

Attachment A

**Planning Proposal - 383-395A Kent Street,
Sydney and appendices**

Planning Proposal: 383-395A Kent Street, Sydney



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Executive summary

The City of Sydney (the City) has prepared this planning proposal for 383-395A Kent Street, Sydney (the site) in response to a request from the applicant, Charter Hall, for the City to prepare a planning proposal for the site.

The planning proposal will enable development consistent with the objectives and priorities of the Greater Sydney Region Plan, Eastern City District Plan, the City's Local Strategic Planning Statement and the Central Sydney Planning Strategy. This proposal seeks to increase the maximum building height and floor space ratio to support future redevelopment delivering the following key benefits:

- The delivery of 73,191 square metres of replacement and new commercial office space in Central Sydney responding to demand, helping to promote development, investment and business opportunities in a centre supported by existing infrastructure;
- Increasing height and floor space in an identified tower cluster area, permitting greater development and density while preserving public amenity as required by the Central Sydney Planning Strategy;
- Helping to enhance the amenity of Central Sydney through the provision of a new through-site link connecting Kent Street and Sussex Street, acting as a new east-west connection facilitating ground floor activation and pedestrian permeability;
- The removal of a large commercial car park with approximately 800 spaces, reducing the demand for private vehicle trips and encouraging walking, cycling and the use of public transport;
- The delivery of a shared precinct loading dock for the use of surrounding businesses, encouraging a more efficient use of space, supporting local business and improving logistics and productivity;
- A built form that will minimise overshadowing to nearby public places, while forming a good contextual fit with neighbouring buildings on Kent and Sussex Streets, protecting daylight access and reducing adverse wind impacts to the public domain.

The site

The site has a total area of 3,606 square metres with street frontages to Kent Street along the eastern boundary and Sussex Street along the western boundary. Existing development on the site consists of a 19-storey building with a 10-storey commercial public car park containing approximately 800 car spaces and 11 storeys of commercial office space. To the south, the site is adjoined by 397-409 Kent Street (alternatively known as 2-18 Market Street), a 22-storey commercial office building. To the north, the site is adjoined by two commercial properties – an 8-storey commercial office building at 379 Kent Street and a 14-storey commercial office building at 160-166 Sussex Street. To the west, across Sussex Street, is the Hyatt Regency Hotel, with buildings ranging from 15- to 25-storeys for hotel and commercial purposes. To the east, across Kent Street, are a number of several commercial adaptive warehouse buildings ranging from 5 to 10-storeys.

Existing development controls

Under the existing LEP controls, the site is zoned SP5 Metropolitan Centre permitting a broad range of uses including office, retail and residential. The site has a maximum floor space ratio of 15.75:1 and a maximum building height of 110m.

The planning proposal – Sydney Local Environmental Plan 2012 controls

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

This planning proposal seeks to insert a new site-specific clause in Division 5 of the LEP to:

- increase the maximum building height from 110m to RL 189.8m (approximately 180m)
- increase the maximum floor space ratio from 15.75:1 to 20.3:1 inclusive of design excellence, shared loading dock facility floor space and end of journey floor space
- prevent development consent being granted under this clause unless the consent authority was satisfied that the resulting building would:
 - deliver a pedestrian through-site link connecting Kent Street and Sussex Street
 - deliver a shared precinct loading dock for the use of the subject site and surrounding businesses
 - remove the existing commercial car park resulting in a significant reduction in private parking spaces
 - not be used for the purpose of residential or serviced apartments.

Draft site-specific Development Control Plan

The City has prepared a draft site-specific amendment to the Sydney Development Control Plan 2012 (draft DCP) to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP includes controls relating to the built form of the proposed development, maximum building envelope dimensions, pedestrian through-site link dimensions and requirements for ground floor activation, standards for acceptable wind conditions, access and operation of the shared loading dock, a design excellence strategy, and sustainability and public art requirements. The City intends to publicly exhibit the draft DCP with this planning proposal.

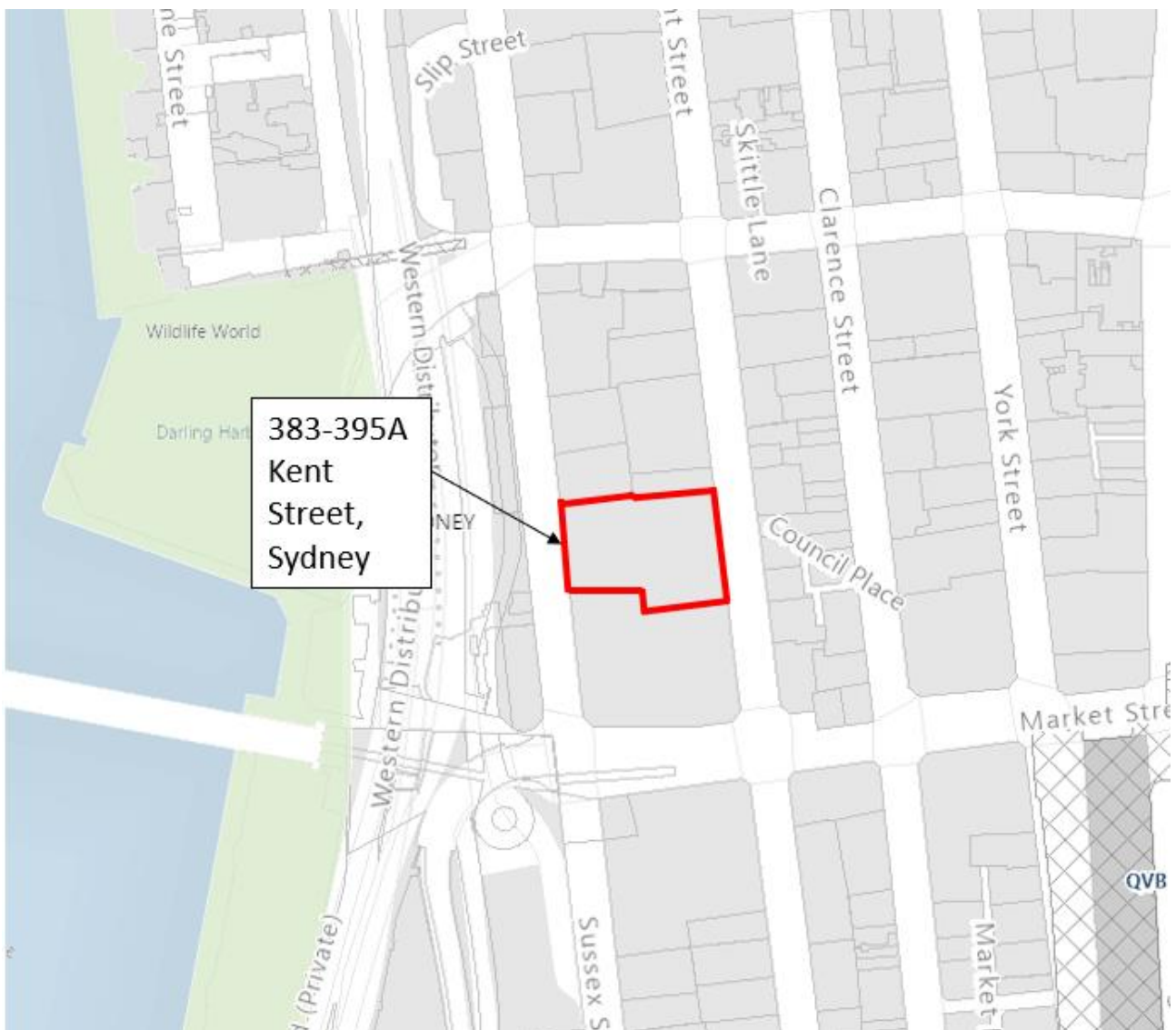
This planning proposal has been amended, new text is shown in bold italics and deleted text is shown as ~~bold strikethrough~~.

1. Site Identification

1.1. Site Identification

The address and lot reference affected by this planning proposal are collectively referred to as 'the Site'. The site is located at 383-395A Kent Street, Sydney and the lot reference is Lot 1 in DP 778342. A map of the site, outlined in red, is shown at Figure 1.

Figure 1. Land affected by this Planning Proposal



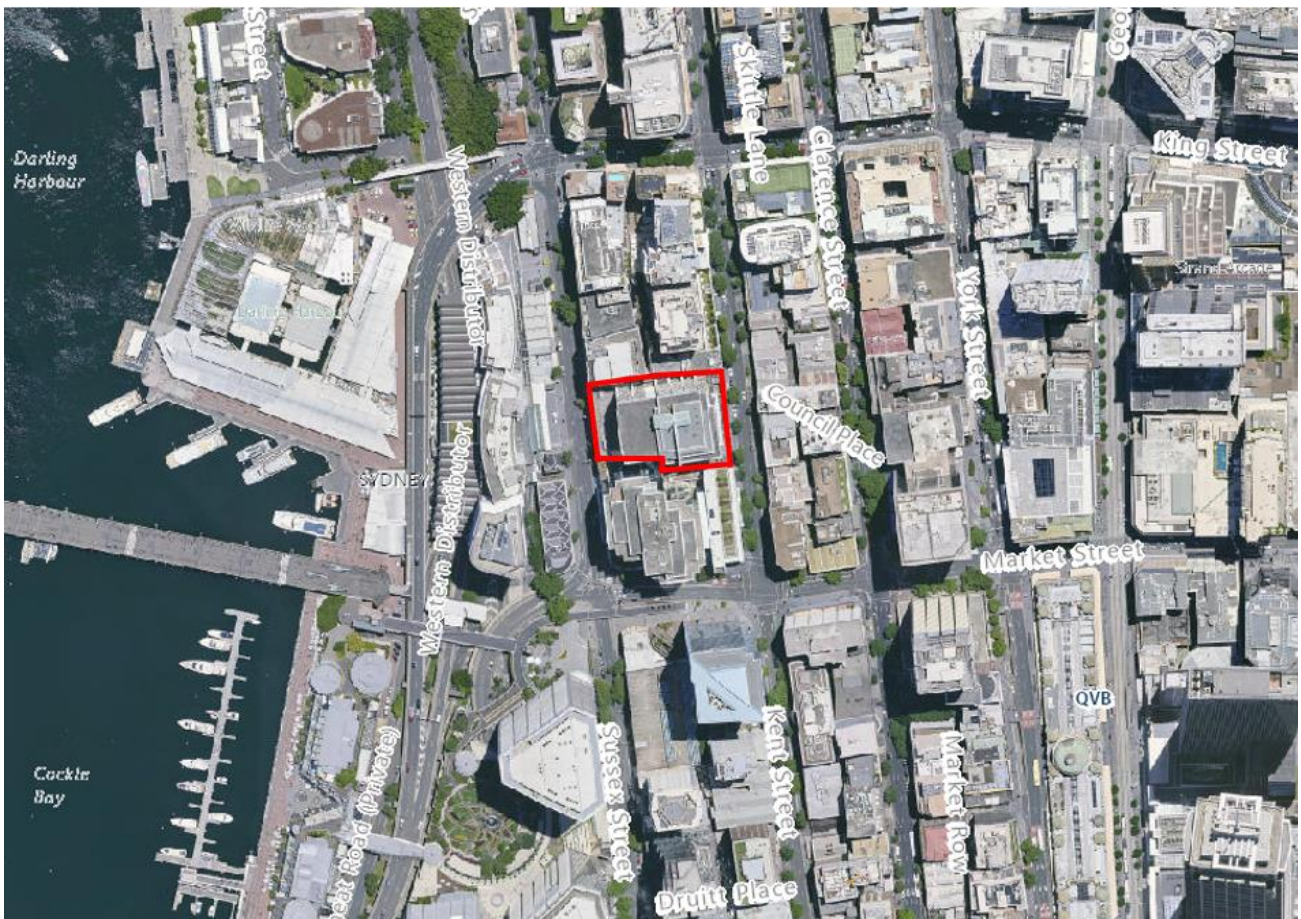
1.2. Site location

The site is located in Central Sydney within the City of Sydney Local Government Area. It fronts Kent Street to the east and Sussex Street to the west.

The site is approximately 500m away from Town Hall Rail Station with intercity, suburban, light rail and bus connections. A two-way cycleway is located across from the site on Kent Street. The QVB light rail station is approximately 300m away while Wynyard Station is approximately 800m away. The site is also located approximately 800m to Barangaroo Wharf which provides connection to locations along Sydney Harbour and the Parramatta River.

An aerial photo of the site and surrounding area is shown at Figure 2.

Figure 2. Aerial photo of the site



1.3. Site characteristics

The site has a total area of 3,606m². The Kent Street frontage is approximately 53m and the Sussex Street frontage is approximately 43m. The distance between Kent and Sussex Streets is approximately 73m. The site has a sloping topography with a level difference of approximately 10m between Kent Street and Sussex Street.

Existing development on the site consists of a 19-storey building with a 10-storey commercial public car park containing approximately 800 car spaces and 11 storeys of commercial office space. The site contains 17,928m² of commercial office space between levels 8 and 18. The commercial car park dates from 1976. A development application to build a commercial office tower above the car park was lodged in 1998 and construction was completed in the early 2000s.

Current vehicular access to the car park and loading dock is off Sussex Street, and the lobby for the office tower is accessed via Kent Street.

To the south, the site is adjoined by 397-409 Kent Street (alternatively known as 2-18 Market Street), a 22-storey commercial office building. To the north, the site is adjoined by two commercial properties – an 8-storey commercial office building at 379 Kent Street and a 14-storey commercial office building at 160-166 Sussex Street. To the west, across Sussex Street, is the Hyatt Regency Hotel, with buildings ranging from 15 to 25-storeys for hotel and commercial purposes. To the east, across Kent Street, are a number of several commercial adaptive warehouse buildings ranging from 5 to 10-storeys.

