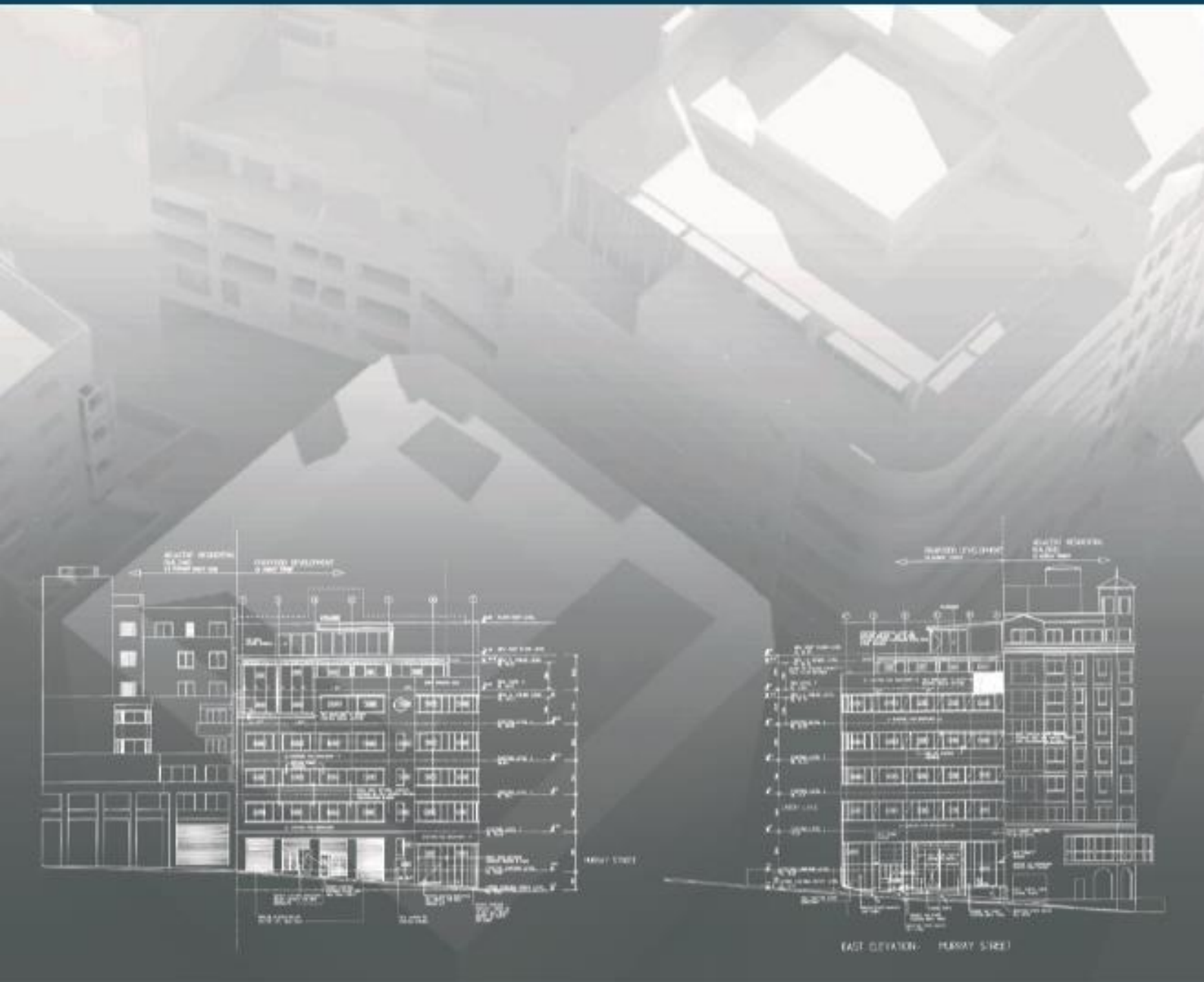


45 MURRAY STREET, PYRMONT

Planning Proposal



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Executive Summary

- 45 Murray Street, Pyrmont is a strategically significant site, located in a prominent position to the west of the Sydney CBD adjacent to Darling Harbour and a number of tourism attractions.
- The site is in single ownership, has city and district views, and is surrounded by a range of other major retail, tourism and residential uses in Pyrmont which are reflected in its status within 'Global Sydney' in *A Plan for Growing Sydney*. Few sites within Sydney have comparable strategic credentials and attractiveness for tourism related uses, or are available for unique redevelopment opportunities.
- Notwithstanding these unique and highly sought after qualities, the current use and building fails to respond positively to the opportunities provided by such a prominent, strategic site. The height, built form and scale of the existing building is lower compared to other surrounding buildings in the site's immediate vicinity. Further, the site is somewhat of an anomaly with a 22m height standard in comparison to all other sites being 30m in the surrounding properties. Within this context, the site is underdeveloped and lacks an appropriate form of development that contributes positively to the strategic direction for such an important site. No change to the current FSR standard is proposed.
- The pent up demand for tourist and visitor accommodation in Sydney, particularly in the mid-star range, has recently been cited as a major challenge and focus by State, Metropolitan and Local planning policies initiatives. *The NSW State Plan 2020* expressly seeks to increase tourism in NSW and double the visitor expenditure over the next 5 years. This ambitious aim has been reflected, and embedded in policy initiatives by the NSW Department of Planning and Environment in the release of the *A Plan for Growing Sydney*, and the City of Sydney with the release of the *Draft Visitor Accommodation Action Plan* which both seek to actively create opportunities for more tourist and visitor accommodation in Sydney.
- In response to the strategic site qualities and opportunities with the current form of development on the site, NX Holdings (the applicant) are proposing to amend LEP 2012 to increase the height standard which applies to the site from 22m to 30m on the basis that the proposal will provide much needed tourist and visitor accommodation in this central location.
- To demonstrate that the proposed increase in the building height relating to the site is well founded, Hassell architects have prepared a comprehensive urban design analysis which has comprehensively evaluated the site and surrounding context and the potential impacts of this additional height on the surrounding built form. This confirms that the proposal responds positively to this context, and will not give rise to any unreasonable environmental impacts.
- This Planning Proposal provides an overview of the strategic merits of the proposed amendment to the LEP proceeding, and in accordance with Section 55(2) of the Environmental Planning & Assessment Act ('the Act') explains the intended effect and sets out the justification for making the proposed instrument.
- In summary, the Planning Proposal will provide a range of significant local and regional benefits which warrant support, including:
 - Urban renewal of a key strategic site within 'Global Sydney' which seeks to introduce a high quality tourist and visitor accommodation use. Approximately 106 hotel rooms will be provided to the local area, which will be a generous contribution to the visitor economy and align with the State, Regional and Local policy initiatives for tourism in Sydney.
 - Revitalisation of an existing commercial building which currently fails to respond positively to the site's excellent strategic credentials. The Planning Proposal will provide the opportunity for a higher quality built form outcome in this precinct, with a building height standard more consistent with the surrounding properties.
 - Provision of additional jobs in a highly accessible, strategic location which has a strong range of supporting social infrastructure which supports the subregional employment targets for City of Sydney.

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1 Introduction

This Planning Proposal is submitted to City of Sydney Council to support a request by NX Holdings Pty Ltd to initiate an amendment to Sydney Local Environmental Plan 2012 (LEP) to increase the maximum building height standard applicable to the site from 22m to 30m, in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The key objectives of the Planning Proposal are to demonstrate the strategic planning merit of accommodating additional building height on the site, and to assess the relevant environmental, social and economic impacts of the proposal. As required by Section 55 of the EP&A Act, this Planning Proposal includes the following:

- Description of the subject site and context.
- Indicative site plan showing sufficient detail to indicate the effect of the proposal.
- Statement of the objectives and intended outcomes of the proposal.
- Explanation of the provisions of the proposal.
- Summary of the justification of the proposal.
- Description of the community consultation process that would be expected to be undertaken before consideration is given to making of the planning instrument.

The Planning Proposal has been prepared having regard to the NSW Department of Planning's '*A Guide to Preparing Planning Proposals*' and '*A Guide to Preparing Local Environmental Plans*'.

It is requested that Council forward the Planning Proposal to the Minister for Planning for Gateway Determination in accordance with Section 56 of the EP&A Act. The Gateway determination by the Minister will decide:

- Whether the matter should proceed (with or without variation).
- Whether the matter should be resubmitted for any reason (including for further studies or other information, or for the revision of the Planning Proposal).
- The community consultation required before consideration is given to the making of the proposed instrument.
- Whether a public hearing is to be held into the matter by the Planning Assessment Commission or other specified person or body.
- The times within which the various stages of the procedure for the making of the proposed instrument are to be completed.

