

Attachment A1

Planning Proposal Justification Report

Planning Proposal Justification Report

383 Kent Street, Sydney

Amendments to the *Sydney Local Environmental Plan 2012* – Height of Buildings and Floor Space Ratio Development Standards, and concurrent Development Control Plan Amendments

Submitted to the City of Sydney
on behalf of Charter Hall Holdings Pty Ltd



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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21 February 2024

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21 February 2024

Version No.

Date of issue

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1.0 (DRAFT)

16/06/2023

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2.0 (DRAFT)

30/06/2023

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3.0 (FINAL)

14/02/2024

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Appendices

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B. Detailed Site Survey	Beveridge Williams
C. Design Excellence Strategy	Ethos Urban
D. Public Benefit Offer	Charter Hall
E. ESD Report	LCI Consultants
F. Connecting with Country Strategy	Yerrabingin
G. Initial Connecting with Country Concepts	Yerrabingin
H. Pedestrian Wind Environment Study	Windtech
I. Pedestrian Comfort Assessment	Movissian
J. Traffic and Transport Assessment	Stantec
K. Preliminary Aeronautical Impact Assessment	Avlaw Consulting
L. Heritage Impact Statement	Urbis
M. Geotechnical Desktop Investigation	Douglas Partners
N. Preliminary Site Investigation	Douglas Partners
O. Preliminary Acid Sulfate Soils Study	Douglas Partners
P. Operational Waste Management Plan	Foresight Environmental
Q. Civil Engineering Report	TTW
R. Vision and Values Statement	Right Angle
S. Site Specific DCP	Ethos Urban

Executive Summary

This Planning Proposal Justification Report (Planning Proposal) supports the proposal for a new commercial tower at 383 Kent Street, Sydney, and is prepared by Ethos Urban on behalf of Charter Hall Holdings Pty Ltd (Charter Hall). It is submitted to the City of Sydney (the City or Council) to request amendments to the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) to introduce new maximum building height and maximum floor space (FSR) controls for 383 Kent Street, Sydney (the site).

This Planning Proposal will facilitate the development of a new commercial tower on the site (3,606m²) up to a height of RL 189.80, approximately 170m above Kent Street and 180m above Sussex Street. It will also facilitate a total Floor Space Ratio (FSR) of 20:1 above ground 0.30:1 below ground, enabling a total gross floor area (GFA) of 73,191m² across the site. The proposed amendments result in a planning envelope which complies with the key built form controls of the *Sydney Development Control Plan 2012* (Sydney DCP), and achieves the outcomes envisaged in the *Central Sydney Planning Strategy* (CSPS), with the site identified as being within a tower cluster area. Achievement of these outcomes will further strengthen and protect the commercial core of global Sydney.

In line with the City's *Guideline to Preparing a Site Specific Planning Proposal Requests in Central Sydney* amendments to the Sydney DCP are also proposed as they are required to facilitate the new commercial tower and its proposed controls.

This Planning Proposal seeks to realise Charter Hall's vision for 383 Kent Street, which is to provide a world-leading tower that will become a new focal point for sustainable commercial development and will redefine the western edge of the Sydney Central Business District (CBD) and its place in further strengthening the commercial core of global Sydney. It will provide a new standard of workplace that responds to the new ways of modern flexible city life and will embody sustainability at the core of its ethos. The new tower will be embedded with industry leading sustainable design and construction principles for a changing climate, including the opportunity for substantial architectural articulation, and a target sustainability rating of 6 Star Green Star Buildings v1 (including 20% reduction in embodied carbon).

The proposal will facilitate the delivery of numerous public benefits including a new energised public domain that creates a connection between Kent Street and Sussex Street via a new pedestrian through-site link lined with new retail offerings. Furthermore, a new shared loading dock (to be known as the Kent Street Logistics Hub) will support the future viability of retail and commercial offerings within the surrounding precinct, improve pedestrian safety and amenity, minimise on-street loading activities and reduce vehicular crossovers. The proposal will also remove an existing 10-storey car park on site, replacing over 800 car parking spaces and removing vehicular cross-over access from Kent Street, thereby encouraging pedestrianisation of the ground plane and use of active transport opportunities within the vicinity of the site.

This Planning Proposal is prepared in accordance with the *Guideline for Site Specific Planning Proposals in Central Sydney* and the accompanying *Central Sydney Infrastructure Plan*. It has also been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and describes the site, the proposed amendments to the Sydney LEP 2012 and provides an environmental assessment of the proposed height and FSR controls, planning envelope and indicative tower, consistent with the strategic intent of the CSPS.

Vision

Charter Hall is one of the largest and most active owners of investment-grade property assets within Central Sydney and recognises the important role that Central Sydney plays in supporting Sydney more broadly as a true global city. Charter Hall strongly supports the City's CSPS vision for Central Sydney and views itself as an important partner in delivering its vision. This has resulted in the acquisition and this subsequent Planning Proposal for 383 Kent Street, Sydney.

Charter Hall seeks to evolve 383 Kent Street to ensure its enduring success for future generations by creating a new commercial and retail destination. The existing development on the site is uninspiring, unsustainable and does not contribute positively to the Sussex or Kent Street streetscapes. Further, it contains a built form and land use that is not fit for purpose for the changing office market, in addition to the existing 10-storey car park on the site that includes over 800 car spaces; a feature which is not aligned with the location of the site and its strategic context. 383 Kent Street presents an opportunity to revitalise and revolutionise the western edge for city workers, with the transformative development a welcome first step in its repositioning.

383 Kent Street will offer many experiences in one place, promising to inspire and motivate talent who demand a modern, healthy and flexible workplace in a living building. The proposal will provide sustainable and landscaped design solutions as an integral part of the building's future identity. Further, 383 Kent Street will make a significant contribution to the City's target to unlock additional capacity for economic and employment growth. The progression of this Planning Proposal represents a significant step for Charter Hall to deliver on the City's aspirations for Central Sydney.

This Planning Proposal establishes the planning framework to deliver on this vision for a world leading commercial precinct, which will:

- Reinforce Sydney's role as Australia's global city and economic engine room by delivering a new world class, environmentally sustainable office tower, and providing in-demand premium grade commercial floor space that can support significant employment growth;
- Deliver on the vision established by the CSPA cementing Central Sydney's western edge as an employment location to further strengthen and protect the commercial core of global Sydney and deliver a tower with a focus on sustainability and public spaces.
- Create a next generation workplace environment that realises the opportunities that are emerging in future work practice, wellbeing and sustainability, communication and digital technologies, and security;
- Provide a world class destination at ground level, by leveraging off the site's existing linear street frontages to provide an improved and invigorated street level outcome, supporting fine-grain activation and permeability;
- Be of the highest standard of architectural, urban and landscape design, and provide a recognisable and high quality contribution to the skyline of the Sydney CBD's western edge, reinforcing Sydney's status as a global city; and
- Provide sustainability initiatives of the highest level, supporting the improved environmental performance of commercial development in Central Sydney and allowing Charter Hall to become leaders in environmental building performance.
- Deliver a Kent Street Logistics Hub that will support the future viability of retail offerings in the precinct, improve pedestrian safety and amenity, minimise on-street loading activities and reduce vehicular crossovers.
- Deliver an integrated ground plane through a missing through-site link connecting Kent Street and Sussex Street, retail tenancies and public amenity including green space and partially open to the sky through-site link.
- Remove an existing 10-storey car park on the site containing over 800 car spaces and remove vehicle access from Kent Street encouraging pedestrianisation of the ground plane and use of active transport and public transport in proximity to the site.

Central Sydney Planning Strategy

The future redevelopment of the site within the framework established by this Planning Proposal is in full alignment with the objectives and intended outcomes of the *Central Sydney Planning Strategy*. In particular, it delivers uplift in employment floor space in an area specifically identified as unconstrained and suitable for density and height in accordance with the strategy. Through significant consultation to date with the City and the Design Advisory Panel the proposal is reflective of Charter Hall's support for the *Central Sydney Planning Strategy* and their commitment to working together with the City in implementing the strategy.

The proposal constitutes a large single lot along the CBD's western edge that is identified within a tower cluster area. It unlocks latent, highly optimal and unconstrained land capable of delivering significant employment generation and public benefits whilst minimising environmental impacts and not compromising the amenity of the city's streets, parks and valued public spaces. The site also benefits from proximity to existing and future planned public transport in a prominent position along the CBD's western edge.

Consultation

This Planning Proposal has been the subject of extensive pre-lodgement workshops held between the City and the project team, including reviews of the proposal by the City's Design Advisory Panel (DAP) and discussion regarding the provisions of the various public benefit offers such as the Kent Street Logistics Hub, pedestrian through-site link and how the site can implement perceivable sustainability measures into its future detailed design.

The intent of the consultation held to date has been to determine how to most effectively unlock the full employment generating potential of the site with an appropriate built form, while providing a strong public domain outcome and an appropriate environmental outcome.

The Proposal

The proposed amendments to the Sydney LEP 2012 maximum Height of Building and FSR controls are the result of detailed planning envelope testing to determine the new controls. A preferred envelope was developed following comprehensive urban design and environmental impact testing, pedestrian comfort analysis, wind testing and visual impact analysis and has been designed to respond to the outcomes of consultation with the City and the DAP.

This Planning Proposal is the first stage of the redevelopment program for the site which will ultimately enable the delivery of a new commercial office tower. Specifically, this Planning Proposal seeks to amend the Sydney LEP 2012 to enable:

- A maximum Height of Building for RL 189.80, compliant with the No Additional Overshadowing control for the future Town Hall Square; and
- A maximum FSR of 20:1 above ground and 0.30:1 below (inclusive of mapped FSR, accommodation FSR, site specific FSR and design competition bonus FSR), equating to a total GFA of 73,191m² across the site.

Site specific amendments to the Sydney DCP are also proposed to support this Planning Proposal and the redevelopment of the site.

Public Benefit Offer

A Public Benefit Offer prepared by Charter Hall is provided with this Planning Proposal, prepared in accordance with the Guideline. The public benefit offer has been prepared with the intent to enter into a Voluntary Planning Agreement (VPA) with the City of Sydney for the purposes of section 7.7(3) of the EP&A Act.

The offer comprises the following:

- Delivery of a Kent Street Logistics Hub that will be accessed via Sussex Street to provide a central loading facility for the public (particularly to those located within the immediate precinct that are constrained by existing shortfalls in quality loading provisions), to be delivered as a works-in-kind arrangement;
- Delivery of a new pedestrian through-site link connecting Kent Street to Sussex Street through the site to be delivered as a works-in-kind arrangement; and
- Sustainability commitments to achieve:
 - 6-star Green Star Design & As Built v1.0 certified rating, including 20% embodied carbon reduction;
 - 5.5 Star NABERS Energy rating (Commitment Agreement);
 - 4 Star NABERS Water rating (Target);
 - 5 Star NABERS Waste rating (Target);
 - WELL Core Platinum (Target); and
 - 100% renewable energy in operation.

It is proposed that a draft VPA in accordance with the Public Benefit Offer would be prepared and exhibited with the subject Planning Proposal. A detailed breakdown of the value of the Public Benefit Offer is provided in **Appendix D**.

Environmental Assessment

This Planning Proposal provides an environmental assessment of the proposed planning envelope, and a reference design reflecting the proposed maximum Height of Building and FSR development standards. It also provides a summary of the detailed environmental investigations undertaken. It includes:

- A detailed urban design and architectural study of the scheme, prepared by FJC;
- A design excellence strategy outlining the proponent's intention to undertake a design competition;
- Ecologically Sustainable Development Strategy;
- Connection with Country Framework including draft design principles;
- Wind impact assessment;
- Pedestrian comfort assessment;
- Traffic, transport and loading assessment;

- Airport operations impact assessment;
- Heritage assessment;
- Geotechnical and contamination studies; and
- Economic contribution analysis.

The findings of the environmental assessment conclude that the proposed planning controls are acceptable, with the site and proposal capable of delivering significant employment generation and public benefits whilst minimising environmental impacts and not compromising the amenity of the city's streets, parks and valued public spaces.

Conclusion

Following the City's endorsement of this Planning Proposal, the project will progress through to an invited architectural design competition and the winning building design will form part of a development application to Council thereafter. This Planning Proposal demonstrates strategic and site-specific merit and will achieve a number of positive outcomes for the site, the Sydney CBD and wider region more broadly. It will also:

- Set the framework for Charter Hall's vision for the CBD western edge by delivering a new premium grade commercial development.
- Facilitate 73,191m² of employment generating floor space, which equates to approximately 6,000 operational jobs and 411 construction jobs), resulting in a transit-oriented development, reflecting a scale and density appropriate for a site within Central Sydney that is within proximity to existing heavy rail and multiple future Metro Stations.
- Implement sustainability initiatives of the highest level, supporting the improved environmental performance of commercial development in Central Sydney consistent with the City's vision and Charter Hall's principles.
- Achieve the City of Sydney's vision for the Sydney CBD to accommodate global office towers within an identified area (i.e. tower cluster area) considered suitable for uplift and additional employment generating floor space above the existing controls.
- Capitalise on an unconstrained and large single site to facilitate a great opportunity for additional employment floor space, thereby promoting the more efficient use of land within an identified tower cluster area already considered suitable for greater uplift.
- Deliver significant public benefits including an improved pedestrianised focus by way of a new pedestrian through-site link connection between Sussex Street and Kent Street, and a Kent Street Logistics Hub to enhance local logistics and support neighbouring retail or commercial tenancies.
- Further strengthen and protect the commercial core of global Sydney.
- Establish a framework for a future building to achieve design excellence and for the delivery of best-practice sustainable design.

The proposal will contribute to the achievement of a number of the goals, targets and actions outlined within state, regional and local strategic plans. The proposal will also help to reinforce Sydney's global competitiveness through the provision of high-quality office space and increased employment opportunities.

383 KENT STREET

A NEW PLACE FOR SYDNEY'S WESTERN EDGE

Charter Hall's vision for 383 Kent Street is to deliver a world-leading tower that will form a focal point for commerce and a benchmark for city life and sustainability along the Sydney CBD's Western Edge



411 Construction Jobs
6,000 Operational Jobs

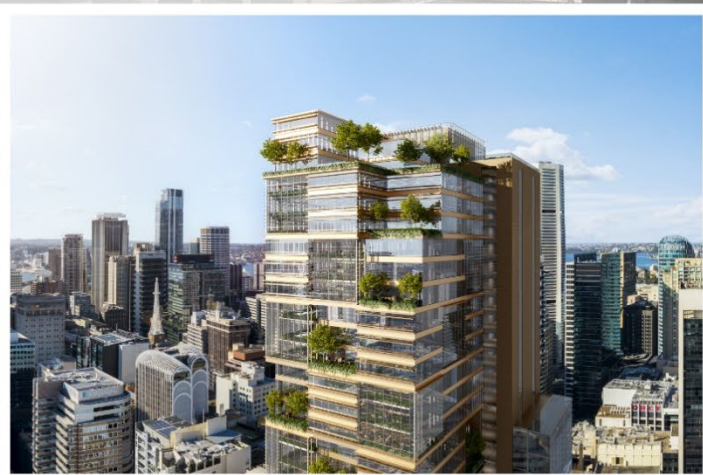


World Class Sustainability
Commitments and a Target of
6 Star Green Star



73,191m²

Unlock 73,191m² of GFA
across 42 Storey's



The Proposal will:



Set a New Standard and Revitalise the Sydney CBD's Western Edge



Architecturally Contribute to the Western Edge's prominent Skyline



Deliver a Premium-Grade Commercial Tower that provides Next-Gen Workspace and Amenities



Target 6 Star Green Star Building v1 Certified Rating &



Achieve 5.5 Star NABERS Energy



Embody Sustainability with a target of WELL Core Platinum and a commitment of 100% Renewable Energy in Operation



Target 4 Star NABERS Water &



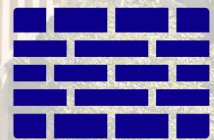
Target 5 Star NABERS Waste



Deliver a Kent Street Logistics Hub to support surrounding development that is constrained by Heritage



Connect Kent Street and Sussex Street via a Pedestrian Through-Site Link Strengthening the CBD's East-West Connections



Intergrate the Podium and Public Domain Interface with the surrounding Heritage Context

1.0 Introduction

This Planning Proposal Justification Report (Planning Proposal) is submitted to the Council of the City of Sydney (the City or Council) for amendments to the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) relating to 383 Kent Street, Sydney (the site). Ethos Urban has prepared this Planning Proposal Justification Report on behalf of Charter Hall Holdings Pty Ltd (referred to as Charter Hall or the Proponent).

The purpose of this request for a Planning Proposal is to introduce new Height of Building and Floor Space Ratio (FSR) development standards for the site. Collectively, these amendments will unlock additional floor space to be used exclusively for employment generating land uses, consistent with the vision and intent of the *Central Sydney Planning Strategy* (CSPS). The proposal will also deliver significant public and city-building benefits through activation and embellishment of the public domain, creating a new pedestrian through-site link lined with retail offerings, while also delivering a world-class sustainable building and retaining and protecting the special character of Kent Street. An indicative tower form which could be delivered by the proposed controls is provided in **Figure 1** and **Figure 2**.

This Planning Proposal is the first stage of the redevelopment program for the site which will ultimately enable the delivery of a new commercial tower. Specifically, it seeks to amend the Sydney LEP 2012 to enable:

- A maximum Height of Building of RL 189.80, consistent with the No Additional Overshadowing control for the future Town Hall Square; and
- A maximum FSR of 20:1 above ground and a maximum below ground FSR of 0.30:1, equating to a total GFA of 73,191m² across the site.

Amendments to the *Sydney Development Control Plan 2012* (Sydney DCP) are also proposed to support this Planning Proposal and proposed redevelopment. These amendments will address key design and development outcomes, including provisions related to the future built form, the through-site link, design excellence, the shared loading dock (to be known as the Kent Street Logistics Hub) and ecologically sustainable development standards for the site.

This Planning Proposal describes the site, the proposed amendments to the Sydney LEP 2012 and provides an environmental assessment of the proposed height and FSR controls, planning envelope and indicative tower. The report should be read in conjunction with the Design Report prepared by FJC (**Appendix A**) and specialist consultant reports appended to this proposal (refer Table of Contents).

As required by Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this Planning Proposal includes:

- A statement of the objectives or intended outcomes of the proposed instrument and an explanation of the provisions that are to be included in the proposed instrument;
- The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under Section 9.1 of the EP&A Act); and
- Details of consultation.

This Planning Proposal is prepared in accordance with the *Guideline for Site Specific Planning Proposals in Central Sydney* (the Guideline) and the *Central Sydney Infrastructure Plan 2020*. The Guideline provides the framework for planning proposals to give effect to the goals and objectives of the CSPS and sets a prescriptive procedure which the development of this Planning Proposal has followed.

Further, this Planning Proposal has been prepared having regard to 'A guide to preparing planning proposals' published by the (then) Department of Planning and Environment in September 2022, and addresses the following:

- Part 1 – Objectives and intended outcomes;
- Part 2 – Explanation of provisions;
- Part 3 – Justification;
 - Need for the Planning Proposal.
 - Relationship to strategic planning framework.
 - Environmental, social and economic impact.
 - State and Commonwealth interests.
- Part 4 – Mapping; and
- Part 5 – Community Consultation.



Figure 1 Aerial view of the Indicative Reference Design as viewed from the south-west

Source: Virtual Ideas



Figure 2 View of the Indicative Reference Design podium as viewed from Kent Street Ground Level

Source: Virtual Ideas

1.1 Project Vision

Charter Hall is one of the largest and most active owners of investment-grade property assets within Central Sydney and recognises the important role that Central Sydney plays in supporting Sydney more broadly as a truly global city. Charter Hall strongly supports the City's CSPA vision for Central Sydney and views itself as an important partner in delivering on this vision. Moreover, Charter Hall recognises the importance of the western edge to the commercial core of Central Sydney and the importance of 383 Kent Street as a leading supporting proponent. This has resulted in the acquisition and subsequent Planning Proposal for 383 Kent Street, Sydney.

Charter Hall's vision for 383 Kent Street is to provide a world-leading tower that will form a focal point for commerce and a benchmark for city life and sustainability along the Sydney CBD's western edge. The existing development on the site is uninspiring, unsustainable and does not contribute positively to the Sussex or Kent Street streetscapes. Further, it contains a built form and land use that is not fit for purpose for the changing office market, in addition to an existing 10-storey car park on the site that includes over 800 car spaces. A feature which is not aligned with the location of the site and its strategic context.

The redevelopment of 383 Kent Street promises to be a transformative project that will contribute to the ongoing revitalisation of the western edge of Sydney's CBD, creating a sustainable, vibrant, and inclusive urban environment that reflects the city's progressive vision for the future. 383 Kent Street will strengthen Sydney as a global city of economic and cultural activity, and to deliver an iconic building that will diversify the commercial office landscape for the western edge, while delivering on the social and environmental amenity expected in a new premium work environment.

383 Kent Street will offer many experiences in one place, promising to inspire and motivate talent who demand a modern, healthy and flexible workplace in a living building that will focus on creating an environment embellished with perceivable sustainable design solutions. Further, 383 Kent Street will make a significant contribution to the city's target to unlock additional capacity for economic and employment growth. Specifically, 383 Kent Street is unrestricted by heritage and fragmented land ownership constraints unlike other neighbouring sites within this tower cluster zone along the western edge, further emphasising the importance for 383 Kent Street to deliver and lead the vision for renewal in this part of Central Sydney, as established under the CSPA. The progression of this Planning Proposal represents a significant step for Charter Hall to deliver on the City's aspirations for Central Sydney.

Charter Hall sees the redevelopment of the site as an opportunity for an alternative, intelligent and generous response to the site delivered through the City's Design Excellence program. This approach will ensure that 383 Kent Street becomes an architectural exemplar for the city that proves the potential for great development in the western edge and aligns firmly with the City's Design Excellence Strategy.

Charter Hall recognises the importance of providing public benefits in tandem with uplift. On top of the significant improvements to the public realm and employment workspace, Charter Hall has proposed a Public Benefit Offer (PBO) which includes a Kent Street Logistics Hub, pedestrian through-site link connecting Kent Street and Sussex Street and world leading sustainability targets including 6 Star Green Star and As Built v1.0 certified rating target.

This Planning Proposal establishes the planning framework to deliver on this vision for a world leading commercial precinct, which will:

- Reinforce Sydney's role as Australia's global city and economic engine room by delivering a new world class, environmentally sustainable office tower, and providing in-demand premium grade commercial floor space that can support significant employment growth;
- Deliver on the vision established by the CSPA cementing Central Sydney's western edge as an employment location to further strengthen and protect the commercial core of global Sydney and deliver a tower with a focus on sustainability and public spaces.
- Create a next generation workplace environment that realises the opportunities that are emerging in future work practice, wellbeing and sustainability, communication and digital technologies, and security;
- Provide a world class destination at ground level, by leveraging off the site's existing linear street frontages to provide an improved and invigorated street level outcome, supporting fine-grain activation and permeability;
- Be of the highest standard of architectural, urban and landscape design, and provide a recognisable and high quality contribution to the skyline of the Sydney CBD's western edge, reinforcing Sydney's status as a global city; and
- Provide sustainability initiatives of the highest level, supporting the improved environmental performance of commercial development in Central Sydney and allowing Charter Hall to become leaders in environmental building performance.

- Deliver a Kent Street Logistics Hub that will support the future viability of retail offerings in the precinct, improve pedestrian safety and amenity, minimise on-street loading activities and reduce vehicular crossovers.
- Deliver an integrated ground plane through a missing through-site link connecting Kent Street and Sussex Street, retail tenancies and public amenity including green space and partially open to the sky through-site link.
- Remove an existing 10-storey car park on the site containing over 800 car spaces and remove vehicle access from Kent Street encouraging pedestrianisation of the ground plane and use of active transport and public transport in proximity to the site.

A Vision and Values Statement has been prepared by urban strategy and placemaking consultant Right Angle, and is appended to this report at **Appendix R**.

1.2 Connecting with Country

This request for a Planning Proposal seeks to enliven the site's strategic location within the western corridor of the Sydney CBD. It will aspire to include appropriate design principles as they relate to a Connecting with Country framework that is suitable for this part of Central Sydney. The future design of the proposal will adopt a Country-centred approach to various elements of the building and will look to amplify an Indigenous voice in the design process for this part of Central Sydney, which is dominated by physical reminders of the place's European heritage. It will ensure the Traditional Owners of the land's voices and stories are incorporated into the project.

The proposal considers the following Designing with Country principles that can be factored into a reference scheme:

- **Topography + Geology** – Acknowledging and taking inspiration from the layers of Country, recognising the undulated topography as the site steps down to the west, which holds powerful historical meaning, regarding the natural orientation of place as it leads to the western water source.
- **Connection to Water and Sky** – Opening up a partially open air pedestrian through-site link which provides both a connection to the water's edge at Darling Harbour and the sky above. These connections to natural elements instil an onsite appreciation of the importance of the relationship of water and connection to life.
- **Materiality** – Utilising material diversity to provide visual interest, warmth and engaging places – an invitation to reconnect, to dwell supported by amenity inspired by the very essence of Country.
- **Landscape** – The indicative reference scheme creates an opportunity to foster a rich ecosystem of endemic and Indigenous species of Country on the site via perceivable landscaping opportunities that can form part of the façade identity and breathe new life into the western edge of Central Sydney. Contemporary landscapes must restore, remediate and replenish Country, reinforcing the need to provide a place of pause and respite.

Connecting with Country is a key principle informing this request for a Planning Proposal and will be embedded throughout the future stages of the project and is supported by a Connecting with Country Strategy and Concept at **Appendix F** and **G** respectively.

1.3 Central Sydney Planning Strategy

The CSPS was first released in 2016 and sets out a 20-year land use vision, planning priorities and actions to achieve a place-led and people-led vision for growth in Central Sydney. The CSPS were endorsed by Council on 14 December 2020 and amendments to the Sydney LEP 2012 were gazetted in December 2021, with subsequent amendments to the Sydney DCP.

The central aim of the CSPS is to support good growth while balancing the need to protect and enhance the public places that make the city unique. It provides the strategic direction to continue to position and strengthen Central Sydney as Australia's most productive and strategically important employment centre. Through 10 key moves, the CSPS balances opportunities for development to meet demands and achieve Council's job targets through to 2036, being 100,000 jobs unlocked through an additional 2.9 million square metres of employment generating floor space. Importantly, the CSPS includes opportunities for increased height and density in key locations, balanced with environmental sustainability initiatives and sets criteria for excellence in urban design.

The CSPS identifies 'tower clusters' which are intended to create growth opportunities for employment floor space, to support a more efficient use of land and encourage innovative design. The tower cluster zones largely reflect the City's capacity studies supporting the CSPS and identify sites capable of accommodating uplift without compromising public amenity in terms of sun access. The site is identified within a tower cluster area as illustrated in **Figure 3**, and as such will directly deliver additional employment generating floor space in a highly serviced and unconstrained site in Central Sydney, as anticipated under the CSPS.

The proposed amendments result in a planning envelope which complies with the key built form controls of the Sydney DCP, and achieves the outcomes envisaged in the CSPS, with the site identified as being within a tower cluster area.

This Planning Proposal seeks to realise the vision established by the CSPS through the innovative renewal of the site which comprises an enhanced pedestrian and human focused design. It will strengthen the western edge as an employment location that is able to further strengthen and protect the commercial core of global Sydney, while also delivering a scheme focused on sustainability and the prioritisation of enhanced public spaces in the CBD. In addition, the site represents one of few tower cluster sites along the western edge capable of realising the vision of the CSPS and therefore represents a unique and important opportunity.

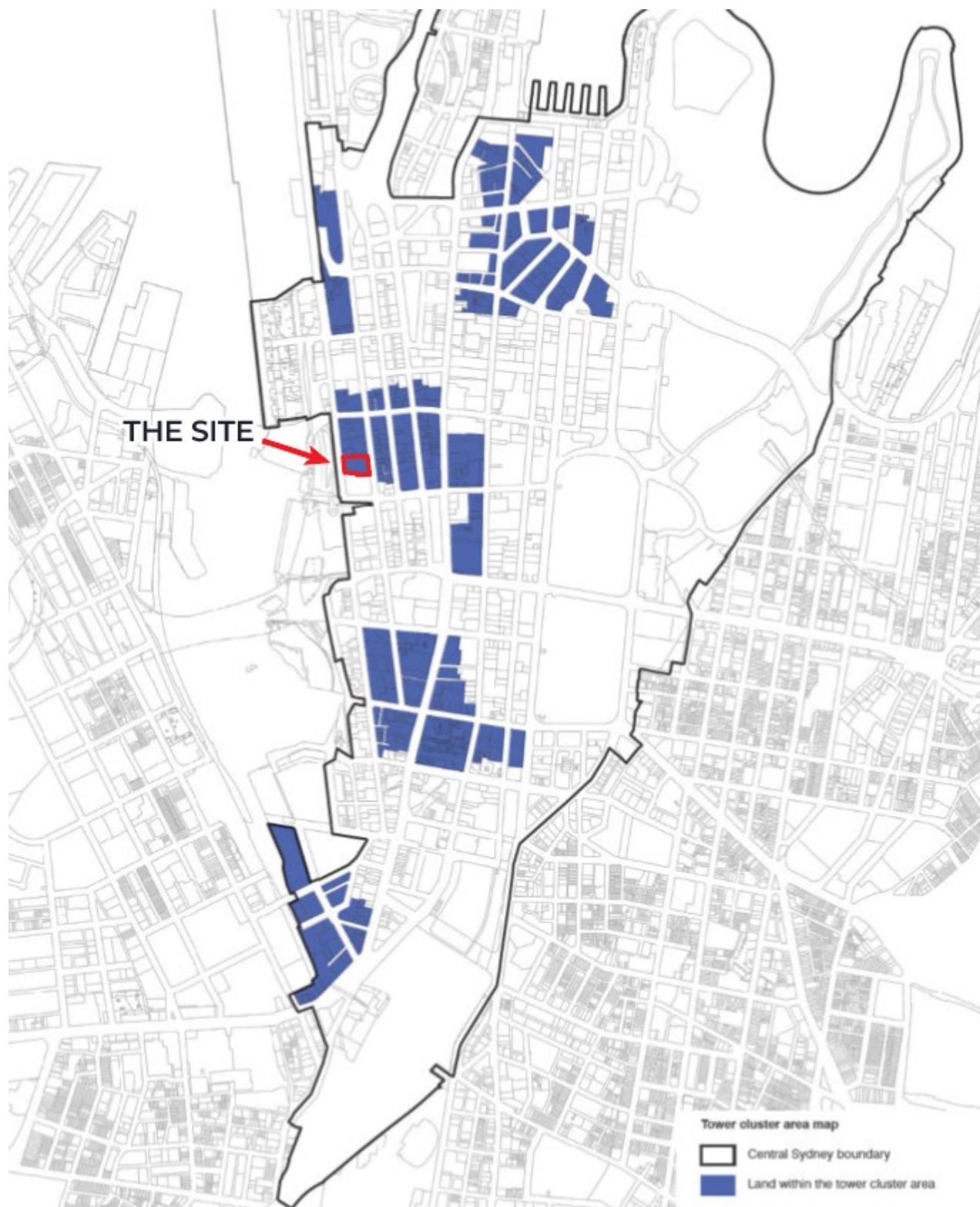


Figure 3 CSPS Tower Cluster Area Map

Source: City of Sydney, edits by Ethos Urban

1.4 Guideline for Site Specific Planning Proposals

The Guideline was prepared to guide the preparation of site-specific planning proposals to determine additional height and floor space achievable in tower cluster areas. In December 2020, Council adopted the guideline as the primary guide for the preparation of planning proposals in Central Sydney.

The Guideline outlines the methodology for determining a possible maximum planning envelope as well as the minimum submission requirements for a Planning Proposal. This Planning Proposal has been prepared in accordance with the Guideline, including the establishment of the planning envelope and proposed height and FSR, which has followed the procedures established in the Guideline, as set out in **Section 8.0** of this Planning Proposal Justification Report.

1.5 Consultation with the City of Sydney

This Planning Proposal has been the subject of extensive pre-lodgement workshops between the City of Sydney, the DAP, and the proponent team since August 2022. The proposal was presented to the DAP and the City in November 2022, with their subsequent review and supportive endorsement to submit a request for planning proposal. Following a draft submission and extensive pre-formal lodgement consultation with the City regarding key matters, the City endorsed the formal lodgement of request for Planning Proposal.

This Planning Proposal has taken into account feedback from the City of Sydney, responding to the guidance relative to FSR and building articulation targets, pedestrian through-site link design provisions, shared loading dock strategy and pedestrian wind environment, as well how the site could incorporate ESD design solutions that assist the City in achieving their net zero policy targets.

The indicative reference scheme as presented in this Planning Proposal constitutes an exemplary outcome for the site that is in alignment with the City's requests. This Planning Proposal is therefore considered to constitute a built form outcome which effectively unlocks the full employment generating potential of the site and is underpinned by direct guidance from the City of Sydney Council to deliver on a strong and sustainable development outcome for the western edge of the Sydney CBD.

2.0 Site Context and Description

2.1 Site Context

The site is located on Gadigal Land within the Eora Nation and is situated within the City of Sydney Local Government Area (LGA). The site constitutes a single lot under a single ownership structure. It has dual frontages, being orientated to Kent Street at the east and Sussex Street at the west. It is located along the CBD's western edge and is positioned centrally on an existing established block bound by King Street to the north and Market Street to the south. The site's locational context in its Central Sydney setting is illustrated in **Figure 4**.

The Sydney CBD is Australia's global gateway to the international economy through its role as a financial hub with a high density and concentration of economic activity. The Sydney CBD's western edge is characterised by commercial buildings comprising ground floor retail with commercial land uses above that mainly entail office space for professional services (particularly financial and insurance services) which represent almost 65% of employment in the precinct (CSPS, 2022). More broadly, the western edge includes a number of key existing commercial buildings such as Darling Park, Westpac Place and Barangaroo, all of which have cumulatively improved the overall amenity of the western edge and lifted its market profile.

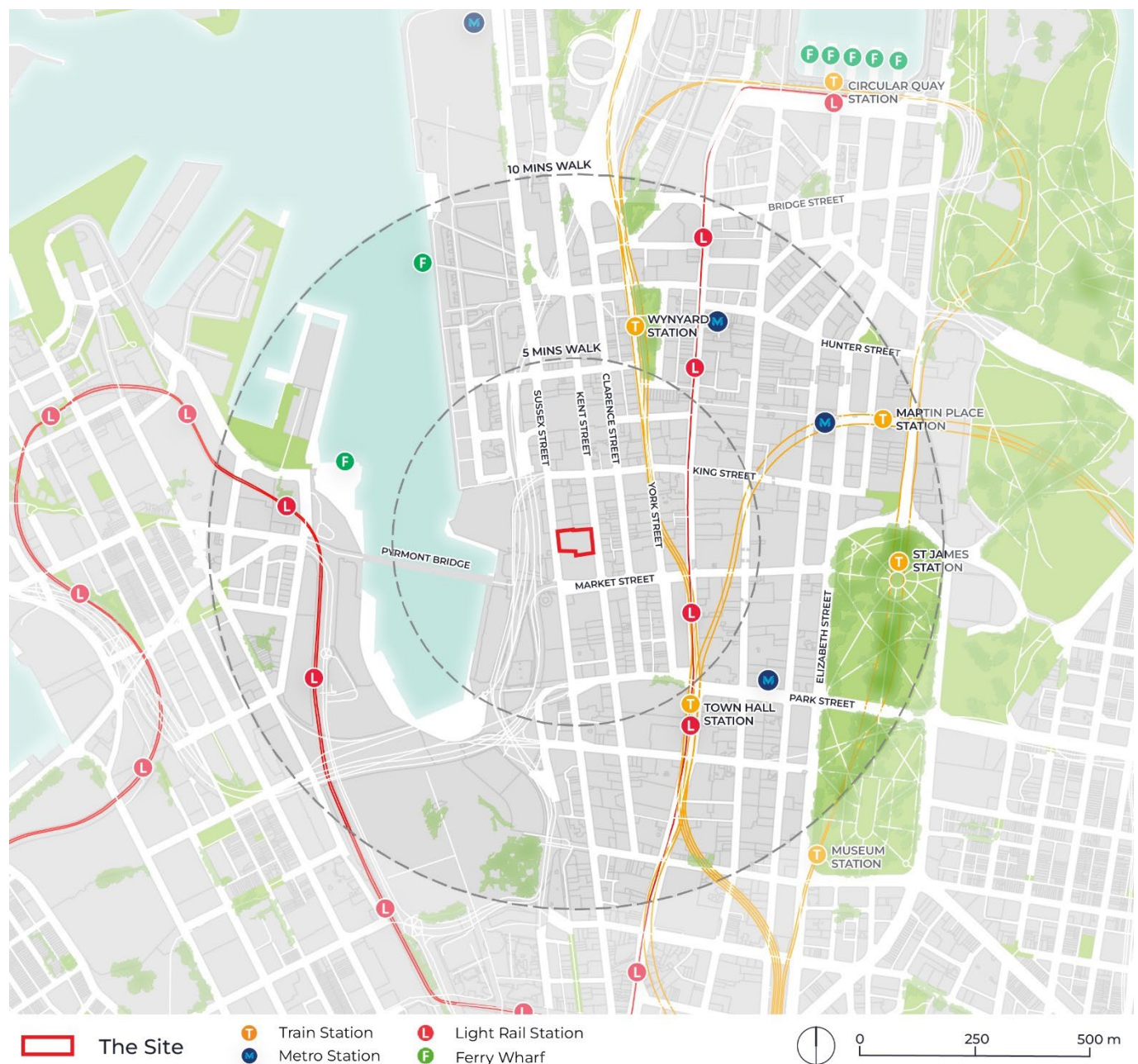


Figure 4 Site Context Map

Source: Ethos Urban

2.2 Site Description

The site, identified as 383-395A Kent Street, Sydney, has a legal description of Lot 1 in DP 778342. It contains a total site area of approximately 3,606m², is irregular in shape and has dual frontages to Kent Street (approximately 53m) and Sussex Street (approximately 43m). Notably, the site has a sloping topography with a level difference of approximately 10m from Kent Street sloping west towards to Sussex Street. An aerial map of the site is provided in **Figure 5** below.



Figure 5 Aerial Map

Source: Nearmap, edits by Ethos Urban

2.2.1 Site History

A 10-storey public car park was built on the site in the late 1970s, as illustrated on the right of frame in **Figure 6** and **Figure 7** below. In the early 2000's, a 14 storey commercial tower comprising approximately 20,000m² of employment generating GFA was constructed and integrated on top of the existing car park. This built form reflects the current development on the site, as explained in **Section 2.2.2** below.



