



IRF24/2277

Gateway determination report – PP-2024-949

50-60 Pitt Street & 3 Spring Street, Sydney

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A Planning Proposal (City of Sydney, July 2024)
Attachment D Draft Sydney Development Control Plan (City of Sydney, July 2024)
Attachment E Planning Proposal Justification Report (Ethos Urban, May 2024)
Attachment F Urban Design Report Part 1 (FJC Studio, May 2024)
Attachment F1 Urban Design Report Part 2 (FJC Studio, May 2024)
Attachment G Site Survey (Project Surveyors, August 2019)
Attachment H Design Excellence Strategy (Ethos Urban, May 2024)
Attachment I Traffic and Transport Assessment (Dexus, May 2024)
Attachment J Visual Impact Assessment (Ethos Urban, April 2024)
Attachment K Public Domain Concept Plan (Arcadia, April 2024)
Attachment L Heritage Impact Statement (Urbis, March 2024)
Attachment M Wind Environment Study (Mel Consultants, March 2024)
Attachment N Geotechnical Desktop Study (JK Geotechnics, April 2024)
Attachment O Flood Risk Management Report (Stantec, May 2024)
Attachment P Sustainability Report (Stantec, May 2024)
Attachment Q Vision and Values Statement (Dexus, April 2024)
Attachment R Economic Contribution Analysis (EY, March 2024)
Attachment S Socio-economic Context Report (Urbis, February 2024)
Attachment T Council and CSPC Resolutions (City of Sydney, July 2024)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City of Sydney
PPA	City of Sydney
NUMBER	PP-2024-949
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
ADDRESS	50-60 Pitt Street and 3 Spring Street Sydney
DESCRIPTION	Lot 1 DP222751 Lots 1 to 33 SP57509 Lots 3-5 DP192236 Lot 1 DP558106
RECEIVED	1/08/2024
FILE NO.	IRF24/2277
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

1.2 Objectives of planning 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:

- Facilitate additional premium office space in a strategic and prominent location delivering new jobs compatible with Sydney's global status;
- Maximise the efficient use of existing and planned infrastructure by delivering uplift close to existing and planned public and active transport networks including Sydney Metro;
- Further strengthen and protect the economy of the commercial core of Central Sydney;
- Deliver an improved urban design and pedestrian experience with greater activation and appropriate wind and daylight conditions at ground level;
- Facilitate a new building that is consistent with the character of the surrounding area and respects adjacent heritage buildings;
- Improve pedestrian connections and amenity through the delivery of a new through-site link and plaza fronting Bridge Street to be dedicated to the City as new public space; and
- Provide for an improved built form that delivers design excellence, public art and sustainability outcomes.

1.3 Explanation of provisions

The planning proposal seeks to amend the Sydney LEP 2012 to enable an increased floor space ratio (FSR) and increased maximum building height for development at 50-60 Pitt Street and 3 Spring Street. This is to be achieved by introducing a new site-specific clause under Part 6, Division 5 to:

- Permit a maximum building height of RL 310 metres.
- Permit a maximum FSR of 27.4:1, inclusive of the following:
 - The maximum floor space ratio as shown on the Floor Space Ratio Map;
 - The maximum accommodation floor space permitted under Clause 6.4;
 - Shared loading dock facility floor space permitted under Clause 6.5A;
 - End of journey floor space permitted under Clause 6.6; and
 - Design excellence additional floor space permitted under Clause 6.21D(3)(b).
- Prevent development consent being granted under this clause unless the consent authority is satisfied that the development:
 - Will not be used for the purpose of residential accommodation or serviced apartments;
 - Includes the provision of a publicly dedicated plaza fronting Bridge Street and a retail activated through-site link connecting Pitt Street with Spring and Gresham Streets;
 - Includes an end of journey facility;
 - Includes a shared loading dock facility, in addition to the site's own requirements, for the use of surrounding businesses; and
 - Demonstrates design excellence as the winner of an architectural design competition process pursuant to Clause 6.21D of the Sydney LEP 2012; and
- Exclude Clause 4.6 Exceptions to development standards from applying to future development subject to the new site specific provision so that future development applications lodged cannot further vary the controls.
- Clarify that no additional building height or floor space available under Clause 6.21 (3)(a) and (b) is applicable; and
- Clarify that these provisions are opt-in for uses other than residential accommodation and serviced apartments, otherwise the mapped height and FSR controls and any other applicable bonuses under Part 6 of Sydney LEP 2012 will apply.

