Attachment A

Planning Proposal -
15-25 Hunter Street and 105-107 Pitt Street, Sydney – Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

CITY OF SYDNEY

Planning Proposal: 15-25 Hunter Street and 105-107 Pitt Streets, Sydney

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Executive Summary

The City of Sydney (the City) has prepared this planning proposal for 15-25 Hunter Street and 105-107 Pitt Street, Sydney (the site) in response to a request from the applicant, Ethos Urban (on behalf of Milligan Group), 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 and Environment's 'Local Environmental Plan Making Guideline' dated December 2021.

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 business and employment space, design excellence and improved public domain interface.

The site and existing development controls

The site is 2,108 square metres in area and irregular in shape. Five buildings, on seven titled lots, are located on the site. The site has two street frontages, which are Hunter Street to the north, and Pitt Street to the east.

The western boundary adjoins one of two Sydney Metro West over-station development sites, on the corner of Hunter and George Streets, which will provide access to the future Hunter Street Metro station. The southern boundary adjoins a 21 storey commercial building which includes a 5 storey podium containing ground floor retail. Surrounding development consists mainly of mixed-use buildings with ground floor retail and commercial and office towers above, along with other compatible uses including hotels.

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 mapped 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 Martin Place 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:

- allow maximum floor space ratio of 22:1 (inclusive of design excellence) above ground
- allow a maximum floor space of 2:1 below ground, subject to on-site servicing and access not being compromised
- restrict development to non-residential uses only
- allow development consent to only be granted if the proposal includes a through-site link connecting Pitt and Hunter Streets.

The planning proposal also seeks to list 15-17 Hunter Street, formerly known as Pangas House, in Schedule 5 – Environmental Heritage of the LEP, as a local heritage item.

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 provide for additional floor space on the site to support future redevelopment delivering the following key benefits:

- provision of business, office and retail space - the future commercial office tower will expand the non-residential floor space on the site and increase Central Sydney's capacity for business growth adjacent to one of the two Sydney Metro West Hunter Street station sites.
- improved built form outcome – facilitate the delivery of a new commercial office tower, with proposed controls providing for a high-quality building to respond to surrounding development and public domain.
- protection of environmental heritage – facilitate the listing 15-17 Hunter Street, formerly known as Pangas House, as a local heritage item
- public domain improvements – maximise ground floor fine grain retail that supports activation of the surrounding public domain, and a through-site link connecting Hunter and Pitt Streets, and potentially providing a connection to the Sydney Metro West station.
- ecologically sustainable development – the draft DCP associated with the planning proposal includes ambitious ecologically sustainable development benchmarks to ensure an energy efficient building is delivered.

1. Site identification

1.1 Site identification

This planning proposal site comprises five existing buildings over seven lots, and is referred to in this report as 'the site' or 'Hunter and Pitt Street'. The addresses and lot references comprising the site are in Table 1, and the site is shown at Figure 1.

Table 1: Application of the various floor space provisions for the site

Address	Lot reference
15-17 Hunter Street	Lot A DP 109825
	Lot B DP 109825
	Lot 1 DP 630190
19-21 Hunter Street	Lot 1 DP 59754
23 Hunter Street	SP 69888
105 Pitt Street	SP 60693
107 Pitt Street	Lot 1 DP 63968

Figure 1. Land affected by this Planning Proposal

1.2 Site location

The site is located in Central Sydney, within the City of Sydney local government area.

The site is within close proximity to several transport connections including within 200 metres Wynyard and station and light rail stops, and Martin Place station. The Martin Place North Metro station, currently under construction, will feature an entrance on Hunter Street between Elizabeth and Castlereagh Streets, around 200 metres east of 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 2,108 square metres. The site's northern boundary fronts Hunter Street for a length of approximately 48 metres and the eastern fronts Pitt Street for a length of approximately 39 metres.

The site comprises five separate buildings. These are:

- 15-17 Hunter Street: formerly known as Pangas house, this is a four storey building with ground floor retail and commercial uses above
- 19-21 Hunter Street: this is a four to five storey building with ground floor retail and commercial uses above
- 23 Hunter Street: this is a 15 storey commercial building with retail on the ground floor
- 105 Pitt Street: this is an eight storey commercial building with retail at ground, and an extra level below ground level via stairs. This property includes Empire Lane off Pitt Street, which is not a public laneway, but on the title of 105 Pitt Street. It provides vehicle access to basement parking for this property.

- 107 Pitt Street: this is an eight storey building with retail at ground floor retail and commercial uses above.

Figure 3. Subject site on the corner of Hunter and Pitt Streets, looking south along Pitt Street

