Item 5.

Development Application: 39-41 York Street, Sydney - D/2024/163

File No.: D/2024/163

Summary

Date of Submission:	11 March 2024 Amended plans and information received 12 July 2024, 9 and 12 August 2024, and 13 September 2024
Applicant:	The Trustee for Invictus Pacific Alpha Trust
Architect/Designer:	Bates Smart Architects
Developer:	Intergen Funds Management Pty Ltd
Owner:	The Trustee for Invictus Pacific Alpha Trust
Planning Consultant:	Urbis
Heritage Consultant:	Urbis
DAPRS:	7 May 2024
Cost of Works:	$29,799,821.00
Zoning:	SP5 Metropolitan Centre
Proposal Summary:	The proposal seeks consent for a change of use of the existing building from 'office premises' to 'hotel accommodation'. The proposal includes alterations and additions to the existing building to create a new hotel, accommodating 152 hotel rooms, a ground floor food and drink premises and roof top bar, an ancillary gymnasium on level 1, on-site loading from York Lane and use of the existing basement for hotel back of house and plant equipment. The proposal includes new aluminium cladding to the facade and identification of signage zones. The application has been referred to the Local Planning Panel in accordance with the Local Planning Panel Direction - Development Applications and Applications to Modify Development Consents dated 6 March 2024 as the

proposed development will operate under a new hotel (general bar) licence under the Liquor Act 2007.

The application was notified for 21 days in accordance with the City of Sydney Community Participation Plan 2023. No submissions were received.

Following a preliminary assessment and presentation to the City's Design Advisory Panel Residential Subcommittee (DAPRS), the applicant was requested to provide additional information and amended plans to address the following matters:

- Non-compliance with the sun access plane under SLEP 2012
- Non-compliance with upper-level setbacks under DCP 2012
- Contamination
- Architectural expression
- Proposed awning.

Amended information was submitted on 12 July 2024, 9 and 12 August 2024, and 13 September 2024 which has adequately responded to the preliminary concerns raised with the application.

The site is located within the Wynyard Park/Lang Park Special Character Area within Sydney DCP 2012. The site is subject to site specific street frontage height and above street frontage height setbacks provisions. The proposed development is retaining the existing building on site, which has a street frontage height that exceeds the 45-metre control. It is proposing to refurbish the existing roof top plant room, which has lesser setbacks from both its York and Erskine Street frontages of the site than the 10-metre DCP requirement. In this instance, as the proposal is a refurbishment and re-use of the existing building, the non-compliance with the controls is supported. It is noted that all maintenance and refurbishment works comply with the Sun Access Plane provisions of the Sydney LEP 2012.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

(i) Environmental Planning and Assessment Act 1979

(ii) Environmental Planning and Assessment Regulations 2021

(iii) SEPP (Resilience and Hazards) 2021

(iv) SEPP (Sustainable Buildings) 2022

(v) SEPP (Transport and Infrastructure 2021

(vi) SEPP (Biodiversity and Conservation) 2021

(vii) Sydney Local Environmental Plan 2012

(viii) Sydney Development Control Plan 2012

(ix) Central Sydney Development Contributions Plan 2020

(x) City of Sydney Affordable Housing Program (26 June 2023)

(xi) Community Engagement Strategy and Community Participation Plan 2023

Attachments:

A. Recommended Conditions of Consent

B. Selected Drawings

C. Plan of Management

Recommendation

It is resolved that consent be granted to Development Application Number D/2024/163 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

(A) The proposed use of the site is consistent with the objective of the SP5 Metropolitan Centre zone in that it provides a land use that serves the workforce, visitors and wider community and promotes active street frontages.

(B) Having considered the matters in Clause 6.21C of the Sydney LEP 2012, the building displays design excellence.

(C) The proposal is consistent with the sun access plane requirements under Clause 6.17 of Sydney LEP 2012.

(D) The proposal satisfies the design principles and built form provisions for the Wynyard Park Special Character Area.

(E) Subject to the imposition of conditions, the potential impacts of the proposed use of the premises and hours of operation can be appropriately managed to ensure the amenity of the surrounding areas is maintained.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 21 in DP 131154 and Lot 1 in DP 192235, known as 39-41 York Street, Sydney. It is rectangular in shape with area of approximately 371sqm. It has a primary street frontage of 15m to York Street and a secondary street frontage of 24.43m to Erskine Street. The site also benefits from rear access from York Lane. The site is located opposite Wynyard Park.

2. The site contains a 15-storey commercial building which previously accommodated the Bank of China. Vehicular access to the site is from York Lane (which is one-way southbound) to a basement level car park. The site has a colonnade along its York Street frontage and has two existing street trees along its Erskine Street frontage.

3. The surrounding area is characterised by a mixture of land uses, primarily being hotels, residential and commercial buildings and finer grain retail and dining.

4. The site is a not a State or local heritage item however, the site is in close proximity to several local heritage items being:

    - Wynyard Park (including parkland, mature trees, remnant fences, underground convenience, and Lang Statue) – Item No: I1791;

    - 11-31 York Street, Sydney (Former Railway House (part of Transport House) including interiors) – Item No: I1975 (State);

    - 43 York Street, Sydney (Occidental Hotel including interior) – Item No: I1980

    - 45-47 York Street, Sydney (Former “AWA” Building including interior and tower – Item No: I1981 (State);

    - 82 Erskine Street, Sydney (Former “Watch House” including interiors – Item No: I1758 (State); and

    - 105A Clarence Street, Sydney (Commercial building including interior) – Item No: I1715.

5. The site is not identified as being subject to flooding.

6. A site visit was carried out on 3 April 2024. Photos of the site and surrounds are provided below.

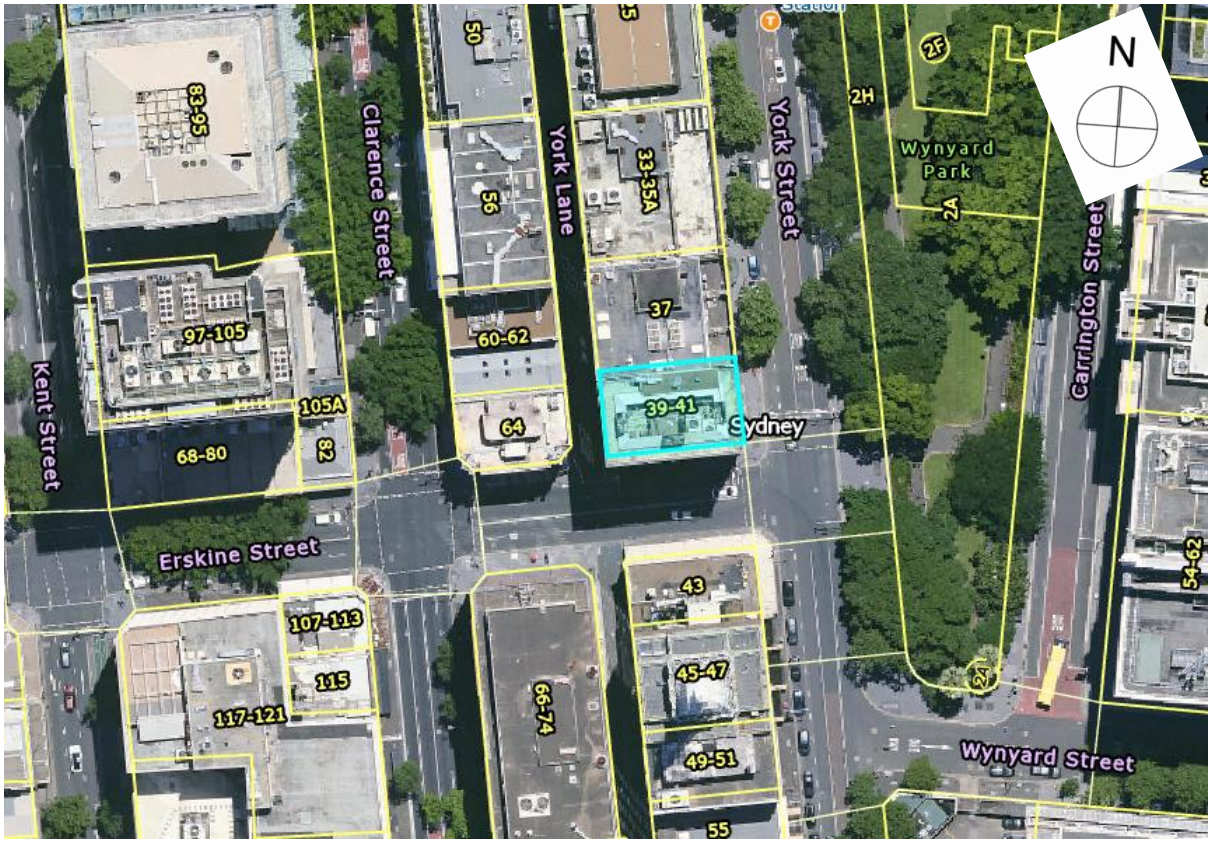

Figure 1: Aerial view of site and surrounds

Figure 2: Site viewed from the corner of York Street and Wynyard Street

Figure 3: Site viewed from Carrington Street (looking west)

Figure 4: Site viewed from Wynyard Park, near the Wynyard station entrance

Figure 5: Site viewed from the corner of Erskine Street and Clarence Street (looking northeast)

Figure 6: View of existing vehicular access to basement from York Lane

Figure 7: View of existing York Street Colonnade (looking south to the intersection with Erskine Street)

Figure 8: Internal view of existing rooftop plant and services

Figure 9: External view of existing rooftop plant and services

History Relevant to the Development Application

Development Applications

7. The following applications are relevant to the current proposal:

- DA 1176/63 - In 1965, the original 3 storey 'Erskine House' building (warehouse and offices), now listed as 39-41 York Street, was demolished and a new 13 storey commercial building was erected on site.

