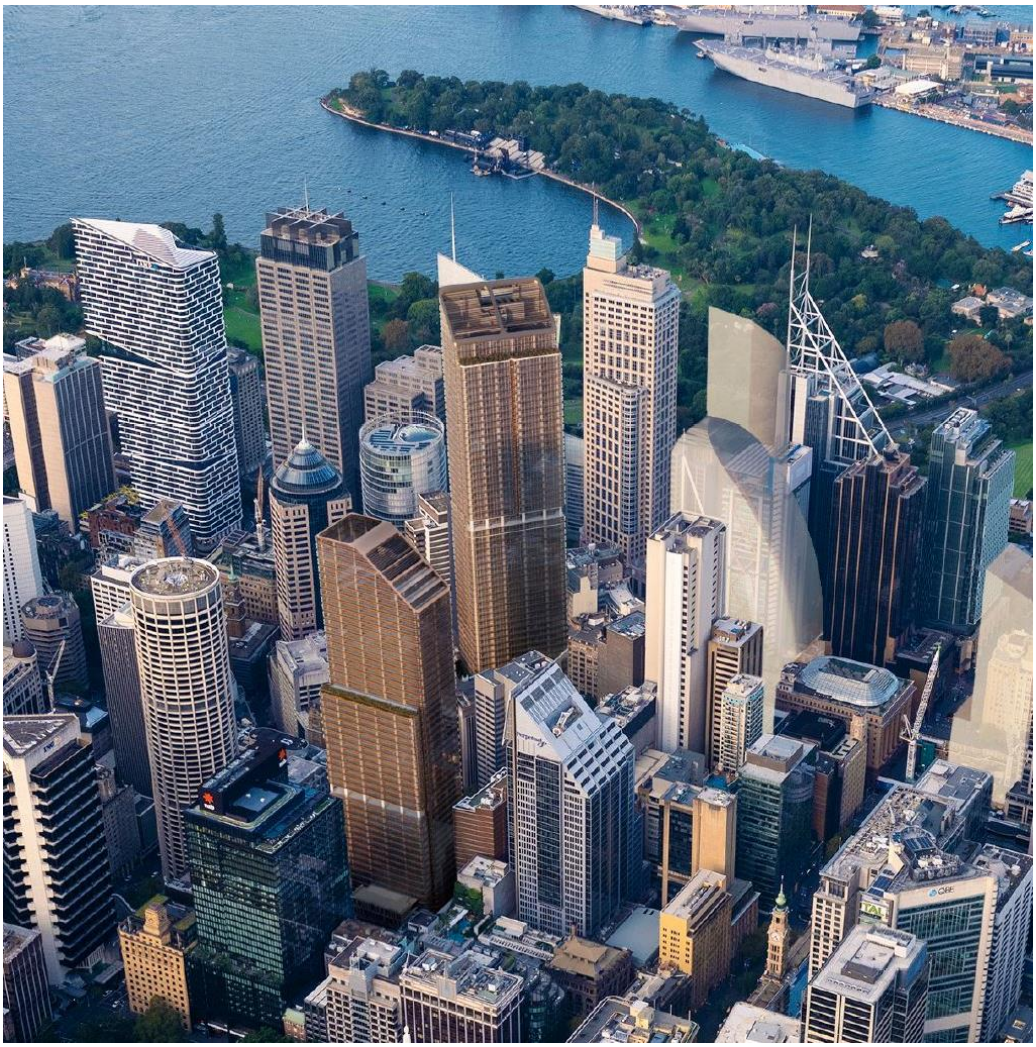
Attachment A

Planning Proposal – Sydney Metro West Hunter Street Station Sites

CITY OF SYDNEY

Planning proposal – Sydney Metro West, Hunter Street sites



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Executive Summary

This planning proposal has been prepared by the City of Sydney (the City) in response to a request from the proponent, Sydney Metro, to prepare a planning proposal to vary the development controls for the two sites that will contain the future Hunter Street Sydney Metro station.

This planning proposal details the intent and justifies the proposed amendments to the Sydney Local Environmental Plan 2012 (LEP) for the subject sites. This planning proposal has been prepared in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and the "Local Environment Plan Making Guideline" published by the Department of Planning and Environment (the Department) in December 2021.

Endorsed in 2016 and adopted by Council in 2020, the Central Sydney Planning Strategy (Strategy) sets the City's planning vision to ensure Central Sydney continues to be Australia's leading economic centre and location for workers, residents and visitors. It supports opportunities for additional height and density, where development protects pedestrian amenity, contributes to the public domain and delivers environmental sustainability initiatives.

This planning proposal will facilitate development that is consistent with the City's vision for Central Sydney, in that it will deliver additional employment generating floor space in two new towers, while protecting existing heritage items, pedestrian amenity, and ensuring design excellence and public domain improvements are delivered.

This planning proposal will facilitate the delivery of two new office towers over the future Sydney Metro West Hunter Street station with expanded public space and new business and employment space to support a robust and resilient economy in Central Sydney.

This planning proposal relates to two separate sites, both of which front Hunter Street in Central Sydney. The eastern site sits between O'Connell and Bligh Street and fronts Richard Johnson Square, and the western site fronts George Street opposite the entrance to Wynyard Station. Existing development surrounding each site is characterised as the commercial core of Central Sydney, consisting of medium to large scale commercial and office buildings. Both sites are adjacent to heritage items including the former NSW Club State heritage item on Bligh Street and the former Pangas House on Hunter Street, recently identified as being of local heritage significance. The western site also comprises State heritage items the former Skinner Family Hotel, which fronts the intersection of Hunter and George Streets and the Tank Stream which runs along the site's eastern boundary.

Existing LEP development controls for the two sites include building height of 235 metres for the eastern site and the northern section of the western site. Both sites are also subject to various no additional overshadowing and sun access planes. A mapped floor space ratio of 8:1 is applicable to both sites, as well as accommodation and additional floor space subject to other requirements including design excellence. The two sites are zoned B8 Metropolitan Centre, which provides for a broad range of uses, including office, retail and food and drink premises.

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

A new site-specific clause for the two Sydney Metro West Hunter Street sites is proposed to be inserted into Part 6, Division 5 of the LEP as part of this planning proposal, which will include the following:

- maximum building height of RL 269.1 metres for the eastern site and RL 220 metres for the western site;
- maximum above ground floor space ratio of 22.8:1 for the eastern site and 18.8:1 for the western site;
- provisions to ensure the application of heritage floor space;
- maximum of 70 car parking spaces across the two sites;
- ensure development can only be granted for non-residential development only; and
- allow development consent to be granted subject to consideration of the Design Guidelines.

The planning proposal is accompanied by draft Design Guidelines to help deliver the objectives and intended outcomes of this planning proposal. The controls in the draft Design Guidelines help describe an acceptable building form for the future over station development towers to help manage impacts on public domain amenity and to adjoining development. The draft Design Guidelines will be publicly exhibited with the planning proposal.

Future development facilitated by this planning proposal will deliver the following key benefits to the surrounding area and the wider Central Sydney:

- business and employment floor space – the two future over station development buildings will deliver new floor space for office, retail and commercial uses, which will increase Central Sydney's capacity for economic growth;
- improve built form – this planning proposal will facilitate the delivery of two new office towers as over station development directly connected to the future Sydney Metro station. The proposed controls provide for high-quality buildings that are responsive to their context;
- pedestrian amenity – the planning proposal details acceptable building envelopes that will not adversely impact upon pedestrian amenity, maintaining suitable daylight and wind conditions;
- increased public domain – the planning proposal includes generous ground plane setbacks to Richard Johnson Square which will expand the public accessible space in this dense part of Central Sydney, as well as new through-site connections; and
- ecological sustainable development – the draft Design Guidelines associated with the planning proposal include ambitious ecological sustainable development benchmarks to ensure energy efficient built forms are delivered

1. Site identification

1.1 Site identification

This planning proposal relates to two sites in Central Sydney. The sites, referred to as the 'western site' and 'eastern site' consist of the following land titles:

Table 1: Legal description of Sydney Metro West Hunter Street (western site)

Address	Lot and DP
296 George Street, Sydney	Lot 1, DP438188
300 George Street, Sydney	CP and Lots 1-43, SP 596
312 George Street, Sydney	Lot 1, DP211120
314-318 George Street, Sydney	Lot 13, DP622968
5010 De Mestre Place, Sydney (Over Pass)	Lot 1, DP1003818
De Mestre Place, Sydney	N/A
5 Hunter Street, Sydney (Leda House & Hunter Arcade)	CP and Lots 1-63, SP71068
5 Hunter Street, Sydney (Leda House & Hunter Arcade)	CP and Lots 1-14, SP65054
9 Hunter Street, Sydney	Lot 2, DP850895
7-13 Hunter Street, Sydney (Hunter Connection)	CP and Lots 1-53, SP50276
7-13 Hunter Street, Sydney (Hunter Connection)	Lots 57 and 58, SP61007
7-13 Hunter Street, Sydney (Hunter Connection)	Lots 54,55,56, SP60441
7-13 Hunter Street, Sydney (Hunter Connection)	Lots 59,60,61, SP62889
7-13 Hunter Street, Sydney (Hunter Connection)	Lots 62,63,64,65, SP69300
7-13 Hunter Street, Sydney (Hunter Connection)	Lots 66,67, SP77409
7-13 Hunter Street, Sydney (Hunter Connection)	Lot 2, SP50276

Table 2: Legal description of Sydney Metro West Hunter Street (eastern site)

Address	Lot and DP
28 O'Connell Street, Sydney	Lot 1, DP217112

Address	Lot and DP
28 O'Connell Street, Sydney	Lot 1, DP536538
28 O'Connell Street, Sydney	Lot 1, DP1107981
48 Hunter Street, Sydney	Lot 1, DP59871
48 Hunter Street, Sydney	Lot 2, DP217112
33 Bligh Street, Sydney	Lot 1, DP626651
37 Bligh Street, Sydney	CP and Lots 1-14, 21-31, 33-36, 40, SP58859
37 Bligh Street, Sydney	CP and Lots 41-49, SP61852
37 Bligh Street, Sydney	CP and Lots 50-57, SP61922
37 Bligh Street, Sydney	CP and Lots 58-65, SP61923
37 Bligh Street, Sydney	CP and Lots 66-67, SP63146
37 Bligh Street, Sydney	CP and Lots 67-70, SP63147
37 Bligh Street, Sydney	CP and Lot 72, SP74004
37 Bligh Street, Sydney	CP and Lots 75-82, SP87437
37 Bligh Street, Sydney	CP and Lots 73-74, SP87628

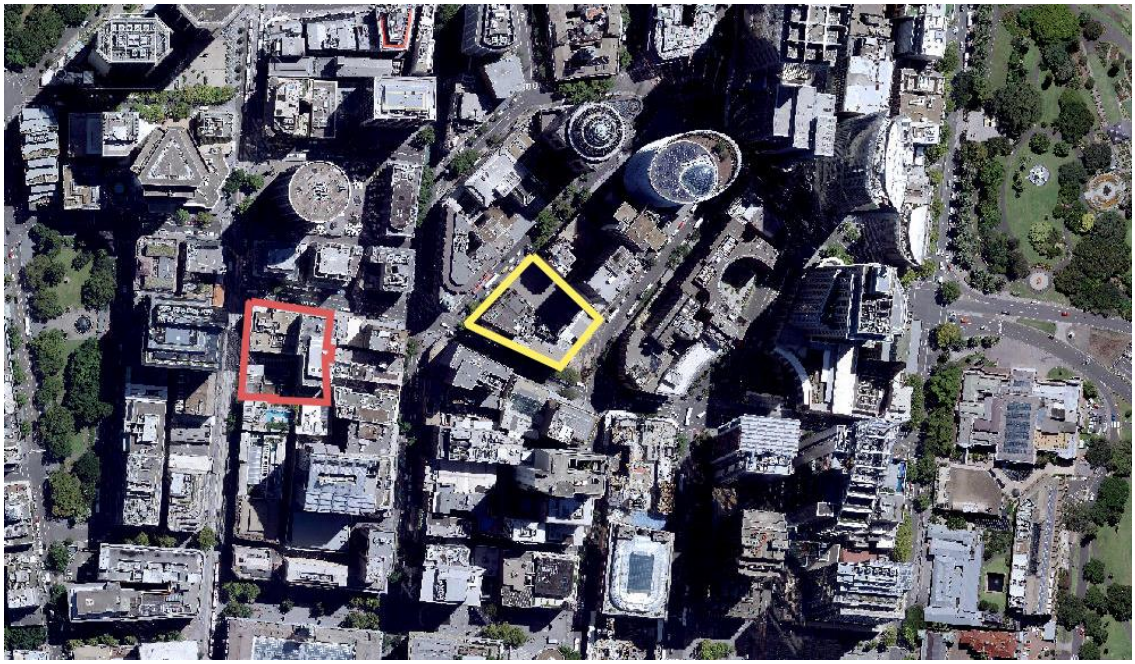
Figure 1. Land affected by this Planning Proposal

1.2 Site location

The sites are located in the commercial core, the northern portion of Central Sydney, in the City of Sydney local government area. The western site fronts George Street to the west and Hunter Street to the north, and shares common boundaries with commercial buildings to the east and south. The eastern site fronts O'Connell Street to the north-west, Hunter Street to the south-west, Bligh Street and Richard Johnson Square to the south-east, and shares common boundaries with commercial buildings to the north-east.

The subject sites are within walking distance of Wynyard Railway Station and its associated connections to metropolitan, intercity, light rail and ferry services. They are 150-200m north of Martin Place and 450-500m south of Circular Quay.

Figure 2. Aerial photo of the site



1.3 Site characteristics and context

The western site

The western site has a total area of 3,736m^2. The existing buildings on site include:

- 5 Hunter Street, an 11-storey commercial office building known as Leda House
- 9 Hunter Street, a 20-storey commercial office building
- 7-13 Hunter Street, also known as Hunter Connection, a largely underground retail precinct with pedestrian connections to George, Pitt & Hunter Streets and Wynyard Station
- 314-318 George Street, a 6-storey commercial office building
- 312 George Street, a 3-storey commercial and retail building
- De Mestre Place, a laneway providing servicing access to commercial and retail tenancies in Hunter Connection and George Street-facing business
- A pedestrian overpass above De Mestre Place linking Hunter Connection to George Street
- 296 George Street, a 3-storey State Heritage-listed building known as the former 'Skinners Family Hotel', which is located on the south-eastern corner of George and Hunter Streets.

