

Item 5.**Development Application 806-812A George Street, Haymarket - D/2025/33****File Number:** D/2025/33**Summary**

Date of Submission:	21 January 2025
Applicant:	C Zeng-Allen
Architect/Designer:	MKD Architects
Developer:	Bounce Sydney Investments
Owner:	Fuqiang Investments Pty Ltd
Planning Consultant:	Gyde Consulting
Heritage Consultant:	Weir Phillips Heritage
DAPRS:	1 April 2025
Cost of Works:	\$26,751,299.00
Zoning:	The site is located within the SP5 – Metropolitan Centre zone. The use is defined as "Backpackers Accommodation", and "Hotel accommodation" with associated café and bars, and is permissible with consent within the zone
Proposal Summary:	Approval is sought for the demolition of the existing buildings with partial retention of the existing facade, and construction of 11 levels of backpackers accommodation and one level of hotel, comprising 577 backpacker beds and 8 hotel rooms, with ancillary ground level bar, cafe and two storey rooftop bar with associated outdoor area and swimming pool, and new basement level for building services and waste storage.

The application was presented to the Design Advisory Residential Subcommittee (DAPRS) on 1 April 2025 for review and comments. The Panel raised concerns with the lack of detailed information and schematic nature of the proposal, as well as the low level of amenity afforded to the hotel/ backpacker rooms, noting that specific operational requirements need to be addressed and resolved.

Following a preliminary review of the application, the applicant was requested to submit additional information and amend the proposal to provide a more detailed scheme and allow for a thorough review of the proposal.

A Class 1 appeal (No.2025/00226331) was subsequently lodged with the LEC on 16 June 2025.

The application was notified for a period of 28 days from 29 January 2025 to 26 February 2025. Seven submissions were received raising objections to the proposal. The objections were mainly relating to the impact the proposal would have on the neighbouring heritage listed church (Christ Church St Laurence) located at 814A George Street (to the South of the site), and that the proposal was excessive in bulk and scale and uncharacteristic within the context of the street block.

Insufficient information has been submitted with the application with regard to demonstrating compliance with the City's planning controls, remediation of potential site contaminants, feasibility of the retention of the building facade, flooding risk, wind impacts, addressing operational requirements, acoustic impacts, and overshadowing impacts to the public domain and neighbouring properties.

The proposed development fails to exhibit "design excellence" pursuant to Clause 6.21C of the Sydney LEP 2012 as the proposal fails to demonstrate a high standard of architectural design and detailing appropriate to the building type and location, and fails to adequately address environmental issues relating to overshadowing, amenity of future occupants, appropriate setbacks and presentation to the public domain and streetscape. The proposal is therefore not in the public interest.

The application has been referred to the Local Planning Panel on the basis that each of the proposed bars within the development will likely be operated under a full Hotel (General bar) License. The referral of the application to the LPP is in accordance with the Minister's Local Planning Panel Direction dated 6 March 2024.

Summary Recommendation: This proposal is recommended for refusal.

Development Controls:

- (i) SEPP (Resilience and Hazards) 2021
- (ii) SEPP (Transport and Infrastructure) 2021
- (iii) SEPP (Biodiversity and Conservation) 2021
- (iv) SEPP (Sustainability) 2022
- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012

Attachments:

- A. Selected Drawings - Architectural Plans
- B. Selected Drawings - Design Drawings
- C. Submissions

Recommendation

It is resolved that consent be refused for Development Application D/2025/33.

Reasons for Recommendation

The application is recommended for refusal for the following reasons:

- (A) The application has not provided sufficient information to satisfy Transport for NSW (a concurrence authority) that the development can be undertaken without adverse impacts to the adjacent interim rail corridor. The development is therefore contrary to Section 2.101 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
- (B) The application fails to satisfactorily address clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, as the application has not demonstrated the site is suitable (or will be suitable, after remediation) for the proposed use.
- (C) The application does not adequately address flood risk, and does not demonstrate the proposal incorporates appropriate measures to manage risk to life in the event of a flood under clause 5.21 of the Sydney LEP 2012.
- (D) The proposed development fails to exhibit “design excellence” pursuant to clause 6.21C of the Sydney LEP 2012 for the following reasons:
 - (i) The application fails to demonstrate a high standard of architectural design and detailing appropriate to the building type and location, pursuant to clause 6.21C(2)(a);
 - (ii) The application fails to demonstrate that the form and external appearance of the proposed development will improve the quality and amenity of the public domain, pursuant to clause 6.21C(2)(b);
 - (iii) The application fails to appropriately address heritage and streetscape issues, pursuant to clause 6.21C(2)(d)(iii);
 - (iv) The bulk and massing of the proposal is not considered appropriate within context of the site and surrounding buildings, pursuant to clause 6.21C(2)(d)(v);
 - (v) The application fails to adequately address environmental impacts of overshadowing, acoustic privacy, and wind impacts, pursuant to clause 6.21C(2)(d)(vii); and
 - (vi) The application is considered to have an adverse impact on the setting of the Haymarket/ Chinatown Special Character Area, pursuant to clause 6.21C(2)(d)(xi) and clause 5.1.1.2 of the Sydney DCP 2012.
- (E) The proposal does not address all the general requirements under Section 3.2(1) of the SEPP (Sustainable Buildings) 2022 relating to energy efficiency for non-residential buildings.

- (F) The development, by way of its bulk, form, modulation and location will have an adverse impact on the visual setting and heritage significance of the Christ Church St Laurence, associated buildings, and streetscape. The development is therefore contrary to the planning controls under Clause 5.10 of the Sydney LEP 2012 and Section 3.9.5 of the Sydney DCP 2012.
- (G) The proposal is not suitable within the context of the Haymarket and Chinatown Special Character Area, as demonstrated by the inconsistencies with the locality principles under Section 2.1.3 of the Sydney DCP 2012, and non-compliances with the planning controls under Section 5.1 of the Sydney DCP 2012 in regard to minimum setback above street frontage height, impacts to neighbouring heritage items, the exterior of the building, and managing wind impacts.
- (H) The proposal does not provide sufficient floor to floor heights, or appropriately designed internal common areas in accordance with Section 4.2 of the Sydney DCP 2012.
- (I) The proposal does not adequately address the controls for hotel and backpackers accommodation under Section 4.4.8 of the Sydney DCP 2012.
- (J) The proposal fails to provide adequate bicycle storage in the building, and as such is inconsistent with the requirements of Section 3.11 of the Sydney DCP 2012.
- (K) The proposal does not adequately address the noise impacts from the proposed bars on nearby residential development in accordance with Section 3.18 of the Sydney DCP 2012.
- (L) The proposal does not address the recommendations and issues raised by the City's Design Advisory Residential Subcommittee.
- (M) The development is unsatisfactory when assessed pursuant to the matters for consideration at section 4.15(1) of the EP&A Act and is therefore not in the public interest pursuant to section 4.15(1)(e) of the Act.

Background

The Site and Surrounding Development

1. The site comprises the following lots:
 - Lot 5 in DP 627053, known as 806-808 George Street
 - Lot 6 and 7 in DP 978643, known as 810-812A George Street
2. The site is irregular in shape with a combined site area of approximately 563 sqm. It has a primary street frontage of 24.87 metres to George Street and a secondary street frontage of 18.26 metres to St Laurence Lane at the rear. The site is located close to the intersection of George Street and Valentine Street.
3. The site contains two attached three storey commercial buildings with ground floor retail uses.
4. The surrounding area is characterised by a mixture of land uses, primarily being commercial, residential apartments and short term accommodation. The buildings to the north of the site at No.800-804 and to the south at 812B George Street are also three storey commercial buildings. At 743-755 George Street opposite the site is an 11 storey mixed use building containing ground floor retail and commercial uses and upper floor residential apartments, known as Capitol Terrace.
5. The State Heritage listed (SHR 849) Christ Church St Laurence is located directly to the south at 814A George Street. To the rear of the site at 505 Pitt Street, directly to the east is the former school and rectory associated with the Christ Church St Laurence, which is locally heritage listed.
6. At 757-759 and 761-763 George Street, opposite the site and on the corner of Valentine Street, are two adjoining two storey commercial buildings, the latter being a local heritage item known as the former Sutton Forest Meat building (1843). Consent was granted (D/2024/890) on 19 June 2025 by the Central Sydney Planning Committee for the demolition of the existing structures with retention of heritage facades, and construction of a 31-storey mixed-use hotel and commercial development on the site.
7. Other heritage buildings within the vicinity of the site include the former Lottery Office at 814 George Street (1848), Station House at 790-798 George Street (1846) and the former Daking House at 11-23 Rawson Place (item 863).
8. The site is not identified as a heritage item and is not within a heritage conservation area. The site is located within the Haymarket/ Chinatown Special Character Area. The site is identified as being subject to flooding.
9. A site visit was carried out on 13 March 2025. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from George Street



Figure 3: Site viewed from St Laurence Lane looking south, with the spire of St Laurence Church visible in the background



Figure 4: Site viewed from the intersection of George Street and Rawson Street looking south

History Relevant to the Development Application

Development Applications

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

No.810-812A George Street

- **D/2019/120** – Development consent was refused by the Local Planning Panel on 17 July 2019 for the partial demolition of the existing building, retention of George Street facade, excavation for one basement level, and construction of 16 storey building for use as backpackers accommodation. The reasons for refusal included unacceptable impacts to neighbouring heritage items and to the Haymarket/Chinatown Special Character Area, the proposal was considered to be of an excessive bulk and scale (non-compliance with the LEP 50m height control and 7.5:1 FSR control), the proposal was not considered to exhibit design excellence, and insufficient information was submitted to address critical issues such as potential land contamination.

The determination was subsequently appealed to the Land and Environment Court (LEC), and on 2 June 2020 a Section 34 Agreement was reached, and an amended proposal was approved by the LEC. The amendments to the design included:

- reduction in the building height from 57 metres to 34.5 metres (16 storeys to 10 storeys)
- reducing the total occupancy rate of the hostel from 311 to 182
- the building form was amended with regard to materiality and form, being more refined and quiet including the use of face brickwork and precast concrete
- the front facade was to be demolished and rebuilt with a new shopfront
- a redesigned loading dock to accommodate a small vehicle with access from the rear lane
- a schedule of sustainability commitments was provided

This consent has yet to be acted upon.

Combined subject site (806-808 and 810-812A George Street)

PDA/2024/142 – Pre-Development Application advice was given on 11 September 2024 for a 14 storey development comprising backpackers accommodation, with retail on the ground floor and a rooftop bar use. The proposed scheme was generally not supported by Council. The proposed scheme submitted as part of the subject application is based on the pre-DA scheme and subsequent advice from Council which was not supported.

Amendments

11. Following a preliminary assessment of the proposed lodged development by Council Officers, a request for additional information and amendments was sent to the applicant on 16 April 2025. The requested information/amendments included the following:
- a Detailed Environmental Site Investigation (DESI) to confirm that the site can be made suitable for the proposed use, and outline any required remediation
 - amended floor levels and an amended flood report to demonstrate compliance with the required Flood Planning Level from the City's Interim Floodplain Management Policy
 - an Historical Archaeological Assessment Report
 - a Final Wind Report that addresses Section 5.1.9 of the DCP
 - a minimum 8m setback above the street frontage to George St in accordance with the DCP controls
 - retention of more existing internal fabric and further information to demonstrate how the building and retained facade will be adequately protected and supported
 - additional survey details of the George Street facade, including window sills and headers, and the various levels of the existing building to enable a proper assessment
 - design amendments to improve the building expression, including incorporating a sill to the shopfront glazing, setback the fire booster cabinet behind the glass line, incorporate transoms and fanlights to the ground floor entrance doors, reduced glazing and greater solidity to the western facade, and remove upper level voids to reduce the bulk of the building to the rear lane
 - greater design consideration for required back-of-house and servicing required for the proposed building type
 - design amendments to improve the internal amenity of the proposed hotel and backpacker accommodation, in addition to addressing the DCP requirements for these types of accommodation
 - additional space for the required service vehicles and bike parking
 - redesign of the proposed public art, so that it is accessible or highly visible from the public domain in accordance with the City's requirements
 - additional tree planting to the upper level terraces to meet the City's requirement of 15% canopy coverage target
 - an amended Plan of Management to include operational details for the proposed small bars on the ground floor and upper levels. An acoustic report to address noise impacts of the proposed bars
 - a completed Design for Environmental Performance (DEP) form to address all the requirements of the SEPP Sustainable Buildings 2022

- amended shadow diagrams and view from the sun diagrams
 - a response to the public submissions received during public notification of the application
12. The applicant responded to the request on 5 May 2025, and submitted a letter advising Council of the intention to appeal the deemed refusal of the application. A Class 1 appeal (No.2025/00226331) was subsequently lodged with the LEC on 16 June 2025.

Proposed Development

13. The application seeks consent for extensive demolition of the existing buildings, the partial retention of the existing facade on George Street and the construction of a twelve (12) storey addition set back from George Street, with a basement level, primarily for backpackers (84 private rooms containing 577 beds) and hotel accommodation (8 private rooms), with associated bars, a café, and a rooftop swimming pool. The proposed development consists of:

Basement

- building services including a substation, storage areas and bike parking

Ground Floor

- reception area and lobby for the upper level backpackers and hotel accommodation, accessed via George Street
- cafe with internal access from the reception area
- bar with separate access from George Street and St Laurence Lane
- back-of-house facilities, including a loading dock with waste storage area
- bathroom facilities

Level 1-2

- 11 Backpacker bedrooms on each floor (22 total)
- communal bathroom facilities on each floor

Level 3

- communal living, dining and food storage area
- outdoor communal terrace
- bathroom facilities

Levels 4-6

- 8 Backpacker bedrooms on each floor (24 total)

- communal bathroom facilities on each floor

Level 7

- 6 Backpacker bedrooms
- communal bathroom facilities

Levels 8-11

- 6 Backpacker bedrooms on each floor (24 total)
- communal bathroom facilities on each floor