It is proposed to include a provision clarifying that the controls are to be on an opt in basis for uses other than residential accommodation and serviced apartments otherwise the mapped height of building, FSR controls and any other applicable bonuses under Part 6 of Sydney LEP 2012 will apply. It is not considered necessary to include this clarification because the proposed provision explicitly states in what circumstances and what uses it will apply to. A gateway condition has been included requiring this proposed clarification to be removed from the planning proposal.

The planning proposal notes amendments are proposed to the Sydney Development Control Plan 2012 (draft DCP) to provide site specific provisions for the subject site to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP includes controls relating to the built form of the proposed development, provision of a plaza and pedestrian through-site link, shared loading dock, parking and vehicle access, design excellence, sustainability and public art. Council intends to publicly exhibit the draft DCP with this planning proposal.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is located in the Sydney CBD and adjoins Bridge Street to the north (35 metre frontage), Pitt Street to the west (81 metre frontage), Gresham Street to the east (65 metre frontage) and Spring Street to the south (35 metre frontage) as shown in Figure 1. The site consists of six allotments and has an area of 3,288sqm. The site currently contains the following structures with most containing retail uses at lower levels:

- 56 Pitt Street – 26 storey commercial building;
- 58 Pitt Street – 10 storey commercial building;
- 60 Pitt Street – 12 storey commercial building; and
- 3 Spring Street – 17 storey commercial building

Adjoining the site to the south at 62 Pitt Street is a local heritage item known as the Former Liverpool & London & Globe Building (Item 2288 in Sydney LEP 2012) and this site contains an 8 storey commercial building. The surrounding area contains a mix of commercial uses and hotel accommodation with ground floor retail uses. The scale of surrounding buildings range from 10 to 31 storeys.

The site is highly accessible by public transport and is located approximately 300 metres from Circular Quay railway station and Wynard railway station and 400 metres from Martin Place station. A two-way cycleway is located Pitt Street. Photos of the subject and surrounding areas are shown in Figure 2 and Figure 3.

There are several other heritage items located in the vicinity of the site as shown in Figure 4. This includes two State Heritage Items to the east of the site known as the Former Department of Lands Building (Item 1683 at 23-33 Bridge Street) and the Department of Education building (Item 1684 at 35-39 Bridge Street).



Figure 1 Site Location, site bound in red (source: City of Sydney)



Figure 2: Subject site at intersection of Spring and Gresham Street (Source: City of Sydney)



Figure 3: Subject site from Pitt Street (Source: City of Sydney)



Figure 4: Heritage Map - subject site bound in red (Source: City of Sydney)

2 Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

No, the planning proposal is the result of a request made to Council by the landowner (Dexus).

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intended outcomes of the proposal cannot be delivered under the current planning framework and a planning proposal is required to amend the Sydney LEP 2012.

The planning proposal seeks to introduce a site-specific clause into the Sydney LEP 2012 to enable additional employment floor space, in a highly accessible location. It is considered the best means of achieving the objectives and intended outcomes of the proposal because it ensures that additional floor space is used for employment purposes, consistent with the planning priorities in the Central Sydney Planning Strategy.

An alternative approach to the site-specific clause would be to amend the existing 'Height of Buildings Map' and 'Floor Space Ratio Map'. However, doing so would provide no guarantee that additional floor space would be for employment generating uses without restricting other currently permitted uses.

Notwithstanding the above, it is proposed to exclude Clause 4.6 Exceptions to development standards from applying to future development subject to the new site specific provision so that future development applications lodged cannot further vary the development standards. For the reasons discussed in Section **Error! Reference source not found.** of this report assessing compliance with Ministerial Direction 1.4A Exclusion of Development Standards from Variation, a condition has been included in the gateway requiring removal of the exclusion of the proposed provision from Clause 4.6 from the planning proposal.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) (Region Plan) was prepared by the Greater Sydney Commission. Key objectives of the Region Plan are Infrastructure and Collaboration, Liveability, Productivity and Sustainability. The proposal is consistent with the Region Plan as it will support the delivery of higher capacity development in line with recent infrastructure investment by local and State government (i.e. Sydney Metro and Light Rail). It will also continue and build on the existing use of the site for employment and retail purposes.

