Attachment B

Planning Proposal – 92-98 Brougham Street, Potts Point

CITY OF SYDNEY

Planning Proposal – 92-98 Brougham Street, Potts Point

Amendment to Sydney Local Environmental Plan 2012
September 2020

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Executive Summary

The City of Sydney (the City) has prepared this planning proposal to change the planning controls for the land at 92-98 Brougham Street (the site), in response to a request from the site owner, Harrphil Pty Ltd, for the City to prepare a planning proposal for the site.

This planning proposal explains the intent and justification for the proposed amendments to the Sydney Local Environmental Plan 2012 (LEP) as it applies to the site. This planning proposal has been prepared by the City in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning, Industry and Environment's 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

The site is approximately 536 square metres in area and fronts Brougham Street. Existing development on site includes three terraces houses and a small residential flat building. Surrounding development consists of a five-storey residential flat building to the south and residential terrace style housing to the north and west.

The site forms part of a larger development site to the east that includes two properties at 169-173 Victoria Street, one of which is the vacant Piccadilly Hotel building.

Under the Sydney Local Environmental Plan 2012, the site is zoned R1 General Residential and has a maximum building height of 12 metres. The maximum FSR for 92 and 94 Brougham Street is 1.5:1 and for 96 to 98 Brougham Street the maximum FSR is 1.75:1. The site's zoning permits most forms of residential accommodation, bed and breakfast accommodation, hostels, food and drink premises and shops. The site is also within the Woolloomooloo Heritage Conservation Area.

The owners' adjoining Victoria Street sites are zoned B4 Mixed Use with a maximum building height of 12 metres and a maximum floor space ratio of 1.75:1. The zoning here permits a broader range of uses such as most forms of residential accommodation, commercial premises, education establishments entertainment facilities, function centres, hotel accommodation and registered clubs. The Piccadilly Hotel is listed as a local Heritage Item and both buildings are part of the Potts Point Heritage Conservation Area.

The City has prepared this planning proposal following a detailed review of the proponent's planning proposal request and accompanying documentation.

This planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by adding hotel and motel accommodation as a permitted use on the site, while retaining the overriding residential zoning. The additional use will allow a development application to be submitted and assessed for a hotel development that encompasses the planning proposal site and the adjoining Victoria Street sites. The concept design details that the planning proposal site will provide guest accommodation only while the adjoining Victoria Street sites will accommodate guests and ancillary uses like a restaurant.

No change is proposed to the height, floor space ratio, heritage listings or other development standards in the LEP. A site-specific amendment to Sydney Development Control Plan 2012 is not proposed in this instance with existing DCP controls considered sufficient to make an appropriate assessment around the acceptability of the proposal at development application stage.

This planning proposal presents an opportunity to provide for additional tourist and visitor accommodation, consistent with City's Visitor Accommodation Action Plan 2015, in a highly accessible location. It assists the City in achieving the objectives of the NSW Government's Eastern City District Plan. In particular, the planning proposal will allow the provision of a new hotel development that will assist with diversifying the hotel market and meeting visitor demand. The proposal is consistent with Planning Priority E7 – 'Growing a stronger and more competitive Harbour CBD' and Planning Priority E13 – 'Supporting growth of targeted industry sectors' of the Eastern City District Plan, as it supports the Harbour CBD's entertainment, cultural, tourist and

conference assets and status as one of the world's premier tourism and major events destinations through the delivery of a new hotel development, directly contributing to Sydney's visitor economy which attract millions of domestic and international visitors each year. The Planning Proposal facilitates the supply of new tourist and visitor accommodation. About 84 jobs post construction servicing the hotel, retail and food and beverage operations will be generated, as well as increasing Sydney's accommodation stock by 43 rooms.

1. Site identification

1.1. Site identification

The site consists of four lots known as 92-98 Brougham Street, Potts Point. The lots are described as:

- Lot 1 DP 724376
- Lot 1 DP 904094
- Lot 1 DP 904214, or Lots 1-3 SP 17354
- Lot 100 DP 613011

The site is part of a single contiguous land holding that includes 169-173 Victoria Street, Potts Point to the east.

The land affected by this planning proposal and its relationship to the larger land holding is shown in Figure 1.

Figure 1. Land affected by this planning proposal

1.2. Site location

The site is located within the suburb of Potts Point in the City of Sydney and is about 240 metres walking distance to Kings Cross Railway Station and Kings Cross commercial centre to the east.

A site location plan and aerial photo of the site are shown at Figures 2 and 3.