The State heritage-listed Tank Stream tunnel is located below the eastern boundary of the Western site. On the northern side of Hunter Street is the NSW Sports Club which is a local heritage item. To the east of the western site is a mix of commercial office buildings with ground floor retail. A private laneway known as Empire Lane is located to the east of the eastern boundary providing

servicing access from Pitt Street. To the south of the Western site is the Ash Street and Angel Place precinct with a combination of retail and entertainment businesses. And on the western side of George Street is the 27-storey commercial office building known as Brookfield Place, built on top of the George Street entrance to Wynyard Railway Station, as well as the local heritage item at 285-287 George Street.

Figure 3. The western site, shown in red, viewed from intersection of George and Hunter Streets

Figure 4. De Mestre Place showing the pedestrian overpass and entrances to Hunter Connection

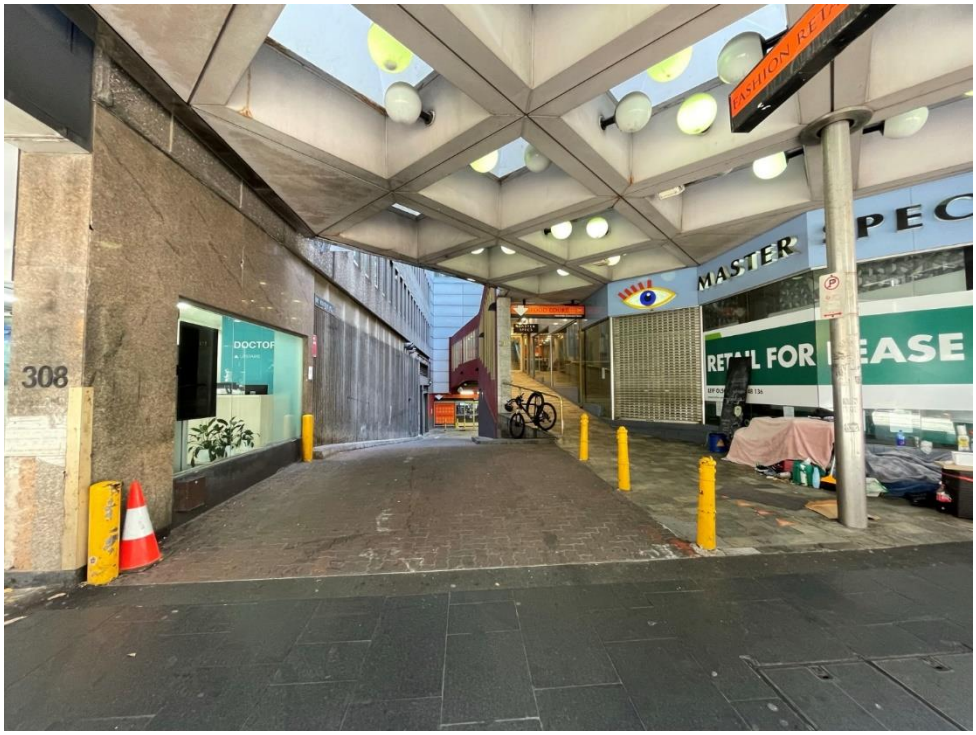


Figure 5. Western site, shown in red, viewed from Hunter Street looking south-west

Figure 6. Looking east along Hunter Street, the western site marked in red, the eastern site in yellow

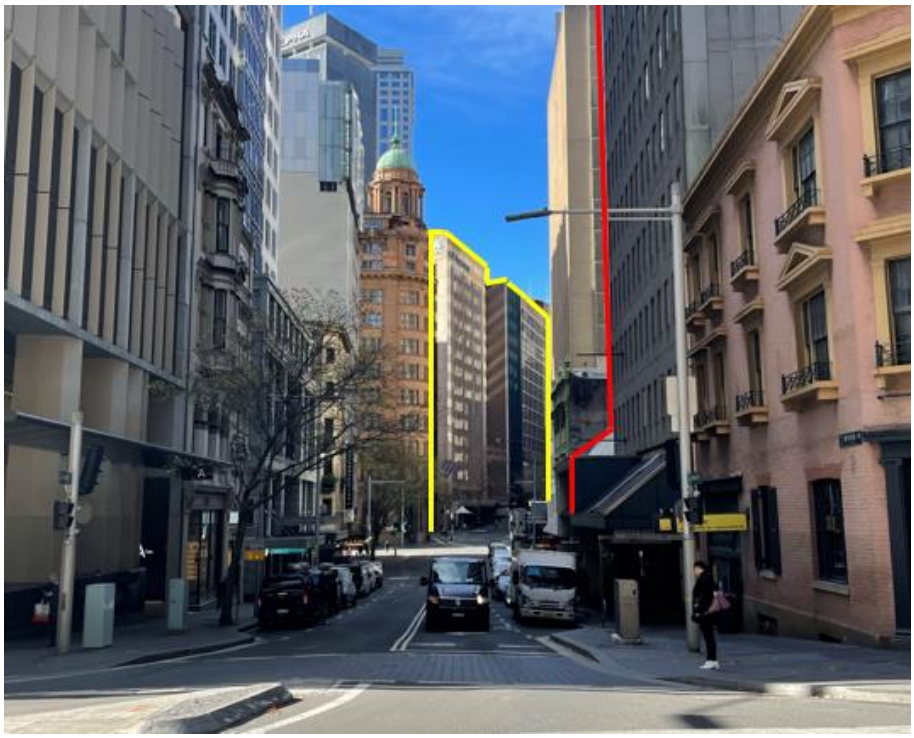
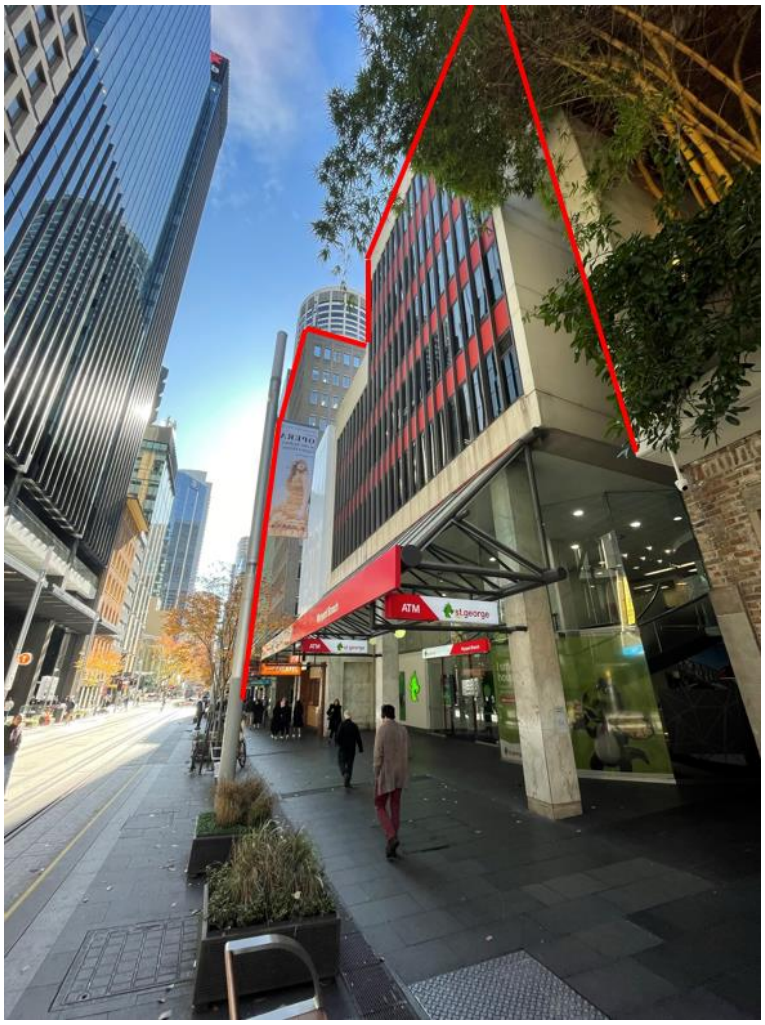


Figure 7. Looking north along George Street



The eastern site

The eastern site has a total area of 3,694m^2. Part of the site is currently occupied by the Sydney Metro City & Southwest construction site. The remaining buildings include:

- 28 O'Connell Street, a 19-storey commercial office building
- 48 Hunter Street, a 13-storey commercial office building
- 37 Bligh Street, a 14-storey commercial office building with ground floor retail.

To the immediate north-west of the eastern site are the former Manufacturers House at 12-14 O'Connell Street, former Bank of NSW at 16 O'Connell Street, and former NSW Club building at 31 Bligh Street, all local heritage-listed items, and the NSW Club also state listed. To the south-east is the local heritage-listed Richard Johnson Square, and the State Heritage-listed former City Mutual Life Assurance building, an 11-storey commercial building on the north-east corner of Bligh and Hunter Streets. On the southern side of Hunter Street is the State Heritage-listed former Perpetual Trustee building, an 8-storey commercial office building. To the north-west of the Eastern site is the State Heritage-listed former Wales House, now occupied by the Radisson Blu Plaza Hotel.

Figures 8 to 11 detail the existing development on site and its surrounding area.

Figure 8. Eastern site, in yellow, viewed from the intersection of Pitt, Hunter & O'Connell Streets

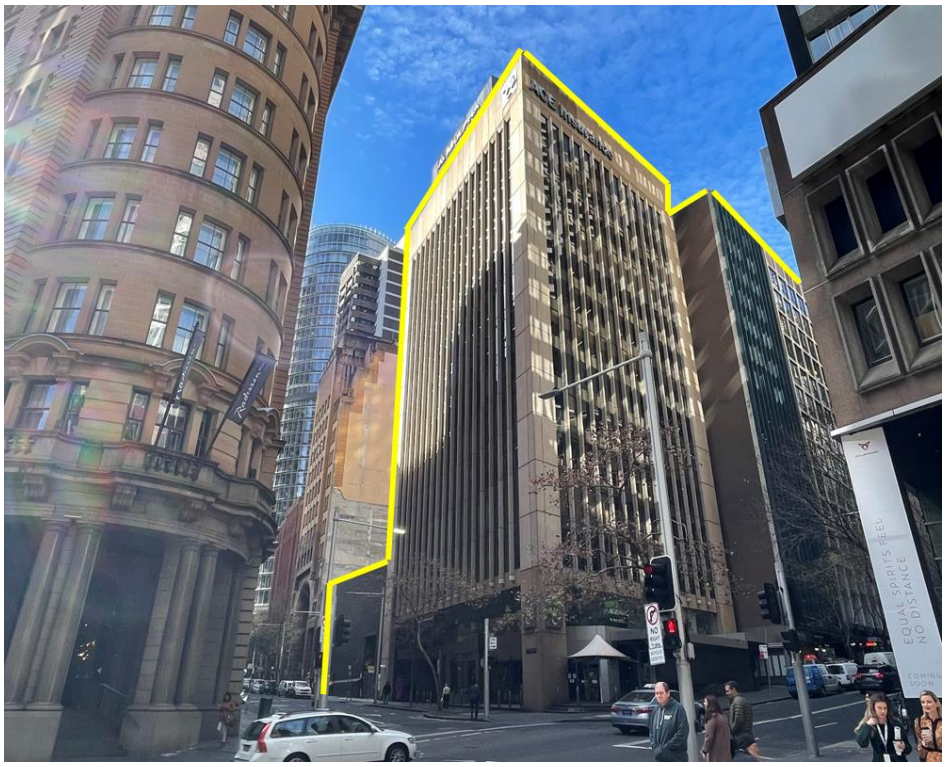


Figure 9. Eastern site, shown in yellow, viewed from Bligh Street looking south-west

Figure 10. Eastern site, shown in yellow, viewed from O'Connell Street, looking south

