

Item 5.

Post Exhibition - Planning Proposal - 757-763 George Street, Haymarket - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

File No: X038464

Summary

The Central Sydney Planning Framework was adopted by Council in December 2020. It ensures Central Sydney remains Australia's leading economic centre and an attractive location for workers, residents and visitors. The Framework identifies opportunities for additional building height and density in the right locations, where future development protects pedestrian amenity, contributes to the public domain and delivers design excellence and environmental sustainability initiatives.

The subject site, 757-763 George Street, is located in the Haymarket Ultimo tower cluster area at the southern end of Central Sydney. This planning proposal has been prepared following a request from the applicant to amend the planning controls for the site. The proposed changes to the controls are to facilitate redevelopment of the site for a new tower consistent with the requirements of the Framework. The proposed controls were approved by the Central Sydney Planning Committee and Council in May 2022 to be submitted for Gateway Determination and for public consultation.

This report details the outcomes of the public consultation of the planning proposal, draft development control plan (DCP) and voluntary planning agreement (VPA) for the site. The documents were exhibited from 29 September to 14 November 2022. 43 submissions were received including submissions from the proponent, adjoining landowners, parishioners of a nearby church, community members, and public authorities.

Matters raised in submissions included concerns that the increase in building height and density is excessive, with adverse impacts to the public domain and to nearby Christ Church St Laurance. Specific issues have been raised relating to loss of views, overshadowing and building separation with the adjoining residential apartment building at 743-755 George Street. The site is within a tower cluster area identified for change and growth. The proposed envelope responds to the character of the area and heritage items with generous setbacks that retain the prominence of heritage items in the street and provide appropriate solar access. A summary of submissions and the City's response is at Attachment A, and key issues are also discussed in this report.

A submission was received from the proponent requesting amendments to the design competition due to the extent of the proposal's uplift. The draft DCP has been updated to include these minor changes to the operation of the design competition for the subject site while remaining within the City's Competitive Design Policy, which is discussed in the report.

This report recommends Council and the Central Sydney Planning Committee approve the planning proposal, draft DCP and notes the City will enter into the planning agreement.

Recommendation

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal - 757-763 George Street, Haymarket, the draft Sydney Development Control Plan 2012 - 757-763 George Street, Haymarket amendment, and draft Voluntary Planning Agreement, as shown in Attachment A to the subject report;
- (B) Council approve Planning Proposal - 757-763 George Street, Haymarket, as shown at Attachment B to the subject report, and request the relevant local plan making authority make as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the draft Sydney Development Control Plan 2012 - 757-763 George Street, Haymarket amendment, as amended following public exhibition and shown at Attachment C to the subject report, noting the approved Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan;
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal 757-763 George Street, Haymarket and draft Sydney Development Control Plan - 757-763 George Street, Haymarket amendment to correct any minor errors or omissions prior to finalisation; and
- (E) Council note the draft Voluntary Planning Agreement, as shown at Attachment D to the subject report, will be executed under delegation of Council in accordance with the Environmental Planning and Assessment Act 1979.

Attachments

- Attachment A.** Summary of Submissions
- Attachment B.** Planning Proposal - 757-763 George Street, Haymarket
- Attachment C.** Draft Sydney Development Control Plan 2012 - 757-763 George Street, Haymarket Amendment (as Amended)
- Attachment D.** Voluntary Planning Agreement
- Attachment E.** Gateway Determination
- Attachment F.** Resolutions of Council and Central Sydney Planning Committee (May 2022)

Background

Strategic context of the planning proposal

1. To maintain and reinforce Central Sydney's status as a globally competitive city, it must continue to attract business investment and remain the preferred location for workers, residents and visitors. The planning vision to achieve this is detailed in the Central Sydney Planning Strategy (Strategy), which was adopted by Council in December 2020 as part of the Central Sydney Planning Framework. The Framework seeks to grow Central Sydney's competitive economic position and further strengthen its attractive qualities.
2. Increasing the capacity available for commercial growth in the mixed-use Central Sydney area is crucial for supporting a robust, resilient and competitive economy for metropolitan Sydney, New South Wales, and the nation. Capacity for business growth will support opportunities for investment and new development projects and new jobs.
3. The Framework encourages business and employment generating floor space by identifying opportunities for additional building height and density in the right locations. Development in these locations will contribute towards Central Sydney's attractiveness by delivering high quality urban design, improving pedestrian amenity, protecting public spaces and delivering improved public domain interface and environmental sustainability initiatives.
4. The southern part of Central Sydney, which comprises Haymarket and the surrounding area, continues to develop into an emerging precinct of knowledge intensive, creative, technology and start-up sectors with nearby research and academic institutions in the innovation corridor, further supported by industry and other sectors.
5. The planning proposal request for the subject site, 757-763 George Street was lodged in October 2020. The request seeks to insert new site-specific provisions in the Sydney Local Environmental Plan 2012 (LEP) in line with the Guideline for Site Specific Planning Proposals in Central Sydney (Guideline).
6. This planning proposal will facilitate the redevelopment of two lots in Haymarket including the adaptive reuse of local heritage item, former "Sutton Forest Meat Company" building. The subject site is located close to Railway Square and Central Station and in a tower cluster area where additional capacity may be unlocked for economic and employment growth.
7. At their August 2022 meetings, Council and the Central Sydney Planning Committee (CSPC) approved the planning proposal to seek Gateway Determination and be placed on public exhibition. Council approved the draft development control plan (DCP) and voluntary planning agreement (VPA) for concurrent exhibition.
8. The planning proposal was publicly exhibited in accordance with the Gateway Determination from 29 September to 14 November 2022. The draft DCP and VPA were exhibited with the planning proposal. The City notified adjoining landowners, residents and occupants within 75 metres of the subject of the public exhibition, which could be viewed on the City's website and the NSW Planning Portal.
9. The City received 43 submissions. A summary of submissions and the City's response is at Attachment A. Key issues raised in the submissions are also discussed later in this report.

