

Place, Design and Public Spaces

IRF20/699

Gateway determination report

LGA	Sydney Local Government Area
PPA	City of Sydney Council
NAME	Central Sydney Planning Proposal
NUMBER	PP_2020_SYDNE_002_00
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
LAND TO WHICH THE LEP RELATES	Central Sydney as defined by the Locality and Site Identification Map in the Sydney LEP 2012
RECEIVED	20 February 2020
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal OR include details of meetings or communications with registered lobbyists.

1. INTRODUCTION

1.1 Background - Central Sydney Planning Strategy

The product of a detailed review by Council of Central Sydney's planning controls, the draft Central Sydney Planning Strategy (the draft Strategy) seeks to revise the planning controls for Central Sydney to help strengthen and support the economic growth of Central Sydney.

The review responded to community consultation received during the preparation of the City's *Sustainable Sydney 2030* program. During this review the community asked Council to ensure Sydney remained a globally competitive and innovative city, where change and growth in the city centre was planned and that growth was balanced with the attributes that make Sydney one of the world's most liveable cities. The draft Strategy is the first major review of Central Sydney planning controls in 45 years.

Central Sydney alone contributes approximately \$130 billion of economic activity annually, which is approximately seven percent of the total national economy. It is also home to 31,600 residents, 12,600 businesses, and each day accommodates close to 340,000 workers and over half a million domestic and international visitors. Therefore, Central Sydney plays a critical role in the continued growth and economic success of Greater Sydney, NSW and the national economy.

Setting out a 20-year vision for Central Sydney the strategy outlines how Central Sydney will best grow and includes aims, objectives and actions to help promote and further expand Central Sydney's role as the State and nation's economic, cultural and social engine.

The Strategy's main aims is to unlock economic opportunities and investment in jobs, and support public improvements that make Sydney an attractive place for business, workers, residents and visitors.

The draft Strategy is accompanied by a number of technical appendices and other supporting documentation and outlines the following 10 key moves:

- prioritising employment growth and increasing employment capacity by implementing genuine mixed-use controls and lifting height limits along the western edge;
- ensuring development responds to context by providing minimum setbacks for outlook, daylight and wind;
- consolidating and simplify planning controls by integrating disconnected precincts back into the city, unifying planning functions and streamlining administrative processes;
- providing for employment growth in new tower clusters;
- ensuring infrastructure keeps pace with growth to sustain a resilient city with a strong community, economy and high standard of living;
- moving towards a more sustainable city with planning controls that require best practice energy and water standards and for growth sites to drive zero-net energy outcomes;
- protecting, enhancing and expanding Central Sydney's heritage and public places;
- moving people more easily by prioritising streets for walking and cycling and expanding the pedestrian and open space network;
- reaffirming commitment to design excellence by continuing to work in partnership with community and industry to deliver collaborative, iterative and tailored solutions; and
- monitoring outcomes and respond to issues that arise to ensure the Strategy's ongoing success.

To give effect to key elements of the strategy it is accompanied by a planning proposal to amend *Sydney Local Environmental Plan 2012* (Sydney LEP 2012). The Department and Council have been discussing the draft Strategy and planning proposal since 2016 and have now resolved to progress the planning proposal with some amendments to enable key elements of the strategy to be implemented.

Specifically, in December 2019, an in principle agreement was reached by the Lord Mayor of Sydney and the Minister for Planning and Public Spaces to progress the planning proposal.

This also includes an agreement to progress with preparation of a development contributions plan under section 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to apply a 3% levy to all development applications over \$200,000 for development in Central Sydney. This is expected to help fund the delivery of new public infrastructure to ensure the city retains its valued public and green spaces.

Council intends to concurrently exhibit the following supporting and complementary documents with the proposal:

- an updated Draft DCP, Draft Development Control Plan: Central Sydney (Draft DCP); and
- an amendment to the City's Competitive Design Policy, Draft Amendments to the Competitive Design Policy: Central Sydney.

The draft Strategy will also be exhibited with the planning proposal as supporting material.

In February 2020 Council revised the Central Sydney planning proposal and submitted it to the Department with a request for a Gateway determination.

1.2 Key Changes to the planning proposal

Key changes incorporated into the planning proposal include:

- removal of the Employment Land Use provision that capped the proportion of floor space to 50% that can be used for the purposes of residential accommodation and/or serviced apartments and instead removing 'residential uses and serviced apartments' from receiving additional floor space under clause 6.4 Accommodation Floor Space of the Sydney LEP 2012 to incentivise employment uses;
- removal of the proposed Key Use Floor Space provision, which sought to further split additional floor space awarded under clause 6.4 Accommodation Floor Space of the Sydney LEP 2012;
- inclusion of a new design excellence 'plus' process which would allow for up to 50% additional floor space to be awarded for development with a site area greater than 2,000m², where it demonstrates design excellence in an identified tower cluster area; and
- removal of the new affordable housing provisions which required an affordable housing levy to be paid in Central Sydney, given that this has been progressed separately under another planning proposal.

1.3 Description of current planning proposal

The Central Sydney planning proposal seeks to amend Sydney LEP 2012 to:

- amend the objectives of the B8 Metropolitan Centre zone;
- amend the objectives of the RE1 Public Recreation zone;
- amend the additional floor space provisions under clause 6.4 Accommodation Floor Space of the Sydney LEP 2012 to:
 - remove 'residential accommodation and serviced apartments' from receiving additional floor space for all areas;
 - increase the additional floor space awarded for Area 3 (Western Edge) by 0.5:1; and
 - include office premises, business premises or retail premises in Area 4 (Chinatown and Haymarket).
- add a new design excellence 'plus' process which would allow for up to 50% additional floor space to be awarded for development with a site area greater than 2000m², where it demonstrates design excellence in an identified tower cluster area;
- amend the height of building and sun access plan objectives;
- amend the building height map to increase height for some sites along Central Sydney's western edge from 80 metres (m) to 110m;
- amend the sun access plane and overshadowing controls including protecting Future Town Hall Square and removing Chifley Square from the controls;
- amend clause 6.16 Erection of tall buildings of the Sydney LEP 2012 to require a minimum site area for tall buildings (over 55m) to 1,000m² along with requiring a set of performance criteria to be met. In addition, buildings which seek an FSR greater than 8:1 will also be required to meet the performance criteria;

- add new provisions regarding the minimum ecological sustainable development (ESD) performance of both residential and commercial development; and
- add new provisions regarding protection of significant views from public places.

1.4 Site description

The proposal applies to Central Sydney in the Sydney Local Government Area (LGA) as identified in **Figure 1**.

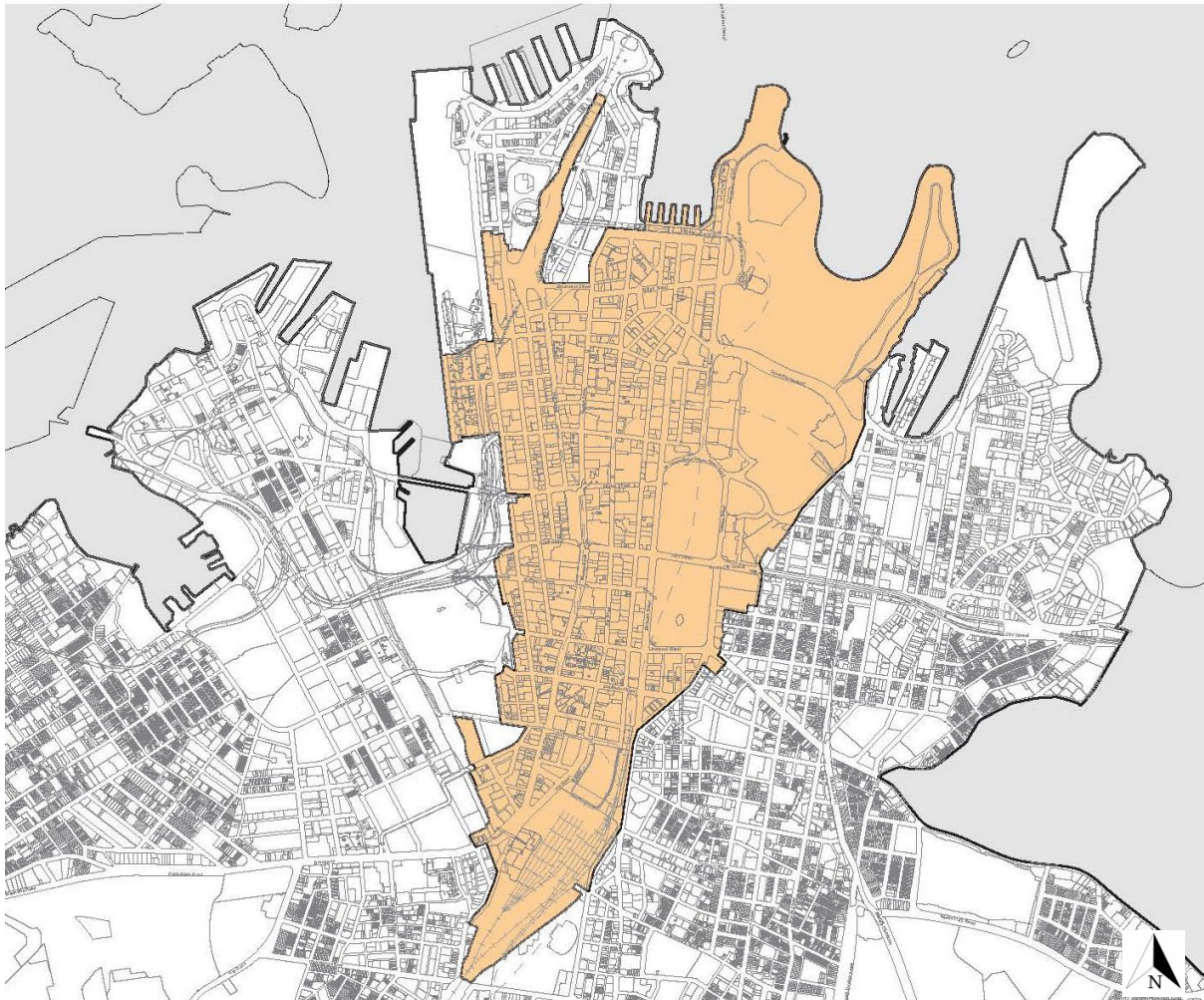


Figure 1: Existing Central Sydney area (Source: *Central Sydney Planning Proposal*, City of Sydney Council, 2020)

The draft Strategy which accompanied the planning proposal provides a detailed overview of the existing character of the Central Sydney area. Key items of note and relevance within the Central Sydney area include:

- a significant agglomeration of a wide variety of commercial, office and retail premises and some of Australia's tallest and most significant buildings;
- large public open spaces and places such as Hyde Park, the Botanical Gardens, Martin Place, Pitt Street Mall, the Domain, Circular Quay, and Sydney Square;
- a portion of Central Station Precinct, which includes approximately 24 hectares of land above and adjacent to Central Station that is being investigated for transformation into an innovation and technology precinct; and

- a highly connected centre accessible by seven rail stations (Circular Quay, Martin Place, Wynyard, Town Hall, St James, Museum, and Central), three metro stations (Central, Pitt Street, and Martin Place), numerous bus routes, ferry stops and the new light rail.

1.5 Surrounding area

Jointly with the North Sydney CBD, Central Sydney forms a significant part of the Harbour CBD as identified under the Greater Sydney Region Plan. Identified as a key office and employment hub, North Sydney CBD is well connected to Central Sydney via the existing northern suburbs rail line and will be further connected via the future metro line.

Central Sydney is adjacent to and in near proximity with the following significant areas within the City of Sydney LGA:

- Barangaroo is located immediately west of Central Sydney and includes a mixed use precinct characterised by high rise offices, commercial, retail and residential uses. It also includes the 6-hectare Barangaroo Reserve parkland that is situated on the foreshore of Sydney Harbour.
- Darling Harbour is also located west of Central Sydney and includes waterfront promenades and plaza areas, Darling Square, International Convention Centre. It is a significant tourist and visitor destination and includes residential, retail, food and drink premises and exhibition spaces.
- Pyrmont / Ultimo is located west and south west of Central Sydney, and includes Jackson's Landing, University of Technology Sydney, the Powerhouse Museum, Star City Casino and several waterfront open spaces including Pyrmont Bay Park, Metcalfe Park, Pirrama Park and Waterfront Park. Pyrmont has also been the subject of the recent Western Harbour and Pyrmont Planning Framework Review by the Greater Sydney Commission.
- The Redfern and North Eveleigh Precinct is located south of Central Sydney and includes 10 hectares of land along the rail line south of Redfern Station. This area is being investigated for opportunities for renewal including the potential for this precinct to be a centre for technology and innovation.
- Surry Hills is located east of Central Sydney and is a lower scale mixed use precinct, that has a blend of creative industries, small businesses, residents and restaurant / dining options.
- Bays Precinct comprises 5.5 km of harbourfront land, 95 hectares of largely government-owned land and 94 hectares of waterways in Sydney Harbour. It consists of:
 - (a) Bays Market District which includes the area of the existing Fish Markets and the New Fish Markets in Blackwattle Bay; and
 - (b) Bays West which includes the White Bay, the White Bay Power Station, Glebe Island, Rozelle Bay and the former Rozelle Rail Yards.