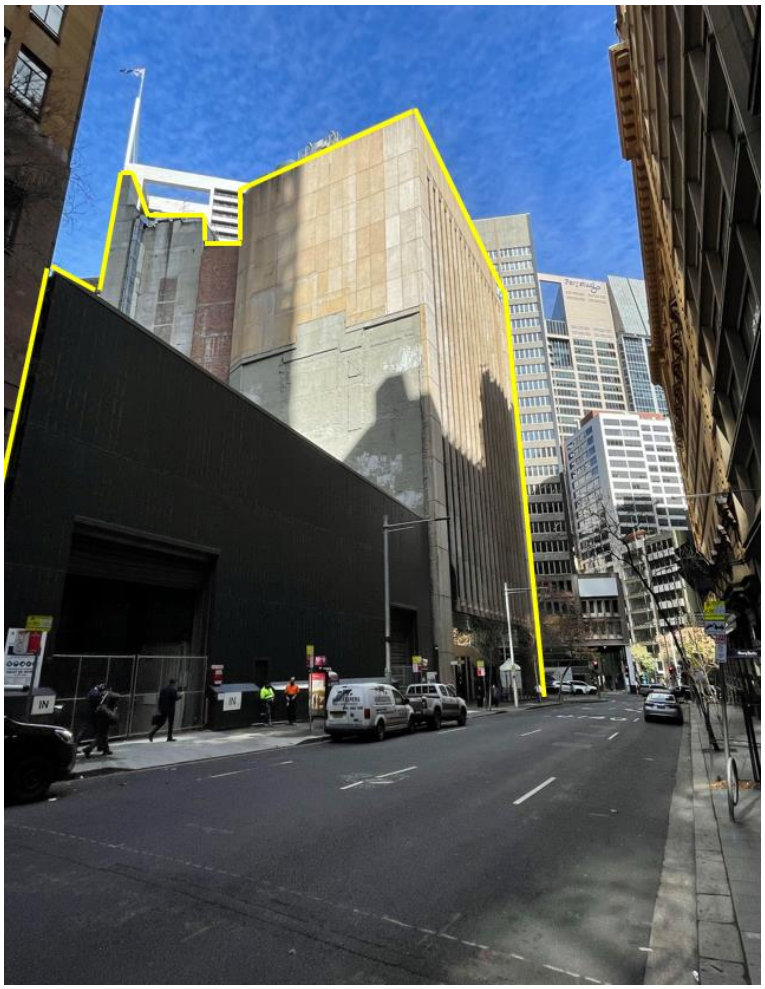
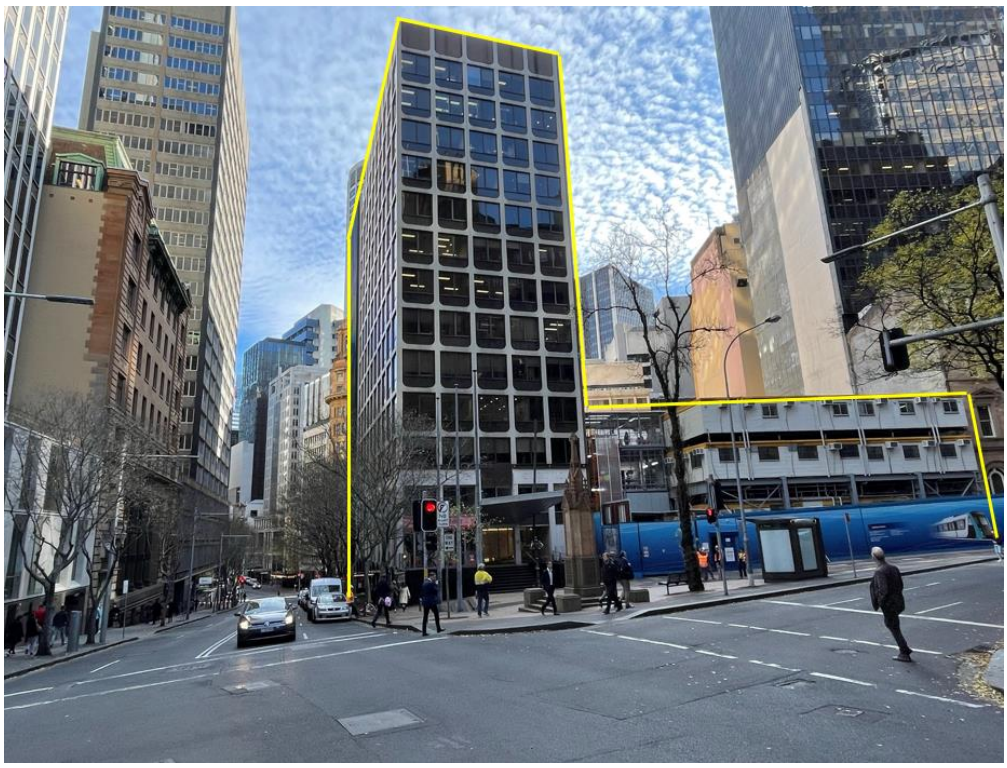


Figure 11. Eastern site, shown in yellow, from the intersection of Hunter, Bligh, and Castlereagh Streets, including Richard Johnson Square

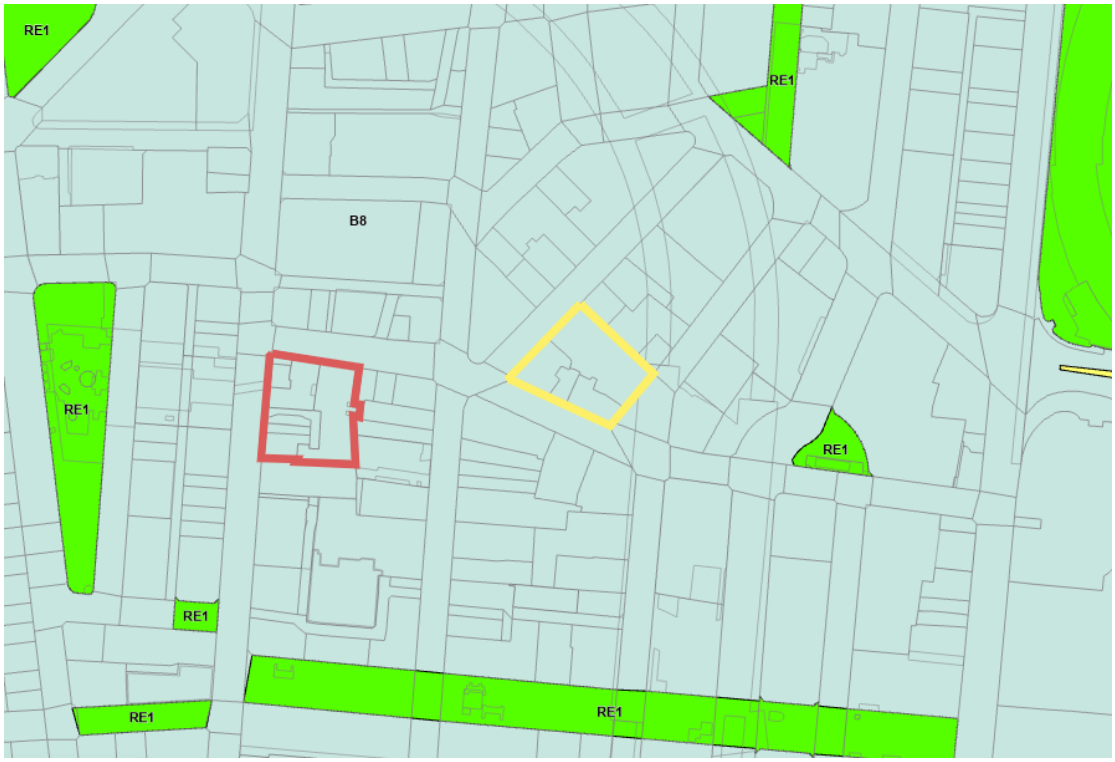


2. Planning background

2.1 Zoning

The subject sites are zoned B8 Metropolitan Centre, as shown in Figure 12. A wide range of uses are permitted within this zone, including business premises, food and drink premises, as well as residential accommodation, hotel and tourist and visitor accommodation.

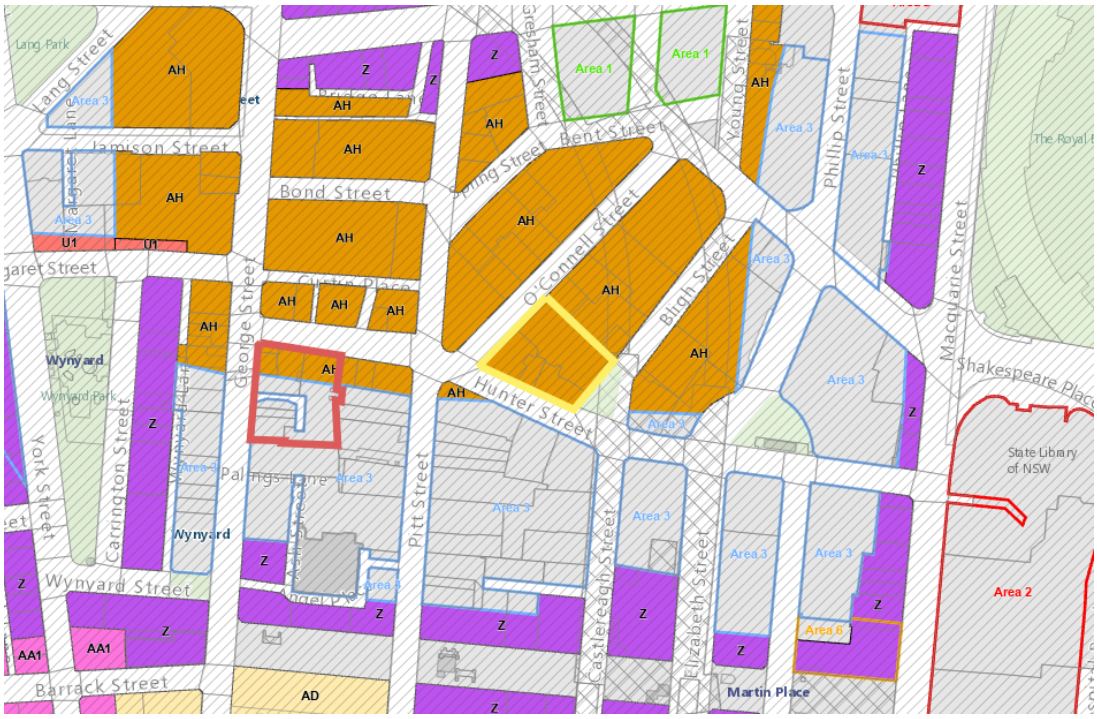
Figure 12. Extract from Zoning map in the Sydney Local Environmental Plan 2012



2.2 Building height

The sites are subject to differing height controls. The maximum height for the Eastern site is 235m (identified as AH in Figure 13), and is also subject to the Sun Access Plane controls for the Domain, Hyde Park and Martin Place. It is located entirely within the Circular Quay tower cluster. The maximum height for the Western site is also 235m along its northern boundary, however the building height control decreases according to the contours of the Martin Place and Hyde Park Sun Access Planes (as indicated by Area 3 in Figure 13). It is partially located within the Circular Quay tower cluster.

Figure 13. Extract from Height of Building map in the Sydney Local Environmental Plan 2012



2.3 Floor space ratio

The maximum floor space ratio for both sites is 8:1, as represented by 'AC' in Figure 14.

They are eligible for accommodation floor space of 4.5:1 for business, retail and office premises, and up to 6:1 for hotel and motel, community and child care facility uses.

Up to 10 per cent additional floor space may be granted subject to a competitive design process and the demonstration of design excellence.

The Eastern site is in a tower cluster area, where development that meets certain criteria may be eligible for additional floor space up to 50 per cent of the mapped FSR and accommodation floor space. The Western site is partially located in a tower cluster area and, subject to meeting the necessary criteria, may be eligible for the same 50 per cent bonus on the proportion of the site within the tower cluster area.

Figure 14. Extract from Floor space ratio map in the Sydney Local Environmental Plan 2012

2.4 Heritage

296 George Street, which is part of the Western site, is a State Heritage-listed item and is marked as Item I1766 on Figure 15. The Tank Stream (I1656), a State Heritage-listed item, runs alongside the eastern boundary of the Western site.

The two sites are located adjacent to a number of heritage items. The NSW Sports Club (I1808) and 285-287 George Street (I1765) are located to the north and west of the Western site respectively and are both local Heritage items.

The Eastern site is located adjacent to the State Heritage-listed former Perpetual Trustee (I1810), Wales House (I1915), NSW Club (I1676) and City Mutual Life Assurance buildings (I1675), and the local Heritage-listed Richard Johnson Square (I1673), Manufacturers House (I1902), and Bank of NSW (I1903) buildings.

Figure 15. Extract from Heritage map in the Sydney Local Environmental Plan 2012

2.5 Approved development consent

33 Bligh Street, which comprises a large portion of the eastern site is currently occupied by the construction site for the Sydney Metro City & Southwest construction site. The previous office building on site having been demolished in 2015.

The site holds development consent for a 26 storey office tower above a multi floor substation contained withing the podium. The approved building design includes minimal setback to the northern boundary as a response to the blank wall of Mulpha House at 25 Bligh Street, similar to the location of the core in the indicative reference design.

2.6 Sydney Metro West

The Sydney Metro West project is a new planned 24 kilometre metro line connecting Central Sydney to Parramatta and on to Westmead. The project will double rail capacity along the corridor to Parramatta, with a target travel time of twenty minutes.

Confirmed stations include Westmead, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock, The Bays and Pyrmont with a terminating station at Hunter Street in Central Sydney.

This planning proposal seeks to facilitate over station development to be located above and integrated with the future Sydney Metro West Hunter Street Station.

The Sydney Metro West project is being assessed as a Critical State Significant Infrastructure application that has been split into three stages for the civil construction works, excavation; tunnelling fit out and stations, and the rail infrastructure and Hunter Street station.

The future over station development would comprise two separate commercial office buildings positioned above the entrances to the station. This planning proposal request for the two sites that will contain the Metro station seeks to insert new site-specific provisions in the Sydney Local Environmental Plan 2012 (LEP) in line with the Strategy and accompanying Guideline.

2.7 Proponent request

Pre-lodgement

This planning proposal was subject to extensive pre-lodgement discussions between the proponent and the City, and was referred to the City's Design Advisory Panel (DAP) in October 2021. The City's DAP made a number of comments for the proposal, supporting the proposal's response to adjacent heritage, retention of the former Skinner Family Hotel heritage building, and expansion of Richard Johnson Square. Concern was raised regarding the potential of the future built form to impact on the public domain, recommending amenity in terms of wind and daylight conditions must remain high and suitable for people to sit and dwell.

Future development detailed by this planning proposal has been prepared with consideration of this feedback, and includes provisions to ensure public domain amenity is protected.

Lodgement

The proponent, Sydney Metro, submitted the planning proposal request though the NSW Planning Portal, and following preliminary checks by the City, the planning proposal was formally accepted for assessment in May 2022. The subject planning proposal is the result of a planning proposal request lodged with the City of Sydney Council (as the relevant planning authority) to initiate the assessment process under Section 3.33 and 3.34 of the Act and seek a gateway determination from the Department.

The planning proposal request was accompanied by a number of specialist reports, including a planning justification report, heritage impact statement, pedestrian wind assessment, economic impact assessment and urban design and indicative built form report which included the testing of daylight level in the public domain.

This planning proposal has been prepared by the City following detailed consideration and assessment of the proponent's submitted request. To facilitate redevelopment of the two subject sites for over station development, the planning proposal request seeks to insert new site-specific controls into the LEP, increasing the maximum development controls. The proposal seeks to increase maximum building height to RL 269.1 metres for the eastern site and RL 220 metres for the western site, and increase the maximum floor space ratio to 22.8:1, above ground for the eastern site and 18.8:1, above ground for the western site.

The proponent's vision is for two new office towers on the eastern and western sites as over station development integrated with the future Sydney Metro West Hunter Street station. The eastern site includes a ground floor setback to align with the street frontage of the adjoining heritage item extending the adjacent Richard Johnson Square. The western site comprises the adaptive reuse of the former Skinner Family Hotel, a State heritage item, into the building's podium. The amendments to the planning controls are required to help accommodate additional employment generating floor space in Central Sydney to help deliver economic growth, in line with the City's vision and strategies for the area.

Both of the proposed planning envelopes have been subject to public domain wind and daylight testing and urban design considerations to ensure future development is consistent with the local character of the surrounding area.

2.8 Assessment

Following an initial assessment of the planning proposal request, which included referrals to specialist internal units within the City, a formal response was sent to the proponent in July 2022, outlining matters where additional information was required.