Level 12

- 8 hotel rooms

Level 13

- bar
- outdoor deck with swimming pool
- bathroom facilities

Level 14

- private function area with a bar and outdoor deck

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

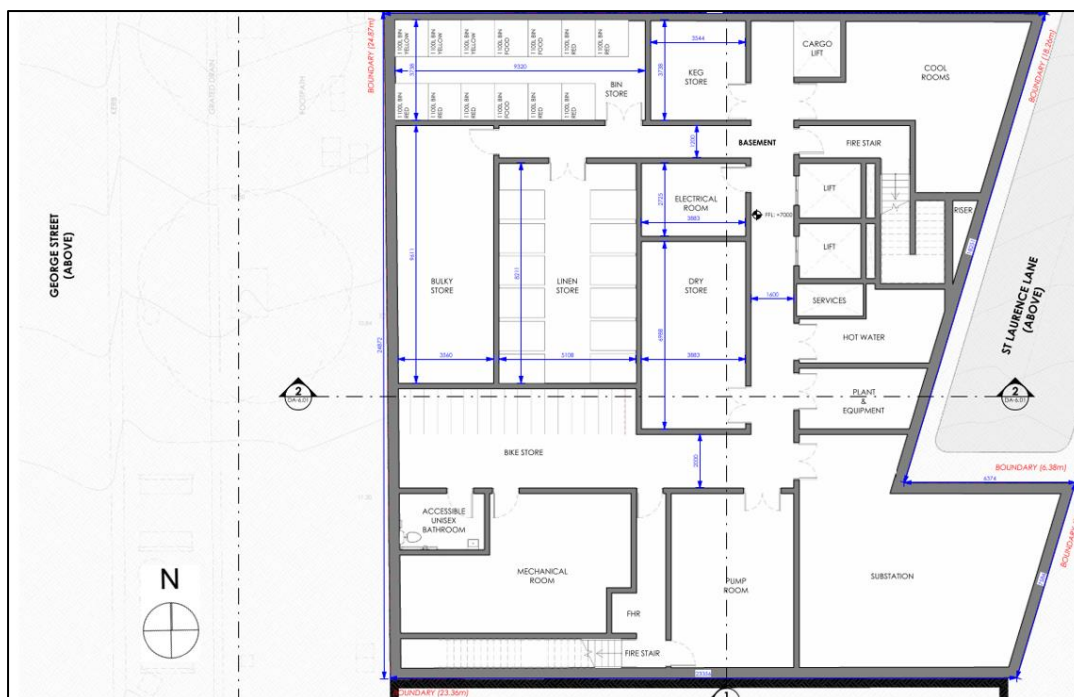


Figure 5: Proposed basement floorplan

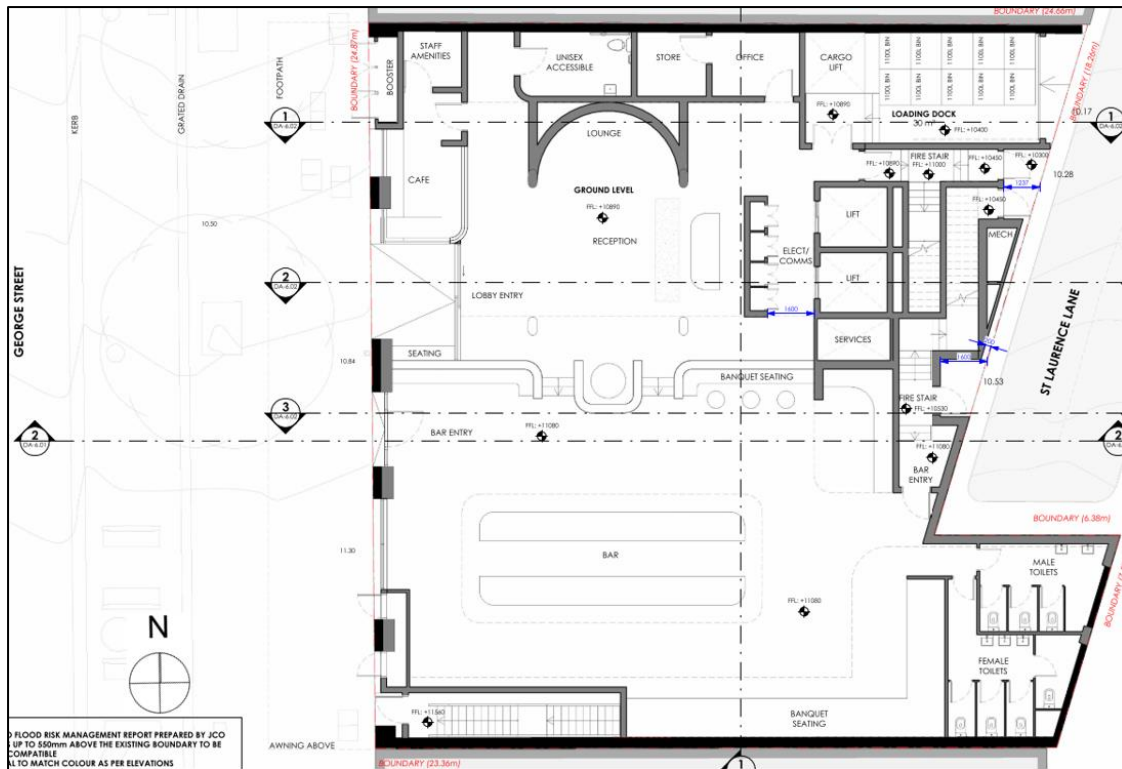


Figure 6: Proposed ground floorplan

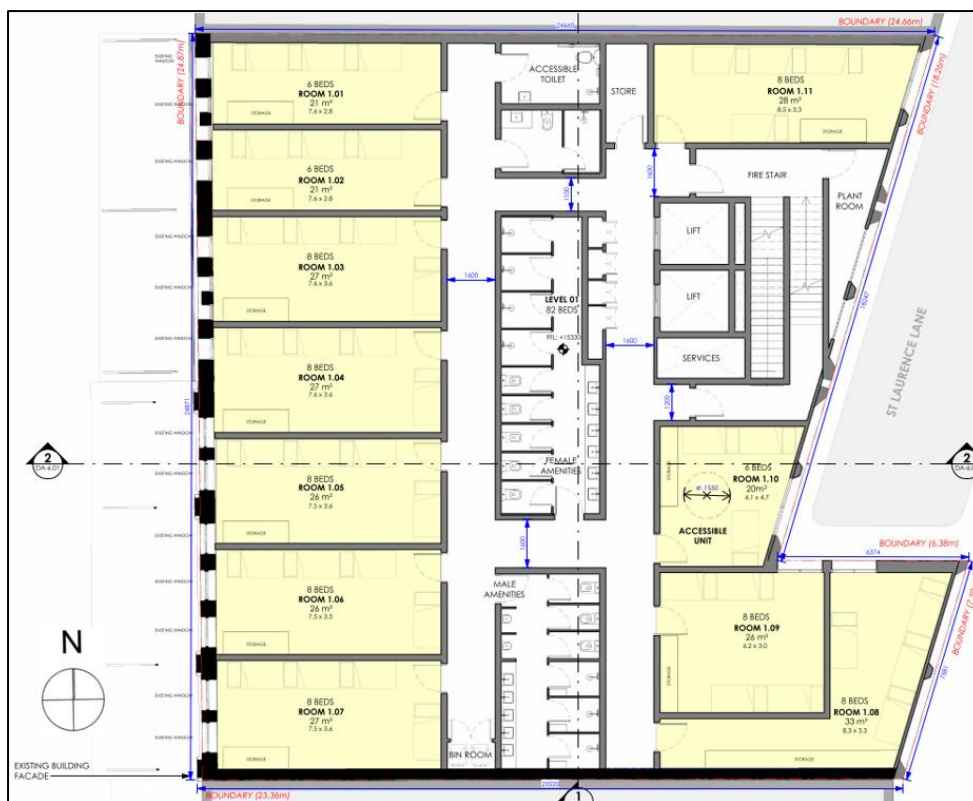


Figure 7: Proposed typical Levels 1-2 floorplan

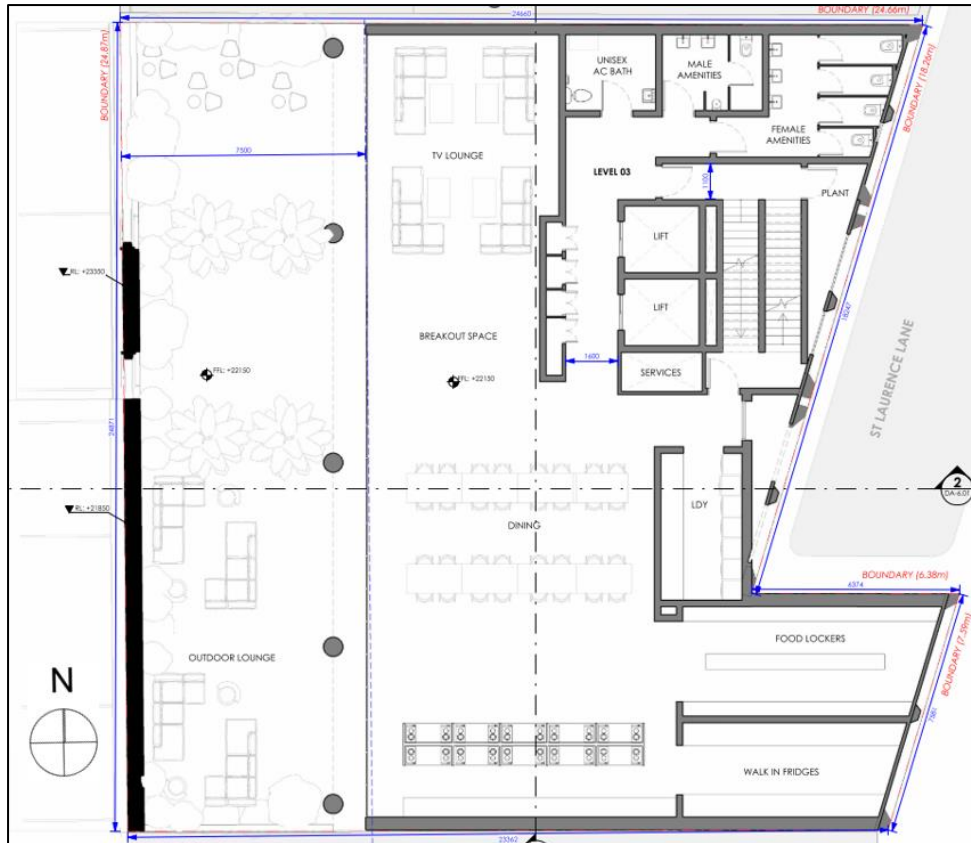


Figure 8: Proposed Level 3 floorplan

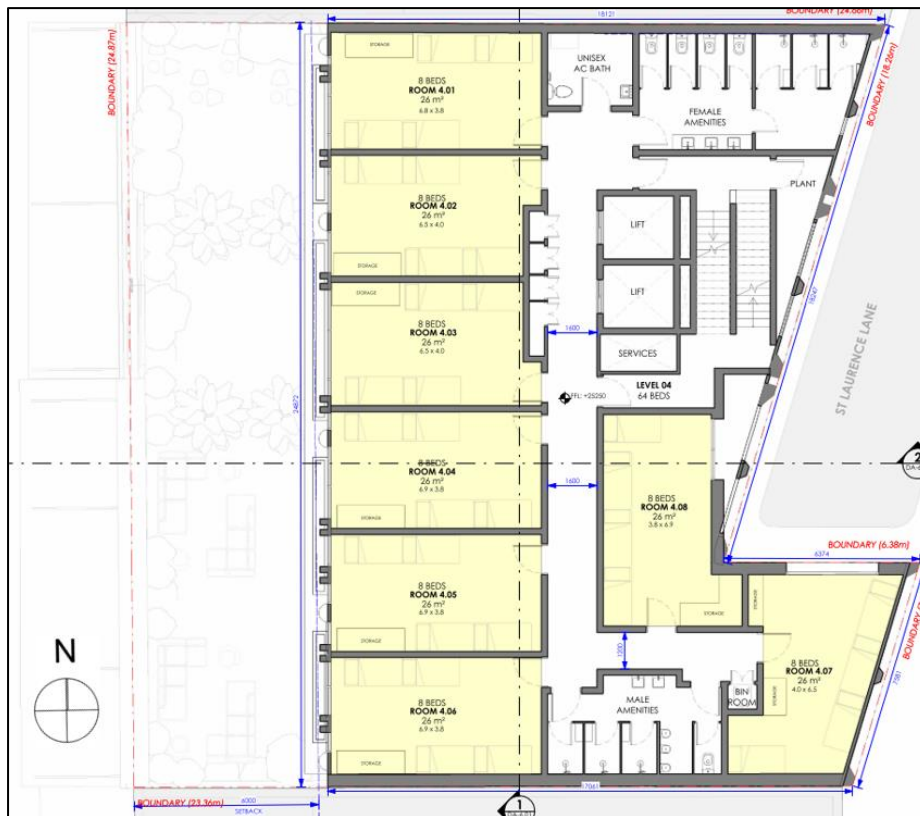


Figure 9: Proposed typical Levels 4-6 floorplan

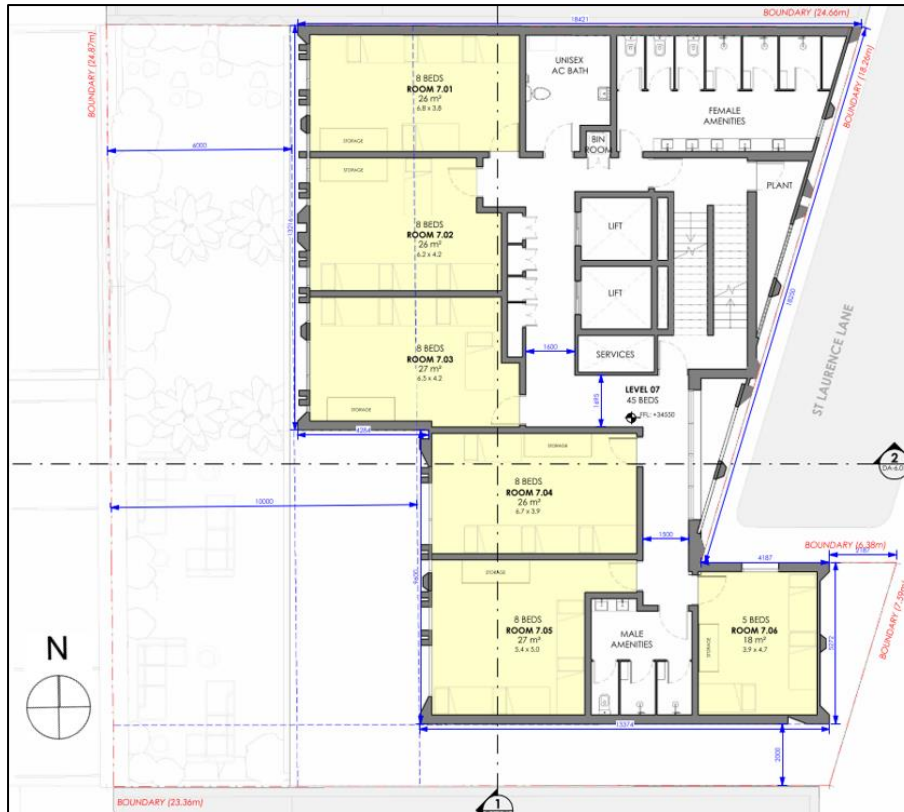


Figure 10: Proposed Level 7 floorplan

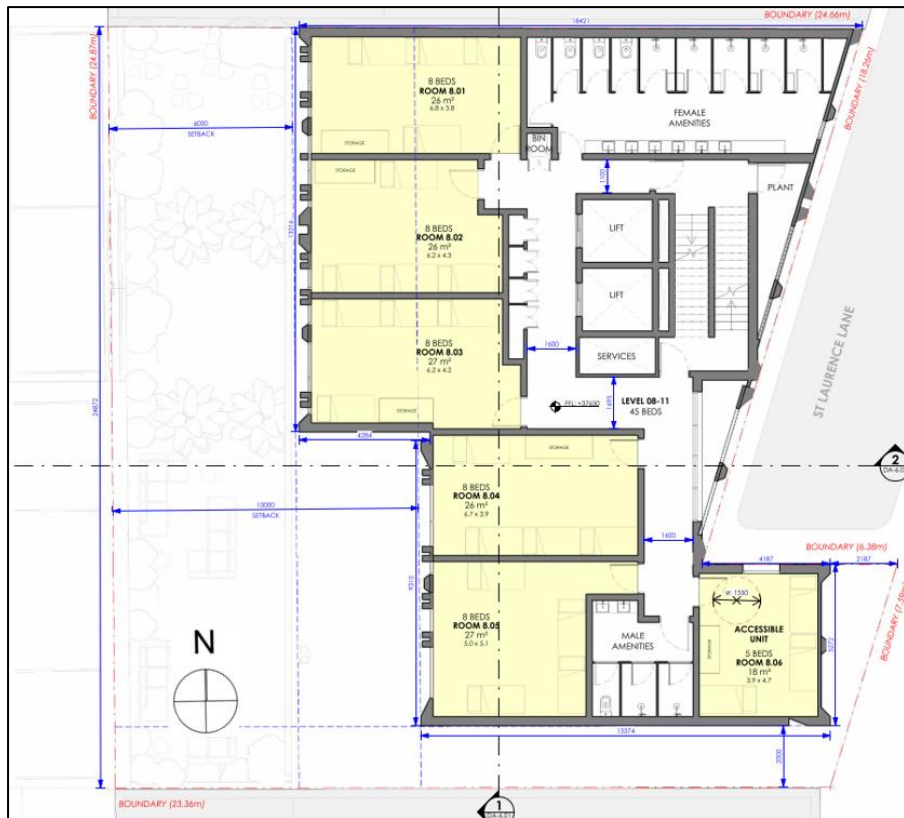


Figure 11: Proposed typical Levels 8-11 floorplan

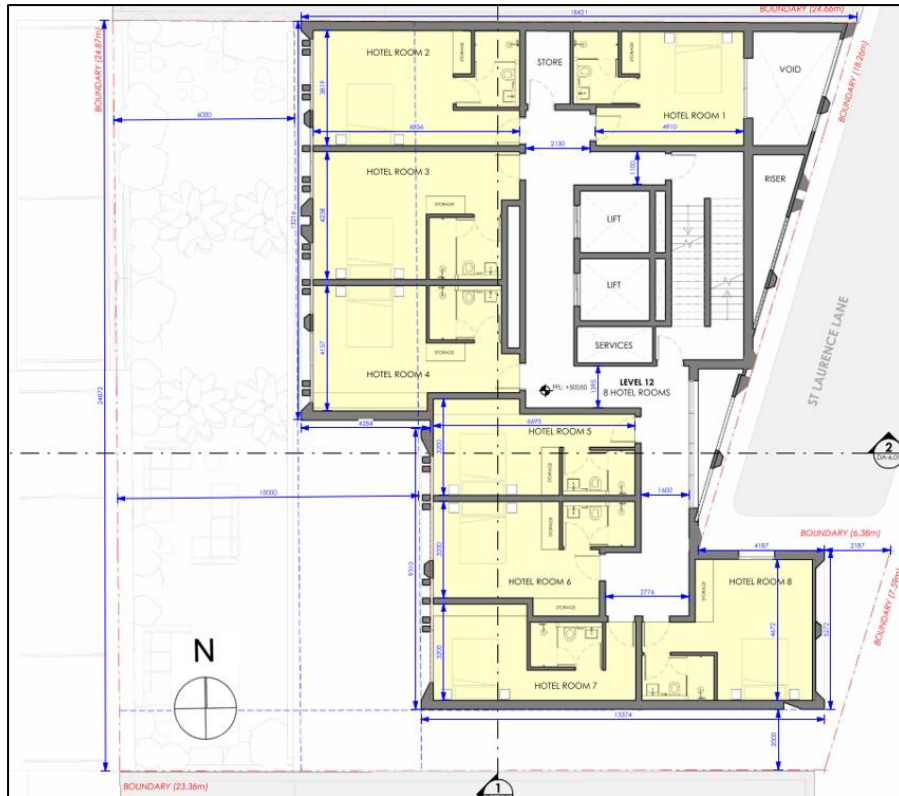


Figure 12: Proposed Level 12 floorplan

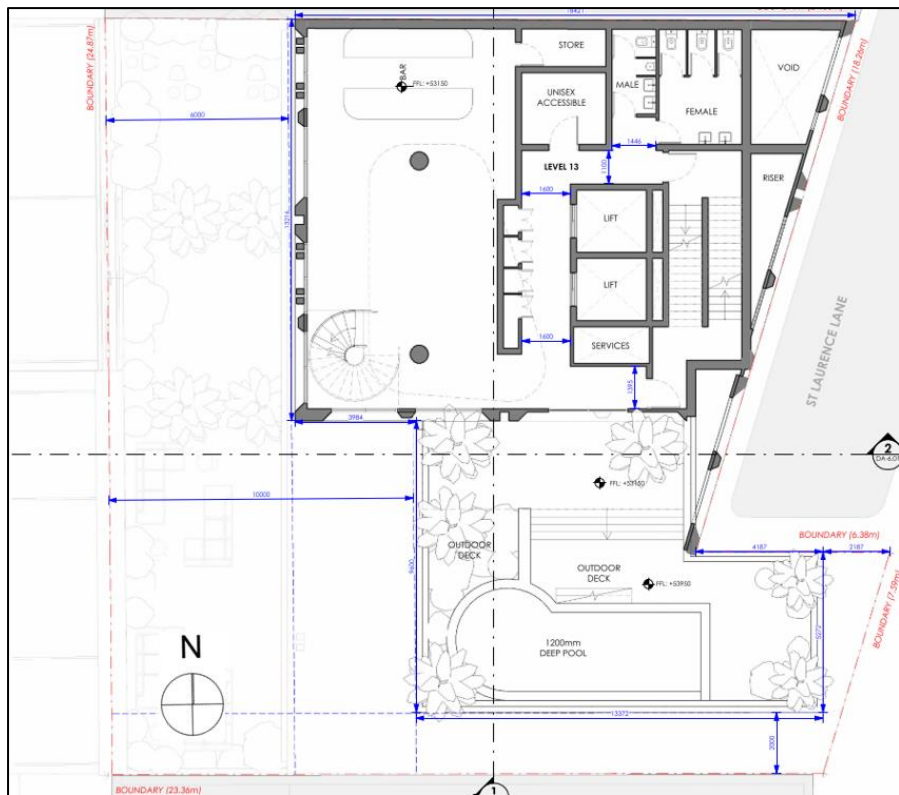


Figure 13: Proposed Level 13 floorplan

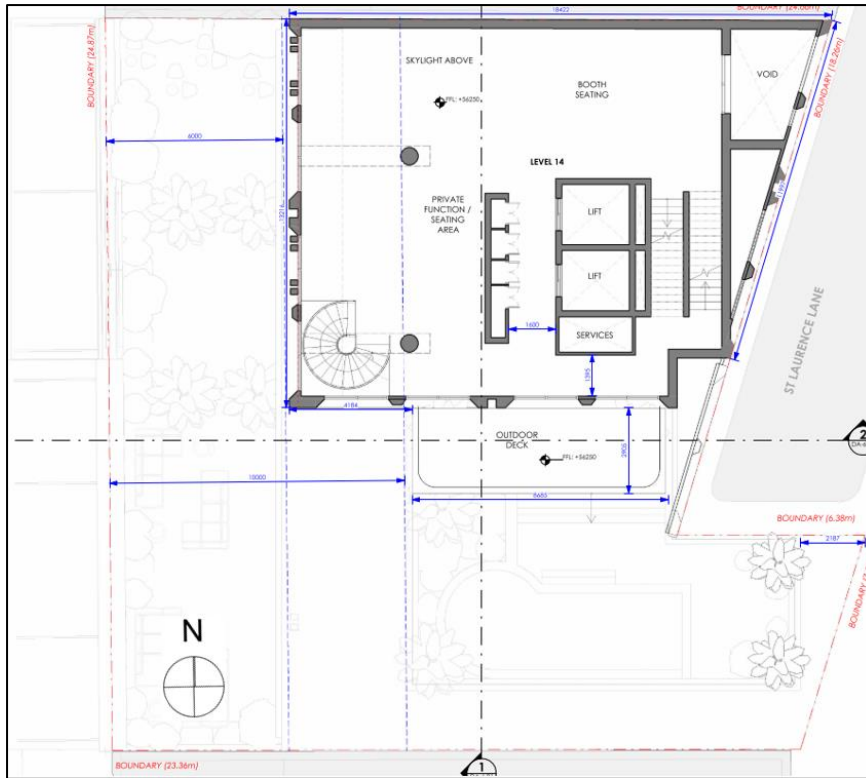


Figure 14: Proposed Level 14 floorplan

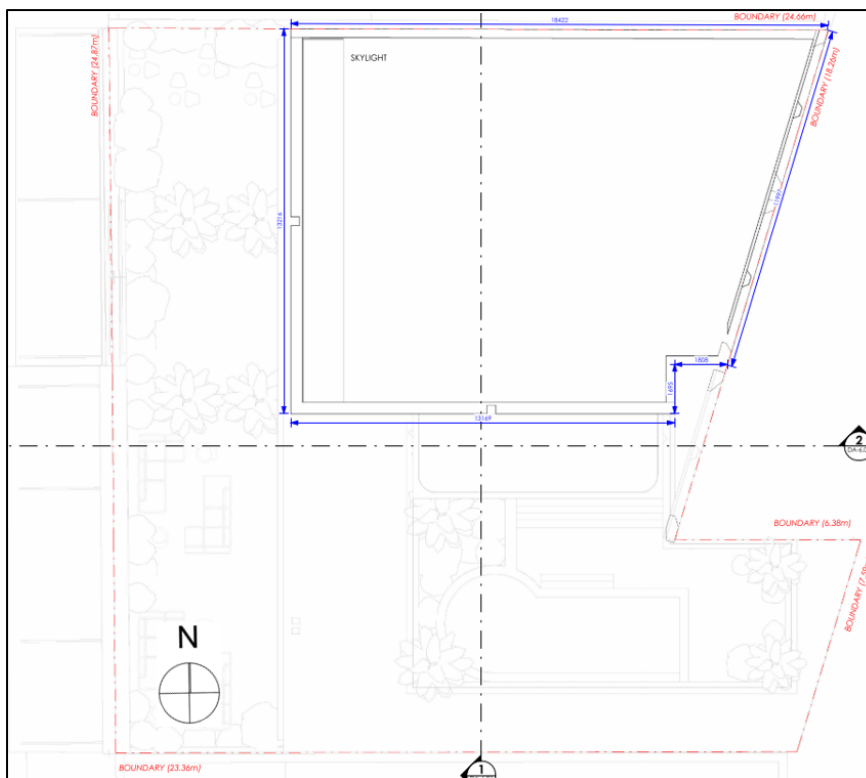


Figure 15: Proposed Roof plan

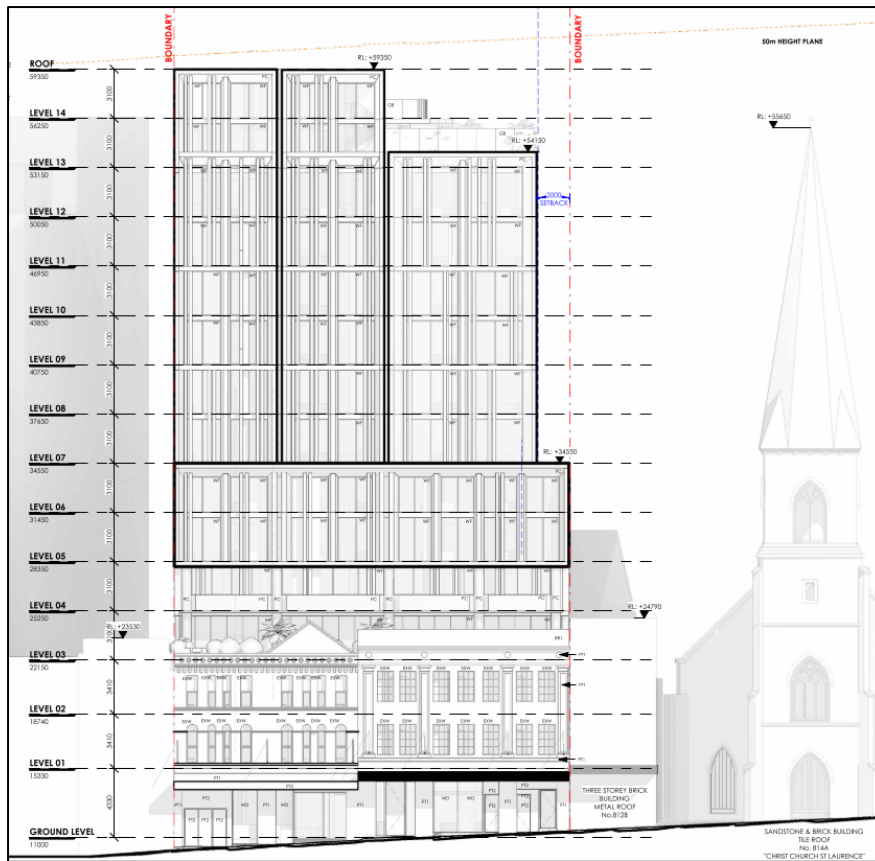


Figure 16: Proposed west (George Street) elevation

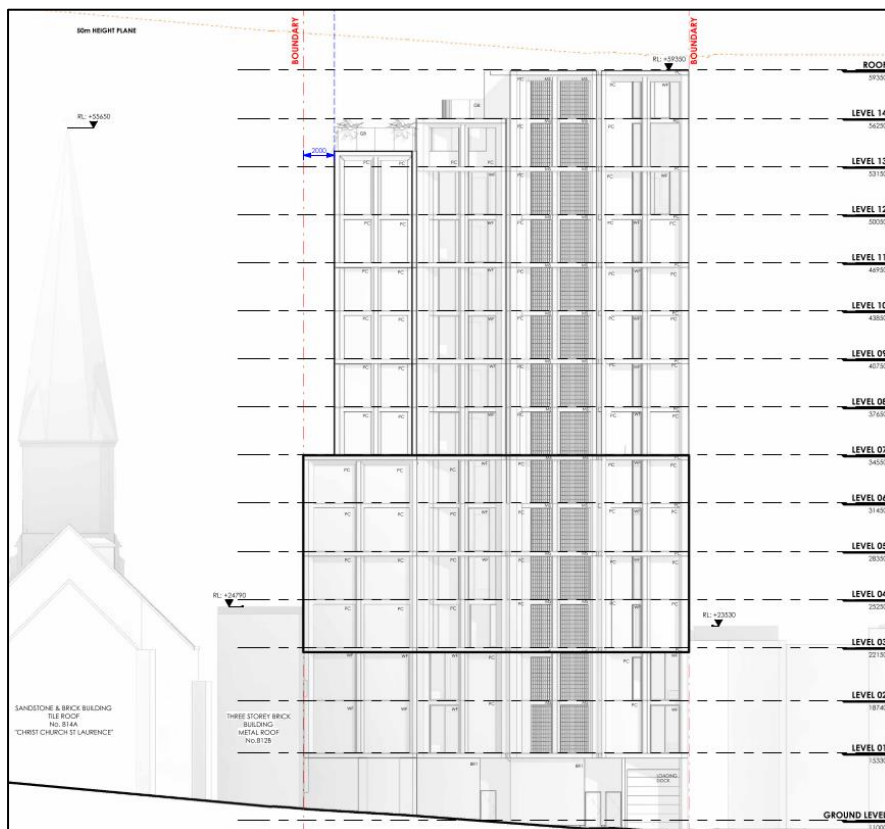


Figure 17: Proposed east (rear) elevation

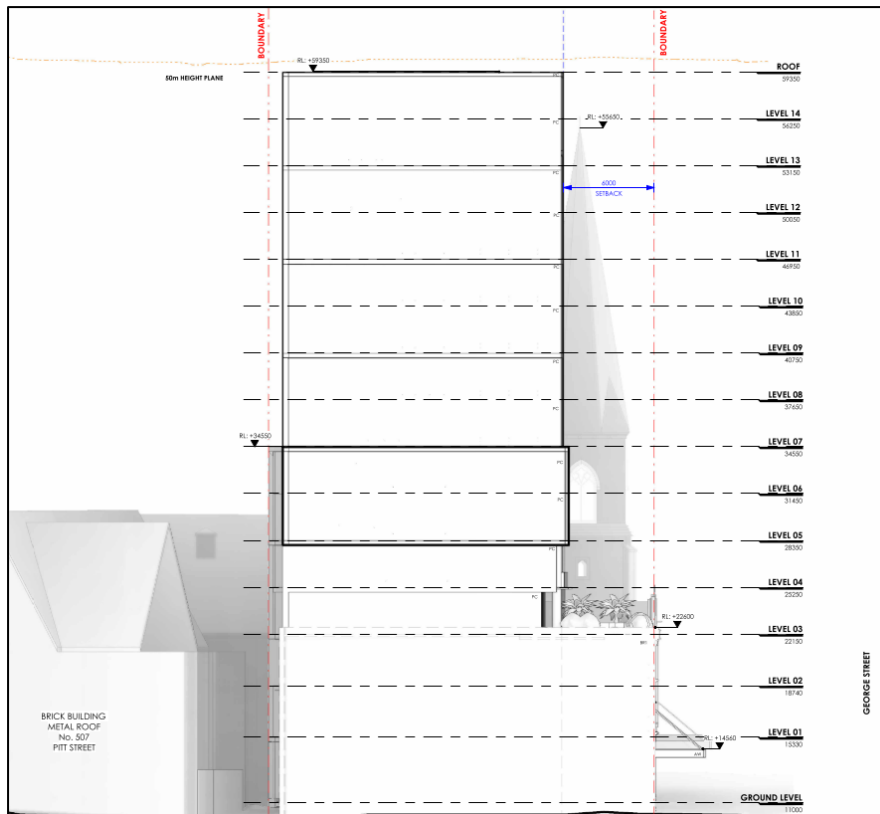


Figure 18: Proposed north side elevation

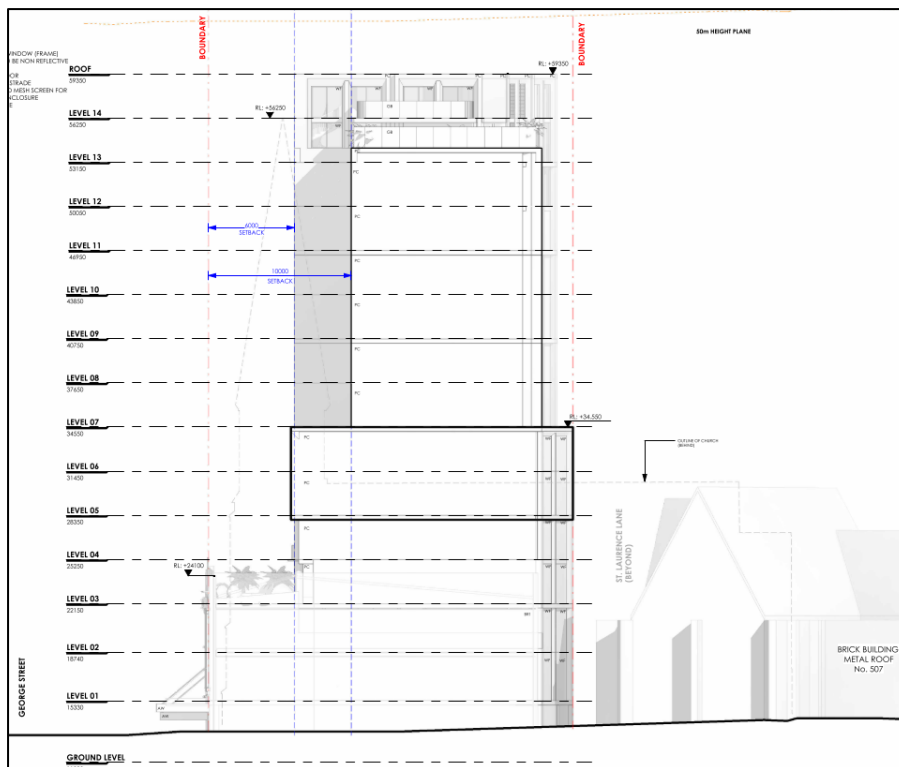


Figure 19: Proposed south side elevation

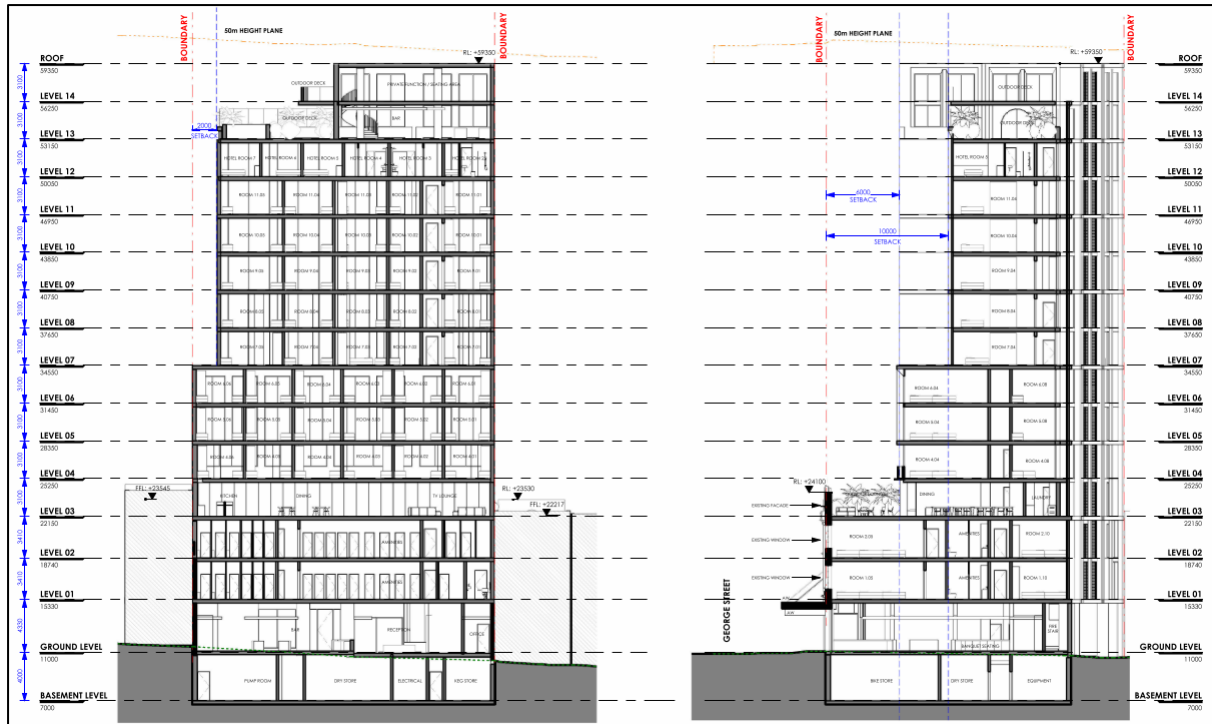


Figure 20: Proposed cross-sections

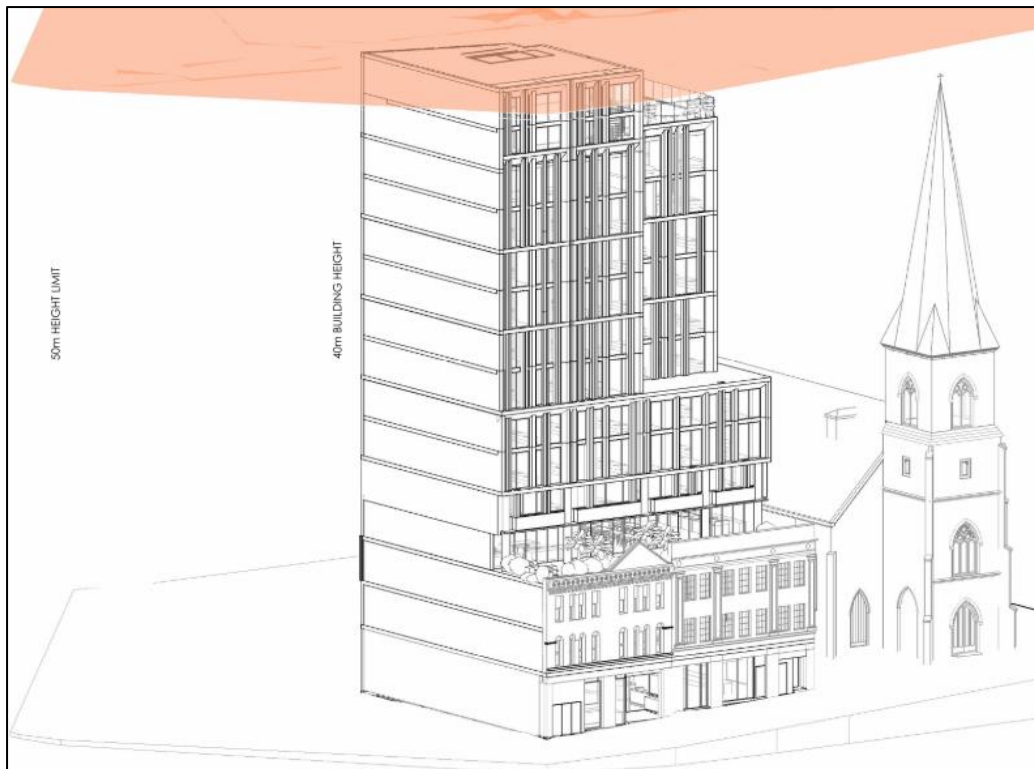


Figure 21: Proposed 3D perspective showing the 50m LEP height plane and the neighbouring church building



Figure 22: Proposed 3D perspective view from George Street

Assessment

15. 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. Clause 4.6(1) of the SEPP states that the “*consent authority must not consent to the carrying out of any development on land unless*
 - *it has considered whether the land is contaminated, and*
 - *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

- *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose”.*
34. The proposal involves the substantial demolition of the existing structures, with excavation to a maximum depth of 4m for the basement level. Locally deeper excavation for the proposed lift shafts, building footings and service trenches are also anticipated.
35. Council's Environmental Health team has reviewed the proposal and advised that the historical uses of the site indicate that there is a high potential for asbestos containing materials to be located within the site, as well as remnants of lead-based paints.
36. The SEPP also requires that for development involving a change of use, “(3) *The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*”
