



Planning,
Industry &
Environment

IRF21/3151

Gateway determination report – PP-2021-4199

133-145 Castlereagh Street

August 21



Published by NSW Department of Planning, Industry and Environment

dpi.e.nsw.gov.au

Title: Gateway determination report – PP-2021-4199

Subtitle: 133-145 Castlereagh Street

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (August 21) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

1	Planning Proposal	1
1.1	Overview and objectives of planning proposal	1
1.2	Explanation of provisions	2
1.3	Site description and surrounding area.....	3
1.4	Mapping.....	7
2	Need for the planning proposal	8
3	Strategic assessment	9
3.1	Regional Plan	9
3.2	District Plan [If relevant]	9
3.3	Local.....	10
3.4	Local planning panel (LPP) recommendation.....	Error! Bookmark not defined.
3.5	Section 9.1 Ministerial Directions	12
3.6	State environmental planning policies (SEPPs)	14
4	Site-specific assessment	16
4.1	Environmental.....	16
4.2	Social and economic.....	17
4.3	Infrastructure	17
5	Consultation	18
5.1	Community	18
5.2	Agencies.....	18
6	Timeframe	18
7	Local plan-making authority	18
8	Assessment Summary	19
9	Recommendation	19

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A - Outgoing Correspondence Request for Gateway
Attachment B - Report Considered by the CSPC – 133-145 Castlereagh Street
Attachment C – Resolution of Council and CSPC – 133-145 Castlereagh Street

Supporting PP Appendices

Appendix A: Urban Design Study and Concept Reference Scheme

Appendix B: Quantity Surveyor Letter

Appendix C: Site Survey

Appendix D: Draft Site-Specific Development Control Plan

Appendix E: Draft Design Excellence Strategy

Appendix F: Traffic and Transport Impact Assessment

Appendix G: Heritage Impact Statement

Appendix H: Pedestrian Wind Environmental Impact Assessment

Appendix I: Pedestrian Footpath Analysis

Appendix J: Services Report

Appendix K: Ecologically Sustainable Development Report

Appendix L: Acoustic Impact Assessment

Appendix M: Public Art Strategy

Appendix N: Preliminary Flooding Advice

Appendix O: Skyview Factor Report

Appendix P: Desktop Geotechnical Assessment

Appendix Q: Stakeholder Engagement Plan

Appendix R: Rail Impact Report

Appendix S: Preliminary Waste Management Plan

Appendix T: Planning Agreement Public Benefit Offer

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	City of Sydney Local Government Area
PPA	City of Sydney Council
NAME	133-145 Castlereagh Street, Sydney
NUMBER	PP-2021-4199
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012
ADDRESS	133-145 Castlereagh Street, Sydney
DESCRIPTION	Lot 10 DP 828419
RECEIVED	7/07/2021
FILE NO.	IRF21/3151
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to deliver:

- a commercial office tower of variable height up to 37 storeys, which will be under the Hyde Park Sun Access Plane.
- a podium with a street wall ranging from 3 to 10 storeys in height to match adjoining building podiums, provide definition to the street, and support an activated public domain.
- a built form consistent with the future character of Central Sydney and with acceptable environmental outcomes.
- improved public domain pedestrian access and amenity through reconfigured footpaths and basement access, improved street activation and pedestrian connections, removal of the skybridges, and improved solar access to Hyde Park.
- reduced number of car parking spaces on the site, while also allowing for the Uniting Church to use 250 car parking on the site for church services to meets its specific needs.

The objectives of this planning proposal are clear and adequate.

1.2 Explanation of provisions

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved, subject to Gateway Conditions.

