> <p>It is not proposed to remove the Circular Quay renewal area or the Central Precinct from the land to which the draft Contributions Plan will apply, or to exclude these renewal projects it from the need to pay contributions. While they are significant projects which in themselves will provide significant infrastructure, it remains that they will increase demands for local infrastructure which the draft Contributions Plan seeks to fund. Neither precinct has yet to prepare a contributions plan, and it is noted that development proposals are currently well advanced for the Western Gateway area, which may pre date any alternative contributions plan for the Precinct. The Plan allows for contributions to be provided through works-in-kind where agreed with the Council.</p> <p>TfNSW’s response in relation to the consultation on the updated map for the draft Contributions Plan is noted.</p>
<p><b>Accommodation floor space</b></p>	
<p><i>The City received 35 submissions requesting the City does not remove Accommodation floor space bonuses for residential accommodation and serviced apartments.</i></p> <p><i>Submissions from residents</i></p> <p>1. Due to COVID-19 Kent and High Streets, now largely owned by absentee investors and used for short term letting at weekends has become lonely ghettos during the week.</p>	<p>1. The City has adopted a Community Recovery Plan that will support the community and economic recovery of the local government area over the next 12 to 18 months. While there are still many unknowns at this stage, the</p>

<p><i>Submissions from community groups</i></p> <p>2. Millers Point Community Resident Action Group suggest the City should retain the general incentive for residential development and not incentivise new office development.</p> <p><i>Submissions from peak bodies</i></p> <p>3. UDIA NSW request the City consider how to manage sites that were already acquired for residential development under the existing controls, as it is unlikely the lost value could be recouped.</p> <p>4. The Property Council requests the City does not remove the accommodation floor space incentive for residential accommodation and serviced apartments, and instead explore a more nuanced approach to residential development that considers student housing, build to rent and sites which do not have the potential to be optimised for commercial use.</p> <p>5. The Property Council recommends the Council defer removing the residential floor space bonus and look to assess potential residential developments on a case-by-case basis or indeed precinct by precinct basis. This would allow for an efficient rebalance between employment</p>	<p>City will continue to support businesses and community to recover, while managing its own financial recovery over the next three years.</p> <p>2. The intent of the Central Sydney Framework is to rebalance the planning controls with a long-term focus on economic and employment floor space growth. 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 facilitating long term employment floor space supply consistent with Region and District Plans.</p> <p>3. Since the release of the Central Sydney Planning Strategy in 2016, the City has been clear in our intent to rebalance commercial and residential. For those where a development application has been lodged savings and transitional provisions are to apply.</p> <p>4. The intent of the Central Sydney Framework is to rebalance the planning controls with a long-term focus on economic and employment floor space growth. The City supports improved housing choice and conditions for renters, including long term rental tenancy options. However, build-to-rent should not receive special treatment in the planning framework above other forms of residential development as no barriers currently exist in the planning system for this type of market housing. The City notes the Department of Planning, Industry and Environment has recently exhibited an Explanation of Intended Effects for a draft Housing Diversity SEPP. The draft SEPP proposes several measures to introduce Build to Rent into the NSW planning framework.</p> <p>5. The planning proposal is consistent with the Region and District Plans in its prioritisation of space for employment and enterprise uses and its intent to contribute to long term employment targets agreed with the NSW Government. This is also support by Government investment in new</p>
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<p>and residential floor space in Central Sydney and the wider market over the next decade.</p> <p>6. Urban Taskforce recommends that the City of Sydney Council defer the removal of the residential bonus. Particularly at this time when flexibility will be critical to post COVID-19 recovery, the proposed approach is a step in precisely the wrong direction.</p> <p><i>Submissions from industry</i></p> <p>7. Investa Group and Henroth Group recommends the City of Sydney review the current floor space bonus system with a view to providing greater incentives to employment land uses, such as offering the current residential floor space bonus to commercial office or offering a large bonus for employment floor space.</p> <p>8. Mirvac notes that specific sites and areas of Central Sydney naturally lend themselves to residential development, irrespective of planning controls.</p>	<p>transport which brings workers and visitors into Central Sydney. The planning proposal seeks to implement the key moves of the Strategy, while providing clarity and certainty for the development industry. A case-by-case or precinct approach to assessing potential development removes clarity and certainty. Further the City does not have the resources immediately available to master plan each precinct in a timely manner.</p> <p>6. The intent of the Central Sydney Planning Framework is to rebalance the planning controls with a long-term focus on economic and employment floor space growth consistent with the Region and District Plans. 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 facilitating long term employment floor space supply.</p> <p>The City’s residential population growth forecasts in 2019 suggest Central Sydney’s residential population will grow to approximately 64,000 residents by 2036. While the City is seeking to rebalance the planning controls, residential and mixed-use development is still permissible and will continue to contribute to the nature of Central Sydney.</p> <p>7. Once the Central Sydney Planning Framework is implemented, the City will monitor and review the use of the planning controls. Further amendments to encourage employment floor space are not envisaged at this stage. More substantial bonuses are available in the tower cluster areas.</p> <p>8. Planning pathways for residential and mixed-use development are still available. Any site may also consider preparing a planning proposal to assess site specific constraints and opportunities.</p> <p>9. The Central Sydney strategy seeks to ensure that employment, social and cultural uses are delivered in Central Sydney. The Planning Proposal</p>
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<p>9. Stockland request cl 6.4 be amended to clarify the commercial floor space should be defined as the proportion of the building that is not used for residential accommodation, serviced apartments, hotel, child care or community facilities. This will ensure that employment, social and cultural uses are not dis-incentivised.</p>	<p>has been amended to include additional employment generating uses eligible for accommodation floor space. The additional employment generating uses include educational establishment, information and education facility, entertainment facility, function centre, light industry and health services facility. These uses are consistent with those proposed to be permitted in tower cluster areas. They also reflect the original intention of the 2016 proposal, while maintaining the further bonus for hotel and motel accommodation, community facilities and centre based child care in most areas. This will encourage greater employment, social and cultural uses in addition to supporting Central Sydney's global status.</p>
<p><b>Design Excellence</b></p>	
<p><i>Submissions from residents and community groups</i></p> <ol style="list-style-type: none"> <li>1. Air conditioning compressors must not be allowed to be placed in public view i.e. on balconies. This is not only unsightly, but also takes up valuable balcony space for residents.</li> <li>2. The Stamford Marque Strata Committee support a commitment to design excellence, but please allow citizens to see the completed building and not have density so heavy that it cannot be seen. That may dissuade architects competing for design excellence.</li> <li>3. Owner's Corporation SP 51487 have strong misgivings about the City's policy and practices in relation to bonuses for floor space in buildings which are the subject of design competitions.</li> </ol>	<ol style="list-style-type: none"> <li>1. Standard inclusion in Competitive Design Process Briefs "ensure no air conditioning units are located on balconies". In addition, for residential development, Part 4 (Objective 4E) of the ADG states "Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design."</li> <li>2. The Competitive Design process schemes are based on a design that sits within the permissible planning envelope. Whilst the final design/building appearance is not understood at that point, the public would at least have an idea of the scale of the proposal.</li> <li>3. A building demonstrating design excellence, means a building where the design of the building is the winner of a competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence. Additional floor space is not granted until the detailed development application has been considered and assessed.</li> </ol>

<p>4. The conduct of the competitions is highly questionable given that it is left to the developer to manage the process, pay the cost of the process, and select the participating architects and then select the winner.</p> <p><i>Submissions from industry and peak bodies</i></p> <p>5. Dexus, Charter Hall and the Property Council of Australia note the new Design Excellence provisions of the Sydney DCP 2012 are particularly detailed, even prescribing a method of calculating floor space ratios which takes into account sun shading (750mm requirement) and architectural articulation (15%). These provisions are overly detailed and we consider them to be a broad method of implementing best practice design which seeks to control solar loads and enable flexibility in design competitions.</p> <p>6. Poly consider the required identification of three alternative massing envelopes within the Concept DA and then subsequently in the Design Excellence Strategy and Competitive Design Brief is overly prescriptive and unnecessary.</p>	<p>4. The City’s competitive design processes have been highly successful in delivering high quality development throughout the council area. Each competitive design process undertaken in accordance with the City of Sydney Competitive Design Policy requires sufficient documentation, at least one independent person as an observer, jury members nominated by the consent authority and a set of protocols in the competitive design process brief. At the conclusion of the competitive design process, a report is provided, signed by all jury members verifying the process has been undertaken appropriately and fairly.</p> <p>5. These provisions were included to ensure a consistent approach to determining the floor space ratio for inclusion in the Competitive Design Brief for developments within a tower cluster area. In response to submissions these provisions have been simplified to a sliding scale. Where the floor space ratio efficiency relates to the proposed height, eg. the taller the proposal, the greater the efficiency required.</p> <p>6. Option testing undertaken through the Concept DA establishes a site’s capacity to address environmental impacts, accommodate alternative development options and the potential to achieve design excellence. The three indicative massing envelopes provide benchmarks which form the basis of the competitive design brief. Inclusion of the varied massing envelopes provides an expanded file of potential options to be explored through the competitive process.</p> <p>The competitive process does not prohibit or preclude variation from the three massing envelopes. Any variation is to be assessed on merit in meeting planning objectives and demonstrating design excellence. The decision of the jury will not fetter the discretion of the consent authority in its determination of any subsequent development application associated with the development site that is the subject of the competition.</p>
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<p>7. Dexus notes it is critical that a Model Brief is prepared and exhibited as the current model brief has not been reviewed since 2012. This document needs to re-establish competition brief inclusions, modernise competition processes and standardise submission requirements.</p> <p>8. The design excellence process needs to be combined with greater flexibility by the consent authority when considering design evolution between a competition-winning concept and a detailed DA design.</p>	<p>7. The City is currently undertaking a review of the City of Sydney’s Model Competitive Design Process Brief. In response to COVID 19, the City has updated the competition procedures and deliverables to streamline processes. The City will continue to review protocols and procedures on a periodic basis.</p> <p>8. The policy does not restrict the design development of the winning competition scheme subject to maintaining design integrity, and ensuring it is equivalent to an improvement upon the design excellence qualities of the winning competition scheme.</p>
<p><b>Design Competition process</b></p>	
<p><i>Submissions from residents and community groups</i></p> <p>1. Millers Point Community Resident Action Group suggest redesigning the proposed competitive design policy to remove the capacity for additional height and floor space in the proposed tower cluster areas.</p> <p>2. Reconsider the need for a sustainability specialist on the jury as focus on sustainability is assured through the required focus on certification frameworks such as NABERS and Green Star.</p> <p>3. The clause demanding “emerging architects” is inappropriate. It is deplorable ageism. It is not reasonable to expect an architect with less than ten years of experience to be able to design a &gt;200m building to “world class” standards.</p>	<p>1. Any additional floor space and height available in Tower Cluster Areas is subject to a planning application process. Testing and assessment are undertaken to establish a site’s capacity to address environmental impacts, accommodate alternative development options and the potential to achieve design excellence.</p> <p>2. Design excellence encourages above best practice sustainability performance. A specialist on the jury will assist in judging the sustainability outcomes of design competition entrants.</p> <p>3. The City supports emerging architects with demonstrated capabilities by being the recipient of an Australian Institute of Architects (AIA) commendation or award in the past 5 years or in the case of overseas competitors, the same with their equivalent professional association. Emerging status is recognised by way of relative experience in architectural typology, scale and complexity appropriate to a specific development project.</p>

