

**ITEM 4. DEVELOPMENT APPLICATION: 312 AND 314-318 GEORGE STREET SYDNEY****FILE NO: D/2017/337****DEVELOPMENT APPLICATION NO: D/2017/337****SUMMARY**

**Date of Submission:** 17 March 2017  
Amended 22 August, 4 and 29 September 2017

**Applicant:** Mr Gerard Frisby, ATG Properties

**Architect:** Candalepas Associates

**Developer:** ATG Properties

**Owner:** GVF FT PTY LTD & PJF FT PTY LTD & TJF FT PTY LTD

**Cost of Works:** \$70,785,000

**Proposal Summary:** Demolition of the existing buildings and construction of a new 17 storey building comprising hotel bar, plant, storage and commercial uses at basement level, commercial and hotel uses at ground level and level 1, hotel uses at levels 2-16 (the hotel comprises 195 rooms) and a signage strategy.

The subject development application was notified and advertised for a period of 28 days between 27 March and 27 April 2017. Twenty-four (24) submissions were received raising the following matters:

- amenity impacts to adjacent properties;
- increased traffic and congestion in De Mestre Place;
- inadequate activation of George Street and De Mestre Place;
- height of the footpath awning;
- inadequate setbacks;
- non-compliance with 55m height limit for small sites;
- poor architectural design for its location;
- non-provision of loading/servicing parking;
- proposed use of loading dock at 9 Hunter Street;
- potential noise complaints about the Ivy's existing operations;

**Proposal Summary (cont'd):**

- loss of significant sandstone;
- loss of existing basement level Burrow Bar;
- large blank walls to side boundaries; and
- non-compliances with LEP height, sun access plane and FSR controls.

The proposal has been amended during the assessment process to provide adequate flood planning levels, provide an on-site loading dock, reduce building height, increase setbacks above street frontage height, increase separation to adjacent buildings, reduce the height of the footpath awning, and to increase floor to ceiling and floor to floor heights on basement and ground levels.

The proposed development has a height of 55.7m and complies with the maximum permissible height range pursuant to LEP clause 6.17 the Martin Place 5A sun access plane. The proposed development has a FSR of 10.54:1 (6,146 sqm GFA) and which complies with the maximum permissible FSR of 13.86:1 (8,079.76 sqm GFA) pursuant to clauses 4.4 and 6.4 of the LEP pursuant to clauses 4.4 and 6.4 of the LEP.

The proposal satisfies the DCP's street frontage height and setback above street frontage height controls for Central Sydney and is considered to provide an appropriate design response to its context. The proposal's materiality, colours and finishes are considered to be of a high quality and which will reinforce the predominantly masonry character of Central Sydney. Council's Design Advisory Panel support the proposal and it is considered to demonstrate design excellence.

**Summary Recommendation:**

The development application is recommended for deferred development consent.

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (iii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
- (iv) State Environmental Planning Policy No. 55 – Remediation of Land
- (v) State Environmental Planning Policy No. 64 – Advertising and Signage
- (vi) State Environmental Planning Policy (Infrastructure) 2007
- (vii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

**Attachments:**

- A - Recommended Conditions
- B - Selected Drawings

**RECOMMENDATION**

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD;
- (B) the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process be considered unreasonable or unnecessary in this instance;
- (C) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan be considered unreasonable or unnecessary in this instance; and
- (D) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2017/337, subject to the conditions as detailed in **Attachment A** to the subject report.

## BACKGROUND

### The Site and Surrounding Development

1. The site has a legal description of Lot 1 in DP 211120 and Lot 13 in DP 622968 and is commonly known as 312 and 314-318 George Street, Sydney.
2. The site is irregular in shape and has an area of 583 sqm. It has street frontage of 22.66m to George Street and 11.34m to De Mestre Place. There is a fall across the site of approximately 3m west to east.
3. The site contains a 5 to 7 storey commercial building and shares a party wall to the building adjacent to the south at 9 Hunter Street and which is commonly known as the Hunter Connection.
4. Adjacent to the north is the property commonly known as 7 Hunter Street and which contains a small retail premises currently occupied by an optometrist that addresses George Street and an entrance to an elevated pedestrian walkway above De Mestre Place to the Hunter Connection.
5. De Mestre Place provides access to a pedestrian entrance to the Hunter Connection as well as vehicular access to loading docks on adjacent sites, including the vehicle turntable and loading bay at 7-13 Hunter Street. The vehicle turntable and loading bay at 7-13 Hunter Street is utilised by the current occupants of the subject site through an ongoing commercial agreement.
6. Adjacent to the south is a narrow passageway that also connects to 7 Hunter Street, and south of that is the property at 320 George Street that contains bars, restaurants and retail premises known as The Ivy.
7. On the opposite western side of George Street is Wynyard Station, the significant redevelopment of which is currently under construction.
8. The site is not a heritage item and is not in the vicinity of a heritage item and is not located within a special character area.
9. Photos of the site and surrounds are provided in **Figures 1 to 11** below:

## HISTORY

### Previous development and approvals

10. The existing building has been standing on the site at 312 George Street since before the 1970s.
11. On 17 February 1981, development consent (D/1980/1309) was granted for demolition of the existing building and construction of a new building, containing offices and shops on the property at 314-318 George Street.

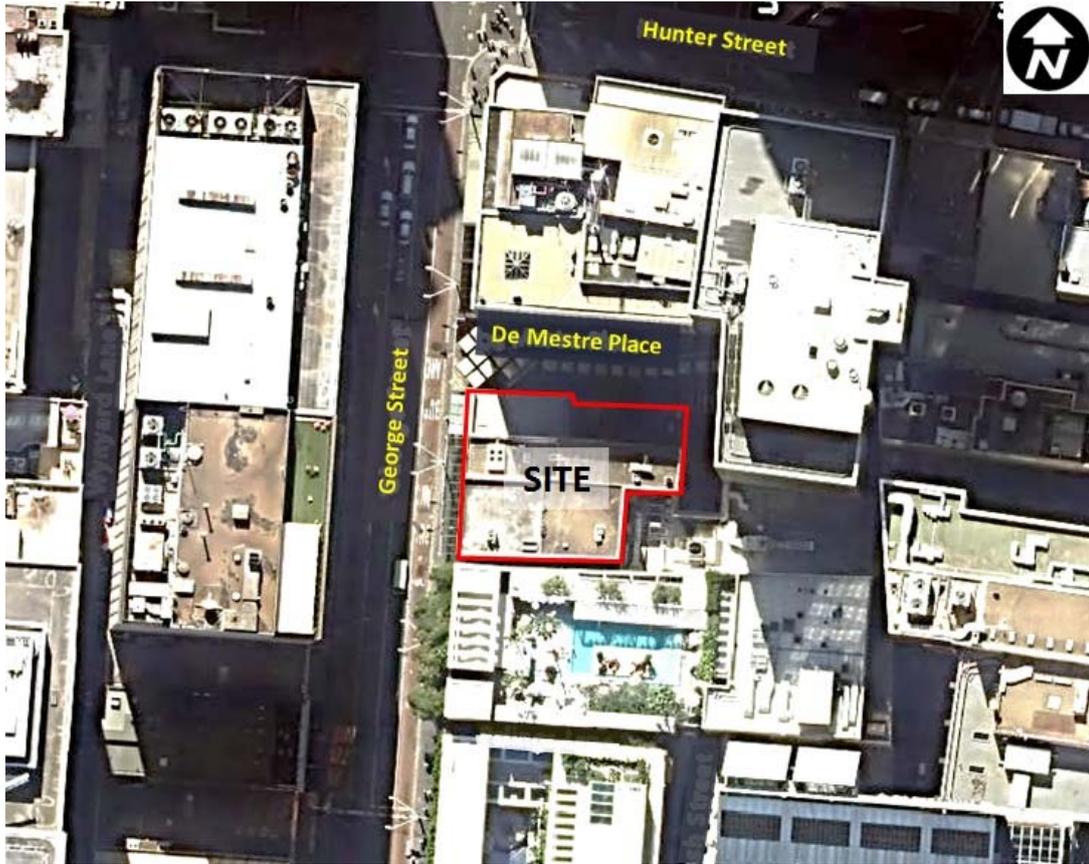


Figure 1: Aerial image of subject site and surrounding area.



Figure 2: Subject site viewed from George Street.



**Figure 3:** View to the site and adjacent properties on east side of George Street.



**Figure 4:** View to adjacent sites to the south on east side of George Street.



**Figure 5:** Wynyard Station on opposite western side of George Street.



**Figure 6:** Existing George Street frontage of subject site.



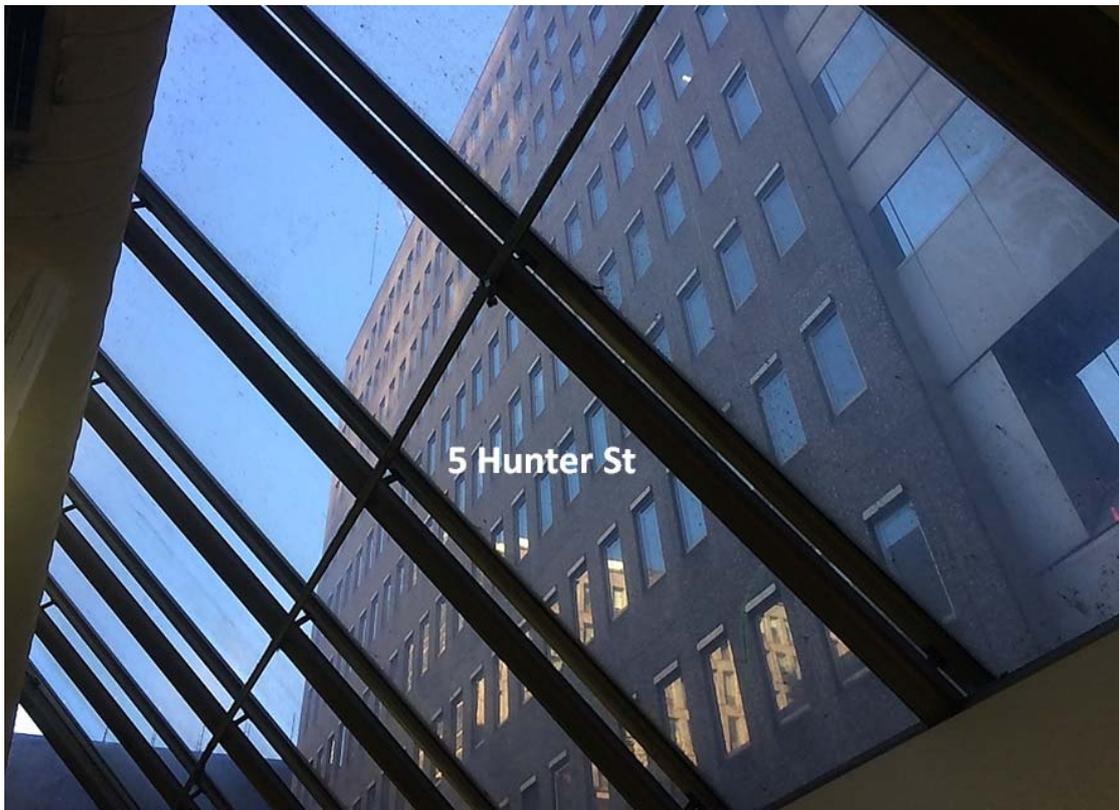
**Figure 7:** Existing right of way adjacent to the site's southern boundary.



**Figure 8:** View to the east along De Mestre Place.



**Figure 9:** Upper levels of existing buildings facing De Mestre Place.



**Figure 10:** View to building on the northern side of and facing De Mestre Place.



**Figure11:** Existing loading dock south of De Mestre Place.

### **Pre-DA submission**

12. The applicant made a pre-DA submission in December 2016 seeking Council officers' comments on three issues:
  - (a) street frontage height, seeking advice as to which of the three submitted schematic design options with varying street frontage heights was preferred;
  - (b) whether there was a covenant restricting development of the adjacent site to the north, and subsequently whether placement of windows to the northern boundary and to De Mestre Place was supported; and
  - (c) materials, composition and architectural expression of facades.
13. Council officers provided feedback to confirm the option providing a 36m street frontage height was preferred. Feedback was also provided to advise there was no covenant restricting development of the adjacent site to the north and so openings to the northern boundary were not supported. Proposed materials featuring sandstone masonry and architectural composition were generally supported.

### **Amendments to the subject development application**

14. In April 2017 and in response to Council officers' requests, additional information was provided regarding the indicative nature of the hotel use, food preparation and storage areas and the location of kitchen exhaust ducting and discharge points. A Detailed Site Investigation Report was also submitted.

15. On 6 June 2017, Council officers sent a letter requesting additional information pertaining to flooding and stormwater management, and traffic and transport. That information was to inform design amendments to achieve adequate flood planning levels. Other design amendments were also sought to reduce the building height, increase setbacks above street frontage height, to provide adequate separation to adjacent buildings, reduce the height of the footpath awning, and to increase floor to ceiling and floor to floor heights on basement and ground levels.
16. On 10 July 2017, the applicant provided preliminary amended plans, traffic and transport information, and stormwater and drainage plans.
17. On 22 August 2017, amended plans, and a flood study was submitted. There followed several meetings and submissions of additional flood information to mid-September 2017. Final amended plans submitted 29 September 2017 incorporated all of the design amendments requested in Council officers' previous correspondence.
18. It is the final amended proposal that is described in the Proposal section of this report below, and which is the subject of this assessment.

## PROPOSAL

19. Demolition of the existing 5-7 storey commercial buildings and construction of a new 17 storey building to a height of 55.7m (RL 67.45) comprising:
  - (a) bar, plant, storage and commercial uses at basement level;
  - (b) commercial and hotel uses at ground level and level 1; and
  - (c) hotel uses at levels 2-16 (the hotel comprises 195 rooms).
20. A signage strategy is proposed for 8 signs including:
  - (a) S1 – 2 x signs located on the northern elevation of the podium:
    - (i) a 1600mm x 4800mm business identification sign for the hotel at level 11; and
    - (ii) a 4800mm x 4800mm business identification sign for the commercial tenant between levels 8-10;
  - (b) S2 – 1 x top hamper business identification sign above the entrance to the hotel lobby;
  - (c) S3 – 1 x top hamper business identification sign above the entrance to the commercial tenancy;
  - (d) S4 – 2 x 400mm x 1400mm flat mounted wall signs, associated with the commercial tenancy; and
  - (e) S5 – 2 x 2000mm x 600mm x 200mm under awning signs.
21. Plans of the proposed development are provided in in **Figures 12 to 26** below.