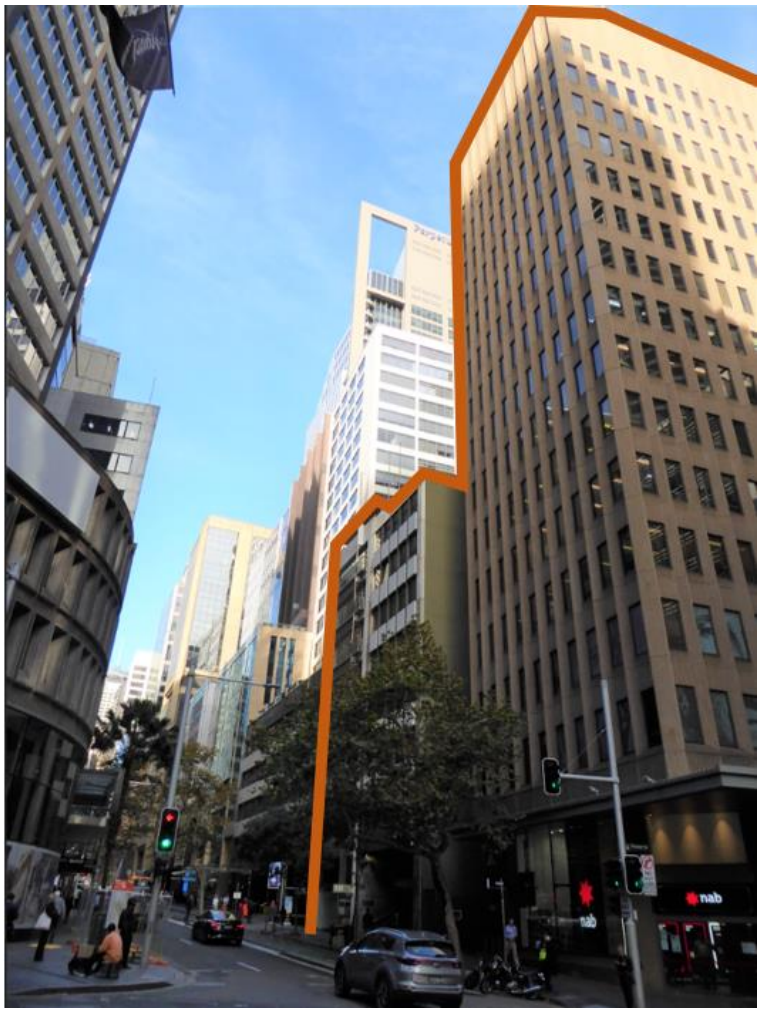
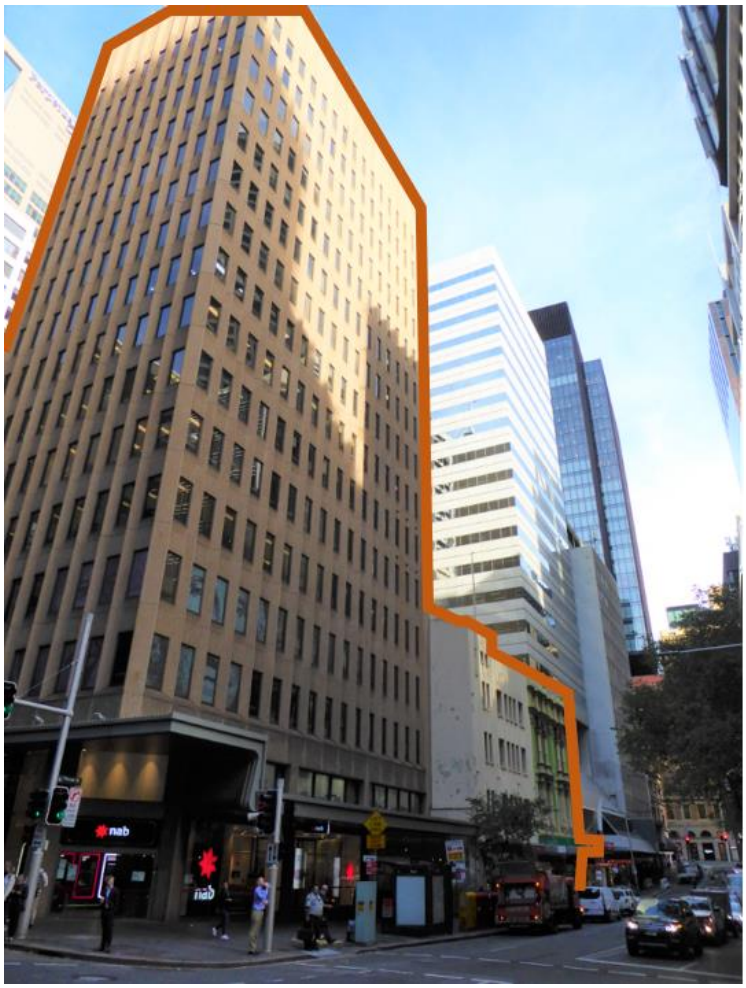


Figure 4. Subject site on the corner of Hunter and Pitt Streets, looking west along Hunter Street



Surrounding development comprises a mixture of commercial, retail, residential, and tourist accommodation uses including:

- West: adjoining the western boundary of the site is 7-13 Hunter Street known as the Hunter Connection, with retail on lower levels and office above. Further west in Hunter Street is 5 Hunter Street which is a 12 storey commercial building with retail on the ground floor, and 296 George Street which is a 3 storey state heritage listed building known as the Former Skinners Family Hotel. These sites comprise part of one of the Sydney Metro West over-station developments.
- South: adjoining the southern side of the site is 109-113 Pitt Street, a 21 storey commercial building including a 5 storey podium with ground floor retail + lobby. This site includes a public commercial car park, with driveway crossover immediately to the south of 107 Pitt Street.
- North: there are several properties on the northern side of Hunter Street opposite the site:
  - 20 Hunter Street is a 17 storey commercial building with retail and lobby on ground floor
  - 30-32 Hunter Street is a six storey state heritage listed building known as the Grand Hotel with ground floor bar, and hotel accommodation
  - The laneway between 20 Hunter Street and 30-32 Hunter Street is known as Hamilton Street, which is a state heritage listed laneway

  - 97-99 Pitt on the corner of Pitt and Hunter Streets is the “The Tank Stream” hotel, which is 14 storeys, ground floor w/retail and reception.

- North East: opposite the site fronting Pitt, Hunter and O’Connell Street is the state heritage listed building known as the Former wales House, currently used as the Radisson Blu hotel.
- East: on the opposite side of Pitt Street are the following buildings:
  - 68 Pitt Street is on the corner of Hunter and Pitt Streets, and is a commercial tower with ground floor retail
  - 70 Pitt is a 10 storey, ground floor retail, commercial above
  - 72 & 74 Pitt Street are a pair of buildings with historical façades but are not heritage listed.

Figure 5. Northern side of Pitt Street, opposite the subject site

Figure 6. Eastern site of Pitt Street, opposite the subject site

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 whole site located within Area 3 on the Height of Building Map in the LEP as shown in Figure 8. The properties within the site fronting Hunter Street have a maximum height of 235m, and no maximum height identified for 105-107 Pitt Street, 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 aims to ensure that buildings maximise sunlight access to the public places set out in this clause, including Martin Place, by not permitting buildings to project higher than the sun access plane. The height map is shown in Figure 8.