<p>4. Council should acknowledge the role of professional bodies instead of side-lining them. Both the Planning Institute of Australia and the Australian Institute of Architects have programs to support young members and gender equity.</p> <p><i>Submissions from industry and peak bodies</i></p> <p>5. In order to provide a little less cumbersome process, it is recommended to have a minimum 5 jurors rather than 6 – with 2 appointed by Council, one by the Government Architect and two by the applicant – with the chair decided by the jurors. Similarly, a minimum number of 5 competitors would be just as effective as six.</p> <p>6. The fee for such large buildings should be at least \$250,000 AUD (2020 adjusted by CPI) rather than 150K – given such a fee would be the minimum costs incurred by architectural/consultant teams for such major projects for buildings taller than 220m or 56 office storeys. Such a fee is very modest relative to the value added to the project. For example, One Bligh was envisaged by the brief to be a 4-star office building – the winning design enabled a 6-star building of much greater value to the client.</p> <p>7. Urban Taskforce notes the proposal to pay competitors at least \$150,000 in fees, which is a substantial increase from the existing policy. The quality of design has been high under the existing arrangements. This is not the time to be paying more for something that already works.</p>	<p>4. The current Policy and City of Sydney Model Competitive Design Process Brief acknowledges and announces consultation with the Australian Institute of Architects in preparation of the Model Competitive Design Process Brief. The City of Sydney will continue to undertake periodic consultation with the Australian Institute of Architects and other relevant professional associations in such reviews.</p> <p>5. The proposed jury composition is similar in structure to that of the existing City of Sydney Competitive Design Policy - Architectural Design Competitions, with an equal balance between proponent and City nominees. The structure is devised to foster collaboration within a legislative framework, facilitating an appropriate mix of experience engaged in competition selection processes, and balance of public and private interests.</p> <p>6. A minimum fee is established as a baseline only and does not preclude increased fees commensurate to competition deliverables, estimated cost of works, scale and complexity of the proposed development. The City recommends proponents remunerate accordingly.</p> <p>7. In recognition of the additional cost of a competitive design process, under the current LEP Design Excellence provisions, the consent authority may award a successful design competition that achieves design excellence additional building height or floor space of up to 10%. The existing Competitive Design Policy does not set or specify competitor participation fees. Fees are established at the discretion of the proponent, and the City recommends, commensurate to, competition deliverables, estimated cost of works, scale and complexity of the proposed development.</p>
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<p>8. Adhering to strict requirements for architects may also rule out other suitable and talented architecture teams from participating in the competition. Urban Taskforce recommends proponents should be required to select 2 to fulfil.</p> <p>9. Mirvac noted in regards to female representation on design teams - the requirement for competitors to demonstrate a hard figure of a minimum 50% female representation in their design team and leadership team should not be enforced by a competitive design policy. Rather than imposing a set figure, there is support for a target or aspiration in the policy. It is recommended each competitor nominates a suitable design team which encourages diversity and demonstrates a clear gender balance within the team.</p> <p>10. The current Competitive Design Policy be adopted for tower cluster areas ensuring a continuation of the high level of architecture which has shaped the city skyline over recent years.</p> <p>11. FJMT requests a requirement to notify competitors of the outcome (or delayed outcome) of the Competitive Design process within a defined timeframe.</p> <p>12. FJMT express the need for mandatory feedback and/or access to the jury report for all competitors within a defined timeframe.</p>	<p>8. Benchmark credentials for architect's participation in a competition are devised to support the specific design excellence framework for Tower Cluster Areas, with objectives outlined at 5.4 of the Draft Amendment to Competitive Design Policy to:</p> <ul style="list-style-type: none"> <li>• drive innovation through world class sustainable design;</li> <li>• make an exceptional contribution to the Sydney skyline;</li> <li>• increase the extent and quality of the public domain and make a high quality contribution above and beyond standard requirements; and</li> <li>• promote adaptive renewal of existing structures.</li> </ul> <p>9. The wording of the draft Competitive Design Policy will be amended to adopt the 40:40:20 ratio initiated by the Male Champions of Change. It refers to 40% men, 40% women and 20% of any gender. The intent of the Male Champions of Change ratio is to aim for diversity of gender in workplace leadership and in teams, which aligns with the City's aspirations for prompting diversity and gender equity.</p> <p>10. Where an item is not addressed under the new provisions pertaining to Tower Clusters, the remainder of the Competitive Design Policy applies. Refer to the proposed provision in Section 5.4(3) For any competition matters not addressed in this section the competitive design policy provisions apply.</p> <p>11. The current Competitive Design Policy requires the submission of an architectural design competition report to the consent authority within 14 days of the jury's decision. The City of Sydney Model Competitive Design Process Brief also requires results be made public within 21 days of the appointment of the winning competitor and the developer to advise competitors in writing of the decision.</p> <p>12. The architectural design competition report is submitted as part of a Detailed development application and becomes public. The City will review the Policy and Model Competitive Design Process Brief in formalising</p>
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<p>13. FJMT requests a requirement for the submitted schemes to be made public and available to all competitors, as submitted, not with any subsequent changes.</p>	<p>competitors' access to the final architectural design competition report within a defined timeframe.</p> <p>13. Following the conclusion of a competitive design process, an architectural design competition report is required to be submitted with the Detailed DA documentation and subsequently placed on public exhibition. The report details the competition process, includes the jury's assessment of the design merits of each scheme and rationale for the choice of preferred design.</p>
<p><b>Schedule 11</b></p>	
<p><i>The City received 22 submissions requesting clarification of the proposed procedures in Schedule 11 of the DCP.</i></p> <p><i>Submissions from industry and peak bodies</i></p> <p>1. Multiple submissions received for Procedure B of Schedule 11 consider that the requirements are onerous and will significantly limit the development potential of sites.</p> <p>2. Mirvac, Lend Lease note some confusion and requested clarification of the 'base case' concept.</p> <p>3. Multiple submissions requested that Council clarify that if compliance with Schedule 11 and clauses 5.1.1.1(3), 5.1.1.3(5) and 5.1.1.4(3) is achieved, then a development proposal's impact on surrounding</p>	<p>1. The procedures outlined in Schedule 11 are very flexible. Setbacks are largely about ensuring good daylight and wind conditions in public places which is essential to achieving ensuring Central Sydney remains an attractive place for people while supporting growth. The City is allowing a flexible approach to the built form controls as long as the proposed envelope provides equivalent, or an improvement, on wind and daylight testing to the base case.</p> <p>2. The base case is used to model wind and daylight impacts. It provides indicative information on the site's suitability for additional height and/or density. Schedule 11 has been restructured and reworded for greater clarity. The base case will provide a general indication of how suitable a site is to accommodate a tall tower. If the base case looks unusual, it may highlight challenges for a potential tall tower to satisfy wind and daylight levels.</p> <p>3. Compliance with DCP s5.1 and Schedule 11 does not mean a development proposal's impact on surrounding developments private views, visual privacy, solar and daylight access is also considered reasonable.</p>

<p>developments private views, visual privacy, solar and daylight access is also considered reasonable.</p> <p>4. Mirvac noted the proposed requirement for a tapered building form is generally not supported. As with most developers and especially with commercial development, efficiencies are gained through the repetition of consistent tower floor plates. It is recommended that the tapered building form requirement is removed.</p> <p>5. If heritage items were to be incorporated into a larger redevelopment opportunity, no tower could be contained over the item as it would again fail the equivalency tests. This is at odds with page 113 of the draft CSPS which supports the consolidation of heritage items into larger developments.</p>	<p>4. Tapering is a component of the base case requirements for wind and daylight testing. It is also a consideration in the final planning envelope allowing for efficiencies for the design competition and architectural variation. A development proposal may have a form that is not tapered provided it meets or improves on the wind and daylight performance of the tapered base case.</p> <p>5. This paragraph on page 113 of the draft Strategy talks in past tense about positive developments that included a heritage item. It does not expressly support the consolidation of heritage items into larger developments.</p>
<p><b>Sun Access Planes</b></p>	
<p><i>Submissions from industry and land owners</i></p> <p>1. Why is the City introducing sun access planes for Prince Alfred Park, Belmore Park and Lang Park when these parks have a lower status than Hyde Park?</p>	<p>1. Prince Alfred Park and Lang Park in the current planning framework are already subject to no additional overshadowing provisions. The City has converted these existing controls to a Sun Access Plane (SAP) for greater certainty and so that proponents do not have to determine the effect of the no additional overshadowing clause. Lang Park is a valuable green space. It is important to preserve the amount of sun it receives consistent with the existing no overshadowing requirements. A SAP will capture and preserve the sun light between the existing towers and inform any redevelopment opportunities. Belmore Park is currently protected by a SAP. The period of protection has been extended to 10am to protect this park in the morning.</p>