While part of the Central Sydney area, Central Station Precinct (including the Western Gateway) is being investigated as a State Significant Precinct and includes land within and to the south of Central Sydney.

The precinct consists of approximately 24 hectares of land and seeks to capitalise on its proximity to leading universities and businesses through the establishment of an innovation and technology precinct. Aside from being well served by rail transport, the precinct is a major transport interchange for both metropolitan and regional

services including buses, coaches, light rail and will later accommodate a new Metro Station. The precinct is expected to service as a key innovation and high tech employment hub.

1.6 Existing planning controls

Central Sydney is subject to the following development controls under the Sydney LEP 2012.

1.6.1 Zoning

Acting as the commercial core of the Sydney metropolitan area, Central Sydney includes the following zones:

- B8 Metropolitan Centre;
- B4 Mixed Use;
- RE1 Public Recreation; and
- SP2 Infrastructure.

The majority of Central Sydney is zoned as either B8 Metropolitan Centre or RE1 Public Recreation (**Figure 2**).

Further details of the above-mentioned zones are provided in **Table 1**.

Table 1: Zone objectives and general permissible uses.

Zone	Zones Objectives	Permitted Land Uses
B8 Metropolitan Centre	<ul style="list-style-type: none"> • To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy. • To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy. • To provide opportunities for an intensity of land uses commensurate with Sydney's global status. • To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community. • To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling. • To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises 	<p>The B8 Metropolitan Zone permits a full range of uses including but not limited to:</p> <p><i>commercial premises (including business premises, office premises and retail premises), community facilities, educational establishments, entertainment facilities, recreational facilities, registered clubs, medical centres, tourist and visitor accommodation, and residential accommodation and serviced apartments.</i></p>
B4 Mixed Use	<ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To ensure uses support the viability of centres. 	<p>The B4 Mixed Use zone permits a range of uses including but not limited to:</p> <p><i>commercial premises (including business premises, office premises and retail premises), community facilities, educational establishments, entertainment facilities, hotel and motel accommodation, registered clubs, medical centre, seniors housing, residential accommodation</i></p>
RE1 Public Recreation	<ul style="list-style-type: none"> • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes. • To provide links between open space areas. 	<p>The RE1 Public Recreation zone permits only permits:</p> <p><i>Aquaculture; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Electricity generating works;</i></p>

Zone	Zones Objectives	Permitted Land Uses
	<ul style="list-style-type: none"> To retain and promote access by members of the public to areas in the public domain including recreation facilities and waterways and other natural features. 	<i>Emergency services facilities; Environmental facilities; Food and drink premises; Horticulture; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Roads; Roadside stalls; Signage; Water recreation structures; Water recycling facilities; Water supply systems</i>
SP2 Infrastructure	<ul style="list-style-type: none"> To provide for infrastructure and related uses; and To prevent development that is not compatible with or that may detract from the provision of infrastructure. 	<p>The SP2 zone only permits:</p> <i>Aquaculture; Horticulture; Roads; Water storage facilities; Water treatment facilities; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose</i>

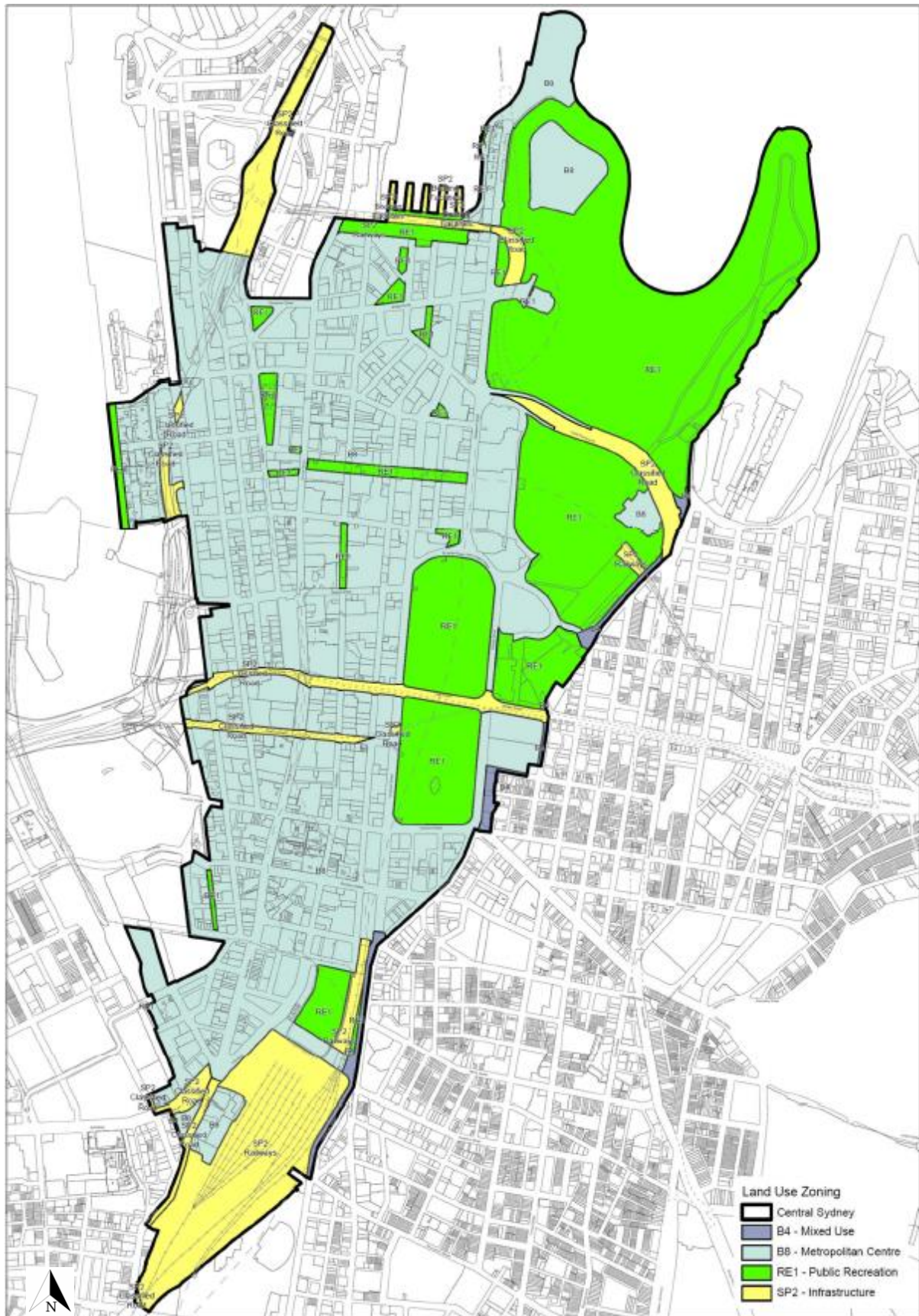


Figure 2: Existing zoning in Central Sydney (Source: *Central Sydney Planning Proposal*, City of Sydney Council, 2020)

1.6.2 Floor Space

The base FSR control across Central Sydney is predominantly 8:1, with a slightly lower base of 7.5:1 in the southern precinct (**Figure 3**).

Additional floor space may be awarded at the development application (DA) stage under the following bonus provisions of the Sydney LEP 2012:

- clause 6.4 Accommodation floor space;
- clause 6.5 Car parking reduction floor space;
- clause 6.6 End of journey floor space;
- clause 6.7 Entertainment and club floor space;
- clause 6.8 Lanes development floor space;
- clause 6.9 Opportunity site floor space; and

These bonuses are discussed further in the following sections.

In addition, clause 6.21 Design Excellence of the Sydney LEP 2012 allows for up to 10% additional floor space for buildings over 55m if a competitive design process has been undertaken and design excellence is demonstrated. In order to be awarded additional floor space under clause 6.21 of the Sydney LEP 2012, heritage floor space (HFS) must be allocated in accordance with clause 6.11 of the Sydney LEP 2012.

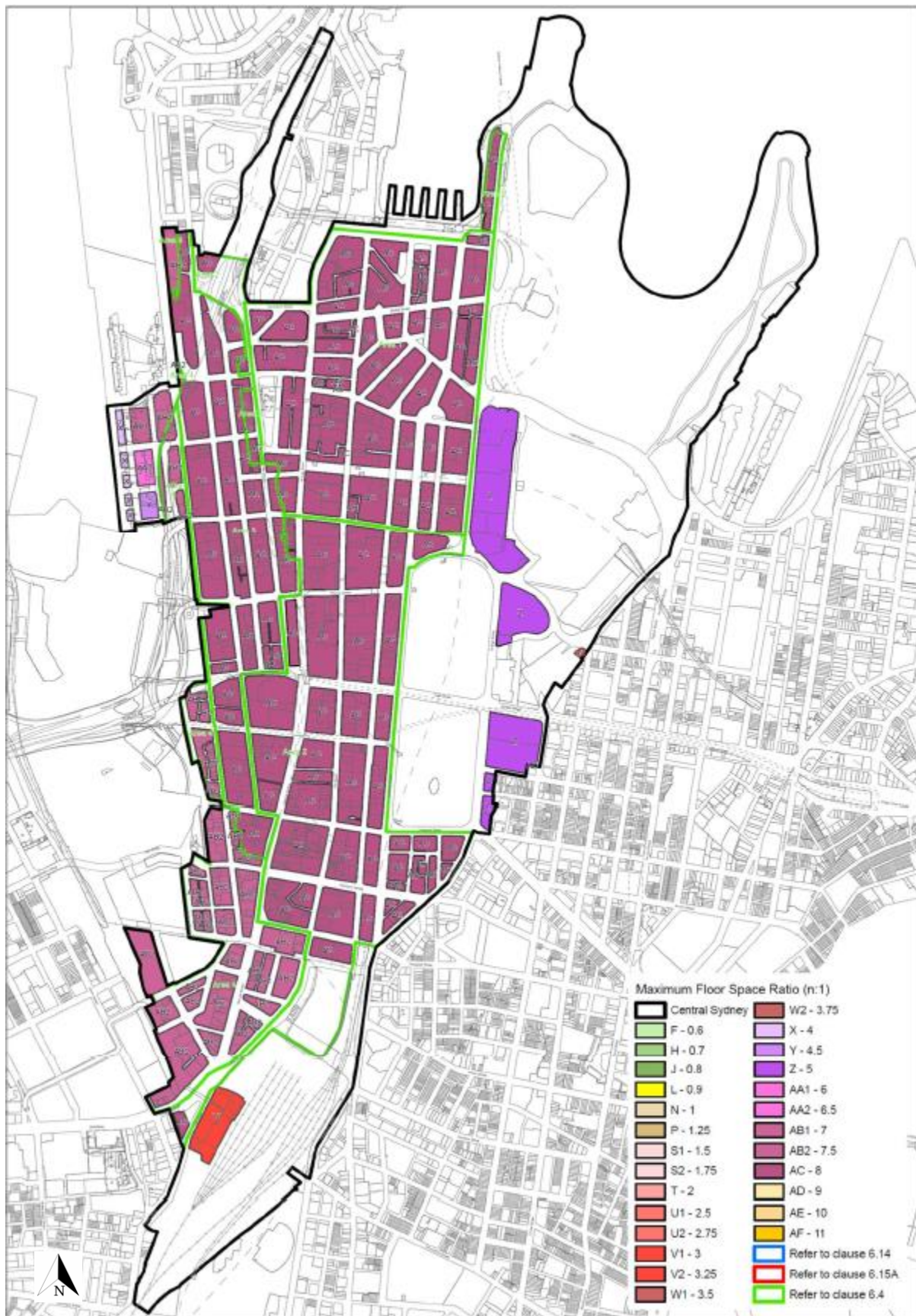


Figure 3: Existing base FSR Map (Source: *Central Sydney Planning Proposal*, City of Sydney Council, 2020)

1.6.2.1 Clause 6.4 Accommodation Floor Space

The intent of clause 6.4 Accommodation Floor Space of the Sydney LEP 2012 is to incentivise certain uses within certain areas of Central Sydney.

Accommodation floor space is permitted in four locations known as Areas 1, 2, 3 and 4 in the Sydney LEP 2012. In general, Area 1 is known as the City Core, Area 2 is known as Midtown to Central, Area 3 is known as the Western Edge and Area 4 is known as Chinatown and Haymarket (**Table 2 and Figure 4**).

Clause 6.4 of the Sydney LEP 2012 permits additional floor space to be awarded at the DA stage depending on the site's location, the building's use and the allocation of Heritage Floor Space (HFS). Accommodation floor space can only be awarded if HFS is allocated in accordance with clause 6.11 Utilisation of Certain Additional Floor Space Requires Allocation of HFS of the Sydney LEP 2012.

