

Planning Proposal 4-6 Bligh Street

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

February March 2018



Contents

Introduction	2
Part 1 – Objectives or Intended Outcomes	9
Part 2 – Explanation of the Provisions	9
Part 3 – Justification	12
Part 4 – Mapping	22
Part 5 – Community Consultation	22
Part 6 – Project Timeline.....	23

Introduction

This Planning Proposal explains the intent of, and justification for the proposed amendment to Sydney Local Environmental Plan.

The proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Background

In July 2016 Council and the Central Sydney Planning Committee (CSPC) endorsed draft Central Sydney Planning Strategy (proposed Strategy), Central Sydney Planning Proposal, draft Sydney DCP 2012 – Central Sydney Planning Review Amendment (draft Sydney DCP 2012) and draft Affordable Housing Program for public exhibition following a gateway determination.

Council and CSPC also endorsed the aims of the proposed Strategy as matters to be addressed in any planning proposal for a site in Central Sydney that seeks to amend Sydney Local Environment Plan 2012 (SLEP 2012). A request for gateway determination for the Central Sydney Planning Proposal, supported by the proposed Strategy, was submitted in August 2016.

In August 2017 Architectus, on behalf of site owner SC Capital Partners Group, provided preliminary information to the City for a potential planning proposal for 4-6 Bligh Street, to increase the maximum Floor Space Ratio (FSR) to enable a hotel tower above an office podium. The information was generally in line with the City's proposed Central Sydney Planning Strategy adopted by Council and CSPC in July 2016, however at the time of writing this has not been endorsed by the Department of Planning and Environment.

The estimated value of the future hotel and office development, being over \$100 million, categorises it as State Significant Development under State Environmental Planning Policy (State and Regional Development) 2011. As such Council and the Central Sydney Planning Committee (CSPC) would not be the consent authority for the future development application and Sydney Development Control Plan 2012 would not apply.

In September 2017, the City responded to the potential planning proposal welcoming continued dialogue in line with the proposed Strategy. However, an increase in FSR it was felt should not be considered until the NSW Government had issued a gateway determination for the proposed Strategy and associated Central Sydney Planning Proposal to enable public exhibition.

On 27 October 2017, a Rezoning Review request was lodged and referred to the Planning Assessment Commission. Independently, on the same day, taking into consideration the Department's opinion and that the development would be classified as State Significant Development, the City advised it would consider a planning proposal request if lodged.

On 1 December 2017, a rezoning review was undertaken by the Planning Assessment Commission. It concluded that the proposal should be submitted for Gateway determination, because the proposal has demonstrated Strategic Merit and Site Specific Merit. However, the recommendation report notes:

- (a) the proponent is to demonstrate how the additional FSR is to be accommodated or how the maximum FSR should be reduced to reflect what is achievable;

- (b) the strategic merit of the project is intrinsically linked to the proposed development of hotel accommodation and modern office space; and also intrinsically dependent on the provision of infrastructure funding and satisfactory arrangements are required for the proposal to progress to finalisation; and
- (c) refinements will be required to fully characterise the potential impacts of the development, which can be finalised as part of the detailed review of the planning proposal.
- (d) On 11 January 2018, the Department issued a letter providing Council the opportunity to be the planning authority to prepare a planning proposal for Gateway determination. Council accepted this role in February 2018.
- (e) In February 2018, the proponent formally lodged a planning proposal request with the City including some refinements and clarifications to the building envelope.

Taking into consideration the Planning Assessment Commissions recommendation and the fact that the development would be classified as State Significant Development, the City has prepared a planning proposal to amend *Sydney Local Environmental Plan 2012* and *Sydney Development Control Plan 2012*.

