

Attachment A

**Planning Proposal
133-145 Castlereagh Street, Sydney**

Planning Proposal: 133-145 Castlereagh Street, Sydney



Contents

Executive Summary	4
1. Site identification	6
2. Existing planning controls	11
3. Objectives and intended outcomes	18
4. Explanation of provisions	20
5. Justification	25
6. Mapping	42
7. Community consultation	43
8. Project timeline	44

Table of figures

Figure 1. Land affected by this Planning Proposal	6
Figure 2. Aerial photo of the site	7
Figure 3. Looking north along Pitt Street, subject site shown in orange	9
Figure 4. Detailed view of Pitt Street frontage, including skybridge	9
Figure 5. View along Castlereagh Street, looking south from Market Street	10
Figure 6. Detailed view of Castlereagh Street frontage, including skybridge	10
Figure 7. Extract from Zoning Map in the Sydney Local Environmental Plan 2012	11
Figure 8. Extract from Height of Building Map in the Sydney Local Environmental Plan 2012	12
Figure 9. Extract of the draft Hyde Park sun access plane in the Central Sydney Planning Strategy	13
Figure 10. Extract from Floor Space Ratio Map in the Sydney Local Environmental Plan 2012	14
Figure 11. Extract from Heritage Map in the Sydney Local Environmental Plan 2012	15
Figure 12. Photomontage of the future development concept	16

Table 1: Application of the various floor space provisions applicable for 133-145 Castlereagh Street	21
Table 2: Drafting instructions for 133-145 Castlereagh Street, Sydney in the LEP	22
Figure 13. Elevations of the indicative building envelope	26
Figure 14. Setbacks of the indicative building envelope	27
Table 3: Consistency with SEPPS and REPs	34
Table 4: Consistency with Ministerial Directions	35
Figure 15 Representation of views in the street of the existing development and proposed concept.	38
Figure 15. Comparison of the existing sun access plane breach, and the proposed envelope	39

Executive Summary

The City of Sydney (the City) has prepared this planning proposal for 133-145 Castlereagh Street, Sydney (the site), in response to a request from the applicant, The Trust Company, for the City to prepare a planning proposal for the site.

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

The planning proposal will enable development on the site that will be consistent with the Central Sydney Planning Strategy and contribute to the vision and aims of the Strategy through new employment space, improved public domain outcomes and design excellence.

The site and existing development controls

The site is 4,800 square metres in area, and irregular in shape. The site has two street frontages, to Castlereagh Street along the eastern boundary, and Pitt Street along the western boundary. There are three buildings on the site collectively known as the Piccadilly Centre Complex, comprising a 2 storey building with retail premises and part of the Uniting Church's Wesley Mission facilities, and two office towers 14 and 31 storeys in height.

The northern boundary of the site adjoins two sites, both undergoing redevelopment. The David Jones Market Street building and the City Tattersalls Club will feature new towers above the existing buildings on these sites. The southern boundary adjoins two mixed-use retail and commercial buildings, including the heritage-listed "Banking House" building. Surrounding development consists mainly of mixed-use buildings with ground floor retail and commercial and office towers above, as well as shopping centres, hotels, and club uses.

Under the existing LEP controls, the site is zoned B8 Metropolitan Centre, permitting a broad range of uses including office, retail, commercial and residential uses. The site has a maximum floor space ratio of 8:1, with additional floor space available, including where the development exhibits design excellence. The maximum building height is determined by the Hyde Park Sun Access Plane.

The planning proposal

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

This planning proposal seeks to insert a new site-specific clause in Division 5 of the LEP to:

- set a maximum floor space ratio of 21.53:1 including design excellence comprising:
 - a maximum floor space of 20.67:1 above ground
 - a maximum floor space of 0.86:1 below ground
- restrict development to employment uses only
- allow development consent to only be granted if a through-site link and other identified public domain improvements are provided

Planning Proposal:
133-145 Castlereagh Street, Sydney

- enable for up to 250 car parking spaces on the site (down from 274 spaces), all able to be used for Uniting Church services.

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

This proposal seeks to increase the maximum floor space ratio for the site to support future redevelopment delivering the following key benefits:

- Retention of employment uses with flexible contemporary floor space – the future commercial office tower will expand the employment floor space on the site and increase Central Sydney's capacity for business growth.
- Improved built form outcome – the planning proposal will facilitate the delivery of a new commercial office tower to contain up to approximately 103,000 square metres of floor space, including 4,000 square metres for Wesley Mission facilities at ground level and below ground. The proposed controls provide for a high-quality building to respond to surrounding development and public domain.
- Public domain improvements – the planning proposal will facilitate new development on the site that will improve public pedestrian access between Castlereagh and Pitt Street, realign the footpath along Castlereagh Street, remove the two sky bridges over Castlereagh and Pitt Streets and improve solar access to Hyde Park.
- Pedestrian amenity – the planning proposal provides controls for development which will improve pedestrian amenity in the public domain and deliver acceptable daylight and wind conditions.
- Car parking – the planning proposal will reduce the number of car parking spaces on the site and public car parking, while also allowing for the required car parking for Uniting Church services to meet its specific needs.
- Ecologically sustainable development – the draft DCP associated with the planning proposal includes ambitious ecologically sustainable development benchmarks to ensure an energy efficient built form is delivered.

1. Site identification

1.1 Site identification

This planning proposal relates to Lot 10 DP 828419, known as 133-145 Castlereagh Street, Haymarket. This site is referred to in this report as 'site' or '133-145 Castlereagh Street'. The site is shown at Figure 1.

Figure 1. Land affected by this Planning Proposal



Planning Proposal:
133-145 Castlereagh Street, Sydney

1.2 Site location

133-145 Castlereagh Street is located in Central Sydney, within the City of Sydney local government area.

The site is within 250 metres of several transport connections including Town Hall and St James railway stations, and the QVB light rail stop. The proposed Pitt Street (North) Metro station entry is to be located on the northern side of Park Street, between Castlereagh and Pitt Street, on the southern-most part of the block occupied by the site.

An aerial photo of the site and surrounding area is shown at Figure 2.

Figure 2. Aerial photo of the site



1.3 Site characteristics and context

The site is irregular in shape, and has total area of 4,800m². The site's eastern boundary fronts Castlereagh Street for a length of approximately 55 metres. The site's western boundary fronts Pitt Street for a length of approximately 54 metres. The northern boundary has a total length of approximately 93 metres, and the southern boundary has a total length of approximately 90 metres.

There are three buildings on the site collectively known as the Piccadilly Centre complex, comprising a 2 storey building with retail premises and Wesley Mission entry foyer, and two office

Planning Proposal:
133-145 Castlereagh Street, Sydney

towers 14 and 31 storeys in height. The 31 storey tower breaches the Hyde Park Sun Access Plane.

Retail premises are located throughout the ground floor of the site in a shopping arcade providing a private pedestrian connection between Castlereagh and Pitt Streets. Food premises and tower lobbies are located on the first floor. The Wesley Mission entry foyer is located at ground level, with the facilities including the lyceum, theatre, church (used for Uniting Church services), and other related services located below ground.

Vehicular access to the basement is via a ramp parallel to Castlereagh Street, which is a dedicated public road. The basement exit is via a driveway perpendicular to Castlereagh Street. The existing basement contains 4 to 5 levels, with the Wesley Mission facilities on the upper two levels, and car parking on the levels below. A total of 274 parking spaces are provided with some used as a casual, paid publicly accessible car park (when not in use by the Church) with 35 permanent spaces and the remainder allocated for use by the Wesley Mission for Uniting Church services.

Two pedestrian skybridges connect to this site, over Castlereagh Street to the Sheraton on the Park Hotel, and over Pitt Street to the building at 55 Pitt Street which provide rent to the City of Sydney.

Surrounding development comprises a mixture of retail, commercial, residential, and tourist accommodation uses. These are, in detail:

- North: Two properties adjoin the northern boundary of the site. The building known as the David Jones Market Street store is in the corner of Castlereagh and Market Streets, and is currently 10 storeys in height. This is a local heritage item (I1888). Development consent has been granted for a 22 storey residential tower above the existing tower, to contain retail and commercial uses. The City Tattersalls Club fronts Pitt Street, comprising several buildings 4-8 storeys in height. A Stage 1 Development Application has been approved for club uses in the existing buildings, with tower, above containing hotel and residential uses, to be approximately 50 storeys in total.
- South: Two sites adjoin the southern boundary of the site. The 'Banking House' building is a local heritage item (I1930) fronts Pitt Street and is six storeys in height. The building known as 147-153 Castlereagh Street fronts Castlereagh Street and is 43 storeys in height. Both buildings contain a mix of retail on the lower levels, and a commercial tower above.
- East: Located on opposite side of Castlereagh Street is the Sheraton on the Park Hotel, comprising 24 levels. A skybridge connects this building to the subject site. Other buildings in the vicinity of the site are largely commercial with retail at ground floor.
- West: There are a number of properties opposite the site in Pitt Street. These include the Hilton with a podium with shops fronting Pitt Street and a 46 storey tower. Next to this is 253 Pitt Street is a 3 storey commercial building with retail on the ground floor and offices above. Further north is 249-241 Pitt Street which is an 8 storey commercial building with ground floor retailing and offices above, and is a local heritage item (I1932). On the corner of Pitt and Market street is 55 Market Street, a 20 storey commercial building with a retail podium. This site is connected to the site by a skybridge over Pitt Street.

The subject site does not contain a heritage item, however there are several heritage items adjoining the site, as discussed above.