The planning proposal seeks to amend the Sydney LEP 2012 as per the changes in Table 3 below:

Table 3 133-145 Castlereagh Street proposed controls

Proposed Amendment	Overview
Site-specific provision for 133-145 Castlereagh Street	<ul style="list-style-type: none"> • Inserting a new site-specific clause for 133-145 Castlereagh Street, Sydney under Division 5 Site specific provisions. • The objective of the clause is to encourage land uses other than residential accommodation and serviced apartments, and the provision of retail activation and pedestrian connections. • The provision will allow an increase from 13.75:1 floorspace provision currently achievable for mixed retail and commercial development on site (including accommodation floor space and design excellence bonus) to 21.53:1 comprising: <ul style="list-style-type: none"> ○ Cl. 4.4 Mapped floor space ratio – 8:1 ○ Cl 4.6 Accommodation floorspace – 4.5:1 ○ Additional site specific floor space above ground – 6.21:1 ○ Additional site specific floor space below ground – 0.86:1 ○ Cl 6.21(7)(a) Additional floor space -design excellence – up to 10%. • The provision is to allow development on the subject site that will result in a building with the maximum FSR of 21.53:1 provided that the development: <ul style="list-style-type: none"> ○ will not be used for the purposes of residential accommodation or serviced apartments ○ does not exceed 250 car parking spaces which may be used for Uniting Church Services ○ will not be used for the purposes of a commercial car park ○ delivers a pedestrian through site link connecting Castlereagh and Pitt Streets ○ includes retail premises fronting the through site link ○ removes the vehicle entry ramp to the basement and realigns Castlereagh Street footpath. • The provision will provide that <ul style="list-style-type: none"> ○ The 10 per cent additional floor space bonus subject to an architectural design competition cannot be taken up as additional building height but rather accommodated within the maximum building envelope. As such clause 6.21(7)(a) will not apply to development on this land ○ Maximum car parking provision is capped at 250 by disapplying standard car parking provisions for retail, office, and other land uses.
Amend 4.6 Exemptions to Development Standards	Amend Clause 4.6(8) of the LEP to insert 'Clause 6.XX (133-145 Castlereagh Street, Sydney)' and ensure no additional height or floor space can be achieved by way of a variation inconsistent with the requirements of the proposed new clause.

1.3 Site description and surrounding area

Site description

The site is located at 133-145 Castlereagh Street in Central Sydney, within the City of Sydney local government area (**Figure 1** and **Figure 2**). The site is irregular in shape, and has total area of 4,800m² and is legally known as Lot 10 DP 828419.



Figure 1 Aerial photo of the site (source: Planning Proposal)



Figure 2 Subject site (source: Planning Proposal)

The site's eastern boundary fronts Castlereagh Street for a length of approximately 55 metres. The site's western boundary fronts Pitt Street for a length of approximately 54 metres. The northern boundary has a total length of approximately 93 metres, and the southern boundary has a total length of approximately 90 metres.

The site currently contains three buildings, collectively known as the Piccadilly Centre complex, comprising of a 2 storey building with retail premises and Wesley Mission entry foyer, and two office towers 14 and 31 storeys in height. The 31 storey tower breaches the Hyde Park Sun Access Plane. The basement contains 4 to 5 levels, with the Wesley Mission facilities on the upper two levels, and car parking on the levels below.

Surrounding area

The site is located within close proximity to a mixture of retail, commercial, residential and tourist accommodation uses.

To the north of the site are two adjoining properties, one of which is known as the David Jones Market Street. This heritage item is located in the corner of Castlereagh and Market Streets, and is currently 10 storeys. Development consent has been granted for a 22 storey residential tower above the existing tower, to contain retail and commercial uses. The City Tattersalls Club fronts Pitt Street is the second site which has been approved as part of a Stage 1 Development Application for club uses in the existing buildings, with tower, above containing hotel and residential uses, to be approximately 50 storeys in total.

The south of the site are two adjoining properties, one of which is known as the Banking House Building. This local heritage item fronts Pitt Street and is six storeys. The other building known as 147-153 Castlereagh Street fronts Castlereagh Street and is 43 storeys. Both buildings contain a mix of retail on the lower levels, and a commercial tower above.

The east of the site, on the opposite side of Castlereagh Street, is the Sheraton on the Park Hotel, comprising 24 levels. A skybridge connects this building to the subject site. Other buildings in the vicinity of the site are largely commercial with retail at ground floor.

To the west are several properties including –

- the Hilton with a podium with shops fronting Pitt Street and a 46 storey tower;
- 253 Pitt Street, a 3 storey commercial building with retail on the ground floor and offices above;
- 249-241 Pitt Street, an 8 storey commercial building with ground floor retailing and offices above, and is a local heritage item; and
- 55 Market Street, a 20 storey commercial building with a retail podium.