If a building is mixed use, then the amount of floor space that can be awarded under clause 6.4 of the Sydney LEP 2012 is proportional to its use.

Table 2 details the base FSR and the amount of accommodation floor space achievable under clause 6.4 of the Sydney LEP 2012.

Table 2: Base FSR and the amount of accommodation floor space achievable under clause 6.4 of the Sydney LEP 2012.

Area	General Location	Base	Accommodation Floor Space
1	City Core	8:1	6:1 for hotel, motel
		8:1	4.5: for office, business, retail, residential, serviced apartments
2	Midtown to Central	8:1	6:1 for residential, serviced apartments, hotel or motel, community facilities or childcare facilities
		8:1	4.5:1 for office premises, business premises or retail premises.
3	Western Edge	8:1	3:1 for residential, serviced apartments, hotel or motel, community facilities or childcare facilities.
		8:1	2:1 for office premises, business premises or retail premises
4	Chinatown and Haymarket	8:1	1.5:1 for residential, serviced apartments, hotel or motel, community facilities or childcare facilities

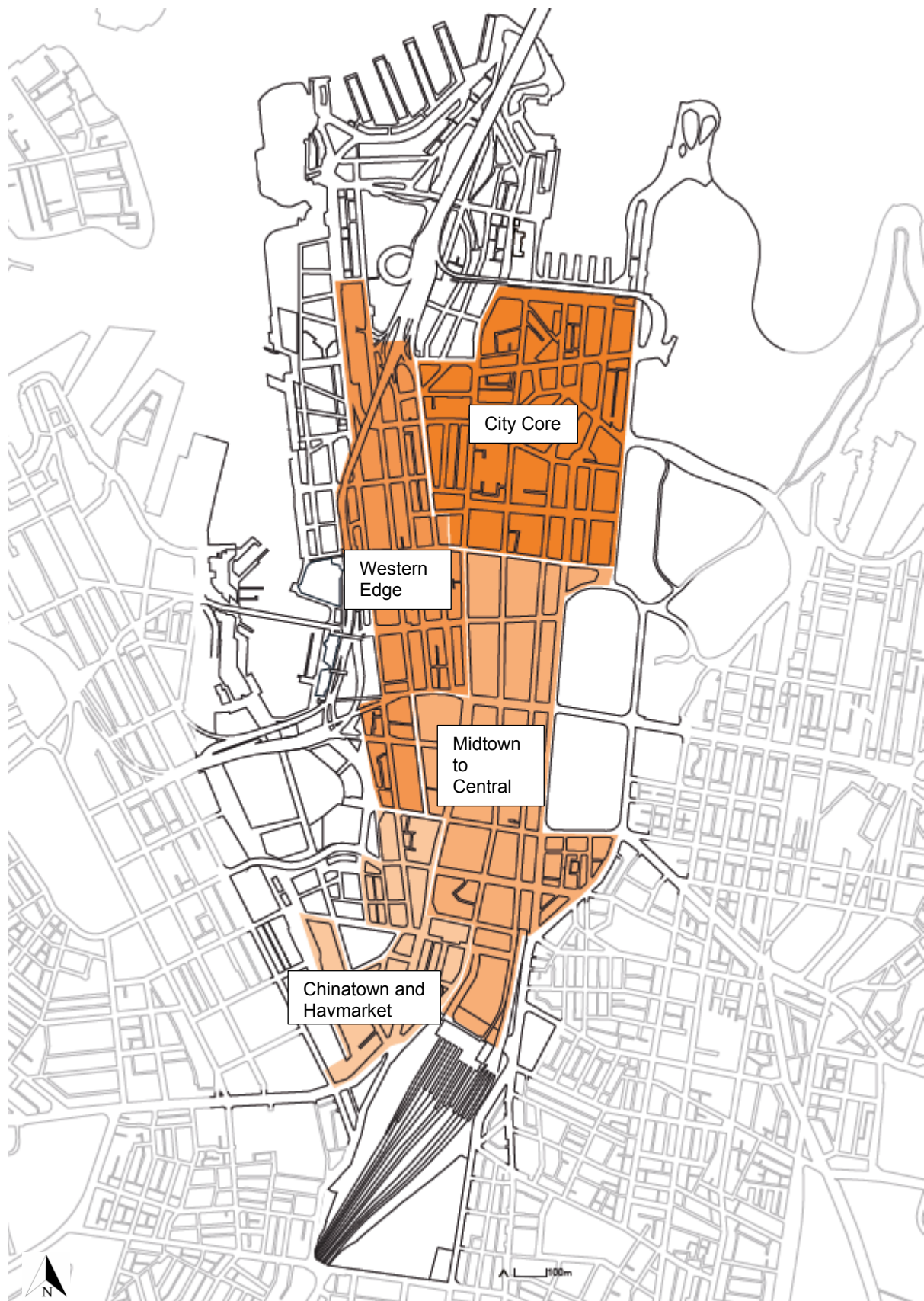


Figure 4: Existing general location of precincts identified in Table 2 (Source: *draft Central Sydney Planning Strategy*, City of Sydney Council, 2016)

1.6.2.2 Clause 6.5 Car Parking Reduction Rates

Under clause 6.5 Car Parking Reduction Rates of the Sydney LEP 2012, development on land in Central Sydney that results in the use of any part of a basement of a building being changed from a car park to any other use allows the building to be eligible for an amount of additional floor space (car parking reduction floor space) equal to the area of the changed use.

1.6.2.3 Clause 6.6 End of Journey Floor Space

Under clause 6.6 End of Journey Floor Space of the Sydney LEP 2012, a building on land in Central Sydney that is used only for the purposes of commercial premises and provides end of journey facilities is eligible for up to 0.3:1 additional FSR.

1.6.2.4 Clause 6.7 Entertainment and Club Floor Space

Under Clause 6.7 - Entertainment and Club Floor Space of the Sydney LEP 2012, a building on land in Central Sydney is eligible for an amount of additional floor space (entertainment and club floor space) equal to the floor space of any parts of the basement of the building used for the purposes of entertainment facilities or registered clubs.

1.6.2.5 Clause 6.8 Lanes Development Floor Space

Clause 6.8 - Lanes Development Floor Space of the Sydney LEP 2012 applies to development consisting of alterations or additions to a building that is in Central Sydney and adjoins a lane. It permits additional floor space for uses such a business premises, community facilities, entertainment facilities, food and drink premises, information and education facilities and pubs subject to the building meeting the following criteria:

- a) has a gross floor area of less than 100m²; and
- b) does not have direct access to any other premises in the building; and
- c) adjoins, and has direct access to a lane; and
- d) has a floor level no more than 5m above the ground level (existing) of the lane.

1.6.2.6 Clause 6.9 Opportunity Site Floor Space

Clause 6.9 Opportunity Site Floor Space of the Sydney LEP 2012 applies to development that is identified as an opportunity site. Opportunity sites that meet specific criteria as identified by the clause are eligible for additional floor space equivalent to the lesser of the following:

- a) the amount of floor space created by any alterations or additions to the building, being floor space with a floor level no more than 5m above the ground level (existing); and
- b) the amount of floor space that can be achieved by applying an FSR of 0.8:1 to the building.

In order to be awarded additional FSR under clause 6.9 of the Sydney LEP 2012, HFS must be allocated in accordance with clause 6.11 of the Sydney LEP 2012.

1.6.3 Building Height

The height of building map stipulates the overall maximum permissible building height, which in Central Sydney varies from 7.5m to 235m (**Figure 5**).

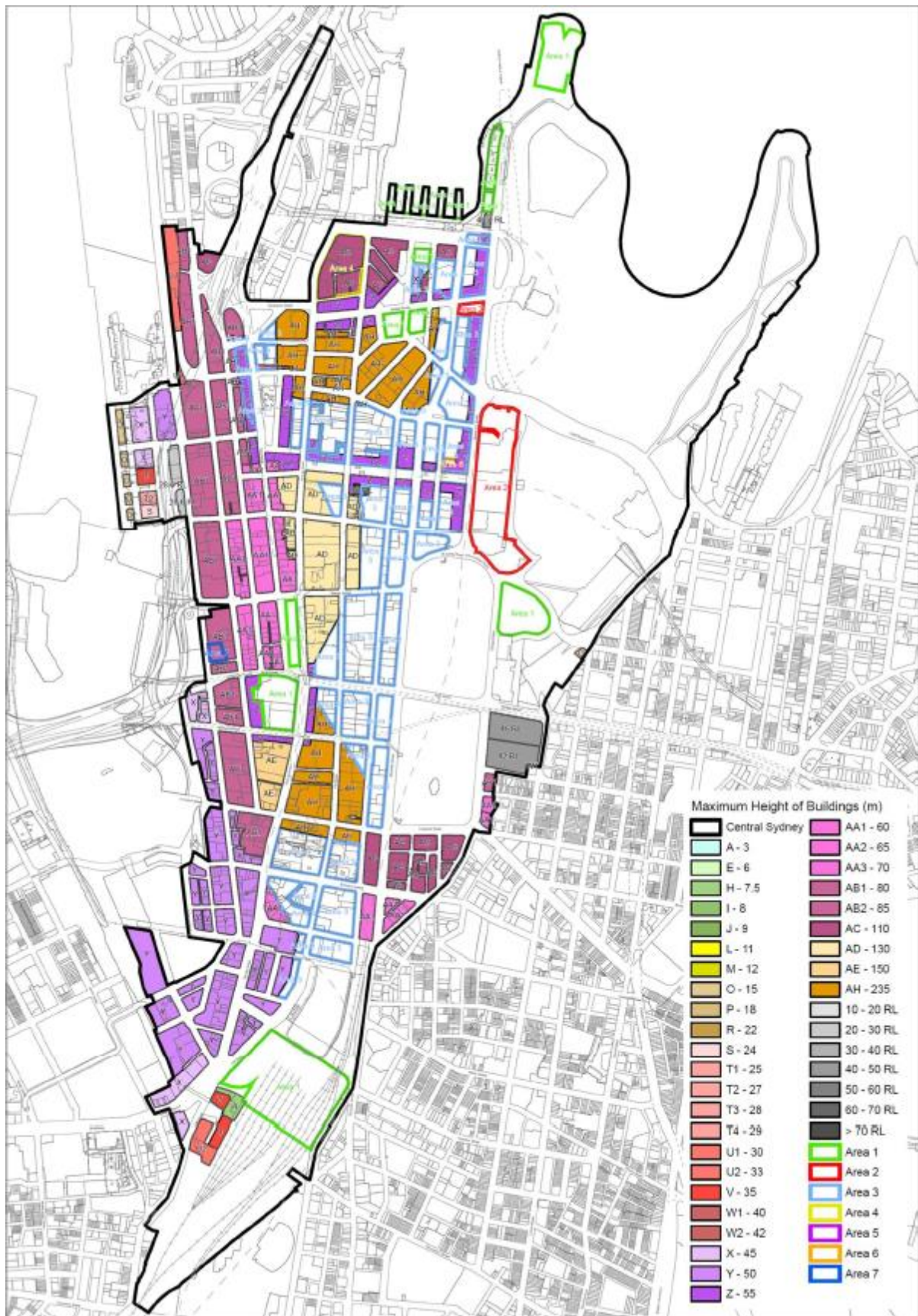


Figure 5: Existing Height of Buildings Map, areas where height is dictated by the sun access planes are marked in blue and known as Area 3 (Source: *Central Sydney Planning Proposal*, City of Sydney Council, 2020)

In some cases, where two planes are defined for one space, one plane extends further than the edge of the space, to account for the triangular gap created between the times (shown in blue in **Figure 6**). In some cases where two planes protecting the same space overlap, the higher plane prevails.

There are some exceptions to the sun access planes which are identified in clause 6.18 Exceptions to Sun Access Planes of the Sydney LEP 2012. This clause allows specified buildings to extend above the SAP if it results in at least a 50% reduction to overshadowing for specified parks (category A sites) or sites are located sunwards for the protected hours of existing buildings which are already projecting above the sun access places (category B sites).

The significant difference between the no additional overshadowing and the sun access plane controls is that sun access planes identify a maximum height for development, regardless of surrounding developments except category A and B sites. In the case of the no additional overshadowing controls (clause 6.19), the existing surrounding development, combined with the movement of the sun, create the height limitation for new development.