Figure 3. 383-395A Kent Street, viewed from the south, outlined in red (Kent Street frontage)



Figure 4. 383-395A Kent Street, viewed from the north, outlined in red (Kent Street frontage)

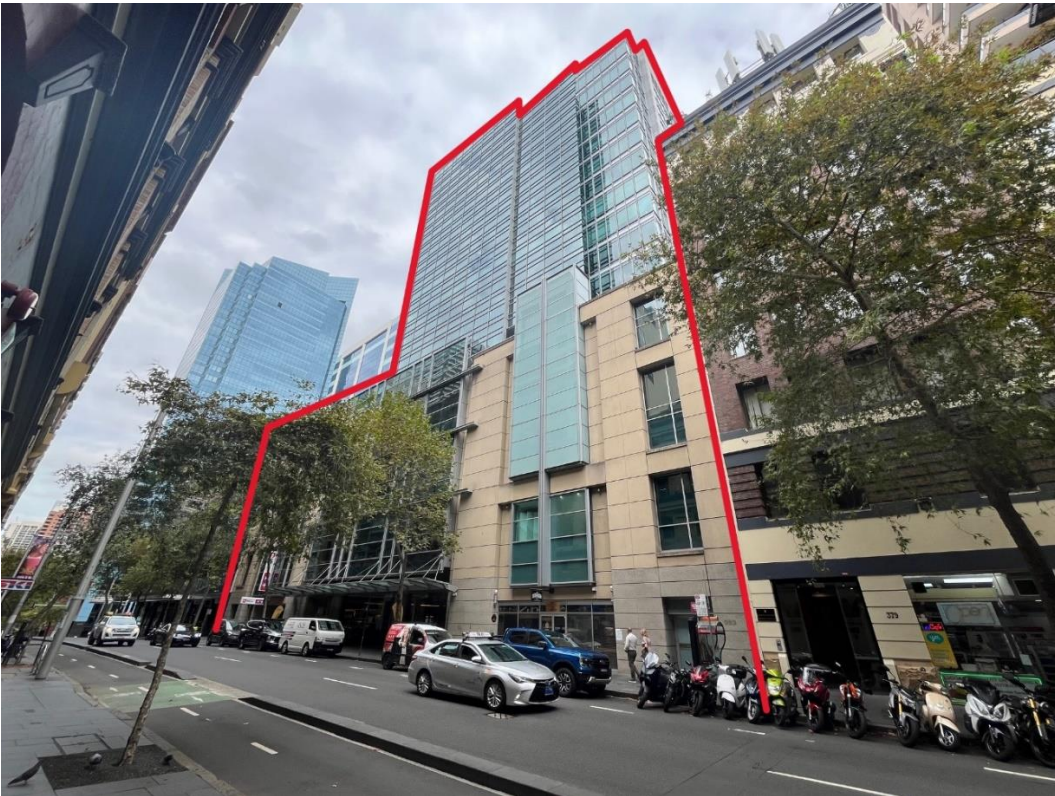


Figure 5. 383-395A Kent Street, viewed from the south, outlined in red (Sussex Street frontage)

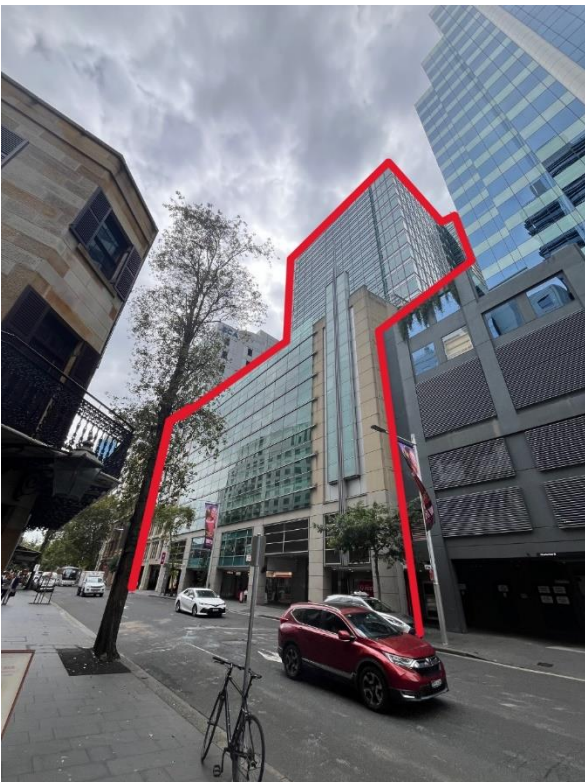


Figure 6. 383-395A Kent Street, viewed from the east, outlined in red, (Sussex Street frontage)

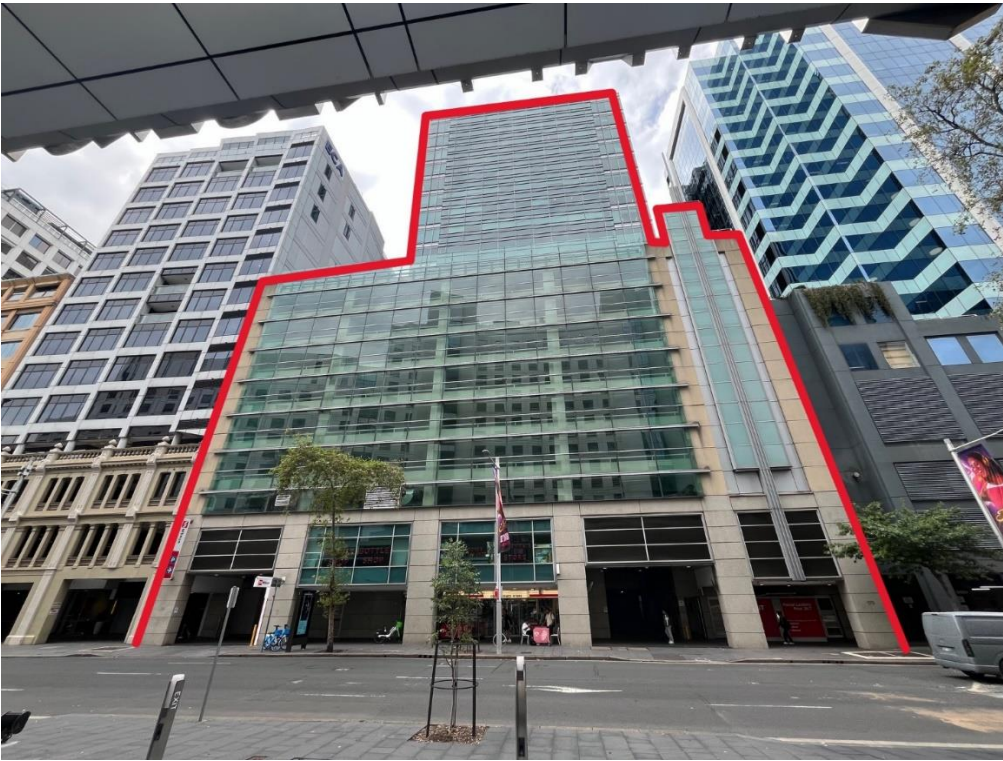


Figure 7. 383-395A Kent Street, viewed from the north, outlined in red, (Sussex Street frontage)

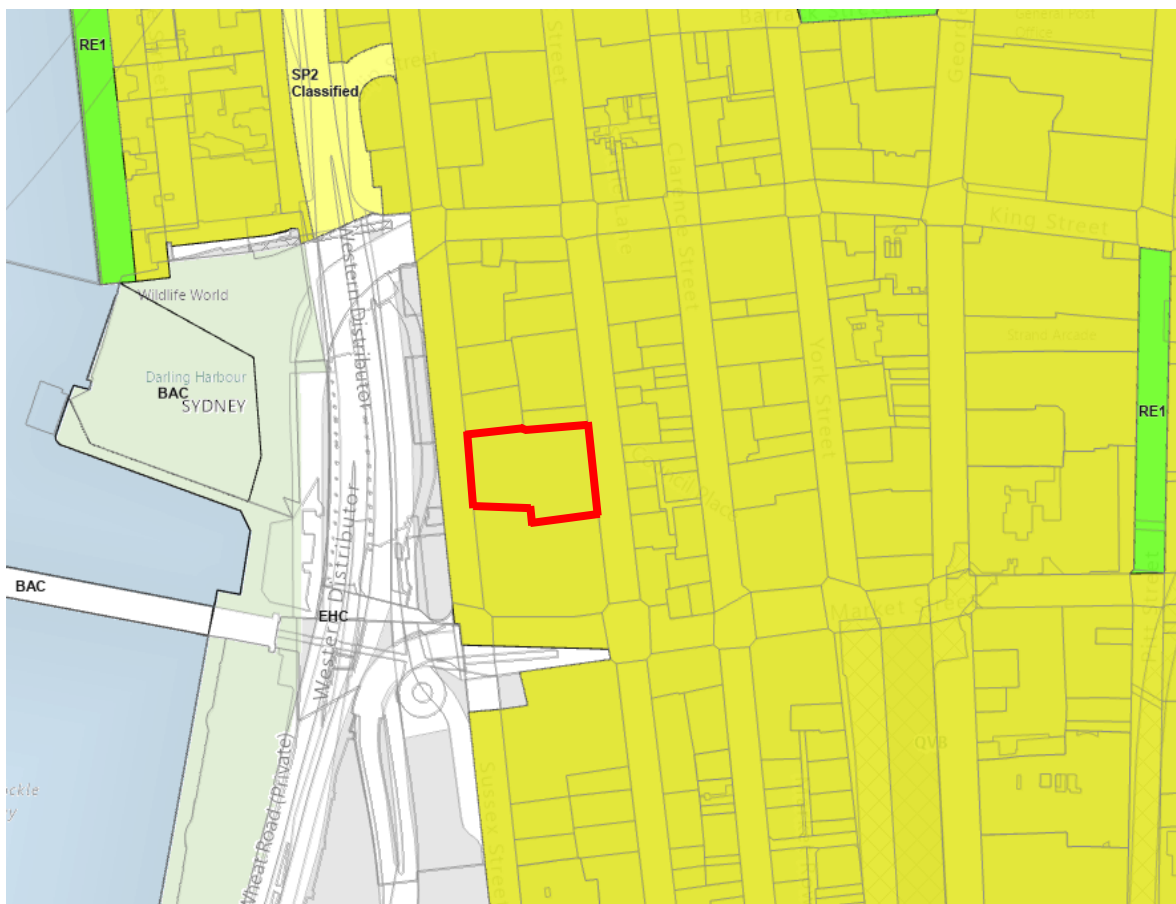


2. Existing planning controls

2.1. Zoning

The site is located within the SP5 'Metropolitan Centre' Zone. The objectives of this zone are to provide a diversity of business, office, retail, entertainment and tourist land uses to provide opportunities for an intensity of land uses compatible with Sydney's global status.

Figure 8. Extract from zoning map in Sydney LEP 2012

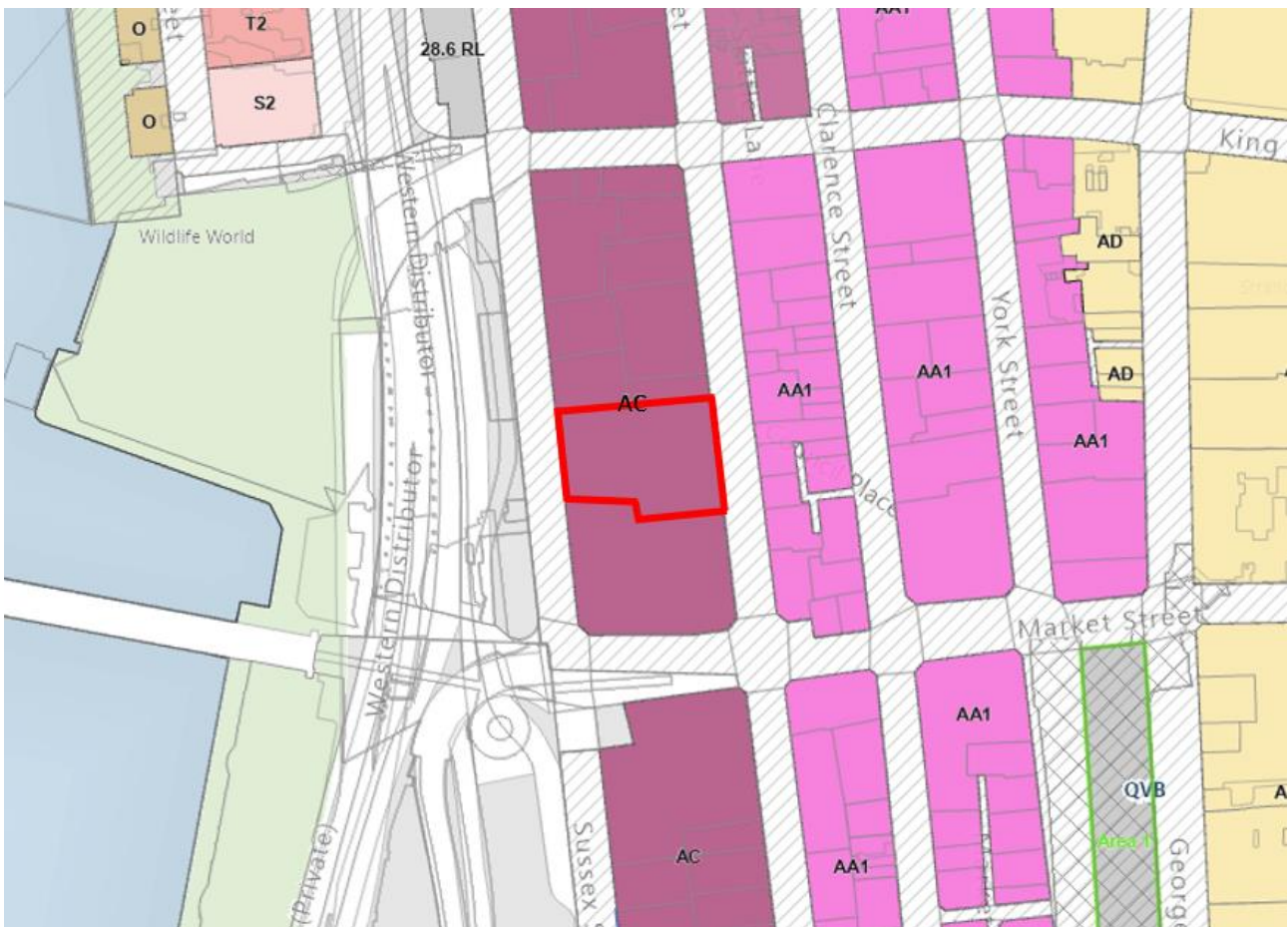


2.2. Building height

The maximum building height for the site is 110m, represented by 'AC' and the purple shading in Figure 9.

The site is also subject to the no additional overshadowing controls of Sydney Square, Sydney Town Hall and future Town Hall Square during the control periods, as outlined in section 6.18 of the Sydney LEP.

