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**PLANNING PROPOSAL:
230-238 SUSSEX STREET, SYDNEY**

Planning Proposal

230-238 Sussex Street, Sydney

September 2015

Sydney 2030 Green/Global/Connected

INTRODUCTION

In May 2015 Urbis on behalf of Karimbla Properties Pty Ltd (Meriton) submitted a planning justification report to the City of Sydney requesting site-specific amendments to *Sydney Local Environmental Plan 2012* (SLEP2012) that applies to 230-238 Sussex Street.

This Planning Proposal seeks to amend the maximum height control in SLEP2012 to allow a maximum building height of RL115.9 metres. This will enable the development of a mixed-use hotel and residential tower that can accommodate a hotel of over 200 rooms, with residential at upper levels where acceptable levels of amenity can be provided.

The request is to enable the development of a hotel and residential scheme incorporating adaptive reuse of an existing heritage item and new tower. The proposed tower scheme will accommodate hotel and residential uses.

The site currently includes the Foley Bros warehouse heritage building and a 13 storey commercial tower with podium and basement. Located within the western corridor of central Sydney, the site lies to the east of Darling Harbour, north of Town Hall and west of George Street. The site is in a highly accessible location, being approximately 200 metres from Town Hall Station, and will have access to future light rail on George Street.

The proposed changes to the City's planning controls will not increase the floor space ratio. The proposed height increase will improve the amenity of the future residential apartments and provide for tourist and visitor accommodation where residential amenity standards cannot be met.

Redevelopment of the site to a mixed use hotel and residential scheme will contribute to the vision of *Sustainable Sydney 2030*, and increase the supply of visitor accommodation identified in the recently adopted Visitor Accommodation Action Plan.

Building envelope controls will be contained within an associated amendment to *Sydney Development Control Plan 2012* (SDCP2012) which has been prepared alongside this Planning Proposal. The proposed amendments to SDCP2012 will support the proposed changes to SLEP2012.

This Planning Proposal describes the site, proposed changes to development controls and provides an environmental assessment of the new building envelope. The Planning Proposal should be read in conjunction with the appended architectural drawing set prepared by Nettleton Tribe and specialist consultant reports.

An indicative built form, for illustrative purposes, is provided at Figure 1 below. The final built form will be determined through the application of design excellence and detailed controls. This indicative maximum building envelope will therefore be subject to:

- (a) limiting additional afternoon overshadowing impacts on future Town Hall Square;
- (b) building articulation; and
- (c) minimising overshadowing impacts on surrounding residential buildings.

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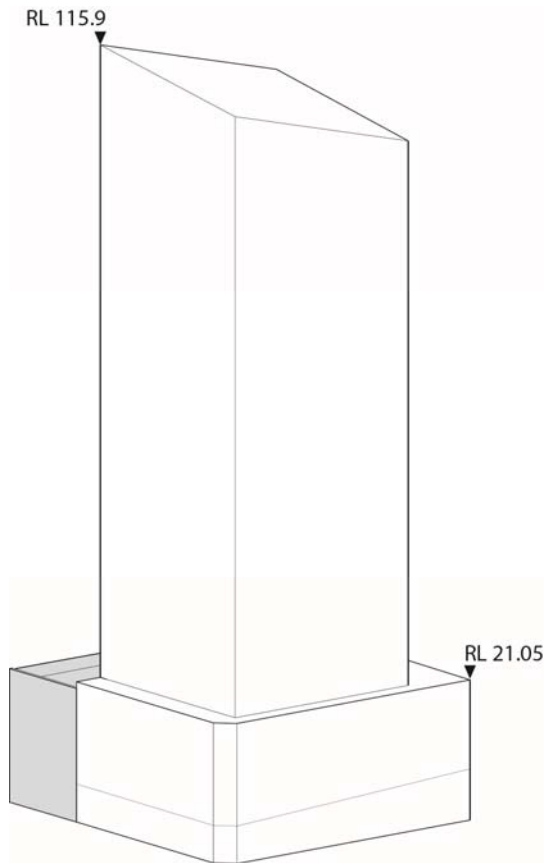


Figure 1 - Potential Built Form Outcome

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning and Environment Guidelines including 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans'.

BACKGROUND

Site Identification

230-238 Sussex Street, Sydney is a single landholding in central Sydney.

Table 1 details the legal description of the land affected by this Planning proposal and the proposed amendments to SLEP2012.

Site	Legal Description	Proposed Amendment
230-238 Sussex Street, Sydney	Lot 1 DP 1207088	Change to LEP to allow additional height.

Table 1 – Site description and proposed amendment

The site's locational context within central Sydney is illustrated in Figure 2 below.

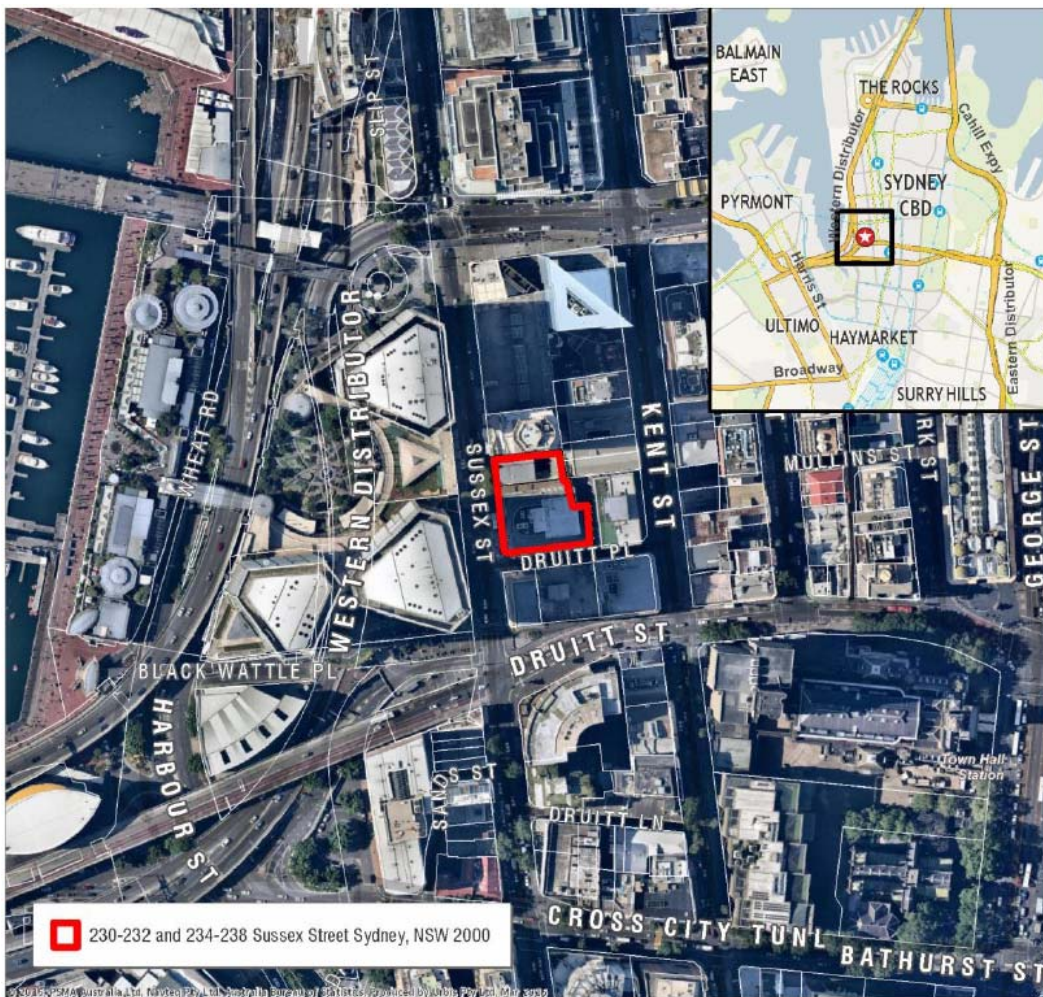


Figure 2 - Site Location

Site Characteristics

230-238 Sussex Street, Sydney is a single landholding of approximately 2,086 square metres.

