Attachment A5

Draft Site Specific Development Control Plan as suggested by proponent

Site Specific Development Control Plan

383 Kent Street, Sydney

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

Ethos Urban

Prepared by Ethos Urban

21 February 2024 | 2200484

The Purpose of this Development Control Plan

The purpose of this Site Specific Development Control Plan (site-specific DCP) is to amend the *Sydney Development Control Plan 2012*, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment provides objectives and provisions to inform future development at 383 Kent Street, Sydney and should be read in conjunction with the Planning Proposal: 383 Kent Street, Sydney.

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – 383 Kent Street, Sydney*.

Land covered by this plan

This land applies to the land identified as 383 Kent Street, Sydney which is legally described as Lot 1 in DP 778342.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the *Sydney Development Control Plan 2012* in the manner set out in Schedule 1 below.

Schedule 1 – Amendment to the Sydney Development Control Plan 2012

Figure 6.1 Specific sites map

Amend Figure 6.1: Specific sites map to include 383 Kent Street, Sydney.

Amendment to Section 6.3

Insert a new sub-section at the end of Section 6.3 containing all text and figures as shown below.

6.3.# 383 Kent Street, Street, Sydney

The following objectives and provisions apply to 383 Kent Street, Sydney as shown in 'Figure 6.1: Specific Sites map', where the relevant provisions of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) are implemented. All other relevant provisions of this DCP apply.

Clause 6.## of the Sydney LEP 2012 enables development to exceed the floor space ratio shown in the floor space ratio map up to a prescribed amount, providing the subject site is developed for commercial uses.

If a development at 383 Kent Street, Sydney, seeks to utilise additional floor space ratio permitted by clause 6.## of the Sydney LEP 2012, then the provisions in this section also apply to the assessment of the proposed development and override other provisions in this DCP where there is an inconsistency.

Objectives

a. Provide detailed controls to satisfy the provisions of Clause 6.## 383 Kent Street, Sydney in Sydney LEP 2012.
b. To ensure that the building is of appropriate bulk and scale for its Central Sydney location within the western corridor.
c. To create a high quality urban outcome that:
    i. Respects the dual frontage nature of the locality, in particular ensuring activation of both Kent Street and Sussex Streets;
    ii. Maintains daylight and sunlight in streets and public spaces;
    iii. Manages the wind impacts of development on streets and other public spaces so that they are safe and comfortable for people;
    iv. Ensures the podium responds appropriately to the existing streetscape including nearby heritage buildings;
    v. Ensures new development provides appropriate setbacks above the street frontage;
    vi. Ensures that occupants have adequate access to daylight and outlook by providing appropriate separation from surrounding buildings;
    vii. Achieves unity in design and connection of both site frontages by a publicly accessibly through-site link that is activated by retail and partially open for natural daylight; and
    viii. Respects the scale and character of development along Kent and Sussex Streets.
d. To define a building massing envelope which will allow commercial office floor plates whilst allowing sufficient flexibility within its volume for a building to achieve design excellence.
e. To provide for a commercial building that meets high performance benchmarks for ecologically sustainable development.
f. To provide for a Kent Street Logistics Hub, accessed from Sussex Street, that provides a facility that can service nearby local retailers and other commercial tenants to support local logistic movements whilst reducing pedestrian and vehicle conflicts at the streetscape.
g. To ensure that development exhibits design excellence, considering its opportunity to be viewed as part of the western edge of the Sydney CBD skyline.
h. Incorporate high-quality public art.

Provisions

6.3.#.1 Maximum Building Envelope

Objectives

a) Ensure development provides a strongly defined podium.

b) Ensure development provides:
   - tower setbacks that protect amenity to Kent Street and Sussex Street;
   - sufficient setbacks from side boundaries that all maintenance can occur within the site boundaries and provides for visual separation between the subject tower and existing and future towers on adjoining sites.

c) Determine the maximum planning envelope that respects the local context and achieves acceptable levels of solar access, wind comfort and daylight, including daylight to the through site links.

d) Ensure the building is appropriately massed within the planning envelope.