- The building was subsequently refurbished in 1988, 1996, and 1997 and has been the subject of numerous internal fit-out works by tenants of the building.

- **PDA/2023/170** – Pre-DA advice was provided on 19 October 2023 in regard to a change of use to a hotel and associated alterations and additions.

Amendments

8. The subject application was lodged on 11 March 2024. Following a preliminary assessment of the proposed development and consideration by the (DAPRS), a request for additional information and amendments was sent to the applicant on 29 May 2024. The key matters raised were:

    - Modifications required to the roof top works to comply with the applicable height, setback and Sun Access Plane provisions for Wynyard Park and the Special Character Area;

    - Proposed awning, facade materiality and architectural expression**;**

    - Further detail on roof top landscaping works, wind attenuation, public domain levels and stormwater, waste, contamination and content of the plan of management for the food and drink premises.

9. The applicant responded to the request on 12 July 2024, and submitted updated architectural plans, an updated plan of management and further additional information, as requested.

10. The applicant submitted the ESD, public domain and civil engineering information on the 9 August and 12 August 2024.

11. The Detailed Environmental Site Investigation (contamination information) was submitted on 13 September 2024.

Proposed Development

12. The application seeks consent for the change of use of the existing commercial building from ‘office premises’ to ‘hotel accommodation.’ The proposal involves retention of the existing building and the following alterations and additions to accommodate the change of use:

    - conversion of the existing basement car parking level(basement 01) to hotel back-of-house, hotel kitchen, waste storage and ancillary plant/equipment. No car parking or vehicular access to this level will remain in the scheme.

    - reconfiguration of the Ground Level to accommodate the hotel lobby/reception and back-of-house areas, and an ancillary food and drink premises (81 patrons) accommodating both indoor and outdoor dining.

    - provision of a loading bay from York Lane which accommodates a small rigid vehicle for goods deliveries and waste collection.

    - internal alterations on Levels 1-14 to accommodate 152 hotel rooms and a gymnasium on Level 1.

    - external alterations and additions to the existing rooftop plant to accommodate a new plant room, lift access and new roof top bar with 100 patron capacity.

- facade works including the installation of new aluminium cladding in bronze metallic finish over the pre-cast panels on each building facade and amendments to the Level 14 facade (existing plant room) to cut in windows for the new hotel floor.
- New awning on the Erskine Street facade.
- Landscaping works, including planters on the ground floor and rooftop.
- Provision of signage zones; and
- Operation of the proposed hotel 24 hours per day, seven days per week. The proposed rooftop bar has operating hours of 6am to 1am (the following day).