<p>2. Why did the City expand the SAP controls to all year or several months?</p> <p>3. For Prince Alfred Park, the control 10am-2pm throughout the year may not be appropriate as a reasonable balance between park amenity and surrounding development potential.</p> <p>4. The idea of solstice and equinox “tails” is unnecessary given the controls are “lines in the sand” in the first place.</p> <p>5. Markham Partners notes the Darling Harbour SAP does not protect the sun access to the foreshore because various developments do not comply and extend well above it.</p> <p>6. We reject the proposition that the Category A sites should be removed, which requires that if they are to redevelop, they must produce a 50% reduction of overshadowing. We do support the removal of Category B land sites.</p>	<p>2. The April 14 to August 31 and August 31 to April 14 dates which are not equinox dates but are used because it’s when the sun is in the same point in the sky. The sun follows slightly different paths in Autumn and Spring. In instances where the where a public space is completely overshadowed in mid-winter, these other dates are typically used to check when the sun reaches the space.</p> <p>3. The City notes the Central Station Over Station Development project is progressing at this time. The City is working with DPIE and TfNSW on the project, and notes this was not raised as an issue in the TfNSW submission.</p> <p>4. The intent of the tails is to reinforce the objective to protect spaces throughout the year. It’s possible to minimise overshadowing on 21 Dec, but to make worse for all other times as the shadow is broader. To implement our objective to protect parks all year round the tails make the controls more transparent. The tails also anticipate not only development applications, but also proposals that seek to change the planning controls.</p> <p>5. The City is proposing a strategy to transition building heights along the Darling Harbour edge of Central Sydney using a SAP. There are properties on the eastern side of Darling Harbour that could develop to significant heights. The City’s wind advice notes significant impacts on Darling Harbour.</p> <p>6. The City has reviewed the Category A sites that have not been developed or have an approval. Category A sites have to reduce overshadowing by 50%. However, past approvals have demonstrated that the reduction of overshadowing in mid-winter does not reflect what happens throughout the year, as there is a smaller reduction in overshadowing in other parts of the year as the sun moves more westerly throughout the year. Category B sites are more problematic as they are sites sitting behind Category A sites, so they are linked to what happens on Category A sites. Category B sites depend on the Category A site not changing. The Pitt Street Metro station</p>
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<p>7. Land owners in Commonwealth St, Surry Hills have raised concerns that the Harmony Park SAP, which is only intended to apply to land within Central Sydney, also applies to land outside of the Central Sydney boundary.</p> <p><i>Submission from peak bodies</i></p> <p>8. The Property Council recognises that sun access provides significant amenity to the city’s workers and it is important that all reasonable steps are taken to protect the useability of these spaces. We provide in-principle support to the proposed changes to each sun access plane.</p>	<p>development demonstrates the dependence in this clause is flawed. The City supports clause 6.18 being removed.</p> <p>7. The City acknowledges the unintended application of the Harmony Park SAP. The City will address this issue through the Central Sydney South project.</p> <p>8. Noted.</p>
<p><b>Savings Provisions</b></p>	
<p><i>The City received 18 submissions raising concerns with the absence of Savings and Transitional Provisions for development applications either approved or lodged but not determined.</i></p> <p><i>Submissions from industry and peak bodies</i></p> <p>1. The exhibited planning proposal and proposed LEP provisions do not currently contain savings and transitional provisions for Stage 1 Development Applications (DA) approved under the current LEP controls. This is particularly pertinent for Stage 1 DAs that include residential accommodation in Central Sydney.</p> <p>The exhibited planning proposal does not contain savings and transitional provisions for DAs currently lodged with the City prior to the statutory exhibition of the Central Sydney Planning Framework. These DAs are in accordance with the current planning controls applicable to specific sites.</p>	<p>1. The City will include savings and transitional provisions in the amended planning proposal. There are a number of live concept DA approvals in Central Sydney. The proposed removal of accommodation floor space for residential land uses under cl. 6.4 will have a significant impact on these approvals. The concept development applications are typically predicated on a concept design that assumed the accommodation floor space bonus would be available. A savings provision needs to reference concept development applications to effectively save these approvals.</p>
<p><b>Additions to heritage items</b></p>	
<p><i>Submissions from industry and peak bodies</i></p>	

<p>1. The City received 13 submissions recommending that the wording of new 'Section 5.1.3.1 Additions to Heritage Items' of the DCP be revised to acknowledge that additions and building over heritage items is appropriate but will be subject to a thorough assessment. Several submissions requested the deletion of the sentence: "no additions to or development above heritage items will be permitted".</p>	<p>1. The proposed new Section 5.1.3.1 in the DCP links back to a previous City proposition to be much more cautious about vertical additions to heritage buildings. In many cases a planning proposal is needed to assess the impacts on the heritage item in detail and how the proposal will include the heritage item.</p> <p>To have a standard approach to vertical additions and building over heritage items is difficult when you consider the breadth of heritage items in the Central Sydney. Notwithstanding, the City has amended the legend on the Special Character Area maps to remove "no further development" for heritage items and included a new provision 5.1.3.1(5) to allow consideration of vertical additions to heritage items that are not visible from adjacent streets.</p>
<p><b>Special Character Areas</b></p>	
<p><i>Submissions from land owners</i></p> <p>1. The Catholic Archdiocese of Sydney argues that the concept of 'no further development' on any site is not practical or reasonable for the above reasons as the remit of 'development' is too broad in the context of the general requirements of any site.</p> <p>2. Stamford Property Services submit that the colour coding of their site in Macquarie Street Special Character Area is incorrect. There appears to be</p>	<p>1. In a general sense the SCA work takes the existing SCA and tries to refine the way the controls were written but did not look to change the controls or question if they are useful or something different. It really just took the SCA as defined as a given and said in some instances the SCA set quite wide ranges for street frontage heights, they took the opportunity to look at each lot and set specific controls street walls and setbacks. Much of the work said this heritage item is not suitable for a vertical addition so its shouldn't have any further height. As noted above the SCA maps, along with the DCP, have been updated to include reference to a new provision clarifying that, any vertical addition to that heritage item must not be visible from adjacent public places. This will enable minor development changes to occur through the development application process.</p> <p>2 and 3. The special character area maps have been reviewed and updated. In particular, the colour for "No specific SCA max height" has been changed</p>

<p>a further error in Figure 5.9. It includes the number '10' along Albert Street, which is inconsistent with the current 8 metre setback above street frontage height along Albert Street.</p> <p>3. Architectus note some legend colours are hard to match with the map colours – it would help to have the colours referenced by letters or numbers as well – like the LEP Height Maps.</p> <p>4. Oxford Properties notes the proposed DCP control is inconsistent with both the new 110m height limit for the site.</p> <p>5. Henroth Group advise that some buildings in the York/Clarence/Kent St Special Character Area have a max 55m Height Control when the Sydney LEP allows 60m + any eligible design bonus.</p> <p>6. Marshall Investments request a specific Clause for 53-63 Martin Place be included in the DCP stating that a rooftop addition which is acceptable on heritage and visual grounds may be considered, including where it is a visual improvement compared to the existing rooftop structures.</p> <p>7. Land owners in York St also note that heritage items that have “no further development” mapped in the York Street / Clarence Street / Kent Street Special Character Area is inconsistent with the draft Strategy.</p> <p><i>Submission from resident</i></p> <p>8. The maximum heights and minimum setbacks in the Bridge Street Special Character Area are sensible except for 56 Pitt Street (Royal Exchange site). The current DCP specifies a 20m setback from Bridge Street, while the exhibition draft would reduce this to 8m (3+5). In my opinion the setback should remain at 20m.</p>	<p>to a lime green colour so that it cannot be confused with other maximum building height colours. The City uses a general 10 metre setback from heritage items in special character areas.</p> <p>4 and 5. The special character area maps have been reviewed and updated to reconcile western edge uplift to 110 metres in the York Street / Clarence Street / Kent Street Special Character Area.</p> <p>6. The City does not support this request. Any site-specific changes would need to be supported by the appropriate analysis. The City has included a new provision 5.1.3.1(5) to allow consideration of vertical additions to heritage items that are not visible from adjacent streets.</p> <p>7. The City reiterates the important role of heritage sites and that in many cases there should be no increase in building height for these sites. Heritage items provide important relief between taller towers.</p> <p>8. The City commissioned detailed view analysis for Bridge Street to inform this change to the setbacks on this site.</p>
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<b>Key Public Views</b>	
<p><i>Submissions from industry and peak bodies</i></p> <p>1. The Star and the Sydney Business Chamber suggest that view protection planes should not affect development beyond central Sydney</p> <p>2. Architectus argues that Council should do the work to put controls in place rather than leave it to argument later.</p> <p>3. ISPT note the view protection coordinates intersect existing buildings, including 345 George Street. This will reduce the current 130m building height, and any refurbishment of the existing building above this plane will be prohibited</p> <p>4. ISPT argues that the view protection planes will undermine growth.</p>	<p>1. View protection planes are intended to apply to all development covered by Sydney LEP. They are intended to apply to any development covered by Sydney LEP that would intrude into the identified protected views. The coordinates have been updated to provide clarity.</p> <p>2. The view protection plane towards the Central Station clock tower does not affect any future development over the rail yards.</p> <p>The City acknowledges that the current LEP maximum height limits to the west of Martin Place prevent any new buildings encroaching into the protected view. The view protection plane proposed will help manage landowner requests to raise maximum buildings heights on a site-specific basis on blocks to the west of Martin Place.</p> <p>The identified view protection corridors are intended to prevent any further development intruding into those views. Placing the view protection corridors in Sydney LEP as opposed to the Sydney Development Control Plan is the preferred approach.</p> <p>3. The City will raise the view protection plane for the GPO clock tower to sit above the visible plant structures on the roofs of 341 and 343 George St. The City will include a clause that allows exceptions to the view protection planes to allow refurbishment and maintenance, but not to allow additions to existing buildings.</p> <p>4. The objectives of the Strategy includes maintaining important aspects of public amenity including heritage, daylight, wind protection, solar access to parks and protection of significant views. These amenity considerations are important in providing a high-quality urban environment that attracts workers and investment. The Strategy strikes a balance in promoting employment-focussed development while maintaining public amenity. There is sufficient</p>

