

## Item 7.

### Post Exhibition - Planning Proposal - 2 Chifley Square, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

File No: X038910

#### Summary

The Central Sydney Planning Strategy was adopted by Council in December 2020. It ensures Central Sydney continues to be Australia's leading economic centre by attracting new business investment and being a preferred location for workers, residents and visitors. The Strategy supports opportunities for additional building height and floor area in the right locations, and contribute to environmental sustainability, design excellence and infrastructure.

A planning proposal has been prepared for 2 Chifley Square, following a request by the applicant to amend the planning controls for the site. The proposed changes to the controls are to facilitate redevelopment of the site for a new commercial tower consistent with the Central Sydney Planning Strategy. The proposed controls were approved by the Central Sydney Planning Committee and Council in November 2021, to be submitted for a Gateway Determination and for public consultation.

This report details the outcomes of the public consultation of the planning proposal, draft development control plan (DCP) and voluntary planning agreement (VPA) for the site. The documents were exhibited from 22 April to 27 May 2022. 10 submissions were received including submissions from the land owner of the subject site, landowners adjoining and in the vicinity of the site, and public authorities.

Matters raised in submissions included the eastern setback of the planning envelope, end of journey floor space, ecological sustainable development controls, impacts from the future Martin Place Metro Station, and reflectivity impacts on The Domain. A summary of submissions and the City's response is at Attachment A, and key issues are discussed in this report.

Recommended amendments to the planning proposal clarify the maximum floor space ratio for the site, and is consistent with the changes made to the Sydney Local Environmental Plan 2012 (LEP) in November 2021 following the adoption of the Central Sydney Planning Framework. Amendments to the draft DCP are recommended for ecologically sustainable development provisions, to address the changes to the design excellence provisions following the adoption of the Central Sydney Planning Framework in November 2021, and remove the provision to allow alternative massing on the site.

In keeping with standard practice, amendments have been identified in the attachments to this report with additions shown in bold italics, and deletions in strikethrough.

This report recommends Council and the Central Sydney Planning Committee approve the planning proposal, draft DCP and notes the City will enter into the planning agreement.

## Recommendation

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal - 2 Chifley Square, Sydney, the draft Sydney Development Control Plan 2012 - 2 Chifley Square, Sydney amendment, and draft Voluntary Planning Agreement, as shown in Attachments A and A1 to the subject report;
- (B) Council approve Planning Proposal - 2 Chifley Square, Sydney, as amended in response to submissions following public exhibition and shown at Attachment B to the subject report, and request the relevant local plan making authority make as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the draft Sydney Development Control Plan 2012 - 2 Chifley Square, Sydney amendment, as amended in response to submissions following public exhibition and shown at Attachment C to the subject report, noting the approved Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan;
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal - 2 Chifley Square, Sydney and draft Sydney Development Control Plan - 2 Chifley Square, Sydney amendment to correct any minor errors, omissions or inconsistencies prior to finalisation; and
- (E) Council note the draft Voluntary Planning Agreement, as shown at Attachment D to the subject report will be executed under delegation of Council in accordance with the Environmental Planning and Assessment Act 1979.

## Attachments

- Attachment A.** Summary of Submissions – 2 Chifley Square, Sydney
- Attachment B.** Planning Proposal - 2 Chifley Square, Sydney
- Attachment C.** Draft Sydney Development Control Plan 2012 - 2 Chifley Square, Sydney
- Attachment D.** Voluntary Planning Agreement – 2 Chifley Square, Sydney
- Attachment E.** Gateway Determination – 2 Chifley Square, Sydney
- Attachment F.** Resolutions of Council and the Central Sydney Planning Committee - November 2021 – 2 Chifley Square, Sydney

## Background

1. To maintain and strengthen Central Sydney's status as a globally competitive city, it must continue to attract business investment and be a preferred location for knowledge workers, residents and visitors. The planning vision to grow Central Sydney's competitive economic position and further strengthen its attractive qualities is set out in the Central Sydney Planning Strategy (the Strategy), adopted by Council in December 2020.
2. Increasing the capacity for commercial growth in Central Sydney is crucial for supporting a robust, resilient and competitive economy for Central Sydney, New South Wales, and the nation. Capacity for business growth will support opportunities for investment and development projects with a global focus and highly skilled jobs.
3. The Strategy seeks to incentivise floor space for business and economic generating activities by providing opportunities for additional building height and density in the right locations. It requires new development to contribute to Central Sydney's attractiveness by delivering high quality urban design and public domain outcomes, including pedestrian amenity and protection of public spaces, and achieving environmental sustainability goals.
4. The planning proposal request for 2 Chifley Square was prepared by the applicant, Ethos Urban on behalf of Charter Hall, the owner of the site, and formally lodged in September 2021. The planning proposal request was to facilitate the redevelopment of southern part of the site consistent with the Strategy by increasing floor space for business, office and retail uses in a second commercial tower with a redesigned podium.
5. The site is located in the City Core precinct of Central Sydney. The Strategy describes this precinct as the largest office sub-market in Australia, favoured by financial, legal, property and technology sectors. It contains the largest number of premium office buildings in Central Sydney and the most commercial floor space. Premium floor space has been traditionally sought throughout this precinct, and continued industry growth is expected to result in increased demand for large floor plates and premium grade developments. As Sydney's most prestigious office sub-market, the quality of tenant amenity and the public domain, and minimisation of land use conflicts, is critical to maintain Central Sydney's competitive advantage.