This site is connected to the site by a skybridge over Pitt Street.

The site is located 250 metres of several transport connections including Town Hall and St James railway stations, and the QVB light rail stop. The proposed Pitt Street (North) Metro station entry is to be located on the northern side of Park Street, between Castlereagh and Pitt Street, on the southern-most part of the block occupied by the site.

The subject site does not contain a heritage item, however there are several heritage items adjoining the site, as discussed above.

1.4 Existing planning controls

The site is subject to the planning controls in the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012). Below is an overview of the controls relevant to this Planning Proposal.

Zoning

The site is zoned B8 Metropolitan Centre, as shown in Figure 3. The zone permits a broad range of uses, including commercial premises, community facilities, food and drink premises, as well as residential accommodation and tourist and visitor accommodation.



Figure 3 Extract from Zoning Map in the Sydney LEP 2012 (source: Sydney LEP 2012)

Building height

The site is located within Area 3 on the Height of Building Map in the LEP as shown in **Figure 4**. No maximum height is identified on the map for land in Area 3, with the maximum height determined by the sun access plane extending over this land, as detailed in Clause 6.17 - Sun Access Planes of the LEP.

Clause 6.17 of the LEP states there shall be no additional overshadowing of identified public spaces in Central Sydney during specified times. The draft LEP for Central Sydney identifies one of these public spaces as Hyde Park, and mapped in the Central Sydney Planning Strategy. This is shown in **Figure 5**.



Figure 4 Extract from Height of Building Map in the Sydney LEP 2012 (source: Planning Proposal)



Figure 5 Extract of the draft Hyde Park sun access plane in the Central Sydney Planning Strategy (source: Planning Proposal)

Floor space ratio

The maximum mapped floor space ratio for the site is 8:1, as shown in **Figure 6**. The site is also eligible for additional floorspace as set out in the **Table 4** below.

Table 4 – Summary of existing applicable floorspace to subject site.

LEP Clause	Applicable floor space	Floor Space Ratio
CI 4.4	Mapped floor space ratio	8:1
CI 6.4	Accommodation floor space	6:1
CI 6.4	Office, business, retail floor space	4.5:1
CI 6.21(7)	Additional floor space – design excellence	Up to 10%
Total		13.75:1

In total, an FSR of 13.75:1 is potentially achievable for a mixed retail and commercial development on this site.



Figure 6 Extract from Floor Space Ratio Map in the Sydney LEP 2012 (source: Sydney LEP 2012)

Heritage

The subject site does not contain any heritage items but adjoins a number of heritage items. These include the David Jones Market Street building and City Tattersalls Club to the north of the site, and the “Banking House” building adjoining the southern boundary fronting Pitt Street. The site is within the vicinity of several other heritage items, including Simpson House at 249-251 Pitt Street, and the Former Fay’s Chambers on the corner of Pitt and Market Streets.



Figure 7 Extract from Heritage Map in the Sydney LEP 2012 (source: Sydney LEP 2012)

1.5 Mapping

The planning proposal does not include any amendments to the maps.

Additional floor space ratio is proposed to be included through new site-specific provisions under Division 5 as discussed earlier in this planning proposal document.

Updated maps and new figures to reflect the proposed future development are detailed in the draft DCP, included as an appendix.

2 Need for the planning proposal

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

The planning proposal will give effect to the objectives and actions from a number of strategic plans including: A Metropolis of Three Cities – The Greater Sydney Region Plan, the Eastern District Plan, City Plan 2036 and Sustainable Sydney 2030 which aim to increase economic competitiveness of Central Sydney and ensure places which are highly sustainable and resilient.

The planning proposal is the best means to facilitate the delivery of additional employment generating floor space and improve the competitiveness of the CBD. It is the most appropriate mechanism by which the proposed provisions may be introduced and amended within the Sydney LEP

The proposal includes the introduction of site-specific provisions in order to encourage land uses other than residential accommodation and serviced apartments, and the provision of retail activation and pedestrian connections on the subject site.