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

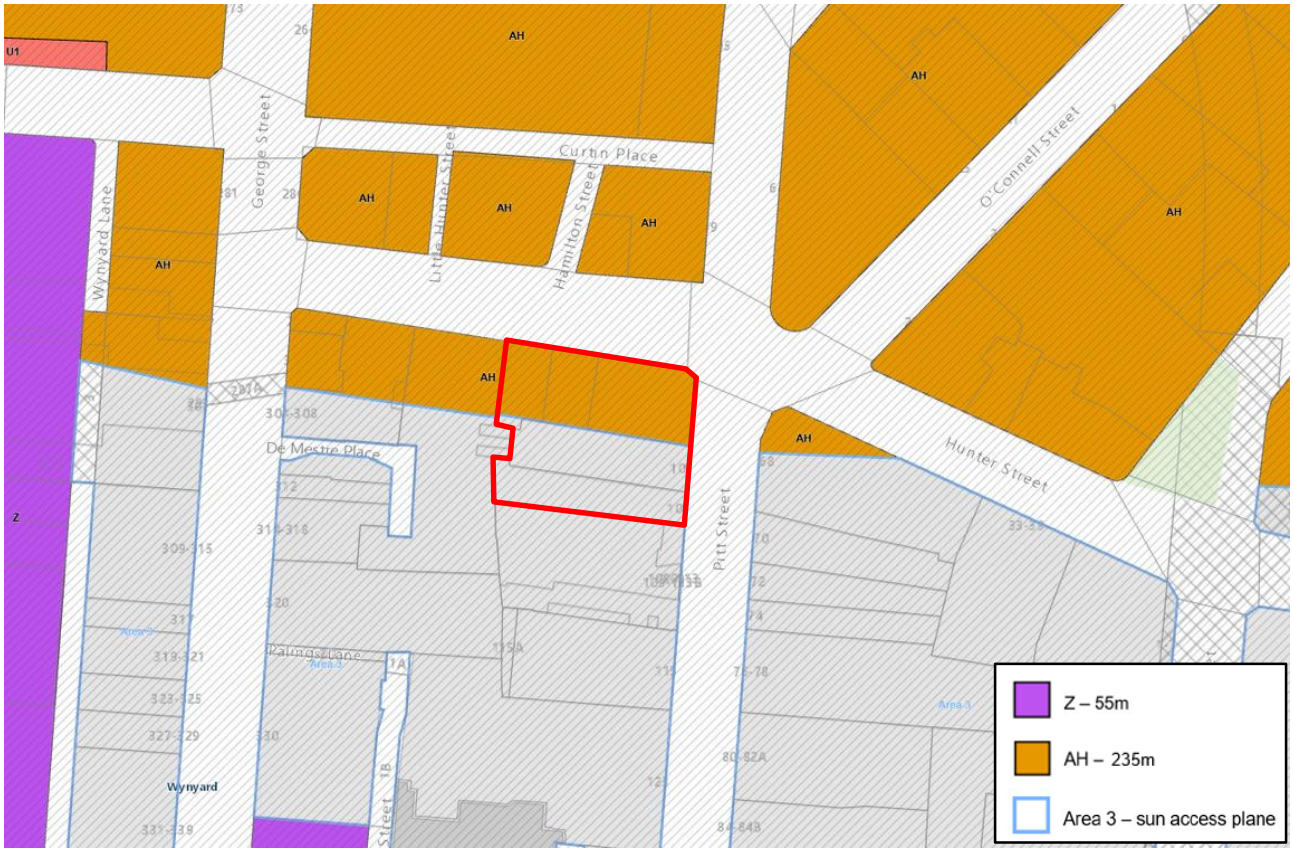


Figure 9. Extract of the Domain Sun Access Plane in the Central Sydney Planning Strategy

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 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 6.21D(3)(b) 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.

The site is also identified within a Tower Cluster Area and a design excellence bonus of 50 per cent FSR enables an FSR of up to 18.75:1 for employment land uses.

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

2.4 Heritage

The Tank Stream is a State heritage item and runs north-south through tunnels in the western part of the site. The building formerly known as Pangas House, at 15-17 Hunter Street is proposed to be listed as a local heritage item as part of this planning proposal.

No heritage items directly adjoin the site, although there are a number of heritage items opposite the site in Hunter, and in vicinity to the site. These include continuation of the state listed Tank Stream tanks and tunnels, Hamilton Street, the Grand Hotel building, Former Wales House and Former Skinners Family Hotel on the corner of Hunter and George Streets. Heritage items in the vicinity are shown in Figure 11.

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

2.5 Planning Proposal request

The planning proposal request was formally lodged in March 2022 and accompanied by specialist reports including a Planning Justification Report, Urban Design Study, Design Excellence Strategy, Ecologically Sustainable Development Strategy, and Pedestrian Wind Impact Assessment. The City has prepared this planning proposal following the consideration and assessment of the request.

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 changes to planning controls subject to this proposal are to enable the delivery of approximately 46,376 square metres of floor space at or above ground, in a new commercial podium and tower up to the Martin Place Sun Access Plane

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

Figure 12. Artists impression of the indicative scheme for the site

Based on the proponent's reference scheme, retail, food and beverage facilities and other services, as well as lobby spaces and meeting rooms/co-work spaces are proposed to be located on the ground and first floors, with office space on the upper podium levels and tower.

The proponent's reference scheme also includes a 24/7 public pedestrian through-site link will connect Pitt and Hunter Streets at ground level. The site could also connect to the proposed new Hunter Street Metro station adjoining the western side of the site. Vehicle access will be from Pitt Street via a new driveway providing access to the basement for service vehicles parking. Basement levels will also feature a food market, three levels of gym/health and wellness, bicycle parking, end of trip facilities and level with a car stacker capable of providing up to 41 car parking spaces.

The City's Planning Proposal

The City has prepared this planning proposal following detailed review and assessment of the proponent's proposed planning envelope and reference scheme, and consideration of comments from City staff and advice from the Design Review Panel (DAP).

The City has worked with the applicant's representatives and consultants to achieve a building envelope that responds to its context, maintain 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 Framework.

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.

3. Objectives and intended outcomes

This planning proposal will enable the redevelopment of the site to deliver:

- a commercial office tower of variable height up to approximately 52 storeys, which will be under the Martin Place Sun Access Plane
- a built form consistent with the future character of Central Sydney and achieving ecologically sustainable development
- improved pedestrian access and amenity through improved street activation and pedestrian connections
- improved protection of heritage buildings.

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

- increasing the maximum floor space ratio to 22:1 above ground level, inclusive of design excellence of up to 10% under clause 6.21D(3)(b) and no design excellence bonus under clause 6.21E of the LEP
- allowing for additional floor space of up to 2:1 below ground level subject to on-site servicing and access not being compromised
- including provisions for the building to be used for business, retail and other commercial uses
- including provisions to ensure the application of heritage floor space, through the application of accommodation floor space
- listing 15-17 Hunter Street, formerly known as Pangas House, as a local heritage item in Schedule 5 – Environmental Heritage of the LEP.

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

- a building envelope with setbacks to respect the local context and capable of achieving acceptable levels of solar access, wind comfort and daylight in adjoining public places
- a tower above a podium to provide definition to, and activation of the public domain
- a building envelope to accommodate architectural articulation without resulting in detrimental impacts to public domain amenity
- inclusion of a publicly accessible 24/7 pedestrian though site link, with an opening between the podium and the tower components to provide natural light, encouraged to connect to the adjoining Metro station site where possible, and in a location to respect the historical Empire Lane alignment.
- an architectural design competition through a design excellence strategy
- achieving a high standard of ecological sustainable development, including delivery of a minimum 6 star Green Star Building rating, and that a future building is capable of meeting the City's net zero energy requirements

- provisions for public art.

4. Explanation of provisions

4.1 Sydney Local Environmental Plan 2012

To achieve the objectives and intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by inserting a new site-specific clause under Division 5 Site Specific Provisions, to:

- allow a maximum floor space ratio of 22:1 above ground, inclusive of design excellence within the meaning of clause 6.21D(3)(b)
- allow a maximum floor space ratio of 2:1 below ground, subject to on-site servicing and access not being compromised
- ensure the application of heritage floor space, through the application of accommodation floor space
- 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 list the former Pangas House, at 15-17 Hunter Street as a local heritage item in Schedule 5 – Environmental Heritage of the LEP.

The planning proposal seeks to insert a provision in Clause 4.6 Exceptions to development standards, so that future development applications lodged under these proposed site-specific provisions do not further vary the controls for this site.

The proposed amendments are to ensure development will meet the strategies for Central Sydney including opportunities for additional building height and density in the right locations supported by environmental sustainability, design excellence and improved public space, transport and access.