The Planning Proposal is accompanied by a comprehensive urban design analysis by Hassell Architects which is included at **Appendix A**.

2 Background

Pursuant to Sydney LEP 2012 the maximum height standard applying to the subject site is 22m. However, the majority of surrounding properties to the north, south and west are 30m.

However, prior to the gazettal of Sydney LEP 2012, Sydney LEP 2005 was the principal planning instrument applying to the subject site. Under LEP 2005 the height limit for the subject property and properties on the western side of Murray Street (including the subject site) was 28m. However, the definition of building height excluded lift cores/servicing which could theoretically push the total height to approximately 30m.

The height standard decreased from 28m (LEP 2005) to 22m (LEP 2012) when the planning controls were reviewed in 2012. However, the majority of adjoining sites increased from 28m to 30m on the basis of submissions made at the time. The outcome is that 45 Murray Street is an anomaly in relation to height standards, being the only property with a 22m height standard amongst an entire street block which enjoys 30m (including heritage items).

In light of the site's excellent and accessible location to Sydney CBD and Darling Harbour, and the very strong demand for tourist and visitor accommodation, particularly mid-star hotels, the applicant met with City of Sydney Council on separate occasions in late 2014 with a view to seek officers feedback on converting the building from a commercial office to a hotel. To make the project viable and have a critical mass, the applicant discussed the intention to amend the building height standard to 30m to be more consistent with the surrounding properties.

On 8 December 2014 Council issued a letter to the applicant advising that the City would accept the submission of a Planning Proposal to amend LEP 2012. A number of requirements to be addressed in the Planning Proposal are referred to in this letter. These items are addressed in the proceeding sections of this report.

In summary, Council's letter specifically requested that the applicant to respond to the following items:

COUNCIL LETTER	RESPONSE
<i>Prepare an urban design study addressing the relationship of the proposed built form with surrounding development</i>	An urban design study has been prepared by Hassell Architects and is included at Appendix A . The details of the proposed concept is described in Section 4 of this report.
<i>Assessment of whether a building can comply with Sydney DCP 2012, including but not limited to overshadowing of surrounding properties</i>	An assessment of the key provisions of Sydney DCP 2012 has been addressed in Section 5.4.3 of this report. This demonstrates that the proposal will not give rise to any unreasonable environmental impacts on the surrounding properties. Appendix B provides an overview of the relevant provisions in relation to visitor accommodation from DCP 2012, and how the planning proposal aligns with these provisions.
<i>Site specific DCP controls to require a building envelope that addresses impacts</i>	Sydney DCP 2012 provides a range of development controls in relation to 'visitor accommodation' and also more general provisions in relation to built form. In addition to these controls, the only additional site-specific provisions which may need to apply relate to the upper setbacks of the proposed additional levels. This is discussed in more detail at Section 5.3 of this report.

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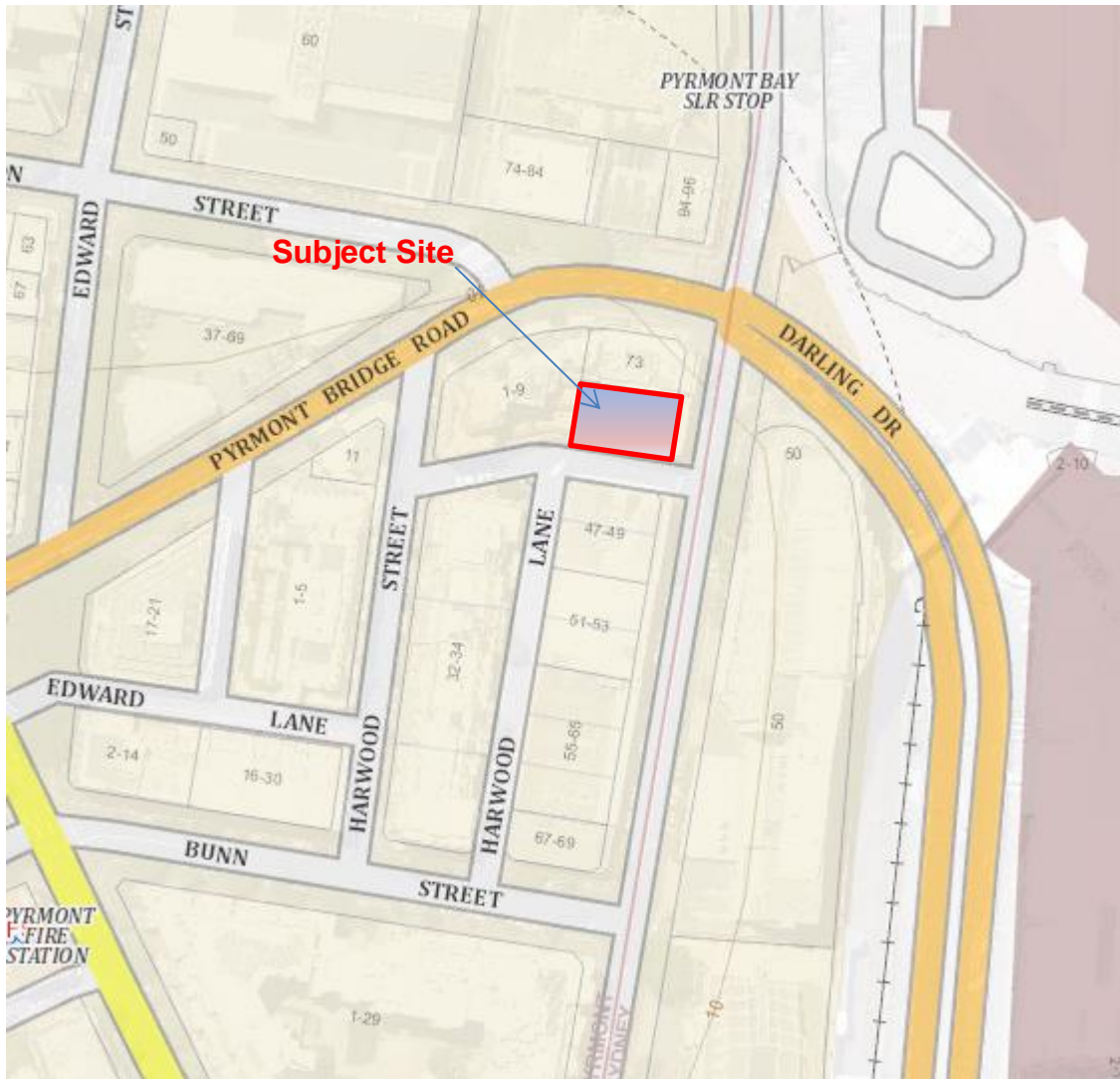
COUNCIL LETTER	RESPONSE
<i>How an active street frontage will be provided if a lower ground floor is proposed</i>	The proposed development concept for the site proposes a ground floor café and lobby, with increased activation around the adjoining lane. This is explained in more detail in Section 4 of the report.
<i>The mechanism to secure the proposed hotel use</i>	‘Tourist and visitor accommodation’ is a permissible use in the B4 Zone. However, to tie the proposed additional height to this use, a site-specific provision to LEP 2012 is proposed. Section 5.3 of this report describes this in further detail.
<i>Analysis of view impacts consistent with the NSW Land and Environment Court planning principles and documentation requirements</i>	An analysis of view impacts is provided in the urban design analysis at Appendix A, and is described in more detail at Section 5.4.3 of this report. This demonstrates that the proposed LEP amendment will not create any unreasonable view sharing impacts.
<i>Details of any public benefit offer</i>	There are a range of public benefits in providing much needed tourist and visitor accommodation, which align with State, Regional and Local planning policies.
<i>An assessment of the matters identified in the NSW Planning and Environment guides for preparing local environmental plans and planning proposals.</i>	This Planning Proposal has been prepared in accordance with the relevant guidelines from the NSW Department of Planning.

3 Land to which the Planning Proposal Applies

3.1 SITE DESCRIPTION AND LOCATION

The Planning Proposal relates to 45 Murray Street, Pyrmont which is legally described as Lot 1 in DP 507091. This property is in the single ownership of the applicant. The total area of the site is 398.84m².

FIGURE 1 – SITE LOCATION PLAN (SOURCE: SIX MAPS)



3.2 EXISTING DEVELOPMENT ON THE SITE

The subject site currently contains a 5-6 storey commercial office building with a café at the ground floor, and car parking also at ground level which is accessed via Union Lane.