Provisions

1. Building massing, height, footprint and setbacks are to be consistent with 'Figure 6.XX – envelope massing'. The envelope detailed in 'Figure 6.XX – Envelope massing' is the maximum permissible extent of the building form, and the final building design must be appropriately massed wholly within this envelope.
2. The maximum building height is to be RL189.80 (180m), in accordance with 'Figure 6.XX – envelope massing'.
3. The maximum street wall height to Kent Street is not to exceed RL 46.2m.
4. The maximum street wall height to Sussex Street is not to exceed RL 34.8m.
5. Setbacks are to be consistent with 'Figure 6.XX – Minimum building setbacks', Figure 6.XX – Minimum lower podium building setbacks', 'Figure 6.XX – Minimum upper podium building setbacks' and 'Figure 6.XX – Minimum tower building setbacks'
6. A minimum of 12% of the total tower component envelope area above the podium (the sum of the areas measured in plan at each level) is to be for the purposes of architectural articulation (open areas), sun shading and external walls.

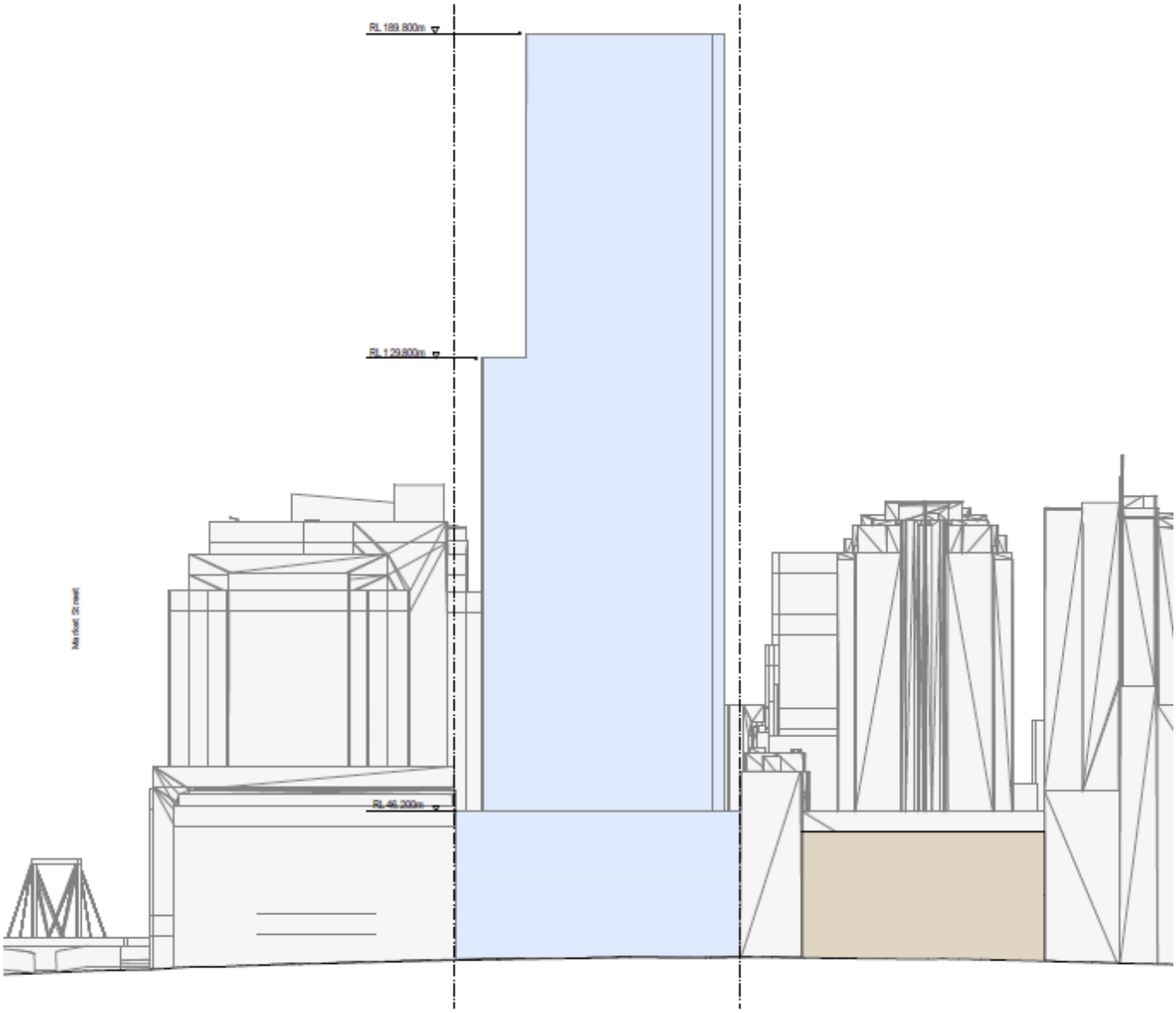

Figure 6.XX – Kent Street envelope massing

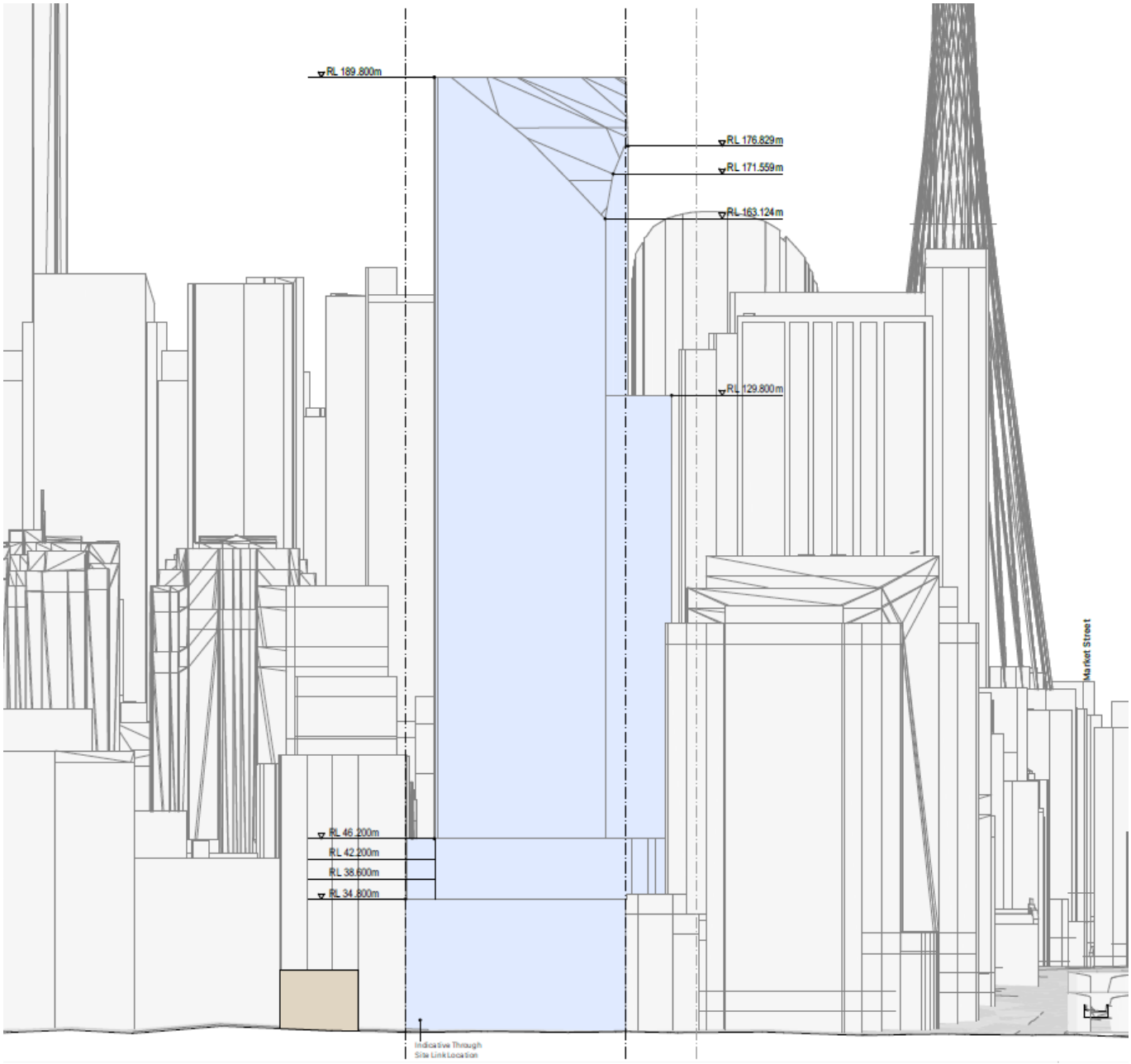

Figure 6.XX – Sussex Street envelope massing

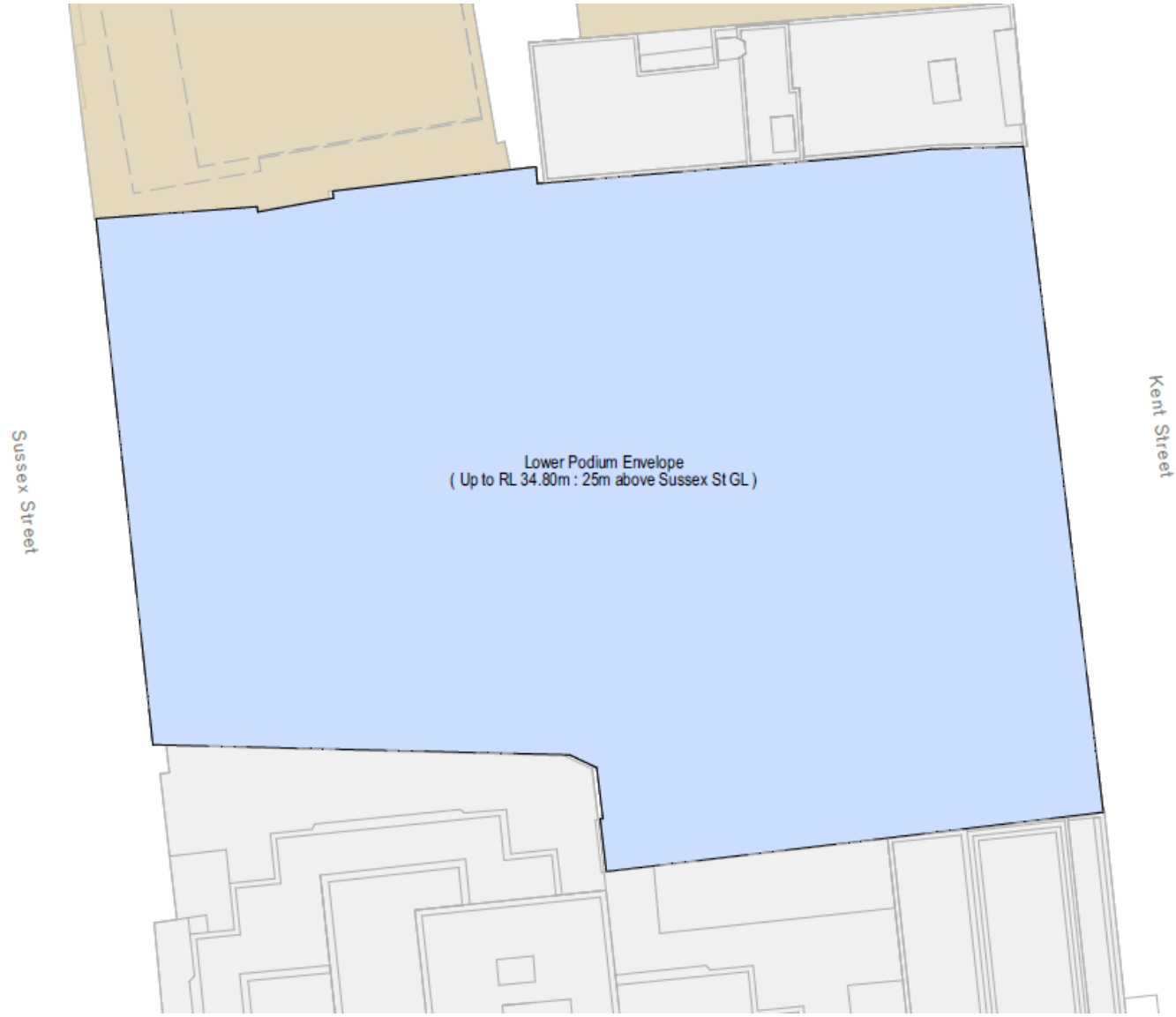

Figure 6.XX – Minimum lower podium setbacks

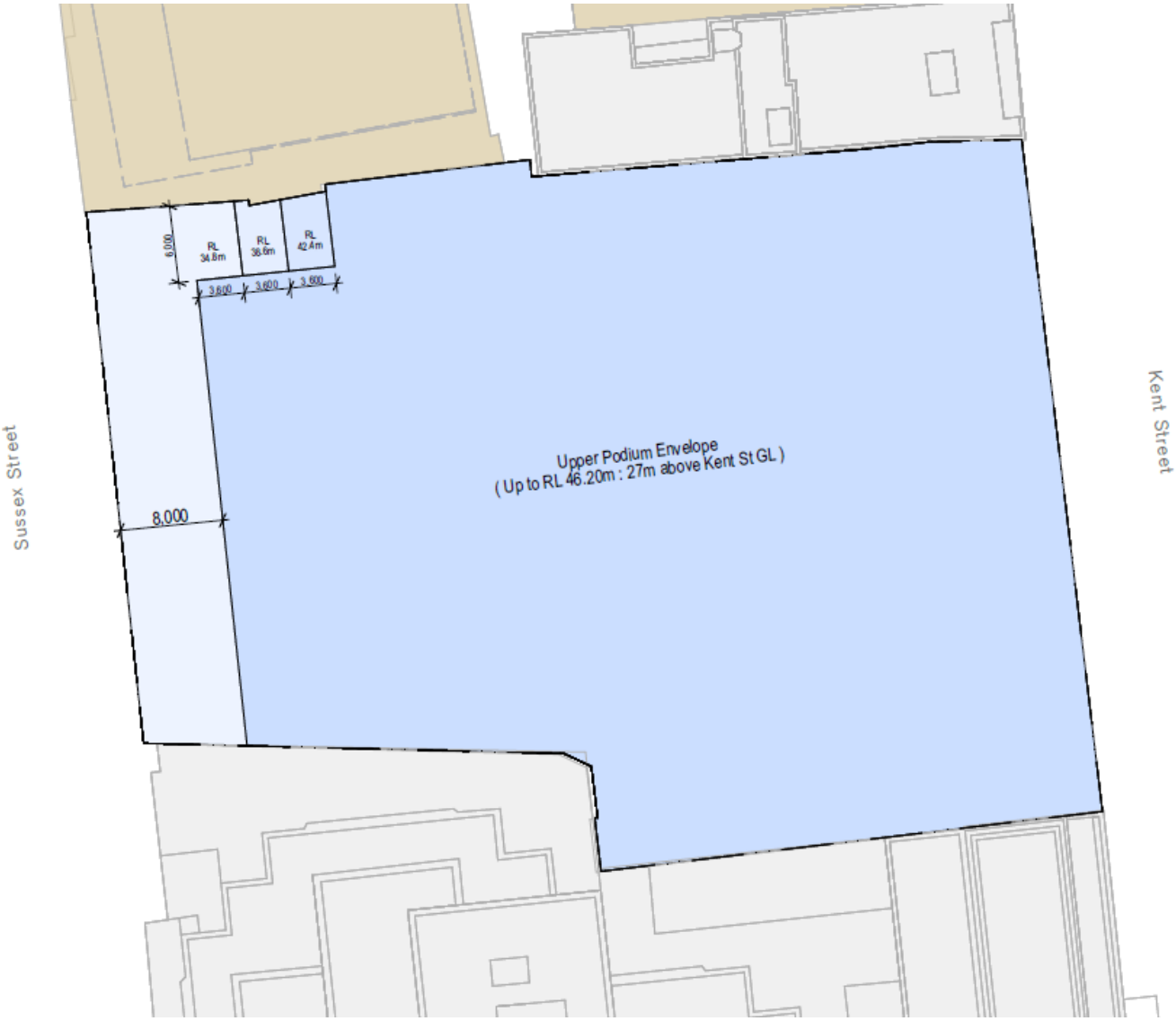

Figure 6.XX – Minimum upper podium setbacks

Figure 6.XX – Minimum tower building setbacks

6.3.X.2 Ground floor

Objective

a. Maximise active frontages with retail and business premises uses at ground level, and minimise service and vehicle access impacts.

Provisions

1. Kent Street and Sussex Street ground level frontages are to maximise activation, with retail or food and drink premises or both.
2. The main part of the commercial lobby is to be located at ground level, accessed from the Kent Street frontage or via the through-site link.

6.3.X.2 Through-site link

Objective

a. Provide a public through-site link connecting Kent Street and Sussex Street, that is open for natural daylight, and is partially open to sky, to improve pedestrian permeability for the public and support activation and amenity.

Provisions

1. The through-site link is to have a minimum width and height consistent with 'Figure 6.XX – Through-site link section' including:
   a. A minimum height of 10m and minimum width of 10.5m at the Kent Street entry.
   b. A minimum height of 20m and minimum width of 12.5m at the Sussex Street entry.
2. The Sussex Street side of the through site link should be partially 'open to sky'.
3. The through-site link should incorporate retail tenancies to provide the opportunity for activation.
4. The through-site link is to be publicly accessible at all times.
5. The design of the through site link should provide opportunities for multiple landings to break up its length and steepness, whilst ensuring site lines from Kent Street and Sussex Street are visible.