An example of how this provision may be drafted, subject to agreement with Parliamentary Counsel is included in Appendix 1.

Floor space ratio

Commercial development can currently achieve a maximum floor space ratio of 13.75:1, which comprises mapped FSR of 8:1, accommodation floor space bonus of 4.5:1, and 10 per cent design excellence floor space.

The site is also identified within a Tower Cluster Area and a design excellence bonus of 50 per cent FSR enables an FSR of up to 18.75:1 for employment land uses.

This planning proposal provides for additional site-specific floor space totalling up to 20:1 above ground for employment generating uses, resulting in maximum floor space ratio of 22:1 above ground 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 also include additional floor space of up to 2:1 below existing ground level. This additional floor space will be subject to the requirements for on-site servicing and access not being compromised, which including access and parking for service vehicles, and provision and access to bicycle parking and end of trip facilities. The additional below ground floor space will not be eligible for a design excellence bonus.

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 or design excellence.

No design excellence bonus under clause 6.21E of the LEP, which applies to tower cluster areas will be available.

Table 2: Application of the various floor space provisions for the site

LEP clause	Applicable floor space	Floor Space Ratio
Above ground floor space		
cl. 4.4	Mapped floor space ratio	8:1
cl. 4.6	Accommodation floor space	4.5:1
TBC	Above ground site-specific floor space	7.5:1
		20:1
cl. 6.21D(3)(b)	Additional above ground floor space – design excellence	Up to 10%
Total		22:1:1
Below ground floor space		
TBC	Below ground site-specific floor space	2:1

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 for residential or serviced apartment uses is 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 6.21D of the LEP.

Clause 6.21D(3)(b) 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 the 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.

No design excellence bonus under clause 6.21E of the LEP, which applies to tower cluster areas will be available.

Through-site link

Controls will be included to ensure that a through-site link with 24/7 public access is delivered if the site specific controls are used for this site. The design details of the through-site link, including opening in part to the sky, and provision for a potential connection to the adjoining Metro station site, will be included in the DCP for the site.

Drafting instructions

To deliver the objectives and intended outcomes of this planning proposal, a new site-specific clause for 15-25 Hunter and 105-107 Pitt Street will be inserted to Division 5 Site specific provision of the LEP.

An example of how this provision may be drafted subject to agreement with Parliamentary Counsel is included in Appendix 1.

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 the proposal 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, including podium height
- street wall heights
- setbacks
- through-site link
- active frontages
- wind
- parking and vehicular access
- design excellence strategy
- environmentally sustainable development targets
- public art
- heritage

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 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 controls in the LEP for the subject site. The floor space ratio controls are specific to the building envelope outlined in this planning proposal. 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 and ground floor active uses.

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 portion FSR of 22:1, inclusive of an additional design excellence floor space of up to 10 per cent that can be applied, following a competitive architectural design competition. It also includes provision for a maximum below ground FSR of up to 2:1, while ensuring that on-site servicing and access is not compromised.

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 Central Sydney Planning Strategy's vision for 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, to deliver additional employment floor space compared to the existing site, increasing Central Sydney's productive and employment generating floor space capacity.

Additional floor space delivered by this planning proposal is only available to employment generating uses. This will be achieved through the insertion of a restriction into the new site-specific provisions for the site 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 heights to be sympathetic to the building formerly known as Pangas House and height of adjoining buildings, and a commercial tower above to a height not to exceed the Martin Place Sun Access Plane. The tower envelope includes a 4m setback to Hunter Street, 7-8m to Pitt Street, 5m setback (generally) to the west and 4m setback to the south.