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 District Plans priorities for infrastructure and collaboration, liveability, productivity, and sustainability. 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 against relevant directions and actions.

Table 3 District Plan Assessment

District Plan Priorities	Justification
Planning for a city supported by infrastructure (Planning Priority E1)	The planning proposal will facilitate new office space in proximity to existing and planned transport infrastructure, maximising the efficient use of rail, light rail, Metro and bus services.
Creating and renewing great places and local centres, and respecting the District's heritage (Planning Priority E6)	<p>The planning proposal includes a pedestrian link through the site from Pitt Street to Spring Street and public plaza fronting Bridge Street which will contribute to more efficient pedestrian movement through the city.</p> <p>The planning proposal is supported by a Heritage Impact Statement that concludes that development resulting from the planning proposal will be able to avoid, minimise and mitigate potential adverse impacts on the heritage item adjoining the site and heritage items in the vicinity of the site.</p>
Growing a stronger and more competitive Harbour CBD (Planning Priority E7)	The subject site is located at the northern end of the Harbour CBD. The planning proposal will enable the development of additional employment floorspace and the creation of jobs supporting the strength and competitiveness of the Harbour CBD.
Delivering integrated land use and transport planning and a 30-minute city (Planning Priority E10)	The site is located approximately 300 metres from Circular Quay and Wynyard Station (rail and light rail), 350 metres from Martin Place (rail and Metro) and opposite the Hunter Street Metro Station currently under construction. The planning proposal will facilitate the delivery of new office space close to a range of existing and planned transport infrastructure, maximising the efficient use of rail, light rail, Metro and bus services.
Growing investment, business opportunities and jobs in strategic centres (Planning Priority E11)	The planning proposal will enable the development of additional employment floorspace in the northern part of the Harbour CBD contributing to the creation of jobs as well as growth in investment and business opportunities.

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 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement City Plan 2036	<p>The planning proposal is consistent with the LSPS because it will:</p> <ul style="list-style-type: none"> Facilitate well positioned commercial development close to existing and future transport connections, while encouraging walking through a new pedestrian through-site link (I1 Movement for walkable neighbourhoods and connected city) Provide for a new public plaza fronting Bridge Street to provide public open spaces for people to relax and gather (I3 Supporting community wellbeing with social infrastructure) Facilitate the development of new commercial office space close to existing and future transport infrastructure (I2 Align development and growth with supporting infrastructure) Deliver improved street activation through the new pedestrian through-site link, providing shared off street loading facilities and new opportunities for retail and food and drink premises further enhancing the character and walkability of the northern part of Central Sydney (L5 Creating great places) Support growth in Central Sydney by facilitating development that will deliver additional capacity for economic and employment growth (P1 Growing a stronger and more competitive Central Sydney)
Sustainable Sydney 2030-2050	<p>Sustainable Sydney 2030-2050 is the City of Sydney's overarching Community Strategic Plan (CSP), setting out Council's vision for the LGA. The planning proposal is consistent with the CSP because it would support additional employment floor space in a highly accessible location, helping to:</p> <ul style="list-style-type: none"> Meet the City of Sydney's target for 200,000 new jobs by 2036 (Ten targets to measure progress) Encourage people to walk, cycle or use public transport to get to and from work (Direction 5: A city for walking, cycling and public transport) Maintain the City's position locally, nationally and internationally as a destination for business investment and talent (Direction 9: A transformed and innovative economy).

Central Sydney
Planning Strategy
(CSPS)

The CSPS sets out a 20-year growth strategy through 10 key moves that aim to balance opportunities for development to meet the demands of growing numbers of workers, residents and visitors and their changing needs in Central Sydney. The planning proposal is consistent with the CSPS because it will:

- Prioritise employment growth and increase employment capacity (Key move 1)
- Ensure new increased density responds to its context (Key move 2)
- Provide for new employment space in tower cluster areas (Key move 4)
- Protect and enhance Central Sydney's public places and spaces by ensuring that development permitted under the planning proposal will not result in additional overshadowing of key public spaces and through provision of a new public plaza (Key move 6)
- Provide for enhanced pedestrian movement corridors through provision of a through site link (Key move 8)
- Ensure development will exhibit design excellence (Key move 9).