The key issues identified included: architectural articulation; tower setbacks and street wall heights.The submitted wind and daylight testing required revision to ensure accuracy. Issues were identified from a transport perspective required greater clarification required regarding vehicle trip generation, pedestrian modelling and background traffic growth.

Due to the transformational nature of the Sydney Metro project, the City recommended private vehicle parking be revised to minimise potential conflicts with pedestrians and ensure loading and service vehicles are given higher priority.

Sydney Metro response

In their letter dated 28 July 2022, Sydney Metro provided further clarified the approvals process, as well as additional justification and diagrams to support the design approach. Updated wind and daylight reports detailed revised testing confirming acceptable impacts from future development. This is discussed under Heading 5.5 Environmental, social and economic impact.

Figure 16. Photomontage of the future development scheme

2.9 Planning pathway

Critical State Significant Infrastructure

The Sydney Metro West project is subject to a staged Critical State Significant Infrastructure (CSSI) application under section 5.2 of the Environmental Planning and Assessment Act 1979 (the Act). The three separate stages of the Sydney Metro West project are as follows:

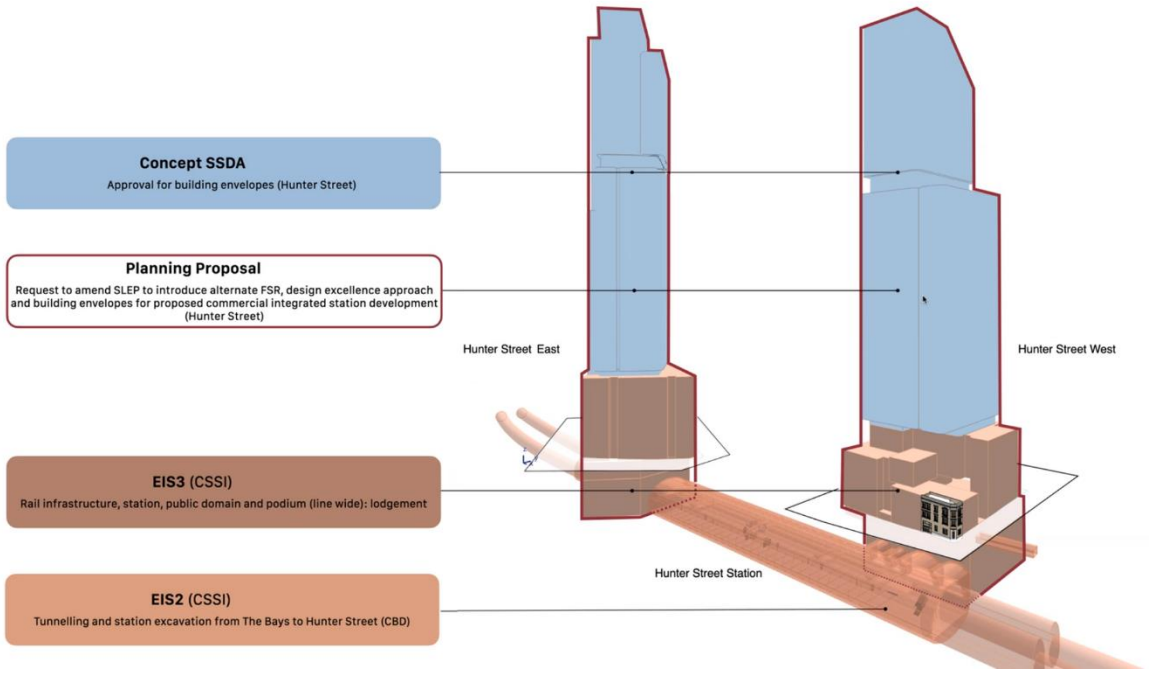
– Stage one – Westmead to The Bays and Sydney CBD – concept approval for the Sydney Metro West project, including station excavation and tunnelling between Westmead and the Bays;

– Stage two – The Bays to Sydney CBD – major civil construction work, including station excavation and tunnelling between The Bays and Sydney CBD; and

– Stage three – Rail infrastructure, stations, precincts and operations between Westmead and Sydney CBD – tunnel fit-out, construction of stations, precincts and ancillary facilities, as well as operation and maintenance of the Sydney Metro West line. The Pyrmont and Hunter Street stations are included in this approval, which is referred to as CSSI in this report.

The scope of this planning proposal is limited to the over station development, which will sit above the two station entries to the future Hunter Street station as detailed in **Error! Reference source not found.**7.

Figure 17. The environmental assessment process of the integrated Hunter Street station



The location of the cavern and other station infrastructure therefore will influence the design of the over station development on each site. The station design is subject to further refinement through the CSSI application, accordingly, the approval structure and planning controls for the over station development needs to respond to these constraints and integrate with the station.

State Significant Development

As the primary use of the over station development facilitated by this planning proposal will be commercial premises, and is likely to have a capital investment value of more than $30 million, the future development will be classified as State Significant Development (SSD).

Furthermore, the over station development which is the subject of this planning proposal is not declared as state significant infrastructure or CSSI, rather it will subject to Part 4 of the Act and separate development consent will be required for the towers.

This planning proposal will establish the built form parameters for the over station development in new site-specific planning controls and Design Guidelines which will inform the future state significant development application SSDA.

The site-specific amendments to the LEP resulting from this planning proposal and the accompanying draft Design Guidelines will inform a future staged state significant development application process. The final detailed design of the scheme will be the subject of a future concept SSD application, design excellence process and a detailed SSD application.

3. Objectives and intended outcomes

This planning proposal will facilitate new over station development linked to the two future Hunter Street Sydney Metro station sites, including the adaptive reuse of the former Skinner Family Hotel building heritage item and the expansion of Richard Johnson Square, to deliver:

- two new commercial officer towers, accommodated within the relevant sun access plane and no additional overshadowing protected areas;
- built form consistent with the future character of the surrounding area, that respects adjacent heritage and with acceptable environmental outcomes, and
- improved pedestrian connections and amenity through improved street activation and through-site links; and
- respect and protect on site and adjacent heritage items.

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

- increasing the maximum building height:
  - eastern site to RL 269.1 metres; and
  - western site to RL 220 metres;
- increasing the maximum floor space ratio:
  - eastern site to 22.8:1 above ground level;
  - western site to 18.8:1, above ground level; and
  - ensure other types of additional floor space, including end of journey and shared loading dock facility floor space are not applicable other than the maximum floor space ratio;
- ensure development consent can only be granted unless the consent authority is satisfied the building:
  - does not exceed the maximum building height controls;
  - includes end of journey facilities;
  - will not be used for residential accommodation and serviced apartments; and
  - has taken into consideration the Design Guidelines;
- include provisions to ensure the application of heritage floor space;
- restrict car parking to a maximum of 70 spaces;
- remove the asterisk from beside the former Skinner Family Hotel heritage listing under Schedule 5 as it is no longer eligible to enter the heritage floor space scheme; and
- switch off competitive design competition requirements as future development will be subject to a specialised approach to design excellence with a competitive selection process; and
- insert a provision so that future development applications do not further vary the development controls applicable to the subject sites.

The planning proposal will be accompanied by draft Design Guidelines, which will facilitate the following:

- building envelopes with setbacks that respect the local context, deliver acceptable public domain wind conditions and daylight amenity;
- provision of high-quality through-site links and pedestrian connections between the Metro station, adjacent streets and future connections to adjoining sites;
- delivery of improved public domain conditions, including; an expanded Richard Johnson Square and extensive activation through fine-grain retail and CPTED considerations;
- deliver heritage interpretation and public art that is appropriate and responsive to its setting;
- encourage greater use of active and public transport through equitable pedestrian access, bicycle parking, end of journey facilities;
- ensure sufficient servicing and loading space is provided to meet the needs of future development, prior to the allocation of private parking;
- include best practise provisions for water and flood management and waste;
- achieve a high standard of ecological sustainable development, including 6 star GreenStar rating, 6 star NABERS Energy and 4.5 star NABERS Water for offices; and
- a design excellence strategy.

4. Explanation of provisions

4.1 Sydney Local Environmental Plan 2012

To achieve the intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental 2012 by inserting a new site-specific clause for the two subject sites under Division 5 Site Specific Provisions, as follows:

- eastern site:
    - maximum building height of RL 269.1 metres
    - maximum floor space ratio of 22.8:1, above ground
- western site:
    - maximum building height of RL 220 metres
    - maximum floor space ratio of 18.8:1, above ground
- ensure the application of heritage floor space of 2.25:1,
- ensure future development includes end of journey facilities and is not used for residential accommodation or services apartment uses;
- provide up to 70 car parking spaces;
- ensure future development applications include consideration of the endorsed Design Guidelines, which includes specialised approach to design excellence;
- provisions to ensure future development does not further vary the applicable development controls; and
- remove the asterisk applicable to the former Skinners Family Hotel heritage item as it is no longer eligible to enter the heritage floor space scheme.

The proposed site-specific provisions will ensure the future over station development meets the strategies for Central Sydney, which provides for opportunities for additional building height and density in the right locations supported by environmental sustainability, 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.

Building Height

The maximum building height development control of 235 metres applies to the eastern site and along the Hunter Street frontage of the western site. Both sites are subject to sun access plane controls for The Domain, Hyde Park and Martin Place, which is above the maximum height control on the eastern site, however the building height control decreases in line with the Martin Place sun access plane.

This planning proposal seeks to insert new site specific provisions into the LEP to permit a maximum building height of RL 269.1 metres for the eastern site and RL 220 metres for the western site.

This planning proposal seeks the increase the maximum building height on the two subject sites to facilitate two new towers, which are capable of being accommodated within the relevant sun access planes and no additional overshadowing public spaces.

Floor space ratio

This planning proposal will deliver new employment generating floor space, to a maximum floor space ratio of 22.8:1 for the eastern site and 18.8:1 for the western site, above ground.

The floor space ratio is expressed as above ground level as any gross floor area associated with the future Hunter Street station, classified as new passenger rail infrastructure will be subject to the

CSSI application. As such, the site-specific provisions will detail the maximum floor space ratio above ground for the over station development.

The two towers on the subject sites have been subject to a reference design and testing to ensure they can comfortably be accommodated within the planning envelope and are inclusive of architectural articulation and standard efficiencies for building core and plant levels.

The floor space ratio for the eastern and western sites will be expressed in the LEP as a maximum, however the various types of additional floor space remain applicable in the background, addressed through specific provisions for heritage floor space and end of journey facilities to mimic their application in similar scale developments.

The additional site specific floor space delivered as part of this planning proposal is 10:1 for the eastern site and 6:1 for the western site. A detailed breakdown of the various forms of floor space is outlined in Table 3.

Table 3: Application of the various floor space provisions applicable for Sydney Metro, Hunter Street Station sites

LEP clause.	Applicable floor space	Floor space ratio – eastern site	Floor space ratio – western site
cl. 4.4	Mapped floor space ratio	8:1	8:1
cl. 6.4	Accommodation floor space	4.5:1	4.5:1
cl. 6.6	End of journey floor space	0.3:1	0.3:1
TBA	Site-specific floor space	10:1	6:1
		22.8:1	18.8:1

Heritage floor space

Clause 6.11 of the LEP details the application of heritage floor space for development in Central Sydney that utilises any amount of additional floor space. This planning proposal seeks to insert a new site-specific provision for the over station development to ensure that an amount of heritage floor space of 2.25:1, equal to 50 percent of the accommodation floor space will be required to be purchased as part of any future development application.

End of journey facilities

The future over station development will include end of journey facilities, providing bicycle storage, lockers, changerooms, and showers centralised in a single area of each building. Clause 6.6 of the LEP provides additional floor space for end of journey facilities, however as this planning proposal proposed to embed all floor space into a total amount, a specific provision is proposed to ensure each building includes an end of journey facility.

Car parking

It is proposed that the site-specific provisions for the over station development include a restriction on the maximum number of car parking spaces permitted on the land. It is proposed that this will be less than half of the spaces currently permitted by the Sydney LEP 2012 at 148, and less than the total number of spaces that previously existed on the subject sites, at 86.

The proposal is consistent with the City's Guideline for Site Specific Planning Proposals in Central Sydney which recommends car parking to be limited to the total number of existing spaces, or the maximum permitted under the LEP, whichever is less.

Notwithstanding the above, to help deliver on the City's objective to reduce reliance on private vehicles, particularly in areas of high public transport accessibility and to ensure pedestrian safety and the success of existing and planned public domain upgrades, the draft Design Guidelines will include guidance to ensure sufficient space for service vehicle and loading facilities are prioritised over any private vehicle parking for the future over station development, with parking on the western site discouraged.

Non-residential uses

This planning proposal will facilitate new employment generating floor space in Central Sydney, consistent with the aims of the City's Local Strategic Planning Statement and the Central Sydney Planning Strategy.

The additional building height and floor space delivered through this planning proposal will be restricted to employment generating floor space only, with draft provisions to ensure residential and serviced apartment uses are excluded from the uplift as specified in the new site-specific provisions.

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.

De Mestre Place

The western site encompasses De Mestre Place, which is classified as a public place by the Local Government Act and clause 4.5 of the LEP and as such excluded from calculation of the site area.

De Mestre Place will be incorporated into the future Hunter Street station. A site-specific provision is proposed to ensure it is included in the calculation of the site area for the purposes of calculating floor space ratio.

Rail infrastructure / station ancillary land uses

While future development will be integrated with the future Hunter Street station, this planning proposal relates to the over station development only.

As such, provisions are proposed clarifying that the total gross floor area for any land use, including rail infrastructure, is measured from ground level. Any gross floor area below ground for rail infrastructure and ancillary uses will be excluded from the calculation of the maximum FSR in the site-specific provisions as it does not contribute towards the bulk and scale of the over station development.

Clause 4.6 – Exceptions to development standards

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

Drafting instructions

To deliver the objectives and intended outcomes of this planning proposal, a new site-specific clause for the two subject sites will be inserted in Division 5 Site Specific Provision of the LEP.

An example of this provision may be drafted to agreement with Parliamentary Counsel is included in Appendix 1 of this planning proposal report.

4.2 Design Guidelines

The future over station development will be classified as State Significant Development and as such, the provisions of the Sydney DCP 2012 would not apply to any development application. To ensure the future over station development aligns with the intended outcomes and objectives of this planning proposal, the site-specific LEP provisions require consideration of Design Guidelines prepared by the City.