Figure 13. Elevations of the indicative building envelope

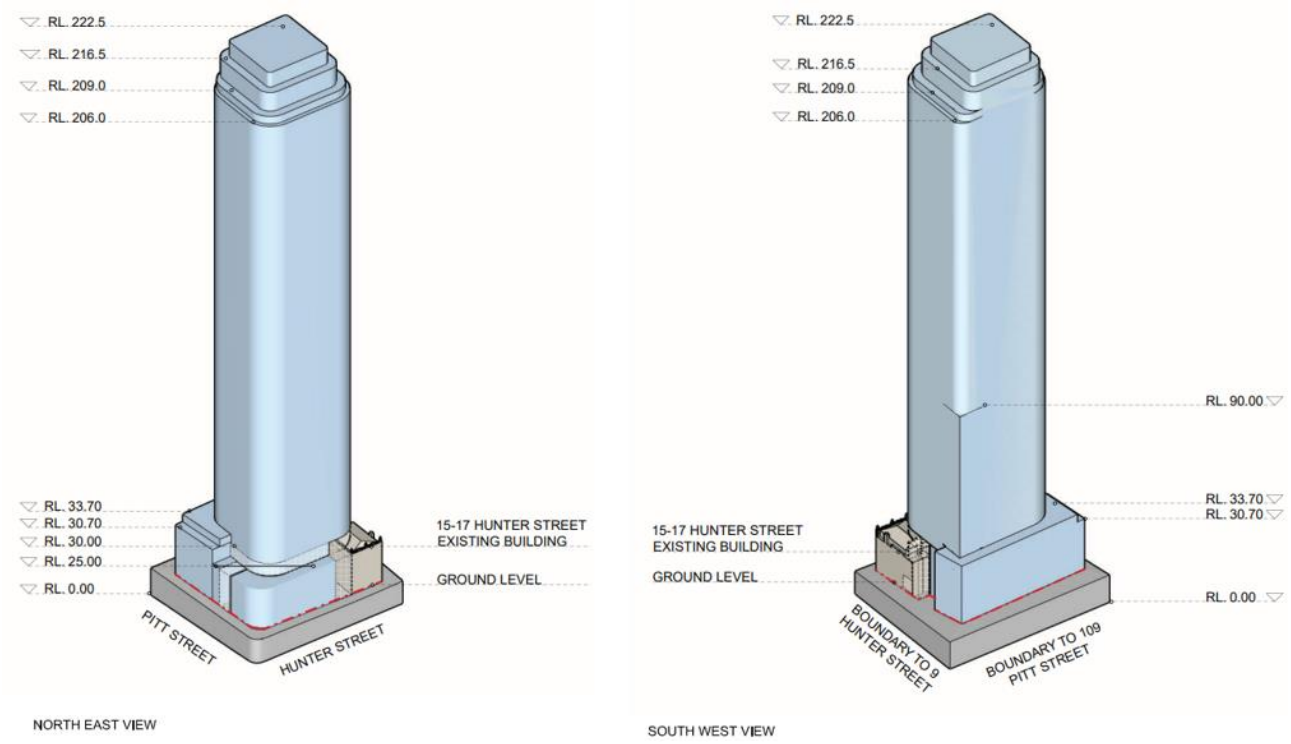
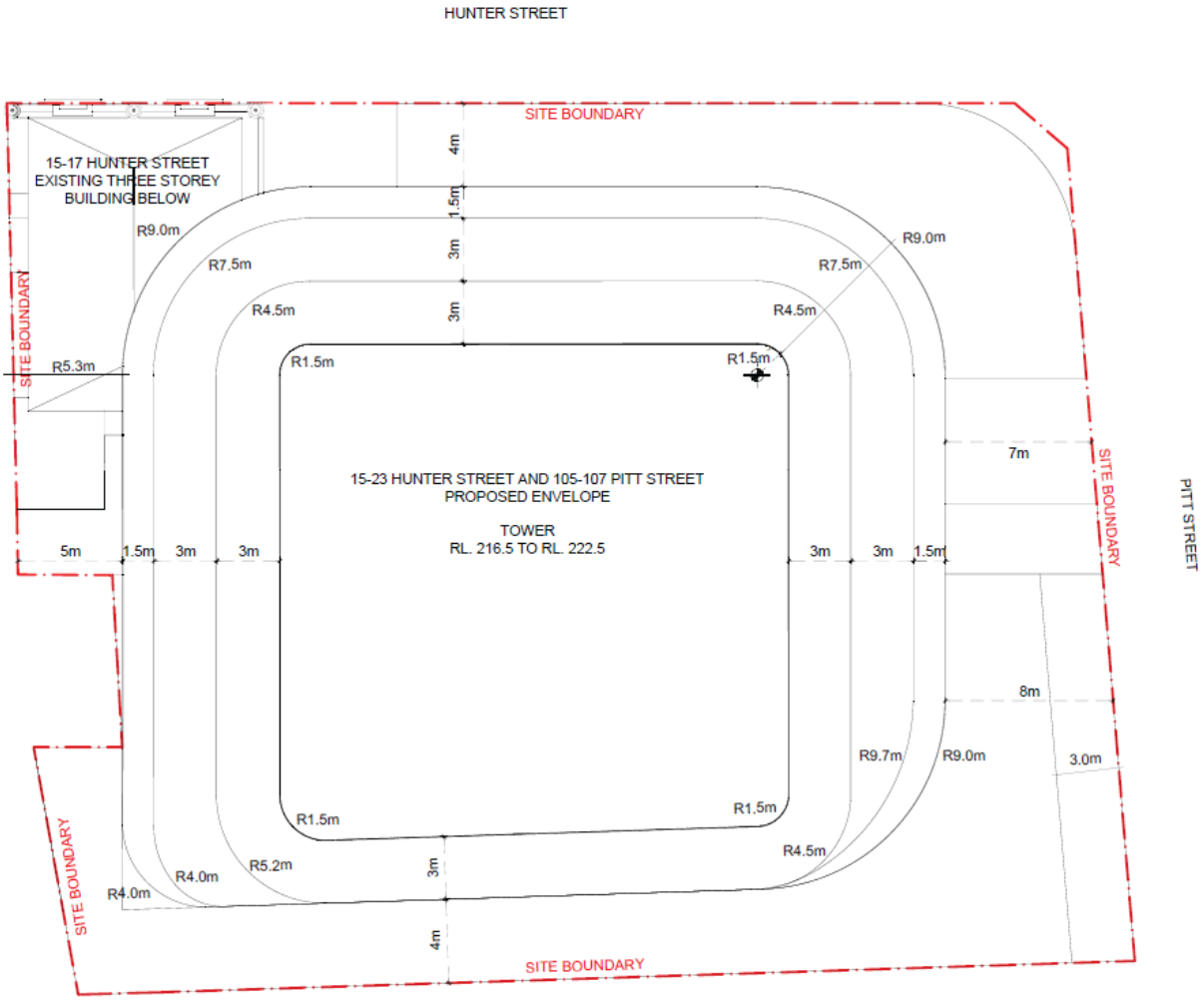


Figure 14. Setbacks of the indicative building envelope



The wind and daylight assessment that accompanied the planning proposal request demonstrates that the proposed building envelope would deliver public domain daylight and wind conditions that are 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 proposed heritage item within the site, heritage items in the vicinity, and the surrounding public domain, due to the tower setbacks to Hunter and 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.

Public Domain

The planning proposal does not include changes to the public domain, with any changes to affect the public domain to be considered as part of a future development application for the site.

Heritage

The site includes a heritage item, which is the state heritage listed Tank Stream tanks and tunnels. No sub-surface/ excavation works are proposed beneath the building located above the Tank

Stream, due to the proximity of this heritage item. The proposal will be referred to Heritage NSW as part of the public authority consultation process, for their review and comment. Any future development application would need to address potential impacts on the Tank Stream.

The former Pangas House, at 15-17 Hunter Street within the subject site, is proposed to be listed as a local item under Schedule 5 Environmental Heritage of the LEP as part of the planning proposal. A Heritage Assessment was prepared to support the proposal, and the heritage listing is supported.

The former Pangas House has heritage significance at a local level. It is a fine example of a Victorian Free Classical style commercial building, and it exhibits key features of the style. As a result, the building makes an important contribution to the streetscape, in particular its termination of the vista from Australia Square along Hamilton Street to Hunter Street. The building has historic significance as surviving evidence of the prosperous economic conditions of the mid-1860s to mid-1880s in Sydney, which fuelled a distinctive architectural 'boom' style, and as a relatively rare commercial building constructed during the last quarter of the nineteenth century in Central Sydney. The property has significant associations with prominent architect John Smedley, and with the Jewish community in Sydney.

The assessment of the proposed listed found the proposed planning envelope is capable of supporting a development that can respond sympathetically to the proposed heritage item within the site, and existing items in the vicinity in the vicinity, due to the proposed podium and tower heights and setbacks.

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 setbacks, massing and materials.

Figure 15. Former Pangas House at 15-17 Hunter Street

Design excellence

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

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 western boundary of the site adjoins the Sydney Metro West Hunter Street Station site, which is at the early planning phase. The site will also be around 250m from the proposed Martin Place Metro Station due to open in 2024. These services would be in addition to the existing train, bus and light rail services within 600m of the site.

The car parking and service vehicle parking numbers will be assessed under the controls for these in place at the time the DA for the detailed development stage is lodged.

Following assessment by the City, concerns were raised with regards to the design of the access and parking arrangements within the basement, including potential for queueing, and the lift design to access the bicycle spaces and end of trip facilities. Provisions have been included to ensure on-site servicing is not compromised by the provision of any below ground floor space.

The site is close to two new Metro stations and existing public transport. A Sustainable Travel Strategy (STS) is recommended to be included in the draft DCP to support healthy and active lifestyles, avoid adverse impact on the environment, address sustainability and climate change objectives, and not lead to unnecessary vehicle trip generation and road congestion.

Pedestrian activity and comfort

The planning proposal is accompanied by a Preliminary Pedestrian Comfort Assessment which assessed the impacts of the proposed scheme on the pedestrian condition along the site frontages to Pitt and Hunter Streets. This has assessed pedestrian comfort using the City of Sydney's requirements.