37. While a Preliminary Environmental Site Investigation (PESI) has been submitted and reviewed by Council's Environmental Health team, it is noted that the report recommends that a Detailed Environmental Site Investigation (DESI) be undertaken prior to demolition, as there is potential for the site to be contaminated from previous uses and activities.
38. Council's Environmental Health team recommends that the following documents be submitted prior to determination to allow for a thorough assessment and consideration of the risk of potential contamination in accordance with requirements of the SEPP:
- A Hazardous Material Survey completed by a qualified occupational hygienist and/or environmental consultant to confirm the presence of asbestos, and an Asbestos Removal Management Plan should asbestos be identified,
 - A Detailed Environmental Site Investigation (DESI) carried out by a suitably qualified and competent environmental consultant.
 - Where the DESI identifies that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant.
39. While the above documents were requested from the applicant, they have not been submitted, and therefore there is insufficient information for the consent authority to be satisfied with enough certainty that the land is suitable, or that remediation measures can be undertaken for the site to be made suitable for the proposed uses in accordance with the requirements of the SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022

40. The aims of this Policy are as follows—
- (a) to encourage the design and delivery of sustainable buildings
 - (b) to ensure consistent assessment of the sustainability of buildings

- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored
- (d) to monitor the embodied emissions of materials used in construction of buildings
- (e) to minimise the consumption of energy
- (f) to reduce greenhouse gas emissions
- (g) to minimise the consumption of mains-supplied potable water
- (h) to ensure good thermal performance of buildings

Chapter 3 Standards for non-residential development

41. 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 an estimated development cost of \$10 million or more.

Section 3.2 Development Consent for non-residential development

42. 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.

43. With regard to the above matters the applicant has submitted a Section J Report and a NABERS Embodied Emissions Materials Form, which address embodied carbon and passive design aspects through reporting. However, there are insufficient details to address all the general requirements under Section 3.2(1) of the SEPP as listed above. A completed City of Sydney Design for Environmental Performance report template was requested from the applicant to capture and to address the above requirements of the SEPP, and to identify in sufficient detail design and technology responses for environmental performance that the applicant proposes to be incorporated in the development. As a completed DEP form has not been submitted, Council is not satisfied all the requirements of the SEPP have been met.

