

ATTACHMENT A

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**PLANNING PROPOSAL:
SYDNEY LOCAL ENVIRONMENTAL
PLAN 2012 -
45 MURRAY STREET, PYRMONT**

Planning Proposal

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

Sydney Local Environmental Plan 2012 –
45 Murray Street, Pyrmont

February 2016



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Executive summary

The City of Sydney ('the City') prepared this *Planning Proposal: Sydney Local Environmental Plan 2012 – 45 Murray Street, Pyrmont* ('the Planning Proposal') in response to a request from the owner of the site, NX Holdings Pty Ltd, to amend Sydney Local Environmental Plan 2012 ('Sydney LEP 2012') to increase the maximum building height on the site for a new hotel development.

The Planning Proposal describes the proposed amendments, their intent and their justification.

The site has a total area of approximately 398 m² and contains a five to six storey commercial office building with a café and car park on the ground level and a seventh storey element containing a lift shaft and services area.

Under existing controls in Sydney LEP 2012, the site is on land that is zoned B4 Mixed Use, has a maximum building height of 22 metres and a maximum floor space ratio ('FSR') of 5:1.

The Planning Proposal proposes to amend Sydney LEP 2012 to increase the maximum building height from 22 metres to 30 metres when consent is granted for 'hotel and motel accommodation'. It does not seek to change the building height for other types of development. The existing zoning and FSR will also be retained.

The Planning Proposal also proposes to amend Sydney LEP to waive the requirement for a competitive design process for the hotel development provided it is an alteration and addition to the existing building.

The Planning Proposal is consistent with the City's 'Visitor Accommodation Action Plan' (2015) and the NSW Government's *A Plan for Growing Sydney*. In particular, the Planning Proposal will allow the provision of new mid-range hotel development that will assist with diversifying the hotel market and meeting changing visitor demand.

Analysis indicates the Planning Proposal's impacts will be maintained within acceptable levels. This includes impacts on surrounding heritage and impacts on surrounding apartments including overshadowing, view sharing and privacy. A detailed analysis of overshadowing and view sharing impacts is included in the landowner's justification report and urban design report enclosed at Appendix A and Appendix B.

While not part of this Planning Proposal, a site specific amendment to Sydney Development Control Plan 2012 has been prepared concurrent with this Planning Proposal to address impacts on surrounding properties.

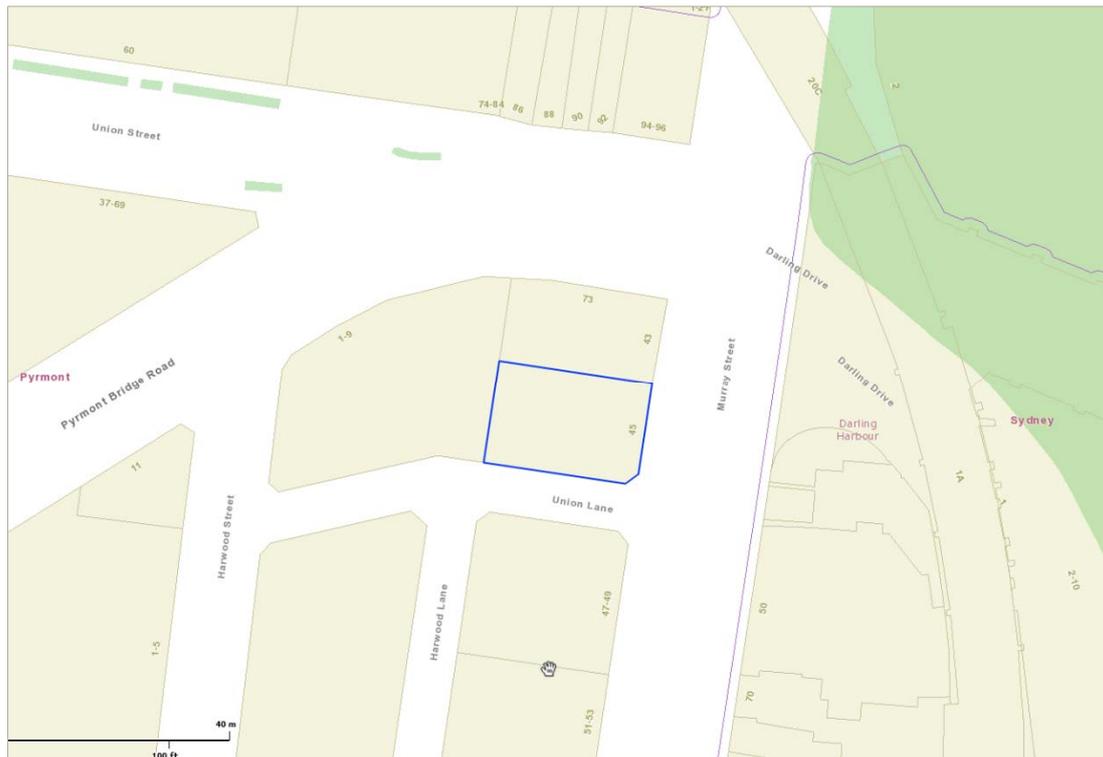
The City prepared this Planning Proposal in accordance with section 55 of the Environmental Planning and Assessment Act 1979 ('the Act') and relevant Department of Planning and Environment guidelines including 'A Guide to Preparing Planning Proposals'.

1. Site description and existing planning controls

1.1 Site description

The subject site is located at 45 Murray Street, Pyrmont, and is identified as Lot 1 in DP 507091. The site has a total area of approximately 398 m² and is in the single ownership of the applicant, NX Holdings Pty Ltd. The site location is shown in **Figure 1**.

Figure 1: Site location



Existing development on the site

The site currently contains a five to six storey commercial office building with a seventh storey element. The ground level contains a café fronting Murray Street to the east, and a car park accessed via Union Lane to the south.

The site presents as a five storey street wall to Murray Street and Union Lane that steps down to four storeys at the building's western end. A sixth storey is setback from the street wall.

A seventh storey element comprising a lift shaft and services area is located towards the northern part of the building's rooftop.

Surrounding development

Development surrounding the subject site is summarised in Table 1. An aerial photo is shown at Figure 2.

Table 1: Surrounding development

North	An eight storey residential flat building with ground floor retail uses fronting on to the corner of Pyrmont Bridge Road and Murray Street. The building's street address is 43 Murray Street. It has a 30 metre height limit under <i>Sydney Local Environmental Plan 2012</i> ('Sydney LEP 2012').
East	Murray Street and then a 15-storey (approximately) residential flat building and hotel building located on the opposite side of the street. The hotel is identified as IBIS Hotel Darling Harbour and contains approximately 256 rooms. The buildings are relatively tall within the surrounding context. The buildings' street address are 50 Murray Street and 70 Murray Street respectively.
South	Union Lane and then a four-storey commercial office building on the opposite side of the lane. The building is identified as a local heritage item in Sydney LEP 2012 and the site has a maximum building height of 30 m. The building's street address is 47 Murray Street.
West	An 8-9 storey residential flat building with ground floor retail fronting onto Pyrmont Bridge Road and identified as 1-9 Pyrmont Bridge Road. The building includes a frontage to Union Lane and contains some courtyards and balconies abutting the subject site.

Figure 2: Aerial photo of the site



1.2 Existing planning controls

Key planning controls affecting development on the site are contained in *Sydney Local Environmental Plan 2012* ('Sydney LEP 2012') and are summarised in Table 2 and relevant map extracts at Figures 3–6 below.