13. Plans and elevations of the proposed development are provided below.

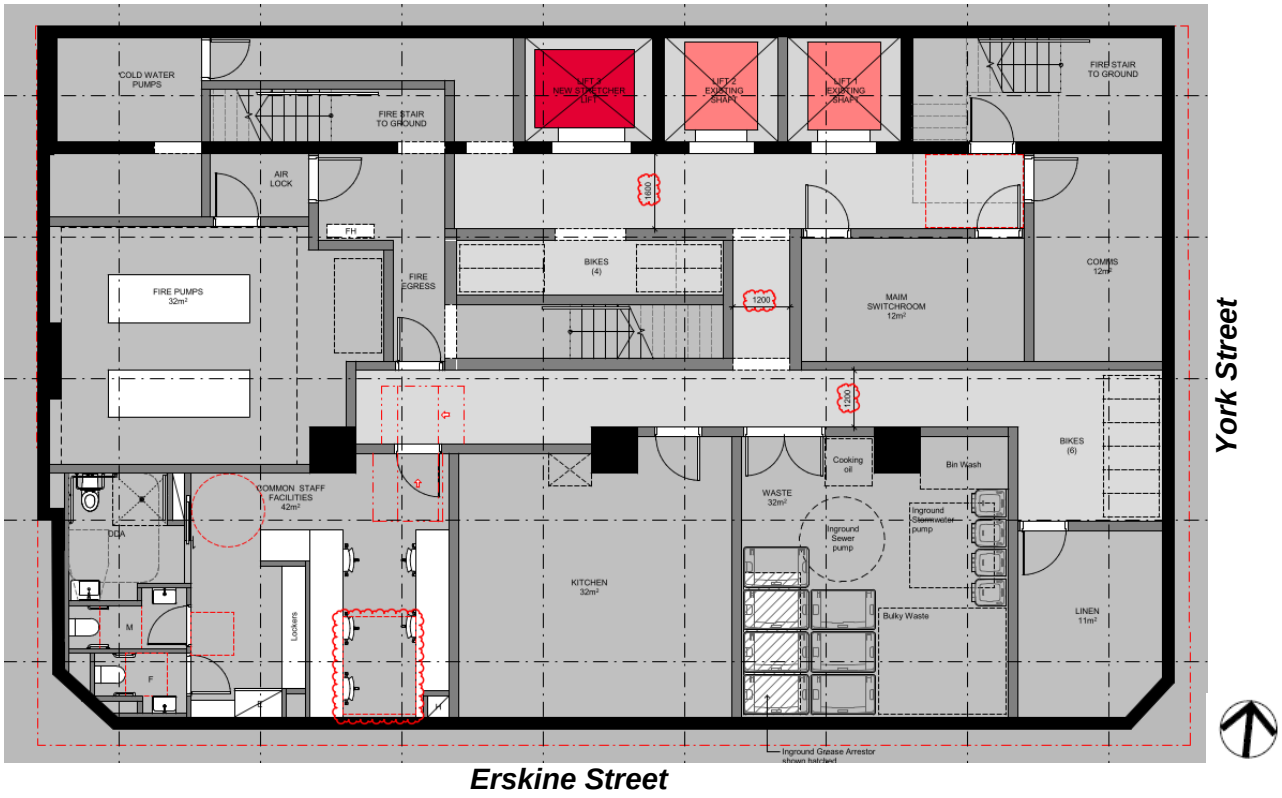

Figure 10: Proposed basement plan

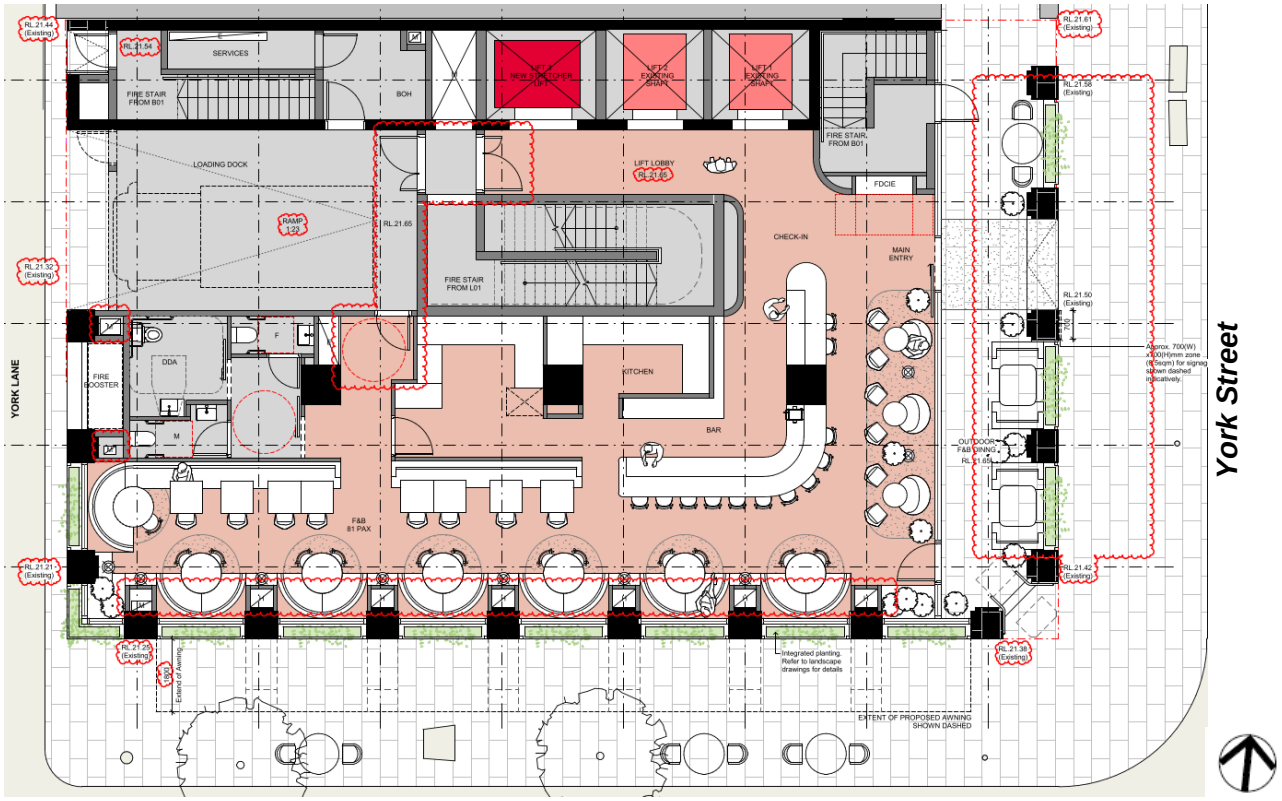

Figure 11: Proposed ground floor plan

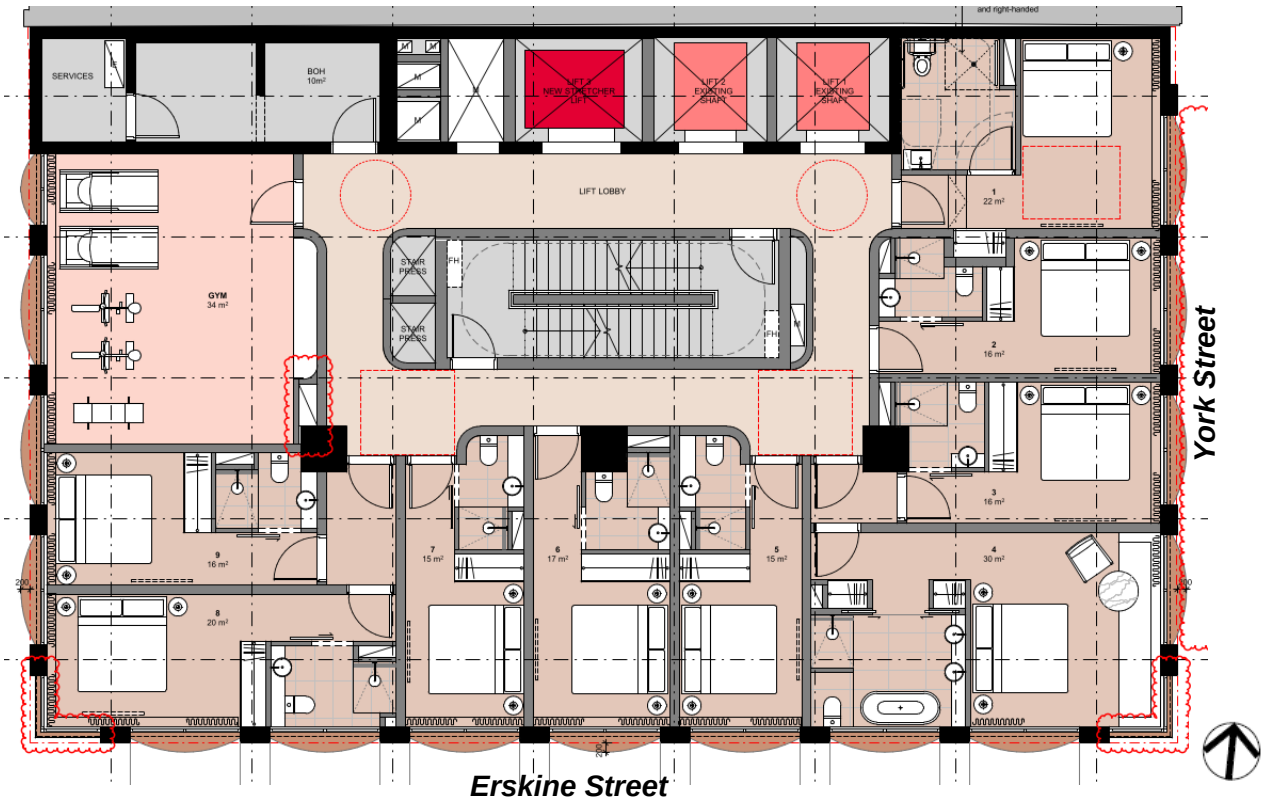

Figure 12: Proposed level 1 floor plan

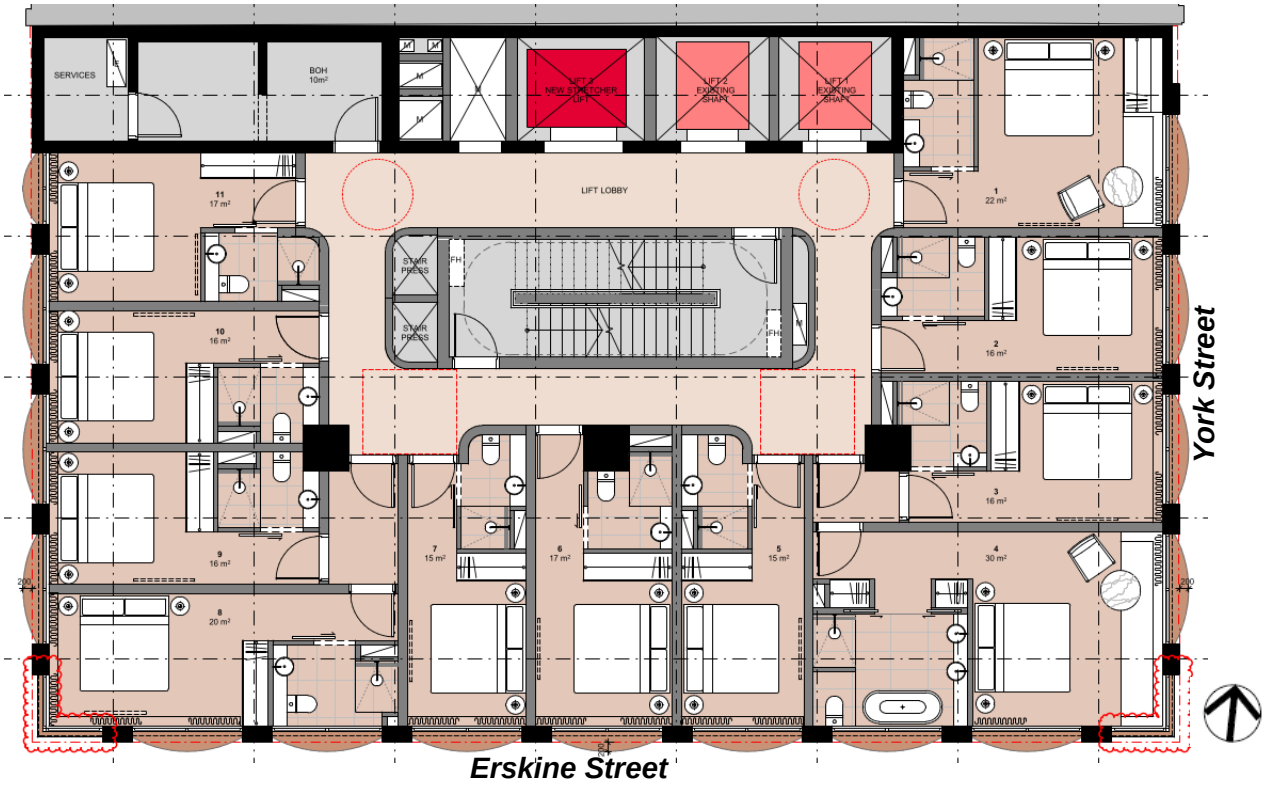

Figure 13: Proposed Levels 2-14 Plan

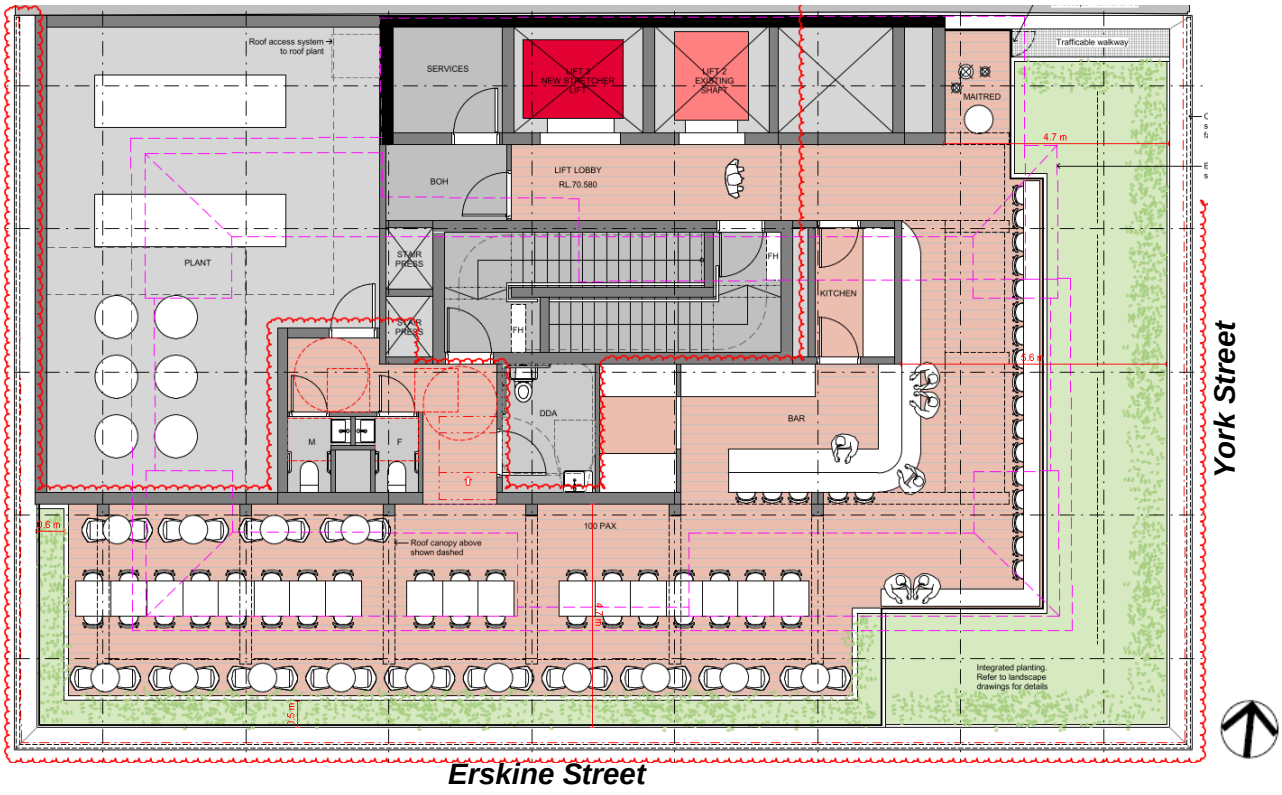

Figure 14: Proposed rooftop (level 15) plan

Figure 15: Proposed York Lane (west) elevation (left) and proposed York Street (east) elevation (right)