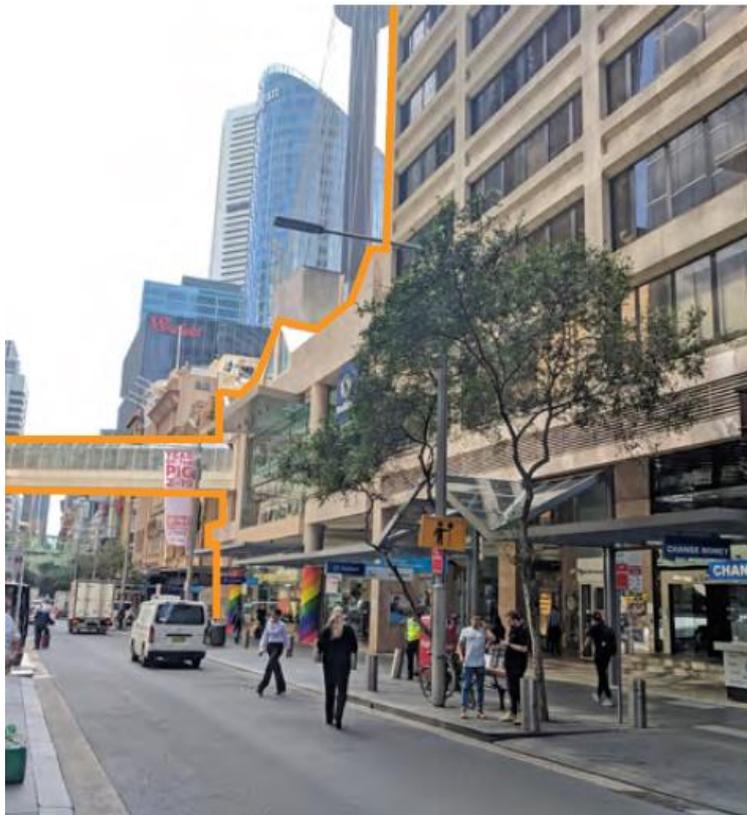
Figures 3 to 6 show existing development on the site and adjoining land.

Planning Proposal:
133-145 Castlereagh Street, Sydney

Figure 3. Looking north along Pitt Street, subject site shown in orange



Figure 4. Detailed view of Pitt Street frontage, including skybridge



Planning Proposal:
133-145 Castlereagh Street, Sydney

Figure 5. View along Castlereagh Street, looking south from Market Street

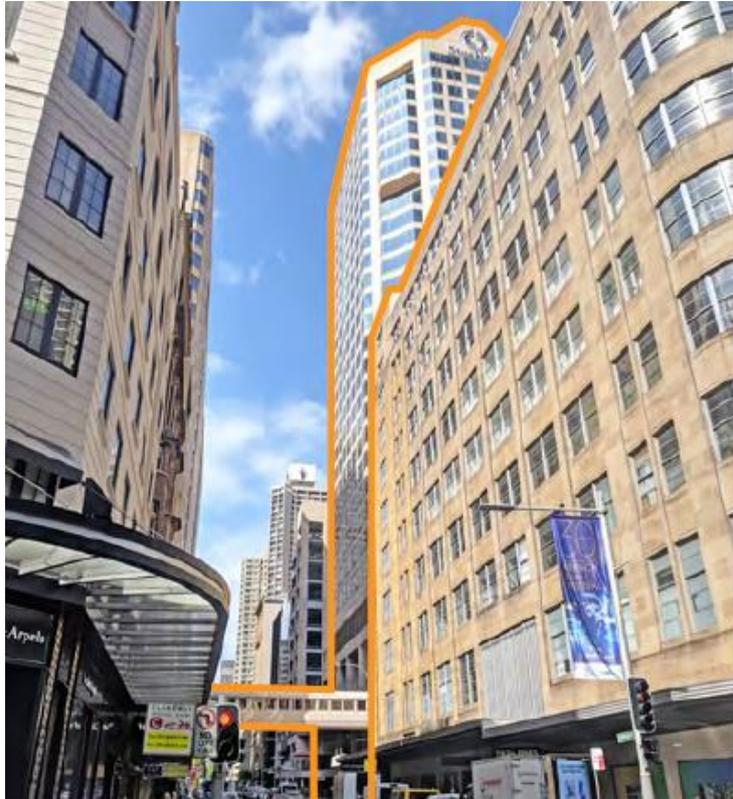
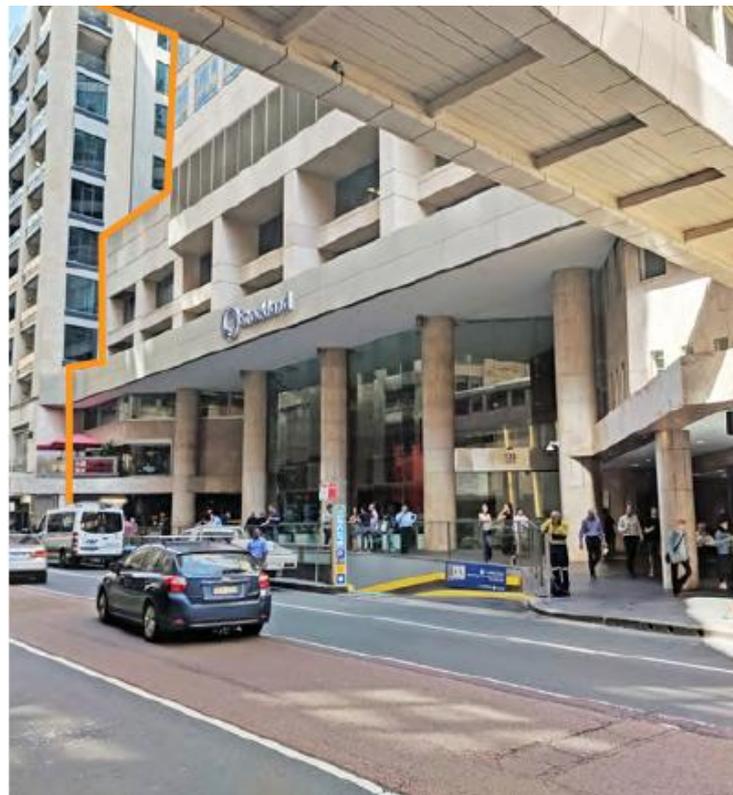


Figure 6. Detailed view of Castlereagh Street frontage, including skybridge



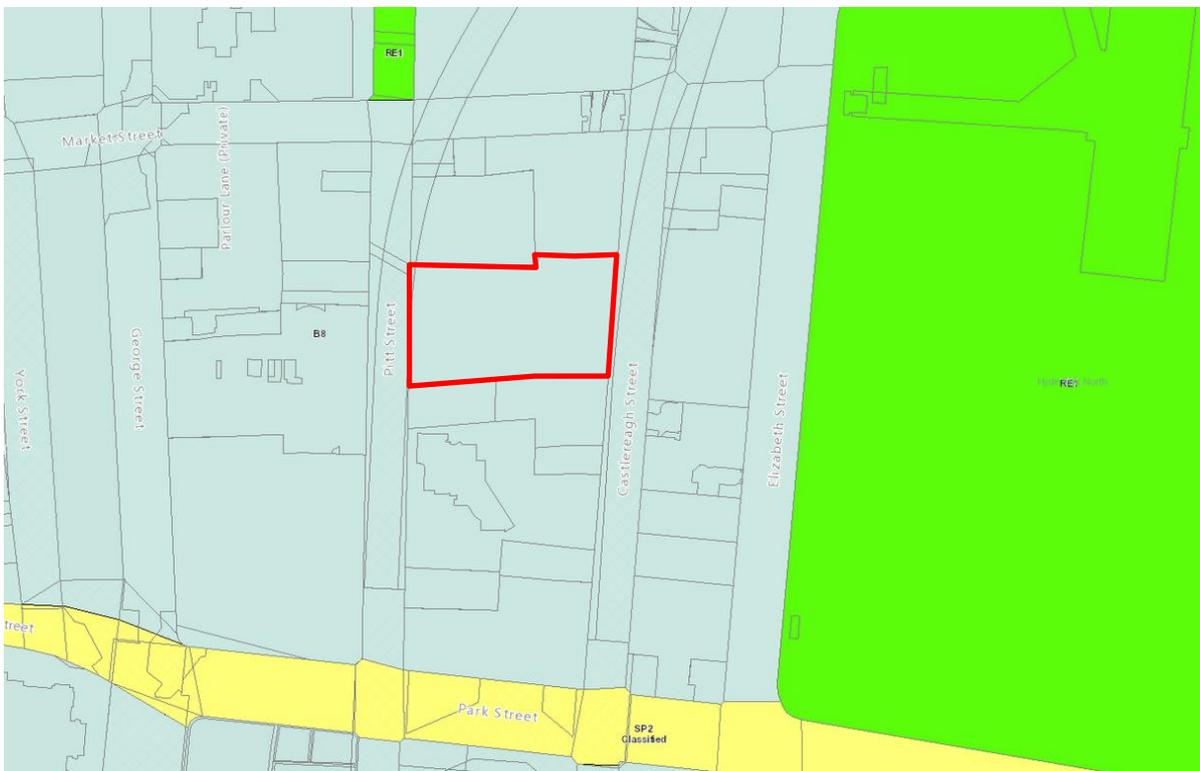
2. Existing planning controls

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

2.1 Zoning

The site is zoned B8 Metropolitan Centre, as shown in Figure 7. The zone permits a broad range of uses, including commercial premises, community facilities, food and drink premises, as well as residential accommodation and tourist and visitor accommodation.