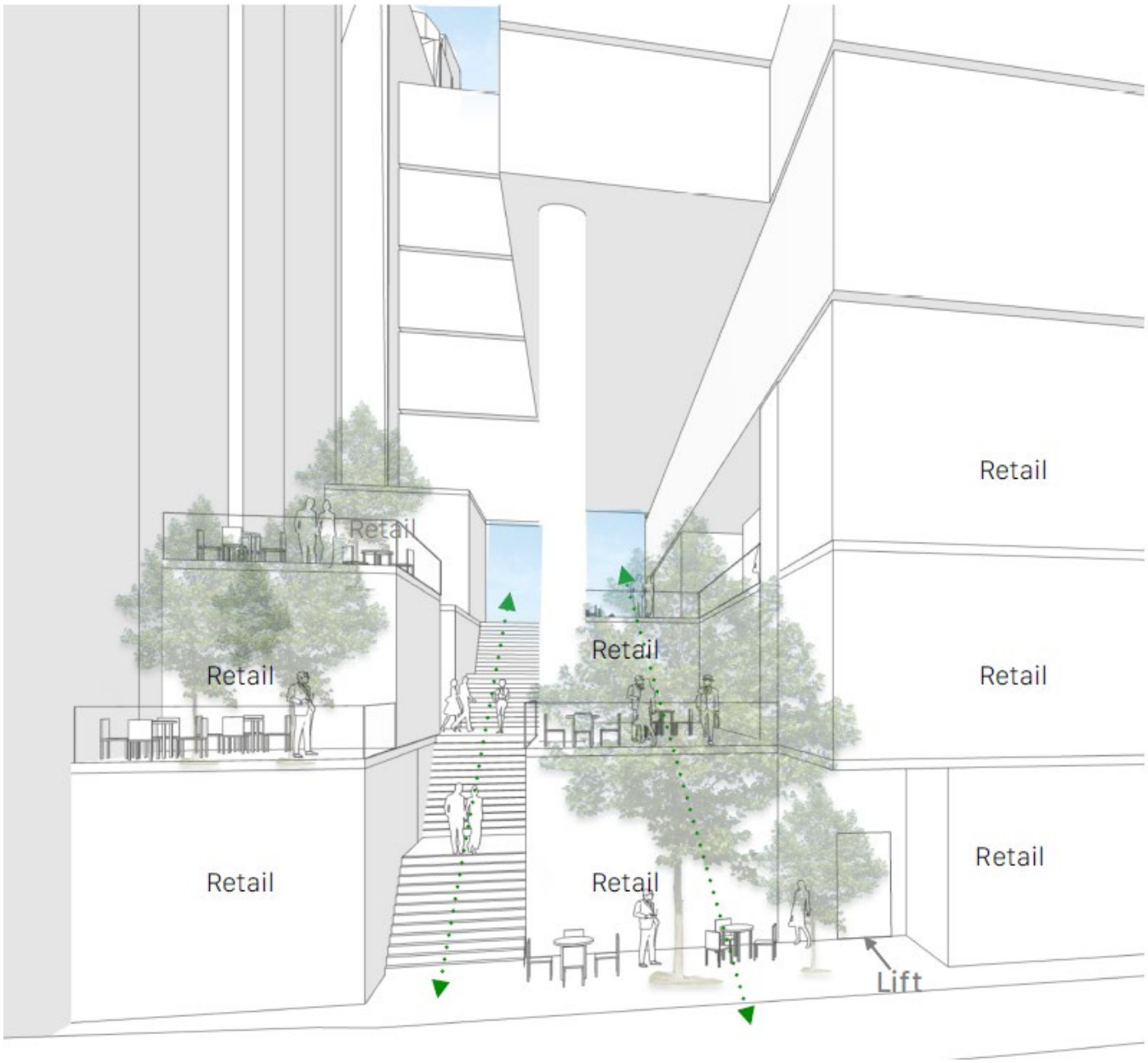

Figure 6.XX – Through-site link at Sussex Street elevation – indicative

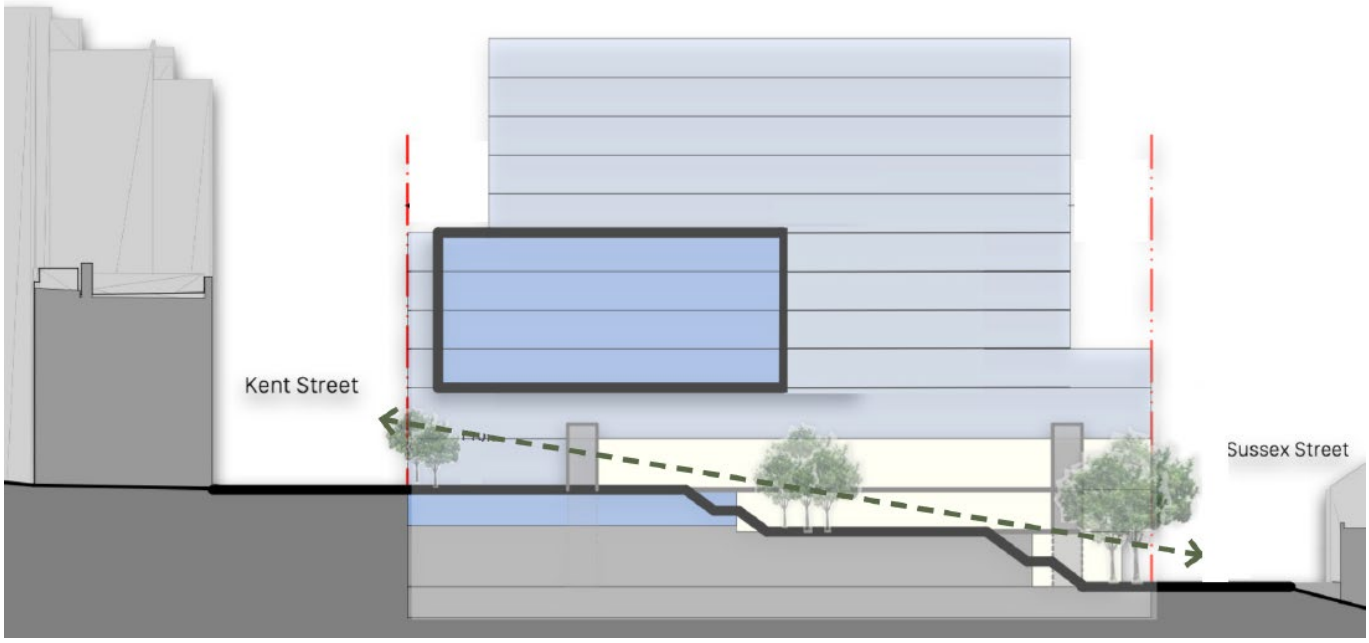

Figure 6.XX – Through-site link section – indicative

6.3.X.3 Kent Street Special Character Area

1. The development is to complement the civic character of the Kent Street Special Character Area by way of suitable façade composition, building materials, colours and textures, and by appropriate building articulation.
2. The podium and streetwall interface of the building addressing Kent Street is to be designed to positively contribute to the heritage context of Kent Street by considering the existing architectural character of the surrounding former warehouses and heritage facades. Key consideration of use of materiality and harmonious streetwall continuity reflected in façade design should be demonstrated in the design of the podium elevation.

6.3.X.3 Wind

Objective

a. Ensure development results in a comfortable and safe wind environment in adjacent public places.

Provisions

1. A quantitative wind effects report is to be submitted with a detailed development application for the subject site.
2. The quantitative wind effects report is to demonstrate that the proposed development will not:
   a. cause wind speeds that exceed the Wind Safety Standard, the Wind Comfort Standard for Walking except where the existing wind speeds exceed the standard; and
   b. worsen an existing wind condition that exceeds the Wind Safety Standard and the Wind Comfort Standard for Walking by increasing the spatial extent, frequency or speed of the wind.