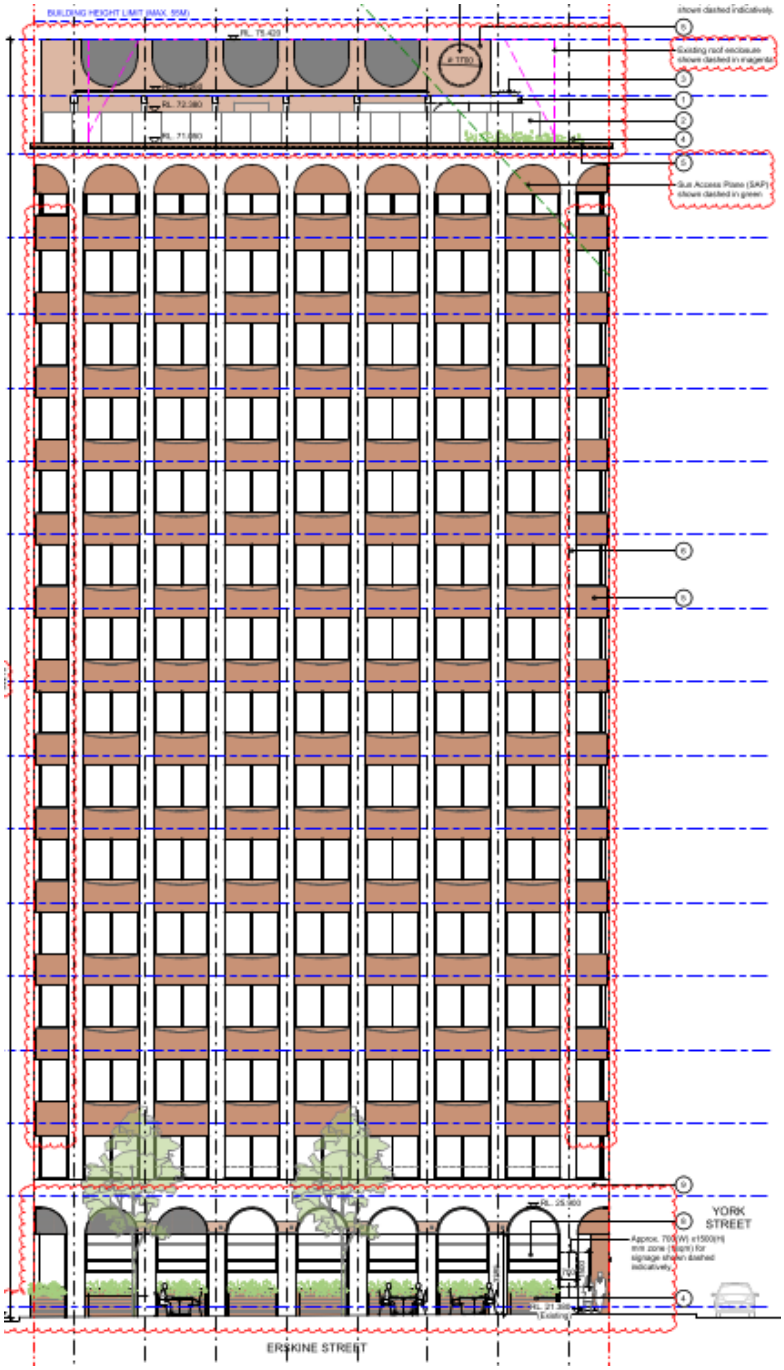

Figure 16: Proposed Erskine Street (south) elevation

Figure 17: Photomontage of proposed development - looking north from the corner of York and Erskine Streets

Assessment

14. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land 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.

33. Site investigations have identified the following contaminants present on the site:

    - Heavy metals, TPH/TRH, BTEXN, PAH AND VOCs

34. A Detailed Environmental Site Investigation (DESI) was undertaken to assess whether the site is suitable for the proposed hotel use and identify the extent of contamination on site. The detailed investigations found that the site can be made suitable for its intended use as tourist and visitor accommodation.

35. The DESI has been reviewed by the City's Environmental Health team and its recommendations are accepted. Conditions are recommended to be imposed to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation.

36. Subject to imposition of these conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Sustainable Buildings) 2022

37. The development consists of a large commercial development consisting of a prescribed office premises, retail, hotel and motel, serviced apartments and is subject to the sustainable buildings provisions of:

    (a) SEPP (Sustainable Buildings) 2022

    (b) Sydney Local Environmental Plan 2012

    (c) Section 3.6.1 Energy Efficiency in non-residential buildings of Sydney Development Control Plan 2012

38. The development complies with the requirements of these provisions.

Chapter 3 Standards for non-residential development

39. Chapter 3 of the SEPP applies to development, other than development for the purposes of residential accommodation, that involves:-

    (a) The erection of a new building, if the development has an estimated development cost of $5 million or more or

    (b) Alterations, enlargement or extension of an existing building, if the development has a capital investment value of $10 million or more.

Section 3.2 Development Consent for non-residential development

40. Section 3.2 Development consent for non-residential development provides that:

(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—

    (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,

(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,

(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,

(d) the generation and storage of renewable energy,

(e) the metering and monitoring of energy consumption,

(f) the minimisation of the consumption of potable water.

(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.

41. With regard to the above matters the applicant has submitted a City of Sydney Design for Environmental Performance report template to address the above. The template identifies design and technology responses for environmental performance that the applicant proposes to be incorporated in the development. This includes the proposal being for a refurbishment of the existing building rather than demolition and new construction and reusing building materials. As well as horizontal and vertical shading incorporated on the Eastern and Western facades, appropriate glazing and a cool colour scheme, use of a green roof and landscaping, energy efficient LED lighting and an air-cooled reverse cycle chiller to be installed.

42. With regard to section (2) above the applicant has adequately quantified the embodied emissions attributable to the development. Section 35B of the Environmental Planning and Assessment Regulation determines the form in which embodied emissions are to be quantified. The embodied emissions attributable to the development have been appropriately quantified using the NABERS embodied energy form published on the NSW Planning Portal and certified by an appropriately qualified person as required by the regulations.

43. The SEPP requires the development to be subject of a 3-star NABERS Water Rating.

44. The Sydney DCP requires the development satisfy the following energy performance standards for hotels (whole of building):

(a) a maximum 245Wh/yr/sqm of Gross Floor Area; or

(b) a 4-star NABERS energy commitment agreement or

(c) a certified Green Star Building rating achieving the "minimum expectation" in Credit 22: Energy Use; or

(d) an "equivalent" approach to achieving the required energy performance standards.

45. The applicant has demonstrated the development can achieve:

(a) a 3-star NABERS Water Rating

(b) a 4-star NABERS energy commitment agreement to rate.

46. Conditions of consent are recommended to ensure that development will achieve the relevant water and energy use standards.

State Environmental Planning Policy (Transport and Infrastructure) 2021

47. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 2.48 Determination of development applications - other development

48. The development involves 2-3m of excavation below ground to accommodate the new lift shafts. However, this excavation is not within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower.

49. The proposed works are not adjacent to an easement for electricity purposes, immediately adjacent to a substation or within 5m of an exposed overhead electricity power line.

50. The subject development is for a change of use of an existing building and therefore, the application was not required to be referred to Ausgrid.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

Clause 2.99 – Excavation in, above, below or adjacent to rail corridors

51. The application is adjacent to the heavy (city circle) rail corridor and was subsequently referred to Transport for NSW (TfNSW) as discussed below.

52. TfNSW assessed the application against the requirements of Section 2.99(4) and concurrence was provided by TfNSW on 11 April 2024.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6, Water Catchment

53. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 6 of the above SEPP. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the controls set out in Division 2.

54. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the control of improved water quality and quantity, the controls set out in Division 2 of the SEPP are not applicable to the proposed development.

State Environmental Planning Policy (Industry and Employment) 2021

55. The aim of State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3, Advertising and Signage is 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.

56. The proposed signage zones have been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 5 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed signage zones are generally consistent with the character of the area, subject to conditions.
2. Special areas	Yes	The proposed signage does not detract from the amenity or visual quality of the locality
3. Views and vistas	Yes	The proposed signage zones will not result in signage that obscures or compromise any important views. It does not dominate the skyline and has no impact on the viewing rights of other advertisers.
4. Streetscape, setting or landscape	Yes	The proposed signage zones are of an appropriate scale, proportion and form and provides a positive contribution to the streetscape and setting of the area
5. Site and building	Yes	The scale, proportion and positioning of the 3 signage zones are acceptable. A condition of consent is imposed requiring a separate DA be submitted for the proposed signs which will show the proposed materials.
6. Associated devices and logos	N/A	A condition of consent is imposed requiring a separate DA be submitted for the proposed signs which will show any associated devices and logos. This will be assessed during that assessment.
7. Illumination	N/A	A condition of consent is imposed requiring a separate DA be submitted for the proposed signs which will show any

Provision	Compliance	Comment
		proposed illumination. This will be assessed during that assessment.
8. Safety	Yes	The proposed location and size of the signage zones will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

57. The proposed signage zones are consistent with the objectives of SEPP (Industry and Employment) 2021 - Chapter 3, Advertising and Signage as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

Local Environmental Plans

Sydney Local Environmental Plan 2012

58. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the SP5 Metropolitan Centre zone. The proposed development is defined as 'tourist and visitor accommodation' and 'food and drink premises', both of which are permissible with consent in the zone. The proposed use of the site is consistent with the zone objectives to enable other land uses that provides a compatible land use to serve the workforce, visitors and wider community.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	The maximum permissible height is 55m and is in Area 3. Clause 6.17 Wynyard Park Sun Access Plane (SAP) is applicable. The proposed development complies with the sun access plane under Cl 6.17.