Figure 7. Extract from Zoning Map in the Sydney Local Environmental Plan 2012

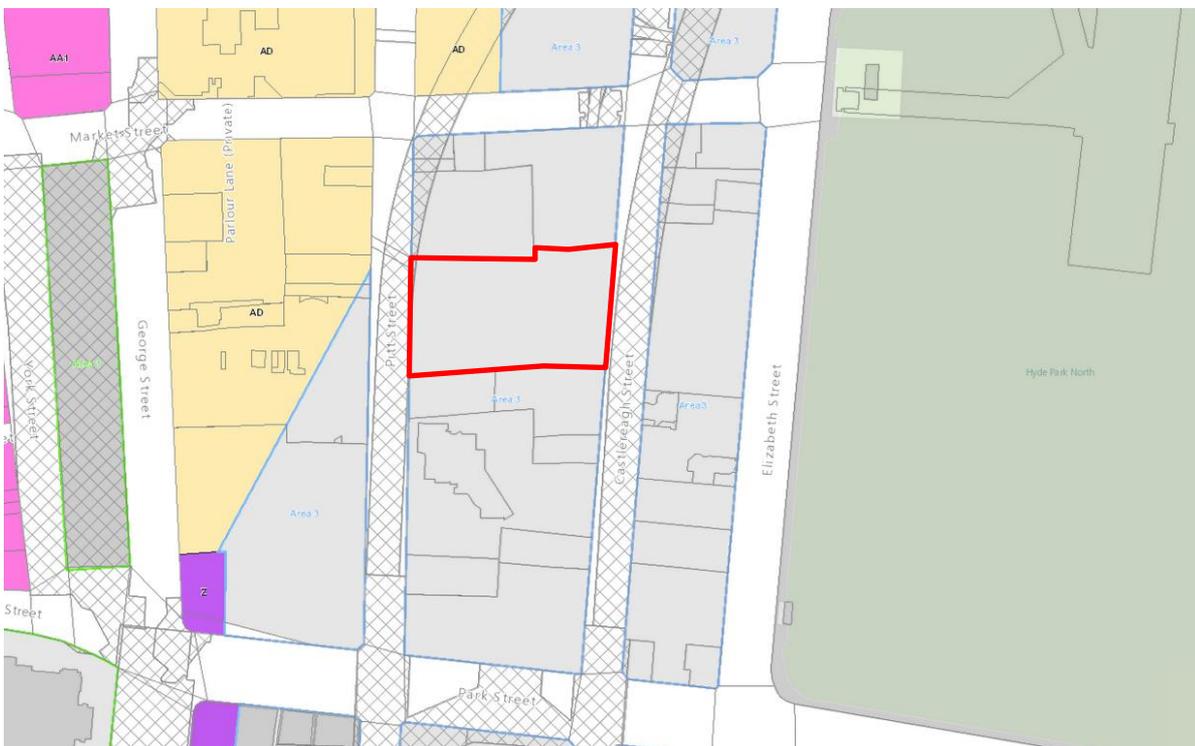


2.2 Building height

The site is located within Area 3 on the Height of Building Map in the LEP as shown in Figure 8. No maximum height is identified on the map for land in Area 3, with the maximum height determined by the sun access plane extending over this land, as detailed in Clause 6.17 - Sun Access Planes of the LEP.

Clause 6.17 of the LEP states there shall be no additional overshadowing of identified public spaces in Central Sydney during specified times. The draft LEP for Central Sydney identifies one of these public spaces as Hyde Park, and mapped in the Central Sydney Planning Strategy. This is shown in Figure 9.

Figure 8. Extract from Height of Building Map in the Sydney Local Environmental Plan 2012



Planning Proposal:
133-145 Castlereagh Street, Sydney

Figure 9. Extract of the draft Hyde Park sun access plane in the Central Sydney Planning Strategy



2.3 Floor space ratio

The maximum floor space ratio for the site is 8:1, as shown in Figure 10. Clause 6.4 of the LEP provides additional FSR of up to 4.5:1 for office, business or retail premises, and up to 6:1 for residential accommodation, serviced apartments, hotel or motel accommodation, community facilities or childcare facilities, subject to purchase of heritage floor space. Up to 10 per cent additional floor space may be granted under clause 6.21(7) of the LEP subject to a competitive design process and demonstration of design excellence.

In total, an FSR of 13.75:1 is potentially achievable for a mixed retail and commercial development on this site.

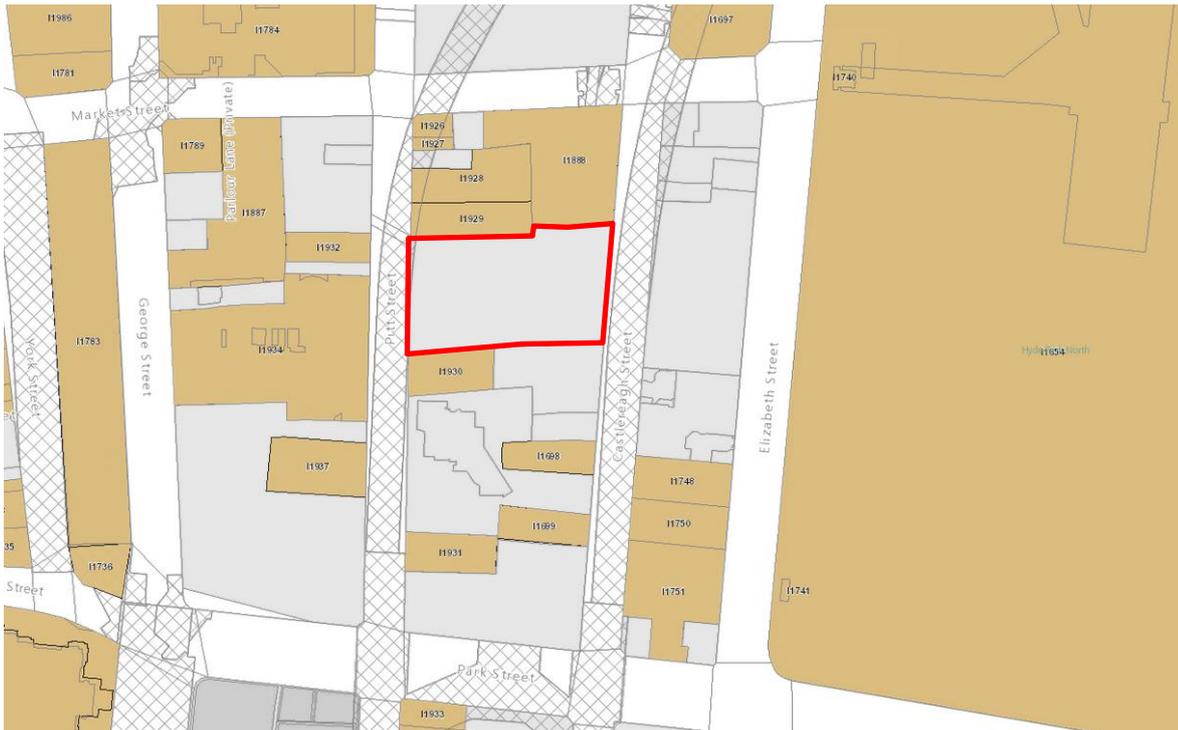
Figure 10. Extract from Floor Space Ratio Map in the Sydney Local Environmental Plan 2012



2.4 Heritage

The subject site does not contain any heritage items but adjoins a number of heritage items. These include the David Jones Market Street building and City Tattersalls Club to the north of the site, and the “Banking House” building adjoining the southern boundary fronting Pitt Street. The site is within the vicinity of several other heritage items, including Simpson House at 249-251 Pitt Street, and the Former Fay’s Chambers on the corner of Pitt and Market Streets.

Figure 11. Extract from Heritage Map in the Sydney Local Environmental Plan 2012



2.5 Planning Proposal request

In September 2020, the applicant, The Trust Company, represented by Stockland, submitted a request for a planning proposal for 133-145 Castlereagh Street. The request was accompanied by a number of specialist reports including a Planning Justification Report, Urban Design Study, Design Excellence Strategy, Visual Impact Assessment, Ecologically Sustainable Development Concept Report and Wind Impact Assessment. The City has prepared this planning proposal following the consideration and assessment of the request.

The applicant’s request includes a building envelope that has been subject to wind, daylight and solar access testing.

The request seeks to insert new site-specific controls in the LEP to permit redevelopment of the site for a new commercial tower above a podium. The request is to establish a maximum floor space ratio of 21.53:1, including design excellence floor space.

The changes to planning controls subject to this proposal are to enable the delivery of 103,000 square metres of floor space in a new tower up to 37 storeys in height. This includes around 99,000 square metres of commercial floor space comprising 93,000 square metres of office floor space and 6,000 square metres of retail floor space, and 4,000 square metres of floor space for Wesley Mission facilities (including floor space in the basement levels).

Planning Proposal:
133-145 Castlereagh Street, Sydney

No changes are proposed to the height controls for the site, which are determined by the Hyde Park Sun Access Plane.

Figure 12. Photomontage of the future development concept



Retail, food and beverage facilities, and lobby spaces are proposed to be located on the ground and first floors. A 24/7 public pedestrian through-site link will connect Castlereagh and Pitt Streets at ground level. Vehicle access will be from Castlereagh Street via reconfigured driveways, to a redesigned five-level basement consisting of an off-street loading dock, end of trip facilities, car parking and Wesley Mission facilities including areas for Uniting Church for church services.