The site is located within the western corridor of central Sydney in a block bordered by Market Street to the north, Kent Street to the east, Drutt Place to the south and Sussex Street to the west. The site is in a highly accessible location, being approximately 200 metres from Town Hall Station, and is surrounded by a mix of development types consisting of commercial offices, retail premises, residential accommodation, serviced apartments and heritage buildings.

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The site encompasses the Foley Bros warehouse heritage building at 230-232 Sussex Street and a 13 storey commercial tower with podium and basement at 234-238 Sussex Street. Figure 3 shows the location of the Foley Bros warehouse heritage building and commercial tower on the site.

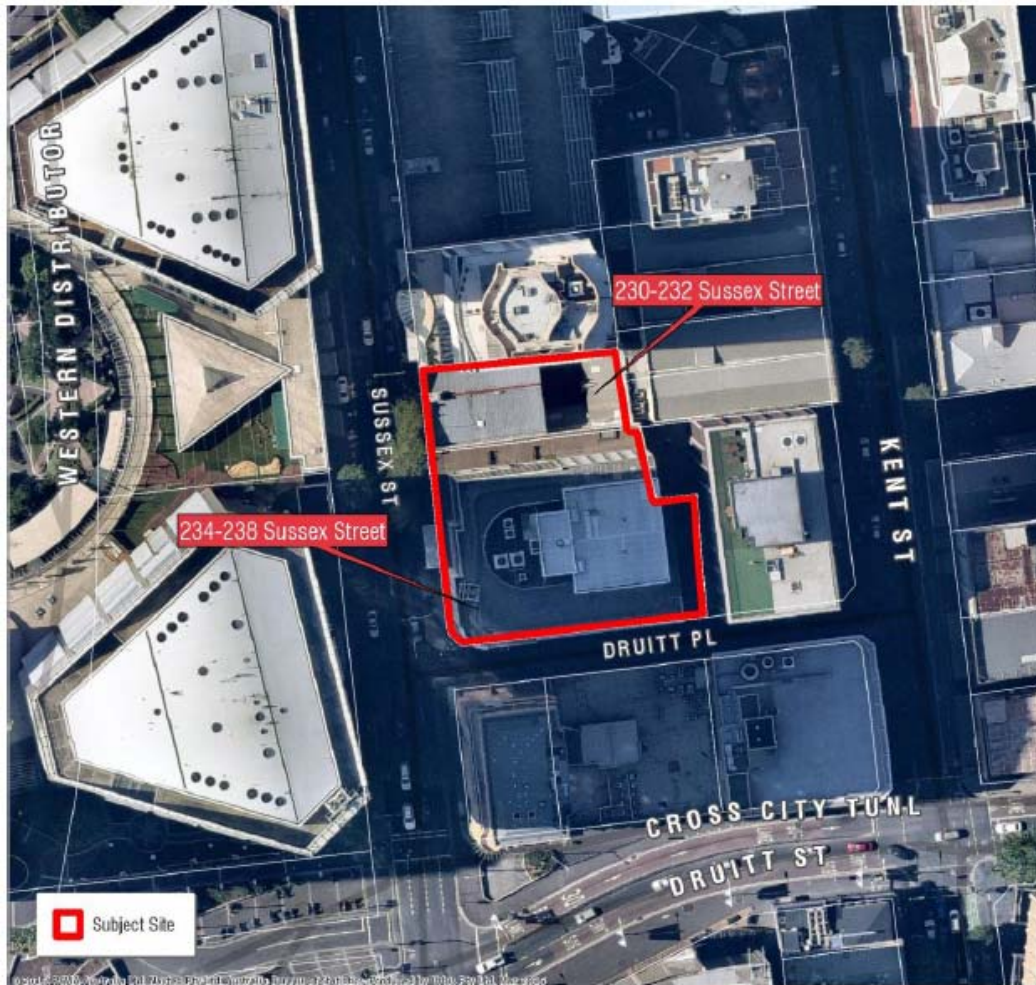


Figure 3 - Subject site showing location of Foley Bros warehouse heritage building at 230-232 Sussex Street and commercial tower at 234-238 Sussex Street

The sites location at the corner of Sussex Street and DrUITT Place provides two street frontages. Sussex Street is the primary street frontage at approximately 48 metres, while DrUITT Place acts as a secondary street frontage at approximately 43 metres.

Vehicular access to the Foley Bros warehouse heritage item is obtained via Sussex Street with the commercial tower obtaining vehicular access via DrUITT Place.

Key Planning Controls

Zoning

The site is located on land zoned B8 Metropolitan Centre under SLEP2012. Commercial premises, residential accommodation, as well as tourist and visitor accommodation are permissible with consent in this zone.

Principal Development Standards

The principal development standards relevant to the site are height and floor space ratio (FSR). The permissible height on the site is 80m, and the permissible floor space is 8:1. Located within Area 3 on the FSR map within SLEP 2012, the site is eligible for additional floor space of 2:1 for office, business or retail premises and 3:1 for residential accommodation, serviced apartments or hotel or motel

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accommodation. Further, the proposal is eligible for 10% bonus floor space or height if a competitive design process is undertaken and design excellence is demonstrated.

Table 2 and Figures 4 - 7 below summarise the key development standards in SLEP2012 that affect development of the site.

Clause No.	Control	Comment
2.3 - Zoning and Land Use Table	B8 Metropolitan Centre	Permits a broad range of uses including commercial, residential, entertainment uses, tourist and visitor accommodation etc. Refer to Figure 4 - SLEP Map Extract
4.3 – Height of Buildings	Maximum 80m Building Height	The Planning Proposal seeks to amend this control. Refer Figure 5 - SLEP Height Map
4.4 & 6.4 - Floor Space Ratio	8:1 Base FSR + 2:1 Commercial FSR + 3:1 Residential accommodation, Serviced Apartments or Hotel or Motel accommodation FSR Pursuant to Clause 6.21(7), Council may grant an additional 10% of floor area if a competitive design process has been undertaken.	The proposal seeks to utilise the accommodation and design excellence bonus floor space provisions. Refer Figure 6 – SLEP FSR Map
5.10	Heritage assessment required	A heritage assessment and conservation management plan is provided at Appendix B and C of the Planning Proposal. The listed land is defined as Former “Foley Bros” warehouse including cartway, courtyard and interiors on schedule 5 of SLEP, item no. I1963 Refer Figure 7 – SLEP Heritage Map
6.16	Erection of tall buildings in Central Sydney	This Planning Proposal seeks to improve the development outcomes of the site by altering the maximum permissible height. The site has an area greater than 800m ² .
6.21	Design Excellence	A competitive design process will be held prior to the lodgement of a Stage 2 DA.
Part 7	Maximum car parking provisions	The proposal will require compliance with parking rates at the development application stage.
7.20	Development requiring preparation of a Development Control Plan.	A site specific amendment to SDCP 2012 has been prepared concurrent with the Planning Proposal.
7.24	Development near the Cross City Tunnel Ventilation Stack	An Air Quality Statement has been prepared by SLR Consulting Pty Ltd and it as Appendix E to the Planning Proposal.