The Design Guidelines describe and outline the desired future development to ensure a high quality building form is delivered fronting an upgraded public domain that aligns with the City's future strategies for the area. The Guidelines include the following provisions:

- public domain and publicly accessible spaces;
- tower massing, setbacks and envelopes;
- wind impact mitigation;
- heritage interpretation;
- public art;
- end of journey, cycle and pedestrian network;
- vehicle access;
- water and floor management;
- waste management;
- environmentally sustainable design; and
- design excellence

Design excellence

This planning proposal seeks to embed an alternative to the City of Sydney's Competitive Design Process, which is required for projects of this scale. As such, the Design Guidelines include provisions relating to design excellence for the Hunter Street sites in addition to drawing on the Sydney Metro West Design Excellence Strategy to ensure a consistent approach to design excellence across the Sydney Metro West line.

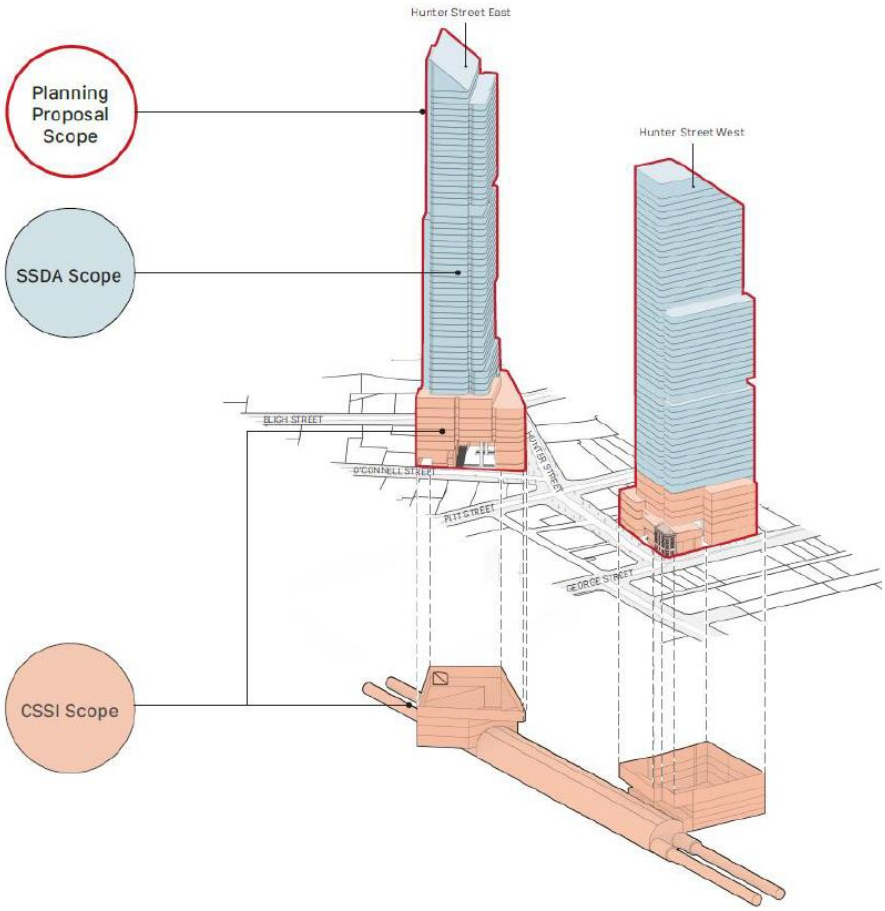
Sydney Metro's process provides for an iterative approach to address the particular challenges that would arise from the integrated and interconnected station and over station developments. The alternative strategy has been developed based on the process established for the Sydney Metro City and Southwest project, and includes a design review and development process and is subject to independent review.

4.3 Relationship with State Significant Infrastructure

It is intended that the above site-specific amendments and accompanying Design Guidelines will inform a future staged state significant development application process for the two over station development towers.

Notwithstanding this, it is necessary for station elements to be located within the podium, such as circulation space, plant equipment and services, therefore the CSSI application will also relate to the podium to ensure the over station development integrates and responds to the station constraints and metro operations are not compromised. Accordingly, the planning controls for the over station development responds to these constraints and integrate with the station.

Figure 18. Scope of this planning proposal and planning pathway of Hunter Street station works



5. Justification

5.1 Proposed changes to development standards

The planning proposal seeks to amend the building height and floor space ratio development controls to facilitate the redevelopment of the two subject sites for over station development linked to the future Hunter Street Sydney Metro station with a built form that has acceptable impacts on the surrounding precinct.

Built form

The built form, massing and layout of both podiums on the eastern and western site has been designed with consideration of the surrounding streetscape, adjacent heritage items and the podium's requirements to integrate with the Sydney Metro station below and the over station development, above.

The proposed indicative scheme for the western site includes the retention of the former Skinner Family Hotel building and its adaptive reuse and incorporation into the over station development project. The adjacent podium responds to this heritage item, with a 12.5m street wall height and generous tower setback, providing an appropriate visual setting.

The podium on the western site includes several through-site links and public accessible pedestrian connections to adjoining sites with the intention of creating a larger laneway network across the precinct between George, Pitt, Hunter Streets and Angel Place. The indicative design concept envisages several through-site links activated by small scale retail and providing connection to the Sydney Metro station.

Above the podium on the western site, will be the tower of the over station development to a maximum height of RL 220 metres and RL 148 metres fronting George Street to comply with the relevant sun access planes.

On the eastern site, the podium includes a ground floor setback to Richard Johnson Square of between 2.7 metres at the north and 6.8 metres fronting Hunter Street. This ground floor setback extends the alignment of the heritage listed NSW Club at 31 Bligh Street south to Hunter Street expanding the public space and Richard Johnson Square. Similarly the lower podium street wall height in this location is responsive to the adjoining heritage building. While the taller street wall height on the O'Connell and Hunter Streets responds to its context, aligning with adjacent heritage items, particularly Wales House.

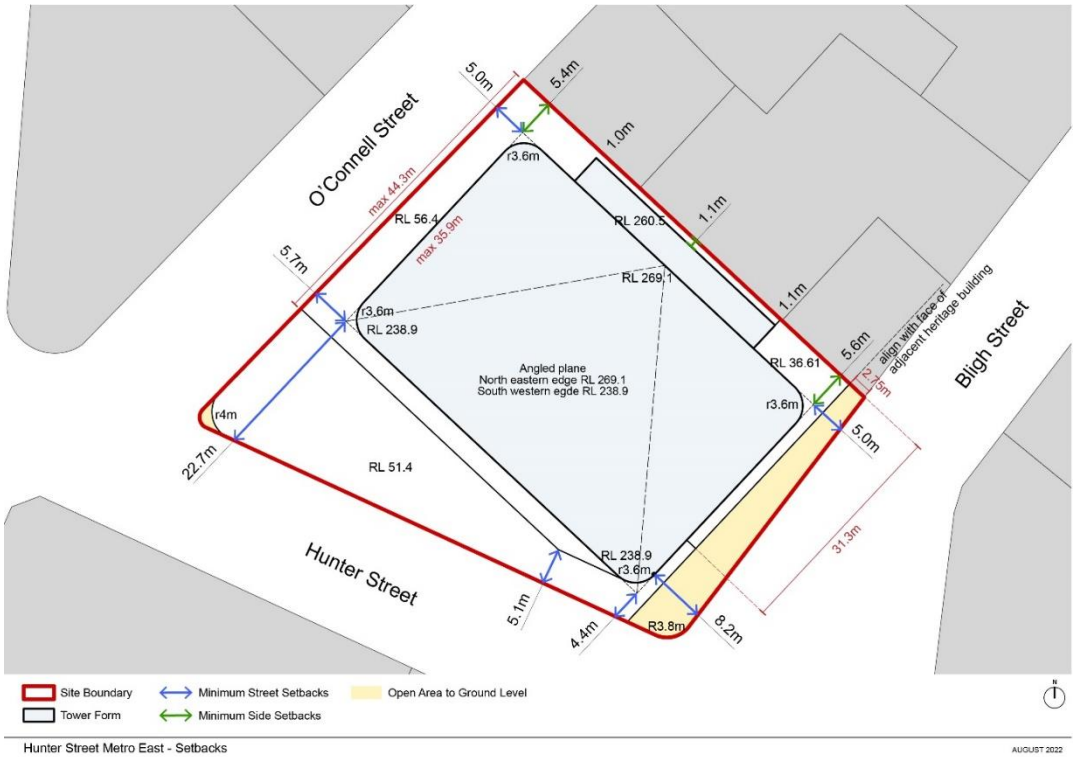
The indicative design concept for the eastern site includes a through-site link with an at grade connection from Richard Johnson Square to O'Connell Street and the Sydney Metro station beneath. The tower on the eastern site rises above the podium to a maximum height of RL 269.1 metres to ensure the sun access planes are not encroached. The tower setback to Hunter Street increases from 5.1 metres to 20.4 metres, opening up important views along Hunter Street and towards Australia Square.

The planning proposal was accompanied by an assessment of the daylight and wind impacts resulting from the proposed planning envelope to the surrounding public domain, in accordance the requirements of the Strategy and Guideline. The assessment found that the two planning envelopes will result in an improved wind and daylight condition in the public domain compared to the base case envelope. The detailed development application for the over station development will be subject to further public domain wind testing and as such, relevant provisions have been included in the Design Guidelines.

This planning proposal is accompanied by Design Guidelines which include detailed site-specific provisions to describe the desired future development to ensure the over station developments deliver a high quality built form and improved interface with the public domain.

Figure 19. Setbacks of the proposed building envelope – western site

Figure 20. Setbacks of the proposed building envelope – eastern site



Building height

The planning proposal seeks to insert new site-specific provisions into the LEP to increase the maximum building height for the two subject sites. The proposed planning envelope on the eastern site will have a maximum building height of RL 269.1 metres and the western site will have a maximum building height of RL 220 metres. No change is however proposed to the existing mapped building height development control for either site.

This planning proposal will deliver on a key move of the Central Sydney Planning Strategy in that it will facilitate new employment generating floor space in the form of two new office towers as over station development integrated with the future Sydney Metro West Hunter Street station.

The site-specific provisions will ensure additional building height is restricted to employment generating uses only and will include a provision restricting development consent for the proposed scheme to non-residential and non-serviced apartment uses only.

Floor space ratio

This planning proposal will also deliver revised maximum floor space ratio development controls for the two subject sites. The eastern site will have a maximum floor space ratio of 22.8:1, above ground and 18.8:1, above ground for the western site.

The floor space ratio quantum for the proposed planning envelopes for both sites has been prepared in accordance with the Guideline for Site Specific Planning Proposals in Central Sydney The Guideline outlines steps for establishing the floor space ratio for building envelope, with exclusions for building core, façade zones and architectural articulation.

The amount of floor space proposed through this planning proposal includes the recommended quantum of articulation, to ensure both over station development towers include flexibility to respond to particular issues without resulting in additional building height or bulk.

The floor space ratio facilitated by this planning proposal will be expressed in the site-specific provisions as a maximum for each site. The maximum floor space ratio however comprises the mapped floor space ratio of 8:1, accommodation floor space of 4.5:1 and site-specific floor space of 10:1 for the eastern site and 6:1 for the western site.

The planning proposal request was accompanied by an Urban Design and Indicative Built Form Report prepared by FJMT that detailed the proposed planning envelope and indicative scheme for each of the subject sites. Demonstrating they are capable of accommodating the future over station development without significant detrimental impact to the streetscape and public domain amenity.

Traffic and transport

The planning proposal request included a maximum of 70 private vehicle car parking spaces, expressed as a maximum across the two over station development sites. This figure is consistent with the City's Guideline which recommends for car parking to be no more than the existing provision, or the maximum in the LEP, whichever is the lesser.

The Design Guidelines that accompany this planning proposal include provisions to ensure sufficient parking space is provided for loading and service vehicles on both sites and to discourage the provision of private vehicle parking, particularly on the western site. Helping the City achieve its goal of reducing the reliance on private vehicles, congestion in Central Sydney and to encourage greater pedestrianisation.

Heritage

The western site contains the former Skinner Family Hotel, a State heritage item that fronts the intersection of George and Hunter Streets. The Tank Stream, also a State heritage item, runs proximate to the site's eastern boundary. Other heritage items are adjacent to the western site along the opposite side of George Street and on Hunter Street. The former Pangas House, at 15-17 Hunter Street has recently been identified by the City as a potential heritage item directly adjoins the site.

The eastern site also lies adjacent to a number of heritage items, including Richard Johnson Square directly adjoining the site's Bligh Street frontage and the NSW Club and Bank of NSW buildings which adjoin the site along its northern boundary, fronting Bligh and O'Connell Streets respectively. State heritage item, Wales House is located opposite the site fronting the intersection of Pitt, Hunter and O'Connell Streets.

The planning proposal was accompanied by a heritage impact statement that concludes the two planning envelopes sought through this planning proposal will have an acceptable impact from a heritage perspective.

The proposed planning envelopes have been developed to ensure adverse impacts to any adjacent heritage item is minimised. The podium of the western site has been designed to respond to the former Skinner Family Hotel through a matching street wall height and setback providing a suitable visual setting that does not overwhelm and detract from the heritage item.

The Design Guidelines that accompany this planning proposal includes provisions to ensure the heritage significance of the former Skinner Family Hotel is suitably maintained, with no new openings or fixtures in locations of high significance and requiring the preparation of a conservation management plan prior to a development application. Further, provisions have been included to ensure suitable steps to safeguard the Tank Stream are taken.

The podium of the eastern site has been designed to be responsive to the adjoining heritage items on Bligh and O'Connell Streets, extending their alignment and height datum in the corresponding street wall height. This will deliver a consistent streetscape and visual setting for the heritage items that will not adversely impact upon their significance. Furthermore, the increased ground floor setback of the podium to Richard Johnson Square will maximise the feeling of openness to the heritage listed public space, contributing towards the public domain and important vistas.

The Design Guidelines also include provisions to ensure the future over station development podium and towers will sympathetically relate to adjacent heritage, through the use of appropriate street wall heights, setbacks, materials and separation.