**Figure 12:** Photomontage of final amended proposal.



Figure 13: West (George Street) elevation.



Figure 14: East (De Mestre Place) elevation.



Figure 15: North elevation.



Figure 16: South elevation.

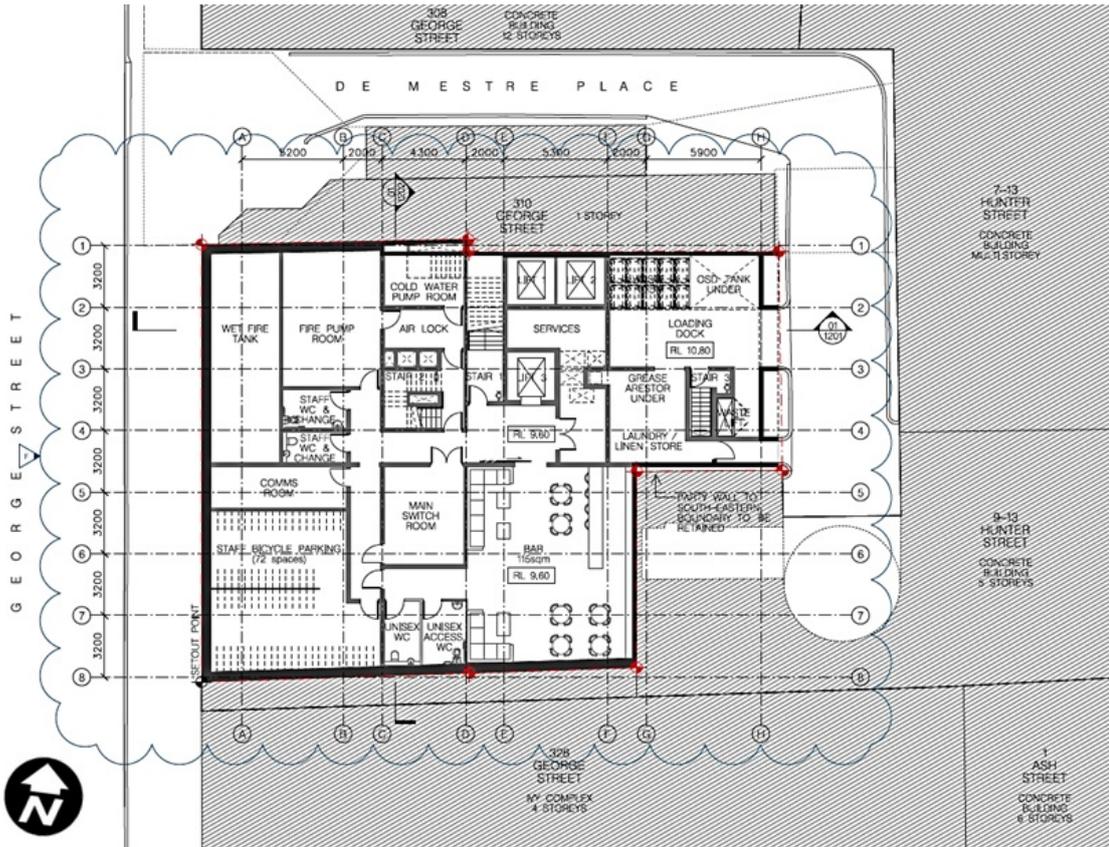


Figure 17: Basement level.

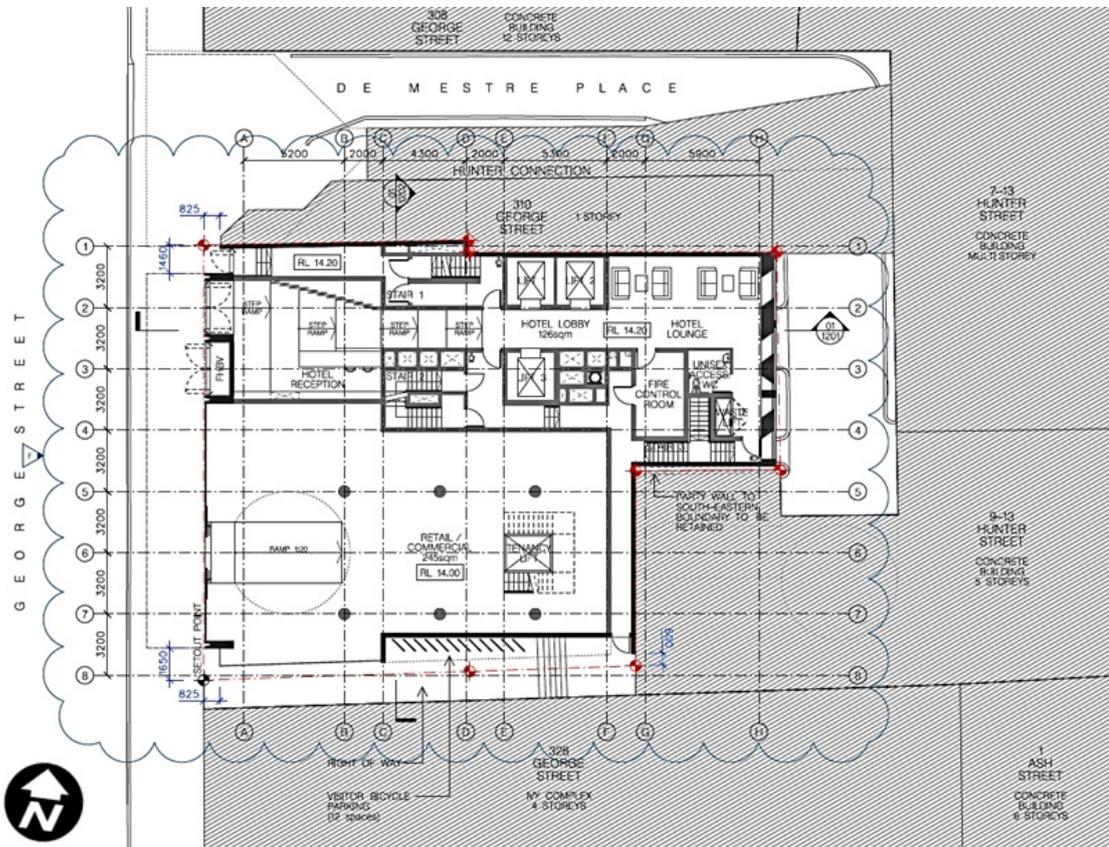


Figure 18: Ground level.

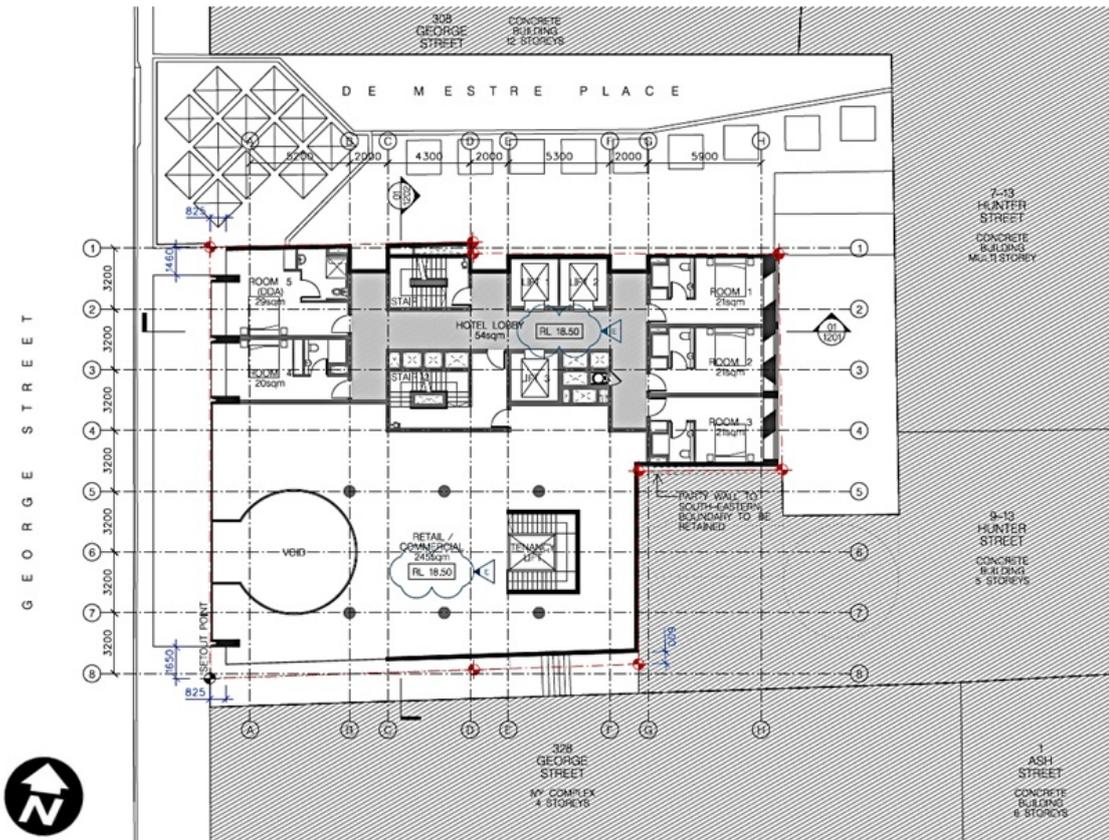


Figure 19: Level 1.

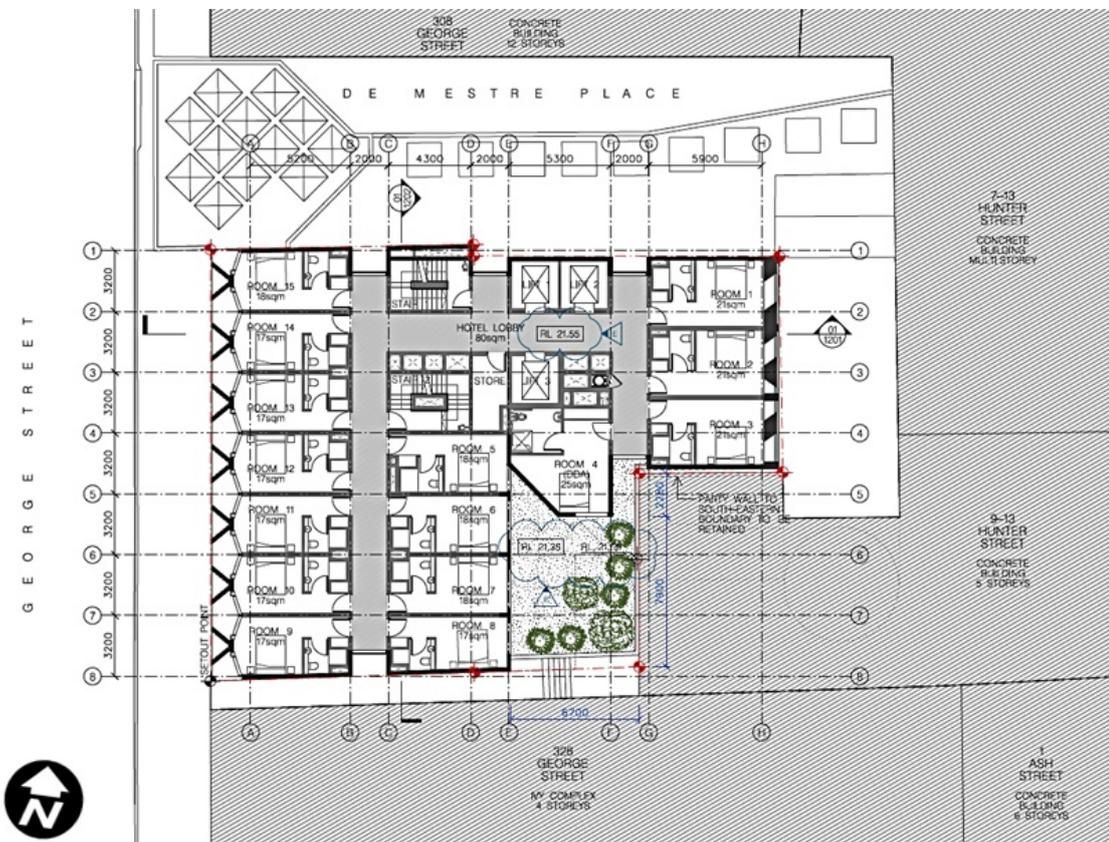


Figure 20: Levels 2-11.

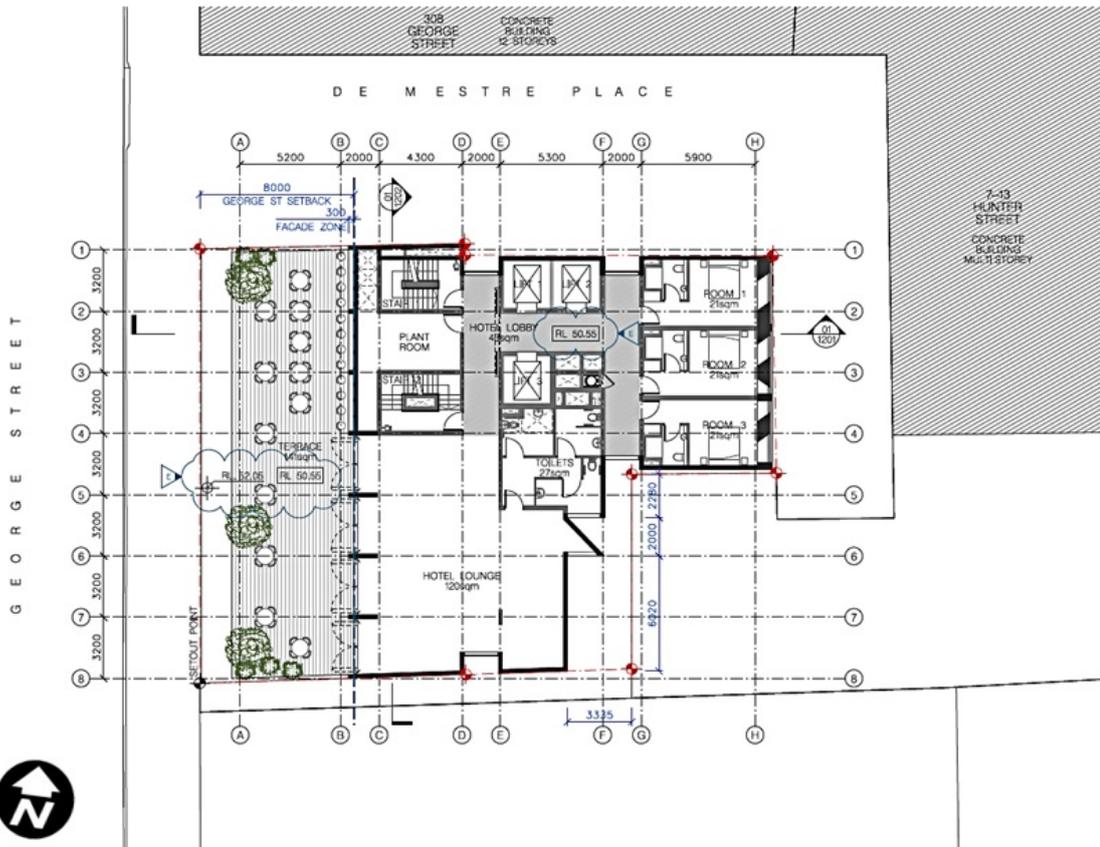


Figure 21: Level 12.