The site

10. The legal description of the land affected by this planning proposal is Lot 11 DP 70261 and Lot 1 DP 1031645, known as 757-759 and 761-763 George Street, Haymarket respectively. The site is referred to in this report as "the site" or "757 George Street". An aerial image and diagram of the subject site and surrounds are shown in Figures 1 and 2 below.
11. The site is irregular in shape and has total area of 1,030 square metres. Street frontage is to George Street to the east and Valentine Street to the south. The site shares a boundary with an adjoining lot to the west that fronts Quay and Thomas Street, and an irregular boundary with a residential apartment building to the north.



Figure 1: Aerial image of subject site (in red) and immediate vicinity



Figure 2: Diagram of site location and surrounding area

Existing development on the site

12. Existing development on site consists of two low-scale retail and commercial buildings including the two-storey local heritage item, the former "Sutton Forest Meat Company" building, which fronts the intersection of George Street and Valentine Street.

Adjoining development

13. Development surrounding the subject site comprises a mixture of commercial, residential, student and visitor accommodation, as follows:
 - (a) to the east - An eight-storey building fronts the intersection of George Street and Rawson Place and comprises hostel and visitor accommodation, to the south retail buildings front the eastern side of George Street. Adjoining these buildings, to the east of the site is State heritage item, Christ Church St Laurence. The church is adjoined to the south by local heritage item, the former Lottery Office which currently comprises hostel and visitor accommodation. To the south-east are the Atlassian, Central Place Sydney and future over station development at Central.
 - (b) to the north - Capitol Terrace, a mixed-use building directly adjoins the site along its irregular northern boundary. The building comprises residential apartments on the upper floors and a retail arcade connecting George and Thomas Streets. To the north of Capitol Terrace, small and medium-sized commercial buildings front George Street and the intersection with Rawson Place.
 - (c) to the west - a medium-sized office building, 187 Thomas Street adjoins the site, which has recently been the subject of a separate planning proposal finalised in September 2021. Several buildings between 16- and 18-storeys in height front the western side of Quay Street, comprising residential, tourist and student accommodation uses.
 - (d) to the south - a number of heritage listed commercial terraces front George Street to the south of the site which comprise office, retail, food and drink and tourist accommodation. Commercial and retail buildings between two- and six-storeys front Valentine and Quay Streets to the south-west of the site.

Development intent for the site

14. The proposal is to facilitate the adaptive reuse of the site for a 31-storey tower up to RL 117.87 metres in height comprising 11,435 square metres of employment floor space for hotel with retail and active uses on the ground floor. For height comparison, the nearest towers approved for construction are the 39-storey (RL 197.9) Atlassian tower and the 37-storey (RL 174.30) Central Place Sydney (Dexus Frasers), At 187 Thomas Street, the immediately adjoining mid-sized office building development envelope height is 47-storeys (RL 226.80).
15. The vision for future development on the site includes adaptive reuse of the former Sutton Forest Meat Company heritage building for retail and hotel amenities and services that will connect to a new slender tower comprising hotel accommodation. The hotel tower will appear architecturally distinct from the heritage building, vertically separated by a cantilever.

16. The proposal will deliver active retail frontages to George and Valentine Streets in the heritage building and podium of the new tower opening onto an upgraded public domain. Vehicle and servicing access will be from Valentine Street accessed by a car lift.

Planning proposal - amendments to the Local Environmental Plan (LEP)

17. The planning proposal for the subject site, included at Attachment B, seeks to amend the LEP to insert new site-specific provisions for 757-763 George Street, Haymarket into Division 5 site-specific provisions. The objectives of the provisions are as follows:
 - (a) facilitate the redevelopment of the subject site including the adaptive reuse of the local heritage item, the former Sutton Forest Meat Company building;
 - (b) permit a new tower on site to a maximum building height of RL 117.87 metres;
 - (c) allowing maximum floor space ratio of 11.1:1, including design excellence, comprising:
 - (i) mapped floor space of 7.5:1;
 - (ii) accommodation floor space of 1.5:1;
 - (iii) site specific floor space of 1.09:1; and
 - (iv) bonus floor space up to 10 per cent if the proposal demonstrated design excellence, to a maximum floor space ratio of 11.1:1;
 - (d) up to 0.63:1 additional floor space located below ground linked to above ground uses for active, cultural or late-night uses (not subject to additional design excellence bonus); and
 - (e) provisions to ensure that development consent may only be granted if the proposal delivers employment generating uses.

Draft development control plan

18. A site-specific draft development control plan (draft DCP) is at Attachment C to this report and provides further guidance for development of the site consistent with the LEP amendments. The draft DCP provisions include:
 - (a) building envelope;
 - (b) heritage;
 - (c) tower location;
 - (d) setbacks;
 - (e) street frontages;
 - (f) vehicle access;

- (g) environmental amenity;
- (h) design excellence; and
- (i) environmentally sustainable development targets.

Voluntary planning agreement (VPA)

19. A VPA at Attachment D to this report was prepared and exhibited concurrently with the planning proposal and draft DCP. The public benefits secured through this VPA include a commitment to pay the 3 per cent development contribution at the first construction certificate stage rather than occupation certificate and a provision for public art to a value of 0.5 per cent of the total project cost, exclusive to any public art requirements under as required by a development consent. No submissions were made on the planning agreement.