Table 2: Existing key planning controls in Sydney LEP 2012

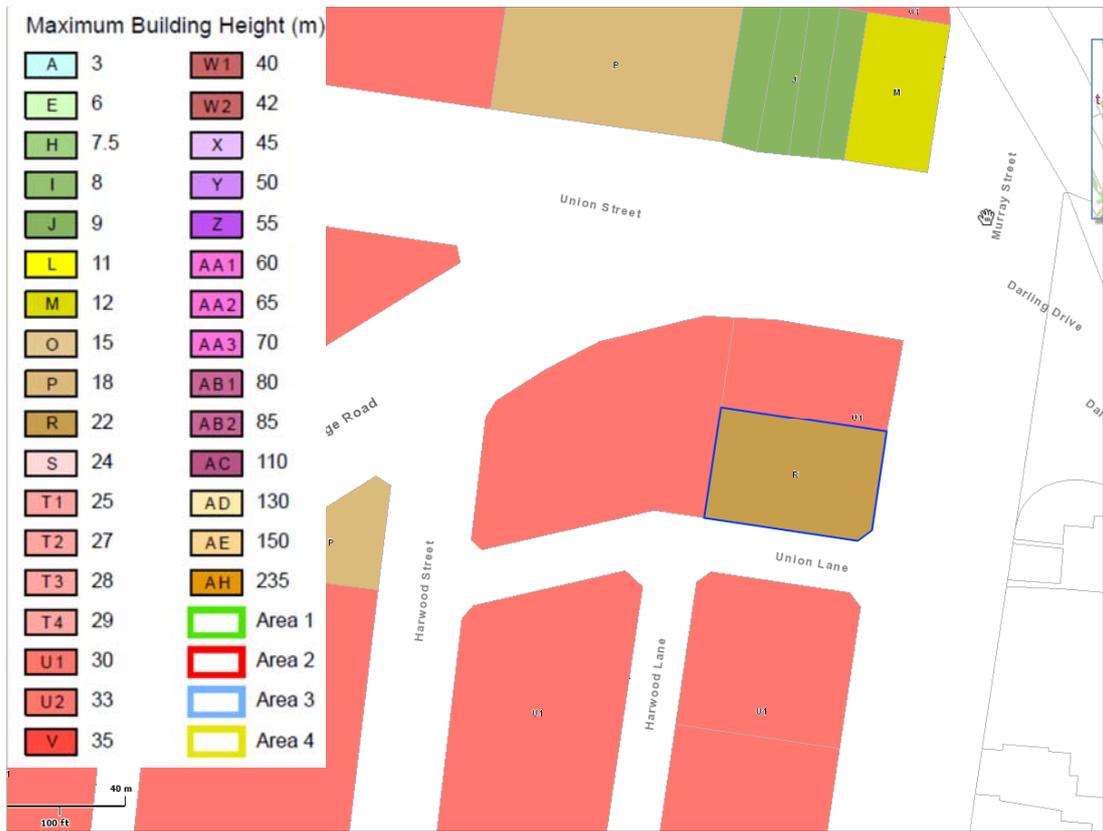
2.3 – Zoning and Land Use Table	The site is on land zoned B4 Mixed Use, as shown in Figure 3.	'Tourist and visitor accommodation' including 'hotel or motel accommodation' is permissible with consent in this zone. This Planning Proposal does not propose to change the site's zoning.
4.3 Height of Buildings	The site has a maximum building height of 22 m, as shown in Figure 4.	This Planning Proposal proposes to increase the maximum building height to 30 m only for 'hotel or motel accommodation'. It does not propose to amend the maximum building height for other types of development.
4.4 and 6.4 – Floor Space Ratio	The site has a maximum floor space ratio (FSR) of 5:1, as shown in Figure 5.	This Planning Proposal does not propose to amend the site's existing FSR.
6.21 – Design Excellence	Development consent must not be granted to development that will have a height of more than 25 m above the existing ground level unless a competitive design process has been held. A competitive design process is not required if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances.	This Planning Proposal proposes to increase the maximum building height to 30 m only for 'hotel or motel accommodation'. It also proposes to waive the requirement for a competitive design process.
Part 7 – Maximum car parking provisions	The maximum number of car parking spaces for a building used for the purposes of hotel or motel accommodation is (a) 1 space for every 4 bedrooms up to 100 bedrooms, and (b) 1 space for every 5 bedrooms more than 100 bedrooms.	This Planning Proposal does not seek to amend the maximum car parking provisions for the site. Car parking requirements will need to be addressed as part of any subsequent development application.
7.20 – Development requiring preparation of a Development Control Plan	Development consent must not be granted to development that will result in a building with a height greater than 25 metres above ground level (existing) unless a development control plan has been prepared for the land.	This Planning Proposal proposes to increase the maximum building height to 30 m only for 'hotel or motel accommodation'. A site specific amendment to Sydney Development Control Plan 2012 has been prepared concurrent with this Planning Proposal.

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Figure 3: Extract from Sydney LEP 2012 Zoning Map



Figure 4: Extract from Sydney LEP 2012 Building Height Map



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Figure 5: Extract from Sydney LEP 2012 FSR Map

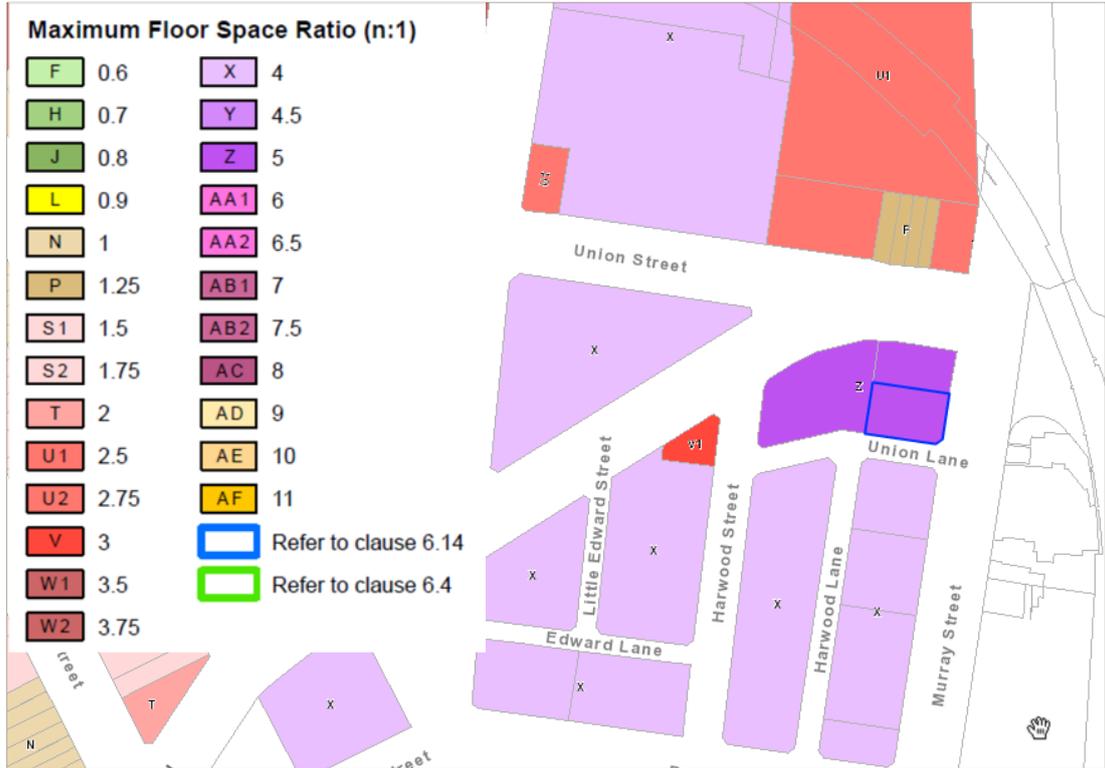


Figure 6: Extract from Sydney LEP 2012 Heritage Map



2. Objectives and explanation of proposed provisions

2.1 Objectives or intended outcomes

The objectives of this Planning Proposal are to:

- Allow the provision of a new mid-scale hotel development to provide a diverse hotel accommodation market that caters to changing visitor demand, consistent with the City's (2015) Visitor Accommodation Action Plan;
- Ensure a built form that is compatible with and limits impacts on surrounding development;
- Waive the requirement for a competitive design process if the development is an alteration and addition to the existing building for the purpose of 'hotel or motel accommodation' and any ancillary uses; and
- Exclude that development from obtaining a design excellence bonus.

2.2 Explanation of provisions

To achieve the objectives of the planning proposal it is proposed to amend Part 6, Division 5 of Sydney LEP 2012 to include new site specific controls for the site. The actual wording will be drafted by the Parliamentary Counsel's Office after the Planning Proposal is exhibited and Council and the Central Sydney Planning Committee provide their approval for the Planning Proposal to be made as a Local Environmental Plan. Drafting instructions for the Parliamentary Counsel's Office and an example clause are provided below.

Drafting instructions

1. The objective of the clause is to encourage the development of 'hotel or motel accommodation' at 45 Murray Street, Pyrmont.
2. The clause applies to development at 45 Murray Street, Pyrmont (Lot 1, DP 507091) for 'hotel or motel accommodation'.
3. The clause is to allow a development for 'hotel or motel accommodation' and ancillary uses to a maximum building height of 30 metres despite any other clauses of the plan.
4. The clause is to establish that a competitive design process under 6.21 (5) is not required and that additional building height or floor space may not be awarded under 6.21(7) for development to which this clause applies ('hotel or motel accommodation') and is an alteration and addition to the existing building.
5. Exclude the operation of clause 4.6 in relation to this clause.

Example clause

6.32 45 Murray Street, Pyrmont

- (1) The objective of this clause is to provide for additional height for development for the purpose of hotel or motel accommodation on certain land.
- (2) This clause applies to 45 Murray Street, Pyrmont, being Lot 1 in DP 507091.
- (3) Despite clause 4.3, the maximum building height for development on land to which this clause applies is 30 metres only if the development is for the purpose of 'hotel or motel accommodation' and ancillary uses.
- (4) Clauses 4.6, 6.21 (5), 6.21 (6) and 6.21 (7) do not apply to development on land to which this clause applies only if the development is for an alteration and addition to the existing building and for the purpose of 'hotel and motel accommodation' and ancillary uses.
- (5) Despite any other provision of this Plan, a building erected in accordance with subclause (3) must not be used for any purposes other than hotel or motel accommodation

3. Justification for proposed LEP amendments

A justification for the proposed amendment to the LEP is outlined in the following subsections:

- 3.1: Need for this Planning Proposal
- 3.2: Relationship to strategic planning framework
- 3.3: Environmental, social and economic impact
- 3.4: State and Commonwealth interests.

The justification is considered with reference to 11 questions from the Department of Planning and Infrastructure's (2012) 'A guide to preparing planning proposals'.

3.1 Need for this Planning Proposal

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

No, the Planning Proposal was requested by the landowner rather than being the direct result of a strategic study or report but it is consistent with the City's Visitor Accommodation Action Plan (2015). This is outlined in the response to Question 4.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the Planning Proposal is the best means of achieving the objectives outlined in Part 1 including facilitating the provision of new hotel development and ensuring the development responds appropriately to its context and limits impacts on neighbouring properties.