<p>5. Romanous Development raised the following concerns:</p> <p>5.1 Unacceptable reduction in permissible development from 80m (88 with 10% design excellence height) for 301 Kent Street.</p> <p>5.2 Protection should be limited to blocks east of Clarence Street, in line with the Gazzard and Partners (1984) and Denton Corker Marshall (1993) studies.</p> <p>5.3 The western sky should not be protected, as significance comes from the setting of the sandstone buildings and the importance of Martin place as a gathering place, and the view of the GPO clock tower against the sky.</p> <p>5.4 The view protection plane is not consistent with the proposed raising of heights to 110m along the western edge of the CBD</p> <p>6. Investa Group suggests the proposed view corridors do not have sufficient justification and recommends a redraft of the view protections to align the views with the existing city context, and provide a merit based assessment framework, at a minimum relocating the view protections to the Sydney DCP where such controls are more appropriate.</p>	<p>growth available to achieve the objectives of the strategy whilst marinating these important views.</p> <p>5.1 It is proposed to adjust the western plane view corridor to match the height of recent development on Clarence St of 88m.</p> <p>5.2 These previous urban design studies led to the development controls in place on the western edge. These controls limited the heights of all blocks to the west of Martin Place to 80m to protect this public view.</p> <p>5.3 The western sky forms an important part of the setting for the collection of historic sandstone buildings in Martin Place</p> <p>5.4 The proposed adjustment to the western plane view corridor to match recent development heights at 88m, as mentioned above, removes this inconsistency.</p> <p>6. The restriction created by the Martin Place view corridor to the western sky is not a new one and has been in place since 1996. The view to the western sky is already protected by the height limit of 80m to the west of Martin Place. This has been in place since the Sydney LEP 1996, informed by the Central Sydney Strategy (1988) and preceding urban design studies including Martin Place Civic Design Study (Gazzard and Partners 1984) and Martin Place Area of Special Significance - Proposal for Urban Design Controls (Denton Corker Marshal 1993). Both of these studies identified the importance of views along Martin Place to the clock tower and the western sky. Placing the view protection corridors in Sydney LEP as opposed to the Sydney Development Control Plan is the preferred approach</p>
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<p>7. Dexus recommend that the Martin Place View Corridors are not pursued given the impact on delivery of employment floor space in the Western Corridor.</p> <p>8. Property Council of Australia recommend the City not proceed with the proposed Public View Protection Planes for Martin Place Western Sky and Sydney Hospital Silhouette. The City should allow for a more qualitative impact assessment of the views.</p>	<p>7. The City notes the assessment of development capacity relating to DEXUS sites at 309-321 Kent St provided with submission. The Dexus submission indicates a loss of around 260,000m<sup>2</sup> of development capacity across the affected sites. This is taken from analysis of the City's Capacity Study, prepared to support the CSPA. This capacity is notional and not available under the current planning controls. It relies on a future planning proposal to change the permitted heights from 80m to close to 300m. The objectives of the Strategy include maintaining important aspects of public amenity including the protection of significant views. The Strategy strikes a balance in promoting employment-focussed development while maintaining public amenity. There is sufficient growth available to achieve the objectives of the Strategy whilst maintaining these important views.</p> <p>The Martin Place view corridors are focused views incorporating significant elements of Martin Place. They protect the background of the GPO clock tower and the western sky setting to Martin Place. They are considered to have limited capacity to absorb change from significant new development.</p> <p>8. The Martin Place view corridors are focused views incorporating significant elements of Martin Place. They protect the background of the GPO clock tower and the western sky setting to Martin Place. They are considered to have limited capacity to absorb change from significant new development. The intention of the view corridors is to prevent further development intruding on the protected view. Inclusion in the LEP rather than the DCP is the preferred approach</p>
<p><b>Tall buildings</b></p>	
<p><i>Submissions from residents</i></p> <p>1. Residents support new developments responding to their context but suggested creating taller buildings will create wind tunnels and shadows. Residents also noted taller buildings can create significant impacts on liveability in Central Sydney.</p>	<p>1. The proposed amendments to clause 6.16 reinforce the predominant 55 metre height maximum and preferred tower and podium typology where podiums frame public space and ameliorate wind impacts and towers have</p>

<p><i>Submissions from industry and peak bodies</i></p> <p>2. The opportunity for sites to continue to provide contextually appropriate infill developments up to 55 metres, which access the available accommodation floor space bonuses, will ensure that the finer grain character and pedestrian scale of the city is retained.</p> <p>3. The threshold in cl 6.16 of SLEP for site area to allow height greater than 55m be retained at 800 sqm and not increased to 1,000 sqm.</p> <p>4. That a site less than 800 sqm still be eligible for a height greater than 55m if the proposed building satisfies the requirements of proposed sub clauses cl.3(a) and (b).</p> <p>5. Cl. 6.16 retain its entitlement to variation under SLEP cl 4.6 and not be listed in Cl 4.6(8).</p> <p>6. The rationale given in the planning proposal to justify a minimum 1,000 sqm site area is a generalisation and does not allow any flexibility for site specific assessment.</p> <p>7. Submission stated that some sites in Central Sydney do exist which can satisfy the performance criteria.</p>	<p>appropriate setbacks and separation, maximising daylight to public places and streets.</p> <p>2. Clause 6.16 supports appropriate infill developments up to 55 metres. The proposed clause applies to development where the building height is greater than 55 metres or the floor space ratio is greater than 8:1. The clause restricts development of buildings above 55 metres or land less than 1,000 sqm, but does not restrict floor space, including access to accommodation floor space bonuses.</p> <p>3. A review of development applications since 1998 demonstrates that a site area of 1,000 sqm is the minimum area required to include setbacks above a street wall (Appendix N – Erection of tall buildings in Central Sydney discussion paper).</p> <p>4. Subclauses 3(a) and (b) provide performance criteria for proposals on land greater than 1,000m. These criteria are necessary for a tall building to provide outlook, light and amenity to public places, separation of bulk from neighbouring buildings and a high quality urban form.</p> <p>5. Given the current clause 6.16 in Sydney LEP is subject to variation under SLEP cl 4.6, this variation should remain.</p> <p>6. <i>Appendix N – Erection of tall buildings in Central Sydney discussion paper</i> exhibited with the planning proposal provided a review of 41 development applications since 1998 to demonstrate that a site area of 1,000 sqm is the minimum area required to include setbacks above a street wall. On sites less than 1,000 sqm, street frontage heights, active street frontage, sun access and blank street walls are common non-compliances with the Sydney DCP.</p> <p>7. Our analysis shows that on 4 occasions a tall building could be accommodated on a site less than 1,000 square metres in area. On each</p>
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<p>8. A gradient approach in setting the building height limitations, taking into sun access planes, will be more appropriate as for fairness amongst landowners and aesthetic outcomes.</p> <p>9. Small sites are typically at a price point suited to 3 star and below hotels is reliant on being able to utilise both the mapped base FSR and accommodation floor space bonus. Council's proposed changes to remove the ability for sites that are less than 1,000 from being able to utilise accommodation floor space is therefore not supported.</p>	<p>occasion the site had 3 street/lane frontages. Access to 3 frontages allowed these sites to achieve appropriate tower separation, amenity and privacy for future occupants, acceptable impacts on surrounding properties and no adverse effects on the amenity of public places (sunlight access, daylight access and wind conditions).</p> <p>8. The planning proposal is proposing a change to the current clause which has been in Sydney LEPs since the mid-1990s. Building heights in Central Sydney varying from 55 to 235 metres. The control sets with the minimum site area needed to provide an appropriate tower form higher than 55m. Buildings can be higher if the minimum site area is achieved.</p> <p>9. Visitor accommodation is a priority for the City. The proposed clause applies to development where the building height is greater than 55 metres or the floor space ratio is greater than 8:1. The clause restricts development of buildings above 55 metres or land less than 1,000 sqm, but does not restrict floor space, including access to accommodation floor space bonuses for visitor accommodation. The extent to which the bonus floor space can be achieved will depend on the site context, eg sites with several street frontages may be able to achieve more.</p>
<p><b>Street frontage height and setbacks</b></p>	
<p><i>Submissions from industry and peak bodies</i></p> <p>1. UDIA argues that DCP amendments to reduce the heights of building frontages, and increase in rear and side setbacks will reduce the floor space capacity on some sites.</p>	<p>1. The background analysis for Central Sydney Planning Framework found a wide range of street frontage heights. With the exception of a small number of areas in the western edge, individual streets do not have a high level of consistency. The street wall is generally between 20 and 45 metres, but from building to building it's very common for them to go up and down. Therefore, the street frontage height of development outside of special character areas should range between 20 and 45 metres. The draft DCP provides a range of Street Frontage Heights depending on the proposed total building height.</p>