Table 2 - Key Applicable Planning Controls in Sydney Local Environmental Plan 2012

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Extracts: Key Sydney Local Environmental Plan Development Control Maps

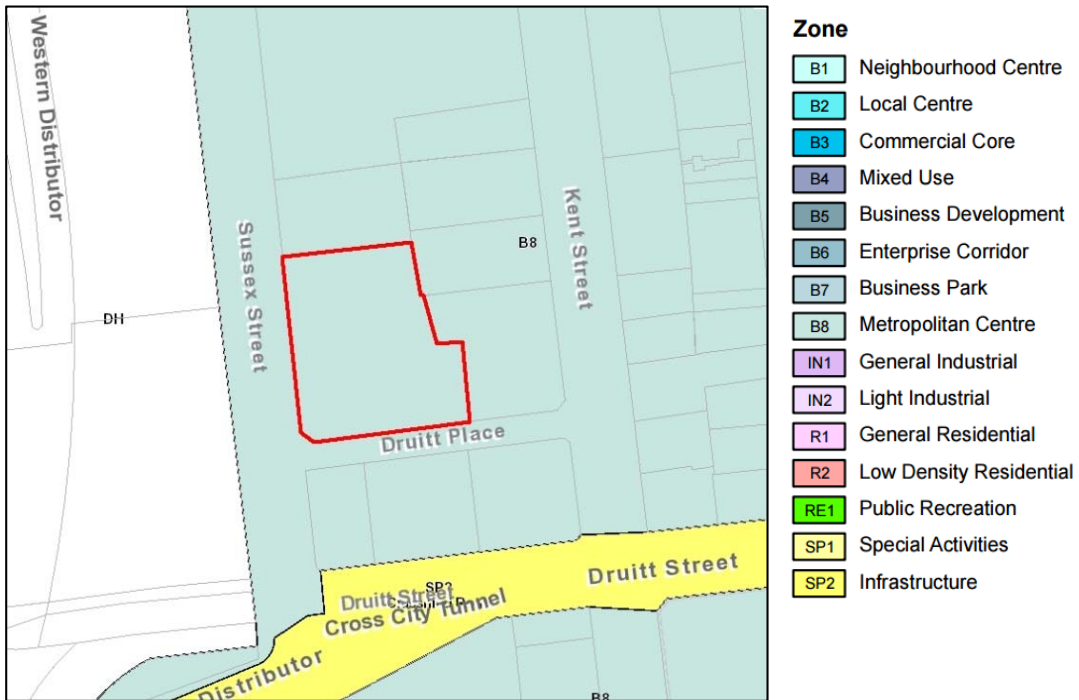


Figure 4 - SLEP2012 Zoning Map



Figure 5 - SLEP2012 Height Map

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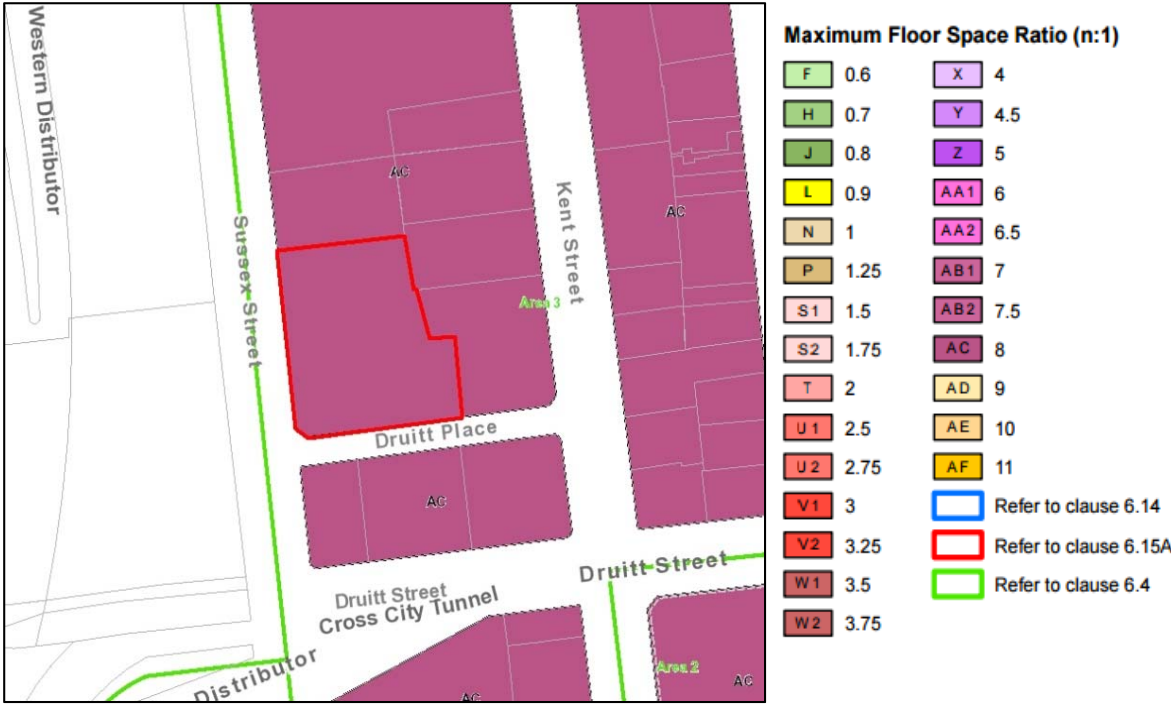


Figure 6 - SLEP2012 FSR Map

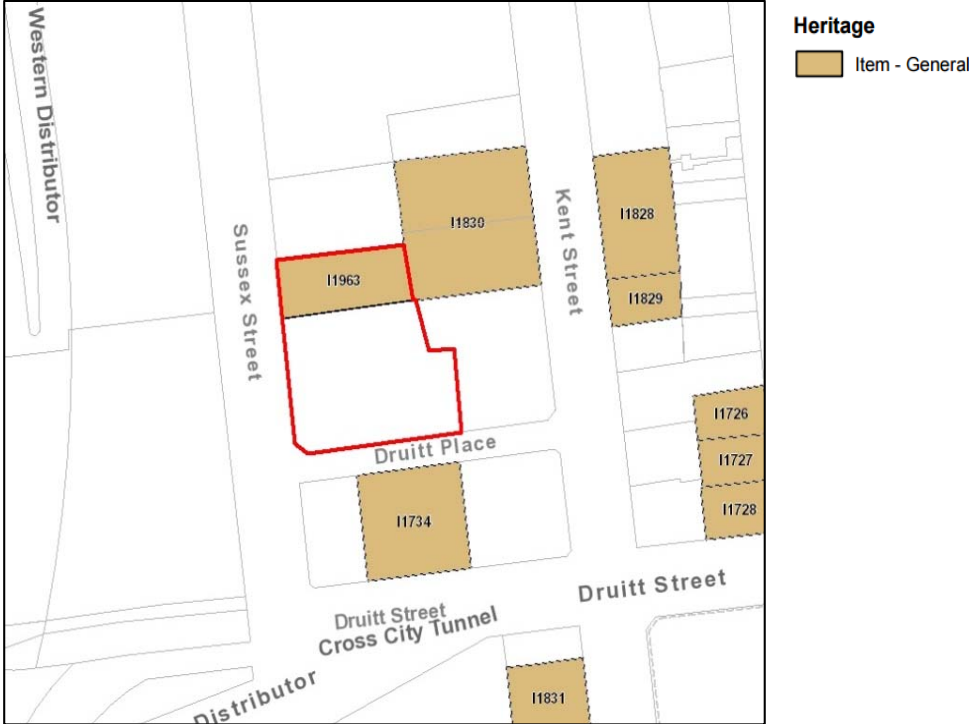


Figure 7 - SLEP2012 Heritage map

PLANNING PROPOSAL – 505-523 GEORGE STREET, SYDNEY

PART 1 - OBJECTIVES AND INTENDED OUTCOMES

Objectives

The Planning Proposal will amend SLEP2012 enabling planning controls for the 230-238 Sussex Street site which will:

1. permit a maximum building height of up to RL 115.9 metres on the site;
2. enable redevelopment of 230-238 Sussex Street, Sydney for 'Residential Accommodation' and 'Hotel or Motel Accommodation' with ancillary commercial premises;
3. enable the adaptive reuse of the Foley Bros warehouse heritage building at 230-232 Sussex Street;
4. ensure that new development responds sympathetically to the Foley Bros warehouse heritage building at 230-232 Sussex Street;
5. ensure development on the site limits additional overshadowing on the future Town Hall Square and surrounding residential buildings;
6. limit residential uses to floor space located where compliance with SEPP 65 is achievable;
7. ensure new development addresses the intent and outcomes of Special Character Areas.

Intended Outcomes

The Planning Proposal will enable the development of a mixed use residential and hotel tower building with commercial premises at ground level that will:

1. respond appropriately to its context;
2. ensures appropriate height transition across the site;
3. limits additional overshadowing impacts on the future Town Hall Square and surrounding residential buildings;
4. improve the appearance of the site within the existing streetscape and tower forms;
5. facilitate the adaptive re-use of the Foley Bros warehouse heritage building;
6. improve activation and safety at street level; and
7. achieve design excellence.

PART 2 - EXPLANATION OF PROVISIONS

Amendments to Sydney Local Environmental Plan 2012

In order to effect the objectives and intended outcomes of this Planning Proposal, it is proposed to amend SLEP2012 by:

- Introducing a new clause under 'Division 5 Site Specific Provisions' of *Sydney Local Environmental Plan 2012* to enable additional height, above that shown on the Height of Buildings Map, up to a maximum height of RL115.9 metres, whilst limiting additional overshadowing on future Town Hall Square.

The final clause would be subject to drafting and agreement by Parliamentary Counsel's Office, however, the key objectives of the clause should:

- limit the extent of additional overshadowing on future Town Hall Square, and
- ensure an appropriate height transition across the site in order to achieve a maximum building height,

These objectives establish the intent to prescribe a maximum building height, as well as a requirement to transition the building envelope from this maximum height to lower heights at the east and south to satisfy the objectives.

Note: the future Town Hall Square refers to 532-540 George Street, being Lot 1, DP 79775.

To ensure no additional height can be achieved by way of a variation to the proposed new clause, an amendment to clause 4.6(8) is also proposed.

Concurrent Controls to be inserted into Sydney Development Control Plan 2012

Site specific draft development control plan (draft DCP) provisions have been prepared to provide further guidance to the proposed amendments to SLEP2012. The draft DCP will be publicly exhibited with the Planning Proposal, and is provided at Appendix N.

PART 3 - JUSTIFICATION

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is the result of detailed work undertaken by the City in response to documentation lodged by a consultant team on behalf of Karimbla Properties Pty Ltd (Meriton). This preliminary work was undertaken on the basis of advice given by the City to Meriton that a Planning Proposal would be required to amend the height control for the site.

The package of supporting documentation provides a sound basis upon which to progress this Planning Proposal. The key findings of these studies are described and discussed in detail in Section C of this Planning Proposal.

The individual studies and documents are attached as appendices to this Planning Proposal as follows:

- Appendix A: Indicative Scheme (Nettleton Tribe)
- Appendix B: Conservation Management Plan and Heritage Assessment (NBRS+Partners)
- Appendix C: Heritage Impact Assessment – Building Heights (NBRS+Partners)
- Appendix D: Environmental Wind Assessment (SLR Consulting Australia Pty Ltd)
- Appendix E: Air Quality Assessment (SLR Consulting Australia Pty Ltd)
- Appendix F: Urban Design Statement (Meriton)
- Appendix G: Vehicle Movement and Servicing Strategy (Transport and Traffic Planning Associates)
- Appendix H: Geotechnical Desktop Study (Coffey)
- Appendix I: Phase 1 Preliminary Site Investigation (ADE Consulting Group)
- Appendix J: Preliminary Site Investigation (Coffey)
- Appendix K: Hazardous Building Materials Survey Report (SLR Consulting Australia Pty Ltd)
- Appendix L: Energy Efficiency and ESD Report (SLR Consulting Australia Pty Ltd)
- Appendix M: Land Title and DP
- Appendix N: Draft Sydney DCP 2012 Amendment

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

A variation of the existing height control by way of a clause 4.6 in SLEP2012 would be a significant departure from the existing height standard and is therefore not the best means of achieving the intended outcomes. This variation would set an undesirable precedent that would undermine the SLEP2012 height controls.

Further, full consideration of the broader strategic implications of allowing additional height on this site is best achieved via the Planning Proposal process. This includes overshadowing of the future Town Hall Square.

This Planning Proposal to progress an amendment of SLEP2012 is therefore the most effective way of allowing orderly and economic development of the land. This allows the community and surrounding landowners an opportunity to comment on changes to the controls, providing certainty for all affected stakeholders.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including A Plan for Growing Sydney and the exhibited draft strategies)?

A Plan for Growing Sydney

A Plan for Growing Sydney is the State Government’s metropolitan strategy document that outlines a vision for Sydney over the next 20 years. It identifies key challenges facing Sydney including a population increase of 1.6 million by 2034, 689,000 new jobs by 2031 and a requirement for 664,000 new homes.

In responding to these and other challenges, A Plan for Sydney sets out four goals:

1. a competitive economy with world-class services and transport;
2. a city of housing choice with homes that meet our needs and lifestyles;
3. a great place to live with communities that are strong, healthy and well connected; and
4. a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

To achieve these goals, the plan proposes 22 directions and associated actions, including: Direction 1.1 Grow a more internationally competitive Sydney CBD; Direction 1.7 Grow strategic centres – providing more jobs closer to home; Direction 2.1 – Accelerate housing supply across Sydney; Direction 3.3 Create healthy built environments; and Direction 3.4 Promote Sydney’s heritage, arts and culture.

This Planning Proposal is consistent with relevant goals, directions and actions of the plan in that it will:

- provide new residential, hotel and retail floor space to meet the needs of a global city;
- accelerate housing supply within the City in close proximity to jobs and supporting the creation of vibrant hubs of activity;
- promote tourism;
- facilitate development of a site close to established services and public transport;
- enabling the adaptive re-use of a heritage item for hotel purposes, ensuring its ongoing economic and cultural contribution to the City; and
- enable growth and urban renewal in the western corridor of Central Sydney which is expected to see an increase in demand for hotel rooms as the Darling Harbour Live Entertainment Precinct, Sydney CBD Arts Precinct and Barangaroo shape the city.