Design excellence

The Sydney LEP 2012 states a consent authority must not grant consent to a development unless it exhibits 'design excellence' and details the considerations for what constitutes design excellence, including requiring buildings in Central Sydney over 55 metres being subject to a 'competitive design process'. However, the consent authority may waive this requirement where such a process would be "unreasonable or unnecessary".

For several of the over station development approvals for the Sydney Metro City & Southwest project, the consent authority was satisfied that a 'competitive design process' in accordance with the City of Sydney's Competitive Design Policy was unreasonable and unnecessary given the integrated nature of the development with critical state infrastructure and proposed alternative Sydney Metro specialised approach to design excellence.

However, for the Sydney Metro West project, a 'line-wide' Design Excellence Strategy is proposed to provide consistency across the design processes for each over station development project, including the Hunter Street Station.

As such, due to the interrelated nature of the passenger rail infrastructure and over station development, design excellence will be achieved through a competitive tendering process that includes a series of design advisory and review processes. The Design Guidelines include provisions relating to design excellence for the Hunter Street sites in addition to drawing on the Sydney Metro West Design Excellence Strategy, which is to be endorsed by the Government Architect of New South Wales.

As future development will be the subject of a competitive selection (tender) process and a specialised approach to design excellence, it is proposed that clause 6.21D and 6.21E of the LEP will not apply in this instance.

Sydney Metro adopts an iterative design review process encouraging partnering of accredited and experienced Technically Assured Organisation (TAO) architectural practices required for railway infrastructure with other architectural practices that hold demonstrated design excellence ability and a holistic design review process. The delivery strategy draws together design and construction of fully integrated and interconnected over station developments and station components to ensure excellent and coordinated design outcomes.

Public domain

The planning proposal does not include any specific upgrades to the public domain surrounding the subject site, other than upgrades to pedestrian infrastructure secured through development contributions and the expansion of Richard Johnson Square and new through-site links.

Due to the interconnected relationship of the two over station development towers with the future Hunter Street Sydney Metro station, the City anticipates a significant increase in pedestrian volumes as a result of this project and other transport projects in Central Sydney, leading to an increase in pedestrian density on the surrounding footpath space.

As such, the Design Guidelines includes provisions to ensure further development on the subject sites will positively address the public domain and will not impact, but complement the future changes. Including provisions maximising active frontages to the public domain and through-site links, as well as level changes and interfaces with adjoining sites, laneways and Richard Johnson Square.

5.2 Design Guidelines

As the two subject sites are located within a tower cluster area in Central Sydney, the relevant provisions of Section 5 and Schedule 12 were taken in consideration in the preparation of this planning proposal. Particularly in establishing the proposed planning envelope, which has been subject to extensive pedestrian wind and daylight equivalence testing for the variation to building setbacks.

As the over station development is likely to be classified as State Significant Development, the provisions of the Sydney DCP 2012 would not apply to the future development application. As such, the site-specific LEP provisions will reference and be accompanied by Design Guidelines prepared by the City.

The Design Guidelines will replace the site-specific DCP provisions in this instance and will inform the future built form, including street frontage heights, setbacks, massing, interface with heritage items, building exteriors, and measures to ameliorate wind impact. The Design Guidelines will be publicly exhibited concurrently with this planning proposal.

Following public exhibition, the Design Guidelines will be reported to Council and CSPC for approval to be made and to draft the LEP provisions. The site-specific Design Guidelines are to be endorsed by the Planning Secretary prior to being enforced.

5.3 Need for the planning proposal

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

The planning proposal has been prepared in response to and is consistent with the Central Sydney Planning Strategy. The Strategy details the objectives and a framework to ensure growth is employment focused and occurs where it respects special places and spaces, and is highly sustainable, resilient and responsive to climate change.

This planning proposal is a result of a request from Sydney Metro to change the planning controls that relate to the subject sites.

A number of studies have been commissioned to support the request, including an Urban Design and Indicative Build Form Report prepared by FJMT, which details how the proposal can deliver on

the City's vision for an economically competitive Central Sydney that is capable of accommodating growth through additional building height and density in selected locations that do not result in unacceptable impacts on public domain amenity. These studies inform the planning proposal.

The supporting documents lodged with the request are attached in the following appendices to this planning proposal:

- Planning proposal request – Sydney Metro Hunter Street Station (Sydney CBD)
  - Appendix A: OSD Hunter Street Design Guidelines
  - Appendix B: Envelope and Reference Design Drawings
  - Appendix C: Urban Design and Indicative Built Form Report
  - Appendix D: Hunter Street Planning Proposal Map
  - Appendix E: Transport and Accessibility Impact Assessment
  - Appendix F: Heritage Impact Assessment
  - Appendix G: Preliminary Flooding Report
  - Appendix H: Pedestrian Wind Impact Assessment
  - Appendix I: Ecological Sustainable Development Report
  - Appendix J: Geotechnical and Contamination Assessment
  - Appendix K: Visual Impact Assessment
  - Appendix L: Utilities and Infrastructure Servicing Assessment
  - Appendix M: Rail Impact Assessment
  - Appendix N: Aeronautical Impact Assessment
  - Appendix O: Economic Impact Assessment
  - Appendix P: Waste Management Strategy

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

This planning proposal seeks to insert new site-specific provisions into the Sydney LEP to facilitate future over station development on the subject sites. The current development standards do not permit the proposed concept design.

The proposed indicative development has been tested to ensure the future built form is consistent with the requirements of the Strategy and associated Guideline and does not result in adverse impacts to the surrounding public domain.

5.4 Relationship to strategic planning framework

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

A Metropolis of Three Cities – The Greater Sydney Region Plan

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

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

- Infrastructure – the future over station development aligns with investment in new transport infrastructure and will benefit from the additional passenger capacity into Central Sydney.
- Liveability – Design Guideline provisions will ensure future development includes generous retail activation and public domain expansion delivering new opportunities for greater public life in Central Sydney.
- Productivity – the over station development facilitated through this planning proposal will deliver additional employment generating floor space associated with new transport infrastructure contributing to Central Sydney's economy.

- Sustainability – the proposed planning controls will deliver improved sustainability outcomes than the current building stock on the subject sites.

Eastern City District Plan

The Eastern City District Plan sets out the vision, priorities and actions for the Eastern District of the Greater Sydney area, which includes the City of Sydney.

It establishes a 20 year vision to be a global sustainability leader, managing growth while maintaining and enhancing liveability, productivity and attractiveness. Planning priorities and associated actions for productivity, liveability and sustainability seek to deliver on this vision.

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

- Planning Priority E1 – Planning for a city supported by infrastructure – This planning proposal seeks to increase the potential for employment generating uses on the subject sites through two new office towers linked to the delivery of new 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, respecting the District's heritage – The future indicative concept design for the over station development appropriate responds to the adjoining public domain, including the heritage listed Richard Johnson Square, as well as adjoining heritage items and the former Skinner Family Hotel which will be adaptively reused and incorporated into the western site.
- Planning Priority E7 – Growing a stronger and more competitive Harbour CBD – Central Sydney is at the core of the Harbour CBD. This Planning Proposal will facilitate new office space to maximise its competitive advantage particularly the site's close location to transport connections.
- Planning Priority E10 – Delivering integrated land use and transport planning for a 30 minute city – The proposed over station development is linked to the future Hunter Street Metro station and will directly connect to nearby transport infrastructure, helping provide good employment floor space in a location that will satisfy the 30 minute city, including direct train connections to many parts of Greater Sydney within 30 minute travel time.
- Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres – Future development on the subject sites will deliver additional employment floor space, which will add to the viability of the Harbour CBD as the primary employment hub for the State.
- Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently – The proposed development scheme will deliver new commercial buildings with high sustainability outcomes, consistent with the City's Strategy for Central Sydney.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC. or another endorsed local strategy or strategic plans?

Sustainable Sydney 2030-2050 Continuing the Vision

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 planning proposal is aligned with the following relevant strategic directions and objectives:

- Direction 2 – A leading environmental performer – this planning proposal will deliver new ecological sustainable development with ambitious minimum sustainability targets that align with the City's new zero energy targets.
- Direction 3 – Public places for all – the two subject sites will capitalise on their proximity to existing and planned transport infrastructure, including its direction connection to the future Hunter Street station. The proposed indicative scheme for the future development includes a mix of uses to activate the podium, pedestrian connections and street frontages.

- Direction 4 – Design excellence and sustainable development – this planning proposal will support new development that is more ecologically sustainable than the current building stock through aspirational sustainability benchmarks.
- Direction 5 – A city for walking, cycling and public transport – the indicative scheme includes substantial retail activated pedestrian connections through the subject sites and new end of journey facilities to encourage greater use of active transport modes.
- Direction 6 – An equitable and inclusive city – future development will contribute to the surrounding area through increased opportunity for businesses as well as improvements to the public domain for local residents and visitors.
- Direction 8 – A thriving cultural and creative life – new public art facilitated by the future over station development will provide new creative and cultural experiences and opportunities for engagement with the public.
- Direction 9 – A transformed and innovative economy – this proposal will facilitate two new towers as part of the over station development, delivering new employment opportunities, helping Sydney attract global investment.

City Plan 2036: Local Strategic Planning Statement

City of Sydney's endorsed local strategic planning statement, City Plan 2036 sets the land use planning context, vision and planning priorities to positively guide development. The planning statement outlines how the City will plan for and manage change, while delivering on the City's vision for a green, global and connected city. This planning proposal gives effect to the following priorities of the Statement:

Infrastructure

- I1. Movement for walkable neighbourhoods and a connected city – The provisions and Design Guidelines include requirements for generous new pedestrian connections through both sites to encourage a permeable pedestrian network through the large street block.
- 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 light rail on George Street, the new Sydney Metro CBD and Southwest project and the future Sydney Metro West project, all of which will increase the public transport capacity considerably.

Liveability

- L2. Creating great places – The Design Guidelines that accompany this planning proposal include provisions to ensure all street frontages are activated with fine-grain retail premises and public domain improvements adding to the success of future public domain strategies endorsed by the City.

Productivity

- P1. Growing a stronger, more competitive Central Sydney – This planning proposal supports growth in Central Sydney by facilitating future development that will provide for additional economic and employment growth with large office floor plates to attract globally competitive businesses.

Sustainability

- S2. Creating better buildings and places to reduce emissions and water and use water efficiently – The over station developed facilitated by this planning proposal must achieve ambitious sustainability benchmarks including new buildings which will meet the City's net zero requirements.

Central Sydney Planning Strategy

The Central Sydney Planning Strategy is a 20-year growth strategy that revised previous planning controls in Central Sydney and delivers on the City's Sustainable Sydney 2030 program. Central

Sydney plays a critical role in the economic success, growth and recovery of Greater Sydney and the national economy as the economic heart of Australia's global city.

The Strategy provides for new opportunities for additional building height and density in the right locations where balanced with environmental sustainability, urban design and public amenity considerations. This planning proposal is aligned with the following 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 two new office towers, delivered as part of an integrated station development with the future Hunter Street Sydney Metro station, increasing employment capacity and growth in Central Sydney.
- 2. Ensure development responds to context – This planning proposal is accompanied by Design Guidelines which includes provisions to ensure the over station development responds to its context with a building form that includes an articulated podium and generous tower setbacks to ensure development is sensitive to its heritage context and does not result in adverse wind and daylight impacts.
- 4. Provide employment growth in new tower clusters – The subject sites are predominantly located within identified tower clusters where additional building height may be accommodated.
- 5. Ensure infrastructure keeps pace with growth –Development facilitated by this planning proposal is subject to development contribution delivering new infrastructure linked to growth.
- 6. Move towards a more sustainable city – The future over station development is to achieve ambitious sustainability targets consistent with the Strategy.
- 7. Protect, enhance and expand heritage and public places – The indicative design concept for the western site includes the retention and adaptive reuse of the heritage building. The eastern site includes an increased ground floor setback to Richard Johnson Square improving the quality of this heritage listed public space.
- 8. Move people more easily – The subject site is located to capitalise on existing and future public transport connection including the Sydney Metro projects, currently under construction and planned, which will deliver underground pedestrian connections from Martin Place to Barangaroo.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Future Transport 2056 Strategy

The Future Transport 2056 Strategy is a 40-year plan to support transport infrastructure delivery in Greater Sydney and regional NSW, coordinated with land use strategies including the Regional Plan and District Plans.

Transport 2056 recognises the importance of transport to support productive economies, liveable communities, and more sustainable transport solutions. This planning proposal is consistent with the following guiding principles of Transport 2056:

- Customer focused – The Design Guidelines which accompany the planning proposal include provisions to ensure clear legible pedestrian connections are provided through the site.
- Successful places – The indicative design concept includes retail activated publicly accessible open space and a larger public plaza at Richard Johnson Square, helping deliver successful places.
- A strong economy – The future over station development will deliver additional employment generating floor space which will contribute to growth in Central Sydney's economy.
- Safety and performance – The Design Guidelines include provisions to ensure publicly accessible space and the adjoining public domain is subject to CPTED design considerations.
- Accessible services – The public domain surrounding the subject sites includes substantial level changes, the proposed through-site links will provide accessible connections through the site and to future and adjoining transport infrastructure
- Sustainability – The Design Guidelines that accompany this planning proposal include ambitious sustainability targets for the future over station development.

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

This planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as summarised in Table 4 and detailed in the following section. In this table, consistent means that the planning proposal does not contradict of hinder the application of the relevant state environmental planning policy.

Table 4: Consistency with State Environmental Planning Policies

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 applicable to this proposal
SEPP (Precincts–Eastern Harbour City) 2021	This planning proposal is consistent
SEPP (Precincts–Regional) 2021	Not applicable to this proposal
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

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021

Under State Environmental Planning Policy (Biodiversity and Conservation) 2021 the subject sites are located within the Sydney Harbour Catchment Boundary but not within the Foreshore and Waterways Area Boundary.

The planning proposal does not contradict or hinder the application of the planning principles for the SEPP. An assessment of the visual impacts associated with the proposed planning controls accompanies this planning proposal and is considered acceptable.

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 includes aims the provide for consultation with relevant public authorities regarding certain development during the assessment process or prior to the development occurring. The SEPP identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure.

The future over station development will be considered a `traffic generating development' for the purposes of the SEPP as over 10,000m^2 of commercial floor space is proposed. As such, any future development application will be required to be referred to Transport for NSW for concurrence prior to determination.