Figure 2. Site location

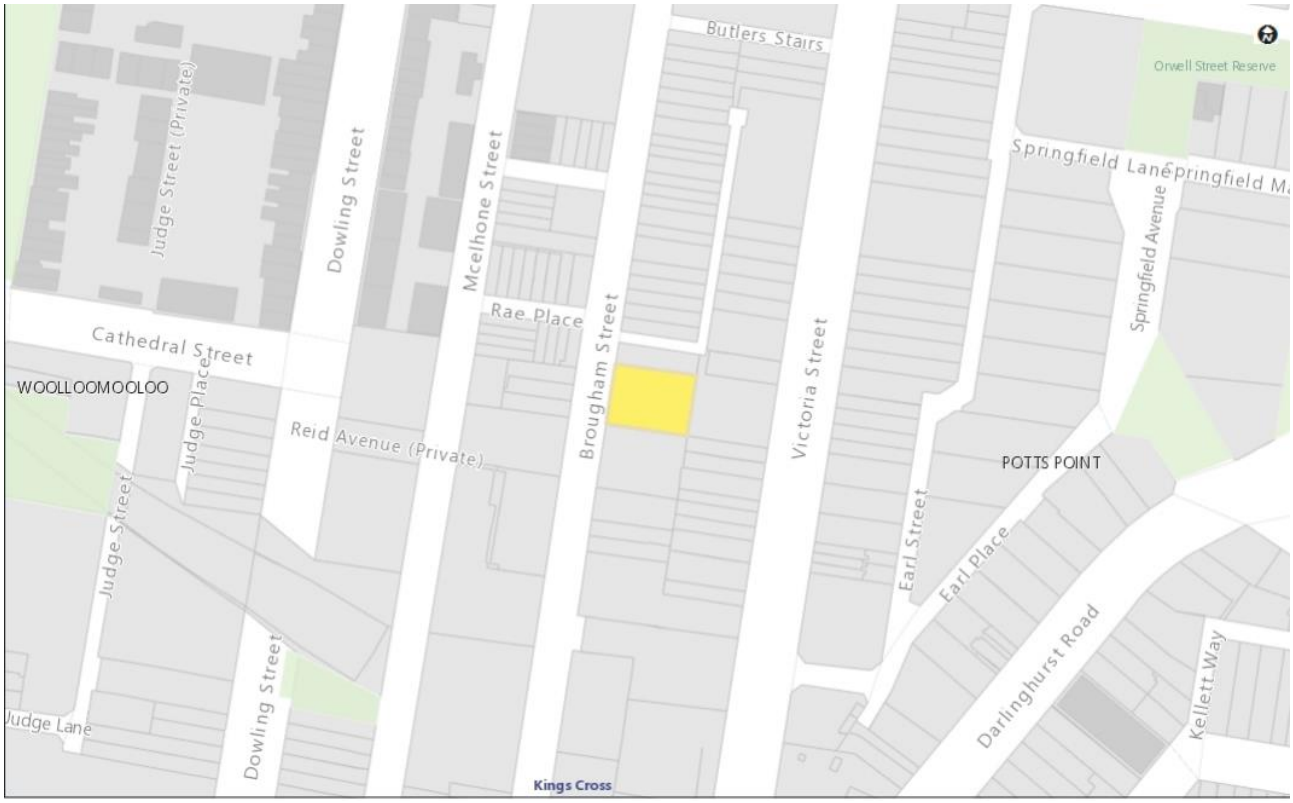


Figure 3. Aerial photo of the site

1.3. Site characteristics and context

The site is rectangular and has a total area of 535.8 square metres. The northern and southern boundaries are about 27 metres long and the eastern and western boundaries are about 21 metres long.

The site is part of a larger land holding that is in one ownership and includes properties known as 169-173 Victoria Street which adjoin the eastern boundary of the site. This combined larger land holding has an area of 1,298.1 square metres and is the subject of a potential future boutique hotel redevelopment.

The planning proposal site is occupied with row housing consisting of three terrace dwellings and a residential flat building with three occupancies. All dwellings are tenanted.

In the vicinity of the site, Brougham Street is dominated by residential uses with existing development comprising 2 storey terraces, some with attic rooms, interspersed with occasional 3 to 5 storey residential flat development.

Brougham Street connects with William Street to the south and Cowper Wharf Roadway to the north.

Figures 4 and 5 show the existing development. The surrounding context of the site is shown in Figures 6 to 7.

Figure 4. View of site looking northeast

Figure 5. View of site looking southeast

Figure 6. Brougham Street looking north

Figure 7. Brougham Street looking south

2. Existing planning controls

The LEP contains zoning and principal development standards for the site. These are discussed below. The Sydney Local Environmental Plan 2012 (LEP) and Sydney Development Control Plan 2012 (DCP) apply to the site.

2.1. Zoning

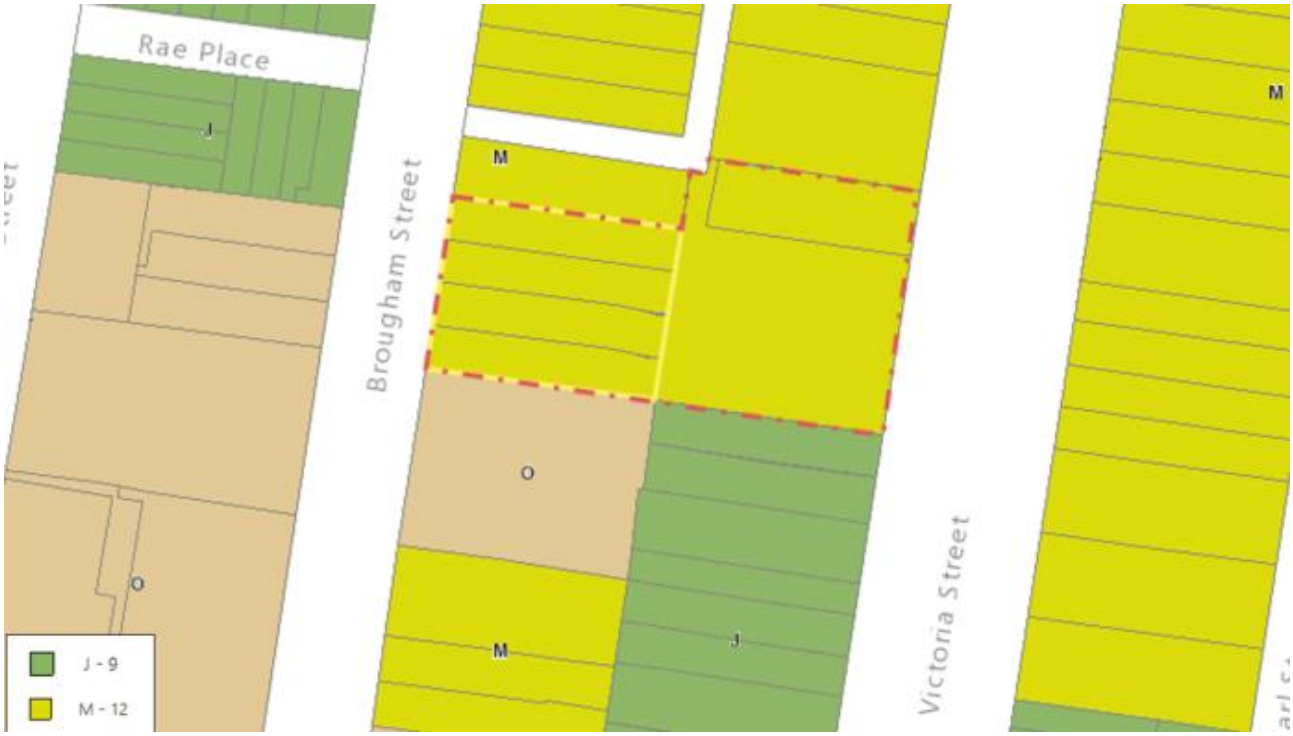
The planning proposal site is currently zoned R1 General Residential under the Sydney LEP 2012, as shown in the extract at Figure 8. This planning proposal does not seek to change the site's existing zoning, but instead seeks to add an additional permitted use for the land.