The site currently presents a five storey street wall to Murray Street and Union Lane that steps down to four storeys at the western end on Union Lane. A sixth storey is setback from the street wall and above that a lift shaft and services area provides a seven storey element in the centre/northern rooftop of the building.

Photographs of the existing built form is shown in Figures 2 to 3.

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FIGURE 2 – PHOTOGRAPHS OF THE EXISTING DEVELOPMENT (LOOKING WEST FROM MURRAY STREET)



FIGURE 3 – PHOTOGRAPH OF EXISTING DEVELOPMENT (LOOKING EAST FROM UNION LANE)



3.3 LOCAL PLANNING CONTEXT

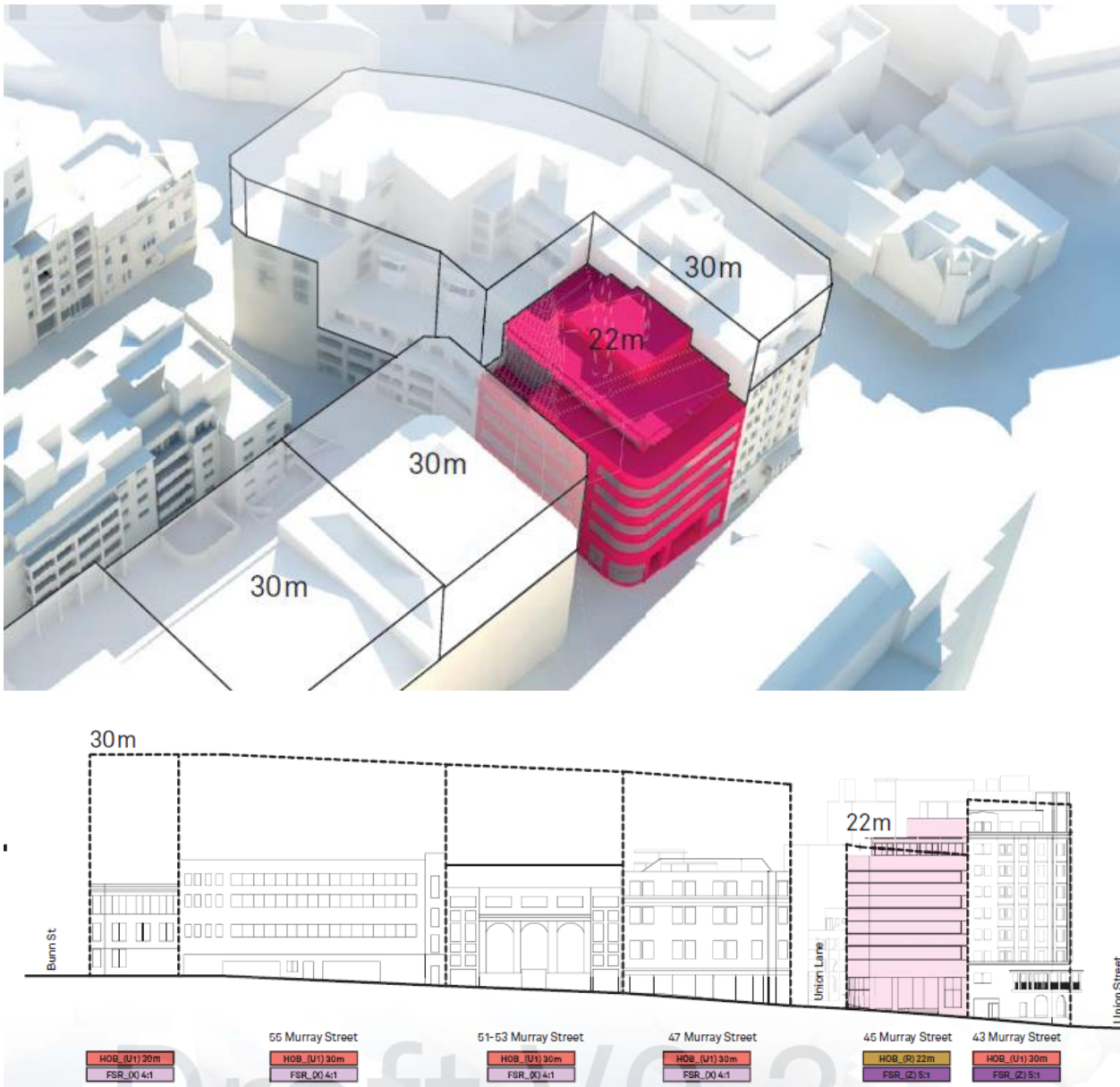
Sydney LEP 2012 contains zoning and principal development standards for the site as follows:

- A 'B4 Mixed Use' zoning. The current zoning expressly permits 'hotel and motel accommodation' and a range of other uses in this zone, subject to seeking development consent from Council.
- A maximum building height standard of 22 metres
- A maximum FSR of 5:1

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The figure below provides an overview of the site's planning controls in comparison to the surrounding context.

FIGURE 4 – CURRENT HEIGHT STANDARD APPLICABLE TO THE SITE AND SURROUNDING BUILDINGS (SOURCE: HASSELL)



3.4 SURROUNDING CONTEXT

The site is located in very close proximity to Darling Harbour and the Sydney CBD with access to a range of tourism attractions, including (but not limited to):

- Darling Harbour
- National Maritime Museum
- The Sydney Convention Centre (currently under construction)
- King Street Wharf
- The Star Casino

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- Wildlife Sydney Zoo and Sydney Aquarium
- IMAX cinema
- Darling Quarter
- Sydney Fish Markets

FIGURE 5 – SURROUNDING CONTEXT OF SITE (SOURCE: NEARMAP)



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Immediately to the north of the site is 43 Murray Street which is on the corner of Pyrmont Bridge Road. This is an 8 storey residential flat building with ground floor retail uses which has a 30m height limit under LEP 2012.

FIGURE 6 – DEVELOPMENT IMMEDIATELY TO THE NORTH OF THE SITE



PICTURE 1 – 43 MURRAY STREET LOOKING SOUTH



PICTURE 2 – 43 MURRAY STREET LOOKING WEST

Immediately to the south of the site is 47 Murray Street which is a four storey locally listed heritage item. This building is currently used as a commercial office building. The site has a 30m height standard under LEP 2012.

In accordance with the 'Statement of Significance' from the Heritage NSW website, the building dates from one of the key period of layers for the development of Ultimo/Pyrmont as a direct result of subdivision of the Harris and Macarthur Estates. It is a good example of an Inter war warehouse building which makes a positive contribution to the streetscape.

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The building is one of three former commercial warehouses (Nos 43-69 and 51-53) on Murray Street erected in the interwar period of dissimilar architectural styles but of comparable height and bulk such that they form a distinctive cohesive streetscape.

FIGURE 7 – DEVELOPMENT IMMEDIATELY TO THE SOUTH OF THE SITE



PICTURE 3 – 47 MURRAY STREET LOOKING SOUTH



PICTURE 4 – 47 MURRAY STREET LOOKING EAST

Immediately to the east of the site is 50 Murray Street, which is the IBIS Hotel Darling Harbour 256 rooms. This is a tall hotel building (approximately 15 storeys) within the surrounding context.

FIGURE 8 – DEVELOPMENT IMMEDIATELY TO THE EAST OF THE SITE



PICTURE 5 – 50 MURRAY STREET LOOKING NORTH



PICTURE 6 – 50 MURRAY STREET LOOKING SOUTH

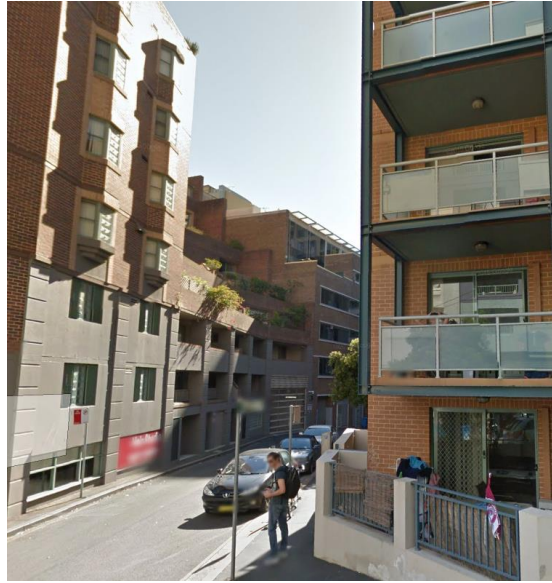
Immediately to the west of the site is 1-9 Pyrmont Bridge Road, which is a 8-9 storey residential flat building with ground floor retail along Pyrmont Bridge Road. This building has a frontage to Union Lane with some courtyards and balconies of this apartment abutting the subject site.