The proposed LEP amendments described in this planning proposal will be supported by new provisions under the Sydney Development Control Plan (Sydney DCP) 2012 and other relevant DCPs which outline guidance to ensure a high-quality built form and public domain outcome is achieved:

- maximum building envelope
- street wall heights
- setbacks
- through-site link and atrium
- active frontages
- public domain
- parking and vehicular access
- design excellence strategy
- environmentally sustainable development targets
- public art.

The DCP will be exhibited concurrently with the Planning Proposal. This is a condition of the Gateway determination.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the A Metropolis of Three Cities – The Greater Sydney Regional Plan Regional Plan.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Infrastructure	The proposal is consistent with this objective as it supports investment in new transport infrastructure, and benefit from additional passenger capacity, especially the planned Pitt Street Metro station close to the site.
Liveability	The proposal is consistent with this objective as it facilitates public domain improvements to support pedestrian movement and improve the accessibility and permeability of Central Sydney through activation at Castlereagh and Pitt Streets, and the planned through site link.
Productivity	The proposal is consistent with this objective as it delivers additional commercial floor space close to existing and future transport infrastructure contributing to the growth of Central Sydney's economy.
Sustainability	The proposal is consistent with this objective as it improves sustainability outcomes by introducing aspirational targets such as a minimum 5.5 star NABERS Energy rating, 4 star NABERS Water rating and Green Star rating of 6 stars.

3.2 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal's consistency against relevant directions and actions.

Table 4 District Plan assessment

District Plan Priorities	Justification
Planning Priority E1 – Planning for a city supported by infrastructure	The proposal expands and enhances commercial uses on the subject site by facilitating the delivery of new office space on a site located close to existing and planned transport infrastructure to maximise the efficient use of the existing and future new capacity.
Planning Priority E6 – Creating and renewing great places and local centres and respecting the District's heritage	The proposal improves the public domain around the site and improves amenity and accessibility for pedestrians, while also being sympathetic to adjoining heritage buildings.
Planning Priority E7 – Growing a stronger and more competitive Harbour CBD	The proposal facilitates new commercial office space within Central Sydney to maximise the competitive advantage of this part of Sydney.
Planning Priority E10 – Delivering integrated land use and transport planning for a 30 minute city	The proposal will increase employment opportunities close to existing and future public transport connections across many parts of Greater Sydney within a 30 minute travel time.
Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres	The proposal facilitates the delivery of new commercial and retail development on the subject site delivering additional office space to Central Sydney, which will add to the viability of the Harbour CBD economy.
Planning Priority E13 – Supporting growth of targeted industry sectors	The proposal delivers additional retail and commercial floor space which will be available for investment from targeted industry sectors including retail, visitor economy and knowledge-intensive businesses.
Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently	The proposal delivers a new commercial and retail building with significantly improved sustainability outcomes. The amendments encourage ecological sustainable development targets including a minimum 5.5 star NABERS Energy rating, 4 star NABERS Water rating and Green Star rating of 6stars.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
------------------	---------------

City Plan 2036/
Local Strategic
Planning Statement

The proposal supports the following planning priorities within the LSPS:

I1. Movement for walkable neighbourhoods and a connected city

The proposal improves connections between Castlereagh and Pitt Streets through a through-site link, providing increased accessibility and activation to encourage a permeable pedestrian network.

I2. Align development and growth with supporting infrastructure

The proposal takes advantage of nearby existing and future transport infrastructure, including the new Sydney Metro currently under construction, which will significantly increase the public transport capacity within Central Sydney.

L5. Creating great places

The proposal delivers improved street life and activation by reinstating the footpath design along Castlereagh Street, and new retail fine-grain retail premises, where new food and drink premises will be encouraged.

P7. Growing a stronger, more competitive Central Sydney

The proposal delivers additional capacity for economic and employment growth, and provides large, premium office floor place to attract globally competitive business

S11. Creating better buildings and places to reduce emissions and water and use water efficiently

The proposal supports sustainability benchmarks by ensuring the new buildings will be more sustainable than the existing building stock.