Key implications

Public exhibition and public authority consultation

20. The planning proposal, draft DCP and planning agreement were exhibited from 29 September to 14 November 2022.
21. The City sent 879 letters to nearby landowners and occupants to notify them of the public exhibition and provided information on how to view the supporting documentation, which was featured on the City's Sydney Your Say website and the NSW Planning Portal.
22. A total of 43 submissions were received in response to the exhibition, four of which were in support of the proposal.
23. The City's response to the issues raised in submissions are discussed below and in the submissions table at Attachment A.

Public agency submissions

24. Public agency consultation was carried out in accordance with the Gateway Determination. Heritage NSW, Sydney Airport Corporation, Air Services Australia, Commonwealth Department of Infrastructure and Regional Development, Civil Aviation Safety Authority (CASA), Sydney Water, Ausgrid and Transport for NSW were all consulted.
25. In their submission, Transport for NSW raised no significant issue with the planning proposal. However, they noted that the subject site is in close proximity to the CBD Rail Link Corridor and request that prior to the lodgement of any future development application, the proponent engage with Transport for NSW. It was also requested the proponent consult with Transport for NSW regarding the preparation of a draft Construction and Traffic Management Plan to ensure cumulative construction related impacts are actively managed.

26. Sydney Water also provided comment on the planning proposal noting the future development application would require a referral to ascertain the necessary water and wastewater servicing requirements and whether any extensions or adjustments are needed.
27. Sydney Airport raised no objection to the proposal as the height of the planning envelope falls below the height of the prescribed airspace at this location at 150 metres above Australian Height Datum.
28. In their submission, Heritage NSW raised no objection and supported the objectives of the accompanying draft DCP to the subject planning proposal. They recommended a provision to ensure the podium is designed to have a respectful relationship with nearby State listed heritage items and to ensure an archaeological investigation is undertaken prior to excavation.

Landowner submission

29. The submission from Mecone, on behalf of Samprian, the owner of the subject site raised issues relating to the feasibility of the design competition process, as summarised below:
 - noting the procedural requirements in the Competitive Design Policy for Tower Cluster Areas are not commensurate to the potential development outcomes for the subject site, with the financial costs of the competition generally offset by the additional floor space that is made available;
 - due to the site area and constraints, the additional floor space facilitated through the subject planning proposal is significantly less than that delivered on other sites in Central Sydney and envisaged by the Framework; and
 - an alternative competitive design process was requested, where the number of competitors is reduced from six to four, jury members from six to four and the competitor fee is adjusted accordingly.
30. This planning proposal has been prepared in accordance with the Department's Local Environmental Plan Making Guideline in that the proposal aligns with the applicable strategies, including the Central Sydney Planning Strategy with acceptable impacts. The proposed planning envelope has been prepared in accordance with the requirements of the Guideline for Site Specific Planning Proposals in Central Sydney and responds to the constraints of the site, with setbacks that respond to onsite heritage and its sensitive setting. The envelope also achieves equivalent wind and daylight conditions to the base case.
31. These considerations shaped the planning envelope, establishing the maximum building height and gross floor area. This planning proposal will facilitate an increased maximum floor space ratio of 11.1:1, which includes site specific floor space of 1.09:1 and additional floor space up to 10 per cent subject to demonstrated design excellence plus up to an additional 0.63:1 for certain below ground uses. It is noted that calculation for the 10 per cent design excellence floor space includes site specific floor space and is therefore higher than what the site would otherwise yield.

32. The subject site is located in a tower cluster area and, along with other planning proposals seeking increases in height and floor space, has been recommended to comply with the tower cluster provisions of the City's Competitive Design Policy, which seeks to increase the quality of the public domain above and beyond standard requirements. Design competitions for tower cluster sites areas are to include a minimum of six competitors and a jury comprising six members, with three nominated by the City of Sydney and three nominated by the proponent. The minimum site area for tower cluster design competitions is 2,000 square metres.
33. As the site area is below 2,000 square metres, it is recommended the design excellence provisions that accompany this planning proposal be amended to a minimum of five competitors and a jury of six members, of which four are to be nominated by the City and two nominated by the proponent.
34. These minor changes to the operation of the design competition for the subject site reflect the scale of the project while remaining within the requirements for an architectural design competition as outlined in the City of Sydney's Competitive Design Policy. It is intended that this change to the competition structure is balanced by the amended jury composition, which is also consistent with the proponent's design excellence strategy that was lodged with the planning proposal request.

Issues raised in submissions

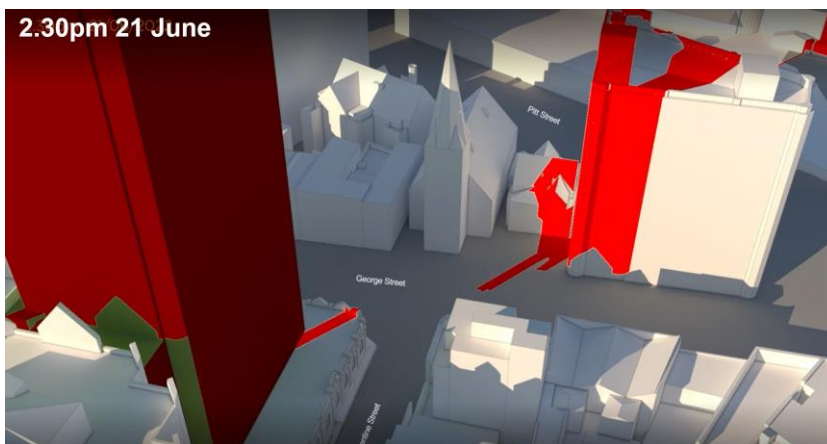
Support

35. During public exhibition, four submissions were received in support of the proposed indicative scheme, noting the potential for the proposal to help revitalise the surrounding area by delivering an improved interface with the public domain and utilising the opportunity to increase density in an area well serviced by public transport.