Site Identification

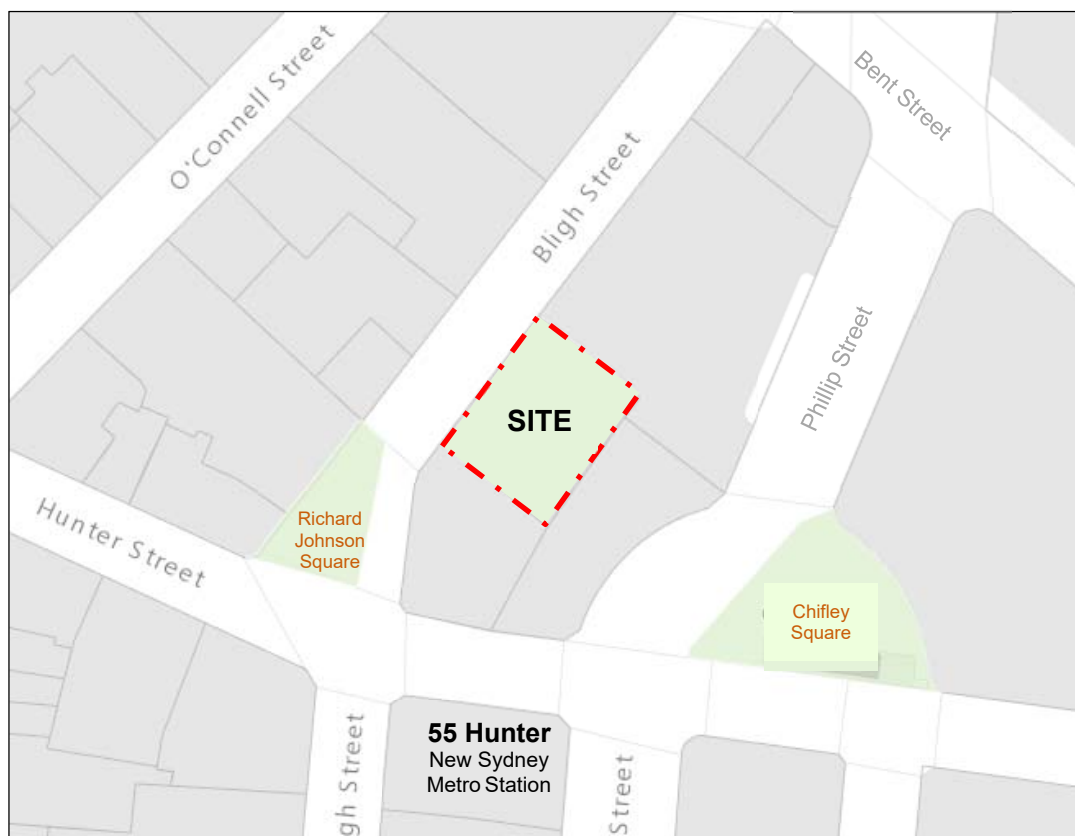
Location

The planning proposal relates to 4-6 Bligh Street, Sydney, located within Central Sydney's financial, professional and business services core, 200 metres north of Martin Place and 470 metres south of Circular Quay. See location map below at Figure 1.

Land Ownership

4-6 Bligh Street is a single landholding owned by One Investment Management Pty Ltd. The legal description of the land affected by this planning proposal is Lot A DP 184770, Lot 1 DP 919932, Lot 1 DP 134866, Lot 2 DP 134866.

Figure 1 – Site location map



Site Characteristics

The total site area of 4-6 Bligh Street is approximately 1218m².

The area is characterised by a mix of commercial office and hotel uses with some ground level retail, restaurant, and café uses in buildings of varying heights, ages and styles.

The height of buildings in this part of the CBD immediately surrounding the site is characterised by predominately mid-rise buildings with taller high-rise tower buildings located further beyond and surrounding the site.

Existing Planning Controls

Table A and Map Extracts A-E below summarise the key planning controls in SLEP2012 that are relevant to this Planning Proposal.

Table A – Key planning controls in SLEP 2012

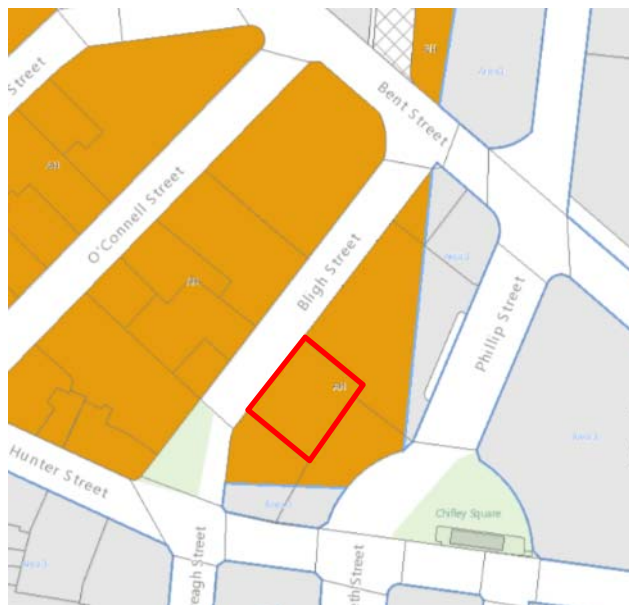
Relevant Control / Provision	Comment
Zoning B8 Metropolitan Centre Refer to Map Extract A	The B8 Zone permits a broad range of uses including commercial premises, community facilities, food and drink premises, residential accommodation and tourist or visitor accommodation.
Building Height Refer to Map Extract B from <i>Height of Buildings Map</i>	The maximum permissible building height for the site is 235m.
Floor Space Ratio 14.88:1 (8:1 base FSR + 6:1 hotel FSR + 4.5:1 office and retail FSR) Refer to Map Extract C	SLEP2012 Clause 6.4 <i>Accommodation floor space</i> allows an additional amount of FSR subject to design excellence and the purchase of heritage floor space. Pursuant to Clause 6.21(7), the consent authority may grant an additional 10% of floor area if a competitive design process has been undertaken and design excellence is demonstrated.
Sun Access Protection Refer to Map Extract D	The site is affected by controls to protect further overshadowing of Pitt Street Mall and Chiefly Square. SLEP 2012 cl. 6.19 Overshadowing of certain public places provides that there shall be no additional overshadowing of Pitt Street Mall and Chiefly Square during specified times.
Heritage Refer to Map Extract E	The site does not contain any heritage items but adjoins and is located in the vicinity of a number of items including the Sofitel Sydney Wentworth hotel, the City Mutual Building and 1 Chifley Square.