## The site

6. The legal description of the land affected by this planning proposal is Lot 10 DP 777545. The site is referred to in this report as 'the site' or '2 Chifley Square'. A diagram and aerial image of the subject site and surrounds are shown in Figure 1 and Figure 2 below.



Figure 1: Site Location



Figure 2: Aerial Photo of site

7. The site is irregular in shape and has a total area of 6,438 square metres. It has three street frontages, to Hunter Street on the southern boundary, Phillip Street along the western boundary, and Bent Street along part of the northern boundary. The south-western portion of the site adjoins Chifley Square.

#### Existing development on the site

8. The site contains a five-storey podium and a 42 storey commercial tower. The building was designed by New York architects Kohn Pedersen Fox in association with Sydney architectural firm Travis Partners (which later became Architectus).



Figure 3: Existing Chifley Tower and podium (source: Chifley website)

9. The lower three storeys of the podium contain the office tower lobby, and a range of retail and food and beverage services, as well as a gym and child-care centre. The two upper storeys of the podium contain office floor space, with a terrace on the podium roof. The main entrances to the podium are from Chifley Square and Phillip Street, with secondary entrances from Hunter and Bent Street.
10. Vehicular access to the basement is via a driveway crossover from Bent Street, with separated entry and exit ramps. The existing basement contains four levels, with 13 loading dock spaces and 361 car parking spaces including 103 spaces operated as a public car park. There are also 200 bicycle spaces on the first basement level with end-of-trip facilities.

### Chifley Square

11. The south-western corner of the site adjoins Chifley Square, a heritage listed public place.
12. The semi-circular form of Chifley Square was originally proposed in 1908 by John Sulman in response to the Royal Commission into the Improvement of Sydney, and realised in 1947 when it was officially named Chifley Square in 1961 in honour of the late Hon J.B. Chifley, former Prime Minister of Australia.
13. The curved form of buildings constructed to the new street alignments for Chifley Square, including Qantas House in 1957, Wentworth Hotel in 1966, then Chifley Tower in 1993, reinforce the amphitheatre effect of the space. Further works to the public square were constructed in the 1990s to reclaim and improve the public square.
14. Two artworks are located in the square, a large statue, "Ben Chifley", and a glass wall structure along the Hunter Street boundary of the square titled "Crucimatrillux". A café adjacent to the Crucimatrillux artwork is located on a property within the square known as 1 Chifley Square and which is owned by the City. Several Cabbage Tree Palms are located within the square.



Figure 4: Chifley Square

## Adjoining Development

15. Development adjoining the site is as follows:

- West: on the western side of Phillip Street is Qantas House, containing retail and office uses, the Sofitel Wentworth Hotel, and 25 Bent Street known as the Union, University and Schools Club on the corner of Phillip and Bent Streets.
- North: on the northern side of Bent Street is “Aurora Place” containing a 41-storey commercial tower, and an 18-storey residential building known as the “Macquarie Apartments”.
- South: on the opposite side of Hunter Street is 126 Phillip Street, known as Deutsche Bank Place, a 37-storey commercial tower, and 183 Macquarie Street, a 15-storey commercial building. To the south west is 8-12 Chifley Square, a commercial office building of approximately 24 storeys, which includes an extension of the public domain at street level.
- East: Located to the east of the site are two heritage listed properties in Macquarie Street known as “Wyoming”, an 8-storey commercial building, and “Horbury House”, a three-storey commercial building. Further north, at 165-169 Macquarie Street (also known as 167 Macquarie Street) is a 20-storey mixed use building known as Macquarie House, which also adjoins part of a northern boundary with the site.



Figure 5: Qantas House (left) and 8-12 Chifley (right)



Figure 6: Wyoming (left) and Horbury House (right)

### Development intent for the site

16. The proposal is to facilitate the construction of a second tower on the site, south of the existing Chifley Tower. The two towers would share the one podium, which would be redesigned to accommodate the operation of the second tower.
17. The existing vehicle access to the basement carpark from Bent Street will be retained, with the basement reconfigured to accommodate the new tower, including new plant and core, and the reduction in car parking and removal of the commercial public car park. The overall depth and extent of the basement is not proposed to change.
18. The proposed scheme envisages a new commercial tower up to the height of The Domain Sun Access Plane, approximately 37 storeys at its maximum point.
19. The indicative development proposes approximately 131,891 square metres of floor space across the existing and proposed towers which would provide for commercial uses including office, retail, and food and beverage uses at lower levels.

### Planning Proposal - amendments to the LEP

20. In November 2021, the Central Sydney Planning Committee and Council approved the planning proposal to deliver a second commercial tower on the site to be submitted for a Gateway Determination, and for public exhibition. The Gateway Determination was issued by the Department of Planning and Environment on 8 February 2022.
21. The planning envelope approved by the Central Sydney Planning Committee and Council was informed by design advice from the Design Advisory Panel (DAP) and review by City staff, to ensure future development will be consistent with the Central Sydney Planning Strategy and contribute to the vision and aims of the Strategy.
22. The planning proposal at Attachment B proposes to amend the LEP to insert new site-specific provisions for 2 Chifley Square. The objectives of the provisions are:
  - (a) to permit new development that demonstrates the appropriate distribution of built form and floor space that is consistent with the surrounding context;
  - (b) allowing a net addition of 44,108 square metres of above ground floor space on the site, inclusive of design excellence bonus.