Provision	Compliance	Comment
4.4 Floor space ratio 6.4 Accommodation floor space	Yes	A maximum base floor space ratio (FSR) of 8:1 is permitted under Cl 4.4. The site is identified as being located in Area 2 under Clause 6.4 and can utilise additional accommodation floor space for certain land uses. In Area 2, retail premises are eligible for an additional 4.5:1 FSR and hotel accommodation for an additional 6:1, and this is pro-rated on the distribution of uses. Based on the proposed distribution of land uses, the FSR available to the site is 13.8:1 A FSR of 11.85:1 or 4,398sqm is proposed. The proposed development complies with the maximum floor space ratio standard. The building results in a reduction of approx. 209sqm from the previous office use due to the installation of a new service lift and service rooms/BOH/laundry facilities associated with the hotel use.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage Conservation	Yes	The subject site is not located within a heritage conservation area and is not a heritage item. However, it is in close proximity to a number of heritage items, including: • Wynyard Park including parkland, mature trees, remnant fences, underground convenience, and Lang Statue) – Item No: I1791; • 11-31 York Street, Sydney (Former Railway House (part of Transport House) including interiors) – Item No: I1975 (State registered);

Provision	Compliance	Comment
		• 43 York Street, Sydney (Occidental Hotel including interior) – Item No: I1980 • 45-47 York Street, Sydney (Former "AWA" Building including interior and tower – Item No: I1981 (State registered); • 82 Erskine Street, Sydney (Former "Watch House" including interiors – Item No: I1758 (State registered); and • 105A Clarence Street, Sydney (Commercial building including interior) – Item No: I1715. The proposal is a refurbishment of an existing commercial office building into a hotel. The roof top alterations and additions do not impact any significant views of surrounding heritage items. The proposal will not result in detrimental impacts on the significance of surrounding heritage items. The alterations and additions and refurbishment of the building will provide a positive contribution to the to the streetscape.
5.21 Flood planning	Yes	The site is not identified as being subject to flooding. Additional stormwater information was requested and submitted. Council's Public Domain team reviewed the proposal and the submitted information and is satisfied that the proposal is acceptable, subject to conditions of consent.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 1 Additional floor in Central Sydney		
6.5 Car parking reduction floor space	Yes	Although the proposed development changes the existing 6 car parking spaces into services for the hotel and is eligible for up to 0.8:1 additional FSR, the proposal does not rely on any car parking reduction floor space.
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space	N/A	The subject site benefits from the accommodation floor space bonus under Cl. 6.4. However, the proposal results in an overall reduction in the total GFA by 209sqm, and therefore the allocation of heritage floor space is not applicable in accordance with Cl. 6.11(4).
Division 3 Height of Buildings and overshadowing		
6.17 Sun access planes	Yes	The maximum building height permitted on site is restricted by the Wynyard Park sun access plane. Under the provisions of Clause 6.17(3), consent may be granted to development for the purposes of maintaining or refurbishing an existing building that projects higher than part of the sun access plane where the maintenance or refurbishment works does not result in the building projecting further above the sun access plane. The proposal is for the refurbishment of an existing building where the upper level projects partly above the sun access plane for Wynyard Park. The proposed works to the rooftop area include the demolition of existing services and addition of new services and a rooftop bar area. These maintenance and refurbishment works to the rooftop level do not project higher than the existing services on the building

Provision	Compliance	Comment
		which are being partly demolished. Therefore, the proposal satisfies Cl. 6.17 (3). The City's model team has confirmed that the proposal will not result in any greater projection above the sun access plane or any further impact to Wynyard Park.
6.21C Design Excellence	Yes	The proposal includes the refurbishment of the previous commercial use (Bank of China) to a new hotel development with ground floor dining and a rooftop bar. Further, it proposes alterations to the facade which create a refreshed outlook to Wynyard Park and the surrounding area. The exterior design changes and rooftop addition do not result in any adverse impacts of the surrounding heritage items and special character area. As noted elsewhere in this report, the proposal complies with the Wynyard Park SAP and does not result in any additional overshadowing on the park. The proposed bulk, massing and modulation of the refurbished building is consistent with the locality and is acceptable. The amended architectural drawings responded the comments raised by the Design Advisory Panel Residential Subcommittee in relation to architectural expression. The proposed ground floor restaurant/bar area and the associated outdoor dining within the existing colonnade is considered to positively add to the outlook and amenity of the public domain. The proposed green roof and landscaping on site is adequately

Provision	Compliance	Comment
		integrated into the design and provides a positive outlook. Based on the above, the proposal is considered to display design excellence
6.21D Competitive Design Process	Yes	The proposed development does not involve the erection of a new building or have a height greater than 55m. As such, the design excellence provisions do not apply. Further to this, the cost of works is less than $100,000,000 and therefore does not trigger a design competition or a site specific DCP.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1- Car parking ancillary to other development		
7.7 Retail premises 7.9 Other land uses (serviced apartments and hotel or motel accommodation)	Yes	A maximum of 36 car parking spaces are permitted based on the land uses. The proposal seeks to remove the existing 6 car parking spaces on site to provide services for the development and provide no on-site parking. As the LEP parking provisions are maximums and there is no requirement of any on-site parking for staff or visitors to the hotel, the proposal is acceptable. The site is located within 50m of Wynyard Train Station and bus interchange which offer a high level of accessibility. The development also includes 6 bikes spaces in the basement for staff and guests who wish to arrive by bicycle.
Division 3 Affordable housing		
7.13 Contribution for the purpose of affordable housing	Yes	An affordable housing contribution is applicable to this development as the site is located within Central Sydney and

Provision	Compliance	Comment
		the proposal involves a change of use of existing floor area from other than residential accommodation to residential accommodation or tourist and visitor accommodation. A condition is recommended.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works within 500m of adjacent Class 1, 2, 4 or 4 land that is below 5m (AHD). Further, the excavation for the lift shifts requires 2-3m of excavation below the existing basement level. However, this is not likely to lower the water table below 1m AHD. Accordingly, the preparation of an Acid Sulfate Soils Management Plan is not required.
7.16 Airspace Operations	Yes	The OLS height restriction of 156 AHD applies to this site. The sites maximum height is under 55m, being RL 75.420 and therefore complies with this Clause. Based on the above, concurrence is not required.
7.20 Development requiring or authorising preparation of the development control plan	N/A	The proposal is not for a new building, does not increase the GFA and does not have a height that exceeds 55m on a site that is greater than 1500sqm.
7.33 Sustainability requirements for certain large commercial developments	Yes	The proposal is for alterations and additions to an existing commercial building for a change of use to a hotel premises with a cost of more than $10 million and provides more than 100 hotel rooms, therefore the development is a large commercial development, and this clause is applicable.

Provision	Compliance	Comment
		The proposal is accompanied by a ESD report, a net zero statement and a design for environmental performance report. These reports state that the proposals meets the 4 star energy standard of the DCP and the 3 star water standard of the Sustainable buildings SEPP. These reports demonstrate that the proposal has been designed to incorporate the principles of ecologically sustainable development. Based on the above and the submitted reports, the proposal satisfied this clause.

Development Control Plans

Sydney Development Control Plan 2012

59. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

60. The site is located within the Wynyard Park/Lang Park Special Character Area. The proposed development is in keeping with the unique character and he design principles of the Wynyard Park/Lang Park Special Character Area. The proposal will provide a hotel accommodation and associated restaurant and rooftop bar which is of a high architectural standard. It is consistent with the Wynyard Park sun access plane and the proposal provides setbacks compatible with the street frontage height and will provide visual interest and activate the street.

Section 3 – General Provisions

Provision	**Compliance**	**Comment**
3.1 Street, lanes and footpaths 3.1.1.3 Lanes	Yes	Service vehicle access is provided via York Lane as per the existing arrangement for the site. A portion of the rear of the site will benefit from seating associated with the ground floor restaurant/bar. This results in partial activation of the rear lane which whilst also maintaining the sites service function.