Sustainable Sydney 2030

Sustainable Sydney 2030 is a Council's Community Strategic Plan. It contains 10 strategic directions to guide the future of the City. The proposal will help deliver on the following directions:

Direction 1 – A globally competitive and innovative city

The proposal provides new employment opportunities and will assist in making Sydney attractive for global investors.

Direction 2 – A leading environmental performer

The proposal supports sustainable development on the site by establishing noteworthy minimum sustainability targets for future development.

Direction 3 – Integrated transport for a connected City

The proposal is close to existing and future transport infrastructure including nearby Town Hall and St James railway stations, light rail and bus stops and the future Pitt Street station in Central Sydney.

Direction 4 – A city for walking and cycling

The proposal provides ground floor retail activation, a through-site link and an end of journey facility which will encourage greater active transport use.

Direction 5 – A lively and engaging city centre

The proposal delivers 'fine grain' retail premises with improved street activation and easier access adjacent to, and through the site for greater activation.

Direction 6 – Vibrant local communities and economies

The proposal provides greater opportunities for business, as well as new retail activation for local workers, residents and visitors in the Central Sydney area.

Direction 9 – Sustainable development, renewal and design

The proposal establishes aspirational sustainability benchmarks.

3.4 Central Sydney Planning Committee

On 24 June 2021 the Central Sydney Planning Committee reviewed the planning proposal for the 135-145 Castlereagh Street and Sydney Development Control Plan 2012 Amendment (**Attachment B**). The committee resolved to approve that the planning proposal for submission to the Department with a request for a Gateway Determination (**Attachment C**).

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
------------	----------------------------	--

1.1 Business and Industrial Zones	Yes	This direction aims to encourage employment growth in suitable locations, protect employment land in existing business and industrial zones, and support the viability of identified centres. The proposal gives effect to the objectives of this direction, through the increased potential employment floorspace on site and does not propose provisions that would impact the application of this Ministerial Direction.
2.3 Heritage Conservation	Yes	This direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The proposal does not propose provisions that would impact the application of this Ministerial Direction
2.6 Remediation of Contaminated Land	Yes	<p>This Direction requires that before including any land specified in paragraph (2) (of the Direction) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The proposal notes that the site is currently used for commercial purposes and the proposed future use will remain commercial. The proposal recommends that further investigation of any potential contamination will be undertaken at detailed development application stage.</p> <p>The Department support the recommendation for further investigation at development application stage.</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 the objectives and requirements of this Direction, as it seeks to increase commercial floor space within proximity to public transport and major connections.</p>

3.5 Development Near Licensed Aerodromes	No	<p>The objectives of this direction are:</p> <p>(a) to ensure the effective and safe operation of regulated airports and defence airfields;</p> <p>(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;</p> <p>(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> <p>The planning proposal seeks to increase the maximum building height to 187.22m within Central Sydney which encroaches into the Obstacle Limitation Surface. 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. The future development concept will require approval under the <i>Airports Act 1996</i> before development concept can be granted.</p> <p>The proposal is inconsistent with this direction as it encroaches into the Obstacle Limitation Surface. The Department recommends a condition of Gateway that the relevant agencies are consulted during public exhibition.</p>
6.3 Site Specific Provisions	No	<p>This Direction applies as the planning proposal will 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>The planning proposal states that the proposal will not contradict or hinder the application of this direction and that the site specific provisions would not restrict future development from being undertaken on the subject site, as the site's existing controls in the LEP remain applicable.</p> <p>The Department consider that the proposal does not compromise the intent of this objective and that adequate justification has been provided to address the inconsistency.</p>
7.1 Implementation of A Plan for Growing Sydney	Yes	Refer to Section 3.1 of this report.

3.6 State environmental planning policies (SEPPs)

The planning proposal is considered consistent with and is not expected to hinder the application of any relevant SEPPs, as discussed in the table below.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent	Reasons for Consistency or Inconsistency
SEPP 1 – Development Standards	Yes	The proposal does not propose provisions that would impact the application of this SEPP.