Impacts to Christ Church St Laurence

36. Twenty-eight submissions were received from individuals who identified as parishioners of the Christ Church St Laurence opposite the site, objecting to the planning proposal on the basis that it would negatively impact the heritage listed church. Key issues raised in submissions include that the scale of the proposed tower is disproportionate to that of the church and its spire and would result in significant overshadowing diminishing the visual impact of its stained-glass window. Individuals associated with the Church also objected to the proposal on the basis that it would impact upon the visual amenity of the area, with adverse wind tunnel effects and traffic impacts during its construction and operation phases.
37. This planning proposal is consistent with the Guideline in that impacts to public domain amenity were assessed, finding that the proposed building envelope would result in acceptable wind and daylight conditions based on the Strategy.
38. In particular, the proposed planning envelope was subject to wind tunnel testing of the public domain surrounding the subject site, including directly adjacent to the Church forecourt. Generally comfortable wind conditions were found to continue. The forecourt would experience a 'Standing' wind speed, which is considered acceptable for existing and future uses for the forecourt and adjoining public domain. The wind safety standard will continue to be achieved for these locations as more detailed assessments continue through the design and detailed development application processes.

39. A solar study detailed potential shadowing impacts to the Church, finding that the proposal would result in some additional shadowing as follows:
- (a) Summer: No additional shadowing
 - (b) Equinox: 1.5 hours between 1.30pm and 3.00pm
 - (c) Mid-winter: 1 hour between 2.45pm and 3.45pm
40. The Church façade will continue to receive direct solar access for two hours from about 11.30am to 1.30pm in mid-winter and two hours at the equinox between 11.30am and 1.15pm and between 3.00pm and 3.30pm. The overshadowing of the Church is detailed in Figure 3 below. Additional overshadowing of the Church building in mid-winter will be to spire and roof, as Capitol Terrace shades most of the Church façade. Given the context of the subject site and Church within the southern CBD and the existing overshadowing, this is considered acceptable.



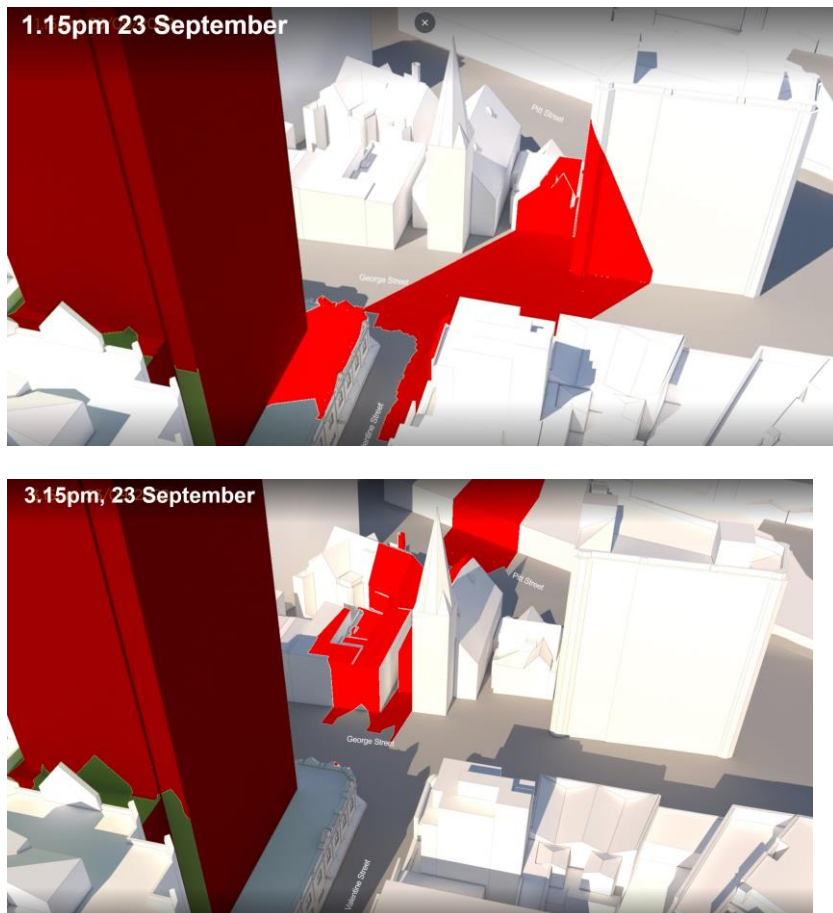


Figure 3: Shadow analysis of the planning envelope and the façade of Christ Church St Laurence in midwinter, above, and spring equinox, bottom, detailing the start and end times of any shadowing. Existing building shadows in grey, potential future shadow from 757 George Street in red and shadowing from the 187 Thomas Street planning envelope in blue.

41. The planning envelope has been designed to respond to the surrounding area and heritage buildings, in particular Christ Church St Laurence. The envelope includes tower setbacks and a two-storey street frontage consistent with DCP requirements for the Special Character Area. The new tower will also be positioned to preserve views along George Street, north towards Town Hall and south to Railway Square, of which Christ Church St Laurence views will be unaffected. An eight metre tower setback to Valentine Street will preserve views towards the Church and provide visual curtilage and open sky setting for the Church, as shown in Figure 4 below.