The proposal also includes the removal of the two pedestrian sky bridges over Pitt and Castlereagh Streets connecting to the site as part of any future redevelopment of the site to improve the amenity of the public domain by removing the visual clutter of these structures, improve sky view and daylight and improve wind conditions.

Planning Proposal:
133-145 Castlereagh Street, Sydney

Pre-lodgement discussions

This planning proposal is the result of detailed and collaborative consultation between Stockland, acting on behalf of the applicant, and the City. During this time, the proposal has progressed through a number of iterations that have been further refined to address the specific challenges of the site, ensure compliance with the Central Sydney Planning Strategy, and to respond to the particular urban design issues relating to this site.

Design Advisory Panel

The proposal was also referred to the City's Design Advisory Panel (DAP) in December 2019 for design advice.

The City's DAP made several notes and recommendations for the proposal to consider. These included:

- concerns about amenity within the building and in the street as a result of the proposed mass of the building and depth of the floor plate
- wind impacts at the street level and overall air flow within the city should be considered
- sky view factor, sun access plane and setbacks should meet the requirements of the Central Sydney Planning Framework
- the proposal should be considered relation to surrounding buildings including upcoming development on adjacent sites (including the David Jones Market Street building and City Tattersalls Club)
- consideration should be given to alternative less bulky forms.

The City's Planning Proposal

The City has prepared this planning proposal following detailed review and assessment of the proposed development concept. The proposal has responded to DAP notes and recommendations.

The City has worked with the applicant's representatives and consultants to achieve a building envelope that responds to its context, maintains acceptable wind and daylight conditions in the public domain adjacent to the subject site, and is capable of being consistent with the Central Sydney Planning Strategy and the draft Development Control Plan: Central Sydney.

An amendment to the Sydney Development Control Plan 2012 (DCP), to be exhibited with this planning proposal, contains more detailed site-specific planning provisions for the site.

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

This planning proposal has been prepared noting the recent approval of the draft Central Sydney planning proposal by the Central Sydney Planning Committee and Council in December 2020.

3. Objectives and intended outcomes

This planning proposal will enable the redevelopment of 133-145 Castlereagh Street to deliver:

- a commercial office tower of variable height up to 37 storeys, which will be under the Hyde Park Sun Access Plane
- a podium with a street wall ranging from 3 to 10 storeys in height to match adjoining building podiums, provide definition to the street, and support an activated public domain
- a built form consistent with the future character of Central Sydney and with acceptable environmental outcomes
- improved pedestrian access and amenity through reconfigured footpaths and basement access, improved street activation and pedestrian connections, removal of the skybridges, and improved solar access to Hyde Park.
- reduced number of car parking spaces on the site, while also allowing for the Uniting Church to use 250 car parking on the site for church services to meet its specific needs.

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

- increasing the maximum floor space ratio to 21.53:1 for employment uses, inclusive of design excellence
- allowing a maximum floor space of 20.67:1 above ground
- allowing a maximum floor space of 0.86:1 below ground
- including provisions to ensure the application of heritage floor space, through the application of accommodation floor space.
- allowing 250 car parking spaces on the site (down from 274 existing), with the Uniting Church able to meet its needs through these spaces for its services.

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

- a tower above a podium to provide definition to, and activation of the public domain
- an appropriate building form with setbacks to reinforce adequate public domain wind and daylight amenity in surrounding public places, and be sympathetic to adjoining heritage items
- a building envelope to accommodate architectural articulation without resulting in detrimental impacts to public domain amenity
- inclusion of a public 24/7 pedestrian through site link with an atrium to provide natural light
- deliver public domain improvements including redesign of the basement entry ramps, realignment of the Castlereagh Street footpath, removal of skybridges over Castlereagh and Pitt Streets, and improved solar access to Hyde Park
- a plan of management for sharing arrangements of car parking spaces for the Uniting Church services

Planning Proposal:
133-145 Castlereagh Street, Sydney

- provisions and strategy for an architectural design competition
- achieve high standard of ecological sustainable development targets, including 5.5 star NABERS Energy rating and seeks to achieve zero net emissions and to target zero waste. The development also commits to a 6 star rating under the Green Star Design and As Built tool v1.3, which is the current rating tool.

A planning agreement (VPA) for improved public domain outcomes and developer contributions.

4. Explanation of provisions

4.1 Sydney Local Environmental Plan 2012

To achieve the intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by inserting a new site-specific clause for 133-145 Castlereagh Street, Sydney under Division 5 Site specific provisions to:

- increasing the maximum floor space ratio to 21.53:1 inclusive of design excellence, for principally employment uses
- allowing a maximum floor space ratio of 20.67:1 above ground
- allowing a maximum floor space ratio of 0.86:1 below ground
- include provisions to ensure the application of heritage floor space, through the application of accommodation floor space
- include provisions to permit a maximum of 250 car parking spaces on the site and allow these spaces to be used for Uniting Church services for place of public worship uses
- prevent the site from being used as a public car park
- ensure the building is not used for residential accommodation or serviced apartment uses
- ensure development demonstrates design excellence through an architectural design competition
- The planning proposal also seeks to amend Clause 4.6 Exceptions to development standards, to exclude the subject site from the operation of this clause

Floor space ratio

The planning proposal will deliver employment generating development on the subject site with a maximum floor space ratio of 21.53:1 inclusive of design excellence.

Commercial development can currently achieve floor space ratio of 12.5:1, which comprises mapped FSR of 8:1, accommodation floor space bonus of 4.5:1, and 10 per cent design excellence floor space. This planning proposal provides for additional site-specific floor space of 6.21:1 above ground and 0.86:1 below ground, resulting in maximum floor space ratio of 21.53:1 should the building exhibit design excellence. The application of the various floor space provisions applicable to the subject site is shown at Table 1 below.

The site-specific provisions ensure heritage floor space is applicable to future development on the subject site, in accordance with the existing provisions of clause 6.11 of the LEP. There is no change to the application of heritage floor space for accommodation floor space.

Planning Proposal:
133-145 Castlereagh Street, Sydney

Table 1: Application of the various floor space provisions applicable for 133-145 Castlereagh Street

LEP clause	Applicable floor space	Floor space ratio
cl. 4.4	Mapped floor space ratio	8:1
cl. 4.6	Accommodation floor space	4.5:1
TBC	Total above ground site-specific floor space	6.21:1
TBC	Total below ground site-specific floor space	0.86:1
		19.57:1
cl. 6.21(7)(a)	Additional floor space – design excellence	Up to 10%
		21.53:1

Non-residential uses

To facilitate the delivery of additional employment generating floor space in Central Sydney through site-specific planning proposals, only employment uses will be permitted on the subject site under the new site-specific provisions in the LEP, and as a result, residential or serviced apartment uses are excluded.

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

Design excellence

Future development on site will be subject to an architectural design competition consistent with clause 6.21 of the LEP.

Clause 6.21(7) of the LEP provides up to 10 per cent additional floor space subject to an architectural design competition and demonstration of design excellence. The additional floor space is capable of being accommodated within the maximum building envelope subject of this planning proposal and as such a new provision is to be included to ensure additional floor space is taken up rather than additional building height.

Car parking

A site-specific control is proposed to cap parking spaces at 250 on the site. As a result, Clauses 7.3, 7.6, 7.7 and 7.9 of the LEP will not apply. The car parking spaces will be allowed to be used as ancillary parking to a place of public worship, so that all provided car parking spaces could be used for church services.

The maximum 250 spaces is a reduction in the existing 274 spaces, of which some are available as a public car park. It is proposed to continue to allow for a sharing arrangement of spaces for future development on the site due to the unique circumstance of the Uniting Church continuing to use part of the site as a place of public worship for a diverse and dispersed congregation.

Planning Proposal:
133-145 Castlereagh Street, Sydney

To manage the parking on site, including distribution of parking spaces for other uses on the site when these spaces not used for church services, a draft DCP provision is proposed for a parking management plan to be approved at the detailed design stage. This plan is to demonstrate how the onsite management of car spaces can accommodate changes in the use of the site within a typical week.

To ensure that any underutilised spaces arising from the car parking arrangement are not used as a public car park, a site-specific control is proposed to prohibit this use.

Drafting instructions

To deliver the objectives and intended outcomes of this planning proposal, a new site-specific clause for 133-145 Castlereagh Street will be inserted to Division 5 Site specific provision of the LEP.

Drafting instructions are shown at Table 2 below. Words proposed to be deleted are shown in **bold strike through** and words to be inserted are shown in **bold italics**.

Table 2: Drafting instructions for 133-145 Castlereagh Street, Sydney in the LEP

Part 6 Local provisions – height and floor space

Division 5 Site specific provisions

6.## 133-145 Castlereagh Street, Sydney

- (1) The objective of this clause is to encourage:
 - (a) land uses other than residential accommodation and serviced apartments, and
 - (b) the provision retail activation and pedestrian connections.
- (2) This clause applies to 133-145 Castlereagh Street, Sydney, being Lot 10 DP 828419.
- (3) Despite any other provision of this Plan, a building on land to which this clause applies may have a maximum floor space ratio comprising:
 - (a) mapped floor space ratio under clause 4.4, and
 - (b) accommodation floor space ratio under clause 6.4, and
 - (c) end of journey floor space under clause 6.6, and
 - (d) an additional site-specific floor space ratio of:
 - i. 6.21:1, located in the above ground portion of the building
 - ii. 0.83:1, located in the below ground portion of the building
 - (e) an amount of additional floor space, to be determined by the consent authority, of up to 10% if the building demonstrates design excellence within the meaning of clause 6.21(7)(b).
- (4) Clause 4.6 does not apply to development to which this clause applies.
- (5) Development consent must not be granted under this clause unless the consent authority is satisfied that the development will–
 - (a) include a pedestrian through-site link connecting Castlereagh Street and Pitt Street, and
 - (b) include retail premises fronting the through-site link, and
 - (c) removes the vehicle entry ramp to the basement and realigns the footpath adjacent to Castlereagh Street, and
 - (d) will not be used for the purpose of residential accommodation or serviced apartments, and
 - (e) not exceed a maximum of 250 car parking spaces, and which may be used for Uniting Church services for ancillary place of public worship uses, and
 - (f) will not be used for the purposes of a commercial car park.
- (6) Clauses 6.21(7)(a), 7.3, 7.6, 7.7 and 7.9 do not apply to development on land to which this clause applies.