Figure 9. Extract from Height of building map in Sydney LEP 2012

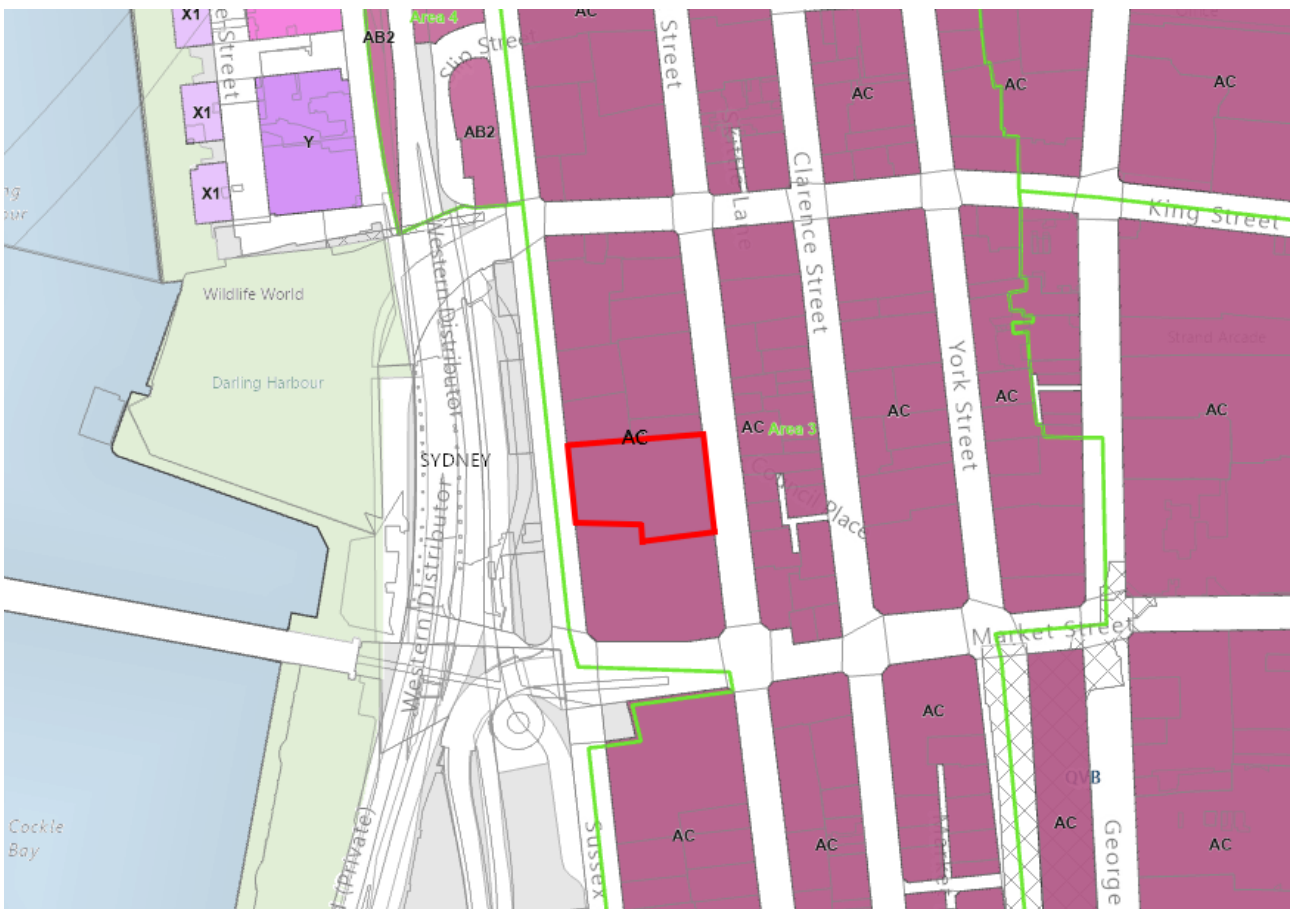


2.3. Floor space ratio

The maximum floor space ratio for the site is 8:1, as indicated by 'AC' and the purple shading in Figure 10. The site is located in Area 3 which, under clause 6.4 of the Sydney LEP, means the site is eligible for accommodation floor space of up to 2.5:1 for business, office or retail premises. In addition, the site is located in a tower cluster area which, under clause 6.21E of the Sydney LEP, means the site may be eligible for additional floor space of up to 50% if the consent authority is satisfied that the building demonstrates design excellence as the winner of an architectural design competition carried out in accordance with the City of Sydney Competitive Design Policy.

In total, a commercial development on the site can achieve a maximum FSR of 15.75:1.

Figure 10. Extract from floor space ratio map in Sydney LEP 2012



2.4 Heritage

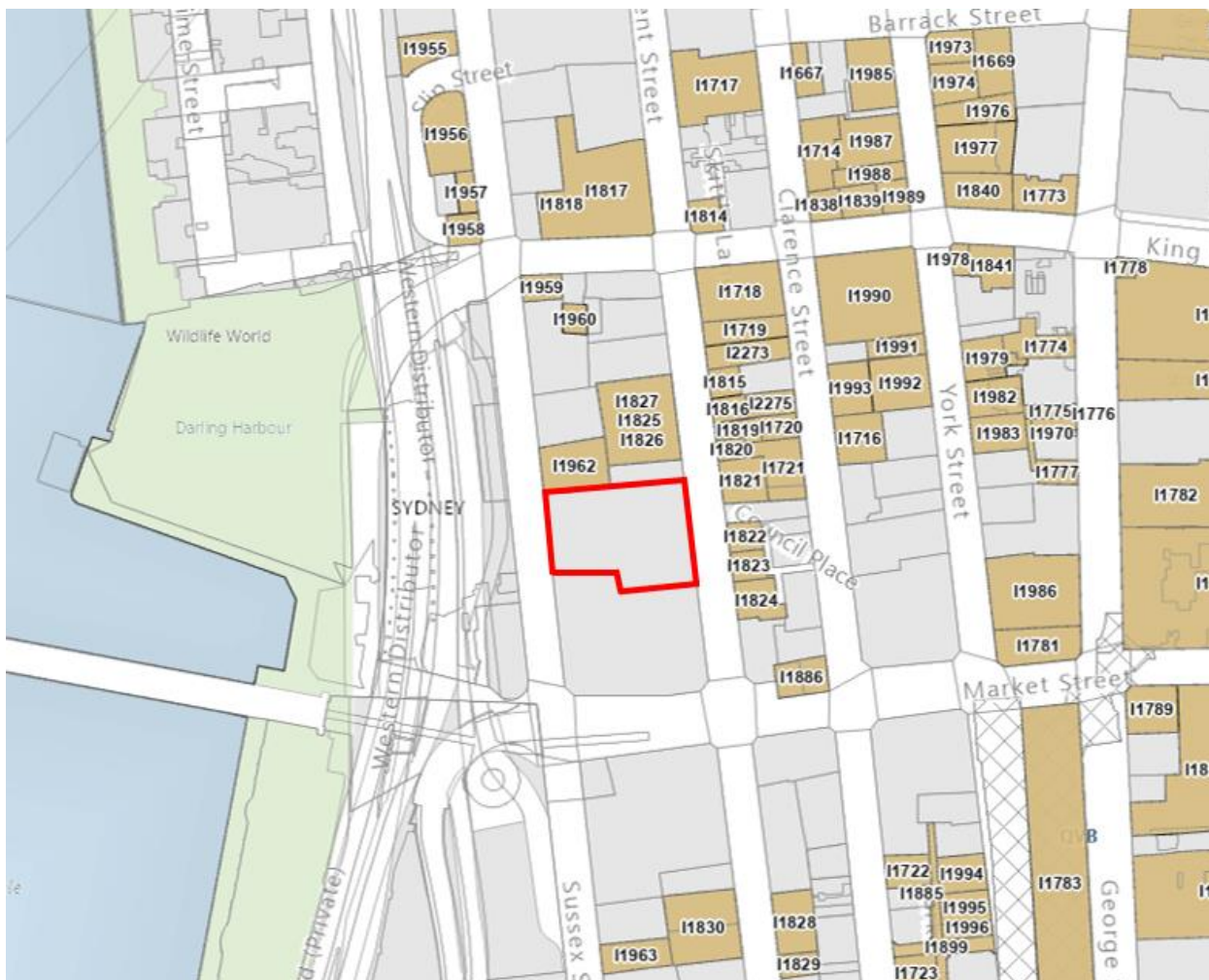
The site is not heritage listed but is located in close proximity to a number of local and state listed heritage items. The site is partially located within the York Street Special Character Area including Clarence Street and Kent Street in the Sydney DCP. York Street and the streets and lanes surrounding it contain evidence of one of the early warehousing areas in Sydney that developed due to its proximity to Darling Harbour and the City Markets. The area is characterised by nineteenth and early twentieth century warehouse development interspersed with hotels that flourished in association with the wharves as well as a number of banks. The warehouse stock generally comprises masonry buildings, 3-8 stories in height and robustly articulated.

Adjoining the site to the north is a locally listed heritage item at 160-166 Sussex Street, the façade of a former maritime building known as ‘CMC House’. Also north of the site are three locally-listed former warehouse facades at 365, 367-371 and 373-377 Kent Street.

East of the site across Kent Street are a number of locally-listed former warehouses with the listing including the interiors and, in some cases, cartways and courtyards. West of the site across Sussex Street are a number of state-listed heritage items adjoining the Hyatt Regency Hotel including the former Hunter River Steamship Navigation Company Office and warehouses at 139-153 Sussex Street, Dundee Arms Hotel at 171 Sussex Street and Corn Exchange at 173-185 Sussex Street.

A map showing the site and the locally-listed heritage items can be found at Figure 11.

Figure 11. Extract from heritage map in Sydney LEP 2012



3. Objectives and intended outcomes

3.1. Objectives

This planning proposal will enable the redevelopment of 383-395A Kent Street, Sydney to deliver:

- a future workspace tower of approximately 180m while preventing any additional overshadowing of Sydney Square, Town Hall Steps and future Town Hall Square;
- 73,000 sqm of commercial and retail floor space in a tower cluster area, aligning with the strategic direction of the Central Sydney Planning Strategy;
- a built form which protects and enhances the amenity of the public domain, particularly sun access and wind conditions;
- a built form which is responsive to the surrounding streetscape and character of Kent Street and the western edge of the CBD;
- a built form capable of achieving design excellence and acceptable sustainability outcomes;
- a pedestrian through-site link connecting Kent Street and Sussex Street;
- the removal of a large 10-storey, approximately 800 space, commercial car park; and
- the provision of a shared precinct loading dock facility for the use of surrounding businesses.

The draft DCP accompanying the Planning Proposal will provide more detailed guidance for the site.

A Voluntary Planning Agreement (VPA) will be exhibited to secure public access to the pedestrian through-site link, to establish principles for the access to and operation of the shared precinct loading dock, and to provide commitments for sustainability targets exceeding the Sydney DCP 2012.

4. Explanation of provisions

4.1. Sydney Local Environmental Plan 2012

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

- permit a maximum building height of RL 189.8 metres;
- permit a maximum floor space ratio of 20.3:1, inclusive of the following:
 - the maximum floor space ratio as shown on the Floor Space Ratio Map (under clause 6.4);
 - the maximum accommodation floor space ratio (under clause 6.4), to which the City's heritage floor space scheme will apply;
 - shared loading dock facility floor space (under clause 6.5A);
 - end of journey floor space (under clause 6.6); and
 - additional floor space, of up to 10%, if the building demonstrates design excellence (under clause 6.21D(3)(b)).
- prevent development consent being granted under this clause unless the consent authority was satisfied that the resulting building would comply with clause 6.18 "Overshadowing of certain public places".
- prevent development consent being granted under this clause unless the consent authority was satisfied that the resulting building:
 - would not be used for the purpose of residential or serviced apartments;
 - would not be used for the purpose of a commercial car park;
 - would include a pedestrian through-site link connecting Kent Street and Sussex Street, and
 - would include a shared loading dock facility, in addition to the site's own requirements, for the use of surrounding businesses.

The total floor space ratio calculated under the subclauses above must not exceed 20.3:1.

Clause 6.21D(3)(a) should not apply to these site specific controls, no additional building height should be available to exceed the maximum set at RL 189.8 metres.

Section 4.6 exceptions can only apply to parts of the envelope not affected by overshadowing of certain public places controls, as outlined in clause 4.6(8)(ce).

Appendix 1 of this Planning Proposal provides some example clauses of the proposed controls. The final version of the clauses to be inserted into Division 5 would be subject to drafting and agreement by the Parliamentary Counsel's Office.

4.2. Sydney Development Control Plan

To ensure future development is consistent with the objectives of the planning proposal, site specific provisions for the DCP will be drafted to ensure a high-quality built form and public domain. These provisions include:

- maximum building envelope dimensions;
- pedestrian through-site link dimensions and requirements for ground floor activation;
- controls regarding the access and operation of the shared precinct loading dock;
- a design excellence strategy; and
- sustainability and public art requirements.

A draft of the new site specific provisions for the DCP, also to be placed on public exhibition, can be found at Attachment B.

5. Justification

5.1 Landowner request

The applicant Charter Hall, supported by Ethos Urban and fjstudio, lodged a formal request to prepare a planning proposal in March 2024. The intended use of the site is for a commercial development. The reference design depicts retail tenancies at the Kent Street and Sussex Street levels and through-site link, and offices on all upper levels.

Figure 12. Artistic representation of indicative design – Kent Street perspective



Figure 13. Artistic representation of indicative design – western perspective



5.2 Need for the planning proposal

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

This planning proposal is the result of a request from the landowner to change the planning controls that relate to the site in response to the Central Sydney Planning Strategy.

The landowner has provided a Planning Proposal Justification Report and a number of studies in support of the request, including an Urban Design Report prepared by fjcstudio. Together they describe how the proposal is consistent with the Central Sydney Planning Strategy and demonstrate how the site is capable of accommodating growth in employment generating floor space through amending building height and floor space ratio controls without unacceptable impacts on public domain and amenity.