Draft Sydney City Subregional Strategy

The NSW Government’s draft *Sydney City Subregional Strategy* sets directions and actions for the implementation of the previous metropolitan strategy at a more detailed local level. Subregional planning provides a framework for coordinating planning, development, infrastructure, transport, open space networks and environmental actions across local and state government agencies.

The planning proposal is consistent with the draft *Sydney City Subregional Strategy* as discussed within Table 3 below.

Key Direction	Statement of Consistency
Reinforce global competitiveness and strengthen links to the regional economy.	Consistent. The planning proposal will have positive impact on the regional economy, through the provision of visitor accommodation.
Ensure adequate capacity for new office and hotel developments.	Consistent. The planning proposal will see the delivery of a new hotel development in Central Sydney.
Plan for sustainable development of major urban	Consistent. The planning proposal will support the Darling Harbour Live project, including the international convention and exhibition

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Key Direction	Statement of Consistency
renewal projects.	centre, through the provision of well-located visitor accommodation.
Plan for housing choice	Consistent. The planning proposal will deliver new residential development in Central Sydney.
Develop an improved and increasingly integrated transport system that meets the City's multiple transport needs.	Consistent. The planning proposal is well located to support the City's existing and proposed public transport.
Improve the quality of the built environment and aim to decrease the subregion's ecological footprint.	Not inconsistent. The planning proposal will have negligible impact on the subregion's ecological footprint.
Enhance the City's prominence as a diverse global & cultural centre.	Consistent. The planning proposal will support the City's entertainment and cultural offering by providing well-located visitor accommodation.

Table 3 – Consistency with draft Sydney City Subregional Strategy Key Directions

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The City's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This Planning Proposal is consistent with the key directions of Sustainable Sydney 2030 as demonstrated in the below table.

Consistency with Sustainable Sydney 2030	
Direction	Comment
Direction 1 – A globally competitive and innovative city	<p>This Planning Proposal will facilitate redevelopment of the site for a future hotel, delivering much needed visitor accommodation and supporting Sydney's tourist economy. It will also offer employment opportunities. This investment in the site will contribute to making Sydney attractive to global visitors and investors.</p> <p>The Planning Proposal will also deliver SEPP 65 compliant residential on this site, increasing the City's population and potential workforce.</p> <p>Redevelopment of the site will utilise the permissible floor area of both 230-232 and 234-238 Sussex Street, resulting in the long-term conservation of the heritage item at 230-232 Sussex Street.</p>
Direction 2 – A leading environmental performer	<p>The indicative design of the proposed development, facilitated by this Planning Proposal, will support a taller building form that can capture greater natural light and solar amenity to future users. It will also incorporate sustainable design elements including energy and water saving features.</p>
Direction 3 – Integrated transport for a connected city	<p>The Planning Proposal will support the use of public transport through accommodating a high-density development in close proximity to Town Hall station and the north-south bus routes which currently operate along George Street, Castlereagh Street and Elizabeth Street. In addition, the development will integrate with the new light rail corridor proposed along George Street.</p> <p>The central location of the site will increase opportunities for the Sydney CBD workforce to live and work in the same city, and therefore make the journey to work by walking or cycling. This will be similar for visitors utilising the hotel accommodation, with the site being within walking distance of most centrally located tourist attractions.</p> <p>The planning proposal provides an opportunity to seek the removal of an existing commercial car park, while the sites proximity to a broad</p>

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	range of services will further limit potential future trips by vehicle and encourage sustainable transport behaviour.
Direction 4 – A city for walking and cycling	Due to the proximity of the site to employment, tourist attractions, retail shops, educational establishments, and cultural and recreational facilities, the proposal will support a greater number of residents and tourists which can access all these facilities by walking or cycling. Any future development on the site will incorporate bicycle facilities in accordance with Council's requirements.
Direction 5 – A lively and engaging city centre	The provision of active uses at ground floor on Sussex Street, as envisaged by this Planning Proposal, will contribute to the activation of this area of central Sydney, while the facilitation of residential and hotel accommodation on site will also assist in the activation of the site and surrounding area.
Direction 6 – Vibrant local communities and economies	This Planning Proposal will allow a significant investment into the local community and will support increased accommodation and housing stock in the western corridor of central Sydney, which will increase the vibrancy of the CBD outside of business hours.
Direction 7 – A cultural and creative city	This Planning Proposal will allow for an increase in the mix of uses on this section of Sussex Street. Additional hotel accommodation will provide for tourists visiting the CBD for cultural events. Future development has the capacity to contribute to this direction through the design excellence process, and the incorporation of the Foley Bros warehouse heritage building.
Direction 8 – Housing for a diverse population	The Planning Proposal will increase living opportunities in central Sydney. A range of unit sizes and types will be provided. The additional height of the building can achieve the required level of solar access amenity for new residences, consistent with the requirements of SEPP 65.
Direction 9 – Sustainable development, renewal and design	This Planning Proposal is consistent with the principle of transit oriented development through co-location of accommodation and employment opportunities in a highly accessible location.
Direction 10 – Implementation through effective partnerships	The Planning Proposal request will pass through a number of consultation processes with Council, Department of Planning and Environment, other Public Authorities and community stakeholders.

Table 4 - Consistency with Sustainable Sydney 2030

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The consistency of the Planning Proposal with applicable State Environmental Planning Policies (SEPPs) is outlined in the table below. SEPPs which have been repealed or were not finalised are not included in this table.

Consistency with SEPPs	
State Environmental Planning Policy (SEPP)	Comment
SEPP No 1—Development Standards	Consistent. The Planning Proposal does not contradict or hinder application of this SEPP.
SEPP No 14—Coastal Wetlands	Not applicable.
SEPP No 15—Rural Landsharing Communities	Not applicable.
SEPP No 19—Bushland in Urban Areas	Not applicable.
SEPP No 21—Caravan Parks	Not applicable.
SEPP No 26—Littoral Rainforests	Not applicable.
SEPP No 29—Western Sydney Recreation Area	Not applicable.
SEPP No 30—Intensive Agriculture	Not applicable.
SEPP No 32—Urban	Consistent. This Planning Proposal does not contradict or hinder

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Consolidation (Redevelopment of Urban Land)	application of this SEPP.
SEPP No 33—Hazardous and Offensive Development	Not applicable.
SEPP No 36—Manufactured Home Estates	Not applicable.
SEPP No 39—Spit Island Bird Habitat	Not applicable.
SEPP No 44—Koala Habitat Protection	Not applicable.
SEPP No 47—Moore Park Showground	Not applicable.
SEPP No 50—Canal Estate Development	Not applicable.
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No 55—Remediation of Land	<p>Consistent. The site is currently developed and zoned for a wide range and mix of uses. The potential for site contamination arising from existing site uses will be assessed in detail at the later stage of the planning process. Potential contaminants will be appropriately managed and the site made suitable for the future uses proposed.</p> <p>This Planning Proposal does not contradict or hinder application of this SEPP.</p>
SEPP No 59—Central Western Sydney Regional Open Space and Residential	Not applicable.
SEPP No 60—Exempt and Complying Development	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP No 62—Sustainable Aquaculture	Not applicable.
SEPP No 64—Advertising and Signage	<p>Consistent. Future redevelopment of the site as facilitated by this Planning Proposal is likely to include signage. This signage will be subject to separate future development applications, which will include assessment against this SEPP.</p> <p>This Planning Proposal does not contradict or hinder application of this SEPP.</p>
SEPP No 65—Design Quality of Residential Flat Development	<p>Consistent. SEPP 65 provides a statutory framework to guide the design quality of residential flat developments.</p> <p>The Indicative scheme has been designed to provide envelope forms for the future redevelopment of the site. The indicative floorplates can accommodate a mix of apartment configurations at the upper levels, achieving SEPP 65 compliance.</p> <p>The future detailed building design will be prepared in accordance with SEPP 65 and the accompanying Apartment Design Guide. This Planning Proposal does not contradict or hinder application of this SEPP.</p>
SEPP No 70—Affordable Housing (Revised Schemes)	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP No 71—Coastal Protection	Not applicable.
SEPP (Affordable Rental Housing) 2009	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.
SEPP (Exempt and Complying Development Codes) 2008	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent. This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Infrastructure) 2007	Consistent. The Infrastructure SEPP aims to facilitate the efficient delivery of infrastructure across the State. The proposed development may require existing utility services to be upgraded and/or augmented to enable the future increased density of development on the site. These matters will be considered as part of future Development Applications for the site.