<p>2. Stockland request a review of the impact of the draft DCP podium and setback controls and consider amendments to these control to accommodate reasonable notions of flexibility in application of podium setback controls.</p> <p>3. Stockland note the draft DCP provisions for minimum setbacks of building heights is confusing. Figure 5.16 says that the 'greatest required setback' in Table 5.4 applies to 'height to the top of the building'. This provides an alternative interpretation of Table 5.4. Further, Figure 5.19 provide that the building envelope area must be reduced below the DCP setbacks for parts of the building between 120 - 240m (90%) and 240+ (80%). The effect of this is that setbacks up to 120m is actually 3.33% and the setback above 120m is actually 3.33% less the 90% envelope reduction.</p> <p><i>Submissions from land owners</i></p> <p>4. The University of Technology, Sydney notes that the street frontage height control is not a satisfactory control for education uses. A more appropriate podium height for educational establishments which is generally around 50m (or ten storeys).</p> <p>5. The Royal Automobile Club of Australia (RACA) raise concern with the definitive nature of the 'street frontage height' control on the RACA site.</p>	<p>2. The Street frontage height has been added to the list of provisions in schedule 11 that can be varied. This will allow more flexibility for different sites.</p> <p>3. Schedule 11 has been restructured and reworded for greater clarity.</p> <p>4. A 50m podium height will likely be inconsistent with the context as podium heights are generally between 25m and 45m. A variation to podium heights would need to be considered on its merit against the objectives of the controls and performance against Schedule 11 criteria.</p> <p>5. Due to the heritage values of the site and special character area context of the RACA site, any extension to the RACA site needs to be carefully considered through a site-specific proposal.</p>
<p><b>Guideline for site specific planning proposals</b></p>	
<p><i>The City received 7 submissions requesting the Guideline for Site Specific Planning Proposals be updated and made public.</i></p> <p><i>Submissions from industry and peak bodies</i></p>	

<p>1. It is anticipated that planning proposals will still be used to unlock the full potential on sites. Thus, we recommend Council exhibit a draft <i>Guideline for Site Specific Planning Proposals</i>. A draft Guideline will be important in establishing certainty in the planning proposal process and will inform proponents and landowners of the expectations for future assessment and development outcomes. Recommend the City update and reinstate its draft Guideline to assist and guide planning proposals. The existing version was a useful tool to provide clarity and certainty to both industry and authorities on the pathway, requirements and process.</p>	<p>1. The City has previously prepared a draft Guideline. The City has amended the Guideline for Site Specific Planning Proposals and included it in this post-exhibition package.</p>
<p><b>Site Specific requests</b></p>	
<p><i>Site specific requests to review planning controls in Central Sydney, include:</i></p> <ul style="list-style-type: none"> <li>• 81 York Street, 83 York Street and 144 Clarence Street – request to increase building height.</li> <li>• 81 Sussex Street, Sydney – request to increase building height and floor space ratio.</li> <li>• 296 George St, Sydney – request to be mapped as an opportunity site.</li> <li>• 211-215 Thomas St, Sydney – request to increase building height.</li> <li>• 1-19 Hargrave Street and 38-52 College Street, Darlinghurst - request to increase building height and floor space ratio.</li> <li>• King Street Wharf – request to increase building height and floor space ratio.</li> <li>• St Mary's Cathedral – request to apply a new building height. Instead of using the existing height of the building on the land.</li> </ul>	<p>The Central Sydney Planning Framework did not exhibit site-specific changes to the planning controls, such as building height and floor space ratio.</p> <p>This submissions table does not provide an analysis of the strategic or site-specific merits of site-specific submissions that request changes to planning controls and receipt of these submissions does not constitute a planning proposal request under the EP&amp;A Act.</p> <p>Land owners may request the City prepare a site specific planning proposal. The City will assess any request, lodged with the appropriate application fee and justification reports, on its strategic and site-specific merits.</p> <p><u>St Mary's Cathedral</u> – This site is unique and will require detailed master planning to understand what are appropriate building heights that could be applied across the site.</p> <p><u>Australian Museum</u> - This site is unique and has both State and National heritage listings. Any alterations or additions to this important building will require detailed master planning to understand what are appropriate planning controls that could be applied to the site.</p>

<ul style="list-style-type: none"> <li>Australian Museum - request to apply floor space ratio and accommodation floor space.</li> </ul>	
<p><b>Western Edge</b></p>	
<p><i>Submissions from land owners</i></p> <p>1. The increased building height from 80m to 110m in the western edge will provide little advantage to development potential nor improve the development potential unless further relaxation of FSR and height to be applied to the Kent/Sussex St strip is going to be granted.</p> <p><i>Submissions from residents</i></p> <p>2. The effects of a western edge height increase on tunnelling and down-drafting of the prevailing wind, the added shading, and the lost views amenity of other city buildings are obvious.</p> <p><i>Submissions from industry and peak bodies</i></p> <p>3. The Property Council of Australia requests a greater increase in building height should be considered for the western edge corridor and this to be matched with appropriate FSR controls.</p>	<p>1. The Central Sydney Framework proposes a 0.5:1 increase in Floor Space Ratio (FSR) for the western edge commensurate with the 30 metre height increase.</p> <p>2. The effects of increasing the FSR and building height in the Western Edge will be assessed during the detailed development assessment stage. The recent approval and construction at 230 Sussex Street demonstrates appropriate setbacks and tower form can be achieved in this area. A minor amendment has been made to the northern section of the western edge height increase, in response.</p> <p>3. The proposed increase in the building height and FSR for the Western Edge is informed by a review of development approvals in the area. Capacity for further additional height and density along the western edge is restricted with the proposed Martin Place, western view plane. The City will continue to monitor development activity in this area.</p>
<p><b>Residential Amenity</b></p>	
<p><i>Submissions from residents and land owners</i></p> <p>1. We object to the proposal to remove consideration of private views from the planning process.</p>	<p>1. Views are considered and retained where possible on the basis of view sharing principles where development is otherwise supported. However,</p>

<p>2. Section 5.1.2 of the draft DCP amendment's value statement states that public amenities like sunlight and views cannot be guaranteed and that maintenance of sunlight and private views should not unduly restrict the economic performance and growth of Central Sydney. Concerns raised that this means the rights and needs of residents in Central Sydney are expected to rank second behind that of investors.</p> <p>3. The Salvation Army and Charter Hall are supportive of these proposed amendments Section 5.1.2 and the 'value statement' which acknowledges that 'the maintenance of sunlight access and private views to existing development should not unduly restrict the economic performance and economic growth of Central Sydney' as it provides an improved balance to protecting and reducing impact on existing properties whilst providing for future growth.</p> <p><i>Submissions from industry and peak bodies</i></p> <p>4. The Urban Taskforce urges Council to adopt a less rigid approach to the application of the Apartment Design Guide (ADG).</p>	<p>private views beyond the site boundary and over other private land cannot be guaranteed.</p> <p>2. In Central Sydney sunlight and views will be protected where possible. The intent of the Central Sydney Planning Framework is to support the rebalance the planning controls with a long-term focus on economic and employment floor space growth.</p> <p>3. Noted. To avoid any doubt, Table 5.5 in the draft DCP has been amended to apply to residential, serviced apartments and all other forms of self-contained accommodation only.</p> <p>4. It is a requirement of the City's assessment practices to apply the Apartment Design Guide to proposed developments.</p>
<p><b>Heritage Floor Space</b></p>	
<p><i>Submission from community group</i></p> <p>1. Maintain the current world-famous system of transferable heritage floor space.</p> <p><i>Submissions from industry and land owners</i></p> <p>2. Great Synagogue submits that the different formulas for rateable and non-rateable buildings in the DCP should be removed.</p>	<p>1. Noted.</p> <p>2 and 3. The City's Heritage Floor Space (HFS) scheme incentivises the conservation of heritage items in Central Sydney by awarding owners of conserved heritage buildings transferable development potential that can be</p>

<p>3. Anglican Church Property Trust request the City review the HFS formulas of the DCP to incentivise the award of HFS relevant to the development potential which could otherwise be attained.</p> <p>4. Support the City's decision not to expand the HFS to floor space that may be achieved through the 50% design excellence bonus scheme.</p> <p><i>Submissions from State agencies</i></p> <p>5. The Opera House supports the award of HFS to heritage listed buildings in order to incentivise and fund agreed conservation works. However, to be eligible for HFS a building must have a mapped floor space ratio (FSR), which the Opera House currently does not have. It is recommended that the Opera House is awarded FSR and consequently HFS.</p>	<p>sold for use elsewhere in Central Sydney. Since its inception in the early 1970s, the HFS scheme has conserved over 80 buildings. The City will monitor and review the HFS scheme to ensure it remains an incentive for conservation, including by reviewing the awards, allocations and projected supply and demand and the approach for non-rateable buildings.</p> <p>4. Noted.</p> <p>5. Development within the Sydney Opera House is guided by the Conservation Management Plan (confirm), rather than the City's LEP. More detailed consideration is required ahead of providing an FSR to the site which may have unintended consequences on the HFS scheme. Any change would require a separate planning proposal to exhibit and implement a change to the FSR for the site.</p>
<p><b>Public domain</b></p>	
<p><i>Submissions from residents</i></p> <p>1. Will the City be providing safe places for bike parking?</p> <p>2. The Draft Strategy has actions for consolidation and sharing of driveways, loading and servicing areas, but there are no provisions in the draft DCP.</p>	<p>1. The City's Cycling Strategy Action Plan 2018 will continue to provide bike parking in the public domain where needed and on request, including on-street bike parking in suitable high demand locations. The City also provide floor space incentives for end of trip facilities in new developments, this includes on site bike parking.</p> <p>2. The CSPA notes the significant demand for driveways, loading and servicing on buildings in Central Sydney. The location of these service can have impacts on the street network of Central Sydney. The City's objective is to ensure delivery services are efficient, while limiting the impacts on pedestrians, public transport and the traffic network. To incentivise the provision of shared loading dock facilities an amendment has been made to the planning proposal, providing a floor space bonus. The</p>