Provision	Compliance	Comment
3.1.5 Public art	Yes	The proposal has a cost of works greater than $10 million and therefore, public art must be provided on site. A condition of consent has been imposed requiring a public art plan to be submitted.
3.2 Defining the Public Domain 3.2.1.1 Sunlight to publicly accessible spaces 3.2.2 Addressing the street and public domain 3.2.3 Active frontages	Yes	The proposed rooftop bar area does not impede any views from to or from Wynyard Park and does not result in any additional overshadowing onto the park. The refurbishment of the building has been designed to positively address both York and Erskine Street, provides unobstructed views to the street, and includes an accessible entry via a ramp. The building has an existing colonnade which will be used for seating in association with the hotel lobby/bar area. The York Street and Erskine Street frontages are identified as 'Category 1' and 'Category 2' respectively on the Active Street Frontages Map. The proposed design meets the minimum active frontage proportion requirement (80%) as the foyer space does not occupy more than 20% of the York Street frontage of the building. The food and drinks premises located on the Ground Floor will contribute to the active frontages along both street elevations, providing framed, operable windows.
3.2.4 Footpath awnings	Partial compliance	Section 3.2.4 identifies a desire to provide a continuous awning for this street block of York Street. The site provides an awning on Erskine Street however, during the assessment of the proposal, the proposed awning along York Street was removed. This section of York Street is characterised by colonnades, rather

Provision	Compliance	Comment
		than awnings. The lack of continuous awnings along this part of York Street allows space for the retention of the canopies of the street trees which contributes to the Wynard Park greenery. The introduction of an awning along this part of York Street would have potential impacts on the health of the street trees and conflicts with services and smart poles. Further, weather protection along York Street is provided through the existing colonnade Therefore, a continuous awning along York Street is not suitable and the non-compliance is acceptable in this instance. Further to this, an awning is not appropriate on this section of York Street as it would be unsympathetic to the heritage buildings to the north of this block which do not provide awnings. The depth of the awning on Erskine Street has been reduced to 1800mm to minimise impact on the condition of the existing trees. See further discussion below.
3.2.5 Colonnades	Yes	The site provides an existing colonnade along the York Street frontage (within the site boundaries). The colonnade width has been widened and it provides outdoor dining facilities for the hotel and associated restaurant/bar. The colonnade and the proposed dining use creates an active frontage on this part of York Street and will positively contribute to the use of Wynyard Park.
3.2.6 Wind effects	Yes	A wind report was submitted with the application which states that the proposed design mitigates exposure to the stronger prevailing winds impacting the site. The report also outlines a number of recommendations, including the addition of 1.8m high glass

Provision	Compliance	Comment
		balustrade for the rooftop area and planter boxes along the edge of the colonnade, to reduce wind impacts.
3.2.7 Reflectivity	Yes	The proposal retains the existing glass windows and openings on site and therefore there is no intensification of reflectivity or glare to pedestrians as a result of the proposed alterations and additions. Based on the above, a reflectivity report is not required to be submitted. A condition of consent is imposed ensuring light reflectivity from the building materials used on facades does not exceed 20%.
3.5 Urban Ecology	Yes	The proposal retains the two existing street trees along Erskine Street. The existing building on site has 100% site coverage and there is no opportunity for any new tree planting on site. This is acceptable in the CBD context. The proposal has incorporated roof top greening and landscaping.
3.6 Ecologically Sustainable Development	Yes	An Ecologically Sustainable Design (ESD) Report has been submitted as part of the application. A 4 Star NABERS energy rating for hotels and 3-star NABERS water rating for hotels agreement to rate has been submitted with the application. Further, the design of the building has utilised passive design principles to minimise the amount of air-conditioning required and maximise thermal comfort for future building guests, therefore, reducing the building's energy consumption and greenhouse gas emissions. Refer to Sustainability Section above for further details.

Provision	Compliance	Comment
3.9 Heritage	Yes	Refer to discussion on heritage under the SLEP 2012 compliance table.
3.11 Transport and Parking 3.11.1 Managing transport demand 3.11.6 Service vehicle parking	Yes	A Transport and Accessibility Impact Assessment Report has been prepared by JMT Consulting and submitted with this DA. Given the proposal does not provide on-site car parking and is in a highly accessible area, it is not expected to generate any additional traffic impacts on the surrounding road network. The site can be adequately serviced via a designated loading bay off York Lane, and can accommodate by a SRV-sized vehicle truck. A condition will be imposed requiring the submission of a Loading and Servicing Management Plan to ensure optimal utilisation of the loading dock. Council's City Access and Transport Team reviewed the application and raised no issues subject to conditions
3.11.3 Bike parking and associated facilities	No, but assessed as acceptable	15 bicycle spaces are required as per Section 3.11.3 of the DCP. The development provides 10 spaces within the basement. Due to the site's central location within the CBD, it is considered that hotel guests would not be arriving by bicycle or be heavily reliant on these facilities. Further to this, the site is located 50m from Wynyard Train Station and bus interchange and is therefore highly accessible by public transport. A condition of consent will be imposed requiring the bicycle spaces to be Class 2 to allowed shared access for staff and guests.
3.11.8 Bus parking	Yes	No coach parking is proposed for the hotel development due to the site

Provision	Compliance	Comment
		constraints and surrounding parking restrictions. Day tour group operators usually designate a number of major hotels across the CBD as pick-up and drop-off points where coach drop off and pick up is available. Visitors can make their way to these designated hotels. The traffic report submitted with the application identifies the nearest on-street coach set-down southern side of Lang Street (near York Street) and the eastern side of O'Connell Street (near Hunter Street) which are both within a 5-minute walk of the subject site, for tourist pick up/drop off.
3.12 Accessible Design	Yes	A BCA Report has been submitted with the application. This report demonstrates that the proposal is capable of complying with the accessibility requirements of the Federal Disability Discrimination Act 1992 (DDA), National Construction Code, and Australian Standards. The subject site provides accessibility from York Street and Erskine Street via a single ramp which then allows access to the lobby of the building. The site provides adequate accessible hotel rooms, bathroom facilities and vertical circulation. A condition is recommended for appropriate access and facilities for persons with disabilities in accordance with 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. The building entry and associated lobby/front desk is clearly visible, unobstructed, and easily identifiable

Provision	Compliance	Comment
		from the street, other public areas and other development. A plan of management was submitted with the application with outlines the management of the hotel and associated bar and restaurant use, to minimise opportunities for anti-social behaviour. Further to this, the hotel use runs 24 hours and therefore, hotel staff will be on the premises at all times.
3.14 Waste	Yes	The proposed development includes a large waste storage area within the basement and be serviced through the ground level SRV loading dock. The waste collection will be serviced by a commercial waste collection operator. The application was accompanied by a Waste Management Report which was reviewed by the City's Waste Team who have raised no objection, subject to conditions. A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	The site is located in a Late Night Management Area and the hotel use is defined as a category A and Category B premises (a hotel within the meaning of the Liquor Act 2007). The hotel development includes a rooftop bar with a wintergarden area and outdoor terrace. See further discussion under the heading Issues.
3.16 Signage and Advertising	Yes	3 signage zones are proposed as part of this application. Although the submitted architectural plans reference indicative signage zones on the facade, the information submitted is not sufficiently detailed to constitute a signage strategy

Provision	Compliance	Comment
		however, an assessment against the relevant provisions of the DCP of the signage zones is provided below. An appropriate condition of consent has been recommended to require a separate signage strategy be submitted for the individual signs prior to construction.
3.16.3 General requirements for signage	Yes	The proposed indicative signage zones are a 2.3sqm top of building sign, facing York Street, a 6.6sqm vertical wall sign, facing York Street and 1sqm wall sign, at the hotel entry point on York Street. The locations avoid visual clutter on the building and against surrounding developments. The zones will allow the site to be easily identifiable. The indicative signage zones are acceptable in principles and may be supported subject to the assessment of a detailed signage strategy prior to the issue of a Construction Certificate.

Section 4- Development Types

4.4 Other Development Types and Uses

4.4.8 Visitor Accommodation

Provision	Compliance	Comment
4.4.8.1 General	Yes	The hotel is proposed to operate for 24 hours, and a hotel manager will be on-site at all times. An acoustic report and plan of management have been submitted with the application. Both of these reports have been reviewed and are considered satisfactory and will form part of the conditions of consent.

Provision	Compliance	Comment
4.4.8.3 Additional provisions for hotels, private hotels and motels	Yes	A maximum of 350 guests, across 152 rooms, can stay at the hotel at any one time. Room sizes vary from 16sqm to 30sqm, and all contain a double bed. No rooms are proposed to be used for guests staying longer than 90 days. A condition of consent is recommended to ensure compliance with this. As confirmed in the Plan of Management, the maximum permitted length of stay for the hotel rooms is three (3) months. The proposed design provides individual, secure, lockable storage facilities within each hotel room. The rooms can accommodate 0.6m3 for the lockable storage based on dimensions of 600mm deep x 2400mm high x a minimum of 500mm length.

Section 5 - Specific Areas

5.1 Central Sydney

Provision	Compliance	Comment
5.1.1.2 Street frontage height and street setbacks in special character area	No, but assessed as acceptable	The site is located within the Wynyard Park/Lang Park Special Character Area, and table 5.3 of Section 5.1.1.2 of the DCP stipulates a minimum 45m street height. Figure 5.15 for this Special Character Area stipulates a desired built form for this site of a 45m maximum height along both its York and Erskine Street frontages. A 10-metre setback for any additional built form (up to a maximum height of 55m) is then required from both street frontages. The proposal retains the existing building, which has a street frontage height 49m. The proposed roof top level (which is a modified built form from the existing plant room to a structure

Provision	Compliance	Comment
		accommodating both rooftop plant and the new bar) provides a nil setback to York Lane, a 5.7m setback to York Street and a 1.7m setback Erskine Street. See further assessment in discussion section below
5.1.1.3 Side and rear setbacks and building form separations	Yes	The DCP requires nil setback for side setback above street frontage height. An existing nil setback is provided to the neighbouring development to the north on York Street.
5.1.4 Building exterior	Yes	The architectural design of the curved metal cladding on the York and Erskine Street facades is of a high-quality design and positively contribute to the streetscape. The existing building envelope, building articulation and pedestrian scale of the lower levels of the building is retained. The building retains the colonnade area which provides visual interest to the building. No extensive expanses of blank glass or solid walls are proposed. The top level is designed to integrate with the design of the building and conceals the plant and equipment and promotes a visually distinctive and interesting Central Sydney skyline
5.1.7 Sun protection of public parks and places 5.1.7.1 Sun Access Planes	Yes	Shadow diagrams were provided with the application which show that there is no additional overshadowing to Wynyard Park as a result if the proposal. As outlined above in this report, the proposal is compliant with the Wynyard Park SAP
5.1.8 Views from public places	Yes	Figure 5.48 shows a view protection to Sydney Harbour down Erskine Street.