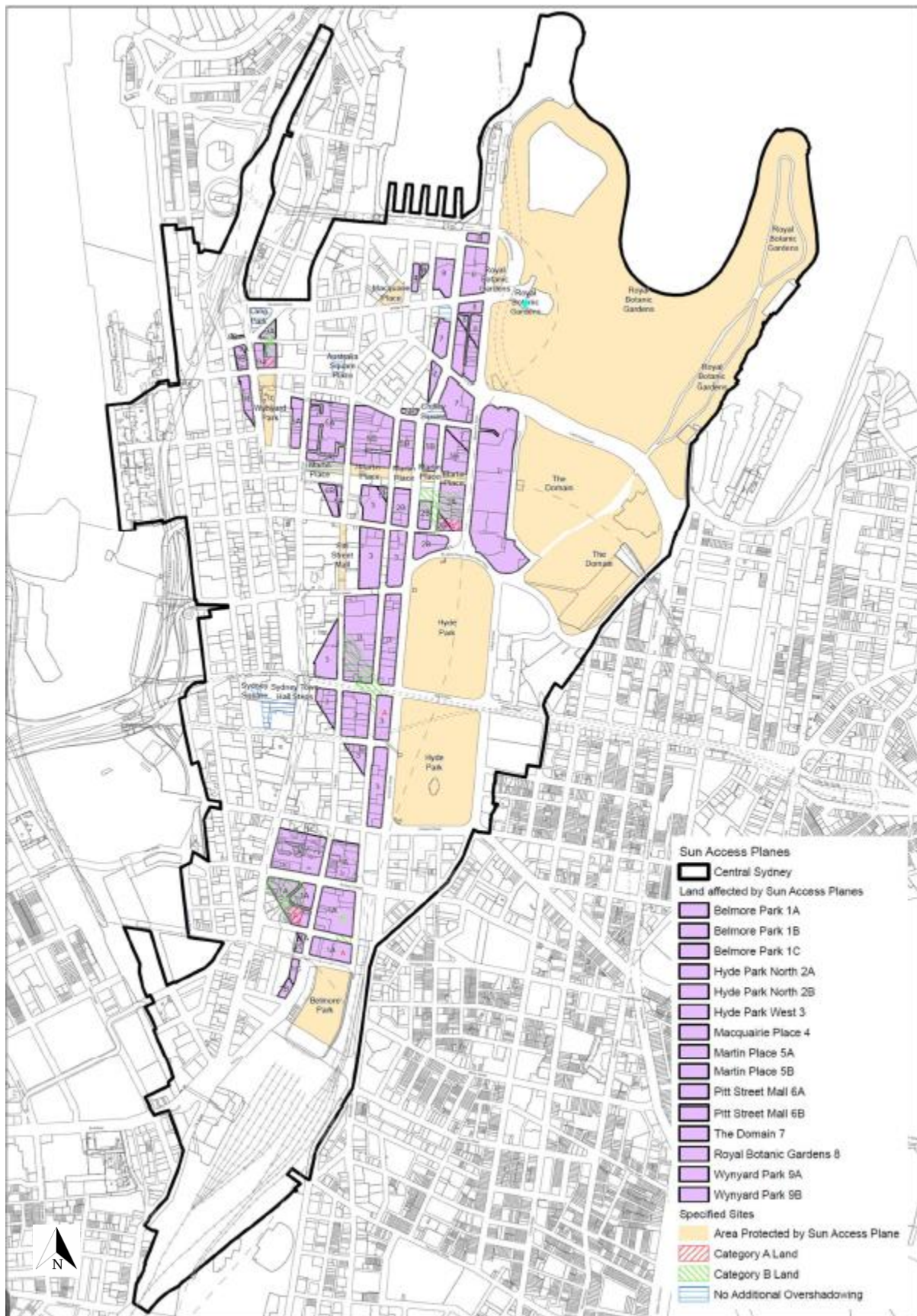


Figure 7: Existing Sun Access Planes Map (Source: *Central Sydney Planning Proposal*, City of Sydney Council, 2020)

1.6.3.2 Airspace Operations

Clause 7.16 Airspace operations of the Sydney LEP 2012 ensures that the operation of Sydney (Kingsford-Smith) Airport is not compromised by proposed development that penetrates the Limitation or Operations Surface (OLS) for that airport.

1.6.3.3 Special Character Areas

Certain development on land mapped in Special Character Areas (**Figure 8**) is required to undertake the design excellence process (Clause 6.21), consider measures for demolition (Clause 7.19) and/or is required to prepare a development control plan in accordance with Clause 7.20.

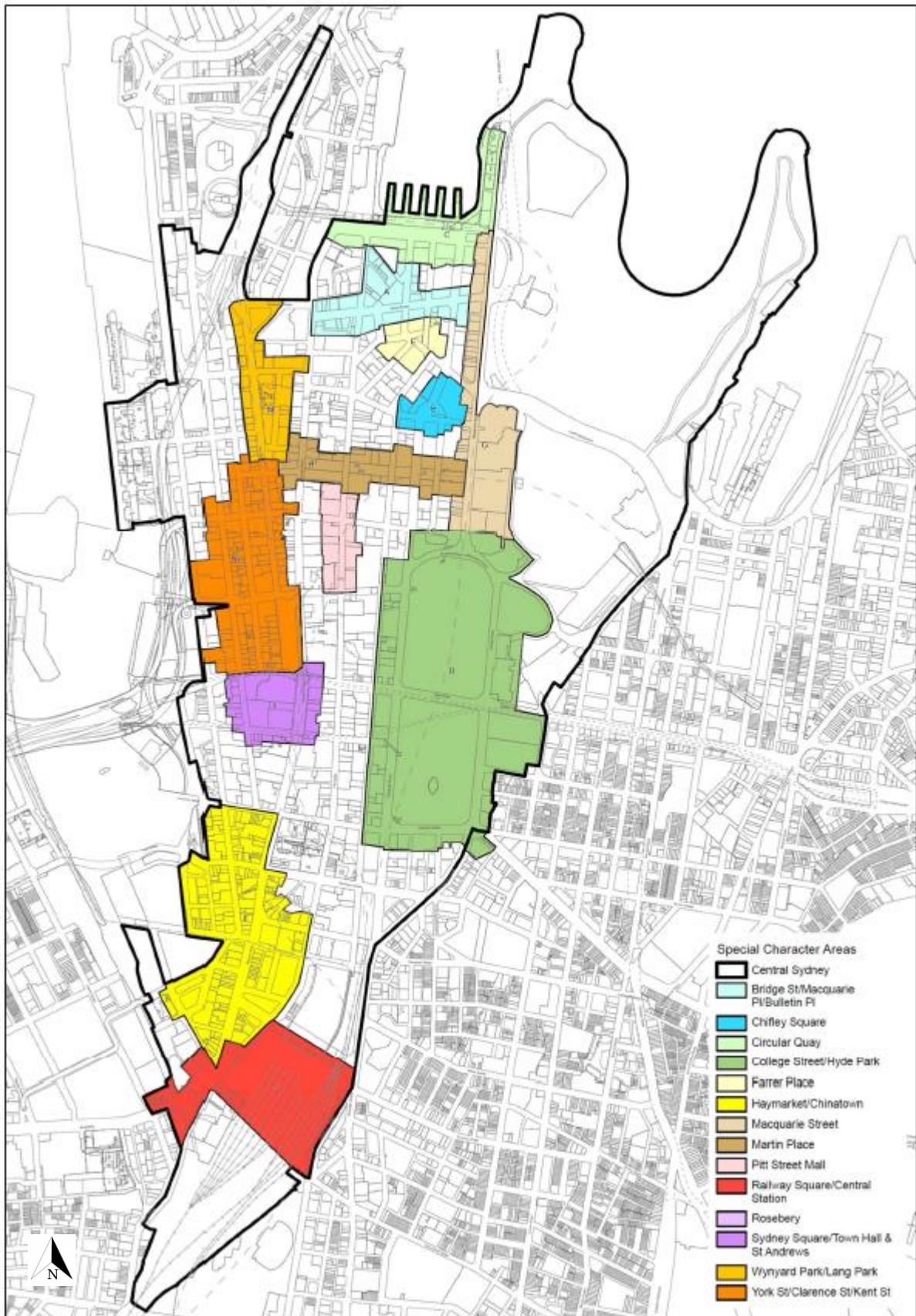


Figure 8: Existing Special Character Areas Map (Source: *Central Sydney Planning Proposal*, City of Sydney Council, 2020)

1.6.3.4 Site Specific Provisions

In addition, some sites and precincts have site-specific controls for building height, FSR, and site-specific matters which are stipulated in Division 5, Part 6 of the Sydney LEP 2012.

1.6.3.5 Design Excellence

Clause 6.21 - Design Excellence of the Sydney LEP 2012, allows for up 10% additional height (or floor area) for buildings over 55m if a competitive design process has been undertaken and design excellence is demonstrated.

1.6.4 Heritage

At the time the planning proposal was lodged, Council states that there were over 270 heritage items listed in Schedule 5 of the Sydney 2012 that are located within Central Sydney (**Figure 9**).

Clause 5.10 Heritage Conservation of the Sydney LEP 2012 applies to these heritage items and requires the heritage impacts to be further considered prior to development consent being issued.

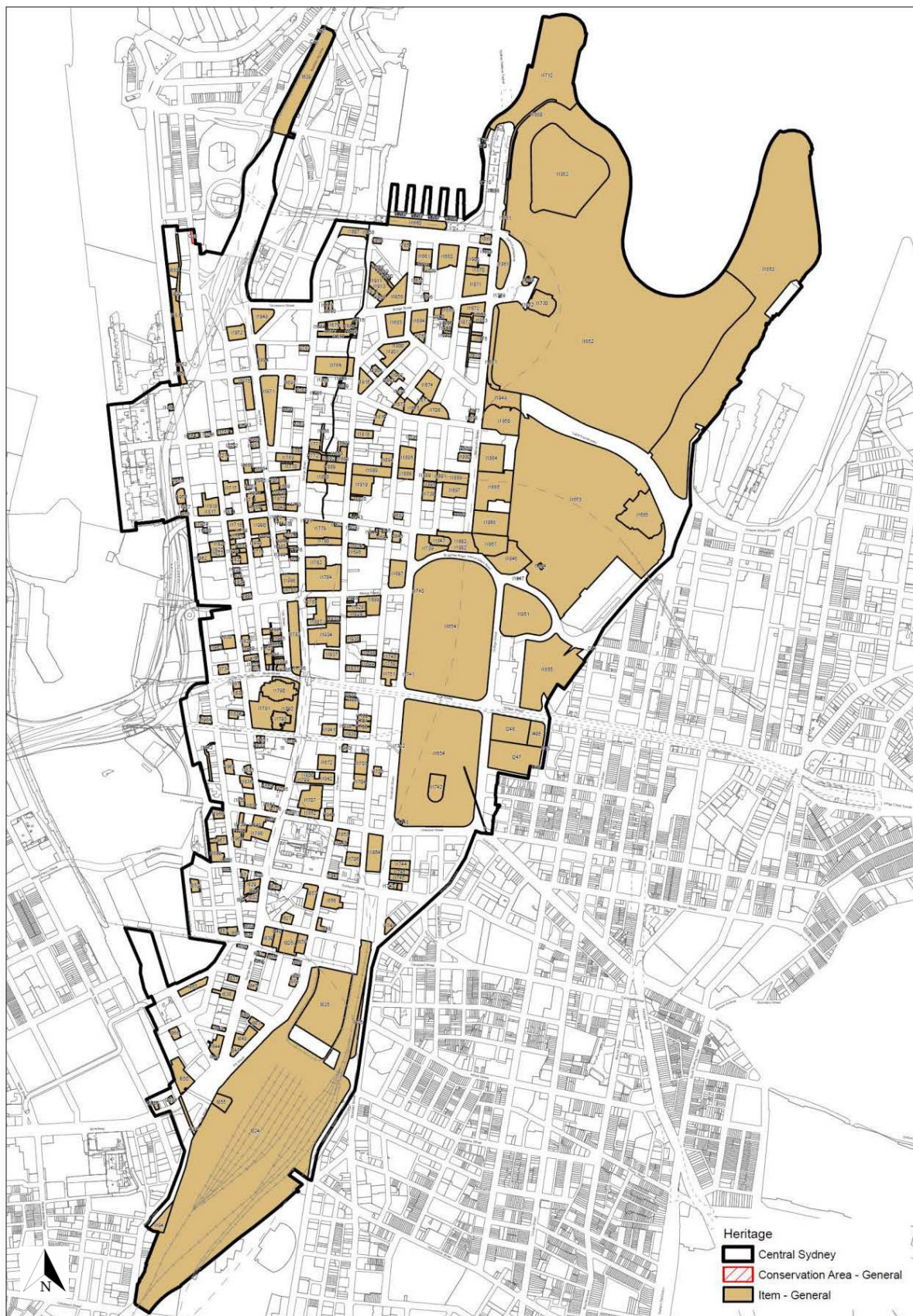


Figure 9: Existing Heritage Items Map (Source: *Central Sydney Planning Proposal*, City of Sydney Council, 2020)

1.6.4.1 Heritage Floor Space

Clause 6.10 Heritage Floor Space of the Sydney LEP 2012 enables a landowner of a heritage building in Central Sydney to be awarded HFS after completing conservation works on the building. That owner may sell that HFS to a developer who is required to allocate HFS when seeking to obtain additional floor space for their development.

In accordance with clause 6.11 of the Sydney LEP 2012 development consent cannot be granted unless HFS is allocated for the following provisions:

- accommodation floor space (clause 6.4);
- opportunity floor space (clause 6.9);
- floor space awarded as part of design excellence (clause 6.21); and
- floor space awarded as part of a clause 4.6 Exceptions to Development Standards of the Sydney LEP 2012 variation.