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FIGURE 9 – DEVELOPMENT IMMEDIATELY TO THE WEST OF THE SITE



PICTURE 7 – 1-9 PYRMONT BRIDGE ROAD LOOKING SOUTH



PICTURE 8 – 1-9 PYRMONT BRIDGE ROAD LOOKING EAST

4 The Indicative Design Concept

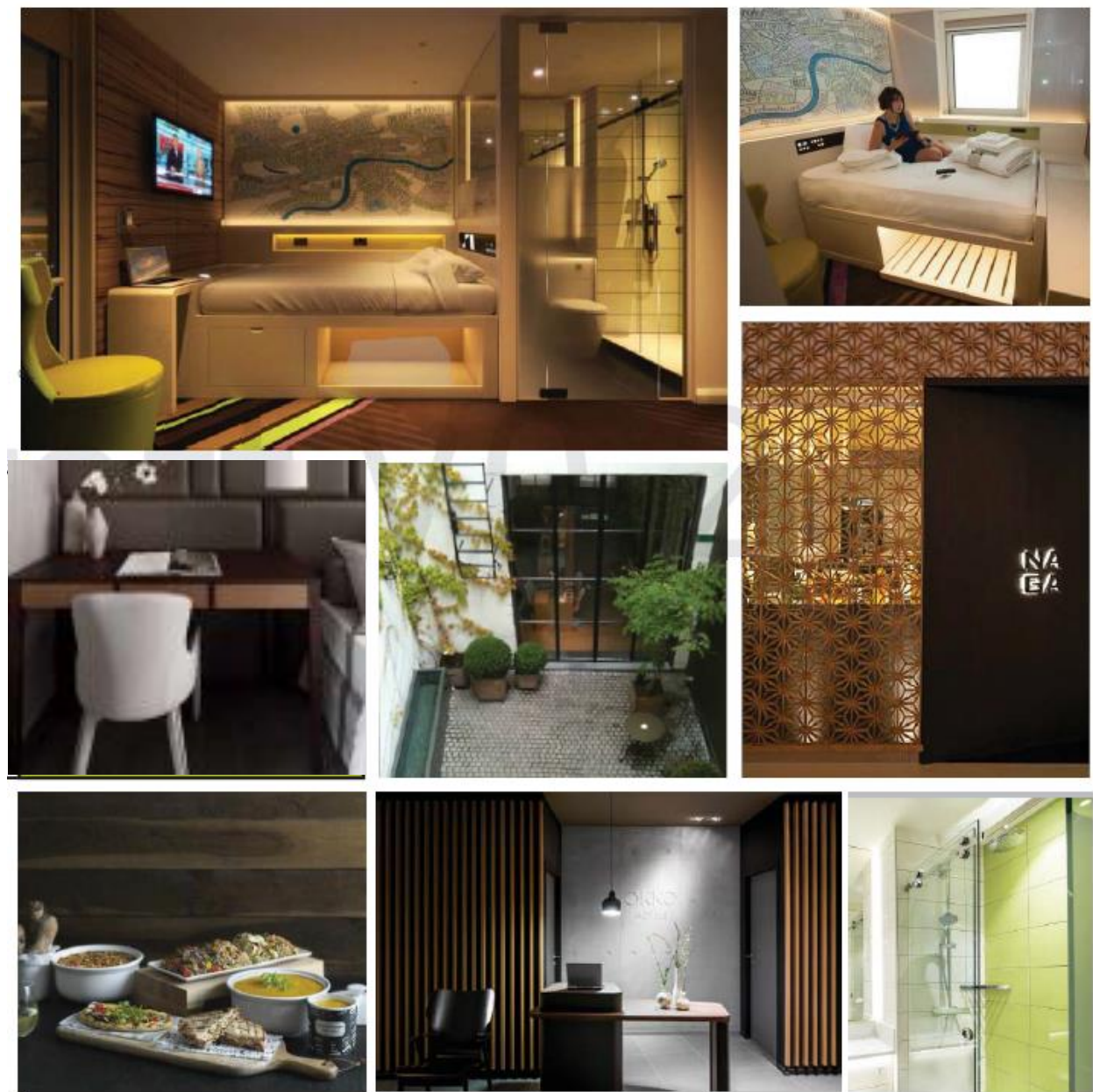
4.1 OVERVIEW AND VISION

In light of the current shortage of mid-star hotel rooms in Sydney, the applicant's vision is to provide a hotel which provides an affordable and innovative concept in that mid-star range which differentiates itself from other current operators.

While the type of hotel is not linked to the proposed LEP amendment, the applicant is exploring a hotel concept similar to the Hub Hotels in London. This is an innovative "tech savvy" hotel with compact rooms which has a focus on clever planning and smartphone apps which allow for experience customisation. This hotel type appeals to customers who are looking for high quality, value for money and prime location.

Some images of the Hub Hotel from London are included in Figure 10 below.

FIGURE 10 – IMAGES OF THE HUB HOTEL CONCEPT



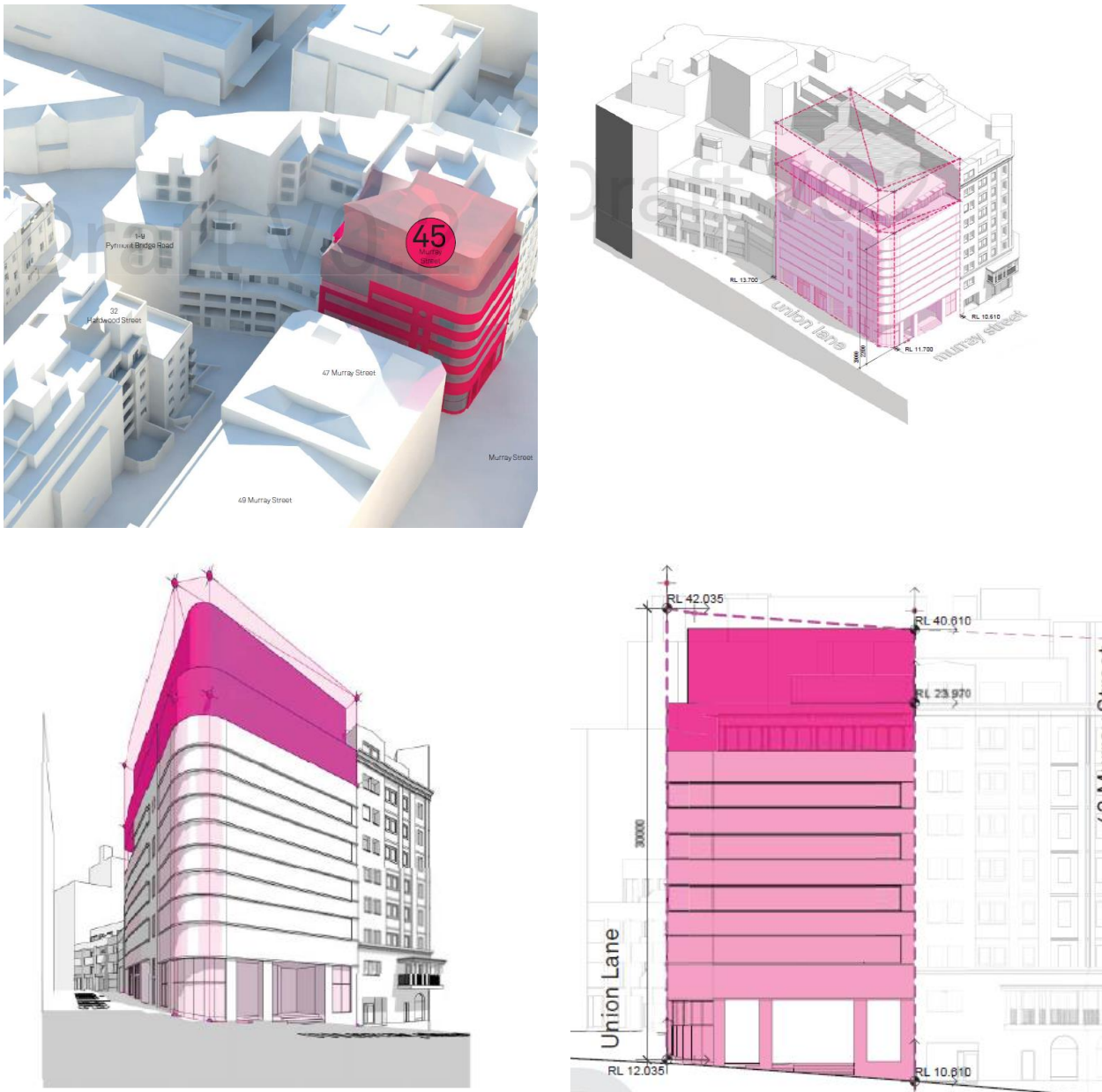
4.2 INDICATIVE DESIGN

The applicant's vision for the site is to expand and refurbish the existing 6 storey commercial office building to provide an 8 storey boutique hotel with a ground floor café and lobby.