The supporting documents commissioned by the applicant to support their request are attached as the following Attachments to this planning proposal:

- Attachment A1: Planning Proposal Justification Report – Ethos Urban
- Attachment A2: Urban Design Report – fjcstudio
- Attachment A3: Urban Design Report Appendices – fjcstudio
- Attachment A4: Detailed Site Survey – Beveridge Williams
- Attachment A5: Draft Site Specific DCP as suggested by proponent – Ethos Urban
- Attachment A6: Design Excellence Strategy – Ethos Urban
- Attachment A7: ESD Report – LCI
- Attachment A8: Connecting with Country Strategy – Yerrabingin
- Attachment A9: Initial Connecting with Country Concepts – Yerrabingin
- Attachment A10: Pedestrian Wind Environment Study (Maximum Planning Envelope) – Windtech
- Attachment A11: Pedestrian Wind Environment Study (Reference Design Scheme) – Windtech
- Attachment A12: Pedestrian Comfort Assessment – Movissian
- Attachment A13: Traffic and Transport Assessment – Stantec
- Attachment A14: Preliminary Aeronautical Impact Assessment – Avlaw
- Attachment A15: Heritage Impact Assessment – Urbis
- Attachment A16: Geotechnical Desktop Investigation – Douglas Partners
- Attachment A17: Preliminary Site Investigation (Contamination) – Douglas Partners
- Attachment A18: Preliminary Acid Sulfate Soils Study – Douglas Partners
- Attachment A19: Operational Waste Management Plan – Foresight Environmental
- Attachment A20: Civil Engineering Report – TTW
- Attachment A21: Vision and Values Statement – Charter Hall

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

This planning proposal seeks to insert new site-specific provisions into the LEP for the site. The resultant conditions have been assessed to ensure any future built form is appropriate and does not result in any unacceptable impacts on adjoining properties or the public domain. The amended controls would facilitate the delivery of additional employment generating floor space consistent with the objectives of the Local Strategic Planning Statement and Central Sydney Planning Strategy.

5.3 Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

A Metropolis of Three Cities – The Greater Sydney Region Plan

The planning proposal gives effect to the following objectives of the Greater Sydney Region Plan:

- **Objective 12: Great places that bring people together** – Improving accessibility, connectivity and amenity through the provision of a pedestrian through-site link connecting Kent Street and Sussex Street, prioritising a people-friendly public realm and introducing fine grain urban form.
- **Objective 14: Integrated land use and transport creates walkable and 30-minute cities** – The site is located in Central Sydney, within 300m of the QVB light rail stop, 500m of Town Hall Station, 800m of Wynyard Station and Barangaroo Wharf, and nearby bus connections and cycleways provide additional linkages with the metropolitan transport network. The location within the Metropolitan Centre Zone and proximity to residential areas in the CBD and Pyrmont promotes the vision of a 30-minute city. The removal of the commercial car park reduces the use of private vehicle trips and encourages walking and the use of public transport.
- **Objective 18: Harbour CBD is stronger and more competitive** – The site's location within the Harbour CBD and the provision of additional commercial office space, helps to achieve the strategies for an internationally competitive commercial sector to support an innovation economy.
- **Objective 22: Investment and business activity in centres** – The site is located within the metropolitan centre of the Eastern Harbour City, supporting the economic significance of the Harbour CBD.

Eastern City District Plan

The planning proposal gives effect to the following Planning Priorities of the Eastern City District Plan:

- **Planning Priority E1: Planning for a city supported by infrastructure** - To refresh and renew the offering of commercial floor space in this area of the Harbour CBD, this planning proposal would facilitate the delivery of new office space on a site well-positioned to take advantage of existing and planned transport infrastructure, maximising the efficient use of rail, light rail, Metro, ferry and bus services.
- **Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage** – This planning proposal would contribute to the improvement of accessibility, connectivity and amenity through the provision of a pedestrian through-site link connecting Kent Street and Sussex Street, while respecting the existing heritage streetscape of Kent Street.
- **Planning Priority E7: Creating a stronger and more competitive Harbour CBD** – Central Sydney is at the core of the Harbour CBD. This planning proposal will facilitate new commercial office space, contributing to the goals to strengthen the international competitiveness of the CBD and supporting an innovation economy.
- **Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city** – Any redevelopment of the site under the controls made by this planning proposal would be designated for employment uses, which would be well-positioned to take advantage of the metropolitan transport network, including rail, light rail, Metro and ferry connections as well as nearby bus services and cycleways. The removal of the commercial car park reduces the use of private vehicle trips and encourages walking and the use of public transport.
- **Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres** – This site is located within the metropolitan centre of the Eastern City District (Harbour CBD) and any redevelopment facilitated by controls made by this planning proposal would provide

new commercial floor space to support employment growth, while being well-positioned to take advantage of existing services and transport connections.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

City Plan 2036 (local strategic planning statement)

The planning proposal gives effect to the following priorities of City Plan 2036:

- **Priority I1: Movement for walkable neighbourhoods and a connected city** – This planning proposal would facilitate a commercial development well-positioned to integrate with existing and future transport connections while encouraging increased walking, especially through the provision of a new pedestrian through-site link and the removal of the commercial car park.
- **Priority I2: Align development and growth with supporting infrastructure** – This planning proposal would facilitate the development of new commercial office space well-positioned to take advantage of existing infrastructure, including rail, light rail, Metro and ferry connections, as well as nearby bus services and cycleways.
- **Priority L5: Creating great places** – This planning proposal would deliver improved street life and activation by creating a new pedestrian through-site link connecting Kent Street and Sussex Street which, in addition to new opportunities for new retail and food and drink premises, would further enhance the character and walkable nature of the western edge of the CBD.
- **Priority P1: Growing a stronger, more competitive Central Sydney** – This planning proposal supports growth in Central Sydney by facilitating future development that will deliver additional capacity for economic and employment growth.

Sustainable Sydney 2030-2050: Continuing the vision

- **Direction 5: A city for walking, cycling and public transport** – the site is well positioned to take advantage of existing transport infrastructure, including rail, light rail, Metro and ferry connections as well as bus routes and cycleways. The provision of a new pedestrian through-site link enhances the existing pedestrian permeability of the CBD. The removal of the commercial car park reduces the demand for private vehicle trips and encourages walking and the use of public transport.
- **Direction 9: A transformed and innovative economy** – this planning proposal supports employment growth in Central Sydney, helping to maintain the city's position locally, nationally and globally as a destination for business, investment and talent.

Central Sydney Planning Strategy

This planning proposal gives effect to the following key moves of the Central Sydney Planning Strategy:

- **1. Prioritise employment growth and increase capacity** – This planning proposal will facilitate redevelopment of the site in the form of a new commercial office tower, delivering new employment floor space and increasing capacity and space within Central Sydney.
- **2. Ensure development responds to context** – This planning proposal is accompanied by a site-specific DCP to ensure future development takes place within a maximum building envelope demonstrating appropriate setbacks and separation, and with a built form responsive to the Kent Street Special Character Area.
- **4. Provide for employment growth in new tower clusters** – The subject site is located in the Western Edge tower cluster area where additional height may be accommodated.
- **5. Ensure infrastructure keeps pace with growth** – Development facilitated by this planning proposal is subject to the Central Sydney Development Contributions Plan 2020 and City of Sydney Affordable Housing program.

- **6. Move towards a more sustainable city** – Development facilitated by this planning proposal will be required to achieve the City’s 2026 performance standards for net zero energy buildings by delivering a minimum 5.5-star NABERS Energy rating +25% and 100% renewable energy provision. The removal of the commercial car park reduces demand for private vehicle trips and encourages walking and the use of public transport.
- **7. Protect, enhance and expand Central Sydney’s heritage and public places** – this planning proposal delivers additional building height while retaining no additional overshadowing protections to Sydney Square, Town Hall Steps and future Town Hall Square.
- **8. Move people more easily** – The site is located within easy walking distance of multiple public transport services and will deliver a pedestrian through-site link as a new east-west connection in the city. The removal of the commercial car park reduces demand for private vehicle trips and encourages walking and the use of public transport.
- **9. Reaffirm commitment to design excellence** – Future development on site facilitated by this planning proposal will be subject to a full competitive design process, with the site-specific DCP to include a design excellence strategy.

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

Not applicable.

Is the planning proposal consistent with applicable SEPPs?

The following table (Table 1) outlines the consistency of this planning proposal with applicable State Environmental Planning Policies (SEPPs).

Table 1. Consistency with applicable SEPPs

SEPP	Comment
SEPP (Biodiversity and Conservation) 2021	<p>This planning proposal is consistent. The site is located within the Sydney Harbour Catchment area but not within the Foreshores and Waterways Area. The proponent has prepared a Civil Engineering Report, attached to this planning proposal at Attachment A20, which has modelled existing and proposed conditions regarding stormwater, enclosed correspondence with Sydney Water, and made recommendations regarding the proposed point of connection and required water quality treatment to meet the City’s pollutant reduction targets.</p> <p>The site is located in both the City Area Catchment and Darling Harbour Catchment, and in neither catchment is the site considered to be impacted by mainstream flooding, with peak flood depths in the 1% AEP flood event and PMF flood event able to be contained within the kerb and gutter. The report recommends that as part of a future detailed design Development Application, a 1 in 70 rise from the site boundary to the crest of the basement ramp should satisfy the worst-case flood planning level and protect the basement levels.</p> <p>The proponent has prepared a Geotechnical Investigation and Preliminary Site Investigation (Contamination), attached to this planning proposal at Attachment A16 and</p>

SEPP	Comment
	<p>A17 respectively, which finds that the permanent groundwater level is likely to be at a depth below neighbouring basement levels. These documents make recommendations for further investigation as part of any detailed Development Application.</p> <p>These documents show that the proposed building envelope is capable of hosting a development which complies with the requirements of the SEPP.</p>
SEPP (Exempt and Complying Development Codes) 2008	This planning proposal is consistent.
SEPP (Housing) 2021	This planning proposal is consistent.
SEPP (Industry and Employment) 2021	This planning proposal is consistent.
SEPP (Planning Systems) 2021	This planning proposal is consistent.
SEPP (Precincts – Eastern Harbour City) 2021	This planning proposal is consistent.
SEPP (Resilience and Hazards) 2021	<p>This planning proposal is consistent. The City has considered the potential for contamination reflecting the history of the site, and the proponent has prepared a Preliminary Site Investigation (Contamination), which is attached to this planning proposal at Attachment A17. Further investigation regarding potential contamination and remediation will be undertaken as part of any future development application process.</p> <p>The site is not located within the Coastal Environment Area nor the Coastal Use Area.</p>
SEPP (Resources and Energy) 2021	This planning proposal is consistent.
SEPP (Sustainable Buildings) 2022	This planning proposal is consistent.
SEPP (Transport and Infrastructure) 2021	<p>This planning proposal is consistent.</p> <p>As the site subject to development is on land shown as 'Zone B' on a rail corridors map and involves the penetration of ground to a depth greater than 2m below existing ground level and has an estimated development cost of more than \$200,000 and involves the erection of a structure that is 10 or more metres high, the consent authority must give written notice of the application to the relevant rail authority and the Secretary of the Department of Transport within 7 days of receiving any development application, in accordance with section 2.101 of the SEPP.</p> <p>As the future indicative scheme will be considered a 'traffic generating development' for the purposes of the SEPP as over 10,000 m² of commercial floor space is proposed, any</p>

SEPP	Comment
	<p>future development application will be required to be referred to Transport for NSW within 7 days of receiving any development application, in accordance with section 2.122 of the SEPP.</p> <p><i>As the site subject to development is within or immediately adjacent to an easement for electricity purposes, before determining a development application the consent authority must give written notice to the electricity supply authority (Ausgrid) inviting comments and take into consideration any response to the notice, in accordance with section 2.48 of the SEPP.</i></p>

The following SEPPs are not applicable to this planning proposal:

- SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The following table (Table 2) outlines the consistency of this planning proposal with applicable Ministerial Directions

Table 2. Consistency with Ministerial Directions

Ministerial Direction	Comment
1.1 Implementation of Regional Plan	This planning proposal is consistent, as demonstrated in section 5.3 of this document.
1.3 Approval and Referral Requirements	This planning proposal is consistent. No provisions are being proposed that would require the concurrence, consultation or referral of development applications to a Minister or public authority, nor identify the development as designated development.
1.4 Site Specific Provisions	This planning proposal is consistent. The planning proposal does not unnecessarily restrict the permitted uses on the land. The planning proposal provides development uplift for a range of commercial uses. This is consistent with strategic priorities established in the relevant regional and district plan and LSPS. Development that does not make use of the uplift provided by the planning proposal can continue to make use of the full range of uses permitted in the SP5 zone.
3.1 Conservation Zones	This planning proposal is consistent. The site is not located within an environmentally sensitive area, a conservation zone nor land otherwise identified for environment conservation/protection purposes.

Ministerial Direction	Comment
3.2 Heritage Conservation	This planning proposal is consistent. There are no heritage-listed items on the site, and the site's location within a Special Character Area and proximity to heritage items are fully considered by the planning proposal. A Heritage Impact Statement, provided by the proponent, is attached to this document at Attachment A15.
3.5 Recreation Vehicle Areas	This planning proposal is consistent. The site is not being developed for the purpose of a recreation vehicle area.
3.7 Public Bushland	This planning proposal is consistent. The site does not contain any urban bushland.
3.9 Sydney Harbour Foreshores and Waterways Area	This planning proposal is consistent. The site is not located within the Foreshore and Waterways Area.
3.10 Water Catchment Protection	This planning proposal is consistent. The site is located within the Sydney Harbour Catchment but outside the Foreshore and Waterways Area Boundary. The planning proposal does not conflict with the objectives of the Direction and the proponent has provided a Geotechnical Desktop Investigation, Preliminary Site Investigation (Contamination) and Civil Engineering Report, attached to this document at Attachments A16, A17 and A20 respectively.
4.1 Flooding	This planning proposal is consistent. The proponent has identified flood risk in alignment with the objectives of the Direction and provided a Civil Engineering Report, attached to this document at Attachment A20, showing that the site is capable of hosting a development which complies with all flood planning levels.
4.2 Coastal Management	This planning proposal is consistent. The site is not located within the coastal environment area or coastal use area.
4.4 Remediation of Contaminated Land	This planning proposal is consistent. The possibility of land contamination has been considered and the site will be suitable for all proposed land uses. The proponent has prepared a Preliminary Site Investigation (Contamination), which is attached to this planning proposal at Attachment A17. Further investigation regarding potential contamination and remediation will be undertaken as part of any future development application process.
4.5 Acid Sulfate Soils	The planning proposal is consistent. The site is located within areas classified as Class 1 & 2 under section 7.14 of the Sydney LEP and any development facilitated by

Ministerial Direction	Comment
	<p>this planning proposal would result in the intensification of land uses on the site.</p> <p>An acid sulfate soil study was provided by the proponent, attached to this document at Attachment A18, which proposes works to identify if acid sulfate soils are present on the site and, if so, preparation for a formal acid sulfate soils management plan to be required as part of any future development application.</p> <p>It is anticipated that this matter will be referred to Water NSW in line with any conditions of a future gateway determination.</p>
<p>5.1 Integration Land Use and Transport</p>	<p>This planning proposal is consistent. The site is located in an area that is well serviced by existing public and private transport options.</p>
<p>5.3 Development near Regulated Airports and Defence Airfields</p>	<p>This planning proposal is not consistent.</p> <p>The proposed maximum height of RL 189.80 metres of the planning proposal would exceed the Obstacle Limitation Surfaces (OLS) for Sydney Airport. As the surface will be penetrated 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.</p> <p>Provision 2 of Local Planning Direction 5.3 requires the planning authority to obtain permission from the Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow development that would constitute a controlled activity, and that this permission must be obtained prior to undertaking community consultation.</p> <p>The City will undertake consultation and receive permissions from relevant public authorities as part of the public exhibition process following the issue of a gateway determination. This will include consultation with the Sydney Airport Corporation, Airservices Australia and the Civil Aviation Safety Authority. Following consultation with these agencies, the planning proposal will be amended where necessary and reported back to Council and the Central Sydney Planning Committee for final approval prior to the drafting of the relevant amendments to the LEP.</p> <p>It is not anticipated that this planning proposal will compromise the effective and safe operation of Sydney Airport, considering the large number of buildings taller than the proposed development nearby in Central Sydney. The proponent has prepared a Preliminary Aeronautical Impact Assessment, attached to this document at Attachment A14.</p>

Ministerial Direction	Comment
6.1 Residential Zones	This planning proposal is consistent. The planning proposal does not prevent a residential use from occurring on the site under the current zoning and development standards. It introduces additional standards to encourage commercial uses.
6.2 Caravan Parks and Manufactured Home Estates	This planning proposal is consistent. It provides an alternative set of planning controls for the commercial redevelopment of the site. It is not a suitable zone or location for the provision of a caravan park.
7.1 Employment Zones	This planning proposal is consistent. It will encourage employment growth in a suitable location, as well as protect and support the viability of an area identified in the relevant regional and district plans and LSPS for commercial uses.