State Environmental Planning Policy (Transport and Infrastructure) 2021

44. 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

45. The application is subject to Clause 2.48 of the SEPP as the development involves the penetration of ground within 2m of an underground electricity power line.
46. As such, the application was referred to Ausgrid for a period of 21 days and no response was received.

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

Clause 2.101 – Development within or adjacent to interim rail corridor

47. The site is adjacent to the future CBD Rail Link (CBDRL) rail corridor and was subsequently referred to Transport for NSW (TfNSW) for concurrence.
48. TfNSW responded advising that there was insufficient information to adequately assess the proposals impact on the CBDRL rail corridor. TfNSW initially requested additional information on 29 January 2025, which included an amended Geotechnical Report, updated Statement of Environmental Effects, Structural Assessment, amended Acoustic Report, amended Electrolysis Report. While the applicant responded to the request for information, and submitted updated consulting reports, a subsequent request for additional information was sent by TfNSW on 1 April 2025, requesting further amendments to the consultant reports. The applicant has not responded to the latest request for additional information from TfNSW.
49. Section 2.101(3) of the SEPP states that “*consent must not be granted to development to which this section applies without the concurrence of the relevant rail authority*”. As TfNSW responded to the concurrence request within 21 days and refused to grant concurrence, consent cannot be granted to the development. The subject application must therefore be recommended for refusal.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

50. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
51. 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 objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.
52. The proposed development is recommended for refusal, however, if it were to be supported appropriate conditions of consent would be imposed to ensure that the proposal would not have any adverse impacts on stormwater quality and runoff from the site.

Local Environmental Plans

Sydney Local Environmental Plan 2012

53. 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” specifically comprising “backpackers’ accommodation” and “hotel accommodation” with associated bars and a “café”, and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 50m is permitted. A maximum height of 48.35m is proposed.