3.4 Section 9.1 Ministerial Directions

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

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Focus area 1: Planning Systems		
1.4 Site Specific Provisions	Inconsistent, but minor and justified	<p>While the planning proposal will introduce site specific provisions into the Sydney LEP 2012, inconsistency with the Direction is considered minor and justified.</p> <p>This is because a site-specific provision is the most appropriate mechanism to give effect to the Central Sydney Planning Strategy because it will:</p> <ul style="list-style-type: none"> • Facilitate redevelopment of the site to deliver new employment floor space and increasing capacity within Central Sydney, • Ensure future development has appropriate built form including setbacks, separation, and through site pedestrian link, and • Increase height and floor space in an identified tower cluster area, permitting greater development and density while preserving public amenity. <p>Additionally, the proposal will not restrict other permissible land uses in the SP5 Metropolitan Centre zone.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4A Exclusion of Development Standards from Variation	Inconsistent – to be resolved through gateway condition	<p>It is proposed to exclude clause 4.6 exceptions to development standards from applying to future development subject to the new site specific provision so that future development applications lodged cannot further vary the development standards.</p> <p>The primary objective of clause 4.6 is to provide an appropriate degree of flexibility for future development. The objective of Ministerial Direction 1.4A Exclusions of Development Standards from Variation is to maintain flexibility in the application of development standards by ensuring that exclusions from the application of clause 4.6 are only applied in limited circumstances. Any proposed exclusion from Clause 4.6 should also be consistent with the criteria in Part 2 of the <i>Guide to exclusions from clause 4.6 of the Standard Instrument</i> (the Guide) prepared Department of the Planning and Environment in November 2023.</p> <p>The planning proposal states it is consistent with the Guide because the planning proposal enables the delivery of substantial public benefits including through site link, public open space, public loading/unloading spaces and includes development standards that safeguard public domain amenity. The proposal also states that the proposed development standards have been subject to detailed amenity testing to ensure they result in acceptable amenity impacts and any further variation would result in adverse public domain amenity impacts.</p> <p>It is acknowledged that the proposal does include various public benefits including through site link, plaza and loading facilities. However, considering the Ministerial Direction, the objective of Clause 4.6 and the Guide, the proposed exclusion of Clause 4.6 is not considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> As detailed in the Guide the proposed uplift should be linked to the provision of the specific public benefit. The proposed bonus FSR and height are not being proposed to facilitate the through site link or public loading/unloading space alone, rather they are proposed to incentivise commercial development in addition to the public benefits.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<ul style="list-style-type: none"> Sydney LEP 2012 contains Sun Access Planes (SAP) and No Additional Overshadowing (NAO) controls to protect the amenity of public places and these controls cannot be varied through Clause 4.6. These controls are considered adequate to protect the amenity of the public spaces and guide the built form of future development The proposed exclusion undermines the flexibility of clause 4.6 in Sydney LEP 2012 particularly because there are other provisions in place in the Sydney LEP 2012 that guide the height of development and protect amenity. <p>Given the above, a condition has been included in the gateway requiring removal of the exclusion of the proposed provision from Clause 4.6 from the planning proposal.</p>

Focus Area 3: Biodiversity and Conservation

3.2 Heritage Conservation	Consistent	<p>There are no heritage listed items on the site and the site is not located in a Heritage Conservation Area (HCA). There is however a local heritage item adjoining the site to the south (Former Liverpool & London & Globe Building) and a number of heritage items in the vicinity of the site as shown in Figure 4.</p> <p>The planning proposal is supported by a Heritage Impact Statement that concludes that development resulting from the planning proposal will be capable of avoiding, minimising and mitigating potential adverse impacts on the heritage item adjoining the site and heritage items in the vicinity of the site.</p> <p>The planning proposal is consistent with the Direction having adequately considered potential impacts on nearby heritage items. In addition, impacts on nearby heritage will also be considered as part of future development applications in accordance with Clause 5.10 of Sydney LEP 2012.</p>
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Focus Area 4: Resilience and Hazards

4.1 Flooding	Inconsistent, but justified	The subject site is identified as flood affected in the <i>City Area Catchment Flood Study and City</i>
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Area Floodplain Risk Management Study which found the following:

- The majority of the site is not identified as flood hazard as defined in the 2005 *NSW Government's Floodplain Development Manual* (the Manual) based on the depth and velocity of floodwaters, with the exception of existing public domain along the eastern frontage. This area is identified as low and high hazard (now referred to as Hazard category H1/2 and H5/6 respectively in accordance with the Flood risk Management Manual released in 2023). There is a major overland flow path along Pitt Street flowing towards Sydney Harbour site and the adjacent public domain may be flood affected in large rain events due to its location on Pitt Street
- The peak 1% AEP flow surrounding the site is contained largely within the road carriageway with a minor section of low hazard on the eastern edge of the site
- Pitt Street adjoining the site is identified as a high hazard area at 1% peak AEP and PMF (now referred to as Hazard category H5 or H6 in accordance with the Flood risk Management Manual released in 2023).
- Gresham Street adjoining the site to the east is identified as a low hazard area at peak 1% AEP (now referred to as Hazard category H1 or H2 in accordance with the Flood risk Management Manual released in 2023) and a small part of Gresham Street is identified as high hazard at the PMF.
- Pitt Street adjoining the site to the west will not be inundated above 0.3 metres for more than 2 hours and all other adjoining streets will not be inundated and therefore additional evacuation measures will not be required.

The planning proposal is inconsistent with the direction as it permits development in floodway areas that slightly extend into the site from Pitt Street and Gresham Street which adjoin the site.

While Pitt Street and part of Gresham Street are identified as high hazard, Bridge Street and Spring Street adjoining the site are identified as low hazard areas and therefore appropriate

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>access to and from the site can be provided in a flood emergency given these streets will generally be safe for vehicles, people and buildings.</p> <p>A Flood Risk Management Report has been submitted with this planning proposal. The report details that there will be some minor increased flood impact in the local road network on Pitt Street and part of Gresham Street as a result of the development with no increased flood impacts on the site. However, the increased flood impacts are located in areas that as existing are considered high hazard areas. As discussed above, Bridge Street and Spring Street adjoining the site are identified as low hazard areas and therefore will provide adequate access to and from the site in a flood emergency. The assessment confirms that future development on the site is capable of being consistent with the <i>City of Sydney Interim Floodplain Management Policy</i> subject to further assessment at detailed design stage.</p> <p>Given the above, the planning proposal is considered acceptable with regard to the Direction as adequate information supports the proposal to demonstrate future development is capable of being consistent with the <i>Floodplain Development Manual 2005</i> and the <i>City of Sydney Interim Floodplain Management Policy</i>.</p>
4.5 Acid Sulfate Soils	Inconsistent but minor and justified	<p>The site is identified as Class 2 and Class 5 Acid Sulfate Soils in the Sydney LEP 2012. No Acid Sulfate Soils review or study has been submitted with the planning proposal to demonstrate environmental impacts will be avoided on land having a probability of acid sulfate soils.</p> <p>The inconsistency with the Direction is considered minor and justified because:</p> <ul style="list-style-type: none"> • The planning proposal does not seek to change the SP5 Metropolitan Centre zone; and • Sydney LEP 2012 contains suitable provisions to ensure acid sulfate soils can be appropriately considered and addressed through further investigation and testing of the soil as part of any future development application.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
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Focus Area 5: Transport and Infrastructure

5.3 Development Near Regulated Airports and Defence Airfields	Unresolved - to be resolved through gateway condition	<p>The height of development resulting from the provisions of the planning proposal would constitute a controlled activity under the Airports Act 1996, due to penetration of the Obstacle Limitation Surface (OLS). Under this Direction during the preparation of the planning proposal the relevant authority must obtain permission from the Department of the Commonwealth responsible for airports prior to public exhibition.</p> <p>The planning proposal notes that the required consultation will be undertaken during public exhibition. It is considered acceptable to undertake consultation and obtain feedback during public exhibition given there are other buildings that exceed the OLS nearby in Central Sydney that have recently obtained approval from the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts and Sydney Airport as operator.</p> <p>A Gateway condition has been included requiring consultation with the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Sydney Airport as operator, the Civil Aviation Safety Authority (CASA) and Air Services Australia.</p>
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Focus Area 6: Housing

6.1 Residential Zones	Consistent	The planning proposal is consistent with the Direction as while it seeks to incentivise commercial development in accordance with the Central Sydney Planning Strategy it will not reduce the permissible residential density of the land.
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Focus Area 7: Industry and Employment

7.1 Employment Zones	Consistent	<p>The Planning Proposal is consistent with the Direction as it will facilitate development of a commercial tower that will:</p> <ul style="list-style-type: none"> Encourage employment growth in Central Sydney
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Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<ul style="list-style-type: none"> Support the viability of Central Sydney by increasing the floor space for employment uses.