Figure 8. Extract from the Sydney LEP 2012 Zoning Map

2.2. Building height

The maximum permissible height for the site is 12 metres as shown in Figure 9. This planning proposal does not seek to amend the maximum permissible height for the site.

Figure 9. Extract from Sydney LEP 2012 Height of Building Map



2.3. Floor space ratio

The maximum floor space ratio (FSR) for the site is as shown in Figure 10. The maximum FSR for 92 and 94 Brougham Street is 1.5:1 and for 96 to 98 Brougham Street it is 1.75:1. This planning proposal does not seek to amend the maximum permissible floor space for the site.

Figure 10. Extract from Sydney LEP 2012 Floor Space Ratio

2.4. Heritage

The site does not contain heritage items, although it is part of the Woolloomooloo Heritage Conservation Area (C71) as shown in Figure 11. Adjoining the eastern boundary of the site is a listed heritage item (I1192, Piccadilly Hotel, 171-173 Victoria Street) which is also part of the Potts Point Heritage Conservation Area (C51). An extract of the relevant Heritage Map from the Sydney LEP 2012 is shown in Figure 11.

Figure 11. Extract from the Sydney LEP 2012 Heritage Map

2.5. Planning proposal request

In early 2020, the landowner sought pre-development application advice on a proposal for a boutique hotel on the planning proposal and Victoria Street sites. The concept detailed that all primary guest and service access was proposed from Victoria Street with an ancillary ground floor food and beverage use in the Piccadilly Hotel building.

The proponent was advised not to lodge a development application since the proposed use was prohibited for the Brougham Street properties. A hotel is defined as a tourist and visitor accommodation which is prohibited under the R1 General Residential zone.

To address the prohibition of a hotel use on the Brougham Street properties, the proponent has submitted a planning proposal application for an additional permitted use to the site. Existing and concept plans for the landowners proposed hotel are provided at Figures 12 to 15.

Any redevelopment of the site for a hotel would be subject to a separate development application, public consultation process and detailed assessment under existing LEP and DCP controls.