The pedestrian footpaths along the Hunter Street and Pitt Street frontages were found to currently operate at a grade C or higher, which is considered an acceptable grade within an office and retail precinct.

Factoring in the development of the site, the assessment report anticipates an increase in the number of pedestrian movements along the site frontage. With the inclusion of the through-site link, which is considered to be used by approximately 10 per cent of pedestrians in this location, the Hunter and Pitt Street frontages will maintain a grade C or higher rating.

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 will be publicly exhibited with the planning proposal.

The draft DCP 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 podium height
- street wall heights
- setbacks
- through-site link
- active frontages
- wind
- parking and vehicular access
- design excellence strategy
- environmentally sustainable development targets
- public art
- heritage

5.3 Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report

The planning proposal is in response to and is consistent with 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 Report prepared by Bates Smart. The study details a proposal to meet 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. These studies have informed the planning proposal.

The supporting documents commissioned by the applicant to support their request, and the City's urban design addendum are attached as the following appendices to this planning proposal:

- Planning Justification Report – Ethos Urban
  - Appendix A: Urban Design Report – Bates Smart
  - Appendix B: Site Survey - Total Surveying Solutions
  - Appendix D: Draft Design Excellence Strategy – Ethos Urban
  - Appendix E: Traffic Impact Assessment - WSP
  - Appendix F: Heritage Impact Statement - Urbis

- Appendix G: Pedestrian Environmental Wind Report – MEL Consulting
- Appendix H: Preliminary Site Investigation - Ramboll
- Appendix I: Ecologically Sustainable Development Report - WSP
- Appendix J: Pedestrian Impact Assessment - WSP
- Appendix K: Social and Economic Impacts Assessment – Ethos Urban
- Appendix L: Preliminary Geotechnical Desktop Assessment – JK Geotechnics
- Appendix M: Building Services Report - WSP
- Appendix N: Waste Management Plan – WSP
- Appendix O: Public Art Approach – Amanda Sharrad
- Appendix P: Public Benefit Offer – Milligan Group
- Appendix Q: Consultation Summary – Ethos Urban
- Appendix R: Structural Statement - TTW
- Appendix S: Sky View Factor Report – Bates Smart
- Appendix T: Flood Impact Assessment - TTW

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 will 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

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans for 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 document for growth and change in Sydney. The 20 year plan with a 40 year vision seeks to transform Sydney into a metropolis of three cities being the Western Parkland City, the Central River City and the Eastern Harbour City. The City of Sydney LGA is positioned within the Eastern Harbour City.

The plan identifies key challenges facing Sydney including a population increase to eight million by 2056, 817,000 new jobs by 2036 and a requirement for 725,000 new homes.

The plan aspires to deliver the following outcomes:

– liveability – enhancing cultural and housing diversity and designing places for people;

– productivity – developing a more accessible and walkable city and creating conditions for a stronger economy;

– sustainability – valuing green spaces and landscape, improving efficiency of resources and creating a resilient City; and

– infrastructure – ensuring infrastructure supports new developments and governments, community and businesses collaborate to realise the benefits of growth.

To achieve the vision, the plan proposes 10 directions, 40 objectives and associated strategies. Objectives of particular relevance to this Planning Proposal include: 10 - Greater housing supply and 11 - Housing is more diverse and affordable.

This planning proposal is consistent with the Greater Sydney Region Plan.

Eastern City District Plan

The Greater Sydney Commission released the District Plans for the Greater Sydney Metropolitan Region in March 2018. The City of Sydney is in the Eastern City District. The District Plans set out how A Metropolis of Three Cities – the Greater Sydney Region Plan applies to local areas.

The district plan has set a 20-year strategic target for housing and employment growth within the district, including a 2036 target of 157,500 dwellings and a short-term (5 years) housing target of 46,550 new dwellings. In the City of Sydney LGA, 18,300 dwellings are to be delivered.

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

- Planning Priority E1 – Planning for a city supported by infrastructure – To provide additional 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 provide for future development that will respond to the public domain around the site and improve amenity and accessibility for pedestrians, and will list former Pangas House as a local heritage item in the LEP.
- Planning Priority E7 – Growing a stronger and more competitive Harbour CBD – Central Sydney lies 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 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 that a future building on the site is capable of meeting the City's net zero energy requirements.

This planning proposal is consistent with the Eastern City District Plan.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or Greater Sydney Commissions, or another endorsed local strategy or 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 Wynyard and Matin Place railway stations, light rail and bus stops and the future Martin Place and Hunter Street Metro stations in Central Sydney.
- Direction 4 – A city for walking and cycling – The proposed development concept facilitated by this planning proposal includes provision for ground floor retail activation, a though-site link and end of journey facilities 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 is likely to deliver greater activation and a livelier engaging city. This will be supported by future 'fine grain' retail premises with requirements for improved street activation and public access through the site.
- Direction 6 – Resilient and Inclusive Local Communities – Future development facilitated by the planning proposal will contribute to the Central Sydney area through greater opportunities for business, as well as opportunities for improving the quality of the public domain for workers 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.
- 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 sustainability benchmarks.

Local Strategic Planning Statement – City Plan 2036

The City of Sydney Local Strategic Planning Statement (planning statement), adopted by Council in February 2020, sets out the land use planning context, 20-year vision and planning priorities to positively guide change towards the City's vision for a green, global and connected city. The planning statement explains how the planning system will manage that change to achieve the desired outcomes and guides future changes to controls.

In giving effect to the planning statement, this planning proposal delivers on the following priorities and actions:

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 connection between Hunter and Pitt Street, and also support a connection to the Hunter Street Metro station, 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 stations currently under construction, which will significantly increase the public transport capacity within Central Sydney.

Liveability

- L2. Creating great places – The planning proposal will support street life and activation by improving the interface with adjoining public places and providing new retail fine-grain retail premises, where new food and drink premises will be encouraged.

Productivity

- P1. 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 space to attract globally competitive business.

Sustainability

- S2. 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 economic 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 with a built form that includes sufficient tower setbacks and does not result in development with adverse wind and daylight impacts in the public domain.
- 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 projects.
- 9. Reaffirm commitment to design excellence – Future development on site will be subject to a full architectural competitive design process provided for within the draft DCP, which includes design excellence provisions to ensure a high quality built form.

Is the planning proposal consistent with the applicable State Environmental Planning Policies?

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs), as summarised in Table 3.