Urban design analysis indicates the site can accommodate a built form to a height of 30 metres without any unacceptable impacts to surrounding properties. This height cannot be achieved using Clause 4.6 – Exceptions to development standards. Instead, the maximum building height applying to the site for the development needs to be amended.

3.2 Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Yes, the Planning Proposal is consistent with the objectives and actions in the NSW Government's A Plan for Growing Sydney (2014).

A Plan for Growing Sydney

A Plan for Growing Sydney is the government's vision for Sydney over the next 20 years. It identifies key challenges facing Sydney including a population increase of 1.6 million residents by 2034 and needing 689,000 new jobs and 664,000 new homes by 2031.

In responding to these and other challenges, A Plan for Growing 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 people's 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. The Planning Proposal is consistent with relevant goals, directions and actions of the plan, in particular, Direction 1.9 – Support priority economic sectors. The direction identifies the ‘visitor economy (tourism)’ as a priority industry.

The subject site is also located within the Global Sydney Strategic Centre. An overarching priority is to provide capacity for additional mixed use development in precincts for offices, retail, tourism, arts, culture, services and housing.

4. Is the Planning Proposal consistent with Council’s local strategy or other local strategic plan?

Yes, the Planning Proposal is consistent with Council’s following strategies:

- Sustainable Sydney 2030: Community Strategic Plan (2014) (‘Sustainable Sydney 2030’)
- Visitor Accommodation Action Plan

Sustainable Sydney 2030

Sustainable Sydney 2030 outlines the Council’s vision for a ‘green’, ‘global’ and ‘connected’ City, with targets, objectives and actions to achieve that vision. The vision was adopted by Council in 2008. Strategic directions and actions of Sydney 2030 that align with the Planning Proposal are:

- Direction 1: A Globally Competitive and Innovative City – the Planning Proposal is consistent with Objective 1.6 to enhance tourism infrastructure, assets and branding of the City.
- Direction 6: Vibrant local communities and economies – a new hotel will support the diverse range of land uses and economic activity in the local area.
- Target 5: By 2030, the City will contain at least 465,000 jobs, including 97,000 additional jobs with an increased share in finance, advanced business services, education, creative industries and tourism sectors – a new hotel will provide additional tourism jobs and support jobs related sectors.

Visitor Accommodation Action Plan

The Australian and NSW tourism industries rely heavily on the City of Sydney’s visitor economy. Tourism Research Australia figures indicate that in the most recent 2014/15 financial year almost 7 million domestic overnight and international visitors stayed in commercial accommodation in the Sydney tourism region with almost 5 million of these staying in commercial accommodation in the Sydney local government area. Figures from Destination NSW and the Australian Bureau of Statistics demonstrate the number of tourists and tourist expenditure within Sydney and the LGA has grown strongly in recent years.

Tourism is a key economic priority for the City. It is a major source of jobs, economic growth and resilience. It increases international knowledge, business networks and cultural awareness and contributes to Sydney’s reputation as a great place to visit, live, work and invest.

City and NSW Government plans and strategies identify the importance of the visitor economy to Sydney and the need to support a diverse supply of visitor accommodation in the council area. Facilitating the supply of visitor accommodation on a site specific basis is an action identified in the City’s Visitor Accommodation Action Plan.

The Visitor Accommodation Action Plan responds to actions in the City’s Tourism Action Plan (2013) and the government’s Visitor Economy Industry Action Plan (2012) to investigate a planning and regulatory framework that will assist visitor accommodation.

The Planning Proposal responds to an opportunity to increase the supply and diversity of visitor accommodation in the council area. The proposal is consistent with the objectives and actions in the Visitor Accommodation Action Plan, including:

- Provide a positive environment for investment in visitor accommodation;
- Identify and, where possible, remove planning system barriers to investment and development;
- Assist demand led supply of new accommodation; and
- Encourage a more diverse sector.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

There are no State Environmental Planning Policies ('SEPPs') or Sydney Regional Environmental Plans ('SREPs') applicable to the Planning Proposal. All current SEPPs and SREPs are listed in **Table 3**.

Table 3: Current State Environmental Planning Policies

- SEPP No 1—Development Standards	- SEPP (Infrastructure) 2007
- SEPP No 14—Coastal Wetlands	- SEPP (Kosciuszko National Park—Alpine Resorts) 2007
- SEPP No 15—Rural Landsharing Communities	- SEPP (Kurnell Peninsula) 1989
- SEPP No 19—Bushland in Urban Areas	- SEPP (Major Development) 2005
- SEPP No 21—Caravan Parks	- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP No 26—Littoral Rainforests	- SEPP (Miscellaneous Consent Provisions) 2007
- SEPP No 29—Western Sydney Recreation Area	- SEPP (Penrith Lakes Scheme) 1989
- SEPP No 30—Intensive Agriculture	- SEPP (Rural Lands) 2008
- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)	- SEPP (SEPP 53 Transitional Provisions) 2011
- SEPP No 33—Hazardous and Offensive Development	- SEPP (State and Regional Development) 2011
- SEPP No 36—Manufactured Home Estates	- SEPP (Sydney Drinking Water Catchment) 2011
- SEPP No 39—Spit Island Bird Habitat	- SEPP (Sydney Region Growth Centres) 2006
- SEPP No 44—Koala Habitat Protection	- SEPP (Three Ports) 2013
- SEPP No 47—Moore Park Showground	- SEPP (Urban Renewal) 2010
- SEPP No 50—Canal Estate Development	- SEPP (Western Sydney Employment Area) 2009
- SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	- SEPP (Western Sydney Parklands) 2009
- SEPP No 55—Remediation of Land	- SREP (Sydney Harbour Catchment) 2005
- SEPP No 59—Central Western Sydney Regional Open Space and Residential	- SREP No 8 (Central Coast Plateau Areas)
- SEPP No 62—Sustainable Aquaculture	- SREP No 9—Extractive Industry (No 2—1995)
- SEPP No 64—Advertising and Signage	- SREP No 16—Walsh Bay
- SEPP No 65—Design Quality of Residential Flat Development	- SREP No 18—Public Transport Corridors
- SEPP No 70—Affordable Housing (Revised Schemes)	- SREP No 19—Rouse Hill Development Area
- SEPP No 71—Coastal Protection	- SREP No 20—Hawkesbury-Nepean River (No 2—1997)
- SEPP (Affordable Rental Housing) 2009	- SREP No 24—Homebush Bay Area
- SEPP (Building Sustainability Index: BASIX) 2004	- SREP No 26—City West
- SEPP (Exempt and Complying Development Codes) 2008	- SREP No 30—St Marys
- SEPP (Housing for Seniors or People with a Disability) 2004	- SREP No 33—Cooks Cove

6. Is the Planning Proposal consistent with applicable Ministerial directions?

Yes, the Planning Proposal is consistent with all applicable Ministerial (s117 directions) directions. Three directions are applicable to the Planning Proposal as shown in Table 4. The Planning Proposal is consistent with all three directions, as outlined in the following subsections.

Table 4: Applicability of Ministerial directions to the Planning Proposal

Employment and Resources		
1.1	Business and industrial zones	✓
1.2	Rural zones	✗
1.3	Mining, petroleum production and extractive industries	✗
1.4	Oyster aquaculture	✗
1.5	Rural lands	✗
Environment and Heritage		
2.1	Environmental protection zones	✗
2.2	Coastal protection	✗
2.3	Heritage conservation	✗
2.4	Recreation vehicle areas	✗
Housing, Infrastructure and Urban Development		
3.1	Residential zones	✗
3.2	Caravan parks and manufactured home estates	✗
3.3	Home occupations	✗
3.4	Integrating land use and transport	✓
3.5	Development near licensed aerodromes	✗
3.6	Shooting ranges	✗
Hazard and Risk		
4.1	Acid sulfate soils	✗
4.2	Mine subsidence and unstable land	✗
4.3	Flood prone land	✗
4.4	Planning for bushfire protection	✗
Regional Planning		
5.1	Implementation of regional strategies	✗
5.2	Sydney drinking water catchments	✗
5.3	Farmland of state and regional significance on the NSW far north coast	✗
5.4	Commercial and retail development along the Pacific Highway, N. coast	✗
5.5	Development in the vicinity of Ellalong, Paxton and Millfield – revoked	✗
5.6	Sydney to Canberra corridor – revoked	✗
5.7	Central Coast – revoked	✗
5.8	Second Sydney Airport, Badgerys Creek	✗
5.9	North West Rail Link corridor strategy	✗

Regional Planning	
6.1 Approval and referral requirements	x
6.2 Reserving land for public purposes	x
6.3 Site specific provisions	x
Metropolitan Planning	
7.1 Implementation of 'A Plan for Growing Sydney'	✓
7.2 Implementation of Greater Macarthur land release investigation	x

Direction 1.1 – Business and industrial zones

The site is on land zoned B4 Mixed Use and is currently used for commercial office purposes. The Planning Proposal seeks to increase the maximum building height to facilitate a change of use from an office to a hotel.

Supporting tourist and visitor accommodation development is identified as a priority in various local and state strategies including the government's A Plan for Growing Sydney and Visitor Economy Industry Action Plan and the City's Sustainable Sydney 2030 and Visitor Accommodation Action Plan. The planning proposal is consistent with the direction as it encourages employment growth, protects employment land and supports the viability of Pyrmont which is with Global Sydney.