The following Ministerial Directions are not applicable to this planning proposal:

- Ministerial Direction 1.2 Development of Aboriginal Land Council Land, 1.4A Exclusion of Development Standards from Variation, 1.5 Parramatta Road Urban Transformation Strategy, 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan, 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor, 1.10 Implementation of the Western Sydney Aerotropolis Plan, 1.11 Implementation of Bayside West Precincts 2036 Plan, 1.12, Implementation of Planning Principles for Cooks Cove Precinct, 1.13 Implementation of St Leonards and Crows Nest 2036 Plan, 1.14 Implementation of Greater Macarthur 2040, 1.15 Implementation of the Pyrmont Peninsula Place Strategy, 1.16 North West Rail Link Corridor Strategy, 1.17 Implementation of the Bays West Place Strategy, 1.18 Implementation of the Macquarie Park Innovation Precinct, 1.19 Implementation of the Westmead Place Strategy, 1.20 Implementation of the Camellia-Rosehill Place Strategy, 1.21 Implementation of the South West Growth Area Structure Plan, 1.22 Implementation of the Cherrybrook Station Place Strategy, 3.1 Conservation Zones, 3.3 Sydney Drinking Water Catchments, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs, 3.6 Strategic Conservation Planning, 3.8 Willandra Lakes Region, 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, 5.2 Reserving Land for Public Purpose, 5.4 Shooting Ranges, 7.2 Reduction in non-hosted short-term accommodation period, 7.3 Commercial and Retail Development along the Pacific Highway, North Coast, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones, 9.2 Rural Lands, 9.3 Oyster Aquaculture, 9.4 Farmland of State Regional Significance on the NSW Far North Coast.

5.4 Environmental, social and economic impact

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

The planning proposal applies to a site in Central Sydney, currently occupied by a commercial car park and office tower without any vegetation within its boundaries. Any redevelopment would be an intensification of commercial uses and similar to surrounding buildings. It is highly unlikely for any adverse impact on a critical habitat or threatened species, population or ecological community to take place as a result of this proposal.

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

Floor Space Ratio

This planning proposal will insert site-specific floor space ratio (FSR) controls in the LEP for the site, 383-395A Kent Street. These FSR controls are specific to the building envelope outlined in this planning proposal, and have been tested to ensure that it is possible to accommodate the proposed FSR within the dimensions of the proposed building envelope while applying standard assumptions contained in the Guideline for Site-Specific Planning Proposals in Central Sydney. These include floor-to-floor heights, plant floors, core efficiencies, architectural articulation and roof zones. In addition, the location of the site within a tower cluster area means that it is a location that has been identified by the city through the Central Sydney Planning Strategy as being capable of accommodating increased height and density while taking advantage of existing infrastructure and minimising adverse impacts to important public places.

The planning proposal increases the maximum FSR on the site from 15.75:1 to 20.3:1, inclusive of design excellence, accommodation floor space, shared loading dock floor space and end of journey floor space. A Planning Proposal Justification Report and Urban Design Report, prepared by Ethos Urban and fjcstudio on behalf of the landowner are attached to this document at Attachment A1 and A2 respectively, details how the desired density is consistent with the City's vision for tower cluster areas and will result in additional commercial floor space without significant adverse impacts.

To be eligible for the proposed development controls, future development on the site is to meet the site-specific requirements in the LEP, such as restricting future development on site to non-residential uses only, provision of a pedestrian through-site link, removal of the commercial car park and provision of a shared loading dock to accommodate the servicing needs of the development and surrounding businesses.

Urban design

The planning proposal will insert site-specific building height controls in the LEP. The increase in the maximum building height from 110m to RL 189.80 would facilitate the increase in FSR while remaining consistent with the objectives of the Central Sydney Planning Strategy of permitting taller buildings in identified tower cluster areas.

The site will remain subject to the no additional overshadowing controls as outlined in section 6.18 of the Sydney LEP 2012. In particular, no additional overshadowing is permitted to:

- Sydney Town Hall Steps, from 14 April to 31 August, between 10.30am and 4pm;
- Sydney Square, from 14 April to 31 August, between 11am and 4pm; and
- Future Town Hall Square, all year, between midday and sunset.

Proposed site-specific DCP controls will establish a maximum building envelope, demonstrating the maximum permitted height when considering the above restrictions, along with maximum street wall heights, setbacks and tapering.

Figure 14. Proposed maximum building envelope – 3D view from the south-west

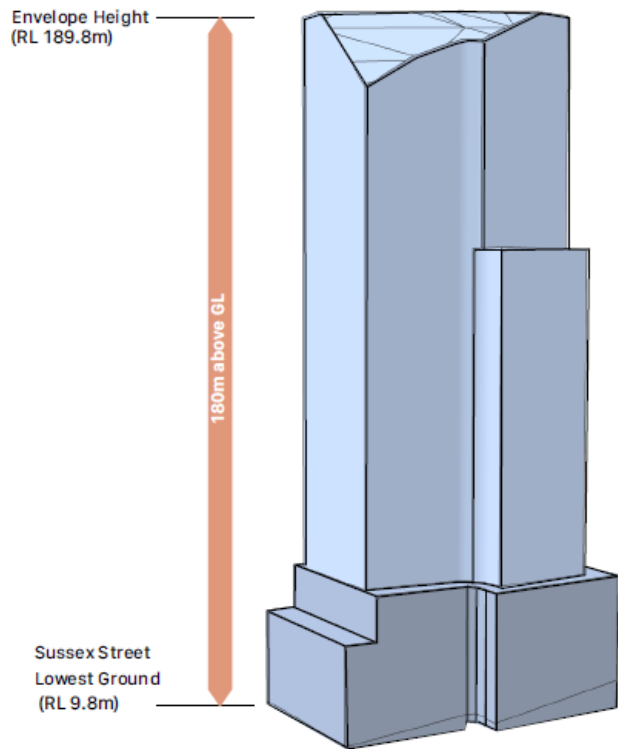
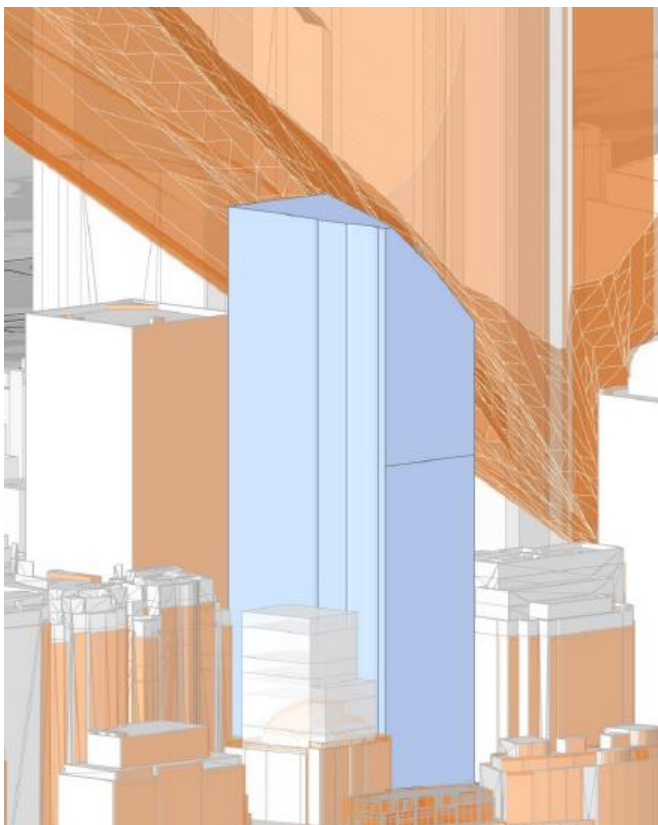


Figure 15. Proposed maximum building envelope with relevant no additional overshadowing controls illustrated

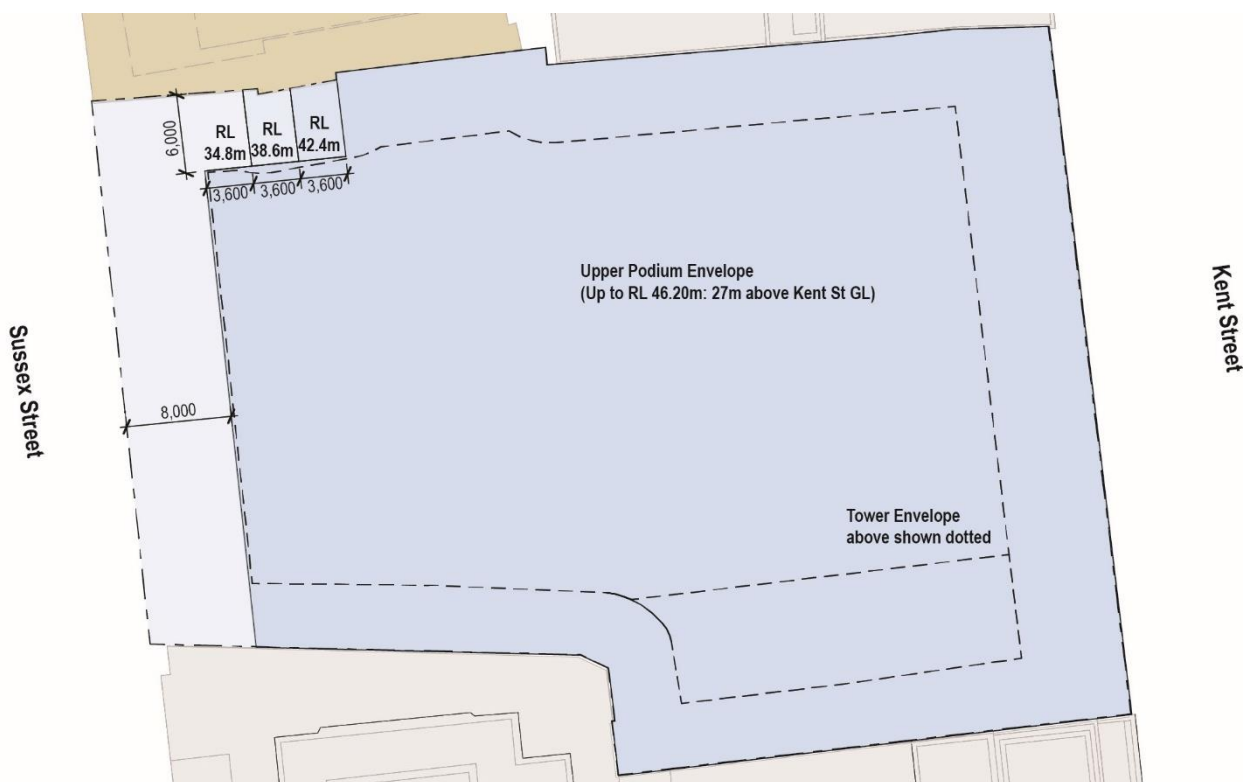


The proposed podium envelope has been designed to respond to the 10-metre height difference between Kent Street and Sussex Street, with an upper and lower podium, while responding to the prevailing street wall character and height along Kent Street and Sussex Street. The podium will be built to the boundary at both street frontages and side elevations.

At the Sussex Street frontage, the lower podium envelope form has a maximum street wall height of RL 34.8m (approximately 25m above the Sussex Street ground level), which is consistent with the provisions of section 5.1.1.1 of the Sydney DCP 2012. It would read as a 6-storey podium when viewed from the west. The northern podium envelope setback at the Sussex Street elevation also includes a gradated stepped form to ensure a safe and comfortable wind environment can be achieved in the Sussex Street public domain. More information on the wind environment can be found on page 35.