SEPPs	Consistent	Reasons for Consistency or Inconsistency
SEPP 19 – Bushland in Urban Areas	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP 21 – Caravan Parks	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP 33 – Hazardous and Offensive Development	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP 50 – Canal Estate Development`	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP 70 – Affordable Housing (Revised Schemes)	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Affordable Rental Housing) 2009	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Infrastructure) 2007	Yes	The subject site is considered a ‘traffic generating development’ under the SEPP as it proposes over 10,000m ² of commercial floor space. Any future development application will require referral to TfNSW for concurrence prior to determination.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (State and Regional Development) 2011	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (State Significant Precincts) 2005	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	The proposal does not propose provisions that would impact the application of this SEPP.

3.7 Regional environmental plan (REPs)

The planning proposal is consistent with all relevant REPs, as discussed in the table below.

Table 8 Assessment of planning proposal against relevant REPs

REPs	Consistent	Reasons for Consistency or Inconsistency
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Yes	The site is located within the Sydney Harbour Catchment Boundary but not within the Foreshore and Waterways Area Boundary. The planning proposal does not contradict or hinder the provisions of the SHC SREP.

4 Site-specific assessment

4.1 Environmental

The subject site is located in Central Sydney, it does not contain any critical habitats, threatened species or ecological communities and therefore the likelihood of any negative environmental impacts is unlikely.

Built Form:

The planning proposal would facilitate changes to the maximum building height and an increase to the floor space ratio for redevelopment on the site. The site is subject to the Hyde Park Sun Access Plane, and the planning envelope has been designed to comply with the height requirements through a sloping roof form. The planning envelope proposes the removal of sky bridges on Pitt and Castlereagh Street

The changes to height, massing and increase to floor space is appropriate as it improves views, sky view and solar access in the public domain. The proposal will increase employment generating floorspace in Central Sydney which aligns to the strategic objectives of the Eastern City District Plan and City Plan 2036.

Solar Access/Overshadowing:

The proposed planning envelope fully complies with the height controls of Hyde Park sun access plane which results in an improved solar access outcome for Hyde Park than the existing building on site. The proposed planning envelope generates a larger extent of overshadowing at 2pm in the Winter solstice, however this additional overshadowing falls within the existing overshadowing impacts of other buildings on Elizabeth and Castlereagh Streets.

Given there are no further impacts to the public domain and solar access to Hyde Park is improved the impacts are acceptable.

Wind:

The planning proposal is accompanied by an Environmental Wind Impact Assessment prepared by ARUP which assesses pedestrian wind comfort levels as a result of future development on the subject site. The assessment includes a wind tunnel test of the surrounding area with wind speed measurements captured at various locations.

Additional wind tunnel testing will take place following the design competition and the draft DCP includes provision to ensure public domain conditions are sufficiently addressed.

The wind assessment concludes that the proposed envelope results in improved overall wind conditions as compared to the base case envelope. Overall, the wind conditions remained

generally within the comfort range, suitable for pedestrian standard – the same rating as the existing wind conditions.

The Department accepts the findings of the Environmental Wind Assessment and notes further wind tunnel testing will be conducted, as part of subsequent DAs should the planning controls be amended.

Compatibility of Uses:

The planning proposal seeks to insert a site-specific clause within the Sydney LEP 2012 to facilitate a mixed-use development comprising of retail and commercial uses.

The planning proposal does not seek to change the zoning of the site. All proposed uses are permissible within the B8 Metropolitan zone of the Sydney LEP 2012.

In addition, the site-specific clause will ensure that the building is not used for residential accommodation or serviced apartment uses, to incentivise the uses outlined in the concept development.

The Department considers the proposed future uses of the site to be acceptable as they support the objectives of the Regional Plan and District Plan for a globally competitive city.

4.2 Social and economic

The planning proposal would provide a range of social and economic benefits including:

Increasing Employment Generating Floorspace:

- Providing approximately 50,000sqm of additional employment generating floor space to contribute to and strengthen Central Sydney's role as a globally competitive city; and
- Creating an estimated 4,500 additional jobs.

The Department supports the planning proposal's increase of employment generating floorspace and alignment with the strategic objectives of the Eastern City District Plan and City Plan 2036.