Part 4 Principal development standards

4.6 Exceptions to development standards

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
 - (xx) Clause 6.xx (133-145 Castlereagh Street, Sydney)

4.2 Sydney DCP 2012 amendments

To ensure future development is consistent with the objectives of the planning proposal, site specific provisions for the DCP will accompany to ensure a high-quality built form and public domain outcome is achieved.

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

- maximum building envelope
- street wall heights
- setbacks
- through-site link and atrium
- active frontages
- public domain
- parking and vehicular access
- design excellence strategy
- environmentally sustainable development targets
- public art

5. Justification

This section is structured as follows:

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

5.1 Proposed changes to, benefits of and managing impacts of increasing floor space ratio

The planning proposal seeks to amend the floor space ratio controls for employment generating use, to facilitate the redevelopment of the subject site with a built form that has acceptable impacts on the surrounding area.

FSR changes

The planning proposal will insert site-specific floor space ratio controls in the LEP for the subject site, 133-145 Castlereagh Street, Sydney.

The floor space ratio controls are specific to the building envelope outlined in this planning proposal, provided by the applicant. To be eligible for the proposed development controls, future development on the site is to meet the site-specific requirements in the LEP, such as restricting future development on site to non-residential uses only and provision of a through-site link, public domain upgrades and ground floor active uses.

The planning proposal provides for a maximum floor space ratio of 21.53:1, inclusive of design excellence. The above and below ground portions of the floor space ratio are specified as this split has been used as part of the consideration of the maximum size of the building envelope above ground, including the testing undertaken by the applicant for wind and sky view impacts.

The site-specific provisions outline the FSR provisions that are applicable for the site. This includes the mapped and various additional FSR, providing a maximum above ground FSR of 20.5:1, inclusive of an additional design excellence floor space of up to 10 per cent that can be applied, following a competitive architectural design competition. The site-specific provisions to be inserted into the LEP can accommodate the indicative concept design and additional floor space within a tested building envelope.

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

Employment uses

This planning proposal will facilitate the redevelopment of the subject site for a new tower, and podium at lower levels. The reference scheme developed to support the proposal features approximately 103,000 square metres, comprising 93,000 sqm of commercial office floor space, 6,000 sqm of retail floor space, and 4,000 sqm of floor space for the Wesley Mission facilities

Planning Proposal: 133-145 Castlereagh Street, Sydney

(which is planned to include floor space within the basement levels). This proposal would deliver about 47,000sqm additional employment floor space compared to the existing site, increasing Central Sydney's employment generating floor space capacity.

Additional building height and floor space delivered by this planning proposal is only available to employment generating uses, including the Wesley Mission facilities. This will be achieved through the insertion of a restriction into the new site-specific provisions for 133-145 Castlereagh Street in the LEP.

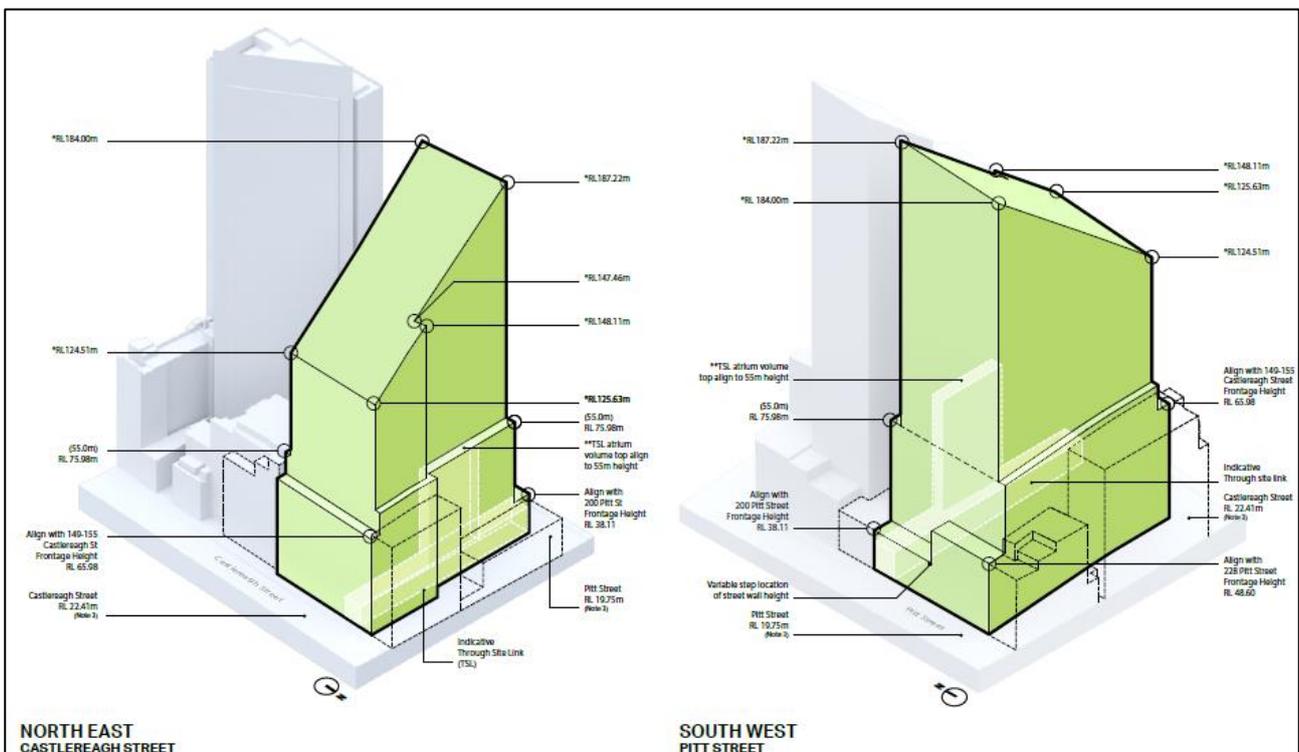
This outcome is consistent with the objectives of the City of Sydney's Local Strategic Planning Statement and the Central Sydney Planning Strategy in that the planning proposal will deliver new growth and additional employment generating floor space in a key location that is well placed to take advantage of infrastructure and planned additional capacity.

Built form

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

The proposed maximum planning envelope includes a podium with various height, ranging from 3 to 10 Storeys to match adjoining buildings, and a commercial tower above, to a height to not exceed the Hyde Park Sun Access Plane. The tower envelope includes a 4.8m setback to Castlereagh Street, 8m to Pitt Street, and north and south setbacks ranging from 3m to 4.8m. An atrium is proposed on the northern elevation to provide natural light into the building and the through site link.

Figure 13. Elevations of the indicative building envelope



Planning Proposal:
133-145 Castlereagh Street, Sydney

Figure 14. Setbacks of the indicative building envelope



The wind and daylight assessments that accompanied the planning proposal demonstrate that the proposed building envelope would deliver public domain daylight and wind conditions that are generally equivalent to that of a building envelope that is consistent with the requirements of the Central Sydney Planning Strategy.

The proposed indicative concept includes design measures to minimise the building's impact on the adjacent heritage items and surrounding public domain, such as greater tower setbacks to Pitt Street, and sympathetic podium height.

The draft DCP, which accompanies the planning proposal, includes detailed site-specific provisions to describe and outline the desired future development on site to ensure a high quality built form and public outcome is delivered.

Heritage

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

There are three heritage items adjoining the site including the David Jones Market Street building and City Tattersalls Club to the north, and Banking House building to the south.

The planning proposal is accompanied by a Heritage Impact Statement which advised that the proposal will have a limited impact to the significance of nearby items, especially due to the approvals for substantial development above the heritage listed David Jones Market Street building, and Tattersalls Club buildings.

Planning Proposal:
133-145 Castlereagh Street, Sydney

The proposed reference scheme offers a design that is able to respond sympathetically to the heritage items in the vicinity, due to the proposed podium and tower setbacks, and proposed podium heights and tower setbacks to Pitt Street. Existing views towards heritage items will be retained in their existing urban setting. Hyde Park, a local heritage item will also benefit due to the improved solar access that would result from new development subject to the proposed controls.

The planning proposal is accompanied by site-specific provisions for the DCP to ensure future development on site relates sympathetically to adjacent heritage items in terms of, façade treatments, massing and materials.

Design excellence

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

A Design Excellence Strategy accompanied the planning proposal, which has been refined to be consistent with the Central Sydney Planning Framework. The competition requirements will require an invited architectural design competition consisting of a minimum of six competitors ranging from emerging and established local and national architectural firms and a competition jury that will comprise of representatives nominated by the City and who are part of the Design Advisory Panel. The accompanying draft DCP includes design excellence provisions for an architectural design competition.