3.5 State environmental planning policies (SEPPs)

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

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Transport and Infrastructure) 2021	The SEPP requires consultation with public authorities for certain types of development applications.	Consistent	<p>Under the SEPP, development resulting from the planning proposal will require referral to Transport for NSW due to the traffic generating nature of the development.</p> <p>A Gateway condition has been included requiring consultation with Transport for NSW during the exhibition period.</p>
SEPP (Biodiversity and Conservation) 2021	The SEPP contains provisions to protect the catchment, foreshores, waterways and islands of Sydney Harbour.	Consistent	<p>The site is located on land in the Sydney Harbour Catchment under the SEPP. However, it is not within the Foreshore and Waterway Area.</p> <p>The SEPP contains general controls, as well as controls for development in specific areas and for specific purposes in the Sydney Harbour Catchment. The SEPP controls can be considered during the assessment of future development applications.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Solar Access and Overshadowing	<p>An Urban Design Report prepared by FJC Studio accompanying the planning proposal includes a reference design that illustrates an approach to the proposed controls. The shadow diagrams included illustrate the reference design:</p> <ul style="list-style-type: none"> • Will not result in additional overshadowing of Australia Square, Martin Place (between Pitt and George Street), Pitt Street mall at the times specified in Clause 6.18 of Sydney LEP 2012 which contains no additional overshadowing provisions for these places • Will not result in additional overshadowing to adjacent heritage sandstone facades • Will not result in any additional overshadowing on June 21 between 9am and 3pm to existing residential development to the north, west and east of the site • Will not result in additional overshadowing to the residential properties in site to the south at 16 O'Connell Street because they contain living rooms facing south and east • Will not result in additional overshadowing to the residential properties to the south at 1 Hosking Place because apartments are predominantly south or west facing • Will enable high levels of sun and daylight access to public places and significant publicly accessible places to be retained. <p>Given the above, the nature and orientation of specific residential properties and location in a dense urban area, it is considered the planning proposal will not result in adverse overshadowing impacts for the surrounding area. In addition, the planning proposal gives effect to the Central Sydney Planning Strategy which aims to allow for additional height and density in Central Sydney for employment uses.</p>
Heritage	<p>There is a local heritage item adjoining the site to the south and a number of local and state heritage items in the vicinity of the site as shown in Figure 4. A Heritage Impact Statement has been submitted with the planning proposal that concludes the proposal would not impact these heritage items. This is discussed in further detail in Section Error! Reference source not found..</p>
Flooding	<p>The subject site is identified as flood affected in the City Area Catchment Flood Study. A Flood Risk Management Report has been submitted with this planning proposal which is discussed in further detail in Section Error! Reference source not found..</p>

Contamination	The planning proposal does not involve any changes to the permitted land uses and is therefore not likely to increase contamination risk. Further investigation regarding potential contamination and remediation will be undertaken as part of the any future development application.
Sustainability	The planning proposal is supported by a sustainability report confirming that development permitted under the planning proposal will meet and, in some cases, exceed the relevant sustainability requirements and City of Sydney sustainability provisions.
Wind	The planning proposal is supported by a wind environment study which demonstrates that wind conditions for the maximum planning envelope permitted under the planning proposal will achieve or exceed the target criteria for pedestrian wind comfort and safety.

4.2 Social and economic

The planning proposal will have positive economic impacts, with development resulting from the planning proposal providing additional commercial floor space and jobs, supporting the economic growth of Sydney and contributing to strengthening Sydney's role as a globally competitive city.

The planning proposal will also have positive social impacts through the provision of a through site link and plaza improving walkability, connections and public spaces in the Central Sydney area.