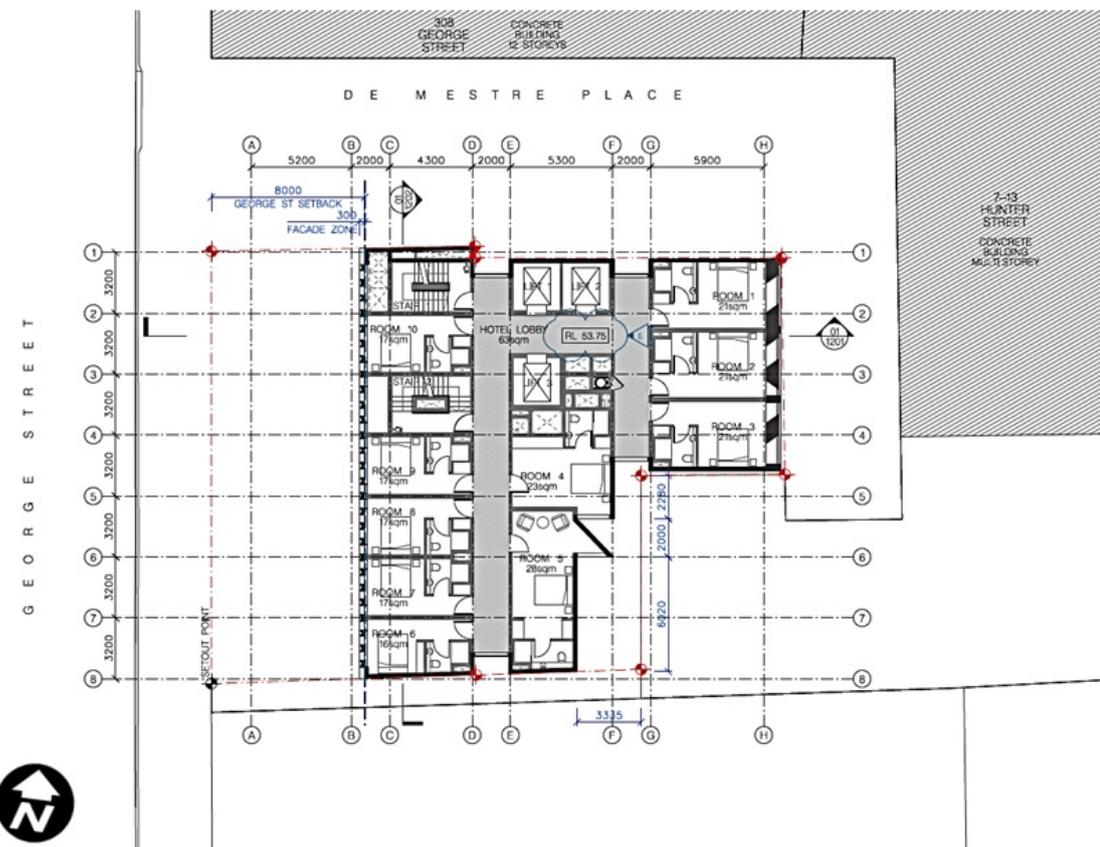


Figure 22: Level 13.

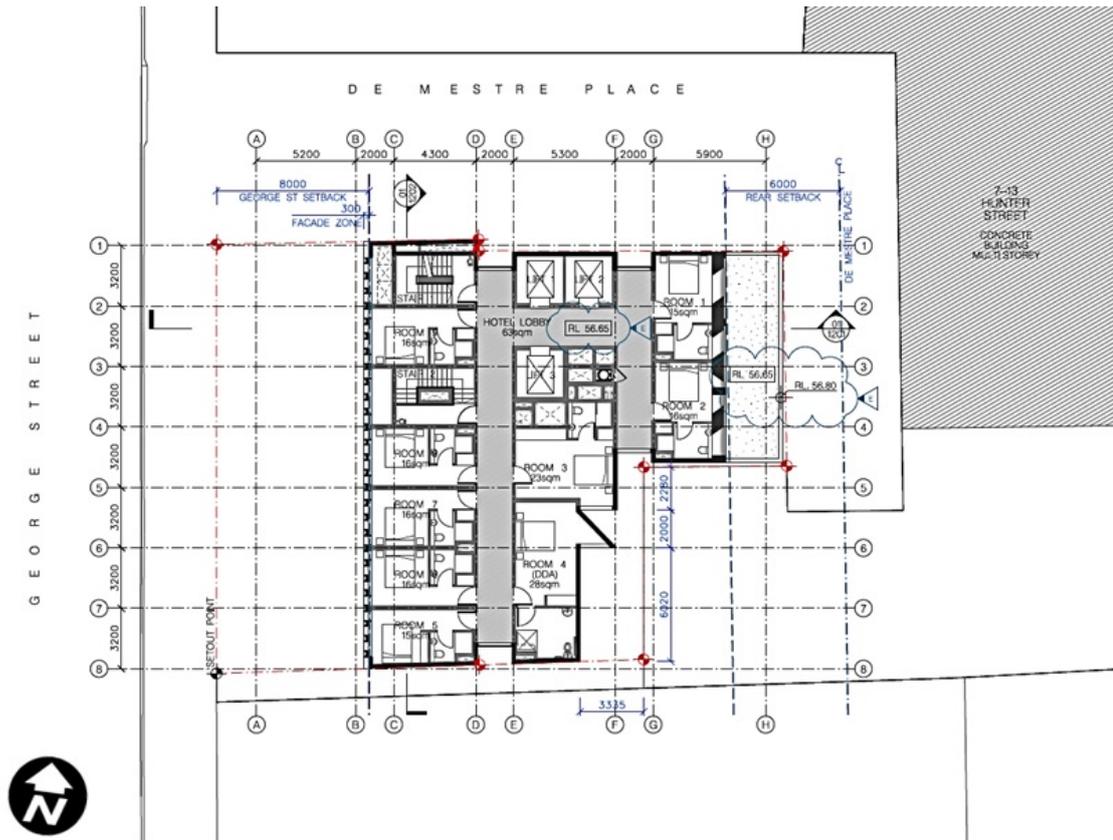


Figure 23: Levels 14-16.

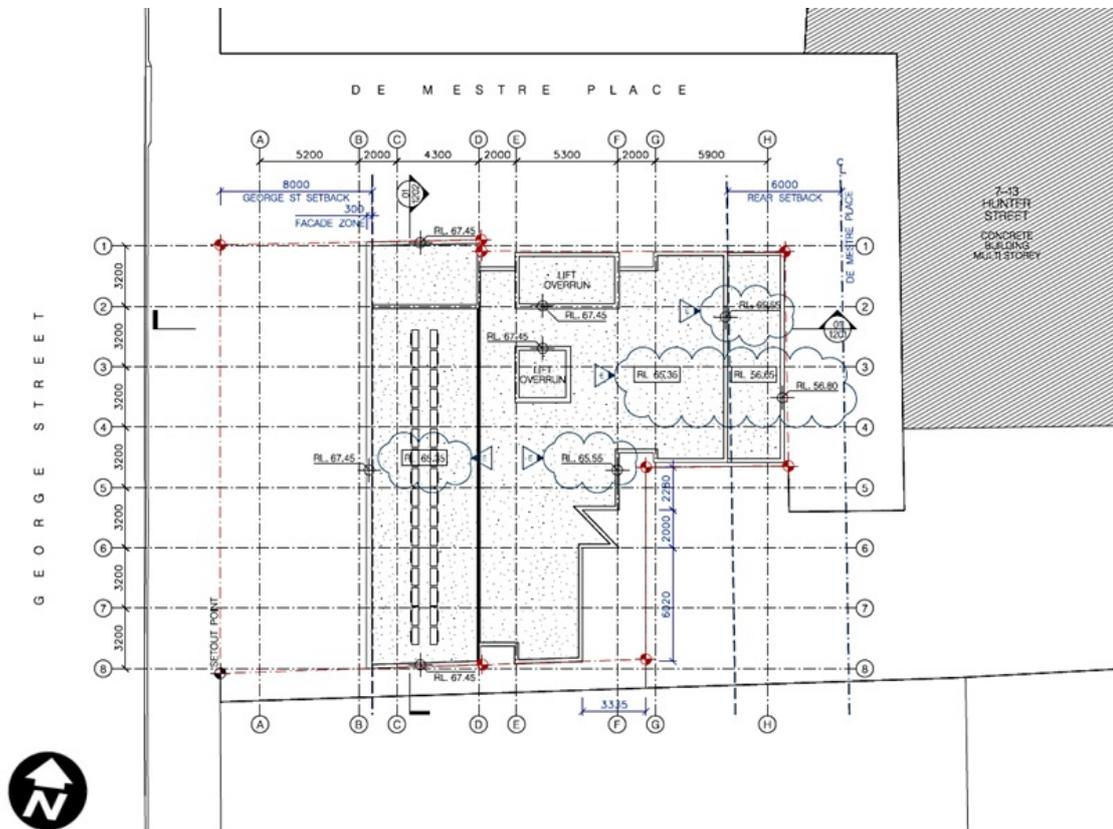


Figure 24: Roof plan.



**CITY OF SYDNEY ACT 1988**

22. Section 51N requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a DA that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney CBD. A full extract of this Section is provided below.

***"51N Planning proposals having a significant impact on traffic and transport in the Sydney CBD***

- (1) The Planning Committee must consult the CSTTC before it exercises a function under Part 4 that will result in the making of a decision that will require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.*
  - (2) The Planning Committee must take into consideration any representations made by the CSTTC within the period of 21 days (or such other period as is agreed to by the CSTTC and the Planning Committee in a particular case) after consultation takes place.*
  - (3) The Planning Committee may delegate to a subcommittee of the Planning Committee, or the general manager or another member of the staff of the City Council, any of its functions under this section other than this power of delegation. A delegation can be given subject conditions. A delegation does not (despite section 38) require the approval of the Minister administering that section.*
  - (4) The failure of the Planning Committee to comply with this section does not invalidate or otherwise affect any decision made by the Planning Committee."*
23. The proposal does not provide any on-site car parking, it does not require any new vehicle crossovers and it does not include any changes to existing kerb-side parking.
24. The proposal has been considered by the CSTTC delegate, the Director of City Planning, Development and Transport and as the proposal will not have any significant impact upon traffic and transport in the CBD, consultation with the CSTTC is not necessary.

**ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS**

25. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- (a) Environmental Planning Instruments and DCPs.

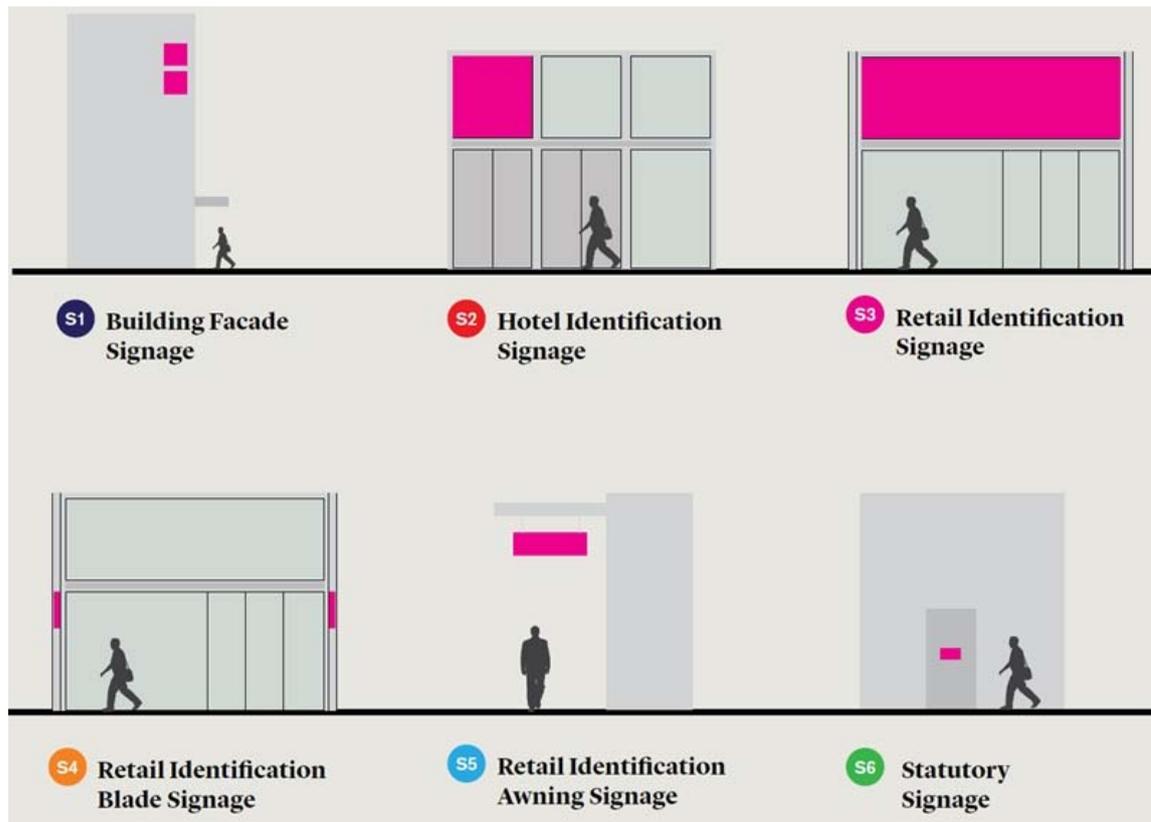
**State Environmental Planning Policy No 55—Remediation of Land**

26. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

27. A Preliminary Environmental Site Investigation report and a Detailed Environmental Site Investigation report were submitted. Council's Environmental Health Specialist has reviewed the submitted reports and is satisfied that subject to the recommended conditions, the site can be made suitable for the proposed use.