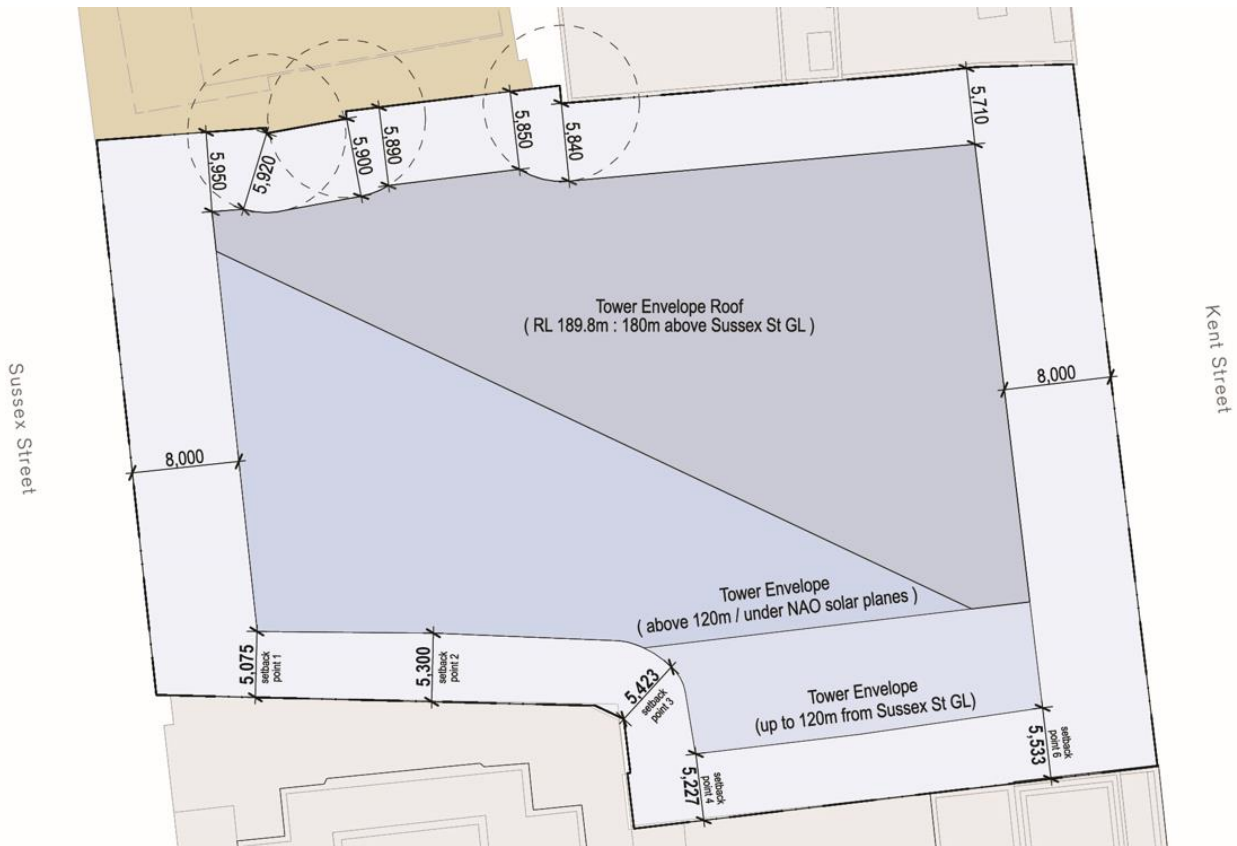
At the Kent Street frontage, the upper podium envelope has a maximum street wall height of RL 46.20m (approximately 27m above the Kent Street ground level), which is consistent with the provisions of the York Street/Clarence Street/Kent Street Special Character Area as outlined in section 5.1.1.2 of the Sydney DCP 2012. It would read as a 5-storey podium when viewed from the east.

Figure 16. Podium envelope diagram showing gradated stepped form along the northern setback



The maximum height of the tower is RL 189.80m, which is approximately 170m above Kent Street and 180m above Sussex Street. The tower envelope features an 8m setback from both Kent Street and Sussex Street. Setbacks from the northern boundary vary between 5.71m and 5.95m, and setbacks from the southern boundary vary between 5.075m and 5.423m. This is to maintain adherence to section 5.1.1.3 of the Sydney DCP which requires side setbacks for buildings between 120m and 240m to represent 3.33% of the total height of the building. Because the height of the building will vary to prevent overshadowing of Sydney Square, Town Hall Steps, and future Town Hall Square, the side setbacks will vary accordingly.

Figure 17. Tower envelope diagram showing street and side setbacks



The step visible in the tower envelope at RL 129.80m reflects the DCP requirement under section 5.1.1.4(3) for the Building Envelope Area above Street Frontage Height between 120m to 240m to occupy no more than 90% of the site area less any setbacks.

Figure 18. Proposed maximum building envelope – Sussex Street perspective

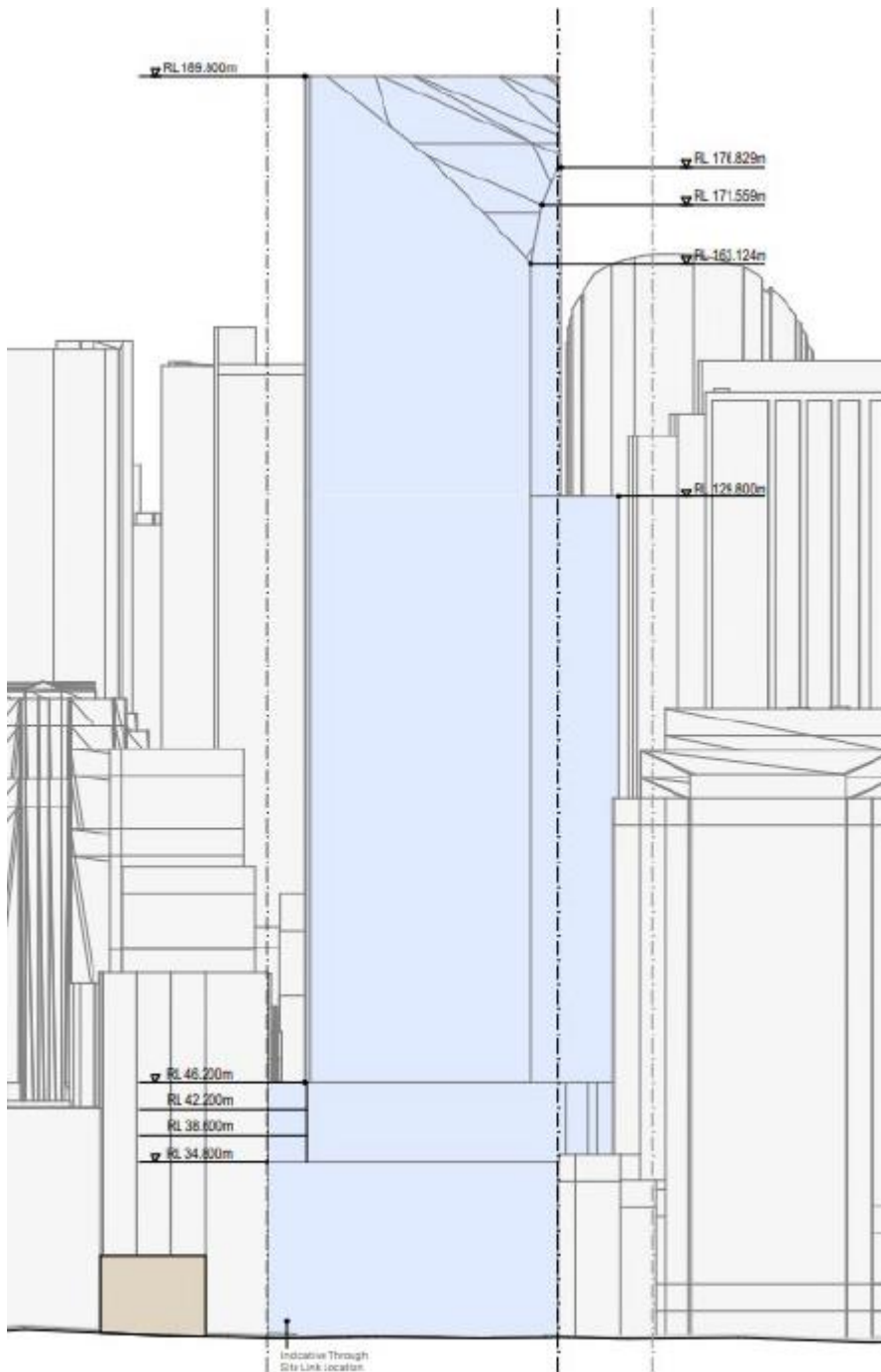
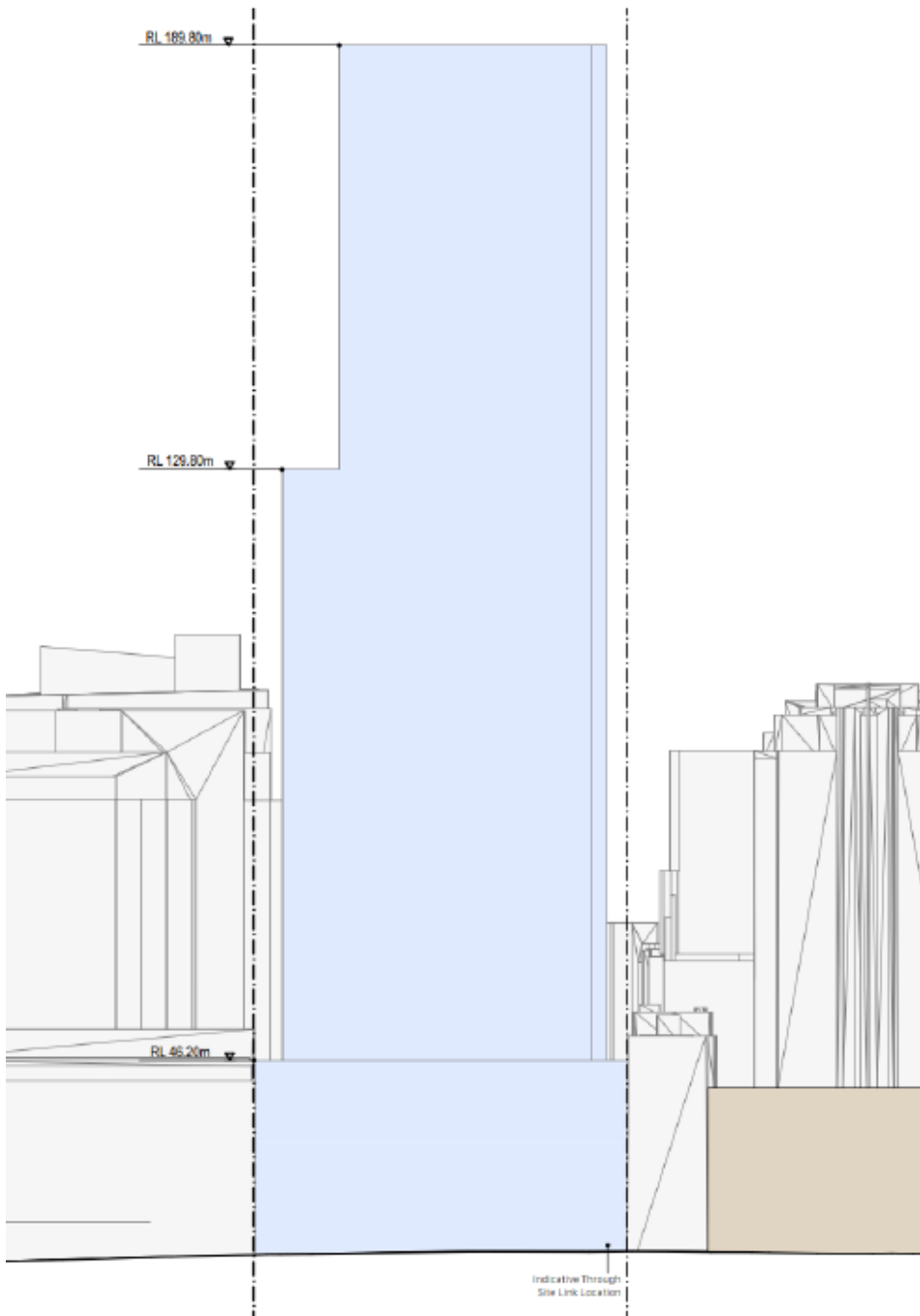


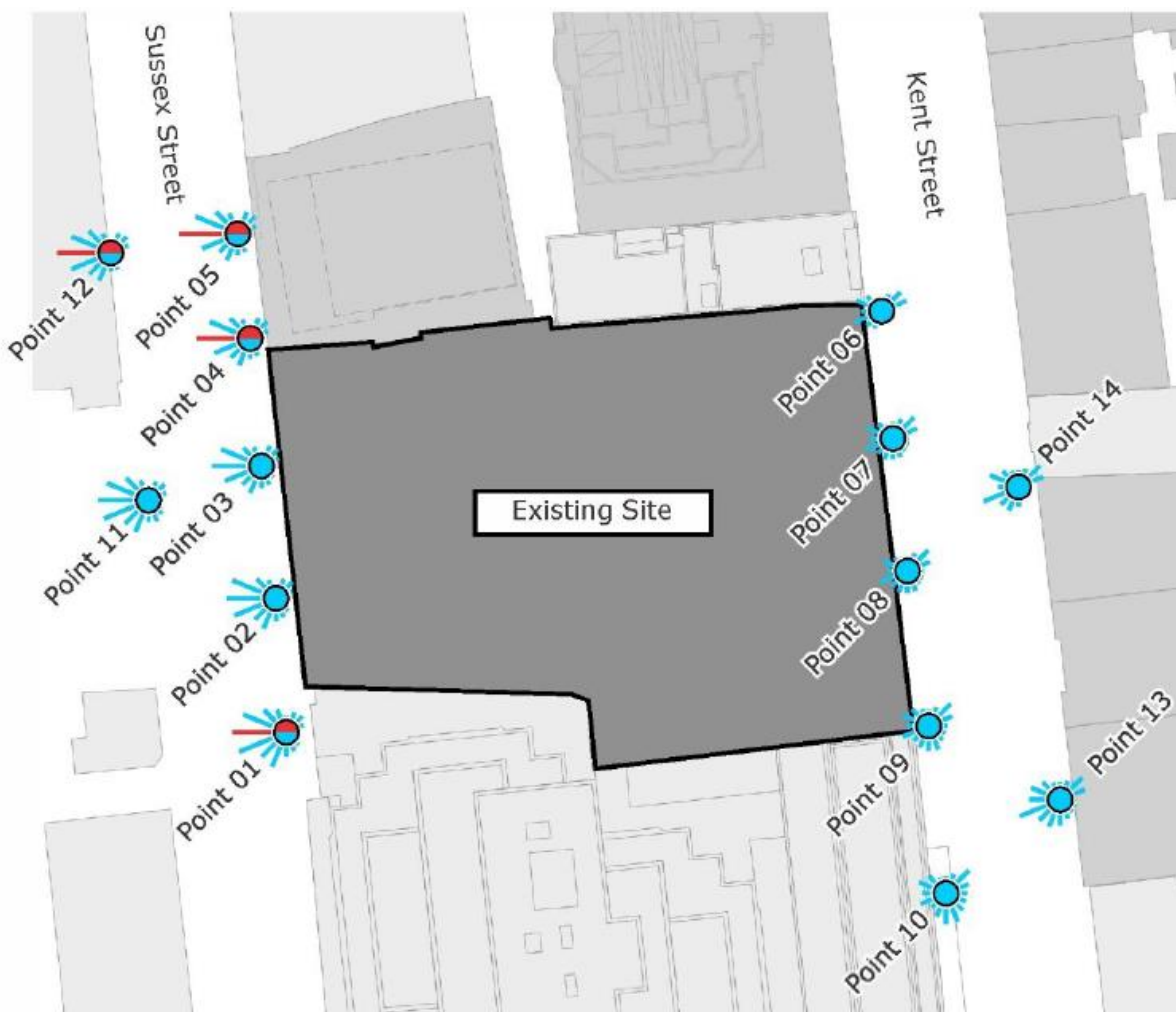
Figure 19. Proposed maximum building envelope – Kent Street perspective