Table 3: Consistency with State Environmental Planning Policies and Regional Environmental Plans

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	this planning proposal is consistent
SEPP (Building Sustainability Index: BASIX) 2004	this planning proposal is consistent
SEPP (Exempt and Complying Development Codes) 2008	this planning proposal is consistent
SEPP (Housing) 2021	this planning proposal is consistent
SEPP (Industry and Employment) 2021	this planning proposal is consistent
SEPP (Planning Systems) 2021	this planning proposal is consistent
SEPP (Precincts–Central River City) 2021	Not relevant to this proposal
SEPP (Precincts–Eastern Harbour City) 2021	this planning proposal is consistent
SEPP (Precincts–Regional) 2021	this planning proposal is consistent
SEPP (Precincts–Western Parkland City) 2021	this planning proposal is consistent
SEPP (Primary Production) 2021	Not applicable to this proposal
SEPP (Resilience and Hazards) 2021	this planning proposal is consistent
SEPP (Resources and Energy) 2021	this planning proposal is consistent
SEPP No 65 - Design Quality of Residential Flat Development	not applicable to this proposal
SEPP (Transport and Infrastructure) 2021	this planning proposal is consistent – see discussion below

Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in Table 4.

Table 4: Consistency with Ministerial Directions

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	this planning proposal is consistent
1.2 Development of Aboriginal Land Council land	not applicable to this proposal
1.3 Approval and Referral Requirements	this planning proposal is consistent
1.4 Site Specific Provisions	this planning proposal is consistent – see discussion below
Focus area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	not applicable to this proposal
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	not applicable to this proposal
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	not applicable to this proposal
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	not applicable to this proposal
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable

Ministerial Direction	Comment
1.16 North West Rail Link Corridor Strategy	Not applicable
1.17 Implementation of Bays West Place Strategy	Not applicable
Focus area 2: Design and Place	No directions in place
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	this planning proposal is consistent
3.2 Heritage Conservation	this planning proposal is consistent - see discussion below
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
Focus area 4: Resilience and Hazards	
4.1 Flooding	this planning proposal is consistent – see discussion below
4.2 Coastal Management	this planning proposal is consistent
4.3 Planning for Bushfire Protection	this planning proposal is consistent
4.4 Remediation of Contaminated Land	this planning proposal is consistent – see discussion below
4.5 Acid Sulfate Soils	this planning proposal is consistent
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	this planning proposal is consistent
5.2 Reserving Land for Public Purposes	this planning proposal is consistent
5.3 Development Near Regulated Airports and Defence Airfields	this planning proposal is consistent – see discussion below
5.4 Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 Residential Zones	Not applicable

Ministerial Direction	Comment
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	this planning proposal is consistent
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 includes aims to provide for consultation with relevant public authorities about certain development during the assessment process or prior to development occurring, 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 10,000 square metres 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.

1.4 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 this Ministerial Directions, 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 based in the proponent's design vision for the site as well as the City's vision for future development in 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.

3.2 Heritage conservation

The objective of this Ministerial Direction is to conserve items, areas, objects and place of environmental heritage significance and indigenous heritage significance. The proposal includes the inclusion of 15-17 Hunter Street, formerly known as Pangas House as a local heritage item in Schedule 5 Environmental Heritage in the LEP due to the buildings' heritage significance. The proposal will be referred to Heritage NSW to comment especially due the Tank Stream, a State heritage site, which runs through the site.

4.1 Flooding

This Ministerial direction is to ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

The planning proposal has considered the City Area Catchment Floodplain Risk Management Plan, including required finished floor levels to inform the proposed gross floor area for the planning proposal.

4.4 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.

The proposal does not include rezoning the site. This site is currently used for commercial purposes and the proposed future use will remain commercial. The site, and adjoining sites, have also been used for commercial uses. A desktop geotechnical assessment prepared by JK Geotechnics to support the proposal, and recommended that prior to excavation of the site, detailed testing of the site be undertaken, and this can be addressed at the development application stage. ,

Further investigation of any potential contamination would be required to be undertaken for any future development application involving any excavation of the site. 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.

5.3 Development Near Regulated Airports and Defence Airfields

This Ministerial Direction seeks to ensure the safe and effective operation of regulated airports and defence airfields is not compromised by development that might constitute an obstruction of potential hazard to aircraft flying in the vicinity, and ensure development, if located on noise sensitive land, incorporates appropriate mitigation measures so the development is not adversely affected by aircraft noise.

The proposed development is within the B8 Metropolitan Centre zone within Central Sydney. This zoning is not proposed to be changed, and future development will be required to be consistent

with the objectives of the B8 zone. The proposed future development of the site is considered to be compatible with the adjoining and surrounding land and not result in significant impacts on interior noise levels.

The proposed development concept includes construction of a new tower up to RL 222.5 metres, 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.

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 floor space ratio control 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 to minimise the potential for adverse environmental impacts resulting from future development that could occur on the site.

The key environmental considerations 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 Martin Place Sun Access Plane, and the concept envelope has been designed to comply with the height requirements.

The podium provides for variation to be sympathetic to the height of former Pangas House and the adjoining podiums or buildings in Hunter 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 proposed heritage item at 15-17 Hunter Street, formerly known as Pangas House.

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.

View analysis

A view analysis for the proponent's reference scheme is included in the Urban Design Study appendix to the planning proposal, which explored the visual impact of the design from key public viewpoints in Central Sydney.

A proposed tower within the planning envelope will be visible from adjoining streets and public places. It is considered that the proposal will not result in significant impacts on views due to it being within the maximum height controls for the site, and the proposed setbacks.

Solar access and overshadowing

Clause 6.19 of the LEP prevents new buildings from creating additional overshadowing to certain public places, which includes Martin Place. The proposal does not include changes to the Martin Place sun access plane, with the proposed concept design fully compliant with this height control.

The Urban Design Study that accompanies the planning proposal includes a solar and overshadowing analysis. The study details that the planning envelope does not cast significant additional shadows in public places.

The overall overshadowing changes resulting from the proposed planning envelope are very minor in winter due to the shadows already cast by existing tall buildings surrounding the site, and is therefore considered to be an acceptable outcome.

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.

Sky view testing has been undertaken for the proposed planning envelope, which has a higher (better) Sky View Factor than the Schedule 11 Procedure B Base Case envelope (the provisions in place when the proposal was being prepared), and therefore is considered to meet the control.

Wind assessment

The planning proposal was accompanied by an environmental wind report prepared by MEL Consulting which assessed pedestrian wind comfort levels as a result of future development on the subject site. The assessment included a wind tunnel test of the surrounding area with wind speed measurements captured at various locations.

Schedule 11 Procedure B (the provisions in place when the proposal was being prepared) required the 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 planning envelope.

The wind tunnel testing found the proposed planning envelope retained the same wind comfort standard as the base case envelope, which is suitable for pedestrian standing activities.
The wind tunnel testing however found that the proposed planning envelope resulted in a worse outcome compared to the base case model for wind speed. As the base case envelope did not include the proposed through-site link, the City agreed to refined testing so that both envelopes included the though site link and did not penalise the proposed envelope for including this beneficial design feature. The resultant CFD wind testing found that the proposed planning envelope would result in an improved wind speed compared to the base case envelope.

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 additional employment generating floor space to contribute to and strengthen Central Sydney's role as a globally competitive city
- Creating an estimated 3,800 additional jobs
- Providing for improved activation and accessibility within the site and 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 contributions for local infrastructure and public domain improvements adjoining the site, to capitalise on its location close to major retail, office, and other uses, and 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.