Figure 4: Proposed views along Valentine Street towards George Street and Christ Church St Laurence, detailing the tower setback above the Sutton Forest Meat heritage building maintaining sky views and visual curtilage for the Church

42. Most trips generated by the future hotel are anticipated to be by public transport with any increase in vehicle traffic unlikely to result in significant additional congestion or impact to existing on-street parking or use of the Church driveways. Prior to the construction of any future development on site, the proponent is required to demonstrate that construction will not impact upon new infrastructure and public domain upgrades in the area.
43. Consistent with the Guideline, the proposed planning envelope was prepared to ensure acceptable public domain amenity is maintained, however this is equally balanced with urban design considerations, particularly given the context of the subject site, and heritage impacts. The street wall height, established by the parapet of the heritage building on site, is consistent with the requirements for the Special Character Area. Combined with the position of the tower and generous street setbacks, the built form will ensure views towards significant buildings are protected and provide sufficient visual curtilage for the Church.
44. The heritage impact statement that accompanied the planning proposal found future development would have an acceptable impact from a heritage perspective as it seeks to adaptively reuse the former Sutton Forest Meat heritage building in a sensitive manner. Further, the heritage assessment found future development would not significantly impact upon the character of the surrounding area and is acceptable. The site-specific DCP that accompanies this planning proposal provides guidance for future development on site to ensure it complements the character of the Special Character Area and significant heritage items such as Christ Church St Laurence.

Impacts to adjoining apartments

45. One submission was received from a resident of the adjoining apartment building at 743-755 George Street, objecting to the proposed development as it will impede upon liveability for residents. The submission notes that the proposed building will feature minimal separation from the apartment building resulting in a loss of natural light, privacy and outlook.
46. The proposed planning envelope mirrors the minimum 1.6 metre setback of the adjoining residential apartment building to the north, Capitol Terrace. This results in separation between the two buildings of three metres at this location. The subject site holds court approved development consent for a 50 metre hotel with a nil setback at this location, as such this proposal is an improvement. Despite the increased building height of the proposed envelope, equivalent daylight levels to affected apartments on the southern elevation will be maintained as compared to the court approved envelope for the site. Furthermore, the bedrooms and primary living spaces are further setback, which will help ensure that acceptable residential amenity can be maintained. The draft DCP includes a provision encouraging the design of the future development to explore opportunities for greater building separation and maximised setbacks, as shown in Figure 5 below.

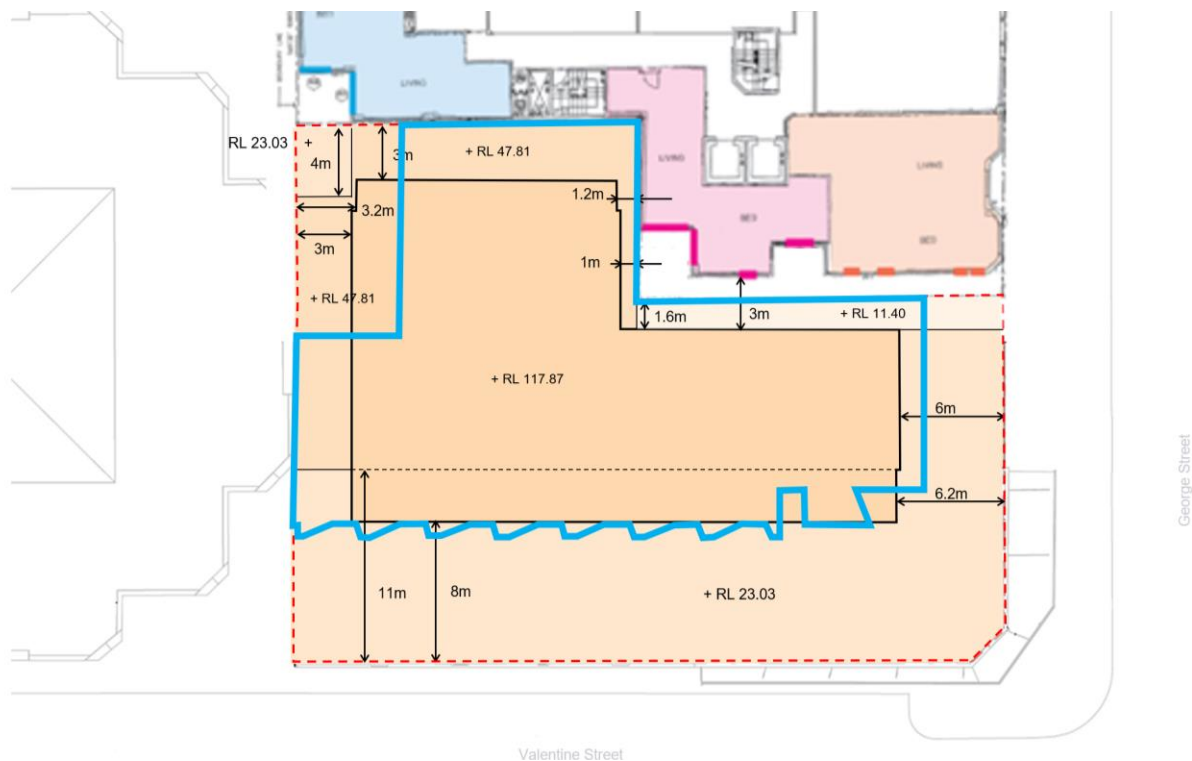


Figure 5: Plan detailing the planning envelope, shown in orange and black, setbacks and separation to affected Capitol Terrace apartments and windows, shown coloured, as compared to the court approved hotel on the subject site, shown in blue

47. The City has also undertaken view analysis from the affected apartments on the southern elevation, as shown in Figure 6 below. The study found that views towards Christ Church St Laurence will be obscured and views to the Central Station clock tower will be partially obscured by the proposed planning envelope. However, as the planning proposal will deliver an improved outcome and greater building separation to the court approval, this proposal is considered acceptable.