Figure 12. Existing east-west section looking north

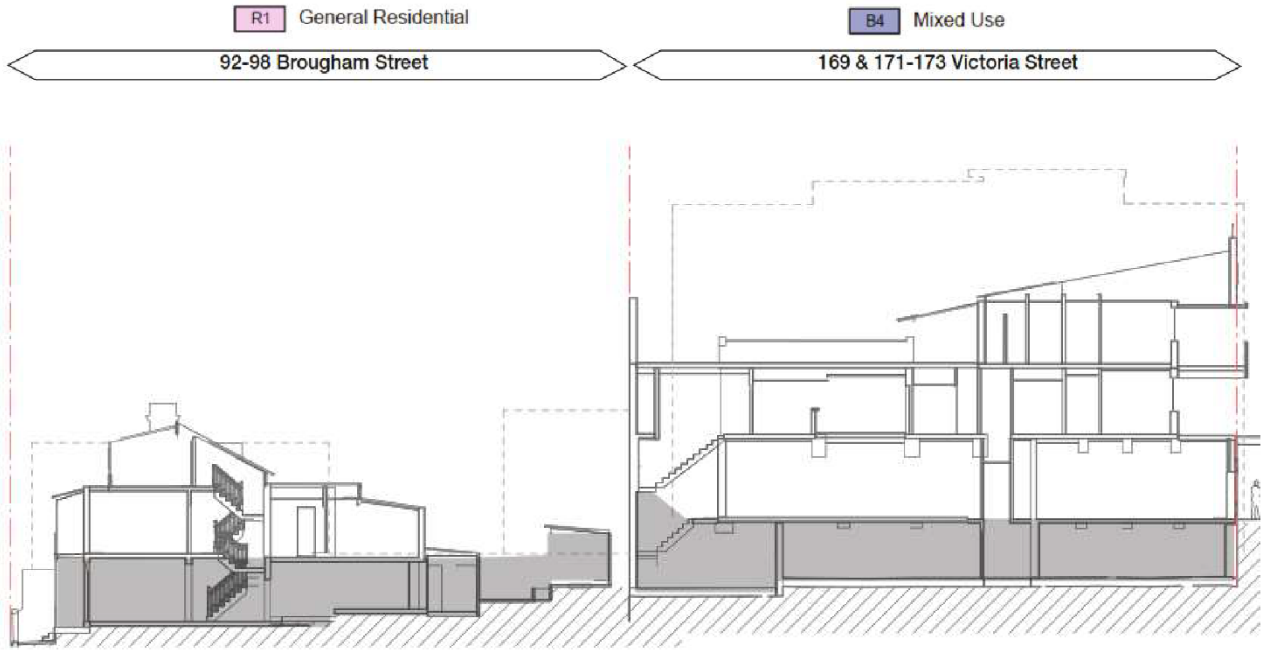


Figure 13. Concept east-west section looking north

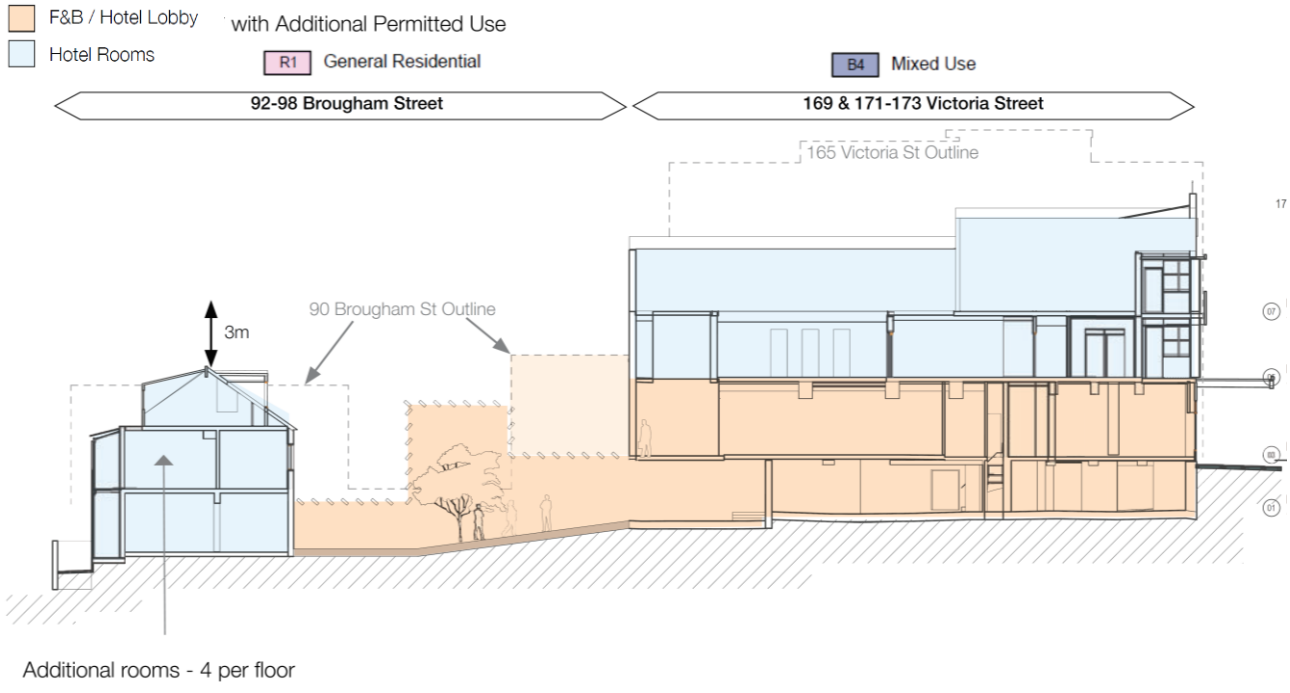
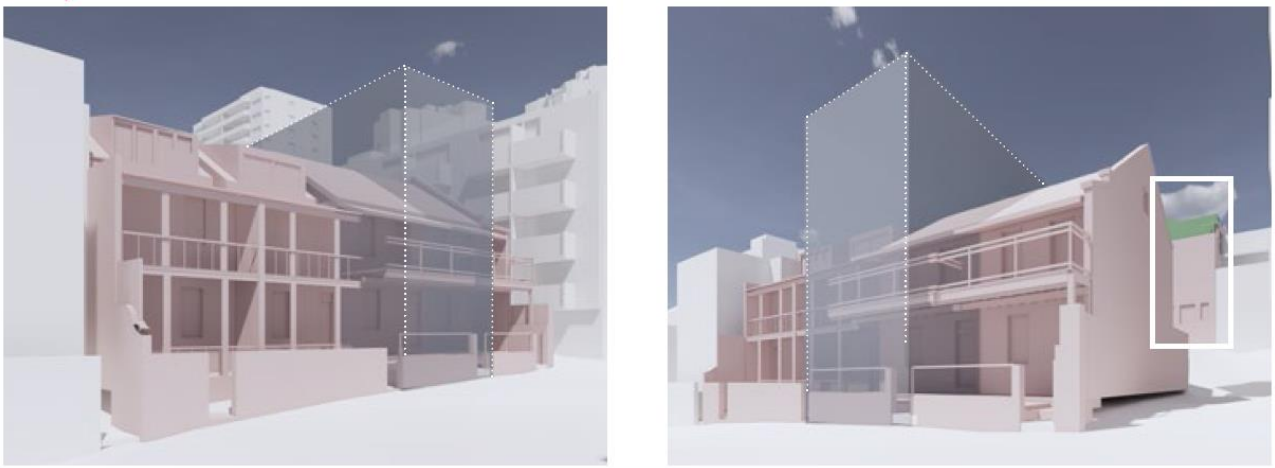


Figure 14. Existing built form to Brougham Street

Figure 15. Concept plan built form to Brougham Street



The concept plans detail conservation and restoration of the primary parts of the buildings on Brougham Street and their long-term conservation management, supported by a Heritage Impact Statement and Conservation Management Plan. This includes the reconstruction of 96 Brougham Street, currently a 3-storey residential flat building, to its original two storey terrace form that will harmonise with the terraces which adjoin it and other similar residential development in the street (Figure 15).