Provision	Compliance	Comment
		The proposal does not restrict public views down to Sydney Harbour from Erskine Street and the significant vistas generated by the existing built form is maintained.
5.1.9 Managing wind impacts	Yes	As outlined above, a wind report was submitted with the application which ensures any adverse wind impacts are mitigated.

Discussion

Street Frontage Height and Setbacks in Special Character Area

61. The subject site is located within the Wynyard Park/Lang Park Special Character Area, and under the site specific built form provisions outlined in Section 5.1.1.2 of the DCP, the subject site is to have a street frontage height of 45 metre to both its York and Erskine Street frontages, with a 10-metre setback for any development above this 45 metre height (up to a maximum of 55 metres in the rear northwestern corner of the site). The DCP identifies a 2-metre laneway setback from the York Lane frontage above street frontage height. Figure 18 below is an extract from the DCP illustrating these built form provisions.

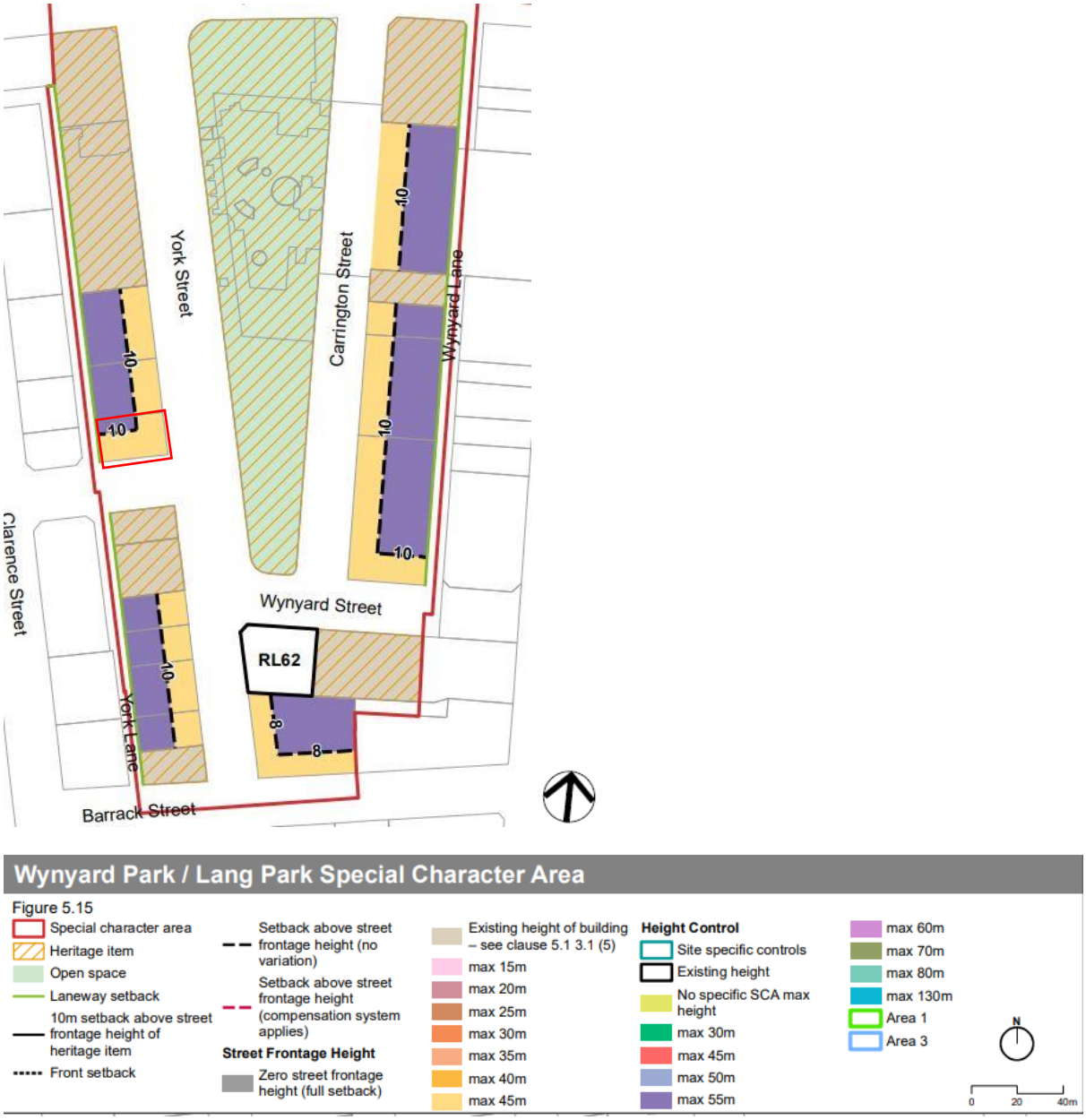

Figure 18: Section 5.1.1.2 setback requirements (subject site outlined in red)

62. The proposed development is for a change of land use from an existing commercial building to a hotel development and proposes retention of the existing building with some modifications to the roof top level. The existing building has a 49 metre street frontage height to both York and Erskine Streets, which while being higher than the DCP provision is acceptable as this is an existing height and does not appear out of context with its immediate surrounds.

63. The proposed roof top alterations and additions have a 5 metre setback the York Street frontage of the site and a 1m metre setback from Erskine Street (refer to Figure 19, below). There are balustrades, a seating area and landscaping works forward of these identified setbacks, however, these are considered to be the outdoor terrace and not the predominant building line above street frontage height.

64. The existing building has a roof top plant and services structure which is also inconsistent with the DCP provisions. This existing plant room is setback approximately 2.4m from both York and Erskine Streets.

65. In this instance, the proposed variation from the DCP setback provisions are supported as:

    (a) The proposed floorplate of the rooftop additions sit within the envelope of the existing plant and services structures. The proposed new roof top addition will result in a reduction of the overall bulk of this level (see in figure 19 below).

    (b) The main building element of the rooftop is setback 5 metres from York Street with also aligns with the building line of the adjacent building at 37 York Street. The reconfigured plant equipment located in the northwestern corner of the rooftop level, and whilst this has a nil setback to the lane (which is inconsistent with the DCP), this again aligns with that of the neighbouring building to the north at 37 York Street. It is noted that the extent of rooftop plant has also be reduced and rationalised under this proposal, and results in an improved presentation and built form outcome.

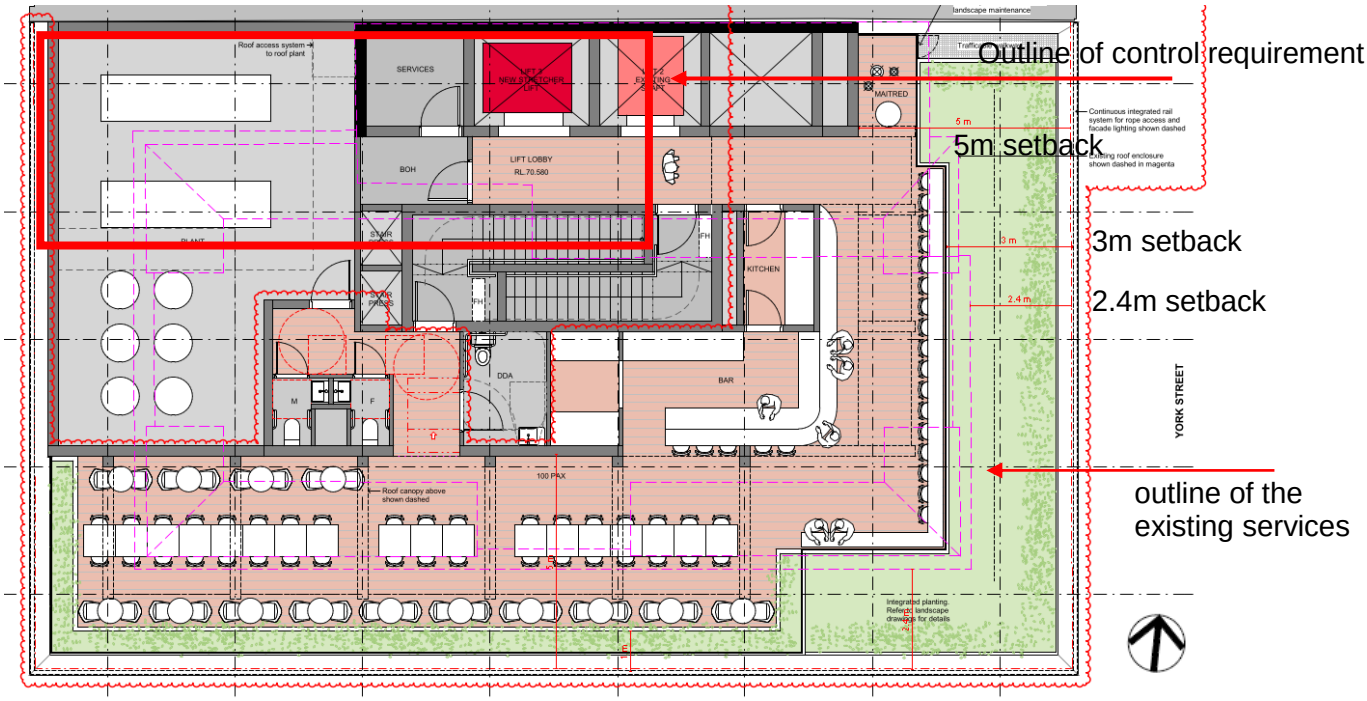

Figure 19: Proposed level 15 (rooftop)- the purple dotted line is the outline of the existing services

    (c) This rooftop area complies with the Sun Access Plane requirements of SLEP 2012 and does not cause any additional overshadowing to Wynyard Park. Further, the proposed rooftop area will not result in any significant view loss from Wynyard Park or down to Darling Harbour.