- (c) allowing for an additional 1,931 square metres of below ground floor space, to accommodate the application end of journey facility floor space. The proposed wording of the controls will allow for the end of journey facility floor space to be located below ground, or if these facilities are to be located above ground floor, an equivalent amount of other floor space permitted by the planning proposal below ground;
- (d) allow a total FSR of 20.63:1 on the site, with a maximum above ground FSR of 20:33:1 and providing for an additional below ground FSR of 0.3:1;
- (e) specifying that the maximum floor space for the site includes any additional floor space available as a result of the design competition, if the building demonstrates design excellence, noting the total above ground floor space to be the subject of the competitive design process is 64,654 square metres covering approximately 44 per cent of the site;
- (f) excluding the application of shared loading dock floor space provisions in the LEP from this site;
- (g) include provisions to require the purchase and allocation of heritage floor space, through the application of accommodation floor space; and
- (h) development consent can only be granted if the proposal delivers employment generating uses and includes the removal of the public car park.

### **Draft Development Control Plan**

23. A site-specific draft development control plan (draft DCP) is at Attachment C to this report and provides further guidance for development of the site consistent with the LEP amendments. The draft DCP provisions include:

- maximum building envelope;
- street wall heights;
- setbacks;
- design interface to Chifley Square;
- active frontages;
- wind;
- parking and vehicular access;
- design excellence strategy;
- pedestrian connection through the podium;
- environmentally sustainable development targets; and
- public art.

24. It is recommended that Council approve the draft DCP, shown at Attachment C to this report, to come into effect on the making of the local environment plan.

### **Voluntary Planning Agreement**

25. The VPA at Attachment D to this report was prepared and exhibited concurrently with the planning proposal and draft DCP. The public benefits secured through this VPA include:
- monetary contribution towards community infrastructure which aligns with and offsets the 3 per cent required under the Central Sydney Contributions Plan and payable at construction certificate stage;
  - provision of on-site public art;
  - driveway break-through panel adjoining 167 Macquarie Street to be available for shared driveway access if that site redevelops;
  - \$900,000 for public domain upgrades to Chifley Square or public domain in the vicinity of the site; and
  - leading environmental sustainability commitments 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.

### **Key Implications**

#### **Outcomes of public exhibition and public authority consultation**

26. The planning proposal, draft DCP and planning agreement were exhibited from 22 April to 27 May 2022.
27. The City sent approximately 630 letters to nearby landowners and occupants to notify them of the public exhibition and provided information on how to view the supporting documentation, which was featured on the City's Sydney Your Say website.
28. A total of 10 submissions were received in response to the exhibition.
29. The City's response to the issues raised in submissions are discussed below and in the submissions table at Attachment A.

#### **Public agency submissions**

30. Public agency consultation was carried out in accordance with the Gateway Determination. Transport for NSW, Sydney Metro, Heritage NSW, Sydney Airport Corporation, Air Services Australia, Sydney Water, and Ausgrid and were all consulted.
31. Transport for NSW raised no objections to the planning proposal, and supported the reduction in car parking on the site due to the site's proximity to public and active transport.

32. Sydney Metro advised that concurrent approval for a future DA on the site would be required under the Transport and Infrastructure SEPP, if new development may impact the rail corridor. This could include any subsurface structures needed for a new tower. It was recommended that minimal or no on-site tenant commercial parking is preferred, noting that the proposal includes a commitment to reduce the number of existing car parking spaces on the site. Sydney Metro also recommended that pedestrian modelling be undertaken to consider movements to and from nearby Metro stations, and the need for infrastructure improvements. This issue is discussed in detail below.
33. Heritage NSW advised that the planning proposal is unlikely to have any direct physical impact on any State heritage items, although may have visual impacts on the former Qantas House building. It was recommended that Council ensures the DCP provisions regarding the presentation of a new building to Chifley Square are taken into consideration as part of the design competition required for the site. It is noted that existing heritage controls in the Sydney LEP 2012 and Sydney DCP 2012 address this issue. The submission added that the retention of The Domain Sun Access Plane control was appropriate to protect the state heritage registered Royal Botanic Gardens and Domain. Impacts on local heritage items, including the buildings known as Horbury House and Wyoming east of the site in Macquarie Street, and Chifley Square are to be assessed by Council, as the consent authority.
34. Sydney Airport and the CASA raised no objection to the proposal but noted that due to the height of the planning envelope, any future detailed development application would require controlled activity approval from Sydney Airport.
35. Sydney Water advised that asset upgrades complying with the Water Services Association of Australia (WSAA) Code - Sydney Water edition may be necessary to service the additional uplift in development yield of approximately 43,608sqm of additional gross floor area resulting from the planning proposal. The development should consider recycled water options in line with Council strategies, and this issue will be addressed as part of the detailed design for a DA for future development on the site. It was also recommended that the proponent holds an inception meeting with Sydney Water as soon as possible after they have prepared a detailed concept servicing proposal.
36. Ausgrid did not provide the City with a submission on this planning proposal.