The eastern site is located within the Metro (Zone B – Tunnel) zone as identified by the SEPP for the Sydney Metro City and Southwest project. As such the future SSDA for over station development on the eastern site that is prepared for and on behalf of Sydney Metro, will be subject to concurrence from the Sydney Metro Authority.

Additionally, recent amendments to the SEPP have included an update to the concurrence provisions to protect the proposed rail corridor for the Sydney Metro West project. Any proposal to develop within the 'Interim Sydney Metro West Corridor' is required to receive concurrence from Sydney Metro before a development application can be approved. As such, any future SSDA not prepared and submitted on behalf of Sydney Metro will require concurrence from the Sydney Metro Authority for development on the subject sites.

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 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 5.

Table 5: 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	
1.6 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable

Ministerial Direction	Comment
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.11 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.12 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.13 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.14 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.15 Implementation of Greater Macarthur 2040	Not applicable
1.16 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.17 North West Rail Link Corridor 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

Ministerial Direction	Comment
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
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

1.4 Site Specific Provisions

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

The planning proposal is not consistent with this Direction, however it is justified as the applicant submitted a request to prepare a planning proposal to facilitate the delivery of the over station development on the two subject sites as new office towers.

The proposed building envelope detailed in this planning proposal, the amendments to the LEP and provisions in the Design Guidelines, have been developed by the City in consultation with the proponent on their design vision for the sites and surrounding precinct.

Notwithstanding the above, the proposed LEP site specific provisions do not restrict future development from being undertaken on the subject site, as the site's existing controls in the LEP will remain applicable.

3.2 Heritage conservation

The objective of Direction 3.2 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The western site of this planning proposal encompasses State heritage items - the former Skinner Family Hotel and the Tank Stream which runs adjacent to its eastern boundary. The eastern site adjoins a number of local heritage items, including a frontage to Richard Johnson Square which lies adjacent to the intersection of Bligh and Hunter Streets.

A Heritage Impact Statement accompanied the planning proposal, which determined the proposed planning controls was capable of resulting in an acceptable impact to these heritage items. The report found that by including the former Skinner Family Hotel within the site boundary, the future redevelopment will be subject to design guidance which will guide the adaptive reuse of the item and integration within the broader proposal. These guidelines also include further measures to positively relate to and mitigate against adverse impacts to adjoining heritage.

4.1 Flooding

This Ministerial direction seeks to ensure development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and the LEP provisions that apply to flood prone land.

The subject planning proposal was accompanied by a Preliminary Flood Impact Assessment which included a high level review of the flooding risks and constraints of the site, and confirmed that future development is capable of achieving the relevant criteria of the City's Interim Floodplain Management Policy.

The scope of the CSSI approval includes the future Hunter Street Sydney Metro station, tunnels, associated infrastructure, ground floor entries and provisions for the over station development. As such, flood and stormwater management and mitigation measures are managed under the CSSI process. Further, the objectives and guidance in the Design Guidelines that accompany this planning proposal align with the Sydney Metro West System Requirement Specification for flooding and stormwater, which have more stringent requirements than the Sydney DCP.

4.4 Remediation of Contaminated Land

This Ministerial Direction promotes remediation of contamination land for the purpose of reducing the risk of harm to human health. When rezoning land, or through development applications and other approvals, it is to be considered to ensure remediation work meets certain standards.

The planning proposal does not include rezoning, or expanding the permitted uses on the subject sites, which historically have primarily been used for commercial purposes.

As any excavation on the sites is subject to a separate approval through the CSSI planning pathway, potential contamination issues that may be identified will be resolved with the excavation

and construction of the future Hunter Street Sydney Metro station works. As such, any potential contamination issues are unlikely to significantly impact the future redevelopment of the site and the over station development buildings.

4.5 Acid Sulfate Soils

This Ministerial Direction seeks to avoid adverse environmental impacts from the use of land that contains acid sulfate soils. As this planning proposal results in intensification of land uses, it must suitably address the requirements of this Direction.

The subject sites are located on land classified Class 5 Acid Sulfate Soils in the Acid Sulfate Soils Map in the LEP, however they are within 500 metres of a Class 2 site, on Bridge Street.

As this planning proposal relates to over station development above the future Hunter Street Sydney Metro station sites, it does not apply to any underground and excavation works. Any acid sulfate soil management is addressed through the CSSI application for the excavation and construction of the station and as such will include liaising with relevant agencies to identify and address acid sulfate soils.

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 and potential hazard to aircraft flying in the vicinity.

The subjects sites are located in Central Sydney within the B8 Metropolitan Centre zone. This zoning is not proposed to be changed and future development is required to be consistent with the objectives of the zone. The proposed future development on the sites is considered compatible with the adjoining and surrounding land.

The proposed concept includes two new towers as over station development above the two future Hunter Street Sydney Metro station sites to RL 269.1 and RL 220 metres, respectively. These towers encroach into the Obstacle Limitation Surface (OLS), and as such, Direction 5.3 applies. Clause 4 of the Ministerial Directions 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 is not incompatible with the airport's operation.

This planning proposal is therefore not consistent with Ministerial Direction 5.3, however this will be addressed through consultation with the relevant agencies as part of the 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, consultation with the Sydney Airport Corporation, Airservices Australia and the Civil Aviation Safety Authority will be undertaken.

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

5.5 Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened specials, populations or ecological communities, or their habitats will be adversely affected because of the proposal?

The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities of their habitats.

The subject site is located in Central Sydney, which does not contain any critical habitats or threatened species, populations or ecological communities.

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

The changes to the maximum building height and floor space ratio development controls will facilitate the delivery of the future over station developments on the subject sites.

The subject planning proposal is the result of a planning proposal request lodged with the City by the proponent, Sydney Metro. Who engaged the City of Sydney Council (as the relevant planning authority) to initiate the assessment process under Section 3.33 and 3.34 of the Act and seek a gateway determination from the Department.

In accordance with the above request, the two proposed planning envelopes have been developed in collaboration with the proponent with potential environmental impacts resulting from the proposal having been identified and amended during the assessment phase.

As a result, amendments have been made to this planning proposal from what was lodged by the proponent. The amendments include changes to the objectives and intended outcomes and draft LEP provisions in the planning proposal and additional detailed provisions in the Design Guidelines to shape the finer details of the proposal to ensure less adverse impacts arise from future development on the two subject sites.

Notwithstanding the above, the proposed amendments are unlikely to result in any significant adverse amenity impacts that cannot be controlled. Existing policies, regulations and standards are in place to ensure environmental impacts may be mitigated during the construction phase and operation of the buildings.

The key environmental considerations arising from the planning proposal, including public domain amenity, transport and pedestrian conditions and urban design issues, the amendment and mitigation strategies proposed by the City, are discussed below.

Urban design / building envelope and tower setbacks

The Central Sydney Planning Strategy and Schedule 12 of the DCP sets the base case envelope for new towers in Central Sydney, providing guidance on street wall heights and tower setbacks. The proposed planning envelope for a tower may vary from the base case envelope subject to public domain amenity testing on daylight / sky view and wind assessment testing and urban design considerations.

The planning envelope was assessed compared to a base case envelope, prepared in accordance with the Strategy and Schedule 12 of the DCP and demonstrated the planning envelope will result in a generally improved wind and daylight condition as compared to the base case envelope.

Architectural articulation

Further to the above, the Strategy and accompanying Guideline also provides guidance in the calculation of gross floor area, includes exclusion for plant levels, building core and architectural articulation proportionate to the height of the tower. The lodged planning envelopes at approximately RL 269.1 and RL 220 metres in height, the eastern and western towers included architectural articulation of 15 and 12 per cent, respectively.

The City recommended the quantum of architectural articulation be revised, particularly for the western tower, noting the dense character of the surrounding area. Accordingly, Sydney Metro have adjusted the quantum of articulation, adopting the whole of building articulation strategy defined by the Strategy. The revised quantum of architectural articulation has been adjusted to 16.5 per cent for the eastern tower and 12.5 per cent for the western tower, helping provide sufficient flexibility to enable a high-quality design response.

Podium – eastern site

The proposed planning envelope for the eastern site includes minimum tower setbacks of 5.3 metres to the boundary with O'Connell Street, a setback that is generally mirrored with the Bligh Street boundary. However, most of this eastern tower setback comprises the expanded Richard Johnson Square, with a reduced setback between the top of the street wall and the tower. As such, the City recommended the eastern tower setback be increased to ensure consistency with the O'Connell Street frontage

In their letter dated 28 July 2022, Sydney Metro provided additional justification and diagrams to support the design approach. Sydney Metro advised that the current tower envelope has been sited to deliver improved views to open sky and key landmarks, and an increased tower setback would not significantly open up views towards these landmarks. It was also noted that the tower at this location includes an appropriate separation to adjacent buildings.

Sydney Metro also noted that the planning envelope defined by this planning proposal establishes the maximum parameters from which a future development application would need to comply, and as such is considered acceptable as it delivers greater public domain space in Central Sydney.

Podium – western site

The podium street-wall fronting Hunter Street for the western site steps up from RL 25m to RL 34m adjacent to the eastern boundary of the site, with little justification for this step in the podium height provided in the accompanying Urban Design and Indicative Built Form Report prepared by FJMT.

The City recommended a consistent street wall height be provided along Hunter Street at RL 25 metres, to provide a podium that aligns with both the former Skinner Family Hotel and the former Pangas House that directly adjoins the subject site to the east. In their letter dated 28 July 2022, Sydney Metro provided additional justification, advising this was recommended by their internal Design Advisory Panel as an intentional design response to create variation in the street wall height that is characteristic to Hunter Street and its heritage context, and to accommodate essential infrastructure that will support the delivery of the CSSI and future operation of the station.

Daylight access / sky view testing

This planning proposal seeks to unlock additional building height and floor space for new employment generating floor space and as such, the requirements of the Strategy are applicable and the proposed planning envelope is subject to public domain amenity testing, measuring the extent of sky visible from various points, expressed numerically as sky view factor.

The Urban Design and Indicative Built Form Report prepared by FJMT included this sky view testing, prepared in accordance with the City's requirements. A base case envelope, with setbacks in accordance with the controls was tested and compared to the proposed planning envelopes sought through this planning proposal. Planning proposals may vary the envelope subject to equivalent or improved daylight conditions in the surrounding public domain.

Following an assessment by the City, an error in the sky view factor testing was identified, resulting from a mathematical issue used in the analysis. Revised testing was undertaken and demonstrated that the proposal achieves compliance with the requirements of the Strategy, with an amended envelope for the eastern site, including an increased ground floor radius to mirror that of adjacent State heritage item Wales House.

As such, the sky view analysis demonstrates that the proposed planning envelopes for both sites will deliver a minor improvement from the base case envelope, maintaining acceptable daylight access to the public domain. As such, the planning proposal is consistent with the equivalence testing requirements for tower cluster sites, ensuring the future development will maintain an acceptable amenity outcome for pedestrians and the public domain.

Wind assessment

In accordance with the requirements of the Strategy, the planning proposal request was accompanied by a pedestrian wind assessment, which tested pedestrian wind comfort and safety levels as a result of the future over station development on both sites through wind tunnel testing. Pursuant to the requirements, the wind tunnel tested two envelopes for each site, a base case envelope with setbacks consistent with the Strategy, compared to the proposed planning envelope in order to identify whether the proposal will have an equivalent or improved outcome. The assessment tested over 40 locations within, between and around the eastern and western sites.

The wind assessment found the existing wind conditions located around the eastern and western sites are generally calm, suitable for sitting and well within the safety criteria. All tested locations in

the public domain were found to be suitable for the existing and intended activities. The base case envelopes were tested, with the results indicating the wind environment for all locations would remain comfortable and within the safety standard.

The proposed planning envelopes for both over station development towers were also subject to wind tunnel testing for the same locations. The results indicate generally consistent wind conditions with the base case envelopes, demonstrating that the proposed planning envelopes are consistent with the requirements of the Strategy. The results found that while there may be some variation in the results, with the wind speed increasing in some locations, the wind conditions is not likely to become uncomfortable or unsafe as a result of future development on the subject sites.

Additional publicly accessible locations were also tested as a part of the wind tunnel testing to ensure no adverse impacts would occur as a result of the proposal. This included the open space between the Australia Square tower and Plaza building which is currently used for outdoor dining. The additional testing found that this location would not experience a significant or adverse increase in wind speeds, which would remain acceptable for its existing use.

The Design Guidelines accompanying this planning proposal and the site-specific LEP provisions provide additional guidance on future wind tunnel testing to ensure public domain conditions are not adversely impact as a result of the future over station development towers. This additional testing would occur at the detailed design phase and accompany a future development application.

View analysis

The planning proposal request was accompanied by a visual impact assessment which provided an indicative view analysis of both of the proposed planning envelopes and future over station developments. The analysis explored views from and along George Street and looking east along Hunter Street and west from O'Connell Street for the western site. Views for the eastern site explored looking north along Castlereagh Street and east along Hunter Street towards the subject site. The view analysis also explored the impact of the two over station development towers on the cityscape.

The assessment found that the visual impacts of the proposed building envelopes on both sites were generally compatible with the existing urban character of the surrounding area and the desired future character as outlined by the City. Most locations had capacity to absorb physical change, and the proposed planning envelopes do not result in a high or significant visual impact on the public domain.

Notwithstanding the above, the view from looking east along Hunter Street from the intersection with George Street would experience a medium to high level of visual impact as a result of both over station development towers. This impact is generally attributed to both towers being visible when viewed from this location. It is noted that important views or vistas are not obstructed from this location and views to heritage items and facades remain.

The Strategy includes controls to protect views from public places that include important buildings. It is noted that there proposed planning envelopes are not located within any identified protected public view corridor, however the southern setback from the eastern tower from the Hunter Street boundary will open up important views towards Australia Square, highlighting this heritage listed building.

Overshadowing

The Sydney LEP 2012 includes provisions preventing new buildings from creating additional overshadowing to protect certain public places. Particularly Martin Place, which would otherwise be impacted by additional building height on the subject sites. As such, this planning proposal does not seek to change the Martin Place sun access plane, or the no additional overshadowing provisions of the LEP.

The proposed maximum building height sought by this planning proposal complies with the applicable sun access planes. The proposed planning envelopes have been designed to comply

with the overshadowing provisions of the LEP and such include a tapered form on the upper levels to ensure compliance.