    (d) The proposed rooftop maintains a reasonable outlook from the street. As shown in the views to building images, the rooftop has minimal visibility when viewed from Wynyard Park and from York Street (facing north), from the eastern footpath. There is additional bulk when viewed from the southern footpath of Erskine Street however, this is to the rear lane and will be slightly screened by the recent approval at 64 Clarence Street.

(e) The design responds well to the constraints of a small site, retaining and re-using an existing building. This results in a sustainable development outcome and minimises any new impacts on the surrounding locality. Therefore, the proposal has minimal impacts on the design principles and controls of the Wynyard Park Special Character Area.

(f) The integration of landscaping and screening solutions in the final rooftop design provide a positive contribution to the streetscape and is unlikely to have an adverse impact on surrounding public and private amenity.

Hours of Operation

66. Approval is sought for 24-hour operation of the hotel to allow appropriate check-in/check-out services.

67. The proposal also includes alterations and additions to create a new rooftop bar with outdoor seating. This bar is to be for use by both hotel guests and will be open to the general public. It has a proposed capacity of 100 people on the outdoor terrace area.

68. The rooftop bar area is proposed to be used for breakfast for guests only from 6am to 11am and then is to be open to the public from 12 midday daily.

69. The ground floor lobby and restaurant/café and bar have an indoor capacity of 81 patrons and outdoor capacity of 10 patrons, on three tables (wholly located within the boundaries of the site within the colonnade area) and is open to the public for the entirety of the operating hours.

70. Collectively, the food and drink premises in the hotel (being both the ground floor café/restaurant and rooftop bar with terrace area) will be operated under a hotel licence and is classified as a Category A premises when assessed against the late-night trading provisions of the Sydney DCP 2012.

71. The premises is located in the City Living late night trading area. A summary of the proposed hours, DCP provisions and recommendation are detailed in Table 1:

	Proposed Hours	DCP Recommended Hours		Recommended hours
		Base Hours	Extended Hours	
Rooftop				
Outdoor area	6am to 1am (the following day)	7am to 10pm	7am to 1am(the following day)	Base/permanent hours = 7am-10pm Extended hours = 6am- 1am (the following day) for a 1-year trial period

	Proposed Hours	DCP Recommended Hours		Recommended hours
Ground floor				
Indoor area	6am to 12 midnight	6am to 12 midnight	24 hours	Base/permanent - 6am to 12 midnight
Outdoor area	7am to 10pm	10am to10pm	9am to 1am	Base/permanent - 7am-10pm

Table 1. Proposed hours of operation

72. Whilst the proposed hours are inconsistent with the recommended hours of operation under the DCP, particularly the proposed morning operating hours for both areas, the proposal is recommended as:

    (a) the hotel guests only are permitted to use the rooftop area for breakfast between 6am-11am. This is considered to be low risk to the amenity of surrounding developments and is acceptable.

    (b) the submitted acoustic report, has identified the nearest sensitive receiver as being the hotel building at 43 York Street, which is adjacent to the site on the southern side of Erskine Street. The other neighbouring properties to the north and west are commercial buildings, with Wynyard Park directly east.

    (c) Given that the site is located in the CBD, and that both the outdoor spaces (level 15 rooftop and ground floor colonnade seating area) face York and Erskine Street, these areas are not considered to result in unreasonable noise impacts to surrounding residential uses.

    (d) a plan of management (PoM) has been submitted for hotel use (including the restaurant and bar) and generally addresses all required operational matters under Schedule 3 of the DCP, including measures and management practices to mitigate amenity impacts to the surrounding neighbourhood, responsible service of alcohol, and measures for addressing and registering complaints.

73. It is recommended that the proposal be supported with the following hours:

    (a) Ground floor café/restaurant: Base (permanent) hours of 6.00am to 12 midnight (internal) and 7.00am to 10.00pm (outdoors);

    (b) Roof top bar: Base (permanent) hours of 7.00am-10.00pm and extended hours on a trial period basis of 6.00am-1.00am the following day.

74. Overall, the proposed hours are acceptable for the food and drink offerings in the hotel premises, subject to the extended hours of the outdoor rooftop bar being approved on a 12 month trial period basis.

75. Relevant conditions are recommended regarding the rooftop bar and ground floor restaurant, including noise and patron management.

Design Advisory Panel - Residential Subcommittee

(a) The application was presented to the Design Advisory Panel Residential Subcomittee on 7 May 2024. The panel generally supported the proposal noting that it was a well-resolved response to refurbishment of an existing commercial building and incorporates cleverly planned hotel accommodation There were some recommendations for improvement to the design to ensure long-term viability of the hotel use including the following: provision of an alternative rooftop design that complied with the Sun Access plane to Wynard Park as well as greater setbacks of the roof top addition from the building's parapet/boundaries.

(b) priority be given to the trees on Erskine Street and therefore a reduction in the depth awning should be provided.

(c) the scheme would be stronger with a greater level of refinement and detail provided to fully describe the design intent for the architectural expression – particularly to the infill spandrel details in the lower levels. There also needs to be greater refinement and resolution of the corner window spandrel, particularly the circular geometry as it resolves against the orthogonal windows.

(d) consider the exploration of achieving greater natural light access into the central circulation

(e) The design of the rooftop bar, awning and cantilevered frame should be refined further, and the frame possibly trimmed with a ring beam or some other approach to make the structure appear a little more calm, ordered and composed.

76. All matters raised by the Panel were resolved through the submission of amended plans with the exception being able to replan the floor plate to achieve natural light into the internal circulation spaces. It is acknowledged that the proposal is for a change of use of an existing office building and therefore, the replanning of the floor plate was not feasible in this instance. Further, the proposed circulation design ensures easy movement and accessibility for occupants. The proposed design optimises natural light within the existing building and provides an appropriate outcome having regard to both its amenity and project feasibility and is therefore considered acceptable.

Consultation

Internal Referrals

77. The application was discussed with Council's:

(a) Environmental Health Unit

(b) Construction and Building Unit

(c) Licenced Premises Unit

(d) Heritage and Urban Design Unit

(e) Public Domain Unit

(f) Safe City Unit

(g) Transport and Access Unit

(h) Tree Management Unit

(i) Waste Management Unit.

78. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

Development Contributions

Section 7.12

79. The cost of the development is in excess of $250,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2020.

80. A condition relating to this levy has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Affordable Housing

81. Development on land in Central Sydney that involves a change of use from non-residential floor space to tourist and visitor accommodation is required to pay an affordable housing levy.

82. A condition relating to this levy has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Housing and Productivity Contribution

83. Housing and Productivity Contribution (HPC) contributions do not apply to this DA, as hotels are defined as a type of 'commercial development' under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 and the DA results in a reduction in existing GFA as a result of the proposed change of use.

External Referrals

NSW Police

84. The application was referred to NSW Police for comment.

85. A response was received raising no objections to the proposed development.

Transport for NSW

86. Pursuant to Section 2.99 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for concurrence.

87. Concurrence was received on 11 April 2024. Conditions of consent were recommended which are included in the Notice of Determination.

Advertising and Notification

88. In accordance with the City of Sydney Community Participation Plan 2022, the proposed development was notified for a period of 21 days between 18 March 2024 and 9 April 2024. A total of 206 properties were notified and no submissions were received.

Relevant Legislation

89. Environmental Planning and Assessment Act 1979.

Conclusion

90. The application proposes retention of the existing building and alterations and additions to accommodate a change of use of the premises to hotel accommodation. The proposed use is consistent with the objective of the zone.

91. The proposal was amended to comply with the Sun Access Plane controls in SLEP 2012. The amended plans submitted included a re-design of the rooftop level to respond to the SAP controls and the comments raised by the Design Advisory Panel-Residential Sub-Committee.

92. The proposal is generally compliant with Sydney LEP 2012 in relation to Cl. 6.17 (3) as the proposal is for a refurbishment of an existing building and the proposed rooftop changes do not project higher than part of the Wynyard Park Sun Access Plane.

93. The proposed alterations and additions are compliant with the built form controls and design principles of the Wynyard Park Special Character Area.

94. The proposed hours of operation are considered acceptable having regard to the permitted base and extended hours of operation in Section 3.15 of SDCP 2012. The proposed extended hours are recommended to be subject to a trial period to ensure that any unanticipated noise impacts are appropriately addressed.

95. The use of the premises, when undertaken in accordance with the submitted Plan of Management and recommended conditions of consent, is unlikely to have an adverse impact on the amenity of the surrounding area.

96. The application was notified for 21 days in accordance with the City of Sydney Community Participation Plan 2023. No submissions were received.

97. The proposed development does not negatively impact the heritage significance of the Wynyard Park/Lang Park Special Character Area.

98. The application is recommended for approval, subject to the conditions of consent outlined in Attachment A

BILL MACKAY

Acting Executive Manager Planning and Development

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