To facilitate this, it is proposed to refurbish the existing commercial office floor space into hotel rooms, and also to remove the existing recent roof top extension and add two new floors of hotel rooms. This removes the current access to the building by stairs and provides street level entry to the building foyer. An overview of the indicate design concept is provided in the figure below.

The preferred design concept provides the potential for a high quality hotel building which is responsive to the surrounding amenity sensitive land uses in the immediate vicinity. A range of images of the preferred design option are included below.

FIGURE 11 – INDICATIVE DESIGN CONCEPT FACILITATED BY THE PLANNING PROPOSAL (SOURCE: HASSELL)



As requested by Council, given that the Planning Proposal is seeking to amend the maximum building height standard applicable to the site, an urban design study addressing the relationship of the proposed built form to the surrounding development, including the heights of neighbouring buildings, relationship to heritage items and the public domain has been provided at **Appendix A**.

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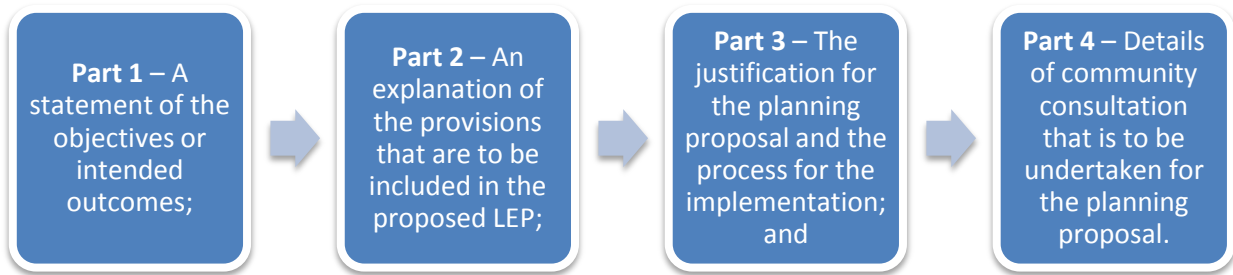
Section 5 of the Report provides an analysis of the potential environmental impacts of the proposal, including bulk, scale and massing, residential amenity, traffic as well as the broader social and economic benefits of the scheme.

5 The Planning Proposal

5.1 OVERVIEW

This Planning Proposal has been prepared in accordance with Sections 55(1) and (2) of the *Environmental Planning and Assessment Act 1979* with consideration of the relevant guidelines, namely “A guide to preparing planning proposals” issued by the Department of Planning (October 2012).

Accordingly, the proposal is discussed in the following four parts:



Discussion for each of the above parts is outlined in the following chapters.

5.2 PART 1 - OBJECTIVES AND INTENDED OUTCOMES OF THE PLANNING PROPOSAL

In response to the strategic site qualities and opportunities, the ultimate objective of the Planning Proposal is to obtain the necessary amendments to the planning controls for the subject site to facilitate the future development of a hotel up to a height of 30 metres that is consistent with the surrounding properties. No change to the maximum FSR standard is being sought as part of this Planning Proposal.

5.3 PART 2 - EXPLANATION OF PROVISIONS THAT ARE INCLUDING IN THE PROPOSED LEP

The objectives of this Planning Proposal can be achieved through amendments to SLEP 2012, which is also the mechanism to secure the proposed height uplift to the proposed use, on a site-specific basis:

- Amend the maximum height map applicable to the site from 22 metres to 30 metres on the *Height of Buildings Map - Sheet HOB_007*
- Amend Part 6, Division 5 to include the addition of the following site specific provisions:
 - *The objective of this clause is to provide for additional floor space for tourist and visitor accommodation on certain land.*
 - *This clause applies to 45 Murray Street, Pyrmont, being Lot 1 in DP 507091*
 - *Despite clause 4.3, the maximum building height for a building on land to which this clause applies may exceed the maximum building height shown for the land on the 'Height of Buildings Map' only if the development is exclusively comprised of 'tourist and visitor accommodation', and any ancillary uses associated with this use.*

5.4 PART 3 - JUSTIFICATION FOR LEP AMENDMENT

5.4.1 NEED FOR THE PLANNING PROPOSAL

The Department of Planning document “*A Guide to Preparing Planning Proposals*” includes the following questions in describing the need for the Planning Proposal.

Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not directly the result of any local or state government strategic study or report. However, a comprehensive evaluation of the site’s physical and strategic attributes have been undertaken to inform the potential redevelopment of the site.

The detailed evaluation of the site includes the preparation of indicative design concepts and urban design analysis to arrive at an appropriate massing, built form and height scenario which is responsive to the metropolitan context, but not unreasonable with regard to impacts on surrounding amenity-sensitive land uses.

As discussed below, there are a number of state, regional and local strategic planning initiatives that expressly promote tourism and visitor accommodation in the Sydney LGA which the proposal responds positively to.

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

The Planning Proposal is the best means to achieve the objectives and intended outcomes described in Section 3 of this report as Council have confirmed that the extent in numeric variation from the current building height standard in comparison to the proposal could not reasonably be achieved through use of Clause 4.6 – Exceptions to Development Standards.

5.4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The current development on the site fails to effectively provide the scale, form and quality of development that is commensurate with a site of its excellent strategic position in Sydney. The Planning Proposal is therefore a direct and positive response to the site’s excellent strategic location within in the Sydney LGA, and the broader strategic regional and sub-regional objectives for the area.

NSW 2021 A Plan to Make NSW Number One

‘NSW 2021 A Plan to Make NSW Number One’ is the State Government’s 10 year plan to guide policy and decision making across the State. One of the underlying, central themes of the strategy is to improve the performance of the NSW economy, with a ‘priority action’ being:

“Increase tourism in NSW with double the visitor expenditure by 2020”

The *Visitor Economy Industry Action Plan* (December 2012) is a key initiative from the NSW 2021 Strategy that identifies specific actions for the government to implement over the next few years. Amongst other initiatives, the following actions are recommended to the Government:

*“Introduce specific incentives and remove unnecessary regulatory/approval procedures and requirements to **encourage adaptive re-use** and preservation of heritage buildings”*

*“Investigate options to provide incentives, such as planning bonuses and tax offsets for tourism investment in new projects, as well as **refurbishments and improvements that enhance the visitor experience and quality of existing product offerings**”*

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"Increase the use of planning incentives and land use controls to stimulate tourism development, especially for visitor accommodation and attraction investment"
(our emphasis)

A Plan for Growing Sydney

'A Plan for Growing Sydney' is the recently adopted metropolitan regional strategy for Sydney. It was released in December 2014 and will guide land use planning decisions for the next 20 years.

Pymont is included within 'Global Sydney' strategic location, which identifies a range of metropolitan priorities.

Promoting Sydney's arts and culture, tourism and entertainment industries;

Provide capacity for additional mixed use development in the precincts that make up Global Sydney for offices, retail, tourism, arts, culture, services and housing;

The site is also separately located adjacent to the 'Cultural Ribbon' of Sydney LGA, which accommodates a range of tourist attractions:

All of these venues are important to Sydney's tourism and entertainment economy contributing to the CBD being Australia's pre-eminent tourist destination.

The proposal is consistent with the above regional strategies as:

- Support the utilisation of the site for tourist and visitor accommodation and thus strengthen and support the service sector.
- Provide employment opportunities during the construction and operation of the proposed development.
- Contribute to the strengthening of 'Global Sydney' as a centre by providing tourist and visitor accommodation in close proximity to Sydney's prime tourist precinct.
- Contribute to the enhancement of Sydney's day and night economy.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plans?