Map Extract A – Zoning Map



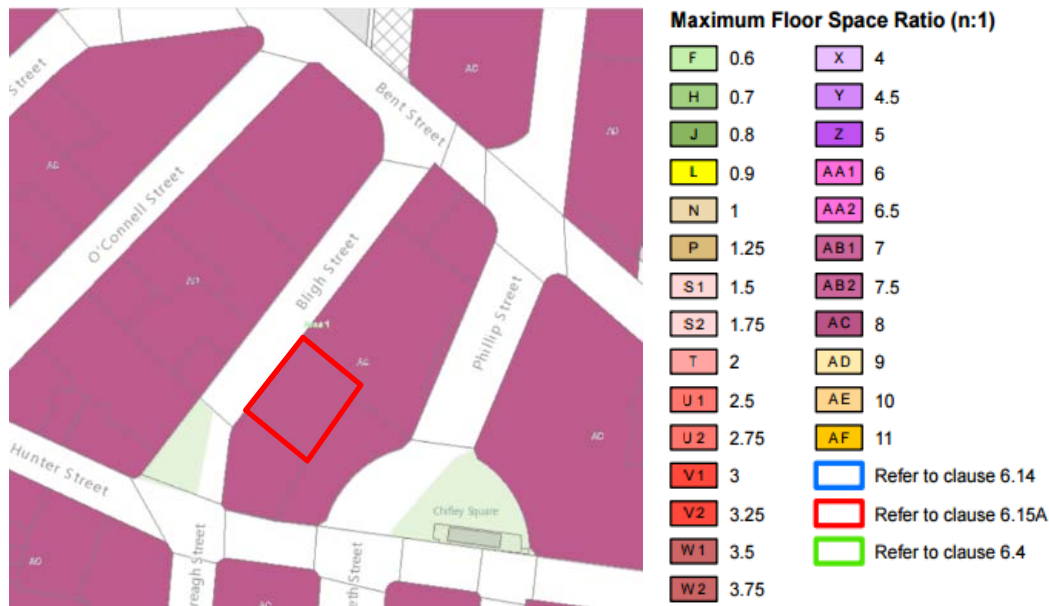
Zone	
B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
B5	Business Development
B6	Enterprise Corridor
B7	Business Park
B8	Metropolitan Centre
IN1	General Industrial
IN2	Light Industrial
R1	General Residential
R2	Low Density Residential
RE1	Public Recreation
SP1	Special Activities
SP2	Infrastructure

Map Extract B – Height of Buildings Map

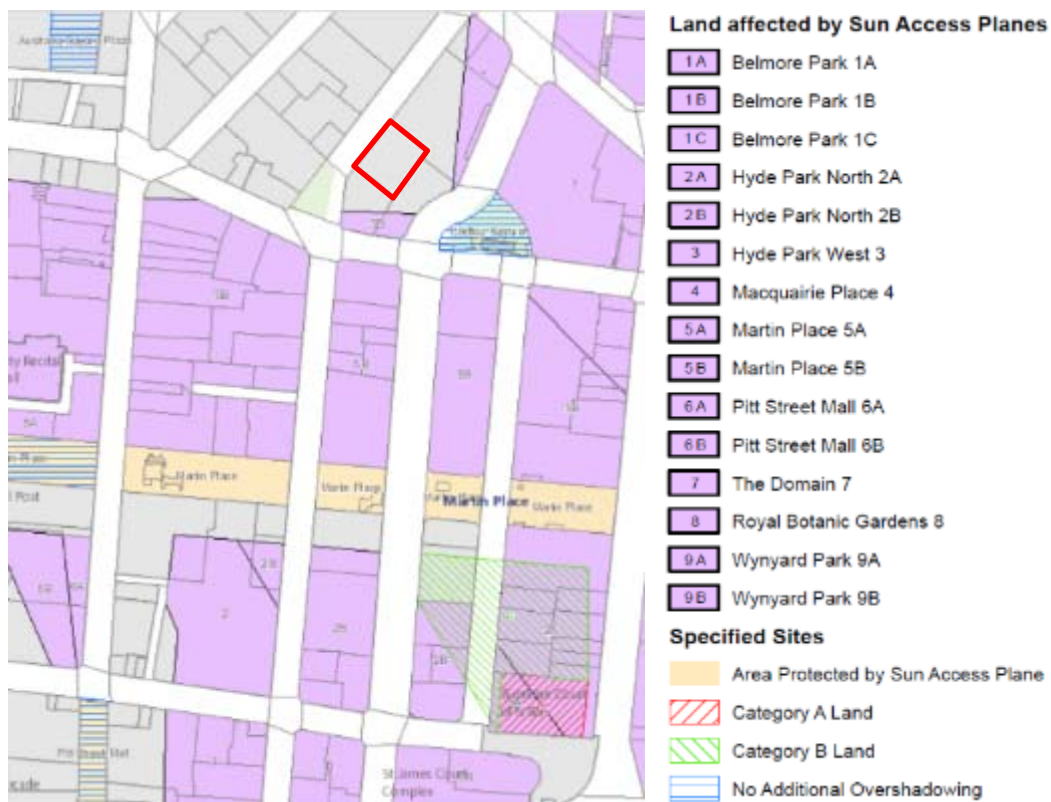


Maximum Building Height (m)	
A	3
E	6
H	7.5
I	8
J	9
L	11
M	12
O	15
P	18
R	22
S	24
T1	25
T2	27
T3	28
T4	29
U1	30
U2	33
V	35
W1	40
W2	42
X	45
Y	50
Z	55
AA1	60
AA2	65
AA3	70
AB1	80
AB2	85
AC	110
AD	130
AE	150
AH	235
Area 1	
Area 2	
Area 3	
Area 4	
Area 5	