Wind

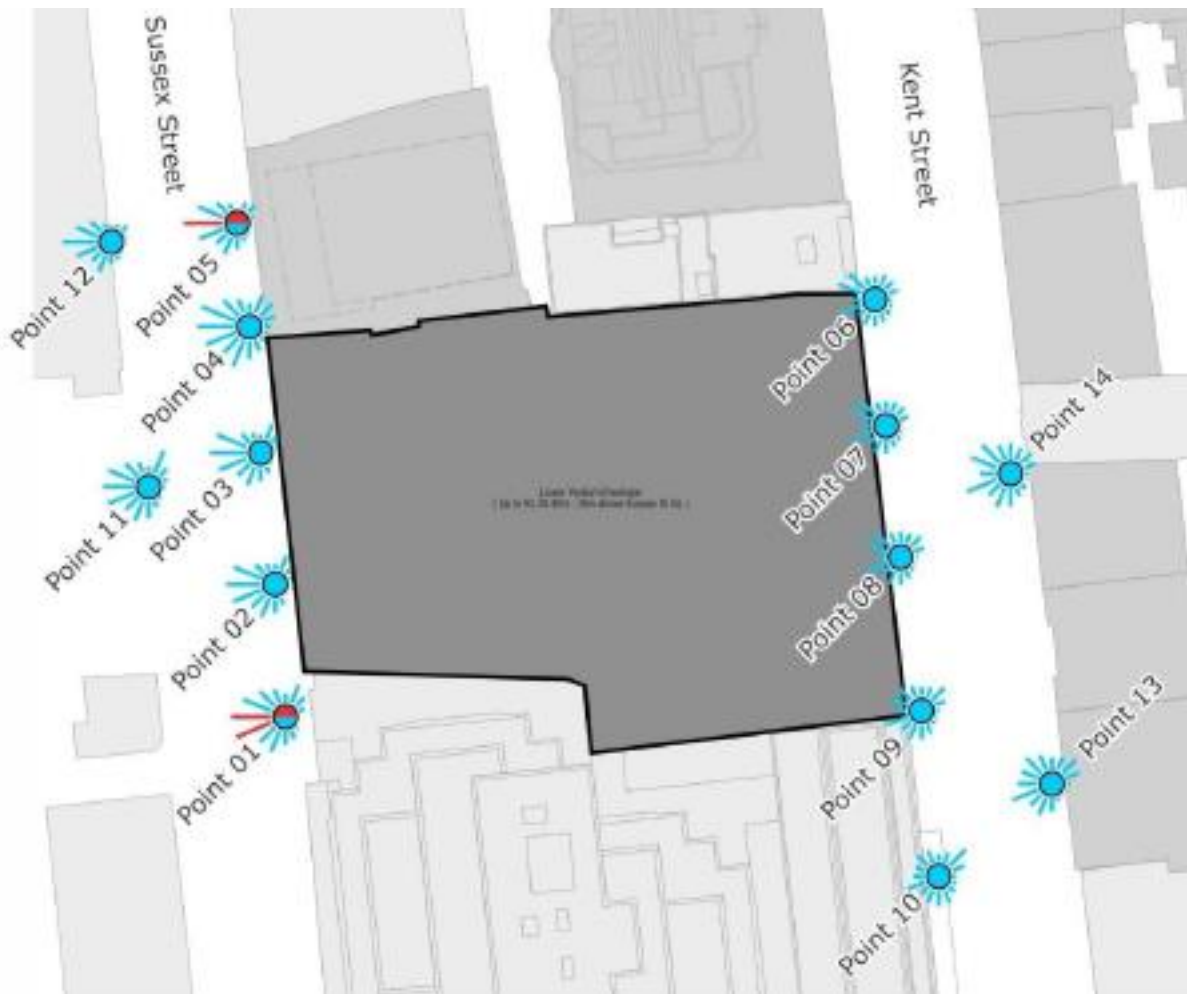
The proponent provided a Pedestrian Wind Environment Study (quantitative wind effects report), as required by section 5.1.9 of the Sydney DCP 2012 and attached to this planning proposal at Attachment A10. This report illustrated how the existing wind conditions on Sussex Street currently fail the City of Sydney’s Wind Safety Standard, which is a measurement of the 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. These exceedances occur from the prevailing westerly winds which downwash off the façade and funnel along the Sussex Street frontage at ground level. The DCP requires development not to worsen (by increasing spatial extent, frequency or speed) an existing wind speed that exceeds the Wind Safety Standard.

Figure 20. Wind tunnel test results of existing building (red lines indicating points of exceedance and associated wind direction)



Wind tunnel testing of the proposed building envelope demonstrates that the proposal reduces the number of points of safety exceedance on Sussex Street due to the setback of the tower from the Sussex Street frontage and the graded stepped form of the podium along the northern boundary.

Figure 21. Wind tunnel test results of proposed building envelope (red lines indicating points of exceedance and associated wind direction)



The proposed development does not cause wind speeds that exceed the wind comfort standard for walking along Kent Street and Sussex Street. Additional wind tunnel testing will take place following the design competition to assess the winning detailed building design and the City will need to be satisfied that wind conditions are acceptable as part of any development application. The site-specific DCP will contain provisions regarding wind conditions in the public domain.

The proponent also provided a Pedestrian Wind Environment Study (Reference Design Scheme), attached to this planning proposal at Attachment A11, which demonstrates how the reference design was altered with potential mitigation measures to further improve wind conditions. It also found that the proposed pedestrian through-site link satisfied wind requirements.

Overshadowing

The proponent conducted an overshadowing analysis of nearby residential buildings to assess any adverse impacts, the results of which can be found in the appendices to the Urban Design Report attached to this planning proposal at Attachment A3. Two residential buildings, 25 Market Street and 222-228 Sussex Street, were found to be impacted by the proposal requiring further investigation.

25 Market Street is a 22-storey mixed use building, containing 127 apartments between Level 7 and Level 22. Of the 95 apartments along the northern elevation which currently receive more than 2 hours of midwinter sun access, 5 of those apartments have their sun access reduced to 1 hour

and 45 minutes at midwinter. This represents a reduction from 74.8% of apartments receiving more than 2 hours of midwinter sun access to 70.9%. As a result, the proposal aligns with Objective 4A-1 of the Apartment Design Guide for the living spaces of at least 70% of apartments in a building to receive a minimum of 2 hours direct sunlight at midwinter.

Figure 22. Sun access analysis of 25 Market Street

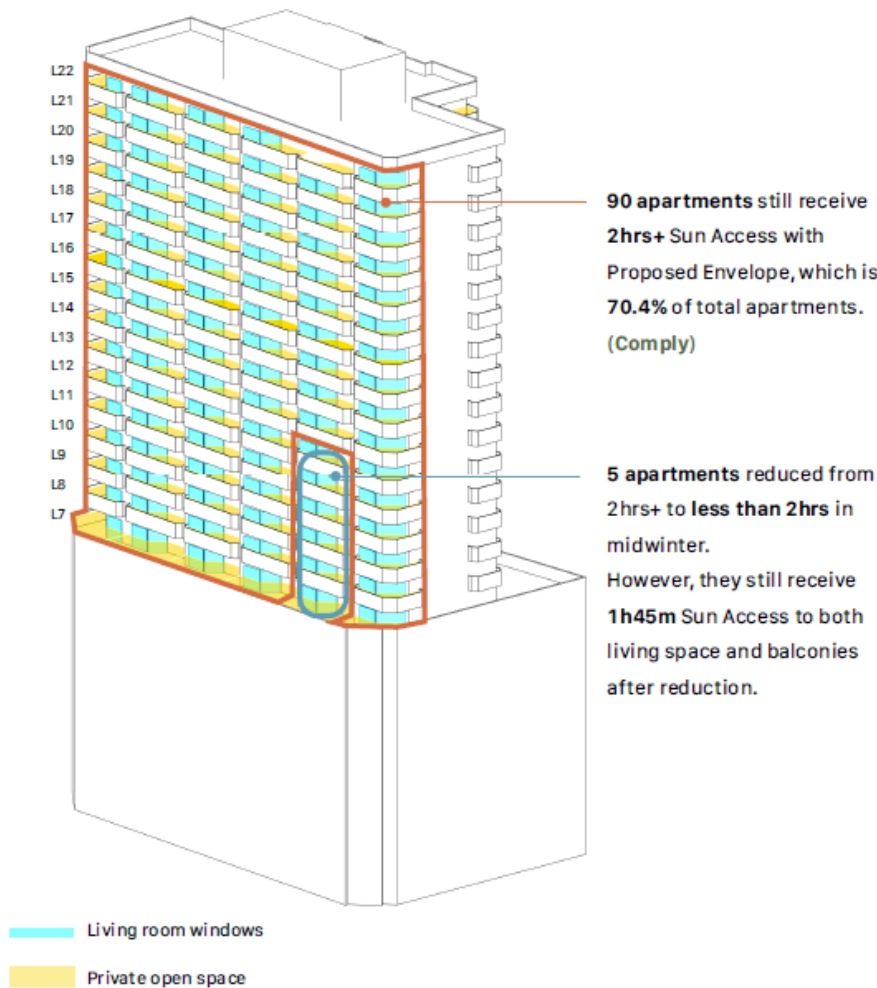


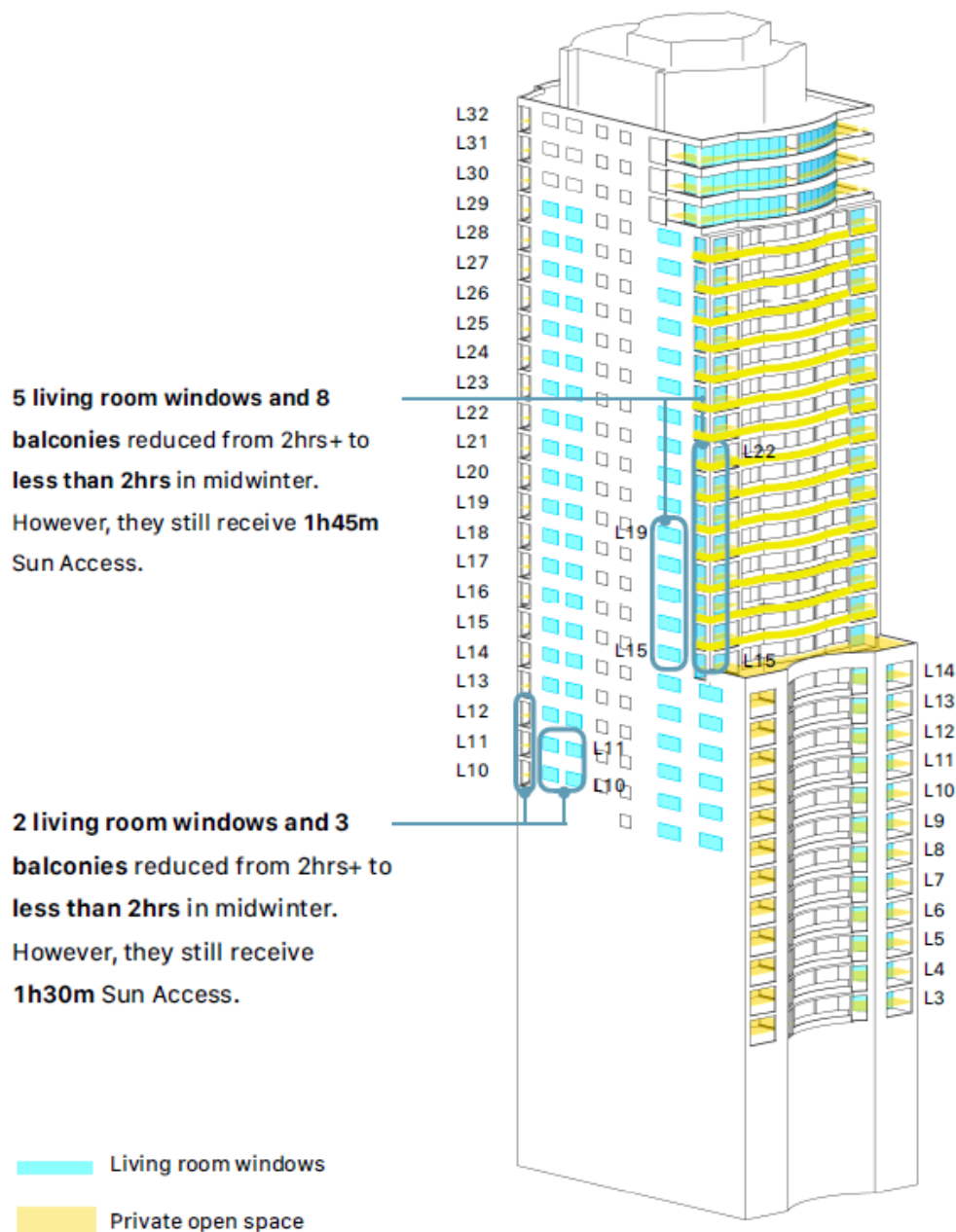
Table 3. Sun impact summary for 25 Market Street

Living spaces	0 hrs of sun access	<2 hrs of sun access	>2 hrs of sun access
Existing	32 (25.2% of apartments)	0	95 (74.8% of apartments)
Proposed	32 (25.2% of apartments)	5 (3.9% of apartments)	90 (70.9% of apartments)

222-228 Sussex Street is a 32-storey residential building with 114 apartments. The proposal is likely to impact living spaces along the northern elevation. Of the 44 apartments which currently

receive more than 2 hours of midwinter sun access, 7 of those apartments have their sun access reduced to between 90 and 105 minutes at midwinter. However because the building in question has been built to the boundary with no setback from neighbours, meaning windows access supplementary light and air across the neighbouring property, there is a covenant on title that requires any windows along the northern boundary to be bricked up at council's direction. The assessment shows that the windows are not the sole sources of light and air to the affected spaces, which have direct access to balconies. As a result, these windows are considered non-essential and the proposal can be considered to align with the objectives of section 5.1.2 of the Sydney DCP 2012.