Direction 7.1 – Implementation of 'A Plan for Growing Sydney'

The Planning Proposal is consistent with A Plan for Growing Sydney, as outlined in the response to Question 3.

3.3 Environmental, social and economic impact

7. 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 Planning Proposal?

No, the Planning Proposal will not affect any critical habitats, populations or ecological communities.

8. 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 proposes to amend the maximum building height on the subject site to facilitate redevelopment as a mid-range hotel. Potential environmental effects include:

- Overshadowing
- Views
- Privacy
- Heritage.

These impacts are discussed in the following subsections.

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Overshadowing

Minimum acceptable solar access requirements are specified in the NSW Department of Planning and Environment's (2015) 'Apartment Design Guide'. Key requirements are summarised as follows:

- Objective 4A-1 requires that at least 70% of apartments in a building receive at least 2 hours of direct sunlight between 9 am and 3 pm at mid-winter in the Sydney metropolitan area;
- Objective 4A-1 also requires that living rooms and private open spaces receive at least 1 m² of direct sunlight, measured at 1 m above floor level, for at least 15 minutes; and
- Objective 3B-2 requires that if an adjoining property does not currently receive the required hours of access the proposed building must ensure solar access to neighbouring properties is not reduced by more than 20%.

In association with this Planning Proposal, it is proposed to amend Sydney Development Control Plan 2015 to provide a building envelope that ensures acceptable solar access to neighbouring residential properties. A south east perspective of the proposed maximum building envelope is shown in Figure 7. Surrounding properties are shown in Figure 8.

Figure 7: South east perspective of the proposed maximum building envelope

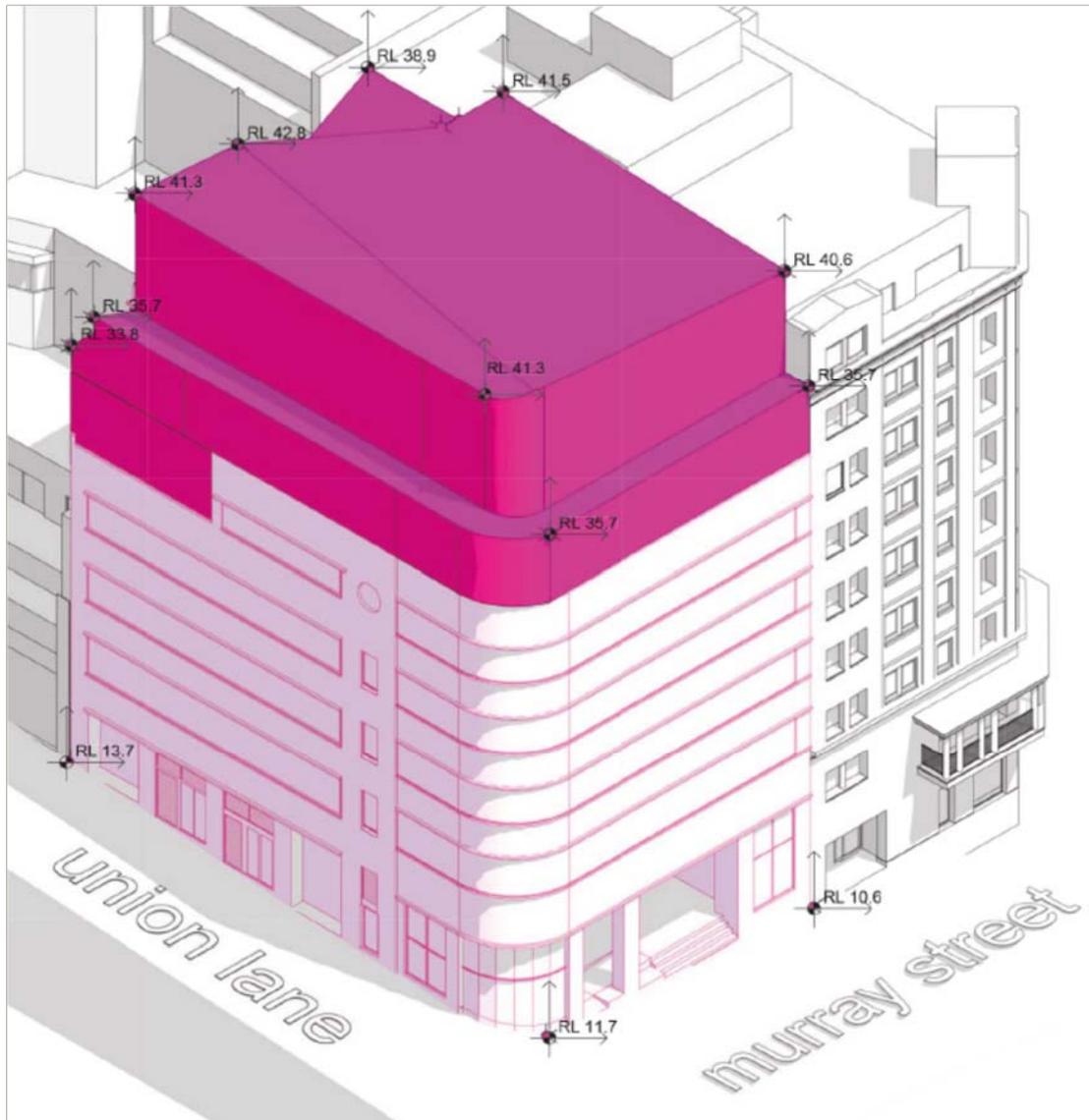
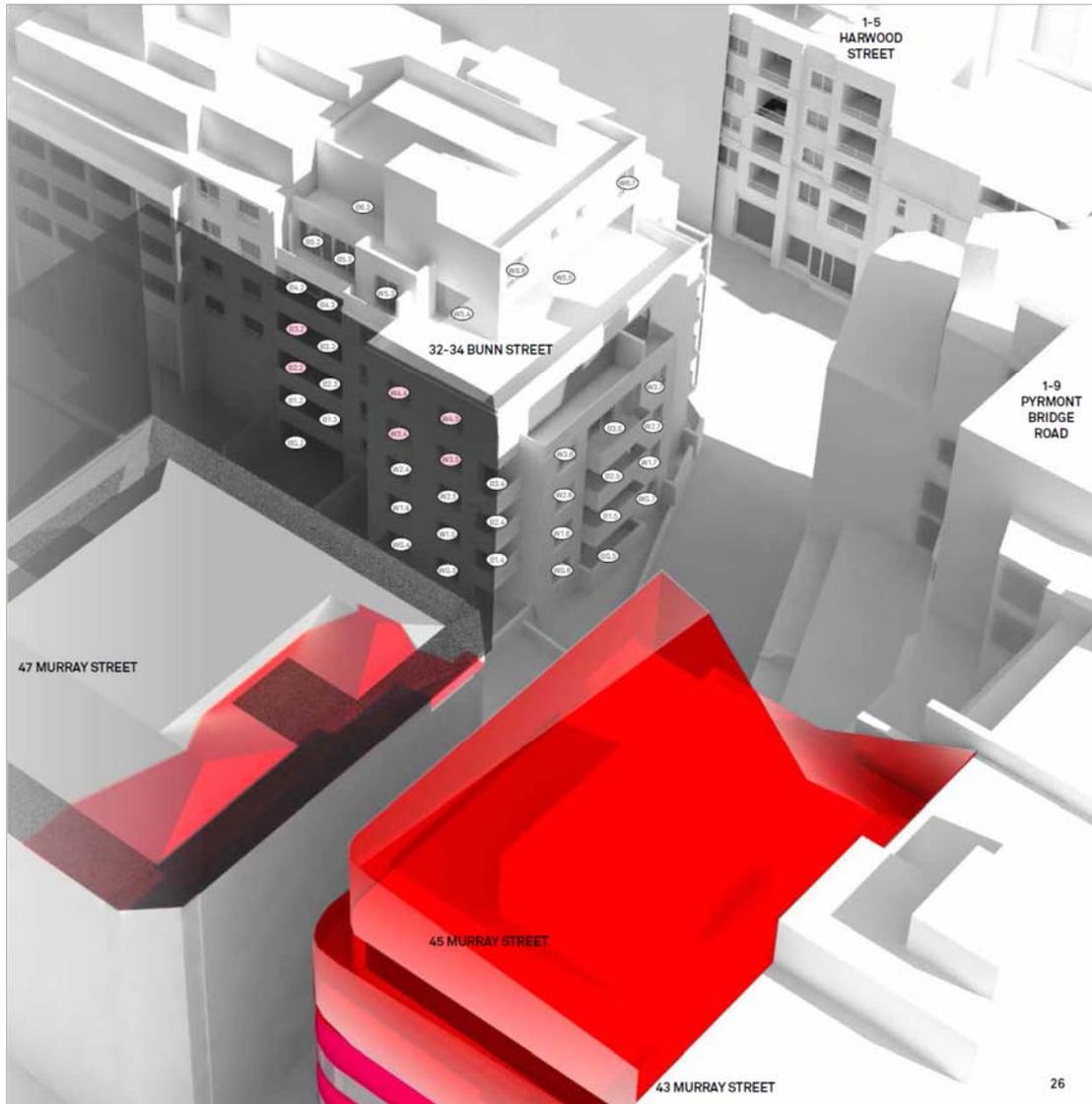


Figure 8: Properties surrounding the subject site



Solar access impacts of the proposed maximum building envelope are modelled in section 5 of Hassell's report shown at [Appendix A](#). The modelling indicates less than 70% of apartments currently receive at least 2 hours of direct sunlight between 9 am and 3 pm at mid-winter. Therefore objective 3B-2 of the Apartment Design Guide requiring the proposed building to ensure solar access to neighbouring properties is not reduced by more than 20% is relevant.