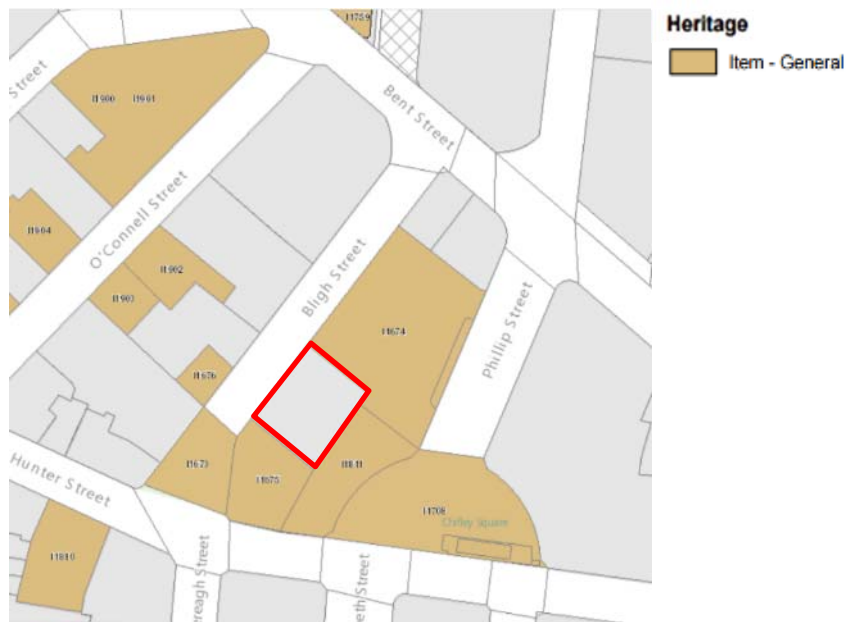
Map Extract C – Floor Space Ratio Map



Map Extract D – Sun Access Protection Map



Map Extract E – Heritage Map



Part 1 – Objectives or Intended Outcomes

The objectives of the planning proposal are to:

- facilitate the redevelopment of the site to allow additional floor space capacity for uses other than residential and serviced apartments
- deliver a high quality built form and protect public domain amenity
- achieve a high standard of ecologically sustainable development and contribute towards zero net energy.

The intended outcome of the planning proposal is to facilitate redevelopment of 4-6 Bligh Street Sydney by:

- allowing Strategic floor space to achieve a maximum floor space ratio control to 22:1 including all existing additional floor space and potential design excellence bonuses under Sydney Local Environmental Plan.
- Ensure development will be subject to architectural design competition
- Ensure adequate building separation and setback to ensure an appropriate level of wind and daylight amenity for pedestrians
- Ensuring development meet 5.5 star NABERS Energy rating for the commercial component and 5 star for the hotel component and 4 star NABERS water score for commercial office and hotel
- Ensure development will include an end of trip facility
- Ensure additional floor space is commensurate with or supports the capacity of existing and planned infrastructure

Part 2 – Explanation of the Provisions

The intent of this planning proposal is to amend the existing controls to allow greater floor space capacity for this site. This is consistent with the nine aims of the draft Central Sydney Planning Strategy.

It is proposed to amend SLEP 2012, by:

- inserting a new clause and schedule allowing for Strategic floor space for the site;
- amending clause 6.3 to include new Strategic floor space as a type of additional floor space in Central Sydney,
- amending clause 4.6 to ensure the development standards under Strategic floor space cannot be varied.

The proposed outcome will be achieved by specifying:

- Provide additional strategic floorspace to enable a total FSR of 20:1 including base FSR, accommodation floor space, and any other bonus floor space but excluding any floor space eligible to be awarded as a result of design excellence, to allow the development to achieve:
 - a maximum of 22:1 including all other bonuses, and any floor space eligible to be awarded as a result of design excellence under clause 6.21(7)(b) of Sydney LEP 2012;
 - a maximum of 21.2:1 for the floor space above ground, including any floor space eligible to be awarded as a result of design excellence under clause 6.21(7)(b) of Sydney LEP 2012
- To achieve additional FSR:

- The building, as built and to be used in the future, must not be used for the purposes of residential accommodation or serviced apartments.
- Maximum height of 205m for the site:
 - Despite any other provisions in the LEP
 - No additional height can be awarded through the Design Excellence process or as a result of an architectural roof feature
 - However within the specified distance from the boundaries, the maximum height control is 45m, unless it achieves better daylight and wind conditions in the public domain
- Maximum floor plate area above podium is 600m²
- Include an end of trip facility
- Meet 5.5 star Base Building NABERS Energy rating for the commercial component and 5 star for the hotel component and 4 star NABERS water score for commercial office and hotel through a commitment agreement
- The development must be a result of an architectural design competition and exhibits design excellence. Any additional floor space eligible as a result, will be calculated to include Strategic floor space
- The development must be commensurate with or supports the capacity of existing and planned infrastructure
- Clause 4.6 cannot apply to these new controls
- Clause 6.11 will apply to these new controls in relation to all additional floor space other than the strategic floor space awarded under clause 6.X

An example of the clauses are provided below.

6.X Strategic floor space in Central Sydney

- 1) The objective of this clause is to:
 - a) allow additional height or floor space on sites in Central Sydney for uses other than residential accommodation and serviced apartments
 - b) deliver a high quality built form and protect public domain amenity
 - c) achieve a high standard of design, ecologically sustainable development and contribute towards zero net energy
 - d) ensure any development utilising strategic floor space is commensurate with or supports the capacity of existing and planned infrastructure
- 2) This clause applies to land in Central Sydney identified in Column A of Schedule XX
- 3) Despite clauses 4.3 and 4.4, the consent authority may grant development consent to the erection of a building that:
 - a) has a maximum height shown in Column B, Schedule XX, subject to the development satisfying the specified matters in Column D of Schedule XX; and
 - b) Has a strategic floor space ratio described in Column C, Schedule XX, subject to the development satisfying the specified matters in Column D of Schedule XX.
- 4) Despite any other provision of this Plan, a building erected in accordance with a development consent granted under subclause (3) must:
 - a) not be built or used in the future for the purpose of residential accommodation or serviced apartments
 - b) include an end of trip facility
 - c) exhibit design excellence as a result of an architectural design competition in line with the City's Competitive Design Policy

- d) Meet 5.5 star Base Building NABERS Energy rating for the commercial component and 5 star for the hotel component and 4 star NABERS water score for commercial office and hotel
- 5) The consent authority must not grant consent unless it is satisfied that development is commensurate or supports the capacity of existing and planned infrastructure.