Traffic and transport

The development concept for the site includes 6 loading bays, 14 courier and contractor bays, and 250 car parking spaces within the basement. Bicycle parking and an associated end of journey facility are also proposed in the basement. Vehicular access to the basement is proposed via a consolidated, redesigned driveway from Castlereagh Street, removing the entry ramp parallel with Castlereagh Street. The number of car parking spaces proposed for the reference scheme is less than the existing 260 car parking spaces existing on the site.

Under the LEP, 250 car parking spaces are currently permissible for this site. The planning proposal request sought controls to ensure that a maximum 250 car parking spaces would be permitted for the site, in the event that controls are changed before a detailed design application is lodged. It is proposed that the Uniting Church be able to use all the car parking spaces on the site for place of public worship uses on Sundays, Easter and Christmas. This would be similar to the existing arrangements which allow the Uniting Church to use the 260 spaces when these church services are held.

The proposed car parking arrangement on this site is supported due to the unique circumstance of the Uniting Church continuing to use part of the site as a place of public worship for a diverse and dispersed congregation.

Due to the unique land use mix proposed, notably the place of public worship uses, this would result in changes to the uses on the site across the week. Therefore, the parking will need to be managed in place of the existing DCP provisions for car parking allocation. This is so suitable parking is available to other uses, including for loading and servicing, for the remainder of the time.

To extinguish the public car park use, a site specific LEP control is proposed.

Pedestrian activity and comfort

A Pedestrian Footpath Analysis assessed the impacts of the scheme on adjacent footpaths and pedestrian links in accordance with the City's Pedestrian Level of Comfort assessment tool.

Planning Proposal:
133-145 Castlereagh Street, Sydney

The pedestrian assessment looked at pedestrian facilities on Castlereagh, Pitt, Market and Park street surrounding the site. Existing pedestrian numbers and conditions were compared to anticipated pedestrian volumes based on the proposed building envelope and reference scheme.

The assessment noted that additional demand associated with the development on the site would require up to 0.7m of effective width to perform at the “C” grade, which is considered to be marginal in comfort.

The report notes that improvements to pedestrian comfort would be achieved by the removal of the basement entry ramp from Castlereagh Street and reinstatement of the footpath alignment, especially for people with vision impairment. The through site link, being a clear line of sight, and meet accessibility grades, also has the potential to take traffic off busy Market Street, especially commuters travelling to St James station.

The report also noted that the impacts of the Pitt Street Metro station are not known.

Geotechnical assessment

The planning proposal includes the excavation of part of the fifth level of the basement to accommodate the planned basement layout. A Geotechnical Desktop Assessment accompanied the planning proposal, which found that excavation on the subject site should be possible without significant adverse impacts. This includes impacts on groundwater and vibration.

The study did however state that a detailed geotechnical investigation, including the drilling of rock cored boreholes, will need to be carried out to confirm the ground conditions at the site. A detailed excavation and contamination investigation will be undertaken as part of the detailed development application phase.

5.2 Draft development control plan

As a consequence of the proposed site-specific controls in the LEP, it is also proposed to insert site-specific DCP controls into Section 6 of the Sydney DCP 2012. The draft DCP amendments will be publicly exhibited with the planning proposal.

The draft DCP amendment includes provisions to ensure delivery of the future development on site in a manner that is consistent with this planning proposal. The draft DCP addresses the following key design considerations:

- maximum building envelope including setbacks and street wall heights
- through site link including atrium
- active frontages
- public domain
- parking and vehicular access
- design excellence.
- environmentally sustainable development targets; and
- public art

5.3 Need for the planning proposal

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

The planning proposal is response to and is consistent the Central Sydney Planning Strategy. The Strategy describes objectives and a framework to ensure future growth is employment focused, occurs where it respects our special places and spaces, and is highly sustainable, resilient and responsive to climate change. A detailed review of the consistency of the proposal with the strategic planning framework is provided at section 5.4 below.

This planning proposal is a result of a request from the landowner to change the planning controls that relate to the subject site.

The landowner has undertaken a number of studies in support of the request, including an Urban Design Study prepared by 3XN. The study describes how the proposal is consistent with the City's vision for Central Sydney to remain economically competitive and capable of accommodating growth in employment generating floor space through additional building height and floor space in selected locations that do not result in unacceptable impacts on public domain amenity.

The supporting documents commissioned by the applicant to support their request are attached as the following appendices to this planning proposal:

- Planning Justification Report - Urbis
 - Appendix A: Urban Design Study and Concept Reference Scheme – 3XN
 - Appendix B: Quantity Surveyor Letter – WT Partnership
 - Appendix C: Site Survey - LTS
 - Appendix D: Draft Site-Specific Development Control Plan – Urbis
 - Appendix E: Draft Design Excellence Strategy - Urbis
 - Appendix F: Traffic and Transport Impact Assessment - ARUP
 - Appendix G: Heritage Impact Statement - Urbis
 - Appendix H: Pedestrian Wind Environmental Impact Assessment - ARUP
 - Appendix I: Pedestrian Footpath Analysis - ARUP
 - Appendix J: Services Report - ARUP
 - Appendix K: Ecologically Sustainable Development Report - ARUP
 - Appendix L: Acoustic Impact Assessment - ARUP
 - Appendix M: Public Art Strategy - Flynn
 - Appendix N: Preliminary Flooding Advice - ARUP
 - Appendix O: Skyview Factor Report – BIM Consultant
 - Appendix P: Desktop Geotechnical Assessment – ARUP
 - Appendix Q: Stakeholder Engagement Plan – Elton Consulting
 - Appendix R: Rail Impact Report - ARUP
 - Appendix S: Preliminary Waste Management Plan – Foresight Environmental
 - Appendix T: Statement of Intent – Public Benefits - Stockland

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

This planning proposal seeks to insert new site-specific provisions into the LEP for the subject site. The resultant conditions have been tested to ensure the future built form is appropriate and does not result in any unacceptable impacts on adjoining properties or the public domain. The amended controls would facilitate the delivery of additional employment generating floor space consistent with the vision of the Central Sydney Planning Strategy.

5.4 Relationship to strategic planning framework

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

A Metropolis of Three Cities – The Greater Sydney Region Plan

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

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

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

- **Infrastructure** – Future development on the site will support the investment in new transport infrastructure, and benefit from additional passenger capacity, especially the planned Pitt Street Metro station close to the site.
- **Liveability** – The proposed development concept includes retail activation at ground level fronting Castlereagh and Pitt Streets, and the planned through site link. It will facilitate public domain improvements to support pedestrian movement and improve the permeability of Central Sydney.
- **Productivity** – The proposal will deliver additional commercial floor space close to existing and future transport infrastructure contributing to the growth of Central Sydney's economy.
- **Sustainability** – Delivery of a new building with improved sustainability outcomes than the current building stock is a key priority of the proposed development concept.

Eastern City District Plan

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

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

- **Planning Priority E1 – Planning for a city supported by infrastructure** – To refresh and renew the offering of commercial floor space in this area of Central Sydney, this planning proposal seeks to expand and enhance commercial uses on the subject site by facilitating the delivery of new office space on a site located close to existing and planned transport infrastructure to maximise the efficient use of the existing and future new capacity.
- **Planning Priority E6 – Creating and renewing great places and local centres and respecting the District's heritage** – The planning proposal will improve the public domain around the site and improve amenity and accessibility for pedestrians, while also being sympathetic to adjoining heritage buildings.
- **Planning Priority E7 – Growing a stronger and more competitive Harbour CBD** – Central Sydney lie at the core of the Harbour CBD, within the Eastern Economic Corridor. This Planning Proposal will help facilitate new commercial office space within Central Sydney to maximise the competitive advantage of this part of Sydney.

Planning Proposal:
133-145 Castlereagh Street, Sydney

- **Planning Priority E10 – Delivering integrated land use and transport planning for a 30 minute city** – The future development concept satisfies the 30 minute city objective as it will increase employment opportunities close to existing and future public transport connections across may part of Greater Sydney within a 30 minute travel time.
- **Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres** – This planning proposal will facilitate the delivery of new commercial and retail development on the subject site delivering additional office space to Central Sydney, which will add to the viability of the Harbour CBD economy.
- **Planning Priority E13 – Supporting growth of targeted industry sectors** – This planning proposal will deliver additional retail and commercial floor space which will be available for investment from targeted industry sectors including retail, visitor economy and knowledge-intensive businesses.
- **Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently** – The proposed development concept will deliver a new commercial and retail building with significantly improved sustainability outcomes. Future development on the site is to achieve ambitious ecological sustainable development targets including a minimum 5.5 star NABERS Energy rating, 4 star NABERS Water rating and Green Star rating of 6stars.

Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

Sustainable Sydney 2030

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

- **Direction 1 – A globally competitive and innovative city** – The proposal will support a future high quality urban design outcome that will provide new employment opportunities. Investment into the site will help contribute to make Sydney attractive for global investors.
- **Direction 2 – A leading environmental performer** – This planning proposal will deliver ecological sustainable development on the site by establishing ambitious minimum sustainability targets for future development.
- **Direction 3 – Integrated transport for a connected City** – Future development on the subject site is well placed to capitalise on its proximity to existing and future transport infrastructure including nearby Town Hall and St James railway stations, light rail and bus stops and the future Pitt Street station in Central Sydney.
- **Direction 4 – A city for walking and cycling** – The proposed development concept facilitated by this planning proposal includes ground floor retail activation, a through-site link and an end of journey facility which will encourage greater active transport use, helping deliver a more people oriented city.
- **Direction 5 – A lively and engaging city centre** – The mix of uses on the subject site will deliver greater activation and a livelier engaging city. This will be supported by future ‘fine grain’ retail premises with improved street activation and easier access adjacent to, and through the site.
- **Direction 6 – Vibrant local communities and economies** – Future development facilitated by the planning proposal will contribute to the Central Sydney area through greater opportunities for business, as well as new retail activation for local workers, residents and visitors.
- **Direction 7 – A cultural and creative city** – Public art delivered through the future development on the site will provide new creative and cultural experiences and opportunities for engagement with the public.