At a local level, the City of Sydney is actively trying to promote tourism and visitor accommodation. Council has prepared local strategic documents that reinforce these broader tourism objectives, including 'The Sydney 2030 Strategy' and a recent 'Visitor Accommodation Action Plan'

Sydney 2030 Strategy

The Sydney 2030 Strategy is a strategic vision document which responds to the community's ideas for creating a better Sydney. The Sydney 2030 strategy acknowledges that the City currently has an 'unfulfilled tourism promise' which needs addressing immediately:

Sydney's tourism infrastructure, assets and brand contribute to its role as a global visitor destination.

City Now - Unfulfilled tourism promise. Fragmented marketing and branding of Sydney.

City in 2030 - Effective partnerships for delivering world-class tourism and cultural infrastructure and amenities are established. Consistent branding for Sydney backed by the State Government and the City of Sydney

The Draft Visitor Accommodation Action Plan

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In response to the above objectives, City of Sydney Council released a draft Visitor Accommodation Action Plan in December 2014. This draft plan recommends actions that focus on assisting and guiding investors through the planning processes and to carry out specific reviews of planning controls.

In particular, in the report to the CSPC on the matter Council acknowledges some of the challenges, and opportunities with providing visitor accommodation in Sydney:

*Challenges to delivering this new supply include high construction, land and operating costs and a **market dominated by large and highly rated hotels** which has held back room rate growth. There is also a challenge in developing mid-rated hotel stock that fits with the demand from short-stay business visitors, especially from Asia, which represents a growing percentage of the tourist and accommodation market. New development is difficult in a high cost environment without higher room rates.*

Opportunities for new hotel development include the conversion of older office stock in Central Sydney and the western edge of the City as the commercial core expands towards Darling Harbour and Barangaroo and 3 star accommodation for the growing number of visitors from China.

In direct response, the Planning Proposal is seeking to provide a unique opportunity to increase the maximum building height to enable the conversion of existing commercial building for the purposes of the 3 star range.

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

There are no State Environmental Planning Policies applicable to this Planning Proposal.

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

The Planning Proposal has been assessed against the s117 Ministerial Directions and is consistent with each of the relevant matters, as outlined below.

TABLE 1 – SECTION 117 DIRECTIONS

DIRECTION	COMMENT
1. Employment and Resources 1.1 Business and Industrial Zones	The proposal will provide approximately an additional jobs associated with the hotel functionality and support the viability of 'Global Sydney' which in consistent with this Direction.
3. Housing, Infrastructure and Urban Development 3.4 Integrating Land Use and Transport	The proposal provides increased visitor accommodation in close proximity to a range of public transport options which responds positively to this Direction.
7. Metropolitan Planning 7.1 Implementation of the Metropolitan Plan	The Planning Proposal provides a range of new job opportunities, housing and increased high quality retail floor space which is consistent with the 'Metropolitan Priorities' of a Plan for Growing Sydney. .

5.4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Not applicable to this Planning Proposal.

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

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Given the proposed uplift in building height, the potential environmental effects that are relevant to the Planning Proposal relate mainly to overshadowing, view impacts and heritage.

Amenity impacts on surrounding properties

Overshadowing and view sharing of surrounding properties are the two key potential amenity impacts arising from the proposed increase in height, and have been evaluated in the Urban Design Analysis undertaken by Hassell at **Appendix A**.

Overshadowing

Shadow modelling of the proposed development, as facilitated by this Planning Proposal, has been undertaken by Hassell and is included at **Appendix A**. This shadow analysis illustrates the areas of additional shadows cast by the proposal.

The shadow diagrams illustrate that some additional shadows are cast in the morning periods in mid-winter. The key properties affected by this will be No. 47 Murray Street and 32-34 Bunn Street.

The additional shadows are predominantly cast towards the roof space of No. 47 Murray Street, which is directly to the south of the site, between 9.00am and 12 Midday. Given that the shadows mainly affect the roof space the proposal does not create any unreasonable shadow impacts on that property.

Some minor additional shadows are also cast across 32-34 Bunn Street, which is to the south-west of the site, between 9.00am and 10.30am in mid-winter. Some units within this development are already overshadowed during the morning period, due to the street wall to the north along Union Lane and also on the eastern side of Harwood Lane. The shadow analysis demonstrates that there will be no impact to most units of this development, and units which currently receive at least 2 hours solar access in mid-winter will be maintained.

The shadow analysis demonstrates that three units in 32-34 Bunn Street currently receive less than 2 hours solar access in mid-winter in their existing or current situation (i.e. the amount of solar access received in these three units varies from 10 minutes to 26 minutes in mid-winter). The proposal will reduce the existing limited solar access of these three units to 0 minutes in mid-winter. In a practical sense, these dwellings are already highly vulnerable as a result of their orientation and relationship to surrounding development. This has the effect of limiting any practical mid-winter solar access. While the proposal cannot improve this condition, in reality the status quo is retained at this mid-winter period, with greater amounts of sunlight enjoyed during the shoulder periods towards the equinox.

Therefore, overall, the proposal has sought to be generally compliant with DCP 2012 with regard to overshadowing of surrounding properties. While there is some additional shadowing, this mainly falls on the roof space of No. 47 Murray Street, and the shadowing on No. 32-34 Bunn Street is negligible and could not be deemed as unreasonable in the circumstances.

View Sharing

The Urban Design Analysis by Hassell has evaluated the potential for any view sharing impacts from the proposed additional built form on the subject site. This analysis has carefully evaluated three surrounding properties that may be affected by the proposal, including 32-34 Bunn Street, 1-9 Pyrmont Bridge Road and 1-5 Harwood Street.

The NSW Land and Environment Court judgement in the matter of *Tenacity Consulting v Warringah* [2004] NSWLEC 140 has been adopted as a 'Planning Principle' for 'View Sharing' by the court. In his judgement, Commissioner Roseth SC states that:

"The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment".

The four steps in referred to above are summarised as follows:

Step 1 - Assessment of views to be affected

The judgement states that:

“Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured”.

Step 2 - From what part of the property the views are obtained

The Judgement states that:

“For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.

Step 3 - Extent of the impact

The judgement states that:

“The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”

Step 4 - Reasonableness of the proposal

The judgement states that:

“A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

The Table below provides a summary of the above tests as they apply to each of the relevant sites affected by the proposal.

32-34 Bunn Street

Assessment of views to be affected

Glimpses and distant partial views of the mid and top points of buildings in the Sydney CBD skyline.

These views would not be described as iconic but does have a degree of value to residents of these buildings.

From what part of the property the views are obtained

East facing balconies on Level 5 & 6 of this property.

Extent of the impact

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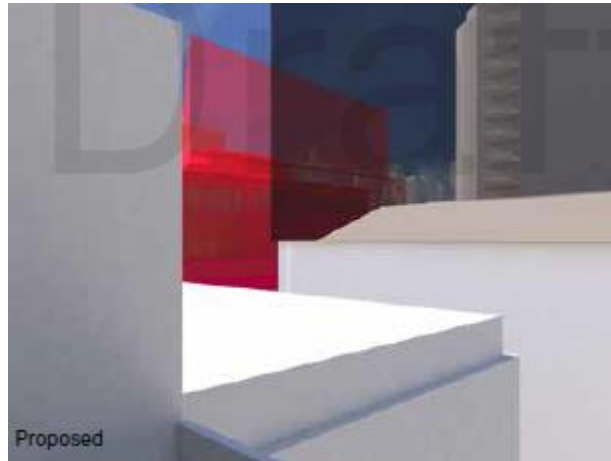
The L5 apartment enjoys limited city skyline views currently. The proposal will have a negligible impact with some glimpses of the top of CBD skyline affected by the proposed amendment.

The L6 apartment enjoys slightly better views of the city skyline which are more extensive than the L5 apartment. The proposed amendment will have a minor impact on these views, albeit with glimpses of the CBD still ultimately retained.