#### **Landowner submission**

37. The submission by Ethos Urban, on behalf of the Charter Hall, the owner of 2 Chifley Square, raised three issues in relation to the exhibited planning proposal. These were:
  - a request to reduce the eastern setback, and as a result, increase the maximum available GFA and resultant FSR on the site;
  - clarifying the proposed maximum GFA and FSR for the site with the inclusion of end of journey facility floor space; and
  - ecological sustainable development controls in the draft DCP.
38. These issues raised by the proponent are discussed in detail below.

**Submissions from land owners in the vicinity**

- 39. The Royal Botanic Gardens and Domain Trust supported the retention of The Domain Sun Access Plane as the maximum height control, in order to limit the impact of sun loss on the health and appearance of the Gardens. The submission also requested that the proposal ensures that any glazing on the tower must not result in reflectivity of sunlight into the Domain and Garden. This issue is discussed in detail below.
- 40. A letter of support was received from the owner of 175-181 Macquarie Street, the locally heritage listed building known as Wyoming on the corner of Macquarie Street and Hunter Street. The submission included support for the reduced eastern setback requested by the proponent, with an easement for maintenance, light and air. This issue is discussed in detail below.
- 41. The owner of 60 Martin Place, on the corner of Martin Place and Macquarie Street, raised concerns about the eastern setback of the exhibited planning envelope and resultant impacts on views from 60 Martin Place. This issue is discussed in detail below.

**Discussion of issues raised in submissions**

**Eastern setback of planning envelope**

- 42. The proponent, Charter Hall, requested a reduction of the eastern setback of the planning envelope, from 2m - 4.7m to 0m - 3.3m, as shown in the plan at figure 7 below. The change is not supported for the reasons discussed below.
- 43. The additional area of the envelope resulting from the requested reduced setback is depicted in green:

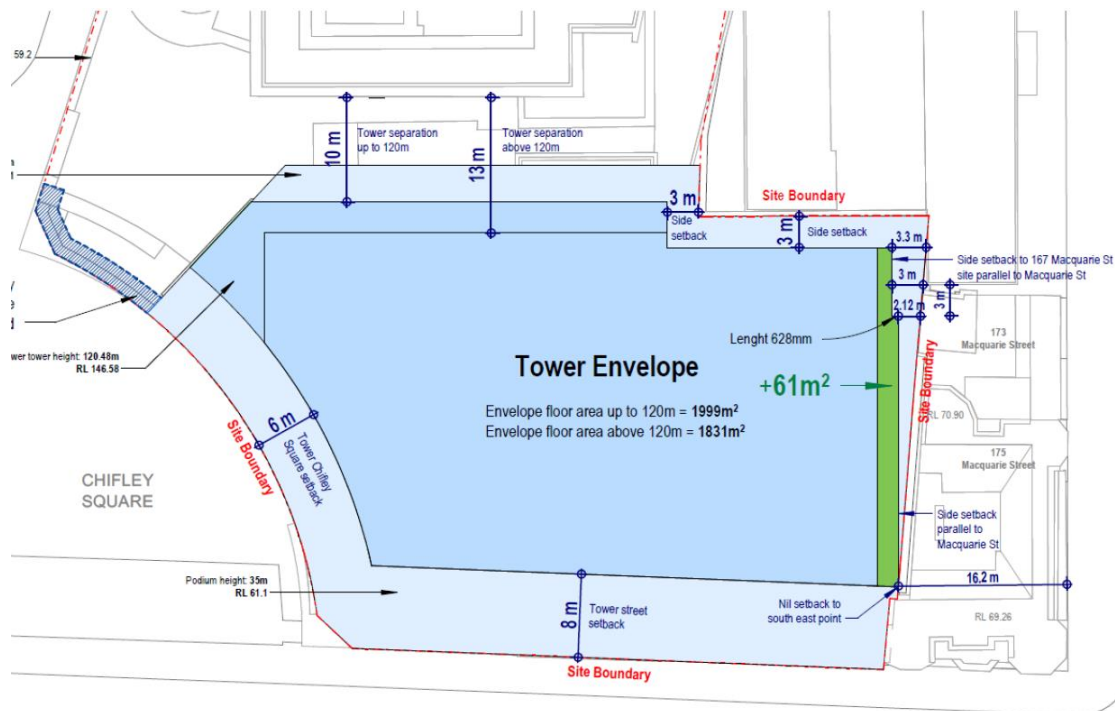


Figure 7: Requested change to eastern setback of planning envelope

44. The plan shows this reduction in setback would result in an additional 61sqm of floor area, or a total increase 1,026sqm for the whole planning envelope, although this does not factor in building efficiency and articulation allowances.
45. The Central Sydney planning controls allow for setbacks to be reduced subject to there being no overall reduction in amenity (wind and sky view) in public places, and that urban design outcomes are still achieved. The request to reduce the eastern setback was accompanied by sky view factor and wind reports, to demonstrate that the proposed envelope would result in a better outcome in the public domain compared to the base case envelope.
46. Urban design and heritage impacts were a key consideration in the assessment of a suitable planning envelope on this part of the site. In response to concerns raised by the Design Advisory Panel (DAP) about the original proposed envelope, a DAP subcommittee was formed. One of the key issues considered were setbacks, including tower envelope setbacks to the eastern boundary to provide for appropriate building separation, and separation of massing to the two local heritage items at 171-173 and 175-181 Macquarie Street known as 'Horbury House' and 'Wyoming'. The eastern setback of the planning envelope was also established to be sympathetic to the building alignment in Macquarie Street, and provide for a built form to support attractive streetscapes with high amenity. The 2 metre setback was seen as a minimum, as the DAP subcommittee had given consideration to an even greater setback to Macquarie Street for urban design and amenity outcomes.
47. Macquarie Street has important heritage significance, as it includes local, state, and world heritage items, and is included in the Macquarie Street Special Character Area. In addition, the Federal Government has proposed to include the Governors' Domain and Civic Precinct as part of the National Heritage List. This listing is proposed to include Macquarie Street, and Horbury House in particular. Part of the significance of this precinct is the development of Macquarie Street with its early colonial architecture as important milestones in the creation this distinctive civic precinct, with later buildings within the precinct continuing to respect the inherited civic intentions for this area. It is therefore considered that the setback of the planning envelope as exhibited should be retained in order to respect these important heritage considerations.
48. Although the owner of the property at 175-181 Macquarie Street, known as 'Wyoming' provided a submission supporting the reduced setback and advising they would support an easement for maintenance, it is not considered to outweigh the urban design and heritage impacts that would result from a reduced or nil setback from a heritage item.
49. A submission was received from the owner of 60 Martin Place raising concerns that the eastern setback of the planning envelope approved by the Central Sydney Planning Committee and Council, of 2m - 4.7m should be increased to comply with the DCP requirement of 6.5m, and have chamfered corners, due to impacts on view loss from 60 Martin Place. The submission included a photo from level 21 of 60 Martin Place, at Figure 8, with the approximate extent of the proposed envelope shown, and potential view loss extent in red hatched area.



Figure 8: Photo from the Investa submission with estimated view loss from 60 Martin Place

50. The Central Sydney Planning Strategy allows for setbacks to be reduced subject to there being no overall reduction in amenity (wind and sky view) in public places, and that urban design outcomes are still achieved. The proposed envelope did not require chamfered corners due to the sky view and wind testing of the envelope resulting in an improvement on the base case envelope, satisfying the requirements of the DCP.
51. The Central Sydney Planning Strategy prioritises views from public places but does not protect views from private places. Protecting private views in Central Sydney would constrain reasonable development that would help achieve the economic objectives for Central Sydney due to the density and heights of buildings.
52. The City's analysis of the existing and potential views from 60 Martin Place is at Figure 9. The existing views in a northerly and westerly direction from the location indicated in the submission are restricted by existing buildings including Chifley Tower, Deutsche Bank Place at 126-144 Phillip Street, and the building at 167 Macquarie Street. Although it is acknowledged that a small portion of existing views would be impacted by the proposed planning envelope, extensive scenic views of the Sydney Opera House, The Domain, the Harbour and distant views eastwards would be retained. The loss of views from 60 Martin Place are not considered to warrant an even greater setback to the eastern boundary than that endorsed by CSPC and Council.
53. It is also noted that the planning proposal and draft DCP provide an envelope that a future building will be contained within. The final tower form will be established through the architectural design competition.