48. The proposed planning envelope details the maximum extent of future development, as such the built form must sit within the envelope, which may open up the affected views slightly. Notwithstanding this greater building separation between the north-east wall of the subject site and Capitol Terrace is likely to affect the viability of this proposal and would result in the delivery of the court approved building with less separation.

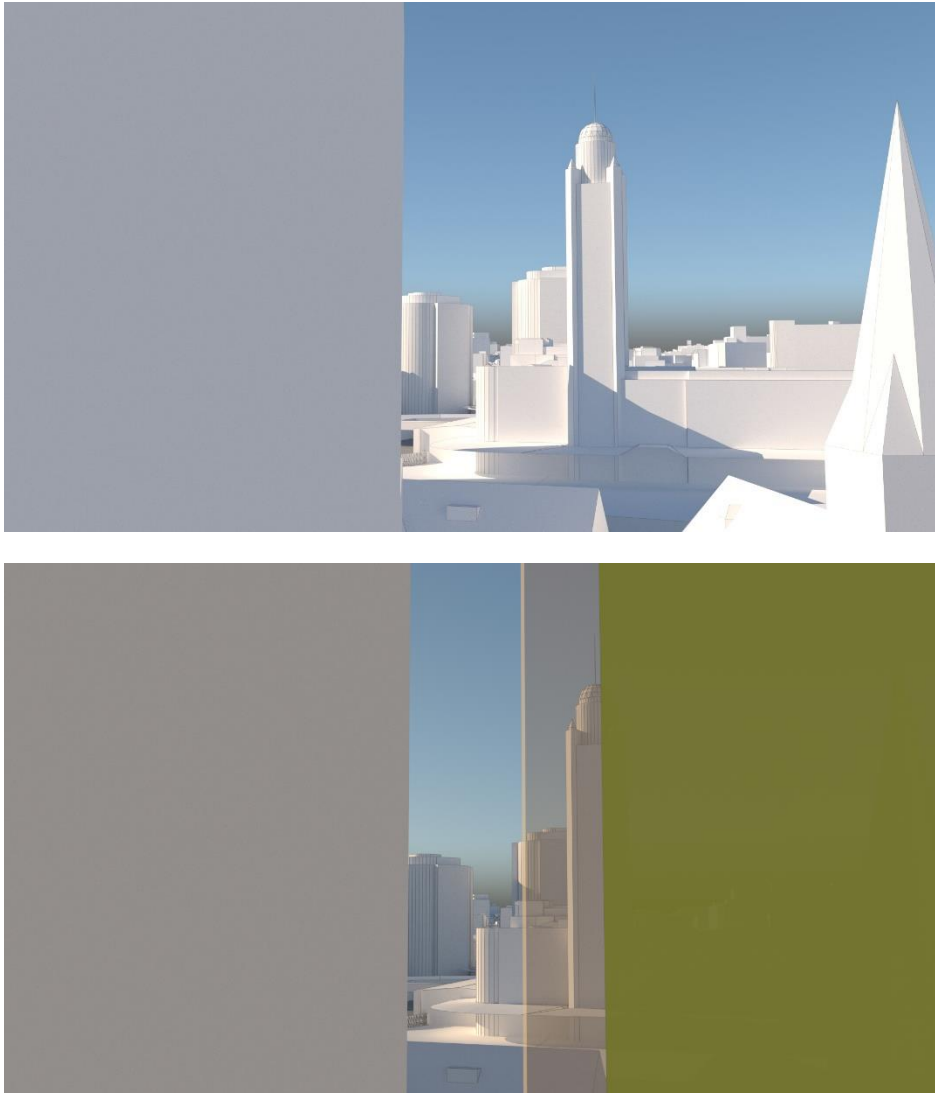


Figure 6: Views looking south-east from the affected apartments on the southern elevation of Capitol Square detailing the visual impacts of future development on the subject site. The top image shows existing views towards the Central Station clock tower and Christ Church St Laurence spire, with the proposed planning envelope shown in the bottom image in yellow and the court approved building envelope, which would otherwise obscure views to the clock tower shown opaque.

Impacts to public domain amenity

49. Thirty-five submissions objected to the proposal on the basis that it would result in adverse impacts upon public domain amenity. Submissions noted the potential for future development to result in additional overshadowing and increased wind conditions in the surrounding public domain, particularly along George Street.

50. The Central Sydney Planning Framework helps facilitate new growth in Central Sydney by unlocking opportunities for additional building height and density in suitable locations. Planning proposals must demonstrate that future development will not result in adverse wind and daylight impacts to the public domain surrounding the subject site.
51. The proposed planning envelope has been subject to wind tunnel testing where it was compared to a base case envelope consistent with the Framework, where it achieved generally equivalent wind comfort and safety conditions. The average wind comfort rating improves from the 'walking' to the 'standing' wind comfort standard. The envelope includes allowances for architectural articulation, which will deliver flexibility for a design response to any issues should they arise, this includes locations where the building mass and geometry can be altered to address adverse wind conditions. The site-specific DCP that accompanies this planning proposal includes further guidance to ensure conditions in the public domain remain comfortable.
52. The planning proposal was also subject to skyview factor testing of public domain daylight levels. The testing undertaken found that the proposed building envelope will deliver a generally consistent daylight conditions in the public domain, compared to the base case envelope. Adequate daylight to the public domain will be maintained and as such the planning envelope is considered acceptable. Furthermore, the subject site is affected by two sun access planes, including the future Third Square adjacent to Railway Square and Central Station. Future development on the subject site will not breach either sun access plane and as such will not overshadow Prince Alfred Park or the future Third Square at the protected times.