The modelling indicates six apartments at 32-34 Bunn Street will lose between 8 and 28 minutes of sunlight to habitable spaces during mid-winter. Two of the affected apartments currently receive less than 10 minutes of sunlight in mid-winter. This sunlight is only received in June and July and the apartments receive no sunlight at other times of the year due to the existing impacts of other buildings. Under Objective 4A-1 of the Apartment Design Guide, sunlight must be received for at least 15 minutes to be recognised. As the two apartments currently receive less than 10 minutes of sunlight, the proposed envelope's impact on their solar access is consistent with the Apartment Design Guide.

The remaining four apartments affected currently receive 2 hours and 8 minutes or 2 hours and 28 minutes of sunlight and will lose between 8 and 28 minutes of sunlight and will each retain 2 hours of sunlight. The percentage of sunlight lost by each apartment ranges from 6.3% to 18.9%, as shown in Table 5. The reference numbers used for apartments is shown in Figure 9.

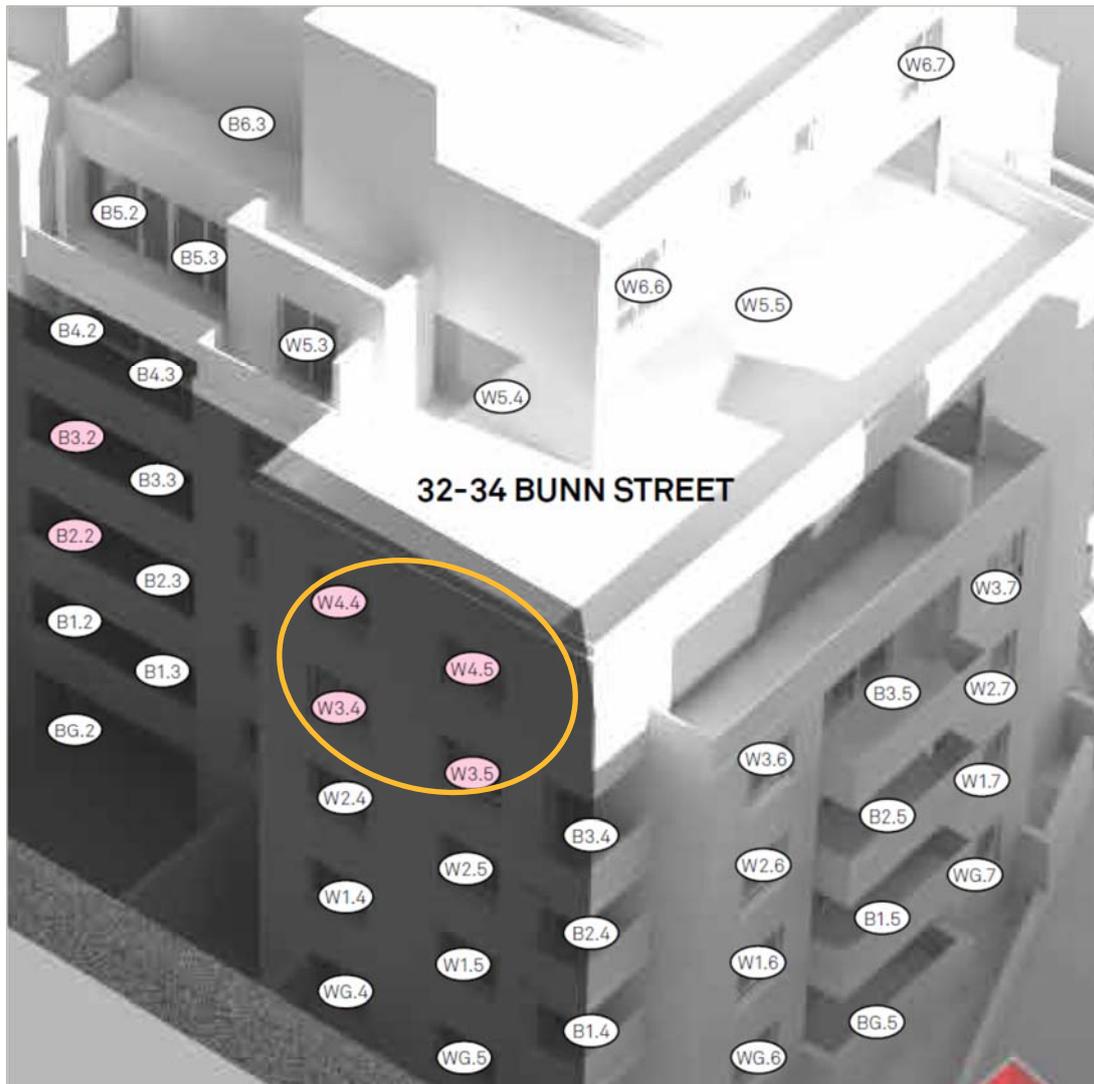
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The proposed maximum building envelope ensures solar access to neighbouring properties is not reduced by more than 20% in accordance with Objective 3B-2 of the Apartment Design Guide. The impact of the proposed maximum building envelope on surrounding properties' solar access is therefore considered to be within acceptable limits and the standards of the Apartment Design Guide.

Table 5: Reduction in sunlight received by apartments 32-34 Bunn Street¹

	Current	Proposed	Reduction	Reduction
AW3.4	148 minutes	120 minutes	28 minutes	18.9%
AW3.5	128 minutes	120 minutes	8 minutes	6.3%
AW4.4	148 minutes	120 minutes	28 minutes	18.9%
AW4.5	148 minutes	120 minutes	28 minutes	18.9%

Figure 9: Apartment references used for solar access analysis at 32-34 Bunn Street



¹ Derived from section 5 of Hassell's urban design report shown at [Appendix A](#) to this Planning Proposal. Apartment references are as per the references used in Hassell's report.

Views

A view impact analysis is included in section 3 of Hassell's report shown at Appendix A. It indicates the proposed maximum building envelope will affect views from 12 apartments in three neighbouring apartment buildings:

- 2 apartments at 1-9 Pyrmont Bridge Road, adjoining the site to the west;
- 2 apartments at 32-34 Bunn Street, to the south west, on the opposite corner of Union Lane and Harwood Lane; and
- 8 apartments at 1-5 Harwood Street, slightly further afield to the west, on the opposite side of Harwood Lane.

The location of these properties relative to the subject site is shown in Figure 8 in the previous subsection.

Views are not protected in the LEP, Sydney Development Control Plan 2012 or the Apartment Design Guide. The Planning Proposal's effect on views have therefore been assessed against the NSW Land and Environment Court's 'Planning Principle' for view sharing (*Tenacity Consulting v Warringah Council* [2004] NSW LEC 140). Three key criteria are used to assess the level of impact:

1. Importance of the view affected – whole views are generally considered more important than partial views; iconic views are valued more highly than views without icons;
2. Part of the property where views are obtained – views from living areas are generally considered more important than views from other areas of a dwelling; side and sitting views are generally considered less important than standing views; and
3. How much of the view is affected.

Hassell's view impact analysis shown at Appendix A includes imagery comparing the existing and proposed views at each of the 12 affected apartments. The level of impact and view sharing at each apartment is outlined in the subsections below. In all cases, the level of view sharing and impact is considered acceptable.

View impact at 32-34 Bunn Street

The Planning Proposal will impact on two apartments' views at 32-34 Bunn Street, as shown in Figure 10. The apartments' existing and proposed views are shown in Figure 11 and Figure 12. The views are also affected by the permissible building envelope for 47 Murray Street.

The proposed level of view sharing and impact on the two apartments is considered acceptable as their views are not whole views, they are not of significant importance and some of the views will be retained.

Both apartments have glimpses and distant partial views of the mid and top points of buildings in the Central Sydney skyline. The views' importance are not considered significant as the views are neither whole nor iconic.