The concept plan includes 43 guest rooms comprising 31 rooms within the Piccadilly Hotel and 12 rooms within the Brougham Street buildings. Additional floorspace is proposed to be added to the rear of the Piccadilly hotel as an extension to the third floor and existing rear additions to the Brougham Street buildings are to be removed to create a courtyard. An ancillary 1,000 square metre of food and drink premises is proposed in the Piccadilly hotel building with back of house and storage operations located in the basement. All access and servicing of the hotel complex will be via Victoria Street with no access from Brougham Street.

3. Objectives and intended outcomes

This planning proposal will enable the redevelopment of the site to facilitate a hotel development that:

– contributes to and enhances Sydney's diverse hotel accommodation market that caters to changing visitor demand, consistent with the City's Visitor Accommodation Action Plan 2015 and the Eastern City District Plan's tourism and industry objectives, and

– is in an area with good access to public transport and attractions in nearby villages.

The intended outcome is to unlock the potential of the larger combined development site for a hotel use that supports the City's tourism economy. The redevelopment of the site under a development application offers the opportunity to conserve the heritage values of the individual buildings on site and maintain the residential character of the local area.

4. Explanation of provisions

To achieve the intended outcomes this Planning Proposal seeks to amend Schedule 1 of Sydney Local Environmental Plan 2012 to include 'hotel or motel accommodation' as an additional permitted use.

Example Schedule 1 Clause

A draft of the intended amendment to Schedule 1 of Sydney LEP 2012 is shown below:

(Cl. No.) Use of certain land at 92-98 Brougham Street, Potts Point

(1) This clause applies to land at 92-98 Brougham Street, Potts Point, being Lot 1, DP 724376, Lot 1, DP 904094, Lot 1, DP 904214 (including Lots 1-3, SP 17354) and Lot 100, DP613011.

(2) Development for the purposes of hotel or motel accommodation is permitted with development consent.

5. Justification

This section is structured as follows:

- 5.1 – Proposed development outcome
- 5.2 – Proposed changes to, benefits of and managing impacts of permitting an additional use
- 5.3 – Need for the planning proposal
- 5.4 – Relationship to strategic planning framework
- 5.5 – Environmental, social and economic impact
- 5.6 – State and Commonwealth interests

5.1. Proposed development outcome

The proposed development concept seeks to establish a hotel use on the planning proposal site as part of a larger development site that covers the adjoining properties 169 - 173 Victoria Street, Potts Point. The proposal aims to conserve and restore the heritage values of the Heritage Item on 171-173 Victoria Road, known as the Piccadilly Hotel and the balance of the buildings that are part of either the Potts Point or Woolloomooloo Heritage Conservation Areas. Simultaneously, the proposal seeks to retain the predominant residential character of the suburb of Potts Point.

Additional permitted use

This planning proposal introduces an additional permitted use of hotel or motel accommodation to the existing R1 General Residential zone on the site. The portion of the development site that fronts Victoria Street is zoned B4 Mixed Use and already permits hotel or motel accommodation with consent. The additional permitted use on the planning proposal site will facilitate the development of an integrated quality hotel outcome over the entire development site.

Ancillary to the hotel operation will be a restaurant offer in the complex which is permissible under the food and drinks premises definition with consent from Council in both the existing RI General Residential and B4 Mixed Use zones. The restaurant with an area of about 1,000 square metres will be located within the Piccadilly Hotel building on Victoria Street.

Woolloomooloo Heritage Conservation Area

The planning proposal will deliver positive outcomes for the Woolloomooloo Heritage Conservation Area. The use of the 92-98 Brougham Street for hotel uses will facilitate the overall redevelopment of the development site. This will involve the restoration of the building's facades in keeping with their original architectural detailing. In the case of 96 Brougham Street, this will involve more extensive building modifications with the removal of the 1940's additions that converted it into a residential flat building. Ultimately, the buildings will appear as a row of restored terrace houses with individual gardens behind a palisade fence that are integrated into the character of the conservation area without revealing the hotel use within.

Conservation of the Piccadilly Hotel

A hotel use over the development site is an appropriate use for the now closed Piccadilly Hotel. The building formerly provided upstairs accommodation and its reuse for a similar purpose is an outcome that is in sympathy with its structure and layout. The inclusion of a restaurant use in the proposal will complement the hotel use and create vitality in Victoria Street. The restoration of the building's facade, particularly at street level and use as a hotel will reinforce its street character and conserve its heritage significance.

Potts Point Heritage Conservation Area

The planning proposal and the redevelopment of the larger development site will deliver a hotel use that benefits the Potts Point Heritage Conservation Area which includes the Piccadilly Hotel Heritage Item and 169 Victoria Street. Although 169 Victoria Street is not a heritage item, the building will be used as hotel guest rooms with its facade being conserved and its front garden retained to present as a residential terrace to the street. Both buildings will continue to reflect the heritage values of the conservation area and the diversity architectural styles that exist within it.

5.2. Proposed changes to, benefits of and managing impacts of permitting an additional use

Additional Permitted Use

To facilitate the redevelopment of the site and the larger combined development site, this planning proposal seeks to permit the additional use of 'hotel and motel accommodation' on the site in the LEP. No changes to the zoning, height and floor space ratio for the site are proposed.

The eastern part of the adjoining development site which addresses Victoria Street is Zone B4 Mixed Use and permits hotel and motel accommodation with consent. Permitting hotel and motel accommodation on the planning proposal site will facilitate the comprehensive redevelopment of the development site.

Sydney's tourism industry makes a significant contribution to the local and state economy. During the 2017/18 financial year over 6 million international and domestic overnight visitors stayed in commercial accommodation located in the City of Sydney LGA. Analysis by the City of Sydney in 2013 found that a sustainable supply of visitor accommodation is needed to support projected tourism growth.