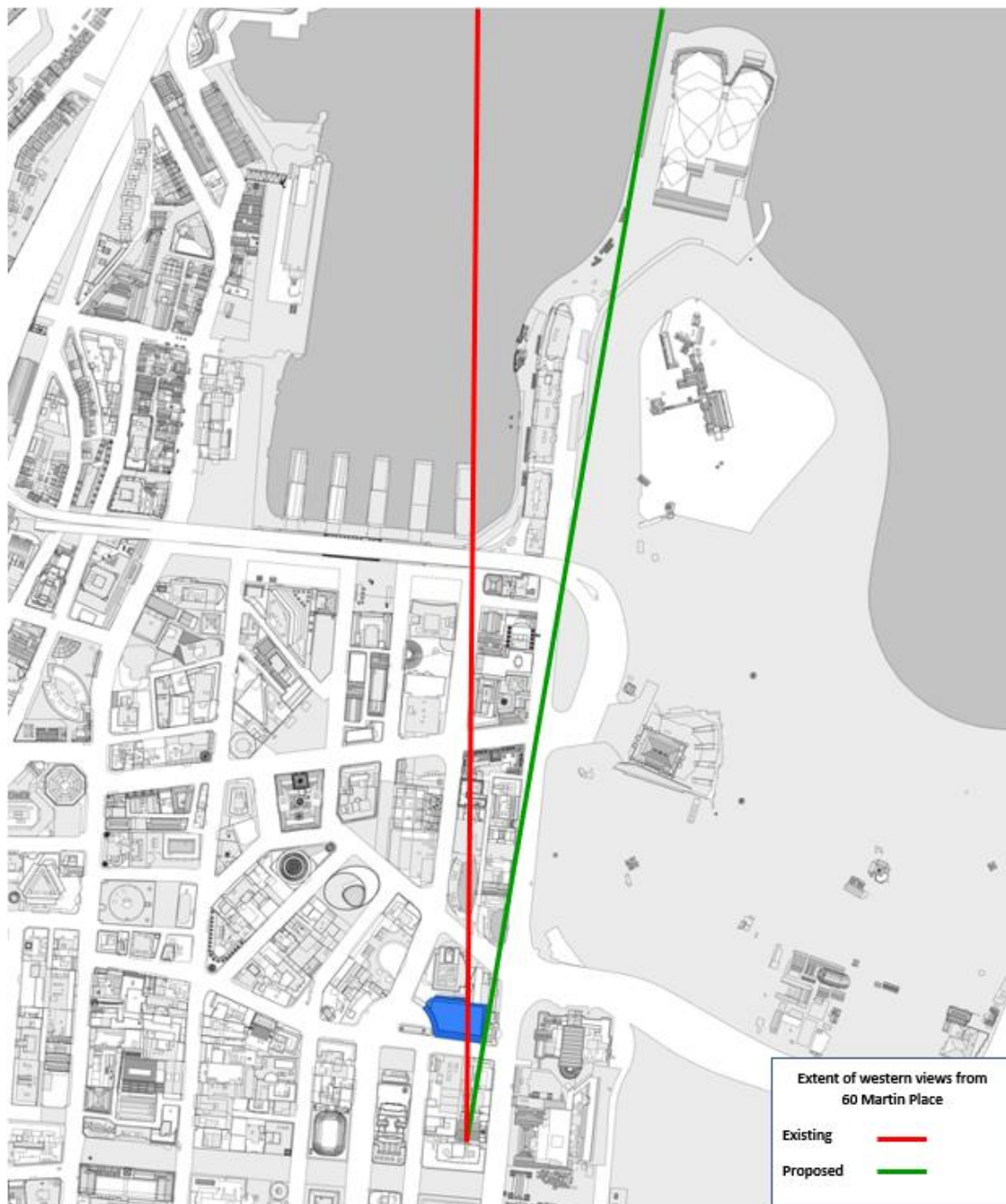


Figure 9: Comparison of existing and potential view extents westwards from 60 Martin Place, Sydney

### End of Journey Floor Space

54. In their submission, Ethos Urban/Charter Hall sought to clarify whether the maximum FSR proposed for the site included the ability to utilise Clause 6.6 - End of Journey Floor Space for a future development application.
55. Clause 6.6 - End of Journey Floor Space in the LEP allows for a building in Central Sydney that is used only for commercial premises to be eligible for up to an additional 0.3:1 of floor space, that is used solely for the provision of end of journey facilities. These types of facilities are identified as showers, change rooms, lockers and bicycle storage areas.

56. The City undertook detailed testing of the refined planning envelope to determine the maximum GFA and FSR for the site. The City's testing included the assumption that 0.3:1 of additional floor space for end of journey facilities would be provided in the basement, as detailed in the proponent's reference plans and documentation, utilising the provisions of Clause 6.6 of the LEP.
57. To clarify the maximum FSR for the site, the example clauses contained in Appendix 1 of the Planning Proposal have been amended to state that the maximum floor space ratio for the site is 20.63:1, but limits the above ground floor space to a maximum FSR of 20:33:1. The example clauses provide flexibility for a future development application to utilise clause 6.6 of the LEP to locate up to 0.3:1 of end of journey facility floor space below ground level, or locate the end of journey facilities partially or wholly above ground level, with an equivalent amount of floor space, which is permitted under the planning proposal, for other uses located below ground.

### **Ecologically sustainable development**

58. Amendments to the ecologically sustainable development provisions for this site were requested by Charter Hall. Most of these changes accepted relate to differentiating between the existing development and new development as proposed. The changes clarify when the controls apply, refine the refrigeration requirements, and amend the net zero controls to be consistent with the City's draft net zero provisions for the whole council area.
59. These changes have been included in the draft Development Control Plan at Attachment C of this report.

### **Sydney Metro Martin Place station impacts**

60. One of the recommendations from Sydney Metro was for pedestrian movements to and from nearby Metro stations to the proposed building location be considered, including the need for any new or improved infrastructure.
61. Infrastructure upgrades to address projected increased pedestrian traffic resulting from the operation of the future Hunter Street Metro Station were addressed in the EIS for Sydney Metro City and South West (Chatswood to Sydenham). The EIS states that based on site observation and pedestrian modelling of the station and streetscape around Martin Place, three locations in the vicinity of 2 Chifley Square were identified that could result in potential for safety risks or impacts to pedestrian flow and / or traffic as a result of the metro station. These locations include:
  - intersection of Hunter Street, Castlereagh Street and Bligh Street;
  - Hunter Street (west of Castlereagh Street) which would operate at a level of service C in the AM and PM peak hours; and
  - Martin Place mid-block crossing of Castlereagh Street.
62. At the intersection of Hunter and Castlereagh Streets, potential upgrades could include increasing crossing capacity to reduce queue lengths, particularly in the morning peak, and deterring informal crossings. This could include the provision of an underground pedestrian connection from the station platforms to O'Connell Street and / or Bligh Street. In addition, other treatments could include:
  - widening of the pedestrian crossing at Castlereagh Street, which would increase the pedestrian throughput without affecting cycle-times;