Figure 6 View of along Sussex Street (1996)

Source: City of Sydney Archives

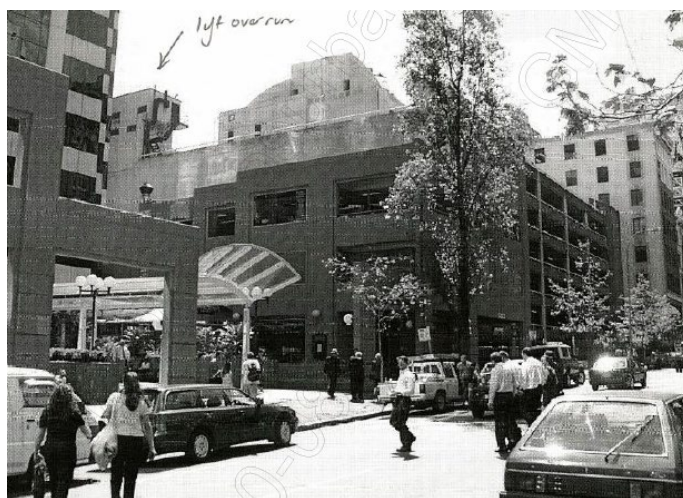


Figure 7 View along Kent Street (mid-late 1990's)

Source: City of Sydney records

2.2.2 Existing Development

The site contains a 19 storey building with ground level access at Kent Street. It includes approximately 18,000m² net lettable office floor space area between Levels 8 and 18, underpinned by the 10 storey car park below. The car park comprises existing Basement 3 to Level 6 and comprises over 800 car spaces, with Level 7 housing plant and other mechanical services. The car park operates as a paid public car park, with some spaces reserved exclusively for the commercial office tenants of the building. Vehicle ingress and egress to the car park is currently available from both Kent Street and Sussex Street.

The site has a primary frontage to Kent Street where the main pedestrian access is fostered. The Kent Street ground floor frontage of the site is characterised by an existing lobby, including concierge, lift core circulation spaces and a café tenancy. The podium fronting Kent Street is perceived as a four (4) storey street wall. An existing view of the site from Kent Street is provided in **Figure 8** below.

The site has a secondary street frontage to Sussex Street which is characterised by the vehicular point of ingress and egress to the existing basement loading dock, and also includes an existing retail tenancy. The podium fronting Sussex Street is perceived as a 10-storey streetwall, which features a ground floor colonnade with glass façade concealing the existing car park above. An existing view of the site from Sussex Street is provided in **Figure 9** below.

As noted in **Section 2.2.1**, the existing tower form was constructed in the early 2000's above the existing 800 car space car park that was constructed in the late 1970's (refer to **Figure 14**). The tower form is significantly set back along its Sussex Street frontage, with a smaller tower setback above the podium facing Kent Street. In addition, the tower form is positioned to the south with a greater northern tower setback. The existing tower captures views of its surrounds, most notably to the west (refer to **Figure 10** to **Figure 13** below).



Figure 8 View from Kent Street looking north-west

Source: Ethos Urban



Figure 9 View from Sussex Street looking east

Source: Ethos Urban



Figure 10 Panoramic view to the west from the existing tower rooftop

Source: Ethos Urban



Figure 11 View from the existing roof looking east

Source: Ethos Urban

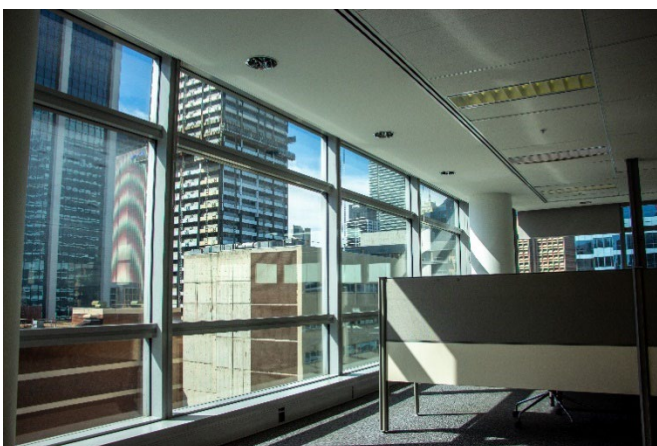


Figure 12 View from Level 14 looking south-east

Source: Ethos Urban



Figure 13 View from Level 14 looking south-west

Source: Ethos Urban

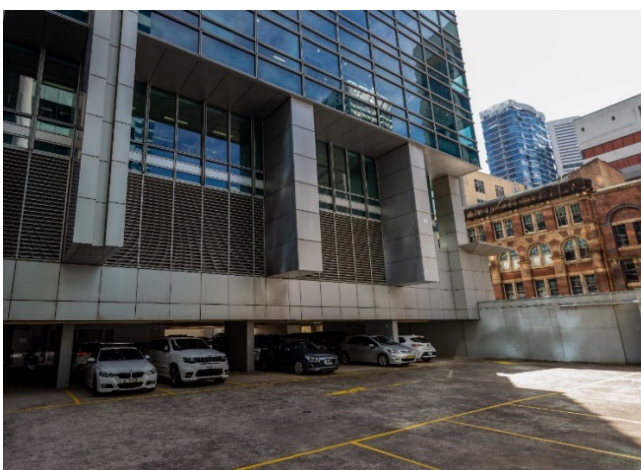


Figure 14 View from the Level 6 (existing car park) looking north-east

Source: Ethos Urban

2.3 Heritage Context

The site does not contain any local or State heritage items. However, the surrounding area, and particularly Kent Street, has a rich heritage context. Nearby heritage items comprise of both State heritage items listed under the *Heritage Act 1977* and S.170 Register, as well as local heritage items listed under Schedule 5 of the Sydney LEP 2012. Further, the site is identified within the 'York Street Special Character Area including Clarence Street and Kent Street', as denoted in the Sydney DCP.

The heritage items that surround the site are illustrated visually in **Figure 15** below and are also documented in **Table 1**.

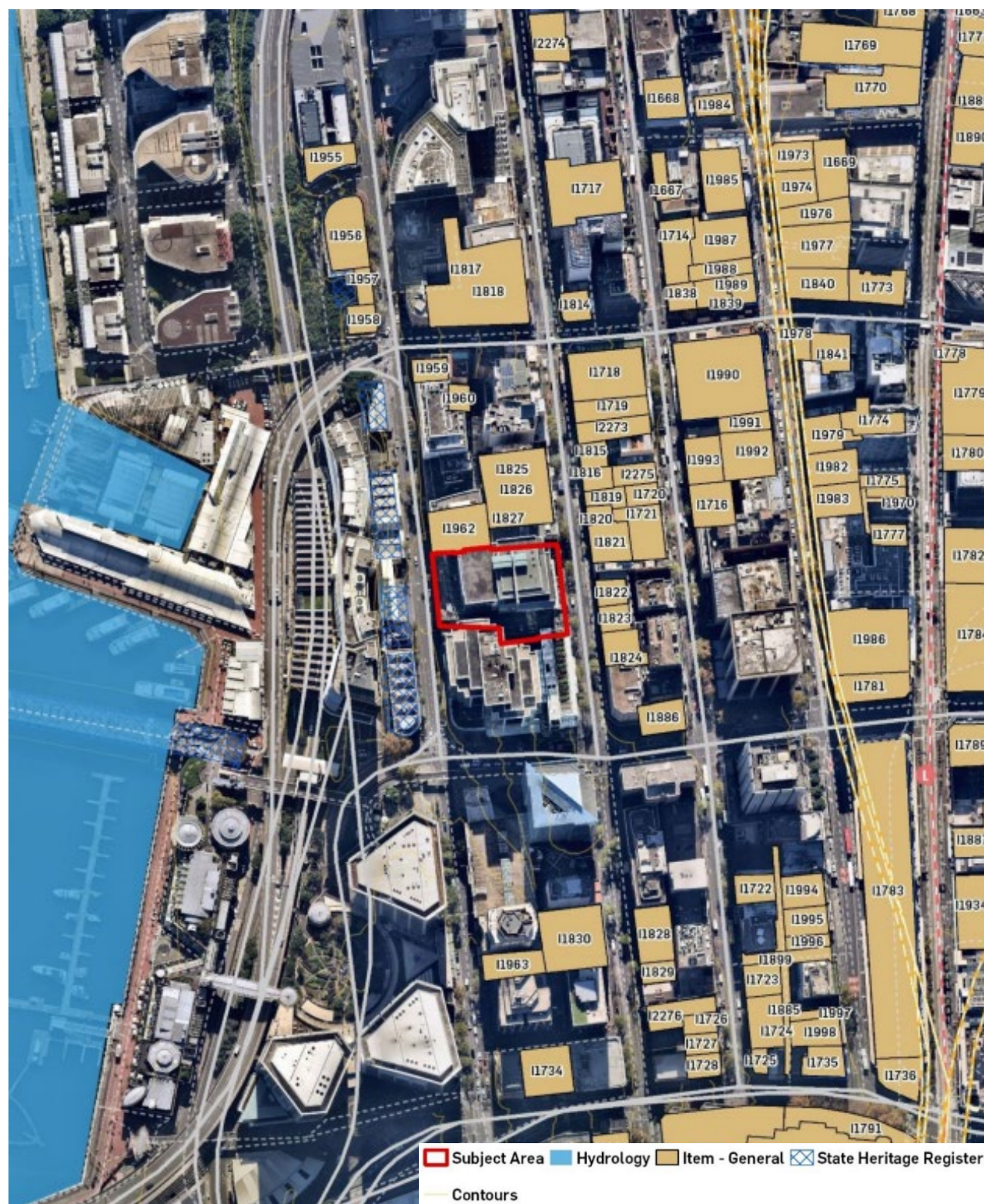


Figure 15 Heritage Context Map

Source: Urbis

Table 1 *Heritage Items within the vicinity of the site*

Significance	Item No.	Item Name	Address
State	SHR 00413	Warehouses (former) and Hunter River Steamship Navigation Company Office	139-153 Sussex Street
	SHR 00414	Building	161 Sussex Street
	SHR 00415	Terrace Houses	163-169 Sussex Street
	SHR 01619	Corn Exchange	173-185 Sussex Street
	SHR 00416	Dundee Arms Hotel	171 Sussex Street
	SHR 4500361	Shelbourne Hotel	200 Sussex Street
Local	I1962	Former "CMC House" facade	160-166 Sussex Street
	I1827	Former warehouse facade (373-377 Kent Street)	365-377 Kent Street
	I1826	Former warehouse facade (367-371 Kent Street)	365-377 Kent Street
	I1825	Former warehouse facade (365 Kent Street)	365-377 Kent Street
	I1824	Former warehouse including interior and cart docks	364-372 Kent Street
	I1823	Former "Hordern" warehouse including interiors	360-362 Kent Street
	I1822	Former warehouse including interiors	352-358 Kent Street
	I1821	Former warehouse including interiors, cartway, courtyard and interior	346-348 Kent Street
	I1820	Former warehouse including interiors	342-344 Kent Street
	I1819	Former warehouse including cartway, courtyard and interior (formerly 340 Kent Street)	338 Kent Street

2.4 Surrounding Context

The site is located within a CBD context and as such is characterised by a range of high density buildings, predominantly containing retail, commercial office and hotel land uses. The site sits within the western edge of the Sydney CBD and is perceived from a western view catchment as shown in **Figure 16** below.

Figure 15 depicts the skyline of the CBD's western edge and existing surrounding development. The site appears behind the Hyatt Regency Hotel with Sydney Tower and 25 Martin Place buildings viewable in the distance. The western edge skyline is characterised by buildings such as 275 Kent Street, 321 Kent Street, 347 Kent Street, Hyatt Regency Hotel, 1 Market Street, Darling Park and Barangaroo International Towers and Crown Sydney.



Figure 16 *View of the western edge of the Sydney CBD from Darling Harbour identifying the site*

Source: Ethos Urban

2.4.1 North

To the immediate north of the site fronting Kent Street is an 8-storey commercial office building. Further north of the site, also fronting Kent Street (No. 365), is a 23-storey residential building known as 'Windsor on Kent', comprising former warehouse facades along the Kent Street frontage, which are identified as local heritage items (I1825, I1826 and I1827) with the residential tower located above. Refer to **Figure 17**.

To the immediate north of the site along Sussex Street is a 14-storey commercial office building, comprising the heritage listed former "CMC House" façade (I1962) with a commercial building located above. Refer to **Figure 18**.



Figure 17 View along Kent Street to the north

Source: Ethos Urban



Figure 18 View along Sussex Street to the north

Source: Ethos Urban

2.4.2 East

To the immediate east of the site, on the eastern side of Kent Street are several commercial adaptive warehouse buildings ranging from 5-10 storeys (refer to **Figure 19** below). The context of this part of Kent Street is described below (from north to south):

- 346-348 Kent Street comprises a 5-storey commercial office building, it is a local heritage item (I1821) identified as a 'former warehouse including interiors, cartway, courtyard and interior';
- 350 Kent Street comprises a 10-storey commercial office building;
- 352-358 Kent Street comprises an 8-storey commercial office building, it is a local heritage item (I1822) identified as a 'former warehouse including interiors';
- 360-362 Kent Street comprises an 8-storey commercial office building, it is a local heritage item (I1823) identified as the 'Former "Hordern" warehouse including interiors'; and
- 364-372 Kent Street comprises a 6-storey commercial office building with restaurant and café at the ground floor, it is a local heritage item (I1824) identified as a 'former warehouse including interior and cart docks'.



Figure 19 View to the east of the site along Kent Street looking upwards

Source: Ethos Urban

2.4.3 South

To the immediate south of the site is 2 Market Street. It comprises a 24-storey commercial tower including a car park and has frontages to Market Street, Kent Street and Sussex Street (refer to **Figure 20** and **Figure 21** below). Further south of the site is the 1 Market Street tower (**Figure 22**) and Darling Park (**Figure 23**).



Figure 20 View of 2 Market Street looking north-east

Source: Ethos Urban



Figure 21 View 2 Market Street looking north-west

Source: Ethos Urban



Figure 22 View of 1 Market Street looking south-west

Source: Ethos Urban



Figure 23 View of Darling Park looking south-west

Source: Ethos Urban

2.4.4 West

To the immediate west of the site on the western side of Sussex Street is the Hyatt Regency Hotel. Fronting Sussex Street is a porte cochere and hotel lobby positioned across from the site (refer to **Figure 25**). Other buildings which characterise the western side of Sussex Street are various heritage items including the Dundee Arms Hotel (a small three-storey pub listed as a State heritage item (Item 00146), a Warehouse (former) and Hunter River Steamship Navigation Company Office (State heritage Item 00413) and the Corn Exchange building (State heritage Item 00416).

The Hyatt Regency Hotel buildings are set back from Sussex Street with buildings ranging from 15-storeys in its northern portion and 25-storeys at its southern portion. The southern tower was recently completed in 2016 and comprises 231 hotel rooms associated with the Hyatt Regency and also includes approximately 5,775m² of commercial floor space. The western context and surrounding development is illustrated in **Figure 24**, **Figure 25** and **Figure 26**.



Figure 24 View of The Dundee Arms and Hyatt Regency looking south-west

Source: Ethos Urban



Figure 25 View of the Hyatt Regency looking west

Source: Ethos Urban



Figure 26 View of the Hyatt Regency looking north-west

Source: Ethos Urban

2.4.5 Future Surrounding Context

In a post Covid-19 context, the Sydney CBD is undergoing a period of evolution and change. There have been a number of recently completed commercial projects that now form part of the character of the Sydney CBD. Additionally, and in response to the vision contained within the CSPS, there have been a number of significant projects both proposed and approved that will significantly contribute to Sydney's future context. These new future developments will be supported from recent State Government investment through the new Metro infrastructure works. Once complete, the Sydney CBD will be enhanced as a rich transit-orientated place.

The future context of the Sydney CBD is illustrated in **Figure 27** below, which highlights key sites that are under-construction, have been approved, or are within their initial planning phases, for new tower developments.



Figure 27 Future Surrounding Development Map

Source: Nearmap, edits by Ethos Urban

3.0 Current Planning Controls

3.1 Sydney Local Environmental Plan 2012

The Sydney LEP 2012 is the principal environmental planning instrument applying to the site. The key controls relating to the site and Planning Proposal are identified in the following sections.

3.1.1 Land Zoning

The site is zoned SP5 Metropolitan Centre. Development for the purpose of 'Commercial premises' is permissible with development consent.

3.1.2 Height of Buildings

The site has a maximum height limit of 110m under clause 4.3 of the Sydney LEP 2012 (**Figure 28**). Further, the site is not affected by existing sun access planes under Schedule 6A of the Sydney LEP 2012. The site does not affect any Sun Access Planes identified in clause 6.17 of the Sydney LEP 2012.

Under 'Clause 6.18 – Overshadowing of certain public spaces', development of the site must not result in additional overshadowing of the following sites during the following control periods:

- **Sydney Square** – between 14 April to 31 August, during the hours of 11am to 4pm;
- **Sydney Town Hall Steps** – between 14 April to 31 August, during the hours of 10:30am to 4pm; and
- **Future Town Hall Square** – All year, between midday to sunset.



Figure 28 Sydney LEP 2012 – Height of Buildings Map

Source: City of Sydney, edits by Ethos Urban

3.1.3 Floor Space Ratio

Under clause 4.4 of the Sydney LEP 2012, the mapped FSR control for the site is 8:1 (**Figure 29**). As the site is identified within Area 3 under clause 6.4 of the Sydney LEP 2012, it is eligible for the following additional FSR bonuses:

- 2.5:1 FSR bonus for: business premises, educational establishments, entertainment facilities, function centres, health services facilities, information and education facilities, light industries, office premises or retail premises.
- 3.5:1 FSR bonus for: centre-based child care facilities, community facilities or hotel or motel accommodation.

In addition, the site may also be potentially eligible for additional floor space under clauses 6.5A and 6.6 of the Sydney LEP 2012:

- Clause 6.5 allows for existing car parking floor space to be allowed when it is replaced by a community loading dock facility or shared loading dock facility.
- Clause 6.5A allows for additional floor space equal to the area of community or shared loading dock facility provided with the development.
- Clause 6.6 allows for a maximum of 0.3:1 of additional FSR when a building used only for the purposes of commercial premises includes end of journey facilities, including showers, change rooms, lockers and bicycle storage areas.

Clause 6.21D of the Sydney LEP 2012 enables up to 10% of additional floor space if a competitive design process is undertaken and design excellence is demonstrated. As the site is within a mapped tower cluster zone, clause 6.21E of the Sydney LEP 2012 enables up to 50% of additional floor space on top of the base FSR and accommodation floor space and is discussed further in **Section 3.1.4** below.

As such, clause 6.21E of the Sydney LEP 2012 enables the maximum permissible FSR of 15.75:1 for a building which proposes commercial uses on the subject site.



Figure 29 Sydney LEP 2012 – Floor Space Ratio Map

Source: Sydney Local Environmental Plan 2012, edits by Ethos Urban

3.1.4 Tower Cluster Area

Clause 6.21E of the Sydney LEP 2012 stipulates a tower cluster design excellence process for sites within designated tower cluster zones. Under this Clause, the site is located within a designated tower cluster zone (refer to **Figure 30** below) and is eligible for additional floor space under this clause if the consent authority is satisfied that the building demonstrates design excellence, designed by a winner of an architectural design competition carried out in accordance with the City of Sydney Competitive Design Policy.

Under the provisions of Clause 6.21E, up to an additional 50% floor space bonus (calculated on the base FSR and any accommodation floor space) could be granted by a consent authority if the site meets the following criteria:

- The site is mapped within a tower cluster zone;
- The unencumbered area of the site is greater than 2,000m², excluding areas occupied by:
 - heritage items;
 - public places (streets, lanes, parks, squares);
 - areas above or below major infrastructure including bridges and viaducts used for rail, vehicle and pedestrian purposes;
 - major utility infrastructure; and
 - publicly accessible open spaces, easements, common access areas and privately owned lanes.
- Must only contain commercial premises, centre-based child care facilities, community facilities, educational establishment, entertainment facilities, function centres, health services facility, hotel or motel accommodation, information and education facilities, light industries and ancillary uses such as parking, utilities and storage (that is, the proposed development cannot contain residential accommodation or serviced apartment uses).

As per the above criteria stipulated in Clause 6.21E of the Sydney LEP 2012, the site is located within a tower cluster area, has a site area greater than 2,000m² and will contain commercial premises. Accordingly, the proposal qualifies as being able to achieve a tower cluster design excellence planning pathway (subject to an architectural design competition), as outlined in the City of Sydney Competitive Design Policy. A total FSR of 15.75:1 could theoretically be achieved through this pathway.



Figure 30 Sydney LEP 2012 – Locality and Site Identification Map

Source: Sydney Local Environmental Plan 2012, edits by Ethos Urban

3.1.5 Sustainability Requirements for certain Large Commercial Development

Clause 7.33 of the Sydney LEP 2012 was gazetted in July 2023 and will apply to the proposal. Specifically, clause 7.33(2) requires the Consent Authority to consider whether the development:

- is designed to optimise energy efficiency and the use of renewable energy generated on-site, and*
- for a development application made on or after 1 January 2026—will also achieve net zero emissions from energy used on-site, including by using renewable energy generated on-site and off-site.*

Regardless of a future detailed DA being lodged prior or after to 1 January 2026, the proposal (as described in **Section 4.0**) is capable of achieving compliance with the requirements of clause 7.33 of the Sydney LEP 2012 (refer to **Section 4.5**).

3.2 Sydney Development Control Plan 2012

The Sydney DCP provides additional detailed design guidance which builds upon the provisions of the Sydney LEP 2012. The site is located within Central Sydney as identified in the Sydney DCP 2012, meaning it is subject to built form controls relating to street frontage heights, setbacks, building bulk, facades and sun access planes.

To give effect to the CSPS, a number of amendments were made to the Sydney DCP in relation to locality statements, building street frontage heights, street setbacks, building separation and amenity/outlook, tapering and wind, which are represented in Schedule 11 of the Sydney DCP.

More generally, the Sydney DCP establishes a number of controls that are relevant to the site and proposal, these are identified in **Table 2**.

Table 2 Sydney DCP Relevant Controls

Provision	Relevant Control
Locality Statement	
York Street Special Character Area (including Clarence Street and Kent Street)	<p>The eastern half of the site fronting Kent Street is located within the York Street Special Character Area which also includes areas along Clarence Street and Kent Street, as illustrated in Figure 31. Development in this area must achieve and satisfy the locality statement principles, which are as follows:</p> <ul style="list-style-type: none"> b. <i>Maintain and reinforce the urban character and scale of the area by requiring development to:</i> <ul style="list-style-type: none"> i. <i>Have street frontage heights and building setbacks above street frontage heights, consistent with the prevailing scale and form of heritage items.</i> ii. <i>Respond to the historic warehouse and commercial typologies and materiality in the area.</i> iii. <i>Ensure new development is designed and sited to enhance the views and settings of heritage items within the area.</i> iv. <i>Maintain and enhance the historic fine grain subdivision pattern.</i> v. <i>In Barrack Street, ensure new development is limited in height to the prevailing height of buildings, and enhances solar access to the public domain.</i> c. <i>Conserve and enhance the heritage significance of warehouses and associated cartways and courtyards and ensure solar access to courtyards is maintained and enhanced in the design of new development.</i> d. <i>Conserve and enhance the historic pattern of streets and lanes, and encourage fine grain pedestrian permeability through the longer street blocks. Conserve early sandstone and woodblock street pavements that is known to survive within the area beneath later pavements.</i> e. <i>Enhance the character of the lanes by protecting solar access, and encourage active uses, where compatible with the significance of aligning buildings. Ensure development provides appropriate streetwall heights and high quality designed active frontages.</i> f. <i>Conserve and enhance existing significant views between the area and Darling Harbour and Pyrmont, higher level views north to the Harbour Bridge and the significant vistas terminated by the QVB building, Sydney Town Hall, and the General Post Office building beyond the area.</i> g. <i>Maintain and enhance the visual relationship between Darling Harbour and heritage items historically associated with the maritime and trading functions.</i>

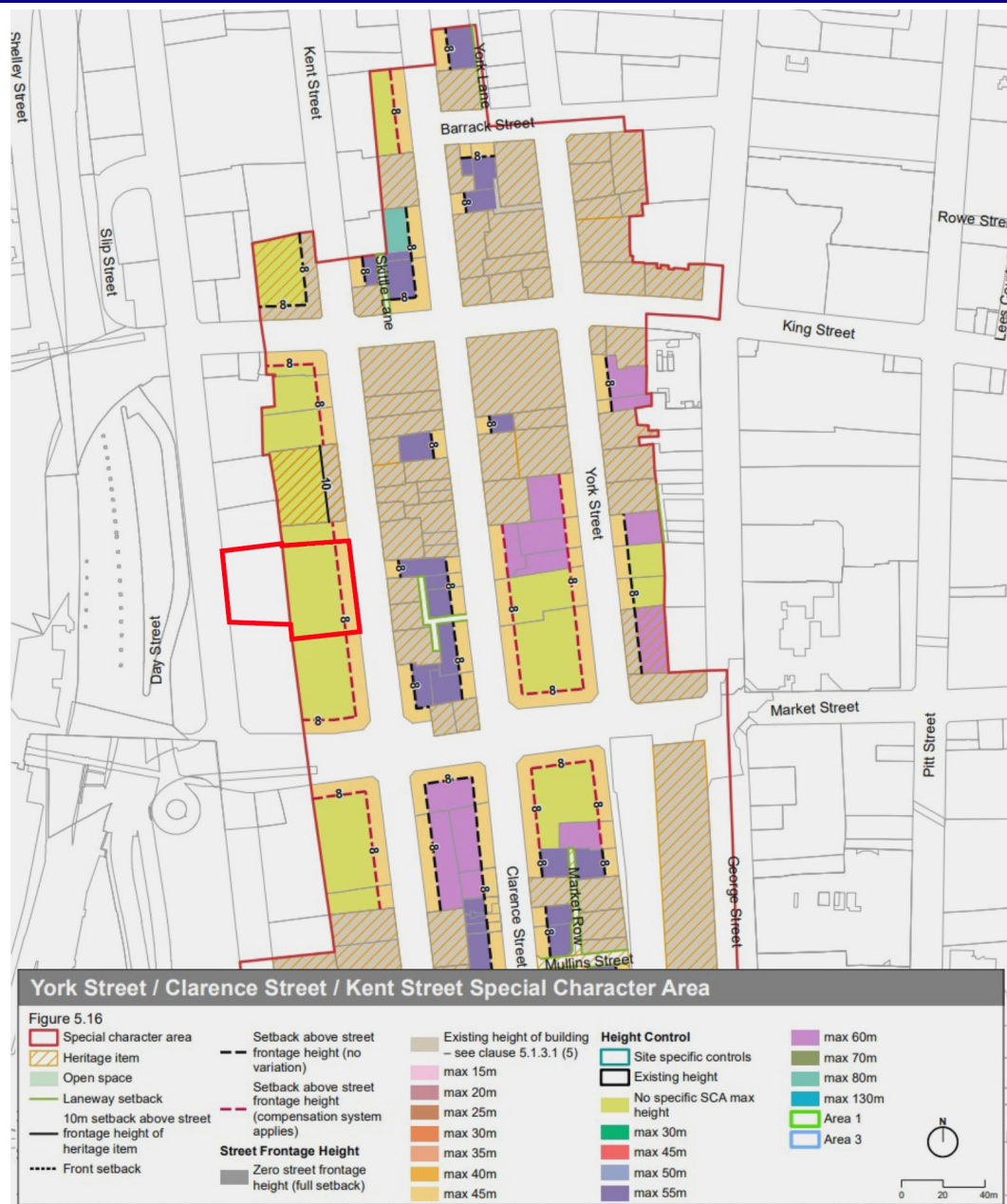


Figure 31 York Street / Clarence Street / Kent Street Special Character Area Map

Source: Sydney Development Control Plan 2012, edits by Ethos Urban

Street Frontage Heights

Kent Street	Maximum street frontage of 45m as per Figure 31 .
Sussex Street	20-25m as the proposed total maximum height is greater than 120m.

Building (Tower) Setbacks

Kent Street	8m setback above the podium as per Figure 31 .
Sussex Street	8m as the proposed development is greater than 120m.
Side setbacks	3.33% of the proposed total height of the building.

Building Form Massing, Tapering and Maximum Dimensions

Maximum horizontal dimension	Above the street frontage height, the maximum horizontal dimension of a building including all external elements measured in any direction cannot exceed 100 metres.
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Provision	Relevant Control
Tapering	<p>Above the street frontage height, the total planning envelope area may occupy the following proportion of the site area less any areas of heritage items and required DCP setbacks:</p> <ul style="list-style-type: none"> • 100% up to 120m above ground; • 90% above 120m up to 140m above ground; and • 80% above 240m above ground.

Heritage Items, Warehouses and Special Character Areas

Development adjacent to heritage items	<ol style="list-style-type: none"> 1. <i>New development adjacent to a heritage item should respect and reinforce the historic scale, form, modulation, articulation, proportions, street alignment, materials and finishes that contribute to the heritage significance of the adjacent heritage item.</i> 2. <i>Consideration must be given to the impact of adjacent development on the significance, setting, curtilage, landmark values and ability to view and appreciate the heritage item from Public Places.</i>
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Sun Protection of Public Parks and Places

No Additional Overshadowing	<p>The Sydney LEP 2012 requires buildings to maximise sunlight access to Public Places by establishing No Additional Overshadowing (NOA) for 8 major public areas. The NOA affecting the site are outlined in Table 3 below.</p>
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Table 3 Summary of NOA areas affecting the Site

Park or Place	NOA Dates	NOA Times
Sydney Town Hall Steps	14 April–31 August	10.30am–4:00pm
Sydney Square	14 April–31 August	11:00am–4:00pm

Through-Site Links

The site is identified on the Sydney DCP Through-Site Links Maps, as illustrated in **Figure 32** below. It includes a proposed pedestrian through-site link between Kent Street and Sussex Street.



Figure 32 Sydney DCP – Through-Site Links Map

Source: Sydney Development Control Plan 2012, edits by Ethos Urban

4.0 Proposal

This section describes the proposed amendments to the Sydney LEP 2012 and Sydney DCP, including a description of the proposed planning envelope and the indicative design prepared to support this envelope. Included within this section is a discussion of the background analysis completed by the proponent's design team to identify an appropriate envelope on the site, including consideration of the existing and proposed planning framework as set out in **Section 3.0** above.

4.1 Site Opportunities and Considerations

In undertaking a review of the site's development potential, key site opportunities and considerations have been identified to shape the proposed redevelopment. These opportunities and considerations have contributed to shaping a planning envelope, and ultimately the proposed amendments to both the Sydney LEP 2012 and Sydney DCP which will guide the future redevelopment outcome.

The key opportunities and considerations that have informed the exploration of design opportunities for the proposal are outlined below.



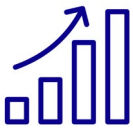
Site

The site represents a singular lot under independent ownership with a total area of 3,606m², which exceeds the minimum area for a tower cluster site (2,000m²) and can allow for sufficient building setbacks to be achieved.



Reduction of car parking in Central Sydney

The redevelopment of the site presents the opportunity to remove a car dependent structure from Central Sydney, removing capacity for 800 car parking spaces and thereby discouraging private vehicles trips to the Sydney CBD, and encouraging public and active transport options.



Setting a New Standard for Sustainability along the Western Edge

The development of a new commercial tower on the site presents an opportunity to set a new standard of sustainability along the western edge. The site's prominent location enables the site to deliver a sustainable tower that will form part of the western edge CBD skyline, building on the proof that Central Sydney can be a true green global city.



Maximum Building Height

The overall building height is determined by no additional overshadowing controls protecting sun access to key prominent civic spaces.



Tenant Workplace Drivers

The market-based parameters used to identify building quality as set out within *A Guide to Office Building Quality* must be considered, including the achievement of reasonably sized floor plates to attract and maintain key tenants, including large contiguous and subdivisible spaces.



Balancing European and Non-European Heritage Considerations

The proposed streetwall heights are consistent with the surrounding architectural heritage context along Kent Street with regard to podium height. There is also an opportunity to consider bringing a fresh new balance to the context of nearby European heritage items within the York Street Special Character Area to provide design solutions that make space for Connecting with Country design initiatives to be factored into a future design for this new place.



Pedestrian Through-Site Link

The provision of a pedestrian through-site link is identified for the site within the Sydney DCP. The site represents a significant opportunity to provide a through-site connection between Kent Street and Sussex Street and facilitate the final piece of the puzzle in connecting George Street to Darling Harbour via through-site links between King Street and Market Street. This will further provide an opportunity to activate the public domain and bring pedestrian focus to the site.

4.2 Preliminary Options Explored

FJC was engaged by Charter Hall to review the development potential of the site and investigate options to redevelop the site in line with Council's policy intent under the CSPA. The options set out below were explored, tested and formed part of the consultation material with Council for discussion prior to lodgement. Each option considered during a preliminary planning phase is elaborated on below.

4.2.1 Do Nothing

A 'do nothing' approach and retaining the existing planning controls on the site would represent a significant missed opportunity, preventing the opportunity to realise the highest and best use of the site consistent with it being identified within a tower cluster area under the CSPA.

The continued use of the site for a 10-storey car park comprising over 800 parking spaces is inconsistent for traditional office space use and with the future vision for Central Sydney, which at its core, seeks to encourage active and public transport to create a more liveable and sustainable city. The building in its current form contributes to existing congestion within the Sydney CBD and prioritises car dependency above pedestrian amenity. The site is supported by existing public transport with future capacity to be delivered via the Sydney Metro City and South-West, and Metro West projects and is capable of accommodation uplift.

The site is identified within a tower cluster area under the CSPA, which identifies sites that are intended to create growth opportunities for employment floor space, to support a more efficient use of land and encourage innovative design. The central aim of the CSPA is to support good growth while balancing the need to protect and enhance the public places that make the city unique. As such, a 'do nothing' approach would represent a missed opportunity that is inconsistent with the aims of the *Central Sydney Planning Strategy*.

Further, the retrofit or internal upgrade of the existing building does not represent a feasible option or an option consistent with the City's vision. The existing building on the site contains a purpose built 10-storey car park constructed in the 1970's that is unable to be converted into usable floor space as a result of reduced floor to floor heights, limited residual design life, unsustainable infrastructure (including existing compromised structure), undesirable design and amenities and will not result in any significant improvement to amenity at the ground plane or any substantial public benefit.

4.2.2 Complying LEP / DCP Scheme

A complying envelope limited by the existing provisions of the Sydney LEP 2012 and Sydney DCP (as outlined in **Section 3.0**) would fail to capitalise on the site's unique attributes as a large single allotment, in a prominent position within the CBD's western edge, as well as its highly valued identification as a tower cluster site as nominated by the CSPA. Such a proposal would be limited to 15.75:1 FSR through the tower cluster DA process, which would not feasibly justify the demolition of the existing building, and would also fail to achieve the objectives of the CSPA and aforementioned benefits.

A scheme that represents a complying envelope under the existing controls is not considered to facilitate the highest and best use of the site, as it would not be capable of delivering the best outcome in regard to providing a genuine public benefit on site that is capable of creating meaningful change to the surrounding area.

4.2.3 Summary

An analysis of a 'do nothing' scenario, or act on a compliant scheme utilising the existing mechanisms for growth under the Sydney LEP 2012 and Sydney DCP has determined that these options would not be able to maximise on the opportunity for greater floor space capacity at the site. Therefore, these options have not been considered as they would not deliver on the vision and key directions of the CSPA. In summary these scenarios were discounted as:

- The planning envelopes do not maximise the floor space capacity of the site, resulting in a sub-optimal quantum of floor space being delivered, misaligned with the vision and intent of the CSPA.
- The resulting building able to be delivered within either of these envelopes would not meet the needs and aspirations of the commercial office market and tenants, reducing the quality of the outcome and missing the opportunity to achieve one of the key objectives of the CSPA to ensure Sydney remains a globally competitive city.

As such, the proposed planning envelope outlined in **Section 4.3**, together with the reference design detail in **Section 4.4** form the highest and best use of the site enabling redevelopment of the site and revitalisation of the western edge.

4.3 Proposed Planning Envelope

The proposed planning envelope constitutes a podium and tower form, consistent with the prevailing character of buildings in Central Sydney and as guided by the provisions of the Sydney DCP and the CSPS. The planning envelope delivers on the objectives of the CSPS, providing additional employment floor space to meet the anticipated development needs of the foreseeable future, and has been developed taking into account the site-specific opportunities and considerations as explained in **Section 4.1**. The scheme has been developed following feedback from Council and the DAP and provides a strong contextual response to both the character of the surrounding area as well as the desired future outcome for the immediate vicinity.

The proposed planning envelope constitutes a podium and tower form, consistent with podium characteristics along Kent Street and providing a tower form that is in alignment with other tall buildings in Central Sydney, as guided by the provisions of the Sydney DCP. It will provide a maximum height of up to RL 189.80m, with a podium height of up to RL 34.80m on Sussex Street and up to RL 46.20m on Kent Street. The key elements of the envelope are described in detail below and are illustrated in the Design Report, as prepared by FJC and included at **Appendix A**.

4.3.1 Basement

A basement envelope is proposed across the site. The basement envelope will accommodate two (2) levels from the Kent Street streetscape ground floor (RL 19.2m) to the lowest basement level at RL 6.8m.

4.3.2 Podium

The proposed podium envelope responds to the prevailing streetwall character and height along Kent Street and Sussex Street and has been designed to be built to the boundary at both streetscapes and side elevations.

At the Kent Street frontage, the upper podium envelope form (refer to **Figure 33**) has been informed and designed to align with the existing heights of the podiums of adjoining development along Kent Street. This has resulted in a Kent Street streetwall height of up to RL 46.20m (approximately 27m above the Kent Street public domain ground floor plane) and will read as a five (5) storey podium when viewed from the east (refer to **Figure 38**), which is respectful of the prevailing street wall height in the streetscape.

At the Sussex Street frontage, the lower podium envelope form (refer to **Figure 34**) has been designed to height up to RL 34.80m (approximately 25m above the Sussex Street public domain ground floor plane) and will read as a six (6) storey podium when viewed from the west (refer to **Figure 39**). The northern podium envelope setback at the Sussex Street elevation also includes a gradated stepped form so to ensure that a comfortable wind environment can be achieved at the Sussex Street public domain (refer to **Figure 39** below, as well as **Section 9.8** of this report).