The City's Sustainable Sydney 2030, Tourism Action Plan (2013) and Visitor Accommodation Action Plan (2015) aim to facilitate development of additional visitor accommodation. The Eastern City District Plan seeks to strengthen and grow a more competitive Harbour CBD through the growth of targeted industry sectors, including tourist and visitor accommodation.

This planning proposal will provide for an expanded hotel use in a highly accessible location, contributing to the City's accommodation supply.

The hotel proposal will be the subject of a future detailed development application. Existing DCP controls are considered sufficient to make an appropriate assessment around the acceptability of the proposal at development application stage.

Built form

The construction of an hotel on the development site will result in the refurbishment of the existing terraces on the planning proposal site and the re-modelling of 96 Brougham Street to a matching terrace form. The resultant form will be a row of 4 terraces of two storey appearance with attic rooms expressed as dormer windows. This will be consistent with other residential terrace forms in the vicinity. No change to built form controls is required to ensure a good development outcome through the DA process.

Solar access

The re-modelling of the 96 Brougham Street will increase the building setback by about 1.5 metres and reduce its height by about 2 metres. This will provide a marginal, but unquantified, increase in the amount of sunlight received in the Brougham Street public domain and by surrounding properties throughout the year. Solar access will be managed through the existing controls in Sydney DCP 2012.

Flooding and Stormwater

The planning proposal site is within the City's Woolloomooloo Floodplain Risk Management Plan catchment. The plan indicates that Brougham Street, adjoining the planning proposal site is not defined as a flood hazard area flow path for either the 1% Annual Exceedance Event (AEP) or Probable Maximum Flood (PMF).

In contrast, the part of the development site that fronts Victoria Street, which is also in the Woolloomooloo catchment, is defined as being in a flood hazard area for the 1% AEP and the PMF. At the development application stage, the proposal will need to demonstrate compliance with the City's stormwater and flood planning requirements of the Sydney DCP 2012 and the Interim Floodplain Management Policy.

Heritage

The planning proposal site contains a row of two storey mid-19th century terraces one of which has been significantly altered by a conversion to a residential flat building in the 1940s (96 Brougham Street). The properties are part of the C71 Woolloomooloo Heritage Conservation Area (HCA) in Sydney LEP2012. The Sydney DCP 2012 Building Contributions Map identifies the three terraces as contributory items while the altered terrace is listed as a neutral item. No changes are proposed to the HCA or the contributory status of the buildings.

The applicant's Heritage Impact Statement submitted with the planning proposal conceptually discusses the removal of the rear wing structures of the terraces and the 1940s additions to 96 Brougham Street. Although the buildings are conceptually capable of a sympathetic adaptive reuse for hotel purposes, the priority must be the management of the amenity of Brougham Street and the avoidance of adverse impacts on the building group's heritage significance.

At the development application stage, a more holistic detailed assessment of the impacts of the removal of the rear wings and later non-original additions to the buildings will be required. This will include, but be not limited to, an assessment of their original fabric, built form, bulk, scale, impact on historic development pattern, fine grain pattern and the subdivision pattern of the HCA. The existing heritage listings and controls in the LEP and DCP will enable a good heritage outcome through the DA process.

Traffic and Transport

The proposed hotel use for the planning proposal site will not generate traffic and transport impacts on Brougham Street as there will be no pedestrian or vehicle access. Victoria Street will be the access point for the hotel complex and the traffic and transport generation is not considered to be significant. This is partly due to the hotel location which is well serviced by public transport.

Although no onsite car parking is proposed, or indeed possible given the heritage constraints of the site, all servicing such as hotel delivery, waste collection, guest drop off and set down will occur on Victoria Street. These matters will be carefully assessed in accordance with the City's guidelines for service vehicles and bicycle parking as outlined in the Sydney DCP2012 with a development application. In this regard the proponent should avoid relying on the modification of the existing loading zone outside the premises to accommodate these servicing needs.

Sustainability

The boutique hotel proposal on the planning proposal site will require the submission of a sustainability report on its environmental design and performance as part of a development application. Completion of the City's template for Design for Environmental Performance will be a minimum requirement for assessment purposes. Initiatives such as participating in a NABERS Hotel Energy Commitment Agreement and the installation of the photovoltaic solar electricity generation will be encouraged.

5.3. Draft development control plan

No amendments to the Sydney DCP 2012 are proposed. Existing DCP controls are considered sufficient to make an appropriate assessment around the acceptability of the proposal at development application stage.

5.4. Need for the planning proposal

Q1. Is the Planning Proposal the result of an endorsed local planning statement, strategic study or report?

This planning proposal is a result of a request from the landowner to permit an additional land use on the site which will enable the redevelopment of a larger contiguous site for a hotel use.

The landowner has undertaken a range of studies in support of the request. These include an urban design study to demonstrate the integration of the proposed use into local area and heritage studies to maintain the heritage significance of heritage conservation areas and explore the sympathetic adaptive reuse of heritage items.

The supporting documents that were attached to the planning proposal request included:

– Appendix A: Urban Design Study – Woods Bagot
– Appendix B: Heritage Impact Statement – Urbis
– Appendix C: Conservation Management Plan – Urbis
– Appendix D: Traffic and Transport Study – GTA Consultants
– Appendix E: Indicative Plan of Management – Knight Frank
– Appendix F: Acid Sulphate and Contamination Assessment – Douglas Partners
– Appendix G: Economic and Social Impact Assessment – Location IQ
– Appendix H: Land Use Analysis – Knight Frank
– Appendix I : Stakeholder Engagement Report – JOC Consulting

The proposed land use is consistent with strategic outcomes envisioned in the Visitor and Accommodation Action Plan 2015 which aims to encourage and facilitate more mid-range hotel development across the Local Government Area.

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

There are no alternative processes to achieve the intent of this planning proposal. The use of the buildings on the site for hotel purposes is necessary for the viability of the overall hotel development proposal.