**State Environmental Planning Policy No 64—Advertising and Signage**

28. As shown in **Figure 27** below, the proposal includes a signage strategy for 8 signs (plus statutory signage) including:
- (a) S1 – 2 x signs located on the northern elevation of the podium:
    - (i) a 1600mm x 4800mm business identification sign for the hotel at level 11; and
    - (ii) a 4800mm x 4800mm business identification sign for the commercial tenant between levels 8-10;
  - (b) S2 – 1 x top hamper business identification sign above the entrance to the hotel lobby;
  - (c) S3 – 1 x top hamper business identification sign above the entrance to the commercial tenancy;
  - (d) S4 – 2 x 400mm x 1400mm flat mounted wall signs, associated with the commercial tenancy;
  - (e) S5 – 2 x 2000mm x 600mm x 200mm under awning signs; and
  - (f) S6 – statutory signage (re fire escapes, sub stations etc).



**Figure 27:** Proposed signage strategy.

29. SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
30. Clause 8 of SEPP64 states the following:
 

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

  - (a) that the signage is consistent with the objectives of this Policy as set out in clause 3(1)(a), and
  - (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1 of the Policy.
31. Clause 3(1)(a) states that signage is to be compatible with the desired amenity and visual character of the area and should be of high quality design and finish.
32. It is considered that the proposed signage strategy is able to satisfy the provisions of SEPP clause 3(1)(a) and Schedule 1 criteria, subject to the recommended conditions to modify the strategy to provide signage zones in appropriate locations and to reduce the overall number of signs.

**State Environmental Planning Policy (Infrastructure) 2007**

33. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

**Clause 45 - Development Likely To Affect an Electricity Transmission or Distribution Network**

34. As the proposed development is in the vicinity of existing underground power lines, the application was referred to Ausgrid and Transgrid under the provisions of SEPP clause 45 on 27 March 2017.
35. In correspondence dated 10 April 2017, Ausgrid made a submission recommending conditions to ensure the protection of underground cables and electricity assets during demolition, construction and the ongoing operation of the new building.
36. Conditions are recommended in accordance with Ausgrid's advice to be imposed on any consent granted.

**Clause 86 – Excavation in, above or adjacent to rail corridors**

37. As the proposed development is in the vicinity of a rail corridor, the application was referred to Sydney Trains under the provisions of SEPP clause 86 on 19 April 2017 and the amended proposal was forwarded on 23 August 2017.
38. In correspondence dated 3 May 2017, Sydney Trains made a submission recommending deferred commencement conditions to ensure the proposed development does not have a detrimental impact upon existing or proposed rail infrastructure.
39. In correspondence dated 23 August 2017, Sydney Trains confirmed that Sydney Trains officers had reviewed the amended proposal and that the previous concurrence conditions would remain unchanged.
40. The deferred commencement conditions recommended by Sydney Trains are recommended to be imposed upon any consent granted (refer to **Attachment A**).

**Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)**

41. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the SREP.
42. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.
43. The development is consistent with the relevant controls contained within the deemed SEPP.

**Sydney LEP 2012**

44. The site is located within the B8 Metropolitan Centre Zone. The proposed use is defined as a hotel and commercial premises and is permitted with consent in the B8 zone.
45. The relevant matters to be considered under Sydney Local Environmental Plan 2012 (the LEP) for the proposed development are outlined below.

<b>Compliance Table</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
4.3 Height of buildings 6.17 Sun access planes	Yes	<p>The subject site is identified as being within Area 3 on the LEP Height of Buildings Map. The maximum height for buildings on this land are determined by the sun access plane that is taken to extend over the land by LEP clause 6.17.</p> <p>The Martin Place 5A sun access plane extends over the site and establishes a maximum permissible height range of between 180m to 205m.</p> <p>A height of 55.7m is proposed and therefore complies with the maximum permissible height range pursuant to LEP clause 6.17.</p>
4.4 Floor Space Ratio 6.4 Accommodation floor space	Yes	<p>LEP clause 4.4 specifies a base floor space ratio (FSR) of 8:1, with LEP clause 6.4 providing an opportunity for additional FSR of 4.5:1 where office, business or retail uses are provided and additional FSR of 6:1 where hotel uses are provided.</p> <p>Considering all of the LEP's applicable floor space provisions and the proposed use mix, the maximum permissible FSR for the development would be 13.86:1 (8,079.76 sqm GFA).</p> <p>The proposal has a gross floor area of 6,146 sqm, and which equates to a FSR of 10.54:1 and which complies with the control.</p>

Compliance Table		
Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is not a heritage item and is not in the vicinity of a heritage item and is not located within a special character area.</p> <p>Subject to the recommended conditions for an archaeological investigation and heritage interpretation, the proposal will not have any adverse heritage impacts.</p>
6.11 Allocation of heritage floor space	Yes	<p>A total of 1,707.88 sqm of HFS is applicable to the development, based on the HFS requirements under LEP clause 6.11(1)(a) and (d) and which is equal to 50% of accommodation floor space = (50% of 3,415.76 sqm).</p> <p>LEP clause 6.11(2)(a) permits a reduction of HFS by 50% or 1,000sqm (whichever is the lesser) where the scheme is the winner of an architectural design competition and a further reduction of 250 sqm where the development provides a pedestrian through site link.</p> <p>As the subject scheme is not the winner of an architectural design competition and as there is no pedestrian through site link provided, the subject proposal is not eligible for a reduction in the HFS allocation for the development.</p>
6.16 Erection of tall buildings in Central Sydney	No	<p>The proposed building is to a height of 55.7m and exceeds the 55m height limit for small sites.</p> <p>It is noted that it is the lift overrun that exceeds the 55m height limit and which does not comprise any habitable floor space.</p> <p>It is considered that the proposal will not have significantly adverse impacts upon amenity of adjacent buildings, that it improves activation to its principal street frontage, and satisfies the specific built form requirements for Central Sydney.</p>

Compliance Table		
Development Control	Compliance	Comment
6.21 Design excellence	Able to comply	<p>The proposal is considered to exhibit design excellence.</p> <p>It is considered that a competitive design process would be unreasonable or unnecessary in the circumstances. A recommended waiver of this requirement is discussed further in the Issues section of this report.</p>
7.14 Acid Sulphate Soils	Yes	<p>The site is identified as containing Class 5 Acid Sulphate Soil and is 265m from Class 2 Acid Sulphate Soil areas. The site has a low point of RL 10.65.</p> <p>As the subject site is within a Class 5 Acid Sulphate Soil and has a minimum height above RL 5.00 AHD, the proposal is considered unlikely to reduce the water table on the closest Class 2 Acid Sulphate Soil areas.</p>
7.15 Flood planning	Yes	<p>The site is identified as being flood affected.</p> <p>The amended plans received 29 September 2017 are considered to address flood risks and achieve adequate flood levels.</p> <p>Refer to the Issues section of this report.</p>
7.19 Demolition must not result in long term adverse visual impact	Yes	<p>The proposal satisfies the requirements of this control.</p>
7.20 Development requiring preparation of a development control plan	Able to comply	<p>The proposal is for a new building with a height greater than 55m. As such, LEP clause 7.20 applies to the subject application.</p> <p>It is considered that preparation of a DCP would be unreasonable and unnecessary in the circumstances. A recommended waiver of this requirement is discussed further in the Issues section of this report.</p>

## Sydney DCP 2012

46. The relevant matters to be considered under Sydney Development Control Plan 2012 (the DCP) for the proposed development are outlined below.

3. General Provisions		
Development Control	Compliance	Comment
3.1.1.3 Public domain elements – Lanes and 3.1.5 Public domain elements – Public art	Able to comply	Final design amendments submitted to address flooding include deletion of pedestrian entrances, to be replaced by a vehicle entrance to De Mestre Place. An undesirable side-effect of this will be to reduce the activation of De Mestre Place and which is contrary to DCP provision 3.1.1.3(2).  To mitigate these adverse impacts a condition is recommended for a Public Art Strategy to be submitted and which identifies opportunities for public art and which may include those on the ground floor interface with De Mestre Place. This is in accordance with the advice of Council's Design Advisory Panel, DCP provision 3.1.5(3) and the <i>City of Sydney Guidelines for Public Art in Private Development</i> which encourage public art in developments with a value greater than \$10 million.
3.2.2 and 3.2.3 Defining the public domain – addressing the street and active frontages	Yes	The George Street frontage is identified as requiring an active frontage.  The proposal will provide active frontages in the form of a commercial shopfront and hotel entrance to the George Street facade.  The public domain interface at ground level will improve upon the existing condition by moving the shopfront glazing to the property boundary with George Street.
3.2.4 Defining the public domain – Footpath awnings	Able to comply	A condition is recommended for the design of the footpath awning to be amended to have a height of no greater than 4.2m above the footpath and a width of between 2m and 3.6m to match that of adjacent awnings, in accordance with provision 3.2.4 of the DCP.

<b>3. General Provisions</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
3.2.6 Defining the public domain – Wind effects	Yes	The Wind Effects Report submitted as part of the subject application was based on wind tunnel testing.  The Wind Effects Report confirms that all outdoor areas in the public domain adjacent to the site will remain suitable for their intended purposes.
3.2.7 Defining the public domain – Reflectivity	Able to comply	A condition is recommended that requires reflectivity from building facades must not exceed 20%.
3.5 Urban ecology	Yes	The proposed development will not have unacceptable adverse impacts upon the local urban ecology.
3.6 Ecologically sustainable development	Yes	The proposal satisfies Section J of the BCA and environmental requirements.
3.7 Water and flood management	Yes	The site is identified as being flood affected.  The amended plans received 29 September 2017 are considered to address flood risks and achieve adequate flood levels.  Refer to the Issues section of this report.
3.8 Subdivision, strata subdivision and consolidation	Yes	A condition is recommended that prohibits any strata subdivision of the hotel to create individual lots from hotel rooms.
3.10 Significant architectural building types	Yes	The existing buildings within the site are not identified as significant architectural types.  Demolition of existing buildings is supported.
3.11 Transport and parking	Able to comply	Conditions have been recommended to address concerns that remain unresolved and that pertain to allocation of bicycle parking and end of trip facilities, adequate provision and management of loading dock facilities, and passenger pick-up/set-down arrangements.  Refer to the Issues section in this report.

<b>3. General Provisions</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
3.12 Accessible design	Able to comply	A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and environmental responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Able to comply	A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.
3.15 Late night trading management	Able to comply	In April 2017 the applicant provided some additional information in response to Council officers' requests and which confirmed that the proposal is for a hotel use and that food and drink areas that support or are ancillary to the hotel use are indicative only. The applicant advised that it would be acceptable for a condition requiring submission of a separate DA for the fit out and management of food and drink uses that support or are ancillary to the approved hotel use to be imposed on any consent granted. Such a condition is recommended.
3.16.1 Signs and advertisements - Signage strategy	Yes	<p>In accordance with the requirements of this DCP provision, a signage strategy has been submitted with the original iteration of the subject proposal.</p> <p>However, the submitted signage strategy has not been amended to reflect further design amendments made to the proposal and is subsequently incompatible with the architecture of the proposed building in some instances.</p> <p>A condition is recommended for design modifications to the signage strategy to address these inconsistencies and to comply with DCP requirements.</p> <p>Refer to the Issues section in this report.</p>

<b>4. Development Types</b>		
<b>4.2 Residential flat, commercial and mixed use developments</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
4.2.1.2 Building height – Floor to ceiling heights and floor to floor height	No but assessed as acceptable	The proposed development achieves 4.5m floor to floor height on the ground floor within the commercial tenancy in accordance with DCP requirements.  Variations to DCP floor to floor height requirements for the basement and first floor levels are supported.  Refer to the Issues section in this report.
4.2.3 Amenity	Yes	Subject to the recommended conditions the proposal will not have any adverse impacts upon the amenity of residential dwellings in the vicinity of the site.

<b>4. Development Types</b>		
<b>4.4 Other development types and uses – visitor accommodation</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
4.4.8.1 General	Yes	The proposed hotel is self-contained with no common access ways and will have staff on site at all times.  A Plan of Management (POM) for the hotel and a Noise Impact Assessment was submitted as part of the DA in accordance with the requirements of this provision.
4.4.8.3 Additional provisions for hotels	Yes	Rooms are generously proportioned and are in excess of the DCP specified minimum size requirements.  A condition is recommended restricting the use of the hotel component of the development to that of hotel accommodation, thereby preventing use of the hotel rooms for permanent residential accommodation.