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Figure 10: Apartment references used for view analysis at 32-34 Bunn Street

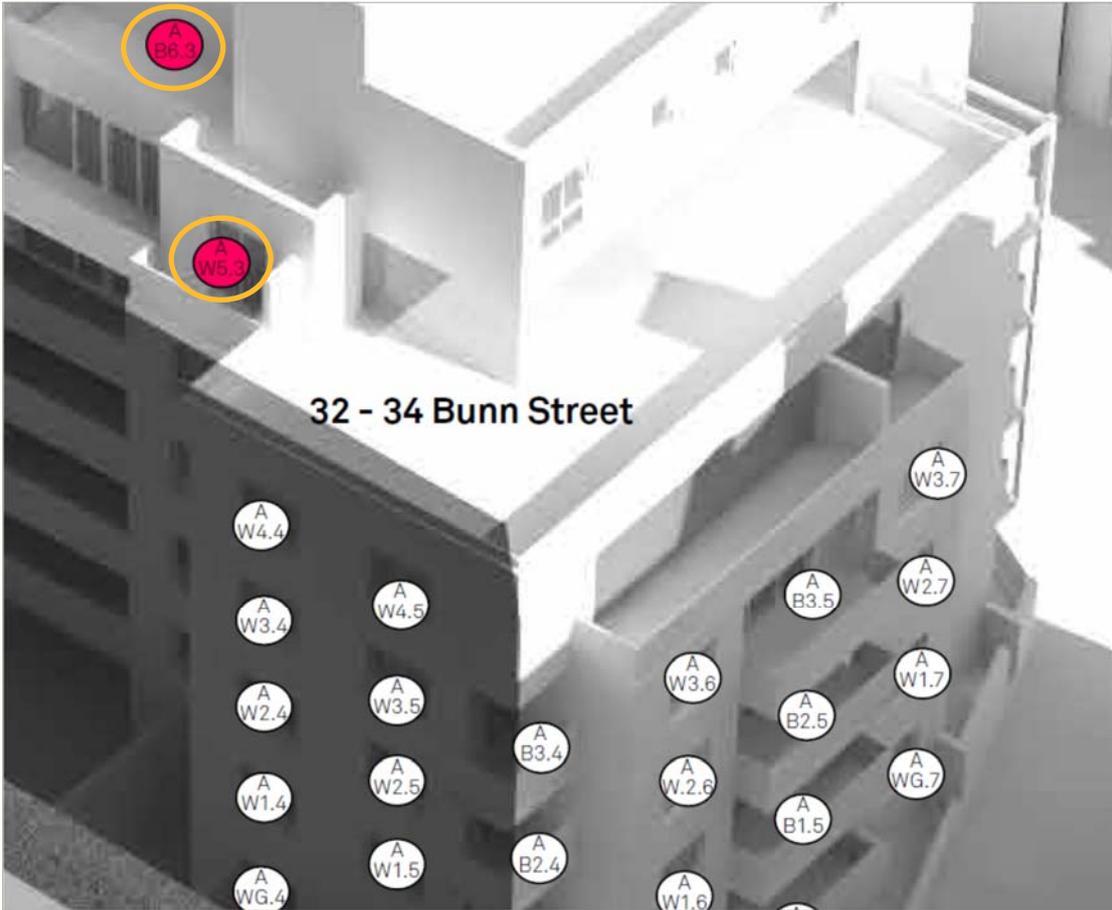


Figure 11: View north-east from window of AW5.3

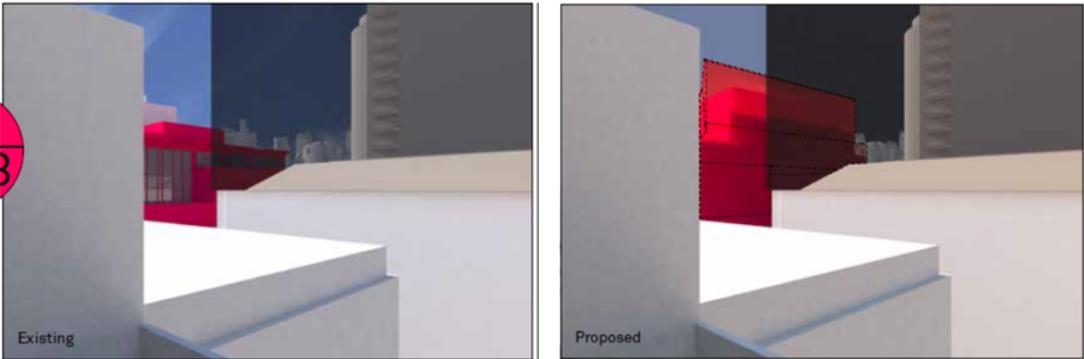
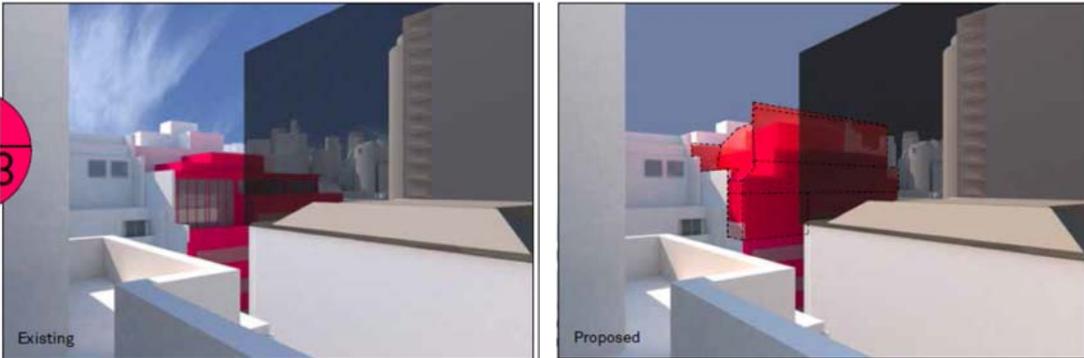


Figure 12: View north-east from window of AB6.3



View impact at 1-5 Harwood Street

The Planning Proposal will impact on seven apartments' views at 1-5 Harwood Street, as shown in Figure 13. Each apartment's existing and proposed views are shown in Figures 15 through 21.

Four apartments (BB4.1, BB4.2, BB3.1 and BB3.2) have very limited views of the Central Sydney skyline, most of which will be lost. These views are shown in Figures 15 to 18. The proposed impact on these apartments and level of view sharing is considered acceptable given the views are very limited and the skyline visible does not contain any iconic elements.

Three apartments (BB6.2, BB7.2 and BB8.2) have slightly more expansive but still limited views of the Central Sydney skyline. These views are shown in Figures 19 to 21. These apartments would lose approximately half to three quarters of their distant skyline view. The proposed impact and level of view sharing is considered acceptable as the skyline views are not whole views, they will retain part of the skyline view, and the portion of the skyline view proposed to be lost does not contain any iconic elements. Two of the apartments (BB6.2 and BB7.2) also have more expansive views in other directions that won't be affected.

Figure 13: Apartment references used for view analysis at 1-5 Harwood Street



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Figure 14: View east from balcony of BB4.1

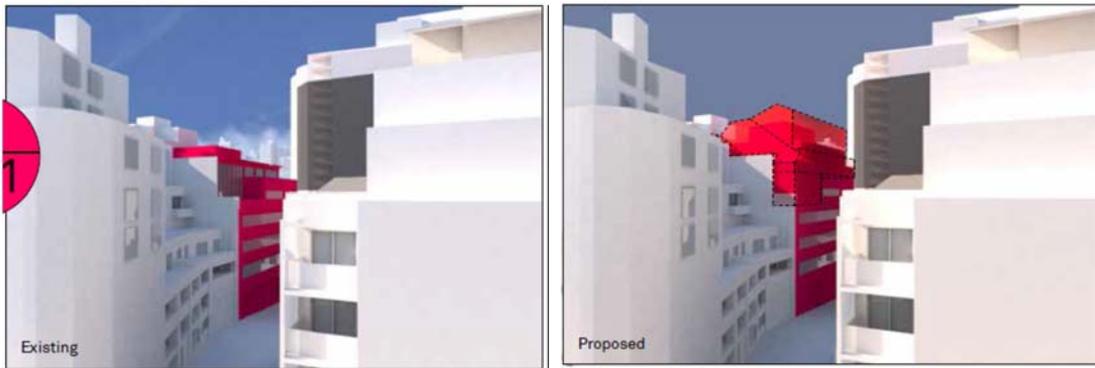


Figure 15: View east from balcony of BB4.2



Figure 16: View east from balcony of BB3.1

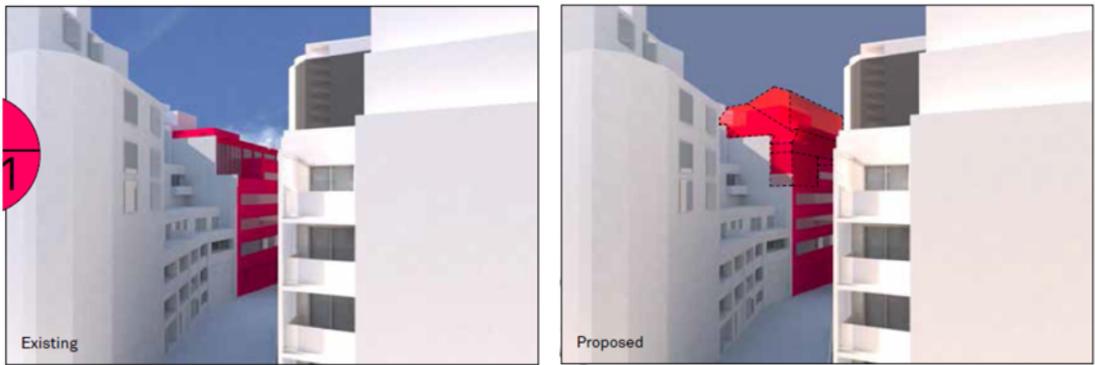


Figure 17: View east from balcony of BB3.2



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Figure 18: View north from balcony of BB8.2