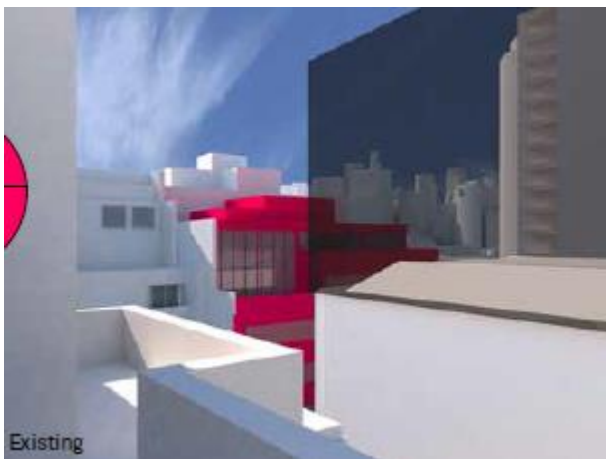
FIGURE 12 – VIEW SHARING (32-34 BUNN STREET)



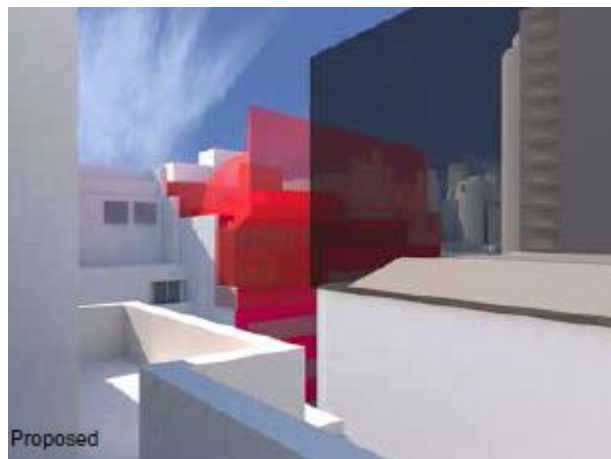
PICTURE 9 – LEVEL 5 EXISTING



PICTURE 10 – LEVEL 5 PROPOSED



PICTURE 11 – LEVEL 6 EXISTING



PICTURE 12 – LEVEL 6 PROPOSED

Reasonableness of the proposal

Based on the above, the proposed height (as facilitated under this Planning Proposal) is reasonable.

1-9 Pyrmont Bridge Road

Assessment of views to be affected

Glimpses and distant partial views of the mid and top points of buildings in the Sydney CBD skyline.

These views would not be described as iconic but does have a degree of value to residents of these buildings.

From what part of the property the views are obtained

East facing side views of balcony space on L7 and Level 8.

Extent of the impact

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The balcony of the affected unit on L7 has a unique aspect with views to north, south, east and west. The primary living spaces of this apartment are oriented to the north and west, where views in that direction are also enjoyed. This is shown in the figure below.

FIGURE 13 – VIEWS ENJOYED FROM LEVEL 7 OF 1-9 PYRMONT BRIDGE ROAD.



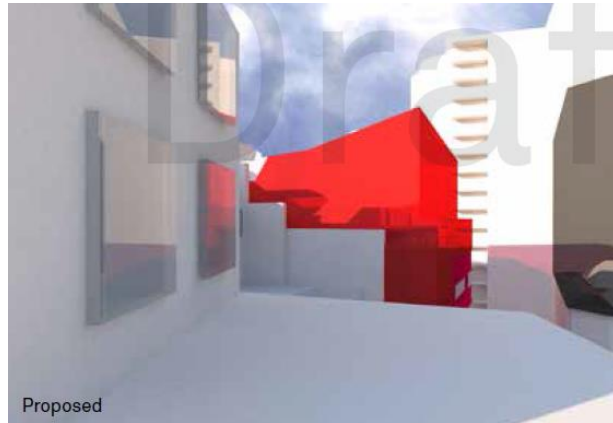
The proposal only affects views enjoyed from the courtyard/balcony space which faces south-east.

Therefore, while there is a minor to moderate impact on the glimpses of the Sydney skyline, this part of the courtyard/balcony is only part of the views enjoyed from this apartment. Further, given that this part of the courtyard/balcony is south facing the level of solar access is restricted in comparison to the other parts of this apartments private open space.

FIGURE 14 – VIEW SHARING (1-9 PYRMONT BRIDGE ROAD)



PICTURE 13 – LEVEL 7 EXISTING



PICTURE 14 – LEVEL 7 PROPOSED



PICTURE 15 – LEVEL 8 EXISTING



PICTURE 16 – LEVEL 8 PROPOSED

Reasonableness of the proposal

Based on the above, the proposed height (as facilitated under this Planning Proposal) is reasonable.

1-5 Harwood Street

Assessment of views to be affected

Glimpses and distant partial views of the mid and top points of buildings in the Sydney CBD skyline.

These views would not be described as iconic but does have a degree of value to residents of these buildings.

From what part of the property the views are obtained

East facing balcony spaces of L3, L4 & L5 and north facing balcony spaces of L6, L7 & L8

Extent of the impact

L3, L4 and L5 & L6 of this property will experience very negligible impacts on views towards the city.

While there will be a negligible to minor impact on the views from L7 and L8, these units also enjoy views to the north, as well as to the west. This is shown in the figure below.

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FIGURE 15 – VIEWS ENJOYED FROM LEVEL 7 1-5 HARWOOD STREET

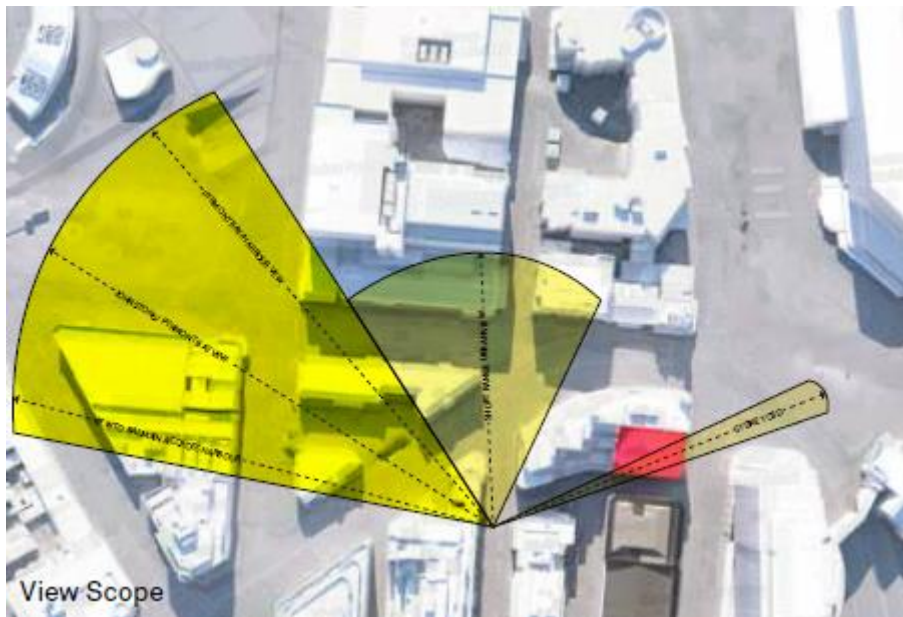


FIGURE 16 – VIEW SHARING (1-5 HARWOOD STREET)



PICTURE 17 – LEVEL 8 EXISTING



PICTURE 18 – LEVEL 8 PROPOSED



PICTURE 19 – LEVEL 4 EXISTING



PICTURE 20 – LEVEL 4 PROPOSED

Reasonableness of the proposal

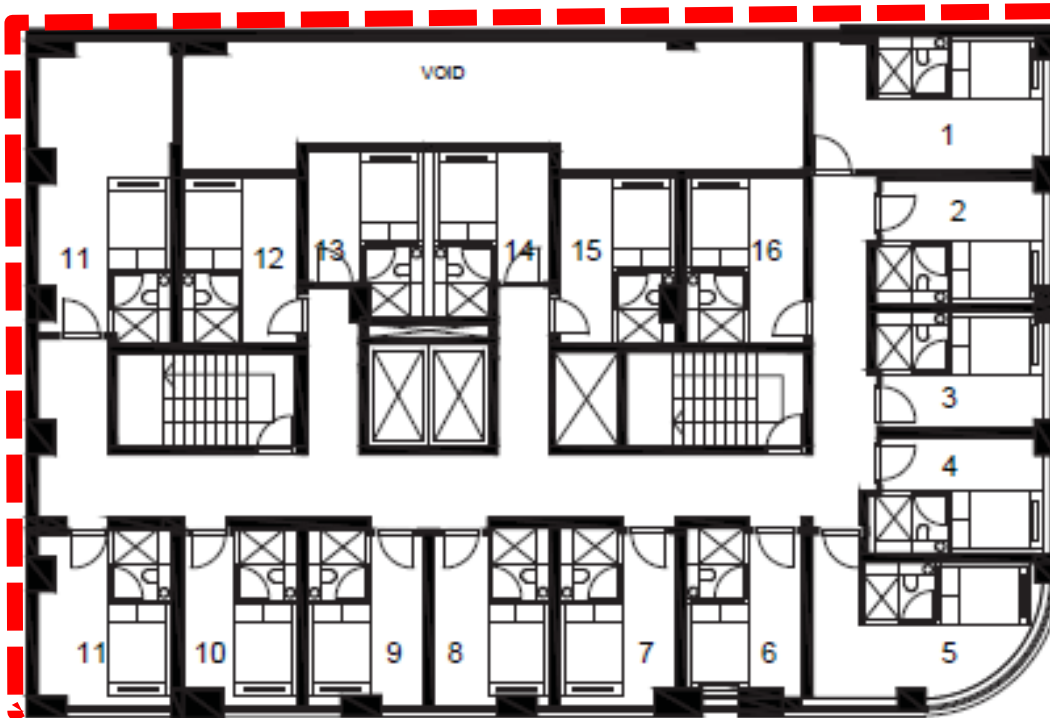
Based on the above, the proposed height (as facilitated under this Planning Proposal) is reasonable.