Provision	Compliance	Comment
		<p>The proposed development complies with the maximum height of buildings development standard.</p> <p>Notwithstanding the above, it is noted that the proposed design of the building does not incorporate a parapet to the roof, nor screening for any mechanical plant and services that would be required, and which would likely project above the 50m height control.</p>
4.4 Floor space ratio	Yes	<p>A maximum floor space ratio (FSR) of 7.5:1 is permitted. Under CI 6.4, the site is eligible for additional 'accommodation floor space' of 1.5:1 for retail premise and for hotel accommodation.</p> <p>Based on the proposed distribution of land uses being 17.99% for retail and hotel accommodation, the maximum FSR available to the site is 7.77:1 or 4374.28 sqm.</p> <p>A floor space ratio of 7.77:1 or 4373 sqm is proposed.</p> <p>The proposed development complies with the maximum floor space ratio development standard.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	No	<p>The site is not identified as a heritage item and is not located in a heritage conservation area, however it is in close proximity to Christ Church St Laurence, which is identified as a State heritage item (SHR 849), as well as the associated former school and rectory which is located at 505 Pitt St and identified as a local heritage item. Other local heritage items within the vicinity of the site include:</p> <ul style="list-style-type: none"> the former "Lottery Office" at 814 George Street (1848)

Provision	Compliance	Comment
		<ul style="list-style-type: none"> “Station House” at 790- 798 George Street (1846) the former “Daking House” at 11- 23 Rawson Place (1863) former “Sutton Forest Meat” building (1843) at 761-763 George Street, opposite the site and on the corner of Valentine Street, <p>The proposed development will have a detrimental impact on the visual setting and heritage significance of the neighbouring Christ Church St Laurence.</p> <p>See further details in the ‘Discussion’ section below.</p>
5.21 Flood planning	No	Refer to "discussion" section below.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 1 Additional floor space in Central Sydney		
Subdivision 2 Types of additional floor space 6.4 Accommodation floor space 6.6 End of journey floor space	Yes	<p>Additional hotel accommodation and retail floor space of up to 1.5:1 applies to the site.</p> <p>Based on the proposed distribution of land uses being 17.99% for retail and hotel accommodation, the maximum FSR available to the site is 7.77:1 or 4374.28 sqm.</p> <p>A FSR of 7.77:1 or 4373 sqm is proposed.</p> <p>As the proposal is not used only for the purpose of “commercial premises”, it is not eligible for any additional floor space for end of journey facilities, nor does the proposal seek to rely on any additional floor space for end of journey facilities.</p>

Provision	Compliance	Comment
Division 3 Height of buildings and overshadowing		
6.16 Erection of tall buildings in Central Sydney	Yes	As the proposed building does not exceed 55m in height and complies with the maximum permitted FSR, this clause does not apply.
6.17 Sun access planes	Yes	The proposal does not project higher than any sun access planes described under Schedule 6A of the LEP.
6.18 Overshadowing of certain public places	Yes	The proposal does not result in any additional overshadowing to any of the public places identified in the LEP.
6.19 View planes	Yes	The proposal is not within any view planes described under Schedule 6B of the LEP.
Division 4 Design excellence		
6.21 Design excellence	No	<p>The proposed development is not considered to exhibit design excellence, as it is too schematic in nature and lacks sufficient detailing to achieve a high standard of architectural design appropriate to the building type and location, and does not sufficiently address the following matters:</p> <ul style="list-style-type: none"> • heritage issues, streetscape constraints, • is of an inappropriate bulk and scale, • environmental impacts, including sustainable design, noise impacts, and wind impacts, • it will have an adverse impact on the Haymarket/Chinatown Special Character Area. <p>See further details in the 'Discussion' section below.</p> <p>A competitive design process is not required, as the proposed development does not exceed 55m in height, and has</p>

Provision	Compliance	Comment
		an estimated development cost of less than \$100,000,000.

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	Yes	The SLEP 2012 does not specify minimum car parking rates. The proposed development does not include any on-site car parking.
Division 3 Affordable housing		
7.13 Contribution for the purpose of affordable housing	Yes	As the site is located within Central Sydney, and the development involves the creation of more than 100 sqm of gross floor area, it is subject to these affordable housing provisions. If the proposed development were supported, a condition of consent would be imposed requiring the payment of financial contributions under this section.
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 requiring the preparation of an Acid Sulfate Soils Management Plan.
7.16 Airspace operations	Yes	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.
7.20 Development requiring or authorising preparation of a development control plan	Yes	As the proposed building is less than 55m in height and the site area does not exceed 1,500 sqm the preparation of a site-specific Development Control Plan is not required.

Provision	Compliance	Comment
7.26 Public art	No	Refer to Section 3.1 of the SDCP compliance table below.

Development Control Plans

Sydney Development Control Plan 2012

54. 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

55. The site is located within the Haymarket and Chinatown locality. The proposed development is not in keeping with the unique character and the design principles of the Haymarket and Chinatown locality. The principles of the locality statement include *“(h) New development is to maintain and enhance vistas along Valentine Street and George Street to Christ Church Saint Lawrence at 814A George Street, and (i) Conserve and enhance the character of the area by encouraging the retention and reuse of existing nineteenth and early twentieth century commercial and warehouse buildings”*.
56. The site contains three storey masonry commercial buildings that reflect various phases of development and contribute to the fine grain character of the locality as demonstrated by their grouping, rhythm and consistency in scale. The proposal involves the substantial demolition of these building with only the George Street facades to be retained. The proposed new building is also not considered to be sufficiently setback from George St above the street frontage height in order to maintain the existing views and vistas of the prominent spire of the Christ Church Saint Lawrence when looking south along George St. Refer to “discussion” section below for details.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	No	<p><i>Public Art</i></p> <p>As the estimated cost of works exceeds \$10 million, public art is required to be provided in accordance with the City of Sydney Guidelines for Public Art in Private Development and the Public Art Policy. Council's Public Art team does not support the proposed Preliminary Public Art Plan.</p>

Provision	Compliance	Comment
3.2. Defining the Public Domain	Partial compliance	<p><i>Active frontages</i></p> <p>It is noted that both the George St and St Laurence Lane frontages require active frontages under the DCP controls.</p> <p>The existing buildings each feature a fixed solid box awning to the George St facade, with the awning of No.806-808 (north) stepping down below the height of the adjoining awning at No.810-812A (south) in response to the sloping topography along George St. The proposal retains the existing awnings and their interface with the building facade.</p> <p>Active uses (small bar and café) and shopfront glazing is proposed to the George St frontage, with a separate entrance from the street to the ground floor bar adjoining the entry lobby.</p> <p>Although St Laurence Lane also requires an active frontage and fixed awnings under the DCP controls, given that the existing and proposed buildings primarily address George St, and none of the neighbouring buildings fronting St Laurence Lane feature active frontages or awnings to the laneway, it is not considered appropriate or necessary for the proposal to provide active uses or awnings to the rear lane, noting that the section of St Laurence Lane which bounds the subject site is a dead end and therefore is not anticipated to experience a large volume of pedestrian movement, and only the loading dock and fire stairs are proposed to the rear lane.</p> <p><i>Wind effects</i></p> <p>As the proposed building exceeds 45m in height (50m) a wind report is required under the DCP controls. While a Wind Report has been submitted, it is noted that the report is marked as “draft” and does not address managing wind impacts under Section 5.1.9 of the DCP, particularly regarding the viability of the</p>

Provision	Compliance	Comment
		<p>proposed outdoor terrace areas on Levels 3, 13 and 14, which include outdoor furniture and umbrellas as depicted on the submitted Landscape Plans.</p> <p><i>Reflectivity</i></p> <p>A Reflectivity Report has been submitted, which conclude that the reflected glare from the building is acceptable subject to the recommendation that the light reflectivity from the building materials should not exceed 20%.</p>
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.
3.6 Ecologically Sustainable Development	Partial compliance	Refer to SEPP (Sustainable Buildings) discussion section above. If the proposal was supported appropriate conditions of consent would be recommended to ensure that energy and water efficient appliances are installed within the building.
3.7 Water and Flood Management	No	<p>The site is on flood prone land.</p> <p>Refer to CI 5.21 of the SLEP compliance table above.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The consolidation of the two lots is not proposed.
3.9 Heritage	No	<p>The site is not identified as a heritage item or within a heritage conservation area.</p> <p>Refer to CI 5.10 of the SLEP compliance table above and the “discussion” section below.</p> <p>The site is identified to have archaeological potential under the Central Sydney Archaeological Zoning</p>

Provision	Compliance	Comment
		Plan, and given the proposal involves extensive demolition and excavation for the proposed basement level, an archaeological assessment is required to be submitted under the DCP controls. An archaeological assessment has been requested, and has not been submitted.
3.11 Transport and Parking	No	<p>The DCP controls require a minimum of 79 bike spaces (65 for the backpacker use, 1 for the hotel use, 10 for the bars, and 3 for the cafe) to be provided in addition to end of trip facilities (lockers, change area and shower facilities).</p> <p>The proposed development provides an area in the basement intended for 65 bike spaces dedicated to the backpacker use, adjacent to an accessible bathroom. Council's Transport and Access team have reviewed the proposal, and notwithstanding the shortfall of 14 bike spaces for the hotel, café and pub uses, concerns are raised that the nominated bike storage area is insufficient in size to accommodate the proposed 65 bike spaces and associated end of trip facilities in accordance with the Australian Standards.</p> <p>Council's Transport and Access team also advise the proposed single service vehicle space is insufficient for the proposed uses, and a minimum of three service vehicle spaces should be provided. It is also noted that as the submitted Traffic Report does not include a swept path analysis, it is unclear whether the largest service vehicle is able to enter and exit the site in a forward direction.</p>
3.12 Accessible Design	Yes	An Access Report prepared by Code Performance has been submitted to demonstrate 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.

Provision	Compliance	Comment
		Appropriate accessible facilities are provided.
3.13 Social and Environmental Responsibilities	Partial compliance	<p>The proposal provides active uses to the primary George St frontage and incorporates clear unobstructed glazing to the shopfronts to ensure passive surveillance to the street.</p> <p>The CPTED report submitted notes the rear lane frontage has limited passive surveillance and recommends the building design be refined to eliminate concealment/ entrapment points along the rear lane. The recommendations of the CPTED report are not incorporated into the proposal and are further evidence of the lack of detail required for assessment.</p>
3.14 Waste	Yes	The proposal provides an adequate waste storage area in the basement. It is noted that the waste collection arrangements are at grade with a wheel-out wheel-back arrangement, and Council's Waste Management team does not object to the proposed waste management arrangements.
3.15 Late Night Trading Management	Partial compliance	<p>The site is located in a located in a Late Night Management Area and the proposed bars on Ground level, Level 13 and 14 are defined as a category A – High Impact premises (a premises that has a capacity of more than 120 patrons where the primary purpose is the sale or supply of liquor for consumption on the premises).</p> <p>The DCP permits the following trading hours:</p> <ul style="list-style-type: none"> • Base indoor trading hours between 6am to 12am (midnight), with extended trading permitted (in 3 hour increments) up to 24 hours, on a trial basis, and • External base trading hours between 9am to 10pm, and

Provision	Compliance	Comment
		<p>extended trial hours between 10pm to 1am the following day.</p> <p>The proposed trading hours for all three bars is between 6am to 12am (midnight) with a patron capacity of 200 persons for each bar.</p> <p>While the proposed trading hours are within the DCP permitted base hours, it is noted that the Level 13 and 14 bars feature adjoining outdoor decks. If the subject application were recommended for approval, it would be considered appropriate to impose conditions of consent to restrict the use of the outdoor decks in accordance with the permitted DCP outdoor operating hours.</p> <p>While a Plan of Management (PoM) has been submitted for the hotel, backpacker and bar uses which generally addresses the 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 (RSA), and measures for addressing and registering complaints, it is noted that general arrangement plans for the bars have not been provided, and it is unclear whether they will function as one venue and/or how each venue will be managed with consideration to the hotel/backpacker accommodation.</p>
3.16 Signage and Advertising	Yes	Signage has not been proposed as part of this application
3.17 Contamination	No	<p>Insufficient information has been submitted to allow Council to meet its obligation to determine whether the development be restricted due to the presence of contamination.</p> <p>Refer to discussion under “<i>State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land</i>” above.</p>

Provision	Compliance	Comment
3.18 Acoustic Amenity	No	<p>While an Acoustic Report prepared by PWNA has been submitted with the subject application, it is noted that there are inconsistencies with the assumptions of the acoustic report and submitted PoM regarding patron numbers of the proposed bars. The recommendations and findings of the acoustic report are based on assumed patron capacities of up to 150 patrons internally each for the Level 13 and 14 bars, while the PoM states that the maximum capacity for each bar is 200 patrons.</p> <p>In addition to the above discrepancy, the submitted acoustic report also does not address all the relevant provisions of Section 3.18 of the DCP regarding the impacts of the proposed bars (as new entertainment sound generating activities), given that the subject application was submitted before Section 3.18 of the DCP came into force, noting that there are no savings provisions.</p> <p>While an updated acoustic report was requested, no response has been received, and as such there is insufficient information to demonstrate that the proposal complies with this section for the DCP regarding noise impacts to neighbouring sensitive uses.</p>

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.2 Floor to ceiling heights and floor to floor heights	No	<p>The DCP controls require a minimum floor to floor heights of 4.5m for the first basement level (in Central Sydney) and for ground floor, and 3.6m for any commercial floors above.</p> <p>The proposal provides floor to floor heights of 4m for the basement, 4.3m to</p>

Provision	Compliance	Comment
		<p>the ground floor, 3.4m for Levels 1 and 2, and 3.1m for the floors above.</p> <p>While the proposal seeks to retain the existing floor levels from ground floor to Level 3, no justification has been provided for the non-compliant floor to floor heights of the upper levels. It is also noted that given the proposed building height is close to the permitted maximum height of 50m under the LEP control, increasing the floor to floor heights to comply with the DCP controls may increase the overall building height, and breach the LEP maximum height control.</p>
4.2.3 Amenity		
4.2.3.3 Internal common areas	No	<p>The internal corridors to the upper level backpackers and hotel accommodation feature widths that are less than the required 2m (1.6m) in front of lift lobbies, while also featuring cupboards with doors opening outwards that further reduce the usable width of the corridors.</p> <p>The corridors on Levels 1-7 also do not feature any external openings to allow for daylight and outlook.</p>
4.2.3.4 Design features to manage solar access	Yes	No sun shading devices are proposed.
4.2.3.5 Landscaping	Partial compliance	<p>The proposal incorporates landscaping in the form of planters to the Level 3 and 13 outdoor terraces/decks.</p> <p>The proposed landscaping is generally supported by Council's Landscape Officer.</p>
4.2.3.6 Deep Soil	Yes	As the site is located within Central Sydney, there is no minimum requirement for deep soil area.

Provision	Compliance	Comment
4.2.3.10 Outlook	Yes	The proposal is not considered to unreasonably impact the outlook from surrounding residential development.
4.2.3.11 Acoustic privacy	No	Refer to Section 3.18 of the DCP compliance table above.
4.2.4 Fine grain, architectural diversity and articulation	Partial compliance	The total street frontage of the development is less than 40m (25m to George St). While the proposed development provides a varied setback to George St on the upper levels, the non-compliance with the required 8m setback above street frontage height under the DCP controls for Central Sydney is not supported. Refer to “discussion” section below.
4.2.6 Waste and recycling Management	Yes	<p>The proposal provides sufficient waste storage areas in the basement and Ground floor loading dock, and is able to meet the requirements of the City of Sydney Guidelines for Waste Management in New Development.</p> <p>Refer to Section 3.14 of the DCP compliance table above.</p>
4.2.7 Heating and cooling infrastructure	Yes	The proposal does not include any residential development. Space is provided in the basement and on each upper level for plant equipment and services. Although it is noted that no allowance has been made for any potential rooftop plant equipment.

4.4 Other Development Types and Uses

4.4.8 Visitor accommodation

Provision	Compliance	Comment
4.4.8.1 General	Partial compliance	The hotel and backpacker accommodation does not share common access ways with adjoining properties.