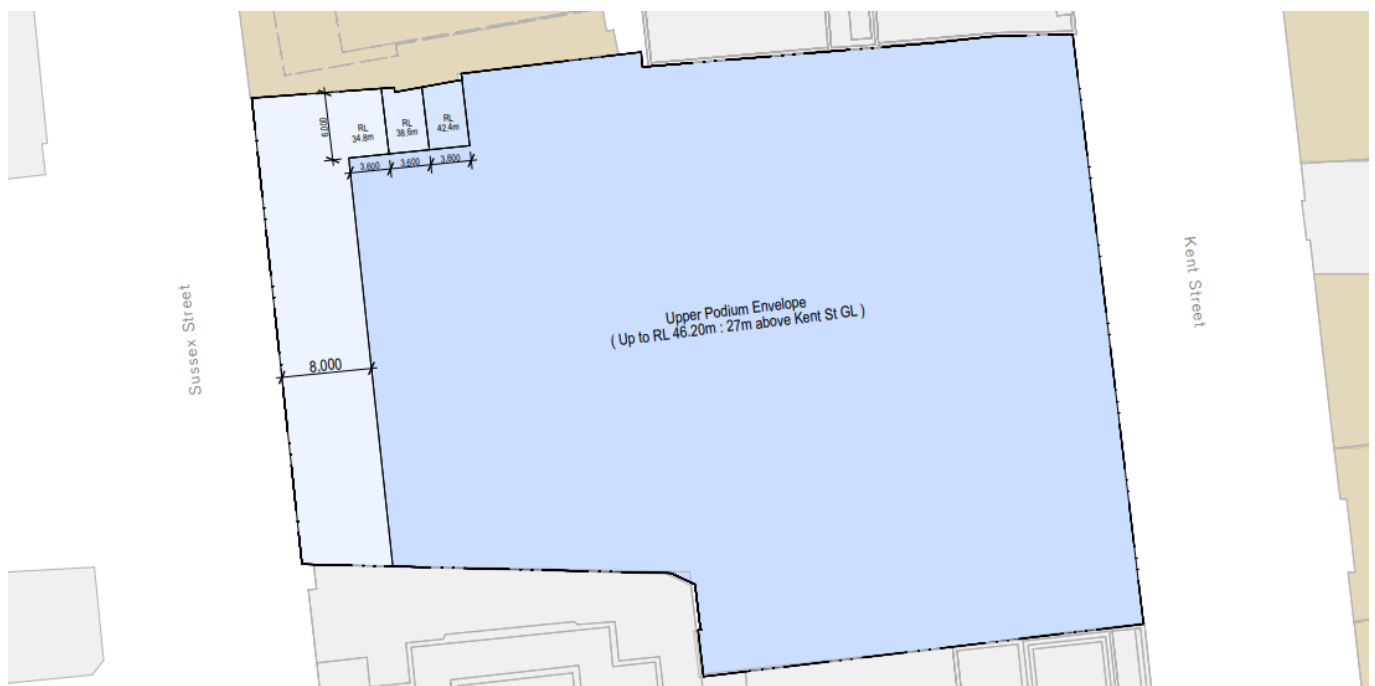


Figure 33 Upper Podium Envelope

Source: FJC

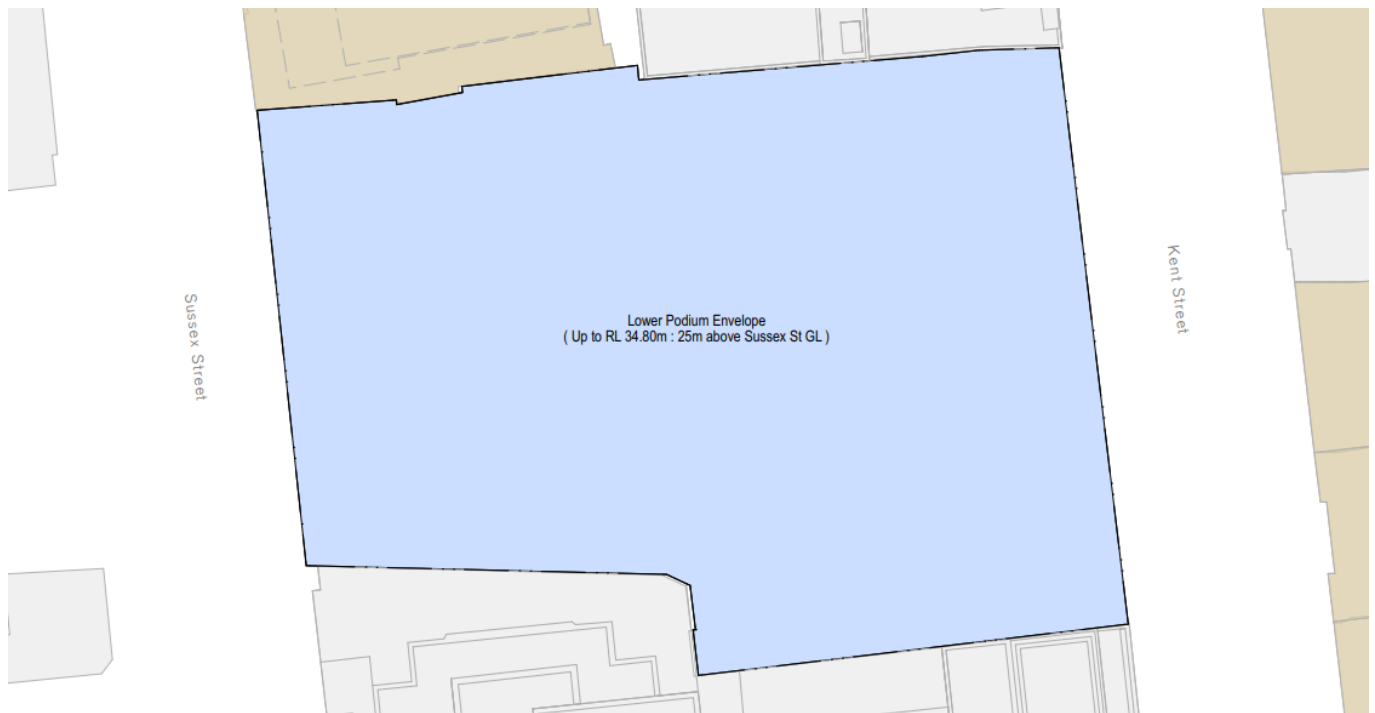


Figure 34 Lower Podium Envelope

Source: FJC

4.3.3 Tower

The maximum height of the tower envelope is RL 189.80m, which is approximately 170m above Kent Street and 180m above Sussex Street. The tower envelope reflects a regular and linear floor plate with the following setbacks above the podium (refer to **Figure 37**):

- A minimum of 8m from Kent Street;
- A minimum of 8m from Sussex Street;
- Between 5.71m and 5.95m from the northern boundary; and
- Between 4.92m and 5.39m from the southern boundary.

The proposed Kent Street tower setback is consistent with the 8m York Street / Clarence Street / Kent Street Special Character Area requirement identified under Section 5.1.1.1 of the Sydney DCP, and is therefore compliant. The proposed Sussex Street tower setback is consistent with the 8m street setback requirement for buildings with a height of greater than 120m, identified within Table 5.2 of Section 5.1.1.1 of the Sydney DCP, and is therefore compliant.

The side tower setbacks have been developed in accordance with Table 5.4 of Section 5.1.1.3 of the Sydney DCP, which requires that side and rear setbacks above the street frontage height for buildings between 120m and 240m should represent 3.33% of the total height of the proposed building. Additionally, the proposed northern and southern setbacks also utilise the flexibility of Section 5.1.1.3 (5) which enables slight variations to side and rear setbacks where the top of the building has been designed with varied heights.

The proposed side setbacks for the tower form above the podium heights are compliant with this DCP provision and (due to the east-west sloping topography of the site) results in varied side setbacks of between 5.71m and 5.95m applied to the northern elevation and 4.92m and 5.39m applied to the southern elevation.

As the height of the proposed building is governed by the no additional overshadowing solar access plane controls, the calculation of the southern side setback has derived from the extrapolation of the proposed height of the building at six (6) key points as they respond to the limits of the solar access plane in these locations. This has resulted in the slightly varied side setback at the southern elevation, as shown in **Figure 35** below.

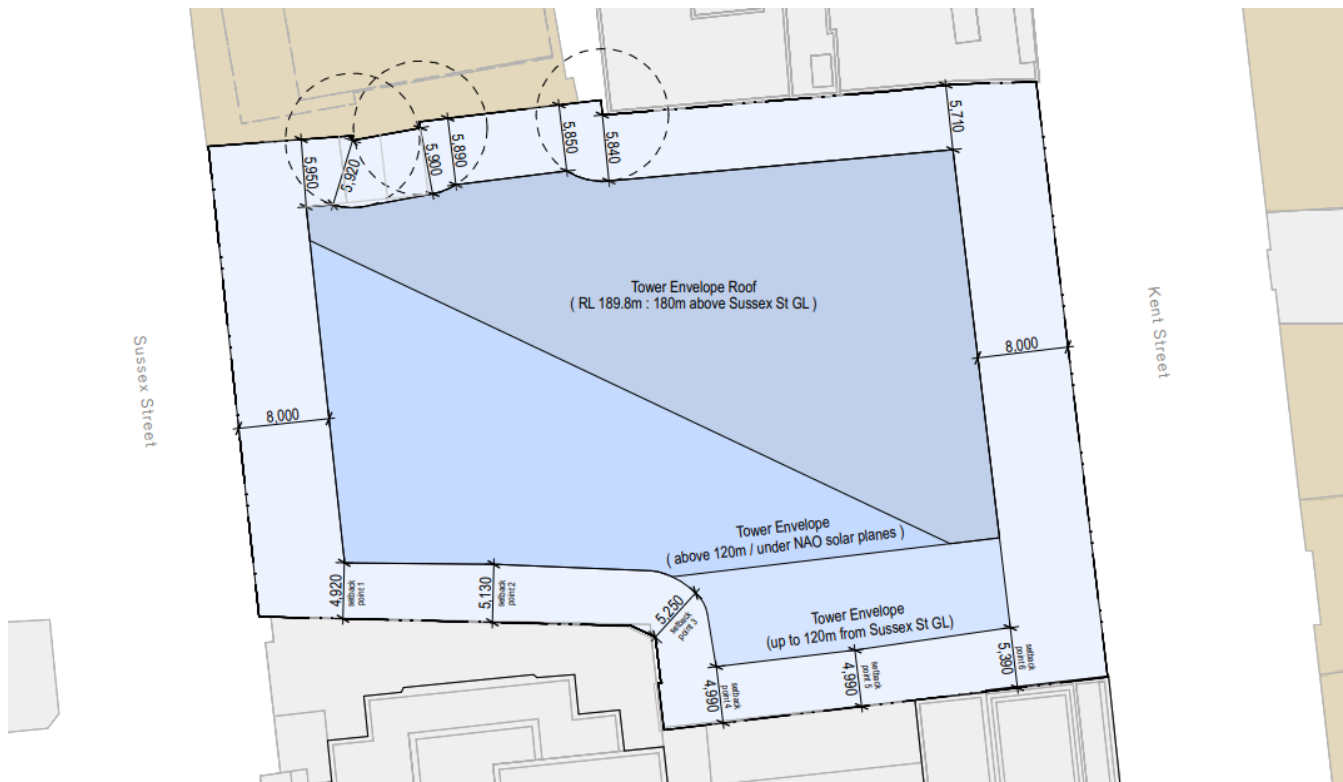


Figure 35 Proposed Tower Envelope Drawings

Source: FJC

As briefly mentioned above, the top of tower envelope complies with the sun access controls that impact the site so that key public areas being Sydney Square and Town Hall Steps are protected from additional overshadowing caused by development. To achieve compliance, the south-west portion of the height of the tower envelope is chamfered to align with the sun access plane (refer to **Figure 36**), while the north-west portion retains a height of RL 189.80 (refer to **Figure 35**). As illustrated in **Figure 39**, the chamfered envelope extends down to RL 163.124.

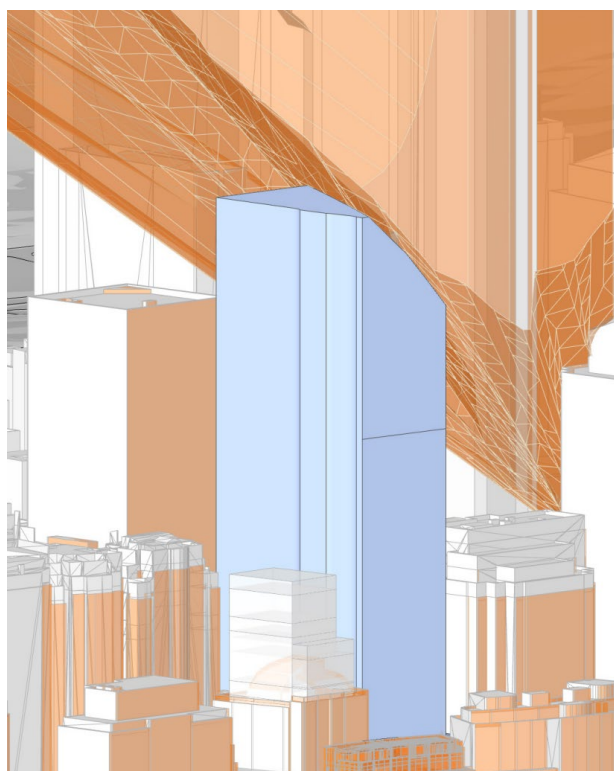


Figure 36 Proposed Planning Envelope with Applicable Overshadowing Controls Illustrated

Source: FJC

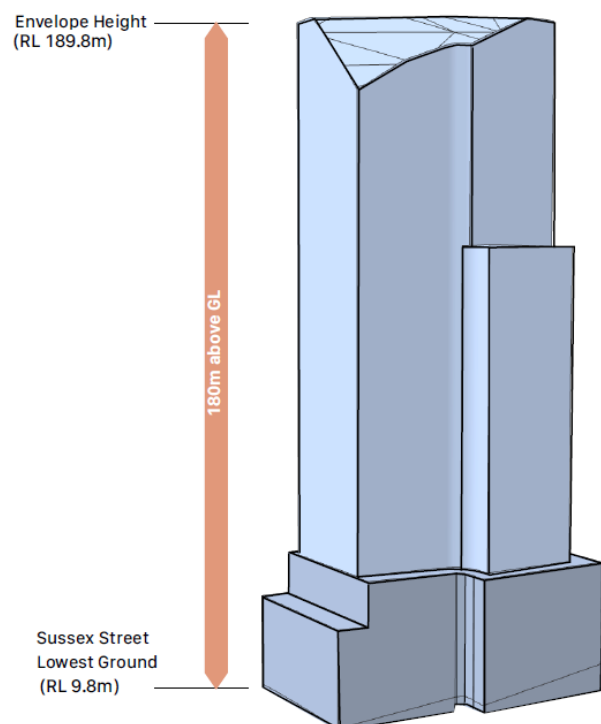


Figure 37 Proposed Planning Envelope – 3D View from the south-west

Source: FJC

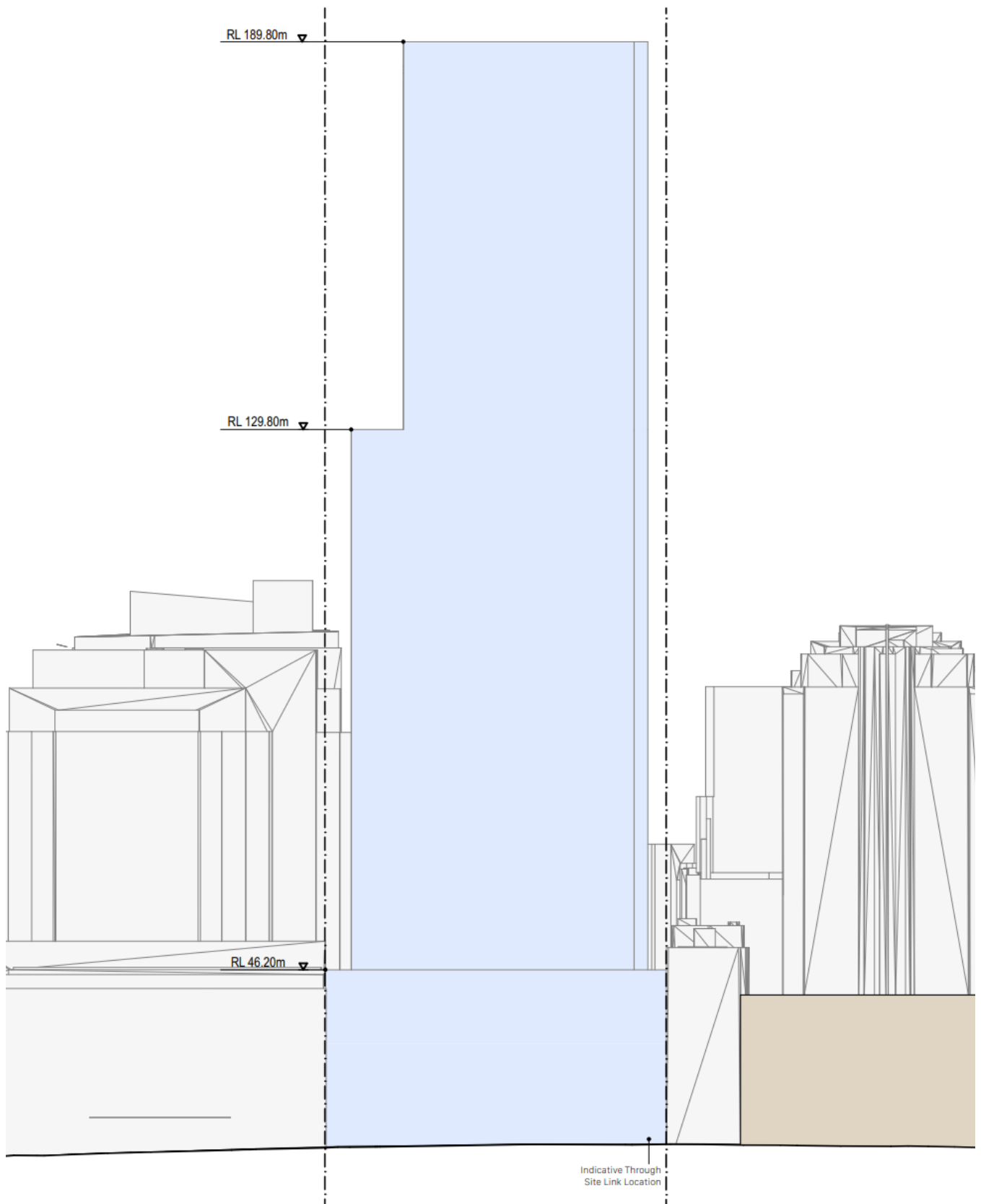


Figure 38 *Proposed Planning Envelope Elevation at Kent Street*

Source: FJC

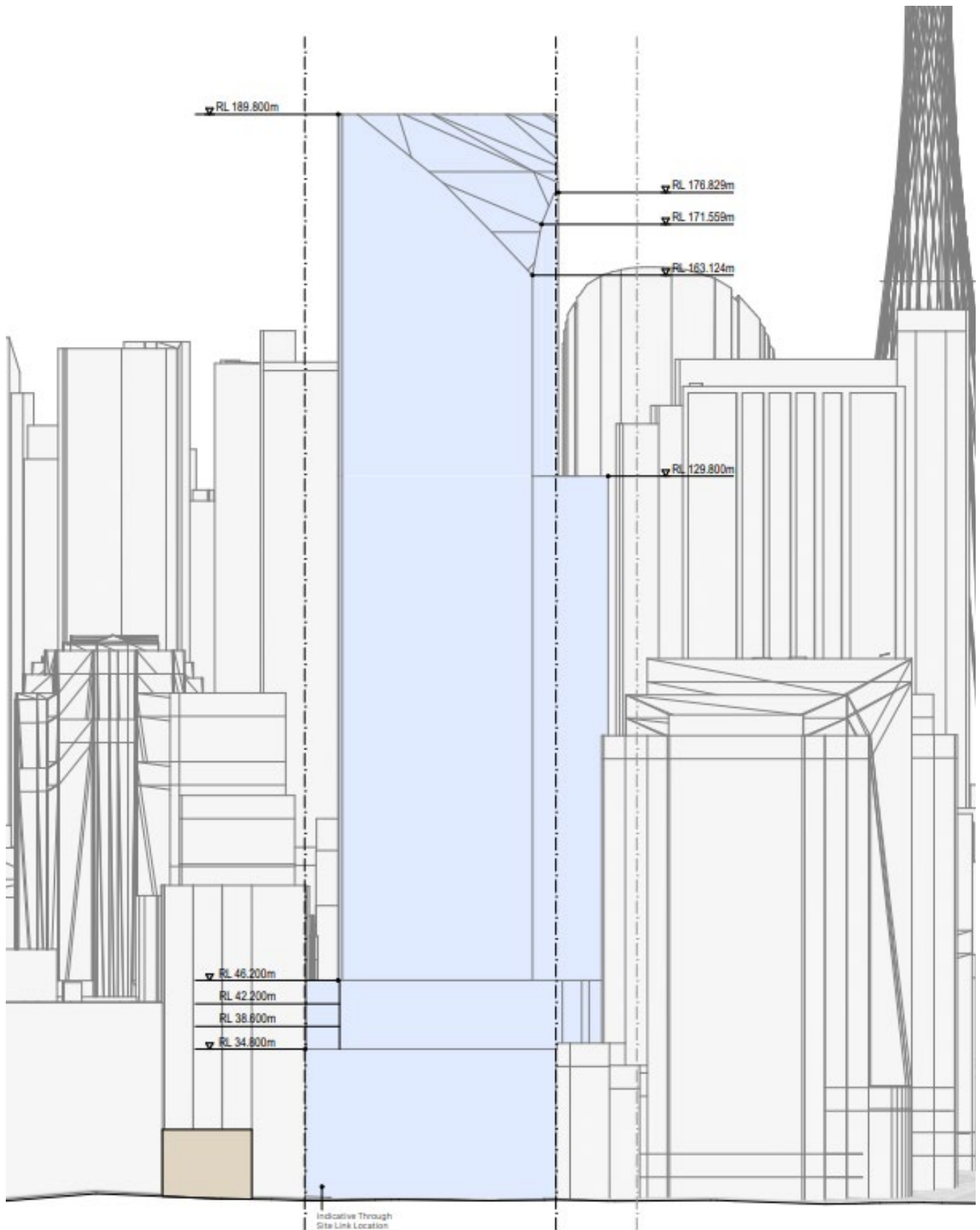


Figure 39 *Proposed Planning Envelope Elevation at Sussex Street*

Source: FJC

4.4 Indicative Concept Scheme / Reference Design

In order to demonstrate that the proposed planning envelope can deliver a feasible commercial office tower, FJC have developed an indicative reference scheme, demonstrating a 'proof of concept' building for the site to support the amendments to the Sydney LEP 2012 and Sydney DCP. Further details regarding the development outcome capable of being supported through the amendments is provided in the Design Report at **Appendix A**.

It should be noted that the scheme as presented in **Appendix A** is indicative only, and has been prepared to demonstrate that the proposed planning envelope can deliver a viable scheme that tests the proposed amended planning controls. The proposal will progress to an invited architectural design competition (refer to **Section 9.4**) to ensure the highest standard of architectural, urban and landscape design is achieved within the envelope. A summary of the reference design is provided in the following sections.



Figure 40 View of the Indicative Reference Design tower form from the east

Source: Virtual Ideas

4.4.1 Basement

A basement proof of concept is provided in the reference design, incorporating two levels of basement and including mezzanine level that responds to the topography of the site. The basement levels will include:

- End of trip facilities (1,070m²);
- Wellness / fitness amenities (609m²);
- Substation, plant room and other mechanical services;
- Waste and storage spaces;
- Precinct retail shared loading dock and retail goods lift; and
- Private basement car parking (72 car spaces).

Basement Level 1 incorporates 72 car parking spaces in accordance with Council requirements and is accessed via a vehicle entrance from Sussex Street. Sussex Street Ground Level incorporates a spatial layout that has been developed to accommodate a Kent Street Logistics Hub that is able to facilitate shared loading, available for public use. The Kent Street Logistics Hub will also include an isolated vertical circulation core that is exclusively dedicated to a goods lift which is able to support the intended function and logistics of the shared loading dock.

4.4.2 Sussex Street Ground Floor

Basement ingress / egress will be accommodated via a singular driveway cross-over at Sussex Street, with no Kent Street vehicular access provided. It also accommodates 218m² of end of trip facilities (compartmentalised beneath the Kent Street elevation) and 138m² worth of retail GFA that fronts the Sussex Street streetscape (refer to **Figure 41** below).



Figure 41 Sussex Street Ground Level Plan

Source: FJC

4.4.3 Sussex Street Mezzanine

The Sussex Street Mezzanine Level provides below ground end of trip facilities (852m²) which is located within the eastern portion of the site (refer to **Figure 42**). Within the western portion of this level is a significant void space to the Sussex Street ground floor which benefits the Kent Street Logistics Hub, providing double height ceilings to the shared loading facility, the vehicular ingress, and to the retail tenancies that front Sussex Street in this location.

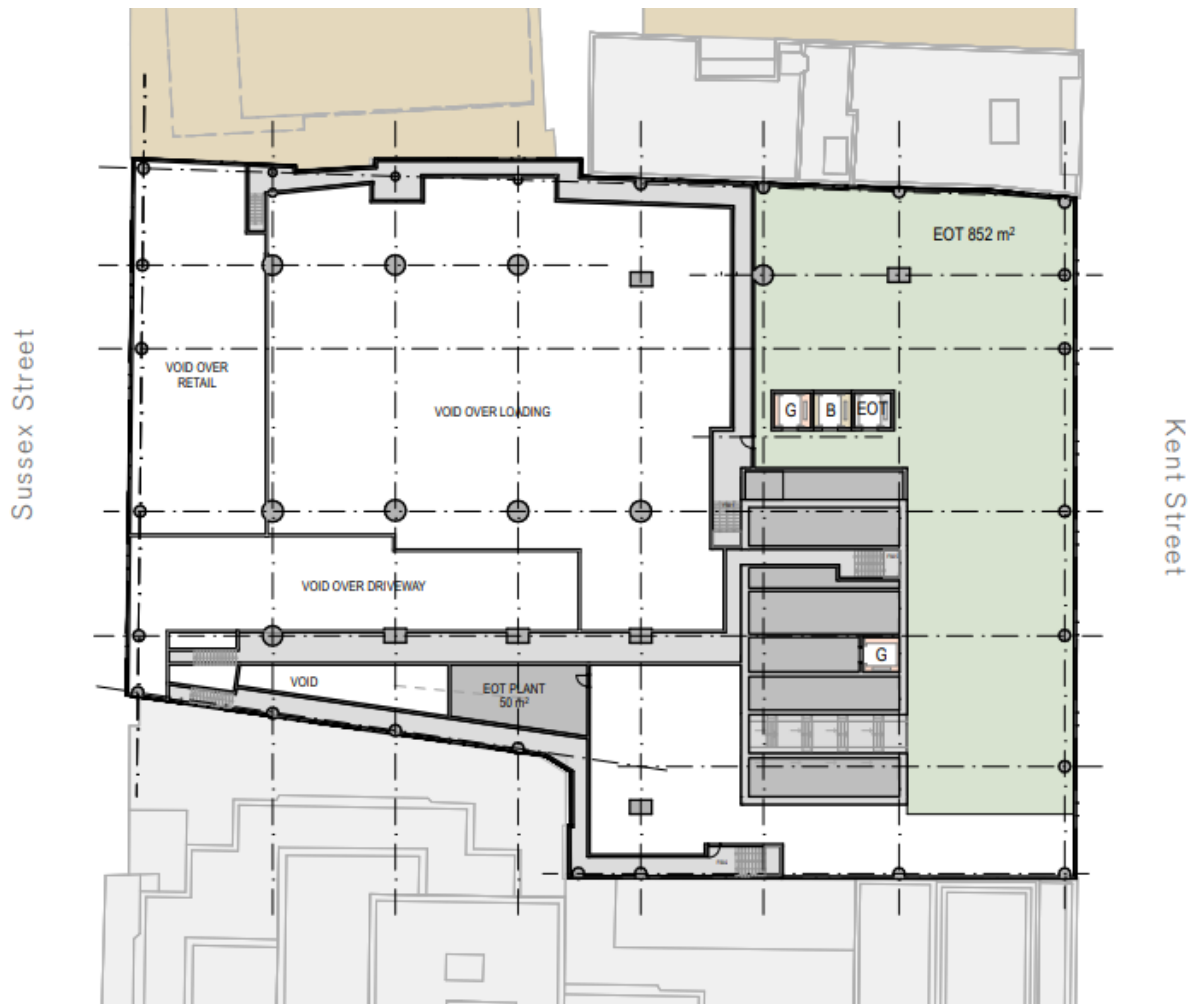


Figure 42 Sussex Street Mezzanine Plan

Source: FJC

4.4.4 Lower Ground Level

The lower ground level of the podium has been designed to concentrate land-uses in a manner that responds to the dramatic topography of the site. The eastern portion of the site at this floor level includes plant services, back of house areas, substation and wellness amenities below ground (refer to **Figure 43**).

This level also comprises a wellness/fitness centre (604m²), and two retail tenancies (135m² collectively) which signify the location of the through-site link that extends to the Kent Street upper ground floor above. The base of the through-site link in this location has been designed to incorporate an 'open to the sky' design feature, with a 39m void space above the through-site link ceiling that is able to provide access to light and air to penetrate this portion of the lower ground floor.

Commercial uses are also introduced at this level as the majority of the western portion of this floor plate seeks to accommodate 1,1570m² of office GFA in this location.



Figure 43 Lower Ground Level Plan

Source: FJC

4.4.5 Kent Street Ground Level and Podium

The Kent Street ground level of the indicative scheme incorporates a significant activation strategy, with the lobby forming an interior extension of the public domain associated with the proposed through-site link that will characterise this upper ground level (refer to **Figure 42**). The Kent Street frontage is defined by a lobby edge that extends to the entrance of the through-site link which will be lined by retail offerings, landscaping and public art opportunities.

The podium, which forms the base of the tower, is designed to provide a visually appealing and comfortable pedestrian experience, incorporating elements such as public seating, green spaces, and active street frontages. As previously mentioned, the podium envelope has been developed to meet the prevailing streetwall character along Kent Street and Sussex Street. The indicative reference design has incorporated a design that aligns with the prevailing architectural character, scale, and materials of the area, to illustrate that the new development positively contributes to the streetscape while preserving the historical integrity and visual coherence of Kent Street (refer to **Figure 45**).

4.4.6 Through-Site Link

As mentioned in **Section 4.4.4** and **4.4.5** above, the podium has been further articulated through the provision of a generous laneway through-site link, connecting Sussex Street and Kent Street. This through-site link has been designed to conform to the dramatic slope between Kent Street in the east and Sussex Street in the west and incorporates a gradual stepped form that is broken up by staircases and landings, and activated by landscaping and retail spaces that line its perimeter (refer to **Figure 46** to **Figure 49**).

Furthermore, the configuration of the through-site link has been designed in principle with FJC and as a result, maximises several design features of this link, including:

- Adopting a width of 13m to prioritise pedestrian movement and facilitate a meeting place;
- Include generous ceiling heights by proposing a 10m height to the ceiling at the Kent Street elevation, and extending to a ceiling height of 20m at the Sussex Street elevation;
- Incorporates a 39m wide 'open to the sky' approach at the Sussex Street elevation by utilising 41% of through-site link space as being an open void that maximises on light, air and visual connection through to Sussex Street;
- Enables clear lines of sight between Kent Street and Sussex Street, in accordance with Section 3.1.2.2 of the Sydney DCP.
- Integrated lift access between Kent Street, Lower ground and Sussex Street levels; and
- Retail tenancy activation at the Kent Street ground, lower ground and Sussex Street Ground Level's and landscaping.



Figure 46 View of the Indicative Reference Design as viewed from Kent Street Ground Level

Source: Virtual Ideas



Figure 47 *Indicative Through-Site Link Design – Sussex Street Ground Level*

Source: FJC



Figure 48 *Indicative Through-Site Link Design – Lower Ground Level*

Source: FJC



Figure 49 *Indicative Through-Site Link Design – Kent Street Ground Level*

Source: FJC

4.4.7 Tower

The reference design includes the lift and service cores in the south-east corner of the tower, and within the low rise portion of the tower there is the potential for permeable façades with strong vertical and horizontal shading elements (refer to **Figure 50**). A vertical wintergarden concept is proposed throughout the tower form (concentrated predominantly at the western elevation) which provides opportunities to 'green' the tower as part of an articulated design response. The stepped form of the planning envelope in this location allows for open space balconies and winter gardens to form a key feature of the façade, providing a tangible greening benefit through perceivable landscaping opportunities (refer to **Figure 51** and **Figure 52**).

The low rise component of the tower begins above the podium (Level 6) and extends to Level 26 where the southern tower element finishes (refer to **Figure 53**). Level 15 comprising a plant room with terraces and wintergardens to the west. The mid-rise component of the tower includes Levels 27 to 37 (refer to **Figure 54**).

The high rise component of the tower includes Level 38 to 40 and includes large terraces and wintergardens with a setback south-western corner to comply with the proposed planning envelope which is determined by the relevant clause 6.18 Sydney LEP solar restrictions to key public places. Level 41 and 42 of the tower are designated as plant areas (refer to **Figure 55**).