- increase the pedestrian green-time, which would increase the pedestrian throughput by extending the proportion of green-time per cycle at the intersection; and
  - decrease overall cycle-time, which would increase the frequency of green-time for pedestrians over a given period of time.
63. Other options could include removing or reducing street furniture and other obstructions to increase the effective width of the footpath.
64. The EIS stated that these mitigation options would be investigated further in consultation with Transport for NSW's CBD Co-ordination Office, the City of Sydney Council and Roads and Maritime Services.
65. It is also noted the Conditions of Approval issued by the Minister for Planning for the Sydney Metro City and South West (Chatswood to Sydenham) project included conditions requiring:
- the establishment of a Traffic and Transport Liaison Group(s) to inform traffic and transport management measures during construction and operation of the metro; and
  - supplementary analysis and modelling to demonstrate that construction and operational traffic can be managed to minimise disruption to traffic network operations, public including changes to and the management of pedestrian, bicycle and public transport networks transport services, pedestrian and cyclist movements.
66. The City supports the approach identified in the EIS, and the requirements under the Conditions of Approval for the Sydney Metro City and South West (Chatswood to Sydenham). These are considered to be the most appropriate and effective ways to address traffic and pedestrian impacts from the Metro stations, especially given Transport for NSW and the City's role in managing the street network and public domain.

### **Reflectivity**

67. The submission by The Royal Botanic Gardens and Domain Trust requested that design controls ensure that any glazing on the tower must not result in reflectivity into the Domain and Garden. The current Sydney DCP 2012 includes provisions for reflectivity which will apply to a future development application. This will address the concern raised in the submission.

**Other changes**

68. Other changes made to the Planning Proposal are:

- (a) amendment the maximum floor space ratio for the site from 20.3:1 to 20.63:1, with a maximum above ground floor space ratio of 20.33:1. The floor space ratio of 20.3:1 approved for exhibition by the Central Sydney Planning Committee and Council was based on an estimated gross floor area on the site. The Gateway Determination required confirmation of the existing gross floor area of the site, which was confirmed by a survey submitted by the proponent. Further testing was also undertaken by the City during the public consultation period to confirm that the maximum gross floor area of the site. The total above ground gross floor area for the planning proposal was confirmed at 130,891 square metres, which is equal to a floor space ratio of 20.33:1. The testing assumed end of journey floor space in the basement of 0.3:1, as indicated in the proponent's reference scheme. The amended controls allow for flexibility in the location of the end of journey floor space either above or below ground, without compromising the tested and exhibited planning envelope.
- (b) amendments to the references to design excellence controls in the LEP, following changes to these resulting from the finalisation of the Central Sydney Planning Proposal in November 2021.
- (c) a provision added to exclude the application of Clause 6.5A - Shared loading dock facility floor space to the planning proposal. This clause was added to the LEP after the planning proposal was considered and approved for public consultation by the Central Sydney Planning Committee and Council in November 2021. This clause, which could allow for additional floor space greater than that able to be accommodated within the planning envelope, will therefore not apply to this planning proposal. A potential shared loading dock is being secured through the planning agreement.
- (d) amendments to Appendix 1 - Example clauses in the Planning Proposal have been made to reflect the above changes.

69. Other changes to the draft DCP are:

- (a) amendments to clarify the application of building energy requirements on the site, and for consistency with the City's net zero proposal as exhibited;
- (b) amended design excellence provisions to reflect the changes resulting from the adoption and implementation of the Central Sydney Planning Framework in November 2021; and
- (c) removal of the provision to allow alternative massing on the site, due to the detailed consideration and testing that was undertaken of the planning envelope that was approved for public consultation.

**Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision**

70. As the economic heart of Australia's most global city, Central Sydney plays a critical role in the continued growth and economic success of Greater Sydney, the state and national economy. The Central Sydney Planning Strategy sets a planning approach to grow employment and productivity, create high quality places and deliver on Sustainable Sydney 2030-2050 Continuing the Vision.

71. The Strategy includes opportunities for additional height and density in the right locations, balanced with environmental sustainability initiatives, and sets criteria for excellence in urban design.
72. This planning proposal is aligned with the following relevant key moves of the Central Sydney Planning Strategy:
  - (a) Key Move 1: Prioritise employment growth and increase capacity - this planning proposal will facilitate additional commercial and business floor space in the City Core precinct, increasing the capacity and contributing to growth and competitiveness of Central Sydney.
  - (b) Key Move 2: Ensure development responds to context - by ensuring compliance with wind and daylight requirements, this planning proposal ensures future development is responsive to its context and will not result in adverse impacts in the public domain.
  - (c) Key Move 5: Ensure infrastructure keeps pace with growth - in accordance with the Guidelines, this proposal facilitates a contribution towards community infrastructure in Central Sydney.
  - (d) Key Move 6: Move towards a more sustainable city - the draft DCP for the subject site includes sustainability targets in accordance with the Strategy and Guidelines.
  - (e) Key Move 7: Protect, enhance expand Central Sydney's heritage, public places and spaces - the proposed built form responds to nearby heritage, public spaces such as Chifley Square, and surrounding streets.
  - (f) Key Move 8: Move people more easily - the subject site is well located to capitalise on existing and planned public and active transport investment including the light rail, metro and upgrades to the pedestrian network, making it easier for people to move in Central Sydney.
  - (g) Key Move 9: Commitment to design excellence - future development will be subject to an architectural design competition.