1.6.5 Erection of Tall Buildings

Clause 6.16 Erection of Tall Buildings in Central Sydney of the Sydney LEP 2012 seeks to ensure that tower development on small lots in Central Sydney provide amenity to occupants of the development and of neighbouring buildings.

The current clause 6.16(3) of the Sydney LEP 2012 requires that where a tower development is sought with a building height greater than 55m, development consent must not be granted on a site less than 800m² unless the consent authority is satisfied that the following performance criteria are met:

- the building will have a freestanding tower, each face of which will be able to be seen from a public place; and
- the development will provide adequate amenity and privacy for occupants of the building and will not significantly adversely affect the amenity and privacy of occupants of neighbouring buildings; and
- the ground floor of all sides of the building facing the street will be used for the purposes of business premises or retail premises.

2. PROPOSAL

2.1 Objectives or intended outcomes

2.1.1 Objectives

As outlined in the planning proposal, the objectives of the Central Sydney planning proposal are to:

- reinforce Central Sydney's important role in promoting the economic growth of Sydney, NSW and Australia;
- ensure that land use and development in Central Sydney supports Sydney's Global City functions;
- ensure the ongoing growth of employment floor space in Central Sydney to meet NSW government employment targets and anticipated demand;
- ensure a high level of public amenity, as is necessary to complement Central Sydney's Global City functions;
- limit in certain circumstances the replacement of employment land uses by residential accommodation and serviced apartments;

- ensure development in Central Sydney sets a new benchmark in regard to ESD; and
- ensure development in Central Sydney continues its commitment to design excellence.

The objectives of the planning proposal align with the key objectives of the draft Strategy.

2.1.2 Intended Outcomes

As outlined in the planning proposal, the intended outcomes are as follows:

- enable the key moves and priority actions in the draft Strategy;
- incentivise the provision of **employment floor space** over floor space that is used for residential accommodation and serviced apartments;
- prioritise the provision of employment floor space over floor space that is used for residential accommodation and serviced apartments;
- reinforce Central Sydney's important economic role by way of stronger planning objectives focussing on employment and economic growth;
- protect the amenity of public places by ensuring good sunlight access and comfortable wind conditions;
- update the sun access planes and no additional overshadowing development controls;
- ensure that tall buildings are of an appropriate form for their site size and context;
- protect key public views from encroachment by new development; and
- encourage building design of large-scale development that minimises the consumption of energy and water.

Employment floor space is defined as any use other than residential accommodation, serviced apartments or ancillary car parking.

In addition to the planning proposal Council has prepared a draft section 7.12 Contributions Plan 2020 which requires a 3% levy to apply to all development applications over \$200,000 in the City and ensure that infrastructure is commensurate with growth.

2.2 Explanation of provisions

The following amendments to Sydney LEP 2012 are sought to facilitate the objectives and intended outcomes of the planning proposal. In summary, the planning proposal will amend the Sydney LEP 2012 planning controls that fall within the following four categories shown in **Table 3**.

Table 3: Summary of proposed provisions

Category	Provision (reference to Gateway report)
Zoning	<ul style="list-style-type: none"> • Amendment to RE1 Public Recreation Zone objectives (Section 2.2.1) • Amendment to B8 Metropolitan Zone objectives (Section 2.2.2)
Density and Land uses	<ul style="list-style-type: none"> • Amendment to Clause 6.3 – Additional floor space in Central Sydney (Section 2.2.3) • Amendment to Clause 6.4 – Accommodation floor space (Section 2.2.4) • New subclause in Clause 6.21 – Design Excellence (Section 2.2.5)
Height	<ul style="list-style-type: none"> • Amendment to Clause 4.3(1)(c) – Height of buildings objective (Section 2.2.6) • Amendment to Clause 6.17(1) – Sun access planes objectives (Section 2.2.7) • Amendment to Clauses 6.17(5) to 6.17(19) – Sun access planes descriptions and remove Clause 6.18 – Exceptions to Sun Access Planes (Section 2.2.8)

	<ul style="list-style-type: none"> • Amendment to Clause 6.19 – Overshadowing of certain public places (Section 2.2.9) • Replacement of Clause 6.16 - Erection of tall buildings in Central Sydney (Section 2.2.10) • New Clause titled 'Preservation of Key Public Views' (Section 2.2.11) • Building height increase to 110m on certain sites within Central Sydney's western edge in 'Area 3' D (Section 2.2.12)
Ecologically Sustainable Development	New Clause 7.26 – Ecologically Sustainable Office Development (Section 2.2.6)

The proposed provisions are explained in more detail below.

2.2.1 Zoning Objectives

The planning proposal seeks to amend the zoning objectives for the B8 Metropolitan Zone and RE1 Public Recreation Zone to promote employment uses in Central Sydney and to reinforce the important role that high-amenity public space and public places play in a global city. To achieve this the planning proposal seeks to:

a) Amend the B8 Metropolitan Zone objectives to:

- remove the following existing objective:
 - To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.
- include the following new objectives:
 - To promote uses with active street frontages within podiums that contribute to the vitality, life and existing character of the street;
 - To promote the efficient and orderly development of land in a compact urban centre;
 - To promote a diversity of commercial opportunities varying in size, type and function, including new cultural, social and community facilities;
 - To recognise and reinforce the important role that Central Sydney's public spaces, streets and their amenity play in a global city; and
 - Promote the primary role of the zone as a centre for employment and permit residential and serviced apartment accommodation where they complement employment generating uses.

b) Amend the RE1 Public Recreation Zone objectives to include:

- To protect sun access to publicly accessible land.

2.2.2 Amendments to Additional Floor Space Provisions

Council seeks to recalibrate the Central Sydney development controls to ensure commercial development remains competitive and commercial precincts remain predominantly commercial in character. To achieve this the planning proposal seeks to:

- Amend clause 6.3 Additional Floor Space in Central Sydney of the Sydney LEP 2012 to include a new clause that requires any development which seeks additional floor space above the maximum permitted by the FSR Map, that is BASIX affected (i.e residential) be rated 5 BASIX points above the State-mandated target for water and 10 BASIX points above the State-mandated target for energy.
- Amend clause 6.3 Additional Floor Space to ensure that additional floor space can be awarded under proposed clause 6.21(7A) design excellence.
- Amend clause 6.4 Accommodation Floor Space of the Sydney LEP 2012 as follows:

- remove 'residential accommodation and serviced apartments' from receiving additional floor space for all Areas;
- increase the additional floor space awarded for Area 3 (Western Edge) by 0.5:1; and
- include office premises, business premises or retail premises in Area 4 (Chinatown and Haymarket).

2.2.3 Design Excellence for Tower Clusters

The planning proposal includes a new design excellence provision (known as clause 6.21(7A)), which will allow up to 50% more floor space for development located within the four tower cluster areas (**Figure 10**).

To be awarded this additional floor space, development will need to demonstrate design excellence through a more comprehensive architectural design competition, and deliver employment generating floor space.

The provision is available to all development within the tall tower cluster areas (**Figure 10**), including buildings above 55m in height, change of uses, alterations and additions in a tower cluster area. The additional floor space determined by the consent authority would be up to 50% of:

The design excellence process is outlined in the City of Sydney draft Competitive Design Policy and draft development control plan (DCP) – tower cluster areas and design excellence. The draft DCP provides further details on the procedure, process and minimum assessment requirements of the proposed design excellence provision.

Council proposes that all development opting into the process must meet the following criteria:

- the site must have an area greater than 2,000m² and must not include heritage items, public places and open spaces;
- the proposed tower must be entirely for employment floor space (any use other than residential accommodation, serviced apartments or ancillary car parking); and
- an architectural design competition must be completed.

This new provision would relate to other parts of the Sydney LEP 2012 in the following way:

- any additional floor space under the specified design excellence process would not be subject to HFS;
- a proposed tower may exceed the maximum height shown on the Height of Buildings Map but must not exceed any sun access controls and aircraft operations related controls;
- a building is eligible for either up to 10% additional floor space under 6.21(7) or up to 50% additional floor space under 6.21(7A) informed by the considerations at 6.21(4) of the Sydney LEP 2012; and
- the proposed new provision will not be subject to variation under the LEP Clause 4.6 – Exceptions to development standards. Accordingly, it will be listed in Clause 4.6(8) of the Sydney LEP 2012.

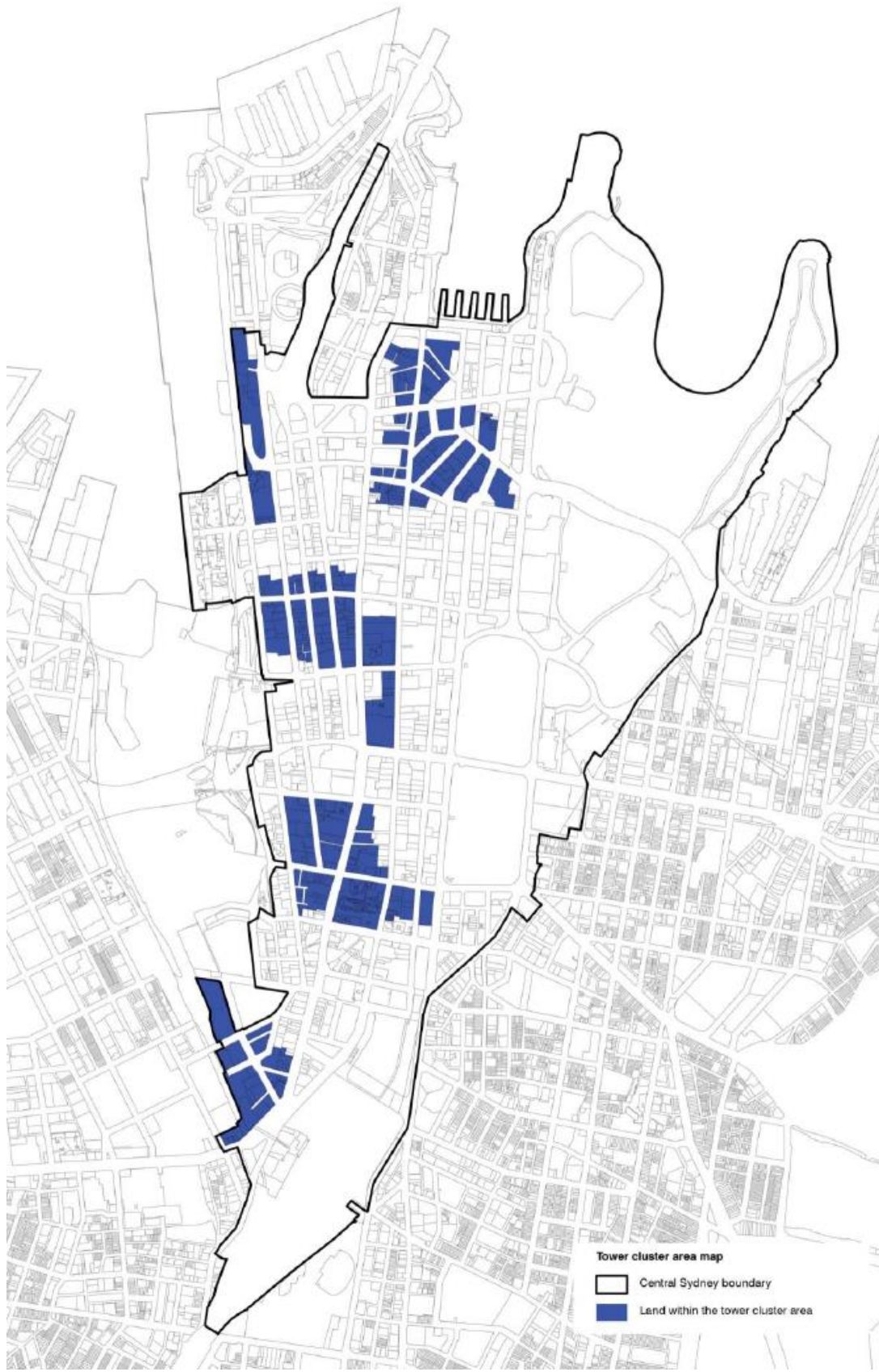


Figure 10: Proposed Tower Cluster Area Map (Source: *Central Sydney Planning Proposal*, City of Sydney Council, 2020)

2.2.4 Building Height

2.2.4.1 Height of Building Objectives

Given the Central Sydney's dynamic and dense development environment certainty for the protection of private amenities such as sunlight and views cannot be guaranteed. Further, the maintenance of private views should not unduly restrict the economic performance and economic growth of Central Sydney, where proposed development has demonstrated compliance with the Sydney LEP 2012, in relation to height and FSR, and DCP provisions.

As such, the planning proposal seeks the following amendment to the height of building map objective:

- a) Amend the objective of Clause 4.3(1) Height of Buildings to include:
 - view sharing and protection of private views will only be promoted outside of Central Sydney where this can be reasonably achieved.

2.2.4.2 Public Views

Whereas certain views in Central Sydney have a high significance due to their association with public places and their historical importance. Important views include views of the Central Station clock tower, Observatory Hill and Martin Place (see **Figure 11**).