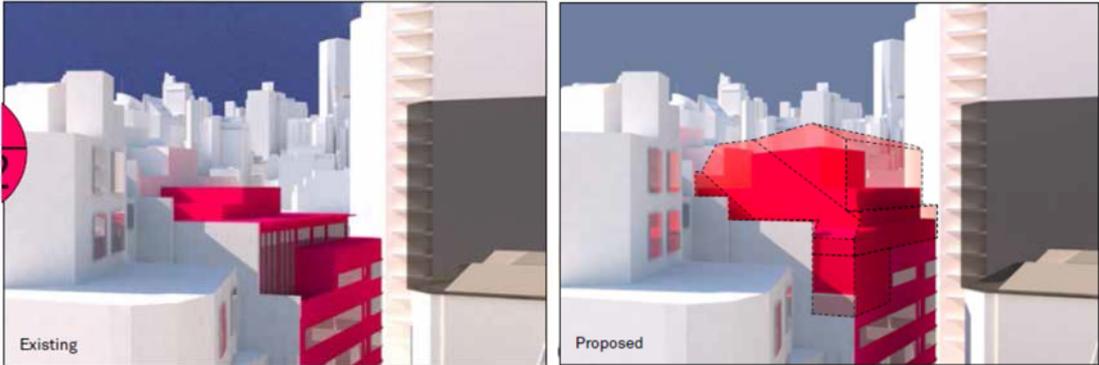


Figure 19: View north from balcony of BB6.2

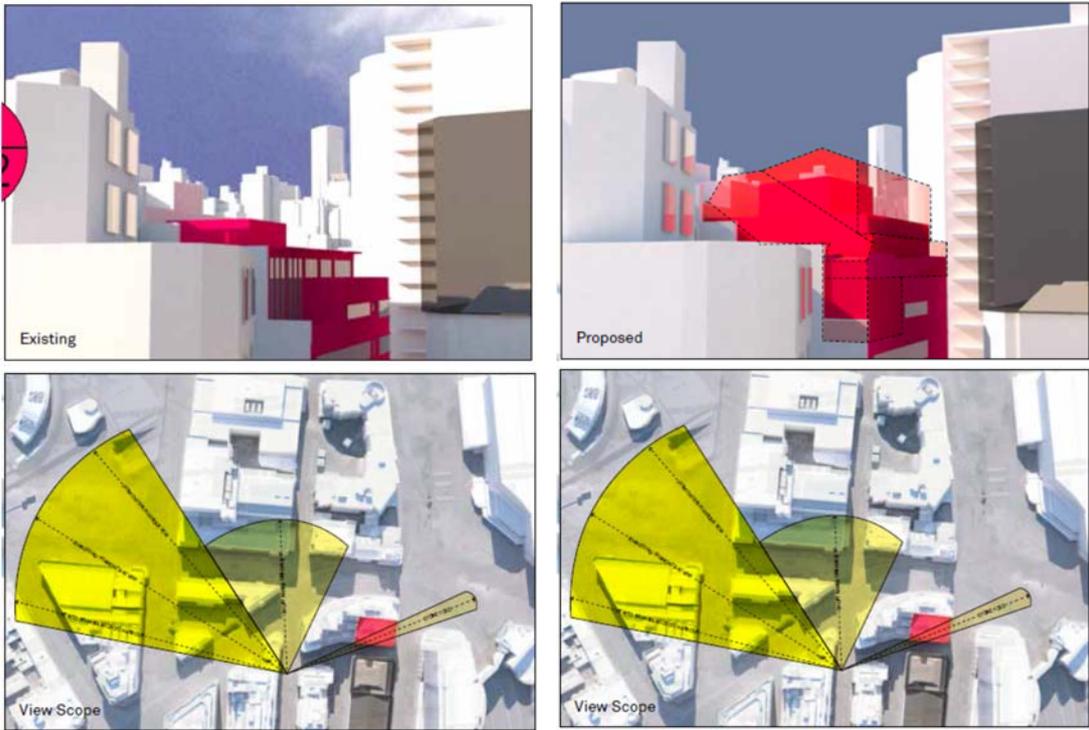
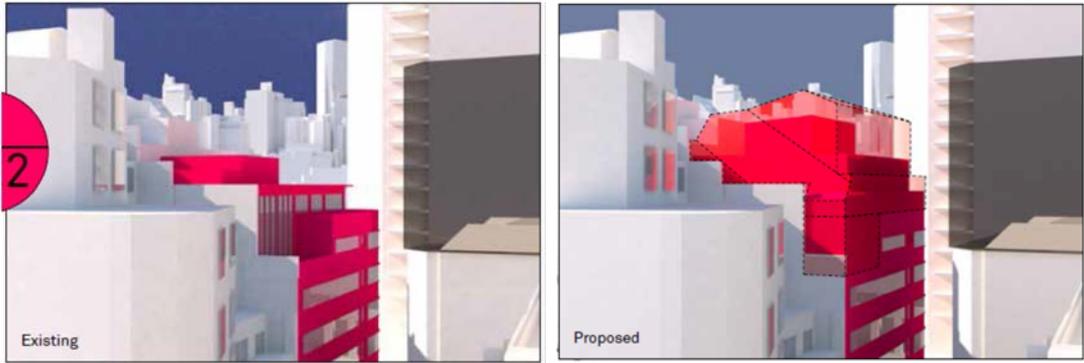


Figure 20: View north from balcony of BB7.2



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View impact at 1-9 Pyrmont Bridge Road

The Planning Proposal will impact on five apartments' views at 1-9 Pyrmont Bridge Road, as shown in Figure 22. The apartment's existing and proposed views are shown in Figures 23 to 27.

The proposed level of view sharing and impact on each apartment is considered acceptable and is summarised as follows:

- CB7.1 – this apartment has glimpses and partial views of the Central Sydney skyline, most of which will be lost. The effect on the view is shown in Figure 23. It also has more expansive views in other directions which will not be affected. While most of the skyline view will be lost, this is considered acceptable as the skyline view is not a whole view and the portion lost does not contain any iconic elements. Additionally, the apartment will retain its more expensive views in other directions.
- CW8.6 – this apartment has glimpses and partial views of the Central Sydney skyline including the mid and top point of Sydney Tower. Approximately half of the skyline view will be lost. The view is shown in Figure 24. The apartment will lose its view of the midpoint of Sydney Tower but retain its view of the more important top point of Sydney Tower. This impact and level of view sharing is considered acceptable as the view is not a whole view and part of the view will be retained including the important top point of Sydney Tower.

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Figure 21: Apartment references used for view analysis at 1-9 Pyrmont Bridge Road