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	<p>The site adjoins the Interim CBD Rail Link (CBDRL) Corridor identified under the Infrastructure SEPP. It is understood that the future CBD Rail Link (Zone B – Tunnel) will be located below a portion of the site.</p> <p>Given the proximity of the CBDRL corridor, any future development application (DA) may be required to consider potential impacts of the proposal on the protected CBDRL Corridor and vice versa. Details of proposed mitigation measures should accompany any future DA.</p> <p>This Planning Proposal does not contradict or hinder application of this SEPP.</p>
SEPP (Kosciuszko National Park— Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Major Development) 2005	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Not applicable.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable.
SEPP (Rural Lands) 2008	Not applicable.
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	Not applicable.
State Environmental Planning Policy (State and Regional Development) 2011	Not applicable.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
State Environmental Planning Policy (Three Ports) 2013	Not applicable.
State Environmental Planning Policy (Urban Renewal) 2010	Not applicable.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.

Table 5 - Consistency with applicable State Environmental Planning Policies (SEPPs)

The below table shows the consistency of the Planning Proposal with former Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed to have the weight of SEPPs.

Consistency with REPs	
Regional Environmental Plan (REPs)	Comment
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	Not applicable.
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	Not applicable.
Sydney Regional Environmental Plan No 16—Walsh Bay	Not applicable.
Sydney Regional Environmental Plan No 18—Public Transport Corridors	Not applicable.
Sydney REP No 19—Rouse Hill	Not applicable.

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Development Area	
Sydney REP No 20—Hawkesbury- Nepean River (No 2—1997)	Not applicable.
Sydney REP No 24—Homebush Bay Area	Not applicable.
Sydney REP No 26—City West	Not applicable.
Sydney REP No 30—St Marys	Not applicable.
Sydney REP No 25—Orchard Hills	Not applicable.
Sydney REP No 28—Parramatta	Not applicable.
Sydney REP No 29—Rhodes Peninsula	Not applicable.
Sydney REP No 33—Cooks Cove	Not applicable.
Sydney REP (Sydney Harbour Catchment) 2005	Not applicable.

Table 6 - Consistency with applicable Sydney Regional Environmental Plans (SREPs)

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal has been assessed against each Section 117 direction. The consistency of the planning proposal with these directions is shown in the table below.

No.	Title	Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	Consistent. The site is within a B8 Metropolitan Core zone. The proposal does not seek to modify the zoning or permissible uses on the site.
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2. Environment and Heritage		
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent. This Planning Proposal seeks to enable development that will respond sympathetically to the significance of the adjacent Foley Bros warehouse heritage building. The Planning Proposal does not contain provisions that contradict or would hinder application of this direction.
2.4	Recreation Vehicle Areas	Not applicable
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	The proposed amendment would see the delivery of new dwellings that are located in close proximity to public transport, employment opportunities and day to day services. The proposal will make efficient use of this infrastructure, reducing the consumption of land for housing and associated urban development on the urban fringe.
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Consistent. The Planning Proposal will take advantage of the site's strategic context within the Sydney CBD providing new housing and

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		employment in a highly accessible transport location.
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4. Hazard and Risk		
4.1	Acid Sulfate Soils	<p>Consistent.</p> <p>The site is located within a Class 2 Acid Sulfate Soils (ASS) zone under SLEP2012 and as referenced in the Acid Sulfate Soil Assessment Guidelines 1998. The site is located approximately 37 metres from a class 1 acid sulfate soil area where the likelihood of acid sulfate soils being present is very likely.</p> <p>The Guidelines state that if works are being undertaken below the natural ground surface in a class 2 area then further investigation is required. As substantial excavation is proposed to accommodate 4 levels of basement, an Acid Sulfate Soil Management Plan will be required at DA stage outlining how this risk will be managed.</p> <p>This Planning Proposal does not contradict or hinder application of acid sulphate soils provisions in SLEP2012.</p>
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable
4.4	Planning for Bushfire Protection	Not applicable
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
6. Local Plan Making		
6.1	Approval and Referral Requirements	Consistent. This Planning Proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. This Planning Proposal will not affect any land reserved for public purposes
6.3	Site Specific Provisions	Consistent. This Planning Proposal does not introduce unnecessarily restrictive site specific controls and instead offers greater flexibility to achieve an alternative development outcome on the site.
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Consistent. This Planning Proposal is consistent with this direction and does not hinder implementation of A Plan for Growing Sydney.

Table 7 - Consistency with applicable Ministerial Directions under Section 117

Section C – Environmental, social and economic impact

Q7. 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 site is located in a heavily built up corridor of central Sydney. As such, this Planning Proposal does not apply to land that has been identified as containing critical habitat or threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This Planning Proposal seeks to amend the maximum permissible height on the site known as 230-238 Sussex Street and in doing so, facilitate its redevelopment for a mixed use hotel and residential tower. Redevelopment of the site for this purpose will result in a positive urban outcome which respects the heritage of the adjacent Foley Bros warehouse building through opportunities for sympathetic restoration and adaptive reuse. It will also provide an opportunity to enhance the heritage setting of the item as well as the urban amenity within and around the subject site.

A range of potential environmental effects were considered during the preparation of this Planning Proposal. Those key to the determination of the planning proposal are discussed in detail below.

Building height and solar access to future Town Hall Square

In addition to the Strategic Directions of *Sustainable Sydney 2030* '10 Project Ideas' are detailed which includes three city squares. The potential square is the envisaged Town Hall Square, located opposite Town Hall, bounded by George, Park and Pitt Streets. The City began acquiring properties for the future Town Hall Square in the early 1980's and continues to progress its vision.

Jan Gehl's *Public Spaces Public Life* report highlights the potential for this Square to contribute to a 'strong city identity', providing Sydney with a large public, dynamic and lively gathering place. Figure 8 shows an artist impression of the future Town Hall Square.



Figure 8 - Future Town Hall Square (Public Spaces Public Life - Sydney)

An important element for the success and amenity of the future Town Hall Square is the protection of the solar access it currently receives. A maximum building height for the site is prescribed with the intention of limiting additional overshadowing on future Town Hall Square. The key objective of the Planning Proposal is to develop an LEP control that limits additional overshadowing on the future Town Hall Square.

An upper height limit has been set by a methodology that is based on solar geometry between the future Town Hall Square and the two existing towers along Darling Park's Sussex Street frontage. If a line is drawn between the highest points of these towers' roofs – and then from that line's midpoint, a second line drawn to intersect the western edge of the future Square – this second sloping line crosses 230-238 Sussex Street at RL 117.1 on its western boundary and RL 100.9 on its eastern boundary. This approach enables additional height above the existing 80 metre height limit, to new maximums defined by the sloping line.