Schedule XX - Strategic height and floor space in Central Sydney

Column A - Land	Column B – strategic height	Column B – strategic floor space	Column C – matters to be satisfied
4-6 Bligh Street, Sydney being Lot A DP 184770, Lot 1 DP 919932, Lot 1 DP 134866, Lot 2 DP 134866	A maximum building height of 205m and a maximum height of 45m within: a) 8 metres of the north-western (Bligh Street) boundary; b) 3 metres of the north-eastern boundary; c) 5 metres of the south-eastern boundary; and d) 3 metres of the south-western boundary.	Difference between 20:1 and any floor space eligible under clauses 6.4 to 6.9 but excluding any floor space awarded as a result of design excellence.	The development: 1) Has a maximum building height as shown in Column B or achieves better daylight and wind condition in the public domain. 2) is not eligible for any additional height under any clause 3) will not have an FSR greater than 21.3:1 for all floor space above ground level including any awarded as a result of design excellence. 4) If additional floor space is awarded under Clause 6.21(7), calculation will include the Strategic floor space set up in this clause/schedule.

6.3 Additional floor space in Central Sydney

Despite clause 4.4, the gross floor area of a building on land in Central Sydney may exceed the maximum permitted as a result of the floor space ratio shown for the land on the Floor Space Ratio Map by an amount no greater than the sum of any one or more of the following for which the building may be eligible:

- a) Any accommodation floor space,
- b) Any amount determined by the consent authority under clause 6.21(7)(b),
- c) Any car parking reduction floor space, end of journey floor space, entertainment and club floor space, lanes development floor space or opportunity floor space.
- d) - (f) (Repealed)

(g) Any Strategic floor space under Clause 6.X and Schedule XX

4.6 Exceptions to development standards

...

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- (c) clause 5.4,
- (ca) clause 4.3 (Height of buildings), but only in relation to land shown as being in Area 1 or Area 2 on the Height of Buildings Map,
- (cab) clause 4.5A (Balconies on certain residential flat buildings),
- (cb) clause 5.3A (Development below ground level in Zone RE1),
- (cc) clause 6.10 (Heritage floor space),
- (cd) clause 6.11 (Utilisation of certain additional floor space requires allocation of heritage floor space),
- (cda) clause 6.11A (Temporary alternative heritage arrangements in relation to allocation of heritage floor space),
- (ce) clause 6.17 (Sun access planes),
- (cf) clause 6.18 (Exceptions to sun access planes),
- (cg) clause 6.19 (Overshadowing of certain public places), except in respect of Australia Square Plaza, Chifley Square, First Government House Place and Sydney Town Hall steps,
- (cga) clause 6.26 (AMP Circular Quay precinct),
- (cgb) clause 6.29 (58–60 Martin Place, Sydney),
- (cgc) clause 6.33 (230–238 Sussex Street, Sydney),
- (cgd) clause 6.35 (45 Murray Street, Pyrmont), but only if the development is an alteration or addition to an existing building,
- (cge) clause 6.36 (12–20 Rosebery Avenue, 22–40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery),
- (cgf) clause 6.37 (296–298 Botany Road and 284 Wyndham Street, Alexandria),
- (cgg) clause 6.X Strategic Floor Space
- (ch) Division 1 of Part 7 (Car parking ancillary to other development).

Part 3 – Justification

This section of the planning proposal provides the rationale for the amendments and responds to questions set out in the document entitled *A guide to preparing planning proposals*, published by the Department of Planning and Environment in August 2016.

Section A – Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

Yes. The proposed amendment is generally consistent with the draft Central Sydney Planning Strategy 2016-2036 (the draft Strategy), which will allow for increased height and/or FSR to be achieved on sites where it can be demonstrated that this will not result in any unacceptable impacts on adjoining properties or on the public domain.

The draft Strategy is the product of the most detailed review of city centre planning controls since the City's first comprehensive planning strategy in 1971. As there will be insufficient floor space to accommodate future jobs forecast in Central Sydney, the Strategy will unlock economic opportunities and investment in jobs, and supports public improvements that make Sydney an attractive place for business, workers, residents and visitors. The Strategy outlines moves to prioritise employment growth, increase capacity and ensure infrastructure keeps pace with growth. They make Central Sydney more sustainable and protect and enhance its heritage and public spaces.

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

The planning proposal is the best, most efficient and most time effective approach to delivering the desired outcome for this site. Site specific conditions can be tested to ensure a built form is appropriate and does not result in unacceptable impacts on adjoining properties and the public domain.

Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies?)

In October 2017 the Greater Sydney Commission released the *draft Greater Sydney Region Plan*. The Region Plan sets the 40 year vision and 20 year plan for all of Greater Sydney. The Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery, and is to be implemented at a local level by District Plans.

It identifies key challenges facing Greater Sydney, which is forecast to grow from 4.7 million people to 8 million people by 2056. Greater Sydney must provide for an additional 817,000 jobs by 2036 and will need to provide 725,000 more homes over the next 20 years.

The planning proposal is consistent with the following relevant objectives and planning priorities of the draft Greater Sydney Region Plan:

- Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact
- Objective 18: Harbour CBD is stronger and more competitive
- Objective 22: Investment and business activities in centres
- Objective 24: Economic sectors are targeted for success
- Objectives 33, 34 and 35: A low carbon city contributes to net-zero emissions by 2050 and mitigates climate change

The *draft Eastern City District Plan* sets the local planning context for the City of Sydney local government area. It provides a 20-year plan to manage growth and achieve the 40-year vision of the draft Greater Sydney Region Plan.

The planning proposal is consistent with the following relevant planning priorities and actions of the *draft Eastern City District Plan*:

- Planning Priority E7: Growing a stronger and more competitive Harbour CBD
- Planning Priority E9: Growing international trade gateways
- Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres
- Planning Priority E13 Supporting growth of targeted industry sectors
- Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently

The proposed amendments to SLEP 2012 will directly facilitate these priorities by creating additional floor space for commercial office and hotel use, as well as contributing to the infrastructure and affordable housing fund.