To protect these views, the planning proposal seeks to include six public view protection planes which detail the co-ordinates and building heights in RL (page 34 of the planning proposal).

The planning proposal states that development cannot result in any building on the land projecting higher than any part of a public view protection plane.

To implement this protection the planning proposal seeks to:

- a) Include a new clause known as the Public View Protection Plane in the Sydney LEP 2012 to preserve and protect the following important views from obstruction of tall buildings in Central Sydney:
 - From Broadway towards George Street and the Central Station clock tower;
 - From Martin Place to the western sky;
 - From Martin Place to the eastern sky; and
 - From Observatory Hill to Sydney Harbour; Vaucluse Lighthouse; and Pennant Hills.

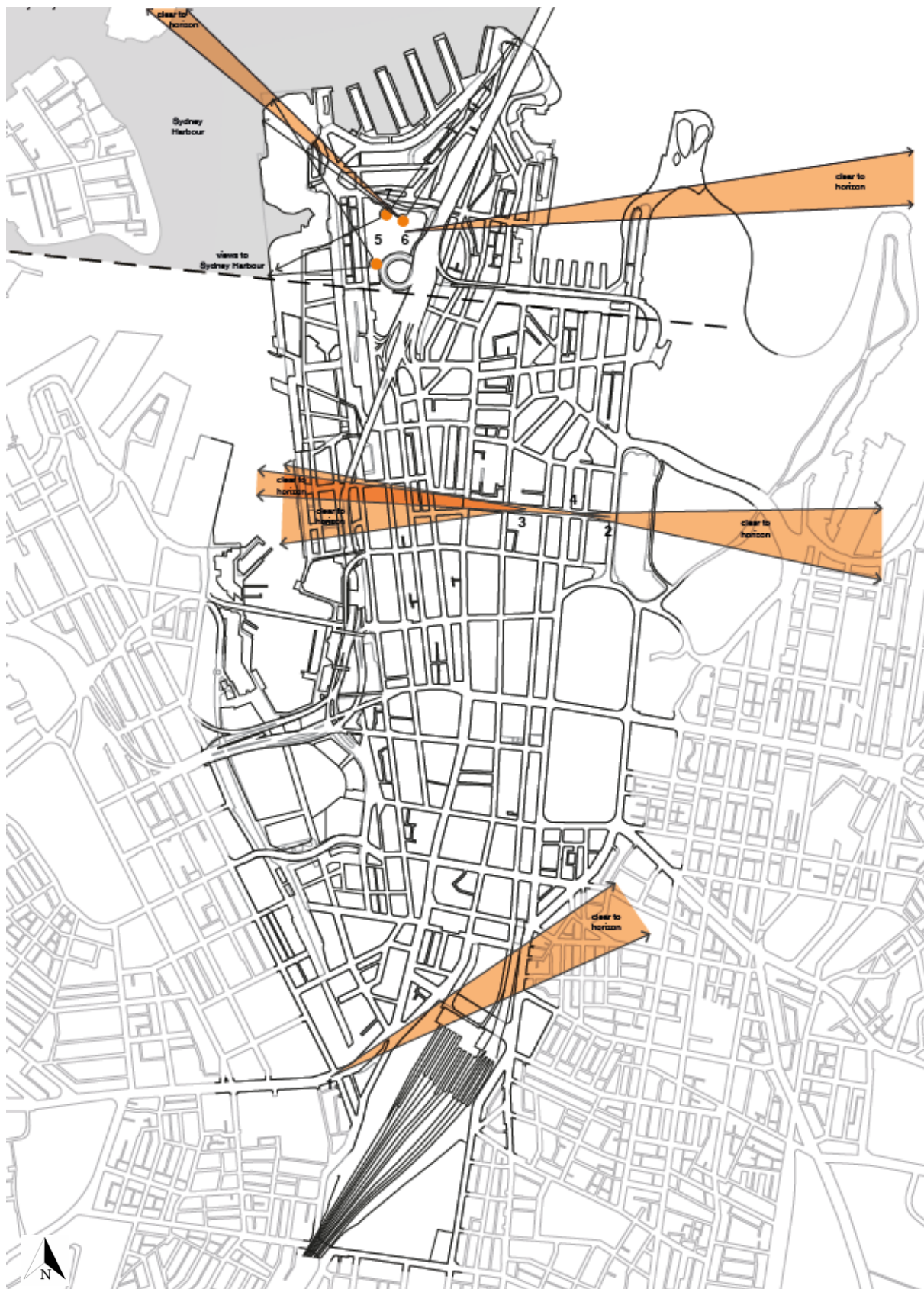


Figure 11: Proposed Public View Protection Planes (Source: *Central Sydney Planning Strategy*, City of Sydney Council, 2016)

2.2.4.3 Sun Access Planes and No Additional Overshadowing

As Central Sydney continues to grow, there is increasing pressure to lift height limits. In response to this, the intent and efficacy of the existing sun protection controls in maintaining or improving sunlight to protected parks and places have been reviewed as part of the Central Sydney Height of Buildings Study. The objectives of the proposed amendments are to ensure that:

- all parks potentially overshadowed by tall buildings in Central Sydney are protected by sun access planes and no additional overshadowing controls, during critical time periods throughout the year, including parks that may lie outside the Central Sydney boundary;
- sunlight to significant new and planned future important public parks and places are protected by sun access planes or no additional overshadowing controls;
- sun access planes are constructed as a consolidated set of connected planes so that there are no gaps or overlaps between separate planes protecting the same space;
- sun access planes fully protect sun access throughout the year and during designated times by adding 'tails' to their southern edge;
- ambiguity is removed when multiple sun access planes protect the same place; and
- no additional overshadowing controls are to be removed where sunlight access is already significantly compromised such as Chifley Square.

To achieve the above the planning proposal seeks to:

- a) Amend the objectives of Clause 6.17(1) Sun Access Plane of the Sydney LEP 2012 to include:
 - to protect and improve sunlight to important public parks and places within and near Central Sydney throughout the year, and during periods in the day when they are most used.
- b) Amend Clause 6.17(5) to 6.17(9) of Sydney LEP 2012 to refine the sun access planes in accordance with Appendix M of the draft Strategy as shown **Table 3** below.

Table 3: Summary of proposed Sun Access Plane provisions

Park or Place	Intended period of protection	Intended times of protection	Appendix M of the draft Central Sydney Strategy
The Royal Botanic Gardens	all year	9am-2pm	M_01
The Domain	all year	9am-2pm	M_02
Wynyard Park	all year	12 noon-2pm	M_03
Lang Park	all year	12 noon-2pm	M_04
Hyde Park	all year	10am-2pm	M_05 and M_06
Belmore Park	all year	10am-2pm	M_07
Prince Alfred Park	all year	10am-2pm	M_08 and M_09
Harmony Park	all year	10am-2pm	M_10
Macquarie Place	outside the winter months	10am-12pm	M_12
Martin Place	outside the winter months	12 noon-2pm	M_13

- c) Remove Clause 6.18 Exceptions to Sun Access Planes of the Sydney LEP 2012, as they are made redundant by the above-mentioned proposed new sun access plane provisions.

It is intended that where development already exceeds a sun access plane and wishes to redevelop in any configuration other than complying with the sun access plane, it will be facilitated through a site-specific planning proposal.

- d) Amend Clause 6.19 Overshadowing of Certain Public Places of the Sydney LEP 2012 by:
- removing listed places that are protected by existing or proposed sun access planes for example Prince Alfred Park and Lang Park;
 - removing Chifley Square from Clause 6.19 of the Sydney LEP 2012 as it is substantially overshadowed by existing development and provides negligible public benefit;
 - adding Future Town Hall Square to Clause 6.19 of the Sydney LEP 2012 and treating it as it if is a public place; and
 - revising the time periods that 'No Additional Overshadowing' controls apply.

Table 4 details the proposed no additional overshadowing locations and protection times.

Table 4: Proposed no additional overshadowing controls.

Park or Place	Intended period of protection	Intended times of protection	Appendix M of the draft Central Sydney Strategy
Macquarie Place	14 April – 31 August	10-2pm	M_27
Martin Place (block containing the GPO)	14 April – 31 August	12-2pm	M_28
Pitt Street Mall	14 April – 31 August	10-2pm	M_29
Australia Square Plaza	14 April – 31 August	12-2pm	M_30
First Government House Place	14 April – 31 August	10-2pm	M_31
Sydney Town Hall Steps	14 April – 31 August	10.30-4pm	M_32
Sydney Square	14 April – 31 August	11-4pm	M_33
Future Town Hall Square	all year	12 noon to sunset	M_34

The intent is to strengthen the sun access planes and remove the gap or 'tail' between different sun access planes to ensure public places are adequately protected throughout the year. This gap is the area shown in blue at **Figure 6**.

In addition, where sun access planes are being constructed using a time before midday, the autumn equinox date of 21 March will be used to ensure public spaces are sufficiently protected at all appropriate times of the year.

2.2.4.4 Height Controls Along Central Sydney's Western Edge

Existing building height controls are proposed to be increased from 80m to 110m on those sites along Central Sydney's Western Edge as shown in **Figure 9**.

This immediate increase in height controls on Central Sydney's Western Edge is intended to capitalise on the changing form and character of the area. The additional height combined with the proposed density controls (FSR's) will increase the feasibility of projects in this location and ensure that tall buildings, provide for slim towers with better access to outlook, sunlight and air for streets. It should be noted that Council is also seeking to increase the additional floor space that can be awarded under clause 6.4 accommodation floor space by 0.5:1 in this area (see **Section 2.2.3**).

Slimmer taller towers are expected to aid in the ability to preserve important heritage buildings in what is one of the most important collection of heritage buildings and warehouses in Central Sydney.



Figure 9: Proposed increased heights along Central Sydney's Western Edge (Source: *Central Sydney Planning Proposal*, City of Sydney Council, 2020)

2.2.5 Tall Buildings

Council states that the existing criteria in Clause 6.16 Erection of tall buildings of the Sydney LEP 2012 are mostly immaterial because the remaining underdeveloped sites with an area less than 1,000m² in Central Sydney are unable to sustain tall buildings unless significant compromises are made to the amenity of nearby public spaces, new building occupants, and to adjacent buildings. Tall buildings on small sites with zero or minimal setbacks facing all streets in Central Sydney also potentially contribute to a 'secondary street wall' comprising of a continuous wall of towers.

The planning proposal includes a discussion paper that provides further justification on the proposed changes to Clause 6.16 of the Sydney LEP 2012.

The intent is that a site area of 1,000m² or more is thought to be able to allow site sufficient dimensions to comfortably support appropriate setbacks above a street wall – as is necessary for a tall building to provide outlook, public place light and amenity, separation of bulk from neighbouring buildings a high quality urban form and a high level of amenity to public space.

To strengthen Clause 6.16 of the Sydney LEP 2012, the planning proposal seeks to:

- a) Amend the objectives of Clause 6.16 to include:
 - the satisfactory distribution of built form and development of floor space for tall buildings in Central Sydney;
 - tall building setbacks will provide an appropriate level of amenity for public places and important publicly accessible places;
 - tall buildings will maximise active public place frontages; and
 - all buildings will provide adequate outlook for occupants of new buildings.
- b) Amend Clause 6.16 of the Sydney LEP 2012 to remove the existing criteria and replace it with a new criterion so that DA's for tall buildings (greater than 55 m) must demonstrate that they can meet the following:
 - it must be demonstrated that the building will not adversely impact on:
 - the wind conditions of public places and important publicly accessible places;
 - key views from public places;
 - the curtilage of heritage items;
 - the setting and character of buildings and heritage items in conservation areas and special character areas; and
 - the free movement of air that provides ventilation around tower forms.
 - it must be demonstrated that the building provides for high levels of:
 - sun and daylight access to public places and important publicly accessible places;
 - outlook for the proposed development; and
 - appropriate height transitions between new development and buildings and heritage items in conservation areas and special character areas.
- c) Include a new clause that states that the control will apply to all sites above 55m or with an FSR greater than the maximum FSR shown on the Floor Space Map (i.e. 8:1).

- d) Include a new clause which requires building height is to be limited to 55m on sites with a minimum site area of 1,000 m².
- e) Clause 6.16 of the Sydney LEP 2012 will not be subject to variation under Sydney LEP 2012 clause 4.6 - Exceptions to development Standards of the Sydney LEP 2012. Accordingly, it will be listed in Clause 4.6(8) of the Sydney LEP 2012.

2.2.6 Ecological Sustainable Development (ESD)

The planning proposal states that total energy use across buildings in Central Sydney is already decreasing, despite rapid economic growth. The benefits of improved energy efficiency include reducing emissions, saving precious resources and the creation of jobs. The planning proposal includes a new ESD clause with the following objectives:

- to improve the energy efficiency of buildings by reducing energy intensity per square metre;
- to move towards a net-zero carbon precinct; and
- to reduce ongoing infrastructure costs.