3. The quantitative wind effects report is to further demonstrate the proposed development incorporates measures to create a comfortable wind environment that is consistent with the Wind Comfort Standards for Sitting and Standing.

   Wind Safety Standard is an annual maximum peak 0.5 second gust wind speed in one hour measured between 6am and 10pm Eastern Standard Time of 24 metres per second.

   Wind Comfort Standard for Walking is an hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time (i.e. 5% of those hours) of 8 metres per second.

Wind Comfort Standards for Sitting and Standing is hourly mean wind speed, or gust equivalent mean wind speed, whichever is greater for each wind direction, for no more than 292 hours per annum measured between 6 am and 10 pm Eastern Standard Time of; 4 metres per second for sitting; and 6 metres per second for standing.

6.3.X.3 Parking and vehicular access

Objective

a. Ensure the location, size and design of vehicle access minimises pedestrian and vehicle conflicts and disruption of traffic on public roads.

Provisions

1. Vehicular access to the basement is to be from Sussex Street only, to be located as close to the southern boundary of the site as possible, and no vehicular access from Kent Street. The design of the driveway crossover is to comply with the relevant Australian Standards, and is to be minimised as far as practical whilst still enabling access for the largest vehicle entering the site.
2. Loading and servicing facilities are to be provided onsite able to accommodate all uses on the site.