<b>5. Specific Areas – Central Sydney</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
5.1.1 Street frontage heights	No but assessed as acceptable	<p>A street frontage height of 20m to 45m is permitted.</p> <p>The proposal has a street frontage height of 38.58m to George Street and 46.08m to De Mestre Place.</p> <p>The minor non-compliance of the proposed street frontage height to De Mestre Place is as a result of the sloping topography of the site and of the prioritisation of a compliant street frontage height of 38.58m to the principal George Street facade.</p> <p>For these reasons the variation is supported.</p>
5.1.2.1 Building setbacks – front setbacks	No but assessed as acceptable	<p>The proposal has a 7.7m setback above the street frontage height to George Street and which represents a minor (4%) variation to the DCP requirement.</p> <p>Considering the streetscape context Council's Design Advisory Panel and Urban Design Specialist have reviewed the proposal and raise no objection to the proposed variation to the setback above street frontage height control.</p>
5.1.2.2 Side and rear setbacks	No but assessed as acceptable	<p>Variations to side and rear setback requirements are supported.</p> <p>Refer to the Issues section in this report.</p>
5.1.2.3 Setbacks for buildings adjoining or fronting lanes	Yes	<p>The proposal provides a 6m setback from the centreline of De Mestre Place above the street frontage to its De Mestre Place facade and which complies with the requirements of DCP provision 5.1.2.3(2).</p>
5.1.5 Building bulk	Yes	<p>The proposed development does not have a maximum horizontal dimension of more than 65m above a height of 45m.</p>

<b>5. Specific Areas – Central Sydney</b>		
<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
5.1.6 Building exteriors	Yes	The proposed street frontage heights, setbacks above street frontage height and facade proportions respond to significant buildings in the streetscape.  The proposed building exteriors comprise off-form and textured pre-cast concrete and respond to the masonry character of Central Sydney.
5.1.9 Award and allocation of heritage floor space	Yes	Refer to the assessment against the provisions of LEP clause 6.11 elsewhere in this report.

## ISSUES

### Design Competition and Site Specific DCP Waivers

47. The proposal is for a new building with a height greater than 55m. As such, LEP clause 7.20 applies to the subject application and requires a site specific DCP to be prepared.
48. LEP clause 6.21(5) requires that development consent must not be granted to development that is subject to LEP clause 7.20, unless a competitive design process has been held in relation to the proposed development.
49. The CSPC can find that both of these requirements are unreasonable or unnecessary in the circumstances of a particular application.
50. The proposed building is to a height of 55.7m and which exceeds the 55m height threshold by 0.7m and which is a less than a 1% breach. It is noted that it is the lift overrun that exceeds the 55m height threshold and which does not comprise any habitable floor space.
51. As noted elsewhere in this report, the proposal will not have significant adverse impacts upon the amenity of adjacent buildings. It will improve activation of its principal street frontage and satisfies the DCP's specific street frontage height and setback above street frontage height requirements for Central Sydney.
52. On 20 July 2017 the proposal was considered by Council's Design Advisory Panel (DAP), the DAP provided the following comments:
  - (a) the Panel is broadly supportive of the proposal;
  - (b) the Panel supported the proposed material palette of pre-cast and off-form concrete and which are consistent with recent developments on George Street;
  - (c) the Panel noted potential opportunities for art on the visible blank walls of the proposal; and

- (d) the Panel recommended the applicant incorporate skylights to improve amenity of the top floor of the hotel.
53. The recommendation at paragraph 52(c) has been addressed by recommended deferred commencement conditions for a Public Art Strategy to be submitted. The recommendation at paragraph 52(d) for skylights to be provided to improve the amenity of the top floor have been incorporated into design amendments and are shown on the plans that are the subject of this assessment.
54. For the reasons stated at paragraphs 50 to 53 above, the proposal is considered to achieve design excellence and it is considered that preparation of a site specific DCP and a competitive design process would be unreasonable or unnecessary in the circumstances.

### **Flooding**

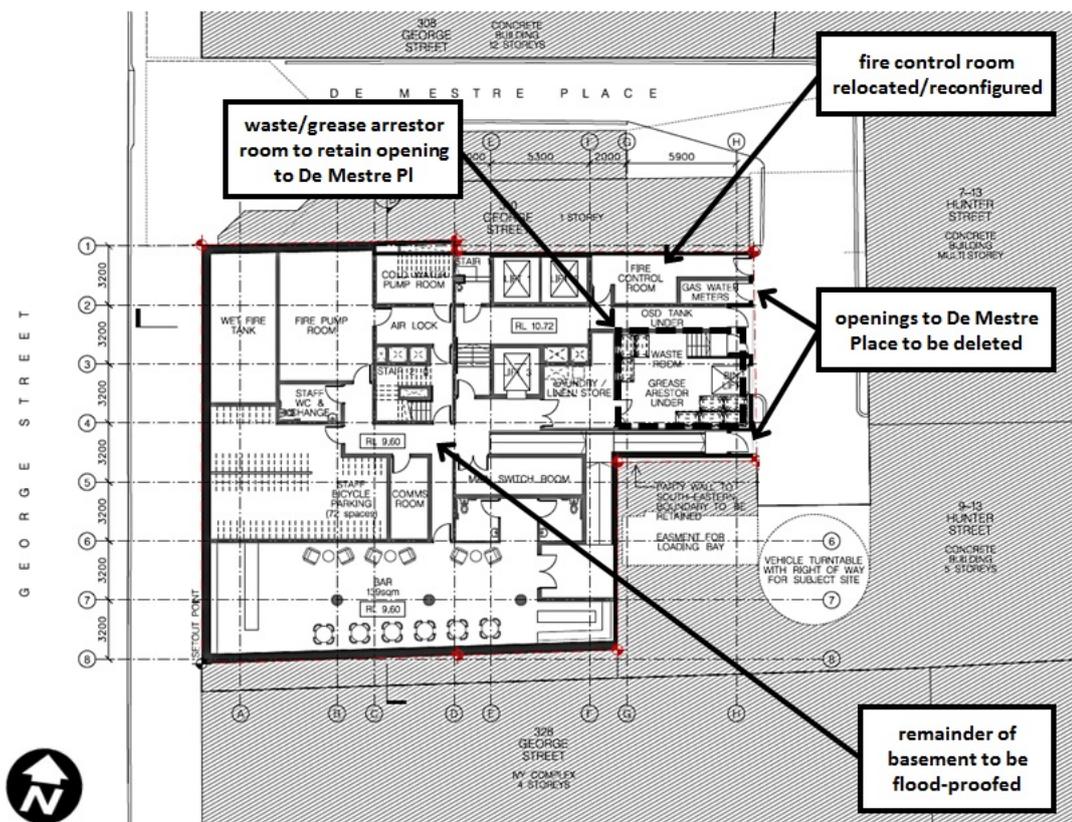
55. The subject site is flood affected. LEP clause 7.15 and DCP provision 3.7.1 require the consent authority to be satisfied that the proposal is suitable for the flood hazard of the land and that appropriate flood safety measures will be incorporated into the development.
56. The applicant has submitted a Flood Study to predict flood behaviour and set appropriate flood planning levels for the proposed development.
57. The site falls from George Street to De Mestre Place by 3m. The Flood Study estimates water depths of approximately 300mm along the George Street frontage in a 1% AEP storm event and 700mm in the Probable Maximum Flood (PMF). It also identifies that De Mestre Place is at significant risk of flooding and given that it is a trapped low point flood waters will enter any openings created off De Mestre Place.
58. Council's flood engineers and planning officers met with the applicant's consultants on 20 September 2017 to discuss flooding issues and where key design changes required to address the site's flood risk were agreed upon (refer to **Figures 28 and 30** below).
59. After another meeting on 28 September 2017, the applicant provided amended plans and which incorporated the agreed design modifications to address flood risks, without increasing the maximum height of the building:

#### *Basement level*

- (a) proposed bar reconfigured to allow access from hotel lobby (RL 14.20);
- (b) on-site loading dock included to accommodate Small Rigid Vehicle (SRV);
- (c) fire control room relocated to the ground (George Street) level (RL 14.20);
- (d) proposed loading dock, waste and grease arrestor rooms accessed from De Mestre Place have been isolated from the basement proper to prevent flood ingress;
- (e) stair 3 introduced to provide a fire isolated escape route to George Street for the proposed loading dock, waste and grease arrestor rooms accessed from De Mestre Place;

*George Street/Ground level*

- (f) ground floor level in the George Street commercial tenancy has been elevated to RL 14.00; and
  - (g) thresholds to lifts and stairs within the hotel ground floor lobby have been elevated to RL 14.20.
60. The amended plans incorporating design modifications described at paragraph 59 above are considered to address flood risks and are illustrated in **Figures 29** and **31** below.



**Figure 28:** Agreed design changes to basement level to address flood risks prior to design amendments.

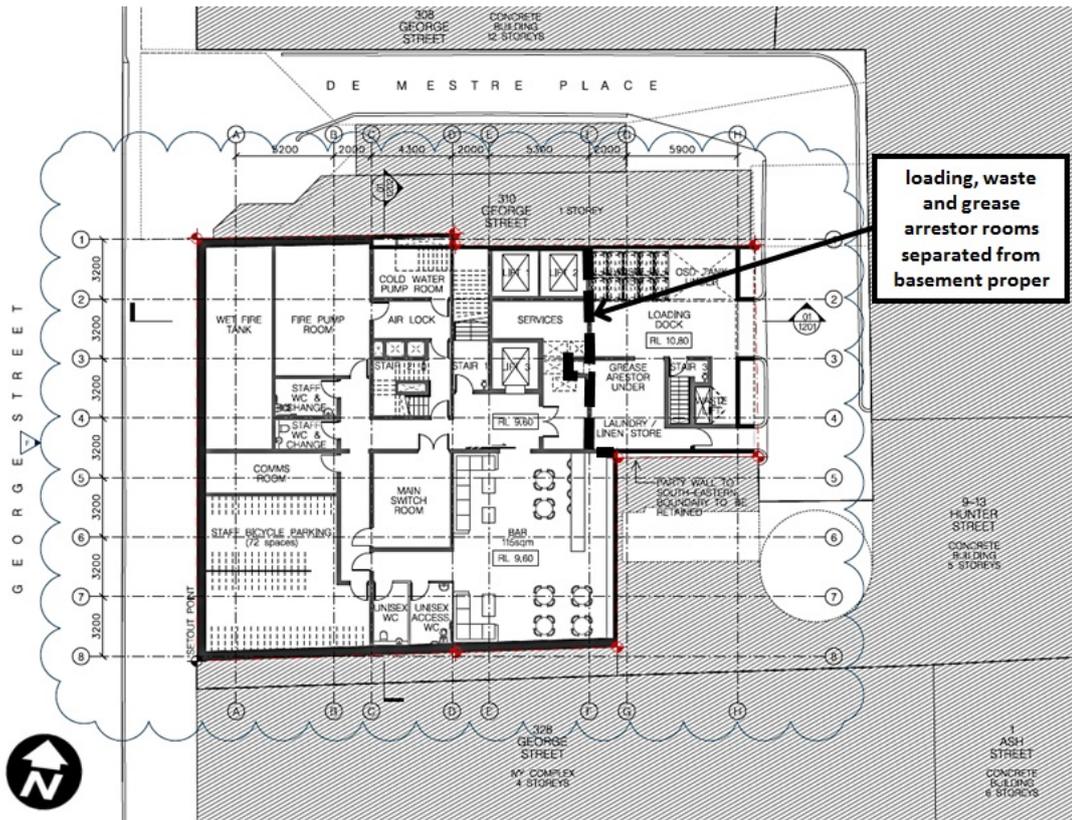


Figure 29: Final amended basement level incorporating agreed changes.

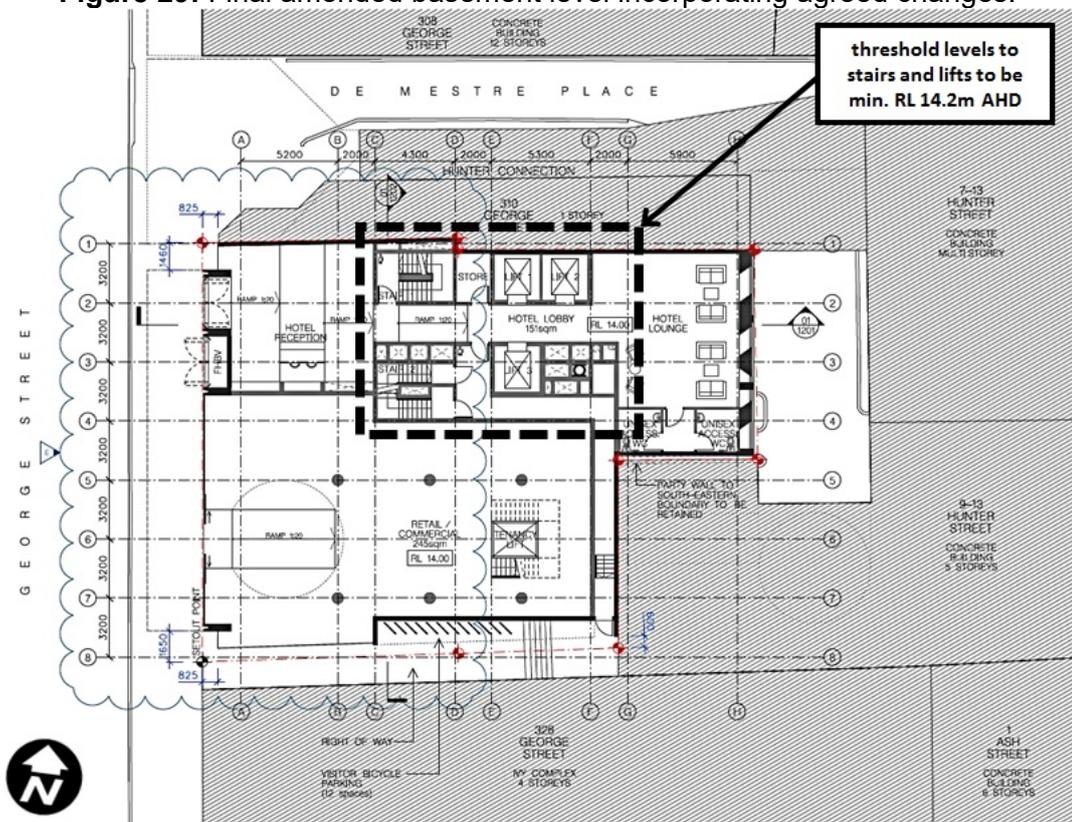


Figure 30: Agreed design changes to ground level to address flood risks to address flood risks prior to design amendments.