Provision	Compliance	Comment
		While a Plan of Management has been submitted for the backpacker and hotel use, it does not specify that an on-site manager must be available when guests have access to the premises as per the DCP controls.
4.4.8.3 Additional provisions for hotels, private hotels and motels	Partial compliance	<p>The submitted PoM states that the maximum length of stay for hotel guests is 3 months, and that each hotel room is not to be occupied by more than two guests.</p> <p>Each hotel room is large enough to accommodate two guests based on the minimum requirement of 5.5 sqm per person.</p> <p>The DCP controls also require that lockers or storage facilities with a minimum capacity of 0.6 cubic metres per person to be provided. The submitted plans do not identify storage space for hotel guests. An additional storage plan was requested to demonstrate compliance, however a response was not received.</p>
4.4.8.4 Additional provisions for backpacker accommodation	Partial compliance	<p>The site is located in close proximity to light rail stations along George St.</p> <p>The proposal provides predominantly 8 guest bedrooms, with some smaller rooms for 6 and 5 guests. The bedrooms exceed the minimum room size requirements of the DCP based on 3.25 sqm per person.</p> <p>It is noted that the DCP controls restrict the length of stay for backpacker accommodation to no more than 28 consecutive days, while the submitted PoM states that the maximum length of stay is 3 months. It has also not been demonstrated that there is sufficient space in each room for securable storage facilities with minimum capacity of 0.6 cubic metres per person as required by the DCP controls.</p> <p>Based on the proposed total number of backpacker beds (577), an area of 432</p>

Provision	Compliance	Comment
		<p>sqm is required for communal recreation, with no more than 20% of the total area comprising communal outdoor facilities. The communal recreation area provided on Level 3 has an indoor area of approximately 180 sqm, and an outdoor terrace of approximately 172 sqm for a total area of 352 sqm. This represents a shortfall of 80 sqm, with almost 50% of the total area being the outdoor terrace. In addition, the submitted PoM does not specify restricting the use of the outdoor area to before 10pm as required by the DCP controls.</p> <p>A communal kitchen and dining area is also provided within Level 3 communal space. Communal bathrooms are also provided on each backpacker floor.</p> <p>While a site managers office is provided on the ground floor, no separate staff room has been provided.</p>

Section 5 – Specific Areas

Provision	Compliance	Comment
5.1 Central Sydney		
5.1.1 Built form controls	Partial compliance	Refer to “discussion” section below.
5.1.2 Development outlook and demonstrating amenity compliance	Partial compliance	<p>The proposed development does not include residential or serviced apartments.</p> <p>A minimum outlook field depth of 6m for windows or balconies above the street frontage height up to 45m above ground is required by the DCP controls.</p> <p>The proposed backpacker and hotel room windows face the public domain, and do not borrow amenity from other development sites. However, it is noted that the windows of room 08 on Levels 4-6 and hotel room 1 on Level 12 face</p>

Provision	Compliance	Comment
		an internal void to St Laurence Lane. Refer to “discussion” section below.
5.1.3 Heritage item, warehouses and special character areas	No	Refer to “discussion” section below.
5.1.4 Building exteriors	No	<p>As mentioned above, the proposal does not appropriately consider the neighbouring heritage item of Christ Church St Laurence in terms of the proposed setbacks to George St.</p> <p>While the intent to retain the existing George St facade is supported in principle, insufficient information has been submitted to demonstrate that this is feasible with the proposed scheme.</p> <p>The proposed upper level additions include large areas of glazing, which will reduce the amenity of the backpacker and hotel rooms, and is contrary to the DCP controls which require predominantly masonry facades, and emphasise avoiding extensive glazing. Refer to “discussion” section below.</p>
5.1.7 Sun protection of public parks and places	Yes	<p>The site is located within the area affected by the Prince Alfred Park Sun Access Plane. The proposal does not project higher than the sun access plane as described under Schedule 6A of the LEP.</p> <p>The proposal is not considered to result in any additional overshadowing to any protected parks and places listed under the SLEP.</p>
5.1.8 Views from public places	Yes	The proposed development does not diminish any significant views to and from Railway Square or the Central Sydney Clock Tower.
5.1.9 Managing wind impacts	No	While a Wind Report has been submitted, it does not address all the provisions under Section 5.1.9 for managing wind impacts, particularly regarding wind impacts to the proposed

Provision	Compliance	Comment
		outdoor terrace areas on Levels 3, 13 and 14, which include outdoor furniture and umbrellas as depicted on the submitted Landscape Plans.

Discussion

Flooding

57. The site is identified as being subject to 1% Annual Exceedance Probability (AEP) flooding.
58. A flood report prepared by JCO Consultants has been submitted to address the City's Interim Floodplain Management Policy and 1% AEP and Probable Maximum Flood (PMF) levels. The flood report has been reviewed by Council's Flood Engineer, who has advised that while the proposed ground floor level complies with the 1% AEP, as the ground floor has access points (lifts and stairs) to the proposed basement level, the City's Interim Floodplain Management Policy stipulates a flood planning level of 1% AEP + 500mm, which the proposal does not comply with. An analysis of each entry point to the building (including fire stairs) has also not been provided in the submitted flood report to sufficiently demonstrate compliance with the requirements of the City's Flood Policy.
59. Clause 5.21 of the LEP states that *"(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood"*
60. The LEP also requires the consent authority to consider *"(3)(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood"*.
61. Given that the proposal does not fully comply with the required 1% AEP + 500mm flood planning level, and does not propose adequate measures to mitigate flood risk in accordance with the Flood Policy, the consent authority cannot be satisfied that the proposal will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, or that the proposal incorporates appropriate measures to manage risk to life in the event of a flood. Therefore, consent cannot be granted to the development, and it is recommended for refusal.

Design Advisory Panel Residential Subcommittee

62. The proposed scheme was presented to the City's Design Advisory Panel Residential Subcommittee for review and comments on 1 April 2025. The panel raised a number of concerns and recommendations with the proposed scheme. These are summarised as follows:

- The proposal is too schematic, and there is insufficient information in the submitted application to allow for a thorough review. The inclusion of more specific spatial and operational requirements for access, services and facade detail is likely to necessitate significant changes to the internal planning arrangements.
- Given that the proposed basement substation is not accessible from the street, it is unclear whether it meets any access requirements from Ausgrid.
- A BCA report specific to the DA design must be provided listing each item that would need design and planning changes to achieve compliance.
- The proposal is considered to provide insufficient amenity for the backpacker and hotel accommodation. Design changes are recommended to improve internal amenity, including separating bathrooms from common corridors and bedrooms by airlocks to reduce noise and light-spill issues, relocating bin rooms away from bedroom doors, incorporating small informal social spaces to relieve long corridors and providing additional access to natural light and ventilation.
- The room layouts of the lower levels should be reconsidered so that the existing retained windows are not dissected by dividing walls.
- Given the extent of glazing proposed for the new additions, sun shading should be provided and the use of dark tinted glass avoided.
- Concerns regarding the lack of detailed design considerations, including the low 3.1m floor to floor height of the Level 3 communal area, insufficient capacity of the Level 13 pool and deck based on proposed occupancy levels, insufficient details of the roof structure and potential inclusion of detailed design elements which may breach the LEP height control, and no reference to irrigation or plant maintenance for the Level 3 planters.

63. The majority of the issues raised were also mentioned in Council's request for additional information and amendments sent to the applicant on 16 April 2025. The main issues are discussed in further detail below.

Setback above street frontage height

64. The site is located within the Haymarket/ Chinatown Special Character Area under the DCP.
65. Section 5.1.1 of SDCP 2012 requires a street frontage height for new buildings located within the Haymarket/Chinatown Special Character Area of no greater than 20 metres above ground level, with a minimum setback of 8 metres above the street frontage height to George St for the site. The DCP also specifies that no variation is permitted to the required 8m setback for the subject site.

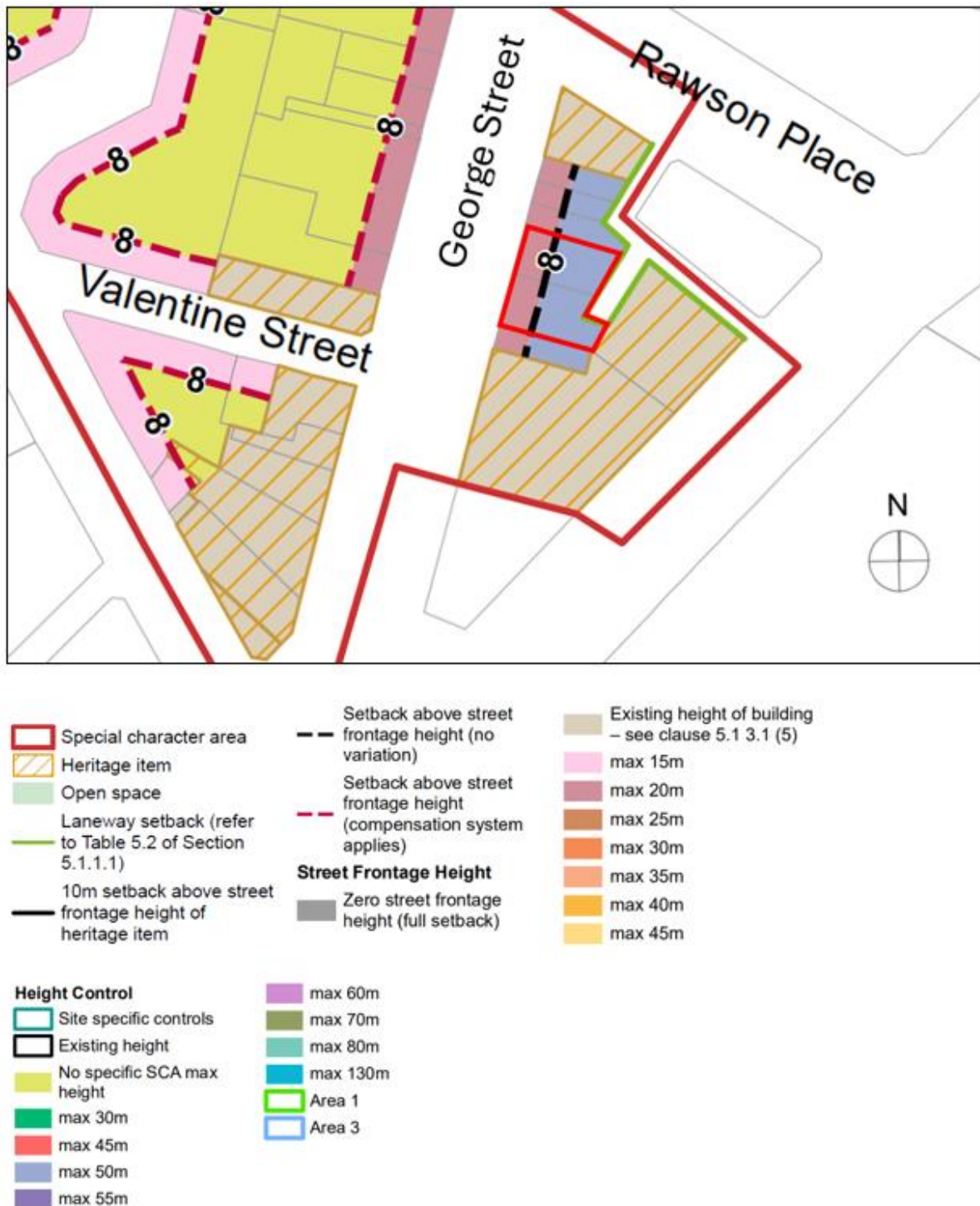


Figure 23: Street frontage and setbacks map under Figure 5.9 of the DCP, showing the subject site

66. The proposal retains the existing George Street facade which provides a street wall height of approximately 13.5m to the top of the parapet and complies.
67. As the proposed building is less than 55m in height, there are no minimum side or rear setback requirements under the DCP controls.

68. The proposal provides a 6m setback to George St above the street wall height from Levels 4 to the top of building, with the southern portion of the building providing a greater 10m setback from George St on Levels 7-14. While a greater 10m setback could be supported, the DCP indicates that there is to be “no variation” to the minimum 8m setback above street frontage height applicable to the subject site. It was also noted in the previous pre-DA advice (PDA/2023/142) that non-compliance with the DCP minimum setback control would not be supported.
69. The objectives of this section of the DCP include; “(d) To enhance the heritage significance of heritage items and their settings; (e) To enhance existing public views and public vistas to heritage items and places of historic and aesthetic significance; and (f) To ensure development has regard to the fabric and qualities of heritage items within Special Character Areas in respect of scale, form, modulation, articulation, proportion, street alignment, materials and finishes”. In addition, the objective of Section 5.9.5 of the DCP relating to development in the vicinity of heritage items is to “(a) Ensure that development in the vicinity of heritage items is designed and sited to protect the heritage significance of the item”.
70. It is noted that the neighbouring State heritage item of Christ Church St Laurence at 814A George St is a visually prominent landmark, particularly the church spire which is highly visible from the surrounding streets. The DCP locality statement for Haymarket and Chinatown also specifically mentions that “New development is to maintain and enhance vistas along Valentine Street and George Street to Christ Church Saint Lawrence at 814A George Street”.
71. The submitted DA package includes a view analysis from the surrounding streets of a complying building envelope (setback 8m above street frontage height). However, it is noted that no comparison images have been included in the analysis which show the proposed building envelope with a reduced 6m setback to George St. The submitted site survey indicates that the rear of the church spire is setback 8m from George St as shown below.

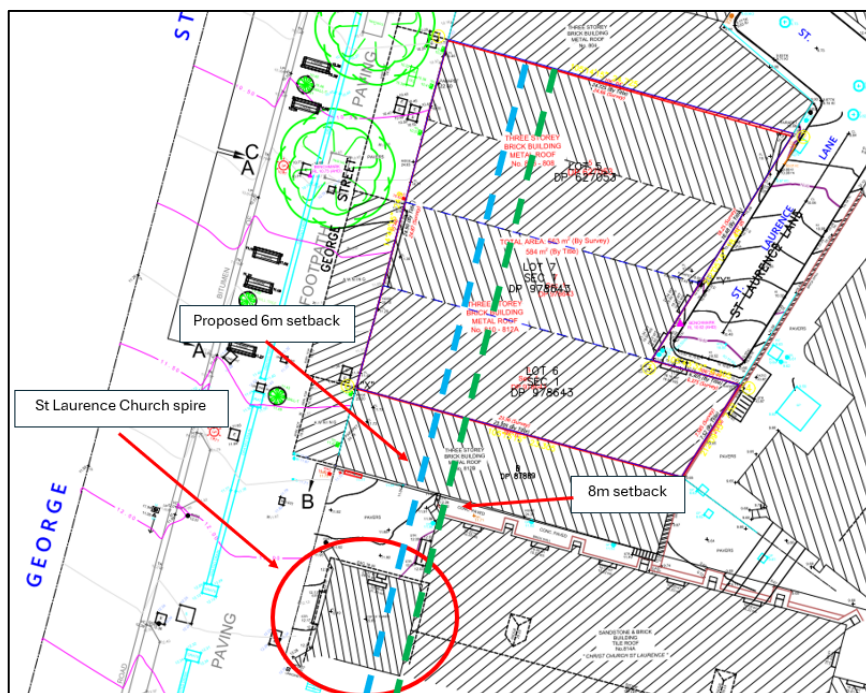


Figure 24: Site survey showing 6m and 8m setbacks from George St in relation to Christ Church St Laurence