To achieve the objectives the planning proposal proposes to:

- a) Include a new clause which requires:
 - The design of buildings and building services for new developments in tower cluster areas within Central Sydney must take appropriate measures to ensure the development is capable of achieving best practice NABERS Energy with a Commitment Agreement.

3. MAPPING

The planning proposal seeks to amend the following maps:

1. Amend Height of Buildings Map to:
 - (a) identify land that is affected by sun access planes; and
 - (b) identify sites on Central Sydney's western edge where the maximum building height is increased to 110 m.
2. Amend the Sun Access Protection Map to:
 - (a) identify land that is subject to no additional overshadowing controls; and
 - (b) Identify land that is affected by sun access planes.
 - (c) removal of 'Category A' and 'Category B' Land.
3. Amend the Locality and Site Identification Map to include the Observatory Hill within the boundaries of 'Central Sydney'.
4. Minor Amendments to the boundaries of certain Special Character Areas on the Special Character Area Map to better reflect their Special Character.
5. Amend the Locality and Site Identification Map to include the tower cluster areas for the purposes of the new design excellence pathway.

4. NEED FOR THE PLANNING PROPOSAL

The planning proposal is required to statutorily give effect to key elements of Council's draft Central Sydney Planning Strategy. Until site specific amendments for select site, implementing the strategy through comprehensive amendments such as those proposed to Sydney LEP 2012 not only provides for opportunities for additional

development in the right locations but ensures consistency in amendments throughout Central Sydney.

These amendments will in turn encourage new and additional growth that is employment focused that is also balanced with additional environmental sustainability, improved design outcomes and public open space initiatives.

The proposal is also supported by amendments to Sydney DCP and supporting guidelines that will further comprehensively implement the draft strategy.

Therefore, the planning proposal is the only way to amend the planning controls for Central Sydney and is the best means of achieving Council's intended outcomes.

5. STRATEGIC ASSESSMENT

5.1 Regional / District

Eastern City District Plan

Released in March 2018 the Eastern City District Plan seeks to give effect to the *Grater Sydney Region Plan – A Metropolis of Three Cities*. It identifies 22 planning priorities and associated actions that are important to achieving a liveable, productive and sustainable future for the district, including the alignment of infrastructure with growth. Council's planning proposal is consistent with the relevant planning priorities in the District Plan as demonstrated in **Table 5**.

Table 5: Consistency with Eastern City District Plan

Consistency with Eastern City District Plan	
Priority	Comment
Planning Priority E1: Planning for a city supported by infrastructure	The proposal is consistent with Planning Priority E1, as it will provide additional floor space opportunities for employment uses in a location that is well serviced by an efficient and reliable public transport network and urban services, including new infrastructure that will be available to the city such as Metro. In addition, the proposed section 7.12 contributions plan will assist in providing additional funds to support the delivery of community and service infrastructure such as pedestrian links, cycle paths public squares, libraries, childcare and cultural facilities and green open spaces.
Planning Priority E2: Working through collaboration	The proposal is consistent with Planning Priority E2, as it will be implemented through collaboration between the State and Local Government levels. The planning proposal will also be referred to various government agencies and private organisations including Sydney Airport Corporation to provide advice.
Planning Priority E3: Providing services and social infrastructure to meet people's changing needs	The proposal is consistent with Planning Priority E3, as the principles of the planning proposal and the proposed section 7.12 contributions plan aim to ensure that adequate and appropriate local infrastructure accompanies growth. Updating solar access planes and introducing view corridor requirements will elevate the importance of public places and the public domain as key infrastructure that will support and ensure Central Sydney remains a highly desirable place.
Planning Priority E6: Creating and renewing great places and local	The proposal is consistent with Planning Priority E6, as it does not propose to change any provisions within the Sydney LEP 2012 that relate to heritage conservation.

Consistency with Eastern City District Plan	
Priority	Comment
centres and respecting the district's heritage	
Planning Priority E7: Growing a stronger and more competitive Harbour CBD;	<p>The proposal is consistent with Planning Priority E7, as it will incentivise the delivery of employment floor space in an high desirable location within the Economic Corridor, which will assist in meeting the job targets identified in the Eastern City District Plan. In addition to incentivising commercial uses, the proposal will encourage visitor and tourist accommodation, excluding serviced apartments, to enable a stronger and more competitive Harbour CBD.</p> <p>The Eastern District Plan states that the Sydney CBD planning controls need to support commercial developments, otherwise there will be insufficient floor space to accommodate the 45,000-80,000 future jobs forecast. The planning proposal will assist in bridging the gap in the shortfall of floor space for future jobs.</p> <p>The proposed changes in building height along the Western Edge, has the potential to create an additional 40,000m² of office space. This equates to space for at least an additional 2,000 jobs.</p>
Planning Priority E8: Growing and investing in health and education precincts and the Innovation Corridor	The proposal is consistent with Planning Priority E8, as it will create opportunities for employment uses and amenities, which will support the Innovation Corridor and surrounds.
Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city	<p>The proposal is consistent with Planning Priority E10, as it will provide employment opportunities in a location that has good access to well-connected public transport including buses, ferries, light rail, trains and Sydney Airport.</p> <p>In addition, the new Sydney Metro City and Southwest will provide further transport connections into Central Sydney.</p>
Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres	<p>The proposal is consistent with Planning Priority E11, as it will assist in providing floor space for employment uses and attract global and local investment and business activity within Central Sydney.</p> <p>The proposed identified tower cluster areas will incentivise employment uses enabling growth. The proposed changes to accommodation floor space (clause 6.4 of the Sydney LEP 2012) will increase opportunities for employment floor space in Central Sydney.</p> <p>The proposed controls will ensure that office developments continue to be concentrated in Central Sydney. This will stimulate investment and business activity, increase productivity and address land use conflicts arising from residential intrusions into Central Sydney's commercial core.</p> <p>Refining sun access controls to protect public parks and places will ensure that Central Sydney continues to be an attractive place to live, work and play; and continue to grow.</p>
Planning Priority E13: Supporting growth of targeted industry sectors	The proposal is consistent with Planning Priority E13, as it will create opportunities for employments uses and associated services, supporting growth of industry and specific sectors and will provide opportunities for a diverse range of employment uses.
Planning Priority E18: Delivering high quality open space	The proposal is consistent with Planning Priority E18, as it seeks to protect key open spaces and public views through revising the sun access plane controls and including a new provision to protect key public views.
Planning Priority E19: Reducing carbon emissions and managing	The proposal is consistent with Planning Priority E19, as it will generate employment opportunities with good access to public transport, which will reduce carbon emissions. The proposed ESD provisions seek to improve

Consistency with Eastern City District Plan	
Priority	Comment
energy water and waste efficiently	energy efficiency of buildings which will reduce emissions and assist Council's move towards a net zero carbon precinct.

5.2 Local

Sustainable Sydney 2030

Council's Sustainable Sydney 2030 Community Strategic Plan is the vision for the sustainable development of the City of Sydney to 2030 and beyond. It includes 10 strategic directions to guide the future of the City and 10 targets against which to measure progress.

Council has assessed the planning proposal against Sustainable Sydney 2030, which is in Section B – Relationship to Strategic Planning Framework on page 42 of the planning proposal. The planning proposal is consistent with the Sustainable Sydney 2030 plan.

Draft Central Sydney Planning Strategy

As previously outlined the draft Strategy informs the Central Sydney planning proposal. It has been developed as Council's 20-year plan for Central Sydney and seeks to inform revisions to the City's planning controls and facilitate the delivery of the City of Sydney's Sustainable Sydney 2030.

The Strategy's Structure Plan (**Figure 12**) showcases the 10 key moves previously outlined in Section 1.1, but also comprehensively illustrates the open space, place and transport connections for the Central Sydney. It also highlights how this relates to areas of future high density proposed in the new tower cluster areas.

The Council's approach to the planning for Central Sydney has been comprehensive is has been appropriately supported by a suite of other measures such as amendments to the DCP, a new Section 7.12 plan, affordable housing and supporting guidelines. It is along forward thinking in seeking to plan for both the short, medium and longer term planning for an ever evolving city.

Therefore, the proposal is considered appropriate as it fully supports and implements the key directions of the strategy that it:

- will protect solar access to key open space and places
- is expected to be supported by the delivery of infrastructure and support services to meet the needs of the expected numbers of workers, visitors and residents;
- relies upon existing transport capacity and services to support and encourage the use of public transport, while facilitating and supporting the future extension of the metro service
- strengthens the Sydney CBD as the nation's key employment hub; and
- implements the long term aims of the strategy to provide sustained delivery of employment growth, which aligns with the vision of City's Sustainable Sydney 2030.



Figure 12: Draft Strategy Structure Plan (Source: draft *Central Sydney Planning Strategy*, City of Sydney Council, 2016)

Draft Local Strategic Planning Statement

Councils across NSW are developing their Local Strategic Planning Statements (LSPS), which will set out a 20-year land use framework for their areas to help identify ways to manage growth and change into the future.

In consultation with their communities and relevant state agencies Councils are determining the priorities for their area to inform preparation of these LSPSs. They are also to be informed by and be consistent with other applicable strategic plans prepared by the NSW Government, which in the case of this planning proposal is the Greater Sydney Region Plan and Eastern District Plan.

City of Sydney Council has prepared its draft LSPS to respond to and reflect these joint aspirations, and to identify where further strategic planning effort may be needed to support new or amended planning controls and policies, including amendments to Sydney LEP 2012.

The Draft LSPS is expected to be approved by the Greater Sydney Commission and in place by 31 March 2020. Proposed amendments to Sydney LEP 2012 are required to give effect to the directions set by the LSPS.

Adopted by Council at its meeting of 17 February 2020, a key component of Council's LSPS is to implement its draft Central Sydney Strategy via the subject planning proposal.

It is considered that the principles of the planning proposal are generally consistent with the LSPS. **Table 6** also provides an assessment of the key actions outlined in the Council's LSPS as applicable to the planning proposal.

Table 6: Assessment of proposal against draft LSPS

LSPS Action	Comment	Complies
<p>Action P1.1: Prioritise and increase capacity for economic and employment growth in Central Sydney to contribute towards achieving the jobs target for the Harbour CBD.</p> <p>Action P1.2: Provide an appropriate mix of land uses that support Central Sydney's role as the metropolitan centre and its visitor and night-time economies, including a range of retail, recreational, community, cultural and entertainment activities and hotel accommodation in the right locations.</p> <p>Action P1.5: Finalise and implement the Draft Central Sydney Planning Strategy framework, including:</p> <ul style="list-style-type: none">a) prioritising and increasing capacity for employment and economic growth in Central Sydney through genuine mixed-use controls and refined height limits in key areas;b) protecting sunlight to important public spaces and parks;c) ensuring that development responds to context and enhances amenity for building occupants and people in the public domain (including outlook, daylight and wind) through setbacks and design excellence requirements;d) requiring best practice energy and water standards that contribute to net-zero energy outcomes;e) enhancing and protecting Central Sydney's diverse heritage characteristics;f) improving connectivity and enhancing and expanding Central Sydney's public places and spaces and pedestrian and open space network.	<p>The proposal is consistent with the LSPS as it:</p> <ul style="list-style-type: none">• delivers increased capacity for economic and employment growth in Central Sydney to achieve jobs targets;• provides for a mix of uses that support Central Sydney's role as Global City, Metropolitan centre, and visitor and night time economy destination;• implements the Draft Central Sydney Planning Strategy.	Yes

Draft Local Housing Strategy

Council adopted their Local Housing Strategy (LHS) at its meeting on 17 February 2020. The LHS provides a strategic framework for where residential growth will occur, establishes how much growth will occur, and set out the actions that Council will take to deliver the housing outcomes that are desired.

The planning proposal seeks to limit the incentive for residential development in Central Sydney in order to deliver increased capacity for economic and employment growth, supporting Sydney's role as a Global City.

The Department notes that Council's LHS is based off the existing planning controls, any changes to the planning controls should consider the impacts on the delivery of housing within the LGA. As such, this will be further considered by Council and the Department during the review of the LHS.

5.3 Section 9.1 Ministerial Directions

The planning proposal generally complies with the applicable section 9.1 Ministerial Directions as detailed in **Table 7**.

Table 7: Consistency with Ministerial Directions

Section 9.1 Direction	Consistent	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none">• encourage employment growth in suitable locations;• protect employment land in business and industrial zones; and• support the viability of identified centres. <p>The planning proposal seeks to introduce new controls that promote the growth of employment floor space within Central Sydney.</p> <p>The planning proposal is consistent with this direction as it will introduce up to 50% additional employment floor space within the tower cluster area, through an enhanced design excellence process. Accordingly, it will encourage the development of new and additional employment development.</p>
2. Environment and Heritage		
2.3 Heritage Conservation	Yes	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal does not propose to change any provisions directly relating to heritage conservation.</p>
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none">• encourage a variety and choice of housing types to provide for existing and future housing needs;• make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and• minimise the impact of residential development on the environment and resource lands.