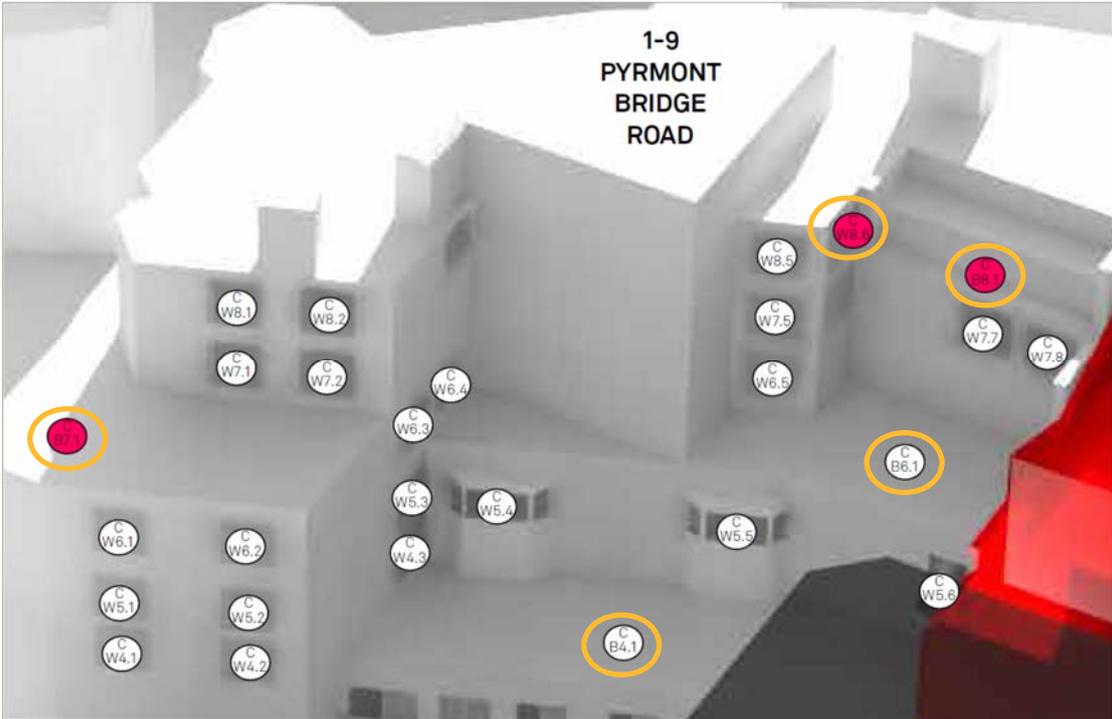


Figure 22: View east from balcony at CB7.1

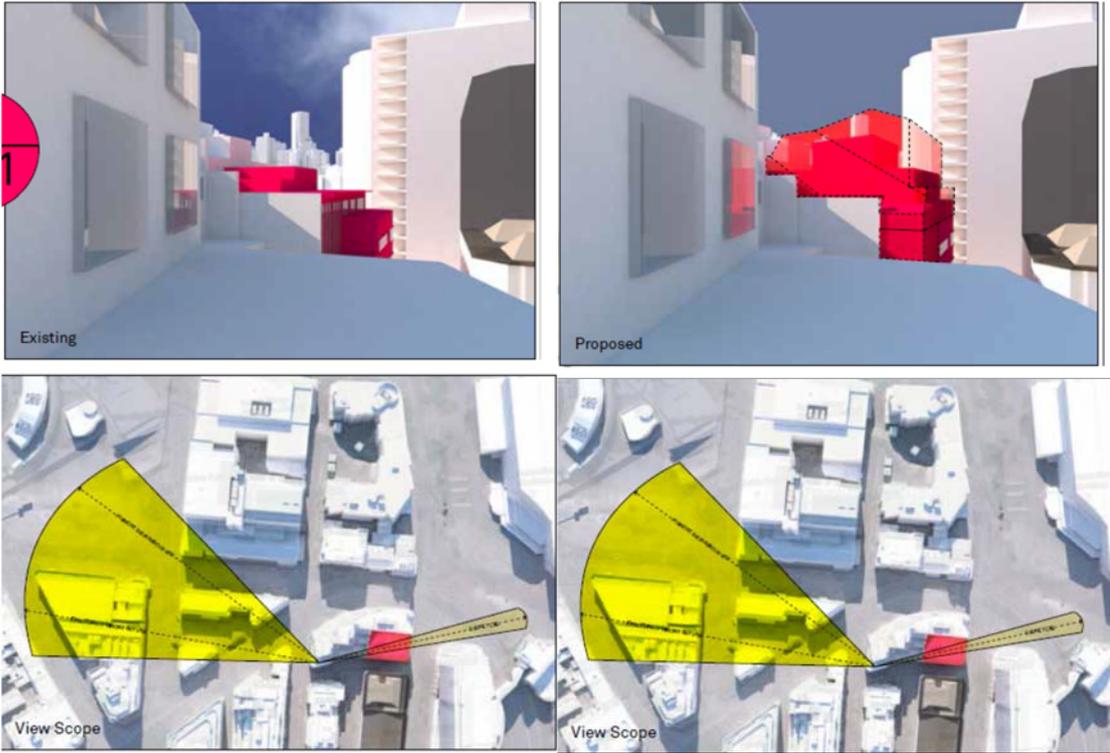
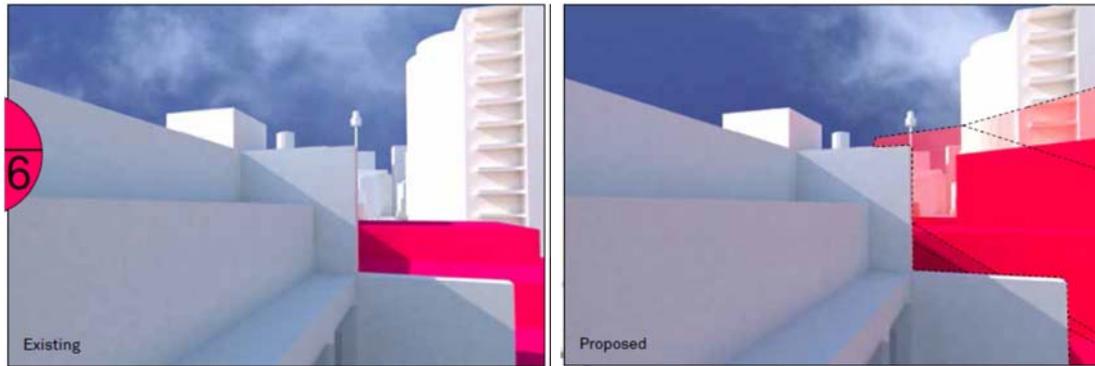


Figure 23: View east from window at CW8.6



Privacy

The subject site is adjoined by a residential flat building at 1-9 Pymont Bridge Road and a second residential flat building at 32-34 Bunn Street is located to the south west of the subject site on the opposite corner of Union Lane and Harwood Lane. The adjoining building to the south on the opposite side of Union Lane is currently being used as a commercial office.

A typical floor plan of the proposed development is included in Hassell's urban design report shown at Appendix B. The typical floor plan layout does not include any windows on the building's western and southern sides, looking towards the nearby residential flat buildings at 1-9 Pymont Bridge Road and 32-34 Bunn Street. This indicates the proposed development will not have any privacy impacts on any nearby residential properties. Privacy impacts will be assessed as part of any associated development application.

Heritage

The Planning Proposal is not considered to have any unacceptable heritage impacts.

The site is not listed as a heritage item and is not located in a heritage conservation area but is in the vicinity of two heritage items located to the south of the site at 47-49 Murray Street and 51-53 Murray Street. These are shown in Figure 6 of this Planning Proposal.

The two heritage items are 1920s warehouses that are historically significance as a representative of that building type. The intactness of the warehouses and consistent scale contributes substantially to their significance. The planning proposal will enable development that is consistent with the scale of the nearby heritage items.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will have a number of positive social and economic effects as well as effects requiring further consideration and management during the development application stage. These are outlined below.

Positive effects

The Planning Proposal will support increased supply of hotel and visitor accommodation consistent with various local and state strategies. The increased visitor numbers and expenditure will provide a number of social and economic benefits including increased employment in the sector and a more diverse and robust economy.

Effects requiring consideration and management

The Planning Proposal will have a number of effects that will need to be considered further and managed at the development application stage. Effects include:

- Traffic impacts;
- Accessibility requirements under the Building Code of Australia and Access to Premise Standards within and around the site for a future hotel;
- Amenity impacts including from deliveries and guest arrivals – these can be managed through a condition of consent requiring a plan of management to be prepared;
- Outdoor lighting impacts; and
- Waste management impacts – a comprehensive waste management plan will need to be prepared as part of the development application process.

3.4 State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

It is expected existing infrastructure servicing the site has the capacity to accommodate future development. Infrastructure upgrades needed to support future development on the site will be investigated as part of the development application. This includes any required augmentation and mitigation measures.

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

Given the site specific nature of the Planning Proposal, no preliminary consultation with state or commonwealth authorities is considered necessary. Consultation with relevant agencies will be conducted when Gateway determination is issued. If the Greater Sydney Commission (or delegate) decides the Planning Proposal can proceed, the Commission (or delegate) will inform Council which state and Commonwealth authorities Council must consult during the Planning Proposal's public exhibition period.

4. Proposed mapping, consultation and timeline

4.1 Mapping

It is not proposed to amend any maps in Sydney Local Environmental Plan 2012.

4.2 Consultation

It is proposed to publicly exhibit this Planning Proposal and consult with any relevant state or commonwealth authorities during the public exhibition period.

Public exhibition period

This Planning Proposal will be publicly exhibited for at least 14 days in accordance with section 5.5.2 of the Department of Planning and Infrastructure's (2013) 'A Guide to Preparing Local Environmental Plans'.

Public notification

Council will notify the public of the exhibition via notices in the Sydney Morning Herald, relevant local newspapers and the City's website. Council will also send written notification letters to all landowners of neighbouring properties affected by the development.

Viewing printed and electronic copies of this Planning Proposal

Members of the public will be able to view electronic copies of this Planning Proposal on the City's website. Printed copies will also be available for inspection at the One Stop Shop at Town Hall House and at the Glebe Neighbourhood Service Centre. This is the nearest neighbourhood service centre to the subject site.

Confirmation of consultation requirements

If the Greater Sydney Commission (or delegate) decides this Planning Proposal can proceed, the Commission (or delegate) will confirm what public consultation must be undertaken having regard to the details set out in this Planning Proposal. This will include details of which state and Commonwealth authorities Council must consult during the Planning Proposal's public exhibition.

4.3 Timeline

It is estimated Sydney Local Environmental Plan 2012 could be amended by the end of 2016 as shown in Table 6.

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Table 6: Estimated indicative project timeline

1. Seek Council's and the Central Sydney Planning Committee's approval to seek the Greater Sydney Commission's Gateway determination and publicly exhibit this Planning Proposal.	February 2016
2. Submit Planning Proposal to the Greater Sydney Commission seeking a Gateway determination.	March 2016
3. Gateway Panel considers Planning Proposal and Greater Sydney Commission (or delegate) issues Gateway determination.	April 2016
4. Publicly exhibit this Planning Proposal and supporting Draft DCP amendment and consult with any relevant public authorities.	May 2016
5. Consider any submissions received from the public and any public authorities during the public exhibition and, where warranted, amend Planning Proposal and supporting Draft DCP to address issues raised in submissions.	May–June 2016
6. Seek Council's and the Central Sydney Planning Committee's approval of the Planning Proposal to be made as a Local Environmental Plan and the Draft DCP amendment to be made as a Development Control Plan.	July 2016
7. Parliamentary Counsel's Office drafts instrument.	August–September 2016
8. Commission (or delegate) makes the amendment to Sydney Local Environmental Plan.	October 2016
9. Parliamentary Counsel's Office notifies the plan on the NSW Legislation website and the plan commences.	October 2016

Appendix A: Landowner's planning justification report

The landowner's planning justification report prepared by Urbis and dated July 2015 is enclosed with this appendix. It considers Hassell's urban design report and includes an assessment of the planning proposal's environment impacts including:

- Solar access / overshadowing impacts;
- View impacts;
- Privacy impacts;
- Heritage impacts; and
- Traffic and transport impacts.

Appendix B: Landowner's urban design report

The landowner's urban design report prepared by Hassell and dated December 2015 is enclosed with this appendix. It includes:

- A description of the proposal;
- A view impact analysis;
- A solar access / overshadowing analysis; and
- An indicative concept for the proposed hotel.