Figure 50 *Elevated view of the indicative reference design along Kent Street looking north-west*

Source: Virtual Ideas



Figure 51 *View of Indicative Reference Design roof terraces looking north-east*

Source: Virtual Ideas



Figure 52 *Render of typical office floor with access to terrace and interconnecting stairs*

Source: FJC

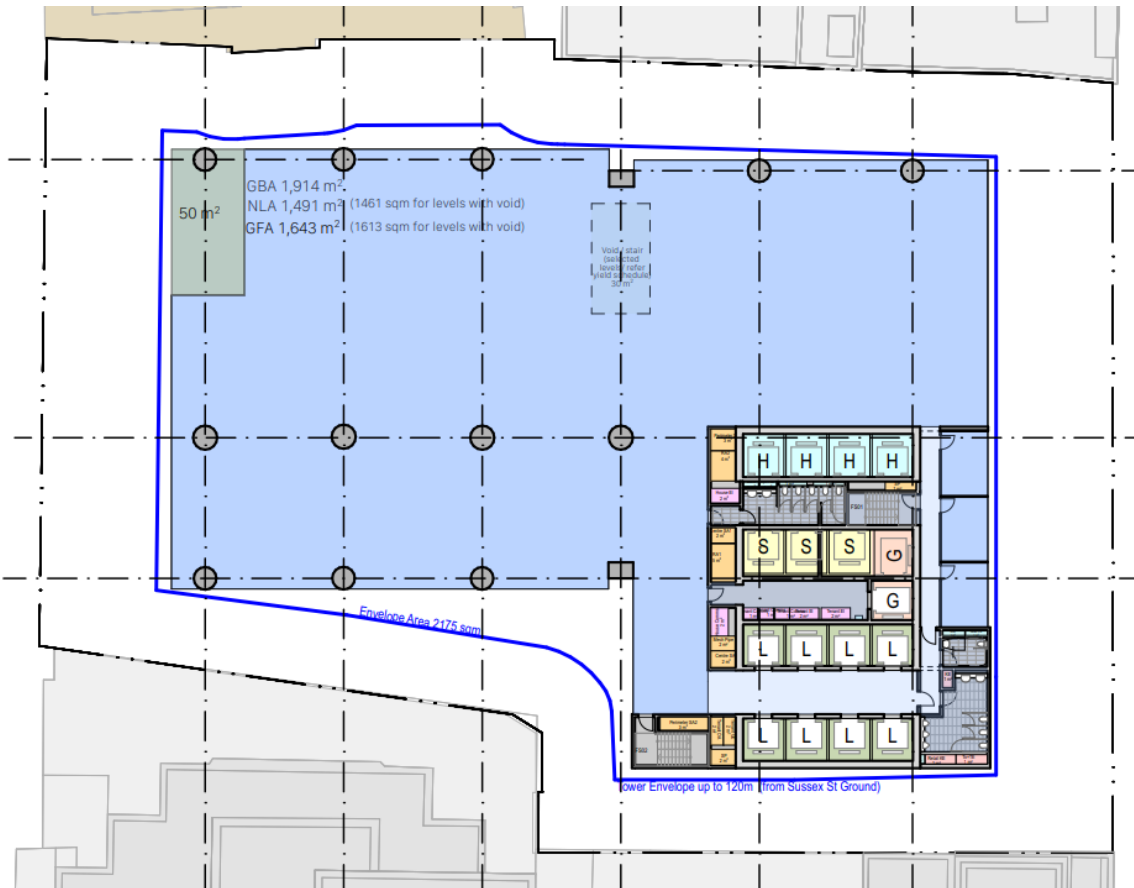


Figure 53 Typical Low Rise Level Plan

Source: FJC

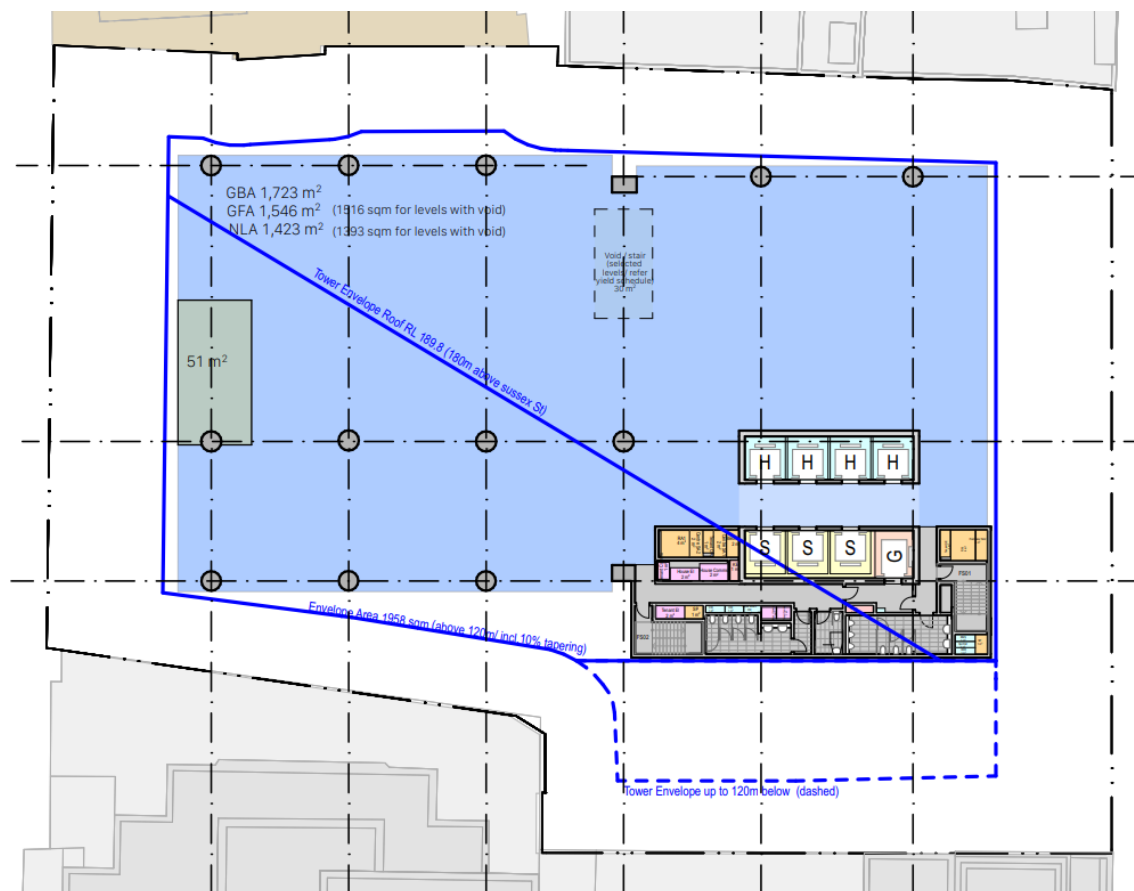


Figure 54 Typical Mid Rise Level Plan

Source: FJC

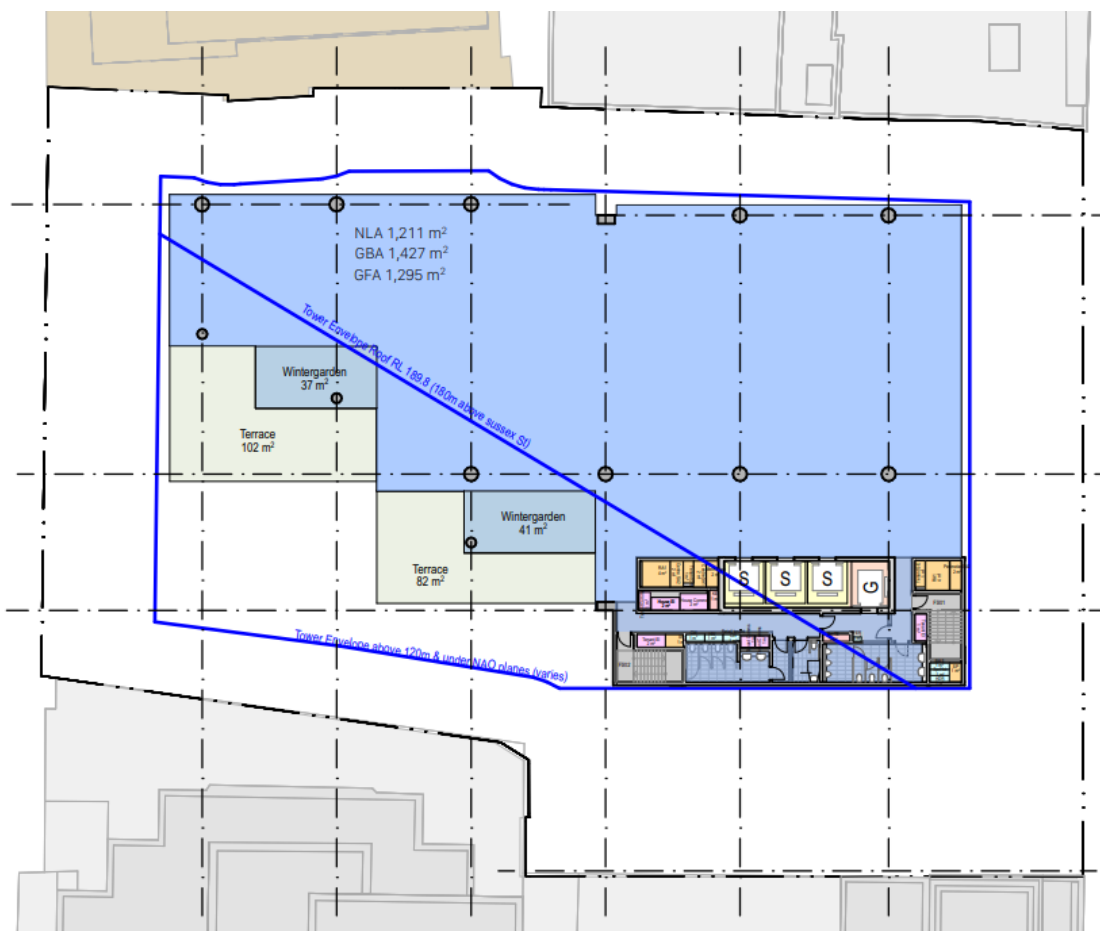


Figure 55 Typical High Rise Level Plan (Level 40)

Source: FJC

4.5 ESD Infrastructure

Ecologically sustainable development (ESD) principles form a key part of this proposal. A vital piece of Charter Hall's vision for the proposal is to showcase proven industry-leading performance in sustainable design, construction and operation. An extensive amount of research and analysis has been undertaken to establish and integrate sustainable design principles into the indicative reference scheme, consistent with the City's sustainability targets and Charter Hall's own Office ESG Targets.

This Planning Proposal has established sustainability targets that exceed the City's sustainability requirements for certain large commercial development with the proposal expected to be 100% renewable in operation, supported by high energy efficiency and energy generation. The indicative reference design has been formulated as a benchmark that demonstrates the ability for a future tower on the site to achieve the sustainability targets.

The sustainability targets form part of the Public Benefit Offer and include:

- 6-star Green Star Design & As Built v1.0 certified rating target, including 20% reduction in embodied carbon;
- 5.5 Star NABERS Energy rating (Commitment Agreement);
- 4 Star NABERS Water rating (Target);
- 5 Star NABERS Waste rating (Target);
- WELL Core Platinum (Target); and
- 100% renewable energy in operation.

The building will target a 6 Star rating with the new Green Star Buildings v1 tool. The Green Star rating tool was updated in 2020 replacing the Green Star Design and As Built v1.3 tool and the new tool is significantly more stringent and challenging when compared with the previous tool. The proposed sustainability strategy is set out in detail within the ESD Report prepared by LCI Consultants (**Appendix E**).

The indicative reference design has considered the operational impact of the building and has sought to reduce energy and water usage through careful consideration of passive design features of the building façades, and services design. The reference scheme has also sought to be a desirable workplace for individuals through the project's holistic ESD approach which also addresses indoor environmental quality, material selections, transport, ecology and access to nature and fresh air, and the development's overall sense of community.

Specifically, the reference scheme has incorporated the following elements to contribute towards the sustainability strategy:

- Façade with high performing glazing and external shading elements where appropriate;
- A high efficiency HVAC system including electric heat pumps will assist in targeting the aspirational 5.5 Star NABERS Base Building Energy rating;
- Consideration of rooftop photovoltaic (PV) solar system and façade integrated PV panels to reduce carbon emissions;
- Biodiversity and Connection to Nature strategy through inclusion of outdoor terraces to select floors;
- LED lighting throughout the building;
- Renewable energy procurement for a period of at least 5 years equivalent to be “net zero energy” in operation;
- High efficiency fixtures and rainwater harvest and storage used in a dual reticulation strategy to minimise potable water consumption;
- Daylight to floor plates on the perimeter;
- Bike facilities and end of trip facilities to promote active modes of transport;
- Removal of the existing paid public car park, provision of significantly fewer parking spaces, and provision of electric vehicle infrastructure; and
- 20% Reduction in Embodied Carbon and 90% construction waste diverted from landfill.

Given this project is being designed for its lifecycle, and given the rapid advancements in ESD infrastructure, flexibility is required to allow the project to respond to changing infrastructure solutions and tenant demands in Central Sydney. The exact technology, or combination of technologies, will be determined as part of the future detailed Development Application (DA) process.

4.6 Kent Street Logistics Hub

In order to support Council's objective of removing on street loading as articulated in the *Central Sydney Infrastructure Plan 2020* and to support surrounding businesses that are not afforded adequate loading capacity, Charter Hall is proposing a Kent Street Logistics Hub to be delivered as part of works-in-kind agreement. It is formalised by a Public Benefit Offer included as part of this Planning Proposal at **Appendix D**, and discussed in **Section 4.7** below.

Charter Hall sees the renewal of the site as an opportunity to provide a common loading facility to streamline neighbouring logistics for retail and commercial uses along Kent Street, consistent with the vision set by the CSPS. It will deliver a select number of shared spaces within the basement loading dock for use by neighbouring business tenancies along Kent Street which are unable to achieve adequate access to loading dock facilities due to site constraints such as heritage buildings.

The Kent Street Logistics Hub will help minimise the general impacts of loading and unloading on the Kent Street streetscape, where these services compete with short term parking, bike lanes and pedestrian activity. The primary principle for this facility is to unlock retail opportunities within the precinct that are currently constrained by inadequate loading facilities. It has the added benefit of putting pedestrians first by isolating vehicular access to Sussex Street only, resulting in greater ground plane activation and amenity for Kent Street.

The Kent Street Logistics Hub will deliver 7 shared loading bays comprising 1 MRV bay, 2 SRV bays and 4 courier bays which has been informed through a loading dock assessment prepared by Stantec (refer to **Appendix J**). Access to the shared loading dock is located at the Sussex Street ground level and will be enabled by a singular point of vehicle ingress and egress at the Sussex Street frontage as illustrated in **Figure 41** and discussed further at **Section 9.10.4**.

4.7 Public Benefit Offer

A Public Benefit Offer (PBO) has been prepared by Charter Hall and included at **Appendix D**. It has been prepared in accordance with the Guideline with the intent to enter into a Voluntary Planning Agreement (VPA) with the City of Sydney for the purposes of section 7.7(3) of the EP&A Act. The proposed PBO comprises:

- **Works-in-kind**

- **Kent Street Logistics Hub –**

- The Kent Street Logistics Hub is shared loading dock designed to provide a central loading facility for the public, particularly to those located within the immediate precinct that are constrained by the heritage nature of the area. With service vehicles accounting for up to 60% of all on street parking demand on Kent Street alone, the Kent Street Logistics Hub will not only provide shared loading facilities to the public, but benefit the City long term by:
 - Minimising on-street loading activities and reducing driveway crossovers, therefore promoting pedestrian and cyclist safety first;
 - Increasing the future viability of nearby business offerings currently constrained by inadequate loading facilities;
 - Facilitating the removal of kerbside parking, enabling the extension of footpaths for pedestrians and further, offering space for outdoor dining/ seating; and
 - Enabling adjacent laneways and rear courtyards to be adapted from service lanes to future outdoor public amenity.

As a works in kind offer, the Kent Street Logistics Hub will consist of 7 spaces (1 MRV + 2 SRVs + 4 vans) and will be accessed via Sussex Street. Managed by Charter Hall, users will be able to transport goods from Sussex Street or Kent Street via a goods lift. Loading hours will be in line with Council's current arrangement with a system to accommodate bookings and access implemented by Charter Hall, including a process to manage after-hours access as required.

The Kent Street Logistics Hub will be secured via a public positive covenant under s88E of the Conveyancing Act and will be linked to the conditions of the final Development Approval. The public positive covenant will be registered on title in favour of the City. The Covenant will reflect the following principles:

- Number of bays: 7 x loading dock bays (1 MRV + 2 SRVs + 4 vans)
- Loading arrangements will be in line with the Council's existing conditions on Kent Street being 6am to 6pm weekdays, 7am to 10am Saturday with maximum 30-minute duration of stay to encourage turnover.
- Charges for use will be equivalent to or no more than Council's charges for on street loading in Kent Street from time to time, (or if Kent Street loading is not provided by Council in the future, an equivalent street in Central Sydney).
- A system will be provided by the owner to accommodate bookings and access, including a process to manage after-hours access if required.
- Spatial requirements including vertical clearance of the loading bays will meet requirements of Section 3.11.13 of the Sydney DCP.
- Sufficient space will be provided to each bay for the purpose of providing temporary set down areas for the duration of stay.
- Drivers must adhere to the requirements of the loading dock management plan and its intended use, including completing any required security details to manage access.
- The upkeep remains the responsibility of the owner without creating further burden on the City's resources.
- **Pedestrian Through-Site Link** – Construction of a pedestrian through-site link to facilitate a new east to west pedestrian link, connecting Kent Street to Sussex Street through the site. This through-site link will be secured via an easement registered on the land title for unrestricted public access, but will remain in private ownership, ensuring its upkeep remains the responsibility of the owner without creating further burden on the City's resources. The specific details of the pedestrian through-site link will be subject to detailed design development, which will be supported by an easement plan clearly outlining the parameters of this works in kind contribution.

- **Sustainability commitments**

- In accordance with the Planning Proposal, Charter Hall is committed to delivering the following:
 - 6-star Green Star Design & As Built v1.0 certified rating, including 20% embodied carbon reduction;

- 5.5 Star NABERS Energy rating (Commitment Agreement);
- 4 Star NABERS Water rating (target);
- 5 Star NABERS Waste rating (target);
- WELL Core Gold (Commitment Agreement);
- WELL Core Platinum (Target); and
- 100% renewable energy in operation.

5.0 Part 1 – Objectives and Intended Outcomes

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and 'A Guide to Preparing Planning Proposals', which requires the following matters to be addressed:

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument.
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument.
- **Part 3** – The justification for those objectives, outcomes and the process for their implementation.
- **Part 4** – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies.
- **Part 5** – Details of the community consultation that is to be undertaken on the planning proposal.
- **Part 6** – A project timeline outlining the key steps and timeframes of implementing the changes.

The following section outlines the objectives and intended outcomes and provides an explanation of provisions in order to achieve those outcomes. The justification and evaluation of impacts is set out in **Section 6.0** of this report.

Objectives

The intent of this Planning Proposal is to make a site-specific amendment to the Sydney LEP 2012 to permit additional height and floor space on the site to accommodate employment generating floor space. More specifically, the objectives and intended outcomes of this Planning Proposal are to:

- Deliver Charter Hall's vision for the site and project as a premium grade office tower, providing a new benchmark for quality and sustainability within the CBD's western edge.
- Implement Council's vision for the Sydney CBD to accommodate global office towers within an identified area (i.e. tower cluster area) considered suitable for uplift and additional employment generating floor space above the existing controls;
- Capitalise on an unconstrained and large single lot at the western edge of the Sydney CBD to facilitate a great opportunity for additional employment floor space, thereby promoting the more efficient use of land on a site that is strategically and site specifically suitable for greater uplift;
- Provide a significantly improved urban design and pedestrian experience at ground level creating enhanced street activation and the protection of sunlight and appropriate wind conditions;
- Deliver a pedestrian through-site link between Kent Street and Sussex Street that will contribute to a more permeable and walkable Sydney CBD and provide a key east-west link;
- Remove existing 10-storey car parking (comprising approximately 800 car spaces) and Kent Street vehicle ingress/ egress, greatly improving pedestrian amenity and introduction of new retail activation at the ground plane, encouraging further use of surrounding streetscapes for social connection and encouragement of public transport utilisation.
- Deliver a Kent Street Logistics Hub to support the surrounding precinct as a tower cluster site not restricted by heritage buildings or land ownership conflict.
- Further strengthen and protect the commercial core of global Sydney; and
- Establish a framework for a future building to achieve design excellence and for the delivery of best-practice sustainable design.

Through the proposed amendments, this Planning Proposal will enable a commercial office tower to be developed on the site at a maximum height of RL 189.80 and 73,191m² of GFA, including office premises and retail premises floor space, with an FSR of 20:1 above ground and 0.30:1 below ground.

6.0 Part 2 – Explanation of Provisions

The overarching purpose of this Planning Proposal is to facilitate the redevelopment of the site for a premium grade office tower which achieves the highest standard of design, provides valuable, usable public benefits, delivers strategic employment floor space and meets world-class sustainability objectives in line with the vision of the CSPS.

The objectives and intended outcomes identified in Part 1 (**Section 5.0**) are intended to be achieved by permitting more height and floor space on the site through a new site-specific clause within the Sydney LEP 2012 and amendments to the Sydney DCP, as set out below.

6.1 Amendments to the Sydney Local Environmental Plan 2012

The amendments proposed to the Sydney LEP 2012 will be in the form of a new site-specific clause in Division 5 (site specific provisions). The proposed new site-specific clause will be required to nominate:

- That the site is as follows:
 - 383 Kent Street, Sydney, being Lot 1, in DP 778342.
- To permit a maximum height of RL 189.80.
- To permit a maximum FSR of 20:1 above ground and 0.30:1 below ground.

The proposed new site-specific clause is set out below:

Clause X – 383 Kent Street, Sydney

- (1) The objectives of this clause are to:*
 - a) encourage land uses other than residential accommodation or serviced apartments.*
 - b) encourage new development which complements the surrounding area.*
 - c) require the removal of commercially operated car parking.*
 - d) The provision of a pedestrian connection connecting Kent Street and Sussex Street.*
- (2) This clause applies to 383 Kent Street, Sydney, being Lot 1, DP 778342.*
- (3) Despite any other provision of this plan, a building on the land to which this clause applies may have a maximum height of RL 189.80 metres.*
- (4) Despite any other provision of this plan, a building on the land to which this clause applies may have a maximum FSR of 20:1 at or above ground level, comprising:*
 - a) mapped floor space ratio under clause 4.4, and*
 - b) accommodation floor space under clause 6.4, and*
 - c) end of journey floor space under clause 6.6, and*
 - d) an amount of site specific floor space, and*
 - e) an amount of additional floor space to be determined by the consent authority, of up to 10% if the building demonstrates design excellence within the meaning of clause 6.21D(3)(b).*
- (5) The maximum floor space ratio for a building on the land below ground level (existing) to which this clause applies is 0.30:1.*
- (6) Clause 6.21D(3)(a) does not apply to the development on the subject land to which this clause applies.*
- (7) Development consent must not be granted for development under subclause (3) unless the consent authority is satisfied that the building will:*
 - a) include a pedestrian through-site link connecting Kent Street and Sussex Street, and*
 - b) not be used for the purposes of residential accommodation or serviced apartments, and*
 - c) not be used for the purposes of a commercial car park.*

6.2 Amendments to the Sydney Development Control Plan 2012

To provide certainty of the built form and design outcomes, a Site-Specific DCP has been prepared and is provided at **Appendix S**. The Site-Specific DCP will provide further detail and guide the proposal's built form and other design details in line with those outlined in this Planning Proposal. This section also satisfies clause 7.20 of the Sydney LEP 2012, which requires a Site-Specific DCP to be prepared for development for the purpose of a new building.

7.0 Part 3 – Justification

7.1 Section A – Need for a Planning Proposal

7.1.1 Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Central Sydney Planning Strategy

The CSPS is the guiding strategic document for Central Sydney over the coming 20 years. The Strategy responds accordingly with 10 key moves and an overall emphasis to position and strengthen Sydney as Australia's leading global city.

This Planning Proposal aims to give effect to the priorities and actions of the endorsed CSPS through the cementing of the western edge as an employment location further strengthening and protecting the commercial core of global Sydney, while also delivering a scheme focused on sustainability and public spaces.

Specifically, this Planning Proposal:

- Supports increased capacity for economic and employment growth intended in Central Sydney, and assist in reaching its prescribed job targets (given it is intended to provide for a full commercial development) (**Action 1.1**);
- Supports the vision and implementation of Council's CSPS, given it supports greater height and floor space for employment generating uses in line with the sites identification within a nominated tower cluster zone (**Action 2.1**) (**Action 3.1**);
- Protects the overshadowing of significant public places consistent with the No Additional Overshadowing controls (**Action 4.7**);
- Delivers a Kent Street Logistics Hub that will support the future business viability of the precinct by providing loading dock facilities to surrounding heritage and small sites along Kent Street that are not afforded adequate loading space (**Action 19.1**);
- Provides a significant improvement in pedestrian circulation at the ground plane through the provision of a pedestrian through-site link which will activate the ground plane and provide an important link between Kent Street and Sussex Street (**Action 21.6**); and
- Contributes to a Central Sydney landscape that genuinely embodies better buildings and places that reduce energy and water usage and increases energy generation to achieve best practice targets (**Action 26.4**).
- Provides in excess of the required articulation percentage.

City Plan 2036 – City of Sydney LSPS

This Planning Proposal aims to give effect to several planning priorities and actions within *City Plan 2036* – the City of Sydney Local Strategic Planning Statement (LSPS). Council's LSPS was endorsed by Council on 17 February 2020, and represents Council's 20-year vision and strategy for the LGA's future direction on infrastructure, liveability, productivity and sustainability.

The LSPS implements the planning priorities and actions identified in the Greater Sydney Regional Plan and Eastern City District Plan at the local level. It is also informed by Council's platform policy Sustainable Sydney 2030, CSPS and Employment Lands Strategy. Importantly, it will underpin any future changes to Council's Local Environmental Plan and Development Control Plan.

The LSPS sets an LGA jobs target of 200,000 by 2036. Central Sydney will accommodate 101,800 of these additional jobs through the implementation of the CSPS and the capacity above the existing planning controls identified within that Strategy expected to deliver 47,000 of these jobs.

This Planning Proposal is in alignment with the LSPS and jobs target, delivering 6,000 jobs in operation and 411 during construction, representing a significant increase above the potential capacity of the existing commercial buildings on the site or what would be achievable within the existing planning controls.

Council has within its LSPS outlined its strategic and site-specific 'principles for growth' that it will use as a guide in considering planning proposals for additional development capacity. This Planning Proposal is consistent with the strategic policy context which confirms consistency with the strategic principles for growth (refer to **Section 7.2**).

In terms of the site-specific principles for growth, this Planning Proposal is also consistent with the LSPS given:

- The site is located in walking distance to several existing and future public transport services;
- The proposal will achieve industry leading sustainability standards, including:
 - 6 Star Green Star Design & As Built v1.0 certified rating target, including 20% embodied carbon reduction;
 - 5.5 Star NABERS Energy rating (Commitment Agreement);
 - 4 Star NABERS Water rating (Target);
 - 5 Star NABERS Waste rating (Target);
 - WELL Core Gold (Commitment Agreement);
 - WELL Core Platinum (Target); and
 - 100% renewable energy in operation.
- Any negative external impacts that may arise as a result of the sites redevelopment can be appropriately mitigated (refer to environmental assessment in **Section 9.0**);
- The proposal contains employment-generating floor space, capitalising on the site's location in the commercial core of the Sydney CBD; and
- The proposal will provide public benefit through the provision of perceivable ESD infrastructure, improved pedestrian accessibility and amenity, public art activation and will achieve design solutions for environmental excellence.

7.1.2 Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This Planning Proposal is considered the best way of achieving the objectives and intended outcomes because:

- It seeks to amend the Sydney LEP 2012 to respond to Council's position and framework on unlocking additional height and commercial floor space in Central Sydney for employment generating land uses, at nominated tower cluster locations;
- It will deliver the highest and best use on a site that is unconstrained as identified by the CSPS which is demonstrated throughout this Planning Proposal;
- It will give both Council and the landowner certainty as to the development outcomes expected on the site; and
- The site under the existing controls is limited to an FSR of 15.75:1. Given the single large lot and landholding and unconstrained nature of the site, redeveloping under the current controls is not considered to achieve, or most appropriately utilise the site for:
 - Deliver a global office tower within an identified tower cluster area as nominated in the Central Sydney Planning Strategy;
 - Strengthen and protecting the commercial core of Global Sydney;
 - Provide greater supply of A-grade (or higher) commercial floor plates in a location with very high public transport accessibility;
 - Deliver on the public benefit offers and provide perceivable sustainability initiatives in line with recent City of Sydney policy to create climate positive change.

7.2 Section B – Relationship to Strategic Planning Framework

7.2.1 Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan – A Metropolis of Three Cities

The *Greater Sydney Region Plan* is the overarching strategy for growing and shaping the Greater Sydney Area. It sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The plan was adopted in March 2018, and seeks to reposition Sydney as a 'Metropolis of Three Cities', comprising the Western Parkland City, the Central River City, and the Eastern Harbour City. In the same vein as the former *A Plan for Growing Sydney*, the Plan provides 10 high level policy directions supported by 40 objectives that inform the District Plans, Local Plans and planning proposals which follow in the planning hierarchy.

The proposal is consistent with the directions under the Plan outlined in **Table 4** below, which govern growth and development in Sydney.

Table 4 Consistency of the proposal with the Directions of the Greater Sydney Region Plan

Direction	Consistency of the Proposal with the Direction
<i>A City Supported by Infrastructure</i>	<ul style="list-style-type: none"> The proposal supports the delivery of higher capacity development in line with recent infrastructure investment being undertaken by local and State government (i.e. Sydney Metro and Light Rail).
<i>A City for the People</i>	<ul style="list-style-type: none"> The proposal will support development capable of achieving high sustainability standards, including: <ul style="list-style-type: none"> 6 Star Green Star Design & As Built v1.0 certified rating target, including 20% embodied carbon reduction; 5.5 Star NABERS Energy rating (Commitment Agreement); 4 Star NABERS Water rating (Target); 5 Star NABERS Waste rating (Target); WELL Core Gold (Commitment Agreement); WELL Core Platinum (Target); and 100% renewable energy in operation. The proposal supports people to walk, cycle and use public transport through improved pedestrian connections (including new through-site link), end of trip facilities and new bicycle parking.
<i>Housing the City</i>	<ul style="list-style-type: none"> The proposal seeks to facilitate future commercial development, not residential. The development seeks to continue the existing use of the site as a destination for employment and retail. The proposal is in full alignment with Council's key policy direction to deliver increased employment opportunities within Central Sydney, reinforcing the City's role as Australia's economic engine and Australia's only global city.
<i>A Well-Connected City</i>	<ul style="list-style-type: none"> The proposal will seek to deliver additional commercial floor space, and in doing so will connect new jobs to high-capacity transport. This will take advantage of substantial investment in public transport infrastructure, and support the achievement of a '30-minute city'. In addition, the provision of a pedestrian through-site link connecting Kent Street and Sussex Street will further increase pedestrian permeability and interconnectivity in Central Sydney.
<i>Jobs and Skills for the City</i>	<ul style="list-style-type: none"> The proposal seeks to significantly increase the density of commercial floor space on the site, while also delivering premium-grade office floor space. It will significantly contribute to jobs and skills for the city with an estimated 6,000 operational jobs and 411 construction jobs generated from the proposal. In conjunction with commercial office floor space, associated retail will also be delivered that support the diversity of functions in the CBD and encourage activity at the ground plane and support the activation of the pedestrian through-site link.
<i>A City in its Landscape</i>	<ul style="list-style-type: none"> The proposal seeks to establish sustainability at its core which includes greening of the tower with the reference scheme comprising wintergardens. The public domain will also be designed to incorporate planting. The proposal also seeks to establish its connection to country through the establishment of the Connecting with Country Strategy prepared by Yerrabingin (Appendix F), discussed in Section 9.7.
<i>An Efficient City</i>	<ul style="list-style-type: none"> A key initiative of the proposal is to deliver an exemplar sustainable with commitment towards high sustainability targets that will raise the bar for sustainability along the CBD's western edge.
<i>A Resilient City</i>	<ul style="list-style-type: none"> The proposal has sought to minimise exposure to natural hazards by ensuring that future development is not affected by flooding. The environmental initiatives implemented through the development will contribute to enhanced environmental outcomes and seek to mitigate impacts related to climate change and urban heat.

Eastern City District Plan

The *Eastern City District Plan* underpins the *Greater Sydney Region Plan* and sets the 20-year vision for the District through 'Planning Priorities' that are linked to the Region Plan. Under this Plan, the site is strategically located within the CBD of the Eastern City and the Eastern Economic Corridor (refer to **Figure 56** below). Key priorities of the District Plan which this Planning Proposal gives effect to are elaborated below.

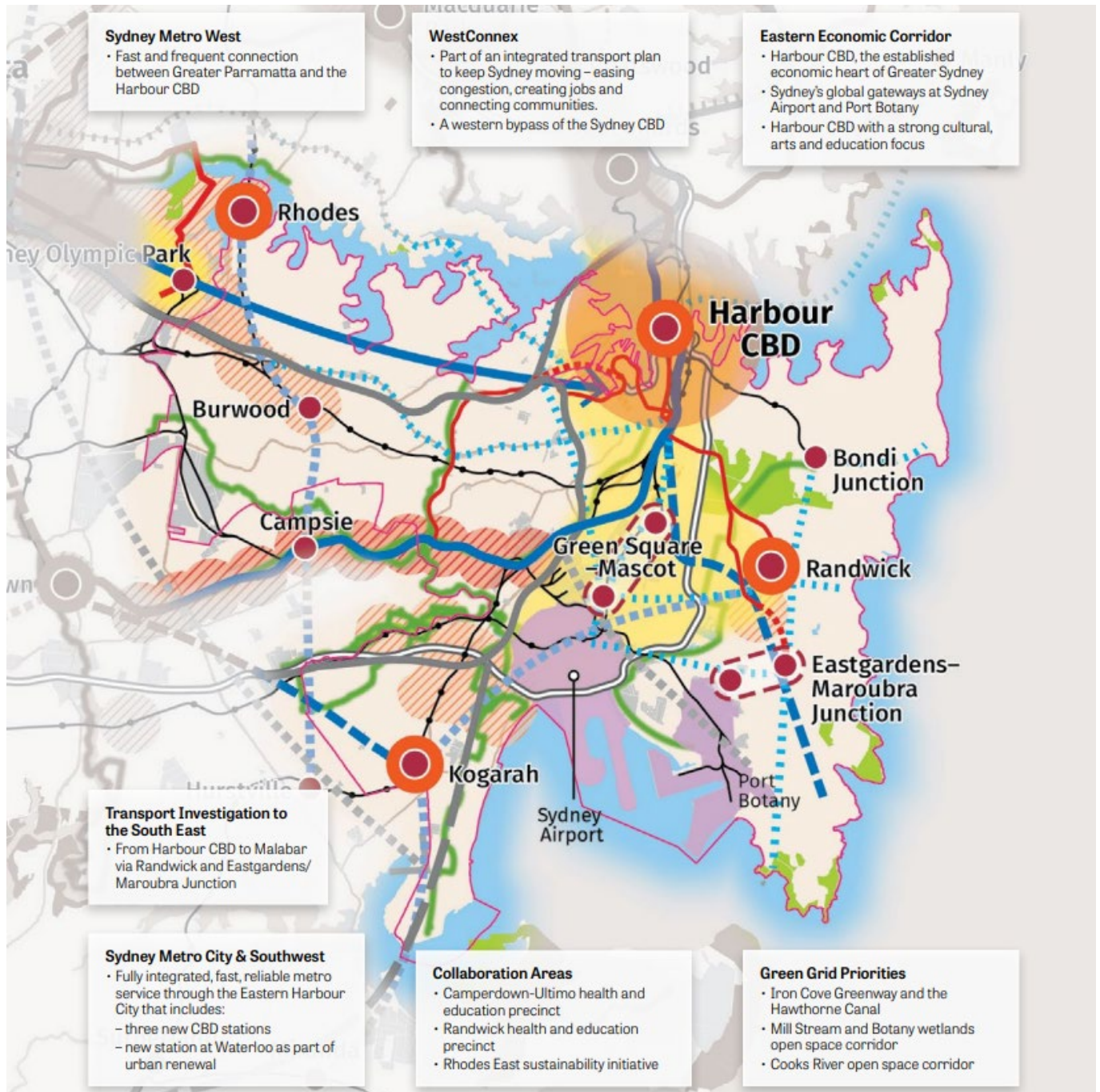


Figure 56 Eastern City Structure Plan

Source: Greater Sydney Commission

Planning Priority E1 – Planning for a city supported by infrastructure

Objective 4 – Infrastructure use is optimised

Aligning land use and infrastructure planning ensures that infrastructure is maximised, and that growth and infrastructure provision are aligned. The development will comprise employment generating floor space in a strategic location that is aligned with an achievement of facilitating transit oriented development. It will support and be supported by recent additional public transport that has been delivered, and is currently being delivered by local and state government.

The site is within close proximity to existing public transport infrastructure such as Wynyard and Town Hall Stations as well as the future Sydney Metro City and South West due to open in late 2024, which will provide stops approximately 600m (Pitt Street Station) and 900m (Martin Place Station) from the site. In addition, Sydney Metro West will connect Sydney CBD to Parramatta CBD via Metro services, and is due to open in 2030. Advantageously, the site is within walking distance proximity (approximately 850m) to both the future Pyrmont and Hunter Street Metro Station.

Further, the strategic location of the site along the western edge of the CBD means that it is able to benefit from existing nearby pedestrian and transport infrastructure. The site is within proximity to Sydney Light Rail services and is located near the QVB Station located at George Street (approximately 300m from the site) as well as the Pyrmont Bay Station located at the western terminus of the Pyrmont Bridge at Union Street (approximately 600m from the site).

Further, the site provides a micro-infrastructure offering to facilitate a Kent Street Logistics Hub that will support retail tenancies within buildings along Kent Street (located between Market Street and King Street) which have limited access to loading docks. Charter Hall sees the renewal of the site as an opportunity to provide a common loading facility to streamline neighbouring logistics and minimise the general impacts of loading and unloading on the Kent Street streetscape, where these services compete with short term parking, bike lanes and pedestrian activity. It is also seen as an opportunity for retail uses in the precinct to thrive, encouraging activation of the public domain.

This Planning Proposal is also supported by a monetary contribution consistent with the Section 7.12 contributions framework (being the *Central Sydney Development Contributions Plan 2020*), which Council may use for the provision of infrastructure.

Planning Priority E7 – Growing a stronger and more competitive Harbour CBD

Objective 18 – Harbour CBD is stronger and more competitive

The proposal will heighten the role and recognition of Sydney as a global business district. It will contribute a new cutting edge workplace that achieves high sustainable targets and provides an interactive ground plane that will bring back pedestrian activity to the western edge of Central Sydney. The proposal seeks to remove existing car parking infrastructure on site that accommodates approximately 800 car parking spaces. The removal of car parking facilities, and replacement with premium commercial and retail land-uses, supported by an activated pedestrian through-site link and reclaimed pedestrian public domain has potential to increase economic activity within the western edge, which will contribute positively to an overall stronger and more competitive Sydney CBD. This is consistent with the Planning Priority that seeks to safeguard the competitiveness of Sydney in both a domestic and international context

The proposal will also act to dismiss the protracted effects on business confidence and office vacancy rates in cities created by the consequences of Covid-19. It will stand as a very visible and distinctive asset which will signal a new key landmark along the CBD's western edge that will illustrate quality, sustainability and wellness.

The District Plan also notes that the Harbour CBD is Australia's financial and business capital, contains the largest proportion of headquarters for multinational and national companies, and contains Australia's most significant finance industry cluster. The concentration of this large and specialised financial cluster attracts global talent and investment, but is constrained by the limited capacity for the Sydney CBD to expand and deliver Prime Grade office space, particularly at a more affordable price point benefited by its location in the western edge. Accordingly, the District Plan recommends that commercial development is supported within the CBD to assist in meeting the 45,000-80,000 future jobs that have been forecast for this region.

Planning Priority E10 – Delivering an integrated land use and transport planning and a 30-minute city

Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities

The '30-minute city' model is a long-term aspiration for metropolitan Sydney whereby jobs and services and strategic/metropolitan centres are accessible within 30 minutes by public transport. This proposal is placed to benefit the '30-minute city' model, by providing employment floor space within a highly accessible location and thereby improving access to jobs. The site is considered accessible because it is located:

- Approximately 500m from Town Hall Station and 800m walk from Wynyard Station, which form part of the Sydney Trains network provide access throughout metropolitan Sydney;

- Approximately 300m walk the Sydney Light rail network, with the closest stop being QVB Station positioned to the east of the site along George Street, providing further connectivity south towards Randwick and Kingsford, and west towards Dulwich Hill. Further, approximately 600m from the site, is Pyrmont Bay Station that forms part of the inner-west light rail line;
- Approximately 800m from Barangaroo Ferry Wharf providing connectivity to locations along Sydney Harbour and the Parramatta River;
- Within the 600m walking catchment of the future Sydney Metro Pitt Street Station and within the 900m walking catchment area of the future Martin Place Station due to open in 2024. Additionally, the future Pyrmont and Hunter Street Stations are located approximately 850m from the site and is due to open in approximately 2030; and
- Directly adjacent to several existing bus stops including along Sussex Street, Clarence Street and York Street.

Planning Priority E11 Growing investment, business opportunities and jobs in strategic centres

Objective 22 – Investment and business activity in centres

The site is located in the Harbour CBD which is identified as a Metropolitan Centre. Employment growth is the principal economic goal for metropolitan and strategic centres. The proposal supports this goal through the provision of new premium commercial floor space for significant growth in jobs along the CBD's western edge.

Planning Priority E19 – Reducing Carbon Emissions and Managing Energy, Water and Waste Efficiently

Objective 33 – A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change

The proposal seeks to achieve a high standard of sustainability and exceeds the City's strong vision for sustainability and achieving net zero buildings by 2030. The proposal provides for future design initiatives that will aim to achieve a 6 Star Green Star rating with the new Green Star Buildings v1 tool, as well as targets other ESD solutions such as utilising 100% renewable energy in operation (refer to **Section 4.5**).

Further, the proposal seeks to remove existing car parking infrastructure on site that accommodates approximately 800 car parking spaces. The removal of car parking facilities, and replacement with sustainable and premium commercial and retail land-uses will contribute positively to the City's vision for Sydney to be a leader in sustainability. It could also significantly reduce traffic volumes generated by the site and contribute towards reducing vehicle trips into Sydney CBD. It has been estimated that the traffic generation of the existing 10-storey car park could be as high as 320 vehicles per hour, while the proposal is only expected to generate up to 125 vehicles per hour. Therefore, the removal of the 10-storey car park from the site represents a significant benefit to the City that will encourage meaningful shifts in travel behaviour to more sustainable and pedestrian orientated travel modes.