The planning proposal will assist in the sympathetic adaptive reuse of the Piccadilly Hotel heritage item and conservation of buildings that contribute to the heritage significance of the Woolloomooloo and Potts Point Heritage Conservation Areas.

5.5. Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

A Metropolis for Three Cities – The Greater Sydney Regional Plan is the NSW State Government's overarching strategic plan the outlines a 40-year vision and sets out a 20-year plan to manage

growth and change for Sydney. It identifies key challenges facing Sydney including a population increase of 1.7 million, and a requirement for 725,000 new homes by 2036. The Plan also refers to a whole-of-government agenda to create 1 million new jobs by 2036.

In responding to these challenges, the plan sets out four objectives and 10 directions that planning proposal should comply with:

1. Infrastructure and collaboration: a city supported by infrastructure and collaboration

2. Liveability: a city for people, with good housing and great places

3. Productivity: a well-connected city with jobs and a skilled workforce

4. Sustainability: a city in its landscape, that is efficient and resilient

Strategies of particular relevance to this Planning Proposal include:

– 22.1 – provide access to jobs, goods and services in centres, and

– 24.2 – consider encouraging the development of a range of well-designed and located tourism and visitation facilities and developing industry skills critical to growing the visitor economy.

The planning proposal is consistent with several objectives, directions and strategies of the plan. Specifically, it will:

– Promote urban renewal of a site which is well situated close to public transport, and

– Provide supply of new tourist and visitor accommodation which will create about 205 construction jobs and about 84 jobs post construction servicing the hotel, retail and food and beverage operations will be generate, as well as increasing Sydney's accommodation stock.by 43 rooms.

Eastern City District Plan

The eastern City District Plan sets out the NSW Government's vision, priorities and actions for the Eastern District, including the City of Sydney. It establishes a 20-year vision for the Eastern District to be a global sustainability leader, managing growth while maintaining and enhancing liveability, productivity and attractiveness for residents and visitors. Priorities and associated actions for productivity, liveability and sustainability seek to deliver this vision.

This planning proposal is consistent with the following priorities from the Plan:

– Productivity Priority E7: Growing a stronger and more competitive Harbour CBD: and Productivity Priority E13: Supporting growth of targeted industry sectors – The site is within the Harbour CBD, one of the Sydney Region's three metropolitan centres. The District Plan recognises the importance of tourism in the Harbour CBD. This Planning Proposal will support and contribute to the visitor economy by facilitating the redevelopment of the site for a hotel use in the undersupplied mid-high range market. Its walking distance of Kings Cross will support to the use of public transport.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

City Plan 2036: Local Strategic Planning Statement

City of Sydney's Local Strategic Planning Statement sets out the land use planning context, 20-year vision and planning priorities to positively guide changes towards the City's vision for a green, global and connected city. The planning statement explains how the planning system will manage change to achieve the desired outcomes and guide future changes to controls, including those sought by proponents through planning proposals. This planning proposal gives effect to the following priorities of the Statement:

Infrastructure

- I1 – Movement for walkable neighbourhoods and a connected city – the planning proposal promotes walking and cycling to and from the site. It is easily accessible via public transport and is well connected within the City of Sydney.

Productivity

- P2 – Developing innovative and diverse business clusters in the City Fringe – The planning proposal contributes to a genuine mix of uses to support lively and thriving village economy and supports the City Fringe's contribution to the city's and the District's economic diversity.

Sustainability

- S2 – Creating better buildings and places to reduce emissions and waste and use water efficiently – The adaptive reuse of the buildings on the site will likely result in them becoming more energy efficient and with reduced water consumption.

Governance

- G1 – Open, accountable and collaborative planning - The Planning Proposal has been informed by ongoing collaboration between the proponent and the City of Sydney. Further community and stakeholder consultation as part of the planning proposal process will continue the open and collaborative planning for the site.

Sustainable Sydney 2030: Community Strategic Plan 2017-2021

Sustainable Sydney 2030 is Council's vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic direction to guide the future of the City and 10 targets against which to measure progress. This planning proposal is aligned with the following relevant strategic directions and objectives:

- Direction 1 – A globally competitive and innovative city – the planning proposal will support Sydney's role as an important centre of business and investment by providing additional hotel options for visitors in a high amenity area.
- Direction 3 – Integrated transport for a connected City – the site is close to the Kings Cross Railway station and bus service routes providing connections to Central Sydney and other areas of the Sydney Metropolitan Area.
- Direction 9 – Sustainable development, renewal and design – The proposal will achieve a building form in-keeping with its surroundings while minimising its impact on adjacent residential buildings. The adaptive re-use of the existing buildings capitalises on their embodied energy that was used to originally construct them and will include a range of new sustainable building features and technologies.

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

The planning proposal is consistent with applicable State Environmental Planning Policies as outlined in Table 1. SEPPs that are not referenced in the table are not applicable to the subject proposal.

Table 1: Consistency with SEPPs

The Planning Proposal is consistent with all relevant State Environmental Planning Policies (SEPPs).

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The planning proposal's consistency with applicable section 9.1 Ministerial directions is outlined in Table 2. Directions which are not applicable are not included.