Public Domain Improvements:

- Increasing activation and accessibility of the surrounding public domain via the provision of a 24/7 public pedestrian through site link between Castlereagh and Pitt Streets; and
- Delivering improved amenity and safety for the public through reconfiguration of the vehicle entry on Castlereagh Street.

The Department considers the through-site link and public domain upgrades will provide social benefits through improved amenity and safety as part of the planning proposal.

4.3 Infrastructure

General:

The planning proposal would facilitate the development of increased employment generating floor space on the subject site. The site is within 250 metres of several transport connections including Town Hall and St James railway stations, and the QVB light rail stop. The proposed Pitt Street (North) Metro station entry is also noted to be in close proximity.

The Department considers that the subject site has access to sufficient public transport infrastructure to service an uplift in development.

The proposal would deliver up to 250 car parking spaces on the site, for use by United Church services when required and managed as shared spaces restricted to the uses on the site. Noting the site's high accessibility to public transport, the Department recommends that the proposal

explores opportunities to allow flexibility and adaptability of the basement car park design to accommodate alternate uses should car parking demand on the site reduce in the future.

Utility and Servicing Infrastructure:

The entire site is well serviced by a range of public utilities including electricity, telecommunications, water, sewer and stormwater. It is expected that these services would be upgraded by the developer and further details can be provided at the DA stage.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days. This is appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted, including Sydney Airport Corporation, Airservices Australia and the Civil Aviation Safety Authority.

It is recommended the following agencies be consulted on the planning proposal during public exhibition and given 28 days to comment:

1. Sydney Metro
2. Transport for NSW (RMS)
3. Civil Aviation Safety Authority
4. Sydney Airport Corporation
5. Airservices Australia
6. Relevant utility and service providers, including Sydney Water.

6 Timeframe

The planning proposal includes timeframe of December 2021 to complete the LEP.

The Department recommends a time frame of 12 months as the proposed 6 month timeframe is considered insufficient. A condition will be included in the Gateway determination requiring council to exhibit and report on the proposal by specified milestone dates.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is consistent with key State and local strategic objectives and has minor, justifiable inconsistencies with Ministerial Directions which can be addressed through consultation the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the Eastern City District Plan and the City of Sydney Local Strategic Planning Statement.
- It is consistent with the relevant section 9.1 Ministerial Directions. Any inconsistencies or Directions which are not currently addressed, will be addressed by way of Gateway Conditions during agency consultation.
- It will increase employment generating floorspace in Central Sydney strengthening economic and employment growth to create a more globally competitive Sydney.
- It will facilitate management of environmental impacts resulting from development.

The proposal should also be updated to remove any draft clauses from the planning proposal and place into an appendix as example clauses. It should also be updated to include a plain English explanation of the principles of the proposed provisions and intended policy outcomes they need to secure.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions Direction 6.3 Site Specific Provisions are minor and justified.
- Note that the consistency with section 9.1 Directions 3.5 Development Near Licensed Aerodromes is unresolved and will require further consultation and justification.

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

1. The planning proposal is to be updated to:
 - a) Remove any draft clauses from the planning proposal and place into an appendix as example clauses. Include a clear plain English explanation of the principles of the proposed provisions and intended policy outcomes they need to secure.
2. Prior to community consultation, the planning proposal is to be revised to address condition 1 and forwarded to the Department for review and approval.
3. Council is to exhibit the associated draft amendment to Sydney Development Control Plan 2012 concurrently with the Planning Proposal.
4. Consultation is required with the following public authorities:
 - Sydney Metro
 - Transport for NSW (RMS)
 - Civil Aviation Safety Authority
 - Sydney Airport Corporation
 - Airservices Australia
 - Relevant utility and service providers, including Sydney Water.
5. The planning proposal should be made available for community consultation for a minimum of 28 days.
6. The planning proposal must be exhibited 3 months from the date of the Gateway determination.

7. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
8. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
9. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



06/08/21

_____ (Signature)

_____ (Date)

Emma Hitchens

Manager, City of Sydney



_____ (Signature)

_____ 12/08/2021 _____ (Date)

David McNamara

Director, Eastern Harbour