6.3.X.3 Kent Street Logistics Hub

Objective

a. Ensure development provides shared loading opportunities for neighbouring retail and commercial premises along Kent Street (between on Market Street and King Street).
b. Minimising on-street loading activities and reducing driveway crossovers, therefore promoting pedestrian and cyclist safety.

Provisions

1. The development is to provide a shared loading dock facility (known as the Kent Street Logistics Hub) which is available for the use of commercial and retail premises trading on Kent Street (between on Market Street and King Street).
2. The Kent Street Logistics Hub should provide spaces for 7 loading dock bays which should include spaces adequate for at least 1 Medium Rigid Vehicle (MRV), 2 Small Rigid Vehicles (SRVs) and 4 vans.
3. As a minimum, the hours of operation for the Kent Street Logistics Hub shall be consistent with on-street advertised loading provisions, being:
    a. 6am to 6pm weekdays, and 7am to 10am Saturdays; and
    b. Maximum 30 minute duration of stay.
4. A vertical clearance of 4.5m should be included within the loading dock to adequately service MRV movement.
5. The Kent Street Logistics Hub should operate in accordance with a prepared Loading Dock Management Plan that outlines the systems and processes in place for managing booking vehicle bays, access provisions (including after hours procedure) and details any security protocols and maintenance practices.

6.3.X.4 Design Excellence Strategy

Objective

a. To ensure that the building design is the result of a best practice architectural design competition.

Provision

1. An invited architectural design competition is to be undertaken in accordance with clause 6.21D of the Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy.
2. The competition is to include:
    a. no less than six competitors;
    b. the majority to be local or national Australian firms; and

c. include at least one emerging architect or all competitors to be in partnership with emerging architects; and

d. teams comprised of at least 40% non-male members.

3. The jury is to comprise a total of six (6) members. The proponent is to nominate three (3) jurors made up of one independent member (a person who has no pecuniary interest, nor is a pending or contracted employee or consultant to the proponent) and the City of Sydney is to nominate three (3) jurors.
4. Jurors nominated by the proponent are to have demonstrated architecture and urban design expertise, and at least one juror to have sustainability expertise.
5. All competitors must demonstrate capabilities in design excellence by being the recipient of an Australian Institute of Architects (AIA) commendation or award in the past 5 years, or equivalent overseas professional association.
6. Through the selection of Competitors, those with demonstrated experience on projects that have either received an environmental sustainability award or achieved high Green Star Design & As Built or NABERS Energy/Water ratings will be preferred.
7. Any additional floor space pursued for a building demonstrating design excellence under clause 6.21(7)(b), is to be accommodated within the building envelope shown within Figure XX.

6.3.X.5 Sustainability

Objective

a. Ensure development is consistent with Australian best practice performance benchmarks for ecologically sustainable development.

b. Ensure that development includes a carbon neutral energy operation.

c. Ensure development minimises embodied and operational carbon emissions.

Provision

1. The consent authority must be satisfied that development is capable of being carbon neutral energy efficient building through the commitment of:

    a. 5.5 Star NABERS Energy rating (Commitment Agreement); or

    b. Certified Green Star Buildings rating with a “credit achievement” in Credit 22: Energy Use; or

    c. a maximum of 45 kWh/yr/m² of GFA

    and

    d. Renewable energy procurement for a period of at least 5 years equivalent to “net zero energy”.

    For clarity, development must be demonstrated to be capable of achieving (d) and either (a), (b) or (c).

    The sustainability requirements of (1) (a)-(d) apply to the new developments containing office premises with a net lettable area of 1,000sqm or more, and developments accumulatively involving alterations, additions and refurbishments to existing office premises where the estimated cost of works is over $5 million, and contains a net lettable area of 1,000sqm or more.

2. In this sub-section:

    a. net zero energy means the development consumes no more energy than is provided by a combination of:

        i. renewable energy generated on-site, and/or

        ii. renewable energy sourced/procured from off-site sources. In this definition, energy includes gas, electricity and thermal energy, and excludes diesel used for emergency back-up generation. Other emissions, such as those from refrigerants, are not included.

    b. renewable energy means energy that comes from natural resources such as sunlight, wind and rain that are renewable (naturally replenished).

3. A Sustainable Travel Strategy is required to be prepared as part of an application for redevelopment of the site to address sustainability objectives, and support healthy and active lifestyles, not negatively impact on the environment, and so that the development will not lead to unnecessary vehicle trip generation and network congestion.

6.3.X.6 Public Art

1. Incorporate high quality public art in publicly accessible locations to contribute to the identity and amenity of the place.