NSW State Infrastructure Strategy 2018

The *NSW State Infrastructure Strategy 2018-2038* brings together the infrastructure investment and land use planning of the *Future Transport Strategy 2056* and the *Greater Sydney Region Plan*, and is underpinned by the *State Infrastructure Strategy 2018–2038: Building Momentum* that established a pipeline of investment for infrastructure that is underway or in advanced planning. The Strategy sets out the NSW Government's vision for infrastructure over the next 20 years, focussing on aligning investment with sustainable growth. For Metropolitan NSW, the primary goal is to provide residents with access to jobs and services within 30 minutes, known as the '30-minute city' model.

The Strategy sets out six directions for infrastructure in NSW, of which the following are relevant:

- **Better integrating land use and infrastructure** – The proposal will deliver additional jobs in line with the delivery of Sydney Metro, so that capital investment keeps pace with new jobs.
- **Making our infrastructure more resilient** – The proposal will deliver a building with sustainability at its core, which has been set-out through the provision of sustainability targets under a public benefit offer and a reference scheme that ensure the targets can be met and that the tower is able to be a visual representation of sustainability along the CBD's western edge. The creation of sustainable and premium buildings will ensure its longevity and resilience to future challenges.

7.2.2 Q3a. Does the proposal have strategic merit?

The proposal is considered to have strategic merit. This is because it is consistent with the applicable strategic planning framework set by the State and by Council. Specifically, this Planning Proposal will facilitate development which:

- Directly delivers on key policy directions and objectives under the Greater Sydney Region Plan and Eastern City District Plan. It will facilitate a premium commercial development along the CBD's western edge which will provide significant jobs for the city, contributing to a stronger, more competitive Harbour CBD. The site is also located in a Metropolitan Centre which is intended to support and prioritise employment growth. The proposal directly unlocks additional commercial floor space solely for employment generating land uses.
- Supports job growth in a centre already supported by strong public transport, and by direct proximity, will support the expansion of new infrastructure such as the Sydney Light Rail and Sydney Metro.
- Will unlock additional employment generating land uses in full accordance with both the LSPS and CSPS.
- Provides a new commercial tower that aims to achieve the sustainability requirements for certain large format commercial development set out in Clause 7.33 of the Sydney LEP 2012, resulting in the delivery of the high sustainability targets as proposed.
- Delivers a through-site link between Kent Street and Sussex Street, consistent with Section 3.1.2.2 of the Sydney DCP, significantly improving ground plane amenity and creating an east-west connection across the site, providing pedestrian access through from Central Sydney to the water's edge.
- Delivers a Kent Street Logistics Hub that will support nearby businesses within buildings along Kent Street (located between Market Street and King Street) which have limited access to loading docks. This is consistent with the Key Move 8 and Action 19.1 of the CSPS that outlines the need to deliver precinct solutions to waste, car parking, loading and site servicing through growth sites to contribute to the servicing of small or heritage sites within the precinct.
- Remove a large car park along the CBD's western edge that is supportive of private vehicle trips to the Sydney CBD. Clause 6.5 of the Sydney LEP 2012 provides an FSR bonus for the conversion of car parking to any other use in Central Sydney, outlining the City's vision for reduced private vehicle usage in Central Sydney. Consistent with the City's vision, the removal of approximately 800 car spaces from the site will reduce the reliance on private vehicles and encourage public and active transport that is supported by the aforementioned new public transport infrastructure being delivered.
- Is of a scale to have a positive and catalytic economic impact for the Sydney CBD's growth and economic output and which will serve as an anchor for the green economy.

7.2.3 Q3b. Does the proposal have site-specific merit?

The proposal is considered to have site-specific merit because:

- The proposed planning controls (and planning envelope) have been subject to significant testing and are considered suitable for the specific characteristics of the site and its shape. The maximum height is sought having regard to all sun protection clauses in the LEP (including sun access planes and no additional overshadowing controls) as well as aviation controls, and is based on detailed environmental testing and indicative testing. The proposed FSR is also sought following detailed environmental testing in addition to testing of the indicative scheme. The envelope has had regard to various environmental factors and is considered to provide an appropriate outcome in terms of wind and pedestrian comfort factors.
- It will revitalise the ground plane of the site and the surrounding area through a new pedestrian through-site link connecting Kent Street and Sussex Street that is supported by retail offerings. The through-site link will open up the ground plane and provide public space for people to move, connect and enjoy, significantly improving the amenity of the site and surrounding area overall. Further, the pedestrian through-site link provides a missing link in connecting Central Sydney to the water's edge at Darling Harbour through city blocks between King Street and Market Street.
- It will deliver a Kent Street Logistics Hub that will enable retail businesses along Kent Street to benefit from a shared loading facility where they are currently constrained and limited to on-street loading provisions. This will contribute to a better amenity environment along Kent Street and will further support the potential for the wider area to become more activated and further encourage pedestrian activity.
- It seeks to remove existing car parking infrastructure on site that accommodates approximately 800 car parking spaces. The removal of car parking facilities, and replacement with sustainable and premium commercial and retail land-uses, supported by an activated pedestrian through-site link and reclaimed pedestrian public domain has a deep potential to increase economic activity within the western edge, which will contribute positively to an overall stronger and more competitive Sydney CBD.

- It will embody sustainability at its core as well as visually. The provision of sustainability targets included as part of a public benefit offer help ensure the success in reaching the goal of creating a truly sustainable tower along the western edge. The envelope and proposed site controls allow for spaces such as wintergardens (as demonstrated in the reference scheme) that will emphasize and represent the tower as being a hallmark of sustainability along the CBD's western edge.
- It will deliver a significant increase in quality and quantity of commercial floor space on the site through delivery of sustainable and premium-grade commercial floor space that will further strengthen Sydney as a global city attracting large national and international institutions. This will significantly contribute to the economic activity and development of the CBD's western edge with an estimated 6,000 operational and 411 construction jobs.
- In addition to the above, the proposed envelope has been subject to a broader environmental assessment, as outlined in **Section 9.0**. It outlines that the site is adequately capable of supporting the future development of the reference scheme.
- The proposal has been respectfully designed with its heritage context in mind, ensuring a future building design is capable of respecting and complementing heritage items and heritage context within the vicinity of the site.

7.2.4 Q4. 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 plan?

This Planning Proposal will give effect to Council's Local Strategic Planning Statement, Sustainable Sydney 2030, Council's community strategic plan, and Council's CSPA. It is also consistent with the relevant statutory framework.

Central Sydney Planning Strategy

The CSPA is the guiding strategic document for Central Sydney over the coming 20 years. Along with this Strategy accompanied a Planning Proposal which subsequently amended the Sydney LEP 2012 and the Sydney DCP to convert the intent of the CSPA into formulated statutory controls and development guidelines.

Council identified a jobs gap of some 40,000-85,000 under the previous development controls, which equated to some 800,000sqm to 1.7million sqm of lost floor space potential. The Strategy responds accordingly with 10 key moves and an overall emphasis to position and strengthen Sydney as Australia's leading global city. This Planning Proposal responds directly to the CSPA and supports a number of these key moves:

Key Move 1 – Prioritise employment growth and increase capacity

This Planning Proposal will facilitate the delivery of premium commercial floor space. It does not propose floor space intended for residential or serviced apartment use. This Planning Proposal therefore supports the delivery of new commercial floor space for employment use, to support the anticipated jobs growth in Central Sydney.

Key Move 4 – Provide for employment growth in new tower clusters

The site is located within a tower cluster area which seeks to give effect to the CSPA (refer to **Figure 30**). The tower cluster sites are less constrained by sun access planes and are considered capable of achieving greater height and density than the planning controls would ordinarily permit. The aim is to create growth opportunities for employment floor space, promote the efficient use of the land and encourage innovative design.

This Planning Proposal will support a significant commercial floor space which enables increased growth opportunities for employment floor space. Given it provides floor space above that available which would be ordinarily available to the site, it is considered an efficient use of the site.

The intent is to undertake a competitive design process on the site (refer to **Appendix C**) to create a highly innovative and sustainable building.

Key Move 5 – Ensure infrastructure keeps pace with growth

The investment made by the NSW State Government with both the Sydney Light Rail and the Sydney Metro projects will cut travel times, reduce congestion and deliver substantial and long lasting economic and social benefits. These projects respond to historic growth pressures across Sydney and seek to strengthen Sydney as a true Global city. This Planning Proposal supports this investment by concentrating jobs close to these investments and through the delivery of community infrastructure to support a growing employment population and provide visitor attractions.

In addition, the provision of a Kent Street Logistics Hub will improve the capacity of local infrastructure and support the surrounding buildings along Kent Street (located between Market Street and King Street) that are not afforded adequate loading space and are constrained, encouraging the sharing economy.

Key Move 6 - Move towards a more sustainable city

This Planning Proposal will facilitate a highly sustainable commercial tower. The sustainable strategy will have minimum targets of a 6-star Green Star Design and v1 certified rating targeted), 5.5 Star NABERS Energy rating (Commitment Agreement), 4 Star NABERS Water rating (Target), 5 Star NABERS Waste rating (Target), WELL Core Gold (Commitment Agreement), WELL Core Platinum (Target) and 100% renewable energy in operation. This will provide a precinct response to ESD infrastructure through initiatives identified within the ESD Report (**Appendix E**).

The proposed planning envelope enables the provision of wintergardens that enables perceivable greening in addition to the sustainable strategy. There is a key opportunity for the site through the design excellence process to incorporate perceivable greening that highlights the sustainability embodied, as demonstrated in the reference scheme. In addition, the proposal also seeks to reclaim the site for public and pedestrian usage with the proposed removal of the existing car park on the site approximately 800 car spaces replaced with a pedestrian through-site link and more open site encouraging pedestrianisation and reduction of private vehicle usage in Central Sydney.

Key Move 9 – Reaffirm commitment to design excellence

Charter Hall has a strong commitment to achieving design excellence. This will be achieved through a competitive design process (invited architectural design competition) as detailed within the Design Excellence Strategy included at **Appendix C**. The design excellence process will provide ample opportunity for competitors to produce a scheme considered to be of design excellence. The proposed planning envelope is unique and responds to the site's characteristics with the topography, podium, mid-stepped tower form, chamfered tower envelope and spaces for wintergardens enabling potential defining tower that forms part of the western edge which is a key skyline view catchment corridor.

City Plan 2036 – City of Sydney Local Strategic Planning Statement

The City of Sydney's LSPS, *City Plan 2036* was prepared to provide strategic direction for the City of Sydney's land use planning in the Sydney LGA. This document provides five areas of strategic direction, of which three are relevant to this Planning Proposal. These are discussed further below:

- **Infrastructure** – This strategic direction seeks to ensure that physical and social infrastructure is provided where it is needed most across the LGA, which will in turn improve accessibility and resilience of our built environments. Specifically, this Planning Proposal aligns with priority I2 – Align development and growth with supporting infrastructure. This Planning Proposal seeks to deliver employment floor space uplift in the vicinity of the future Sydney Metro stations, as well as the existing transport infrastructure network available in Central Sydney. It also includes the provision for a Kent Street Logistics Hub that will support surrounding businesses.
- **Productivity** – This strategic direction is seeking to increase productivity and protect employment lands and uses in the Sydney LGA. Specifically, P1 – Growing a stronger, more competitive Central Sydney is the strategic direction most relevant to this Planning Proposal. In-line with this direction, this proposal will deliver the potential for flexible commercial floor plates which will increase quality and quantity of commercial floor space available in Central Sydney, promoting diverse economic uses. The commercial floor space will be aligned with post-covid market demands and will include opportunities to incorporate spaces such as wintergardens and flexible workspaces, which will deliver wellness benefits to users.
- **Sustainability** – This strategic direction intends to ensure that sustainability and efficiency are considered as part of all strategic directions going forward. S2 – Creating better buildings and places to reduce emissions and waste and use water efficiently directly relates to this Planning Proposal, as the envelope is designed to be able to meet the high sustainable targets proposed. The proposed planning envelope will also encourage perceivable green of the façade through wintergardens that will help deliver the vision for the tower to be sustainable.

Sustainable Sydney 2030–2050

Sustainable Sydney 2030 is Council's vision for the sustainable development of the City to 2030 and beyond. It includes ten specific targets to achieve a sustainable Sydney, as well as 10 strategic directions to guide the future of the City. The achievement of a number of the targets and strategic directions are supported by this Planning Proposal.

Sustainable Development and Design

This Planning Proposal will support a more ecologically sustainable development on the site. It will support development with a target of achieving 6-star Green Star Design As Built v1.3 certified rating, 5.5 Star NABERS Energy rating (Commitment Agreement), 4 Star NABERS Water rating (target), 5 Star NABERS Waste rating (target) and Climate Active Carbon Neutral Building Certification.

The proposal is consistent with the principle of transit oriented development in that new employment is provided in a highly accessible location and the proposal subsequently enables the redevelopment of the site which will include removal of the existing 10-storey car park on the site, thus reducing reliance on the private motor vehicle and in-directly reducing greenhouse gases. This Planning Proposal also encourages the use of perceivable green space in the tower to further illustrate and solidify the sustainable focus of the tower, and assist in reducing emission in the City.

This will support the following targets and strategies within the Plan:

- **Target 1** – The City will reduce greenhouse gas emissions by 70% by 2030 and achieve a net zero emissions city by 2050.
- **Target 2** – The City will have 50% of electricity demand met by renewables, zero increase in potable water use from 2006, and increased canopy cover of 50 per cent from 2008.
- **Strategic Direction 2** – A Leading Environmental Planner:
 - *Objective 2.1* – Greenhouse gas emissions are reduced across the city.
 - *Objective 2.3* – Across the city, potable water use is reduced through efficiency and recycling and gross pollutant loads to waterways are reduced.
- **Strategic Direction 9** – Sustainable development, renewal and design.

Job Growth

The proposal will significantly increase employment with an estimated 6,000 operational and 411 construction jobs, directly aiding the job targets in the Plan (97,000 additional jobs in the city). It will support a future high-quality urban design outcome that will provide new employment opportunities including through the provision of retail offerings at the ground plane. The investment into the site will help contribute to make Sydney and specifically the western edge an attractive destination to national and international businesses, helping to ensure its part in solidifying Sydney as a global city.

This will support the following targets and strategies within the Plan:

- **Target 5** – 97,000 additional jobs in the City.
- **Strategic Direction 1** – A Globally Competitive and Innovative City:
 - *Objective 1.2* – The city economy is competitive, prosperous and inclusive.
 - *Objective 1.5* – The city enhances its global position and attractiveness as a destination for people, business and investment.

Walking and Cycling

This Planning Proposal will utilise and complement the existing cycling infrastructure within the Sydney CBD through the addition of bicycle storage and end of trip facilities to support the commercial development. Further, the proposal will encourage the use of active transport by removing the existing 10-storey car park on the site and providing a new pedestrian connection between Kent Street and Sussex Street.

This will support the following targets and strategies within the Plan:

- **Target 7** – At least 10 percent of city trips will be made by bicycle and 50 per cent by pedestrian movement.
- **Strategic Direction 4** – A City for Walking and Cycling:
 - *Objective 4.4* – Businesses in the city encourage their staff to walk and cycle more often.

Activation

The increase of commercial floor space and ground plane retail in combination with the improved amenity and pedestrian through-site link will significantly improve the level of interaction around the site and the wider western edge. The provision for public art to be established in addition to the through-site link and retail offerings in place of car parking will significantly enhance the activation of the site and surrounding area.

This will support the following targets and strategies within the Plan:

- **Target 8** – Every resident will be within reasonable walking distance to most local services, including fresh food, childcare, health services and leisure, social, learning and cultural infrastructure.
- **Strategic Direction 5** – A lively and engaging city centre.
 - *Objective 5.2* – The city centre provides diversity of built form, uses and experiences.
 - *Objective 5.3* – Innovative, creative, retail, hospitality, tourism and small business activity is supported in the city centre.

7.2.5 Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Better Placed

The Government Architect NSW has established seven distinct objectives to define key design considerations. Achievement of these objectives from this early stage of the project, through to the detailed design and construction stage will ensure the development will be healthy, responsive, integrated, equitable, and resilient. The reference design’s consistency with the objectives are outlined in **Table 5** below.

Table 5 Consistency with the Objectives of GANSW’s Better Placed

Objective	Assessment
Better Fit <i>contextual, local and of its place</i>	The reference design has been informed by the site and its surrounding context. As per the proposal vision, the proposal will form a new place that will help evolve and progress the Sydney CBD’s western edge to becoming a thriving area.
Better Performance <i>sustainable, adaptable and durable</i>	Sustainability is core to the proposal due to the importance for Sydney as a global city to lead the way in responding to significant environmental challenges. The sustainability framework establishes the base for the future building to be sustainable, adaptable and durable through an invited architectural design competition and following detailed design.
Better for Community <i>inclusive, connected and diverse</i>	The proposal seeks to create welcoming open space for all people through the provision of a pedestrian through-site link and retail offerings that will make 383 Kent Street a place people can interact with. The proposed Kent Street Logistics Hub will benefit surrounding businesses but also benefit the wider community with the opportunity to reduce on-street loading and prioritise pedestrianisation of Sydney’s streets.
Better for People <i>safe, comfortable and liveable</i>	The reference design has been designed to demonstrate how the proposal will create a place for people through welcome spaces that are permeable, active and are afforded natural light. The proposed pedestrian through-site link will significantly enhance the ground plane to be more open, active and safe.
Better Working <i>functional, efficient and fit for purpose</i>	The proposal will feature workspace amenities that are expected of premium grade office space to contribute to the next generation of office workspace. The commercial floor space will include opportunities to incorporate spaces such as wintergardens and flexible workspaces, which will deliver wellness benefits such as natural light, fresh area and end of trip facilities to users.
Better Value <i>creating and adding value</i>	The proposal is to develop a new high-quality sustainable commercial tower that will significantly increase the value standard along the Sydney CBD’s western edge.
Better Look and Feel <i>engaging, inviting and attractive</i>	The proposal will revive and redefine its immediate surrounding area by creating an active and permeable ground plane through a new pedestrian through-site link and retail offerings, and a future welcoming design of high aesthetic quality.

Future Transport 2056

Future Transport 2056 establishes the 40-year vision, directions and principles for mobility in NSW, guiding transport investment over the longer term. It was first released in 2018 and prepared collaboratively by Transport for NSW, Greater Cities Commission, Infrastructure NSW and the Department of Planning and Environment to ensure NSW’s overarching strategies for transport and land use planning align and deliver an integrated vision for the State. Since its initial release, the strategy has been updated and is no longer a static document.

The proposal will give effect to Future Transport 2056 and provide significant employment opportunities which can be serviced through the existing network of existing and future transport infrastructure which is and will be in immediate proximity to the site. The proposal will encourage the use of active transport with the site

supported by infrastructure such as the Pyrmont Bridge and direct connection to the Sydney cycle network with a dedicated cycle lane along Kent Street. The proposal will also encourage public transport usage due to its proximity to the existing public transport network including heavy rail, light rail, bus network, ferry services and future Sydney Metro City and Southeast, and Sydney Metro West.

7.2.6 Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The compliance of the proposal with the relevant State Environmental Planning Policies (SEPPs) is discussed in **Table 6** below.

Table 6 Consistency with applicable State Environmental Planning Policies

SEPP	Comment
State Environmental Planning Policy—(Resilience and Hazards) 2021	<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP) seeks to ensure that contaminated land is remediated prior to development, to reduce health hazards or potential harm resulting from contamination. As per the Resilience and Hazards SEPP, it is required that when considering rezoning land, remediation works meet certain standards.</p> <p>The site has been occupied by a public car park since the late 1970's with the existing tower on the site constructed on top of the existing car park in the early 2000's. The Resilience and Hazards SEPP will be addressed accordingly during the detailed DA process as it is no longer a matter for consideration for Planning Proposals.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Clause 2.122 and Schedule 3 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP) will apply to a future proposal as it will exceed 10,000m² of commercial floor space. Any application proposing development will need to be referred to TfNSW as traffic generating development.</p> <p>Given the site's proximity to existing rail corridors and the future Metro rail corridors, it is considered that Section 2.98 of the Transport and Infrastructure SEPP will apply when excavation and basement works are proposed. Concurrence will be required by Sydney Metro Authority prior to the determination of the detailed DA.</p>

7.2.7 Q7. Is the Planning Proposal consistent with the applicable Section 9.1 Directions?

The proposal is consistent with applicable Ministerial Directions, identified as s.9.1 directions. An assessment of this Planning Proposal against applicable section 9.1 Directions is set out in **Table 7** below.

Table 7 Consistency of this Planning Proposal with the relevant Section 9.1 Directions

Ministerial Direction	Consistency			Comment
	Yes	No	N/A	
1. Planning Systems				
1.1 Implementation of Regional plans	✓			As demonstrated in Section 7.2.1 , this Planning Proposal is consistent with the Greater Sydney Regional Plan.
1.2 Development of Aboriginal Land Council Land			✓	Not applicable.
1.3 Approval and Referral Requirements	✓			This Planning Proposal complies with this direction.
1.4 Site Specific Provisions	✓			This Planning Proposal will not result in any unnecessarily restrictive site-specific planning controls.
1. Planning Systems Place-based				
1.5 Parramatta Road Corridor Urban Transformation Strategy			✓	Not applicable.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan			✓	Not applicable.

Ministerial Direction	Consistency			Comment
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor			✓	Not applicable.
1.10 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable.
1.11 Implementation of Bayside West Precincts 2036 Plan			✓	Not applicable.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct			✓	Not applicable.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan			✓	Not applicable.
1.14 Implementation of Greater Macarthur 2040			✓	Not applicable.
1.15 Implementation of the Pyrmont Peninsula Place Strategy			✓	Not applicable.
1.16 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not applicable.
1.17 Implementation of the Bays West Place Strategy			✓	Not applicable.
1.18 Implementation of the Macquarie Park Innovation Precinct			✓	Not applicable.
1.19 Implementation of the Westmead Place Strategy			✓	Not applicable.
1.20 Implementation of the Camellia-Rosehill Place Strategy			✓	Not applicable.
1.21 Implementation of the South West Growth Area Structure Plan			✓	Not applicable.
1.22 Implementation of the Cherrybrook Station Place Strategy			✓	Not applicable.
3. Biodiversity and Conservation				
3.1 Conservation Zones			✓	Not applicable.
3.2 Heritage Conservation	✓			<p>The objective of section 9.1 direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Whilst there are no listed heritage items on the site itself, there are a number of local and state heritage items located in close proximity.</p> <p>The reference scheme provides for further built form outcomes that respond to this, including the alignment of the street wall to Kent Street and podium design consistent with the existing character. The heritage context of Kent Street will form a key consideration as part of a future invited architectural design competition brief.</p>

Ministerial Direction	Consistency			Comment
3.3 Sydney Drinking Water Catchments			✓	Not applicable.
3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs			✓	Not applicable.
3.5 Recreation Vehicle Areas			✓	Not applicable.
3.6 Strategic Conservation Planning			✓	Not applicable.
3.7 Public Bushland			✓	Not applicable.
3.8 Willandra Lakes Region			✓	Not applicable.
3.9 Sydney Harbour Foreshores and Waterways Area			✓	Not applicable. The site is located outside of the boundary to the Sydney Harbour Foreshores and Waterways Area.
3.10 Water Catchment Protection			✓	Not applicable.
4. Resilience and Hazards				
4.1 Flooding	✓			<p>A Civil Engineering Report has been prepared by TTW (Appendix Q), which includes an assessment of the existing flooding conditions on the site and required establishment of a flood planning level and stormwater management.</p> <p>At the time of any future DA, the site levels and the building will be designed (where relevant) to ensure that the development will not be adversely impacted during a flood, the development will not adversely impact the flood behaviour or result in any other adverse environmental impacts. Mitigation measures to address flooding impacts will be investigated during the detailed design phase.</p> <p>For further discussion, refer to Section 9.15.</p>
4.2 Coastal Management			✓	Not applicable.
4.4 Planning for Bushfire Protection			✓	Not applicable.
4.5 Remediation of Contaminated Land	✓			A Preliminary Site Investigation has been prepared by Douglas Partners (Appendix N). It concludes that there are not likely to be any significant contamination risks, and that the site can be made suitable for future redevelopment (subject to further detailed site investigation).
4.6 Acid Sulfate Soils	✓			The site is classified as part Class 1, part Class 2 and part Class 5 Acid Sulfate Soils under the Sydney LEP 2012. An Acid Sulfate Soils Desktop Study Review has been prepared by Douglas Partners (Appendix O) which, based on previous investigations and current mapping, is unlikely to contain acid sulfate soil. However, in order to confirm the presence of acid sulfate soils, an on-site investigation will be undertaken in accordance with Appendix O at a later stage.
4.7 Mine Subsidence and Unstable Land			✓	Not applicable.
5. Transport and Infrastructure				
5.1 Integrating Land Use and Transport	✓			This Planning Proposal will take advantage of the site's strategic context within the Sydney CBD

Ministerial Direction	Consistency			Comment
				providing new employment in a highly accessible location. This site will utilise the existing transport network, including active transport infrastructure and future surrounding Sydney Metro stations.
5.2 Reserving land for public purposes			✓	Not applicable.
5.3 Development Near Regulated Airports and Defence Airfields	✓			<p>This Planning Proposal supports the development of a tower up to RL 189.80. As this would encroach into the Obstacle Limitation Surface (OLS), direction 3.5 applies. This direction requires that Council must obtain permission from the relevant Department of the Commonwealth, or their delegate, prior to undertaking community consultation.</p> <p>The proposed development would require two separate controlled activity applications because of the penetration of the OLS by the building and temporary tower cranes required to facilitate the construction of the tower. The proposed building and crane heights at the site would be below other taller buildings within the Sydney CBD and therefore is considered acceptable.</p> <p>This Planning Proposal is considered to be supportable/justified given that there are a significant number of towers surrounding the site that already, or will, protrude into the OLS.</p>
5.4 Shooting Ranges			✓	Not applicable.
6. Housing				
6.1 Residential zones			✓	Whilst residential uses are permissible in the zone, no residential uses are proposed as a commercial use is more appropriate for this tower cluster site and in alignment with the objectives of the SP5 zone which promotes the primary role of Central Sydney as a centre for employment, and only permitting residential accommodation where it may complement employment generating uses.
6.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable.
7. Industry and Employment				
7.1 Business and Industrial Zone	✓			<p>In accordance with the objectives of the direction, this Planning Proposal will facilitate the development of a commercial tower that will:</p> <ul style="list-style-type: none"> Significantly increases the employment opportunity of the site located in Central Sydney in close proximity to existing and future public transport. Protect employment land in employment zones for decades to come with the vision for the tower to be a sustainable and premium-grade office tower that achieves design excellence and forms part of the long-term future of the CBD's western edge. Protect the viability of the CBD's western edge for commercial development to ensure that the western edge contributes to Central Sydney as a global city attracting national and international business for decades to come.
7.2 Reduction in non-hosted short term rental accommodation period			✓	Not applicable.

Ministerial Direction	Consistency			Comment
7.3 Commercial and Retail Development along the Pacific Highway North Coast			✓	Not applicable.
8. Resources and Energy				
8.1 Mining, Petroleum Production and Extractive Industries			✓	Not applicable
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.

7.3 Section C – Environmental, Social and Economic Impact

7.3.1 Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. This Planning Proposal is unlikely to result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats, given the site's CBD and urban location. The site is devoid of any vegetation.

7.3.2 Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A detailed assessment of the environmental effects as a result of this Planning Proposal is identified in **Section 9.0** of this justification report. Relevant management measures are identified where appropriate and, on this basis, no unacceptable impacts are likely to result from this Planning Proposal or future development on the site.

7.3.3 Q10. Has the planning proposal adequately addressed any social and economic effects?

Yes. The social and economic impacts arising from this Planning Proposal is identified in **Section 9.16** of this justification report. The proposal will contribute towards strengthening Sydney's role as a globally competitive city, raising the bar for amenity, quality and sustainability along the CBD's western edge. It will enable significant positive social and economic impact through the provision of improved and new public space including retail and of premium-grade commercial GFA.

The proposal is estimated to generate 6,000 operational and 411 construction jobs. It would result in improved accessibility, amenity and experience, replaces car parking with people, contributes to Sydney as a globally competitive CBD and will entice the green economy delivering significantly positive social and economic impact. For further discussion, refer to **Section 9.16**.

7.4 Section D – State and Commonwealth interests

7.4.1 Q11. Is there adequate public infrastructure for the planning proposal?

This Planning Proposal will see the delivery of a commercial development on the site. Given the site's location, it is expected that the site's infrastructure is capable of accommodating, or can be augmented to accommodate, such development.

The proposed development will give effect to the Future Transport Strategy 2056 and provide significant employment opportunities which can be serviced through the existing network of existing and future transport infrastructure which is and will be in immediate proximity to the site. This includes the Sydney Light Rail network and the future Sydney Metro City and Southeast, and Sydney Metro West. Furthermore, the *Central Sydney*

Development Contributions Plan 2020 also identifies that significant infrastructure has already been delivered in Central Sydney, with the proposal being part of the planning growth this plan was prepared for.

The proposal also includes delivery of public benefits that will offset the additional demands of the development on local infrastructure and will be subject to contributions to support the provision of infrastructure arising from the development.

The proposal will provide a new publicly accessible pedestrian through-site link that will open up the ground plane and provide additional area for people, encouraging pedestrianisation in a part of Central Sydney dominated by private vehicles. Further, it will take advantage of the light rail infrastructure nearby the site and also leverage off the future Sydney Metro.

7.5 Section E – State and Commonwealth Interests

7.5.1 Q12. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Given the nature of this Planning Proposal, it is not expected that referral to any State or Commonwealth agency would be required.

Input from Transport for NSW (for traffic generating purposes – Transport and Infrastructure SEPP clause 2.122) will be required as part of the determination of any future development application for the site.

Where necessary, further consultation with relevant authorities will be undertaken as required in accordance with the Gateway determination. State and Commonwealth authorities will have the opportunity to provide comments on this Planning Proposal as part of its formal exhibition.

8.0 Guideline for Site Specific Planning Proposals in Central Sydney

The Guideline was prepared to guide the preparation of site-specific planning proposals to determine additional height and floor space accessible consistent with the CSPS's nine aims. In December 2020, Council adopted the Guideline as the primary guide for the preparation of planning proposals in Central Sydney.

The Guideline outlines the methodology for determining a possible maximum planning envelope as well as the minimum submission requirements for a Planning Proposal including requirements for:

- Understanding the unique opportunities of the proposition;
- Using land efficiently;
- The walking space guide; and
- Site testing (including wind and daylight).

This section provides an assessment of the proposal against the guideline.

8.1 Minimum Site Tests

An assessment of the proposal against the minimum site tests of the guideline is provided in **Table 8** below.

Table 8 Assessment Against The Guideline's Minimum Site Tests

Minimum site test	Assessment	Complies
Land use <i>Proposed new buildings cannot contain residential or serviced apartment floor space</i>	No residential or serviced apartment uses are proposed.	Yes
Erection of a tall building <i>Have a minimum Site Area of 1,000 square metres</i>	The site area is 3,606m ² .	Yes
Height of buildings	The proposed envelope height has been developed in accordance with the procedures in the guideline, as discussed in Section 4.0 .	Yes
Protection of public views	The proposed envelope does not impact on any public view protection planes.	Yes
Floor space ratio	The proposed FSR has been rigorously tested and developed in accordance with the procedures in the guideline, as discussed in Section 4.0 .	Yes
Ecologically sustainable Development (ESD) <i>Must drive net zero emissions, zero waste and water efficient outcomes</i>	As outlined in Section 4.5 , the proposal includes high and achievable sustainability targets that meet the sustainability requirements of the Guideline, and includes a number of project specific initiatives to go over and above the Guideline.	Yes
Heritage floor space	The additional site specific floor space the subject of this Planning Proposal will not be subject to heritage floor space requirements as per clause 6.10 and 6.11 of the Sydney LEP 2012. HFS will be allocated in accordance with the LEP for accommodation floor space and design competition floor space.	Yes
Heritage conservation	The proposal does not contain a heritage item.	Yes
Design excellence	A full invited architectural design competition is proposed. Refer to the Design Excellence Strategy (Appendix C).	Yes
Car parking	The proposal envisages parking compliance with the Sydney LEP 2012.	Yes
Affordable housing	A condition may be imposed by Council at DA stage in accordance with Clause 7.13 of the LEP requiring a contribution to affordable housing.	Yes

Minimum site test	Assessment	Complies
<i>Section 61 contributions or Central Sydney Contributions Plan 2020</i>	The development will be subject to the payable contributions to be paid at CC stage, following discussions with the City of Sydney (refer to Appendix D).	Yes

8.2 Height

The CSPS provides opportunities for tall buildings to be built to greater heights on appropriate sites where no additional overshadowing will occur to identify public spaces during protected times and where the safe and efficient operation of Sydney Airport is maintained. The Guideline requires proponents to undertake site testing through an envelope analysis to address overshadowing, public view impact, Sydney Airport Prescribed Airspace, wind and daylight impact, which are discussed in **Section 9.0**.

The proposal provides all required analyses and studies as required by the guideline as set out in **Table 9** below.

Table 9 Guideline Submission Requirements

Analysis	Proposal
Overshadowing of Protected Public Spaces	The site is located within a tower cluster area, which largely reflect the City's capacity studies supporting the CSPS and identify sites capable of accommodating uplift without compromising public amenity in terms of sun access.
Public View Protection Planes	<p>The site is encumbered by shadow controls to protected certain public places under clause 6.18 of the Sydney LEP 2012, including:</p> <ul style="list-style-type: none"> • Sydney Square – between 14 April-31 August and 11am–4pm; • Sydney Town Hall Steps – between 14 April-31 August and 10:30am–4pm; and • Future Town Hall Square – All year – Midday–sunset. <p>As outlined in Section 4.3, the proposed envelope has been designed in accordance with the above overshadowing controls.</p>
Sydney Airport Prescribed Airspace	<p>Clause 7.16 of Sydney LEP requires that the consent authority must not grant development consent if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed. In effect, the consent authority will require the federal Department of Infrastructure and Regional Development to authorise the penetration of the Obstacle Limitation Surface (OLS) prior to determination of the DA. The applicable OLS applying across the Sydney CBD is 156m AHD.</p> <p>The proposed amended building height control will result in a tower that will penetrate the OLS and therefore will require approval as a controlled activity under the Airports Act 1996. Given that the existing LEP already enables a potential tower of 110m on the site and in light of surrounding development such as the Sydney Tower Eye, it is considered that approval for construction and operation of the building and installation of temporary tower cranes can be achieved.</p>
Wind Tunnel Testing	A Pedestrian Wind Environment Study prepared by Windtech (Appendix H) supports this Planning Proposal. The measured wind conditions for the various critical outdoor trafficable areas around the subject development are compared against the criteria presented in the Sydney DCP. The results indicate acceptable conditions to the public domain following the introduction of the proposal. Refer to Section 9.8 for further discussion.
Wind and Daylight Equivalence Test	The proposal does not seek a variation to the Sydney DCP built form controls and provides a compliant planning envelope. Therefore, the provisions of Schedule 12 to provide a 'base case' scenario are not required to be tested or analysed to support the proposed planning envelope.

8.3 Floor Space Ratio

The Guideline enables sites to increase their maximum FSR as determined in compliance with a number of matters for consideration as set out in the guideline. These matters constitute a process which is to be followed to determine an FSR control. An assessment of the proposal against the matters for consideration in establishing an FSR control as set out in the guideline is provided in **Table 10** below.

Table 10 Guideline Submission Requirements

Matters for consideration	Proposal
<p>Podium and tower forms</p> <p><i>Towers are to have podium form with a Street Frontage Height in accordance with the Sydney DCP unless otherwise justified by an equivalency variation test</i></p>	<p>The proposed podium envelope constitutes a compliant Sydney DCP design.</p>
<p>Roof/construction zones</p> <p><i>Where the maximum height of the building is determined by a sun or view control – a 15 metre roof/construction zone should be provided below the control height.</i></p> <p><i>Where the maximum height of the building is determined by Sydney Airports Prescribed Airspace - at least 30 metres roof/construction zone should be provided below the control height with construction methodology provided for constructing the upper floors without cranes penetrating Sydney Airports Prescribed Airspace.</i></p> <p><i>Or an amount as demonstrated by best practice and a reference design.</i></p>	<p>The proposed height of the tower envelope is situated below Sydney Airport's Prescribed Airspace. The proposed envelope represents a compliant DCP scheme and the drafted LEP control as nominated in Section 6.1 of this report will ensure that future detailed design of the building will not exceed the sun access plane. Constructing methodologies will be explored as part of a future DA to minimise impacts.</p>
<p>Floor to floor heights</p> <p><i>5 metres clear floor to floor for ground and first floors, and allowances for new pedestrian links and public domain improvements supported by urban design analysis.</i></p> <p><i>3.8 metres floor to floor for typical commercial floors and structural transfer zones at steps in the building massing.</i></p> <p><i>3.3 metres floor to floor for typical hotel floors and structural transfer zones at steps in the building massing.</i></p>	<p>The indicative scheme maintains an open and active ground plane and podium through elevated public open spaces and a 5m floor to floor height for the Ground Floor and Level 1. The reference design assumes 3.80m floor to floor for typical commercial floors throughout the scheme.</p> <p>The reference design also includes a comprehensive public domain strategy involving publicly accessible spaces such as the pedestrian through-site link. Together these spaces demonstrate that the reference design as a proof of concept is highly activated at ground level.</p>
<p>Vehicle access, servicing and services at ground level</p> <p><i>Floor space configuration and calculations are to be precedent based on reference examples.</i></p>	<p>The reference design proposes a consolidated and single vehicular access point from Sussex Street providing access to the loading dock and basement.</p>
<p>Plant</p> <p><i>A full floor plant level for every 20 occupied levels at minimum 6 metres high floor to floor should be provided for.</i></p>	<p>The top two building levels (Level 41 and 42) include full floors of building plant, and are illustrated in the reference design (Appendix A). These plant levels assume floor to floor heights of 5m, which will adequately provide for the required plant. Detailed services planning has been conducted to inform the spatial requirement for plant rooms and on-floor servicing.</p>
<p>Architectural articulation</p> <p><i>A minimum proportion of the entire design envelope for architectural articulation and external façade depth and external sun shading (not occupied by floor space) of 8.0% plus 0.5% for each 10 metres in height above 120m up to a maximum value to 16% articulation.</i></p>	<p>The reference scheme constitutes approximately 88% of the planning envelope, with a minimum of 12% floor by floor tower architectural articulation and an average 12.8% volumetric application of articulation. This represents an exceedance of the 11% Guideline articulation requirement for a tower envelope of its proposed height.</p>

Matters for consideration	Proposal
<p><i>Note: the proportion (percentage) is established according to the maximum building height, this proportion is then applied to the whole envelope.</i></p> <p>120 metres – 8%</p> <p>160 metres – 10%</p> <p>200 metres – 12%</p> <p>240 metres –14%</p> <p>280 metres – 16%</p>	<p>The proposed architectural articulation percentage is significant and will provide ample opportunity for competitors through the invited architectural design competition to achieve design excellence.</p>
<p>Core</p> <p><i>Minimum 16% floor space exclusions associated with the core.</i></p>	<p>The reference design constitutes an efficient floor plate with an average 87% efficiency (GBA/GFA). However, allowance has also been made within the floor plate for balconies and voids, as discussed below.</p> <p>Refer to the Design Report at Appendix A for more information.</p>
<p>Balconies</p> <p><i>Balconies, voids or other areas not counted as floor space (including voids for vertical villages) should be determined from a reference design.</i></p>	<p>The reference design includes wintergardens along the western elevation to maximise the site's exposure to the west and to provide perceivable landscaped design solutions to the western façade. These areas have been excluded from GFA calculations.</p>

9.0 Environmental Assessment

This section provides an environmental assessment of the proposed planning controls and the indicative development the controls are capable of accommodating.