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.

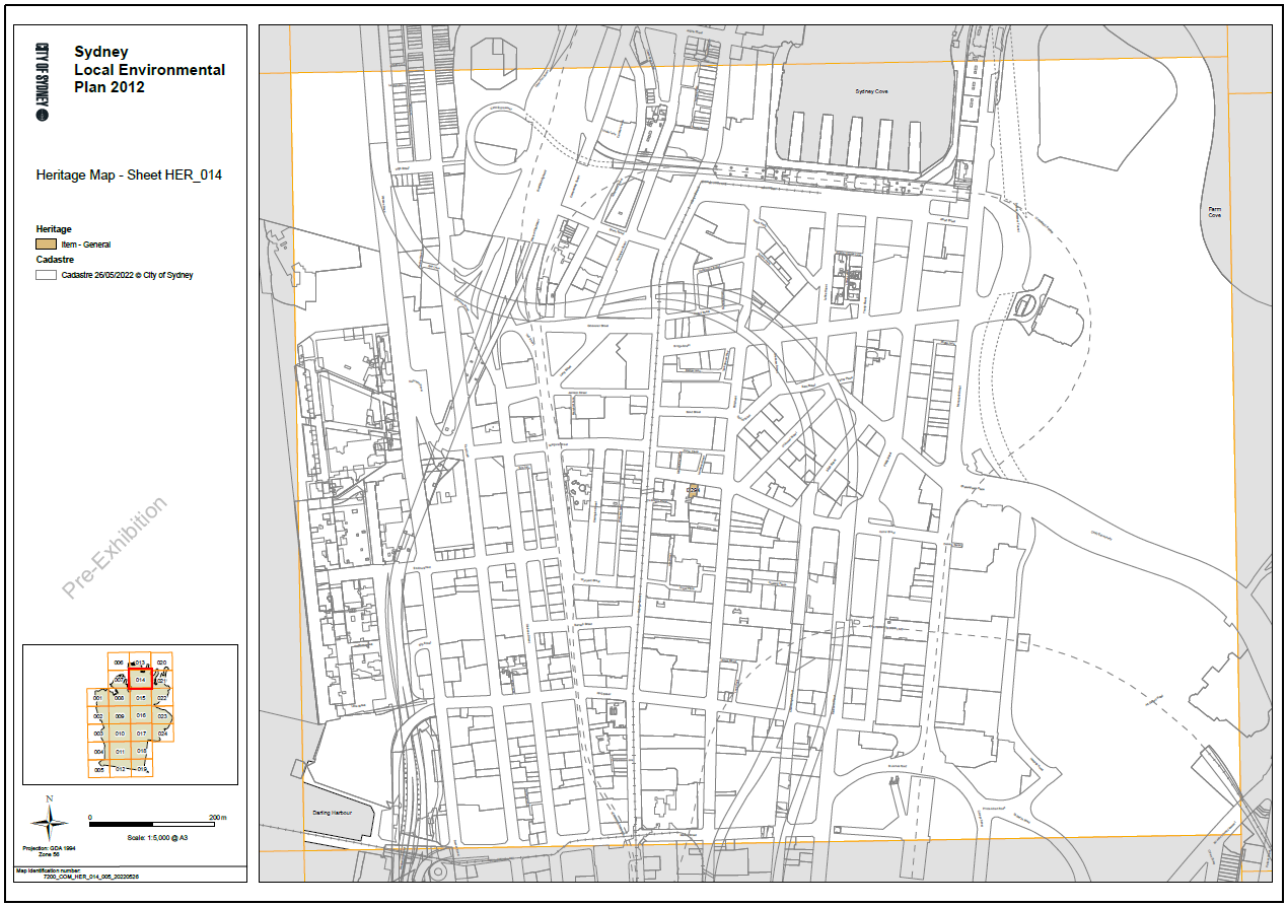
Clause 7.16 of the LEP requires concurrent approval from Sydney Airport for all works proposed to penetrate the OLS height, which is RL 156 metres in this location. At a maximum RL 222.5 metres in height, the future development concept would require approval under the Airports Act 1996 before the detailed 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 includes an amendment to the heritage map of the LEP, for the proposed listing of 15-17 Hunter Street, formerly known as Pangas House, as an item of local heritage significance.

No other changes will be made to maps contained in the LEP as part of this planning proposal, with the additional floor space ratio 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, which has been prepared as part of this planning proposal, and will be exhibited with the planning proposal.



7. Community consultation

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

It is anticipated that the gateway determination will require public exhibition for a period of not less than 20 working days in accordance with the Environmental Planning and Assessment Act 1979 and the NSW Government Local Environmental Plan Making Guideline.

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	**July 2022**
Government agency consultation	**September 2022**
Public exhibition	**September 2022**
Consideration of submissions	**October 2022**
Post exhibition consideration of proposal	**November 2022**
Draft and finalise LEP	**December 2022**
LEP made	**January 2023**
Plan forwarded to Department of Planning and Environment for notification	**January 2023**

Appendix 1

Example clauses

The final version of the clauses to be inserted into Division 5 would be subject to drafting and agreement by the Parliamentary Counsel's Office but may be written as follows.

Part 6 Local provisions – height and floor space

Division 5 Site specific provisions

6.## 15-25 Hunter Street and 105-107 Pitt Street, Sydney

(1) The objective of this clause is to encourage:
  (a) land uses other than residential accommodation and serviced apartments, and
  (b) new development with appropriate distribution of built form and floor space consistent with the surrounding context, and
  (c) the provision of pedestrian connections and retail activation

(2) This clause applies to 15-25 Hunter Street and 105-107 Pitt Street, Sydney, being Lots A and B DP 109,825, Lot 1 DP 630190, Lot 1 DP 59754, SP 69888, SP 60693 and Lot 1 DP 63968.

(3) Despite any other provision of this Plan, a building on land to which this clause applies may have a maximum floor space ratio of 22:1 (indicatively) at or above ground level 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 7.5:1
  (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 6.21D(3)(b).

(4) The maximum floor space ratio for a building on the land below ground level (existing) to which this clause applies is 2:1, but only if the consent authority is satisfied that the development will accommodate all required on-site servicing, and meet minimum driveway access requirements for the site.

(5) Clause 4.6 does not apply to development to which this clause applies.

(6) 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 Pitt Street and Hunter Street, and
  (b) include retail premises fronting the through-site link at ground level, and
  (c) will not be used for the purpose of residential accommodation or serviced apartments

(7) Clauses 6.21D(3), 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 (15-25 Hunter Street and 105-107 Pitt Street)

Schedule 5 – Environmental heritage

Locality	Item Name	Address	Property description	Significance	Item No.
Sydney	former Pangas House including interiors	15-17 Hunter St	Lot A and B DP 109825, Lot 1 DP 630190, Lot 1 DP 59754, SP 69888, SP 60693, Lot 1 DP 63968	Local	IXXXX