Figure 9 illustrates this transition of height across the site. This will limit additional afternoon overshadowing impacts upon future Town Hall Square to be no greater than the additional overshadowing impacts which would be caused if the existing gap between the two Darling Park towers was considered as a solid building mass.



Figure 9 - Methodology informing maximum height at 230-238 Sussex Street

The exact transition of height limiting the envelope is to be refined as an outcome of the design excellence process and will be subject to accurate site surveys of 230-238 Sussex Street, both Darling Park Towers and future Town Hall Square.

Overshadowing

The City has undertaken overshadowing analysis of the indicative proposed scheme. This analysis identified that the proposed building envelope would cast additional shadow across surrounding buildings to the south. Documentation in Appendix A to the Planning Proposal will be updated prior to exhibition to reflect the outcome of this analysis.

The indicative scheme provided by the proponent, includes articulation to the Sussex Street setback that has not been incorporated into the base envelope for analysis. Noting the building envelope is a maximum, and the final design must be appropriately massed within the envelope, there is opportunity as part of the design process to minimise overshadowing.

Supporting controls in SDCP2012 will ensure solar access in line with the SEPP65 Apartment Design Guide is met for residential buildings impacted by overshadowing from the proposed scheme. Compliance with SEPP 65 will need to be demonstrated as part of the design excellence process.

Heritage

A Conservation Management Plan (CMP) has been prepared by NBRSPartners for the heritage item, the 'Foley Bros' Warehouse building at 230-232 Sussex Street. The CMP is Appendix B to the Planning Proposal. This CMP has identified those elements of the building of significance that are to be retained and respected as part of any future site redevelopment. Further, the CMP identifies recommendations to guide maintenance, enabling its significance to be retained and, where possible, recovered while maintaining the usefulness and viability of the building.

As currently proposed, the appreciation of the open warehouse character of these interiors will be lost. The proponent will need to make changes to its intentions for adaptive reuse of the heritage item to conform to the recommendations of the CMP. There exist a number of opportunities through the design excellence and development application process for the proponent to make these changes.

The heritage impact assessment provides analysis on the outcome of redevelopment on the site at both 80 metres and the proposed maximum RL of 117.1 metres. The heritage impact assessment is included at Appendix C to the Planning Proposal.

The assessment concludes that the proposed height would not have a significantly greater visual impact on the Foley Bros warehouse item, or nearby items, than either the existing height condition or the current height control of 80 metres. Through the design excellence and development application process, redevelopment of the site has the potential to reinforce and enhance the setting of the heritage item.

The City has considered the potential impacts on the heritage values of the Foley Bros warehouse building, both in terms of its setting and adaptive reuse. While these issues will not preclude the progression of the planning proposal, the outcome of the planning proposal and any potential issues relating to the setting of the heritage item and adaptive reuse will need to be appropriately addressed through the design excellence process, and by a future development proposal.

Traffic and Transport

A vehicular Movement and Servicing Strategy has been prepared by Transport and Traffic Planning Associates and is provided at Appendix G to the Planning Proposal. The focus of the strategy outlines options for passenger set-down and pick-up, as a result of the proposed hotel use, as well the provision of the proposed basement for parking and servicing requirements.

To assist with vehicular movement and access in support of the proposal, the City generally supports a pick-up and set-down facility for suitably sized coaches on Sussex Street by relocating the mail zone, or an indented bay in Druitt Place. However, these options will need to be further explored by the proponent to demonstrate the effective utilisation of street space so that the loss of on-street parking, traffic congestion and impacts on pedestrian amenity are minimised. This can be undertaken as the design development process progresses for the tower building, including an architectural design competition, as well as through the subsequent development application process.

The site currently has vehicular access from both Sussex Street and Druitt Place. It is proposed to retain Druitt Place as the primary point for vehicular access to the site. Given this, and the outcome of adaptive re-use for the heritage building, opportunities for the consolidation of driveways to a single one from Druitt Place exists. This would require the removal of the crossing to the old cart lane along Sussex Street. The indicative design provided shows a back of house area connecting the loading dock to the courtyard, indicating there is no need for the Sussex Street driveway to remain. To enable this outcome, provisions have been included in the draft DCP which require consolidation of driveways to Druitt Place, including the removal of the crossing to the old cart lane from Sussex St.

The Planning Proposal does not propose amendments to the parking rates in SLEP2012. Consideration of appropriate parking rates will occur at the development application stage. The rates will be in line with Council requirements, and will consider proximity of the site to public transport.

Air Quality

230-238 Sussex Street is identified as “Land Affected by Cross City Tunnel Ventilation Stack” under SLEP2012. The proposed scheme must therefore address the requirements of clause 7.24 Development near Cross City Tunnel ventilation stack of SLEP2012 and clause 3.13.2 Air quality for development near the Cross City Tunnel of SDCP2012.

An Air Quality Statement has been prepared by SLR Consulting, in respect to the effect on dispersion of emissions from the Cross City Tunnel Ventilation Stack. The Air Quality Statement is included at Appendix E to the Planning Proposal. The statement concludes that the proposed indicative design would not affect the dispersion of emissions from the Cross City Tunnel ventilation stack and that people using the proposed development were unlikely to be adversely impacted by these emissions.

As the design development process progresses for the tower building, the proponent will be required to demonstrate further compliance with the requirements of Clause 7.24 of SLEP2012 and clause 3.13.2 of SDCP2012.

Wind Impact

An Environmental Wind Assessment has been undertaken by SLR Consulting Pty Ltd. to assess the proposed building envelope and the surrounding pedestrian environment against potential wind impacts. The Environmental Wind Assessment is at Appendix D to this Planning Proposal report.

The analysis demonstrates that the site benefits from being shielded at ground level from westerly and northerly winds by surrounding buildings and their podiums. There is however potential for stronger wind conditions from the south, as they channel along Sussex Street and stronger upper level winds given there are fewer surrounding buildings of significant height in the direction of prevailing winds.

The SLR assessment finds that the pedestrian environment is expected to be suitable for pedestrian standing, walking and dining from a comfort perspective. The pedestrian footpath along Sussex Street will continue to be exposed to strong southerly wind conditions channelling along the street, however the footpaths and entrances will be protected from downward winds by the setback of the tower above the podium. Mitigation at upper levels will be required for balconies due to the potential of a high wind impact.

The findings of the SLR assessment will be further considered through detailed wind analysis as part of the preparation of a development application. DCP provisions will manage wind impacts providing for adequate mitigation measures for upper level balconies.

Sustainability

An Energy Efficiency and Ecologically Sustainable Development (ESD) report has been prepared by SLR Consulting Australia Pty Ltd. The report is provided at Appendix E to the Planning Proposal. The report provides a qualitative ESD assessment, including energy efficiency.

The documentation provided indicates compliance with BASIX and BCA controlled components can be delivered. However, as the design development process progresses for the tower building, the proponent will be encouraged to further explore ways that development can contribute to the City's environmental performance goals and targets.

Q9. Has the planning proposal adequately addressed any social and economic effects?

This Planning Proposal provides an opportunity for the redevelopment of a key site in the western corridor of central Sydney. Redevelopment will allow for positive social and economic effects including:

- Delivering a broader supply of residential accommodation, which will contribute to the provision of diverse housing stock within the Sydney CBD, catering to a range of demographic needs;

ATTACHMENT A

- Providing new hotel accommodation in close proximity to business and leisure attractors including the Exhibition and Convention Precinct and Darling Harbour;
- Supporting job creation through the delivery of a hotel, and retail tenancies at ground floor;
- The restoration and conservation of the 'Foley Bros Warehouse' heritage item which will deliver long term social benefits through the adaptive re-use and re-purposing of this item of local heritage significance.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Being located in central Sydney, the site is already 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.