This planning proposal supports the above key objectives and priorities as it will: provide for a high-quality office and hotel building in a highly accessible location; promote sustainable development; complement the new light rail and proposed cycle network in Central Sydney; and provide for hotel accommodation.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Sustainable Sydney 2030 is the vision for sustainable development of the City of Sydney to 2030 and beyond. It includes 10 strategic directions to guide the future of the City of Sydney. *Sustainable Sydney 2030* (SS2030) outlines the City's vision for a 'green', 'global' and 'connected' City of Sydney and sets targets, objectives and actions to achieve that vision.

As such, the Planning Proposal is consistent with *Sustainable Sydney 2030*, particularly:

- Direction 1 – A globally competitive and innovative city - The proposal will support a future high quality urban design outcome that will provide new employment opportunities. The investment into the site will help contribute to make Sydney attractive to global investors, including through ensuring a mixed use building is delivered on the site.
- Direction 2 – A leading environmental performer - The planning proposal will support a more ecologically sustainable development on the site, with a target of meeting a minimum 5.5 stars NABERS energy rating for the commercial component and 5 stars for the hotel component of the development, and 4 star NABERS water score for commercial office and hotel.
- Direction 3 – Integrated transport for a connected city - The proposal will capitalise on its close proximity to existing heavy rail train stations, future light rail, and a significant number of high frequency bus and ferry routes. The sites proximity to a broad range of services will also further limit potential future trips by vehicle and encourage sustainable transport behaviour.
- Direction 5 – A lively and engaging city centre - The mix of uses on the site will continue and significantly improve the levels of activation in this part of the City.

- Direction 6 – Vibrant local communities and economies - The planning proposal facilitates development that will enhance the CBD and Harbour area by increasing business opportunities for workers, local residents, and tourists. This Planning Proposal will allow a significant investment into central Sydney and provide for a mixed use commercial building including hotel facilities in this part of the City.
- Direction 9 – Sustainable development, renewal and design - The planning proposal includes building envelope controls that are aimed at delivering design excellence. In addition, the proposal will support a future development that is expected to include a range of sustainable building features.

By proposing a commercial and hotel building, committing to a full architectural design competition and achieving net-zero carbon, zero-waste and water sensitive outcomes, and protecting public domain amenity, the proposal is consistent with the aims of the draft Central Sydney Planning Strategy being, the guiding strategic plan for Central Sydney over the next 20 years.

Is the planning proposal consistent with applicable state environmental planning policies?

This planning proposal is consistent with applicable SEPPs and deemed SEPPs (formerly known as Regional Environmental Plans (REPs)) as shown in Table 1. In this section, 'consistent' means that the planning proposal does not contradict or hinder the application of the relevant SEPP or REP.

Table 1 – Consistency with applicable SEPPs and REPs

SEPPs with which this planning proposal is consistent	SEPP 1 – Development Standards; SEPP 19—Bushland in Urban Areas; SEPP 21—Caravan Parks; SEPP 30—Intensive Agriculture; SEPP 33—Hazardous and Offensive Development; SEPP 50—Canal Estate Development; SEPP 55—Remediation of Land; SEPP 62—Sustainable Aquaculture; SEPP 70—Affordable Housing (Revised Schemes); SEPP (Affordable Rental Housing) 2009; SEPP (Educational Establishments and Child Care Facilities) 2017; SEPP (Exempt and Complying Development Codes) 2008; SEPP (Infrastructure) 2007; SEPP (Mining, Petroleum Production and Extractive Industries) 2007; SEPP (Miscellaneous Consent Provisions) 2007; SEPP (State and Regional Development) 2011; SEPP (State Significant Precincts) 2005; SEPP (Vegetation in Non-Rural Areas) 2017
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SEPPs that are not applicable to this planning proposal	SEPP 14—Coastal Wetlands; SEPP 26—Littoral Rainforests; SEPP 36—Manufactured Home Estates; SEPP 44—Koala Habitat Protection; SEPP 47—Moore Park Showground; SEPP 52—Farm Dams and Other Works in Land and Water Management Plan Areas; SEPP 64—Advertising and Signage; SEPP 65—Design Quality of Residential Flat Development; SEPP 71—Coastal Protection; SEPP (Building Sustainability Index: BASIX) 2004; SEPP (Housing for Seniors or People with a Disability) 2004; SEPP (Kosciuszko National Park—Alpine Resorts) 2007; SEPP (Kurnell Peninsula) 1989; SEPP (Penrith Lakes Scheme) 1989; SEPP (Rural Lands) 2008; SEPP (Sydney Drinking Water Catchment) 2011; SEPP (Sydney Region Growth Centres) 2006; SEPP (Three Ports) 2013; SEPP (Urban Renewal) 2010; SEPP (Western Sydney Employment Area) 2009; SEPP (Western Sydney Parklands) 2009
REPs with which this planning proposal is consistent	Sydney REP (Sydney Harbour Catchment) 2005
REPs that are not applicable to this planning proposal	Sydney REP 8—(Central Coast Plateau Areas); Sydney REP 9—Extractive Industry (No 2—1995); Sydney REP 16—Walsh Bay; Sydney REP 20—Hawkesbury- Nepean River (No 2—1997); Sydney REP 24—Homebush Bay Area; Sydney REP 26—City West; Sydney REP 30—St Marys; Sydney REP 33—Cooks Cove; Greater Metropolitan REP No 2— Georges River Catchment; Darling Harbour Development Plan No. 1; Sydney Cove Redevelopment Authority Scheme.