### **Strategic Alignment – Regional and Local Planning**

73. The Greater Sydney Commission's Greater Sydney Region Plan and Eastern City District Plan are used to shape strategic planning and infrastructure in metropolitan Sydney and align planning from the broadest regional area to the local area. The City's Local Strategic Planning Statement sets the overall land use planning strategy for the city which is required to align with the Region and District Plans. The City's planning controls are then required to give effect to the strategic plans.
74. The Region Plan, District Plan and Local Strategic Planning Statement adopt planning priorities of similar themes, being productivity, liveability, infrastructure, sustainability and governance. How this proposal gives effect to these priorities is discussed in detail in the planning proposal and summarised below:

- (a) **Productivity** - the proposal will deliver additional business, office and retail generating floor space close to existing and planned transport connections, including the Martin Place Metro station. It will also provide additional premium office space within the City Core precinct of Central Sydney. In addition to meeting this objective of the Greater Sydney Region Plan, the proposal gives effect to productivity strategic planning priorities, particularly:
- (i) Eastern City District Plan Priorities
    - a. E7 - Growing a stronger and more competitive Harbour CBD
    - b. E10 - Delivering integrated land use and transport planning for a 30 minute city
    - c. E11 - Growing investment, business opportunities and jobs in strategic centres
    - d. E13 - Supporting growth of targeted industry sectors
  - (ii) Local Strategic Planning Statement Priorities
    - a. P1 - Growing a stronger, more competitive Central Sydney
- (b) **Liveability** - the planning proposal includes the maximisation of retail activation and provision of a pedestrian connection through the site to improve the amenity of workers and visitors in the surrounding area. In addition to meeting this objective of the Greater Sydney Region Plan, the proposal gives effect to liveability strategic planning priorities, particularly
- (i) Eastern City District Plan Priorities
    - a. E6 – Creating and renewing great places and local centres, and respecting the District’s heritage
  - (ii) Local Strategic Planning Statement Priorities
    - a. L2 - Creating great places
- (c) **Infrastructure** - redevelopment of the site will benefit from the planned additional transport infrastructure capacity and will contribute towards new community infrastructure to be delivered in Central Sydney. In addition to meeting this objective of the Greater Sydney Region Plan, the proposal gives effect to the infrastructure strategic planning priorities particularly:
- (i) Eastern City District Plan Priorities
    - a. E1 - Planning for a city supported by infrastructure
  - (ii) Local Strategic Planning Statement Priorities
    - a. I1 - Movement for walkable neighbourhoods and a connected city
    - b. I2 - Align development and growth with supporting infrastructure
- (d) **Sustainability** - the planning proposal will facilitate the redevelopment of the subject site with improved sustainability outcomes. In addition to meeting this objective of the Greater Sydney Region Plan, the proposal gives effect to the sustainability strategic planning priorities particularly:

- (i) Eastern City District Plan Priorities
  - a. E19 - Reducing carbon emissions and managing energy, water and waste efficiently
- (ii) Local Strategic Planning Statement Priorities
  - a. S2 - Creating better buildings and places to reduce emissions and water and use water more efficiently

### **Strategic Alignment- Sustainable Sydney 2030-2050 Continuing the Vision**

75. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This plan is aligned with the following strategic directions and objectives:
- (a) Direction 2 - A leading environmental performer - the draft DCP that accompanies this planning proposal delivers ambitious sustainability targets for future development on the site.
  - (b) Direction 3 - Public places for all - the draft DCP will have controls to support activation in this part of the city, contributing to a livelier, engaging city, including active frontages at key locations, pedestrian connections through the site, and delivery of public art.
  - (c) Direction 4 - Design excellence and sustainable development - the proposal is consistent with the Central Sydney Planning Strategy and future development will go through a design competition and be required to achieve sustainability benchmarks.
  - (d) Direction 5 - A city for walking, cycling and public transport - the existing development provides a through site link connecting Bent Street with Chifley Square and Hunter Street. The DCP will include a control for pedestrian connections through the podium to be retained, linking Bent Street with Hunter Street. The subject site is well located to capitalise on existing and future public transport infrastructure at Circular Quay, Wynyard, and Martin Place train stations, bus stops, light rail stops and the future Martin Place Metro station, and new future Metro station in Hunter Street.
  - (e) Direction 7 - Resilient and diverse communities - this planning proposal will enhance the City Core precinct with increased business opportunities for investment, employment and opportunities for upgrading the quality of the public domain for workers and visitors.
  - (f) Direction 8 - A thriving cultural and creative life - the draft DCP includes provisions to ensure public art is delivered on site, supporting creative and cultural experiences.
  - (g) Direction 9 - A transformed and innovative economy - the proposal will support and foster new employment and investment opportunities through the provision of employment generating floor space.

**Relevant Legislation**

76. Environmental Planning and Assessment Act 1979.
77. Environmental Planning and Assessment Regulation 2000.

**Critical Dates / Time Frames**

78. The Gateway Determination requires that the amendment to the Sydney LEP 2012 is completed by 22 November 2022.
79. The Gateway Determination authorises Council to exercise this delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan. If the planning proposal is approved by Council and CSPP, the City will commence this process. Once this process is complete and the plan is made, the amendment to the Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
80. If approved by Council, the revised DCP will come into effect on the same day as the amendment to the LEP.
81. The planning agreement is to be executed prior to the finalisation of the amendments to the LEP and DCP.

**GRAHAM JAHN AM**

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