9.1 Built Form and Urban Design

The proposed envelope is well suited to the prominent location of the site and appropriately responds to the site's size and dimensions, the surrounding built form development context, and the heritage context. The proposed envelope achieves a balance between providing for internal functionality and external aesthetics that will significantly improve the existing streetscape and deliver on the aspirations of the CSPS.

The Design Report prepared by FJC (**Appendix A**) details the design approach to the redevelopment of the site and describes the key built form parameters which are outlined further below.

9.1.1 Podium

The proposed envelope comprises a traditional podium and tower form, with the podium mass informed by the Sydney DCP provisions and the site's surrounding built form context, which is characterised by a variety of heritage street frontage heights along the Kent Street elevation. The eastern section of the subject site falls within the Sydney DCP prescribed York Street Special Character Area (SCA) which also includes areas of Clarence Street and Kent Street.

As shown in **Figure 57**, the proposed podium height to Kent Street achieves a contextually appropriate response of 5 storeys to Kent Street. The top of the proposed podium envelope parapet in this location sits at RL 44.4m, and represents a height of 25.2m when measured from the existing Kent Street ground floor to the top of the indicative podium height parapet, representing compliance with the 45m SCA podium height control. As stipulated by Table 5.3 of Section 5.1.1.2 of the Sydney DCP, the minimum street frontage height for the SCA is 20m, thus demonstrating a compliant indicative reference design for streetwall height in this context.

The western portion of the site is excluded from the boundary of the SCA, and as such, is governed by the permissible range of streetwall heights under Table 5.1 of Section 5.1.1.2 of the Sydney DCP which stipulates that buildings exceeding a total building height of 120m are to have a street frontage height ranging from 20-25m. As illustrated in **Figure 57**, the proposed podium height to Sussex Street achieves a contextually appropriate response of 23.2m when measured from the existing Sussex Street ground floor to the top of the indicative podium height parapet at this elevation. The approach ensures a contextual response to the surrounding built form context, ensuring the podium relates in scale to the buildings surrounding it.

The proposed podium form provides a respectful and contextual response presenting an appropriate podium height for the site. In particular, the podium creates a consistent and legible built form response to the heritage character of the SCA and adapts to the dramatic topography for the land.



Figure 57 *Elevated view of the indicative reference design along Kent Street looking north-west*

Source: Virtual Ideas

9.1.2 Through-Site Link

The site benefits from dual streetscape frontages that provide an opportunity to increase pedestrian connectivity and permeability through the site. In accordance with the Sydney DCP Through-Site Links Map (Map 14), the site is identified to provide part of a through-site link that is publicly accessible. The reference design accommodates a through-site link scheme that fulfills this DCP intent in a manner that is able to provide a public benefit in that it will be enhanced by retail offerings, landscaping, public art activation and opportunities for light and air.

The provided indicative reference scheme provides a through-site link that maintains a sense of openness and connection to both streetscapes where it is previously not afforded (refer to **Figure 58**). It also enables clear lines of sight between Kent Street and Sussex Street, in accordance with Section 3.1.2.2 of the Sydney DCP. The configuration of the connection is generous, but is also of a human scale, and enables the achievement of a comfortable street environment for pedestrians with high levels of daylight, a sense of enclosure and wind mitigation (as discussed further in **Section 9.8**).

A render of the indicative reference scheme provided in **Figure 57** illustrates an elegant and attractive podium design with through-site link can emerge within the proposed envelope to befit the prominence of this Central Sydney block, greatly improving on the current site situation.

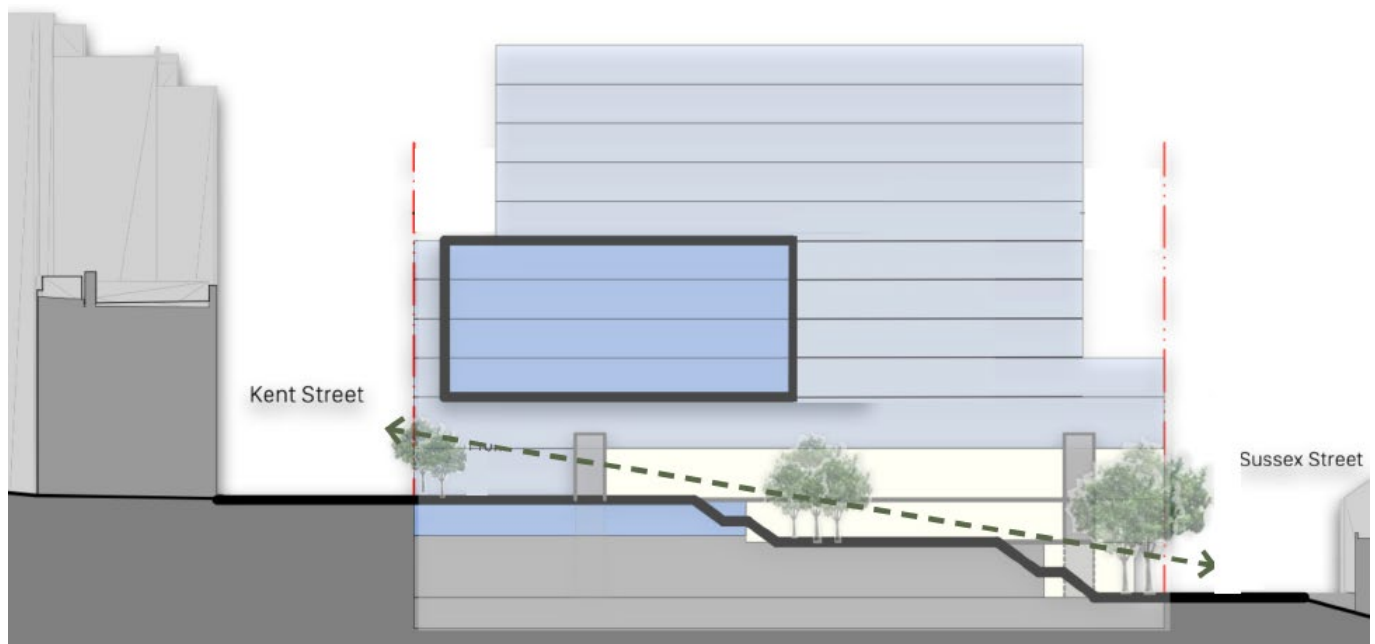


Figure 58 Through-Site Link Section Drawing

Source: FJC

9.1.3 Tower Setbacks

The tower setbacks have been developed through a detailed analysis of the Sydney DCP, the Sydney LEP, the CSPS and the surrounding architectural context and built form within the locality. The proposed setbacks have been driven by the project's vision to deliver a premium, contemporary workplace with viable floor plates that maximise the opportunity to deliver employment floor space in a highly accessible location, and one that contributes to the vision of the CSPS for Sydney to be a globally competitive city.

As illustrated in FJC's site context analysis at **Appendix A**, the tower setbacks of surrounding existing and approved buildings offer a variety of responses, taking into account heritage buildings, various street setback responses to contemporary buildings and differing land-uses in this part of the city, such as to nearby residential towers. As such, while the proposal must have regard to the numeric amended Sydney DCP setback provisions, there are a variety of existing contextual cues that require a merit-based approach to defining the tower envelope.

In alignment with Section 5.1.1.1 of the Sydney DCP, a compliant 8m setback above the podium height from the eastern and western (street) boundaries is provided. The northern and southern (side) tower setbacks have also been developed in accordance with Table 5.4 of Section 5.1.1.3 of the Sydney DCP; where it is required that side and rear setbacks above the street frontage height for buildings between 120m and 240m represent 3.33% of the proposed total height of the proposed building. The side setbacks have been determined based on the height of the top of the building (as varied) down to the podium height, resulting in a range of side setbacks of between

4.29m and 5.95m. These side setbacks have been determined in accordance with the flexibility that Section 5.1.1.3 (5) of the Sydney DCP enables to side and rear setback where the top of the building has been designed with varied heights.

The setbacks of the tower also achieve sufficient separation distances to existing neighbouring buildings at its northern and southern boundaries. To the north, the tower setback achieves a separation distance of 24m to 365 Kent Street which is a residential building, in alignment with the provisions of the ADG relative to building separation (refer to **Figure 59**). At the south, the tower envelope achieves a separation distance of between 8.5m and 10.9m to 2 Market Street.



Figure 59 Tower setback separation distance from 365 Kent Street to the north

Source: FJC

As such, the tower setback represents a contextually appropriate response that respects the development potential and privacy of neighbouring buildings, promotes access to light and air which is able to penetrate the streetscape and allows an appropriate level of airspace between buildings so as to not intensify the impact of the built form when perceived from other buildings. Additionally, the proposed tower setbacks have been designed to be consistent with the objectives of the York Street SCA and Central Sydney.

9.1.4 Tower Height and City Skyline

The Planning Proposal seeks to facilitate a tower form that can achieve design excellence and make an outstanding architectural contribution to the Central Sydney skyline within an identified tower cluster location primed for growth and change. The tower massing strategy has been informed by the endorsed CSPS and the

site's location within a tower cluster zone where significant uplift is anticipated, as well as the evolving context of the site with a variety of new tall towers as described in **Section 2.4.5**.

With the construction of Sydney Metro infrastructure in proximity to the site, as well as the approval of the Cockle Bay Wharf development, coupled with the recent investment into employment generating space at Barangaroo, there is a fundamental responsibility and expectation that land in this area of Central Sydney will be used more efficiently and deliver higher density, particularly on sites that are not overly constrained by external factors. The subject site provides one such opportunity as it can accommodate more floor space whilst protecting the amenity of the city's important public spaces, and manage its impacts to the surrounding environment.

The key planning parameter limiting the tower envelope height is the protection of solar access to certain key public places including the Future Town Hall Square, Town Hall Steps and Sydney Square, detailed within Appendix F of the CSPA. These places are currently subject to existing 'No Additional Overshadowing' controls with dates set for between 14 April and 31 August between 10am and 4pm. The site is not subject to any Clause 6.17 Sun Access Plane restrictions.

The result is a tower which, whilst taller than the existing building and buildings immediately surrounding it, sits well within the overall tower skyline which includes much taller buildings (refer to **Figure 60**, **Figure 61**, **Figure 62** and **Figure 63**). The tower's form, whilst still of a commercially viable scale, still achieves an overall slenderness, which will be well articulated following a competitive design process. The indicative reference design in the context of the existing Sydney skyline is illustrated in **Figure 64** and **Figure 65**.

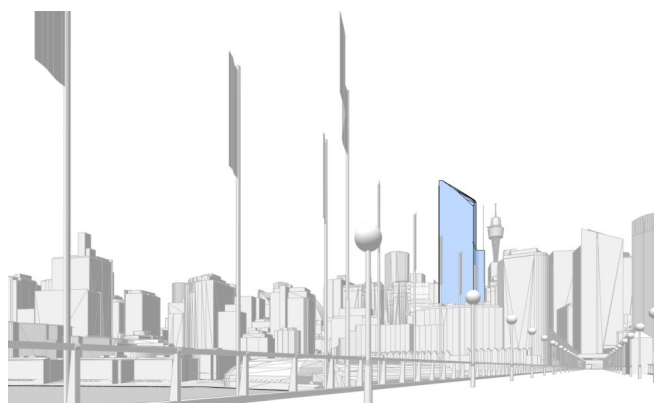


Figure 60 View from Pyrmont Footbridge

Source: FJC

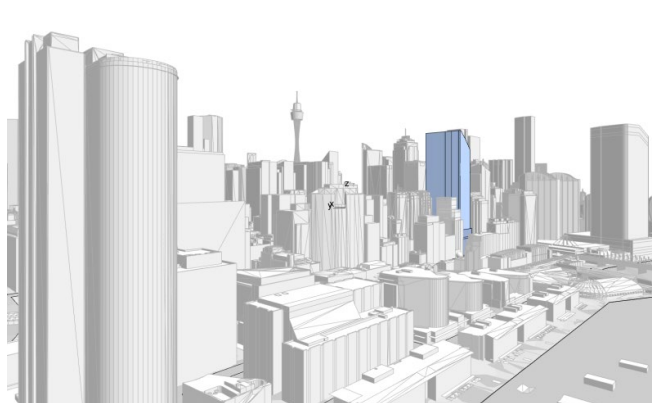


Figure 61 High level view over Barangaroo

Source: FJC

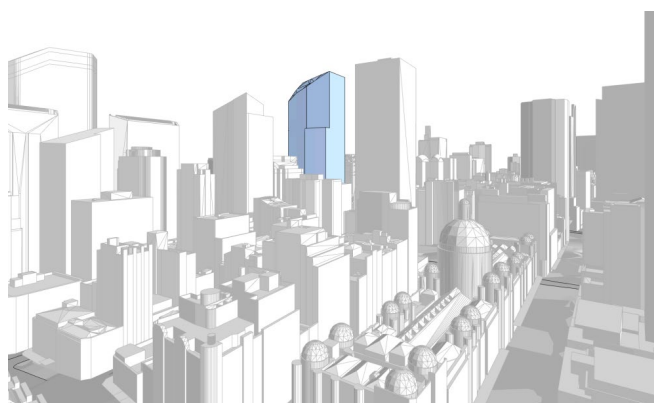


Figure 62 High level view over the QVB

Source: FJC

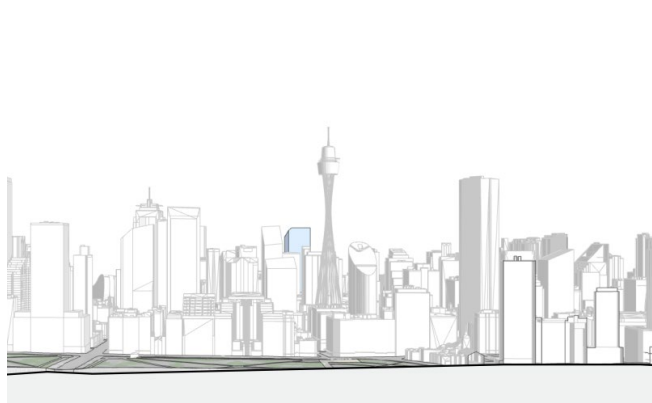


Figure 63 View across Hyde Park

Source: FJC



Figure 64 Aerial view of the Indicative Reference Design as viewed from the north

Source: Virtual Ideas

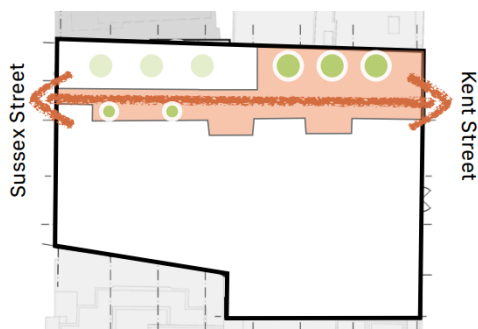


Figure 65 Aerial view of the Indicative Reference Design as viewed from the south-west

Source: Virtual Ideas

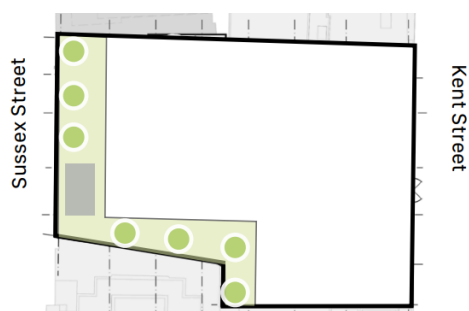
9.1.5 Landscape Strategy

A Landscape Strategy has been prepared by FJC and is included at **Appendix A**, outlining the opportunities within the proposed planning envelope for landscaping and incorporated in the indicative reference design. It identifies the following opportunities:



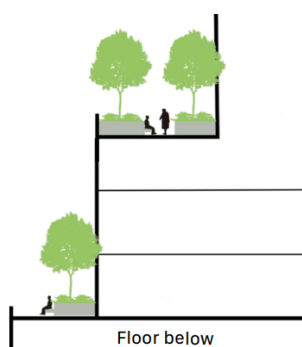
Through Site Link

The through-site link will continue east to connect with an existing and planned through site link network, and west towards Darling Harbour. It aligns with breaks between buildings and must be accessible 24 hours a day, direct with clear height of at least 6m, and provides bike access. The through site link presents an opportunity to create a safe, active, and well connected green space.



Podium Terraces

Larger tenant terraces to be provided on various podiums and roof levels to create generous accessible outdoor space for landscaping. It offers key opportunities to increase tree canopy coverage within the site, and incorporate outdoor meeting collaborative spaces and various amenities for events and functions.



Roof Garden

A series of green roofs and green atriums / wintergardens will be orientated towards the west where prime views and outlooks are afforded from the city. 100% naturally ventilated spaces, integrated inter-floor stairs and no-touch control on all building operations, fixtures and doorways combined encourage easy and healthy movement and collaboration.



Water Sensitive Urban Design (WSUD)

Planting in podium terraces and rooftop gardens assist in creating a sustainable WSUD system. The site will offer a generous vegetation coverage of least 30% which will occupy available rooftop space. The green roof will include facilities for water collection infrastructure. Green facades will be covered with climbing plants that are liveable and resilient to urban climate.



Canopy Coverage

In accordance with the City of Sydney 'Greening Strategy' and 'Urban forest', 15% canopy targets for the central business district (i.e. Sydney CBD) should be provided on site mainly within podium and terraces.

The 'Green Star Targets' states that the development should provide 15% of horizontal or vertical landscaping. 5% of building is allocated to horizontal or vertical gardens easily accessible to occupants. The development aims to meet such target across the site within 10 years of completion of the development.

9.2 Suitability for Increased Density

As detailed throughout **Section 4.0** and in **Section 9.1** above, the proposed planning envelope and accompanying reference scheme were both carefully and thoughtfully designed, tested and analysed to achieve a proposal that demonstrates its suitability for increased density. In doing so, the framework that the proposal considered included:

- Characteristics of the site and its surroundings;
- Objectives and findings of the CSPS;
- Objectives of the Sydney LEP 2012;
- Requirements of the Guideline;
- Various environmental constraints; and
- Feedback from the City of Sydney and the DAP.

Considering the factors above, the proposal was refined and sculpted to form the highest and best use of the site. The result is a planning envelope that reaches a height of RL 189.80 and accommodates an above ground FSR of 20:1 and below ground FSR of 0.30:1. An assessment of the site's suitability for increased density is provided in the following sections.

9.2.1 Characteristics of the Site and its Surroundings

The site represents a large single allotment located in a prominent position along the western edge of the Sydney CBD. It benefits from its mostly linear shape and dual frontages to streets, which contribute to its unconstrained nature that allows for uniform setbacks and a podium height consistent with the surrounding street wall. Importantly, the most valuable characteristic of the site is that it has been identified within a tower cluster area as it has the capacity for additional density, without compromising the amenity of surrounding key public places (as identified in the Sydney LEP 2012, including Sydney Square, Sydney Town Hall Steps, and future Town Hall Square). Subsequently, the height and planning envelope as proposed in the indicative reference scheme has been designed to conserve solar amenity to these key places, as outlined in **Section 4.3**.

9.2.2 Objectives and Findings of the CSPS

Specifically, this Planning Proposal is consistent with the methodology and approach under the CSPS and represents a fundamental shift away from the setting of a generic fixed FSR number in isolation of site and locality-specific environmental context and impacts. This approach recognises the unconstrained nature of the site, being a large allotment under single ownership with two key street frontages. This approach is also adopted in Council's Development Capacity Study, and is a more contextual approach that allows a merit based FSR allocation (irrespective of its numerical value) to be established on a site-specific basis, and which is the product of urban design feasibility and environmental testing. In this instance, the FSR proposed provides an appropriate environmental outcome and supports a strong contextual response to the precinct.

The proposal is also directly consistent with the stated objective of providing "*an intensity of development that is commensurate with the capacity of existing and planned infrastructure*". The proposed density is in line with the floor space envisaged to be brought to market over the next 30 years by the CSPS and will be supported by existing heavy rail, bus, light rail and ferry infrastructure available in the city, as well as incoming infrastructure including Sydney Metro City and South West, and the West Metro.

9.2.3 Objectives of the Sydney LEP 2012

This Planning Proposal is also considered appropriate having regard to the objectives of the *SP5 Metropolitan Centre* zone within the Sydney LEP 2012. The proposal directly responds to these objectives by providing employment floor space through a new sustainable and premium-grade office tower that will contribute to Sydney's global status as an economic powerhouse.

The proposal will enable the demolition of the existing 10 storey car park on the site (subject to a future DA) which is directly consistent with the objectives of the SP5 zone which seeks "*To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling*". This Planning Proposal seeks to enhance pedestrian connectivity on site by facilitating a through-site link that will contribute to the pedestrianisation of Central Sydney and will be supported EOT facilities to encourage bicycle usage.

9.2.4 Requirements of the Guideline

As outlined in **Section 8.0**, the proposal is consistent with the Guideline which was prepared to guide the preparation of site-specific planning proposals to determine additional height and floor space accessible consistent with the CSPS's nine aims. The proposal has considered the requirements of the Guideline throughout the development of the proposal, which has resulted in it demonstrating compliance with the Guideline.

9.2.5 Various Environmental Constraints

To accurately assess the various environmental constraints and impacts of the proposal, detailed studies have been undertaken including urban and architectural design testing and environmental analysis.

This design testing established the appropriate maximum planning envelope in terms of its impacts and the site's environmental constraints (especially in relation to wind and overshadowing). From there, the planning envelope was further refined to be capable of accommodating a tower form appropriate to the market and context, and designed in a manner responsive to the site's locational context and environmental constraints.

Following this, an indicative reference scheme wholly within the planning envelope was prepared, that complies with the height parameters dictated by overshadowing constraints, setbacks as determined by DCP controls, podium heights that respond to the existing streetwall character and heritage context, and a through-site link that responds to the topography of the site.

9.2.6 Feedback from the City of Sydney

In addition to responding to the parameters as set out in **Section 9.2.5** above, the proposed planning envelope and accompanying reference design has been shaped further by feedback from the City of Sydney and the DAP. The proponent team met with the City of Sydney on three separate occasions to discuss the development and public benefit opportunities that this planning proposal could facilitate. Site-specific matters that were discussed with the City included the form of the envelope, the proposed shared loading dock strategy, the design of the through-site link and how the site can implement perceivable sustainability measures into its future detailed design.

As a result, the proposed indicative reference scheme has incorporated the following attributes that will form part of a future DA:

- Adoption of a 20:1 above ground, and 0.30:1 below ground FSR;
- Commitment to providing a Kent Street Logistics Hub to be used by local couriers and logistical businesses to service the immediate locality and reduce on-street loading activities at Kent Street;
- A pedestrian through-site link that is supported by activated retail and is partially open to the sky; and
- An opportunity to incorporate outdoor landscaping features that are perceivable from the western catchment view corridor. This is provided by way of the indicative reference scheme incorporating wintergardens, terraces and balconies at the western elevation which will contribute to an overall tower 'greening' at the western facade.

9.2.7 Conclusion

Considering the above factors, this Planning Proposal has demonstrated that the proposal is suitable for an increase in density, which in-turn will contribute achieving the City's vision for Central Sydney. This Planning Proposal will deliver on an investment that improves on quality, sustainability and amenity along the Sydney CBD's western edge.

9.3 Articulation Allowance

The indicative reference scheme demonstrates how an allowance of 12.8% for the proposed tower envelope can be delivered as architectural articulation. This exceeds the City of Sydney's Guideline for Site Specific Planning Proposals which incorporates a sliding scale for articulation based on the height of a building, as demonstrated within the Design Report (**Appendix A**).

As illustrated in **Figure 66** below, the proposed planning envelope includes a 12% floor by floor articulation, and a 12.8% overall volumetrically applied articulation allowance which exceeds the requirement of 11% set out in the Guideline. This ensures that articulation opportunities are provided for the future design competition process and takes into account the external depth and sun shading (not occupied by floor space) into the future design.

A 12% allocation for an articulation zone applied to the tower envelope up to a height of 180m above Sussex Street ensures that a range of architectural forms can emerge within the proposed planning envelope and assumed tolerances, allowing sufficient flexibility for future competitors to deliver varied architectural outcomes in the architectural design competition.

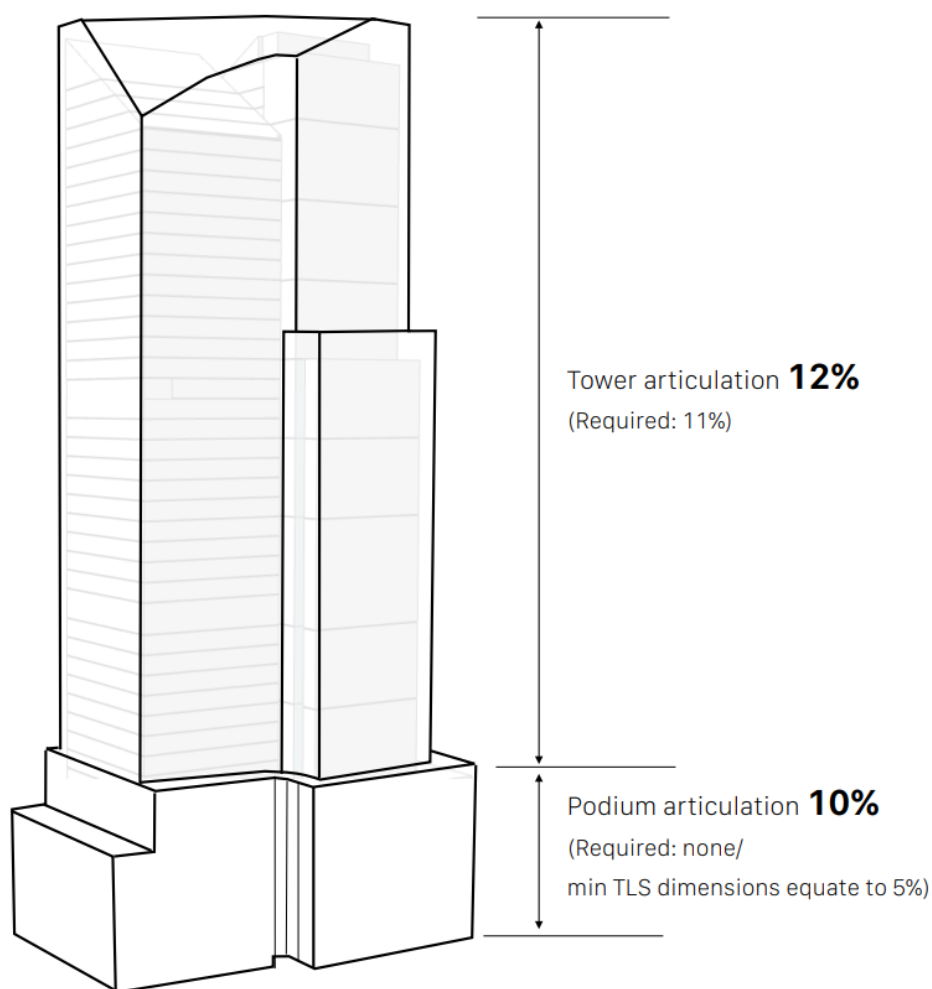


Figure 66 Articulation Allowance Diagram

Source: FJC

9.4 Design Excellence

A Design Excellence Strategy has been prepared and is included in **Appendix C**. It details the process and approach Charter Hall proposes to adopt in achieving the objectives and requirements of Division 4 of Sydney LEP 2012. The strategy seeks to establish a framework with minimum requirements to ensure that a fair, transparent and facilitative Invited Architectural Design Competition can be completed to ensure the achievement of design excellence and the highest sustainability outcomes.

The proponent has elected to conduct a single Invited Architectural Design Competition for the project. The process is to be undertaken prior to the lodgement of a detailed DA for the proposal. The Invited Architectural Design Competition will be conducted primarily in accordance with the Policy and Competitive Design Model Brief, however it will also draw on efficiencies supported within the City of Sydney Competitive Design Policy.

9.5 Overshadowing and Solar Access

9.5.1 Overshadowing of Public Places

Important Public Places (No Additional Overshadowing)

Under the CSPS, additional height and floor space must be balanced with the protection of sensitive and important public spaces to ensure solar access to these areas is not unreasonably compromised. Specifically, the proposed Height of Building complies with controls governing the protection of solar access to certain public places as stipulated by Clause 6.18 (Overshadowing of certain public places) of the Sydney LEP, which requires:

- No additional overshadowing between 14 April and 31 August to Sydney Square, which is protected between 11:00am and 4:00pm;
- No additional overshadowing between 14 April and 31 August to Sydney Town Hall Steps, which is protected between 10.30am and 4.00pm; and
- Full sun access to the Future Town Hall Square all year round between midday and sunset.

The overshadowing study (as demonstrated by FJC) has illustrated that the proposed envelope:

- Complies with both the Sydney Square and Sydney Town Hall Steps No Additional Overshadowing control and is therefore compliant with the intended periods of protection;
- Does not cast any shadow to the land identified as the Future Town Hall Square during the prescribed time of midday to sunset, all year round;
- Given the above, the objectives of Clause 6.18 of the Sydney LEP 2012 are thereby deemed to have been satisfied. These objectives are:
 - a) *to prevent additional overshadowing of valued public places that are used as areas for passive recreation by the public, workers and visitors in Central Sydney, and*
 - b) *to protect significant, new and planned public places from future overshadowing.*

The proposed planning envelope compliance with clause 6.18 of the Sydney LEP 2012 is demonstrated in **Figure 67** below.

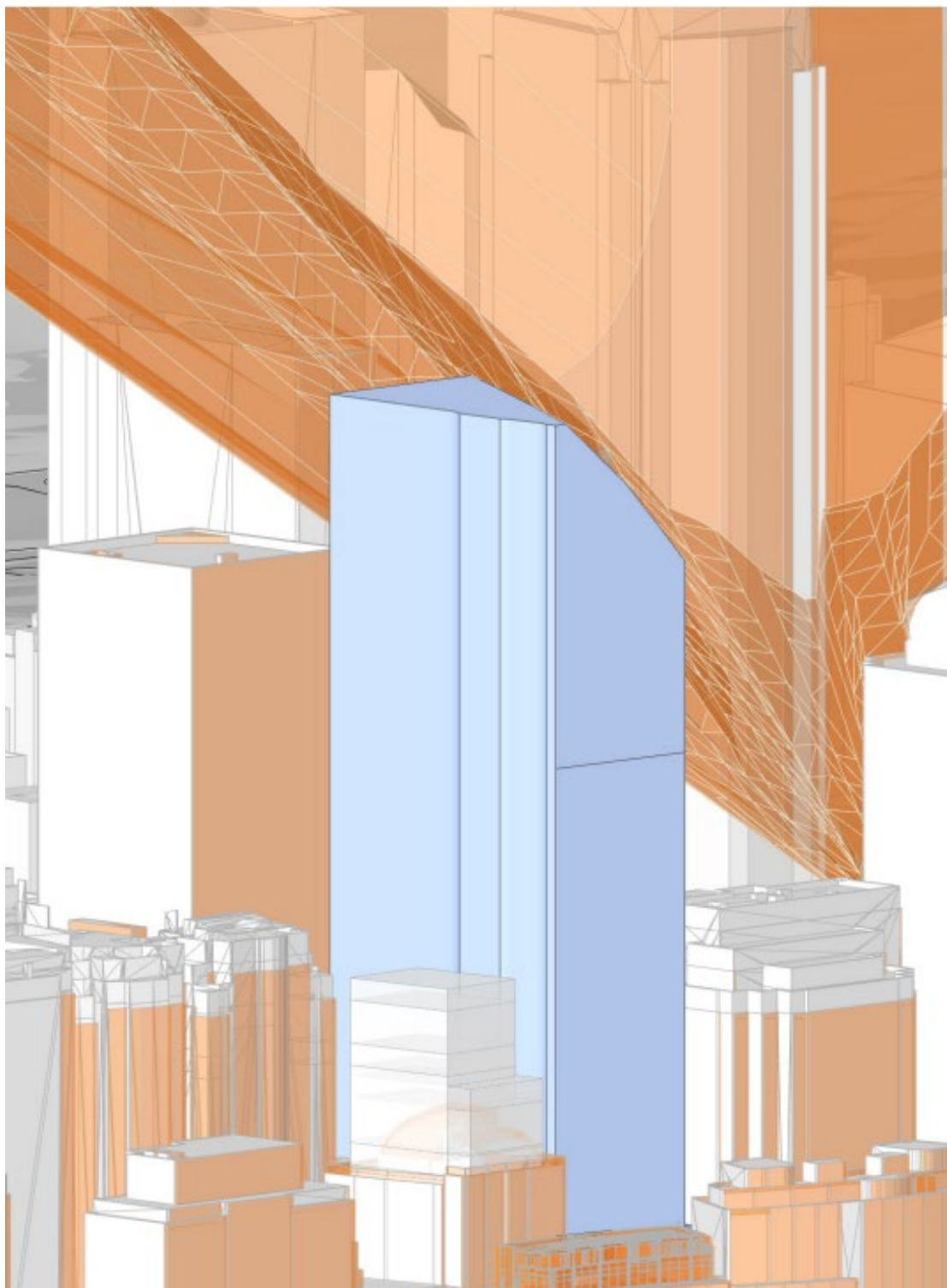


Figure 67 *Proposed Planning Envelope with the No Additional Overshadowing Controls*

Source: FJC

Overshadowing of the City's Streets

As shown in the shadow diagrams, the proposed planning envelope results in some additional overshadowing of various city streets compared to the existing situation. This additional shadow is generally fairly minor given the existing built up nature of the city.

In the context of a growing global city, some reduction in sunlight to public spaces is inevitable as smaller, older buildings are replaced with new buildings designed to the City's prescribed height limits and sun access planes. The City's expanded floor space capacity and its success in terms of economic output, job creation and the vitality will affect solar access to some degree, especially during winter months, to some extent. The City of Sydney has undertaken years of extensive work, however, to ensure that upper limits are prescribed and the most important public spaces are protected at the necessary times throughout the year.

It is in this context that the proposed planning envelope has been carefully designed in accordance with the CSPS and the Sydney LEP 2012 solar access and overshadowing controls that aim to protect certain public places. The future detailed design of the building will be articulated within the planning envelope and therefore will likely result in a reduced shadow impact. A detailed solar access and overshadowing analysis will be included as part of any detailed development application.

9.5.2 Overshadowing of Residential Buildings

Some residential buildings are located within the site's shadow catchment, as illustrated in **Figure 68**. To understand any potential shadow impacts to these residential properties, FJC has undertaken an impact analysis of the proposal on these properties (**Appendix A**). The two most relevant buildings that are likely to be impacted by the proposed building envelope are 25 Market Street to the south-east of the site, and 222-228 Sussex Street to the south of the site. The impacts of the proposed building envelope have been considered in the subsequent sections below.



Figure 68 Surrounding Residential Buildings

Source: FJC

25 Market Street, Sydney

25 Market Street is an existing 22 storey mixed use building, containing 127 apartments between Level 7 to Level 22. Sun eye analysis diagrams prepared by FJC found that the proposed building envelope would have an impact on some apartments contained at the northern elevation. Specifically, it was found that:

- 90 apartments will continue to receive 2hrs + sun access with the proposed envelope which equates to 70.4% of apartments.
- 5 apartments were found to have a reduced access to solar access where they will not receive a minimum of 2hrs of solar during mid-winter. However, solar studies prepared by FJC found that this impact reduced the amount of solar access to a total of 1 hour and 45 minutes during winter, representing a reduction. Refer to **Figure 69**.

Accordingly, the proposal achieves compliance with Council's overshadowing guideline.

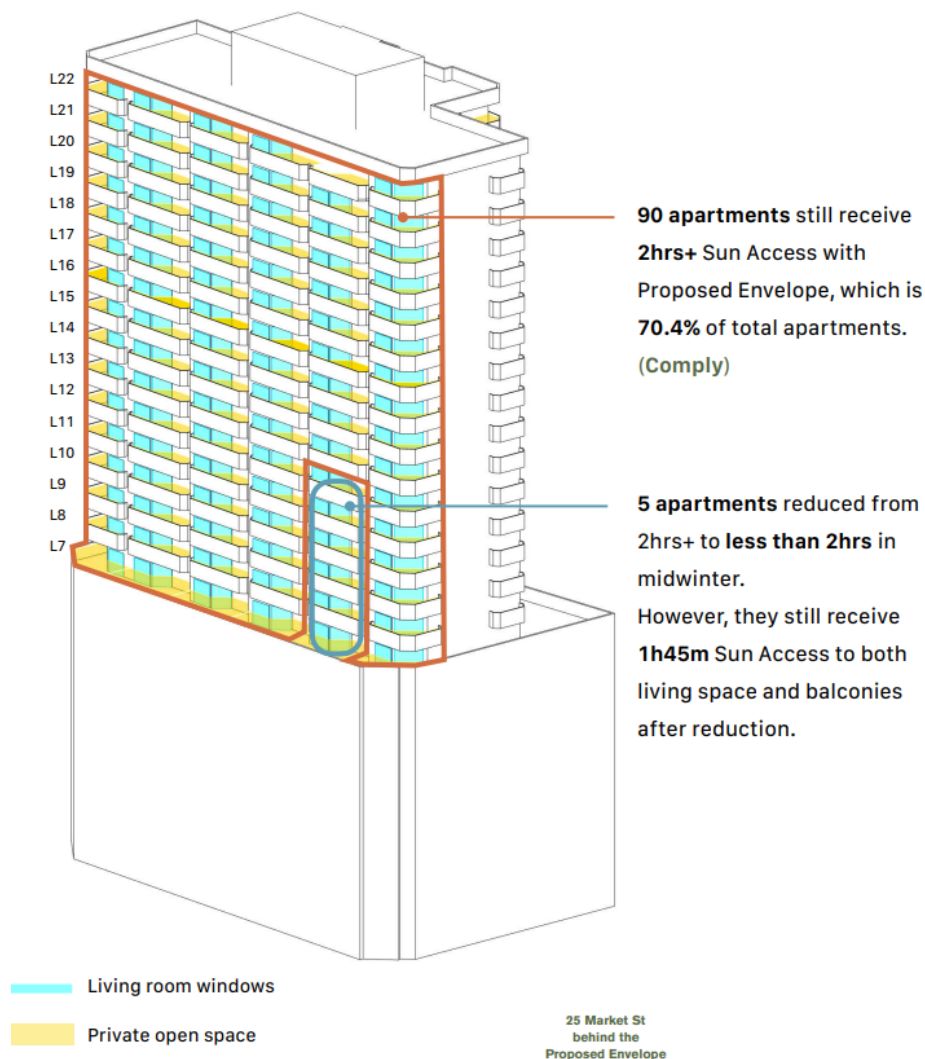


Figure 69 Impact to 25 Market Street, Sydney

Source: FJC

222-228 Sussex Street, Sydney

222-228 Sussex Street is a 32 storey residential building that contains a 114 residential apartments. FJC's solar analysis identifies that there may be an impact to northern oriented habitable spaces at 222-228 Sussex Street, as demonstrated in **Figure 70**.