<p><i>Submissions from community groups</i></p> <p>3. The Sydney Harbour Association notes the draft Strategy does not appear to register any serious recognition of the foreshore lands of Sydney Harbour as an outstanding natural asset, and as a public asset of national and heritage significance to existing and future generations, nor does it affirm any ongoing commitment to their protection, enhancement and maintenance.</p> <p>4. Millers Point Community Resident Action Group requests a review the environmental impact of development on streets and footpaths in the CBD – not just parks and public spaces.</p>	<p>City is investigating updates to servicing controls across the council area as part of the update to the comprehensive LEP and DCP.</p> <p>3. The harbour foreshore is under control of State government agencies. The City, however, reaffirms its commitment to the foreshore through Council strategies including Sustainable Sydney 2030, Local Strategic Planning Statement and Environmental Action strategy and action plan.</p> <p>4. The setbacks and daylight tests in the DCP help manage impacts from wind and loss of daylight to streets and footpaths. The City's access and parking controls aim to reduce the impact of vehicle cross overs on footpaths. The City's policy on 'Sydney Streets - Technical Specifications' gives due regard to the environmental impact of development on streets and public areas. The City will continue to monitor and review the impacts of footpaths.</p>
<p><b>Short term accommodation</b></p>	
<p><i>Submissions from landowners and industry</i></p> <p>1. The City should provide more information on how it intends to grow tourism arrivals, lengths of stay and tourism spending so that property owners and hoteliers can make informed decisions on whether and when to redevelop their properties for hotel use.</p>	<p>1. The tourism and visitor economy is an important sector for the whole council area and is a priority for the City. Tourism and the visitor economy have been severely impacted from the closure of both national and state borders. Reduced international travel is a long-term problem for the tourism and hospitality sector. As part of our Community Recovery Plan, the City will work with Destination NSW and other tourism sector partners to build on the Now's the time to love NSW marketing campaign to develop a strong domestic and local visitor marketing campaign for Sydney as a destination. At present, the timeframe for recovery is uncertain, thus maintaining the critical mass of tourism services and facilities across Sydney's visitor economy is essential.</p>

<p>2. Build-To-Rent is a new form of housing which if encouraged and supported could contribute significant additional supply to Sydney's overheated housing market.</p> <p>3. Student accommodation supports the commercial operations of Universities in the precinct.</p>	<p>2. The City supports improved housing choice and conditions for renters, including long term rental tenancy options. However, build-to-rent should not receive special treatment in the planning framework above other forms of residential development as no barriers currently exist in the planning system for this type of market housing. The City notes the Department of Planning, Industry and Environment has recently exhibited an Explanation of Intended Effects for a draft Housing Diversity SEPP. The draft SEPP proposes several measures to introduce Build to Rent into the NSW planning framework.</p> <p>3. Purpose-built student accommodation plays an important role within the inner city due to the number of tertiary institutions and colleges located in the Sydney local government area. The City notes the Department of Planning, Industry and Environment has recently exhibited an Explanation of Intended Effects for a draft Housing Diversity SEPP which includes the creation of a land use definition for purpose-built student accommodation. The draft SEPP should provide more clarity for this land use on the future.</p>
<p><b>Environmentally Sustainable Development</b></p>	
<p><i>Submissions from industry and peak bodies</i></p> <p>1. Energy efficiency controls need to be ground-truthed. Our experience on the hotel proposal for 4-6 Bligh Street was that the Council draft controls were impossible to achieve for a hotel and it was agreed to a lesser standard but a still a high standard for hotel buildings.</p> <p>2. Charter Hall supports the position of renewable procurement to be integrated into the business' energy procurement practices, rather than taking an individual building procurement approach. Charter Hall would welcome the opportunity to further discuss the boundaries and definitions of the City's net zero project and how this would relate to our large office portfolio.</p>	<p>1. The energy performance requirements for Bligh Street supported by a lifecycle cost benefit analysis. However, any new performance requirements will be determined through the performance standard pathways to net zero energy buildings project. That project involves energy modelling and a cost benefit analysis to inform new standards.</p> <p>2. Through the performance standard pathways to net zero energy buildings project the City is investigating offsite renewable and offsite efficiency procurement. The performance standard pathways project is developing an evidence base, that includes energy modelling and a cost benefit analysis, for office, shopping centre, hotel, multi-unit residential and mixed-use developments and major refurbishments. The City is engaging with the</p>

<p>3. Clarify DCP requirement for applications for new developments containing office premises with a net lettable area of 1,000sqm or more are to be submitted with documentation confirming that the building will be capable of supporting a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5.5 stars with the NSW Office of Environment and Heritage. Such an agreement is to be entered into prior to any construction certificate being issued for the approved development.</p> <p>4. Clarify DCP requirement for applications for developments involving alterations, additions and refurbishments to existing office premises where the estimated cost of works is over \$5 million, and contains a net lettable area of 1,000sqm or more, are to be submitted with documentation confirming that the building will be capable of supporting a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5 stars with the NSW Office and Environment Heritage. Such an agreement is to be entered into prior to any construction certificate being issued for the approved development. Notwithstanding, a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5 stars is not required where the consent authority is satisfied that:</p> <ul style="list-style-type: none"> <li>(a) the upgrade works would negatively impact on significant heritage fabric or the heritage significance of a listed heritage item, or</li> <li>(b) the costs associated with the energy efficiency upgrade works are unreasonable when compared to the overall estimated cost of works for the alterations, additions and refurbishment.</li> </ul>	<p>development industry on the results and proposed changes to achieve net zero energy buildings and support the NSW Government net zero emissions target. Other actions relating to water and waste in planning controls will also be based on an evidence base.</p> <p>3. The DCP requirement of a 5-star NABERS Energy Commitment Agreement (CA) is below the current requirement of the National Construction Code of a 5.5 star NABERS Energy CA, which is the minimum performance requirement for the construction of buildings and alterations and additions.</p> <p>4. It is acknowledged that 5 star NABERS Energy in the draft Central Sydney Strategy is out of date, as the strategy was developed in 2016. It should be 5.5 star NABERS Energy with a Commitment Agreement to align with the existing Sydney DCP 2012 and the recent update to the National Construction Code (NCC) in 2019. NCC 2019 is the minimum performance requirement for the construction of buildings and alterations and additions.</p>
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<p>5. Provide industry stakeholders with further details regarding the proposed ESD clause after it has been drafted and include an appropriate exemption and/or transition arrangements to the new requirement where the compliance costs will be unreasonable or make a proposed development economically unviable.</p> <p>6. Controls which support sustainable development should be tailored to encourage innovation and reward best practice, including for sustainability upgrades of existing buildings.</p>	<p>5. The proposed change to increase environmental performance is limited to those developments utilising the tower cluster area provisions, which provide for additional height and floor space. As a new control transitional arrangements are not considered necessary. In addition, with the opportunity for up to 50% additional floor space, associated costs can be factored into the projects feasibility.</p> <p>6. The proposal provides clarity of the sustainability standards sought for development utilising the bonus under the Tower Cluster provisions. These provide for additional height, and up to 50% bonus floor space for developments, seeking best practice NABERS energy rating with a Commitment Agreement. The significant bonus is an incentive for the delivery of design excellence which includes sustainability. The action relating to investigating provisions that reward the retention, refurbishments and upgrading of existing buildings is a longer term action that will be pursued in due course.</p>
<p><b>Central Sydney Boundary</b></p>	
<p><i>Submissions from industry</i></p> <p>1. Central Sydney should be expanded to include Darling Harbour, the east side of Ultimo-Pyrmont and Glebe Island, The Rocks and Walsh Bay because of contiguity and importance of global city centre functions. The Sydney LGA should be expanded to include neighbouring LGAs south to the airport and North Sydney – key components of the global economic corridor.</p> <p>2. Mirvac considers that the existing planning framework and controls that apply exclusively to Darling Harbour are appropriate and effective in achieving the NSW Government’s strategic vision and objectives for this distinct precinct. The unique Darling Harbour precinct should be retained and the boundary of Central Sydney remains as existing.</p>	<p>1. The City continues to discuss the inclusion of areas current covered by State planning instruments including Darling Harbour, The Rocks and others.</p> <p>2. A single planning framework for Central Sydney allows for the efficient and streamlined administration of planning functions. It will also allow the identity of Central Sydney and its precincts to be reflected as a single entity and project this image globally. The City will continue to seek to expand the boundary of Central Sydney.</p>

<p>3. Land owners in Abercrombie Street and Cleveland Street seek additional consideration be given to the current boundary of 'Central Sydney' and the potential to include more land.</p>	<p>3. The City will review the planning controls for the Central Sydney South precinct in response to new infrastructure like Sydney Metro West and the proposed third city square at Central Station. The Strategy includes a long term action to investigate expansion of the metropolitan centre zone.</p>
<p><b>Affordable Housing</b></p>	
<p><i>Submissions from residents</i></p> <p>1. Residents submissions note there are opportunities for affordable inner-city housing for essential workers for whom face to face contact is critical. Examples might include spaces in the inner city to work and study close to home.</p> <p><i>Submissions from industry and peak bodies</i></p> <p>2. Urban Taskforce's submission noted that the planning proposal will increase the affordable housing monetary contribution rates.</p> <p>3. City West Housing supports the City's supports continued striving towards achieving the 7.5% affordable housing target.</p>	<p>1. The City's affordable housing planning proposal expands the current levy across the council area and is in the final stages of implementation.</p> <p>2. The exhibited Central Sydney Planning Proposal did not contain new provisions for affordable housing. All matters relating to affordable housing were transferred to the Affordable Housing Review Planning Proposal, which is currently being finalised by the Department of Planning, Industry and Environment. This matter was addressed as part of the response to submissions received during public exhibition of the Affordable Housing Review Planning Proposal.</p> <p>3. Noted.</p>
<p><b>Capacity Studies</b></p>	
<p><i>Submissions from industry</i></p> <p>1. In the Built Form Capacity Study, the supporting tables and maps are very complex. The potential site amalgamations are large in number and may not be realistic.</p>	<p>1. and 2. The Capacity Study, used various assumptions to provide indicative FSRs and guide the preparation of the strategy and planning controls. The built form study indicated what building heights could yield in terms of FSR. These studies give some certainty that the City could achieve and deliver a percentage of floor space required over the next 20 years by</p>