State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. It specifically requires consideration when rezoning land and in determining development applications, and requires that remediation work meets certain standards and notification requirements.

Coffey has undertaken a preliminary review of the site from a contamination perspective (refer to Appendix 12) and identify potential areas of environmental concern relating to:

- Hazardous building materials in current site structures;
- Isolated leaks and/spills from mechanical plant infrastructure within the basement; and
- Suspected underground storage tanks

Coffey accordingly recommend a detailed site investigation including inspection of the suspected underground storage tanks and/or fill points. Notwithstanding, Coffey concludes that the site can be made suitable for the proposed commercial development with minimal access to soils in accordance with SEPP 55, subject to further investigations.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) aims to facilitate the effective delivery of infrastructure across the State and identifies

matters to be considered in the assessment of development adjacent to particular types of infrastructure.

The site is identified within the Interim CBD Rail Link (CBDRL) Corridor (Zone B – Tunnel) under the Infrastructure SEPP. The CBD Metro and future Martin Place station will be located within close proximity to the site (refer to **Figure 2** below).

As the site is within the CBDRL corridor, review and approval by the relevant authorities will be necessary for any proposed works in the vicinity. The proposal will also be subject to the provisions in Division 15 of the SEPP.



Figure 2: Location within the Interim CBD Rail Corridor

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Under Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, 4-6 Bligh Street is located within the Sydney Harbour Catchment Boundary but not within the Foreshores and Waterways Area Boundary.

The planning proposal does not contradict or hinder the application of the planning principles for Sydney Harbour Catchment, as set out in Clause 13 of the REP.

Is the planning proposal consistent with applicable Ministerial Directions (s.117, now section 9.1, directions)?

This planning proposal is consistent with applicable Ministerial Directions as shown in Table 2. In this section, 'consistent' means that the planning proposal does not contradict or hinder application of the relevant direction.

Table 2 – Consistency with applicable Ministerial Directions under Section 117 (now Section 9.1)

Ministerial Directions with which this planning proposal is consistent	1.1 Business and Industrial Zones; 2.3 Heritage Conservation; 3.2 Caravan Parks and Manufactured Home Estates; 3.3 Home occupations; 3.4 Integrating Land use and Transport; 3.5 Development Near Licensed Aerodromes; 4.3 Flood Prone Land; 5.10 Implementation of Regional Plans; 6.1 Approval and Referral Requirements; 6.2 Reserving Land for Public Purposes; 7.1 Implementation of A Plan for Growing Sydney
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Ministerial Directions that are not applicable to this planning proposal	1.2 Rural Zones; 1.3 Mining, Petroleum Production and Extractive Industries; 1.4 Oyster Aquaculture; 1.5 Rural Lands; 2.1 Environmental Protection Zones; 2.2 Coastal Protection; 2.4 Recreation Vehicle Areas; 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs; 3.1 Residential Zones; 3.6 Shooting Ranges; 4.1 Acid Sulfate Soils; 4.2 Mine subsidence and Unstable land; 4.4 Planning for Bushfire Protection; 5.2 Sydney Drinking Water Catchments; 5.3 Farmland of State and Regional Significance on the NSW Far North Coast; 5.4 Commercial and Retail Development along the Pacific Highway, North Coast; 5.8 Second Sydney Airport, Badgerys Creek; 5.9 North West Rail Link Corridor Strategy; 6.3 Site Specific Provisions; 7.2 Implementation of Greater Macarthur Land Release Investigation; 7.3 Parramatta Road Corridor Urban Transformation Strategy; 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan; 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan; 7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan
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Section C – 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 as a result of the proposal?

The Planning Proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

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

It is unlikely that the proposed amendments will result in development creating any environmental effects that cannot readily be controlled. As future development comprises a contemporary commercial building, existing policies, regulations and standards are already in place to ensure environmental impacts are mitigated during the construction phase and eventual use of the development.

The key environmental considerations arising from the planning proposal, particularly in relation to urban amenity, are discussed below.

Solar Access and Overshadowing

A shadow analysis has been undertaken by Architectus in the Urban Design Analysis Report at Appendix 2 to this planning proposal.

The shadow analysis shows the proposed building envelope will not cause additional overshadowing to Pitt Street Mall. There will be negligible overshadowing impacts on Chifley Square, which is already mostly in shadow from surrounding developments. This is recognised by the draft Central Sydney Planning Strategy which proposes to remove the provision for no further overshadowing to Chifley Square.

Daylight and Wind Impacts

The indicative tower setbacks varying between 3m and 8m are not consistent with the draft Strategy. Accordingly, a sky view factor report, prepared by BIM consulting (Architectus) and a pedestrian wind environment study prepared by Windtech Consultants Pty Ltd at Appendix 10 to this planning proposal, is required to demonstrate that impact of the varied setbacks is acceptable.

The sky view factor report concludes the sky visibility will not be the equivalent or better than a compliant scheme under the *draft Sydney DCP 2012 – Central Sydney Planning Review Amendment*. The resulting overall average reduction in sky visibility is less than 0.01%.

The pedestrian environment wind report concludes wind impacts will be equivalent or better than a compliant scheme, and all ground level areas along Bligh Street satisfy the appropriate wind comfort and safety criteria as outlined in the draft Sydney DCP 2012 – Central Sydney Planning Review Amendment. The report indicates a number of areas on the proposed podium roof will experience exceedances of the comfort criteria but no exceedance of the safety limit.

As the impact assessment has been undertaken using the indicative tower massing, the proposed controls reflect the envelope including a revised maximum height control.