The site is located within close proximity to Town Hall Railway Station and major bus corridors which run along Drutt Street, George Street and Castlereagh Street. The site is also well serviced by footpath networks and Sydney's emerging cycleway network. Any augmentation of these services can be assessed and dealt with at future DA stages.

Section 61 contributions will be payable with this development, which will contribute to the provision of community facilities, the demand for which will be generated by the development.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway Determination will advise the full list of public authorities that will need to be consulted with as part of the planning proposal process. It is requested that public authority consultation be undertaken concurrently with community consultation.

It is proposed that the following authorities be consulted regarding the Proposal:

- Roads and Maritime Services;
- NSW Department of Planning and Environment;
- Rail Corp;
- Infrastructure New South Wales;
- Office of Environment and Heritage; and
- Sydney Water.

It is noted that concurrence will also be required from the following agencies at the development application stage:

- Rail Corp – Due to the site's proximity to existing and proposed rail corridors (Infrastructure SEPP clauses 85 & 88); and
- Roads and Maritime Services – due to potential traffic generating purposes (Infrastructure SEPP clause 104).

ATTACHMENT A

PART 4 - MAPPING

An amendment to Building Height Map HOB_15 is sought as part of this Planning Proposal request, to clearly delineate the land to which the proposed site specific clause within Part 6 Division 5 of SLEP2012 applies. The proposed map amendment is shown at Figure 10 below.

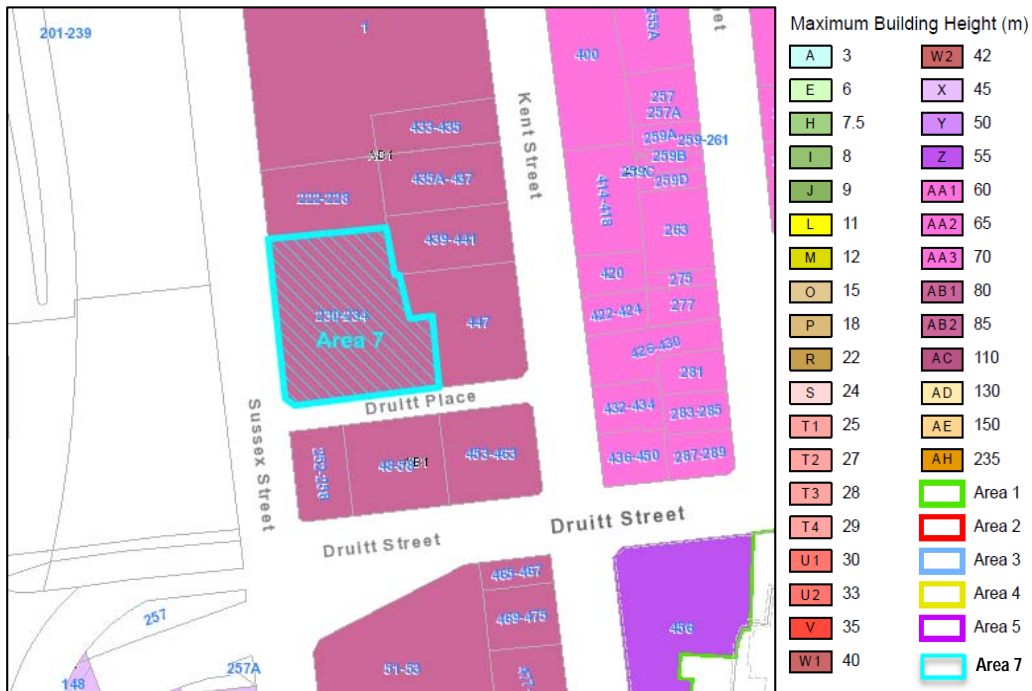


Figure 10 - Proposed Height of Building Map Sheet Amendment

Detailed built form controls and guidelines for future development on the site are contained within the Draft site specific DCP which is intended to form an amendment to Section 6 of SDCP2012. The Draft DCP is included at Appendix N.

PART 5 – COMMUNITY CONSULTATION

Public Exhibition

Public consultation will take place in accordance with the Gateway determination made by the Minister for Planning, in accordance with Sections 56 and 57 of the EP&A Act.

It is proposed that, at a minimum, this involves notification of the public exhibition of the planning proposal:

- on the City of Sydney website;
- in newspapers that circulate widely in the City of Sydney local government area; and
- in writing to the owners; the adjoining and nearby landowners; relevant community groups; and the surrounding community in the immediate vicinity of the site.
- as prescribed by the Gateway Determination issued by the Department of Planning & Environment.

It is requested that the planning proposal be publicly exhibited for a period of 28 days to coincide with the exhibition of an accompanying draft DCP amendment and draft planning agreement.

ATTACHMENT A

PART 6 – PROJECT TIMELINE

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

Milestone	Timeframe and/or date
Anticipated commencement date - Submit for Gateway Determination	October 2015
Receive Gateway Determination	November 2015
Public Exhibition of Planning Proposal	December 2015 – January 2016
Consideration of submissions	February 2016
Post exhibition report to Council and CSPC	March / April 2016
Anticipated date Council will make the LEP (if delegated)	April / May 2016
Anticipated date Council will forwarded to Department for notification	May 2016

Table 7 - Project Timeline

ATTACHMENT A

APPENDIX A: INDICATIVE SCHEME

PREPARED BY NETTLETON TRIBE

ATTACHMENT A

APPENDIX B: CONSERVATION MANAGEMENT PLAN

PREPARED BY NBRSPARTNERS

ATTACHMENT A

APPENDIX C: HERITAGE IMPACT ASSESSMENT – BUILDING HEIGHTS

PREPARED BY NBRSPARTNERS

ATTACHMENT A

APPENDIX D: ENVIRONMENTAL WIND ASSESSMENT

PREPARED BY SLR CONSULTING PTY LTD

ATTACHMENT A

APPENDIX E: AIR QUALITY STATEMENT

PREPARED BY SLR CONSULTING PTY LTD

ATTACHMENT A

APPENDIX F: URBAN DESIGN STATEMENT

PREPARED BY MERITON

ATTACHMENT A

APPENDIX G: VEHICLE MOVEMENT AND SERVICING STRATEGY

PREPARED BY TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

ATTACHMENT A

APPENDIX H: GEOTECHNICAL DESKTOP STUDY

PREPARED BY COFFEY

ATTACHMENT A

APPENDIX I: PHASE I PRELIMINARY SITE INVESTIGATION

PREPARED BY ADE CONSULTING GROUP

ATTACHMENT A

APPENDIX J: PRELIMINARY SITE INVESTIGATION

PREPARED BY COFFEY

ATTACHMENT A

APPENDIX K: HAZARDOUS BUILDING MATERIALS SURVEY REPORT

PREPARED BY SLR CONSULTING GROUP PTY LTD

ATTACHMENT A

APPENDIX L: ENERGY EFFICIENCY AND ESD REPORT

PREPARED BY SLR CONSULTING PTY LTD

ATTACHMENT A

APPENDIX M: LAND TITLE AND DP

ATTACHMENT A

APPENDIX N: DRAFT SYDNEY DCP 2012 AMENDMENT