<p>2. The Built Form Capacity Study identifies sites for possible amalgamations. It is assumed that additional commercial development capacity has been identified for the site as part of this study. This additional capacity has not been reflected in the planning proposal.</p> <p>3. Charter Hall notes the Built Form Capacity study identified commercial development capacity of select amalgamated blocks of up to 27:1 FSR. Notwithstanding, the maximum FSR currently allowable under the tower cluster pathway is 18.75:1. Considering the significant body of evidence which forms the basis of the draft CSPA it would seem appropriate that a mechanism to enable floor space ratios to be developed based on the specific site conditions and context to be included in the draft LEP. Site specific planning proposals should not be the only means available to realise the full employment generating potential of a site, without unreasonably compromising public amenity.</p>	<p>the Eastern City District Plan. Specific sites did not have detailed studies applied to them, thus any details should be taken as indicative. The planning controls and guidelines provide incentives and flexibility for the market to amalgamate sites. The planning controls and guidelines, rather than the capacity study, will inform development proposals.</p> <p>3. The Capacity Study is based on a series of assumptions and not the detailed analysis needed to develop floor space ratios for Central Sydney based on the specific site conditions and contexts. The option to prepare a site-specific planning proposals is still available under the EP&amp;A Act.</p>
<p><b>Wind</b></p>	
<p><i>Submissions from industry and peak bodies</i></p> <p>1. Architectus suggests that Council conducts a review and surveys the top consultants in the field to establish whether changes should be made to the wind speed standards. For example, the 292 hours per annum is remarkably, if not unbelievably precise for an imprecise science. There is no definitions for wind safety and comfort standards in the draft DCP.</p> <p>2. Mirvac notes their recent experience on 55 Pitt Street revealed some significant challenges in achieving equivalent or improved wind conditions. Wind has a greater degree of external factors that will influence the outcome of modelling; more so than what built form outcome is tested on the site. It is recommended that Council review the wind speeds and criteria to ensure they are appropriate and do not become a barrier to development.</p>	<p>1. The City confirms that 292 hours is 5% of all hours between 6 am and 10 pm each day (16 hours per day) over a year (365 days). Night wind speeds are higher than day. Therefore, 292 hours is trying to exclude overnight hours and target times when people are around. The City has reviewed the wording for this section of the DCP.</p> <p>2 and 3. The City has used the most permissive standard being comfort for walking. This is the lowest comfort level for a minimum for people to be able to move around the City. The business walking standard is mostly uncomfortable at greater than 8 metres per sec for 5% of all hours. The City proposes to reduce the safety wind speed, i.e. make it more conservative, based on expert advice that the current standard allows unsafe conditions.</p>

<p>3. Property Council recommends a review of wind speeds and criteria to ensure they are appropriate and do not become a barrier to development.</p>	<p>The City has had significant engagement with wind consultants who have provided important technical input into this issue. The control has been designed to acknowledge existing exceedances but it is not appropriate to increase exceedances and create poorer conditions where it is already uncomfortable for walking or unsafe.</p>
<p><b>Zone Objectives</b></p>	
<p><i>Submissions from industry and peak bodies</i></p> <p>1. Henroth Group submitted that the proposed “active street frontage” objective should be amended to allow greater flexibility of ground floor uses (even if they are not “active”) in order to adapt to changing market conditions.</p> <p>2. Property Council of Australia request the City continue to consider residential uses on appropriate sites to a scale that is currently achievable, and this should be reflected in the objectives of the zone.</p> <p>3. The Property Council supports the proposed RE1 Public Recreation zone objective to protect sun access to publicly accessible land.</p>	<p>1. The City supports active street frontages, wherever possible. The proposed wording of the new zone objective is indicative and subject to final legal drafting.</p> <p>2. The intent of the Central Sydney Planning Framework is to rebalance the planning controls with a long-term focus on economic and employment floor space growth. The proposed zone objectives are indicative and subject to final legal drafting.</p> <p>3. Noted.</p>
<p><b>Future Population and Jobs growth</b></p>	
<p><i>Submission from community group</i></p> <p>1. Millers Point Community Resident Action Group requests the City work with the Greater Sydney Commission (GSC), review current population and job targets for the Eastern Harbour City and Eastern City District Plan.</p>	<p>1. District and city population and job targets are determined by the GSC and are given effect within local council's local strategic planning statement. Population and job targets are periodically reviewed by both the GSC and the City.</p>

<p><i>Submission from Peak Body</i></p> <p>2. The Sydney Business Chamber is keen to work with Council on delivering and implementing the Central Sydney Strategy. As our society emerges from the pandemic lock down, the Chamber is planning to focus our advocacy on employment creation and supporting economic growth.</p>	<p>2. In June 2020, the City adopted the Community Recovery Plan to guide the next step we will take together over the next 18 months to the end of 2021 to shape the future of the City of Sydney area and the communities that live, work, invest, study and visit here. In particular, the City's recovery plan seeks to support businesses and organisations to innovate and adapt, so that industries can evolve and grow. The City will be implementing a range of actions to support employment creation and economic growth and welcomes any collaboration with the Sydney Business Chamber.</p>
<p><b>Draft LEP provisions and Terminology</b></p>	
<p><i>Submissions from State agencies</i></p> <p>1. Sydney Airport notes that clause 7.16 of the Sydney LEP 2012, recognises only two airspace protection surfaces, being the OLS and Protection of Air Navigation Services-Aircraft Operations (PANS-OPS). In Sydney Airport's case, there are several other airspace protection surfaces that, collectively, comprise Sydney Airport's prescribed airspace. These are:</p> <ul style="list-style-type: none"> <li>• Navigation aids protected surfaces</li> <li>• High intensity approach light protection surfaces</li> <li>• Radar terrain clearance chart</li> <li>• Combined radar departure assessment surfaces</li> <li>• Precision approach path indicator system protection surfaces</li> </ul> <p>Other Sydney councils have adopted a new LEP clause that recognises all airspace protection surfaces. Sydney Airport urges council to consider replacing the existing standard airspace protection clause with the alternative clause.</p>	<p>1. The City is currently considering the proposed alternative clause as part of the LEP/DCP review. It is noted that there are 5 airspace protection surfaces and the implications of these needs to be considered in detail before any LEP amendment is implemented.</p>
<p><b>Central Station</b></p>	

<p><i>Submissions from State agencies</i></p>	
<p>1. The City of Sydney should engage with TfNSW to determine the feasibility of the catalytic projects identified in the strategy and to assess the implications on the broader transport system including general traffic, freight, public transport, cyclists and pedestrians within Central Sydney.</p> <p>2. TfNSW note that redevelopment of the Central Precinct is a key state government priority and this is reflected in the Eastern City District Plan and CSPS.</p> <p>3. The draft CSPS excludes the Railway Square/Western Forecourt and other portions to the north of Central Station from the 'Central Station Revitalisation' area indicated in orange, and should be updated.</p> <p>4. TfNSW request removal of the Western Gateway from the Railway Square/Central Station Special Character Area boundary. Rewording of Locality Statement and principles to acknowledge and reflect the aspiration of the Central Precinct.</p> <p>5. TfNSW request the City rename references from Railway Square to 'Western Forecourt' to provide a naming convention consistent with the Central Precinct Strategic Framework and remove the sun access planes (v), (vi), (vii) and (viii) to Railway Square.</p> <p>6. TfNSW request the removal of southern views looking north towards the Central Station clock tower from Prince Alfred Park and Cleveland Street.</p>	<p>1. The City is working with TfNSW and Sydney Metro on the Central Station State Significant Precinct. The City will continue to collaborate with TfNSW to understand the traffic, freight, public transport, cycling and pedestrian implications of the proposed Metro stations within Central Sydney.</p> <p>2. Key changes in the Sydney LEP for the Central Station Precinct, have been reflected in the amended DCP. The draft Central Sydney Planning Strategy is a long-term plan that was developed to guide central Sydney over the next 20 years. The City does not intend to make any amendments to the Strategy at this time.</p> <p>3. The City acknowledges the strategic changes currently being progressed in the Central Station Precinct. In September 2020, the City adopted a set of structuring principles and indicative staging to guide planning for Central Square. This builds on the Strategy's directions for Central Station. The City supports the revitalisation of Railway Square/Western Forecourt and other portions to the north of Central Station in the Central Precinct Strategic Framework, however, is not proposing to update the Strategy at this time</p> <p>4. DCP maps will be amended to reflect LEP map changes implemented through the Central Station Western Gateway rezoning. The City does not support rewording of locality statements at this time.</p> <p>5. While a Railway Square Sun Access Plane (SAP) was developed as part of the detailed analysis in Appendix M - Solar Access Detailed Provisions, this SAP has not been included in the Planning Proposal and DCP amendments.</p> <p>6. A clock tower is a landmark that should be seen from as many points as possible. The planning proposal seeks to protect views of the clock tower from within Railway Square and the DCP requires consideration of views from north and south of Central Station. The City agrees that views from</p>