Table 2: Consistency with Ministerial directions

No.	Direction	Comment
1.	*Environment and Heritage*	
2.3	Heritage Conservation	Consistent. The heritage significance of the place is conserved by the existing provisions in the LEP.
2.6	Remediation of Contaminated Land	Consistent. The preliminary site assessment for contamination concludes that it is suitable for development for an hotel use subject to the submission of a detailed site investigation and implementation of a any required remediation plan at the development application stage.
2.	*Housing Infrastructure and Urban Development*	
3.1	Residential Zones	Consistent. The planning proposal will not reduce the permissible residential density on the site.
3.4	Integrating land Use and Transport	Consistent. The site is well located with easy access to transport services, including Kings Cross train station within 240 metres of the site and access to multiple bus routes. The Planning Proposal will enable the intensification of visitation to the local area utilising public transport.
3.5	Development near licenced Aerodromes	Consistent. For the purposes of this direction, Sydney Kingsford Smith Airport (1- PMBD) is the closest licensed aerodrome to the subject site. The site is not within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25. The proposed concept building heights are under the Obstacle Limitation Surface (OLS).
3.	*Hazard and Risk*	
4.3	Flood Prone Land	Consistent. The planning proposal is consistent with the City of Sydney Interim Floodplain Management Policy, prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.
4.	*Regional Planning*	
5.10	Implementation of regional plans	Consistent. This direction ensures that LEP provisions encourage the efficient and appropriate assessment of development. This planning proposal does not include any concurrence, consultation or referral provisions. Additionally, it does not identify any development as designated development.
5.	*Local Plan Making*	
6.1	Approval and referral requirements	Consistent. This direction ensures that LEP provisions encourage the efficient and appropriate assessment of development. This planning proposal does not include any concurrence, consultation or referral provisions.

		Additionally, it does not identify any development as designated development.
6.3	Site specific provisions	Consistent. Division 5 of the LEP contains site-specific provisions for various sites across the City. This planning proposal involves introducing site-specific controls into the LEP to permit the addition use of 'hotel and motel accommodation' on the site.
6. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Consistent. The aim of this direction is to give legal effect to the principles, directions and priorities contained in the Greater Sydney Region Plan – a Metropolis of Three Cities. This Planning Proposal discusses how the proposal is consistent with a Metropolis of Three Cities.

5.6. Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

The planning proposal will not adversely affect any threatened species, populations or ecological communities. The site supports a small number of native and exotic shrubs in the front and rear gardens that are unlikely to provide critical habitat or habitat for threatened species, populations or ecological communities.

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

Visual Impact

There is no change to the built form controls which apply to the site. The visual impact will be managed through the DA process using the existing controls in the LEP and DCP.

The proposed concept development would result in the re-modelling of the exterior of 96 Brougham Street to create a mid-Victoria terrace form that harmonises with the three other terraces in the row. Sympathetic architectural detailing of the exterior of all the terraces will restore them to their original appearance. The front gardens will be individually designed and landscaped with unifying palisade front fencing.

The restoration of the terraces and the creation of individual front gardens will mitigate the visual impact of the proposed hotel use and integrate them to the Brougham Street streetscape. This approach will achieve the objectives of the Woolloomooloo Heritage Conservation area to conserve the heritage significance of fabric, settings and views.

Noise

The Piccadilly Hotel, which is part of the larger development site, previously operated as a late night hotel and bar. Hotel tourist accommodation is expected to generate significantly less noise. The potential noise impacts will be assessed against the noise controls in the DCP as part of the DA. A noise impact assessment and noise management plan will need to be submitted with the DA. The proposed food and drink premises within the adjoining Victoria Street sites is already permitted in the B4 mixed use zone. The use of the Brougham Street properties for guest rooms is unlikely to cause noise impacts that cannot be managed.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

This planning proposal provides an opportunity to redevelop the site for visitor accommodation to support Sydney's tourism industry, which makes a significant contribution to the local and state economy.

During the 2017/18 financial year, 6.09 million international and domestic overnight visitors stayed in commercial accommodation located in the City of Sydney LGA. The Australian government's tourism strategy set ambitious national targets to double visitor spending by 2020 to $140 billion.

2013 analysis by the City of Sydney found that a sustainable supply of visitor accommodation is needed to support projected tourism growth. It calculated a need for 5,759 additional rooms between 2013 and 2021, plus a further 5,499 rooms between 2022 and 2030, particularly in the 3star range.

City of Sydney's Sustainable Sydney 2030, Economic Development Strategy, Retail Action Plan and 2013 Tourism Action Plan established objectives to encourage and facilitate additional visitor accommodation development within the council area. Approaches such as this planning proposal deliver on these objectives.

Redevelopment of the site also offers social benefits of greater public access and enjoyment of the local heritage Piccadilly Hotel and revitalised uses. In terms of economic benefits, it will contribute to the diversification of Sydney's hotel stock and provide additional employment opportunities.

5.7. State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure to support the planning proposal. The proposed hotel development will create a marginal 2.1% increase in the total of available hotel rooms in the local area. This will not create a significant demand for public infrastructure.

The Traffic and Transport study indicates that the proposal will create an insignificant demand for road infrastructure and active and public transport facilities.

All utility services including electricity, telecommunications, water, sewer, and stormwater are currently available on the site. If the site is redeveloped it is expected the developer will upgrade these services to support the proposal.

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

The Gateway determination will advise the public authorities to be consulted as part of the planning proposal process. Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period.

6. Mapping

This planning proposal does not include any amendments to maps.

7. Community Consultation

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

It is proposed that, at a minimum, the consultation will involve the notification of the public exhibition on the City of Sydney website and in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

It is expected that the planning proposal will be publicly exhibited for at least 28 days in accordance with section 5.5.2 of ‘A guide to preparing local environmental plans’.

Exhibition material will be made available on the City of Sydney website and, if possible, at Town Hall House at 456 Kent Street, Sydney.

Consultation with NSW agencies, authorities and other relevant organisations will be undertaken in accordance with the gateway determination.

8. Project timeline

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

Stage	Timeframe
Commencement / Gateway Determination	November 2020
Government agency consultation	December 2020
Public exhibition	December 2020
Consideration of submissions	February 2021
Post Exhibition consideration of proposal	April 2021
Draft and finalise LEP	May 2021
LEP Made	June 2021
Plan forwarded to Department of Planning, Industry and Environment for notification	June 2021