Section 9.1 Direction	Consistent	Comment
		<p>Although the planning proposal seeks to remove residential accommodation from Clause 6.4 – Accommodation floor space of the Sydney LEP 2012 and exclude residential uses from the newly proposed Clause 6.21(7A) – Design excellence in a tower cluster area, these amendments do not preclude residential development but rather help to incentivise the delivery of employment development. This approach is supported as it aims to strengthen and retain the city’s status as a global city.</p> <p>The Department notes that Council’s Local Housing Strategy also reviews the housing needs of the broader LGA, including Central Sydney and will be assessed for approval by the Department to ensure that medium to long term housing needs of the Sydney LGA are suitable.</p>
3.4 Integrating Land Use and Transport	Yes	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. <p>The planning proposal is consistent with this Direction as it seeks to provide opportunities for employment growth within identified tower cluster areas, close to established transport networks. In addition, the Sydney Metro City and Southwest will further improve transport access to Central Sydney.</p>
3.5 Development Near Licensed Aerodromes	Yes	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) to ensure the effective and safe operation of regulated airports and defence airfields; (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; (c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. <p>The planning proposal seeks to increase the maximum building height from 80m to 110m within the western edge of Central Sydney.</p> <p>The Obstacle Limitation Surface (OLS) defines the airspace surrounding an airport that must be protected from obstacles to ensure aircraft can fly safely.</p> <p>This Direction requires consultation with the lessee/operator of the regulated airport and the Commonwealth Department responsible for airports during the preparing the planning proposal. Council has advised that consultation occurred with agencies in 2015-2016.</p>

Section 9.1 Direction	Consistent	Comment
4. Hazard and Risk		
4.3 Flood Prone Land	Yes	<p>The objectives of this directions are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>This planning proposal will significantly increase development potential (in terms of floor space) currently achievable under the LEP in the tower cluster areas and the Western Edge. The intensification of development in Central Sydney is an intended outcome on this proposal.</p> <p>In August 2016, Council adopted a floodplain risk management plan, risk management study and flood study for the entire local government area. These documents are a comprehensive suite of flood management measures for Central Sydney flood catchments. The documents have been prepared in line with the NSW Government's Flood prone Land Policy and Floodplain Development Manual (2005).</p> <p>It is noted that Clause 7.15 of the LEP already includes provisions to minimise flood hazards. As part of the Local Strategic Planning Statement, Council is investigating establishing a set of LEP flood maps.</p> <p>This Planning Proposal makes no amendments to the flood planning clause in the LEP. Future development applications will continue to be required to address flooding risks.</p>
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Refer to Section 5.0 of this report for further details.
6. Local Plan Making		
6.3 Site Specific Provisions	Yes	<p>This Direction applies to planning proposals which seek to allow a particular development to be carried out through a site-specific planning control. The objective of the Direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>This direction is not applicable as the planning proposal is not a site-specific planning proposal.</p>
7 Metropolitan Planning		
7.1 Implementation of a Plan for Growing Sydney	Yes	Refer to Section 5.1 of this report for further detail.

5.4 State Environmental Planning Policies

The planning proposal generally complies with the applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs as detailed in **Table 8**.

Table 8: Assessment of proposal against relevant SEPPs and deemed SEPPs

SEPP	Requirement	Proposal	Complies
SEPP 55 – Remediation of Land	Clause 6 of SEPP 55 requires that the planning authority be satisfied that the land is suitable or can be rehabilitated for all permissible uses in the zone.	The planning proposal doesn't seek to amend the zoning or the land use within Central Sydney. The Department notes the proposal seeks to increase the density. Therefore, the Department considers the land within Central Sydney to be suitable for the intended use. However, any future development applications will need to consider SEPP 55.	Yes
SEPP 70 – Affordable Housing (Revised Schemes)	This SEPP allows the imposition of conditions relating to the provision of affordable housing.	On 25 May 2017, Council submitted its draft Affordable Housing Program to the Department for Gateway Determination. It seeks to consolidate Council's existing affordable housing programs into a single guideline for the application of affordable housing contributions across the entire LGA. On 10 January 2018, Gateway Determination was issued by the Acting Deputy Secretary to amend affordable housing provisions in the Sydney LEP 2012. The affordable housing program for Central Sydney has been expedited into the aforementioned Affordable Housing Program. Therefore, this SEPP will not apply to the planning proposal.	Yes
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP aims to ensure consistency in the implementation of the BASIX scheme throughout the State.	The planning proposal seeks to amend Clause 6.3 of the Sydney LEP 2012 to ensure a BASIX affected development is to be rated at 5 BASIX points above the State-mandated target for water and 10 BASIX points above the State-mandated target for energy before additional floor space can be granted. The planning proposal is not considered to be inconsistent with the BASIX SEPP. However, further consultation with Council may be required prior to drafting and finalisation of the clause.	Yes

SEPP	Requirement	Proposal	Complies
SEPP (Infrastructure) 2007	The SEPP provides permissibility and development application provisions which apply across the State for each infrastructure sector.	The planning proposal will not contravene the requirements of the SEPP.	Yes
SEPP (State and Regional Development) 2011	This SEPP aims to identify development that is State significant development.	The planning proposal will not contravene the requirements of the SEPP.	Yes
SEPP (State Significant Precincts) 2005	This SEPP aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State.	The planning proposal will not contravene the requirements of the SEPP.	Yes
SREP (Sydney Harbour Catchment) 2005	This plan aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.	Whilst the proposal affects land that is subject to this SREP, it does not change the operation or consideration of this SREP in future development assessment. Accordingly, the proposal is considered to adequately respond to the requirements of this SREP.	Yes

6. ASSESSMENT

As part of the Department's assessment the following key issues have been considered:

- environmental including the impacts of the proposed changes to design excellence, accommodation floor space, increase in heights along the western edge, sun access planes and no additional overshadowing, tall buildings, public views, ecological sustainable development, and changes to the objectives;
- economic impacts;
- social impacts; and
- infrastructure.

The Department supports the key principles of the planning proposal which are to:

- incentivise employment floor space to enable a stronger and more competitive Harbour CBD and ensure that Sydney remains a global City;
- facilitate a positive social impact for the region by assisting in providing much needed employment floor space and jobs;
- ensure solar access to public spaces and key public views are protected;
- provide employment opportunities with good access to public transport;
- ensure that tall buildings are of an appropriate form for their site size and context to ensure amenity is maintained; and

- ensure building design considers ecological sustainable development.

6.1 Environmental

The proposed increase in scale and massing of development in the proposed locations through the city centre has the potential to increase the impacts of overshadowing, reducing views along key corridors and overshadow key open space and places in the city.

To address these issues planning proposal has incorporated a suite of measures such as view corridor protection measures, improved sustainability requirements, adjustment of the accommodate floor space controls and the solar access planes, and revisions to the building height objectives. This is further supported by the implementation of increased requirements for design excellence where development seeks to capture additional floor space.

Consequently, the built form that will eventuate from implementing the planning proposal is considered appropriate on the basis that the collective application of the existing and proposed controls will:

- will ensure that key views are preserved to then add and protect the amenity of the city;
- the solar access to main parks and places in the city is protected at key times of the year, safeguarding these places as important places that benefit all who work, live and visit the city;
- ensure that development is proportionate to key transport and employment nodes in the city;
- help development achieve new benchmarks in design that will help to contribute and enhance Sydney's recognisable built skyline; and
- encourage improved sustainable outcomes.

6.2 Economic

The proposed alteration of addition floor space controls under clause 6.4 of the Sydney LEP 2012 will help to rebalance between employment generating uses, residential uses and important supporting infrastructure.

This approach ensures that a more appropriate balance of land uses is achieved under the proposed controls, with a primary focus of helping to deliver new employment opportunities in key locations well serviced by existing and new transport, and where development can suitably add to the unique city skyline while not compromising on key public places and open spaces.

This outcome is consistent with the expectations of the Eastern District Plan.

6.3 Social

The planning proposal generates a number of positive social outcomes across Central Sydney. These include:

- protecting public spaces and public views and safeguarding community infrastructure;
- facilitating continued economic growth of Central Sydney;
- promoting jobs and floor space for employment uses such as commercial and tourism (excluding serviced apartments);
- the delivery of local infrastructure which responds to growth; and

- limiting residential development and promoting employment uses within the Economic Corridor.

The outcomes sought associated with facilitating continued economic growth and the promotion of jobs and tourism are supported and are consistent with the key objectives of the Eastern City District Plan.

6.4 Infrastructure

Whilst not part of the planning proposal, to ensure sufficient local infrastructure will be delivered in Central Sydney under proposed planning controls, Council has prepared a draft contributions plan to increase the contribution permitted under section 25K of the *Environmental Planning and Assessment Regulation 2000* from 1% to 3% on the cost of new development with a development cost of \$200,000 or more.

The draft contributions plan seeks to fund a variety of infrastructure, services and amenities including:

- Open space – such as children’s playgrounds, and upgrades to Hyde Park and Belmore Park;
- Public Domain improvements – such as George Street public domain enhancements associated with the Light Rail, laneway improvements and public toilets;
- Community Facilities – such as Prince Alfred Park pool, the community creative hub and new Darling Square library fit out; and
- Roads, Traffic and Transport facilities – such as city centre cycleways, street upgrades and pedestrian crossings.

The combination of contributions under this draft plan and other contributions required to be provided and/or paid for new development are expected to ensure that social and public infrastructure will support new development and enhance the city scape.

7. CONSULTATION

7.1 Community

The planning proposal proposes a public exhibition period for a minimum of 28 days, this meets the statutory requirements of the EP&A Act.

It should be noted that any substantial changes to the planning proposal may require re-exhibition of the planning proposal.

Council, as the planning proposal authority, will be responsible for public consultation. Council has advised that this will include newspaper notification, displays at Council customer service centres and information on Council’s webpage.

7.2 Agencies

Central Sydney is well serviced by a range of public utilities including electricity, telecommunications, water, sewer and stormwater. However, so that infrastructure providers are made aware of the proposed increase in density in Central Sydney it is recommended that service infrastructure providers be consulted with during exhibition.

In this regard and based on the significance of this proposal it is recommended that consultation be required with the following public authorities under section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979*:

- Transport for NSW;
- Department of Education (including Schools Infrastructure NSW);
- Sydney Airport Corporation;
- Civil Aviation Safety Authority;
- the Commonwealth Department of Infrastructure, Regional Development and Cities;
- Air Services Australia;
- NSW Government Architect;
- the Department of Customer Service, Building Policy;
- Environment, Energy and Science;
- Sydney Metro;
- Heritage Council;
- Sydney Water;
- AGL;
- Ausgrid;
- Energy Australia;
- Sydney Harbour Foreshore Authority;
- Sydney Opera House;
- Water NSW;
- Government Property NSW;
- Museum of Applied Arts and Sciences;
- Greater Sydney Commission; and
- Department of Primary Industries including Crown Land.

8. TIME FRAME

Council has included a project timeline of seven months, however the complexity of this proposal the Department has allowed 12 months for this proposal. This allows Council to complete the proposal prior to this timeframe.

9. LOCAL PLAN-MAKING AUTHORITY

Council has requested authorisation to act as the local plan-making authority. It is considered that the Department should be the local plan-making authority for this planning proposal due to the complexities of the planning proposal.

10. CONCLUSION

The Department supports the important key objectives of the planning proposal is to incentivise employment generating uses in the City.

The planning proposal is recommended to proceed subject to conditions as:

- The planning proposal is consistent State policies including Eastern City District Plan and generally consistent with the relevant section 9.1 Ministerial Directions and State Environmental Planning Policies;
- it will support employment growth to enable a stronger and more competitive Harbour CBD and ensure that Sydney remains a Global City;

- it will facilitate a positive social impact for the region by assisting in providing much needed employment floor space and jobs;
- it will protect solar access to public spaces and protect key public views; and
- it provides employment opportunities with good access to public transport.

Whilst the Department supports the general principles of the planning proposal it is keen to understand the community and industries views through the public consultation process.

10. RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
 - (c) All landowners and occupiers within Central Sydney must be notified in writing of the public exhibition.
2. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Transport for NSW;
 - Department of Education (including Schools Infrastructure NSW);
 - Sydney Airport Corporation;
 - Civil Aviation Safety Authority;
 - the Commonwealth Department of Infrastructure, Regional Development and Cities;
 - Air Services Australia;
 - NSW Government Architect;
 - the Department of Customer Service, Building Policy;
 - Environment, Energy and Science;
 - Sydney Metro;
 - Heritage Council;
 - Sydney Water;
 - AGL;
 - Ausgrid;
 - Energy Australia;
 - Sydney Harbour Foreshore Authority;
 - Sydney Opera House;

- Water NSW;
- Government Property NSW;
- Museum of Applied Arts and Sciences;
- Greater Sydney Commission; and
- Department of Primary Industries including Crown Land.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 28 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Endorsed By:



Amanda Harvey 10/03/2020
Acting Executive Director,
Eastern District (Harbour City)
Greater Sydney, Place and Infrastructure



Brett Whitworth
Deputy Secretary,
Greater Sydney, Place and
Infrastructure

11 March 2020