Planning Proposal:
133-145 Castlereagh Street, Sydney

- **Direction 9 – Sustainable development, renewal and design** – this planning proposal will support delivery of future development that is more ecologically sustainable than the current building on site by establishing aspirational sustainability benchmarks.

Local Strategic Planning Statement – City Plan 2036

City of Sydney's endorsed Local Strategic Planning Statement, City Plan 2036, sets the land use planning context, 20-year vision and planning priorities to positively guide change towards the City's vision for a green, global and connected city. The planning statement explains how the planning system will manage change to achieve the desired outcomes, and guides future changes to the City's controls, including those sought by proponents through planning proposals. This planning proposal gives effect to the following priorities of the Statement:

Infrastructure

- **I1. Movement for walkable neighbourhoods and a connected city** – The future development concept for the subject includes a through-site link that will improve connections between Castlereagh and Pitt Streets, providing increased accessibility and activation to encourage a permeable pedestrian network.
- **I2. Align development and growth with supporting infrastructure** – The subject site is well located to take advantage of nearby existing and future transport infrastructure, including the new Sydney Metro currently under construction, which will significantly increase the public transport capacity within Central Sydney.

Liveability

- **L5. Creating great places** – The planning proposal will deliver improved street life and activation by reinstating the footpath design along Castlereagh Street, and new retail fine-grain retail premises, where new food and drink premises will be encouraged.

Productivity

- **P7. Growing a stronger, more competitive Central Sydney** – This planning proposal supports growth in Central Sydney by facilitating future development that will deliver additional capacity for economic and employment growth, and provide large, premium office floor place to attract globally competitive business

Sustainability

- **S11. Creating better buildings and places to reduce emissions and water and use water efficiently** – Future development facilitated through this planning proposal will be required to meet ambitious sustainability benchmarks ensuring the new buildings will be more sustainable than the existing building stock.

Central Sydney Planning Strategy

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

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

- **1. Prioritise employment growth and increase capacity** – This planning proposal will facilitate the delivery of additional employment generating floor space, in the form of office and retail uses, increasing the employment capacity and growth within Central Sydney.
- **2. Ensure development responds to context** – The site-specific DCP that accompanies this planning proposal includes provisions to ensure future development responds to its context

Planning Proposal:
133-145 Castlereagh Street, Sydney

with a built form that includes sufficient tower setbacks and does not result in adverse wind and daylight impacts in the public domain.

- **5. Ensure infrastructure keeps pace with growth** – This planning proposal facilitates a contribution towards community infrastructure in Central Sydney and towards the provision of affordable housing.
- **6. Move towards a more sustainable city** – Future development is to achieve the ambitious sustainability targets as set out in the draft site specific DCP, consistent with the Strategy.
- **8. Move people more easily** – The site is well located to capitalise on existing public transport connections and the recent NSW Government investment in public transport including the new Sydney Metro project.
- **9. Reaffirm commitment to design excellence** – Future development on site will be subject to a full competitive design competition with the draft DCP to include design excellence provisions to ensure a high quality built form.

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

This planning proposal is consistent with applicable SEPPs and deemed SEPPs (formally known as Regional Environmental Plans (REPs)) shown in Table 3. In this table, consistent means that the planning proposal does not contradict or hinder the application of the relevant SEPP or REP.

Table 3: Consistency with SEPPs and REPs

SEPPs with which this planning proposal is consistent	SEPP 1 – Development Standards; SEPP 19 – Bushland in Urban Areas; SEPP 21 – Caravan Parks; SEPP 33 – Hazardous and Offensive Development; SEPP 50 – Canal Estate Development; SEPP 70 – Affordable Housing (Revised Schemes); SEPP (Affordable Rental Housing) 2009; SEPP (Educational Establishments and Child Care Facilities) 2017; SEPP (Exempt and Complying Development Codes) 2008; SEPP (Infrastructure) 2007; SEPP (Mining, Petroleum Production and Extractive Industries) 2007; SEPP (Miscellaneous Consent Provisions) 2007; SEPP (State and Regional Development) 2011; SEPP (State Significant Precincts) 2005; SEPP (Vegetation in Non-Rural Areas) 2017;
SEPPs that are not applicable to this planning proposal	SEPP 36 – Manufactured Home Estates; SEPP 44 – Koala Habitat Protection; SEPP 47 – Moore Park Showground; SEPP 64 – Advertising and Signage; SEPP 65 – Design Quality of Residential Flat Development; SEPP (Building Sustainability Index: BASIX) 2004; SEPP (Coastal Management) 2018; SEPP (Housing for Seniors or People with a Disability) 2004; SEPP (Integration and Repeals) 2016; SEPP (Kosciuszko National Park— Alpine Resorts) 2007; SEPP (Kurnell Peninsula) 1989; SEPP (Penrith Lakes Scheme) 1989; SEPP (Rural Lands) 2008; SEPP (Sydney Drinking Water Catchment) 2011; SEPP (Sydney Region Growth Centres) 2006; SEPP (Three Ports) 2013; SEPP (Urban Renewal) 2010; SEPP (Western Sydney Employment Area) 2009; SEPP (Western Sydney Parklands) 2009
REPs with which this planning proposal is consistent	Sydney REP (Sydney Harbour Catchment) 2005

Planning Proposal:
133-145 Castlereagh Street, Sydney

REPS that are not applicable to this planning proposal Sydney REP 8 – (Central Coast Plateau Areas); Sydney REP 9 – Extractive Industry (No 2 – 1995); Sydney REP 16 – Walsh Bay; Sydney REP 20 – Hawkesbury- Nepean River (No 2 – 1997); Sydney REP 24 – Homebush Bay Area; Sydney REP 26 – City West; Sydney REP 30 – St Marys; Sydney REP 33 – Cooks Cove; Greater Metropolitan REP No 2 – Georges River Catchment; Darling Harbour Development Plan No. 1; Sydney Cove Redevelopment Authority Scheme.

State Environmental Planning Policy (Infrastructure) 2007

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

As any future development on the site will be considered a `traffic generating development' for the purposes of the SEPP as over 10,000m² of commercial floor space is proposed, any future development application will be required to be referred to Transport for NSW for concurrence prior to determination.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Under Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, 133-145 Castlereagh Street is located within the Sydney Harbour Catchment Boundary but not within the Foreshore and Waterways Area Boundary.

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

Is the planning proposal consistent with applicable Ministerial Directions?

The planning proposal is consistent with the applicable ministerial directions as shown in Table 4.

Table 4: Consistency with Ministerial Directions

Ministerial Directions with which this planning proposal is consistent	1.1 Business and Industrial Zones; 2.3 Heritage Conservation; 2.6 Remediation of Contaminated Land; 3.4 Integrating Land use and Transport; 3.5 Development Near Licensed Aerodromes; 4.1 Acid Sulfate Soils; 4.3 Flood Prone Land; 5.10 Implementation of Regional Plans; 6.1 Approval and Referral Requirements; 6.3 Site Specific Provisions; 7.1 Implementation of A Plan for Growing Sydney
Ministerial Directions that are not applicable to this planning proposal	1.2 Rural Zones; 1.3 Mining, Petroleum Production and Extractive Industries; 1.4 Oyster Aquaculture; 1.5 Rural Lands; 2.1 Environmental Protection Zones; 2.2 Coastal Protection; 2.4 Recreation Vehicle Areas; 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs; 3.1 Residential Zones; 3.2 Caravan Parks and Manufactured Home Estates; 3.3 Home occupations; 4.2 Mine subsidence and Unstable land; 4.4 Planning for Bushfire Protection; 5.2 Sydney Drinking Water Catchments; 5.3 Farmland of State and Regional Significance on the NSW Far North Coast; 5.4 Commercial and Retail Development along the Pacific Highway, North Coast; 5.8 Second Sydney Airport, Badgerys Creek; 5.9 North West Rail Link Corridor Strategy; 6.2 Reserving Land for Public Purposes; 7.2 Implementation of Greater Macarthur Land Release Investigation; 7.3 Parramatta Road Corridor Urban Transformation Strategy; 7.4

Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan; 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan; 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan; 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor

2.6 Remediation of Contaminated Land

The Remediation of Contaminated Land Ministerial Direction promotes remediation of contaminated land for the purpose of reducing the risk of harm to human health. When rezoning land and as part of development applications, it is required to be considered and to ensure remediation work meets certain standards.

This site is currently used for commercial purposes and the proposed future use will remain commercial. The site, and adjoining, have also been used for commercial uses. The only excavation proposed is to lower the existing basement level in the southwestern corner of the site.

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

3.5 Development Near Licenced Aerodromes

This Ministerial Direction seeks to ensure the safe and effective operation of regulated airports is not compromised by development that might constitute an obstruction of potential hazard to aircraft flying in the vicinity.

The proposed development concept includes construction of a new tower up to RL 187.22m, which would encroach into the Obstacle Limitation Surface (OLS), and as such, Direction 3.5 applies. Clause 4 of the Ministerial Direction states that in preparation of the planning proposal, the relevant planning authority is to consult with the operator of the airport to prepare appropriate height controls and ensure development on the site is not incompatible with the airport's operation.