Visual and view impacts

Architectus has undertaken a View Analysis, as part of the Building Envelope and Urban Design Study at Appendix 2 to this planning proposal. Analysis includes the visual impact of the building envelope, as well as photomontage of key viewpoints being:

- Bligh Street looking south
- Phillip Street looking south
- The Domain looking west
- Hunter Street looking west
- Elizabeth Street looking north
- Corner of Hunter and Bligh Street

A review of the images confirms that the tower will not detrimentally impact on important public views and view corridors, given the narrow street and existing street frontage heights in Bligh Street and the existing towers in the northern part of the CBD.

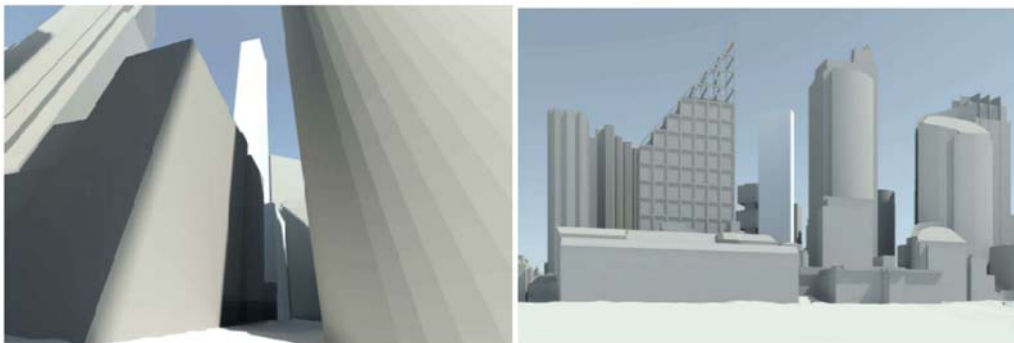


Figure 3 – Bligh Street looking south and view from the Domain looking west

Source: Architectus

Access, road carparking and public transport

An assessment of the traffic and parking implications of the proposal has been undertaken by The Transport Planning Partnership (refer to Appendix 6).

It assessed the impact based on 5,004m² GFA of commercial, 407 hotel rooms with associated food and beverage space, 526m² GFA of ground floor retail/food and drink premises, 1,451m² GFA of Gym and 444m² of upper ground floor function room uses. The report considers car parking and loading provisions to be satisfactory.

A revised traffic and parking assessment has not been undertaken given the floor space and basement reconfiguration in the planning proposal request lodged with Council. The proposal would provide 12 car parking spaces and two loading spaces within the basement carpark.

Geotechnical and Rail Impact

A Desktop Geotechnical Study was undertaken by Coffey and the report prepared is provided at Appendix 7.

The report indicates that development is feasible from a geotechnical perspective. Careful consideration is required for the potential impact on the Sydney Metro tunnel, which is programmed to be constructed prior to the proposed development. It is unlikely that the development will impose significant engineering challenges to the rail tunnel.

Further investigation and detailed assessment should be required as part of any future detailed DA for the redevelopment of the site.

Heritage

There are no listed heritage items within the site. However, there are a number of heritage items of local significance in the vicinity of the site including Richard Johnson Square, the Sofitel Wentworth Hotel, Former City Mutual Assurance building, the Former NSW Club Building and the Former Qantas Building.

The heritage impacts of the indicative redevelopment scheme have been considered by GBA Heritage in the report at Appendix 11.

The study concludes:

- The proposed new site specific FSR controls are in keeping with the intended future use and character of the area.
- The significance of the heritage items in the vicinity and their ability to contribute to the streetscape will be retained.
- The proposed development does not generate any unacceptable impacts, as the contexts and settings of the four heritage items in the vicinity of the site are retained and protected.
- The proposed envelope has been designed and sited to minimise visual dominance and respect the heritage items directly adjacent and in the vicinity.

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

This planning proposal provides an opportunity for the redevelopment of a key site within Central Sydney. Redevelopment will allow for positive social and economic effects including:

- Increasing the amount of commercial floor space available to further support Central Sydney's role as a global city;
- Providing new hotel accommodation in close proximity to business and leisure attractors including the Circular Quay and Botanic Gardens; and
- Supporting job creation through the delivery of a hotel, commercial and retail tenancies;
- Supports the provision of infrastructure needs and affordable housing.

Section D – State and Commonwealth interest

Is there adequate public infrastructure for the planning proposal?

Being located in central Sydney, the site is well serviced by the full range of public utilities including electricity, telecommunications, water, sewer and stormwater. It is expected that these services would be upgraded where required by the developer.

What are the views of State and Commonwealth public authorities consulted in the gateway determination?

Appropriate consultation will be conducted when the gateway determination is issued. Formal consultation has not yet been undertaken.

Part 4 – Mapping

This Planning Proposal does not amend any maps.

Part 5 – Community Consultation

This Planning Proposal is to be exhibited in accordance with the Gateway Determination once issued by the Greater Sydney Commission. It is anticipated the Gateway Determination will require a public exhibition for a period of not less than 28 days in accordance with Schedule 1 item 4 of the Environmental Planning and Assessment Act 1979 section 4.5 of *A Guide to preparing Local Environmental Plans*.

Notification of the public exhibition will be via:

- the City of Sydney website; and
- in newspapers that circulate widely in the area

Information relating to the Planning Proposal will be on display at the City of Sydney customer service centres.

Part 6 – Project Timeline

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

Action	Anticipated Date
Commencement / Gateway determination	April 2018
Pre-exhibition government agency consultation	May 2018
Public Exhibition	May 2018
Consideration of submissions	June 2018
Post exhibition consideration of proposal	August 2018 (CSPC) August 2018 (Council)
Draft and finalise LEP	September 2018
LEP made (if delegated)	October 2018
Plan forwarded to DPE for notification	October 2018