Some protected public spaces do however receive additional overshadowing. Notwithstanding this, the proposed is considered acceptable as a small portion of The Domain experiences additional overshadowing at the winter solstice and the shadow impact is not within the time period protected by the controls. Similarly Wynyard Park does experience additional overshadowing in the morning at mid-summer, however this is outside of the protected areas of sunlight for this open space and will not adversely impact upon amenity of the park. Furthermore, Chifley Square will experience additional overshadowing, however this area of the public domain is no longer protected from overshadowing in the planning controls.

Traffic and transport

Parking provision

In their planning proposal request, Sydney Metro proposed a maximum of 70 car parking spaces across the two subject sites, allocated to each building. It is however anticipated that fewer parking spaces may be delivered per the requirements of future development as part of detailed design.

The number of parking spaces facilitated through this planning proposal is less than half permitted under the Sydney LEP 2012 at 148 and less than the total number of spaces that previously existed on the subject sites, at 86. The proposal is therefore consistent with the City's Guideline for Site Specific Planning Proposals in Central Sydney which recommends for car parking to be limited to the total number of existing spaces, or the maximum permitted under the LEP, whichever is less.

To help ensure the success of the City's vision and planned public domain upgrades for the surrounding precinct, the City recommended the provision of parking be minimised significantly, with no to very limited private vehicle parking to be delivered on the western site.

To provide the future occupants with the flexibility to deliver over station development that meets their requirements, the new LEP provisions will limit car parking to a maximum of 70 spaces, across both sites. This figure is less than the current LEP provision, what is currently available on the two sites, and what has recently been approved for similar towers nearby. Notwithstanding this however, the Design Guidelines that accompany this planning proposal will include provisions recommending provision of private parking is minimised to prevent potential clashes between pedestrians and vehicles.

Servicing

The proposed indicative concept includes off street service and loading facilities to meet the needs of the Hunter Street Metro station and the over station development. The City supports the location of the driveways and vehicle access points to each building and recommends adequate space for loading and waste collection vehicles is provided before the allocation of car parking.

In response to the City's feedback, Sydney Metro advised that servicing on both sites would be subject to a loading dock management plan, management system and on-site dock manager. This is to ensure vehicle movements can be allocated outside of peak pedestrian periods. The Design Guidelines will include guidance to ensure sufficient space for service vehicle and loading facilities is prioritised over any private vehicle parking for the future over station development and both buildings will be subject to a loading dock management plan, booking system and manager.

Modelling

The planning proposal was accompanied by a Transport and Accessibility Impact Assessment that calculated vehicle and pedestrian trips generated by future development on the subject sites.

The City requested the methodology behind the assumptions used in the traffic generation and pedestrian trip calculations is clarified. With the assessment testing the maximum number of car parking on both sites, which would overestimate the number of vehicle trips, emphasising the importance of space for vehicles. The City also recommended the pedestrian trip calculation adopt the TfNSW Walking Space Guide to assess the service level of footpaths.

The walking assessment should use the methodology set out in TfNSW's Walking Space Guide (2020). Fruin is suitable for use within confined stations and interchanges but is not a suitable method for assessing pedestrian flows on streets. TfNSW's Walking Space Guide should be used instead as it accounts for interactions between people walking and vehicles and includes consideration of buffers and active frontages.

In their letter dated July 2022, Sydney Metro advised the assumption used in the vehicle trip calculation was corrected as per the City's request and adopted zero background traffic growth which will accompany the Hunter Street station CSSI application.

Sydney Metro asserts the Fruin method of pedestrian level of service is the most appropriate methodology for consideration in this instance, as it helps capture the impact from pedestrian trips emanating from the Metro station, not just the over station development.

The City is engaged in discussions with Sydney Metro and Transport for NSW to coordinate future upgrades to the pedestrian network surrounding the two subject sites and the wider precinct. To ensure the success of these upgrades, the Design Guidelines that accompany this planning proposal includes provisions to protect pedestrian safety and amenity.

End of journey facilities

The indicative design concept and the proposed LEP provisions provide for cycle and end of journey infrastructure on both over station development sites. Following an assessment by the City a number of constraints were identified in the indicative locations for the vertical transport to the end of journey facilities. While the City notes that these are indicative plans and both sites will be subject to further design evolution, the Design Guidelines have been updated to include provisions to ensure the end of journey facilities will not result in excessive delay or queuing which would disrupt pedestrian movement from the Metro station.

Public domain

The construction and operation of the future Hunter Street Metro station, including surrounding public domain, is subject to approval through the CSSI process. The City have engaged in discussions with Sydney Metro regarding public domain upgrades related to the delivery of the station and to ensure alignment with the City's future strategies for the area.

Through site links

An objective of this planning proposal is to facilitate and deliver improved pedestrian connections in the area, the indicative design concept includes through-site links on both sites connecting the street and adjoining sites to the Metro station entries.

The podium on the western site includes a number of potential through-site links and publicly accessible connections to adjoining sites, with the intention of facilitating a pedestrian laneway network across the precinct. In particular, a potential through-site link connection to Empire Lane, which is envisaged to be reinstated as a pedestrian laneway in the planning proposal for the adjoining site at 15-17 Hunter Street, Sydney.

While the subject planning proposal has identified this connection in their indicative scheme, there is a considerable level change between the two sites and heritage constraints. The Design Guidelines include provisions recommending the location and width of this through-site link and connection to Empire Lane, to ensure it is clear, legible and accessible to pedestrians.

Active frontages

Sydney Metro's indicative concept design includes generous opportunities for ground floor active retail spaces on all street frontages. The Design Guidelines include provisions recommending active frontages be prioritised and maximised on all street frontages and through-site links.

Richard Johnson Square

The podium of the proposed planning envelope for the eastern site includes a ground level setback to Bligh Street frontage. The intention of this setback is to be read as a larger Richard Johnson Square, delivering additional public space in Central Sydney. Due to constraints with below ground

built form elements and station infrastructure it is unlikely the additional section of Richard Johnson Square will be dedicated as new public space, however will remain publicly accessible.

The Design Guidelines that accompany this planning proposal includes provisions to ensure the design of Richard Johnson Square is considered and cohesive and provides a seamless connection between the public domain, the public accessible portion and into the pedestrian through-site link in the podium. It is recommended this is achieved in collaboration with the City through the use of consistent materials, levels and landscaping. Additionally, a provision is included to ensure bollards are not placed in the public domain or publicly accessible extension of the square to ensure a seamless experience is delivered.

Walking experience

It is anticipated that walking will remain the primary mode of access and egress to both over station development towers. Despite their location, directly connected and close to existing and future transport infrastructure, the additional pedestrian impact solely arising from the future development delivered as part of this planning proposal is not expected to be significant. The proposed increase in pedestrian density on the site would therefore result in a low impact on the surrounding pedestrian density.

Flooding

The planning envelope and podium for the over station development on the two subject sites and the future Hunter Street Sydney Metro station and infrastructure is anticipated to have limited localised impacts on existing flooding behaviour. With George and Pitt Streets acting as floodways in flooding events, Hunter Street also becomes a floodway in a flooding event.

The Preliminary Flooding Impact Assessment that accompanied the planning proposal found future development is unlikely to increase the likelihood of flooding on other properties or infrastructure and recommended flood mitigation measures. The future Hunter Street Sydney Metro station CSSI approval also includes associated infrastructure and ground floor entries to the station and over station development. As such, flood and stormwater management and mitigation measures are managed under the CSSI process.

The Design Guidelines that accompany this planning proposal includes flooding and stormwater provisions to provide guidance on the City's requirements for new development and align with the Sydney Metro West System Requirement Specification for the station.

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

This planning proposal facilitates the delivery of new over station development above the future Sydney Metro West Hunter Street station, which are located in a tower cluster where additional building height may be accommodated subject to meeting key public domain amenity and urban design considerations. Future development will have positive social and economic impact, including:

- providing up to 150,000m^2 of new employment generating floor space to strengthen and contribute to Central Sydney's role as a globally competitive city;
- creating an estimated 1,040 construction jobs and over 15,000 operational jobs;
- the new building will achieve a high level of environmental performance; and
- providing for improved activation and accessibility within and across the site and to the adjoining public domain, delivering improved connections, amenity and safety for the public.

5.6 State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

As the subject sites are located in Central Sydney, they are well served by the full range of public utilities, including electricity, telecommunications, water, sewer and stormwater. It is expected that

these services are upgraded where required by the developer of the over station development and will be outlined in the detailed development application.

The proposal will facilitate contributions towards local infrastructure and public domain improvements in the precinct surrounded the site. It is anticipated these upgrades will be timed to support the new future transport infrastructure and complement existing infrastructure.

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

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

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

Clause 7.16 of the LEP requires concurrent approval from Sydney Airport for all proposed works that will penetrate the Obstacle Limitation Surface (OLS), which is 156 metres at this location. The future development scheme would require approval under the Airports Act 1996 before the detailed development application can be approved. It is proposed that the relevant public agencies are consulted on the proposed height at the public exhibition stage of this planning proposal process.

6. Mapping

No change will be made to any maps contained within the LEP is proposed as part of the planning proposal.

This planning proposal seeks to insert new site-specific provisions under Division 5 of the LEP, detailing the proposed changes to the building height and floor space ratio development standards discussed earlier in this document.

The proposed future development scheme as discussed in this planning proposal will be detailed in the draft DCP and will be accompanied by updated maps and figures to adequately describe the City's intended vision for the sites.

7. Community consultation

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

It is anticipated that public exhibition will be for a period of at least 28 days, which is consistent with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline prepared by the Department dated December 2021.

The surrounding community, including adjacent landowners, occupiers and community interest groups shall be notified of the public exhibition by mail, email, social media and through public exhibition on the City of Sydney website, in accordance with the City's Community Participation Plan.

Consultation with the necessary NSW agencies, authorities and other relevant organisations will be undertaken as required by the conditions contained within the gateway determination.

8. Project timeline

This planning proposal is categorised as a Complex planning proposal as per the Local Environmental Plan Making Guidelines dated December 2021, the anticipated timeframe for the completion of the planning proposal is as follows:

Stage	Timeframe
Commencement / gateway determination	**October 2022**
Government agency consultation	**December 2022 – February 2023**
Public exhibition	**December 2022 – February 2023**
Review of issues raised in submissions	**February – April 2023**
Post-exhibition reporting	**June / July 2023**
LEP drafting	**August 2022**
LEP made	**September 2023**
LEP notification	**September 2023**

Appendix 1

The final version of the provisions to be inserted into Part 6, Division 5 of the LEP is subject to drafting and agreement by the Parliamentary Counsel's Office, but may be written as shown in Table 6 below.

Table 6: Drafting instructions for the Sydney Metro West, Hunter Street sites in LEP

6.## Sydney Metro, Hunter Street Station sites

(1) The objective of this clause is to provide additional floor space and building height to encourage an acceptable over station development built form comprising commercial uses on the Sydney Metro, Hunter Street Station sites.

(2) This clause applies to the Sydney Metro, Hunter Street Station sites being:

(a) Sydney Metro, Hunter Street Station eastern site comprising:

(i) Lot 1 in DP217112,
(ii) Lot 2 in DP217112,
(iii) Lot 1 in DP536538,
(iv) Lot 1 in DP110798,
(v) Lot 1 in DP59871,
(vi) Lot 1 in DP626651, and
(vii) CP and Lots 1-74 in SP58859

(b) Sydney Metro, Hunter Street Station western site comprising:

(i) Lot 13 in DP622968,
(ii) Lot 1 in DP211120,
(iii) Lot 1 in DP438188,
(iv) Lot 1 in DP1003818,
(v) Lot 2 in DP850895,
(vi) CP and Lots 1-43 in SP596,
(vii) CP and Lots 1-63 in SP71068,
(viii) CP and Lots 1-14 in SP65054,
(ix) CP and Lots 1-53 in SP50276,
(x) Lots 57 and 58 in SP61007,
(xi) Lots 54, 55 and 56 in SP60441,
(xii) Lots 59, 60 and 61 in SP62889,
(xiii) Lots 62, 63, 64 and 65 in SP69300,
(xiv) Lots 66 and 67 in SP77409,
(xv) Lot 2 in SP50276, and
(xvi) De Mestre Place, Sydney.

(3) In determining the site area for the purposes of applying a floor space ratio to development on land to which this clause applies,

(a) despite clause 4.5(4) and clause 4.5(7) the land described in subclause 6.XX(2)(b) is taken to include the area of De Mestre Place, and

(b) for the purposes of calculating a floor space ratio in respect of any building on the land to which this clause applies, despite any other provisions of this Plan, any gross floor area required for the purposes of passenger rail infrastructure and ancillary land uses (such as but not limited to retail premises and end of journey facilities) proposed in a basement level is excluded from the total floor space ratio proposed on the site.

(4) Despite any other provision of this Plan, a building on land to which this clause applies may have a maximum floor space ratio, above ground (existing) of–

(a) 22.8:1, on land referred to in subclause 6.XX(1)(a), and
(b) 18.8:1, on land referred to in subclause 6.XX(1)(b).

(5) A building on land to which this clause applies is not entitled to any other additional floor space permitted by this Plan except as provided by this clause.

(6) Development consent must not be granted for development under subclause (3) unless the consent authority is satisfied that–

(a) a building on land referred to in subclause 6.XX(1)(a) has a maximum building height no greater than RL 269.1,

(b) a building on land referred to in subclause 6.XX(1)(b) has a maximum building height no greater than RL 220.0,

(c) the building includes end of journey facilities,

(d) the building will not be used for the purposes of residential accommodation or serviced apartments,

(e) will not exceed a maximum of 70 car parking spaces, and

(g) has considered Hunter Street Station Over Station Development Design Guidelines endorsed by the Planning Secretary.

(7) Clause 6.21D and 6.21E do not apply to development at the Hunter Street Station site.

(8) If subclause (4) applies, an amount 2.25:1 of heritage floor space is allocated to the development.

(9) In this clause–

end of journey facilities means all of the following facilities together in one area of the building–

(a) showers,
(b) change rooms,
(c) lockers,
(d) bicycle storage areas.

heritage floor space has the same meaning as in clause 6.10.

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:

a. 6.## Sydney Metro, Hunter Street Station sites

Schedule 5 – Environmental heritage

Locality	Item name	Address	Property description	Significance	Item no
Sydney	Former Skinners Family Hotel including interiors	296 George Street	Lot 1, DP 438188	State	I1766*