Excessive building height and density

53. Thirty-two submissions objected to the proposed additional building height, citing concerns that it would be out of character and inconsistent with the surrounding buildings. The proposal was considered to be overdevelopment resulting in increased congestion at the expense of local residents.
54. The site is in an area that is planned to change and grow. The Central Sydney Planning Framework guides the growth of Central Sydney to strengthen its attractive qualities, competitive advantages and critical contribution to the economy. The site is within an area identified for growth and change and the future context will consist of well-designed taller buildings.
55. This planning proposal is consistent with the Framework in that it is located in a tower cluster, comprises commercial uses, addresses urban design considerations and meets acceptable wind and daylight standards. The height of the tower is consistent with that envisaged by the Framework for this location.
56. The building envelope respects the surrounding context, with generous tower setbacks and the tower positioned to minimise its visual prominence and a street frontage height that matches that of the heritage building on site. This ensures future development will be comfortably accommodated in a sympathetic manner.
57. This planning proposal seeks to increase in building height consistent with the future character of the area, however the design of the envelope ensures it also responds to its current context. The proposal constitutes a modest density increase, from 9.9:1 to 11.1:1, an increase of 1.2:1. As such, the subject site is considered suitable of accommodating the proposed building envelope and additional height and density without a detrimental impact on the surrounding area.

Heritage impacts

58. Thirty submissions objected to the proposal on the basis that future development would adversely impact upon the consistent heritage character of Haymarket and to adjacent heritage buildings. Submissions remarked that the tower was insensitive to its context and is out of place in what was considered a largely heritage environment.
59. The planning proposal includes the retention and adaptive reuse of the former Sutton Forest Meat Building, a local heritage item. The subject site is in an area that is planned for future growth, however, the planning envelope has been prepared, with input from the City's Design Advisory Panel, to sympathetically respond to onsite and surrounding heritage, including setbacks to ensure the tower is not visually prominent. This includes a generous 10 metre setback to Valentine Street, distinguishing old and new built elements. The tower will also be setback six metres from the George Street frontage. These setbacks protect views along George Street and towards the Christ Church St Laurence along Valentine Street ensuring sky views will provide visual curtilage, as shown in Figure 4. The envelope facilitated by this planning proposal will deliver improved tower setbacks along George and Valentine Streets compared to the court approved building envelope as shown in Figure 5.
60. The building envelope is consistent with the Haymarket/Chinatown Special Character Area provisions as the street frontage established by the parapet of the former Sutton Forest Meat Building heritage item is maintained in the new built form and the tower is located at the rear of the site, with suitable setbacks to the street. The envelope also includes vertical separation between the former Sutton Forest Meat Building and the cantilevered tower to ensure the new addition is clearly read as a distinct and separate element to the heritage building. The site-specific DCP that accompanies this planning proposal includes provisions to guide the design of the future development to ensure significant heritage fabric is adequately conserved and will positively contribute and complement the civic and fine-grained character of the Special Character Area.

Traffic and parking impacts

61. Twenty-one submissions commented on the impact of future development on surrounding traffic and parking networks, concerned that the new tower would increase traffic congestion and exacerbate existing parking constraints. Increased vehicle movements and parking generated by the future hotel were considered to negatively impact upon the recent pedestrianisation works to George Street.
62. The subject site is close to several public transport connections at Central. As such, considering the future use of the proposal, it is anticipated that most trips generated by future development will be by public or active transport. The accompanying traffic impact assessment found that the modest increase in traffic generation resulting from the future development would not result in significant traffic congestion.
63. The indicative concept scheme includes minimal parking, with seven valet spaces and loading space and sufficient space onsite to ensure its safe and efficient operation without requiring any vehicles queuing on the street. The site-specific DCP includes provisions to protect pedestrian safety and ensure street operation is kept clear.

Strategic Alignment

Strategic Alignment - Central Sydney Planning Strategy

64. As the economic heart of Australia's most global city, Central Sydney plays a critical role in the continued growth and economic success of Greater Sydney, the state and national economy. The Central Sydney Planning Strategy sets a planning approach to grow employment and productivity, create high quality places and deliver on Sustainable Sydney 2030-2050 Continuing the Vision.
65. The Strategy includes opportunities for additional building height and density in the right locations, balanced with environmental sustainability initiatives and sets criteria for design excellence.
66. This planning proposal is aligned with the following relevant key moves of the Central Sydney Planning Strategy:
 1. Prioritise employment growth and increase floor space capacity - this planning proposal will facilitate the redevelopment of the site for a new hotel tower, deliver new employment floor space, increasing the employment capacity and growth in Central Sydney.
 2. Ensure development responds to context - a site-specific DCP accompanies this planning proposal and includes provisions to ensure future development will be sensitive to its heritage context, with a built form that does not result in adverse wind and daylight conditions in the surrounding public domain.
 4. Provide for employment growth in new tower clusters - this planning proposal is within the Haymarket Ultimo investigation area where additional building height may be accommodated.
 5. Ensure infrastructure keeps pace with growth - future development will be subject to a development contribution, delivering new infrastructure linked to growth.
 6. Move towards a more sustainable city - the draft DCP includes sustainability targets in accordance with the Strategy and Guidelines.
 7. Protect, enhance expand Central Sydney's heritage, public places and spaces - the proposed building envelope includes appropriate tower setbacks and provisions to ensure future development adequately response to nearby heritage.
 8. Move people more easily - the site is located close to existing public transport connections and planned future infrastructure including the Sydney Metro station at Central and upgrades to the pedestrian network.
 9. Commitment to design excellence - this proposal is consistent with the Strategy in that future development will be subject to a design competition that meets the City's Competitive Design Policy.
67. This planning proposal is consistent with the vision and key moves of the Strategy.