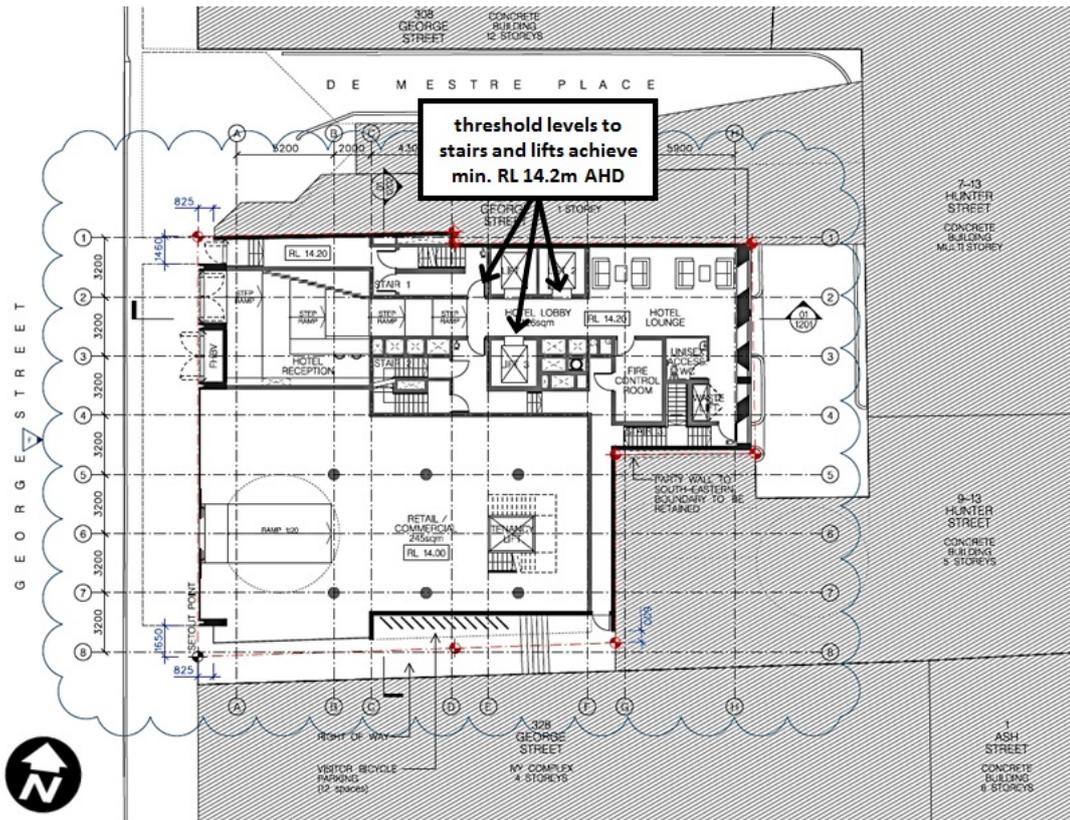
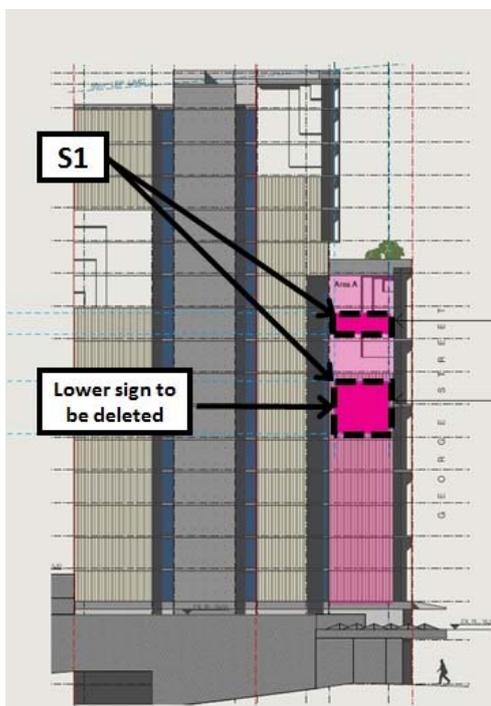


Figure 31: Final amended ground level incorporating agreed changes.

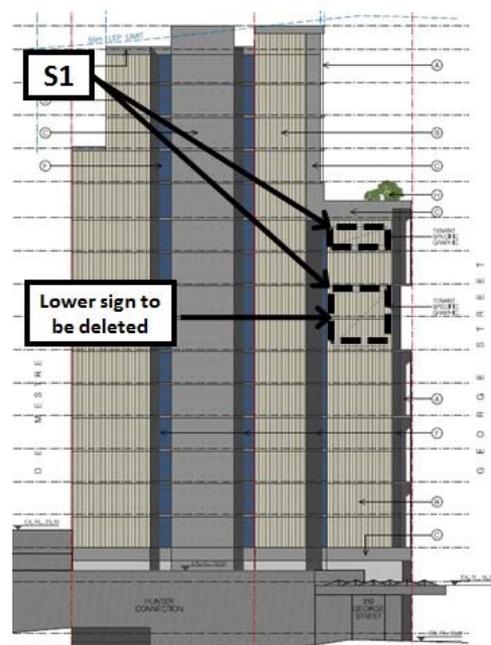
## Signage

61. The proposal includes a signage strategy for 8 signs (plus statutory signage) including:
- (a) S1 – 2 x signs located on the northern elevation of the podium:
    - (i) a 1600mm x 4800mm business identification sign for the hotel at level 11; and
    - (ii) a 4800mm x 4800mm business identification sign for the commercial tenant between levels 8-10;
  - (b) S2 – 1 x top hamper business identification sign above the entrance to the hotel lobby;
  - (c) S3 – 1 x top hamper business identification sign above the entrance to the commercial tenancy;
  - (d) S4 – 2 x 400mm x 1400mm flat mounted wall signs, associated with the commercial tenancy;
  - (e) S5 – 2 x 2000mm x 600mm x 200mm under awning signs; and
  - (f) S6 – statutory signage (re fire escapes, sub stations etc).

62. As noted in the DCP compliance table above, a signage strategy has been submitted with the original iteration of the subject proposal. However, it has not been amended to reflect further design amendments made to the proposal during the assessment process and is subsequently incompatible with the architecture of the proposed building in some instances.
63. The two proposed top of building signs identified as S1 in the signage strategy are shown in **Figures 32** and **33** below. DCP provision 3.16.5.2 permits only a single top of building sign per elevation, to be allocated to the significant tenant of the building. Top of building signs are to be limited in height to only one floor of the building.
64. Conditions are recommended for design modifications to the building and to the signage strategy for a single top of building sign to be associated with the hotel use, and in accordance with the design requirements at DCP provision 3.16.5.2.



**Figure 32:** S1 as shown in the signage strategy.



**Figure 33:** S1 as shown in architectural elevation drawing.

65. The two top hamper signs identified as S2 – above the hotel entrance, and S3 – above the commercial tenancy entrance are shown in **Figures 34** and **35** below.



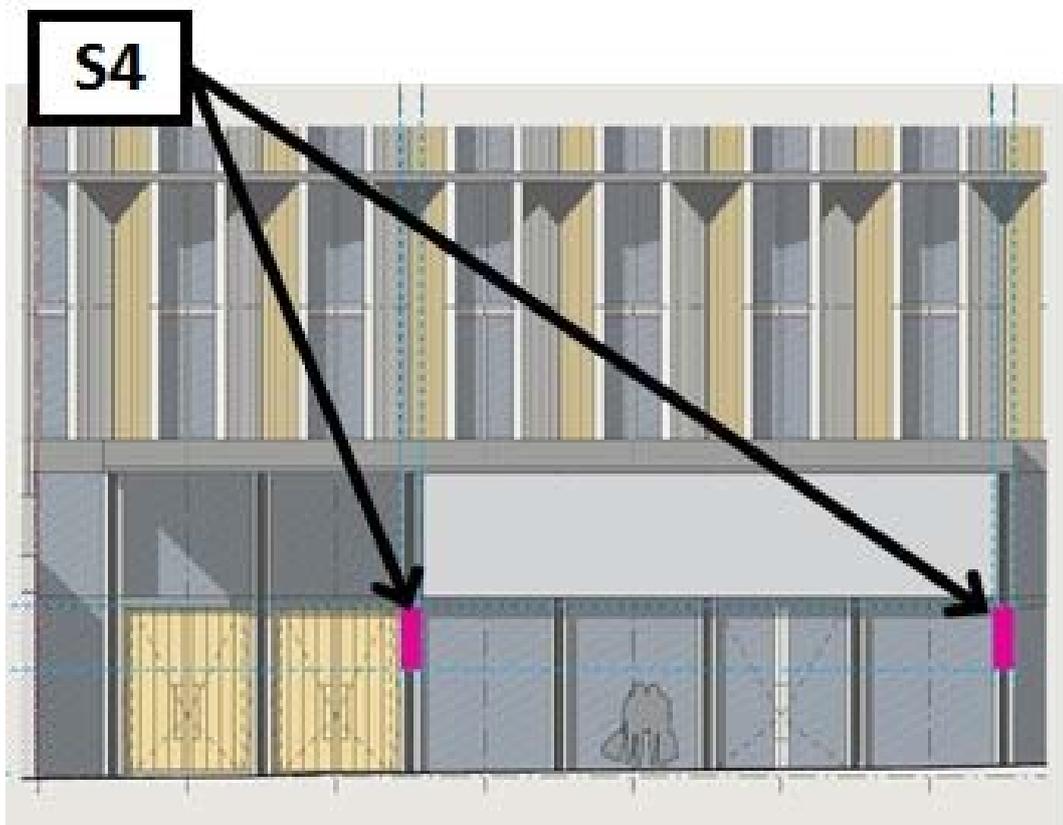
Figure 34: S2 and S3 as shown in the signage strategy.



Figure 35: S2 and S3 as shown in architectural elevation drawing.

66. As noted elsewhere in this report, the amended plans have incorporated changes to reduce the height of the awning. The signage strategy in **Figure 34** above shows the awning's original height above the footpath at the second storey level. **Figure 35** shows the awning's amended height above the footpath at the first storey level.

67. Whereas the signage strategy shows signs S2 and S3 as top hamper signs in the transom above the two George Street pedestrian entrances, the amended plans show the signs above the awning. DCP provision 3.16.6.1(2) requires business identification signs to be located below the height of ground floor awnings.
68. Conditions are recommended for the design of ground floor facades to the George Street elevation to be modified to provide a transom above the entrances to the hotel and to the commercial tenancy. Conditions are recommended for the signage strategy to be modified for signs S2 and S3 to be located in the transom pane above the entrances to the hotel and to the commercial tenancy.
69. The two flat-mounted wall signs associated with the commercial tenancy identified as S4 in the signage strategy, are shown in **Figures 36** and **37** below. In accordance with DCP provisions 3.16.3(5) and 3.16.6.1(1) which require that signage should not create visual clutter and due to the number of signs proposed, it is considered that signs S4 are unnecessary and give rise to visual clutter, and are not supported.



**Figure 36:** S4 as shown in the signage strategy.

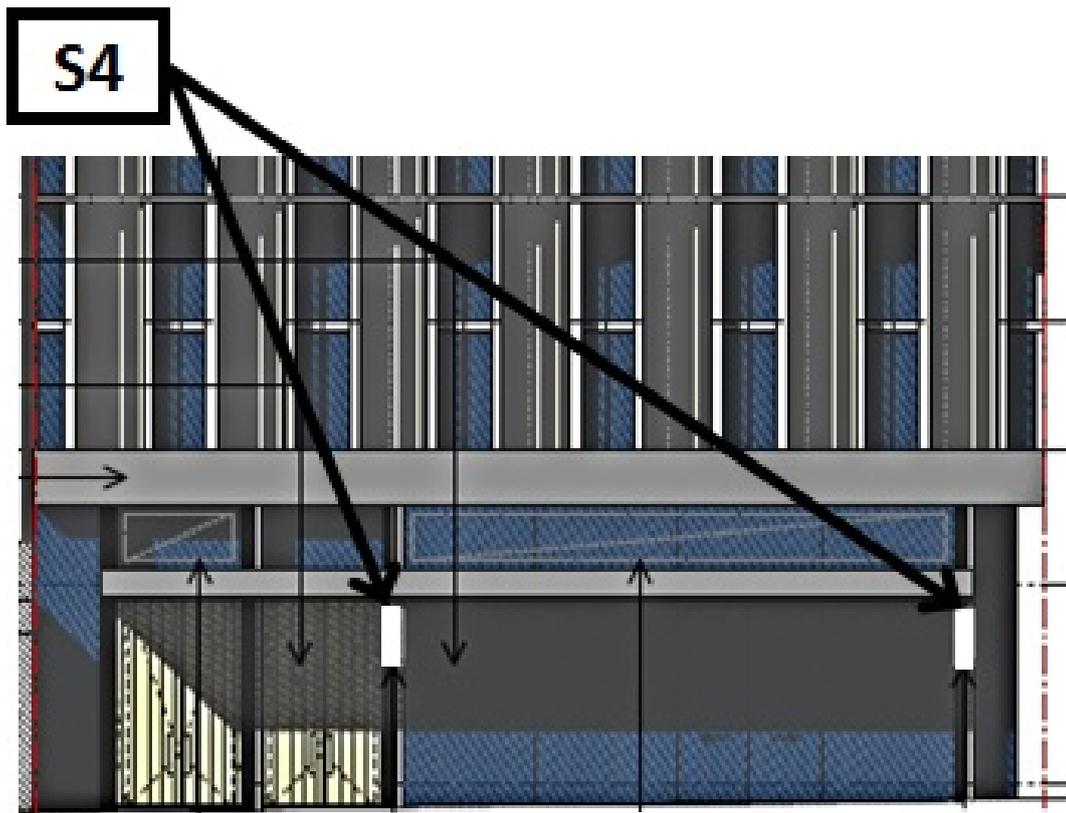
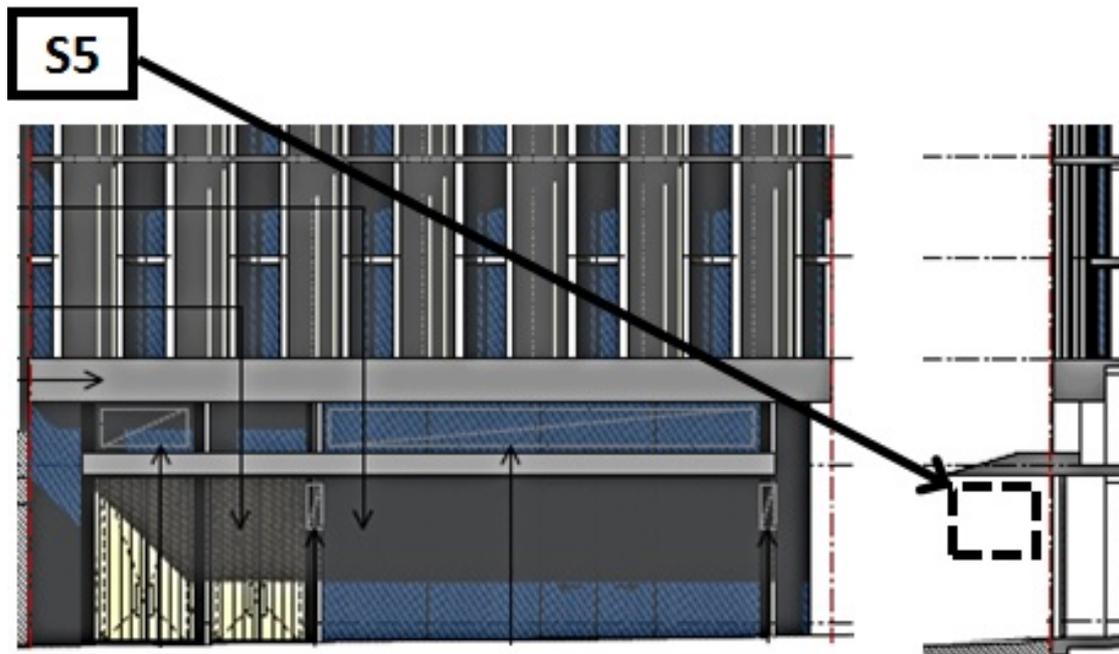


Figure 37: S4 as shown in architectural elevation drawing.