Privacy

The proposal is in close proximity to a number of residential properties. However, at these relevant interfaces (in particular to 1-9 Pyrmont Bridge Road and 47 Murray Street) the proposed indicative design concept and floor plans provide no windows which would give rise to any privacy impacts to these properties. This is shown in the typical floor plan layout below.

FIGURE 17 – TYPICAL FLOOR PLAN LAYOUT (SOURCE: HASSELL)

No Windows to adjoining properties



Proposed Typical Floor Plan

Heritage

The proposal is adjacent to 47-49 Murray Street which is a locally listed heritage item under LEP 2012 referred to as the “Harry Lesnie Pty Ltd Former Warehouse”.

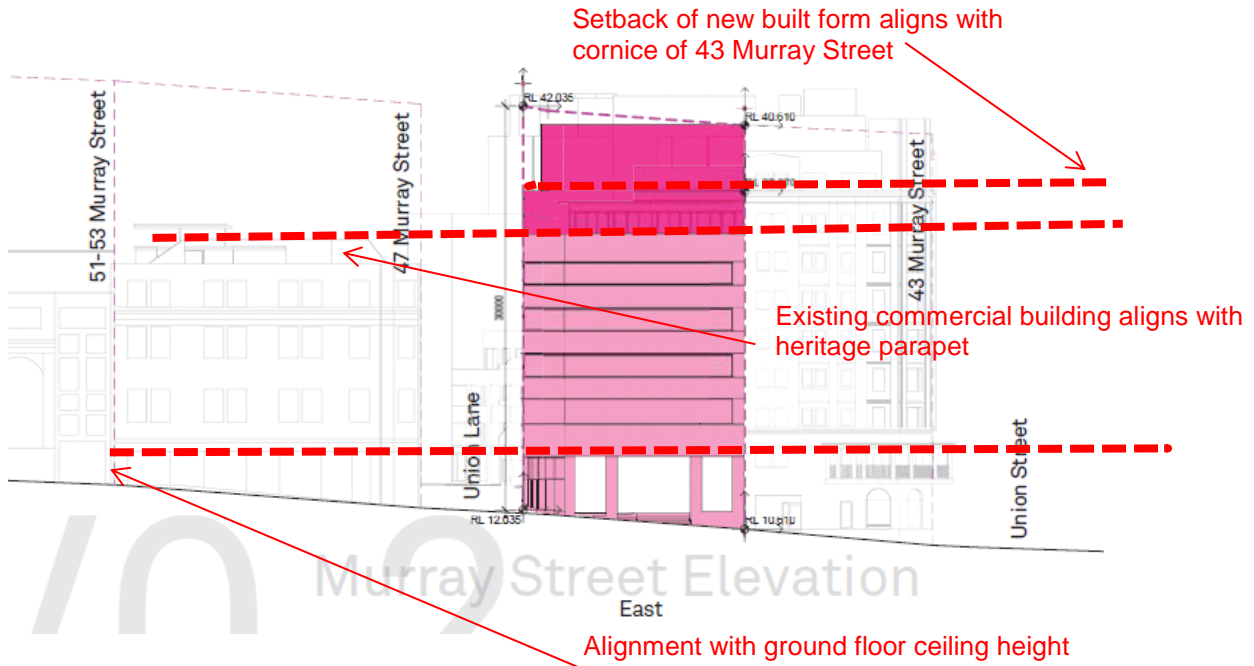
In accordance with the Statement of Significance from the NSW Heritage Office, the building is a good example of an Inter war warehouse building which makes a positive contribution to the streetscape. The building is one of three former commercial warehouses (Nos 43-69 and 51-53) on Murray Street erected in the interwar period of dissimilar architectural styles but of comparable height and bulk such that they form a distinctive cohesive streetscape. The array of architectural styles of this group represents the retrospective approach to building design in the Interwar period.

To respond positively to this heritage item, the proposed indicative concept proposes to align the ground floor ceiling with the ceiling height of the adjacent heritage item. Further, the existing commercial building aligns with the current parapet height of 47-49 Murray Street, with the proposed additions above this configured in a manner which aligns with the cornice line of 43 Murray Street to the north, but also setback to minimise impacts on views shared across the subject site.

Collectively, 45 Murray Street and 43 Murray Street will read as corner markers, with a setback which steps down to 47-49 Murray Street. Notwithstanding, assuming that the heritage qualities of this building can be maintained, 47-49 Murray Street, and properties further to the south along Murray Street enjoy a 30m height standard, and if these were built to this height, this would reinforce a strong, consistent street wall along Murray Street.

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FIGURE 18 – PROPOSALS RESPONSE TO HERITAGE ITEM



Based on the above, the proposal will complement the existing heritage item, and not give rise to any unreasonable impacts on this locally listed item.

How has the planning proposal adequately addressed any social and economic effects?

The proposal will provide an opportunity for increased supply of tourist and visitor accommodation that increases the quantum of hotel rooms in the locality. This will have a positive range of social and economic effects which directly align with the relevant state, regional and local planning policies.

5.4.4 STATE AND COMMONWEALTH INTERESTS

Is there adequate public infrastructure for the planning proposal?

The Planning Proposal does not alter the public infrastructure requirements that would be required when compared to the existing zoning and planning controls. The site is within walking distance of public transport (trains and buses), employment and lifestyle retail facilities within Pyrmont and the Sydney CBD. Upgrades to infrastructure arising from the development of the site (such as utilities and traffic) would be assessed during the development application process.

What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Appropriate consultation with relevant government agencies would be undertaken by Council following a gateway determination.

5.5 PART 4 - COMMUNITY CONSULTATION

Public consultation will be undertaken in accordance with the requirements of the Gateway Determination.

The project team has met with City of Sydney Council to outline the Planning Proposal and to understand Council's preferred path forward. The outcomes of this meeting have formed the basis for the documentation submitted as part of the planning proposal to ensure adequate information and analysis is provided.

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Section 57 of the *Environmental Planning and Assessment Act 1979* requires a planning proposal to be publicly exhibited for community consultation. It is anticipated that the planning proposal would be exhibited for a period of 14 or 28 days dependent on the outcome of the gateway determination. This exhibition would be conducted in accordance with Council's policies for community consultation.

6 Conclusions

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The Planning Proposal provides a comprehensive justification of the proposed amendment to LEP 2012, and is supported on the following grounds:

- The current site and built form fails to respond positively to the opportunities created by a prominent, strategic Sydney site, and is underdeveloped with regard to the surrounding built form context.
- The proposal provides the potential for high quality tourist and visitor accommodation, in a highly prominent location adjacent to Darling Harbour, with few sites in Sydney having comparable strategic credentials for this type of development.
- Well designed, centrally located and high quality tourist accommodation is a key initiative of state, regional and local planning policies. The proposal will assist with the express objective of doubling the tourist expenditure in NSW by 2020, and in particular responding to the severe shortage of mid-star accommodation in Sydney LGA referred to in Council's 2030 Strategy and recently released Draft Accommodation Action Plan. The proposal is also consistent with applicable State Environmental Planning Policies and Section 117 Directions.
- The proposal is generally consistent with DCP 2012 and will enable a future detailed design outcome to be facilitated which can respond positively to this document.
- The proposal provides the opportunity for a high quality urban design outcome which responds positively to the surrounding built form context.
- The proposed increase in the building height standard applicable to the site has been evaluated with regard to the potential environmental, social and economic impacts on the surrounding locality which are discussed in this report. This demonstrates that the proposal will respond positively to the surrounding context with no unreasonable impacts.

Overall, it is considered that the Planning Proposal has a range of positive benefits, and it is requested that City of Sydney Council take the necessary steps to enable it to proceed to Gateway Determination under Section 56 of the EP&A Act.

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Appendix A

Indicative Design Concepts

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Appendix B

Visitor Accommodation Provisions from DCP 2012

ATTACHMENT A

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