The detailed sun eye view analysis of 222-228 Sussex Street undertaken by FJC found that:

- No high-level apartments are impacted. However, three (3) balconies of podium level apartments are affected, as the proposed building envelope is likely to reduce solar access from 2hrs+ to less than 2hrs during midwinter. However, they will still receive 1 hour 30 minutes of solar access during midwinter.
- The three (3) affected apartments were found to maintain between 1h 30min and 1 hour 55 min hours of sunlight to their respective balconies, with a slight reduction to the 2h solar access requirement benchmark set in the Apartment Design Guide (ADG).

Uniquely, there is an existing covenant on the 222-228 Sussex Street title that requires owners of podium level apartments (at the northern façade) to 'brick up' any north-facing windows, should a future structure be built within 12 metres of the affected windows. Given this requirement, the impact of solar access to the northern façade of this is considered negligible, as these balcony windows are considered 'non-essential'.

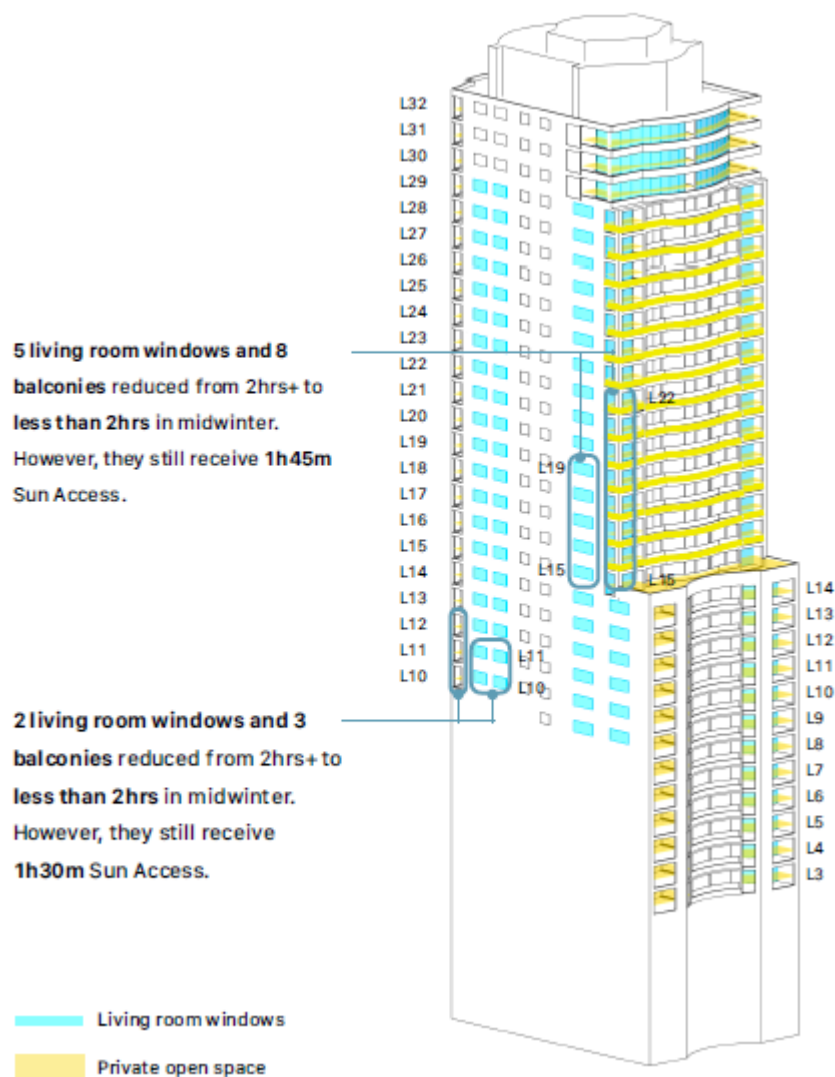


Figure 70 Detailed Sun Eye View Impact Assessment – 222-225 Sussex Street, Sydney

Source: FJC

In summary, the impact is considered to be very minimal (affecting only 3.5% of apartments) and considered reasonable in the context of the Central Sydney CBD. Further, Section 5.1.2 (6) of the Sydney DCP outlines:

When considering the likely impacts of a development on surrounding developments any adverse impacts on existing private views, visual privacy, solar and daylight access are considered reasonable where compliance with Section 5.1.1 and 5.1.2(1), (2) and (3) has been achieved.

The proposal is compliant with Section 5.1.1 and 5.1.2(1), (2) and (3) and therefore can be considered acceptable.

9.6 Sustainability

An ESD Report has been prepared by LCI Consultants and is provided at **Appendix E**. It outlines the proposal's sustainability targets and initiatives that will form part of the future invited architectural design competition and Detailed DA.

The proposal will meet and exceed the latest City of Sydney net-zero energy development requirements introduced in January 2023 and proposes to target the following environmental certifications:

- 6-Star Green Star Building v1 certified rating targeted, including 20% embodied carbon reduction;
- 5.5 Star NABERS Energy rating (Commitment Agreement);
- 4 Star NABERS Water rating (Target);
- 5 Star NABERS Waste (Target);
- WELL Core Gold (Commitment Agreement);
- WELL Core Platinum (Target); and

- 100% renewable energy in operation.

The framework for achieving the sustainability aspirations is detailed in **Table 11** below.

Table 11 Framework to Reflect Best Practice Sustainable Design Principles

Framework	Compliance
Sydney DCP Ecologically Sustainable Development	<p>Section 3.6 of the Sydney DCP provides detailed guidance for developments. The project has, and will continue to consider initiatives, that address Sydney DCP in the project design across the following areas:</p> <ul style="list-style-type: none"> • Energy efficiency through passive design measures and HVAC considerations to reduce energy consumption; • Water efficiency through the selection of water efficient fixtures, rainwater harvesting and HVAC considerations to reduce cooling tower water consumption; • Investigation of onsite renewable technology; and • Continued careful selection of materials and building components to minimise embodied carbon and improve indoor quality for occupants.
Green Star Buildings – 6 Star Target	<p>The development will be registered with the Green Building Council of Australia and will target a 6 Star Buildings v1 rating. Green Star Buildings v1 is a recently updated holistic building sustainability rating tool. A 5 Star Rating is considered current Australian excellence while a 6 Star Rating is considered current world excellence. As the lifecycle of the building is expected to commence in 2030, the project team will continue to investigate and aspire to target a 6 Star Green Star Building v1 certified rating target (minimum 5 Star to be delivered). The sustainability strategy measures would adapt and evolve with the technology and as methodology for achieving this targets evolves and changes.</p>
NABERS Operational Sustainable Building Rating Scheme	<p>The National Australian Building Energy Rating Scheme (NABERS) is a performance-based tool used to measure the operational impacts in existing buildings. The NABERS rating scheme rates energy, water, waste and indoor environment quality, with the project design targeting achievement with the following parameters:</p> <ul style="list-style-type: none"> • NABERS Energy – The City of Sydney's new Net Zero Energy Developments requirement includes a peer-reviewed NABERS Energy Commitment Agreement of at least 5.5 Stars prior to CC approval. The commercial office portion of the proposed development will target a 5.5 Star NABERS Office Base Building Energy rating, which will be developed as part of the design competition and subsequent detailed design stages so that this is achieved in line with the technology available at this time in a future context. • NABERS Water – The commercial office portion of the proposed development will target a 4 Star NABERS Office Water rating. The building will include dual reticulation of potable and non-potable water to allow the development to access any recycled water network in the future Recycled Water Scheme which will deliver an immediate and measurable improvement in NABERS Water rating. • NABERS Indoor Environment – The commercial office portion of the proposed development will target a 5 Star NABERS Office Indoor Environment rating. The building will include high levels of outdoor air, CO2 sensing control, and low VOC material selection to minimise internal pollutant levels and keep air fresh in operation, demonstrated through regular onsite testing.
International WELL Building Institute – WELL Rating Scheme	<p>The project is aspiring to pursue a WELL Core Platinum rating with a minimum of WELL Core Gold to be achieved. This requires not just healthy design and material selection but also the provision of employee policies and benefits that promote ongoing health and wellbeing. A portfolio approach to WELL will be considered where Charter Hall's operational processes and policies combined with project-specific design solutions and onsite testing will deliver a WELL rating as an attractor to tenants.</p>
National Construction Code – Section J: Energy Efficiency	<p>The building is seeking to meet and exceed the National Construction Code (NCC) Volume 1, 2022. Section J of the NCC outlines performance requirements so that the building and its services facilitate the efficient use of energy. During the detailed design stage, the architectural design will be assessed to develop thermal requirements for all the aspects of the building's envelope, such as glazing performance, façade and roof colouring, shading and insulation.</p>

Source: LCI Consultants

In the context of the existing building and land uses on the site, the Planning Proposal will unlock the site's ability to deliver significantly improved environmental performance and sustainability outcomes. Importantly, the proposal will enable the site to evolve from its existing arrangement that facilities a 10-storey car park with approximately 800 car spaces, to a site that encourages active transport and embodies sustainability measures in a holistic sense. Further details regarding the proposed overall ESD strategy to be pursued for the redevelopment of the site are provided within **Appendix E**.

9.7 Connecting with Country

9.7.1 Connecting with Country Strategy

A Connecting with Country Strategy has been prepared by Yerrabingin and is provided at **Appendix F**. It explains how we understand, Acknowledge and Connect to Country, and provides an overview of the site from First Nations, geological and botanical perspectives.

The Strategy is outlined in **Table 12** below and provides an overarching assessment framework for how a future detailed DA can incorporate the goals of achieving Connecting with Country design solutions. These guiding goals (as provided by Yerrabingin) to inform future detailed design approaches have been formed with the Government Architect NSW (GANSW) *Designing with Country discussion paper* and the *GANSW draft Connecting with Country framework*. GANSW Designing with Country discussion paper introduces the importance of engagement with First Nations persons and organisations in the design process to achieve the best design outcomes that explore the Aboriginal worldview of Country.

Each strategic goal entails preliminary indicators for success specific to the proposal that will be used to assess the extent to which Country can inform a future design on site. The indicators will help guide the creation of a space that works with, and acknowledges Country (refer to **Appendix F**). The Connecting with Country Strategy (**Table 12**) outlines four (4) strategic goals, high-level indicators (italicised) with site specific indicators (dot-points) developed to assess Country focused design in this project.

Table 12 Connecting with Country Strategic Framework

Strategic Goal 1	Country is acknowledged by exploring the elements of Country (Water, Wind, Sky, Forest, and Deep Country) and the interconnected nature of these elements. The design is developed in response to the unique expression of Country at the site.
Preliminary Indicators for Success	<i>Built form and landscape are influenced by/reflect Country at the site. The design has considered the interconnected nature of all of the elements of Country.</i> <ul style="list-style-type: none">• Reference the natural geology and topography of the site.• Consider the movement of wind throughout the site.• Create a physical connection to sky on site.• Reference the endemic vegetation of the landscape.• Consider the movement of people and animals across the site.
Strategic Goal 2	Impacts of natural events such as fire, drought, and flooding, exacerbated by unsustainable land- and water-use practices, will be reduced.
Preliminary Indicators for Success	<i>Increased programs to monitor the health of Country (with a view to measuring health of Country and community in the future).</i> <ul style="list-style-type: none">• Celebrate the natural movement of water across the site.• Consider the impacts of natural events such as fire, drought, and flooding on the site.• Incorporate sustainable land- and water-use practices on the site.• Incorporate naturally sourced and sustainable materials.
Strategic Goal 3	Aboriginal cultural knowledge will be valued and respected. Aboriginal knowledge-holders will co-lead design and development of all NSW infrastructure projects.
Preliminary Indicators for Success	<i>Improved cultural competency (across teams and individuals within agencies)</i> <ul style="list-style-type: none">• Co-design with Aboriginal community members from the area.• Incorporate significant local Aboriginal stories and narratives into the design.• Incorporate references to local Aboriginal cultural knowledge and practices into the design to educate users of the space about Aboriginal life and culture on site.
Strategic Goal 4	Aboriginal people will have access to their homelands so they can continue their responsibility to care for Country and protect sensitive sites.
Preliminary Indicators for Success	<i>Demonstrated commitment by client agencies to build direct relationships with relevant Aboriginal communities on Country Increased Aboriginal participation in lead consultant teams as well as in project codesign, decision-making, and governance Increased awareness of, and protection for, cultural values and Aboriginal knowledge (Aboriginal culture and</i>

heritage as well as intellectual property) Demonstrated co-design of engagement processes with community on Country.

- Create a culturally safe space for local Aboriginal people to gather on site.
 - Consider and incorporate future employment and business opportunities for local Aboriginal people.
 - Respect the local Aboriginal cultural and land uses of the site.
-

Furthermore, Yerrabingin have provided initial Connecting with Country design concepts that the indicative reference design can accommodate and be further developed as part of any future detailed design DA. Specific reference has been made with regards to future draft design provisions that can be accommodated as part of the proposal, including the through-site link and the 'greening' of the western elevation façade, with specific suggestions being:

- Highlighting views of Country by enabling views to western water sources or to the sky.
- Use of interpretive wayfinding that references the natural shoreline and movement of water.
- Utilisation of sculptural rendering techniques that emulate references to Country or contribute to Storytelling as part of façade or through-site link wall designs.
- Use of natural eco-tones and natural sustainable materials in the palette of materials and colours conjured as part of any future design development.
- Prioritisation of seasonal endemic planting schemes as part of the western elevation terrace gardens.

It is envisaged that these draft design principles be incorporated in the Design Excellence process along with the City.

9.7.2 Connecting with Country Concept

Initial Connecting with Country indicative design concepts have been prepared by Yerrabingin and are included at **Appendix G**. It identifies preliminary opportunities for Connecting with Country influenced design that the indicative reference design could adopt and fully realise during a future DA stage. It identifies that the through-site link, stepped façade formation, outdoor terraces and internal void spaces as key opportunities within the future development to incorporate designing with Country principles on site. Refer to the following sections where this is further outlined.

Through-Site Link

A future through-site link on the site connecting Kent Street and Sussex Street anticipates a high pedestrian utilisation and is an opportunity to reconnect two diverse ecologies. The site sits between the saltwater environment of the eastern shore of Tumbalong, and the freshwater environment of the Tank Stream valley catchment. As illustrated in **Figure 71** below, there is opportunity to highlight the natural forms, colours, and features of Country to allow people to further experience the natural landscape and develop a further understanding and appreciation of Indigenous life on site, and how the site has changed over time. A further landscaping scheme will be prepared as part of a future DA stage for the site and will outline in depth the landscaping concept for the site.

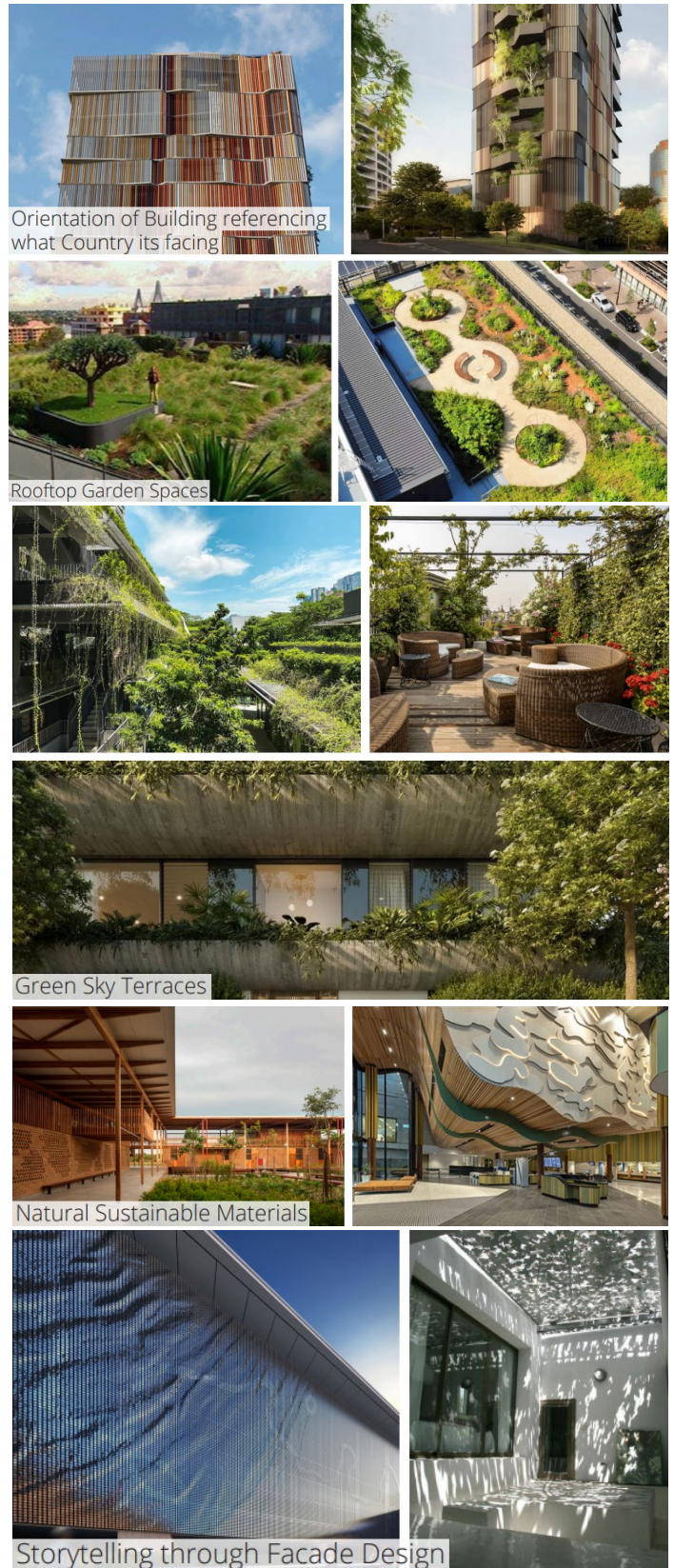
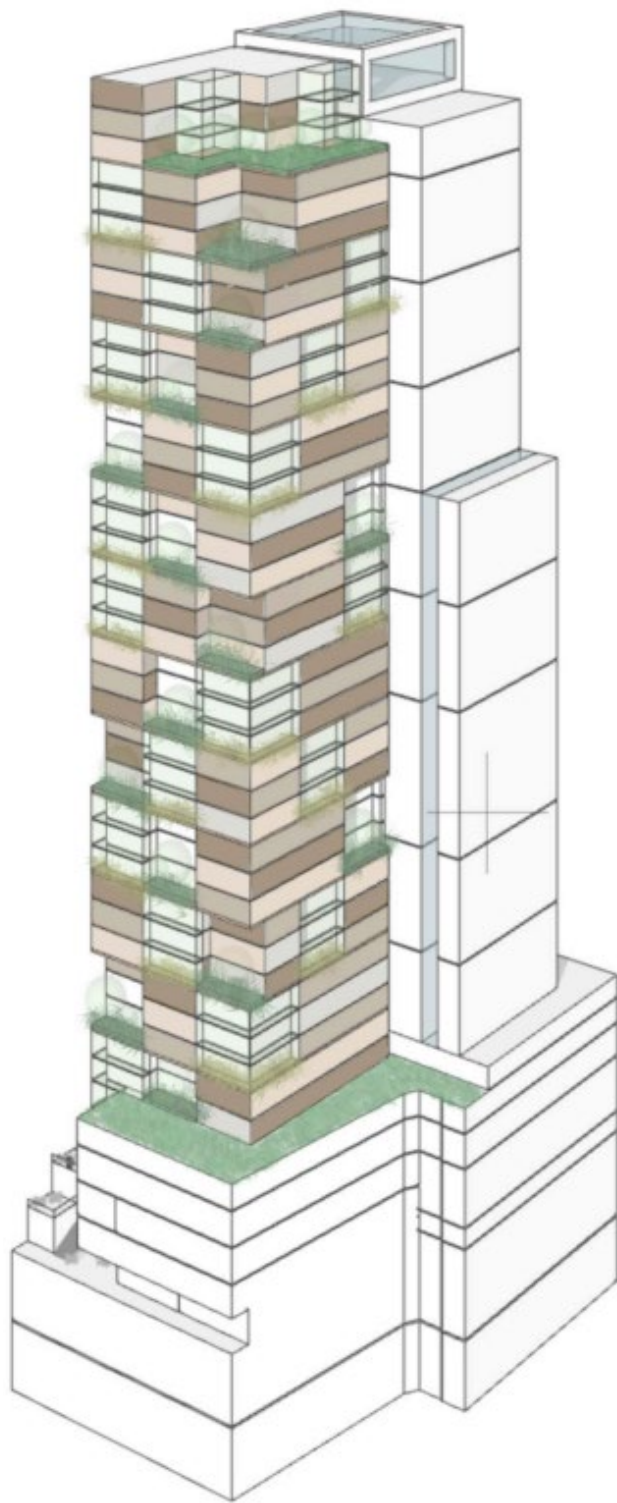


Figure 72 *Initial Connecting with Country Opportunity – Green Façade and Terraces*

Source: Yerrabingin

9.8 Pedestrian Wind Environment

Pedestrian Wind Environment Studies has been prepared by Windtech and is provided at **Appendix H**. The studies consisted of the following scenarios:

- Existing building massing (existing case).
- Maximum Planning Envelope (envelope case); and
- Reference Design Scheme (massing case);

As illustrated in **Figure 73**, wind tunnel testing was carried out using a 1:300 scale model of the existing, envelope and massing cases and surrounding building models. The study model incorporated all necessary architectural features on the façade of the development to ensure an accurate wind flow is achieved around the model. The effect of nearby buildings and land topography was accounted for through the use of a proximity model, which represents a radius of 375m from the development site. The models were tested without the effect of any forms of wind ameliorating devices such as screens, balustrades, awnings or any vegetation, all excluded from the testing.

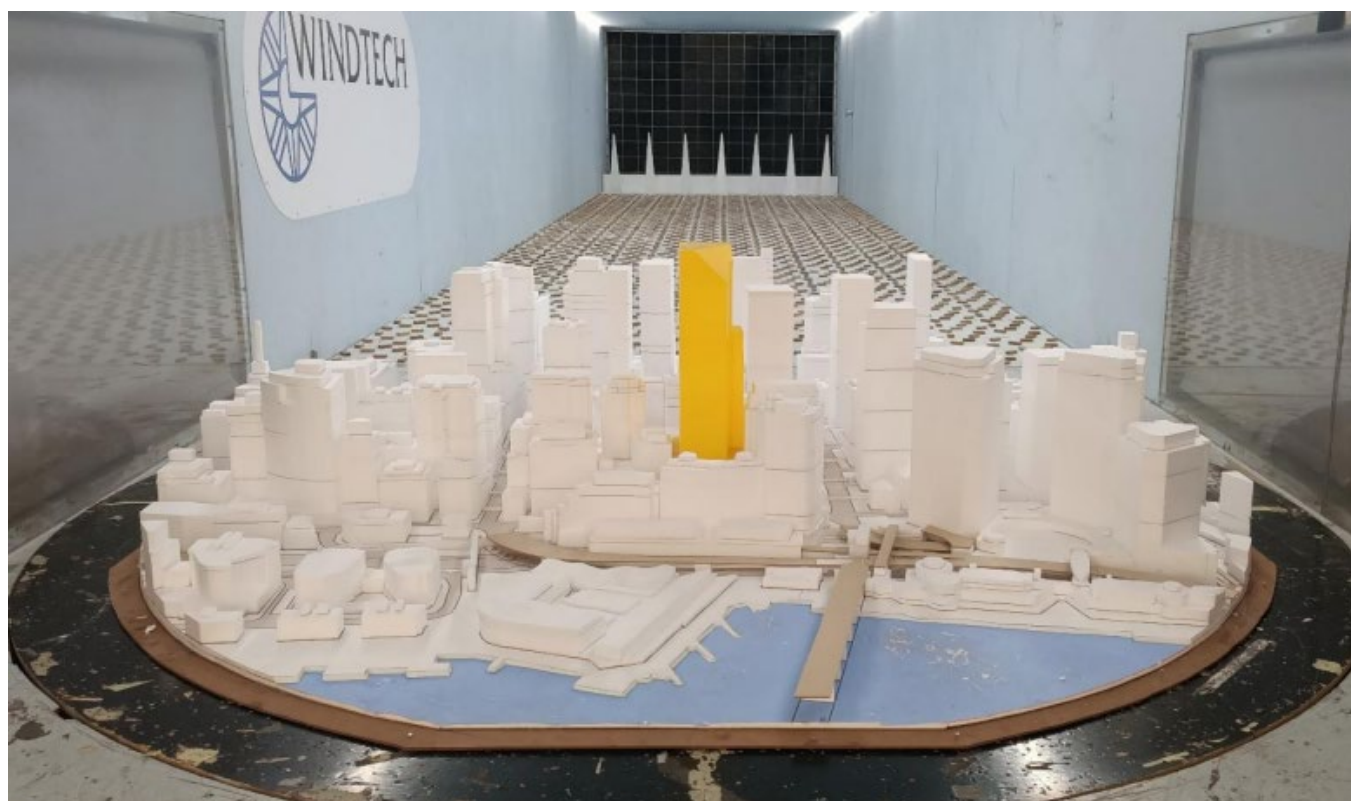


Figure 73 Wind Tunnel Modelling – Proposed Planning Envelope viewed from the west

Source: Windtech

A total of twenty-two (22) study points were selected for analysis in the wind tunnel. This includes fourteen (14) location points at various pedestrian footpath areas along both Kent Street and Sussex Street, and eight (8) study points within the through-site link (for testing of the reference design only), as demonstrated in **Figure 74** below.



Ground Floor Plan (Street Frontages for the Massing, Envelope and Existing Cases)



Lower Ground Floor Plan (Massing Case only)



Ground Floor Plan (Massing Case only)

Figure 74 Wind Study Point Locations

Source: Windtech

The wind study indicates that wind conditions from the proposed planning envelope (Envelope Case) results in better than or equivalent to existing conditions at all points. **Table 13** below outlines a comparison of the results at each street frontage as tested.

Table 13 Street Frontages Wind Tunnel Result Comparison (exceedances highlighted in grey)

Point	GEM (5% exceedance) (Criterion = 8.0) (m/s)			Annual Gust (Criterion = 24) (m/s)		
	Existing Case	Envelope Case	Massing Case	Existing Case	Envelope Case	Massing Case
Point 1	7.5	7.8	7.2	25	25	23
Point 2	6.8	7.0	6.9	24	23	24
Point 3	6.4	7.1	7.2	23	24	24
Point 4	6.7	7.8	7.4	25	22	24
Point 5	7.3	6.9	7.3	27	25	27
Point 6	4.1	5.5	5.0	13	18	14
Point 7	4.3	5.6	6.3	13	17	23
Point 8	4.2	5.6	5.5	13	17	18
Point 9	4.5	5.5	5.3	13	17	17
Point 10	4.8	5.6	5.4	13	16	15
Point 11	7.1	6.9	7.5	23	21	22
Point 12	6.9	6.4	8.5	25	23	27
Point 13	5.6	6.3	6.2	20	21	21
Point 14	4.9	6.8	6.3	17	23	21

Source: Windtech

The results indicate that the locational points that exceed the relevant wind criteria relate to Sussex Street locations in all scenarios. The exceedances occur from the prevailing westerly winds which downwash off the podium façade and side-stream/funnel along the Sussex Street façade at ground level. However, the impact of downwash from the tower section of the proposed envelope is reduced due to the effective setback of the tower form from the western podium edge. This is demonstrated in the illustration of the Existing Case and Envelope Case wind tunnel testing results provided in **Figure 75** below which demonstrates an improved wind outcome.



Figure 75 Street Frontage Wind Tunnel Testing Results – Existing vs Envelope Case

Source: Windtech

The Existing Case comprises four (4) areas that exceed the safety criterion on Sussex Street (Points 1, 4, 5 and 12). The Envelope Case also comprises two (2) areas that exceed the safety limit which are either equivalent to or better than the existing site wind conditions and not worsened with the inclusion of the proposed planning envelope. In reference to Section 5.1.9(2) of the Sydney DCP, a development subject to a quantitative wind effects

report must not cause a wind speed that exceeds the Wind Safety Standard or Wind Comfort Standing for walking, except where the existing wind speeds exceed the standard. In applying these controls, the proposed planning envelope thereby complies as it does not worsen the existing condition.

In regard to the reference design (Massing Case):

- The wind study indicates that the wind conditions for the majority of the trafficable outdoor locations are within the assigned walking comfort criterion and safety limit.
- The through-site link (Points 15-22) was also found to satisfy the criterion, rendering it is suitable for short duration stationary activities such as café seating. The wind conditions along Kent Street also satisfy the assigned comfort criterion of Walking and are within the safety limit.
- A marginal exceedance in the safety limit is observed at Point 05, however, this is equivalent to the wind speed values recorded at the existing site and hence, the development does not worsen the wind conditions at this location, in alignment with the intention of provisions contained within Section 5.1.9(2) of the DCP.
- Exceedances in the walking comfort criterion and safety limit are observed at Point 12. Various mitigation measures were tested in efforts to ensure compliance with the Sydney DCP criterion, including the exploration of a building recess along the Sussex Street frontage (refer to **Figure 76**) which is a viable option to consider as part of any reference scheme prepared for the site. The results of this potential reference scheme building recess mitigation measure resulted in a reduction at Point 12 from 8.5 to 7.9 for gust equivalent mean (GEM) and from 27 to 25 for annual gust. As such, the potential mitigation measure results in the reference design achieving the target comfort criterion, being equivalent to the existing site wind conditions for safety and not worsened.

It is noted that the future detailed design will undergo further wind tunnel testing to maximise the pedestrian wind environment improvement.

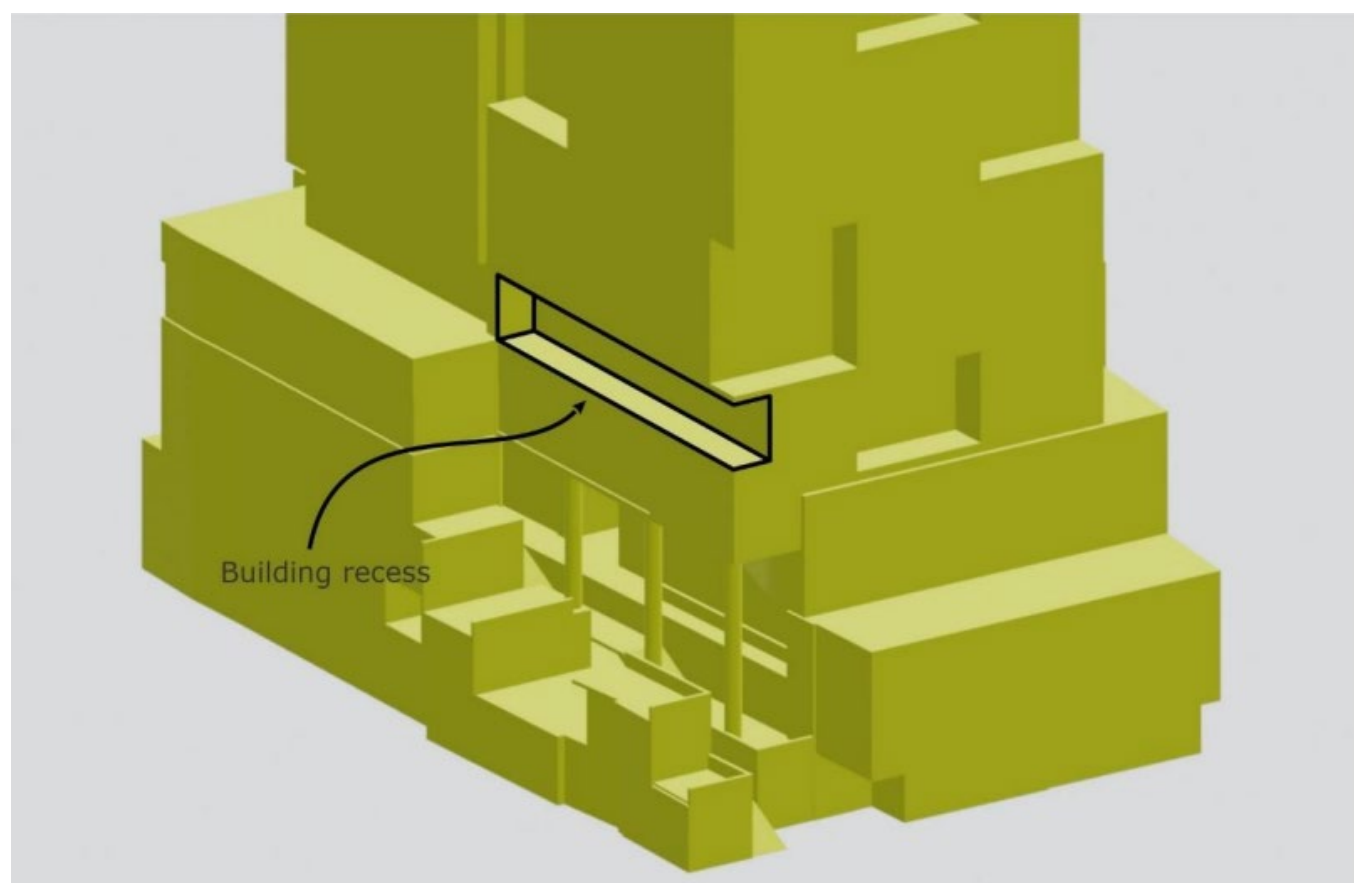


Figure 76 Treatments Tested – Perspective View

Source: Windtech

9.9 Pedestrian Comfort

A Pedestrian Comfort Assessment has been prepared by Movissian and is provided at **Appendix I**. The assessment analyses the existing and likely future pedestrian flows and behaviours on the footpaths in the vicinity of the site.

Site visits and a pedestrian survey were conducted by Movissian between 23 and 29 November 2022 to inform the pedestrian comfort assessment and comprises of the following scenarios:

1. **2022 Existing** – Existing (post Covid-19) conditions based on recorded observations and data. This scenario sets the baseline for analysis.
2. **2042 Existing Development, Future Background Flows** – This scenario considers the future 2042 performance including background growth due to employment (@0.4% per annum). This sets the baseline for future analysis.
3. **2022 Future Development, Existing Background Flows** – This scenario considers the proposal in operation as of 2022 with existing background flows. This assumes a similar occupancy/profile as of 2022.
4. **2042 Future Development, Future Background Flows** – This scenario considers the future 2042 performance including background growth due to employment and the net impact of the proposal. This scenario assumes a proxy (i.e. a return to pre-covid behaviours), but still reflects a shift to a more flexible arrival profile than is evident today.

The assessment of the scenarios is summarised as follows:

- The east side of Kent Street has a modal performance of Level of Service C, but does have narrowing around trees/furniture that create the Walking Space metric of Level of Service D-E.
- The 383 Kent Street property itself has very few obstructions and fronts to parked cars along the length of the title boundary. As such, for all scenarios, Level of Service C can be provided if 3.7m of width is maintained and assumes parked vehicles are retained (or even better, the parking lane is returned to pedestrians).
- Away from the development, several localised narrowing of the pavement due to trees, poles, phone booth, parking meter, benches and one bus stop exists along the western side. The Walking Space analysis indicates these are considered Level of Service F – even at existing demand levels. This holds true for Scenarios 2 and 3. The Walking Guide indicates that, to achieve Level of Service C, a clear channel (excluding the obstructions and recognising areas adjacent to moving vehicles) of 3.7m. The total width of the pavement is approximately 3.7m.
- For the future Scenario 4, where behaviours are moving towards pre-covid levels, the south-west side (south of 383 Kent Street) is estimated to be within a Type 5 classification, and therefore puts pressure on pavement widths and the ability to maintain the bus stop at the existing location.
- For Sussex Street, the existing classification is Type 3 and expected to remain Type 3 even with the development. A width of 3m is therefore sufficient to maintain Level of Service C performance.

As a result of the above assessment, Movissian has provided a series of recommendations that can be adopted to further assist in improving the Level of Service for better pedestrian amenity at the streetscape. Considering the pedestrian comfort outcomes and improvements as a result of the indicative reference design massing, the redevelopment of the site is shown to significantly increase pedestrian comfort amenity and wind conditions for human trafficable sections. a 10m wide through-site link, supported with landscaping and retail tenancies, as well as the removal of vehicular access from Kent Street, and the elimination of the existing 10-storey car park on site will contribute to a greater pedestrian amenity outcome. Further to this, Movissian have made additional recommendations to further increase the pedestrian comfort at the ground plane (refer to **Table 14** below).