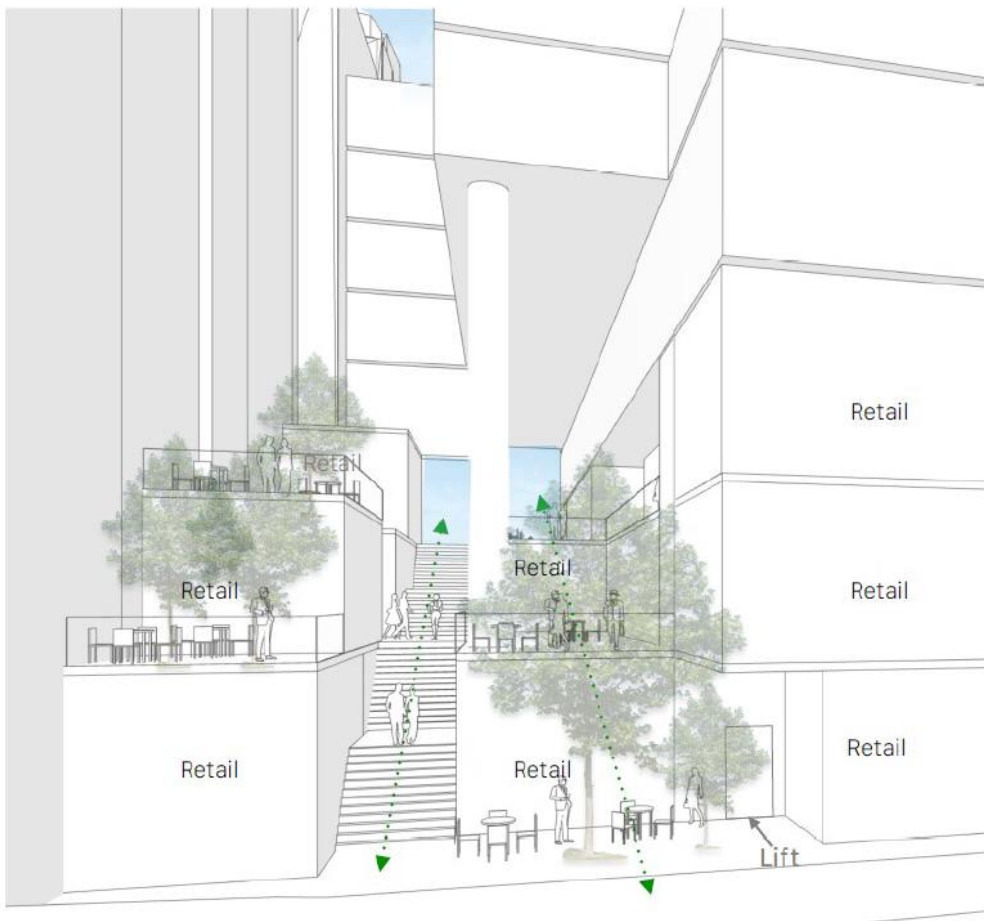
Figure 23. Sun access analysis of 222-228 Sussex Street



Through-site link and ground floor activation

This planning proposal requires the delivery of a pedestrian through-site link connecting Kent Street and Sussex Street in order for the increase in building height and floor space ratio to be awarded in any future development application. The proponent has provided the design of a potential through-site link as part of their reference design, which can be viewed in the Planning Proposal Justification Report and Urban Design Report attached to this planning proposal at Attachment A1 and A2 respectively. The through-site link aligns with a key move of the Central Sydney Planning Strategy to increase the number of east-west connections in Central Sydney.

Figure 24. Indicative design of pedestrian through-site link – Sussex Street elevation



Additional controls for the through-site link are included in the site-specific DCP for 383-395A Kent Street, attached to this planning proposal at Attachment B. These controls include:

- A minimum clear access width of 6m;
- A minimum height of 10m and a minimum width of 10.5m at the Kent Street entry,
- A minimum height of 20m and a minimum width of 12.5m at the Sussex Street entry,
- A portion of the through-site link should be ‘open to sky’ with no built form above,
- active frontages are to be provided on both sides of the link
- the link is to be publicly accessible at all times
- the link must ensure a clear line of sight is visible between Kent Street and Sussex Street while negotiating the 10m height difference between the two ends.

The site-specific DCP also includes controls regarding ground floor activation, requiring opportunities for retail or food and drink premises to be maximised, and for the commercial lobby for the tower to be accessed via Kent Street or the through-site link.

Transport and servicing

The site currently features a 10-storey commercial car park with approximately 800 parking spaces. This planning proposal requires the removal of any commercial car parking and the delivery of a shared loading dock in order for the increase in building height and floor space ratio to be awarded in any future development application. This public loading dock will be secured by way of a Voluntary Planning Agreement (VPA) between the City and the landowner. Controls for the public loading dock will also be contained within the site-specific DCP (Attachment B).

Figure 25. Indicative design of shared loading dock – Sussex Street ground level



The Traffic and Transport Assessment, prepared by Stantec on behalf of the proponent and attached to this planning proposal at Attachment A13, shows that the seven loading bays proposed are sufficient to accommodate the loading demand from neighbouring retail and commercial businesses on Kent and Sussex Streets that do not currently have adequate loading facilities. In addition, the loading dock will still need to accommodate all servicing requirements for the subject site and meet existing requirements in the Sydney DCP 2012. The indicative design has proposed two basement levels with 21 loading bays and 72 car parking spaces. This is in accordance with the Sydney LEP and DCP. The indicative design also features end of journey facilities, located in basement and ground floor levels.

The Assessment also provides analysis of the current and predicted traffic environment, showing the removal of the commercial car park is considered likely to significantly reduce traffic volumes generated by the site, even when considering the trips generated by the new shared loading dock.

A Pedestrian Comfort Assessment, prepared by Movissian on behalf of the proponent and attached to this planning proposal at Attachment A12, analyses current and likely future pedestrian flows. It finds that the proposed redevelopment including through-site link significantly increases pedestrian comfort and amenity, and provides a series of recommendation for improving the Level of Service of the footpaths further.

More detailed assessments would be included as part of any future development application for the site.

Geotechnical assessment

A Geotechnical Desktop Investigation, Preliminary Site Investigation and Acid Sulfate Soils Desktop Study Review have been prepared by Douglas Partners on behalf of the proponent and are attached to this planning proposal at Attachments A16, A17 and A18 respectively. Together these documents assess the suitability of the site for the proposed commercial development and the potential for contamination and acid sulfate soils. Recommendations for further testing and investigation were proposed for a later stage, including a more detailed soil and groundwater investigation which will be required as part of any future development application.

The Acid Sulfate Soils Desktop Study Review identifies the site as having an extremely low to low risk of acid sulfate soils. However, the site is located within areas classified as Class 1 & 2 under section 7.14 of the Sydney LEP and any development facilitated by this planning proposal would result in the intensification of land uses on the site. An Acid Sulfate Soils Management Plan will be required as part of any future development application.

The investigation notes the site's location above the future CBD Rail Link, with an 'Up and Down' tunnel currently identified below Kent Street and Sussex Street as an easement. It is located approximately 10m below the anticipated bulk excavation level of the site. Any development application for this site will need to be referred to Transport for NSW in accordance with SEPP (Transport and Infrastructure) 2021.

Site specific Development Control Plan

A site specific Development Control Plan (DCP) will be exhibited alongside this planning proposal. It includes a maximum building envelope and appropriate objectives for a high quality built form, additional dimensions and controls for the pedestrian through-site link, a design excellence strategy, and provisions for vehicle access, servicing, sustainability and public art.

The DCP also has additional requirements for the operation of the shared loading dock including:

- a minimum of 7 loading dock bays for 1 Medium Rigid Vehicle (MRV), 2 Small Rigid Vehicles (SRV), and 4 vans;
- the hours of operation to be consistent with on-street advertised loading provisions;
- any charges for use to be equivalent to or no more than Council's charges for on street loading in Kent Street from time to time; and
- a loading dock management plan which outlines the systems and processes in place to manage bookings, access, security and maintenance.

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

Economic impact

This planning proposal provides an opportunity for the redevelopment of the subject site, located in an identified tower cluster area where additional building height can be accommodated with acceptable amenity impacts. This is in alignment with the key moves of the Central Sydney Planning Strategy and the priorities of the Local Strategic Planning Statement and Eastern City District Plan to grow a stronger, more competitive Central Sydney.

The planning proposal will facilitate more than 73,000m² of employment-generating floor space, which equates to approximately 6,000 operational jobs and 411 construction jobs. These jobs would be located on a Central Sydney site well-positioned to take advantage of existing transport and social infrastructure.

The removal of the approximately 800-bay commercial car park represents a more appropriate and efficient use of land in Central Sydney, replacing the parking with employment generating floor space, significantly reducing private vehicle trips and encouraging the use of public transport and walking in the CBD. The delivery of a shared loading dock for neighbouring businesses also represents a more efficient use of land and will enhance local logistics and productivity. The provision of a through-site link connecting Kent Street and Sussex Street will support retail tenancies in the area thanks to improved pedestrian accessibility, ground floor activation and public domain amenity.

Heritage

The site is not heritage-listed but is located in the York Street / Clarence Street / Kent Street Special Character Area. A Heritage Impact Statement was prepared by Urbis on behalf of the landowner and is attached to this planning proposal at Attachment A15.

The statement found none of the existing structures on site to be more than 50 years old nor of heritage significance, indeed they represent a poor interface with the existing streetscape and nearby heritage items. There would be no material impact on nearby heritage items and no identified views of significance to nearby heritage items would be affected by the proposed planning control changes.

The proposed building envelope features street wall heights and setbacks which are consistent with the controls for Special Character Areas in section 5.1.1.2 of the Sydney DCP 2012, maintaining appropriate visual separation from nearby heritage items and other tall-scale forms.

Any future development application would be required to satisfy the principles of the Special Character Area as outlined in section 2.1.1 of the Sydney DCP 2012, including to respond to the historic warehouse and commercial typologies and materiality, notably face brick materiality, along Kent Street.

5.5 Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The site is located in Central Sydney, with numerous rail, light rail, ferry and bus services in close proximity. A two-way cycleway passes the site on Kent Street. The site is within walking distance of public spaces such as Sydney Square, Hyde Park, Darling Harbour and Wynyard Park. The site is already serviced by public utilities including water, sewer and stormwater, electricity and telecommunications.

Any development application on the site will be subject to section 7.12 development contributions as outlined in the Central Sydney Development Contributions Plan 2020.

There is adequate public infrastructure to support this planning proposal.

5.6 State and Commonwealth interests

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

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

6. Mapping

The planning proposal does not include any amendments to maps.

No change will be made to any maps contained in the LEP as part of this planning proposal, instead additional floor space ratio is proposed to be included through new site-specific provisions under Division 5 as discussed earlier in this planning proposal.

7. Community consultation

This Planning Proposal is to be exhibited in accordance with a Gateway Determination issued by the Department of Planning, Housing & Infrastructure.

~~It is anticipated that the Gateway Determination will require public exhibition for a period of not less than 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline.~~

~~Notification of the public exhibition will be consistent with the Gateway Determination and the City's Community Engagement Strategy and Participation Plan and include publication on the City of Sydney website and notification to surrounding owners and occupiers.~~

~~Consultation with relevant NSW agencies, authorities and other relevant organisations will be undertaken in accordance with the Gateway Determination.~~

The consultation period ran from 8 November to 6 December 2024. It was run in accordance with the Environmental Planning and Assessment Act 1979 and Local Environmental Plan Making Guideline, the City's Community Engagement Strategy and Participation Plan, and the conditions of the Gateway Determination.

938 notification letters were letterbox dropped to property owners and occupiers within a 75-metre radius of the site boundary, and a webpage and survey created for people to review the planning proposal and supporting documentation and provide their feedback. The planning proposal was referred to Sydney Airport Corporation; Civil Aviation Safety Authority; the federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts; Transport for NSW; Sydney Water; and Ausgrid for consultation and comment as required by the Gateway Determination.

8. Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Stage	Timeframe
Commencement / Gateway Determination	July 2024 - 30 August 2024
Government agency consultation	August - September 2024 - November - December 2024
Public exhibition	August - September 2024 - November - December 2024
Consideration of submissions	September - October 2024 - December 2024 - January 2025
Post exhibition consideration of proposal	November - December 2024 - February - March 2025
Draft and finalise LEP	December - January 2025 - April - May 2025
LEP made	February - March 2025 - May - June 2025
Plan forwarded to the Department of Planning, Housing & Infrastructure	February - March 2025 - May - June 2025

Appendix 1

Example clauses

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

Part 6 Local provisions – height and floor space

Division 5 Site specific provisions

6.XX 383-395A Kent Street, Sydney

(1) The objectives of this clause are to:

- (a) prevent development for the purposes of residential accommodation or serviced apartments on land to which this clause applies, and
- (b) encourage development that complements the surrounding area, and
- (c) require the removal of commercially operated car parking, and
- (d) provide a publicly accessible pedestrian through-site link connecting Kent Street and Sussex Street, and
- (e) provide a shared loading dock facility for use by surrounding business operators.

(2) This clause applies to 383-395A Kent Street, being Lot 1 DP 778342.

(3) The maximum height for a building on the land to which this clause applies is RL 189.8 metres.

(4) The maximum floor space ratio for a building on the land to which this clause applies is 20.3:1, which includes:

- (a) the floor space ratio shown for the land on the Floor Space Ratio Map, and
- (b) any additional floor space for which the building is eligible under clauses 6.4, 6.5A, 6.6, and 6.21D(3)(b).

(5) Subclauses (3) and (4) do not apply unless the consent authority is satisfied the development complies with clause 6.18.

(6) Subclauses (3) and (4) do not apply unless the consent authority is satisfied the development will:

- (a) not be used for the purposes of:
 - (i) residential accommodation, or
 - (ii) serviced apartments, or
 - (iii) commercially operated car parks, and
- (b) result in a publicly accessible pedestrian through-site link connecting Kent Street and Sussex Street, and
- (c) results in the provision of a shared loading dock facility of at least 7 loading bays for use by surrounding business operators.

(7) Clauses 6.21D(3)(a) and 6.21E do not apply to a building on the land to which this clause applies.

(8) In this clause:

building demonstrating design excellence has the same meaning as in Division 4.