70. The two under-awning signs associated with the commercial tenancy and identified as S5 in the signage strategy are shown in **Figures 38** and **39** below. The under-awning signs in the elevation at **Figure 39** below are not clearly differentiated from flat mounted signs identified as S4 in **Figure 37** above.



Figure 38: S5 as shown in signage strategy.



**Figure 39:** S5 as shown in architectural elevation and section drawings.

71. The under awning signs are to be associated with the commercial tenancy (shown in **Figure 39** above) and are supported.
72. Conditions are recommended to clarify discrepancies between the signage strategy and the architectural drawings and to ensure the approved signage strategy is consistent with DCP provisions pertaining to materiality, illumination, size and clearance above footpaths.

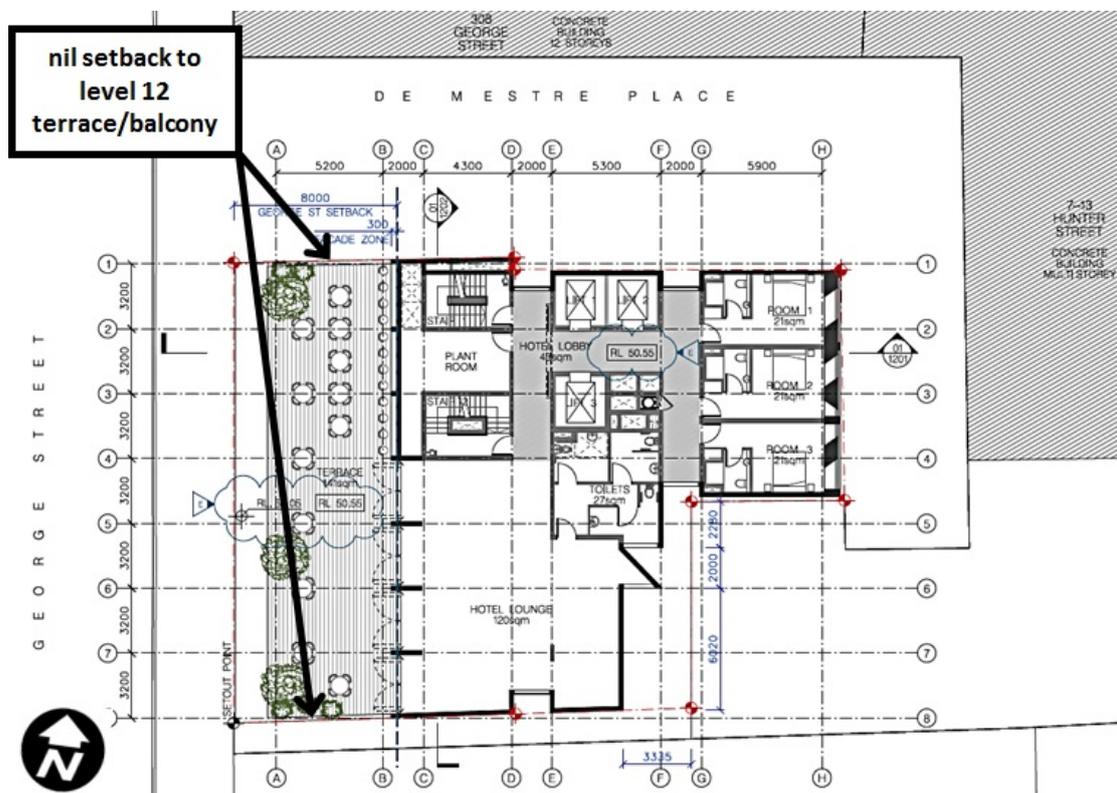
### Floor to Ceiling Heights and Floor to Floor Heights

73. The proposed development achieves 4.5m floor to floor height within the ground floor commercial tenancy in accordance with DCP requirements. The DCP does not stipulate minimum floor to floor height requirements for hotel uses.
74. The western portion of the basement level floor plate achieves a floor to floor height of between 3.87m and 4.6m and the eastern portion achieves a floor to floor height of 3.4m. This represents proposed variations of up to 1.1m to the DCP minimum floor to floor height requirement of 4.5m for first basement levels in Central Sydney.
75. As discussed above, the site is flood affected and the ground and basement levels have been redesigned several times to achieve appropriate flood levels this has resulted in reduced floor to floor heights in some instances. For this reason the variation sought to DCP floor to floor height requirements for the basement level is considered to be acceptable.
76. The first floor achieves a floor to floor height of 3.05m and which is a 0.55m variation to the DCP minimum floor to floor height requirement of 3.6m for the first commercial floor.

77. The objectives of DCP floor to floor height provisions are to provide daylight to building interiors and flexibility for future commercial uses. The proposed use of the southern portion of the level 1 floor plate is as a commercial tenancy. This tenancy incorporates a large void that will provide adequate amenity for this space. For this reason the proposal is considered to achieve the objectives of the control and a variation to floor to floor height requirements is supported.

**Side and Rear Setbacks and Separation**

78. As shown in **Figures 40** and **41** below, the proposal provides nil setback from the level 12 terrace/balcony to the north and south side boundaries. A variation is supported in this instance because there is a solid balustrade to the north and south edges of the terrace/balcony to a height of approximately 1.5m and which will provide adequate privacy to and from the terrace/balcony.
79. It is noted that as the level 12 terrace/balcony is enclosed by a balustrade greater than 1.4m, it is gross floor area (GFA) as defined in the LEP and which has been included in the calculation of FSR discussed elsewhere in this report.



**Figure 40:** Nil setback from level 12 balcony to north and south boundaries.

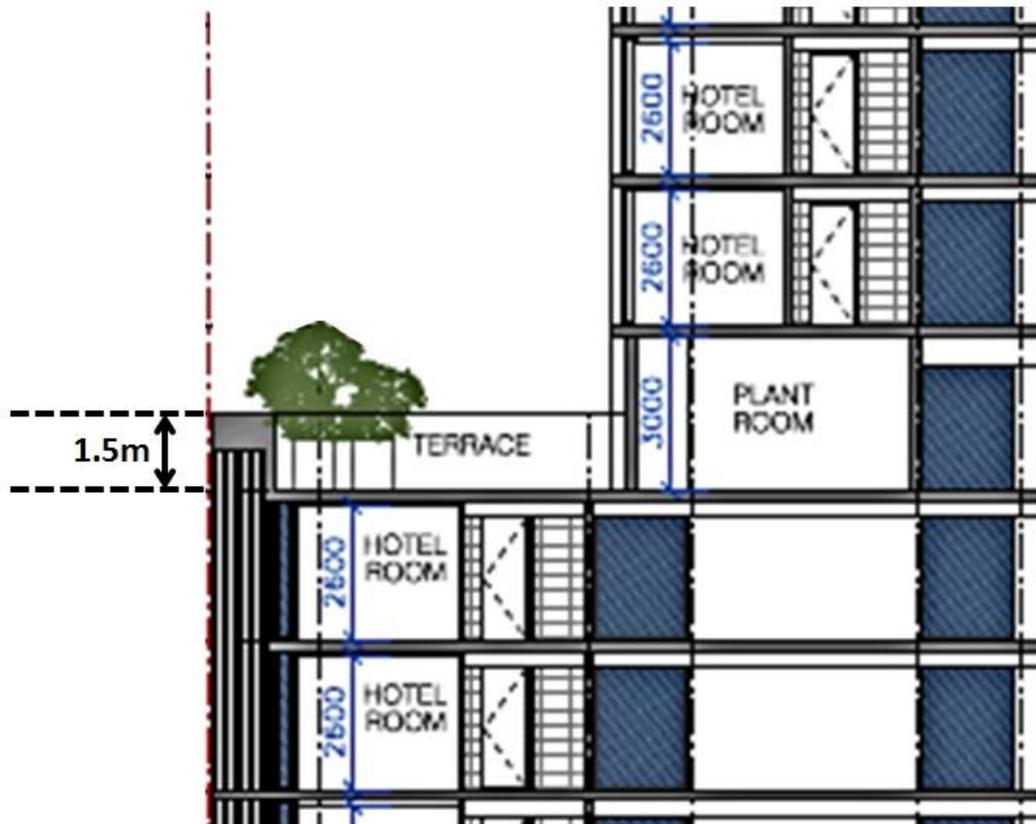


Figure 41: Balustrade height to level 12 terrace/balcony.

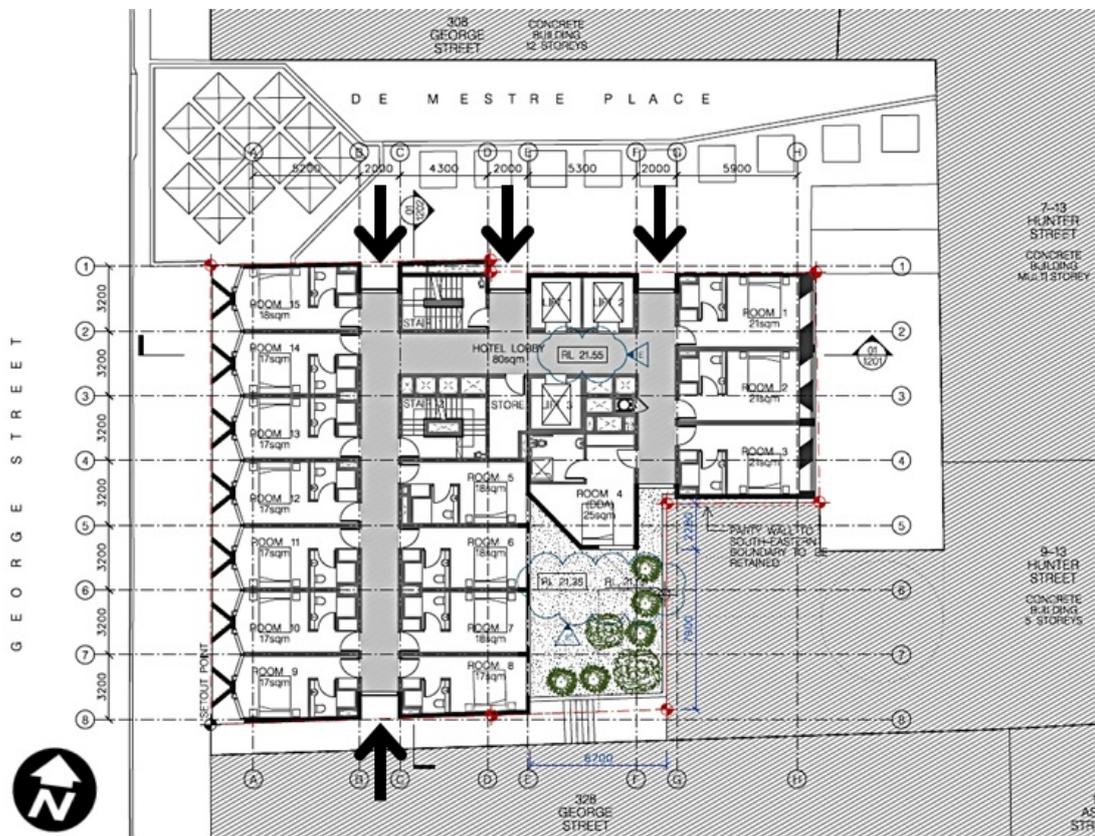


Figure 42: Windows facing side boundaries.

80. As shown in **Figure 42** above, the proposal provides windows to the north and south boundaries that are setback less than 1m from the north and south side boundaries within shallow recesses in these facades.
81. A variation is supported in this instance as the windows are to non-habitable circulation spaces, with the exception of the window to the southern boundary from the level 12 hotel lounge. These windows borrow amenity from the adjacent sites and have no right to that amenity.
82. A condition has been recommended to clarify and advise the landowner and developer that the windows that face side boundaries do not preclude development of the adjacent sites that might have adverse impacts upon the amenity obtained from those windows.

### **Transport and Parking**

83. Vehicular access to and from the site and De Mestre Place is currently and will continue to be very restricted both during construction and during operational phases of the George Street light rail. Once the light rail is constructed and operating, access to De Mestre Place will be limited to service vehicles only, with no taxi/uber, private vehicles, buses or coaches permitted. Transport for NSW have advised that service vehicle access will be restricted to a very limited time – from 1.00am to 4.30am, daily.
84. De Mestre Place currently provides access to four other driveways/loading docks, including those for Australia Post and the Hunter Connection and the proposed development is likely to increase the number of vehicles using De Mestre Place.
85. On 6 June 2017, Council officers sent a letter to the applicant advising that the submitted Traffic Impact Statement did not adequately address these matters. This letter also identified that the proposal did not provide adequate bicycle parking and requested that amended plans and additional information be submitted to address these concerns.
86. On 10 July 2017, the applicant provided preliminary amended plans, traffic and transport information in response to Council officers' request.
87. After another meeting on 28 September 2017, final amended plans were submitted on 29 September 2017 and which provided a loading dock on site to provide for the site's servicing needs.