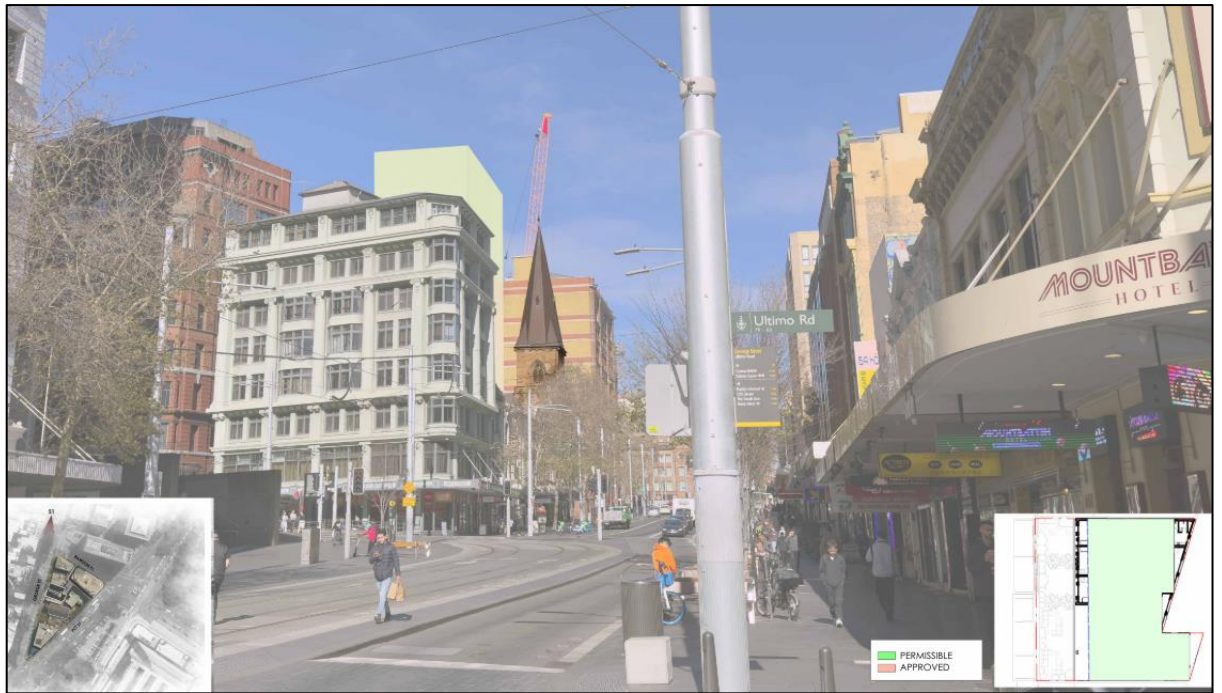


Figure 25: View analysis by applicant depicting a compliant building envelope, looking south along George St from the intersection with Ultimo Rd

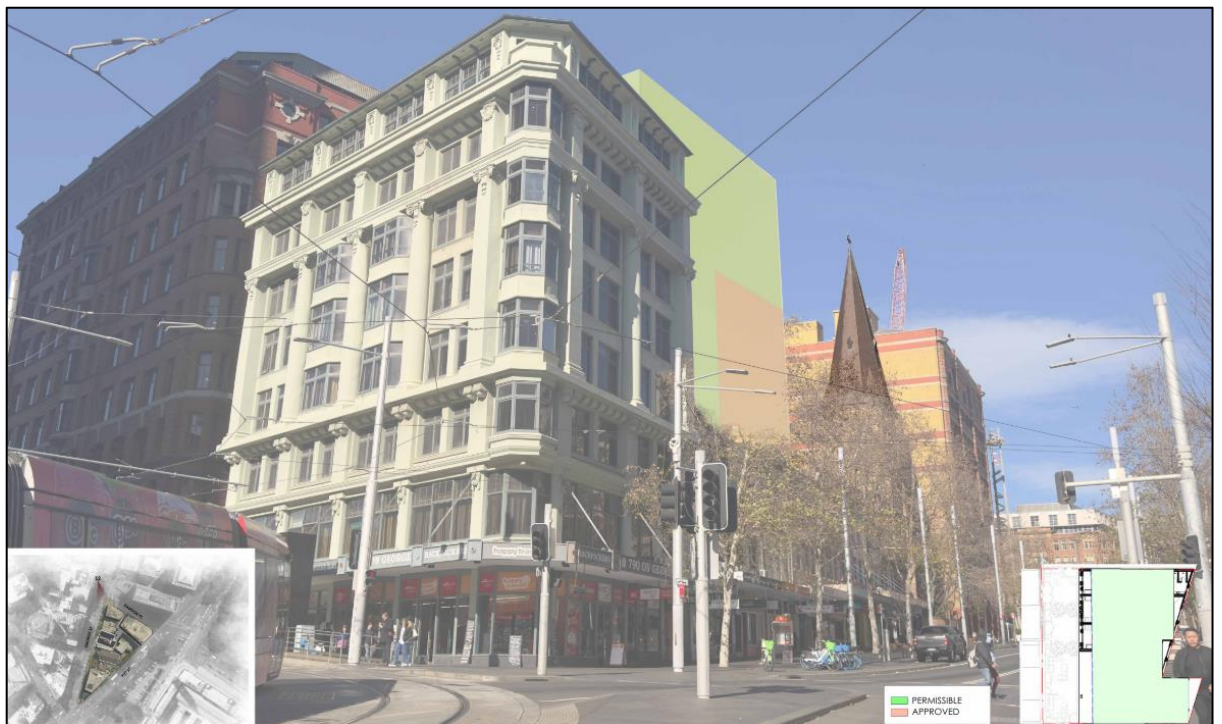


Figure 26: View analysis by applicant depicting a compliant building envelope, looking south along George St

72. The above view analysis indicates that a compliant building envelope setback 8m from George St above the street wall will allow the spire of Christ Church St Laurence to be viewed in its entirety when looking south along George St. However, as no comparison images have been submitted to show the proposed building envelope, it is unclear as to the extent of visual impacts the proposed 6m setback would have on the setting, prominence and views of the church spire. The reduced 6m setback would set an undesirable precedent for the three neighbouring properties to the north at No.800-804 George St, and the adjoining property to the south at No.812B George St, which are all part of the same row of buildings and are currently undeveloped. Therefore, the non-compliance with the setback above street frontage height control is not considered to meet the objectives of the controls, and does not result in a better planning outcome considering the context of the subject site within the special character area.
73. It is also noted that the proposed draft amendments to the DCP controls under Section 5 for the special character areas, reinforce the current 8m setback above street frontage height requirement (with no variation) for the row of buildings from No.800-812B George St to the north of Christ Church St Laurence, while reducing the maximum permitted street frontage height to George St from 20m to 15m for No.806-812B, and increasing the street frontage height to 30m for No.800-804. The proposed reduction in the maximum permitted street frontage height for the subject site demonstrates the intent of the controls to preserve the visual prominence of the Christ Church St Laurence.

Retention of the existing facade and interface with the new building

74. While the retention of the existing George Street facade is generally supported, there are significant concerns regarding the impact of the proposed demolition, excavation and new structures on the structural stability of the retained facade, given that the proposal involves the demolition of all existing internal fabric including dividing walls between the two adjoining buildings on the site. Additional information was requested by Council, to demonstrate how the building will be adequately protected and supported, to ensure that the building facade does not collapse as a result of the proposed works, in addition to recommending that more of the existing internal fabric should be retained to provide additional structural support for the new loads. No response was given to this request.
75. While a Structural Report has been submitted, it is not considered to be sufficiently detailed to adequately demonstrate the feasibility of protecting the retained features based on the proposed scheme.
76. There are also concerns with the proposed interface of the new building with the existing retained George Street facade. The internal partitions of the backpacker rooms on Levels 1 and 2 do not align with the existing windows, and as a result the internal dividing walls abut the window openings as demonstrated in the below figure.

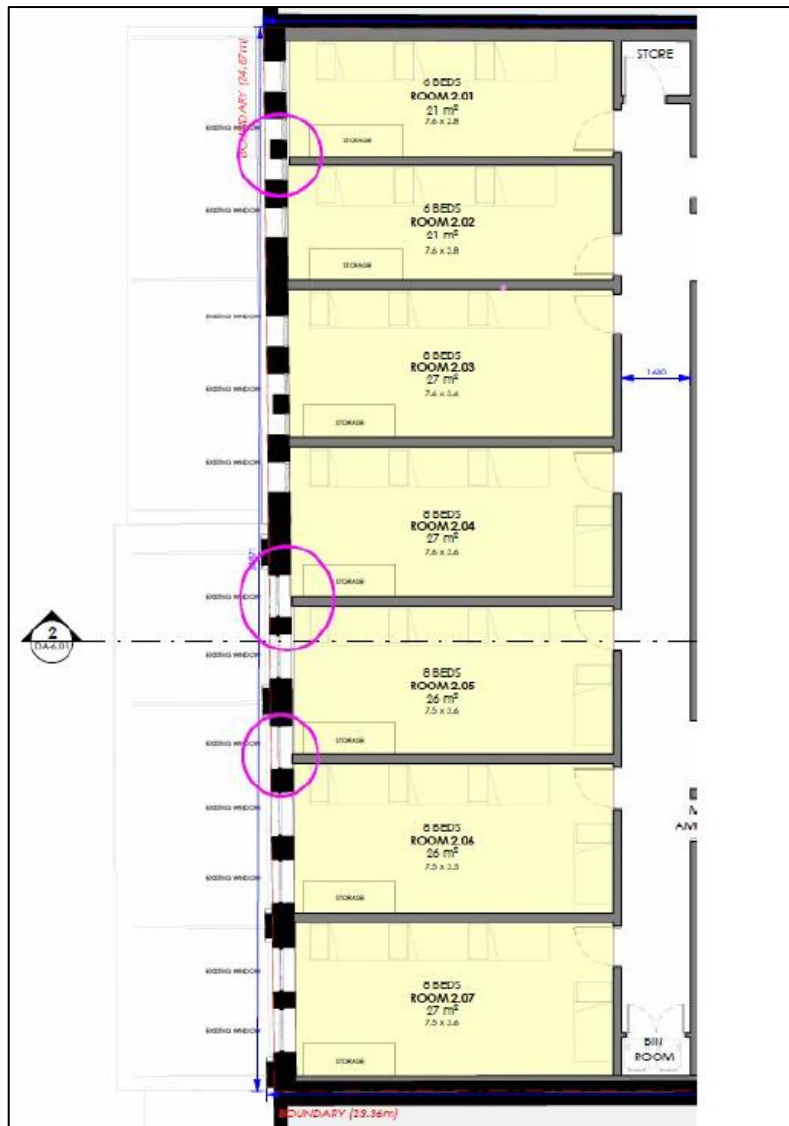


Figure 27: Proposed Level 2 plan showing partition walls abutting the windows of the existing facade

77. It is also noted that the existing northern building at No.806-808 sits at a lower level than the southern building at No.810-812A. The submitted plans do not show the RLs of the existing floor levels across both buildings. As the existing buildings have awnings and windows which do not align across the entire frontage, it is likely that existing floor levels vary between the two buildings. The proposal provides consistent floor levels across the width of the building on Levels 1 and 2, and the architectural plans do not provide a cross section through the northern portion of the building to show the relationship between the proposed floor levels and retained facade and window openings. Therefore, there is insufficient information to assess whether the proposed floor levels are appropriate relative to the retained facade. It is also unclear how the Level 3 terrace slab interfaces with the existing decorative parapet to George St at No.806-808, given it is at a lower level than the parapet to No.810-812A, as demonstrated in the below figure.

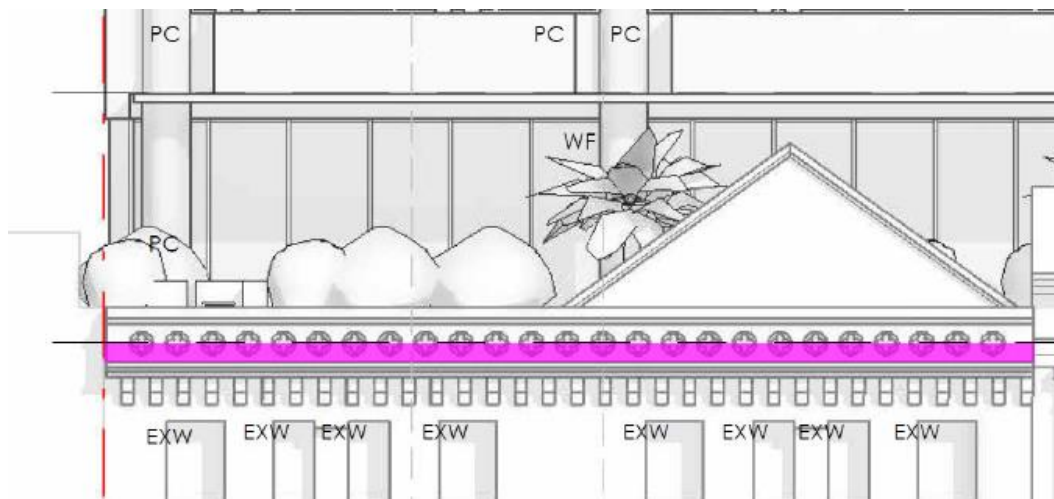


Figure 28: Front parapet of No.806-808, showing the relative location of the Level 3 floor slab in pink

Shopfront design and details

78. There are a number of concerns and issues relating to the design of the ground floor shopfront and associated service. These include:

- It is unclear whether the slab of the ground floor café will be visible from the street, given there are no RLs for the associated full height shopfront glazing.
- The fire booster cabinet is located forward of the glass line of the café, making it more prominent than the active frontages such as the lobby entry, bar, etc.
- The ground floor shopfront has an unordered presentation, particularly in regard to the service cupboard doors which have uneven head heights. It is noted that none of the shopfront windows or entry doors feature transoms or fanlights which could help create datum for the head heights of the openings and contribute to a more fine grained and detailed shopfront that complements the retained facades above the awnings.

Internal amenity

79. As mentioned in the DCP compliance table above, the proposal results in a range of non-compliances with the DCP controls for backpacker and hotel accommodation. One of the objectives of the DCP controls under Section 4.4.8 is to "(a) Ensure the design, development and management of visitor accommodation provides acceptable levels of health, safety, cleanliness, amenity and administration for guests, whilst not adversely impacting on the amenity of the surrounding locality." The non-compliances with DCP controls demonstrate that the proposal does not provide sufficient amenity for the proposed backpacker and hotel accommodation. In addition to the significant shortfall in the proposed communal recreational areas (80 sqm), the following issues are noted:

- It is unclear whether the glazed panels to the private rooms are operable to allow for natural ventilation. The large glazed panels to the western and eastern facades present heat gain and visual privacy concerns.

- The communal bathroom areas should be separated by airlocks from common corridors and bedroom areas to reduce noise and light spill issues.
- Insufficient access to natural light and ventilation to internal corridors, and insufficient width at lift lobbies.
- Bin rooms are located adjacent to bedroom doors, and may have noise impacts.
- The architectural plans are insufficiently detailed to demonstrate that the private rooms provide adequate storage space for guests.
- Upper level floor to floor heights that do not comply with the DCP controls.
- Inconsistencies between the maximum capacity of the ground floor and upper level bars stated in the PoM (200 patrons each), and the assumptions of the acoustic report (150 patrons each), which may require additional measures to mitigate noise impacts to occupants from the proposed bars operating until midnight.

80. It is also noted that hotel room 1 on Level 12 relies on an enclosed internal void for natural light and ventilation. This void and the adjoining riser extend to Level 14 as depicted in the below figures.