Strategic Alignment - Regional and Local Planning

68. The Greater Cities Commission's Greater Sydney Region Plan and Eastern City are used to shape strategic planning and infrastructure in metropolitan Sydney and align planning from the broadest regional area to the local area. The City's Local Strategic Planning Statement sets the overall land use planning strategy for the city which is required to align with the Region and District Plans. The City's planning controls are then required to give effect to the strategic plans.
69. The Region Plan, District Plan and Local Strategic Planning Statement adopt planning priorities of similar themes, being productivity, liveability, infrastructure, sustainability and governance. How this proposal gives effect to these priorities is discussed in detail in the planning proposal and summarised below:
- (a) **Productivity** - the proposal will help deliver additional employment floor space for new retail and hotel uses on the subject site which is close to existing and planned new transport connections and to support the new, emerging and diverse industries in the City Fringe. In addition to meeting the Productivity objective of the Greater Sydney Region Plan, the planning proposal gives effect to the following strategic planning priorities:
- (i) Eastern City District Plan priorities:
- a. E7 - Growing a stronger and more competitive Harbour CBD
 - b. E10 - Delivering integrated land use and transport planning for a 30 minute city
 - c. E11 - Growing investment, business opportunities and jobs in strategic centres
 - d. E13 - Supporting growth of targeted industry sectors
- (ii) Local Strategic Planning Statement priorities:
- a. P1 - Growing a stronger, more competitive Central Sydney
 - b. P2 - Developing innovative and diverse business clusters in City Fringe
- (b) **Liveability** - the adaptive reuse of the heritage building to comprise retail premises and active frontages will help deliver improved street life supporting future public domain strategies. In addition to meeting this objective of the Greater Sydney Region Plan, the proposal gives effect to the following liveability strategic planning priorities:
- (i) Eastern City District Plan priorities:
- a. E6 - Creating and renewing great places and local centres, and respecting the District's heritage
- (ii) Local Strategic Planning Statement priorities:
- a. L2 - Creating great spaces

- (c) **Infrastructure** - the future redevelopment will benefit from additional transport infrastructure planned for the area, as well as contributing towards new community infrastructure in Central Sydney. In addition to meeting the infrastructure objective of the Greater Sydney Region Plan, the planning proposal gives effect to the following priorities:
- (i) Eastern City District Plan priorities:
 - a. E1 - Planning for a city supported by infrastructure
 - (ii) Local Strategic Planning Statement priorities:
 - a. I1 - Movement for walkable neighbourhoods and a connected city
 - b. I2 - Align development with growth and supporting infrastructure
- (d) **Sustainability** - the planning proposal will facilitate the redevelopment of the subject site with a new hotel building featuring improved sustainability outcomes. In addition to meeting this objective of the Greater Sydney Region Plan, the proposal gives effect to the following sustainability strategic planning priorities:
- (i) Eastern City District Plan priorities:
 - a. E19 - Reducing carbon emissions and managing energy, water and waste efficiently
 - (ii) Local Strategic Planning Statement Priorities
 - a. S2 - Creating better buildings and places to reduce emissions and water and use water more efficiently

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

70. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This plan is aligned with the following strategic directions and objectives:
- (a) Direction 2 - A leading environmental performer - this planning proposal will deliver future development that is more ecologically sustainable through ambitious sustainability benchmarks.
 - (b) Direction 3 - Public places for all - the mix of uses on the subject site will deliver greater activation and a livelier engaging city. Outdoor dining and other late night and cultural uses are permissible to help deliver on the City's vision for the area.
 - (c) Direction 4 - Design excellence and sustainable development - this proposal is consistent with the City's policy in that future development will be subject to a design competition and be required to achieve sustainability benchmarks.
 - (d) Direction 5 - A city for walking, cycling and public transport - future development includes ground floor retail and other active uses which will encourage greater public and active transport use, helping deliver a more people-oriented city.
 - (e) Direction 6 - An equitable and inclusive city - future development will contribute to the surrounding area through increased opportunity for businesses as well as improvements to the public domain for local residents and visitors.

- (f) Direction 7 - Resilient and diverse communities - future development will contribute to the surrounding area through greater capacity for businesses, retail uses and greater activation for local residents and visitors.
- (g) Direction 8 - A thriving cultural and creative life - public art delivered through the future development on the site will provide new creative and cultural experiences and opportunities for engagement with the public.
- (h) Direction 9 - A transformed and innovative economy - the proposal will facilitate new employment opportunities and increasing the city's tourist capacity, helping Sydney attract global investors and visitors.

Relevant Legislation

- 71. Environmental Planning and Assessment Act 1979.
- 72. Environmental Planning and Assessment Regulation 2021.

Critical Dates / Time Frames

- 73. The Gateway Determination requires that the amendment to the Sydney LEP 2012 is completed by April 2023 .
- 74. The Gateway Determination authorises Council to exercise its delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan. If the planning proposal is approved by Council and CSPP, the City will commence this process. Once this process is complete and the plan is made, the amendment to the Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
- 75. If approved by Council, the revised DCP will come into effect on the same day as the amendment to the LEP.
- 76. The planning agreement is to be executed prior to the finalisation of the amendments to the LEP and DCP.

GRAHAM JAHN AM

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