This planning proposal is not consistent with Ministerial Direction 3.5, however this will be addressed through consultation with the relevant agencies as part of the public exhibition process.

The planning proposal process for this project includes consultation with the relevant public authorities following the issue of a gateway determination. In this instance, this includes consultation with the Sydney Airport Corporation, Airservices Australia and the Civil Aviation Safety Authority.

Following consultation with these public agencies, the planning proposal will be amended where necessary and reported back to Council and the Central Sydney Planning Committee for final approval prior to the drafting of the relevant amendments to the LEP.

6.3 Site Specific Provisions

The objective of this Ministerial Direction is to discourage unnecessarily restrictive site-specific planning controls.

This planning proposal is not consistent with Ministerial Direction 6.3, however this is justified as the applicant submitted a request to prepare a planning proposal to facilitate redevelopment of the subject site for a new commercial tower.

The proposed development concept described in this planning proposal, the amendments to the LEP and the draft DCP have been developed by the City in consultation with the landowner based

Planning Proposal:
133-145 Castlereagh Street, Sydney

on their design vision for the site as well as the City's vision for future development in Central Sydney. Despite the recent approval of the draft Central Sydney planning proposal by the CSPC and Council, the applicant's representative has been involved in ongoing discussions with the City for some time and the proposal can be progressed at this time without waiting for the future changes to the LEP for Central Sydney.

Furthermore, the site specific provisions would not restrict future development from being undertaken on the subject site, as the site's existing controls in the LEP remain applicable.

5.5 Environmental, social and economic impact

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

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

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

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

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

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

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

Building height, floor space and tower setbacks

The planning envelope facilitated by this planning proposal has been tested against public domain amenity and is capable of comfortably accommodating the proposed indicative concept design with sufficient flexibility to accommodate any required mitigation to respond to and address any issues and provide architectural articulation without resulting in adverse conditions at ground level.

The site is subject to the Hyde Park Sun Access Plane, and the concept envelope has been designed to comply with the height requirements through a sloping roof form.

The podium provides for variation to matches the adjoining podiums or buildings adjoining the site in Castlereagh and Pitt Streets. Appropriate tower setbacks have been incorporated into the proposed building envelope that despite not being consistent with the Strategy, help mitigate public domain wind impacts and provide a suitable curtilage to the adjoining heritage item.

Notwithstanding the variations to tower setbacks, the proposed maximum planning envelope is consistent with the objectives of the Central Sydney Planning Strategy in that the planning proposal will facilitate additional employment generating floor space through additional building height and floor space without detrimentally impacting pedestrian amenity, solar access and wind conditions in the public domain.

Planning Proposal:
133-145 Castlereagh Street, Sydney

View analysis

The Urban Design Study accompanying the planning proposal provides a preliminary view analysis exploring the impact of the indicative concept from key viewpoints in the public domain in Central Sydney.

The Central Sydney Planning Framework includes controls for Views from Public Places that take in important buildings or urban landscapes that help define Central Sydney. One of the views identified that affects this proposal is a view along Pitt Street, from Park Street.

A view analysis was undertaken as part of the Urban Design Study, and found that there were no significant impacts to views, and existing and proposed towers to the north and south of the site will obscure views to a future tower on the site. The removal of the sky bridges to facilitate the proposed future development will improve the quality of views and outlook looking north along Pitt Street.

Additional views were also provided to further detail the impacts on the public domain, with the removal of the sky bridges to increase views along the street, and to the sky. These compare the general built form of the existing structures with the concept reference design.

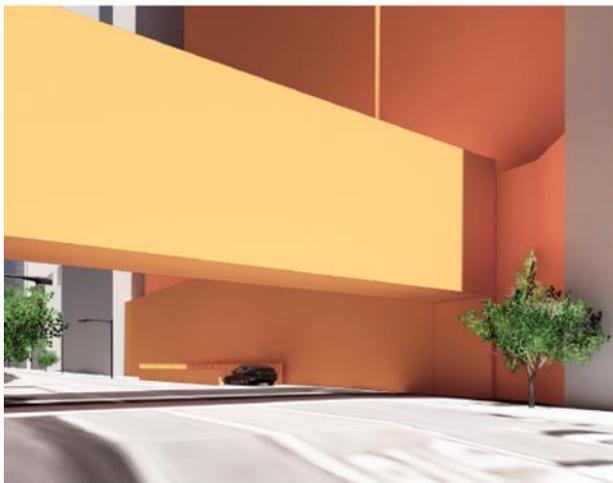
Figure 15 Representation of views in the street of the existing development and proposed concept.



Pitt Street - Existing



Pitt Street – Proposed Scheme



Castlereagh Street - Existing



Castlereagh Street – Proposed Scheme

Planning Proposal:
133-145 Castlereagh Street, Sydney

Solar access and overshadowing

Clause 6.19 of the LEP prevents new buildings from creating additional overshadowing to certain public places, which include Hyde Park. The proposal does not include changes to the Hyde Park sun access plane, with the proposed concept design fully compliant with this height control. This would result in an improved outcome for Hyde Park compared to the existing buildings on the site, with the 31 storey tower currently exceeding this sun access plane.

Figure 15. Comparison of the existing sun access plane breach, and the proposed envelope



The Urban Design Study that accompanies the planning proposal includes a solar and overshadowing analysis. The study details that the proposal would result in a slightly larger extent of overshadowing of the proposed reference scheme compared to the existing buildings on the site, at 2pm during the winter solstice. However, any additional overshadowing that would be generated by a future development on the site will be within areas already overshadowed by existing buildings in Castlereagh and Elizabeth Streets, and therefore the impacts would be satisfactory.

A detailed solar access and overshadowing analysis will be included as part of a detailed development application.

Daylight access / Sky view factor

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

The Strategy provides for a base case building envelope to establish the minimum performance benchmarks for daylight levels or sky view factor in public places adjacent to the site. Planning proposals may vary the building envelope set by the Strategy subject to equivalent or improved daylight access to the surrounding public domain.

The Sky View Factor Report accompanying the planning proposal request included sky view factor test which is calculated as the proportion of sky visible when viewed from the ground up. The testing analysed the extent of sky visible above various points in proximity to the site as a proportion of the total possible sky hemisphere above the point, comparing the base case envelope with the proposed building envelope.

Planning Proposal:
133-145 Castlereagh Street, Sydney

The results found that the proposed building envelope, which includes removal of the two sky bridges, results in a minor improvement from the base case envelope and would maintain an acceptable level of daylight/sky view in the public domain.

Wind assessment

The planning proposal was accompanied by an Environmental Wind Impact Assessment prepared by ARUP which assessed pedestrian wind comfort levels as a result of future development on the subject site. A revised Environmental Wind Impact Assessment dated 5 March 2021 was prepared to ensure the correct base case envelope was used for the testing. The assessment included a wind tunnel test of the surrounding area with wind speed measurements captured at various locations.

The Strategy provides for a base case building envelope to establish the minimum performance benchmarks for wind impacts in public places adjacent to the site. The wind testing compared the base case envelope to the proposed building envelope.

The wind assessment found that proposed envelope results in improved overall wind conditions as compared to the base case envelope. Overall, the wind conditions remained generally within the comfort range, suitable for pedestrian standard – the same rating as the existing wind conditions.

Additional wind tunnel testing will take place following the design competition, to assess the winning detailed building design, as such, the draft DCP includes provision to ensure public domain conditions are sufficiently addressed.

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

This planning proposal provides an opportunity for the redevelopment of the subject site, subject to acceptable public domain amenity conditions. Redevelopment will provide positive social and economic effects including:

- Providing approximately 50,000sqm of additional employment generating floor space to contribute to and strengthen Central Sydney's role as a globally competitive city;
- Creating an estimated 4,500 additional jobs;
- Increasing activation and accessibility of the surrounding public domain, delivering improved amenity and safety for the public.

5.6 State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

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

The proposal will provide upgraded public domain and improved pedestrian accessibility through the site, capitalise on its location close to major retail, office, and other uses, close to existing and planned major transport nodes.

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

Planning Proposal:
133-145 Castlereagh Street, Sydney

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

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

Clause 7.16 of the LEP requires concurrent approval from Sydney Airport for all works proposed to penetrate the OLS height, which is RL 156 metres in this location. At RL 187.22 metres in height, the future development concept would require approval under the Airports Act 1996 before the detailed development application can be approved by the City. It is proposed that the relevant public agencies are consulted on the height at the planning proposal stage.

6. Mapping

This planning proposal does not include any amendments to maps.

No change will be made to any maps contained in the LEP as part of this planning proposal, instead additional floor space ratio is proposed to be included through new site-specific provisions under Division 5 as discussed earlier in this planning proposal document.

Updated maps and new figures to reflect the proposed future development concept as discussed in this planning proposal are detailed in the draft DCP, included as an appendix.

7. Community consultation

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

It is anticipated that the gateway determination will require public exhibition for a period of not less than 28 days in accordance with the Environmental Planning and Assessment Act 1979 and section 4.5 of A guide to preparing Local Environmental Plans.

Notification of the public exhibition will be consistent with the Gateway Determination and the City's Community Participation Plan and include publication on City of Sydney website and notification to surrounding owners and occupiers.

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

8. Project timeline

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

Stage	Timeframe
Commencement / Gateway Determination	June 2021
Government agency consultation	July 2021
Public exhibition	July 2021
Consideration of submissions	August 2021
Post exhibition consideration of proposal	October 2021
Draft and finalise LEP	November 2021
LEP made	December 2021
Plan forwarded to Department of Planning, Industry and Environment for notification	December 2021