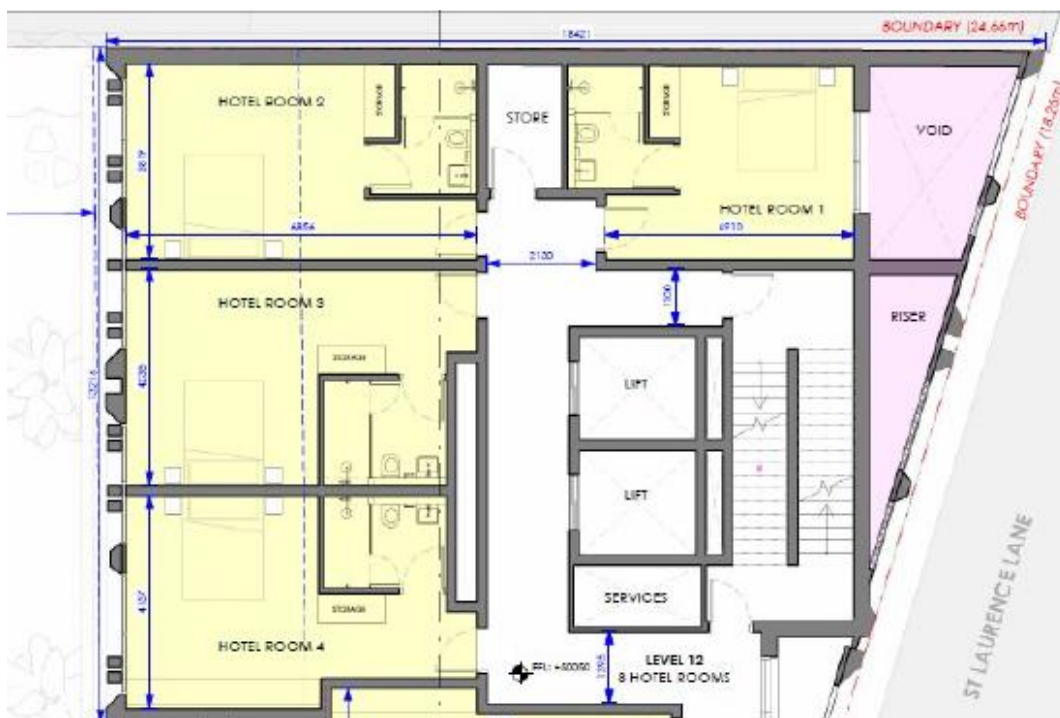


Figure 29: Level 12 plan highlighting the area of void and risers

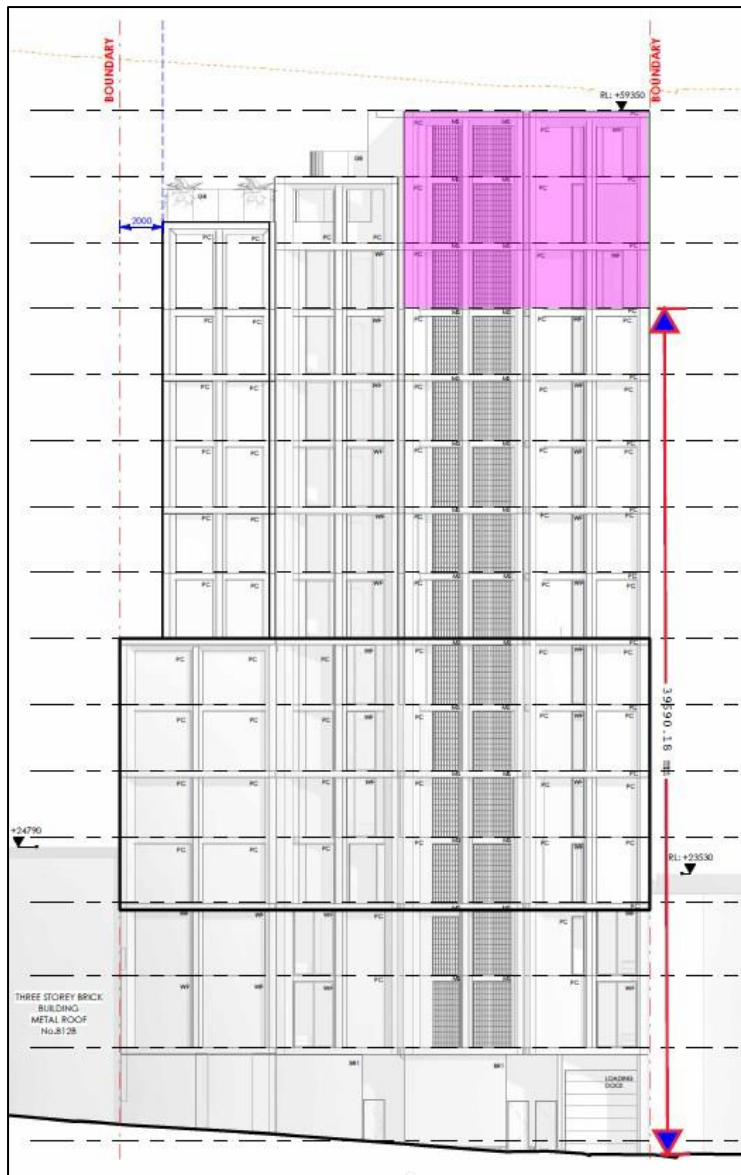


Figure 30: Rear elevation of the building highlighting the area of enclosed void and risers on Levels 12-14

81. In addition to reducing the amenity to hotel room 1, the enclosed void and risers results in unnecessary bulk to the rear (St Laurence Lane) elevation of the building.

Use of the Ground Floor, Level 13 and 14 Bars

82. The proposal includes three bars on the Ground Floor, Level 13 and Level 14, with Level 13 and 14 being connected via an internal set of stairs. The submitted Statement of Environmental Effects characterises the uses as being “small bars”. The SLEP defines a “small bar” as “a small bar within the meaning of the Liquor Act 2007.” The Liquor Act stipulates maximum capacity of 120 patrons for a small bar. The submitted PoM states that the maximum capacity for each of the three bars is 200 patrons. The submitted documentation does not identify the type of liquor license that will be sought for the operation of the bars, or the exact nature of the uses (whether the primary purpose is to provide food or alcohol).

83. It is also noted that the ground floor bar has separate entrances from both George St and St Laurence Lane, and the PoM states that internal access to the adjoining lobby will not be provided. Therefore, the ground floor bar could potentially be operated as a pub, independent of the tourist and visitor accommodation. The architectural plans also do not identify any kitchen areas associated with any of the bars. Based on the proposed layout of the bar areas, and patron capacity, it is likely that the primary purpose would be the sale and consumption of alcohol, and that a General Bar liquor license would be required, which requires referral of the submitted application to the Local Planning Panel for determination.

Design Excellence

84. CI 6.21C of the SLEP 2012 states that consent must not be granted to development which does not exhibit design excellence with consideration being given to *“(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved”, and how the proposed development addresses matters including; “(d) (iii) any heritage issues and streetscape constraints”, “(v) the bulk, massing and modulation of buildings”, (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, and (xi) the impact on any special character area.*
85. As outlined in the “discussion” section, and Sydney LEP 2012 and Sydney DCP 2012 compliance tables above, the proposed scheme is too schematic in nature and has not sufficiently considered all the design and spatial implications of providing sufficient services and addressing operational requirements of the proposed uses, in addition to the discussed issues with the building expression and relationship with the retained facade. The proposed building design is therefore not considered to be of a high standard of architectural design appropriate to the building type and location, pursuant to CI 6.21C (a) for the purpose of achieving design excellence.
86. The proposal also does not sufficiently address all the matters under CI 6.21C(d), in that:
- The non-compliant 6m setback above the street frontage height will adversely impact the setting and visual significance of the neighbouring heritage item of Christ Church St Laurence, and results in inappropriate bulk and massing of the upper levels of the building, which is inconsistent with the desired form of development within the Haymarket and Chinatown Special Character Area.
 - The design of the proposal results in unacceptable internal amenity to future guests of the backpacker and hotel accommodation particularly regarding visual and acoustic privacy, as demonstrated with the various non-compliances with the DCP controls for visitor accommodation.
 - The proposal has not adequately addressed the potential noise impacts from the proposed three bars both internal and to nearby sensitive receivers, based on inconsistencies in the submitted documentation regarding patron numbers and not sufficiently addressing the DCP controls under Section 3.18 relating to new sound generating entertainment facilities.
 - The proposal has not sufficiently addressed all the required matters under the Sustainable Buildings SEPP relating to energy efficient design.
 - The proposal does not adequately address all the potential wind impacts, particularly relating to the proposed upper level outdoor areas.

87. Therefore, in addition to the threshold issues regarding requiring concurrence from TfNSW, land contamination and addressing flooding, the proposal is not considered to exhibit design excellence pursuant to CI 6.21 of the SLEP, and is recommended for refusal.

Consultation

Internal Referrals

88. The application was discussed with Council's:

- (a) Environmental Health and Building Unit
- (b) Licenced Premises Unit
- (c) Heritage and Urban Design Unit
- (d) Public Domain Unit
- (e) Landscaping Unit
- (f) Surveyors
- (g) Transport and Access Unit
- (h) Environmental Projects Unit
- (i) Tree Management Unit
- (j) Waste Management Unit

89. The issues raised by the referral units have been discussed elsewhere in this report.

External Referrals

Ausgrid

90. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
91. No response was received.

NSW Police

92. The application was referred to NSW Police for comment.
93. A response was received raising no objections to the proposed development, subject to conditions of consent being imposed to restrict trading hours and hours which alcohol can be served for the bars, for the premises to operate in accordance with an approved Plan of Management and Security Management Plan, for CCTV cameras to be installed in the premises and to meet the requirements for Crime Scene Preservation.

Transport for NSW

94. Pursuant to Section 2.101 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for concurrence.
95. TfNSW responded requesting additional information. Whilst additional information was submitted, TfNSW were not satisfied that the submitted information addressed their concerns and requested further information which has not been provided. Refer to discussion under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* above.

Water NSW

96. The application was referred to Water NSW for comment. Water NSW responded noting that the application is not nominated as integrated development, and the construction will likely require dewatering and separate applications from Water NSW post determination.

Advertising and Notification

97. In accordance with the City of Sydney Community Participation Plan 2024 the proposed development was notified for a period of 28 days between 29 January 2025 and 26 February 2025. A total of 197 properties were notified and seven submissions were received.
98. The submissions raised the following issues:
 - (a) **Issue:** The proposal results in unacceptable overshadowing to the St Laurence Church.

Response: The proposal does not project higher than the Prince Alfred Park sun access plane and does not exceed the LEP 50m height control or the FSR control. The Christ Church St Laurence is not listed as a protected park or place under the SLEP for which any additional overshadowing would not be permitted. Notwithstanding this however, the proposal is recommended for refusal for other reasons described in this report.
 - (b) **Issue:** The proposal would have significant adverse impacts on the aesthetic appearance of the Christ Church St Laurence.

Response: As discussed elsewhere in this report, the reasons the proposal is recommended for refusal include non-compliance with the minimum 8m setback above street frontage height under the DCP controls, and associated impacts to the visual setting and significance of the church as a result of the non-compliance.
 - (c) **Issue:** The proposal is of an inappropriate height and is out of character with the existing building along the street block.

Response: Notwithstanding the issues with the detailed design of the proposal, the built form controls under the SLEP and SDCP permit a 50m high building envelope with an 8m setback from George St above a 20m street wall. It is also acknowledged that the proposal seeks to retain the existing George St facade. The proposal is however recommended for refusal for other reasons.

- (d) **Issue:** Concern regarding impacts of construction and demolition, particularly relating to the proposed basement level on the Christ Church St Laurence.

Response: If the proposal were supported, appropriate conditions of consent would be recommended to mitigate adverse impacts from construction works.

- (e) **Issue:** The submitted acoustic report has not considered noise impacts from the church bells on the proposed backpacker and hotel accommodation.

Response: It is noted that the submitted acoustic report does not sufficiently address all the noise impacts from and to neighbouring properties, and that additional acoustic treatment may be required if the application were supported.

- (f) **Issue:** The proposal does not address impacts to vehicle traffic, particularly in terms of increased traffic generation and reduction in available parking.

Response: On-site parking spaces are not required under the SLEP. Council's planning controls and policies emphasise alternate form of transport. It is noted that the proposal does not provide sufficient bike parking numbers to comply with the requirements of the SDCP. If the proposal were supported, appropriate consent conditions would be recommended requiring additional bike parking and associated end of trip facilities to be provided to meet the DCP requirements.

- (g) **Issue:** The proposed backpackers and bars will likely result in adverse noise impacts on the Christ Church St Laurence.

Response: If the proposal were supported, appropriate conditions of consent would be recommended to restrict the use of the bars and outdoor areas to within appropriate hours to mitigate potential noise impacts to surrounding sensitive uses.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

99. The Central Sydney Development Contributions Plan 2020 applies to the site. The cost of the development is over \$250,000. The development is therefore subject to a s7.12 contribution under this Plan.
100. If the application were supported a condition relating to this contribution would be recommended.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

101. The site is located within the Central Sydney affordable housing contribution area. As the proposed development includes additional floor space, it is subject to a monetary contribution.
102. If the application were supported a condition relating to this contribution would be recommended.

Housing and Productivity Contribution

103. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
104. The site is located with the Greater Sydney region, the development is a type of commercial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.
105. If the application were supported, a condition relating to the Housing and Productivity Contribution would be recommended.

Relevant Legislation

106. Environmental Planning and Assessment Act 1979.

Conclusion

107. The proposal involves the substantial demolition of the existing structures, with excavation to a maximum depth of 4m for the basement level. The submitted Preliminary Environmental Site Investigation (PESI) identifies that there is potential for the site to have been contaminated from previous uses and activities. Insufficient information has been submitted for the consent authority to be satisfied with enough certainty that the land is suitable, or that remediation measures can be undertaken for the site to be made suitable for the proposed uses in accordance with the requirements of the SEPP (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land.
108. The application is adjacent to the future CBD Rail Link (CBDRL) rail corridor and concurrence is required from Transport for NSW (TfNSW) under Clause 2.101 of the SEPP (Transport and Infrastructure) 2021. The application was referred to TfNSW who have responded requesting additional information. TfNSW request has not been adequately addressed, and as such concurrence has not been received.
109. The proposal does not fully comply with the required 1% AEP + 500mm flood planning level, and does not propose adequate measures to mitigate flood risk in accordance with the Council's Flood Policy, and as such the consent authority cannot be satisfied that the proposal will not adversely affect the safe occupation and efficient evacuation of people or that the proposal incorporates appropriate measures to manage risk to life in the event of a flood, as required by Clause 5.21 of the SLEP.

110. Insufficient information has been submitted to address all the general requirements under Section 3.2(1) of the SEPP (Sustainable Buildings) 2022 relating to energy efficiency for non-residential buildings.
111. The proposed scheme was presented to the City's Design Advisory Panel Residential Subcommittee (DAPRS) for review and comments on 1 April 2025. The panel was critical of the schematic nature of the proposed scheme, and raised a number of concerns relating to insufficient consideration of operational and service requirements for the proposed uses, and poor amenity for the backpacker and hotel accommodation as a result of the proposed building design and internal layout.
112. The proposal is not considered to be suitable within the Haymarket/Chinatown Special Character Area, as evidenced by the non-compliances with the DCP controls under Section 5.1 particularly relating to the non-compliant 6m setback above street frontage height of the upper levels, and resulting potential impacts to the visual significance and setting of the neighbouring State Heritage listed Christ Church St Laurence.
113. The proposal is considered to provide low amenity to the backpacker and hotel accommodation as illustrated by the non-compliances with the provisions of Section 4.2 relating to floor to floor heights, and the design of internal corridors, and 4.4.8 of the DCP relating to visitor accommodation.
114. There is insufficient information to sufficiently demonstrate that the viability of the retention of the George St facade, given the extent of demolition and excavation proposed, and the new building is poorly integrated with the retained facade to George St, and the building expression does not demonstrate a high quality design.
115. There is uncertainty regarding the nature and potential impacts of the proposed bars.
116. For these reasons, the proposal fails to demonstrate design excellence pursuant to the provisions of Clause 6.21C of the Sydney LEP and significant revisions are required to the overarching planning and design concept in order to achieve design excellence.
117. In these circumstances it is recommended that the development application should be refused.

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