### *Bicycle parking and facilities*

88. Council's Transport Planner has reviewed the amended proposal and is satisfied that it will be able to satisfy DCP requirements subject to recommended conditions for the allocation of bicycle parking and provision of end of trip facilities.

*Passenger pick-up/set-down parking*

89. The amended proposal does not provide any off-street car parking or passenger pick-up / set-down areas. This is permissible under the LEP parking controls. However, it is likely that some hotel guests would be travelling by taxi, uber or the like. A condition has been recommended requiring the hotel to develop a Transport Access Guide to ensure all guests are informed of the lack of off-street car parking and passenger pick-up / set-down areas and the location of public car parks and pick-up / set-down areas in the vicinity of the site.
90. The DCP requires one bus/coach parking space for the proposed 195 room hotel. The Traffic Report states that a bus and coach parking space cannot be provided due to site constraints. This is accepted however, the Traffic Report does not explain how existing bus or coach spaces in the vicinity of the site might be utilised. Nor does it provide information to support a case that the business model for this hotel does not rely on bus/coach groups attending the site. A condition has been imposed for these issues to be addressed, as has been the approach taken for other hotel developments in similarly constrained circumstances in Central Sydney.

*Loading and servicing*

91. As expressed in Council officers' letter of 6 June 2017 and in the meeting of 28 September 2017, the proposed use of the existing shared loading dock located at the southern end of De Mestre Place for servicing the site is not supported.
92. Final amended plans submitted 29 September 2017 provide an on-site loading dock to accommodate a small rigid vehicle (SRV) in response to this concern.
93. Council's Transport Planner has advised that the provision of an on-site loading dock adequately addresses this issue. However, supporting information is required including swept path analyses to demonstrate that the SRV can enter and exit the loading dock from De Mestre Place. Furthermore, the estimated number of deliveries contained in the additional traffic and transport information submitted 10 July 2017 does not provide a realistic account of the number of deliveries required by the hotel and does not factor deliveries to the commercial tenancy into its calculations.
94. Subsequently, the conditions recommended by Council's Transport Planner to address these issues, pertaining to the design and management of the loading dock are to be imposed upon any consent granted.

**Other Impacts of the Development**

95. The proposed development is capable of complying with the BCA.
96. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

**Suitability of the site for the Development**

97. The proposal is suitable for the site.

**INTERNAL REFERRALS**

98. The assessment process and conditions of consent have been informed by advice from Council's Building Surveyor; Specialist Surveyor; Licensed Premises Specialist; Quantity Surveyor; Environmental Health Specialist; Urban Design Specialist; Landscape Design Specialist; Public Domain and Infrastructure Specialists; Safe City Specialist; and Transport Planner.
99. Where appropriate, conditions recommended by these referrals have been included for imposition on any consent given.

**EXTERNAL REFERRALS****NSW Police**

100. As the proposal incorporates a licensed premises the proposal was referred to NSW Police on 27 March 2017.
101. On 5 April 2017, NSW Police provided referral comments, raising no objection subject to the imposition of conditions pertaining to installation of CCTV, operation of the hotel and bar in accordance with a Plan of Management, requiring consents and approvals to be kept on premises at all times.
102. These recommendations were made before the applicant clarified that they would accept a condition to be imposed for any food and drink areas that support or that are ancillary to the hotel use to be subject to a separate DA. Nonetheless, those conditions pertaining to the approved hotel use have been recommended to be imposed on any consent granted.

**TfNSW CBD Coordination Office**

103. As the proposed development is in close proximity to the Sydney Light Rail project, the proposal was referred to the TfNSW CBD Coordination Office on 27 March 2017.
104. On 4 May 2017, the TfNSW CBD Coordination Office provided referral comments recommending conditions to be imposed on any consent granted.
105. On 1 September 2017, the TfNSW CBD Coordination Office provided revised referral comments and recommended conditions in response to the amended proposal and additional information provided during the assessment process.

**Sydney Water**

106. As the proposal is in the vicinity of Sydney Water assets the proposal was referred to Sydney Water under section 78 of the Sydney Water Act 1994.
107. On 1 June 2017, Sydney Water provided referral comments recommending conditions to be imposed on any consent granted.

**Notification, Advertising and Delegation**

108. In accordance with Schedule 1 of the Sydney DCP 2012, the subject development application was notified and advertised for a period of 28 days between 27 March and 27 April 2017. As a result of this notification 24 submissions were received. Issues raised in submissions are summarised and responded to as follows:

- (a) The proposed development provides inadequate separation to the property located on the opposite, eastern side of De Mestre Place (the Hunter Connection) and will have adverse impacts upon the daylight access, views and privacy of that property.

**Response** – As noted elsewhere in this report the proposed development is setback above its De Mestre Place street frontage by 6m from the centreline of De Mestre Place, and therefore complies with the DCP's laneway setback controls for Central Sydney. The objectives of those controls include to enhance amenity of residential and serviced apartments. As the proposal complies with these controls it is considered to preserve a level of amenity for adjacent residential and serviced apartments and which is a higher level of amenity than that which would normally be required for adjacent commercial uses.

- (b) The proposal does not comply with the 55m height control for buildings on small sites, pursuant to LEP clause 6.16 and which requires consideration of the impacts of tall buildings upon the amenity of adjacent buildings.

**Response** – As noted elsewhere in this report, the proposed building is to a height of 55.7m and exceeds the 55m height limit for small sites. It is noted that it is only the lift overrun that exceeds the 55m height limit and which does not comprise any habitable floor space. It is considered that the proposal will not have unacceptable adverse impacts upon amenity of adjacent buildings and is supported for these reasons.

- (c) The proposal will provide a largely blank facade to George Street and a 6.5m high footpath awning that fails to contribute to the pedestrian amenity and streetscape activation of George Street.

**Response** – The proposal will provide active frontages in the form of a commercial shopfront and hotel entrance to the George Street facade. The public domain interface at ground level will improve upon the existing condition by moving the shopfront glazing to the property boundary with George Street. While the proposal has been amended to reduce the height of the footpath awning, a condition is recommended for its height to be reduced further so it has a height of between 3.2m to 4.2m above the footpath, in accordance with provision 3.2.4(4) of the DCP.

- (d) The proposed ground level interface to De Mestre Place is an opportunity lost to provide more activation.

**Response** – Final design amendments submitted to address flooding include deletion of pedestrian entrances, to be replaced by a vehicle entrance to De Mestre Place. An undesirable side-effect of this will be to reduce the activation of De Mestre Place and which is contrary to DCP provision 3.1.1.3(2). To mitigate these adverse impacts a condition is recommended for a Public Art Strategy to be submitted and which identifies opportunities for public art including those on the ground floor interface with De Mestre Place, in accordance with the advice of Council's Design Advisory Panel, DCP provision 3.1.5(3) and the City of Sydney Guidelines for Public Art in Private Development which encourage public art in developments with a value greater than \$10 million.

- (e) The proposed development provides a poor architectural response for such a prominent location on George Street. It fails to exhibit design excellence.

**Response** – The proposal complies with the DCP street frontage height and setbacks above street frontage height controls for Central Sydney and is considered to provide an appropriate design response to its context. Its materiality, finishes and colours are considered to be of a high quality and which will reinforce the predominantly masonry character of Central Sydney. Council's Design Advisory Panel support the proposal. It is considered to demonstrate design excellence.

- (f) The proposal does not provide sufficient loading bays or service vehicle parking. It does not provide for a 9.2m Council garbage truck and a small rigid vehicle (SRV) with a 4m head height clearance as per DCP requirements and does not provide car, bus or coach parking spaces. The proposed continuation of the site's current use of the shared loading facilities located at the southern end of De Mestre Place, has not been discussed with the relevant landowners. De Mestre Place is already congested with loading and unloading for Australia Post, the Hunter Connection, as well as the buildings along Hunter Street. In total, 65 retailers currently use De Mestre Place as their main loading dock. The Australia Post facility receives approximately 20 truck and van deliveries daily as the main mail distribution centre in the Sydney CBD. As such, the proposal has not provided an adequate management plan or given due consideration to the existing and likely increased traffic and congestion in De Mestre Place arising from the proposal.

**Response** – As discussed in the Issues section of this report, an on-site loading dock is to be provided. Waste collection for commercial developments is not by Council waste collection trucks, but by commercial waste collection contractors. Conditions are recommended to ensure adequate management arrangements for the loading dock and for passenger pick-up/set-down associated with the proposed hotel.

- (g) The proposal is not an appropriate response to its context. It will be significantly taller than surrounding buildings. It is 19 storeys high and will set an undesirable precedent for building height and design in the Sydney CBD.

**Response** – As discussed elsewhere in this report, the proposal complies with the applicable LEP height controls and the DCP's street frontage height and setbacks above street frontage height controls for Central Sydney and is consistent with the desired future character of the area.

- (h) The proposed hotel use could jeopardise the adjacent Ivy's operating conditions and undermines the CBD's night-time economy.

**Response** – The proposed hotel use is permitted with consent in the B8 Metropolitan Centre Zone. An Acoustic Report has been submitted as part of the application and demonstrates that the proposed building will be able to achieve appropriate internal noise levels under the current conditions.

- (i) Demolition of the existing basement bar (Burrow Bar) will destroy existing convict era sandstone walls within the basement and will reduce the culture and diversity that the bar brings to the area and the positive contribution it makes to the city's night time economy.

**Response** – The subject site does not contain a heritage item and is not identified as having archaeological potential on the City of Sydney Archaeological Zoning Plan. Nonetheless, Council's Heritage Specialist has reviewed the proposal and advises that it was commonplace for buildings constructed up until the late 1960s such as the existing buildings on site, to incorporate old sandstone foundation walls. Conditions have been recommended for an archaeological investigation to be carried out, a heritage interpretation plan to be submitted and for photographic archival documentation to be prepared. The proposal does incorporate a basement bar to contribute to the night-time economy and to retain some of the qualities that the existing Burrow Bar makes to the locality.

- (j) The proposed development will have adverse amenity impacts upon the adjacent property to the south which accommodates the Ivy restaurants, bars and hotel complex. The proposal will overshadow the Ivy's rooftop entertainment areas and the proposed window openings to the southern boundary will have privacy impacts to Ivy's rooftop entertainment areas.

**Response** – Council's planning controls for solar access are contained in DCP section 4.2.3 and which only establish minimum solar access requirements for residential dwellings. These controls do not pertain to or protect solar access to commercial or hotel premises. The parapet height of the wall to the northern boundary of the building at 320-330 George Street that accommodates the Ivy complex is RL 43.2. This is equivalent to level 9 of the proposed development. The south-facing windows at level 9 and above may provide limited views to the rooftop pool and entertainment areas of the Ivy complex. To mitigate any privacy impacts from these windows to the Ivy complex, a condition is recommended for translucent glazing to a height of 1.4m to be applied to south-facing windows on levels 9 to 16.

- (k) The proposed development provides inadequate separation to the property located on the opposite, northern side of De Mestre Place and will have adverse impacts upon the daylight access, views and privacy of that property. At present, the windows on the southern facade of my building level currently provide city views and natural light. The proposed hotel redevelopment will obstruct all of the city views I have left as a result of the proposed zero building setbacks and with unattractive blank walls located on the northern facade of the hotel development, which further impedes and diminishes the overall outlook and amenity to our building.

**Response** – The south-facing windows in the southern elevation of the existing building on the northern side of De Mestre Place are on the property boundary with De Mestre Place and are not setback from that boundary. The proposed development site at 312-318 George Street is separated from the objector's building by De Mestre Place and another property at 7 Hunter Street which contains a small retail premises currently occupied by an optometrist that addresses George Street, and an entrance to an elevated pedestrian walkway above De Mestre Place to the Hunter Connection. The proposed development complies with height, FSR, and laneway setback controls and the proposed windows to the northern side boundary are from non-habitable circulation spaces. For these reasons any amenity impacts to the objector's commercial tenancy are considered to be acceptable. It is also noted that a condition is recommended for a Public Art Strategy to be submitted and which identifies opportunities for public art that may include opportunities for public art on the blank side walls of the building.

- (I) Concerns are raised about the proposed height and compliance with the LEP's sun access plane requirements, as well as compliance with FSR controls. The proposed redevelopment of a small site represents an overdevelopment of the site.

**Response** – The proposal complies with the LEP's height, sun access plane and FSR controls, and is considered to be a suitable development for the site.

## **PUBLIC INTEREST**

109. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

## **FINANCIAL IMPLICATIONS**

### **S61 CONTRIBUTION**

110. The cost of the development is in excess of \$200,000 and is therefore subject to a development levy pursuant to the Central Sydney (Section 61) Contributions Plan 2003. An appropriate condition has been included in the recommendation of this report.

## **RELEVANT LEGISLATION**

111. The Environmental Planning and Assessment Act 1979, the Sydney Water Act 1994.

## **CONCLUSION**

112. The proposal is for demolition of the existing buildings and construction of a new 17 storey building comprising hotel bar, plant, storage and commercial uses at basement level, commercial and hotel uses at ground level and level 1, hotel uses at levels 2-16 (the hotel comprises 195 rooms) and a signage strategy.
113. The proposal has been amended during the assessment process to provide adequate flood planning levels, provide an on-site loading dock, reduce building height, increase setbacks above street frontage height, to increase separation to adjacent buildings, and to reduce the height of the footpath awning.

114. The proposed development has a height of 55.7m and complies with the maximum permissible height range pursuant to LEP clause 6.17 the Martin Place 5A sun access plane. The proposed development has a FSR of 10.54:1 (6,146 sqm GFA) and which complies with the maximum permissible FSR of 13.86:1 (8,079.76 sqm GFA) pursuant to clauses 4.4 and 6.4 of the LEP.
115. The proposal satisfies the DCP street frontage height and setbacks above street frontage height controls for Central Sydney and is considered to provide an appropriate design response to its context. The proposal's materiality, colours and finishes are considered to be of a high quality and which will reinforce the predominantly masonry character of Central Sydney. Council's Design Advisory Panel support the proposal and it is considered to demonstrate design excellence.
116. For these reasons the proposal is recommended for a deferred commencement consent to be granted, subject to conditions to address Sydney Trains concurrence requirements, for design modifications to align with the approved signage strategy, to reduce the height of the footpath awning, to provide privacy treatments to south facing windows and to provide a public art strategy for the development.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

(Ben Chamie, Senior Planner)