The planning proposal is supported by a Socio-economic context report which concludes the proposal will have positive social and economic impacts. It is not expected that development resulting from the planning proposal will have adverse social and economic impacts.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Traffic, Transport and Parking	<p>A Traffic Impact Assessment was submitted in support of the planning proposal, it concludes the following:</p> <ul style="list-style-type: none"> The site is centrally located for access to public transport with easy and convenient access to heavy rail, light rail, buses and ferries (which are all within walking distance). The newly opened Sydney Metro is also within 400m of the site providing additional public transport capacity Development resulting from the planning proposal is likely to generate less vehicular traffic (approximately 45 vehicles less per hour) than the existing developments on the site given the reduction in the amount of car parking on site compared to the existing site Adequate bicycle parking, motorcycle parking and end of trip facilities can be provided on the site A shared loading dock with six (6) spaces for public use will minimise on street loading activities and the additional 23 loading spaces for use by the subject site will ensure adequate on site loading facilities The location of the driveway and vehicle access on Pitt Street is acceptable and appropriate given the terrain and the surrounding street network.
Utilities and Services	<p>The planning proposal confirms the site is adequately serviced by public utilities and infrastructure, including electricity, telecommunications, water, sewerage and stormwater.</p> <p>Noting the planning proposal involves increasing commercial floorspace a Gateway condition has been included to consult with relevant utility providers including Sydney Water during the exhibition period.</p>

5 Consultation

5.1 Community

The planning proposal is categorised as standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Sydney Airport

- Civil Aviation Safety Authority
- Air Services Australia
- Utility Providers, including Sydney Water

Consultation with the above agencies has been included as a condition of the Gateway determination.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The Department recommends an LEP completion date of 11 September 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to this effect is recommended in the Gateway determination.

7 Local plan-making authority

At its meeting on 29 July 2024, Council resolved to seek authority from the Department to exercise the delegation of all the functions under Section 3.36 of the EP&A Act 1979 as the Local Plan-Making Authority (LPMA).

Council also resolved to provide delegated authority to Council's CEO to make any minor variations to the planning proposal to correct any drafting errors or to ensure consistency with the Gateway Determination.

The Department recommends that Council be authorised to be the LPMA given the standard nature of the planning proposal and given the planning proposal is consistent with the District Plan, the endorsed LSPS, applicable SEPPs and has minor and justifiable inconsistencies with Section 9.1 Directions.

8 Assessment summary

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

- It is consistent with the District Plan and Council's Local Strategic Planning Statement enabling the delivery of additional employment floor space in the CBD, helping to accommodate more jobs and support continued economic growth.
- Inconsistency with Section 9.1 Directions 1.4 Site Specific Provisions, 4.1 Flooding and 4.5 Acid Sulfate Soils are minor and justified
- A Gateway condition is included requiring permission to be obtained from the Department of Infrastructure, Transport, Regional Development, Communication and the Arts will resolve consistency with Direction 5.3 Development Near Regulated Airports and Defence Airfields
- A gateway condition is included requiring the planning proposal to be updated prior to public exhibition to:
 - Remove the exclusion of the proposed provision from Clause 4.6 to address the inconsistency with Section 9.1 Direction 1.4A Exclusion of Development Standards From Variation;
 - Remove the clarification that the controls are to be on an opt in basis for uses other than residential accommodation and serviced apartments from the proposed provision
- The planning proposal is consistent with all other relevant Section 9.1 Directions.
- An amendment to the Sydney LEP 2012 is the best means of achieving the objectives and intended outcomes of the planning proposal.
- Likely environmental, social, economic and infrastructure impacts have been considered.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with the following section 9.1 Directions are minor and justified:
 - 1.4 Site Specific Provisions
 - 4.1 Flooding
 - 4.5 Acid Sulfate Soils
- Note that consistency with Section 9.1 Direction 5.3 Development Near Regulated Airports and Defence Airfields is unresolved and will require consultation from the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

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

1. The planning proposal is to be updated prior to public exhibition to:
 - Remove the exclusion of the proposed provision from Clause 4.6 to address inconsistency with Section 9.1 Direction 1.4A Exclusion of Development Standards From Variation;
 - Remove the clarification that the controls are to be on an opt in basis for uses other than residential accommodation and serviced apartments from the proposed provision
2. Consultation is required with the following public authorities:
 - Transport for NSW
 - Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts
 - Sydney Airport
 - Civil Aviation Safety Authority
 - Air Services Australia
 - Utility Providers, including Sydney Water
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 11 September 2025 be included on the Gateway.



5 November 2024

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15 November 2024

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