<p>7. TfNSW requests the removal of reference to ‘view and silhouette of the Central Station Clock Tower’ under Priority Action 5.1 of the Draft CSPA, and replacement with ‘view of the Central Station Clock Tower’.</p> <p>8. Rewording of Section 5.1.8 Objectives to acknowledge aspiration of the Central Precinct, as set out in the Strategic Framework.</p>	<p>certain points on Cleveland St are limited, though evident from Prince Alfred Park. The views of the clock tower, from inside Belmore Park, are important view corridors. Wherever possible, the City supports the protection of these important views.</p> <p>7. The City supports the use of ‘silhouette of the Central Station Clock Tower’ when referring to the views of the clock tower.</p> <p>8. The City acknowledges the recent exhibition of the Central Precinct Strategic Framework. The draft Central Sydney Planning Strategy is a long-term plan that was developed to guide central Sydney over the next 20 years. The City does not intend to make any amendments to the Strategy at this time.</p>
<p><b>Circular Quay</b></p>	
<p><i>Submissions from State agencies</i></p> <p>1. TfNSW requests that the Draft CSPA and supporting planning framework should include provisions which reflect and support the strategic direction provided within the Eastern City District Plan</p> <p>2. Clarification is requested around the public views identified in the Public Views Protection Map 2 in Figure 5.44 of the Draft Sydney DCP 2012. These are the views from Sydney Cove to Customs House, the view along Pitt Street to Sydney Cove as well views along Loftus, Young Phillip Street to Sydney Cove. Are these views proposed to be protected within the Local Environment Plan or within the Development Control Plan and if not</p>	<p>1. The draft Central Sydney Planning Strategy is a long-term plan that was developed to guide Central Sydney over the next 20 years. The Strategy was developed prior to the release of the Eastern City District Plan. The City does not intend to make any amendments to the Strategy at this time. It is expected that detailed master plans will be developed for specific precincts. These plans should be consistent with the Eastern City District Plan. The City’s LSPS reflects the City’s more current priorities and actions to implement the Eastern City District Plan.</p> <p>2. The views proposed in the Public Views Protection Map 2 on page 98 are DCP provisions that have been developed in conjunction with the principles for the Circular Quay special character area. They provide objectives and provisions that require development not to encroach upon public views, and where possible enhance or respond to these public views.</p>

<p>protected by public view protection planes, what planning controls will apply?</p> <p>3. Clarification over whether the proposed Height of Building map within the planning proposal, replaces the existing height of building map in the Sydney Local Environment Plan 2012 or will it introduce additional controls to the existing Height of Building map</p> <p>4. For the Circular Quay Special Character Area, TfNSW requests the City Amend (c) Enhance views to the harbour and of the sky from all north-south streets terminating at the Quay to say (c) Enhance views to the harbour and sky by encouraging the opening of new views from the city to the harbour and foreshore. This allows a more holistic consideration of views and the focus to be on enhancing and prioritising public views to and connection with the waterfront from the city rather than from specific streets. It also allows for flexibility to prioritise important views over less important views.</p> <p>5. For the Circular Quay Special Character Area, TfNSW requests the City add a new principle which clarifies the importance of the ongoing functionality of the transport interchange and aligns with Planning Priority E10 Planning Priority E10 Delivering integrated land use and transport planning; and</p> <p>6. For the Circular Quay Special Character Area, TfNSW requests the City add a new principle which aligns with Planning Priority E7 Growing a stronger and more competitive Harbour CBD and the area's ability to stimulate the day and night time economies.</p> <p>7. Reflect that the catalytic ideas are a long term vision and that the Circular Quay transport interchange is currently subject to NSW Government investigations which, subject to NSW Government and</p>	<p>3. The proposed new Height of Building Map (as exhibited) only shows amendments to building heights. Area 1 (existing building height) is unchanged and still applies to the wharves.</p> <p>4. Noted. This principle has been updated for the Circular Quay special character area.</p> <p>5. The special character area principle (i) mentions its role as an important transport interchange.</p> <p>6. An additional special character area principle (k) has been added to encourage day and night-time economies.</p> <p>7. The City recognises the importance of the Circular Quay site as an iconic gateway to Australia's global city and acknowledges TfNSW's initial work to understand the challenges and opportunities in renewing Circular Quay.</p>
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<p>planning approvals, will look to provide a more immediate upgrade of the wharves and surrounding public domain;</p> <p>8. Amend the schematic design showing a four wharves scheme as this has been shown to be unfeasible based on TfNSW investigations.</p>	<p>8. The draft Central Sydney Planning Strategy is a long-term plan that was developed to guide Central Sydney over the next 20 years. It is expected that detailed master plans will be developed for specific precincts. The City does not intend to make any amendments to the Strategy at this time.</p>
<p><b>Sydney Opera House</b></p>	
<p><i>Submission from State agency</i></p> <p>1. The Opera House recognises the importance of protecting and enhancing heritage values for the enjoyment of current and future generations and is supportive of Sydney being a ‘place-led, people focused’ city.</p> <p>2. The Opera House site and Bennelong Point (as a significant performing arts centre and place for the community) should also be recognised within the strategy and mapping as part of the City’s ‘Cultural Precincts’.</p>	<p>1. Noted.</p> <p>2. The City acknowledges the Opera House’s role as a cultural precinct in Central Sydney. The draft Central Sydney Planning Strategy is a long-term plan that was developed to guide central Sydney over the next 20 years. The City does not intend to make any amendments to the Strategy at this time.</p>
<p><b>Pymont</b></p>	
<p><i>Submission from resident</i></p> <p>1. Pymont has one of the largest and fastest growing concentrations of information media jobs along the Sydney Metro West corridor, including the corridor’s largest and fastest growing technology employment cluster. The Draft Strategy rightly mentions that heritage items and residential buildings limit the potential of Pymont for commercial development. If Council makes it clear in the DCP that sun access, outlook, and other amenities of residential buildings must be protected and enhanced where possible, developers will still find opportunities for commercial development.</p>	<p>1. The State government is currently undertaking a review of Pymont that extends from the Pymont Peninsula in the north, south to Broadway, east to Darling Harbour and Goods Line, and west to Wentworth Park. The draft Pymont Peninsula Place Strategy was exhibited for community and stakeholder review and feedback from July to September 2020. The finalisation of the Pymont Peninsula Place Strategy and preparation of detailed precinct plans which will be released in late 2020.</p>

<b>Southern CBD</b>	
<p><i>Submission from industry</i></p> <p>1. Increase the ‘base’ FSR, height, accommodation floor space controls for sites in the Southern Precinct located in proximity to Central Station to facilitate the delivery of slim towers capable of aiding the preservation of heritage buildings and the achievement of a land-use intensity commensurate with the proximity to heavy infrastructure and the planned Sydney Innovation Technology Precinct.</p>	<p>1. The City approach to growth under the LEP is to identify opportunities in tower clusters where additional height and floor space can be accommodated. The proposed controls identify parts of Haymarket as a tower cluster area for additional growth with up to 50% bonus FSR. Site specific opportunities can be considered through the planning proposal process as permitted by the Act.</p> <p>The south precinct around Central Station with Ultimo, Haymarket and parts of Surry Hills is the future southern extension of Central Sydney with the Central Station precinct earmarked for an additional 25,000 workers. The first stage of the Central Station precinct is currently progressing to the detailed assessment of new commercial towers.</p> <p>The City is committed to reviewing the planning controls for the Central Sydney South precinct in response to new infrastructure like Sydney Metro West and the proposed third city square at Central Station, which is an essential place making element that will be the mark of success for the precinct.</p> <p>.</p>
<b>Creative spaces</b>	
<p><i>Submissions from residents</i></p> <p>1. We support creative spaces to enhance working and living standards.</p>	<p>1. The City is currently pursuing the Open and Creative planning reforms to promote small-scale cultural activities that involve making or presenting creative content, such as film, art or performance, as well as talks or community events. The City is also seeking to retain and grow creative production. These include creative and maker tenants such as visual art and</p>

	<p>craft studios, printing, furniture making and repair, instrument repair and production, jewellery, ceramics, 3D printing, glass blowing/cutting and fashion/sewing and pattern making. The Open and Creative reforms will make it easier for small scale cultural activities to take place in existing buildings and remove known barriers for creative production.</p>
<p><b>Key moves</b></p>	
<p><i>Submissions from industry</i></p> <p>1. Scentre Group advises the Draft Strategy has a vision to continue to create and embellish Sydney’s distinguished identity as a great place to live, work, study and visit. As the largest retail landlord within Central Sydney, Scentre Group concur with this vision and support the City, in their recognition that Central Sydney is a critical driver in the economic, cultural, and social identity of Australia. The ten key moves of the draft Strategy are also supportable in-principle as they seek to implement change with a focus on employment growth and capacity while retaining what makes Sydney a unique and a rich place with beautiful heritage buildings, special places and attractive parks. The place-led and people-led strategy sets a tone for growth in the City which is welcomed by Scentre Group.</p>	<p>1. Noted</p>
<p><b>Infrastructure and Transport</b></p>	
<p><i>Submissions from State agencies</i></p> <p>1. TfNSW advises that any changes to bus operations or reduction in bus services in Central Sydney could only be considered following a detailed assessment in consultation with all relevant stakeholders. This is to ensure that public transport services are available for the travelling public including for those areas that are not well served by other public transport modes.</p>	<p>1. The City acknowledges any changes to bus operations or reduction in bus services in Central Sydney could only be considered following a detailed assessment and consultation. The City will continue to collaborate with TfNSW on these initiatives.</p>

Private Covenants	
<p><i>Submission from industry</i></p> <p>1. Currently, clause 1.9A <i>Suspension of covenants, agreements and instruments</i> in Sydney LEP 2012 precludes agreements or covenants from applying that may thwart the LEP provisions. This is common practice. However, this common exclusion does not apply to “Central Sydney” (clause 1.9A(2)(h)). This has the effect that private agreements (such as limiting height, stipulating materials, agreements relating to side walls etc.) may be enforceable. There are instances where covenants apply for developments completed many years ago. This should be rectified by removing clause 1.9A(2)(h) in the Sydney LEP.</p>	<p>1. Amendments to clause 1.9A were not included in the exhibited planning proposal and is not proposed to be changed. The use of covenants in Central Sydney is a critical element of the heritage floor space scheme along with other incentive floor space initiatives.</p>