Table 14 Pedestrian Comfort Recommendation of Improvements

Recommendation	Responsibility
Short-term	
Removal of Telstra Booth along Kent Street	City of Sydney
Removal of parking meter directly outside of 383 Kent Street lobby entrance.	City of Sydney
Static survey around the public bench (location #4) at the north-west of Kent Street – to understand usage and whether this is better placed elsewhere. This is only because observations showed little	City of Sydney

Recommendation	Responsibility
usage of the bench, and its adjacency to both the signalised intersection and moving traffic would indicate extra width in this location would be better value for pedestrians.	
Long-term	
Removal of parked vehicles and extend the footpath all the way to the Market Street and Kent Street intersection.	City of Sydney
Relocation of the bus stop to the indent in the public domain in front of 379 Kent Street.	City of Sydney, Transport for NSW
Installation of a zebra crossing to encourage greater usage of both sides of Kent Street and to manage the arrival and departure demand across both sides of Kent Street. This should be considered in the location of the through-site link, in alignment with the Section 3.1.2.2 of the Sydney DCP which highlights the location of through-site links.	City of Sydney, Transport for NSW

Source: Movissian

9.10 Transport, Traffic and Loading

A Traffic and Transport Assessment has been prepared by Stantec (**Appendix J**). It outlines the existing traffic and transport context of the site, and provides an assessment of the likely traffic outcomes and impacts resulting from the future development anticipated from this Planning Proposal.

9.10.1 Existing Conditions

The existing transport and traffic conditions have been reviewed by Stantec, including a review of the existing public transport, pedestrian and cycling facilities and local road network conditions. It was found that:

Walking and Cycling

- Walking is the primary travel mode within the local area, with the surrounding streetscape fostering a high level of connectivity within the locality.
- The site has good cycling accessibility, with a dedicated bicycle lane along Kent Street that provides connections to the wider Sydney CBD and LGA cycling network.

Public Transport

- The site is well serviced by existing public transport, such as:
 - **Heavy Rail** – Town Hall Station is an approximate 500m walk and Wynyard Station is an approximate 800m walk from the site;
 - **Light Rail** – QVB Station is an approximate 300m walk and Wynyard Station is an approximate 800m walk from the site; and
 - **Ferry** – Barangaroo Wharf is an approximate 800m from the site.
- The site will also benefit from investment into other high accessibility transport options and is located in proximity to future Sydney Metro Stations nearby the site, including:
 - **Sydney Metro City and South West** – Due to open in 2024 is Pitt Street Station (approximately 600m walk from the site) and Martin Place Station (approximate 900m walk from the site); and
 - **Sydney Metro West** – Due to open by 2030 is Hunter Street Station (approximately 850m walk from the site) and Pyrmont Station (approximately 850m walk from the site).

Vehicular Access

- The site has strong vehicular connections with Kent Street, Sussex Street, Market Street and King Street, all forming key access routes through the Sydney CBD and beyond.
- Existing traffic volume surveys were completed on Kent Street between 7 and 13 September 2022. The results show distinct peak hours commencing at 8:00am on weekday mornings and 5:00pm on weekday afternoons, generating traffic movement of around 600 vehicles per hour. During the interpeak period, the hourly volumes were around 400 to 500 vehicles.
- The site includes a public car park that comprises over 800 spaces, which operates 24 hours, 7 days a week.

9.10.2 Parking and Access

Car Parking

The future proposal would comply with the Sydney LEP 2012 parking rates, limiting private vehicle use and encouraging access via public transport, walking and cycling. As per the provisions of the Sydney LEP 2012, a maximum of 72 car parking spaces (70 Office, 2 Retail/Gym) would be permitted as part of a future redevelopment. The indicative reference scheme provides for a singular basement level dedicated to private vehicle parking and will accommodate a total of seventy-two (72) car parking spaces, which includes four (4) accessible car parking spaces plus three (3) car share parking spaces.

Final parking layout and specific provisions will be subject to confirmation as part of subsequent detailed design to inform a future DA on site.

Bicycle Parking

End-of-trip facilities have been accommodated into the indicative reference scheme and will provide on-site amenities for use by the end users of the building, in this case, staff and visitors. The provisions of Section 3.11.3 of the Sydney DCP require the following end of trip facilities to be provided on site:

- 479 bicycle spaces for staff in secure locations;
- 186 bicycle spaces for visitors in publicly accessible locations;
- 665 lockers and 68 showers and change room facilities.

A total of 1,070m² is proposed to be dedicated to end-of-trip facilities and will be included below ground at the Kent Street frontage. In this regard, the indicative reference scheme is able to accommodate sufficient end of trip infrastructure to support compliance with the rates as stipulated in Section 3.11.3 of the Sydney DCP.

9.10.3 Trip Generation

Vehicle Trip Generation

Vehicle trip generation of the site is expected to be influenced by the parking and loading provided at the basement levels. The proposed Kent Street Logistics Hub is expected to be responsible for the majority of trips generated on the site and is likely to generate up to 125 vehicle trips during peak hours.

Considering the site currently has a public car park that houses over 800 spaces and is accessed via both streetscapes (thereby contributing to traffic generation within the locality), applying the same traffic generation rate of 0.4 vehicle trips per space suggests that the public car park could generate up to 320 vehicles trips per hour. This Planning Proposal seeks to remove the existing 10 level car park and re-instate a singular basement level that Stantec forecasts to generate 30 vehicles per hour both to and from the site, accessed via Sussex Street only.

On this basis, as a result of the removal of the over 800 space car park on site, the proposal has the ability to significantly reduce traffic volumes generated by the site and contribute towards reducing vehicle trips into the Sydney CBD, thus further encouraging a meaningful shift in travel behaviour towards a more sustainable outcome on site.

9.10.4 Loading and Servicing

Overview

The Traffic and Transport Assessment (**Appendix J**) provides an overview of the loading dock and is supported by a Loading Dock Memo at Appendix C of the Traffic and Transport Assessment. The loading dock will be located at the Sussex Street Ground Level and will be designed to accommodate vehicles up to 8.8 metre MRVs. The Sydney DCP provides requirements for service vehicle parking for various land uses and mandates a provision of 21 loading bays required to accommodate the loading demands associated with the proposal.

The reference design includes the provision of 28 loading bays and includes spaces for:

- 3 x MRV bays,
- 7 x SRV bays; and
- 18 x car, van and ute bays (B99).

The loading bays are to be designated either for the development itself or as part of the Kent Street Logistics Hub as outlined in **Table 15** below and illustrated on **Figure 77** following.

Table 15 Loading Dock Breakdown

Loading Vehicle Type	383 Kent Street Loading Dock	Designated Shared Loading Dock Spaces	Total
MRV	2	1	3
SRV	5	2	7
B99	14	4	18
Total	21	7	28

The surplus provision of seven (7) additional loading bays above the Sydney DCP requirement is deliberately intended to cater for any such additional loading demand generated by neighbouring businesses located between King Street and Market Street as part of the Kent Street Logistics Hub strategy. This surplus has been based on the assessment undertaken by Stantec discussed in the following section. An extract of the Kent Street Logistics Hub basement level is provided in **Figure 77** and illustrates the 7 indicative shared loading dock spaces to be designated.

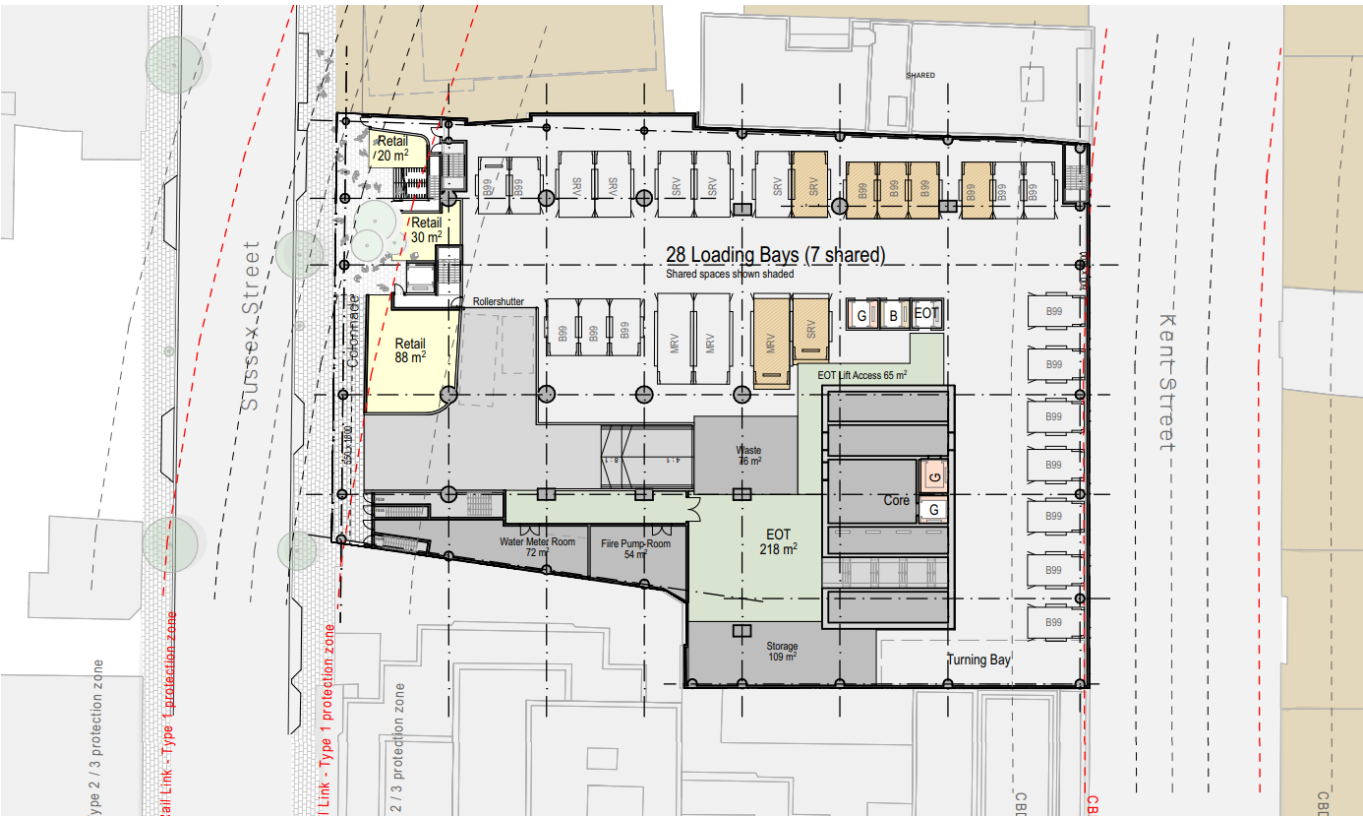


Figure 77 Sussex Street Ground Level Plan

Source: FJC

Swept path analysis have also been completed for the reference vehicular access and shared loading dock design. The swept paths considered the size of a range of vehicle types including B99, SRVs and MRVs. The swept paths are attached to the Loading Dock Memo at Appendix C of **Appendix J** which illustrates that servicing vehicles can enter and exit the site in a forward direction and that there is adequate manoeuvring area within the reference loading dock design for the vehicles to enter and exit loading bays.

As outlined in **Section 4.6**, the proposal includes the provision for a Kent Street Logistics Hub to support the surrounding development that are not afforded adequate loading capacity and contribute towards removing on street loading as articulated in the *Central Sydney Infrastructure Plan 2020*.

The key benefits to the Kent Street Logistics Hub include:

- **Supporting the future viability of retail offerings** – The proposed shared loading dock has the potential to ‘unlock’ more efficient use of space within the Precinct, allowing laneways and other existing rear courtyard loading areas to be converted for other uses (e.g., public domain space, increased outdoor dining and entertainment net-lettable area).

- **Improving pedestrian safety and amenity and the heritage streetscape** – Should the Kent Street on-street parking and loading zones and temporary stopping restrictions be removed by City of Sydney, there is opportunity to improve the heritage streetscape, pedestrian safety, and amenity by reclaiming the space for pedestrian and cyclist manoeuvrability, thereby increasing public domain amenity.
- **Minimising on-street loading activities** – Any removal of on-street parking could increase retail activation along Kent Street by increasing visibility to the retail tenancies given the absence of vehicles, especially rigid trucks operating at the kerbside.
- **Reducing vehicular crossovers** – Gradients across the site means a Sussex Street access naturally lends itself best to on-site basement level loading arrangements. Isolating loading dock site access to Sussex Street improves Kent Street activation and consolidates service vehicles to the periphery of the CBD.

The existing loading availability within the established extended catchment is depicted in **Figure 78**. It includes Kent Street (between King and Market Streets), and sites on the western side of Clarence Street and eastern side of Sussex Street (also between King and Market Streets). As illustrated in **Figure 78**, at least five (5) sites within this catchment do not benefit from any existing loading dock provision, and at least twelve (12) are serviced by informal docks which likely do not meet the demand required by those buildings (many of which are constrained by the heritage value of the land and cannot accommodate sufficient loading areas).



Figure 78 Kent Street Shared Loading Catchment Area

Source: FJC

The seven (7) proposed designated shared loading bays are able to service up to 7,500m² of retail GFA, or 4,000m² of retail GFA and 15,000m² of commercial GFA, based on the application of TfNSW's Urban Freight Forecasting Model methodology (refer to Loading Dock Memo at Appendix C of **Appendix J**).

Loading Dock Management

The loading dock will be accessed via vehicle driveway crossover on Sussex Street which will accommodate space for one vehicle to enter and exit at any given time (refer to **Figure 77**). This vehicular crossover will also provide access to the car parking and end-of-trip facilities. There is good separation between service vehicles and light vehicles with the single driveway crossover, which will ensure a minimisation of impacts to the Sussex Street frontage and will act as a traffic calming device to encourage vehicles to slow down upon ingress and egress.

A dedicated goods lift will provide direct access from the loading dock to Kent Street via the public through site link, with a separate goods lift for the tower also provided, as illustrated in **Figure 79** below.

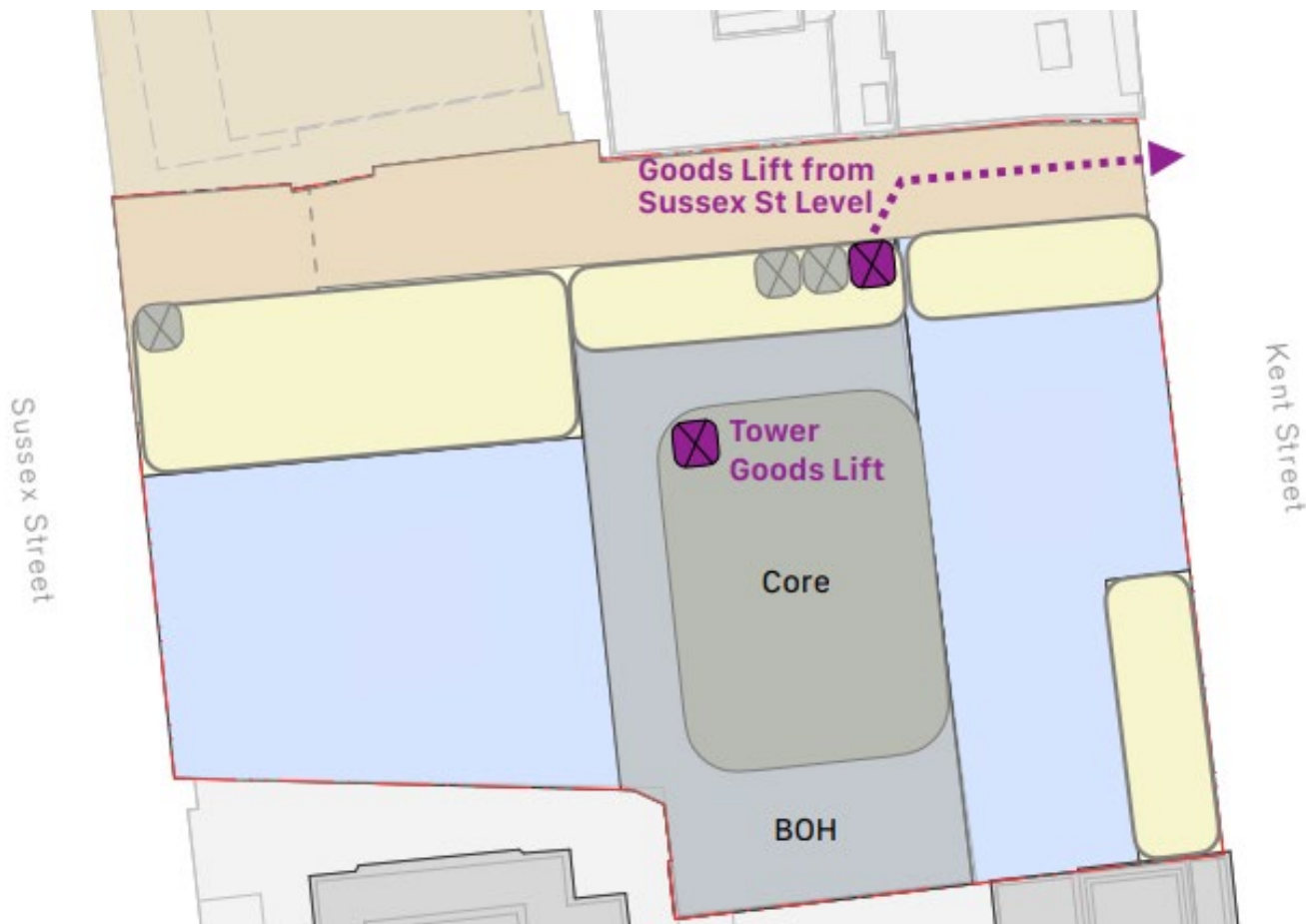


Figure 79 Loading Access – Kent Street Ground Floor

Source: FJC

The loading dock will be available for service vehicle access during standard building operating hours, with arrangements for after hours and weekend access. A detailed loading dock management plan will be prepared at a later stage to tailor the operational management of the loading dock. The loading dock will likely be managed through a booking system that will require users to book prior to arrival. Unauthorised vehicles would be instructed to exit the site, enforced by future signage displayed to inform all delivery couriers of such booking management arrangements.

9.11 Airport Operations

Clause 7.16 of Sydney LEP 2012 requires that the consent authority must not grant development consent if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed. While approval is not required at the Planning Proposal stage, a Preliminary Aeronautical Impact Assessment has been prepared by Avlaw Aviation Consulting (Avlaw) (provided at **Appendix K**) which communicates that the likelihood of future approval is attainable.

In effect, the consent authority will require the federal Department of Infrastructure and Regional Development to authorise the penetration of the Obstacle Limitation Surface (OLS), typically as a condition of consent of a future DA. The applicable OLS applying across the Sydney CBD is 156m AHD.

The proposed planning envelope will penetrate the OLS and therefore will require approval as a controlled activity under the Airports Act 1996. The Preliminary Aeronautical Impact Assessment concludes that:

- As the proposal will penetrate the OLS both permanently by the building and temporarily by two cranes, each will be classified as a “controlled activity” and will require aeronautical assessment and approval by aviation stakeholders. Avlaw has determined that the penetration of the OLS by the building and cranes in this instance is acceptable because the site is clear of the approach and take-off areas for all of Sydney Airport’s runways, as well as well as being “shielded” by Sydney Tower (Centrepont) to a height of 280m AHD at the site.
- The vertical distance between the proposed building height of 189.80m AHD and the next lowest airspace protection surface (i.e. PANS-OPS at 283.8m AHD) is 94m, providing a generous buffer for temporary crane activity before any other airspace protection surfaces are penetrated. However, if shielding is to be applied,

then the 94m vertical buffer would be reduced to 90.2m AHD. This conclusion is based on the findings of Avlaw's independent modelling of the airspace over site, rather than relying solely on the charts published by Sydney Airport, which show the PANS-OPS surfaces at a greater height.

- With respect to helicopter operations in proximity to the site, Avlaw has determined that the airspace protected under the National Airport Safeguarding Framework (NASF) – Guideline H for Strategic Helicopter Landing Sites does not limit the currently proposed building and crane heights. This is due to the fact the site is laterally clear of the airspace protected under the guideline and in any case, approaches and departures at the nearest helipad (i.e. Royal Prince Alfred Hospital) are clear of the site. The proposed development is also shorter in height than that of existing surrounding buildings.

In summary, Avlaw's assessment concludes that the proposed building and associated crane activity should receive aviation approval.

9.12 Heritage Assessment

A Heritage Impact Statement (HIS) has been prepared by Urbis and is provided at **Appendix L**. It assesses the potential impact of the proposal in the context of the surrounding heritage context. As outlined in **Section 2.3**, the site is not a heritage item, nor is it located within a Heritage Conservation Area, however, it is located adjacent to and in the vicinity of a number of heritage items of local and state significance.

The HIS found that the proposal is supportable on heritage grounds for the following reasons:

- There will be no material impacts on any nearby heritage items.
- There are no identified views of significance to nearby heritage items which would be affected by the proposed planning control changes for the site.
- Future development envisioned as part of this planning proposal facilitates the removal of a multi-storey carpark which currently demonstrates a poor interface with the streetscape and heritage items in the site's vicinity. New development as envisioned in the reference design scheme would allow for more useable / habitable floorplates at the podium, which would allow for an improved streetscape outcome.
- The new development is for commercial purposes, which is consistent with the significance of the surrounding area, as described in the Sydney DCP.
- The reference scheme shows a podium design that responds to the existing character of street wall heights at Kent and Sussex Streets (respectively) and, therefore, will maintain the consistency of built forms with respect to the pedestrian experience within the Special Character Area.
- The new tower form will include setbacks at all sides from the property boundary and podium below, in order to maintain appropriate visual separation from the nearby heritage items and other tall-scale forms in the locality. Extant development on site (being an amalgam of a lower scale podium building (1976) and tower (1998)) is not of heritage significance and its demolition is supported on heritage grounds.
- This planning proposal allows for an intensification of development on a site which is of no heritage significance and has no further impact on the setting of the vicinity heritage items or the Character Area.

Notwithstanding the above, any works are subject to a further DA and future development should consider an appropriate design response having regard for proximate heritage items, the York St/Clarence St/Kent St Special Character Area and the predominance of face brick materiality. In addition, the future development on the site should be designed in a manner which responds to the predominant characteristics and detailing of surrounding heritage items, with particular reference to the podium scale and materiality.

9.13 Geotechnical Assessment

A Geotechnical Desktop Investigation, Preliminary Site Investigation and Acid Sulfate Soils Desktop Study Review have been prepared by Douglas Partners and are provided at **Appendix M, N and O** respectively. The purpose of the investigations has been to infer the likely geotechnical subsurface conditions from a desktop review of available information, assess the potential for contamination at the site based on the historical and current land uses and comment on whether further investigation is needed to enable a statement on the suitability of the site for the proposed commercial development.

The investigations confirm the site is located above the future CBD Rail Link (CBDRL), with an 'Up and Down' tunnel currently identified below Kent Street and Sussex Street as an easement. It located approximately 10m below the anticipated bulk excavation level of the site.

The investigations also determine that the site appears to be underlain by Hawkesbury Sandstone of Triassic age, comprising medium to coarse grained quartz sandstone with minor shale lenses. The Hawkesbury Sandstone

typically is pale to mid grey in colour, when fresh, and has strength properties mainly in the medium to high strength range. The rock is prone to weathering with red brown or brown iron staining common in the upper beds.

Douglas Partners note that the permanent groundwater level is likely to be at a depth that is below the neighbouring basement levels. However, it is likely that groundwater seepage will occur along the relevant soil/rock interface and bedding planes, joints, and faults, particularly after wet weather events.

The site is identified as having an extremely low to low risk of acid sulfate soils. In addition, the western portion of the site is identified as being disturbed terrain indicating that a soil investigation is needed to establish whether ASS exists at the site or not. To confirm if acid sulfate soil is on the site, an on-site investigation is proposed to be undertaken in accordance with **Appendix O**.

The investigations confirm that the site can be made suitable for the proposed development. Based on the investigations undertaken, the following geotechnical investigations were recommended to be undertaken at a later stage when the site is able to be made available for uninterrupted testing:

- Geotechnical Investigation:
 - Geotechnical investigation of the site comprising diamond core drilling to at least 4m below the bulk excavation level at four (4) locations across the proposed basement footprint, with two of the cored boreholes extending below the invert level of the proposed CBDRL tunnels along Sussex Street and Kent Street;
 - Installation and monitoring of water levels across the basement footprint. Minimum three temporary groundwater monitoring wells required to triangulate groundwater flow;
 - Slot inspections in the existing basement walls to determine shoring requirements;
 - Footing investigation of any adjacent buildings to determine footing type(s), founding depths and conditions;
 - Full details of the proposed CBDRL tunnels should be obtained from Sydney Trains so that their location can be plotted (plan and section) in relation to the basement excavation. A registered surveyor will be required to prepare/certify a cross section showing the tunnel positions at the closest point to the excavation.
- Preliminary Site Investigation:
 - Hazardous Building Materials – Removal of Hazardous Building Material (HBM) as per the Hazardous Materials Management Plan and Register by Dexu Property Group;
 - Soil and Groundwater Investigation – As the current assessment was limited to desktop study and site walkover only, a conclusive statement on the contamination status of the soil and groundwater cannot be provided in the absence of quantitative data. Therefore, a detailed site investigation is recommended to assess the potential contamination status of soil and groundwater within the site; and
 - Waste Classification – Any material requiring disposal offsite (either as a result of surplus or assessed to be unsuitable), should be waste classified in accordance with reference to the Waste Classification Guidelines, Part 1: Classifying Waste (NSW EPA, 2014) and disposed off-site to a suitably licensed landfill.
- Acid Sulfate Soils Desktop Study Review:
 - A preliminary ASSMP will be formalised, after conducting intrusive soil sampling in accordance with **Appendix O** which will allow adoption of appropriate management procedures to mitigate the potential environmental risks associated with ASS if present.

9.14 Waste

An Operational Waste Management Plan has been prepared by Foresight Environmental and is provided at **Appendix P**. It addresses the likely waste generation as a result of the operation of the future commercial development. An indicative summary of the estimated waste generated from the commercial and retail uses combined are outlined in **Table 16** below.

Table 16 Estimated Operational Waste Generation

Waste Stream	Kg (per week)	Volume (Litres)	Tonnes (per month)
Dry	1,784	25,490	7.7
Landfill	728	6,933	3.2

Waste Stream	Kg (per week)	Volume (Litres)	Tonnes (per month)
Paper	1,467	16,302	6.4
Organics	1,572	5,614	6.8
Mixed Recycling	577	9,618	2.5
Cardboard	829	23,673	3.6
Other	201	2,278	0.9
Total	7,157	89,907	31

Source: Foresight Environmental

An assessment of the required number of waste bins to manage the estimated future operational waste generation has been undertaken. The assessment determined that 49.3m² of waste bins are required, considering additional space for manoeuvring (+50%), the total estimated space required for waste management on site is approximately 74m².

Based on the indicative design, all bins would be able to be stored in a waste room on the Lower Ground Level (Sussex Street), with adequate area provided for access and collection. The reference design includes a 196m² waste and storage area that is expected to provide a suitable amount of space for waste storage. The estimated number of times these bins would need to be collected per week has been estimated by Foresight Environmental, the bins would be collected by a private contractor to manage capacity.

9.15 Flooding

A Civil Engineering Report has been prepared by TTW and is provided at **Appendix Q**. It identifies the relevant flood requirements and guidelines, assesses the existing flood conditions, and determines the flood immunity requirements of the proposal.

The Sydney LEP 2012 does not permit development which may adversely affect flood behaviour or results in detrimental increases in the potential flood affectation to other developments or neighbouring properties. TTW has confirmed that there are no adverse flood impacts anticipated as result of the development which cannot be appropriately managed.

9.15.1 Existing Conditions

The site is split between the City Area Catchment to the east and Darling Harbour Catchment to west. Peak flood depths in the 1% AEP flood event were found to not exceed 50mm in locations immediately adjacent to the site and are able to be contained within the kerb and gutter in an existing scenario. Peak flood depths in the PMF flood event do not exceed 100mm in Kent Street and 50mm in Sussex Street adjacent to the site and are able to be contained within the kerb and gutter in an existing scenario.

As a result of the above, the site is not considered to be impacted by mainstream flooding with only minor gutter flow present in the vicinity of the site.

9.15.2 Flood Planning Levels

The future proposal must comply with the City of Sydney Interim Floodplain Management policy. It outlines that commercial business developments can adopt a flood planning level of the 1% AEP flood level on a merits-based approach. Considering this, and given that the site is located at the crest between two catchments, the 1% AEP flood level is considered appropriate in this scenario.

To satisfy the flood planning levels, fall needs to be provided away from building threshold levels to the existing top of kerb on Kent Street and Sussex Street. These falls need to achieve a minimum of 1 in 100 and a maximum of 1 in 40 falls for drainage and accessibility compliance respectively. Given the 1% AEP flow is contained with the kerb and gutter, the finished floor levels (FFL) provided within the indicative reference scheme will meet the flood planning requirements for the site.

Flood planning levels for a below ground car park are more onerous due to the inherent risks of water ingress. These are either the greater of the:

- 1% AEP flood level + 0.5m; or

- the PMF if impacted by flooding; or
- 300mm above the surrounding surface if outside the floodplain.

TTW recommended that as part of a future detailed design DA, the adoption of crest levels of 10.05m to the future basement ramp should satisfy the worst-case flood planning level that Council could require. Based on the reference design, TTW believe this can be achieved by adopting an approximately 1 in 70 rise from the site boundary to the crest of the basement ramp.

9.16 Social and Economic Impact

The proposal will contribute towards strengthening Sydney's role as a globally competitive city, raising the bar for amenity, quality and sustainability along the CBD's western edge. It will enable significant positive social and economic impact through the provision of an improved and additional public space including employment generating premium-grade commercial GFA. Specifically, the proposal will deliver key social and economic benefits as outlined below.

9.16.1 Improved Accessibility, Amenity and Experience

The future building will include improved accessibility, amenity and experience through the future delivery of a scheme that will revitalise the ground plane and redefine the western edge skyline. The proposed through-site link will establish a visual and publicly accessible link between Kent Street and Sussex Street and will reclaim space on site for retail activation and pedestrian movement, contributing to greater public domain amenity. Further, these additions together will enable development of a scheme that exhibits design excellence, which will generate significantly improved experiences in and around the site.

9.16.2 Reducing Car Dependency

The existing development includes approximately 800 car parking spaces provided for across a 10-storey above ground public car park accessible from both Kent Street and Sussex Street. It represents an inappropriate and inefficient use of space within a CBD context and does not align with the City's vision for Central Sydney. It currently represents a missed opportunity for the site to maximise on surrounding public transport infrastructure and connectivity amenity. Further, it provides a land use that encourages private vehicle usage for travel to Central Sydney, contributing to trip generation within the City which is inconsistent with the City's sustainability vision.

The future development will remove the existing public car park on the site and will deliver:

- Usable public spaces that prioritise pedestrian comfort, safety and amenity, supported by a ground floor through-site link that is partially open to the site and enhanced with public art and retail activation;
- Premium-grade employment generating commercial floor space;
- Significantly reduce the private vehicle trips generated by the site leading to a contribution in the overall reduction of private vehicle trips to the Sydney CBD and encouraging sustainable travel methods.
- Worker amenity, including end-of-trip facilities and a building that is shrouded in perceivable 'greening' opportunities; and
- A building that promotes the local sharing economy as it provides a consolidated basement shared loading dock that is intended to be used by surrounding local businesses for loading and servicing, thereby removing on-street loading dangers from Kent Street.

The existing building currently provides suboptimal street front activation. The public benefits resulting from the proposal will result in significant improvement to the social amenity of the surrounding area, supporting the replacement of private vehicle usage for a place that prioritises pedestrian amenity, retail activation and injects additional public art and landscaping opportunities on site, contributing to the City's vision for sustainability.

9.16.3 Globally Competitive Sydney CBD

The proposal will significantly contribute to Central Sydney as a globally competitive city as it seeks to deliver a new commercial tower that will provide premium grade office space, capable of facilitating a new generation of workplace. The proposal recognises that workplace design and strategy is constantly evolving, as such floor plates must be future-proofed to attract and maintain key tenants. The proposal enables floor plates that have considered opportunities that are emerging in future work practice, wellbeing and sustainability, communication and digital technologies, security and mixed-use development. The proposal will enable a high standard of architectural and urban design to provide a recognisable and high-quality contribution to the Sydney skyline at the western edge, reinforcing Sydney's status as a global city.

10.0 Part 4 – Mapping

This Planning Proposal does not include any amendments to maps. No change will be made to any maps contained in the Sydney LEP 2012 as part of this Planning Proposal. Instead, additional Height of Building and FSR is proposed to be included through a new site specific Sydney LEP 2012 clause as discussed earlier in this Planning Proposal document. A range of figures / maps will be prepared in relation to required amendments to the Sydney DCP.

11.0 Part 5 – Community Consultation

The Proponent has and continues to consult and keep a dialogue with key adjoining and adjacent landowners. Formal public consultation will also take place in accordance with sections 3.34 and 3.35 of the EP&A Act. This is likely to involve notification of the proposal:

- On Council's website;
- In newspapers that circulate widely in the City of Sydney Local Government Area; and
- In writing to the adjoining and nearby landowners; relevant community groups; and the surrounding community in the immediate vicinity of the site.

It is noted that confirmation of the public exhibition period and requirements for this Planning Proposal will be given by the Minister as part of the LEP Gateway determination. Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

12.0 Indicative Project Timeline

An indicative timeline for this Planning Proposal is provided in **Table 17** below.

Table 17 Indicative Project Timeline

Milestone	Timing
Draft Submission of Planning Proposal	Jun 2023
Formal Submission of Planning Proposal	Feb 2024
Reporting of Planning Proposal to CSPC	Jun 2024
Referral to Minister for Gateway Determination	Jul 2024
Date of Gateway determination	Aug 2024
Commencement and completion dates for public exhibition period	Nov-Dec 2024
Timeframe for government agency consultation (pre-and post-exhibition as required by Gateway determination)	Nov-Dec 2024
Timeframe for consideration of submissions	Jan-Feb 2025
Reporting of exhibition of Planning Proposal to CSPC	Mar 2025
Date of submission to the Department to finalise the LEP	May 2025
Anticipated date RPA will make the plan (if delegated)	Aug 2025
Anticipated date RPA will forward to the department for notification	Aug 2025

13.0 Conclusion

This Planning Proposal justification report is submitted to the City of Sydney seeking amendments to the Sydney LEP 2012 and includes an accompanying site-specific amendment to the Sydney DCP. It is the first stage of the redevelopment program for the site which will ultimately enable the delivery of a new premium grade commercial office tower.

This Planning Proposal directly implements the CSPA adopted by Council in December 2020, by unlocking additional employment generating floor space within a designated tower cluster. Specifically, this Planning Proposal seeks to amend the Sydney LEP 2012 to include the following at the site:

- A maximum height of RL 189.80 (being a height above the Kent Street ground level of approximately 180m) consistent with the Sun Access Plane coordinates for Town Hall Square, as set out in the *Planning Proposal: Central Sydney 2020*; and
- A maximum Floor Space Ratio (FSR) of 20:1 above ground and 0.30:1 below ground, equating to a total Gross Floor Area (GFA) of 73,191m² across the entire site.

This Planning Proposal relates to a significant 3,606m² single lot site along the Sydney CBD's western edge. Specifically, 383 Kent Street is unrestricted by heritage items and land ownership constraints unlike other tower cluster sites along the western edge further emphasising importance for the site to deliver and lead the vision of the western edge of Central Sydney as established under the CSPA. The progression of this Planning Proposal represents a significant step for Charter Hall to deliver on the City's aspirations for Central Sydney.

In addition, the existing development on the site is underutilised and does not reflect the potential for the site or the western edge of Sydney's CBD. Accordingly, where there is a site opportunity to deliver significant employment generating floor space without unreasonably compromising public amenity, this should be encouraged, as is the case with the subject Planning Proposal which has been made in response to the specific objectives of the CSPA.

Charter Hall's vision for 383 Kent Street is to provide a world-leading tower that will form a focal point for commerce and a benchmark for city life and sustainability along the Sydney CBD's western edge. The redevelopment of 383 Kent Street promises to be a transformative project that will contribute to the ongoing revitalisation of Sydney's CBD, creating a sustainable, vibrant, and inclusive urban environment that reflects the city's progressive vision for the future. 383 Kent Street will strengthen Sydney as a global city of economic and cultural activity, and to deliver an iconic building which offers diversity of workplace while delivering the social and environmental amenity expected in a new premium work environment.

This Planning Proposal will establish the planning framework to:

- Deliver on the vision established by the CSPA cementing Central Sydney's western edge as an employment location to further strengthen and protect the commercial core of global Sydney and deliver a tower with a focus on sustainability and public spaces.
- Deliver Charter Hall's vision for a significant CBD block along the Sydney CBD's western edge, in the form of true city-building project which will provide premium-grade office floor space to facilitate a new generation of flexible workplace in a building with sustainable and green infrastructure opportunities, showcasing a perceivable alignment with a global sentiment around addressing climate change and resilience.
- Facilitate approximately 73,000m² of employment generating floor space which equates to approximately 6,000 operational jobs and 411 construction jobs), resulting in a development that is consistent with best practice transit-oriented development, to reflect the scale and density appropriate for a site within Central Sydney in proximity to existing heavy rail and multiple future Metro Stations.
- Implement sustainability initiatives of the highest level, supporting the improved environmental performance of commercial development in Central Sydney exceeding the City's vision and Charter Hall's principles.
- Achieve the City of Sydney's vision for the Sydney CBD to accommodate global office towers within an identified area (i.e. tower cluster area) considered suitable for uplift and additional employment generating floor space above the existing controls.
- Capitalise on an unconstrained and large single lot site to facilitate a great opportunity for additional employment floor space, thereby promoting the more efficient use of land within an identified tower cluster area already considered suitable for greater uplift.
- Deliver a new pedestrian through-site link that connects Kent Street and Sussex Street, activated by retail offerings, landscaping and public art opportunities provide significant public benefit through increased amenity and activation.

- Deliver a Kent Street Logistics Hub that will support surrounding local businesses, enabling more efficient logistic operations and trading. The site provides a real benefit for local retail offerings to succeed as it opens up the opportunity to increasing pedestrian activity and amenity by reducing on-street loading and removing the car centric nature of the site by eliminating the 10 storey car park.
- Further strengthen and protect the western edge's role as part of the commercial core of Global Sydney
- Establish a framework for a future building to achieve design excellence and for the delivery of best-practice sustainable design.

383 Kent Street represents a sizeable, latent, highly optimal and unconstrained city block along the Sydney CBD's western edge. This Planning Proposal demonstrates that it can suitably accommodate Charter Hall's vision for a new western edge tower providing additional and premium office floor space whilst also minimising environmental impacts, not compromising the amenity of the city's streets, parks and valued public spaces and providing. This Planning Proposal has demonstrated the strategic merit of the proposal and is in alignment with the actions and intended outcomes of the strategic planning framework established by the State and the City of Sydney.

For these reasons, we have no hesitation in recommending this Planning Proposal for Gateway Determination.